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SENATE—*Tuesday, November 24, 1970*

The Senate met at 10 a.m., and was called to order by Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our creator and lord, who didst guide our Founding Fathers to establish "one Nation under God," in the mood of this week, we thank Thee most of all for a faith which presupposes a God to be thanked—that our heritage is not humanistic or atheistic but theistic. We thank Thee for Thyself, for Thy protecting providence, and for Thy guiding hand from the beginning even until now.

We thank Thee for the growing spirit of understanding which broods over the land, for the magnanimity of spirit and hospitality of mind among the religions which once competed but now cooperate. We thank Thee for ancient epithets erased and for men formerly estranged now united. We thank Thee, too, that amid the turbulence, insecurity, and uneasiness of our time our faith in Thee, mediated by many denominations, remains firm and strong. Thankful for many things, we thank Thee most for Thyself.

We ask in the name of Him who made the full revelation of the divine nature. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 24, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. EAGLETON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, November 23, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, immediately following the remarks of the distinguished Senator from Vermont (Mr. AIKEN), I be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from Wisconsin (Mr. PROXMIRE), who already has an order to speak today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from Vermont (Mr. AIKEN).

THE SENATE IN FOREIGN POLICY

Mr. AIKEN. Mr. President, now that the joys and sorrows of the election are behind us, it is time to return to the difficult business of government.

We must now turn from promising to practicing.

The critical condition of our national economy and the dangerous position of world affairs demand that we put aside the 1972 election campaign, for the time being, and devote ourselves to serving our country well.

There is a great deal of truth in the contention that here in Washington the paramount business of government is foreign policy.

It is one part of the Nation's business that cannot be conducted anywhere else in the country.

If foreign policy is not adequately determined and implemented, there is only a very dim future for our economic and political policies.

Foreign policy must take precedence in the White House.

It must also take precedence in this Senate.

The only safe way to grant the necessary priority in foreign policy is to restore bipartisanship, not on a political party basis alone but between the branches of Government before decisions are made.

That, in turn, means restoring the habit of consultation between the White House and the Congress, for only consultation gives substance to the idea of bipartisanship.

Before the recent elections, the Senate passed a resolution that I had hoped would signal a return to unity in the making of foreign policy.

That was the resolution of the distinguished senior Senator from Illinois (Mr. PERCY), in support of the President's Vietnam peace proposals.

There was no majority of one for this resolution; it passed nearly unanimously.

That was an auspicious beginning on the road back to bipartisanship, the road back to consultation between the Senate and the White House, the road to a better domestic economy, and the road to a more peaceful and understanding world.

However, not all the precedents of recent years have been good ones.

Another resolution, the Tonkin Gulf resolution, was also passed nearly unanimously in the heat of an election campaign.

That was in August of 1964 and most of my colleagues will remember how much the pending presidential election of that year influenced the vote on that resolution.

In that year, as in this year, the Senate was anxious to remove Vietnam as an issue in an election campaign.

For a while, there was consultation after the Tonkin Gulf resolution was passed.

A good example came in February 1965 at the time of the attacks on our installations at Pleiku.

Some of us received telephone calls from the Secretary of Defense, Mr. McNamara, inviting our approval for dispatching marine reenforcements to Danang because he felt that American lives and the American military position there were being seriously threatened.

We faced the real possibility of a military defeat in February of 1965, and I know of no dissent to the action that President Johnson and Mr. McNamara took at that time.

But consultation ended about then.

The aim of preventing defeat in Vietnam was replaced by the aim of military victory—and the great escalation started, without consultation with the Senate.

We were then called to the White House largely to be told what had already been decided.

Arrangements were made between our Government and other governments that were never submitted or even suggested to the Senate.

Senator SYMINGTON has been exploring these arrangements these past several months through his subcommittee investigations.

It was in part the suspension of consultation that led me publicly to disagree with the executive branch over the conduct of the Vietnam war.

Consultation between the White House and the Senate is not so much a matter of law, though the Senate's role in foreign policy is rooted in our Constitution.

More important, consultation ought to be a matter of policy; it is the element without which the Nixon doctrine cannot become what I hope it will become—the ground of a new, strong, bipartisan foreign policy.

Since President Nixon took office, I have been a consistent supporter of his foreign policy, despite the fact that the habit of consultation has not been fully restored.

For the past 20 months, I have supported "Vietnamization," though not always the rhetoric that surrounds it.

To me, "Vietnamization" is first and foremost a recognition of past mistakes, particularly a recognition of the fact that self-determination in South Vietnam was never possible in the presence of half a million American troops and an American establishment in Saigon of such overwhelming size.

Nearly half of these troops have now been withdrawn in an orderly manner for which I give the President full credit.

"Vietnamization" is apparently succeeding in other ways.

Nearly 2 years ago, the Saigon government undertook to arm the peasantry in South Vietnam, an act of self-determination that cannot be minimized.

Since then, the South Vietnamese Army has assumed a progressively larger role in the war and has done so with credit.

A government that arms the peasantry, as Saigon has done, is not one to be trifled with.

That is why I have joined the President in speaking out against those who advocate yet another intervention in South Vietnamese politics in order to impose a coalition government that might make peace more quickly.

If, in the elections to come in South Vietnam in 10 months' time, the voters choose to change their government, so be it.

We Americans should remain firmly aloof from that election even if we have not always done so in the past.

But we should also restrain ourselves from carping at any government in South Vietnam so long as "Vietnamization" is working.

We should, in fact, continue to help that government overcome the mistakes we both made in the recent past.

I was neither advised nor consulted prior to the incursion into Cambodia, nor so far as I know were any of my colleagues.

If I had been given an opportunity, I would have counseled that any military action necessary to clean out the warehouse areas and sanctuaries on the Cambodian borders should be presented in as routine a manner as possible.

As I said to the Secretary of State shortly after the decision had been made, I did not object to an action to remove a dire threat to American and South Vietnamese forces, and I understand how the political changes in Phnompenh made such an action both necessary and advisable.

But I did oppose expanding an incursion into an invasion.

In the best of circumstances that action would have been highly unpopular in this country.

However, had the President chosen to consult with the Senate in advance, I think he would have spared himself and the country much grief.

Some of us might have been in a position to stand up and help him, if not by praising his words then at least by supporting his deeds.

I have consistently urged that the President be given the time and the resources necessary to effect a change in our posture in Southeast Asia.

I shall continue to support him, but, as in the past, my support in the future will be neither blind nor unquestioning.

If there is discontent in the Senate over the conduct of foreign policy, it is because President Nixon has not yet restored the habit of consultation that lapsed during earlier years.

I do urge the President to restore consultation in the name of making the Nixon doctrine a new, bipartisan policy which will receive the approval and respect of most of the world.

This will take time and patience for there is a formidable list of questions to be resolved.

Some of the basic questions were set out this past summer by the distinguished chairman of the Senate Armed Services Committee, whose clear exposition of defense authorizations each year reflects the meticulous care with which that committee performs its monumental task.

If I understand Senator STENNIS correctly, he is saying that without a bipartisan foreign policy it is going to be progressively difficult, if not impossible, to reconcile in an orderly way the competing and conflicting claims on the defense budget.

One only has to look at the major claims to see the truth of this assertion.

First, there are the claims for new or improved weapons systems.

They must be fitted into a coherent strategic policy.

Then, there are the force levels necessary to meet our commitments in this hemisphere and elsewhere.

Unless the Nixon doctrine is explained more clearly and related to a review of our treaty commitments, there can be no solid consensus on what those force levels should be.

Then, there is the military and related aid that goes to support our commitments abroad, of which I will speak shortly.

Finally, there is the future of the draft.

There has been a lot of talk about an all-volunteer army.

The cost depends, of course, on the size and pay of that army.

It could be very considerable, perhaps as much as $10 billion a year.

We all want to reduce the effect of the draft on the life decisions of young men.

But again this depends upon erecting a bipartisan foreign policy that will permit us to judge the cost and probable effects.

I personally doubt that the President or the Congress should renounce the draft power.

But I firmly believe that both the Congress and the President should make every effort to create such world conditions that any draft would be unnecessary.

The Congress treats these questions in isolation only at great cost to the country.

Congress was never asked, and never did vote the real cost of the Vietnam war under the last administration and as a result today our economy is in the throes of a painful adjustment.

The American people are paying the cost in inflation and now increasing unemployment.

If we treat the questions Senator STENNIS has posed for us in isolation, we will risk repeating another of our past mistakes.

If we cannot treat these questions together in the context of agreed foreign policy guidelines, we will again pay a terribly high price.

The needed foreign policy guidelines can only come out of close consultation between the President and the Senate.

Now what does consultation mean?

First of all, it means avoiding confrontations between the Senate and the White House over mere formulations of words.

The Senate's duty to raise questions about foreign policy means that the Senate's formulation of words will often differ in detail from that of the White House.

So it was with the Cooper-Church amendment to the foreign military sales bill.

I was a cosponsor of this amendment, and if it was inconsistent with the Nixon doctrine, it has never been explained why to me.

The Hatfield-McGovern amendment was different.

By attempting to set a deadline for Presidential action, I felt that that amendment trespassed on the President's constitutional authority, and accordingly I voted against it.

But the Cooper-Church language only reflected what the President must surely know since it gave the approval of the Congress to the President's own announced intentions.

Our experience in Vietnam, an experience in which consultation between the Senate and the White House broke down, left in its wake a legacy of suspicion about our involvement in that part of the world.

I take no pride in reading headlines that say—in effect—"Congress Defeats President" or when they read, "The President Wins Big Battle With Congress."

Defeat for either Congress or the President carries no disgrace for honest differences can and do occur and it is good to have them presented to the Nation.

But to have those headlines used in an arrogant, boastful, political manner intimating that Congress is like another attacking nation undertaking to overthrow our Government, or that the President is undertaking to establish a dictatorship in the White House only serves to humiliate and make ashamed those who have faith in our Nation and its form of government.

The legacy of suspicion and distrust must be lived down before bipartisanship in foreign policy can be restored.

Consultation should also mean avoiding majorities of one on major defense and foreign policy legislation, for majorities of one only expose the lack of bipartisanship in foreign policy.

As Senator STENNIS patiently points out to us, decisions to go with a new or a reformed weapons system have to be made years in advance of their implementation.

Here is where close consultation between the White House and the Senate is vitally important.

The President today has to depend upon technocrats to help formulate his decisions and present them to Congress.

Without consultation, however, technocratic argument becomes a substitute for political debate with disastrous results.

The role of the technocrats is to present the real choices before the politicians, not to substitute their arguments for political debate.

When that happens we find ourselves back in the Middle Ages, only, instead of debating how many angels can dance on the head of a pin, we debate how many nuclear warheads can be juggled without dropping one.

I voted against ABM last year because I was presented with a technocratic argument, not a political argument.

So far as I was concerned, it was an unconvincing argument.

Given a different argument in the context of clear foreign policy guidelines, I might have voted differently.

Consultation means avoiding the substitution of technocratic argument for a political presentation.

It also means recognizing the Senate's duty to ask questions about foreign policy and to help fashion the answers.

The President, for example, is beginning to send to the Congress some of the bills which he says are necessary to finance the Nixon doctrine in Southeast Asia.

They are expensive bills—the bills for "Vietnamization," for modernizing the Korean Army, for continued aid to Thailand, Laos, and Cambodia.

The President must know that they will raise many questions in the Senate.

There will be some who wish that Southeast Asia would simply disappear in order to permit us to salve our consciences and bind our wounds.

There will be some who simply deny that Southeast Asia is important any more.

I cannot agree with either of these points of view, but I understand how they are rooted in the suspicions of the recent past.

If only because of these suspicions, we will raise questions about the course that the President is following until that time when it is possible to say what the new deployment of our troops should be in that part of the world, and what the guidelines are for substituting regional cooperation and initiative for our bilateral presence.

Southeast Asia is, and will remain, an important area of national security interest if only because we so foolishly made it so.

We cannot undo the past in any easy way.

It may take quite a bit of time and quite a bit of money before we can say we have established a new and stable policy.

On all these grounds, the President deserves our concern and cooperation.

At the same time, the very delicacy of the situation is bound to tempt some to offer justifications for legislation that will sound again like the thin blade of the wedge of intervention.

For example, between saying that we do not give a rap about Cambodia and launching another intervention there to preserve self-determination, there must be a policy.

And Cambodia is a tragically good example.

Invaded for nearly a decade by foreign troops and now thrust into a war of survival, that country could become the Ethiopia of world war III—the country that the world ignored because it could not be bothered to help and which became the victim of a chain reaction aggression.

What I am looking for are steps being taken by the President to spread the responsibility in Southeast Asia—steps that will change our image as the coach who assigns other players their position in world affairs and transforms it into an image of teamwork in which we are just one of the players.

It is a difficult formula to fill.

Nobody is very anxious to step in to help us clean up a mess that they think is largely of our own making.

This is the real reason why we may have to spend a great deal during this transition period in the Nixon doctrine, a great deal to buy our way out of the morass.

But even this will not be possible if the Nixon doctrine is not nourished and evolved through close consultations between the White House and the Senate and its purpose made uniformly clear to all the world.

It is still possible to make even more tragic our involvement in Indochina than has been done so far.

This could happen if we simply abandon the nations who trusted us in that part of the world.

This could happen if an attempt is made to divide this Nation on ideological grounds over the nature of our interest there.

How narrow is the path we must follow.

How careful we must be not to lose the path in senseless, partisan controversy here at home.

The Americans who died in Vietnam will truly have died in vain if their sacrifice is made a partisan issue.

The prisoners who are being kept as pawns in the war may never be returned to us if we cannot combine resolve and restraint now.

Need I again illustrate why I say that if foreign policy does not take precedence over partisan politics, this Nation faces disaster?

Need I cite more illustrations why consultation between the White House and the Senate must be restored?

No matter what the claims on our Government here at home, no matter how urgent the need to channel more resources into our pressing social problems, we cannot lower the priority attached to defining our national interest and implementing it through foreign policy.

This is not a matter of ideology.

The Senate is not divided into isolationists and internationalists.

This is a matter of government—of self-government.

It is a matter, if you will, Mr. President, of self-determination at home without which all our talks of self-determination elsewhere are just a mockery.

No President in these times can ever hope to fashion foreign policy in the inner sanctum of the White House without risking grave repercussions at home and abroad.

In the first place, I do not believe any President today can control the huge foreign relations bureaucracies of this country without the help and support of the Congress.

In the second place, foreign policy fashioned in the White House exclusively cannot be a bipartisan policy.

If continued, it will become a policy that falls prey to domestic politics.

It is my intention to go on raising questions, not to oppose the President, but to support him and to encourage him to rise to the opportunity we now have for restoring bipartisanship in foreign policy, not just on an election eve, but for the years that lie ahead.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. HATFIELD. Mr. President, as one of the junior Members on the Republican side of the aisle I want to take this occasion to express admiration, respect, and affection for the senior ranking Republican, not only on this side of the aisle but the senior ranking Republican on the Committee on Foreign Relations.

I do this for a number of reasons, and not just because of the statement made this morning, which is a very profound statement on foreign policy.

I believe there are times when we must summarize and get a perspective on the direction we are tending and the commitments we have. I think it is much like

an incident when Abraham Lincoln was asked a question about an issue of the day and he said, "I think the more appropriate question is whither we are tending," meaning the basic direction we are going is as important to know as the specific issues with which we may be confronted on the day-to-day basis.

I think the distinguished Senator from Vermont again today has demonstrated his statesmanship by setting into perspective many initial questions. He and I may not agree on all actions taken by the Senate which he has summarized, but that is not the important point. The point is that he has set into perspective all these specific issues in the greater setting of "whither we are tending," which way are we going, and what are our ultimate goals and objectives.

I further express appreciation to the Senator for performing another important task this morning and that is to put into clear language the combination of two important American constitutional doctrines. First, there is the separation of powers, which, if taken exclusively would create a three-headed monster, but because of the wisdom of our forefathers, they created a second concept, and that is the mixture of powers. It is not a pure separation of powers—executive, legislative, and judicial; but we have a blending and a marvelous example of mixing of powers, so that when the Senator from Vermont talks about the role of the Senate in foreign relations this is example of our concept of the mixture of powers.

The President does not have exclusive power to conduct our foreign affairs. He has an essential and a basic responsibility but Congress, and primarily the Senate, plays a part in that as well.

And so the Senator from Vermont this morning again demonstrated his own wisdom of understanding our constitutional system, and I think it is one we should review from time to time for ourselves, and for the general public.

Another point of the speech—which I had the privilege of reading this morning, and the Senator was very kind to send me a copy—has to do with the necessity of building a common purpose and a common cause in a bipartisan foreign policy. I think when the Senator said the President cannot demonstrate or create a foreign policy in the inner sanctum of the White House, he put his finger exactly on the point in question, and that is if there is not a full partnership between the Congress and the Executive, and between Republicans and Democrats, we cannot have a true foreign policy, and that is something we are all committed to.

Another point which the Senator made is the relationship between foreign policy and military weapons systems. We must put into proper perspective again the foreign policy of this Nation as the major direction and major policies we want to establish, and then the military becomes a supplementary, an auxilary force to the foreign policy.

Sometimes we are in the dark because we have made commitments we know nothing about, plus the fact that there are those who are devising new weapons systems that may not even be related to foreign policy commitments. I think the reference to the interrelationship between foreign policy and military weapons systems was a great assist for all of us to understand again the problem at hand.

There are so many points in the speech to which I would like to refer, but to really just summarize again, I want to thank my friend. I become a little concerned about the phraseologies we tend to utilize here on the floor of the Senate—my distinguished colleague, my good friend, and so forth—but I want to say with a deep feeling, I have always held the Senator from Vermont in the highest respect. This morning he demonstrated again his tremendous capacity of understanding of the problem we have, and put it in succinct language that the man on the street can understand. The average American can understand this speech and what he has talked about, and we have responsibilities to the citizens of this country to discuss and talk about these issues in language that is understandable, and not in some kind of protocol language that only we in this exclusive body can understand. I want to thank the Senator from Vermont.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. AIKEN. Mr. President, if I may have enough time to respond to the Senator from Oregon, I will not call him my distinguished colleague. I will call him MARK HATFIELD, a loyal American citizen, and there is no hogwash in that.

Mr. CHURCH. Mr. President, I wish to commend the Senator from Vermont, my longtime friend and colleague on the Senate Foreign Relations Committee, for an exceptionally lucid and timely address.

I have thought also that we are reaching a point where it may be possible, with adequate consultation between the executive branch and the Senate, to reach a new understanding, a consensus perhaps, on a revised foreign policy for the United States for the 1970's that would be as effective, in its way, as our foreign policy proved to be in the days following the Second World War.

Actually, the critics of the present war in Southeast Asia and the advocates of the so-called Nixon doctrine are not so far apart as to make that impossible. What is required is good faith on both sides. What is required is consultation, as the Senator himself has called for. I hope that the message of Senator AIKEN will be taken to heart here in the Senate and by the policymakers downtown in the State Department and at the White House.

Mr. AIKEN. I thank the Senator from Idaho, and I hope that both the Members of the Senate and the people downtown will take my remarks seriously, because the fault is not entirely on one side.

Mr. MANSFIELD. Mr. President, I want to add my commendation to those of my colleagues to the distinguished senior Senator from Vermont for the remarks he made this morning. As always, listening to Senator AIKEN is educational. When he speaks, it is like a breath of fresh air. His candor is commendable. His integrity, his ability, and his honesty are unquestioned. Would that we had more GEORGE AIKENS. The country would be a good deal better off.

I agree with the distinguished Senator in his call for bipartisanship. I have been aware of the fact that in all too many discussions in this body there have been those who have attacked, those who have defended, and very few who have understood the gray area in between. The fault lies not wholly with the White House, nor does virtue lie wholly within the confines of the Senate. We have both made our share of mistakes.

I would hope, in the interest of the Nation, the responsibility which the Senate has shown during the past 2 years will continue, and that all of us will work together—the legislative and the executive—to end that the Nation will come ahead of any particular party.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Montana is recognized for 15 minutes.

FOREIGN AID POLICY

Mr. MANSFIELD. Mr. President, this has been a troubled and confusing and agonizing weekend. We have been confronted with a request for tens of millions of dollars in aid for Cambodia, in addition to aid for Indonesia, Vietnam, Korea, Lebanon, Jordan, and Israel.

In all those areas, only one part was previously authorized, and that is the $500 million credit to Israel, which was incorporated in the defense authorization bill, agreed to some weeks ago. The others are not authorized and will be the subject of hearings in committee and debate on the floor of the Senate.

I can find justification for assistance to Jordan and Lebanon in the sum of $30 million and $5 million, respectively, because it will tend to stabilize the situation in the Middle East; and the credits to Israel will tend to keep us from becoming involved physically. I do not want to see this Nation become involved physically anywhere else in the world unless it is in the interest of our own security; and when I say I do not want to see any more Vietnams, I mean it, because even one Vietnam is too much.

I can understand also the reason for the aid-proposal for Korea, because it is tied to a drawdown of 20,000 American troops from that country.

I can understand it in South Vietnam, because it is tied to the continued withdrawal of U.S. troops. Hopefully that will be accelerated.

But I find it difficult to locate any compensating factors as far as the Cambodian-aid proposal is concerned. It appears to me that if we act on the basis of this request, we will just be making a second downpayment, because the first

has already been made over the past few months by aid transfers to Cambodia through withdrawals from funds which had originally been allocated to Taiwan, Greece, and Turkey.

As to the situations which developed over the weekend, I am concerned. I am uneasy. When you tie the request for aid to Cambodia with the 250-plane flight over North Vietnam, with the commando raid some 23 miles west of Hanoi, I think we have a set of circumstances which should cause us concern.

I grieve for all Americans, dead and wounded, whether they are in POW camps, whether they have been killed or wounded in action, or whether they have been casualties in Indochina other than in action. According to the latest figures which I have—and this is out of date now, because it goes only to November 7 of this year—291,559 Americans have been wounded, 43,959 have died in combat, and 8,798 have died from other causes. The total dead about 3 weeks ago stood at 52,757 and the total casualties, dead and wounded, at 344,316.

I grieve for those men, as I have said, because they are carrying out their obligation in a war which is highly unpopular and, in my opinion, totally unnecessary—a war which is one of the great tragedies in the annals of this Republic, a war which is causing a continuing drain on the morale of the American people, a war which makes the troubles confronting us at home much more difficult to confront.

I was heartened by the President's negotiating proposals of October 7, because I thought they contained a good deal of substance, and tied in with the proposals from Hanoi of September 17. It was my belief that the groundwork for possible negotiations had been laid. I still think that is the case. But now I wonder about the possibility of reinvolvement, based on the raids north. I wonder about the reaction of Hanoi to the commando raid and these retaliatory air raids for the shooting down of a U.S. reconnaissance plane. I wonder about the situation which confronts the prisoners of war, and whether the commando raid will be helpful or harmful; and I would wonder no less even if the raid had been successful, because it has placed those prisoners in a very difficult position, and we do have to think of them at all times.

Then I wonder about the effect these events may have on the Paris talks—I emphasize the word "talks," because negotiations have not as yet gotten underway.

All these things are matters which the Senate should consider, which the administration should consider, and hopefully, in the words of the distinguished Senator from Vermont and on the basis of his sage advice, that we would consider together, so that we could work in common for the common good.

There has been some talk about an understanding between North Vietnam and this Government relative to the use of reconnaissance planes over the past 2 years. Frankly, I know of no such understanding. There may be one, but if so, I am totally unaware of it. I am assuming that an understanding is being assumed on our part; that on the basis of the stoppage of the bombing of the North, it was tacitly understood—we assumed—that we would be given the right to continue reconnaissance flights.

I would point out that history seems to prove that air power is not the weapon which so many advocates seem to think it is. To see what it does one needs only look to England as an example, or to North Vietnam in the past. The end result is damage temporarily, but a stiffening of the spine of the people bombed for a long period of time.

The President does have a responsibility. His is the ultimate responsibility. But, as the distinguished Senator from Vermont has indicated, we also have a responsibility.

It would do us no good to give up and lie down, because then we would be shirking our duty. We can and we should, in good conscience, support the President when we think he is right, and support him fully. But, also in good conscience, when we think the President has made a wrong move, we have the right and the responsibility to disagree, and to do so on a constructive basis, so that the relationship between the two segments of our Government will not be ruptured as a result.

May I say that I admire the courage of the commandos who undertook this raid in an attempt to free some American POW's. It was a bold stroke. Those men who participated in it are entitled to the highest commendation. But I also raise the question as to the reliability of our intelligence.

I recall, for example, that when we moved into Cambodia, it was to capture the so-called headquarters of the North Vietnamese and the Vietcong—a headquarters which, incidentally, was never discovered. Evidently, as the basis for this recent commando raid, we were again depending on what we thought was reliable intelligence, but according to the reports which appeared in the press, that camp had been evacuated at least 2 weeks before. It was a successful penetration, but the objective was not achieved. My concern now is for the prisoners of war who are still being held in North Vietnam, and what the reaction by North Vietnam to this raid by air and by land will be on them. Their future is something all of us must keep in mind; their safety is something which all of us devoutly pray for.

I wonder if the Senator from Vermont noticed, in the Washington Post yesterday, a summary of a recent special edition of the Foreign Service Journal. Before I carry this further, Mr. President, I ask unanimous consent that that summary, in an article entitled "Nixon Doctrine Battles Those Who Must Use It," written by Murrey Marder, and published in the Washington Post of Monday, November 23, 1970, and another article entitled "Viet War: A New Version," written by Stanley Karnow, and also published in yesterday's Washington Post, be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. MANSFIELD. Both articles are relevant to what the Senator from Vermont has so ably stated. One is a frank exposition of the reaction of professional U.S. diplomats to the Nixon doctrine in Asia. The other by Mr. Karnow touches on the basic factor that seems to trap successive administrations—including the present administration—in this unending involvement in Indochina notwithstanding efforts to terminate it.

The summary of the special issue of the Foreign Service Journal points out that many of our diplomats who are closely involved in Asian affairs were fearful of the sweeping change in policy implicit in the Nixon doctrine when it was first proposed. In due course, however, they came to see that the implied change really was not going to be much of a change at all and that the idea of "lowering our profile" a little might actually have some virtue.

One may wonder at their reactions, now, after even this modest scaledown seems to be in the process of abandonment, with the renewed expansion of the battle area by the bombing of North Vietnam and by this recent abortive attempt to free prisoners of war near Hanoi. One may wonder, too, at the implications of the Cambodian aid request for the Nixon doctrine which, I should note, I have supported since its inception as an expression of a long-needed change in policy to the end that it might lead us out of this tragic and misbegotten military involvement on the Asian mainland.

In any event, I am led by those articles to address certain questions.

I am sure the Senator from Vermont would concur that if the Nixon doctrine has a fundamental purpose, it is to "lower the U.S. profile" so as to reduce and terminate in a progressive fashion the excessive involvement of the United States on the Asian mainland, a situation brought about largely by the presence of our military forces and by military or other massive aid.

Mr. AIKEN. What I tried to point out was that we should have a uniform interpretation of the Nixon doctrine for all countries, and not one interpretation for one country and one for another. If the Nixon doctrine is good for Southeast Asia, it is, of course, good for most of the rest of the world. We do not want one interpretation of it for Vietnam, another for Nigeria, a third for Chile, or perhaps a fourth for some other part of the world.

I have told the State Department, for whatever good it may do, that our ambassadors in foreign countries should all be given uniform interpretations of the Nixon doctrine and just what it means.

As I pointed out, the Cooper-Church amendment in no way conflicted with the Nixon doctrine. In fact, it supported it. Yet, it was interpreted as being a hostile act on the part of Congress.

Mr. MANSFIELD. I would agree with the Senator completely. I concur in what he has to say about the Cooper-Church amendment, it was in accord with what I understood to be the Nixon doctrine as

it has been enunciated and propounded by the White House and the State Department.

I should like to ask the Senator another question.

Does the Senator think that the Nixon doctrine is served by the recent bombing of North Vietnam? To put it another way, does that action raise or "lower the profile of the United States in Asia"? Is it likely to shorten or prolong the time it will take to get our military forces out of all Indochina?

Mr. AIKEN. I think the answer to those questions is perfectly obvious. It does not improve our profile in the rest of the world. It will not improve our prospects of getting completely out of the war in Southeast Asia at an early date.

In fact, we have been through this before. The majority leader may remember the day we were called to the White House, along with several of our colleagues, to be advised that we would undertake the bombing of North Vietnam; and it was pointed out that a few bombs dropped on them would soon bring them to their knees and they would be begging for peace.

Mr. MANSFIELD. The Senator is correct.

Mr. AIKEN. The Senator may recall that I protested rather vigorously to the President, Mr. McNamara, and Secretary Rusk, but they went ahead with it. I believe we lost a thousand planes, including many of our finest aviators, and something like 500 helicopters. I fear that these new raids, these incursions—I hope they are incursions and not a prelude to any invasion—will simply delay the end of the war, just as the initial bombing of North Vietnam.

I do worry about the effect which this failure to rescue prisoners of war—in spite of the fact that it was bravely carried out—may have on the more than 450 Americans now being held. I believe that we cannot abandon those people. The South Vietnamese hold about 30,000 prisoners of war. North Vietnam holds over 450 hostages, according to our best estimates. Certainly, we are not going to abandon the hostages who are held by the North Vietnamese, and the war will not be over until they have been accounted for and released.

I certainly appreciate the remarks of the Senator from Montana in regard to this whole matter. It points up the need for better understanding.

I understand, Mr. President, that perhaps two or three Members of Congress were called in the middle of the night to be advised that the resumption of the air raids on Vietnam was in effect. But that is not consultation.

Mr. MANSFIELD. No. But I would say it is a continuation of an old policy in which certain members have been informed after the fact. That happened in previous administrations as well.

Mr. AIKEN. The Senator may recall that the previous President, the predecessor to President Nixon, used to advise us shortly before the fact, a few hours in advance, and then asked us to keep still about it, which we did.

Mr. MANSFIELD. Mr. President, I appreciate the remarks of the distinguished Senator from Vermont.

I ask unanimous consent that excerpts from my interpretation of the Nixon doctrine, as contained in a report I made to the Committee on Foreign Relations and to the President in a private capacity, a year ago last August, be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

PERSPECTIVE ON ASIA: THE NEW U.S. DOCTRINE AND SOUTHEAST ASIA

(Report of Senator MIKE MANSFIELD to the Committee on Foreign Relations, U.S. Senate)

Today, there are treaties and executive agreements and an accumulation of decisions of the executive branch which enmesh this Nation deeply in the affairs of Southeast Asia. In consequence, there are over 500,000 U.S. troops in South Vietnam and 50,000 in Thailand. In the general area and at least partially connected with our involvement in Southeast Asia are 40,000 men in Japan; 45,000 in Okinawa; 10,000 in Taiwan; 60,000 in the 7th Fleet; 30,000 in the Philippines and additional thousands on Guam—in all, a figure approaching 800,000.

Whatever the initial validity of these immense commitments, there is growing doubt as to whether it is wise or beneficial for this Nation and the countries concerned to perpetuate the present state of affairs. In the first place, the independence of Asian countries would be hollow indeed if it involved merely an exchange of a past colonial status for the indefinite prop of U.S. support. From our own point of view, moreover, the United States is feeling the adverse effects of the prolonged expenditure of lives and enormous resources and energy abroad, most of it in Vietnam and Southeast Asia.

In the interim, needs at home have been neglected—needs which are too obvious and omnipresent to require cataloging. They are all around us whether we live in cities or on farms, whether our homes are in New York, Washington, California, the Midwest, or Montana. The solution of these problems—whether they involve equality of treatment or pollution of air and water, or education, or public safety, or transportation and roads, or whatever—will require great and sustained inputs of initiative and attention at a time when these assets are heavily diverted abroad. They will also require substantial public funds in a period of inflation and of heavy tax burdens which result in large measure from military expenditures overseas and, notably, from the war in Vietnam.

While urgent needs at home are neglected, there is deep concern over the war in Vietnam which is still without an end in sight. The conflict continues to result in additional American dead and wounded every week and in expenditures at the rate of about $3 million an hour. Moreover, elsewhere in Southeast Asia there are shadow wars and the pockmarks of violent internal dissension. That these situations, under our present course, might evolve in the pattern of Vietnam gives rise to further concern.

Doubts as to our Asian approach are also fed by the visible consequences of the mass entry of American soldiers, money, and official establishments into Southeast Asia. To be sure, this entry has brought a great inflow of wealth and modern technology. In some places, however, little that is constructive is visible as a result. The very magnitude of the American involvement, emerging as it has in a short span of time, has imposed an almost indigestible alien presence and precipitated severe cultural convulsions.

To date, we have acted on the scale that we have in Southeast Asia largely to support small nations against what has been calculated as the threat of Communist aggression—notably from China. In fact, there was little expression of fear in any of the countries visited of an attack or invasion from China. Considerable concern does exist, however, that internal insurgent movements whose origins lie in local grievances or conflicts will be used as spearheads to influence by China or by North Vietnam. The principal threat to most existing governments in Southeast Asia, in short, seems to arise from within Southeast Asia at this time.

It seems to me that our presumption of a primary danger to the Southeast Asian countries, which they themselves do not perceive, does not provide a sound basis for U.S. policy. Rather, it tends to create for this Nation the role of self-appointed, great power protector in an area in which a militant young nationalism speaks the common language of resistance to foreign intrusion. It is sobering to recall, in this connection, that this Nation has never been an Asian power and, in my judgment, it is essential to avoid a further glissade into that ill-fitting role. Our vital interests with respect to the Asian mainland have always been peripheral. They are peripheral now. They are likely to remain peripheral in the future.

On the other hand, we have been and will continue to be a Pacific power. Vital national interests are indeed, lodged in that ocean. Four of our States border on the Pacific. In addition, one of them, Hawaii, lies in the middle of that vast expanse of water. We have territories and dependencies all over the Pacific. The Aleutian Islands are part of the State of Aalska. American Samoa, Guam, Wake, Johnston, Midway and the Howland, Baker, and Jarvis Islands are dependencies of the United States. The Trust Territory of the Pacific Islands, which we have administered since the end of World War II, comprises over 2,000 islands and atolls with a land area of 678 square miles scattered over 3 million square miles of the Pacific.

As a Pacific power, we have and will continue to have a profound interest in what transpires in the western reaches of the ocean. In my judgment, however, that interest can best be expressed not by our immersion in the regions' internal political affairs but by an orderly shift to a restrained and judicious participation, as on Pacific nation among several, in its peaceful development.

Indeed, it is difficult to discern any other reasonable course for this Nation in present circumstances. It is a new day in Asia. The age in which foreign military dominance of any Asian people was a practical possibility has long since ended. Even the postwar period of one-sided dependency—most of it on the United States—is drawing to a close. Civilized survival, not to speak of peace and progress in the Western Pacific, may well depend on the timely emergence of a new age of cooperation based on equality and on a mutuality of responsibility, respect, and tolerance between this Nation and all the states of Asia.

II. THE PRESIDENT'S NEW ASIAN DOCTRINE

In the course of his recent trip, President Nixon enunciated in the Guam Declaration a new approach to Asia and the Western Pacific which seems to me to take cognizance of the considerations that are outlined in the introductory section of this report. The President's Asian doctrine contains the following precepts, as I introduced them and as I interpreted them to various Asian leaders:

1. The United States will maintain its treaty commitments, but it is anticipated that Asian nations will be able to handle their own defense problems, perhaps with some outside material assistance but without outside manpower. Nuclear threats are

another matter, and such threats will continue to be checked by counterpoised nuclear capacity.

2. As a Pacific power, the United States will not turn its back on nations of the Western Pacific and Asia; the countries of that region will not be denied a concerned and understanding ear in this Nation.

3. The United States will avoid the creation of situations in which there is such great dependence on us that, inevitably, we become enmeshed in what are essentially Asian problems and conflicts.

4. To the extent that material assistance may be forthcoming from the United States, more emphasis will be placed on economic help and less on military assistance.

5. The future role of the United States will continue to be significant in the affairs of Asia. It will be enacted, however, largely in the economic realm and on the basis of multilateral cooperation.

6. The United States will look with favor on multilateral political, economic, and security arrangements among the Asian nations and, where appropriate, will assist in efforts which may be undertaken thereunder.

III. REACTIONS TO THE NEW ASIAN DOCTRINE

Achievement of many of the objectives stated above involves a reduction in the U.S. presence in Southeast Asia. While this report does not deal with Vietnam, it is obvious that the war there is the main cause of the massive dimensions which the U.S. presence has attained. That the possibilities of diminution are bound up with the end of that tragic conflict does not mean that application of the new doctrine must await the war's termination. Quite apart from Vietnam, there are other areas where contractions may be possible. Most immediately, under the new approach there is the possibility of curbing what seem to be built-in tendencies in the many-sided U.S. establishments in Asia to expand the U.S. presence.

In general, the leaders of Asian countries agree that the role of the United States in Asian affairs should shrink. Some uneasiness does exist that the pendulum will swing too far, from overinvolvement to noninvolvement. The fear is that the United States may leave the smaller Asian states in isolation and under the shadow of one or another more powerful neighbor.

There is also some uncertainty as to what the new doctrine will mean in specific terms. This uncertainty is understandable since there was not, at the time of my visit, any sign of a followthrough to the new doctrine. Indeed, other than the transient stimulus of the President's recent personal appearance, little, if any, change was visible. The concepts, practices, and programs by which U.S. missions in Asia have operated for many years remain the same.

Notwithstanding the President's recent visit and Presidential statements to the contrary, some U.S. missions still expect this Nation to continue as a major military factor in Southeast Asia after the conclusion of the war in Vietnam. Developments within Southeast Asian countries are still referred to as "vital" to this Nation's interests, "vital" implying more of a commitment than can be derived from a reasonable reading of the President's new approach. Ironically, in some U.S. embassies an inconsistency is not seen between budgetary requests for greatly increased U.S. bilateral assistance and, hence, greater U.S. participation in the indigenous situation, on the one hand, and the administration's new doctrine on the other.

In short, there is no indication, as yet, of when or how the size of the U.S. presence in Asia is to be reduced in any significant degree. It is a fact that the only reductions contemplated at the time of my visit were those which might result from a continuance of periodic blanket percentage cuts in personnel. These cuts were begun more than a year ago, not as a matter of policy so much as a measure of economy and as a palliative for balance-of-payments concerns.

It would appear, therefore, that the first order of business under the new doctrine is to see to it that the President's new concepts are reiterated and thoroughly explained throughout the U.S. departments and agencies concerned and that they are disseminated among all U.S. officials in Southeast Asia. It would appear, too, that directives which are both clear and firm will have to emanate from Washington if these concepts are to be applied effectively and with necessary dispatch by U.S. missions in Southeast Asia.

V. CONCLUDING COMMENTS

The President's new doctrine clearly calls for a contraction of the official U.S. presence in Southeast Asia. In some instances, the nations of the region have anticipated this contraction; in all the nations which I visited, there is understanding of its inevitability. Most are ready for the transition and, in general, welcome it, provided the U.S. interest does not disappear suddenly under a tidal wave of national retrenchment or indifference.

The President's doctrine, of course, does not carry in any sense the latter implication. Indeed, only by an utter disregard of our own national interests could we disengage completely our concern from the affairs of the Western Pacific. Without any such abrupt withdrawal, there is ample room for an orderly contraction of the prevailing U.S. presence in Asia. Most pressing, there is an immediate need for restraints on the built-in tendency of the presence to grow.

There is room, for example, for the following:

1. A contradiction of bilateral U.S. aid efforts and a shift to expanding U.S. participation in multilateral efforts in the economic development of the region.

2. A rigid and immediate curb on military aid and no deepening of our direct military involvement with any Asian government, to be followed by a reexamination of longstanding treaty commitments and their organizational substructures, notably SEATO.

3. Official encouragement and support of commercial, cultural, technical, and all other forms of nonmilitary interchange on a mutual basis, scaled to the level of the capacity and the clearly expressed desires of the Asian nations.

In my judgment, an interpretation of the administration's doctrine into policies and practices which follow the above lines would be acceptable in most Southeast Asian nations. Nor is it a matter of waiting for the end of the war in Vietnam. To be sure, when this costly and tragic enmeshment is brought to a close, the way will be facilitated for more rapid change. As I have already indicated above, however, and, as I have detailed in specific recommendations to the President in confidential reports, there is much that can be initiated now in order to contract and adjust American activities in Southeast Asia to bring them into line with his Guam Declaration.

It is necessary to reiterate, however, that as of the time of my visit to the region, the President's pronouncements had brought no follow-through in the U.S. missions abroad. Nor did they indicate to me the receipt of new guidance and instructions from the agencies of the executive branch. It would seem to me, therefore, that if the President's initiative is to precipitate the changes which it promises, there is a need for close collaboration between the responsible officials in the elected administration and the Congress.

As a first step, it would be my suggestion that an immediate freeze be placed on all official personnel increases, military or civilian, in Southeast Asia whether by Presidential order, with strong Congressional support, or, if necessary, by legislation, supported by the President, pending full study of the wide range of functions which are now pursued by U.S. Government agencies in Southeast Asia. Some of these functions which began many years ago appear ill-fitted or ill-scaled to present need. A full examination of this kind might well involve a joint effort of the President and the Congress, or it might involve parallel studies or multiple studies by one or the other. However it proceeds, this study should go forward, in my judgment, without delay. It is essential to the maintenance of a U.S. position in Southeast Asia which is relevant to our national interests, to the interests of the people of Asia and to the peace of the Pacific.

Mr. MANSFIELD. May I say that the Nixon doctrine, to me, means a low profile, not just in Southeast Asia or in east Asia, but also in all other parts of the world, as the Senator from Vermont has said. The Nixon doctrine means to me that troops will gradually be withdrawn from overseas in places such as Korea, Vietnam, Thailand, Taiwan, Okinawa, Japan, and the Philippine Islands, and that our bases will be reduced—they number approximately 2,000 at the present time—and that this doctrine applies to Western Europe just as it does to Asia.

May I say, also, that I concur with the distinguished Senator from Vermont, the ranking Republican in this body, in his plea for a bipartisan conduct of our foreign policy and closer consultation between the Executive and the Senate. Somewhere, somehow, there must be the beginnings of an end to the conflict in which we are engaged, and that end will have to be, in my opinion, not a miltary settlement, not a tit-for-tat policy, but a negotiated settlement. Until that negotiated settlement is found, the fires of conflict will continue to blaze in Indochina; and if the fires continue to burn, what nation will then claim the victory? All nations involved will only have lost.

So I join the Senator. I hope that what he has had to say will be given consideration downtown, I hope that all of us, regardless of our feelings, will recognize that there is no black and white picture so far as Southeast Asia is concerned; that there are gray areas which must be considered. Hopefully, there will come a coordination and an accommodation and a sense of cooperation which will benefit us not as individuals, not the parties we represent, but—to repeat what I said in the beginning and which I think is the basis of the distinguished Senator's speech—the welfare of the people of the Nation.

Mr. AIKEN. Mr. President, I point out again that, to me, the Nixon doctrine means that we play as a member of the team and not as a coach who assigns each of the other members to the position which we think they should occupy.

Mr. MANSFIELD. Yes. Not leadership; partnership would be better.

Mr. AIKEN. That is what I tried to express.

EXHIBIT 1

NIXON DOCTRINE BAFFLES THOSE WHO MUST USE IT

(By Murrey Marder)

Revealing glimpses of the federal bureaucracy's struggle with applying the Nixon

Doctrine have now appeared on the public record.

They show that when President Nixon first set out his concept of diminishing direct involvement with the world's troubles at Guam in July, 1969, the U.S. military-diplomatic-intelligence community registered not only support and hope but also shock, disbelief, bafflement and dismay.

A rare public symposium of articles by officials, consultants and others who support the Nixon Doctrine, but who explain with unusual candor the complexities of applying it, is printed in the November issue of the Foreign Service Journal. The journal is published by the American Foreign Service Association for professionals in diplomacy. The articles were cleared for publication by the State Department.

An introduction to the special issue describes it as an attempt to go beyond "ritual incantations" about the Nixon Doctrine and low-posture policy, and explore "the problems and opportunities posed by these new and still largely undefined concepts."

In blunter terms than White House officials normally use in acknowledging that the Nixon Doctrine is "no cookbook" with simple recipes for all world problems, a lead article pointedly notes "the lack of specifics in the Nixon Doctrine."

"The question of implementing a low-posture policy," wrote Thomas P. Thornton, a member of the State Department's planning and coordination staff, "is one of relinquishing power."

For the United States, said Thornton, the question is: "How can we divest ourselves of part of this role without seeming to incur a defeat in the traditional concepts of international politics? How can we get down from the tiger?"

"We have only begun the necessary study for a general application of the policy," he said. ". . . Even the Vietnamization program—the first fruit of the doctrine—has not met its critical test. The program has proceeded thus far under the wing of a large military presence. The critical point, both for the program and for our steadfastness, will come when Saigon must rely predominately on its own resources."

"Whether we have yet to meet the test in Cambodia or have the test in Cambodia or have already failed it," said Thornton, "depends on whether the May incursion turns out to have been a spillover of the Vietnamization program or a coup to relieve the pressure on Lon Nol."

Another writer, Jerome K. Holloway, now U.S. counsul general in Osaka, Japan, recalled the unusual form in which the Nixon Doctrine first hit Washington's unprepared officialdom—through news accounts of the President's "background" remarks to reporters on July 25, 1968, on Guam.

". . . No copy reached the State Department or the Foreign Service until Aug. 11," said Holloway, "no substantial guidance was pouched (sent via diplomatic pouch) until Sept. 2," while news accounts of subsequent explanatory White House backgrounders concentrated more on the power and commitments that the United States was retaining than on what it would relinquish.

When veteran U.S. diplomats, reared in Cold War doctrine, learned what the President actually had said, Holloway continued, the reaction in Southeast Asia "was one of incredulity."

"I was physically shocked when I learned what the Guam Doctrine meant," Holloway quoted one U.S. political officer as saying.

"One of the most senior officials of the State Department cautioned against reading into the backgrounder anything but a restatement of the President's hawkish side.

"An ambassador refused to read a telegram setting forth some examples of what a lower profile might be.

"And, when it came to specific implementation, these types of reaction were translated into the most stubborn and skillful bureaucratic delay."

But "no one would suggest that these reactions should be looked upon as sabotage," said Holloway. "They were the normal reactions of a generation of FSOs (Foreign Service Officers), USIA (U.S. Information Agency) and CIA (Central Intelligence Agency) officers and, above all, military officers who had been taught since 1945 that passivity was not the way to advancement either of career or of national interests or who had been thoroughly induced into what J. K. Galbraith has called the "cult of the cold warrior."

". . . To men with 25 years of such conditioning a double reading of the Guam Doctrine seemed heresy.

"Nevertheless, as months went by after the Guam backgrounder, progress was made in reaching a reduced presence and a lower profile.

"Often," Holloway continued, "this progress came about more as a result of budgetary limitations than from conscious attempts to enforce a new policy concept. The investigations of the Symington (Senate) subcommittee on bases and commitments brought both United States and Asian officials around to some cutbacks. In other cases, Vietnam in particular, the reduced role was related to domestic pressure. And in one case, Okinawa's reversion (to Japan), to enlightened statemanship and skillful diplomacy.

"And then came Cambodia (the April 30 crossing of the Cambodia border by U.S. troops)."

To persistent followers of the older, Cold War doctrine, Holloway wrote, "Cambodia was welcomed . . . as a return to an older and more comfortable faith.

"But if one looks beyond Cambodia and, if that is yet possible, beyond Vietnam, it is not hard to predict the persistence of the Guam Doctrine under its new name of the Nixon doctrine.

"As an exercise in policy and diplomacy, it faltered in Cambodia; as an exercise in bureaucracy it was no great success. Yet it has the wary support of Asian leaders, it has the support of significant parts of the foreign policy establishment in this country, and, most importantly, it can be made to reflect the budgetary and political realities of the United States in the 1970s without needlessly exposing ourselves or our friends in East Asia to danger."

Additional articles in the Foreign Service Journal discuss other questions raised by the Nixon Doctrine, from a constructive, rather than a hostile viewpoint.

Thornton, who stimulated the introspective examination for the benefit of U.S. diplomats, the primary readers of the Journal, issued a call for greater State Department activism to make the Nixon Doctrine work, with blunt notice that otherwise the conduct of foreign policy will increasingly fail by default to the White House.

". . . We of the foreign policy community," he wrote, "have been unduly slow in coming to terms with the Nixon Doctrine and must make up for lost time . . .

"Since a low-posture foreign policy is difficult to implement and the Nixon Doctrine points only in a general direction, the scope for ambiguity and misunderstanding—but also for creative application—is very great."

There is "no real question," he said, that a "low-posture policy" will be applied, but its terms remain to the formulated.

"In a narrower sense, this means that the choice is whether leadership in elaborating an effective new leadership will repose in the Foreign and State Departmental service, or drift still further down Pennsylvania Avenue."

EXHIBIT 2

VIET WAR: A NEW VERSION

Most efforts to reconstruct the history of our entanglement in Vietnam argue that we oozed into that quagmire through a series of small moves inadvertently taken by a sucession of reluctant Presidents.

But now, working separately, two former Defense Department specialists have come up with a new set of perceptive, provocative studies that challenge the comfortable thesis that we slid blindly into Vietnam.

One of these analysts, Daniel Ellsberg, is currently at the Massachusetts Institute of Technology. The other, Leslie H. Gelb, is at present with the Brookings Institution. They both presented their studies to an American Political Science Association meeting in September.

Though they differ in certain respects, both submit that our Vietnam involvement, far from having been accidental, resulted from deliberately calculated White House decisions made with a mixture of hope and doom.

Gelb contends that "those who led the United States did not stumble, fumble or carelessly step into the quicksand of Vietnam". On the contrary, he asserts, the American leaders "had a much better sense of where they were heading than they let the public know".

While no President viewed Vietnam as intrinsically important, Gelb says, each regarded it as "vital" because he interpreted disengagement to mean defeat that would damage America's prestige abroad and his own political position at home.

Accordingly, Gelb suggests, every President "persevered" in the belief that he could compel the Communists to relent—though each escalated only to the degree he considered minimal. Thus the process of involvement was gradual yet explained in verbiage that made Vietnam a "test case of U.S. credibility" for our enemies, our allies and especially ourselves.

The key affirmation in Gelb's study, then, is that while every administration was tragically aware of its inability to solve the Vietnam problem, each expanded our commitment because that seemed to be the only way to avoid or postpone paying the costs of failure that our own spokesmen had rhetorically inflated.

President Eisenhower, for example, conceded that the Communists could "possibly" have won 80 per cent of the votes in an election. Still, he saw "no real alternative" to hanging on in Vietnam lest the dominoes fall throughout Southeast Asia.

Similarly, President Kennedy is reported to have been skeptical about our chances. But he also subscribed to the domino theory and therefore opposed a withdrawal that, he said, would "give the impression that the wave of the future in Southeast Asia was China and the Communists."

Not only did Lyndon Johnson insist as well that there were "no alternatives" but, as Gelb suggests, he plunged deeper into Vietnam partly because he was untroubled by other world crises, partly because the war had become desperate, and partly because U.S. conventional forces had been built up sufficiently to permit intervention.

Reviewing the same period in his parallel study, Ellsberg rejects the arguments of Arthur Schlesinger Jr., Townsend Hoopes, Richard Goodwin and others that there are no villains in the Vietnam drama.

In Ellsberg's opinion, our increasing involvement stemmed from what he sardonically labels a "process of immaculate deception" by Presidents who knew yet failed to inform the public where their strategies might steer the country.

As early as 1961, Ellsberg points out, the Kennedy administration camouflaged General Maxwell Taylor's proposal to send U.S.

combat troops to Vietnam, thereby withholding from the public the seriousness of a situation that would later engulf us.

Ellsberg recalls from personal experience in the Defense Department in 1965 that, while President Johnson was publicly playing down the prospect of further escalation, the Pentagon was acting on White House orders to raise American troop levels in Vietnam.

Against this background, a crucial question at the moment is whether President Nixon is behaving differently—or whether he is following in the same track.

Like the Presidents who went before him, Mr. Nixon has made it plain in his speeches that he considers Vietnam to be "vital." In addition, he clearly stated as he invaded Cambodia last spring that he has no intention of accepting "defeat" in any form.

Therefore, though he has reduced the U.S. commitment numerically, the President has yet to demonstrate in words or deeds that he really aims to deviate from the pattern of his predecessors and disengage completely from what he himself enlarged into the Indochina war.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is recognized for 10 minutes.

GOVERNMENT SUBSIDIES—BUDGET BUREAU NEGLECT

Mr. PROXMIRE. Mr. President, as everyone knows there is a vast array of direct subsidies, low-cost credit, benefits in kind, Government services, and tax subsidies in the Federal budget. Virtually every department and every agency is involved in some form of subsidy or subsidy-like program.

We provide subsidies for sugar and coffee purchased abroad. The United States contributes to international programs making below-market loans. We make direct grants to overseas projects.

The Defense Department subsidizes its contractors through progress payments which are, in effect, interest-free loans of working capital. Huge companies operate in Government-owned plants and use Government machinery, often at little or nominal cost.

For years the second- and third-class mail rates did not cover the costs of delivery. Newspapers received special rates. These costs were borne by the taxpayers.

FURTHER EXAMPLES OF SUBSIDIES

In the case of public works, neither the principal nor the interest is paid back. In the case of the irrigation portion of reclamation projects, the interest is forgiven. In other programs, interest rates are below market rates or, in some cases, below the cost to the Federal Government to borrow.

Vast sums are expended for medical research. Weather services are provided to commerce and industry. The airlines benefit from large expenditures of public money for airports and airport facilities. Shipbuilders receive direct subsidies for both construction and operations. A multitude of subsidies go to farmers either through subsidy payments for crops or for services provided by the Government.

Both the Department of Health, Education, and Welfare, and HUD provide a galaxy of subsidy programs to the public. At DOT all forms of transportation benefit from the direct or indirect largess which is ladled out to airlines, truckers, railroads, shipping, and automobile owners and manufacturers.

Not all subsidies are bad. Some for education, health, and job training return social benefits a dozen times over. In my own State, the proposed Dairy Cattle Forage Laboratory will bring returns of 100 to 1 to farmers in the more efficient use of forage crops.

DETERMINE EFFICIENCY

The point is, however, that we should determine first of all what subsidies there are and second, how efficient they are. It is obviously silly for the Federal Government to borrow money or to tax businesses and individuals in the private sector for funds which if invested would earn 12 percent—that is 12 percent they would earn in the private sector—and use them on a project in the public sector which will return only 3 or 4 percent. That is one of the reasons I am opposing the SST, and it is the reason that I have opposed so many public works projects. In them we are taking money from the private sector which could earn 12 percent and using it in a much less efficient way in the public sector.

I might add, Mr. President, every economist who studies this question, every liberal as well as conservative economist, agrees that this kind of Government investment is wasteful.

We should cut the inefficient programs. We should push those where the return is great.

One of the major reasons the Federal budget is as large as it is and the deficit this year is as big as it is, is the billions which go in subsidy and subsidy like payments. We need to get some control over them. We need to know how efficient each of them is. We should know which ones pay out and which ones do not. We should attempt to determine, in the case of each of them, their economic or their social payout. Those which are efficient, we should keep. Those which are wasteful and inefficient, or which serve only a marginal public purpose, we should do away with.

JOINT ECONOMIC COMMITTEE STUDY

In order to come to grips with this problem, the Joint Economic Committee has underway a study of subsidy and subsidy-like programs. We hope both to bring together factual data about just what subsidies exist and where they are found as well as some analysis and evaluation of how they work and their economic and social impact.

The one agency above all which should be both the main source of information and most concerned about such an effort is the Office of Management and Budget. It is they who review and recommend every dollar in the administrative budget. It is they whose job it is to be concerned about loan programs, back-door spending, excessive costs, and hidden subsidies.

That is their job. They should know more about it than anyone else. They should be the main source of data and information about subsidies since it is impossible to make intelligent choices between programs and expenditures without such information.

Because of that fundamental fact, as chairman of the Subcommittee on Economy in Government of the Joint Economic Committee, I wrote to George B. Shultz, the Director of the Office of Management and Budget. I asked for both help and information in developing our project.

ASTONISHING REPLY FROM DIRECTOR SHULTZ

But to my surprise and consternation, I received an astonishing reply. After telling us of his concern about the problem; after asserting that in the 1972 budget an evaluation of subsidy programs would be made; and after attesting to the usefulness of more professional and academic work in the area; Mr. Shultz wrote as follows:

I think that such a data collection and evaluation effort deserves more attention than we can provide. Also, our staff is already overworked. Therefore, I recommend that you rely on the resources of another body, perhaps the General Accounting Office, the Library of Congress, or the Brookings Institution.

What a reply. The budget is over $200 billion. The deficit this year will probably be in the neighborhood of $10 to $15 billion—much higher than originally projected. We hear constant platitudes from the executive branch about how savings should be made and spending should be cut.

But the agency in charge of the spending either does not have the fundamental information on which judgments about the budget should be made, or they are refusing, contrary to law, to make it available.

Here is the Office of Management and Budget whose job it is to review programs for efficiency, telling us to seek fundamental information about the budget from either Government organizations outside the executive branch or an outside private institution.

REPLY EXPLAINS WHY BUDGET OUT OF CONTROL

That answer by Director Shultz epitomizes the problem. It tells us why the budget is out of control. It explains more than any other single example why the programs of the Federal Government have grown so much, why spending is up, why functions are inefficient, and why taxes are so high.

In the past the old Bureau of the Budget failed to control or even evaluate military spending. The Pentagon had a blank check. Now the new Office of Management and Budget tells us they lack elementary information on Government subsidy programs, one of the largest contributors to both debt and deficits.

No wonder spending is out of control and taxes are excessively burdensome. The agency in charge of watching and controlling Government spending tells us to go somewhere else for basic data and economic evaluation of Government spending programs.

On this subject, the watchdog is asleep.

I ask unanimous consent that a copy of my letter to Director Shultz and of his letter to me be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONGRESS OF THE
UNITED STATES,
JOINT ECONOMIC COMMITTEE,
Washington, D.C., September 28, 1970.

Hon. GEORGE P. SHULTZ,
Director, Office of Management and Budget, Executive Offices, Washington, D.C.

DEAR MR. SHULTZ: Federal subsidy programs continue to proliferate and today represent a large outlay of governmental resources. Among the general public, in the Congress, and in the Executive Branch, it is not difficult to find people who feel this is unfortunate because many of these programs are either wasteful giveaways or do not reflect the changing priorities of the country. Yet Federal subsidies persist and continue to grow because there is no comprehensive accounting of these programs. I am sure you are well aware and concerned about this situation.

The Joint Economic Committee has had a continuing interest in this subject, as evidenced by our original 1965 study "Subsidy and Subsidy-Effect Programs of the U.S. Government," and we would like at this time to put together a full accounting of Federal subsidy programs. Our objective, in this original effort is simply to raise the level of information on Federal subsidy programs by providing an objective, non-evaluative accounting of as many Federal subsidy programs as possible.

As you know, this is a complex area involving difficult conceptual and measurement problems. We have talked to several professional economists about these problems and have obtained their suggestions as to how to go about dealing with them. In addition, we have held consultations with people in the Treasury Department and people on your own staff, in the Office of Budget Review, the Office of Program Evaluation, and the Office of Management Information and Systems Analysis. I want to thank you at the outset for the cooperation of your staff.

We now feel that we understand these conceptual and definitional problems well enough to begin the accounting process. As you can appreciate, given the many subsidy programs that exist, we very much need help in gathering the data to fit our framework of study. We have requested that the Department of Treasury assist us in the gathering of data on tax and loan subsidy programs. We would appreciate your staff assisting in the compilation of a comprehensive list of direct payment, intergovernmental grant, and certain benefit-in-kind subsidies. Some conceptual guidelines, a working definition of subsidies, and a data form, are attached. In order to obtain the data for the attached form, it is requested that our staff representative, Mr. Jerry J. Jasinowski, receive the following assistance. One, the establishment of a contact person in the Office of Management and Budget, who is very knowledgeable about the specifics of the budget, and who could provide overall assistance on this project. Two, a representative from each of the budget review divisions to provide assistance on gathering data from that division. Three, access to individual budget examiners in those cases where only the examiners can resolve certain data questions.

In closing, I would like to assure you that I do not view this accounting of Federal subsidy programs as having a partisan dimension. The purpose of this study is to provide an objective and comprehensive cataloging of information on Federal subsidy programs for all interested users. Evaluation of subsidy programs, which will cause disagreement among many, but which I hope this accounting will stimulate, will necessarily take place subsequently.

I want to thank you for your assistance on this matter and for your continuing cooperation.

Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Economy in Government.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., November 13, 1970.

Hon. WILLIAM PROXMIRE,
Chairman, Subcommittee on Economy in Government, Joint Economic Committee, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I share your interest and concern about Federal subsidy programs. In our review of the fiscal year 1972 budget, we are attempting to evaluate whether Federal subsidy programs are serving national objectives. Where they are not, we hope to recommend changes to the Congress.

Now that we are at mid-stream in the budget review, I can appreciate the usefulness of more professional and academic work in this area. But I think that such a data collection and evaluation effort deserves more attention than we can provide. Also, our staff is already overworked. Therefore, I recommend that you rely on the resources of another body, perhaps the General Accounting Office, the Library of Congress, or The Brookings Institution. The 1972 Budget, when it is printed in January, should provide the basic accounting data which you need.

I was pleased to learn that the staff members of the Office of Management and Budget have been helpful in your initial exploration of the "difficult conceptual and measurement problems."

As you requested, I have asked Jack Carlson to be available as a point-of-contact as you develop your project.

Sincerely,

GEORGE P. SHULTZ, *Director.*

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, and that, at the close of that period, the unfinished business, S. 3562, the drug bill, be laid before the Senate.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD OF West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. TROOP WITHDRAWALS FROM THAILAND

Mr. BYRD of West Virginia. Mr. President, the United States is currently in the second phase of troop withdrawals from Thailand—a phase that calls for bringing home approximately 9,800 of our men and reducing our total troop strength in that Southeast Asian country to 32,000 men by next summer.

Our withdrawal program in Thailand has been successful to date. We now have an estimated 38,000 troops in Thailand, down from a peak of about 50,000 men in October of 1969.

Yet, Mr. President, while these withdrawals are encouraging to all Americans who want to see an end to U.S. involvement in Southeast Asia, I believe that our troop strength could be further reduced in Thailand without rewarding Communist aggression.

When we announced the withdrawal of 9,800 troops from Thailand last September, the Thai Government simultaneously announced that it would withdraw 50 percent of its 12,000 troops from Vietnam by this summer.

Mr. President, Prime Minister Thanom has recently announced an escalation in the Thai schedule of withdrawals from Vietnam; and, according to reports, no Thai troops will be in Vietnam after 1972. It is reasonable to assume that these troops will be employed in the defense of Thailand when they return home, and that an increased number of American troops, therefore, could be brought back to the United States.

To be sure, we are slowly turning over military operations in Thailand to Thai forces. The Takhi Airbase, for instance, will reportedly be given to the Thai Air Force by the end of this second phase of U.S. troop withdrawals. This base is located 80 miles north of Bangkok, in the central plain province of Nakhon Sawan, and was built at a cost of $17.5 million.

I am hopeful, Mr. President, that plans are in the works to turn over other American bases in Thailand to the highly improved Thai military. And I am hopeful that these plans—including a third phase of U.S. troop withdrawals—will be made public as soon as possible.

Mr. President, over 100 years ago, King Mongkut—the fourth Rama of the present Chakri Dynasty in Thailand—wrote in his personal memoirs that—

> It is for us to decide what we are going to do; whether to swim upriver to make friends with the crocodile, or to swim out to sea and hang onto the whale.

Those words, which referred to the situation in Southeast Asia a century ago, are relevant today. Under King Mongkut, Thailand chose to follow a basically independent course and rely on its own resources to protect its sovereignty—and it did so successfully.

It is noteworthy, Mr. President, that the first signs of friendship between the United States and what was then Siam were established during the reign of King Mongkut. It was he who offered war elephants to President Lincoln to fight the Civil War. And it is just as noteworthy, Mr. President, that the Thai will to de-

fend its freedom today is as strong as it was in the era of King Mongkut.

On more than one occasion, Thai officials have criticized American military presence in their country; and, on more than one occasion, they have asserted their belief that the Thai forces were capable of turning back any attack launched by the Communists.

Mr. President, in view of the increased Thai troop withdrawals from Vietnam, in view of the success of the Vietnamization program, and in view of the history of Thailand itself, I believe the time has come to announce and proceed with an escalation of American troop withdrawals from Thailand.

King Mongkut said:

It is for us to decide what we are going to do.

I believe that the United States also has that option, and that we should decide to take advantage of the Vietnamization program's apparent success to further disengage ourselves from military activities in Thailand.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A STEP TOWARD PEACE IN THE MIDDLE EAST

Mr. HATFIELD. Mr. President, within the past year many crises have beset the world ranging from natural calamities such as the tragic results of the cyclone recently in Pakistan to manmade adversity in Southeast Asia. There is little as yet that science had found that we can do to prevent natural disasters and the heavy toll in human death and misery that follows in their wake. We are, however, quite familiar with the roots of violence, be it domestic or international, and there are definite preventive measures that can be taken to decrease the probability of war.

The most volatile threat to world peace today, in my judgment, is the plight in the Middle East. The peoples of that land have known war for almost three decades, and while there is some hope for bringing the various protagonists together at a conference table, sometime in the future, there are significant steps that can be taken on a nondiplomatic front. Events subsequent to the recent peace initiative by the United States, are indicative of inadequacies in our policy in the Middle East. We, as well as virtually every party to the conflict, have failed to recognize the reality of the Palestinians and the claim they have to participate in any settlement. The core of the present dilemma facing the world in the Middle East is the Palestinian refugee. And irrespective of one's perspective on their claim to lands within Israel and Israeli occupied territory, it should be recognized by all that the solution to their problems will be the primary factor in bringing a lasting peace to the area.

An essential determinant in the hostility felt by the Palestinians is the refugee camps. Responsibility for meeting the health, educational, and medical needs in these camps is with the United Nations Relief and World Agency—UNRWA—but it depends on its funding from the member countries of the United Nations. As a result of the violent conflict between Palestinian guerrillas and Jordanian troops, the state of the refugee camps has deteriorated and UNRWA faces a $6 million deficit. If UNRWA's budgetary needs are not meet, the basic needs of the refugees will not be filled, the frustration in the area will be compounded, and the chances for peace will be diminished.

Mr. President, it is with a profound sense of urgency that I commend to my colleagues a statement by Laurence Michelmore, the Commissioner-General of UNRWA, and urge that the United States help alleviate the budgetary pressure UNRWA is facing. For it is in the interest of all of the parties involved—Arab, Israeli, American, and Soviet—that UNRWA's programs be not only continued, but their expansion stimulated as well. We have an opportunity to make a significant contribution to world peace and the alleviation of human suffering and I am hopeful that we can meet the challenge.

I ask unanimous consent that the statement by Commissioner-General Laurence Michelmore be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE COMMISSIONER-GENERAL OF UNRWA AT THE SPECIAL POLITICAL COMMITTEE OF THE 25TH GENERAL ASSEMBLY

Mr. Chairman, thank you for giving me this opportunity to present the Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period ending 30 June 1970 (A/8013). This is the seventh annual report that I have had the honour to submit to the General Assembly.

The year just ended has in many respects been the most difficult of the last seven years, and, I believe, of all of UNRWA's history.

In the introduction to the report I singled out as significant features of the year the financial crisis and the Agency's operating environment. I do not propose to dwell now on the latter but, again, as I said in the introduction, the two are to some extent inter-related.

Certainly the financial problem has become so serious that it is not an exaggeration to say that the very continuance of the Agency is threatened. This problem is so important and so urgent that I hope that members of the Committee will concentrate their attention in the first days of the debate on the financial crisis and how it can be resolved. The annual pledging conference, for the annoncement of voluntary contributions to UNRWA will take place in a few days, on Friday, 20 November. I must warn the Committee that unless there is a substantial increase in the amount pledged, a major crisis will be inescapable.

In recent years, attention has been called on many occasions to the growing financial crisis of UNRWA. The Secretary-General came in person to the Special Political Committee at the twenty-third session to express in the most forceful terms his conviction that UNRWA services to the Palestine refugees in the fields of relief, health and sanitation and education were essential and that adequate funds to maintain them should be found. Before the twenty-fourth session, the Secretary-General circulated a special report (A/7577) to stress the importance of securing sufficient income to carry on this essential work. At the beginning of this year the Secretary-General took up with a number of Governments the question of increased financial support to UNRWA. Again, before the present session the Secretary-General wrote in August to all members of the United Nations and of the specialized agencies to emphasize the need for effective action (A/8040). Meanwhile the Commissioner-General and the staff of UNRWA have used every occasion to appeal for the funds needed to maintain UNRWA's vital work. Some governments have responded generously to these appeals, and we are deeply grateful to them. The total response, unfortunately falls far short of what is needed to meet the steadily increasing costs.

UNRWA's costs would have increased to some extent because of the natural increase of the refugee population, with more persons eligible for UNRWA services every year, and because of the long-term upward trend in the cost of supplies and in wages and salaries. The level of UNRWA costs moved up much more sharply after 1967, however, because the hostilities of that year left many persons in greater need. At the same time, the inflationary trend in operating costs accelerated and bore heavily on the Agency's budget. Another factor of major importance in forcing UNRWA expenditures up is the increased cost of education, and in particular the increased enrollment in UNRWA/Unesco schools, as the population of school age rises each year. In the seven years from 1964 to 1971, UNRWA's total recurrent costs increased by $11 million. Of this increase $8.1 million is due to education. The explanation is simple. There are now 60 per cent more children in school than there were seven years ago and the costs of education have also increased by the same percentage. In 1971, about 46 per cent of the total Agency expenditures will go for education. This is more than the costs of food, shelter, clothing and all of the other relief services, on which most UNRWA funds were spent in earlier years.

As costs have increased, especially for education, income has also increased somewhat, but only at half the rate required. The resulting budget deficit has become more serious every year.

Naturally the Agency has examined very carefully, and many times, the possibility of reducing expenditures, especially for less important purposes. International staff have been replaced with local staff wherever possible, and savings from improved methods and procedures have been sought constantly. Beyond that, there have been actual reductions in the programme of relief services, and restrictions on health and sanitation activities, in order to conserve funds to try to meet the demand for education. Burial grants have been stopped, the distribution of blankets has been much restricted, funds for the maintenance of shelter have been almost eliminated, budgetary funds for women's and youth activities have been curtailed, and supplementary feeding (hot meals and milk) has been reduced in several respects. The monthly food ration which went to 870,000 persons several years ago is now being distributed to about 837,000 persons, although a strong case could be made for a much larger distribution. The

cake of soap which was formerly included in the monthly ration has been discontinued. The composition of the food ration has been changed; pulses which would have to be purchased with cash have been replaced by additional flour which is received as a contribution in kind. Rice would similarly have been replaced by flour this year, if contributions in rice had not been received. In the field of health and sanitation, restrictions have been placed on supplies, equipment and personnel in an effort to maintain essential services at the lowest possible cost. In education, larger classes and double shifting have been imposed by the financial stringency.

At the twenty-fourth session I informed the Committee that a number of drastic steps would have to be considered if income continued to be insufficient. Some of these measures were in fact put into effect. Apart from those relating to rations, the Agency, as had been indicated to the General Assembly, withheld subsidy payments which would earlier have been payable to certain governments in the area of education provided to Palestine refugees in government schools, for medical services provided to refugee patients in government hospitals, and for certain relief assistance provided by one government. Some reductions were made in supplementary feeding and some further minor economies were achieved in health and sanitation activities. University scholarships were also reduced. Altogether, measures taken in 1970 would amount to a reduction of $1.8 million or perhaps as much as $2.0 million on an annual basis.

Other possible reductions which had been mentioned to the General Assembly last year were withheld. In some cases it was hoped that Governments could be persuaded to take greater financial responsibility, and in other cases that other alternatives, less expensive than existing arrangements, could be found—but these efforts were not successful. In still other cases, such as in certain parts of the supplementary feeding programme, it so happened that special contributions became available to keep these activities going for this year at least, or—I have in mind for instance assistance to some categories of students in private schools—the possibility of a special contribution still exists. In any case, the opposition of the Governments concerned to further reductions was so strong, and the reaction that such measures might bring was potentially so explosive that the Commissioner-General, after consultation with the Secretary-General, decided to take the increased financial risk of holding further reductions until the General Assembly could consider the question once again.

I should like to be perfectly clear about reductions in programme. I have been convinced, and have testified to the General Assembly on several occasions that the activities which have been performed by UNRWA for the Palestine refugees are fully justified, and in almost every respect vital to the lives, health and welfare of the refugees. I hope profoundly that no further reductions need be considered, and that some reductions which have been made can be restored.

To do this, however, will require an increase in the Agency's estimated level of income of the order of more than $5 million. In fact, the most recent figures that I have seen indicate the likelihood that the shortfall may be more like $6.5 to $7.0 million in 1971. The only solution to the UNRWA deficit problem that can be considered satisfactory is an increase in the funds to carry on these activities by such an amount.

Is it realistic to think of such an increase? Is it within the realms of possibility? That is a question for Governments rather than for me, but perhaps I will be permitted to point out that the additional amount required would easily be obtained if there were a truly meaningful response to the General Assembly's plea last year, for instance, if countries that have felt obliged in the past to reduce their contributions to UNRWA contributed again at the level of their highest previous contribution, and other countries, whether current contributors or not, made contributions on a comparable level.

I would also like to call the attention of members to a paper distributed in the Committee last year (under symbol A/SPC/134) entitled Financing UNRWA Operations. In that paper, we set down for the consideration of the General Assembly several possible ways in which the UNRWA financial situation might be relieved. These include assistance under several possible formulae from the United Nations assessed budget, as well as possible assistance from other United Nations' programmes to meet some of the needs of the Palestine refugees.

Mr. Chairman:

The annual report, document A/8013, covers the period to 30 June 1970. Since then there have been several developments which should be noted. The tragic events in Jordan during the last half of September, and their consequences in increased hardships for the Palestine refugees and increased financial difficulties for UNRWA have been reported in document A/8084 and A/8084/Add.1. UNRWA joined with other organizations in providing emergency assistance, and regular Agency services were restored as soon as circumstances permitted. The Agency regretted only that its financial situation did not permit it to give greater help to those in need.

Another development which gave rise to grave concern was the outbreak of cholera in the region during the latter part of the summer, beginning about mid-August. Among the families of refugees registered with UNRWA, there were 67 cases of cholera; 6 in Lebanon, 13 in Syria, 3 in Jordan east of the Jordan River, and 45 in the West Bank. I regret to inform the Committee that of the 67 cases reported there were 6 deaths. The last case was reported on 9 November.

In the field of education, there is somewhat better news. Members may recall that in 1969, the Director-General of Unesco succeeded in arranging for secondary school certificate examinations to be held in Gaza. As noted in the annual report, paragraph 107, this required negotiations with the Governments of the United Arab Republic and of Israel and some rather complicated logistics in which Unesco and UNRWA staff were involved. The Director-General of Unesco was successful in making similar arrangements again this year and in late September about 8000 Gaza students were again able to take the examination.

Also, there has been some progress on the question of textbooks in the UNRWA/Unesco schools. An account of the situation up to 30 June is given in the annual report, paragraphs 100 to 105, and the resolutions adopted by the Unesco Executive Board in October 1969 and June 1970 are included as annexes to the report.

During the meeting of the Unesco Executive Board in October 1970, the Director-General was able to report that Israel had agreed to the importation of 55 textbooks which had been approved by him into the West Bank and 48 such books into Gaza. However, Israel felt unable, pending further consultations with the Director-General, to approve the importation and use of 8 Jordanian and 7 UAR textbooks which the Director-General had approved but which in the Israeli view contained objectionable passages.

Thus the problem is not completely solved, but very considerable progress has been made—perhaps 85% success as the Director-General of Unesco expressed it. The resolution adopted by the Executive Board at the conclusion of its debate asked that the matter still be pursued.

While I am speaking of education, I might mention also that the UNRWA/Unesco schools have now started another academic year. Some of the classes in Jordan are being organized temporarily in tents because of the damage which school buildings suffered during September. Enrollment figures are incomplete, particularly in Jordan, but information so far available indicates that once again there will be a large increase in enrollment, with total attendance of about 245,000 students in UNRWA/Unesco schools. Mr. Chairman,

Each of these developments bears on what we have been talking about, and on the importance of finding the funds needed to maintain UNRWA's services for the Palestine refugees.

The events in Jordan, which put UNRWA out of action for 12 days in September, demonstrated how vital the UNRWA services are to a very large part of the people of Jordan, and how quickly the needs of that part of the population were relieved when UNRWA services were resumed.

The cholera outbreak underlined for all of us the dangers which can still threaten health—and life itself—and the vital importance not only for the refugees, but for the whole community in which they live, that adequate health services and proper sanitation be maintained. These services must be kept up by someone—they cannot be abandoned. Unless and until someone else is prepared to take responsibility for these services, UNRWA must continue them.

The developments in education—especially the demand for the examination in Gaza and the further increase in enrollment in UNRWA/Unesco schools remind us once again of the importance that the refugees themselves place on education.

They realize that their future depends on it.

But UNRWA's ability to keep the school doors open for them depends on its income. Unless UNRWA income is increased to the extent indicated, there will have to be reductions. Such savings cannot be found in the relief, health and sanitation services. If further reductions are required, they will have to be made in education, and many school doors would have to close. This would be a great tragedy but it is precisely that tragedy which threatens the Palestine refugees.

JOINT COMMITTEE ON THE ENVIRONMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that the action taken on November 19, 1970, on House Joint Resolution 1117 be vacated, that the joint resolution in the form as amended and passed at that time be laid before the Senate for immediate consideration, and that it be in order to offer an amendment thereto.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 1117) to establish a Joint Committee on the Environment.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, as amended and passed on that date.

Mr. KENNEDY. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of section (a), add a new sentence to read as follows:

"The appointment of members of the Senate during the 91st and 92d Congress to the committee shall be made without regard to the provisions of section 132 of Public Law 91-510, Act of October 26, 1970."

Mr. KENNEDY. The purpose of the amendment to section (a) of House Joint Resolution 1117 is to permit all Members of the Senate an opportunity to serve on the Joint Committee on the Environment. In its present form approximately 70 Members of the Senate would be excluded from serving on this joint committee by the provisions of the recently adopted Legislative Reorganization Act. This was not known when the Senate initially acted upon Senate Joint Resolution 207.

Subsequent to the filing of the Senate report on July 22, 1970, the Legislative Reorganization Act of 1970 was enacted on October 26, 1970. This measure provides in part that no Member of the Senate may serve at the same time on more than two standing committees and one special, select or joint committee.

This provision of the Legislative Reorganization Act has the effect of defeating the primary purpose of the joint committee. It was the clear intent of the cosponsors of Senate Joint Resolution 207 that the joint committee should serve as a forum in which environmental problems under the jurisdiction of more than one standing committee could be comprehensively reviewed and studied. A major purpose was to insure that ranking members of the standing committees having important environmental responsibilities would have an opportunity to serve on the joint committee and to coordinate a meaningful legislative environmental program.

The provisions of section 132 of the Legislative Reorganization Act would, however, prevent any Member already serving on a special, select or joint committee from serving on the Joint Committee on the Environment. The effect of this would be that no member of the Joint Committee on Atomic Energy or the Joint Economic Committee, for example, could bring their experience and expertise to bear on environmental problems involving atomic energy or the economy. This was not the intent of the sponsors or the committees which considered the bill.

Adoption of this amendment will resolve the problem.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the joint resolution.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 1117) was read the third time, and passed.

MESSAGE FROM HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the resolution (H. Con. Res. 786) providing for an adjournment of the House from November 25 to November 30, 1970.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 110. An act to amend section 427 (b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control;

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance;

H.R. 9486. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict; and

H.R. 14252. An act to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. EAGLETON):

A resolution adopted by the Legislature of Rockland County, New City, N.Y., concerning proposed reductions in the allocation of Federal funds for the operation of the Head-start Program; to the Committee on Appropriations.

A resolution adopted by the Shasta Baptist Association, Redding, California, supporting the anticrime bill; to the Committee on the Judiciary.

PRINTING OF REPORT ON EASTERN RAPIDES AND SOUTH-CENTRAL AVOYELLES PARISHES, LA., (S. DOC. NO. 91-113)

Mr. BYRD of West Virginia. Mr. President, on behalf of my colleague, the senior Senator from West Virginia (Mr. RANDOLPH), I present a letter from the Secretary of the Army, transmitting a favorable report dated March 24, 1970, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on Eastern Rapides and South-Central Avoyelles Parishes, La., requested by a resolution of the Committee on Public Works, U.S. Senate. I ask unanimous consent that the report be printed as a Senate document with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TYDINGS, from the Committee on the Judiciary, without amendment:

H.R. 4302. An act to amend title 28 of the United States Code, section 753, to authorize payment by the United States of fees charged by court reporters for furnishing certain transcripts in proceedings under the Criminal Justice Act (Rept. No. 91-1368); and

H.R. 9677. An act to amend section 1866 of title 28, United States Code, prescribing the manner in which summonses for jury duty may be served (Rept. No. 91-1369).

By Mr. TYDINGS, from the Committee on the Judiciary, with amendments:

H.R. 12979. An act to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia (Rept. No. 91-1371).

By Mr. McGEE, from the Committee on Appropriations, with amendments:

H.R. 17867. An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91-1370).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD:

S. 4537. A bill to amend the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Labor and Public Welfare.

(The remarks of Mr. MANSFIELD when he introduced the bill appear below under the appropriate heading.)

By Mr. HATFIELD:

S. 4538. A bill to promote public health and welfare by expanding, improving and better coordinating the noise abatement and control services of the Federal Government; to the Committee on Government Operations.

(The remarks of Mr. HATFIELD when he introduced the bill appear below under the appropriate heading.)

By Mr. DOLE:

S. 4539. A bill to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets; to the Committee on Commerce.

(The remarks of Mr. DOLE when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 4537—INTRODUCTION OF A BILL TO AMEND THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. MANSFIELD. Mr. President, in the past, congressional concern prompted by several tragic mine disasters resulted in the passage of the Federal Coal Mine Health and Safety Act of 1969. At the time of the passage of this legislation, its full implications for all facets of the mining industry were not known, nor could it be expected that they be known. We have now reached that point in the administration of this act where I believe a review is in order.

For a great many years, a number of small coal mines have been operating in central and south-central Montana, providing coal, not for the national defense nor for industry, but simply for the heating of private homes. In the past months, my correspondence has been ex-

ceptionally heavy on the part of constituents, asking that some assistance be rendered in allowing these small mines to continue operating.

At my request, Mr. Henry Wheeler of the Bureau of Mines has visited Montana on several occasions. His most recent visit took place on November 12, 1970, at which time he visited with coal mine operators at Roundup, Mont., and met firsthand with the Janskovitch brothers, who operate a small mine near Red Lodge, Mont. The Janskovitch mine has, by provisions of the Federal Coal Mine Health and Safety Act of 1969, been closed to further operation. What we are faced with in this instance is the depriving of a family of their sole source of income, as well as those numerous households in the area dependent upon coal for heat. At this time, I would ask unanimous consent for the insertion of portions of Henry Wheeler's report to the Director of the Bureau of Mines.

There being no objection, the excerpts from the report were ordered to be printed in the RECORD, as follows:

MEMORANDUM

NOVEMBER 18, 1970.

To: Director.
From: Deputy Director—Health and Safety.
Subject: Meeting with coal mine operators in vicinity of Roundup, Montana, November 12, 1970.

In response to a request made by Senator Mansfield to Secretary Hickel, I went to Montana on November 12 and met first with the Janskovitch brothers who have a small mine near Red Lodge, Montana, and then with the operators of several small mines in the vicinity of Roundup. Jim Westfield, Assistant Director—Coal Mine Health and Safety, and Tony Moschetti, District Manager, Coal Mine Health and Safety District E, accompanied me. Mr. Floyd Brower, a lawyer who represents the operators at Roundup, attended our meeting with them.

The Janskovitch brothers have operated their small mine for many years (they said about 35 years) to produce coal for sale at the mine to people who come there to buy it in trucks and other small conveyances. Most, if not all, of the coal is burned for space-heating in local homes and stores. Some of it may find its way across the State line into Wyoming. The output of the mine has been about 400 tons a year. At $10.00 a ton, this would provide a gross income from sales amounting to about $4,000 a year. Except for a garden and an occasional deer and other game hunted by the brothers, they say, the mine is their only source of income and subsistence.

The brothers Janskovitch cannot understand why they cannot work in their own mine on their own property where *only they* are exposed to the hazards of operating the mine. They do not believe that the 400 tons of coal a year that they produce should be of concern, one way or the other, to the Federal Government. They do not believe that the mine is unsafe, but even if it is, they believe that they should be free to choose between operating the mine or, as they say, going on the welfare roles. In their view, the Federal Government has taken their only source of income without providing any off-setting compensation—and although they want to fight the Government, they cannot afford it.

I am sympathetic with the plight of the brothers Janskovitch. I believe there is a difference between a mine that is really important to the national defense and economy and one that is clearly of only local significance. Further, there is a difference between a mine in which the operator is also a miner and one in which the operator employs others to work in the mine.

There would appear to be at least two possible legislative alternatives: (1) provide Federal compensation to small operators who are unable to continue to operate under the new law, or (2) allow small operators to elect to continue operating outside the law or some portions of it. The first alternative would provide relief to the small operator, but it would not help homeowners and small businessmen who need the coal from the small local mines. Consequently, the second alternative would appear to be preferable.

Consequently, if anything is to be done, I would suggest something like the following. Amend the law to provide that, at least until the matter can be studied more thoroughly (possibly until December 30, 1971), certain small operators be afforded an opportunity to elect to operate without complying with the provisions of the law but only under conditions that do not constitute an imminent danger. Under such an amendment, the Bureau would continue to inspect the mines and point out conditions that would otherwise be violations of the law, but the Bureau could only order the workers to be withdrawn from the mines when conditions of imminent danger were found to exist. In effect, we would allow the workers to take calculated risks but not to take suicidal risks.

Although the criteria for small mines that might be afforded such an option should be given more thought, they might be about as follows:

1. The mine must have been in operation prior to December 30, 1969, the date of enactment of the Federal Coal Mine Health and Safety Act of 1969.

2. The mine shall have no more than five men working underground at any time.

3. The operator of the mine must work in the mine, and if there are other workers, they all must voluntarily and without intimidation elect along with the operator to operate under the exception.

4. The mine must be "above the water table" and have no history of methane accumulations in excess of 0.25 percent by volume anywhere in the mine.

5. All of the coal (or some high percentage of it) must be used locally for space-heating.

If it should be determined that the amendment should also provide a measure of protection against pneumoconiosis in the excepted mines, the amendment might exempt the mines from taking dust samples but require the mines to comply with the applicable dust standard as measured in surveys made by the Bureau of Mines.

I realize that any proposal for amending the law is subject to criticism, but I believe it is something that should be considered.

The operators at Roundup are doing quite well. They are buying equipment to get into compliance (how much I do not know, for they have not sent me a promised estimate of expenditures to date). They say, however, that they cannot afford to spend much more, and if this is true, they will likely have difficulty in continuing operations compliance with the law through the winter. In this regard, the aforementioned exception would also help them.

Mr. MANSFIELD. Mr. President, based on the recommendations provided in this report, I introduce a bill which would amend the Federal Coal Mine Health and Safety Act of 1969.

I think it important that all concerned understand that it is in no way my intention to weaken or undermine the intent of the Federal Coal Mine Health and Safety Act of 1969, but rather to provide an equitable adjustment for those mines which, for one reason or another, find compliance with the present act impossible. As a further demonstration of the needs of this situation, I ask unanimous consent that two letters bearing on this subject be inserted in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NOVEMBER 4, 1970. *Laurel, Mont.*

Honorable MIKE MANSFIELD,
United States Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: This letter is written in concern over the closing of the Roadside Coal Mine in Bearcreek, Montana by the Federal Mine Officals. I contacted Mr. Jim Murry, Executive Secretary of the Montana State AFL–CIO, about this matter and he said this letter to you would be the most effective way to handle it. Mr. Murry and I are both members of OCAW Local 2–443 here in Laurel, Montana.

The Roadside Mine is owned and operated by Frank and Leopold Janskovitch and Louis Yerman. This is a partnership and they employ no one. Leopold Janskovitch is my stepfather. I am not against the Mine Safety Act. My Father, Grandfather and Uncle were killed in the Smith mine disaster in Bearcreek in 1943. We need the Mine Safety Act. But I think it was meant to make safe, large mines with large numbers of employees and not to close down small operators. This is infringment on individual rights of people already operating at the poverty level. With all the unemployment we have, I can't see taking the livelihood away from these rugged individuals who are trying to stand on their own two feet.

The distinction between gaseous and nongaseous mines was eliminated in the recent Mine Safety Act and this is probably the source of most of this trouble. It is economically impossible for these small nongaseous mine operators to meet the elaborate safety regulations being forced upon them. Other mines in Montana besides Roadside Coal face this same situation and need help very soon to avoid their economic disaster. Any help Mr. Mansfield, that you can give to get these miners back to work will be very much appreciated. Would it be possible to correct the Mine Safety Act to exclude these small operators?

Congratulations on your resounding victory over Mr. Wallace in yesterday's election. You have my continued support and thank you in advance for help given Roadside Coal.

Sincerely,

SAMUEL J. MOURICH.

ROUNDUP, MONT., *June 10, 1970.*

MIKE MANSFIELD,
United States Senate,
Office of the Majority Leader,
Washington, D.C.

DEAR CONGRESSMAN: We have been told many times, "If we have a subject we are especially concerned about, write our Congressmen".

We here in Roundup, Montana have a serious thing confronting our people, town, county, and state. It is the Mine Safety Act of 1969, that has been enforced against our mines in this area, causing them to close. If it just concerned a few, it might be able to be overlooked, but this is a far reaching problem.

People from all parts of the state, as well as we in this area, depend upon the Roundup Mines for our source of energy. If the mines are not able to operate in this County, I'm sure our town will vanish. Many retired people who make their home here, cannot afford to convert to other means of heat and

will be forced to leave. Most all the business places in Roundup are also dependent upon our coal industries, for business as well as means of energy.

I have worked twenty six years in the local mines, and for the last few years have been employed at the Nies Coal Company. Therefore, I realize some of the regulations are impossible for small mines, with such low veins of coal, to follow. The safety equipment is not made for machines as small as those used in this type of mine. This mine closing will leave me, as well as many others, without employment next fall.

Since you are familiar with the area in Central Montana, I'm sure you must know how much we need our small mines to operate. Please do all you can to have this Safety Act revised in making it possible for the mining industry to continue.

Thank you for your effort in helping to keep Roundup on the map.

Yours truly,

ALBERT BRAIN.

NOVEMBER 9, 1970.

Hon. MIKE MANSFIELD,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: I cut this article from the Bearcreek Banner, edited and published by their up-and-coming Mayor Fay Kuhlman.

This item expresses just what I want to say about the very fine folks—the Janskovitch of Bearcreek and their Roadside Mine.

Hope you give this matter your personal attention and do all you can for us.

Respectfully,

Mrs. MARIE HUNTER.

"ROADSIDE" IS CLOSED

Action prompted by new mine-safety laws brought orders to close down all mining at Bearcreek's last remaining active source of coal.

The telephoned order came from Washington, D.C. on threat of $10,000. fine for failing to comply.

The law, designed to force mine owners to install safety equipment for protection of their hired workers, was invoked to close the small, privately-owned mines also. Men working on their own property, where they, themselves, had properly handled all safety precautions, were forced to leave their only source of income. This law was used to say, in effect, "You might get hurt if you work, so quit right now—or pay the government $10,000." So today, they cannot go into their own mine and bring out coal for the many who depended on their product to warm their homes. The law is as senseless and unfair in the case of the Roadside Mine as if a housewife were told, "You might get burned if you cook in your kitchen, so quit right now—or pay the government a fine!"

Frank and Poly Janskovitch have personally mined their tunnels for 38 years, making their living from their own property, bothering no one, remaining independent and proud of being so—in the fine, true, old-American tradition. It was this spirit of pride in one's work, of dependence on self, and belief in the integrity of the individual's right to live as he chose, that caused America to be born in the first place, remember? It was this spirit also that made it thrive.

Frank and Poly are no longer young, nor is their mine a large one. Their vein of coal has required them to work on their knees, a fact that would, in itself, have put them out of business many years ago, had the mine's air supply and other factors been less than safe.

Returns from the small mine are not sufficient to pay for the expensive equipment required under the new law, nor do the Janskovitches feel it is necessary since they have worked their mine safely for nearly four decades. They have been alert always to the possibility of danger and provided safeguards promptly where the need appeared. Any tunnel appearing unsafe was promptly abandoned and closed off. Their ventilating shaft kept the air in the mine fresh and clean, fully adequate for two working men.

A law that may well fit the big mines, has indeed been nothing but a cruel crushing blow to the small, and if America is to exhibit any measure of justice in this case, small, privately owned and operated mines *must* be given exemption from this law!

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the text of the bill I am introducing today be printed in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4537) to amend the Federal Coal Mine Health and Safety Act of 1969, introduced by Mr. MANSFIELD, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 4537

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That in the administration of the provisions of the Federal Coal Mine Health and Safety Act of 1969, such provisions, other than the provisions relating to imminent danger (as defined in such Act), shall not be applicable to any coal mine with respect to which a waiver is granted in accordance with the provisions of section 2 of this Act.

SEC. 2. Upon receipt by him, within one year following the date of the enactment of this Act, of any application made by an operator (as defined in the Federal Coal Mine Health and Safety Act of 1969) for a waiver pursuant to the first section of this Act, the Secretary of the Interior shall approve such application and grant such waiver if he determines that—

(1) the coal mine with respect to which such application is made shall have no more than five miners, one of whom shall be the applicant, working underground at any one time;

(2) the coal mine with respect to which such application is made was in operation prior to December 30, 1969;

(3) the applicant, together with all other miners working underground in such mine, have elected, pursuant to such means as the Director of the Bureau of Mines has prescribed, to work in such mine with respect to which such application is made with full knowledge of such waiver;

(4) the coal mine with respect to which such application is made is above the water table and has no history of methane accumulations in excess of 0.25 per centum by volume anywhere in such mine; and

(5) a substantial portion of the coal mined from the coal mine with respect to which such application is made is consumed locally for space heating.

SEC. 3. If at any time the Secretary of the Interior determines that any individual or individuals receiving a waiver pursuant to this Act is not in compliance with the provisions of section 2 of this Act, the Secretary shall so notify such individual or individuals to that effect and that he or they have thirty days within which to comply. Such notice shall set forth full details with respect to such noncompliance. If, after the expiration of such thirty day period, the Secretary determines that such individual or individuals have not satisfactorily complied in accordance with such notice, the Secretary is authorized to revoke such waiver. Immediately upon the revocation of such waiver or the expiration of the five-year period following the date such waiver was granted, whichever first occurrs, the provisions of the Federal Coal Mine Health and Safety Act of 1969 shall be applicable to such coal mine with respect to which such waiver was granted.

S. 4538—INTRODUCTION OF THE NOISE ABATEMENT ACT OF 1970

Mr. HATFIELD. Mr. President, as the country has become increasingly aware of the growing threat to our environment, attention has been primarily focused on air and water pollution. But there is another form of pollution which has been shown to be very harmful yet has received little public attention: noise.

Recently the Environmental Protection Agency was formed in which the various problems of our environment could be focused and possible solutions recommended. However, there was no provision made to deal with noise abatement with this agency. Today, consequently, I am introducing legislation which would create an Office of Noise Abatement within the Environmental Protection Agency. This office would help coordinate research on Federal, State, and local levels, provide grants for such research, help provide information regarding noise abatement to interested parties, and make recommendations regarding the promulgation of standards.

Mr. President, I am confident that the legislation I am introducing today will receive close scrutiny by the various Federal agencies which are already directing their attention to the problems of noise as well as the Environmental Protection Agency. And I am assured that we will be able to make an Office of Noise Abatement a reality through our mutual effort.

There is a bumper sticker now circulating which says:

Eliminate Pollution Before Pollution Eliminates You.

Immediately we will think of studies which threaten a lack of water by 1980 and conjure up the words of California scientists stating that within 50 years their State will be uninhabitable for any form of life. Or we hold our breath for a moment remembering that 142 million tons of smoke and noxious fumes are dumped into the atmosphere each year. Momentarily we feel brief panic and then for one reason or another, we forget the threatening words of the bumper sticker and go about our daily duties in a comfortable shield of self-deception and false security. Unfortunately such an attitude has now brought us to a situation in which the rapidly deteriorating quality of our environment is the most hazardous challenge to not only our health and well-being but to our very lives and those of our children and grandchildren.

Environmental pollution may not pose the immediate destruction that nuclear war does, but I might remind you that the effects are the same and just as lasting. And I might remind you that destruction at the hands of our environment is as immediate as your and my lifetime. And finally, I might remind

you that lack of inhabitable land, lack of food, lack of good water to drink and good air to breathe are the very conditions under which men become desperate and resort to any and all means to preserve their survival. It is with these thoughts in mind that I state my firm conviction that pollution—all forms of pollution: air, water, and noise pollution, overpopulation, land and soil pollution—is the most challenging and the most crucial problem facing the man of the 20th century. And it is with these thoughts in mind that I firmly believe that if we do not meet this problem with all the creativity and ingenuity of our age, then within a very short time nothing else will matter, for there will be nothing else to worry about.

Your concern with environmental pollution has brought you here today in order to form an effective citizen's group to combat this onslaught on our planet before it is indeed too late. Your special concern is with the assault of noise pollution on our society and in your recognition of noise as a pollutant you have established yourselves as somewhat pioneers in combating the effects of noise on our society. It was, therefore, an honor to be invited to speak at this organizational meeting of the Noise Abatement Council of America. Had such groups been instrumental in educating the public to appreciate the inevitable results of unconcontrolled air and water pollution and in affecting remedial action to combat these problems even 10 years ago then we would not be faced with the present national crisis in these areas. Today let us pledge ourselves to the task of preventing noise becoming another uncontrolled threat to our existence.

The effects of noise, although long a problem, have only begun to receive the well-founded concerns of government, health, industrial, and community organizations. We are already far behind the rest of the world in appreciating the scope of the problem. For our backwardness in the field of noise abatement the United States is now the noisiest country on this planet, and frankly, I hate to think that we are now carrying this lack of respect for civilized standards to other planetary bodies. Basically, noise pollution is reaching crisis proportions in the United States and I think that it is time that all of us wake up to this fact.

We should be concerned with noise as a problem because for over a century noise exposure of sufficient intensity and duration has been recognized to produce sensorineural hearing loss. But in spite of this knowledge, an overexposure to excessive noise is the major cause of hearing loss in the United States today. In fact it is estimated that 10 to 20 million people in the United States have some degree of hearing impairment.

Everyone realizes that if he is exposed to a very loud noise such as an explosion he may very likely wind up deaf—at least temporarily. What is not so apparent is that the effect of noise is cumulative; it produces as Dr. Leo Beranek, whose work is acoustics is international in scope, an "acoustic fatigue." Repeated moderate noise builds up to produce the same effect as would a single loud noise. And even more important is the fact that repeated noise is the only type, short of a shattering explosion, that produces permanent hearing loss. The importance of this is readily seen when one is considering the harmful effects of exposure to daily occupational noise.

Another matter of some concern is that the noise level of the United States is increasing at an astonishing rate. Over the past 25 years the average increase in noise level has been at one decibel per year. When one considers that damage to the ears can occur at sustained exposure to the ranges around 85 decibels and over, and given our present noise levels, it will not be too many years before noise levels in the United States became lethal. To quote Dr. Vern O. Knudsen, physicist and former chancellor of the University of California:

> If the noise we make keeps increasing at the present rate, it will be as deadly in thirty years in some of our downtown cities as were the ancient Chinese tortures for executing condemned prisoners.

We know, of course, that the most pronounced physical effect of noise is damage to the ear. Exposure to intense noise over varying durations causes partial and in some cases permanent hearing loss due to actual cell damage in the organ of the Corti located within the cochlea of the inner ear.

But noise has much farther reaching effects than just hearing damage. As Paul E. Sabine stated even back as far as the March 1944 issue of the American Journal of Public Health:

> There is a wealth of reliable data from medical sources in support of the Statement that sustained exposure to noise is a contributing factor in impaired hearing, chronic fatigue that lowers bodily resistance, neurasthemia, increased blood pressure, and decreased working and mental efficiency and that noise should rightfully be classified as an occupational hazard along with gases, fumes, dust, toxic liquids, and bacteria.

To put this into, if nothing else, economic perspective, the total cost to industry in compensation payments, lost production and decreased efficiency due to noise is estimated at well over $4 billion per year. In relation to business a World Health Organization report states that before 1939 office noise was costing U.S. business $2 million per day through inefficient work. Today that figure is $4 million. The psychological and physiological effects of noise are difficult to assess but the correlation between noise and such things as sleep disturbances, hypertension due to the constant response of hormonal and neurological mechanisms to noise stress, interference with basic communication, the loss in efficient performance and even damage to property must be counted as a very real and a very enormous threat to our wellbeing, not to mention the economic repercussions.

The effects of noise cannot be fully appreciated until we have more thorough studies in the field. One effect which needs to be especially explored by sociologists and criminologists is referred to in a recent Fortune magazine article. As related by Fortune:

> In the Bronx borough of New York City one evening last spring, four boys were at play, shouting and racing in and out of an apartment building. Suddenly from a second-floor window came the crack of a pistol. One of boys sprawled dead on the pavement. The victim happened to be Roy Innis, Jr., 13, son of a prominent Negro leader, but there was no political implication in the tragedy. The killer, also a Negro, confessed to police that he was a nightworker who had lost control of himself because the noise from the boys prevented him from sleeping.

This incident is extreme but worthy of our careful attention due to the implications it has on the worsening human problems which we are now experiencing in our cities.

Until recently the most authoritative voices about noise have come from within the industrial occupations due to the mere fact that noise has been a problem much longer in this area than in any other. Industrial management has become increasingly concerned with the adverse effects of noise on those persons who work under constant exposure to intense levels of noise—and, I might add, with due reason.

According to Dr. Glorig, director of the Callier Hearing & Speech Center in Dallas, Tex.:

> Industrial noise is now the most important single cause of hearing loss.

Despite numerous research, training, and regulatory programs now underway in some industries and in various Federal agencies, and despite the great strides accomplished in responsible noise abatement efforts in the occupational fields, there is still need for a vast amount of education in the field of occupational noise. For instance, B. F. Goodrich estimated that the total market for acoustical goods and products would reach $875 million by 1970, which if one takes into account all that this comprises is a very paltry sum.

Another example of the need for increased emphasis placed on occupational noise is the fact that permanent hearing loss caused by excessive exposure to noise is now a recognized occupation hazard and is compensable in only 35 States. I am always reminded of the basic lack of awareness in this field by an unfortunately true story which occurred when one of my aides was touring a textile factory in the South. When he commented on the high level of noise to which the workers were subjected, the manager hastened to assure him that immediate efforts were being made to correct the unpleasant conditions.

"Next week the factory is playing country-western music over the loudspeakers at a level which will block out the noise of the factory."

The noise of our industries is put into further perspective when one considers them in light of "safe" noise levels. There are differences of opinion about permissible occupational noise levels. The American Academy of Ophthalmology and Otolarynaology states that our present knowledge of the relation of noise exposure and hearing loss is much too limited to propose safe amounts of exposure. However, the academy recommends noise-exposure control and tests of hearing if there is habitual exposure to continuous noise at 85 decibels at a frequency of 300–1,200 cycles per second.

Noise is measured in a dimensionless unit called the decibel which is used to describe the levels of acoustical pressure, power, and intensity.

The decibel expresses a logarithmic ratio between two sounds. In other words, the difference between a noise with a decibel rating of 60 and that with a rating of 70 is a relative increase of 10 times the lower level. The frequency of noise expressed in cycles per second is useful for rating noise hazards since some frequencies are more likely to cause hearing damage than others, with high pitched sounds more annoying than low pitched sounds. The British Medical Society recommends hearing conservation measures when noise exceeds 85 decibels in the 250–4,000-cycles-per-second range.

The U.S. Air Force recommends ear defenders when personnel are exposed to 85 decibles in the 300–4,800 frequency range. The American Standards Association has suggested permissible daily quotas of exposure to noise which they suggest should protect the worker from hearing loss. Over an 8 hour working day they suggest a limit of 85 decibels at any frequency range above 700 cycles per second. In the Walsh-Healey Public Contracts Act the Federal Government has adopted 90 decibels at any frequency range as a permissible safe occupational noise level.

Only recently has there been concern about the entire realm of urban and community noise although millions of Americans are affected each day by the repercussions of this type of noise. As Dougherty and Welsh commented in "Community Noise and Hearing Loss":

> The savings quality heretofore has been that community noise has been a short-term exposure as compared to an 8 hour day period in industry. As the power use of both home and street increase, steps must be taken to limit the noise output. Otherwise, total timed exposure will exceed industrial standards that actually rely on regular audiograms to precent severe hearing loss.

Indeed the din in the cities at times far exceeds the noise levels considered safe for an occupational situation. A noise level of 100 decibels was once recorded on the Avenue of the Americas in New York City where the transit authority was building the extension of the Sixth Avenue subway. Construction is perhaps the most irritating source of noise to the urbanite and the problem is intensified when once we realize that there are virtually no legal controls on the amount of noise that can emanate from a construction site. In the absence of any forms of control the consequences are logical—existing knowledge for noise control is not even applied.

Noise control costs money, and it is not reasonable to ask sympathetic construction firms to invest in noise control only to let unsympathetic firms underbid them of jobs by avoiding the noise control costs. Air compressors, pneumatic drills, power saws, concrete mixers and other machines involved in the construction or demolition of buildings are permitted in some urban areas between 7 a.m. and 6 p.m., 6 days a week and at night with special permit. Combined with the poor soundproofing in modern apartments, the sounds of congested traffic which can reach upwards of 90 decibels, and the multitudinous other sounds of civilized living, the city dweller is caught in the midst of a cacophonic catastrophe.

Europe and such countries as Russia and Japan have for some time had strictly enforced noise abatement laws, including zoning and construction measures and national councils like the Swiss Anti-Noise Commission which deals with the basic medical, acoustic, and technical questions of road, rail, and water traffic; aircraft noise, noise in industry, building construction, homes, et cetera; and legal questions.

The United States by contrast has few laws regarding noise abatement and even those that it has are barely enforced. For example, New York City is one of the cities that has strict noise laws against horn blowing and even has a legal noise limit for the city of 88 decibels at 150 feet. If you have ever been to New York, I am sure that these laws will come as surprising news.

The final assault on the Nation's well-being due to noise and the one which brings you here today is that of aircraft noise. Of all the fields of noise abatement that of air transportation has received the most attention by industry and Government due to the obvious severity of the problem. The possible adverse effects of aircraft noise have been recognized for several years. In 1952 the Doolittle report pointed out that:

> Positive efforts should be continued by both government and industry to reduce or control aircraft noise nuisance to people on the ground and that substantial reduction of such noise is practicable.

Such firms as Pratt & Whitney, General Electric, and Boeing have been involved for some years in the research and development of a quiet engine. According to sources within the field, we are 5 years away from a prototype which when operational will only reduce the perceived noise level at takeoff and landing by 10 percent. The problem in this area is not so much a matter of money as lack of available technology. The sound of a jet taking off is approximately 130 decibels which is also the estimated maximum noise bearable to human ears. A reduction of 10 percent will barely scratch the surface of the noise problem in this area unless there is a major technological breakthrough.

Therefore, in combating aircraft noise we also need to pursue abatement efforts in the aspects of aircraft operations and apply methods of compatible landuse around the airports. In the realm of flight patterns, airport design and placement, guaranteed buffer zones, adequate soundproofing of buildings in and around airports, extension of runways, legal controls, and so on, joint action will have to be taken by the Federal Government, the airlines, and the community. With over 98 percent of our airports owned by some level of State government, it will be primarily up to the local governments and the airport operators of the same to effect noise abatement controls. In addition airport operators should share the responsibility of enforcing the new Federal Aviation Agency noise standards to be announced this month and closely coordinating local efforts with such programs as the aircraft noise alleviation program established under the FAA in 1961.

For examples of innovative noise control efforts I recommend such programs as that taken in the Los Angeles area in which community efforts and pilot programs have been established to abate noise at the Los Angeles International Airport. The Port of New York Authority has also carried out extensions costing several million dollars to the three runways at New York's Kennedy International Airport solely out of noise abatement considerations. Dulles International Airport near Washington is a good example of how zoning laws and design can be effectively employed to control noise levels emanating from aircraft.

But despite these examples, the fact remains that there is much left to do before we can successfully cope with aircraft noise. Your recognition of this fact has brought you here today. There are many questions which must be answered before actual work can even begin. The most important of these is funding of noise abatement efforts. Who is responsible? Should we ever obtain an operational "quiet" engine, the estimated cost of retrofitting our four engine commercial jets has been upwards of $300 million. This is perhaps the most touchy issue which will face you in your efforts to combat jet noise for the costs are formidable and the responsibility ill defined.

Another problem of considerable concern is that of the sonic boom. Until recently the shock waves from the sonic boom was confined to occasional military flights scheduled to fly over unpopulated areas of the United States. However, since President Nixon's request for $96 million for the current fiscal year ending June 30, 1970, in order to finance the start of construction of two SST prototype aircraft it now appears that within the next 10 years we will be subjected to the sound of commercial sonic booms. I am opposed to the development of this aircraft. Aside from the obvious criticism of low cost-benefit considerations, I find it difficult to justify the vast noise disturbance of this aircraft in light of the small domestic value derived. The plane has no defense value, will cost the Government a total of $1.29 billion, out of a total development cost of $1.51 billion, and its flights have been estimated to disturb 20 million groundlings every time the SST flies from coast to coast.

The repercussions of the noise problem have just begun to be understood and much has been done to alleviate the noise onslaught on our environment. For instance, New York City has a law requiring walls soundproof enough to reduce any airborne noise passing through by 45 decibels. Some construction companies have proved that buildings can be constructed quietly, by muffling blasting by special mesh blankets, welding instead of using the horrendous racket of riveting or bolting. New machines have been offered on the market which have a vast reduction in decibel rating over their old predecessors such as a new compressor

which reduces the decibel level from 110 to 85 decibels and a new paving breaker that has had its sound reduced by two-thirds.

New York, California, New Jersey, Minnesota, and other States have voted or have pending various legislation on noise abatement particularly in the realm of vehicular noise. Numerous local ordinances deal with specific noise problems of their area offering such things as prevention of transistor playing in public areas, zoning laws, et cetera. Some States have legislation which prohibits vehicles on its public highways that exceed certain established noise levels for that particular vehicle.

All of these are good beginnings but they cannot be assessed as anything more than just beginnings. What is needed are guaranteed standards for the man on the street, on his job, or in his home. In this category I would like to mention the Walsh-Healey Public Contracts Act which was signed into effect by Secretary of Labor Shultz on May 17, 1969. This act provides for a limit of on-the-job noise levels at 90 decibels at any frequency. This regulation only applies to firms that have a $10,000 or better contract with the Federal Government during the course of 1 year. The Walsh-Healey Act is a step in the right direction but again it is only a beginning. It only affects certain segments of workers and sets as a standard a noise level which is of debatable safety for an occupational level.

The real question at hand in the consideration of the noise level of our society is whether we are going to preserve the basic amenities of civilized life in the onslaught of technological advance.

As one noted figure in the noise abatement field, William H. Ferry, once said:

> We have been neither interested nor successful in controlling noise because we have been neither interested nor successful in coping with technology.

Some 60 years ago Robert Koch, a bacteriologist and Nobel Laureate predicted:

> The day will come when man will have to fight merciless noise as the worst enemy to his health.

That day is not so far away. The problem must be faced now before it is beyond our control. So I offer a few suggestions from my meager knowledge of the problem of what may prevent a continuation of the insult of noise on the future sensibilities of our Nation. The problem of our "cacophonic republic" requires education, public awareness, increased research and greater application of economical acoustical materials, and a great deal of cooperation and coalition of effort between industry, business, government, health officials and community groups in order to find and carry out solutions to local, regional, and national noise problems.

We need a uniform noise control standard for all industrial and office workers—a Walsh-Healey Public Contracts Act of more encompassing and more rigorous standards.

We need to educate consumer demand that will call for quieter jobs and products in order to make it desirable for industry to compete to produce both at less cost.

We need the city code level to handle such noise sources as garbage collection, construction, loud speakers, and motor vehicles. We need a regional approach to the research and development of programs directed toward the alleviation of the noises that plague particular areas of the United States. Lastly we need the full cooperation of the Federal Government in assisting, coordinating and financing these efforts to provide a quieter environment.

As Dr. William H. Steward of the Public Health Service once stated:

> Those things within man's power to control which impact upon an individual in a negative way, which infringe upon his integrity, and interrupt his pursuit of fulfillment, are the hazards to the public health.

Noise can and must be controlled as a danger to the public health and economy, but above all else we must commit ourselves to the control of the noise in our society on the basis of civilized standards.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD following my introductory remarks.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4538) to promote public health and welfare by expanding, improving and better coordinating the noise abatement and control services of the Federal Government, introduced by Mr. HATFIELD, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 4538

Whereas excessive noise jeopardizes the health and welfare of all Americans and unnecessarily detracts from the quality of American life;

Whereas millions of Americans are now exposed to noise levels that have been shown conclusively to produce hearing damage as well, in specific instances, physical damage to structures, interference with normal communication, performance degradation and disturbance and annoyance to daily living;

Whereas noise levels in the United States have been rising steadily especially in urban concentrations creating a sufficiently serious problem to warrant preventive action;

Whereas local groups seeking to improve their acoustical environment through meaningful political or legislative action are often impeded by the absence of authoritative, comprehensive, and well-balanced information from a readily accessible source;

Whereas the Federal Government should provide leadership in the attainment of a suitable acoustical environment;

Whereas, federal noise abatement and control efforts are currently spread throughout a number of Departments and agencies lacking the mechanisms to coordinate the total Federal noise abatement program, to handle administrative matters and to disseminate information;

Whereas it is the policy of the Congress to assist the Federal Government in fostering the quality of life in the United States: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF PURPOSE

SECTION 1. It is the purpose of this Act—

(a) to make available authoritative information relating to noise pollution, its effects and available means for its control upon request;

(b) to undertake an intensive campaign to inform the public, the consumer, state and local governments, educational institutions and industry of the risks and damaging effects incumbent in excessive noise.

(c) to provide a structure through which concerned citizens and adminstrators in the states, counties, and municipalities can become aware of the noise problems their constituencies have in common, leading to the development of more uniform noise abatement programs.

(d) to provide technical assistance and advice to states, counties, municipalities, and regional governmental bodies, commissions and councils for establishing and implementing noise abatement procedures and programs.

(e) to make small vs. technical assistance on a matching basis to States, counties, municipalities and regional government bodies, commissions and councils in order to assist in establishing noise control and abatement programs (that are not specifically handled through present grant programs in other Federal agencies and Departments charged with noise abatement responsibilities).

(f) to develop in cooperation with other Federal agencies, Departments and instrumentalities quantitative model local noise standards, codes and regulations,

(g) to establish a coordinating mechanism to assure the smooth and consistent operation of all Federal activities in the field of noise abatement and research.

(h) to establish an Office of Noise Abatement in the Environmental Protection Agency to carry out the above mentioned functions and to serve as the primary administrative focus within the Federal government on matters pertaining to the control and prevention and abatement of noise; to act as a liaison with the activities carried on by other agencies, Departments and instrumentalities of the Federal Government relating to noise abatement, prevention and control; to assist in defining the Federal role in noise abatement and to make recommendations with respect to any administrative or legislative action desirable in carrying out the goal of attaining a suitable acoustical environmental for all Americans; and to coordinate its concern and activities in the realm of noise abatement in the larger overall environmental program of the Environmental Protection Agency.

The Office of Noise Abatement would not be given authority for implementing noise abatement actions except at the State, regional and local levels in assisting in the establishment of noise abatement programs, but would carry out staff studies, answer public inquiries; serve as a focal point for disseminating information and educating the public; provide coordinating and reporting functions; and for other purposes.

ESTABLISHMENT OF AN OFFICE OF NOISE ABATEMENT IN THE ENVIRONMENTAL PROTECTION AGENCY

SEC. 2. (a) There is hereby established within the Environmental Protection Agency an Office of Noise Abatement (hereinafter in this Act referred to as the "Office").

(b) The Office for administrative purposes shall be headed by a Director and Deputy Director appointed in accordance with civil service laws.

(c) The Director is authorized to provide the Office with such fulltime professional and clerical staff and with the services of such consultants as may be determined as necessary for the Office to carry out its duties and functions as delineated in this act.

FUNCTIONS OF THE OFFICE OF NOISE ABATEMENT

SEC. 3. (a) The Office shall establish identifiable units to carry out at the minimum the four following functions—

(1) PUBLIC INFORMATION.—There should be established in the Office a National Clearinghouse on Noise Abatement to serve as a repository for all information relating to noise pollution its effects and control. The Clearinghouse is charged with collecting and maintaining a library of noise and vibration information, abatement measures, detailed data on noise sources, and standards and regulatory actions throughout the world. The Clearinghouse would be charged with the responsibility of handling all public inquiries made to the Federal Government of a routine nature, directing those inquiries outside of their jurisdiction or expertise to the appropriate Federal agency, Department or instrumentality or to another section of the Office of Noise Abatement. In addition to the responsibility of disseminating authoritative and well-balanced information relating to noise pollution, its effects and available means for control upon request, the Clearinghouse would be charged with initiating as a public service information to concerned segments of the public on the risks and damages incumbent in excessive noise levels and methods available to meet the problem of noise pollution.

(2) COORDINATION OF FEDERAL PROGRAM PLANNING AND DEVELOPMENT IN NOISE ABATEMENT.—There should be established in the Office of Noise Abatement an Interagency Committee on Noise Abatement headed by the Director of the Office and composed of a representative from the following Federal agencies, Departments and instrumentalities who have the authority to act as a spokesman for the agencies' noise abatement policies and programs—

Council on Environmental Quality
Department of Agriculture
Department of Commerce
Department of HEW
Department of HUD
Department of the Interior
Department of Labor
Department of Transportation
Civil Service Commission
General Services Administration
NASA
Veterans Administration
National Science Foundation
(Department of Defense, Post Office Department)

Functions and Duties of the Interagency Committee on Noise Abatement

(1) Serve as a mechanism for coordinating the noise abatement activities of these Federal instrumentalities.

(2) Meet as often as deemed necessary by the Director.

(3) Report not less than once each fiscal year to the President on the work of the Office, the work of the Interagency Committee, the work of Federal agencies and departments in the field of noise abatement as well as on the work and activities relating to noise control, prevention and abatement in the States, counties, and municipalities and regional government bodies and the role the assistance provided for under this act has played in such work and activity and make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the goal of attaining a suitable acoustical environment for all Americans.

(4) The Interagency Committee can be broken into groups for the purposes of carrying out their functions.

(5) The Interagency Committee shall meet as deemed necessary to—

assist the Office of Noise Abatement in formulating model noise codes, regulations, and standards;

to discuss the merits and implementations of such recommendations in the realm of the federal role in noise abatement as come to its attention (thinking here of Panel on Noise Abatement recommendations);

review the progress of federal noise programs, how Federal programs in the realm of noise abatement can be assisted and coordinated and what the needs are for the Federal role to be fulfilled in attaining a suitable acoustical environment for all Americans.

to air ways in which the Office can best assist other Federal agencies, Departments and instrumentalities in the discharge of its noise abatement responsibilities;

to review and make recommendations on Federal noise activities for its fiscal year report to the President.

PLANS AND REPORTS

SEC. 4. Not later than six months after the passage of this bill the Director shall make a report to Congress setting forth the estimate of the costs and personnel requirements of the Office of Noise Abatement to meet the objectives of the Office as set forth in this Act and the steps to be taken to achieve a systematic accomplishment of said objectives.

Report of the Interagency Committee

On January 1 following submission of the Director's report and on each January 1 thereafter the Director in conjunction with the Interagency Committee on Noise Abatement shall submit a report to Congress based on the findings of the Interagency Committee which compares the results achieved during the preceding fiscal year for provision of services with the objectives stated under this Act; state the accomplishments of the Office, Interagency Committee, other Federal agencies and instrumentalities in the realm of noise and the interaction of these programs with state and local governments; and make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the goals of attaining a suitable acoustical environment for all Americans.

GRANTS

SEC. 5. The Director is authorized to make through the Office grants on a matching basis to States, counties, municipalities and regional governmental bodies, commissions, or councils for the purpose of establishing effective noise control programs.

Grants made under this section will be made according to regulations promulgated by the Director. Funds shall be allocated after taking into account the number of people to be served by such a proposed program, the extend to which the program is needed, the relative need of the applicant and its capacity to make rapid and effective use of such assistance.

Any grant made under this section shall be payable in such installments and subject to such conditions as the Director may determine to be appropriate to assure that such grants will be effectively utilized for the purpose for which it is made.

Under the direct supervision of the Director with the assistance of Interagency Committee there is to be a unit which reviews project proposals submitted to the Office of Noise Abatement for grant application in order to assist States, counties, municipalities and regional governmental bodies in the development of noise control programs. These grants are to be made on a matching basis and should only be made in those instances which are not covered by programs under other Federal instrumentalities.

For the purpose of making grants under this section there is authorized to be appropriated such funds as are necessary for the fiscal year ending June 30, 1971.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS—AMENDMENT

AMENDMENT NO. 1081

Mr. MILLER proposed an amendment to the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes, which was ordered to be printed.

(The remarks of Mr. MILLER when he proposed the amendment appear later in the RECORD under the appropriate heading.)

ADDITIONAL STATEMENTS OF SENATORS

THE DISASTER IN EAST PAKISTAN

Mr. KENNEDY. After 11 agonizing days of delay, reports from East Pakistan indicate that relief aid is finally making its way to the people who so desperately need it. How many survivors of the cyclone and tidal wave that struck East Pakistan last November 13 have needlessly died during the past 11 days of mismanaged aid remains a terrible, unanswered question.

What is certain, Mr. President, is that reports from East Pakistan continue to tell a horrifying story of massive human suffering made all the more horrifying by the mounting evidence of confusion and inexcusable delay.

The evidence of this mismanagement and lack of coordination is clear. The League of Red Cross Societies was forced to announce in Geneva over the weekend that they have delayed further relief flights to East Pakistan "pending the clearing of the bottleneck in Dacca." The lack of transportation—specifically, helicopters, landing craft, and seaplanes—meant that food and medical supplies piled up in Dacca warehouses while thousands starved in the disaster area.

Mr. President, the response of the U.S. Government is particularly suspect with regard to this lack of transportation. As of yesterday, only six U.S. helicopters were available to fly relief missions in East Pakistan. Four other U.S. helicopters still were being assembled in Dacca. Other than two light helicopters sent from Nepal, the remaining eight U.S. helicopters in East Pakistan were flown in from North Carolina.

I repeat, Mr. President, that these are the sum total of helicopters that the United States of America has thus far made available to East Pakistan. The Defense Department states that we have 4,000 helicopters currently available in Southeast Asia. Although I find it difficult to accept this figure as the true number of helicopters we have in Thailand, Laos, South Vietnam, and aboard our aircraft carriers, the question remains: Why were none of these 4,000 helicopters sent to Dacca? I cannot believe, Mr. President, that it is not possible for helicopters to be transported from our forces in Southeast Asia faster or more expeditiously than from North Carolina.

It should be noted that Great Britain managed to provide 11 helicopters, France three, and Pakiston four. Thus, there are only 28 helicopters, not all of them in working order, available in East Pakistan.

Mr. President, the lives of at least 2 million men, women, and children are at stake. The failure of this Government and other governments for the past 11 days to recognize the magnitude of this disaster is unconscionable. We are not talking about hundreds or thousands who might die. If adequate relief is not brought to the islands in the Ganges Delta the loss of human life could reach 2 million. In the face of this possibility, Mr. President, the United States has managed to bring exactly 10 helicopters to East Pakistan—and until today, only six of them were fully capable of being flown.

Mr. President, in 1948–49, approximately 2 million persons lived in the city of Berlin. Their lives were threatened by a Communist blockade. The United States responded with a massive supply of aircraft—upward of 225 aircraft—flying round-the-clock relief missions to that beleaguered city. Now, with another 2 million lives imperiled and after 11 days of delay, we have managed to provide only 10 helicopters. Our limited efforts demonstrate a gross distortion of consideration and concern when matched against the overwhelming need that exists in East Pakistan. Why is it, Mr. President, that we demonstrated such a tremendous concern for Berlin citizens in need during the Berlin airlift but when the lives of innocent Asian citizens are involved we appear hesitant and inadequate. Although Berlin may have been considered a question of national security, it seems to me today that the fate of 2 million persons anywhere in the world should evoke the same sense of priority.

It has also become clear that other aspects of the relief effort have been mismanaged. Why have we not yet dispatched teams of medical personnel specialized in communicable diseases to help stop the spread of cholera and smallpox? Why, in fact, do we not have such teams identified and available on call to respond immediately to disaster relief?

Why, after years of experience, is it impossible to achieve simple, basic coordination of international relief efforts? Why do unnecessary materials pile up in place of vital food supplies?

The net effect of all this has been that the survivors in East Pakistan may not survive at all. How such mismanagement could have been allowed to happen—how it continues even as of today—is difficult to imagine. Officials tell us there are many reasons for this failure. But these excuses are less and less tolerable when they are hauled out after each mismanaged relief program—whether in Nigeria, Peru, or, now, East Pakistan.

This is said not as an effort to "blame." Rather, it is said in an urgent effort to learn from this tragic event in Pakistan, so that in the future we can develop international mechanisms which can respond quickly and effectively to the needs of people ravaged by natural disaster. In fact, a U.S. aid relief administrator admitted on Friday that there is very little in the way of international coordination evident on the scene in East Pakistan.

It is in this context that I have spoken repeatedly of the need for a United Nations emergency relief service. Although the Secretariat of the United Nations has established a relief office along the guidelines I first proposed in 1969, this office is woefully underfunded.

Similarly there must be a new mechanism within our own Government to focus U.S. relief programs. A year ago, the Judiciary Subcommittee on Refugees, for which I serve as chairman, recommended the creation of a Bureau of Social and Humantarian Services within the Department of State. In a letter to President Nixon, on September 17, 1970, I reemphasized the inadequate relief apparatus that now exists, saying:

> There is no single office to give guidance and impulse, no regularized decision making process, no ready mechanism to quickly evaluate and respond to frequent emergencies, no central office controlling and weighing overall allocations of resources, and little high-level interest and concern in the effective operation of the various humanitarian programs.

The tragic news still coming out of East Pakistan only serves to reinforce my view that these proposals are long overdue.

Today, many governmental and nongovernmental agencies are striving to meet the massive human needs caused by the disaster in East Pakistan. Like other nations, our Government has responded with money and supplies and offers of help. Yet it remains a fact that today, 10 days later, men, women, and children are needlessly dying of hunger and disease.

We are a great nation. We have unequaled resources and technology which we have harnessed for the bitter ends of the Vietnam War. Surely the United States can match that effort when the lives of innocent victims of natural disaster are at stake. If we are found wanting when the goal is relief, if we display a hesitancy that borders on neglect, then we truly must face the reproach of all mankind.

Hopefully, the nations of the world will recognize what has happened in East Pakistan and will move speedily to provide an adequate international relief apparatus to reduce the effects of the natural disasters that undoubtedly will strike in the years ahead.

So that the record may be clear as to where we stand in the current East Pakistan relief effort, I ask unanimous consent to have printed in the RECORD certain official and journalistic reports and the full text of my letter to President Nixon on the need for a Bureau of Social and Humanitarian Services.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 22, 1970]

EAST PAKISTAN: CYCLONE MAY BE THE WORST CATASTROPHE OF CENTURY

Two of the world's greatest rivers, the Ganges and Brahmaputra, converge on the Bay of Bengal from east and west, carrying to it pulverized rock from the Himalayan glaciers and silt from the plains of India. The total flow into the combined delta region of these and tributary rivers is equal to seven Mississippis.

The result is an area of low-lying islands and peninsulas in East Pakistan, rich in soil, temptingly fertile for the growers of rice, the staple of the Indian subcontinent. Yet the region is one of the most impoverished in the world. The wet monsoon each year soaks the land and produces a rich rice crop; the rest of the time the land is dry and unproductive. And with the central government of Pakistan far away, on the other side of India, East Pakistan has traditionally been a stepchild in budget allocations and Government attention.

DEATH TRAP

Moreover, the rivers that give the region its bountiful harvests also periodically make it a death trap for those who live there. Annual flooding is a way of life for the several million inhabitants, and surges of the sea, during hurricanes, sometimes take a heavy toll in lives.

The hurricanes, known there as cyclones, march up the Bay of Bengal, blowing the sea into the narrowing head of the bay. So shallow is the bay that the heaped-up water cannot flow back in a deep countercurrent, and high tides 10 feet or more above normal may occur.

Nine days ago, this vulnerable region was struck as never before in recent history. The tide rose an estimated 25 feet above normal, whipped by winds of 100 or 150 miles an hour to produce savage waves that swept across the densely inhabited delta region. It appears to have been the greatest disaster of the 20th century, with a loss of life exceeding 500,000.

The storm struck in the dead of night. A large part of the population was apparently taken completely unawares. On Bohla Island, with some 900,000 inhabitants, one native told a reporter from this newspaper that, aroused from slumber, he managed to climb a palm tree and cling to it in the raging wind.

BREAKDOWN IN RELIEF

The waters, in a surge sometimes called a tidal wave, swept the land clear, leveling homes and destroying crops. When dawn came and the waters receded, the man climbed down to find that, of the 25 children in his family and those of his relatives, not one had survived. None had had the strength to climb above the water and hold on. As the tide receded, it carried thousands of bodies out to sea and countless more lay scattered across the sodden landscape.

Reports tell of a nightmare situation, with bodies hanging in trees and entire villages wiped out. Those who survived drowning lack food and potable water. The Ganges is the world's chief breeding ground of cholera and plague, and those scourges now threaten to erupt in the stricken area.

There also seems to have been an almost total breakdown in organization and transportation needed to bring in relief. Not only are modern communications largely absent, but the shallow waters make it impossible to distribute supplies with ordinary ships. Helicopters are the most efficient vehicles for the task, but in recent days only a handful have been available. Press reports from Pakistan say that, apparently for political reasons, the Government delayed requesting outside help. The United States has numerous helicopters in South Vietnam, 1,000 miles away, but the six that have just been sent were from the United States proper and from an aid mission in Nepal.

Why had not more been done to protect the populace againt such disaster? The vulnerability of this region was well known. In October, 1960, two hurricanes killed 15,000 to 50,000 of its residents. As with the present

disaster, the political structure was too loose to produce accurate statistics. American specialists were asked to study the situation, and Gordon Dunn, former head of the National Hurricane Center in Miami, spent four months there.

Among the resulting recommendations was one for an effective warning system. For example, Mr. Dunn recalled last week that on one island, with 250,000 inhabitants, there was no electricity and only one battery-powered radio. The entire area is so low that, when the sea rises, there is no place to go. He proposed that earth platforms be built on the islands, suggesting that they could also be sites for schools and other public buildings.

Another recommendation was for radar stations to watch for storms coming up the bay. Last January, one such station was dedicated at Cox's Bazar on the coast near Burma. However, the breakdown seems to have been in bringing the alarm to the populace; nor does much appear to have been done to provide sanctuary platforms.

POLITICAL RAMIFICATIONS

The disaster is bound to have political ramifications in Pakistan's general election, two weeks hence. It has also generated some bitter comment on Capitol Hill in Washington.

Why, Senator Edward M. Kennedy asked on Friday, is the United States so well prepared to dispatch military support anywhere "in a matter of hours," yet cannot effectively aid those struck by a natural disaster? "Why is it that when our real or alleged security is threatened, we can consult governments and send our representatives all over the world to gain support, but when a people in need cries out for help we are suddenly incapacitated?"

The only comparable disasters of this century were a 1920 earthquake in China's Kansu province, taking an estimated 180,000 lives, and one that leveled Tokyo in 1923, with a death toll of 143,000. In 1911, a flood of the Yangtze River killed 100,000, but one must go back to the Yellow River flood of 1887 for a comparable catastrophe. Its estimated toll was 900,000.

U.S. ACTIONS IN EAST PAKISTAN DISASTER RELIEF AS OF NOVEMBER 23, 1970

[Official list supplied by Department of State]

The disaster occurred in East Pakistan the night of November 12–13. Indications of the enormity of the damage done and lives lost began to emerge on November 14.

Immediately thereafter, our Consul General in Dacca authorized U.S. voluntary agencies on the spot to utilize U.S. Government Food for Peace commodities and USAID resources which automatically are made available by American missions in foreign countries when disasters strike.

President Nixon on November 15 cabled President Yahya Khan a message of sympathy and an offer of help.

Ambassador Farland made an emergency donation of Rs. 250,000 ($52,000) from contingency funds on November 17.

A special joint AID/State East Pakistan Disaster Action Group, organized within the AID Disaster Relief Division, dispatched an initial emergency air shipment of 10,080 blankets and 1,000 tents to Dacca on a chartered commercial aircraft November 17. The shipment arrived in Dacca November 19.

The White House on November 17 announced the establishment of a high-level Inter-Departmental Working Group on East Pakistan Disaster Relief, chaired by Maurice J. Williams, Deputy Administrator of the Agency for International Development. The Working Group went into operation that afternoon.

At the same time the President directed that the Working Group prepare initially to provide assistance up to $10 million through local currency and dollar funding, PL–480 and other programs for immediate relief in the disaster area and for later reconstruction.

On November 17, 50,000 metric tons of wheat under PL–480 Title II (Emergency Relief) were authorized for early shipment to East Pakistan to replenish stocks being drawn down for emergency distribution.

Four large U.S. Army UH–1h (Huey) helicopters and support crews were sent from Pope Air Force Base in North Carolina to Dacca on November 18 aboard three C–141 transport aircraft. The first arrived in Dacca and began to operate in the disaster area on November 20. The rest followed soon thereafter.

Two smaller Bell helicopters were sent from the AID Mission in Nepal to East Pakistan on November 20 to assist in relief operations.

Two additional flights of relief supplies—mostly packaged foods—provided by the Office of Civil Defense and CARE departed the U.S. for Dacca on November 19 and 20. The shipments arrived on November 21 and 22 respectively.

Four more UH–1h helicopters, which had been standing by for possible dispatch to East Pakistan since November 19, left Pope Air Force Base the morning of November 21 aboard three military transport aircraft. The Government of Pakistan's request for these additional aircraft was received in Washington earlier that same morning. With these four additions, which arrived in Dacca this morning, the total of US helicopters provided to the relief operations now stands at 10.

Fifty motorized inland watercraft departed the US on a chartered commercial aircraft on November 21. The boats arrived in Dacca this morning.

Four more chartered planes departed New York this weekend, each carrying 90,000 pounds of specialized packaged foods or plastic water bottles to carry drinking water to survivors. Two more flights will follow this week.

The U.S. Government stands ready to release, in Pakistan currency, a substantial part of the $4.7 million worth of foreign currencies it has left from a legislatively limited $5 million fund for emergency uses overseas.

To date, AID has allocated $2 million to the world-wide Disaster Relief Account from the contingency funds for dollar expenditure in the U.S. and for reimbursement to the Department of Defense for East Pakistan relief operations. Approximately $1.3 million of this allotment has been spent so far.

AID is also prepared to draw on U.S.-owned rupees in Pakistan for immediate reconstruction works, such as coastal embankment repair, particularly those with high-employment impact.

[From the Washington Post, Nov. 23, 1970]

EAST PAKISTAN POOR IN BEST OF TIMES

(By Lee Lescaze)

DACCA, Nov. 22.—In the best of times, East Pakistan is a nightmare of underdevelopment.

It is the most densely populated area in the world with about 77 million people living in an area the size of Maryland, and some 2.5 million of them lived last week on the mud flats of the Ganges Delta.

Now perhaps 500,000 of those people are dead, and the country is only slowly getting relief supplies to the survivors.

From a low-flying plane, only small groups of people can be seen in southeastern Patuakhall, southeastern Bhola and Haitya, the districts worst hit by the wind and waves. Cleared yards bordered by palm trees mark where buildings used to stand. But the houses have been blown away.

There appears to be little activity in the devastated areas most of which are still almost completely isolated nine days after the storm. Small boats, the major form of transportation in the delta, disappeared in the storm. Roads were cut when waves swept over them, and there are no landing strips for even small aircraft.

Relief supplies and soldiers to help distribute them are arriving in Dacca from foreign countries, but Dacca's mood is not one of crisis. The capital of East Pakistan is carrying on business as usual, according to resident here, and only in a few cities are Pakistanis and foreigners trying to arrange for an adequate and sufficiently rapid relief program to prevent further great loss of life in the delta.

On the government-declared national day of mourning Friday, perhaps 10 per cent of Dacca's more than 1.5 million people pinned black crepe to their clothes because it is not a personal tragedy here. Few of Dacca's people have immigrated from the southern delta, so there are few family ties to the region.

Indifference and lack of organizational experience and manpower threaten to prolong the delta's suffering and have already become a political issue. East Pakistan is a Bengal state. Its people have no common heritage with the Punjabi people of West Pakistan more than 1,000 miles away, but are the same people as those of India's West Bengal which borders East Pakistan on the west.

With only 15 per cent of Pakistan's land area and an estimated 56 per cent of the national population, the East has been the poor partner since Pakistan came into being with the partition of India in 1947. Pakistan is generally considered to have a good record on development, one well-informed observer remarked, except that none of the development has been in the East. Exports from the East, mostly jute and jute products, have earned more than half of Pakistan's total foreign exchange, but East Pakistan does not get back its own input, officials here say.

PAKISTAN POLITICS

Pakistan's politics dictated by the West have added to East Pakistan's economic problems. There is no coal here, but coal is bought in Vladivostok rather than 40 miles away in West Bengal. As part of rival India, the neighboring province is not an approved trading partner.

Two East Pakistani resources, fish and natural gas, could only be sold to a nearby market. Without being able to sell fish or gas to India, it is impossible to exploit these resources.

Traditional grievances against the West have been brought to the surface by the cyclone disaster. Politicians seeking to stir up anti-government emotions are making speeches and seeking to postpone the legislative elections scheduled for Dec. 7. President Yahya Khan's military government has said there will be no postponement except possibly in the nine electoral districts directly affected by the storm. It is certain that relief efforts will be continuing on election day, and most officials here believe it will take at least until then to know the full extent of the survivors' needs and to be able to estimate with some precision how many people were killed.

DISAPPEARING ISLANDS

Some islands have not been visited at all since the storm, and it is reported that a few of the smaller inhabited islands vanished completely the night of Nov. 12–13.

U.S. Ambassador Joseph Farland told a brief press conference after flying over the devastated delta with reporters, "We are doing all we can."

There is enough food in East Pakistan already, but officials have not yet been able to arrange adequate distribution systems.

Whether or not the relief efforts succeed quickly, East Pakistan will face grim mathematics of suffering in the years ahead. Agricultural production is increasing by an esti-

mated 2 to 3 per cent annually. The population grows more than 3 per cent each year. Industry is stagnant, except for jute-processing, and there is a declining world demand for jute.

There are high hopes that a new rice strain, IR–20, will prove suitable in the delta and other rice-growing areas, enabling East Pakistan to stop importing 2 million tons of grain a year, most of it from the United States.

There is no sign, however, that the population-control program is having meaningful results. One official predicts that in 15 to 20 years, even with the complete success of the new rice strain, people will once again be encroaching on arable land and the downward spiral of living conditions will resume.

Despite the devastation, millions will continue to live in the Ganges Delta, knowing that there will be another cyclone. There is simply no room for them to live elsewhere.

PAKISTAN DEATH TOLL RISES; LACK OF COPTERS STALLS AID

DACCA, PAKISTAN, NOV. 19.—The official death toll in East Pakistan's cyclone disaster rose sharply today as offers of assistance poured in from countries all over the world.

However, authorities were finding it almost impossible to deliver supplies to the survivors of last week's disaster.

The official government estimate of the number of persons who died in the cyclone and storm waves rose to 150,000.

The first American relief plane was scheduled to arrive here today, and two small U.S. helicopters in Nepal were prepared to fly in.

In addition four crated American helicopters were expected here Friday and it was understood that Pakistan had asked for 30 more.

But the big question remained whether aid would arrive in time to save more than one million homeless survivors.

Local newspapers predicted astronomical total death tolls. An English language daily predicted that 1.5 million would die, and the Bengali daily Songgram had a figure of 2 million.

Pakistan told the League of Red Cross Societies in Geneva that it needed $12 million for local purchases of blankets and clothing. A total of 27 countries have so far pledged aid worth $2.6 million in response to an appeal by the League.

In London, Foreign Secretary Sir Alex Douglas-Home announced to a hushed House of Commons that the government was boosting immediately aid to $1.2 million.

The first means of transportation capable of reaching some of the worst hit islands of the devasted Ganges delta region arrived here in the form of 13 British army assault craft, flown in from Singapore.

But after they were unloaded at high speed at Dacca Airport and Pakistanis were told how to operate them, the boats were moved to a nearby warehouse. There was no immediate indication when they would be sent to the distressed areas.

Emergency shuttle flights between Teheran, Iran and Dacca were interrupted yesterday by India's refusal to offer landing and refueling facilities.

Later, however, India, which has been at loggerheads for years with Pakistan, agreed to liberalize regulations for overflights of foreign military planes crossing India to East Pakistan.

The Pakistani air force has some helicopters, but most are in West Pakistan and would have to fly across hostile India. Three times during a news conference today, Relief Commissioner A. M. Ainsuzzaman refused to answer questions about the failure of the military to provide more aircraft.

Anisuzzaman's relief air force consists of a military C–130 Hercules freighter which was to start drops today, one military helicopter which had to be grounded for maintenance after 14 hours aloft, one short take-off-and-landing plane, and the only seaplane in East Pakistan.

The air is the only feasible avenue for delivery of supplies to many of the stricken areas of the Bay of Bengal coast and the islands at the mouth of the Ganges River because all normal transport facilities were swept away by the winds and waves. Helicopters are particularly needed because many sections are still flooded, and drops from fixed-wing planes probably would miss the dry spots and be lost in the water.

Official sources in New Delhi said orders had been issued to clear "immediately" all requests for Pakistani military aircraft carrying relief supplies to fly over the 1,000 miles of Indian territory separating East and West Pakistan.

A Defense Ministry spokesman said all transit facilities, including refueling, were being offered at Indian airports for the Pakistani planes.

He added that the requests have so far concerned only Pakistani air force C–150 cargo planes, not helicopters, which are based in West Pakistan and badly needed in the East. But the spokesman pointed out these helicopters could be carried in the cargo planes, which have been given clearance.

Among the countries that have offered assistance to Pakistan are: The Soviet Union, Saudi Arabia, Jordan, Syria, Israel, Australia, Holland, Yugoslavia, Communist China, the United States, Belgium, Italy, Norway and Denmark.

[From the Washington Daily News, Nov. 20, 1970]

SCANDAL OF PAKISTAN RELIEF

(By Ian Brodie)

DACCA.—East Pakistan Army lorries which could be taking food to the starving stand idle in barracks.

Aircraft vitally needed for emergency work continue to shuttle commercial cargo and passengers or remain on the ground.

A helicopter which could be saving lives is grounded for want of spare parts from West Pakistan

Soldiers who could be burying bodies and animal carcasses before they cause disease are weeding garrison flower beds. Other troops do their early morning physical training.

The failure of Pakistan to mobilize in a war against death is becoming a scandal of international proportions.

Yesterday Pakistan turned down a West German offer to start immediate rice drops. Another German plan to fly in a 100-bed field hospital was shelved indefinitely by Pakistani authorities.

The two refusals have shocked and angered diplomats and foreign aid workers in Dacca who are trying to prod Pakistan into getting relief work started speedily.

The turndown comes at a time when more and more officials are beginning to accept unofficial figures of a high death toll ranging from 200,000 upwards.

I was given assurances that relief machinery was being cranked up on a massive scale to cope with the cyclone disaster. I was told everything was being put on a "war footing" and would soon swing into action.

But I am now convinced these assurances were false. Their fiction was exposed by East Pakistans' hard-pressed relief commissioner who admitted that only one cargo plane and one helicopter were dropping supplies.

COOL HILLS

Pakistani Officials excused this by saying India would not allow more military aircraft to fly over India from West Pakistan. But there is no evidence that Pakistan even asked India—certainly it did not do so publicly.

And even if India had refused, the aircraft could have come round via Ceylon.

On Monday President Yahya Khan flew over the disaster area in an aircraft. On his return to Dacca he said no effort must be spared to help the thousands of cyclone victims. Next day he took off for the cool hills of Rawalpindi, 1,400 miles away, where his cabinet is reported to be reviewing the situation.

STRICKEN AREAS

Part of the reason for this indifference lies in the fact that West Pakistan has all the wealth and power and treats overcrowded East Pakistan as something of a colony.

East Pakistan has 73 million people in an area slightly larger than England. It has endemic malnutrition, a stagnant economy, 84 percent illiteracy, 28 percent unemployment and not enough land.

Yesterday I went out again on the lone helicopter which is dropping rice and blankets to stricken areas. We had two runs, a total of five tons, a mere drop.

Every time we hovered over a devastated village survivors came racing thru the ruined paddy fields to grab the bags being pushed thru the door and the rear bay.

But there were many other villages we had to fly over empty. There we could see people pathetically waving sheets to try to attract our attention.

FILCHING RICE

At one place where we landed, local leaders had to beat back the starving villagers with sticks to stop them filching the rice before it could be fairly distributed.

Dacca's campaigning newspapers have taken up the cry for more action. Headlines today said: "Deploy the Army" and "Where is the relief" The Pakistan Observer warned that survivors would not survive for long without water, food and medicine.

LETTER TO PRESIDENT RECOMMENDING BUREAU OF SOCIAL AND HUMANITARIAN SERVICES IN DEPARTMENT OF STATE

Senator Edward M. Kennedy, Chairman of the Judiciary Subcommittee on Refugees, today called for "a new, creative effort to encourage stronger national leadership in international humanitarian and refugee affairs," recommending the establishment of a Bureau of Social and Humanitarian Services with the Department of State.

In a letter to President Nixon, following his foreign assistance message to Congress on Tuesday, Senator Kennedy said: I want to express my personal support for the effort being made to raise the priority of humanitarian assistance overseas and to find more viable administrative arrangements for channeling this assistance into areas of need. In the total context of our Nation's foreign policy, humanitarian questions are only one of many problems. But in today's world, on both humanitarian and political grounds, I feel they are questions which increasingly demand continuing high-level attention, leadership, and action by our own country and the international community at large.

In an accompanying memorandum to the President, Senator Kennedy said: "Responsibility for refugees and other humanitarian affairs is hydraheaded and diffuse, which fosters neglect and indecision where action is needed."

"Nothing illustrates more the shortcomings of our national policy on humanitarian assistance, than our uncoordinated response to the human need produced by the recent earthquake in Peru, our ambivalent and tardy response to the massive human tragedy produced by the Nigerian civil war, and our early failure to anticipate and identify the very serious problems of displaced persons and civilian casualties in South Vietnam and

Laos, which even today are not being accorded the priority they so rightly deserve."

In addition to recommending a presidential appointee and a new bureau to handle governmentwide international humanitarian services, Senator Kennedy also recommended strong U.S. support for current efforts in the United Nations to establish a United Nations Emergency Relief Service, which Senator Kennedy first recommended in February 1969.

(The full text of Senator Kennedy's memorandum to the President follows:)

I. Over the past few years, intensive study by the Senate Judiciary Subcommittee on Refugees, as well as a number of experts in government and the private sector, has resulted in several conclusions on the status of humanitarian concerns and programs in United States foreign policy. These conclusions can be summarized as follows:

A. In recent years our national humanitarian concern for refugees and others in distress has not measured up to the needs of our time. For example, the shift in focus of major refugee problems from Europe to the underdeveloped areas of the world—from a "cold war" to a universal framework—has not carried with it the perspective, creative concern, and dynamic spirit which gave impulse and direction to American activities in earlier years.

B. Our current approach to these problems, especially in the underdeveloped areas of the world, is governed more by insular, *ad hoc*, temporary reactions to individual situations—too often gauged by the degree of congressional and public pressure—than an overall unified policy fully integrated into the mainstream of United States foreign relations. There is, to use Department of State phraseology, "no ultimate repository of policy formulation," and, as a result, no visible humanitarian policy and goals for world refugee problems and similar concerns.

C. There is no administrative unity among the various departments and bureaus of the executive branch which are presently concerned with refugee and humanitarian affairs. There is no single office to give guidance and impulse, no regularized decision making process, no ready mechanism to quickly evaluate and respond to frequent emergencies, no central office controlling and weighing overall allocations of resources, and little high-level interest and concern in the effective operation of the various humanitarian programs.

D. As a result, responsibility for refugees and other humanitarian affairs is hydra-headed and diffuse, which fosters neglect and indecision where action is needed. While this judgment is applicable to the total apparatus of humanitarian assistance, in some instances it is equally applicable among the various departments and bureaus involved in any one problem.

E. Nothing illustrates more the shortcomings in this significant area of public policy, than our uncoordinated response to the human need produced by the recent earthquake in Peru, our ambivalent and tardy response to the massive human tragedy produced by the Nigerian civil war, and our early failure to anticipate and identify the very serious problems of displaced persons and civilian casualties in South Vietnam and Laos, which even today are not being accorded the priority they so rightly deserve.

II. To help unify policy and operations in refugee and other humanitarian affairs, those most concerned with this issue generally support at least the following suggestions on remedial action:

A. The proclamation of a revitalized policy of national humanitarian concern for refugees and others in distress—a comprehensive and continuing policy which is clearly visible to our own citizens and the international community, a compassionate policy which more fully and faithfully reflects our traditional humanitarian concern for our suffering fellowman, a flexible policy which forcefully declares to the world our readiness to act in concert with others promptly and effectively at all times, and an active policy which is fully integrated into the overall conduct of our foreign relations.

B. A new, creative effort to raise the level of responsibility and encourage stronger national leadership in international humanitarian and refugee affairs—by bringing administrative unity into the apparatus of assistance, and by establishing workable procedures and appropriate channels for cooordinating policy, fiscal, and operational matters among the many scattered segments of the bureaucracy concerned with this significant area of public policy and concern—

1. The highest official in the executive branch directly responsible for world refugee and humanitarian concerns should be appointed by the President, subject to confirmation by the Senate. To insure a degree of continuity and permanency for these concerns within the administrative structure of the Department of State, his office and responsibilities should be prescribed by law.

2. To accomplish this objective, serious consideration should be given to abolishing the Office of Special Assistant to the Secretary of State for Refugee and Migration Affairs, and to reorganizing the Bureau of Security and Consular Affairs—by renaming the Bureau, the Bureau of Social and Humanitarian Services; by redesignating its head an Assistant Secretary of State; by transferring the current powers, duties, and responsibilities in the Office of Special Assistant to the new Bureau; by broadening the new Bureau's mandate in humanitarian affairs; and by excluding from the new Bureau and moving elsewhere in the Department of State, the Passport Office and the Office of Special Consular Services, which are currently a part of the Bureau of Security and Consular Affairs.

C. The very active American support of current efforts within the United Nations to establish a United Nations Emergency Relief Service, which I first proposed in February 1969, and which was subsequently included as a recommendation in a report of the Judiciary Subcommittee on Refugees issued on November 3, 1969.

1. In cooperation with other offices and agencies of the United Nations, regional organizations, individual governments and voluntary agencies, such an emergency service would provide a readily available mechanism, under international auspices, to render massive emergency assistance to populations ravaged by armed conflict or natural disaster.

2. No broadly based, impartial, and continuing international organization—devoted solely to humanitarian purposes—currently exists. Yet the frequency and experience of vast human suffering—of the kind produced by armed conflict in Nigeria and Indochina and elsewhere, and by natural disaster in Tunisia and Iran and Peru—underscore the need for a greater international commitment and more effective machinery to salvage broken lives in time of crisis.

3. To invoke the prestige and resources of the United Nations for a new international humanitarian alliance, is a task which deserves high priority in our own government and the counsels of government throughout the world.

THE DANGER TO MOTHER EARTH

Mr. GRAVEL. Mr. President, a great deal has been written and said in the past few years about the terrible problems of pollution we face in our Nation and the world. But seldom have I read a statement as eloquent and inspiring as that by the distinguished senior Senator from West Virginia (Mr. RANDOLPH), entitled "What's Happening to Mother Earth—A Warning," published in the U.S. News & World Report of November 23.

As I invite the attention of the Senate to this extremely timely and valuable contribution by Senator RANDOLPH, I also would like to pay tribute to his leadership on the Senate Committee on Public Works, on which I have been privileged to serve the past 2 years.

There are those who merely talk a great deal about fighting pollution, Mr. President, and there are those who continue to work to fight pollution—quietly, conscientiously, day in and day out, through the committee structure of the Senate. Such a man is the Senator from West Virginia, who began working in this cause long before it gained popular acclaim.

He has achieved unsung successes through his mastery of the political art of compromise and accommodation of conflicting points of view. Compromise is a word often despised by the special leaders for or against any cause. But compromise is the essence of our political system and I believe with the chairman of the Committee on Public Works that our long-term national interests are served best by the kind of painstaking, time-consuming, balancing, and negotiation among contending factions—with legitimate desires, aspirations, and grievances—that produce a course of action which will not wholly satisfy any party, but which, through its basic fairness, will be acceptable to all.

That kind of a solution to national problems has been the hallmark of the work of the senior Senator from West Virginia in this body since his arrival. His comments in U.S. News & World Report are a good measure of his considered views, and I commend them to Senators and the Nation.

In my mind, Senator RANDOLPH is one of the great unsung national leaders in our efforts to protect our environment.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT'S HAPPENING TO "MOTHER EARTH"—A WARNING

(By Senator JENNINGS RANDOLPH)

Throughout the Bible and religion, emphasis is given to the wonders of nature.

In the 36th chapter of Ezekiel it says: "Then will I sprinkle clean water upon you, and ye shall be clean from all your filthiness. . . ."

And I can almost hear John Wesley imploring a congregation that "It is a responsibility that cleanliness is next to godliness."

Right in the beginning, in the second verse of the Bible, we read of perhaps our most basic of natural resources: "And the Spirit of God moved upon the face of the waters."

Without water the earth would be barren, lifeless, yet perhaps because of its basic nature and abundance, water is too often taken for granted.

The use of water, though, is being limited today, not just because of a growing population but because the industry that sustains our standard of living is draining the sources of water dry.

We are harvesting the bitter fruit of haphazard development and neglect, the misuse of our oceans, lakes and rivers, Streams that once were clear and pure are now rainbow-colored, not from the reflected glow of the sky but from wastes dumped into them.

All too many of our supplies of water are devoid of plants and animals that are vital for man's life as well as the sport of fishermen. The contamination we have produced is tragic in its devastation. In our State of West Virginia, the Kanawha River—one of America's most industrialized waterways—has become severely polluted. Serious questions of public policy have been raised by a proposal to build a major impoundment on the New River which flows into the Kanawha from other States. Such a project would periodically release large quantities of water that would flush the pollutants from the Kanawha River, but at the same time possibly diminish the recreational potential of the New River between the impoundment and the Kanawha.

So the correction of our mistakes often forces agonizing decisions to be made. In the doing, we may make other unintended errors.

There are many other instances in which our precious sources of water are befouled:

The major watercourses of the State of Wisconsin, we are told, are so badly polluted that their use for anything other than sewers is practically impossible.

There are predictions that Nebraska's underground water supply will be completely dry in 50 to 100 years.

I have seen bulldozers shoving foul-smelling garbage into the lovely San Francisco Bay.

Of the 33 rivers in the United States that once had salmon runs, there are now six. And Europe's Rhine River, which once teemed with salmon, is devoid of this fish.

Only recently I read in the newspaper that a British health authority believes his nation's antipollution program has been "sabotaged" by a strike of public-service workers that has resulted in millions of tons of partially treated sewage pouring into rivers.

Man is becoming more and more aware of the unique and precious nature of his earth.

When the astronauts of the Apollo 8 mission returned to earth, Earl Ubell asked them on CBS for their impressions of their journey through space. These three daring and valiant men answered that, in essence, they had been awed by the beauty of the earth as comparted with the bleakness of space and the grayness of the moon.

They spoke of the uniqueness of the earth among the other planets in the sky.

As seen from space by these men, the earth was a place of unparalleled, almost incredible, beauty. The surface of the earth was to them alive with color.

There is no other place in God's seemingly limitless universe where life pulsates as it does on earth.

But when the Apollo 13 astronauts returned home, one of them gave a different answer to essentially the same question. From the vastness of space he saw the earth as scarred and marred, mutilated by the thoughtless excesses of its human inhabitants.

We have for too long taken a careless, unthinking approach to our use of nature.

It was not always so. In the ancient cultures, people revered nature. They worshipped natural objects in a religion that prohibited the desecration of the surrounding world.

Even today, in some of what we call primitive areas, there are tribes that have a feeling of holiness for the earth, the land in which they live.

But this respect, this religion of nature, has largely disappeared from Western civilization.

We have become a great and powerful industrialized society, but we have lost contact with the world around us, the world that has provided our wealth. We huddle together in caverns of steel and stone; we walk pavements of concrete; we motor on asphalt.

We seldom look into God's heavens, and when we do our vision is obscured by smog. It is no wonder that the authors of "Movement of the Sun" have written, "As the skies darken with smog, we have 10 years before we lose 50 per cent of the sun's rays."

The time is late, but some people are beginning to heed Thoreau's words:

"I went to the woods because I wished to live deliberately, to front only the essential facts of life, and see if I could not learn what it had to teach, and not, when I came to die, discover that I had not lived."

Even were we inclined to follow Thoreau's example, it is increasingly difficult to find the wilderness.

The Congress has a responsibility to correct this situation, and I think it is willing and eager to come to grips with the problems of our natural environment. We have acted to create and preserve scenic areas where man can go to merge his soul with the open world about him.

This magnificent country of ours all but pleads with us to adopt such an attitude with temptations like the coasts of New England and California, the grandeur of the Rockies, the enhancement of the Great Smokies, the majesty of the West Virginia mountains.

Even now, there exists threats to the beauty and tranquility of our forests and wooded lands.

I am concerned by current timber-management practices—particularly a system known as even-aged management or, more commonly, clearcutting. This type of timber harvesting levels entire areas of forest land.

On a visit to West Virginia's Monongahela National Forest I viewed an area of 160 acres which had been almost completely leveled by clearcutting. In many national forests, such timbering areas are much larger. I viewed a hillside on which slopes are not compatible with such operations. I am positive it will cause substantial erosion and other assocated problems.

The area was covered with usable pulpwood, slash and dying timber—a shocking display. It is questionable whether this type of management—which appears to be designed in large part to increase timber supply and revenues for a smaller investment of money and equipment—gives equal consideration to the total forest environment and to other forest values, wildlife, recreation, aesthetics, and preservation and stabilization, and water conservation.

Our nation has demonstrated and possesses an unparalleled capacity to build and develop economic resources and to continue to increase our standard of living. Yet this capacity has been accompanied, it seems—albeit unintentionally—by the tendency to destroy the earth and our natural resources and our environment. This course has resulted in the crisis of the quality of life confronting us today.

Some persons have written that the Judeo-Christian tradition has at least in part been responsible for the desecration of the earth. And, indeed, our tradition teaches that God gave man dominion over the land to use for his purposes.

Our culture alone, though, does not stand alone in its guilt. Earlier civilizations also contributed to the destruction of nature.

It is stated in the second chapter of Genesis that man, after being placed in the Garden of Eden, was instructed by God to dress the garden and to keep it. Man was directly charged with protecting and preserving the earth.

But we have faltered in carrying out this instruction. There is no Garden of Eden on earth, and those who have visited the Holy Land know that the venerable cedars of Lebanon have nearly vanished.

We love and cherish our personal mothers. The earth is our mother, too, and has nurtured us, but why do we cast her aside?

What does all of this mean? Shall we despair? Is the job too big?

I do not believe so. We must not confine ourselves to trips to the wailing wall, nor must we press the panic button as we see the environmental destruction around us.

We can find the way. Dr. René J. Dubois, a noted scientist and writer, whose thoughts in part are embraced in my comments, pointed the way for us when he said: "We always find political solutions when goals are sufficiently well-defined to permit creative and intelligent use of science and technology."

We are aware of the goals that must be reached through a reawakening of the special relationship between man and nature. We know that we really have no choice but to atone for our destruction of God's good earth.

THE POW RESCUE MISSION IN VIETNAM—A POSITIVE MOVE

Mr. GOLDWATER. Mr. President, the men who cry doom every time the President and the administration make a positive move in Vietnam are at it again—crying doom, because of all things, the U.S. Army has tried to rescue some Americans held as prisoners by a cruel and vicious enemy.

These are the same people who went around crying that the sky was falling in when the President sent troops into Cambodia—an action that, as the President predicted, saved thousands of American lives and has made possible the large-scale withdrawal of Americans from South Vietnam.

These are the same people who have fought bitterly—and vainly, thank goodness—for the privilege of leading the first surrender in American history.

These are the same people leading a fight for unilateral disarmament, a fight that, if they win, will prevent the United States from ever trying to rescue anyone again—or even defend itself.

These are the same knee-jerk reactionaries who confuse cowardice with peace and surrender with victory.

Mr. President, there was a time in our history when the Nation would have risen up as a man to praise the daring soldiers who risked both life and liberty in an effort to help their fellows. One wonders what has happened to us. Are we too effete, too cynical, too sophisticated today to appreciate heroism? I hope not.

We have come a long way since our Nation was founded 200 years ago. We have gained a lot in material wealth and well-being. But if in the process we have bred a Nation of men who do not find either their country or their countrymen worth defending, we will, in the end, have gained nothing.

Mr. President, the President of the United States fortunately comes from a tougher stock than the congressional doomcryers and surrender-mongers.

He knows that no nation can long survive as a great nation if it has no respect among nations and if its people do not have faith and pride in themselves.

Faith and pride are not instilled when one runs from the fight or refuses to stand for the right, regardless of the public clamor.

The President knows this, the majority of the Members of Congress know it, most Americans know it.

And so long as this is the case, we can ignore the cries of doom and defeat.

Mr. President, I for one, intend to support the President in his efforts to lead us as a people and a nation.

He is not beset by confusion or by doubt or by fear. He is willing and able to take the action that will hasten an honorable peace or save an American life.

It is unfortunate that we cannot say the same for some of those who would take his place.

COMMITTEE FOR ECONOMIC DEVELOPMENT CALLS FOR WAGE-PRICE GUIDELINES

Mr. PROXMIRE. Mr. President, for many, many months a large number of economists in the United States, the Joint Economic Committee of the Congress, and the most responsible trade unions and individual businessmen have been calling for the President to institute an incomes policy. Stated simply, it is a call for the President to use the power and prestige of his office, as well as his own persuasive influence, to keep wages and prices within certain specified limits in those industries and unions where market power is the dominant factor in making wage-price decisions.

Those who advocate an income policy and the use of wage-price guidelines are under no illusions about the effectiveness of such a policy and such guidelines. They are not perfect. But under some circumstances they can be effective.

Those circumstances exist now. We no longer have a demand inflation where too much money is chasing too few goods. The kind of wage and price increases now prevalent are largely the results of big businesses and big unions trying to cover some of the increased costs and loss of purchasing power they have experienced since wage contracts were previously signed. It is in such circumstances that the willingness of the President to set guidelines can be most effective.

Now the Committee for Economic Development—the CED—an organization of progressive-minded businessmen which includes many of the most important executives in the United States, has called upon the administration to adopt an incomes policy. The CED adopted the proposal by a lopsided 51-to-6 vote of their wage-price subcommittee.

I hope the President and his advisers will heed the advice of the CED. An incomes policy is long overdue. The time to act has arrived.

I ask unanimous consent that an article written by Frank C. Porter, published in today's Washington Post, and an article written by Edwin L. Dale, Jr., published in today's New York Times, on the action of the CED, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ADMINISTRATION PRESSED ON WAGE-PRICE GUIDES

(By Frank C. Porter)

New pressures were placed on the Nixon administration yesterday to adopt an "incomes policy" and get the stagnant economy moving again.

The Committee of Economic Development (CED), a prestigious and largely business oriented research group, urged the government to adopt voluntary wake and price guideposts to contain inflation.

At the same time, 58 members of the Democratic Study Group of the House of Representatives, which on several occasions has made its political clout felt on the Republican administration, also called for the guideposts introduced under President Kennedy and abandoned during the Johnson administration.

The appeals for some sort of policy to moderate wage and price decisions among business and organized labor have intensified in recent months.

Although the corporate community is generally cool to any interference with the pricing mechanism, officials of the venerable Business Council, many of whose members also belong to CED, took the government by surprise last month by asking adoption of some kind of voluntary guideposts, particularly in the wage area.

Top economists of the Kennedy and Johnson regimes have been urging such a course for months.

Less vocal have been some second-echelon economists within the Nixon administration who espouse the same policy. Arthur F. Burns, chairman of the quasi-independent Federal Reserve Board, is known to favor it.

While rejecting the guidepost concept for the present, Paul M. McCracken, chairman of the Council of Economic Advisers, has not entirely closed the door on it.

Indeed some see Mr. Nixon already moving in this direction. The second "inflation alert" due this week from the Council of Economic Advisers, while short of an "incomes policy" that would set specific standards for wages and prices, is expected to be harder hitting than the first, according to government officials. They say that the alert has been delayed to take particular note of the recent big General Motors wage settlement and the even higher boosts recommended for railway workers by a presidential emergency board.

CED's call for restoration of price-wage guideposts was part of a package of recommendations to supplement fiscal and monetary policy in bringing inflation under control. While continuance of the latter is essential, CED found, reliance on economic stagnation to halt inflation is unacceptable. The object, it said, is to restore economic growth with stable prices.

Other recomemndations include restructuring of labor laws to insure that unions don't have excessive power, increasing the size of bargaining units in construction to slow the rise in building costs, repeal of the Davis-Bacon Act, various measures to remove labor bottlenecks, a new look at the investment tax credit abandoned last year and other means to increase productivity and creation of a "public defender" agency in the federal establishment to achieve price stability within government.

The 90-page statement was drafted under the direction of Frank W. Schiff, vice president and chief economist, and a wage-price policy subcommittee headed by Philip Sporn. It was approved, 51 to 6, by CED's Research and Policy Committee.

WAGE-AND-PRICE GUIDANCE URGED BY BUSINESS GROUP

(By Edwin L. Dale, Jr.)

WASHINGTON, November 23.—A sizable majority of a study group composed mainly of prominent present and former businessmen concluded today that the time has come for the Government to try to influence private price and wage decisions, though not by mandatory controls.

A policy statement by the Committee for Economic Development proposed a mechanism for such influence, but it ruled out "arm twisting" of individual firms and unions."

The suggested mechanism would include development by a new Government body of "broad norms of appropriate noninflationary wage and price behavior that would give some guidance to business and labor groups" and public reports on those cases where behavior "deviates substantially from such broad norms."

The various comments of reservation or outright dissent demonstrated clearly that there is no such thing as a monolithic "business" opinion on this delicate and controversial subject. Yet, out of 57 men who voted, only six voted to reject the statement entirely. Fifteen more entered reservations of various kinds—including a few who thought an even stronger policy of Government intervention is needed.

The Nixon Administration has consistently resisted any formal "guideposts" or other system of influencing private wage and price behavior.

The Committee for Economic Development, formed by a group of businessmen shortly after World War II, issues policy statements from time to time by the group's research and policy committee.

The C.E.D. has a generally "moderate" or even slightly "liberal" image among business organizations.

Of the group participating in the study released today, many are company presidents or chairman. Some are retired. A few members of the committee are from universities, but the great majority of them are bankers or businessmen.

Today's statement by the C.E.D. was not limited to the issue of Government wage-price policy, though that was the major and most controversial recommendation. The statement outlined a series of steps to supplement basic Government monetary and fiscal policy to make possible less inflation in the future even as the Government acts to expand total demand and reduce unemployment.

"NOT A PANACEA"

The statement said that wage-price policies by the Government "are not a panacea," but it added:

"We do not believe that failing to develop and employ such policies would be warranted simply because their effectiveness cannot be predicted with certainty. If they should not prove to be very effective, any adverse effects are also likely to be small.

"But if they do help in reconciling high employment with reasonable price stability, the payoff from adopting them could be significant. On balance of considerations, therefore, we believe that the United States should include voluntary wage-price policies among its tools for reconciling price stability and high employment."

The basic principle of the proposed policy would be that it would "rely for its effectiveness on the fact that the public would be kept fully informed about significant instances of excessively inflationary behavior and the factors involved."

THREE-MAN BOARD

The group's statement said, "The formulation as well as implementation of wage-price policies should be entrusted to an independent body within the Government rather than, as in the past, be considered a function of the President himself or of his Council of Economic Advisers." It suggested a new three-man board on prices and incomes, named by the President and confirmed by the Senate.

While the group rejected any formal system of advance notification of price changes by business, it did suggest that the Government's present "inflation alert" system—

periodic analyses of major wage and price developments—"be utilized to highlight important prospective developments rather than being solely directed at decisions that have already been taken."

The study said that "the basic aim of fiscal and monetary policies should now be to restore an orderly resumption of real economic growth."

Apart from the controversial new wage-price policy, the recommendations also included these steps, among others:

A comprehensive review of existing statutes, regulations and policies . . . to eliminate features that have an inherent inflationary bias."

A change in labor law "to bring about a better balance in the relative powers of unions and management" and to reduce union power to restrict labor supply or place "undue restrictions on productivity improvements."

Repeal of the Davis-Bacon Act, which requires the Government to pay prevailing wages in construction work, and other changes in labor-management relations in the construction industry.

A requirement that the Tariff Commission consider "general price stability" as one test before recommending limitations on imports.

The Government should establish a new agency to watch over its own operations as they affect the price level and be a sort of "public defender of the price stability objective within the Government."

SING OHIO'S PRAISES

Mr. SAXBE. Mr. President, I take this opportunity to speak briefly about fish and football. I also want to happily thank the distinguished minority whip (Mr. GRIFFIN) for so foolishly agreeing to place a friendly wager with me on the outcome of last Saturday's football game between Ohio State's vaunted Buckeyes and the Michigan what's their names. The minority whip's unquestioned wisdom came up short this day, as we all now know.

Naturally, the Buckeyes of Ohio State—my alma mater, I might modestly add—resoundingly thrashed the Michigans and convincingly nailed down their claim as the best in the land.

Unfortunately, the minority whip—a much more skilled legislator than judge of football flesh—chose to wager one of the Great Lakes' finest, a coho salmon, that the opposite would happen, that by some unexplainable quirk of fate or fish, the Michigans somehow would prevail. Praise be that our Republic is not built on such folly.

The 24-pounder that Senator GRIFFIN speedily delivered—a specimen I graciously donated as the menu for the Senate Republican policy luncheon this very day—tells well of the minority whip's misplaced faith. As I gazed on that fish, incidentally, I found it difficult to believe that such a magnificent fellow could indeed have been spawned in the Great Lakes. But that is another story.

Ohio State crushed Michigan. Ohio State completely dominated Michigan. Ohio State virtually destroyed Michigan. Ohio State came close to dealing total humiliation to Michigan.

And now, because the Buckeyes are truly No. 1, they are soon off to Pasadena and the Rose Bowl on January 1. There, the legions of Woody Hayes again will prove to a breathlessly watching world that they deserve to wear the mantle accorded the best.

For those watching Ohio State on television or in person, I think it only fitting—so that all can sing Ohio's praises—that, without objection from the distinguished minority whip or other Senators, I ask unanimous consent that the stirring words, the great lyrics, to the Buckeye fight song be printed in the RECORD.

There being no objection, the lyrics were ordered to be printed in the RECORD, as follows:

Fight the team across the field,
Show them Ohio's here.
Set the earth reverberating
With a mighty cheer—rah, rah, rah.
Hit them hard and see how they fall.
Never, let their team get the ball.
Hail, hail, the gang's all here.
And we'll win that old Rose Bowl now . . .

Mr. SAXBE. Mr. President, in the interest of economy and brevity, I shall not at this point ask that the words to the Ohio State alma mater be printed in the RECORD. But in a closing tribute to greatness, I should like to inform all and sundry that those lyrics may be obtained by a simple telephone call or a visit to my office in the New Senate Office Building.

NECESSITY OF SUPPORTIVE ROLE IN ASIA

Mr. McGEE. Mr. President, it has long been my belief, and the belief of many other observers, that the United States, as a major Pacific power, must continue to play a large supportive role in Asia in order to insure stability and freedom in that part of the world.

A good summation of the rationale behind this belief was presented a few days ago by Crosby S. Noyes in his column in the Evening Star. Summing up after a long trip through the Far East, Mr. Noyes pointed out that for many of the free nations of Asia the nature of the threat posed for them by China has changed, and changed toward the hopeful side. Nevertheless, he wrote:

> Survival, in the case of some countries, still is precarious. In virtually all of them, a sudden withdrawal of support would result in a collapse—if not of the will to survive—certainly of confidence in the possibility of survival. In many cases, the result would be panic and a scramble for accommodation with the dominant power of China.

So, for the foreseeable future, American power will be needed as an ingredient to the stability of Asia. Mr. President, I ask unanimous consent that the column entitled, "Future of Free Asia Is Dependent on United States," written by Crosby S. Noyes, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Nov. 20, 1970]

FUTURE OF FREE ASIA IS DEPENDENT ON UNITED STATES

(By Crosby S. Noyes)

By way of summary after a long trip through the Far East, three factors must be taken into account in any assessment of the future of Asia for the next decade or so.

The first is the nature of the threat to the emerging nations bordering on the Chinese mainland.

The second is the ability and the will of the countries to cope with the threat individually or collectively.

The third is the role that the advanced nations—notably Japan and the United States—may be willing to play on a more or less permanent basis in Asia.

The first of these factors is a matter of some dispute among American experts and among the Asians themselves. Quite clearly, however, the major threat to all of these countries is either one of external aggression or internal weakness and instability, or, in some cases, a combination of the two.

The nature of the threat varies from country to country. In Indochina, for example, external aggression is a reality. The danger that it represents to the survival of Laos, Cambodia and South Vietnam is increased by the internal weakness of these countries.

But the major problem from the beginning has been the seemingly relentless determination of North Vietnam to take over all of Indochina by force. And for the foreseeable future, military considerations will continue to be predominant.

For most of the other countries of Southeast Asia, the nature of the threat is changing. The danger of direct, overt aggression from Communist China, once feared by all of the governments in the area, seems to have receded significantly. Though direct attacks still are possible against South Korea, Taiwan and possibly India, the danger in the other countries at this point is largely internal.

Thailand and Burma are trying to cope with insurrectionary movements, supported and encouraged from Peking. Malaysia still faces a serious communal problem after bloody fighting between Malays and indigenous Chinese. In Indonesia and the Philippines, the control of the government in some areas of the country remains uncertain.

Yet, with the exception of Burma, the trend in all of these countries can be rated as at least moderately hopeful.

The governments involved have made considerable progress over the last decade in strengthening themselves and removing the causes of popular unrest. The beginnings of a system of regional economic and cultural cooperation are emerging. And throughout the region, the appeal of communism as a system promising rapid growth for underdeveloped countries is on the decline.

The conclusion must be, therefore, that if the present trend continues, the countries of non-Communist Asia have a good chance of surviving the pressures brought to bear against them. The inevitability that they would be over-whelmed by the ideological and military weight of China no longer exists. Given reasonable luck and outside support, the chances are that the dominoes will stand.

Yet this hopeful trend could easily be reversed. Survival, in the case of some countries, still is precarious. In virtually all of them, a sudden withdrawal of support would result in a collapse—if not of the will to survive—certainly of confidence in the possibility of survival. In many cases, the result would be panic and a scramble for accommodation with the dominant power of China.

Which brings us to the role that this country and Japan must play if non-Communist Asia is to have any future at all. And, one must add, if the whole effort that has been made over the last decade is to have any meaning at all.

Japan is able and willing to play an important, but strictly limited role in the area of economic aid. Its assistance programs, devoted very largely to the free nations of Asia, are growing rapidly and soon will reach the goal of 1 percent of an impressive gross national product.

Yet in the military area, Japan will not for the foreseeable future, and with excellent reason, play any role whatever. Japan, after all, in the face of a nuclear-armed China,

is wholly dependent on the United States for its own security. It will do nothing in the international field that might increase the danger of an attack against Japan—which means, in short, anything that might be construed as unfriendly to China's ambitions in Asia.

And so the responsibility for supporting the dominoes will depend for a long time, in large part, on the United States. By whatever doctrine and with whatever reservations it may be defined, the presence and availability of American power in Asia will be an essential ingredient to the stability of the area for many years to come. And given the present mood in the United States, this is why the future of Asia is still a very large and ominous question-mark.

THE STATE OF THE AMERICAN ECONOMY

Mr. HARRIS. Mr. President, it is the view of those economists and business, labor, and financial leaders with whom I regularly talk that the state of the American economy continues to be unnecessarily bad. I share their opinion. The general feeling is that unemployment, now risen to an intolerably high rate of 5.6 percent, will probably go higher—somewhere between 6 and 7 percent by the end of 1971.

We should be warned, also, against any falsely optimistic statements which may come from the administration soon, based upon the settlement of the General Motors strike or on the possible stockpiling of steel between now and next spring in anticipation of a steel strike.

Both of these indicators would be purely temporary changes in the economic outlook. They would not justify any conclusion concerning long-range recovery of the economy.

Because of the deliberate slowdown in the economy, Federal, State, and local governments face enormous reductions in revenue. For the third quarter of this year actual gross national product is $47 billion less than potential gross national product. This means that, had we had a near full-employment economy, as we could have, the Federal Government would have realized an additional $16 billion in revenue during this year—a sum which could have gone a long way toward meeting many of our urgent domestic problems.

The worsening plight of the Nation's cities as a result of the economic slowdown is even more alarming. New York City, for example, has already announced personnel layoffs and freezes. The city of Newark projects a deficit this year of approximately 40 percent of its operating budget. I expect that the major cities of America will soon be coming to the Congress with large and urgent demands for special Federal assistance.

Over the years, most students of urban problems have urged that cities should more nearly gear their revenue to personal and corporate income. As this has increasingly been done—rightly—the cities have become even more dependent upon a healthy economy for financing their local needs. Thus, they have suffered greatly from the economic slowdown this administration has brought about.

One economist has recently said that Republican administrations only seem interested in even numbered years in whether people have jobs. While this may be too harsh, it is instructive to note that administration spokesmen are not now projecting recovery of the economy before July of 1972.

The administration also seems to ask to be excused for the sad state of the economy by saying that present conditions are an inevitable result of switching from a war-military-space economy to a more peacetime economy. That is like saying, as one well-known economist has put it, "We are so uncoordinated that we are unable to walk and chew gum at the same time."

The administration has wrongly refused to join in suggestions by Senator GEORGE MCGOVERN of South Dakota and others for the establishment of a commission to recommend an orderly transition to a peacetime economy. With all the jobs which need to be filled—such as health aids, teacher aids, and the need to build houses and rebuild our cities—and with all of the hardware that needs to be produced—such as antipollution devices and mass transit equipment—there is absolutely no justification in seeming to argue that an SST or an ABM must be built or a war fought or an unnecessarily large military budget maintained as a kind of modern WPA program. Nor is it accurate or fair to say that we can do nothing. We should be expanding adjustment assistance and other programs for the conversion of plants and jobs.

Neither is it correct to ascribe, as some would do, present economic ills and expanded unemployment to the General Motors strike. I was in Cleveland, Ohio, in the last days of October and found there what is typical of a lot of the country. The Chrysler and Ford assembly plants in that city were working only 4-day weeks. This despite the fact that one would normally expect these automobile companies to be doing well when their principal competitor, General Motors was shut down. The truth is that there is a large backlog of automobiles, a reflection of the general slowdown in the economy and inordinately high interest rates and tight money.

I am glad to see that the Federal Reserve Board seems increasingly aware of the need to increase the supply of money and to lower interest rates. This action comes far too late. As of now, it seems much too little. It is, however, a recognition at long last that our principal problem in the economy, presently, is the need for greater growth and expansion to take up the slack in idle plant capacity and to expand job opportunities.

The indications are, however, that the Federal Reserve Board is not going to move strongly enough and rapidly enough toward expansion of the money supply and lower interest rates unless it can get assurances that the administration will change its policy and at long last come down on the side of a firm incomes policy.

The administration has indicated through spokesmen that they are willing to accept a large deficit in the Federal budget in order to move the economy toward expansion. There is some thought, however, that they may try to make this position politically by recommending a value-added tax to the Congress, knowing that the Congress will reject it. They would then, it is said, blame the large deficit on the Congress.

If the administration does recommend such a value-added tax, the Congress should call their hand immediately. It should forceably be made clear that the large deficit actually results from an enormous shortfall in revenue because of conscious administration policy deliberately to slow down the economy. More than that, the public should be reminded, if the administration recommends a value-added tax—a kind of sales tax which is passed along to the consumer—the same administration which recommended taking off the more progressive income tax surcharge would be recommending a regressive tax to replace it. The people should not stand for this.

It is high time for the administration to take a real leadership role in the economic field and put into effect a firm incomes policy. The President can do this himself within his present powers. Or he could support legislation similar to that which I have introduced to establish a National Economic Equity Board to set up voluntary wage and price guidelines. I would go further, myself, and allow this board to institute short-term wage and price freezes, if found necessary.

What is required is strong Presidential leadership. The President must represent the people's interest. If he does move in the direction of incomes policy, it should be particularly in regard to prices right now. Steel and automobile prices have actually gone up at a time when demand has been decreasing. Labor cannot be expected to forego settlements based upon the fear of continued inflation without strong assurances of Presidential and other efforts to hold down prices.

It will be particularly unfortunate, for example, if a strike in the steel industry comes about because of lack of agreement to a labor demand for cost-of-living clauses in the new contracts. After all, the President has asked for such cost-of-living provisions in regard to social security benefits. Such clauses in labor contracts would be a pressure on everyone concerned, including the President, to act with more vigor against continued inflation. And the clauses would be inoperative if the inflationary spiral did not continue.

Moreover, the administration should act at once to institute credit rationing and control under powers already granted to the President by the Congress. There must be more credit available where it is most needed to meet the social goals of this country and at reasonable rates.

Lastly, it is important that there be stimulation of consumer demand immediately. This can be done through coming off further on interest rates and

money supply, through increased social security benefits of at least 10 percent and the postponement of social security tax increases presently scheduled under existing law to go into effect January 1—0.8 percent increase, divided equally between the employer and employee.

This stimulation of consumer demand would not be inflationary under present circumstances. Rather, it would tend to be deflationary by serving to cause expanded production volume, allowing some reduction in unit costs.

Mr. President, I wish the President would call together a group of business, financial labor, and other leaders to discuss the unnecessarily sad state of the economy, to explain the leadership steps he intends to take, and to call upon the country for its support for needed action. I have set forth some of the things which I think must be done at once. I intend to propose an amendment to the pending social security bill to carry out the postponement of tax rate increases scheduled to go into effect in January. I have introduced legislation to establish an incomes policy. I made the motion in the Senate Finance Committee for a 10-percent increase in social security benefits. I have supported credit rationing legislation.

Individual Members of the Congress, however, can only do so much. The man elected leader of the whole Nation, the President, is the only one who can really take charge. Theodore Roosevelt called the Presidency a "bully pulpit." It is that. But it is not enough to preach, right now. The President must act.

BRAZIL SHOULD ALLOW INVESTIGATION BY HUMAN RIGHTS COMMISSION OF THE ORGANIZATON OF AMERICAN STATES

Mr. PROXMIRE. Mr. President, I invite attention to an article, published in Sunday's Washington Post, concerning a request by the Human Rights Commission of the Organization of American States for permission to investigate the denial of basic human rights of citizens in Brazil.

Article 11 of the Charter of the Human Rights Commission of the OAS gives it the right to investigate allegations of this type with the permission of the country involved. On October 24 of this year, the Human Rights Commission of the OAS sent a cable to Brazil requesting their permission for such an investigation. According to the officials at the OAS, Brazil has not yet officially denied this request.

I hope Brazil will permit such an investigation.

As members of the Organization of American States and its Human Rights Commission, Brazil would only be fulfilling its obligations to the organization by allowing the reported repression of human rights to be investigated.

This courageous action by the Human Rights Commission should spur us to consider ratification of the United Nations Human Rights Conventions on Genocide, Political Rights for Women and Forced Labor. It is very embarrassing for us, as members of the Human Rights Commission of the OAS, to call for an investigation of the denial of human rights by one country, when we have not ratified three major human rights documents of the United Nations. At best, this situation is ambiguous and confusing.

By ratifing the Genocide Convention, we could make our position on human rights clear.

Mr. President, I ask unanimous consent that the article, entitled "Brazil Refuses Investigation of Torture Charge," published in Sunday's Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRAZIL REFUSES INVESTIGATION OF TORTURE CHARGE

BRASILIA, November 21.—Brazil will not allow the Human Rights Commission of the Organization of American States to enter the country to investigate allegations of torture, it was reported today.

The government has decided that such an investigation would constitute interference in Brazil's internal affairs, the leading newspaper Jornal do Brasil's local news agency said.

Charges that police and military investigators have tortured alleged subversives have been voiced frequently in recent months. The Franciscan mother superior of a children's home said she had been a victim of such torture.

SEARCH AND RESCUE MISSION INTO NORTH VIETNAM

Mr. ALLOTT. Mr. President, last Friday's bold and heroic search and rescue mission into North Vietnam helped demonstrate three useful things.

First. To American prisoners of war in North Vietnam who will all hear of this raid, it demonstrated our unwavering national dedication to their ultimate safety and rescue. They can take heart from the knowledge that their military colleagues could put together such a brave and imaginative effort on their behalf.

We know that high morale among prisoners is a matter of life and death. Men are more apt to survive the rigors of POW confinement if they have a burning hope for the future. Friday's decisive demonstration of American resolve has given life to that hope and thereby has contributed measurably to the life chances of many hundreds of Americans who need never feel abandoned.

Second. Mr. President, the second thing this raid demonstrated was the fact that the enemy must come to terms with American determination to rescue its captured fighting men. Let us not mince words. We are dealing with a barbarous enemy. His culture and his politics combine to prevent him from taking seriously the passionate Western belief in the sacredness of the individual. The slavemasters in Hanoi, who have been slaughtering Vietnamese with reckless abandon for a quarter of a century, cannot understand that Americans mean business about rescuing the prisoners of war. They will never understand until we speak the only language a barbarous government can comprehend—the language of force.

Hanoi will never be moved by moral reasoning; Hanoi will never yield for any reason other than self-interest. Now is the time, after all these wasted years in Asia, to give Hanoi a glimpse of the one sight that will galvanize their sense of self-preservation. That sight is an enraged, determined, forceful America. When Hanoi realizes that the POW issue is a serious issue to Americans, and when Hanoi realizes that we will be forceful about what we think is serious, then and only then will the dawn of reason break in Hanoi.

Third. Mr. President, the third thing the raid demonstrated is the reflexiveness and recklessness of some American critics of anything and everything America does in Southeast Asia. These men have honed to a fine edge their ability to will the end without willing the means.

They want a negotiated settlement, but they cannot suggest what—short of total capitulation—we can "negotiate" about with this enemy.

They want to help the prisoners of war, but they do not want to do anything toward that end that will make Hanoi more intransigent—as though Hanoi could be any more intransigent.

Clearly the reflexive, and in some cases hysterical, reaction to this raid has done the domestic service of giving these critics yet another opportunity for squandering what little remains of their credibility.

One critic went so far as to refer to the attempted rescue of the trapped and tormented prisoners of war as the "excuse" for this raid, thereby implying that he thinks the rescue attempt was a ruse designed to cover up an escalation of the war. One wishes that such critics, with all their mewing about what they consider other people's lack of candor, would practice what they so constantly preach.

Let us have some candor from them. Let them actually speak their thoughts rather than just dance coyly around them. Let them just say they think they are being lied to. Let them just say they would just as soon we forgot about the prisoner-of-war problem, and all that it tells us about the nastiness and intransigence of the enemy with whom they urge us to endlessly negotiate.

Another critic has rushed to tell a—doubtless ecstatic—college audience that the raid was a "John Wayne approach" to the prisoner-of-war problem. I must say that this comment, while it doubtless flattered to the prejudices of the audience, represented a W. C. Fields approach to a grave problem. It warrants three short observations.

If by the phase "John Wayne approach" the critic meant that it was imaginative, heroic, and in the American tradition, then he was correct.

If the critic meant to dismiss with contempt this heroic attempt to rescue trapped, sick, and dying Americans, then

his comment is cute without being acute or admirable.

If the critic finds the last Friday's approach inadequate, what precisely does he suggest by way of an alternative?

Frankly, Mr. President, this coyness is cloying. These critics would make more convincing moralists if they would spend less time getting off Johnny Carson-style one-liners about serious dilemmas.

Finally, Mr. President, let us bear in mind one indisputable fact. Yesterday, the predictable critics were their usual ungenerous selves in evaluating this rescue attempt. But let us not lose sight of the fact that if this raid had been successful, wild horses could not have dragged a dove to the Senate TV gallery to make sonorous geopolitical pronouncements about the sacredness of North Vietnam's territorial integrity.

DEDICATION OF L. MENDEL RIVERS LIBRARY—ADDRESS BY VICE ADM. H. G. RICKOVER

Mr. HOLLINGS. Mr. President, I had the honor recently of participating in the dedication of the L. Mendel Rivers Library at the Baptist College of Charleston, S.C. Included in the ceremony, besides the distinguished chairman of the House Armed Services Committee, were Dr. Billy Graham, entertainer Al Hirt, and many luminaries from the worlds of politics and business. One of the most moving testimonials delivered that day was presented by Vice Adm. Hyman G. Rickover, of the U.S. Navy. Admiral Rickover's address was not only an admirable statement of the impressive contributions made by Representative RIVERS over the years. It was also a noteworthy analysis of some of the problems which plague our Nation. For that reason, I call it to the attention of the Senate today.

Admiral Rickover points out that the United States in recent years has departed from many of the traditions which led us to greatness. One of these is the realization that politics is the art of the possible, that there can be no progress unless we work with the materials at hand. We will not construct a better America by comparing our country with a theoretical utopia and demanding instant conformity to some ivory tower abstraction. The road to progress cannot be found by comparing our society with a mythical, trouble-free world where everything is milk and honey. Rather, we must build upon our history, our heritage, and upon the diversity of our people. This requires discipline, not anarchy; realism, not endless theoretical wandering. A sense of history, Admiral Rickover reminds us, brings the realization that each of us "is heir to the accomplishments of every human being who has ever lived; and for this reason each of us is likewise responsible to all other men and women, present and future." These are words we all need to hear.

I ask unanimous consent that Admiral Rickover's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY VICE ADM. H. G. RICKOVER

Mendel Rivers is one of the great men of our Congress. He is dedicated to peace, but aware of the awesome responsibility our Nation bears in defense of our freedom.

He is one of the most un-intimidable men in the U.S., and there is no use trying to explain him by reducing a versatile man to one or two main talents. He cannot be judged in the way some people judge an eagle by noting how he walks on the ground. An eagle must be judged by its majestic flight at high altitude.

He has an old-fashioned and unqualified love for the U.S. This has given him a sense of dedication, responsibility, and purpose. He has the fortitude to stand up to the illegitimate and illegal activity of a tiny minority bent on tearing down every one of our institutions.

In the business of government any movement from hideous to bad is progress, from hideous to fair is spectacular. And Mendel Rivers has done more than his share to achieve the spectacular for us and for our posterity.

He believes in fulfilling something you are able to fulfill, rather than running after what you will never achieve; that we can strive to fulfill ourselves and to be as complete human beings as possible, and that will give us trouble enough.

He believes in the God-given genius of certain individuals and he values a society that makes their existence possible. He understands the chasm between men with knowledge who lack power and men with power who lack knowledge; men who are instructed but not educated; assimilative, but incapable of real thought; men who do not want to confuse the ideal with the real; that intelligent idlers always set their sights high in order to justify their idleness and their intelligence.

He does not agree with many of our pseudo-intellectuals who are drowning in their own words and suffocating in their own documents. Many of them are as ignorant as swans.

He knows that some students of society and politics among our intellectuals all too often have little contact with real life; that they are more lucid as critics of existing society than as visionaries of a better one; that some of them seem to experience a chastened pleasure in discrediting everything American; that in their seclusion there is a constant temptation to devise political constructions firmly rooted in mid-air, in which everything seems possible, in which governments and political authority are replaced by communes of free and equal individuals, in which society exists without repression, and domestic policies require no sanctions; a society in which diplomats always tell the truth and nothing but the truth, and a foreign policy is pursued in which the wolf lies down with the lamb, and the leopard with the kid.

Future generations will, I am sure, remember him above all for what he has done to preserve our heritage than for anything else.

He knows that without the materials of historical comparison, we are left with nothing but baseless abstractions to compare ourselves with; that we then compare our present world with a mythical trouble-free world where all mankind is at peace. He knows that we must abandon the prevalent belief in the superior wisdom of the ignorant.

He knows that a person who is often praised must set stricter standards on himself. He holds a number of beliefs that have been repudiated by the liveliest intellects of our time. He believes that order is better than chaos, creation better than destruction. He prefers gentleness to violence, forgiveness to vendetta. He thinks that knowledge is preferable to ignorance; human sympathy more valuable than ideology. He believes that in spite of the recent triumphs of science, men haven't changed much, and in consequence we must still try to learn from history.

He believes in courtesy, the ritual by which we avoid hurting other people's feelings by satisfying our own egos; that all living beings are our brothers and sisters. Above all, without the materials of historical comparison, we are left with nothing but baseless abstractions to compare ourselves with. We compare our present world with a mythical trouble-free world where all mankind is at peace.

He knows that no country has departed so much, in so short a time and without realizing it, as has the United States from its basic principles; that what we need is simplicity and its absence of romanticism.

He understands that if what is needful is to be done, we cannot depend on illusions, especially of an impossible good. A calamity can be brought about by persons of great good will. Too many such persons have been set up in the "grievance business." Their job is to find things that are wrong; then attempt to right them. If their efforts only make matters worse, they find something else wrong.

He is also a realist. He knows that the last war has been forgotten, erased from the collective American memory, and that is the most devastating commentary history can render—to be forgotten because no one wants to remember.

In conclusion I would like to quote what William Cowper said in 1785, in his poem "The Task":

Knowledge and wisdom, far from being one,
Have ofttimes no connexion. Knowledge dwells
In heads replete with thoughts of other men;
Wisdom in minds attentive to their own.
Knowledge, a rude unprofitable mass,
The mere materials with which wisdom builds,
Till smooth'd, and squared, and fitted to its place
Does but encumber whom it seems to enrich.
Knowledge is proud that he has learned so much;
Wisdom is humble that he knows no more.

I believe this is as expressive of Mendel Rivers as anything I could say.

What makes a man akin to God is his ability to aquire what has been painfully learned by all previous generations—by all of our ancestors. This is possible only through books and libraries, because they are the repository of all human knowledge and wisdom. They make us realize that each of us is heir to the accomplishments of every human being who has ever lived; and for this reason each of us is likewise responsible to all other men and women, present and future.

Many honors have been given to your Congressman and my dear friend. Nothing you could have done pleases him more than your gracious act of naming this building the L. Mendel Rivers Library.

TRADE BILL SHOULD BE DEFEATED

Mr. HARRIS. Mr. President, I wish to address myself to the pending Trade Act of 1970 (H.R. 18970), which is now being considered by the Finance Committee. In recent weeks this bill has provoked an increasing amount of comment in the press and elsewhere—both favorable and unfavorable. For it is without doubt an important piece of legislation—the first

such bill dealing broadly with international trade since the Trade Expansion Act of 1962.

In reviewing this bill, I am struck by two fundamental and related considerations. The first is how greatly circumstances have changed since the bill was first considered by the House Ways and Means Committee and the Senate Finance Committee. The second is how little justification there seems to be for some of its basic provisions. I think it may be worthwhile to expand on these two considerations.

What are some of the changed circumstances? First and foremost, it now appears that in 1970 we will have a healthy surplus of over $3 billion in our trade balance. Last year the surplus was under $1 billion. In other words, this year our exports have been growing considerably more rapidly than imports. The argument that U.S. industry is becoming increasingly noncompetitive in world markets is not borne out by these figures. This would, therefore, seem to be an especially poor time to risk loss of export markets by curtailing imports.

Just several days ago, Federal Reserve Board Governor, Mr. Andrew Brimmer, said that the textile and shoe quotas would cost the American consumer an extra $3.7 billion. These costs would be borne disportionately by poor and middle-income people because they must spend a larger share of their income on shoes and clothing than our more affluent citizens. Mr. Brimmer, of course, recognized that it is difficult to make such an estimate, but even allowing a considerable margin of error, the cost would still be very large. Whatever the merits of the industries' case—and I want to return to this—it would seem that the consumer would have to pay a very heavy price indeed for these quotas.

I have also noted in the press recently an increasing number of statements made by officials of foreign governments, including some of our best customers—Canada, Germany, Latin America, Britain, and Mexico, to name a few—concerning the possible adverse consequences of the enactment of the trade bill. One can, of course, dismiss these statements as bluffing, on the assumption that other countries either could not or would not dare to curtail our exports.

But is this assumption necessarily correct? In many instances, other countries would be able to obtain the same goods of comparable quality from alternative sources. Moreover, other countries watch their trade balance with the United States very carefully and would be very prone to reduce their purchases from us if we were to restrict their exports to this country.

Finally, I think the element of national pride would be at work here. If they feel—as they seem to—that the textile and shoe quotas, for example, are unjustified, then they may naturally want to strike back. The risk of an old fashioned trade war is, in my judgment, severe. If that happens, no State will be immune from its effects. The wheat farmers of western Oklahoma export about 25 percent of their wheat, and a generation of eastern Oklahomans have pinned high hopes on the Arkansas River Basin project which the late Senator Kerr spent so many years helping to develop into a navigable access to world commerce.

The trade bill was approved by the House Ways and Means Committee after the Secretary of Commerce announced that the United States-Japanese textile negotiations had broken down and that the administration therefore reluctantly supported legislative quotas. In the past week or so, however, these negotiations have been resumed. There is admittedly no assurance that these negotiations will be successful either in the short or long run. But the fact of their resumption is surely significant and affords further reason for pause in considering the trade bill. According to news reports Friday, the Japanese Government feels an early voluntary agreement is desirable because if there is no agreement and no legislation is passed this year, Congress may pass even more restrictive legislation next year.

Of even greater significance is the statement attributed to the President during his now famous "background" conversation with several columnists on the results of the 1970 elections. The President is quoted by Mr. Kirkpatrick of the Washington Star as saying that he intends to hold up the trade bill pending the United States-Japanese textile negotiations. If this report is accurate, it indicates a frank recognition on the part of the President that the textile issue is the critical issue. If it can be resolved by agreement, there may be no overriding need for the trade bill at all. I, therefore, call upon the President to repeat his position publicly—not just in private—and make unequivocally clear that action on the trade bill should be deferred in the hope of a successful textile negotiation. Other problems could then be worked out within present law or with changes in the law which do not violate our agreements or the principles of free trade.

At the outset, I noted a second fundamental consideration pertaining to the trade bill and that is the lack of justification for some of its basic provisions. What do I mean by this?

Consider the quotas on textiles and shoes. To the best of my knowledge, there has been no objective determination that imports are causing or threatening serious injury to the domestic textile industry. Of course, the industry itself makes vehement allegations of jobs eliminated and production lost because of imports. But has any independent body such as the U.S. Tariff Commission ever come to that conclusion? I would emphasize that I am not asserting that there are no parts of the textile industry that may be injured by imports. I am rather asking for evidence that there is a serious import-related problem affecting the entire industry. My information is that from 1961 through 1968 profits and employment of the textile and apparel industries have risen more than the average for all manufacturing industries. In 1969 they were down, but there has been no showing that this resulted from an increase in imports. In the absence of evidence, I must question the need for, and the wisdom of, the textile quotas, especially in view of their cost to the consumer and the possibility that the United States-Japanese negotiations may be successful.

As for shoes, a task force of the administration itself concluded just several months ago that there is no justification for quotas. Nevertheless, the President has asked the Tariff Commission to determine whether imports are causing or threatening serious injury to the domestic industry. This is the proper way in my judgment to develop a sound basis for informed and intelligent action concerning imports.

Another provision of the trade bill that is very troublesome is the amended escape clause, which has traditionally authorized the President to impose higher tariffs or quotas on imports found to be injuring a domestic industry. At least three aspects of the new escape clause are open to serious question.

First, under the trade bill the Tariff Commission would have to determine whether imports are a "substantial" cause of serious injury. Instead of "substantial," present law reads "major" and the administration's bill would have substituted "primary." These may sound like semantic quibbles, but the difference between "primary" and "substantial" could spell the difference between a reasonable and a promiscuous use of the escape clause.

Second, the bill resurrects the concept of geographic segmentation, which permits the Tariff Commission to carve up an industry and artifically select just that portion that will maximize the chance of an affirmative finding of injury. The Tariff Commission would be given the license to do so even though it made no economic sense and even though the companies and workers concerned were in fact able to make a successful adjustment to whatever import problem may have existed. One of the important features of the Trade Expansion Act of 1962 was its repeal of the geographic segmentation provision. Its resurrection is a major threat to an enlightened foreign trade policy.

Third, the new second part of the escape clause, which is highly intricate and is best known for the 15 percent triggering mechanism, is replete with slippery and ambiguous terms. This new part is especially dangerous since it permits a minority of the Tariff Commission to force the President either to proclaim the relief the Tariff Commission thinks needed, without any change or modification, or to do nothing. By placing the President in such an extreme dilemma, it must necessarily increase the likelihood that the President will impose import restrictions in a greater number of escape clause cases. In short, the amendments to the escape clause contained in the trade bill are clearly designed to appease

protectionist sentiment with little or no regard for the national interest.

There are many other provisions in the trade bill that reflect either an unsound approach to trade problems or a distinct failure to seize opportunities to deal with such problems intelligently. In either case, the bill is in my judgment both highly questionable and antagonistic to constructive ways of dealing with the current problems in international trade. It assumes that the United States can take unilateral actions and somehow get away with them, without provoking retaliation or undermining the world trading system. This seems to me to be a hopelessly naive and dubious assumption.

For these reasons, I propose to move, in the Finance Committee, to reconsider the addition of the trade bill to the social security bill. If my motion should fail there, the Senate, at such time as it may appear appropriate during floor debate, should strike the trade bill from the social security bill. Serious consideration should be given to the possibility of offering a substitute trade bill, which would attempt to grapple with the trading problems of the 1970's in a responsible manner in the tradition of the Trade Expansion Act of 1962. It is my opinion that if Senators will seriously consider how potentially harmful the present trade bill is and how mistaken the approach is, we may still have the time to avert the appalling consequences of a return to protectionism both in this country and throughout the world.

PUTTING THE NIXON DOCTRINE INTO EFFECT

Mr. PROXMIRE. Mr. President, the time has come to put the Nixon doctrine into effect. The doctrine, first enunciated by President Nixon at Guam and later elaborated on by the President, was stated best of all by the President in these words:

> In Korea and again in Vietnam, the United States furnished most of the money, most of the arms, and most of the men.

The President stated that in the future:

> We shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

The problem with the Nixon doctrine is that it has not been put into effect. We should set a date certain in Vietnam and then get out. That would be one means of putting the Nixon doctrine into effect.

We should also cut the Armed Forces back to the pre-Vietnam level of 2.5 million men.

Europe should take a much bigger share in the defense of Europe through NATO.

We have a Nixon doctrine which should mean a smaller burden for Uncle Sam, but so far it has had no tangible results in reducing America's arms burden. In fact, Secretary Laird tells us that the military budget next year will go up, not down.

Col. James A. Donovan addresses these and related issues in an article published in last Sunday's New York Times. He states that it is time to apply the Nixon doctrine to the employment, size, and costs of our military establishment.

To that we can all agree. Where are the tangible results to the American taxpayer of the Nixon doctrine?

Where, in fact, are the reduction in military costs which should come from the shift from a two and one-half war to a one plus war strategy?

Where, indeed, are the reductions in the burdens on the American taxpayer from a reduction in the incremental costs of the Vietnam war from $23 billion a year to $11 to $12 billion a year?

Colonel Donovan and many others are asking these questions. There has been a great deal of talk, reams of publicity handouts, but little action.

It is time for the Nixon administration to put the Nixon doctrine into effect.

I ask unanimous consent that the article by Colonel Donovan be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MILITARISM VERSUS STRANGELOVE

(By James A. Donovan)

In June of 1969 at Guam President Nixon announced the plan for reductions in military strength and a phased withdrawal of American armed forces from South Vietnam. America, twenty-five years after the glories and victories of World War II, is now undertaking a limited withdrawal from its aggressive policies of involvement and intervention in the affairs of nations undergoing social and political change which are not of direct concern to the security and welfare of the United States.

The new foreign policy was eventually spelled out by President Nixon in his unprecedented "Strategy for Peace" message presented to Congress on Feb. 18, 1970. Despite its long and platitudinous content this historic document now provides the defense planners with a comprehensive national policy which synthesizes the political-economic-sociological and security points of view. The central thesis of this so-called "Nixon Doctrine" is that the United States will participate in the defense and development of allies and friends but that America cannot and will not conceive all the plans, design all the programs, execute all the decisions and undertake all the defense of the free nations of the world.

The significance of the Nixon foreign policy statement is that it now provides all echelons of government with a unified national guidance on which to base future planning. For the defense establishment it provides for the first time a national strategy—or in effect a national Strategic Objectives Plan.

The limitations of American power, the true interests of the United States and the national priorities of defense and domestic problems have been distorted and the defense establishment has been permitted to dominate the national efforts by consuming over half of the Federal budget, creating vast and expensive weapons programs, and fostering fear of enemy threats from every direction.

What now remains to be done in order to get the powerful forces of militarism under control in the 1970's is to assure a wise and proper application of the new Nixon doctrinal guidance to the employment, size and costs of our military establishment—and to keep it "under firm political control."

It will not be easy for the simple reason that the defense bureaucracy and its teammates in defense industry, politicians with vested interests in military activities, as well as millions of Americans who make a living from defense careers, businesses and military installations, represent a powerful force in American life which tends to promote, foster and thrive on the products of militarism. Such vast organizations, industries, and groups seek things to do that will justify and pay for their existence.

Administration leaders seek "honorable" solutions to the problems of alien peoples—but in American terms. Peace with "justice" is sought in Vietnam not by ceasing the fire and bloodshed but by increasing the armaments and enlarging the armed forces of South Vietnam. Vietnamization is designed to prolong a civil war the support of which is now widely questioned as a commitment not truly in the interests of the United States.

The most effective manner in which to control American militarism and to put the defense establishment into proper balance with other national institutions, needs and interests is to limit our commitments and then reduce the size of the armed forces and cut defense appropriations. We can expect active forces to be reduced from a recent high of 3.4 million to about 2.5 or 2.6 million in coming years. This should result in annual savings of some $9–10 billions.

Who will determine the armed forces, the weapons, the commitments and the military operations that are *truly in the best interests of security* of the United States? The American people and their Congress, the bellicose Pentagon planners, the Strangeloves of defense weaponry or the proud and sentimental White House executives who make commitments of our armed power independent of Congressional advice and consent?

The excessive concentration of such powers, whether they be in Congress, the Executive branch or in the Pentagon is the real threat to the democracy of our future as is the despotism that can result from excessive and aggressive militarism.

SMITHSONIAN ASTRONOMER DISCLOSES STRIKING WEALTH OF UNTAPPED ENVIRONMENTAL DATA

Mr. GOLDWATER. Mr. President, last week, the Smithsonian Institution held a far out symposium on protest and change which delighted the local news media. Revolutionary spokesmen of all shadings were heralded by the local press as if they were members of visiting royalty. On one occasion three pages of the Washigton Post served as the sounding board for the bizarre notions held by self-proclaimed thinkers such as Saul Alinsky, who reportedly demonstrates his individuality by indulging in a unique way of defiling the floor at cocktail parties.

Contrast this, if you will, with the appalling lack of interest shown by the press in the basic research activities of the Smithsonian and in the documented complaints from myself and others concerning the failure of the Smithsonian to provide adequate support to these functions. My comments about the decline of science support at the Smith-

sonian have been expressed previously on the Senate floor and will be repeated with fresh evidence in the near future.

For today, I wish to give credit where it is due by informing the Senate of another meeting which was conducted recently by the Smithsonian without any fanfare. A few weeks ago, the Smithsonian's Astrophysical Observatory held a briefing at which the work and future goals of this excellent unit were discussed. I asked a member of my staff to attend this session and, in particular, I was impressed with his report of the disclosure by one of the panelists, Prof. Paul W. Hodge, that astronomers possess one of the most extensive and highly accurate collections of information on air pollution which is available anywhere in the world.

This dramatic revelation holds important meaning to man's efforts to curb and conquer air pollution, and it is remarkable some newsman did not realize the significance this development holds. Professor Hodge revealed that astronomers have traditionally analyzed particles in the atmosphere in order to remove the effects of pollution from their stellar sightings. As a result, there exists today a completely untapped wealth of files on pollution measurements which date back for nearly 50 years. This data is scattered around the globe and is begging to be retrieved.

In other words, we are presented with a unique opportunity for studying the distribution of air pollution throughout the world and discovering the extent to which it has increased.

Since this information was meant to be used only to aid in the routine function of each observatory, it has never been published. However, as Professor Hodge points out, the world observatories should now be alerted to the potential of this data and a staff of astronomers and physicists should be organized promptly to visit observatories in order to assemble this information into one master collection.

Professor Hodge further suggests the previously overlooked possibility for building a telescope right in the midst of an urban center for purposes of measuring local pollution effects and trends in a highly accurate manner.

Now, any meeting that reveals mankind suddenly has before it a new means for acquiring information on air pollution, on a worldwide basis and over a 50-year period, seems to me to be worthy of wide news coverage. The fact that these measurements often surpass in accuracy the results obtained from conventional air pollution studies certainly adds to the urgency for publicizing their existence.

These reports actually form a body of knowledge previously unavailable anywhere in the world. If it could be gathered together and analyzed, it might serve as the basis for many far-reaching projects of State and Federal air pollution agencies. Working from this information, experts can establish the natural conditions of the environment before pollution began to threaten the world. The findings derived from the data might well enable professionals to predict the likely effects of future manipulations of the environment. It would also aid them in knowing what standards must be set in order to restore air purity where it has been degraded. It would unquestionably help in the development of methods to prevent further deterioration of air quality.

Mr. President, it is this kind of sensible activity which stands as the hallmark of the Smithsonian's reputation. These important findings deserve recognition in the news media and should be made known to Members of Congress who must act each year on the budget for scientific programs at the Smithsonian.

It is true there is nothing shocking in the report by Professor Hodge. His paper does not attack the establishment or threaten to tear down the pillars of society. No; all he holds out to the public is some small hope that this previously unused body of information might, once assembled, assist in saving our world. Constructive and happy news of this kind does not seem to appeal to the types who are writing Washington's news these days; and so that the Hodge report can be seen by a wide audience, I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SUMMARY OF A TALK DEALING WITH THE USE OF ASTRONOMICAL AND SPACE TECHNIQUES FOR RESEARCH ON THE ATMOSPHERE

(Remarks by Prof. Paul W. Hodge)

INTRODUCTION

As a result of interaction between astronomers and air pollution research scientists, we came to realize some time ago that some of the astronomical techniques for studying extraterrestrial sources can be applied to the earth's atmosphere and can complement and in many cases far surpass in accuracy the existing equipment used in air pollution studies.

HIGH-DISPERSION SPECTROSCOPY

Astronomers have traditionally treated the telluric lines that appear on their stellar and solar spectrograms as annoyances. We suggest instead that they form a powerful and potentially highly accurate source of information on important molecular species in the atmosphere. On calibrated high-dispersion spectra actual quantitative data can be extracted for trace constituents by curve-of-growth analysis. Appropriate spectra for this kind of analysis are being obtained by astronomers all the time at observatories all over the world, and they exist in observatory plate files back in history for almost 50 years. Thus we already have the possibility of studying the world-wide distribution of certain species and the trend of concentration with time over a significant portion of the critical period of human history. It looks possible, for example, that we will be able to check the controversial report of a secular increase in the CO_2 concentration in the atmosphere from existing data taken in recent decades in the infra-red (1.4-1.6μ).

Although the sun's spectrum has provided most of our information on the telluric lines, the sun is not at all an ideal light source, because of the abundance of absorption lines of its own throughout the optical wavelength region. We have pointed out that very hot stars, the spectra of which consist only of hydrogen and helium lines, would be much better background sources, especially if they are rapidly rotating (as many are) so that their lines are broad and obviously distinguishable from sharp terrestrial lines. Dr. Tomley, in his thesis research at the University of Washington, for instance, used high dispersion spectra of B stars that clearly show telluric ozone lines that are normally difficult to identify in the solar spectrum because of the preponderance of solar lines in the near ultraviolet. In order to make use of such stars, large telescopes are, of course, necessary.

Molecules of interest identified so far from solar spectrograms include CO_2, $C^{13}O^{16}{}_2$, CH_4, N_2O, O_3, CO, SO_2, and possibly NO_2. Furthermore, other of the 5000 or so recognized atmospheric pollutants will probably be recognizable and measurable when an urban telescope and spectrograph become available and when high temperature stars are used as background sources.

We find that the most effective instrumentation package for this work would be telescopes with a split coudé, such that the light can be sent either to a traditional high-disperson coudé spectrograph for studies in the visual, near-ultraviolet and near-infrared or to an infrared interferometer for high-dispersion infrared spectroscopy. Because astronomical telescopes are normally built at remote sites, we have no information on the kinds of molecules that a reasonably large telescope with a powerful coudé spectrograph might detect in an urban center. For the purposes of pollution measurements, we recommend that a telescope with spectrographs be built in the center of a large city. It could double as a teaching tool for instruction of air resource students in these newly-diverted techniques.

For establishing clean-air background standards and for detecting global long-term trends, we suggest that a large telescope be built at a remote site, which should be at a significant distance from continents so as to give information on trans-oceanic dispersion of pollutants, at considerable altitude to avoid most local effects and trends, and at a site that is clear a high percentage of the time.

We also recommend the possibility of using aircraft, such as the new NASA research craft, balloons, and satellites as platforms for spectrographic study, possibly eventually to give differential height data. Further, there is the possibility of using mm radio telescopes.

ATMOSPHERIC EXTINCTION MEASURES

One of the important currently used measurements of atmospheric pollution involves the determination of the atmospheric turbidity by measurement of the sun's intensity. Astronomers have been making analogous measurements at nighttime since the 1930's, using comparatively highly accurate techniques, but in their case, since they measured the atmospheric extinction only in order to remove its effects from their data, the information has virtually never been published. We have examined data of this sort that we have obtained over the last 10 years with various telescopes at various sites throughout the world, and find that it is of great value as atmospheric data and that such routine measurements could beautifully complement those obtained by the E.S.S.A.-sponsored Volz sunphotometer program, for example.

As most of the turbidity of the atmosphere is caused by particulates, this kind of information complements that obtained on molecules by spectroscopy.

Most astronomical extinction data is available for at least three and sometimes as many as 50 different wavelength regions, and so considerably more information on the atmospheric aerosols can be extracted than from the traditional daytime one-wavelength turbidity measures.

We suggest that the world's observatories be alerted to the potential of this data, which they regularly acquire and file away unexamined. A staff of astronomers and atmos-

pheric physicists should visit observatories where photoelectric observations are made regularly and thereby in a relatively short time assemble a tremendous wealth of data on atmospheric turbidity that would cover a world-wide scope and several decades of history.

Of great importance is the continued utilization of photoelectric telescopes, such as at the University of Washington's new Manastash Ridge Observatory which can be put to work immediately on collecting regular multi-wavelength extinction data. It would be important to mount a similar small telescope at an urban site for simultaneous high-pollution-level data. Perhaps other laboratories with the interest and potential could install telescopes in urban locales for this kind of analysis.

PARTICULATES SAMPLING AND ANALYSIS

A third field that can contribute to the project involves the study of particular matter in and near the terrestrial atmosphere. This research has had as its astronomical goal the identification and study of extraterrestrial particles captured by the earth. Because the extraterrestrial component is so small, extremely sensitive collection and detection devices have been developed by them and by the many other scientists in this field. These techniques, which include ancient ice sampling, surface sampling, aircraft collection, balloon sampling and detection, and satellite experiments, are all useful means of exploring the concentration, the nature, and the dispersal of particulates in the atmosphere of terrestrial, and especially, of man-made origin.

We suggest, as part of the project activities, that we should carry out a complete reanalysis of the hundreds of samples of atmospheric dust that we have accumulated during the past 18 years, with the intent of establishing the properties of the terrestrial dust, which dominates the samples, but which we previously ignored. Further sampling by our various techniques will continue, especially by those means that sample the relatively clean and little-studied air of the trans-oceanic regions, the arctic areas, and the stratosphere. These will provide a baseline and complement the many studies of particulates now being carried out by others in critical urban areas. These sampling programs supplement the optical integrated methods of studying atmospheric particulates because of the possibility of establishing the true size distribution, the shapes of the particles, their optical and physical properties, and, by means of microprobe techniques for the larger ones at least, their chemistry.

THANKSGIVING AND THE LEGACY OF RURAL AMERICA

Mr. TALMADGE. Mr. President, Thanksgiving Day is just around the corner, and I join with Senators in happy anticipation of the holiday and all its traditions. It would seem appropriate for the Members of the Senate, indeed all Americans, to pause and reflect on the meaning of Thanksgiving.

Literally, we are giving thanks, American families will give thanks for both the food on their table and the perpetuation of the values that Thanksgiving symbolizes. Yet many rural Americans are so poverty stricken that they have little cause to celebrate. It seems a moral and historical tragedy that the very womb of the Thanksgiving tradition—rural America—must face a barren table and a bleak tomorrow.

Congress has made a sincere commitment, through title IX of the Agriculture Act of 1970, to revitalize this heartland of America. Part of this commitment will be our efforts to slow rural outmigration by enhancing the desirability of nonmetropolitan life. Hundreds of bypassed communities—true 20th-century ghost towns—dot the American countryside. The attractions of urban services have emptied the once crowded "Main Streets" of many rural towns. Although this trend has experienced a decline since its peak in the 1950's, a substantial flow continues.

Some have survived the transition, but many others have not. Adjustment to city life has been extremely difficult for some because of a lack of urban-related skills. Yet the door behind them is also closed. The technological revolution on the farm has deprived them of agricultural employment. They remain, trapped by this dilemma, to swell the ranks of urban poor.

We have come to recognize the necessity for reshuffling America's national priorities. Excessive population concentration in urban areas has surfaced as a top item in the debate. It is indeed unfortunate that we have frequently misdirected our efforts in correcting this frightful imbalance. A more realistic emphasis—and one closer to the root of the problem—is found in title IX. Hopefully, by making the rural community more economically viable, more humanly attractive, the present tide of population resettlement can be reversed.

Many perceptive and openminded community leaders have sensed the connection between rural outmigration and economic decline. In response, they have taken a fresh look at the employment base and service needs of the residents. In my own State, WSB television of Atlanta has highlighted three communities which are in transition—Toccoa, Waynesboro, and Thomasville—three of many towns where the citizens have maturely confronted the realities of today's rural America. I commend these individuals. It is a difficult task to set aside a past which is no longer productive, and pick up the uncertain and untried tools of tomorrow.

It is hoped that the news media of the country will in the coming decade take more interest in the problems of our rural communities. For too long the people of rural areas have been forgotten. It seems that the problems of urban areas are forever in the headlines and on the TV screens. Certainly the urban problems are more explosive and more sensational. However, these urban problems have been created by rural problems—by our failure to provide employment opportunities and adequate services to our rural residents. Our failure has resulted in a mass migration from the farm to the cities.

I want to commend the management of Cox Broadcasting Co., and the company's Washington correspondent, Jim Giltmier, for their interest in rural America and their willingness to devote their resources to such a public service production as this.

Mr. President, I ask unanimous consent that WSB–TV news release regarding the rural development documentary entitled "How 'Ya Gonna Keep 'Em Down on the Farm?" be printed at this point in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

PROBLEMS FACING RURAL GEORGIA EXPLORED ON WSB TELEVISION

WSB Television will present a five-part special on the problems facing rural Georgia on 12 and 6 O'Clock Newsrooms beginning Monday, November 23. Entitled "How 'Ya Gonna Keep 'Em Down on the Farm," the series was produced by WSB–TV's Washington correspondent, Jim Giltmier.

Giltmier traveled with Senator Herman Talmadge throughout the state gathering information for the documentary. WSB Television photographers filmed Talmadge talking with both civic leaders and working men in rural Georgia communities. The documentary points out that rural Georgia no longer has the large agricultural industry which was once a major source of income. According to Giltmier, people have moved from the small communities to the larger cities in the state looking for jobs and conveniences not available otherwise. Some experts feel that this is one of the causes of many of our present-day urban problems.

Senator Talmadge states, "Rural development and revitalization is a national imperative of the highest priority. The tremendous social and economic problems that presently plague our cities, urban poverty and congestion make it clear that we cannot go on repeating our mistakes of the past that have caused the mass migration of millions of people from rural to urban areas."

"How 'Ya Gonna Keep 'Em Down On the Farm" offers no solution, but presents an in-depth look at the problem, and at some of the small towns of Georgia which have made a successful transition from agriculture to industry.

Mr. TALMADGE. Mr. President, such a transition will not be driven by simple rhetorical commitment. It demands comprehensive planning and technical assistance to develop an attractive growth center from a stagnant community. Highways must be rationally planned. Medical and educational facilities must be expanded. Inducements to industrial location; water, sewage treatment, and powerplants must be adequately developed. If we adhere to our commitment in title IX, the first and most difficult steps in this direction will be taken.

Specifically, in the immediate future, we need to take a hard look at the inability of rural communities to attract capital investments and Federal grants and loans because of their shrunken economic base. But even at the other extreme—where funding levels are sufficient—the problem is far from solution. Many of these communities are faced with a potpourri of uncoordinated, often contradictory, programs which can result in catastrophes of economic mismanagement.

In Georgia we have been fortunate in having highly effective area planning and development commissions. The entire State is organized in these multicounty units which coordinate the economic development of their member counties. These organizations have brought a large measure of coordination and cooperation to rural development activities and have provided technical assistance and leadership which rural counties do not have.

This Thanksgiving holiday reminds

us that rural development is revitalized in spirit as well as in economic strength. Rural America is the origin of both the bounty of our table and the atmosphere that pervades the holiday. Rural America—its families, homes and land—is, in a sense, our birthplace and cradle. We should revere and honor it as such.

Yet it also offers a challenge and an opportunity. It offers an opportunity for us to provide an acceptable quality life for rural residents and raise the quality of life for all our citizens.

AIR ATTACKS AND PRISONER-OF-WAR RAID IN NORTH VIETNAM

Mr. HARRIS. Mr. President, the news of widespread U.S. air attacks in North Vietnam and of a raid on a suspected prisoner-of-war camp near Hanoi was indeed upsetting. The reasons for these military operations deep into North Vietnam have not been fully explained.

Has the administration changed its policy on the conduct of th : war?

If so, what are the implications of these decisions to escalate the war?

Will the action taken lead to an acceptable settlement of the war?

Has the raid in the north improved the chances of gaining the release of the prisoners of war and have the lives of those in the prisons been made easier or safer as a result of the military operations which have been undertaken?

These and other questions are surely foremost in the minds of most Americans today. The war in Vietnam is clearly the No. 1 issue and problem facing this country. The events of the past few days have made it clear that our focus and attention must be more forcefully directed toward bringing this war to an end.

In 1968 we were told by President Nixon that he had a plan for ending the war in Vietnam. Two years later the war continues. American men and others continue to be killed and wounded, and we see a seeming resumption of tactics that were abandoned in 1968 as unworkable.

Bombings and daring military operations did not bring the North Vietnamese to the bargaining table and result in an end of the war in 1968.

The solution to the Vietnam war lies not in escalation, but in deescalation. We must bring our troops home, at least within the timetable of the McGovern-Hatfield proposal. The sooner this can be accomplished the better.

We should not and cannot continue the erratic course that is presently being pursued.

CONSUMERS AND THE IMPORT QUOTA BILL

Mr. HATFIELD. Mr. President, before the Senate begins debate on the Trade Act of 1970, I think that all Senators should consider the effect of this bill on the consumers of our country.

To me, the equation is simple. If the trade bill is passed as it now is written, consumers will have to pay more for equivalent goods than they do today. Our dollars will buy less, and halting inflation will be more difficult, for fewer goods will be available.

In my Senate remarks on November 17, I mentioned briefly the effect of this bill on consumers. I ask unanimous consent that that portion of my remarks be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mr. President, while I intend the prime thrust of these remarks to center on agriculture. I think we in Congress should remember the effect of this bill on the consumers of this country.

One fact is inescapable: consumers will pay more for goods than they do today if this bill is enacted. I do not know how anyone can disagree with that statement, for in many instances, imported goods are lower priced than competing domestic goods.

I ask the question: If I am a senior citizen on a fixed income, or I am a low-income resident of any inner city, or I am a worker caught in today's inflationary spiral, what will happen to me if import quota restrictions remove lower cost items from store shelves?

To answer my own question, my dollar would buy less than it does today. I will have to pay more for similar goods.

I think it highly speculative for domestic producers to eye any dollar spent on imported goods as a potential dollar that would be spent on domestic goods in the absence of those competing foreign goods. I do not think that a person can project that amount as one that would be used to purchase higher cost domestic goods.

Mr. HATFIELD. Mr. President, it has been stated that often the consumers' point of view has not been presented adequately to this body. I believe that Mrs. Virginia Knauer, special assistant to the President for consumer affairs, did a real service to the consumers of the country when she spoke on this bill on July 28, 1970. Her remarks offer a good summation of the consumer impact of the bill, and I ask unanimous consent that Mrs. Knauer's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PRESIDENT NIXON'S COMMITTEE ON CONSUMER INTERESTS

Mrs. Virginia H. Knauer, Special Assistant to the President for Consumer Affairs, issued the following statement today:

"I am alarmed over the disregard of the American consumer evidenced by the restrictive trade bill presently before the House Ways & Means Committee. The President has registered strong objections to the measure, and I would hope his reservations will be taken into consideration by the Committee.

In many ways, this bill is the most significant "anti-consumer" legislation now in the Congress. The imposition of import quotas will hurt virtually every consumer in the United States, particularly lower income consumers.

Higher prices, fewer product choices, reduced competition, and a limited supply of imported products are the probable result of the proposed import quota legislation. Quotas of the type provided for by the bill will also raise the prices of imported commodities.

It is possible under the bill that some inexpensive foreign imported goods might not be available at all, and our lower income consumers may well find themselves unable to afford certain products.

The interests of consumers can best be protected by moving toward freer trade. The bill in the House of Representatives does the reverse: it reduces the flexibility of the President to lessen trade barriers, it preserves by law oil quotas which prevents the President from shifting to a tariff system, it mandates new quotas in certain industries, and it encourages other special interest groups to obtain quotas on their products—all of this at the expense of the American consumer.

I do appreciate that certain industries now face serious competition from imported goods, and I suggest that the appropriate relief for these manufacturers is through liberalization of adjustment assistance procedures.

If, as many economic experts believe, a trade war results and other nations do retaliate, there will be an even greater reduction in the supply of goods and price competition, and the effect on the consumer will be devastating.

Congress should put the welfare of the nation's consumers before the welfare of a few individual industries.

THE GOOD LORD AND THE GOVERNMENT

Mr. ALLEN. Mr. President, the issue of Liberty, a magazine of religious freedom, for November-December 1970, contains an interview of Senator SAM J. ERVIN, JR., by William Hoffer, a freelance writer, on the subject of religious freedom. It is entitled "The Good Lord and the Government."

Mr. Hoffer makes this statement concerning Senator ERVIN by way of preamble to the interview:

A graduate of Harvard Law School and a decorated veteran of World War I, Senator Sam J. Ervin, Jr., has served in the Senate for fifteen years. He is the second-ranking Democrat on the Senate Judiciary Committee and is chairman of its Subcommittee on Constitutional Rights.

In 1968 Senator Ervin appeared before the Supreme Court to argue that any U.S. taxpayer has the legal right to file suit in a Federal court when he feels that his tax money is being used illegally to support a religious institution. In a landmark decision the Court reversed a 1923 judgment. No more crucial blow has been struck for separation of church and state in this century.

Among the many awards Senator Ervin has received are the George Washington Award by the American Good Government Society, the George Washington Medal by the Freedoms Foundation, and the Religious Liberty Citation by Americans United for Separation of Church and State.

He is an elder in the First Presbyterian church of Morganton, North Carolina.

Mr. President, Mr. Hoffer's preamble reveals that the Senator from North Carolina has received the Religious Liberty Citation from Americans United for Separation of Church and State and the George Washington Medal from Freedoms Foundation.

The award of the Religious Liberty Citation to Senator ERVIN by Americans United for Separation of Church and State was evidenced by a plaque reading as follows:

Americans United for Separation of Church and State Presents Its Religious Liberty Citation to Sam J. Ervin, Jr., distinguished statesman, jurist, constitutional attorney,

patriot, and churchman, who has displayed in the United States Senate unparalleled devotion to this country's hallowed tradition of church-state separation. 18th National Conference, Nashville, Tennessee, February 22, 1966. Louie D. Newton, President. Glen L. Archer, Executive Director.

The award of the George Washington Medal to Senator ERVIN by the Freedoms Foundation in 1966 and again in 1967 was "for outstanding achievement in bringing about a better understanding of the American Way of Life."

Mr. President, I ask unanimous consent that the interview of Senator ERVIN appearing in Liberty for November–December 1970, be printed in the body of the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

THE GOOD LORD AND THE GOVERNMENT

(By William Hoffer, an Interview with Senator SAM J. ERVIN, JR.)

Senator Sam J. Ervin, Jr. (D-N.C.) is the recognized Congressional authority on matters dealing with basic human rights as guaranteed in the United States Constitution.

Recently he discussed his philosophy of separation of church and state, particularly as it applies to attempts by religious groups to finance their activities with tax money.

Q. What is the basic conviction that undergirds your philosophy of religious freedom? On what sine qua non does religious freedom rest?

A. I have a conviction that there can be no political freedom where religion dominates the state and no religious freedom where the state dominates religious organizations.

So I think it's essential to the preservation of any kind of liberty to maintain the doctrine of separation of church and state.

Q. What is the most elemental threat to religious freedom in America today?

A. We are confronted with increasingly insistent demands from some religious groups that their activities be financed out of tax money. Their success would strike a mortal blow at religious freedom. State support of a church is bad not only because it violates the First Amendment but because it's bad for a church. The church that depends upon tax money for the support of its activities—rather than upon the voluntary gifts of its adherents—loses spiritual strength.

Q. Some people might call your stand irreligious.

A. Support of separation of church and state tends to promote, rather than disparage, religion. Our forefathers who wrote the principle into the Constitution did so because they were religious men.

Q. In March, President Nixon advocated Federal assistance to nonpublic school children. How will Congress react to such legislation?

A. I would hope that Congress would not embark upon the support of religious institutions with tax money. As a matter of fact, I introduced a proposal four times in the Senate—twice in the form of amendments to the education bills and twice in the form of separate bills—making it certain that Federal courts should have jurisdiction to determine the constitutionality of grants and loans of Federal tax money to religious institutions. And the Senate adopted the measure on all four occasions.

I could not get the bill through the House because the Judiciary Committee of the House would not act upon it.

Q. Are you still attempting to get the bill passed?

A. No. The 1968 Flast decision by the Supreme Court made it unnecessary.

Q. What happened in the Flast case?

A. The Flast case originated in the District Court of the United States in New York. The court held that a Federal court does not have jurisdiction to entertain a suit by a single taxpayer who claims that there has been a misapplication of Government money. In other words, there was no way to enforce the First Amendment by challenging Federal tax funds going to religious groups.

The case was appealed to the Supreme Court, and I was asked to file a brief and argue the case. The Supreme Court laid down the principle that as far as the First Amendment is concerned, a private taxpayer can bring suit in a Federal court to challenge the validity of grants and loans of Federal tax money to religious denominations.

Q. Did the ruling accomplish all that you hoped to accomplish through legislation?

A. Yes. As a matter of fact, my proposed bill had a lot of limitations and restrictions that I had to put in to get it passed, which would have tied the jurisdiction of the Federal court far beyond where the Supreme Court left it.

Q. What is the attitude of Congress toward providing any type of aid to religious institutions?

A. I am unable to say what the consensus would be. The fact that my bill passed the Senate four times would indicate that the majority of the Senate, at least, was opposed to the use of tax money for religious purposes.

When my bill was first offered as an amendment to the education bill, it met strong opposition. When I offered it the second time, only two Senators voiced opposition. And the other two times it was adopted by the Senate virtually unopposed. But I never could get a bill around the roadblock in the House Judiciary Committee.

Q. Will the attitude of the Supreme Court toward separation of church and state be affected by the addition of Chief Justice Warren Burger and Associate Justice Harry Blackmun?

A. I wouldn't think so. The Flast case was an 8 to 1 decision. It was written by Chief Justice Warren and the only dissenter was Justice Harlan. I would guess that Burger and Blackmun would go along with that decision. Both are pretty fundamental on constitutional questions.

Q. Several recent polls have indicated that most Americans oppose Government aid to church institutions. Do you believe this to be an accurate representation?

A. Most of our early settlers came to the United States to escape being required to support religious institutions whose doctrines they disbelieved. And I think that most Americans would agree with Thomas Jefferson: "To compel a man to furnish contributions for the propagation of opinions he disbelieves . . . is both sinful and tyrannical."

Q. Is not the financial crisis in many parochial schools itself an argument for Government aid?

A. Not a valid one. The Government takes tax money, and it supports public schools. If a parochial school is not willing and able to finance its activities, it ought to go out of business and let the children receive public education.

One of the bad things about giving parochial schools access to the United States Treasury and State treasuries is that you injure the public school system. I have no doubt that many public school systems don't get adequate financing—either from the Federal Government or the State governments.

Q. But what would happen if the parochial school system broke down? Or if large numbers of parochial school youth were "dumped" into the public system, as has been threatened by church educators in several areas? Would the public school system be able to handle the load?

A. The public school system would necessarily have to expand, and to do so would require a substantial outlay of money. But the reason parochial school systems exist is because parents want their children to receive religious instruction, which is unconstitutional to offer in a public school system. And if they want to have this extra thing—and I think religious instruction is a wonderful thing for children—they ought to be willing to pay for it.

You can't tell me that in a country like this, where there's so much money available for luxuries, people can't finance parochial schools. If they've got enough devotion to want to instruct their children in religious matters, they can finance it.

Q. Several States have recently adopted plans channeling tax money into the secular area of parochial school curricula. That is, into salaries of teachers of mathematics, English, language, and so forth. Sometimes the money goes to supply teaching aids and equipment. Since no money goes for teaching religion, is such aid constitutional?

A. No. The Supreme Court has declared in several cases that when a religious institution is financed in any one of its activities by tax money, the state is financing that religious institution as a whole. You cannot put secular education in one package and religious instruction in another in the hands of the same people and say there's separation of church and state.

If you furnish tax money to finance the nonreligious activities of a religious organization, you are financing that religious organization, because you enable it to take other funds and use them to teach religion.

Q. In May the Supreme Court upheld tax exemption of churches. Do you believe this decision to be consistent with separation of church and state?

A. I think the decision of the Supreme Court on this point is in entire harmony with separation of church and state. The decision rests fundamentally upon the proposition that if the state taxes church property, the state is compelling the church to support the state. To do this would be just as unconstitutional as to require the state to support the church.

Q. Some who have studied that decision believe that the court modified the language of the Everson case, which prohibited the state not only from passing laws which aid one religion or prefer one religion over another but also from aiding all religions equally. Catholic spokesmen, for example, have conjectured that the court has opened the way to aiding church-supported schools in the secular areas of their curriculum. Do you have any comment?

A. I disagree with this view. The decision supports the doctrine of separation of church and state because it holds that church property must be exempt from taxation in order that the church might not be compelled to support the state. Hence it is consistent with the principle that the state must not support the church and the church must not support the state.

Q. The Supreme Court recently approved of free textbooks being supplied to children enrolled in a parochial school. Do you agree that this is constitutional?

A. If you furnish the textbooks strictly to the child, and they're the same books as are furnished to the public schools, a very good case can be made for nonviolation of the Constitution.

But you've got to recognize this: if you begin to give money to parochial schools for one purpose, you'll wind up giving it for all purposes, and you'll be paying people to teach religion.

Q. If a religious school is in financial trouble, wouldn't it be better from the school's viewpoint to accept governmental aid, rather than to close down?

A. No. it's not good for a religious denom-

ination under any circumstances to consent—even for its seeming benefit—to violate separation of church and state.

Q. Do you anticipate any bills being introduced into the next session of Congress that will threaten church-state separation?

A. Education bills, which originate in the House, will have to be scrutinized carefully to see that they do not maintain a sleeper authorizing use of Federal tax money for religious purposes.

Q. What would happen if, in the future, religious organizations did persuade the Federal Government to finance their activities?

A. If you start giving tax money to religious denominations, you are going to stir up dissension throughout the country, because the amount of money that a religious group would get would be contingent upon its political power. You would embroil the nation in quarrels among different denominations.

Q. What has caused you to become so involved in the question of religious freedom?

A. My conviction that the greatest gift the good Lord and the Government can give to a person is freedom.

That's the most precious value of civilization.

EXPANSION AND PERFECTION OF HEALTH CARE

Mr. MURPHY. Mr. President, for the past several days, I have been most interested in listening to some Senators worry aloud about the matter of health care, health research, and the need for expanded manpower training services and delivery in the health field. Yesterday, on a television interview, I heard the distinguished chairman of the Labor and Public Welfare Committee speak at length on the need for a commitment in this area—particularly in the matter of cancer research and treatment.

I commend the distinguished chairman not only for his extensive knowledge and experience in this field but also for the eloquent way in which he presented his case.

I was disturbed, however, when several times during the interview I received the impression that the entire matter of expansion and perfection of health care depended solely upon the allocation of tax dollars and that the main reason that we could not get on successfully with the business of caring for the needs of our people was the great cost of the war in Vietnam.

Having done some study in this particular field myself, I am not certain that I can accept this as the total cause. I would point out that from my research it seems that we have really not expanded or improved our health care delivery service since the year 1955 to any great degree and that all that has happened since the advent of medicaid and medicare is that we have taken health services that were once delivered to one element of our society, and transferred the same services to another element of our society at a much greater cost. It may be quite possible that the cost of the war in Vietnam has been a stumbling block in our progress, but there were many years before the war when little or no progress was made.

And I get the feeling sometimes that the war is not only a very popular but also a convenient and handy scapegoat on which to blame everthing we do not like, from fallen arches to the high density of air pollution in New York City.

It may be we are to blame, and its not exactly due to Vietnam—and I am not certain that the entire matter turns on the number of dollars provided. We must also have commitment and a plan.

The fact of priorities may have been one of the main reasons why President Eisenhower and Vice President Nixon objected to and refused our original involvement in the Vietnam war back in 1955 when the idea was first presented. However, I am certain that President John F. Kennedy was just as sensitive to the needs of our people as any other man and certainly must have considered all the conditions, possibilities, and priorities before he made the first commitment of troops to Vietnam.

I am pleased, however, that at long last, due to the Nixon policies, that unfortunate war is now grinding to a halt and, so, if it be true that the war has been holding us up—that the war cost has been holding up immediate health field progress, then thank the Lord, in the foreseeable future we can get on with the long-needed improvements that our people have waited for so many years.

I would also point out that there are many other areas where public funds are spent and wasted, in my opinion, in unnecessary, excessive amounts which might also be included in the blame for the shortage of funds so badly needed for the health care of our citizens. I speak of the high cost of crime, violence, and arson, thievery, the destruction of our cities and of our college campuses, and the direct increase in the overall cost of law enforcement caused by our present-day permissiveness and the resultant conditions.

I read over the weekend where 7 percent of the cost of the retail industry has become directly accountable to the amount of stealing and thievery which takes place in our stores, and I am told by experts that this is not a true reflection because there is so much involved which is covered by insurance that the true record of the conditions are never truly exposed.

There are many other areas where the tax dollars of our people are unsuccessfully directed to overcome other wasteful and destructive habits, in alcoholism and narcotics and I would enthusiastically join with Senators on a frontal attack on all of these areas of wasteful destruction and squandering of our funds to do what we can to force a total concentration of our efforts on the positive productive needs of our people, such as in the fields of health, education, job planning, and training.

With this in mind, a few months ago, I gathered together a few research experts who are interested in these matters and made a proposal which I hope in the near future can be accepted and acted upon. I think it is a practical proposal in the matter of health care because it envisions immediate action with the tools, knowledge, and expertise, as well as the funds presently available and would not force us to wait until the slow processes of democracy and bureaucracy could eventually provide the funds and the necessary plans to do what we all know needs doing so badly.

The distinguished senior Senator from Texas (Mr. YARBOROUGH) yesterday deplored the amount of time that our limited number of physicians must spend doing paperwork. I submit that we have the force almost immediately available to take over this expanding burden and which would permit our doctors to care for, I am told, another seven and a half million patients every week. I went into the matter of nurses, where there is indeed a great shortage, and discovered that with very little extra training, practical nurses could be doing a great share of the work that now consumes the time of the registered nurses and, here again, I find that the registered nurses spend 30 percent of their working time filling our forms and filing papers. I also know that in the field of heart disease as well as cancer by merely making available some of the practices and expertise currently perfected we could save a great percentage—maybe over half—of the lives of the people who die every year from these diseases.

In other words, Mr. President, we not only need funds but we also need a plan and I would like to ask unanimous consent that a copy of my projected plan may be made a part of the RECORD at this point.

I would also like to suggest, Mr. President, that in my opinion the entire approach for the delivery of the badly needed new health services can be discovered and perfected by exactly the same teams of scientists, researchers, and men of industry who put the men on the moon and brought them back safely.

And so, Mr. President, I would like to congratulate my colleagues for attracting attention to the needs of our people in the health field, and I would hope that Senators will take the time to read the brief copy of my remarks in the desire that it might inspire them all to join enthusiastically with the remarks of the distinguished Senators from Texas and from Maine in getting on with this badly needed and belated determination of commitment in the matter of the general health care of our people.

I realize that my plan was placed in the RECORD on October 12, 1970, but I ask unanimous consent that it be reprinted, so that all Senators may read it. I think it might help to solve our problems.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HEALTH CARE IN THE UNITED STATES—A CRISIS FOR THE NATION—A CHALLENGE AND AN OPPORTUNITY FOR CALIFORNIA

I. INTRODUCTION

We are all aware, I believe, as the Nixon Administration warned in 1969, that our nation's health care system is on the verge of a massive crisis. The rapidly mounting cost, the difficulty of obtaining medical care, the lack of progress against the major causes of death and suffering, gravely affect the lives of all Americans.

I have brought you together this morning—this notable gathering of the top leadership in almost every phase of California activity—to ask that you join me in an effort to solve this national problem, and in so

doing that we work toward making our State of California the Health Center for the United States.

Over the years we in California have shown tremendous initiative and ingenuity in supplying the needs of a growing nation and an ever more complicated society. By harnessing a water supply we have converted arid lands into the bread basket of the nation; our businessmen and workers have combined to lead the way in providing Americans with the products of a modern industrial society and, when necessary, in producing the military schools necessary to keep us the strongest nation on earth; our financial institutions have been in the forefront of developing modern means of financing private homebuilding.

And so what I now propose seems only a logical extension of our state's past accomplishments—that we should recognize that this national crisis presents both a challenge and an opportunity for Californians. I hope you will agree that this can be fascinating and gratifying adventure for us all.

We are all hopeful that world affairs some time soon will allow us to convert our defense industry into nonmilitary applications. I can think of no more exciting or appropriate role for California's aerospace and defense-oriented industries than to participate in the development of an advanced health care system and so to provide jobs for tens of thousands of California workers in this worthwhile new endeavor. It will be healthy for California to provide good health to the nation.

Let me say at the outset that I claim no expertise in the technical aspects of medical care. But I do claim that in this room there are experts, men such as those who have solved the great problems of our nation's past. The problem we discuss today is one whose solution, like so many, requires not just dollars: organization, coordination and a systematic approach to the problem can do what dollars alone will never do. As a United States Senator from California, I hope that I can provide some leadership in undertaking such an approach with you and with others like you throughout California who hopefully will join our crusade.

I want this morning to outline some avenues which I think our efforts might take in seeking to make California the Health Center of the Nation.

Before describing what's wrong with our present health care systems, I want to make very clear my admiration for all who are presently engaged in the health professions and for the tremendous advances they have brought to our country. The diversity and complexity of the elements involved in this problem require the application of our entire community for their solution. The health professions alone cannot and should not be saddled with this responsibility as I am sure they would be the first to agree.

In our undertaking we must, of course, turn first for counsel and advice to those who have made the miraculous advances in medical care in recent years.

The list of these advances is long. Our surgeons have learned how to transplant vital organs such as the heart and the kidneys. Our engineers have developed a wide variety of artificial organs and prosthetic devices. Vaccines have been developed for polio, measles, mumps, and chicken pox. Methods have been found to reduce the mortality from heart attacks by 20 percent. New drugs have dramatically reduced the number of patients in mental hospitals. Antibiotics have been extremely effective in treatment of bacterial infections, once the leading cause of death in the United States.

The efforts of the men and women in our health care system have shown remarkable results in many respects. Since 1900, death rates in the United States have declined remarkably. The mean death rate in 1950 was approximately one-third of the corresponding value in 1900.

II. THE PROBLEM

Although we can be justly proud of many aspects of our health care system, it is becoming increasingly clear that the system is failing in many ways. Probably the most obvious symptom is the recent increase in health care costs.

Most middle-class families in America can no longer afford adequate health care, and a prolonged illness can mean financial disaster. During the last five years, the cost of health care has been rising at double the rate of the cost-of-living increase. Our national expenditures for health care have risen from 37 billion dollars in 1965, to 63 billion in 1969, an increase of more than 70 percent. The cost of hospital care has been rising 16 percent each year. In many urban areas the average expense of one day's stay in a hospital has reached $100 a day. The average yearly per capita expenditure for health care in the United States is $300.00; thus a family of four might expect to pay $1,200 each year for health care.

Another symptom of the problems in the health care system is that access to care is becoming increasingly difficult. Few physicians are able to make house calls, and in many areas it is becoming a problem to obtain an office appointment. The number of physicians seeing patients has declined from 103 per 100,000 Americans in 1950 to 94 in 1969.

Those health workers we do have are distributed unevenly throughout the country, and not necessarily according to need. Urban areas have twelve times as many doctors as all communities with a population of 10,000 or less—but have only 5 times as many persons as the small communities. And certain disadvantaged areas in our country have difficulty in attracting the doctors needed even for minimal care. That is why I have introduced in the Senate a Bill which will provide government assistance for medical training to students who will agree to practice in medically disadvantaged areas. This program will help both to train needy students of medicine and to provide doctors to needy areas.

Some of the failings in our health care system are reflected in the nation's mortality and morbidity statistics. The United States ranks 13th (behind several West European countries and New Zealand) in infant mortality and behind most of these countries in maternal mortality and death rates from heart diseases and cirrhosis of the liver. Our life expectancy has remained essentially unchanged since 1955.

Our health care system cannot be held entirely responsible for our bad showing in these statistics. Many of us eat too much, drink too much and smoke too much. We don't get enough exercise and we drive our cars unsafely. All of these factors increase our rate of death and suffering.

The fact remains, however, that the list of leading causes of death and disease in this country has changed little during the past 20 years. Heart disease, respiratory disease, cancer and stroke still strike down hundreds of thousands of us each year. Arthritis, ulcers and mental illness afflict additional millions of citizens.

It is true that we have come a long way in improving our health care, but we have a long way yet to go. The cost of health care has become intolerable for many; progress in alleviating our major health problems has been disappointingly slow.

In the past public and political discussion of health care has tended to revolve around how we should help individuals to pay for medical care. I believe we should concentrate our attention on a more basic question: how can we improve the quality and quantity of medical care, the efficiency of its delivery to the individual, and bring health care within the means of our citizens? It is time to tackle our health care problems in new and revolutionary ways. I am asking you today to join me in this adventure.

III. THE SOLUTION

A. The goal

I propose that we develop a new health care system by which California will provide 21st Century medicine within the next decade. The objectives of this system will be:

To provide all citizens with comprehensive health care at a price they can afford.

To reduce death, suffering and disability from our major health problems, including heart and lung disease, stroke and cancer.

To develop and implement new methods of preventing sickness before it occurs, by such measures as screening clinics and vaccination programs, and by mobile units which take a diagnosis capability to areas where it is needed.

To provide health care that is satisfying in human terms, both to those who receive care, and to those who give it.

California has the intellectual and industrial resources necessary to make such a system a reality. The leadership of these resources is represented in this room this morning. I believe that the time has come to ask our scientists, engineers, architects, our workers and our business executives, and our finance leaders, and others to join with the men and women in the health care system, and to begin development of a new health care system, one that will make California the world leader in health care delivery. Californians have given the nation the most advanced military capability in the world; they have engineered that "giant leap" by which Neil Armstrong placed the stars and stripes on the moon. I know that the same teamwork and application of basic science, properly directed and cordinated, can provide a practical and effective means of delivering modern medical care to the people of the United States.

B. General approach

Before presenting my specific proposals on how to proceed in developing our health care system, let me comment briefly on the principles I believe should be followed.

First, most such problems must be solved at a local level. Solutions developed by the people who must live with them are much more likely to work than those devised by bureaucrats dealing in theory and wishful thinking. Thus, I believe that our new health care system should be developed here in California. (Although federal support will be necessary, we mustn't expect our health problems to be solved simply by passage of legislative programs in Washington.)

The second principle is that we should try to build on the progress we have already made, rather than to destroy what exists and begin all over again. This means that we must preserve the good in the present system and apply our capabilities to its improvement. It also means that we must expect that a multidisciplinary effort involving the talents and insight of many fields—engineers, economists, computer specialists, social scientists, as well as physicians and nurses—will be necessary to build our new health care system.

The third principle is that it is clearly better to build complicated systems one step at a time, testing and evaluating each part before proceeding to the next. The experience of our space program has confirmed the wisdom of such an approach. The components of the moon rocket and its satellite were developed and tested a step at a time, first singly and later as a unit. We began with suborbital flights and proceeded to earth orbital flights, then to trips around the moon and, finally, to a landing on the moon itself.

I believe that our new health care system should be developed in such a step-wise

fashion. I cannot now propose the exact form that the new system should take, but I can, and I intend now to try, with your help, to get that step-by-step development process into motion, starting with improving our method of delivering our present capabilities.

A final principle is that, although money will be required to solve our health care problems, unless it is used carefully, it is almost as likely to make the problem worse as it is to cure it. The experience of our Medicaid program provides an excellent example of the terrible consequences that can result from trying to solve a complex problem simply by expending massive amounts of money.

The objective of the Medicaid program was to provide more health services for the poor, unquestionably a laudable goal. This year the government will spend more than 5 billion dollars per year in pursuit of this objective. The program has now been in operation for nearly 5 years and its disturbing consequences have begun to emerge.

The statistics show that the Medicaid program has indeed accomplished its objectives: the poor *are* receiving more health care. The difficulty is that the capacity of our health care system has been relatively fixed and it has been running at full utilization. Thus the added health care given to the poor has had to be taken from someone else. The results show, therefore, that although the poor are now receiving *more* services, others in our society are receiving less. We have simply shifted the problem from one group to another. And with the supply fixed and demand increased, the cost of medical care has naturally skyrocketed. We are not delivering any more medical service—we are just spending more for the same amount of service.

As we develop our new system it will, of course, be important to ask continually whether our money is being spent productively, to insure that we are getting a satisfactory return on our investment, and not simply changing our problems from one form into another.

C. Specific proposals

Now for a moment let me be more specific about how we might begin to build our new health system.

First, we must build the capacity to train adequate numbers of physicians and other health manpower. Although automation has much to offer, providing health care must continue to be essentially a human process. We must first train those who will work in our new health care system. California has far to go in meeting this objective. Our state is one of the largest importers of health manpower in the nation. Over half of our physicians are trained by other states, and more than 10% of them come from outside the United States entirely. More California doctors retire or die each year than are replaced by graduates of our State's medical schools.

If, as I visualize, California is to become the Health Center of the Nation, we must develop the capacity to train the medical personnel required to meet the needs not just of California but of those from outside the state who will come here to take advantage of our system—and I believe it will be to the economic benefit of our state and its people to have the capacity so to serve the entire nation. I will therefore work to obtain the funds necessary to develop and expand our state's eight medical schools, and to support new programs of training for allied health manpower.

Second, our state's basic biological and medical research program must be adequately supported. Solution of many of our health problems will require a better understanding of the basic mechanisms of health and disease. We will expect our basic researchers in biology and medicine to provide us with the fundamental breakthroughs which allow us to provide better health care. Thus a basic research program is vital; and yet we see that, considering the effects of inflation, during the past two years the nation's yearly investment in basic medical research has declined by 10%. The implications of this decline are horrendous. Skilled clinical research teams, requiring years to train and organize, have been dissolved for lack of funds. Young biological scientists on the threshold of their careers are experiencing difficulty finding employment. Progress in man's fight against death and disease has unquestionably been delayed by reduction in our support of health research.

I will therefore work in close association with our Governor to maintain an adequate and stable level of support at the federal level for basic biological and medical research and to ensure that California's health researchers receive their full share of these funds.

Third, I propose that a series of health systems development laboratories be established throughout California and the Southwest. Collectively, these laboratories will comprise the *Southwest Institutes of Health*. The objective of these laboratories will be to bridge the gap between theory and practice; their role will be to bring progress in basic research to the bedside.

Although our nation has invested more than $20 billion in basic research during the past two decades, it is striking that comparatively little of this money has been spent in applying progress in basic research to actual health care problems. We have all witnessed our society's phenomenal achievements in technologies such as communications, transportation, and data processing. Our health care system has so far employed for general use comparatively little of this progress. Much of the health care system uses the same manual procedures developed 50 years ago, largely unabetted by recent technological progress. What is needed is the kind of think-tanks, imagination, application, and the development labs that have helped bridge the gap between theory and practice in our aerospace industry.

The prototypes are already in existence. A model for such labs has been developed by organizations such as the Rand Corporation, the Aerospace Corporation, TRW, Litton and many others. These organizations have played a crucial role in improving the effectiveness of our known scientific knowledge. Similar organizations can help design and develop a better health care system.

I believe these organizations should be given a charter to examine our existing health care delivery system and to design and test components of a new system. These institutes will be staffed by multidisciplinary teams drawn from medicine, the aerospace industry, the management sciences and architecture. The institutes will provide a stable environment within which these teams can concentrate upon developing our new health care system.

Their charter should be broad—they should examine not only the techniques of diagnosing and treating disease but also the organization, management and financing of the entire health care delivery process, including the building and design of hospitals, dietetic and laundry services, improvements in medical instruments and in the efficient use of personnel. They should overlook no potentially promising means of improving the quality and efficiency of our health care and its delivery to the general public.

Let me give you some examples of ideas that might be developed and tested in these institutes.

Experts tell us that perhaps as much as 30% of the cost of providing medical care is spent on handling paper work. With the advent of Medicaid and Medicare, and as the number of private insurance plans grows, doctors and hospitals have been buried under an avalanche of forms and reports that must be completed for their patients. In addition to the bookkeeping tasks, much additional time is spent maintaining medical records. It has been estimated that nurses spend up to 25% of their time on such tasks.

During the past decade, automated methods for data processing have become standard practice throughout our society. Yet surprisingly little of this technology has been applied in the health field. Automated data processing systems capable of handling both bookkeeping and medical data could be developed and tested.

Let's consider another area, that of financing health care. Could it be that much of the recent inflation in health care costs has been produced by health insurance programs that do not encourage either those who receive care, or those who give it, to keep costs down? If so, this seriously affects many persons who are unable to afford adequate insurance coverage. And it would follow that we need to develop new methods of financing and controlling the cost of health care.

Health economists tell us, however, that designing such programs is still more of an art than a science. We have much to learn before we can design a program that encourages efficiency without compromising quality of care, that distributes our limited supply of health care fairly and is satisfying both to those who receive health care and to those who deliver it. Another area for study and innovation in the institutes I propose would therefore be health economics.

Let's turn now from discussion of financing and management to a more exciting area—using technology to improve the diagnosis and treatment of disease. This country's $20 billion investment in medical research has provided many promising ideas that have not yet been developed and implemented. I will name but a few.

Heart attacks are the leading cause of death in the United States, killing about 500,000 persons every year. During the past decade it has become clear that at least one-third of these deaths are theoretically preventable if appropriate medical treatment can be given in time. After heart attack patients reach the hospital, if they live that long, they receive such care in Coronary Care Units. Most heart attack deaths occur soon after the onset of symptoms, before the patient can reach a hospital. If we can find ways of getting appropriate medical treatment to heart attack patients more rapidly, it may be possible to save tens of thousands of people each year. The technology is available: it remains for us to find ways of getting it to those who need it in time.

Another major cause of death and disability is stroke, a problem that strikes 500,000 each year. More than half of those who survive a stroke are crippled by irreversible paralysis. Because of recent advances in medicine and engineering it now appears possible to identify more than 45% of those persons who are likely to have a stroke before the event occurs. Once identified, surgery can often be used to reduce markedly the risk of stroke. Once again, the technology is within our grasp; we must find ways of applying it.

Cancer is another area in which application of our technology can produce great gains. It is now theoretically possible to develop semi-automated systems quickly and extensively to screen large groups of people for the early warning signs of cancer. Radiation therapy and a variety of powerful new drugs have been used with increasing effect during recent years to reduce the mortality from cancer, but much can still be done in this area. For example, computers can be used to tailor more effective treatment programs for each individual patient, rather

than using a more crude "rule of thumb" approach for everyone. In addition, it appears that our basic researchers are rapidly approaching a breakthrough for many kinds of cancer, and it is likely that many radical new approaches to the diagnosis and treatment of cancer will become feasible within the next decade. We must be prepared rapidly to bring the information concerning an application of this progress to those who need it.

Almost any imaginative physician or biomedical engineer can construct a long list of potentially feasible ways for improving the diagnosis and treatment of disease. In part, the reason these have not been developed is that we have lacked the necessary testing and developing facilities. My proposal for a Southwest Institutes of Health is intended to fill this void.

In a slightly different area, I have for years in the Senate, and particularly in the Health Subcommittee, advocated the need of a federally-financed computerized center of research data on the major diseases. This would serve a number of purposes, including the elimination of unnecessary duplication of research efforts, the ability of a scientist to find at one place the data on which he can then build, and an obviously increased facility for the application of the results of medical research. If, as I now envision, California becomes the Health Center for the Nation, I would think it logical and appropriate to locate this Center of Medical Research Data in our development here.

Another problem which must be faced is that the health industry is short of the money needed to acquire technological improvements even when they become available. *I therefore propose creation of a Health Development Bank to provide long-term, low-interest financing for implementation of new health care delivery programs.* The problems of our Nation's health care system have often been compared with the general problem of an under-developed nation. The health system needs financing with which to acquire and implement more efficient methods of producing services. Congress recognized the need for such financial support in the Hill-Burton program which has provided for construction of hospital facilities.

A large gap remains, however, because our new health care system will require investments in many items besides buildings. The Health Development Bank will be able to finance such acquisitions. Since the loans will have to be repaid, those who accept them will have to give careful attention to the economic justification for their proposed investments. By providing the health industry the money it needs to improve its operation, it will be possible to obtain help from profit-making firms who presently are unable to obtain a satisfactory financial return from supplying goods and services to the health care system. During the past decade, many profit-making firms have tried to develop products and services for the health care system. Although some progress has been made, it has been slow because the health industry has not had the capital it needed to make large investments in new technology. The Health Development Bank should provide an economic incentive for our state's imaginative and productive business community to help develop tools for our new health care system.

And so I have proposed two new organizations—the Southwest Institutes of Health and the Health Development Bank—which will recognize, coordinate, and compliment other federal and state health development programs already in progress. The Institutes will provide technical expertise and support for the comprehensive health planning and Regional Medical Programs. Their services will also be available to state, county and local governments, as well as to other organizations concerned with health care.

The Health Development Bank can provide a local source of financial support for innovation in health care delivery, and serve as a mechanism for acquiring and disbursing federal funds from a variety of programs. I believe, however, that organizations such as I have proposed will be necessary in addition to existing programs in order to catalyze development of our new health care delivery system in California.

We have the scientific capability now to add at least ten years to the average life expectancy of all Americans and to cut dramatically the time lost and suffering caused our people due to sickness. I believe that by bringing together multi-disciplinary teams from the enormous scientific, technological. and industrial resources in California, we can construct a health care system which will be an even bigger step forward for America than was that first step by man on the moon.

I am sure that each of you can see where you and the institutions you represent can play a role in our realizing this dream.

By 1975 annual medical care expenditures in the United States will exceed 100 billion dollars, making health care the largest single segment of our economy. I believe that Californians have the talents and resources to show how these vast funds can be utilized as productively and efficiently as possible, and I urge you to join me in seeing that we take the lead in this ever-growing enterprise.

General Ben Schriever, who organized our nation's space program so remarkably well once told me that the most important single step in that complex undertaking was the original decision of commitment.

I hope very much that from our meeting this morning might come that vital initial step toward solving the nation's health care crisis—the commitment that California shall show the way toward providing adequate, effective, and reasonable health care for our citizens.

It will be good for the American people, it will be good for California, and it will be a most rewarding, gratifying and satisfying experience for all of us who have been part of the effort.

WELFARE REFORM NEEDED

Mr. HARRIS. Mr. President, welfare reform is urgently needed. It is needed by present recipients as well as taxpayers. We will all be better served if real reform can be accomplished. I have worked hard toward real reform and have introduced a bill which would accomplish it.

In the Finance Committee, I have worked to amend the Nixon family assistance plan so that it will be real reform. I am eager to work with representatives of the administration, Senators, and others to help accomplish real welfare reform this session.

I have set forth some of my views in regard to this matter in a statement which was published in the Washington Post today, Tuesday, November 24.

I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR HARRIS ON THE NIXON FAMILY ASSISTANCE PLAN

The editors of *Newsweek* are said to reject dull copy with the notation, "EGO," which stands for "Eyes Glaze Over." The principal difficulty with any discussion of welfare legislation is that it is so tedious and detailed that the listener's eyes often glaze over after the first introductory phrases.

That has been one of the great barriers many of us have faced in trying to get people to understand what wretchedly wrong provisions are contained in President Nixon's Family Assistance Plan.

We have faced other barriers. Administration spokesmen have tried from the first to make it appear that any opposition from the progressive side of the political spectrum would be motivated purely by jealousy of Mr. Nixon's getting the credit for long overdue reform. And as the editor of one newspaper put it, "We've opposed him on everything else, and we just have to support him on something."

In the closing days of the 1967 session of Congress, the late Senator Robert F. Kennedy and I opposed our party leadership in the Senate and our President—and risked killing pending Social Security benefit increases—to try to stop punitive and regressive welfare legislation from being enacted.

"True," some said then, "this bill will hurt present welfare recipients, but we just have to pass it if we're going to give an increase to social security beneficiaries, since both are tied together in one bill."

Senator Kennedy and I thought that was a cruel trade-off, which should not in good conscience be agreed to.

A similar argument made in support of President Nixon's Family Assistance Plan—that we should aid some new recipients at the cost of reducing the benefits and repealing the rights of present recipients—is equally indefensible.

The Nixon Family Assistance Plan, which was inadequate to start with, got worse, not better, as it was considered and modified by the Senate Finance Committee. What the Finance Committee rejected last Friday was not the original Nixon proposal, nor even second or third version of that proposal. What we voted against Friday was the fifth administration version of the Family Assistance Plan.

Day by day over the past weeks of debate in the Finance Committee, the Department of Health, Education and Welfare gave ground on the more progressive parts of their welfare bill in order to secure conservative votes. Day by day, nearly every change in this legislation made it less consistent with the principles which were said to have motivated its introduction.

For example, the bill we rejected would have ended federal support for the present limited unemployed-parent program, which permits men to register for work or work-training, remain with their families, and still qualify for welfare benefits. Repeal of this program would have had an intolerable impact on poor families because it would have given greater encouragement than does the present system for fathers to desert their wives and children in order to let them qualify for welfare benefits.

Further, during the hearings in the Senate Finance Committee, I asked then-Secretary Finch whether it would be possible under the Family Assistance Plan for welfare officials in the State of Mississippi to force the mother of a school-age child to put her children in a questionable day-care program after school hours, against her will, and to force her to pick cotton at the going local wage. Secretary Finch agreed that this could result. It could still result under the present version of the plan, and I find it horrifying that anyone today would advocate such a system.

The bill we rejected would have reduced welfare payments for hundreds of thousands of present welfare recipients across the nation. Few of those people, even under the present system, receive an income they can live on.

The bill we rejected would have created a

bureaucratic monstrosity. Each state would have had sixty-four different options of how to structure its relationship with the Federal Government under various combinations of the Family Assistance Plan, Medicaid, food stamps and other related programs.

The National Welfare Rights Organization gave strong and highly impressive testimony against these and other provisions of the Nixon plan in special hearings sponsored by Senator McCarthy just prior to the Finance Committee action last week.

It is not too late for real reform. The administration has not lost anything—since they say they will offer the Family Assistance Plan as an amendment on the Senate floor—except the momentum they would have gained if I and others had voted to report the bill out for consideration on the Senate floor. This remains true even though I and other senators had made it very clear to the administration from the first that we would try to amend or kill the Family Assistance Plan on the floor.

When I told Secretary Richardson I had decided not even to vote to bring the bill out of Committee, I told him also I would be glad to work with him to produce an acceptable bill if he would be willing to negotiate with those who agree with the basic principles involved, rather than those who do not.

There must be a recognition of the right of people to a decent minimum income, with a cash payment of $2464 provided right now. No present recipient can be hurt or present rights under the law lost. No mother of school-age children must be forced to work. No person should be forced to work in a substandard job at substandard pay; any system that requires either depressed wages and makes it less likely that poor people can escape poverty by working full time. There should also be greatly expanded job opportunities for the millions of people who are now looking for work in this country.

One member of the Senate Finance Committee said to me last week, "What President Nixon is trying to do with this bill is to get both the Wallace voters and the Humphrey voters on his side, and it cannot be done."

It cannot be done. And between now and the time the measure comes up in the Senate, the President had better decide which he wants.

FRED R. HARRIS,
U.S. Senator.

WASHINGTON.

PROPOSED TAX CONVENTIONS WITH BELGIUM, FINLAND, AND TRINIDAD AND TOBAGO, AND ESTATE TAX CONVENTION WITH THE NETHERLANDS

Mr. FULBRIGHT. Mr. President, for the information of the Senate, I ask unanimous consent that there be printed at this point in the RECORD the statement which Mr. Laurence N. Woodworth, Chief of Staff, Joint Committee on Internal Revenue Taxation, submitted to the Committee on Foreign Relations. It contains a fine explanation of the tax conventions with Belgium, Finland, and Trinidad and Tobago, and the estate tax convention with the Netherlands.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF LAURENCE N. WOODWORTH

As requested by the Foreign Relations Committee, the staff of the Joint Committee on Internal Revenue Taxation has prepared an analysis of the four tax treaties being considered by the committee which I will submit for the record. This morning I would like to limit my comments to what I believe to be the highlights of these treaties.

The three income tax treaties before the committee, with the exceptions which I will point out in just a few moments, follow the general format of tax treaties in the past.

The existing tax convention with Belgium was signed in 1948 and modified by supplementary conventions in 1952 and 1957 and by a protocol in 1965. The proposed convention replaces these conventions and protocol.

The present income tax convention with Finland was signed in 1952 and would be replaced by the proposed convention.

The existing tax convention with Trinidad and Tobago was signed in 1966 but ceased to be effective at the end of 1969. It was a treaty of limited scope and had been entered into pending development of a more comprehensive income tax convention.

The treaties with Belgium and Finland are both in large part an effort toward modernization and standardization of international tax treaties. They also reflect the changes which have been made in the U.S. tax laws in recent years, particularly by the Foreign Investors Tax Act of 1966. Probably the principal change made in this respect is the adoption of the "effectively connected" concept in place of the so-called "force of attraction" doctrine. Under the effectively connected concept, a resident of one country who has an investment in the other country will be entitled to the reduced rates of or exemptions from tax provided by the treaty for investment income even though he has a permanent establishment in the source country, so long as the income is not effectively connected with the permanent establishment. This concept may be found in all three of these treaties.

In the case of the Belgian and Trinidad and Tobago treaties, the terms United States and Belgium or Trinidad and Tobago are defined as including their continental shelves insofar as income arising from exploration and exploitation of natural resources on the continental shelf is concerned. This is consistent with a similar provision added to the tax laws by the Tax Reform Act of 1969.

The Trinidad and Tobago treaty differs from the usual conventions in two significant respects. These arise from the fact that most of our treaties are with developed countries, while Trinidad and Tobago falls into the category of a developing country. First, the Trinidad and Tobago treaty provides for the deferral of both countries' taxes which would otherwise be imposed on the transfer of technical assistance (such as patents, designs, know-how, and related services) by a U.S. corporation to a Trinidad and Tobago corporation in return for stock of the latter. This is designed to induce the flow of know-how and related services to Trinidad and Tobago.

There was a similar provision in the proposed treaties with Thailand and Israel, treaties on which this committee has not acted. The treatment provided under this provision differs in three respects from the treatment otherwise applicable under present law. First, it provides for the tax-free transfer of this technical assistance whether or not it is classified as property under existing law. Second, under present law, property may not be contributed on a tax-free basis under section 351 to a corporation except where the transferor has at least 80 percent control of the transferee. Under this treaty, transfers by U.S. corporations to Trinidad and Tobago corporations would not have to meet this 80 percent test in order to be tax free. Third, advance rulings under section 367 would not have to be obtained on transfers from U.S. corporations to Trinidad and Tobago corporations in order to assure the tax-free status of the transfer (although some sort of ruling or notification procedure might be required under the treaty.)

In the absence of this treaty provision, the transfer of technical assistance which was not considered property would be taxable, regardless of the transferor's percentage of ownership of the transferee, and would result in ordinary income. If the technical assistance transferred were classified as property and the transfer was taxable because the transferor had less than 80 percent control of the transferee, the transaction generally would result in the realization of a capital gain except where the property transferred was a patent, invention, model, design, secret formula or process, or similar property and the transferor had more than 50 percent control of the transferee. In this case, the transaction would result in ordinary income. Since the treaty provision in question is a tax deferral provision, it does not affect the character of income arising on a transfer of technical assistance, but rather defers taxation of the income until the stock received in the transfer is disposed of.

The second principal difference in the Trinidad and Tobago treaty lies in the fact that while Trinidad and Tobago makes a reduction in its withholding taxes on dividends and interest which flow from that country to the United States, the United States withholding taxes on this type of income are not reduced. The intent of this is to encourage the outflow of capital to Trinidad and Tobago but not from that country to the United States. The Trinidad and Tobago withholding tax on intercorporate dividends (where the recipient has a 10 percent ownership interest) is reduced from 25 percent to 10 percent and the Trinidad and Tobago withholding tax on interest is reduced from 30 percent to 15 percent where the recipient is a financial institution not having a permanent establishment in Trinidad and Tobago.

Still one more point of difference between these three income tax treaties and prior treaties is that all three of the treaties provide that the countries involved may, under a mutual agreement procedure, establish common meanings for undefined terms used in the proposed conventions. This should enable the countries involved to work out their differences arising from variations in the way terms are used.

Let me turn now to the treatment of dividends, interest and royalties under the three treaties. Under the Belgian treaty, the rate of source country tax on dividends will continue as in the past to be limited to 15 percent. In addition, dividends paid by a U.S. corporation to a U.S. citizen or resident are to be exempt from Belgian tax even though received in Belgium. Presently they are subject to a 20 percent tax.

In the treaty with Finland, the withholding tax on intercorporate dividends has been limited to 5 percent in the past where there was a 95 percent ownership interest. Under the proposed convention, this is to be applicable where there is a 10 percent or larger interest (in the absence of a treaty, dividends would be taxed by the United States at a 30 percent rate and by Finland at a 15 percent rate). As I have already indicated, in the case of Trinidad and Tobago, the Trinidad and Tobago withholding tax on dividends is to be reduced from 25 percent to 10 percent where there is a 10 percent ownership interest. The same is also true for the branch profits tax imposed by Trinidad and Tobago.

Let me turn now to interest. Under the Belgian treaty, the present generally applicable 15 percent withholding rate on interest is continued, but an exemption is to be available under the proposed convention where the interest is received by the government of one of the countries, is interest on commercial credit arising from sales between residents of the two countries or is interest on bank deposits or interbank loans.

In the case of the Finnish treaty, the present exemption for interest is continued.

Under the treaty with Trinidad and Toba-

go, the withholding tax on interest is reduced from 30 percent to 15 percent where the recipient is a financial institution not having a permanent establishment in Trinidad and Tobago.

In the case of royalties, the Belgian treaty continues the present exemption from source country withholding tax in the case of nonmineral royalties and in addition provides that these royalties are to be considered as derived from sources within the country of residence of the payor. The normal rule under our tax laws is that this type of income has its source in the country in which the property right is used.

The present exemption from source country tax for artistic royalties under the Finnish treaty is extended to cover industrial and commercial royalties. In the absence of the convention these royalties would be taxed at 30 percent by the United States and at the regular rates by Finland.

Under the treaty with Trinidad and Tobago, artistic royalties will be exempt from source country taxation and industrial and scientific royalties will be subject to a 15 percent rate of tax. In the absence of a treaty, these royalties would be taxed by both the United States and Trinidad and Tobago at a 30 percent rate.

Let me turn now to the tax treatment of capital gains. In the Belgian treaty, the reciprocal exemption already applying to income from shipping and air transportation is extended to gains arising from the sale of the ships or aircraft. In addition, an exemption from source country tax is also provided for capital gains (other than on real property) which are not effectively connected with a source country permanent establishment (or fixed base). Nonbusiness capital gains of an individual are not taxed unless the individual is present in the source country for 183 days or more during the year.

Substantially the same rules apply under the Finnish treaty.

Finally, I should probably also call your attention to some of the rules relating to foreign tax credits under the proposed income tax treaties. First, in the case of the Belgian treaty, the foreign tax credit limitation is not formulated in terms of a specific type of limitation. Our other income tax treaties normally have imposed a per country limitation on the foreign tax credit. The limitation under the convention will be whatever limitation is generally applicable under the Internal Revenue Code. Also under the Belgian treaty, business profits and other income which Belgium may tax under the convention are treated as from sources within Belgium even though the United States tax laws may treat them as from sources outside Belgium. This, of course, is significant in determining the amount of foreign taxes eligible for the credit. A similar rule may also be found in the treaties with Finland and Trinidad and Tobago.

The estate tax treaty with the Netherlands differs in significance from the income tax treaties in that it establishes an entirely new pattern for estate tax conventions. The United States has 12 estate tax treaties, the most recent of which is the 1962 Canadian treaty.

The proposed convention has as its objective the same goal as the other estate tax treaties—lessening double taxation at death and the prevention of tax evasion.

This treaty, however, sets a new pattern in effecting these results. This is primarily because it is felt that the past treaties have not successfully dealt with the situations where employees of private businesses die while on a foreign assignment that is basically of a temporary nature.

Our existing estate tax conventions give primary jurisdiction to the country where the property involved has a situs. This is accomplished by both the country of domicile and the country of situs imposing an estate tax with respect to the same property, but by the country of domicile allowing a tax credit for the tax paid with respect to this property in the country of situs. The principal difficulty with this approach has been that where an employee of a corporation is abroad for a period of time both the country of citizenship and the country where he is employed considers they are the country of domicile, and thus both would tax his property on a worldwide basis. Tax conventions the United States has entered into in the past have dealt with this problem by a rule which in these cases splits the tax between the two countries. However, under this approach, the total tax could turn out to be more than the tax that would have been imposed by the United States alone.

The Dutch treaty, which may very well be a precedent for other treaties, generally approaches this problem in an entirely different manner. First, it gives primary jurisdiction to the country where the property is located, only in the case of real property and business assets which are effectively connected with a permanent establishment.

Second, where both countries would tax on a worldwide basis, it distinguishes between the country of citizenship and the country of domicile by providing generally that where a citizen was in the other country for not more than 7 out of the 10 years before death and did not have a clear intent to remain there indefinitely, the country in which he was located will not impose an estate tax in his case except to the extent of the real property and business property I have already mentioned, and even that generally will be imposed at the lower rates applicable to nonresident aliens and in the case of U.S. citizens in the Netherlands, subject to a 50 percent marital deduction and an exemption from tax of small estates ($30,000 or less). In this case, only the country of citizenship would impose tax on the worldwide estate of the individual involved and allow a credit only for the taxes imposed on this real or business property.

Third, on the other hand, where the individual involved is domiciled in the other country for more than 7 years, then both the country of citizenship and country of domicile would impose their taxes on a worldwide basis. However, in this case, the country of citizenship would relinquish its primary jurisdiction by allowing a foreign tax credit for the tax imposed by the country of domicile.

It is contemplated that the basic pattern of taxation I have described above will cover the large majority of cases. The proposed treaty, however, also contains a series of rules to deal with other situations, such as where a citizen of one country is domiciled in the other country for less than 7 years, but intends to remain there permanently.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

FEDERAL DRUG ABUSE AND DRUG DEPENDENCE PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The legislative clerk read as follows:

A bill (S. 3562) to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence.

The Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ABORTIVE POW RESCUE MISSION TO NORTH VIETNAM

Mr. MUSKIE. Mr. President, no one with a shred of compassion can remain unconcerned over the uncertain fate of American prisoners of war in North Vietnam.

No one, who believes in the humane treatment of prisoners of war, can be uncritical of the North Vietnamese Government for its failure to abide by the Geneva Convention.

But compassion for our men, and opposition to the policies and practices of the North Vietnamese, should not blind us to the follies of the administration's latest military adventure. One need not question the motives of the President and the Secretary of Defense to question their judgment. One need not turn a deaf ear to the anguish of the families of American prisoners and of those missing in action to question the wisdom of the abortive raid.

I am troubled, Mr. President, that even a sucess in this instance would still have been a failure for hundreds of other prisoners. It would have been a failure, because it would have further disrupted any chance of a negotiated settlement with the North Vietnamese—the best way we can end the war, reduce the time Americans will have to fight and die in Indochina, and obtain the release of the brave Americans now held captive.

We do not need to have the President in the White House, or the Secretary of Defense in the Pentagon, trying to prove how tough they are and how ready they are to run risks, by sending courageous men on a valiant exercise in futility.

The world looks to the United States, not for sporadic demonstrations of military might and individual bravery, but for steady, firm, and resolute demonstrations of the capacity to lead, to act with sound judgment, and to make a contribution to an early settlement of the war in Indochina.

That, Mr. President, is our real challenge, and should be our prime objective. In my judgment, the incident which was described to us yesterday was inconsistent with that objective.

Mr. DOLE. Mr. President, this morning some of us were privileged to be present with the Secretary of Defense and others in a meeting of the Armed Services Committee, and to have an opportunity to explore in some detail the expedition just referred to by the Senator from Maine.

Since that briefing, I have had an opportunity to visit with three wives of prisoners, one of whom made the state-

ment that she would rather have her husband die attempting to escape than rot to death in a prison camp.

To me, this is the basic question. This is the basic issue. I understand that later this afternoon there will be a press conference, called by the wives and mothers of American prisoners of war and Americans missing in action, at which time they will commend the Secretary of Defense and the courageous men, General Manor, Colonel Simons, and the others who participated in this most courageous act.

As I stated yesterday, it is not difficult for us, in the luxury of our homes or our offices, to suggest that we wait, to suggest that we negotiate, to suggest that the action taken was incorrect. But it occurs to me that were we in the position of prisoners of war or Americans missing in action, and had we been imprisoned under almost intolerable conditions for 1 year, 2 years, 3 years, 4 years, or 5 years, we might have a different view.

One wife also commented to me this morning that she could sustain herself now for another 6 months, knowing our Government cares and that there are Americans who will risk their lives to save their fellow men.

I recognize the difference of opinion Senators have with reference to policy in Vietnam. I do not, of course, question their right to differ. But the underlying question with reference to the courageous act in an effort to rescue American prisoners has nothing to do with American policy in Vietnam. It was a bold effort. It was a courageous effort, carried on by volunteers who would do it again; and I hope they do if an opportunity presents itself.

Yes, we encourage the writing of letters to Hanoi. Almost every Member of this body has made speeches about prisoners of war and Americans missing in action. We suggest that more letters be written. We suggest activities within our States. We suggest more and more be done.

Maybe these are futile gestures. Maybe we should not do it. Maybe we should just wait, and wait, and wait.

Americans died last week in North Vietnamese prison camps. Americans died the week before in North Vietnamese prison camps. Should we take the floor of the Senate and criticize the efforts of those who attempt to rescue American prisoners? It seems to the junior Senator from Kansas the height of folly. We should be grateful that we have in positions of responsibility men such as President Nixon, Secretary Laird, General Manor, Colonel Simons, and the others who volunteered, who risked their lives in the best American tradition to demonstrate to the mothers, to the wives, to the children, to the world, yes to the enemy that we shall never forget our men.

As said yesterday, I commend the effort. It would have been better, of course, had one man or 10 men or 40 been rescued. Then it would have been a glaring success in the eyes of most everyone. But no prisoners were there. But this does not diminish the effort, this does not diminish the concern, and this does not diminish the boldness of this venture.

I trust the junior Senator from Maine, and others in this Chamber, applaud the efforts of the volunteers. But to use this effort to save American lives and attempt to blow it up into a change in administration policy in the Vietnam war exceeds anything that I can comprehend.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. MUSKIE. I trust the Senator is not describing the statement I made this morning. If he is, I suggest that he read my statement in the RECORD.

I do not find it easy to come to the floor of the Senate, I may say to the Senator from Kansas, to criticize this action. I am as concerned as he is with the fate of American prisoners of war. What we are disagreeing about is not the objective of bringing these men home but the means that are used at any given time to advance that objective.

I have not heard it suggested by the Senator from Kansas or by the administration that the way to get all our prisoners of war back is to launch a military effort calculated to achieve that result. If one were to take the Senator's argument literally, it would appear to support a military plan to bring back, not one or 10 or 40 prisoners of war, but a military plan of sufficient magnitude to bring them all back. This clearly would involve a major invasion of North Vietnam. I have not heard it proposed. I have not heard it suggested that the administration intends that or has it under consideration, and I hope it does not. If I am right in that assessment, we are not really talking about an effective way of bringing all our American prisoners of war back when we disagree about the wisdom of this incident.

The Senator's argument is not that this is an effective way of bringing all American prisoners of war back, but that it was a symbolic gesture to indicate our concern about American prisoners of war for the benefit of the mothers and the wives and children of these prisoners. If this is what was involved—a symbolic gesture to reassure the dear ones of these American prisoners of war that we care about them—did we, in the process, incur risks which run counter to the objective of bringing them home?

That is the heart of the disagreement, may I say to the Senator from Kansas: whether or not this incident, this effort on our part advanced in any way the ultimate objective of bringing all American prisoners of war back. The wisdom of this step ought to be measured against that, not against the importance of indicating to the dear ones of these American prisoners of war that we care about them, much as we all desire to reassure them on that score.

Mr. DOLE. Let me say to the Senator from Maine that I made it very clear and am certain the Senator from Maine shares the view those who volunteered should be commended. It was a courageous act, whether we agree or not.

But how many must die in prison camps, how many wives must be told they are widows, how many children must be told they are fatherless, and how many parents must be told their sons have died in a prison camp before we take some initiative?

The Senator from Kansas is not suggesting an all-out invasion of North Vietnam or raids wherever prisoners may be kept. The Senator from Kansas is suggesting a flexible policy, that if an opportunity presents itself to rescue American prisoners of war, we should take advantage of that opportunity. That does not mean any enlargement of the war. That is the point I make. If we condemn the act of courage, that is one thing. If the Senator suggests that this act enlarged the war in North Vietnam or anywhere in Indochina, then the Senator from Kansas disagrees.

I do not fault the Senator from Maine. I know his concern for American prisoners of war. Who can, however, speak with more authority, with more feeling, and with more knowledge than the wives themselves? Not 10 or 20 minutes ago, in the rotunda of the Capitol, the Senator from Kansas visited with three wives. I accept their feelings and their thoughts. I accept their statement that "it is better to have my husband die in a rescue attempt than rot to death in a prison cell."

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. MUSKIE. If I were the mother or the wife or the daughter of an American prisoner of war, I would respond positively to any suggestion designed to bring those prisoners back. Does that mean that their emotional reaction to the desirability of bringing their boys home necessarily documents the wisdom of any step that might be taken? Does it justify any and all steps that might be taken in the name of that objective?

I suspect that if many of them were asked, "Should we then launch a major invasion of North Vietnam in order to bring them all back, not just a handful?" they might say "yes" to that proposition. To these people, who are concerned about their loved ones, that is their objective. That does not mean that any action taken in the name of that objective is necessarily a wise one.

The question I am raising—and I am not doing it to belabor the administration—is this: Does this kind of effort truly advance us, and the loved ones of these men, toward the objective of bringing them all home?

The Senator emphasizes that no one is proposing a military means to bring them all home. What the Senator is saying is that from time to time, if there is a chance to bring a handful home by this means, it is a wise thing to do. What I am suggesting is that if we embark on that kind of policy, of reaching in from time to time to get a handful of prisoners back, we may exacerbate the situation, we may be risking an escalation of the war, we may minimize the prospects of a negotiated settlement, and we may further delay the day when we may bring them all back.

I raise this question and I make this point this morning in order to generate whatever inhibiting effect I may have

upon the consideration of a repetition of such efforts and incidents in the future. Unless we raise such question, then there will be no such inhibitions or restraints and we may find ourselves making this kind of effort as a matter of practice. I think that if we were to do that, we would really risk an escalation of the war. I am not anticipating that that is in the minds of the President or the Secretary of Defense. I am anticipating nothing. I am just saying that I am disturbed about this effort because I think it can lead to some undesirable results, and I consider it my responsibility to suggest what those undesirable results can be.

Mr. DOLE. Let me suggest an undesirable result if we do nothing, it will mean more deaths in prison camps.

Let me suggest that I do not question the Senator's right to question the action taken. Perhaps out of disagreement we may find some solution. But to say that it is an incorrect step without offering any alternative, or to say that we should continue negotiations offers little hope to the prisoners, or their families.

The Senator from Kansas made it clear that the most effective way to release the prisoners would be through negotiation. President Nixon has initiated, through Ambassador Bruce, a cease-fire proposal. One of the specific points is release of prisoners.

This Government has made an offer which has never before been made in history; namely, that we will release 33,000 prisoners in exchange for 3,000 of ours.

Still no response from the enemy.

How many steps backward must our Government take? How long must we wait for a response from the other side?

Now, perhaps——

Mr. MUSKIE. Will the Senator from Kansas yield at that point?

Mr. DOLE. Just a second—I believe we may be violating a rule of the Senate here, but in any event——

Mr. KENNEDY. A couple of minutes anyway.

Mr. DOLE. The Senator from Kansas would hope, that the Senator from Maine would share his view, that whenever there is an opportunity to save an American life, or to rescue a downed pilot, or to rescue an American prisoner, our Government should take advantage of that opportunity. I see nothing improper in that kind of policy.

Let me remind the Senator from Maine that nearly every American prisoner in a prison camp today, in North Vietnam, Laos, or wherever it may be, is there because of the bombings in the late 1960's—1965, 1966, 1967, and 1968—and the bombing was stopped in November 1968, as the Senator from Maine well knows.

However, there is a continuing obligation on the part of this Government, and on the part of any administration, whether it be Republican or Democratic, to help free all American prisoners.

Again I commend those who took an active part in the recent incident and if they see another opportunity then I, for one, would hope that they would take that risk—not an empty risk, not a symbolic gesture, but a risk that would be taken to save American lives.

The Senator from Kansas sees nothing inconsistent with the American tradition in the venture undertaken.

Mr. MUSKIE. Mr. President, if the Senator from Kansas will yield at that point, I just have a word or two.

I doubt very much that the distinguished Senator from Kansas really intends the full implication of what he is saying in the remarks he has just made.

The suggestion that because we are frustrated about our inability to bring the war to a final conclusion, any step is justified if its objective is to reach even a handful of our prisoners of war to return them to freedom——

Mr. DOLE. I said opportunity, not step. There is a vast difference.

Mr. MUSKIE. I prefaced my statement by saying that I am sure the Senator from Kansas did not intend the full implications of what he had just said.

Mr. DOLE. It is like trying a case before a jury, if we are going to stick to the facts then let us stick to the facts.

Mr. MUSKIE. The Senator has been a little free with the implications he draws from what I have said this morning. I think neither of us intends to misstate what the other has said.

Let me conclude by saying that if we are going to respond to all our frustrations about the war and our inability to bring it to a final conclusion by encouraging such military efforts as this one, whenever we can devise a military effort which would have some potential to reach into North Vietnam to rescue a handful of prisoners, then all we are doing is embarking upon a military course that could escalate the whole war.

If one incident can be justified, then two can be justified, or three can be justified. If our objective is 20, 30, or 40 prisoners, our objective could just as easily be all of the hundreds of American prisoners that are there. The principle is the same.

I am sure that our military people could devise a military effort aimed at recovering all of our prisoners of war, if we gave them that mission.

The question is, How far down that road are we willing to go?

The next question is, What risks are there to even the first step down that road?

The final question is, By taking even that first step and raising questions as to how many further steps down that road we are willing to go, are we risking, then, an escalation of the military side of the war?

That is the question.

The President and the Secretary of Defense are in a better position to answer that in terms of their own intentions than I am. I certainly am not going to attribute motives that I cannot document.

All I am saying is that this first step down that road, by itself, raises serious questions that should inhibit us from repeating the experience in the future.

The Senator from Kansas looks with some favor on the possibility of repeating that experience. I do not. I think that if we do, we risk setting a pattern which will have serious consequences in terms of a military escalation of the war.

Mr. DOLE. Mr. President, I thank the Senator. I would only say that there might be one more dimension to this travel down the road. One other question should be asked, and that is, What are the alternatives?

Yes, we should not go that first step. Yes, we should not do this. But should there be some course pursued by our Government—not a Republican administration or a Democratic administration—but our Government, should this step be to sit and wait for negotiations? Should this step be a unilateral withdrawal from South Vietnam? Is there any assurance that even then the enemy would turn over our prisoners?

I have seen not one scintilla of evidence that would indicate the enemy has any regard for American lives, any regard for our prisoners, or any intent to release them.

Had there been releases of our prisoners—only nine have been released since the war began—nine, let me emphasize—and they escaped, for the most part, then perhaps the Senator's suggestion would be meritorious.

I do not quarrel with the right of the Senator from Maine to his views, but would say there is more at stake than just going down one road. There is another road, and perhaps even another we must also view, before we step in either direction. In other words, we must consider all possibilities—not just criticize.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOLLINGS). The clerk will call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. EAGLETON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

FEDERAL DRUG ABUSE AND DRUG DEPENDENCE PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

The Senate continued with the consideration of the bill (S. 3562) to provide a comprehensive Federal program for

the prevention and treatment of drug abuse and drug dependence.

Mr. HUGHES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUGHES. Mr. President, it is my understanding that the bill has been laid before the Senate.

The PRESIDING OFFICER. The Senator is correct.

Mr. HUGHES. Mr. President, I ask unanimous consent—and the Senator from Nebraska and I have discussed this matter—that the committee amendment be agreed to and, as agreed to, be considered as original text for the purpose of amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUGHES. Mr. President, at this point I would like to make a few brief comments about the history of this bill and about what the Committee on Labor and Public Welfare, which reported the bill unanimously, hopes to accomplish with it.

This bill is in many ways substantially the same as the substitute amendment which I offered to title I of H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act, which was passed by this body and which has now been signed into law by the President. Where it is not the same, that is due to the fact that it has been modified so as to delete those provisions of my earlier amendment which were enacted into law when H.R. 18583 was signed. While the substitute amendment which I offered—and which, incidentally, was cosponsored by the entire membership of the Labor and Public Welfare Committee—while that amendment was agreed to by a vote of 44 to 23 here in the Senate, the House for the most part did not accept the substitute amendment provisions in the conference. It was the feeling of the House conferees that they had not had the opportunity to evaluate the basic concepts behind the proposal. I can fully understand their feelings on this. I do not criticize the House Members for taking that position. The House conferees did, however, agree to consider the provisions of the amendment early next session.

My hope today is that the Senate will reaffirm its commitment to its position, in order to expedite consideration of this matter at the earliest possible time next year. I, for one, feel that we have an obligation to the American public to make such a commitment. In many ways they have been far ahead of the Congress in terms of their concern about the problems of drug abuse and drug dependence.

This bill was originally placed before this body after 18 months of careful study. We have held 23 days of hearings on the subject matter contained in it, and we have held many more days of hearings on the subject of alcoholism, an area closely related to this one. The bill is modeled after S. 3835, the alcoholism bill which the Labor and Public Welfare Committee unanimously reported out and which was unanimously approved by this body. When it was offered as an amendment to H.R. 18583 it had the unanimous support of the membership of the Labor and Public Welfare Committee. As an amendment it passed the Senate, in spite of administration opposition, by a vote of 44 to 23. Now, as a separate bill, it continues to have the full support of the Labor and Public Welfare Committee. In short, there has been a good deal of bipartisan effort which has gone into this legislation, and I am hopeful that the Members of the Senate will see fit to give the legislation its continued support here today.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks excerpts from the report (No. 91–1341) on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUGHES. Mr. President, briefly, here are the highlights of what the bill would accomplish. It would establish a national health institute for dealing specifically with drug problems—The National Institute for the Prevention and Control of Drug Abuse and Drug Dependence. This will provide a structure which is substantially broader in scope than that under present legislation.

It is the opinion of the Labor and Public Welfare Committee that only an agency of Institute status will have the prestige and status to carry out and coordinate effectively the vast and diverse range of responsibilities called for by the legislation.

The bill would also:

Require the U.S. Civil Service Commission to guarantee to Federal employees with a drug dependence the same employment conditions and benefits as persons who are ill from other causes;

Require Federal agencies to establish programs for dealing with drug dependence among Federal employees;

Authorize formula grants totaling $55 million over the next 3 years to help State governments develop and administer programs for dealing with drug dependence;

Authorize grants totaling $135 million over the next 3 years to State and local agencies, both public and private, to help finance specific projects; and

Establish an independent National Advisory Council on Drug Abuse and Drug Dependence and an Intergovernmental Coordinating Council on Drug Abuse and Drug Dependence to insure coordination of Federal efforts.

At the present time, the authority for dealing with drug abuse at the Federal level is scattered through the statutes in the Community Mental Health Centers Act, the Public Health Services Act, and the general powers of the Department of Education and the Office of Economic Opportunity.

It would be unrealistic to believe that such fragmented authority, however well administered, could mount the massive, coordinated Federal attack that the drug problem, in the United States, so obviously requires.

Mr. President, I know that every Senator in this Chamber regards effective action against the drug plague as one of his most solemn responsibilities in this session.

We may disagree on minor details, but on the central objectives we are as one.

The bill now under consideration represents the first Federal effort on a massive, realistic scale to get at the drug problem from the health and preventive-education angles.

President Nixon, on March 11, 1970, stated:

> One of the great tragedies of the past decade has been that our schools, where our children should learn about the wonder of life, have often been the places where they learn the living—and sometimes actual death—of drug abuse. There is no priority higher in this Administration than to see that children—and the public—learn the facts about drugs in the right way and for the right purpose through education.

The Director of the Bureau of Narcotics and Dangerous Drugs recently stated, in a widely publicized speech, that an effective program to control drug abuse and drug dependence in this country must rely strongly on methods of prevention and rehabilitation.

We know that we must have strong laws and strong enforcement of those laws.

But enforcement, by itself, is inadequate to do the entire job.

This bill—for the first time on an appropriate scale—gets at the source of the drug problem, the addiction.

Those who have witnessed addiction at first hand know what a terrible, deadly sickness it is.

As long as addicts are punished and released uncured, the drug problem will grow in our society.

As long as children in our schoolyards are inadequately informed as to the deadly consequences of drug abuse and narcotic addiction, they will continue to experiment.

We need a national mobilization of all our resources that can be focused on this problem.

Not next week or next year—but now.

We need to pull together all of the resources for prevention and rehabilitation our society possesses to focus on this urgent need.

We need to shake the yoke and prejudice of the past and use the modern techniques available for prevention and rehabilitation, combining the knowledge of the professional disciplines—medical, social, educational, psychological, and all the rest.

And we need a deep civic commitment in every community of the land.

In order to bring this about, the Federal Government must lead the way—bespeaking our national determination that the drug problem must, can, and will be stemmed in this powerful and affluent society.

The statistics on drug abuse and drug dependence in this country today are appalling.

No State, no region, no city is untouched.

Despite the diligent efforts of our Federal enforcement people, the Nation's top narcotics officer tells us that the Government has not yet been able to reduce the amount of heroin available in this country.

The head of the Food and Drug Administration alerts us to the dangers in

the growing illegal and unhealthy use of amphetamines—or pep pills.

A detective in a midwestern city states that drug addicts need an average of $50 to $60 a day to support the habit—some from $100 to $125—and to get this kind of money illegally he must steal as much as $200 daily.

We know that this is the source of a big percentage of crime in the country today.

A State toxicologist in a southeastern State reports:

In years past, a death caused by heroin overdose was an oddity in this State. In the first six months of 1970, at least nine young persons died in this fashion.

A recent headline in one of our large-city newspapers reads: "Hard Drug Use in City Out of Control, Rising." The headline would apply with equal truth to other cities across the country.

In a hearing of our Subcommittee on Alcoholism and Narcotics in a western city, we heard testimony from a 15-year-old boy who had been hooked on drugs of various kinds since age 10.

This is not, I regret to say, unique in America today.

Throughout the United States, there are stirrings of people in concerned communities, eager to do something about education programs, treatment centers, and rehabilitation houses to counter the drug problem.

The long-needed determination to get at the drug problem at its source—the addiction—through health programs and preventive education is developing in various ways throughout the communities of our land.

But national leadership and coordination is needed.

The bill we are offering today is not a cure-all by any stretch of the imagination.

But it is a big step in the right direction.

Its enactment will allow us to keep faith with millions of Americans who are now looking at the future with deep anxiety.

EXHIBIT 1

SUMMARY

S. 3562 establishes a National Institute for the Prevention and Control of Drug Abuse and Drug Dependence within the Public Health Service, through which the Secretary of Health, Education, and Welfare shall coordinate all Federal health, rehabilitation, and other social programs related to the prevention and treatment of drug abuse and drug dependence and administer the programs established by the bill. It provides for extensive Federal assistance to State and local programs in order to promote effective treatment and rehabilitation programs for drug abusers and drug dependent persons throughout the country. It requires the utilization of all existing Federal legislation providing for Federal or federally assisted research, prevention, treatment, or rehabilitation programs in such fields as health, education, welfare, and highway safety in order to effectively reduce the incidence of drug abuse and drug dependence throughout the Nation.

BACKGROUND

The need for comprehensive Federal legislation

No one can any longer question the deep and pervasive seriousness of the drug abuse problem in this country. It has progressed from a small matter of law enforcement to a massive problem that requires a concerted and coordinated national effort combining all of our resources for prevention, education, research, treatment, and rehabilitation.

The statistics on drug abuse and drug dependence in this country today are appalling. And virtually everyone agrees that they understate the nature and extent of the problem.

There are at least 150,000 to 250,000 heroin addicts in the United States. Some authorities have estimated that the true number of addicts in this country is closer to 600,000. In addition, a large number of persons use heroin periodically, either by itself or in combination with other illegal drugs, but have not yet become addicted. There is no reliable estimate of the total number of people who have tried heroin at least once, but it has been suggested that up to 7 percent of the schoolchildren in the New York public schools have experimented with it. Whereas formerly it was only a ghetto drug, it has been increasingly used in suburban areas and in our colleges and universities.

It is impossible to estimate the social damage resulting from heroin. The full extent of its contribution to deterioration of individuals, families, our inner cities, and the very fabric of society, are not yet completely known. In some of our major cities, it is estimated that heroin users are responsible for well over 50 percent of all crime against property, which represents a staggering load for our economic and social institutions to bear.

The abuse of depressant and stimulant drugs is more widespread than the abuse of heroin. On the basis of present information, however, estimates on the amount of these drugs used illegally, or on the amount of persons who have become dependent upon them, are impossible. A recent survey of 200 college campuses showed, however, that 18 percent of the college student bodies have tried amphetamines, and 15 percent have tried barbiturates. Information on the rest of the population is yet to be obtained.

The hallucinogens are undoubtedly the most widely used of the illegal drugs. The National Institute of Mental Health estimates that at least 15 million people have smoked marihuana at least once. The recent survey of college campuses showed that 47 percent of the college student body had used marihuana at least once, and another survey of a medical school showed that 44 percent of the student body presently smoke marihuana.

Another hallucinogen, LSD, is used far less widely. Whereas its use appeared to be disappearing a few years ago because of widespread reports of its dangers, there is now some evidence that its use is again increasing. The recent college survey showed that 11 percent of the students had tried LSD.

There is no evidence that the enormous amount of drug abuse in this country is decreasing, or even leveling off. Authorities in the field indicate that it continues to increase. It has been pointed out that surveys show an even greater prevalence of drug abuse in many high schools than in our colleges. The problem, in short, is not only self-perpetuating, but because of peer-group pressure within our youth appears to be growing in geometrical proportion.

Increasing public concern

Until quite recently, both Federal and State efforts at controlling drug abuse and drug dependence concentrated on law enforcement techniques. Indeed, the law enforcement efforts aimed at drug abuse during the past 2 years have been the most concerted in our history. More man-hours, and more trained personnel have been devoted to enforcing our laws against illegal drugs than ever before. Yet, as the statistics quoted above show, these efforts have not begun to contain the problem. In spite of the best law enforcement we can muster, illegal drugs are available in every city, in greater quantities than ever before, and at the same or even decreased prices. The Director of the Bureau of Narcotics and Dangerous Drugs has recently stated, in a widely publicized speech, that an effective program to control drug abuse and drug dependence in this county must rely strongly on methods of prevention and rehabilitation. Law enforcement, by itself, is inadequate to do the entire job.

Prevention and rehabilitation techniques, utilizing medical, social welfare, and other community resources, must therefore be mobilized to deal with these problems. In many communities, this job has not yet been started, or is in a most rudimentary stage.

Use of the same type of medical and rehabilitation techniques for drug abuse and drug dependence as are used for other public health problems has long been recognized as necessary to any effective control of drug abuse. Because drug abuse has represented a relatively insignificant problem in this country until the past few years, however, we have delayed in developing a public commitment to mount an effective program.

Throughout its history, the American Medical Association has characterized drug dependence as a disease that properly is handled through medical treatment. As early as 1925, in *Linder* v. *United States*, 268 U.S. 5 (1925), the Supreme Court recognized that narcotic addicts "are diseased and proper subjects for such treatment." In a 1950 report, the World Health Organization described the characteristics of this disease as "an overpowering desire or need (compulsion), to continue taking the drug and to obtain it by any means." In 1957 the American Medical Association issued a report describing dependence as "the development of an altered physiological state which is brought about by the repeated administration of the drug and which necessitates continued administration of the drug to prevent the appearance of the characteristic illness which is termed an abstinence syndrome," as well as a "psychological dependence" which is "related to the effects opiates create within the central nervous system," which "forces the addict to seek his drugs by any and all means. The first concern of many addicts becomes obtaining and maintaining an adequate supply of drugs."

In September 1962, the Supreme Court handed down its decision in *Robinson* v. *California*, 370 U.S. 660 (1962), which struck down as unconstitutional on its face a statute making narcotic addiction criminal. The Supreme Court again recognized narcotic addiction as a disease, which cannot constitutionally be punished under the criminal law.

During the same month, the White House Conference on Narcotics and Drug Abuse considered the future of this country's drug abuse policy. As a result of this Conference, the President established an Advisory Commission on Narcotic and Drug Abuse, which issued its report in November 1963. The final report of the advisory commission concluded that there had never been a sustained, organized attack on drug abuse in this country. It made some 25 general recommendations, including the following: revision of the Federal narcotic laws, recognition that the legitimate medical use of narcotic drugs and medical treatment of drug dependents is primarily to be determined by the medical profession, Federal assistance to State and local governments for the establishment, maintenance, and expansion of broad treatment and rehabilitation programs, and enactment of Federal treatment legislation.

Some 3 years later, the District of Columbia and U.S. Crime Commissions also reviewed the problems of drug abuse and drug dependence, although not in as great detail as the Advisory Commission. Both Commis-

sions urged comprehensive treatment programs and facilities, on both a voluntary and involuntary basis, for drug dependent persons. The U.S. Crime Commission particularly recommended clarification of the status of medical treatment of addicts using narcotic drugs, and abolition of all obstacles in the way of medical and scientific research in this field.

More recently, the judiciary has again pressed for increased recognition that, as a disease, drug dependence is properly handled under medical and rehabilitation techniques. In *Powell* v. *Texas*, 392 U.S. 514 (1968), rehearing denied, 393 U.S. 898 (1968), five of the nine Justices indicated that the earlier case of *Robinson* v. *California* must properly be interpreted to mean that an addict cannot be punished under the criminal law for possession and use of narcotics, since this necessarily results from the addiction itself. And in *Watson* v. *United States*, 408 F. 2d 1290 (D.C. Cir. 1968), rehearing granted en banc,—F. 2d—(D.C. Cir. 1970) (en blanc), eight of nine judges indicated that, in future cases, narcotic addicts could not properly be punished under the criminal law for possession of the drugs they must necessarily use to satisfy their addiction.

Yet Congress has only recently begun to recognize the urgency of the unique health and rehabilitation problems created by drug abuse and drug dependence, and to address itself to providing appropriate legislative remedies for it.

Congressional dissatisfaction with the results of reliance primarily upon law enforcement in controlling drug abuse and drug dependence led to enactment of the Narcotic Addict Rehabilitation Act of 1966. Because that act relies primarily upon outmoded inpatient treatment, because only a limited number of persons can obtain treatment under the act, and because it has not been properly funded, the potential of this statute remains largely unrealized to date. In the recent past the rate of rehabilitation has been among the lowest of any drug dependence treatment program in the country. It is hoped that recent program modifications will change that fact.

Congress made an important initial response to this problem by enacting the Narcotic Addict Rehabilitation Amendments of 1968, which were subsequently expanded by the Community Mental Health Centers Amendments of 1970. That legislation recognized the necessity of treatment and rehabilitation for drug dependence. Although the legislation was a significant step forward, it was recognized at the time to represent only the beginning of a truly adequate legislative program which would insure comprehensive and effective community-based treatment programs at both State and local levels.

In 1968, when criminal penalties were first added to the Drug Abuse Control Amendments of 1965 for possession of barbiturates, depressants, amphetamines, and hallucinogenic drugs, the Labor and Public Welfare Committee expressed strong concern about imposition of such penalties on casual distributors of youthful experimenters. In Senate Report No. 1609 (1968), for example, the committee emphasized the availability of alternatives to imprisonment, such as probation and juvenile handling, and pointed out that "indiscriminate enforcement of excessively severe drug laws increases disrespect for the law on the part of young people and tends to alienate them from society." The committee spells out its intention that the criminal laws be used sparingly, and be reserved particularly for the large wholesalers who profit from the trafficking of dangerous drugs.

The Committee feels that this bill represents the type of comprehensive program necessary to begin to bring the Nation's drug abuse and drug dependence problems under control. An adequate response to a problem of this magnitude requires a massive Federal approach. Drug abuse is a problem of our entire society. It will take a total effort of the entire Nation, at all levels of Government, to make significant progress in controlling it. The bill establishes a framework within which, for the first time, Federal, State, and local governments can effectively utilize their health and rehabilitation resources to bring the problem under control. Prevention and treatment facilities will be fostered throughout the Nation. The remedy mandated by the bill is long overdue and urgently needed.

Contemporary medical and scientific expertise has not provided the ultimate solution to all of the problems posed by drug abuse and drug dependence. But only through the energetic implementation of the kind of massive and all-encompassing Federal programs here envisaged will answers ever be found.

HEARINGS

General hearings on the extent and character of the drug abuse and drug dependence problem in the United States were held by the Alcoholism and Narcotic Subcommittee of the Labor and Public Welfare Committee on August 6, 7, and 8, 1969, in Washington, D.C.; on September 26, 1969, in Los Angeles, Calif.; on September 29, 1969, in Denver, Colo.; on October 2 and 4, 1969, in New York, N.Y.; and on February 14, 1970, in Des Moines, Iowa. Hearings on S. 1816 and S. 2608 were held in Washington, D.C., on September 18 and 19, 1969, and November 3, 1969; and in Cherry Hill, N.J., on January 26, 1970. Hearings on S. 3562 were held in Washington, D.C., on March 16, 17, 23, 24, 25, and 26, 1970, and on April 13, 14, and 15, 1970; in Winchester, Mass., on April 10, 1970; and in Lynn, Mass., on April 11, 1970. Hearings on S. 3015 and H.R. 14252 were held in Washington, D.C., on August 27, 1970.

There was unanimous support in the hearings for the objectives of the provisions contained in this bill. These provisions, which were incorporated in the various bills that were the subject of the hearings, were strongly endorsed by both national organizations and individual citizens interested in the prevention and treatment of drug abuse and drug dependence.

PROVISIONS OF THE BILL

Findings and declarations of purposes

Drug dependence is properly regarded as an illness or disease, which requires a broad range of health and rehabilitation services for treatment. Existing laws and their implementation have not effectively prevented drug abuse and drug dependence, or rehabilitated drug abusers and drug dependent persons. There is a lack of authoritative information and creative projects designed to educate students and others about drugs and their abuse. A major Federal commitment is required to attack this problem.

Different types of prevention and treatment programs are required. While community mental health programs are important, other programs are equally important. Many "street" programs arising from local initiative to deal with specific aspects of drug abuse and drug dependence problems now offer the best possibility of reaching youthful experimenters. The bill is intended to offer maximum flexibility in dealing with community problems at the local neighborhood level.

An effective program can be maintained only with the assistance of significant financial support from the Federal Government. Present Federal programs for the control and treatment of drug abuse and drug dependence have been assigned low priority and have consequently suffered from a significant lack of funding. For fiscal year 1970, drug abuse and drug dependence received far less Federal funding than other diseases that have a much smaller impact on the Nation:

Federal funding commitments by categorical area—fiscal year 1970 [1]

[In millions of dollars]

Category:	
Child health	1,443
Mental health (exclusive of alcoholism and drug abuse)	306
Cancer	195
Heart and lung disease	174
Neurological diseases and stroke	108
Arthritis and metabolic disease	147
Allergy and infectious diseases	104
Drug abuse	70

[1] It is not possible to include all Federal funds for the categories listed. For example, the regional medical programs include $78.5 million for heart disease, cancer, and stroke, but this amount is not susceptible to a breakdown for each of these diseases. Therefore this program is not included in the figures given. Health-care costs under medicare and medicaid cannot be identified on a categorical basis, and no estimates for these programs are included. Figures for narcotic addiction, drug abuses, and alcoholism include estimates for the Justice Department, Office of Education, Office of Economic Opportunity, and the National Institute of Mental Health.

The solution is not to neglect these other diseases, but to fund drug abuse and drug dependence programs at a level commensurate with the seriousness of the problems they cause.

Insufficient Federal leadership and funding has been a significant element in the inability of State and local agencies to meet their responsibilities in the prevention and treatment of drug abuse and drug dependence. Federal efforts have concentrated primarily on basic research without significant emphasis on badly needed service and training programs. The new Institute will be very active in developing and encouraging service and training programs, as well as in conducting and encouraging a broad range of basic research. It seems clear that the place to begin is within the Federal Government itself. Until the Government establishes strong personnel programs for its own employees who are drug abusers or drug dependent persons, it will be hard pressed to retain its credibility in encouraging programs on the State and local levels.

Federal departments and agencies have failed to use existing legislative authority to combat drug abuse and drug dependence. It is obvious that drug abuse and drug dependence are properly regarded as a health problem, disorder, sickness, illness, disease, disability, or other similar term, for purposes of all Federal legislation relating to health, welfare, rehabilitation, and highway safety programs providing for services, funds, and other benefits. All Federal legislation providing for services such as medical assistance, medical care, treatment, or rehabilitation should be regarded as including programs and services for the prevention and treatment of drug abuse and drug dependence. Some examples of existing Federal legislation under which these problems can be assisted include the Vocational Rehabilitation Act, Manpower Development and Training Act, Older Americans Act of 1965, Law Enforcement Assistance Act of 1965, Health Research Facilities Act of 1956, Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, Heart Disease, Cancer, and Stroke Amendments of 1965, Health Professions Educational Assistance Act of 1963, Hospital and Medical Facilities Amendments of 1964, Social Security Act, Community Health Services Extension Amendments of 1965, Economic Opportunity Act of 1964, Comprehen-

sive Health Planning and Public Health Services Amendments of 1966, civil service laws, and laws providing for the treatment and discharge of members of the Armed Forces and the support and treatment of veterans of the Armed Forces.

After consideration of whether some of these statutes should be amended to make specific reference to drug abuse and drug dependence, it has been concluded that such a drastic step is not yet necessary. One of the functions of the new Institute will be to specify how all existing laws should be effectively utilized to combat drug abuse and drug dependence. For the moment, therefore, it is sufficient that Congress again spell out its mandate that existing statutory law must and shall be used to control drug abuse and drug dependence in this country.

DEFINITIONS

The bill adopts several important definitions.

"Drug abuser" is defined to mean any person who uses any controlled substance under circumstances that constitute a violation of law. "Drug dependent person" is defined, as suggested by the World Health Organization, the AMA, and the BNDD Advisory Committee, to mean a person using a controlled substance who is in a state of psychic or physical dependence, or both, arising from administration of that controlled substance on a continuing basis.

"Emergency care services" include all immediate medical and psychological care attendant to the detoxification process. The facilities which provide these services must be in a position to accept patients at all hours. They should utilize the services of physicians, nurses, and other professional and paraprofessional personnel in order that they not become merely another form of "junkie tank." Such facilities need not, of course, be physically attached to a hospital. It may, in fact, be preferable that a detoxification center be separate from a hospital. Accessibility to patients is of particular importance if these centers are to perform their function successfully.

"Inpatient services" may be necessary during the early stages of a treatment program, but should be given a very low priority since it is generally recognized that they are the least effective means of combating the long-range effects of drug abuse and drug dependence. Isolation from the community only increases dependence upon institutional care, thus destroying self-reliance and further reducing the possibility of recovery. The drug abuser or drug dependent person cannot be expected to adapt successfully to a normal existence as a result of spending full time in a treatment institution. It is felt that community-based treatment, through intermediate care or outpatient services, represents the best possibility of returning to a productive life.

"Intermediate care services," such as therapeutic communities or halfway houses are of prime importance to the ultimate success of the rehabilitation process. Since there is a great scarcity of such services throughout the country, it is anticipated that the Institute will place their development as a very high priority item in the near future. Such residential facilities are essential to provide the needed support during the transitional period back to a productive role in society. The repeated failure of full-time inpatient treatment to make any substantial impact readily demonstrates the need for this form of community-based intermediate care. Facilities, when possible, should provide the services of psychiatrists, psychologists, and social workers as well as job training, job referral, and, perhaps most importantly, transportation to and from work.

"Outpatient services" should be geared to the task of assisting the potential, recovered, or other drug abuser or drug dependent person out of the state of emotional, social, physical, or other deterioration which contributes to his illness.

"Prevention and treatment" is intended to encompass every form of educational technique which might be expected to assist in informing the public of the nature and consequences of drug abuse and drug dependence as well as every form of treatment and rehabilitation for the illness. It is intended that this phrase be given the widest possible interpretation and include all methods of effectively studying and handling drug dependence.

NATIONAL INSTITUTE FOR THE PREVENTION AND CONTROL OF DRUG ABUSE AND DRUG DEPENDENCE

Establishment of the institute

The legislation calls for the creation of an institute through which a broad range of prevention, training, rehabilitation, and research programs will be developed. It is absolutely essential that the entity established by this legislation be given institute status. An institute will have a stature commensurate with the magnitude of the health problem with which the new entity will deal. Consequently the likelihood of obtaining the funding necessary to effectively attack drug abuse and drug dependence problems will be immeasurably increased. An institute will also have the viability necessary to provide a strong program of public education and to develop public attention to and concern about this important health area. In addition, it will have a permanent status which will assist the development of the most qualified staff possible in the Federal Government in this area. It will provide the structure necessary to administer broad formula and project grant programs and to attract a broad cross section of individuals who are able to assist in solving problems of drug abuse and drug dependence.

An effective program must attempt to attract a broad cross section of individuals who are able to contribute to solving the problem. Such a cross section would include members of the medical professions, individuals interested in the sociological, organic, and chemical causes and ramifications, persons interested in practical programs of training and delivery of services, and persons skilled in research. Such a program must be directed and staffed by individuals who have the creativity and initiative to develop the widest range of activities possible; to foster and encourage Federal, State, and local initiative; and to dramatize the extraordinarily serious nature of the problems in this country. Such actions can do much to insure the delivery of prevention and rehabilitation services to those who most need them and can, in addition, greatly assist in relieving the serious funding problems which have plagued this health field. Such a program must concentrate on the delivery of prevention and rehabilitation services to the millions of Americans who are suffering or are likely to suffer from drug abuse or drug dependence.

Prior drug related criminal arrests or convictions may not be a bar to employment by the Institute or the programs and services which it operates or funds. It is necessary to single out drug-related offenses because of information that drug abusers and drug dependent persons have, in the past, been excluded from such employment because of their record offenses. This should not be interpreted to mean that a record of conviction for any other offense cannot properly be a bar to such employment.

The Institute will be responsible for coordinating all Federal efforts in the area of drug abuse and drug dependence. It will be expected to foster effective State and local programs through its review authority over State health, welfare, and rehabilitation plans submitted to the Federal Government and through the grants authorized by this bill.

Planning functions

One of the Institute's most important responsibilities is the development of a comprehensive and detailed drug abuse and drug dependence prevention and treatment plan, to serve as a blueprint for a national attack on these problems.

The plan must specify, among other things, how existing Federal health, rehabilitation, and welfare legislation can and should be utilized in fostering prevention and treatment programs. It will show how all components of the Federal Government can contribute to a coordinated national approach.

The motivating objective of the Institute's planning function will be the institution of modern public health, education, and rehabilitation procedures to handle drug abuse and drug dependence throughout the country.

Coordination functions

The Institute will serve in a coordinating and consulting capacity to assist other Federal departments and agencies in their efforts to prevent and treat drug abuse and drug dependence. This will, of necessity, include active consultation and work in a wide variety of areas, including vocational training, rehabilitation, manpower development and training, law enforcement assistance, highway safety, economic opportunity, health research facilities, mental retardation facilities, community mental health centers, juvenile delinquency, health professions educational assistance, hospital and medical facilities, community health services, education professions development, higher education, Federal employee health benefits, comprehensive health planning, elementary and secondary education, civil service laws, and laws providing for the treatment and discharge of the members of the Armed Forces and support and treatment of veterans of the Armed Forces. It would, indeed, not be possible to predict in advance all of the areas to which the Institute should properly devote its efforts.

Programs of non-Federal public and private organizations should be encouraged and assisted. Non-governmental organizations should not be discriminated against in any manner with respect to the availability of help.

STATISTICAL FUNCTIONS

Statistics must be accumulated in order accurately to ascertain the true scope of the problems associated with drug abuse and drug dependence. Such statistics will serve to highlight the urgency of the problem and facilitate the initiation of meaningful research.

Research functions

There is a lack of meaningful basic or applied reasearch on the problems of drug abuse and drug dependence. One reason this illness has reached epidemic proportions is because so little is known about it. The situation must be remedied immediately by the initiation of a comprehensive research program to investigate both the physical, psychological, and sociological aspects of the disease and the best possible prevention and treatment procedures for it.

The Institute will also maintain an adequate supply of all controlled substances, and shall make certain that adequate sources of these substances are available, for valid investigational and research purposes so that bona fide investigation and research with these drugs will not be inhibited or impeded with unnecessary red tape, restrictions, and delays.

It is especially important that a quick and reliable method for a more precise detection and determination of drug levels in urine, or in the blood, or by breath, or by other means,

be perfected as soon as possible. The Institute will publish significant results of this experimentation regularly.

It is, of course, essential that the confidentiality of a patient's records, whether obtained by the Institute or by individuals or organizations using funds contributed by the Institute, be honored at all times. It takes little imagination to realize that patients will be far more hesitant to consider treatment if they will be in danger of public ridicule by exposure of their illness. This factor is of particular significance because a treatment program's success is dependent upon the voluntary cooperation of the patient. Disclosure of an individual's name is of no value for research purposes and should be avoided in all situations.

Training functions

A most critical need for successful rehabilitation is the establishment of effective training programs for all those who come into contact with the patient during the course of the rehabilitation process. The Institute will meet this need by developing training programs and fellowships of its own and encouraging the establishment of similar programs at the State and local levels.

Educational functions

Develop, assist others to develop, and encourage the development of curricula on the use and abuse of drugs at the high school, college, and adult education levels as preventive measures. Instructional programs and guidelines will also be created for Federal law enforcement officials. Develop, assist others to develop, and encourage the development of informational and educational materials for use by the mass media. Educational materials must, above all else, be straightforward and factual, and not simply attempts to scare the public.

The Institute will ultimately become a clearinghouse for the maintenance and distribution of all relevant information dealing with the problems of drug abuse and drug dependence. Field workers as well as research investigators should be able to locate at the Institute whatever educational material is applicable to their particular interests.

Reporting functions

The Institute must submit an annual report to Congress detailing the progress of its programs. The report will candidly relate what has and has not been accomplished and indicate how improvements can be made in the future. It is likely that practical experience with the program will suggest significant legislative proposals which can thus be relayed to Congress.

PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE FOR FEDERAL EMPLOYEES

No Federal employee (not engaged in a position involving the national security) should be discriminated against with regard to any facet of his employment solely because he has a drug abuse problem. Government employees with drug abuse problems should be dismissed only if they have refused to accept adequate and appropriate treatment offered to them, and have subsequently failed to function properly in their positions.

CONFIDENTIALITY OF RECORDS

The importance of maintaining confidential records, mentioned earlier in this report in connection with the research undertaken or funded by the Institute, applies equally to all other patient records prepared or obtained pursuant to the prevention and treatment provisions of the bill.

FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Formula grants and project grants

Formula grants

Drug abuse is a national problem which does not recognize regional boundaries. The formula grant program will make it possible for all States to stimulate programs and share in Federal financial assistance. Each State must develop a drug abuse and drug dependence prevention and treatment plan in order to be eligible for these Federal funds. A single agency in each State will be assigned responsibility for the administration of the State drug abuse and drug dependence program. This agency will work in conjunction with an advisory council which will serve as a consulting body for purposes of policy formulation. The money which is made available by formula grants will be used to supplement rather than replace funds which the States would otherwise have devoted to such programs.

Applications for financial assistance will be approved whenever the other requirements have been satisfactorily complied with and funds remain available in the allotment determined for the applying State. Any facilities which are established through the assistance of Federal funding will be available to all citizens of the State regardless of sex, race, color, creed, or national origin. Hearings for States whose applications have been denied will comply with the Administrative Procedure Act.

Project grants

This provision will make it possible for the Institute to make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public or private agencies to develop programs for the prevention and treatment of drug abuse and drug dependence. It is vitally important for these programs to be community based, and to utilize public health rather than criminal measures, in order to provide the most effective treatment possible. The development of curricula, informational, and other educational materials which can be used in preventive efforts should have the highest possible priority. All organizations within the community which are attempting to combat drug abuse and drug dependence should be coordinated whenever possible so as to provide readily accessible services to all persons at all hours of the day. It is also important that innovation with unstructured street programs, crisis intervention centers, therapeutic communities, peer group leadership programs, telephone counseling, workshops, seminars, informal discussion and information centers and sanctuaries, be encouraged. Such programs should, to the extent feasible, provide for the use of adequate personnel from similar social, cultural, age, ethnic, and racial backgrounds as those of the individuals served. Funds will also be made available to defray the total costs of community projects which are designed to assess deficiencies and prompt public interest in a local attack upon the drug abuse and drug dependence problem.

Emphasis on public health measures will result in no improvement unless there are sufficient funds, trained personnel, and facilities for an effective program, backed by a broad-based desire to implement such a program. All too often in the past, civil commitment has been used to mask inadequate and inappropriate treatment. Large numbers of patients have been committed to institutions without a specific treatment plan being formulated and adopted for the individual needs of the patient, and without sufficient medical or judicial inquiry into the adequacy and appropriateness of the treatment that is in fact available or provided. This bill is intended to require respect for the basic human dignity of drug abusers and drug-dependent persons, and not to contribute to the use of civil punishment as a replacement for criminal punishment. Federal funding and assistance should not be made available for the establishment or maintenance of overcrowded and understaffed institutions, indiscriminate civil commitment procedures, disregard of fundamental human rights, or other forms of inadequate or inappropriate treatment.

The bill provides a mechanism of processing applications for financial assistance made by units of local government and private organizations. Applications will be channeled through the agency designated to administer the program within the State. The State agency will have an opportunity to comment upon the propriety of the particular plan under consideration, but may not prevent it from being sent to the Institute for review. The Institute will take the evaluation of the State agency into consideration, but may not discriminate in favor of a State over a local, or a public over a private applicant. Local organizations of both a public and a private character are recognized as vital for a successful rehabilitation effort. As with formula grants, the money which is made available through project grants will be used to supplement rather than replace funds which the States or localities would otherwise have devoted to such programs.

The Secretary is authorized to make the project grants authorized by this legislation upon the recommendation of the National Advisory Council on Drug Abuse and Drug Dependence.

General

Any organization or agency which has had its payments under part E terminated may obtain judicial review of the administrative action of the Secretary by filing a petition in a U.S. court of appeals within 60 days after such action has been taken.

The bill provides that public and private general hospitals will forfeit all Federal financial assistance under this title or any Federal law administered by the Secretary of Health, Education, and Welfare, if they discriminate against drug abusers or drug-dependent persons by virtue of their admission procedures and practices.

THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

Establishment of Council

The bill establishes a National Advisory Council on Drug Abuse and Drug Dependence within the Public Health Service.

The Advisory Council will be responsible for reviewing research projects, making suggestions for future improvements, and collecting and publishing relevant information.

Grant approval by Council

Grants made under the Community Mental Health Centers Act which are primarily intended for use in the prevention or treatment of drug abusers or drug dependence may be made upon the recommendation of the National Advisory Council.

INTERGOVERNMENT COORDINATING COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

The bill establishes an Intergovernment Coordinating Council on Drug Abuse and Drug Dependence. The Coordinating Council will be composed of 13 members, including the Secretary of HEW who shall be the Chairman, the Attorney General, the Commissioner of Education, the Director of the National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence, the Director of the National Institute of Mental Health, four representatives of Federal Government, and four representatives of State government.

This body will be comprised exclusively of governmental personnel and will be responsible for assisting the Institute in coordinating Federal efforts, promoting cooperation between State and Federal agencies, instituting educational programs for Federal employees, and facilitating the rehabilitation of Federal employees who are drug abusers or drug-dependent persons. The Federal Government owes a special responsibility to all of its own employees and should, therefore, set an example of sensitivity to the prob-

lems of the drug abuser, which will hopefully be followed by the States, municipalities, and private enterprise.

General

All regulations issued pursuant to this bill are intended to be subject to the provisions of the Administrative Procedure Act. After considering whether it was necessary to explicitly include this in the bill itself it was concluded that under the APA this would be the result even if the bill was silent on the matter.

Conclusion

A new approach to the problems arising from drug abuse and drug dependence is urgently needed. The bill will enable the Nation to embark on a broad program of prevention and rehabilitation that will offer a productive life to those who have suffered so long without hope and will prevent the continued tragic waste of human lives in the future.

It is recommended that the Senate adopt the bill, as amended, at the earliest opportunity.

SECTION-BY-SECTION ANALYSIS

TITLE I

Part A—Findings and declarations of purpose

Section 101.—Finds that drug abuse and drug dependence are increasing throughout the country; that drug dependence is an illness or disease that requires treatment through health and rehabilitation services; that existing laws have not been effective to prevent drug abuse and drug dependence or to provide adequate education, treatment, and rehabilitation of drug abusers and drug dependent persons and that a major Federal commitment is needed in these areas; that there is a lack of authoritative information and creative projects designed to educate students and others about drugs and their abuse; that effective treatment services and successful rehabilitation offer the best possibility of avoiding a high rate of recidivism among those persons incarcerated in Government institutions; that Federal programs for drug abuse and drug dependence should have a high priority and be closely coordinated within the Government; that the Federal Government must effectively handle drug abuse and drug dependence among those for whom the Government has special responsibilities—civilian employees, military personnel, and veterans; and that drug abusers and drug dependent persons can be best treated and rehabilitated through effective community-based programs.

Section 102.—Declares that a National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence will be established and maintained within the Public Health Service to coordinate all Federal social programs related to the prevention of drug abuse and drug dependence; that an increased effort should be made to encourage the development of new and improved curriculums on the problems of drug abuse, to demonstrate the use of such curriculums in model educational programs and to evaluate the effectiveness thereof, to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; and to offer community education programs, for parents and others, on drug abuse problems; that major Federal action and assistance shall be understaken to encourage a broad range of State and local programs in this area, and to assure equal access to humane care, treatment, and rehabilitation for all drug abusers and drug dependent persons; that research relating to drug abuse and drug dependence shall be fostered and assisted; and that all present Federal or federally assisted research, prevention, treatment, or rehabilitation programs in the fields of health, education, welfare, and rehabilitation shall be utilized to reduce drug abuse, drug dependence, and drug-related crime.

Part B—Definitions

Section 112.—Sets out definitions which apply throughout the bill.

"Prevention and treatment" is defined to include all appropriate forms of educational programs and services (including but not limited to radio, television, films, books, pamphlets, lectures, adult education, and school courses); planning, coordinating, statistical, research, training, evaluation, reporting, classification, and other administrative, scientific, or technical programs or services; and screening, diagnosis, treatment (emergency medical care, inpatient, intermediate care, and outpatient), vocational rehabilitation, job training and referral, and other rehabilitation programs or services.

Other definitions include those for the terms "drug abuser," "drug dependent person," "emergency medical care services," "inpatient services," "intermediate care services," and "outpatient services."

The remaining definitions are routine.

Part C—National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence

Section 121.—Establishes a National Institute for the Prevention and Control of Drug Abuse and Drug Dependence within the Public Health Service. Remaining sections of this part prescribe the responsibilities of the Institute and the qualifications of its personnel.

Section 122.—Sets out the administrative functions of the Institute, which include providing assistance to all Federal departments and agencies to establish and maintain programs for the prevention and treatment of drug abuse and drug dependence; evaluating the drug abuse and drug dependence prevention and treatment provisions of all State health, welfare, and rehabilitation plans submitted to the Federal Government; administering grants and contracts authorized by the bill; and taking other action consistent with the intent and objectives of the bill.

Section 123.—Sets out the planning functions of the Institute, which include development of a comprehensive Federal drug abuse and drug dependence prevention and treatment plan; development of model State and local drug abuse and drug dependence prevention and treatment plans; providing assistance and consultation to all interested agencies and persons with respect to the prevention and treatment of drug abuse and drug dependence; and carrying out a complete evaluation of existing and ongoing drug education materials and programs.

Section 124.—Sets out the coordination functions of the Institute, which include assisting all Federal departments and agencies in the development and maintenance of drug abuse and drug dependence prevention, treatment, and rehabilitation programs; serving as consultants to Federal courts, departments, and agencies; coordinating all Federal health and rehabilitation efforts to deal with drug abuse and drug dependence; encouraging State and local public and private programs and services and stimulating more effective and coordinated use of all existing resources and services; and cooperation with Federal departments and agencies to develop an appropriate policy with regard to Federal civilian employees who are drug addicts or drug dependents.

Section 125.—Sets out the statistical functions of the Institute, which include gathering and publishing statistics pertaining to drug abuse and drug dependence—statistics, records, and reports.

Section 126.—Sets out the research functions of the Institute, which include conducting research of all kinds relating to drug abuse and drug dependence; encouraging and assisting others in conducting such research; coordinating research conducted by the Institute with that done by other agencies and persons; establishing a research register and a research information center; making research facilities of the Institute available to other researchers; making research grants and contracts with other agencies and individuals; maintaining a research fellowship program; investigating methods for measuring drug consumption; and evaluating existing and proposed drug abuse and drug dependence prevention and treatment programs.

Section 127.—Sets out the training functions of the Institute, which include establishment of training programs for professionals and paraprofessionals; encouragement of such programs by State and local governments; and establishment of training fellowships.

Section 128.—Sets out the educational functions of the Institute, which include developing and assisting and encouraging the development of model curricula for use at all educational levels; developing and assisting and encouraging the development of a broad variety of educational material for use in all media; establishing and assisting and encouraging the establishment of educational courses for use by all Federal, State, and local agencies and private groups on the causes of, and treatment for, drug abuse and drug dependence; acting as a clearinghouse for all information relating to drug abuse and drug dependence; recruitment, training, organization, and employment of personnel for public education programs in relation to drug abuse and drug dependence; coordination of all Federal educational activities regarding drug abuse and drug dependence; and undertaking, assisting, and encouraging all activities relating to a national drug abuse and drug dependence education program.

Section 129.—Sets out the reporting functions of the Institute, which include making an annual report to Congress, specifying actions taken and services provided under each provision of this act as required; and making such additional reports as are requested by the President or Congress.

Part D—Prevention and treatment of drug abuse and drug dependence for Federal employees

Section 131.—Sets out procedures for prevention and treatment of drug abuse and drug dependence among all Federal Government employees. It provides that the Civil Service Commission, in cooperation with the administration and other Federal agencies, shall be responsible for developing and maintaining appropriate policies and services for the prevention and treatment of drug abuse and drug dependence among all Federal civilian employees. All Federal civilian employees will retain the same employment and benefits as those suffering from other illnesses and shall not lose pension, retirement, or medical rights. The Institute will be responsible for encouraging similar drug abuse and drug dependence prevention, treatment, and rehabilitation services in State and local governments and private industry. No person may be denied Federal civilian employment or a Federal license or right solely on the ground of prior drug abuse or drug dependence except in regard to extremely sensitive positions. This section will not prohibit the dismisal of a Federal civilian employee who refuses to accept appropriate treatment offered to him and subsequently does not function properly in his employment.

Section 132.—Provides that all patient records prepared or obtained pursuant to this act and their contents shall remain confidential, and may be disclosed with the patient's consent only to proper persons for

purposes of medical treatment, research, or the obtaining of benefits relating to the patient's drug dependence. Any other disclosure must be by court order based on a showing of good cause. No such records or information may be used to initiate charges against a patient under any circumstances. Similar provisions apply to private medical records.

Part E—Federal assistance for State and local programs

Subpart I—Formula Grants

Section 142.—Provides that $10 million will be authorized to be appropriated for the fiscal year ending June 30, 1971, for the purpose of providing formula grants to States to aid in the development and maintenance of their treatment and rehabilitation programs. An additional $20 million will be added to this base amount in fiscal 1972, and $25 million will be added to this base amount for fiscal 1973.

Section 143.—Provides for the allotment of grants to all States regardless of their size, such allotment to be made on the basis of relative population, financial needs, and need for more effective prevention, treatment, and rehabilitation programs. The allotment procedure is that generally followed for formula grants.

Section 144.—Requires States wishing to participate in the formula grant program to develop State plans meeting certain basic requirements. The plans must designate a single State agency to administer the plan; provide for a State advisory council to oversee the plan; specify the needs of the State and its existing health facilities; meet certain standards of administration; provide required reports and information; and assure that Federal funds will be used to supplement rather than supplant non-Federal funds. The Secretary shall approve any State plan meeting the statutory requirements.

Section 145.—Provides an application procedure for submission of grant applications to the Secretary through the designated single State agency and requires the Secretary to approve any plan for which an allotment remains available and which meets the requirements of section 144.

Subpart II—Project Grants

Section 146.—Authorizes appropriations of $20 million for fiscal 1971, $45 million for fiscal 1972, and $70 million for fiscal 1973, for the project grants authorized by the act.

Section 147.—Authorizes the Secretary to make grants to and contracts with public and private agencies to assist State and local public and private organizations, agencies, institutions, and individuals to carry out the following activities for the prevention and treatment of drug abuse and drug dependence; to construct and operate treatment and rehabilitation facilities; to develop curriculums, informational and other educational materials for use in preventive efforts; to conduct research and demonstration projects; to educate and train professional and paraprofessional personnel; and to provide drug abuse and drug dependence prevention and treatment services in correctional and penal institutions and among juveniles and young adults. All of the grants and contracts under this title will be community based whenever possible.

Section 148.—Requires the Secretary to assure coordination of all grant applications for programs in a State, and not to give precedence to public agencies over private agencies or to State agencies over local agencies. It provides that all applications from within a State shall first be submitted by the applicant for review and comment to the State agency responsible for administering the State comprehensive plan for treatment and prevention of drug abuse and drug dependence if such an agency exists. Applications are then to be forwarded to the Secretary for approval. It also establishes the administrative and budgetary criteria which must be met by those seeking funds under this title. A State may waive its rights to review applications under this section if it so desires.

Section 149.—Provides that the Secretary of Health, Education, and Welfare is authorized to make grants under this part upon the recommendation of the National Advisory Council on Drug Abuse and Drug Dependence.

Subpart III—General

Section 150.—Provides that the Secretary may terminate payment to any program not in compliance with the terms of its grant or contract until the program complies. Anyone adversely affected by such an action of the Secretary may appeal to the U.S. court of appeals for the circuit in which he is located by filing a petition with such court within 60 days after such final action. The procedures and conditions of filing such a petition are set out in the remainder of this section.

Section 150A.—Provides that no private or public general hospital which discriminates against drug abuse and drug dependence because of their drug abuse or drug dependence will receive Federal financial assistance under the provisions of this title or any other Federal law administered by the Secretary. Termination of aid will occur only after the Secretary gives notice of the failure to comply with this section and provides an opportunity for correction or hearing. All action taken by the Secretary pursuant to this section is subject to judicial review pursuant to section 150(b) of this title.

Part F—The National Advisory Council on Drug Abuse and Drug Dependence

Section 151.—Establishes a National Advisory Council on Drug Abuse and Drug Dependence within the Public Health Service. The Advisory Council will be composed of 15 members, including the Secretary of HEW, who shall serve as chairman, the chief medical officer of the Veterans' Administration or his representative, a medical officer designated by the Secretary of Defense, and 12 appointed members. The Advisory Council will be responsible for reviewing research projects and making suggestions for future improvements, collecting and publishing relevant information, and recommending grants in accordance with section 149 of part E of this title.

Section 152 amends section 266 of part E of the Community Mental Health Centers Act to provide that grants under that act which are primarily intended for use in the prevention and treatment of drug abuse or drug dependence may be made only upon the recommendation of the National Advisory Council on Drug Abuse and Drug Dependence.

Part G—Intergovernment coordinating council on drug abuse and drug dependence

Section 161.—Establishes an Intergovernment Coordinating Council on Drug Abuse and Drug Dependence consisting of the Secretary who shall serve as chairman, the Attorney General of the United States, the U.S. Commissioner of Education, the chairman of the National Advisory Council on Drug Abuse and Drug Dependence, the Director of the National Institute of Mental Health, four representatives of Federal departments or agencies, and four representatives of State and local government departments or agencies. The Council will be responsible for coordinating all Federal drug abuse and drug dependence prevention and treatment activities with each other and with similar State and local activities and for developing an enlightened approach to the problem with respect to Federal civilian employees.

Section 162.—Directs the Coordinating Council to assist the Secretary in his coordinating functions; to engage in educational and rehabilitation programs directed at Federal civilian employees; and to carry on other appropriate activities.

TITLE II

Part I—General

Section 201.—Is a severability provision.

Section 202.—Requires recipients of grants to make whatever reports are required by the Secretary.

Section 203.—Provides that payments under this title may be made in advance or by way of reimbursements, and in such manner as the Secretary may determine.

Mr. HRUSKA. Mr. President, on October 14 we passed H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970, which was signed into law by the President as Public Law 91–513 on October 27.

During the consideration of that act in this body, the Senator from Iowa and others displayed a very strong desire to greatly expand the act in the area of drug abuse prevention and treatment. At that time, opposition was indicated to such an expansion of what was basically a law enforcement measure. At that time this Senator stated he would support a separate bill along the lines of the proposal suggested by the Senator from Iowa.

Now we have before us S. 3562, the "Federal Drug Abuse Prevention, Treatment, and Rehabilitation Act of 1970." The Senator from Iowa is to be commended for his persistence in bringing this worthwhile measure before this body for a vote during the short time left to us in the 91st Congress. As I had earlier indicated, I support this measure. The Senator from Iowa agrees that S. 3562 is in no way intended to override, obstruct, or in any way conflict with the provisions of Public Law 91–513. There is a series of minor amendments, which will be discussed shortly, designed to eliminate any possible conflict between this pending bill and the Comprehensive Drug Abuse Prevention and Control Act. With these amendments, S. 3562 will be complementary and supplementary to Public Law 91–513. It will round it out and make progress toward the goals of dealing with the problem. Hence I am able to support this bill in the form of a separate measure, as I indicated last month that I would do.

I might add that the Department of Health, Education, and Welfare feels they really have no need for this measure, and that existing law could accommodate the programs established under S. 3562. However, with all due respect to that Department, I must accede to the very strong desire of the Senator from Iowa and his supporters to see his proposal enacted, to sharpen the picture, to make it more definitive, and to facilitate the efforts of the Department of Health, Education, and Welfare in the field we are discussing.

We cannot overlook any possibility of legislation which will aid the fight against drug abuse on all fronts, so long as there is no interference with the immediate and pressing requirements of law enforcement in this area. With the amendments as proposed, S. 3562 will offer no such conflict. Hence I support the enact-

ment of this measure and recommend its approval by this body as amended.

Mr. HUGHES. I thank the distinguished Senator from Nebraska who has been entirely cooperative in this matter. The statement the Senator has just made is entirely accurate as far as both of us are concerned.

Mr. President, when this bill was originally scheduled to come up for debate last Tuesday, November 17, the Senator from Nebraska (Mr. HRUSKA) indicated that he had a number of changes which he would like to propose to the bill. Action on the bill was then postponed until today, so that we could attempt to reach some compromise on the differences which existed. I am pleased to be able to report that we have been able to reach such a compromise.

A number of the compromise amendments here proposed are merely technical in nature; others modify the originally proposed legislation in such a way as to make it clear that overlapping with Public Law 91-513, the drug legislation recently signed into law by the President, was not intended; still others involve changes made at the request of the administration or in order to allow for additional study by the subcommittee.

It is my feeling that if these compromise amendments are accepted and the bill receives strong support by this body, that the Senate will have met its obligation to the American people to make a strong commitment for action in the area of drug abuse and drug dependence prevention and treatment and will, in addition, have committed itself to strongly supporting and expediting the basic provisions of this minimal piece of legislation at the earliest possible time next year.

Mr. President, the Senator from Nebraska and I have agreed to go through these amendments one by one rather rapidly.

I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

The amendments are as follows:

On page 79, line 10, strike out "an illness or disease," and insert in lieu thereof "a public health problem".

On page 83, between lines 16 and 17, insert the following:

"(b) 'Controlled substance' shall have the same meaning as that term is defined in section 102(6) of the Comprehensive Drug Abuse and Prevention and Control Act of 1970."

On page 83, line 17, strike out "(b)" and insert "(c)".

On page 83, line 19, strike out "(c)" and insert "(d)".

On page 83, line 22, strike out "(d)" and insert "(e)".

On page 83, line 25, strike out "(e)" and insert "(f)".

On page 84, line 8, strike out "(f)" and insert "(g)".

On page 84, line 17, strike out "(g)" and insert "(h)".

On page 84, line 21, strike out "(h)" and insert "(i)".

On page 84, line 24, strike out "(i)" and insert "(j)".

On page 85, line 6, strike out "(j)" and insert "(k)".

On page 85, line 13, strike out "(k)" and insert "(l)".

On page 85, line 24, strike out "(l)" and insert "(m)".

On page 86, line 11, strike out "(m)" and insert "(n)".

On page 83,, line 25, beginning with the word "means", strike out all through line 7 on page 84 and insert in lieu thereof the following: "shall have the same meaning as that term is defined in section 2(b) of title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970.".

On page 86. line 4, strike out "classification,".

On page 87, line 8, immediately after the word "not", insert "in themselves".

On page 90, line 12, immediately after the word "serve", insert a comma and the following: "upon request,".

On page 90, line 20, beginning with the word "all", strike out all through the word "to" on line 21 and insert in lieu thereof the following: "Federal prevention and treatment programs that".

On page 92, line 7, immediately before the period, insert a comma and the following: "except as specifically authorized by Federal law".

On page 93, line 1, beginning with the word "shall", strike out all through line 5 and insert in lieu thereof the following: "Shall maintain a complete and current register of all research which requires his approval or for which Federal funds are expended;".

On page 93, line 12, beginning with the comma, strike out all through the word "needs" on line 16.

On page 94, strike out lines 6 and 7 and insert in lieu thereof the following: "such data and information shall be available to all interested parties, except that this section shall not apply to data gathered pursuant to section 201 of the Comprehensive Drug Abuse Prevention and Control Act of 1970;".

On page 94, beginning with line 22, strike out all through line 10 on page 95.

On page 92, line 9, strike out "(a)".

On page 98, line 16, immediately after the word "shall", insert a comma and the following: "where appropriate,".

On page 101, strike out line 1 and insert in lieu thereof the following: "vention of drug abuse and drug dependence, and for the treatment of drug dependence".

On page 101, line 5, strike out "who are drug abusers" and insert in lieu thereof a comma and the following: "except for personnel employed by Federal law enforcement agencies,".

On page 101, line 6, strike out "or".

On page 101, line 24, immediately before the period, insert a comma and the following: "or except with regard to registration provisions in part C of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970".

On page 102, beginning with line 6, strike out all through line 10 on page 103 and insert in lieu thereof the following:

"SEC. 132. The Secretary may authorize persons engaged in treatment of drug abuse or drug dependence to protect the privacy of individuals who are the subject of such treatment by withholding from all persons not connected with the conduct of such treatment the names or other identifying characteristics of such individuals. Persons so authorized to protect the privacy of such individuals may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to identify such individuals. Such authorization by the Secretary shall not limit the rights of inspection and maintenance of records required under the Comprehensive Drug Abuse Prevention and Control Act of 1970."

On page 111, beginning with line 1, strike out all through line 5 on page 113.

On page 113, line 6, strike out "(3)" and insert "(2)".

On page 113, line 11, strike out "(4)" and insert "(3)."

On page 113, line 20, strike out "(5)" and insert "(4)".

On page 114, line 5, strike out "(6)" and insert "(5)".

On page 114, line 8, strike out "(7)" and insert "(6)".

On page 114, line 16, strike out "(8)" and insert "(7)".

On page 115, line 5, strike out "(9)" and insert "(8)".

Mr. HUGHES. Mr. President, the Senator from Nebraska has agreed with me that we could run through this series of amendments briefly to clearly outline our position on what they do for the benefit of making a record which might be clearly understood.

The first amendment consists of lines 1 and 2 on page 1 of the printed amendment before us. It deletes the findings in the bill that "Drug dependence is an illness or disease . . ." and replaces it with a more general finding that drug abuse is "a public-health problem." It is important to explain what has been done here, because it is not immediately clear on the surface.

The question is not one of whether drug dependence is an illness or disease from a medical point of view—it is clear that it is. Certainly our hearings have indicated that. I would like to place into the record some examples of authoritative and expert opinions that also indicate that this is so. The examples are not exhaustive, but they are illustrative of various comments which have been made upon this point.

Mr. President, I ask unanimous consent that the examples may be printed in the RECORD at this point.

There being no objection, the examples were ordered to be printed in the RECORD, as follows:

EXAMPLES OF AUTHORITATIVE AND EXPERT OPINIONS THAT DRUG DEPENDENCE IS AN ILLNESS OR DISEASE

1. STATE LEGISLATURES

In 1966, the New York State Legislature enacted a comprehensive new law on drug addiction. Section 200(1) contains the following "declaration of purpose":

"1. The human suffering and social and economic loss caused by the disease of drug addiction are matters of grave concern to the people of the State. The magnitude of the cost to the people of the State for police, judicial, penal and medical care purposes, directly and indirectly caused by the disease of drug addiction, makes it imperative that a comprehensive program to combat the effects of the disease of drug addiction be developed and implemented through the combined and correlated efforts of Federal, State, local communities and private individuals and organizations."

This has been the law of New York since 1966, without any detrimental effect whatever on local law enforcement efforts.

2. UNITED STATES SUPREME COURT

In *Linder* v. *United States*, 268 U.S. 5, 18 (1925), the Supreme Court stated that, with respect to narcotic addicts, the Harrison Act:

". . . does not undertake to prescribe methods for their medical treatment. They are diseased, and proper subjects for such treatment. . . ."

In *Robinson* v. *California*, 370 U.S. 660, 667 (1962), the Supreme Court noted that the State of California recognized that narcotic addiction is "an illness," and also that the Supreme Court had recognized in 1925 in the *Linder* case that addiction is a disease.

The Court, relying upon the disease concept of drug dependence, declared unconstitutional a statute that purported to make such dependence a criminal offense.

3. THE AMERICAN MEDICAL ASSOCIATION

Dr. Henry Brill, Chairman of the American Medical Association Committee on Alcoholism and Drug Dependence, testified before the Senate Subcommittee on Juvenile Delinquency, of the Committee on the Judiciary, with respect to hearings on the bills that were later to become H.R. 18583, that:

"In regard to handling of offenders, drug dependence, as distinguished from drug abuse, should be regarded as an illness."

Dr. Brill, in addition to his position as Chairman of the AMA Committee, was also Chairman of the National Academy of Sciences/National Research Council Committee on Drug Abuse, the Medical Advisory Committee to the Bureau of Narcotics and Dangerous Drugs, and Vice-Chairman of the New York State Narcotic Commission. Thus, his views reflect both law enforcement and medical treatment positions.

It should be noted that no witness who appeared before any Committee considering all of the legislation relating to law enforcement and treatment with respect to drug abuse, has suggested that drug dependence is not properly regarded from a medical standpoint as an illness or disease. (The Department of Justice has stated only that the bill should not reflect this fact.)

In the AMA book on "Drug Dependence—A Guide For Physicians" (1969), it is stated that:

"The physicians should remember that the person who is drug dependent (psychologically, physically, or both) is sick and deserves understanding and treatment. . . ." (Page 63).

4. WORLD HEALTH ORGANIZATION

The Fourteenth Report of the WHO Expert Committee on Mental Health (1967) states that:

"In legislation drawn up concerning persons dependent on alcohol and other drugs, it should be recognized and stated that these are sick persons. . . ."

The opinion of WHO is particularly important. The Single Convention on Narcotic Drugs, 1961, to which the United States is a signatory, was established under the auspices of the United Nations. Under this Treaty, the WHO has the responsibility for determining the abuse potential of dangerous drugs. By international treaty, therefore, the opinion of WHO carries special weight in this country.

5. THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY

A policy statement on narcotics law violations by the Advisory Council of Judges of the National Council on Crime and Delinquency (1964) stated that:

"The narcotic drug addict is a sick person, physically and psychologically, and as such is entitled to qualified medical attention just as our other sick people."

6. THE U.S. CRIME COMMISSION REPORT ("THE CHALLENGE OF CRIME IN A FREE SOCIETY")

The U.S. Crime Commission noted that compulsory treatment for narcotic addiction arose out of:

". . . growing awareness that drug addiction was a medical illness and that a clearer distinction, which would make some allowance for the quality of compulsion in addiction, should be made between addicts and other offenders." (Page 228).

Mr. HUGHES. The question today, rather, is whether we want to take a position which could provide an affirmative defense in criminal cases in which drug-dependent persons are involved—which would say in effect, that there should be no burden of criminal responsibility placed on those drug-dependent persons who engage in criminal acts. That is a policy question which may go beyond the medical question, and it is one which I feel deserves some further consideration before we act.

I should say this, in addition, however. I would hope that our action in this instance would not deter the courts across the country, after careful study on this question, from reaching their own decisions on it. I know there have been several recent cases in this area. In some respects, because the question which involves an interpretation of basic constitutional and human rights, this is a matter which is best left to the courts.

Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. HRUSKA. Mr. President, the main concern of officials of the Department of Justice, and others, with the language as originally determined by the committee was simply that unless the language was changed there would be a possibility that drug dependence could be asserted as an affirmative defense in any criminal prosecution.

This amendment serves to modify the language of the bill in such a way that it makes it clear that drug dependence is a health problem, but does not go so far as to make a congressional finding of fact that drug dependence is an illness or disease. Otherwise, there would always be the possibility that drug dependence could be asserted as an affirmative defense in any criminal prosecution.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. GOLDWATER. Not being a lawyer I have to ask this question. If a person is being held at the present time for the transportation, sale or use of marihuana, would he be tried under the old law or this law when it is passed?

Mr. HUGHES. No. This law would have no effect, especially now that changes have been made in this amendment. If the person were a heroin addict and transporting, for example, illegal marihuana or any other substance which is illegal to bring into this country, he would come under the provisions in Public Law 91–513, signed into law earlier this year, not under this legislation.

Mr. GOLDWATER. I am interested specifically in marihuana.

Mr. HRUSKA. That action would be covered in the act which was passed and signed by the President on October 27.

That is the law enforcement act, and any violation of its provisions for the transportation or possession of marihuana would come under the terms of that previous bill, not this one.

Mr. GOLDWATER. I thank the Senator.

Mr. HUGHES. Mr. President, I would like to explain amendments 2 and 3.

Amendment No. 2 includes lines 3 through 9 on page 1 of the amendment and also includes lines 1 through 10 on page 2.

Amendment No. 3 includes lines 11 through 15, inclusive on page 2.

Those amendments simply insure that the definitions of "controlled substance" and "drug dependent person" in this legislation correspond with the definitions of those terms in Public Law 91–513, which was recently signed into law by the President. The fact that these terms are defined identically in both pieces of legislation will simplify questions of interpretation and intent which may arise in the future.

Mr. HRUSKA. With reference to amendment 2, the term "controlled substance" is defined in Public Law 91–513, which was signed into law earlier this year. This amendment insures that the term as used in this act has the same meaning as in the earlier passed bill.

Adverting to amendment No. 3, that amendment merely conforms the definition of "drug dependent person" in the bill to the definition of that term which is used in Public Law 91–513, which was signed into law earlier this year.

Both amendments Nos. 2 and 3 are necessary so as to avoid misunderstandings and outright conflicts between this bill and the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Mr. HUGHES. Mr. President, amendment No. 4 consists of line 16 on page 2.

The amendment deletes the word "classification" from the definition of the term "prevention and treatment" in the bill. Originally the legislation set out a series of classification functions which the Secretary would have been required to perform. That section of the bill has since been deleted. The term "classification" as used here would have been a reference to those functions and responsibilities.

So this is simply a technical amendment. I think that it is clear that the Secretary of Health, Education, and Welfare could conceivably group various types of drugs for the purposes of treatment and rehabilitation research plans, treatment purposes, and so forth, under his responsibilities under the bill—or under present general statutory provisions, for that matter. But there is no longer an intent to require the Secretary to set up a separate classification of drugs under this bill.

Mr. HRUSKA. With reference to amendment No. 4, the amendment deletes the word "classification" from the definition of the term "prevention and treatment." This eliminates any implied authority on the part of the Secretary to reclassify controlled substances for rehabilitation purposes.

With the adoption of this amendment the classifications and scheduling of these various drugs and substances as contained in Public Law 91–513 would be controlling.

Mr. HUGHES. For these purposes, yes.

Amendment No. 5 consists of lines 17 and 18 on page 2 of the amendment.

The amendment simply clarifies the fact that prior drug-related criminal arrests or convictions will not in themselves be a bar to employment of persons

by the Institute created by the bill. Other factors may be taken into consideration by the persons doing the employing.

The reason for this provision is that in rehabilitation programs it is many times both essential and important for persons who have been drug abusers or drug dependents to be employed.

Mr. HRUSKA. Mr. President, this amendment clarifies the fact that prior drug-related criminal arrests or convictions shall not in themselves be a bar to employment of persons by the Institute created by the bill. It gives the Institute a degree of discretion in that it may refuse to hire a person with a previous drug-related criminal arrest or conviction if the offense was of such a serious nature that it raises the possibility that the offender, as an employee, might compromise or jeopardize the Institute and its programs. It would in no wise interfere with the concept and basis of the provision itself as envisioned by the Senator from Iowa, and of the bill as approved by the committee.

Mr. HUGHES. The Senator from Iowa completely agrees with that interpretation.

Amendment No. 6 consists of lines 19 and 20, inclusive, on page 2 of the amendment. The amendment allows the Secretary to, upon request, serve in a consulting capacity to all Federal courts, departments, agencies, and so forth. I emphasize the words "upon request." The added language, which requires a request for such aid, is simply meant to protect the independence of the various courts, departments, agencies, et cetera, covered by the amended provision.

Mr. HRUSKA. Mr. President, that explanation is fully concurred in by the Senator from Nebraska and is self-explanatory.

Mr. HUGHES. Mr. President, amendment No. 7 consists of lines 21 through 24 on page 2 of the amendment. It simply restricts the coordinating authority of the Secretary to those areas which relate to the prevention and treatment of drug abuse and drug dependence—that is, to areas within the jurisdiction which he has within the Government.

Mr. HRUSKA. Mr. President, this amendment restricts the coordinating authority of the Secretary to prevention and treatment programs in areas under his jurisdiction. Otherwise, the coordination functions of the Secretary could extend into areas beyond his existing statutory scope of authority, such as the Department of Defense.

That was considered extremely undesirable, and hence the amendment.

Mr. HUGHES. Mr. President, amendment No. 8 includes line 25 on page 2 and lines 1 and 2 on page 3 of the amendment.

The amendment clarifies the fact that certain provisions which deal with the confidentiality of statistical information which must be gathered by the Secretary are not meant to change exceptions to confidentiality which exist elsewhere in existing law.

This amendment, as do several others which follow, simply makes an acknowledgement that other law may exist in this area and that this legislation was not meant to void that other law, be it the drug bill enacted earlier this session, the Food and Drug Act, or any other legislation. I should say that it has been suggested that we put an amendment on this bill that would have said, in effect, that this legislation would not derogate from any other law that exists—or derogate from the bill passed earlier this year. I refused to agree to that. I think that every piece of legislation should stand on its own. If there are known conflicts, they ought to be worked out—as we have done here. If problems of interpretation arise in the future with one or more bills, each bill should have equal weight—a presumption should not be given to one bill over the other automatically. We cannot anticipate everything in the future, and no one piece of legislation should have automatic priority. So I want to make my position on this point clear now, so it will not be necessary to keep repeating it as we go along.

Mr. HRUSKA. Mr. President, this amendment clarifies the fact that section 125 was not meant to override and change other sections of existing law, particularly the provisions of the recently enacted Comprehensive Drug Abuse Prevention and Control Act of 1970.

Mr. HUGHES. Mr. President, amendment No. 9 consists of line 3, page 3 to line 7, page 3 inclusive. In connection with his coordination functions under the legislation, the Secretary is required to maintain a register of current researchers, so that there might be a flow of research information among those persons interested in this area. In the past there has often been little exchange of information among researchers in the drug prevention and treatment area. The amendment limits the list of researchers which the Secretary is required to maintain under this part of the bill to those persons who are doing research which requires the Secretary's approval or for which Federal funds are expended, that is, those persons which the Secretary could know of without carrying out an unending and exhaustive search.

Mr. HRUSKA. Mr. President, this amendment limits the list of researchers which the Secretary is required to maintain under section 126 and thus avoids needless duplication in that lists of registered researchers are already maintained and are available to the Secretary through the Attorney General under Public Law 91–513.

Mr. HUGHES. Mr. President, amendment No. 10 consists of lines 8 and 9 inclusive on page 3 of the amendment.

Section 126 of the bill, which sets out the research functions of the Secretary or gives the Secretary the authority to establish "the criteria pursuant to which any registered investigator is to be authorized to manufacture or otherwise acquire sufficient controlled substances for his legitimate investigational and research needs." The amendment would delete this language because it could be construed as being in conflict with Public Law 91–513, the drug legislation which was signed into law earlier this year.

Mr. HRUSKA. Mr. President, this amendment removes language in section 126 which is unnecessary and which could be construed as being in conflict with registration and quota provisions of Public Law 91–513, which was signed into law earlier this year. It also eliminates certain unnecessary burdens which would otherwise be imposed on researchers.

Mr. HUGHES. Amendment No. 11, Mr. President, is on page 3, lines 10 through 15, inclusive, section 126(6) of the bill provides for the establishment of a research information center, which will gather all published and unpublished data and information, and allow that it be available to all interested parties. The amendment simply provides that information that is to be used in administrative proceedings relating to the classification of drugs under Public Law 91–513, the drug legislation which passed earlier this year, does not need to be made available in this manner until after any administrative proceeding has been completed.

Mr. HRUSKA. This amendment clarifies the fact that section 126(6) was not meant to undermine the drug control provisions of section 201 of Public Law 91–513. Such a conflict might come about by the Justice Department being required to furnish the Institute raw data relating to a drug being considered for control prior to the institution of administrative proceedings. The amendment also makes clear that unpublished data will be available only to interested parties and not the general public at large.

Mr. HUGHES. Mr. President, amendment No. 12 is to be found on page 3, lines 16 through 18. It strikes certain provisions which are similar to provisions which are now in Public Law 91–513, the drug legislation which was enacted into law earlier this year. The provisions in the enacted law were discussed earlier, and I feel it would be inappropriate to press for these provisions at the present time.

Mr. HRUSKA. This amendment strikes certain confidentiality provisions which are similar to provisions which are in Public Law 91–513, which was signed into law earlier this year. The confidentiality provisions of Public Law 91–513 would be applicable to the Secretary's research functions under section 126, and therefore additional confidentiality provisions are unnecessary.

Mr. HUGHES. Mr. President, amendment No. 13 is found on page 3, lines 19 and 20, inclusive.

Section 128 of the bill sets out the educational functions of the Secretary, and subsection (f) of that section requires that a broad range of community-oriented education programs be carried out by the Secretary. The amendment simply clarifies the original intent of this provision that, where appropriate, peer-group assistance programs and utilization of former drug abusers, drug-dependent persons, and persons with relevant backgrounds similar to those of the persons to be educated, should be utilized in such programs.

Mr. HRUSKA. The amendment makes clear that education programs are not

required, in all cases, to include peer-group assistance programs and utilization of former drug abusers.

This amendment really clarifies the original intent of section 128(f).

Mr. HUGHES. Amendment No. 14, Mr. President, is to be found on page 3, lines 21 through 25, inclusive, and on page 4, lines 1 through 3, inclusive.

The amendment excepts personnel employed by Federal law enforcement agencies from the provisions of the bill which require that Federal civilian employees who are drug dependent shall retain the same employment and other benefits as persons afflicted with serious health problems and illnesses, and shall not lose, solely because they are drug abusers or drug-dependent persons, pension, retirement, medical, or other rights. This exception was requested by the Justice Department. It is my personal opinion that the exception is too broad, that there are persons in such agencies who have nonsensitive positions, for example, who might be extended some of these benefits. I am willing to go along with the amendment at the present time, however, pending further study.

Mr. HRUSKA. Mr. President, there is much merit to the suggestion made by the Senator from Iowa on this point. The great difficulty is in drawing that line between what is a sensitive position and what is not.

We are very grateful to the Senator for acceding to this amendment at least for the time being; and it may be that as we gain experience in this matter, we can appropriately amend the act.

The amendment does make certain exceptions to the employment provisions of the act which have been suggested by the Department of Justice. It restricts the applicability of section 131 of the bill to Federal civilian, nonlaw-enforcement, agencies.

Mr. HUGHES. Mr. President, amendment No. 15 is to be found on page 4, lines 4 through 7, inclusive.

Section 131(c) of the act provides that no person may be denied or deprived of Federal employment or a Federal professional or other license or right solely on the ground of prior drug abuse or prior drug dependence, except with regard to positions involving national security as specified in regulations promulgated by the department or agency in which he is employed. The amendment would add an additional exception which acknowledges the existence of the provisions of part C of title II of Public Law 91–513, the drug legislation which was passed earlier this year. That part deals with registration of manufacturers, distributors, and dispensers of controlled substances.

Mr. HRUSKA. The amendment is intended to clarify the fact that section 131(c) was not meant to override the registration provisions of part C of title II of Public Law 91–513, which was signed into law earlier this year.

Mr. HUGHES. Mr. President, amendment No. 16 is found on page 4, lines 8 to 22, inclusive.

Section 132 of the bill sets out provisions relating to the confidentiality of treatment records. The amendment would revise and restrict the confidentiality of records provisions of that section. The language used in the revision parallels that used in relation to research confidentiality in title I, section 3 of Public Law 91–513, which was signed into law earlier this year.

Mr. HRUSKA. The amendment revises and restricts the confidentiality of records provisions of section 132. The language used in the revision now parallels that used in relation to research confidentiality in title I of the act of October 27 of this year.

Mr. HUGHES. Mr. President, amendment No. 17 is to be found on page 4, lines 23 to 24, inclusive, and on page 5, lines 1 through 10, inclusive.

The amendment would delete section 147(A)(2) of the act, which authorizes project grants for education. This has been done because education grants have already been authorized by the Senate this session for the public health area—in Public Law 91–513—and for the country's educational systems—in H.R. 14252.

Mr. HRUSKA. Mr. President, the intent of the introducer of the bill, the Senator from Iowa (Mr. HUGHES) to give a prominent place to educate in this field is certainly very commendable. The language is being stricken by this amendment, not by way of indicating any difference with that conclusion and that belief. In fact, I would like to subscribe to it. But the plain fact is that education grants have been authorized by the Senate this session for the public health area in H.R. 18586, and for the school system in H.R. 14252.

Mr. HUGHES. Mr. President, this concludes the 17 amendments which the distinguished Senator from Nebraska and I have been laboring over in order to work out the differences that existed between us in these matters. I wish to express my deep appreciation, not only to staff of the interested subcommittees and full committees, and the members of those committees but also especially to the distinguished Senator from Nebraska himself. I think we have worked out the differences that separated us on this particular piece of legislation to a point where the language of the legislation is certain—a major step in the direction that all of us have desired in the work we have been doing together in this particular field. It will place the Senate very clearly on record, at a time when it needs to be on record with the people of America, and it will meet our obligation to face this serious problem.

I express my deep appreciation to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, the proceedings here these last 15 or 20 minutes serve to demonstrate the technical nature of virtually all of these amendments. The effort and the thrust of the amendments is to achieve a harmony and a cooperation between the provisions of this bill and the law earlier referred to, which became effective on October 27.

The staff of the Senator from Iowa has been marvelous in its cooperation and its understanding. They displayed a very fine knowledge in depth and in breadth of the thrust of the bill and its purposes. That made it easy for the staff on this side of the aisle to reach agreement with them at an early date, as soon as the differences and the conflicts or possible conflicts with the present law became explained.

So I express my appreciation for the fashion in which this has been handled, and I commend again the Senator from Iowa for his persistence in the matter.

Mr. HUGHES. Mr. President, has the request been made for the amendments to be considered en bloc?

The PRESIDING OFFICER. Yes.

The question is on agreeing to the amendments en bloc.

The amendments were agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. HUGHES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. YARBOROUGH. Mr. President, last year, when I became chairman of the Subcommittee on Health of the Committee on Labor and Public Welfare, I held hearings in Washington, San Antonio, Tex., and Fort Worth, Tex., on the question of narcotics use and drug abuse. As a result of those hearings, I saw this as one of the worst social evils of our time. I soon realized that the problem of narcotics and dangerous drug abuse was so broad that my duties as chairman of the full Labor and Public Welfare Committee and chairman of the Health Subcommittee would not allow me time to hold complete hearings on the questions of marihuana and dangerous drugs, so I created a new Subcommittee on Alcoholism, Narcotics, and Dangerous Drugs.

The distinguished Senator from Iowa (Mr. HUGHES), while serving as Governor of Iowa, sponsored one of the outstanding State programs in America in the field of alcoholism and dangerous drug abuse, and he is a member of the full committee; so I requested that he chair this new Subcommittee on Alcoholism, Narcotics, and Dangerous Drugs. He accepted the chairmanship, and has held hearings from coast to coast in this Nation on the problem of drug abuse with narcotics and dangerous drugs.

As chairman of the subcommittee, accompanied by many other Senators—I believe the Senator from Colorado (Mr. DOMINICK) was with him at a good many hearings—and as a result of his service there, this bill has come out of the work of that subcommittee.

I congratulate Senator HUGHES. As a result of his ability, diligence, and dedication, this landmark legislation on the dangerous drug question has resulted. In less than 2 years in the Senate, Senator HUGHES has made a notable contribution, one of the outstanding in the entire Nation, to the crucial and exploding problem of drug abuse, which has moved out of college age and has moved to high school age and junior high school age. We even have cases in this country of children 5 years of age dying from heroin, according to the newspapers in the last few days.

This is landmark legislation. Senator HUGHES has been the leader of it. He

has put his great ability, diligence, and dedication into this measure to help bring it this far, and he has won the help of many Senators on both sides of the aisle. I commend Senator HUGHES for one of the greatest legislative contributions ever made by a Senator in his first two years in the Senate. It is an honor to be a cosponsor of this drug measure with him. As I have stated, I learned in the hearings about how grave this problem was, and it took the full, dedicated time of a very able Senator to bring the measure to this point.

Mr. President, all of us are aware of the tragic increase in drug abuse which is now approaching near epidemic proportions in this country. In my own State of Texas where the problem is particularly acute, particularly in the southern parts, next to the Mexican border, where it is easy to have dangerous drugs smuggled into the country, there were over 12,000 arrests in the past 12 months for drug offenses, according to a recent estimate by the Texas Department of Public Safety. And these figures, ominous as they are, reflect only a small part of the drug abuse problem in that there are many thousands more whose use of these dangerous and debilitating drugs in dangerous ways goes undetected.

While drug abuse is a problem that does not lend itself to easy analysis or simple solution, several weaknesses in our present approach are most obvious and require our immediate attention. First, we have relied, upon unwieldy and poorly coordinated programs that have to date been marked by their ineffectiveness in solving this grave threat to the health and welfare of the American people.

In addition, we have placed too much emphasis upon the heavy punitive arm of the criminal law, often to the neglect of the rehabilitative-educational approach that has enjoyed such success in containing other social problems of similar dimensions.

Mr. President, the bill we are considering today, the Comprehensive Drug Abuse Act, will go a long way in eliminating these weaknesses. First, it will place all existing Federal drug abuse programs and those created by this act under the central direction of one coordinating body, the National Institute of Drug Abuse and Drug Dependence. In addition to coordinating the existing patchwork of Federal drug abuse programs, the Institute will be given other important responsibilities including: the formulation of a comprehensive and detailed drug abuse and prevention treatment plan that will serve as a blueprint for a national attack on this problem; the compilation of much needed statistical information concerning the true scope of drug abuse, particularly among the young. We have no definite figures. We know it is widespread. Students in colleges have told me that they believe that 80 percent of the other students have experimented with some type of dangerous drug or marihuana. Finally, the Institute will conduct basic and applied research on all aspects of drug abuse and prevention.

This legislation also recognizes the crucial importance of the educational-rehabilitative approach in solving this most serious problem.

Let me repeat, Mr. President: In the past, we have treated it as a punitive thing. Somebody is arrested and thrown into jail, and that has not cured the drug problem. It is still exploding. This bill has the educational aspect and the rehabilitative aspect. In that regard, it authorizes a total of $115 million over a 3-year period for educational and rehabilitative programs for drug-dependent persons. These funds may not only be utilized for traditional medical services, but also include intermediate care services, outpatient services, and prevention, treatment, and rehabilitative services for drug-dependent persons, primarily organized and operated by persons from similar social, cultural, and age background as the person served, in community-based and easily accessible facilities.

Mr. President, I am proud of the contribution made by the work of the Alcoholism and Narcotics Subcommittee under the able chairmanship of the Senator from Iowa (Mr. HUGHES). I hope that this will be the first step in using education and rehabilitation services as well as law-enforcement penalties in stopping the spread of narcotics in the United States.

Mr. HUGHES. Mr. President, I thank the distinguished Senator from Texas not only for the statement he has just made but also for the able leadership and vision he displayed 2 years ago when he first thought of creating this subcommittee, and for his support in the subcommittee and his leadership in supporting hearings. As chairman of the Committee on Labor and Public Welfare, Senator YARBOROUGH, because of his own heavy burdens, allowed me the privilege of conducting this work. I am deeply grateful to him personally. I appreciate his great contribution to the committee's work. I am grateful for the Senator's coming here this morning and making the statement he has just made.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. KENNEDY. The amendment to S. 3562 modifies the statement of congressional finding that drug dependence is an "illness or disease," as I understand it, for a very limited reason only. This was done in order to avoid confusion with the criminal laws, pending further study by Congress or possible action by the courts. Without the amendment, the courts might have felt obliged to make the "illness" of drug dependence an outright defense in criminal cases. We do not preclude this possibility; rather, by this amendment, we refrain from making it mandatory.

I know that the distinguished Senator from Iowa shares my very deep feeling that the use of drugs and drug dependency is basically a medical problem. I know that the Senator has talked about this in discussing the present amendments. I know the intent is to recognize that drug dependence is an illness, but to avoid court interpretation of this as an automatic defense. I think it would be valuable and helpful, perhaps, if the Senator, as the principal sponsor of the bill, could make additional comments to fully clarify this.

Mr. HUGHES. As the distinguished Senator from Massachusetts knows, the finding in the bill originally was that drug dependence was an illness or disease. We have now replaced that provision with a more general finding, that drug abuse is a public health problem. The reason for making this compromise, as we explained earlier—and I would be happy to go through it again for further clarification—was that the question is not one of whether drug dependence is an illness or disease from a medical point of view. It is. I have introduced into the RECORD supportive statements and examples from that point of view. Our hearings have indicated that same thing. While the examples I have introduced are not exhaustive, they are nevertheless illustrative of types of statements which have been made on this point. The question was whether we wanted to take the position of possibly providing an affirmative defense in drug related criminal cases. This was a question that was raised when this bill originally passed as an amendment earlier this year. The question dealt with whether—or the extent to which—there should be no burden of criminal responsibility placed on drug dependent persons. We felt that at this point this was a policy question which perhaps goes beyond the medical question, and that it is a question which deserves further consideration and investigation before we would do that.

I did say, however, and I want to repeat, that I hope our action in this instance would not be construed in such a way as to deter the courts across the country, after careful study on this question, from reaching their own decision on it.

I know there have been several recent cases in the area because the question involes interpretation of basic constitutional and human rights, and we also felt at this point it was perhaps a matter better left to the courts.

Mr. KENNEDY. The Senator shares my view that basically the whole question of drug dependence is fundamentally a medical problem; is that not right?

Mr. HUGHES. From the standpoint of medical history, it is a medical problem. It is a health problem. It is a problem to be dealt with, in the handling of the person involved, as a medical problem.

Mr. KENNEDY. In the area of responsibility for classification, as I understand it, in order to make the legislation consistent with other legislation, the floor amendment drops the express language listing classification as one of the HEW Secretary's functions. Again, this is meant to avoid confusion with Public Law 91–513, which still requires HEW input. I also interpret the feeling of the principal sponsor of the bill, that input and partial responsibility for classification by HEW is extremely important and

extremely valuable. I would be interested in whatever elaboration the principal sponsor of the bill might care to make on this point.

Mr. HUGHES. As the distinguished Senator from Massachusetts knows, this was a point we fought out in relation to the original bill which passed through Congress and was signed into law by the President. In that piece of legislation, the Secretary of Health, Education, and Welfare now does have a definite input. There is to be a cooperative working agreement between the Justice Department and HEW as to the classification of drugs, narcotics, and other controlled substances which are harmful.

In the amendment we have before us now, we propose to delete the word "classification" which was originally in the definition of "prevention and treatment."

Mr. KENNEDY. As I gather the thrust of the comments of the Senator from Iowa, he believes strongly that the kind of input the Secretary of Health, Education, and Welfare could have in terms of classification would be enormously valuable and extremely important. As I understand it, the Senator from Iowa welcomes this responsibility being placed with the Secretary and feels that this kind of responsibility is of great significance.

Mr. HUGHES. As the distinguished Senator from Massachusetts knows, I felt strongly about the classification functions in the original piece of legislation signed into law by the President. I felt that the classification, in fact, should be accomplished through the office of the Secretary of Health, Education, and Welfare, but I did not prevail on that matter. As a result of that bill becoming law, it was felt that we should drop the classification functions required by the Secretary in the first draft of this bill and make whatever technical changes were necessary to do that. So, as explained earlier in my remarks the dropping of the word "classification" here constitutes this type of a technical change.

Mr. HRUSKA. Mr. President, will the Senator from Iowa yield?

Mr. HUGHES. I yield.

Mr. HRUSKA. I do not think there is any question that the assistance the Secretary of Health, Education, and Welfare has, is very important. However, this assistance is recognized under the present law. The trouble was that the provision which was deleted from S. 3562 was in conflict with the provisions contained in Public Law 91–513.

There cannot be two sources, two agencies, two persons, or two officials that can classify the same material, because if they differ with each other, then confusion and chaos would result. Therefore a choice had to be made.

The assistance of HEW and the Public Health Service are definitely recognized. The procedure whereby the Attorney General does classify and schedules drugs and dangerous substances is based upon the safeguards that access is had to all the information available on the subject. Also the advice and counsel of HEW is provided for. The standard considered by Congress to be of greatest importance was oriented toward law enforcement purposes. It is for that reason it was felt it would be preferable and desirable to give the powers of classification and scheduling to the Department of Justice. This was the decision debated fully here, and in the other body, as well as in the conference committee.

It is out of deference to that decision that the amendment to the pending bill was made.

Mr. KENNEDY. I thank the Senator from Nebraska for his comments. I frankly wish the classification were otherwise, but I am accepting where we are in terms of the amendment, where it has been worked out. I was primarily interested, as we are developing the legislative history here, in the importance of the input by HEW in terms of classification decisions even under the earlier legislation.

And I want to make it clear that nothing in this amendment diminishes the importance we place on the Secretary's input into classification decisions or his authority to exercise responsibility. These matters were spelled out, in part, in section 201(b) of Public Law 91–503, which reads partially:

> The Attorney General shall, before initiating proceedings under subsection (a) to control a drug or other substance or to remove a drug or other substance entirely from the schedules, and after gathering the necessary data, request from the Secretary a scientific and medical evaluation, and his recommendations, as to whether such drug or other substance should be so controlled or removed as a controlled substance. . . .
>
> The recommendations of the Secretary shall include recommendations with respect to the appropriate schedule, if any, under which such drug or other substance should be listed. The evaluation and the recommendations of the Secretary shall be made in writing and submitted to the Attorney General within a reasonable time. The recommendations of the Secretary to the Attorney General shall be binding on the Attorney General as to such scientific and medical matters, and if the Secretary recommends that a drug or other substance not be controlled, the Attorney General shall not control the drug or other substance.

I know that the distinguished Senator from Iowa, as the chairman of the subcommittee, feels strongly on this matter, and I thought it would be useful and helpful to have his sense of perspective on this question. His comments have been very helpful. I wanted to raise these questions before passage of the bill.

Mr. HUGHES. Mr. President, I thank the Senator from Massachusetts. I deeply appreciate his considerable help over the past year and a half as we have pursued this piece of legislation. The Senator from Massachusetts has chaired some of the subcommittee hearings himself. He has had great interest in this subject and made a valuable contribution to input into the pending bill, as well as into the education bill which recently passed Congress.

I want to say to the Senator from Nebraska (Mr. HRUSKA) that the explanation of the legislative history which he has just made is absolutely correct, in my opinion. The Senator from Iowa accepts and agrees with it 100 percent. The two bills now coincide with the goals of the country.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is the passage of S. 3562. We have had third reading of the bill.

Mr. MUSKIE. Mr. President, the increase in drug abuse and drug dependence in this country, especially among our young people, is disturbing to all of us.

It is disturbing because drug abuse is not only an important factor in a growing crime problem, but also a threat to the health and lives of its victims.

During this session of Congress, the Senate has enacted strong law enforcement legislation aimed at those who sell drugs—the "pushers." Last week, the Senate passed a bill aimed at educating the general public on the drug problem.

Such action is essential. But it is not enough.

We need to make an earnest commitment to deal with the victims themselves, and with the problems related to the illness of drug dependence.

We have a bill before us today which can insure that such a commitment is begun.

S. 3562, the Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970, which I have cosponsored, is a forward-looking proposal. It comes at a time when we are increasingly aware that drug dependence is an illness about which we know very little.

To combat this illness, we need to research its causes and effects, and its prevalence. We need to train professionals who are sympathetic with its unique problems. And we need to provide extensive and well-coordinated educational and rehabilitative services for our citizens.

S. 3562 is an act designed to meet these needs.

I commend the Labor and Public Welfare Committee for its action on this bill and urge favorable consideration of S. 3562 by the Senate today.

Finally, I would like to congratulate the distinguished Senator from Iowa, Senator HUGHES, for his outstanding leadership in this field, and for his work in producing this legislation.

UNANIMOUS-CONSENT AGREEMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate recess until 2:30 this afternoon and that upon the reconvening of the Senate at the hour of 2:30, there be a short quorum call, after which the final vote would be taken on the pending business.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HUGHES. Mr. President, reserving the right to object, and I shall not object, I want to have a clear understanding that with a short quorum call and the vote at that particular time, we will not open up the floor to further business prior to the rollcall.

Mr. ELLENDER. Mr. President, reserving the right to object would the Senator make that 2:15 this afternoon?

Mr. MANSFIELD. Mr. President, if we lay this bill aside, we will take up another bill. We will lay it aside until the time set in order to consider another bill.

Mr. KENNEDY. Mr. President, I amend my unanimous-consent request so as to have the vote on the bill at a time certain, 2:15 this afternoon.

The ACTING PRESIDENT pro tempore. Is the unanimous-consent request that the Senate recess?

Mr. KENNEDY. The unanimous-consent request is that we set a time certain for a vote on the bill and that that time certain be 2:15 this afternoon. Further, Mr. President, I ask unanimous consent that we waive rule XII.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it is my understanding that at the hour of 2:15 this afternoon the rollcall will commence.

The ACTING PRESIDENT pro tempore. That is the understanding of the Chair.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business (S. 3562) be laid aside until 2:15 p.m. and that the Senate turn to the consideration of Calendar No. 1259 (H.R. 18306).

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

Chapter 1.—AMENDMENT OF ASIAN DEVELOPMENT BANK ACT

Sec.

1. Amendments of Asian Development Bank Act.

The Asian Development Bank Act (22 U.S.C. 285–285h) is amended by adding at the end thereof the following new sections:

"SEC. 12. (a) Subject to the provisions of this Act, the United States Governor of the Bank is authorized to enter into an agreement with the Bank providing for a United States contribution of $100,000,000 to the Bank in three annual installments of $25,000,000, $35,000,000, and $40,000,000, beginning in fiscal year 1970. This contribution is referred to hereinafter in this Act as the 'United States Special Resources'.

"(b) The United States Special Resources shall be made available to the Bank pursuant to the provisions of this Act and article 19 of the Articles of Agreement of the Bank, and in a manner consistent with the Bank's Special Funds Rules and Regulations.

"SEC. 13. (a) The United States Special Resources shall be used to finance specific high priority development projects and programs in developing member countries of the Bank with emphasis on such projects and programs in the Southeast Asia region.

"(b) The United States Special Resources shall be used by the Bank only for—

"(1) making development loans on terms which may be more flexible and bear less heavily on the balance of payments than those established by the Bank for its ordinary operations; and

"(2) providing technical assistance credits on a reimbursable basis.

"(c)(1) The United States Special Resources may be expended by the Bank only for procurement in the United States of goods produced in, or services supplied from, the United States, except that the United States Governor, in consultation with the National Advisory Council on International Monetary and Financial Policies, may allow eligibility for procurement in other member countries from the United States Special Resources if he determines that such procurement eligibility would materially improve the ability of the Bank to carry out the objectives of its special funds resources and would be compatible with the international financial position of the United States.

"(2) The United States Special Resources may be used to pay for administrative expenses arising from the use of the United States Special Resources, but only to the extent such expenses are not covered from the Bank's service fee or income from use of United States Special Resources.

"(d) All financing of programs and projects by the Bank from the United States Special Resources shall be repayable to the Bank by the borrowers in United States dollars.

"SEC. 14. (a) The letters of credit provided for in section 15 shall be issued to the Bank only to the extent that at the time of issuance the cumulative amount of the United States Special Resources provided to the Bank (A) constitute a minority of all special funds contributions to the Bank, and (B) are no greater than the largest cumulative contribution of any other single country contributing to the special funds of the Bank.

"(b) The United States Governor of the Bank shall give due regard to the principles of (A) utilizing all special funds resources on an equitable basis, and (B) significantly shared participation by other contributors in each special fund to which United States Special Resources are provided.

"SEC. 15. The United States Special Resources shall be provided to the Bank in the form of a nonnegotiable, non-interest-bearing letter of credit which shall be payable to the Bank at par value on demand to meet the cost of eligible goods and services, and administrative costs authorized pursuant to section 13(c) of this Act.

"SEC. 16. The United States shall have the right to withdraw all or part of the United States Special Resources and any accrued resources derived therefrom under the procedures provided for in section 8.03 of the Special Funds Rules and Regulations of the Bank.

"SEC. 17. For the purpose of providing United States Special Resources to the Bank there is hereby authorized to be appropriated $25,000,000 for fiscal year 1970, $35,000,000 for fiscal year 1971, and $40,000,000 for fiscal year 1972, all of which shall remain available until expended."

Chapter 2.—INTERNATIONAL MONETARY FUND

Sec.

21. Amendment of Bretton Woods Agreements Act.

22. Amendment of Special Drawing Rights Act.

"§ 21. Amendment of Bretton Woods Agreements Act

The Bretton Woods Agreements Act (22 U.S.C. 286–286k–2) is amended by adding at the end thereof the following new sections:

"SEC. 22. (a) The United States Governor of the Fund is authorized to consent to an increase of $1,540,000,000 in the quota of the United States in the Fund.

"(b) In order to pay the increase in the United States quota in the Fund provided for in this section, there is hereby authorized to be appropriated $1,540,000,000, to remain available until expended.

"SEC. 23. (a) The United States Governor of the Bank is authorized (1) to vote for an increase of $3,000,000,000 in the authorized capital stock of the Bank, and (2) if such increase becomes effective, to subscribe on behalf of the United States to two thousand four hundred and sixty-one additional shares of the capital stock of the Bank.

"(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there is hereby authorized to be appropriated $246,100,000 to remain available until expended."

§ 22. Amendments of Special Drawing Rights Act

Section 6 of the Special Drawing Rights Act (22 U.S.C. 286q) is amended to read as follows:

"SEC. 6. Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to allocate in each basic period Special Drawing Rights under article XXIV, sections 2 and 3, of the Articles of Agreement of the Fund so that allocations to the United States in that period exceed an amount equal to the United States quota in the Fund as authorized under the Bretton Woods Agreements Act."

Chapter 3.—INTER-AMERICAN DEVELOPMENT BANK

Sec.

31. Amendment of Inter-American Development Bank Act.

"§ 31. Amendment of Inter-American Development Bank Act

(a) The Inter-American Development Bank Act (22 U.S.C. 283–283n) is amended by adding at the end thereof the following new section:

"SEC. 18. (a) The United States Governor of the Bank is hereby authorized to vote in favor of the two resolutions proposed by the Governors at their annual meeting in April 1970 and now pending before the Board of Governors of the Bank, which provide for (1) an increase in the authorized capital stock to the Bank and additional subscriptions of members thereto and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of such resolutions the United States Governor is authorized to agree on behalf of the United States (1) to subscribe to eighty-two thousand three hundred and

fifty-two shares of $10,000 par value of the increase in the authorized capital stock of the Bank of which sixty-seven thousand three hundred and fifty-two shall be callable shares and fifteen thousand shall be paid in and (2) to pay to the Fund for Special Operations an initial annual installment of $100,000,000 and two subsequent annual installments of $450,000,000 each, in accordance with and subject to the terms and conditions of such resolutions.

"(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of (1) three annual installments of $50,000,000 each for the United States subscription to paid-in capital stock of the Bank; (2) two installments of $336,760,000 each for the United States subscription to the callable capital stock of the Bank; and (3) one annual installment of $100,000,000 and two annual installments of $450,000,000 each for the United States share of the increase in the resources of the Fund for Special Operations of the Bank."

(b) The first sentence of section 3(b) of the Inter-American Development Bank Act (22 U.S.C. 283a(b) is amended by inserting immediately before the period at the end thereof the following: "and an alternate Executive Director".

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BOGGS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, following the disposition of the reading of the Journal and any unobjected-to items on the legislative calendar, the Senator from Delaware (Mr. BOGGS) be recognized for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

The Senate continued with the consideration of the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes.

Mr. FULBRIGHT. Mr. President, H.R. 18306 is a very important piece of legislation. Weighed down with the dictates of consistency, as well as a haunting skepticism about the efficacy of good intentions, I rise to support this bill to authorize increased resources for the Asian Development Bank, the International Monetary Fund, the World Bank, and the Inter-American Development Bank.

I might say by way of introduction that this form was adopted by the House of Representatives. In former days we used to deal with these institutions in separate bills but this omnibus form was followed by the House. The administration prefers it this way and they recommend it. This is an administration bill. So we are dealing with all of these institutions in one bill.

For quite a few years I and other members of the Foreign Relations Committee have been stressing the superiority of the multilateral over the bilateral approach to the awesome problem of foreign aid. We have also made special efforts recently to try to consolidate the various elements of the aid program so that Congress may make a more informed judgment about the whole assistance package. The pending bill goes some way—though not far enough—toward satisfying those objectives.

Now let me hasten to stress the fact that H.R. 18306, which incorporates three administration bills, is being emphatically urged upon the Congress by President Nixon himself. Even though we have been set no cooperative example by the executive branch, a clear majority of us on the Foreign Relations Committee responded rapidly and favorably to the President's request. Committee members have acted without a trace of political partisanship.

Here I would also stress my personal view—which many of my colleagues doubtless share—that three of the four international institutions supported in this bill provide the best instruments for aiding those countries of Southeast Asia wishing to preserve both their neutrality and their access to help from the developed world.

In the committee report on H.R. 18306 the majority of members regretted the circumstances that the much-heralded new version of the bilateral foreign aid program was not ready for simultaneous consideration. They went on to state:

> The Committee anticipates a substantial reduction in U.S. resources devoted to that program when it is before the Congress.

Indeed, the committee reported the bill favorably with that understanding.

Since that date the administration, far from adopting any new approach to bilateral assistance, has come to the Congress with a scarcely novel request for authorization of a supplemental foreign aid bill for the current fiscal year. In fact, the major portion of the bill is best described as a program to underwrite war in Cambodia during 1971–72. Just what this has to do with economic development—the purported aim of foreign aid bills—is a question we shall leave open for public hearings on the administration request.

At this juncture, I would suggest that, if we are really serious about helping Cambodia, we should promote the work of the international institutions there and should avoid at all costs the kinds of measures which slowly propelled us into a war in Vietnam—one which has devastated a large part of that unfortunate country.

Meanwhile, we have to get down to the complex business at hand of explaining H.R. 18306. Even a highly abbreviated and simplified explanation absorbs a fair amount of time, and I hope my colleagues will bear with me.

First, and perhaps most important, H.R. 18306 would allow the United States to participate in a 35-percent increase in the quotas of the International Monetary Fund. Our share of the overall increase would be $1,450 million, to be paid one-quarter in gold and the remainder in the form of a letter of credit. This quota increase would be a monetary transaction and would not involve any budgetary outlay whatsoever. In addition, since any nation has automatic access to its so-called gold tranche in the IMF, the gold payment of the Fund in effect means the United States is merely shifting gold from one pocket to another of its pockets.

The International Monetary Fund is the institution through which 116 countries conduct their monetary affairs, and it lies at the center of international economic relations. Each country's balance of payments encompasses the full range of its economic and political relations with other nations—trade, travel, investment, military spending, and foreign aid. The international monetary system links national payments positions, and hence the domestic economies of all countries. It must function smoothly if world trade, international investment and political relations among nations are to prosper—particularly since imbalances inevitably arise as some countries temporarily spend more abroad than they earn, while others correspondingly earn more than they spend.

The proposed quota increases are required to expand the fund's resources to match today's greatly increased levels of world trade and capital movement. The size of fund quotas determines a country's drawing rights, the ability to use the exchange resources of the fund, and also the amount of special drawing rights to which a member is entitled. It is clearly to our advantage to insure that the fund's supply of exchange resources is maintained at an adequate level.

Moreover, failure to accept our quota increase would mean that the United States would receive some $130 million less in SDR allocations than in 1970 on each of the next two agreed allocation dates, January 1, 1971, and January 1, 1972. Such a comparative loss could continue until the U.S. quota was adjusted.

H.R. 18306 would also authorize the United States to vote for a $3 billion increase in the authorized capital stock of the World Bank and to subscribe to $246.1 million of the increased stock. Only 10 percent of that latter sum would be paid in, and the remainder would be

callable in the unlikely event of a default by the Bank on its obligations. The U.S. subscription would represent 11 percent of the total $2,222 million to be subscribed by 75 members. The increases in subscriptions to the World Bank are designed to parallel the increases in quotas in the fund. Countries which have grown in economic strength beyond the average have been assigned quota increases in the fund beyond the general level of 25 percent by which all quotas are to be increased. This policy of parallel increases in the Bank to reflect changes in position in the fund is one of long standing, but this is the first time the United States has been asked to accept this kind of increase.

The World Bank is the sister institution of the fund and stands as the premier multilateral institution in the field of development finance. It has set the pattern and standards for other multilateral development finance activities. The World Bank finances its loan operations primarily through borrowing in the world's capital markets. This borrowing is backed by the Bank's callable capital which can be invoked in the highly unlikely event of a default by the Bank on its debt obligations. The Bank has an excellent credit standing and borrows at near Government rates. It relends these borrowed funds at rates and on terms which reflect its own borrowing costs and repayment obligations. The Bank has never had a defaulted loan; on the contrary, it is now operating at a profit level of over $200 million a year—most of which is devoted to further lending, on both hard and soft terms, through the Bank and its affiliated International Development Association.

The largest outlay which H.R. 18306 would authorize would be for the Inter-American Development Bank. This seems appropriate in light of the special importance Latin America has for this country, our relative failure in trying to develop there more resources than we take from the area, and our wish to continue traditional close relationships with our neighbors to the south. Our contributions to the IDB would be of three different types: paid-in capital, callable capital, and a contribution to the fund for special operations.

The IDB has an ordinary lending window, like the World Bank, which makes loans on conventional terms. Like the World Bank, the IDB has paid-in capital and callable capital, the latter to be used as backing for borrowing in the world's capital markets. The IDB has borrowed successfully in the United States, Europe, Canada, and Japan. In addition, short-term bonds have been placed with central banking agencies in Latin America—partly in order to encourage the creation of stable financial markets and advanced practices in the area.

H.R. 18306 would authorize a U.S. contribution of $150 million to the paid-in capital of the IDB payable in three equal, annual installments, and a subscription of $673.5 million to the callable capital of the IDB, to be subscribed half in fiscal year 1971 and half in fiscal year 1973, but payable only in the event of a default by the Bank on its obligations. These subscriptions to paid-in and callable capital will enable the IDB to accelerate its lending from ordinary capital resources to an annual rate of over $300 million during the next several years.

The IDB has a soft-loan facility known as the fund for special operations, or the FSO. Loans from the FSO are made on concessional terms for projects of an infrastructure nature which do not generate immediate cash flows. And they are extended to countries which cannot afford the foreign exchange burden of conventional repayment schedules and rates. The bill would authorize a total U.S. contribution of $1 billion to the FSO, payable $100 million in fiscal year 1971 and $450 million in each of the following 2 years. The immediate budgetary impact of these payments will be mitigated by the letter of credit payment procedure planned for the cash contributions authorized by this bill. In lieu of cash the United States will pay in nonnegotiable, non-interest-bearing letters of credit. There is no budgetary impact at the time these letters of credit are issued. The Banks, once they have received these letters of credit, may make loan commitments against them. Actual cash is transferred by the United States as needed to pay presented bills of contractors and suppliers.

The Treasury estimates that through the use of this letter of credit procedure the overall budgetary impact of H.R. 18306 will be roughly $35 to $40 million in fiscal 1971, $68 million in fiscal 1972, and $155 million in fiscal 1973. The remaining impact will be spread into future years.

Finally, H.R. 18306 would authorize a contribution of $100 million over a 3-year period to the special funds, or soft-loan facilities, of the Asian Development Bank.

The Asian Development Bank serves for Asia the function which the IDB serves for Latin America. The ADB is unique, however, in several respects. It is dominated by regional members who have contributed a majority of the resources. The United States is not the largest contributor, being matched in ordinary capital contributions by Japan. The limited nature of U.S. participation is appropriate in view of the strength of Japan and other nations of Asia and their ability to contribute substantially to development efforts. At the same time, U.S. participation, while not dominant, serves to manifest our interest in the peaceful development of Asia.

The contribution to the Asian Development Bank which would be authorized by this bill has built-in features which will insure that others do their fair share. The bill provides that the U.S. contribution may not be the single largest contribution nor may it constitute more than half the funds provided by all countries to the special funds of the ADB. Payment would be made in the form of nonnegotiable, non-interest-bearing letters of credit so that, again, the budgetary impact will be deferred.

The Asian Development Bank, founded in 1966, is a relatively new institution, but it has already demonstrated its ability to handle resources effectively and channel them into the necessary development of Asia.

Mr. President, this description of H.R. 18306 only skims the surface of an extremely complicated legislative proposal, but there appears no useful middle course between such brevity, on the one hand, and reading the entire committee report aloud, on the other. In any event, the case for multilateral foreign assistance—especially as an alternative to bilateral aid—has been made at great length many times in the past. Most recently, President Nixon's September 15 message to the Congress, entitled "Foreign Assistance for the Seventies," has placed a welcome new emphasis on international cooperation as the best means of development aid. The President's exact words under the heading of "Reform No. 3" are worth quoting:

> I propose that the foundation for our development assistance programs be a new partnership among nations in pursuit of a truly international development effort based upon a strengthened leadership role for multilateral development institutions. To further this objective,
>
> The U.S. should channel an increasing share of its development assistance through the multilateral institutions as rapidly as practicable.
>
> Our remaining bilateral assistance should be provided largely within a framework established by the international institutions.
>
> Depending upon the success of this approach, I expect that we shall eventually be able to channel most of our development assistance through these institutions.

While I shall not rehearse all the many benefits which I believe are derived from the multilateral approach, I do want to single out one particular aspect for attention: namely, the extension degree to which we, through our participation in the international institutions, secure the involvement and the contributions of virtually all the developed countries in the world. Especially to those who believe that our European allies should do more for their own defense in Western Europe, it will be of great interest to know that the U.S. share in the multilateral institutions has been slowly decreasing while the overall share of the other developed countries has been on the rise.

Back in 1945 the United States subscribed to almost 35 percent of the original authorized capital of the World Bank. The current subscription of the United States to the Bank is about 27.5 percent, and that figure will drop by another 1.5 percent if the pending increases in the Bank's capital become effective. This may be painfully slow progress, but it is progress.

In the Inter-American Bank, the U.S. share of the ordinary capital—which stands behind the Bank's hard loans—remains virtually unchanged during the decade since the IDB was established. On the other hand, if one takes as a measurement all the resources made available for soft lending by the Bank, the ratio of U.S. participation to Latin American participation has dropped from an original figure of 11 to 1 down to the proposed 2-to-1 ratio contained in the pending legislation.

In the Asian Development Bank the

U.S. original subscription to the capital of the Bank stood at roughly 20 percent of the total and was the same amount as that subscribed by Japan. There has been no major change in this situation, but it should be noted that France has recently completed its application procedures and has joined 13 other developed countries which are the nonregional contributors to the capital stock of the ADB. Insofar as the soft loan funds of the Asian Bank are concerned, the current proposal envisages the United States joining six other developed countries in making contributions for concessional lending. At the same time, a provision is written into the draft law that our contribution would always be a minority one and would not be greater than the largest cumulative contribution of any other single country contributing to the special funds of the Bank. All members of this Chamber who have been concerned about the overcommitment of U.S. interests and funds abroad will be gratified by this trend of events.

I do not want to respond to the minority views expressed on H.R. 18306 on any point-by-point, detailed basis. But I do wish to make some comment about a few of the issues raised by my distinguished and esteemed colleague, the senior Senator from Tennessee. Indeed, in one or two instances I have considerable sympathy for the arguments he makes.

First, I would like to dispel the notion that any one of the three bills which were brought together under the heading of H.R. 18306 is in some fashion being sneaked by the Foreign Relations Committee and the Senate. The executive branch request for the U.S. contribution to the "soft loan window" of the Asian Development Bank has been pressed unremittingly for well over 3 years. The last time the Foreign Relations Committee failed to give favorable attention to the Presidential request, I was among those who thought the proposal was premature and very badly drafted. Now, however, the proposal has been basically changed and a great many guidelines have been inserted into the bill itself as mandatory requirements. While I might prefer to see the war ended in Southeast Asia before committing any resources to economic projects in a potential disaster area, I do not believe such a reservation should prevent all forward movement in this field.

As for the Inter-American Bank bill, I would agree that the committee took relatively prompt action in considering this proposed legislation after its introduction in early June. On the other hand, the committee held its normal public hearing on the measure on July 9 with Secretary of the Treasury David Kennedy, and there was a period of more than 2 months before the committee actually voted on the legislation. This does not seem to represent unusual haste.

What does matter is that we have been considering legislative proposals relating to the Inter-American Bank for no less than 10 years and have developed considerable knowledge of the institution and its practices. While there has been a certain amount of agitation in the American press about the character and functions of the IDB—on which there is extensive material in the public hearing record—it seems to me that it is best to answer that overall charge by pointing to another newspaper article, by Mr. A. D. Horne in the Washington Post, entitled, "The Inter-American Bank: A Controversial Success." That title in itself sums up our feelings about the institution. No one pretends that any such institution is without fault—any more than a department of our Government or the U.S. Senate itself—but its value certainly greatly exceeds its shortcomings.

Next, I would like to refer to the complaint made about the bond issues floated by the international institutions. We all have good reason to resent a situation in which bond issues for local purposes are virtually impossible to float because of high interest rates and inflation in this country. Yet the relatively small amount of money which is raised for the purpose of the international financial institutions would not go to our schools and other municipal projects if such institutions did not issue bonds. Rather, much of the money would almost certainly go into American business ventures in the developed countries of the world—and specifically into the European Common Market area.

The fact that the United States spends on armaments some six or seven times as much as it spends on its non-military foreign pursuits does not, for example, argue in favor of abandoning these latter pursuits. On the contrary, it argues strenuously in favor of intensifying them—and the same may be true of our participation in the international financial institutions.

Finally, I would like to stress the point that the Committee on Foreign Relations in deleting those provisions of H.R. 18306 providing for audits of the U.S. Treasury's Exchange Stabilization Fund, and for additional information from the NAC on international loans, did so without prejudice to the possible merits of the provisions. Insofar as the Exchange Stabilization Fund audits are concerned, this issue should not be confused with the question of the auditing procedures of the international institutions. In this connection, special arrangements were made several years ago to improve the auditing processes of the Inter-American Bank, for example, and there is no reason to believe that these have not been satisfactory. The call for further information from the NAC may or may not be a really efficient means of acquiring the additional data many of us would like to have.

The crux of the matter, in my opinion, is not so much the auditing procedures as the actual progress made on the loan project and the relationship of the project to the overall economy of the country being assisted. This kind of assessment cannot really be reached by standard auditing procedures. I would hope that the Treasury will be able to develop ways in which the U.S. executive directors on these international institutions will be able themselves, along with adequate personal staffs, to take readings in the field on various projects and to report back to the Congress through the Treasury and the NAC mechanism. In any event, I would expect that, both in the conference with House Banking and Currency Committee members on this bill, and, later, we would have opportunities to work out mutually satisfactory means of completely assuring ourselves about the current validity and long-range worthiness of the lending operations of the institutions under discussion.

Mr. President, I would like to end these remarks by stressing my belief that H.R. 18306, while an imperfect legislative proposal, goes a long way toward assisting an overall foreign policy trend which I have long hoped would be accelerated and made more effective. The aim of this trend is nothing less than transforming economic aid from a national charity and an instrument of cold-war competition to an international responsibility undertaken by the world community.

I urge the Senate to give prompt and strong support to H.R. 18306.

Mr. President, I yield the floor.

Mr. GORE. Mr. President, I suggest the absence of a quorum.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 395 Leg.]

Aiken	Griffin	Murphy
Allen	Gurney	Muskie
Allott	Hansen	Nelson
Anderson	Harris	Packwood
Baker	Hart	Pastore
Bennett	Hartke	Pearson
Bible	Hatfield	Percy
Boggs	Holland	Proxmire
Brooke	Hollings	Randolph
Burdick	Hruska	Ribicoff
Byrd, Va.	Hughes	Saxbe
Byrd, W. Va.	Inouye	Schweiker
Cannon	Jackson	Scott
Case	Javits	Smith
Church	Jordan, N.C.	Sparkman
Cooper	Jordan, Idaho	Spong
Cotton	Kennedy	Stennis
Cranston	Long	Stevens
Curtis	Magnuson	Stevenson
Dodd	Mansfield	Symington
Dole	Mathias	Talmadge
Eagleton	McGee	Thurmond
Ellender	McGovern	Tower
Ervin	McIntyre	Tydings
Fannin	Metcalf	Williams, N.J.
Fulbright	Miller	Yarborough
Goldwater	Mondale	Young, N. Dak.
Gore	Montoya	Young, Ohio
Gravel	Moss	

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Rhode Island (Mr. PELL), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Colorado (Mr. DOMINICK), the Senator from Vermont (Mr. PROUTY), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The PRESIDING OFFICER (Mr. SAXBE). A quorum is present.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

The Senate continued with the consideration of the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes.

Mr. GORE. Mr. President, the pending bill proposes to appropriate almost $2 billion for grants. There are international organization programs or projects. No project or program is adopted by the bill.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate so that the Senator may be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GORE. Mr. President, some Senators might object to the description of the bill as an appropriation bill. That, however, is what it amounts to.

Most of us think of loans, repayable loans, when we think in terms of a bank. None of this money is to be repaid to the U.S. Government. No repayment is ever contemplated. This is grant money in the amount of almost $2 billion—to be exact, $1,923,520,000 for so-called soft loans alone.

From whence do we obtain this money? It must be added to the deficit. This bill provides $1,923,520,000 for soft loans. For what purposes? It is for the Asian Bank, and the Inter-American Bank, to make loans, in turn, for projects of their own choosing, in countries of their own choosing, for the purposes of their own choosing. At what rates? In the case of the Asian Development Bank, the interest rates will be 1½ to 3 percent. Let me repeat that none of it is repayable to the United States ever. But if it is repaid at all, if the projects prove to be a success, the interest rate would be 1.5 to 3 percent even after a grace period.

What interest rates are our own communities having to pay?

I have a report here from Mr. George D. Fischer, president of the National Education Association. He says that it is very difficult for counties and cities now to borrow any money at all, at any rate of interest, to develop schools in communities in the United States.

The PRESIDING OFFICER. Will the Senator from Tennessee suspend?

Mr. GORE. Certainly.

THE FEDERAL DRUG ABUSE AND DRUG DEPENDENCE PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

The PRESIDING OFFICER. The hour of 2:15 having arrived, the Senate, pursuant to the previous order, will proceed to vote on the final passage of S. 3562, the Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Rhode Island (Mr. PELL), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Vermont (Mr. PROUTY), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOK) is absent on official business.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL) and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The result was announced—yeas 86, nays 0, as follows:

[No. 396 Leg.]

YEAS—86

Aiken	Griffin	Murphy
Allen	Gurney	Muskie
Allott	Hansen	Nelson
Anderson	Harris	Packwood
Baker	Hart	Pastore
Bennett	Hartke	Pearson
Bible	Hatfield	Percy
Boggs	Holland	Proxmire
Brooke	Hollings	Randolph
Burdick	Hruska	Ribicoff
Byrd, Va.	Hughes	Saxbe
Byrd, W. Va.	Inouye	Schweiker
Cannon	Jackson	Scott
Case	Javits	Smith
Church	Jordan, N.C.	Sparkman
Cooper	Jordan, Idaho	Spong
Cotton	Kennedy	Stennis
Cranston	Long	Stevens
Curtis	Magnuson	Stevenson
Dodd	Mansfield	Symington
Dole	Mathias	Talmadge
Eagleton	McGee	Thurmond
Ellender	McGovern	Tower
Ervin	McIntyre	Tydings
Fannin	Metcalf	Williams, N.J.
Fulbright	Miller	Yarborough
Goldwater	Mondale	Young, N. Dak.
Gore	Montoya	Young, Ohio
Gravel	Moss	

NAYS—0

NOT VOTING—14

Bayh	Fong	Pell
Bellmon	Goodell	Prouty
Cook	McCarthy	Russell
Dominick	McClellan	Williams, Del.
Eastland	Mundt	

So the bill (S. 3562) was passed as follows:

S. 3562

An Act to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970".

TITLE I—PREVENTION AND REHABILITATION PROGRAMS RELATING TO DRUG ABUSE AND DRUG DEPENDENCE

PART A—FINDINGS AND DECLARATION OF PURPOSES

Sec. 101A. Findings.
Sec. 102A. Declarations.

PART B—DEFINITIONS

Sec. 112. Definitions.

PART C—NATIONAL INSTITUTE FOR THE PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE

Sec. 121. Establishment of the Institute.
Sec. 122. Administrative functions of the Secretary.
Sec. 123. Planning functions of the Secretary.
Sec. 124. Coordination functions of the Secretary.
Sec. 125. Statistical functions of the Secretary.
Sec. 126. Research functions of the Secretary.
Sec. 127. Training functions of the Secretary.
Sec. 128. Educational functions of the Secretary.
Sec. 129. Reporting functions of the Secretary.

PART D—PREVENTION AND TREATMENT FOR FEDERAL EMPLOYEES

Sec. 131. Drug abuse and drug dependence among Federal Government employees.
Sec. 132. Confidentiality of records.

PART E—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Subpart I—Formula Grants

Sec. 142. Authorization.
Sec. 143. State allotment.
Sec. 144. State plans.
Sec. 145. Applications and conditions.

Subpart II—Project Grants

Sec. 146. Authorizations.
Sec. 147. Grants and contracts for the prevention and treatment of drug abuse and drug dependence.
Sec. 148. Application for financial assistance from units of local government and private organizations.
Sec. 149. Approved by National Advisory Council on Drug Abuse and Drug Dependence.

Subpart III—General

Sec. 150. General.
Sec. 150A. Admission of drug abusers and drug dependent persons to private and public hospitals.

PART F—THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

Sec. 151. Establishment of Council.
Sec. 152. Approval by Council of certain grants under Community Mental Health Centers Act.

PART G—INTERGOVERNMENT COORDINATING COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

Sec. 161. Establishment of Council.
Sec. 162. Functions of Council.

TITLE II—GENERAL

Sec. 201. Saving provision.
Sec. 202. Records.
Sec. 203 Payments.

TITLE I—PREVENTION AND REHABILITATION PROGRAMS RELATING TO DRUG ABUSE AND DRUG DEPENDENCE

PART A—FINDINGS AND DECLARATION OF PURPOSES

FINDINGS

Sec. 101A. The Congress finds that—

(a) Drug abuse and drug dependence are

rapidly increasing throughout the country. Drug abuse can seriously impair health, and can lead to drug dependence. Drug dependence is a public health problem which requires a broad range of health and rehabilitation services for treatment.

(b) Existing laws and their implementation have not been effective to prevent drug abuse and drug dependence or to provide sufficient education, treatment, and rehabilitation of drug abusers and drug dependent persons. Increasing education, treatment, and rehabilitation services, and coordination of efforts, offer the best possibility of reducing drug abuse and drug dependence. A major commitment of health and social resources and Government funds is required to institute an adequate and effective Federal program for the prevention and treatment of drug abuse and drug dependence.

(c) There is a lack of authoritative information and creative projects designed to educate students and others about drugs and their abuse. High priority should be given to the development, evaluation, and dissemination of educational and informational materials.

(d) Drug dependent persons commit a high percentage of the serious crime in many cities in order to secure funds with which to satisfy their habit. Criminal incarceration without appropriate treatment has proved ineffective to deter drug related crime. Effective treatment services and successful rehabilitation offer the best possibility of avoiding a high rate of recidivism.

(e) Present Federal programs for drug abuse and drug dependence should have a high level of priority and should be closely coordinated within the Government. If Federal research, social, health, and rehabilitation laws are adequately used to attach drug abuse and drug dependence, this will contribute to the recognition of responsibility for meeting these problems by public and private State and local agencies.

(f) Federal officials must effectively handle drug abuse and drug dependence among those for whom the Government has special responsibilities—civilian employees, military personnel, veterans, Federal offenders, American Indians, and Alaskan Natives.

(g) Drug abusers and drug dependent persons can be best treated and rehabilitated through effective community-based programs; some of which provide a comprehensive range of services and which are integrated with and involve the active participation of a wide range of public and nongovernmental agencies, and some of which provide a more selective range of services arising from local initiative, educational, and peer group assistance programs. Existing treatment and rehabilitation programs are now inadequate to meet the growing demands for such services.

(h) There is a critical shortage of professional, scientific, educational, and other personnel trained to deal effectively with drug abuse and drug dependence.

DECLARATIONS

SEC. 102A. The Congress declares—

(a) There shall be established and maintained in the Public Health Service, a National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence through which the Secretary shall coordinate all Federal health, rehabilitation, and social programs related to the prevention and treatment of drug abuse and drug dependence and administer the programs and authorities established by this title.

(b) An increased effort should be made to encourage the development of new and improved curriculums on the problems of drug abuse; to demonstrate the use of such curriculums in model educational programs, and to evaluate the effectiveness thereof; to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; and to offer community education programs for parents and other adults on drug use and abuse.

(c) Major Federal action and Federal assistance to State and local programs shall be undertaken to engage in and encourage planning, coordination, statistics, research, training, education, and reporting with respect to drug abuse and drug dependence, and to provide equal access to humane care, effective treatment, and rehabilitation for all drug abusers and drug dependent persons regardless of their circumstances.

(d) Research relating to drug abuse and drug dependence and to controlled substances shall be fostered and assisted, and medical practitioners and other qualified investigators shall be encouraged and proteced in their research efforts.

(e) In addition to the provisions of this Act, all other Federal legislation providing for Federal or federally assisted State research, prevention, treatment, or rehabilitation programs in the fields of health, education, welfare, and rehabilitation shall be utilized to reduce drug abuse, drug dependence, and drug-related crime.

PART B—DEFINITIONS

DEFINITIONS

SEC. 112. As used in this Act:

(a) "Court" includes all Federal courts, including any United States magistrate.

(b) "Controlled substance" shall have the same meaning as that term is defined in section 102(6) of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Director" means the Director of the National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence.

(e) "Drug abuser" means any person who uses any controlled substance under circumstances that constitute a violation of law.

(f) "Drug dependent person" shall have the same meaning as that term is defined in section 2(b) of title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

(g) "Emerging care service" includes all appropriate short-term services for the acute effects of drug abuse and drug dependence, which (1) are available twenty-four hours a day, (2) are community based and located so as to be quickly and easily accessible to patients, and (3) provide drug withdrawal and other appropriate medical care and treatment, professional examination, diagnosis, and counseling with respect to possible drug dependence, and referral for other treatment and rehabilitation.

(h) "Inpatient services" includes all treatment and rehabilitation services for drug abuse and drug dependence provided for a resident patient while he spends full time in a treatment institution.

(i) "Institute" means the National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence in the Public Health Service.

(j) "Intermediate care services" includes all treatment and rehabilitation services for drug abuse and drug dependence provided for a resident patient while he spends part time in a treatment facility (including but not limited to a therapeutic community or halfway house) which is community based aind located so as to be quickly and easily accessible to patients.

(k) "Outpatient services" includes all treatment and rehabilitation services (including but not limited to clinics, social centers, vocational rehabilitation services, welfare centers, and job referral services) for drug abuse and drug dependence provided while the patient is not a resident of a treatment facility which are community based and located so as to be quickly and easily accessible to patients.

(l) "Peer group assistance" includes all prevention, treatment, and rehabilitation services (including but not limited to telephone counseling and information services, informal, open-admission facilities for support, guidance, referral, and temporary residence and therapeutic, self-help, residential facilities) for drug abuse and drug dependence primarily organized and operated by persons from similar social, cultural, and age backgrounds as those of the persons served under any such program, in facilities which are community based and located so as to be quickly and easily accessible to the persons served.

(m) "Prevention and treatment" includes all appropriate forms of educational programs and services (including but not limited to radio, television, films, books, pamphlets, lectures, adult education, and school courses); planning, coordinating, statistical, research, training, evaluation, reporting, and other administrative, scientific, or technical programs or services; and screening, diagnosis, treatment (emergency care services, inpatient services, intermediate care services, and outpatient services), vocational rehabilitation, job training and referral, and other rehabilitation programs or services; but does not include law enforcement activities.

(n) "Secretary" means the Secretary of Health, Education, and Welfare.

PART C—NATIONAL INSTITUTE FOR THE PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE

ESTABLISHMENT OF THE INSTITUTE

SEC. 121. (a) There is hereby established within the Public Health Service a National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence to administer the programs and authorities assigned to the Secretary by this Act. The Secretary, acting through the Institute, shall develop and conduct a comprehensive health, education, research, and rehabilitation program for the prevention and treatment of drug abuse and drug dependence.

(b) The Institute shall be under the direction of a Director, who shall be appointed by the Secretary.

(c) The Institute and its programs and services shall be staffed with an adequate number of personnel, who shall possess appropriate qualifications and competence, and some of whom may formerly have been drug abusers or drug dependent persons. Prior drug related criminal arrests or convictions shall not in themselves be a bar to such employment.

ADMINISTRATIVE FUNCTIONS OF THE SECRETARY

SEC. 122. It shall be the duty of the Secretary, acting through the Institute, with respect to his administrative functions to—

(a) assist Federal departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services in accordance with section 124(a) of this title;

(b) review and provide in writing an evaluation of the adequacy and appropriateness of the provisions relating to the prevention and treatment of drug abuse and drug dependence of all comprehensive State health, welfare, and rehabilitation plans submitted to the Federal Government pursuant to Federal law, including but not limited to those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, section 141 of this title, section 604 of the Public Health Service Act, section 1902 of title XIX of the Social Security Act, and section 204 of part A of the Community Mental Health Centers Act;

(c) administer the grants and contracts authorized under part E of this title; and

(d) provide assistance to any other service or program, or take any other action, consistent with the intent and objectives of this Act.

PLANNING FUNCTIONS OF THE SECRETARY

SEC. 123. It shall be the duty of the Secretary, acting through the Institute, with respect to his planning functions to—

(a) develop a detailed and comprehensive Federal drug abuse and drug dependence prevention and treatment plan to implement the objectives and policies of this title. The plan shall be submitted to Congress as soon as practicable, but not later than one year after the enactment date of this title. Other responsibilities of the Secretary, as set out in this title, shall not be interrupted or delayed pending the initial development of such a plan. It shall be reviewed annually and submitted to Congress with any appropriate revisions as part of the Secretary's annual report. The Secretary shall, in developing the comprehensive Federal plan, consult and collaborate with all appropriate public and private departments, agencies, institutions, organizations, and individuals. The plan shall specify how all available health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal legislation, are to be utilized;

(b) develop model drug abuse and drug dependence prevention and treatment plans for State and local governments, reflecting the social, geographic, and economic variables of drug and drug dependence problems, and utilizing the concepts incorporated in the comprehensive Federal plan. The model plans shall be reviewed on a periodic basis and revised to keep them current. They shall specify how all types of community resources and existing Federal legislation may be utilized;

(c) provide assistance and consultation to State and local governments, public and private agencies, institutions, organizations, and individuals with respect to the prevention and treatment of drug abuse and drug dependence; and

(d) develop models of drug abuse and drug dependence treatment and rehabilitation legislation for State and local governments, which utilize the concepts incorporated in this title.

COORDINATION FUNCTIONS OF THE SECRETARY

SEC. 124. It shall be the duty of the Secretary, acting through the Institute, with respect to his coordinating functions to—

(a) upon request, assist the Civil Service Commission, the Department of Defense, the Veterans' Administration, and other Federal departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services for drug abuse and drug dependence pursuant to part D of this title;

(b) serve, upon request, in a consulting capacity to all Federal courts, departments, and agencies, and to be responsible for assisting in the development and coordination of a full range of programs, facilities, and services available to them for education, diagnosis, planning, counseling, treatment, and rehabilitation with respect to the drug abuse and drug dependence problems they encounter;

(c) coordinate Federal prevention and treatment programs that deal with the problem of drug abuse and drug dependence;

(d) encourage and assist State and local government programs and services, and programs and services of public and private agencies, institutions, and organizations, for the prevention and treatment of drug abuse and drug dependence;

(e) stimulate more effective use of existing resources and available services for the prevention and treatment of drug abuse and drug dependence;

(f) cooperate with the National Advisory Council on Drug Abuse and Drug Dependence, the Civil Service Commission, and other appropriate Federal departments and agencies, to develop a policy consistent with this title with regard to Federal employees who are drug abusers or drug dependent persons, involving appropriate programs and services for the prevention and treatment of drug abuse and drug dependence among such employees; and

(g) assist State and local governments in coordinating programs among themselves for the prevention and treatment of drug abuse and drug dependence.

STATISTICAL FUNCTIONS OF THE SECRETARY

SEC. 125. It shall be the duty of the Secretary, acting through the Institute, with respect to his statistical functions to—

(a) gather and publish statistics pertaining to drug abuse, drug dependence, and drug related problems; and

(b) promulgate regulations specifying uniform statistics to be obtained, records to be maintained, and reports to be submitted, on a voluntary basis by public and private departments, agencies, organizations, practitioners, and other persons with respect to drug abuse, drug dependence, and drug related problems. Such statistics and reports shall not reveal the identity of any patient or drug dependent person or other confidential information, except as specifically authorized by Federal law.

RESEARCH FUNCTIONS OF THE SECRETARY

SEC. 126. It shall be the duty of the Secretary, acting through the Institute, with respect to his conduct functions to—

(1) conduct and encourage all forms of research, investigations, experiments, and studies relating to the cause, epidemiology, sociological aspects, prevention, diagnosis, and treament of drug abuse and drug dependence;

(2) conduct, and encourage and assist others to conduct, all forms of research, investigations, experiments, and studies relating to the toxicology, pharmacology, chemistry, effects on the health of drug abusers, and danger to the public health, of controlled substances;

(3) coordinate such research with research conducted by the Institute and with research conducted by other Federal, State, and local public and private nonprofit agencies, institutions, organizations, and individuals. To facilitate this activity, the Secretary shall maintain a complete and current register of all research which requires his approval or for which Federal funds are expended;

(4) make available research facilities and resources of the Administration to appropriate authorities, health officials, and individuals engaged in investigations or research related to the purposes of this title. Such resources shall include the maintenance of an adequate supply of controlled substances for investigational and research purposes;

(5) make grants to public and private nonprofit agencies, organizations, and institutions, and contracts with public and private agencies, institutions, and organizations, and individuals for such research;

(6) establish an information center on such research, which will gather and contain all available published and unpublished data and information. All Federal departments and agencies shall send to the Institute any unpublished data and information pertinent to the cause, prevention, diagnosis, and treatment of drug abuse and drug dependence, and the toxicology, pharmacology, epidemiology, incidence of drug abuse and drug dependence, effects on the health of drug abusers, and danger to the public health of controlled substances, and such data and information shall be available to all interested parties, except that this section shall not apply to data gathered pursuant to section 201 of the Comprehensive Drug Abuse Prevention and Control Act of 1970;

(7) establish and maintain research fellowships in the Institute and elsewhere, and provide for such fellowships through grants to public and private nonprofit agencies, institutions, and organizations;

(8) investigate methods for determining more rapid and precise methods for determining the extent of drug use by an individual in a given time period and the effects which individuals are likely to experience from such use, and publish on a current basis information concerning uniform methodology and technology for making such determinations;

(9) evaluate existing and proposed new programs and services for the prevention and treatment of drug abuse and drug dependence.

TRAINING FUNCTIONS OF THE SECRETARY

SEC. 127. It shall be the duty of the Secretary, acting through the Institute, with respect to his training functions to—

(a) establish interdisciplinary and bilingual training programs for professional and paraprofessional personnel with respect to drug abuse and drug dependence;

(b) encourage the establishment of training programs, including interdisciplinary and bilingual training programs, for professional and paraprofessional personnel, including peer group assistance personnel, by State and local governments and by public and private educational institutions and agencies with respect to drug abuse and drug dependence; and

(c) establish and maintain training fellowships in the Institute and elsewhere, and provide for such fellowships through grants to public and private nonprofit agencies, institutions, and organizations.

EDUCATIONAL FUNCTIONS OF THE SECRETARY

SEC. 128. It shall be the duty of the Secretary, acting through the Institute, with respect to his educational functions to—

(a) develop, assist others to develop, and encourage the development of curricula on the use and abuse of drugs for utilization in elementary, secondary, adult, and community education programs. Such curricula should reflect the social, geographical, and economic variables of drug usage and abuse, include relevant data and other information, and include bilingual curricula;

(b) develop, assist others to develop, and encourage the development of curricula on the use and abuse of drugs for utilization by parent-teachers associations, adult education centers, private citizen groups, community leaders and other parents and adults. Such curricula should reflect the social, geographical, and economic variables of drug usage and abuse, include relevant data and other information, and include bilingual curricula;

(c) develop, assist others to develop, and encourage the development of a broad variety of informational and educational materials for use in all media to reach all segments of the population that can be utilized by public and private agencies, institutions, and organizations in informational and educational programs relating to drug use and abuse. Such information and materials should reflect the social, geographical, and economic variables of drug usage and abuse, include relevant data and other information, and include bilingual curricula;

(d) establish educational courses, guides, and units on the causes of, effects of, and treatment for, drug abuse and drug dependence, for Federal law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officers, and other law enforcement personnel), Federal welfare, vo-

cational rehabilitation, military, and veterans personnel, and other Federal officials who come in contact with drug abuse and drug dependence problems. Such courses, guides, and units should reflect the social, geographical, and economic variables of drug usage and abuse;

(e) develop, assist others to develop, and encourage the development of educational courses, guides, and units on the causes of, effects of, and treatment for drug abuse and drug dependence for use by appropriate State and local government and private agencies, institutions, and organizations, for State and local law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officials, and other law enforcement personnel), State and local welfare, vocational rehabilitation, and veterans personnel, and other State and local officials and community leaders. Such courses, guides, and units should reflect the social, geographical, and economic variables of drug usage and abuse;

(f) develop, assist others to develop, and encourage the development of a broad range of community-oriented education programs on drug abuse and drug dependence for all segments of the population, including interested and concerned parents, young persons, community leaders, drug abusers and drug dependents, and other individuals and groups within a community. Such programs shall, where appropriate, include peer group assistance programs and utilization of former drug abusers, drug dependent persons, and persons with relevant backgrounds similar to those of the persons to be educated;

(g) evaluate, assist others in evaluating, and encourage the evaluation of curricula, guidelines, units, and other informational and educational materials relating to the use and abuse of drugs. Such evaluations should include an examination of intended and actual impact of such informational and educational materials and the identification of strengths and weaknesses in the information and educational materials;

(h) conduct, assist others in conducting, and encourage the conducting of preservice and inservice training programs on drug use and abuse for teachers, counselors, other educational personnel, law enforcement officials, and other public service and community leaders and personnel;

(i) recruit, train, organize, and employ professional and other persons, including former drug abusers, and drug dependent persons, to organize and participate in programs of public education about drug usage and abuse;

(j) serve as a clearinghouse for the collection, preparation, and dissemination of all information relating to drug abuse and drug dependence, including State and local drug abuse and drug dependence treatment plans, availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information;

(k) coordinate activities carried on by all departments, agencies, and instrumentalities of the Federal Government with respect to health and other educational aspects of usage and abuse; and

(l) undertake such other activities as the Secretary may consider important to a national program of education relating to drug usage and abuse.

REPORTING FUNCTIONS OF THE SECRETARY

SEC. 129. It shall be the duty of the Secretary, acting through the Institute, with respect to his reporting functions to—

(a) submit an annual report to Congress, which shall specify the actions taken and services provided and funds expended under each provision of this title and an evaluation of their effectiveness, and which shall contain the current Federal drug abuse and drug dependence prevention and treatment plan;

(b) submit such additional reports as may be requested by the President or by Congress; and

(c) submit to the President and to Congress such recommendations as will further the prevention and treatment of drug abuse and drug dependence.

PART D—PREVENTION AND TREATMENT FOR FEDERAL EMPLOYEES

DRUG ABUSE AND DRUG DEPENDENCE AMONG FEDERAL GOVERNMENT EMPLOYEES

SEC. 131. (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Secretary and other Federal agencies and departments, appropriate policies and services for the prevention of drug abuse and drug dependence, and for the treatment of drug dependence among Federal civilian employees, consistent with the purposes and intent of this title. Such policies and services shall make optimal use of existing governmental facilities, services, and skills. Federal civilian employees, except for personnel employed by Federal law enforcement agencies, who are drug dependent shall retain the same employment and other benefits as other persons afflicted with serious health problems and illnesses, and shall not lose, solely because they are drug abusers or drug dependent persons, pension, retirement, medical, or other rights. A good faith attempt shall be made to find appropriate work within the Government which does not involve the national security during the employee's rehabilitative treatment, rather than placing him on sick leave.

(b) The Secretary, acting through the Institute, shall be responsible for fostering similar drug abuse prevention, treatment, and rehabilitative services in State and local governments and in private industry.

(c) No person may be denied or deprived of Federal employment or a Federal professional or other license or right solely on the ground of prior drug abuse or prior drug dependence, except with regard to positions involving national security as specified in regulations promulgated by the department or agency in which he is employed, or except with regard to registration provisions in part C of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

(d) Nothing herein shall prohibit the dismissal from employment of a Federal civilian employee who, as a result of drug abuse or drug dependence and failure to accept appropriate treatment, cannot properly function in his employment.

CONFIDENTIALITY OF RECORDS

SEC. 132. The Secretary may authorize persons engaged in treatment of drug abuse or drug dependence to protect the privacy of individuals who are the subject of such treatment by withholding from all persons not connected with the conduct of such treatment the names or other identifying characteristics of such individuals. Persons so authorized to protect the privacy of such individuals may not be compelled in any Federal, State, or local, civil, criminal, administrative, legislative, or other proceeding to identify such individuals. Such authorization by the Secretary shall not limit the rights of inspection and maintenance of records required under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

PART E—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Subpart I—Formula Grants

AUTHORIZATION

SEC. 142. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, the sum of $10,000,000; for the fiscal year ending June 30, 1972, the sum of $20,000,000; for the fiscal year ending June 30, 1973, the sum of $25,000,000; for grants to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, treatment, and rehabilitation programs to deal with drug abuse and drug dependence.

STATE ALLOTMENT

SEC. 143. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year pursuant to section 142 among the States on the basis of the relative population, financial need, and need for more effective prevention, treatment, and rehabilitation of drug abuse and drug dependence; except that no such allotment to any State (other than the Canal Zone and the Trust Territory of the Pacific Islands) for any fiscal year shall be less than $200,000.

(b) Any amount so allotted to a State (other than the Canal Zone and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this title, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Canal Zone or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount remaining unobligated at the end of the first of such two additional years, which the Secretary determines will remain unobligated at the close of the second of such additional years may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such additional years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this subpart, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(c) At the request of any State, a portion of any allotment or allotments of such State under this subpart shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this subpart, except that not more than 1C per centum of the total of the allotments of such State for a year, or $50,000, whichever is greater, shall be available for such purpose for such year.

STATE PLANS

SEC. 144. (a) Any State desiring to participate in this subpart shall submit a State plan carrying out its purposes. Such plan must—

(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole

agency for supervising the administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) will have authority to carry out such plan in conformity with this subpart;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, to consult with the State agency in carrying out the plan;

(4) set forth, in accordance with criteria established by the Secretary, a survey of need for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence and a plan for the development and distribution of such facilities and programs throughout the State;

(5) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(6) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(7) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (6);

(8) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modifications thereof which it considers necessary;

(9) provide reasonable assurance that Federal funds made available under this subpart for any period may be so used as to supplement and increase, to the extent feasible and practical, the level of State, local and other non-Federal funds that would, in the absence of such Federal funds, be made available for the programs described in this subpart, and will in no event supplant such State, local, and other non-Federal funds; and

(10) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this subpart.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

APPLICATIONS AND CONDITIONS

SEC. 145. (a) For each project pursuant to a State plan approved under this subpart for which a grant is sought from an allotment under section 143, there shall be submitted to the Secretary, through the State agency designated in accordance with section 144, an application by the State or a political subdivision thereof or by a public or other nonprofit agency, institution, or organization.

(b) The Secretary shall approve such application if (1) there remains sufficient balance in the allotment (available for the purpose) determined for such State; (2) the application is in conformity with the State plan approved under section 144; (3) he obtains assurances that any facility or portion thereof to be constructed or modernized and any program to be carried out will be available to all persons residing in the territorial area of the applicant; and (4) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require. The Secretary may, to the extent he determines it would not interfere with the objectives of this subpart, base his findings and determinations under this subsection on certifications by the State agency.

(c) No application under this section shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

(d) Amendment of an approved application shall be subject to approval in the same manner as an original application.

Subpart II—Project Grants

AUTHORIZATIONS

SEC. 146. There are hereby authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1971; $45,000,000 for the fiscal year ending June 30, 1972; and $70,000,000 for the fiscal year ending June 30, 1973, to carry out the provisions of this subpart. Any appropriated funds shall remain available until expended.

GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE

SEC. 147. (a) The Secretary, acting through the Institute, is authorized to make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with agencies, organizations, institutions, and individuals for the prevention and treatment of drug abuse and drug dependence to assist State and local governments and public and private agencies, institutions, organizations, and individuals to—

(1) (a) meet the costs of constructing, equipping, and operating treatment and rehabilitation facilities, including but not limited to emergency medical, inpatient, intermediate care, outpatient, and peer group assistance facilities for drug abusers and drug dependent persons, and (b) to assist them to meet, for the temporary periods specified in subsection (c) of this section, a portion of the costs of compensation of personnel for the initial operation of such facilities, and of new services in existing facilities for drug abusers and drug dependent persons;

(2) conduct research, demonstration, and evaluation projects, including surveys and field trials, looking toward the development of improved, expanded, and more effective methods of prevention and treatment of drug abuse and drug dependence;

(3) provide education and training for professional personnel, including medical, psychiatric, vocational rehabilitation, and social welfare personnel, in academic and professional institutions and in postgraduate courses about the prevention and treatment of drug abuse and drug dependence, and provide training for such personnel in the administration, operation, and supervision of programs and services for the prevention and treatment of drug abuse and drug dependence;

(4) recruit, educate, train, organize, and employ community drug abuse and drug dependence prevention and treatment personnel to serve with and under the direction of professional medical, psychiatric, vocational rehabilitation, and social welfare personnel in drug abuse and drug dependence prevention, treatment, and rehabilitation programs. Prior drug abuse or drug dependence and prior criminal arrests or convictions shall not be a bar to such recruitment, education, training, organization, and employment;

(5) provide services in correctional and penal institutions for the prevention and treatment of drug abuse and drug dependence;

(6) provide services, in cooperation with schools, law enforcement agencies, courts, and other public and private nonprofit agencies, institutions, and organizations, for the prevention and treatment of drug abuse and drug dependence among juveniles and young adults. These services, where feasible, shall include curricula for drug abuse education in elementary and secondary schools, and among parents and other adults;

(7) provide programs and services in cooperation with local law enforcement agencies, the courts, and other public and private nonprofit agencies, institutions, and organizations, for the instruction of law enforcement officers, prosecuting attorneys, court personnel, the judiciary, problem and parole officers, correctional officials and legal aid, public defender, and neighborhood legal services attorneys with respect to the causes, effects, prevention, and treatment of drug abuse and drug dependence. Such programs and services shall include, where possible, a full range of services available to State and local courts for diagnosis, counseling, and treatment for drug abuse and drug dependence for persons coming before the courts; and

(8) provide services for outpatient counseling of drug abusers and drug dependent persons to include employment, welfare, legal, education, and other assistance, in cooperation and coordination with welfare and rehabilitation personnel.

(b) Projects for which grants and contracts are made under this subpart shall be community based, and shall include both those that provide a comprehensive range of services and are integrated with and involve the active participation of a wide range of public and nongovernmental agencies, organizations, institutions, and individuals, and those that provide a more selective range of services arising from local initiative, educational and peer group assistance programs.

(c) The amount of any Federal grant made under subsection (a) of this section, except with regard to certain grants made under paragraph (1) of subsection (a), shall not exceed 100 per centum of the cost of the program or project specified in the application for such grant. The amount of any Federal grant made under paragraph (1) (a) of subsection (a) of this section to meet costs of constructing and equipping the facilities referred to in such paragraph shall not exceed 90 per centum of the cost of the program or project specified in the application for such grant. The amount of any Federal grant made under paragraph (1) (b) of subsection (a) of this section to meet the costs of compensation of personnel and other operating costs may be made only for the period beginning with the first day for which such a grant is made and ending with the close of eight years after such first day; and such grants may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day.

(d) An amount, not to exceed 5 per centum of the amount appropriated pursuant to the provisions of this subpart for any fiscal year, shall be available to the Secretary to make grants to local public or nonprofit private organizations to cover up to 100 per centum of the costs (but in no case to exceed $100,000) of projects for assessing local needs for programs of services for drug abusers and drug dependents, designing such programs, obtaining local financial and professional assistance and support for such programs in the community, and fostering

community involvements in initiating and developing such programs in the community. In no case shall a grant under this subsection be for a period in excess of one year; nor shall any grant be made under this subsection with respect to any project if, for any preceding year, a grant under this subsection has been made with respect to such project.

APPLICATION FOR FINANCIAL ASSISTANCE FROM UNITS OF LOCAL GOVERNMENT AND PRIVATE ORGANIZATIONS

SEC. 148. (a) In administering the provisions of this subpart, the Secretary shall require coordination of all applications for programs in a State and, in a view of the local nature of the drug abuse problem, shall not give precedence to public agencies over private nonprofit agencies, institutions, and organizations, or to State agencies over local agencies.

(b) Each applicant from within a State, upon filing its application with the Secretary, shall submit a copy of its application for review by the State agency designated in accordance with section 144, if such an agency exists, and if no such agency exists, by the State agency responsible for administering the State comprehensive plan for treatment and prevention of drug abuse and drug dependence, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation may include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse. The State shall furnish the applicant a copy of any such evaluation. A State, if it so desires, may, in writing, waive its rights under this section.

(c) Approval of any application by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

(1) provide that the activities and services for which assistance under this subpart is sought will be substantially administered by or under the supervision of the applicant;

(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

(4) provide reasonable assurance that Federal funds made available under this subpart for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the program described in this subpart, and will in no event supplant such State, local, and other non-Federal funds.

APPROVAL BY NATIONAL ADVISORY COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

SEC. 149. The Secretary, upon the recommendation of the National Advisory Council on Drug Abuse and Drug Dependence, is authorized to make grants under this subpart.

Subpart III—General

GENERAL

SEC. 150. (a) Whenever the Secretary finds a failure to comply with the terms of a grant or contract made or entered into under this part, he shall, after reasonable notice and opportunity for a hearing, terminate payments until he is satisfied that there will no longer be any failure to comply.

(b) The exclusive remedy of anyone adversely affected by a final action of the Secretary under subsection (a) of this section is to appeal to the United States court of appeals for the circuit in which it is located by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file with the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or set it aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts shall be conclusive if supported by substantial evidence, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

ADMISSION OF DRUG ABUSERS AND DRUG DEPENDENT PERSONS TO PRIVATE AND PUBLIC HOSPITALS

SEC. 150A. (a) Drug abusers and drug dependent persons shall be admitted to and treated in private and public general hospitals on the basis of medical need and shall not be discriminated against solely because of their drug abuse or drug dependence. No hospital that violates this section shall receive Federal financial assistance under the provisions of this Act or any other Federal law administered by the Secretary. No such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with this section, and provided an opportunity for correction or a hearing.

(b) Any action taken by the Secretary pursuant to this section shall be subject to such judicial review as is provided by subsection 150(b) of this title.

PART F—"THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE" AND DRUG DEPENDENCE

ESTABLISHMENT OF COUNCIL

SEC. 151. (a) Section 217(a) of the Public Health Service Act is amended—

(1) in the first sentence thereof, by inserting "the National Advisory Council on Drug Abuse and Drug Dependence," immediately after "the National Advisory Mental Health Council,"; and

(2) in the second sentence thereof, by inserting "the National Advisory Council on Drug Abuse and Drug Dependence," immediately after "the National Advisory Mental Health Council,", and by inserting "drug abuse and drug dependence," immediately after "psychiatric disorders,".

(b) Section 217(b) of such Act is amended, in the second sentence thereof, by inserting "drug abuse and drug dependence," immediately after "mental health,".

(c) Section 217 of such Act is further amended by adding at the end thereof the following new subsection:

"(d) The National Advisory Council on Drug Abuse and Drug Dependence shall advise, consult with, and make recommendations to the Secretary on matters relating to the activities and functions of the Service in the field of drug abuse and drug dependence. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of drug abuse and drug dependence and recommend to the Secretary, for prosecution under this Act, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of drug abuse and drug dependence, and (2) to collect information as to studies being carried on in the field of drug abuse and drug dependence and, with the approval of the Secretary, make available such information through the appropriate publications for the benefit of health and welfare agencies or organizations (public or private), physicians, or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Secretary, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of drug abuse and drug dependence; and the Secretary shall recommend acceptance of any such gifts only after consultation with the Council."

APPROVAL BY COUNCIL OF CERTAIN GRANTS UNDER COMMUNITY MENTAL HEALTH CENTERS ACT

SEC. 152. Section 266 of part E of the Community Mental Health Centers Act is amended—

(1) by striking out "Grants" and inserting in lieu thereof:

"(a) Except as otherwise provided in subsection (b), grants"; and

(2) by adding at the end thereof the following new subsection:

"(b) Grants made under this title which are primarily intended for use in the prevention or treatment of drug abuse and drug dependence may be made only upon recommendation of the National Advisory Council on Drug Abuse and Drug Dependence established by section 217(a) of the Public Health Service Act."

PART G—INTERGOVERNMENT COORDINATING COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

ESTABLISHMENT OF COUNCIL

SEC. 161. (a) For the purpose of coordinating all Federal Government prevention, treatment, and rehabilitation efforts with respect to drug abuse and drug dependence, of coordinating such Federal efforts with State and local government efforts, and of developing an enlightened policy and appropriate programs for Federal employees for the prevention and treatment of drug abuse and the rehabilitation of drug dependent persons, there is hereby established an Intergovernment Coordinating Council on Drug Abuse Control consisting of the Secretary who shall serve as Chairman, the Attorney General of the United States, the United States Commissioner of Education, the Director of the National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence, the Director of the National Institute of Mental Health, and four representatives of State and local government departments or agencies.

(b) The President shall designate the four representatives of Federal departments or agencies who shall serve on the Coordinating Council, and shall appoint the four representatives of State and local government departments or agencies. The State and local government representatives shall serve for terms of four years, staggered so that one vacancy occurs each year. A State or local government representative may be reappointed immediately after serving less than a full term, and may be reappointed after a four-year hiatus after serving a full term.

(c) The Coordinating Council may appoint

such technical consultants as are deemed appropriate for advising the Council in carrying out its functions. The services of consultants obtained under this section may be obtained in accordance with section 3109 of title 5, United States Code, at rates for individuals in excess of the daily equivalent paid for positions in GS–18 of the General Schedule in section 5332 of title 5, United States Code.

FUNCTIONS OF COUNCIL

SEC. 162. The Coordinating Council is authorized and directed to—

(a) assist the Secretary in carrying out its function of coordinating all Federal prevention, treatment, and rehabilitation efforts to deal with the problems of drug abuse and drug dependence;

(b) assist the Secretary in carrying out its function of coordinating such Federal efforts with State and local governments;

(c) engage in educational programs among Federal employees, and in other appropriate activities, designed to prevent drug abuse and drug dependence;

(d) implement programs for the rehabilitation of Federal employees who are drug dependent persons; and

(e) develop and maintain any other appropriate activities consistent with the purposes of this title.

TITLE II—GENERAL

SAVING PROVISION

SEC. 201. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

RECORDS

SEC. 202. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

PAYMENTS

SEC. 203. Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

Mr. HUGHES. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUGHES. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 3562.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. KENNEDY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1259, H.R. 18306.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read the bill (H.R. 18306) by title, as follows: "A bill to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate resumed the consideration of the bill.

Mr. GORE. Mr. President, the Senate was recently advised by Mr. George D. Fischer, president of the National Education Association, that only about one county or city in four is now able to sell bonds to construct schools in the cities and the counties of the United States.

Recently an announcement was made that no additional funds were available from the U.S. Government for housing of the low-income variety. I read the official announcement. For another thing no funds are available for loans by the Small Business Administration at any rate of interest.

At the same time almost 5 million people are out of work.

One additional thing we might consider is that a budget deficit of $15 billion has been estimated for the current fiscal year.

It is against this background, Mr. President, that we have the pending bill, which provides a grant—not a loan, but a grant—of $1,923,520,000 to certain international organizations. The bill provides for the granting of almost $2 billion of the taxpayers' money which they have not yet paid to international organizations. Contrary to many unfunded projects here at home that would be self-liquidating, not one dollar of it is to be repaid to the U.S. Government ever.

What do these international organizations do with it? They operate so-called soft loan windows, which are themselves in large measure grant windows—or, if you want to use the common phrase, give-away windows. Even when the money is loaned, for example, by the Asian Development Bank, it is to be loaned at interest rates of from 1.5 to 3 percent.

In case a county in Tennessee wishes to sell bonds to build a school, the interest rate is somewhat more than 1.5 percent and somewhat more than 3 percent. Indeed, somewhat more than most can or will pay.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. FULBRIGHT. The excerpt in the Senator's minority views which appears on page 36 of the report quotes me and Mr. Fischer. In this context it leaves the impression to someone who is not acquainted with it that we were talking about the funds involved in this bill, that is, for the international bank. Actually, what I had in mind in talking with him at that time was not the international bank or any of the agencies involved in the bill, but the cost of the war. The whole amount of the bill would not run the war for 2 months.

What the Senator says is certainly relevant to the question of rates, but I submit that the plan involved in this bill, spread over a number of years, because this money will not be pulled down in the near future—I explained in my opening statement that the budgetary impact in the immediate future is a very small part of the overall bill—will not have a great impact.

I wanted to clarify the RECORD by saying what Mr. Fischer was talking about was not the impact of the bill under consideration, nor was I talking about that. I was talking about the general economic situation, inflation, high interest rates, which have been caused primarily by the expenditures for wars and military affairs.

The total amount that the bank has borrowed from us is only about one-third of its total borrowings. The International Bank has borrowed two-thirds of all it has borrowed abroad, in other countries than the United States. So if one is talking about the impact of what the bank has borrowed in our own country, it is a very small amount.

I do not think Mr. Fischer—nor would I—ascribe to the effect of these bills anything like what one could read into that exchange which I engaged in with Mr. Fischer. I thought it would be proper to clarify the RECORD. He was not talking about these bills at that time.

Mr. GORE. I agree that Mr. Fischer was not testifying with respect to this bill. I did not say that.

Mr. FULBRIGHT. I know that, but people who did not know that could reason that way.

Mr. GORE. It is possible that someone might so misunderstand.

Mr. FULBRIGHT. That is right.

Mr. GORE. And I am glad the Senator states the fact. The facts which Mr. Fischer related to the Senate, however, are the facts to which I addressed attention; that is, that only about one out of four countries and cities in America can today sell its bonds to build schools, at any rate of interest. That rate of interest is very high, so high that many of the people of our countries and our cities and our States will not vote for bond issues. And even in the case where bond issues are approved by public referendum, only one-half of those are able to sell their bonds at any rate.

Mr. President, I cite that fact, plus the economic condition of the country, the unavailability of credit at any rate, for small business loans by the Small Business Administration, for housing loans for the poor and the low income people, in order to call attention to what this bill proposes—the granting of near-

ly $2 billion to these so-called international banks, to be used, in large part in turn, by these international institutions in so-called soft loans. The soft loan may or may not be repaid. One cannot place very much confidence in the hope that they will be repaid. In the first instance, there is in many instances a long grace period, sometimes as long as 10 years, before they repay any interest or principal.

And even if it is repaid the loan is, as I have said, in some cases at 1.5 percent.

What is the prime rate in New York? Some five times that amount, on the best of loans. What does a lowly citizen have to pay to borrow money, say, to build a supermarket? Rates are as high as 15 percent. And yet we are proposing to give away $1,923 million, to be loaned for purposes we know not of, but at rates one-fifth, one-sixth, or sometimes one-tenth the rate of interest that a citizen or a county would have to pay in Tennessee or elsewhere in the United States.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. GORE. I yield.

Mr. ERVIN. This money is to be loaned for these soft loans such as no financial institution on earth would make; is that true?

Mr. GORE. I would not think that any institution that expected to remain solvent through the loans would make them.

Mr. ERVIN. And this advancement is to be made at a time when our deficit is constantly increasing, for the current fiscal year?

Mr. GORE. Yes. In that regard, let me call to the Senator's attention that only last June Congress was forced to raise the limit on the public debt to an alltime high of $395 billion. This would require us to raise it another $2 billion.

Mr. ERVIN. And would not this money have to come out of the deepest financial hole on the face of the earth or anywhere in the universe, so far as the Senator from Tennessee knows?

Mr. GORE. It would have to come out of the American taxpayer's pocket.

Mr. ERVIN. And out of an abyss which is worse than an abyss, in that there is a hole several hundred billion dollars deep already?

Mr. GORE. Well, the estimate of the deficit for fiscal 1971 is $15 billion. This would increase it.

Mr. ERVIN. I will ask the Senator from Tennessee if prior deficits have not placed this Nation in such a financial situation that it takes somewhere in the neighborhood of $15 billion or $16 billion a year merely to pay the interest on our national debt.

Mr. GORE. Let me compare that to the spendthrift days of the New Deal, when one of the budgets during the Roosevelt administration, I remember, which was so large that it created a great outcry, was $10 billion—the total: Defense, welfare, highways, everything. Ten billion dollars; and as the Senator has said, now it costs approximately $15 billion a year to pay the interest on the national debt.

Mr. ERVIN. I thank the Senator.

Mr. BYRD of Virginia. Mr. President, will the Senator yield at that point?

Mr. GORE. I yield.

Mr. BYRD of Virginia. May I suggest to the Senator that in the current budget, which is before Congress, the interest on the national debt is $20 billion?

Mr. GORE. Will the Senator from North Carolina accept that up-to-date correction?

Mr. ERVIN. I would say that the Senator from Virginia is an expert in this field, and I will accept whatever he says as being correct.

Mr. BYRD of Virginia. I thank the Senator from North Carolina. The Senator from Virginia is not an expert, but it just so happens that the interest on the national debt has increased in the last 3 years up to where it is now $20 billion. In fiscal 1968, it was $14.6 billion.

Mr. GORE. This is partly because of the greater debt and, as the Senator has said, partly because of the increased interest rate. The Government itself is paying as high as 7.3 percent interest.

Mr. BYRD of Virginia. The Senator is correct. Could I ask the Senator a question or two?

Mr. GORE. Yes.

Mr. BYRD of Virginia. I do not fully understand the exact amounts involved in the bill under consideration. Is the total $1.9 billion, or is it $3.7 billion?

If I may preface my question, I note that in the committee report, on page 2, it says:

> It will be seen that H.R. 18306 would authorize total appropriations of $3,709,500,000 for the four institutions over the period through fiscal year 1973.

Mr. GORE. Well, the statement which I made referred to the grant money.

Mr. BYRD of Virginia. The Senator was speaking only of the grant money when he spoke of $1.9 billion?

Mr. GORE. That is correct. This is for soft loans. This is to be given away. But I would like to look at the larger figure to which the Senator referred, which it will take me a little while to analyze.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so order.

ORDER FOR RECOGNITION OF SENATOR HOLLAND, SENATOR GURNEY, AND SENATOR YOUNG OF OHIO TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the able Senator from Delaware (Mr. BOGGS) tomorrow, the able and distinguished Senator from Florida (Mr. HOLLAND) be recognized for not to exceed 30 minutes, that he be followed by the able and distinguished Senator from Florida (Mr. GURNEY) for not to exceed 30 minutes, and that following the remarks of Mr. GURNEY, the able and distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 4539—INTRODUCTION OF THE ANIMAL WELFARE ACT OF 1970

Mr. DOLE. Mr. President, today I am introducing a bill which I hope will receive prompt and favorable attention by the Senate.

The bill, entitled the Animal Welfare Act of 1970, was introduced yesterday in the House of Representatives, and was unanimously recommended by the Livestock and Grains Subcommittee of the House Committee on Agriculture.

Several months of hearings and consideration have gone into the development of this bill, and I offer it today as a means to expedite its passage.

Through this measure, the humane animal treatment law would be expanded to include animals handled by wholesale pet dealers, zoos, road shows, and auction markets. A very important provision of the bill would establish humane standards for care and treatment of animals undergoing experimentation at medical research facilities. Animals on farms and those displayed at fairs, 4–H clubs, and similar events would be exempted.

I am sure Senators have read the news stories recently about scavengers who kidnap dogs, cats, and other pets and sell them to laboratories for experiments and research. Others of us have witnessed the abuse of an animal in some extreme manner. Senators would be amazed at the conditions under which some animals are transported from one location to another—whether for sale or for exhibition.

This law would put a stop to the abuse of these animals. The hearings conducted on this bill in the House have brought about cooperation from industry, the research community, private organizations, and individuals.

The bill assures the humane treatment of animals, while at the same time it recognizes the essential needs of industry and the critical function of scientific and medical research.

The existing humane animal treatment law is limited to cats, dogs, hamsters, guinea pigs, rabbits, and nonhuman primates, and only under certain circumstances. The proposed legislation will broaden coverage to all warm-blooded animals and will expand the areas of application of the existing statutes.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred.

The bill (S. 4539) to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets, introduced by Mr. DOLE was received, read twice by its title, and referred to the Committee on Commerce.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 397 Leg.]

Aiken	Griffin	Muskie
Allen	Gurney	Nelson
Allott	Hansen	Packwood
Anderson	Harris	Pastore
Baker	Hart	Pearson
Bennett	Hartke	Pell
Bible	Hatfield	Percy
Boggs	Holland	Proxmire
Brooke	Hollings	Randolph
Burdick	Hruska	Ribicoff
Byrd, Va.	Hughes	Saxbe
Byrd, W. Va.	Inouye	Schweiker
Cannon	Jackson	Scott
Case	Javits	Smith
Church	Jordan, N.C.	Sparkman
Cook	Jordan, Idaho	Spong
Cooper	Kennedy	Stennis
Cotton	Long	Stevens
Cranston	Magnuson	Stevenson
Curtis	Mansfield	Symington
Dodd	Mathias	Talmadge
Dole	McGee	Thurmond
Eagleton	McGovern	Tower
Ellender	McIntyre	Tydings
Ervin	Metcalf	Williams, N.J.
Fannin	Miller	Yarborough
Fulbright	Mondale	Young, N. Dak.
Goldwater	Montoya	Young, Ohio
Gore	Moss	
Gravel	Murphy	

The PRESIDING OFFICER. A quorum is present.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Sam H. Roberts, of Texas, to be U.S. marshal for the western district of Texas.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COMMISSION ON CIVIL RIGHTS

The legislative clerk read the nomination of Manuel Ruiz, Jr., of California, to be a member of the Commission on Civil Rights.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX CONVENTIONS WITH BELGIUM, FINLAND, AND TRINIDAD AND TOBAGO, AND ESTATE TAX CONVENTION WITH THE NETHERLANDS

Mr. MANSFIELD. Mr. President, earlier today the distinguished chairman of the Committee on Foreign Relations made a statement relative to four tax conventions; namely, with the Netherlands, Trinidad and Tobago, Finland, and Belgium. These tax conventions were reported unanimously by the Committee on Foreign Relations. In addition to the statement placed in the RECORD by the chairman of the Committee on Foreign Relations, a statement by Mr. Laurence N. Woodworth, Chief of Staff, Joint Committee on Internal Revenue Taxation, has been placed in the RECORD.

After consultation with the distinguished acting minority leader, I call up the four tax conventions which are on the Executive Calendar. The explanation has been made on all of these treaties and it will be in the RECORD. I repeat that there is no opposition but only unanimity so far as the treaties are concerned.

I ask unanimous consent that the treaties pass through the proper readings this afternoon and that tomorrow, at the conclusion of the morning hour, there be a single vote on all four treaties.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the four conventions, Executive G of the 91st Congress, first session, and D, E, and I of the 91st Congress, second session, on the Executive Calendar on which there will be a single vote tomorrow with that vote set out separately for each in the RECORD.

Thereupon, the Senate, as in the Committee of the Whole, proceeded to consider Executives G of the 91st Congress, first session, and D, E and I of the 91st Congress, second session, being the tax conventions with the Netherlands, Trinidad and Tobago, Finland, and Belgium, which were read the second time, as follows:

EXECUTIVE G

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF THE NETHERLANDS FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON ESTATES AND INHERITANCES

The Government of the United States of America and the Government of the Kingdom of the Netherlands, desiring to conclude a convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on estates and inheritances, have appointed for that purpose as their respective Plenipotentiaries:

The Government of the United States of America: William P. Rogers, Secretary of State, and

The Government of the Kingdom of the Netherlands: Hendrik C. Maclaine Pont, Minister of the Kingdom of the Netherlands, who, having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:

Chapter I. SCOPE OF THE CONVENTION

ARTICLE 1. ESTATES COVERED

This Convention shall apply to estates of decedents which are subject to the taxing jurisdiction of one or both States by reason of the decedent's domicile therein or citizenship thereof at death. A decedent who at death was a citizen of the United States but is considered under the laws of the United States as having been a nonresident not a citizen of the United States for purposes of its tax shall be considered as having been neither domiciled in nor a citizen of the United States for purposes of this Convention.

ARTICLE 2. TAXES COVERED

(1) The taxes to which this Convention shall apply are:

(a) In the case of the United States: The Federal estate tax; and

(b) In the case of the Netherlands: The succession duty and the transfer duty at death.

(2) This Convention shall also apply to any taxes on estates and inheritances imposed by the States on the occasion of death, which are subsequently enacted in addition to, or in place of, the existing taxes, in the form of (a) tax on the corpus of the estate, (b) tax on inheritances, (c) transfer duties, or (d) taxes on donations *mortis causa*.

(3) The competent authorities of the States shall notify each other of any substantial changes which have been made in their respective laws relating to taxes on estates and inheritances.

Chapter II. DEFINITIONS

ARTICLE 3. GENERAL DEFINITIONS

(1) In this Convention:

(a) The terms "State" and "other State" mean the United States or the Netherlands, as the context requires;

(b) The term "United States" means the United States of America and when used in a geographical sense means the States thereof and the District of Columbia;

(c) The term "the Netherlands" comprises the part of the Kingdom of the Netherlands that is situated in Europe;

(d) The term "tax" means the tax or taxes described in Article 2 which are imposed by the State (or States) indicated by the context of the term's usage;

(e) The term "credit" means a deduction from tax; and

(f) The term "competent authority" means:

(i) In the case of the United States, the Secretary of the Treasury or his delegate, and

(ii) In the case of the Netherlands, the Minister of Finance or his duly authorized representative.

(2) Any term not otherwise defined in this Convention shall, unless the context otherwise requires, have the meaning which it has under the laws of the State whose tax is being determined.

ARTICLE 4. FISCAL DOMICILE

(1) For the purposes of this Convention, the question whether a decedent was domiciled in one of the States at his death shall be determined according to the law of that State.

(2) A decedent who at his death was a citizen of one of the States without being a citizen of the other State, and who would be considered, under paragraph (1), as having been domiciled in both States at his death, shall be deemed to have been domiciled in (and only in) the State of which he was a citizen, if:

(a) He died when having been domiciled in the other State in the aggregate less than 7 years during the 10-year period ending at his death; and

(b) He was in the other State for business, professional, educational, training, tourism, or a similar purpose (or in his capacity as the spouse or a dependent member of the family of a person who was in that other State for such a purpose, and did not have a clear intention to remain indefinitely in the other State.

(3) Where by reason of the provisions of paragraph (1) a decedent, other than a decedent described in paragraph (2), was domiciled in both States, then this case shall be determined in accordance with the following rules:

(a) He shall be deemed to have been domiciled in the State in which he made his permanent home for 5 years or more immediately preceding his death;

(b) If he did not make his permanent home for 5 years or more in either State, his domicile shall be deemed to be in the State with which his personal relations were closest;

(c) If the State in which his personal relations were closest cannot be determined, his domicile shall be deemed to be in the State of which he was a citizen; or

(d) If he was a citizen of both States or of neither of them, the competent authorities of the States shall determine the State of his domicile by mutual agreement.

(4) For the purposes of paragraph (2), unless all of the evidence considered together is clear and convincing to the contrary it shall be presumed that the decedent did not have a clear intention to remain indefinitely in the State of which he was not a citizen.

Chapter III. TAX RULES

Article 5. Application of Domestic Laws

(1) Except as otherwise provided in this Convention, each State shall impose its tax, and shall allow exemptions, deductions, credits, and other allowances, in accordance with its laws.

(2) In any case in which the laws of a State allocate deductions on the basis of the situs of property, property shall be deemed for the purpose of determining the amounts of any deductions to have a situs in that State only if that State may tax it under this Convention, and property shall be deemed for the purpose of determining the amounts of any credits to have a situs in the other State only if a credit is allowable under Article 11 for the tax of that other State with respect to the property. However, for purposes of (and only for purposes of) (a) the requirements of the respective tax laws of the States relating to information or tax returns or notices, transfer certificates, or maintenance of records, and (b) determining the applicability and amount of any sanctions of such laws with respect to the requirements referred to in (a) above, neither this paragraph nor any provision of Article 6, 7, or 8 shall change the taxability or situs of property or the amount of tax which would otherwise have been due in the absence of this Convention (or the amount of any resulting underpayment of tax). Notwithstanding the preceding sentence, requirements or sanctions found to be unnecessary for the prevention of fraud or fiscal evasion with respect to tax may be eliminated or modified (but not made more burdensome) by regulations prescribed pursuant to paragraph (5) of Article 13.

(3) The provisions of this Convention shall not result in an increase in the amount of the tax imposed by either State (except to the extent that the increase results from a reduction under the provisions of this Convention of the tax paid to a State with respect to which credit is allowable).

Article 6. Immovable Property

(1) Immovable property may be taxed by a State if such property is situated in that State.

(2) Whether any property constitutes immovable property shall be determined in accordance with the laws of the State in which such property is located. However, the term "immovable property" shall in any case include real property (but not mortgages, bonds, or other security interests or ships, or aircraft).

(3) The provisions of paragraphs (1) and (2) shall apply to immovable property whether or not such property forms part of the business property of a permanent establishment or is used for the performance of professional services or other independent activities of a similar character.

(4) The provisions of this article shall not cause property which is not taxable by a State under its laws to be taxed (or taken into account in determining the rate of tax) by that State.

Article 7. Business Property of a Permanent Establishment and Assets Pertaining to a Fixed Base Used for the Performance of Professional Services

(1) Except as provided in Article 6, assets (other than ships and aircraft operated in international traffic and movable property pertaining to the operation of such ships and aircraft) forming part of the business property of a permanent establishment may be taxed by a State if the permanent establishment is situated in that State.

(2) For purposes of this Convention, the term "permanent establishment" means a fixed place of business through which a decedent was engaged in trade or business. A decedent shall be deemed to have been engaged in trade or business through a fixed place of business whether he is so engaged as a sole proprietor or through a partnership or other unincorporated association, but in the case of a partnership or association, only to the extent of his interest therein. References in this article to a "decedent" shall be deemed to include such interests.

(3) The term "fixed place of business" shall include especially:

(a) A branch;

(b) An office;

(c) A factory;

(d) A workshop;

(e) A sales outlet;

(f) A mine, quarry, or other place of extraction of natural resources; and

(g) A building site or a construction or assembly project which exists for more than 12 months.

(4) Notwithstanding paragraphs (2) and (3), a permanent establishment shall not include a fixed place of business used solely for one or more of the following activities:

(a) The use of facilities for the purpose of storage, display, or delivery of goods or merchandise belonging to the decedent;

(b) The maintenance of a stock of goods or merchandise belonging to the decedent for the purpose of storage, display, or delivery;

(c) The maintenance of a stock of goods or merchandise belonging to the decedent for the purpose of processing by another;

(d) The maintenance of a fixed place of business for the purpose of purchasing goods or merchandise, or for collecting information, for the decedent;

(e) The maintenance of a fixed place of business for the purpose of advertising, for the supply of information, for scientific research, or for similar activities if they have a preparatory or auxiliary character for the decedent;

(f) The maintenance of a fixed place of business (by a person other than a dealer) for the purpose of investing or trading in stocks, securities, or commodities for the decedent's own account, whether directly or through a broker or other agent.

(5) A person who was acting in a State on behalf of a decedent—other than an agent to whom paragraph (4)(f) or (6) applies—shall be deemed to have been a permanent establishment of the decedent in that State if such person had, and habitually exercised in that State, an authority to conclude contracts in the name of the decedent, unless the exercise of such authority was limited to the purchase of goods or merchandise for the decedent.

(6) A decedent shall not be deemed to have had a permanent establishment in a State merely because he carried on a trade or business in that State through a broker, general commission agent, or any other agent of an independent status acting in the ordinary course of his business.

(7) The fact that the decedent controlled a corporation which engaged in trade or business in a State (whether through a permanent establishment or otherwise) shall not be taken into account in determining whether the decedent had a permanent establishment in such State.

(8) Except as provided in Article 6, assets pertaining to a fixed base used for the performance of professional services or other independent activities of a similar character may be taxed by a State if the fixed base is situated in that State.

(9) The provisions of this article shall not cause property which is not taxable by a State under its laws to be taxed (or taken into account in determining the rate of tax) by that State.

Article 8. Taxation on the Basis of Domicile

Subject to the provisions of Article 9, and except as provided in Article 6 or 7, property may be taxed (or taken into account in determining the rate of tax) only by the State in which the decedent was domiciled at his death.

Article 9. Taxation on the Basis of Citizenship

If the decedent was a citizen of a State at his death that State may tax property in accordance with its laws, including property not enumerated in Article 6 or 7, whether or not he was domiciled therein.

Article 10. Exemptions

(1) Property (other than community property) which passes to the surviving spouse from a decedent who was a domiciliary or citizen of the United States, and which may be taxed by the Netherlands solely by reason of Article 6 or 7, shall, for the purpose of determining the Netherlands transfer duty at death, be included in the estate only to the extent its value exceeds 50 percent of the value of all property included in the estate which may be taxed by the Netherlands. For purposes of this paragraph, the value of the estate which may be taxed by the Netherlands, and of the property which passes to the surviving spouse, shall be determined after taking into account any applicable deductions but before applying paragraph (2).

(2) Where a State may tax solely by reason of Article 6 or 7, that State shall not impose any tax if the aggregate value of the property included in the estate subject to its tax (after taking into account any applicable deductions and after taking into account the provisions of paragraph (1), but before taking into account any other exemptions) does not exceed $30,000. If the value so determined exceeds $30,000, the tax imposed shall not exceed the lesser of (a) 50 percent of such value in excess of $30,000, or (b) the amount of the tax determined in accordance with the provisions of this Convention taking into account any exemptions allowable under the laws of the State.

(3) Paragraph (1) shall be inapplicable during such period as the laws of the United States make the tax imposed by it with respect to estates of nonresident aliens substantially less favorable in relation to the tax imposed by it with respect to estates of its citizens or domiciliaries than is the case when this Convention is signed.

Chapter IV. RELIEF FROM DOUBLE TAXATION

Article 11. Credits

(1) Where both States impose tax with respect to property which may be taxed by a State in accordance with Article 6 or 7, a State which imposes its tax on the basis of the decedent's domicile therein or citizenship thereof at death shall allow a credit equal to the amount of the tax imposed by the other State with respect to property which may be taxed by such other State in accordance with Article 6 or 7.

(2) In addition to any credit allowable under paragraph (1), where both States impose tax with respect to property which is not property which one of the States may tax in accordance with Article 6 or 7:

(a) If the decedent was a citizen of only one State at death and if at his death he had been domiciled in the other State in the aggregate 7 or more years during the 10-year period ending at his death, then the State of which he was a citizen shall allow a credit equal to the amount of the tax imposed by such other State;

(b) If the decedent was a citizen of both States and a domiciliary of one State at death, then the State of which he was not a domiciliary shall allow a credit equal to the amount of the tax imposed by the other State; or

(c) If neither subparagraph (a) nor subparagraph (b) is applicable, then each State shall allow a credit in the amount which bears the same proportion to the amount of its tax attributable to such property, or to the amount of the other State's tax attributable to the same property, whichever is less, as the former amount bears to the sum of both amounts.

(3) Notwithstanding the provisions of paragraphs (1) and (2), the total amount of all credits allowed by a State pursuant to this article or pursuant to the laws or other conventions of such State with respect to all property in respect of which a credit is allowable under paragraph (1) or (2) (a) or (b) shall not exceed that part of the tax of the crediting State which is attributable to such property.

(4) In determining the amount of the tax imposed by a State with respect to or attributable to property there shall be subtracted from the gross tax so imposed all credits allowed by such State with respect to such property except credits which are allowable under this article.

(5) As used in paragraphs (1, and (2) of this article, reference to property which may be taxed by a State in accordance with Article 6 or 7 includes property which would be taxable by a State under the terms of one of those articles if taxable by the State under its laws, whether or not it is also taxable on the basis of the decedent's domicile or citizenship at death.

(6) No credit shall be finally allowed under this article until the tax for which the credit is allowable (reduced by any credit allowable with respect thereto) has been paid.

(7) Any credits authorized by this article are in lieu of, and not in addition to, any credits authorized by the respective laws of the States for the taxes of the other State.

Chapter V. SPECIAL PROVISIONS

Article 12. Limitation on Claims for Credit or Refund

(1) Any claim for credit or for refund of tax founded on the provisions of this Convention shall be made before the expiration of the latest of:

(a) The time for the making of a claim for refund of tax under the laws of the State to which the claim for credit or refund is made;

(b) Five years from the date of death of the decedent in respect of whose estate the claim is made; or

(c) One year after final determination and payment of tax for which any credit under Article 11 is claimed, provided that the determination and payment are made within 10 years of the date of death of the decedent.

(2) Any refund based on the provisions of this Convention shall be made without payment of interest on the amount so refunded.

Article 13. Competent Authorities

(1) Any person who considers that the actions of one or both of the States result or will result for him in taxation not in accordance with this Convention may, notwithstanding the remedies provided by the laws of those States, present his case to the competent authority of either State. Such presentation must be made within the period of time prescribed for the filing of a claim for credit or refund under Article 12. Should the person's claim be considered to have merit by the competent authority of the State to which the claim is made, it shall endeavor to come to an agreement with the competent authority of the other State with a view to the avoidance of taxation contrary to the provisions of this Convention.

(2) The competent authorities of the States shall endeavor to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of this Convention.

(3) The competent authorities of the States may communicate with each other directly for the purpose of reaching an agreement in the sense of this article. When it seems advisable for the purpose of reaching an agreement, the competent authorities may meet together for an oral exchange of opinions.

(4) In the event that the competent authorities reach such an agreement, taxes shall be imposed, and refund or credit of taxes shall be allowed, by the States in accordance with such agreement.

(5) The competent authority of each State may prescribe such regulations and forms as may be necessary or appropriate to give effect to and implement the provisions of this Convention.

Article 14. Exchange of Information

(1) The competent authority of each State shall furnish the competent authority of the other State such information as is pertinent to (a) carrying out the provisions of this Convention or the laws of such other State concerning its tax insofar as the taxation thereunder is in accordance with this Convention, or (b) preventing fraud or fiscal evasion in relation to the taxes which are the subject of this Convention (including information with respect to property exempted from the tax of the first-mentioned State by reason of Article 8). However, this paragraph shall not require the competent authority of a State to furnish information not in the possession of that State with respect to property exempted from its tax by reason of Article 8. Any information furnished shall be treated as secret and shall not be disclosed to any persons other than those (including a court, or administrative body) concerned with assessments, collection, enforcement, or prosecution in respect of the taxes which are the subject of this Convention.

(2) In no case shall the provisions of paragraph (1) be construed so as to impose on one of the States the obligation:

(a) To carry out administrative measures at variance with the laws or the administrative practice of that or of the other State;

(b) To supply particulars which are not obtainable under the laws or in the normal course of the administration of that or of the other State;

(c) To supply information which would disclose any trade, business, industrial, commercial, or professional secret or trade process, or information the disclosure of which would be contrary to public policy.

(3) The furnishing of information shall be either on a routine basis or on request with reference to particular cases. The competent authorities of the States shall agree on the list of information which shall be furnished on a routine basis.

Article 15. Diplomatic and Consular Officials

(1) Nothing in this Convention shall affect the fiscal privileges of diplomatic or consular officials or officials of international organizations under the general rules of international law or under the provisions of special agreements.

(2) Insofar as such privileges prevent the imposition of tax in the receiving State, the right to tax shall be reserved to the country in whose service the persons concerned exercised their functions or in the case of international officials the country of citizenship, and notwithstanding any other provisions of this Convention such persons shall not be deemed to be domiciled in the receiving State.

Chapter VI. FINAL PROVISIONS

Article 16. Entry into Force

(1) This Convention shall be ratified and the instruments of ratification shall be exchanged at The Hague as soon as possible.

(2) This Convention shall enter into force on the date on which the instruments of ratification are exchanged and its provisions shall apply to estates of persons dying on or after that date.

Article 17. Territorial Extension

(1) This Convention may be extended, either in its entirety or with any necessary modifications, to either or both of the countries of Surinam or the Netherlands Antilles and to all or any or the areas for whose international relations the United States is responsible, if the country or area concerned imposes taxes substantially similar in character to those to which this Convention applies. Any such extension shall take effect from such date and subject to such modifications and conditions, including conditions as to termination, as may be specified and agreed in an exchange of notes through diplomatic channels. Such notes shall be ratified and the instruments of ratification exchanged.

(2) Unless otherwise specified in the notice of termination referred to in Article 18 the termination of this Convention shall not also terminate the application of this Convention to any country or area to which it has been extended under this article.

Article 18. Termination

This Convention shall remain in force until terminated by one of the States. Either State may terminate this Convention, through diplomatic channels, with effect from the end of any calendar year not earlier than 5 years after the effective date of this Convention by giving at least 6 months notice in writing of termination. In such an event, this Convention will not apply to estates of persons dying after the expiration of the calendar year with respect to the end of which this Convention has been terminated.

In witness whereof the undersigned, duly authorized thereto, have signed this Convention.

Done in duplicate, in the English and Dutch languages, both texts being equally authentic, at Washington this 15th day of July, 1969.

For the Government of the United States of America:

William P. Rogers.

For the Government of the Kingdom of the Netherlands:

H. C. MacLaine Pont.

Protocol

At the moment of signing the Convention between the Government of the United States of America and the Government of the Kingdom of the Netherlands for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on estates and inheritances (hereinafter to be called the Convention), the undersigned representatives have agreed on the following provisions:

I. The provisions of the Convention shall not affect property rights under laws relating to descent, distribution, succession, inheritance or other similar matters.

II. If the meaning of a term under the laws of one State is different from the meaning of the term under the laws of the other State, or if the meaning of such a term under the laws of one or both States is not readily determinable, the competent authorities of the States may, in order to prevent double taxation or to further any other purpose of the Convention, establish a common meaning of the term for purposes of the Convention.

III. In construing Article 4(3)(a), a decedent shall not be deemed to have more than one permanent home.

IV. As used in the Convention, the term "domicile" with respect to each of the States means residence for purposes of its tax.

V. The Kingdom of the Netherlands will not, for purposes of determining domicile under Article 4 of the Convention, assert its unilateral 10-year rule with respect to decedents who are citizens of the Netherlands and who were in the United States for less than 10 years, immediately preceding death, when such decedent had the intention to remain indefinitely in the United States; but this paragraph shall not affect the right of the Netherlands to tax pursuant to Article 9 of the Convention.

VI. Since it is intended by Article 4 to resolve all cases of double domicile, the competent authorities of the States shall resolve any dispute with respect to the domicile of the decedent for purposes of the Convention which is presented to one or both of them within the period of time prescribed for the filing of a claim for credit or refund under Article 12.

VII. The exemption provided by Article 10(1) will apply before the application of the exemption provided by Article 10(2).

VIII. It is understood that the Netherlands cannot disclose to the authorities of another country information obtained from banks and certain similar institutions, including insurance companies, except where and in so far as a bank or similar institution acts as the executor or administrator of an estate.

IX. If the effects of the Convention are substantially altered as a result of changes made in the laws of either State, then at the request of either State, the two States shall consult together with a view to making appropriate modifications in the Convention.

X. This Protocol shall be ratified together with the Convention and instruments of ratification thereof shall be exchanged at The Hague. It shall enter into force simultaneously with the Convention signed today and shall have the same duration as the Convention in accordance with Articles 16 and 18 thereof.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Protocol.

DONE in duplicate, in the English and Dutch languages, both texts being equally authentic, at Washington this 15th day of July, 1969.

For the Government of the United States of America:

WILLIAM P. ROGERS.

For the Government of the Kingdom of the Netherlands:

H. C. MACLAINE PONT.

EXECUTIVE D

CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF TRINIDAD AND TOBAGO FOR THE AVOIDANCE OF DOUBLE TAXATION, THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME, AND THE ENCOURAGEMENT OF INTERNATIONAL TRADE AND INVESTMENT

The Government of the United States of America and the Government of Trinidad and Tobago, desiring to conclude a convention for the avoidance of double taxation, the prevention of fiscal evasion with respect to taxes on income, and the encouragement of international trade and investment, have agreed upon the following articles.

ARTICLE 1

TAXES COVERED

(1) The taxes which are the subject of this Convention are:

(a) In the case of the United States, the Federal income tax imposed by the Internal Revenue Code (but not including the personal holding company tax and accumulated earnings tax) (hereinafter called United States tax);

(b) In the case of Trinidad and Tobago, the corporation tax and the income tax (hereinafter called Trinidad and Tobago tax).

(2) This Convention shall also apply to taxes substantially similar to those covered by paragraph (1) which are subsequently imposed in addition to, or in place of, existing taxes.

(3) For the purpose of Article 6 (Nondiscrimination), this Convention shall apply to taxes of every kind imposed at the National, State, and local level.

ARTICLE 2

GENERAL DEFINITIONS

(1) In this Convention, unless the context otherwise requires:

(a)(i) The term "United States" means the United States of America; and

(ii) When used in a geographical sense, the term "United States" means the States thereof and the District of Columbia. Such term also includes (A) the territorial sea thereof and (B) the seabed and subsoil of the adjacent submarine areas beyond the territorial sea over which the United States exercises sovereign rights, in accordance with international law concerning the continental shelf, for the purpose of exploration and exploitation of the natural resources of such areas, but only to the extent that the person, property, or activity to which this Convention is being applied is connected with such exploration or exploitation.

(b)(i) The term "Trinidad and Tobago" means the islands of Trinidad and Tobago; and

(ii) When used in a geographical sense, the term "Trinidad and Tobago" includes (A) the territorial sea thereof and (B) the seabed and subsoil of the adjacent submarine areas beyond the territorial sea over which Trinidad and Tobago exercises sovereign rights, in accordance with Trinidad and Tobago legislation and international law concerning the continental shelf, for the purpose of exploration and exploitation of the natural resources of such areas, but only to the extent that the person, property, or activity to which this Convention is being applied is connected with such exploration or exploitation.

(c) The terms "one of the Contracting States" and "the other Contracting State" mean the United States or Trinidad and Tobago, as the context requires.

(d) The term "person" comprises an individual, a corporation, and any other body of individuals or persons.

(e) The term "United States corporation" or "corporation of the United States" means a corporation or any entity treated as a corporation for United States tax purposes, which is created or organized under the laws of the United States or any State thereof or the District of Columbia.

(f) The term "Trinidad and Tobago corporation" or "corporation of Trinidad and Tobago" means any company or any entity treated as a company under Trinidad and Tobago tax law, which is resident within Trinidad and Tobago for purposes of Trinidad and Tobago tax.

(g) The term "resident of the United States" means:

(i) A United States corporation; or

(ii) Any person (other than a corporation) resident in the United States for purposes of United States tax, but in the case of a partnership, estate, or trust only to the extent that the income derived by such person is subject to United States tax as the income of a resident.

(h) The term "resident of Trinidad and Tobago" means:

(i) A Trinidad and Tobago corporation; or

(ii) Any person (other than a corporation) resident in Trinidad and Tobago for purposes of Trinidad and Tobago tax, but in the case of a partnership, estate, or trust only to the extent that the income derived by such person is subject to Trinidad and Tobago tax as the income of a resident.

(i) The term "competent authority" means:

(i) In the United States, the Secretary of the Treasury or his delegate;

(ii) In Trinidad and Tobago, the Minister of Finance or his authorized representative.

(j) The term "State" means any National State, whether or not one of the Contracting States.

(k) The terms "paid", "distributed", and "received" when used with respect to income shall include amounts "credited".

(2) As regards the application of the provisions of this Convention by one of the Contracting States, any term not defined in the Convention shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting State relating to the taxes which are the subject of this Convention. Notwithstanding the previous sentence, if the meaning of such a term under the laws of one of the Contracting States is different from the meaning of the term under the laws of the other Contracting State, or if the meaning of such a term is not readily determinable under the laws of one of the Contracting States, the competent authorities of the Contracting States may, in order to prevent double taxation or further any other purpose of this Convention, establish a common meaning of the term for the purpose of this Convention by means of mutual agreement arrived at in accordance with Article 23 (Mutual Agreement Procedures).

ARTICLE 3

GENERAL RULES OF TAXATION

(1) A resident of one of the Contracting States shall be taxable by the other Contracting State only on income derived from sources within that other Contracting State. For this purpose, the rules set forth in Article 5 (Source of Income) shall be applied to determine the source of income.

(2) A resident of one of the Contracting States may be taxed by the other Contracting State on income taxable under paragraph (1) in accordance with the limitations set forth in this Convention. Any income to which the provisions of this Convention are not expressly applicable shall be taxable by each of the Contracting States in accordance with its new law. The provisions of this Convention shall not be construed to restrict in any manner any exclusion, exemption, deduction, credit, or other allowance now or hereafter accorded (a) by the laws of one of the Contracting States in the determination of the tax imposed by that State or (b) by any other agreement between the Contracting States.

(3) Except as provided in paragraph (4), a Contracting State may tax a resident of that Contracting State (whether or not such person is also a resident of the other Contracting State), and the United States may tax its citizens, as if this Convention had not come into effect.

(4) The provisions of paragraph (3) shall not affect—

(a) The benefits conferred by a Contracting State under Articles 4 (Relief from Double Taxation), 6 (Nondiscrimination), and 7 (Tax Deferral for Technical Assistance);

(b) The benefits conferred by a Contracting State under Articles 18 (Teaching and Research), 19 (Students and Trainees), 20 (Governmental Salaries), and 21 (Rules Applicable to Personal Income Articles) upon individuals, other than (i) citizens of that Contracting State, or, (ii) in

the case of the United States, individuals having immigrant status in the United States.

ARTICLE 4

RELIEF FROM DOUBLE TAXATION

Double taxation shall be avoided in the following manner:

(1) Subject to the provisions of the law of the United States regarding the allowance as a credit against United States tax of tax payable in territory outside the United States (which shall not affect the general principle hereof), the United States shall allow to a citizen or resident as a credit against its taxes, the appropriate amount of Trinidad and Tobago tax paid and, in the case of a United States corporation owning at least 10 percent of the voting power of a corporation resident in Trinidad and Tobago, shall allow credit for the appropriate amount of Trinidad and Tobago tax paid by the corporation paying such dividend with respect to the profits out of which such dividend is paid, if the recipient of such dividend includes in its gross income for the purpose of United States tax the amount of such Trinidad and Tobago tax. For this purpose, the recipient of any dividend paid by a corporation which is resident in Trinidad and Tobago shall be considered to have paid to Trinidad and Tobago tax legally deducted from such dividend payment by the person by or through whom payment thereof is made (to the extent that it is a tax chargeable in accordance with the present Convention), if such recipient elects to include in his gross income for purposes of United States tax the amount of such Trinidad and Tobago tax. The appropriate amount of Trinidad and Tobago tax which shall be allowed as a credit under this paragraph shall be based upon the amount of Trinidad and Tobago tax paid but shall not exceed that portion of United States tax which net income from sources within Trinidad and Tobago bears to the entire net income.

(2) Subject to the provisions of the law of Trinidad and Tobago regarding the allowance as a credit against Trinidad and Tobago tax of tax payable in a territory outside Trinidad and Tobago (which shall not affect the general principle hereof), the United States tax payable under the law of the United States and in accordance with the present Convention, whether directly or by deduction (excluding, in the case of a dividend, tax payable in respect of profits out of which the dividend is paid), shall be allowed as a credit against any Trinidad and Tobago tax. In addition, in the case of a dividend paid by a United States corporation to a Trinidad and Tobago corporation which controls directly or indirectly at least 10 percent of the voting power in the United States corporation, the credit shall take into account the United States tax payable by the United States corporation in respect of the profits out of which such dividend is paid. The amount of United States tax which shall be allowed as a credit under this paragraph shall be based upon the amount of United States tax paid but shall not exceed that portion of Trinidad and Tobago tax which net income from sources within the United States bears to the entire net income.

ARTICLE 5

SOURCE OF INCOME

For purposes of this Convention:

(1) (a) Except as provided in subparagraph (b) and in paragraph (5) of Article 12 (Dividends), dividends paid by a corporation of one of the Contracting States shall be treated as income from sources within that Contracting State; and dividends paid by any other corporation shall be treated as income from sources outside that Contracting State.

(b) Dividends paid by a Trinidad and Tobago corporation shall be treated as income from sources within the United States if, for the 3-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such portion of that period as the corporation has been in existence), such corporation—

(i) Had a permanent establishment in the United States, and

(ii) Derived 50 percent or more of its gross income from industrial or commercial profits effectively connected with the industrial or commercial profits effectively connected with the industrial or commercial activity engaged in through such permanent establishment, but only in an amount which bears the same ratio to such dividends as the gross income of the corporation for such period which is effectively connected with the commercial or industrial activity engaged in through such permanent establishment within the United States bears to its gross income from all sources. Notwithstanding the preceding sentence, the amount of dividends treated as income from United States sources under this subparagraph shall not exceed the net amount of money or property transferred from such permanent establishment during such period.

(2) (a) Except as provided in subparagraph (b), interest paid by a Contracting State, including any local government thereof, or by a resident of that Contracting State shall be treated as income from sources within that Contracting State; and interest paid by any other person shall be treated as income from sources outside that Contracting State.

(b) Interest paid by a resident of any State with a permanent establishment in another State directly or indirectly out of the funds of such permanent establishment on indebtedness incurred for the sole use of, or on banking deposits made with, such permanent establishment shall be treated as income from sources within the State in which such permanent establishment is located.

(3) Royalties paid for the use of, or the right to use property described in paragraph (4) of Article 14 (Royalties) in a State shall be treated as income from sources within that State.

(4) Income from real property and royalties from the operation of mines, quarries, or other natural resources shall be treated as income from sources within the State in which such property is located.

(5) Income from the rental of tangible personal (movable) property shall be treated as income from sources within the State in which such property is located when rented.

(6) Income received by an individual for his performance of personal services (either as an employee or in an independent capacity) or for furnishing the personal services of another person and income received by a corporation for furnishing the personal services of its employees or others shall be treated as income from sources within the State in which such services are performed. If services are performed partly within and partly outside a State, income from the performance or furnishing of such services shall be treated as income from sources partly within and partly outside that State. Compensation for personal services, and private pensions and annuities paid in respect of such services, performed aboard ships or aircraft operated in international traffic by a resident of a Contracting State and, in the case of the United States, registered in the United States, shall be treated as income from sources within that Contracting State, if performed by a member of the regular complement of the ship or aircraft.

(7) Income from the purchase and sale of personal (movable) property shall be treated as income from sources within the State in which such property is sold.

(8) Notwithstanding paragraphs (1) through (7), industrial or commercial profits which are attributable to a permanent establishment which the recipient, being a resident of one of the Contracting States, has in the other Contracting State, including income dealt with in Articles 12 (Dividends), 13 (Interest), 14 (Royalties), and 15 (Income from Real Property) from rights or property which is effectively connected with such permanent establishment, shall be treated solely as income from sources within the other Contracting State. For the purposes of this Convention, to determine whether rights or property is effectively connected with a permanent establishment, the factors taken into account shall include whether the income is derived from property used in or held for use in the commercial or industrial activities carried on through such permanent establishment, or the commercial or industrial activities carried on through such permanent establishment were a material factor in the realization of the income.

(9) The source of any item of income to which the provisions of this article are not expressly applicable shall be determined by each of the Contracting States in accordance with its own law.

ARTICLE 6

NONDISCRIMINATION

(1) A national of one of the Contracting States who is a resident of the other Contracting State shall not be subjected in that other Contracting State to more burdensome taxes than is a national of that other Contracting State who is a resident thereof.

(2) A national or corporation of one of the Contracting States which has a permanent establishment in the other Contracting State shall not be subjected in that other Contracting State to more burdensome taxes than is a national or corporation of that other Contracting State. This paragraph shall not be construed—

(a) To require a Contracting State to grant to nationals of the other Contracting State who are not residents of the first-mentioned Contracting State any personal allowances or deductions which are by its law available only to residents of the first-mentioned Contracting State,

(b) To prevent the application of paragraph (5) of Article 12 (Dividends) relating to tax on branch profits, or

(c) To prevent the United States from imposing a tax burden comparable to that referred to in subparagraph (b) on the income of a permanent establishment maintained by a resident of Trinidad and Tobago in the United States.

(3) A corporation of one of the Contracting States, the capital of which is wholly or partly owned by one or more nationals or corporations of the other Contracting State, shall not be subjected in the first-mentioned Contracting State to more burdensome taxes than is a corporation of that Contracting State, the capital of which is wholly owned by one or more nationals or corporations of that Contracting State.

ARTICLE 7

TAX DEFERRAL FOR TECHNICAL ASSISTANCE

(1) If, in accordance with the laws of the Contracting States regulating foreign investment, a resident of one of the Contracting States transfers to a corporation of the other Contracting State for use in connection with a trade or business actively conducted by such corporation in that other Contracting State any—

(a) Patent, invention, model, design, secret formula or process, or similar property right, or

(b) Information concerning industrial, commercial, or scientific knowledge, experience, or skill,

or provides technical, managerial, engineering, architectural, scientific, skilled, indus-

trial, commercial, or like services which are ancillary and subsidiary to the transfer of the property rights referred to in (a) or information referred to in (b), and if in consideration thereof such resident receives from the corporation its stock, such resident may elect not to include in income for purposes of United States tax and Trinidad and Tobago tax any amount otherwise includible by reason of the receipt of such stock. In that event, otherwise deductible expenses incurred in the transaction shall not be currently deducted to the extent that they are allocable to amounts so excluded from income. If the stock received is thereafter disposed of, the amount excluded (or, if such stock is sold or exchanged for less than such amount, the amount received upon the sale or exchange) shall then be included in income in the manner in which it would have been included upon receipt of such stock. The deductions disallowed shall be allowed upon a disposition of the stock received and any gain upon such disposition shall be determined as if such amount had been included in income and such deductions allowed, upon receipt of such stock.

(2)(a) With respect to United States tax, the provisions of this article shall be subject to such regulations as are prescribed by the Secretary of the Treasury or his delegate to effectuate the provisions of this article and to further define and determine the terms, conditions, and amounts referred to herein.

(b) With respect to Trinidad and Tobago tax, the provisions of this article shall be subject to such regulations as are prescribed by the Minister of Finance or his authorized representative to effectuate the provisions of this article and to further define and determine the terms, conditions, and amounts referred to herein. In particular, the Minister of Finance or his authorized representative may by regulations prescribe standards for the determination of whether the services referred to in paragraph (1) are ancillary and subsidiary to the property rights or information referred to in such paragraph.

(c) To the extent provided by applicable regulations, a portion of any stock to which this article applies may be required to be deposited with a designated bank or other depositary for the purpose of assuring collection of the taxes payable under this article upon disposition of the stock.

ARTICLE 8

BUSINESS PROFITS

(1) Industrial or commercial profits of a resident of one of the Contracting States shall be taxable only in that Contracting State unless such resident is engaged in industrial or commercial activity through a permanent establishment in the other Contracting State. If such a resident of one of the Contracting States is so engaged, tax may be imposed by that other Contracting State on the industrial or commercial profits of that resident but only on so much of such profits as are attributable to the permanent establishment in that other Contracting State.

(2) Where a resident of one of the Contracting States engages in industrial or commercial activity in the other Contracting State through a permanent establishment situated therein, there shall be attributed to that permanent establishment the industrial or commercial profits which it might be expected to derive in that other Contracting State if it were an independent entity engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the resident of which it is a permanent establishment.

(3) In the determination of the industrial or commercial profits of a permanent establishment there shall be allowed as deductions, expenses wherever incurred, which are reasonably connected with such profits, including executive and general administrative expenses.

(4) No profits shall be deemed to be derived merely by reason of the purchase of goods or merchandise by a permanent establishment, or by the resident of which it is a permanent establishment, for the account of that resident.

(5) For the purposes of the preceding paragraphs, the profits to be attributed to a permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary.

(6) For purposes of this article, the term "industrial or commercial profits" means income derived from the active conduct of a trade or business. It includes profits from manufacturing, mercantile, agricultural, fishing, transportation, communication, or extractive activities, from the rental of tangible personal (movable) property, from the furnishing by an individual of the personal services of another person and from the furnishing by a corporation of the personal services of its employees. It includes income dealt with in Article 12 (Dividends), Article 13 (Interest), Article 14 (Royalties), and Article 15 (Income from Real Property), but only if the right or property giving rise to the dividends, interest, royalties, or income from real property is effectively connected with a permanent establishment which the recipient, being a resident of one Contracting State, has in the other Contracting State. It does not include insurance premiums or income received by an individual for his performance of personal services (either as an employee or in an independent capacity); nor does it include rentals from motion picture films or films or tapes for radio or television broadcasting.

ARTICLE 9

DEFINITION OF PERMANENT ESTABLISHMENT

For purposes of this Convention—

(1) The term "permanent establishment" means a fixed place of business through which a resident of one of the Contracting States engages in industrial or commercial activity.

(2) The term "a fixed place of business" includes, but is not limited to, a seat of management, an office, a store or other sales outlet, a workshop, a factory, a warehouse, a mine, a quarry, or other place of extraction of natural resources, or a building, construction, or installation project.

(3) Notwithstanding paragraphs (1) and (2), a permanent establishment shall not include a fixed place of business used only for one or more of the following activities:

(a) The processing by another person under arrangements or conditions which are or would be made between independent persons, of goods or merchandise belonging to the resident;

(b) The purchase, under arrangements or conditions which are or would be made between independent persons, of goods or merchandise for the account of the resident;

(c) The storage and/or delivery of goods belonging to the resident (other than goods or merchandise held for sale by such resident in a store or other sales outlet);

(d) The collection of information for the resident;

(e) Advertising, the conduct of scientific research, the display of goods or merchandise, or the supply of information, if such activities have a preparatory or auxiliary character in the trade or business of the resident;

(f) Construction, assembly, or installation projects if the fixed place of business is used for such purpose for less than 6 months.

(4) Even if a resident of one of the Contracting States does not have a permanent establishment in the other Contracting State under paragraphs (1) through (3), nevertheless it shall be deemed to have a permanent establishment in that other Contracting State if it—

(a) Engages in industrial or commercial activity in that other Contracting State through a person who—

(i) Has authority to conclude contracts in the name of that resident and habitually exercises that authority in that other Contracting State, unless the exercise of the authority is limited to the purchase of goods or merchandise for the account of the resident; or

(ii) Maintains in that other Contracting State a stock of goods or merchandise belonging to that resident from which he regularly fills orders or makes deliveries;

(b) Maintains equipment or machinery for rental or other purposes within that other Contracting State for a period of 6 months or more; or

(c) Sells in that other Contracting State goods or merchandise which either—

(i) Were subjected to substantial processing in that Contracting State (whether or not purchased in that Contracting State), or

(ii) Were purchased in that Contracting State and not subjected to substantial processing outside that Contracting State.

(5) Notwithstanding paragraph (4), a resident of a Contracting State shall not be deemed to have a permanent establishment in the other Contracting State merely because it uses the services in that other Contracting State of a bona fide broker, general commission agent, forwarding agent, custodian, or other agent of independent status acting in the ordinary course of its business.

(6) The fact that a resident of one of the Contracting States is a related person with respect to (a) a resident of the other Contracting State or (b) a corporation which engages in industrial or commercial activity in that other Contracting State (whether through a permanent establishment or otherwise) shall not of itself be taken into account in determining whether the first-mentioned resident has a permanent establishment in that other Contracting State.

(7) If a resident of one of the Contracting States has a permanent establishment in the other Contracting State at any time during the taxable year, it shall be considered to have a permanent establishment in that other Contracting State for the entire taxable year.

ARTICLE 10

SHIPS AND AIRCRAFT

(1) Notwithstanding Article 8 (Business Profits), income which a resident of the United States derives from the operation in international traffic of ships or aircraft registered in the United States shall be exempt from tax by Trinidad and Tobago.

(2) Notwithstanding Article 8 (Business Profits), income which a resident of Trinidad and Tobago derives from the operation in international traffic of ships or aircraft shall be exempt from tax by the United States.

ARTICLE 11

RELATED PERSONS

(1) Where a resident of one of the Contracting States and any other person are related and where such related persons make arrangements or impose conditions between themselves which are different from those which would be made between independent persons, then any income which would, but for those arrangements or conditions, have accrued to such resident but, by reason of those arrangements or conditions, has not so accrued, may be included in the income of such resident for purposes of this Convention and taxed by that Contracting State accordingly.

(2) A person is related to another person if either person owns or controls directly or indirectly the other, or if any third persons own or control directly or indirectly both.

For this purpose, the term "control" includes any kind of control, whether or not legally enforceable, and however exercised or exercisable.

ARTICLE 12

DIVIDENDS

(1) The tax imposed by Trinidad and Tobago on dividends derived from sources within Trinidad and Tobago by a resident of the United States shall not exceed—

(a) Twenty-five percent of the gross amount actually distributed; or

(b) When the recipient is a corporation, 10 percent of the gross amount actually distributed if—

(i) During the part of the paying corporation's taxable year which precedes the date of payment of the dividend and during the whole of its prior taxable year (if any), at least 10 percent of the outstanding shares of the voting stock of the paying corporation was owned by the recipient corporation, and

(ii) Not more than 25 percent of the gross income of the paying corporation for such prior taxable year (if any) consisted of interest and dividends (other than interest derived in the conduct of a banking, insurance, or financing business or dividends and interest received from subsidiary corporations having 50 percent or more of the outstanding shares of their voting stock owned by the paying corporation at the time such dividends or interest is received).

(2) The provisions of paragraph (1) shall not apply if the recipient of the dividends is a resident of the United States and has a permanent establishment in Trinidad and Tobago and the stock giving rise to the dividends is effectively connected with the permanent establishment. In such case Article 8 (Business Profits) shall apply.

(3) Subject to the provisions of paragraph (5) of Article 13 (Interest), for purposes of this Convention:

(a) The term "dividends" in the case of Trinidad and Tobago includes any item which under the law of Trinidad and Tobago is treated as a distribution of a company except that this term does not include any redeemable share capital or security issued by a corporation in respect of shares in the corporation otherwise than wholly for new consideration, or such part of any redeemable share capital or security so issued as is not properly referable to new consideration.

(b) The term "dividends" in the case of the United States includes any item which under the law of the United States is treated as a distribution out of earnings and profits.

(4) Dividends paid by a corporation of one of the Contracting States to a person other than a resident of the other Contracting State (and in the case of dividends paid by a Trinidad and Tobago corporation, other than to a citizen of the United States) shall be exempt from tax by that other Contracting State, unless such dividends are treated as income from sources within that other Contracting State under paragraph (1) (b) or (8) of Article 5 (Source of Income).

(5) Notwithstanding the provisions of paragraphs (2) and (4), where a corporation of one of the Contracting States has a permanent establishment in the other Contracting State and derives profits or income which is effectively connected with that permanent establishment, any remittance of such profits or income by that permanent establishment may be taxed as a distribution in accordance with the law of the other Contracting State, but the rate so charged shall not exceed 10 percent.

ARTICLE 13

INTEREST

(1) Interest received by the Government of one of the Contracting States or any agency or instrumentality wholly owned by that Government shall be exempt from tax by the other Contracting State.

(2) The tax imposed by Trinidad and Tobago on interest received from sources within Trinidad and Tobago by a resident of the United States which is a bank or other financial institution not having a permanent establishment in Trinidad and Tobago shall not exceed 15 percent of the gross amount paid.

(3) Where any interest paid by a person to any related person exceeds a fair and reasonable consideration in respect of the indebtedness for which it is paid, the provisions of paragraph (2) shall apply only to so much of the interest as represents such fair and reasonable consideration; and the excess payment shall be characterized and taxed according to the laws of each Contracting State, including the provisions of this Convention where applicable.

(4) Interest paid by a corporation of one of the Contracting States to a person other than a resident or corporation of the other Contracting State (and, in the case of interest paid by a Trinidad and Tobago corporation, other than to a citizen of the United States) shall be exempt from tax by that other Contracting State, unless such interest is treated as income from sources within that other Contracting State under paragraph (2) (b) or (8) of Article 5.

(5) Any provisions of Trinidad and Tobago law having the effect of requiring interest paid to be treated as a distribution by the Trinidad and Tobago corporation shall apply to interest paid to a resident of the United States only to the extent that the taxpayer is unable to demonstrate to the satisfaction of the taxing authorities of Trinidad and Tobago that the investment giving rise to the interest (and its denomination as indebtedness) did not have as its purpose the avoidance of Trinidad and Tobago tax.

ARTICLE 14

ROYALTIES

(1) The tax imposed by one of the Contracting States on royalties derived from sources within that Contracting State by a resident of the other Contracting State shall not exceed 15 percent of the gross amount thereof, except as provided in paragraph (2) and (3).

(2) Royalties derived from copyrights, or rights to produce or reproduce any literary, dramatic, musical, or artistic work, by a resident one of Contracting State shall be taxable only in that Contracting State.

(3) Paragraphs (1) and (2) shall not apply if the recipient of the royalty, being a resident of one of the Contracting States, has in the other Contracting State a permanent establishment and the right or property giving rise to the royalties is effectively connected with such permanent establishment. In such a case, the provisions of Article 8 (Business Profits) shall apply.

(4) For the purposes of this article, the term "royalties" means any royalties, rentals, or other amounts paid as consideration for the use of, or the right to use:

(a) Copyrights, artistic or scientific works, patents, designs, plans, secret processes or formulae, trademarks, or other like property or rights (not including motion picture films or films or tapes for radio or television broadcasting), or

(b) Information concerning industrial, commercial, or scientific knowledge, experience, or skill.

The term does not include any royalties, rentals, or other amounts paid in respect of the operation of mines, quarries, or other natural resources.

(5) Where any royalty paid by a person to any related person exceeds a fair and reasonable consideration in respect of the rights or property for which it is paid, the provisions of paragraphs (1) and (2) shall apply only to so much of the royalty as represents such fair and reasonable consideration; and the excess payment shall be characterized and taxed according to the laws of each Contracting State, including the provisions of this convention where applicable.

ARTICLE 15

INCOME FROM REAL PROPERTY

A resident of one of the Contracting States who is subject to tax in the other Contracting State on income from real property, including gains derived from the sale or exchange of such property, or on royalties in respect of the operation of mines, quarries, or other natural resources may elect for any taxable year to compute that tax, on such income, on a net basis as if such resident were engaged in trade or business in that other Contracting State.

ARTICLE 16

INVESTMENT OF HOLDING COMPANIES

A corporation of one of the Contracting States deriving dividends, interest, or royalties from sources within the other Contracting State shall not be entitled to the benefits of Article 12 (Dividends), 13 (Interest), or 14 (Royalties) if—

(a) By reason of special measures granting tax benefits to investment or holding companies the tax imposed on such corporation by the first-mentioned Contracting State with respect to such dividends, interest, or royalties is substantially less than the tax generally imposed by such Contracting State on corporate profits, and,

(b) Twenty-five percent or more of the capital of such corporation is held of record or is otherwise determined, after consultation between the competent authorities of the Contracting States, to be owned, directly or indirectly, by one or more persons who are not residents of the first-mentioned Contracting State (or, in the case of a Trinidad and Tobago corporation, who are citizens of the United States).

ARTICLE 17

INCOME FROM PERSONAL SERVICES

(1) An individual who is a resident of one of the Contracting States shall be exempt from tax by the other Contracting State with respect to income from personal services performed within that other Contracting State if he is present within that other Contracting State for a period or periods not exceeding in the aggregate 183 days during the taxable year, and either—

(a) (i) Such individual is an employee of a resident of a State other than that other Contracting State (or of a permanent establishment of a resident of that other Contracting State located outside that Contracting State), and

(ii) Such income is not deducted as such in computing the profits of a permanent establishment in that other Contracting State which are subject to tax in that Contracting State; or

(b) The gross amount of such income does not exceed $3,000 or its equivalent in Trinidad and Tobago dollars.

(2) Compensation received by an individual for personal services performed aboard ships or aircraft operated in international traffic by a resident of a Contracting State (and, in the case of the United States, registered in the United States) shall, subject to paragraph (3) of Article 3 (General Rules of Taxation), be exempt from tax by the other Contracting State, if the services are performed by a member of the regular complement of the ship or aircraft.

(3) For purposes of paragraph (1), the term "income from personal services" includes employment income and income earned by an individual from the performance of personal services in an independent capacity. The term "employment income" includes income from services performed by

officers and directors of corporations, but does not include income from personal services performed by partners, which shall be treated as income from the performance of services in an independent capacity.

(4) The provisions of paragraph (1) shall not apply in the case of income from personal services derived by:

(a) A public entertainer, theater, motion picture or television artist, musician, or athlete, if the gross amount of such income exceeds $100 or its equivalent in Trinidad and Tobago dollars for each day such person is present for the purpose of performing in the Contracting State in which such services are performed; or

(b) Any person providing the services of the services of the persons described in subparagraph (a), even though such income may otherwise be considered to be exempt under some other provision of this Convention, if the gross amount of such income of such person for providing such services exceeds $100 or its equivalent in Trinidad and Tobago dollars for each day that the individuals whose services are being provided (or any one of such individuals) are present for the purpose of performing in the Contracting State in which such services are performed.

ARTICLE 18

TEACHING AND RESEARCH

(1) An individual who is a resident of one of the Contracting States at the beginning of his visit to the other Contracting State and who, at the invitation of the Government or that other Contracting State or of a university or other educational institution situated in that other Contracting State and approved by the appropriate educational authority of that Contracting State, visits that other Contracting State for the primary purpose of teaching or engaging in research, or both, at a university or other educational institution approved by the appropriate educational authority of that Contracting State shall be exempt from tax by that other Contracting State on his income from personal services for teaching or research at such approved university or other educational institution for a period not exceeding 2 years from the date of his arrival in that other Contracting State.

(2) The exemption granted under paragraph (1) shall not apply—

(a) To income from research if such research is undertaken not in the public interest but primarily for the private benefit of a specific person or persons;

(b) To income in cases where an agreement exists between the Governments of the Contracting States for the provision of the services of such individuals.

ARTICLE 19

STUDENTS AND TRAINEES

(1)(a) An individual who is a resident of one of the Contracting States at the beginning of his visit to the other Contracting State and who is temporarily present in that other Contracting State for the primary purpose of—

(i) Studying in that other Contracting State at a university or other educational institution approved by the appropriate educational authority of that Contracting State,

(ii) Securing training required to qualify him to practice a profession or a professional specialty, or

(iii) Studying or doing research as a recipient of a grant, allowance, or award from a governmental, religious, charitable, scientific, literary, or educational organization.

shall be exempt from tax by that other Contracting State with respect to—

(iv) Gifts from abroad for the purposes of his maintenance, education, study, research, or training,

(v) The grant, allowance, or award, and

(vi) Income from personal services performed in the other Contracting State in an amount not in excess of $2,000 or its equivalent in Trinidad and Tobago dollars for any taxable year; or, if such individual is securing training required to qualify him to practice a profession or a professional specialty, not in excess of $5,000 or its equivalent in Trinidad and Tobago dollars for any taxable year.

(b) The benefits under this paragraph shall only extend for such period of time as may be reasonably or customarily required to effectuate the purpose of the visit, but in no event shall any individual have the benefits of this paragraph for more than 5 taxable years.

(2) A resident of one of the Contracting States who is present in the other Contracting State for a period not exceeding 1 year, as an employee of, or under contract with, a resident or corporation of the first-mentioned Contracting State, for the primary purpose of—

(a) Acquiring technical, professional, or business experience from a person other than that resident or corporation of the first-mentioned Contracting State, or

(b) Studying in the other Contracting State at a university or other educational institution approved by the appropriate educational authority of that Contracting State, shall be exempt from tax by the other Contracting State with respect to his income from personal services performed in that other Contracting State for that period in an amount not in excess of $5,000 or its equivalent in Trinidad and Tobago dollars.

(3) A resident of one of the Contracting States who is present in the other Contracting State for a period not exceeding 1 year, as a participant in a program sponsored by the Government of that other Contracting State, for the primary purpose of training, research, or study, shall be exempt from tax by that other Contracting State with respect to his income from personal services performed in that other Contracting State in connection with such training, research, or study in an amount not in excess of $10,000 or its equivalent in Trinidad and Tobago dollars.

ARTICLE 20

GOVERNMENTAL SALARIES

Wages, salaries, and similar compensation, pensions, annuities, or similar benefits paid by, or from public funds of, one of the Contracting States to an individual who is a national of that Contracting State for services rendered to that Contracting State in the discharge of governmental functions shall be exempt from tax by the other Contracting State.

ARTICLE 21

RULES APPLICABLE TO PERSONAL INCOME ARTICLES

(1) Articles 17 (Income from Personal Services), 18 (Teaching and Research), 19 (Students and Trainees), and 20 (Governmental Salaries) shall apply to reimbursed travel expenses, but such expenses shall not be taken into account in computing the maximum amount of exemptions specified in Articles 17 and 19.

(2) An individual who qualifies for benefits under more than one of the provisions of Articles 17 through 20 may apply that provision most favorable to him, but he shall not be entitled to the benefits of more than one of such provisions with respect to the same income in any taxable year.

ARTICLE 22

PRIVATE PENSIONS AND ANNUITIES

(1) Private pensions, private life annuities, and alimony paid to individuals who are residents of one of the Contracting States shall be exempt from tax by the other Contracting State.

(2) The term "life annuities", as used in this article, means a stated sum paid periodically at stated times during life, or during a specified number of years, under an obligation to make payments in return for adequate and full consideration in money or money's worth.

(3) The term "pensions", as used in this article, means periodic payments made after retirement or death in consideration for services rendered, or by way of compensation for injuries received in connection with past employment.

(4) The term "alimony", as used in this article, means periodic payments made pursuant to a decree of divorce or of separate maintenance which are taxable to the recipient under the internal laws of the Contracting State of which he is a resident.

ARTICLE 23

MUTUAL AGREEMENT PROCEDURES

(1) The competent authorities of the Contracting States may prescribe regulations for implementing the present Convention within the respective States and may communicate with each other directly for the purpose of giving effect to the provisions of this Convention. Should any difficulty or doubt arise as to the interpretation or application of this Convention, or its relationship to Conventions between one of the Contracting States and any other State, the competent authorities shall endeavor to settle the question as quickly as possible by mutual agreement.

(2) In particular, the competent authorities of the Contracting States may consult together to endeavor to agree—

(a) To the same application of the source rules set forth in Article 5 to particular items of income;

(b) To the same attribution of industrial or commercial profits to a resident of one of the Contracting States and to its permanent establishment situated in the other Contracting State; or

(c) To the same allocation of income between a resident of one of the Contracting States and any related person.

In the event that the competent authorities reach such an agreement, taxes shall be imposed on such income, and refund or credit of taxes shall be allowed, by the Contracting States in accordance with such agreement.

ARTICLE 24

EXCHANGE OF INFORMATION

(1) The competent authority of one of the Contracting States shall exchange such information with the competent authority of the other Contracting State as is pertinent to the carrying out of the provisions of this Convention or to the preventing of fraud or fiscal evasion in relation to the taxes which are subject of this Convention.

(2) The competent authority of the Contracting State to which a request for information is made shall not exchange information unless that information would be available under the taxation laws and administrative procedures of that Contracting State if the tax of the other Contracting State, to which the request for information relates, were the tax of the first-mentioned Contracting State and were being imposed by that Contracting State.

(3) Any information exchanged shall be treated as secret but may be disclosed to persons (including a court or administrative body) concerned with assessment, collection, enforcement, or prosecution with respect to the taxes which are the subject of this Convention.

(4) No information shall be exchanged which would disclose any trade, business, industrial, or professional secret.

ARTICLE 25

ASSISTANCE IN COLLECTION

(1) Each of the Contracting States shall endeavor to collect such taxes imposed by the other Contracting State as will ensure that any exemption or reduced rate of tax

granted under this Convention by the other Contracting State shall not be enjoyed by persons not entitled to such benefits. The Contracting State making such collections shall be responsible to the other Contracting State for the sums thus collected. The competent authorities of the Contracting States may consult together for the purpose of giving effect to this article.

(2) In no case shall the provisions of this article be construed so as to impose upon either of the Contracting States the obligation to carry out administrative measures at variance with the regulations and practices of the Contracting State endeavoring to collect the tax or which would be contrary to that Contracting State's sovereignty, security, or public policy.

ARTICLE 26

TAXPAYER CLAIMS

A taxpayer shall be entitled to present his case to the Contracting State of which he is a citizen or resident if he considers that the action of the other Contracting State has resulted or will result for him in taxation contrary to the provisions of this Convention. Should the taxpayer's claim be considered to have merit by the competent authority of the Contracting State to which the claim is made, it shall endeavor to come to an agreement with the competent authority of the other Contracting State with a view to the avoidance of taxation contrary to the provisions of this Convention.

ARTICLE 27

EXCHANGE OF LEGAL INFORMATION

(1) The competent authorities of the Contracting States shall notify each other of any amendments of the tax laws referred to in Article 1(1) and of the adoption of any taxes referred to in Article 1(2) by transmitting the texts of any amendments or new statutes at least once a year.

(2) The competent authorities of the Contracting States shall exchange the texts of all published material interpreting this Convention under the laws of the respective Contracting States, whether in the form of regulations, rulings, or judicial decisions.

ARTICLE 28

EFFECTIVE DATES AND RATIFICATION

(1) This Convention shall be ratified and the instruments of ratification exchanged at Port of Spain as soon as possible.

(2) After the exchange of instruments of ratification, this Convention shall have effect for taxable years beginning on or after the first day of January of the year in which the instruments of ratification are exchanged.

(3) Notwithstanding the provisions of paragraph (2), Article 7 (Tax Deferral for Technical Assistance) shall have effect with respect to stock received on or after the date of the signing of this Convention.

(4) Notwithstanding the provisions of paragraph (2), Trinidad and Tobago agree, following the signing of this Convention, to take all such steps as are necessary to give effect to the provisions of Article 12 (Dividends), so that such provisions shall be effective from January 1, 1970, and shall terminate on December 31, 1970, unless this Convention has been ratified by both Contracting States.

(5) This Convention shall continue in effect indefinitely, but it may be terminated by either of the Contracting States at any time after 5 years from the first day of January referred to in paragraph (2), provided that at least 6 months' prior notice of termination has been given. In such event, this Convention shall cease to be effective for taxable years beginning on or after the first day of January next following the expiration of the 6-month period.

ARTICLE 29

EXTENSION OF CONVENTION

(1) Either of the Contracting States may, at any time while this Convention continues in force, by a written notification given to the other Contracting State through diplomatic channels, declare its desire that the operation of this Convention, either in whole or in part or with such modifications as may be found necessary for special application in a particular case, shall extend to all or any of the areas (to which this Convention is not otherwise applicable) for whose international relations it is responsible and which impose taxes substantially similar in character to those which are the subject of this Convention. When the other Contracting State has, by a written communication through diplomatic channels, signified to the first-mentioned Contracting State that such notification is accepted in respect of such areas or areas, and the notification and communication have been ratified in accordance with the constitutional procedure of the respective Contracting States, and instruments of ratification exchanged, this Convention, in whole or in part, or with such modifications as may be found necessary for special application in a particular case, as specified in the notification, shall apply to the area or areas named in the notification for taxable years beginning on and after the date or dates specified therein. None of the provisions of this Convention shall apply to any areas in the absence of such acceptance and exchange of instruments of ratification in respect of that area.

(2) At any time after the date of entry into force of an extension under paragraph (1), either of the Contracting States may, by 6 months' prior written notice of termination given to the other Contacting State through diplomatic channels, terminate the application of this Convention to any area to which it has been extended under paragraph (1), and in such event this Convention shall cease to apply, for taxable years beginning on or after the first day of January next following the expiration of the 6-month period, to the area or areas named therein, but without affecting its continued application to the United States, Trinidad and Tobago, or to any other area to which it has been extended under paragraph (1).

(3) In the application of this Convention in relation to any area to which it is extended by notification by the United States or Trinidad and Tobago, reference to the "United States" or "Trinidad and Tobago," as the case may be, shall be construed as referring to that area.

IN WITNESS WHEREOF the undersigned have signed this Convention.

DONE in duplicate at Port of Spain this ninth day of January, 1970.

For the Government of the United States of America:

[SEAL]

J. FIFE SYMINGTON, JR.,
Ambassador Extraordinary and Plenipotentiary.

For the Government of Trinidad and Tobago:

ERIC WILLIAMS,
Prime Minister and Minister of Finance.

EXECUTIVE E

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF FINLAND WITH RESPECT TO TAXES ON INCOME AND PROPERTY

The President of the United States of America and the President of the Republic of Finland, desiring to conclude a convention for the avoidance of double taxation of income and property and the prevention of fiscal evasion have appointed for that purpose as their respective Plenipotentiaries:

The President of the United States of America: William P. Rogers, Secretary of State of the United States of America, and the President of the Republic of Finland: Olavi Munkki, Ambassador Extraordinary and Plenipotentiary of the Republic of Finland at Washington, who have agreed upon the following articles.

ARTICLE 1

TAXES COVERED

1. The taxes which are the subject of the present Convention are:

(a) in the case of the United States, the Federal income tax, imposed by the Internal Revenue Code, hereinafter referred to as the "United States tax," but not including the United States personal holding company tax and accumulated earnings tax, and

(b) in the case of Finland:

(i) the State (national) income and capital tax ("tulo-ja omaisuusvero"),

(ii) the Communal tax ("kunnallisvero"), and

(iii) the Sailors' tax ("merimiesvero"), hereinafter referred to as the "Finnish tax".

2. The Convention shall also apply to any identical or substantially similar taxes which are subsequently imposed in addition to, or in place of, the existing taxes.

3. For the purpose of Article 7 (Nondiscrimination), this Convention shall also apply to taxes of every kind and to those imposed at the national, state, and local level.

ARTICLE 2

GENERAL DEFINITIONS

1. In this Convention, unless the context otherwise requires:

(a) The term "United States" means the United States of America and when used in the geographical sense means the States thereof and the District of Columbia.

(b) The term "Finland" means the Republic of Finland.

(c) The term "a Contracting State" or "the other Contracting State" means the United States or Finland, as the context requires.

(d) The term "person" comprises an individual or a corporation, or any other body of individuals or persons.

(e) (i) The term "United States corporation" or "corporation of the United States" means a corporation or any entity treated as a corporation for United States tax purposes, which is created or organized under the laws of the United States or any State thereof or the District of Columbia; and

(ii) the term "Finnish corporation" or "corporation of Finland" means a corporation or any entity treated as a corporation for Finnish tax purposes which is created or organized under the laws of Finland.

(f) The term "competent authority" means:

(i) in the case of the United States, the Secretary of the Treasury or his delegate, and

(ii) in the case of Finland, the Ministry of of Finance or its authorized representative.

(g) The term "State" means any National State, whether or not one of the Contracting States.

2. In the application of the provisions of the present Convention by one of the Contracting States, any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting State relating to the taxes which are the subject of the present Convention. Notwithstanding the previous sentence, if the meaning of such a term under the laws of one Contracting State is different from the meaning of the term under the laws of the other Contracting State, the competent authorities of the Contracting States may, in order to prevent double taxation or further any other purpose of this Convention, establish a com-

mon meaning of the term for the purposes of this Convention.

ARTICLE 3

FISCAL DOMICILE

1. The term "resident of Finland" means:

(a) a Finnish corporation, and

(b) any other person (except a corporation or any entity which under Finnish law is treated as a corporation) who is resident in Finland for purposes of its tax, but in the case of a person acting as a partner or fiduciary only to the extent that the income derived by such person in that capacity is taxable as the income of a resident.

2. The term "resident of the United States" means:

(a) a United States corporation, and

(b) any other person (except a corporation or any entity treated under United States law as a corporation) who is resident in the United States for purposes of its tax, but in the case of a person acting as a partner or fiduciary only to the extent that the income derived by such person in that capacity is taxable as the income of a resident.

3. An individual who is a resident in both Contracting States shall be deemed a resident of that Contracting State in which he maintains his permanent home. If he has a permanent home in both Contracting States or in neither of the Contracting States, he shall be deemed a resident of that Contracting State with which his personal and economic relations are closest (center of vital interests). If the Contracting State in which he has his center of vital interests cannot be determined, he shall be deemed a resident of that Contracting State in which he has a habitual abode. If he has a habitual abode in both Contracting States or in neither of the Contracting States, the competent authorities of the Contracting States shall settle the question by mutual agreement. An individual who is deemed to be a resident of one Contracting State and not a resident of the other Contracting State by reason of the provisions of this paragraph shall be deemed a resident only of the former State for all purposes of this Convention, including Article 4 (General Rules of Taxation).

ARTICLE 4

GENERAL RULES OF TAXATION

1. A resident of one of the Contracting States shall be taxed by the other Contracting State only on income from sources within that other Contracting State, in accordance with the limitations set forth in the present Convention.

2. The provisions of the present Convention shall not be construed to restrict in any manner any exclusion, exemption, deduction, credit, or other allowance now or hereafter accorded—

(a) by the laws of one of the Contracting States in the determination of the tax imposed by that State, or

(b) by any other agreement between the Contracting States.

3. The United States may tax its citizens and residents as if the present Convention had not come into effect.

(a) This provision shall not affect the rules laid down in Articles 5 (Relief from Double Taxation), 7 (Nondiscrimination), and 25 (Social Security Payments).

(b) This provision shall not affect the rules laid down in Articles 20 (Teachers), 21 (Students and Trainees), 22 (Governmental Functions), and paragraphs 1 and 2 of Article 23 (Rules Applicable to Personal Income Articles) when applicable to individuals who are not citizens of the United States and who do not have immigrant status in the United States.

4. Any income from sources within a Contracting State to which the provisions of the present Convention are not expressly applicable shall be taxable by such Contracting State in accordance with its own law.

ARTICLE 5

RELIEF FROM DOUBLE TAXATION

Double taxation of income shall be avoided in the following manner:

1. The United States shall allow to a citizen or resident of the United States as a credit against the United States tax the appropriate amount of Finnish tax (excluding the capital tax). Such appropriate amount shall be based upon the amount of income tax paid to Finland but shall not exceed that portion of the United States tax which net income from sources within Finland bears to the entire net income. For the purpose of applying the United States credit in relation to taxes paid to Finland, the rules set forth in Article 6 (Source of Income) shall be applied to determine the source of income.

2. (a) Where a resident of Finland derives income from sources within the United States or owns capital which is located in the United States and which, in accordance with the provisions of this Convention, may be taxed in the United States, Finland shall except as provided in subparagraph (b), allow as a deduction from Finnish income tax or capital tax that part of the Finnish income tax or capital tax, respectively, attributable to such income or capital.

(b) Where a resident of Finland derives dividends from sources within the United States Finland shall allow as a deduction from the Finnish tax on such dividends an amount equal to the United States tax paid on such dividends. Such deduction shall not exceed that part of Finnish tax which the dividends from sources within the United States bears to the entire net income subject to tax in Finland.

(c) Notwithstanding the provisions of subparagraph (b) of this paragraph, dividends paid by a United States corporation to a Finnish corporation shall be exempt from Finnish tax. This exemption shall not apply unless in accordance with the laws of Finland the dividends would have been exempt from Finnish tax if the first-mentioned corporation had been a Finnish corporation and not a United States corporation.

(d) Finland, in determining its taxes specified in Article 1 of this Convention, shall exclude from the base upon which such taxes are imposed such items of income or capital which are taxable only in the United States or which are exempt from Finnish tax under the provisions of this Convention, but the income or capital thus excluded may be taken into account by Finland in the determination of the graduated rate of Finnish tax to be imposed on residents of Finland.

ARTICLE 6

SOURCE OF INCOME

For purposes of this Convention:

1. Dividends shall be treated as income from sources within a Contracting State only if——

(a) paid by a corporation of the Contracting State, or

(b) paid by a corporation of any State if, for the 3-year period ending with the close of such corporation's taxable year preceding the declaration of the dividends (or for such part of that period as such corporation has been in existence), at least 80 percent of such corporation's gross income from all sources was industrial or commercial profits attributable to a permanent establishment which such corporation had in that Contracting State.

If a dividend would be treated under this paragraph as income from sources within both Contracting States, it shall be deemed to be income from sources within only the Contracting State described in subparagraph (b).

2. Interest shall be treated as income from sources within a Contracting State only if—

(a) paid by such Contracting State, including any political subdivision thereof, or by a resident of that Contracting State, or

(b) paid by a corporation of any State if, for the 3-year period ending with the close of such corporation's taxable year preceding the payment of the interest (or for such part of such period as such corporation has been in existence), at least 80 percent of such corporation's gross income from all sources was industrial or commercial profits attributable to a permanent establishment which such corporation had in that Contracting State.

If interest would be treated under this paragraph as income from sources within both Contracting States, it shall be deemed to be income from sources within only the Contracting State described in subparagraph (b).

3. Royalties described in paragraph 2 of Article 14 (Royalties), for the use of or privilege of using property described in such paragraph, shall be treated as income from sources within a Contracting State only if paid for the use of or privilege of using such property within that Contracting State.

4. Income from real property (including gains derived from the sale of such property, but not including interest from mortgages or bonds secured by real property) and royalties from the operation of mines, quarries, or other natural resources shall be treated as income from sources within a Contracting State only if such property is located in that Contracting State.

5. Income from the rental of tangible personal (movable) property shall be treated as income from sources within a Contracting State only if such property is located in that Contracting State.

6. Income received by an individual for his performance of personal services (whether as an employee or in an independent capacity) shall be treated as income from sources within a Contracting State only if such services are performed in that Contracting State. If services are performed partly within and partly outside a Contracting State, income from the performance of such services shall be treated as income from sources partly within and partly outside that Contracting State. Income from personal services (including pensions and annuities paid in respect of such services) performed aboard ships or aircraft operated by a resident of a Contracting State and registered in that Contracting State shall be treated as income from sources within that Contracting State, if rendered by a member of the regular complement of the ship or aircraft.

7. Income from the purchase and sale of intangible personal (including movable) property shall be treated as income from sources within a Contracting State only if such property is sold in that Contracting State.

8. Notwithstanding paragraphs 1–7, industrial and commercial profits which are attributable to a permanent establishment which the recipient, a resident of one of the Contracting States, has in the other Contracting State, including income dealt with in Articles 12 (Dividends), 13 (Interest), 14 (Royalties), 15 (Income from Real Property), and 16 (Capital Gains) derived from rights or property which are effectively connected with such permanent establishment, shall be treated as income from sources within that other Contracting State. For the purposes of this Convention, to determine whether property is effectively connected with a permanent establishment, the factors taken into account shall include whether the property is used in or held for use in carrying on business through such permanent establishment, and whether the activities carried on through such permanent establishment were a material factor in the realization of

the income derived from such property. For this purpose, due regard shall be given to whether or not such asset or such income was accounted for through such permanent establishment.

9. The source of any item of income to which the provisions of this Article are not expressly applicable shall be determined by each of the Contracting States in accordance with its own law. Notwithstanding the previous sentence, if the source of any item of income under the laws of one Contracting State is different from the source of such item of income under the laws of the other Contracting State, the competent authorities of the Contracting States may, in order to prevent double taxation or further any other purpose of this Convention, establish a common source of the item of income for purposes of this Convention.

ARTICLE 7

NONDISCRIMINATION

1. A citizen of one of the Contracting States who is a resident of the other Contracting State shall not be subjected in that other Contracting State to more burdensome taxes than is a citizen of that other Contracting State who is a resident thereof.

2. The taxation on a permanent establishment which a resident of a Contracting State has in the other Contracting State shall not be less favorably levied in that other State than the taxation levied on a resident of that other State carrying on the same activities. This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs, and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.

3. A corporation of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which a corporation of that first-mentioned Contracting State carrying on the same activities, the capital of which is wholly owned by one or more residents of the first-mentioned State, is or may be subjected.

ARTICLE 8

BUSINESS PROFITS

1. Industrial or commercial profits of a resident of one of the Contracting States shall be taxable only in that State unless such resident is engaged in industrial or commercial activity in the other Contracting State through a permanent establishment situated therein. If such resident is so engaged, tax may be imposed by such other State on the industrial or commercial profits of such resident but only on so much of such profits as are attributable to the permanent establishment.

2. Where a resident of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the industrial or commercial profits which would be attributable to such permanent establishment if such permanent establishment were an independent entity engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the resident of which it is a permanent establishment.

3. In the determination of the profits of a permanent establishment, there shall be allowed as deductions expenses which are reasonably connected with such profits including executive and general administrative expenses, whether incurred in the State in which the permanent establishment is situated or elsewhere.

4. No profits shall be attributed to a permanent establishment merely by reason of the purchase of goods or merchandise by that permanent establishment, or by the resident of which it is a permanent establishment, for the account of that resident.

5. The term "industrial or commercial profits of a resident" includes income derived from manufacturing, mercantile, agricultural, fishing, or mining activities, from the operation of ships or aircraft, from the furnishing of personal services, from the rental of tangible personal property, and from insurance activities and rents or royalties derived from motion picture films, films or tapes of radio or television broadcasting. It also includes income derived from real property and natural resources and dividends, interest, royalties (as defined in paragraph 2 of Article 14), and capital gains but only if the right or property giving rise to such income, dividends, interest, royalties, or capital gains is effectively connected with a permanent establishment which the recipient, being a resident of one Contracting State, has in the other Contracting State. It does not include income received by an individual as compensation for personal services either as an employee or in an independent capacity.

ARTICLE 9

PERMANENT ESTABLISHMENT

1. For the purpose of this Convention, the term "permanent establishment" means a fixed place of business through which a resident of one of the Contracting States engages in industrial or commercial activity.

2. The term "permanent establishment" shall include especially:

(a) a seat of management;
(b) a branch;
(c) an office;
(d) a factory;
(e) a workshop;
(f) a warehouse;
(g) a mine, quarry, or other place of extraction of natural resources;
(h) a building site or construction or assembly project which exists for more than 12 months.

3. Notwithstanding paragraphs 1 and 2 of this Article, a permanent establishment shall not include a fixed place of business used only for one or more of the following activities:

(a) the use of facilities for the purpose of storage, display, or delivery of goods or merchandise belonging to the resident;

(b) the maintenance of a stock of goods or merchandise belonging to the resident for the purpose of storage, display, or delivery;

(c) the maintenance of a stock of goods or merchandise belonging to the resident for the purpose of processing by another person;

(d) the maintenance of a fixed place of business for the purpose of purchasing goods or merchandise, or for collecting information, for the resident;

(e) the maintenance of a fixed place on business for the purpose of advertising, for the supply of information, for scientific research, or for similar activities which have a preparatory or auxiliary character, for the resident.

4. A person acting in a Contracting State on behalf of a resident of the other Contracting State—other than an agent of an independent status to whom paragraph 5 applies—shall be deemed to be a permanent establishment in the first-mentioned State if such person has, and habitually exercises in that State, an authority to conclude contracts in the name of that resident, unless the exercise of such authority is limited to the purchase of goods or merchandise for that resident.

5. Notwithstanding paragraph 4 a resident of a Contracting State shall not be deemed to have a permanent establishment in the other Contracting State merely because such resident carries on business in that other State through a broker, general commission agent, or any other agent of an independent status, where such person is acting in the ordinary course of his business.

6. The fact that a resident of one of the Contracting States is a related person with respect to a resident of the other Contracting State or with respect to a person who engages in industrial or commercial activity in that other Contracting State (whether through a permanent establishment or otherwise) shall not be taken into account in determining whether that resident of the first Contracting State has a permanent establishment in the other Contracting State.

ARTICLE 10

SHIPPING AND AIR TRANSPORT

Notwithstanding Article 8, income which a resident of one of the Contracting States derives from the operation in international traffic of ships or aircraft registered in that Contracting State shall be taxable only in that Contracting State.

ARTICLE 11

RELATED PERSONS

1. Where a resident of a Contracting State deriving industrial and commercial profits in one of the Contracting States and any other person are related and where such related persons make arrangements or impose conditions between themselves which are different from those which would be made between independent persons, then any income which would, but for those arrangements or conditions, have accrued to the resident of one of the Contracting States but, by reason of those arrangements or conditions, as not so accrued, may be included in the income of the resident of one of the Contracting States for purposes of the present Convention and taxed accordingly.

2. (a) A person other than a corporation is related to a corporation if such person participates directly or indirectly in the management, control, or capital of the corporation.

(b) A corporation is related to another corporation if it either participates directly or indirectly in the management, control, or capital of the other, or if any person or persons participate directly or indirectly in the management, control, or capital of both corporations.

ARTICLE 12

DIVIDENDS

1. Dividends derived from sources within a Contracting State by a resident of the other Contracting State may be taxed in that other State.

2. Dividends derived from sources within a Contracting State by a resident of the other Contracting State may also be taxed by the former Contracting State but the tax imposed on such dividends shall not exceed—

(a) 15 percent of the amount actually distributed; or

(b) when the recipient is a corporation, 5 percent of the amount actually distributed if—

(i) during the part of the paying corporation's taxable year which precedes the date of payment of the dividend and during the whole of its prior taxable year (if any), at least 10 percent of the outstanding shares of the voting stock of the paying corporation was owned by the recipient corporation, and

(ii) not more than 25 percent of the gross income of the paying corporation for such prior taxable year (if any) consisted of interest and dividends (other than interest derived in the conduct of a banking, insurance, or financing business and dividends or interest received from subsidiary corpora-

tions, 50 percent or more of the outstanding shares of the voting stock of which was owned by the paying corporation at the time such dividends or interest were received).

3. Paragraph 2 of this Article shall not apply if the recipient of the dividends being a resident of one of the Contracting States has a permanent establishment in the other Contracting State and the shares with respect to which the dividends are paid are effectively connected with the permanent establishment. In such a case, the provisions of Article 8 shall apply.

4. For the purpose of paragraph 2 of this Article the combined Finnish tax on dividends derived from sources within the Republic of Finland by a resident of the United States and the Finnish capital tax on the capital stock of a Finnish corporation owned by a resident of the United States shall not exceed—

(a) 15 percent of the amount distributed; or

(b) when the recipient is a corporation, 5 percent of the amount distributed if the requirements of subdivisions i) and ii) of paragraph 2b) are satisfied.

ARTICLE 13

INTEREST

1. Interest derived from sources within one Contracting State by a resident of the other Contracting State shall be taxable only in that other Contracting State.

2. Paragraph 1 of this Article shall not apply if the recipient of the interest, being a resident of one of the Contracting States, has a permanent establishment in the other Contracting State and the indebtedness giving rise to the interest is effectively connected with such permanent establishment. In such a case, the provisions of Article 8 shall apply.

3. Where, owing to a special relationship between the payor and the recipient or between both of them and some other person, the amount of the interest paid, having regard to the claim with respect to which it is paid, exceeds the amount which should have been agreed upon by the payor and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In that case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.

4. The term "interest" as used in this Article means income from Government securities, bonds, or debentures, whether or not secured by mortgage and whether or not carrying a right to participate in profits, and debt-claims of every kind as well as all other income assimilated to income from money lent by the taxation law of the State in which the income has its source.

ARTICLE 14

ROYALTIES

1. Royalties from sources within a Contracting State and paid to a resident of the other Contracting State shall be taxable only in that other State.

2. The term "royalties" as used in this Article means—

(a) any amounts paid as consideration for the use of, or the right to use the property described in paragraph 3 of this Article or for knowledge, experience or skill (know how); and

(b) gains derived from the sale or other disposition of the property described in paragraph 3 of this Article, to the extent payment of the amounts realized on such sale or disposition is contingent, in whole or in part, on the productivity, use, or disposition of such property.

3. The property referred to in paragraph 2 of this Article includes copyrights, artistic and scientific works, patents, designs, models, plans, secret processes or formulae, trademarks, and other like property or rights, and industrial, commercial, and scientific equipment.

4. The provisions of paragraph 1 shall not apply if the recipient of the royalties, being a resident of a Contracting State has in the other Contracting State in which the royalties arise a permanent establishment with which the right or property giving rise to the royalties is effectively connected. In such a case, the provisions of Article 8 shall apply.

5. Where, owing to a special relationship between the payor and the recipient or between both of them and some other person, the amount of the royalties paid, having regard to the use, right, or information for which they are paid, exceeds the amount which would have been agreed upon by the payor and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In that case, the excess part of the payments shall remain taxable according to the law of each Contracting State, due regard being had to the other provisions of this Convention.

ARTICLE 15

INCOME FROM REAL PROPERTY

1. Income from real property, including royalties in respect of the operation of mines, or other natural resources and gains derived from the sale, exchange, or other disposition for consideration, of such property or of the right giving rise to such royalties, may be taxed by the Contracting State in which such real property, mines, quarries, or other natural resources are situated. For purposes of this Article and as provided in paragraph 4 of Article 6 (Source of Income) interest from mortgages or bonds secured by real property or by such royalty interest shall not be regarded as income from real property.

2. The provisions of paragraph 1 shall apply to income derived from the usufruct, direct use, letting, or use in any other form of real property.

ARTICLE 16

CAPITAL GAINS

1. A resident of one of the Contracting States shall be taxable only in that State on gains from the sale or exchange of capital assets.

2. Paragraph 1 of this Article shall not apply if—

(a) the gain is received by a resident of one of the Contracting States and arises out of the sale or exchange of property described in Article 15 (Income From Real Property) located within the other Contracting State,

(b) the recipient of the gain, being a resident of one of the Contracting States, has a permanent establishment in the other Contracting State and the property giving rise to the gain is effectively connected with such permanent establishment, or

(c) the recipient of the gain, being an individual resident of one of the Contracting States—

(i) maintains a fixed base in the other Contracting State and the property giving rise to such gain is effectively connected with such fixed base, or

(ii) is present in the other Contracting State for a period or periods exceeding in the aggregate 183 days during the taxable year.

3. In the case of gains described in paragraph 2(b), the provisions of Article 8 (Business Profits) shall apply.

ARTICLE 17

CAPITAL TAXES

1. Capital represented by property referred to in Article 15 (Real Property) may be taxed in the Contracting State in which such property is situated.

2. Subject to the provisions of paragraph 3 below, capital represented by assets, other than property referred to in paragraph 1, which are effectively connected with a permanent establishment of a resident of one of the Contracting States may be taxed in the State in which the permanent establishment is situated.

3. Ships and aircraft of a resident of one of the Contracting States, if registered in that Contracting State, and assets, other than property referred to in paragraph 1, pertaining to the operation of such ships or aircraft shall be exempt from tax by the other State.

4. (a) All other elements of capital of a resident of Finland not dealt with in this Article shall be exempt from tax by the United States.

(b) All other elements of capital of a resident of the United States not dealt with in this Article shall be exempt from tax by the Republic of Finland.

ARTICLE 18

INDEPENDENT PERSONAL SERVICES

1. Income derived by a resident of a Contracting State in respect of independence activities shall be taxable only in that State unless such activities were performed in the other Contracting State. Income in respect of independent activities performed within such other State may be taxed by such other State.

2. Notwithstanding the provisions of paragraph 1, income derived by a resident of a Contracting State in respect of independence activities performed in the other Contracting State shall be exempt from tax by that other Contracting State if the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in the fiscal year concerned.

ARTICLE 19

DEPENDENT PERSONAL SERVICES

1. Salaries, wages, and other similar remuneration paid to a resident of a Contracting State for labor or personal services shall be taxable only in that State unless such labor or personal services are performed in the other Contracting State. Remuneration received for labor or personal services performed within such other State may be taxed by such other State.

2. Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall not be taxable in such other State if—

(a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in the fiscal year concerned,

(b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State, and

(c) the remuneration is not borne by a permanent establishment which the employer has in the other State.

3. Remuneration received by an individual for personal services performed aboard ships or aircraft registered in one of the Contracting States and operated by a resident of that Contracting State shall be exempt from tax by the other Contracting State, if such individual is a member of the regular complement of the ship or aircraft.

ARTICLE 20

TEACHERS

1. An individual who is a resident of one of the Contracting States at the beginning of his visit to the other Contracting State and who, at the invitation of the Government of the other Contracting State or of a university or other accredited educational institution situated in the other Contracting State, visits the latter Contracting State for the primary

purpose of teaching or engaging in research, or both, at a university or other accredited educational institution shall be exempt from tax by the latter Contracting State on his income from personal services for teaching or research at such educational institution, or at other such institutions, for a period not exceeding 2 years from the date of his arrival in the latter Contracting State.

2. This Article shall not apply to income from research if such research is undertaken not in the public interest but primarily for the private benefit of a specific person or persons.

ARTICLE 21

STUDENTS AND TRAINEES

1. (a) An individual who is a resident of one of the Contracting States at the beginning of his visit to the other Contracting State and who is temporarily present in the other Contracting State for the primary purpose of—

(i) studying at a university or other accredited educational institution in that other Contracting State, or

(ii) securing training required to qualify him to practice a profession or professional specialty, or

(iii) studying or doing research as a recipient of a grant, allowance, or award from a governmental, religious, charitable, scientific, literary, or educational organization,

shall be exempt from tax by that other Contracting State with respect to amounts described in subparagraph (b).

(b) The amounts referred to in subparagraph (a) include—

(i) gifts from abroad for the purpose of his maintenance, education, study, research, or training;

(ii, the grant, allowance, or award; and

(iii) income from personal services performed in the other Contracting State in an amount not in excess of 2,000 United States dollars or its equivalent in Finnish markkas for any taxable year.

(c) The benefits under this paragraph shall only extend for such period of time as may be reasonably or customarily required to effectuate the purpose of the visit, but in no event shall any individual have the benefits of this Article and Article 20 (Teachers) for more than a total of 5 taxable years.

2. An individual who is a resident of one of the Contracting States at the beginning of his visit to the other Contracting State and who is temporarily present in the other Contracting State as an employee of, or under contract with, a resident of the fo.mer State, for the primary purpose of—

(a) acquiring technical, professional, or business experience from a person other than that resident of the former State or a corporation 50 percent or more of the voting stock of which is owned by that resident of the former State, or

(b) studying at a university or other accredited educational institution in that other Contracting State,

shall be exempt from tax by that other Contracting State for a period of 12 consecutive months with respect to his income from personal services in an amount not in excess of 5,000 United States dollars of its equivalent in Finnish markkas.

3. An individual who is a resident of one of the Contracting States at the beginning of his visit to the other Contracting States and who is present in the other Contracting State for a period not exceeding 1 year, as a participant in a program sponsored by the Government of the other Contracting State, for the primary purpose of training, research, or study, shall be exempt from tax by that other Contracting State with respect to his income from personal services performed in that other Contracting State and received in respect of such training, research, or study, in an amount not in excess of 10,000 United States dollars or its equivalent in Finnish markkas.

ARTICLE 22

GOVERNMENTAL FUNCTIONS

1. Remuneration, including pensions paid by or from public funds of the United States, or a political subdivision or local authority thereof to a United States citizen for services rendered to the United States or to any of its political subdivisions in the discharge of governmental functions shall be exempt from tax by the Republic of Finland.

2. Remuneration, including pensions, paid by or from public funds of the Republic of Finland, a subdivision, a local authority, or a public community thereof to an individual who is a citizen of the Republic of Finland for services rendered to the Republic of Finland or to a subdivision, a local authority, or a public community thereof in the discharge of governmental functions shall be exempt from tax by the United States.

ARTICLE 23

RULES APPLICABLE TO PERSONAL INCOME ARTICLES

1. Articles 18 through 22 shall apply to reimbursed travel expenses, but such expenses shall not be taken into account in computing the maximum amount of exemptions specified in Article 21.

2. If an individual qualifies for benefits under more than one of the provisions of Articles 18 through 22, he may apply the provisions of whichever Article is most favorable to him. However, the benefits of the Article claimed shall be reduced by any benefits previously allowed under any other of the provisions of Articles 18 through 22.

3. An individual who is a resident of one of the Contracting States and who is temporarily present in the other Contracting State and who qualifies for exemption from tax in such other Contracting State under Article 20 (Teachers) or Article 21 (Students and Trainees) shall be allowed by the former Contracting State as deductions from income subject to tax therein all travel expenses (including travel fares, meals and lodging, and expenses incident to travel) while traveling between the two Contracting States and all ordinary and necessary living expenses (including meals and lodging) while temporarily present in such other Contracting State. The expenses deductible under this paragraph shall be deemed to amount to at least 30 percent of the income exempt under Article 20 or 21.

ARTICLE 24

PRIVATE PENSIONS AND ANNUITIES

1. Except as provided in Article 22, pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in the Contracting State.

2. Alimony and annuities paid to a resident of a Contracting State shall be taxable only in that Contracting State.

3. The term "annuities", as used in this Article, means a stated sum paid periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration (other than services rendered).

4. The term "pensions and other similar remuneration", as used in this Article, means periodic payments made after retirement in consideration for services rendered, or by way of compensation for injuries received, in connection with past employment.

ARTICLE 25

SOCIAL SECURITY PAYMENTS

Social security payments and other public pensions (whether representing employee or employer contributions accretions thereto) paid by one of the Contracting States or, in the case of Finland by a public community, to an individual who is a resident of the other Contracting State shall be taxable only in the former Contracting State. However, this Article shall not apply to payments described in Article 22 (Governmental Functions).

ARTICLE 26

DIPLOMATIC AND CONSULAR OFFICERS

Nothing in the present Convention shall affect the fiscal privileges of diplomatic or consular officials under the general rules of international law or under the provisions of special agreements.

ARTICLE 27

INVESTMENT OR HOLDING COMPANIES

A corporation of one of the Contracting States deriving dividends, interest, or royalties from sources within the other Contracting State shall not be entitled to the benefits of Article 12, Article 13, or Article 14 if—

(a) by reason of special measures granting tax benefits to investment or holding companies the tax imposed on such corporation by the former Contracting State with respect to such dividends, interest, or royalties in substantially less than the tax generally imposed by such Contracting State on corporate profits, and

(b) 25 percent or more of the capital of such corporation is held of record or is otherwise determined, after consultation between the competent authorities of the Contracting States, to be owned directly or indirectly, by one or more persons who are not individual residents of the former Contracting State (or, in the case of a Finnish corporation, who are citizens of the United States).

ARTICLE 28

MUTUAL AGREEMENT PROCEDURE

1. Where a resident of a Contracting State considers that the actions of one or both of the Contracting States result or will result for him in taxation not in accordance with this Convention, he may, notwithstanding the remedies provided by the national laws of those States, present his case to the competent authority of the Contracting State of which he is a resident.

2. The competent authorities of the Contracting States shall endeavor to resolve by mutual agreement any difficulties or doubts arising as to the application of the Convention. In particular, the competent authorities of the Contracting States may consult together to endeavor to agree—

(a) to the same attribution of industrial or commercial profits to a resident of one of the Contracting States and its permanent establishment situated in the other Contracting State;

(b) to the same allocation of income between a resident of one of the Contracting States and any related person, referred to in Article 11; or

(c) to the same determination of the source of particular items of income.

3. The competent authorities of the Contracting States may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs. When it seems advisable for the purpose of reaching agreement, the competent authorities may meet together for an oral exchange of opinions.

4. In the event that the competent authorities reach such an agreement, taxes shall be imposed on such income, and refund or credit of taxes shall be allowed, by the Contracting States in accordance with such agreement.

ARTICLE 29

EXCHANGE OF INFORMATION

1. The competent authorities of the Contracting State shall exchange such information as is pertinent to carrying out the provisions of this Convention or preventing

fraud or fiscal evasion in relation to the taxes which are the subject of this Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than those (including a court or administrative body) concerned with assessment, collection, enforcement, or prosecution in respect of the taxes which are the subject of the Convention.

2. In no case shall the provisions of paragraph 1 be construed so as to impose on one of the Contracting States the obligation—

(a) to carry out administrative measures at variance with the laws or the administrative practice of that or the other Contracting State;

(b) to supply particulars which are not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;

(c) to supply information which would disclose any trade, business, industrial, commercial, or professional secret or trade process, or information, the disclosure of which would be contrary to public policy.

3. The exchange of information shall be either on a routine basis or on request with reference to particular cases. The competent authorities of the Contracting States shall agree on the list of information which shall be furnished on a routine basis.

4. The competent authorities of the Contracting States shall notify each other of any amendments of the tax laws referred to in Article 1 (1) by transmitting the texts of any amendments or new statutes at least once a year.

5. The competent authorities of the Contracting States shall exchange the texts of all published material interpreting the present Convention under their respective laws, whether in the form of regulations, rulings, or judicial decisions.

ARTICLE 30

ASSISTANCE IN COLLECTION

1. Each of the Contracting States shall endeavor to collect such taxes imposed by the other Contracting State as will ensure that any exemption or reduced rate of tax granted under the present Convention by the other State shall not be enjoyed by persons not entitled to such benefits. The Contracting State making such collections shall be responsible to the other Contracting State for the sums thus collected. The competent authority of each of the Contracting States shall consult with the competent authority of the other Contracting State for the purpose of cooperating with and advising that other Contracting State in respect of any action taken by it within the former Contracting State to collect its tax.

2. In no case shall the provisions of this Article be construed so as to impose upon either of the Contracting States the obligation to carry out administrative measures at variance with the regulations and practices of the Contracting State endeavoring to collect the tax or which would be contrary to that State's sovereignty, security, or public policy.

ARTICLE 31

ENTRY INTO FORCE

1. This Convention shall be ratified and instruments of ratification shall be exchanged at Helsinki as soon as possible. It shall enter into force 2 months after the exchange of instruments of ratification. Its provisions shall for the first time have effect—

(a) in the case of Finland—

to taxes which are levied for taxable years beginning on or after January 1, following the year in which the instruments of ratification are exchanged.

(b) in the case of the United States—

(i) as respects the rate of withholding tax, to amounts received on or after the date on which this Convention enters into force;

(ii) as respects other income taxes, to taxable years beginning on or after January 1, following the year in which the instruments of ratification are exchanged.

2. Upon the coming into effect of this Convention, the Convention of December 18, 1952, relating to income taxes, shall terminate. The provisions of the Convention of December 18, 1952, will cease to have effect from the date on which the corresponding provisions of this Convention shall for the first time have effect according to subparagraph 1 above-mentioned.

ARTICLE 32

TERMINATION

1. This Convention shall remain in force until denounced by one of the Contracting States. Either Contracting State may denounce the Convention, through diplomatic channels, by giving notice of termination at least 6 months before the end of any calendar year after the year 1973. In such event, the Convention shall cease to have effect—

(a) in the case of Finland—to taxes which are levied for taxable years beginning on or after January 1 of the year following the year in which notice is given.

(b) in the case of the United States—

(i) as respects withholding taxes, on January 1 of the year following the year in which notice is given.

(b) in the case of the United States—

(i) as respects withholding taxes, on January 1 of the year following the year in which notice is given; and

(ii) as respects other income taxes, for any taxable year beginning on or after January 1 of the year following the year in which notice is given.

2. Notwithstanding the provision of paragraph 1 of this Article, and upon prior notice to be given through diplomatic channels, the provisions of Article 25 (Social Security Payments) may be terminated by either Contracting State at any time after this Convention shall enter into force.

DONE at Washington, in duplicate, in the English and Finnish languages, the two texts having equal authenticity, this sixth day of March 1970.

For the President of the United States of America:

WILLIAM P. ROGERS.

For the President of the Republic of Finland:

OLAVI MUNKKI.

EXECUTIVE I

CONVENTION

BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF BELGIUM FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF BELGIUM. *Desiring* to conclude a convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,

Have agreed upon the following articles:

ARTICLE 1—PERSONAL SCOPE

This Convention is generally applicable to persons who are residents of one or both of the Contracting States.

ARTICLE 2—TAXES COVERED

(1) The taxes which are the subject of this Convention are:

(a) In the case of the United States, the Federal income taxes imposed by the Internal Revenue Code, hereinafter referred to as the "United States tax", and

(b) In the case of Belgium:

(i) The individual income tax (l'impôt des personnes physiques);

(ii) The corporate income tax (l'impô des sociétés);

(iii) The income tax on legal entities (l'impôt des personnes morales);

(iv) The income tax on nonresidents l'impôt des nonrésidents);

(v) The prepayments and additional prepayments (les précomptes et compléments de précomptes); and

(vi) Surcharges (centimes additionnels) on any of the taxes referred to in (i) through (v), including the communal supplement to the individual income tax (le taxe communale additionnelle á l'impôr des personnes physiques),

hereinafter referred to as the "Belgian tax".

(2) This Convention shall also apply to any identical or substantially similar taxes which are imposed after the date of signature of this Convention in addition to, or in place of, existing taxes.

(3) The competent authorities of the Contracting States shall notify each other of any amendments of the laws imposing the taxes referred to in paragraph (1) and of the adoption of any taxes referred to in paragraph (2) by transmitting the texts of any amendments or new statutes at least once a year.

(4) The competent authorities of the Contracting States shall notify each other of the publication by their respective Contracting States of any material concerning the application of this Convention, whether in the form of regulations, rulings, or judicial decisions, by transmitting the texts of any such materials at least once a year.

ARTICLE 3—GENERAL DEFINITIONS

(1) In this Convention, unless the context otherwise requires:

(a) (i) The term "United States" means the United States of America; and

(ii) When used in a geographical sense, the term "United States" means the States thereof and the District of Columbia. Such term also includes (A) the territorial sea thereof (B) the seabed and subsoil of the adjacent submarine areas beyond the territorial sea, over which the United States exercises sovereign rights in accordance with international law for the purpose of exploration and exploitation of the natural resources of such areas, but only to the extent that the person, property, or activity to which this Convention is being applied is connected with such exploration or exploitation.

(b) (i) The term "Belgium" means the Kingdom of Belgium; and

(ii) When used in a geographical sense, the term "Belgium" means the territory of Belgium. Such term also includes (A) the territorial sea thereof, and (B) the seabed and subsoil of the adjacent submarine areas beyond the territorial sea over which Belgium exercises sovereign rights in accordance with international law, for the purpose of exploration and exploitation of the natural resources of such areas, but only to the extent that the person, property, or activity to which this Convention is being applied is connected with such exploration or exploitation.

(c) The term "one of the Contracting States" or "the other Contracting State" means the United States or Belgium, as the context requires.

(d) The term "person" includes an individual, a partnership, a corporation, an estate, a trust, or any body of persons.

(e) (i) The term "United States corporation" or "corporation of the United States" means a corporation which is created or organized under the laws of the United States or any State thereof or the District of Columbia or any unincorporated entity treated as a United States corporation for United States tax purposes, provided that such corporation or entity is not a Belgian corporation for Belgian tax purposes; and

(ii) The term "Belgian corporation" or "corporation of Belgium" means any entity

which under Belgian tax law (A) is either a body corporate or is treated as a body corporate and (B) is a resident of Belgium, provided that such entity is not a United States corporation for United States tax purposes.

(f) The term "competent authority" means:

(i) In the case of the United States, the Secretary of the Treasury or his delegate, and

(ii) In the case of Belgium, the competent authority according to Belgian legislation.

(g) The term "State" means any National State, whether or not one of the Contracting States.

(2) Subject to paragraph (2)(d) of Article 25 (Mutual Agreement Procedure), any other term used in this Convention and not defined in this Convention shall, unless the context otherwise requires, have the meaning which it has under the laws of the Contracting State whose tax is being determined.

ARTICLE 4—FISCAL DOMICILE

(1) In this Convention:

(a) The term "resident of Belgium" means:

(i) A Belgian corporation, and

(ii) Any person (other than a corporation) who is a resident of Belgium for purposes of its tax.

(b) The term "resident of the United States" means:

(i) A United States corporation, and

(ii) Any person (except a corporation or any other entity treated as a corporation for United States tax purposes) resident in the United States for purposes of its tax, but in the case of a partnership, estate, or trust only to the extent that the income derived by such person is subject to United States tax as the income of a resident.

(2) Where by reason of the provisions of paragraph (1) an individual is a resident of both Contracting States:

(a) He shall be deemed to be a resident of that Contracting State in which he maintains his permanent home. If he has a permanent home in both Contracting States or in neither of the Contracting States, he shall be deemed a resident of that Contracting State with which his personal and economic relations are closest (center of vital interests):

(b) If the Contracting State in which he has his center of vital interests cannot be determined, he shall be deemed to be a resident of that Contracting State in which he has a habitual abode;

(c) If he has a habitual abode in both Contracting States or in neither of the Contracting States, he shall be deemed to be a resident of the Contracting State of which he is a citizen; and

(d) If he is a citizen of both Contracting States or of neither Contracting State the competent authorities of the Contracting States shall settle the question by mutual agreement.

For purpose of this paragraph, a permanent home is the place where an individual dwells with his family.

ARTICLE 5—PERMANENT ESTABLISHMENT

(1) For the purpose of this Convention, the term "permanent establishment" means a fixed place of business through which a resident of one of the Contracting States engages in industrial or commercial activity.

(2) The term "fixed place of business" includes but is not limited to:

(a) A seat of management;

(b) A branch;

(c) An office;

(d) A factory;

(e) A workshop;

(f) A warehouse;

(g) A mine, quarry, or other place of extraction of natural resources; and

(h) A building site or construction or installation project which exists for more than 12 months.

(3) Notwithstanding paragraphs (1) and (2), a permanent establishment shall not include a fixed place of business used only for one or more of the following:

(a) The use of facilities for the purpose of storage, display, or delivery of goods or merchandise belonging to the resident;

(b) The maintenance of a stock of goods or merchandise belonging to the resident for the purpose of storage, display, or delivery;

(c) The maintenance of a stock of goods or merchandise belonging to the resident for the purpose of processing by another person;

(d) The maintenance of a fixed place of business for the purpose of purchasing goods or merchandise, or for collecting information, for the resident;

(e) The maintenance of a fixed place of business for the purpose of advertising, for the supply of information, for scientific research, or for similar activities which have a preparatory or auxiliary character, for the resident; or

(f) The maintenance of a building site or construction or installation project which does not exist for more than 12 months.

(4) Notwithstanding subparagraph (a), (c) and (d) of paragraph (3), if a resident of one of the Contracting States has a fixed place of business in the other Contracting State and goods or merchandise are either:

(a) Subjected to processing in the other Contracting State by another person (whether or not purchased in the other Contracting State); or

(b) Purchased in the other Contracting State (and such goods or merchandise are not subjected to processing outside the other Contracting State)

such resident shall be considered to have a permanent establishment in that other Contracting State, if all or part of such goods or merchandise is sold by or on behalf of such resident for use, consumption, or disposition in that other Contracting State.

(5) A person acting in one of the Contracting States on behalf of a resident of the other Contracting State, other than an agent of an independent status to whom paragraph (6) applies, shall be deemed to be a permanent establishment in the first-mentioned Contracting State if such person has, and habitually exercises in the first-mentioned Contracting State, an authority to conclude contracts in the name of that resident, unless the exercise of such authority is limited to the purchase of goods or merchandise for that resident.

(6) A resident of one of the Contracting States shall not be deemed to have a permanent establishment in the other Contracting State merely because such resident engages in industrial or commercial activity in that other Contracting State through a broker, general commission agent, or any other agent of an independent status, where such broker or agent is acting in the ordinary course of his business. This paragraph shall not apply with respect to a broker or agent acting on behalf of an insurance company if such broker or agent has, and habitually exercises, an authority to conclude contracts in the name of that company.

(7) The fact that a resident of one of the Contracting States is a related person with respect to a resident of the other Contracting State or with respect to a person who engages in industrial or commercial activity in that other Contracting State (whether through a permanent establishment or otherwise) shall not be taken into account in determining whether that resident of the first-mentioned Contracting State has a permanent establishment in that other Contracting State.

(8) The principles set forth in paragraphs (1) through (7) shall be applied in determining whether there is a permanent establishment in a State other than one of the Contracting States or whether a person other than a resident of one of the Contracting States has a permanent establishment in one of the Contracting States.

ARTICLE 6—INCOME FROM REAL PROPERTY

(1) Income from real property, including royalties in respect of the operation of mines, quarries, or other natural resources and gains derived from the sale, exchange, or other disposition of such property or of the right giving rise to such royalties, may be taxed by the Contracting State in which such real property, mines, quarries, or other natural resources are situated. For purposes of this Convention interest on indebtedness secured by real property or secured by a right giving rise to royalties in respect of the operation of mines, quarries, or other natural resources shall not be regarded as income from real property.

(2) Paragraph (1) shall apply to income derived from the usufruct, direct use, letting, or use in any other form of real property.

ARTICLE 7—BUSINESS PROFITS

(1) Industrial or commercial profits of a resident of one of the Contracting States shall be exempt from tax by the other Contracting State unless such resident is engaged in industrial or commercial activity in that other Contracting State through a permanent establishment situated therein. If such resident is so engaged, tax may be imposed by that other Contracting State on the industrial or commercial profits of such resident but only on so much of such profits as are attributable to the permanent establishment.

(2) Where a resident of one of the Contracting States is engaged in industrial or commercial activity in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to the permanent establishment the industrial or commercial profits which would be attributable to such permanent establishment if such permanent establishment were an independent entity engaged in the same or similar activities under the same or similar conditions and dealing wholly independently.

(3) In the determination of the industrial or commercial profits of a permanent establishment, there shall be allowed as deductions expenses which are reasonably connected with such profits, including executive and general administrative expenses, whether incurred in the Contracting State in which the permanent establishment is situated or elsewhere.

(4) No profits shall be attributed to a permanent establishment of a resident of one of the Contracting States in the other Contracting State merely by reason of the purchase of goods or merchandise by the permanent establishment, or by the resident of which it is a permanent establishment, for the account of that resident.

(5) For the purposes of this Convention the term "industrial or commercial profits":

(a) Does include rents or royalties derived from motion picture films or films or tapes used for radio or television broadcasting or from copyrights thereof and rents derived from the leasing of tangible personal property;

(b) Does not include items of income specifically dealt with in other articles of this Convention, except as provided in such articles.

Subject to the provisions of this Convention, items of income excluded from industrial or commercial profits under subparagraph (b) may be taxed separately or together with industrial or commercial profits in accordance with the laws of the Contracting State whose tax is being determined.

ARTICLE 8—SHIPPING AND TRANSPORT

(1) Notwithstanding Article 7 (Business Profits) and Article 13 (Capital Gains), income which a resident of one of the Contracting States derives from the operation in international traffic of ships registered in that Contracting State, and gains which a resident of one of the Contracting States derives from the sale, exchange, or other disposition of ships operated in international traffic by such resident and registered in that Contracting State, shall be exempt from tax by the other Contracting State.

(2) Notwithstanding Article 7 (Business Profits) and Article 13 (Capital Gains), income which a resident of one of the Contracting States derives from the operation in international traffic of aircraft registered in either Contracting State or in a State with which the other Contracting State has an income tax convention exempting such income, and gains which a resident of one of the Contracting States derives from the sale, exchange, or other disposition of aircraft operated in international traffic by such resident and registered in either Contracting State or in a State with which the other Contracting State has an income tax convention exempting such income, shall be exempt from tax by the other Contracting State.

ARTICLE 9—ASSOCIATED ENTERPRISES

(1) Where a resident of one of the Contracting States and a resident of the other Contracting State are related and where such related persons make arrangements or impose conditions between themselves which are different from those which would be made between independent persons, then any income which would, but for those arrangements or conditions, have accrued to the resident of the first-mentioned Contracting State but, by reason of those arrangements or conditions, has not so accrued, may be included in the income of the resident of the first-mentioned Contracting State for purposes of this Convention and taxed accordingly.

(2) A person is related to another person for purposes of this Convention if either person participates directly or indirectly in the management, control, or capital of the other, or if any third person or persons participates directly or indirectly in the management, control, or capital of both.

ARTICLE 10—DIVIDENDS

(1) Dividends paid by a corporation of one of the Contracting States to a resident of the other Contracting State may be taxed by both Contracting States.

(2) The rate of tax imposed by the first-mentioned Contracting State on such dividends shall not exceed 15 percent of the gross amount actually distributed. The term "dividends" shall include income from invested capital received by members of Belgian companies other than companies with share capital where, under Belgian law, such income is taxable in the same way as dividends.

(3) Paragraph (2) shall not apply if the recipient of the dividends, being a resident of one of the Contracting States, has a permanent establishment in the other Contracting State and the shares with respect to which the dividends are paid are effectively connected with such permanent establishment. In such a case, Article 7 (Business Profits) shall apply, provided that Belgium shall not be prevented from imposing its movable property prepayment (précompte mobilier) in accordance with Belgian law.

(4) Dividends paid by a corporation of one of the Contracting States to a person other than a resident of the other Contracting State shall be exempt from tax by that other Contracting State. This paragraph shall not apply:

(a) If the recipient of the dividends has a permanent establishment in that other Contracting State and the shares with respect to which the dividends are paid are effectively connected with such permanent establishment, or

(b) If the dividends are paid by a United States corporation and are received within Belgium by a person who is not a citizen or resident of the United States.

ARTICLE 11—INTEREST

(1) Interest derived from sources within one of the Contracting States by a resident of the other Contracting State may be taxed by both Contracting States.

(2) The rate of tax imposed by one of the Contracting States on interest derived from sources within that Contracting State by a resident of the other Contracting State shall not exceed 15 percent.

(3) Notwithstanding paragraphs (1) and (2), interest derived by a resident of one of the Contracting States from sources in the other Contracting State shall be exempt from tax by the other Contracting State if it is:

(a) Interest arising out of commercial credit—including credit which is represented by commercial paper—resulting from deferred payments for goods or merchandise or services supplied by a resident of one of the Contracting States to a resident of the other Contracting State,

(b) Interest paid between banks, except on loans represented by bearer instruments, or

(c) Interest arising from deposits, not represented by bearer instruments, made in banks or other financial institutions.

(4) Notwithstanding paragraphs (1) and (2), interest beneficially derived by one of the Contracting States, or by an instrumentality of that Contracting State, not subject to tax by that Contracting State on *its* income, shall be exempt from tax by the other Contracting State.

(5) The term "interest" as used in this Convention means income from bonds, Government securities, notes or other evidences of indebtedness, whether or not secured and whether or not carrying a right to participate in profits, and debt-claims of every kind, as well as all other income assimilated to income from money lent by the taxation law of the Contracting State in which the income has its source, but not interest which is considered as dividends in accordance with the second sentence of paragraph (2) of Article 10 (Dividends); it includes, in the case of Belgium, prizes on lottery bonds.

(6) Interest shall be treated as income from sources within a Contracting State only if paid by such Contracting State, a political subdivision or a local authority thereof, or by a resident of that Contracting State. Notwithstanding the preceding sentence:

(a) If the person paying the interest (whether or not such person is a resident of one of the Contracting States) has a permanent establishment in one of the Contracting States in connection with which the indebtedness on which the interest is paid was incurred and such interest is borne by such permanent establishment, or

(b) If the person paying the interest is a resident of one of the Contracting States and has a permanent establishment in a State other than a Contracting State in connection with which the indebtedness on which the interest is paid was incurred and such interest is paid to a resident of the other Contracting State, and such interest is borne by such permanent establishment, such interest shall be deemed to be from sources within the State in which the permanent establishment is situated.

(7) Paragraphs (2), (3), and (4) shall not apply if the recipient of the interest, being a resident of one of the Contracting States, has a permanent establishment in the other Contracting State and the indebtedness giving rise to the interest is effectively connected with such permanent establishment. In such a case, the provisions of Article 7 (Business Profits) shall apply.

(8) Where any interest paid by a person to any related person exceeds an amount which would have been paid to an unrelated person, the provisions of this article shall apply only to so much of the interest as would have been paid to an unrelated person. In such a case the excess payment may be taxed according to its own law by the Contracting State from which the interest is derived.

(9) Interest paid by a resident of one of the Contracting States to a person other than a resident of the other Contracting State shall be exempt from tax by that other Contracting State. This paragraph shall not apply if:

(a) Such interest is treated as income from sources within that other Contracting State under paragraph (6);

(b) The recipient of the interest has a permanent establishment in that other Contracting State and the indebtedness giving rise to the interest is effectively connected with such permanent establishment, or

(c) Such interest is from sources within the United States and is received within Belgium by a person who is not a citizen or resident of the United States.

ARTICLE 12—ROYALTIES

(1) Royalties derived from sources within one of the Contracting States by a resident of the other Contracting State shall be exempt from tax by the first-mentioned Contracting State.

(2) The term "royalties" as used in this article means:

(a) Payment of any kind made as consideration for the use of, or the right to use, copyrights of literary, artistic, or scientific works (but not including copyrights of motion picture films or films or tapes used for radio or television broadcasting), patents, designs, models, plans, secret processes or formulae, trademarks, or other like property or rights, or knowledge, experience, or skill (know-how), and

(b) Gains derived from the sale, exchange, or other disposition of any such right or property to the extent that the amounts realized on such sale, exchange, or other disposition for consideration are contingent on the productivity, use, or disposition of such right or property.

(3) Royalties shall be treated as income from sources within one of the Contracting States only if paid by such Contracting State, a political subdivision or a local authority thereof, or by a resident of that Contracting State. Notwithstanding the preceding sentence:

(a) If the person paying the royalties (whether or not such a person is a resident of one of the Contracting States) has a permanent establishment in one of the Contracting States with which the right or property giving rise to the royalties is effectively connected and such royalties are borne by such permanent establishment, or

(b) If the person paying the royalties is a resident of one of the Contracting States and has a permanent establishment in a State other than a Contracting State with which the right or property giving rise to the royalies is effectively connected and such royalties are borne by such permanent establishment,

such royalties shall be deemed to be from sources within the State in which the permanent establishment is situated.

(4) Paragraph (1) shall not apply if the recipient of the royalty, being a resident of one of the Contracting States, has in the other Contracting State a permanent establishment and the right or property giving rise to the royalty effectively connected with such permanent establishment. In such a case the provision of Article 7 (Business Profits) shall apply.

(5) Where any royalty paid by a person to any related person exceeds an amount which would have been paid to an unrelated person, the provisions of this article shall apply only to so much of the royalty as would have been paid to an unrelated person. In such a case the excess payment may be taxed according to its own law by the Contracting State from which the royalty is derived.

ARTICLE 13—CAPITAL GAINS

Gains derived by a resident of one of the Contracting States from the sale, exchange, or other disposition of capital assets shall be exempt from tax by the other Contracting State unless:

(1) The gain is derived by a resident of the first-mentioned Contracting State from the sale, exchange, or other disposition of property described in Article 6 (Income from Real Property) situated within that other Contracting State.

(2) The recipient of the gain, being a resident of the first-mentioned Contracting State, has a permanent establishment or maintains a fixed base in that other Contracting State and the property giving rise to the gain is effectively connected with such permanent establishment or such fixed base, or

(3) The recipient of the gain, being an individual resident of the first-mentioned Contracting State, is present in that other Contracting State for a period or periods aggregating 183 days or more in the taxable year.

If under the provisions of paragraph (2) the property is effectively connected with a permanent establishment, the provisions of Article 7 (Business Profits) shall apply.

ARTICLE 14—INDEPENDENT PERSONAL SERVICE

(1) Income derived by an individual who is a resident of one of the Contracting States from the performance of personal services in an independent capacity, may be taxed by that Contracting State. Except as provided in paragraph (2), such income shall be exempt from tax by the other Contracting State.

(2) Income derived by an individual who is a resident of one of the Contracting States from the performance of personal services in an independent capacity in the other Contracting State may be taxed by that other Contracting State, if:

(a) The individual is present in that other Contracting State for a period or periods aggregating 183 days or more in the taxable year,

(b) The individual maintains a fixed base in that other Contracting State for a period or periods aggregating 183 days or more in the taxable year, and the income is attributable to such fixed base, or

(c) The individual derives the income from personal services as a public entertainer, such as a theater, motion picture, or television artist, a musician, or an athlete, unless such individual is present in that other Contracting State for a period or periods not exceeding a total of 90 days during the taxable year and such income does not exceed in the aggregate 3,000 United States dollars or its equivalent in Belgian francs during the taxable year.

ARTICLE 15—DEPENDENT PERSONAL SERVICE

(1) Wages, salaries, and similar remuneration derived by an individual who is a resident of one of the Contracting States from labor or personal services performed as an employee, including income from services performed by an officer of a company, may be taxed by that Contracting State. Except as provided by paragraph (2) and Article 20 (Teachers) and Article 21 (Students and Trainees) such remuneration derived from labor or personal services in the other Contracting State may also be taxed by that other Contracting State.

(2) Remuneration described in paragraph (1) derived by an individual who is a resident of one of the Contracting States shall be exempt from tax by the other Contracting State if:

(a) He is present in that Contracting State for a period or periods aggregating less than 183 days in the taxable year:

(b) He is an employee of a resident of the first-mentioned Contracting State or of a permanent establishment maintained in the first-mentioned Contracting State; and

(c) The remuneration is not borne as such by a permanent establishment which the employer has in that other Contracting State.

(3) Notwithstanding paragraphs (1) and (2), remuneration derived by an individual from labor or personal services performed as an employee aboard ships or aircraft registered in one of the Contracting States and operated by a resident of that Contracting State in international traffic shall be exempt from tax by the other Contracting State if such individual is a member of the regular complement of the ship or aircraft.

ARTICLE 16—DIRECTORS' FEES

Notwithstanding Articles 14 (Independent Personal Services) and 15 (Dependent Personal Services), a director's fee derived by an individual who is a resident of one of the Contracting States in his capacity as a member of the board of directors of a corporation of the other Contracting State (but not including fixed or contingent payments derived in his capacity as an officer or employee), which cannot be taken as a deduction by the corporation but is treated in that other Contracting State as a distribution of profits, may be taxed by that other Contracting State.

ARTICLE 17—SOCIAL SECURITY PAYMENTS

Social security payments and similar pensions paid by, or out of public funds created by, one of the Contracting States or a governmental instrumentality thereof to an individual who is a resident of the other Contracting State shall be taxable only in the first-mentioned Contracting State.

ARTICLE 18—PENSIONS AND ANNUITIES

(1) Except as provided in Articles 17 (Social Security Payments) and 19 (Governmental Functions), pensions and other similar remuneration paid to an individual who is a resident of one of the Contracting States in consideration of past employment shall be taxable only in that Contracting State.

(2) Alimony and annuities paid to an individual who is a resident of one of the Contracting States shall be taxable only in that Contracting State.

(3) The term "pensions and other similar remuneration", as used in this article, means periodic payments made after retirement or death in consideration for services rendered, or by way of compensation for injuries received in connection with past employment.

(4) The term "annuities", as used in this article, means a stated sum paid periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration (other than for services rendered).

ARTICLE 19—GOVERNMENT FUNCTIONS

(1) Notwithstanding Article 15 (Dependent Personal Services), 17 (Social Security Payments), and 18 (Private Pensions and Annuities), wages, salaries, and similar remuneration, including pensions or similar benefits, paid by or from public funds of one of the Contracting States, or a political subdivision or local authority thereof, for labor or personal services performed for that Contracting State, or for any of its political subdivisions or local authorities, in the discharge of governmental functions:

(a) To a citizen of that Contracting State or

(b) To a citizen of a State other than a Contracting State and who comes to the other Contracting State expressly for the purpose of being employed by the first-mentioned Contracting State, or a political subdivision or a local authority thereof, shall be exempt from tax by that other Contracting State.

(2) The provisions of Articles 15 (Dependent Personal Services), 17 (Social Security Payments), and 18 (Private Pensions and Annuities) shall apply to wages, salaries, and pensions paid in respect of services rendered in connection with any trade or business carried on by the first-mentioned Contracting State, or a political subdivision or a local authority thereof.

ARTICLE 20—TEACHERS

(1) An individual who is a resident of one of the Contracting States at the time he becomes temporarily present in the other Contracting State and who, at the invitation of the Government of that other Contracting State or of a university or other recognized educational institution in that other Contracting State is temporarily present in that other Contracting State for the primary purpose of teaching or engaging in research, or both, at a university or other recognized educational institution shall be exempt from tax by that other Contracting State on his income from personal services for teaching or research at such university or educational institution, for a period not exceeding 2 years from the date of his arrival in that other Contracting State.

(2) This article shall not apply to income from research if such research is undertaken not in the public interest but primarily for the private benefit of a specific person or persons.

ARTICLE 21—STUDENTS AND TRAINEES

(1)(a) An individual who is a resident of one of the Contracting States at the time he becomes temporarily present in the other Contracting State and who is temporarily present in that other Contracting State for the primary purpose of:

(i) Studying at a university or other recognized educational institution in that other Contracting State, or

(ii) Securing training required to qualify him to practice a profession or professional specialty, or

(iii) Studying or doing research as a recipient of a grant, allowance, or award from a governmental, religious, charitable, scientific, literary, or educational organization,

shall be exempt from tax by that other Contracting State with respect to amounts described in subparagraph (b) for a period not exceeding 5 taxable years from the date of his arrival in that other Contracting State.

(b) The amounts referred to in subparagraph (a) are:

(i) Gifts from abroad for the purpose of his maintenance, education, study, research, or training;

(ii) The grant, allowance, or award; and

(iii) Income from personal services performed in that other Contracting State in an amount not in excess of 2,000 United States dollars or its equivalent in Belgian francs for any taxable year.

(2) An individual who is a resident of one of the Contracting States at the time he becomes temporarily present in the other Contracting State and who is temporarily present in that other Contracting State as an employee of, or under contract with, a resident of the first-mentioned Contracting State, for the primary purpose of:

(a) Acquiring technical, professional, or business experience from a person other than that resident of the first-mentioned Contracting State or other than a person related to such resident, or

(b) Studying at a university or other rec-

ognized educational institution in that other Contracting State, shall be exempt from tax by that other Contracting State for a period of 12 consecutive months with respect to his income from personal services in an aggregate amount not in excess of 5,000 United States dollars or its equivalent in Belgian francs.

(3) An individual who is a resident of one of the Contracting States at the time he becomes temporarily present in the other Contracting State and who is temporarily present in that other Contracting State for a period not exceeding 1 year, as a participant in a program sponsored by the Government of that other Contracting State, for the primary purpose of training, research, or study, shall be exempt from tax by that other Contracting State with respect to his income from personal services in respect of such training, research, or study performed in that other Contracting State in an aggregate amount not in excess of 10,000 United States dollars or its equivalent in Belgian francs.

(4) The benefits provided under Article 20 (Teachers) and paragraph (1) of this article shall extend only for such period of time as may reasonably or customarily be required to effectuate the purpose of the visit, but in no case shall any individual have the benefits provided therein for more than a total of 5 taxable years from the date of his arrival.

ARTICLE 22—INCOME NOT EXPRESSLY MENTIONED

Items of income of a resident of one of the Contracting States which are not expressly mentioned in the foregoing articles of this Convention shall be taxable only in that Contracting State except that if such income is derived from sources within the other Contracting State, that other Contracting State may also tax such income.

ARTICLE 23—RELIEF FROM DOUBLE TAXATION

(1) Notwithstanding any other provision of this Convention, a Contracting State may tax its citizens and residents as determined under Article 4 (Fiscal Domicile) as if this Convention had not come into effect, provided however, that:

(a) This provision shall not affect the benefits conferred by a Contracting State under this article and Articles 17 (Social Security Payments), 24 (Nondiscrimination), and 25 (Mutual Agreement Procedure).

(b) This provision shall not affect the benefits conferred by a Contracting State under Articles 19 (Governmental Functions), 20 (Teachers), and 21 (Students and Trainees), upon individuals who are neither citizens of, nor have immigrant status in, that Contracting State.

(2) Subject to the provisions of United States law applicable for the taxable year, the United States shall allow to a citizen or resident of the United States as a credit against United States tax the appropriate amount of Belgian tax; such appropriate amount shall be based upon the amount of tax paid to Belgium but shall not exceed the amount of United States tax attributable to income from Belgian sources. Income which has been taxed by Belgium in accordance with Articles 6 through 21 shall, for the purpose of applying the United States credit in relation to Belgian tax, be treated as income from Belgian sources.

(3) In the case of income derived from sources in the United States, relief from double taxation shall be granted in Belgium in the following manner:

(a) Where a resident of Belgium derives income which is not subject to the provisions of subparagraphs (b) through (d) below and which has been taxed by the United States in accordance with Articles 6 through 21, Belgium shall exempt such income from tax but may, in calculating the amount of tax on the remainder of the income of that resident, apply the rate of tax which would have been applicable if such income had not been exempted.

(b) Where a resident of Belgium receives dividends (which are not exempt under subparagraph (d)) to which the provisions of paragraphs (2) of Article 10 (Dividends) apply, interest to which the provisions of paragraph (2) or paragraph (8) of Article 11 (Interest) apply or royalties to which the provisions of paragraph (5) of Article 12 (Royalties) apply, Belgium shall reduce the Belgian tax imposed thereon by a credit in respect of the tax borne in the United States. The credit shall be allowed against the tax imposed on the net amount of the dividends from corporations of the United States, as well as of interest and royalties from sources in the United States which have been taxed there; the credit shall be the fixed amount in respect of the foreign tax for which provision is made in existing Belgian law, subject to any subsequent modification—which, however, shall not affect the principle hereof.

(c) Where a resident of Belgium receives income to which the provisions of Article 22 (Income Not Expressly Mentioned) apply and which has been taxed by the United States, the amount of Belgian tax proportionately attributable to such income shall not exceed the amount which would be imposed in accordance with Belgian law, if such income were taxed as earned income derived from sources outside Belgium and subject to foreign tax.

(d) Where a Belgian corporation owns shares in a United States corporation which is subject in the United States to tax on its profits, the dividends which are paid to it by the latter corporation and which may be taxed in the United States in accordance with the provisions of paragraph (2) of Article 10 (Dividends) shall be exempt from the corporate income tax in Belgium to the extent that exemption would have been accorded if the two corporations had been corporations of Belgium; this provision shall not prohibit the withholding from those dividends of the movable property prepayment (précompte mobilier) imposed by Belgian law.

(e) A Belgian corporation which, during the whole of an accounting period of a United States corporation which is subject there to tax on its profits, has held the direct ownership of shares in the latter corporation, shall also be exempted from the movable property prepayment (précompte mobilier) imposed by Belgian law on the dividends derived from those shares, provided that it so requests in writing not later than the time limited for the submission of its annual return; on the redistribution to its own shareholders of the dividends so exempted those dividends may not be deducted from dividends distributed by that corporation which are subject to the movable property prepayment (précompte mobilier). This subparagraph shall not apply when the first-mentioned corporation has elected that its profits be charged to the individual income tax. However, the application of this subparagraph shall be limited to dividends paid by a United States corporation to a Belgian corporation which controls not less than 10 percent of the voting power in the first-mentioned corporation where, for the application of the exemption referred to in subparagraph (d), a similar limitation would be imposed by Belgian legislation in respect of dividends paid by corporations of Belgium.

(f) Where an individual who is a resident of Belgium and a citizen of the United States receives income from sources within the United States which is not exempt from Belgian tax under subparagraph (a) nor covered by subparagraph (c), the amount of the Belgian individual income tax proportionately attributable to such income may not exceed:

(i) In the case of dividends, interest, and royalties, an amount which, after allowance of the fixed amount in respect of the foreign tax, where applicable, corresponds to 20 percent of such income;

(ii) In the case of other income concerned, the amount which would be imposed in accordance with Belgian law, if such income were taxed as earned income derived from sources outside Belgium and subject to foreign tax.

(g) When in accordance with Belgian law, losses incurred by a resident of Belgium in a permanent establishment situated in the United States have been effectively deducted from the profits of that resident for his taxation in Belgium, the exemption provided in subparagraph (a) shall not apply in Belgium to the profits of other taxable periods attributable to that establishment to the extent that those profits have also been reduced for United States tax purposes by reason of compensation for the said losses.

(4) In the case of a corporation which is treated as a United States corporation for United States tax purposes and as a Belgian corporation for Belgian tax purposes, relief from double taxation shall be granted in accordance with the principles of paragraphs (2) and (3).

ARTICLE 24—NONDISCRIMINATION

(1) A citizen of one of the Contracting States who is a resident of the other Contracting State shall not be subjected in that other Contracting State to more burdensome taxes than a citizen of that other Contracting State who is a resident thereof.

(2) A permanent establishment which a resident of one of the Contracting States has in the other Contracting State shall not be subject in that other Contracting State to more burdensome taxes than a resident of that other Contracting State carrying on the same activities. This paragraph shall not be construed as obliging a Contracting State to grant to individual residents of the other Contracting State any personal allowances, reliefs, or deductions for taxation purposes on account of civil status or family responsibilities which it grants to its own individual residents.

(3) A corporation of one of the Contracting States, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which a corporation of the first-mentioned Contracting State carrying on the same activities, the capital of which is wholly owned or controlled by one or more residents of the first-mentioned Contracting State, is or may be subjected.

(4) The provisions of this article shall apply to taxes of every kind whether imposed at the National, State, or local level.

(5) The provisions of paragraph (2) shall not be construed as preventing Belgium from taxing the total profits attributable to a permanent establishment which is maintained in Belgium by a United States corporation, or any unincorporated entity, which is a resident of the United States at a rate which—before the application of the surcharges specified in paragraph (1) (b) (vi) of Article 2—is the highest rate at which the profits of a Belgian corporation may be taxed.

(a) However, as long as Belgium imposes its tax on the distributed profits of a Belgian corporation at a rate which is lower than such highest rate then the Belgian tax on the portion of the profits of the permanent establishment which is deemed to be distributed shall be imposed at a rate which—before the application of the surcharges specified in paragraph (1) (b) (vi) of Article 2—shall not exceed the highest rate at which such tax may be imposed on the distributed profits of a Belgian corporation.

(b) For purposes of this paragraph, the permanent establishment which is maintained in Belgium shall be deemed to distribute the same percentage of its profits as such resident distributes from its total profits.

ARTICLE 25—MUTUAL AGREEMENT PROCEDURE

(1) Where a resident of one of the Contracting States considers that the action of one or both of the Contracting States results or will result for him in taxation not in accordance with this Convention, he may, notwithstanding the remedies provided by the national laws of the Contracting States, present his case to the competent authority of the Contracting State of which he is a resident within 2 years from the date of notification (or collection at source) of the tax which has been last asserted or collected. Should the resident's claim be considered to have merit by the competent authority of the Contracting State to which the claim is made, the competent authority shall endeavor to come to an agreement with the competent authority of the other Contracting State with a view to the avoidance of taxation contrary to the provisions of this Convention.

(2) The competent authorities of the Contracting States shall endeavor to resolve by mutual agreement any difficulties or doubts arising as to the application of this Convention. In particular, the competent authorities of the Contracting States may agree:

(a) To the same attribution of industrial or commercial profits to a resident of one of the Contracting States and its permanent establishment situated in the other Contracting State;

(b) To the same allocation of income, deductions, credits, or allowances between a resident of one of the Contracting States and any related person;

(c) To the same determination of the source of particular items of income; or

(d) To the same meaning of any term used in this Convention.

(3) The competent authorities of the Contracting States may communicate with each other directly for the purpose of reaching an agreement in the sense of this article. When it seems advisable for the purpose of reaching agreement, the competent authorities may meet together for an oral exchange of opinions.

(4) In the event that the competent authorities reach such an agreement, taxes on such income shall be adjusted and refund or credit of taxes shall be allowed, by the Contracting States in accordance with such agreement.

ARTICLE 26—EXCHANGE OF INFORMATION

(1) The competent authorities of the Contracting States shall exchange such information as is pertinent to carrying out the provisions of this Convention or preventing fraud or fiscal evasion in relation to the taxes which are the subject of this Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any persons other than those (including a court or administrative body) concerned with assessment, collection, enforcement, or prosecution in respect of the taxes which are the subject of this Convention.

(2) In no case shall the provisions of paragraph (1) be construed so as to impose on one of the Contracting States the obligation:

(a) To carry out administrative measures at variance with the laws or the administrative practice of that Contracting State or the other Contracting State;

(b) To supply particulars which are not obtainable under the laws, or in the normal course of the administration, of that Contracting State or of the other Contracting State; or

(c) To supply information which would disclose any trade, business, industrial, commercial, or professional secret or trade process or information, the disclosure of which would be contrary to public policy.

(3 The exchange of information shall be either on a routine basis or on request with reference to particular cases. The competent authorities of the Contracting States may agree on the list of information which shall be furnished on a routine basis.

ARTICLE 27—ASSISTANCE IN COLLECTION

(1) Each of the Contracting States shall endeavor to collect on behalf of the other Contracting State such taxes imposed by that other Contracting State as will ensure that any exemption or reduced rate of tax granted under this Convention by that other Contracting State shall not be enjoyed by persons not entitled to such benefits.

(2) In no case shall this article be construed so as to impose upon a Contracting State the obligation to carry out administrative measures at variance with the regulations and practices of either Contracting State or which would be contrary to the first-mentioned Contracting State's sovereignty, security, or public policy.

ARTICLE 28—MISCELLANEOUS

(1) Nothing in this Convention shall affect the fiscal privileges of diplomatic and consular officials under the general rules of international law or under the provisions of special agreements.

(2) The provisions of this Convention shall not be construed to restrict in any manner any exclusion, exemption, deduction, credit, or other allowance now or hereafter accorded:

(a) By the laws of one of the Contracting States in the determination of the tax imposed by that Contracting State, or

(b) By any other agreement between the Contracting States.

(3) The competent authorities of the two Contracting States may communicate with each other directly for the purpose of carrying out the provisions of this Convention.

ARTICLE 29—EXTENSION TO TERRITORIES

(1) The United States may, at any time while this Convention continues in force, by a written notification given to Belgium through diplomatic channels, declare its desire that the operation of this Convention, either in whole or in part or with such modifications as may be found necessary for special application in a particular case, shall extend to all or any of the areas (to which this Convention is not otherwise applicable) for whose international relations it is responsible and which impose taxes substantially similar in character to those which are the subject of this Convention. When Belgium has, by a written communication through diplomatic channels, signified to the United States that such notification is accepted in respect of such area or areas, and the notification and communication have been ratified and instruments of ratification exchanged, this Convention, in whole or in part, or with such modifications as may be found necessary for special application in a particular case, as specified in the notification, shall apply to the area or areas named in the notification and shall have effect on and after the date or dates specified therein.

(2) At any time after the date of entry into force of an extension under paragraph (1), either of the Contracting States may, by 6 months' prior notice of termination given to the other Contracting State through diplomatic channels, terminate the application of this Convention to any area to which it has been extended under paragraph (1), and in such event this Convention shall cease to have effect, beginning on or after the first day of January next following the expiration of the 6-month period, in the area or areas named therein, but without affecting its continued application to the United States, Belgium, or to any other area to which it has been extended under paragraph (1).

(3) In the application of this Convention in relation to any area to which it is extended by notification by the United States, reference to the "United States" shall be construed as referring to that area.

(4) The termination in respect of the United States or Belgium of this Convention under Article 31 (Termination) shall, unless otherwise expressly agreed by both Contracting States, terminate the application of this Convention to any area to which the Convention has been extended under this article.

ARTICLE 30—ENERGY INTO FORCE

(1) This Convention shall be ratified and instruments of ratification shall be exchanged at Washington as soon as possible. It shall enter into force 1 month after the date of exchange of the instruments of ratification. The provisions shall for the first time have effect with respect to income of calendar years or taxable years beginning (or, in the case of taxes payable at the source, payments made) on or after January 1, 1971.

(2) As between the United States and Belgium, the Convention between Belgium and the United States for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income signed at Washington, D.C. on October 28, 1948; modified and supplemented by the Supplementary Conventions signed at Washington on September 9, 1952, and August 22, 1957, and by the Protocol signed at Brussels on May 21, 1965, shall terminate and cease to have effect in respect of income to which this Convention applies under paragraph (1) of this article.

ARTICLE 31—TERMINATION

(1) This Convention shall remain in force until terminated by one of the Contracting States. Either Contracting State may terminate the Convention at any time after 5 years from the date on which this Convention enters into force provided that at least 6 months' prior notice of termination has been given through diplomatic channels. In such event the Convention shall cease to have effect as respects income of calendar years or taxable years beginning (or, in the case of taxes payable at the source, payments made) on or after January 1 next following the expiration of the 6-month period.

(2) Notwithstanding the provision of paragraph (1), and upon prior notice to be given through diplomatic channels, the provisions of Article 17 (Social Security Payments) may be terminated by either Contracting State at any time after this Convention enters into force.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Convention and have affixed their seals.

DONE at Brussels, this 9th day of July, 1970, in duplicate, in the English, French, and Dutch languages, the three texts having equal authenticity.

FOR THE UNITED STATES OF AMERICA:
JOHN S. D. EISENHOWER.
FOR THE KINGDOM OF BELGIUM:
PIERRE HARMEL.

The PRESIDING OFFICER. If there be no objection, Executive G, D, E, and I, 91st Congress, second session, will be considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification.

The resolutions of ratification of Executives G, D, E, and I will now be read.

The resolution of ratification of Executive G, was read, as follows:

Resolved, (two-thirds of Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and the Kingdom of the Netherlands for the Avoidance of Double Taxation and the

Prevention of Fiscal Evasion with respect to Taxes on Estates and Inheritances, signed at Washington on July 15, 1969, and the related Protocol signed on the same date. (Executive G, 91st Congress, first session.)

The resolution of ratification of Executive D was read, as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and Trinidad and Tobago for the Avoidance of Double Taxation, the Prevention of Fiscal Evasion with respect to Taxes on Income, and the Encouragement of International Trade and Investment, signed at Port of Spain on January 9, 1970 (Executive D, 91st Congress, second session), subject to the following reservation:

"The Government of the United States does not accept Article 7 of the Convention relating to tax deferral for technical assistance."

The resolution of ratification of Executive E was read, as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and the Republic of Finland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and Property, signed at Washington on March 6, 1970. (Executive E, 91st Congress, second session.)

The resolution of ratification of Executive I was read, as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, signed at Brussels on July 9, 1970. (Executive I, 91st Congress, second session.)

ORDER FOR CALL OF THE CALENDAR, CONDUCT OF MORNING BUSINESS AND VOTE ON CONVENTIONS TOMORROW

Mr. MANSFIELD. Mr. President, I wish to change my previous request. This is to serve notice on the Senate, in accordance with an agreement reached some time ago, that prior to the recognition of the various Senators to whom 1½ hours in time has been allocated, it is the intention of the joint leadership to call up unobjected-to items on the Legislative Calendar.

I ask unanimous consent that after the 1½ hours are disposed of, there be a morning hour for the conduct of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask that the vote on the four treaties or conventions occur not later than 12:30 tomorrow afternoon.

Mr. MILLER. Mr. President, would the Senator mind making the time 12:30? Otherwise it could be considerably earlier. It would help us.

Mr. MANSFIELD. But there will be an hour and a half of speeches. Very well; 12:30 p.m.

Mr. MILLER. I thank the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered. The vote will occur at 12:30 p.m.

Mr. MANSFIELD. I ask for the yeas and nays on the conventions.

The yeas and nays were ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

PROGRAM

Mr. GRIFFIN. Mr. President, for the benefit of the Senate I would like to inquire of the majority leader if he can give us the schedule for the remainder of today and beyond.

Mr. MANSFIELD. It does not look as if we will be able to conduct much more business today. Being realistic and, I hope, practical, we will adjourn very shortly unless a Senator wants to discuss the present measure and a live quorum call is not put in in the meantime.

Tomorrow we will vote on the four treaties. We will vote once for the four treaties. Then we will return to the pending business to see how far we can get with it.

On Monday I had indicated that the bill for the protection of consumers might come up, but in view of the fact that the foreign aid appropriation bill and the transportation appropriation bill may be reported today, it is anticipated they would probably be taken up first, to be followed by the protection for consumers bill; and then, after that, H.R. 471 to amend the act of May 31, 1933, which has to do with the Taos Indians. Hopefully after that we will take up the defense appropriations bill and other matters that may come along.

PROHIBITION OF MOVEMENT OF CERTAIN HORSES

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2543.

The PRESIDING OFFICER (Mr. SAXBE) laid before the Senate the amendments of the House of Representatives to the bill (S. 2543) to prohibit the movement in interstate or foreign commerce of horses which are "sored," and for other purposes, which were, on page 1, line 4, strike out "1969". and insert "1970."

On page 1, strike out all after line 4, over through and including line 8, on page 2, and insert:

SEC. 2. (a) A horse shall be considered to sored if, for the purpose of affecting its gait—

(1) a blistering agent has been applied after the date of enactment of this Act internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(2) burns, cuts, or lacerations have been inflicted after the date of enactment of this Act on the horse;

(3) a chemical agent, or tacks or nails have been used after the date of enactment of this Act on the horse;

(4) any other cruel or inhumane method or device has been used after the date of enactment of this Act on the horse. including, but not limited to, chains or boots;

which may reasonably be expected (A) to result in physical pain to the horse when walking, trotting, or otherwise moving, (B) to cause extreme physical distress to the horse, or (C) to cause inflammation.

On page 3, line 14, strike out all after "he" down through and including "horse." in line 15, and insert "has complied with such rules and regulations as the Secretary of Agriculture may prescribe to prevent the showing or exhibition of horses which have been sored."

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

The Senate resumed the consideration of the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes.

AMENDMENT NO. 1081

Mr. MILLER. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER (Mr. PACKWOOD). The amendment will be read.

The legislative clerk read the amendment, as follows:

At the end of the bill add the following new chapter:

"Chapter 4. ANNUAL REPORT OF NATIONAL ADVISORY COUNCIL

"SEC. 41. ANNUAL REPORT

"The National Advisory Council on International Monetary and Financial Policies shall include in its annual report to the Congress (1) a statement with respect to each loan approved by the International Bank for Reconstruction and Development, the International Development Association, the Inter American Development Bank, and the Asian Development Bank, and a discussion of how each loan will benefit the people of the recipient country, and (2) a statement on steps taken jointly and individually by member countries of the Inter American Development Bank to restrain their military expenditures, and to preserve and strengthen free and democratic institutions."

Mr. MILLER. Mr. President, I am pleased to yield to the Senator from New York.

BROKER-DEALER LEGISLATION

Mr. JAVITS. Mr. President, I rise to speak about the serious problems currently faced by the American securities industry and to urge passage of S. 2348, the Securities Investor Protection Act of 1970.

There can be little doubt that our securities industry is undergoing a financial crisis. It has been reported that some 150 brokerage houses have been forced into liquidation and that hundreds of

others have had to merge or cut back operations. Thousands of investors have had their cash and securities in brokerage accounts frozen pending the perhaps long-drawn-out settlement of bankruptcy suits or other court actions. The news media presents increasingly disturbing reports of the industry's basic financial health and its resources for coping with the current crisis. Responsibility for brokerage house failures is variously assigned to poor management, corrupt practices, inadequate self-regulation by the exchange, lax enforcement of capital and other requirements by the SEC, and a host of other factors.

Whatever the origin of the crisis, however, two facts are clear: the crisis is endemic, affecting the whole securities industry throughout the entire country; second, there has been a resultant decline in investor confidence in securities brokers and dealers.

These two facts suggest to me that Congress must restore confidence in the securities industry by acting on S. 1358. This bill, a most valuable and timely initiative by Senator MUSKIE, will establish a Securities Investor Protection Corporation to protect investors from losses caused by brokerage house failures in much the same manner that bank depositors are now protected; this will be accomplished with little net expenditure of public funds. As such the bill represents an opportunity to enhance the security of hundreds of thousands of investors and to shore up the image of an important national asset, the American capital market, without detracting from other programs and items of national importance.

The need for a Securities Investor Protection Corporation can be demonstrated most dramatically merely by reciting the history of the New York Stock Exchange's $55 million trust fund over the past few months. This trust fund was established in 1954, to protect the customers of insolvent member firms. From its position of confidently assuring the investor community that the trust fund was fully adequate to protect investors against almost any contingency, the stock exchange has retreated step by step, until it is now widely assumed that the original $55 million will leave many investors out in the cold—customers of bankrupt firms.

Consider these items:

First. In an April 14 letter to Senator MUSKIE, NYSE President Robert Haack emphasized that "no customer of a member organization of the NYSE in more than 30 years has sustained a loss of securities or funds as a result of a liquidation of an NYSE firm." On July 15, the New York Exchange reassured investors that it intended to reimburse the customers of the 10 member firms then in liquidation without regard to any per-customer ceiling. On August 6, the Exchange repeated its assurances that no public investor had ever lost money upon the collapse of an NYSE member. But on August 11, only 5 days afterwards, Mr. Haack is reported in a Wall Street Journal article to have indicated that the $55 million trust fund might not be able to protect the NYSE firms then in liquidation. And in a move that must have taken many investors by surprise the NYSE indicated in a September court affidavit that it "has consistently described the fund as a discretionary fund and not an insurance fund or a protection fund." Finally, the Exchange has revealed last week that it would move to protect the customers of three ailing firms, but only as a quid pro quo for passage of the broker-dealer insurance bill.

Second. At the present time, as I mentioned earlier, some 150 brokerage houses including some of the largest in the street have been forced into liquidation or merger operations. Thousands of investors cannot sell in their frozen securities or withdraw their frozen cash balances. The recent takeover of Goodbody & Co. by Merrill Lynch carries a $30 million indemnification clause and a bar against other large firms from liquidating, which indicates the magnitude of the safeguards which Merrill Lynch thought to be a necessary condition for the merger. The $55 million trust fund has been fully committed. Nevertheless, on April 14 of this year, NYSE President Haack was assuring Senator MUSKIE that the situation with respect to operational and financial problems of NYSE member firms had "vastly improved" since the previous June.

Third. On April 24 a surprise audit disclosed that Plohn & Co. was in violation of the net capital rule—the exchange's requirement that the debt-to-capital ratio of member firms not exceed 20 to 1. In July both SEC Chairman Budge and NYSE Vice President DeNunzio testified before the Senate that if any firms were permitted to operate while in a net capital deficiency, the exchange would have to accept responsibility for those firms. Nevertheless, when Plohn & Co. was suspended from the exchange in August, the NYSE was so ominously silent on the subject of protecting Plohn customers as to be widely interpreted as refusing to help them. Mr. Haack has only this last week said that the NYSE staff would recommend protection for Plohn customers; however, the apparent quid pro quo for this recommendation is passage of the Muskie bill, and the recommendation carries no guarantee of protection.

In recounting these items, one cannot but be impressed with the contradictory statements from industry officials about the ability and intention of the NYSE to support fully the customers of failing firms, but, more importantly, with the apprehension and insecurity which must be dispelled for millions of investors; their confidence in the industry's ability to protect its own best customers should at no time be in doubt.

I have long supported the principle of investor insurance, and in July I urged passage of Senator MUSKIE's bill. I again urge passage, free of amendments which would substantially weaken it. If anything, the need for this legislation has increased since July. The issue here is not the legal merits of any claims against one exchange's trust fund, but rather the health of one of our major industries, the securities industry, and the safety of the savings of millions of Americans.

The time has surely come when Congress must act to build up confidence in our uniquely free but currently distressed securities industry. If this is not done—and I believe it can be done with minimal material changes in the principles of self-regulation which govern the securities industry—we may see a reaction to these events of 1970 so strong as to serve neither the investor nor the securities industry itself. This bill is one of the top priority items remaining to be enacted by the Congress in this session.

FURTHER EVIDENCE OF INFLATION

Mr. JAVITS. Mr. President, I rise to give new evidence that the administration's so-called fight against inflation is failing to halt the trend of rising prices. The Department of Labor released this morning the Consumer Price Index for the month of October. The total price of all items increased 0.5 percent on a seasonally adjusted basis; that is to say, an annual rate of 6 percent. This is the second consecutive month for such a large rise to occur, and surely suggests that present efforts to turn the tide of inflation are simply inadequate.

The administration's "Inflation Alert," published in August, as an outcome of recommendations made by the Republicans in the JEC and by a Senate resolution I introduced, fell short of what I believe to be a necessary minimum of Presidential leadership in the wage/price area. It would now appear to have had no effect on consumer prices whose rates have greatly accelerated since its publication. Perhaps the second "Alert," which I understand is to be released very soon, will establish more effective policy actions; I urge that—as an immediate first step—this second "Alert" take a very strong stance on wages and prices.

In recent months many national economic leaders, both businessmen and members of the administration, have spoken out openly in favor of some sort of incomes policy to aid in dampening this inflation which our economy clearly cannot continue to tolerate.

I again urge the Council of Economic Advisers and the President's other economic advisers to reconsider effecting some sort of incomes policy plan. For with an annual rate of inflation now at 6 percent surely such action is warranted.

ROMANTICIZING OF VIOLENCE

Mr. JAVITS. Mr. President, attention has been so focused upon the tiny minority of violence-prone young people that we risk overdramatizing their activities, both to ourselves, and, what is even more serious, to those young people themselves; while understanding that there is ample room in our society and opportunity for vigorous—and lawful—protest. I commend to the attention of the Members an editorial in the October 8 issue of Park East, a weekly newspaper published in New York City, which warns against romanticizing violence.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE BULLIES

In the 1920s in Germany, every bully and every sadist found that by donning a brown shirt he would be transformed from a criminal into an exponent of a new ideology for a "New Germany." There they were called Nazis; here they have given themselves a variety of names under the generic title of revolutionaries. Suddenly a common criminal who is captured by the police is transformed into a political prisoner being persecuted for his views. An ex-convict in Boston, who was arrested for allegedly participating in the bank robbery in which a policeman was killed, now calls himself a revolutionary and seeks sympathy as a political prisoner.

The ridiculous part of this is that too many people are ready to extend the hand of friendship to any murderer or robber if he covers himself with a revolutionary ideology. And these bullies know it full well. To beat up a policeman becomes an act of courage when it is performed by a mob, waving clenched fists and shouting slogans. Too many weep for the bully instead of for his victim; for the prison inmate rather than for the correction officers who were held hostage for days.

It's about time, we separated the bullies from their ideologies and treated all perpetrators of violence as equals under the law. Let us no longer protect those whose out is to portray themselves as revolutonaries; they are no better than their brethren in crime.

ATTRACTING OVERSEAS VISITORS TO OUR SHORES

Mr. JAVITS. Mr. President, I would like to comment on the U.S. effort to attract overseas visitors to our shores and to bring to the attention of my Senate colleagues an interesting speech on what the future holds in store for this effort.

It is appropriate to comment on travel at this time, since 1970 marks the passage of the first comprehensive travel legislation in 9 years. The 1970 amendments to the International Travel Act of 1961 will establish a commission to find out exactly what our travel resources and needs are; it will increase the budget of the U.S. travel service; and it will institute a program of matching grants to States engaging in international travel programs.

With a country of such diverse tourist attractions as the Grand Canyon and New York City, of Disneyland, and our own National Gallery, it is shocking that the Federal budget for attracting tourists from abroad has actually been exceeded each year by such smaller countries as Ireland, Greece, and Italy. The new programs and authorizations contained in the International Travel Act amendments will help rectify this situation; they will also pose new challenges to private businesses engaged in the $30 billion travel industry.

In short, these amendments will not only put some muscle in the national travel effort, with all that this implies for the travel account of our balance of payments, but they will also usher in a new and expanded dimension in Federal, State, and private industry cooperation. This cooperation will be especially unique since the travel field comprises such a large diversity of businesses—for example, bus lines, hotels, restaurants, amusement parks, and travel agencies—of which a large percentage are small businesses.

How to muster the leadership for a coordinated travel program, and how to provide the millions of dollars which will be required in addition to the Federal share, is the subject of an interesting address by the chairman of the Discover America Travel Organization's International Committee, James Montgomery. Mr. Montgomery envisages 8 million overseas visitors in the United States by the end of this decade, spending together with Canadian and Mexican tourists about $5 billion in foreign currencies. The promotion costs for this $5 billion of business would amount to $70 million, in Federal, State, and private industry contributions. Mr. Montgomery's analysis of funding sources, and his optimistic view of the future U.S. international travel effort is the view of an expert and one which I commend to my colleagues to read.

I ask unanimous consent that excerpts of Mr. Montgomery's speech be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

TALK AND REPORT BY JAMES MONTGOMERY, VICE PRESIDENT, PAN AMERICAN WORLD AIRWAYS

INTRODUCING THE GREAT NEW WIDE-BODIED AMERICA

The recent Assistant Secretary of State for Educational and Cultural Affairs, Charles Frankel, after leaving office, published a fascinating book "High on Foggy Bottom: An Outsider's Inside View of our Government".

This book provides some insights which may point the direction in which we should endeavor to steer our good ship DATO in the coming years. Let me quote a few highly significant paragraphs:

"Between the state governments whose jurisdictions are increasingly artificial, and the federal government, whose jurisdiction is so large and so abstract, there is a vacuum in governmental power. New forms of regional government are required to permit the creation of a modernized federal system that would remove from Washington some portion of the activities that now go on there, and that would leave greater room for initiative and variety to different areas of the country. . . ."

"In between the so-called public and private sectors a large new third sector, comprised of semi-autonomous public corporations and private non-profit agencies heavily supported by government, has come into being over the past two decades. Government already relies on this sector heavily. It could rely on it more. Public services might acquire qualities of simplicity and intimacy they now lack, and the pressure on officials in Washington and on other centers of government would be proportionately reduced".

In trying to chart DATO's future in its task of stimulating travel to and within the United States, this concept of "a semi-autonomous non-profit agency heavily supported by government" seems to fit the requirements of an organization which has the monumental task of trying to provide inspiration and direction for a $46 billion dollar travel industry comprised of a vast number of public and private segments scattered across almost one-half of the globe from New York to Guam.

As the Chairman of your International Committee, my job is to focus on the segment of our industry which deals with foreign visitors. Today international tourism receipts not only account for the largest single item in world trade; they are also growing at a faster rate than the value of total world exports. And the United States leads all other nations in the revenue earned from foreign visitors.

In 1969 international tourism receipts amounted to an estimated $15.3 billion. The importance of tourism in world trade can be seen by comparing it to world exports of such items as cotton $2.6 billion, coffee $2.3 billion, sugar $1.8 billion and wool $1.5 billion.

During the past 10 years foreign visitors to the United States have more than doubled—from 6 million visitors in 1959 to 12.4 million in 1969. This is a remarkable achievement, but even more remarkable is the growth in travel from overseas areas. When we remove Canada and Mexico from these figures we find that *overseas* visitors have shown an amazing four-fold growth, reaching a total of 2 million visitors in 1969. Project this same rate of growth for the next ten years and we would see over 8 million *overseas* visitors touring the United States in 1979 spending about $3 billion in our hotels, restaurants, shops, sightseeing attractions, as well as buying transportation in the United States on planes, buses, railroads, rental cars and campers. Add to this the traffic from Canada and Mexico contributing another $2 billion and we will be enjoying a total visitor income of $5 billion annually before we see the end of the 1970's.

* * * * *

What makes us too confident that we can attain a four-fold increase in visitor traffic to the United States in the coming decade is the unbelievable magnitude of America's technological accomplishments in introducing new and improved tourism attractions in this country. We already have a *great new wide-bodied America* ready to be promoted and serviced for the benefit of visitors from all over the world.

During the past five years while the United States airlines have been spending about 3.5 billions of dollars preparing for the introduction of the 747, both private and public sectors of the United States have been investing hundreds of billions on all manner of structures, facilities and services that together represent the new tourism resources of this nation.

I wish I could point to a new DATO publication describing all of the new tourism wonders which have been created in the United States in the past five years. Since this does not exist, let me mention a few of the sights which would be new to a visitor who had not traveled in America since 1965. For such a visitor we offer an entirely new New World.

Look around you here in San Diego. The past five years have seen the introduction of the Sea World in Mission Bay Park which attracts over 2 million visitors a year; the new Civic Theatre seating 3,000 people, part of a new convention complex; Harbor Island, a man-made island three-quarters of a mile long on which Sheraton, Ramada Inns, Travel Lodge and others are adding more than a thousand hotel rooms and convention facilities to expand San Diego's capacity to receive visitors. The world famous San Diego Zoo is developing a new African Safari attraction. And these are only a few of the local attractions which are at the heart of a vast new tourism and recreation complex stretching from the Mexican border on the south, northward to Los Angeles and east to Palm Springs and the surrounding desert resorts.

Back home on my own resort island—Manhattan—an exciting new tourism product of unbelievable dimensions has also evolved in the past few years.

The $190 million Lincoln Center cultural complex has been completed. Here in a single location are (Tered theatre, opera, dance, concerts as well as library facilities, restaurants, bars and shops.

The famous skyline of New York has been dramatically changed. Great new skyscrapers have been added both in midtown and

lower Manhattan. A visitor today can see in the process of construction the new World Trade Center with two towers both higher than the Empire State Building.

Other new buildings of interest to visitors include the Ford Foundation with its interior garden, the Eastman Kodak building with its photographic gallery and photo information center and the new Burlington House which contains an exhibit called "The Mill". Here a moving conveyor belt carries visitors past a series of exhibits tracing the creation of fabrics and other Burlington products from the cotton boll to the finished manufactured items.

Washington, D.C., offers a new Smithsonian Museum, Florida now has Cape Kennedy and under construction a vast Disneyland recreation complex. Texas has its Astrodome and Colorado has created a number of exciting new winter sports communities. Chicago has the new $100 million dollar McCormick Building called "Place-On-The Lake" which provides the country's largest and most modern convention and exposition complex. In addition there is the John Hancock Center, a $95 million dollar 100-story skyscraper with a roof-top sightseeing area with a view of four states.

All across our country new public park facilities, new recreation areas, new camp sites and new motels, linked by computer controlled reservation systems, have recently been introduced.

The new tourist attractions in Las Vegas, Hawaii, Puerto Rico, New Orleans, Arizona and New Mexico are too numerous to mention. In fact, there is no time today to even touch on the vast array of sensational new sights and events designed for the instruction and entertainment of travelers and which did not exist in this country five years ago.

Like the new wide-bodied 747 we have a new and dazzling tourism product in America, ready to be introduced to the world. How do we go about bringing this new product to the market place?

There is only one way. We must use all our available promotional tools: research, advertising, merchandising, public relations—the application of all of the marketing techniques which we in America know more about than any other country in the world.

Now let's turn to the question of how to finance the program for telling the rest of the world about our new tourist attractions.

Foreign visitors spent about $2 billion in the United States last year. Assuming that 15% of the tourist spending gives us an approximation of the tax revenue generated for the state and local communities we find that foreign visitors are contributing about $300 million to these revenues.

Suppose the States could be persuaded to invest 3% of this $300 million of revenues toward expanding this profitable business. This would mean States spending $9 million for foreign travel promotion (at present 20 states spend only about $360,000 to attract foreign visitors).

Suppose a matching fund arrangement was made available through appropriations from the Federal Government.

If States provided $9 million and the USTS matched this with another $9 million, we would have an annual budget for use by the individual States totaling $18 million. States could promote themselves individually or pool their promotional funds for regional tourist development programs. Add to this a $9 million USTS budget for national travel development and $3 million for the private sector and we would have a grand total of $30 million available to tell the world about all those hundreds of new exciting tourism attractions we have recently created and are anxious to show to visitors from foreign lands.

Last year our Pan Am President, Najeeb Halaby, in an address before the European Travel Commission, pointed out the critical need in the United States for a regional or state-level approach to foreign promotion.

He pointed out the curious economic paradox that may only fit travel promotion. Fragmented promotion works better than mass selling when you are trying to promote a travel product comprising a number of different regions. "America, unlike Europe," Mr. Halaby pointed out, "has never been able to tap effectively for tourist development, its cultural resources or rely on the power of regional enthusiasm."

"Of course, economic nationalism begins to fail as the jet shrinks the world, but we need as much cultural nationalism, as much cultural diversity as we can get".

"For cultural diversity is the vision and the variety of the travel experience, which after all is based on seeing things that can't be seen in one's own backyard".

To coordinate the state or regional programs in order to make possible this diversified approach to the promotion of travel to the United States, Mr. Halaby emphasized the need of a strong private non-profit institution which could well be the Discover America Travel Organization. It should be financed by the public, and private industry should also make a substantial contribution. It should function as the semi-official arm of the USTS. In effect, this concept would expand the responsibility of DATO's International Committee into a body such as recommended by the Presidential Commission on Travel in 1968.

This Commission in its final report came to the following conclusion: "Our recommendation for implementing the Foreign Visitor Program—through a government travel office and a private institute—provides a unique system involving two organizations with complementary roles each responsible for what it does best, but with a single purpose. The dual structure could help remove the basis of distrust in the relationship of future Congresses to new government programs".

"The system also provides a basis for a direct cooperation with regional associations of the states. The wide variations in geography, climate and man-made attractions across the United States make such regional grouping logical for the promotion of foreign tourism. Each region is similar, in terms of tourist attractions, to a separate country and should be promoted as such. . . ."

The commission also suggested an annual budget which including the budget for the National Travel Office (USTS) and the Institute (DATO) would total $30 million. The Institute in turn would provide matching funds for state and regional promotional programs and would monitor and coordinate their activities.

The critical need for increased foreign currency earnings to improve our balance of payments is as pressing today as it was at the time of the Commission's report in 1968.

More important, the Institute envisaged by the report has now been created through the birth of DATO and has been in active operation for two years. In addition, through the creation of DATO's International Committee, which co-exists as the U.S. Department of Commerce Travel Advisory Board's Tour Committee, we now have two year's practical experience in working with the Federal Government on one hand, and the states and regions on the other, to bring to bear the necessary experience and coordinated action needed to energize and stimulate the program of foreign travel promotion.

The three-tiered approach to travel promotion as recommended by the Presidential Commission—Federal, DATO and Regional/State—is already in operation. We lack only two elements—the Federal budget allocation of $30 million and the contribution to DATO from the industry groups who are benefitting most from these travel development programs.

Before I conclude I want to draw attention to the great, but largely untapped, potential strength which exists within our DATO structure.

If we break down our $46 billion estimate of the total spent for travel in the United States we find that the food service industry receives about $13.1 billion, the lodging industry about $10.8 billion, transportation $14.5 billion, other retail sales $5.5 billion, entertainment $1.6 billion and miscellaneous services $0.5 billion.

As an example of untapped potential let's look at the food service industry with its $13.1 billion in sales to travelers. This industry alone could afford, in its own self interest to provide the financial support called for in President Mercer's far ranging plans for the future. Yet at the present time this vast industry's support of DATO programs is so modest as to be almost unperceived.

May I respectfully suggest to all members of DATO that a top-priority mission for 1971 should be the identification, and putting into proper place within our organization, all of the missing pieces of this vast jigsaw puzzle we call the travel industry. If our puzzle could be completed; if all of the pieces could be fitted into their proper places within DATO, I wonder what the finished picture would look like?

Instead of trying to make a prediction at this time may I conclude by leaving with you a few questions:

1) Do you know of any other trade association in the world that has an active membership which includes, on one hand, such major industries as transportation, oil, automotive manufacturing, air frame manufacturing, hotels and motels, publishing, etc., and side by side in the same organization, departments of the Federal Government, State Governments, Municipalities resort areas and other local community organizations?

2) Do you know any organization which has so much potential for serving the public in ways which make life happier, more meaningful, more satisfying in non-material ways, by providing through travel such benefits as recreation, health, education, cultural enrichment, new friendships and new avenues to international understanding and good will?

3) Could any industry, in its most utopian dream, conceive of a trade association which embraces such a large segment of American business and government at all levels, a mission more important for the public good, and leadership group with such imagination, creativity and willingness to explore new frontiers of cooperative action?

I have used the word "utopian" advisedly in this final question, in the sense used by Lewis Mumford when he wrote: "Utopia has long been the name for the unreal and the impossible. . . . As a matter of fact it is our utopias that make the world tolerable to us: the cities and mansions that people dream of are in fact those in which they finally live."

ORDER OF BUSINESS

Mr. HOLLINGS. Mr. President, may I proceed for 2 minutes?

Mr. MILLER. Mr. President, I yield to the Senator from South Carolina.

Mr. BYRD of West Virginia. Mr. President, the Senator lost the floor when he took his chair. The Senator from South Carolina wants only 2 minutes.

A THANKSGIVING MESSAGE TO THE PRESIDENT AND VICE PRESIDENT

Mr. HOLLINGS. Mr. President, Thanksgiving is traditionally the celebration of American plenty, a time in

which we acknowledge our gratitude for living in a land of affluence. For the majority of us, the celebration is apt. For the majority of us, deprivation and hunger are total strangers. But to 15 million hard-core hungry, empty stomachs are an everyday reality. Hunger is a documented and tragic fact, a national disgrace for a country which could eliminate want without growing another bushel of wheat or another ear of corn.

In the early months of his administration, President Nixon showed signs of moving resolutely to eradicate hunger. In May 1969, the President solemnly pledged that—

> The moment is at hand to put an end to hunger in America itself for all time.

Last December he promised that by Thanksgiving of this year—that is the day after tomorrow—every needy schoolchild would be provided free or reduced-cost school luncheons, thereby guaranteeing hungry youngsters at least one balanced meal daily during the school week. These promises have not been redeemed. Instead, sad to report, the administration is now weaseling out of its pledges. And White House spokesmen are using their high offices to attack dedicated hunger fighters.

I am appalled by the fact that Dr. Daniel P. Moynihan has issued a statement denying the connection between malnutrition and brain damage. Thousands of pages of expert medical testimony directly contradict Professor Moynihan's absurd generalizations. Studies old and new point to a direct relationship between malnutrition, mental retardation, and motor abilities, as well as the obvious retardation of physical growth. I am amazed at Professor Moynihan's refusal to face the large and evergrowing body of scientific evidence on this subject—particularly since there are able scientific minds within the administration itself that could set Professor Moynihan straight. I would urge the White House to consult the findings of Dr. Charles Upton Lowe, Drs. H. Peter Chase and Harold P. Martin, Dr. H. Jack Geiger and Prof. Robert Stauffer—some of whom are in the administration—to name only a few. Their studies make it clear, even to the nonacademic mind, that malnutrition in children leads directly to mental impairment—brain damage that can never be fully remedied.

Two weeks ago, I reported that the school lunch program was failing to reach the needy children President Nixon had promised to help. The administration has fallen far short of providing free or reduced-cost luncheons to the hungry poor. More than half of these children have yet to receive their first such lunch. Instead, the administration attempts to hide its failure in the smog of misleading statistics. We only need one statistic to document the failure. There are an estimated 8.9 million eligible poor children, and only 4.1 million of them are being fed today. What a far cry from the grandiose promise to feed them all by Thanksgiving.

The administration says we have gone from 19.7 to 21 million in the overall school lunch program, but they do not live up to their promise to the needy children. That number of needy children served has gone from 5.2 to 4.1 million, a drop of 20 percent. And the ultimate statistic, if that is what they want to feed them: 50 percent of those needy children eligible to receive help from a program that every Senator, Republican and Democrat, agrees is the finest program we have ever had, are not being fed.

Some argue that President Nixon has done more than any other Chief Executive. That is true. But previous administrations did not have the facts. President Nixon does.

With that information, and with his on-the-record promises, he should be leading the antihunger crusade. Instead he deliberately avoids the facts and confuses the people with half-truths and utterly misleading statistics.

I would like to know why the administration is issuing false information about its feeding programs and why it continues refusing to seek the kind of funds necessary to match promises with performance. Can it be that he is simply unaware of the mountains of evidence providing the realities of hunger? Has he fallen victim to the amateur expertise of Dr. Moynihan? Or is hunger simply not a part of his latest political game plan? I wonder.

The National Nutrition Survey last year was given high marks by the administration for its work. Yet once the evidence was in, the White House chose to ignore it. The findings have been suppressed, perhaps because Mr. Nixon does not want the American public to "worry" about the existence of malnutrition in the United States.

I would emphasis the use of suppression by this administration. In 1967, the Surgeon General of Health, Education, and Welfare came to Congress, and he testified, No, we do not know the extent, medically, of malnutrition in America. Yes, we have studied it in 33 countries of the world, but never in America.

So Congress directed a survey, and it commenced in some 10 States. When Dr. Arnold Schaefer, head of the survey, appeared before the Senate Select Committee on Nutrition and Human Need in the spring of this year, he had statistical findings on five States. He was ordered by the administration to testify on only two, Texas and Louisiana, and even to state that they were not conclusive.

Now, more recently, when we got onto this particular subject, and revealed the suppression of the facts, Dr. Schaefer was sent, after practically completing all of his studies, where? I ask the Senator from Oregon. Down to the Communicable Disease Center in Atlanta, Ga. Meanwhile we were trying to fight hunger, with that income yardstick. You know, it is the worst thing in the world. It insults commonsense. When you say $3,720 is the poverty cutoff, and that when you are under that, you are in poverty, and there are X number of people starving on the street, people look you in the face and say it is ridiculous, and they are right.

But we began studying these facts. We had 10 States studied, and the fact is, we have the data on 7,400 cases; and of the 7,400 studied, 6,967 are completed. This is sufficient to identify the key problem. They do not need to be cleaned up. Scientifically, you take all the data, clean it up, finalize it. But this is sufficient to identify the key problem.

We have six States finalized, that could be reported now. But the administration tells the gentleman, "Don't report, don't use it, or you are on the way out." He finally, as an administrator, had to bargain with the administration, and I would ask the news media to find out about this, because I had to find out, not from Dr. Schaefer, but from other sources.

He asked, "Could I stay on long enough to be able to give the final figures for the various States, so that we could pinpoint the preliminary findings for the several States we have studied?"

At last they said, "All right, you stay on until March 19. After March 19, if you agree not to testify, not to talk, and not to write about this survey, we will give you a 1-year sabbatical."

This is the "open" administration. We are not going to have any of the hanky-panky that we had with Brother Lyndon; we are going to have an open administration. So they tell that poor public servant, "Shut up, don't testify, don't write and you will get yourself a 1-year sabbatical. Otherwise, after March 19, you are in involuntary retirement," which means in common present-day parlance, fired.

And that is where the poor gentleman is, after doing the work and doing a good job, doing a job that the President himself said was good. That is where he finds himself, and that is how we obscure the hunger problem in America. I cannot express in terms too strong my contempt for those within the White House who are responsible for such dereliction to duty. And I also feel compelled to score the national news media for their failure to root out the political pressures and machinations which brought this fine effort to its death.

Last year the Bureau of the Budget turned over a classified document to the White House Urban Affairs Council. That document clearly showed that hunger and malnutrition was a national problem of tremendous scope. And it stated unequivocally that hunger leads to illness, lethargy, and the inability of a citizen to cope with the society of the 1970's. Yet that document, like other studies on the subject, is now gathering dust in some White House cabinet file.

Remember the two Army captains from West Point? The Urban Affairs Council of the White House got two captains, professors over at West Point, and they said, "We want you to make a special study for the White House on hunger in America," and they sent them to several States, all over the land, and when the two captains came back, they were told not to testify, and to shut up, and do not write, and do not appear. They finally did appear before the national news media, but the White House has yet to acknowledge receiving their report.

That is what the Nixon administration is doing: all rhetoric and no action, and running in the wrong direction.

If the family assistance plan is bad,

why not give food to the hungry under the approved food stamp program? The whole hangup on the family assistance plan is throwing money at a problem without any planning. Putting a Government check in the hands of one in every five in South Carolina, coming in the midst of unemployment, inflation, having a hard time paying the bills, is simply unworkable. And FAP would put one of every three citizens in Mississippi on the dole with a Government check. And that is solving the problem? Absolutely not. Let us get to the problem of hunger itself and the beginning of the poverty cycle.

I say if we are actually interested in the real needs of America, we would quit dawdling, we would quit cutting back on food programs on the House side, we would quit cutting back in the Senate, and we would quit cutting back on things like the school lunchroom program, while all the time appearing on TV and on the news media orating about a great job we are doing, and what great compassion we have. I say we are doing an about-face, and marching in the opposite direction.

Finally, why does the President refuse to support the Senate on a food stamp appropriation sufficient to fulfill his own promises to the hungry? Where is the hunger survey? You remember the White House Conference on Food, Nutrition, and Health? They were going to have a follow-up conference. Hunger fighters were begging the White House to have a reconference, but they can get no official agreement on a date. Another promise gone awry. The food stamp program is currently reaching only a third of those Americans eligible for food assistance. Is this how the President goes about putting "an end to hunger in America?"

I challenge President Nixon to respond to these facts. I challenge him to tell Congress and the American people why he has failed to get behind the army of words he sent into the battle some 18 months ago. I challenge him to stop leading by consensus politics and to start leading from genuine concern. Surely when millions are going hungry in this land of plenty, we cannot be satisfied with less than a full and honest attempt to end this tragic national blight.

This is what we get on the eve of Thanksgiving; and that is the Vice President, too, who says, in his famous words:

> If you have seen one ghetto, you have seen them all.

And who admonished me, in 1969, by saying:

> Why does not the Senator go to work on the problems of his people, rather than mouthing around on TV and making TV shows?

Mr. President, I ask unanimous consent to send a copy of my remarks to the President and Vice President. Is there provision for such a request under the rules? I do not hear any objection.

Mr. MILLER. Mr. President, reserving the right to object, may we have a ruling from the Chair?

The PRESIDING OFFICER. Objection is heard.

Mr. MILLER. No; reserving the right to object, I have asked for a ruling from the Chair on the Senator's question.

Mr. HOLLINGS. Would anyone contemplate an objection to that, seriously?

A point of order, Mr. President; what is this reservation of the right to object?

The PRESIDING OFFICER. Is there objection?

Mr. MILLER Mr. President, reserving the right to object, may I inquire of the Chair as to what the Chair's ruling is in response to the question raised by the Senator from South Carolina?

Mr. HOLLINGS. A point of order, Mr. President. I ask the Senator to either object or not. There is no provision for such a thing as reserving the right to object. I have asked unanimous consent.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. Will the Senator from South Carolina repeat his request?

Mr. HOLLINGS. I ask unanimous consent to have a copy of my remarks on the Thanksgiving message and hunger in America prepared and sent to the President and Vice President of the United States. Is there objection to that?

Mr. DOLE. The Senator from Kansas does not object to the Senator from South Carolina doing that himself, but as to its being done as an official act of this body, I would object.

Mr. HOLLINGS. How about as official record? We just made it an official record.

Mr. MILLER. All the Senator from South Carolina has to do is send the President a copy of the CONGRESSIONAL RECORD.

Mr. HOLLINGS. But there is a difficult time communicating. I think he might pay attention. There is a fellow there named Harry Dent who shortstops everything I send.

The PRESIDING OFFICER. Objection is heard.

Mr. HOLLINGS. Objection is heard? What Senator objected?

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. A member of the committee.

THE COMPREHENSIVE MANPOWER ACT

Mr. YARBOROUGH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3867.

The PRESIDING OFFICER (Mr. PACKWOOD) laid before the Senate the amendment of the House of Representatives to the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as "The Comprehensive Manpower Act".

STATEMENT OF PURPOSES

SEC. 2. The Congress finds and declares that—

(a) To attain the objective of the Employment Act of 1946 "to promote maximum employment, production and purchasing power" we must assure an opportunity for a gainful, productive job to every American who is seeking work and make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability.

(b) It is within the capability of the United States to provide every American who is able and willing to work, full opportunity, within the framework of a free society, to prepare himself for and obtain employment at the highest level of productivity, responsibility, and remuneration within the limits of his abilities.

(c) The growth of the Nation's economic prosperity and productive capacity is limited by the lack of sufficient skilled workers to perform the demanding production, service, and supervisory tasks necessary to the full realization of economic abundance for all in an increasingly technical society, while, at the same time, there are many workers who are working below their capacity and who with appropriate education and training could capably perform jobs requiring a higher degree of skill, judgment, and attention.

(d) The human satisfaction and sense of purpose so important to employment cannot be fulfilled unless employees have a reasonable opportunity to advance in employment to positions of greater responsibility, status, and remuneration.

(e) The placement of unemployed or underemployed workers in private employment is hampered by the absence of a sufficient number of appropriate entry level employment opportunities to satisfy the need therefor and that the preparation of workers now occupying such places for, and their employment in, more responsible positions would increase the number of appropriate entry level employment opportunities.

(f) It is in the interest of workers, employers, and of the Nation to promote the filling of skill requirements in industry and to provide for the upward mobility of industrial workers by a program that will enable employers to educate and train their employees for positions of greater responsibility, to provide opportunities for advancement to industrial workers, and to create employment opportunities for the unemployed.

(g) There are great unfilled public needs in such fields as health, recreation, housing and neighborhood improvement, public safety, maintenance of streets, parks, and other governmental facilities, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement and that to meet these urgent public needs it is necessary to devote greater resources to public service and to expand public service employment.

(h) The organization and delivery of manpower training services is increasingly complex, the technological nature of the services is expanding, and the trained staff to provide such services is scarce, thus requiring an intensive program of technical assistance and staff training to public and private agencies providing manpower services, and

(i) The economic prosperity of the United States and the well-being and happiness of its citizens would be enhanced by the establishment of a comprehensive manpower policy and program designed to assure every American an opportunity for gainful pro-

ductive employment and to provide the education and training needed by any person to qualify for employment consistent with his highest potential and capability.

TITLE I—MANPOWER SERVICES PROGRAM

GENERAL RESPONSIBILITIES

SEC. 101. (a) The Secretary of Labor (hereinafter referred to as the Secretary) shall develop and carry out a program of comprehensive manpower services under this title that will—

(1) provide for the prompt referral of those persons who are qualified and are seeking work to suitable employment opportunities;

(2) provide training and related manpower services to all other persons who are unemployed, in danger of becoming unemployed, employed in public service jobs authorized in title III, or employed in low-paying jobs who could through further training qualify for job opportunities that would provide an adequate standard of living for themselves and their families;

(3) provide appropriate training and related manpower services for persons in correctional institutions to assist them in obtaining suitable employment upon release;

(4) provide appropriate training and related manpower services for persons who have recently been or will shortly be separated from military service;

(5) develop an early warning system and standby capability that will assure a timely and adequate response to major economic dislocations arising from changing markets, rapid technological change, plant shutdowns, or business failure;

(6) promote and encourage the adoption of employment practices by public agencies, nonprofit agencies, labor organizations, and private firms that will remove unreasonable barriers to employment, without reducing productivity, and expand opportunities for upward mobility;

(7) reduce the level of youth unemployment by improving the linkages between educational institutions and job markets; and

(8) support and encourage the development of broad and diversified training programs by public, non-profit and private employers designed to improve the skills and thereby the promotion and employment opportunities of employed workers.

(b) The Secretary shall be responsible for the coordination of the activities of other Federal agencies that may contribute to the accomplishment of the purposes of this Act, for promoting the maximum possible coordination of State and local public agencies and private agencies and for recommending to the President and to the Congress combinations of programs or shifts in responsibility that facilitate the achievement of the purposes of this Act.

COMPONENTS OF MANPOWER SERVICES PROGRAMS

SEC. 102. (a) In meeting the responsibilities imposed on him by section 101, the Secretary shall, to the extent needed in each State and local area, provide a comprehensive manpower services program for all those eligible under this title which shall include but shall not be limited to the following:

(1) A program for testing, counseling, and selecting for occupational training those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate full-time employment without training.

(2) Programs for the attainment of basic education and communications and employment skills, by those eligible persons who indicate their intention to and will thereby be able to pursue, subsequently or concurrently, courses of occupational training of a type for which there appears to be a reasonable expectation of employment, or who have completed or do not need occupational training but do require such other preparation to render them employable.

(3) Outreach to find the discouraged and undermotivated and encourage and assist them to enter employment or programs designed to improve their employability.

(4) Prevocational orientation to introduce those of limited experience to alternative occupational choices.

(5) Short-term work experience with public and nonprofit agencies for those unaccustomed to the discipline of work.

(6) Communication and employability skills for those pursuing, subsequently or concurrently, courses of occupational training who require such other preparation to render them employable and for those with sufficient skills for suitable employment who require such perparation to become employable.

(7) Occupational training designed to improve and broaden existing skills or to develop new ones.

(8) On-the-job training provided by public, nonprofit and private employers.

(9) Part-time training for employed persons where such training would lead to improved employment opportunities.

(10) Programs to provide part-time employment, on-the-job training, or useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school.

(11) Special programs for jobs in public and private agencies leading to career opportunities including new types of careers, in programs designed to improve the physical, social, economic, or cultural conditions of the community or area served in fields including but not limited to conservation, pollution, beautification, health, education, welfare, neighborhood redevelopment, rural development, transportation, recreation, maintenance of parks, streets, public facilities, and public safety, which provide maximum prospects for advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

(12) Programs to provide incentives to private employers, nonprofit organizations, and public employers to train or employ unemployed or low-income persons, including arrangements by direct contract, for reimbursement to employers for the costs of recruiting and training such employees to the extent that such costs exceed those customarily incurred by such employer in recruiting and training new hires, payment for on-the-job counseling and other supportive services transportation, and payments for other extra costs including supervisory training required by the program.

(13) Skill training centers wherever a consolidation of occupational training and related manpower services would promote efficiency and provide improved services.

(14) Supportive and followup services to supplement work and training programs under this and other Acts, including health services, counseling, day care for children, bonding, transportation assistance, and other special services necessary to assist individuals to achieve success in work and training programs.

(15) Employment centers and mobile employment service units to provide recruitment, counseling, and placement services, conveniently located in urban neighborhoods and rural areas and easily accessible to the most disadvantaged.

(16) Special job development efforts to solicit job opportunities suited to the abilities of the disadvantaged job-seeker and to facilitate the placement of individuals after training including referral to employment opportunities in urban and suburban areas outside their own neighborhoods.

(17) Job coaching for a limited period to assist the employer and the worker to insure job retention.

(18) Relocation payments and other special services as needed to assist unemployed individuals and their families to relocate from a labor surplus area to another area with expanding employment opportunities where a suitable job has been located. Preference for such assistance shall be provided those who have been provided training before relocation or have been accepted for on-the-job and other types of employer-directed training.

(19) Special programs which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health, education, day care, and recreation services.

(20) The development of job opportunities through the establishment and operation of centers for low-income persons who are unemployed or underemployed, providing recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services.

(b) Where appropriate, the services authorized by this section may be provided, in whole or in part, through residential programs.

ELIGIBLE APPLICANTS

SEC. 103. (a) To the extent consistent with the purposes of this title, the Secretary is authorized to enter into arrangements with any eligible applicant in accordance with the provisions of this title in order to make financial assistance available for the purpose of carrying out manpower services when the Secretary determines that such services can be most effectively implemented by such applicant.

(b) For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) prime sponsors designated pursuant to plans approved by the Secretary under section 104; and

(2) other public and private agencies, institutions, and organizations, including community action agencies.

PRIME SPONSORS

SEC. 104. (a) For the purposes of this title—

(1) any State; and

(2) any unit of general local government—

(A) which has a population of 100,000 or more persons on the basis of the most satisfactory current data available to the Secretary and (i) which is a city or (ii) which is a county or other unit of general local government which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to have general governmental powers substantially similar to those of a city and to serve a substantial

part of a functioning labor market area; or

(B) which has a population of less than 100,000 persons on the basis of the most satisfactory current data available to the Secretary and which has the largest population of any unit of general local government meeting the requirements of clause (i) or (ii) of subparagraph (2)(A) in a State; and

(3) any combination of units of general local government which covers a geographical area which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to serve a substantial part of a functioning labor market area;

(4) any unit or combination of units of general local government, without regard to the population requirements of clauses (2) and (3), in rural areas designated by the Secretary which have substantial outmigration and high unemployment; shall be eligible to be a prime sponsor of a comprehensive manpower services program in accordance with the provisions of this section.

(b) Any State or unit (or combination of units) of general local government which is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary a prime sponsorship plan including provisions which evidence capability for carrying out a comprehensive manpower services plan in accordance with section 105(b) of this title and provisions for the establishment of a manpower services council which—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such council shall appoint the members of the council and shall designate one member to be chairman;

(2) provide that the council shall include members who are representative of community action programs; other significant segments of the poverty community; the public employment service; education and training agencies and institutions, including vocational educational agencies and community postsecondary educational and training institutions; social service programs, including child care, environmental quality, health, recreation, vocational rehabilitation, and welfare agencies; industrial development organizations; apprenticeships programs; business; labor; and veterans organizations;

(3) provide that the chairman of the council shall, with the approval of the council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the council;

(4) set forth procedures under which applications for financial assistance for any fiscal year will be submitted by the prime sponsor which shall be responsible for planning for and carrying out services for which financial assistance is provided under this title and under which appropriate arrangements may be made for the council's participation in planning and development, including initial preparation of such applications;

(5) set forth the prime sponsor's plans for conducting on a continuing basis surveys and analyses of needs for manpower services in the area served by the prime sponsor to be used in the development of applications for assistance under this title;

(6) set forth arrangements assuring that community action agencies will be involved in the development of applications for financial assistance and in the implementation of programs assisted under this title;

(7) set forth the prime sponsor's plans for evaluating (with the assistance of the council) the effectiveness of programs for which financial assistance is provided under this title; and

(8) describe the area to be served by the prime sponsor.

(c) In any case in which a State has submitted a plan under this section to serve a geographical area under the jurisdiction of a unit (or combination of units) of general local government which is eligible under clause (2), (3) or (4) of subsection (a) and which has submitted a plan under this section meeting the requirements set forth in subsection (b), the Secretary shall approve the latter plan after carrying out the procedures set forth in subsection (d). When two or more units (or combination of units) of general local government each submit plans which include a common geographical area under their respective jurisdictions and which are consistent with the purposes of this title and meet the requirements set forth in subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the unit of general local government plan which he determines will most effectively carry out the purposes of this title.

(d) The Secretary shall not approve a prime sponsorship plan submitted under this section unless—

(1) the plan was submitted to the Secretary by such date as the Secretary shall prescribe by regulation, prior to the beginning of the fiscal year when such plan is to take effect, in order to provide a reasonable period of time for review in accordance with the provisions of this section;

(2) a copy of such plan has been submitted for comment thereon to the Governor of the appropriate State; the Governor has been provided such period of time, as the Secretary shall prescribe by regulation, after the copy of such plan was sent to him, during which time he may submit comments on such plan to the Secretary, a copy of which comments shall be sent to the plan applicant; and, if comments have been submitted by the Governor, such additional period of time, as the Secretary shall prescribe by regulation, has passed, during which time the Secretary shall, to the extent practicable, confer with and encourage the plan applicant to resolve any differences arising from such comments;

(3) in the case of a plan submitted by a State, satisfactory arrangements are set forth for serving all geographical areas under its jurisdiction except for areas for which a local prime sponsorship plan is approved under this section.

(e) In the event that a unit (or combination of units) of general local government eligible to be a prime sponsor under subsection (a) does not submit a plan meeting the requirements set forth in this section, a community action agency serving a geographical area under the jurisdiction of such unit may submit a prime sponsorship plan for that area.

(f) Except as provided in subsections (c) and (d), the Secretary may approve any prime sponsorship plan submitted under this section if it is consistent with the provisions of this title. A plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of the reasons therefor;

(2) for a reasonable time to submit corrective, amendments to such plan; and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(g) For the purpose of making such payments as may be reasonably necessary to cover the staff and other administrative expenses of the councils established pursuant to subsection (b) and to support other planning and evaluation activities of prime sponsors, the Secretary shall reserve not less than 1 per centum of the amounts available for titles I, II, and III of this Act to be allocated in the same manner as set forth in section 604.

APPLICATIONS

SEC. 105. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth—

(1) a description of the services for which such financial assistance will be used;

(2) assurances that the services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such services under such supervision;

(3) any arrangements made for services to be performed, on a reimbursable basis or otherwise, with the public employment service or any other puolic or private agency, institution, or organization;

(4) a description of the areas to be assisted by such programs, including data indicating the number of potential eligible participants, and their income and employment status;

(5) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

(b) An application submitted by a prime sponsor for financial assistance for any fiscal year shall set forth, in addition to the requirements set forth in subsection (a), a comprehensive manpower services plan for that fiscal year which shall include provisions for—

(1) coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services in order to achieve their full economic and occupational potential, effectively serving on an equitable basis the significant segments in that population;

(2) increased occupational opportunities and work experience for eligible individuals;

(3) intensified efforts to relieve skills shortages;

(4) effective utilization of manpower in our economy;

(5) appropriate arrangements with community action agencies, and, to the extent appropriate, with other community-based organizations serving the poverty community, for their participation in the conduct of programs for which financial assistance is provided under this title;

(6) utilizing, to the extent appropriate, those services and facilities which are available, with or without reimbursement of the reasonable cost, from Federal, State, and local agencies, including but not limited to the State employment service, State vocational education and vocational rehabilitation agencies, area skills centers, local educational agencies, postsecondary training and education institutions, and community action agencies, but nothing contained herein shall be construed to limit the utilization of services and facilities of private agencies, institutions and organizations (such as private businesses, labor organizations, private employment agencies, and private educational and vocational institutions) which can, at comparable cost, provide substantially equivalent training or services or otherwise aid in reducing more quickly un-

employment or current and prospective manpower shortages;

(7) long-term projections of requirements for manpower and manpower-related services, and planning for meeting such requirements, in the area served by the prime sponsor;

(8) evaluating the effectiveness of programs for which financial assistance is provided under this title in achieving the objectives of such programs; and

(9) integrating the services provided under this title with other manpower and manpower-related services in the area served by the prime sponsor for which financial assistance is provided by the Secretary of Labor.

APPROVAL OF APPLICATIONS

SEC. 106. An application, or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes of this title;

(2) the application meets the requirements set forth in section 105;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary;

(5) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary;

(6) the approval request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement.

SPECIAL REQUIREMENTS FOR STATE PRIME SPONSORS

SEC. 107. (a) Any State seeking assistance under this Act or the Wagner-Peyser Act (48 Stat. 113) shall submit an annual State comprehensive manpower plan to the Secretary for approval in accordance with the requirements of this section.

(b) The State comprehensive manpower plan shall—

(1) provide for the cooperation and participation of all State agencies providing manpower and manpower-related services in the development and implementation of comprehensive manpower services plans by prime sponsors in accordance with the provisions of this Act;

(2) set forth an overall State plan for the development and sharing of resources and facilities needed to conduct manpower programs without unnecessary duplication and otherwise in the most efficient and economical manner;

(3) contain information regarding economic, industrial, and labor market conditions which will be useful to prime sponsors in the development and implementation of comprehensive manpower services plans under this Act including but not limited to job opportunities and skill requirements, labor supply in various skills, occupational outlook and employment trends in various occupations, and economic and business development and location trends;

(4) provide for the conduct of programs financed under the Wagner-Peyser Act in accordance with such rules, regulations, and guidelines as the Secretary determines necessary for the purpose of providing coordinated and comprehensive assistance to these individuals requiring manpower and manpower related services to achieve their full occupational potential in accordance with the policies of this Act; and

(5) contain other items as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

CONCURRENCE OF OTHER AGENCIES

SEC. 108. (a) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines with respect to assistance for services of a health, education, or welfare character under this title and he shall not provide financial assistance for services of a health, education, or welfare character under this title unless he shall have first obtained the concurrence of the Secretary of Health, Education, and Welfare. Such services include but are not limited to basic or general education; educational programs conducted in correctional institutions; institutional training; health, child care, and other supportive services; and new careers and job restructuring in the health, education, and welfare professions.

(b) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines relating to the participation of community action agencies and other community-based organizations serving the poverty community under this Act unless he shall have first obtained the concurrence of the Director of the Office of Economic Opportunity.

SPECIAL CONDITIONS

SEC. 109. The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

(2) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(3) appropriate workmen's compensation protection will be provided to all participants;

(4) the program does not involve political activities; and that neither the program, the funds provided therefor, or the personnel employed therein, will be, in anyway or to any extent, engaged in the conduct of political activities, or in the support or furtherance of, or in opposition to, any political candidacy;

(5) participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(6) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(7) persons shall not be referred for training in an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities available in that occupation;

(8) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this title and not to supplant such other funds;

(9) the applicant will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expanded in accordance with the provisions of this title.

ALLOWANCES AND COMPENSATION

SEC. 110. (a) The Secretary shall where appropriate provide for the payment of weekly allowances to individuals receiving services under this title. Such allowances shall be at a rate prescribed by the Secretary which, when added to amounts received by the trainee in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938, or, if higher, under the applicable State minimum wage law, or, where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessities furnished to the trainee. The Secretary shall take such action as may be necessary to insure that such persons receive no allowances with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein without good cause. Notwithstanding the preceding provisions of this subsection, the Secretary may, in accordance with such regulations as he shall prescribe, make such adjustments as he deems appropriate in allowances which would otherwise be payable under this Act, including but not limited to adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be carried on. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) For purposes of subchapter I of chapter 81 of title 5, United States Code, any person receiving services under this title shall, under such circumstances and subject to such conditions and limitations as the Secretary shall by regulation prescribe, be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except that in computing compensation benefits for disability or death, the monthly pay of such a person shall be deemed to be his allowance for a month, if he is receiving one. Regulations prescribed by the Secretary under this subsection may include but are not limited to adjustments in the amount of compensation payable under this subsection to take into account entitlements to workmen's compensation under other applicable laws or arrangements.

TITLE II—OCCUPATIONAL UPGRADING

AUTHORIZATION OF PROGRAM

SEC. 201. The Secretary shall carry out a program under which public and private employers will undertake to provide the necessary education and skill training to prepare employees for positions of greater skill, responsibility, and remuneration in the employ of such employers. Financial assistance under this title may be provided by the Secretary pursuant to an application submitted by eligible applicants who shall be—

(a) prime sponsors designated pursuant to the provisions of title I of this Act; and

(b) other public and private employers.

REQUIREMENTS FOR APPLICATIONS

SEC. 202. Any application must contain assurances satisfactory to the Secretary that—

(a) the positions for which employees will be trained are positions that cannot with reasonable effort be filled by the employer with unemployed or underemployed workers already possessing such skills and willing to accept such employment;

(b) the selection of trainees shall be based upon merit, ability, and length of service, and that no person shall be selected as a trainee until such person has been in the employ of the employer for a period of not less than six months;

(c) the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment in a recognized skill or occupation in the service of that employer and of other employees in the same industry;

(d) the training period is reasonable and consistent with periods customarily required for comparable training;

(e) adequate and safe facilities and adequate personnel and records of attendance and progress are provided;

(f) successful completion of the employee's training program can reasonably be expected to result in an offer of employment in the employer's own enterprise in the occupation for which he will be trained at wage rates not less than those prevailing for the same or similar occupations in that industry;

(g) the training and placement of such employees is part of a program that can reasonably be expected to lead directly to the employment of an equivalent number of new employees in entry level employment; and

(h) the trainees are compensated by the employer at such rates, including periodic increases, as may be deemed reasonable under regulations hereinafter authorized, consiiding such factors as industry practice and trainees proficiency, and that in no event shall the wages or employment benefits of any trainee be less than those received by him immediately before his starting such training program.

PAYMENTS TO EMPLOYERS

SEC. 203. Such agreements shall provide for payment to the employer undertaking a training program under this title in an amount equal to—

(a) ninety per centum of the instructional expense, other ordinary and necessary training costs, and trainee wage payments for the time spent in training less the value of productive services rendered by such trainees, plus

(b) a bonus payment to reward the efforts of employers whose programs under this title have resulted in substantial upgrading and high retention, to be computed as follows:

(1) at the end of the first twelve months following the completion of a program authorized under this title, 20 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees; and

(2) at the end of the second twelve months following the completion of a program authorized under this title, 10 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees.

TITLE III—PUBLIC SERVICE EMPLOYMENT

AUTHORIZATION OF PROGRAM

SEC. 301. The Secretary shall carry out a program under which Federal, State, and local governments will provide useful public service employment to unemployed persons. Financial assistance under this title may be provided by the Secretary only pursuant to an application submitted by an eligible applicant, who shall be—

(a) prime sponsors designated pursuant to the provisions of title I of this Act; and

(b) other public agencies and institutions (including public service agencies and institutions of the Federal Government).

REQUIREMENTS FOR APPLICATION

SEC. 302. Any application for financial assistance under this title shall provide that—

(a) all persons employed thereunder, other than necessary technical, supervisory, and administrative personnel, will be selected from among eligible unemployed persons;

(b) to the maximum extent possible, technical, supervisory, and administrative personnel shall be recruited from among fully qualified, eligible unemployed persons;

(c) among eligible unemployed special consideration for employment shall be given to persons who have dependents living in the same household who are not covered by, or who have exhausted their entitlement to unemployment compensation;

(d) persons employed under such agreements shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same labor market area for persons employed in similar public occupations;

(e) all persons employed under such agreements will be assured of workman's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(f) the provisions of section 2(a)(3) of Public Law 89-286 shall apply to such agreements;

(g) the applicant shall maintain or provide linkages with upgrading and other programs under this Act, and other Federal or federally supported manpower programs for the purpose of:

(1) providing those persons employed under the agreement who want to pursue work with the employer, or in the same or similar work as that performed under the agreement with opportunities to do so and to find permanent, upwardly mobile careers in the field; and

(2) providing those persons so employed who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare themselves for, and obtain work in other fields;

(h) objectives shall be set for the movement of persons employed thereunder into public or private employment not supported under this Act; and

(i) the approvable request for funds does not exceed 80 per centum of the cost of carrying out this program: Provided, That if the employer has not achieved the objectives prescribed pursuant to clause (h) under any agreement, the Secretary shall reduce the Federal share in any continuation or extension of the agreement, unless the Secretary ascertains that the applicant was without fault or that economic conditions in the area precluded accomplishment of such objectives.

INFORMATION FOR EMPLOYEES

SEC. 303. Every person employed under agreements under section 301 shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

MAINTENANCE OF EFFORT

SEC. 304. (a) No financial assistance contract shall be provided under section 301 unless the Secretary determines that the execution of the agreement will result in an increase in employment opportunities over those which would otherwise be available and that it will not result in a reduction in the employment and labor costs of the employer or the displacement of persons currently employed, including partial displacement resulting from a reduction in hours of work or wages or employment benefits.

(b) Where a labor organization represents employees who are engaged in similar work to that performed under the agreement in the same labor market area, such organization shall be notified prior to entering into the agreement.

EVALUATION OF APPLICATIONS

SEC. 305. In evaluating applications submitted under this title the Secretary shall consider the cost to the Government of each such application in relation to—

(1) the number of eligible unemployed persons who will be provided with employment under the application;

(2) the need of the community for the services to be performed under the application; and

(3) the nature and extent of the unemployment in the community in which the agreement is to be performed.

OBLIGATIONS OF THE SECRETARY TO ENROLLES

SEC. 306. The Secretary shall on behalf of the enrollees be responsible for—

(1) assuring that every reasonable opportunity to find suitable regular employment or to enter a program authorized under Federal, State, or local manpower programs, has been explored before the individual is certified for public service employment;

(2) the provision of skills training to the extent necessary to equip unemployed persons to accept employment under agreements entered into under this title; and

(3) maintaining a continuing review of the status of each enrollee to assure that he is receiving consideration for referral to suitable regular employment or to manpower training programs.

DEFINITIONS

SEC. 307. For purposes of this Act—

(1) The term "eligible unemployed person" means any individual who has demonstrated that he is able and willing to work and (A) has been unemployed for five or more weeks, or (B) is employed on a part-time basis.

(2) The term "part-time basis" means less than thirty-five hours a week for a continuous period of ten weeks or more.

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES

PART A—MANPOWER RESEARCH AND DEVEOPMENT

RESEARCH AND DEVELOPMENT

SEC. 401. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's manpower problems. This program will include, but not be limited to, studies, the findings of which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment and its relationships to price stability; promotion of more effective manpower development, training, and utilization; improved national, regional, and local means of measuring future labor demand and supply; enhancement of job opportunities; upgrading of skills; meeting of manpower shortages; easing of the transition from school to work, from one job to another, and from work to retirement, opportunities and services for older persons who desire to enter

or reenter the labor force, and for improvements of opportunities for employment and advancement through the reduction of discrimination and disadvantage arising from poverty, ignorance, or prejudice.

(b) The Secretary shall establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems. In carrying out this subsection with respect to programs designed to provide employment and training opportunities for low-income people, the Secretary shall consult fully with the Director of the Office of Economic Opportunity. In carrying out this subsection the Secretary of Labor shall, where appropriate, also consult with the Secretaries of Health, Education, and Welfare, Commerce, Agriculture, and Housing and Urban Development, the Chairman of the Civil Service Commission, and such other agencies as may be appropriate. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(c) The Secretary shall conduct such research and investigations as give promise of furthering the objectives of this Act either directly or through grants, contracts, or other arrangements.

LABOR MARKET INFORMATION

SEC. 402. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, including but not limited to information regarding—

(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

(b) Information collected under this section shall be developed and made available in a timely fashion to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

MANPOWER UTILIZATION

SEC. 403. (a) The Secretary shall establish a program for the improvement of manpower utilization in sectors of the economy experiencing persistent manpower shortages, or in other situations requiring maximum utilization of existing manpower. The Secretary shall conduct this program either directly or through such other arrangements as he may deem appropriate.

(b) The Secretary is authorized to provide financial support for studies of the utilization of manpower and of job design by any employer or group of employers in industries where there are a large number of unskilled employees, with a view to redesigning and rearranging the work patterns involved in the jobs, so that career ladders may be created where they do not exist, or are clearly inadequate.

EVALUATION

SEC. 404. (a) The Secretary shall provide for a system of continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons of various ages, and the adequacy of their mechanism for the delivery of services. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs.

(b) The Director of the Office of Economic Opportunity is authorized to conduct, either directly or by way of contract, grant, or other arrangement, a thorough evaluation of all programs and activities conducted pursuant to this Act to determine the effectiveness of such programs and activities in meeting the special needs of disadvantaged, chronically unemployed, and low-income persons for meaningful employment opportunities and supportive services to continue or resume their education and employment and to become more responsible and productive citizens. The Director of the Office of Economic Opportunity shall report to the Secretary on the evaluation authorized by this subsection at least once in each calendar year.

REMOVAL OF ARTIFICIAL BARRIERS TO EMPLOYMENT AND ADVANCEMENT

SEC. 405. The Secretary, in consultation with the Director of the Office of Economic Opportunity, shall conduct a continuing study of the extent to which artificial barriers to employment and occupation advancement, including civil service requirements and practices relating thereto, within agencies conducting programs under this Act restrict the opportunities for employment and advancement within such agencies and shall develop and promulgate guidelines, based upon such study, setting forth recommendations for task and skill requirements for specific jobs and recommended job descriptions at all levels of employment, designed to encourage career employment and occupational advancement within such agencies.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 406. In carrying out his responsibilities under this Act, the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, where appropriate, shall provide, directly or through grants, contracts, or other arrangements, preservice and inservice training for specialized, supportive, and supervisory or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise pertains to the purposes of this Act. Upon request, the Secretary of Labor may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years. In order to encourage the establishment and operation by low-income persons and their representatives of centers on the local level which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed, the Secretary of Labor shall, in consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity, wherever feasible, provide training and technical assistance by grants, contracts, or other arrangements with individuals and organizations who have demonstrated a capacity to establish and operate such programs.

SEC. 407. (a) In carrying out his duties under this Act, the Secretary shall:

(1) Survey, at regular intervals, the various training programs and opportunities available to or utilized by staff of manpower service programs, including both managerial and technical staff.

(2) Analyze the manpower programs, operating or planned, including the conceptual basis, the operating structure, and the clientele to be served, in order to determine current and future staff training requirements thus correcting or avoiding deficiencies in staff performance and enhancing the impact of programs.

(3) Plan for and provide directly or by contract an integrated system of short term and intermittent staff training and instruction in managerial and technical matters relating to the conduct of manpower training programs and services, including but not limited to on-the-job training, the establishment and maintenance of fellowships and traineeships, exchange programs, and such other devices as are deemed necessary or appropriate. The staff training system thus established shall be aimed at and include manpower training and service staff at Federal, State, and local levels funded directly or indirectly by this Act and special attention shall be given to the utilization of this staff training system in a manner which will increase the number and effectiveness of previously disadvantaged persons serving in career staff capacities. Training under this section shall provide for such stipends and allowances (including travel and subsistence allowances) as may be deemed necessary, except that no such training or instruction (or fellowship or scholarship) shall be provided for any one course of study for a period in excess of four years.

PART B—NATIONAL COMPUTERIZED JOB BANK PROGRAM

FINDINGS AND PURPOSE

SEC. 411. The Congress hereby finds that the lack of prompt and adequate information regarding manpower needs and availability contributes to unemployment, underemployment, and the inefficient utilization of the Nation's manpower resources. The Congress further finds that the development of electronic data processing and telecommunications systems has created new opportunities for dealing with this difficult problem. It is therefore the purpose of this title to enlist the tools of modern technology in a cooperative Federal-State effort to reduce unemployment and underemployment and more adequately meet the Nation's manpower needs.

ESTABLISHMENT OF THE PROGRAM

SEC. 412. The Secretary shall develop and establish a computerized job bank program for the purpose of—

(1) identifying sources of available manpower supply and job vacancies;

(2) providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities on a National, State, local, or other appropriate basis;

(3) referring and placing such persons in jobs; and

(4) distributing and assuring the prompt and ready availability of information concerning manpower needs and resources to employers, employees, public and private job placement agencies, and other interested individuals and agencies.

Maximum effective use shall be made of electronic data processing and telecommunications systems in the development and administration of the program. The program established under this part shall be coordinated with the comprehensive manpower services program established under title I.

CONDUCT OF THE PROGRAM

SEC. 413. For the purpose of carrying out the program established in section 412, the Secretary is authorized to make grants to

State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment. The Secretary may conduct the program on a regional or interstate basis either directly or through grants, contracts, or other arrangements with public or private agencies and organizations. He may also conduct the program when he finds that a State or local program will not adequately serve the purposes of this part. The Secretary may require that any information concerning manpower resources or job vacancies utilized in the operation of job-bank programs financed under this part be furnished to him at his request. He may, in addition, require the integration of any information concerning job vacancies or applicants into a job-bank system assisted under this part.

EXPERIMENTS, DEMONSTRATIONS, RESEARCH AND DEVELOPMENT

SEC. 414. The Secretary may conduct directly, or through contracts, grants, or other arrangements with public or private agencies or organizations, such experimental or demonstration projects, research and development as he deems necessary to improve the effectiveness of the program established under this part.

RULES, REGULATIONS, AND STANDARDS

SEC. 415. The Secretary shall prescribe such rules and regulations and standards as may be necessary to carry out the purposes of this part, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out the program established by this part, and including rules and regulations to assure the confidentiality of information submitted in confidence.

PART C—DEVELOPMENT OF EMPLOYMENT OPPORTUNITIES FOR DISADVANTAGED PERSONS IN FEDERALLY ASSISTED PROGRAMS

PURPOSE

SEC. 421. The purpose of this part is to establish a program of research, development, and pilot activities for the purpose of determining the level of employment generated by Federal grant and assistance programs and the degree to which such programs can provide an increased source of opportunities for the employment and advancement of disadvantaged persons.

RESEARCH

SEC. 422. The Secretary is hereby authorized to undertake studies of the contribution of Federal grants-in-aid and other Federal assistance programs to the overall employment level. Such studies may include but are not limited to collection and analysis of information on the number of positions wholly or partially supported by Federal assistance programs, their occupational structure, wage, and salary levels, projections for future growth, requirements and qualifications for entry into such positions, promotional and career development opportunities, the educational, vocational, and other relevant characteristics of those who occupy such positions, and the effects of such employment on employment generally. The heads of all Federal departments and agencies administering grants-in-aid or other Federal assistance programs are hereby directed to cooperate fully with the Secretary in the conduct of such studies. They shall transmit to the Secretary annually estimates of the employment increases or decreases expected to result from the planned expansion or reduction of such programs, and as conditions warrant, on call from the Secretary, contingency plans and estimates relating to the increase in employment which would be created if such programs are expanded under conditions of persistent high unemployment and underemployment.

PILOT PROGRAMS

SEC. 423. (a) The Secretary of Labor is authorized to conduct experimental, developmental, demonstration, and pilot programs to carry out the purposes of this part. In the conduct of these programs, the Secretary is authorized to enter into agreements with the heads of other Federal departments and agencies administering grants-in-aid and other forms of Federal assistance to establish annual and multiyear goals for the employment of disadvantaged persons in employment wholly or partially supported through such Federal assistance. For the purposes of carrying out these agreements, Federal departments and agencies may provide, notwithstanding any other provision of law, that the fulfillment of such goals shall be a condition for receiving such assistance.

(b) Programs under this part shall, to the extent practicable, be designed to eliminate artificial barriers to employment and occupational advancement, including merit system requirements and practices related thereto, which restrict opportunities for the employment and advancement of disadvantaged persons.

(c) Funds made available for the purpose of carrying out this part may be allocated and expended, or transferred to other Federal agencies for expenditure, as the Secretary of Labor deems necessary for carrying out the provisions hereof.

(d) Activities for which funds made available under this part may be expended shall include, but are not limited to, the following:

(1) extraordinary costs of training and supportive services necessary to improve the performance of disadvantaged persons who are employed pursuant to agreement under this section;

(2) costs of providing orientation, counseling, testing, followup, and other similar manpower services determined necessary to assist such individuals to achieve success in employment.

REPORTS

SEC. 424. The Secretary shall transmit to the Congress annually a report of his findings and recommendations arising out of the programs and studies under this part.

PART D—SECRETARY'S RESPONSIBILITY

SEC. 431. In carrying out his responsibilities under this Act, the Secretary is authorized under this title to provide for services and activities authorized any other part of this Act.

TITLE V—MISCELLANEOUS

AUTHORIZED APPROPRIATIONS

SEC. 501. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $2,000,000,000 for the fiscal year ending June 30, 1972, $2,500,000,000 for the fiscal year ending June 30, 1973, and $3,000,000,000 for the fiscal year ending June 30, 1974.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

FUNDS AVAILABLE FOR SPECIFIC PROGRAMS

SEC. 502. (a) The amounts appropriated to carry out this Act for any fiscal year (except for amounts otherwise reserved in accordance with this Act or expressly limited in an appropriation Act to a specific purpose under this Act) shall be allocated among the titles of this Act in such a manner, subject to subsections (b) and (c) of this section, that of the amounts so appropriated—

(1) three-quarters shall be for training and employment programs carried out under titles I, II, and III of this Act; and

(2) one-quarter shall be for activities authorized under title IV of this Act.

(b) Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing or appropriating funds for any such program or activity, not to exceed 25 per centum of the amount appropriated or allocated from any appropriation for any fiscal year for carrying out any such program or activity under this Act may be transferred and used by the Secretary for carrying out any other such program or activity under this Act: *Provided*, That on a nationwide basis an amount not less than 18.75 per centum of the amount appropriated under this Act shall be used to support public service employment under title III of this Act.

(c) To the extent necessary to enable the Secretary to make funds available to carry out any grant or contract entered into prior to the effective date of this Act under the Manpower Development and Training Act of 1962, as amended, or title I of the Economic Opportunity Act of 1964, as amended, the Secretary may transfer funds from amounts allocated for newly authorized programs under this Act.

ADVANCE FUNDING

SEC. 503. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the adverse funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

ALLOCATION OF FUNDS

SEC. 504. (a) The amounts available for any fiscal year for titles I, II, and III which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

(1) (A) not more than 5 per centum shall be available for financial assistance under subsection (c) of this section, and (B) not more than 5 per centum shall be available for financial assistance under subsection (d) of this section;

(2) not less than 70 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the—

a. labor force,
b. unemployment,
c. lack of full-time employment,
d. insured unemployed,
e. average weekly unemployment compensation benefits paid,
f. number of teenagers fourteen through seventeen years of age,
g. persons heading low-income families,
h. unrelated low-income persons,

of the State bears to the respective totals thereof the United States, the demonstrated capacity of sponsors to conduct effective programs and the relative size of allocations previously received by each State for comparable manpower purposes; and

(3) the remainder shall be made available to the Secretary to carry out the purposes of titles I, II, and III.

(b) The amount apportioned to each State under clause (2) of subsection (a) shall be apportioned among areas within each such State so that areas served by prime sponsors approved under the provisions of section 104 of this Act are apportioned funds in the same manner as provided in clause (2) of subsection (a). To the maximum extent feasible, such apportioned funds shall be expended through approved applications submitted by such prime sponsors.

(c) The amount available pursuant to clause (1) (A) of subsection (a) shall be available to the Secretary for the purpose of

providing additional financial assistance as an incentive for the designation of prime sponsors for appropriate labor market areas or portions thereof. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to the area so covered under subsection (b) of this section. The Secretary shall confer with units of general local government eligible to be prime sponsors in appropriate labor market areas and encourage such units to cooperate on an areawide basis to the maximum extent practicable.

(d) The amount available pursuant to clause (1)(B) of subsection (a) for the purposes of this subsection shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the establishment by the prime sponsor of appropriate procedures for coordination and cooperation with agencies administering vocational education programs in the area to be served by any such sponsor. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to such prime sponsor under subsection (b) of this section. The Secretary, with the concurrence of the Secretary of Health, Education, and Welfare, shall establish criteria for the establishment of such procedures.

(e) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under subsections (a)(2) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsections (a)(2) and (b) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days' advance notice to the prime sponsor for such area of the proposed reallocation. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(2) or (b), and no revision in the apportionment of the funds not so reallocated shall be made because of such reallocations.

(f) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(2) and (b) of this section and the labor market areas described in subsection (d) of this section.

DEFINITIONS

SEC. 505. For the purposes of this Act, except as otherwise specified, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

LEGAL AUTHORITY

SEC. 506. (a) The Secretary may prescribe such rules, regulations, guidelines and other published interpretations or orders under this Act as he deems necessary. Rules, regulations, guidelines, and other published interpretations or orders issued by the Department of Labor, or any official thereof, for the purpose of carrying out this Act shall contain, with respect to each material provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based. Such rules, regulations, guidelines and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

(b) The authority of the Secretary relating to disapproval of prime sponsorship plans under section 104(f) shall not be delegated outside the Office of the Secretary or of the Assistant Secretary for Manpower.

SPECIAL LIMITATIONS AND CONDITIONS

SEC. 507. (a) No authority conferred by this Act shall be used to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, or to assist in relocating establishments from one to another. Such limitation on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(b) Any amounts received under chapters 11, 13, 31, 34, and 35 of title 38, United States Code, by any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act.

OTHER AGENCIES AND DEPARTMENTS

SEC. 508. (a) In the performance of his function under this Act, the Secretary, in order to avoid unnecessary expense and duplication of functions among Government agencies, shall use the available services or facilities of other agencies and instrumentalities of the Federal Government. Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such services and facilities as he may request for his assistance in the performance of his functions under this Act.

(b) The Secretary shall carry out his responsibilities under this Act through the maximum utilization of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal, and local agencies, and other appropriate public and private organizations and facilities.

COMPARATIVE PROGRAM INFORMATION

SEC. 509. The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act. Such data shall include information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in training and employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers;

(3) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

NONDISCRIMINATION

SEC. 510. The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

REPORTS

SEC. 511. The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources, use, and training, and his recommendations for the forthcoming fiscal year, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources, utilization, and training.

AUTHORITY TO CONTRACT AND EXPEND FUNDS

SEC. 512. The Secretary may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as he may prescribe), and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

ACCEPTANCE OF GIFTS

SEC. 513. The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept in the name of the Department, and employ or dispose of in furtherance of the purposes of this Act, or any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

ACCEPTANCE OF VOLUNTARY SERVICES

SEC. 514. The Secretary is authorized, in carrying out his functions and responsibilities under this Act to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

ACCEPTANCE OF FUNDS

SEC. 515. The Secretary is authorized to accept and utilize in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

TRANSFER OF FUNDS

SEC. 516. Funds appropriated under the authority of this Act may be transferred, with the approval of the Director of the Office of Management and Budget, between departments and agencies of the Federal Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

UTILIZATION OF SERVICES AND FACILITIES

SEC. 517. In addition to such other authority as he may have, the Secretary is author-

ized, in carrying out his functions under this Act, to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

RENTAL, ALTERATION, AND IMPROVEMENT OF BUILDINGS

SEC. 518. The Secretary is authorized, in carrying out his functions under this Act, to expend funds without regard to any other law or regulations for rent of buildings and space in buildings and for repairs, alteration, and improvement of buildings and space in buildings rented by him; but the Secretary shall not utilize the authority contained in this section—

(1) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which it is needed, and

(2) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

EXPENDITURES FOR PRINTING AND BINDING

SEC. 519. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to expend funds made available for the purposes of this Act for such printing and binding as he determines necessary, without regard to any other law or regulation.

CRIMINAL PROVISIONS

SEC. 520. Title 18 of the United States Code is amended by adding a new section 665 to read as follows:

"THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS; IMPROPER INDUCEMENT

"SEC. 665. (a) Whoever, being an officer, director, agent, or employee of or connected in any capacity with any agency receiving financial assistance under the Comprehensive Manpower Act embezzles willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets or property which are the subject of a grant or contract of assistance pursuant to this Act shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Comprehensive Manpower Act induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned not more than one year, or both."

INTERSTATE AGREEMENTS

SEC. 521. In the event that compliance with provisions of this Act requires cooperation or agreements between States; the consent of Congress is hereby given to such agreements to facilitate such compliance, subject to the approval of the Secretary.

EFFECT ON EXISTING LAWS

SEC. 522. (a) Effective with respect to fiscal years after June 30, 1971, the Manpower Development and Training Act of 1962 is repealed. Unexpended appropriations for carrying out such Act may be made available to carry out this Act, as directed by the President.

(b) All functions of the Director under part A of title I of the Economic Opportunity Act of 1964 are hereby transferred to the Secretary of Labor and part A of title I shall, without regard to the expiration date specified in section 171, become part E of title IV of this Act. Any reference to part A of title I of the Economic Opportunity Act or any provision thereof in any other law of the United States shall be deemed to be a reference to part E of title IV of this Act or the corresponding provision thereof.

(c) Effective with respect to fiscal years ending after June 30, 1971, title I of the Economic Opportunity Act of 1964 is amended by—

(1) amending all of the matter that appears preceding part D thereof to read as follows:

"TITLE I—MANPOWER DEVELOPMENT AND COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS

"PART A—RESEARCH, EXPERIMENTAL, AND DEVELOPMENTAL AUTHORITY IN THE MANPOWER AREA

"STATEMENT OF PURPOSE

"SEC. 101. It is the purpose of this part to provide authority for the conduct of research, experimental, and developmental activities focused on providing more effective means for dealing with the employment and employment-related problems of the economically disadvantaged.

"ACTIVITIES AUTHORIZED

"SEC. 102. (a) The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for the payment of all or part of the costs of developing and carrying out programs designed to further the purposes of this part. Programs assisted under this part shall be of an experimental, developmental, demonstration, or pilot nature and shall be structured in such manner as the Director deems will best equip them to yield information as to the relative effectiveness of various approaches (including new approaches and refinements or variations of traditional approaches) directed to the solution of the employment and employment-related problems of the economically disadvantaged. Such programs may include provision for supportive and followup services.

"(c) In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor, and, as appropriate, the heads of other Federal agencies.

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 103. The Director may provide (directly or through contracts or other appropriate arrangements) technical assistance to assist in the initiation or effective operation of programs under this part. He may also make arrangements for the training of instructors and other personnel needed to carry out progams under this part.

"RESEARCH AND EVALUATION

"SEC. 104. The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for research pertaining to the purposes of this part. He shall also provide for the careful and systematic evaluation of programs related to the purposes of this part, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practical, and providing information needed to assess the relative potential of the various approaches employed in such programs for contributing significantly to the solution of employment and employment-related problems of the economically disadvantaged. In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor and, as appropriate, with the heads of other Federal agencies.

"SPECIAL CONDITIONS

"SEC. 105. Participants in programs under this part shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work; rates of compensation, leave, unemployment compensation, and Federal employment benefits.";

(2) redesignating part D thereof as part B and sections 150 through 155 as sections 121 through 126, respectively;

(3) striking out part E thereof; and

(4) redesignating part F as part C and section 171 as section 141.

(c) Effective with respect to fiscal years after June 30, 1971, section 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" at the end of paragraph (2) thereof, by inserting in lieu of the period at the end of paragraph (3) a semicolon and the word "and", and by adding the following new paragraph:

"(4) with the approval of the Secretary of Labor, in Job Corps centers operated under title IV of the Comprehensive Manpower Act.

(d) Grants and contracts entered into pursuant to the provisions of title I of the Economic Opportunity Act of 1964 and the Manpower Development and Training Act of 1962 prior to the effective date set forth in subsections (a) and (b) of this section shall not be affected by the provisions of this section.

ADVISORY COMMITTEES

SEC. 523. (a) The Secretary shall appoint a National Manpower Advisory Committee which shall consist of ten members and shall be composed of representatives of labor, management, agriculture, education, and training, and the public in general. From the members appointed to such Committee the Secretary shall designate a Chairman. Such Committee, or any duly established subcommittee thereof shall from time to time make recommendations to the Secretary relative to the carrying out of his duties under this Act. Such Committee shall hold not less than two meetings during each calendar year.

(b) For the purpose of making expert assistance available to persons formulating and carrying on programs under this Act, the Secretary shall, where appropriate, require the organization of a community, State, and/or regional basis of labor-management-public advisory committees.

(c) The National Manpower Advisory Committee may accept gifts or bequests, either for carrying out specific programs or for its general activities or for its responsibilities under subsection (b) of this section.

(d) Appointed members of the National Manpower Advisory Committee shall be paid compensation at the rate of $100 per diem when engaged in the work of the National Manpower Advisory Committee, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

SEC. 524. (a)—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

"Sec.
"2001. Definitions.
"2002. Purpose.
"2003. Assignment of veterans' employment representative.
"2004. Employees of local offices.
"2005. Cooperation of Federal agencies.
"2006. Estimate of funds for administration; authorization of appropriations.
"2007. Administrative controls; annual report.
"2008. Cooperation and coordination with the Veterans' Administration.

"§ 2001. Definitions

"For the purposes of this chapter—

"(1) the term 'eligible veteran' means a veteran of any war, or of service after January 31, 1955, as defined in section 101 of this title; and

"(2) the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"§ 2002. Purpose

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and that, to this end, policies shall be promulgated and administered, so as to provide such veterans the maximum of employment and training opportunities.

"§ 2003. Assignment of veterans' employment representative

"The Secretary of Labor shall assign to each State a veterans' employment representative, and such assistant veterans' employment representative as he shall determine to be necessary to assist the veterans' employment representative to carry out effectively in that State the purposes of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall—

"(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

"(2) engaged in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans' Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities;

"(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veterans' particular qualifications with an available job or on-the-job training or apprenticeship opportunity which is commensurate with those qualifications;

"(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

"(5) maintain regular contact with employers, labor unions, and training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

"(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

"§ 2004. Employees of local offices

"Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, on the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for the veterans' employment representative and his assistants.

"§ 2005. Cooperation of Federal agencies

"All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

"§ 2006. Estimate of funds for administration; authorization of appropriations

"(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor.

"(b) There are hereby authorized to be appropriated such sums as the Congress shall determine to be necessary for the proper and efficient administration of this chapter.

"(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budegt estimate required pursuant to subsection (a).

"(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary based on a demonstrated lack of need for such funds for such purposes.

"§ 2007. Administrative control; annual reports

"(a) The Secretary of Labor shall establish administrative controls for the following purposes:

"(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling service.

"(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary to be inadequate.

"(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans and other eligible veterans who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2005 of this title and a statement of the reasons for such determination.

"§ 2008. Cooperation and coordination with the Veterans' Administration

"In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration."

(b) The amendments made by this section shall become effective ninety days after the enactment of this Act.

EFFECTIVE DATE

SEC. 525. The effective date of this Act, except as otherwise provided, shall be July 1, 1971. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

REPORTS

SEC. 526. (a) The Secretary of Labor and the Secretary of Heath, Education, and Welfare shall report to the Congress by January 20, 1972, on the extent to which community colleges, area vocational and technical schools, and other vocational educational agencies and institutions are being utilized to carry out manpower training programs supported in whole or in part from provisions of the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and this Act, the extent to which administrative steps have been taken and are being taken to encourage the use of such facilities and institutions and agencies in the carrying out of the provisions of this Act and any further legislation that may be required to assure effective coordination and utilization of such facilities and agencies to the end that all federally supported manpower and vocational educational programs can more effectively accomplish their objectives providing all persons needing occupational training an opportunity for such training.

(b) The Commissioner of the United States Office of Education shall report to the Congress by January 20, 1973, on the extent to which vocational orientation, preparation, and education are being incorporated in regular elementary and secondary education programs and curricula to the end that educational institutions serving youth during years of compulsory school attendance are affording meaningful opportunities, education, and incentives or students to enter vocational careers and on any legislation that may be necessary to facilitate an appropriate blend of vocational and academic education.

Mr. YARBOROUGH. Mr. President, I move that the Senate disagree to the amendments of the House, and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. PACKWOOD) ap-

pointed Mr. NELSON, Mr. YARBOROUGH, Mr. PELL, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr. MURPHY, Mr. JAVITS, Mr. PROUTY, Mr. DOMINICK, and Mr. SCHWEIKER conferees on the part of the Senate.

THE ATTEMPTED RESCUE OF PRISONERS OF WAR

Mr. DOLE. Mr. President, earlier today, representatives of the National League of Families of American Prisoners and Missing in Southeast Asia held a news conference. I ask unanimous consent to have printed at this point in the RECORD a statement made by one of the representatives, commending this administration and those who participated in the rescue effort of American prisoners.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMMENT ON POW RESCUE

The families of men who are held as Prisoners of War and who are Missing and believed to be Prisoners of War in Southeast Asia will surely be heartened by this new evidence of concern on the part of the administration.

Despite the failure of the rescue mission, it was daring and courageous in concept and execution, and we owe a debt of gratitude to those volunteers who were willing to risk their own lives in trying to aid our husbands and sons.

We can only reiterate what is only well known to the American people . . . that North Vietnam and her allies consistently have treated the POW issue as a political issue when it is in fact a humanitarian issue. Their continued refusal to abide by the Geneva Conventions serves both to prolong the war and impede the peace negotiations. If they would agree to an immediate exchange of all prisoners, we feel certain the action would encourage our citizens to demand accelerated efforts in Paris to bring the war to an end. Meanwhile it must become more apparent to North Vietnam and her allies with each passing day that the world community ultimately will hold them responsible for the lives and well-being of the prisoners.

Scores of families have contacted us and their spirits have been uplifted by this magnificent effort to rescue these men. Some families have expressed concern about possible reprisals against the prisoners as a result of the bombing and rescue missions. The National Headquarters of the League is aware, however, that there can be no reason or justification for the North Vietnamese to retaliate against the prisoners. The prisoners themselves have done nothing which would warrant reprisals and, furthermore, any such action on the part of North Vietnam would not be tolerated by the more than 120 nations which signed the Geneva Convention.

We are becoming increasingly concerned about the welfare of the prisoners because there is evidence that they are dying in the camps.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

The Senate continued with the consideration of the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes.

Mr. MILLER. Mr. President, I modify my amendment, which has been read, so that in the second line the word "policy" will read "policies".

THE PRESIDING OFFICER. The amendment is so modified.

Mr. MILLER. Mr. President, in the committee report by the Committee on Foreign Relations on the pending bill, there are some remarks by the senior Senator from Tennessee (Mr. GORE) taking issue with several portions of the bill. On page 37 of the report, the Senator from Tennessee says this:

In spite of the pressing need for additional information to enable the Congress to evaluate the operations of the international development banks, the Committee on Foreign Relations struck from the House bill a provision that would have helped fill this gap. Chapter 5 of the bill as passed by the House would have required the National Advisory Council on International Monetary and Financial Policies to include in its annual report to Congress a detailed statement concerning each loan approved by the World Bank, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank, and the position taken by the United States representative. It is difficult to understand why the Committee would reject a provision which would help it carry out its responsibilities.

Mr. President, my amendment substantially is a restatement of that chapter 5 of the House-passed bill which was stricken from the bill by the committee.

The administration sent a letter dated September 11, 1970, to the Speaker of the House of Representatives in which the following statement was made:

We and many other nations have given these institutions strong support in the past. They have earned this support by using their resources well in the service of a growing and prosperous world economy, a more stable international monetary system, and a more rapid growth of the developing countries. Their hallmark is shared contributions, impartial expertise, and the assurance of high standards of economic performance.

I am not sure who drafted this statement, which went to the Speaker of the House. I would be inclined to say that perhaps on an overall basis these international organizations, to which we have been strong contributors and supporters, have used their resources to be very helpful to developing countries, and there has been, generally, an impartial expertise which has pervaded their activities.

However, when it comes to the Inter-American Development Bank, I am deeply concerned by what I have been hearing of late. It seems to me that the administration should be made aware that there is considerable and growing concern in Congress, the financial community, and the national press about the politically oriented, and wasteful management of previous U.S. contributions to the Inter-American Development Bank—IDB—for the ostensible purpose of fostering Latin American economic and social progress. With the recent resignation of the President of the IDB, the Nixon administration should take advantage of this opportunity to insist on a comprehensive study of the way in which the Bank has employed U.S. resources in its loans and technical assistance activities in Latin America and of the management reforms required to make the IDB a more technically competent multilateral instrument of Latin American development.

The senior management have been negligent in the use of Bank funds; they have used Bank funds for personal and political ends; they have ignored technical criteria in the selection and approval of projects; and they have encouraged wasteful administrative practices. Although the IDB has done good work in some areas, the prestige and reputation of the IDB is not what it should be. The resignation of the President of the Bank should be followed by appointment by his successor of a new management team recruited under strict standards of technical and administrative competence and experience.

What is at stake is the continued U.S. support of the IDB and its viability as an instrument of Latin American development. Our Latin American colleagues in the Bank, representing the Latin American member countries, should be reminded now, as the Bank enters its second decade of life, that the pact establishing the Bank and committing the United States to support Latin American development included an implicit commitment by them that they would use U.S. contributions to the Bank for economic development and not political or personal ends. Unless the people of the United States and their representatives in Congress are convinced that their taxes are being used by the Bank efficiently and for needed economic development, U.S. support for the Bank will decline and the viability of the Bank jeopardized.

The administration should know that the Congress will be examining Bank activities closely over the next year or two for signs of changes in management, increased efficiency in Bank operations and better management control over the use to which U.S. funds are put. The Treasury, with its special responsibility for representing U.S. interests in the Bank through the U.S. executive director, must insist on broad institutional reforms within the Bank, including a new management team, as the quid pro quo for continued U.S. support of the Bank.

The imminent election of a new President of the IDB provides the opportunity for beginning the long overdue reform of the IDB.

I ask unanimous consent to have printed in the RECORD at this point a memorandum on this subject prepared by Dr. James D. Theberge of Georgetown University.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

RECOMMENDATIONS FOR REFORMING THE INTER-AMERICAN DEVELOPMENT BANK

(By Dr. James D. Theberge, of Georgetown University)

The Inter-American Development Bank (IDB) was created in 1959 during the Eisenhower Administration after Vice President Nixon returned from his crisis-ridden trip

to Latin America. Subsequently, the Act of Bogota and the Charter of Punta del Este assigned the IDB a major role in financing the external capital needs of Latin America under the Alliance for Progress. The purpose of the Bank is to finance the economic and social development of member countries using both hard and soft loan funds for the purpose.

U.S. policy towards the IDB was established in the early 1960's during the Kennedy Administration with Douglas Dillon, Secretary of the Treasury, playing a major role. The original structure of the Bank pitted the U.S.—the major contributor—against the 19 Latin American members of the Bank—the borrowers—who were given effective management control over the employment of the U.S. dollar contribution to the Bank.

A policy of excessive permissiveness on the part of the U.S. Treasury, State Department, and the Congress has permitted the largely Latin American management of the Bank (with the tacit complicity of senior U.S. officials of the IDB) to waste U.S. funds on an impressive scale. The magnitude of the mishandling and inefficient use of U.S. funds has never been determined because the Bank management has successfully resisted any comprehensive, independent investigation of its activities.

Th responsible officials in the Treasury, State Department and the relevant Congressional Committees have long been aware of the very considerable problems of the IDB. However, Treasury has been almost exclusively concerned with the balance of payments impact of IDB lending operations. State Department fears upsetting the banks borrowers and being charged with "interference" in internal Bank affairs or attempting to convert the IDB into a bilateral instrument of U.S. policy. This is a reasonable concern but should not be used as an excuse for not insuring good and effective use of U.S. funds contributed to the Bank. The Congress lacks incentive since no constituency interests are involved whatever the Bank does. The pro-multilateral aid Congressmen are afraid of discrediting the second largest multilateral development lending institution in the world.

5. The U.S. has contributed approximately $1.8 billion to the Bank for lending on non-commercial terms (FSO) to Latin America. Although the U.S. can veto any loan made from the Fund for Special Operations (the "soft loan window"), the predominantly Latin American management of the Bank [a] administers the use of U.S. funds without effective safeguards to insure they are used efficiently and not wasted.

6. The consequences of this unique arrangement whereby the borrowers control and manage the use of the funds of the major cerditor in their own interests without any really effective safeguards to protect the creditor's interests can be summarized briefly:

(1) *Political recruitment and cronyism.* Incompetent and unqualified persons were appointed to senior management positions on political grounds or as friends of the President of the Bank.

(2) *Lack of program evaluation and project performance audit mechanism.* Latin American managers and Directors, representing Bank member countries, consistently refused to permit the evaluation of Bank programs or the auditing of the performance of Bank projects in the field. Without a program and project evaluation staff with high-level backing in the Bank, it is impossible for the Bank to learn by its past mistakes and to correct errors in Bank lending procedures, practices and policies.

(3) *Approval of loans on political rather than technical grounds.* Perhaps as many as one-third of Bank loans are made on political grounds whether the projects are technically and economically viable or not. The Bank technical staff is frequently overruled, economic benefits inflated, rates of return altered to "justify" loan projects already decided on political grounds. Under such degrading circumstances, the Bank is unable to retain competent technicians who object to such practices.

(4) *Irresponsible use of Bank funds.* Although difficult to verify without an exhaustive investigation, there have been numerous cases of consulting contracts which proved worthless to the Bank. Bank consulting contracts with Doxiodis (Greek urban planning firm), Lockheed (Bolivian planning) and Raul Saez (multinational investment evaluation criteria), are examples which *prima facie* appear to fall into the category of irresponsible use of Bank funds by senior management.

(5) *U.S. Government (Congress and Treasury/State Departments) permissiveness.* Since any attempt by the U.S. to restrict the freedom of action of the Latin American management and insure that U.S. interests are protected evokes the cry of "U.S. intervention" by the other members of the Bank Board of Directors and the Latin American management, both the Congressional and Executive branches have followed a policy of uncritical permissiveness and have failed to protect legitimate U.S. interests in seeing that Bank funds are used effectively.

(6) In order to improve Bank operational efficiency, avoid the wasteful use of U.S. funds and protect U.S. interests in the region, a careful reorganization of the Bank is required along with the replacement of senior management by competent, reform-minded Bank officials.

Recommendations

(1) The Treasury Department negotiate with the newly-elected President for the removal of the senior Bank management and their replacement with outstanding, technically competent, reform-minded officials.

(2) The Bank be required to reorganize the Office of the Program Adviser to the President to include a program evaluation and project performance auditing function, eliminating the "Review and Evaluation Group" which was set up as a window dressing to "satisfy" the requirement of the Selden Amendment.

(3) The Bank management be required to submit to the Board of Directors bi-annual program evaluation and project performance reports, including recommendations for improving Bank lending practices, procedures and policies as a condition of continued U.S. support for the Bank.

(4) the Bank be required to raise its standards of recruitment of professional staff for the Bank and minimum standards of technical competence set to reduce the incidence of technically incompetent political appointments to Bank staff.

(5) the Office of the Vice President (the Vice President traditionally is a U.S. citizen) should be strengthened so that it can undertake at the initiation of a Project Committee and at the time the loan document is submitted for review by the Loan Committee (chaired by the Vice President) a careful, in-depth review of the technical and economic feasibility of the project in order to screen out low or negative yield projects at an early stage and prevent them from being approved as a result of interested political pressure.

(6) the NAC system of Treasury/State/AID coordination and review of Bank loans must be improved so that projects presented for IDB financing which are not feasible are identified (in the nature of things mainly by the AID staff) and the Office of the U.S. Executive Director provided with in-depth analysis of "problem" loan proposals and specific policy guidance. The U.S. Executive Director's office is not able to study carefully the large number of loan proposals presented to the Board of Directors each month and the present NAC machinery of Treasury/State/AID coordination and review is clumsy and inefficient.

[a] U.S. nationals presently occupy only four positions at the senior manager level in the Bank: the Vice President, the Legal Advisor, the Program Adviser and Financial Manager.

Mr. BYRD of Virginia. Mr. President, I should like to obtain some information in regard to the pending legislation. However, I do not know from whom I can obtain it, at the moment.

Mr. MILLER. Does the Senator mean the pending amendment?

Mr. BYRD of Virginia. No. The pending bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PACKWOOD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 1 minute p.m.) the Senate adjourned until tomorrow, Wednesday, November 25, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 24, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Robert O. Blake, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

U.S. DISTRICT COURTS

Hubert I. Teitelbaum, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania, vice Wallace S. Gourley, retired.

Harry W. Wellford, of Tennessee, to be a U.S. district judge for the western district of Tennessee, vice a new position created by Public Law 91–272, approved June 2, 1970.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 24, 1970:

U.S. MARSHAL

Sam H. Roberts, of Texas, to be U.S. marshal for the western district of Texas for a term of 4 years.

COMMISSION ON CIVIL RIGHTS

Manuel Ruiz, Jr., of California, to be a member of the Commission on Civil Rights.

HOUSE OF REPRESENTATIVES—*Tuesday, November 24, 1970*

The House met at 12 o'clock noon.

Rev. Joseph Thomas Sefcik, First Presbyterian Church, Harrisonburg, Va., offered the following prayer:

Be of good courage, and let us play the man for our people, and for the cities of our God; and may the Lord do what seems good to Him.—II Samuel 10: 12.

God of all men, sincere gratitude rises for our country as we approach another Thanksgiving observance; gratitude that our forefathers did not forget their need for Thy resourceful guidance, solace, and encouragement.

Today, problems and pressures rest heavily on these men. Bless this body as it struggles to decisions. Give its Members the gift to make right choices, to hear Thy voice above the tugs and pulls of competing voices.

We are grateful this moment can be spent seeking Thy guidance for today's responsibilities. We do not pretend to be other than we are. We confess to be weak and shabby from lack of moral fortitude, hence turn to Thee for forgiveness. Our praise is to Thee, knowing Thy mercy is greater than our sins.

In the name of Christ, our Redeemer. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control;

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance; and

H.R. 9486. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill and a concurrent resolution of the House of the following titles:

H.R. 8298. An act to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein; and

H. Con. Res. 786. Concurrent resolution providing for an adjournment of the House from November 25 to November 30, 1970.

The message also announced that the Senate having proceeded to reconsider the bill (S. 3637) entitled "An act to revise the provisions of the Communications Act of 1934 which relate to political broadcasting," returned by the President of the United States with his objections, to the Senate, in which it originated, it was:

Resolved, That the said bill do not pass, two-thirds of the Senators present not having voted in the affirmative.

REV. JOSEPH T. SEFCIK

(Mr. MARSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MARSH. Mr. Speaker, the prayer today was offered by a constituent of the Seventh Virginia Congressional District, which I am privileged to represent.

The Reverend Joseph T. Sefcik is the pastor of First Presbyterian Church, Harrisonburg, Va., and we now are happy to claim him as a Virginian, while acknowledging that his birthplace was Johnstown, N.Y.

Mr. Sefcik is a graduate of Johnstown High School, Park College, Parkville, Mo., and Princeton, N.J., Seminary.

Prior to coming to Harrisonburg, he held pastorates in Amagansett, L.I., N.Y.; North Little Rock, Ark., and Kansas City, Mo.

He is a member of the boards of trustees of Massanetta Springs, Inc., the conference center of the Presbyterian Church in Virginia, and of Youth Clubs, Inc., the organization of Presbyterian youth groups. He recently was elected moderator of the Lexington, Va., presbytery.

Mr. Sefcik is married to the former Miss Yvonne Theiss, of Little Rock, Ark., and they have three daughters and two sons.

EFFORT TO FREE AMERICAN POW'S

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, unjust criticism of the efforts to rescue American prisoners of war is unreasonable. All Americans—both hawks and doves—should take pride in the fact we tried to free some American POW's. I would like to thank and commend the U.S. servicemen who volunteered for this mission. This was indeed a very valiant and worthwhile undertaking.

As we continue to deescalate in Vietnam, we cannot forget the American prisoners of war. Whenever and wherever necessary, we must take steps to save these fellow countrymen.

I feel sure the action of those brave volunteers last Friday was reassuring to the families of POW's and those listed as missing in action.

ADJOURNMENT FROM WEDNESDAY, NOVEMBER 25, TO MONDAY, NOVEMBER 30

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 786) providing for an adjournment of the House from November 25 to November 30, 1970, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment as follows:

Page 1, line 2, strike out "House" and insert "Congress".

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

THE "MINI CAR" WILL BE A WINNER

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, it is difficult at this time to determine whether the midi, the maxi, or the mini will win out, but as far as automobiles are concerned, the mini car will be a winner. The current 1-cent-per-gallon increase in the price of gasoline actually constitutes a 2-cent-per-gallon increase since the history in gasoline pricing indicates a 1-cent reduction in the winter season when motorists demand is lower and gasoline stocks accumulate. Under the oil quota system, the producers can charge almost anything they want.

The proposed tax on leaded gas will raise the consumers price by an additional 2 cents per gallon, the prospects are that the motorist will have to pay 10 percent more for gasoline in the new year. Under the oil quota system, 50-cent-per-gallon gas is on the horizon.

When the American consumer feels the full impact of these gasoline pricing policies, the interest will multiply in the "mini car" which consumes less fuel. The little car will be a winner.

POW RESCUE ATTEMPT COMMENDED

(Mr. FISHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISHER. Mr. Speaker, I am sure every patriotic American is proud of the courage and the skill of those brave volunteers who went by helicopters on last Saturday to what unfortunately turned out to be an abandoned prisoner-of-war camp, located 20 miles west of Hanoi, in a futile attempt to rescue Americans believed to have been held there.

The failure to achieved the desired results does not diminish the extraordinary gallantry that was displayed by those men who undertook that mission of mercy.

In addition, I commend the President for the decision which resulted in the

recent bombing of targets in North Vietnam. Those actions were clearly justified and proper in retaliation for the shooting down of an unarmed American reconnaissance plane and the tragic loss of the two occupants.

IN SUPPORT OF J. EDGAR HOOVER

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, a former Attorney General of the United States recently made some highly critical remarks about FBI Director J. Edgar Hoover. He did in fact imply that Mr. Hoover should be removed from office.

I take strong exception to these remarks.

In my opinion, J. Edgar Hoover is a great American. He has served and is now serving his country in the highest tradition. I know of no man who has been more effective in fighting organized crime in this Nation and played a more leading role in the enforcement of our Federal laws than Mr. J. Edgar Hoover.

I have let Mr. Hoover know that I plan to continue giving him my wholehearted support.

During the past several years, the FBI and all law enforcement agencies have been challenged to their very limit by the increasing rise of crime and violence. Yet, under the leadership of Mr. Hoover, the FBI continues to establish new records of achievement in its fight against crime. Mr. Hoover has shown tremendous foresight and organizational ability. He has built the most effective law enforcement agency in the world.

Through its assistance and cooperation with local law enforcement agencies, the FBI has established itself as the Nation's leader in the fight against crime.

I think it is most unfortunate that this former Attorney General, who has no record of accomplishment whatsoever, was so anxious to sell his book that he had to attack a man like Mr. Hoover.

I believe the majority of the American people are grateful to Mr. Hoover for the job he has done and feel that his leadership ability is needed more than ever before.

PRESIDENT NIXON AND SECRETARY OF DEFENSE TO BE COMMENDED FOR AUTHORIZING ATTEMPT TO RELEASE OUR SERVICEMEN HELD PRISONERS OF WAR BY NORTH VIETNAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I know I express the sentiments of the people I represent, as well as my own, when I say that our President and our Secretary of Defense are to be commended for authorizing the recent daring attempt to release our servicemen who have been held prisoners of war for 5 years by North Vietnam and subject to barbaric treatment.

Especially to be commended are the courageous officers and men who volunteered to undertake this operation and who carried it out with unusual skill. Unfortunately, our intelligence was faulty and no prisoners were found at the Son Tay compound.

Contrary to what the critics are now saying, by no stretch of the imagination does this operation constitute an enlargement nor even an intensification of the war. These are the same critics who made such dire predictions at the time of the Cambodian operation. I wonder what they would be saying had several hundred American prisoners been found and released.

Ironically, the critics of the SAR operation are the same people who have been urging that something be done for the release of the American prisoners of war. They were critical that more was not being done for their release and now they are critical when the extraordinary effort has been made.

President Nixon has not abandoned his efforts to end the war. He has not abandoned his successful program for the orderly withdrawal of our troops from South Vietnam. He has made it clear by the limited bombings of North Vietnam military installation that he has not abandoned the safety of our pilots who fly unarmed planes on reconnaissance missions and that he has not abandoned our boys who are prisoners of war.

HEROIC ATTEMPT TO RESCUE AMERICAN PRISONERS OF WAR

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I wish to associate myself completely with the remarks made by the distinguished gentleman from Illinois (Mr. ARENDS).

We all know that the North Vietnamese and the Vietcong have been very inhuman in the mistreatment of American prisoners of war. They have refused to release the names of those who are missing in action or those who might be held prisoner. This is contrary to all international agreements, common decency, and proper moral standards.

Mr. Speaker, I believe that the action of the President and the Secretary of Defense was a constructive effort to try and rescue some of our fellow Americans who are being held by the barbaric enemy in North Vietnam. Although the daring mission was not successful I commend those who undertook the operation for the benefit of their countrymen in the military who were captured by the North Vietnamese and Vietcong.

I hope and trust that we can in the future, on the basis of hopefully better intelligence, do other operations of a similar nature which will be successful.

REPRESENTATIVE TAFT PROTESTS LENINGRAD TRIALS OF 32 JEWS—ASKS SOVIET UNION TO OPEN TRIAL TO INTERNATIONAL OBSERVERS

(Mr. TAFT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAFT. Mr. Speaker, I am deeply concerned by reports from the Soviet Union that 32 Jews are to be put on trial in Leningrad on charges that have not been released and, as I understand it, without benefit of legal counsel.

Persecution of the Jews in the Soviet Union is, unfortunately, nothing new. But we, in the free world, must continue to exert whatever pressure possible to force the Russian Government to reverse itself.

I am continually shocked by the treatment accorded Soviet Jews by their Government, and join with all Americans and others throughout the world in protesting this action.

I ask my colleagues to join me in calling upon the Soviet Union to publish a list of charges against the 32 Jews and to permit international observers to attend the trial. To fail to take these basic steps would be a blow to the concept of a rule of law and the principle of religious tolerance.

MR. HERSCHEL F. CRAUN: 30 YEARS OF UNBLEMISHED HIGHWAY SAFETY

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, the Greyhound Corp. recently paid tribute to one of its drivers for an outstanding record of highway safety compiled over three decades.

That man is Mr. Herschel F. Craun of Nashville, Tenn., who has been driving for Greyhound for 30 years without a chargeable accident.

"Craun has compiled a remarkable road record," according to Walter Weiss, director of safety for Greyhound Lines—East.

According to Mr. Weiss this record is "remarkable because of Greyhound's stringent safety standards." He added:

If there's even a scratch on a bus, Greyhound records it. Preventable accidents are always charged to the driver.

During his long years on the road, Craun has developed some very strong and wise theories about driver safety.

Mr. Craun said:

The most common mistakes made by nonprofessional drivers are speeds too high for prevailing conditions, tailgating and switching lanes without signaling. Countless accidents could be avoided if drivers would watch these basic problems.

Intense concentration is also needed. You have to constantly try to anticipate the other guy's moves. And never believe the signal of the driver in front of you!

Mr. Craun lives with his wife and son in Nashville where he is a deacon at the Charlotte Avenue Church of Christ.

Mr. Speaker, Herschel Craun is certainly to be commended and congratulated for this record and I appreciate having this opportunity to so do.

HEROIC ATTEMPT TO FREE AMERICAN PRISONERS OF WAR

(Mr. KUYKENDALL asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, the news of our courageous raid on a prisoner of war camp in North Vietnam has provoked some strange reactions that I will confess I do not understand.

To say that I was elated by the news of the raid would be putting it mildly. I was saddened, of course, that it was not successful, but the very boldness of the attempt shows the world that we care about these men, we care about them enough to risk the lives of other men—and these other men care enough about their imprisoned comrades to take that risk willingly and enthusiastically.

But while the news is still fresh, we are treated to a wailing and gnashing of teeth from some quarters, both public and private, that we should not have done it. It is called reckless, foolhardy, John Wayne tactics, a threat to our already stalled efforts at the peace table.

Had this raid been successful, Mr. Speaker, would not peace be closer? Would we not be able to go back to the peace table with our heads held high, having trumped the ace that the North Vietnamese have held in their hand for so long?

Reckless and foolhardy, indeed, Mr. Speaker. Did these same detractors call John Kennedy reckless and foolhardy in the Cuban missile crisis? Would they have called the Normandy landings reckless and foolhardy? Would they have opposed the British rescue teams at Dunkirk?

Someday, perhaps, we will learn why this raid was unsuccessful, why the enemy moved those prisoners in time to foil this rescue effort. But meanwhile, we have served notice on the world that we still honor our obligations to the men who wear our uniforms; and most importantly, we tell the wives, children, parents, and sweethearts of those 1,500 Americans that they are still at the top of our list of priorities. And somehow, I pray that those prisoners will know what their comrades did this past weekend, and will take heart from it.

If the raid did nothing else than that, it was well worth it.

WORLD AIRWAYS ENABLES MILITARY PERSONNEL ON LEAVE TO FLY HOME FROM VIETNAM

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, one of the enlightened industrialists in this country is Edward J. Daley, the president of World Airways, Inc., in Oakland, Calif. I have just received notice of a release today which I know will be of as much interest to you as it is to me.

Edward J. Daley, chairman of the board and president of World Airways announced that his company has filed a new charter tariff with the Civil Aeronautics Board which would enable military personnel to fly round trip from Vietnam to California for $350.

World Airways which operates a fleet of Boeing 707–320C fan jet aircraft is the largest charter carrier and it is based in Oakland, Calif., and has operated scheduled air service in and to Southeast Asia for the military since 1956.

World Airways plan will include frequent flights from Vietnam to California with scheduled connections to all parts of the United States. Financing arrangements will be made so that all eligible military personnel will be able to take advantage of the new Vietnam leave policy.

Mr. Daley announced that he is personally prepared to guarantee loans to servicemen who would otherwise be unable to pay for the trip or to borrow the necessary funds. These financial arrangements will be handled through the First Western Bank of Los Angeles, Calif., a subsidiary of World Airways with assets in excess of $1 billion.

This is clearly one of the most effective means of boosting the morale of our servicemen.

Mr. Speaker, I just want to call this to the attention of the House. I think when an industrialist goes out of his way to do something like this, to even guarantee transportation for our servicemen, it is not only morale boosters it is a generous example of concern for those who defend our democratic way of life.

PELLY SUPPORTS THE SUBSTITUTE OCCUPATIONAL HEALTH AND SAFETY BILL

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, after having carefully studied both the committee bill, H.R. 16785, and the Steiger-Sikes substitute, I have come to the conclusion that this substitute bill is a vastly superior measure both in terms of equity and job safety.

The toll of lives lost on the job is huge, and there is no way to replace these fathers, husbands, or loved ones. Yet, something can be done about occupational safety, and this substitute bill, in my mind, best meets that need. Further, this bill will affect virtually every man, woman, and child in this country who holds a job or operates a business now or in the future.

It should be remembered that the substitute has the same coverage as H.R. 16785, the original bill, and both bills have almost identical provisions with regard to the role of the States, Federal employee safety, research, employee training, grants to the States, the confidentiality of trade secrets, variations, tolerances and exemptions, and the relationship of the act with regard to other Federal programs.

Where these two bills differ is in the procedural structures provided for carrying out the responsibilities created under the legislation.

I support this substitute bill, and I urge the passage of this badly needed legislation.

IOWA STRING QUARTET CONCERT TONIGHT AT THE CORCORAN ART GALLERY

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, I take this opportunity to advise my colleagues of a very excellent opportunity which they have this evening. In January of last year it was my privilege to inform the House of a performance by the highly esteemed Iowa String Quartet at the Corcoran Gallery here in Washington. It is my happy duty again today to announce the return to Washington of this distinguished ensemble. After playing to an enthusiastic crowd at the Phillips Collection this past Sunday, the quartet will move to the Corcoran again tonight to give a performance at 8:30 p.m. Here they will play the priceless Stradivarius instruments which are on loan to them from the Corcoran.

Mr. Speaker, the Iowa String Quartet has traveled abroad on many occasions on private concert tours and on State Department missions of goodwill and is recognized as one of the finest musical groups in the world today. I am proud to note that all four members of the quartet, Mr. Allen Ohmes, John Ferrill, William Preucil, and Charles Wendt, are not only superb musicians in their own right but also professors in the music department of the State University of Iowa. It is little wonder that the quartet has such distinguished alumni as Stuart Canin, Joel Krosnick, and Charles Treger, all of them musicians who have gone on to make lasting individual contributions to the field of music. The quartet and the vrtuosos it has spawned have nourished the extensive cultural and artistic activity currently thriving in the State of Iowa. I hope, my colleagues, that you will join me in listening to this musical treat tonight, but if you are unable to attend this particular concert, the Iowa String Quartet will be back in Washington again on the night of January 19, 1970.

THE ATTEMPT TO RESCUE PRISONERS OF WAR NEAR HANOI

(Mr. TUNNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUNNEY. Mr. Speaker, my remarks this morning are with respect to the commando raid conducted to rescue some prisoners of war approximately 20 miles south of Hanoi. I do not think there is anyone in this body who feels more strongly than I do that the first order of priority on the agenda of the Paris peace negotiations ought to be the release of our prisoners of war.

I feel, however, that the administration's directed raid was faulty in three aspects: First, it was faulty in conception in that it was an extremely reckless maneuver for effectuating the release of some prisoners of war without taking into consideration all the other prisoners of war over there who could be subject to revenge by the North Vietnamese; sec-

ond, it was faulty in execution and haphazard because it demonstrated that the intelligence that the adminstration had was very poor. Apparently the prisoners of war had been removed several weeks earlier, and I think it calls into question all aspects of the value of the operation, particularly the information the administration had and the details as to how, when, and why the administration officials decided to go ahead with it; and, third, it was faulty because it was undertaken without a single Member of Congress, to my knowledge, being informed of the operation, and I think this just demonstrates what we have seen as a pattern in the past few years by Democratic Presidents as well as Republican Presidents taking action unilaterally with regard to war and peace without consulting the Congress of the United States and getting the Congress approval.

TRY AGAIN IF OTHER PRISONERS OF WAR CAN BE FOUND

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, it seems to me that the failure which has been ours as a result of our efforts to liberate American prisoners of war near Hanoi stems in all probability from the fact that somebody leaked what we intended to do, and Hanoi had word and removed from this prisoner-of-war camp those prisoners of ours that they have been holding without giving us any information on them.

I have one regret about the effort of the administration and our military to free the prisoners they thought were there, and that regret is that they were not there so they could have succeeded. I hope they will try again if they can find other prisoners. I trust this will not jeopardize the lives of other prisoners.

THE INCREASING BURDEN OF AGE

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHEUER. Mr. Speaker, perhaps no institution on earth has the viability, the durability, and the capacity to survive even remotely equal to that of the papacy in Rome and the Catholic Church. This morning on the front page of the New York Times we see words of great wisdom under the heading of "Ingravescentem Aetatem," which illustrate the capacity of the papacy and the Catholic Church over almost 2,000 years to cope with the enormous challenge of an eternally changing society here on earth, and, in essence, to survive.

Under a Rome dateline we read that Pope Paul has announced that cardinals who reach the age of 80 can no longer take part in the election of a new Pope and that cardinals cease at age 80 to be members of the administrative departments and other permanent institution of the Vatican. They are requested to submit their resignations voluntarily from these positions when they reach 75 years of age. Further, we are informed that, following the wishes of the Vatican council, Pope Paul has already called upon bishops and parish priests to offer their resignations no later than their 75th birthdays, and that the recent Curia regulations has set an age of 70 as a retirement age for all officials except high prelates, who were expected to retire when they reached 75.

As we approach the beginning of the 92d Congress amidst tumulteous change which presses on every element in our society, we also approach the long-delayed consideration of encrusted seniority rules, and the new ways in which this Congress can best exploit the leadership talents, the enormous dynamism and intellect and creative energies that are here in this House in such abundance. The Vatican has given us an illuminating example of how an institution with a will to survive can improve its credibility, its relevance, its ability to cope more effectively with the onrush of change, with insistent demands for improved tools and techniques, and new initiatives, for human progress, by more effective use of its own human resources—its own manpower. As we turn our attention in the coming weeks to how we can improve the effectiveness of our body and its ability to respond to challenges, to its relevance, its credibility, its very competence, I hope all of us will keep in mind the eternal wisdom we have heard this morning from the Eternal City.

ATTEMPT TO RESCUE PRISONERS OF WAR IN VIETNAM

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, it is always difficult to be President of the United States or Secretary of Defense. When one makes a decision and carries it out, if it is successful, one is a hero; and if it is not successful, one is something less than a hero. Of course, I refer to the attempt which was made by the members of our armed services to release the prisoners of war in North Vietnam. I am sorry it failed and I hope it will be tried again. I hope it will be tried, because for 2 long years we have been trying to negotiate with the North Vietnamese for peace in that country, and also for the release of American prisoners of war. Our attempts have met with absolutely no success.

I hope that in looking ahead, the North Vietnamese will be apprised of a very salient fact, which is that it is not the intent of the American Nation to depart from Vietnam leaving American prisoners of war in their hands. I think if there is any overriding lesson to be learned from the attempt to release these prisoners, it is that fact, I hope it will not be lost on the people who are negotiating in Paris for the North Vietnamese and the Vietcong. I hope the negotiations may soon be successful. They have shown absolutely no promise of success thus far.

I think the administration is to be commended in trying to do three things: One, to release immediately some prisoners of war; second, to let the North Vietnamese know that we are tiring of fruitless negotiations to end this war which seems to be going nowhere; and, third, that if the North Vietnamese want us out of Vietnam it would behoove them to release or exchange Americans they hold as prisoners, at the earliest possible moment.

EFFORT TO RELEASE PRISONERS IS ONE OF BRIGHT PAGES IN AMERICA'S HISTORY

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, America can be very proud of the daring effort by U.S. military personnel to rescue our countrymen who are prisoners of the North Vietnamese. The plan was boldly conceived and executed. It is a refreshing reminder that Americans in uniform can accomplish great things when they are permitted to do so. They have operated in Indochina under strict ground rules for a long, long time and many people have failed to understand their real capabilities. In our zeal to placate our enemies and pacify the U.N., our troops have been denied the opportunity to win the war and get it behind us.

It is regrettable, of course, that the mission failed to locate the Americans who are missing in action. They and their families have suffered greatly and this bold stroke could have made a great difference in their lives and in America's self-pride.

Now we can anticipate that the doves will have their day and that little will be heard of the true significance of the effort. They are very wrong in their criticism and they do not credit to our Nation or its traditions. The effort in North Vietnam was one of the bright pages in America's history and it should so be labeled by all who discuss it.

AMENDING DISTRICT OF COLUMBIA PUBLIC ASSISTANCE ACT OF 1962

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 670) to amend section 19(a) of the District of Columbia Public Assistance Act of 1962, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

"That section 19 of the District of Columbia Public Assistance Act of 1962 (76 Stat. 917; D.C. Code, sec. 3-218) is amended to read as follows:

"'SEC. 19. (a) Responsible relatives for any applicant or recipient of public assistance shall be limited to spouse for spouse and parent for a child under the age of twenty-one, and their financial responsibility shall be based upon their ability to pay. Any such applicant or recipient of public assistance or person in need thereof, or the Commissioner of the District of Columbia, may bring an action to require such financially responsible spouse or parent to provide such support, and the court shall have the power to make orders requiring such spouse or parent to pay such eligible

applicant or recipient of public assistance such sum or sums of money in such installments as the court in its discretion may direct, and such orders may be enforced in the same manner as orders for alimony.

"'(b) The Commissioner is authorized on behalf of the District to sue such spouse or parent for the amount of public assistance granted to such recipient under this Act or under any Act repealed by this Act, or for so much thereof as such spouse or parent is reasonably able to pay.

"'(c) All suits, actions, and court proceedings under this section shall be brought in the Domestic Relations Branch of the District of Columbia Court of General Sessions, or in that court division which may subsequently exercise the jurisdiction exercised by the Domestic Relations Branch on the effective date of this Act. To the extent applicable, suits, actions, and proceedings brought pursuant to this section shall be governed by the provisions of the Act approved April 11, 1956 (70 Stat. 111), as such Act may from time to time be amended or superseded.'"

Amend the title so as to read: "An Act to amend section 19 of the District of Columbia Public Assistance Act of 1962."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

REVISING LAWS RELATING TO LIABILITY OF HOTELS, ETC., IN THE DISTRICT OF COLUMBIA TO THEIR GUESTS

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10336) to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 6, line 18, strike out "1263" and insert "1261".

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SURVIVOR BENEFITS FOR WIDOWS OF POLICEMEN OR FIREMEN OF THE DISTRICT OF COLUMBIA MARRIED AFTER RETIREMENT

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4183) to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 13, strike out "July 1, 1969" and insert "January 1, 1971".

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

VALIDATING OF DEFECTS IN RECORDED DEEDS, DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 13565) to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 8, strike out "1962,'," and insert "1969,'.".

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ELIMINATING "STRAW" PARTY DEEDS IN JOINT TENANCY OR TENANCY BY THE ENTIRETIES, DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 13564) to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, after line 3, insert:

"SEC. 2. (a) Title II of the District of Columbia Code, as amended by section 111 of the Act of July 29, 1970 (84 Stat. 475), is amended as follows:

"(1) Section 11–921(a)(3)(A)(ix) of such title is amended by striking out 'sec. 1–804(b)' and inserting in lieu thereof 'sec. 1–804b'.

"(2) Section 11–1101(8) of such title is amended by striking out 'subsection' and inserting in lieu thereof 'section'.

"(3) Section 11–1101(16) of such title is amended by striking out 'VII' and inserting in lieu thereof 'IV'.

"(4) Section 11–1501(b)(4) of such title is amended by inserting immediately after 'Fairfax Counties' the following: '(and any cities within the outer boundaries thereof)'.

"(5) Section 11–1561(5) of such title is amended by striking out 'has either (A)' and inserting in lieu thereof either (A) has'.

"(6) Section 11–1561(6) of such title is amended by striking out 'has either (A)' and inserting in lieu thereof 'either (A) has'.

"(7) Section 11–1742(a) of such title is amended by striking out 'mav be assigned' and inserting in lieu thereof 'may be assigned'.

"(b)(1) Section 601 of the Act of July 29, 1970 (84 Stat. 667), is amended by striking out 'IX' and inserting in lieu thereof 'X'.

"(2) It is the intent of Congress that the amendment made by paragraph (1) of this subsection shall (A) revive title XI of the Act of December 27, 1967 (81 Stat. 742), as of the date of enactment of this Act, and (B) repeal title X of such Act of December 27, 1967 (81 Stat. 742), as of the date of enactment of this Act.

"(c) Title 23 of the District of Columbia Code, as enacted by section 210(a) of the Act of July 29, 1970 (84 Stat. 604), is amended as follows:

"(1) The heading of section 23–551 of such title is amended by striking out 'supression' and inserting in lieu thereof 'suppression'.

"(2) Section 23–551(b)(5) of such title is amended by striking out 'subsection (i) of this section' and inserting in lieu thereof 'section 23–549(a)'.

"(d) The amendments made by subsections (a) and (c) of this section shall take effect on the first day of the seventh calendar month which begins after the date of the enactment of the Act of July 29, 1970 (84 Stat. 473).

"SEC. 3. That part of the schedule of rates contained in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958, as amended (D.C. Code, sec. 4–823), relating to salary class 11 is amended to read as follows:

"Salary class and title	Service step			Longevity step					
	1	2	3	4	5	6	A	B	C
Class 11 Fire Chief Chief of Police."	29,925	31,350	32,775						

"SEC. 4. The amendment made by the third section of this Act shall take effect on the first day of the first pay period beginning on or after July 1, 1969."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AMENDING DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9017) to amend the District of Columbia Alcoholic Beverage Control Act, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 2, line 6, after "Board." insert "a restaurant operating on the premises of a theater, symphony hall, opera house, or other facility which has as its principal purpose the presentation of live drama, music, opera, or other performing arts, may sell and serve alcoholic beverages to seated or standing persons at locations within the facility approved by the Board."

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, I am sure the taxpayers of this country, who have millions of dollars involuntarily invested in the Kennedy Cultural Center, will dance with joy in the streets tonight to learn that hereafter, before, during, and after each cultural performance at the Kennedy Cultural Center, liquor will be served.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 3619, DISASTER RELIEF ACT OF 1970

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3619) to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? The Chair hears none, and appoints the following conferees: Messrs. JONES of Alabama, WRIGHT, JOHNSON of California, DON H. CLAUSEN, and SCHWENGEL.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 364]

Anderson, Tenn.	Cramer	Hall
Aspinall	Dennis	Hansen, Wash.
Berry	Dickinson	Hays
Blatnik	Dingell	Hébert
Bolling	Dorn	Hungate
Bow	Dowdy	Hunt
Brock	Edwards, La.	Jacobs
Brown, Ohio	Foley	Jarman
Button	Fraser	King
Camp	Gallagher	Koch
Celler	Gilbert	McCloskey
Clay	Goldwater	Mathias
Cowger	Green, Oreg.	May
	Griffiths	Meskill
Mize	Purcell	Stafford
Moorhead	Rees	Stuckey
O'Konski	Rosenthal	Teague, Tex.
O'Neal, Ga.	Roudebush	Tiernan
Ottinger	Roybal	Tunney
Pettis	Sandman	Weicker
Pike	Satterfield	Williams
Pollock	Scheuer	Wold
Powell	Skubitz	Wyatt
Price, Tex.	Smith, Iowa	

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 363 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

OCCUPATIONAL SAFETY AND HEALTH ACT

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 16785) to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 16785 with Mr. CORMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read the first section of the committee amendment, ending on page 41, line 22. An amendment in the nature of a substitute offered by the gentleman from Wisconsin (Mr. STEIGER) was pending.

The gentleman from Wisconsin is recognized for 5 minutes in support of his amendment.

Mr. STEIGER of Wisconsin. Mr. Chairman, this amendment in the nature of a substitute is offered on behalf of myself and the gentleman from Florida (Mr. SIKES). It is, as I indicated yesterday during general debate, the text of H.R. 19200 which under the rule is made in order.

I spent some time yesterday during general debate discussing in some detail provisions of this substitute.

We have heard much discussion of need, of the alleged strengths and weaknesses of both proposals.

Let me reiterate briefly. The substitute is a bipartisan measure. It was developed as a compromise between legislation originally proposed by the administration, H.R. 13373, and H.R. 16785. It was first offered in the Education and Labor Committee in the same bipartisan spirit it is being offered today.

The substitute has the same coverage as H.R. 16785. It establishes standards and provides for their enforcement. It provides an opportunity for State participation and deals with research, training, information, and education in a manner similar to H.R. 16785.

The differences are significant and important. H.R. 16785 centralizes all responsibility under the act in the Secretary of Labor. He establishes the standards, enforces them, presents alleged violations before his own hearing examiners, issues orders and assesses penalties.

The substitute separates these functions. Standards are set by an independent, professional health and safety board appointed by the President. The Secretary of Labor conducts the inspections and issues citations. Appeals of the Secretary's actions are made to an independent occupational safety and health appeals commission.

H.R. 16785 grants a great deal of power and authority to the individual inspector. It authorizes him to issue citations upon completion of his inspection and requires that such citations be posted. In addition, the inspector is given the power to shut down a plant or worksite on his judgment alone that an imminent harm situation exists.

The substitute is drawn carefully to insure that the inspector is not given virtually limitless power and that citations are issued by the Secretary, not the inspector. The substitute assures due process because a Federal district court is the body given the power to issue a temporary restraining order. It also assures that employer and employees will have knowledge that the inspector feels an imminent danger situation exists, because he is required to inform both of his intention to seek a court ordered TRO.

There are other areas of H.R. 16785 in which due process is lacking—standards setting, use of proprietary standards developed on a basis other than the consensus method and the general duty provision. In standards-setting there is no provision for judicial review; in proprietary standards, labor is not a party to their development in most instances; under the broad general duty provision the Secretary of Labor is given the power to penalize without reference to specific standards.

These are the most significant differences between the two approaches.

Even with the amendments that the gentleman from New Jersey indicates he will offer, there is still some serious question. I think it is important for the members of the committee to recognize that the issue you have before you will still be there even if the amendments offered by the gentleman from New Jersey discussed in his letter to the Members were to be adopted. The question of whether or not you will stick with the Daniels bill is important. Let us understand that the five or six amendments that the gentleman from New Jersey has indicated his willingness to offer still do not take care of all of the problems of H.R. 16785. Of course, the most obvious and most glaring defect is the failure to eliminate the monopolization of functions in the Secretary of Labor, but there is also a failure in terms of using emergency temporary standards. The Daniels bill language has three defects.

First, it would require a 30-day waiting period after publication of an emergency standard before it would be effective. This is inconsistent with the concept of emergency standards;

Second, emergency standards could be promulgated whenever a new hazard is discovered. By not limiting these emergency procedures to new hazards which result from new processes, there is a definite possibility that the emergency procedures could be used to undermine and circumvent the permanent standard-setting procedures; and

Third, the possibility of circumventing permanent standard-setting procedures becomes more important in light of the third defect which is that while formal APA hearings must be commenced—in accord with the permanent standard-setting procedures—within 6 months of the publication of the emergency standards, there is no guarantee that a permanent standard will ever be promulgated to replace the temporary emergency standard which was promulgated without any hearing.

The Daniels bill has unnecessarily complicated provisions concerning the issuance of citations. The bill sponsored by the committee would make it a crime, a misdemeanor, for any person to give advance notice of a pending inspection. This is aimed at the Department of Labor personnel, the very people upon whom Congress would rely so much to carry out the responsibilities under the bill; and by implication, this provision would make every employer, regardless of his record or good faith, a furtive wrongdoer, who must somehow be caught in the act of violating the safety and health standards.

One other aspect which is very important is that in the State plans section of the committee bill there is a requirement that the State must include a provision to the effect that the State will make all standards included in the plan applicable to all public employees of the State and its political subdivisions. The problem with this provision is that some States do not exercise control over all public employees working in the State. In some States the local governments control their own public employees.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. STEIGER of Wisconsin was allowed to proceed for 3 additional minutes.)

Mr. STEIGER of Wisconsin. Therefore, both in the bill passed by the other body and the substitute bill before us, the provision is in there that to the extent permitted by its law the State will establish an occupational safety and health program to be applicable to all of the employees of that State.

Mr. Chairman, I want to make very clear to the members of the committee that in my judgment, even if the six amendments that are to be offered by the gentleman from New Jersey in his attempt now apparently to recognize the deficiencies contained in the original Daniels bill and to recognize the opposition that has been developing across the country to the committee bill as written, in this attempt to modify it at the last minute, we are apparently witnessing one more example of the unwillingness or inability of the Committee on Education and Labor to reach an agreement before a bill comes to the floor and will be forced to attempt to make a compromise on the floor in an effort to try and sustain their position.

Mr. Chairman, it is tragic that there has been so much time lost, that there has been so much time wasted without any effort to agree on a legitimate compromise. The amendments, however well intended, are still imperfect, even if offered, because they do not solve the basic problem of the committee reported bill. So, the issue will remain the same. Will we take that bill which has been brought here by the Committee on Education and Labor or take the bipartisan compromise offered by the gentleman from Florida and myself, which has the support of the administration, and which in my opinion provides a fair plan for due process and which has equal coverage of the Daniels bill, but which at the same time assures an effective and equitable program for the working men and women of this country and to those by whom they are employed.

Mr. CHAIRMAN. I trust the substitute will be adopted.

AMENDMENT OFFERED BY MR. RAILSBACK TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. RAILSBACK. Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The Clerk read as follows:

Amendment offered by Mr. RAILSBACK to the amendment in the nature of a substitute offered by Mr. STEIGER of Wisconsin:

On page 44, line 22, in section 18(c)(2) following the comma, add the following: "and which standards, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce,".

Mr. RAILSBACK. Mr. Chairman, this amendment is identical to language which was adopted on the Senate floor and is contained in the Senate-passed bill.

The amendment was offered in the other body by Senator SAXBE and it was acceptable to the Senate committee and Senator WILLIAMS of New Jersey.

It has been brought to the attention of the leadership on both sides of the aisle. It is my understanding that it is acceptable to the sponsor of the primary pending amendment.

Mr. Chairman, this amendment applies only to products moved in interstate commerce and says simply that where there is a Federal standard dealing with such product a State must show compelling local conditions to justify deviation from such a national standard and must not unduly burden interstate commerce. This amendment, if adopted, would protect a product manufacturer of products moving in interstate commerce from having to custom-build a product to meet the various requirements of the several States in the absence of unusual conditions.

The amendment permits the States to have differing standards regarding these products, but it requires that there be a sufficient showing of compelling local conditions and circumstances.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I will be glad to yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I certainly wish to commend the gentleman in the well for the work that he has done. May I ask the gentleman if I am correct that this amendment is identical with that offered in the other body?

Mr. RAILSBACK. Yes; it is.

Mr. STEIGER of Wisconsin. We have no objection to the amendment. I have discussed the matter with the gentleman from Florida (Mr. SIKES) and I will accept the amendment.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, let me state that in the event the committee bill prevails over the substitute, that it is the intention on this side of the aisle to accept the gentleman's amendment to the committee bill when we reach that point.

Mr. RAILSBACK. Mr. Chairman, I appreciate that statement very much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RAILSBACK) to the amendment in the nature of a substitute offered by the gentleman from Wisconsin (Mr. STEIGER).

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. SIKES. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. SIKES was allowed to proceed for 5 additional minutes.)

Mr. SIKES. Mr. Chairman, most of us are agreed that it is time for greater concern about the safety and health of those employed in industry in America. The toll of deaths and injuries from industrial accidents, from illnesses, or from other health hazards is mounting year by year. It will come as a surprise that these result in the loss of many more days of work each year than are caused by strikes.

Obviously the economic impact of industrial deaths and disabilities is very great. Staggering amounts are wasted in lost wages. Resources which could be available for productive use is siphoned off to pay workmen's compensation benefits and medical expenses. In the field of occupational health the view is particularly bleak. In addition to the health hazards of other years, we find that technological advances and new processes have brought numerous new hazards to industrial plants. The picture is worsening in every field all over America.

I am not one who believes that we should inject the Federal Government into any area of activity without serious thought to all the effects. However, we are talking about a field where corrective legislation or constructive steps generally have been left in the hands of the

States. We find that State regulation is not solving the problem, and it is growing. Only a few States have modern laws. Not many have developed adequate resources for the administration and enforcement of corrective measures.

The same is true of employers. Some employers have demonstrated an outstanding degree of concern for the health and safety of their employees. However, many employers, particularly smaller ones, simply cannot make the necessary investment in health and safety and survive competitively unless all are required to do so. Thus, competitively, the conscientious employer is at a disadvantage. The Congress already has enacted safety programs for a few of the more hazardous occupations. The plight of other workers is just as important and encompasses a much broader group. In fact, it is increasingly clear that the hazards which characterize modern industry are not the problem of a single employer, a single industry, or a single State. The health and safety of the worker are a national concern. As a result, both President Johnson and President Nixon have urged enactment of a comprehensive program to meet the total range of occupational safety and health requirements.

In consequence of this widening acceptance of the serious nature of the problem, the House has before it today H.R. 16785 from the Committee on Education and Labor. This, however, is not a bill which I support. It is my belief that the committee bill could, in fact, bring about conditions which are chaotic rather than corrective. Instead, I support H.R. 19200, a substitute bill, of which I am a cosponsor. And I pay high compliment to my good friend, the distinguished gentleman from Wisconsin, WILLIAM STEIGER, who is the senior sponsor of the bill.

The substitute represents a bipartisan effort to pass a fair, equitable, effective, health and safety bill. It was drafted in consultation with members of both parties and with individuals representing both labor and management, as well as the administration. I do not think this can be said of the committee bill. The substitute seeks to provide a balanced administrative structure for mobilizing a sound national program and enlisting the best efforts of both employer and employee toward safe and healthful working conditions.

Serious objections have been voiced to the committee bill. They come from many of those who will be affected by it. Primarily we feel that it will vest too much power in Washington. The enormous amount of power given to the Secretary of Labor by the committee bill could easily be abused, actually bringing about a breakdown in relations between Government and those in labor and management with whom it deals. For instance, the Secretary of Labor could arbitrarily take action to shut down a plant when he considers that an imminent danger exists. This could create an extremely coercive situation. The substitute bill places this function in U.S. district courts, where such action could be considered more calmly. This would not result in delays, since action could speedily be obtained under injunctive processes.

I have also been quite concerned with the power vested in the inspection system to be established in the committee bill under the Secretary of Labor. It should be obvious that, under the committee bill, one man could arbitrarily shut down a plant on his own finding of imminent danger without consulting with anyone or giving any warning or determining the effect it would have. This would invite abuses. It could produce effects which are disastrous both to employees and employers. The order for the closing down of a plant can last for only 72 hours, but there are many industries and many businesses in this country which can be substantially ruined by an arbitrary and unannounced 72-hour shutdown. We have human frailties in all walks of life. This includes inspectors who would be employed in this program. I submit that going to the courts, as the substitute bill would require, is a far better procedure for obtaining corrective steps than destructive summary action would be.

As far as I can determine, there are no checks and safeguards placed on the power of the Secretary. The committee bill gives him full authority in areas of standard setting, investigation, adjudication, and prosecution. This could result in a dangerous situation.

We propose that the program be administered by a board which is directly concerned with the problems of health and safety in industry. We believe this is highly preferable to vesting all functions in the Secretary of Labor in a centralized Washington operation. The Labor Department is already filled with many differing, diverse problems. An independent board consisting of five members giving full consideration to this many faceted problem can best establish health and safety standards for the many types of industry and business which exist in this country. Such a board will have the benefit of support and cooperation from the agencies of Government, such as HEW and the National Institutes of Health, which can help to determine what are reasonable and prudent standards for the working people of America.

Government, labor, and management should have an equal stake in improving safety conditions. In the committee bill, the employer has a very minor role in the pursuit of better working conditions. The passage of legislation does not automatically improve working conditions. We should pass legislation to insure that employers and employees alike have an interest in improving these conditions. Harmony and cooperation can best obtain under the substitute bill.

This is a new program. It will have to try its wings. The substitute bill gives flexibility in its application. This is needed in a new program. We think a bill which does not mandate cumbersome standards-setting processes would be more effective by virtue of being more acceptable both to labor and management and will create far fewer problems.

The committee bill does not spell out guidelines on safety and health standards and we consider this an invitation to bureaucratic meddling which can produce untold problems in the operation of the bill.

Remember, the committee bill gives the inspectors dictatorial powers which in the wrong hands could work against a successful and effective program. In other words, we seek to avoid an unworkable bill or one which creates unreasonable problems. We want the program to succeed. We encourage the development and use of State plans and a realistic acceptance of programs best adapted to the individual States and to local communities. This in itself is of considerable importance.

We do not consider the substitute bill to be slanted toward any particular group, but that it will encourage cooperation between labor and management and Government to achieve a realistic and useful program which actually does save life and limb.

The sponsors of the committee bill made it clear in yesterday's debate that they recognize the bill contains serious deficiencies and they are proposing a number of amendments which are intended to improve the bill. Undoubtedly, these amendments would improve the bill. The fact remains, however, that the substitute will be a much better bill than the amended committee bill. The amendments which are to be offered to the committee bill will fail in important areas to eliminate serious weaknesses which already have been pointed out in the committee bill. Obviously the thing to do is to accept the substitute.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield briefly to the distinguished chairman of the committee.

Mr. PERKINS. Let me say to my distinguished colleague, we have passed that point because when the substitute is voted down, we intend to offer an amendment so that no plant can be closed down unless you go into the district court.

Mr. SIKES. My distinguished friend, for whom I have the highest regard, obviously realizes there is a need to correct this bill in many instances. This I have just pointed out. Amendments will not be necessary if the substitute is approved. The weaknesses, which are manifest, can be taken care of through this simple procedure. The gentleman proposes to improve the committee bill—and it needs it. Let us accept the substitute. It is a good bill, one that does not have to be rewritten by amendments.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that all debate on the substitute amendment and all amendments thereto close at 2:15 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

PARLIAMENTARY INQUIRY

Mr. STEIGER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. STEIGER of Wisconsin. Am I correct in understanding that the unani-

mous-consent request of the gentleman from Kentucky was to end debate on the amendment in the nature of a substitute, H.R. 19200, and any amendments thereto at 2:15 p.m.?

Mr. PERKINS. That is correct, only on the substitute. We hope that the committee bill will prevail, and that we will then proceed to the amendment process on the committee bill.

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. As I understand the rule and the procedure, amendments can be offered to the committee bill at the present time; is that correct?

Mr. PERKINS. I do not so understand.

Mr. GERALD R. FORD. I should appropriately like to address the inquiry to the Chair: Between now and 2:15 may amendments be offered to the committee bill?

The CHAIRMAN. Amendments may be offered to the substitute until 2:15. All debate on the substitute and any amendments to the substitute will be terminated at that time.

Mr. GERALD R. FORD. Mr. Chairman, with appropriate deference to the Chairman's response, I do not think there was an answer to my inquiry.

The CHAIRMAN. The gentleman asked what would happen after that time if the substitute does not prevail? It would be the ruling of the Chair that it would be in order to offer amendments to the original committee amendment.

Mr. PERKINS. Mr. Chairman, I wish to make another unanimous-consent request——

Mr. GERALD R. FORD. Mr. Chairman, may I more specifically define my parliamentary inquiry: Is the Chair ruling that there can be no amendments offered between now and 2:15 to the committee bill?

The CHAIRMAN. Only to that portion of the committee bill which has been read.

Mr. GERALD R. FORD. Which is the enacting clause?

The CHAIRMAN. That is correct.

Mr. PERKINS. Mr. Chairman, I wish to modify the unanimous-consent request previously made to reserve to the committee the last 5 minutes of debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. ARENDS. Reserving the right to object, what was the request?

The CHAIRMAN. The request was to reserve the last 5 minutes of time, which would be from 2:10 to 2:15, for the committee.

Mr. ARENDS. Further reserving the right to object, may I ask why it takes 45 minutes of time? Are there that many speakers?

Mr. PERKINS. If the gentleman will yield, I wanted to be reasonable. I assume the gentleman has some speakers on his side. I know we have several speakers on this side. I felt a quarter after 2 would be reasonable to have as time to debate the substitute and amendments thereto.

Mr. STEIGER of Wisconsin. Mr. Chairman, reserving the right to object, will the gentleman amend that request to provide that the gentleman from Wisconsin will be recognized for 5 minutes and then the committee will be recognized for 5 minutes prior to the termination of the time?

Mr. PERKINS. I accept that.

The CHAIRMAN. The pending request is that there will be 5 minutes reserved for the propounders of the substitute and then 5 minutes for the committee immediately prior to the termination of the time. Is there objection to that request?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SCHERLE).

(By unanimous consent, Mr. SCHERLE yielded his time to Mr. STEIGER of Wisconsin.)

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I would like to take this time to ask a question or two of the authors of the bill. On page 64, subsection (c) says:

(c) If the Secretary arbitrarily or capriciously issues or fails to issue an order under subsection (a) and any person is injured thereby either physically or financially by reason of such order or failure to issue such order, such person may bring an action against the United States in the Court of Claims in which he may recover the damages he has sustained, including reasonable court costs and attorneys' fees.

Going back to the definition of a person, is the right provided for here available only to employees, or is it possible that employers would fall into this category as well?

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to my friend, the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, yesterday in the course of the debate, I stated that I will propose today, in the event that the substitute is defeated, an amendment repealing this section of the bill. The section the gentleman read applies to imminent danger which would give inspectors the right where they deem that a danger is imminent to act administratively.

Mr. WAGGONNER. Mr. Chairman, I think I understand what the gentleman is saying, but I believe he misses the point. As the language is drawn, if it is not stricken, would only employees be able to claim damages?

Mr. DANIELS of New Jersey. No; the employers would also as well be able to collect damages.

Mr. WAGGONNER. The employers would as well.

All right, then going back to the inspection section, we have a definition of the word "Secretary." This language is rather tightly drawn. Is it possible that, when we talk about inspections, when we use only the word "Secretary," that employees of the Secretary could not conduct inspections?

Mr. PERKINS. Let me say to my distinguished friend that the word "Secretary" means his agents as well. We do not expect the Secretary himself to conduct inspections. His agents will conduct the investigations.

Mr. WAGGONNER. Does the gentleman feel we need an additional amendment to the definition of the word "Secretary"?

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. GROSS yielded his time to Mr. WAGGONNER.)

Mr. WAGGONNER. I refer the gentleman to the definition section, section 3(1):

The term "Secretary" means the Secretary of Labor.

It does not say anything about his agents.

Mr. PERKINS. The legislation contemplates that the Secretary's agents will perform the inspections.

Mr. WAGGONNER. I beg to disagree.

Mr. PERKINS. That the Secretary may delegate his functions is clear.

Mr. WAGGONNER. I beg to disagree. When we talk about inspections we use only the word "Secretary."

Mr. PERKINS. It is provided in existing law that the Secretary may delegate functions.

Mr. WAGGONNER. Again I refer to the inspection section, page 57, section 9 (a):

In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

To do certain things. It does not say anything about agents of the Secretary, and there is only one Secretary.

Mr. PERKINS. Mr. Chairman, will the gentleman yield further?

Mr. WAGGONNER. I am happy to yield further.

Mr. PERKINS. May I quote language from the Reorganization Plan No. 6:

The Secretary of Labor may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Labor of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

Mr. WAGGONNER. None of the proposed amendments would affect that authority?

Mr. PERKINS. None of the amendments would affect that authority.

Mr. WAGGONNER. The proposed amendments.

Mr. PERKINS. That is correct.

Mr. WAGGONNER. I thank the gentleman for yielding.

The CHAIRMAN. The Chair would like to inquire whether any Member on the list has an amendment to offer to the substitute amendment?

The Chair recognizes the gentleman from Maine (Mr. HATHAWAY).

AMENDMENT OFFERED BY MR. HATHAWAY TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. HATHAWAY. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. HATHAWAY to the amendment in the nature of a substitute offered by Mr. STEIGER of Wisconsin:

On page 48, between lines 4 and 5, insert the following:

"(h) The Secretary may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State until final action is taken by the Secretary with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this Act, whichever is earlier."

Mr. HATHAWAY. Mr. Chairman, this amendment, which would be put in the section of the substitute pertaining to the States making application to enforce their own occupational health and safety laws. In view of the fact that there may be an hiatus between the effective date of the Federal standard and the time when the Secretary will actually be geared up to enforce that standard, I believe it would be advisable in that interim period, which from past experience may take up to 2 years, to allow the States to continue to enforce their own standards with respect to the area covered by the Federal standards.

That is the only purpose of this amendment. This amendment was offered in another form and accepted in the other body. I believe it is a worthwhile amendment.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman from Maine yielding.

This amendment, may I ask the gentleman, is not identical to that offered in the other body to the Senate passed bill?

Mr. HATHAWAY. That is correct; it is not identical.

Mr. STEIGER of Wisconsin. Would the gentleman be willing to briefly say what are the differences between the two?

Mr. HATHAWAY. The amendment which was offered in the other body was restricted to standards that are not in conflict with the Federal standard, and it said that a State standard which was stronger than the Federal standard would not be in conflict. But this restricts the field of application beyond that which I believe the Secretary would like to have and would need to have.

If, for example, you had a Federal standard that said workbenches should be 3 feet apart and if there were a State standard that said they should be 2½ feet apart, then under the Senate amendment that was approved and agreed to, the State standard could not be effective, because it would be in conflict. The Secretary may say "We had better have a 2½-foot standard at least until the 3-foot standard is ready to be enforced." That is why I deleted that language from the Senate amendment.

Mr. STEIGER of Wisconsin. I appreciate that explanation. I discussed this with the gentleman from Florida, and we both concur that the amendment does make sense, and we would accept it.

Mr. HATHAWAY. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine to the amendment in the nature of a substitute offered by the gentleman from Wisconsin.

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I rise in support of the Steiger-Sikes substitute.

As I explained in more detail yesterday, I think it will provide a better law for the health and safety of the working men and women of this country.

One of the principal differences that remain between the Steiger-Sikes substitute and the committee bill as proposed to be amended by the gentleman from New Jersey and the chairman of the committee, the gentleman from Kentucky, is the question of standard-setting. I think this is a crucial difference.

As I pointed out before, the committee bill would in effect make the Secretary of Labor legislator, policeman, judge, and jury. It would put the Secretary of Labor, I think, in the wrong position. It is not good organization to have standard-setting and enforcement and determination of violation of standards all resting with the same men. The Steiger-Sikes substitute separates these powers, as is traditionally done, by having a separate body establish the standards and utilize the consensus standards and already existing Federal standards to implement the law in a way that I think would be particularly helpful in getting standards set and in operation early.

I feel that the Steiger-Sikes substitute will in effect give us more of what we want with this bill; that is, protection for the working man and woman. I hope that it will be supported by a majority of the members of the Committee of the Whole.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS).

(By unanimous consent, Mr. MYERS yielded his time to Mr. STEIGER of Wisconsin.)

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, there is one thing that concerns me about this matter. I think I understand it correctly, but I should like to ask some member of the committee to answer a question on the point.

There has been much said about the question of the division of powers—the judicial power, the legislative power, and the executive power.

Now, as I understand the committee's bill, the committee's bill would require, in order for any matter to ultimately be enforced, some type of judicial review particularly in view of the amendments that the gentleman from New Jersey (Mr. DANIELS) proposes to offer. In other words, no one could be compelled to do anything unless the court directed him to do so.

But as I understand the amendment, the substitute, it would mix an administrative power and court review.

Now, ordinarily, when I go into court I am attempting to get a determination of the issues involved based upon the facts that arose, but as I understand the Steiger amendment, the court would first have an opportunity to review the validity of the rule as an abstract proposition and then would be permitted to decide the question in controversy.

Mr. DANIELS of New Jersey. Mr. Chairman, if the gentleman will yield, the gentleman has placed his finger upon it correctly.

Mr. ECKHARDT. I am very much opposed to that mixing of judicial authority with rulemaking authority in the courts, and therefore I oppose the Steiger substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 19200, the Steiger-Sikes substitute job safety bill. I am proud to support this substitute bill because it represents a truly bipartisan compromise effort. It incorporates the best features of both the Daniels bill and the original administration bill into a truly equitable and effective occupational health and safety program. It places safety for the worker and fairness for the employer above narrow partisan politics. And I think everyone here today would agree with me that the health and safety of 80 million American workers must be our overriding concern and that we must be willing to rise above politics to provide the best possible legislation.

I listened carefully yesterday as the distinguished chairman of the Education and Labor Committee denied that the Daniels bill was too harsh and proclaimed that it was vastly superior to the substitute bill. And I listened further as he then turned around and expressed a willingness to introduce five substantive amendments which are nearly identical to certain provisions of the substitute bill. I cannot say that this constitutes an admission that the Daniels bill may be too harsh and that the substitute may have considerable merit. Whatever the chairman's reasons may be, I for one would certainly welcome this belated compromise gesture. I can only wish that this magnanimous spirit of compromise had been more in evidence during the committee's deliberations since no one enjoys having to rewrite entire bills on the floor of the House. But when good intentions do not manifest themselves in good legislation, we are left with no alternative.

And so, while I think the chairman is beginning to move in the right direction with his compromise amendments, he has still failed to come to grips with some of the major structural defects of the committee bill and for that reason I think it is imperative that we adopt the substitute bill.

The major structural defect of the committee bill, which is not touched upon in the chairman's compromise amendments, is the concentration of all power in the Secretary of Labor. Under the committee bill, the Secretary

is authorized to promulgate, monitor, and enforce the occupational safety and health standards. Now I am aware that during the course of the debate yesterday, the Federal regulatory agencies were cited as ample precedent for such a concentration of powers. But let me remind my colleagues that one of the major reasons these commissions are under heavy attack today is because they have been unable to fulfill the oftentimes conflicting responsibilities of serving as prosecutor, judge, and jury all rolled into one. And yet this is exactly what we are asking of the Secretary of Labor under the committee bill. And I might add that the current Secretary of Labor, Mr. Hodgson, fully recognizes this potential problem and has consequently endorsed the substitute measure. In his letter to Congressman STEIGER he said, and I quote:

> I firmly believe that H.R. 19200 is a strong comprehensive measure which includes fair, effective procedures for promulgating and enforcing occupational safety and health standards. My endorsement of H.R. 19200 is in the spirit of compromise, and a desire to see effective occupational safety and health legislation enacted this year.

The substitute bill offers a much more reasonable, responsible and realistic approach to an occupational safety and health program than does the committee bill. It would establish a full-time board of professional safety experts to set the standards and a special appeals commission to adjudicate alleged violations. And I cannot overemphasize the importance of having a nonpartisan professional board to promulgate these standards, for this would remove the possibility of subjecting this process to political pressures from business and labor interests. By the same token, the three-man Appeals Commission would be above these pressures in adjudicating alleged violations. Through these two structural devices, the committee bill is best designed to insure both professional safety standards and strong and equitable enforcement. If I were to choose two words to describe in what ways the substitute bill is superior to the committee bill, I would choose the words, "professionalism" and "fairness." These are the major strengths of the substiute bill and these are the reasons that I am strongly urging its adoption.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, I think that it has been very clearly demonstrated that in the substitute we have a bill which is workable, a bill which was carefully drawn, a bill which was drawn in consultation with employers and employees, after conferences with both sides of the aisle in the Congress, and with the concurrence and assistance of the administration.

We have a bill that is ready to be put into operation. It has been made clear that no serious deficiencies exist in the substitute. Thus, extensive amendments are not required. That is not true of the committee bill. In one instance after another, committee members themselves have admitted weaknesses in the bill and have proposed that they will offer amendments to correct those weaknesses which are contained in the committee bill.

Mr. Chairman, it should not be necessary to take these steps. We should not have to rewrite this legislation on the floor of the House. By the simple expedient of accepting the substitute we can eliminate that necessity, eliminate the dangers that go with that process and have a good workable bill which will in fact mark a great step forward in assuring better and safer and healthier working conditions for American employees.

Mr. Chairman, I urge the adoption of the substitute.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Chairman, the need for an occupational safety and Health bill is clear. What we do not need is just any bill—we need an effective bill.

I say to you that the committee bill is better and more effective than the Steiger substitute. The committee bill is fair, it is sound, and it is a good bill.

In order to make every concession to alleviate the fears and to correct the misstatements that have been expressed, I shall propose amendments to the committee bill that, while not interfering with its effectiveness, will reduce areas of concern that have been expressed. The committee bill with these amendments will still be more effective and superior to the Steiger substitute.

What do these amendments do?

First, they modify the employer's obligation to provide a safe and healthful place of employment—the so-called general duty. This obligation is made more limited and there is no penalty for violating the general duty unless, of course, the employer fails to correct a violation after it is pointed out to him.

Second, in imminent danger situations, the secretary will now be required to get judicial relief. We have eliminated the provision under which a plant could be closed by an administrative order.

Third, we have deleted a provision which was—though inaccurately—called a "strike with pay" provision, and have provided that employees may request an inspection when they are subjected to dangers at the workplace.

Fourth, we have revised the monitoring provisions both to simplify them and to make them a part of the standards-setting process.

We have amended the Construction Safety Act so that its standards-setting procedures become applicable to the entire construction industry rather than as at present which is to contractors performing Federal or federally assisted work.

Finally, we shall offer an amendment providing for a three-man appeals commission to review issues on contested citations.

I announced on the House floor yesterday during the course of the debate that I would place in the CONGRESSIONAL RECORD the amendments I would offer. I wish to bring to your attention that these amendments appear in the RECORD of Monday, November 23, on pages 38377 and 38378.

I urge the defeat of the Steiger substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan, Mr. O'HARA.

Mr. O'HARA. Mr. Chairman, let me call your attention to a letter that the Members should have received from the gentleman from New Jersey (Mr. DANIELS), who is the sponsor of the bill before us.

If you did not see a copy of the Daniels letter, then there are additional copies of the letters at the committee table, and I hope you will pick one up. It explains some of the changes that the gentleman from New Jersey is willing to make in the committee bill in an effort to arrive at an agreement on the committee bill.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I would ask the gentleman if these are the amendments referred to in the letter which the chairman of the committee indicated yesterday in his remarks he intended to support?

Mr. O'HARA. That is correct.

The chairman of the committee will support the changes that the gentleman from New Jersey (Mr. DANIELS) will propose to his own bill if the substitute is defeated and an opportunity is had to amend the committee bill.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman.

Mr. O'HARA. Mr. Chairman, let me simply conclude by saying this: After the adoption of the amendments that the gentleman from New Jersey (Mr. DANIELS) will propose if the substitute is defeated, there will be one important substantial difference between the substitute and the committee bill, and that difference will have to do with the manner in which the standards under the act are determined and promulgated.

The substitute proposes that this be done by a committee—a committee that will not be known to the public and whose members will not be responsible to the public. A committee of people who cannot be held accountable by the Congress for what they do or fail to do.

The committee bill on the other hand to use the standard rule making provisions of the Administrative Procedures Act. Under the committee bill, all rules and regulations will be promulgated just as all other rules and regulations under the Administrative Procedures Act, by the Secretary of Labor, an accountable, identifiable, and responsible public official.

I ask that the substitute amendment be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, may I first of all say I am somewhat surprised at the speed with which all of this has been done. I trust that that is an indication of the willingness of the House to accept the substitute put forward by the gentleman from Florida and myself.

The gentleman from Michigan, as has the gentleman from New Jersey before me, attempted to try to portray the substitute as being ineffective to a point—but only to a point, you will notice, because of course they are going to offer amendments if the substitute is defeated which would, in fact, bring the Daniels bill almost in line with the Steiger-Sikes substitute.

What we are saying, as I tried to indicate earlier in my remarks, not only in general debate yesterday, but also today, is that there is a feeling apparently that we had better try to modify what we recognize is a deficient bill.

The whole point I would make to the committee is that they have had their chance. As a matter of fact, the substitute came about because of the distinguished chairman of the Committee on Education and Labor.

Yet, when we tried to reach a compromise, which is the Steiger-Sikes substitute which you have before you today, it did not pass. It did not succeed. It was defeated in committee by a vote of 19 to 15. Therefore, the gentleman from Florida and I had to bring it here to the House floor.

I would have preferred to try to find a way to reach an agreement that is acceptable as with the manpower bill. That was a good bill.

But this bill got hung up, in part, because of, I submit, the rays of heat that have been generated more than the light that has been generated perhaps by both sides who are supporting one or the other of the bills.

But let us understand more—if the substitute is defeated—as I hope it will not be—even if the amendments offered by the gentleman from New Jersey are passed, you still do not have a perfect bill. You still have a bill that monopolizes the functions. You still have a bill that is defective in terms of emergency standards and how those will be handled. You still have a bill that is defective because it requires the State and local employee within the State to be covered by the health and safety standards. Some States are not going to be able to have any safety plans under this bill.

There are substantive differences. My friend, the gentleman from Florida, has pointed to other areas of disagreement—the unrealistic criteria for the standards and the punitive nature of the penalty for advance notice, for example.

All that is by way of saying, I think the issue ought to be one thing and one thing alone—can we take a bipartisan compromise or substitute as offered by the gentleman from Florida and myself and pass it as the will of this House? Or are we going to be faced again with an attempt to correct the deficiencies of the bill proposed by the Committee on Education and Labor?

I trust that the action of the House today will be to adopt the substitute and not to vote it down so that we can then pass a bill and take it to conference and get the bill back in this session of the Congress that is strong, effective, enforceable, and that can be supported by both parties and the administration.

I hope the vote will be "aye" in favor of the substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. PERKINS) for 5 minutes.

Mr. PERKINS. Mr. Chairman, in response to the distinguished gentleman from Wisconsin, I should like to make clear that Federal standards promulgated under the committee bill would not cover Federal and State employees, as has been stated by the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield? The point I made is that it requires State plans for coverage of State and local governmental unit employees.

In my judgment, the committee bill is far superior to the substitute bill. Why should we turn back the clock and utilize outmoded methods for promulgating standards. The President of the United States in other legislation has even suggested that we should place such authority in an established agency instead of an independent commission. We voted on similar questions during consideration of the Railway Labor Act this year and also on the Coal Mine Safety Act. May I state again if the committee bill prevails over the substitute an amendment will be offered so that an inspector will not have the right to close down any plant. Under our proposal the Secretary of Labor would have to go into the district court and prove a case of imminent danger.

So I say to you that the committee bill is reasonable. It is superior to the substitute. It will provide for immediate action in these all-important areas. The provisions of the committee bill will go into operation immediately, whereas if we try to establish a number of independent commissions, the effort will drag on for several years before we provide employees in hazardous industries with adequate protection.

With the amendments the gentleman from New Jersey will offer the only real difference between the committee bill and the substitute bill relates to the establishment of standards. It is the committee position that such authority should rest in the Secretary of Labor. As the gentleman from New Jersey stated, under the committee bill, in every instance where standards are promulgated, all parties affected will be notified. In the committee bill an advisory committee will advise the Secretary and every affected individual will have his day in court.

As the gentleman from New Jersey has also indicated, if the substitute bill is voted down, an amendment will be offered with respect to the enforcement provisions. It will be the same as language adopted in the Senate to provide for the establishment of a presidentially appointed Occupational Safety and Health Review Commission.

Persons aggrieved by a citation of the Secretary of Labor will appeal to the Commission rather than to the Secretary, as is the case in the committee bill. We will, with this amendment, provide for a separation of powers. Standards will be promulgated by the Secretary of Labor and contested citations will be considered by an independent court, so to speak, an independent review commission.

After we make that change and the others we have agreed to, there is only one real difference, and that is with respect to the setting of standards. The Department of Labor is already in the position of having the know-how at hand. Why try to drag the safety program along for a long time and not provide employees with adequate safety, when we can get a program into operation overnight with the committee bill. At the same time, we will be giving all the interested parties an independent court to go to for the hearing of any complaints.

Let me emphasize again, there is nothing in our bill which authorizes strikes without pay. Nevertheless, if the committee bill prevails, we are going to clarify that language with an amendment. We are only proposing to do in this bill what we are already doing in the Construction Act, where the authority is in the Department of Labor. The substitute bill provides that the Department of Labor may promulgate standards for the construction industry. If it is good for the construction industry, I think it is good for all the industries of this country.

In conclusion, let me urge all members of the committee to vote against the substitute bill and support the committee bill. We certainly do not intend to work a hardship on any industry in this country. Our purpose is to insure safety. If there are any penalties in the committee bill that are deemed unjust, I can assure the members the House Committee on Education and Labor will reconsider those provisions.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, it goes without question that the only real difference is in the cost of doing the job.

We name a board of five members to be confirmed by the Secretary. They will spend a minimum of a quarter million dollars a year. We will still have to go to the only source of knowledge and expertise in the field of industrial safety. There is no other source of information except the experienced bureaus and departments with the Offices of the Secretaries of Labor and House, Education, and Welfare. It is working absolutely to perfection in the field of mining, as far as the coal mines are concerned. I urge that the substitute be defeated.

Mr. GALIFIANAKIS. Mr. Chairman, I rise in support of H.R. 19200, the Occupational Safety and Health Act.

No one here today should doubt the need for this legislation. More than 14,500 workers are killed in on-the-job accidents each year, higher than the American death toll in Southeast Asia. By a conservative estimate, another 2½ mil-

lion workers each year are injured to the point of disability.

There is little reason to believe that the situation is improving. Over the past 12 years, we have experienced a 20-percent increase in the number of disabling injuries per million man-hours. And in 1969 alone, it is estimated that occupational accidents cost $1.5 billion in wages and $8 billion in gross national product.

I am pleased, Mr. Chairman, that the House of Representatives is addressing itself to this problem in the closing days of the session.

But I think there are some provisions of H.R. 19200 which need clarification. Unless the intent of these provisions is explained for the record, I fear that we may lose some of the effectiveness of this bill.

Mr. Chairman, I asked the gentleman from Wisconsin (Mr. STEIGER), who is the author of this bill, several pertinent questions and I included these questions and answers as a part of my remarks.

Following are the questions along with the answers:

Question. As I interpret Section 9(a) of H.R. 19200, until a Federal inspector has presented his credentials, he lacks the authority to enter and inspect a business or workplace. Is that correct?

Answer. It is. Section 9(a) provides in part that: "... the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—(1) to enter without delay and at reasonable times ... and (2) to question ... and to inspect and investigate...."

So until the inspector has presented his credentials, he is not empowered to enter a business or workplace. I might add that this is a feature common to both H.R. 19200 and H.R. 16785.

Question. And the inspector not only must present those credentials, but he must present them to the owner, operator, or agent in charge, is that not correct?

Answer. It is.

Question. Then I would ask the gentleman this: is it legal, under the terms of H.R. 19200, for a low-ranking employee of a firm to leave a Federal inspector waiting at the entrance to a business simply by saying, "I am sorry, but I must locate the owner, operator, or agent in charge before you may present your credentials and enter." If that sort of evasion is legal under this bill, then we have lost the value of holding unannounced inspections.

Answer. My answer is, that such an evasion is not legal under H.R. 19200. Under my bill, it would constitute interference with a Federal inspector subject to the criminal penalties of Section 17(e). And I think the words "without delay," which appear in Section 9(a)(1) of H.R. 19200, make it a stronger bill in this regard than the committee version.

Question. This clarifies that important point. I have two other questions. First, I am bothered by the term, "agent in charge." Is it the gentleman's intent that whenever a business or workplace is inhabited, there is necessarily someone who is the "agent in charge?"

Answer. That is correct.

Question. And in the event that an "agent in charge" could not be located within a reasonable time, would the Federal inspector be able to gain entry by presenting his credentials to any other employee?

Answer. I would say so. In general, it is our intent in H.R. 19200 that the Federal inspector should gain entry to a business or workplace with an absolute minimum of delay.

Mr. Chairman, I appreciate the gentleman from Wisconsin's candor and his desire to meet every question that was asked. A I have studied H.R. 19200 in recent weeks, I have been impressed by the gentleman's work in shaping a straightforward piece of legislation which will do much to reduce the toll from on-the-job accidents.

Mr. STEIGER of Wisconsin. Mr. Chairman, section 9(a) of the bill provides that in carrying out the purposes of the act, the Secretary is authorized to enter and inspect a factory "upon presenting appropriate credentials to the owner, operator, or agent in charge." A question has been raised as to who exactly may be considered the agent in charge. For example, will the inspector have to wait outside the factory interminably while someone inside goes off to find "an agent in charge"? The way we envision this provision as operating is that the inspector will present himself at the factory entrance and he will ask to see the agent in charge. The inspector will present his credentials to any employee who presents himself as the agent in charge. Now, if no person shows up stating that he is the agent in charge, then we do not intend that, under those circumstances, the inspector is going to wait an inordinate amount of time for such an agent to show up; and we certainly do not expect the inspector to give up and go back to his office. If none of the employees, purporting to the agent in charge, shows up after a reasonable time, then we contemplate that the inspector, acting for the Secretary, could regard any employee as the agent in charge for the purpose of presenting credentials under the act.

I would add that in carrying out inspection duties under this act, the Secretary, of course, would have to act in accordance with applicable constitutional protections.

As to what is meant by a "reasonable time and manner" in connection with inspections, this I believe will have to be left to the interpretation of the Secretary and of the courts. This test of reasonableness will be applied on a case-by-case basis. But we could say that, in general, the term means during regular working hours and in a manner which does not unnecessarily disrupt normal business procedures.

Mr. HULL. Mr. Chairman, I do not believe that any Member of the House of Representatives is opposed seriously to sensible requirements for health and safety in industry. I have heard, during this debate, many statements affirming support for legislation improving conditions.

The means to advance industrial safety is through cooperative efforts of employers and employees. The Federal Government has a natural interest in this area and its role in bringing about effective reform is proper. However, I am greatly concerned that the legislation proposed by the Committee on Education and Labor will not foster a climate favorable to this progress.

Instead of stimulating the necessary improvements, H.R. 16785 will be a divisive influence that would achieve little, if any, safety improvement.

One of the failures of the bill, even in the form which the committee chairman would now propose, is the failure to provide for the separation of powers. The committee bill sets up the Secretary of Labor as a czar to establish standards to enforce and inspect plantsites and to penalize those who have violated his regulations. The Secretary is given almost unlimited powers.

Second is the fact that, although certain changes are proposed related to the imminent danger section, still, the issuance by an inspector of the citation with a penalty to be levied at a later time is ill advised.

In short, the committee bill is replete with provisions that are administratively unworkable, unduly punitive, and highly disruptive of labor-management relations.

For these and other reasons already pointed out in detail by many of my colleagues I favor the Sikes-Steiger amendment, a practical solution to this problem of industrial safety.

It offers effective methods by which we can insure that our working people have a full measure of safety on their jobs. We should do no less.

Mr. HELSTOSKI. Mr. Chairman, H.R. 16785, the Occupational Safety and Health Act, is legislation which is long overdue, with its provisions designed to protect the working men and women by providing safe and healthful working conditions throughout our vast industrial complex.

Under the bill, we would authorize enforcement of standards developed under the act and would assist and encourage the States in their efforts to assure safe and healthful working conditions by providing for research, education, information, and training in the field of occupational safety and health.

Up to now, State and Federal governmental efforts to insure the occupational health and safety of the American worker have been rather inconsistent and performed on a piecemeal basis. Several of the States have been giving this problem much thought and have enacted legislation to protect the workers. Others have not faced this problem squarely and have taken little or no action. While the Federal Government has taken steps to protect workers in the mining, transportation, or those working on projects under Government contract, we have still left a substantial number unprotected. Through this bill we intend to expand our efforts to provide safe and healthful working conditions to these unprotected workers.

According to the National Safety Council statistics, there were 14,500 deaths and over 2 million disabling injuries due to industrial accidents in 1968. There are 390,000 new cases of occupational disease reported annually.

Mr. Chairman, I am not alone in my

concern for the problem. The Congress is concerned, or we would not have this bill before us now. The President is concerned, as he indicated in a message to Congress on August 6, 1969, in which he declared:

Technological progress can be a mixed blessing. The same new method or new product which improves our lives can also be the source of unpleasantness and pain. For man's lively capacity to innovate is not always matched by his ability to understand his innovations fully, to use them properly, or to protect himself against the unforeseen consequences of the changes he creates.

The side effects of progress present special dangers in the workplace of our country. For the working man and woman, the byproducts of change constitute an especially serious threat. Some efforts to protect the safety and health of the American worker have been made in the past both by private industry and by all levels of government. But new technologies have moved even faster to create newer dangers. Today we are asking our workers to perform far different tasks from those they performed five or fifteen or fifty years ago. It is only right that the protection we give them is also up-to-date.

There has been much discussion in recent months about the quality of the environment in which Americans live. It is important to note in this regard that during their working years most American workers spend nearly a quarter of their time at their jobs. For them, the quality of the workplace is one of the most important of environmental questions. The protection of that quality is a critical matter for government attention. . . .

Consider these facts. Every year in this country, some fourteen thousand deaths can be attributed to work-related injuries or illnesses. Because of accidents or diseases sustained on the job, some 250 million man-days of labor are lost annually. The most important consequence of these losses is the human tragedy which results when an employee—often the head of a family—is struck down. In addition, the economy loses millions of dollars in unrealized production and millions more must be used to pay workmen's compensation benefits and medical expenses. It is interesting to note that in the last five years, the number of man-days lost because of work-related injuries has been ten times the number lost because of strikes.

What have we done about this problem? The record is haphazard and spotty. For many decades, governmental responsibility for safe workplaces has rested with the States. But the scope and effectiveness of State laws and State administration varies widely and discrepancies in the performances of State programs appear to be increasing. Moreover, some States are fearful that strikes will place them at a disadvantage with other States.

Mr. Chairman, I support this legislation because it is designed to insure a safe and healthy work environment for the men and women workers in our country. It can become a landmark of utmost importance in the history of social legislation. It is not the result of some sudden disaster, but a carefully thought out product to provide for the establishment and enforcement of safety standards throughout the United States.

I wish to commend the distinguished chairman of the Select Labor Subcommittee, the gentleman from New Jersey (Mr. DANIELS), for his able work in developing this landmark legislation and bringing it to the House floor for consideration. I would also like to praise the chairman of the Education and Labor Committee, the gentleman from Kentucky (Mr. PERKINS) for his contributions and foresight in reporting such a strong bill from the committee. I congratulate them on this momentous achievement in behalf of all Americans.

We will fail the workers of American if we do not pass this legislation.

Mr. PUCINSKI. Mr. Chairman, I want to commend the chairman of the Select Subcommittee on Labor, the gentleman from New Jersey (Mr. DANIELS), on his diligent efforts in bringing H.R. 16785 to the floor.

There is no question that we need an Occupational Safety and Health Act. We all know the horrible statistics of lost lives, of disabling injuries, of incapacitating diseases. From the time this House began debate yesterday to the present moment, an estimated 40 Americans died from job related injuries or disease. Over 6,000 workers were disabled or injured.

Yet, at present, some 80 million Americans are either insufficiently protected or not protected at all by State or Federal laws. One of our great concerns is with the environment. Let us not forget that for most people, the work place is their environment for 8 or 9 hours a day.

I have studied the Daniels bill as well as the substitute bill. The Daniels bill is a comprehensive, well-thought-out measure to lessen the number of industrial accidents and occupational diseases.

I support the committee bill provision entrusting the Secretary of Labor with the issuance of safety and health standards. What this Federal Government does not need is another multimember board. It seems every time a new program is adopted that we must appoint a new board. There is absolutely no need for an Occupational and Health Safety Board.

The Department of Labor is the logical means of implementing this bill. The proponents of the substitute measure state that we are delegating too great a power to the Secretary of Labor; that we are ignoring the separation of powers theory. That theory was devised to impose checks and balances on the three coequal branches of our Government.

We have precedent after precedent where regulatory agencies have been established with factfinding, rule promulgation, and enforcement powers.

To assure an effective program, the Secretary of Labor and, ultimately, the President, must be held accountable—not a multimember board.

Mr. Chairman, I support H.R. 16785 as a giant step toward making all Americans secure from hazardous working conditions and safe from disabling diseases.

Mrs. SULLIVAN. Mr. Chairman, I have listened carefully to the debate on this measure, and have studied the background of the legislation over a number of years. Despite the many letters I have received from businessmen in St. Louis expressing alarm over aspects of the bill, I believe the weight of evidence clearly establishes that this legislation is urgently needed, and should be passed. I shall therefore vote for it.

Those who oppose the bill charge, or complain, that it will lead to frivolous disruptions of industrial production, under arbitrary and arrogant administration by the U.S. Department of Labor. If that were to occur, there are clear-cut remedies available to industry—and Congress would be quick to act to prevent this measure from being used as harassment for industry.

On the other hand, further delay in the enactment of this long-needed legislation, out of fear that some bureaucrat some day may exceed his authority, would be to condemn innocent workers to unnecessary loss of life or to serious injury—deaths or injuries which could be prevented under this legislation.

In my own opinion, those large industrial firms which are most articulate in opposing the bill would have the least to fear under it, for they have been aware of occupational hazards in their own plants for many years and have worked conscientiously to reduce or eliminate these hazards. Plants where worker safety has not received the care and attention it should receive have a much more understandable case against this bill, for they would be seriously affected by it.

As in any field where the Federal Government imposes restrictions or procedures intended to protect the health of the American people, the impact is often heaviest on those smaller firms which encounter economic hardship in coming into compliance. For this reason, the Small Business Administration must be prepared to assist any such firm in obtaining necessary new equipment to protect its employees. This is not a new problem—we have recognized such a problem in connection with compulsory meat and poultry inspection in plants engaged only in intrastate commerce, in connection with pollution control measures, and so on.

BACKGROUND OF OCCUPATIONAL SAFETY BILL

Mr. Chairman, the bill before us today represents years of hard work by members of the House Committee on Education and Labor in drafting legislation which would meet the problem head-on of protecting American workers against the heavy toll of death, injury, and disease on the job. I commend the committee for its efforts. Many years ago, Congress called for safety standards on work done under contract to the Federal Government, so this is not a new thing. But in most industrial operations, the safety standards are either completely voluntary, or are State-imposed and too often not really enforced. Some States have good laws and good enforcement, but not enough of them do.

About a dozen years ago, I learned about the deaths in St. Louis of several workmen after being directed by their supervisors to perform a task involving the use of carbon tetrachloride. Apparently, they were given no guidance or instruction or warnings. In looking into this incident to see if any Federal law covered situations of this kind, I found that the Bureau of Labor Standards in the Department of Labor had issued

many warnings and guidelines for the use of carbon tetrachloride, but the Federal Government itself had no powers to protect the workers. I then asked the then Secretary of Labor James Mitchell to prepare for me a draft of a bill which I could introduce to set up mandatory standards for the safe use of hazardous materials in industry. The Secretary declined, and indicated that the problem was not serious enough to warrant Federal legislation.

Later, I was asked by a group of workers in another St. Louis plant to help them find out why so many of the employees in that plant had suddenly begun developing skin diseases when, so far as they knew, none of the production processes in the plant had been altered in any way. Local and State authorities had not been able to locate a probable cause. I was able to arrange to have the U.S. Public Health Service send a team of investigators into the plant to make an on-the-spot survey of plant procedures and chemicals in use to determine the source of the infections. This investigation disclosed that—unbeknown to the plant management—a chemical used for a long time without injury in the plant's operations had been changed somewhat in composition by the manufacturer without any notice or warning to the plant in St. Louis using the product in its processes. When the problem was thus pinpointed, the hazard was removed. But in the meantime, some of the workers had developed liver disease or other serious side effects.

The Hazardous Substance Labeling Act, which requires full warnings on the labels of all dangerous substances sold for use in the household, does not apply to the same materials packaged for use in industry. So the worker has had no protection from the unknown toxic or other hazardous effects of bleaches, solvents, paints, and chemicals of all kinds used in industry, even though exactly the same products, when purchased for use in the home, must be clearly labeled as to their dangerous properties.

INTRODUCTION OF FIRST BILL IN 1965

In 1965, therefore, I introduced what I believe was the first bill on this subject of industrial hazardous materials other than those covered in the Atomic Energy Act. I asked then Secretary of Labor Willard W. Wirtz to study this bill—H.R. 1179 of the 89th Congress—as a prospective administration measure to meet one of the serious problems in American industry. Following my request, a task force was set up by Secretary Wirtz to go into this matter, under the direction of Assistant Secretary of Labor Esther Peterson. The eventual result was the proposed Occupational Health and Safety Act, similar to the bill now before us, which goes far beyond the original proposal I had made dealing only with hazardous materials.

I have cited this background, Mr. Chairman, because so many businessmen who wrote to me on this issue have wondered how this measure ever got started—what brought it on. It did not come out of the blue. The need has existed for a long time. The Johnson administration, which pioneered in many areas of domestic legislation to help protect workers and all Americans as consumers, deserves great credit for having initiated this broadly based legislation to cover the whole field of industrial safety. It had great courage in proposing this far-reaching bill.

My one regret about this whole matter is that Secretary Wirtz did not get behind H.R. 1179 of the 89th Congress and endorse it immediately as an administration measure which, with administration support, could have been passed quickly and without too much controversy and then carried the idea further with the proposal for this much broader bill. In that way, the workers of this country would have been protected during the past 6 years in at least this one area involving the use of hazardous materials and substances in industry.

TEXT OF 1965 BILL WHICH LED TO PENDING MEASURE

As part of the legislative history, Mr. Chairman, I submit for inclusion at this point, under unanimous consent, the text of my 1965 bill, reintroduced in the 90th Congress, and as introduced in the 91st Congress as H.R. 909, as follows:

H.R. 909

(91st Congress, 1st Session, in the House of Representatives, January 3, 1969, Mrs. SULLIVAN introduced the following bill; which was referred to the Committee on Education and Labor)

A bill to provide reasonable safeguards for employees working with or exposed to the dangers of hazardous materials

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Hazardous Materials Safety Act."

Sec. 2. (a) The Congress finds that the exposure to or the handling of hazardous materials without proper precautionary measures or without full knowledge of the dangers involved poses a threat to the life, health, and safety of workers; and that the threat to such workers has the effect of burdening and obstructing interstate commerce and the free flow of goods in interstate commerce.

(b) The Congress declares that it is the purpose of this Act, through the exercise by Congress of its power to regulate commerce among the States, to provide for the safety of such workers by requiring that employers take such measures as are reasonably necessary to protect workers from the dangers of hazardous materials.

SEC. 3. As used in this Act—

(a) The term "Secretary" means the Secretary of Labor.

(b) "Commerce" means trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.

(c) "State" means any State of the United States; the District of Columbia; Puerto Rico; the Virgin Islands; outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act; American Samoa; Guam; Wake Island; and the Canal Zone.

(d) "Employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States or any State or political subdivision of a State.

(e) "Employee" includes any individual

(f) The term "hazardous material" means—

(1) any substance or mixture of substances which the Secretary determines by regulation (A) is toxic, (B) is corrosive, (C) is an irritant, (D) is flammable, or (E) generates pressure through decomposition, heat, or other means, and which may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling, use, or exposure thereto, including such exposure as may result from accident.

(2) any radioactive substance which the Secretary determines by regulation to be sufficiently hazardous to require that necessary precautions be taken to protect employees, provided that the term "hazardous material" shall not include any source material, special nuclear material, or byproduct material as defined in the Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.

SEC. 4. Every employer having employees engaged in commerce or the production of goods for commerce shall safeguard his employees from the dangers of hazardous materials by taking such precautions as the Secretary may determine by regulation to be reasonably necessary to protect the life, health, and safety of such employees. Such regulations shall be in accord with the best known practicable means for securing the safety of persons coming within the proximity of hazardous materials, including the marking of containers holding hazardous materials, the use of protective devices, equipment, and clothing, and such other precautionary measures as the Secretary finds necessary to safeguard employees who handle or may be exposed to hazardous materials. Such regulations, as well as all changes or modifications thereof, shall, unless a shorter time is authorized by the Secretary, take effect ninety days after their formulation and publication by said Secretary and shall be in effect until reversed, set aside, or modified.

SEC. 5. In the administration of this Act, the Secretary shall seek the advice and assistance of those departments, agencies, or establishments of the United States engaged in similar work. The Secretary may utilize the facilities or services of any department, agency, or establishment of the United States with the consent of such department, agency, or establishment; and each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, provide such services and facilities as he may request for his assistance in the administration of this Act.

SEC. 6. For the purposes of the enforcement of this Act, the Secretary or his designated representatives are authorized to enter and inspect, at reasonable times and in a reasonable manner, the premises of any employer to determine whether any person has violated any provisions of this Act or any rule or regulation issued thereunder. No employer or other person shall refuse to permit entry or inspection by the Secretary or his representative as authorized by this section.

SEC. 7. Any employer may request the advice of the Secretary or his authorized representative in complying with the requirements of any regulation issued pursuant to this Act. In case of practical difficulties or unnecessary hardships, the Secretary in his discretion may grant variations from any such regulation, or particular provisions thereof, if he finds that the purpose of the rule or regulation will be observed by the variation and the safety of employees will be equally secured thereby. Any person affected by such regulation, or his agent, may request the Secretary to grant such variation, stating the grounds on which his request is based. Any authorization by the Secretary of a variation shall be in writing.

A properly indexed record of all variations shall be kept in the Office of the Secretary and open to public inspection.

SEC. 8. Whoever violates or fails to comply with the provisions of section 4, or with any regulation adopted to carry out the provisions of section 4, or who interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his duties under section 6 by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any place of employment, shall be guilty of an offense and, upon conviction thereof, shall be punished for each offense by a fine of not more than $1,000 or imprisoned not more than one year, or both.

SEC. 9. Whenever it shall appear that any employer has violated or is about to violate any of the provisions of this Act, the Secretary may bring a civil action for such relief (including injunctions) as may be appropriate. Any such action may be brought in the district court of the United States where the violation occurred or is about to occur, or where the principal office of such employer is located.

SEC. 10. The provisions of this Act shall have no application to hazardous materials while such materials are being transported by motor carriers, air carriers, rail carriers, or vessels engaged in interstate commerce. Nothing in this Act shall be construed to modify or amend the provisions of chapter 39, title 18, United States Code, as amended (18 U.S.C. 831 et seq.), or any regulations promulgated thereunder, or under sections 304 (a) (2) and (3), title 49, United States Code (relating to the transportation of dangerous substances and explosives by surface carriers); or of section 1421, title 49, United States Code, or any regulation promulgated thereunder (relating to transportation of dangerous substances and explosives in aircraft); or of chapter 7, title 46, United States Code, as amended (46 U.S.C. 170 et seq.), or any regulations promulgated thereunder (relating to transportation of dangerous substances and explosives in vessels).

SEC. 11. If any provision of this Act, or the application of such provisions to any person or circumstances, shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 12. This Act shall take effect ninety days after the date of its enactment.

Mr. HOSMER. Mr. Chairman, I have carefully examined both this bill and the proposed Steiger-Sikes substitute which I believe is likely to be adopted shortly. I am satisfied that neither version of this legislation is intended to interfere with, affect, or modify in any way the authority or responsibilities lodged in the Environmental Protection Agency and I am satisfied that the enactment of either version would not do so. The same is true as to other Federal agencies which prescribe and enforce standards and issue regulations in the health and safety fields.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope this occupational health and safety bill, H.R. 16785, with the committee recommended amendments, will receive the approval of the great majority of the Members of this House.

There is clear and overwhelming evidence to substantiate the very urgent need for this legislation. In summary, the authoritative testimony and evidence is that the death toll from on-the-job accidents amounts to 14,500 a year; there are more than 2.2 million disabling injuries a year; that these work accidents and illnesses cost the American economy some $8 billion per year and, ironically, there are more game wardens in the United States today than there are health and safety inspectors which obviously means that most animals are better protected than the working men and women of this country.

Let us further bear in mind that the experts advise us they conservatively estimate that annually some 200,000 to 400,000 industrial accidents go unmentioned by Federal and State tallies and there is, as yet, no count at all of the great and undetermined number of disabling on-the-job illnesses caused by chemical poisoning hazards in certain occupations. It is hoped that the research activity in this area, that is provided for in the bill, will enlighten and guide us toward correction in this particular and growing field of occupational safety.

Mr. Chairman, the urgency of this legislation is almost universally admitted so our only real task is to develop, for approval, a majority acceptable bill that will effectively correct and eliminate the nearly unbelievable death, disease, and accident rate that plagues the working people of this country because of the lack of safety standards, with adequate enforcement procedures, in their places and surroundings of employment.

I believe that the legislative measure now under consideration, with the modifications proposed, will provide and establish fair and reasonable standards for the prevention and elimination of on-the-job accidents, illnesses, and diseases to our working people, together with effective procedures for the enforcement of these standards. There is no question but what approval of this substantive legislation is in full accord with the highest environmental protection objectives of our people and our Government, and that this particular legislation is in the national interest. Therefore, I urge its adoption without extended delay.

Mr. RARICK. Mr. Chairman, a cursory study of H.R. 16785 indicates it provides for a power grab by the federal system relying on the emotional appeal of assuring safe and healthful conditions for working men and women.

Passage of this bill as is would not only surrender to the Secretary of Labor delegated powers to write, police, and enforce labor-management laws, but it smacks of creating a commissar, with unprecedented powers, in the Secretary of Labor.

It is truly unfortunate that many well-meaning people have been led to believe that this type of nationalization by legislation is necessary for protection of our working people or that a law can produce safe and healthful working conditions.

The suggestion as well as the thrust of this emotional rationalization is an insult to one's intelligence. We are now led to believe that only the Federal Government is interested in the safety and well-being of our working people and that only Federal bureaucrats can, as if by magic, prevent injuries, disease, and weakness to America's labor force.

I question such statements, especially in view of our experience resulting from other Federal takeovers, nationalizations, and threats of pocketbook deterrence. Thus far every usurpation by the federal system directed toward national socialism has never achieved its goals, but to the contrary has thwarted the free activity of our society by needless redtape, controls, fear, and intimidation.

The Federal revolution into the private sector of our Nation has only resulted in socializing the field, taxing it to death, or running the industry out of the United States.

The substitute proposal by Messrs. STEIGER and SIKES, as I understand it, offers some moderation to the bill by placing the powers under a board and changing the nature of the duty placed on the employer. While I feel the substitute measure presents less threat to our free enterprise system and has been acknowledged to be the lesser of the two evils by many informed citizens, industrialists, chambers of commerce, and the like, it is nothing more than galloping socialism in a more palatable phraseology.

National socialism under an appointed board is just as great a threat as is national socialism under an appointed commissar. Past experience proves that every Federal agency uses its power but to beget more power.

I cannot believe either bill provides a constitutional role for the Federal Government. As the lesser of the two evils, I plan to cast my people's vote for the substitute measure. Whether or not the substitute is accepted, my oath of office and my confidence in the American system of free enterprise compels me to vote against either measure on final passage.

Mr. ROBISON. Mr. Chairman, the subject of occupational health and safety is one which has received much attention recently. Indeed, if other Members' mail is running at all like my own, there can be little doubt that this issue is of utmost importance to many and varied groups. And yet, despite the differences enunciated by the various interest groups, there seems to be a general recognition that some job-safety legislation is needed. As one of by constituents—a businessman—observed in a recent letter:

> The safety and well being of our employees is of paramount importance to the success of our firm not only as a business but also as an employer. Neither our firm nor any other business in the United States can afford the position of being opposed to the safety of its employees.

Thus, in our discussion of the choice before us today, I trust that we shall not lose sight of the very real necessity of passing some form of job safety and health legislation this year. The statistics are appallingly clear; the need is great.

Although the Department of Labor and the National Safety Council estimate that 90 percent of all occupational accidents could be eliminated, the injuries and loss of life continue unabated. It has been reported that between 1958 and 1968 there was an increase in disabling injuries of from 11.4 per million man-hours to 14 injuries per million

man-hours. And yet, as alarming as is such an increase in injuries, the raw statistics are even more compelling. Each year some 14,500 men and women die as the result of occupational injuries and some 2,200,000 receive disabling injuries. This statistic, reduced to a daily average translates into 55 men and women being killed each day, 8,500 being disabled and 27,500 hurt daily.

Moreover, the prospects for those entering the labor force are not encouraging. Only 23 of every 100 men and women entering the labor force can expect to complete their working lives without an injury. Of the 77 percent who will be involved in an industrial accident, one will die, six will suffer a permanent injury, and 70 will experience one or more disabling injuries.

Although there is no way to equate the human misery that results from these injuries, I do think that the financial cost of those injuries is relevant to our inquiry here today. Labor Department statistics show that occupational accidents and disease annually result in lost wages of approximately $1.5 billion. Such occupational hazards require that $1.8 billion be paid in workmen's compensation claims and account for medical expenditures in the range of $600 million yearly. The outright cost to the economy is a loss of $7.3 billion to the gross national product. Finally, the loss of work from accidents is roughly 10 times greater than the loss from strikes and amounts to some 255 million lost man-days of productivity.

As great as these losses are, and even though job-related accidents are on the rise, there is no comprehensive program of inspection and enforcement of minimum safety standards. Perhaps the lack of priority given to this compelling need is most vividly pointed out by the fact that State safety staffs range from one inspector per 15,000 workers to one inspector per 100,000 workers; with State expenditures for safety programs ranging from 2 cents to $2.11 per capita. Perhaps the absurdity of our priorities is best illustrated by the fact that there is only one State—New York—which reports having more safety inspectors than game and fish inspectors; and in some States the game and fish inspectors outnumber the safety inspectors by 30 to 1.

A danger not adequately reflected by the statistics I have set forth is that of occupational diseases. First and foremost, we do not have adequate statistics to determine precisely the scope of the problem but, despite that inadequacy, in 1968 the Department of Health, Education, and Welfare reported 336,000 cases of occupationally related diseases. Moreover, we have not done enough research to know what activities being engaged in by industry are or may be dangerous to employees. It may well be that substantial numbers of employees are unknowingly being exposed to disease and hazard while on the job that may not evidence itself for years after the initial exposure.

I have pointed to these various statistics because I fear that, in our disagreements over the form that job-safety legislation should take, we might overlook the most compelling need for arriving at some type of comprehensive occupational health and safety legislation. We have an obligation to all employees to hammer out a bill which can resolve this cogent need.

At the same time, we must not lose sight of the requirement that, whatever form the legislation which we forge takes, that legislation must accomplish the job in the most effective fashion and that it must be as equitable as possible to both the employer and the employee. There is a need—indeed a compelling need—for legislation; however, we must be cautious that in our zeal to take corrective action we do not take precipitate action which might be both unnecessary and unwise.

H.R. 16785, more commonly referred to as the Daniels bill, has two glaring faults which, in my mind, make it unacceptable. First, the Secretary of Labor would be invested with the authority to promulgate standards, conduct inspections and finally be the arbiter of the fact of violations. As the minority views indicate, giving such authority to the Secretary of Labor "is tantamount to having the chief of police, in addition to his regular duties, also write criminal laws and then act as judge and jury." Second, the Daniels bill would allow an inspector to shut down a plant in certain situations, without giving the employer the opportunity to be heard on the matter. Such a procedure amounts to a denial of due process as guaranteed by the Constitution. Surley, a more reasonable approach would be to make available injunctive relief in Federal court which should be sufficient to achieve the aim of protecting employees from dangerous conditions while at the same time giving employers the benefit of being heard before action is taken.

Besides these two provisions which I find sufficiently pernicious as to mandate a vote against the Daniels bill, additionally there is a third provision which may have serious ramifications if left in its present form. That provision, section 5 of H.R. 16785, requires each employer to "furnish to each of his employees employment and a place of employment which is safe and healthful." While I certainly do not object to the aim of this provision—for indeed employers should furnish safe jobs and places of employment—the complete absence of any standards to define such a broad requirement makes the extent of the duty of the employer sufficiently vague as to place an impossible burden upon him. I believe that the worthwhile objectives behind this provision could be retained by merely employing more precise draftsmanship.

And yet, even though I disagree with certain major provisions of the Daniels bill, there can be little doubt about the need for occupational health and safety legislation. As I have noted, the statistics are clear and compelling, and we should use those statistics as a stimulus for achieving such legislation. I believe that H.R. 19200, commonly referred to as the Steiger substitute, is a more reasonable approach to the needs, a more evenhanded solution to the problems. I am casting my support behind the Steiger substitute because I believe that it protects employees from job-related accidents and disease while at the same time is fair to the interests of the employer.

One other thing: as serious as these job injury statistics are, and they are indeed most serious, I think that it is imperative that we keep them in perspective. Although any injury and death which could be prevented is too much, it should be pointed out that the average American worker is safer at his job than he is at home, on the highway, or at play. The Daniels bill assumes that industry has little or no regard for the safety of its employees, and such an assumption disregards all of the significant strides taken by management in trying to reduce the number of industrial accidents. I cannot support punitive legislation without some evidence that it is the only way to accomplish the goal sought.

The facts which I have mentioned, then, rather than being used for punitive and perhaps irrational purposes, ought to be the catalyst which brings about effective and equitable legislation—equitable to both the employee and the employer. In my view, and I have studied this matter most carefully, I believe that the Steiger substitute offers a better approach than the Daniels bill, and I shall cast my vote for that substitute.

Mr. HORTON. Mr. Chairman, after listening closely to today's and yesterday's debate on the Occupational Safety and Health Act, and after considerable study of the legislation and of the whole field of industrial safety, I feel there is a definite need for balanced Federal legislation to aid in the prevention of job-related injury and illness.

Because I feel strongly that we need legislation in this field, I will cast my vote for the bill on final passage, as amended by the substitute which the House adopted, despite the fact that the legislation being considered on final passage does not fully meet the test of balance in this area.

During the months which preceded our consideration of this bill, H.R. 16785, thousands of constituent employers and employees contacted their representatives, and both sides—labor and management—adopted pretty much hard-and-fast positions. Employee interest groups stood firmly behind the unamended language of the Daniels bill, as reported out by the Education and Labor Committee. Employer interest groups stood firmly behind the unamended language of the Steiger substitute, which provided far less stringent and in some instances less onerous enforcement procedures.

I am not happy with either version as originally drafted, and I feel that a compromise between the Daniels and Steiger versions is what is needed to provide fair, effective and balanced occupational safety legislation. I feel that employee groups are justified that the enforcement procedures provided for in the substitute are not as sure or as strong as they must be to put teeth in the very worthy regulations and programs provided for in the remainder of the Steiger version. On the other hand, I feel equally strong that the Daniels bill as reported

from committee contains provisions which go too far into Federal regulation of the employment relationship generally, and too far in imposing burdens and penalties on employers which are not fully necessary to accomplish the purposes of the law—that is, to reduce the number of deaths and injuries resulting from industrial and occupational health and safety hazards.

Thus, I was hopeful that our consideration of H.R. 16785 would result in a balanced and effective compromise, which is what occurred in the Senate when they considered similar legislation. I was even more hopeful of this result when I spoke yesterday to the Secretary of Labor, who informed me that the administration was willing to compromise some provisions of the bill and when I received from Congressman DANIELS, a letter detailing five important amendments which he and the committee were prepared to offer to eliminate the unfair provisions of his bill. I would like to read a partial text of his letter, listing these five amendments, which, unfortunately, were preempted by the adoption of the substitute language and thus could not be offered:

1. The "general duty" will be modified to require only that employers provide employment "free from recognized hazards" and there will be no penalty for violation of duty.

2. The provision authorizing the Secretary to order close-downs without a Court order in imminent danger situations will be deleted and exclusive reliance placed on judicial remedies.

3. The provision that has been attacked as giving an employee the right to "strike with pay" will be deleted.

4. The monitoring provisions will be revised to eliminate fears of excess burden on employers.

5. The Construction Safety Act will be amended (as in H.R. 19200) to include all contractors instead of just those performing government work.

I was prepared to support all of these amendments, and I feel that our passage of the committee bill, containing all five of these changes would have met the standard of fairness and balance as between employer and employee.

Thus, in order to make it possible for these amendments to be offered, I voted in both the teller vote and the first rollcall against adoption of the substitute language, and I voted to recommit the substitute after its adoption to permit the amendments to be offered and a more balanced bill to be passed.

However, the choice is no longer between the Steiger substitute and the Daniels bill, or between either bill and a better compromise version. The choice as we prepare for the final vote is between adopting the substitute—thus permitting a compromise to be worked out in conference with the Senate—and adopting no legislation at all on occupational safety in the 91st Congress.

My priority, knowing the seriousness of the problem of industrial safety in many industries, must be on assuring that some workable legislation is passed. In talking with the Secretary of Labor yesterday, he assured me that his and the President's priority was on achieving congressional approval of a bill on this subject before adjournment. Employees are surely looking to Congress for legislation to add job safety protections, and even some large employers in my district with exemplary safety records have recognized the need for Federal legislation in this area.

Thus, I am casting my vote for the substitute on final passage, in the hope that its adoption will lead to a balanced and effective bill emerging from conference.

Mr. RANDALL. Mr. Chairman, I support the committee bill, H.R. 16785, the Occupational Safety and Health Act, rather than the substitute, H.R. 19200, for the reasons I shall present very shortly. Should the Committee of the Whole accept the substitute, then I shall cheerfully accept that verdict and support the substitute.

Mr. Chairman, the question today is not whether we should have an industrial health and safety act. Just about everyone agrees it will be a good thing for our workers, and a good thing for the country. There remain only some few differences as to the best provisions.

The need is pinpointed by the 1968 statistics of the Public Health Service, which revealed that 14,500 workers were killed on the job; 2.2 million suffered disabling injuries; and at least 390,000 workers suffered occupational illnesses last year. Exposures on the job last year which may result in serious illnesses and death in the future cannot be counted—for example, zinc, lead or mercury poisoning, asbestosis or silicosis. Five times as many workdays are being lost because of occupational hazards, accidents and illnesses as are lost because of work stoppages over labor-management differences. The Public Health Service says these statistics represent no more than half and may be only a quarter of the actual job-related human devastation.

It is true that a few States such as California and New York have strong occupational safety and health programs, but most State programs are inadequate. Some States have so few inspectors that they spend as little as 2 cents per worker per year on job safety enforcement. It has been said there are as few as a total of 1,600 State safety inspectors altogether in all of the States in this country. There are only a few States that have as many as 100 inspectors. It happens there are only three States that require that their inspectors be trained in the field of occupational health and safety. It is most ironical that we find there are twice as many fish and game wardens in the United States as there are safety and health inspectors.

Throughout all the hearings and the preliminary conversations among committee members, it is a tribute to both the committee majority and its minority members that there was a sincere effort on the part of both sides to come closer together to avoid the necessity of a substitute.

Let us not forget that the substitute itself had come a long way from the administration proposal. The original administration plan called for a sort or kind of consensus to try to arrive at safety standards. There was no provision for the requirement of "general duty" for job safety on the part of the employer. It provided for a penalty against the employer only when there appeared to be a "willful" violation. There was no penalty for what could be considered a "serious" violation.

The main difference to the two approaches boils down to the proposition of whether there should be a centralization of authority on the one hand, as in the Secretary of Labor, or a diffusion and dilution of authority on the other hand, as in a board or commission. It becomes not a question of authority or power alone, but equally important, a matter of responsibility for job safety, and then finally a matter of accountability for both good standards and regulations and also their fair but firm and impartial enforcement.

The worst feature of the substitute is that we take away and remove the accountability by the committee bill, and we put in its place a commission or perhaps we should say a faceless board and even a kind of nameless board, because we have no assurance they will be well known, and certainly not directly accountable to anyone. Such a commission or board could provide the means for those who seek to evade safety regulations or avoid enforcement of standards to have something to hide behind.

The matter of occupational well-being is of such widespread concern and consequence, Federal responsibility for protecting workers against dangerous and unhealthy working conditions most certainly merits the concern for a Cabinet officer. Inherently, those matters affecting labor are within the Department of Labor. Therefore, administration and enforcement of the Occupational Safety and Health Act should be delegated to the Secretary of Labor.

The Secretary of Labor is both responsible and politically accountable to the President. We would have better safety regulations by a department headed by a Secretary, than to wind up with a kind of five-man Secretary of Labor that could pass the buck from one to another, absent themselves on occasion, or fail to meet regularly, which is the constant temptation of any board or commission. There has been far too great a trend recently to government by commissions or boards—such as the Scranton, Ash, Kerner, Kappel, Eisenhower commissions, and many others. We have already had too much government by commission.

Legislation in the area of occupational health and safety should have as its objective adequate protection for the worker with reasonable safeguards against health damage due to his job exposures, within a framework of regulation and enforcement that is neither oppressive nor needlessly costly and without unjustified harassment of management.

Mr. McCLORY. Mr. Chairman, in urging support for the Steiger-Sikes substitute measure—H.R. 19200—I am sensitive to the interests of the working men and women of America in providing improvements in the health and safety conditions under which they work.

I am aware of the various State and

local laws which seek to assure a safe and healthful environment in stores and factories. This proposed Federal statute should serve to reenforce the local and State laws. The responsibilities of existing officials will not be diminished by enactment of such a Federal law.

Mr. Chairman, I am interested in the establishment of basic national standards which can be developed from the knowledge and information available at the national level, for the benefit of States and communities throughout the Nation, as well as for the individual working men and women whose lives are threatened when adequate precautions are not applied.

In augmenting our present law with this broad national authority, our first consideration should be the men and women whose health and safety are involved. We must provide prompt, equitable, and effective machinery for eliminating hazardous conditions. We must deal fairly with all who are involved.

The Steiger-Sikes measure—which also has the support of the Secretary of Labor—meets the existing need—and provides workable and effective solutions.

I have no doubt that a temporary or permanent injunction can eliminate promptly any hazardous working condition which violates the standards established by the five-man board to be established under the Steiger-Sikes bill. It would be impossible to interpret this dramatic improvement in behalf of the working men and women of America as in any sense contrary to their best intersts. The measure is distinctly prolabor and proprivate enterprise. Also, it is pro-American in that it gives full recognition to the Federal, State, and local prerogatives. It deserves the overwhelming support of the Members of the House.

I am proud to cast my vote for the Steiger-Sikes bill H.R. 19200.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin (Mr. STEIGER), as amended.

Mr. STEIGER of Wisconsin. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. STEIGER of Wisconsin and Mr. PERKINS.

The committee divided, and the tellers reported that there were—ayes 185, noes 114.

So the amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. The question now occurs on the committee amendment as amended by the amendment in the nature of a substitute.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CORMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16785), to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes, pursuant to House Resolution 1218, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment?

Mr. PERKINS. Mr. Speaker, I demand a separate vote on the Steiger of Wisconsin amendment, commonly known as the Steiger-Sikes substitute, as amended.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: strike out all after the enacting clause and insert:

That this Act may be cited as the "Occupational Safety and Health Act".

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be its purpose and policy, through the exercise of its powers, to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources—

(1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;

(3) by creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an Occupational Safety and Health Appeals Commission for carrying out adjudicatory functions under the Act;

(4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;

(5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;

(6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

(8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

(9) by providing for the development and promulgation of occupational safety and health standards;

(10) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;

(11) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(12) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;

(13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Labor.

(2) The term "Safety and Health Appeals Commission" means the Occupational Safety and Health Appeals Commission established under section 12 of this Act.

(3) The term "Board" means the National Occupational Safety and Health Board established under section 8 of this Act.

(4) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than a State as defined in paragraph (8) of this subsection), or between points in the same State but through a point outside thereof.

(5) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(6) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

(7) The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce.

(8) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(9) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(10) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (a) has been adopted and promul-

gated by a nationally recognized public or private standards-producing organization possessing technical competence and under a consensus method which involves consideration of the views of interested and affected parties, and (b) has been designated by the Board, after consultation with other appropriate Federal agencies.

(11) The term "established Federal standard" means any operative occupational safety and health standard established by any agency of the United States and presently in effect, or contained in any Act of Congress in force on the date of enactment of this Act.

APPLICABILITY OF ACT

SEC. 4. This Act shall apply only with respect to employment performed in a workplace in a State, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, or the Canal Zone, except that this Act shall not apply to any vessel underway on the Outer Continental Shelf lands. The Secretary of the Interior shall, by regulation, provide for judicial enforcement of this Act by the courts established for areas in which there are no Federal district courts having jurisdiction.

DUTIES OF EMPLOYERS

SEC. 5. Each employer—

(a) shall furnish to each of his employees employment and a place of employment which are free from any hazards which are readily apparent and are causing or are likely to cause death or serious physical harm to his employees;

(b) shall comply with occupational safety and health standards promulgated under this Act.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

SEC. 6. (a) The National Occupational Safety and Health Board established under section 8 of this Act is authorized to promulgate rules prescribing occupational safety and health standards in accordance with sections 556 and 557 of title 5, United States Code.

(b) Without regard to the provisions of sections 553, 556, and 557, title 5, United States Code, the Board shall, as soon as practicable, but in no event later than three years after the date of enactment of this Act, by rule promulgate as an occupational safety and health standard, any national consensus standard or any established Federal standard, unless it determines that the promulgation of such a standard as an occupational safety and health standard would not result in improved safety or health for affected employees. In the event of conflict among such standards, the Board shall promulgate the standard which assures the greatest protection of the safety or health of the affected employees. Such national consensus standard or established Federal standard shall take effect immediately upon publication and remain in effect until superseded by a rule promulgated pursuant to subsection (a) of this section.

(c) (1) Whenever the Board promulgates any standard, makes any rule, order, decision, grants any exemption or extension of time, it shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register; and

(2) Whenever a rule issued by the Board differs substantially from an existing national consensus standard, the Board shall include in the rule issued a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

(d) Any agency may participate in the rulemaking under this section.

(e) The Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) may submit a request to the Board at any time to establish or modify occupational safety and health standards indicated in the request. Within sixty days from the receipt of the request, the Board shall commence proceedings under this section.

(f) Any interested person may also submit a request in writing to the Board at any time to establish or modify occupational safety and health standards. The Board shall give due consideration to such request and may commence proceedings under this section on the basis of such request.

(g) If, prior to the publication of the rule, an interested person or agency which submitted written data, views, or arguments makes application to the Board for leave to adduce additional data, views, or arguments and such person or agency shows to the satisfaction of the Board that additions may materially affect the result of the rulemaking procedure and that there were reasonable grounds for failure to adduce such additions earlier, the Board may receive and consider such additions.

(h) In determining the priority for establishing standards under this section, the Board shall give due regard to the need for mandatory safety and health standards for particular industries, trades, crafts, occupations, businesses, workplaces or work environments. The Board shall also give due regard to the recommendations of the Secretary and the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

(i) (1) The Board shall provide without regard to requirements of Ch. 5, title 5, United States Code, for an emergency temporary standard to take immediate effect upon publication in the Federal Register if it determines (A) that employees are exposed to grave danger from exposure to substances determined to be toxic or from new hazards resulting from the introduction of new processes, and (B) that such emergency standard is necessary to protect employees from such danger.

(2) Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.

(3) Upon publication of such standard in the Federal Register the Board shall commence a hearing in accordance with sections 556 and 557 of title 5, United States Code, and the standard as published shall also serve as a proposed rule for the hearing. The Board shall promulgate a standard under this paragraph no later than six months after publication of the emergency temporary standard as provided in paragraph (2) of this subsection.

(j) (1) Whenever the Board upon the basis of information submitted to it in writing by an interested person (including a representative of an organization of employers or employees, or a nationally recognized standards-producing organization) or by the Secretary or the Secretary of Health, Education, and Welfare, a State or a political subdivision of a State, or on the basis of information otherwise available to it, determines that a rule should be prescribed under subsection (a) of this section, the Board may appoint an advisory committee as provided for in section 7(e) of this Act, which shall submit recommendations to the Board regarding the rule to be prescribed which will carry out the purposes of this Act, which recommendations shall be published by the Board in the Federal Register, either as part of a subsequent notice of proposed rulemaking or separately. The recommendations of an advisory committee shall be submitted to the Board within two hundred and seventy days from its appointment, or within such longer or shorter period as may be prescribed by the Board, but in no event may the Board prescribe a period which is longer than one year and three months.

(2) After the submission of such recommendations, the Board shall, as soon as practicable and in any event within four months, schedule and give notice of a hearing on the recommendations of the advisory committee and any other relevant subjects and issues. In the event that the advisory committee fails to submit recommendations within two hundred and seventy days from its appointment (or such longer or shorter period as the Board has prescribed) the Board shall make a proposal relevant to the purpose for which the advisory committee was appointed, and shall within four months schedule and give notice of hearing thereon. In either case, notice of the time, place, subjects, and issues of any such hearing shall be published in the Federal Register thirty days prior to the hearing and shall contain the recommendations of the advisory committee or the proposal made in absence of such recommendation. Prior to the hearing interested persons shall be afforded an opportunity to submit comments upon any recommendations of the advisory committee or other proposal. Only persons who have submitted such comments shall have a right at such hearing to submit oral arguments, but nothing herein shall be deemed to prevent any person from submitting written evidence, data, views, or arguments.

(k) The Board shall within sixty days (where an advisory committee is utilized) or one hundred and twenty days (where no advisory committee is utilized) after completion of the hearing held pursuant to section 6(a) issue a rule promulgating, modifying, or revoking an occupational safety and health standard or make a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date for such period (not in excess of ninety days) as the Board determines may be appropriate to insure that affected employers are given an opportunity to familiarize themselves and their employees with the requirements of the standard.

(l) Any affected employer may apply to the Board for a rule or order for an exemption from the requirements of section 5(b) of this Act. Affected employees shall be given notice by the employer of each such application and an opportunity to participate in a hearing. The Board shall issue such rule or order if it determines on the record, after an opportunity for an inspection and a hearing, that the proponent of the exemption has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the Board on its own motion in the manner prescribed for its issuance at any time after six months after its issuance.

(m) Standards promulgated under this section shall prescribe the posting of such labels or warnings as are necessary to apprise employees of the nature and extent of hazards and of the suggested methods of avoiding or ameliorating them.

ADVISORY COMMITTEES

SEC. 7. (a) There is hereby established a National Advisory Committee on Occupational Safety and Health (hereafter in this section referred to as the "Committee") consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare, without regard to the civil service

laws and composed equally of representatives of management, labor and the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

(b) The Committee shall advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

(c) The members of the Committee shall be compensated in accordance with the provisions of subsection 8(g) of this Act.

(d) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

(e) An advisory committee which may be utilized by the Board in its standard-setting functions under section 6 of this Act shall consist of not more than fifteen members and shall include as a member one or more designees of the Secretary of Health, Education, and Welfare, and also as a member one or more designees of the Secretary of Labor and shall include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employers involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more repersentatives of health and safety agencies of the States. An advisory committee may also include such other persons as the Board may appoint who are qualified by knowledge and experience to make a useful contribution to the work of such committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health, and one or more representatives of nationally recognized standards-producing organizations, but the number of persons so appointed to any advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Persons appointed to advisory committees from private life shall be compensated in the same manner as consultants or experts under section 8(g) of this Act. The Board shall pay to any State which is the employer of a member of such committee who is a representative of the health or safety agency of that State, reimbursement sufficient to cover the actual cost to the State resulting from such representative's membership on such committee. Any meeting of such committee shall be open to the public and an accurate record shall be kept and made available to the public. No member of such committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

NATIONAL OCCUPATIONAL SAFETY AND HEALTH BOARD

SEC. 8. (a) The National Occupational Safety and Health Board is hereby established. The Board shall be composed of five members, having a background either by reason of previous training, education, or experience in the field of occupational safety or health, who shall be appointed by the President, by and with the consent of the Senate, and shall serve at the pleasure of the President. One of the five members may be designated at any time by the President to serve as Chairman of the Board.

(b) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title V of the United States Code is amended as follows:

(1) Section 5314 (5 U.S.C. 5314) is amended by adding at the end thereof the following: "(54) Chairman, National Occupational Safety and Health Board.".

(2) Section 5315 (5 U.S.C. 5315) is amended by adding at the end thereof the following: "(92) Members, National Occupational Safety and Health Board.".

(c) The principal office of the Board shall be in the District of Columbia. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the Secretary of the Board.

(d) The Chairman of the Board shall, without regard to the civil service laws, appoint and prescribe the duties of a Secretary of the Board.

(e) The Chairman shall be responsible on behalf of the Board for the administrative operations of the Board, and shall appoint, in accordance with the civil service laws, such officers, hearing examiners, agents, attorneys, and employees as are deemed necessary and to fix their compensation in accordance with the Classification Act of 1949, as amended.

(f) Three members of the Board shall constitute a quorum.

(g) The Board is authorized to employ experts, advisers, and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(h) To carry out its functions under this Act, the Board is authorized to issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(i) The Board may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Reasonable notice must first be given in writing by the Board or by the party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (j) of this section. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(j) In the case of contumacy by, or refusal to obey a subpena served upon any person under this section, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(k) The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings.

DUTIES OF THE SECRETARY

Inspections, Investigations, and Reports

SEC. 9. (a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

(1) to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(2) to question any such employee and to inspect and investigate during regular working hours and at other reasonable times and within reasonable limits and in a reasonable manner, any such area, workplace, or environment, and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein.

(b) If the employer, or his representative, accompanies the Secretary or his designated representative during the conduct of all or any part of an inspection, a representative authorized by the employees shall also be given an opportunity to do so.

(c) Each employer shall make, keep, and preserve for such period of time, and make available to the Secretary such record of his activities concerning the requirements of this Act as the Secretary may prescribe by regulation or order as necessary or appropriate for carrying out his duties under this Act.

(d) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(e) In carrying out his responsibilities under this Act, the Secretary is authorized to—

(1) use, with the consent of any Federal agency, the services, facilities, and employees of such agency with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or subdivision with or without reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS–18 in section 5332 of title 5, United States Code, including travel-time, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(3) delegate his authority under subsection (a) of this section to any agency of the Federal Government with or without reimbursement and with its consent and to any State agency or agencies designated by the Governor of the State and with or without reimbursement and under conditions agreed upon by the Secretary and such State agency or agencies.

(f) Any information obtained by the Secretary, the Secretary of Health, Education, and Welfare, or a State agency under this Act shall be obtained wth a minimum burden upon employers especially those operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(g) The Secretary shall prescribe such rules and regulations as he may deem necessary to carry out his responsibilities under this Act, including rules and regulations dealing with

the inspection of an employer's establishment.

(h) There are hereby authorized to be appropriated such sums as the Congress shall deem necessary to enable the Secretary to purchase equipment which he determines as necessary to measure the exposure of employees to working environments which might cause cumulative or latent ill effects.

CITATIONS AND SAFETY AND HEALTH APPEALS COMMISSION HEARINGS

SEC. 10. (a) If, upon the basis of an inspection or investigation, the Secretary believes that an employer has violated the requirements of sections 5, 6, or 9(c) of this Act, or subsection (e) of this section, or regulations prescribed pursuant to this Act, he shall issue a citation to the employer unless the violation is de minimis. The citation shall be in writing and describe with particularity the nature of the violation, including a reference to the requirement, standard, rule, order, or regulation alleged to have been violated.

(b) In addition, the citation shall include—

(1) the amount of any proposed civil penalties; and

(2) a reasonable time within which the employer shall correct the violation.

(c) The Secretary shall issue each citation within forty-five days from the concurrence of the alleged violation but for good cause the Secretary may extend such period up to a maximum of ninety days from such occurrence.

(d) If an employer notifies the Secretary that he intends to contest a citation issued under this section, the Secretary shall notify the Safety and Health Appeals Commission of the employer's intention and the Safety and Health Appeals Commission shall afford the employer an opportunity for a hearing as provided in section 11 of this Act. However, if the employer fails to notify the Secretary within fifteen days after the receipt of the citation of his intention to contest the citation issued by the Secretary, the citation shall, on the day immediately following the expiration of the fifteen-day period, become a final order of the Safety and Health Appeals Commission.

(e) Each employer who receives a citation under this section shall prominently post such citation or copy thereof at or near each place a violation referred to in the citation occurred.

(f) No citation may be issued under this section after the expiration of three months following the occurrence of any violation.

(g) Whenever the Secretary compromises, mitigates, or settles any penalty assessed under this Act, he shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register.

OCCUPATIONAL SAFETY AND HEALTH APPEALS COMMISSION

SEC. 11. A. ORGANIZATION AND JURISDICTION—

(1) STATUS.—The Occupational Safety and Health Appeals Commission is hereby established as an independent agency in the Executive Branch of the Government. The members thereof shall be known as the Chairman of the Commission and the Commissioners of the Occupational Safety and Health Appeals Commission.

(2) JURISDICTION.—The Commission shall have such jurisdiction as is conferred on it by this Act.

(3) MEMBERSHIP.—(a) The Commission shall be composed of three Commissioners, appointed by the President, by and with the advice and consent of the Senate, solely on the grounds of fitness to perform the duties of the office.

(b) The salary of the Chairman of the Commission shall be equal to that provided for the executive level in section 5314, title 5, United States Code, and the salary of the remaining two Commissioners shall be in accordance with the executive level as provided in section 5315, title 5, United States Code.

(c) The terms of office of the Commissioners shall be as follows: one Commissioner shall be appointed for a term of two years, one Commissioner shall be appointed for a term of four years, and the remaining Commissioner for a term of six years, respectively. Their successors shall be appointed for terms of six years each, except that vacancy caused by death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A Commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(d) A Commissioner removed from office in accordance with the provisions of this section shall not be permitted at any time to practice before the Commission.

(4) ORGANIZATION.—(a) The Commission shall have a seal which shall be judicially noticed.

(b) The President may at any time designate one of the three Commissioners to serve as Chairman of the Commission.

(c) A majority of the Commissioners shall constitute a quorum for the transaction of the Commission's business. A vacancy shall not impair its powers nor affect its duties.

(d) The principal office of the Commission shall be in the District of Columbia, but it may sit at any place within the United States giving due consideration to the expeditious conduct of its proceedings and the convenience of the parties.

(5) HEARING EXAMINERS.—(a) The Commission may appoint hearing examiners to conduct such business as the Commission may require. Each hearing examiner shall be an attorney at law and shall be selected from the Civil Service Commission list of individuals eligible for selection as administrative hearing examiners.

(b) Except as otherwise provided in this Act, the hearing examiners shall be subject to the laws governing employees in the classified civil service, except that appointments shall be made without regard to 5 U.S.C. 5108. Each hearing examiner shall receive compensation at a rate not less than the GS–16 level.

B. PROCEDURE—

(1) REPRESENTATION OF PARTIES.—The Secretary or his delegate shall be represented by the Solicitor of Labor or his delegate before the Commission. The respondent shall be represented in accordance with the rules of practice prescribed by the Commission.

(2) RULES OF PRACTICE, PROCEDURE, AND EVIDENCE.—The proceedings of the Commission shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the Commission may prescribe and in accordance with the rules of evidence applicable in trials without a jury in the United States District Court of the District of Columbia.

(3) SERVICE OF PROCESS.—The mailing by certified mail or registered mail of any pleading, decision, order, notice or process in respect of proceedings before the Commission shall be held sufficient service of such pleading, decision, order, notice or process.

(4) ADMINISTRATION OF OATHS AND PROCUREMENT OF TESTIMONY.—For the efficient administration of the functions vested in the Commission any Commissioner of the Commission, the clerk of the Commission, or any other employee of the Commission designated in writing for the purpose by the Chairman of the Commission, may administer oaths, and any Commissioner may examine witnesses and require, by subpena ordered by the Commission and signed by the Commissioner (or by the Secretary of the Commission or by any other employee of the Commission) when acting under authority from the Secretary of the Commission—

(a) The attendance and testimony of witnesses, and the production of all necessary books, papers, documents, correspondence, and other evidence, from any place in the United States at any designated place of hearing, or

(b) The taking of a deposition before any designated individual competent to administer oaths under this title. In the case of a deposition the testimony shall be reduced to writing by the individual taking the deposition or under his direction and shall then be subscribed by the deponent.

(5) WITNESS FEES.—(a) Any witness summoned or whose deposition is taken shall receive the same fees and mileage as witnesses in courts of the United States.

(b) Such fees and mileage and the expenses of taking any such deposition shall be paid as follows:

(A) In the case of witnesses for the Secretary or his delegate, such payments shall be made by the Secretary or his delegate out of any moneys appropriated for the enforcement of this Act and may be made in advance.

(B) In the case of any other witnesses, such payments shall be made, subject to rules prescribed by the Commission, by the party at whose instance the witness appears or the deposition is taken.

(6) HEARINGS.—Notice and opportunity to be heard upon any proceeding instituted before the Commission shall be given to the respondent and the Secretary or his delegate. If an opportunity to be heard upon the proceedings is given before a hearing examiner of the Commission, neither the respondent nor the Secretary nor his delegate shall be entitled to notice and opportunity to be heard before the Commission upon review, except upon a specific order of the Chairman of the Commission. Hearings before the Commission shall be open to the public, and the testimony, and, if the Commission so requires, the argument, shall be stenographically reported. The Commission is authorized to contract for the reporting of such hearings, and in such contract to fix the terms and conditions under which transcripts will be supplied by the contractor to the Commission and to others and agencies.

(7) REPORTS AND DECISIONS.—(a) A report upon any proceeding instituted before the Commission and a decision thereon shall be made as quickly as practicable. The decision shall be made by a Commissioner in accordance with the report of the Commission, and such decision so made shall, when entered, be the decision of the Commission.

(b) It shall be the duty of the Commission to include in its report upon any proceeding its findings of fact or opinion or memorandum opinion. The Commission shall report in writing all its findings of fact, opinions, and memorandum opinions.

(c) A decision of the Commission dismissing the proceeding shall be considered as its decision.

(8) PROCEDURES IN REGARD TO THE HEARING EXAMINERS.—(a) A hearing examiner shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such hearing examiner by the Chairman of the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceeding.

(b) The report of the hearing examiner shall become the report of the Commission within thirty days after such report by the hearing examiner unless within such period any Commissioner has directed that such report shall be reviewed by the Commission. Any preliminary action by a hearing examiner which does not form the basis for the entry of the final decision shall not be subject to review by the Commission except in accordance with such rules as the Com-

mission may prescribe. The report of a hearing examiner shall not be a part of the record in any case in which the Chairman directs that such report shall be reviewed by the Commission.

(9) PUBLICITY OF PROCEEDINGS.—All reports of the Commission and all evidence received by the Commission, including a transcript of the stenographic report of the hearings, shall be public records open to the inspection of the public; except that after the decision of the Commission in any proceeding which has become final the Commission may, upon motion of the respondent or the Secretary or his delegate, permit the withdrawal by the party entitled thereto of originals of books, documents, and records, and of models, diagrams, and other exhibits, introduced in evidence before the Commission; or the Commission may, on its own motion, make such other disposition thereof as it deems advisable.

(10) PUBLICATION OF REPORTS.—The Commission shall provide for the publication of its reports at the Government Printing Office in such form and manner as may be best adapted for public information and use, and such authorized publication shall be competent evidence of the reports of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. Such reports shall be subject to sale in the same manner and upon the same terms as other public documents.

(11) Upon issuance of a citation and notification of the Commission, pursuant to section 10, the Commission shall afford an opportunity for a hearing, and shall issue such orders, and make such decisions, based upon findings of fact, as are deemed necessary to enforce the Act.

C. MISCELLANEOUS PROVISIONS.—

(1) EMPLOYEES.—(a) Appointment and Compensation. The Commission is authorized in accordance with the civil service laws to appoint, and in accordance with the Classification Act of 1949 (63 Stat. 954; 5 U.S.C. chapter 21), as amended to fix the compensation of such employees, including a Secretary to the Commission, as may be necessary to efficiently execute the functions vested in the Commission.

(b) Expenses for Travel and Subsistence. The employees of the Commission shall receive their necessary traveling expenses, and expenses for subsistence while traveling on duty and away from their designated stations, as provided in the Travel Expense Act of 1949 (63 Stat. 166; 5 U.S.C., chapter 16.

(2) EXPENDITURES.—The Commission is authorized to make such expenditures (including expenditures for personal services and rent at the seat of Government and elsewhere, and for law books, books of reference, and periodicals), as may be necessary to efficiently execute the functions vested in the Commission. All expenditures of the Commission shall be allowed and paid, out of any moneys appropriated for purposes of the Commission, upon presentation of itemized vouchers therefor signed by the certifying officer designated by the Chairman.

(3) DISPOSITION OF FEES.—All fees received by the Commission shall be covered into the Treasury as miscellaneous receipts.

(4) FEE FOR TRANSCRIPT OF RECORD.—The Commission is authorized to fix a fee, not in excess of the fee fixed by law to be charged and collected therefor by the clerks of the district courts, for comparing, or for preparing and comparing, a transcript of the record, or for copying any record, entry, or other paper and the comparison and certification thereof.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

SEC. 12. (a) The United States district courts shall have jurisdiction, upon petition of the Secretary, to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act.

(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to section 11 of this Act. The proceeding shall be as provided by Rule 65 of the Federal Rules, Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

(c) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) exist in any place of employment, he shall inform the affected employees and employers of the danger and that he is recommending to the Secretary that relief be sought.

(d) If the Secretary unreasonably fails to petition the court for appropriate relief under this section and any employee is injured thereby either physically or financially by reason of such failure on the part of the Secretary, such employee may bring an action against the United States in the Court of Claims in which he may recover the damages he has sustained, including reasonable court costs and attorney's fees.

(e) In any case where a temporary restraining order is obtained under this section by the Secretary, the court which grants such relief shall set a sum which it deems proper for the payment of such costs, damages, and attorney's fees as may be incurred or suffered by any employer who is found to have been wrongfully restrained or enjoined. In no case shall any employer wrongfully restrained or enjoined be entitled to a recovery for costs, damages, and attorney's fees in excess of the sum set by the court.

JUDICIAL PROCEEDINGS

SEC. 13. (a) (1) Any employer required by an order of the Commission to comply with the standards, regulations, or requirements under this Act, or to pay a penalty, may obtain judicial review of such order by filing a petition for review, within sixty days after service of such order, in the United States court of appeals for the circuit wherein the violation is alleged to have occurred or wherein the employer has its principal office. A copy of the petition shall forthwith be transmitted by the clerk of the court to the Commission and to the Secretary.

(2) The Secretary may also obtain judicial review or enforcement of a decision of the Commission as provided in subsection (1) of this section.

(3) Until the record in a case shall have been filed in a court, as herein provided, the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part any finding, order, or rule made or issued by it.

(4) Upon the filing of a petition for review under this section, such court shall have jurisdiction of the proceeding and shall have power to affirm the order of the Commission, or to set aside, in whole or in part, temporarily or permanently, and to enforce such order to the extent that it is affirmed. To the extent that the order of the Commission is affirmed, the court shall thereupon issue its own order requiring compliance with the terms of the order of the Commission. The commencement of proceedings under this paragraph shall not, unless specifically ordered by the court, operate as a stay of the order of the Commission.

(5) No objection to the order of the Commission shall be considered by the court unless such objection was urged before the Commission or unless there were reasonable grounds for failure to do so. The findings of the Commission as to the facts, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Commission for the taking of additional evidence in such manner and upon such terms and conditions as the court may deem proper, in which event the Commission may make new or modified findings and shall file such findings (which, if supported by substantial evidence on the record considered as a whole, shall be conclusive) and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence.

(6) The judgment of the court affirming or setting aside, in whole or in part, any order under this subsection shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(7) An order of the Commission shall become final under the same conditions as an order of the Federal Trade Commission under section 45(g) of title 15, United States Code.

(b) Any interested person affected by the action of the Board in issuing a standard under section 6 may obtain review of such action by the United States Court of Appeals for the District of Columbia by filing in such court within thirty days following the publication of such rule a petition praying that the action of the Board be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Board and thereupon the Board shall certify and file in the court the record upon which the action complained of was issued as provided in section 2112 of title 28, United States Code. Review by the court shall be in accordance with the provisions of section 706 of title 5, United States Code. The court, for good cause shown, may remand the case to the Board to take further evidence, and the Board may thereupon make new or modified findings of fact and may modify its previous action and shall certify to the court the record of the further proceedings. The remedy provided by this subsection for reviewing a standard or rule shall be exclusive. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of a proceeding under this subsection shall not, unless specifically ordered by the court, delay the application of the Board's standards.

(c) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil suit in the name of the United States brought in the Federal district court in the district where the violation is alleged to have occurred or where the employer has its principal office.

(d) The Federal district courts shall have jurisdiction of actions to collect penalties prescribed in this Act and may provide such additional relief as the court deems appropriate to carry out the order of the Occupational Safety and Health Appeals Commission.

REPRESENTATION IN CIVIL LITIGATION

SEC. 14. Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court and the Court of Claims, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

CONFIDENTIALITY OF TRADE SECRETS

SEC. 15. All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when essential in any proceeding under this Act. However, any such information shall be recorded and presented off the official public record, and shall be kept and preserved separately.

VARIATIONS, TOLERANCES, AND EXEMPTIONS

SEC. 16. The Board, on the record, after notice and opportunity for a hearing may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as it may find necessary and proper to avoid serious impairment of the national defense. Such action shall not be in effect for more than six months without notification to affected employees and an opportunity being afforded for a hearing.

PENALTIES

SEC. 17. (a) Any employer who willfully or repeatedly violates the requirements of section 5 of this Act, any standard or rule promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

(b) Any citation for a serious violation of the requirements of section 5 of this Act, of any standard or rule promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, shall include a proposed penalty of up to $1,000 for each such violation.

(c) Any employer who violates the requirements of section 5 of this Act, any standard or rule promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, and such violation is specifically determined by the Secretary not to be of a serious nature, the Secretary may include in the citation issued for such violation a proposed penalty of up to $1,000 for each such violation.

(d) Any employer who violates any order or citation which has become final in accordance with the provision of section 10 of this Act may be assessed a penalty of up to $1,000 for each such violation. When such violation is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of assessing the penalty except where such order or citation is pending review under section 11 of this Act.

(e) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years or both. Whoever kills a person while engaged in or on account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

(f) Any employer who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed by the Commission a civil penalty of up to $1,000 for each such violation.

(g) Any person who discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, shall be assessed a civil penalty by the Commission of up to $10,000. Such person may also be subject to a fine of not more than $10,000 or imprisonment of a period not to exceed ten years or both.

(h) The Commission shall have authority to assess and collect all penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(i) For purposes of this section a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the Secretary determines that the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

STATE JURISDICTION AND STATE PLANS

SEC. 18. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any occupational safety or health issue with respect to which no standard is in effect under section 6.

(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment—

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and the enforcement of which standards) are or will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 which relate to the same issues, and which standards, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce,

(3) provides for a right of entry and inspection of all workplaces subject to the Act which is at least as effective as that provided in section 9(a)(1), and includes a prohibition on advance notice of inspections,

(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan,

(7) requires employers in the State to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect, and

(8) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(d) If the Secretary rejects a plan submitted under subsection (b), he shall afford the State submitting the plan due notice and opportunity for a hearing before so doing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 9, 10, 11, and 12 with respect to comparable standards promulgated under section 6, for the period specified in the next sentence. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such determination for at least three years after the plan's approval under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of section 5(b), 9 (except for the purpose of carrying out subsection (c)), 10, 11, and 12, and standards promulgated under section 6 of this Act, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 10 or 11 before the date of determination.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(g) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition praying that the action of the Secretary be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan to be arbitrary and capricious, the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(h) The Secretary may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State until final action is taken by the Secretary with respect to a plan submitted by a State under

subsection (b) of this section, or two years from the date of enactment of this Act, whichever is earlier.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 19. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall (after consultation with representatives of the employees thereof)—

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;

(4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to subsection (a)(3) of this section; and

(5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section 7902(a)(2) of title 5, United States Code.

(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a)(5) of this section, together with his evaluations of and recommendations derived from such reports. The President shall transmit annually to the Senate and the House of Representatives a report of the activities of Federal agencies under this section.

(c) Section 7902(c)(1) of title 5, United States Code, is amended by inserting after "agencies" the following: "and of labor organizations representing employees".

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a)(3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

TRAINING AND EMPLOYEE EDUCATION

SEC. 20. (a) The Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor, the Board, and with other appropriate Federal departments and agencies, shall conduct, directly or by grants or contracts (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety and health equipment.

(b) The Secretary is also authorized to conduct (directly or by grants or contracts) short-term training of personnel engaged in work related to his responsibilities under this Act.

(c) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Act, and to consult with and advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illnesses.

GRANTS TO THE STATES

SEC. 21. (a) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States which have designated a State agency under section 18(c) to assist them (1) in identifying their needs and responsibilities in the area of occupational safety and health, (2) in developing State plans under section 18, or (3) in developing plans for—

(A) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(B) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; or

(C) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(b) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in subsection (a) of this section.

(c) The Governor of the State shall designate the appropriate State agency, or agencies, for receipt of any grant made by the Secretary under this section.

(d) Any State agency, or agencies, designated by the Governor of the State, desiring a grant under this section shall submit an application therefor to the Secretary.

(e) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(f) The Federal share for each State grant under subsection (a) or (b) of this section may be up to 90 per centum of the State's total cost. In the event the Federal share for all States under either such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

(g) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary pursuant to section 18 of this Act. The Federal share for each State grant under this subsection may be up to 50 per centum of the State's total cost. The last sentence of subsection (f) shall be applicable in determining the Federal share under this subsection.

(h) Prior to June 30, 1973, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to the President and to Congress, describing the experience under the program and making any recommendations he may deem appropriate.

ECONOMIC ASSISTANCE TO SMALL BUSINESSES

SEC. 22. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of "paragraph (5)" and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in affecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of the Small Business Act, as amended, is amended by striking out "or (5)" after "paragraph (3)" and inserting a comma followed by "(5) or (6)".

(c) Section 4(c)(1) of the Small Business Act, as amended, is amended by inserting "7(b)(6)," after "7(b)(5),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(6) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

RESEARCH AND RELATED ACTIVITIES

SEC. 23. (a)(1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary, the Board, and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

(2) The Secretary of Health, Education, and Welfare shall from time to time consult with the Board in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including criteria identifying toxic substances, enabling the Board to meet its responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop and publish at least annually such criteria as will effectuate the purposes of this Act.

(3) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments, and demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

(4) The Secretary of Health, Education, and Welfare shall publish within six months of enactment of this Act and thereafter as needed but at least annually a list of all known toxic substances by generic family or other useful grouping, and the concentrations at which such toxicity is known to occur.

(5) The Board shall respond, as soon as possible, to a request by any employer or employee for a determination whether or not any substance normally found in a working place has toxic or harmful effects in such concentration as used or found.

(b) The Secretary of Health, Education, and Welfare is authorized to make inspections and question employers and employees as provided in section 9 of this Act in order to carry out his functions and responsibilities under this section.

(c) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In carrying out his responsibilities under this subsection, the Secretary and the Secretary of Health, Education, and Welfare shall cooperate in order to avoid any duplication of efforts under this section.

(d) Information obtained by the Secretary, the Board, and the Secretary of Health, Education, and Welfare under this section shall be disseminated by the Secretary to

employers and employees and organizations thereof.

STATISTICS

SEC. 24. (a) In order to further the purposes of this Act, the Secretary shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. Such program may cover all employments whether or not subject to any other provisions of this Act but shall not cover employments excluded by section 4 of the Act.

(b) To carry out his duties under subsection (a) of this section, the Secretary may:

(1) Promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics.

(2) Make grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics.

(3) Arrange, through grants or contracts, for the conduct of such research and investigations as give promise of furthering the objectives of this section.

(c) The Federal share for each State grant under subsection (b) of this section may be up to 50 per centum of the State's total cost.

(d) The Secretary may, with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or political subdivision, with or without reimbursement, in order to assist him in carrying out his functions under this section.

(e) On the basis of the records made and kept pursuant to section 9(c) of this Act, employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act.

(f) Agreements between the Department of Labor and the States pertaining to the collection of occupational safety and health statistics already in effect on the effective date of this Act shall remain in effect until superseded by grants or contracts made under this Act.

EFFECT ON OTHER LAWS

SEC. 25. (a) Nothing in this Act shall be construed or held to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, occupational or other diseases, or death of employees arising out of, or in the course of, employment.

(b) Nothing in this Act shall apply to working conditions of employees with respect to whom other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021) exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(c) The safety and health standards promulgated under the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.) the Service Contract Act (41 U.S.C. et seq.), and the National Foundation on Arts and Humanities Act (20 U.S.C. 951 et seq.), are deemed repealed and rescinded on the effective date of corresponding standards promulgated under this Act, as determined by the Secretary of Labor to be corresponding standards.

(d) Nothing in this Act shall apply to any employer who is a contractor or subcontractor for construction, alteration, and/or repair of buildings or works, including painting or decorating in the regular course of his business.

(e) The Secretary shall, within three years after the effective date of this Act, report to the Congress his recommendations for legislation to avoid unnecessary duplication and to achieve coordination between this Act and other Federal laws.

(f) Section 2 of the Act of August 9, 1969 (Public Law 91-54; 83 Stat. 96), is hereby amended to read as follows:

"SEC. 2. The first section and section 2 of the Act of August 13, 1962, are each amended by inserting 'and Construction Safety and Health' before 'standards' each time it appears."

(g) Subsection 107 of Public Law 91-54 (83 Stat. 96) is amended to read as follows:

"SEC. 107. (a)(1) It shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation based on proceedings pursuant to section 553 of title 5, United States Code, provided that such proceedings include a hearing of the nature authorized by said section. The Secretary of Labor shall consult with the Advisory Committee on Construction Safety and Health created by subsection (f) and shall give due regard to the Committee's recommendations and information in framing proposed rules or subjects and issues in setting standards in accordance with section 443 of title 5, United States Code.

"(2) Each employer as defined in section 3(6) of the Occupational Safety and Health Act who is a contractor or subcontractor for construction, alteration, and/or repair of buildings or works, including painting and decorating in the regular course of his business, shall comply with construction safety and health standards promulgated under this section."

(h) Subsection (b) of section 107 of Public Law 91-54 (83 Stat. 96) is amended to read as follows:

"(b)(1) The Secretary is authorized to make inspections and investigations pursuant to sections 9 (a), (c), and (d) of the Occupational Safety and Health Act. If upon the basis of inspection or investigation, the Secretary believes that an employer subject to the provisions of section 107(a)(2) has violated any health or safety standard promulgated under section 107(a) of this Act, or has violated the condition required of any contract to which subsection (a) of this section applies, the Secretary shall issue a citation to the employer unless the violation is de minimis. The provisions of section 10 (except subsection (c) thereof) of the Occupational Safety and Health Act shall apply to citations issued under this Act. In issuing citations under this Act, the Secretary shall issue each citation at the earliest possible time from the occurrence of the alleged violation but in no event later than forty-five days from the occurrence of the alleged violation except that for good cause the Secretary may extend such period up to a maximum of ninety days from such occurrence. The provisions of section 12 of the Occupational Safety and Health Act shall also apply to this Act.

"(2) If, after notice and opportunity for hearing, the Commission determines that a violation has occurred of any condition prescribed by this section for a contract of the type described in clause (1) or (2) of section 103(a) of this Act, the governmental agency for which the contract work is done shall have the right to cancel the contract, and to enter into other contracts for the completion of the contract work, charging any additional cost to the original contractor. If, after notice and opportunity for hearing, the Commission determines that a violation has occurred of any condition prescribed by this section for a contract of the type described in clause 3 of section 103(a), the governmental agency by which financial guarantee, assistance, or insurance for the contract work is provided shall have the right to withhold any such assistance attributable to the performance of the contract. Section 104 of this Act shall not apply to the enforcement of this section."

(i) Subsection (c) of section 107 of Public Law 91-54 (83 Stat. 96) is hereby repealed and subsection (d) of that section is redesignated as subsection "(c)" and is amended to read as follows:

"(c)(1) If the Commission determines on the record after an opportunity for hearing that by repeated willful or grossly negligent violations of this Act, a contractor or subcontractor has demonstrated that the provisions of subsection (b) of this section and actions by the Secretary under paragraph (3) of this subsection are not effective to protect the safety and health of his employees, the Commission shall make a finding to that effect and shall, not sooner than thirty days after giving notice of the findings to all interested persons, transmit the name of such contractor or subcontractor to the Comptroller General.

"(2) The Comptroller General shall distribute each name so transmitted to him to all agencies of the Government. Unless the Commission otherwise recommends, no contract subject to this section shall be awarded to such contractor or subcontractor or to any person in which such contractor or subcontractor has a substantial interest until three years have elapsed from the date the name is transmitted to the Comptroller General. If, before the end of such three-year period, the Commission, after affording interested persons due notice and opportunity for hearing, is satisfied that a contractor or subcontractor whose name he has transmitted to the Comptroller General will thereafter comply responsibly with the requirements of this section, the Commission shall terminate the application of the preceding sentence to such contractor or subcontractor (and to any person in which the contractor or subcontractor has a substantial interest); and when the Comptroller General is informed of the Commission's action he shall inform all agencies of the Government thereof.

"(3) Any person aggrieved by an action of the Commission under subsections (b) or (c) of this section may seek a review of such action in the appropriate United States Court of Appeals pursuant to the provisions of section 13(a) of the Occupational Safety and Health Act. The Secretary may also obtain judicial review or seek enforcement as provided in sections 13(a) and 13 (c) and (d), and section 14 of the Occupational Safety and Health Act."

(j) Section 107 of Public Law 91-54 (83 Stat. 96) is amended by adding a new subsection "(d)" immediately after the new section "(c)". Subsection (e) of section 107 of Public Law 91-54 (83 Stat. 96) is hereby redesignated as subsection "(f)" and subsection (f) of section 107 of Public Law 91-54 (83 Stat. 96) is accordingly redesignated as subsection "(g)". The new subsection "(d)" shall read as follows:

"(d) (1) Any employer who willfully or repeatedly violates the standards promulgated by the Secretary under section 107(a) of this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

"(2) Any citation for a serious violation of the standards promulgated by the Secretary under section 107(a) of this Act shall include a proposed penalty of up to $1,000 for each such violation.

"(3) Any employer who violates the standards promulgated by the Secretary under section 107(a) of this Act and such violation is specifically determined by the Secretary not to be of a serious nature, the Secretary may include in the citation issued

for such a violation a proposed penalty of up to $1,000 for each such violation.

"(4) Any employer who violates any order or citation which has become final in accordance with the provisions of section 10 of the Occupational Safety and Health Act may be assessed a penalty of up to $1,000 for each such violation. When such violation is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of assessing the penalty except where such order or citation is pending review under section 11 of the Occupational Safety and Health Act.

"(5) Any employer who violates any of the posting requirements, as prescribed in section 10(e) of the Occupational Safety and Health Act, shall be assessed by the Commission a civil penalty of up to $1,000 for each such violation.

"(6) Any person who discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, shall be assessed a civil penalty by the Commission of up to $10,000. Such person may also be subject to a fine of not more than $10,000 or imprisonment of a period not to exceed ten years, or both.

"(7) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years or both. Whoever kills a person while engaged in or on account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

"(8) The Commission shall have authority to assess and collect all penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

"(9) For the purpose of this subsection a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the Secretary determines that the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation."

AUDITS

Sec. 26. (a) Each recipient of a grant under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

REPORTS

Sec. 27. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of occupational safety and health, and any other relevant information, and including any recommendations to effectuate the purposes of this Act.

OBSERVANCE OF RELIGIOUS BELIEFS

Sec. 28. Nothing in this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such medical examination, immunization, or treatment is necessary for the protection of the health or safety of others.

APPROPRIATIONS

Sec. 29. There are authorized to be appropriated to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

EFFECTIVE DATE

Sec. 30. This Act shall take effect one hundred and twenty days after the date of its enactment.

SEPARABILITY

Sec. 31. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

The SPEAKER. The question is on the amendment.

Mr. PERKINS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 220, nays 173, not voting 41, as follows:

[Roll No. 365]

YEAS—220

Abbitt	Chamberlain	Foreman
Abernethy	Chappell	Forsythe
Adair	Clancy	Fountain
Alexander	Clausen,	Frelinghuysen
Anderson, Ill.	Don H.	Frey
Andrews, Ala.	Clawson, Del	Fuqua
Andrews,	Cleveland	Galifianakis
N. Dak.	Collier	Gettys
Arends	Collins, Tex.	Goldwater
Ashbrook	Colmer	Goodling
Ayres	Conable	Griffin
Baring	Conte	Gross
Beall, Md.	Corbett	Grover
Belcher	Coughlin	Gubser
Bell, Calif.	Cramer	Hagan
Bennett	Crane	Haley
Betts	Cunningham	Hammer-
Blackburn	Daniel, Va.	schmidt
Blanton	Davis, Ga.	Hansen, Idaho
Bow	Davis, Wis.	Harsha
Bray	de la Garza	Harvey
Brinkley	Dellenback	Hastings
Brock	Denney	Henderson
Broomfield	Derwinski	Hogan
Brotzman	Devine	Hosmer
Brown, Mich.	Dorn	Hull
Brown, Ohio	Downing	Hutchinson
Broyhill, N.C.	Duncan	Ichord
Broyhill, Va.	Edwards, Ala.	Jarman
Buchanan	Erlenborn	Johnson, Pa.
Burke, Fla.	Esch	Jonas
Burleson, Tex.	Eshleman	Jones, N.C.
Burton, Utah	Evins, Tenn.	Jones, Tenn.
Bush	Fallon	Keith
Byrnes, Wis.	Findley	Kleppe
Cabell	Fish	Kuykendall
Caffery	Fisher	Kyl
Carter	Flowers	Landgrebe
Casey	Flynt	Landrum
Cederberg	Ford, Gerald R.	Langen
Latta	Nichols	Snyder
Lennon	Passman	Springer
Lloyd	Pelly	Stafford
Lujan	Pirnie	Stanton
Lukens	Poage	Steele
McClory	Poff	Steiger, Ariz.
McCloskey	Preyer, N.C.	Steiger, Wis.
McClure	Pryor, Ark.	Stephens
McCulloch	Quie	Stubblefield
McDonald,	Quillen	Taft
Mich.	Railsback	Talcott
McEwen	Rarick	Taylor
McKneally	Reid, Ill.	Thompson, Ga.
McMillan	Reifel	Thomson, Wis.
MacGregor	Rhodes	Ullman
Mahon	Rivers	Vander Jagt
Mailliard	Roberts	Waggonner
Mann	Robison	Ware
Marsh	Rogers, Fla.	Watson
Martin	Roth	Watts
Mathias	Rousselot	Whalley
May	Ruppe	White
Mayne	Ruth	Whitehurst
Meskill	Satterfield	Whitten
Michel	Schadeberg	Widnall
Miller, Ohio	Scherle	Wiggins
Mills	Schmitz	Wilson, Bob
Minshall	Schneebeli	Winn
Mize	Schwengel	Wold
Mizell	Scott	Wylie
Montgomery	Sebelius	Wyman
Morton	Shriver	Zablocki
Myers	Sikes	Zion
Natcher	Smith, Calif.	Zwach
Nelsen	Smith, N.Y.	

NAYS—173

Adams	Gaydos	O'Hara
Addabbo	Giaimo	Olsen
Albert	Gibbons	O'Neill, Mass.
Anderson,	Gonzalez	Ottinger
Calif.	Gray	Patman
Anderson,	Green, Pa.	Patten
Tenn.	Gude	Pepper
Annunzio	Halpern	Perkins
Ashley	Hamilton	Philbin
Barrett	Hanley	Pickle
Bevill	Hanna	Pike
Biaggi	Hansen, Wash.	Podell
Biester	Harrington	Price, Ill.
Bingham	Hathaway	Pucinski
Blatnik	Hawkins	Randall
Boggs	Hechler, W. Va.	Rees
Boland	Heckler, Mass.	Reid, N.Y.
Brademas	Helstoski	Reuss
Brasco	Hicks	Riegle
Brooks	Holifield	Rodino
Brown, Calif.	Horton	Roe
Burke, Mass.	Howard	Rogers, Colo.
Burlison, Mo.	Jacobs	Rooney, N.Y.
Burton, Calif.	Johnson, Calif.	Rooney, Pa.
Byrne, Pa.	Jones, Ala.	Rosenthal
Carey	Karth	Rostenkowski
Carney	Kastenmeier	Ryan
Celler	Kazen	St Germain
Chisholm	Kee	Sandman
Clark	Kluczynski	Saylor
Clay	Kyros	Scheuer
Cohelan	Leggett	Shipley
Conyers	Long, La.	Sisk
Corman	Long, Md.	Slack
Culver	Lowenstein	Staggers
Daddario	McCarthy	Steed
Daniels, N.J.	McDade	Stokes
Delaney	McFall	Stratton
Dent	Macdonald,	Sullivan
Diggs	Mass.	Symington
Donohue	Madden	Thompson, N.J.
Dulski	Matsunaga	Tiernan
Dwyer	Meeds	Tunney
Eckhardt	Melcher	Udall
Edmondson	Mikva	Van Deerlin
Edwards, Calif.	Miller, Calif.	Vanik
Eilberg	Minish	Vigorito
Evans, Colo.	Mink	Waldie
Farbstein	Mollohan	Wampler
Fascell	Monagan	Whalen
Feighan	Moorhead	Wilson,
Flood	Morgan	Charles H.
Ford,	Morse	Wolff
William D.	Mosher	Wright
Fraser	Moss	Wydler
Friedel	Murphy, Ill.	Yates
Fulton, Pa.	Murphy, N.Y.	Yatron
Fulton, Tenn.	Nedzi	Young
Gallagher	Nix	
Garmatz	Obey	

NOT VOTING—41

Aspinall	Camp	Dickinson
Berry	Collins, Ill.	Dingell
Bolling	Cowger	Dowdy
Button	Dennis	Edwards, La.

Foley	Koch	Skubitz
Gilbert	O'Konski	Smith, Iowa
Green, Oreg.	O'Neal, Ga.	Stuckey
Griffiths	Pettis	Teague, Calif.
Hall	Pollock	Teague, Tex.
Hays	Powell	Weicker
Hébert	Price, Tex.	Williams
Hungate	Purcell	Wyatt
Hunt	Roudebush	
King	Roybal	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Hays against.

Mr. Teague of Texas for, with Mr. Koch against.

Mr. Edwards of Louisiana for, Mr. Foley against.

Mr. Dowdy for, with Mr. Dingell against.

Mr. Stuckey for, with Mr. Roybal against.

Mr. O'Neal of Georgia for, with Mrs. Griffiths against.

Mr. Dennis for, with Mr. Aspinall against.

Mr. Teague of California for, with Mr. Collins of Illinois against.

Mr. Williams for, with Mr. Gilbert against.

Mr. Cowger for, with Mr. Powell, against.

Mr. King for, with Mrs. Green of Oregon against.

Until further notice:

Mr. Purcell with Mr. Button.

Mr. Smith of Iowa with Mr. Hall.

Mr. Hungate with Mr. O'Konski.

Mr. Wyatt with Mr. Berry.

Mr. Weicker with Mr. Skubitz.

Mr. Price of Texas with Mr. Roudebush.

Mr. Hunt with Mr. Pollock.

Mr. Dickinson with Mr. Pettis.

Mr. SCHEUER changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the committee amendment, as amended, adopted in the Committee of the Whole.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. PERKINS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 384, nays 5, answered "present" 1, not voting 44, as follows:

[Roll No. 366]

YEAS—384

Abbitt	Betts	Burlison, Mo.
Abernethy	Bevill	Burton, Calif.
Adair	Biaggi	Burton, Utah
Adams	Biester	Bush
Addabbo	Bingham	Byrne, Pa.
Albert	Blackburn	Byrnes, Wis.
Alexander	Blanton	Cabell
Anderson, Calif.	Blatnik	Caffery
	Boggs	Carey
Anderson, Ill.	Boland	Carney
Anderson, Tenn.	Brademas	Carter
	Brasco	Casey
Andrews, Ala.	Bray	Cederberg
Andrews, N. Dak.	Brinkley	Celler
	Brock	Chamberlain
Annunzio	Brooks	Chappell
Arends	Broomfield	Chisholm
Ashbrook	Brotzman	Clancy
Ashley	Brown, Calif.	Clark
Ayres	Brown, Mich.	Clausen,
Baring	Brown, Ohio	Don H.
Barrett	Broyhill, N.C.	Clawson, Del
Beall, Md.	Broyhill, Va.	Clay
Belcher	Buchanan	Cleveland
Bell, Calif.	Burke, Fla.	Cohelan
Bennett	Burke, Mass.	Collier
Collins, Ill.	Hosmer	Pryor, Ark.
Collins, Tex.	Howard	Pucinski
Colmer	Hull	Quie
Conable	Hutchinson	Quillen
Conte	Ichord	Railsback
Conyers	Jacobs	Randall
Corbett	Jarman	Rees
Corman	Johnson, Calif.	Reid, Ill.
Coughlin	Johnson, Pa.	Reid, N.Y.
Cramer	Jonas	Reifel
Crane	Jones, Ala.	Reuss
Culver	Jones, N.C.	Rhodes
Cunningham	Jones, Tenn.	Riegle
Daddario	Karth	Rivers
Daniel, Va.	Kastenmeier	Roberts
Daniels, N.J.	Kazen	Robison
Davis, Ga.	Kee	Rodino
Davis, Wis.	Keith	Roe
de la Garza	Kleppe	Rogers, Colo.
Delaney	Kluczynski	Rogers, Fla.
Dellenback	Kuykendall	Rooney, N.Y.
Denney	Kyl	Rooney, Pa.
Dennis	Kyros	Rosenthal
Dent	Landrum	Rostenkowski
Derwinski	Langen	Roth
Devine	Latta	Ruppe
Diggs	Leggett	Ruth
Donohue	Lennon	Ryan
Dorn	Lloyd	St Germain
Downing	Long, La.	Sandman
Dulski	Long, Md.	Satterfield
Duncan	Lowenstein	Saylor
Dwyer	Lujan	Schadeberg
Eckhardt	Lukens	Scherle
Edmondson	McCarthy	Scheuer
Edwards, Ala.	McClory	Schneebeli
Edwards, Calif.	McCloskey	Schwengel
Eilberg	McClure	Scott
Erlenborn	McCulloch	Sebelius
Esch	McDade	Shipley
Eshleman	McDonald, Mich.	Shriver
Evans, Colo.		Sikes
Evins, Tenn.	McEwen	Sisk
Farbstein	McFall	Slack
Fascell	McKneally	Smith, Calif.
Feighan	Macdonald, Mass.	Smith, N.Y.
Findley		Snyder
Fish	MacGregor	Springer
Fisher	Madden	Stafford
Flood	Mahon	Staggers
Flowers	Mailliard	Stanton
Flynt	Mann	Steed
Ford, Gerald R.	Marsh	Steele
Ford, William D.	Martin	Steiger, Ariz.
	Mathias	Steiger, Wis.
Foreman	Matsunaga	Stephens
Forsythe	May	Stokes
Fountain	Mayne	Stratton
Fraser	Meeds	Stubblefield
Frelinghuysen	Melcher	Sullivan
Frey	Meskill	Symington
Friedel	Mikva	Taft
Fulton, Pa.	Miller, Calif.	Talcott
Fulton, Tenn.	Miller, Ohio	Taylor
Fuqua	Mills	Teague, Calif.
Galifianakis	Minish	Thompson, Ga.
Garmatz	Mink	Thompson, N.J.
Gaydos	Minshall	Thomson, Wis.
Gettys	Mize	Tiernan
Giaimo	Mizell	Tunney
Gibbons	Mollohan	Udall
Goldwater	Monagan	Ullman
Gonzalez	Montgomery	Van Deerlin
Goodling	Moorhead	Vander Jagt
Gray	Morgan	Vanik
Green, Pa.	Morse	Vigorito
Griffin	Morton	Waggonner
Gross	Mosher	Waldie
Grover	Moss	Wampler
Gubser	Murphy, N.Y.	Ware
Gude	Myers	Watson
Hagan	Natcher	Watts
Haley	Nedzi	Whalen
Halpern	Nelsen	Whalley
Hamilton	Nichols	White
Hammer-schmidt	Nix	Whitehurst
	Obey	Whitten
Hanley	O'Hara	Widnall
Hanna	Olsen	Wiggins
Hansen, Idaho	O'Neill, Mass.	Wilson, Bob
Hansen, Wash.	Passman	Wilson, Charles H.
Harrington	Patman	
Harsha	Patten	Winn
Harvey	Pelly	Wold
Hastings	Pepper	Wolff
Hathaway	Perkins	Wright
Hawkins	Philbin	Wydler
Hechler, W. Va.	Pickle	Wylie
Heckler, Mass.	Pike	Wyman
Helstoski	Pirnie	Yates
Henderson	Poage	Yatron
Hicks	Podell	Young
Hogan	Poff	Zablocki
Holifield	Preyer, N.C.	Zion
Horton	Price, Ill.	Zwach

NAYS—5

Burleson, Tex.	McMillan	Schmitz
Landgrebe	Rarick	

ANSWERED "PRESENT"—1

Rousselot

NOT VOTING—44

Aspinall	Green, Oreg.	Pollock
Berry	Griffiths	Powell
Bolling	Hall	Price, Tex.
Bow	Hays	Purcell
Button	Hébert	Roudebush
Camp	Hungate	Roybal
Cowger	Hunt	Skubitz
Dickinson	King	Smith, Iowa
Dingell	Koch	Stuckey
Dowdy	Michel	Teague, Tex.
Edwards, La.	Murphy, Ill.	Weicker
Fallon	O'Konski	Williams
Foley	O'Neal, Ga.	Wyatt
Gallagher	Ottinger	
Gilbert	Pettis	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Dickinson.

Mr. Hébert with Mr. Hunt.

Mr. Teague of Texas with Mr. King.

Mr. Dingell with Mr. Pollock.

Mr. Foley with Mr. Wyatt.

Mr. Edwards of Louisiana with Mr. Michel.

Mr. Aspinall with Mr. Williams.

Mr. Purcell with Mr. Camp.

Mr. Roybal with Mr. Cowger.

Mr. Stuckey with Mr. Price of Texas.

Mr. Smith of Iowa with Mr. Bow.

Mr. Hungate with Mr. Hall.

Mr. Dowdy with Mr. Berry.

Mr. Gallagher with Mr. Button.

Mr. Fallon with Mr. Pettis.

Mr. Koch with Mr. O'Konski.

Mr. Murphy of Illinois with Mr. Weicker.

Mr. O'Neal of Georgia with Mr. Roudebush.

Mrs. Griffiths with Mrs. Green of Oregon.

Mr. Ottinger with Mr. Gilbert.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DANIELS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONSIDERATION OF SIMILAR SENATE BILL

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes, a bill similar to H.R. 16785, just passed by the House, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves to strike out all after the enacting clause of S. 2193 and to insert in lieu thereof the provisions contained in H.R. 16785, as passed, as follows:

Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Occupational Safety and Health Act".

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be its purpose and policy, through the exercise of its powers, to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful, working conditions and to preserve our human resources—

(1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;

(3) by creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an Occupational Safety and Health Appeals Commission for carrying out adjudicatory functions under the Act;

(4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;

(5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;

(6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

(8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

(9) by providing for the development and promulgation of occupational safety and health standards;

(10) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;

(11) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(12) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;

(13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Labor.

(2) The term "Safety and Health Appeals Commission" means the Occupational Safety and Health Appeals Commission established under section 12 of this Act.

(3) The term "Board" means the National Occupational Safety and Health Board established under section 8 of this Act.

(4) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than a State as defined in paragraph (8) of this subsection), or between points in the same State but through a point outside thereof.

(5) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(6) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

(7) The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce.

(8) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(9) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(10) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (a) has been adopted and promulgated by a nationally recognized public or private standards-producing organization possessing technical competence and under a consensus method which involves consideration of the views of interested and affected parties and (b) has been designated by the Board, after consultation with other appropriate Federal agencies.

(11) The term "established Federal standard" means any operative occupational safety and health standard established by any agency of the United States and presently in effect, or contained in any Act of Congress in force on the date of enactment of this Act.

APPLICABILITY OF ACT

SEC. 4. This Act shall apply only with respect to employment performed in a workplace in a State, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, or the Canal Zone, except that this Act shall not apply to any vessel underway on the Outer Continental Shelf lands. The Secretary of the Interior shall, by regulation, provide for judicial enforcement of this Act by the courts established for areas in which there are no Federal district courts having jurisdiction.

DUTIES OF EMPLOYERS

SEC. 5. Each employer—

(a) shall furnish to each of his employees employment and a place of employment which are free from any hazards which are readily apparent and are causing or are likely to cause death or serious physical harm to his employees;

(b) shall comply with occupational safety and health standards promulgated under this Act.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

SEC. 6. (a) The National Occupational Safety and Health Board established under section 8 of this Act is authorized to promulgate rules prescribing occupational safety and health standards in accordance with sections 556 and 557 of title 5, United States Code.

(b) Without regard to the provisions of sections 553, 556, and 557, title 5, United States Code, the Board shall, as soon as practicable, but in no event later than three years after the date of enactment of this Act, by rule promulgate as an occupational safety and health standard, any national consensus standard or any established Federal standard, unless it determines that the promulgation of such a standard as an occupational safety and health standard would not result in improved safety or health for affected employees. In the event of conflict among such standards, the Board shall promulgate the standard which assures the greatest protection of the safety or health of the affected employees. Such national consensus standard or established Federal standard shall take effect immediately upon publication and remain in effect until superseded by a rule promulgated pursuant to subsection (a) of this section.

(c)(1) Whenever the Board promulgates any standard, makes any rule, order, decision, grants any exemption or extension of time, it shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register; and

(2) Whenever a rule issued by the Board differs substantially from an existing national consensus standard, the Board shall include in the rule issued a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

(d) Any agency may participate in the rulemaking under this section.

(e) The Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) may submit a request to the Board at any time to establish or modify occupational safety and health standards indicated in the request. Within sixty days from the receipt of the request, the Board shall commence proceedings under this section.

(f) Any interested person may also submit a request in writing to the Board at any time to establish or modify occupational safety and health standards. The Board shall give due consideration to such request and may commence proceedings under this section on the basis of such request.

(g) If, prior to the publication of the rule, an interested person or agency which submitted written data, views, or arguments makes application to the Board for leave to adduce additional data, views, or arguments and such person or agency shows to the satisfaction of the Board that additions may materially affect the result of the rulemaking procedure and that there were reason-

able grounds for failure to adduce such additions earlier, the Board may receive and consider such additions.

(h) In determining the priority for establishing standards under this section, the Board shall give due regard to the need for mandatory safety and health standards for particular industries, trades, crafts, occupations, businesses, workplaces or work environments. The Board shall also give due regard to the recommendations of the Secretary and the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

(i) (1) The Board shall provide without regard to requirements of Ch. 5, title 5, United States Code, for an emergency temporary standard to take immediate effect upon publication in the Federal Register if it determines (A) that employees are exposed to grave danger from exposure to substances determined to be toxic or from new hazards resulting from the introduction of new processes, and (B) that such emergency standard is necessary to protect employees from such danger.

(2) Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.

(3) Upon publication of such standard in the Federal Register the Board shall commence a hearing in accordance with sections 556 and 557 of title 5, United States Code, and the standard as published shall also serve as a proposed rule for the hearing. The Board shall promulgate a standard under this paragraph no later than six months after publication of the emergency temporary standard as provided in paragraph (2) of this subsection.

(j) (1) Whenever the Board upon the basis of information submitted to it in writing by an interested person (including a representative of an organization of employers or employees, or a nationally recognized standards-producing organization) or by the Secretary or the Secretary of Health, Education, and Welfare, a State or a political subdivision of a State, or on the basis of information otherwise available to it, determines that a rule should be prescribed under subsection (a) of this section, the Board may appoint an advisory committee as provided for in section 7(e) of this Act, which shall submit recommendations to the Board regarding the rule to be prescribed which will carry out the purposes of this Act, which recommendations shall be published by the Board in the Federal Register, either as part of a subsequent notice of proposed rulemaking or separately.

The recommendations of an advisory committee shall be submitted to the Board within two hundred and seventy days from its appointment, or within such longer or shorter period as may be prescribed by the Board, but in no event may the Board prescribe a period which is longer than one year and three months.

(2) After the submission of such recommendations, the Board shall, as soon as practicable and in any event within four months, schedule and give notice of a hearing on the recommendations of the advisory committee and any other relevant subjects and issues. In the event that the advisory committee fails to submit recommendations within two hundred and seventy days from its appointment (or such longer or shorter period as the Board has prescribed) the Board shall make a proposal relevant to the purpose for which the advisory committee was appointed, and shall within four months schedule and give notice of hearing thereon. In either case, notice of the time, place, subjects, and issues of any such hearing shall be published in the Federal Register thirty days prior to the hearing and shall contain the recommendations of the advisory committee or the proposal made in absence of such recommendation. Prior to the hearing interested persons shall be afforded an opportunity to submit comments upon any recommendations of the advisory committee or other proposal. Only persons who have submitted such comments shall have a right at such hearing to submit oral arguments, but nothing herein shall be deemed to prevent any person from submitting written evidence, data, views, or arguments.

(k) The Board shall within sixty days (where an advisory committee is utilized) or one hundred and twenty days (where no advisory committee is utilized) after completion of the hearing held pursuant to section 6(a) issue a rule promulgating, modifying, or revoking an occupational safety and health standard or make a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date for such period (not in excess of ninety days) as the Board determines may be appropriate to insure that affected employers are given an opportunity to familiarize themselves and their employees with the requirements of the standard.

(l) Any affected employer may apply to the Board for a rule or order for an exemption from the requirements of section 5(b) of this Act. Affected employees shall be given notice by the employer of each such application and an opportunity to participate in a hearing. The Board shall issue such rule or order if it determines on the record, after an opportunity for an inspection and a hearing, that the proponent of the exemption has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the Board on its own motion in the manner prescribed for its issuance at any time after six months after its issuance.

(m) Standards promulgated under this section shall prescribe the posting of such labels or warnings as are necessary to apprise employees of the nature and extent of hazards and of the suggested methods of avoiding or ameliorating them.

ADVISORY COMMITTEES

SEC. 7. (a) There is hereby established a National Advisory Committee on Occupational Safety and Health (hereafter in this section referred to as the "Committee") consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare, without regard to the civil service laws and composed equally of representatives of management, labor and the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

(b) The Committee shall advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

(c) The members of the Committee shall be compensated in accordance with the provisions of subsection 8(g) of this Act.

(d) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

(e) An advisory committee which may be utilized by the Board in its standard-setting functions under section 6 of this Act shall consist of not more than fifteen members and shall include as a member one or more designees of the Secretary of Health, Education, and Welfare, and also as a member one or more designees of the Secretary of Labor and shall include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employers involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more representatives of health and safety agencies of the States. An advisory committee may also include such other persons as the Board may appoint who are qualified by knowledge and experience to make a useful contribution to the work of such committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health, and one or more representatives of nationally recognized standards-producing organizations, but the number of persons so appointed to any advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Persons appointed to advisory committees from private life shall be compensated in the same manner as consultants or experts under section 8(g) of this Act. The Board shall pay to any State which is the employer of a member of such committee who is a representative of the health or safety agency of that State, reimbursement sufficient to cover the actual cost to the State resulting from such representative's membership on such committee. Any meeting of such committee shall be open to the public and an accurate record shall be kept and made available to the public. No member of such committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

NATIONAL OCCUPATIONAL SAFETY AND HEALTH BOARD

SEC. 8. (a) The National Occupational Safety and Health Board is hereby established. The Board shall be composed of five members, having a background either by reason of previous training, education, or experience in the field of occupational safety or health, who shall be appointed by the President, by and with the consent of the Senate, and shall serve at the pleasure of the President. One of the five members may be designated at any time by the President to serve as Chairman of the Board.

(b) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title V of the United States Code is amended as follows:

(1) Section 5314 (5 U.S.C. 5314) is amended by adding at the end thereof the following: "(54) Chairman, National Occupational Safety and Health Board.".

(2) Section 5315 (5 U.S.C. 5315) is amended by adding at the end thereof the following: "(92) Members, National Occupational Safety and Health Board.".

(c) The principal office of the Board shall be in the District of Columbia. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the Secretary of the Board.

(d) The Chairman of the Board shall, without regard to the civil service laws, appoint and prescribe the duties of a Secretary of the Board.

(e) The Chairman shall be responsible on behalf of the Board for the administrative operations of the Board, and shall appoint,

in accordance with the civil service laws, such officers, hearing examiners, agents, attorneys, and employees as are deemed necessary and to fix their compensation in accordance with the Classification Act of 1949, as amended.

(f) Three members of the Board shall constitute a quorum.

(g) The Board is authorized to employ experts, advisers, and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(h) To carry out its functions under this Act, the Board is authorized to issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(i) The Board may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Reasonable notice must first be given in writing by the Board or by the party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (j) of this section. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(j) In the case of contumacy by, or refusal to obey a subpena served upon any person under this section, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(k) The Board is authorized to make such rules as are necesary for the orderly transaction of its proceedings.

DUTIES OF THE SECRETARY

Inspections, Investigations and Reports

SEC. 9. (a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner operator, or agent in charge, is authorized—

(1) to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(2) to question any such employee and to inspect and investigate during regular working hours and at other reasonable times and within reasonable limits and in a reasonable manner, any such area, workplace, or environment, and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein.

(b) If the employer, or his representative, accompanies the Secretary or his designated representative during the conduct of all or any part of an inspection, a representative authorized by the employees shall also be given an opportunity to do so.

(c) Each employer shall make, keep, and preserve for such period of time, and make available to the Secretary such record of his activities concerning the requirements of this Act as the Secretary may prescribe by regulation or order as necessary or appropriate for carrying out his duties under this Act.

(d) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(c) In carrying out his responsibilities under this Act, the Secretary is authorized to—

(1) use, with the consent of any Federal agency, the services, facilities, and employees of such agency with or without reimbursement, and with the consent of any State or political subdivision therof, accept and use the services, facilities, and employees of the agencies of such State or subdivision with or without reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS–18 in section 5332 of title 5, United States Code, including travel-time, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(3) delegate his authority under subsection (a) of this section to any agency of the Federal Government with or without reimbursement and with its consent and to any State agency or agencies designated by the Governor of the State and with or without reimbursement and under conditions agreed upon by the Secretary and such State agency or agencies.

(f) Any information obtained by the Secretary, the Secertary of Health, Education, and Welfare, or a State agency under this Act shall be obtained with a minimum burden upon employers, especially those operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(g) The Secretary shall prescribe such rules and regulations as he may deem necessary to carry out his responsibilities under this Act, including rules and regulations dealings with the inspection of an employer's establishment.

(h) There are hereby authorized to be appropriated such sums as the Congress shall deem necessary to enable the Secretary to purchase equipment which he determines as necessary to measure the exposure of employees to working environments which might cause cumulative or latent ill effects.

CITATIONS AND SAFETY AND HEALTH APPEALS COMMISSION HEARINGS

SEC. 10. (a) If, upon the basis of an inspection or investigation, the Secretary believes that an employer has violated the requirements of section 5, 6, or 9(c) of this Act, or subsection (e) of this section, or regulations prescribed pursuant to this Act, he shall issue a citation to the employer unless the violation is de minimis. The citation shall be in writing and describe with particularity the nature of the violation, including a reference to the requirement, standard, rule, order, or regulation alleged to have been violated.

(b) In addition, the citation shall include—

(1) the amount of any proposed civil penalties; and

(2) a reasonable time within which the employer shall correct the violation.

(c) The Secretary shall issue each citation within forty-five days from the concurrence of the alleged violation but for good cause the Secretary may extend such period up to a maximum of ninety days from such occurrences.

(d) If an employer notifies the Secretary that he intends to contest a citation issued under this section, the Secretary shall notify the Safety and Health Appeals Commission of the employer's intention and the Safety and Health Appeals Commission shall afford the employer an opportunity for a hearing as provided in section 11 of this Act. However, if the employer fails to notify the Secretary within fifteen days after the receipt of the citation of his intention to contest the citation issued by the Secretary, the citation shall, on the day immediately following the expiration of the fifteen-day period, become a final order of the Safety and Health Appeals Commission.

(e) Each employer who receives a citation under this section shall prominently post such citation or copy thereof at or near each place a violation referred to in the citation occurred.

(f) No citation may be issued under this section after the expiration of three months following the occurrence of any violation.

(g) Whenever the Secretary compromises, mitigates, or settles any penalty assessed under this Act, he shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register.

OCCUPATIONAL SAFETY AND HEALTH APPEALS COMMISSION

SEC. 11. A. ORGANIZATION AND JURISDICTION—

(1) STATUS.—The Occupational Safety and Health Appeals Commission is hereby established as an independent agency in the Executive Branch of the Government. The members thereof shall be known as the Chairman of the Commission and the Commissioners of the Occupational Safety and Health Appeals Commission.

(2) JURISDICTION.—The Commission shall have such jurisdiction as is conferred on it by this Act.

(3) MEMBERSHIP.—(a) The Commission shall be composed of three Commissioners, appointed by the President, by and with the advice and consent of the Senate, solely on the grounds of fitness to perform the duties of the office.

(b) The salary of the Chairman of the Commission shall be equal to that provided for the executive level in section 5314, title 5, United States Code, and the salary of the remaining two Commissioners shall be in accordance with the executive level as provided in section 5315, title 5, United States Code.

(c) The terms of office of the Commissioners shall be as follows: one Commissioner shall be appointed for a term of two years, one Commissioner shall be appointed for a term of four years, and the remaining Commissioner for a term of six years, respectively. Their successors shall be appointed for terms of six years each, except that vacancy caused by death, resignation, or removal of a member prior to the expiraton of the term for which he was appointed shall be filled only for the remainder of such un-

expired term. A Commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(d) A Commissioner removed from office in accordance with the provisions of this section shall not be permitted at any time to practice before the Commission.

(4) ORGANIZATION.—(a) The Commission shall have a seal which shall be judicially noticed.

(b) The President may at any time designate one of the three Commissioners to serve as Chairman of the Commission.

(c) A majority of the Commissioners shall constitute a quorum for the transaction of the Commission's business. A vacancy shall not impair its powers nor affect its duties.

(d) The principal office of the Commission shall be in the District of Columbia, but it may sit at any place within the United States giving due consideration to the expeditious conduct of its proceedings and the convenience of the parties.

(5) HEARING EXAMINERS.—(a) The Commission may appoint hearing examiners to conduct such business as the Commission may require. Each hearing examiner shall be an attorney at law and shall be selected from the Civil Service Commission list of individuals eligible for selection as administrative hearing examiners.

(b) Except as otherwise provided in this Act, the hearing examiners shall be subject to the laws governing employees in the classified civil service, except that appointments shall be made without regard to 5 U.S.C. 5108. Each hearing examiner shall receive compensation at a rate not less than the GS–16 level.

B. PROCEDURE—

(1) REPRESENTATION OF PARTIES.—The Secretary or his delegate shall be represented by the Solicitor of Labor or his delegate before the Commission. The respondent shall be represented in accordance with the rules of practice prescribed by the Commission.

(2) RULES OF PRACTICE, PROCEDURE, AND EVIDENCE.—The proceedings of the Commission shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the Commission may prescribe and in accordance with the rules of evidence applicable in trials without a jury in the United States District Court of the District of Columbia.

(3) SERVICE OF PROCESS.—The mailing by certified mail or registered mail of any pleading, decision, order, notice or process in respect of proceedings before the Commission shall be held sufficient service of such pleading, decision, order, notice, or process.

(4) ADMINISTRATION OF OATHS AND PROCUREMENT OF TESTIMONY.—For the efficient administration of the functions vested in the Commission any Commissioner of the Commission, the clerk of the Commission, or any other employee of the Commission designated in writing for the purpose by the Chairman of the Commission, may administer oaths, and any Commissioner may examine witnesses and require, by subpena ordered by the Commission and signed by the Commissioner (or by the Secretary of the Commission or by any other employee of the Commission when acting under authority from the Secretary of the Commission—

(a) The attendance and testimony of witnesses, and the production of all necessary books, papers, documents, correspondence, and other evidence, from any place in the United States at any designated place of hearing, or

(b) The taking of a deposition before any designated individual competent to administer oaths under this title. In the case of a deposition the testimony shall be reduced to writing by the individual taking the deposition or under his direction and shall then be subscribed by the deponent.

(5) WITNESS FEES.—(a) Any witness summoned or whose deposition is taken shall receive the same fees and mileage as witnesses in courts of the United States.

(b) Such fees and mileage and the expenses of taking any such deposition shall be paid as follows:

(A) In the case of witnesses for the Secretary or his delegate, such payments shall be made by the Secretary or his delegate out of any moneys appropriated for the enforcement of this Act and may be made in advance.

(B) In the case of any other witnesses, such payments shall be made, subject to rules prescribed by the Commission, by the party at whose instance the witness appears or the deposition is taken.

(6) HEARINGS.—Notice and opportunity to be heard upon any proceeding instituted before the Commission shall be given to the respondent and the Secretary or his delegate. If an opportunity to be heard upon the proceedings is given before a hearing examiner of the Commission, neither the respondent nor the Secretary nor his delegate shall be entitled to notice and opportunity to be heard before the Commission upon review, except upon a specific order of the Chairman of the Commission. Hearings before the Commission shall be open to the public, and the testimony, and, if the Commission so requires, the argument, shall be stenographically reported. The Commission is authorized to contract for the reporting of such hearings, and in such contract to fix the terms and conditions under which transcripts will be supplied by the contractor to the Commission and to others and agencies.

(7) REPORTS AND DECISIONS.—(a) A report upon any proceeding instituted before the Commission and a decision thereon shall be made as quickly as practicable.

The decision shall be made by a Commissioner in accordance with the report of the Commission, and such decision so made shall, when entered, be the decision of the Commission.

(b) It shall be the duty of the Commission to include in its report upon any proceeding its findings of fact or opinion or memorandum opinion. The Commission shall report in writing all its findings of fact, opinions, and memorandum opinions.

(c) A decision of the Commission dismissing the proceeding shall be considered as its decision.

(8) PROCEDURES IN REGARD TO THE HEARING EXAMINERS.—(a) A hearing examiner shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such hearing examiner by the Chairman of the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceeding.

(b) The report of the hearing examiner shall become the report of the Commission within thirty days after such report by the hearing examiner unless within such period any Commissioner has directed that such report shall be reviewed by the Commission. Any preliminary action by a hearing examiner which does not form the basis for the entry of the final decision shall not be subject to review by the Commission except in accordance with such rules as the Commission may prescribe. The report of a hearing examiner shall not be a part of the record in any case in which the Chairman directs that such report shall be reviewed by the Commission.

(9) PUBLICITY OF PROCEEDINGS.—All reports of the Commission and all evidence received by the Commission, including a transcript of the stenographic report of the hearings, shall be public records open to the inspection of the public; except that after the decision of the Commission in any proceeding which has become final the Commission may, upon motion of the respondent or the Secretary or his delegate, permit the withdrawal by the party entitled thereto of originals of books, documents, and records, and of models, diagrams, and other exhibits, introduced in evidence before the Commission; or the Commission may, on its own motion, make such other disposition thereof as it deems advisable.

(10) PUBLICATION OF REPORTS.—The Commission shall provide for the publication of its reports at the Government Printing Office in such form and manner as may be best adapted for public information and use, and such authorized publication shall be competent evidence of the reports of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. Such reports shall be subject to sale in the same manner and upon the same terms as other public documents.

(11) Upon issuance of a citation and notification of the Commission, pursuant to section 10, the Commission shall afford an opportunity for a hearing, and shall issue such orders, and make such decisions, based upon findings of fact, as are deemed necessary to enforce the Act.

C. MISCELLANEOUS PROVISIONS.—

(1) EMPLOYEES.—(a) Appointment and Compensation. The Commission is authorized in accordance with the civil service laws to appoint, and in accordance with the Classification Act of 1949 (63 Stat. 954; 5 U.S.C. chapter 21), as amended to fix the compensation of such employees, including a Secretary to the Commission, as may be necessary to efficiently execute the functions vested in the Commission.

(b) Expenses for Travel and Subsistence. The employees of the Commission shall receive their necessary traveling expenses, and expenses for subsistence while traveling on duty and away from their designated stations, as provided in the Travel Expense Act of 1949 (63 Stat. 166; 5 U.S.C., chapter 16).

(2) EXPENDITURES.—The Commission is authorized to make such expenditures (including expenditures for personal services and rent at the seat of Government and elsewhere, and for law books, books of reference, and periodicals), as may be necessary to efficiently execute the functions vested in the Commission. All expenditures of the Commission shall be allowed and paid, out of any moneys appropriated for purposes of the Commission, upon presentation of itemized vouchers therefor signed by the certifying officer designated by the Chairman.

(3) DISPOSITION OF FEES.—All fees received by the Commission shall be covered into the Treasury as miscellaneous receipts.

(4) FEE FOR TRANSCRIPT OF RECORD.—The Commission is authorized to fix a fee, not in excess of the fee fixed by law to be charged and collected therefor by the clerks of the district courts, for comparing, or for preparing and comparing, a transcript of the record, or for copying any record, entry, or other paper and the comparison and certification thereof.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

SEC. 12. (a) The United States district courts shall have jurisdiction, upon petition of the Secretary, to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act.

(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an

enforcement proceeding pursuant to section 11 of this Act. The proceeding shall be as provided by Rule 65 of the Federal Rules, Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

(c) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) exist in any place of employment, he shall inform the affected employees and employers of the danger and that he is recommending to the Secretary that relief be sought.

(d) If the Secretary unreasonably fails to petition the court for appropriate relief under this section and any employee is injured thereby either physically or financially by reason of such failure on the part of the Secretary, such employee may bring an action against the United States in the Court of Claims in which he may recover the damages he has sustained, including reasonable court costs and attorney's fees.

(e) In any case where a temporary restraining order is obtained under this section by the Secretary, the court which grants such relief shall set a sum which it deems proper for the payment of such costs, damages, and attorney's fees as may be incurred or suffered by any employer who is found to have been wrongfully restrained or enjoined. In no case shall any employer wrongfully restrained or enjoined be entitled to a recovery for costs, damages, and attorney's fees in excess of the sum set by the court.

JUDICIAL PROCEDURES

SEC. 13. (a) (1) Any employer required by an order of the Commission to comply with the standards, regulations, or requirements under this Act, or to pay a penalty, may obtain judicial review of such order by filing a petition for review, within sixty days after service of such order, in the United States court of appeals for the circuit wherein the violation is alleged to have occurred or wherein the employer has its principal office. A copy of the petition shall forthwith be transmitted by the clerk of the court to the Commission and to the Secretary.

(2) The Secretary may also obtain judicial review or enforcement of a decision of the Commission as provided in subsection (1) of this section.

(3) Until the record in a case shall have been filed in a court, as herein provided, the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part any finding, order, or rule made or issued by it.

(4) Upon the filing of a petition for review under this section, such court shall have jurisdiction of the proceeding and shall have power to affirm the order of the Commission, or to set aside, in whole or in part, temporarily or permanently, and to enforce such order to the extent that it is affirmed. To the extent that the order of the Commission is affirmed, the court shall thereupon issue its own order requiring compliance with the terms of the order of the Commission. The commencement of proceedings under this paragraph shall not, unless specifically ordered by the court, operate as a stay of the order of the Commission.

(5) No objection to the order of the Commission shall be considered by the court unless such objection was urged before the Commission or unless they were reasonable grounds for failure to do so. The findings of the Commission as to the facts, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Commission for the taking of additional evidence in such manner and upon such terms and conditions as the court may deem proper, in which event the Commission may make new or modified findings and shall file such findings (which, if supported by substantial evidence on the record considered as a whole, shall be conclusive) and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence.

(6) The judgment of the court affirming or setting aside, in whole or in part, any order under this subsection shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(7) An order of the Commission shall become final under the same conditions as an order of the Federal Trade Commission under section 45(g) of title 15, United States Code.

(b) Any interested person affected by the action of the Board in issuing a standard under section 6 may obtain review of such action by the United States Court of Appeals for the District of Columbia by filing in such court within thirty days following the publication of such rule a petition praying that the action of the Board be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Board and thereupon the Board shall certify and file in the court the record upon which the action complained of was issued as provided in section 2112 of title 28, United States Code. Review by the court shall be in accord with the provisions of section 706 of title 5, United States Code. The court, for good cause shown, may remand the case to the Board to take further evidence, and the Board may thereupon make new or modified findings of fact and may modify its previous action and shall certify to the court the record of further proceedings. The remedy provided by this subsection for reviewing a standard or rule shall be exclusive. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of a proceeding under this subsection shall not, unless specifically ordered by the court, delay the application of the Board's standards.

(c) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil suit in the name of the United States brought in the Federal district court in the district where the violation is alleged to have occurred or where the employer has its principal office.

(d) The Federal district courts shall have jurisdiction of actions to collect penalties prescribed in this Act and may provide such additional relief as the court deems appropriate to carry out the order of the Occupational Safety and Health Appeals Commission.

REPRESENTATION IN CIVIL LITIGATION

SEC. 14. Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court and the Court of Claims, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

CONFIDENTIALITY OF TRADE SECRETS

SEC. 15. All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when essential in any proceeding under this Act. However, any such information shall be recorded and presented off the official public record, and shall be kept and preserved separately.

VARIATIONS, TOLERANCES, AND EXEMPTIONS

SEC. 16. The Board, on the record, after notice and opportunity for a hearing may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as it may find necessary and proper to avoid serious impairment of the national defense. Such action shall not be in effect for more than six months without notification to affected employees and an opportunity being afforded for a hearing.

PENALTIES

SEC. 17. (a) Any employer who willfully or repeatedly violates the requirements of section 5 of this Act, any standard or rule promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

(b) Any citation for a serious violation of the requirements of section 5 of this Act, of any standard or rule promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, shall include a proposed penalty of up to $1,000 for each such violation.

(c) Any employer who violates the requirements of section 5 of this Act, any standard or rule promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, and such violation is specifically determined by the Secretary not to be of a serious nature, the Secretary may include in the citation issued for such violation a proposed penalty of up to $1,000 for each such violation.

(d) Any employer who violates any order or citation which has become final in accordance with the provision of section 10 of this Act may be assessed a penalty of up to $1,000 for each such violation. When such violation is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of assessing the penalty except where such order or citation is pending review under section 11 of this Act.

(e) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years or both. Whoever kills a person while engaged in or an account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

(f) Any employer who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed by the Commission a civil penalty of up to $1,000 for each such violation.

(g) Any person who discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, shall be assessed a civil penalty by the Commission of up to $10,000. Such person may also be subject to a fine of not more than $10,000 or imprisonment of a period not to exceed ten years or both.

(h) The Commission shall have authority to assess and collect all penalties provided in

this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(i) For purposes of this section a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the Secretary determines that the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

STATE JURISDICTION AND STATE PLANS

SEC. 18. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law or any occupational safety or health issue with respect to which no standard is in effect under section 6.

(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment—

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and the enforcement of which standards) are or will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 which relate to the same issues, and which standards, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce,

(3) provides for a right of entry and inspection of all workplaces subject to the Act which is at least as effective as that provided in section 9(a)(1), and includes a prohibition on advance notice of inspections,

(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan,

(7) requires employers in the State to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect, and

(8) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(d) If the Secretary rejects a plan submitted under subsection (b), he shall afford the State submitting the plan due notice and opportunity for a hearing before so doing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 9, 10, 11, and 12 with respect to comparable standards promulgated under section 6, for the period specified in the next sentence. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such determination for at least three years after the plan's approval under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of sections 5(b), 9 (except for the purpose of carrying out subsection (c)), 10, 11, and 12, and standards promulgated under section 6 of this Act, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 10 or 11 before the date of determination.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(g) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of apepals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition praying that the action of the Secretary be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan to be arbitrary and capricious, the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(h) The Secretary many enter into an agreement with a State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State until final action is taken by the Secretary with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this Act, whichever is earlier.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 19. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall (after consultation with representatives of the employees thereof)—

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;

(4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to subsection (a)(3) of this section; and

(5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section 7902(e)(2) of title 5, United States Code.

(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a)(5) of this section, together with his evaluations of and recommendations derived from such reports. The President shall transmit annually to the Senate and the House of Representatives a report of the activities of Federal agencies under this section.

(c) Section 7902(c)(1) of title 5, United States Code is amended by inserting after "agencies" the following: "and of labor organizations representing employees".

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a)(3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

TRAINING AND EMPLOYEE EDUCATION

SEC. 20. (a) The Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor, the Board, and with other appropriate Federal departments and agencies, shall conduct, directly or by grants or contracts (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety and health equipment.

(b) The Secretary is also authorized to conduct (directly or by grants or contracts) short-term training of personnel engaged in work related to his responsibilities under this Act.

(c) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Act, and to consult with and advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illnesses.

GRANTS TO THE STATES

SEC. 21. (a) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States which have designated a State agency under section 18(c) to assist them (1) in identifying their needs and responsibilities in the area of occupational safety and health, (2) in developing State plans under section 18, or (3) in developing plans for—

(A) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(B) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; or

(C) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(b) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in subsection (a) of this section.

(c) The Governor of the State shall designate the appropriate State agency, or agencies, for receipt of any grant made by the Secretary under this section.

(d) Any State agency, or agencies, designated by the Governor of the State, desiring a grant under this section shall submit an application therefor to the Secretary.

(e) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(f) The Federal share for each State grant under subsection (a) or (b) of this section may be up to 90 per centum of the State's total cost. In the event the Federal share for all States under either such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

(g) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary pursuant to section 18 of this Act. The Federal share for each State grant under this subsection may be up to 50 per centum of the State's total cost. The last sentence of subsection (f) shall be applicable in determining the Federal share under this subsection.

(h) Prior to June 30, 1973, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to the President and to Congress, describing the experience under the program and making any recommendations he may deem appropriate.

ECONOMIC ASSISTANCE TO SMALL BUSINESSES

SEC. 22. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of "paragraph (5)" and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in affecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of the Small Business Act, as amended, is amended by striking out "or (5)" after "paragraph (3)" and inserting a comma followed by "(5) or (6)".

(c) Section 4(c) (1) of the Small Business Act, as amended, is amended by inserting "7(b)(6)," after "7(b)(5),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(6) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

RESEARCH AND RELATED ACTIVITIES

SEC. 23. (a)(1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary, the Board, and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

(2) The Secretary of Health, Education, and Welfare shall from time to time consult with the Board in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including criteria identifying toxic substances, enabling the Board to meet its responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education, and Welfare, on the basis of such records, demonstrations, and experiments and any other information available to him, shall develop and publish at least annually such criteria as will effectuate the purposes of this Act.

(3) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments, and demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

(4) The Secretary of Health, Education, and Welfare shall publish within six months of enactment of this Act and thereafter as needed but at least annually a list of all known toxic substances by generic family or other useful grouping, and the concentrations at which such toxicity is known to occur.

(5) The Board shall respond, as soon as possible, to a request by any employer or employee for a determination whether or not any substance normally found in a working place has toxic or harmful effects in such concentration as used or found.

(b) The Secretary of Health, Education, and Welfare is authorized to make inspections and question employers and employees as provided in section 9 of this Act in order to carry out his functions and responsibilities under this section.

(c) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In carrying out his responsibilities under this subsection, the Secretary and the Secretary of Health, Education, and Welfare shall cooperate in order to avoid any duplication of efforts under this section.

(d) Information obtained by the Secretary, the Board, and the Secretary of Health, Education, and Welfare under this section shall be disseminated by the Secretary to employers and employees and organizations thereof.

STATISTICS

SEC. 24. (a) In order to further the purposes of this Act, the Secretary shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. Such program may cover all employments whether or not subject to any other provisions of this Act but shall not cover employments excluded by section 4 of the Act.

(b) To carry out his duties under subsection (a) of this section, the Secretary may:

(1) Promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics.

(2) Make grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics.

(3) Arrange, through grants or contracts, for the conduct of such research and investigations as give promise of furthering the objectives of this section.

(c) The Federal share for each State grant under subsection (b) of this section may be up to 50 per centum of the State's total cost.

(d) The Secretary may, with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or political subdivision, with or without reimbursement, in order to assist him in carrying out his functions under this section.

(e) On the basis of the records made and kept pursuant to section 9(c) of this Act, employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act.

(f) Agreements between the Department of Labor and the States pertaining to the collection of occupational safety and health statistics already in effect on the effective date of this Act shall remain in effect until superseded by grants or contracts made under this Act.

EFFECT ON OTHER LAWS

SEC. 25. (a) Nothing in this Act shall be construed or held to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, occupational or other diseases, or death of employees arising out of, or in the course of, employment.

(b) Nothing in this Act shall apply to working conditions of employees with respect to whom other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021) exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(c) The safety and health standards promulgated under the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.), the Service Contract Act (41 U.S.C. 351 et seq.), and the National Foundation on Arts and Humanities Act (20 U.S.C. 951 et seq.), are deemed repealed and rescinded on the effective date of corresponding standards promulgated under this Act, as determined by the Secretary of Labor to be corresponding standards.

(d) Nothing in this Act shall apply to any employer who is a contractor or subcontractor for construction, alteration, and or repair of buildings or works, including painting or decorating in the regular course of his business.

(c) The Secretary shall, within three years after the effective date of this Act, report to the Congress his recommendation for legislation to avoid unnecessary duplication and to achieve coordination between this Act and other Federal laws.

(f) Section 2 of the Act of August 9, 1969 (Public Law 91–54; 83 Stat. 96), is hereby amended to read as follows:

"SEC. 2. The first section and section 2 of the Act of August 13, 1962, are each amended

by inserting 'and Construction Safety and Health' before 'standards' each time it appears."

(g) Subsection 107 of Public Law 91-54 (83 Stat. 96) is amended to read as follows:

"SEC. 107. (a)(1) It shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation based on proceedings pursuant to section 553 of title 5, United States Code, provided that such proceedings include a hearing of the nature authorized by said section. The Secretary of Labor shall consult with the Advisory Committee on Construction Safety and Health created by subsection (f) and shall give due regard to the Committee's recommendations and information in framing proposed rules or subjects and issues in setting standards in accordance with section 443 of title 5, United States Code.

"(2) Each employer as defined in section 3(6) of the Occupational Safety and Health Act who is a contractor or subcontractor for construction, alteration, and/or repair of buildings or works, including painting and decorating in the regular course of his business, shall comply with construction safety and health standards promulgated under this section."

(h) Subsection (b) of section 107 of Public Law 91-54 (83 Stat. 96) is amended to read as follows:

"(b)(1) The Secretary is authorized to make inspections and investigations pursuant to sections 9 (a), (c), and (d) of the Occupational Safety and Health Act. If upon the basis of inspection or investigation, the Secretary believes that an employer subject to the provisions of section 107 (a)(2) has violated any health or safety standard promulgated under section 107(a) of this Act, or has violated the condition required of any contract to which subsection (a) of this section applies, the Secretary shall issue a citation of the employer unless the violation is de minimis. The provisions of section 10 (except subsection (c) thereof) of the Occupational Safety and Health Act shall apply to citations issued under this Act. In issuing citations under this Act, the Secretary shall issue each citation at the earliest possible time from the occurrence of the alleged violation but in no event later than forty-five days from the occurrence of the alleged violation except that for good cause the Secretary may extend such period up to a maximum of ninety days from such occurrence. The provisions of section 12 of the Occupational Safety and Health Act shall also apply to this Act.

"(2) If, after notice and opportunity for hearing, the Commission determines that a violation has occurred of any condition prescribed by this section for a contract of the type described in clause (1) or (2) of section 103(a) of this Act, the governmental agency for which the contract work is done shall have the right to cancel the contract, and to enter into other contracts for the completion of the contract work, charging any additional cost to the original contractor. If, after notice and opportunity for hearing, the Commission determines that a violation has occurred of any condition prescribed by this section for a contract of the type described in clause 3 of section 103(a), the governmental agency by which financial guarantee, assistance, or insurance for the contract work is provided shall have the right to withhold any such assistance attributable to the performance of the contract. Section 104 of this Act shall not apply to the enforcement of this section."

(i) Subsection (c) of section 107 of Public Law 91-54 (83 Stat. 96) is hereby repealed and subsection (d) of that section is redesignated as subsection "(c)" and is amended to read as follows:

"(c)(1) If the Commission determines on the record after an opportunity for hearing that by repeated willful or grossly negligent violations of this Act, a contractor or subcontractor has demonstrated that the provisions of subsection (b) of this section and actions by the Secretary under paragraph (3) of this subsection are not effective to protect the safety and health of his employees, the Commission shall make a finding to that effect and shall, not sooner than thirty days after giving notice of the findings to all interested persons, transmit the name of such contractor or subcontractor to the Comptroller General.

"(2) The Comptroller General shall distribute each name so transmitted to him to all agencies of the Government. Unless the Commission otherwise recommends, no contract subject to this section shall be awarded to such contractor or subcontractor or to any person in which such contractor or subcontractor has a substantial interest until three years have elapsed from the date the name is transmitted to the Comptroller General. If, before the end of such three-year period, the Commission, after affording interested persons due notice and opportunity for hearing, is satisfied that a contractor or subcontractor whose name he has transmitted to the Comptroller General will thereafter comply responsibly with the requirements of this section, the Commission shall terminate the application of the preceding sentence to such contractor or subcontractor (and to any person in which the contractor or subcontractor has a substantial interest); and when the Comptroller General is informed of the Commission's action he shall inform all agencies of the Government thereof.

"(3) Any person aggrieved by an action of the Commission under subsections (b) or (c) of this section may seek a review of such action in the appropriate United States Court of Appeals pursuant to the provisions of section 13(a) of the Occupational Safety and Health Act. The Secretary may also obtain judicial review or seek enforcement as provided in sections 13(a) and 13 (c) and (d), and section 14 of the Occupation Safety and Health Act."

(j) Section 107 of Public Law 91-54 (83 Stat. 96) is amended by adding a new subsection "(d)" immediately after the new section "(c)". Subsection (e) of section 107 of Public Law 91-54 (83 Stat. 96) is hereby redesignated as subsection "(f)" and subsection (f) of section 107 of Public Law 91-54 (83 Stat. 96) is accordingly redesignated as subsection "(g)". The new subsection "(d)" shall read as follows:

"(d)(1) Any employer who willfully or repeatedly violates the standards promulgated by the Secretary under section 107(a) of this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

"(2) Any citation for a serious violation of the standards promulgated by the Secretary under section 107(a) of this Act shall include a proposed penalty of up to $1,000 for each violation.

"(3) Any employer who violates the standards promulgated by the Secretary under section 107(a) of this Act and such violation is specifically determined by the Secretary not to be of a serious nature, the Secretary may include in the citation issued for such a violation a proposed penalty of up to $1,000 for each such violation.

"(4) Any employer who violates any order or citation which has become final in accordance with the provisions of section 10 of the Occupational Safety and Health Act may be assessed a penalty of up to $1,000 for each such violation. When such violation is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of assessing the penalty except where such order or citation is pending review under section 11 of the Occupational Safety and Health Act.

"(5) Any employer who violates any of the posting requirements, as prescribed in section 10(e) of the Occupational Safety and Health Act, shall be assessed by the Commission a civil penalty of up to $1,000 for each such violation.

"(6) Any person who discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, shall be assessed a civil penalty by the Commission of up to $10,000. Such person may also be subject to a fine of not more than $10,000 or imprisonment of a period not to exceed ten years, or both.

"(7) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years or both. Whoever kills a person while engaged in or on account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

"(8) The Commission shall have authority to assess and collect all penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

"(9) For the purpose of this subsection a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the Secretary determines that the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation."

AUDITS

SEC. 26. (a) Each recipient of a grant under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

REPORTS

SEC. 27. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and

the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of occupational safety and health, and any other relevant information, and including any recommendations to effectuate the purposes of this Act.

OBSERVANCE OF RELIGIOUS BELIEFS

SEC. 28. Nothing in this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such medical examination, immunization, or treatment is necessary for the protection of the health or safety of others.

APPROPRIATIONS

SEC. 29. There are authorized to be appropriated to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

EFFECTIVE DATE

SEC. 30. This Act shall take effect one hundred and twenty days after the date of its enactment.

SEPARABILITY

SEC. 31. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than as to which it is held invalid, shall not be affected thereby.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a title amendment.

The Clerk read as follows:

Title amendment offered by Mr. PERKINS: Amend the title so as to read: "to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 16785) was laid on the table.

APPOINTMENT OF CONGRESS

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Mr. PERKINS, Mrs. GREEN of Oregon, Messrs. THOMPSON of New Jersey, DENT, DANIELS of New Jersey, O'HARA, HAWKINS, WILLIAM D. FORD, HATHAWAY, MEEDS, BURTON of California, GAYDOS, AYRES, QUIE, SCHERLE, ERLENBORN, STEIGER of Wisconsin, ESCH, ESHLEMAN, and COLLINS of Texas.

PERMISSION FOR THE COMMITTEE ON EDUCATION AND LABOR TO SIT DURING GENERAL DEBATE TODAY

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be permitted to sit during general debate during the remainder of the afternoon for the consideration of the so-called school desegregation bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1971

Mr. EVINS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19830) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from North Carolina (Mr. JONAS) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19830, with Mr. ANNUNZIO in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Tennessee (Mr. EVINS) will be recognized for one-half hour and the gentleman from North Carolina (Mr. JONAS) will be recognized for one-half hour.

The Chair now recognizes the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Chairman, today we bring you a new Independent Offices and Department of Housing and Urban Development appropriations bill for fiscal year 1971.

The original bill, H.R. 17548, was one of the first appropriation bills to be passed by the Congress this session. It passed the House on May 12. The bill passed the Senate on July 7. The Congress proposed in the original bill to change some priorities to more adequately respond to urgent domestic needs. The bill provided necessary appropriations to continue orderly progress of urban renewal programs. Funds were included to assist communities in meeting critical requirements for basic water and sewer facilities. Funding was provided for better quality hospital and medical care for veterans and minimal financing for direct loans for housing for the elderly or handicapped.

On August 11 the President vetoed the original bill.

Acting on the veto message 2 days later, the House voted 207 to 193 to override, but this fell short of the two-thirds vote required by the Constitution to override a Presidential veto.

Today the committee brings back a new bill redrafted to replace the vetoed bill.

Mr. Chairman, this bill is an old hat with a new band. In all but two instances it contains the same sums for the various independent agencies as the original bill. The original independent offices bill, which included appropriations for the Veterans' Administration and Department of Housing and Urban Development, totaled $18,009,525,300. The new bill is now $17,709,525,300. We have brought back a bill reduced by $300 million.

As you may also recall, there were three main items in the original bill over the budget, namely, $350 million for urban renewal for the cities, $350 million in matching grant funds for basic water and sewer facilities for the rural areas and smaller communities, and an additional $105 million for veterans' hospital and medical care.

The mayors of the cities have insisted that more money is needed for urban renewal. The water and sewer facilities item was increased and voted on in the House and again in the Senate. There is a clearly demonstrated need for more funds for medical care for veterans returning from Vietnam and other veterans. Both the House and Senate increased the budget item for veterans' medical care, and the original bill sent to the President, and this bill too, carries a total of $1,857,200,000 for veterans medical care, which is $105 million over the President's request.

Mr. Chairman, we have made reductions but we have not cut any funds from the Veterans' Administration programs. So, we have essentially the same bill, with just two reductions. We have cut grants for basic water and sewer facilities $150 million and $150 million from the urban renewal program, a total reduction of $300 million from the amount contained in the vetoed bill.

This, Mr. Chairman, represents basically a split and a reasonable compromise.

I repeat, the bill is $300 million below the bill that was not approved.

Now, to those Members who want to

go back to their respective districts and talk about economy, you can point with pride to the fact that you have cut back $300 million, or more than one-quarter billion dollars. For those Members who want to say, "We need more money for urban renewal and water and sewer grants," I would point out that this bill is $241 million over the budget. This, again, is a reasonable compromise.

Now, Mr. Chairman, concerning expenditures or budget outlays—and this is a key point which seemingly was not gotten over too well when the original bill was pending before the House—there will be $1.8 million less expenditures in this bill than was proposed in the President's budget.

There is no provision in the bill requiring that any of the funds be expended, of course, there are a few items such as compensation and pensions for veterans, which are required by law.

Again, Mr. Chairman, there were three main items in the bill where increases were provided, urban renewal, water and sewer grants, and veterans' medical care. We have made no change in the veterans' medical care item. We have made a reduction of $300 million in the other two items.

Mr. Chairman, when this bill was on the floor previously, the House approved the full amount authorized for basic water and sewer grants. We all know, however, that subsequently the House passed another bill increasing the authorization by a substantial amount.

Mr. Chairman, the new year will soon be upon us. The committee will again be giving consideration to the needs of the various independent agencies and the Department of Housing and Urban Development. We believe this new bill represents a sound compromise. Because of the lateness in the year and the fact that the various agencies covered by this bill have been operating under a continuing resolution since July 1, we urge approval of this new appropriation bill and urge its acceptance.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to my distinguished friend from Iowa.

Mr. GROSS. How much of this cut—and, of course, it is still $241 million over the budget and $753 million over the expenditures for the same general purposes last year—but how much of this cut will be restored in the oncoming deficiency or supplemental appropriation bill?

Mr. EVINS of Tennessee. The supplemental request is yet to be considered. The chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON), is here and it is my understanding that he will make a statement. However, all of the annual appropriation bills will have passed the House with the one now before us but there will be one supplemental wrap-up bill yet to be considered. This will have to be considered in the subcommittee, in the full committee, and by the entire Congress. I cannot answer the gentleman's question as to what might be done on the floor of the House with reference to the supplemental bill, or what will be done in the other body. However, I would like to again point out that the bill we are now considering is estimated to require $1.8 million less in expenditures in 1971 than was proposed by the President.

Mr. GROSS. Will the gentleman yield further, very briefly?

Mr. EVINS of Tennessee. Surely.

Mr. GROSS. Will the gentleman please refresh my memory as to why the increase of $2.5 million, for a total of $58,781,000 in the participation sales insufficiencies? What is that all about?

Mr. EVINS of Tennessee. I will say to my friend from Iowa that this is interest cost to the Government under the participation certificate sales program. This is a contractual commitment. When GI mortgages or other housing mortgages are pledged to holders of participation certificates, the interest from these mortgages are usually less than the yield of the certificates. The amount in this bill is to make up that difference. This is a contractual obligation of the Government that must be paid.

Mr. GROSS. So, the $58,781,000 represents the difference between the interest rates under the law and the cost of money to the Government—the interest rates on the securities or whatever they may be?

Mr. EVINS of Tennessee. The gentleman is correct.

Mr. JONAS. Mr. Chairman, will the gentleman from Tennessee yield?

Mr. EVINS of Tennessee. I yield to the gentleman from North Carolina.

Mr. JONAS. Right on that point, before I use any of my time, I think it should be said that the figures mentioned by the gentleman from Iowa represent obligations on past transactions. This program has been terminated, and we are not incurring any insufficiencies on new participation certificate sales.

Mr. EVINS of Tennessee. Mr. Chairman, in summarizing my remarks, I would like to include a table of the items in the bill in the RECORD at this point:

COMPARATIVE STATEMENT—INDEPENDENT OFFICES AND HUD APPROPRIATIONS BILL, 1971 (H.R. 19830)

Agency and item	New budget (obligational) authority, 1970 [1]	Amended budget estimates of new budget (obligational) authority, 1971	Recommended in original House bill for 1971	Recommended in original Senate bill for 1971	Amounts in vetoed bill (H.R. 17548)	Recommended in new House bill for 1971	New bill compared with: New budget (obligational) authority, 1970	New bill compared with: Budget estimate for 1971	New bill compared with: Vetoed bill (H.R. 17548)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I									
INDEPENDENT OFFICES									
Appalachian Regional Commission									
Salaries and expenses	$890,000	$958,000	$958,000	$958,000	$958,000	$958,000	+$68,000		
Civil Service Commission									
Salaries and expenses:									
Appropriation	43,951,221	48,619,000	45,800,000	47,800,000	47,577,000	47,577,000	+3,625,779	−$1,042,000	
By transfer	(7,995,169)	(8,173,000)	(8,173,000)	(8,173,000)	(8,173,000)	(8,173,000)	(+177,831)		
Annuities under special acts	1,265,000	1,180,000	1,180,000	1,180,000	1,180,000	1,180,000	−85,000		
Government payment for annuitants, employees health benefits	41,185,000	46,523,000	46,523,000	46,523,000	46,523,000	46,523,000	+5,338,000		
Payment to civil service retirement and disability fund	230,816,600	[2]					−230,816,000		
Federal Labor Relations Council, salaries and expenses	300,000	900,000	700,000	700,000	700,000	700,000	+400,000	−200,000	
Total, Civil Service Commission	317,517,821	97,222,000	94,203,000	96,203,000	95,980,000	95,980,000	−221,537,821	−1,242,000	
Commission on Government Procurement									
Salaries and expenses	700,000	1,800,000	1,500,000	1,500,000	1,500,000	1,500,000	+800,000	−300,000	
Federal Communications Commission									
Salaries and expenses	24,561,695	24,900,000	24,725,000	24,900,000	24,900,000	24,900,000	+338,305		
Federal Power Commission									
Salaries and expenses	18,145,863	18,450,000	18,210,000	18,350,000	18,210,000	18,210,000	+64,137	−240,000	

Footnotes at end of table.

Agency and item	New budget (obligational) authority, 1970 [1]	Amended budget estimates of new budget (obligational) authority, 1971	Recommended in original House bill for 1971	Recommended in original Senate bill for 1971	Amounts in vetoed bill (H.R. 17548)	Recommended in new House bill for 1971	New bill compared with: New budget (obligational) authority, 1970	New bill compared with: Budget estimate for 1971	New bill compared with: Vetoed bill (H.R. 17548)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Federal Trade Commission									
Salaries and expenses	$20,889,213	$21,375,000	$20,500,000	$20,500,000	$20,500,000	$20,500,000	−$389,213	−$875,000	
General Services Administration									
Operating expenses, Public Buildings Service	314,222,000	344,153,000	335,250,000	344,153,000	340,350,000	340,350,000	+26,128,000	−3,803,000	
Repair and improvement of public buildings	61,600,000	83,280,000	83,280,000	83,280,000	83,280,000	83,280,000	+21,680,000		
Construction, public buildings projects	26,533,000	101,664,500	142,024,300	120,672,500	133,560,300	133,560,300	+107,027,300	+31,895,800	
Sites and expenses, public buildings projects	11,371,000	14,000,000	14,000,000	14,000,000	14,000,000	14,000,000	+2,629,000		
Payments, public buildings purchase contracts	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000			
Expenses, U.S. court facilities	1,250,000	1,463,000	1,000,000	1,463,000	1,000,000	1,000,000	−250,000	−463,000	
Operating expenses, Federal Supply Service	81,946,000	83,513,000	83,346,000	83,346,000	83,346,000	83,346,000	+1,400,000	−167,000	
Operating expenses, National Archives and Records Service	22,985,000	24,695,000	24,485,000	24,485,000	24,485,000	24,485,000	+1,500,000	−210,000	
National historical publication grants	350,000	350,000	350,000	350,000	350,000	350,000			
Operating expenses, Transportation and Communications Service	6,678,000	6,478,000	6,478,000	6,478,000	6,478,000	6,478,000	−200,000		
Operating expenses, Property Management and Disposal Service	29,796,000	[3] 33,079,000	31,000,000	31,000,000	31,000,000	31,000,000	+1,204,000	−2,079,000	
Salaries and expenses, Office of Administrator	1,997,000	1,215,000	1,000,000	1,215,000	1,215,000	1,215,000	−782,000		
Allowances and office staff for former Presidents	335,000	303,000	303,000	303,000	303,000	303,000	−32,000		
Administrative operations fund (limitation on administrative expenses)	(14,190,000)	(28,561,000)	(28,500,000)	(28,500,000)	(28,500,000)	(28,500,000)	(+14,310,000)	(−61,000)	
Total, General Services Administration	561,463,000	696,593,500	724,916,300	713,145,500	721,767,300	721,767,300	+160,304,300	+25,173,800	
National Aeronautics and Space Administration									
Research and development	3,006,000,000	2,606,100,000	2,500,000,000	2,606,100,000	2,565,000,000	2,565,000,000	−441,000,000	−41,100,000	
Construction of facilities	53,233,000	34,600,000	18,275,000	34,478,000	24,950,000	24,950,000	−28,283,000	−9,650,000	
Research and program management	689,983,000	692,300,000	678,725,000	678,725 000	678,725,000	678,725,000	−11,258,000	−13,575,000	
Total, National Aeronautics and Space Administration	3,749,216,000	3,333,000,000	3,197,000,000	3,319,303,000	3,268,675,000	3,268,675,000	−480,541,000	−64,325,000	
National Commission on Consumer Finance									
Salaries and expenses	375,000	500,000	500,000	500,000	500,000	500,000	+125,000		
National Science Foundation									
Salaries and expenses	438,000,000	511,000,000	495,000,000	520,500,000	511,000,000	511,000,000	+73,000,000		
Scientific activities (special foreign currency programs)	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000			
Total, National Science Foundation	440,000,000	513,000,000	497,000,000	522,500,000	513,000,000	513,000,000	+73,000,000		
Renegotiation Board									
Salaries and expenses	4,110,000	4,235,000	4,110,000	4,235,000	4,235,000	4,235,000	+125,000		
Securities and Exchange Commission									
Salaries and expenses	21,904,977	21,916,000	21,716,000	21,716,000	21,716,000	21,716,000	−188,977	−200,000	
Selective Service System									
Salaries and expenses	76,753,000	76,000,000	75,000,000	75,000,000	75,000,000	75,000,000	−1,753,000	−1,000,000	
Veterans' Administration									
Compensation and pensions	5,314,400,000	5,456,600,000	5,456,600,000	5,456,600,000	5,456,600,000	5,456,600,000	+142,200,000		
Readjustment benefits	1,069,700,000	[4] 1,354,500,000	1,354,500,000	1,354,500,000	1,354,500,000	1,354,500,000	+284,800,000		
Veterans insurance and indemnities	7,253,000	5,100,000	5,100,000	5,100,000	5,100,000	5,100,000	−2,153,000		
Medical care	1,683,311,067	[5] 1,752,200,000	1,777,200,000	1,857,200,000	1,857,200,000	1,857,200,000	+173,888,933	+105,000,000	
Medical and prosthetic research	58,783,131	59,200,000	59,200,000	59,200,000	59,200,000	59,200,000	+416,869		
Medical administration and miscellaneous operating expenses	17,905,000	19,100,000	19,100,000	19,100,000	19,100,000	19,100,000	+1,195,000		
General operating expenses	241,731,719	239,200,000	239,200,000	239,200,000	239,200,000	239,200,000	−2,531,719		
Construction of hospital and domiciliary facilities	69,152,000	59,000,000	59,000,000	79,000,000	59,000,000	59,000,000	−10,152,000		
Grants for construction State extended care facilities	4,000,000	7,500,000	7,500,000	7,500,000	7,500,000	7,500,000	+3,500,000		
Grants to the Republic of the Philippines	1,362,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	+638,000		
Payment of participation sales insufficiencies	5,716,000	6,128,000	6,128,000	6,128,000	6,128,000	6,128,000	+412,000		
Loan guaranty revolving fund (limitation on obligations)	(425,000,000)	Language	(350,000,000)	(350,000,000)	(350,000,000)	(350,000,000)	(−75,000,000)	(+350,000,000)	
Total, Veterans' Administration	8,473,313,917	8,960,528,000	8,985,528,000	9,085,528.000	9,065,528,000	9,065,528,000	+592,214.083	+105,000,000	
Total, Independent Offices, title I	13,709,840,486	13,770,477,500	13,665,866,300	13,904,338,500	13,832,469,300	13,832,469,300	+122,628,814	+61,991,800	

Footnotes at end of table.

COMPARATIVE STATEMENT—INDEPENDENT OFFICES AND HUD APPROPRIATIONS BILL, 1971 (H.R. 19830)—Continued

Agency and item	New budget (obligational) 1970 [1]	Amended budget estimates of new budget (obligational) authority, 1971	Recommended in original House bill for 1971	Recommended in original Senate bill for 1971	Amounts in vetoed bill (H.R. 17548)	Recommended in new House bill for 1971	New bill compared with: New budget (obligational) authority, 1970	New bill compared with: Budget estimate for 1971	New bill compared with: Vetoed bill (H.R. 17548)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE II									
EXECUTIVE OFFICE OF THE PRESIDENT									
Council on Environmental Quality and Office of Environmental Quality									
Salaries and expenses	$350,000	[6] $1,500,000	$650,000	$1,500,000	$1,000,000	$1,000,000	+$650,000	−$500,000	
National Aeronautics and Space Council									
Salaries and expenses	549,000	560,000	400,000	560,000	500,000	500,000	−49,000	−60,000	
Office of Emergency Preparedness									
Salaries and expenses	5,290,000	[7] 6,005,000	5,290,000	5,890,000	5,890,000	5,890,000	+600,000	−115,000	
Defense mobilization functions of Federal agencies	3,250,623	3,130,000	3,130,000	3,130,000	3,130,000	3,130,000	−120,623		
Total, Office of Emergency Preparedness	8,540,623	9,135,000	8,420,000	9,020,000	9,020,000	9,020,000	+479,377	−115,000	
Office of Science and Technology									
Salaries and expenses	1,958,000	2,175,000	2,000,000	2,175,000	2,100,000	2,100,000	+142,000	−75,000	
Office of Telecommunications Policy									
Salaries and expenses	1,795,000	3,300,000	1,795,000	3,300,000	2,000,000	2,000,000	+205,000	−1,300,000	
Total, Executive Office of the President	13,192,623	16,670,000	13,265,000	16,555,000	14,620,000	14,620,000	+1,427,377	−2,050,000	
Funds Appropriated to the President									
Appalachian regional development programs	282,500,000	295,500,000	291,500,000	295,500,000	293,500,000	293,500,000	+11,000,000	−2,000,000	
Disaster relief	245,000,000	65,000,000	65,000,000	65,000,000	65,000,000	65,000,000	−180,000,000		
Total, funds appropriated to the President	527,500,000	360,500,000	356,500,000	360,500,000	358,500,000	358,500,000	−169,000,000	−2,000,000	
DEPARTMENT OF DEFENSE									
Civil Defense									
Operation and maintenance	49,658,000	50,100,000	50,000,000	51,000,000	50,100,000	50,100,000	+442,000		
Research, shelter survey and marking	20,050,000	23,700,000	22,000,000	22,000,000	22,000,000	22,000,000	+1,950,000	−1,700,000	
Total, Civil Defense, Department of Defense	69,708,000	73,800,000	72,000,000	73,000,000	72,100,000	72,100,000	+2,392,000	−1,700,000	
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
Public Health Service									
Emergency health	4,083,000	3,755,000	3,500,000	3,755,000	3,755,000	3,755,000	−328,000		
Total, title II	614,483,623	454,725,000	445,265,000	453,810,000	448,975,000	448,975,000	−165,508,623	−5,750,000	
TITLE III									
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Renewal and Housing Assistance									
Grants for neighborhood facilities	40,000,000	40,000,000	40,000,000	40,000,000	40,000,000	40,000,000			
Alaska housing	1,000,000						−1,000,00		
Urban renewal programs	[8] 1,000,000,000	1,000,000,000	1,000,000,000	1,700,000,000	1,350,000,000	1,200,000,000	+200,00[illegible],000	+200,000,000	−$150,000,000
Rehabilitation loan fund	45,000,000	35,000,000	35,000,000	35,000,000	35,000,000	35,000,000	−10,000,000		
Low-rent public housing annual contributions	473,500,000	654,500,000	654,500,000	654,500,000	654,500,000	654,500,000	+181,000,000		
Grants for tenant services		5,000,000		5,000,000				−5,000,000	
College housing:									
Increased limitation for annual contract authorization	(11,500,000)	(9,300,000)	(7,200,000)	(9,300,000)	(9,300,000)	(9,300,000)	(−2,200,000)		
(Cumulative limitation for annual contract authorization)	(17,000,000)	(26,300,000)	(24,200,000)	(26,300,000)	(26,300,000)	(26,300,000)	(+9,300,000)		
Appropriation for payments	2,500,000	2,500,000					−2,500,000	−2,500,000	
Salaries and expenses, renewal and housing assistance	39,508,000	45,000,000	41,000,000	45,000,000	43,500,000	43,500,000	+3,992,000	−1,500,00	
Total, renewal and housing assistance	1,601,508,000	1,782,000,000	1,770,500,000	2,479,500,000	2,123,000,000	1,973,000,000	+371,492,000	+191,000,000	−150,000,000
Metropolitan Development									
Comprehensive planning grants	50,000,000	60,000,000	50,000,000	50,000,000	50,000,000	50,000,000		−10,000,000	
Community development training and urban fellowship programs	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000			
New community assistance	2,500,000	10,000,000	5,000,000	5,000,000	5,000,000	5,000,000	+2,500,000	−5,000,000	
Open space land programs	75,000,000	75,000,000	75,000,000	75,000,000	75,000,000	75,000,000			
Grants for basic water and sewer facilities	135,000,000	150,000,000	500,000,000	500,000,000	500,000,000	350,000,000	+215,000,000	+200,000,000	−150,000,000
Grants to aid advance acquisition of land	2,500,000						−2,500,000		
Salaries and expenses, metropolitan development	7,980,700	8,700,000	8,000,000	8,700,000	8,000,000	8,000,000	+19,300	−700,000	
Total	276,480,700	307,200,000	641,500,000	642,200,000	641,500,000	491,500,000	+215,019,300	+184,300,000	−150,000,000

Footnotes at end of table.

Agency and item	New budget (obligational) 1970 [1]	Amended budget estimates of new budget (obligational) authority, 1971	Recommended in original House bill for 1971	Recommended in original Senate bill for 1971	Amounts in vetoed bill (H.R. 17548)	Recommended in new House bill for 1971	New bill compared with: New budget (obligational) authority, 1970	New bill compared with: Budget estimate for 1971	New bill compared with: Vetoed bill (H.R. 17548)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Model Cities and Governmental Relations									
Model cities programs	$575,000,000	$575,000,000	$575,000,000	$575,000,000	$575,000,000	$575,000,000	----	----	----
Salaries and expenses, model cities and governmental relations:									
Appropriation	577,600	700,000	600,000	600,000	600,000	600,000	+$22,400	−$100,000	----
By transfer	(6,750,000)	(9,300,000)	(8,300,000)	(8,300,000)	(8,300,000)	(8,300,000)	(+1,550,000)	(−1,000,000)	----
Total, model cities and Governmental relations	575,577,600	575,700,000	575,600,000	575,600,000	575,600,000	575,600,000	+22,400	−100,000	----
Urban Technology and Research									
Urban research and technology	25,000,000	55,000,000	30,000,000	55,000,000	30,000,000	30,000,000	+5,000,000	−25,000,000	----
Low-income housing demonstration programs (appropriation to liquidate contract authorization)	[9] (2,000,000)	----	----	----	----	----	----	----	----
Total, urban technology and research	25,000,000	55,000,000	30,000,000	55,000,000	30,000,000	30,000,000	+5,000,000	−25,000,000	----
Mortgage Credit									
Homeownership and rental housing assistance:									
Homeownership assistance, increased limitation for annual contract authorization:									
1971	(125,000,000)	(140,000,000)	(130,000,000)	(130,000,000)	(130,000,000)	(130,000,000)	(+5,000,000)	(−10,000,000)	----
1972	----	(140,000,000)	----	----	----	----	----	(−140,000,000)	----
(Cumulative annual contract authorization):									
197	(195,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(+130,000,000)	----	----
Rental housing assistance, increased limitation for annual authorization:									
1971	(120,000,000)	(145,000,000)	(135,000,000)	(135,000,000)	(135,000,000)	(135,000,000)	(+15,000,000)	(−10,000,000)	----
1972	----	(145,000,000)	----	----	----	----	----	(−145,000,000)	----
(Cumulative annual contract authorization):									
1971	(190,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(+135,000,000)	----	----
Appropriation for payments	26,500,000	[10] 115,100,000	115,100,000	115,100,000	115,100,000	115,100,000	+88,600,000	----	----
Rent supplement program:									
Increased limitation for annual contract authorization:									
1971	(50,000,000)	(75,000,000)	(50,000,000)	(75,000,000)	(55,000,000)	(55,000,000)	(+5,000,000)	(−20,000,000)	----
1972	----	(75,000,000)	----	----	----	----	----	(−75,000,000)	----
(Cumulative annual contract authorization):									
1971	(122,000,000)	(197,000,000)	(172,000,000)	(197,000,000)	(177,000,000)	(177,000,000)	(+55,000,000)	(−20,000,000)	----
Appropriation for payments	23,000,000	46,600,000	46,600,000	46,000,000	46,600,000	46,600,000	+23,600,000	----	----
Low- and moderate-income sponsor fund	2,000,000	5,000,000	3,000,000	3,000,000	3,000,000	3,000,000	+1,000,000	−2,000,000	----
Loans for housing and related facilities for elderly or handicapped families	----	----	----	25,000,000	10,000,000	10,000,000	+10,000,000	+10,000,000	----
Salaries and expenses, Federal Housing Administration	3,500,000	6,290,000	3,500,000	6,290,000	3,500,000	3,500,000	----	−2,790,000	----
Total, mortgage credit	55,000,000	172,990,000	168,200,000	195,990,000	178,200,000	178,200,000	+123,200,000	+5,210,000	----
Federal Insurance Administration									
Flood insurance	2,428,500	6,050,000	5,000,000	5,000,000	5,000,000	5,000,000	+2,571,500	−1,050,000	----
Fair Housing and Equal Opportunity									
Fair housing and equal opportunity	6,391,400	11,300,000	7,000,000	11,300,000	8,000,000	8,000,000	+1,608,600	−3,300,000	----
Departmental Management									
General administration	9,559,500	9,200,000	9,000,000	9,000,000	9,000,000	9,000,000	−559,500	−200,000	----
Regional management and services	11,155,000	14,550,000	13,500,000	14,500,000	14,000,000	14,000,000	+2,845,000	−550,000	----
Working capital fund	4,338,000	----	----	----	----	----	−4,338,000	----	----
Total departmental management	25,052,500	23,750,000	22,500,000	23,500,000	23,000,000	23,000,000	−2,052,500	−750,000	----
Participation Sales									
Payment of participation sales insufficiencies	56,238,000	58,781,000	58,781,000	58,781,000	58,781,000	58,781,000	+2,543,000	----	----
Special Institutions									
National homeownership founda	----	250,000	----	----	----	----	----	−250,000	----
Total, Department of Housing and Urban Development—Title III	2,623,676,700	2,993,021,000	3,279,081,000	4,046,871,000	3,643,081,000	3,343,081,000	+719,404,300	+350,060,000	−$300,000,000
TITLE IV									
CORPORATIONS									
Federal Home Loan Bank Board									
Interest adjustment payments	----	[11] 250,000,000	----	250,000,000	85,000,000	85,000,000	+85,000,000	−165,000,000	----
Revolving fund	8,400,000	----	----	----	----	----	−8,400,000	----	----
Total new budget (obligational) authority—Title IV	8,400,000	250,000,000	----	250,000,000	85,000,000	85,000,000	+76,600,000	−165,000,000	----

Footnotes at end of table.

COMPARATIVE STATEMENT—INDEPENDENT OFFICES AND HUD APPROPRIATIONS BILL, 1971 (H.R. 19830)—Continued

Agency and item	New budget (obligational) 1970 [1]	Amended budget estimates of new budget (obligational) authority, 1971	Recommended in original House bill for 1971	Recommended in original Senate bill for 1971	Amounts in vetoed bill (H.R. 17548)	Recommended in new House bill for 1971	New bill compared with: New budget (obligational) authority, 1970	New bill compared with: Budget estimate for 1971	New bill compared with: Vetoed bill (H.R. 17548)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE IV—Continued									
CORPORATIONS—Continued									
Federal Home Loan Bank Board—Continued									
Administrative and Nonadministrative Expenses (Limitation on Accounts of Corporate Funds To Be Expended)									
Federal Home Loan Bank Board:									
Administrative expenses	($5,716,082)	($6,625,000)	($5,750,000)	($6,625,000)	($6,625,000)	($6,625,000)	(+$908,918)		
Nonadministrative expenses	(14,125,000)	(14,700,000)	(14,700,000)	(14,700,000)	(14,700,000)	(14,700,000)	(+575,000)		
Federal Savings and Loan Insurance Corporation	(384,000)	(408,000	(408,000)	(408,000)	(408,000)	(408,000)	(+24,000)		
Department of Housing and Urban Development:									
Housing for the elderly or handicapped	(1,200,000)	(850,000)	(850,000)	(850,000)	(850,000)	(850,000)	(−350,000)		
College housing loans	(1,175,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(−175,000)		
Public facility loans	(1,055,000)	(1,400,000)	(1,200,000)	(1,200,000)	(1,200,000)	(1,200,000)	(+145,000)	(−$200,000)	
Revolving fund (liquidating programs)	(106,700)	(125,000)	(125,000)	(125,000)	(125,000)	(125,000)	(+18,300)		
Federal Housing Administration:									
Administrative expenses	(12,950,000)	(13,800,000)	(13,500,000)	(13,500,000)	(13,500,000)	(13,500,000)	(+550,000)	(−300,000)	
Nonadministrative expenses	(110,175,000)	(125,550,000)	(112,000,000)	(125,550,000)	(118,775,000)	(118,775,000)	(+8,600,000)	(−6,775,000)	
Government National Mortgage Association	(5,000,000)	(6,600,000)	(6,600,000)	(6,600,000)	(6,600,000)	(6,600,000)	(+1,600,000)		
Total, administrative and nonadministrative expenses—Title IV	(151,886,782)	(171,058,000)	(156,133,000)	(170,558,000)	(163,783,000)	(163,783,000)	(+11,896,218)	(−7,275,000)	
Grand total, all titles, new budget (obligational) authority	16,956,400,809	17,468,223,500	17,390,212,300	18,655,019,500	18,009,525,300	17,709,525,300	+753,124,491	+241,301,800	−$300,000,000
Consisting of—Appropriations	(16,956,400,809)	(17,468,223,500)	(17,390,212,300)	(18,655,019,500)	(18,009,525,300)	(17,709,525,300)	(+753,124,491)	(+241,301,800)	(−300,000,000)
Grand total	(16,956,400,809)	(17,468,223,500)	(17,390,212,300)	(18,655,019,500)	(18,009,525,300)	(17,709,525,300)	(+753,124,491)	(+241,301,800)	(−300,000,000

[1] Includes all supplemental appropriation acts of 1970.
[2] Sec. 103 of the Civil Service Retirement Amendments of 1969 requires the Secretary of the Treasury to make annual payments from general revenues as determined by the Civil Service Commission.
[3] Reflects increase of $600,000 contained in H. Doc. 91-305.
[4] Reflects increase of $275,500,000 contained in H. Doc. 91-312.
[5] Reflects increase of $50,000,000 contained in H. Doc. 91-294.
[6] Reflects increase of $800,000 contained in S. Doc. 91-87.
[7] Reflects increase of $600,000 contained in S. Doc. 91-88.
[8] Includes advance funding for fiscal year 1970, provided in 1969 act; $750,000,000.
[9] Provided by transfer from "Urban Research and Technology."
[10] Reflects increase of $10,500,000 contained in H. Doc. 91-273.
[11] Estimate contained in S. Doc. 91-85.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

THE APPROPRIATION BILLS FOR FISCAL YEAR 1971

Mr. MAHON. Mr. Chairman, when the pending independent offices-HUD bill is passed, the House will have initially cleared all of the regular annual appropriation bills for the current fiscal year 1971 and sent them to the other body. I, therefore, thought it would be well at this point in the RECORD to give a status report as to the various annual appropriation bills which have been considered.

I would think that there is no reasonable doubt but that the pending bill, if approved by the Congress in substantially the form in which it now is, would be approved by the President.

Only the final cleanup supplemental bill remains to be reported to the House, and on that we expect to conclude all hearings tomorrow and get the bill ready for reporting in approximately 2 weeks.

BILLS IN THE HOUSE

I might say, Mr. Chairman, that the House this year passed all of the regular appropriation bills for 1971 before the beginning of the fiscal year on July 1 with the exception of two. The Labor-HEW bill was passed on July 23; the defense bill, because of the related authorization bill delay, was not passed until October 8.

As the distinguished gentleman from Tennessee has said, the pending Independent Offices-HUD bill has been revised downward by $300 million from the total of the vetoed bill which it replaces.

Omitting the vetoed bill and instead considering the pending bill, the House, in the 14 regular annual bills for the fiscal year 1971, has—

	Billion
Considered budget requests for new spending authority of	$137.4
Approved	135.0
For a net reduction of	−2.4

The precise reduction is $2,443,352,005.

Eleven of the 14 bills as passed by the House—again, including the pending independent offices-HUD bill—were below the budget requests; three were above—Education; Labor-HEW; and the bill now pending.

BILLS ENACTED

Seven of the 14 regular annual bills for fiscal 1971 have been enacted into law. They carried a grand total new budget spending authority of $18.1 billion, some $230 million—net—above the related budget requests. Six of the seven bills were below the budget; the education bill was $453 million above the budget.

BILLS STILL PENDING

Three of the seven regular bills still not finally cleared are pending in conference.

The conferees met today on the military construction appropriation bill, and we expect to file the report on it later today. It will be under the budget request.

The Labor-HEW appropriation bill has now passed the other body. In its present form it is $444 million over the House-passed bill; $510 million over the budget requests. The House version was $92 million above the budget. Thus it is clear that the final conference total will also be above the budget.

The agriculture appropriation bill is also pending in conference. In its present form it is about a billion dollars over the House-passed bill; $727 million over the budget requests. The Senate considered a supplemental budget request that was not presented to the House. The House version was $81 million under the related budget requests.

We would hope to be able to confer on both the Labor-HEW and Agriculture bills next week.

IN THE SENATE

Three of the regular bills are still in the other body. Two of them—transportation and foreign assistance—are to be reported from committee today. The Defense bill is scheduled to be reported next week.

I am also advised that it is the plan to schedule all three of those bills for floor action in the latter part of next week.

The Senate must, of course, also consider and pass this new independent offices-HUD bill and the cleanup supplemental bill.

In the bills which it has passed—there

are 11 of them, including the vetoed independent offices-HUD bill—the Senate total is somewhat more generous than the House. In the 11 bills, counting the Senate version of the vetoed independent offices-HUD bill, the other body has—

	Billion
Considered new budget authority spending requests of	$64.0
Approved	67.0
For a net increase of	+3.0

The precise net increase by the other body in the 11 bills is $2,988,847,832. Omitting the vetoed independent offices-HUD bill, the net increase by the Senate over the budget requests in the other 10 bills is $1.8 billion.

All of these totals are, of course, open to considerable adjustment depending on final conference actions.

In conclusion, Mr. Chairman, may I say that there is every reason to expect that we should be able to conclude the appropriations business in the next 3 or 4 weeks.

With the cooperation of all concerned, we can.

And we should.

THE PENDING BILL

Mr. GROSS. Mr. Chairman, would the distinguished gentleman from Texas, the chairman of the Committee on Appropriations, yield to me?

Mr. MAHON. I am happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. Could the gentleman say—and I addressed the question to the distinguished chairman of the subcommittee a moment ago—as to how much of this $300 million cut would be restored in the deficiency or supplemental bill that is coming up? We are not merely going through an exercise here today, are we?

Mr. MAHON. I think we can say unequivocably that we are not going through an exercise here today, and that the funds reduced here will not be restored in the supplemental bill, which is the next, and last, appropriation bill scheduled to be presented to the House at this session. This is a bona fide reduction. The bill is in total higher than the bill as originally passed by the House, and the increase above the budget is a bit higher than the original House-passed bill was, but it is still $300 million under the vetoed bill. It was the best arrangement that could be worked out under all the circumstances. I think the Committee on Appropriations and the subcommittee have done a satisfactory job in dealing with this very difficult matter.

Mr. GROSS. But it is still $241 million above the related budget requests for appropriations; is that not correct?

Mr. MAHON. That is correct, for various popular programs which have been insisted upon by a majority of the Congress, in one form or another.

GENERAL BUDGET SITUATION AND OUTLOOK

Mr. GROSS. Does the gentleman see any light ahead leading to any possible time when we might come even close to balancing the budget of this Government?

Mr. MAHON. The fiscal future, I would say from my standpoint at this time, looks very bleak.

As the gentleman knows, it is anticipated that the President, in submitting his fiscal 1972 budget in January or February of next year, is going to plan for a large budget deficit. I understand it is contemplated that overall budget spending may well be recommended at a level of from $10 to $15 or $20 billion above the level of probable budget spending for the current fiscal year, and that it would be planned that the Federal Government would spend money as though we had so-called full employment, and as though, having so-called full employment, we would be receiving the revenue that the so-called full employment budget would bring to the Treasury.

We do not have a full employment situation. We will not have these revenues in the Treasury. But as I understand, the recommendation in the forthcoming budget for fiscal 1972 may very well provide for the expenditure of these revenues which otherwise might be assumed to be collected if we had full employment.

This sounds a bit complex, but as I understand it, this is being seriously considered as one fundamental premise on which the new budget may be based.

Mr. EVINS of Tennessee. Regarding the bill at hand, I said earlier and I repeat again—it is estimated that there is $1,800,000 less in budget outlays for fiscal 1971 in this bill than was planned by the President.

Mr. GROSS. So the gentleman from Texas is saying that despite the fact that we are looking at a deficit of somewhere, or probably somewhere between $10 billion and $15 billion and perhaps even more, the administration is thinking in terms of increasing budgetary requirements or spending by some $10 billion or more. Is that what the gentleman is saying?

Mr. MAHON. I am referring to the new budget now in preparaton—for the fiscal year 1972—which will be submitted early in the next session.

Mr. GROSS. For 1972?

Mr. MAHON. That is correct.

Mr. GROSS. It still does not make much sense—if we are ever going to bring order out of this chaos of deficits and inflation. It does not make very much sense going on spending at that rate.

Mr. MAHON. It is very discouraging to me and I know to the gentleman from Iowa.

I have the old fashioned idea that we should not spend Federal funds in times of a reasonable degree of national prosperity if we do not have the money in hand or in sight.

We spent money last year; we are spending money this year; and it is anticipated we will be requested to spend money next year that is neither in hand nor in sight. I think this is bad business. I think we ought to seek to avoid it—and failing to avoid it, we ought to hold the line as best we can. That is what we are trying to do although we have not been too successful.

Mr. GROSS. If the gentleman will yield further—will the gentleman agree with me that so far as the Congress is concerned that balanced budgets are a thing of the past; that balancing of budgets is a lost art?

Mr. MAHON. Well, almost so, because since 1930—in the last 40 years—we have only had about eight or perhaps nine balanced budgets. And most of the eight or nine have been balanced by thin margins. The aggregate excess of spending over revenues has been huge; in a recent year as high as about $25 billion. So this, of course, is a very disturbing experience.

The national debt limit, as the gentleman knows, is now $395 billion. The present debt is about $385 billion; it is anticipated that this year the debt will go up by perhaps $15 billion or so, and if we have a big budget deficit next year, it will of course go up by probably a similar amount. I feel certain the debt next year will go well over $400 billion. This ought to be shocking, of course, to the American public.

Mr. GROSS. So an early order of business next year, I take it, in view of what the gentleman has said—an early order of business next year will be the requirement for a further increase in the debt ceiling?

Mr. MAHON. This undoubtedly will be necessary.

The next Congress will be confronted with another huge budget deficit for fiscal 1972, and there will have to be either a sharp reduction in spending or some way found to raise additional revenue, or else the debt limit must go higher to cover the borrowings that will be necessary to the excess expenditures.

Mr. Chairman, I thank the gentleman from Tennessee for yielding to me.

Mr. EVINS of Tennessee. Mr. Chairman, I yield to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I want to ask this question of either the gentleman from Tennessee or the distinguished chairman of the full Committee on Appropriations, the gentleman from Texas (Mr. MAHON)—if it is not true that expenditures which will be authorized this year by the Committee on Appropriations will be less than the approved level of the President's budget?

Mr. EVINS of Tennessee. That is the estimate, I will say to my friend that the expenditures for this bill are estimated to be $1,800,000 less than those estimated by the President for 1971.

Mr. HOLIFIELD. That is the estimate?

Mr. EVINS of Tennessee. We estimate that this bill will be $1,800,000 less in expenditures, or budget outlays, than those estimated by the President for the current fiscal year 1971.

The distinguished chairman is talking about the overall budget and appropriation situation, including the fiscal 1972 budget which has not yet been submitted. There are some 14 regular appropriation bills for fiscal 1971. I am confining my remarks to this bill we are considering at this time, which is only one of the 14 bills, and which relates only to the fiscal 1971 budget.

Mr. MAHON. Mr. Chairman, I would like to comment on the question asked by the gentleman from California.

In the Committee on Appropriations we have been saying for a number of weeks that in the regular annual appropriation bills, Congress will reduce the President's requests for new appropriations considered in connection with those bills, relating to fiscal 1971, by probably $1 billion. Some of the bills will be above the budget; a number will be below the budget. But as a rough approximation, in the aggregate, in the appropriation bills, there will be a net reduction from the requests of perhaps a billion dollars, give or take a little.

I am speaking now of the regular annual appropriation bills for fiscal 1971. And I am speaking of new appropriations—the technical budget term is "new budget authority." I am not referring to expenditures, or "budget outlays," which involve expenditures not only from new appropriations but also from unexpended carryover balances. And may I add that I am not talking about actions affecting the budget that have been taken or may be taken in non-appropriation bills out of various legislative committees of both Houses. Including those actions, the results will be quite different as I have previously indicated on the floor and as the periodic budget "scorekeeping" reports of the Joint Committee on Reduction of Federal Expenditures disclose.

In the interest of further clarification, I should also say that when we talk about budget deficits, we are referring to the gap between revenues and expenditures.

Mr. HOLIFIELD. I wanted to pin this point down because there is going to be a deficit, and I have heard various figures. For example, I have heard that there will be a deficit this year of possibly $18 billion. I have heard other figures. Will the gentleman give us what, in his opinion, will be the deficit?

Mr. MAHON. The budget deficit for the current fiscal year 1971 will be somewhere between $10 and $20 billion, I would estimate.

Mr. HOLIFIELD. Is it not true that that amount of the deficit is caused by a lowering of income tax payments, corporate and individual income tax payments, and a lowering of receipts as heretofore estimated by the administration?

Mr. MAHON. Last February, the budget for fiscal 1971 overestimated receipts for fiscal 1971 by several billion dollars, and this short fall, this reduction below estimates in revenue is one of the major reasons why we are confronted with such a huge deficit.

Also, last February the President in his estimates for fiscal 1971 underestimated expenditures in certain so-called uncontrollables; for example, he underestimated by at least $1.8 billion the interest that would have to be paid on the national debt. Interest on the national debt will require something over $21 billion. There was a misestimate there. There was a misestimate on certain other programs of expenditures which were mandated by law.

Mr. HOLIFIELD. So in the one instance there is the increase in interest payments as the direct result of the escalation of interest rates throughout our economy, plus the other items you refer to, and in the second instance, the deficit that we are approaching is the result of a smaller input of corporate and individual income taxes into the Treasury as a result of the economic situation this country is in today.

Mr. MAHON. To complete the picture in this respect, I would add that in the February budget, or subsequently, the President made certain legislative proposals for additional revenues. If any of those fail, or fall short of his recommendations—as I feel certain will be the case—that will contribute to an increase in the size of the deficit he originally projected for fiscal 1971.

And finally, certain legislative bills have either been enacted or are in process of enactment that mandate additional expenditures above the budget recommendations of the President.

All of these classes of items enter into the final picture to one extent or another.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Chairman, I want to get one point straight in my mind, if possible. When we had this appropriation bill before the House previously, I offered an amendment to provide $350 million for water and sewerage. That provision was in the bill which was vetoed by the President. In the present bill we are adding $200 million more than the original recommendation of $150 million; is that correct?

Mr. EVINS of Tennessee. The gentleman was the author of the amendment which called for an increase of $350 million over the budget estimate for grants for basic water and sewer facilities, which was one of the reasons for the veto of the bill. The House approved the amendment on a teller vote. We have cut this amount by $150 million. There is still $200 million over the budget estimate of $150 million in this bill for water and sewer grants to aid the small towns and communities on a 50–50 matching basis. This is a matching grant program to provide assistance in the construction of needed facilities.

Mr. STEPHENS. That is, $350 million would be available. There was $150 million as originally recommended plus the $200 million? That leaves $150 million still unappropriated from the old authorization plus $1 billion under the new authorization.

Mr. EVINS of Tennessee. That is correct.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the distinguished minority leader, the gentleman from Michigan (Mr. FORD).

Mr. GERALD. R. FORD. I appreciate the distinguished chairman of the subcommittee yielding. I regret that the chairman of the full committee was called off the floor on an important piece of legislative business, because I did want to comment on something that he said a moment ago. As I recollect, the chairman of the committee said that at the end of this Congress it was anticipated that the action of the Congress would result in a reduction of appropriations and expenditures below the President's budget.

I think that may be true, but I believe it is also fair to point out that some of the legislative committees, by action they have taken, ratified by the House and by the Senate, force additional spending of one kind or another, and then the executive branch of the Government has to come in with supplementals which become a part of the President's budget whether he likes it or not. So it is not quite fair to take just the basic budget as submitted in January and ignore other events, particularly the action of legislative committees, because the increases in appropriations and expenditures have to become a part of the President's final budget at a subsequent date whether he likes it or not.

Mr. Chairman, I appreciate the gentleman yielding, and before closing let me express my appreciation to the distinguished chairman and his colleagues on the subcommittee. He and they have done a fine job. I commend the chairman and his colleagues.

Mr. EVINS of Tennessee. Mr. Chairman, I yield to the distinguished gentleman from North Carolina (Mr. JONAS), the able ranking minority member of our subcommittee.

Mr. JONAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not think it is necessary for me to repeat an analysis of what has transpired with respect to this bill since it was before the Committee of the Whole, previously, because the distinguished chairman of the subcommittee, my friend from Tennessee, has ably explained what did happen and has submitted to the committee this afternoon comparable figures indicating changes in the bill made on the floor and changes made in the bill in the other body.

Now we are here this afternoon with a revised bill, following the veto of the original one. As the gentleman from Tennessee has pointed out, we had to do some compromising. This bill before us today is about $300 million higher than the original bill as reported by our subcommittee, but $350 million was added on the floor of the House in one item, and funds were also added in the VA program. Then when the bill got over to the coordinate branch of the Congress, it was increased by more than $1 billion—actually the increase was $1,264,807,200. We were able in conference to reduce that increase to $654,494,200 so that the bill that emerged from conference was $541,301,800 above the budget. This was the bill the President vetoed and he used his veto authority because of this very substantial increase above budget requests.

So the bill that the President vetoed was about $541 million above his budget. As the gentleman from Tennessee has said, we have more or less split the difference. We reduced that $541 million excess by $300 million, leaving a bill before us today which is $241 million above the budget. But as the gentleman from Tennessee has also pointed out, and I think this should be kept in mind, our estimate of the outlays—that is the spend-

ing as authorized in this bill, is that it will be $1,800,000 under the budget.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman spoke of the action of the Congress in increasing some of these items above the budget, and I recognize the validity of his statement. But is it not also true that we have right now before the Congress a request for another $1 billion from the President for foreign aid, which is in addition to the original budget requested in January.

Mr. JONAS. I think that is true, but with all due respect to my friend from California, I do not see how that is pertinent to the discussion here today.

Mr. HOLIFIELD. I think it is pertinent, if the gentleman will yield further, because the gentleman criticized the Congress for going above the budget in some instances, but the President is also asking us to appropriate another billion dollars which was not originally considered in the budget. So the shoe fits both feet, I think.

Mr. JONAS. If I may say to my friend from California, I am not criticizing anybody. I did not criticize the Congress. I stated a fact.

Mr. HOLIFIELD. That is right.

Mr. JONAS. The fact is that our subcommittee and the budget got rolled on the floor by this House on one item alone to the extent of $350 million.

Mr. HOLIFIELD. That is right.

Mr. JONAS. And the other body reported a bill which was above the budget by more than $1 billion.

So let the criticism fall where it may. I am not absolving anybody from part of the responsibility for the terrible fiscal situation we are in now. I believe there is plenty of blame to go around the White House and the Congress also.

But Congress has the final say-so and we, therefore, have the ultimate responsibility. If we do not like what the President is doing, the votes are here to change it. I would invite all Members of this House to join the Committee on Appropriations in our continuing effort to keep spending under control and discontinue the habit of voting increases in bills as reported by that committee after long and careful deliberations.

Incidentally, I read an article on the ticker this afternoon which said that the president of the First National Bank of Chicago made a speech in which he pointed out the very terrible fiscal situation into which we are getting ourselves because of a failure to operate our fiscal affairs as a sensible businessman would operate his. We are faced with a run on the dollar. There is a probability we may face the very serious question of whether we have to devalue our currency. There is a prospect of an increasing demand for gold by holders of dollars abroad far beyond our ability to satisfy their demands.

I certainly hope that, working cooperatively and without blaming anybody, accepting part of the responsibility ourselves and working in cooperation with other agencies of the Government, we can try to restore the necessary confidence in the dollar in order to avoid a catastrophe.

But there is one fact that has not been mentioned during the discussion and I think it should be in the RECORD. The fact is that House actions through October 14, 1970, on legislative spending bills—those that involve mandatory spending authority—have increased the President's requests for fiscal 1971 budget authority by $7,528,335,000. Over $5.7 billion of this legislation has been enacted into law. Moreover, the House has failed to act on $4 billion worth of revenue-producing proposals requested by the President.

The foregoing figures are taken from the 1971 budget scorekeeping report, cumulative to October 14, 1970, filed by the Joint Committee on Reduction of Federal Expenditures, which committee is chaired by our distinguished colleague from Texas (Mr. MAHON), the chairman of the House Committee on Appropriations. These, therefore, are Mr. MAHON'S figures and not mine, but I certainly believe they are accurate, else they would not have been published by the joint Senate-House committee which is under the chairmanship of Mr. MAHON.

I support the pending bill because it is the best we could do in the committee. To repeat, it is $300 million below the bill that was vetoed by the President. Our best estimate is that it will involve net budget outlays of about $1,800,000 below the budget estimate for cash outlays.

Mr. TEAGUE of Texas. Mr. Chairman, on behalf of the sick and disabled veterans of America, and as chairman of the House Committee on Veterans' Affairs, I want to express special appreciation to our House Appropriations Committee for recommending in H.R. 19830 the retention of the additional $105 million for VA medical care over the President's amended budget request. This actually results in a $155 million increase over the original 1971 budget request of the Nixon administration to help treat the sick and disabled veterans of this Nation, as the President amended his January budget on April 2, 1970, to provide for additional VA medical care funds totaling $50 million.

Mr Chairman, investigations conducted by the Veterans' Affairs Committee in the House and Veterans' Affairs Subcommittee in the Senate clearly demonstrated the need for this increased funding and the situation is growing more acute as each day passes. For example, back in July of this year, funds for the dental care backlog for returning Vietnam veterans amounted to approximately $20 million. The most recent reliable estimates indicate that this figure has increased to approximately $33 million because of increased workloads brought on by discharges from our Armed Forces of additional personnel from the Vietnam war who have become eligible for dental benefits.

Mr. Chairman, the $105 million which Congress has added to the President's amended budget request for 1971 VA medical care will not take care of all the fiscal problems presently existing in the VA hospital program, and I hope the Bureau of the Budget will recognize this fact, as they review and compile the 1972 budget for the Veterans' Administration. If they fail to do so, I feel certain that the Congress will once again take a very close look at their recommendations and do whatever is necessary to keep faith with those who have worn the military uniform of our country.

Mr. Chairman, in conclusion, I particularly want to express my appreciation to the gentleman from Texas who is chairman of the Appropriations Committee (Mr. MAHON), the gentleman from Tennessee (Mr. EVINS), chairman of the Subcommittee on Independent Offices, the ranking minority member of the full Appropriations Committee, the gentleman from Ohio (Mr. BOW), and the ranking minority member of the Independent Offices Subcommittee, the gentleman from North Carolina (Mr. JONAS). As is usually the case, this has been a bipartisanship effort in this body and I want to express by appreciation to all of my colleagues who have continued to unite in their efforts to insure that our Nation's sick and disabled veterans receive prompt and proper care in our Veterans' Administration medical facilities.

Mr. MINISH. Mr. Chairman, as the House considers the new appropriations measure for Independent Offices and Housing and Urban Development, I should like to point out some of the lopsided priorities advanced by the budget requests.

While the SST program was allotted $290 million, the earlier version of the 1971 housing appropriations measure was vetoed because it was $541 million above the budget request. The overlap was in three areas, urban renewal, water and sewer facilities, and the veterans' programs.

The new appropriations measure being considered today reduces the amount originally passed by Congress for urban renewal by $150 million and reduces by a similar amount the sum approved for water and sewer facilities. Fortunately, the Veterans' Administration medical care program was not revised downward, and takes account of the urgent need for additional funds.

Unfortunately, the reduction in funds for urban renewal and water and sewer facilities grants will have ill-effects for a long time to come. Coming from an urban district, I have firsthand knowledge of the fact that urban areas suffer from an urban blight that only sufficient funding and adequate resources can repair. Moreover, as a member of the committee that authorizes housing programs, I know that urban renewal plans must be made well in advance of execution, and cutting back on funds now will undercut the future development of the urban development program significantly.

Furthermore, the basic water and sewer facilities grants reduced herein by $150 million is another program whose progress will be impeded. Since applications presently far exceed appropriations, the reduced funding will service a very limited number of applications.

Thus, no anticipation has been made of the future need for adequate water and sewer facilities throughout the Nation.

Our critical domestic needs cannot disappear unaided. If they are not improved, we will all reap the ensuing bitter harvest.

Mr. COHELAN. Mr. Chairman, I rise in support of the Independent Offices and Department of Housing and Urban Development appropriation bill for fiscal year 1971. In all candor I am not enthusiastic about this bill, but I do realize the constraints that the members of the subcommittee operated under. Given the constraints, they operated with considerable skill.

Still this bill represents a compromise in its current form. The only reductions that have been made from the previous bill that was vetoed are $150 million from urban renewal funds and $150 million from the water and sewage sections of the bill. It was to these two sections that the Congress added funds to supplement the inadequate administration budget. However, even with these two reductions this bill exceeds the President's request for urban renewal by $200 million and water and sewage treatment programs by $50 million.

The Appropriations Committee has retained part of the increases for urban renewal and water and sewage treatment programs, and for this action my colleagues on the committee are to be commended. However, we must keep in mind that our housing problems and our pollution problems will not be met by fervid rhetoric or the establishment of various panels or commissions, but only by the creation of adequate housing for all income levels and the adequate construction of water and sewage treatment plants.

It is for this reason that I fought to have funds increased for water pollution equipment and offered an amendment to increase the supplemental appropriation bill by over $500 million for urban renewal. In addition, I voted to override the President's veto of the HUD appropriations bill, but unfortunately this veto was sustained.

During the debate on the question of overriding the veto I pointed out that the administration's rationale for the veto was based on erroneous reasoning; that is, that the small money increase in this bill was responsible for the economic conditions of this Nation. Now this is not the time to go into a lengthy economic discourse, but I would remind the Members of this House that the increasing deficit is more dependent on the lower tax revenues caused by a stagnating economy rather than small but significent increases in the funding of vital domestic programs.

Mr. Chairman, I did not notice the White House guardians of the Federal budget demure when the Secretary of Defense announced that the budget would be increased to $75 billion next year, yet a small increase in funds for urban renewal and water pollution equipment brings out the economists with a vengence.

Mr. Chairman, I support this appropriations bill. I would have preferred the higher figures as in the original bill but this session grows late. I am hopeful that future Congresses will dramatically increase funds for these vital domestic programs that improve the quality of life for our citizens. Yet the increases for urban renewal and water and sewage treatment plants in this bill serves as a tangible indication that this Congress will not be satisfied only with rhetoric.

Mr. ALEXANDER. Mr. Chairman, when a physician sets out to cure a patient of an illness, his goal is to treat the cause—not the symptom. An educator dealing with a youngster having difficulty learning, seeks the cause rather than attacking the symptom. And, ideally, a government—whether local, State, or Federal—catches its problems at the earliest possible stage and works at removing their causes.

There is growing awareness in Congress, and among urbanologists and ruralologists across the Nation, that current programs aimed at curing the ills caused by over-crowding in our metropolitan areas are treating the symptoms rather than removing the cause. The difficulties of the urban areas expand so rapidly that Federal programs become "catch-up" efforts rather than improvement projects.

It is generally agreed that one primary source of the cities' problems is the unskilled, or undereducated, persons who are driven into the streets in search of jobs. They come from the rural areas and small towns where work opportunities in agriculture and related industries are being wiped out by advancing technology. They come to the cities rootless, jobless, and desperate.

The newcomers quickly begin to lose their personal identity. They rapidly become just new faces in the masses fighting for a place in a hostile city. A society they are forced to enter. We are concerned about the destiny of our people. We approve, and appropriate money for, economic development, welfare, manpower, and educational programs aimed at relieving their plight.

But, with all the programs, our people continue to move from the farm to the city.

We continue to formulate programs to deal with the symptoms rather than the cause—the migration of persons from rural areas and small towns to the cities in search of work.

We establish within the Department of Agriculture the authority for dealing with the troubles of the rural areas. Then we set up the Department of Housing and Urban Development for the cities, and legally limit its interests to municipalities having more than 5,000 residents. This has the effect of pointing their programs in opposite directions and diluting their effectiveness.

The very title of Housing and Urban Development seems symptomatic of our failure to deal with the problems as a whole. Would it not be wise to change the name of HUD to the Department of National Development and widen its scope of operation?

Rather than learning from the physician and educator, we have splintered our efforts. This delays bringing to reality our Nation's promise of freedom and opportunity for all of her citizens to develop to their fullest potential.

The time for an end to this practice has come. The time for Congress to act is now. The appropriate vehicle for finding answers to this problem can be the Select Committee on National Development. I first proposed the establishment of this representative committee in a speech in this Chamber on September 23, 1970, a copy of which follows herewith. Its establishment is essential to the development of comprehensive debate which is necessary before we can achieve needed structural and policy changes in the operation and objectives of Federal programs.

My hope is that my colleagues will join me in this effort.

The material referred to follows:

NATIONAL DEVELOPMENT: AN URGENT NEED

Mr. ALEXANDER. Mr. Speaker, the results of the 1970 census are still incomplete and are considered preliminary, but they are complete enough to tell us that disturbing trends are continuing in our Nation. The Census Bureau says the shift of population from nonurban to urban sections is continuing and that the movement of population from the cities to suburbs is accelerating.

Despite American preoccupation with size and quantity, there are frightening aspects to the census totals. As Rene Dubos said in his book "So Human an Animal":

"Most modern prophets in and out of the academies seem to be satisfied with describing a world in which everything will move faster, grow larger, be mechanized, bacteriologically sterile and emotionally safe."

We cannot continue to operate on the unofficial slogan that "anything that is bigger must be better."

The sad realization that we came to in the decade of the 1960's was that while huge cities might sprout impressive buildings and increase opportunities for some people, they also lead to unacceptable pollution, to unhealthy and dehumanizing overcrowding, to insufficient power sources, to the progressive erosion of public services, to disastrous traffic problems, and to social regimentation.

Residents of the inner cities were apparently learning these lessons during the past decade. Census Bureau Director Dr. George H. Brown has reported:

"The suburban rings have grown rapidly and substantially. The number of people living in the suburbs is now greater than the number of persons living in the central cities, and this in spite of the annexations that have been made in the last decade."

The overcrowding, the pollution, the threat of crime and the loss of identification in the inner cities apparently became unacceptably obvious to thousands of citizens, pushing them to the suburbs. We know, however, that this movement will not solve the problems of the cities, nor will it solve the problems of those persons who are abandoning the central cities.

These shifts in population will not lessen pollution. The criminal elements will continue to follow the population to the suburbs. In other words, long-range solutions are not provided for any of the urban problems by this exodus to the suburbs. The problems will only continue to mushroom.

We know, however, that the problems which we face in this Nation do not belong exclusively to the metropolitan centers—the cities and the suburbs.

In the nonurban sections of the Nation, we have continued to see massive outmigration to the metropolitan cen-

ters. The Census Bureau has reported that the farm population declined by approximately one-third during the past decade, dropping from about 15 million to about 10 million persons. More than three-fourths of the national growth occurred in the metropolitan areas, while about one-half of the Nation's counties lost population and another fourth of the counties showed a low rate of growth. Persons were leaving the nonurban sections of the Nation because there were insufficient job opportunities or because the jobs available could not compete with salaries and benefits provided in urban centers. Millions of people rejected nonurban living because of a failure to provide adequate educational opportunities, sufficient cultural attractions, or acceptable housing conditions.

Just as the rapid movement of persons from nonurban to urban sections of the Nation makes the solving of city problems almost impossible, that same movement destroys the nonurban tax base which could be used to improve living conditions and opportunities for the millions of nonurban residents.

It is my contention, Mr. Speaker, that these trends are not in our best interests and tend to move this Nation toward self-destruction. It is also my contention that this situation need not be accepted as a fact of life—one which cannot be halted or reversed. These trends can, they should, and they must be reversed.

Let me give you an example of what this problem is costing the American taxpayer in both funds and security:

In the District of Columbia with a population of approximately three-quarters-of-a-million people, more than $112 per resident is invested in providing police protection and one policeman is provided for each 120 residents. These averages do not even include capitol or park police.

Yet, the resident of Washington is almost six times more likely to be the victim of a crime as a resident of Jonesboro, Ark., a town of 26,580. In Jonesboro, the investment in providing police protection is $9.36 per resident, and one policeman is provided for each 862 residents.

This is not an isolated example. Uniformly, the investment increases and the security provided residents decreases as a city continues to grow.

According to the 1969 report of the Federal Bureau of Investigation, almost 6.5 out of each 100 residents of cities of more than 250,000 persons were the victims of crime. This average dropped to: 5.1 in cities of 100,000 to 250,000; 4.0 in cities of 50,000 to 100,000; 34 in cities of 25,000 to 50,000; 2.8 in cities of 10,000 to 25,000; 2.3 in cities under 10,000; and 1.3 in rural areas.

I think it would be a fair assessment to say that this same situation applies to the provision of all other services—fire protection, garbage disposal, and other municipal services.

For a Nation that is interested and concerned with the plight of the consumer, what kind of madness provokes us to continue adding to this problem which seems almost devoid of effective solution?

It is a national shame to continue crowding more and more people into smaller and smaller areas, creating demoralizing conditions for adults and unhealthy conditions for children.

It is unforgiveable for us to continue trying to provide more and better housing at higher and higher costs under ghetto conditions when there are wideopen spaces throughout this Nation hungering for development.

It is unconscionable when the enjoyment of a forest or a clean lake becomes a once-a-year opportunity for thousands of people, or when the sight and smell of clean air comes only at vacation time.

It is irresponsible when we continue to create urban conditions upon which crime breeds and thrives, and which is growing into a monster that threatens the democratic traditions which have allowed our growth and development.

Why have we allowed this situation to develop and these problems to grow? Who is to blame? How can the shortsighted policies, or the lack of policies, be reversed and solutions to these problems found?

The blame, I fear, lies with all of us—not because we deliberately tried to create these conditions—but because we failed to see the handwriting on the wall and failed to devote sufficient attention to the conditions being created. We are guilty—not of sins of commission, but of sins of omission.

In the Congress and at the national level, we have failed to take into consideration the demographic consequences of our programs and policies. To the extent that the continued location of Federal agencies, offices and installations have continued to be centered in the crowded metropolitan centers, we have even been directly guilty of adding to our problems.

State and local governments have failed to provide the foresight the planning, the opportunities, and the consideration orderly population growth requires.

The corporations of our Nation have been guilty of refusing to consider national implications in the location of their facilities, of considering only short-range cost factors rather than the long-range national interest and the health and well-being of their employees.

A national growth policy can and must be established. The consideration of demography can and must be included in the extension and establishment of Federal programs. Questions must be considered within a national context, rather than as a narrow urban versus nonurban conflict.

It is symptomatic to me of the way in which we have ignored these essential considerations that we have a Department of Housing and Urban Development which, by statute, loses all interest in the problems of a community below the 5,000-person dividing line. At the same time, we have a Department of Agriculture which gives little or no consideration to the problems of our cities in the overall formulation of its policies.

Can any systematic approach to these problems emerge when we have multiple agencies administering vital programs relating housing, to economic development to vocational and technical training, to the problems of pollution, to our national transportation network, and to health services?

Can an orderly population growth policy be either established or administered under a fractured system of divided authority?

Can the problems of the urban areas be solved by ignoring the opportunities or the problems of the nonurban areas? And, can the problems of the nonurban areas be met by refusing to acknowledge the existence of the problems which plague our urban centers?

The answer to all of these questions is an emphatic "No."

We are still one nation, and our problems can be viewed only as national problems which can be attacked efficiently and effectively only on a national scale. To adopt this approach is not to ignore sectional heritages or obvious loyalties. But, to adopt this approach is to acknowledge obvious realities. We are all bound together, and my problems are not being solved until the problems of my fellow citizens are also being solved.

The President has recognized the need for a long-range approach to this problem with the appointment last fall of a Task Force on Rural Development and of a Council for Rural Affairs. While I might argue that it is shortsighted to focus only on the nonurban sections of our Nation, these two organizations are giving their attention to the need for a concerted effort to achieve a reasonable, a rational, and a realistic solution to the problem of population growth.

It is my feeling, Mr. Speaker, that we in the Congress must also give special attention to this problem and to the implications of our actions, previous and proposed.

What we need in the House of Representatives is a select committee which would give its attention to this problem, and to this opportunity to move into a period of planned growth rather than haphazard expansion.

We cannot allow the 1980 census to tell another story of a decade of neglect of this crucial problem. We cannot allow the headlines in 1980 to read that we are still ignoring our demographic problems and wasting our potential.

The time for we in the Congress to consider this problem is now. This goal can be accomplished through the work of a Select Committee on National Development. This is my goal for the 92nd Congress. I hope my colleagues will join me in that effort.

As the Washington Evening Star said in a September 15 editorial on this subject:

"Surely more effective remedies can arise from the trial-and-error ashes of the Sixties."

Mr. DORN. Mr. Chairman, I enthusiastically support H.R 19830, which makes appropriations for fiscal year 1971 for various independent offices, including the Veterans' Administration. The funding provided in the bill represents an extra $105 million for veterans' medical care in addition to the amount recommended by the administration. I commend the great Appropriations Committee for acting on the recommedations of the House Veterans' Affairs Committee in providing for the larger appropriation, especially in view of the opposition by the administration and the Budget Office to this badly needed additional funding. I urge the House to approve this money for those veterans who so urgently need it.

This appropriations bill contains the funds which would allow the Veterans' Administration to begin preliminary work toward improving the facilities in Columbia, S.C., and allow the proposed new Augusta, Ga., veterans' hospital to reach the blueprint stage. I very earnestly recommend that the VA build a completely new veterans' hospital at Augusta and Columbia. New facilities in Columbia would mean that we would not have the problems of staffing for veteran care so pronounced in many other areas of the country. This bill will provide the funds to build a new, modern Veterans' Administration hospital in Columbia and I urge the VA to approve such a facility without further delay.

Mr. RYAN. Mr. Chairman, each year, the demand for Federal funds far outstrips the amounts which Congress actually appropriates. The bill before us today provides the essential, minimal funding needed for several key Federal programs.

In total, H.R. 19830—the independent offices and the Department of Housing and Urban Development appropriations bill for fiscal year 1971 provides $17,709,525,300. This is $300 million less than the total provided by H.R. 19830's predecessor—H.R. 17548—which was vetoed by the President.

It was misguided perception of priorities which prompted the Presidential veto of H.R. 17548. Funds for urban renewal, for water and sewer grants, and for medical care for veterans are all urgently necessary, yet it was claimed by the President in his veto message that funding for these needs was excessive. Strangely, $290 million for the SST, billions for unneeded military programs and for a misguided war in Southeast Asia, and millions lost in tax dollars through depletion allowances do not fall within the same purported scrupulous regard for financial efficiency.

The House failed to override the President's veto on August 13, and so today it has before it a bill embodying a reduction of $150 million from the amount originally passed by Congress for urban renewal, and a reduction of $150 million from the amount originally passed by Congress for water and sewer grants.

That the executive has forced upon the House its misguided perception of priorities does not alter the reality that funds for urban renewal and for water and sewer grants are desperately needed. It is not financial responsibility which is being served when these needs are shortchanged, for the long-range costs to our society outstrip any temporary dollar savings.

H.R. 19830 appropriates $1.2 billion for urban renewal. This funding is essential, but it far from meets the need: Localities currently have applications in the pipeline for renewal grants in the total of $3.7 billion. It is also $1 billion below the full authorized amount—a large and unwarranted gap.

The importance of the urban renewal program is clear, although some aspects of it require improvement. In money terms alone, and this seems to be the language which the administration likes to play with, the values added by redevelopment of renewal sites have resulted in a 240-percent increase in assessed value of taxable land and a corresponding increase in tax revenues. The October 1970 issue of the Journal of Housing points out that before renewal, the assessed value of the land amounted to $375 million; after, it amounted to $1.28 billion.

In human terms, of course, urban renewal is a program which is intended to accomplish what its very name states—the renewal of urban areas, the environment in which more than one half of this country's population lives.

Several other housing problems of very significant and direct benefit are funded by H.R. 19830. The contract authorization for the section 235 homeownership assistance program is increased by $130 million, thereby meeting the full authorization for this program. Similarly, the section 236 rental assistance program—particularly crucial to urban areas such as New York City—is brought up to full authorization level by an increased annual contract authorization of $135 million.

Both the section 235 and 236 programs are particularly important in bringing suitable dwellings to thousands of Americans. The section 235 program was authorized by the Housing and Urban Development Act of 1968 to provide Federal assistance for homeownership by lower-income families. This section provides for mortgage loans to be made by private lenders to lower-income families at market rates of interest. The Secretary of Housing and Urban Development enters into contracts with the lenders to make periodic payments to the lenders in the amounts necessary to make up the difference between 20 percent of the family's monthly income and the required monthly payment under the mortgage for principal, interest, taxes, insurance, and the mortgage insurance premium. In no case, however, can the payment on a mortgage exceed the difference between the required payment under the mortgage for principal, interest, and mortgage insurance premium and the payment that would be required for principal and interest if the mortgage bore an interest rate of 1 percent.

The section 236 program was also authorized by the Housing and Urban Development Act of 1968 to provide Federal assistance for rental and cooperative housing for lower income families. The assistance is in the form of periodic payments to the mortgagee financing the housing to reduce the mortgagor's interest costs on market rate FHA-insured project mortgages and State and municipally financed programs, such as the Mitchell-Lama program in New York. Thereby, lower rentals or charges to be paid by the occupants of the housing are made possible. The interest reduction payments will reduce payments on the project mortgage from those required for principal, interest, and mortgage insurance premium on a market rate mortgage down to those required for principal and interest on a mortgage bearing an interest rate as low as 1 percent. The tenant pays 25 percent of his income as rent.

The rent supplement program receives an increased annual contract authorization of $55 million under H.R. 19830. Unfortunately, unlike the section 235 and 236 programs, the rent supplement program is not being fully funded. And yet this is another very important program. Initiated by the Housing and Urban Development Act of 1965, it provides that low-income individuals and families who are either elderly, handicapped, displaced by Government action, occupants of substandard housing, or occupants or former occupants of homes damaged by disaster are made eligible for admission to FHA market rate section 221(d)(3) new or rehabilitated housing which is assisted by rent supplement payments. Up to 20 percent of the units in a project financed under section 236 may be occupied by tenants receiving rent supplement benefits. The housing owner enters into a contract with the Secretary of Housing and Urban Development for Federal rent supplement payments, made on behalf of the tenant.

The appropriation made by H.R. 19830 for the model cities program is $575 million. This program's principal objective is to enhance the existing capability and commitment of local government to respond to the needs of blighted and decayed neighborhoods that need upgrading. Some 150 cities are participating in it. While this $575 million is essential, it fails to meet the full authorization level by $850 million—a large and unwarranted gap.

Thus, H.R. 19830 provides essential funding for essential housing programs. But it does not sufficiently meet the massive need for funds which exists, and which are reflected in authorizations far in excess of the amounts appropriated by this bill.

H.R. 19830 also provides $1,857,200,000 for veterans' medical care in Veterans' Administration hospitals, and these are funds which are, once again, urgently needed. The debt this Nation owes its servicemen, past and present, cannot be repaid simply in money or the goods and services money can buy. But, by the same token, this tremendous debt cannot be shortchanged. And the fact is that the medical care provided veterans is shockingly inadequate, as my inspection of the Bronx Veterans' Administration Hospital last June 12 confirmed.

Once again, an appropriation bill such as that before us today affords us an opportunity to see the enormous domestic needs of this Nation—needs measured in human want and deprivation. H.R. 19830, the Independent Offices and the Department of Housing and Urban Development appropriations bill for fiscal year 1971, partially meets these needs. But only partially. I support this bill, but I support also far greater funding for these programs. Our priorities must be reordered, and programs such as these must be the beneficiaries of that reordering.

Mr. RANDALL. Mr. Chairman, I rise in support of H.R. 19830, which is our second effort at an appropriation bill for Housing and Urban Development and independent offices.

The only reason that I feel it is necessary to make any comment at all for the record, is because I voted on August 13 to sustain the President's veto on August 11 of our earlier effort at appropriations for HUD and the independent offices.

At that time I distinctly recall that I seem to have shocked some of my friends, because it was predicted that the result of sustaining a veto would be to lose all of the increases which had been put in our first bill for medical care in our veterans hospitals. After all is said and done, our Appropriations Committee in its wisdom has made no reduction in the funds for VA medical care, and the new bill provides the identically same amount for medical care and other benefits of the Veterans' Administration that was provided in the vetoed bill. It should be recalled that the House and Senate increased the amount for veterans medical care by $105 million over the $8.9 billion budget estimate earlier submitted to the Congress.

One disappointment was that the funds for urban renewal were not reduced by a greater amount. The budget estimate provided $1 billion for 1961, and yet the Congress increased this very generous amount by $350 million. Even when our committee got through this second time around, only $150 million was reduced leaving a $200 million increase over the budget. The only argument I can find for such large sums is that planning must

be accomplished long in advance of actual execution of such plans.

While most of us cannot vote against this second effort by our Appropriations Committee, because of the needed money for adequate medical care for our veterans, the reduction of $150 million for basic water and sewer facility grants is equally disappointing and is a most unfortunate action. The reason is that the demand for water and sewer project grants is very great in all of our small communities. Recently the Farmers Home Administration has relinquished some of its authority in the several suburban fringes of our country to the Department of Housing and Urban Development. Lack of funding will hurt some of our communities whose applications have long been waiting to be funded.

I am sure many of us on the House side of the Congress would prefer to see the total $300 million come out of urban renewal rather than half from sewer and water grants because then there would still be more money provided for than was in the budget estimate for urban renewal. Finally, let me commend the gentleman from Tennessee, the chairman of the subcommittee who deserves our special commendation, for his watchfulness and careful attention to the fact that funds for medical care for our veterans came out exactly as provided in the original but vetoed bill.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read the bill.

Mr. EVINS of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I am not at all unmindful or unappreciative of the work that the subcommittee has done in cutting $300 million off this bill, but it is still more than $241 million above the budget, and still $753 million plus above the spending for the same general purposes last year.

This Government of ours is borrowing money from foreign countries in order to operate. As the gentleman from North Carolina (Mr. JONAS) has just said, we are facing another gold withdrawal situation. De Gaulle is deceased, but the gold situation is being revived. We are in trouble, in deep trouble, financially in this Government of ours. In my opinion, this is no way, and I repeat, this is no way, to meet the situation that confronts us. As the chairman of the full Committee on Appropriations said a few moments ago, the deficit in the next fiscal year will be in the neighborhood of—as I remember his words, between $10 billion and $20 billion. That is no way to meet the situation that is fast developing into a crisis. If there is to be no recorded vote on this bill, I want the RECORD to show that I oppose it and for the reasons I have stated. This and every other appropriation bill ought to be cut until it hurts. There is no other way to avoid major financial surgery unless the course of events is changed now.

Mr. Chairman, I yield back the balance of my time.

Mr. FULTON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to compliment the committee on its economy and on the efficient way it has gone about its work.

Second, as the ranking minority member on the Committee on Science and Astronautics, I am pleased to see that we are still continuing our U.S. interest and supremacy in research and development in space and aeronautics, and lunar and solar system exploration. We need these programs both for peacetime progress as well as for adequate defense.

I know ahead of time that the United States will be looking for projects and scientific accomplishments to celebrate our U.S. bicentennial in the year 1976. Therefore, I recommend that the United States adopt three major goals or targets that should be our U.S. peaks of progress for 1976, to display to the world at the U.S. bicentennial, to show what American industry with cooperation of Government, of an independent, free people can accomplish.

I recommend as one of the U.S. peaks of progress, the Viking program. First is the landing on the planet Mars. NASA should be able to complete that tremendous advance. Congress should now give the commitment in 1976 to complete the Viking program so that the United States will be the first nation to accomplish a soft landing of scientific and research equipment on Mars.

The second U.S. peak of progress goal for the United States is to complete the space-earth shuttle plane. This project is the equivalent of inventing a new Wright brothers airplane, which would be useful for operation both in the air and in space. This reusable plane will replace large boosters, launching pads, and will reduce the cost per pound of payload delivered in space orbit by 90 percent. The shuttle would be a remarkable step forward in research, expanding tremendously atmosphere flight, and controlled space orbital flight. The shuttle will be the vital and necessary link between aeronautics and astronautics.

I recommend the United States adopt as the third peak of progress, goals in science, research, and exploration—successful nuclear-powered space exploration. This goal can be accomplished by 1976, by planning the completion of the present NASA-Atomic Energy Commission joint NERVA nuclear rocket program. This NERVA program development has been an amazingly successful project to date. If the United States completes the NERVA project for nuclear-powered space operations, the fuel will be space storable, with capability for long journeys and extended stay in space. There can be ground control with speeds 3, 5, and 8 times faster than the current chemically powered vehicles, which orbit in the 17,500 miles per hour range. We are nearing the limit of efficiency of chemical fuel powered systems that are now seen to be costly, slow, and inefficient in payload capacity. We could announce to the world the space "grand tour" project with nuclear power using one space vehicle to make a fly-by, or spinoff orbit at each successive planet in passage from the Earth to Jupiter, Saturn, Uranus, Neptune, and Pluto at double the speed and half the time, and one-fifth the cost of present conventional chemical propulsion space vehicles.

Mr. Chairman, the American people have already shown that we can make amazing progress when we decide on definite goals. These three major accomplishments would put the American people, and U.S. research, development, technology, and exploration far ahead of any other countries or peoples of the world. These projects would be peacetime triumphs that we in the U.S. Congress should plan for as goals.

Mr. Chairman, I complimented President Kennedy on his imagination and foresight when in 1961 he said that within the decade of the 1960's that the United States would land a man on the moon or men on the moon, and return them safely.

We Congressmen working on the U.S. space program and the House of Representatives unanimously backed this project by unanimous record vote in the U.S. House of Representatives. What audacity and courage to dream and plan and successfully execute, the impossible task of landing two men on the moon, not once, but twice.

Thus, for the U.S. bicentennial the U.S. Congress and the American people should set these high goals and target projects, and look forward. We can show the world the American people are not giving up scientific research, development, and space exploration, but that we are advancing in giant steps forward, for mankind, and have the technical competence to do it.

Mr. EVINS of Tennessee. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. ANNUNZIO), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 19830) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on

the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. EVINS of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 375, nays 10, not voting 49, as follows:

[Roll No. 367]

YEAS—375

Abbitt	Corman	Hechler, W. Va.
Abernethy	Coughlin	Heckler, Mass.
Adair	Cramer	Helstoski
Adams	Culver	Henderson
Addabbo	Daddario	Hicks
Albert	Daniel, Va.	Hogan
Alexander	Daniels, N.J.	Holifield
Anderson, Calif.	Davis, Ga.	Horton
	Davis, Wis.	Hosmer
Anderson, Ill.	de la Garza	Howard
Anderson, Tenn.	Delaney	Hull
	Dellenback	Hutchinson
Andrews, Ala.	Denney	Ichord
Andrews, N. Dak.	Dent	Jacobs
	Derwinski	Jarman
Annunzio	Diggs	Johnson, Calif.
Arends	Donohue	Johnson, Pa.
Ashley	Dorn	Jonas
Ayres	Downing	Jones, Ala.
Baring	Dulski	Jones, N.C.
Barrett	Duncan	Karth
Beall, Md.	Dwyer	Kastenmeier
Belcher	Eckhardt	Kazen
Bell, Calif.	Edmondson	Kee
Bennett	Edwards, Ala.	Keith
Betts	Edwards, Calif.	Kleppe
Bevill	Eilberg	Kluczynski
Biaggi	Erlenborn	Koch
Biester	Esch	Kuykendall
Bingham	Eshleman	Kyl
Blackburn	Evans, Colo.	Kyros
Blanton	Evins, Tenn.	Landgrebe
Blatnik	Farbstein	Langen
Boggs	Fascell	Latta
Boland	Feighan	Leggett
Brademas	Findley	Lennon
Brasco	Fish	Lloyd
Bray	Fisher	Long, La.
Brinkley	Flood	Long, Md.
Brock	Flowers	Lowenstein
Brooks	Ford, Gerald R.	Lujan
Broomfield	Ford, William D.	Lukens
Brotzman		McClory
Brown, Calif.	Foreman	McCloskey
Brown, Mich.	Forsythe	McClure
Brown, Ohio	Fountain	McDade
Broyhill, N.C.	Fraser	McDonald, Mich.
Broyhill, Va.	Frelinghuysen	
Buchanan	Frey	McEwen
Burke, Fla.	Friedel	McFall
Burke, Mass.	Fulton, Pa.	McKneally
Burleson, Tex.	Fuqua	McMillan
Burlison, Mo.	Galifianakis	Macdonald, Mass.
Burton, Calif.	Gallagher	
Burton, Utah	Garmatz	MacGregor
Bush	Gaydos	Madden
Byrne, Pa.	Gettys	Mahon
Byrnes, Wis.	Giaimo	Maillliard
Cabell	Gibbons	Mann
Caffery	Goldwater	Marsh
Carey	Gonzalez	Martin
Carney	Goodling	Mathias
Carter	Gray	Matsunaga
Casey	Green, Pa.	Mayne
Cederberg	Griffin	Meeds
Celler	Grover	Melcher
Chamberlain	Gubser	Michel
Chappell	Gude	Mikva
Chisholm	Hagan	Miller, Calif.
Clark	Haley	Miller, Ohio
Clausen, Don H.	Halpern	Mills
	Hamilton	Minish
Clawson, Del	Hammer-schmidt	Mink
Clay		Minshall
Cleveland	Hanley	Mize
Cohelan	Hanna	Mizell
Collier	Hansen, Idaho	Mollohan
Collins, Ill.	Hansen, Wash.	Monagan
Collins, Tex.	Harrington	Montgomery
Colmer	Harsha	Moorhead
Conable	Harvey	Morgan
Conte	Hastings	Morse
Conyers	Hathaway	Morton
Corbett	Hawkins	Mosher
Moss	Robison	Symington
Murphy, Ill.	Rodino	Taft
Murphy, N.Y.	Roe	Talcott
Myers	Rogers, Colo.	Taylor
Natcher	Rogers, Fla.	Teague, Calif.
Nedzi	Rooney, N.Y.	Thompson, N.J.
Nelsen	Rooney, Pa.	Thomson, Wis.
Nichols	Rosenthal	Tiernan
Nix	Rostenkowski	Tunney
Obey	Roth	Udall
O'Hara	Ruppe	Ullman
Olsen	Ruth	Van Deerlin
O'Neill, Mass.	Ryan	Vander Jagt
Passman	St Germain	Vanik
Patman	Sandman	Vigorito
Patten	Satterfield	Waggonner
Pelly	Saylor	Waldie
Pepper	Schadeberg	Wampler
Perkins	Scherle	Ware
Philbin	Scheuer	Watson
Pickle	Schneebeli	Watts
Pike	Schwengel	Whalen
Pirnie	Scott	Whalley
Poage	Sebelius	White
Podell	Shipley	Whitehurst
Poff	Shriver	Whitten
Pollock	Sikes	Widnall
Preyer, N.C.	Sisk	Wiggins
Price, Ill.	Slack	Wilson, Bob
Pryor, Ark.	Smith, Calif.	Wilson, Charles H.
Pucinski	Smith, N.Y.	
Quie	Snyder	Winn
Quillen	Springer	Wold
Railsback	Stafford	Wolff
Randall	Staggers	Wright
Rees	Stanton	Wydler
Reid, Ill.	Steed	Wylie
Reid, N.Y.	Steele	Wyman
Reifel	Steiger, Ariz.	Yates
Reuss	Steiger, Wis.	Yatron
Rhodes	Stephens	Young
Riegle	Stratton	Zablocki
Rivers	Stubblefield	Zion
Roberts	Sullivan	Zwach

NAYS—10

Ashbrook	Gross	Schmitz
Clancy	McCarthy	Thompson, Ga.
Crane	Rarick	
Devine	Rousselot	

NOT VOTING—49

Aspinall	Fulton, Tenn.	O'Neal, Ga.
Berry	Gilbert	Ottinger
Bolling	Green, Oreg.	Pettis
Bow	Griffiths	Powell
Button	Hall	Price, Tex.
Camp	Hays	Purcell
Cowger	Hébert	Roudebush
Cunningham	Hungate	Roybal
Dennis	Hunt	Skubitz
Dickinson	Jones, Tenn.	Smith, Iowa
Dingell	King	Stokes
Dowdy	Landrum	Stuckey
Edwards, La.	McCulloch	Teague, Tex.
Fallon	May	Weicker
Flynt	Meskill	Williams
Foley	O'Konski	Wyatt

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Dickinson.
Mr. Hébert with Mr. Hunt.
Mr. Teague of Texas with Mr. Hall.
Mr. Dingell with Mr. Button.
Mr. Foley with Mr. Weicker.
Mr. Edwards of Louisiana with Mr. McCulloch.
Mr. Aspinall with Mr. Bow.
Mr. Roybal with Mr. Pettis.
Mr. Stuckey with Mr. O'Konski.
Mr. Smith of Iowa with Mr. Skubitz.
Mr. Hungate with Mr. Camp.
Mr. Dowdy with Mr. Price of Texas.
Mr. Fallon with Mr. Williams.
Mr. O'Neal of Georgia with Mr. Cowger.
Mrs. Griffiths with Mr. King.
Mrs. Green of Oregon with Mrs. May.
Mr. Flynt with Mr. Cunningham.
Mr. Jones of Tennessee with Mr. Roudebush.
Mr. Landrum with Mr. Berry.
Mr. Fulton of Tennessee with Mr. Meskill.
Mr. Stokes with Mr. Gilbert.
Mr. Purcell with Mr. Dennis.
Mr. Ottinger with Mr. Wyatt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, and include tables and extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

TRANSFER OF SPECIAL ORDER

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to transfer the special order which I had scheduled for today after the close of legislative business until Tuesday next.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask the gentleman if that would include the House resolution presently pending before the Committee?

Mr. SISK. Mr. Speaker, I am not clear as to what House resolution the gentleman is referring to. There are a number of resolutions pending before the Committee on Rules.

Mr. GROSS. House Resolution 1147.

Mr. SISK. May I ask the gentleman if he is referring to what might otherwise be referred to as the Friedel resolution?

Mr. GROSS. That is correct.

Mr. SISK. That is one of the matters on which a rule has been granted, and the rule will be covered under the unanimous-consent request.

Mr. GROSS. If the gentleman will exclude House Resolution 1147, I will not be constrained to object, but if that is included in the request then I will be constrained to object.

Mr. SISK. Mr. Speaker, at this point in time I withdraw my unanimous-consent request.

The SPEAKER. The gentleman withdraws his unanimous-consent request.

PROVIDING FOR CONSIDERATION OF H.R. 19504, FEDERAL-AID HIGHWAY ACT OF 1970

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1267 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1267

Resolved, That, upon the adoption of this resolution, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 16(c) of rule XI and clause 4 of rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, title I and title II of the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of title II of the bill for amendment, title III of the bill shall be considered as having been read for amendment. No amendments shall be in order to title III of the bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1267 provides a rule with 3 hours of general debate for consideration of H.R. 19504, the Federal-Aid Highway Act of 1970. Two hours of debate shall be controlled by the chairman and ranking minority member of the Committee on Public Works. One hour of the general debate shall be controlled by the chairman and ranking minority member of the Committee on Ways and Means. No amendments may be offered to title III of the bill except those offered at the direction of the Committee on Ways and Means. All points of order are waived for failure to comply with provisions of clause 16 (c) of rule XI which provides that general legislation relating to construction or maintenance of roads shall not contain provisions for any specific road. There is language on pages 7, 20, 28, 43, and 45 of the bill in violation of this rule. In addition, points of order are waived for failure to comply with clause 4 of rule XXI which prohibits appropriations in a legislative bill. There is language on pages 13, 14, 25, and 38 of the bill in violation of this rule.

The purpose of H.R. 19504 is to authorize appropriations for the construction of certain highways in accordance with title 23, United States Code, and for other purposes.

The 1970 estimate for the Interstate System shows that completion of the system will cost $69.87 billion, as compared to the 1968 estimate of $56.5 billion, an increase of $13.37 billion. H.R. 19504 authorizes the additional sum of $17.275 billion over the 5-year period from 1974 through 1978: an increase from $2.225 billion to $4 billion for fiscal year 1974, $4 billion for each of fiscal years 1975 to 1977, inclusive, and $3.5 billion for fiscal year 1978.

Authorizations are provided out of the highway trust fund for each of the fiscal years 1972 and 1973 in the amount of $1.1 billion for the ABC program; $125 million for the Federal-aid primary and secondary systems exclusive of their extensions in urban areas; $200 million for traffic operation projects in urban areas.

Two hundred million dollars is authorized for each of fiscal years 1972 and 1973 for each of fiscal years 1972 and 1973 are established by the legislation.

Out of the general fund, authorizations for each of fiscal years 1972 and 1973 are provided in the amount of $33 million for forest highways; $16 million for each fiscal years 1972 and 1973 are authorized for public lands highways.

Authorizations of not to exceed $55 million for each of fiscal years 1972 and 1973 are authorized out of the highway trust fund, which is in addition to all other authorizations for the Interstate System. These authorizations are to be apportioned to each of the States receiving less than one-half of 1 percent of the interstate apportionment for fiscal year 1972 or 1973.

There are authorizations for other Federal highways out of the general fund for fiscal years 1972 and 1973: $170 million for forest development roads and trails; $5 million for public lands development roads and trails; $30 million for park roads and trails; $11 million for parkways; $25 million for construction of the Palisades Parkway in the District of Columbia and $65 million for reconstructing to six lanes the section of the Baltimore-Washington Parkway under the jurisdiction of the Secretary of the Interior; $30 million for Indian reservation roads and bridges.

Mr. Speaker, I urge the adoption of House Resolution 1267 in order that H.R. 19504 may be considered.

PERSONAL ANNOUNCEMENT

Mr. Speaker, I would yield at this time to the gentleman from Illinois (Mr. PRICE) for the purpose of making an announcement.

Mr. PRICE of Illinois. Mr. Speaker, I would like to announce to my colleagues that the special order I had scheduled following the close of business today to eulogize our late colleague, William Dawson, has been transferred by unanimous consent to Tuesday next following the legislative business on that day.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, in the interest of time, I will simply concur in the explanation of House Resolution 1267, so far as the rule is concerned, the waiving of points of order, and so forth, and also as to the explanation which the gentleman from California (Mr. SISK) gave on H.R. 19504.

In addition to the remarks of the gentleman from California, I would like to add that title II of this bill deals with highway safety programs and projects. Funds are authorized for State and Community Highway Safety programs, $75 million for fiscal year 1972, and $100 million for 1973.

Also are authorized funds for research and development projects of the Highway Traffic Safety Administration, $30 million for fiscal 1972 and $45 million for 1973.

Mr. Speaker, I am concerned about some of the things that are going on so far as our Highway Trust Fund is concerned, and I would like to make a little record of it at this time. I am in support of this bill, but I am not in support of an administration, that is, this administration and the past two administrations, simply diverting money or refusing to permit the money to be spent after the Congress of the United States has allocated and appropriated that money. It has been going on now for several administrations, and I think it is absolutely wrong.

We started this program back in 1956, or some such time as that. We planned for the program to be completed in 1969 or 1970. We have had to extend it on and on, year in and year out, because the Bureau of the Budget, this one and past ones, and the administrations, this one and past ones, have simply not permitted money to be spent when the Congress had authorized it and appropriated it to be spent.

I think that is absolutely wrong. We had some language in one bill—I do not know whether it would be referred to as the language of the gentleman from Ohio (Mr. HARSHA) or an amendment, but in any event, as I recall, we said that it is the sense of Congress that the money shall be spent, and that none of the money shall be diverted. But money has been diverted from this trust fund and used for other purposes, and it is not now available for the purpose for which we had set it up in the first place.

Particularly consider my own 20th Congressional District in California. We have three interstate freeways, or parts of interstate systems, going through the district. Actually we did not want those particular freeways, but the Federal Government said we have to connect these two points together. All we can do is to go ahead and let the State authorities decide where the road is going to go. It is going through one section of La Canada and Montrose, taking out many residential homes. In Pasadena they started and have now stopped right in the middle of the project. We have one in Glendale which is about 150 feet up in the air, and no money is available to complete the project.

This fiscal year we authorized $5.4 billion. They decided not to spend that amount. The administration and the Bureau of the Budget decided they would only spend $4.2 billion. There was $400 million in carryover funds. California

does not have any carryover funds, but that made a total of $4.6 billion. So there was $1.2 billion which Congress has authorized to try to complete this necessary system which will not be spent.

Where are we going to get the money? We have the third and fourth quarters coming in, and I guess about $176 million will reach California, but it will not finish these freeways. If they are going to start these freeways, condemn the houses, buy the property, and tear the structures down, they should either have the money to finish the project or, in my opinion, they should not start it in the first place, making people go for a year detouring all around the city, houses and homes because, they say, "We do not want to spend the money because of the financial situation of the Government."

Frankly, I do not like it. I do not like it in this administration; I did not like it in the past several administrations. I do not think we should be diverting money from this fund or changing the sense of Congress by administrative action. It should be available for the Highway Interstate System. That is the way we started the program. Once you divert money for beautification, safety, and other things, we will end up with nothing but a mess of uncompleted freeways. We may never get them finished.

I think I have delivered my speech, Mr. Speaker. You can see I am a little upset. This action should not take place. We should be able to get the money to complete freeways and highways which have been started. I imagine other Members are in the same position I am in.

I have heard other Members of Congress make the same statement.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I am happy to yield to the gentleman from California.

Mr. DON H. CLAUSEN. I am glad the gentleman has taken the time to express himself as the program relates to a specific problem in California. I think I can say for the committee he has in fact expressed the position of the Roads Subcommittee.

In the Highway Act of 1968, the gentleman from Ohio (Mr. HARSHA) not only offered, but there was included an amendment that said we would not freeze these trust funds for the very reason the gentleman from California explained.

In order to establish, for the record, some of the problems our own State of California has encountered, I asked the California Department of Public Works to provide me with some background information in connection with the highway trust fund and the Federal aid highway program.

This information substantiates and dramatizes the problems alluded to by my colleague from California, Mr. H. ALLEN SMITH.

Therefore, I will relate some of the information conveyed to me by the California director of public works, in order to place this problem in proper focus.

Historically, expenditures from the highway trust fund—via reimbursements—have followed obligations by 18½ months. Also, the last time a reasonable balance existed between total trust fund revenues and total trust fund expenditures was in early calendar 1967—$69 million.

It is most difficult to make meaningful direct comparisons between the sums authorized by Congress for a given year which are apportioned by the administration and the administrative releases of trust fund obligational authority. One reason is that the timing of apportionments can vary widely. For example, congressional authority was available to make all 1970–71 apportionments in July of 1969 yet they withheld the issuance of these apportionments to near the December 31, 1969, statutory deadline.

This year congressional delay in passing a Federal Highway Act will similarly delay apportionment into December.

To date, released obligational authority lags apportionments by $2.1 billion. In addition, the delay in making apportionments is approaching one-half year which equates to approximately $2.7 billion, producing a net cutback effect of, at this time, $4.8 billion.

During the first 6 months of fiscal 1971, California has been authorized to obligate $164.4 million, or 6.7 percent, of the $2,450 million released nationwide. All of California's share has been committed which, by quarter's end, December 31, 1970, shoul reflect in Federal records.

Had obligational authority been released starting July 1, 1970, so as to restore reasonable Trust Fund balance 5 years hence, an annual rate of release of $6.25 billion per year would be required. California should then receive on the order of $500 million per year or about 8 percent.

In summary, administrative diversion of Highway Trust funds to other purposes—via Treasury Notes—has disrupted the necessary long-range transportation planning Congress seeks, the administration advocates, and California has long followed. As a result, particularly in California, much right-of-way now lies fallow and considerable engineering remains unexecuted because these time-consuming segments of our capital improvement outlays cannot be brought to fruition due to the lack of the assured, available, and promised construction funds.

Mr. Speaker, I support the gentleman from California (Mr. SMITH) in what he has said.

Mr. SMITH of California. Mr. Speaker, I appreciate the gentleman's statement.

Mr. Speaker, I urge the adoption of the rule.

I yield 3 minutes to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Speaker, I rise to comment on section 129 of this bill, which deals with the District of Columbia. I believe it is an unnecessary section, because it fails to recognize certain principles and rights we give other people. I am convinced the people who are directly concerned have not had their day in court, so I just take this time momentarily to say that tomorow I will file an amendment, or an amendment will be filed to strike on page 43, line 9, and all that follows through that section, to take it out of the bill, so the people who are directly concerned can have a voice in this, and we can further explore this problem and other possibilities.

There are some other factors that come into this argument, and I shall present them in more detail tomorrow when we have time for debate.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Speaker, I thank the gentleman from Iowa for yielding.

I commend him on his interest in the problems in the District of Columbia and the metropolitan area.

Mr. Speaker, I believe that waiving a point of order so as to stipulate particular routes in legislation, is satisfactory when there is no opposition to the routes set forth. However, in the case of the North Central Freeway in the District of Columbia, which is one of the routes embodied in this particular bill, we have a situation where the local governing body for Montgomery County and also the delegation to the State Legislature for Montgomery County, through which the northern extension of said freeway would go, are now opposed to this routing.

Also, I am attempting to ascertain from the Maryland State Roads Commission and from the Governor as to whether they at this time support this routing. There have been indications that the Governor of the State of Maryland is opposed to it.

So, if we immediately order the construction of the North Central Freeway in the District of Columbia, we could very well be building a road to nowhere. Until we have a clarification from State and local government in Maryland, I feel this section should be stricken out of the bill. I hope Members will support this when an amendment is presented tomorrow.

Mr. SCHWENGEL. Mr. Speaker, again I announce to the House that an amendment will be filed tomorrow, and I hope the Members will listen with sympathetic interest to the very serious problem that concerns the people in this district. It would be setting a precedent which I think would be very bad for us as Members of Congress and might affect us adversely in our own States and our own districts in the future.

With that said, I yield back the balance of my time.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, when the Committee on Rules had the rule under consideration, some of us appeared before the committee and testified against the proposed rule.

The bill provides that the District of Columbia must construct certain free-

ways, and this appears to be a violation of rule XVI(c) of the Rules of the House of Representatives. Thus the rule which the committee sought to obtain from the Rules Committee waived all points of order in order to permit the Public Works Committee to bring out a bill which appears to be in violation of the rules of the House.

Mr. Speaker, I think it is a mistake to waive our own rules which were adopted to prevent just such a situation as will be before the House in this bill.

The District of Columbia and the people who live in it have been trying for years to get home rule on the theory that they know best what is needed to regulate their affairs. They have not been able to get it. Instead, the governing body is appointed by the President.

Now, even those decisions are to be taken away; that is, the power is being taken away even from those people appointed by the President, and instead Congress is decreeing that it knows what is best with respect to construction of freeways in the District of Columbia.

I really believe, in fairness to the people who live here—and there are many hundreds of thousands who live here—we ought to strike that provision. I believe it would have been stricken as a violation of the rules except for the rule proposed here this afternoon.

The District of Columbia has a lot of unmet needs. The Federal City College has been seeking to grow to meet the demand for higher education but does not have enough money. The housing problem in the District of Columbia is a very tough problem which has not been dealt with adequately. Yet in the face of these needs we are going to mandate the construction of a lot of cement to move a lot of cars. On occasion this is considered so important that it is sought to hold up as a hostage the subway program, which will move a lot more people a lot more efficiently with a lot less impairment to the environment than would be involved in the freeway system.

So, Mr. Speaker, when an amendment is offered to strike section 129, that mandates the District of Columbia to a freeway which the representatives of the District of Columbia do not want, I hope that amendment will be supported.

I wish it were possible to vote down this rule, but I expect realism suggests it is not possible. At least we ought to leave some range of discretion with the people who live in Washington, D.C., and their representatives.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I should like to take this time to inform the Members of the House that in the Committee of the Whole I expect to offer an amendment in connection with new grade separation projects which would authorize 100 percent Federal contributions from the highway trust fund for such additional costs which may be incurred in constructing underpasses or overpasses to accommodate a mass transit system where the Secretary of Transportation makes a decision or a finding that a rapid transit system may be extended at some future date through the project.

In my community today we are building underpasses and overpasses. We are disregarding the possibility that we might in the very near future have to do the same thing with respect to a rapid transit system. It seems to me that this is very wasteful in a situation where the Secretary of Transportation can make a finding that there may be a rapid transit extension. It would seem to me it would be in the public interest and in the interest of long-range economy to at the same time make provision for the mass transit system that may utilize the separation facility. I know how the members of the committee guard the highway trust fund which I, as a member of the Committee on Ways and Means, have helped to support, but I feel we ought to try to make some provision for mass transit utilization of this type of construction when it is undertaken.

Mr. SISK. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I rise in support of the rule, and I take this time to advise the Members of the House that I shall offer at the appropriate time tomorrow an amendment to this legislation which would include in this bill wording similar to that of section 12 of similar legislation as it was reported in the Senate, that relates to a specific legislative provision for the dual hearing procedure for interstate highways which is now being followed by the Department of Transportation but which is not actually in the basic law.

It is a procedure which not only provides for two public hearings, but it also provides, as the Senate report indicates, for the offering of alternatives to the public affected during these hearings. It also requires a report from the State transportation authorities to the Federal Government on the extent to which they have actually carried out or responded to the wishes of the people as developed in these hearings.

In my State of New York, for example, we have a controversy at the present time in the capital district area of Albany over the terminus of Interstate Highway 88. A public hearing was held and the people in that area were almost overwhelmingly opposed to the proposal to terminate this highway at a particular location. Yet, the State Transportation Department indicated its intention to ignore the public and recommend the termination contrary to the wishes of the people of the area, although they delayed announcement until after the election so, hopefully, it would not have an impact on the election itself.

My amendment would incorporate this into the bill.

I want to advise the House that I intend to introduce in the RECORD tomorrow a memorandum circulated by the Federal Department of Transportation and sent to the State transportation departments which in effect advises transportation officials at the regional level how to hold public hearings and yet succeed in ignoring the wishes of the public. It is time that we recognize what is going on in these public hearing procedures, and by incorporating this wording in the basic legislation, we make it clear that we intend the public view shall be recognized and not ignored by the Department of Transportation.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRASER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors; the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 287, nays 60, not voting 87, as follows:

[Roll No. 368]

YEAS—287

Abernethy	Conable	Harvey
Adair	Conte	Hastings
Addabbo	Corbett	Hathaway
Albert	Corman	Helstoski
Alexander	Cramer	Henderson
Anderson, Calif.	Crane	Hicks
	Daniel, Va.	Hogan
Anderson, Ill.	Daniels, N.J.	Holifield
Anderson, Tenn.	Davis, Ga.	Horton
	Davis, Wis.	Hosmer
Andrews, Ala.	de la Garza	Howard
Andrews, N. Dak.	Delaney	Hull
	Dellenback	Hutchinson
Annunzio	Dent	Ichord
Ashbrook	Derwinski	Jarman
Ayres	Devine	Johnson, Calif.
Barrett	Donohue	Johnson, Pa.
Beall, Md.	Dorn	Jones, Ala.
Belcher	Downing	Karth
Bell, Calif.	Duiski	Kazen
Bennett	Duncan	Kee
Betts	Edmondson	Keith
Bevill	Edwards, Ala.	Kleppe
Biaggi	Eilberg	Kluczynski
Blackburn	Erlenborn	Kuykendall
Blatnik	Esch	Kyl
Boggs	Eshleman	Kyros
Boland	Fascell	Landgrebe
Bray	Feighan	Latta
Brinkley	Findley	Leggett
Brock	Fish	Lennon
Brooks	Fisher	Lloyd
Broomfield	Flood	Long, La.
Brotzman	Flowers	McClory
Brown, Mich.	Ford, Gerald R.	McCloskey
Brown, Ohio	Foreman	McClure
Broyhill, N.C.	Forsythe	McDade
Broyhill, Va.	Fountain	McDonald, Mich.
Burke, Fla.	Frelinghuysen	
Burke, Mass.	Frey	McEwen
Burleson, Tex.	Friedel	McFall
Burlison, Mo.	Fulton, Pa.	McKneally
Burton, Utah	Fuqua	McMillan
Bush	Galifianakis	Macdonald, Mass.
Byrne, Pa.	Gallagher	
Byrnes, Wis.	Gaydos	MacGregor
Cabell	Giaimo	Madden
Caffery	Gibbons	Mahon
Carney	Gonzalez	Mailliard
Carter	Goodling	Mann
Casey	Gray	Marsh
Cederberg	Griffin	Martin
Chamberlain	Grover	Mathias
Chappell	Gubser	Matsunaga
Clausen, Don H.	Hagan	Mayne
	Haley	Melcher
Clawson, Del	Halpern	Meskill
Cleveland	Hammer-schmidt	Miller, Ohio
Cohelan		Mills
Collier	Hanley	Minish
Collins, Ill.	Hansen, Idaho	Minshall
Collins, Tex.	Hansen, Wash.	Mize
Colmer	Harsha	Mollohan

Monagan	Rodino	Stubblefield
Montgomery	Roe	Stuckey
Morgan	Rogers, Colo.	Sullivan
Murphy, N.Y.	Rogers, Fla.	Taft
Myers	Rooney, N.Y.	Talcott
Natcher	Rooney, Pa.	Taylor
Nelsen	Roth	Thomson, Wis.
Nichols	Rousselot	Udall
O'Neill, Mass.	Ruppe	Ullman
Passman	Ruth	Vigorito
Patman	St Germain	Waggonner
Patten	Sandman	Wampler
Pelly	Satterfield	Ware
Pepper	Saylor	Watson
Perkins	Schadeberg	Watts
Philbin	Schmitz	Whalley
Pickle	Schneebeli	White
Pike	Scott	Whitehurst
Pirnie	Sebelius	Whitten
Podell	Shipley	Widnall
Poff	Shriver	Wiggins
Pollock	Sikes	Wilson, Bob
Preyer, N.C.	Sisk	Wilson,
Price, Ill.	Slack	Charles H.
Pryor, Ark.	Smith, Calif.	Winn
Pucinski	Smith, N.Y.	Wold
Quie	Snyder	Wright
Quillen	Springer	Wylie
Railsback	Stafford	Wyman
Randall	Staggers	Yatron
Rarick	Stanton	Young
Reid, Ill.	Steed	Zablocki
Reifel	Steele	Zion
Rhodes	Steiger, Ariz.	Zwach
Roberts	Stephens	
Robison	Stratton	

NAYS—60

Adams	Gude	O'Hara
Ashley	Hamilton	Ottinger
Biester	Harrington	Rees
Bingham	Hechler, W. Va.	Reid, N.Y.
Brademas	Heckler, Mass.	Reuss
Brasco	Jacobs	Riegle
Brown, Calif.	Jonas	Rosenthal
Burton, Calif.	Kastenmeier	Ryan
Conyers	Koch	Scheuer
Coughlin	Long, Md.	Schwengel
Culver	Lowenstein	Steiger, Wis.
Daddario	McCarthy	Symington
Eckhardt	Meeds	Tunney
Evans, Colo.	Mikva	Van Deerlin
Farbstein	Mink	Vanik
Foley	Moorhead	Waldie
Ford,	Morse	Whalen
William D.	Mosher	Wolff
Fraser	Moss	Yates
Green, Pa.	Nedzi	
Gross	Obey	

NOT VOTING—87

Abbitt	Fallon	Murphy, Ill.
Arends	Flynt	Nix
Aspinall	Fulton, Tenn.	O'Konski
Baring	Garmatz	Olsen
Berry	Gettys	O'Neal, Ga.
Blanton	Gilbert	Pettis
Bolling	Goldwater	Poage
Bow	Green, Oreg.	Powell
Buchanan	Griffiths	Price, Tex.
Button	Hall	Purcell
Camp	Hanna	Rivers
Carey	Hawkins	Rostenkowski
Celler	Hays	Roudebush
Chisholm	Hébert	Roybal
Clancy	Hungate	Scherle
Clark	Hunt	Skubitz
Clay	Jones, N.C.	Smith, Iowa
Cowger	Jones, Tenn.	Stokes
Cunningham	King	Teague, Calif.
Denney	Landrum	Teague, Tex.
Dennis	Langen	Thompson, Ga.
Dickinson	Lujan	Thompson, N.J.
Diggs	Lukens	Tiernan
Dingell	McCulloch	Vander Jagt
Dowdy	May	Weicker
Dwyer	Michel	Williams
Edwards, Calif.	Miller, Calif.	Wyatt
Edwards, La.	Mizell	Wydler
Evins, Tenn.	Morton	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hays with Mr. Dickinson.

Mr. Hébert with Mr. Arends.

Mr. Teague of Texas with Mr. Bow.

Mr. Thompson of New Jersey with Mr. Hunt.

Mr. Celler with Mr. King.

Mrs. Chisholm with Mr. Roybal.

Mr. Miller of California with Mr. Goldwater.

Mr. Jones of North Carolina with Mr. Dennis.

Mr. Carey with Mr. Button.

Mr. Clark with Mr. Clay.

Mr. Dingell with Mr. Vander Jagt.

Mr. Edwards of California with Mr. Diggs.

Mr. Evins of Tennessee with Mr. Williams.

Mr. Fulton of Tennessee with Mr. Cowger.

Mr. Garmatz with Mr. Pettis.

Mr. Rivers with Mr. Hall.

Mr. Gettys with Mr. Camp.

Mr. Gilbert with Mr. Nix.

Mr. Aspinall with Mr. Wyatt.

Mr. Abbitt with Mr. Berry.

Mr. Jones of Tennessee with Mr. Cunningham.

Mr. Landrum with Mr. Buchanan.

Mr. Murphy of Illinois with Mrs. May.

Mr. Dowdy with Mr. Langen.

Mr. Edwards of Louisiana with Mr. Denney.

Mr. Fallon with Mr. Morton.

Mr. Purcell with Mr. Price of Texas.

Mr. Rostenkowski with Mr. Michel.

Mr. Hanna with Mr. Stokes.

Mrs. Griffiths with Mrs. Dwyer.

Mrs. Green of Oregon with Mr. Lujan.

Mr. Flynt with Mr. Mizell.

Mr. O'Neal of Georgia with Mr. O'Konski.

Mr. Blanton with Mr. Clancy.

Mr. Baring with Mr. Lukens.

Mr. Hungate with Mr. McCulloch.

Mr. Tiernan with Mr. Hawkins.

Mr. Smith of Iowa with Mr. Scherle.

Mr. Blanton with Mr. Skubitz.

Mr. Olsen with Mr. Roudebush.

Mr. Teague of California with Mr. Thompson of Georgia.

Mr. Wydler with Mr. Weicker.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PROVIDING FOR THE CONSIDERATION OF HOUSE RESOLUTION 1147, RELATING TO CERTAIN ALLOWANCES OF MEMBERS, OFFICERS, AND STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. SISK, from the Committee on Rules, reported the following privileged resolution (H. Res. 1272, Rept. No. 1627), which was referred to the House Calendar and ordered to be printed:

H. RES. 1272

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1147) relating to certain allowances of Members, officers, and standing committees of the House of Representatives, and for other purposes. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, the resolution shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on House Administration as an original resolution for the purpose of amendment under the five-minute rule, and all points of order against sections 2(a) and 3(a) of said substitute are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the resolution or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

PROVIDING FOR THE CONSIDERATION OF H.R. 19436, ESTABLISHMENT OF A NATIONAL URBAN GROWTH POLICY

Mr. SISK, from the Committee on Rules, reported the following privileged resolution (H. Res. 1271, Rept. No. 1626), which was referred to the House Calendar and ordered to be printed:

H. RES. 1271

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19436) to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 3, Rule XIII and clause 4, Rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CONFERENCE REPORT ON H.R. 17970, MILITARY CONSTRUCTION APPROPRIATIONS 1971

Mr. SIKES submitted the following conference report and statement on the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 91-1625)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17970) "making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagree-

ment to the amendments of the Senate numbered 4 and 7, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$646,958,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$302,483,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$284,147,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$806,464,000"; and the Senate agree to the same.

ROBERT L. F. SIKES,
JOHN J. MCFALL,
EDWARD J. PATTEN,
CLARENCE D. LONG,
GEORGE MAHON,
E. A. CEDERBERG,
CHARLES R. JONAS,
BURT L. TALCOTT,
FRANK BOW,
Managers on the Part of the House.

MIKE MANSFIELD,
ALAN BIBLE,
WILLIAM PROXMIRE,
RALPH W. YARBOROUGH,
RICHARD B. RUSSELL,
J. CALEB BOGGS,
JAMES B. PEARSON,
HIRAM L. FONG,
MILTON R. YOUNG,
STUART SYMINGTON,
BARRY GOLDWATER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendment No. 1, Military Construction, Army: Appropriates $646,958,000 instead of $637,909,000 as proposed by the House and $653,996,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Fort Belvoir, Va.: Anti-intrusion systems laboratories	+$2,759,000
Fort Dix, N.J.: Laundry	+3,379,000
Fort Bliss, Tex.: Moving target simulator buildings	+809,000
Vint Hill Farms Station, Va.: Incinerator	+475,000
Kansas City Field Office, Topographic Command, Mo.: Physical security facility alteration	+558,000
U.S. Army Security Agency: Location 03	+59,000
Fort Lewis, Wash.: Sewage treatment facility improvement (addition)	+2,190,000
Fort Lee, Va.: Sewage treatment plant (deficiency)	+$848,000
Edgewood Arsenal, Md.: Addition to ADP facility	−990,000
Germany:	
Franconia District—Mess hall	−296,000
Seventh Army Training Center—Hangar and airfield facilities	−742,000

The conferees have approved the use of not to exceed $10.7 million of available funds to meet the additional costs being encountered in connection with the cadet activities center at the U.S. Military Academy, West Point, New York. The conferees reconfirm the restraint imposed on the Army by the Senate, not to cancel any approved troop housing or community support projects in order to generate the funds for this project. A report on the source of the funding for this project will be made to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives upon convening of the 92nd Congress.

The conferees are very concerned at the high costs and habitual overruns on construction projects at West Point and request the Army to review the remainder of the expansion program with a view to reducing the construction at West Point by stretching out the completion of the less essential items in the expansion program. In addition, the conferees will expect the new review board to exercise a strong and positive influence over construction planning, standards, and execution, with special emphasis on cost control aspects.

The House approved a total of $357,000,000 for Safeguard construction, exclusive of $8,800,000 specifically provided for family housing. Within this sum, it approved $27,400,000 for planning and engineering design based on the need to do complete design of the Whiteman site as well as advance planning for five additional sites, including one near Warren Air Force Base. Subsequently, the Senate recommended deferring such advance planning, except for the Warren site, and reducing the planning funds by $12,000,000. However, in recognition of the severe impact of Safeguard operations on surrounding communities and their abilities to provide public facilities and services, the Senate recommended that the $12,000,000 no longer required for advance planning be appropriated for use by the Department of Defense to assist such communities through existing Federal aid programs to meet the additional costs of providing increased public facilities and services required as a direct result of construction, installation, testing, and operation of Safeguard sites.

The primary purpose of the Senate recommendation was to provide some relief to such communities from an unfair and excessive financial burden which would be incurred as a result of the siting of SAFEGUARD installations in their areas.

After a careful study of this matter, the House conferees have agreed to the Senate proposal with the following important considerations. In view of the transitional nature of a large portion of the additional population to be supported by the adjacent communities, the conferees feel that, to the extent they may be practicable, the use of temporary or relocatable facilities to meet temporary peaks should be encouraged within the communities.

In recognition of the uncertainty at this time as to the scope and costs of the facilities to be assisted through this program, and to provide some needed flexibility, the conferees expect that in no event shall expenditures for such assistance exceed a ceiling of $14,000,000 unless prior approval of the Committees on Appropriations of the Senate and House of Representatives has been obtained.

Amendment No. 2, Military Construction, Navy: Appropriates $302,483,000 instead of $285,672,000 as proposed by the House and $309,551,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Naval Shipyard, Portsmouth, N.H.: Improvements to Dry Dock 2	+$4,000,000
Naval Air Propulsion Test Center, Trenton, N.J.: Propulsion test facility—air supply	+356,000
Naval Air Rework Facilitiy, Norfolk, Va.: Avionics facility improvement	+1,061,000
Naval Air Station, Meridian, Miss.:	
Technical training building	+1,973,000
Utilities and ground improvements (1st increment)	+809,000
Naval Air Station, Corpus Christi, Tex.:	
Structural fire and crash station	+322,000
Control tower cab	+75,000
Training building	+1,200,000
AMD calibration/qualification building	+60,000
General warehouse	+295,000
Enlisted women's quarters	+680,000
Commissary renovation and storage area	+500,000
CPO club	+268,000
Naval Undersea Research and Development Center, San Diego, Calif.: Undersea technology facility	+6,736,000
Marine Corps Air Station, Cherry Point, N.C.: Mess hall for Auxiliary Landing Field, Bogue	+248,000
Naval Station, San Juan, P.R.: Sewage collection system	+134,000
Navy Public Works Center, Subic Bay, Republic of the Philippines: Water supply and distribution improvements	+859,000
Naval Air Station, Whiting Field, Fla.: Control towers	+420,000
Naval Ammunition Depot, Hawthorne, Nev.: Bachelor enlisted quarters	+495,000
Navy Public Works Center, Pearl Harbor, Hawaii: Sewage system improvements (deficiency)	+759,000
Marine Corps Base, Camp Lejeune, N.C.: Post office for Hadnot Point Area	+536,000
Navy Aviation Supply Office, Philadelphia, Pa.: Computer center alterations	−790,000
Naval Ordnance Station, Indian Head, Md.: Potable water system improvement	−533,000
Naval Station, Charleston, S.C.: Commissary store (reduction)	−215,000
Naval Hospital Corps School, Great Lakes, Ill.: Hospital corps school	−2,922,000
Naval Weapons Center, China Lake, Calif.: Flood control	−220,000
Naval Construction Battalion Center, Port Hueneme, Calif.: Berthing wharves (reduction)	−225,000

The conferees are in agreement that a new hospital is required as authorized in the amount of $24,100,000 at Camp Pendleton, California, and are in agreement with the language contained in the Senate report, which states as follows: "The Committee now recommends proceeding with the proj-

ect but is not providing funds in the belief that by careful management of the total Navy program, funding can be generated from savings and from deletion of projects which may no longer be justified as a result of base closure or force reduction actions."

Amendment No. 3, Military Construction, Air Force: Appropriates $284,147,000 instead of $268,831,000 as proposed by the House and $292,409,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Kelly Air Force Base, Tex.: Aircraft engine overhaul facility	+$15,741,000
Bergstrom Air Force Base, Tex.: Aircraft engine test facility	+75,000
George Air Force Base, Calif.: Aircraft engine test facility	+134,000
Lowry Air Force Base, Colo.: Technical training research facility	+559,000
Mountain Home Air Force Base, Idaho: Aircraft engine test facility	+71,000
Nellis Air Force Base, Nev.: Aircraft engine test facility	+129,000
Post office	+239,000
Electrical distribution system	+282,000
Seymour Johnson Air Force Base, N.C.: Aircraft engine test facility	+75,000
Grand Forks Air Force Base, N. Dak.: Refueling vehicle parking area	+98,000
Beale Air Force Base, Calif.: Aircraft maintenance dock	+590,000
Homestead Air Force Base, Fla.: Aircraft runup facility	+179,000
Hahn Air Base, Germany, Aircraft weapons arming/disarming pad	+70,000
Izmir Air Station, Turkey: Dependent school	+990,000
Malmstrom Air Force Base, Mont.: Airbase group headquarters	+1,202,000
Buckley Field, Colo.: Aerospace data facility	+8,000,000
Peterson Field, Colo.: Chapel center	−837,000
Logan Field, Mont.: Fire protection sprinkler system	−32,000
Tinker Air Force Base, Okla.: Addition to aircraft engine shop	−656,000
Arnold Engineering Development Center, Tenn.: Addition to heating plant (reduction)	−314,000
L. G. Hanscom Field, Mass.: Optical physics laboratory	−1,228,000
Craig Air Force Base, Ala.: Taxiway	−674,000
Lackland Air Force Base, Tex.: Officers training support facility	−287,000
Westover Air Force Base, Mass.: Add to and alter special project facility	−416,000
Industrial waste treatment facilities (reduction)	−400,000
Randolph Air Force Base, Tex.: Addition to electrical distribution system (reduction)	−185,000
Norton Air Force Base, Calif.: Gymnasium	−696,000
Davis-Monthan Air Force Base, Ariz.: Aircraft processing apron	−$2,900,000
Luke Air Force Base, Ariz.: Addition to warehouse	−528,000
Andrews Air Force Base, Md.: Dental laboratory	−324,000
Bolling Air Force Base, D.C.: Dependent elementary School	−2,300,000
Lockport Air Force Station, N.Y.: Alteration of heating plant	−91,000
Wake Island Air Force Station, Wake Island: Aircraft operational apron	−1,250,000
Minuteman operational facility	−1,000,000

Language in the House report specified that a reduction of $2,000,000 be applied to "facilities at major C–5A terminals in the continental United States." The conferees have agreed instead to a reduction of $1,000,000 which may be applied to facilities at such terminals worldwide.

Amendment No. 4, Military Construction, Defense Agencies: Appropriates $46,300,000 as proposed by the Senate instead of $45,025,000 as proposed by the House. The conferees have agreed to the following additions to the amounts and line items as proposed by the House:

Defense Atomic Support Agency: Sandia Base, N. Mex.: Warehousing and sales addition to main commissary	+$575,000
National Security Agency: Fort George G. Meade, Md.: Land acquisition	+700,000

Amendment No. 5, Family Housing, Defense: Appropriates $806,464,000 instead of $808,138,000 as proposed by the House and $804,153,000 as proposed by the Senate.

With regard to new housing construction for the Army, the conferees agree to adjust the House proposal by subtracting 20 housing units at New Cumberland Army Depot, Pennsylvania, and adding 20 housing units at Fort Carson, Colorado. This conforms to the manner in which housing units were provided in the authorizing legislation and is the same as the Senate proposal.

Amendment No. 6, Family Housing, Defense: Authorizes not to exceed $95,174,000 for the construction of Navy and Marine Corps family housing as proposed by the House instead of $92,863,000 as proposed by the Senate.

The conferees are in agreement that these additional funds should be used for reconstruction of family housing units at Corpus Christi, Texas, which were damaged by Hurricane Celia and for improvements to adequate quarters or for application to prior-year unused authorizations for new family housing units.

Amendment No. 7, Family Housing, Defense: Authorizes not to exceed $75,926,000 for the construction of family housing for the Air Force as proposed by the Senate instead of $77,600,000 as proposed by the House.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1971 recommended by the Committee of Conference, with comparisons to the fiscal year 1970 total, the 1971 budget estimate total, and the House and Senate bills follows:

New budget (obligational) authority, FY 1970	$1,562,607,589
Budget estimates of new (obligational) authority, FY 1971	2,134,800,000
House bill, FY 1971	1,997,037,000
Senate bill, FY 1971	2,057,871,000
Conference agreement	2,037,814,000
Conferenece agreement compared with:	
New budget (obligational) authority, FY 1970	+$475,206,411
Budget estimates of new (obligational) authority, FY 1971	−96,986,000
House bill, FY 1971	+40,777,000
Senate bill, FY 1971	−20,057,000

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BURT L. TALCOTT,
FRANK T. BOW,
Managers on the Part of the House.

Mr. SIKES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I shall not object and I hope I will not have to object—will the gentleman assure the House that he will take some time to explain the conference report?

Mr. SIKES. Yes; of course. I will be very glad to explain the conference report and to submit to any questions that are pertinent.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read that statement.

(Mr. SIKES asked and was given permission to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, I would like to call the attention of the House to the fact that this conference report calls for military construction for the current fiscal year in the amount of $2,037,814,000. I submit that this is $96,986,000 below the budget. It is $40,777,000 above the House bill. However, it is $20,057,000 under the Senate bill.

Now, Mr. Speaker, a number of items were added or deleted in conference primarily because the authorizations legislation had not been completed at the time that the military construction appropriation bills reached the floor of the House. In an effort to expedite the work of the House, we brought the appropriations to the floor under a rule waiving points of order. Our bill was based on the authorization bill as passed by the House. When the authorization bill was completed, a number of items were restored and a number of other items failed

authorization. Many of the projects which were restored in the conference on the authorizing legislation were needed improvements to the facilities at military bases and these facilities have likewise been restored in the conference action which we are considering today.

Mr. Speaker, I submit that the bill is $96,986,000 under the budget. That means that a substantial number of projects were not approved even though some of them possibly had merit.

I would like to submit, Mr. Speaker, that the military construction appropriation bill is always one of the smallest of the appropriation bills. It does not meet the needs of improvements, additions, or replacement of facilities at military installations. We do the best we can to give them the essentials that are required for training and operations, and other items such as hospitals, and housing and personnel support projects which we feel cannot be postponed.

Mr. Speaker, I repeat the bill is a rather small one. It does provide, however, for the most urgently needed items which are required to support the long-range program of the permanent military establishment, for the training and operations of the military forces.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I shall be happy to yield to the distinguished gentleman from Iowa for a question.

Mr. GROSS. I thank the gentleman for yielding.

Would the gentleman give us something of a breakdown of at least the major amounts in the $40,777,000 increase over the House figure—give us some information as to what this money is to be used for?

Mr. SIKES. Let me give the gentleman some indication as to some of the items that were added in the conference which were not authorized at the time we brought the bill to the House floor or which were deleted by the House in the appropriation bill and reconsidered and agreed to by the House.

The Department of the Army received $646,958,000, an increase of $9,049,000 above the House bill and $7,038,000 below the Senate.

One of the major items of the Department of the Army which is restored is an anti-intrusion system laboratory at Fort Belvoir, Va., in the amount of $2,759,000. This is something which is very important for the protection of military personnel in a wartime situation as well as to protect civilians and military personnel from hijacking and assassination in normal times.

There is a new laundry at Fort Dix, N.J., in the amount of $3,379,000. It will eventually accommodate the laundry for three bases in the area and it will save a very considerable amount of money.

There are sewage treatment facilities at Fort Lewis, Wash., in the amount of $2,190,000 and at Fort Lee, Va., which is an addition to a project already approved in the bill in the amount of $848,000.

The Department of the Navy received $302,483,000, an increase of $16,811,000 above the House bill and $7,068,000 below the Senate.

Major items added by the conference action include $4,000,000 for improvements to drydock 2 at the Naval Shipyard, Portsmouth, N.H.; $1,061,000 for an avionics facility improvement at Naval Air Rework Facility, Norfolk, Va.; and $2,782,000 for the Naval Air Station, Meridian, Miss., for a technical training building and the first increment for utilities and ground improvements.

There is also in the Department of the Navy, at Corpus Christi, Tex., $3,400,000 to replace facilities which were destroyed by hurricane Celia. An undersea technology facility at San Diego, Calif., is approved in the sum of $6,736,000. The House had eliminated this item. However, the Department of the Navy made a very strong case for its reinstatement because of the importance of the undersea technological studies which are now in progress.

The Department of the Air Force received $284,147,000, an increase of $15,316,000 above the House bill and $8,262,000 below the Senate.

At Kelly Air Force Base, Tex., the conferees approved an aircraft engine overhaul facility, in the amount of $15,741,000, one of the largest items in this bill. This is a project that the House initially refused but reconsidered because of additional information which was submitted.

The present aircraft engine overhaul facilities at Kelly Air Force Base are widely scattered and are largely World War I facilities. They are making do with buildings that are antiquated and inadequate for modern, efficient, techniques for the overhaul of aircraft engines. It is anticipated that very considerable savings will result from replacement of these facilities.

Let me call the attention of the gentleman to the fact that we do not propose to add additional engine overhaul capacities; we propose only to replace antiquated facilities where efficient overhauls cannot be done.

Mr. GROSS. Mr. Speaker, will the gentleman yield on that for a question?

Mr. SIKES. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the gentleman whether it was necessary to renovate the overhaul plant at Kelly Air Force Base? Were there not other engine overhaul plants in this country that could be used?

Mr. SIKES. We examined this situation very carefully, and we find that there are no facilities to overhaul engines such as the TF–39 engine for the C–5A aircraft that would not require repair, replacement, or rebuilding. We have and will continue to insist that all of the facilities in the Department of Defense be used to the fullest extent possible for any depot repair requirements of any service. But this item is a valid replacement, and we feel satisfied that the savings are such that it will be speedily amortized.

And I should mention two other items which were added for the Air Force by the conference action: $1,202,000 for an airbase group headquarters at Malmstrom Air Force Base, Mont., and $8,000,000 for an aerospace data facility at Buckley Field, Colo.

Mr. GROSS. I thank the gentleman.

Mr. SIKES. There are numerous other items of course. I have merely touched on the major ones.

Mr. Speaker, I include a table setting forth the new budget (obligational) authority for military construction for the Department of Defense for fiscal year 1971 for the information of the Members:

MILITARY CONSTRUCTION APPROPRIATION BILL, 1971

[In thousands of dollars]

						Conference action compared with—			
	Appropriations, 1970	Budget estimate, 1971	Passed House	Pased Senate	Conference action	Appropriations, 1970	Budget estimate, 1971	House	Senate
Military construction, Army	288,267,741	686,100,000	637,909,000	653,996,000	646,958,000	+358,690,259	−39,142,000	+9,049,000	−7,038,000
Military construction, Navy	300,028,000	339,100,000	285,672,000	309,551,000	302,483,000	+2,455,000	−36,617,000	+16,811,000	−7,068,000
Military construction, Air Force	284,570,636	303,500,000	268,831,000	292,409,000	284,147,000	−423,636	−19,353,000	+15,316,000	−8,262,000
Military construction, defense agencies	33,915,000	45,600,000	45,025,000	46,300,000	46,300,000	+12,385,000	+700,000	+1,275,000	
Transfer, not to exceed	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)				
Military construction, Army National Guard	15,000,737	15,000,000	15,000,000	15,000,000	15,000,000	−737			
Military construction, Air National Guard	13,200,000	8,000,000	8,000,000	8,000,000	8,000,000	−5,200,000			
Military construction, Army Reserve	10,002,475	10,000,000	10,000,000	10,000,000	10,000,000	−2,475			
Military construction, Naval Reserve	9,600,000	5,000,000	5,000,000	5,000,000	5,000,000	−4,600,000			
Military construction, Air Force Reserve	5,300,000	4,000,000	4,000,000	4,000,000	4,000,000	−1,300,000			
Total, military construction	959,884,589	1,416,300,000	1,279,437,000	1,344,256,000	1,321,888,000	+362,003,411	−94,412,000	+42,451,000	−22,368,000
Family housing, defense	688,476,000	809,038,000	808,138,000	804,153,000	806,464,000	+117,988,000	−2,574,000	−1,674,000	+2,311,000
Portion applied to debt reduction	−85,784,000	−90,538,000	−90,538,000	−90,538,000	−90,538,000	−4,754,000			
Subtotal, family housing	602,692,000	718,500,000	717,600,000	713,615,000	715,926,000	+113,234,000	−2,574,000	−1,674,000	+2,311,000
Homeowner assistance fund, defense	31,000					−31,000			
Grand total	1,562,607,589	2,134,800,000	1,997,037,000	2,057,871,000	2,037,814,000	+475,206,411	−96,986,000	+40,777,000	−20,057,000

Mr. SIKES. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Speaker, the gentleman from Florida has adequately and concisely explained the contents of this conference report. I have no further requests for time.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. SIKES. Mr. Speaker, I yield to the gentleman from Maryland, a member of the committee, who has been very helpful in all stages of consideration of this bill.

Mr. LONG of Maryland. Mr. Speaker, I would like to have the gentleman tell us what the Army is doing in response to the recommendation of the Committee on Appropriations that the Army further review its plans to move the functions from Fort Holabird, Md.

Mr. SIKES. I would sincerely hope that the language contained in House Report 91–1163 will be strictly followed by the Army. I quote the pertinent language:

> Members of the Committee inspected both Fort Holabird, Maryland, and Fort Huachuca, Arizona, with regard to the proposed relocation of intelligence functions from the former to the latter. Information developed as a result of the Committee's review indicates that the Army, while anxious to vacate Fort Holabird, Maryland, because of the physical limitations of the base, did not consider fully the possible use of training areas at Fort George G. Meade as an adjunct to the classroom instruction at Fort Holabird. Furthermore, although the implications of the move to the Department of Defense's five-year military construction program were taken into account, longer term construction requirements and realistic family housing programming were not. Committee has approved the fiscal 1971 budget request for family housing and other facilities at Fort Huachuca as being necessary to support the permanent mission at this base. However, the Committee is not convinced that the total facilities implications of this move have been satisfactorily taken into account, and it will expect to be informed of the total costs for major construction, minor construction, and family housing of this move in connection with any requests for construction to accommodate the activities which are proposed for relocation. The Committee feels that, in view of these considerations, the Army should further review its plans to move intelligence functions from Fort Holabird to Fort Huachuca.

I am informed that the Army has undertaken a complete reevaluation of this question, but that they have not yet reached a final decision on the question of relocating activities from Fort Holabird.

I expect that in view of the committee's findings, the Army and the Department of Defense will revise their proposals with relation to the use of Fort Holabird and the relocation of activities from Fort Holabird.

I would hope that at the very least the Army and the Department of Defense would give careful thought to retaining a maximum number of these functions, consonant with effective operations, at Fort Holabird or in the general Washington/Baltimore area so as to provide minimum disruption to the personnel employed by these activities and to the communities involved.

Mr. LONG of Maryland. I thank the gentleman.

Mr. LEGGETT. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Speaker, first I want to commend the gentleman from Florida for an outstanding bill. What bothers me is perhaps what might be compounding the appropriation and executive functions. It is my information that there is a current freeze on new construction of all of the things that we approved in the 1970 military construction appropriation bill. And I note that the ticker tape just a few minutes ago said that the Bureau of Reclamation has now imposed a freeze on all construction for 1970 and 1971. So I wonder if the gentleman can advise me whether we are just going through an idle action here, or do we really intend to build the various items that are presently appropriated for here?

Mr. SIKES. The gentleman has expressed a very valid concern, one which I would share with the gentleman. However, I would advise my distinguished friend that the freeze which was in effect on military construction was lifted as of July 1970. The later freeze to which the gentleman refers is on public works construction; not on military construction.

We are told the Department of Defense and the administration recognize the essentiality of the military construction which is proposed in this bill and we do not anticipate any freeze.

Mr. LEGGETT. I thank the gentleman.

Mr. SIKES. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the matters discussed in connection with the conference report on the military construction bill and to include certain statistical facts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

APPOINTMENT OF CONFEREES ON S. 2108, FAMILY PLANNING SERVICES AND POPULATION RESEARCH ACT OF 1970

Mr. PICKLE. Mr. Speaker, on behalf of the gentleman from West Virginia (Mr. STAGGERS), I ask unanimous consent to take from the Speaker's table the bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, CARTER, and HASTINGS.

APPOINTMENT OF CONFEREES ON H.R. 8298, WATER CARRIER MIXING RULE

Mr. PICKLE. Mr. Speaker, on behalf of the gentleman from West Virginia (Mr. STAGGERS), I ask unanimous consent to take from the Speaker's table the bill (H.R. 8298) to amend section 303 (b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, FRIEDEL, DINGELL, SPRINGER, and DEVINE.

HOUR OF MEETING TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 o'clock a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, could the gentleman tell us what the order of business will be tomorrow?

Mr. ALBERT. Mr. Speaker, the order as to important matters is the completion of the highway bill. There are 3 hours of debate provided under the rule.

There may be a few miscellaneous matters like sending bills to conference, but there will be no other legislative business.

Mr. GROSS. No other legislation will be added to that program?

Mr. ALBERT. The gentleman is right.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. The Chair will state that there will be no other legislation, but matters may be taken up by unanimous consent.

Mr. ALBERT. That is correct, Mr. Speaker, only minor matters may come up.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TRIBUTES OF MEMBERS OF THE HOUSE TO THE HONORABLE LAURENCE J. BURTON OF UTAH

(Mr. LLOYD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LLOYD. Mr. Speaker, I take this occasion to submit for the RECORD a statement regarding the congressional service to date of our colleague, LAURENCE

J. BURTON. As you all know, he recently unsuccessfully contested the reelection of FRANK E. Moss as U.S. Senator from Utah. His many thousands of friends and loyal supporters are convinced it is a very temporary setback which will very soon pass.

LAURENCE is completing four terms of distinguished service to Utah's First Congressional District and to the United States in the U.S. House of Representatives. About a year ago, in the fall of 1969, the elected officials of the Utah Republican Party approached LAURENCE and urged him to run for the U.S. Senate. Their approach was made on the basis of their conviction that his capability and proven popularity with Utah voters imposed upon him an obligation to carry the Republican banner, and he considered these entreaties over many weeks and months in which he was torn between what many Republicans felt to be his obligation and what he and his friends acknowledged to be an equally imposing responsibility, that of adding to his seniority and effectiveness as the representative of the First Congressional District from Utah in the House of Representatives.

His first election victory in 1962 was a narrow one, and he defeated a widely-known Democratic incumbent by an understandably small margin. In 1964, however, in the year when virtually all Republican candidates for State office suffered overwhelming defeat, LAURENCE was able to increase his margin of victory to 56.1 percent over a strong opponent. In 1966 his margin was further increased to 65.2 percent and in 1968 still further increased to a remarkable 68.3 percent, each time over well-known and formidable opposition.

As he was proving his effectiveness and popularity with Utah voters, he was also increasing his effectiveness in the House of Representatives. He served with distinction on the Committee of Interior and Insular Affairs, which is so important to the State of Utah where 67 percent of the public lands are under Federal control and where some of the Nation's greatest parks and scenic and recreational areas are located. The lifeblood of Utah is water and our last waterholes was the Colorado River. In the 90th Congress the Lower Colorado Basin Act was a milestone in Utah's history. The contributions of Congressman LAURENCE J. BURTON to that legislation were reported by Gordon Eliot White, correspondent of the Deseret News published in Salt Lake City. On May 21, 1968, Mr. White reported:

To students of Congress, last week's House passage of the Lower Colorado Basin reclamation project was a classic performance, worthy of becoming a textbook example of how to pass a bill despite opposition and controversy.

Aside from the merits or demerits of the bill, last Thursday's accomplishment was not without drama—the penultimate contest in a 20-year fight by Arizona to use its share of the waters of the Colorado, apportioned 46 years ago in the Colorado Compact.

Immediately after World War II, Arizona brought its request for a federal reclamation project to Congress. Though the Senate twice passed Arizona project bills, the House Interior Committee, under California control, proved an impregnable obstacle. California would not give up water it was using that would go to Arizona once that state had built its irrigation project.

At first California was successful. There began, however, to be an undercurrent of unrest. The Interior Committee in the House was now controlled by Rep. Wayne N. Aspinall, D–Colo., a man from an Upper Colorado Basin state, with sympathies for Arizona. In the Senate, mild Sen. Carl Hayden, D–Ariz., held the powerful post of chairman of the Appropriations Committee. A possibility existed that California could be directly defeated, and lose all the water it was using in excess of the 1922 compact amount.

An intriguing idea came along—perhaps water could be imported from the water-rich Columbia Basin to more than fill the needs of the Southwest, particularly California.

In the Metropolitan Water District of Los Angeles, fear of losing two million acre feet of water each year began to dictate a compromise. Crafty California water lawyer Mike Ely saw that figures indicated that if California could hold 4.1 million acre feet of Colorado River water—600,000 feet over its quota—it could get along, especially with new water sourecs then being tapped in northern California.

That basic compromise was reached three years ago, but it was too fragile to pass California. California still feared losing its "extra" water on the House floor, and blocked an Interior Committee passed bill in the House Rules Committee.

A rewritten bill reached the House floor last Wednesday. Gone were proposed power dams in the Colorado Canyon. Gone were "sweetening projects" outside the basin.

Backers of the bill, such as Rep. Laurence J. Burton, R–Utah, . . . had worked 14 hours a day for a month or more to contact almost all of the 435 House members to lobby them on the bill, determine their leanings, and enlist their support. It was homework well done, in a complex system that involved 50 of the 51 basin state legislators plus hundreds of local volunteers here for the fight.

Again on October 15, 1968, Mr. White wrote:

The 90th Congress was a productive one for the West, probably as productive as possible, particularly with a $24 billion war, inflation, and mounting social crises in the nation competing for dollars and attention.

The $1.3 billion Lower Colorado Basin Act is, of course, the landmark legislation of the decade as far as the Intermountain West is concerned. One has to go back to the Upper Colorado River Project bill of the 1950's to find a measure to compete with this year's Lower Basin bill, and even the Upper Basin bill did not carry with it the far-reaching implications that were written here this year. * * *

The Upper Basin, notably Colorado and Utah, could see themselves being shut out of their fair share of the river, but luck and foresight had given the Upper Basin the chairmanship of the House Interior Committee in the person of Rep. Wayne N. Aspinall, D-Colo. Utah had a studious follower of the chairman in Rep. Laurence J. Burton, R-Utah, on the House Interior Committee. Together, Aspinall and Burton kept both sides of the aisle in line and protected their states by adding authorizations for their own projects to the Arizona bill.

LAURENCE also found time to serve with varying duration on other committees of pertinent importance to his State, including the Committee on Agriculture and the Select Committee on Small Business. He received the significant honor of appointment to the Public Land Law Review Commission which completed its work during the current year and the impact of which is of such major importance to the State of Utah. He served his party as a member of its strategic policy committee, and, as a regional whip at the same time he served on the executive committee of the Republican Congressional Committee. He was continually called on for increasing responsibility and responded generously and capably in behalf of his constituents and all of the people of Utah.

Finally, near Christmas of 1969, the media reported that LAURENCE had been called to the White House and received the urging of President Nixon to become his party's candidate for the U.S. Senate from Utah, and so under the continued appeals of Utah Republican Party officials and individual State Republican leaders, he consented to become the candidate.

For the past 6 months or so, while discharging his congressional responsibilities, he has campaigned vigorously and enthusiastically. The effort ended in defeat for LAURENCE and for the Republican Party in Utah, but as a reflection of his reaction in defeat, and explanation of the result, I wish to present the statement of a member of the Utah communications industry made on the night of the election. This statement, made on television Channel 5, KSL–TV, by Wes Bowen follows:

Ted, the only comment I have left to make is that I saw Congressman Burton sitting in that chair one hour ago very gallantly taking full responsibility for the decision to enter the Senate campaign and also for the nature and direction of his campaign. With all due respect to Mr. Burton, I don't believe him in either case, but I think it was gallant of him nevertheless to take it all on his own shoulders.

I remember sitting in a motel room with Laurence and Mrs. Burton in Williamsburg, Virginia, just after Mr. Nixon had taken office and asking him if he would seek Senator Moss's seat. He said then that he was happy in the House, that he thought his seat there was secure for the foreseeable future, that he served on Committees which were of critical importance to Utah and had seniority on those Committees, and that he thought he could be as useful to Utah, therefore, in the House as in the Senate. In short, that he did not particularly covet a seat in the Senate. We discussed it on another occasion over lunch in Washington and perhaps three or four other times. I never got the feeling that Laurence's basic convictions changed.

I think they were changed for him. I think there was pressure from the White House of the sort that would be hardest for Mr. Burton to resist. I think that it was suggested by persons arounds the President that loyalty to the party and the leader of the party—the President—should indicate to Laurence where his duty lay if capture of the Senate majority was a possibility and with it better success for the President's program. I think the President left the decision to Laurence but also left no doubt in his mind as to what he hoped, and perhaps expected, it would be. I think Mr. Burton was promised open-ended support of the sort we have seen. And I think Mr. Burton ran, if not against his will, perhaps against his better judgment.

As for his campaign, it is a matter of record that it was handled by a firm in St. Louis. It bore no resemblance to the image of the Laurence Burton we have known in previous acquaintance, on campaign or elsewhere. Some folks thought someone was trying to

put something over on them and they resented it. They rejected the technique, I think, not Mr. Burton. Of course, the facile thing to say is that the final campaign responsibility was Mr. Burton's. Perhaps. But perhaps not. Perhaps it was part of the other thing. Perhaps the party said to Mr. Burton something like: "Look, we'll provide the war chest and hire the experts to program it for you. You just go out on the hustings and hust." Somehow it doesn't fit my knowledge of Mr. Burton for him to go buzzing off to St. Louis to hire some experts at image building.

This is all the sheerest speculation, Ted. I have no knowledge, inside or any other kind. But somehow that's how I believe it all went, or something close to it.

But as I say, it was gallant of Laurence to take full responsibility for it all himself. That was the Laurence Burton we have known from previous elections.

Mr. Speaker, LAURENCE BURTON is a young and newly turned 44. There is every reason to expect that with his capability and health, with the support of a beautiful and understanding wife and family to which he is so deeply devoted, his future will be even brighter than his past, so my statement is by no means an epitaph on his public service. Rather, it is meant to be a recording of one brief setback in the public life of a young man who has experienced political defeat for the first time and who still has before him a full measure of opportunity for continued service which may very possibly be enriched in some ways by this experience and the disappointment which is shared by so many thousands in his native State.

Mr. Speaker, many of LAURENCE's colleagues have expressed a desire to add their statements to this RECORD. I regret that some who would like to be included are not present in Washington.

Mr. GERALD R. FORD. Mr. Speaker, I deeply regret that our colleague, LARRY BURTON of Utah, will not be a Member of the 92d Congress.

It has been my great privilege to have known LARRY BURTON on a close and personal basis during his outstanding service as a Member of the House of Representatives. I hope this warm friendship will continue in the years ahead, and I am certain that will be true.

LARRY BURTON has been an invaluable member of the Committee on Interior and Insular Affairs. He had a unique grasp of the problems and worked to find solutions. He will be greatly missed as a constructive member of that vitally important committee. His work for the development of our natural resources will be long remembered.

I am also deeply indebted to LARRY BURTON for his cooperation and assistance during my tenure as House Republican leader. He was always willing to stand up and be counted when the going was the roughest. He was unselfish, always willing to understand and look at the broad picture. LARRY BURTON would have been an outstanding member of the U.S. Senate.

I am not informed as to the future plans of LARRY BURTON, but I hope and trust that he will continue in public service because of his long experience, sound judgment and dedication to good government. LARRY BURTON's career has been temporarily sidetracked. He is young and able. His future is still one of great prospect and potential. I wish him the very best.

Mr. ARENDS. Mr. Speaker, one of the tragedies of politics is that the ablest and most dedicated men are not infrequently unsuccessful candidates for a public office. Many factors account for this. Not the least is that they are the victims of the circumstances at the time over which they had no control. Their time had not arrived.

This is the case of our colleague, LARRY BURTON. It was not for personal prestige, or for fame and glory, that he relinquished his seat in the House to seek a seat in the U.S. Senate. He well recognized the political risks involved. But he was willing to take those risks because he was asked to be a candidate for the Senate by the Republican Party of Utah and by the Nixon administration.

That is the kind of a man LARRY BURTON is. He is one of those all too rare individuals who has a high sense of duty. He felt he had an obligation to his party and to his President and to his own principles to take this step. He also saw an opportunity for him to be of greater service to the people of Utah.

LARRY BURTON'S unsuccessful candidacy for the Senate is one of the real tragedies of the last election. We will miss him here in the House where he has made a real contribution both in the Committee on Interior and Insular Affairs and on the floor of the House. He was one of my assistant whips, and one of the best. He will be difficult to replace.

But this is not the end. This is but the beginning for LARRY BURTON. He is a young man of proven ability, and I predict for him a rewarding future, be it in politics or in whatever he may decide to undertake. He takes with him the best wishes of all of us who have been privileged to know him and to work with him. I am proud to call him my friend, for whom I hold great respect and real affection.

Mr. MORTON. Mr. Speaker, it has been my privilege to serve in the House of Representatives with LARRY BURTON since we were both elected in 1962. His contribution to the Congress and the representation of his constituency were of the highest order. Sometimes in the confusion of a campaign we look at the disappointments of the moment, failing to look at the true record of a man who has served so well the interests of the people who sent him to Washington, and more than this, the interests of the Nation.

LARRY, in my opinion, has been a great public servant. He has the capacity for continued service in public life. His broad knowledge of the problems that face his State and the Nation, linked with his compassionate understanding of people, makes LARRY an extraordinary citizen and a much-needed leader in our time.

I am proud that he ran for the Senate. He knows well that I share his disappointment in losing this election. But the point I make here is that LARRY'S great service during the turbulent decade of the 1960's should not be overlooked by the American people and especially the people of his great State of Utah. Certainly it is not overlooked by those of us who have served with him in the Congress.

Mr. SAYLOR. Mr. Speaker, I rise to associate myself with the remarks of my colleagues concerning the gentleman from Utah, Congressman LAURENCE J. BURTON.

The fact that Congressman LAURENCE BURTON will not be a Member of the 92d Congress is a deep personal loss to me. Since his election to the 88th Congress as the Representative of the First Congressional District of the State of Utah, my association with LARRY BURTON has provided me with the assistance of a most able legislator and the pride of a deep and lasting personal friendship.

Our friendship over the past 8 years has also brought me to know the fine family of LAURENCE BURTON, his wife Janice, and their four lovely children. I admire him for his devotion to his immediate family and for his deep and abiding love and respect for his parents and his brothers and sisters. Through this association, I have come to know LARRY BURTON as a man of strong character and understanding, a devoted father, and, in my opinion, a good example of what an American family should be.

There is another side to LAURENCE BURTON and that is the political acumen and legislative ability of LARRY BURTON. As a keen and perceptive legislator, Congressman BURTON has the ability to see the problem, to understand it, and to come up with practical solutions. Congressman BURTON possesses that great attribute of an accomplished legislator, the ability to work and compromise in the settling of differences. In my opinion, the fact that LAURENCE BURTON will not be a Member of the 92d Congress is a tremendous loss for the people of the First Congressional District of Utah, a loss for the State of Utah, and a greater loss for the Nation.

Mr. RHODES. Mr. Speaker, periodic elections are fundamental to our American system of government. One of the results of those elections is the change of faces in this body. Old friends and colleagues sometimes do not return; new men take their places. Goodbys are sometimes hard; that is the case today.

Many men have made their mark in this body and will long be remembered for what they have done here. The Honorable LAURENCE J. BURTON, Congressman for the First District of Utah, is one of those men. He will be sorely missed by this body. A gentleman and a friend, he has served with honor and dedication, setting an example for all of us.

We must remember that LAURENCE BURTON is a young man. He has many good and productive years ahead of him. I predict that it will not be too many months before we will again hear that he has been called upon to serve in an honorable and distinguished capacity.

Mr. WYATT. Mr. Speaker, my friend, LAURENCE J. BURTON, of the State of Utah, is retiring as a Member of the House of Representatives at the end of this session of Congress. It is with great regret that I see him leave this body. It has been my pleasure during the first 4 years I have served in Congress to sit either

next to him or near him in full committee and in subcommittee meetings of the House Committee on Interior and Insular Affairs. I have seen few Members of Congress who could equal his devotion, dedication, and perception as he listened to testimony, asked penetrating questions, and participated in the deliberative processes of our committee.

In addition to my observations of his work in the committee, I have been closely associated with him in connection with numerous legislative interests on the floor of the House and have had occasion to become well acquainted with him and his lovely wife, Jan, and his very fine family.

I am particularly grieved at observing his departure from the House of Representatives at the age of 45 and with his present seniority. It would be my great hope that he would return to Congress in the near future. With his academic background and his knowledge of the legislative and executive processes, he is in a unique position to make a lasting contribution in the years ahead.

He and his wife are my friends and will always remain so. My wife joins me in wishing him well in whatever endeavor he undertakes in the future.

Mrs. REID of Illinois. Mr. Speaker, I am pleased to join the gentleman from Utah (Mr. LLOYD), and others in paying tribute to our colleague, the Honorable LAURENCE BURTON.

LARRY and I were both first elected to the 88th Congress in 1962 and for 4 years I sat next to him as a member of the Committee on Interior and Insular Affairs. I value his friendship highly and have always been impressed by his ability and integrity as a Member of Congress and his capable and effective way of accomplishing so much for his district and our Nation. It has been a privilege to serve with him in the Congress.

Those of us who know LARRY so well will certainly miss not having him with us in the 92d Congress. However, I am sure he has a very bright future in whatever endeavor he chooses and I wish him much success and happiness.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, when I was elected to Congress in the fall of 1963, by reason of a special election, I became a member of the 88th Congress Club on the Republican side. One of the members of this club was the Honorable LAURENCE J. BURTON of Utah. We immediately formed a very fine friendship. As a new Member I found in LARRY a person who went out of his way to be helpful to a new freshman Member of Congress, and I will always be grateful for his kindness.

Since 1963 LARRY has become one of the very best Members of Congress, always striving to do his best for his district, his State, and the Nation. It was not at all unusual that his party chose him as their candidate for the U.S. Senate this year. He would have been a great U.S. Senator.

And now as he soon returns to private life, may I wish him the best of success in whatever new endeavor he may pursue. And I predict we have not heard the last of LAURENCE J. BURTON.

Mr. McCLURE. Mr. Speaker, one of the most rewarding aspects of my tenure on the Committee on Interior and Insular Affairs has been the opportunity it afforded me to get to know LARRY BURTON on both a personal and professional basis.

Few people could have been more considerate and none have gone out of their way more to help me during these committee sessions. As the ranking Republican on the Mines and Mining Subcommittee, his understanding of the Nation's mineral problems was unexcelled and frequently contributed to their final resolution.

His quick and ready wit livened many an occasion and his calm judgment relieved tensions at several critical discussions. While I had hoped that his political fortunes would make his talents available in the Senate where they are so badly needed, the voters judged otherwise. Nevertheless, his ability is so obvious that I am sure he will be called upon for service. I wish him well and look forward to our future contacts, in whatever forum they may take place.

Mr. HOSMER. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to LARRY BURTON, an outstanding Congressman and a fine gentleman. Let me say that I do not think for a minute that we in the Congress have seen the last of LARRY BURTON. I am confident that a rich and rewarding career lies ahead of the gentleman from Utah rather than behind him.

As one who has witnessed his work on the Interior and Insular Affairs Committee, I can say that LARRY BURTON served his constituents, his State and his country with great credit. I trust that the good people of Utah will not let these talents go to waste.

GENERAL LEAVE TO EXTEND

Mr. LLOYD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this subject today.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

THE POW RESCUE ATTEMPT—"I DO NOT KNOW WHAT YOU MEAN BY INTELLIGENCE"

(Mr. LEGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEGGETT. Mr. Speaker, my first reaction on hearing of the past weekend's attempt to rescue POW's was to think it must have been planned by the Saigon army, or perhaps by the scriptwriter of a grade "C" war movie.

But when I read that the colonel in charge of the rescue party had responded to the press question, "On whom do you blame the intelligence failure?" with "I am not sure what you mean by intelligence failure." I realized this was, indeed, an American operation.

Who else could launch a rescue raid on a camp from which the prisoners had been evacuated several weeks earlier—if they had ever been there—and say, "I'm not sure what you mean by intelligence failure?"

The "intelligence" on this operation seems to be of the same quality as the "intelligence" that told the troops going into Mylai all the women and children would be away marketing, and the only people in the village would be Vietcong troops.

Mr. Speaker, this operation was a first-magnitude blunder from the beginning. All that kept it from being an even greater blunder was the fact that there were no POW's in the camp. I say thank God there were no POW's there. If there had been, nothing in the world could have kept their captors from shooting them as soon as they heard the rescuers approaching. And in the most unlikely event that a few prisoners were successfully rescued, the operation would have radically decreased our chances of negotiating better treatment and early release for the remaining POW's.

As it is, the consequences are somewhat less. We made the North Vietnamese look stupid by getting in and out virtually unscratched. But we also made ourselves look stupid by trying to rescue men who were not there. Hopefully, the two will cancel out, and the North Vietnamese will not feel they have sustained a loss of face for which they must compensate.

There is no rational reason for the North Vietnamese to retaliate against our POW's. I hope they will not. I implore them not to do it.

But because there is no reason for them to retaliate and nothing for them to gain by retaliating, does not mean they would not. There is no reason for them to treat the men in the despicable and contemptable way they have been treating them, but they do it anyway.

If they do retaliate, the POW's will be paying a stiff price for somebody's desire to be a hero.

TRANSPORTATION OVERHAUL NEEDED

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, there is growing concern that our national transportation picture depicts a shambles.

And the Penn Central marks the wreck.

Although this Congress has passed landmark legislation such as the airport and airways bill, this is barely a piecemeal approach when we consider the overall transportation problems mounting in all segments of the industry.

The problem is so critical that leading transportation experts are giving serious consideration encompassing transportation agencies to coordinate the activities of the various regulatory agencies such as the ICC, CAB, Maritime Commission, and Federal Railroad Administration.

Two years ago, the Department of Transportation promised a comprehensive national transportation plan—but to date, the only result is a questionnaire. Obviously, we need serious consideration of all the transportation systems. Obviously, we need leadership from DOT and

the administration on this, one of the most urgent needs of America.

Ever since the far-reaching Doyle report of several years ago, transportation experts have been kicking around the idea of one agency to oversee the regulatory bodies.

Like it or not, the agencies today spend much time protecting their particular industries and sometimes not enough time looking at the national picture.

Mr. Speaker, the November 14 issue of Business Week offers a special report on our transportation needs. Accordingly, I ask permission to revise and extend my remarks in order to reprint this article.

Not everyone will agree with the article, but no one will find it dull.

The article follows:

TRANSPORTATION NEEDS A DRASTIC OVERHAUL

The common carrier principle, backbone of the regulated transportation system, is a wreck. The cozy 19th-Century concept behind much of this nation's commercial strength and industrial geography has collided with the harsh economic realities of the 1970s. The result is that just when the country needs more and better transportation, it is in serious danger of getting less and worse.

Under the common carrier principle, regulated transportation companies must carry people or goods or both at published fares on set schedules. And, in what is the crux of today's crisis, the railroads, airlines, and other transportation companies must serve both profitable and unprofitable markets. High-profit operations within each carrier have always been expected to subsidize the uneconomic but socially necessary services—a concept called cross-subsidization.

In aviation, the plight of Eastern Airlines exemplifies the problem. Eastern is showing a profit so far this year, but could wind up in the red. President Floyd Hall reports that only 30% of his company's flight segments make money, "another 30% have lost money for as long as we can trace their records," and 40% are borderline. With soaring costs, more and more of the borderline flights are plunging into the loss column.

Three so-called granger railroads—the Chicago & Northwestern, the Chicago, Rock Island & Pacific, and the Chicago, Milwaukee, St. Paul & Pacific—are all in financial difficulty, largely because of their many branch-line freight trains that serve only a few grain elevators each.

"The motor carrier industry in the Middle Atlantic territory is in serious financial condition," says Arthur E. Imperatore, president of A-P-A Transport Corp. of North Bergen, N.J. Speaking for Middle Atlantic truckers, Imperatore says that if a special rate increase is not granted for this territory, "several of the largest carriers in the East, and many smaller carriers, could face financial disaster. We cannot afford to do less business; we have not the financial wherewithal to handle more business."

In return for agreeing to haul anyone or anything correctly tendered to them under their franchise, common carriers got rate and route protection from federal agencies and stayed free of government ownership. It all worked beautifully until recent years. But not anymore. The Penn Central debacle marks the site of the wreck. And even if cross-subsidization can still be salvaged, there are other danger spots from coast to coast: other railroads weakened by unprofitable service to out-of-the-way communities; airlines too weak financially to fly on their own without mergers; truckers squeezed by costly traffic jams, soaring Teamsters' wages, a proliferation of unregulated competitors, and an inundation of small packages.

By almost any yardstick of performance or profitability, the common carriers are in bad shape. To cope with the transportation burden they must double their plant in the next decade. But profits are becoming more and more elusive, the carriers argue, and a low rate of return means they cannot possibly attract essential investment capital. Their answer is to dump weak-sister operations.

The customers—the public and business at large—cannot accept this solution, and at least one railroadman has his doubts. Says Alan S. Boyd, the country's first Transportation Secretary and current president of the Illinois Central RR: "If the publicly obligated common carrier concept breaks down, it won't affect just the carriers, the shippers, the warehouse industry, and everyone else whose distribution patterns would be mislocated. It will affect the whole population as well. If you think we have urban problems now, just wait."

The trouble is that the regulated carriers must serve the public interest, but no one has ever spelled out which segment of the public has the paramount interest. This can turn benevolent regulation into bitter irony for shippers and carriers alike. Because of the perennial grain car shortage, for example, Kansas farmers estimated they lost $1-million just last summer by not getting their wheat to elevators on time. Meanwhile, John S. Reed, president of the Atchison, Topeka & Santa Fe Ry., a major carrier of grain, watched his beautiful passenger trains streak through Kansas wheat fields, mostly empty except during holidays, losing $22-million or so a year. "This is not serving the public," says Reed. "If we could use that money for more grain cars, the public interest would be better served."

THERE IS ALWAYS ONE MORE NASTY PROBLEM

The question, in the railroads' case at least, may become moot if the federal government's new Railpax corporation can succeed in assuming the deficits of passenger service. But there is always one more nasty problem in this game. The biggest right now, the one chipping away at profits the most, is inflation. But even if the Nixon Administration could stabilize wages and prices tomorrow, the carriers would still be hard-pressed by the burgeoning rivalry of private carriage: Around the country, freight shippers that are unhappy with the way regulated transport works are setting up their own, unregulated methods for getting goods delivered to market. Both the independent Private Truck Council of America and the Private Carrier Conference of the American Trucking Associations report a recent surge in inquiries from large companies, such as Xerox Corp., interested in switching to private carriage to beat "freight rates that are going out of sight." The common carriers say they cannot cope with this kind of competition under the present regulatory system.

In self-defense, the carriers can—and increasingly do—circumvent the common carrier principle by simply not soliciting the kind of freight they do not want. But as far as the fate of common carriage is concerned, this is part of the problem, not the solution. If the common carrier principle continues to crumble, transportation experts see only three real options: nationalization, deregulation, and an already evolving concept that requires a neologism to describe it—the superforwarder system.

There are strong objections to the first two alternatives—so strong that they have as much chance as a snowball in a steam engine boiler. The third would involve the creation of companies that would act as contractors for the whole industry. They would function like travel agents but on a much grander scale, packaging all specialized forms of transportation. Since they would cross industry lines, they would require creation of a superagency to regulate them. The plight of the American transportation system demands that these options be considered now.

The recent history of Penn Central Transportation Co. is the most dramatic example of the dilemmas of cross-subsidization and defining the public interest. Bad management, bad advice, and bad luck certainly played their parts. But the fact remains that the Penn Central had to operate, at a staggering loss, 35% of the nation's intercity railroad passenger business and thousands of miles of lightly used, duplicative branch lines that the regulatory process would not let it abandon in time to avoid reorganization under the bankruptcy laws. Shortly before it slid into reorganization, the road petitioned the Interstate Commerce Commission for permission to drop its 24 passenger trains west of Buffalo, N.Y., and Harrisburg, Pa. It argued that there was more than adequate plane and bus service to meet passenger demand in the region, that the trains were less than 40% full, and that the deficits from their operations were huge and mounting.

There was a great public outcry and the ICC began its laborious procedures for handling "train-off" petitions. The National Industrial Traffic League, a huge association of freight shippers, demanded that the passenger trains be taken off instead. In the end, long after the PC filed for reorganization, the ICC approved discontinuance of the 24 trains, but they are still running by court order.

Now every railroad is thinking of abandoning lightly used branches and ripping up track. A recent rail industry study insists that abandonment should be "permitted on any line that fails to meet its avoidable costs." For many roads, this would mean one-third of their mileage. For many communities and plants, it would mean the end of all rail service. In turn, attracting new plants and industries would be tougher, and the lack of rail competition could mean higher truck rates.

THE ARTFUL DODGING OF UNPROFITABLE FREIGHT

"The ability to transport people and products by air is an important national asset," says Secor D. Browne, chairman of the Civil Aeronautics Board, in a statement that applies equally to surface transportation. "It should not be denied citizens who live outside the great metropolitan areas for whatever reason: logistical, legal, or economic."

In fact, though, the regulated airline industry is ceasing to serve small communities in droves. Towns such as Hagerstown, Md., Lewistown, Mont., Rockland, Me., Waycross, Ga., and Douglas, Ariz., have had to turn to a new group of airlines. Call them what you will—air taxis, commuter airlines, third-level airlines—they do not have the major airlines' amenities or prestige. And while they often provide more frequent service, fares can be sharply higher.

The airline industry is countering the breakdown of cross-stabilization in other ways. Historically, long-haul routes, such as New York-Los Angeles, have been expected to pay for the milk runs. But now there is so much competition on these routes that many flights carry too few passengers to break even. To make these routes profitable again, American, Trans World, and United met last summer to work out a mutually satisfactory reduction in flights. The CAB has ordered them to submit a new plan.

The trucking industry suffers the most from the breakdown of cross-subsidization. The industry is the most labor-intensive segment of transportation, and inflation, as one trucker puts it, "has sent wages up the elevator while rates took the stairs." The impact is clear in cities such as Chicago and New York, where skyrocketing costs—along with high insurance rates, crime, and congestion—have forced many of the smaller truckers to start turning down jobs. In fact, U.S. Freight Co., a major forwarder, reports freight piling up at some of its smaller docks because its regular cartage companies will not or cannot handle it.

Congestion is a word with almost unbelievable pungency in trucking. According to a recent study by the New York metropolitan area's Tri-State Transportation Commission, one square mile in Brooklyn is visited each weekday by an average of 4,000 trucks hauling about 18,000 consignments totaling 1,500 tons, for an average consignment size of 165 lb. Some of the trucks stop to deliver as little as 25 lb.

Yet the truckers have an escape valve. The majors are becoming increasingly sophisticated, aided by computers, in determining what freight returns a profit. They are also becoming more adept in avoiding freight they do not want. "There is nothing unlawful about a carrier restricting his solicitation to the traffic that is profitable," says Professor Ernest W. Williams, Jr., of Columbia University's Graduate School of Business and chief author of a transportation study written for the Eisenhower Administration.

There are other ways of foisting off unprofitable freight. A few years ago, a trucking company called a competitor without mentioning its own name and asked the rival to handle a low-profit shipment of desk ornaments that it wanted to give away as Christmas presents. The competitor begged off because of the holiday rush, but helpfully suggested contacting the company actually making the call. "They don't know what their costs are yet," said the competitor. "They're patsies for this sort of thing."

The drive to escape carriage at a loss is spreading through the rail and airline industries, as well. In addition to their campaign to drop uneconomical runs, the railroads are scrapping the old, flexible, all-purpose boxcars by the thousands and replacing them with high-capacity, single-purpose cars for use by big shippers only.

THE INROADS OF DO-IT-YOURSELF TRANSPORT

All of this contributes to the collapse of the common carrier principle, but the companies are quick to rationalize their stand against cross-subsidization. They cannot provide good service, they insist, if they cannot attract the capital to pay equipment replacement costs not covered by tax write-offs, seek new technology, or attract top-caliber employees. Uneconomic transportation, they add, cannot be wished away; somebody has to pay for it. The customers no longer have to.

A passenger who can qualify for a low group charter rate to Europe, for example, sees no reason to pay an individual ticket price on Pan American World Airways, a price that has to be inflated to make up the airline's losses on regular service to such places as Tegucigalpa, Honduras. So the share of total U.S. flag airline traffic across the North Atlantic carried by supplemental airlines flying cut-rate charters soared from 3.7% in 1963 to 24.2% in 1969.

By the same token, a company that pays high rail freight rates to subsidize passenger service—and gets unsatisfactory service to boot—would be insane not to switch to another form of transportation or provide its own if it could.

The trend to unregulated, do-it-yourself transportation is tough to measure because of the lack of accurate public records. But the Transportation Assn. of America estimates that the freight bill for unregulated intercity trucks surged from $10.8-billion in 1958 to $16-billion in 1968. Over the same span, the railroad freight bill only grew from $8.9-billion to $10.6-billion.

Generally, when a big industrial company or store chain decides it can provide its own transportation more efficiently and less expensively than the common carriers, it goes out and buys or lease whatever trucks, trailers, rail cars, or barges are necessary. But it acquires only enough to handle its basic needs. It then dumps its high-cost peak shipments and its hard-to-handle freight on the public transportation company. Stripped of high-profit, low-cost freight, the common carrier has no choice but to seek higher rates on the cats and dogs it is left with. But this drives still more business into private carriage.

In self-defense, the transportation industry has come up with a compromise system: contract carriage. A big shipper can get an agreed-upon rate from a common carrier to haul his goods on specified routes at set times. This is one area where railroads can compete well. Unit coal trains between specific mines and utilities, auto parts trains from Detroit to outlying assembly plants, and Illinois Central's rent-a-train for export grains are typical forms.

The net effect, though, is still rough on communities, companies, and people who depend on common carriage. Robert S. Reebie, a former marketing vice-president of the old New York Central RR and now a management consultant, sums it up this way: "Contract carriage is a way of getting out from under the costs and obligations of common carriage, just as private carriage is. And to the extent that shippers get a contract rate, they are gradually foisting off on those segments of the economy the costs that are incurred by those segments."

The unregulated operator still has the edge, though, according to John P. Doyle, a retired Air Force major general who now is transportation professor at Texas A&M. Such an operator, says Doyle, "can underprice a franchised operator with public service obligations and costs in virtually any traffic he can handle. Can this fail to lead eventually to the demise of the obligated public carrier concept?"

If this concept is lost, Doyle asks, "who will serve those who cannot afford private carriage and whose traffic is unattractive to the free-lance operators? Does this spell the death of the small entrepreneur?" The regulatory bodies were created in the first place precisely to prevent this.

Still, some regulated carriers argue that the problem now is too much regulation and, as a result, too much competition in too many markets. "It will take the airlines 10 years of growth to overcome the damage the CAB has inflicted on us in its recent route awards," says a TWA vice-president.

Among railroads, the cry is that "unfair" regulation has forced the industry to maintain unneeded, unused facilities and services left over from its monopoly days. "The alternatives are not whether there is a railroad industry or not," says Illinois Central's Boyd, "but whether it is nationalized or in private hands. If it is the latter, it will have a radically different look."

For truckers, the chief complaint is the necessity of carrying small packages—mostly at a loss. One major trucking company estimates that it lost an average of $4.92 on each of the more than 1.2-million of shipments weighing less than 300 lb. that it carried in 1966. Since then, trucking wages have gone up sharply for the small package service, and so have the losses.

It is clear that late 20th-Century technology could go a long way toward solving a great many of the transportation industry's 1900-style problems. Some innovations and improvements now under study:

Advanced short-takeoff-and-landing aircraft.

Virtually crewless, high-speed passenger trains traveling on their own rights of way for intercity, suburban and urban mass transit runs.

Highway "trains" of relatively small trailers could be detached at cities for pickup and delivery.

Pneumatic tubes or long conveyor belts for carrying small packages throughout cities.

Failing revolutionary technological changes, the transportation situation can only get worse as more companies find they can no longer afford cross-subsidization. Somehow, the rules will have to be changed.

The leading exponent of deregulation, doing away with most of the rules altogether, is George W. Hilton, economics professor at the University of California at Los Angeles. "I am in favor of letting anyone carry anything and at any rate he can get," Hilton declares. "I'm in favor of there being just a dozen or so railroads free from any prohibition except collusion in rate-making, free to get out of the passenger business or anything else they want, and free to get into the airline business and trucking business." Hilton, in short, thinks the industry can be "rationalized" like any other. "Sure there will be transitional problems as transportation is decartelized and as resources flow out," he concedes, "but the economy would secure its freight transportation with an annual saving in the freight bill probably of several billion dollars."

Opponents of Hilton's idea call it "the law of the jungle theory of transportation rationalization." Deregulation would lead to such a wave of brankruptcies among the weaker carriers, they assert, that the carnage would be brutal and the whole industry would be badly shaken, despite Hilton's claim that everyone would be better off.

Most people simply think deregulation is impractical and unlikely. "If we were to deregulate tomorrow, I'm not sure the carriers would know what to do with their freedom, nor would they have the tools to do the job," says Columbia B-school's Williams. The railroads want to be free to compete with truckers, airlines, and barges, but not with each other. This is even truer of the motor carrier industry, which has thousands of companies, greater ease of entry, and far less discipline. Being allowed to get together in rate-making bureaus under regulatory supervision is essential if the truckers are to avoid chaos.

As for the public, ICC Chairman George M. Stafford thinks it wants "at least as much transportation regulation as we have now." Some public groups, he notes, would even prefer "a degree of regulation bordering on price control and government intervention into areas of managerial discretion."

These critics of the industry do not, however, go to the opposite pole of suggesting nationalization. In social terms, the concept is anathema to most Americans. It would overcome the problem of supporting losing operations by making the taxpayers foot the bill, but would a sheep farmer in Nevada be willing to subsidize wealthy New Haven commuters? Should the poor who never fly

be made to subsidize the jet set? Most crushing of all, it would cost the government at least $60-billion just to buy out the railroads.

WHERE THE SUPERFORWARDER COULD HELP

Clearly, what most people want is continued regulation, though few agree on the form. Says Stuart G. Tipton, president of the Air Transport Assn., trade group for the common carrier airlines: "At present our industry serves 525 points in the U.S. If Congress wants us to continue serving all those points, it will have to keep tight regulation. There is no alternative to cross-subsidizaton. My guess is that with freedom of entry in the air we would have to pull back 525 points to 100 or less. I would advocate a policy of protecting the lucrative routes in order to provide the service that is required of us."

But Anthony F. Arpaia, ICC member from 1952 to 1960 and now a transportation consultant, flatly opposes the whole present system of requiring each agency to protect its own industry. "If there was justification in the past for a paternalistic, hothouse environment for transportation, the time has passed," he states. "It is no longer possible to squeeze the economics of transport into a pattern which dictates to shippers limitations on the service they want. The present policy and program of regulation has failed to satisfy the needs of business."

The main thrust of regulation, Arpaia adds, "should be to promote efficient, low-cost common carriage, to make it so attractive that only exceptional reasons would induce shippers to perform the service themselves." What is needed, he concludes, it to "forget past history and the patchwork of laws which spawned it and enact one law, to be administered by a single agency."

Since there is so little agreement on how to strengthen or replace the common carrier concept, no drastic reform is likely in Washington for the next five years or so. But Arpaia's idea of a superagency would at least work well with the already developing concept of the superforwarder.

If this new system worked right, the superforwarder company would become the true common carrier. It would be able to offer shippers and passengers unlimited transportation packages consisting of one or more forms of carriage over unlimited routes. It would negotiate and contract with the specialist carriers for their services at rates the traffic would bear and that the volume would make attractive—with rates and schedules controlled by the single superagency. The system should not be any more costly or unwieldly than the one used by wholesalers and retailers in merchandising. In fact, the public should get better transportation at less cost, advocates believe.

The key to the success of this system is specialization, and that is happening now. In trucking, for example, the industry already is divided into two types of carriers: those that perform line haul and those that pick up and deliver. Carriers that do only one thing—and do it very well—are on the rise. As United Parcel Service has demonstrated, with enough volume, respectable profits are perfectly possible in handling small shipments [BW—July 18].

With so much specialization, someone will be needed to tie the pieces together. That is where the superforwarder comes in. There are those who believe that sliding a whole new layer of management between the buyer and the provider of transportation will actually boost costs and inefficiency. Furthermore, many transportation men, particularly railroaders, would not want anything to do with it. "This would separate them from their customers," says A. Scheffer Lang, former Federal Railroad Administrator and now a professor at MIT. "They don't want that. They don't want to be made just a flunkie, just a contractor to run their choo-choo trains up and down the railroad. You know, they're captains of industry."

Nevertheless, the superforwarder system would solve the cross-subsidization problem for the roads and other carriers. There would be some fallout of weaker transportation companies, but most economists agree this is badly needed anyway and it would be much more orderly than deregulation.

One way or another, the cross-subsidy system will have to be replaced eventually. "It is like asking a steel company to provide steel for poverty housing because it makes a profit out of office buildings," says Dr. Dudley F. Pegrum, economics professor emeritus at UCLA. "It's a social problem and is properly put on society, not on the steel company."

In all this, one thing is clear for the transportation industry, its regulators, and the public. As General Doyle puts it: "We cannot afford to do nothing. We cannot afford to drift. In drifting, we compromise not only our internal economy but our ability to compete in the world economy."

POLITICAL BROADCASTING

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SYMINGTON. Mr. Speaker, we fancy ours is a government of laws and not of men. We stress the distinction on ceremonial occasions, commencements, editorials, and after-dinner speeches. We want our young people particularly to believe it to be so; first, in order to have their confidence in our system of government; second, to encourage their participation in it. What is the status of their confidence today in the system itself and their own ability to keep it responsive to the tidal changes of history? Among many it is low. Among others we prefer to misread resigned indifference as loyal acceptance. Why is this? It is because the Nation which has electrified the world with the success of its money market has at the same time depressed its own youth with evidence that their political leadership has been subordinated to that market. They suspect with good cause that political power has become a commodity which can be bought and sold on the rialto. They suspect we have added to a familiar axiom this dismal corollary: "To the high bidder belongs the victory."

Certainly one man's high bid of intelligence, past performance, and integrity, can be obscured, distorted, and rejected for another man's higher bid of one thing money can buy, the glorification of mediocrity. Moreover, unlike a bottle of beer or a cigarette a man sold over television cannot be discarded if he fails to satisfy—at least not until his term is up. The oversold candidate is the true nonreturnable in the ecology of American politics. On the other hand what talents, what perceptions, what energies wait for recognition in young America? Everything, you might say—all our true resources lie there. Then how are they to be plumbed, mined, surfaced, and placed at the disposal of a society eager to realize them? There is no precise formula, certainly, to draw the best out of every citizen, much less stamp him with a graded seal of public approval. But one changeless element in an otherwise changing formula would be, and would have to be, that citizen's own sure knowledge that whatever he has to offer his community, nation, or world in the realm of public service has a fair chance of recognition by his peers in the market of public opinion.

What was involved yesterday, then, before the Senate, was whether it should take one major step toward a government of men best fitted to preserve a government of laws.

The Senate did not take that step. The country is marking time until a new Congress convenes. It is up to the 92d Congress then to open the public service to the public. I hope we will seize the earliest opportunity to do just that.

IRS RULING UNFAIR TO FLORIDA STATE

(Mr. FUQUA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FUQUA. Mr. Speaker, I wish to bring to the attention of the Congress a ruling by the Internal Revenue Service which in my judgment results in deplorable discrimination between like situated taxpayers.

The Florida State University, Tallahassee, Fla., an institution within the State University System of Florida, and James E. Joanos, as an individual, jointly requested a ruling by the IRS as to whether certain donations to the university's athletic scholarship funds would be classified as tax exempt.

The university established for the year 1970, an athletic scholarship fund for the purpose of providing scholarships for student athletes. The fund was established as an account within the university and consists solely of contributions used exclusively for the purpose of granting said scholarships.

As an encouragement to prospective donors to contribute to the fund, the university established a preferential seating plan providing that donors contributing at least $40 and $20 would be entitled to a preference in the purchase of seats in certain locations in the stadium for football games. The minimum donation did not entitle the donor to football tickets, and he must pay in addition the normal price for a ticket in that section.

Thousands of season tickets are purchased through the university for football games, and of necessity, the university must have some allocative mechanism to assign seats.

The university designed its plan in accordance with example 2 of Revenue Ruling 67-246, which appears to be substantially identical to the plan proposed by the Florida State University. How-

ever, the Internal Revenue Service ruled that contributions to the scholarship fund are in consideration for a benefit to the donor if he subsequently purchases football tickets, therefore, it is not deductible under section 170 of the Internal Revenue Code of 1954.

While the ruling raises a serious question as to the reliance that may be placed upon a published revenue ruling, a more serious question arises with respect to unequal treatment between taxpayers. Many universities have received favorable rulings with respect to substantially identical plans. While most universities are reluctant to disclose their ruling letter to another university, the Florida State University was able to determine that Texas Tech, Clemson, and the University of South Carolina, for example, have received private rulings that donations to their substantially identical plans are tax deductible.

To grant some universities rulings of tax deductibility while denying the same to the Florida State University is the most gross form of discrimination. The keystone of our tax system is the voluntary payment by our citizen-taxpayers. This voluntariness of payment is predicated upon the assumption that the Internal Revenue Service will stay neutral with respect to taxpayers and enforce the tax laws in an even-handed manner. To the extent that the Internal Revenue Service has ruled unfavorable with respect to the Florida State University's request while other universities with similar plans have received favorable rulings, the IRS has, in effect, taken sides and is no longer in a neutral position.

Athletics is a competitive sport and it is indeed unfortunate that when the athletes-scholars of other universities take the field of athletic endeavor against the Florida State University so often the Internal Revenue Service has chosen to side with them by virtue of their unequal treatment and rulings.

Mr. Speaker, I wish to point out to you this gross discrimination and the implications of it to our voluntary system of tax payment.

MARIHUANA USAGE

(Mr. COHELAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. COHELAN. Mr. Speaker, the pros and cons of marihuana usage have been endlessly debated within and without the scientific community.

The recurrent theme of this debate is lack of conclusive evidence supporting either position. I emphasize the word "conclusive" for the preponderance of evidence now seems to indicate that marihuana is, indeed, harmful—especially in large doses consumed over a long period of time.

As a member of the Subcommittee on Treasury and Post Office of the Appropriations Committee, I am well aware of the high incidence of smuggling of marihuana; although I am pleased to note a general decrease in importation of this drug due to the continuing diligence of Treasury and Post Office officials and the excellent support provided by the Honorable TOM STEED, subcommittee chairman.

Although there are still unanswered questions about the detailed effect of marihuana on the nervous system the best competent evidence shows definite harmful effects. Dr. D. Harvey Powelson, M.D., chief of the Department of Psychiatry at the University of California, has had extensive exposure to marihuana usage by students.

Dr. Powelson has written a short paper which I strongly commend to my colleagues. This paper entitled "Clinical Notes on the Use of Marihuana" deals with case studies indicating the dangers inherent in this drug.

These observations merit serious consideration. I include the full text of Dr. Powelson's paper for the benefit of my colleagues.

CLINICAL NOTES ON THE USE OF MARIHUANA

(By D. Harvey Powelson, M.D.)

Five years ago, at a time when there was a great deal of discussion about LSD and related hallucinogens, I was asked by a *Daily Californian* reporter for my views on marihuana. At the time my experience was limited to a few students I had talked to, who had used it irregularly and infrequently. In addition to my personal knowledge, there was the medical literature which seemed sparse indeed, but in general seemed to be saying that there was no proof of long term harmful effects from marihuana. I summarized this lack of knowledge to that date for the *Daily Californian* reporter. I said there was no proof of harm and that it should probably be legalized and controlled. In general this view met with approval from most of the students and most of my professional colleagues. Since that time the use of marihuana on this campus, in this community, and nationally has increased at an explosive rate. My guess is that more than 50% of the campus uses marihuana at least occasionally, but that only a small percentage—probably less than 1%—use it daily or frequently enough to be called "heads".

In my job as chief psychiatrist at the University of California, I have had an unusual opportunity to observe the effects of the drug on a number of people in a number of contexts; in addition, I have had the task of thinking about my findings and correlating them with whatever scientific data is available. Recently, another reporter from the *Daily Californian* interviewed me to see if my opinions had changed in the interim. In the course of that interview, I realized in a concrete and explicit way that they had. The headline read, "Psychiatrist says pot smokers can't smoke straight". This time the response of the community and colleagues was not so approving. It is an interesting fact that questioning the claims of marihuana users leads to much more anger, vilification, and character assassination than does the opposite stance. The following statement is a summary of the observations and the thinking which led me to the consequent change in my views.

The most important source of information is my daily work as director of the psychiatric clinic doing administration, supervision, and direct work with students. The psychiatric clinic at U.C. Berkeley sees a very large segment of the student population. We interview between 10 and 15 percent of the students each year, that is, we see roughly 3,000 new students per year, mostly as out-patients but roughly 200 of them as hospitalized patients. We have made a number of studies attempting to compare our patient population with the general population on all sorts of variables—social, psychological, psychiatric, and so on. We have never found a significant difference between our patients and the student body as a whole. Our patients are seen for many reasons, but the majority of them are not in any way significantly different from the general student population.[1]

All these patients are seen by a large staff of psychiatrists, social workers, and psychologists. I personally interview about 100/year, some of them many times; and because of the fact that I directly and indirectly supervise the staff, I hear about hundreds more in the course of a year.

My first important shift in thinking occurred as a result of observations made during psychotherapy with a young man, S., who was bright enough to be getting his law degree and Ph.D. simultaneously and competent enough to be learning to fly and deal in real estate at the same time. As we proceeded in our work together, I came to know S.'s way of thinking, i.e. how he thought. Most of us do this without thinking about it; all of us come to know to some degree the way our friends and colleagues think. In therapy, the opportunity to hear someone think out loud about a problem important to him maximizes the opportunity to come to know how he uses or misuses logic, remembers clearly or not at all, does or does not exercise good judgment about his own thinking, and whether or not he is able to know his own feelings. We had made enough headway so that S. had begun to be able to observe and understand his own thinking. Periodically, then, we had hours (I was seeing him twice weekly) when his thinking became mushy. If I tried to follow him, my head began to spin. When I protested that he'd become impossible to listen to, he'd argue that his own experience was that he was thinking more clearly, more insightfully, than ever. On one such occasion, he mentioned that he'd been to a party two nights before where he'd had particularly good "grass". In Berkeley, 1968, that was not a particularly memorable remark, but we thought there might be some connection with his thinking. This same series of events recurred often enough that I finally was able at times to post dict that S. had had some "mind-expanding drug," usually marihuana.

S., because he was a good observer, helped show me another aspect of the thinking disorder I'm describing. Central to his difficulties was a paranoid stance toward the world. By this, I mean a style of thinking characterized by a constant suspicion that one is being controlled: e.g. by the establishment, the system, etc.; and simultaneously a constant unwitting search for people and situations which will do just that; e.g. drugs, demagogues. If this manner of thinking is carried further, it blends into the condition usually called paranoia. Here the subject is controlled by voices, God, or whatever, and at the same time, he is very often "against his will" being controlled by a state hospital or jail. S. was forever talking about his search for something or someone he could trust. He very frequently clutched to himself people who were totally untrustworthy and hurt and rejected others who manifestedly admired and liked him.

[1] Katz, Joseph Ph.D., *Growth and Constraint in College Students*, Institute for the the Study of Human Problems, Stanford University, Stanford, California 1967, pp. 510–568.

When he had used marihuana, his thinking became more paranoid, i.e. he became more mistrustful of me, for instance, and at the same time, he became more wily so that he talked glibly, using clichés, theories, and "insights," all to avoid noticing concretely and immediately whatever he was really doing and feeling in his relationship with me as well as his relationships outside. In short, the pathological part of his thinking was exaggerated in two ways: (1) he was more suspicious, etc. and (2) he was more adept at fooling himself about what he was up to, while simultaneously maintaining how "aware," "in touch," and "loving" he was.

S. continued in therapy but also continued to use marihuana and hashish. (Hashish is merely another more concentrated source of the active principals contained in marihuana. Toward the end of his therapy, I had decided that so long as he muddied his thinking in this way, there was no use continuing. He, however, suffered a fatal accident (as a result of an error in judgment) before his therapy actually terminated.

As I was becoming familiar with these effects of marihuana on S., I gradually learned to pick up signs when they were more subtle. I came to observe the same changes in others, i.e., that marihuana exacerbated the pathological aspects of their thinking. In the practice of medicine, these steps in clinical verification are part of the daily practice.

In the last year another drug effect has become increasingly visible. Students who had "dropped out" and were into the drug scene are attempting to return and finding it difficult if not impossible. The usual story is that the young person has become aware that the life he's been leading is unsatisfactory and unproductive. He then stops drugs for six months or so and then tries to return. When he returns to school, however, he finds that he can't think clearly and that in ways he finds difficult to describe, his thinking has changed. Such people also seem to be aware that they've lost their will someplace, that to do something, to do anything requires a gigantic effort—in short, they have become will-less—anomic. The irony here is that they have now achieved the freedom they sought. They need an external director. They are ripe for a demagogue.

If one listens to such people think, there is a different quality from the one described with S. It is more like wandering in a swamp which has islands of solidity and sudden holes with no surface markings for either the island or the bog. One hears patches of lucidity and just when he begins to follow, he falls into a hole of confusion. The patient's subjective experience is somewhat similar. I've heard comments like "I know I can think sometimes like I used to. I can write papers for example, but all of a sudden I'm lost." Or during the first hour, "I just can't seem to get my feet on the ground." From these people I've come to suspect that there are lasting damages from cannabis.

In summary it is now my judgment based on five years of extensive clinical experience that (1) the use of marihuana leads acutely, and for several hours to days thereafter to a disorder of thinking characterized by a general lack of coherence and an exacerbation of pathological thinking processes, (2) that the effects of marihuana are cumulative, (3) that after a period of prolonged use (say six months to a year) of marijuana in frequent dosages (on the order of one time daily) that chronic changes occur which are similar to those seen in organic brain disease—islands of lucidity intermixed with areas of loss of function.

(NOTE.—Since I'm not conducting laboratory experiments, I only know roughly what drugs are being used and in what quantity. I've tried to focus my attention on marihuana, but obviously almost all subjects have experimented with other drugs. In my judgment, the uses of other drugs in this population has now become minor, at least for the past 3–4 years.)

LEGAL SERVICES OPERATION IN OFFICE OF ECONOMIC OPPORTUNITY STRENGTHENED BY RUMSFELD

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, there have been a series of recent news stories charging that the Director of the Office of Economic Opportunity is sabotaging the legal services program.

Without fear of contradiction, I can state unequivocally that our former colleague, Don Rumsfeld, has done more to strengthen the legal services operation and make it a more effective program in the 18 months he has served as Director of OEO than any previous Director.

Briefly, I would cite the following facts as ample proof that Mr. Rumsfeld has made legal services a strong tool of the Office of Economic Opportunity in serving the poor effectively.

First, the Office of Legal Services was raised to the status of an independent office with an Associate Director reporting directly to the Director of OEO.

The size of legal services staff at headquarters, as well as in the region, has doubled and Regional Legal Services has, for the first time, been put under the management control of Headquarters Legal Services.

In addition, the budget for the Office of Legal Services has increased 33 percent from $46 million in fiscal year 1969 to $61 million request in fiscal year 1971.

Last year when the Murphy amendment would have given Governors an absolute veto over legal services programs, Don came to the House and persuasively argued against this amendment, going from Member to Member, urging he be given an opportunity to revitalize the legal services program. The House agreed to strike the Murphy amendment. Primarily, I am sure, because of the effective job Don Rumsfeld did in pleading the legal services case.

In summary I would point out the Nixon administration, and Director Rumsfeld, recognizing that OEO was not accomplishing to the extent possible, the important goals set for it, brought forth a new innovation with an emphasis on better management and control of the agency's program, including legal services.

There is little question that the effectiveness of legal services as an agency to help the poor has increased. The number of legal services lawyers has increased from 1,800 in fiscal year 1969 to nearly 2,000 today and while the case load has doubled, yet the average cost per case has declined from $75 in fiscal year 1969 to $51 in fiscal year 1971.

In closing, Mr. Speaker, I cannot stress too strongly how phony are the charges that Don Rumsfeld wants to "do in" legal services. Nothing could be further from the truth and I am pleased to commend him for his untiring energy in seeking to strengthen OEO and its many programs, rather than sabotage them.

TRIBUTE TO THE UNIVERSITY OF TOLEDO'S UNBEATEN FOOTBALL TEAM

(Mr. ASHLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHLEY. Mr. Speaker, last Saturday afternoon the eyes of the Nation focused on Columbus, Ohio, and the titanic struggle which saw Ohio State reestablish its supremacy over the University of Michigan and conclude its season with nine consecutive victories.

Because the country is still in the process of reordering its priorities, insufficient note was taken of the contest of truly intrinsic importance which also took place in Ohio last Saturday. This found the University of Toledo trouncing a fine Colorado State team to finish an unbeaten season with 11 wins, and extending its victory skein to 22 games, second longest in the Nation.

Just as political polls are frought with vagaries, so are the rankings of the country's top football teams. Completely impartial observers such as myself who have seen both Ohio State and Toledo play this season are of one mind that these two teams certainly rank 1-to-2 in the Nation. These same impartial observers also agree that the University of Toledo must be given a slight but decisive edge for the No. 1 spot.

I am sure that all Members of the House join me in extending congratulations to Coach Lauteber, his staff and the Rocket team, and confidence in their upcoming victory in the Tangerine Bowl on December 28.

ADVENTURISM IN VIETNAM

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, recent actions in Southeast Asia demonstrate again the administration's reliance on military power rather than diplomacy. The renewed bombing of North Vietnam and the commando raid on a presumed prisoner of war camp are not likely to further negotiations. In fact, these episodes of military adventurism are evidence that the administration really has no consistent plan—secret or otherwise—for ending the war.

The bombings reveal that the administration still seeks an illusory military victory—a goal marked by death and de-

struction for 6 years now. In fact, this exercise in November 1970, virtually replicates the bombings which President Johnson halted 2 years ago. The bombing of North Vietnam did not succeed then in bringing North Vietnam to its knees. How can it be expected to now? How many more men must die before the administration recognizes that this war is not subject to a military solution?

Initially, Secretary of Defense Laird euphemistically characterized the renewed bombings as "protective reaction strikes" aimed at "missile and antiaircraft gun sites and related facilities" in response to "attacks on our unarmed reconnaisance planes." Pentagon spokesmen now add the factors of North Vietnam's recent shelling of Saigon and Hue, and concern "that the other side has not chosen to negotiate in any substantive or productive way at Paris." By virtue of these factors, the credibility of the "protective reaction strike" rationale collapses

Without in any way questioning the courage of the American soldiers who attempted to rescue our prisoners of war, I certainly question the wisdom and judgment of those who authorized the mission. This venture was a desperate gamble, and the stakes were American lives. If the prisoners had been at the camp at Son Tay, their lives would have been endangered. In fact, our intelligence was completely wrong, and the prisoners were not there. The gamble was lost. The President's warning to the leaders of North Vietnam that he will hold them personally responsible should reprisals be taken seems to me to be whistling in the wind. How does he intend to hold them responsible? What does he think he can do to implement his warning? Let us hope that there will be no reprisals. But the possibility exists, and American prisoners of war have already suffered enough without being placed in greater jeopardy by imprudent decisions.

The way to bring home American prisoners of war is to negotiate seriously at Paris for their release and a prompt conclusion of this deadend war. Unfortunately, it appears that the Vietnamization policy contemplates a military solution to the war in Vietnam. Troops have been withdrawn—and this is all to the good—but it appears ominously clear that American air power will continue to be employed to maintain a modus vivendi based on military might.

And the military adventurism of the last few days demonstrates anew that the administration intends to act on its own, without regard for the Congress, in pursuing whatever will-of-the-wisp idea of the moment attracts it into using military power.

The administration should learn from past failures: Bombing North Vietnam failed; massive deployments of American troops failed; and now a commando rescue force failed. Meanwhile, the stakes remain the same—human lives.

The gambling must stop. This war must be ended. The administration must recognize that there is no way to end it so long as it relies on guns and bombs as the answer.

A DARING AND COMMENDABLE RAID TO SAVE OUR POW'S

(Mr. WATSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WATSON. Mr. Speaker, as a result of the unfortunate political rhetoric that has clouded the whole issue of the Vietnam war, the American people have not received enough information about the heroic efforts of our fighting men in Southeast Asia. This trend was dramatically broken over the weekend when a group of volunteers—and I want to stress volunteers—launched an operation to rescue our POW's.

This was a daring raid; it was well executed and reminiscent of the allied commando raids in North Africa during World War II. It proved beyond a shadow of a doubt that American fighting men are just as tough and just as heroic as they ever were, and the raid is a tribute to American courage, bravery, and perseverance on the battlefield.

Of course, the raid had its critics. There are certainly misguided individuals in this country who are not interested in the lives of our fighting men and the inhuman conditions to which American POW's are subjected, as long as they can demagog about U.S. involvement in Southeast Asia. I believe that the overwhelming majority of the American people and of the Congress will take heart in this latest military operation. The operation was designed to save lives—American lives—and as Americans we should be willing to go to the end of the earth to rescue our men—come what may.

Now, Mr. Speaker, the question begs. What happened to our intelligence reports, insofar as the POW's being evacuated from the prison camp? We may never know, but we have a right to know. It is obvious to me that there was a security leak somewhere along the line, and someone should pay for this breach of security, whether intentional or unintentional. It is more than ironic that the North Vietnam and Vietcong captors had evacuated the prisoner of war camp and furthermore, that the Communists had SAM–2 missiles manned and in the area. We all know that a military operation of this type takes tremendous planning and it is absolutely essential that security be maintained. No one can convince me that the Communists suddenly decided to move the POW's for their health. Somebody tipped them off. In my judgment the Pentagon should leave no stone unturned in finding out just what happened, and if they fail to do so, I respectfully suggest that the Congress step in and conduct an investigation. I know that my very able distinguished friend, the gentleman from South Carolina (Mr. RIVERS), can get to the bottom of this business.

The critics of this raid will say, in addition to hamstringing peace negotiations, that it resulted in nothing. This is a very callous and indeed shortsighted view. If those who take such a view would like to travel to North Vietnam with their paper work solutions to free the POW's, I will gladly help contribute to their one-way trip. We all know that peace negotiations have not freed one American POW. When the Pentagon received reports that some of our POW's were dying under concentration camp conditions, they justifiably ordered the raid. The issue is not success or failure, but whether we were willing to try to rescue the men. We were willing to try and I applaud such a decision. Above all, I applaud and commend the brave men who were willing to risk their lives to save their comrades-in-arms. This is in the finest tradition of our military heritage, and is a source of great pride for me.

PRESIDENT NIXON'S 22-MONTH ECONOMIC DISASTER—NEED FOR WAGE-PRICE CONTROLS NOW

The SPEAKER pro tempore (Mr. DORN). Under a previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 60 minutes.

Mr. LEGGETT. Mr. Speaker, on October 23, 1968, candidate Richard Nixon issued a press release in which he discussed how he would control inflation. He said:

> I do not believe the American people should be forced to choose between unemployment and un-American controls. There is a further choice: the American way of responsible fiscal policy that allows the American people to be both affluent and free. If I am elected, I pledge that I will adopt this approach of redressing the present imbalance without increasing unemployment or controls.

Two years have passed, and his administration is nearly halfway through its perhaps one and only term. He has had 22 months in which to practice, explore, and develop his "further choice." Now it is time to ask whether the President's economic policies have served the country well, or whether they have not.

I suggest they have not. I say that, while we are free of wage-price controls, we are sustaining almost every other economic illness imaginable. Simultaneously, we have unemployment, recession, and excessive inflation. Almost every indicator of how well the economy is serving the American people indicates that it is serving them poorly. Finaly, I suggest that things are not going to get better unless we adopt new and vigorous measures: wage-price guidelines and possibly controls if voluntary action produces no results in a 60-day period.

HOW SICK IS THE NIXON ECONOMY?

UNEMPLOYMENT

During the 8 years of the Kennedy-Johnson administration, unemployment steadily dropped from 6.6 percent in January 1961 to 3.3 percent in December 1968, seasonally adjusted. I include the table entitled "Status of the Labor Force" in the RECORD at this point. This table, and others I shall subsequently insert, are taken from the November edition of Economic Indicators, prepared by the Council of Economic Advisers.

The table follows:

STATUS OF THE LABOR FORCE

Period	Total labor force (including Armed Forces)	Civilian employment		Unemployment	Total labor force (including Armed Forces)	Civilian labor force	Civilian employment			Unemployment	Unemployment rate (percent of civilian labor force)		Labor force participation rate, unadjusted [1]
		Total	Nonagricultural				Total	Agricultural	Nonagricultural		Unadjusted	Seasonally adjusted	
	Thousands of persons 16 years of age and over										Percent		
1965	77,178	71,088	66,726	3,366	77,178	74,455	71,088	4,361	66,726	3,366	4.5		59.7
1966	78,893	72,895	68,915	2,875	78,893	75,770	72,895	3,979	68,915	2,875	3.8		60.1
1967	80,793	74,372	70,527	2,975	80,793	77,347	74,372	3,844	70,527	2,975	3.8		60.6
1968	82,272	75,920	72,103	2,817	82,272	78,737	75,920	3,817	72,103	2,817	3.6		60.7
1969	84,239	77,902	74,296	2,831	84,239	80,733	77,902	3,606	74,296	2,831	3.5		61.1
	Unadjusted				Seasonally adjusted								
1969:													
September	84,527	78,026	74,397	2,958	84,868	81,325	78,194	3,498	74,696	3,131	3.7	3.8	61.1
October	85,038	78,671	75,110	2,839	85,051	81,523	78,445	3,446	74,999	3,078	3.5	3.8	61.4
November	84,920	78,716	75,395	2,710	84,872	81,379	78,528	3,434	75,094	2,851	3.3	3.5	61.2
December	84,856	78,788	75,805	2,628	85,023	81,583	78,737	3,435	75,302	2,846	3.2	3.5	61.1
1970:													
January	84,105	77,313	74,398	3,406	85,599	82,213	79,041	3,426	75,615	3,172	4.2	3.9	60.5
February	84,625	77,489	74,495	3,794	85,590	82,249	78,822	3,499	75,323	3,427	4.7	4.2	60.8
March	85,008	77,957	74,786	3,733	86,087	82,769	79,112	3,550	75,562	3,657	4.6	4.4	60.9
April	85,231	78,408	74,877	3,552	86,143	82,872	78,924	3,586	75,338	3,948	4.3	4.8	61.0
May	84,968	78,357	74,632	3,384	85,783	82,555	78,449	3,613	74,836	4,106	4.1	5.0	60.7
June	87,230	79,382	75,174	4,669	85,304	82,125	78,225	3,554	74,671	3,900	5.6	4.7	62.3
July	87,955	80,291	76,173	4,510	85,967	82,813	78,638	3,519	75,119	4,175	5.3	5.0	62.7
August	87,248	79,894	76,112	4,220	85,810	82,676	78,445	3,420	75,025	4,231	5.0	5.1	62.1
September	85,656	78,256	74,730	4,292	86,140	83,031	78,424	3,399	75,025	4,607	5.2	5.5	60.9
October	86,255	78,916	75,522	4,259	86,432	83,353	78,686	3,288	75,398	4,667	5.1	5.6	61.2

[1] Total labor force as percent of noninstitutional population.

Note: Beginning 1960, data include Alaska and Hawaii.

Source: Department of Labor.

As I look at this table, I am reminded of the truism that 10 seconds of thoughtlessness can destroy a friendship it took 10 years to build. It took the Johnson administration 4 years to reduce unemployment 1 percent, from 4.5 percent in 1965 to 3.5 percent in 1969. Yet it took the present policies only a year and a quarter to let it creep up again to 4.5 percent in early spring of this year. And the second percent has come even quicker: in 6 months—from March to September—we have gone from 4.4 to 5.5 percent.

In the unemployment insurance figures, we find the same pattern repeated. Under the policies of the present administration, claims have doubled in 2 years. Seasonally adjusted unemployment as a percent of covered employment during the month of October was 4.4 percent: double the figure for the last year of the Johnson administration. Since August, it has increased at an average rate of three-tenths of a percent per month. During the course of the Nixon administration, it has increased at an average rate of more than 1 percent per year, and the rate of increase has been increasing. I would like to have the table, entitled "Unemployment Insurance Program," inserted in the RECORD at this point:

UNEMPLOYMENT INSURANCE PROGRAM

Period	All programs			State programs						
	Thousands			Weekly average, thousands			Insured unemployment as percent of covered employment (percent)		Benefits paid	
	Covered employment	Insured unemployment (weekly average)	Total benefits paid (millions of dollars)	Insured unemployment	Initial claims	Exhaustions	Unadjusted	Seasonally adjusted	Total (millions of dollars)	Average weekly check (dollars)
1966	[1] 54,739	1,129	1,890.9	[1] 1,061	203	15	2.3		1,771.3	39.75
1967	[1] 56,342	1,270	2,220.0	1,205	226	17	2.5		2,101.0	41.25
1968	[1] 57,969	1,187	2,191.3	1,111	201	16	2.2		2,031.9	43.43
1969	[1] 60,013	1,175	2,265.0	1,098	197	15	2.2		2,099.5	46.10
1969:										
September	[1] 61,083	903	148.3	840	146	13	1.6	2.2	136.2	45.70
October	[1] 60,737	930	153.8	864	167	13	1.6	2.2	139.5	46.25
November	[1] 60,548	1,106	147.7	1,030	213	12	2.0	2.3	136.6	46.47
December	[1] 61,123	1,465	208.5	1,375	289	13	2.7	2.3	214.3	47.42
1970:										
January		1,958	250.7	1,847	355	18	3.6	2.5	299.4	48.49
February		1,987	328.7	1,874	290	17	3.6	2.6	310.8	49.11
March		1,917	355.5	1,798	245	20	3.5	2.7	331.1	48.93
April		1,885	344.2	1,770	298	22	3.4	3.2	320.2	49.00
May		1,778	314.6	1,667	246	25	3.2	3.6	292.9	49.30
June		1,696	314.6	1,583	248	25	3.0	3.7	291.7	49.51
July		1,896	340.7	1,761	333	26	3.3	3.6	314.2	49.57
August		1,855	336.2	1,711	248	25	3.3	3.8	310.5	49.73
September		1,659	285.8	1,602	244	25	3.0	4.1	305.5	50.72
October		1,886	315.7	1,721	278	25	3.2	4.4	293.6	52.99
Week ended:										
1970:										
October 10		1,811		1,671	288		3.1			
October 17		1,888		1,723	259		3.2			
October 24		1,937		1,758	280		3.2			
October 31 [1]		1,955		1,769	284		3.3			
November 7 [1]					333					

[1] Preliminary.

Source: Department of Labor.

Note: For definitions and coverage, see the 1967 Supplement to Economic Indicators. Data for Alasks and Hawaii included and for Puerto Rico since 1963.

It is interesting to note that labor's recent wage gains have been entirely wiped out by the combination of inflation and unemployment. Average weekly earnings in 1957–59 dollars is now $99.14, roughly equal to that which prevailed in 1966. These figures further deteriorated today by 33 cents. I include the table, entitled "Average Hourly and Weekly Earnings," in the RECORD at this point:

AVERAGE HOURLY AND WEEKLY EARNINGS

[For production workers or nonsupervisory employees]

Period	Average hourly earnings—current prices				Average weekly earnings—current prices				Manufacturing industries	
	Total nonagricultural private [1]	Manufacturing	Contract construction	Retail trade [2]	Total nonagricultural private [1]	Manufacturing	Contract construction	Retail trade [2]	Adjusted hourly earnings, 1957–59=100 [3]	Average weekly earnings, 1957–59 prices [4]
1960	$2.09	$2.26	$3.08	$1.52	$80.67	$89.72	$113.04	$57.76	106.8	$87.02
1961	2.14	2.32	3.20	1.56	82.60	92.34	118.08	58.66	109.9	88.62
1962	2.22	2.39	3.31	1.63	85.91	96.56	122.47	60.96	112.7	91.61
1963	2.28	2.46	3.41	1.68	88.46	99.63	127.19	62.66	115.5	93.37
1964	2.36	2.53	3.55	1.75	91.33	102.97	132.06	64.75	118.4	95.25
1965	2.45	2.61	3.70	1.82	95.06	107.53	138.38	66.61	121.5	97.84
1966	2.56	2.72	3.89	1.91	98.82	112.34	146.26	68.57	125.6	99.33
1967	2.68	2.83	4.11	2.01	101.84	114.90	154.95	70.95	131.5	98.80
1968	2.85	3.01	4.41	2.16	107.73	122.51	164.93	74.95	139.5	101.08
1969	3.04	3.19	4.78	2.30	114.61	129.51	181.16	78.66	147.7	101.42
1969:										
September	3.11	3.24	4.92	2.33	117.87	132.84	193.36	79.69	149.5	102.74
October	3.12	3.25	4.96	2.35	117.31	132.28	189.97	79.20	150.2	101.91
November	3.13	3.26	4.97	2.36	117.38	132.36	184.39	79.30	151.0	101.43
December	3.12	3.29	5.03	2.35	117.62	134.89	189.13	80.14	152.0	102.73
1970:										
January	3.13	3.29	5.07	2.38	116.12	131.93	181.00	79.49	152.9	100.10
February	3.15	3.29	5.06	2.40	116.55	130.94	186.21	79.92	153.4	98.82
March	3.17	3.31	5.06	2.41	117.92	132.40	188.23	80.49	154.4	99.40
April	3.18	3.32	5.09	2.41	117.34	131.80	192.91	80.25	155.1	98.36
May	3.20	3.34	5.10	2.43	118.40	132.93	194.31	81.41	156.0	98.76
June	3.21	3.36	5.13	2.43	120.05	134.40	196.99	82.86	156.6	99.41
July	3.23	3.37	5.20	2.44	121.45	134.46	200.20	85.16	157.4	99.09
August	3.25	3.37	5.30	2.44	122.20	134.13	204.05	85.40	158.2	98.63
September [5]	3.28	3.42	5.35	2.48	121.36	135.43	193.14	83.82	159.8	99.14
October [5]	3.28	3.38	5.40	2.48	121.03	133.85	201.96	82.83		

[1] Also includes other private industry groups shown on p. 13.
[2] Includes eating and drinking places.
[3] Earnings in current prices, adjusted to exclude the effects of overtime and interindustry shifts.
[4] Earnings in current prices divided by the consumer price index.
[5] Preliminary.

Note: Data for Alaska and Hawaii included beginning 1959.

Source: Department of Labor.

To speak of unemployment as 5 or 6 percent is only telling part of the story. For some groups of people, unemployment is over 30 percent, and, of course, to an unemployed individual, unemployment is 100 percent. Unemployment runs higher among the young, among members of minority groups, and among women than it does in the work force as a whole. But as I studied the unemployment situation, I came across some less obvious aspects that seem very disturbing.

First. Unemployment among black-youths has gone through the ceiling. It is now 36.7 percent. And we wonder why the crime rate is rising. When society tells these young men it has no use for them, there is no place for them, they cannot earn an honest living, how do we expect them to react? Do we think they are going to quietly sit on their front steps and turn into vegetating welfare cases? I am going to read a passage from the Gallagher President's Report for November 12. Keep in mind this is not "New Left Notes" or Ramparts magazine; it is a conservative business newsletter aimed primarily at corporation presidents:

CIVIL WAR THREAT MOUNTS

Guerrilla warfare dangerous misnomer. Misrepresents true situation. 22 million blacks in U.S. Comprise 11% of U.S. population. Unemployment rate now 5.6%. Estimated 18% are blacks. Black youths have highest unemployment rate (36.7%) among all groups. Black membership in unions estimated 1% of total 19 million union members. Blacks sense atmosphere of hopelessness, despair in efforts to achieve economic equality. Upset by Nixon administration's preoccupation with foreign affairs. Failure to press for creation of Black Bill of Rights. Similar to successful G.I. Bill of Rights. Blacks lack national leadership. Estimated 120,000 black Vietnam veterans need job training. Vulnerable to terrorist philosophies of militant groups like Black Panthers, Republic of New Africa. Puerto Ricans' Young Lords organization additional threat. Government by repression not answer. Unlikely FBI, national guard, local law enforcement agencies able to contain violence created by mere 5% (10 Million) of U.S. population. Urgent for company presidents to take active interest. Make sincere effort to upgrade minority employment programs.

Mr. Gallagher's urging his influential readers to upgrade minority employment programs is most commendable, and I join him wholeheartedly.

But he is wasting his typewriter. An employer who is forced by general economic conditions to reduce his payroll, to lay off experienced employees, is in no position to take on new untrained people of any color. Moreover, any efforts in this direction would create bitter resentment among the white employees fired and their still-employed coworkers, thus making local race relations even worse. Speaking realistically, we are not going to be able to mount a meaningful attack on minority unemployment until we get general unemployment under control.

Second. Unemployment is very high for Vietnam veterans. By this past summer it had reached 8.7 percent, and I see no reason to doubt it has continued to climb. This rate is considerably higher than the 6.55 percent unemployment sustained by all veterans aged 20 to 29 during the same period.

I think it is particularly ironic that a young man should return from an involuntary year in Southeast Asia to find the same war which nearly got him killed has now damaged the domestic economy and is thus preventing him from earning a living.

Third. The new unemployment is geographically concentrated. Of the 150 major job markets the Labor Department surveys regularly, five were classified as areas of "serious joblessness"—that is, more than 6 percent unemployed—a year ago. Today, the figure is 38.

Fourth. While young and untrained people are hit the hardest, there is also shocking unemployment among our most highly skilled and valuable workers. The spectacle of math, science, and engineering Ph. D.'s driving taxicabs, or unable to find any work at all, is commonplace in my own State of California, as well as around the great aerospace and research and development centers of New England and the Southeast. Robert J. Kuntz, president of the California chapter of the American Society of Professional Engineers, estimates there are 50,000 unemployed engineers on the west coast—about half of them in California. Boeing has gone from a peak of 102,500 employees in 1968 to 49,600 today and they are going lower. And Boeing, which produces a highly successful series of commercial airliners, is in better position than most other aerospace firms, which are more dependent, or entirely dependent, on Government contracts.

If I may digress slightly for a moment, I think we need to reject the notion that defense-industry unemployment is an inevitable consequence of cutbacks in the research, development, and procurement of unneeded weapons systems. Similarly, I think we should reject the notion that a cutback in the manned space program necessarily means throwing thousands of highly skilled people onto the relief rolls.

The fact is we have a crying need for brainpower to help us improve the quality of our life here at home. Our housing construction methods are antiquated; our mass transit technology is a disgrace; our consumer electronics firms are unable to compete on the international market. What we need is a substantial Government program to aid individuals and, where possible, to convert entire plants to meet the Nation's peacetime

needs. A number of us have introduced a National Economic Conversion Act which would help accomplish this. But about a month ago we had a conference on economic conversion, and the position of the administration representatives was one of no interest; they said a bill was not needed.

So we have Ph. D.'s driving taxicabs—if they are lucky.

Layoffs of skilled people have not been limited to defense and space industries. Unemployment among operating engineers in California is now 37 percent. These are the highly skilled and highly paid men who run heavy construction machinery.

Imagine what any other country in the world would give to have these men. Are our overcrowded schools and hospitals so sufficient to meet our needs that we can afford to let them and their equipment sit idle? Hardly.

In September of last year, the administration announced it was cutting back on school, hospital, and highway construction for the sake of the economy.

I insert the Labor Department table, entitled "Profile of 4.3 Million Jobless Americans," in the RECORD at this point.

Profile of 4,300,000 jobless Americans

AGE AND SEX	
Men, age 20 and above	1,636,000
Teenage boys	602,000
Women, age 20 and above	1,491,000
Teenage girls	530,000
RACE	
White	3,506,000
Negro and other races	753,000
MARITAL STATUS	
Married men	978,000
Single men, widowers	1,260,000
Women	2,021,000
OCCUPATION	
White-collar workers	1,213,000
Professional and technical	208,000
Clerical	669,000
Managers, proprietors	125,000
Sales	210,000
Blue-collar workers	1,874,000
Craftsmen, foremen	365,000
Production workers	1,122,000
Laborers	387,000
Farm workers	79,000
Service workers	580,000
Others, with no previous work experience	513,000
INDUSTRY*	
Construction	324,000
Manufacturing	1,320,000
Transportation, utilities	133,000
Merchandising	769,000
Finance, services	741,000
Government	293,000
Farming	87,000

*Includes only wage and salary earners with previous job experience. Excludes the self-employed.

Source: U.S. Dept. of Labor.

As we look at the breakdown of those still employed we see there are 1 million fewer employees in durable goods manufacturing than there were last February. I include the table entitled "Nonagricultural Employment" in the RECORD at this point:

NONAGRICULTURAL EMPLOYMENT

[Thousands of wage and salary workers;[1] seasonally adjusted]

Period	Total	Manufacturing (private)			Nonmanufacturing (private)						Government	
		Total	Durable goods	Nondurable goods	Total	Mining	Contract construction	Transportation and public utilities	Wholesale and retail trade	Finance, insurance, and real estate	Services	Federal	State and local
1964	58,331	17,274	9,816	7,458	31,461	634	3,050	3,951	12,160	2,957	8,709	2,348	7,248
1965	60,815	18,062	10,406	7,656	32,679	632	3,186	4,036	12,716	3,023	9,087	2,378	7,696
1966	63,955	19,214	11,284	7,930	33,950	627	3,275	4,151	13,245	3,100	9,551	2,564	8,227
1967	65,857	19,447	11,439	8,008	35,012	613	3,208	4,261	13,606	3,225	10,099	2,719	8,679
1968	67,915	19,781	11,626	8,155	36,288	606	3,285	4,310	14,084	3,382	10,623	2,737	9,109
1969	70,274	20,169	11,893	8,277	37,902	619	3,437	4,431	14,645	3,557	11,211	2,758	9,446
1969:													
September	70,567	20,252	11,968	8,284	38,130	623	3,436	4,459	14,739	3,584	11,289	2,747	9,438
October	70,836	20,233	11,965	8,268	38,311	622	3,445	4,463	14,824	3,596	11,361	2,739	9,553
November	70,808	20,082	11,782	8,300	38,403	624	3,473	4,464	14,848	3,611	11,383	2,730	9,593
December	70,842	20,082	11,773	8,309	38,399	627	3,496	4,469	14,750	3,626	11,431	2,721	9,640
1970:													
January	70,992	20,018	11,679	8,339	38,584	625	3,394	4,507	14,938	3,648	11,472	2,717	9,673
February	71,135	19,937	11,625	8,312	38,757	626	3,466	4,496	14,987	3,652	11,530	2,718	9,723
March	71,242	19,944	11,648	8,296	38,795	626	3,481	4,502	14,984	3,665	11,537	2,766	9,737
April	71,149	19,795	11,529	8,266	38,744	622	3,426	4,468	14,991	3,673	11,564	2,838	9,772
May	70,839	19,572	11,386	8,186	38,660	620	3,351	4,478	14,968	3,677	11,572	2,768	9,833
June	70,629	19,477	11,286	8,191	38,593	620	3,324	4,511	14,927	3,679	11,532	2,689	9,870
July	70,587	19,402	11,217	8,185	38,594	618	3,314	4,539	14,933	3,776	11,514	2,668	9,923
August	70,414	19,271	11,134	8,137	38,547	619	3,305	4,520	14,912	3,670	11,521	2,659	9,937
September[2]	70,610	19,298	11,146	8,152	38,665	621	3,253	4,512	14,972	3,681	11,626	2,649	9,998
October[2]	70,129	18,689	10,621	8,068	38,774	621	3,246	4,506	15,018	3,695	11,688	2,653	10,013

[1] Includes all full- and part-time wage and salary workers in nonagricultural establishments who worked during or received pay for any part of the pay period which includes the 12th of the month. Excludes proprietors, self-employed persons, domestic servants, and personnel of the Armed Forces. Total derived from this table not comparable with estimates of nonagricultural employment of the civilian labor force, shown on p. 10, which include proprietors, self-employed persons, and domestic servants; which count persons as employed when they are not at work because of industrial disputes; and which are based on an enumeration of population, whereas the estimates in this table are based on reports from employing establishments.

[2] Preliminary.

Note.—Beginning 1959, data include Alaska and Hawaii.

Source: Department of Labor.

The November 15 issue of U.S. News & World Report carried an excellent subjective picture of unemployment throughout the country. I insert it in the RECORD at this point:

WHO ARE THE UNEMPLOYED? GRASSROOTS SURVEY

Caught in the high tide of unemployment are an unusually large number of white-collar and highly skilled people, including an expanding number of managers and executives.

In some areas of the country, where specialized industries have been hard hit, people with the highest skills and biggest salaries are being fired almost as fast as the least-skilled workers.

Even department heads and owners of defunct businesses are showing up in jobless-pay offices in increasing numbers, as the economic slowdown spreads.

Latest official statistics show this about the people who have lost jobs since the unemployment upsurge began in 1969:

Total unemployment held in October at 4.3 million, as announced November 6—the same as September, but 1.4 million higher than a year earlier.

Blue-collar workers seeking jobs increased to 72 per cent above a year ago.

Business owners and managers thrown out of work also increased, to 64 per cent above the 1969 level.

Professional and technical workers out of jobs are up 27 per cent.

Scientists and stockbrokers

Scientists, in some places, are lining up beside tool and die makers and other skilled workers to collect benefits.

Corporate officers, stockbrokers, office managers, personnel specialists, clerks, typists, secretaries and many others are swelling the ranks of the unemployed in various parts of the country.

Some individuals making $15,000 to $30,000 or more a year with 20 years of experience in their jobs are looking for work. Employment agencies indicate some older, higher-paid people will find it hard adjusting to a new job—if one shows up at all.

An estimated 20,000 to 30,000 engineers are out of work in California.

Recent college graduates, in some areas, complain that they have been let go after a few months on the job. A Western university was picketed by about a dozen unemployed engineers when recruiters from the company they formerly worked for showed up seeking younger, lower-salaried engineers.

Many companies, while not firing anyone, are not filling vacancies when they occur. This means fewer job openings.

Larger numbers of hourly employes are taking home smaller paychecks as plants trim production, reduce shifts and eliminate overtime.

Some cities and towns are especially hard hit when companies that dominate the local economy either shut down entirely or lay off workers.

Changing pattern

Reports from correspondents of "U.S. News & World Report" provide highlights of the

present changing pattern of unemployment at the grass roots. What they found out by talking to businessmen, employers, employment agencies, State unemployment officials, other job specialists—

ATLANTA

The aerospace and textile industries in the Southeast are rapidly laying off white-collar personnel, including supervisors and managers. This follows widespread layoffs of blue-collar workers.

As Government contractors at Cape Kennedy, Fla., see business dwindle, they are firing engineers, data processors, clerks, secretaries, guards and janitors. Some top-level engineers have found jobs, others have not. Three engineers hit by the cutbacks now run a service station in the Cape Kennedy area.

Some 1,800 engineering and administrative employes at General Electric's Daytona Beach, Fla., plant were laid off when the company cut back its work force on the Apollo moon program. Many of those fired found other jobs, however.

Nearly 25,000 textile workers are idle in Georgia and the Carolinas, according to both the American Textile Manufacturers Institute and State employment data. Most are blue-collar production workers and many are black.

From $27,000 to—

Another victim of the business recession is the former manager of a closed textile mill in Augusta, Ga. He was earning $27,000 a year; now the best offer he has found pays $10,000.

Young stockbrokers in Atlanta have been quitting. Many have gone into other fields. Old-timers, hoping to survive the bear market, stay on, even with earnings as low as $300 a month.

Young secretaries and receptionists are having trouble finding jobs, said a Georgia Department of Labor official. Noted an Atlanta employment-agency manager:

"People without experience—beginners—are having the most difficulty. Because of austerity programs, companies aren't hiring trainees. Business-school graduates with good grades can't find jobs as secretaries and receptionists."

CHICAGO

Blue-collar workers, especially the unskilled or semiskilled, are bearing the brunt of layoffs in Midwestern industry. Relatively few white-collar employes are being fired. Those who were let go held mostly lower-level jobs such as clerk or typist.

A steel-company official said this about layoffs of some low-skilled workers:

"The union has more to say about who is laid off than we do. They have a very intricate system of seniority which allows a more experienced worker to bump somebody below him and take his job—even if it pays less."

A farm-equipment manufacturer has been reducing employment by "attrition," making most cutbacks among salaried personnel.

"We have to keep production people, because we don't dare let our output get too low," explained a spokesman. "But when it comes to office personnel, when somebody leaves we just try to reorganize things and get by without anybody new in that job."

White Farm Equipment Company is suspending production indefinitely at its Charles City, Ia., plant. It once employed 1,000 workers but had been cut back to 300 to 400 in the past year. It was the town's largest single employer.

One especially hard-hit group is publicists. The Publicity Club of Chicago reported its employment committee has 100 writers and editors looking for public-relations jobs and only 35 openings. Last January there were 83 openings and 85 on the club's waiting list.

DETROIT

The true level of unemployment has been muddied by the General Motors strike. Experts point out that, once GM is back in production, joblessness is expected to decline sharply.

However, the auto companies were slashing payrolls substantially before the strike, and virtually all the cuts involved salaried, white-collar workers.

Earlier this year, General Motors trimmed about 6,000 from its salaried ranks of 141,000 people. These cuts were across the board, a company spokesman said. Secretaries up through middle management were fired, but there were no signs of executive dismissals.

Ford Motor Company pared its salaried staff by 3,400 to a total of 61,800 as of September 1.

Both GM and Ford reduced personnel in part by attrition, allowing vacated jobs to go unfilled. Chrysler Corporation a year ago made a reduction in salaried staff, and another in February of this year. Total cutback, never officially disclosed, amounted to between 3,000 and 4,000 employes, or 10 per cent of the firm's staff.

LOS ANGELES

Unemployed in southern California runs across occupational lines. There are office workers, tool and die makers, janitors and corporate officials out of work. Scientists with worldwide reputations have been laid off.

The employment situation in the aerospace industry, hit by sharp reductions in federal spending, is so critical that Lockheed Aircraft Corporation has published a book: "Job Hunting: Seven Steps to Success." The company gives it to top employes it must let go.

Engineers and scientists represent a special situation on the labor market, said Lockheed executive Everett A. Hayes. He adds: "They need more than a good-luck handshake when they leave a company in search of a new job."

Lockheed has printed, 8,000 of the books for its own use. But requests from the American Institute of Aeronautics and Astronautics, which runs workshops for jobless professionals, and others forced to fire high-grade employes has run the printing to 25,000 copies.

Autonetics Division of North American Rockwell Corporation, an aerospace firm, pared its payroll 25 per cent to 15,000 employes. The number of vice presidents was cut from 17 to 8, and hundreds of middle-management personnel were let go, according to insiders.

"We are making a great attempt to hold on to people who represent our technical strength," said a spokesman for TRW Systems Group of Redondo Beach, Calif. However, the firm has had to release machinists, technicians, technical-manual writers and other white-collar and blue-collar workers as Government contracts are slashed.

SAN FRANCISCO

An insurance executive said he recently fired a dozen college graduates he had been training for management jobs. He was particularly unhappy because he had helped select them for advancement.

A brokerage-house executive, who survived big cutbacks in his firm's personnel earlier this year when the stock market was declining, said there were no plans to rehire clerical people dismissed in an economy drive. He fears there could be more branch-offices closings, putting managers and salesmen out of work as well as clerical staff.

Many new college graduates are believed to be still searching for jobs in their specialties. Some take menial positions to tide them over.

One small electronic firm advertised for a single opening recently and received 2,000 job resumes in reply.

More scientists and engineers may be out of work than is estimated. Experts point out that often little publicity is given to professionals being fired. And they are often reluctant to talk about being let go. For example, some 100 scientists with Ph.D.'s quietly were laid off by Lawrence Radiation Laboratory in Livermore, Calif., last February.

Robert J. Kuntz, president of the California chapter of the American Society of Professional Engineers, estimated 50,000 engineers on the West Coast are unemployed—20,000 to 30,000 of them in California. Mr. Kuntz said some engineers are getting by in other lines of work waiting for an upsurge in demand for their skills.

In the Seattle, Wash., area, Boeing Company has dropped its work force this year from 80,000 to 49,600. Half of its remaining employes could be out of work by the end of 1971, according to one forecast. The company, hard hit by cutbacks in defense and space spending, had a peak employment in 1968 of 102,500. The impact of the Boeing layoffs has affected the entire region.

"Every Boeing employe laid off affects two other jobs in the area," explained Ralph Dunbar, regional administrator of public assistance for King and Snohomish counties, in the Seattle area.

This month several thousand jobless will use up their unemployment compensation and go on welfare. Those getting unemployment compensation are eligible for food stamps. In the year ended in June, 1970, the number of people using these stamps in King County alone rose 580 per cent.

HOUSTON

Unemployment in the Southwest is spotty. The Dallas-Fort Worth area and New Orleans are suffering the most. But generally, the region lags behind the national average in joblessness.

Some major firms that have announced large cutbacks: General Dynamics in Fort Worth, about 15,000 workers; Texas Instrument in Dallas, 1,200 and Bell Helicopter, Fort Worth, 1,000.

The National Aeronautics and Space Administration's Manned Spacecraft Center in Houston has released 175 employes and plans to eliminate 750 more in the next two years. Experts claim that practically every firm that does business with the Government has let some white-collar and blue-collar workers go.

In addition to aerospace jobs, blue-collar workers have been hardest hit in industries such as building construction, steel and petrochemicals.

Firms laying off white-collar workers have started with secretaries, draftsmen, laboratory technicians and the like, and proceeded upward to engineers, scientists, personnel officers and, occasionally, a few junior executives. It seems few senior executives have been fired.

NEW YORK

The trend of claims for unemployment compensation in New York City shows a rapid increase in all types of workers getting aid. Professional and managerial people seeking benefits increased to 10,317 in September, 1970, from 6,038 in the same month a year ago. Clerical workers' claims nearly doubled to 22,508 in the same period.

A State labor official commented that "the year-to-year retrenchment of the labor market has fallen on the high-skilled, better-educated worker."

The stockbrokerage business lost 12,000 jobs over the year; air transportation, 2,700; and water and rail transportation, 5,700 jobs, he disclosed.

Unemployment on Long Island grew by nearly a third in the 12 months ending August of this year. Most of the employes applying for benefits were professionals, technicians and managers from defense and aerospace firms. The average age was 40.

Another group that has come on hard times because people's tastes have changed: About 1,000 union barbers out of 4,500 on

Long Island are out of work, the result of the trend toward longer hair among males of all ages.

WASHINGTON, D.C.

Even in the shadow of the Government buildings, where many of the decisions that vitally affect employment are made, job cutbacks have been more severe than in years.

Electronic firms in Montgomery County, Md.—next door to Washington and one of the wealthiest suburban counties in the country—are dismissing many five-figured salaried employees such as engineers, scientists and sales managers.

One measure of the trend: Of some 800 persons filing for jobless benefits in any recent week in Montgomery County, about 300 to 350 are in the professional or managerial group, according to William J. Kurtz, superintendent of unemployment insurance, Maryland Department of Employment and Social Services.

"Companies started at the top and worked down" in paring their staffs, Mr. Kurtz said.

The highest-paid professionals filing for unemployment benefits, in the county was earning $22,000. But, said Mr. Kurtz, the majority of other professional and technicians seeking benefits were making $16,000 or more.

Miss E. Catherine Phelps, manager of the U.S. Department of Labor's Professional Career Information Center in Washington, reported that as many as 4,500 individuals with professional skills have come to the Center in recent months seeking work—double last year's average. Most are former federal workers, victims of Government-spending cutbacks, and returning veterans and retired military personnel.

Miss Phelps said the job situation in the Washington area "looks a little better now." But she added that, while job openings are on the rise, it is becoming harder to match people to jobs because skills are often specialized.

In summary, we now have 5.6 percent seasonally adjusted unemployment, and it is only a matter of time before it reaches the 6-percent peak of the 1953–54 recession. According to U.S. News & World Report, of the 754,000 men who were added to the labor force in 1970, only 24,000 were able to find jobs. The outlook for 1971 is not good. California unemployment is now in excess of 7 percent.

Not only do we have massive unemployment in our aerospace industry nationally, but the administration in the name of economy has also extended the squeeze to defense establishments.

Reductions in naval shipyards effected over the past year of Nixonomic defense management is representative of the entire Department of Defense. Navy shipyard employment is down today nationwide by 15,000 now since the Kennedy-Johnson years, and the administration is planning another 10,000-man cut in the name of economy. Navy job figures which I released 2 weeks ago are as follows:

NAVY JOB FIGURES

This table of figures on naval shipyard employment was released yesterday by Rep. Robert L. Leggett, (D-Vallejo). It shows employment as of June, 1969, current employment and projected employment for June 30, 1971.

	June 1969	Current	June 30, 1971
Portsmouth	8,012	6,800	6,000.
Boston	7,400	6,200	6,000.
Philadelphia	12,314	9,500	Below 8,700
Norfolk	10,700	9,700	No change.
Charleston	7,800	7,100	Do.
Long Beach	7,500	7,200	To go lower.
Hunters Point	[1] 7,343	6,800	No change.
Pugent Sound	9,800	9,100	9,000.
Pearl Harbor	5,800	5,200	No change.
Mare Island	[1] 11,795	10,000	8,500.

[1] Merged as San Francisco Bay Naval Shipyard. Reestablished as separate shipyard Jan. 31, 1970.

INFLATION

Now let us consider inflation. President Nixon said in October of 1968:

We cannot possibly stabilize the country if we do not stabilize prices . . . Prices are now rising at over 4 percent a year and the problem is worsening; 1968 will be the most inflationary year since 1951. (Statement, *New Republic*, October, 1968.)

From the last year of the Eisenhower administration to the last year of the Johnson administration, annual inflation of consumer prices averaged about 2.2 percent. It ran about 1.2 percent before the Vietnam escalation began, and steadily increased thereafter; the consumer price index rose 4.2 percent between 1967 and 1968. There is no question that the war has been an economic disaster for the country, and that it marred the otherwise brilliant record of the Johnson administration.

I insert the table, entitled, "Consumer Prices," in the RECORD at this point:

CONSUMER PRICES

[1957–59=100]

Period	All items	Commodities: All commodities	Commodities: Food	Commodities less food: All	Commodities less food: Durable	Commodities less food: Nondurable	Services: All services	Services: Rent	Services: Services less rent
1960	103.1	101.7	101.4	101.7	100.9	102.6	106.6	103.1	107.4
1961	104.2	102.3	102.6	102.0	100.8	103.2	108.8	104.4	110.0
1962	105.4	103.2	103.6	102.8	101.8	103.8	110.9	105.7	112.1
1963	106.7	104.1	105.1	103.5	102.1	104.8	113.0	106.8	114.5
1964	108.1	105.2	106.4	104.4	103.0	105.7	115.2	107.8	117.0
1965	109.9	106.4	108.8	105.1	102.6	107.2	117.8	108.9	120.0
1966	113.1	109.2	114.2	106.5	102.7	109.7	122.3	110.4	125.0
1967	116.3	111.2	115.2	109.2	104.3	113.1	127.7	112.4	131.1
1968	121.2	115.3	119.3	113.2	107.5	117.7	134.3	115.1	138.6
1969	127.7	120.5	125.5	118.0	111.6	123.0	143.7	118.8	149.2
1969:									
August	128.7	121.4	127.4	118.2	111.9	123.3	145.0	119.3	150.7
September	129.3	121.7	127.5	118.7	111.6	124.4	146.0	119.7	151.7
October	129.8	122.4	127.2	119.8	113.2	125.1	146.5	120.1	152.3
November	130.5	122.9	128.1	120.2	113.5	125.5	147.2	120.5	153.1
December	131.3	123.6	129.9	120.3	113.6	125.7	148.3	121.0	154.3
1970:									
January	131.8	123.7	130.7	120.1	113.7	125.2	149.6	121.3	155.8
February	132.5	124.2	131.5	120.4	113.7	125.8	150.7	121.8	157.1
March	133.2	124.5	131.6	120.8	114.1	126.1	152.3	122.3	158.9
April	134.0	125.2	132.0	121.6	114.8	127.0	153.4	122.6	160.1
May	134.6	125.8	132.4	122.3	115.9	127.5	154.1	123.0	161.0
June	135.2	126.2	132.7	122.8	116.7	127.7	155.0	123.4	161.9
July	135.7	126.5	133.4	122.9	116.9	127.8	155.8	123.8	162.8
August	136.0	126.6	133.5	123.0	117.0	127.8	156.7	124.2	163.8
September	136.6	127.0	133.3	123.8	117.3	129.1	157.7	124.6	164.9

Source: Department of Labor.

Since the Department of Labor table does not include percentage inflation figures, I have made calculations and insert them in the RECORD at this point:

Percent inflation of Consumer Price Index

Year:	
1961	1.1
1962	1.2
1963	1.3
1964	1.3
1965	1.6
1966	2.9
1967	2.8
1968	3.4
1969	5.4

Percent inflation of Consumer Price Index

Month:	[Annual Rate]
1969:	
August	4.7
September	4.7
October	5.0
November	6.5
December	7.4
1970:	
January	4.5
February	6.4
March	6.4
April	7.0
May	5.4
June	5.4
July	4.5
August	2.8
September	5.3

Are things now under control? On the ticker tape just outside the Chamber the news for last month was just printed: .6 percent inflation in 1 month—October. This equals 7.2 percent per year.

Mr. President, are you listening?

It is clear that, although the war is winding down, inflation is still excessive, running at an annual rate of 4.9 percent so far this year, and the rate for October, the last month for which we have figures, as I stated, was 7.2 percent.

The wholesale price index showed a 6-percent annual increase rate during September, destroying whatever confidence may have been created by the 5-percent annual decrease rate during August. I insert the table, entitled "Wholesale Prices," in the RECORD at this point:

WHOLESALE PRICES

[1957–59=100]

Period	All commodities	Farm products	Processed foods and feeds	Industrial commodities: All industrials[1]	Crude materials	Intermediate materials[2]	Producer finished goods	Consumer finished goods excluding food: Durable	Consumer finished goods excluding food: Nondurable
1960	100.7	96.9	100.0	101.3	98.3	101.4	102.3	100.9	101.5
1961	100.3	96.0	101.6	100.8	97.2	100.1	102.5	100.5	101.5
1962	100.6	97.7	102.7	100.8	95.6	99.9	102.9	100.0	101.6
1963	100.3	95.7	103.3	100.7	94.3	99.6	103.1	99.5	101.9
1964	100.5	94.3	103.1	101.2	97.1	100.2	104.1	99.9	101.6
1965	102.5	98.4	106.7	102.5	100.9	101.5	105.4	99.6	102.8
1966	105.9	105.6	113.0	104.7	104.5	103.6	108.0	100.2	104.8
1967	106.1	99.7	111.7	106.3	100.0	104.8	111.6	101.7	107.2
1968	108.8	102.2	114.2	109.0	101.8	107.5	115.5	103.9	109.6
1969	113.0	108.5	119.8	112.7	110.5	111.3	119.3	105.8	112.3
1969:									
September	113.6	108.4	121.3	113.2	113.9	111.8	119.9	105.3	113.3
October	114.0	107.9	121.6	113.8	113.7	112.2	120.8	106.9	113.6
November	114.7	111.1	121.8	114.2	114.1	112.6	121.5	107.1	113.8
December	115.1	111.7	122.6	114.6	114.5	112.9	122.3	107.2	114.1
1970:									
January	116.0	112.5	125.1	115.1	116.0	113.5	122.9	107.4	114.2
February	116.4	113.7	125.2	115.5	118.5	113.9	123.1	107.6	114.6
March	116.6	114.3	124.9	115.8	118.5	114.2	123.5	107.8	114.7
April	116.6	111.3	124.9	116.2	120.3	114.7	123.7	107.8	114.9
May	116.8	111.0	124.1	116.6	120.0	115.2	124.0	108.0	115.6
June	117.0	111.3	124.8	116.7	119.5	115.4	124.2	108.1	115.9
July	117.7	113.1	126.6	116.9	118.0	115.6	124.6	108.3	116.0
August	117.2	108.2	126.1	117.1	117.2	115.8	124.9	108.3	116.4
September	117.8	111.8	126.2	117.4	118.7	116.0	125.3	108.4	116.8
October	117.8	107.5	124.9	118.3	120.6	116.3	127.0	111.6	117.1

[1] Coverage of the subgroups does not correspond exactly to coverage of this index.
[2] Excludes intermediate materials for food manufacturing and manufactured animal feeds; includes, in part, grain products for further processing.

Note.—Beginning 1967, the indexes incorporate a revised weighting structure reflecting 1963 values of shipments. The classification structure also changed.

Source: Department of Labor.

Finally, the gross national product price deflator shows a 6-percent increase for the first quarter of 1970, 4.3 percent for the second quarter, and 4.6 percent for the third.

So while it might be argued whether the rate of inflation is increasing or decreasing, it is clear that it is intolerably high and likely to remain so.

I see no reason to expect the inflation rate to fall in the foreseeable future. The General Motors workers have just achieved a contract providing 9 percent annual increases for each of 3 years, which is clearly inflationary when viewed in light of 3 to 4 percent expected productivity increases. The railroad workers have gone even further, recently rejecting a contract offer that would have given them an increase of 37 percent.

I have here a table showing recent wage increases in the construction trades running from 14.4 to 66.9 percent annually. In 3 years, it appears unlikely that the base pay of any skilled construction worker in the country will be under $10 per hour. The table follows:

SETTLEMENTS OF VARIOUS BUILDING TRADES

City and State	Occupation	Days on strike	Current rate	Increase	Final rate	Annual percent increase
Los Angeles, Calif	Sheet metalworkers	17	$7.06	$5.00/3 years	$12.06	23.7
Northern Illinois	Operating engineers (heavy-highway)	75	6.03	4.75/38 months	11.05	25.1
Las Vegas, Nev	Operating engineers	9	7.07	3.96/4 years	11.03	14.0
Norwich, Conn	Bricklayers	28	6.07	4.03/3 years	10.10	22.0
New Britain, Conn	Plumbers, steamfitters	------	6.31	4.06/2 years	10.37	32.7
Connecticut, statewide	Carpenters		5.69	4.69/39 months	10.35	25.2
Waterbury, Conn	Electricians		5.95	6.00/3 years	11.95	33.6
Miami, Fla	Pipefitters	55	6.76	3.50/27 months	10.26	22.8
Do	Plumbers	50	------	5.00/30 months		
Hartford, Conn	Electricians	28	6.75	5.75/3 years	12.50	28.2
Chicago, Ill	Operating engineers	------	6.55	4.50/4 months	11.05	28.8
Wichita, Kans	do	48	5.40	5.10/3 years	10.50	31.4
Baltimore, Md	Bricklayers	47	6.2	4.36/3 years	10.57	23.3
Do	Plumbers	47	5.68	4.38/3 years	10.06	25.7
Missouri areas W-1	Laborers (heavy-highway)	10	3.925	2.85/13 months	6.775	66.9
Columbus, Ohio	Plumbers	------	8.205	3.565/3 years	11.77	14.4
Providence, R.I	do	------	------	4.10/3 years		
South Bend, Ind	Carpenters	------	6.605	3.85/3 years	10.455	19.4
Detroit, Mich	Sprinkler fitters	------	7.80	3.20/3 years	11.00	14.9
New York, Albany-Troy-Schnectady	Sheet metalworkers	91	5.85	4.43/3 years	10.28	25.3
Louisville, Ky	Ironworkers	10	7.29	3.15/3 years	10.44	14.4
Niagara Falls, N.Y	Plumbers	------	8.55	2.85/2 years	11.40	16.6
Kansas City, Mo	Bricklayers		------	4.50/4 years		
Memphis, Tenn	Ironworkers		------	4.00/4 years		
New Jersey, statewide	Operating engineers (heavy-highway)		------	5.10/3 years		

ADVENT CHRISTIAN HOME OUTSTANDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker. Few institutions can match the record of service or the standard of excellence which denotes the Advent Christian Home near Live Oak, Fla.

Located on the banks of the famed Suwannee River, the cluster of buildings there have been a horizon of hope for hundreds of young men and women who have needed a foster home—and a life filled with activity for the elderly.

The Advent Christian Home is located on a tract of more than 600 acres of land 18 miles west of Live Oak at Dowling Park.

The home came into being when the late Dr. Burr A. L. Bixler, long-time minister of the Advent Christian Church in Live Oak, received a letter from a dying mother who wrote a pathetic letter asking "Have we an Advent Christian orphanage?" She wanted her five children to be cared for in a Christian atmosphere and with loving care. The father was a heavy drinker and did little to support his family.

Touched by this plea, Dr. Bixler set out to establish a home and in 1913 these five children came there to open the home in a frame building. About this same time the needs of elderly retired ministers was realized and provision was made to offer care to these men and their families.

The original land came from Thomas Dowling who had previously given the tract for a campground meeting place.

Dr. Bixler labored long and hard for this home and met many heartbreaking setbacks over the years. He was the guiding spirit of the home until his death.

When Dr. Bixler passed away in 1950, the Rev. Fim Murra had charge of the institution for a short time. The Rev. Gordon Reed and the Rev. Hugh Sheppard then acted as superintendents.

During this period the superintendents also edited the church publication "Present Truth Messenger" and the two jobs were too much for one man. The home was some $9,000 in debt and the board of trustees was searching for some method to put the home on a sound financial basis.

They found their answer in Mr. and Mrs. M. A. Carter. A devout and devoted couple, the Carters decided they would like to dedicate themselves to some form of Christian work when their three children had grown up.

Carter agreed to take the job on a 90 days trial basis with a firm desire to pay off the debts of the home and put it on a sound basis. He later noted that it was prayer that made it possible. Sincere prayers for divine assistance came in the form of a $5,000 donation from a Jacksonville couple which helped put the home on its feet. Pieces of property in Gilchrist County and in Green Cove Springs were sold to bring in another $4,000 and a piece of property on the Suwannee brought another $6,000. With these funds it was possible to pay off all of the old debts and since that time the home has operated on a current basis in spite of a continuing building program which has added tremendously to the facilities of the home.

Monthly board is paid by the elderly residents, except the retired ministers and their families and the denomination takes up a fifth Sunday offering for support of the institution. In addition, individual donations help to carry on the work.

Mrs. Carter passed away in 1960 after rendering devoted service with her husband to the home. The hours were long and the problems difficult and the Carters gave unselfishly of their time and efforts to carry out this calling.

Carter was succeeded as superintendent by his son, Pomeroy, who is considered to be one of the finest administrators in the Nation.

Direction of the home is under the board of trustees of nine, but most of the decisions must be made by the superintendent since members live all over the Southeast.

Residency is not relegated to the Advent Christian religion and there are many denominations represented. Acceptance for admission is made on the basis of available space.

Great emphasis has been placed on facilities for the retired. Again the emphasis is to provide a home instead of an institution. There is no question but that this goal has been attained.

The orphan children are given as near a home life as is possible. They go to school at Clayland and Live Oak and do chores on the farm or in the kitchen.

The children attend church in town, brought by the home's bus.

Particularly do the youngsters enjoy the operation of the dairy where the milk and dairy products consumed are produced.

A visit will convince anyone this is a happy place. A pleasant smile or friendly greeting meets the visitor as the sound of some construction program wafts across the area.

The Advent Christian Home has been richly blessed by providence through those who have contributed to building up this outstanding institution. The future is unlimited in potential for service to the elderly and the orphaned.

Perhaps a quote attributed to Matthew Carter best describes my feeling about the Advent Christian Home. He said, "The Lord has richly blessed this work, that all that has been done has been done with His care, protection and blessing."

CONGRESS MUST SAVE SMALL BUSINESSES, HOMEOWNERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 10 minutes.

Mr. ANNUNZIO. Mr. Speaker, one of the most critical problems facing small businesses and homeowners across the country is the inability to obtain insurance, particularly insurance to cover losses arising from fire or criminal acts.

While this problem is most prevalent in our major cities, it should by no means be considered as only an urban problem since the cancellation practices of the insurance industry and the unwillingness to write new coverage are also being felt in suburban areas as well as rural areas.

Hardly a day goes by that a newspaper does not carry a story discussing insurance problems of homeowners and small businesses. In some cities, it is so difficult for businessmen to obtain insurance that they simply close their doors. Homeowners do not have the same out, for under the terms of their mortgages, they must be covered by fire insurance, even if that fire insurance costs almost as much as the monthly house payment.

The insurance problem has also struck our school systems, from elementary schools through colleges. These institutions are finding it increasingly difficult to obtain insurance.

Very shortly, this body will take up the Housing Act of 1970, a portion of which contains the so-called "Annunzio bill" to allow the Government to write crime and fire insurance in those areas where private industry refuses to write such insurance at reasonable rates. The legislation would allow the Government to write this insurance whenever the premium rate charged by private insurance firms exceeds 150 percent of the normal rate. The insurance industry is opposed to my bill on the grounds that it puts the Government in competition with private industry.

I believe as strongly in the free enterprise system as any Member of this body, and because of this, I have waited for more than 3 years for the insurance industry to take some action to solve this problem. Time and time again I have been assured that the insurance industry was working on a plan and it would only be a matter of weeks before the plan would go into effect. During that 3-year period, not one of these plans has ever been presented to me nor has the insurance industry even agreed upon the need for such action.

Mr. Speaker, the insurance industry does not intend to take any action to help small businessmen or homeowners. That point has now been made clear. Originally, the industry supported a plan that would have given it 1 year to come up with alternative solutions or face federally written insurance. Now, however, the industry says it wants no legislation even with a year delay. It has suggested that the way to solve the problem is for the insurance industry to write the policies, with any losses being guaranteed 100 percent by the Federal Government. In short, the industry wants to sell winning tickets on a lottery, but such sales will be limited to itself.

It has also been said that by providing small businessmen with crime insurance the basic problem of crime will not be solved. I agree with that statement. I do not know who is to blame for the crime rise in America—perhaps it is the Congress for not passing stronger laws; perhaps it is the court system for not taking firm action against criminals; perhaps it is the police who do not have enough men to combat crime; or perhaps it is simply a breakdown in respect for the laws of our land. I do not know who is to blame, but I do know one thing—it is not the fault of the small businessman. He is not responsible for crime, but he is the one that is being punished. The insurance industry merely says crime is a problem and, therefore, small businessman, you must pay for it. It is a sad commentary on the state of our Nation when we allow small businessmen across the country to be held captive in such a political power play.

Mr. Speaker, the New York Times Magazine of November 8 carries an in-depth article discussing the problems of obtaining insurance. I am including the article and, although I realize that every Member is overburdened with volumes of printed words that he must read daily, I sincerely ask that before voting on the Annunzio bill that they read this article. Of particular interest to me in the article is a statement by Prof. Herbert Denenburg of the Worton School, who comments:

> But property insurance is an area in which the private sector has not shown it has the imagination to cope with the problems it is beset with. In any case, government is ideally suited to function as a risk-spreading mechanism, which is all that insurance is. Look how well Social Security has worked out. I don't know why government can't handle other coverages as well. It may have to, because the environment is likely to get worse before it gets better and industry is not handling the job now.

This same article also points out that the insurance industry, which has complained about losing money, is actually making record profits. For instance, the article states:

> At the moment, despite the decline in the paper value of stock investments, the insurance industry is sitting on a record pile of surplus reserves—cash left over after making provision for maximum projected claims payout. For all property and casualty companies this surplus now stands at $142 billion.

The article adds that:

> Continental Insurance, for example, passed along a $465 million special dividend

last year to its parent, Continental Corporation. Four other insurance companies in New York also handed over special dividends to their holding companies last year, amounting to $600 million. Like Continental none of them are showing much desire to use their surpluses to back up new underwriting for crime coverage and other lines in which the demand is not being met, though many are expanding lines in which there is currently good profit. In the last five years, Continental has picked up 190 percent more workmen's compensation business while its fire business has risen by only 30 percent.

Mr. Speaker, the small businessmen are asking only for an opportunity to stay in business and the homeowners ask only for an opportunity to keep their homes. The insurance industry has refused these requests, and only Congress can solve the problem.

"YOUR POLICY IS HEREBY CANCELLED"

(By Peter Hellman)

One day last fall, in a peaceable, leafy and well-off section of Larchmont in New York's Westchester County, the home of a vice president of a billion-dollar insurance company was burglarized. He entered a claim for his losses, which were covered by a home-owner's comprehensive policy he held with another company. Soon after he had received the covering check, he was notified that his policy would not be renewed.

The vice president then set about doing what a growing number of residents of cities and their farthest-flung suburbs all around the nation are finding themselves doing: getting on the phone to plead for insurance. Because the executive had "friends" at the top of the company concerned, as he is sheepish to admit, he got his coverage back.

Other citizens who need insurance for their homes, autos or businesses are not so fortunate. Often they are not able to get the coverage they want in the first place. If they do get it, they are reluctant to make all but the most major claims for fear their insurers will drop their policies.

Many policyholders are finding that insurance companies' uninterest in keeping their patronage sometimes leads to less than sympathetic and even highhanded treatment; for example:

A Bronx man has carried insurance on his home in a solid part of the borough for 16 years with the same company. Last summer a racing bike was stolen from the basement. He put in a claim—his first—for $40. "Believe me, it's not worth $40 to have the claim on your record," his agent told him. "They're liable to cancel you and I won't be able to help. Do yourself a favor and pay for the bike on your own." The man took his agent's advice though it did not seem right. "Have I been paying premiums for 16 years so that I have to be afraid now to make a $40 claim?" he asks.

A woman calls a major insurance company to get coverage on her new car. The conversation is brief:

"I'd like to get insurance on a VW I've just bought."

"Where do you live?"

"Brooklyn Heights."

"Are you married."

"No; I'm divorced."

"I'm sorry. We don't offer insurance to women who live in Brooklyn Heights unless they're married."

A man who lives in the Normandy, a well-attended building on Riverside Drive at 86th Street, has for many years carried theit insurance on his wife's jewelry and mink coat. "Five years ago I paid $120 for $10,000 in coverage," he says. "But now my wife has given most of the jewelry to the children and the mink is 15 years old. This year I took only $1,800 worth of coverage but the premium is $185. When I called up to complain, they told me I should consider myself lucky that my wife is home all day; otherwise they would have canceled the policy altogether."

(An executive with the company that insures the man says, "He is lucky; we've had to refuse to renew some customers in urban areas who have been with us 20 years or more because of bad loss experience. You might say that after that long we have a *moral* obligation to continue insuring the guy. But as much as we'd like to, we can't do business that way. You start being softhearted in this business and you'll end up with so many claims you'll go under—and then you'll have failed all your customers.")

A woman's car is hit from behind while she waits at a red light on Third Avenue. Her own collision policy (which costs $305 a year, exclusive of the first $100 of damage) covers the accident and specifies that she may rent a car while hers is being fixed at the company's expense. Told by her doctor that signs of whiplash or other injury might take a while to appear, she refuses to sign a release from all further claims when she goes to the company office to pick up a rental-car voucher. The company, one of the five largest in the nation, says it will not give her the voucher until she signs the release. She tells them they can have their voucher, and walks out. It is only when her lawyer prepares to bring suit that the company agrees to honor its contract.

GETTING—AND KEEPING—INSURANCE IS BECOMING HARDER AND HARDER AS THE DEMAND FOR IT MOUNTS IN SUBURB AND GHETTO ALIKE

Variations on these stories are being heard more and more today. At the root of nearly everybody's insurance troubles is an often overlooked characteristic of the insurance business itself: insurance, unlike the product of most other enterprises, is made available in reverse proportion to demand. The hour at which the public clamors most for flood insurance, for example, is the same hour at which the insurers are least likely to offer it—when the river is rising. In New York today the demand, intense and unmet, is mainly for auto, fire and crime insurance—the very coverages which the companies sought eagerly to sell only a few years ago.

Drivers need auto liability insurance in large amounts to protect them from financial ruin in case they are at fault in a major accident. But the auto insurance market is at the point today where as many as half of newly insured drivers in some areas of the city are "assigned risks" getting liability coverage in dangerously minimal amounts because they are unable to get any company voluntarily to sell them a full policy. Property owners need fire insurance to protect their investment, to start or improve a business and as a requirement for getting bank financing. No community of homes and stores can thrive without fire insurance. But coverage has become so scarce since 1965 that the Federal Government had to set up its own corporation two years ago to reinsure the companies against riot loss in order to get them to issue fire coverage again in huge areas of the cities.

Tenants, homeowners and businessmen need crime insurance to protect against theft, burglary and holdups. But asking for these coverages in most neighborhoods "is like asking for a miracle," according to Seymour Terry of the Insurance Brokers Council of New York. In fact, the 500 companies licensed to do business in New York are in such a fright over writing crime insurance for certain businesses—notably jewelry stores—that they have largely yielded to foreign insurers like the Lloyds syndicate which believe they can take the risk and turn a profit.

Why can't the industry meet the demands for its product? Out of a large body of answers offered by its critics and defenders, the overshadowing one is that this industry more than any other has been traumatized by the environmental upheavals of the last decade. The basis for writing insurance has always been the actuarial statistics which indicate how much longer a man of a certain age may live, how often a fire can be expected in a city, how likely a driver is to crash on Staten Island, what chances are for a robbery in a store or home. Until recently, things went pretty much as the actuarial tables predicted.

But nobody on the property side of the industry predicted the riots in Watts, Newark, Detroit and dozens of other cities in the sixties. Until then, riot protection was an ignored clause tucked into the "extended coverage" endorsement of standard fire policies. Says a company president, "Until Watts I don't recall paying a claim for damage due to riot in 40 years in the business. All of a sudden we had to pay off $3-million in one year."

As for the increase in crime, who could have guessed that the F.B.I. would announce a 223 per cent rise in over all crime since 1960? Or that home burglaries would go up 209 per cent in one year?

Then there is everybody's bogy of inflation. The insurance industry is even more fearful of it than other industries because, unlike them, it is selling only a promise to pick up the bill for a claim at some moment in the future—at a cost which may have gone up faster than projected. Auto insurers, for example, say they woefully undershot the present costs of repairs when they filed current rates a year ago; most of them lost money on auto claims in 1969 in amounts ranging to $82-million in the case of State Farm Mutual.

Odd as it may seem, at the same time that so many people are having trouble getting insured, the insurance companies are competing with each other as hotly as they ever did by mail and media ads. But the competition today is for a particular customer—the man deemed least likely to have a collision, fire or robbery. By keeping out the real risks, the companies can then offer lower prices and better service to him and people like him. Over the years, in pursuit of that ideal clientele, the companies have gradually shunted off groups which they feel—sometimes because of statistical reasons, sometimes because of a gut reaction—are more likely to make claims than other groups. These have included teen-age boys, who in fact do have more than their share of accidents, and drivers over 65, who do not.

Just how picky the companies have become is specified in the "Underwriters' Manual" issued to agents of a major insurer. It is loose-leaf style, small, with a dark brown cover. Neither on the front nor anywhere inside is the name of the company given. Agents are instructed to keep the manual from the eyes of the public. In it a member of the New York Philharmonic who could not get auto-liability coverage despite a clean record would find out why: In a section thumb-tagged "Liability," under the heading "Not To Be Solicited" is a list of 18 "ineligible risks" which includes actors and actresses, garbage haulers, taxi drivers, dance-hall operators, professional athletes, truckmen—and concert musicians.

Another list of 26 "questionable risks includes beauty-parlor operators and employes, detective agencies; fruit, vegetable and poultry dealers; drivers over 65, tavern operators and physically impaired persons.

In the section thumb-tagged "Robbery," businesses not to be solicited include army and navy stores, furriers, jewelry stores, pawnbrokers, perfumeries, finance companies, lunch rooms, supermarkets and all enterprises which stay open 24 hours a day. Persons proscribed in this section include residents of trailer camps and professional entertainers.

The trouble with an industry obsessed with exclusion lists based only on profession or age is that the original and still workable concept of insurance—spreading the risk among many—is lost. Those who manage to get coverage even though they are barred from normal access to it may find themselves practically self-insured, like the ghetto storekeeper who pays $250 for a $500 holdup policy. It was the exclusion factor, in fact, which got the mutual insurance companies started in the thirties when certain trades were banned from the first workmen's compensation plans offered by the stock companies. Lumbermen, meatpackers, firemen and others in trades considered too dangerous by ordinary insurers then formed their own companies for their mutual benefit; many of these have since grown fat and now practice their own forms of exclusion.

Even the life and casualty companies, whose coverages have not been much affected by riots and other problems of the sixties, can exercise their own methods of exclusion at the same time they eagerly seek the business they want. Though company underwriting manuals no longer specifically forbid sales to persons of the "Negro races" as many of them once did, a number of agents report that a ghetto address is sufficient reason for the home office to become unwilling to write a policy which a customer wants. "It's not just ghetto blacks who are turned down," says a life agent. "I have an associate who has tried to develop a clientele in a Japanese-American community. But he finds it awfully difficult to get his company to write policies even on doctors and other professionals in that community. There's no reason for the rejections except that the company gets uncomfortable with non-Caucasians.

"Now you could ask, 'Don't blacks have a higher death rate than whites?' They do; their life expectancy is seven years less, to be exact. Then you might deduce that the industry has a point when it hesitates to insure such a group at standard rates. But the truth is that ghetto blacks, who are the poorest risks on a pure mortality basis, are not generally the ones on whom expensive life policies are being written. It's the middle- and upper-class blacks who want this coverage and they live as long as their white counterparts; a black doctor has as long a life expectancy as a white doctor."

The life and casualty companies are often accused of using the forbidding blocks of small print in their policies to delay or cut down a claims payment which seems otherwise legitimate. A 23-year-old woman holding a casualty policy with a major insurer ripped up her leg while weekend skiing on a remote slope in Vermont last winter. She was treated at the scene by a doctor and hobbled around her lodge until she could catch a ride home on Sunday night. On Monday morning she went to a hospital for treatment, which cost her $450. When she submitted her claim to her insurer she was told that since she had not gone to a hospital within 12 hours of the accident she was not covered; it was all in the fine print. "I asked them how I was supposed to get to a hospital in 12 hours when there wasn't one in 100 miles and the snow was coming down like wild," she says. "They said they were very sorry but they had to abide by the contract. I ended up getting a check for $10; the rest I paid."

Insurance company presidents to a man claim they can maintain long-term solvency and continue to offer good service only by sticking to their own strict standards of who will be chosen for coverage. "If we ever lost our underwriting control we'd be dead," says Clay Johnson of Royal Globe. A leading consumer magazine did indeed find in a recent survey of 230,800 drivers that United Services, one of the two insurance companies it rated tops in quality of service, had a built-in severe restriction on policy-holders—it sells only to military and foreign-service officers, who are presumed to be a careful lot. It happens that the other company rated tops by the magazine, State Farm, is the largest of all auto insurers. Advocates of a tighter standard for underwriting are quick to point out that while United Services made money last year, State Farm was being thrown for its record $82-million loss. The State Farm jingles which could be heard on many radio stations last year are gone.

New York State, which has compulsory auto insurance, puts bad-risk drivers into a pool. Insurance companies which operate in the state must then divide up these bad risks and insure them. A person who must turn to the assigned-risk plan—nearly everybody in some parts of New York City—pays the same rate as a regular policy holder for the so-called "10–20–5" liability package—$10,000 for any single individual, $20,000 for all individuals, $5,000 for property damage—the minimum a driver must carry. (The industry estimates that each voluntarily insured New York driver includes a subsidy of $10 in his own premium to help insure those drivers who must go to the assigned-risk plan.) Since September, 1969, assigned-risk drivers have been able, for higher rates, to get as much as 50–100–10 coverage. But in litigation over major accidents, even these amounts can seem like little more than pocket change.

Furthermore, many of these bad-risk policyholders find that the companies, though forced to insure them, have ways of getting rid of them. In the crowded office of insurance broker Irving Shaid at 3147 Broadway, for example, a woman came in tearfully one afternoon to say that she had got a notice of cancellation of her policy for nonpayment of premium—though she claimed to have sent in her check a week before the notice came. Shaid, who ministers to a steady stream of mostly ghetto residents with similar problems, got on the phone and found out that even though the company had received her payment the day it sent out the cancellation notice, it refused to reinstate the policy.

"I sit here every day and see how the companies treat people they want compared to people they don't want," says Shaid; "it can be two different worlds. Not that regular policyholders always come off so well; a couple of months ago I had a customer with a clean record on whom I wrote coverage which the company accepted. Two weeks after the guy got his policy in the mail he got another notice saying he was canceled. When I investigated it turned out that he was being canceled because the company had discovered he had a 15-year-old son who would be getting a learner's permit in two years. They just didn't want to have to insure the kid when the time came."

Auto liability coverage is no longer the only kind of insurance which New York requires the industry to furnish to responsible citizens who cannot find it on the open market. In 1969 the right to coverage was extended to fire insurance after the companies suffered what George Bernstein, Federal Insurance Administrator, called a "collapse of will" in the wake of the riots. Not that it had been easy to get fire insurance in ghetto areas before the riots. The industry had a well-established practice called "redlining"—underwriters would simply mark off the perimeters of certain areas on the urban map and write no policies inside them (though some of the buildings might be superior in construction and maintenance to ones they would not hesitate to insure in posher areas).

Even when there was no specific redlining, there was often a problem with inspections—the critical first step in getting coverage for a property. The predominantly white corps of insurance-company inspectors has always been reluctant to poke around in black areas. "The only way I got companies to consider the better buildings," says a trim and bright-eyed broker named Ernesta Procope, who has built up a major insurance brokerage firm over the past 15 years in Bedford-Stuyvesant, "was to take their managers by the hand and walk them from block to block. They would say, 'Gee, we didn't know you had such fine properties out here.' Then they might write a policy." In 1967 a broker in Harlem, Ernie Johnson, tried to meet the need for ghetto inspections by forming a service manned by black inspectors. The project had to be dropped for lack of qualified personnel.

After the riots, companies stopped writing policies even in neighborhoods which had experienced no violence and did not seem likely to have any. The fact that these neighborhoods are part of much larger territories set up for pricing fire risks had in itself become a barrier to getting insurance in them. Unlike auto rates, fire rates are based on full metropolitan areas, not sections thereof. Dwellings of similar construction in Forest Hills and Brownsville, for example, are both figured at about $16.80 a year per $10,000 of fire and extended coverage. But companies which are glad to insure the Forest Hills property would normally be loath to look at the one in Brownsville.

Aware that they could not ignore the public howl for fire insurance in the late sixties, the companies first sponsored two plans to provide compulsory inspection of ghetto properties which had been rejected summarily. It was felt that if the properties did turn out to be worth insuring the coverage would then be made available. With no good reason for them to succeed, both plans failed. Meanwhile, the President's Commission on Insurance in Riot-Affected Areas concluded its study of the problem with a recommendation that, in states where the need was felt, insurance commissioners set up pools to take in all reasonable risks for fire insurance including riot protection under the extended-coverage endorsement.

In return for agreeing to take in all who knocked at the door for fire insurance on properly maintained buildings, the companies would get Federal reinsurance through the Department of Housing and Urban Development to protect them if large-scale riots broke out again. In New York the official name of the pool, or FAIR (Fair Access to Insurance Requirements) plan, as it is sometimes called, is the New York Property Insurance Underwriting Association.

Getting Federal backup for any kind of underwriting required a major ideological headstand by the companies. By tradition they have been regulated exclusively by state commissioners with no interference from Washington. The last time the industry had been threatened by the Federal touch was in 1944 when the Supreme Court ruled that insurance was "interstate commerce" and thus subject to the antitrust laws. After six months of thrashing between legislators and the powerful insurance lobby, Congress passed what has become known as the Mc-

Carran Act, which excludes the industry from antitrust and all other Federal regulation; to be more precise, it says that the Government would regulate the industry only to the extent that the states did not wish to.

Just how pent-up was the need for fire insurance in New York became clear when the FAIR plan went into effect in late 1968. By the time it was a year old, it had grown to be the largest property insurer in the state. As of last Aug. 31, it had taken in $62-million of premiums in coverage on more than 222,000 properties. In this way, FAIR has been a huge success. In other ways, it has problems. For its first 22 months of operation, it claimed a loss of $39-million—a figure which does not include total underwriting and loss-adjustment expenses of $25-million or the investment income on the plus side, which the pool earns but figures separately just like any other insurance company. But with the full benefit of a 17 per cent rate increase effective last January (the industry has already asked for another), and with administrative machinery working more smoothly, next year's operations should give a better picture of how the pool is faring. And since the rate structure of the pool is to be based eventually on the experience of its own clients (whom one company man calls "pure schlock"), it will probably be several more years before enough statistics can be compiled to make the rates exact.

Brokers don't like the FAIR plan because under it their commission on policies is 10 per cent instead of the standard 20 per cent. Customers who want fast coverage don't like like it because there is a frequent 17-day waiting period from the time of application until coverage is effective (though the process is being speeded up); in some cases applications for coverage are not processed for months owing to the paperwork jam caused by the rush for coverage. "On open-market business I can pick up the phone and get a binder on the spot for a customer," says a broker. "I doubt it will ever be that way with the plan."

For one- to four-family dwellings, maximum coverage is $250,000, plus $25,000 on household and personal property. For large insurers a drawback of the pool is that maximum coverage is limited to $1.5-million, which cannot be mixed with private coverage. A major Long Island department store which lost its fire coverage earlier in the year after the insurer decided that bomb threats had become intolerable, has not so far been able to put together the multi-million dollar coverage it needs in the open market.

None of the crime or associated coverages are easy to get in the city. Working girls with apartments on the best East Side blocks can't expect much luck in buying a tenant's policy to protect their personal property—because they are gone all day. If a policy can be found, it may not be worth its price; a girl who just moved into an East 67th Street studio, for example, was offered as a "favor" a $500 fire-and-theft policy excluding the first $250 on jewelry—the only items of real value she owned—for $180 a year. Owners of $300,000 brownstones on the same street are unwanted business because access to the homes is usually easy through lower floor rear windows or by roof hopping.

But the hardest places of all to get crime insurance are invariably black or racially mixed areas of the city, even when they are bustling and healthy. Along a three-block stretch of 125th Street on a recent Monday morning, for example, a superette manager complained that his theft insurance had been cut from $1,000 to $500 this year but the $250 premium stayed the same; the owner of a record shop with speakers booming onto the street reported that he could get no theft coverage at all; a druggist said that his plate-glass insurance for $425 worth of panes had gone up from $40 to $230 in three years; a wholesale liquor salesman having an early drink in Frank's Restaurant was unhappy because retailers in the neighborhood who used to buy in lots of 25 cases to get a volume discount are now forced to take a few cases at a time for lack of insurance on the open stock.

The feeling that a lack of innovative management has been a major factor in the industry's inability to meet the demand for insurance is widespread among its observers. "Let's face it," says a member of the New York insurance commissioner's staff, "this is a hothouse industry just like the railroads. Nearly every time it wants to make a move it has got to get approval from us. This is not the sort of atmosphere which bright young men thrive in." According to an agent for one highly esteemed company, his management is on guard against the wrong kind of prospective employe: "When you take a written general-ability test during your interview day, you're out if you score too low *or* too high. I asked my boss once why it should be that way. He said, 'Well, it's better to have people who don't think *too* much, because in this business you can't think and work at the same time.' I still don't know if he was joking."

In the case of crime coverage, the industry does not deny that it could be more innovative in helping all kinds of customers—from jewelers to bachelor-apartment tenants—in the installation of intelligently designed security systems which in the end would save money on both sides—just as it does not deny it should have been in front of the push for less damageable cars.

But according to one security expert, Harry Haacke of the brokerage firm of Marsh & McLennan, the public must take a portion of the blame for crime losses. "People think, what the hell, my two televisions are insured; so they don't bother to lock up or take any of the precautions they should when they leave the house. The industry can't be expected to make up for people's losses which are the result of carelessness, but if the public isn't interested in security, it shouldn't expect the companies to subsidize its own lack of concern."

The industry may soon be taking a harder look at how to protect people with crime insurance rather than walking away from it. Federal Insurance Administrator George Bernstein has just recommended to the President that crime coverage be added to state insurance pools with any losses that accrue to be subsidized by surcharging all other policyholders of property insurance in the state. Bernstein computes this charge to be as little as one-half of 1 percent in New York and as high as 2.2 percent in Washington. If legislatures in states where the problem is greatest do not act when they next convene, Bernstein proposes that the Federal Government step in and write crime insurance for people who cannot buy it commercially. The Senate has already passed a bill providing for this move, and similar ones are pending in the House.

The industry is predictably pained at the thought of being mandated to write crime insurance. "Crime is a problem for the police to handle; not our industry," says Clay Johnson of Royal Globe. At Continental, where the feeling is so strong against governmental partnership in underwriting that the company has so far refused Federal reinsurance even as it picks up its share of the fire pool, Joe Murphy, general counsel of Continental, says, "I know of no other industry which is being asked to handle the Government's problem of curing social ills. We have neither the mechanism nor the funds to do the job. We don't ask the Government to do our job and they shouldn't ask us to do theirs."

Whether the industry is in fact doing its job is a question getting an ever harder look from the states, because without crime insurance small businesses don't get started in the ghetto, homeowners and landlords there are discouraged from making improvements, and the neighborhood stands little chance of revitalizing itself. Governnor Cahill of New Jersey has gone on record as favoring the expansion of pool coverage in his state to crime insurance and also to higher auto liability limits, and the New York State Insurance Department has been holding hearings on the subject.

The prospect of a crime insurance pool is both more and less frightening than the riot insurance pool to the industry. The specter of sudden massive destruction for which it must foot the bill is not a problem with crime insurance; but the steady inflow of small claims it would bring is not economical to handle—especially for ghetto areas. The Small Business Administration, for example, reports that burglary is 10 times as prevalent in the ghetto as in the suburbs and four times as high as in the rest of the central city. The industry is glumly resigned to the fact that people in the city will soon have a right to crime coverage; most of them would prefer that the Government subsidize their losses rather than see a surcharge—even if it is as small as the one-half of 1 percent Bernstein projects for New York—placed on their other customers to cover the bill.

To a degree, companies in New York will have themselves to blame if crime insurance does now become part of the pool; they have shown little interest in using a new state law that gives them more rate flexibility to help meet the demand for all types of insurance. Under this 1969 law a company can put into effect at once any rate it thinks will be profitable. Only if the figures seem out of line in either direction will the insurance commissioner suspend the rate pending a hearing. But the companies seem to be in no hurry to write the business at any price. "They are just slow and noninnovative," says a broker named Arnold Flegenheimer.

Much of the industry's resistance to using its new freedom to set rates seems to stem from the requirement that premiums must be similar for all customers of an underwriting class. "We would get slaughtered by public opinion if we pinpointed certain customers for special rates just because their block is lousy," says a company actuary. Thus a furniture store on Third Avenue at 80th Street might be considered a much better risk than a similar store 20 blocks north. But if a company raises rates for all furniture stores in the city area to make the uptown risk acceptable, it may well lose the downtown customer to a company that did not raise rates. Since the company is probably not anxious for the uptown business in any case, it does not change its rate at all. It is often not understood by the public that there is a rate in the company's manual for *every* would-be customer—a rate which may seem modest. But the company does not have to write a policy just because the rate is there; what people most often complain about is not that the manual rate is too high but that they never have a chance to pay it at all.

A growing number of brokers believe that the insurance companies are not meeting the demand for individual coverage because they are no longer really interested in that side of the business. The feeling is that—like stock brokerages which don't want to handle the 50-share and 75-share odd-lot orders of small customers any more—insurance com-

panies are less interested in handling individualized policies for small consumers than the bigger business in workmen's compensation, large-scale commercial coverage and the incipient group plans which provide coverage for all members of a company or other organization under a single policy. "You hear it said more and more in this business," says Flegenheimer, "that the companies have become investment trusts."

The people of New York City and its suburbs who have problems getting satisfactory insurance cannot reasonably hope that the situation will soon get better. Crime coverage may indeed be added to the pool—but the outlook for the quality of that service is dim as long as the industry feels it is being forced to do business it does not want.

Some observers believe that the writing of property insurance may soon be taken over wholly by the Government if the industry does not bring coverage to all responsible citizens who want it. "We like to believe that whatever the Government can do private enterprise can do better," says Herbert Denenburg, who helped write a new Puerto Rican law which is the first in the Americas to put government in the business of compensating auto-crash victims. "But property insurance is an area in which the private sector has not shown it has the imagination to cope with the problems it is beset with. In any case, government is ideally suited to function as a risk-spreading mechanism, which is all that insurance is. Look how well Social Security has worked out. I don't know why government can't handle other coverages as well. It may have to, because the environment is likely to get worse before it gets better and industry is not handling the job now."

The whole dreary situation recently came to a moment of particular disgust for a midtown broker when he got a call from a customer for whom he handles a profitable commercial policy as well as personal coverage. The man had been hit from behind at a toll booth by an uninsured out-of-state driver. Now he wanted to make a claim for $65 of the $165 bill on his $100-deductible collision policy.

"I started to tell him that the company would cancel his policy when it came up for renewal if he made the claims; he'd already had that happen to him with his homeowner's policy anyhow. Then I could hear him say, 'It wasn't my fault that the guy ran into my car. Why should they drop me?' But you can't explain the logic of why any accident is held against you whether it's your fault or not.

"So I decided, what the hell; instead of explaining the problem and having him get mad, I'll just tell him not to worry; his check will be coming right along. After I hung up, I sat down and wrote him out a $65 check on my personal account. For me to do that, this business has got to have become pretty sticky."

THE OTHER POCKET

While insurance companies are often quick to bemoan their losses in a given line of coverage, they rarely draw attention to areas of their business in which they are at the same time making money. No major American insurer lost more on its unprofitable coverages last year than it brought in on healthy lines like workmen's compensation and through investment return on its financial reserves.

State Farm's Vice President Tom Morrill—one of the few industry leaders to berate the auto industry for building such an easily crunchable product—points out that even as his company lost $82 million on auto property claims in 1969, it did well enough on the "investment and people side" of the business to finish the year comfortably in the black. At times the investment income of the big companies dwarfs their underwriting profit or loss. In 1969, for example, Continental Insurance suffered a net underwriting loss of $4 million—but its nearly $2 billion in stocks and bonds brought in a return of $88 million for a net profit of $84 million.

In 1968, all New York companies came close to breaking even on underwriting while they reaped nearly $3 billion in investment income. For the first six months of 1970, California companies reported a $265 million underwriting loss while registering a $944 million yield on investments.

The fact that a company claims a loss on underwriting does not mean that it is paying out more in claims than premiums are bringing in. Few companies pay more than 60 percent of premiums back to policyholders in claims. But most of them figure their expenses of doing business at about 40 percent, bringing about a net loss whenever they pay more than the 60 percent back in claims—a loss which many critics of the industry believe could be turned into profit through better management of expenses.

The life- and health-insurance companies, whose fortunes are tied not to gyrating crime-and-auto-crash rates but to the remarkably reliable tables of mortality which predict how many Americans per thousand will die at a given age each year, have been more profitable than the property and liability companies because they continue to make money on both investments and underwriting. In the last few years, an average of 80 percent of their income has come from premiums and only 20 percent from investments.

At the moment, despite the decline in the paper value of stock investments, the insurance industry is sitting on a record pile of surplus reserves—cash left over after making provision for maximum projected claims payout. For all property and casualty companies this surplus now stands at $142-billion. The money has been accumulated thanks mainly to the more serene times when people made fewer claims than now against the premiums they paid in. Investment income on these reserves is neither counted as profit nor fully taxed, on the theory that if a calamity ever comes the surplus can be brought forward as normal reserves are drained. But the companies are under no obligation to maintain their surpluses. So, like the banks, many of them are setting up holding companies to get out from under governmental restrictions on how they can spend this money.

Continental Insurance, for example, passed along a $465-million special dividend last year to its parent Continental Corporation. Four other insurance companies in New York also handed over special dividends to their holding companies last year, amounting to $600-million. Like Continental, none of them are showing much desire to use their surpluses to back up new underwriting for crime coverage and other lines in which the demand is not being met, though many are expanding lines in which there is currently good profit. In the last five years, Continental has picked up 190 per cent more workmen's compensation business while its fire business has risen by only 30 per cent.

Companies which do not go the holding-company route on their own run the risk of being swallowed anyway. Not long ago a 7-year-old computer outfit called Leasco, which has $90-million in assets, took control of Reliance Insurance Companies, which was 150 years old and had $580-million in assets. The drawback to such takeovers is that—since the surviving company wants the wad of cash the insurance company has built up, but probably does not want to be in the insurance business—it becomes harder than ever for the consumer to get a policy from the gobbled-up company.—P.H.

ASSESSMENT OF THE 1970 ELECTIONS—THE ADMINISTRATION STRATEGY—AGNEW—THE FUTURE OF THE REPUBLICAN PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. RIEGLE) is recognized for 15 minutes.

Mr. RIEGLE. Mr. Speaker, many observers have offered interpretations of the 1970 congressional elections and their impact on the Republican Party. The list includes several spokesmen for the Nixon administration, none of whom directly faced any electorate in 1970. Few Republicans who sought and won election in 1970 have yet been heard from—Senator-elect Taft being the only one who has spoken out that I am aware of.

Therefore today, as a Republican who has faced the electorate and has waged and won two elections in 1970, I am compelled to speak out about the recent elections—particularly the role and impact of the Nixon administration in the 1970 congressional campaign and the meaning of this election to the future of the Republican Party.

In recent months the image of the GOP, at the national level, has been increasingly portrayed by various administration spokesmen as a party which seeks to capitalize on division—of loud strident voices and name calling—of narrow ideological arrogance—and a party willing to use appeals to hate, fear, and anger in order to win elections. This approach sought to lay the entire blame for our Nation's problems on the opposition party—deliberately tried to link opposition candidates to the breakdown of law and order in the United States—openly undertook to purge officially nominated Republican candidates—and used the politics of division in an effort to win elections with an angry majority.

This dark and negative approach is contrary to the origin and long history of moderation of the Republican Party. It violates the traditions of compassion, openness, and high-road tactics expressed by Lincoln, Theodore Roosevelt, Eisenhower, many current Republican Members of the House and Senate, and countless others. In its essence, it is anti-Republican. No doubt this is one reason why the Republican National Committee and the Republican Congressional Campaign Committee, and their respective chairmen, to their credit, did not follow the lead of the political operatives of the White House.

Those Republicans who used, or encouraged, loud voices, name-calling and the "politics of division" did not—and do not—speak for me. I embrace the Republican heritage of Lincoln, Roosevelt, Eisenhower, and many of my congressional colleagues—and I must equally reject the anti-Republicanism coming from the administration in 1970. And, further,

I do not believe these negative voices speak for millions of other Republicans across the country who strongly feel it is time for all partisans to lower voices, offer constructive alternatives, respect those with whom we might disagree and work to bring the country together.

I speak today as one of those Republicans who wishes to see our party become a majority party—but clearly we have a long way to go, as evidenced by the latest Gallup poll data which shows only 29 percent of the American people identifying themselves as Republicans. Clearly we must broaden our appeal—and reach out to all Americans. It is vital, then, that we understand certain important lessons from the 1970 campaign.

Several significant conclusions are apparent to me:

First. With impressive individual exceptions, the Republican Party suffered a serious defeat nationally—with the full prestige, presence, financial assistance, and strategy of the administration failing to help elect a much better-than-average set of Republican candidates. At no time in political history has an incumbent administration invested effort more massively—and produced more meager returns. The "divide and conquer" approach was a political failure.

Second. The "politics of division" approach, if continued, will almost certainly guarantee that the Republican Party will remain a minority party in perpetuity. The party of Lincoln, Eisenhower, and others deserves a better fate, and so do the American people. The 1972 elections will almost certainly become a political replay of the Republican disaster of 1964, if this mistaken course is continued.

Third. Most political observers have concluded that the Vice President was acting out a script designed by the White House and the political advisers found there. Indeed, the White House itself has since confirmed this to be so.

In light of this, the President and his advisers have a big job to do if they are to now convice the American people that they seriously desire to unify the country—and have the skill and sense of mission to get the job done.

While it is hopeful to hear that the administration is contemplating certain near-term personnel changes—we must wait to see if the administration uses this as a major opportunity to demonstrate a new sense of direction with a serious commitment to lowering voices and bringing the country together.

But far more important than the face of the administration—is the substance—its sense of direction, its commitment to unifying a fragmented country. The country is still waiting to have the Vietnam war concluded, our national priorities revised, equal justice assured for all, and our people unified.

Producing that sense of national purpose and enlisting broad citizen support in this troubled time is much more difficult and vital than selecting new Cabinet members.

Fourth. The Vice President has become the single most polarizing political figure in the United States, with his repeated name calling and use of the tactics of division. To many Americans he has become, by his own deliberate words and actions, the most frightening public figure in America. While this approach may sometimes work insofar as winning a specific election here and there, it is equally clear that such tactics render impossible the national sense of unity needed to govern after election day.

Fifth. And most important of all, Americans now—and will even more so in 1972—seek two things: To have voices lowered and the Nation brought together. It is ironic and tragic that this desperate national longing is the lost theme of the 1969 inaugural address.

If the Republican Party is to grow and thrive it must be on the basis of reaching out equally to all the people of the country, respecting rather than condemning those who might disagree philosophically.

The increasing frequency and dominance of ticket-splitting as a national voting behavior indicates that narrow hard-bitten partnership just is not relevant to the electorate of the 1970's. Neither party has a monopoly on all the good men or all the good ideas, and excessive partisanship and ideological arrogance is contrary to the American tradition, the interests of the country as a whole, and even contrary to the intelligent self-interest of individual political parties.

In the 1970 elections prove one thing above all others it is that the American people want a President—and all his surrogate Presidents—to take the high road, to appeal to the higher instincts in man, to work to lower voices and bring the country together. That is the kind of President America is certain to elect in 1972.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. This year Dr. Norman E. Borlaug, an American agricultural expert, was awarded the Nobel Peace Prize. The award was for leadership in the development of new cereal strains whose introduction into developing countries has enormously increased crop yields and reduced the threat of famine.

INFLATION RUSHES ON UNDER THE NIXON ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from (Texas (Mr. PATMAN) is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, this morning the Consumer Price Index was released and once again we have evidence of the onrushing Nixon inflation.

Today's figures indicate that the country is suffering inflation at the rate of 6 percent per year. This is much too high and something must be done to put a stop to these tremendous increases in the cost of living.

Two weeks ago, the administration announced that unemployment now stands at 5.6 percent. So in the month of November, we have evidence of a continuing creases in the cost of living. In short, Mr. Speaker, we have the twin evils of inflation and recession with us as a result of the economic policies of the Nixon administration.

It is time for the Nixon administration to forget its unworkable "game plans" and come up with solutions which will halt inflation and put the jobless back to work. The Congress stands ready to cooperate with the Nixon administration. But to date, we have had nothing but a series of vague and meaningless statements from the President and his advisers.

The President must break his administration out of this lethargy about the economy. The business community as well as the consumers want to see some definite action.

ITALIAN-AMERICAN POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, I recently had the opportunity to read a most interesting article entitled: "The Status of Italian-American Politics, 1969, or the Decline of an Ethnic Image." The article was written by Dr. Salvatore La Gumina, professor of history at Nassau Community College, and I place the article in the RECORD at this point for the information of my colleagues:

THE STATUS OF ITALIAN-AMERICAN POLITICS, 1969, OR THE DECLINE OF AN ETHNIC IMAGE

The following remarks are frankly fragmentary and designed to suggest new lines of inquiry rather than to treat the subject in an exhaustive fashion.

Revelations of unsavory relations between criminals or alleged underworld figures and politicians in New Jersey ought to be a source of indignation for Americans. To students of Italian-American life it is a bitter disappointment because the majority of names implicated although far from convicted, are Italian *ie.*, Addonizio, Delmauro, DeVita, Juliano, among the politicians and Boiardi, DeCavalcante, etc. identified with underworld elements. Nor, unfortunately is this an isolated incident since other prominent Italian-American political names are also tarnished by allegations and insinuations of criminality or conflict of interest. One need call to mind the serious intimations of collusion between popular San Francisco mayor Joseph Alioto and Mafia figures in *Look* magazine in September 1969. Seriously considered as a Democratic vice-presidential candidate in 1968 and until January 12, 1970 in a race to gain the Democratic nomination for 1970 California gubernatorial race, Alioto has angrily denied the charges and has undertaken a vigorous public relations drive to disprove the magazine article insinuations. He has also brought a multi-million dollar suit against the publishers

of *Look*. Still intensive investigation into his background continued and questions were raised recently about the propriety of sharing some legal fees with a public official. Again Alioto maintained no wrong-doing. When Alioto withdrew from the race for the Democratic nomination he cited the energies he would need to expend against the charges as among the major reasons for his withdrawal. One cannot but conclude that the allegations as yet unproved, have been extremely harmful to his political career.

New York state Senator Republican Edward Speno, another popular Italian-American politician has also seen his reputation besmirched by a series of "expose" articles in the Long Island daily, Newsday. Specifically Newsday accused him of association with criminals causing a conflict of interest, and use of improper influence of his political position in private business, thus accounting for his financial success of recent years. Speno not only unhesitatingly denied the allegations but charged that they were politically motivated by Democrat editor Bill Moyers, formerly a leading Johnson intimate. While the Newsday allegations seemingly lost Speno no grounds with Nassau Republicans, it is conjectural whether the identification with disreputable ways has hurt him politically. The Newsday articles came at a time when Speno was beginning to launch a campaign to gain the Republican nomination for U.S. Senator, thus replacing Senator Goodell as the standardbearer. Occuring simultaneously with widespread disaffection with Goodell among Republican leaders this was of some significance. As it is developing, however, Speno's chances of gaining the nomination are slim, since Governor Rockefeller has given Goodell strong endorsement, and his lead appears to be followed by most Republican county leaders. There has not been nor is there likely to be any public admittance that Speno's chances for the nomination were retarded because of the unfavorable Newsday articles. Indeed, Rockefeller's endorsement of Goodell stressed the incumbents strong points, nevertheless, once again one cannot help but wonder at the probable damage to an Italian-American's political career because of unproven criminal association.

Another example is that of Representative Robert Giaimo Democrat of Connecticut. Recently Washington syndicated columnist Jack Anderson devoted two articles to corrupt-like actions of Giaimo in which it was alleged that he consorted with and aided Mafia underworld figures. A Republican leader in Giaimo's district picked up the cue and has called for an investigation into charges that Giaimo used his influence to keep two underworld figures out of the draft, and that sinister associations have enriched the Congressman.

Still another case is the municipal scandal that has been placed at the door of Democrat Dominick Assaro, Mayor of Utica, New York. This is a city in which Italians constitute half the population and Irish and Poles make up most of the rest. The indictment of an individual close to the mayor has raised charges of Mafia influence, and counterclaims of ethnic-hatred, i.e., Assaro is the city's first chief executive of Italian ancestry. Assaro was forced to deny alleged connections with the Mafia brought by his opponent in the mayoralty election in 1967, maintaining that the only evidence his opponent had was "the fact that I am an Italian to have it (Mafia connection) believed.

Thus in the course of the past year several Italian-American officeholders have been charged with corruption and placed on the defensive. This does not take into account the case of Carmine DeSapio, former leader to Tammany Hall and one of the most powerful Italian-American political figures in American History. Although DeSapio's official political role was behind him by a few years, his recent conviction on bribery charges is a serious blow to the Italian-American political image.

There are of course many who will reject the proposition that the decline and fall of some Italian-American politicians and the scandal attending others will presage an anti-Italian-American movement, let alone have any meaningful effect on the political careers of other Italian-Americans. Still others would decry probings such as this because they tend to be too defensive, too apologetic and too negative. Of a certainty a very strong case could and should be made of the many Italian-American individuals both in and out of politics firmly on the positive side of scandals and corruption. For years one of the nation's most respected experts on the Mafia, Ralph Salerno, has worked to bring about the demise of the underworld organization. One could also refer to a Alfred Scotti, chief assistant District Attorney for New York County, who has earned an enviable record for his efforts in bringing criminals to justice. In the recent New Jersey disclosures one could point to the fact that Italian-American political figures helped gain the evidence that led to corruption charges *i.e.*, Michael R. Imbriani, Somerset County prosecutor brought charges of attempted bribery against Judge DeVita. Moreover, Joseph P. Lordi, Essex County prosecutor has cooperated to the fullest with United States Attorney Frederick B. Lacey who is directing the investigation into corruption in Essex County. One would hope that such revelations would sober the Italian-American politicians as to the conduct required of them. In addition, they should lend vigorous support to investigations of criminal organizations irrespective of ethnic feelings and political considerations.

As important as is the knowledge that Italian-Americans have played a significant role in bringing to light the collusion between criminals and politicians, this unfortunately, is not the main point. The fact of the matter is that those individuals who have been implicated are far more influential and well-known both within and without Italian-American circles and it is the relationship between these men and the Italian-American community that is of concern. Admittedly the term "Italian American Community" may be too imprecise, too inclusive, and too presumptuous, but even at its weakest it does encompass a significant number of people who are aware of their ethnic identity. What is the result of these allegations and scandal up on Italian American aspirants for political office? What is the possible reaction to Italian names running for political office? At first glance a typical answer would be that an Italian-American political aspirant should not be deterred in any way by the incidents described above. Furthermore such an individual would probably say he is running as an American not as a hyphenated American. This is all very well for it comports with the stated American idealism tnat an individual ought to be judged on his own merits, not on the basis of his ethnic, racial or religious background. But how realistic is the proposition? Can the matter be left right there? Can anyone aware of political realities extant in some counties, cities, and states really deny or even minimize the importance of ethnic identification? Can they truly say that ethnic background is not important (whether it ought to be important is another question)? Is it not a fact of political life that ethnic identification looms large in the nomination of individuals for public office? If this is true then allegations and or indictments against many Italian-American politicians can matter a great deal. To be sure such exposures will not commend Italian-Americans to the body politic and at their worst they can leave too close an identification in the public mind between corruption and Italians in politics. This author is not necessarily predicting such an outcome although he is compelled to confess his fears of such potentially damaging results. The main issue is the need to raise questions about the possible harm to the Italian ethnic group. If such be the case and a derogatory stereotype of the Italian-Americans results then that group will have paid a heavy price. Surely this aspect of the problem is important and yet it is almost completely ignored in the public coverage of alleged corruption in politics.

It is quite easy to be misunderstood about the questions raised in this article. For purposes of clarification let it be stated there is no dispute with the need to cleanse the body politic of corruption. The author holds no brief for any of the individuals included in the unearthing of corrupt practices between criminals and politicians. It is not the future of these individuals that is of concern, but, rather, the collective image of an ethnic group whose political leaders in many instances, have had their reputations impugned almost as a group. After all one would have to be rather naive to fail to associate terms such as "Cosa Nostra" or the dreaded "Mafia" with the Italian ethnic group.

It is not enough to say that many Italian-Americans do not regard themselves as an ethnic group. The significant point is that if ethnic group identification is so important in determining public questions including the selection of candidates, the Italian-American ethnic group is bound to suffer the most from these revelations of corruption. Equally important is the possible loss of confidence about the viability of the political process by the Italian-American community. Because it is only in very recent years that this group seems to be on the verge of attaining significant political importance, after having enjoyed only limited success nationally, the scandals will likely impede the political blossoming of Italian-Americans on the national level at least in the immediate future. In the history of this country only one Italian-American has served in the U.S. Senate (the Rhode Island incumbent John Pastore). None has served in the U.S. Supreme Court. Only two have held cabinet level positions (Anthony Celebrezze in the Kennedy cabinet, and the current Secretary of Transportation, John Volpe). States with such large Italian-American populations as New York and New Jersey have never elected Italian-American governors. The number of Italian-Americans serving in Congress has never been large. Today out of a total Italian-American population of at least several million (estimates of 20 or 40 million are widely exaggerated) there are sixteen Congressmen of Italian ancestry, although in many instances the surnames have undergone such modification over the years so that they are not recognizably Italian, *ie.*, Fascell, Minish, Daniels, Dent, Leggett, Miller. Indeed this recitation of names causes one to ponder aloud whether, except in large Italian-American areas, having an Italian name is considered a liability. That is, outside of the strongly Italian-American neighborhoods Italian names may have a negative effect. If this attitude had some substance before the recent scandals, is it unreasonable to expect that it will not only persist but even increase?

There is still another aspect of the situation that deserves an airing—that is the question of civil rights. During the hey day of McCarthyism numerous civil libertarians raised their voices to protest guilt by association and character assassination that was

the lot of many left-wingers accused of association with Communists. They rightfully defended many innocent people whose criminal culpability was often little more than imprudence. In the same spirit one would wish that some of these same civil libertarians would take a similar interest in some of these politicians who have been associated with alledgedly criminal activities. Unless, of course, mere allegation of association with criminals is enough to consider these individuals guilty. If this be the attitude then it is a further comment on the image conveyed by implicating Italian-Americans with underworld characters.

Only recently outgoing New Jersey governor, Richard Hughes in denouncing indiscriminate release of tapes which implicated many prominent individuals on rather flimsy evidence, said such allegations in transcripts were:

"... foreign to American fair play, we must think most carefully about our personal liberties and cherish them most dearly against the threat of innuendo slander and character assassination. . . ."

NASHVILLE STUDENTS CITED

(Mr. FULTON of Tennessee asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, recently, the Nashville Optimist Club, in observance of National Youth Appreciation Week, cited 30 Metropolitan Nashville students for their scholastic and academic achievement and leadership potential.

The 30 students represented 23 public and seven private and parochial schools. They were cited as outstanding representatives of their schools and were urged, by the Optimists, to continue to meet the challenges that leadership offers.

Mr. Speaker, the activities of the Optimist Club in Nashville in connection with Youth Appreciation Week are more important today than ever before. Possibly because of the notoriety which the misconduct of a tiny minority of America's youth receive today, a large number of the vast majority of American youth may feel their elders are distrustful and suspicious of all young people today. And, unfortunately, there is too much reason for this concern by our youth.

Thus, the work done by the Optimists or any organization in accentuating the positive achievements and attitudes of these junior citizens does much to clear the air of doubt and concern in the minds of our over-30 generations.

Mr. Speaker, I would like to take this opportunity to commend the Nashville Optimists for this understanding work and to congratulate those students who were honored. They are representative of the vast majority of America's youth today and I insert a list of their names in the RECORD at this point:

Joanne Taube, Antioch; Ricky Jacobs, Bellevue; Donald Johnson, Cameron; Arthur Hyde, Central; Allan Smith, Cohn; Roy Dorris, Cumberland; Larry Foster, David Lipscomb; Melanie Krise, Donelson; John Coulter, Dupont; Linda Overton, East; Tommy Green, Father Ryan; William Proctor, Glencliff; Vickie Hood, Goodlettsville; Beth Lewis, Harpeth Hall; Wills Oglesby, Hillsboro; John Jackson, Hillwood; Glen Creson, Hume-Fogg.

Billy Denny, Joelton; Barbara Crane, Litton; Mitchell Garriott, Montgomery Bell Academy; Phillip Worsham, Madison; Milton Knox, Maplewood; Larry Carr, North; Richard Regen, Overton; Wendy Ashcraft, Peabody Demonstration; Kenneth Robinson, Pearl; Delaine Roper, Stratford; Margie Nelson, St. Cecilia; Susie Holzapfel, St. Bernard, and William Bazell, Two Rivers.

ESCALATION OF THE WAR

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, the combination of last Friday's 200-plane assault on North Vietnam and the futile U.S. commando rescue attempt indicates an intensification and escalation of the Indochina war. The disclosure of the commando raid on the North Vietnamese prison camp seems designed to divert attention from the main issue—the resumption of the bombing of North Vietnam.

It is incredible that our military intelligence should have risked the lives of brave men in raiding a prison camp which was unused for several weeks. This vain action jeopardizes the life of every prisoner of war who still survives in North Vietnam. It also threatens the Paris peace talks.

The clearing of deserted sanctuaries in Cambodia and the attack on abandoned prison camps in North Vietnam, 30 miles from Hanoi, become adventures without purpose, except aggravation which may result in more violent extensions of the conflict and more American dead before the war is ended.

REASONS FOR THANKSGIVING: WHAT IS RIGHT WITH AMERICA?

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in a recent edition of the Tribune Democrat, the Reverend Don Sease, minister of Trinity United Methodist Church in Johnstown, Pa., outlined some of the reasons we should be celebrating Thanksgiving with thanksgiving. America, the land of the blessed, has a great deal to be thankful for in spite of the impression the dissenters and professional detractors would have you believe.

There is no disgrace in being proud of this Nation. In his article, Rev. Sease waves the flag proudly but humbly, remembering, respecting, and acknowledging God—the source of the bounty which is America. Rev. Sease's article, particularly appropriate for the season follows:

WHAT'S RIGHT WITH AMERICA

It seems to me we have been listening long enough to the prophets of doom, to the proclaimers of dissension, to the pronouncements of despair, to the promoters of destruction throughout our beloved land. We no longer identify ourselves as Americans but as hawks or doves, conservatives or liberals, hard hats or students or militants. We seem to be passing through one of those periods when we are critical of the nation, community, churches and every institution. This week we mark the 350th anniversary of the landing of the Pilgrims; so I thought it would be a good time to speak about what's right with America.

Here we stand on the threshold of the Seventies—the strongest, freest, most-compassionate and humane nation on earth, yet we hear so many assaults on our way of life, our cherished values, our inspired traditions, and our national character. During the last 10 years it has become fashionable to be a dissenter and almost honorable to be a traitor. Gen. Eisenhower said we must never confuse honest dissent with disloyal subversion. The downgraders of America have tried to persuade us that everything we believe in, everything we have done in the past, everything we plan to do in the future is wrong. The downgraders are willing to shout out against everything that is wrong with America, but they are unwilling or unable to see anything that is right with America.

To love our country does not mean we will not face our blemishes and our problems. If we object to the law, let us amend it; but while it is the law, let us obey it. In 1837 we were warned by Abraham Lincoln never to violate the laws of the country and never to tolerate their violence by others.

I am happy to be a flag waver and to say some good things about America, for more people have experienced life, liberty and the pursuit of happiness in America than anywhere else on earth. Three cheers for the red, white and blue! Don't jeer me, join me; and let the world know you are proud to be an American. Those who love America must throw off their apathy and speak louder and clearer than the philosophers of despair who seek to tear down and destroy.

I believe America is right because of her founders, her foundations and her freedoms. America was founded as a Christian nation. This 350th anniversary gives us a good opportunity to remind both Europe and America that our heritage is rooted deep in the gospel of Jesus Christ. Pericles built a civilization upon culture, and it failed. Caesar built a civilization upon power, and it failed. Our forefathers founded our nation upon the Christian religion, and America will live so long as the Lord is our God.

When the Pilgrims left Europe to seek freedom in a new land, they saw themselves as making a holy pilgrimage. Anchored in Cape Cod Bay, their first harbor in the new land, one of their first acts was to draw up the Mayflower Compact. In this document the following words occur:

"We do solemnly and mutually in the presence of God, and one another, covenant and combine ourselves together."

Our forefathers knew they were building on a firm foundation when they built upon God. Just above the name of John Hancock is written the founding spirit of this Republic:

"We mutually pledge each other our lives, our fortunes and our sacred honor."

Let us remind ourselves that in the Declaration of Independence, there was also a declaration of dependence:

"United we stand, divided we fall."

A South American president was right when he said: "South America was settled by men who were seeking gold, but North America was settled by men who were seeking God." Do you recall the picture of Washington at Valley Forge? His little army was almost starving and freezing to death. Everything that they held dear was at stake. They were fighting against seemingly unsurmount-

able odds, but out in the snow George Washington was down upon his knees praying. That is the spirit that built America.

I love America and think she is right because of her founding fathers and her firm foundation and also because it is the land of the free. There are no concentration camps here and no secret police. We have a free democracy where every man has a vote and a voice. However, we must not let our freedom become a license to do as we please.

Freedom is more than a precious possession to be cherished; it is a workable way of life to be practiced; a priceless heritage to be preserved; a powerful philosophy to be taught. Let us have faith in the principles of our government, hope in the future of our country, charity toward all and malice toward none.

It seems to me each citizen must rededicate himself to the spirit of understanding, patience, self-discipline, compassion, cooperation as with a united concern we face our tasks and our problems whether it be in our nation, at city hall, at our institutions of learning, in our churches or in any community endeavor. Let us approach one another and work with one another with appreciation and with a positive attitude to build. We have had enough ranting, ripping and roaring that tears us apart. Let's have fewer politicians and more statesmen. Let's practice in our daily relationships with each other that expression you have often seen in print—do not fold, mutilate or spindle.

Rather than approach our present-day situation in our country, city and churches with criticism, may we approach it with appreciation; rather than always saying what's wrong, let's begin to think of what's right; rather than always distributing bad news, let's begin to spread good news; rather than possessing a negative attitude, let's begin to think constructively of ways we can improve and brighten our own little corner. Let us remember "it is better to light a candle than to curse the darkness." Very popular in some circles are the four-letter words of obscenity and vulgarity. Let's recapture better and more useful four-letter words such as hope, love, work, good, lift, kind, holy, help and if need be—soap.

As we pause to thank God for our founders, our foundation, our freedom, let us be glad we're Americans and not be ashamed to show it. Let each of us express our faith in God and be committed to His love and law for living. "America! America! God shed His grace on thee, And crown thy good with brotherhood from sea to shining sea!"

THE STATUS OF THANKSGIVING

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, what has happened to the day of thanks to God which was proclaimed by President Lincoln? The day, I mean, which was celebrated by our forefathers at Plymouth Rock; the one memorialized by our ancestors at Jamestown; the one, in short, which commemorates our unbounded subservience to, and gratefulness to, a bountiful God?

What has happened is that Thanksgiving, instead of being an intensely religious day, a day of prayer, contemplation, and gratitude, has become little more than a signal. A signal for the beginning of the selling season, a day of "thanks" for a day off, a day to forget a diet, and an excuse to watch football in the middle of the week in addition to watching it on the Lord's Day.

The status of Thanksgiving as a national, family, and individual institution, is in a lamentable state of repair. The cause of the decline in observing the true meaning of Thanksgiving in our rush-about, crassly materialistic society is all too obvious. One example of literally millions should suffice: In my hometown, the "traditional" Thanksgiving Day parade to mark the "beginning" of the commercial season, was held the first weekend in November and that was after the seasonal decorations were already in the stores.

Compare what the annual day of thanks to the Lord meant to the pilgrim and what it means to too many Americans today and you will discover a chasm of difference in mood, style, and meaning as great as the difference in the *Mayflower* and the Apollo spacecraft as modes of transportation. Something has been lost in the 350-plus years since this land was bestowed on our forefathers by a generous God.

The loss is not measured in terms of dollars and cents; nor is it measureable by other means. Our loss is spiritual—nationally and individually.

I want to lay the blame for the disregard of the true meaning of Thanksgiving on someone's doorstep, but there is no one doorstep. There is only the vague knowledge that the blame lies somewhere in the hearts of millions of individuals. Small comfort. What we are witnessing, have been witnessing, is an individual and collective hardening of the heart against our Creator.

Today there is a logical, scientific, statistically sound, and computer-fast reason for everything. Everything? We are the masters of our destinies. We challenge the stars, we try the impossible, and dream the unimaginable. We think, we act, therefore, we are—the end. And all the while, we suppress that small, mocking voice which reminds us of our incompetence, our frailties, our stupidities, our incredible follies, and most of all, reminds us of our mortality. Our superspace age has changed the face of man and hardened his heart. It has not changed, however much some wish it, our total dependence on the bounty of God and His grace.

For Americans to have so much of God's bounty without the spirit of Thanksgiving in their hearts can be likened to adding an eighth deadly sin to the original seven. The spirit of Thanksgiving must be reinstilled in our national conscience.

Our Founding Fathers wrote:

We hold these truths to be self-evident: that all men are created equal, that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.

That was standard doctrine taught in the schools for decades. It taught the child that he has a Creator, that people have rights, but that God is the source of all human rights. It taught that some rights are what the founders called "unalienable"—rights that no man, no government, no dictator, no majority, nor minority, can take away. Such teaching is very different from much of what we see being produced today, wherein a belief in any ultimate value has been discouraged.

I do not wish to repeat my criticisms of the institutions in our society which have helped to motivate our children, and many of our contemporaries, to disregard and ignore the teachings and principles which founded the Nation. Decades of materialism compounded by skepticism and nurtured by permissiveness is all too evident throughout the country. The citizen who believes in God, the truths of the Ten Commandments, and repairs to prayer, is not likely to belittle God's gifts.

The blessings of this land of ours, the blessings of liberty, the blessings of opportunity, however imperfect we see them from one or another vantage point, are blessings of a love which man does not possess. For these blessings we give thanks on Thanksgiving Day.

Mr. Speaker, once we begin to give thanks for these blessings, the spirit of Thanksgiving will reenter our hearts and the status of our national day dedicated to God's grace will regain its true and proper place in our society.

THE PEOPLE'S LOBBY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I attach hereto for reprinting in the body of the CONGRESSIONAL RECORD an interview conducted by True magazine with Col. Curtis B. Dall, chairman, Liberty Lobby Board, and Warren S. Richardson, general counsel of the board. I am sure my colleagues will find this interesting and informative. The interview follows:

[From True magazine, November 1970]

THE PEOPLE'S LOBBY

(NOTE.—This interview is the first in a series with various sorts of pressure groups operating in the country today. Its business is not to make value judgments but to permit the reader to draw his own conclusions. We begin with Liberty Lobby, which claims a subscriber strength of more than 250,000 people. The interview took place at the Lobby's national headquarters at 300 Independence Avenue in Washington, D.C., an austere Victorian three-story brick and stone building two blocks from the House Office Building. Interviewed were Liberty Lobby board chairman Col. Curtis B. Dall and general counsel Warren S. Richardson. Dall is 73, tall, bald, disarmingly friendly and bluntly outspoken. He was born in New York City, attended Princeton University, was commissioned an ensign in naval aviation during W.W. I and retired a colonel after serving in the Army Air Force during W.W. II. In 1926 he married Anna Roosevelt, only daughter of Franklin Delano Roosevelt; they were divorced in 1933. He is the author of the book "FDR: My Exploited Father-in-law." Richardson, 46, received his law degree in 1954 from Catholic University in Washington, D.C. He was born in Rochester, New York, was discharged a lieutenant junior grade after three years as a naval aviator during

W.W. II and is chairman of the Boy Scout Troop Committee in Derwood, Maryland.)

TRUE. Every lobby wants something. What does Liberty Lobby want?

DALL. Liberty Lobby was envisioned around 1955 by Willis A. Carto, a great American patriot who is our able Liberty Lobby treasurer. He felt the American people needed a lobby to compete with all the special-interest lobbies. We lobby for bills that we feel are good for the American people as a whole; we lobby against bills we feel are not good for the American people as a whole. We are the people's lobby! There's no other organization like ours on Capitol Hill, and some of the most antagonistic opposition has described us as being the most effective lobby in Washington. I refer, in particular to the late Walter Reuther. I regard that as a great compliment.

TRUE. It takes a lot of money to lobby in Washington. Where do you get it?

DALL. Liberty Lobby is supported entirely by voluntary contributions from modestly situated Americans all across the country. We have no large financial angels whatsoever, in spite of some contrary insinuations by others. We're a nonpartisan group doing a productive and constructive service for the American people. We oppose the efforts of others who seek to downgrade this country, especially those who prefer a foreign type of government to our own.

TRUE. What are the wrongs in the country today that you feel you have to correct?

DALL. You have the cart before the horse. We don't originate causes. When a specific bill is considered in Congress, we look over that specific bill; we consult with counsel about it; and we decide whether or not we can add or subtract worthwhile changes in the structure of the bill. There are many things wrong with the American people today, but there are a great many things that are right! We have people in this country who want to change our form of government, who want to raise our taxes, who want to continue our expensive monetary system. When we find the reflection of those ideas in a specific bill, we try to change it or stop it.

TRUE. What is your organization's view on income taxes?

RICHARDSON. We have developed a program we call our Tax Equity plan. Briefly, it would place a tax burden on all income-producing, tax-exempt organizations—foundations, churches and the like—and it would plug up the loopholes for those multimillionaires who pay practically no taxes. There were many articles in the news last year reporting how large income-earners pay merely nominal taxes. If our plan of Tax Equity were enacted by Congress, the individual exemption could be raised to $8000 per person, and up to $15,000 per family. The worker would get the benefit.

DALL. We've published a book and a tabloid called *The Great Tax Fraud,* which details this. It was written for us by the distinguished expert on tax matters, Dr. Martin A. Larson.

TRUE. What has been Congress' reaction?

DALL. For the first time in many years, 1969 saw Congress pass a tax reform bill. However inadequate and faulty that bill is, it reflects in part our principles of Tax Equity. We will continue to press Congress for full implementation of Tax Equity.

TRUE. What is your stand on the move to impeach Justice William Douglas?

DALL. We feel that Justice Douglas, in several areas, does not measure up the standards of a justice of the Supreme Court. Mr. Douglas has behaved in a manner that should cause him to be impeached, and a more capable, more patriotic and more representative American should take his place on the bench.

TRUE. What was your position on the nominations of Haynsworth and Carswell?

RICHARDSON. I'll answer that. Liberty Lobby had no official position on those nominations. We supported both men, unofficially, but we did not have a vote of our policy board members on the matter.

TRUE. Why do you think they were defeated?

RICHARDSON. Just two days ago I was in the offices of the Senate Judiciary Committee, talking with a member of the staff. We asked him point-blank what had happened on those two nominations. He said, "It was nothing but politics. Haynsworth and Carswell had nothing in their records." This man has been a member of that committee's staff for 20 years. He has access to both the secret and public files.

TRUE. Colonel Dall, as a recent visitor to Rhodesia you've been critical of President Nixon's decision to close the U.S. consul there and to institute trade barriers in protest to the racial situation. You've said that this is "an embargo against the policies of Rhodesia."

DALL. Yes, and the American people are aware of it. The alleged reason the United States and Great Britain stupidly put sanctions on Rhodesia, at the behest of the United Nations, are reasons not too difficult for a knowledgeable person to follow. The racial situation had very little to do with the problems in Rhodesia. Actually, the communist nations who have been playing up to the black man have come up with a lot of misstatements about Rhodesia. The black man is being very fairly treated in Rhodesia. They have about 250,000 white people in Rhodesia and about four million blacks. There is law and order there. Very much more law and order there than in Washington, D.C. The real reason for the sanctions, in my opinion, is not racial at all. It's money. Control of Rhodesia's money.

TRUE. Do you feel that support for Vice-President Agnew and the recent defeat of the Labor Party in England indicates a worldwide trend toward conservatism?

DALL. There's a very definite trend toward what might be loosely termed conservatism in government around the world. I think the people of Great Britain had a craw full of Harold Wilson and his socialist-communist government there. I think the British businessman, small and large, and the British housewife have had it up to their chins and have said: "We don't want anymore of this Labor government. We want a government with a little common sense."

TRUE. Many people believe socialistic trends started in the United States when Franklin Roosevelt was elected to office in 1932. We find your intimate association with Roosevelt, as his former son-in-law, rather interesting. Did you agree with him?

DALL. I certainly did not agree with his political views, but I was very fond of him as an individual and he was fond of me. I would say that many of his policies, uh—he didn't dream up himself. It was as if he were the gun and the "ammunition" was supplied by an international socialist group. The American people are paying through the nose for many of those policies today.

TRUE. What is Liberty Lobby's stand on replacing the Electoral College with the direct vote?

RICHARDSON. Our policy board, having some 20,000 to 25,000 members, has voted on that issue. We are opposed to the direct vote. And we are opposed to the elimination of the Electoral College. We favor a change in the system, but we favor the Mundt plan. It provides for the election of the electors from the existing congressional districts. Electors are now elected by the entire state and the Presidential candidate getting the majority of the vote in each state gets all of that state's electoral votes. Until such time as the proponents of change come up with a better solution than the founders of the Constitution had, we feel constrained to go along with Thomas Jefferson and George Washington and Benjamin Franklin and the other creators of our entire system.

TRUE. How far to the right is Liberty Lobby?

DALL. Most of us are what you might call conservative, but I use that word cautiously; it's a hackneyed term. I would rather describe Liberty Lobby and myself as *confrontists.* We face the situations as they are. I don't like the temporizing that makes our national debt seem less dangerous than it is. I don't like euphemisms which compare our debt favorably with a year ago, or some other opportunistic comparison. I'd like to see our debt reduced. I'd like to confront those in authority in order to improve our monetary situation. I'd like to confront the people who are selling us this bill of goods on so-called racial "equality." That comes from those who advocate one-world government. There are two branches of the one-world ideology. There's the Fabian socialist philosophy that comes down from the top, and the communist philosophy that comes up from the bottom, which really isn't a proletarian movement at all, though the communists try to sell communism as coming from the bottom. Both are financed by the same one-world large-monied group.

TRUE. What do you mean by "one-world large-monied groups"?

DALL. Who do you suppose financed the United Nations?

TRUE. The United States?

DALL. You're talking about something which happened after the formation of the United Nations. Who put up the promotion money to organize the United Nations?

TRUE. We give up.

DALL. Who put up the money to finance communism in 1917? Or before that, who put up the money to get Karl Marx writing his little book? It came from the same source—call it a one-world money trust. It's money that finances the one-world program. Both sides. The fascist and communist movements. This trust controls almost all the monies of Western civilizations today! That's why I'm a confrontist. I'd like to help improve that, but I must confront them to do so.

TRUE. Can you name this—?

DALL. Oh, certainly. It's the Rothschild complex and their associates.

TRUE. They're bankers. One thinks of bankers as being interested in making money.

DALL. There are bankers and there are bankers. Some are interested only in money. Others are interested in both power and money. Our Western financial program has been largely formulated since, oh, 1776, by a small group of people in Europe. About that time the Illuminati was set up by Adam Weishaupt with bankers' help. Perhaps originally it was merely an ideological organization, but it soon developed into the financing of wars and revolutions. It planned and financed the French Revolution, which became a format for the revolutionary techniques and problems that we face today. In 1884 the Fabian socialist organization made its appearance in England. In 1897 Theodor Herzl started what is called Zionism, dedicated to colonizing Jews in Palestine aiming for political and financial world domination. These two different philosophies converged on us, a new little country, but very rich in resources with a very productive people. Soon this powerful group of top-

level bankers began taking over our country. They have controlled England since 1694 when the Bank of England was formed—a privately owned and controlled bank. Just like our own Federal Reserve System is a privately owned or controlled system, no matter what you may read to the contrary. The central banks of France, Italy, Germany and other countries are privately owned. There are about 25 bankers on the top. The next lower level does the talking to the members of Parliament and our Cabinet officials here in Washington. There are several lower levels—the many fine citizens who run some of our local banks: the bank around the corner, the community bank. But the control comes from the top. Those very nice neighbors—friends of yours—that run a bank in Springfield or in Rockville, you name it, they must follow the power edicts from the top level, or they'll be out of a job in 30 days. When you control the economy of nations you must protect that control. The media of communications are controlled by them. Otherwise, if the truth got out as to how they are making the vast sums, on the various peoples of the world, the game would be up. When the United Nations was founded there was a big cost for promotion, for promoting the one-world idea. That big cost came from the top holders of very large monies. These world movements have to be financed. For example, I think it's well known that Jacob Schiff gave $17 million or more to start communism, and sent numerous commmunists over to Russia. I think his grandson made that public statement. That's pretty well known. The $17 million was a pretty good deal. It got the little movement off the ground, as it were. They succeeded.

TRUE. Why would a capitalist give $17 million to promote communism?

DALL. They—the international bankers—want *all* the main natural resources and markets of the world! They want *all* the money of the world, the gold, the silver. They want control of the world through a one-world government. When they begin to get that, at that time, the money boys and the ideological boys will be allegedly fighting it out. There won't be much of a world left. You see, they want it all. I raise my eyebrows when the Chase Bank wants to get more footsy-footsy with the Soviets. Some bankers, apparently, have got to do business irrespective of the best interests of the people. They want big business over in Soviet Russia, yet the communists are killing our boys in Viet Nam. Now we've got to cut out that kind of nonsense. We've either got a government here or we haven't.

TRUE. You're saying there's a conspiracy of international bankers?

DALL. That word "conspiracy" has been overused. Let's say there's a world plan to get control of all the world's governments and thus to control the world's currency and the world's raw material markets. There certainly is no doubt about this! The people who put up the money for the United Nations wanted concentrated control. So far as the United Nations standing for peace and this or that idealistic plan—all that is absolute nonsense. The United Nations is as phony as a three dollar bill. It is simply a device, a deceitful device. It is a device from a war-mongering group to entice us into a one-world government and then one-world banking control. The idea is a concealed operation so that you and others don't know what is going on until you are firmly trapped.

TRUE. This notion of yours doesn't take into account the vast power and interests of giant corporations like General Motors or Ford. The Ford Company, for example, puts great sums into the Ford Foundation, an organization that promotes good works and—

DALL. Who led you to believe the Ford Foundation is an implementer of good works?

TRUE. We—

DALL. What is your definition of good works? Good for whom? For the Soviets?

TRUE. Philanthropy, we suppose, and—

DALL. I now want to comment on the Ford Foundation you mentioned, because it is proof of the deceit involved in the opinion-making devices referred to previously. I can conceive of no large group that does a more unenviable and unpatriotic job on the American people than the Ford Foundation. A personal friend of mine was told by the head of the Ford Foundation in 1953, quote. The policy of the Ford Foundation is to so alter life in the United States that we can be comfortably merged with the Soviet Union, unquote. Their overall policy hasn't changed since then. Think of it! I would like to see Congress usher in a full-fledged investigation of the Ford Foundation.

TRUE. Do you favor a guaranteed annual wage?

DALL. We are opposed to a guaranteed annual income. We are against it in principle. We are against it because we cannot afford it. It is not sound economics.

TRUE. How do you regard George Wallace?

DALL. Is there a George Wallace bill coming through Congress?

TRUE. Do you automatically turn down liberal legislation, no matter what it is?

DALL. I don't think we are that mentally inflexible. It is true that our supporting efforts are preponderantly for conservative programs. However, we always keep our minds open.

TRUE. Liberty Lobby, you told us before this interview began, has opposed Viet Nam from the start. Why?

DALL. Our position on Viet Nam is basically that enunciated by George Washington. He said in effect, we really ought to mind our own business—stay aloof from entangling alliances!

TRUE. How would you resolve our involvement in Viet Nam right now?

DALL. We have proposed the formation of an All-Asian Anti-Communist Foreign Legion and are glad to see that this recommendation has been acted upon in part by the President.

TRUE. Do you support the House Internal Security Subcommittee?

DALL. The one-world plans of the international bankers are inimical to sound American interests. Anything we can do to protect our American interests ought to be maintained and safeguarded.

RICHARDSON. The challenge we face today is the threat of worldwide communism. Whether communism is a part of the international money order or not isn't too material to your specific question. The point is, we must protect ourselves against what is obviously the source of attack. When you know you have an adversary, the thing to do is protect yourself from this adversary. The House Internal Security Subcommittee exposes communist activities for the benefit of the American people.

TRUE. We're confused. Who's the enemy? The bankers or the communists? We detect an ambiguity.

DALL. There's no ambiguity. The enemy is the financial one-world plan to destroy us, regardless of the means. Downgrading our monetary system is their number one effort. Number two, all of our churches have been harmed and their spiritual message diluted by apostasy. Three, education has been made a shambles in this country. Art is being debauched. Music is worse. Campus unrest is just a facet of the penetration of the financial enemy's agents into the various colleges. It all comes from the same source.

RICHARDSON. It's a technique. The communists feed input into the colleges about ecology and future horrors which have built-in frustration because the solutions are unrealistic, impossible or uneconomic. Thus they're conceived to assure failure: confrontation with an Etablishment unable to react other than to refuse the impossible and impractical, thus resulting in violence.

TRUE. Do you believe a cause of campus rioting is the infiltration of student groups by troublemakers?

DALL. I know about only one college in particular. That's Princeton University. There are very few students who are really responsible for the so-called disorders. A minute percentage. There are professional troublemakers who are there to foment trouble and to cause dislocations, but they come from the outside and the question I always ask myself: "From what source do they get all this money?" My guess is that a lot of this money comes from the large foundations such as the Ford Foundation.

TRUE. What is your ideal of a federal government?

DALL. The least government is the best government. This is not a bill, but my personal feeling is that we have wandered far from our American ideal of government. We have too much concentration. And we have been duly led there by people who want to destroy our type of government.

RICHARDSON. That's the only way they can do it?

TRUE. Why is Liberty Lobby against busing schoolchildren to achieve racial balance?

DALL. I am told that busing is illegal, that Congress specifically prohibited busing for integration purposes in the public law facilitating integration.

RICHARDSON. It goes beyond that. Our Constitution—especially the first 10 amendments, the Bill of Rights—could be summarized in a succinct manner: Americans are against force or compulsion. Busing students requires compulsion, compelling some to move away, compelling those who stay, to accept. Liberty Lobby believes that the traditional American concept of freedom of choice must not be denied any group.

TRUE. A Liberty Lobby pamphlet says, "Forced integration has resulted in a sharp rise in interracial dating. The great majority of interracial dating involves black males dating white females." Do you see this as a real problem?

DALL. No, I don't see it as a problem. I think it is a part of a program of international one-world forces to downgrade our society as a whole. And I think most . . . most responsible colored people feel the same way. I think it's just a facet of the one-world plan, an attempt by the people who are trying to tear us down to mongrelize our society.

TRUE. Why do you oppose sex education in the schools?

RICHARDSON. Liberty Lobby does not oppose the concept of better education regarding sex. We do not object to the idea of the pure knowledge involved. Nobody objects to teaching the academic subject. Liberty Lobby does oppose the teaching of sex education in the schools, however, for several very valid reasons. First of all, the school is not the proper setting for learning about sex. Secondly, the schools are not permitted, at least at this time, to teach moral or religious principles in connection with sex. Third, much—not all—but much of the sex education in the public schools is not just secular and amoral; it is designed, openly and unashamedly, to destroy all of our classic mores and moral values.

TRUE. Liberty Lobby opposes labor unions, but it is said that it is the rank and file of the unions who comprise a strong segment of the politically conservative. Don't you find a conflict here?

RICHARDSON. There is a distinct difference between the labor union leader—the pro-

fessionals, including the business agents—and the members of the labor unions. The members do not agree with the philosophies of the professionals. But the aggressive tactics of the professionals in getting benefits for the members, who don't want to be involved in controversial issues, perpetuates professionals in their jobs.

DALL. Yes. Here's a case in point. You've got to remember that the labor unions were very weak for a long time. They had no assets, no income. They had difficulty getting members and collecting dues. Someone had to put up the money to establish them before they had any money of their own. All I can say is that the labor-union plan was a well-thought-out and clever device for controlling wages. Control of still another part of our society.

TRUE. Liberty Lobby is opposed to tax-supported housing. Who will underwrite low-cost housing if the government doesn't?

RICHARDSON. What's wrong with free enterprise? Why do we feel that the government has all the answers? We regulate, repress and smother dynamic free enterprise which has done so much for this country, but with proper treatment free enterprise will do it again. A $30,000 house could be built for $20,000 or less if the private builder had the same tax breaks as the government project.

TRUE. In your literature you say there are 750 security risks working in the State Department. Who are they?

RICHARDSON. That was some time ago, but it is likely there are more now, not less. The famous case of Otto Otepka revealed this. Mr. Otepka was the clearance officer for the State Department in 1961 during the Kennedy Administration. He was told that he had to pass certain individuals who were not eligible for clearance. He refused and was put in an obscure job as punishment. He was restored by President Nixon to the Subversive Activities Control Board. It was Otepka who said there are 750 security risks in the State Department as a result of the Administration passing individuals unacceptable during the time he was removed from the job.

TRUE. Your literature alludes to homosexuals being bad security risks. Can't a homosexual also be a loyal American?

RICHARDSON. Homosexuals have always been security risks because they are vulnerable and subject to blackmail. That has been confirmed time after time in recent history.

TRUE. The FBI is generally regarded as conservative, but in your literature you object to its methods of investigation. Why?

RICHARDSON. We do not approve of invasion of privacy by the FBI or any branch of government, including Social Security, Internal Revenue, the Census Bureau or any other agency.

TRUE. J. Edgar Hoover has been quoted as saying that wire tapping can be an important tool. Does Liberty Lobby oppose wire tapping?

RICHARDSON. Liberty Lobby opposes all wire tapping. Even though recent changes permit use of wire taps with court orders, we feel the risk of the invasion of privacy of the ordinary citizen, with or without court orders, is too great.

TRUE. Your policies indicate a nostalgia for the simpler days of the 1930's. Are you trying to roll back time to the days of isolationism and a safe, front-porch America?

RICHARDSON. We believe it is the liberal who wants to turn back the clock. We witness the parallel between the degenerate fall of Rome and the excesses of a permissive America. We note that the youth are far more demanding in avoidance of foreign entanglements, even when our security is involved, than the most outspoken isolationist of the Midwest in the 30's. We most importantly notice a trend—a rush—toward dependence upon the government by the citizens, reminiscent of the feudalism and monarchies of the past. We simply want to protect and maintain the true values in America and in our society. And, we believe, if we do not, we will wake up one morning and find our freedom gone, regardless of cause.

TRUE. Colonel Dall, what do you personally get out of Liberty Lobby?

DALL. My satisfaction is in awakening the American people to what is going on in the country. I am out front, as chairman of the board, and I hear about it when anything goes wrong. I believe in our heritage. I have always believed it to be the finest heritage a man or woman could have—America! I respect what we have inherited from our forebears. I dislike and rebel at seeing our culture being deliberately distorted and destroyed by a group of very powerful people. I do not see anything substituted for our culture which is remotely as good as what we have now. We have talked about many facets of that penetration of our society in this talk. It is important that Americans be kept informed. To sum up, we want to resist the decline of constitutional freedom and the escalation of anarchy, through the legislative process.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. TEAGUE of Texas (at the request of Mr. ALBERT), for today and remainder of week, on account of illness.

Mr. MAILLIARD, for next week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MORGAN, for 60 minutes, on December 9; to revise and extend his remarks and include extraneous matter.

Mr. FUQUA, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. ANNUNZIO, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. PRICE of Illinois, for 60 minutes, on Tuesday, December 1, 1970.

(The following Members (at the request of Mr. GUDE), and to include extraneous matter:)

Mr. RIEGLE, for 15 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. LEGGETT, for 1 hour, on November 25, 1970, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. PREYER of North Carolina), to revise and extend their remarks and include extraneous matter:

Mr. PATMAN, today, for 10 minutes.

Mr. FARBSTEIN, today, for 30 minutes.

Mr. ADAMS, on December 1, for 60 minutes.

Mr. PRYOR of Arkansas, on December 7, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GUDE) and to include extraneous matter:)

Mr. RIEGLE.

Mr. KUYKENDALL in two instances.

Mr. GOODLING.

Mr. HOSMER in two instances.

Mr. QUIE.

Mr. LANDGREBE.

Mr. WYMAN in two instances.

Mr. ROBISON in two instances.

Mr. HARVEY in two instances.

Mr. LUJAN in two instances.

Mr. HORTON in two instances.

Mr. DEL CLAWSON.

Mr. SCHWENGEL in three instances.

Mr. WOLD.

Mr. CRANE in three instances.

Mr. MILLER of Ohio.

Mr. ROUSSELOT.

Mr. FRELINGHUYSEN.

Mr. FREY.

Mr. LANGEN.

Mr. STANTON in two instances.

Mr. MYERS.

Mr. MCCLOSKEY.

Mr. ZWACH.

Mr. SEBELIUS in two instances.

Mr. BYRNES of Wisconsin.

Mr. BRAY in three instances.

Mr. SCHMITZ in two instances.

Mr. DERWINSKI in three instances.

(The following Members (at the request of Mr. PREYER of North Carolina) and to include extraneous matter:)

Mr. GARMATZ.

Mr. HAYS in two instances.

Mr. SCHEUER.

Mr. LONG of Maryland in 10 instances.

Mr. DIGGS.

Mr. SYMINGTON.

Mr. BURKE of Massachusetts.

Mr. VANIK.

Mr. WOLFF in two instances.

Mr. HENDERSON in two instances.

Mr. ULLMAN in six instances.

Mr. BINGHAM in two instances.

Mr. MARSH in two instances.

Mr. DANIEL of Virginia in two instances.

Mr. RODINO.

Mr. EILBERG.

Mr. BENNETT in two instances.

Mrs. HANSEN of Washington.

Mr. MOLLOHAN in five instances.

Mr. FOUNTAIN in two instances.

Mr. KLUCZYNSKI in three instances.

Mr. TEAGUE of Texas in six instances.

Mr. JOHNSON of California in two instances.

Mr. VAN DEERLIN in two instances.

Mr. BYRNE of Pennsylvania in two instances.

Mr. RARICK in two instances.

Mr. GRIFFIN in two instances.

Mrs. SULLIVAN in four instances.

Mr. HAGAN in two instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be

paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control;

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance;

H.R. 9486. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict; and

H.R. 14252. An act to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

ADJOURNMENT

Mr. PREYER of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 25, 1970 at 11 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee on the Judiciary. Senate Joint Resolution 230. Joint resolution extending the duration of copyright protection in certain cases; (Rept. No. 91–1621). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 16498. A bill to permit the sale of the passenger vessel *Atlantic* to an alien, and for other purposes; with amendments (Rept. No. 91–1622). Referred to the Committee of the Whole House.

Mr. BURKE of Massachusetts: Committee on Ways and Means. H.R. 18564. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on olives packed in certain airtight containers (Rept. No. 91–1623). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 8539. A bill giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States; with an amendment (Rept. No. 91–1624). Referred to the Committee of the Whole House on the State of the Union.

Mr. SIKES: Committee of conference. Conference report on H.R. 17970; with amendment (Rept. No. 91–1625). Ordered to be printed.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 1271. A resolution providing for the consideration of H.R. 19436. A bill to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes; with amendment (Rept. No. 91–1626). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 1272. A resolution providing for the consideration of House Resolution 1147, a resolution relating to certain allowances of Members, officers, and standing committees of the House of Representatives, and for other purposes; with amendment (Rept. No. 91–1627). Referred to the House Calendar.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2566. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Air Force Reserve, pursuant to 10 U.S.C. 2233(a)(1); to the Committee on Armed Services.

2567. A letter from the Attorney General, transmitting a report on the administration of the Foreign Agents Registration Act for the calendar year 1969; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2568. A letter from the Comptroller General of the United States, transmitting a report of savings possible by buying automatic data processing equipment or by leasing it from commercial leasing firms, Government Printing Office; to the Committee on Government Operations.

2569. A letter from the Comptroller General of the United States, transmitting a report on the need for improved laboratory equipment management procedures, Department of Defense; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DON H. CLAUSEN:

H.R. 19855. A bill to designate the lake formed by the waters impounded by the Butler Valley Dam, Calif., as "Blue Lake"; to the Committee on Public Works.

By Mr. GARMATZ:

H.R. 19856. A bill to amend Public Law 91–514; to the Committee on Merchant Marine and Fisheries.

By Mr. GRAY:

H.R. 19857. A bill to name certain Federal buildings; to the Committee on Public Works.

By Mr. MILLS:

H.R. 19858. A bill to provide rules for the application of sections 269 and 1551 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

H.R. 19859. A bill to amend the Internal Revenue Code of 1954 to exclude from the interest equalization tax acquisitions by U.S. air carriers of stock of airline insurance companies; to the Committee on Ways and Means.

By Mr. ROGERS of Florida (for himself, Mr. JARMAN, Mr. KYROS, Mr. PREYER of North Carolina, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS):

H.R. 19860. A bill to amend the Public Health Service Act to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ULLMAN:

H.R. 19861. A bill to amend the code enforcement grant provisions of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. BENNETT (for himself, Mr. FUQUA, and Mr. CHAPPELL):

H.R. 19862. A bill to authorize the establishment of the Florida Frontier Rivers National Cultural Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FALLON:

H.R. 19863. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to investigate and study the availability, quality, and use of waters within the Susquehanna River Basin; to the Committee on Public Works.

By Mr. REID of New York:

H.R. 19864. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus; to the Committee on Public Works.

By Mr. WOLFF:

H.R. 19865. A bill to establish the Long Island Sound National Recreation Area, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAWKINS:

H. Res. 1273. A resolution providing for the consideration of the bill (H.R. 17555) to further promote equal employment opportunities for American workers; to the Committee on Rules.

By Mr. McMILLAN (for himself and Mr. NELSEN):

H. Res. 1274. A resolution providing additional funds for the Committee on the District of Columbia; to the Committee on House Administration.

By Mr. PERKINS (for himself, Mr. AYRES, and Mr. ASHBROOK):

H. Res. 1275. A resolution to authorize additional investigative authority to the Committee on Education and Labor; to the Committee on Rules.

By Mr. WAGGONNER:

H. Res. 1276. A resolution relating to the stationery allowance for Members of the U.S. House of Representatives; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIS of Georgia:

H.R. 19866. A bill for the relief of Emil Glaros; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 19867. A bill for the relief of Shirley C. Thorne; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

448. The SPEAKER presented a memorial of the Legislature of the State of California, relative to restricted dangerous drugs; to the Committee on Interstate and Foreign Commerce.

449. Also, a memorial of the Legislature of the State of California, relative to the proposed A. P. Giannini commemorative stamp; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

ADDRESS BY DR. WARREN B. KNOX, PRESIDENT, COLLEGE OF IDAHO, CALDWELL, IDAHO

HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, November 24, 1970

Mr. JORDAN of Idaho. Mr. President, I think it wise, during these times of unprecedented exposure of the dissident views and actions of a very small minority of our young people, to keep in mind that they do indeed represent no more than a handful of today's college youth.

We must keep a true perspective of this picture lest we sell ourselves and our young people short—a view, I might add, which only serves to strengthen the position of the radical minority.

I think that no one has provided a better perspective in this regard than Dr. Warren B. Knox, president of the College of Idaho, in Caldwell, Idaho. Dr. Knox, speaking at the 44th All-Idaho Congress Banquet in Boise on the ninth of this month, delivered a most eloquent and moving address which paid a well-deserved tribute to the vast majority of today's college students. The advice which Dr. Knox offers at the conclusion of his remarks deserves our deepest attention, and hopefully, our sincere practice.

Here is your college student. Listen to him; reach out to him. Argue with him when you think he's wrong and agree with him when you think he's right—he expects it of you. Take new life from his energy and his enthusiasm. Show him your affection. You should be able to recognize him. For he is of the very best that is in you.

Mr. President, I ask unanimous consent that Dr. Knox's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF DR. WARREN B. KNOX

President Ralph; Ladies and Gentlemen: First, it is my pleasure and privilege to extend warmest congratulations to Klara and Bob Hansberger from Nancy and Warren Knox. We are proud to be present on this occasion and to take part in the recognition of a distinguished citizen by a great State.

When Hugh Wilson made the suggestion—a suggestion which I subsequently accepted—to visit with you about today's college student, I really didn't know the near impossibility of my task. Even though I have a son in college and have the benefit of his expressions now and then; and even though my occupation has given me more than a casual acquaintanceship with hundreds of college students, the assignment was the most difficult I've ever tackled. My thanks, however, go to Hugh and to you, because in searching for ways to look inside and to attempt to describe the college student of today, I was more clearly able to put thoughts into phrases and to realize that my conclusions more deeply confirm what I have long believed. My one apology is that a student should be telling you how he feels and how he acts; how he performs academically and socially; what his concerns and concepts are.

Also, allow me to "qualify" the remarks I will make this evening. Nearly every citizen in America, including the President, has expressed his opinion about the "five per cent" or the "three per cent" or the "whatever per cent" of the college and university population that has chosen the way of the extreme radical. My personal opinions do not differ greatly from those who have written millions of words or have spoken millions of sentences in support of the proposition that violence is not the way to permanent positive achievement—in any segment of the society. Therefore, let us resist the temptation to give additional prime time to the radical and, rather, visit in general terms about the "ninety-seven per cent," about the students who, in overwhelming abundance, are those persons *we* know who are in college. To give some thought to the student who doesn't make the national educational headlines but who accounts for the major portion of the national educational copy. The student who, since 1936, has quested after a higher degree in the New World.

May I further qualify this nameless, faceless "typical" student as one who is attending a private institution? I would not presume to speak for Ernie's or Bud's or John's ninety-seven per cent—it is precarious enough to speak for the private sector and for my own. But I am sure that much of what I say could be said by all of the presidents of Idaho colleges and universities, public *and* private.

Well, to begin, *who* is he (or she)? One last qualification: with every respect for the girls, but faced with the necessity to eliminate continuous references to "he and she" or "him and her," I beg to use the masculine as we proceed. Who is he, then—the gentle scholar of yesterday; the not-so-gentle scholar of today?

He comes from an ever-widening spectrum of socio-economic, cultural, college preparatory, and family life, and he reflects regional and national distribution. Gone, perhaps forever, is the single stratum student body, whose members came mainly from an agrarian, father-dominated, church going, seek-education-for-education's sake, don't question authority background. This makes our student of today immeasurably more of a challenge—educationally, socially, disciplinarily, and totally. It makes it more difficult for an outside adult "public," many of whose members come from precisely the sort of background just described, to understand him and to identify with professional educators who must deal with him—educators who, by the way, also come from this same background.

Our student is a warm, wonderful, responsive young adult. He is, at the same time, a cool, aloof, calculating, steel-trap logician. His observations and insights on current social problems are more often valid than not. He does not feel the need to employ the cobwebby and misty rhetoric of his fathers and grandfathers—he is a positive semanticist and "war," for example, means exactly that and nothing else. His seemingly brutal criticism of the actions of his society and its members is softened by the great and consuming compassion which he feels for them.

He is more intellectual, though not more intelligent, than the many generations of his predecessors. He reads more words in a month than did you and I in four years of college. He ponders more upon the truth of My Lai and the future of the White Clouds than you and I concentrated on the Christmas Formal or the Homecoming game. Other than having seen the film *The Graduate* an average of eight times, he mostly shuns X-rated and R-rated films in town, but flocks to the screening of a battered, scarred and multi-spliced 1937 W. C. Fields movie on the campus.

Except on special occasions, such growing more rare with the passing of each year, his personal appearance is less important to him than to his parents and his professors by roughly ten to the eighteenth power. He can come through as a fashion-plate but more often resembles a tin cup. He dresses for himself, not for society. Daily, he is likely to wake up and to don the first articles of clothing with which he comes in contact. These are likely to be found in a small pile on the chair where he tossed them the night before. (Well, at least he was neat enough to pile them on the chair!)

His religion is increasingly "show me!" rather than "I believe." His politics are conservatively liberal—and that is not double talk.

He is a complex human being. He can be an aggressive, stubborn, persistent know-it-all. He can be a docile, creative, responsive, delight to teach and to know. Tom Swift, Jack Armstrong and the Rover Boys were never like this one (and some of us can quietly breathe, "thank goodness!") He is the mirror of his family, his neighborhood, his town—and yet his reflection is not their reflections at all. You can see right through him—but not very far. Sometimes, he exasperates you beyond the bounds of self-control; but most times, you want your children to be like him—and you find yourself wishing that you had been more like him.

What does he believe—and believe *in*?

Today's college student has a moral code that, if anything, is more serious than was ours. Some of us went to college when young people were raised to believe that smoking, drinking, dancing, and being alone in parked cars with girls were wrong. But the "morals" about which today's student is consciously concerned deal with things entirely different: whether we raised them to believe it or not (and I'm not sure we did) they are of the opinion that war, corruption in high places, abdication of integrity by otherwise responsible officials in government, education and the church, glaring inequities in the judicial system, and the ponderous processes by which adults accomplish or fail to accomplish reform and innovation—are wrong.

Except for the smoking—which the American Cancer Society is handling in exemplary style—and the dancing—by which the present "who's dancing with whom?" system seems to have been temporarily taken out of the Devil's hands—we really don't have much to say by way of "code" comparison, do we? Of course war has always been wrong. But none of us, at a time when we were nonparticipants, felt as close to, or as much a part of, or as consumed by it. None of us felt (or at least none of us expressed our feelings with vigor and clarity) the overwhelming *personal* responsibility for the future. Many college students today—the ones with whom I have spent thousands of hours at all times of the day and night—are *really fearful* about the state of their world tomorrow. Rather, they are fearful that they will not be able to provide the leadership that is expected of them. They do not blame us for leaving them with the most uncertain moment in the history of man. They blame us for what they interpret as not caring. If we *do* care, it's not coming across.

What does our student believe in?

He believes in himself—the doubts he has about himself, as we said a moment ago, are linked to his future responsibilities in areas

of leadership. To be able to see tomorrow—and to confidently plan for tomorrow is within the framework of his self-appraisal; to be able to lead in an increasingly fragile and fragmented society is not as easily projected. He has been told since pre-school days that he has had no intellectual equal or superior in history; his recent realization that this might not be absolutely true causes an occasional personal trauma but, in the main, he is self-assured and self-reliant.

He believes in "the system."

By this, I mean the total system. Coming to know its faults and imperfections is only part of his responsibility; the other part is coming to know that the system is not fixed for eternity and that he can help to modify it if he will. Criticism is the first step toward reform—and today's student is reform-minded. Deploring (or ignoring) the fanatics and the rocks, gasoline and detonating devices which they employ, our reasoning student knows about and uses the channels for permanent, positive change rather than to opt for the violent and temporary or the irresponsible and meaningless.

Parenthetically, may I offer that we have unwisely mis-used the word "activism" and have unfairly stigmatized the word "unrest." Two of the most important concepts to be learned in college are that *unrest* is the natural state of man and that *activism* stems directly and logically and appropriately from unrest. Heaven protect us from each other—and from the everunfolding events of our brittle existence on this planet if we disavow the importance of activism and unrest.

What does our student do?

Overwhelmingly, he goes to class; studies; uses the library; talks; listens; complains; argues questions; drinks gallons of coffee (among other things); loudly praises his favorite professors and quietly tolerates the administration. Occasionally, he marches for better environment, sings for troop withdrawal and writes to Washington for more emphasis on the representation of youth. In all of these, he has been quite effective.

He laughs a lot and he weeps some; he feels good and he hurts; he finds and loses friends; he over-socializes and he completely withdraws. He covers his walls and windows with a plethora of the printed word and the color photograph—somewhat alarming to the drop-in adult visitor both as to amount and as to subject matter. He builds or buys stereo sets and plays them at a decibel level necessary to drown out the one playing across the hall. He worries—about his course work and his exams and his choice of a major field of concentration. But he worries more about what he *really* wants to do with his life (this is quite different from his life work) and about whether he can summon the inner resources that will help him decide.

What else concerns our student?

He and a great number of his fellows, completely outside of the three per cent I wasn't going to mention again, are dissatisfied. There are some superficial dissatisfactions: the food in the dining hall isn't as good as Mother defrosts; the football team is losing too much or winning too much (this latter complaint hasn't been much of an issue on *our* campus lately); the Bookstore hides the books behind the T-shirts and the after-shave lotion; the dorms are always too loud or the dorms are always too quiet. But basic dissatisfactions, I think, can be reduced to three:

first, they think that there is still much room for improvement in the educational; process—and, they are right

second, they are certain that the governance of the small, private college is imperfect—and, they are right

third, they are sure that four years of higher learning experience will not alone adequately prepare them for what lies beyond—and, of course, they are right again.

These are the areas about which students and faculty and administration must talk and plan and take action *together*. This is not easy. But it is easier to do on a small campus; it is easier to do on a private campus; and it is easier to do on a campus where ideas and imagination and enthusiasm are the positive by-products of dissatisfaction. Smallness and a private charter are not enough; even willingness to talk and to listen together is not enough. The secret ingredient is mutual respect. Boards of trustees have delegated complete authority for education to the faculty. Presidents, Deans and other administrators are in supporting roles. But it is students and faculty—partners in scholarship if you will—who make a college what it is and who hold the key to its reputation and to its potential.

Back to some student concerns:

They are concerned because they see inequities (real or imagined) in the governance of the college. And yet they know that they cannot and do not want to be legally responsible for the performance of the Endowment Fund and for the ups and downs of the operating budget. They are concerned because much needs to be done to improve the intellectual life of the college. And yet they know that they are not yet equipped to be the architects of the curriculum or to be in a position to directly participate in the employment, the retention, or the dismissal of faculty. They are concerned because the traditional administrative system is a power system. And yet they know that for students to attain a power role in the administration of the affairs of the college is to abdicate the most powerful role of all—that of a student.

These concerns lead to frustrations that are not easy for students to live with. But, most fortunate for all, students talk about their frustrations—to each other, the way we used to. But now, to others: to the Dean and to the President and to the Chairman of the Board of Trustees. And when students come to us about reform and innovation, we are obligated to do more than grant audience. We are obligated to listen and to talk and to listen and to talk until we arrive at an answer that is best for all. In most cases, *this* sort of talk isn't cheap.

Permit me to illustrate directly from my six-year experience at The College of Idaho. Coming directly from student and facility concerns and suggestions and with administrative support considerably in the background, the total College has chalked up the following major achievements:

—Net additions to the teaching staff equalling nearly one-half of the total 1964 faculty;

—Complete re-structuring of the academic year, the curriculum and the requirements for graduation;

—Securing of alliances and associations with thirteen universities, libraries and academic functionaries;

—Elimination of all but four two-man departments out of seventeen;

—Raising the percentage of total faculty holding the doctorate to sixty-five per cent;

—Reducing the student-faculty ratio from 1:17 to 1:13 while the student body was increasing from 750 to 950;

—Supporting and sustaining total reform of student government and disciplinary procedures;

—Seeing that students now serve on all joint committees for College policy and planning except one;

—And we are still at work.

Our concerned student has recognized the need for change and we have formed a partnership with him to bring it about.

It is my hope that these few insights have helped you to see something of the real college student of today. He is not all that different from the real college student of yesterday. I hope that you have recognized him as I have talked about him. Talked *about* him, not for him; he is the only one who can do that.

Here is your college student.

He is the pride of the family; the hope of the nation; the promise for the future of man. He is among the few slim chances we have left. We sometimes argue with him and become exasperated with him—but, increasingly I think, we understand him and grow exceedingly close to him. One day, we shall be boasting about his accomplishments; voting for him; entrusting our fortunes and our futures to him. We shall be bouncing his baby on our knee and listening to him tell his teenager how tough it was in the seventies. We shall applaud his deep feeling for all life, his fierce loyalty to the democratic process and his inherent sense of integrity and justice.

Here is your college student.

Listen to him; reach out to him. Argue with him when you think he's wrong and agree with him when you think he's right—he expects it of you. Take new life from his energy and his enthusiasm. Show him your affection. You should be able to recognize him. For he is of the very best that is in you.

MOROCCAN INDEPENDENCE DAY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. DIGGS. Mr. Speaker, Morocco celebrated its 15th Independence Day on November 18, which marked the return of King Mohamed V from exile in 1955. In the years subsequent to independence, the Kingdom of Morocco has, first under the leadership of King Mohamed V and then under that of his son, King Hassan II, sought especially to promote the economic development and prosperity of this beautiful land. It is gratifying to note that these efforts have met with considerable success and that most of the goals of Morocco's 5-year plan are being met. In the field of foreign affairs, King Hassan has sought to promote greater regional cooperation with Morocco's neighbors. During the past year, differences were put aside and diplomatic relations were established with Mauritania. In a series of meetings between King Hassan and President Boumedienne of Algeria, the contentious boundary dispute, which had led to a brief border war in 1963, was resolved. The cause of peace in North West Africa has been better assured in this decade as a result of these efforts.

We would also like to take note on this occasion of the continuance of excellent relations between the United States and the Kingdom of Morocco. This relationship is rooted in history and can be traced back to the agreement between the two countries to the 1787 "Treaty of Peace and Friendship" which is the longest unbroken treaty relationship in our history. The United States is proud of this record and looks forward to a continuing friendship with the Kingdom of Morocco in the years ahead.

REASONS FOR THANKSGIVING

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. LANGEN. Mr. Speaker, I commend the respected Columnist David Lawrence for capturing eloquently the true meaning of Thanksgiving. Mr. Lawrence has penned a moving survey of the many reasons why Americans should give thanks for each day. In all of history no nation has ever held the promise of a good life for such a large percentage of its people. Mr. Lawrence has stated the point well. I wish to share his thoughts with each of my colleagues.

The article follows:

[From the U.S. News & World Report, Nov. 30, 1970]

EVERY DAY IS THANKSGIVING DAY

(By David Lawrence)

On Thanksgiving Day do we remember to give thanks to Divine Providence for all the many blessings bestowed upon us as a nation? To name only a few:

Thanks for the avoidance of a nuclear war and the continuance of world peace.

Thanks for the absence of famine in our country and the abundance of food.

Thanks for the unexampled health of the nation—for all the vaccines to prevent disease, for the progress of cancer research, and for the great advances being made in the field of medicine to relieve many forms of illness.

Thanks for the increase in living comforts—for those products of inventive genius and the techniques of mass distribution so necessary to an expanding population.

Thanks for the achievements in communications—the miraculous benefits of the telephone, the radio and television.

Thanks for the airplane, the railroad locomotive and the automobile, and for what they have meant to the transport of goods as well as to the enjoyment of travel by the whole family.

Thanks for the public spirit of the many individuals in our midst who conduct the drives for charity and for the unselfishness which animates the people who respond to these appeals.

Thanks for the dedicated men who serve in our armed forces ready at a moment's notice to make the supreme sacrifice.

Thanks for the courage of the legislators who have exposed the corruption and misuse of power by certain leaders and their henchmen in labor unions.

Thanks for the decent, incorruptible men and women in the labor unions who so conscientiously strive to help their fellow man.

Thanks for the many humane employers who do care about the welfare of their employes.

Thanks for the fraternal spirit that stimulates free men everywhere.

Thanks for the widespread recognition of the difference between human slavery and human freedom—and for the moral support being extended constantly to the millions of people who are captives of dictatorships in various parts of the world.

Thanks for the unsung heroes in government—in the townships and villages, in the cities, in the counties and in the States as well as in our National Government—and for the individual service they render us all.

Thanks for the guardians of the law who risk their lives in fighting fire, in fighting crime, in fighting the hidden subversion that could destroy us from within.

Thanks for those judges who do dispense justice uninfluenced by the passions of party or faction or by the caprice of power.

Thanks for the men and women who teach in our schools—inspired only by devotion to the single cause of a trained youth.

Thanks for those who serve in our hospitals and institutions, caring for the sick and the handicapped.

Thanks for the devoted persons in the priesthood and in the convents and in the ministry of all churches who heed our calls in hours of anguish.

Thanks for the parents who do not neglect their growing children in order to pursue their own pleasures, and who recognize that juvenile delinquency must in large part be due to adult delinquency.

Thanks for the thrifty among us who save and by their example teach others to conserve during the days of plenty in order to meet the exigencies of days of scarcity.

Thanks for the many voices of reason that rise above the din, mistaking not the noisy clamor of the mob for the true will of a God-loving people.

Thanks for the freedoms proclaimed in the Bill of Rights.

Thanks for the opportunity to debate without fear the most controversial issues of the day.

Thanks for the men of deep conviction who do not regard the winning of an election as in itself worth the sacrifice of principle to expediency.

Thanks for the continuing benefits we receive each year from the teachings of our forefathers—particularly the written Constitution that must guide the nation as we try to solve current problems at home and abroad through the processes of reason.

Thanks for those churchmen whose voices rise above the secular bedlam as they encourage us to seek Divine guidance.

Thanks for helping us to maintain an unswerving belief in the innate morality of man and in the tenets of our Judeo-Christian philosophy.

Every day can be Thanksgiving Day.

1961 TO 1970, THE FARMER'S WORST 9 YEARS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. ZWACH. Mr. Speaker, I have been reading Frank M. LeRoux's "1961 to 1970, The Farmer's Worst Nine Years" and I would like to share some of Mr. LeRoux's remarks with my colleagues by inserting them in the CONGRESSIONAL RECORD:

He shows his understanding of the problems facing the farmers in this quotation:

At the start of the Second World War, the President asked industry to produce in an all out effort to win the war and industry performed magnificently. When the war was over, the United States government paid approximately 55 billion dollars in subsidy to industry to retool and get business back to normal trade channels.

The government, at the same time, asked the American farmer to produce for an all out war effort and he too performed magnificently. But when the war was over the farmer was left with all of his technological improvements and expanded acres without any of the adjustments that business had received to get back to a normal operation.

From then on the farmer was faced with the competition from a production geared to a world war and the lack of adjustment when it was so necessary has been costly to the farming industry since that time, and in turn, to the entire United States.

Why has the government continually refused to face up to the tragic inequitable economic conditions that exist in American Agriculture when compared to the same economic standards with comparable industries?

It wasn't long after the change of administrations in 1961 that the U.S. Department of Agriculture started its propaganda about the greatest prosperity in the history of American farming. The Department must have felt that if this statement was repeated often enough that even the farmers would believe it.

This propaganda onslaught continued during the years I was in Washington and the wooing of the consumer vote actually, to the long range detriment of both the farmer and the consumer, took on major proportions.

The Secretary was so persuasive that he convinced a great part of the United States and the world that the American farmer actually never had it so good. The administration even went so far as to boast that not only were the farmers having the greatest prosperity in the history of American agriculture, but that every aspect of American agriculture was better than at any other period in the history of our country.

Agriculture, as a matter of fact, has shared but little in our startling national prosperity and every chance the farmer has had to receive the least bit of improvement in his income, his prices are beaten back by government agriculture by one means or another. This has been the constant practice and still continues behind the scenes.

The American farmer has not shared in the prosperity of our times, but rather has been forced into the position of subsidizing the U.S. economy.

PRESIDENT NIXON SHOWS GREAT COURAGE IN ORDERING RAID AGAINST A POW CAMP IN NORTH VIETNAM

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. MYERS. Mr. Speaker, the weekend raid against a prisoner-of-war camp in North Vietnam has vividly demonstrated to the world America's concern for the deplorable conditions under which Hanoi holds American soldiers captive.

I believe it took great courage for President Nixon to order that this mission be carried out, and it is a mark of his compassion for the American prisoners. The North Vietnamese have consistently refused to abide by the Geneva Conventions regarding prisoners of war and the horrible suffering of these prisoners has been well documented.

The President has rightfully served notice on Hanoi that we will no longer tolerate such transgressions of international law. Proper treatment of POW's should be a matter of simple humanity.

This action does not mean a widening of the war. It was a limited action taken for a specific and humane objective. If Hanoi responds with better treatment for our POW's, then that objective will have been achieved.

IN MEMORIAM: FRANK A. WHITE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. BRAY. Mr. Speaker, a long and distinguished career in Indiana journalism came to a close with the sad passing of my great and good friend, Frank A. White. The following editorials from the Indianapolis (Ind.) News, and the Martinsville (Ind.) Reporter, are fitting tributes to a man who will be sorely missed:

[From the Martinsville Reporter, Nov. 20, 1970]

GATHERER OF NEWS IN TODAY'S NEWS

Frank A. White has come into The Reporter office for the last time. He made his exit from the newspaper business in the morning paper, too late in the day for the afternoon papers.

So the writer of the news, in a way one of the makers of it, becomes at last the news himself. It is essentially good news, not that he died, for that announcement was expected. It is good news because Frank was a good man.

The description of Barnabas in Acts fits Frank as a tailormade suit, "For he was a good man, and full of the Holy Ghost and of faith." There was also something about him that brings to mind Diogenes, described in the dictionary as "a Greek Cynic philosopher, noted for his outspoken contempt for men's acts and motives. It is said that for a time he lived in a tub and that he went about at midday with a lighted lantern in search of an honest man."

Frank's stock in his trade was his notebook, always ready in an ample side coat pocket, to be pulled out for a story. He sought stories in the unusual places not covered by the news services. In private conversation, he was more outspoken in his contempt for men's acts and motives than he was in his column.

We remember him just now, not for his opinion of people in high places, but rather for his comment on the nurses and doctors who attended him in his long illness in the Veterans' Hospital in Indianapolis where not long ago he was a patient for about half a year.

He spoke of the colored nurses with their soft voices and their solicitous care. He said he did not know there were such people, and he knew many people. The nurses came to him and told him they were praying for him. He knew of their family troubles and of their church life and generosity.

Motion pictures frequently show newspaper people as hard drinkers, profane, and cruel. The makers of such pictures did not have in mind Frank A. White.

[From the Indianapolis News, Nov. 19, 1970]

FRANK WHITE

Writing a newspaper column six days a week for 21 years is a task that would have daunted many men. But to Frank Allen White it was a challenge which he met with zest, even in his advancing years when he was handicapped by poor health.

His column, "The Hoosier Day," appeared in more than 40 Indiana papers and was welcomed by thousands of readers because it was exceedingly well-written and thought provoking. He used it to crusade for many worthy causes.

"The Hoosier Day," as with most columns, was a reflection of the personality of its author and for Frank White was the culmination of a long career in newspaper work. In his career, as in his column, he had supported his country, his government, his community and the religious, civic, professional and patriotic organizations to which he belonged.

White was wounded in World War I. After the war he started a store which failed for lack of business because of his refusal to join the Ku Klux Klan. Later as a reporter he covered the trial and conviction of D. C. Stephenson, Klan grand dragon in Indiana.

This quiet, unassuming man covered many big stories and as a correspondent in World War II was on hand for the signing of the Japanese surrender. Although newspaper work and column writing took much energy, he always found time to work for the American Legion, for his church and for other worthy organizations.

His many friends and acquaintances throughout Indiana are grieved by his death.

VETERANS' DAY ADDRESS BY BYRON B. JONES OF SANTA FE, N. MEX.

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. LUJAN. Mr. Speaker, I would like to share with those who read the RECORD a Veterans' Day address made by Byron B. Jones of Santa Fe, N. Mex., on November 11, 1970, in ceremonies on the historic plaza of our State Capitol.

Some of the members of the Veterans of Foreign Wars who attended suggested this, and I certainly agree that it should be a permanent part of this country's record as it is particularly fitting during this time of questioning:

VETERANS' DAY ADDRESS, NOVEMBER 11, 1970, ON THE PLAZA, SANTA FE, N. MEX.

My last public utterances were made through the pages of a newspaper in which I stated: "I cried today".

The occasion was a parade, and the disrespect shown our Flag—I hope our Flag. At least it was the flag I love.

But that was yesterday—and today is not a day for crying. Today is a day we honor the men who have kept us free—a day we honor their dead. No, today is not a day for crying; not even for the fallen. They want not our tears.

So, let us save the tears for another day—for the living. For the living that accept these sacrifices from others, yet consider it old fashioned to have patriotism, love of country, respect for the Flag. This is what is said. This is what to cry for.

Somewhere, I'm sure, there is a Valhalla where the warrior heroes of bygone days look down and shed soft tears that they could not spare us this.

It is true that patriotism is old fashioned. It is so old fashioned that it goes back to the dawn of civilization when the first city-states became entities on the fertile banks of the Tigres and Euphrates, seven thousand years ago. It was with us when Solomon was in his glory, Rames in the plentitude of his power, and men and God warred around the lofty walls of Troy; it was with us when the star of Athenian splendor arose bright and burning o're the plains of Marathon, as well as when that star set, after many long olympiads of ascendency, in darkness and blood before the crumbling walls of Syracuse it was with us when the victorious legions of Macedon marched to the carnage of Arbela, and when Rome, the mistress of the world, raised herself on her dying couch to beat back the Hun.

Throughout all of history, next to love of family, and perhaps God, there has been no stronger love than love of country. This is a normal human trait.

So, what is wrong? Since when has it become something to be ashamed of to show respect for our Flag to show love of country? Are you honestly embarrassed to be a good American, to have a true human *emotion*? I can't believe it.

But I do know; it is getting later than you think and it is time to stand up and be counted before it is too late.

And what better time and place for this than whenever the Flag is passing by—but stand tall, stand straight, and, above all, stand proud or don't stand at all.

TRIBUTE TO THE LATE MISS FRANCES BATES McKUSICK

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. HENDERSON. Mr. Speaker, for several years Frances McKusick was the Washington correspondent for the Jacksonville Daily News of Jacksonville, N.C. in the district which I have the honor to represent in the Congress.

I was the guest of the Kiwanis Club in Jacksonville during the recent general election campaign and just moments before I was to address the members, I was informed of the untimely passing of my good friend, Frances McKusick. The news was shocking and saddening and I departed from my prepared text to announce the report, for her passing was a loss not only to those of us who knew Frances personally, but also to many in the audience who knew her byline.

Almost daily while the House of Representatives was in session, Frances McKusick sent word on the floor asking to confer with me in the Speaker's lobby. Our conferences did not always develop a news story, but I always was pleased to respond to her request because she was a true friend and a most able journalist. She developed my full confidence and the stories she reported to which I may have contributed in some small measure, were always informative, accurate and in the highest tradition of the responsible American press.

After the first few days of this so-called lame duck session, I now attest to the fact that Frances McKusick is missed by those of us who knew her. She contributed immeasurably to the journalistic dissemination of news, but more than that she did her job in a way that endeared all of us to her as a genuinely warm person interested in the immediate task, but more interested in the welfare of her fellowman and her beloved country.

While I did not know the members of her immediate family, as her friend and as one who represents one of the newspapers she reported for, I extend my condolences to her mother, Mrs. Marshall McKusick, and other members of her family.

THE MYTH—AND RACKET—OF AIR FARE BARGAINS

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. HAYS. Mr. Speaker, it is no secret that hard times have come upon the U.S. airline industry. One has only to look at recent profit and loss statements of the carriers to see that the picture has been less than encouraging.

Given a reasonable climate in which to recuperate, however, I am confident that the U.S. airlines could turn the corner and work their way out of their current economic difficulties. The present climate is neither reasonable nor healthy, however. It is, in the words of the chairman of the Civil Aeronautics Board, "chaotic."

In an article recently distributed by King Features Syndicate and written by Ralph de Toledano this unhealthy climate is probed and the conclusion reached that the thunderheads will continue to gather and wreak their stormy havoc on the industry until an order of priorities is firmly established and set forth.

The issue is basic. Do we wish to have in this country a viable scheduled airline service which is responsible to small communities as well as large in peak periods as well as lean seasons or do we, in the name of "consumerism" wish to turn the nonscheduled and scheduled air carriers loose on each other for the lowest buck and encourage the inevitable plague on both their houses?

Mr. Speaker, I include Mr. de Toledano's article in the RECORD at this point:

THE MYTH—AND RACKET—OF AIR FARE BARGAINS

(By Ralph de Toledano)

In the shop talk of returning vacationers, there is one little litany that turns me off completely. It comes from some of the people who spent a few weeks in Europe, and they are full of the bargain they got by going on a chartered flight. They talk as if they had done the scheduled airlines in the eye, and on the face of it, what the supplementals charged, all too often illegally, was considerably lower than the going price on the established runs. But the people who will pay for that "bargain" are not the stockholders of Pan Am, TWA or the European carriers. It will be the man or woman who travels regularly.

Among others, this means yours truly. Which is why I am up in arms, not so much at the non-scheds—they're simply out for the tourist buck—but at the Civil Aeronautics Board, which, with many pious declarations about the right of consumers, started all the trouble and is trying to make it worse. To be personal about it, I spend about one-third of every year moving about. Winter or summer, I can pick up a phone and get a plane reservation to Rome or Los Angeles or any major city. If I want to go to West Overshoes, Iowa, there are flights to get me there, even though the airlines usually lose money on the less frequently traveled routes.

Let me explain how this works. The scheduled airlines, which maintain offices all over the country and around the world at considerable expense for my convenience as well as yours—and elaborate facilities at all airports to service their planes—work out their rates so that the heavily traveled routes, their profit makers, carry the cost of the unprofitable runs that must be maintained if America is to continue having the greatest air transport service in the world. The peak season for the North Atlantic service also carries the slack season during the winter when half-empty planes would otherwise be uneconomical.

Not so the non-scheds. They operate almost exclusively during the peak season, skimming off the cream. They do not have the expense of maintaining ticket offices or of building and manning expensive air terminal facilities.

Their planes run full, or almost full, with three or four different "charter" groups if necessary. Their profits are great, and last summer, they were able to grab 68.2 per cent of the New York to Frankfurt travel on American flag carriers, 63.7 per cent of the California to Europe business, 67.4 per cent of the New York to Amsterdam run—to cite but a few examples.

In part, as a result of this situation, the airlines saw a drop in profits from $417 million in 1967 to $147 million in 1969. In 1970, they have been running at a loss. This has led to the laying off of 6,000 people so far this year on airline payrolls. And it will mean that the scheduled airlines, unless they are to run at a whopping loss in the future, will be forced to suspend many necessary but unprofitable routes domestically, and to reduce the frequency of their flights. The loser will be the consumer that the CAB pretends it is protecting—the millions of Americans who fly for business and pleasure the year round, who want to be able to fly to smaller cities on direct flights.

The scheduled airlines could get along with the non-scheds, the so-called "supplementals," if the laws governing their operation were observed, even though the scheduled airlines are compelled to provide continuing service and the non-scheds are not. The law states very clearly that "supplemental" flights are to be available only to an organization that takes over the whole plane or to so called "affinity groups"—members of bona fide organizations who band together to travel at the reduced rates of a charter. At the time of the flight, membership must be of at least six months' duration. A study by the Louis Harris Poll shows, however, that these regulations are widely flouted. A quarter of the charter travelers had been members of their "affinity group" for less than six months, 54 per cent less than a year, and 79 per cent had joined simply to get a cheap trip abroad.

The CAB's Bureau of Enforcement has also noted that "almost anyone from the general public can participate on many of the charters merely by paying a nominal membership fee with no real membership requirements"—a statement corroborated by the New York Times, whose reporters wandered into travel agencies, signed a membership card to a paper organization, and qualified for a "charter" flight.

And now the CAB, which professes to be helpless to require enforcement, wants to soften these restrictions even more, thinking, of course, of the "consumer." If the CAB succeeds, air travel in the United States will never be the same. I'll remember this the next time I have to fly to, let's say, a small city in Ohio, and discover that only one or two planes a week fly there. Unless Congress proposes to subsidize the air transport industry, that's exactly what will happen.

OUR CONSTITUTION AND WHAT IT MEANS TO ME

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. JOHNSON of California. Mr. Speaker, in this day and age, we often see portrayed as the youth of America the disruptive elements who make exciting news on television. Fortunately this picture represents only a rather small minority of American youth.

The great majority of the young citizens of this great Nation of ours are dedicated young people. They recognize the problems which must be overcome in this society of ours and most believe that there are many ways in which we can improve in the lot of mankind. This vast majority of young people, I am convinced, are determined to attain these improvements working within the political system with dedicated personal action to their communities and their fellow man.

In order to help place the attitudes of youth in their proper perspective, I want to share with you an essay which impressed me tremendously. This was written by a young student at Quincy Junior-Senior High School for a constitutional observance contest conducted recently by the Masonic Lodges of Plumas County, Calif., one of the 20 counties which I am proud to represent. Pam's essay was the winner in this competition and I believe that if you will pause a minute to consider her analysis of the preamble of this Nation's Constitution especially as it affects each of our citizens today, you will, I am sure, agree that Pam's efforts are outstanding and most deserving of this recognition. I request permission to insert in the CONGRESSIONAL RECORD at this point Pam Bodenham's essay "Our Constitution and What It Means to Me."

OUR CONSTITUTION AND WHAT IT MEANS TO ME

(By Pam Bodenham)

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our prosperity. . . ."

To me, the preamble of the constitution explains the theme of this essay. It tells the reason behind the writing of our Constitution. If I took it apart, piece by piece, maybe I can express my feelings.

Our government belongs to the people, is run by us, and we can make life more enjoyable or liveable. All citizens have this right because our ancestors won their independence from Great Britain.

After we won our independence, our country was far from being a "perfect union." Instead, we had a "league of friendship" among the states. The states started fighting and there was danger that some states might pull away. The great leaders of this time got together and decided to write up a new plan "in order to form a more perfect union." That is how we got our Constitution.

These ancestors must have foreseen injustices that could become in the future, for they gave us a system of laws and courts

that protect us. Now every American citizen is assured of equal "justice" under law.

People in the United States live without fear and violence within our country because when disagreements arise the national government has the right to settle their disagreements justly. So we are "insured domestic tranquility."

Besides keeping things peaceful at home we have to be strong enough to keep enemy nations from conquering us and taking away everything our forefathers worked for. So "to provide for the common defense" they set up a system to protect us. Right now it's called the military. People who dodge the draft and try to avoid fighting a war are only going against the basics with which this government survives. This is a democracy and all men and women who strived for this goal and gave up their lives because of it, are being made a mockery of by those unwilling to fight or work for our country.

Each person in a democracy, if they work together, benefit each other. The farmer grows vegetables, while the rancher raises cows for milk and other animals for meat and the factory worker makes machinery for them to plow their fields with. It's a circle all "promoting the general welfare of the people." Health, happiness, and prosperity are for everyone if they work and abide by the rules set down in the Constitution.

We have the blessings of liberty but our liberty does not make us free to do what we please whenever we please. We cannot take away the lives and property of others, for then one man's liberty would be a loss of another's liberty. So that future generations may have the same freedoms we have had, they made up regulations and laws written on paper, and called it the Constitution. Then it was signed and for more than a hundred and eighty years it has lasted.

"We the people of the United States . . . do ordain and establish this constitution for the United States of America."

TRIBUTE TO THE LATE MISS FRANCES BATES McKUSICK

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. BYRNES of Wisconsin. Mr. Speaker, I was saddened, while in my district during the course of the congressional campaign, to learn of the sudden and tragic death of Miss Frances McKusick.

For almost all of my period of service in this body, Miss McKusick was the Washington correspondent for the two largest daily newspapers in my district, the Green Bay Press-Gazette and the Appleton Post-Crescent. I thus came to know her well—both as a professional journalist and a friend—and I feel a deep personal loss at her untimely end.

Frances was an outstanding reporter who brought to her profession outstanding human attributes. She had the ability to dig for news and to report it fairly, accurately, and interestingly. At the same time, her wit and humor, her compassion for people, and her cheerful outlook on life made her a delightful person to know and work with. She was one of those people, relatively unknown, who have made outstanding contributions to the work of Congress by keeping the people informed and who have done so in a way which made life pleasanter for all of us.

All of us who knew and worked with Frances McKusick mourn her passing. Mrs. Byrnes joins me in extending our deepest sympathy to her mother, Mrs. Marshall McKusick of Vermillion, S. Dak.

WATER POLLUTION: THE PROBLEM OF ENFORCEMENT IN THE COURTS

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. SEBELIUS. Mr. Speaker it is obvious that today the need for our Nation and the nations of the world to clean up and protect our environment is most urgent. The future of civilization and mankind depends upon what kind of responsible action is taken by local, State, and national governments throughout the world on this problem.

As the President has stated, clean air, clean water, and a world free of pollution is every citizen's problem and we must work together to find responsible solutions rather than pointing fingers of blame and accusation.

In this respect, the Federal Government can do only so much. It will take responsible legislation and implementation of responsible programs by State and local government plus the dedication of individual citizens to effectively clean up our environment and protect our natural resources for the next generation of Americans.

I am proud to say we have the kind of dedication and that kind of foresight in the First District of Kansas. On October 30, Mr. Arno Windscheffel, a respected attorney from Smith Center, Kans., of the "Big First" District, presented a paper at the 13th annual Law Institute at Washburn University in Topeka, Kans. Mr. Windscheffel's approach is reasoned, responsible, and perhaps most important, workable. The response from an audience that exceeded expectations was enthusiastic.

Mr. Speaker, I commend the following paper to my colleagues and all who are interested in solving our environmental problems rather than simply publicizing them.

WATER POLLUTION: THE PROBLEMS OF ENFORCEMENT IN THE COURTS

The word "pollution" has become a household by-word in this generation, and more recently the word "ecology" has found its way into the head lines of many of our daily papers. Today, I am most concerned with water pollution and its problems.

The story of water is not new. One could write the story of man's growth in the terms of his epic concerns with water. Throughout the ages men have been compelled to settle in regions where there was an abundance of water. In fact, the cradle of civilization follows the great water ways of the world. Fifty generations ago the Mohen-jo-Daro civilization of the Indus Valley in India had a well developed system of water distribution and drainage. The people of Assyria, Babylonia, Egypt, Israel, Greece, Rome and China built similar facilities to handle water long before the Christian era.

It is interesting to note that efforts to abate pollution are not new. In 1849 William Henry Hubert in his book "Fish and Fishing of the United States", lamented that: "The fish were poisoned and driven from the headwaters and tributaries in which they were want to spawn by sawdust, especially the hemlock—." (P 85).

In New Jersey v New York, 283 U.S. 336, The Supreme Court said: "A river is more than an amenity, it is a treasure."

Man's life depends on water, air, and food, and man's evolution—and doubtless his destiny—in countless ways depends on water and air. It takes the latter two in combination to produce food.

We have not been too practical in our approach to the use of water and air, and it seems that we are now in the midst of a great quandary as to what we shall do to correct our errors of the past and to keep from making new ones.

The problems of the misuse of water and air have been with our courts from almost the beginning. Our water law goes back to the Old English Common Law, and I presume that the misuse of the air might be linked to the common law too. In checking on Kansas court cases pertaining to pollution, we find that there are a number of cases dealing with water pollution.

We find that most of our older cases have been settled on the basis of damages. For a quick review of these cases see—Hall v. Galey 126 K. 699; Rush v Phillips Pet Co. 163 K 180; Gardenshire v. Sinclair Prairie Oil Co. 141 K. 865; and also 19 ALR 2nd 1033.

From these cases we can arrive at the general rule of law pertaining to damages by way of pollution. The rule is simple, if you damage the property of another, you pay for it. The proof is often times not so simple. One of our courts has said that it was no different when an upper riparian owner polluted a stream and dumped it on his lower riparian owner, than it would be for the upper owner to load a train load of pollutants and dump it on his neighbor. There are laws concerning punitive damages, temporary damages, and permanent damages Each has its place in the history of our courts.

Are we not, however, starting on the wrong end? Are we not locking the barn after the horse has been stolen? To approach the problem of punishing a person after he has committed an act, is in the opinion of modern thinking the wrong attitude. Should we not make an attempt to avert the act. There will then be no need for punishment, or the payment of damages.

What is needed to keep down this national waste?

Do we need more laws, do we need better laws, or do we need some education concerning the laws which we have?

The answer probably encompasses parts of all the questions. In addition, we are going to have to learn to live with some amount or form of contamination. Where we have civilization, we will have pollution in some form.

We must develop a tolerance for pollution, because we cannot return to a pure state of nature. Our courts and our legislatures must recognize this fact. Only a law which does recognize the viable tolerance of pollution can be effectively enforced.

The problems of contamination have not been peculiar to the United States or Kansas. The Dominion of Canada has also had its problems.

Recently, Canada introduced the "Canada Water Bill." In essence it would set up a number of administrative agencies to mediate between the financial interests of the polluters and the clean water demands of the citizens. On paper, these agencies appear to have enough teeth to force a clean up. But critics suggest that they may be

subject to legal attack and foot dragging by both provincial governments and polluters.

In short, the act provides that agencies be established in each water basin. They would be creatures of the provincial government, and would have the power to set water quality standards.

Under this law, municipalities and industry are to be subject to certain charges, called effluent fees, based on the amounts of pollution. The fee could then be used to clean up other sources of pollution and to help other cities build treatment plants. Such an approach might help smaller towns, which could not on their own, build treatment facilities. Also, given an incentive, a polluter might reduce the pollution in order to reduce his fee. The law is too new to give us any idea as to how it might work, but at least it is a start.

In 1956, our federal government passed a Water Pollution Control Act, which has been amended from time to time. The law was last amended in April of 1970; at that time the name of the act was changed, and it is now called "Federal Water Quality Administration." Almost each day we see where our Congress is proposing new and further legislation. The whole of this act is too involved to even attempt to discuss in a short paper. It is safe to say, however, that the federal government is making a determined effort to pass legislation which will to some extent curb many of the present pollution practices.

In 1960, the policy of the various departments of the federal government was pretty well set out in "United States vs Republic Steel Corp." 362 US 482. In the opinion it was stated: "It is the long-standing and established policy of the Corps of Engineers not to take any action where the alleged violation is 'Minor, unintentional or accidental' and 'as a general rule' not to recommend prosecution where the alleged violation is 'trivial' apparently unprecedented, and results in no material public injury'. Prosecution is recommended 'in all cases of willful or intentional violation'."

From all appearances, this policy has changed since 1960, and Congress will in all likelihood make even greater changes.

When we think of pollution, we naturally think of some adulteration which is tangible, which is carried either in the waters or in the air. We are now confronted with another pollutant, namely "heat". Heat which is discharged into our rivers and lakes is now causing trouble, and promises to create even more trouble. With our current demands on more and more electric power, this pollutant is becoming more and more widespread. Heat as a pollutant has a name all its own, it is "CALEFACTION". The word means "warming". (See "The Calefaction of a river." Scientific American, May 1970)

Water pollution enforcement in Kansas has been split between the Board of Health, and the Livestock Sanitary Commissioner, and to some extent by the Water Resources Board. KSA 65–171d (Supp 1969) pertains to the pollution of surface and subsurface waters. It provides for hearings and procedure before the State Board of Health, and also provides the board with the power to issue an order prohibiting the alleged polluter from the operation of whatever he might be wrongfully doing. The section further provides: "Any person aggrieved by such order may within ten days of service of the order request a hearing on the order." After the order is made the same shall become final unless appealed to the courts within thirty days after the date of the order. Thereafter appeals may be taken to the supreme court from the order or decision of the district court in the same manner as in other civil cases. The hearing in the district court is DE NOVO, and without a jury.

KSA 65–1711 (1969 Supp) provides as follows: "Nothing in this act shall be construed as limiting the authority of the state livestock sanitary commissioner in matters concerning the administration of the law concerning feed lots."

It would appear that there is some concurrent jurisdiction between these two agencies.

At this writing, there seemingly has been no action begun in any of our courts, or at least none appealed or reported to the Supreme Court testing, or anywise challenging any of the above legislation.

Both the state board of health and the state livestock sanitary commissioner may call on the attorney general to bring action to stop an alleged violation. And in each of the sections, when spelling out the duties of the attorney general, the word "shall" has been inserted.

In addition to the specific provisions relating to the attorney general in the two acts above mentioned, there are two other powers conferred upon the attorney general. A county attorney and a city attorney also have statutory powers in so far as injunction proceedings are concerned. KSA 60–908 provides: "A private party may enjoin the continuance of a common nuisance affecting his personal rights, and in addition thereto, an injunction may be granted in the name of the state to suppress the keeping or maintenance thereof. The petition may be verified on information and belief, and such action may be brought either by the attorney general, or by a county attorney for enjoining such a nuisance within his country, or by a city attorney for enjoining such a nuisance within his city."

It will be noted that a private citizen may seek to enjoin the continuance of a common nuisance affecting his personal rights. This seemingly gives a private citizen a right to seek to enjoin the continuance of a common nuisance. Our courts have defined this right as being a common nuisance if personal rights are affected. (Buckmaster v. Bourbon County Fair Assoc. 174 K 515).

The section above quoted changed the law as it existed prior to the adoption of the present code. It is now clear that a municipality may maintain an action to abate a common nuisance within the city whether it violates an ordinance or not.

This is satisfactory as far as it goes, but in my opinion the long delays and technical procedures necessary for injunctive relief may be too cumbersome.

Some states have statutes which allow action without first having an administrative finding.

California authorizes a civil action in the name of the people: to be brought "to abate a pollution or nuisance which is transistory in nature or is of short duration, but periodic in occurrence. The obvious purpose of such a statute is to permit abatement of the nuisance or pollution that would terminate before administrative machinery could get into gear.

Oregon has a statute which allows a suit to enjoin or abate a threatened or existing pollution. This is in order when the pollution "creates an emergency which requires immediate action to protect the public health, safety or welfare.

These are forms of judicial abatement.

Water pollution may constitute not only a private wrong, but also a public offense against the state, commonly called a "public nuisance." Although it is punishable as a crime, a public nuisance can be attacked in a civil proceeding by public authorities, and in certain cases by a private party as well.

Why do we need state or federal control?

Pollution control is needed for protecting a community from harmfully discharging its own waste, also to keep from injuring those down stream.

A city sewer offers a relatively cheap means for removing offensive and potentially dangerous waste, and it gets them beyond the sight, smell and conscience of those in the community.

A treatment plant benefits largely those who live down stream.

The history of legislation abounds with examples of declarations of good intention and high aspiration, but nowhere are these matched by equally high standards of implementation.

Coming back to my original assignment: The Problems of Enforcement in the Court.

As has been already stated, the problem of enforcing any sort of pollution in any of our courts, whether by an administrative body of the state or by civil suits, becomes weighty, cumbersome and time consuming.

Our Kansas courts have grappled with pollution problems for many years, and in most instances as mentioned before, the legal aspects are somewhat settled. However, there are some interesting new developments coming before our courts.

In Atkinson v Herington Cattle Co. Inc. 200 K 298. we find a relatively new business venture coming into being. Within the past few years the commercial feeding of cattle has become popular and in general, financially stable. The run off, or waste, from feed lots is causing a new concern for our courts. Of interest, in the above stated case, was a statement made by the court: "We shall first consider the trial court's findings as to pollution and its cause. The record, most of which has to do with these points, is voluminous. It consists of the testimony of 31 witnesses and approximately 100 exhibits. Many of the witnesses were experts; bacteriologists, chemists, geologists and other technicians."

This should give us some idea of what a civil suit might entail. In the case above cited, the damage was considerable and the plaintiff or defendant could each well afford to employ all the necessary technical witnesses. But consider the person of limited means and income who may suffer damage. His only damage may lie in his inability to live in his modest home, which is perhaps worth only a few thousand dollars. How will he adequately prepare his case in court? We do have administrative bodies and boards whose business it is to assist in pollution cases, but their final resort is to the courts.

In the case above cited, the trial court awarded damages in the amount of $29,-060.53, of which $7,500.00 was for punitive damages. On appeal, the supreme court sustained the award for actual damages, but did not allow the amount awarded for punitive damages. The court quoted from Rusch v Phillips Pet Co. 163 K 11, as follows: "Defendants ignored the warning of the state geologist that their slush ponds were seeping salt water, such conduct was described as the intentional doing of a wrongful act with full knowledge of its character and without cause or excuse. Such action was held to be malicious and to warrant an award of exemplary damages."

The recent case of Lee v. Mobil Oil Corporation, 203 K 72, *almost* presented an interesting situation. That of "strict liability", when an "Act of God" becomes a part of the defense. In the case above mentioned, the supreme court did not decide on the issues of the case, but decided the case on the premise that the trial court erroneously awarded judgment on a motion for summary judgment. The Supreme Court did, however, review some of its earlier cases dealing with strict liability and with the defense of an "Act of God". The court said: "Generally, strict liability is confined to those consequences which lie within the extraordinary risk created. The requirement of foreseeability of the consequenecs places a limitation on the liability. When harm results from the intervention of an unforeseeable force of nature liability does not fall on the defendant. The proximate or direct cause of plaintiff's damage stems from the intervening cause."

(Gerber v. McCall, 175 K 433; Fairbrother v. Wiley's Inc., 183 K 579; see also Prosser, Law of Torts (2nd ed) Extent of Liability, p. 338).

With all the recent publicity and the clamor for a stricter pollution control, what might the Supreme Court do, if now faced with the same facts which were set up in the earlier cases. It would seem that when one handles potentially dangerous materials, one should to some extent even protect against an "Act of God". (Our forefathers in these parts did not rely on a hastily built dwelling for protection against the elements; they dug cyclone cellars for protection against an "Act of God".)

If we are to progress in the region of abatement of pollution, then it would appear that we must give more responsibility and greater powers to administrative bodies, with a quick review by the courts. It is not feasible to try a complicated pollution case to a court, when the judge of that court has no technical knowledge of the question at hand, and probably does not have the instant capacity to digest the highly technical evidence of a host of expert, technical witnesses. The courts should, however, have the right and the continued power to determine whether an administrative body acted within its authority, and without caprice or prejudice. Also, an administrative body should have some power to enjoin polluters, and the alleged wrong-doer should be required to give bond pending an appeal. These are only thoughts, and perhaps our legislatures can and will come up with something better.

FLORIDA FRONTIER RIVERS NATIONAL PARK PROPOSED

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. BENNETT. Mr. Speaker, my colleagues, Congressmen DON FUQUA and BILL CHAPPELL, have today joined with me in introducing a bill to establish the Florida Frontier Rivers National Cultural Park.

This would be a new type of national park in that it would preserve and interpret the natural, historic, and economic assets of an area in a cultural park.

It would cluster the Nassau River Valley with St. Augustine's Spanish fort, the Fort Caroline French fort, and the Fort Matanzas Spanish fort; and, with other natural, historical, and cultural sites in non-Federal ownership, would interpret and commemorate historical and cultural events; preserve historic sites; conserve examples of unaltered landscape on which events occurred; achieve public understanding and appreciation of the past and present interaction of man and this environment; authorize acquisition of marshlands immediately; provide for establishment of park upon acquisition of marshlands; and require master plan study for identifying other sites and means of interpretation.

At our suggestion a team from the National Park Service visited the area earlier this month and made a report, which although not speaking officially for the National Park Service, made the following comments:

NATIONAL PARK SERVICE COMMENTS

The fifty mile stretch of coast south from the St. Johns River is of transcendant historical importance in the struggle for empire in North America between Spain, France, Great Britain, and later the United States.

In addition to its importance as the scene of much international struggle for colonial advantage, this entire watery region of northeast Florida is the scene of many other important historical and cultural developments heretofore only casually understood or investigated.

The peninsula of Florida is of considerable antiquity. Discovered and claimed for Spain in 1513 by the renowned Ponce de Leon and the object of much exploration and conquest by Narvaez and De Soto, who both earned tragic deaths for their efforts, it was not until 1565 that a settlement was made at St. Augustine. Even so this outpost was the first permanent European settlement on the continent north of Mexico.

On the eve of the settlement of St. Augustine, French forces appeared near the mouth of the St. Johns River to challenge Spain's claim to the region. Driven off and slaughtered near the end of Anastasia Island, south of St. Augustine in 1565, their place in the contention for the region was taken by the British in the following century with their southward extending colonies, the Carolinas in the latter part of the 17th Century and Georgia in the first part of the 18th.

Over the years many of the aspects of the history of the region have been told more or less piecemeal. Many of these pieces are of considerable significance individually, but it is the total story of more than four hundred years played on the rather unique stage of its ecological environment that is of great importance and should be preserved and interpreted in its entirety. Three river basins totally control the geographical environment, the St. Marys to the north and the St. Johns to the south. Down the middle the Nassau twists and twines, ebbs and flows, much of it strangely enough still in its pristine and primeval condition. Yet near the latter's shores and mouth occurred events of considerable importance.

"South from the Nassau to the St. Johns River lies another succession of islands, creeks, hammocks, and swamps of considerable ecological and historical interest and importance. Chief among the islands are Big and Little Talbot and, especially for historical purposes, Fort George Island. Few other sites in Florida are as rich in cultural and natural history."

The bill which we have introduced reads as follows:

A bill to authorize the establishment of the Florida Frontier Rivers National Cultural Park, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND DECLARATION OF PURPOSE

SEC. 1. The Congress finds that the three estuarine rivers of northeastern Florida—the St. Johns, Nassau, and St. Marys—unify a nationally significant cultural heritage with roots in four centuries of rich colonial and national cultural development. The Congress further finds that the virtually unimpaired Nassau River estuary is the only one of the three that graphically illustrates the historic setting and natural environment that shaped this heritage and in addition possesses important scenic, natural, ecological, scientific, and other values contributing to public enjoyment, inspiration, and scientific study. The Congress concludes, therefore, that it is in the national interest for the United States to join with State and local government and private institutions, groups, and associations to preserve and interpret the Nassau River estuary and associated cultural and historic sites and buildings of northeastern Florida in such manner and by such means as shall achieve public understanding and appreciation of the heritage fashioned by the past and present interaction of man with this environment.

ACQUISITION OF PROPERTY

SEC. 2. In furtherance of this objective, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or by exchange, not to exceed 85,000 acres of lands and waters and interests therein, of which not more than 10,000 acres may be other than estuarine marshes and streambeds, in the Nassau River estuary which in his judgment are necessary to preserve the historic setting and natural environment of said estuary from development adverse to the purposes of this Act. In addition thereto, the Secretary is authorized to acquire not to exceed 150 acres at various locations in northeastern Florida for administrative and vistor information facilities. Lands, waters, and interests therein owned by the State of Florida or any political subdivision thereof may be acquired only by donation. Any Federal property designated by the Secretary may, with the concurrence of the head of the administering agency, be transferred without consideration to the jurisdiction of the Secretary for purposes of this Act.

ESTABLISHMENT

SEC. 3. When the Secretary determines that he has acquired sufficient lands or interests therein to insure the realization of the purposes of this Act, he shall by publication in the Federal Register establish the Florida Frontier Rivers National Cultural park to consist initially of the Nassau River estuary and the Castillo de San Marcos National Monument, Fort Matanzas National Monument, and Fort Caroline National Memorial. Pending such establishment and thereafter, he shall administer the Federal property under his administrative jurisdiction in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

STUDY AND DESIGNATION OF ADDITIONAL SITES

SEC. 4(a). The Secretary shall study and may designate additional sites in non-Federal ownership for incorporation within the Florida Frontier Rivers National Cultural Park in order to provide a unified interpretation and commemoration of the cultural heritage of the Florida Frontier Rivers Country. The sites to be studied for designation shall include, but need not be limited to: Thomas Creek Battlefield; Alligator Bridge Battlefield; Kingsley Plantation, Huguenot Memorial, and other sites on Fort George Island; Fort Clinch, Old Fernandina, and other sites on Amelia Island; Yellow Bluff Fort; Spanish Coquina Quarries; St. Augustine Historic District; and the route of historic King's Road between St. Augustine and St. Mary's River. Designation of any site pursuant to this subsection for incorporation within the Florida Frontier Rivers National Cultural Park shall become effective upon publication of notice to that effect in the Federal Register.

COOPERATIVE AGREEMENTS

(b) In furtherance of the purposes of this Act, the Secretary may enter into cooperative agreements with the State of Florida, its political subdivisions or agencies, public and private corporations, associations, or individuals pursuant to which such parties agree to protect, preserve, maintain, and operate such additional properties as may be designated by the Secretary in accordance with subsection (a) of this section, and he may assist in the preservation, renewal, and interpretation of such properties: *Provided*, That any such cooperative agreement shall contain, but need not be limited to, provisions that: (1) the Secretary has right of access at all reasonable times to all public portions of the properties for the purpose of

conducting visitors through them and interpreting them to the public; and (2) no changes or alterations shall be made in the historic properties, including buildings and grounds, without the written consent of the Secretary.

INTERPRETIVE MARKERS

(c) To facilitate the interpretation of the Florida Frontier Rivers National Cultural Park, the Secretary is authorized, with the concurrence of the owner, to erect and maintain tablets or markers at cultural or historic sites designated pursuant to subsection (a) of this section or along public thoroughfares in accordance with the provisions contained in the Act approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

APPROPRIATIONS

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

THADDEUS KOSCIUSZKO HOUSE AS A NATIONAL HISTORIC SITE IN THE STATE OF PENNSYLVANIA

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. BYRNE of Pennsylvania. Mr. Speaker, on June 22, 1970, I introduced H.R. 18161 in the House of Representatives. This legislation would establish the Thaddeus Kosciuszko House as a national historic site in the State of Pennsylvania.

Kosciuszko House is located in the Third Congressional District of Pennsylvania, which I have the honor of representing; and I am very interested in having this property authorized as a national historic site.

Mr. Henry J. Wyszynski, representing Group No. 60, of the Polish American Congress, Eastern Pennsylvania District, introduced a motion concerning this property at the recent national convention of the Polish Beneficial Association, Eastern Pennsylvania District, and I feel this motion should be called to the attention of my colleagues:

MOTION

That there is a residence located at 3rd and Pine Streets, in Philadelphia, Pennsylvania, the Cradle of Liberty, which the Pennsylvania Historical Commission has determined to be the last known residence in this great Nation of that outstanding American Revolutionary War hero, of Polish birth, General Thaddeus Kosciuszko.

And that the Honorable James A. Byrne, Philadelphia Congressman representing the 3rd Pennsylvania Congressional District, did on June 22, 1970, introduce in the House of Representatives, Bill HR–18161, "To authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania".

And now this Bill has been referred to the Committee on Interior and Insular Affairs where the National Park Service is conducting a study of this site for evaluation as to its national historical significance for submission to the Advisory Board on National Parks, Historic Sites, Buildings and Monuments of approval.

Therefore, this body, consisting of the delegates from the States of Pennsylvania, New Jersey, Delaware and Maryland and representing 20,000 members of the Polish Beneficial Association, at this the 26th National Convention of this Fraternal organization, unanimously moves to support the Thaddeus Kosciuszko Home National Historic Site Bill HR–18161 and urges the National Park Service to expedite the study of this site for submission to the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, for approval, in order that the Committee on Interior and Insular Affairs may receive the necessary departmental reports it requires to return this matter to the floor of the House of Representatives for early determination of this legislation by Congress.

Adopted as moved, at Reading Pennsylvania, this 21st day of October, in the year of our Lord, A.D. 1970, and in the 70th year of this organization.

POLISH BENEFICIAL ASSOCIATION
26TH NATIONAL CONVENTION,
WALTER A. NAWOCZENSKI,
Convention Chairman.
FRANCIS J. FRYSIEK,
Convention Secretary.

IMPROVING THE SOUTHERN ENVIRONMENT

HON. PHIL M. LANDRUM

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. LANDRUM. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

IMPROVING THE SOUTHERN ENVIRONMENT

(Paper by Frank E. Smith, Director, Tennessee Valley Authority, presented at Symposium on "The Emerging South," sponsored by The L. Q. C. Lamar Society and Southwestern at Memphis, Memphis, Tennessee, April 18, 1970.)

The South has not been too much concerned about the excesses which threaten the quality of our environment, just as there has not been as much concern in our region as in some other areas about the excesses of an affluent society. What might seem at first glance to be indifference is actually a matter of economics, for both of these circumstances arise from the fact that we have not fully shared in either the affluence or the economic base which has produced the affluence. We are, therefore, still too much preoccupied with efforts to develop an adequate share of that affluence to be very much concerned about some of the questionable long-range effects of the technology upon which a vastly productive economy, and an affluent society, rests.

The Southeast today has a slightly greater part of its population employed in manufacturing enterprises than any other section of the country. Our continued comparative poverty is because we have lower wage rates and because a lower percentage of our income is devoted to and derived from service industries and to those other aspects of the economy which provide, and consume, the material amenities of present-day life. Most of our major manufacturing industries are relatively new to the region, and oftentimes new to the entire industrial scene. As a result, they are not usually among the worst polluters, for they have come upon the scene at a time when willful violations of pollution control standards can no longer be completely ignored.

This comparative position is not cause for satisfaction, however. Even though we have escaped the dubious blessings of some of the heavy industries which are major contributors to pollution in the established manufacturing centers of the East and Midwest, we have our fair share of pollution. We are meeting here on the banks of the Mississippi, the great artery of life and commerce not only for the Mid-South, but for all of Mid-America. The Mississippi has abused us many times in the past, it is true, but we have also been abusing it for many years. It has been and still is the main garbage and sewage disposal unit for Mid-America, and each year it also carries hundreds of acres of topsoil into the Gulf, washed out from the alluvial plains which surround Memphis. In addition to these long-standing pollutants, in recent years it has picked up the burden of the petro-chemical industry, concentrated from Baton Rouge south, and the agri-chemical industry, which stretches throughout the Mississippi Valley from Wisconsin and Minnesota to Louisiana. There is no way to measure accurately either the total of these several pollutants, or the resulting compounds, carried each day into the Gulf of Mexico.

Competent students say that the Gulf is showing visible evidence of the impact of this vast tonnage of pollutants, more destructive than mere topsoil. Dr. James M. Sharp, president of Gulf Universities Research Corporation, has been quoted as saying that the Gulf "could become a dead sea," pointing to the fact that "several of our estuaries and sounds are already losing their recreational value and biological productivity."

Dr. Sharp told a group of congressmen that studies costing $150 million are needed merely to pinpoint necessary pollution controls for the Gulf. I do not doubt that the studies are needed. But they must not be accepted as a substitute for action. We know already that the Mississippi must be vastly improved, to say nothing of putting an end to oil spills in the Gulf itself.

One of the problems we face in the South in dealing with pollution is that we have struggled so long and so hard for industrial development that it is easier to look the other way at industrial abuses, whether they be low wages or the abetment (not abatement) of pollution. New industries, like old ones, have learned to employ politically effective law firms and have not been hesitant to use them. I recall that ten or twelve years ago, while fighting on the floor of the House of Representatives against an amendment designed to weaken the Federal antipollution law, I naively mentioned the fact that paper companies were among the chief polluters of our streams as well as being among the leading opponents of a strong antipollution law. There were no paper companies in my then district, but within a few days I had had letters and phone calls from a dozen or so of the most prominent law firms in Mississippi, all wanting to know what I had against the paper industry.

The same hunger for industrial jobs may condition us to accept too readily the easy rationalization of dubious practices instead of demanding a confrontation with the facts.

Nearly twenty years ago I asked the Public Health Service to look into the possible damage to human health caused by the widespread use of pesticides and defoliants in my Delta district. I am ashamed to say that I accepted too readily the PHS response that no serious threat was involved. A case that there is no serious threat can still be made, but today we have a more inclusive definition of what "threat" means.

Since this paper will point up the fact that I have serious reservations about some of the current prophets of doom about the ecology, let me point out that I, too, have several times been branded as such an irresponsible doomsday man on this subject. This began when I attempted unsuccessfully, back in 1954, to have recreation added to the benefits considered in evaluating Corps of Engineers water projects, and includes ridicule when I said just three years ago that the nation would have to spend at least $100 billion before the year 2000 in improving the quality of its water and maintaining an adequate supply. Today I think we can

agree that $100 billion is a very conservative estimate, even without reading between the lines of the President's recent modest proposals.

Today we are told that the nation's entire life style must change if we are to avoid a disastrous upset in the ecological balance, assuming we accept as fact the premise that the upset has not already occurred. I agree that we must reevaluate many priorities, and some of our long accepted standards about economic progress. But I do not accept for one minute the concept that we can turn our backs on economic expansion and development. We cannot achieve a satisfactory quality of life for all Americans, let alone the South, from our present inadequate economic base. To expand that base, we are going to have to continue to develop our natural resources. That, in turn, requires a completely candid appraisal of our environmental condition.

First, as much as I deplore it, we must recognize the fact that there is no pristine wilderness left, and that we will sacrifice even more quality of life if we let our existing resources waste into a pseudo-wilderness.

Some of us must wake up to the fact that there was more pollution in a Cherokee or Choctaw wigwam than there is on the streets of Knoxville or Los Angeles, and that some of the Cherokee and Choctaw villages were as befouled with waste and water pollution as bad as some of the worst alleys in Memphis or Greenwood.

Some of the worst pollution, for me, is visual pollution, and I count as part of that the dirt and misery of rural and urban slums which still abound over the South. In my trips over southern Appalachia I see some of the most disheartening signs of rural poverty, degraded housing, and diseased water supply against a backdrop of beautiful rustic mountain greenery that, without the close-up, delights the soul of us environmentalists.

There is no possibility of providing the economic base for full opportunity for our black citizens without continued economic expansion. Whether they realize it or not, some of our best intentioned people would maintain our black people in the bleakest of environments in the name of protecting the quality of our environment. Perhaps unconsciously they buy the "big house" premise that the Negro is better off in a blessed primitive state, dreaming from the cabin stoop of Saturday night in the by-and-by.

But continued economic expansion and development need not mean a continuing decline in the quality of our environment. Achieving the necessary environmntal controls to bring about the quality will not be cheap, however. They are already costing large sums, but they will have to cost truly vast sums if they are to effective. So far it has been easier to talk about the need to protect the environment than about the cost of that action, and we are losing valuable time every day because the talk is an excuse for further delay in putting up the money on a realistic scale.

Make no mistake about it—the added costs are going to be borne by the individual citizens of the country, both as taxpayers and as consumers. Much of the cost will come in the form of additional taxes, if the various levels of government undertake to meet their responsibilities in achieving environmental quality. If tax incentives are used on a large scale to encourage industry to adopt proper antipollution devices and processes, the result will not immediately appear in the consumer's bill, but it will appear in additional taxes to replace those which are, by this device, foregone. I think the tax incentive system has many inherent weaknesses, not the least of which is that the government may be lax in enforcement if severity means a loss of tax revenue. Pollution abatement should be a part of the basic cost of doing busines—which is already deductible—not an added tax benefit.

If rigid pollution control is accepted as a part of the cost of doing business, naturally the cost will be borne by the consumer who buys the products, naturally the cost will be borne by the consumer who buys the products or services produced. The added costs of living which result from this are already noticeable, and they will become more so in a relatively short period of time. The real test of the public's willingness to pay for a quality environment will come within the next few years, in the form of items like the added costs for automobiles and the fuels which propel them. We cannot afford selective non-pollution, however, and all automotbiles and all fuels should have to meet the same standards.

I am personally involved in an on-going program to provide adequate environmental controls for the TVA power genrating facilities. The capital costs here will total several hundred million dollars, and they will represent a substantial item which will have to be reflected in increased costs to the users of the electricty being generated. Fuel costs have been stepped up at an annual rate of several million dollars, as a result of environmental considerations. Low sulphur content coal is an example of added control, at added cost, that TVA and other utilities are attemtping to obtain, with little success. There is a limted supply at best, and most of it is being sold at negotiated prices well above the current market to foreign metallurgical buyers, notably Japan. Another possible solution is low sulphur oil. Here we are victims of the artifical price restraints of import quotas—if there were no import quotas, low sulphur oil from the Caribbean could serve this area of the country at a price competitive with other fuels.

TVA was delinquent in not establishing, until 1965, a reclamation provision in its contracts with the suppliers of strip mine coal. Such a provision is part of our standard form now, however, even though no private utility has adopted one. We are carefully following up the reclamation procedure required, and if it proves to have any defects or loopholes, they will be corrected. I have checked a number of the areas where reclamation procedures have been followed, and in some cases after only two or three years the land is actually in better shape than the scarred hillsides that existed before mining, from both the aesthetic and the economic viewpoints.

Speaking of TVA's fuel problems, one evidence is almost within sight of this hotel, a few miles down the river—the Allen steam generating plant built by the City of Memphis after the Dixon-Yates fiasco fifteen years ago, and presently in the process of being purchased by TVA as part of the reentry of Memphis into the TVA power system. The Allen plant was built with inadequate provisions for control of the dust particles which sometimes make the horribly dirty smoke plumes pouring from the plant. TVA installed electrostatic precipitators which proved inadequate for the task. We have now virtually designed our own precipitators, and we hope the manufacturer can deliver according to our specifications.

However, at the Allen plant, as at all other coal burning generating stations, even with the dust removed, there is still the problem of sulphur in the fumes. We are conducting extensive research into processes for either recapturing the sulphur or eliminating it from the discharge, but progress is not very encouraging. This is one of the reasons why nuclear power plants are likely, in the long run, to be the cleanest. TVA hopes to begin next year the initial operation of the largest nuclear plant in the country, near Athens, Alabama. Although TVA will operate the plant always with great care and caution, there is no way to completely pinpoint potential environmental problems from nuclear plants except through detailed monitoring of actual operating conditions. TVA will carry on intensive monitoring and expects that the result will be a major contribution to the problem of supplying clean energy for a cleaner environment.

The chief emphasis of this paper is that we must continue to develop our natural resources and otherwise expand our economy to provide the jobs and the economic security necessary to give all of our people a share of our national abundance. At the same time, however, we must do whatever is necessary to make sure that every aspect of this development not only protects the quality of our environment, but that it improves that environment.

Improvement can be made, even if we achieve few millennia. The smog expelled from London is the now oft-repeated example, but I want to cite an example of what has been done in one part of the South which demonstrates what can be done all over the nation.

The Tennessee River is the cleanest major river in the country. What is more important for the purposes of this discussion, it is the one river that is cleaner today than it was thirty years ago, in spite of the investment of some two billion dollars in new industrial plants along the shorelines of its lakes. It is cleaner because the TVA, with relatively little enforcement power, has been working to make it so. The only antipollution power which TVA has is built around the requirement that an easement to cross the TVA shoreline be obtained from TVA for discharges from any type of installation on the shore. We have, however, no control over discharge abuses which existed before TVA, or over the pollution of some of the tributary streams before they reach the TVA impoundments.

As a result, the Olin Mathieson Company, which now owns the historic salt lick at Saltville, Virginia, continues to pour enough salt into the north fork of the Holston River to the extent that special treatment of the water in the river as far southwest as Knoxville is necessary. Paper companies in western North Carolina continue to discharge both waste and discoloration into our tributaries there, so it has been generations since the once beautiful French Broad was clear. Farther south is the classic example of pollution, the Copper Basin of the Ocoee River east of Chattanooga, where the metallic water colors the entire stream bed, even though the sulphuric acid no longer escapes into the air.

Knoxville and Chattanooga, the two largest cities in east Tennessee, have secondary sewage treatment plants either in operation or under construction, but in Knoxville the effectiveness of the treatment is often wasted because of the discharges made by several industrial plants in the city. At Chattanooga we could not in good conscience provide recreational access facilities to the new shoreline of Nickajack Lake because of the sewage being dumped into the lake by the city and other nearby governmental subdivisions. In industrial areas I think it is evident that we really need tertiary sewage treatment.

Despite these drawbacks, however, the Tennessee River system as a whole is clean enough to allow millions of people to swim in it each spring, summer, and fall, and to afford millions more the opportunity to fish in it during all twelve months.

We believe we have made some positive gains in air quality, and not only in relation to our steam plant fumes. The most obvious example is the improvement in the smoke emissions for our cities generally. The air quality may be worse because of greater numbers of automobiles, but there is no longer the black overhang of coal smoke where electricity has become the source of

both heat and power. We have hopes that TVA can help demonstrate central effluent disposal systems for industrial corridors, as an example of how existing industries can cut down air pollution with minimum cost.

I have dwelt at considerable length on TVA's efforts to improve the environment because they are related to a broader effort to help improve the quality of life by advancing the quantity of income, as well as the broader quality of the environment. The South is in the process of becoming industrialized, and consequently urbanized, but there is good reason to hope that it can escape some of the worst of urban blight while throwing off some of the worst of the rural blight which has been so prevalent for so long.

The dominant characteristic of the changing patterns of living has perhaps been the fading of independent living and working conditions based on the agrarian economy of a generation ago and the emergence of a far more complex pattern of urban living based on an industrialized economy. The many streams of economic and social life, once looked upon as separate and self-sufficient, have reached an interdependence which is at once both stimulating and depressing.

As we attempt to adjust the South to this new interdependence, we accept, without question, the necessity of physically cleaning up our environment, but we still need to give first priority to the cleansing of the human environment so that Southerners can be equally free to develop the skills necessary to both earn a livelihood and pursue happiness in the kind of society where people can live and work together with decency and dignity.

What can we do to protect the Southern environment and improve its quality?

First of all, we can protect and improve the national environment. Very few environmental problems recognize state boundaries. Only national solutions and national standards will cure them. We must recognize the fact that very few conservation programs have been established, in the South or anywhere else, without the carrot of Federal money or the stick of Federal standards.

There is legitimate reason for cooperative enforcement programs, but final enforcement should not be a matter for solely local determination. If for no other reason, dedicated local officials need the mainstay of Federal standards as a backup for their own procedures. As in many other matters, states' rights in this field is usually a cover for states' wrongs.

Thanks to many historic, geographic, and economic factors, we in the South have a better than average share of open space. We very much need, however, to improve its quality and make sure it is available for all citizens.

Among other goals, we need to protect it from visual pollution. The stretch of Interstate 40 that I drive from Knoxville to Memphis was one of the most beautiful in the entire country when first completed, but it is rapidly and thoroughly being polluted with endless roadside signs and billboards.

Billboard control and rural zoning are examples of the local effort needed for quality local environment. Noise abatement is another, and there is long precedent in towns like Memphis. Organized efforts do not have to be confined to national campaigns to be productive.

Another vital need is the addition of more open-space recreation areas. We do not have enough now, and the shortage will be acute in a few years. Beyond the need for more Federal, state, and local programs to acquire them, we need to step up local pressures to expand existing and developing Federal projects to make recreational benefits available as a by-product. An aggressive state agency, for instance, is an ideal instrument for helping to establish open-space recreation areas as an adjunct to virtually every Corps of Engineers project.

The national trend toward decentralization of industry is a good one. We in the South have been trying to achieve this for a long time as part of our economic development, and for the first time there is today a general acceptance of the validity of our goals.

For a long time we were willing to accept any sort of industrial development or expansion, because it was better than nothing. We are becoming more selective, and we can become even more choosy if we selectively develop our resources on a more carefully planned basis. For instance, there is plenty of room for a Tennessee-Tombigbee project, just as there is for more industrial site-harbor development on the Mississippi. But before we bring industries into any of these sites, developed wholly or partially at public expense, the design of their plants and operations should be rigidly examined to bar any pollution. Even the plant itself should meet requirements about harmonious blending with the landscape or the general environment. The participation of some type of public program in most of the major industrial locations in the South today provides basis enough for improved environmental standards.

Before we allow ourselves to be overcome by nostalgic recollections of the real or imagined qualities of small town life in the South, let us remember some of the very real defects. Most obviously, small town slums and small town poverty have been equaled only by rural poverty, generating a situation that made even ghetto slums more inviting. The dirtiest big city street of half-abandoned houses, stores, and factories can be no more dismal and depressing than the streets of some of our small Southern towns.

Elimination of visual pollution can be as important in keeping young people off the migrant trail as any other factor, assuming the all-important job opportunity is available. The people influenced by the small aesthetic qualities are likely to be the ones who contribute the most to achieving other environmental qualities.

There are other important goals to which we in the South can work to achieve environmental quality without sacrificing the imperative need for continued but more intelligent overall economic development.

One of our most urgent problems in the field of human conservation is the necessity of reducing the birthrate. In much of the South we have, in the past decade, achieved for the first time a balance of in-migration. This has been primarily the result of increased job opportunities in the region. Even though migration has been greatly reduced, it is still a major influence on population trends, especially in parts of Appalachia and from the old plantation country of the Mississippi Valley.

There is no pat formula for reducing the birthrate. Some reduction is occurring naturally as people with higher economic and educational levels voluntarily reduce the size of their families. Essential success, however, will come only with an aggressive program of making birth control and family planning information a basic requirement, not only for welfare clients but for all young people as they reach the age level where they might become parents. In most areas of the South there is less organized resistance by religious groups to population control procedures. There is no real reason why there should not be widespread liberalization of abortion laws, primarily to benefit low income groups. There could also be large-scale information programs about sterilization procedures.

To sum it all up, let us in the South be in the forefront of every realistic move to protect the quality of environment. But let us not forget that a lot of our environment needs its quality vastly improved before it is worth protecting. Our human resource still needs the benefit of much natural resource development before it will be in a position to use and enjoy the quality environment we all want. Because we have a better physical environment to start with, there is no reason why we should not seek the highest quality of life in our goals for the South.

FUTURE CONSIDERATIONS

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. HARVEY. Mr. Speaker, we are all very much aware that environmental quality and ecological balance have become major public policy concerns. At practically every level of government, efforts now are underway to reduce the pollution of our air and water and improve our solid waste disposal methods.

Of these three major problems, solid waste disposal perhaps has had less attention focused on it than the others. Yet, the complexities that surround litter and solid waste pollution may prove the most difficult to resolve.

In recent days, I have had the opportunity to read over a statement made by Norman L. Dobyns, director of the Washington office of the American Can Co., on a variety of proposals to restrict nonreturnable containers. Mr. Dobyns made his detailed statement before the Health and Welfare Committee of the District of Columbia's City Council on October 8, 1970.

I believe Mr. Dobyns has brought forth a number of major points which should be carefully weighed and considered as this Congress and other legislative bodies in the future take steps and action in dealing with our Nation's solid waste problems. His entire statement follows:

STATEMENT BY NORMAN L. DOBYNS, AMERICAN CAN CO., DIRECTOR OF WASHINGTON OFFICE ON VARIOUS PROPOSALS TO RESTRICT NONRETURNABLE CONTAINERS

Dr. Robinson, Mrs. Haywood, Mr. Anderson: the most littered streets on earth are not the streets of the District of Columbia or even the streets of New York City. They are the streets of Calcutta and the other intensively populated areas of the world's under-developed nations. Calcutta's streets are not littered with throwaway containers but with throwaway human beings—the diseased and the dying.

In the District of Columbia and in our nation we do not have this oppressive problem. Our country has harnessed technology for the benefit of our people to a far greater degree than any other nation in history. We are among the healthiest people on earth and the packaging industry has played a significant role in making our health standards possible. Our food and beverage packages are responsible not only for bringing us wide product choices and shopping convenience; they also represent sanitary conditions in the marketplace and a healthier people.

The metal can has also played its part in making healthful and economical food products available to our people. I do not want to over-dramatize the contributions that

have been made to our way of life by the metal container. I recognize that our sanitary products represent only one of the factors responsible for eliminating so many diseases that man's lifespan has increased by 40% in just fifty years. I merely want to suggest that some of our products' most zealous opposition may be coming from sincere and public-spirited individuals who may be ready to destroy our existing food and beverage distribution systems without considering the alternatives, and without considering the profound contributions to the public health and welfare that can reasonably be attributed to food and beverage packaging.

America in the 1970's is not the America that many of us remember fondly. We cannot go back to a simpler time, a less complex time, when grandfather went to the brewery on the corner with a pail or a pitcher to pick up his favorite beverage. Turning backward on packaging ignores the other changes that have occurred in our society. We cannot turn back on population increases, new distribution patterns and changing consumer preferences. And if we do look back to those supposed idyllic times, we should recall that our population was only half of what it is now, the death rate was double, and hardship lay everywhere.

It is understandable that a people confronted with countless crises would have a reverence for the past. It is understandable but it is not relevant. We are going to have to solve our present problems by evolving present solutions and a return to a distribution system with which we were comfortable some years ago would do nothing to solve the problems as they exist today, and certainly nothing to solve the problems as they will exist tomorrow.

All of you who serve on the D.C. City Council have an unrivaled opportunity to play a commanding role in shaping the future of American cities and the functioning of the marketplace in those cities. As the City Council in our Nation's Capitol with, I believe, more national news coverage than any other city in the world, it is not rhetoric to say that the eyes of the world follow your deliberations and actions closely. We in industry are under no delusions about the power that you now hold over our future practices and profitability. You can, if you choose to do so, ban convenience beverage packaging, and if you do, I have no doubt that hundreds and possibly thousands of communities throughout the United States may follow your lead. We perceive very clearly that our very survival is tied to the decision which you elect to make on your litter and waste problems. But I would like to suggest that the future liveability of the District and of every major metropolitan area will not directly be served by product bans. You here in the District of Columbia can serve as a beacon for city councils all over the country by adopting the ultimate solution to your waste problems rather than a product ban that will have only an insignificant effect on your problems.

The solid waste problem confronting the District and other metropolitan areas is a public problem of very great complexity. And while we have no quarrel with the noble goals being sought by the eco-conservationists (in fact we share their goals), we suggest that too many of the conservationists and ecologists are too willing to opt for simplistic solutions to incredibly complex problems.

As Dr. Myron Tribus, Assistant Secretary of Commerce for Science and Technology, said over in Gaithersburg just a few days ago: "Perhaps our greatest deficiency is that we have an abundance of simple solutions and no simple problems to apply them to."

As you members of the D.C. City Council, or any city council for that matter, must know, anyone who attempts to serve the public interest today can be overwhelmed with the complexity of attempting to manage an urban area. I do not intend to be insulting to those who are suggesting that our products be banned, but I know that they have not analyzed the District's litter and solid waste problems in terms of economic feasibility, or in terms of technical alternatives, or in terms of ecological impact. They have simply seen some of our no-deposit containers on the landscape and have determined that the District's solid waste problem will be well on the way to solution if we only ban one-way containers. I hope members of the Council will agree with us that our nation's ecological and environmental problems are not going to be solved by simplistic solutions which are adopted without regard to economic, technological and public policy complexities.

Our ability to develop solutions to our solid waste difficulties are dependent alone on our ability to accurately gauge the characteristics of the problem, the competing elements of alternative decisions, and our capacity to create remedies that respond to our real problems and not our apparent problems.

For example, the real problem facing the District of Columbia is a solid waste problem, not a litter problem. Yet the proposed elimination of the one-way container will make little contribution to solving your solid waste problems and it is, in fact, a misdirected response to the litter problem.

As members of the City Council of the Nation's Capital, you cannot afford the luxury of a simplistic solution that is not responsive to your real problem. You can make progress here only by dealing with the real complexities of solid waste disposal on a systematic basis—not by picking on one visible but insignificant tangent of a serious dilemma.

The concern that many individuals and groups have voiced here in the District and elsewhere over litter and solid waste is legitimate concern, and those of us who work in the can industry share that concern and are entirely willing to work with the public or the people's public representative to develop proposals that will help eliminate both waste and litter as public policy problems. Many of us in industry, however, feel quite strongly that too many of our most outspoken pollution fighters fail to comprehend the true and factual role played by packaging products in our Nation's solid waste problems. I believe it is important for everyone involved in the public debate on litter and solid waste to recognize that non-returnable beer and beverage containers represent only 1.3% of solid waste in this country. The absolute prohibition of non-returnable beer and beverage containers would leave untouched 98.7% of the solid waste problem. In other words, proponents of the ban on non-returnable containers are asking you to consider the partial destruction of our industry for a result that will be inconsequential.

Actually, all packaging materials and products represent only about 13% of solid waste and a public decision to ban every type of container and every type of packaging material would still leave our communities with 87% of their solid waste problem. We submit that the dissolution of one of our Nation's important industries and the economic dislocations that would ripple throughout our economy would simply not be justified by a decision that would produce so little in the way of positive results. If banning non-returnable containers clearly represented a solution that would substantially decrease the litter or solid waste problems, then you would be entirely justified in giving serious consideration to a ban on non-returnables. Actually, the Midwest Research Institute has reported that 10% of all littered beer and beverage containers are returnable-for-deposit bottles. A study by the National Research Council also shows that litterers throw returnable bottles away with equal abandon. As public decision makers, you have it within your power to ban the non-returnable container but you do not have it in your power to ban litter. Research shows that litterers will litter—with a deposit container or a non-deposit container. Incidentally, research has also shown that people who dispose of beer and beverage containers properly also commonly discard the returnable-for-deposit container just as if it were a non-returnable container.

Another consideration you may wish to keep in mind is the fact that less than 5% of the beer and beverage containers produced in the United States are littered. Those consumers who are responsible for the consumption of 95% of the beer and beverage containers produced in the U.S. dispose of their containers properly—they do not litter. And it seems difficult to justify a public policy decision that deprives the users of 95% of a product of the use and enjoyment of that product because of the gross irresponsibility of the litterers who consume only 5% of the product. So a ban on non-returnable beer and beverage containers would penalize the consumers of 95% of our container products with out having any substantially measurable impact on the litter or solid waste problems. We suggest, therefore, that a ban on non-returnable containers would be an improper and unproductive public policy decision.

To relate these figures to the District of Columbia, we estimate that the metal can industry will ship about 100 million beer and beverage cans into the District of Columbia in 1970. We will produce 31.6 billion beer and beverage cans nationally in 1970 and 60 billion metal cans of all types. So you can see that 100 million cans, while it sounds like a substantial figure, is not very many cans in terms of our industry's total output. While we are not in the glass business at this time, our researchers estimate that about 100 million non-returnable bottles will be shipped into the District of Columbia in 1970. We have talked with your sanitation department in an effort to determine the number of non-returnable beer and beverage containers involved in litter in the District of Columbia or in D.C.'s solid waste. But we understand that surveys of this kind have not been made and the comparative figures are not available to us.[1] However, we believe it would be reasonable to apply the same factors here that research has brought out in other metropolitan areas—it would mean that 95% of the 200 million beer and beverage containers shipped into the District of Columbia in 1970 will be disposed of properly. Only 10 million containers or in round numbers about 12 containers per person per year will be littered.

While we agree that any litter is unsightly, we believe you will agree that the relatively few beer and beverage containers involved in the District's litter problem or the District's solid waste problem represent a very inadequate base for considering legislative remedies that could wipe out a substantial part of one of our nation's important industries. The cost to the nation's economy of a ban on non-returnable containers would be staggering. One estimate puts the cost at well over a billion dollars for obsolete equipment, 50,000 dislocated employees, almost incalculable losses to individual stockholders and to the mutual and pension funds that

[1] If you would like to consider making a survey of your litter and waste problems, I have been authorized by the Keep America Beautiful staff to tell you that KAB would be delighted to cooperate with you in conducting a comprehensive community survey.

affect us all—plus the costs of inefficient dual handling at the retail level and the unproductive investment in billions of empty containers by housewives, retailers and bottlers. Many of these factors are difficult to estimate with precision but we think it is reasonable to suggest that a ban on non-returnable containers could represent a 2 billion dollar loss to the nation's economy. It is not worth 2 billion dollars in our judgment . . . it is not worth destroying an industry . . . for the truly minuscule contribution our products make to your problem.

Nationally, as businessmen, we are together facing a prospect that we have faced many times before: Society has a problem—so we have a problem. We are, after all, going to have to solve the problem with our own resources and in our own communities. I have heard it suggested that our urban areas could solve solid waste disposal problems by hauling solid waste out into the open country and dumping it there. Some communities have even experimented with loading their garbage into railroad cars and hauling it great distances for disposal in so-called wilderness areas. This is not a viable solution because in simple terms every place is somebody's backyard. There is hardly any area of the country that is not carefully protected by people with an interest in that area. Even wilderness areas which could presumably accommodate many millions of tons of solid waste are jealously guarded by conservationists and defenders of wildlife. Shipping our garbage away may be theoretically possible, but it is not "politically" realistic.

Garbage collection and disposal in 1968 cost our Nation's taxpayers $3 billion a year, an amount that surprises most people and an amount that ranks third most costly among our Nation's public services. Only schools and roads cost our taxpayers more than garbage disposal. Yet, it seems to me that the very staggering costs of solid waste disposal, coupled with our inadequate methods, may suggest hope for the future. It may also suggest that our people do not have to look to government alone for a solution to the solid waste disposal problem.

Fortunately, it is not necessary for local communities to tackle their environmental problems alone. Much is heard today about business' capacity and willingness to join in solving society's problems, and I can assure you that we are.

Our local communities, working in tandem with industry, can meet the solid waste challenge and conquer it if we bend our efforts to finding a solution that produces profit for industry, revenue for government, and is satisfying for society.

This is not far-fetched; if economic methods could be developed for extracting all of the useful metals and minerals from our solid waste for recycling into our stream of natural resources, a major part of our solid waste disposal problem would be solved. Industry and government could then "mine" waste with a profit and revenue incentive.

The recycling of metals and recovery of minerals could be both a potentially profitable source of valuable materials and a way to conserve our Nation's dwindling supply of natural resources. America's technological genius has long met necessity and mothered invention. There is little doubt that the necessity today is to find a way to transform our solid waste into useful products.

While we have been spending $3 billion a year to collect and dispose of our solid waste, ferrous and non-ferrous metals now disposed of in our municipal waste systems (including metal cans) are said by the Bureau of Mines to be worth $5 billion as scrap. If we look at our solid waste as an opportunity for financial exploitation as well as a social problem, we see $3 billion per year in costs and several times that per year in potential values.

As we look ahead together at one of our commanding social problems, it is increasingly clear that industry must help finance the research and development on solid waste disposal. The results could be socially rewarding and profitable. And we in industry have in fact already taken major steps to contribute our resources to solid waste research and development activities. For example, just a few days ago the beer and beverage and packaging supplier industries established the non-profit National Center for Solid Waste Disposal, Inc. With offices here in Washington, the National Center for Solid Waste Disposal will represent the conduit through which major industry and government research and development interchange can take place. The Center is a direct result of an idea generated within President Nixon's National Industrial Pollution Control Council, which is a group of concerned business leaders from every industry in our Nation focusing its attention on every aspect of environmental quality. The Chairman of my company, American Can Company, serves as Chairman of the National Council's sub-council on metal containers and Chairman William F. May is also one of the founding directors of the National Center for Solid Waste Disposal, Inc.

We in the business sector are highly optimistic that our new National Center for Solid Waste Disposal will enable business and government to establish solid waste disposal goals and work together to meet those goals.

Government and business cannot solve the solid waste problem here in the District of Columbia or the solid waste problem nationally by pursuing different or conflicting goals. Here and elsewhere, the mounting solid waste problem will only be solved if government and business join together to activate systematic and technical solutions to our very complex disposal problems.

There is no reason why business and government operating at the local level cannot work in tandem to develop waste disposal solutions because it is clear that the ecological posture of both government and industry are the same because in both areas there appears now to be a consensus that the recycling of our wastes is the only enduring solution to the waste disposal problem and recycling also carries the substantial benefit of permitting us to conserve our depletable natural resources. To my mind, it is significant that we in business and you in government have arrived at a point where we agree that recycling is the only logical solution to the waste goal that we share.

Actually, we already have impressive evidence that both industry and government are moving in research and development directions that will lead to waste disposal solutions. For example, the D.C. Council will be interested to know that a House and Senate Conference Committee recently approved the Resource Recovery Act of 1970, a new solid waste disposal bill that authorizes about $460 million to be spent on our solid waste problems. The bill also provides federal funding for up to 75% of the cost of municipal waste recovery systems and we would urge that the District of Columbia immediately take advantage of every opportunity to develop new solid waste solutions under the Resource Recovery Act of 1970.

Industry and the federal government have been working in harness very effectively since about 1965 to develop waste disposal procedures and processes to handle our waste problems. Industry has been responding to the mounting solid waste problem and we in industry now have about 90 programs underway that will lead to optimum solutions for the problems that are concerning you here in the District and concerning city councils throughout the United States.

With your permission, Chairman Robinson, I will put together a list of these 90 or so industry programs and submit it for the written record so that you and your colleagues will have an opportunity to see the significant number of technical advances that have already been made in handling solid waste and the important breakthroughs in developing new systems for solid waste disposal.

Industry today is pioneering in the development of reclamation, recycling and redemption procedures and processes that will mean more efficient disposal and more efficient utilization of our dwindling natural resources.

Despite the packaging industry's minority involvement in municipal waste—you will recall that packaging materials represent only 13% of municipal waste—the packaging industry and suppliers to the packaging industry have already committed themselves to apply basic reclamation, recycling and re-use technology in a broad industry-wide effort to help local government.

Frankly, we believe that the packaging industry and industry in general, working alongside the federal government's Bureau of Solid Waste Management started down the road to solving our waste problems six years ago. What we in industry have not done very well is communicate our recycling capability to the public or to the people's representatives in government bodies at all levels. We have been so busy trying to get the job done that we have failed to communicate. As an editorial in Modern Packaging put it in its current issue, "Industry's greatest success to date has been to hide its light under a bushel." I suppose we can hardly blame our legislators for attempting to respond to the demand by some consumers that they legislate solutions to waste problems since we ourselves have not made consumers aware of our own efforts to create solutions. We are obviously aware of our communications shortcomings, and I can promise you that you are going to see a vastly increased communications program throughout the early 1970's. We hope that our consumers and your constituencies will cease pressuring their representatives for unacceptable solutions like product bans when they have been made aware of the new and innovative reclamation, recycling and redemption tasks that are already being met or that soon will be.

The Department of Health, Education & Welfare's Bureau of Solid Waste Management has pending a number of important studies on improving the efficiency and the effectiveness of solid waste collection. A number of prototype and pilot-plant sorting systems are also under development. The underground transport of solid waste in pneumatic/hydraulic pipe lines is being studied and the Swedish vacuum removal system which is capable of moving household wastes at 60 mph to central compaction stations has been installed in a New York City apartment complex and is being very closely analyzed for broader installation and utilization. An air classification system which sorts wastes by pressurized air—possibly combined with magnetic segregation—is one of the exciting systems that is under development.

While the Bureau of Solid Waste Management and industry are also working on the improvement of our more everyday waste disposal methods—like compaction, vehicles, and improved sanitary landfilling—there are some extremely exciting systems under study. Black Clawson will install two systems in Franklin, Ohio—a pulping/masticating/segregation system hooked up to an incineration-heat recovery system. In just one shift, the Franklin facility will handle 50 tons of waste producing 8 tons of pulped fiber, 4 tons of metals and 4 tons of glass. Glassmakers, paper mills, and steel mills will buy the reclaimed materials. Many of us who have been exposed to the Back Clawson sys-

tem and the Metropolitan Waste Conversion in Houston, Texas, which is recovering salable paper, metals, and glass from the 2000 tons of solid wastes which it handles each week, are convinced that the recovery of reusable materials from municipal wastes is not some theoretical musing—it is a technically feasible, and potentially economical and eminently practical solution to the waste disposal problem here in the District of Columbia or in other municipal areas.

Another exciting concept is under development by a group of alumni from the aerospace industry who have formed the Combustion Power Company, Inc. Aided by a bureau grant, they have designed a unit called the CPU–400 which will consume 400 tons of solid waste a day, the amount produced by a city of 160,000 people. This system shreds the garbage into a homogeneous mass of uniform density. The waste is then passed through an air classification system to remove metal, glass, and rocks for recycling. The balance of the refuse is dried and used as a source of energy in a special incineration system. The organic portion of waste has a caloric value one-third of high grade coal. Fifteen percent of the power requirements of this city of 160,000 can be produced by the CPU–400 system. Five of these CPU–400 units could not only help the District of Columbia meet its ever increasing requirements for power, but could also go a long way to eliminate your solid waste problem.

Of course, scientists and researchers have to have their fun too, and we have some way-out projects under analysis including the use of laser beams to identify materials in conjunction with spectrographic and/or gaschromatographic analysis.

More to the point, in the real world, however, we in industry have also developed a small kitchen appliance which will compact a family's weekly wastes into a bale about the size of a breadbox—which will mean very substantial economies in municipal waste collection because of the very major volume reductions that can be accomplished in residential wastes. The kitchen compaction unit, incidentally, is already on the market—it is available now (in D.C. area by November 1, 1970)—and it represents one way that every homeowner can make a personal contribution to solving the waste disposal problem. We recognize, of course, that many homeowners' budgets may not make it possible for them to buy the kitchen compaction unit, it sells, incidentally, for about $250) but if those consumers who can afford the unit acquire it, economies of scale may make it possible to lower the price in the future and it may be possible for government to subsidize the installation of compaction units in the various types of housing which government supports.

Of course, everything I have been discussing relates to the design, construction and research work that is currently being brought to bear on the solid waste problem. Litter is a separate problem. Solid waste is organized garbage—litter is dis-organized garbage. Solid waste is a municipal management challenge whereas litter is a human behavioral challenge. Solid waste is a materials problem, litter is a people problem, and because it is a people problem, most analysts conclude that we will have our solid waste problem solved through technological advancement before we determine how best to motivate litterers. We do not know very much about human motivation; we don't know why people litter, but we are trying to find out. The Bureau of Solid Waste Management currently has three human attitude contracts assigned to research firms. Maybe when we get farther down the road, we will be in a better position to solve the litter problem. But even in an area where we admit that our research base is inadequate, we in industry have been attempting to make positive contributions. Keep America Beautiful, Inc., was founded by industry seventeen years ago and is this Nation's only organized national program aimed at the blight of scenic pollution. There is a myth in this country that businessmen are unable to look beyond the profit and loss statement but I believe that we in industry should be credited for our willingness to invest many millions of dollars in anti-litter campaigns long before the words "environmental degradation" or "ecology" were household words.

On the other hand, many of the public figures who have been addressing themselves to the litter problem in the recent past have been inclined to minimize the work being done by KAB or the validity of education as an anti-litter device, and yet last year for the first time in a decade, the National Litter Index dropped! We are hoping that KAB's $30 million public service advertising campaign in 1971 will generate additional reductions in the litter index in the years immediately ahead. Millions of Americans still smoke but several millions have stopped smoking and most researchers seem to believe that the PHS's anti-smoking advertising campaign contributed to the reduced number of cigarette smokers. It is hard to prove but there does seem to be a general acceptance that public service advertising can make an important contribution in accomplishing socially useful purposes, and we in industry intend to continue our anti-litter advertising campaign. It is costly, it is difficult to measure but we feel it is important to continue to make an effort to educate our 204 million people to believe that scenic pollution is wrong.

Education is a contribution that private industry can make; but there is an important contribution that you in municipal government can make as well and that is in the area of municipal code enforcement. Most state and local litter laws are either unrealistically severe or they are so anemic that they are ignored. We know that our Nation's police forces have more important responsibilities than nabbing litterers and it is impossible to argue with the police's position that it is virtually impossible to catch litterers in the act. Even so, realistic legal sanctions against littering that are vigorously enforced and promoted as enforceable can make a positive contribution. Model litter laws have been adopted in Georgia and in California and the combined beer and beverage container and supplier industries which serve the District of Columbia strongly urge the D.C. City Council to adopt a model litter ordinance. If we continue our anti-litter educational activities and if you adopt and enforce model litter ordinances, it is possible that the visible irritant that litter so obviously represents can be removed from the District of Columbia. Even though litter is highly overdramatized as a public policy problem, the widespread public irritation caused by its visibility forces all of us to seek a viable solution, and we in industry are willing to work with you just as we are in the separate but related solid waste problem. In addition to suggesting the adoption of a model litter ordinance which we in industry would very strongly support, we would like to recommend that you consider chartering a Keep D.C. Beautiful Committee similar to the Keep Virginia Beautiful group which operates in one neighboring jurisdiction, and the Maryland Environmental Trust which is doing such a fine job in our other neighboring community. 38 states have KAB organizations, and we would be glad to work with you in establishing a Keep D.C. Beautiful group here.

In addition to the fact that a product ban on non-returnable containers would make no positive contribution to solving the District's litter problem, there is another major reason for suggesting that a product banning ordinance at this time is unnecessary.

American industry is prepared right now—today—to reclaim every steel can produced in the United States (except, of course, for the relatively few containers which are used for toxic substances). We have not done a very good job of making the public aware of the fact but the demand for reclaimed steel cans by the steel industry itself and by the copper industry is so great that there is no need for any non-toxic metal container to ever be wasted. Steel cans (like all metal scrap) are a valuable natural resource—resource that can be reclaimed and recycled.

At American Can we are now operating six metal recovery plants throughout the United States where we are reclaiming 350,000 tons of cans annually. We have, in fact, had the plants and the technological knowhow to recycle can scrap for more than sixty years—and we are today prepared to join with other firms in the metals reclamation industry to assure that metal cans are taken out of our waste stream and given attention, not as a waste problem but as a dollar-producing resource.

All of you undoubtedly are familiar with the can redemption centers that have been opened recently by Reynolds and Kaiser Aluminum and by the Coors Brewing Company. Our friends in the aluminum industry have been both bold and innovative in responding to the public's demand for action on container disposal. Redemption centers for metal containers are a highly visible and dramatic response by industry—and we in the steel can segment of the container industry are now attempting to determine the merits involved in opening a pilot redemption center somewhere in the metropolitan Washington area.

We know that there are thousands of civic-minded people here in the metropolitan Washington area who are looking for some personal contribution that they can make themselves to finding a solution for our littered landscape. However, while we are and have been for several months, devoting a substantial amount of our time and our resources to studying the redemption center concept—and while industry may in fact soon be establishing a redemption center somewhere in this area—we are convinced that collection or redemption centers represent only an inadeqaute short-term response to our Nation's solid waste problem.

First, let's look at what the redemption center concept means for our housewives. After separating her household wastes by hand or keeping it segregated in separate containers as it is collected, she must then personally deliver her segregated waste to the multitude of redemption centers established by the various participating industries—one redemption center for steel cans, another for aluminum cans, another center for glass containers, another for rubber products, plastic products, paper products, etc. The time that our busy housewives and mothers would have to invest in the segregation, separation and delivery of household wastes under a redemption center concept is, in our judgment, going to be a great deal more than they are willing to invest. Also, in metropolitan areas we should remember that many of our citizens do not have automobiles and would have no way of making deliveries to redemption centers. I am sure you will all recall that the city of Los Angeles adopted an ordinance several years ago which required residents to segregate their household wastes. The ordinance was one of the most unpopular municipal ordinances in the history of local government and you will recall that Mayor Yorty was elected for the first time because he promised the people that his first act would be to repeal the hated garbage ordinance. It may be that the American people would be willing to work for many hours each week substituting their own time and labor for the time and labor formerly provided by municipal sanitation

departments. It may be, but there is nothing in the record to suggest that they would and there is ample precedent for believing that they would not. A recent poll, for example, indicates that while 34% of the public regards litter as a problem—only 8% of the respondents indicate any willingness to pay more for solving the problem.

At American Can we have been studying the litter and waste problems carefully for about seventeen years. We do not know all of the answers but we do know that redemption centers—however attractive they may appear as solutions today—will only make a short-term contribution to problem solving. The long-term answer, we are convinced, can never be a system that relies on the individual homeowner to solve a municipal problem. The long-term answer can be found only in municipal collection, separation, and redemption. There is no reason why the District of Columbia cannot "profit" from its municipal wastes. There is no reason why the District of Columbia cannot collect and segregate metal, glass, rubber, plastic, and paper wastes and then sell that waste back to industry. Industry is today desperately seeking ways to protect and preserve the natural resources that go into our products, and industry would be willing to buy recyclable materials from local government and let local government derive the benefit from the sale. Under the municipal redemption concept, solid waste becomes more than a problem—it becomes an opportunity—an opportunity to use the income produced by scrap materials sales to pay for the processes and procedures that permit the municipality to solve its waste problems.

We do not believe it makes any sense to attempt to turn all of our housewives into garbage collectors, but we suggest that it is eminently practical to turn our municipal garbage collection system into a system that turns solid wastes into solid dollars. A ton of aluminum scrap is worth about $200; a ton of glass scrap and a ton of steel can scrap are worth about $20; rubber, plastic and paper scrap can all be sold for the benefit of this community. Industry needs the resources and the local community needs the revenue. It appears to us that the solution to the District's solid waste problem lies not in a ban on our products but rather in industry and local governments banding together to create a solution that will benefit government without penalizing industry.

We would like to suggest that the District of Columbia attempt to solve its solid waste difficulties by immediately establishing a quasi-public corporation—or a public authority charged with the responsibility of creating a system that would permit this community to profitably "mine" its solid wastes. A quasi-public corporation or public authority would permit the District government to channel private and public financial resources, technological advances, and skilled business management into local solid waste problem solving. A quasi-public body would make it possible for the District of Columbia to involve all levels of government, all appropriate industries, and the community's research and educational institutions in its attack on an unproductive and unprofitable waste disposal system. A business-oriented, publicly chartered corporation or authority could bring together here in the District the technology, the tools and the manpower capable of solving the solid waste problem and the capability of turning it into a solid dollars opportunity. It is possible to generate private responses to public problems through quasi-public authorities. Comsat has already proven the validity of the concept.

I know of no way local government can solve its solid waste problems without involving private industry. One answer is to impose punitive restrictions on industry—ban the products that are perceived to be troublesome. The other answer is to create a problem-solving mechanism that will permit local government and involved industries to work together to their mutual benefit and profit. I believe the private sector's problem-solving and technological capacity represent the single most promising method we have for reaching our waste disposal goals. You can merge the private sector's capability into your local government structure by creating a quasi-public corporation or authority.

We hope you will agree that this unified approach to the problem represents the optimum solution, and I can assure you that we in industry are ready to cooperate with the District of Columbia Council and with your municipal government officials in helping you to create a showcase system that would put the District of Columbia in the forefront of communities seeking to apply modern solutions to modern problems.

THE REALISTIC PROBLEMS AND CAUSES OF RISING UNEMPLOYMENT

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, may I take this opportunity to call to the attention of the Members of the U.S. Congres an article that appeared in the Boston Sunday Herald Traveler written by Bob Dilorio. This article pinpoints many of the realistic problems and causes of rising unemployment. The article follows:

AS UNEMPLOYMENT GROWS

(By Bob Dilorio)

The man in the Springfield bar held the glass of beer gingerly because his hand was blistered, torn and scratched. For the past week he had been cutting brush eight hours a day, and his hands showed it. But no matter. It was, after all, a job. Or had been.

"As soon as they hear engineering degree, they throw up their hands and just shake their heads," he said, explaining why he, an electrical engineer, had had no job for the last five months except cutting brush. And now that job had ended.

The engineer took a sip of beer and stared out the window of the bar into the street. Since getting his degree years ago he had never been out of a job. But he lost a good one some weeks ago with a company in the South because of cutbacks in federal spending for research and development. That was when he had returned to his native state. He scoured the Hartford-Springfield area without success—except for the brush cutting. Now what was he going to do?

"I'm heading back down South where I went to college and get a job on a shrimp boat. I've done it before. It's hard work. And dangerous. But it pays well. Maybe I can ride this out."

It may be a long ride for the Springfield engineer and for thousands of other persons whose jobs were lost this year, as the nation's economic situation worsened. It may be a long ride because the job picture probably will get a little worse before it gets a little better.

Says one state employment expert, who asked to remain anonymous: "The federal government economists keep saying it has bottomed out, but it doesn't look as if it has. And how can it if the government doesn't put some money in? They'll have to put it into R&D first to have any telling effect, and they haven't. It looks like they won't."

R&D. Research and development. In Massachusetts, where thousands of jobs have been lost this year because of federal spending cutbacks in defense and space programs, the R&D specialists were the first to go.

But they weren't alone. Nearly 54,000 manufacturing jobs have fallen casualty in Massachusetts this year for a variety of reasons.

Since the first of the year 10 shoe manufacturing factories have closed their doors in Massachusetts, costing 2,185 workers their jobs, the New England Footwear Association has reported. Here the culprit was imports.

"In virtually every closing, the heads of these companies stated that the major factor in their decision to cease operations was the extreme competition from imported foreign footwear," says Maxwell Field, association executive vice president.

Textiles also suffered cutbacks because of foreign competition.

Last week the state Division of Employment Security reported that the unemployment rate for October had remained the same as in September—5.4 per cent. There is little hope this indicates a stabilizing trend in the job picture.

There were 138,400 people listed as unemployed in this state as of mid-October, slightly fewer than the 139,500 so designated a month ago.

For the week ended Nov. 14, the division reported 12,408 initial claims for unemployment compensation were filed, compared with 9,661 for the corresponding week a year ago.

In the most recent period for which figures are available, the week ended Oct. 31, the division paid out $3,938,227 in unemployment compensation. This compares with $1,593,029 for the corresponding week a year ago.

Nearly $330,000 of the compensation payments made for the week ended Oct. 31 were what the division calls extended benefits, made available under a new program that lengthens a jobless person's eligibility for compensation.

What are the prospects for 1971?

In its November newsletter, the First National Bank of Boston predicted that the expected real growth of the economy next year "will induce an encouragingly strong increase in the demand for labor. Total nonagricultural employment has been easing downward since March of this year but will turn up in the first quarter of 1971, during the auto strike recovery."

But the bank's analysis suggests that after a modest decline in unemployment in the first quarter of 1971, the rate will rise steadily and exceed 6.5 per cent late next year. "This rate would be unacceptable to the administration and necessitate a policy change," the bank said.

It bases its forecast on the prognosis that the labor force will maintain its rapid growth because a large proportion of the population will continue to be people in their early and mid-twenties whose rate of participation in the labor force is much higher than that of other age groups. A second factor contributing to rapid growth in the civilian labor force, the bank says, will be the reduction in the size of the armed forces as discharged GIs look for work.

"Even though the worst of the 1969–70 downturn is behind us, and real growth in output has resumed, the economy is still a long way from full employment," the First's newsletter said.

"The Council of Economics Advisers has calculated that real GNP (Gross National Product) could increase by more than 4 per cent a year if all the economy's resources were fully utilized. When the course of the economy parallels the growth trend of potential GNP, the unemployment rate stays at a constant level, but when real output declines

or fails to grow at even 4 per cent a year the unemployment rate increases.

"Consequently, the real growth rate that we expect for 1971—about 3.5 per cent—will actually result in a higher unemployment rate next year than in 1970. Once the economy is growing at 4 per cent, the rate of unemployment will stabilize but will still be high—well above the 3.8 per cent rate currently considered to be optimal.

"On the other hand, economic policymakers may respond to rising unemployment statistics with more stimulative measures—rapid increases in the money supply and a deficit in the full employment budget—than they now plan. This stimulus would probably increase real growth in the output and stop the rise in unemployment rates next year, but it would also increase the danger of a renewed burst of inflation."

Nationally, the number of labor markets classed as areas of substantial unemployment continues to grow. Last month, according to the U.S. Department of Labor's Manpower Administration, the Los Angeles-Long Beach area in California—third largest in population in 1970—was added to the list. So were the Lawrence-Haverhill area in Massachusetts and New Brunswick-Perth Amboy in New Jersey.

The October changes in classification brought to 38 the number of major labor markets listed as areas of substantial unemployment since June 1964. In addition, 13 smaller areas—including the Taunton labor market (the towns of Berkeley, Dighton, Norton, Raynham, Halifax, Middleboro and Lakeville as well as the city)—were listed as having substantial unemployment.

Nine of the nation's 150 major labor market areas moved to higher unemployment categories in October, including Lowell, which went from Group D to Group E.

What this means is that in Lowell last month the unemployment rate was between 9 and 11.9 per cent, instead of between 6 and 8.9 per cent.

There are four major labor markets listed as having persistent unemployment and one of them is in Massachusetts—the New Bedford area, which includes besides the city, the towns of Acushnet, Dartmouth, Fairhaven, Marion and Mattapoisett.

In addition, six smaller Massachusetts labor market areas are listed as having persistent unemployment.

New Bedford's unemployment soared to 10.5 per cent in July, dropped to 9.1 last month and is expected to reach 10 per cent again in November.

The city's economic situation is extremely critical. Strong rumors are circulating that one, or perhaps two major plants will close early in 1971.

A few years ago, when the area was enjoying a modest resurgence, there were some jobs available at New Bedford plants. Federal and state training programs were initiated to help unemployed and underemployed members of the city's minority groups qualify for the openings. Now there are no jobs for graduates of the program.

"What we've got now are better educated unemployed," said one New Bedford man close to the situation.

What is the unemployment outlook in Massachusetts?

Herman V. LaMark, director of the state Division of Employment Security, declined to make a projection of jobless levels in the months ahead, citing the difficulty of assessing the effect on the state economy of complex economic factors in the national economy.

But while he made no prediction, the director called attention to long-standing seasonal patterns that indicate some increase in unemployment levels from now until spring.

Unemployment, even in good years, normally rises by about 10,000 from October to November, he said, as many outdoor activities slacken. A slight increase in jobs sometimes occurs from November to December as stores, the post office and service establishments add temporary Christmas workers. This offsets the continuing decline in outdoor industries and in factories that have produced gifts, toys and other items for the Christmas trade.

After Christmas, when stores, the post office and retail establishments cut back their staffs, a further increase in unemployment ordinarily occurs in January, with February and March unemployment remaining high, LaMark said.

"Past seasonal patterns, therefore, predict some increase in unemployment levels from now until the return of moderate weather takes many off the unemployment rolls," LaMark said.

Unemployment is statistics. But it is also people.

It is people like the New Unemployed, like the engineer in the Springfield bar, the highly skilled, college-educated professionals, out of work for the first time in their lives. And it is people from the ranks of the blue-collar workers to whom unemployment, while perhaps not an intimate friend, is certainly no stranger.

The New Unemployed have gotten most of the recent headlines. It is good copy when a trained electrical engineer goes off on a shrimp boat, or when another unemployed engineer in the $18,000-a-year category says to hell with engineering and opens a country store at which his wife's home-baked bread is a big seller. That's what Walter Liessner did in Carlisle, opened a store. He uses his slide rule now to figure out what his wife should charge for her bakery products or to help a customer, puzzled over quantities in various packages. It is the only outward sign of his 17 years of education and two engineering degrees.

Manny Sugarman, an engineering placement specialist in the Boston area, says many of his clients are "bitter as hell" about their situation. Engineers ask why, he says, with pollution, housing and many other problems facing the nation, their skills are not being used.

The less highly skilled in the ranks of the unemployed are bitter too, but few are able—or even disposed—to make such radical changes in their lives. They have to ride it out.

Many from both groups are taking advantage of the Herald Traveler's free position-wanted classified advertisements, hoping to find an employer. For most of last week the free ads filled two pages in the newspaper's classified section. Positions sought ranged from accountants to writers.

Two ads, linked alphabetically, but otherwise far apart, show the diversity of the jobless utilizing the service. One ad was placed by a project architect with varied general practice in top Boston offices, and with management and personnel experience. The other was placed by an auto mechanic with three years experience who has worked in many gas stations and says he has some tools.

But despite how far apart their worlds may have been, the unemployed share a special solidarity born in common adversity. This was evident last week during a visit to the new Employment Security building in Government Center.

Waiting in the same line were a neatly dressed woman in a conservative pants suit and a rugged youth with a full, bushy beard, who wore an often-crushed bush hat with a feather pinned to the crown, blue jeans, work boots (which didn't look as though they had been worked in) and Ben Franklin eyeglasses—the full regalia of the street revolutionary. The youth and the woman talked quietly and nodded politely to each other as they left the line.

Behind them was another youth whose long hair Gen. George Armstrong Custer would have envied. He was talking with the woman next in line, probably in her late fifties, who looked as if she might turn away in disgust if she were spoken to in the street by a youth with long hair. But last week, standing in the unemployment line, she answered him—sympathetically, it seemed—and pointed out something to him on the form he had.

The decorators have done what they could. The new building has colorful furnishings, chairs done in red, yellow and blue. The architecture is inspired. But nothing hides the desperation of the truly jobless—those who desperately want to, have to work.

They stand out easily, the desperate ones, from the young wife, glowing with her first pregnancy, who really doesn't want to work any more, and is happy her company has a policy forcing her to leave after four months, a policy that means she can collect for a while. And they stand out from the newly discharged G.I. who wants a breather between his Army job and a civilian one, but who is willing to take advantage of his government's largesse and draw a few weeks worth of unemployment checks.

In some the desperation is obvious. It was in the voice, manner and face of a father who stood at the new claims counter the other day. He had the perpetually bewildered look of a man living in the wrong place at the wrong time.

The DES employe asked the necessary questions. He asked them of the man's son, about 12 years old. The father does not speak English. Only Spanish. The boy listened carefully as the DES man explained. "Well, he doesn't have to, but it will save him a lot of trouble if he does. Do you understand me?" The boy nodded.

The father wore a suit jacket that had survived the pants. He looked at his son while the DES man spoke and after every sentence asked "Que habla el?" And the son told him. Then they left.

At the other end of the long room, under signs that said "Lines 1 and 2, 3:30 cards," people were lined up to collect their unemployment checks. Some stood with newspapers in their hands reading the want ads.

People always seem to have newspapers in employment offices. Last week in New Bedford a man stood outside the DES building and turned the pages of that city's local newspaper, The Standard-Times. A headline caught his eye. "What are we worrying about," he said to a friend, showing him the headline. It said: "Scientist predicts end to mankind."

MASSACHUSETTS' WORST POCKETS OF UNEMPLOYMENT

Sixteen Massachusetts labor markets are listed by the U.S. Department of Labor's Manpower Administration as areas of either substantial or persistent unemployment.

Among them is New Bedford, one of the four major markets in the country listed as having persistent unemployment. The others are Stockton, Calif., and Mayaguez and Ponce, both in Puerto Rico.

By federal definition, substantial unemployment exists when the current and anticipated local labor supply substantially exceeds labor requirements, when unemployment is 6 per cent or more of the work force and the anticipated jobless rate over the next two months will remain at 6 per cent or more, discounting seasonal or temporary factors.

Persistent unemployment exists when unemployment has averaged 6 per cent in the most recent calendar year and the jobless rate has been 6 per cent or more and has been at least 50 per cent higher than the national average in three of the last four calendar years, or a specified higher percentage above the national average for a shorter period of time.

Massachusetts areas of persistent unemployment are:

Bourne-Wareham, which includes Rochester.

Gloucester, which includes Essex and Rockport.

Milford, including Medway, Hopedale, Mendon and Uxbridge.

New Bedford, including Acushnet, Dartmouth, Fairhaven, Marion and Mattapoisett.

Newbury, including Salisbury, Ipswich, Newbury, Rowley, and Amesbury.

Plymouth, including Carver, Kingston and Plympton.

Provincetown, which includes Truro.

Ware, including Brimfield, Holland, Wales, Belchertown, Hardwick, New Braintree, Oakham and West Brookfield.

Areas of substantial unemployment are:

Brockton, including Easton, Avon, Stoughton, Abington, the Bridgewaters, Hanson, and Whiman.

Fall River, including Somerset, Swansea and Westport as well as Tiverton, R.I.

Greenfield, covering Franklin County except for Erving, Monroe, New Salem, Orange, Warwick and Wendell.

Lawrence-Haverhill, including Andover, Georgetown, Groveland, Merrimac, Metheum, North Andover, West Newbury and the New Hampshire towns of Plaistow and Salem.

Lowell, including Billerica, Chelmsford, Dracut, Tewksbury, Tyngsborough and Westford.

North Adams, including Adams, Clarksburg, Florida, New Ashford, Savoy, Williamstown and Monroe.

Springfield-Holyoke, including Chicopee, Westfield, Agaway, East Longmeadow, Hampden, Longmeadow, Ludlow, Monson, Palmer, Southwick, West Springfield, Wilberham, Northampton, Easthampton, Granby, Hadley, South Hadley and Warren.

Taunton, including Berkeley, Dighton, Norton, Raynham, Halifax, Middleboro and Lakefille.

SPEECH BY SENATOR HANSEN TO THE WYOMING WATER DEVELOPMENT ASSOCIATION

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. WOLD. Mr. Speaker, my distinguished colleague of the other body, CLIFFORD HANSEN, delivered an address recently in which he discussed in cogent terms, the problems of land and water economics and the status of numerous water and reclamation programs in Wyoming.

Senator HANSEN'S observations are of value not only to Wyoming lawmakers but to others in Congress who are concerned with public land and water matters.

I include Senator HANSEN'S address delivered October 26 at a meeting in Cody, Wyo., of the Wyoming Water Development Association in the RECORD with my remarks:

WYOMING WATER DEVELOPMENT ASSOCIATION, CODY, WYO.

Ladies and gentlemen, it is a great pleasure for me to be here this evening, and to have had the opportunity to attend your meeting which does such an outstanding job of covering the full scope of Wyoming water matters.

The leadership provided by the Wyoming Water Development Association is a great help to all of us who are fighting for the comprehensive development of Wyoming water. An occasion such as this, which brings people from the national, state and local levels together for discussion and reports, benefits us all through the exchange of ideas.

As you all know, in 1968 the Water Resources Council increased the discount rate used to determine the benefit-cost ratio for reclamation projects. This action has had perhaps the greatest impact on the Reclamation of any move in recent years. The action was protested by many of us who believed that the cost side of the ratio should not be adjusted without adjusting the benefit side of the ratio at the same time. But the previous administration was determined to move ahead. President Johnson, in a message to Congress earlier that year, announced while the study was being conducted that the discount rate would be increased.

Since the discount rate was raised in 1968, it has gone from 3¼ per cent to 5⅛ per cent. The impact of that, for example, is that the Polecat Bench benefit cost ratio has gone from 2.1 to 1 to 1.2 to 1 for direct benefits and from 3.3 to 1 to 1.7 to 1 for total benefits including indirect benefits.

If this trend continues, and the ratio drops below, 1 to 1, the chance for authorization by the Congress will be dismal, even though it is one of the better projects in the West which is now under consideration.

It is essential to the future of reclamation that the benefit-cost ratio reflect the true benefits, as well as increased costs. And there is now hope that this will be done.

A special task force reported the Water Resources Council last July. The Council and the President are expected to implement the recommendations of the task force in the near future. This is all to the good and should help our situation a great deal.

Because water development projects usually have only local or regional support and because dissimilar functions make direct comparison of values almost impossible, it is necessary to establish minimum standards. Engineering feasibility and financial feasibility or repayment requirements are largely non-controversial.

The difficulty arises with the third standard: economic feasibility. The Congress has established the guideline requiring that the benefits of water resources projects, to whomsoever they may accrue, ought to be in excess of the estimated cost. I am confident that no water resource project presently proposed would fail that test.

Decision-makers, however, and particularly officials of technical agencies and budget analysts, have sought some means to compare the "values" of competing proposals in measurable terms and thus establish objective priorities. The benefit-cost mechanism is the result. It simplifies the job because it disqualifies most of the projects from the competition.

But it is a poor tool, at best. It assigns premiums to the benefits of short term economic returns because that is the area that is most accurately measured in terms of dollars.

As we all know, short term economic returns have never been the principle objective of Federal water resource programs. When the reclamation program began, there was no food shortage. Instead, settlement of the frontier, saving lives from flood disasters, and upgrading of the quality of rural life and providing rural communities with good schools, hospital, libraries and the other amenities of life have been the objectives over the years. It is, of course, impossible to measure these benefits in monetary terms. These are long-term benefits.

Over the years, the benefit-cost ratio has become the sole guide. Reclamation was sold on the grounds that it would return a dollar in benefits for each dollar spent. This was simple because it was expressed in monetary terms. But it was a business approach. And the government does not exist to make a profit. If the government's purpose is to maximize the return on the federal dollar, we might consider investing the taxpayers' dollar in IBM stock.

This approach has harmed water development in recent years as great prosperity has placed less emphasis on economic gains and more emphasis on social values. As a result, it seems crass to some to destroy a canyon or acre of forest land to build a dam, on the grounds that it can return more than a dollar in benefits for each dollar spent.

What is tragic in this situation is that the original objectives of the water development program, based on social and human values, have been forgotten. We should be asking if the loss of this canyon and that tree is worth it to provide improved living conditions for the people in the rural area, to give the children there an adequate education, to give them an opportunity to stay in their hometowns and find a good job, thus relieving pressure on our cities to which rural Americans have been migrating in increasing numbers.

But these intangible benefits can not be reduced to a simple formula, because they require value judgments. And the mechanism for making value judgements in our free society is the political process. The present economic tests classify many projects as infeasible on the basis of partial measurements and prevent their consideration by the Congress. Authorized projects on which political judgements have been favorable, remain unfunded because of economic re-analysis. As a result of using the present benefit-cost ratio as the sole consideration for undertaking a project, a mechanical business-like process has triumphed over purpose.

The Special Task Force has recommended multiple objectives of water resource development, and I think this is most encouraging. The four broad objectives identified are national economic development.

The national economic development factor is similar to the present benefit-cost ratio. The other factors are to be evaluated quantitatively if possible; otherwise they will be described in qualitative terms. Regional development benefits may have some aspects described in monetary terms. But the true importance of the change is that decision-makers will be constantly reminded that national economic gain is not the sole consideration.

Human values and social well-being were the original purposes of the water development legislation. At last these values have a chance to again come to the forefront as these programs are considered for adoption. We must recognize that to preserve values for future generations, we will defer current wealth for future benefits.

This is the justification for preserving our forests by foregoing timbering today. It can also justify water development programs.

For example, if we were to maximize present values of national forests, we would cut the trees today. And yet we are expected to discount today's water projects to present value. All of us can agree that there is a definite inconsistency to this kind of arrangement.

The philosophy of deferring current wealth for future benefit is that on which the attention of the American public is focused. Certainly, storage replacement for Jackson Lake, for example, is justified best on the basis of environmental quality. With the current sensitivity to these values, it is good that these values will be recognized and reported as benefits for the purpose of adopting water resource development legislation.

The task force also recommended the adoption of plan formulation which will no longer make maximum economic development the goal of the planner. A series of alternatives will be studied and reported mak-

ing tradeoffs of one objective for another possible. Decisions will no longer be based on a "go or no-go" choice; but instead there will be the flexibility to trade-off benefits, such as foregoing some of the economic benefits for environmental benefits. Flexibility in the plans may prevent the waste of planning time and talent on rigid proposals which are not ultimately acceptable. Compromise will be possible to undertake a program which is acceptable to groups of widely varying interests.

The implementation of the task force report offers great promise for water resource development. What we must guard against is the tendency to slip back into more familiar surroundings. The test of feasibility must be fair and must not be solely based upon national economic benefits. Otherwise, Congress will be denied the opportunity to consider investments which emphasize the other three objectives.

The task force has recommended that reports on all projects be sent to the Congress. If the budget planners begin to slip back to the old reliable factors of the benefit-cost ratio because it eases their decisions and fails to report projects, the Congress should consider legislation requiring that reports be submitted within a certain time perod.

We must not permit our thinking to again be reduced to the business-oriented reasoning to the exclusion of human and social values. The support for and the justification of water development lies in those values, and we must ensure that those values are put forth to the American people.

Your organization is both knowledgeable and concerned about water resource development in Wyoming.

You must closely watch the implementation of the task force report and help orient the public to the values involved.

A full implementation of the report will permit the Congress to consider water resource development proposals using value judgements which reflect public values as opposed to federal agency motives. These values are the proper motivation for government action.

In addition to the task force report, the Public Land Law Review Commission report and its implementation is of real interest to those of us concerned about water resource development in Wyoming. The report begins by recognizing the activities of the National Water Commission which will make its report in 1973. The Public Land Law Review Commission recommends that legislative action be taken to dispel the uncertainty which the implied reservation doctrine has produced and provide the basis for cooperative water resources development planning between the federal government and the public land states. The Commission recommends that the implied reservation doctrine of water rights for federally reserved lands should be clarified and limited by Congress in at least four ways: (a) amounts of water claimed, both surface and underground, should be formally established; (b) procedures for contesting each claim should be provided; (c) water requirements for future reservations should be expressly reserved; and (d) compensation should be awarded where interference results with claims valid under state law before the decision in Arizona vs. California.

This is all very good. But we must remember that the Commission recommendations do not include Indian rights, and Indian rights are probably a greater shadow of uncertainly on water development in the West than federal reservation rights. There are several methods of implementing the Commission's recommendations which are now being formulated and considered. Some were proposed before the Commission undertook its deliberations. Others will be new. Some include the problem of Indian water rights which cannot be ignored. It is hoped and expected that the National Water Commission will address itself to the Indian problem.

This year there was general agreement that proposals for implementation would not be introduced in this Congress. These plans will begin to be put forward in the next Congress and attention and interest will begin to be focused on them then. Many organizations are formulating proposals. I would hope that this organization would give me its recommendations on the subject. Whatever legislative solution is adopted, it will combine provisions of many proposals. I hope all of the views in Wyoming will be put forth for consideration.

It is my belief that the Congress will face the problem squarely, and not seek to postpone or avoid decision by placing the burden on the courts. Court action is a long tedious and costly process, which often leads to greater problems. What we need is action now to end the uncertainty which hinders water resource development in the West, and this basically is the lesson of the Public Land Law Review Commission study and report.

Let me now take a few minutes to brief you on the status of Wyoming Projects which are in different stages of consideration.

On the first legislative day of the 91st Congress, I introduced legislation authorizing feasibility studies for the modification of Buffalo Bill Dam near Cody and for the Corn Creek project in Goshen County. Both of these bills were enacted during the first session of the Congress and the studies are now underway. The Buffalo Bill Dam modification study will be completed in fiscal year 1973 at a total cost of $267,000. The Corn Creek study will be completed in fiscal year 1973 also at a total cost of $462,000.

I also introduced legislation to authorize the Polecat Bench project when the Congress convened almost two years ago. Although the Bureau of Reclamation had submitted a feasibility report to Secretary Udall in February, 1968, Secretary Udall did not act on the Bureau's recommendation and the report was returned to the Bureau when Secretary Udall left office in January, 1969, eleven months later.

The Bureau was required to restudy the Polecat Bench proposal in light of the new discount rate. The study was completed and submitted to the states for comment. On July 15, 1970, the Bureau received the last of the comments and has submitted a feasibility report to the Secretary.

That report has now been approved by the Department of Interior, thanks to the great help we have had from Jim Watt I might add, and has been sent to the Office of Management and Budget which has taken over the duties of the old Bureau of the Budget. Incidentally, I'm not sure that the new agency's initials, TOMB, augur well for some projects. I have already communicated with TOMB and will make an all out effort to have the feasibility report submitted to the Congress when it reconvenes after the election.

With a report in hand, it is my intention to move the bill authorizing the Polecat Bench Project as quickly as possible when the new Congress convenes in January. I hope the Senate will act immediately so there will be plenty of time for House action during the 92nd Congress.

Legislation reauthorizing the Riverton Project as a unit of the Missouri River Basin and providing for the sale of certain lands on the Project's Third Division was signed by the President last month. This action follows four years of constant pressure which I exerted since entering the Senate in 1967. This legislation authorizes over $12 million for rehabilitation and betterment work on the first two divisions of the project. The danger of the collapse of structures 40 to 50 years old hangs over the project and this work is essential. In addition, the project will receive benefits from the power revenues of the Bisain fund. Following a lengthy study to determine which lands on the third Division are capable of production under irrigation, the bill authorizes sale of lands which meet the criteria and those lands, about 11,000 acres, will be sold and again operated privately and contribute to the tax of Fremont County.

The Bureau of Reclamation is completing studies on the Seedskadee Project and expects to have all of the information it needs in the next fiscal year. The Bureau has assured me that its plans call for initiating construction on facilities to serve the 15,000 acres located on the west side of the river in fiscal year 1973, taking three years to construct the works.

The remainder of the Wyoming projects have been tied very closely to the consideration of the budget this year. Because of the importance of understanding the timing of the budgetary process and the need to work for appropriations from several angles, let me detail some of the things we are experiencing.

As Governor of Wyoming I was deeply involved in promoting water development throughout the State of Wyoming. This experience has served me well in the United States Senate. In the Senate, one is always very aware of the great pressure on public funds and the difficulty in obtaining a high priority for funding of projects which are vital to your own area. As a Senator, I find that the secret is to work closely with your colleagues, both Republicans and Democrats, in both the House and Senate to convince them of the justification for government action on programs in which you are interested. This is a very personal thing. And I have worked to develop the rapport with my colleagues which will help sway their support for water development in Wyoming.

We must all recognize the great competition there is today for public funds. The many programs undertaken over the last several years have made it even more difficult to find money for reclamation projects. The struggle for funds must begin early. The President submits his budget request to the Congress in January. But if you wish to work to get an item included in that budget, it is best and almost essential to begin to work on it nine or ten months prior to submission of the budget.

Therefore, beginning last March, I began working with officials in the Executive branch on considerations for the budget for fiscal year 1972. I hope to see results of this effort when the budget is submitted in January.

During these same months, attention has been directed at the formulation of the budget for fiscal year 1971 which was sent to the Congress last January. I have corresponded with many of you who either sought Congressional support for items requested by the President which would finance water development in Wyoming or were disappointed that funds for certain projects were not included in the budget and asked the Congress to write in these items.

I discuss this point, because it is important to realize a member of Wyoming's Congressional delegation is actually working on two budgets at once in addition to the budget for the current fiscal year. I depend heavily on you people to help keep me informed on Wyoming's needs, and we must do our best to coordinate our efforts.

Of course, the best way to obtain funding for water development in Wyoming is to work for inclusion of funds for the project in the President's budget request. The Congress is much more likely to appropriate funds following the study and endorsement of the appropriation by the executive branch which must carry out the program.

Therefore, if you can anticipate the need for funds in fiscal year 1973, the best time to write to let me know is from now until late next Spring. Then I will have the oppor-

tunity to work with people in the executive departments as they are developing their initial budget proposals. This is the best time to receive consideration for our interests. The problem is that the needs must be anticipated eight to fifteen months in advance. This is difficult, but if it is possible, it is the most effective method of seeking funds for water development in Wyoming.

As far as the budget for fiscal year 1972 is concerned, over the past several months I have met with administration officials in an effort to include rehabilitation and betterment funds for the Garland Division of the Shoshone Irrigation Project and the Riverton Project, construction funds for the Lyman Project, the Savory-Pot Hook Project, and the Seedskadee Project, and feasibility study funds for the modification of Buffalo Bill Dam and the Corn Creek Project in the President's budget request for fiscal year 1972.

It is now very late in the budget planning process to add to this list. However, I am eager for your suggestions as to other water development projects which should be included in the budget for fiscal year 1972. While it is improbable that they can now be included in the President's budget request, I can work with the Appropriations Committee to appropriate the additional funds during Congressional consideration of the budget.

Let me illustrate how this process works by relating the experience I have had with the fiscal year 1971 budget this year. The President's request included funds for feasibility studies of the modification of Buffalo Bill Dam and the Corn Creek Project. It provided construction funds for the completion of the Meeks Cabin Dam of the Lyman Project. No difficulty existed in obtaining an appropriation for these requests. But we also wanted appropriations for water development in Wyoming that were not requested by the President.

The House of Representatives deserves the credit for the break-through which was made this year in funding construction for the Savery-Pot Hook Project.

For it was the House which first appropriated an additional $300,000 for this project. The Senate agreed to this additional appropriation when it acted on the appropriations bill, and therefore the appropriation for this project did not come up in the Conference.

The Senate appropriated additional funds over the President's request for two more Wyoming projects, the Garland Division of the Shoshone Irrigation project, and the Lyman project. The need for rehabilitation and betterment funds for the Garland Division has been apparent for several years now. The wisdom of continuing construction on a reclamation project until completion is also obvious. Therefore, I was distressed when the budget did not include funds to begin construction on the China Meadows feature of the Lyman project once work on the Meeks Cabin Dam was finished.

I testified before the Public Works Subcommittee of the Senate Appropriations Committee urging and justifying the appropriation of funds for both of these purposes. But putting yourself on record with the Committee is not enough as later events soon proved. What is essential is that we follow through on our expressed interest.

When the Committee began active consideration of the public works appropriations bill, I wrote to each member to emphasize the need for the additional appropriations. Then during the bill's mark-up, I visited with each member of the Committee on this subject when I saw them on the Senate floor.

The Senate Appropriations Committee reported a bill containing an additional $200,000 for the rehabilitation work on the Garland Division. But I was disappointed when the Committee failed to include an additional $500,000 for construction of the China Meadows Dam because the Committee members had been so receptive to my pleas for the appropriations. On learning of this omission, I introduced an amendment on the Senate floor for the additional $500,000. Very few members were present on the floor. I pointed out the omission to Senators Ellender and Young, the managers of the bill, who agreed to accept the amendment on a voice vote.

The omission of an additional appropriation for the China Meadows Dam in the Senate Appropriations Committee Report emphasizes the need for follow through for water development funds. The Conference Committee members received letters from me to include these funds in the Conference Report. The additional $200,000 for the Garland Division was included, but the Committee failed to include the China Meadows funds. As a result, my office has already begun work to include the China Meadows funds in the fiscal year 1972 budget.

Efforts in other areas of water development this year included a write-in appropriation of $1.2 million for a Highway to the Big Horn Canyon Recreation area. This area provides great opportunity for extensive water recreation use.

As perhaps some of you are aware, the only finished road into the area from the Wyoming side is that segment of highway from U.S. 14A to Horseshoe Bend. This route provides limited access to the Big Horn Canyon for Boaters.

Great pressure has been brought on the Department of Interior to provide funds for construction of the Big Horn Canyon Highway along the entire length of the Canyon. And we now have this program under study.

The President also requested and the Congress appropriated the full amount authorized from the Land and Water Conservation fund. The amount requested was double that in previous years. However, overspending by the Congress has placed some of this appropriation is jeopardy, since the President does not feel that he can spend the amount he requested if he is required to overspend in other areas.

We must all recognize that control of inflation is of prime concern to the Administration, and the control of inflation will greatly help water development projects since the sky rocketing construction costs and mounting discount rates are the reasons why benefit cost ratios for many projects are now unfavorable. The President's refusal to spend wildly in excess of revenues has brought about the progress we have made in our war against inflation. We now see the signs of winning that war. But we must not relax the pressure now. For if we do, our gains will be lost. And those gains have already been paid for by the American public who have felt the pinch of tight money and other results of policies to control inflation. Now that victory is in sight, we must not throw it away by giving away to the temptation to be big spenders again.

Water resource development projects must bear much of the burden of efforts to bring the economy back under control. The federal budget can be divided into two parts: one part consisting of items under the President's control and the other part of items which are not directly under the President's control.

Uncontrollable items include social security, other retirement programs, education programs, veterans' benefits and health programs. These programs require a minimum expenditure each year and cannot be turned on and off because they are a continuing obligation. Controllable items include public works, parks and recreation and the like. The magnitude of the undertaking in these areas can be greatly varied from year to year.

The surprising fact is that only about 30 percent of the budget today is considered controllable. Many of the new programs of recent years fall into the uncontrollable category.

Therefore, in the effort to control inflation, the burden of restricting government expenditures falls almost completely on only 30 per cent of the budget—and water development is included in that thirty per cent! The President has exercised his flexibility over the budget and inflation is starting to come under control. And as I pointed out earlier, this will aid water development projects. But while federal expenditures are being restricted, we have experienced some lean years.

Last week, I visited with Caspar Weinberger, the deputy director of the new Office of Management and Budget. Mr. Weinberger, from California, works directly with the administration of the old Bureau of the Budget. He pointed out that the President wants to prevent what happened in 1967 and 1968 when no effort was made to control inflation. Not only has the President cut back on public works, but he has cut back on defense expenditures and other items. In response to my question of future appropriations, Mr. Weinberger stated that the President, as a westerner, is well aware of the economic and social benefits of water development and would like nothing better than to undertake a strong public works program in the West to develop water.

I would conclude that the successful control of inflation will permit the greater expenditure of federal funds for water development; and this control will aid reclamation projects by stabilizing the benefit-cost ratio through the control of construction costs and the discount.

The importance of controlling construction costs by bringing inflation under control is illustrated best by the difficulty we have had getting an appropriation to start construction on the China Meadows Dam. When the Lyman Project was authorized in 1962, the discount rate was fixed. But since that time skyrocketing construction costs have lowered the total benefit-cost ratio from 1.17 to 1, to .87 to 1. The present adverse benefit cost ratio is a concern to the Congress. If inflation is controlled, opportunities for water resource development financed at the federal level will be improved.

Thank you for the opportunity to be with you. I look forward to working with you over the coming years and will continue to appreciate your advice and suggestions.

NO DOUBT ABOUT THIS COUNTRY'S CONCERN FOR ITS POW'S

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. ROUSSELOT. Mr. Speaker, if there was any lingering doubt in the minds of the leaders of North Vietnam about this country's concern for the plight of its POW's, they have surely been dispelled by the courageous attempt to rescue some of our American soldiers held by the North Vietnamese.

The terrible plight of our POW's is well known. Indeed, Secretary Laird has indicated his concern over reports that some Americans are now dying in North Vietnam's prison camps.

We have exhausted every possible step, either through world organizations or by the U.S. Government itself, to see that these American prisoners get proper

treatment, but it is evidently not enough. The maltreatment of American POW's has continued and this country cannot stand idly by while this situation continues.

I am glad that this country has taken a forceful and positive step to demonstrate to Hanoi that we will not accept the continued mistreatment of American prisoners.

CARLISLE, PA., ONE OF THE NINE CLEANEST CITIES IN AMERICA

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. GOODLING. Mr. Speaker, I am happy whenever a municipality in my 19th Congressional District receives national recognition, and I am highly pleased to announce that Carlisle, Pa., has been twice blessed in this respect in the course of 1970.

The latest distinction for Carlisle comes in the form of an article appearing in the December 1970 issue of Esquire magazine. This article is entitled "Nine Happy Places," and Carlisle has been named one of the nine cleanest cities in America.

This is a signal honor. My sincere congratulations go out to the officials and citizens of Carlisle, and I am introducing this award to the CONGRESSIONAL RECORD, thereby making it a matter of permanent reference. The award reads as follows:

Be it known that in the December, 1970, issue of *Esquire Magazine* the National Spotlight is focused on Carlisle, Pennsylvania, as one of the Nine Happy Towns in America.

ARNOLD GINGRICH,
Publisher.

HAROLD HAYES,
Editor.

I am also inserting in the CONGRESSIONAL RECORD the pertinent article, and it follows:

Carlisle, Pennsylvania (Pop. 18,000): When the students of Dickinson College protested the invasion of Cambodia, their target was the most prestigious and vulnerable of Carlisle's local military installations, the U.S. Army War College. Facing a situation in which big-city student revolutionaries might have seized the commanding general's office and burned his war plans, the Dickinson kids filed solemnly to the main M.P. post, waited politely while their protest was received, and walked quietly away.

Most of Carlisle is like that: more bound up in the town's own Revolutionary War history than in the moral, social and political revolution of the nation at large. Carlisle looks like what it is, an Early American town. Revolutionary and Civil War momentos are at every turn: numerous museums, historical markers, gaslights, freshly painted Federal-style buildings, the jealously preserved scars of Confederate cannonballs on the columns of the Georgian courthouse.

Molly Pitcher is buried in a local churchyard, and they still hold regular services in the church where Washington paused to pray before putting down the Whiskey Rebellion. It all adds up to a peculiarly American beauty, surrounded by wooded mountains crawling with laurel, rhododendron, trailing arbutus and wild azalea. Hunters go there for turkey and grouse, and fishermen claim the trout streams around Carlisle are the best in Pennsylvania. Naturalists watch hawks and eagles (and three hundred other bird species) migrating over the mountains, and facilities for all of the more active sports, including Appalachian Trail hiking, abound.

Culture buffs who are not content to bask in the reflected erudition of the numerous government policy makers and Cabinet officers who lecture at the War College have two good summer theatres nearby. Or they can work off tension by kicking a football around the field where Jim Thorpe played before the Army took the old Carlisle Indian School back from the Indians, of whom not many remain.

There is little more racial conflict now than there was then (only about 1000 of Carlisle's citizens are black) and the crime rate is as much below the national norm as is the town's cost of living. Movies are only $1.25 unless a $2 blockbuster comes to town.

The average two-child, $10,000-a-year family spends, at most, $38 a week for food, according to the Chamber of Commerce. which made a study of the local cost of a good life. Houses still in the $20,000–$25,000 range and taxes on them are under $330. You can rent a five-room apartment for $125, but a luxury two-bedroom garden apartment in the newest building under construction may cost $159 a month.

You can still get a hamburger for twenty five cents and the most expensive steak at The Dutch Cupboard restaurant is $2.95. The schools (first public high school in Pennsylvania) are excellent, with classes running from twenty-two to thirty students per teacher.

According to the police, pot, "if there is any," hasn't become a problem. There is a slight problem with air and water pollution, but civic groups are acting to curb it. The only local industry cited for smoke promptly undertook a million-dollar program to correct the problem. But there is no smog and the city is trying to attract the kinds of industries that won't create it. Right now there are forty-two diversified industries ranging from shoemaking to electronics.

Most of the adults in Carlisle work for a living and almost none of them commute more than ten minutes to the job. A few take their leisure. Twenty years ago one couple drove through town, liked its benign historical miasma and decided to retire there one day. Recently they came back for the first time, found it to be exactly what they had idealized two decades before, and settled down to live out their golden years.

Previously, in July of this year, the Carlisle Senior Highschool band represented the United States at the World Music Festival in Kerkrade, the Netherlands. In this worldwide competition, this outstanding musical organization won first place in all three divisions entered. This Carlisle band scored 175½ points, the highest ever made in this festival.

Hats off to Carlisle for a very fruitful 1970.

SENATE SUSTAINS PRESIDENT'S VETO OF THE POLITICAL BROADCASTING ACT

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. KUYKENDALL. Mr. Speaker, the Senate deserves high praise for its action yesterday in voting to sustain the President's veto of the Political Broadcasting Act.

As the President pointed out in his veto message, this was bad legislation which would not do the job for which it was intended and in all probability would have created additional problems.

The task that remains is to draft truly meaningful legislation to treat the problems of campaign spending. Hopefully, this new bill will apply equally to all candidates and will deal with all aspects of campaign spending, including all forms of political advertising.

If the Congress can react in a bipartisan manner by drafting and enacting such legislation, yesterday's vote may well become one of the most meaningful in the 91st Congress.

BRIG. GEN. WILLIAM W. STONE, JR., RETIRES

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. DANIEL of Virginia. Mr. Speaker, on November 30, 1970, after 30 years of distinguished service and outstanding contributions to his country, Brig. Gen. William W. Stone, Jr., U.S. Army, retires.

General Stone's distinguished military career began in 1940 and has been marked by a succession of increasingly responsible positions. In World War II he served in New Guinea and the Philippines and later as a member of the Manhattan Project. He has held key assignments since World War II with the Joint Chiefs of Staff, as commanding officer of both Dugway Proving Ground, Utah, and Edgewood Arsenal, Md., and as Director of Materiel Requirements for the U.S. Army Materiel Command. The capstone of General Stone's career was his assignment as the Director of Chemical and Nuclear Operations for the Department of the Army, where he exercised staff supervision over all chemical, biological, and nuclear activities within the Army and, as the senior chemical officer on the Army General Staff, served as the consultant to the Joint Chiefs of Staff and the Secretary of Defense on such matters.

During his military career, General Stone made frequent appearances before various congressional committees. His cooperative attitude and broad knowledge of the technical, doctrinal, and organizational aspects of his profession as well as his ability to communicate effectively with high Government officials were especially noteworthy. As an example, during congressional hearings on the Army's sea dump of chemical munitions last August, General Stone's testimony not only demonstrated his exemplary technical competence but more importantly, justified to the Congress the Army's position that ocean disposal, although undesirable, was the only safe method of disposing of these munitions. His courteous, forthright responses to the multitude of questions directed to him on a matter which had received

worldwide attention were truly outstanding. It is significant to note the statement made by our colleague Representative DOWNING, of Virginia, in the record of the hearings before the Subcommittee on Oceanography of the House Committee on Merchant Marine and Fisheries when he said:

I would like to say that the Army has probably made some mistakes, but they did not make a mistake in sending General Stone to represent them in these hearings. I think you have been forthright and you have been helpful, General, and the committee appreciates this.

Thus, on November 30, the U.S. Army will lose the active services of one of its foremost technical experts, a true gentleman, and a dedicated soldier, General Stone, the Congress of the United States salutes you.

THE SUN HAS SET ON "THE HOOSIER DAY"

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. LANDGREBE. Mr. Speaker, on Wednesday, November 18, one of the giants of Indiana journalism passed on to his reward. Frank A. White's like will not be seen again.

Indiana has always produced great journalists, the best known of whom was the late Ernie Pyle. Frank White merited a place with the greatest. His column, "The Hoosier Day," was a popular feature in 50 Indiana newspapers, making him the most popular and prominent newsman in the entire State.

While his style was direct and easy to read, the thought behind it was that of a very deeply concerned, well informed observer. His crusades for a better Indiana and a better America were frequent and successful. His impact on Indiana was a positive factor in the State's greatness.

In addition to being Indiana's premier newsman, Frank White was a warm, wonderful human being, whom I was proud to call my friend. He will be sorely missed.

And now the sun has set on "The Hoosier Day," and we will all be a little poorer for the loss. I extend my heartfelt sympathies to Mrs. White and the rest of Frank's family, as well as his very large circle of friends. In addition, I offer my condolences to the entire State of Indiana. His death was like a death in the family for all of us.

Frank White's obituary was written by United Press International in the newspapers of November 20. Mr. Speaker, I would like to insert that obituary at this point in the RECORD.

"HOOSIER DAY" COLUMNIST—FRANK A. WHITE DIES AT 75

INDIANAPOLIS.—Funeral services will be here Saturday for Frank A. White, whose Hoosier Day column appeared in 50 Indiana daily and weekly newspapers.

White, 75, died Wednesday night in Indiana University Hospital here.

The funeral services will be at 3 p.m. Saturday at the Northminister Presbyterian Church, 1660 Kessler Blvd., with interment at Oaklawn Memorial Gardens. The body will lay in state at the Moore Arlington Mortuary, 5811 E. 38th., Indianapolis.

White, whose newspaper career spanned half a century, started his column 21 years ago, and for the past 15 months was aided by his son, Don.

Frank Allan White was born on October 25, 1895, in Bloomington, Indiana, where he graduated from the local high school. On December 21, 1917, he married his High School sweetheart, Norinne Dodds, a school teacher in Bloomington.

While visiting a cousin in Southern Indiana, he enlisted in the Army during World War I and was sworn into service in the old Courthouse at Paoli, Indiana, early in 1918. X-rays were just coming into widespread medical use; being one of the few with typing ability, White was assigned to a medical unit. He prepared and wrote one of the first manuals which became standing operating procedure for the use of the X-ray machine. Many of the techniques are still in use. His work with X-rays started a lifelong interest in photography.

As a free lance write in later years, he wrote a weekly camera column for the Indianapolis Star, and frequently prepared full page pictorial reports for the old rotogravure sections. In the early days of auto racing, he covered the Indianapolis 500 races, taking undeveloped film to the airport, where it was flown to New York news services for processing and use.

He rose to the rank of Sergeant First Class before becoming disabled in service and spending some time in the Army Hospital in Denver. He was discharged in 1919.

Returning to Bloomington, he entered and was graduated with an AB degree in Journalism from Indiana University. He served as City Editor of the Indiana Daily Student and worked on many weekly and daily newspapers.

White moved to New Castle and opened a store, but attributed his lack of customers to the fact he refused to join the powerful Ku Klux Klan. In later life as a news reporter, he covered the trial and conviction of the Grand Dragon of the Ku Klux Klan, D. C. Stephenson, who had said, "I am the law in Indiana."

COVERED DILLINGER

He then joined The Indianapolis Star as a police reporter and later wrote free lance detective stories. A feature on John Dillinger was still used as a foundation for movies and other stories on the infamous gangster 25 years later.

White's observations of the misery of some lives led to his never drinking alcoholic beverages or smoking.

White at one time or another worked for every major Indianapolis newspaper and for the International News Service as a political reporter. INS is now a part of United Press International.

During the Depression, White began a 21-year career of editing the Hoosier Legionnaire and played a role in bringing the national American Legion headquarters to Indianapolis. He also edited temporarily the national 40 et 8 magazine during World War II.

He wrote many features for the Christian Science Monitor over the years.

White traveled with Paul V. McNutt during his year's term as national Legion commander, and later covered McNutt's gubernatorial administration while with INS.

He served as war correspondent in the South Pacific during World War II for The Indianapolis Star. He flew with the first wave of planes into Tokyo Harbor and was on hand for the signing of the surrender on the USS Missouri.

His six-day a week Hoosier Day column was prepared for more than 21 years without interruption, a record of more than 3.5 million words.

CRUSADED IN COLUMN

White, in his column, crusaded for improved government, better mental health treatment and prison reform. He was strongly in favor of law and order, a supporter of the State of Indiana and the country. His column led the crusade resulting in the formation of Indiana's new First Offenders Youth Center in the prison system. He led the Legislative fight which resulted in the construction of the new American Legion National Headquarters buildings, assuring the State of Indiana as the permanent home of the organization.

As a trustee of the Indiana Audubon Society, he founded and headed the National Wildlife Protective Association and led the campaign to "save the doves." It was credited with bringing a flood of letters of a volume to bring the session of the General Assembly to a virtual standstill and resulted in a failure of approval of an open dove hunting season in Indiana.

He had a firm religious belief and served as an Elder in the Presbyterian Church. Active in his church's prayer breakfasts, he encouraged and played an active part in the first Indiana Governor's prayer breakfast. Even before the election, he encouraged Governor Edgar D. Whitcomb to continue the practice, attended Whitcomb's first prayer breakfast and saw Patricia Whitcomb hold the first Governor's wife prayer breakfast.

He also helped form the Newspaper Guild in Indiana and was its first president. He also helped establish the Indianapolis Press Club.

Among his many honors were recognition by the Indiana Legislature in a House resolution. He also received the President's award of merit of the National American Legion Press Association, and the Captive Nations Eisenhower Proclamation Medal.

White was an honorary Kentucky Colonel, an Indiana Sagamore of the Wabash, and was named both an honorary Indiana state treasurer and state school superintendent.

His one son, Donald D., joined him in writing The Hoosier Day column in July, 1969. His one daughter, Elizabeth Corrine Walker, a life-long educator, presently is Director of Developmental Education with Indiana Vocational Technical College. Both are graduates of Indiana University, a goal their father insisted upon.

Two of his grandsons, Donald Alan Blewett and Richard L. White, served in the fighting in Vietnam and are now back home. A third grandson, Donald D. White, Jr., served with the Army in Korea. He has two additional younger grandsons, David P. and Douglas M. White, as well as four great-grandsons, Donald A. Blewett II and Duane Blewett of Lafayette, and Donald D. White II and William R. White in Indianapolis. The surviving of two sisters, Bertha L. White, lives with him and his wife, Norinne Dodds White in Indianapolis.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE TRADE ACT OF 1970: ITS PROBABLE EFFECTS ON THE AMERICAN ECONOMY AND ON INTERNATIONAL TRADE

HON. JAMES H. SCHEUER
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. SCHEUER. Mr. Speaker, on November 19, the House passed the Trade Act of 1970 by a vote of 215 to 165. Before the House began its deliberations, Time magazine published in its November 23d edition, a report on the bill's origins, provisions, and probable effects on the American economy and on international trade. The Washington Post, on November 16, ran an editorial opposing the bill while expressing the hope that the bill might be defeated and more desirable legislation passed in its place by the 92d Congress. I commend both these pieces to the attention of my colleagues:

TRADE: THE BLACK COMEDY THAT COULD COME TRUE

It sounds like a ludicrous piece of political black humor. A Southern Democrat introduces an import-restricting bill designed to help a Republican President who wants to win votes in Dixie. Egged on by organized labor, Congressmen joyfully expand the bill into a measure that will force consumers to pay higher prices for clothes, shoes and many other goods. More than 4,000 professional economists sign a letter warning that the bill not only will be grossly inflationary but will also gravely hurt the nation's position in world trade. The U.S. Secretary of State says that the measure will start a trade war with some of the nation's most important allies. But these warnings are drowned out by the voices of Pennsylvania mushroom growers, Hawaiian passion-fruit producers and other businessmen who want protection from low-priced imports. The bill passes, and the President signs it, explaining that he had to do so in order to win increases in Social Security payments for the poor and aged.

This grotesque parody of the U.S. legislative process is unfortunately all too real. When Congress reconvenes this week, the first major item of business in the House will be a vote on the most restrictive piece of trade legislation since the disastrous Smoot-Hawley Tariff Act of 1930. The bill, which would raise prices by denying consumers access to many imports, is likely to pass after only perfunctory debate, and then whiz to the Senate. There the Finance Committee already has voted to attach it as a rider to a measure raising Social Security benefits. The odds are that the Senate will pass the package in early December.

All of this would turn the clock back 35 years, to the days before the nation began leading a highly beneficial world movement toward freer trade. The provisions of the bill are complex, partly because the legislation grew by a process of log rolling rather than by conscious plan. The bill rigidly limits imports of textiles and shoes, for example. Next year they must be held to the 1967–69 average, which would amount to a reduction of at least 30% from current levels; in subsequent years, they could grow only 5% annually. The bill also obliges the President to continue holding down oil imports by quota, rather than switch to a less restrictive tariff system.

TRAGEDY OF ERRORS

The bill's most mischievous feature is the so-called "trigger mechanism." It forces the President to impose quotas or higher tariffs on any foreign product that is increasing rapidly in sales and has captured 15% of the U.S. market—provided that the domestic industry can prove injury and the U.S. Tariff Commission recommends action. The President can avoid invoking restrictions only if he finds that they would not be "in the national interest." At present, an estimated 125 foreign products—including wigs, radioactive isotopes, sewing machines, autos and TV sets—would be subject to the "trigger mechanism."

If anyone had proposed so blatantly protectionist a bill six months ago, free traders and consumer advocates probably could have rallied their forces quickly and buried it. The bill, however, took its present form gradually, as a result of a tragedy of errors made by everyone concerned—President Nixon, House Ways and Means Committee Chairman Wilbur Mills and foreign governments.

In the 1968 election campaign, Nixon promised to restrict textile imports. Hubert Humphrey offered a similar promise, even though the U.S. textile industry has never made any persuasive case that it is being badly damaged by imports. Between 1961 and 1969, the domestic industry's employment increased from 893,000 to 989,000. Even now, imports account for only 4% of all the textiles bought by Americans. Nixon, however, was seeking Southern votes. After winning them, he set out to hold them by assigning Commerce Secretary Maurice Stans to persuade the Japanese to "voluntarily" restrict textile exports to the U.S. Stans got nowhere. He was asking the Japanese to sacrifice sales without offering anything in return.

Stans, seeking a club to hold over the Japanese, asked Mills to introduce a bill setting textile-import quotas by law. Mills agreed, sensing that the gesture would be popular in the House and expecting that the threat would produce a voluntary quota agreement that would allow the bill to die unnoticed. But the Japanese dawdled and, when Mills opened public hearings in May, the protectionist dam broke. All together, 377 witnesses filed 16 fat volumes of testimony with pleas that the mushroom, umbrella, scissors and shears, zipper, bicycle, mink, glue and candle industries—among many others—deserved protection too.

In July, the Ways and Means Committee went into secret sessions, and the real log rolling began. Democratic Representative James Burke of Massachusetts agreed to support textile quotas if the bill would also protect his shoemaking constituents, who have lost 25% of their market to imports. Wisconsin's John Byrnes, the ranking Republican on Ways and Means, introduced the trigger mechanism to help his state's dairy farmers repel an invasion of foreign cheese. The provision freezing the oil-quota system was thrown in to win the approval of Russell Long from oil-producing Louisiana, chairman of the Senate Finance Committee and the key to the bill's prospects in the upper chamber. Long returned the favor by arrang-

chamber. Long returned the favor by arranging to tie the trade bill to increased Social Security benefits; both fall under his com-

THE VICTIMS

Opposition forces, meanwhile, were asleep or fumbling. Nixon, a self-proclaimed "free trader," began by threatening to veto any bill that went beyond textile quotas, but as the strength of the new protectionism became evident, he lapsed into silence. Worse, he permitted an open split in his Administration. Secretary of State William Rogers warned the Senate Finance Committee of an "impending trade war" if the legislation should pass, but Stans reassured the Senators that there would be no foreign retaliation that would hurt U.S. exports.

The Japanese Embassy in Washington consistently advised its government in Tokyo not to take the threat of a protectionist bill seriously. Other foreign governments chose to speak softly, for fear of antagonizing Congress. The A.F.L.-C.I.O., worried about the loss of jobs by highly paid union members, abandoned old free-trade principles to lobby for the bill.

One voice was never heard on Capitol Hill—the voice of the U.S. consumer. The consumer will pay the bill if the protectionist measure passes, and the price will be outrageous. Federal Reserve Board Governor Andrew Brimmer said last week that by 1975 consumers will be paying $3.7 billion a year extra for clothing and shoes alone. Reasons: Americans will not be able to get low-priced imports as easily as they now do, and prices of U.S.-made goods will rise faster because of less competition from abroad. The costs, Brimmer declares, will be borne disproportionately by the poor, who must spend a larger slice of their income on shoes and clothing than the well-to-do. These costs would be multiplied if imports of many other foreign products were limited under the trigger mechanism.

UNIFYING EUROPE

Critics are belatedly waking up to the dangers of the bill. The Japanese, at about the 13th hour, have just reopened *negotiations* with Presidential Assistant Peter Flanigan in Washington for voluntary limitations on textile sales. European governments are conferring on ways of retaliating against American exports. The first target will be the $500 million worth of soybeans that U.S. farmers sell annually to Europe. Next may come U.S. small airplanes, light machinery and computers. Steps of reprisal would be taken jointly by the six members of the Common Market, with Britain probably joining in. On a visit to the U.S. last month, Ralf Dahrendorf, the Common Market's top trade executive, raised an ironic toast to Wilbur Mills—as the man who had done most recently to promote European unity. The threats have begun to weigh on some Congressmen, who realize that U.S. exports produce more income than the auto or home-building industry. The nation's exports this year are running at a $42 billion rate and are likely to exceed imports by $3 billion. But the new worries about retaliation are probably too late. Mills has been concerned lately about soothing protectionists' fears that his heart is not really in the trade bill, which now informally bears his name. In a recent speech he proclaimed that "Congress is not bluffing. I predict that the Trade Act of 1970 will pass by a big majority."

Nixon could still wage a vigorous fight against the Mills bill in the Senate. If it passes, he would do well to veto it, even at the price of delaying an increase in Social Security benefits. If the bill becomes law, he could use the "national interest" clause to weaken the trigger mechanism. The President's waffling so far, however, leaves scant hope that he will do any of these things. If he does not, the black comedy could become a horror story:

Foreign nations retaliate against the new U.S. restrictions, and angry U.S. politicians and businessmen press Nixon to hit back by putting up barriers against an even longer list of imports. Cooler heads in all nations warn that such a cycle of retaliation and counter-retaliation, carried to the extreme, can have the most chilling consequences. The last such spiral began during—and did much to deepen—the Great Depression. But the margin for good sense is slim, as the world teeters on the brink of a trade war that no one wanted.

STOPPING A TRADE WAR

If President Nixon intends to block the highly protectionist Mills bill that would legislate compulsory quotas against imports of textiles, apparel, shoes, oil and eventually a long list of other products, he will have to start fighting now that Congress is back in session.

The trade bill already has been approved by the House Ways and Means Committee, and the Senate Finance Committee has sought to make it unstoppable by attaching it as an amendment to Social Security liberalization. A majority now appears ready to support the measure in both House and Senate.

As is usual with trade legislation, the special interests lobbying for protection of particular industries reinforce one another. A formidable coalition is now pushing for this bill, even though it would, almost certainly, ensnarl the United States in a worldwide trade war. Leaders of the European Common Market have made clear the certainty of retaliation. Many American export-oreinted industries—including such important ones as agriculture, aircraft and electronics—would suffer. What is less well understood by many Congressmen is that the nation as a whole would also suffer.

American consumers, already feeling the pangs of inflation, would have to pay still higher prices for many goods—both because less expensive imports would be restricted and because protected American industries would be able to boost their prices without fear of losing sales in the domestic market to foreign competitors. The term "protectionist" is, in a sense, a misnomer; it is really an act of aggression against American consumers and many American industries and workers, as well as against other nations, including some of this country's most important allies.

There is a good chance that this reactionary trade legislation can be blocked in the Senate if strong Presidential leadership is forthcoming. The Senate includes a group of at least twenty dedicated liberal-trade supporters who might be joined by many other Senators shrinking from the bill's more extreme provisions, such as the "Byrnes trigger," which would impose compulsory quotas on a long list of items whenever imports of these items exceeded a certain share of the American market.

One problem for the President in fighting against the Mills bill has been his own political commitment to the American textile industry—especially its Southern department—to restrict Japanese textile imports one way or another. The failure last summer to work out a deal with the Japanese for voluntary quotas led the Nixon Administration to ask Congress for compulsory quotas on textiles—thereby opening the floodgates to the Mills bill.

Now the President's special assistant, Peter Flanigan, and Japanese Ambassador to the United States Ushiba are making a final effort to work out a "voluntary" deal that will permit the President to consider his obligations to the American textile industry discharged—and enable him to come out solidly against the Mills bill. If that can be done, the chances will grow that the protectionists can be prevented from railroading the Mills bill through Congress this year. The new Congress assembling in January would then have a chance to weigh more carefully the kind of trade legislation needed to serve the true interests of the nation.

THE PRESIDENT HAS NOT DEVIATED FROM HIS PLAN TO END THE WAR

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. FREY. Mr. Speaker, it would be unfortunate if the recent attempt to rescue American POW's from North Vietnam is interpreted as an attempt to widen the war. Such an interpretation is in no way justified by the facts of the situation.

President Nixon has shown that he has a plan to end the war in Vietnam and he has not deviated from that plan. American troops still continue to come home from Vietnam, the American casualty rate is still declining, and the South Vietnamese are still being trained to assume the major role in their own defense.

While America is winding down this war, President Nixon has wisely shown the North Vietnamese that he will not allow them to take advantage of our position by shooting down unarmed reconnaissance planes or continuing to mistreat American prisoners, some of whom are now being reported as dying in Hanoi's prison camps.

It should be clear that the President's action was eminently justified and will in no way halt progress toward an end to the war. It was a humane attempt to specifically help some POW's and gain better treatment for the other POW's. We must not sit by and let our POW's be forgotten. The people of this country have an unpaid obligation to the POW's and their families.

TRADE BILL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. CRANE. Mr. Speaker, my good friend and colleague from the 14th Congressional District of Illinois, the Honorable JOHN N. ERLENBORN, has issued a statement regarding the trade bill which passed the House by a narrow margin last week.

As JOHN points out in his statement:

This is the biggest anticonsumer bill to come before us this session, and yet the various groups which lobby on behalf of the consumers' interest, were strangely silent on this important matter.

I commend the thoughtful comments of Congressman ERLENBORN to all of the readers of the RECORD:

NEWS RELEASE FROM JOHN N. ERLENBORN

WASHINGTON, D.C., November 20.—Where were the consumer lobbyists? Representative John N. Erlenborn, R., Ill., asked today as he tried to assess the House passage of the Trade Act.

The House of Representatives passed the Act Thursday, 215 to 165. Erlenborn voted against it.

"This is the biggest anti-consumer bill to come before us this session," the Illinois Republican said. "I have gotten lots of mail about it, and all of us in the House have been strongly exhorted by partisans on both sides of this controversy."

The Trade Act will permit the United States to enforce import quotas on shoes and textiles. In Erlenborn's view, this will mean higher prices for clothing and footwear, and may start a trade war.

"It is curious," Erlenborn said, "that the Consumers Federation, which lambasted me during the recent election campaign for my votes on an obscure public power dam in Maine, would remain silent on this Trade Act.

"This Trade Act will hurt consumers far more than the bills on which they made their judgment," he said.

The House voted five times on the bill, three times on Wednesday, November 18, on questions of House procedures, and twice on Thursday on the merits of the Act.

"My votes on Wednesday," Representative Erlenborn said, "were in favor of opening the measure for amendments."

The Trade Act came from Ways and Means, the only committee, he explained, which asks for a no-amendment rule.

"There is a reason for this," Erlenborn said. "Their bills usually are of a technical and complex nature, so that the House floor is not a good place to re-write them.

"We did not want to re-write this bill, however. Instead, we wanted to vote on it a section at a time, rather than on the whole bill. With a rule such as that, we might have been able to take out the anti-consumer and anti-agriculture sections.

"Unfortunately, this motion by Congressman Sam Gibbons of Florida lost 192 to 201.

"Although all of this was known in advance, I am not aware of any effort by the consumer lobby to help us switch the five votes which would have changed the whole nature of our pro-consumer effort."

NATIONAL COUNCIL OF SENIOR CITIZENS SENIOR AIDES PROGRAM IN MARION COUNTY, W. VA.

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. MOLLOHAN. Mr. Speaker, last week we passed vital legislation in the form of the Comprehensive Manpower Act of 1970. With a declining economy, we have a very real need for both employment and for investment in our public institutions. And this legislation, if properly implemented and funded, can go far to provide the employment and the training that is so necessary.

One community service employment program that has proven very successful in my congressional district is the National Council of Senior Citizens Senior Aides program in Marion County which employs 62 low-income people who are age 55 and over. Of the 20 senior aides projects throughout the country, this project in Marion County, sponsored by the County Court, is one of emphasis in a semirural area.

The 62 senior aides have been placed in 11 community agencies: The Board of Education, Parks and Recreation Department, Association for Retarded Children, Fairmont State College, Human Resources Development, Department of Agriculture Extension Service, Family Service of Harrison and Marion Counties, Fairmont Public Library, Mannington Library, the Health Department, and the Union Rescue Mission.

The senior aides project has definitely made an impact on Marion County, according to a recent article in the Fairmont, W. Va., Times. Said Mrs. M. W. Wilfong, director of the Marion Center Sheltered Workshop:

Without the Senior Aides we would have had to close our workshop. We were in financial trouble last April and didn't have

sufficient help to supervise the shop. We have really appreciated their help.

The workshop employs four aides, one as a busdriver, and three as instructors.

Said James A. Davis of Fairmont, W. Va.:

This program has provided me with something to do and with an income.

The 65-year-old former miner and salesclerk, with a wife and a 10-year-old son to support, added:

I can take care of my family without begging.

With the high number of widows and men who previously worked in farming and mining in Marion County, the senior aides program is a definite asset to the community. The project director's only complaint is that he needs twice as many senior aides in order to meet the challenge of public need. I want to encourage the direct implementation of the manpower bill toward this goal for Marion County and the other innumerable areas in this country that require similar programs.

TURNER'S TELEGRAPH

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. LONG of Maryland. Mr. Speaker, the Towson Times of October 8, 1970, contained an article by Miss Margo Turner on Maryland's Patriotic Education Week. I should like to share Miss Turner's essay with my colleagues in the House:

TURNER'S TELEGRAPH

During our nation's struggle for independence, nearly two hundred years ago, patriotism was a key American offensive against the British. There were people like Samuel Chase and Thomas Stone from Maryland who fought diligently for a dream. Whether on the battlefield or at the conference table, our gallant ancestors began constructing their beliefs into reality for future generations to inherit. It was indeed a struggle. The lives of many were lost or spared. Yet with their heroic and patriotic deeds, the United States stands strong and prosperous in 1970. But, what do we mean by being patriotic today? How can it be shown by each of us?

The members of C.A.R., Children of the American Revolution, are a very fine example. As direct descendants of the founders of the United States, these Americans, since an early age, have been trained in true patriotism and love of country. They believe their birthright brings a responsibility to continue the work of their forefathers. This will prepare them to be better fitted for American citizenship.

But to respect one's nation, one must first appreciate its past.

The study of American history is a required subject for all Maryland high school students. However, such a studying of our nation's history should be more than a required school subject. Americans need to be reawakened to their great past. Reawakened to remember the principles laid down by our forefathers for the development of our future. But more especially, we must cherish the sacrifices, hardwork and diligent efforts which went into the creation of the American democracy. In its twelfth consecutive year, the members of the Maryland State Society, C.A.R. are working towards the accomplishment of these goals through a special patriotic education committee.

For the twelfth consecutive year, Marylanders join the National Society, C.A.R. in summarizing this observation to qualify for another George Washington Honor Medal. Awards are given by Freedoms Foundation of Valley Forge to anyone who has said, written or done something that promotes clearer understanding of American freedom.

Patriotism may seem to be lacking among our youth. But somewhere in our nation, hidden like gold, there are young people who love and respect the United States of America. The members of the children of the American Revolution exemplify this thought.

This year, John A. Manning, Jr., Maryland State chairman of the Patriotic Education committee and a member of Elk Landing Society, C.A.R., North East Maryland, received the Proclamation for Patriotic Education from Governor Mandel at the State House. Katie Turner of Towson is chairman of Patriotic Education from General Mordecai Gist Society, C.A.R. They represent the three hundred members in ten societies in Maryland.

In proclaiming October 12th to the 19th as Patriotic Education Week, the Governor urges all Marylanders to devote themselves to refreshing their memory and rededicating their lives to the principles of American liberty. By understanding our own government and way of life, will young Americans be better prepared to take their place in the world of tomorrow?

FEDERAL COURT ORDERS ENDANGER THE LIVES OF SCHOOLCHILDREN

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. GRIFFIN. Mr. Speaker, this week the House has discussed and considered the Occupational Safety and Health Act. The legislation deals with employees in industrial plants.

It is well that the Congress express its concern over industrial accidents and the need for safety precautions.

I would like to call to the attention of the House, however, another area of safety which we should be considering and that is the safety of schoolchildren who must travel hazardous routes and distances to attend school because of Federal court orders.

Recently two schoolchildren in Mississippi were killed at a railroad crossing and their mother severely injured. Prior to a Federal court order, the four children in the family attended the same school which did not require crossing the railroad tracks.

In order to achieve racial balance, the Federal courts ordered two of the children to attend a school which necessitated the crossing of the railroad tracks.

The mother had taken two children to one school and was taking the other two to their newly assigned school when their automobile was struck by a train.

Mr. Speaker, this tragedy is the direct result of Federal judges going beyond their authority by assigning pupils to schools because of their race, and against the wishes of parents.

Throughout Mississippi, children are denied attendance at the school closest to their home. Such a judicial doctrine has no support from the Constitution nor from laws enacted by representatives of the people. It is an untenable and intolerable condition which must be rectified by the Supreme Court, or the people in the next presidential election.

FIRST AUTOMATIC OBSERVATORY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. MILLER of California. Mr. Speaker, time passes by and with the always important political situations that occur around general election time, we are apt to lose sight of some of the accomplishments of the past year.

Last Wednesday, November 18, I was privileged to be invited by the Bendix Corp. to observe scientific data coming down from the moon and displayed right here at the Capitol. This scientific data is coming from the automatic station left on the moon 1 year ago by Apollo 12. The occasion was the first anniversary of the successful operation of the world's first automatic observatory which has been provided by the U.S. manned space flight program.

The recent operation on the moon by the Soviet Union has received substantial publicity. I believe it is important that we recognize a far more significant scientific accomplishment of our own scientific station which continues to operate after a year.

During the past year, the Apollo Lunar Surface Experiments Package—ALSEP—scientific station has provided data throughout 12 orbits of the moon around the earth, two solar eclipses, and one cycle of lunar seasons.

During a typical lunar day, approximately 29 earth days, ALSEP is subjected to temperature extremes ranging from plus 250° to minus 300° Fahrenheit, extremes that make the temperatures of the earth's icy arctic winds and the heat of the Sahara Desert seem modest by comparison.

The ALSEP includes five scientific experiments, a central station, and a nuclear power source to provide continuous electric power through day and night.

The experiments include an extremely sensitive seismometer for measurement of moonquakes, meteoroid impacts, and the motion of the moon's tides; a magnetometer which measures the magnitude, direction, and fluctuations of the moon's magnetic field; a lunar ionosphere detector, a lunar atmosphere detector, and a solar wind spectrometer.

During the year the ALSEP central station system has reliably relayed over 3 billion separate scientific and engineering measurements from the moon to scientists and engineers for analysis.

Not only has there been a vast quantity of data received, but also scientists directly involved have told me that data quality has been outstanding and that many new and exciting things have been learned about the moon. Some of these will undoubtedly form the basis for revisions to long-held theories of the origin of the moon, the earth, and perhaps of our solar system.

Last week I saw a real time demonstration of remote control of a lunar scientific station. I observed commands being sent from the science control room at the Manned Spacecraft Center in Houston, through the Manned Space Flight Network Station in Madrid, Spain, to the ALSEP central data station on the moon and then on to the lunar surface experiments. I saw the "live" data resulting from these commands being displayed in the Rayburn Building. Even more exciting and while I was watching, unexpected fluctuations in the lunar ionosphere were recorded, apparently resulting from a solar flare sweeping by the moon.

While the Russian Lunas are certainly a creditable achievement, we should all recognize that we are already years ahead in a significant scientific exploration of the moon. Additional stations with new experiments will be carried on the remaining apollos, providing us with a network of automatic observatories.

I want to congratulate the Manned Spacecraft Center of NASA for their leadership and management of this successful project, the Atomic Energy Commission and their contractors for the SNAP-27 power source and the Bendix Aerospace Systems Division of Ann Arbor, Mich., the prime contractor and system manager.

EVERY DAY OF OUR LIFE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. DERWINSKI. Mr. Speaker, one of the outstanding high schools in my congressional district is Marian Catholic High School in Chicago Heights, Ill. The students of Marian have achieved great distinction in producing the Marian Megaphone, the school publication.

An editorial in the November Megaphone by Miss Cheryl Bruno, a member of the editorial staff, provides a very thoughtful and praiseworthy commentary on Thanksgiving:

THANKSGIVING: EVERY DAY OF OUR LIFE

Thanksgiving is almost upon us again. Everyday of our lives there is something for us to be thankful for, but just how aware are we of it?

We take for granted our three well-planned meals each day, not including the numerous snacks in between. How often do we find ourselves saying in front of a closet-full of clothes "I haven't a thing to wear" just because someone has already seen us in them once?

Are there times when we come home or leave the house and not greet our parents or brothers and sisters because we take their presence for granted? Do we always fully realize that we have better job opportunities because of our education?

Having all these things in our favor helps us look to a brighter future with confidence, security, and hope, and therefore a better chance for success.

If we open our eyes to the advantages around us, we couldn't possibly tell anyone we've nothing to be thankful for, not just on Nov. 26, but everyday of our lives.

ON FOUNDING THE REPUBLICAN PARTY AND SAVING PASSENGER TRAINS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. SCHWENGEL. Mr. Speaker, My good friend, Don Deuster, who is in the Office of Congressional Relations at the Department of Transportation, and I have been "feuding" as to the birthplace of the Republican Party. Don, a graduate of Ripon College, claims the Republican Party was born in Ripon, Wis. Any fair-minded Iowa historian knows the Republican Party was born in Crawfordsville, Iowa.

While Don and I may have our good natured differences as to the place where the Republican Party was born, there is one subject on which we are in complete agreement. I refer to the efforts to save our rail passenger service. I have the highest regard for Don, and especially for his efforts to secure passage of the Rail Passenger Service Act of 1970. Don recently addressed the Railroad Transportation Institute in St. Louis on this subject. I would like to share his remarks with you:

SAVING THE PASSENGER TRAIN

Americans should be singing "Hallelulia! and Amen Congress has saved the passenger train!"

Absolutely! If history notes one great decision by the 91st Congress, it will be enactment of the landmark National Rail Passenger Service Act of 1970.

Why? Well, essentially this rail passenger act signifies a triple transportation accomplishment.

First, it marks the rejuvenation of the American passenger train system. Secondly, it portends the rehabilitation of our ailing railroad industry. And thirdly, it is a giant step toward bringing America's national transportation policies into balance.

Soon, if all goes well, beautiful gleaming red, white and blue passenger trains will be streaking across the land. These "America-liners" will speak for themselves.

Every evening for the past two years when I arrived home from Capitol Hill, confused and weary, my wife would taunt me by asking: "Well, dear, aren't you going to tell me what happened to the rail passenger bill today?"

Happily, that tortuous and treacherous legislative trail is past. Last Friday, out in California, President Nixon with a flourish of his pen Constitutionally converted what was "our bill" into what is now "the law of the land." What a relief! What a joy! And what a struggle!

During the germination of this Jubilee Act of Congress, it was my good fortune to be the only Nixon Administration official assigned full-time to work on Capitol Hill solely on railroad affairs.

I am especially grateful for the opportunity this task has afforded me to meet and work with so many friendly railroad people, including chairman Donal Turkal and Secretary Jim Nisbet of the Railroad Transportation Institute.

The harmonious spirit evidenced in this Congress by railroad people—president, union leaders and the Capitol Hill legislative representatives for both labor and management—has been phenomenal.

Despite this unusual team spirit, final enactment of the rail passenger bill was an eleventh hour, suspenseful Congressional cliffhanger.

HIGH HOPES FROM THE HENHOUSE

Initially, most experts doubted that any railroad bill would pass. Once upon a time Senator Everett Dirksen gave a pep talk to a gathering of Republican women at Highland Park, Illinois. He told about an old barnyard rooster who had gathered all his hens into the chickenhouse for an inspirational harangue.

At the finale of this elocution, for illustrative purposes the roster rolled out a giant ostrich egg into the henhouse floor. "Now, girls," said he, "don't get me wrong. It's not that I am dissatisfied with the quality of your performance. But, I do want to show you that with a little extra effort, it can be done."

Believe me, precisely that kind of extra exertion was required to bring about passage of the railroad bill.

Unfortunately but predictably, this landmark law became mired in the usual murky pre-election adjournment atmosphere on the Hill. Luckily, it was extricated from a legislative snakepit of partisan cross-fire, mysterious footdragging, great confusion and some sniping.

On the very last day of Congress the passenger bill slipped through the House of Representatives shortly before noon on a voice vote, languished most of the afternoon in the Enrolling Clerk's office, was finally messengered over to the Senate just half an hour before adjournment, and shimmied through on another voice vote only moments before the last gavel fell.

From start to finish the path of this bill was spiced by melodramatic suspense and humor.

One day during the Senate hearing back in September 1969, Chairman George Bloom of the Pennsylvania Public Utility Commission told a tale to emphasize the need for better quality passenger service. He recalled how:

"Service was so bad the passengers on Altoona, Pennsylvania, got off the train, sat down in front of the engine, did not get on, and said they were going to sit there until they got ice and airconditioning on the train."

At this point, Senator Howard Cannon of Nevada leaned forward to ask: "Are they still there?"

Laughter rocked the hearing room and that incident has often been retold. The popularity of this joke reflects the widespread public and Congressional disapproval of the miserable rail passenger service we now suffer. Fortunately, enactment of the passenger bill offers us a golden opportunity to overcome this public outrage and the industry's bad image by providing excellent service. Happy days are ahead—I hope!

PARABLE OF THE CROOKED RAILROAD

During these same Senate hearings, former president of the Penn Central, Stuart Saunders, was queried as to why the Penn Central passenger trains did not travel faster. After describing the peculiar curvature of the Penn Central tracks, Mr. Saunders summed

it up by saying: "You see, ours is a very crooked railroad."

The belly laughs subsided considerably when the news broke on Sunday, June 28, 1970, that the Penn Central was going into bankruptcy and when Congress began examining the circumstances. Fortunately, all this happened one month after the Senate had passed the passenger bill because immediately shock waves struck Capitol Hill and thoroughly muddied the legislative waters. The bankruptcy triggered four reactions:

One—At long last Congress became convinced that the railroads were not just crying "wolf." Credibility was instantly given to the wailing about no liquidity, and the unbearability of the passenger train deficits.

Two—A hasty search was begun to find a scapegoat somewhere. All the old simple answers were dredged up again. We listened to Congressional charges of "bad management—intentional downgrading of service—conglomerate manipulations — ungrateful robber barons—and subsidized competition."

Three—The Association of American Railroads hastily completed and publicized the "ASTRO Report" on the industry's overall plight. The principal thrust of that report was the urgent need to correct deficient public policies.

Four—After the initial shock, confusion and consternation passed away, the need for the rail passenger bill became obvious to almost everybody. Expectation of House action on the bill became widespread.

So, it all came to pass on October 14, 1970, but not before one final flourish of humor.

THE MYSTERY AMENDMENT

Minutes before the House was to adjourn, Majority Leader Carl Albert rushed onto the floor to excitedly report: "The Senate has amended the railroad bill and is sending it back!"

In utter consternation Members rushed to Speaker McCormack to hold up adjournment. Simultaneously, a crowd of Members circled around Republican Congressman Durward G. "Doc" Hall of Missouri to facilitate "unanimous consent" reconsideration of the rail bill when it came back burdened with some mysterious Senate amendment.

In the midst of this confused scene, Congressman Albert next announced that he had been misinformed. Actually, it was some crime bill that the Senate had amended.

At this point, Congressman Harley O. Staggers of West Virginia, who had carefully maneuvered the bill through quite a procedural obstacle course, was in no mood to speculate or act on hearsay. Mr. Staggers insisted that adjournment be held up until he had personally spoken with Senate Majority Leader, Mike Mansfield.

Only after he was positively and personally assured from the very mouth of Senator Mansfield that indeed the Senate had passed the rail passenger bill with no amendments, and it was now cleared for the President, only then did Mr. Staggers advise the Speaker to adjourn.

So, the gavel fell at thirteen minutes past four. Congress was out, and rail passenger service was in.

To describe in capsule form this extended and precarious legislative journey is impossible. One analogy comes to mind which may help others appreciate how things like this happen on Capitol Hill.

THE GREAT LIBERTYVILLE PUSH

Several years ago my wife and I were spectators at an unusual sporting event back home in Libertyville, Illinois. The Libertyville Athletic Club secured a giant medicine ball, six feet in diameter. This giant heavy ball was placed on the fifty yard line of a football field. Two teams of twenty men lined up. When the whistle blew, everybody started pushing.

As bodies jostled and elbows flew in the air, the Libertyville volunteer firemen pumped a powerful stream of water on the ball, on the players and on the field. Soon, everything was muddy, and slippery. Everybody was lunging at the ball, knees were being scraped, tempers were rising, but nothing was happening to the ball. What a spectacle!

THE CRISIS AND THE IMPASSE

The scene precisely resembled the situation in Washington, D.C., during the winter of 1969 and 1970 as both the Nixon Administration and the Senate Commerce Committee struggled and searched for some good solution to the passenger train crisis.

First, almost everybody agreed that it was a crisis. When I was born in 1929, there were 20,000 passenger trains serving America. But, in just forty short years, as Congressman William Springer of Illinois emphasized on the House floor, thirty-nine of every forty trains had disappeared. Only 500 remained and they were vanishing fast.

Secondly, neither the Administration nor the Senate committee could decide on what to do. There was an impasse. Nothing was moving.

Meanwhile, back at Libertyville, slowly, here and there, some extraordinary pushing and shoving took place. As the water spray continued to bowl over players, the crowd detected a slight movement of the ball. Then, the ball began to slog along faster and faster toward the goal line, picking up momentum. Now, it seemed impossible to stop it.

That's the way it seemed on Capitol Hill in the spring of 1970 when finally the Administration and the Senate Commerce Committee compromised, reached agreement on setting up a quasi-public corporation to run a basic network of passenger trains, and passed the bill through the Senate by the overwhelming margin of 78 to 3. It was really rolling!

THE GREAT FIZZLE

But, back in Libertyville, just as the medicine ball reached the goal line, somehow it punctured, all the air escaped, and the players fell in a muddy heap on the soggy field over a limp piece of rubber.

Fortunately for our railroad bill, although some of us thought we heard the hissing of escaping air up to the very last minute, somehow the ball remained inflated and found its way to the President's desk for signature into law.

Even as President Nixon was putting his pen to the Act, there was a hissing rumor circulating around Washington that he might not sign the bill, and thereby give this lovely landmark legislation what is known as a "pocket veto." Under the Constitution, when Congress adjourns, the President must sign a bill within ten days or else it does not become law. Happily, the President put his ink to the paper and it was done!

Having been one of the muddy multitude pushing this bill along the slippery field, let me tell you about three heroes of the ball game.

HERO ONE—SENATER WINSTON PROUTY

The first great hero of the fray was Senator Winston L. Prouty of Vermont. Senator Prouty's diligence and decisive action is best described by the words of his colleague, Senator Gordon Allott of Colorado, spoken on the day of adjournment:

"How did it come about? Quite frankly, it came about because the junior Senator from Vermont did not give up his fight on April 9 when the committee (Senate Commerce) decided to report an operating subsidy bill.

"My distinguished colleague from Vermont filed individual views and unveiled in detail his proposal for creating a semi-public corporation to take over all intercity rail passenger service.

"Within one month's time, Senator Prouty had accomplished the impossible. He had convinced rail management, rail labor, his own administration, the Interstate Commerce Commission, the National Association of Railroad Passengers, the leadership of the Senate Commerce Committee, the majority leadership and the minority leadership that his proposal was a superior method for solving the crisis in rail passenger service.

"On May 6, 1970, the Senate by a vote of 78 to 3 approved Senator Prouty's proposal."

This extraordinary legislative achievement amazed most onlookers, including me, and clearly marked Senator Prouty as hero number one.

HERO TWO—SECRETARY JOHN A. VOLPE

Undoubtedly, the second great hero was Secretary of Transportation, John A. Volpe. Secretary Volpe labored day and night, as is his habit, to seek out the most sensible way of resolving the rail passenger crisis. This called for a lot of pushing and hammering.

Finally, after a protracted period of gestation running from the spring of 1969 into the spring of 1970, Secretary Volpe hammered out of the Department of Transportation and out of the Administration the concept of the rail passenger corporation.

THE LEAKY PROPOSAL

Unfortunately, in January 1970 before the White House could approve this complicated proposition, somehow the details found their way into the daily newspaper. How embarrassing and aggravating it was. Even though the "press leak" is part of Washington life, neither the White House nor Members of Congress like to learn about Administration proposals in their morning paper.

Despite the difficulties, Secretary Volpe continued to work for a solution. He kept his top policy advisers struggling to perfect the corporation idea, he discussed the dilemma with railroad people, he cooperated closely with Senator Prouty and he negotiated with Chairman Warren Magnuson, senior Republican Norris Cotton and Subcommittee Chairman Vance Hartke of the Senate Commerce Committee. Secretary Volpe secured Administration approval for the compromise bill that was ultimately produced. Constantly, he was pushing the ball.

When it came to expostulating the virtues of the passenger bill, Secretary Volpe must have spent more time on the telephone than anyone in Washington, including even the most talkative Cabinet wife or even my teenage daughter.

BIRTH OF THE BILL

Some may wonder when and where this great bill was actually born. I am reminded of a speech given by Senator Dirksen a few years ago when he referred to the "grand and glorious birth of the Republican Party at Jackson, Michigan."

I was flabbergasted. As a graduate of Ripon College, I knew that the Republican Party was born at Ripon, Wisconsin, where the first meeting was held in a little white school house on March 20, 1854. Later on in July of 1854, a convention was held at Jackson, Michigan. So, I put all this in a memorandum for Senator Dirksen and left it with his personal secretary, Mrs. Glee Gomien.

Soon the mailman brought me a short, personally dictated and devastatingly unanswerable reply. It read:

"Dear Don: Birth is one thing and conception another. It is true that the Republican Party was conceived at Ripon. However, it was born at Jackson!"

Likewise, you can say that the railroad passenger bill was conceived in the Department of Transportation. However, it was born in the Senate, and the Senatorial obstetricians who gave it form, birth and life were Senator Prouty, his colleagues on the Senate Commerce Committee and their dili-

gent professional staff men. Dan O'Neal, Paul Molloy and Henri Rush.

HERO THREE—CHAIRMAN HARLEY STAGGERS

If the determination and persistence of Senator Prouty and Secretary Volpe were duplicated by anyone, they were matched by the steadfast drive of the third great hero, Chairman Harley O. Staggers of the House Committee on Interstate and Foreign Commerce.

Congressman Staggers pushed this bill steadily despite his committee's exceptionally heavy agenda of other business. Some of that other business included holding emergency hearings and executive sessions and settling the threatened national railroad strike in March, and also investigating the complications surrounding the tragic Penn Central bankruptcy in July.

Steering any bill through both Houses of Congress on one day much less the last day before an election campaign is quite an art. Chairman Staggers accomplished this feat with the precision of a circus tightrope walker.

LAST DAY FOR A FAST RULE

There were three ticklish procedural situations. First, Mr. Staggers luckily secured a hearing before the House Rules Committee on Tuesday, October 13th, its very last day of sitting. Skillfully he participated in a closed door decision to leapfrog the passenger bill from second place on the Rules Committee agenda into first place ahead of a controversial manpower bill. This expeditious surge forward was absolutely essential for taking the bill to the House floor that very afternoon and completing general debate so that voting could take place first thing Wednesday morning at eleven.

Secondly, Chairman Staggers diplomatically and harmoniously secured approval by the Ways and Means Committee of a technical revenue amendment for the protection of taxpaying railroads who join the passenger corporation.

CHANGING THE LEGISLATIVE HORSE

Once this revenue amendment was added, two complications arose. First, the Constitution requires that all revenue legislation originate in the House of Representatives. Accordingly, Mr. Staggers had to abandon the Senate bill, S. 3706, and proceed with a House bill, H.R. 17846. This changing of legislative horses in midstream sometimes causes consternation and confusion to the unsophisticated.

Secondly, under the House Rules the bill now came under the jurisdiction of not one but two legislative committees. Mr. Staggers therefore had to request a complicated "rule" under the terms of which two hours of floor debate would be handled by his Commerce committee, and one hour of debate would be controlled by the Ways and Means Committee under one of their traditional "closed" or "gag" rules forbidding floor amendments.

All of this procedural maneuvering took time, muddied the waters, and called for delicate handling. Thanks to the legislative skill and persuasive powers of Congressman Staggers, all of these complications were overcome.

THE WIZARD OF CAPSULIZATION

No account of any bill's emergence from the House Commerce Committee would be complete without a salute to the masterful explanatory efforts of the ranking Republican Member William L. Springer of Illinois. Congressman Springer put our complicated, corporation concept into simple "capsule" form. In persuasive testimony before the Rules Committee and debate on the House floor, Mr. Springer made the bill sound simple and good. He was a wizard of capsulization.

Another spark plug for saving the passenger train throughout this long struggle was Congressman Brock Adams of Washington who was articulate and clear before the Rules Committee. Also, both Congressman Al Ullman of Oregon and John Byrnes of Wisconsin, the ranking Republican on the Ways and Means Committee, clarified and simplified the complicated revenue amendment before the Rules Committee, and greatly helped the bill shimmy forward unscarred.

WAITING FOR THE DOORS TO OPEN

Even after all these exertions, Chairman Staggers found it necessary to go to the Speaker's office and to the House floor to personally insure that the passenger bill was hand-engrossed and hastened to the Senate in time for action there. Just minutes of delay could have been fatal for the Senate was anxious to leave town.

Certain Senators were hoping that the controversial farm bill, a political hot potato, would not come up for a vote before the election. So, when the official messenger from the House arrived with the farm bill, these hostile forces in the Senate blocked the chamber door and refused to admit the House messenger. What an insult to the House! What a burlesque mockery of the bicameral system! But it happened, and while the Senate doors remained blocked, among the House documents being refused admittance was our beloved rail passenger bill.

On that last suspenseful afternoon, I probably walked back and forth from the House side to the Senate side at least twenty times. With me pounding the marble corridors and wearing out shoe leather were two attorneys for the Federal Railroad Administration, Chief Counsel Bob Kessler and Assistant Counsel Pat O'Driscoll. Together, we waited for the Senate doors to open. We watched from the Senate gallery when at 3:32 p.m., the doors opened to receive at long last the House messenger and the railroad bill.

Senator Hugh Scott of Pennsylvania took the floor to rejoice, too, saying: "Thoughts too deep for tears subdue the minority leader who has waited with unbated breath, I regret to say, for the arrival of our beloved messenger from the other body. . . . I am delighted to see the messenger from the House of Representatives. . . . I am pleased that he finally made this long and perilous trip from the House of Representatives, surmounting as he did one peril after another—perils consisting of individual Members of the majority, emissaries from the majority, mercenaries, janissaries, shock troops, and—if we could now have the farm bill, my cup would indeed overflow, happiness would pervade the Chamber, and the farmers could merrily return to the tillage of the soil, and take over from the Senate of the United States the distribution of the fertilizer of the Nation."

WAITING AND WONDERING

Years from now when I behold the beautiful Americaliner passenger trains streaking across the land, many memories will return no doubt, like this last hectic busy day on the Hill. However, if there was one experience shared by all the countless railroad men who covered this legislation on the Hill, it was the long periods of waiting—Waiting in the lobby outside the Senate and House committee rooms during closed-door executive sessions and wondering what was going on inside.

As the father of four daughters, the waiting room at the maternity ward is a familiar place to me, and it seemed so similar to the lobbies on Capitol Hill. Normally, you don't care if it's a boy or a girl just as long as something happens and all goes well. Now that the waiting is over, the landmark rail passenger bill has been born, and where do we go from here?

Your good secretary, Jim Nisbet, specifically asked me to offer some constructive criticism on how to improve the railroad industry's relationship with Congress and your image on Capitol Hill.

CONGRESS IS A MIRROR OF AMERICA

Normally, any industry's image on Capitol Hill is merely a reflection of its public image. Congress is a reflective institution. Congressmen mirror the attitudes, the opinions, and the misconceptions, too, of their constituents.

For most Americans the railroad system is like an iceberg with only one percent of its body being visible. That miniscule portion seen by the public is the delapidated and disappearing passenger train and the disgustingly long freight train blocking the highway grade crossing.

On my office wall is an original cartoon by Draper of the Worcester (Massachusetts) Telegram that probably best portrays the public, and Congressional attitude toward railroads. The Cartoon shows President Nixon leading a sad dinosaur over a collapsing rickety wooden railroad trestle. The dinosaur is gobbling up dollar bills and the turbulent waters beneath the collapsing trestle are labeled "strike threat." President Nixon is saying to the dinosaur: "We'll have you into the twentieth century before you know it!"

To overcome this miserable image the Association of American Railroads is waging an advertising campaign with the slogan "Who needs the railroads?" Those who pay attention to the answer will come away appreciating that America does need the railroads.

WHO LIKES THE RAILROADS?

But a far more fetching question, related to your popularity and success on Capitol Hill, is this: "Who likes the railroads?" Needing someone, like the trashman or the television repairman, is not the same as liking someone, and really wanting to help someone.

You ask what can railroads do to be better liked? Let me suggest four possible opportunities for positive improvement.

MAKING AMERICA'S PASSENGER TRAINS BEST IN THE WORLD

First, enactment of the rail passenger act presents a golden opportunity. On the one hand it relieves the industry of the financial burden of running nonpatronized passenger trains. No longer will the freight shipper be indirectly subsidizing passenger service.

On the other hand, the railroads will be operating the passenger trains for the corporation on a contract basis. To a tremendous degree, the success or utter failure of this great new American venture will rest in your hands.

If these modern Americaliners are shunted off on a siding while lumbering freight trains grind by, there will be considerable public outrage and letters to Congressmen like you have never seen. There could be Congressional investigations and the industry's image would sink in a mire of wrath on Capitol Hill.

No doubt the industry will resolve that nothing of this dimension will be allowed to occur. No doubt our railroaders will engage in no footdragging or sourmouthing in connection with the negotiation and performance of the passenger service contracts. Surely high statesmanship and an unimpeachable spirit of cooperation will make our passenger trains the best in the world.

This will do more than anything to improve the railroad image on Capitol Hill.

MAKING AMERICA'S BOXCARS BEAUTIFUL AND VISIBLE

Secondly, many folks are perplexed as to why boxcars cannot be painted with luminous paint so they can be seen by the motorist at night. Many motorists like myself have been nearly frightened to death at rural grade crossings where dark and unlit freight trains pass almost imperceptibly at night.

In America there are millions of motorists and some 220,000 grade crossings. Experiences like mine are common and contribute to an unfavorable image. Some Members of Congress, House Minority Leader Gerald Ford

included, have introduced bills to require some kind of reflective markings on boxcars.

As a lawyer, I certainly appreciate the legal reasoning related to common law negligence liability where reflectors become muddy or dirty. However, sometimes public relations considerations outweigh technical legal arguments. Faint heart never won fair lady, and nothing ventured is nothing gained.

Why not make boxcars that are visible, colorful and beautiful? Why not paint some with psychedelic colors? Why not make them ornamental or inspirational with amusing slogans like the old Burma Shave signs? This would improve your visibility and enhance your image.

THE TEMPEST OVER TOILETS

The lyrics to an old song say "Passengers will please refrain from flushing toilets on the train while standing in the station." The old refrain came to mind as I sat in the House gallery and heard my mother's Congressman, Henry Reuss of Wisconsin, raise this question:

"I would ask the distinguished Chairman whether this new equipment when installed on this excellent new system will have provision as all the trains of Europe and Canada today do, for adequately treating human or other wastes which are discharged from the trains?"

Chairman Staggers fielded this pointed question artfully by stating: "I cannot even conceive of any mode of transportation system not taking care of this matter, especially when we are today trying to take care of our environment in every way."

Some railroad men have told me that this ecological business about toilets on trains is just a trivial tempest in a teapot. I don't believe it. Even though at this moment railroads are not legally required to modernize your toilet system, here is a third area where you could take voluntary action. The AAR advertisements could report what you have done, and the public would applaud. Your Congressional image would be improved.

THE UNIDENTIFIED TOILETS

Some humor crept into our hearings on the Hill on the subject of toilets. One Member of the House Appropriations committee inquired of former Federal Railroad Administrator, Reg Whitman, what innovations were being made on the Metroliner. Promptly, Mr. Whitman replied: "Well, we are experimenting with unidentified toilets."

After the chuckling and giggling had subsided, Mr. Whitman clarified his statement. We were not hiding toilets in order to frustrate the passengers. We were simply adopting the airline practice of having just one toilet that could be used by both sexes. You might call them sexless or bisexual toilets instead of the confusing adjective "unidentified."

JACKALS ON THE HILL

Recently, one public witness at a Senate hearing referred to the railroad industry representatives in the room as "jackals."

The subject under discussion was the barge mixing rule, the traditional rule under which certain water carriers operate without Federal rate regulations. When the barge bill was being considered in the House of Representatives, the railroads pushed through an amendment which would have put previously unregulated barge carriers under Federal regulation and red tape.

Such Congressional shenanigans are transpiring at the same time that railroad presidents are blaming their financial plight on over-regulation. Is it statesmanlike to preach that regulation is killing the railroad and is bad, but regulation is just what the waterway carriers need?

It seems to me that the railroad industry ought to be preaching free enterprise and fair competition for all, for railroads and for competitors as well. This would be consistent, principled, statesmanlike and would help you overcome the label of being legislative "jackals."

THE SECOND GOLDEN AGE OF RAILROADING IS AHEAD

In summary, let me repeat the old English proverb that history repeats itself. In American railroad history this is so.

Back in the 1850's and 1860's there was broad bipartisan public support for the development of a strong American railroad system. In Washington, D.C., both Republican President Abraham Lincoln and his Democratic rival Senator Stephen A. Douglas of Illinois supported Federal action to develop the railroads.

Federal land grants were given and the Golden Spike ceremony at Promontory Point, Utah, in 1869, symbolized the birth of a strong railroad system that linked East and West and united the nation.

Even today, the Governor of Illinois sits on the board of the Illinois Central railroad to symbolize the abiding public interest in our railroads.

Soon, President Nixon will appoint the majority of the board of directors for the new rail passenger corporation. The Secretary of Transportation, John A. Volpe will also sit on that board. The presence of Presidential appointees and a Cabinet officer will reflect the great public interest in the success of the new passenger corporation.

Just as the bankruptcy of our country's largest railroad this summer marked the low point, I believe enactment of the passenger bill initiates the long and hard march back up to the summit. The second Golden Age of railroad is ahead.

Possibly, we will be here when future travelers the world over will say:

"You ought to go to the United States and travel on those beautiful, fast, comfortable Americaliner passenger trains. What a country!"

SUPPORT FOR STEIGER-SIKES OCCUPATIONAL HEALTH AND SAFETY ACT

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. QUIE. Mr. Speaker, in a perceptive editorial of the issues and events surrounding the occupational safety and health legislation on which the House will act today, the Sheboygan Press of Sheboygan, Wis., has endorsed the efforts of the gentleman from Wisconsin (Mr. STEIGER) and the gentleman from Florida (Mr. SIKES) to provide a strong, effective, equitable, and workable plan to combat on-the-job accidents, death, and disease.

This proposal has my support and I commend the Press' thoughtful column to my colleagues:

SAFETY STANDARDS

Members of Congress will have an opportunity during their "lame duck" session beginning Monday to approve legislation that would provide for establishing and enforcing new on-the-job safety standards.

More than 15,000 Americans were killed last year while at work. Another 2.2 million workers suffered disability injuries. As the result of this heavy toll, members of both parties agree that the federal government, state governments, and private industry could do more to provide safe and healthful working conditions. But opinions differ widely on how to go about it.

Ready for floor action in both houses is legislation approved by many Democratic members and the AFL-CIO. It would grant the secretary of labor broad authority to set, monitor and enforce safety and health standards. Opponents of the bill refer to it as a bull-in-the-china-shop approach to solving job safety problems. Opponents also contend that the secretary of labor would be subject to political pressure if he had sole power to establish and enforce standards.

Another argument against the bill is that it would allow a federal inspector to close a plant if he determined that an immediate danger existed to employes. The objective is good, but such a provision would be giving czarlike powers to the secretary of labor. Such authority should be left to the courts.

Representative William Steiger of the Wisconsin Sixth District has introduced in the House a bill calling for an independent, five-man board, appointed by the President, to set safety standards. The secretary of labor would be in charge of inspections. A special commission named by the President would enforce the health and safety standards. It is close to a compromise measure drafted at a Republican-Democratic meeting last spring that later lost Democratic support because of AFL-CIO opposition.

An argument in favor of the Steiger bill and a companion measure introduced in the Senate by Senator Peter H. Dominick of Colorado is that divided authority is necessary to preserve due process. These bills are intended to give needed protection to workers and at the same time treat employers fairly. They provide for the holding of hearings on violations, the issuance of orders to correct violation, and for judicial review and enforcement.

It is recalled that job safety legislation died in the House Rules Committee two years ago and never got action from the Senate Labor and Public Welfare Subcommittee. Unless there is to be further delay, it would appear that the Steiger-Dominick bills offer the best hope at this time. The legislation would be an important step in the right direction.

A CASE FOR REAPPORTIONMENT—THE UNITED NATIONS ORGANIZATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. RARICK. Mr. Speaker, reapportionment time appears to have rolled around again. There is scarcely a Congressman or member of a State legislature who is not concerned over his district being reapportioned to keep pace with Federal judges. The supervision of government by judicrats even extends to school boards and county commissioners, police jurors.

The theory of ordered apportionment stems from the court-made legal doctrine of "one man, one vote." In other words, it is the egalitarian theorist idea that each unit of government, to be equal in weight and power, should contain as nearly as possible an equal number of people. Or, to put it conversely, if similar divisions of government do not represent equal numbers of people, then the bodies are disproportioned, their actions are not democratic, and, therefore, suspect to attack as a nullity.

The repeated occurrences of recounting and redividing the territorial limits of political subdivisions to insure democracy under the "one man, one vote" doctrine is called reapportionment.

We are hearing a lot of talk these days about the United Nations Organization, a legislative body really out of proportion—a real case for reapportionment—the United Nations.

At the latest count there are 127 members in the General Assembly, an international body of unelected representatives whose deliberations, ravings, and activities must be acknowledged to have direct bearing on the laws and goals of the American people, as well as to consume U.S. tax dollars.

At least 29 of the member states of the General Assembly are from countries headed by kings or dictators, the likes of Castro and Tito, which can hardly emulate democracy in action. Many of the other nations lack the capital and intellectual know-how to even fall into the category of a self-sufficient, self-governing nation. Many are tribal states which represent populations of extreme illiteracy. Some 95 countries have 50 percent illiteracy, while 20 countries are 95 to 99 percent illiterate. Yet, under the equal rights thinking of "one man, one vote," each of these states has one vote in the U.N. just as we of the United States have one vote. Noteworthy nations like Germany, Switzerland, and Rhodesia are not even members of the U.N.

But, as to equal representation of people—the application of the "one man, one vote" egalitarian theory, so essential for democracy—the U.N. is examplary as the most illegally apportioned body in the world.

Consider, for example, that the district I represent in Louisiana contains a population of 514,000. Ten voting members of the U.N. General Assembly, each represent fewer people in number than are to be found in my congressional district. Yet, each of these 10 nations has one vote each, while in my district we have none. The 10 member nations I have referred to are:

Barbados	253,000
Equitorial Guinea	281,000
Fiji Islands	505,000
Gabon	480,000
Gambia	350,000
Iceland	200,000
Luxemburg	336,000
Maldive	106,000
Malta	318,000
Swaziland	395,000
Sixth District, Louisiana	514,000

There are 435 congressional districts in the United States, each relatively similar in population, yet not one receives a vote—our entire Nation receives but one vote.

The latest census gives the population of the State of Louisiana at 3,564,310. There are 55 mmebers of the U.N., each with one vote, yet smaller in population than the State of Louisiana, which has no vote.

And consider that the total compiled population of over one-half of the U.N. membership added together is less than the 200 million people in the United States. Yet, the American people have but one vote while the illegally apportioned U.N. by unapportioned votes continues to influence our policies and national sovereignty and consume the taxes of our people.

According to the World Almanac the U.N. Charter was drawn up at the U.N. Conference of International Organizations at San Francisco, Calif., during April 25 to June 26, 1945. At the conclusion of but 60 days of deliberation, it was signed by 50 nations on June 26, 1945, and has been located in New York City since 1952. Other interesting statistics on who has been footing the bill are:

First. U.N. Headquarters was financed by a $65 million interest-free U.S. loan, not due until 1982.

Second. The land on which the headquarters is located was contributed by John D. Rockefeller, Jr., at the cost of $8 million.

Third. For adopting the site of the headquarters, the city of New York contributed $26,500,000.

Fourth. The Dag Hammarskjold Library was financed by a $6,200,000 Ford Foundation grant.

Additionally, the United States, to maintain its one vote, has carried 32 percent of the regular finance budget of the United Nations. For the fiscal year 1970, U.S. taxpayers will pay over to the U.N. and its related agencies an estimated $317,784,000. Russia, with an assessment of slightly over 15 percent of the U.N. budget remains constantly in arrears—$75,500,000 as of June 30 of this year. Yet, Russia holds three U.N. votes. One for herself, and one each for her two occupied satellites, Ukraine and Byelorussia.

The U.N. constitutes rank discrimination against the United States not only in voting representation but also in unequal taxation. Under any egalitarian theory of apportionment, or "one man, one vote," it constitutes a trap, violative of the basic human rights of every American citizen.

Yet, we hear none of the usual voices of protest for equality, nor lawsuits demanding reapportionment, nor quasi-legal writings denouncing the collective organization of the U.N. as being illegal because of lack of apportionment of its voting representatives and its unfair tax assessment against our people.

No informed American would consider surrendering his individual liberties, nor submitting his child to a peacekeeping army under such an oligarchic conspiracy. Nor, should any informed American, nor responsible leaders ever consider surrendering the sovereignty of our constitutional government to the dictates of such an undemocratic organization as the United Nations.

Here is a real threat to individuals as well as responsible governments from misapportioned powers. If such inequities should exist in our Federal or State system, suits would be brought to demand equality of apportionment and taxation, or in the alternative, seeking injunctive relief to prevent dispersal of tax moneys, and enjoining political action as de facto.

DO YOU REMEMBER?

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. STANTON. Mr. Speaker, on the Saturday before the recent national elections, I was fortunate to participate in a unique flag presentation ceremony sponsored by the George E. Hayward VFW Post No. 9295 in Mentor-on-the-Lake, Ohio. This is a relatively new veteran's post and was honored last year in Miami for their rapid increase in membership.

The purpose of the occasion was presentation of an Ohio State flag that I had originally given to a constituent named Kenneth Roberts. Ken had carried the flag throughout his service in Vietnam, where he served with honor and distinction. Ken's mother and father, Mr. and Mrs. R. M. Roberts, outstanding citizens of my congressional district, were present for the ceremony.

The commander of the Post, James H. Buckles, invited me to receive the State flag back from Ken Roberts and then, in turn, to present it to the post.

After the presentation, I was followed on the speaker's platform by the local post commander of the AMVETS Post No. 109, Allyn C. McKinney.

Mr. Speaker, I was so impressed with Mr. McKinney's remarks that I want to share them with my colleagues and the country. His remarks, directed to our American flag, were as follows:

DO YOU REMEMBER?

Hello! Remember me? Some call me Old Glory, others call me Stars and Stripes. I have also been referred to as the Star Spangled Banner. But whatever they call me, I am your flag of the United States of America. There is something that has been bothering me, so I thought that I might talk it over with you.

I remember some time ago—I think it was a Memorial Day—people were lined up on both sides of the street to watch a parade. A high school band was behind me and naturally I was leading the parade. When your daddy saw me coming along waving in the breeze, he immediately removed his hat and placed it against his left shoulder so that his hand was directly over his heart.

And you—I remember you. Standing there as straight as a soldier, you didn't have any hat but you were giving the right salute. They taught you in school to place your hand over your heart. Remember little sister? Not to be outdone, she was saluting same as you. I was very proud as I came down your street. There were some soldiers home on leave and they were standing at attention giving the military salute.

Now, I may sound as if I am a little conceited. Well, I am. I have a right to be. I represent the United States of America.

What has happened? I'm still the same old flag. Oh, I have a couple more stars added since you were a boy. A lot more stars added since the beginning of this country. A lot more blood has been shed since that Memorial Day so long ago.

But now I don't feed so proud as I used to feel. When I come down your street, some people just stand there with their hands in their pockets and give me a small glance and then look away. Then I see children running around and shouting. They don't seem to know who I am.

Is it a sin to be patriotic any more? Have some people forgotten what I stand for? Have they forgotten all the battle fields where men have fought and died to keep this nation free? When you salute me you are actually saluting them.

Take a look at the Memorial Honor Rolls some time. Look at the names of those who never came back. Some of them were friends or relatives of yours. That's whom you'd be saluting. Not me.

Well, It won't be long until I'll be coming down your street again. So, when you see me, stand straight, place your hand over your heart and you'll see me waving back—my salute to you. And then I'll know that you remember.

MAKE LONG ISLAND SOUND A NATIONAL RECREATION AREA

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. WOLFF. Mr. Speaker, I am introducing legislation today which would make the entire Long Island Sound a national recreation area. Such a dramatic step is necessary if we are to ever have an adequate, effective means of regulating use of this valuable natural resource.

The remarkable truth is that the 1,300 square miles of the Long Island Sound are subject to a myriad of overlapping regulatory bodies including some Federal, some State, and many local governmental authorities. The effect of this unordered control has been inconsistent regulation leading to the piecemeal destruction of the sound.

The future of the sound is a Federal concern. Already some 12 million persons live and work adjacent to this body of water. It is estimated that by the year 2000 that 30 million Americans will be close enough to the sound to use it regularly for boating, fishing, and swimming.

Yet, if the spreading pollution that threatens to destroy the sound continues unabated those 30 million persons may be able to neither boat, fish, nor swim in which could otherwise be a natural resource of inestimable value.

By making the sound a national recreation area we can at last begin to put the authority for the sound in a single effective authority; we can charge the Department of the Interior with the responsibility of establishing and enforcing reasonable regulations for the use of the sound.

This legislation that I offer today is the second, concurrent step in a vital program to conserve the sound. The first step is a comprehensive study of the Sound to enable far-reaching, coordinated planning for its future. This first step will be undertaken by the New England River Basins Commission under an agreement which the junior Senator from Connecticut (Mr. RIBICOFF) and I have been working on for several months.

Now that we can anticipate the comprehensive study that has never before been undertaken, we must take this concurrent second step. Thus the legislation that I propose today.

I understand the legislative schedule will prevent action on this bill during the current session, but I am introducing this bill at this time with the hope that the committee to which it is referred and the Department of the Interior will use this time to plan for prompt action on this legislation when the 92d Congress convenes.

COMMANDO RAID ON PRISONERS OF WAR COMPOUND THE POSITIVE ACTION WHICH THE AMERICAN PEOPLE HAVE BEEN WAITING FOR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. SCHMITZ. Mr. Speaker, I would like to go on record as being 100 percent in favor of the recent attempt that was made to free the Americans being held by the North Vietnamese Communists. This is an example of the positive action which the American people have been waiting for.

The President has clearly shown that he is not going to allow our men to die in Communist camps without taking action to free them. He took a courageous step. Here is the new leadership many of us have been waiting for.

The people who criticize this gallant effort are defeatists of the first order. They have been defeated mentally by the North Vietnamese. The Communists have done to some people in the rear what they could do neither to our men on the battlefield nor to our men being held in captivity. They have broken their will to resist.

The ancient's understood that men's will to resist can be broken without actually engaging these men on the field of battle. Sun Tzu said that supreme excellence consists in breaking the enemies will to resist without fighting. Sun Tzu understood that in the face of danger the spirit of many men will tremble. He understood that a long struggle can destroy determination and cause some men to lose sight of the original object.

The ultimate manifestation of the spirit of defeat is opposition to the utilization of our military forces to attempt to rescue the American soldiers who are rotting in enemy prison camps.

Some say that attempting to rescue our men endangers their lives. This is an incredible statement less than 2 weeks after we find that six of our men have died in captivity. Were the lives of these men safe? Is sitting back and waiting for a benevolent attitude to come over the Communists any guarantee that other Americans will not suffer the same fate?

Some say that this action may provoke the Communists into cutting off the peace talks. If the price we must pay for getting insulted on a weekly basis in Paris is to abdicate our responsibilities for our captured soldiers then that price is too high.

All Americans should join in a thunderous chorus of approval for this action which was taken by the President.

JACKSON LOOMS AS 1972 CANDIDATE

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mrs. HANSEN of Washington. Mr. Speaker, on November 3, the people of the State of Washington overwhelmingly reelected a man destined to go down in history as one of the greatest statesmen and legislators of our time. That man is Senator HENRY M. JACKSON.

In the years I have known the Senator I have developed an unstinting respect for his knowledge, intelligence, and his devotion to America. He is a man given to making decisions on the basis of study and thought, rather than emotion. America can learn from him.

It is for this reason that Senator JACKSON was returned to the Senate by his constituents. It is for this reason that people all over the Nation, including members of the press, respect him. I was impressed to see in the Washington Post on November 21 an article by William S. White which again suggested that Senator JACKSON is a potential presidential candidate. I was impressed by Mr. White's reasoning, and think my colleagues would also be impressed. I include below a copy of Mr. White's article:

JACKSON LOOMS AS 1972 CANDIDATE

(By William S. White)

Something very rare is happening to Henry (Scoop) Jackson of Washington State on his way to a fourth term in the United States Senate. He is becoming the object of the first genuine and wholly uncontrived draft since the late Adlai Stevenson was almost literally forced to accept the Democratic presidential nomination of 1952.

In Jackson's case, however, it is not a presidential draft—or not yet at any rate. Rather, it is a spontaneous and snowballing demand that he take the lead in re-enfranchising masses of Democrats who have had no real national voice since President Johnson announced his imminent retirement in March of 1968.

Sen. Jackson was powerful inside the Senate, though not outside even before Nov. 3. His enormous primary victory over his "peace" adversary, Carl Maxey, was then capped by a landslide (87 per cent) triumph in the general election wholly eclipsing the victories of such senators as Edward Kennedy of Massachusetts and Edmund Muskie of Maine. In short, no man in a true two-party state in all the nation did as well as Henry Jackson.

More importantly, his achievement rested upon an absolute refusal to apologize for his consistent support of the Vietnam war, the antiballistic missile system, and, in general, the unbroken party philosophy of the last four Democratic Presidencies for dealing with armed and militant communism. Roosevelt, Truman, Kennedy and Johnson—all of them were committed to cold war negotiation only from American strength and never from American weakness. Roosevelt, Truman, Kennedy and Johnson—all were steadfastly resolved to keep the military defenses of this country unassailable by any prospective enemy.

This long line—this dogma of the determined and the tough-minded—Jackson has for two years doggedly and bravely defended as one of the Senate's top spokesman on military affairs. The more advertised Democratic luminaries meanwhile have listened to lul-

labys for what would amount to unilateral American disarmament.

The official leadership of the party in the Senate, such men as Sen. Mike Mansfield and Edward Kennedy, along with the bulk of presidential aspirants have long in substance repudiated these last four Democratic Presidents. The road has been hard, the way has been inhospitable, for such as Henry Jackson. For it is so much easier to come out for "no more war" and for domestic welfarism unlimited than to stand stoically upon the great truth that what must come first is the continued physical safety of the United States of America.

But all this was yesterday. Some of the shrillest of the anti-Pentagonites—Albert Gore in Tennessee, Ralph Yarborough in Texas being the most notable in this group—have now fallen before the voters. The wheel is turning back toward the hard realism of Roosevelt, Truman, Kennedy and Johnson—and this explains the new importance of being Henry Jackson.

What he symbolizes and embodies more precisely than any other man in the Senate is the kind of Democratic Party that so long stood upon two bedrock principles: A full acceptance of the immense and undeniably dangerous duty of a world power to act as such; and no less genuine commitment to domestic liberalism.

In a word, he is proving to millions of Democrats who have been dispossessed by the chic new-isolationism and semi-pacifism of the prima donnas of the Senate that they can indeed come home again. He is telling them, to change the metaphor, that the new-liberal tail—the tail that has thought it quite enough simply to cry out for "peace" regardless of the patent and progressive shift in the world power balance toward international communism—need no longer wag the old Democratic donkey.

No man in the new Senate assembling in January will be more influential; this much is for sure. And it may even turn out that by the time the 1972 Democratic National Convention comes around "they will be talking," as the expression goes, of Jackson of Washington for a place on the ticket.

A MATTER OF TREASON

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. GARMATZ. Mr. Speaker, because of their concern over the killing of so many police officers throughout the country in the performance of their duties, representatives of the Fraternal Order of Police came to Washington last month to see what could be done at the Federal level. No doubt many of you met with those from your State.

A number of members of that organization from Maryland were in the group and the Maryland congressional delegation had an opportunity to discuss the situation with them.

One of my constituents who came with them, Sgt. Gary W. Woodcock of Pasadena, Md., has given much thought to this emergency since our meeting and has written an article for the Maryland Police Journal. In my opinion, this article should be read by all Members of Congress and, therefore, I am inserting it in the RECORD for your careful consideration:

A MATTER OF TREASON

(By Gary W. Woodcock)

Several weeks ago, a news article in one of the Baltimore papers quoted Dr. Ross Pierpont, a Republican candidate for Congress here in Maryland, as calling on the federal government to invoke the laws on treason against those engaged in or avowing the violent overthrow of the United States government. At first his declaration seems to be just another political phraseology favoring law and order, but a little investigation shows it to be worthy of serious consideration.

Under the old English common law, treason was the crime committed against the person of The Crown, or heirs to the Crown; the close companions and advisers to the Crown; and in making war against the Crown or giving aid and comfort to the enemies of the Crown. Treason also encompassed slaying the Chancellor, Treasurer, or the king's justices of one bench or the other, justices in the eyre, or justices of assize (as high judges, commissioners, and circuit judges were referred to), and all other justices assigned to hear and determine, being in their places doing their offices (Blackstone's Commentaries). Treason was also divided into High Treason—committed against the sovereign—and Petit Treason—committed by a wife killing her husband, a servant his master, or an ecclesiastic his lord or ordinary. (also Bl. Comm.).

The framers of the United States Constitution, having just survived a trying period of time where many men were hanged or imprisoned on the slightest evidence of being guilty of treason, chose to limit that crime in the new United States. "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."—Article III, Section 3, U.S. Constitution. This gives our country's enemies great leeway when viewed in comparison with the ancient laws of England. This much however, has been well established:

1. Treason is a breach of allegiance and may be committed by a citizen who owes perpetual allegiance, or by an alien who owes a local or temporary allegiance.—Carlisle vs. U.S., 16 Wallace 154.

2. All who engage in the rebellion at any stage of its existence, are principals and not accessories. They are all levying war against the United States.—U.S. vs. Greathouse, 4 Sawyer (U.S.) 457.

3. To constitute levying war, there must be an actual assembly for effecting a treasonable purpose, such as overthrowing the government or coercing it's conduct.—Ex parte Bollman, 4 Cranch 126.

4. While there must be force used, it is not necessary that there should be any military array or weapons.—Drucker vs. Salmon, 21 Wis. 626.

5. It is sufficient if those assembled are in a condition to make war, even though no violence is committed.—U.S. vs. Burr, 25 Federal Cases No. 14,693.

6. It is treason to oppose by force, numbers, or intimidation, a public or general law of the United States, in order to prevent or cause its repeal.—U.S. vs. Fries, 3 Dallas 515.

7. The term "enemies" as used in this clause means subjects of a foreign power in a state of open hostility with the United States.—U.S. vs. Greathouse, 4 Sawyer (U.S.)

8. The expression "adhering to their enemies, giving them aid and comfort", means giving intelligence to the enemy with the intent to aid them in their acts of hostility, sending them provisions, supplies, money, or furnishing troops, arms, or munitions of war, surrendering military outposts, and acts of a like nature.—Law of Treason, 5 Blatchford (U.S.) 549; 30 Federal Cases, No. 18,271.

The levying of war to the framers of the Constitution, was the knock-down, drag-out, who's got more guts, struggles of two opposing armies standing line against line and shooting it out to the finish. Jules Verne wasn't yet envisioning atomic energy which would force nations of opposing ideologies into the cold wars of espionage, sabotage, and psychological conquest. Perhaps the limitations on the crimes of treason against the country they were still struggling so hard to establish would have been much less stringent, had these things, as we're experiencing now, been part of the world of 1787. This is not to say that espionage, sabotage, and a certain amount of psychological warfare did not supplement the wars of those days. Today however, the roles have changed and the little hot brush-wars are supplementing the bigger effort expended in the "cold war". Most people recognize the "cold war" as a struggle between world communism and democracy as practiced in the United States, and have come to accept the weapons of that war for what they are, no matter how well disguised. This we can thank the authors and film makers of James Bond and company for. Now however, a new tool in that war has come into being—the terrorist, in one form or another.

Terrorism is nothing new in politics, revolution, or warfare. It is the use of intense, sharp, overmastering fear as a method of governing, or of resisting government, or of destroying the will to fight in enemy soldiers. In the Bible, we find that Moses came down from Mt. Sinai after receiving the Ten Commandments and found his people worshipping a golden calf that had been fashioned by Aaron, another respected leader of the Jews. "When Moses realized that, to the scornful joy of their foes,"—a phrase that indicates leadership problems within the Jewish camp—"Aaron had let the people run wild, he stood at the gate of the camp and cried, 'Whoever is for the Lord, let him come to me!' All of the Levites then rallied to him, and he told them, 'Thus says the Lord, the God of Israel: Put your sword on your hip, every one of you! Now go up and down the camp, from gate to gate and slay your own kinsmen, your friends and neighbors!' The Levites carried out the command of Moses, and that day there fell about three thousand of the people. Then Moses said, 'Today you have been dedicated to the Lord, for you were against your own sons and kinsmen to bring a blessing upon yourselves this day.'"* Moses didn't have too much trouble ruling the Jews for a long time after. The French Reign of Terror during the Revolution in France lasted from June, 1793 to July, 1794 and saw more than 10,000 people, including the queen, lose their lives at the guillotine. The driving force behind this terror was Robespierre, a fanatic who ruthlessly destroyed anyone who stood in his path and who came into leadership when the National Assembly turned its power over to a small body, the Committee of Public Safety. The day before the tyrant lost his own head to the guillotine, his opponents were fearful of speaking out against him in the National Assembly; a tribute to the effectiveness of the Terror. The Nazi war machine and the Communists both used a form of terrorism through secret police organizations to establish and maintain themselves in authority. In warfare, however, terrorism has been disguised and glorified to make it more appealing to the principles.

Perhaps the most famous terrorists of WW II were the American paratroops. Their missions were to be dropped behind the main enemy lines and prevent supplies, and reinforcements from reaching the front and to

*32 Ex. 25.

destroy communications. This would have the natural consequence of impairing the enemy's physical ability to resist attack and destroy his will to fight since he would feel alone. The successes in Normandy proved this form of action to be effective. Partisan groups in the occupied countries also used terrorist tactics in their resistance of the Germans, but they were called "guerrillas" to soften the effect of their acts. The Random House Dictionary defines a guerrilla as, "a member of a small independent band of soldiers that harrass the enemy by surprise raids, attacks on communications, etc.—pertaining to such fighters or their techniques of warfare." The foresight of some military leaders saw the brush-wars all over the world as we are having today, and created for our own purposes a group of guerrillas popularly known as the Green Berets. Recent publicity dealing with that organization charges that they favor terror tactics. Inquiries into Green Beret conduct in Vietnam found their acts to be a function of war. An act that is a function of war in Vietnam, doesn't become any less of a function of war because it is perpetrated in the United States by groups that profess to be carrying on a revolution or waging war against the establishment, i.e. the U.S. government.

In his recently published book, "Seize The Time", Bobby Seale, chairman of the Black Panther Party, constantly expounds that the "fascist establishment" is at war with the black people of the United States, and that whenever the establishment "attacks" them, the people should resist with force. He says, "The Nixon-Agnew-Mitchell administration—hand in hand, with the Reagans, the Daleys, the Hoffmans, the Carswells, Rockefellers, DuPonts, the Bank of America, and other exploiters—moves closer and closer to open fascism. The future of the Black Panther Party will be directly related to the smashing of the fascist state, and smashing the fascist regime. Every time the avaricious, demagogic ruling class gets down wrong on the people, violating their constitutional human rights, it's necessary for the youth of America, the revolutionaries, to move forth and jump on their asses. Every time we see a young child in the black community shot down by some racist pig policeman, *it's necessary to use some kind of organized force* against the pigs in a way that teaches them that the people are tired of that crap. Every time we see the power structure moving in a way which we know is wrong and against the progress of humanity, we must move and let them know that we're not going for any more of their——." The Black Panther Party is directly identifying Police as part of the federal establishment, and it advocates the use of an organized force against the Police when it is unhappy with the establishment.

The organized force that is advocated is known as the Black Liberation Army and rule #6 of the Black Panther Party states, "No Party member can join any other army force other than the Black Liberation Army." The tactics are also outlined in the book—if the Party doesn't get what it demands of the establishment, "The only other choice is guerrilla warfare. Guerrilla warfare is going to exist if the power structure is not stopped with community control of the police. One of the reasons the people have to work on the community control of police campaign is to curtail civil war in America, because it's at that point right now." This book was copyrighted in 1968. The Panthers haven't been given what they want, so they've begun killing Police Officers as step one in their guerrilla-civil war; and levying war is treason.

The best known radical student organization in this country is the SDS—Students for a Democratic Society. The name is synonymous with campus violence and destruction. Another group, the Progressive Labor Party (PLP) was formed in 1961 by a number of Communists who had been excluded from the Communist Party, U.S.A. The PLP is strictly Maoist, a revolutionary group that talks of violence and studiously cultivates college students. It has been listed by the United States Attorney General's Office as a communist front. Its members have so successfully infiltrated the SDS that by 1969 they evoked widespread fear that SDS might be eventually taken over by the PLP.[1]

The philosophy of the SDS can best be summed up in Mark Rudd, president of the Columbia University branch during the 1968 student disorders. Rudd was virtually unknown on campus until he was elected president of SDS, and, at about the same time published a series of articles in the student newspaper entitled, "The Cuba I Saw", reporting on a youth convention he attended in Havana earlier that term (1967–1968). In the articles Rudd acclaimed the progress he had observed in Cuba; as an example of the new spirit under Castro, he quoted an aging bellboy at his hotel who told Rudd that he felt he owned the hotel. What bellboy in an American hotel, Rudd wrote, would ever make such a remark? As part of his platform for election, Rudd wrote a "Position Paper on Strategy for the Rest of the School Year—Complicity," in which he said the goals of the SDS now had to be: "The radicalization of students. . . showing them how our lives are really unfree in this society and at Columbia, getting them to act . . . and striking a blow at the Federal Government's war effort." On Monday, April 22, 1968, SDS called for a campus wide demonstration to end Columbia's ties with the government sponsored Institute of Defense. That same day, SDS issued an eight-page newspaper, as a rallying call for the demonstration, called "Up against the wall", and the dateline read, "April 22, 1968—The Year of the Heroic Guerrilla". One entire page was devoted to two woodcuts of Che' Guevara speaking at mass meetings, with the caption: "The Duty of Every Revolutionary Is to Make Revolution". The lead article was an open letter from Rudd to President Grayson Kirk of Columbia in which he denounced Kirk's speech on April 12, 1968 in Charlottesville, Virginia where Kirk had attacked the radical student demonstrations as, "turbulent and inchoate nihilism whose sole objectives are destruction." Rudd threw down the gauntlet to "Uncle Grayson"—and the U.S.—with these words: "Your cry of nihilism represents your inability to understand our positive values. . . . "There is only one thing left to say. It may sound nihilistic to you, since *it is the opening shot in a war of liberation.* I'll use the words of Leroi Jones, whom I'm sure you don't like a whole lot: 'Up Against the Wall, ——— ——— this is a stick-up'.—Yours for freedom,—Mark."[2] And then SDS proceeded with one of the most violent of the student demonstrations to that time.

In addition SDS and other groups have organized campaigns to send food and medical supplies to North Vietnam. Every student and radical protest against the war is an encouragement to the North Vietnamese to continue the fight. The banning of military recruiters and destruction of defense projects on college campuses is as much an "aid and comfort" to the enemy, and "adhering" to his cause as those acts set out in item 8, above. As pointed out in "Greathouse" (Item 7, above), the enemy is the subjects of a foreign power in a state of open hostility with the United States. It is not a question of whether or not we are righteously at war with the enemy, merely that there be a state of open hostility. A declared war is not prerequisite.

When a police officer takes his oath of office his first fealty is to the United States and their Constitution. Secondly, he swears allegiance and service to his State; and third, he assumes the duty of enforcing the ordinances of his local jurisdiction. But! His first and foremost duty is to the Federal sovereign, where all authority of law originates. In effect, he is a soldier of the United States and their very first line of defense. How then, can acts that have been recognized as functions of war from the times of Moses right into Vietnam, be set aside as something different because they are happening now, and in the U.S. of A.? Killing the soldiers of a sovereign nation and destroying its institutions and means of waging successful war, or of providing for its successful defense against an aggressor, are acts of war against that sovereign. And when these acts are committed against the United States by a citizen who owes perpetual allegiance, such acts are treason. And all who engage in a rebellion at any stage of its existence are principals in it and are levying war against the United States. There is no law saying that those parties assembled for effecting a treasonable purpose, such as overthrowing the government or coercing its conduct, need have the means to win the war, merely that they be in a condition to wage war. A piece of pavement brick can kill just as dead as the atom bomb. Because it is a guerrilla war, doesn't make the declared conflicts being waged by the SDS and the Black Panthers and others, any less of a war. People are killed in wars and fifteen Policemen, the front line defenders of the United States Constitution, have died so far this year in guerrilla ambush; the same type of warfare being waged in Vietnam. The bombing of public buildings and defense installations, when carried out by Israeli commandos, is recognized (and even cheered by some) as a legitimate act of war; and the same occurs vice versa when carried out by Palestinian Arabs, with their sympathizers cheering. How in the hell, can we in this country, classify the blowing up of a university building housing a vital defense research project as malicious destruction of property?

Treason is all about us and it must be stopped by the level of government at which it is directed. Treason is a federal offense. Most of the States have repealed their laws of treason against the individual State and are, therefore, powerless to deal with the insurrectionist organizations which have a nationwide base. The Federal government has the money, the means and the manpower to bring a co-ordinated effort in every State of the Union, to stop what no one wants to admit is happening—Insurrection—Armed Rebellion—Treason. The Justice Department should put the question to the people, in the form of a Federal Grand Jury, and seek indictments against the radical groups who have openly vowed to wage their guerrilla wars and are making their vows bear fruit.

There has been some talk in the Congress of the United States that no federal action should ensue; that the States should handle these individual instances of murder and destruction as violations of State law; that there has been too much of an infringement on State sovereignty already by the federal government. State sovereignty died with the Fourteenth Amendment. There is a token sovereignty allowed to the States: they can elect a governor, a legislature, a court system; they can collect taxes; they can punish certain crimes; they can create a system of schools. But, all of these things are done with the permission of a federal system relying on the Fourteenth Amendment. The people of one State cannot live in the manner in which they choose in the sovereignty of that State when a power that can enforce a superseding authority tells them that their manner of living conflicts with the wishes of that superseding authority. There is only one

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[1] Foster, Julian and Long, Durward—Protest (Wm. Morrow & Co., Inc.)

[2] Bell, Daniel & Kristol, Irving—Confrontation, Basic Books, Inc., 1969.

sovereignty in the United States and that is the sovereignty of the federal system; all other systems are subordinate. The question of infringement on State sovereignty arises in these issues, because they are politically controversial and the federal authorities are dropping the "hot potato" downward. If the States hold sovereignty in criminal matters, why are Police Officers found blameless of criminal violations of State laws by State grand juries, yet indicted on federal charges by federal grand juries for the same exact action? If the sovereignty of the State is inviolate in the prosecution of crime, it should also be inviolate in pardoning crime.

Congress has at last begun to take up its responsibility in the areas of national crime, destructive demonstrations, and the murder of public officials. In passing recent anti-riot measures Congress was merely following the formula set down by Chief Justice Marshall in the Bollman case in 1807: "Crimes so atrocious as those which have for their objective the subversion by violence of those laws and those institutions which have been ordained in order to secure the peace and happiness of society, are not to escape punishment, because they have not ripened into treason. The wisdom of the legislature is competent to provide for the case; . . . that punishment in such cases should be ordained by general laws, formed upon deliberation. . . ." This would have been all well and good several years ago, when the rebellion was merely a conspiracy; but the killing of the first police officer in the "war of liberation" has upgraded the offense, and by all standards of legality, makes it quite simply—a matter of treason.

DRUG SONGS BANNED

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. VAN DEERLIN. Mr. Speaker, our increasing awareness of the use and dangers of the so-called hard drugs has been pointed up, once again, by the recent deaths of popular performers Jimi Hendrix, Janis Joplin, and Al Wilson—of Canned Heat—which were believed to be drug related. Because of the influence that hit records have on the youth of our country, I am pleased, indeed, to note the new antidrug policy announced by Mike Curb, the president of MGM Records. Mr. Curb's action and his determination to uphold a standard of moral responsibility for the record industry is pointed out in an article which appeared in a recent issue of the Washington Post and which I now include in the RECORD:

DRUG SONGS BAN

NEW YORK.—Lyrics about drugs and rock groups that use hard drugs have been barred by one of the nation's top 10 record companies.

Mike Curb, 25-year-old president of MGM Records, announced the new policy Monday and called drug groups "the cancer of the industry."

"As records become hits, the groups perform, not just in New York and San Francisco, but in Atlanta, Tennessee—all over. When they appear, smashed out of their minds, and describe a great experience they had on drugs, they glorify drugs. I credit hard drug records acts with starting hundreds and hundreds of new drug users," Curb said.

He said he was making the announcement in the wake of the drug-related deaths of Al Wilson of Canned Heat, Janis Joplin and Jimi Hendrix.

Last Sept. 14, Vice President Spiro T. Agnew accused some song writers and movie makers of promoting the drug culture. Agnew said, "It threatens to sap our national strength unless we move hard and fast to bring it under control."

MGM is the first major record company to announce an antidrug policy, although some radio stations have said they will not play songs promoting drug use.

U.S. RAIDS INTO NORTH VIETNAM JAR NIXON ADMINISTRATION'S CREDIBILITY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. ROSENTHAL. Mr. Speaker, once again the administration has cast serious doubt on the sincerity of its public avowals to extricate us militarily from Southeast Asia.

The renewal of bombing raids over North Vietnam and the daring—but in many ways pointless—rescue attempt of American POW's were actions which have solidified rather than reduced our military presence.

This is not to minimize the military threat from the North Vietnamese troop buildup, or downgrade the magnificent courage of the Americans who participated in the rescue mission.

What is a matter of grave concern is the administration's political judgment relating to these events. Despite pronouncements to the contrary, President Nixon apparently seems either unable or unwilling to recognize that a negotiated settlement—not military force—is the only way we are going to disengage ourselves from the seemingly endless drain upon our resources—human and material.

Mr. Speaker, the administration's logic in approving the commando raid was clearly self-defeating. What could it have accomplished? The chances were that more lives would be lost than saved through the escapade. If the American prisoners had, in fact, been incarcerated in the camp, they might conceivably have been executed by fanatic jailors before the commandos could complete their assignment.

Even if the mission had been successful, would not the fate of American POWs held elsewhere have been gravely jeopardized?

Most distressing of all, any American action which prolongs rather than shortens the conflict results in greater casualties among our own ranks. This commando raid would seem to fall into this category, Mr. Speaker, and is thus much too high a price to pay, no matter how dramatic its symbolic impact is or might have been.

Finally, the administration's credibility has received another devastating blow. The resumption of the bombing was not accurately explained initially by administration spokesmen, either in its scope or in its motivation. Most congressional leaders were not consulted in advance on the plans, although the administration has pledged to collaborate more closely with the legislative branch on foreign policy.

We can only hope, Mr. Speaker, that the present administration will realize the futility of substituting a military victory as a viable alternative to our total withdrawal, and resolution of the conflict through negotiation.

TACTICAL NUCLEAR WEAPONS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. HOSMER. Mr. Speaker, a status of nuclear parity, or whatever one wishes to describe the current superpower strategic standoff to be, is generally believed to have been evolved. How stable it may prove to be in terms of nuclear power balance and imbalance remains to be seen. However, the new status cannot be ignored and national security implication must be reexamined in light of it.

Obviously, the new circumstance of a strengthened nuclear umbrella over both East and West implies that violence on a conventional scale can be escalated considerably by both nuclear and nonnuclear states without undue fear of precipitating a nuclear holocaust. It also seems likely to heighten the importance of truly tactical, that is, relatively clean and low yield, nuclear weapons. Some thoughts on the subject are contained in the following column by C. L. Sulzberger, which appeared in the New York Times for November 15:

SOLVING AN UGLY DILEMMA

(By C. L. Sulzberger)

PARIS.—The greatest lesson of the Vietnam war is that America still has many commitments abroad and still retains foreign policy aims that can no longer be maintained by the kind of military establishment, strategy or network of alliances now employed.

This is quite clearly emphasized in the diminishing power of NATO vis-a-vis its potential adversaries and also in growing pressure by U.S. opinion to reduce forces abroad, not only in South Vietnam and South Korea but also in Europe.

It has been reported widely that the National Security Council will soon set new levels for U.S. forces in Europe. Obviously any revisions will be down, not up. Since the days of President Kennedy, America has expressed disappointment with allied efforts to assume a larger share of the burden.

But this cannot be done for the simple reason that European opinion is even more reluctant than its American equivalent to pull in its belt and protect the West against a war that, it firmly believes, will never come.

The flexible response strategy worked out by the Kennedy Administration has been less successful than the massive retaliation strategy worked out by the Eisenhower Administration because, while both achieved their ultimate goal of deterring major conflict, the former failed in its avowed purpose of being able to win a limited war.

As in Korea, when we became involved in 1950 but had the highly useful umbrella of U.N. participation, we again became directly involved in Vietnam—this time alone. Moreover, the avowed objective of holding a sufficient conventional force to do the job effectively was not achieved.

Prof. Robert Lawrence of the University of Arizona, former Defense Department consultant, points out in a study scheduled for

publication by the French *Revue Militaire Generale:* "We [the U.S.A.] will either have to increase qualitatively our ability to respond to local threats, or in the future we will have to see a substantial reduction in our commitments and influence over the course of events.

"In the aftermath of Vietnam, we certainly do not propose to fight a large-scale conventional war with China. Yet the ability to engage Chinese military forces successfully may be a *sine qua non* of deterrence and stability in Asia."

It is an old axiom that one can only hope to preserve peace by being ready to defend it. All-out nuclear holocaust cannot be warranted by any conceivable excuse. But this has not prevented the kind of limited war that Kennedy's strategy hoped to be able to oppose and win.

However, the United States has proved unable to meet this kind of challenge. Limited commitments to conventional defense are seen as increasingly outmoded, and yet total warfare is a dreadful absurdity that cannot be contemplated except as the ultimate deterrent only a superpower can afford to have and no one can afford to use.

Consequently, the search focuses on a third solution—between impossible nuclear disaster and unsuccessful conventional warfare. The answer may well lie in the field of truly tactical atomic weapons. This is not meant to include those devices now loosely called tactical whose destructive power, although immensely smaller than that of the so-called strategic weapons, is often measured in kilotons, although not megatons.

Research now proceeds in purely fission warheads whose explosive potential can be reckoned in tons, not kilotons, and is comparable to large conventional bombs. Their short-lived radiation effects could destroy an enemy's troops without causing unacceptable damage in cities or other areas.

A second research endeavor concerns what are variously called "fusion-enhanced radiation" or "neutron" warheads with relatively lower blast and heat collateral effects than those of existing atomic weapons. Experts contend that such arms could be employed with sufficient precision to avoid even so large a collateral effect on areas attacked as on those damaged by conventional American bombing of North Vietnam.

The argument is that democratic societies can no longer limit themselves to weapons known to be outmoded but must find new arms whose power is not wholly unrestricted, even to the extent of the so-called tactical A-bombs in today's arsenals. There appears to be no other middle road between supineness and suicide.

Lawrence writes: "Minor powers have shown an ability to frustrate U.S. conventional capabilities." Much earlier Bismarck wrote: "We live in a wondrous time in which the strong is weak because of his moral scruples and the weak grows strong because of his audacity."

Bismarck resolved this by abandoning moral scruples. There must be another American approach to the problem. This is by devising an arsenal of adequately limited strength to make up for the deficiency in conventional forces its own political system refuses to provide. The dilemma facing the United States and its allies today is ugly and unpleasant even to discuss, but it must be resolved.

TRADE CURB SEEN PERIL TO PORT

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. FRELINGHUYSEN. Mr. Speaker, during the debate on the trade bill last week, I referred to the approximately 4 million American jobs attributable to total U.S. exports—far more than are threatened by imports. According to available estimates, one out of every four people in the New York-New Jersey metropolitan area earns his livelihood in the field of foreign trade.

Evidently, Port of New York Authority officials share my concern that the bill recently passed by this body may, if enacted, result in a staggering decline in business for the port, which handled close to $1 billion worth of textile and footwear products alone during the past year. According to the president of the New York Shipping Association, passage of a restrictive trade measure would be a calamity for the Port of New York, as it will drastically reduce employment and activity on the New York-Newark waterfront.

Mr. Speaker, I include in the RECORD the following article from the Newark Sunday News of November 22, 1970, entitled: "Trade Curb Seen Peril to Port," by Barbara Spector:

TRADE CURB SEEN PERIL TO PORT

(By Barbara Spector)

Textiles and footwear are vital imports for the Port of New York and close to $1 billion worth of the two commodities were handled at the harbor last year.

It is staggering figures such as this that have aroused the concern of shipping and port experts on the economic impact of the Port of New York, including the burgeoning New Jersey side, of the proposed import quota bill, now awaiting Senate action.

The bill passed comfortably in the House of Representatives, despite much opposition. But, a tough fight is anticipated in the Senate.

Particularly concerned are the shipping companies, many of which are operating at a big loss this year. They fear fewer imports could result in fewer exports, as a retaliatory measure, and ultimately less cargo and less business for their ships.

SEES CALAMITY

Passage of the measure would be "a calamity" for the Port of New York, said John M. Will, president of the New York Shipping Association, which represents 126 foreign and American steamship companies and waterfront employers at the harbor.

A retired admiral, Will is also president of the Italy-America Chamber of Commerce.

He said threatened retaliation by countries whose exports to the United States will be limited by the proposed quota bill, "will have an over-all effect on foreign trade . . . will reduce employment and activity on the New York-Newark waterfront."

American Export Isbrandtsen Lines, of which Will is board chairman, is one of many shipping lines reporting losses currently. Others include Moore-McCormack and U.S. Lines.

The import quota system would initially limit the import of textiles and shoes to the average amount received in 1967, 1968 and 1969. It could spread to other products.

TEXTILE IMPORTS

In 1969, the Port of New York handled 266,554 tons of textiles valued at $768.3 million. The imports included clothing, yarn, rugs and tapestries.

The 1968 total was 276,900 tons valued at $735.6 million and in 1967, 244,100 tons valued at $603.7 million.

The average for the three years as prescribed by quota bill, would be 262,518 tons for 1971—less than the total imported in 1968 and 1969. The quotas are based on a national picture, but local statistics provide an indication of how it might go.

Imported shoes amounted to 60,660 tons in 1969, worth $160.8 million; 64,000 tons in 1968, worth $160 million, and 54,000 tons in 1967, worth $119 million. The three-year average is 59,553 tons, again less than the import totals in 1968 and 1969.

Austin Tobin, executive director of the Port of New York Authority, which promotes trade and commerce in the harbor, termed import quota legislation, the Trade Act of 1970, as "ill-conceived and disastrous."

IMPORTS IMPORTANT

"The importance of the flow of overseas commerce to the Port of New York cannot be overemphasized," he said in a letter to the lawmakers.

"It provides the basis for the livelihood of an estimated one out of every four persons who live in the New Jersey-New York metropolitan area. If the Trade Act of 1970 becomes law, the Port of New York will encounter reductions in the movement of goods caused initially by the quotas themselves and subsequently by the retaliatory actions of other nations," Tobin added.

In urging rejection of the legislation, Tobin said its enactment "will further depress economic activity at the bistate port by eroding the real size of the workers' paychecks through inflation fed by reduced market pressures for lower prices."

Proponents of proposed mandatory quota legislation said it will reverse a job decline in the U.S. textile and shoe industries and force foreign competitors to negotiate voluntary import curbs.

Its opponents basically fear a world trade war and a rise in price for the two commodities—possibly $3.7 billion by 1975.

Clifford O'Hara of the N.Y. Port Authority represented the American Association of Port Authorities in the fight against the measure. The association represents 80 American ports which have invested billions of dollars in new facilities and don't want to see them idle.

He estimated nearly two million people have jobs directly involved with foreign trade and their employment could be cut if import restrictions are imposed.

Thomas W. Gleason, president of the International Longshoremen's Association, a union that has been growing in Port Newark along with the marine terminal there, said his men would be hard hit if cargo amounts dropped.

"All the new ships in the world are not going to help our commerce and industry, if we don't get the cargo. My men load and unload wherever it comes from. It's just that the more we have, the better off I am," he added.

ADDRESS BY BRIG. GEN. ROSS R. CONDIT, JR.

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. MARSH. Mr. Speaker, part of the ceremonies conducted at Staunton, Va., in my congressional district, this past November 11, which marked not only Armistice Day but Veterans Day, was an address at the Thomas Howie National Guard Armory by Ross R. Condit, Jr., a brigadier general in the U.S. Army.

General Condit commands the U.S. Army Combat Developments Command, Combat Service Support Group, at Fort Lee, Va. This distinguished officer in his remarks on that occasion made, I think, a scholarly and realistic assessment of the meaning of Veterans Day in relation

to America's role in the world today, particularly as to our national security requirements to preserve not only our own freedom but the freedom of others faced with aggression.

I would like to bring to the attention of the other Members of the House the address of General Condit, as follows:

ADDRESS BY BRIG. GEN. ROSS R. CONDIT, JR.

Mayor Farrier, Representative Marsh, Colonel Barfoot, distinguished guests, cadets, ladies and gentlemen, your cordial invitation to participate in this morning's activities and to speak to you this Veterans Day is deeply appreciated. In these times when protest marches are so much in evidence, it is heartwarming to join in a ceremony *Honoring* an American institution.

Believe me, it is a privilege to be here in this atmosphere of goodwill and esteem for men and women who make up a large segment of our society—our veterans. It is a privilege also to share your pride in your gracious and lovely city and in its distinguished contributions to our nation. I am well aware that Staunton is not only the birthplace of a beloved American president, Woodrow Wilson, but it is also the birthplace of the city manager form of government, so widely adopted throughout America. Is it any wonder, then, that I feel honored to address an assembly of fellow-Americans with such a rich heritage?

Let me begin with an anecdote—

A newsman in Vietnam who was present at Khe Sanh during the bitter fighting which took place there in 1968, returned to that battlefield at a later date to do a follow-up story. As he strolled through the now-empty bunkers and fortifications, reminiscing about the people and events of the past, he came across an empty C-ration box on which one of the defenders of the Khe Sanh had written:

"For those who fight it, life has a special flavor the protected will never know."

These simple words, perhaps, best express the feelings of the long line of citizen soldiers we honor today . . . the American veteran.

Today's veterans, like their comrades in arms of past conflicts, know only too well the depth and meaning of these words. For it has been their sacrifice and their service in the interest of free mankind which have kept this country free and protected. We have been the land of the free only because we have been the home of the brave such as personified in Colonel Barfoot, a distinguished soldier and winner of the Congressional Medal of Honor. Sir, I salute you.

As we take time from our daily routine to observe this special day, we should take the opportunity to look more closely at this particular group of our fellow citizens. One out of every eight Americans is a veteran of wartime military service. They are a cross section of the Nation and are represented by both sexes. They are found in every occupation, in every walk of life and at every level of responsible service to this great Nation of ours.

Although their average age as a group is a little over 44 years, their individual ages are representative of those periods in our history where the forces of tyranny and oppression sought by violence to crush the hopes, dreams and aspirations of free men.

It was more than 50 years ago, when President Wilson set aside November 11 as a day for American citizens to pay tribute to those who had so recently fought the "war to end wars." The veteran of that war . . . World War I . . . came home as a hero with a sense of well being and satisfaction. Because he felt that he had participated in a crusade to make the world safe for democracy, he had placed his life on the line to insure that his sons and generations yet unborn would not have to bear arms against aggression and tyranny. In the years following the war, he was revered and honored and his deeds of bravery and valor were widely acclaimed. This was a just and fitting tribute to that generation of warriors; citizens and free men fighting for freedom itself.

But we all know from subsequent events of history, despite the gallant motives and well-intentioned enthusiasm of the veterans of that era, their dreams, ambitions and exertions were shattered in the twisted steel and gutted ruins of Pearl Harbor on that Sunday in December 1941.

The veteran who emerged from World War II was different from his counterpart of World War I . . . indeed, the United States was different from what it had been in 1918. In the process of fighting in the years 1939 to 1945, the whole globe had changed. Entire nations had ceased to exist, while many new countries had been born. At war's end we emerged as a major world power, pledged to defend freedom and liberty in a world which had been divided by the Iron Curtain of Communism. Enemies became friends—allies, questionable friends if not enemies.

This fact was forcibly driven home in June 1950, when the Iron Curtain parted in Korea, and the North Korean army spilled into the heartland of South Korea. The United States responded to that beleaguered country's call for help and a new generation of American veterans appeared on the scene. The parable—"If your neighbor comes to you in the night, help him, even though reluctantly". Our neighbor, the Republic of Korea, asked for help and the U.S. came to their assistance.

By the time the fighting stopped, the American veteran had become a mixed lot. For some, it was their third war; for many others, it was their second; while a larger group received their "baptism of fire".

As the Korean war subsided, American youth became veterans of still another war . . . a war of ideology . . . a war of threat and counterthreat . . . a war of impending destruction of whole civilizations . . . a cold war that could turn hot at the push of a button.

While the temperature of the cold war vacillated, the bamboo curtain was raised in Vietnam, and American troops were again locked in combat against a ruthless enemy who by terrorism, subversion and force of arms was trying to strangle an infant nation—again a neighbor asked for help, and the United States, rightly so, went to her neighbor's assistance.

Once again, American fighting men are returning to society as veterans. They exhibit many of the same subtle differences which have characterized other veterans. They know, for example, that they are members of a rather unique fraternity . . . that they have been privileged to serve . . . that their exercise of citizenship was given in full measure. They know, as only veterans can know, that each battle, each campaign, or each war is its own private hell for the man who fought it.

For the "doughboy" of the AEF, his agony at Belleau Wood has little relevance to the "G.I." who froze in a fog-shrouded foxhole during the Battle of the Bulge. For both of them, there is little relevance to the experiences of the man who fought off an enemy assault on bloody Pork Chop Hill and the exploits of all three have even less significance to the soldiers who beat off a Viet Cong sapper attack at some obscure and remote fire base.

In each situation, even though identified with a particular group, the individuals concerned participated in their own singular, distinctive and personal war. Each and every participant had his own moment of truth. For some it was an event which spanned a short period of time, for others its length and intensity could never be measured, while for some it would be for eternity.

While their views about the war they fought may differ from another's experiences, all our veterans share many things in common, chief among these common bonds is their abhorrence of war and its destruction and desolation. In these troubled times, when men of reason everywhere are desperately seeking peace, it is the American veteran who most sincerely supports that quest, for he has seen the ravages of war and its aftermath. But our veterans know that peace can only be preserved when a country is strong enough to defend their right to peace. They, more than anyone, are aware of the need of continued vigilance and preparedness which would ensure that no foreign power dared to encroach upon our desires for peace, freedom and liberty. Daniel Webster underscored this when he said:

"God grants liberty only to those who love it, and are always ready to guard and defend it."

Our veterans of all wars are similar in yet another way. Ever since our very humble beginning as a Nation, we have depended on our armed forces for protection when our birthright has been threatened. And in all our history, these gallant men have responded magnificently. The most unique feature of their service lies in the fact that since the days of the continental army our servicemen have left home and health in their country's uniform in spite of the fact that they might not agree with all facets of national policies. Their military service has not merely been an act of fulfilling their duty as a citizen. . . . It has been an act of faith. . . . Faith in what they are doing. . . . That, fundamentally, it is the right thing to do. In every war in our long history it has been the efforts of men and women such as those we honor today which have guaranteed the freedoms and safety of their fellow citizens. British philosopher John Stuart Mill viewed it this way.

"War is an ugly thing, but not the ugliest of things; the decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse. A man who has nothing for which he is willing to fight; nothing he cares more about than his own personal safety; is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself."

There are some in our country today who do not understand this precept, or, understanding it, choose to ignore it. There are some who enjoy all the benefits of freedom—the right to dissent, the right to protest—but are not willing to fight to retain that freedom, and would enslave those who are willing to fight.

There are those who say "disarm." "Let the United States set the pattern—others will follow." This in plain language is "hogwash." If we were to completely disarm we would be a sitting duck for aggressors. I am firmly convinced that if we were to render ourselves militarily helpless, there are forces outside the United States who would promptly move in on us. History has proven, time and again, the logic of this thinking. We are prosperous enough to support a necessary defense, and thank God, we have those willing to maintain it. It would be wonderful if we could turn weapons into plowshares. We aren't ready for that yet.

For those of you assembled here today, who have enjoyed the privileges and freedoms so arduously defended by our veterans. . . . Let us now exercise our responsibility by extending our gratitude to these dedicated Americans who have done so much in service to their country, but let's not dishonor them by giving in to forces which would destroy our feedom.

We are blessed that we have had, and continue to have, men and women of courage, conviction and bravery, willing to endure privation, hardship, danger and even death in the quest of freedom, justice and peace for all mankind. It is only fitting on this day . . . Veterans Day 1970 . . . that we offer a prayer of thanks to our veterans . . . because . . . blessed are they . . . for they are the peacemakers.

PROPOSED CREDIT CARD REGULATION BY FEDERAL RESERVE BOARD

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mrs. SULLIVAN. Mr. Speaker, when the Congress passed H.R. 15073 last month dealing with foreign bank accounts and foreign financial transactions by Americans, the conference bill included in the legislation an amendment to the Truth in Lending Act to regulate the distribution of credit cards and a new title to the Consumer Credit Protection Act to apply to credit reporting bureaus. The bill was signed into law by President Nixon on October 26 as Public Law 91–508.

Today, less than a month later, the Board of Governors of the Federal Reserve System has issued a proposed amendment to Regulation Z—the regulation which implements the Truth in Lending Act—to carry out the intent of Congress in Public Law 91–508 on credit cards.

I commend the Federal Reserve for its prompt action in drafting a proposed regulation and offering it for comment and critical review by the businesses which will be covered under the new law and by the consumers who also have a big stake in this issue.

THE FED'S GOOD RECORD ON TRUTH IN LENDING

I have said many times that the Federal Reserve has done an outstanding job in the past 2 years as a consumer agency of the Government in its work on the issuance of all regulations under the Truth in Lending Act title I of the Consumer Credit Protection Act of 1968, Public Law 90–321. The basic law was enacted in May 1968. Late in 1968, the Federal Reserve issued for comment its draft of the historic Regulation Z, and well before the July 1, 1969, effective date of truth in lending, it provided business with excellent guidance in complying with the new and far-reaching Truth in Lending Act.

It has not had equal leadtime in which to prepare its credit card regulation, because one of the most significant parts of the new credit card law, limiting the liability of a cardholder to only $50 for the unauthorized use of a card, takes effect January 24, 1971, only 90 days after enactment of Public Law 91–508 on October 26.

Mr. Speaker, because of the widespread interest in this issue, as reflected in the many, many letters Members of Congress have received in recent years complaining about the distribution of unsolicited credit cards and the potential liability of individuals for large debts charged to their names through use of stolen or intercepted credit cards, I am sure the Members will want to review the proposed credit card liability amendment just issued today by the Federal Reserve to Regulation Z. The proposed amendment is intended to become effective January 24, 1971—the effective date of the liability section of the new law. The Federal Reserve has invited comments on this proposed regulation up to December 28.

Without having an opportunity myself to study the proposed regulation in detail, I want to repeat my congratulations to the Federal Reserve for acting so promptly in this matter, and getting its draft of the regulation out to the public for full study and review well before it is to take effect.

The press release of the Board announcing the proposed amendment, and the text of the amendment itself, follow:

TEXT OF PROPOSED AMENDMENT TO REGULATION Z

The Board of Governors of the Federal Reserve System today issued for comment a proposed amendment to its Truth in Lending Regulation Z to implement credit card legislation recently enacted by Congress. Comments should be submitted to the Board no later than December 28.

The proposed amendment, in the form of an addition to Regulation Z, implements Title V of an Act (Public Law 91–508) that was signed last October 26 and relates to bank records and foreign transactions, credit cards, and consumer credit reporting. The credit card portion of the Act prohibits the mailing of unsolicited cards and generally sets a $50 limit on a cardholder's liability for unauthorized use of a credit card.

That portion of the Act prohibiting mailings of unsolicited cards was effective immediately, while the section relating to limits on liability becomes effective on January 24, 1971.

As proposed, the amendment would incorporate the provisions of the Act and would:

1. Generally permit a creditor to send a renewal for a credit card if the original card had been requested or used.

2. Specify that the method of identification for a cardholder under the liability section must be by signature, photograph or fingerprint on the card, or by electronic or mechanical confirmation.

3. Contain a model notice form for the card issuer to use in advising a customer of his potential liability for unauthorized use.

4. Specify that notice of a lost or stolen card may be given by the cardholder by telephone, letter, telegram, radiogram, cablegram or other written communication. The regulation would also provide that notice shall be considered given at the time of mailing, at the time of filing for transmission in the case of a telegram, radiogram or cablegram, or at the time of delivery to the card issuer for other written notice.

5. Require card issuers to retain records of requests for cards, including oral requests, for at least two years. This is similar to an existing requirement in Regulation Z relating to retention of disclosure records.

[Federal Reserve System, 12 CFR Part 226—Reg. Z]

TRUTH IN LENDING: CREDIT CARDS—ISSUANCE AND LIABILITY

Pursuant to the authority contained in the Truth in Lending Act (15 U.S.C. 1601), as amended by Public Law 91–508, October 26, 1970, the Board of Governors proposes to amend Part 226 by adding § 226.13 as follows:

§ 226.13 *Credit Cards—Issuance and Liability*

(a) *Supplemental definitions applicable to this section.* In addition to the definitions set forth in § 226.2, as applicable, the following definitions apply to this section:

(1) "Accepted credit card" means any credit card which the cardholder has requested or applied for and received, or has signed, or has used, or has authorized another person to use for the purpose of obtaining money, property, labor, or services on credit. Any credit card issued in renewal of, or in substitution for, an accepted credit card becomes an accepted credit card when received by the cardholder.

(2) "Adequate notice" means a printed notice to a cardholder which sets forth the pertinent facts clearly and conspicuously so that a person against whom it is to operate could reasonably be expected to have noticed it and understood its meaning.

(3) "Card issuer" means any person who issues a credit card, or the agent of such person for the purpose of issuing such card.

(4) "Cardholder" means any person to whom a credit card is issued and any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

(5) "Credit" means the right granted by a card issuer to a cardholder to defer payment of debt, incur debt and defer its payment, or purchase property or services and defer payment therefor.

(6) "Credit card" means any card, plate, coupon, coupon book, or other credit device existing or created for the purpose of obtaining money, property, labor, or services on credit.

(7) "Unauthorized use" means the use of a credit card by a person other than the cardholder

(i) who does not have actual, implied or apparent authority for such use, or

(ii) who has only apparent authority for such use if the cardholder receives no benefit from the use.

(b) *Issuance of credit cards.* No credit card shall be issued except:

(1) In response to a request or application therefor, or

(2) As a renewal of, or in substitution for, an accepted credit card.

(c) *Liability of cardholder.* A cardholder shall be liable for the unauthorized use of a credit card only if,

(1) The credit card is an accepted credit card;

(2) Such liability is not in excess of $50;

(3) The card issuer has given adequate notice to the cardholder of the potential liability for unauthorized use;

(4) The card issuer has provided the cardholder with an addressed notification requiring no postage to be paid by the cardholder to be mailed by the cardholder in the event of the loss, theft, or possible unauthorized use of the credit card; and

(5) The unauthorized use occurs before the cardholder has notified the card issuer that an unauthorized use of the credit card has occurred or may occur as the result of loss, theft, or other occurrence.

(d) *Other conditions of liability.* Notwithstanding the provisions of paragraph (c) of this section, no cardholder shall be liable for the unauthorized use of any credit card which was issued on or after January 24, 1971, and, after January 24, 1972, no cardholder shall be liable for the unauthorized use of any credit card regardless of the date of its issuance, unless:

(1) The conditions of liability specified under paragraph (c) of this section are met; and

(2) The card issuer has provided a method whereby a cardholder can be identified by signature, photograph, or fingerprint on the

credit card or by electronic or mechanical confirmation.

(e) *Notice to cardholder.* The notice to cardholder pursuant to paragraph (c)(3) of this section may be given by printing the notice on the credit card, on the periodic statement of account, or on the statement required under paragraph (a) of section 226.7, or by any other means reasonably assuring the receipt thereof by the cardholder. An acceptable form of notice should read substantially as follows, but it may include any additional information which is not inconsistent with the provisions of this section:

"You may be liable for the unauthorized use of your credit card [or other term which describes the credit device]. You will not be liable for unauthorized use which occurs after you notify [name of card issuer or his designee] at [address] orally or in writing of loss, theft, or possible unauthorized use. In any case liability shall not exceed [insert—$50.00 or any lesser amount under other applicable law or under any agreement with the cardholder]."

(f) *Notice to card issuer.* For the purposes of this section, a cardholder notifies a card issuer by taking such steps as may be reasonably required in the ordinary course of business to provide the card issuer with the pertinent information with respect to such loss, theft, or other unauthorized use of any credit card, whether or not any particular officer, employee, or agent of the card issuer does, in fact, receive such notice or information. Irrespective of the form of notice provided under paragraph (c)(4) of this section, at the option of the cardholder such notice may be given to the card issuer or his designee by telephone or by letter, telegram, radiogram, cablegram, or other written communication which sets forth the pertinent information. Notice by mail shall be considered given at the time of mailing; notice by telegram, radiogram, cablegram, or other such communication shall be considered given at the time of filing for transmission, and notice by other writing shall be considered given at the time of delivery to the card issuer.

(g) *Preservation of records.* A card issuer shall preserve evidence of a request or application for a credit card for a period of not less than 2 years after the date of request. A written notation of the date, name of applicant, and the manner in which the request was received will serve as evidence when such request is not made in writing.

(h) *Action to enforce liability.* In any action by a card issuer to enforce liability for the use of a credit card, the burden of proof is upon the card issuer to show that the use was authorized or, if the use was unauthorized, then the burden of proof is upon the card issuer to show that the conditions of liability for the unauthorized use of a credit card, as set forth in paragraphs (c) and (d) of this section, have been met.

(i) *Effect on other applicable law or agreement.* Nothing in this section imposes liability upon a cardholder for the unauthorized use of a credit card in excess of his liability for such use under other applicable law or under any agreement with the card issuer.

(j) *Effective date.* The provisions of this section are effective January 24, 1971.

The proposed amendment implements Title V of an Act (Public Law 91-508) dealing with Bank Records and Foreign Transactions; Credit Cards; and Consumer Credit Reporting. Title V is an amendment to the Truth in Lending Act (82 Stat. 146). The statutory provisions have been incorporated into the proposed amendment to the Regulation so that it may be used by affected creditors as a single source of the requirements of both Title V and the Regulation. Section 132 of the new Act dealing with issuance of credit cards became effective on October 26, 1970.

The Regulation allows a creditor to send a renewal of a credit card provided the original card or a renewal thereof was requested and received, signed or used.

The Act provides that a method whereby the cardholder can be identified must be provided by the issuer for cards issued after January 24, 1971, and for all cards after January 24, 1972, in order for the card issuer to hold the cardholder liable for unauthorized use. The Regulation specifies that such identification must be by signature, photograph, or fingerprint on the card or by electronic or mechanical confirmation. It also specifies that a card issuer's notice to the cardholder of his potential liability should read substantially as the form of notice set forth in the Regulation.

The Regulation provides that a cardholder may notify the card issuer of loss, theft, or possible unauthorized use by using the form of notice provided by the issuer or by telephone, letter, telegram, radiogram, cablegram, or other written communication. Notice is considered given at time of mailing, filing for transmission in the case of telegram, radiogram, cablegram, or delivery in the case of other written communication. Evidence of requests for cards must be preserved for 2 years.

To aid in the consideration of these matters by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 28, 1970. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, November 24, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

SERVING THE MILITARY

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. DEL CLAWSON. Mr. Speaker, the month of November is recognized as a month in which Americans give thanks, thanks for many of the good things of life that we enjoy.

A recent editorial in the Church News, a publication of the Church of Jesus Christ of Latter-Day Saints contained comments in connection with Veterans Day for which thanks should also be given.

The reaffirmation of patriotism, love of country, observance of the law of the land, and willingness to support the Constitution and the "Establishment" resulting therefrom might well be considered by all of us.

I recommend the opinions expressed in the Church News of November 7 to my colleagues:

SERVING THE MILITARY

At the close of the first World War, Nov. 11 was made a national holiday marking the signing of the truce which ended that four-year conflict. Its designation was Armstice Day.

After the second World War there were new victories to be celebrated and new heroes to be honored. The 1918 armistice was eclipsed by the peace of 1945. After that came the Korean conflict and now that in Vietnam.

Many military men were involved in every war, and they too are honored quite as much as the heroes of earlier times. So the day became known as Veterans Day, for men of all wars.

Some have urged that recognition of this day be discontinued. But should it? Do we not owe a sacred obligation to our heroic men who served in every war, those who died for us or were wounded, crippled or made blind, as well as those who served without injury?

The Savior taught that there is no greater evidence of love than for one man to give his life for another. Our valiant veterans fought and many died for us. This all must admit. Their love of country and fellowmen cannot be discounted, and must never be.

Their cause was our cause. We are safe and well at home because of their defense of us.

Our way of life in which we are free to grow, develop, advance, and perfect ourselves, is the life for which they fought. They did not die to protect criminals in their crimes, rioters in their defiance of law and order, nor arsonists in their destructive methods. They did not die to protect snipers who shoot down firemen seeking to control the dastardly work of arsonists, nor those who murder police officers doing their duty.

Those veterans fought for life, not death; for lawful and honorable peace, not peace at any price which is no peace at all. They fought for the right to marry well, to have virtuous children, and to live in law-abiding communities where women and children are safe on the streets and can live without fear.

They fought for the right to worship God according to the dictates of their own conscience. They fought to preserve goodness, not evil; to promote the common wealth, not the avarice of predators.

God gave us a free government which allows for all the good things of life. Our Church is committed to the protection of good government. We believe in being subject to duly elected rulers, and we are pledged to obey the law.

It is part of our religion to do so. Criminality in all its forms is opposed to true Christianity. No one can be an arsonist and a true Christian at the same time, nor will a true Christian riot against law and order, nor shoot down police and firemen, nor in any other way seek to destroy "the establishment."

"The establishment" as we know it—our Constitutional Government—is God-given. To fight against it is literally to fight against the purposes of the Almighty.

And to fight for that government is to defend that which is divinely given.

So when men enter the military service and defend this land—and its flag—they are in a righteous service.

And so it is that the First Presidency, in addressing the youth of this land have said: "We believe our young men should hold themselves in readiness to respond to the call of their government to serve in the armed forces."

Latter-Day Saints are not slackers. They are not conscientious objectors, and they are not pacifists in the usually accepted definition.

Latter-Day Saints are loyal citizens of the countries in which they live, and "believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring and sustaining the law."

Therefore they honor the veterans of our wars—men who risked their lives—for the sake of their fellow men—that right may prevail in the world.

INTOLERABLE TREATMENT OF SOVIET JEWS

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. GIAIMO. Mr. Speaker, the Soviet Union has intensified its efforts to deprive its 3 million Jewish citizens of their freedom, religion, and identity.

On November 9, Leonid Rigerman, a 30-year-old physicist, was arrested in front of the U.S. Embassy in Moscow. Mr. Rigerman, whose mother was born in the United States and whose father was a U.S. citizen, was attempting to enter the Embassy to confirm his American citizenship at the time of his arrest. Embassy officials filed a formal protest with the Soviet Foreign Ministry on the grounds that the arrest violated the terms of the Soviet-American Consular Convention.

While there is little that can be done to effectively counteract this brazen, cowardly use of force, I have joined with more than 60 of our colleagues to urge Secretary of State William P. Rogers to confirm immediately Mr. Rigerman's citizenship so that he may be afforded all the protection to which a U.S. citizen is entitled.

Unfortunately, Mr. Speaker, we cannot grant this citizenship to the 31 Soviet Jews who are charged with involvement in a reputed "hijacking plot" and will face a "show trial" later this month. We cannot provide this protection to the thousands of Soviet Jews who wish to be reunited with their families outside the Soviet Union. All we can do, Mr. Speaker, is denounce the blatant anti-Semitism of Soviet officials in the strongest possible terms. This I have done and this I shall continue to do.

In 1966, Russian Premier Aleksei Kosygin stated that Russian families separated by the ravages of war could be united with relatives outside the U.S.S.R. Since that time more than 50,000 applications for family reunions outside of Soviet borders, many of them from Soviet Jews, have not been acted upon. For many years, Soviet officials have claimed that theirs is a land of freedom. Yet, these same officials have harassed Jewish citizens, placed limits on their freedom of worship, and refused to allow them to leave the country. Is this the "freedom" which exists in the Soviet Union?

Because of the increasing ties between the Soviet Union and the Arab States, because of the arrest of Mr. Rigerman, because of the upcoming "show trials," I fear that the plight of Soviet Jews will grow worse in the days to come. It is time for all decent citizens of the world to protest this intolerable situation and to demand the humane treatment by the Soviet Government of its Jewish citizens. It is time for the rest of the world to morally sanction the Soviet Union for these crimes against her own people. It is time to turn the propaganda about freedom and tolerance in the Soviet Union into reality. I pledge, Mr. Speaker, to do all I can to help.

I wish to insert at this point in the RECORD several newspaper articles which depict the treatment of Soviet Jews and the newsletter "Student Struggle for Soviet Jewry" which describes the continuing quest for freedom in the face of "show trials" and other harassment:

[From the New York Times]

SOVIET POLICE STOP A JEW AT GATES OF U.S. EMBASSY

(By James F. Clarity)

Moscow, November 10.—The United States Embassy said today that it had complained to the Foreign Ministry that Soviet policemen had prevented a Jew from entering the embassy in an effort to establish American citizenship.

An embassy spokesman said the action of the guards in twice restraining the applicant, Leonid Rigerman, violated a consular agreement between the United States and the Soviet Union.

Mr. Rigerman, a 30-year-old physicist who has been active in efforts to ease Soviet restrictions on emigration, has filed an application through the embassy's consular section to be recognized as a United States citizen. The embassy said that because the application was under consideration by the State Department the consular provisions on free access of persons to American officials applied to Mr. Rigerman.

BASIS FOR CLAIM STATED

Mr. Rigerman says he based his claim on the citizenship of his parents. His mother, Esther, was born in Brooklyn and married his Russian-born father in the United States. Mr. Rigerman said his father was a United States citizen because his paternal grandfather had been a naturalized citizen. His parents moved to the Soviet Union in 1931.

Mr. Rigerman, a thin, bearded man who works as a computer programmer, said in a telephone interview tonight that he had been ordered to appear in an administrative court tomorrow for a hearing on charges that he refused to follow police orders and deliberately lay on the ground.

"They accuse me of falling to the ground, and refusing to go away," Mr. Rigerman said. "That is not true. They pushed me down."

He said that, if found guilty by the single-judge court, he could be given a maximum penalty of 15 days' confinement or a fine of 20 per cent of his salary for two months.

The embassy said that it had not received a decision on Mr. Rigerman's application from Washington, but that he was summoned to the embassy yesterday to discuss the matter. His father is dead, but his mother wants to establish that she is still an American citizen.

MOTHER DECLINES COMMENT

Mrs. Rigerman declined tonight, in a conversation in which she spoke English with a discernible New York accent, to discuss the situation. Her son speaks English with a Russian accent.

An embassy spokesman gave the following account of the incident:

Mr. Rigerman was seized in the morning by two of the uniformed guards who are stationed at the embassy's two main entrances. He was placed in a car and driven away.

Mr. Rigerman was released and telephoned the consulate, which invited him to return in the afternoon. A consular official was waiting on the sidewalk outside the embassy when Mr. Rigerman approached the second time. Before they could meet, two policemen seized Mr. Rigerman.

The American official explained to the police that Mr. Rigerman had been invited, that he had the right to enter the embassy and that preventing him from doing so was a violation of the consular agreement.

"He is a criminal," one of the policemen told the American. Mr. Rigerman was again driven away in a car.

In recent months, Mr. Rigerman has been closely associated with groups that have protested in petitions to Soviet authorities against restrictions on emigration.

[From the New York Times]

ISRAEL ACCUSED IN U.N.

UNITED NATIONS, N.Y., November 10.—The Soviet delegate, Yakov A. Malik, today made public a letter from a Soviet woman and her daughter, both Jews, complaining that they had been mistreated and harassed while trying to hold teaching posts in Israel.

Mr. Malik said Cecelia Rozinman, and her daughter, Irma, of Haifa, Israel, had asked his help in obtaining visas for their return to the Soviet Union.

The letter said they moved to Israel from Moscow in the spring of 1961 to join the woman's husband, but that the husband soon obtained a divorce.

Mrs. Rozinman said that she had been accused falsely of spreading Communist ideas while teaching in Haifa, and that eventually both she and her daughter wound up jobless and without funds.

[From the Washington Post, October 12, 1970]

DEMONSTRATORS CALL ON SOVIETS: FREE JEWS NOW

(By Alex Ward)

Nearly 1,500 Jews, most of them high school and college students, staged a rally in Farragut Square and then marched near the Russian Embassy yesterday to protest the treatment of Jews in the Soviet Union.

Though a city regulation prohibiting demonstrations within 500 feet of a foreign embassy kept the crowd a block away from the Soviet ambassador's residence, 1125 16th St., NW, the marchers were loud and enthusiastic.

Chanting, "Let my people go, now" and "1-2-3-4, open up the iron door," they flashed the V-sign to onlookers and beckoned them to join in. A number did.

The demonstration was peaceful and there were no arrests. Two members of the American Nazi Party marched back and forth on I Street, across from Farragut Square, but they were largely ignored by the crowd.

The rally, sponsored by the North American Jewish Youth Council, drew members of youth groups from all over the country. Many of them wore long hair and work shirts and came to Washington carrying back packs.

The mood of the rally, which began around 3 p.m., was generally light—there were games of touch football and tag interspersed with the speeches—but members of the crowd were deadly serious when discussing why they came.

"The Jewish people in Russia are denied the same rights as other people," said Reuven Persky, 26, a law school graduate from Jersey City, N.J. "They are constantly discriminated against, the victims of ethnocide. There are different ways of killing people, and that is certainly one."

Irvin Rosenfeld, 17, a high school senior from Portsmouth, Va., said, "I'd like to see the Jews in Russia allowed to go to Israel if they want. They should have that freedom."

Those interviewed felt that the United States was not doing all it could to aid Soviet Jews.

"Nixon and Agnew have turned their backs on the problem," said Beth Cohen, 15, of Silver Spring.

"I can't understand why the U.S. doesn't do more," said Mike Millenson, 17, a senior at Bethesda's Walt Whitman High School. "There is an outright plan to eliminate the Jewish religion in Russia and I think we could bring some sort of pressure as part of our over-all relations with that country."

The crowd heard several speakers, including author Meyer Levin, and were read a letter, allegedly signed by 83 Russian Jews

and smuggled out of that country, describing the persecutions suffered by many of the Soviet Union's 3.5 million Jews.

". . . We are dismissed from our jobs, expelled from our institutions, and . . . branded as 'enemies of the people' and 'traitors'" the letter said in part.

There also was the singing of traditional songs, a good deal of hand-clapping, and a dance skit depicting the Russian Jews in bondage.

Throughout the rally, members of a guerrilla theater walked about with pieces of red tape across their mouths, a red Star of David on their backs, and wrapped in chains.

[From the Christian Science Monitor, Nov. 6, 1970]

ON SOVIET JEWS

(By Charlotte Saikowski)

Moscow.—A steady rain could not dampen the exuberant spirits of Moscow's young Jews.

It was the ancient holiday of Simchas Torah—Joy of Torah—and thousands of Jews thronged the street in front of the synagogue to sing, dance, and share a feeling of community.

Simchas Torah celebrates the conclusion of the annual reading of the Torah and the Jews' gratitude for their book of laws. But here in the past few years it has become the most important day of self-identification for Soviet Jewish youth.

"It's the most joyous day of the year for us," exclaimed a dark-haired youth.

Smiling, laughing, jostling each other, the well-dressed young men and women seemed to revel in just being together. "Shalom, Sasha!" shouted a voice happily. "Shalom!" came a response from out of the dark.

CHANTS RING OUT

On the steps of the columned synagogue—full to overflowing inside—stood a small band playing lively folk tunes to the accompaniment of guitar and tambourine. In the street, groups of youths, linked arm in arm in circles, danced and sang the few words of Yiddish or Israeli songs they knew. Their chants rang out over the crowds:

"Sho-lom alei-chem! Sho-lom alei-chem! (Peace be with you!)

"Jews! Jews! All around us only Jews!"

"Is-ra-el! Is-ra-el!" resounded the refrain on an old Yiddish song.

Interspersed among the throngs was a scattering of uniformed militiamen as well as numbers of secret policemen. It is rare that the regime permits such a spontaneous celebration, one that has grown each year since the Arab-Israeli war in 1967. Events in the Middle East and the government's virulent anti-Zionist campaign seem to have had the effect of making Soviet Jews more aware of their nationality.

This year's celebration Oct. 22—despite the weather—drew perhaps as many as 10,000 Jews. Crowds began forming about 6 in the evening and did not disperse until 11 o'clock.

TRADERS NO LONGER

"They feel their Jewishness," remarked a middle-aged man. "The older Jews have more or less assimilated, but the young people now have a greater interest in Jewish traditions. They are trying to learn Hebrew from their parents or by radio or occasional books. Many are applying to emigrate to Israel."

How strong is the empathy for Israel and the desire to emigrate there among Moscow's some 300,000 Jews is impossible to know. Only a fraction turn out to celebrate Simchas Torah, to share this sense of fellowship on a Jewish holiday.

"A small percentage undoubtedly wants to leave," said another man. "But on the whole we have adapted here. We have homes and jobs. We're not traders as we once used to be. Now many Jews become engineers and scientists."

"Do you know Hebrew?" I asked.

"Oh, no, there's little opportunity for that," he replied.

"What do you mean 'little?'" put in an older Jew standing nearby. "There's no opportunity. We have no Jewish schools or books."

As we chatted briefly, a circle of spirited dancers buffeted us, forcing us to move on.

WOMEN IN BALCONY

Two days later the scene at the synagogue was one of striking contrast. It was the first sabbath of the Jewish New Year, when the reading of the Torah began anew.

In the congregation were about 250 men, wearing hats or scull caps and white prayer shawls around their shoulders. In the balcony sat perhaps 50 women. There was only a sprinkling of young people.

"My sons don't take any interest," sighed one woman in a tone of sadness.

Another Jew said it is difficult for young people to attend services because of the official opprobrium that attaches the churchgoing. "More and more young Jews are turning to Judaism," he commented. "Like Russian youth, they are reaching out for something spiritual. But they usually seek this in private."

[From the Washington Post, Nov. 13, 1970]

JEWS, RUSSIA AND ISRAEL

"What it all comes down to," a young Jew who had left Moscow told writer Ben Wattenberg earlier this year, "is that they want us to disappear. Not to leave, but to disappear quietly into the surroundings. But we won't. We will retain our identity, hopefully outside Russia, but in Russia if necessary. We will be Jews, real Jews, come what may." This is an accurate summary of one of the most remarkable developments inside the Soviet Union in years: the growth within a submerged and officially persecuted community of a sense of pride and peoplehood, that sense expressing itself not merely in demands for equal treatment under Soviet law within the Soviet Union, but in a passion to emigrate to Israel. Only there, an increasing number of Soviet Jews have come to believe, can they lead decent lives as human beings and as Jews.

This development has come as a surprise to many who had noted the previously sparse, furtive and pathetic quality of Jewish life in the Soviet Union, a country in which official anti-Semitism remains a dark fact. But the awakening to group consciousness of many other sleeping communities elsewhere in the world also touched Soviet Jewry. Especially important was the 1967 Arab-Israeli war. Its sequence of threat to Israeli survival, and deliverance from that threat, provoked a tide of Jewish self-discovery. The Jewish renaissance in Russia drew strength from and added strength to the broad-based human rights movement in the country. Similarly, it suffered from neo-Stalinist practices that afflicted writers and intellectuals, young people, Ukrainians and other Soviet minorities.

The Soviet Jewish renaissance has had one unique quality: for many, fulfillment requires not just better treatment by the Kremlin but departure from the country. It scarcely need be pointed out that, with Moscow moving close to the Arabs' side, Soviet Jews could not have chosen a worse moment to appeal to go to Israel. Even so, with stunning courage, thousands of them have legally petitioned for exit visas. A few, in their desperation, have tried to flee. Last summer one group evidently tried to hijack an airplane—their trial begins next Friday. The Kremlin has fought back by trying to identify an interest in emigration with treason.

It is to aid these people, who want only to avail themselves of a right—emigration—taken for granted by a free people, that foreign friends of Soviet Jews have voiced their concern. A year ago the Israeli government abandoned discretion for political confrontation and began to speak up for Soviet Jews in all available forums. Its purposes are to help some get out and to keep faith with the rest. In Washington there have been dozens of demonstrations in behalf of Soviet Jews. At a dinner next Sunday the American Jewish Committee will honor 17 of them currently in prison for trying to assert their rights; the speaker is to be a former American ambassador to Moscow, Charles Bohlen. For as long as the Soviet government "imprisons" a Jewish community which yearns to leave, free men will want to ease its fate.

[From the Chicago Tribune, Oct. 2, 1970]

RUSS DEMAND U.S. ACTION TO CURB JEWS

(By Frank Starr)

Moscow, October 1.—The Russian government today demanded that the United States muzzle American Jews who protest to Soviet officials in the United States over the treatment of Jews in Russia.

An official note handed to the U.S. Embassy here complained that "threats and provocations [and] direct acts of violence" are being directed against Soviet representatives in America. The note said these acts are done by Zionist organizations as part of "an unbridled anti-Soviet campaign."

WARN OF CONSEQUENCES

Russia said inaction by American authorities contributes to "this hostile campaign and can have unfavorable consequences for the relations between our two states."

[*The Associated Press reported from Washington that the State Department declined to comment, saying that the text of the note had not been seen.*]

The only public demonstrations allowed here are government-organized and Russian officials insist that anti-Soviet demonstrations in the U.S. must also be government-planned.

Russian newspaper editors who were the object of such demonstrations during an American tour last February told this correspondent that they believed the demonstrations were officially planned. Secretary of State William P. Rogers offered them an apology.

Today's note said that the situation has not changed despite assurances that appropriate measures would be taken.

CITES JEWISH LEAGUE

It said "criminally hostile actions" had been directed at several groups and organizations. The note listed these as representatives of the Soviet Embassy, the United Nations delegation, the state airline Aeroflot, the state tourist agency Intourist, and Amtorg, the agency for bilateral trade.

The note mentioned the Jewish Defense League as being "particularly active," but did not specify the kind of activity.

There have been other complaints that concerts by Soviet artists were interrupted and that Soviet flags were burned or painted with swastikas.

Boris Klosson, second in charge of the U.S. Embassy, was summoned this morning to the Foreign Ministry, where the note was handed to him by G. M. Kornienko, head of the ministry's United States division.

[From the New York Times, Oct. 31, 1970]

MRS. MEIR GIVES U.N. SOVIET JEWS' PLEA

UNITED NATIONS, N.Y., October 30.—Premier Golda Meir of Israel today gave Edvard Hambro of Norway, the President of the General Assembly, a letter addressed to him and signed by 77 Moscow Jews appealing for help to leave the Soviet Union.

The Israeli delegation also charged in the Social and Humanitarian Committee, which is discussing racial discrimination, that at least 31 Jews were about to be tried in the Soviet Union on trumped-up charges of planning to escape from the country by hijacking aircraft.

Mrs. Meir's covering letter said that the appeal was only one of hundreds reaching the Israeli authorities on what she termed "one of the gravest humanitarian issues in the world."

In the letter, the Moscow group said: "We Jews, who reside in the territory of the Soviet Union and wish to leave for the state of Israel, appeal to you, the head, and to the delegates to the anniversary session of the United Nations General Assembly, to raise your voices in protest against the trampling of human rights and justice."

[From the New York Times, Nov. 4, 1970]

TWO FROM UNITED STATES ACCUSED BY MOSCOW ON JEWS

Moscow, November 3.—Tass, the Soviet press agency, said today that customs officers seized "slanderous" information about Soviet Jews from two Americans as they were leaving the Soviet Union after a visit in August.

Quoting from an article in the weekly magazine Ogonyok, Tass identified the two as Arthur Quell of Philadelphia and Linda Lebowitz of New York, both students. [The two Americans could not be reached immediately for comment.]

An American Embassy spokesman said they had registered with the embassy during a visit from Aug. 19 to 29, but he said the embassy had not ben informed of the accusations.

The Soviet article said the students had distributed postcards saying, "Protest against oppression of Soviet Jews." Customs officers were said to have seized movies and a notebook "with notes of a slanderous nature" from Miss Lebowitz and postcards "with a provocative inscription" from Mr. Quell.

[From Student Struggle for Soviet Jewry, fall 1970]

"A TRIAL IS BEING PREPARED . . ."

Hilel Shur, Arkady Shpilberg, David Chernoglaz, Meri Khnokh, Leib Khnokh, Boris Maftsier, Vulf Zalmanson, Vladimir Mogileyer, Shlomo Dreisner, Silya Zalmanson, Hilel Butman, Victor Boguslavsky are twelve of the much larger number of Soviet Jews arrested during the past several weeks in a new wave of harassment and arrests of Jews seeking permission to leave the Soviet Union for Israel.

Events are racing ahead in the drama of Soviet Jewish resistance. The number and rhetoric of the appeals smuggled out is escalating, and so has the response of the Soviet authorities.

According to information now available, a plan was devised by Soviet party chiefs and the K.G.B. to round up "troublemakers" and determine the extent of the free world public outcry on their behalf.

THE PHONEY "HIJACK" PLOT

It appears that a secret police *agent provocateur* was able to convince a group of 12 persons from Riga, including 9 Jews desperate to leave for Israel, that he could fly them from the USSR. [This tactic was similar to an entrapment by the Soviet secret police of Vilna Jews in 1945.] When the twelve arrived at the Leningrad Smolny Airport on the morning of June 15th, they were arrested and charged with "treason."

Within an hour of this incident, a preplanned series of coordinated arrests and searches began in Leningrad, Riga, Moscow, Kharkov and other cities. "Tools of crime" as Hebrew textbooks were seized to substantiate charges of "treason." Eight Leningrad Jews were arrested that day, as detailed in the dramatic letter of Victor Boguslavsky (photo on page 1; text below), himself arrested three weeks later. From June 15th on, at least 28 Russian Jews have been arrested. Their only "crime" is a desire to learn the language of their ancestors and to return to their ancient Homeland.

Where will all this lead? *"A trial is being prepared"* states one appeal smuggled from Leningrad. The trial or trials, open or secret, will surely try to break the spirit of much of the Jewish resistance movement in the USSR. Soviet Jews told Rabbi Steven Riskin, chairman of our Governing Board, during his recent harrowing visit to Russia that the situation might develop to become comparable to that of the "Doctors' Trials" during the last months of Stalin's life.

But our crying out gives them protection, these Jews insist. If faced with an aroused world public opinion, the arrests might well cease and the trials not occur. If not, the way might be open for further official retaliation.

"Free my comrades!"—Victor Boguslavsky.

OPEN LETTER TO THE PROCURATOR GENERAL OF THE USSR, RUDENKO, R.A.

Free my comrades!

On June 15, 1970, my comrades David Chernoglaz, Lev Kornblit, Lev Yagman, Lassal Kaminsky, Vladimir Mogilever, Anatoly Goldfeld, Solomon Dresiner and Hilel Butman were arrested in Leningrad. Following their arrest, on the same morning of June 15th, searches were made in the homes of those arrested and in many other homes, including mine.

The searches were made with the aim of removing the "tools of crime." The tools removed were letters and postcards from relatives and acquaintances in Israel and also all texts containing the word "Jew" and "Jewish", particularly typewritten texts. The typewriters were also proclaimed as "tools of crime" and were removed. . . .

However, an even more terrible "tool" was found—textbooks and self-teaching books for learning Hebrew, sent from Israel by mail and partly photographed. All this, together with the letters and articles on Jewish history, novels and tapes of Jewish songs, was evidently supposed to serve as irrefutable evidence of crime.

Of what crime?

On June 15th, the newspaper *Vecherny Leningrad* and on June 16th, the newspaper *Leningradskaya Pravda* reported in three lines of "chronicles" about an attempt to hijack a passenger plane in the Smolny Airport. "The criminals have been detained, and investigation is in progress," the newspapers reported. . . .

Their only guilt is that they were born Jews and wanted to remain Jews . . . They never had any intention of hijacking a plane. But they would have been happy if they could buy a plane ticket to Vienna, even if they had to sell their last shirt for this. They dreamed of raising their children in the home of the national Jewish culture and tradition.

Chernoglaz's daughter is half a year old, Dreisener's son is 2 months old, Mogilever's son is a year old, Butman's daughter is 3 years old, Yagman's children are 3 and 5 years old, Kaminsky's children are 4 and 16 years old, Kornblit's daughter is 19. My comrades dreamed of hearing their own language from the lips of their children. Is this a crime? No. An active interest in the fate of one's people and love for one's people cannot be considered a criminal offense.

My comrades are innocent! Free my comrades!

LIST OF RECENT JEWISH "PRISONERS OF CONSCIENCE" IN THE SOVIET UNION

Boris Kochubiyevsky.

Lilia Ontman, from Chernovitz, Ukraine. Sentenced 1/70 to 2½ years in prison for seeking exit to Israel.

Nine Jews arrested June 15th on the phoney "hijacking" charge; 8 from Riga:

Leib G. Khanokh, 26 years old; married.

Meri Mendelevich Khanokh, 23 years old; wife of Leib Khanokh.

Yosif M. Mendelevich, 23 years old; brother of Meri K.

Edward Kuznetsov.

Silva Zalmanson Kuznetsov, wife of Edward Kuznetsov.

Isaac Zalmanson, 26 years old; brother of Silva Z. K.

Wolf Zalmanson, 31 years old; brother of Isaac.

Zalmanson and Silva Z. Kuznetsov.

Anatoly Altman, from Odessa; 38 years old.

Boris Pestner.

Leningrad Jews arrested June 15th:

Vladimir Mogilever, 30 years old; married.

Lassal Kaminsky, 40 years old; married.

David Chernoglaz, 30 years old; married.

Hilel Butman, 37 years old; married.

Lev Kornblit, 48 years old; married.

Solomon Dreisner 38 years old; married.

Anatoly Goldfeld 24 years old; unmarried.

Lev Yagman 30 years old; married.

Victor Boguslavsky author of 6/26 letter above; arrested 7/10.

Two Georgian Jews arrested 6/70 for persisting in seeking exit:

Abraham Danilashvili.

Binyamin Razenashvili.

Also arrested since June 15th:

Semion Burshtein, from Sukumi, Georgia, 53 years old; married.

Arkady Shpilberg, Riga; 32 years old; married.

Boris Maftsier, Riga; 23 years old; married.

Hilel Shur, Leningrad; 34 years old; married.

Mendel Bodnie, from Riga.

Alexander Galperin, Kishinev; 24 years old.

Also from Kishinev:

Ari Kirsiner.

David Rabinovich.

Arkady Voloshin.

Abraham Trachtenberg.

Ruth Alexandrovich.

RUTH ALEXANDROVICH ARRESTED

Ruth Alexandrovich of Riga, a leading Soviet Jewish activist, was formally arrested on October 7th, following a two-month detention on the excuse she had possibly contracted the cholera germ. Both Ruth and her mother, Rivka, have signed appeals protesting the denial of their applications to leave for Israel. Ruth was charged with anti-Soviet activities.

There is a further cruel note to this arrest. Planning to be married on about the 14th of October, Ruth approached a top Soviet police official, asking permission to wed either before she was imprisoned or in prison itself. She was refused.

OTHER PROTESTORS REACH ISRAEL

Under slowly mounting public pressure from abroad, several other activist Jews from Russia have reached their goal—Israel. They include Mark Elbaum, Tina Brodetskaya, Lubov Bershatskaya, Boris Schlein, Rozalia Plotkina and Gedalia Pecharsky, who was imprisoned for actively demanding equal Jewish rights in the early 1960's. Semion Burshtein, one of the recently arrested, was also let go to Israel.

SIMCHAT TORAH "FESTIVAL OF REDEMPTION"

Several thousand people packed the New York Hunter College Assembly Hall on the evening of October 18th for the Student Struggle for Soviet Jewry's "Festival of Redemption" in unity with the defiant Russian Jews who dance each year before Soviet synagogues. The program, held one block from the Soviet U.N. Mission, featured noted singers Jo Amar, Theodore Bikel, Shlomo Carlebach and Sherwood Goffin who, along with eyewitness speakers, captured the mood of despair and defiance pervading the Soviet Jewish community today. A call was issued

for the formation of Release Committees in every community for those currently imprisoned.

You are urged to write to the Soviet Prosecutor-General, R. A. Rudenko [Kremlin, Moscow, USSR; air postage 25¢/half-oz.] demanding the release of the arrested and free exit for those Russian Jews seeking to leave for Israel.

NEW AND RECOMMENDED

The Jews in Soviet Russia Since 1917. Lionel Kochan, ed. (Oxford U. Press, New York, 1970).

Three Million More? by Gunther Lawrence (Doubleday, Garden City, N.Y.; 1970).

DING DONG BELL

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. BINGHAM. Mr. Speaker, while Congress was in recess, FCC Commissioner Nicholas Johnson delivered a provocative address before the Digitronics Users Association Conference in Chicago. In it, Commissioner Johnson makes the case that the American Telephone and Telegraph Co. has been making decisions that are detrimental not only to the public interest but to its own stockholders as well.

As a result of this address, A.T. & T. filed a formal petition for disqualification with Commissioner Johnson, saying that this address revealed such a "manifest bias against the Bell System" that Commissioner Johnson should disqualify himself from all future proceedings before the FCC involving any companies of the Bell System.

Reaction to the address and to A.T. & T.'s petition was swift. The Communications Workers of America, AFL–CIO, issued a statement which begins:

It appears that someone in the Bell System management has blown his cool in attempting to stifle commentary by a knowledgeable public official, whose sole obligation is to the American public.

California Rural Legal Assistance, on behalf of various Mexican-American associations, wrote a letter to FCC Chairman Dean Burch, stating:

Our organizations feel that if, in fact, A.T. & T.'s ground for disqualification of Commissioner Johnson is correct, then we too have a ground for seeking the disqualification of the remaining six Commissioners.

On November 13, Commissioner Johnson issued a 36-page legal opinion denying the A.T. & T. petition.

Mr. Speaker, since this address has generated so much comment, and since I am sure we are all vitally interested in assuring the best communications system in the country, I insert the full text of Commissioner Johnson's speech in the RECORD at this point:

WHY I AM A CONSERVATIVE OR FOR WHOM DOES BELL TOIL?

(By Commissioner Nicholas Johnson)

You may be wondering why a conservative like I would have so much trouble with the telephone company. Well, let me tell you.

Now that Vice President Agnew has spilled the beans, and all the world knows that I have been just a "super permissive government official" all along, I might as well confess.

The Vice President's right. It is no coincidence that I should come to Chicago to speak on economic issues. The fact is that I have picked up a great deal of my economic philosophy right here. Milton Friedman and his colleagues have made a believer out of me.

It hasn't been easy. There aren't many genuine conservatives left—especially in Washington. And when folks found that I was getting some of my regulatory philosophy from Barry Goldwater's economic advisor I knew I would have to pay the price of trade press ridicule and industry suspicion.

In fact, I have spent most of my career as a government official—first as Maritime Administrator and now as an FCC Commissioner—unsuccessfully preaching the doctrine of free private enterprise competition and less government regulation to reluctant American businessmen committed to socialized enterprise and government protection of monopoly.

I didn't believe in socializing and subsidizing the American merchant marine and shipyards. I felt that with the genius of American management, we ought to be able to win in world-wide competition—as the American computer and industrial machinery companies have done. I wanted less government involvement in shipping—the industry wanted more regulation and socialization. Now it has won out, as you may know. President Nixon's proposals for dramatic increases in maritime subsidies have been approved—notwithstanding the fact that almost every independent economist in the country argues there is absolutely no commensurate economic benefit whatsoever from this expenditure of tax dollars.

Why is it that principles of competition sound so good at Rotary and so frightening when competitors threaten to move in next door?

If the best products are to win out in the market place, if the theory is to work in practice, there must be informed consumers. Why is it that consumer product industries almost universally resist efforts to provide relevant information about their products in advertising, packaging and prices that make comparisons easier?

If there is to be competition there must be competitors. Why is it that an industry run by men like America's newspaper executives—whose editorial commitment to free enterprise is unmatched—are distressed that only 94% of the cities with daily newspapers have monopolies? Why is it they feel compelled to press for a newspaper monopoly authorization bill (Administration-backed—over the protests of the Assistant Attorney General for Antitrust) in order to further reduce competition in their business?

You get the idea. In general, you see, my problem involves the distinction between the articulation of a theory and its application in practice. It's the carrying of a conservative philosophy like private enterprise to its logical conclusion that gets me in trouble.

My problems are only rendered more extreme by the integration of my conservative economics into my conservative politics.

My politics are equally old-fashioned. They are based on an American theory developed by a 200-year-old landed aristocrat named Thomas Jefferson: democracy. He believed that the best government would come from an educated and informed people participating in the decisions that affect their daily lives. Hardly anybody believes in this conservative doctrine anymore.

It's kind of a lonely crusade I wage. For example, I felt that local citizens should participate more actively in the license renewal process of their local radio and television stations. This was preferable, in my judgment, to regulation by the federal government in Washington. I admit this sounds sort of like a George Wallace position. And I suppose I shouldn't have been surprised that those Radic-Libs who control the broadcasting industry—and therefore the Congress, Administration, and FCC—wouldn't see it my way. But I was a little saddened.

And so it goes. The life of a conservative is hard.

The purpose of this long introduction has been to make it easier for you to understand the problems I've had with the telephone company.

You all recall the telephone company. You have to recall the telephone company. You lose your dime on the first try.

Well, a part of my responsibility as an FCC Commissioner is to see to it that the Bell System serves the public interest, convenience and necessity.

That it is a necessity no one doubts.

Just how convenient it is raises other issues.

As for the public interest, that seems to have been forgotten.

I used to talk and write about the public interest in telephone matters a lot: lower rates, more flexible services, optimal rates of technological growth and plant expansion, and so forth—you know the litany. Well, I've stopped. It's not that I'm not interested, you understand. It's just that it's not working. It's kind of like falling in love by yourself. It's a beautiful trip, but it's kind of lonely

So I've decided to talk about Bell's interests. That seems to be what most of the people who come to the FCC these days are talking about. It's a tougher ball game to play, but that just makes it more of a challenge. And at least you're not talking to yourself.

You can imagine my surprise, as I got into the subject, to discover that Bell management has been urging policies that don't even serve the company's interests. I mean, I could understand how Bell's pursuit of its own interests would not always serve the public interest. That probability was, after all, the original reason for regulation. But why would Bell deliberately adopt policies that simultaneously produce (a) higher prices and worse service for the public, and also (b) lower profits for its shareholders? That I just couldn't understand. But the evidence was clear that higher prices, lower quality service, and lower profits had been the result of a number of Bell management's policies. It was then it dawned on me: perhaps if I could present my case for public service from Bell in terms of Bell's own profit picture I might at least get the ear of some of the company's policy makers for a moment. And so I continued my research into the uncharted wilderness on the way to higher profits for Bell. What I have to report today are the results of preliminary investigation. But I thought it might be of interest to you.

There are, as always, a few basic assumptions. I assume that lower costs, and higher revenue from increased communications use and improved technology are in the private interests of the company. I also assume some regulatory lag—that is, that the company is allowed to keep a certain amount of windfall profits (from reduced costs or increased revenues) before the FCC and state commissions catch up with extravagant rates of return.

There are three basic areas where I believe the Bell System has not served its own interests—what I will call financial operations, promotion of service and technological improvements.

FINANCIAL

Debt-equity structure. A big company like Bell needs capital. Lots of it. Last year it went to the market for a total of roughly $2

billion in external financing. A few percentage points can make a big difference—especially if you're a shareholder. But basically, anytime you're a shareholder in a company with a regulated maximum rate of return *your* interests are served by its raising as much capital as possible through debt rather than equity—up to a point. Every dollar raised through equity dilutes your share of profits and reduces the rate of return on *your* investment; interset on every dollar raised through debt is tax deductible (unlike dividend payments), thus cutting the capital cost in half at the outset, and automatically contributing to your profits whatever the company makes above its costs. The more cheap money the company can borrow the richer you get. That's how the electric utilities rated A and B, with an average rate of return of 6.6% in 1968, earned for shareholders an average of 12.3% on equity. Bell, by contrast, while earning 7½% on its investment earned for shareholders only 9.3%. It's dramatic and shocking contrast, but true.

Only under intense questioning during the 1967 FCC hearings did Bell management finally concede the error of its ways over to these many years. So long as the interest rates Bell must pay for debt are lower than the total rate of return it must pay on equity (which is virtually always the case), it is in Bell's interest to borrow rather than sell stock.—I am assuming Bell's current debt-equity ratio. There would, of course, come a point when additional debt might pose financial risk. Most economists agree, however, that Bell is still a long way from that point. But it is a bit ironic and tragically costly for everyone involved that Bell is only *now* going to more debt financing—when it has to pay some of the highest interest rates in our nation's history (8½ to 9%)—and that it failed to borrow more during all those years when it could have borrowed in the 2% to 4% range.

Needless to say, the public has also been grossly disserved by Bell's financial policies. Every dollar raised through equity rather than debt can cost the consumer five times as much. But so long as our principal focus is on the shareholders' interests we needn't dwell on the public interest aspect of Bell's folly.

Stock options and stock financing. As a part of the Bell miscalculation on debt-equity ratio, there was for some time a rather extensive program of stock options for employees. This program has now ended, but its effect was significantly to dilute ATT stock—with a rather meager return in terms of financing and employee incentives. It was nice for management and employees—but mighty costly for shareholders.

There are two other matters which still may be considered in the FCC's lagging, five-year-old investigation of Bell's rates and services. I will express no final position before examining the full record. But I think there is significant evidence for the following two propositions.

Accelerated depreciation. You don't have to know very much accounting to know about depreciation—the annual "cost" of your plant wearing out. But when your plant is worth $41 *billion*, like Bell's is, how that depreciation is handled by the accountants can make a big difference in your costs, your taxes, your regulated rate of return, and your shareholders' profits. Now there are a lot of inequities in the tax code favoring the corporations and the rich. I think many of them ought to be changed. But I'd agree with Milton Friedman that, as long as they're there, management's role is to minimize its company's tax burden—not to make social policy judgments that the government might put the money to better use than the shareholders. Since the 1954 Internal Revenue Code took effect Bell has been permitted to use "accelerated depreciation"—that is, to charge off as a tax deductible business expense more depreciation than was formerly permitted. Instead of figuring its federal taxes based on accelerated depreciation, however, Bell continued to use "straight line" (normal) depreciation.

As a result the potential tax savings—at least millions and perhaps billions of dollars—have been lost forever for Bell's shareholders. In a tight money market when the company has to obtain increasing amounts of additional financing, and is reportedly considering competing with the U.S. Treasury for the hearts and minds and money of America's savings bond holders, the use of accelerated depreciation in computing Federal taxes would have provided gilt-edged returns. Finally, in 1970, Bell changed its policy. But its failure to use this technique for 16 years simply increased its own costs and those of its customers.

Western Electric. The Bell System owns its own supplier, the Western Electric Company. Of course, it can set the prices it pays Western at whatever it wants. But even under Bell's pricing it is currently "paying" Western more than $4 billion a year. It's not a small business. In part because of the tremendous economic power this gives Bell now, and would give Western if it could compete with other manufacturers, the Justice Department brought an antitrust action to make Bell sell Western. Bell fought the action (unwisely, as we will see shortly), and the case was settled with a "consent decree." The decree permits Bell to keep Western, but prohibits Western from entering the market to compete with other electrical and telephonic manufacturing companies. It is clear that Bell's position has enhanced the position of its management: they have a "bigger" company to manage, and hence a good argument for higher salaries and more prestige. But what has it done to Bell's shareholders? A strong case can be made that they would be much better off if Bell would distribute the stock of Western Electric to them and at the same time move to abrogate the 1956 consent decree. This may seem like a drastic move on ATT's part—but the artificial constraints on Western Electric mean that the company cannot participate fully in the communications technology revolution that is only now beginning. An obvious example is that Western Electric does not sell to non-Bell companies even though Bell claims Western Electric's prices are lower. And this market may be one of the smaller that the present consent decree prevents Western Electric from serving. What markets might Western Electric exploit if it were not held down by the consent decree: computers, satellites, CATV, television, photography, duplicating, educational systems and libraries? The point is obvious. With stock in both Bell and a viable, independent Western, most economists agree that Bell's shareholders would be a whole lot richer. And the odds are that consumers would also enjoy the fruits of more intense competition: more technological innovation and lower prices.

Rate of return. Fundamental to Bell's financing is its authorized rate of return on capital investment. The current theory of public utility regulation is that public commissions must hold down the monopolistic utilities' rate of return to reasonable levels. It has occurred to me that this may be backwards. Perhaps the public interest would be better served if we just forgot about the rate of return, and simply concentrated on reducing the costs-per-unit-service to customers and improving performance criteria. At the very least, it seems to me we ought to have some idea of how the country would be different if Bell had a rate of return of 4%, 6%, 8%, 10%, 12% or whatever. What would be Bell's response in terms of rates of technological innovation, new plant investment, quality of service, and so forth Well, the answer is that we don't know the answer.

For a company where every percentage point increase in the rate of return means $250 million annually, one would think the issue would have been addressed. It has not been.

Indeed, during the 1967 hearings I put the question to Bell's lawyers, after roughly this kind of introduction. How would Bell like a much higher rate of return, I asked. How would it spend the money? The answer? Here is an excerpt from the transcript:

"Commissioner JOHNSON: I appreciate you may not have prepared yourself to address yourself to such a question, but what would be unwarranted in your judgment about or permitting a rate of return to exceed 8½ percent? What would be the day-to-day consequences in day-to-day operations for the company and the public?"

"Mr. GARLINGHOUSE (Bell Counsel): . . . I would say when we get above the range of 8½ percent we would not be hampered in furnishing good service if the earnings were brought down to 8½ percent. The service is the ultimate goal that we are trying to achieve and earnings are a vehicle to get there.

"Now how much higher than 8½ percent would be warranted by the economic facts, I don't know. What may be right today, may be wrong tomorrow, and it could very well be the rate of return should be higher in the future." [Tr. pp. 10, 310–11].

How would the shareholders react to that? I was offering them the chance to try for additional hundreds of millions of dollars a year and I couldn't even get the company's lawyers to address the question!

PROMOTION OF SERVICE

It is rather disturbing that Bell management would make fundamental errors in financing that cost shareholders and consumers alike millions or billions of dollars. I began with the financial examples because they involve (1) such rather obvious blunders, (2) such large sums of money, and (3) are so directly and obviously related to shareholder losses. But finance is, after all, common to all enterprises. It is not unique to the expertise of Bell management.

Some of the most disheartening and fascinating of Bell management's errors involve the telephone business itself. How has management responded to the opportunities to increase its business and reduce its costs? It is in this area that we begin to uncover some rather fundamental lapses in communications and economic philosophy.

There is no one who I have ever been able to discover within ATT—management, sales, or scientific research—who has a sense of the social-political-economic role of the telephone in a modern-day industrialized society. They can design, promote, distribute, and install a "Princess telephone" that will transmit the human voice—even if they don't think to make it heavy enough to keep it from sliding off the bedside table. But they are seemingly incapable of thinking about the ways in which people might use that instrument in their lives.

You can point out the fact that it costs more to call Washington from Alaska or Hawaii than from London. What's the political consequence of that for the United States? They haven't thought about it.

You can ask about the role of the telephone in uniting far-flung families and friends. What would be the social impact of universal availability of a low-price WATS service ("long distance" service without a per call charge)? They don't know. What factors now affect telephone usage in local exchanges—where there is a flat monthly fee and every call is "free"? In what ways does the pricing of "long distance" service inhibit usage? How much lost revenue has Bell suffered as a result?

What would be the economic consequences for our nation if WATS (inward and outward) were made generally available? We know what air freight has done to the warehousing business in some industries. What is the correlation between "no cost" telephone

service and the profits of a firm? What are the economics of a company's closing local offices and taking calls at a single national number?

So many of Bell's decisions suggest a philosophy reminiscent of the story of the two librarians at a convention discussing the condition of their respective libraries. "Oh, I'm so pleased," said one. "All my books are in and on the shelves except for two, and they're coming in next Tuesday."

It's not the telephone company's job to encourage us to keep the phone on the hook any more than a librarian is doing her job if she wants to keep the books out of circulation.

And yet I cannot help but get the impression, at almost every turn, that the telephone company mentality is of exactly that character. Management seems almost panicked at the prospect of the company's business expanding. In a moment I will discuss their attitude toward off-peak pricing principles, the Carterfone, the New York Telephone breakdown, the Public Broadcasting network, cable television and data. But the common impression running throughout is that of a company not only failing to promote increased usage of its service, not only failing to serve the increased business brought its way, but a company that would actually rather fight through Commission and courts—with considerable vigor, expenditure, and occasional success—than switch.

It's a tragicomic posture of the keepers of a disintegrating, condemned old plantation home seeking its shelter in a storm—because it's all they know. But the humor quickly fades—for shareholders and customers alike. Bell's failure to understand telephone usage enough to develop new business, its failure to anticipate even the comparatively modest growth that has come along without cultivation, has cost its shareholders billions of dollars in potential profits forever lost. Of course, it has also caused the public an awful lot of grief, inconvenience, and excess costs.

One of the most ironic features of Bell's failure to expand to meet demand is that it is one of the few companies in the world that could have done so at absolutely no risk whatsoever to itself. Bell is authorized its "rate of return" on its capital necessarily employed in the business. In other words, every time it can plant a dollar bill in the ground with Commission approval (seldom if ever denied) the dollar immediately starts earning 7 to 7½% for the shareholders. Even if the business does not develop to warrant the business the shareholders get their return. It's not only a no-risk investment, it's an investment with a guaranteed return. In fact, one of the responsibilities of a regulatory commission is to see to it that the company does not "gold plate" and overbuild beyond what is warranted, because of the unfair burden that places on customers. But there is absolutely no incentive whatsoever for the telephone company to want to hold back in building to meet anticipated demand.

Off-peak pricing. In any business there are times when plant is idle—and when any business at all will contribute to necessarily fixed costs. "Off-peak pricing" is a simple principle widely used. Anytime demand for goods or services increase substantially during limited times—whether times of day or seasons of the year—economies can often be effected by spreading that demand more evenly over time. One of the easiest ways to do this is by changing prices, making them higher during the "peak" and lower during "off peak" periods. For example, the airline industry and CAB, have come up with an intricate scheme of pricing to keep the planes in the air.

There is a significant peak in telephone usage during the four or five hours around noon every work day. During many of the 20 other hours of the day the telephone system is almost totally idle. But the Bell System, and the FCC, have had great difficulty in responding to this obvious problem with as much imagination as the airlines and CAB. This is especially tragic for Bell's shareholders, because with a $41 billion investment in plant, any minute when it is not being used to peak capacity is costing them a great deal in lost profits. It is also costing the consumer unjustifiably—for he must sustain the financial and other costs of a facility which is substantially overbuilt. Most of the limited off-peak pricing changes (lower rates at night and weekends)—each of which has produced higher revenues for Bell—have come grudgingly. In most instances Bell has vigorously fought them at the FCC—delaying their effective date and reducing this impact. The price cuts are always substantially less than the nature of the off-peaks would justify—and the shareholders are entitled to. As a result, Bell has shown a much less smooth demand curve than it very easily could have achieved by fuller plant utilization. It has lost revenue. It has charged unnecessarily high prices. It has suffered the excruciating embarrassment of breakdowns in the system. For all of these failures its shareholders have paid a high price indeed.

Carterfone. The saga of Tom Carter and his Carterfone is another prime example of a whole flock of instances in which corporate intransigence has won out over common sense and common shareholders' dollars. Bell is afraid of anything that has not received its papal imprimatur being plugged into its telephone system. In an extreme burst of jingoism, it even has the FCC referring to such equipment as "foreign" attachments. This is kind of like the electric company trying to discourage the installation of air conditioners and washer-dryer combinations. However, it is more than just an hilariously funny posture in which to find a twentieth century telephone company.

If the phone company would only encourage the use of its system by innovative equipment manufacturers (rather than discourage them), it would suddenly find 200 million Americans working for Bell on their own time—rather than working against it. The increase in communications traffic in this country—which ought to be Bell's principal concern and measure of effectiveness—would jump enormously; because 200 million people can think of a lot more things to do with a communications network for themselves than one corporation can think up for them—particularly if it's not thinking.

Tom Carter's device was simple, popular, effective, and harmless to the telephone system. It was scarcely even an attachment. It simply permitted a coupling between a telephone set and a land mobile radio transmitter-receiver. It increased the use of the telephone system—and the potential profits of Bell's shareholders. It was fought by Bell through the FCC and courts—for 11 years.

New York telephone service. We are all familiar with the costly breakdown in New York telephone service and the subsequent Bell implicit and explicit admissions of management failure. As ATT Chairman Romnes has candidly conceded, "There's no question but that our people in New York missed the boat in estimating the growth." But New York is not atypical of a basic ATT failing. We used to assume the company could handle a slowly growing homogeneous demand for Plain Old Telephone Service (appropriately known to company men as "Pots"). Now not even that assumption is safe. But it certainly is not a company geared to rapid growth and accelerating change. In New York it wasn't simply that Bell's plant expansion wasn't fast enough—investment was actually cut back at crucial time periods. New York serves to illustrate the long lead times in the ATT system. Lower cost planned expansion was replaced by high cost crash programs. Many customers went unserved. And how does one calculate the costs to the company of the failure to inaugurate interstate Picturephone, or the problems with rate increases in New York state, or in the general deterioration of the service reputation of the company—all of which were consequences of the New York fiasco? It all could have been avoided. It wasn't. The shareholders suffered.

ETV service. In 1966 the Ford Foundation proposed that the benefits of satellite technology be used for educational broadcasting. In 1967 the Public Broadcasting Act was passed—providing for free or reduced rate interconnection for public broadcasting. Here was a golden opportunity for ATT to respond to a national challenge that had commanded national support. Quick provisions of reliable service at a price public broadcasting could afford would have provided great benefits to the image of the company. It was a new growth field. Investments here would pay big dividends. The investment would return profit immediately, and even more in the future. What happened? ATT had to be dragged, kicking and screaming, to the FCC where it has fought for three years the service to public broadcasting that Congress ordered. For a period of time Public Broadcasting was getting horrendous, interrupted service and the FCC was forced to intervene on that account. The company blew a public relations dream—and to this day it is presenting a most unstatesmanlike posture which can only continue to have adverse long-term consequences. Bell's position is even more difficult to understand in light of its treatment of the commercial networks. The tariff for commercial network interconnection was filed in 1947 as a promotional tariff, but the rates remained unchanged for more than 20 years, being raised only recently. Now the FCC is holding a hearing to decide, among other things, whether these rates are high enough. There is strong evidence to suggest that commercial networks enjoyed "reduced rates" during part of this time period. The shareholders seemingly can't win. Bell can't optimize on selling service to commercial enterprises or on giving it away to public corporations.

CATV. If you believe the pundits, we may be on the verge of a nationwide revolution in communications—as mass communications and personal communications services merge in a new technology that will change our nation. One thing seems sure. Whatever happens the Bell System will play at best a minor role. Bell is not a particularly significant factor in CATV. There are no test communities where the Bell System is applying its expertise for CATV communications. Suppose in the early sixties Bell had successfully argued that CATV should be a common carrier service available to all comers, and then moved to demonstrate its potential. How different things might be today, as the Bell System seemed ready to rewire the nation with the most cost-effective combination of cable and Picturephone. It is apparently not to be—and no one will ever know what Bell has missed. But one can safely estimate the shareholders have once again been robbed of a multi-billion dollar profit potential.

Privacy. The usefulness of the nationwide telephone system depends in large part on the fact that it is a *private* communications network. You and I would like a telephone conversation to be as close a substitute for a private face-to-face conversation as possible. We assume that no one else is listening. But the past few years we have seen an increasing erosion of the privacy and integrity of the telephone system.

Especially disturbing is the fact that Bell has had so little to say on this issue. There have been no strong oppositions to amended wiretapping legislation, no court actions against private or public wiretapping, no public opposition to unauthorized public agency wiretapping. In fact, one increasingly hears reports of Bell Systems local company cooperation with all types of communications interception.

The effect of this Bell policy is cumulative and growing. As people come to believe that

the telephone is untrustworthy, their usage declines. The company loses the patronage. By failing to resist unauthorized and unnecessary "interconnection" to its system, Bell fails to protect one of its most important assets—people's trust in the privacy of the telephones, and the company's public commitment to the users' (and shareholders') interests.

Coin phones. It's a little matter, in some ways, but one of great consequence to individual users on occasion—and significant to shareholders. I'm talking about the pay phones—their geographic distribution, the number that are out of service, and Bell's delay in converting to a system where you can dial an operator without depositing a dime. There is no way of computing the social costs for all those individuals who were prevented from making emergency calls for the want of a dime—or an operating phone. But the economic costs to shareholders have been significant. Any time someone might have made a long distance credit card or collect call and didn't—for want of a dime—they have been the losers. Bell insisted that direct operator access without a dime was impossible—notwithstanding the fact that those "backward" telephone systems in foreign countries have offered the service for years. Finally, it relented—after years of lost profits had passed.

Data Communications. Because of the pendency of Commission proceedings, I do not want to say much about service in the data field. There is much to be said, and many have already spoken. A Bell official recently said: "[W]e recognize that we haven't always been on top of the job in serving our data customers." The Commission's staff has concluded: "In an industry of the size and growing complexity of the communications common carrier industry, the entry of new carriers could provide a useful regulatory tool which would assist in achieving the statutory objective of adequate and efficient service at reasonable charges." Bell now proposes to build a 60 city digital network to be available by 1973–1974.

TECHNOLOGY

Satellites. If there is a cow more sacred than all others at Bell, it is its belief that its performance in technological innovation knows no equal. The definitive evaluation of technological change in the communications industry has not been written. It should be. At least in satellites, however, it's clear that Bell forfeited an early lead in the technology. Bell built Telstar—a random orbit satellite. Then it relaxed. It failed to develop the much lower cost synchronous satellite system, which does not require the elaborate tracking and telemetry devices and uses fewer satellites. Bell has been virtually absent from the development of an entirely new international industry. Bell banked on an obsolete, capital-intensive technology (random-orbit satellites) when innovation was taking place toward a much less capital-intensive development (synchronous satellites).

TD–2 Microwave. TD–2 microwave is simply the engineers' name for an improved system of microwave transmission. It is, however, one area of communications technology where we have some industry case studies. Competitors had jumped ahead in developing this particular type of microwave. Bell had to make a crash effort to catch up. Whether this crash effort would have been successful without Bell's basic monopoly advantages of FCC protection of Bell-maintained barriers to competitive entry cannot be determined. But TD–2 Microwave does suggest that Bell is not the fountainhead of all innovation.

My next two examples of technological innovation are ones I feel I need to be a little more tentative about. Based on conversations with a number of people in communications, in and out of the Bell System, I feel my conclusions in these two areas are correct. But I do want to note that the evidence is not as clear as in the TD–2 microwave and communications satellite cases.

Transistors. Bell is very proud of its role in developing transistors. But the evidence is in many ways much more ambiguous. In any event, many of the developments since transistors have taken place outside the Bell System—for example, in semi-conductors. Certainly the very competitive Japanese are now simply exporting the applications of this new technology right back to use.

ESS. Bell is now in the process of installing its version of electronic switching. Depending on the time schedule, it will have made the conversion by the year 2000. Whatever the schedule, Bell may be installing obsolete technology. Those who have studied the ESS technology decision at Bell suggest that it may have chosen a less-advanced technology than that available—in a decision which overemphasizes risk minimization, and an ultraconservative concern over system capability. As a result the Bell System may have to make costly revisions in its pattern of technological innovation in switching. This question also illustrates the difficulty in assessing the optimal pattern of technological innovation in a monopoly with vertical integration. Bell is now buying Japanese PBXs for use in the New England area where solid-state equipment is required.

I cannot close this discussion without some comment about international comparisons in telecommunications. Whenever one questions Bell's performance, the non-sequitur reply is usually "have you ever used the British or French telephone system?" This is a strawman, as anyone who has made comparative studies in this industry recognizes. I would suggest that we can learn a great deal about performance from telecommunications systems in other countries such as Sweden, Switzerland, West Germany, or Japan. Isn't it ironic that while we can use our space technology to put a man on the moon, we will have to suffer the humiliation of seeing Canadian and Indian domestic satellites in the skies before ours? In many countries there are numerous other services, technologies, or lower prices that we do not have in this country—even if it can be shown that on some absolute scale an evaluation might find the American system superior.

CONCLUSION

This speech is already much too long. But I felt a few examples were really necessary to make the point.

Bell management's policies disserve the public interest in many ways. We all know that. Few in the company—or the FCC—seem to care very much.

The point is that many (thought not all) of these socially retrogressive policies also fail to serve Bell's shareholders—robbing them of billions of dollars. Sometimes the benefits go to management. Often as not they go to no one.

For whom *does* Bell toil? It's hard to tell. It's not the public. It's not the shareholders. Management? Well, yes, but it's not that simple either.

The fact is that a national monopoly with a $41 billion plant, and over 50 federal and state regulatory agencies, enjoys the benefit of neither a competitive spur nor an effective regulatory check. When the FCC fails to probe, and question Bell management; when the FCC does not permit its staff to play a tough adversary role in Bell's rate hearings; the shareholders of the company are seriously disserved as well as the public.

Some form of competition may be the answer. Whether such a conservative approach can still muster any adherents in a Republican Administration under the influence of Radio-Lib American businessmen remains to be seen.

STUDENTS VIEW OF THE MIDDLE EAST CRISIS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. ROBISON. Mr. Speaker, one of my interns from last summer, Mr. Dennis Horn, wrote me concerning his recent trip to Israel, and I would like to share with my colleagues his views on the tense Middle East situation, as follows:

I have just finished my two week visit to Israel and I thought that you might be interested in some of my impressions with reference to the Middle East crisis.

I have had occasion to talk extensively with both Arabs and Jews. What I observed with regard to Jewish reaction to the conflict has been frequently reported by the American press. The first thing that an Israel says when asked about the war is that he prays that peace will come soon. He also invariably points out that Israel has known nothing but war since her inception. Soldiers are everywhere. Taxes are high. A car has a 100% tax and a radio costs double or triple what it would cost in the states. Everyone however accepts high prices and very few luxuries as the natural state of life. They seem satisfied that better times will come and that in any case, what they have is pretty wonderful.

The reaction to the cease fire is that while it is a first tentative step towards peace, little is expected to develop from it. The people seem to want peace very badly and those with whom I have spoken do not believe that Israel seriously wants to keep the occupied lands (with the exception of Jerusalem).

Interestingly, the war is seen as being out of the hands of either Israel or the Arabs. According to the Israeli press and to public opinion, the war is controlled by and perpetuated by the super powers, the U.S. and Russia who are using the Arabs and the Jews in a dangerous power game. The Jerusalem Post today reported Dyan as saying "The Americans are certainly not interested in the war and the Soviets do not want it either. Since none of the principals wants it, I assume that they will find a way to peace or at least something leading to a cessation of hostilities". Notice who are the "principals" of the war. This opinion may be a statement of fact. It may also be a transferral of responsibility for the war based on the fanciful hope that the U.S., and the U.S.S.R., are Big Brothers who watch over the little countries of the world and who may allow minor disruptions of the international social fabric, but who would never allow a major conflagration which would seriously damage the social framework. This may be wishing the U.S. and Russia more power over international politics than they actually have. It also assumes that even if the U.S. and Russia have the power to regulate the intensity and the direction of rival world politics, they will be able to act together to administer this direction.

If the Soviet Union and the U.S. cannot work together to exercise their joint power over world politics, then that power is problematical instead of actual and Israels expectation that the big powers will eventually extricate them from this war in their own self interest can never be realized.

I suppose what all of this means is that Israel does not expect to win this war by herself. She expects to win a stand-off. But she actually depends upon the U.S. and Russia to end the war. The ball is in our court.

In a different area, I have formed some impressions about the Arab side of the prob-

lem that is not so well reported in our press. I spent two days with an Arab family (some of whom were displaced refugees in 1948) in a small Arab village near the Golan Heights. While admittedly my original prejudices inclined me to favor Israel, I must admit that the Arabs have suffered a real injustice that is not fully recognized in America.

One man with whom I spoke is a U.N. official responsible for Palestenian refugees. Before 1948 he had owned a home and property near Jerusalem. In the 1948 war his property was confiscated by Israel. His home is now occupied by Israelis. To date he has received no compensation for his lost property. Many of the Arabs who were displaced were not wandering Bedouins as we have been told but were propertied, and very civilized town dwellers. These people declare quite movingly that they love their homes and that they will not be deprived of them without a very long fight. It is these people who form the Al Fatah.

It must also be admitted that within Israel, the Arab is treated as a second class citizen. The village that I visited had no electricity or central water system. Jewish villages of similar size have been given such improvements. It may be that until now the central government has simply considered it too expensive to electrify this particular Arab region with no discrimination intended. It is striking however to visit the highly industrialized Jewish sections of Israel and then to see the poverty stricken, underdeveloped rural Arab regions. Seemingly very little effort has been made to help them advance, yet these Arabs are Israelis as much as the Jews are. (Before the 1967 war there were 300,000 Arabs and about 1.8 million Jews in Israel.) It is also apparently more difficult for Israeli Arabs to get such things as teaching certificates. I spoke to one Arab who has been teaching "on temporary permit" for 2 years. He has his B.A. degree and is working on his M.A. In two years he has not gotten an answer, either positive or negative on his application for permanent certification. The situation seems analogous to our own black-white problem.

While this internal Israeli politics may not have direct bearing on forming a settlement in the Middle East it is helpful for me that I can now understand the issues over which this war is being fought. The Arabs were thrown out of their homes—with no compensation. The Jews want a homeland and have done a magnificent job in building Israel. Israel is both green and industrialized and it seems a far older nation than its 22 years. The Israelis do not want to lose their hard won lands.

The case that both sides can make is impelling. I think that Israel must retain her sovereignty. I also think that she has an obligation to pay indemnity to displaced Arabs and to allow many of them back into Israel.

Perhaps it is in fact only an agreement by the United States and Russia that can bring about these possibly conflicting aims and bring a final peace to the Middle East.

JACK VALENTI—MAN OF THE YEAR

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. RODINO. Mr. Speaker, I welcome the opportunity to pay tribute to a cherished friend.

Last week Jack Valenti was honored by the National Foundation—March of Dimes—as the motion picture industry "Man of the Year."

For many of us, however, Jack has held that title many times. Both in private and more public roles, Jack has distinguished himself as a man of compassion and sensitivity—a man of integrity, wise counsel, kindness—a man who has given of himself freely and unstintingly, who has asked ever so much more of himself than of others, and who has won a very special place in the hearts and minds of all who have had the good fortune to know him.

I am proud to count myself as one of those who has been warmed by the humanity and friendship of Jack Valenti.

I join with his countless other admirers in wishing him the peace and fulfillment which he has earned. And, it is my hope that his talents shall continue to be felt for many years ahead.

EULOGY FOR A YOUNG JOURNALIST

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. SYMINGTON. Mr. Speaker, today I wish to join with all who knew and respected the late Timothy Bleck, a member of the staff of the Washington Bureau of the St. Louis Post-Dispatch, in offering my deepest sympathy to his wife and his family.

All of us who worked with this singular, young man in Congress will miss him. Tim, at age 30, had been in Washington almost 2 years, mainly covering congressional activities, with particular emphasis on the civil rights and peace movements and unrest among youth.

He was a superb reporter, quietly and cooly inquisitive about Government, and careful to report the facts both impersonally and accurately. Tim's coverage of Capitol Hill was characteristic of his style of energetic involvement in each assignment. As one of his fellow correspondents said:

When Tim first came to Washington, Congress was not his special interest. But he applied himself to this assignment and developed what was a respected sensitivity and understanding about Capitol Hill events.

Tim joined the Post-Dispatch staff in St. Louis in June of 1966. The following year, his coverage of the St. Louis black ghetto and the race riot in Detroit won him the Con Lee Kelliher Award from the St. Louis chapter of Sigma Delta Chi for promising young reporters.

He was born February 19, 1940, in New York City and grew up at the family home, Storybook Farm, in Lebanon Township near Califon, N.J. He was sports editor of his high school paper and editor of the Scout at Bradley University, where he graduated in 1962.

Before joining the Post-Dispatch, Tim was a reporter for the Bloomington, Ill., Daily Pantagraph; sports editor of the Fairborn, Ohio, Daily Herald; and a reporter for the Dayton, Ohio, Journal Herald. While with the Journal Herald, he won an Ohio Associated Press award for his coverage of the civil rights march from Selma to Montgomery, Ala., in 1965.

Timothy Bleck was a very special sort of man, badly needed by the profession he served and the Nation it serves. The loss is clearly a public as well as a private one.

SPEECH FOR 25TH ANNIVERSARY OF U.N.

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. STANTON. Mr. Speaker, I am pleased to commend to the attention of my colleagues a recent speech by Mr. Thomas Vail, the distinguished publisher and editor of the Cleveland Plain Dealer, delivered at the Governor's Luncheon for the Observance of the 25th Anniversary of the United Nations at Drake University in Des Moines, Iowa. Tom Vail is currently serving on the President's Commission on the United Nations and his remarks at Des Moines are most incisive and provocative as to the role of the U.N. over the past quarter century and the support we must continue to give it as "our imperfect best hope for peace" in the years ahead.

The speech follows:

ADDRESS BY THOMAS VAIL, PUBLISHER AND EDITOR OF THE CLEVELAND PLAIN DEALER

Dr. Murray, Governor Ray, Dr. Sharp, Mrs. Schramm, Congressman Gallagher, members of The President's Commission for the Observance of the 25th Anniversary of the United Nations, distinguished guests, ladies and gentlemen: I have been invited to comment on the importance of the United Nations on this its 25th birthday. It is a perfect occasion to do so. This Governor's U.N. lunch has established the tradition of constructive analysis. And current world crisis demands a new look at an old friend. The members of our Commission and most of this audience who have made the U.N. their particular interest, know far more about the pluses and minuses of the United Nations than I do. However, perhaps I can make some small contribution to your U.N. thinking from the point of view of a newspaper publisher and editor.

I will start with a premise. The U.N. itself is a miracle. The fact that the nations of the world should have agreed to form an international body at all, is unusual in the extreme. Most of the governments of the world are a combination of ideals which their representatives talk about, and realities which guide their action. The formation of the United Nations was a combination of both these qualities. The miracle is not only that nations agreed to form a world body, but that it has survived for 25 years and can still be the subject of a meaningful examination today.

Twenty-five years after the founding of the United Nations we are still considering it. Less than 25 years after the founding of the League of Nations it was virtually dead. The reason the U.N. is still with us is that the two strongest powers, Russia and America, have continued to support the U.N. America never joined the League of Nations which doomed the League from the start as far as peacekeeping was concerned.

The effectiveness of the United Nations reflects directly interest or lack of interest on

the part of Russia and the United States. It may be that in the future the U.N. cannot survive in any meaningful way without mainland China. But that moment has not arrived just yet.

The United Nations in 1970 is suffering from the effects of a worldwide attack on all institutions, and on all authority. Governments, educational institutions, unions, religions, and parents are all being questioned, and often defied, as never before. The most popular movie of today has as its central theme a contempt for authority. Along with the questioning, much of the change we have been experiencing in this country and throughout the world is accompanied by violence. The United Nations is directly affected by this world process.

In our Interim Report to the President, we note that public support for the United Nations has gone down. Public faith in U.N. peacekeeping ability has declined from 80% to 50%. The United Nations as a newsmaker has declined at least as much as this or more. The media does not attach the kind of importance to the U.N. and its activities it did ten years ago. The media itself is in some part responsible for lack of faith in the U.N. We have helped, through our message and our technology, to raise expectations beyond what can be delivered.

It is not only the public and the media which are attaching less importance to the United Nations. Recently during a five hour background briefing in Chicago, neither President Nixon, Dr. Henry Kissinger, nor Mr. Joseph Sisco, Assistant Secretary of State for Near-Eastern Affairs, mentioned the United Nations once. It underlines our Commission's task when leaders of United States foreign policy, dealing with an explosive and important situation in the Middle East, talk for five hours and do not mention the world body we are honoring today.

Our U.N. Commission has been charged with submitting to the President of the United States, not so much an analysis of what is wrong with the United Nations, but rather a constructive program for reform. Specific suggestions that have been part of our Commission discussions on a strengthened United Nations have included: The possibly of a permanent force to patrol borders, or supervise elections; a revitalization of the U.N. Secretariat through vigorous recruitment of skilled personnel; a U.N. specialist on the U.S. National Security Council; and other ideas still under consideration.

It should be emphasized, however, that a complete reversal of present trends in the Nixon Administration will have to take place if a more vigorous U.N. is to be achieved. The Nixon Administration has initiated a series of moves to centralize policy making in the White House. This has downgraded the importance of Cabinet officers including the Ambassador to the U.N. as well.

Competent people are always attracted to those organizations and to those people who "make a difference." If it is known that the Ambassador to the U.N. helps to make American foreign policy, if he has easy access to the President of the United States, it is a lot simpler to attract competent people to the U.N. Unless President Nixon decides he wants the Ambassador to the U.N. to help him make foreign policy, and unless the U.S. in particular pursues a more vigorous use of the U.N. for its own purposes, there is little chance that the decline in U.N. importance can be arrested.

Debates in the Congress concerning the U.S. financial contribution to the U.N. appears more a reflection of a decline of interest in the whole subject than anything else. The total U.S. contributions to the U.N. system in 1969, including the Specialized Agencies and various other programs, amounted to approximately $250 million. This is a tiny percentage of our total budget of approximately $200 billion.

During a White House dinner recently honoring Secretary-General U Thant, President Nixon stated a kind of case for the U.N. The President said, that in talking about the good points and the weaknesses of the U.N., he would turn the proposition around and ask us to consider where the world would be without it. While this is an excellent approach to the subject, our Commission is trying to go beyond that observation. We are trying to get away from the final summation that the U.N. may not be perfect, it may have declined in the past 25 years in quality and influence, but that it is still better to have it than not to have it. Through our distinguished Chairman, Ambassador Henry Cabot Lodge, we have started along this road. Our hearings here and throughout the nation are directed at this objective.

The most serious problem our Commission has already pinpointed, is the role of the U.N. in keeping peace throughout the world. It is in this area that the U.N. has been criticized the most. Peace, of course, is the most important concern of people everywhere. In peacekeeping it is obvious that the United Nations cannot impose its will. The U.N. exists by the support of Member Nations, particularly the two strongest world military powers.

World power relationships today are quite different from those of 1945. A quarter of a century ago, when the U.N. was founded, the United States had a monopoly on the atom bomb. This country then possessed the only large intact industrial plant in the world. In 1945 Europe was prostrate. Today, all these power relationships have changed.

While the Soviet Union has failed these past 25 years to come any closer to the United States economically, she has dramatically increased her military power on land, in the air, and particularly on the sea. The tremendous military ability of the Soviet Union is apparent everywhere—in Czechoslovakia, in the Mediterranean, in Egypt and along the Russia-China border. While Russia is still said not to want a war that no one can win, her tremendous military power is affecting her diplomacy. What we have to find out now is whether Russia wishes to continue her support of the United Nations, and if she does, in what way. Ironically, it may be fear of China that will keep Russian interest in the U.N.

As for the only other power areas of the world, Europe and Japan, they are relatively small in military strength and their role in peacekeeping is thereby diminished. Thus I submit to you that as a peacekeeper the United Nations must first of all devise a way of dealing right now with the United States and Russia, and help guide these two giants to an agreement on ways of preserving world peace.

Perhaps luckily for us all, the coming of the nuclear age and the super-powers has so far made it mutually beneficial to avoid World War. However, the nuclear monopoly may not exist for long in the hands of only the super-powers. The next phase of U.N. peacekeeping may have to deal with the control of lesser powers which might pull the nuclear trigger.

I cannot, however, avoid a great degree of optimism about the future of the United Nations for a simple reason: There is no other organization to which we can turn when everything else fails. When the late U.N. Ambassador Adlai Stevenson replied to critics of the U.N., he cited Adam's proposal to Eve in the Garden of Eden. Quoting Eve thinking it over Stevenson said: "She hesitated for a moment, whereupon Adam asked, 'Is there somebody else?' " The U.N. remains today the safety valve, the mediator, the "fall guy" if you will, when we finally get to the brink of hopelessness.

Discussions about the U.N. being a debating society or comments that the United States should not continue to contribute about 30% of the U.N. budget, seem to evade the central point. The amount of money being spent on the U.N. compared to what is being spent worldwide on armaments is minuscule. The U.N. debates, while often meaningless, give an opportunity to soothe the pride of many small nations struggling for existence and recognition. Besides, I think you will agree the U.N. is not the only place we are treated to "meaningless debates."

The use of the veto power in the Security Council is unavoidable. No nation, including this one, will ever turn over its security to other nations. But with these realities in mind we can, as we have indicated in our Interim Report, concentrate on improving and financing a more competent U.N. administration to use peacekeeping machinery when it is possible to use it.

The U.N. can, as our Commission has suggested, develop further means of solving world environmental, food, and population problems for the benefit of all nations. The U.N. can try to bring about better international control of drugs and hijacking of airplanes. There are, of course, many other things which are mutually beneficial to all nations where the U.N. can play an ever increasing role. These suggestions will undoubtedly be included in our Final Report to the President in April, 1971.

The most heartening thing about the United Nations is that it still remains a vehicle of the two greatest world military powers. They still use it. Thus, when the Middle East controversy burst forth in all its historic virulence, the United Nations once again entered the news. While it is without power itself, the U.N. still reflects some world opinions and in that sense at times saves face and saves peace as well.

If we deal with the United Nations from this realistic understanding, I think we can be hopeful about its future importance.

Finally, I would like to mention the United Nations as a symbol and as an ideal. It has become quite fashionable in some circles to downgrade the United Nations because is raises hopes sometimes beyond its means of delivery. I would like to take strong exception to that point of view. For centuries humanity has thrown up ideals beyond its means. But these ideals give hope for the future and usually raise the level of human performance. The United States itself was an ideal in 1776. So was the walk on the moon before we had the technology to achieve it. Ideals always precede performance. However, that is hardly an argument against ideals.

As we assemble the news of the day at the Cleveland Plain Dealer from sources throughout the world, it is obvious that if there is one thing that young people need everywhere it is something to hope for and something to work for. In this regard there are a few lines you may recall; idealistic, yes, but as pertinent today as they were 25 years ago. I quote in part from the Preamble of the U.N. Charter:

"We the Peoples of the United Nations Determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

And For These Ends—to practice tolerance and live together in peace with one another as good neighbors, and . . . to employ international machinery for the promotion of the economic and social advancement of all peoples.

Have Resolved to Combine Our Efforts To Accomplish These Aims . . . and do hereby establish an international organization to be known as the United Nations."

I know of no better way to conclude this birthday greeting on this 25th anniversary of the founding of what remains as our imperfect best hope for peace.

MEDICARE AND EXTENDED CARE FACILITIES

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. ROBISON. Mr. Speaker, I have asked to have printed in the RECORD the article which follows entitled "Medicare Is Double-Crossing Our E.C.F. Patients!" which appeared in the October 26, 1970, issue of Medical Economics. This article points to a need that is not being presently met by medicare or other programs: the need for adequate coverage for extended illnesses. It was this problem to which I directed my attention when I cosponsored H.R. 19631 along with a number of my colleagues, and it is upon this problem that we must soon focus the legislative machinery. I would hope that this article might stimulate some additional interest in and concern over the problems attendant to long-term illness, and I highly commend the article which follows to the attention of my colleagues:

"MEDICARE IS DOUBLE-CROSSING OUR E.C.F. PATIENTS!"

(By Ralph M. Thurlow)

We'll call her Mrs. M because she doesn't want publicity. Until September of last year, she lived in her tidy little house in Maryland on a widow's modest income, relying on Medicare to pay for whatever major illnesses came her way. She suffered a massive coronary that month and was in the hospital for nearly seven weeks. At discharge, her family doctor ordered her into an extended-care facility for further rehabilitation before returning home. Her progress was slow, and only after exhausting the 100-day benefits allotted by Medicare for extended care did she go home. Three weeks later she received a letter—a bolt from the blue—notifying her that her final 45 days in the E.C.F. were not covered and that she therefore owed the facility $1,600. The shock put Mrs. M right back where she started from—in the hospital—and her family doctor right back where he started—among the many physicians convinced all over again that Medicare is not the medical godsend patients were led to expect, and certainly not the financial panacea.

Despite such shocks, the fact remains that five years ago when the great debate over Medicare enactment was going on, doctors warned that patient care would eventually be determined by the funds available to the Government, not by the medical needs of patients. Today, Medicare's soaring costs, which have doubled its benefit expenditures in the past four years and seem likely to produce a $216 billion deficit over the next 25 years, give new credibility to the old warning.

Among claims for Medicare's extended-care from 2 per cent in 1968 to 7.2 per cent in 1969. Preliminary figures indicate that approved claims for patients in E.C.F.s totaled 82,693 for the month of October in 1968; for October, 1969, approved claims totaled 53,137—a drop of 36 per cent. The result, according to Senator Frank E. Moss (D., Utah), chairman of the Senate Special Committee on Aging's subcommittee on long-term care, has been a "step-by-step dismantling of the Medicare nursing-home program . . . to the point where programs for the ill and elderly rank in Mr. Nixon's priorities just above raising funds for the Democratic National Committee." Though Democrat Moss clearly overstates the case, many doctors would be hard put to say by how much.

Caught between Medicare economy crackdowns, angry families, and embittered patients, physicians are finding out what it means to try to deliver on somebody else's promises—especially the Government's. As one internist in the Southwest puts it: "It's like being told to bring all your friends to a birthday party. When you get there, however, the host takes back the cake and says he couldn't possibly be expected to serve all your friends, you must have misunderstood." Misunderstanding, it so happens, is at the heart of the Medicare E.C.F. muddle. Who's to blame for the misunderstanding is not easy to resolve.

The purpose of the Mediacre law's provision for extended care was to hold down expenditures and increase the availability of hospital beds by transferring patients who no longer needed intensive hospital care to a less expensive E.C.F. From the first, the law made clear that Medicare did not cover mere custodial care; it was specified that the recipient must have been treated in a hospital for at least three days, must need further treatment of the condition for which he was hospitalized, and must be admitted to an E.C.F. within 14 days after discharge from the hospital in order to receive up to 100 days of extended care. What could be clearer than that? Yet in a program that today may reject five out of 10 seemingly identical hip-fracture cases for extended care, doctors are findings that although the law may have been clear from the beginning, its application was not. And in attempting to clarify the application, Medicare has made the program more baffling to many physicians.

"At the outset," says David W. Stewart, managing director of the Rochester (N.Y.) Blue Cross plan, one of Medicare's fiscal intermediaries, "such a massive new program couldn't reasonably be expected to start off with a complete set of criteria. The nitty-gritty of deciding on each individual case was left up to the fiscal intermediaries, and without firm guidelines and precedents they weren't prone to demand strict adherence to what was at best a vague law." When Medicare began to realize what the program was going to cost, he continues, a "clarification of intent" began. Critics of the program, confused and disappointed by its steadily hardening position on E.C.F. eligibility, angrily accused Medicare of ducking out on its promise of long-term care for the aged. Doctors, who at one time may indeed have had 10 out of 10 hip-fracture cases get E.C.F. benefits without question, suddenly found the rejections piling up.

If doctors were mystified by the unannounced "tight ship" policy, patients were dumb-founded. Testifying this year before a Senate Finance Subcommittee, William C. White Jr., Prudential Insurance Co.'s vice president for governmental health programs, summed up patients' confusion over extended care. "The general impression left by the literature describing the benefits," White asserted, "is that all health-care services are covered under Medicare but, of course, this is not true." The situation, he says, is particularly aggravated because beneficiaries believe that they are entitled to 100 days of E.C.F. care on any doctor's authorization.

"That red, white, and blue Medicare handbook that tells little old ladies what the programs is going to do for them is the bane of many an M.D.'s existence," says one Midwest physician. "When it raises false hopes, the doctor catches all the hell." From all appearances, doctors will go on catching hell until Medicare tells its beneficiaries, in ways that all can hear and understand, about the restrictions on E.C.F. benefits. The beneficiary must be clearly warned that, even though his E.C.F. care is authorized by a physician or even a utilization review committee, his claim may be rejected by a fiscal intermediary and he will then find himself, like Mrs. M, being billed for his care through a policy of retroactive denial.

As its expenditures soared, Medicare has demanded ever-stricter adherence to its tightening requirements for E.C.F. eligibility. But it has done so through more than 1,000 letters and written and oral instructions to state agencies and fiscal intermediaries. Communication of sometimes drastic changes to recipients has been nil. To doctors it has been spotty, depending on the informational channels each fiscal intermediary chose to use. In fact, if misunderstanding is at the heart of the Medicare E.C.F. muddle, lack of communication is at its center.

One of the most important communications Medicare has issued, for instance, is intermediary letter No. 371, dated April, 1969. Its nine pages, according to some, constituted the first sign that Medicare was whittling down on benefits promised. It purported to provide details to guide intermediaries in "coverage determinations on extended-care facility admissions involving types of care that are neither clearly covered nor excluded."

"The trouble" says Dr. Donald M. Duckles, acting medical director of the Genesee Valley Medical Foundation's Regional Utilization and Medical Review Project in New York State, "is that most physicians are completely unfamiliar with the guidelines set down in that letter, which started the big change." Their unfamiliarity with the regulations and guidelines. Duckles feels, combined with several other factors to produce greater confusion than might have been expected. The doctors' anti-Government feelings and genuine concern for patients created a resistance to study of E.C.F. regulations.

Added to that recalcitrance was the physician's traditional way of thinking about nursing-home care. Dr. Morton W. Adler, an assistant vice president of Blue Cross and Blue Shield in Chicago who works on Medicare problems, says that doctors were just not sophisticated in their thinking about E.C.F.s. "They thought of nursing homes in the old-fashioned sense of a place where the patient was bathed and fed, rather than in terms of the skilled nursing care provided by E.C.F.s." Thus an emotional desire to provide custodial care for their older patients tends to color many a doctor's thinking about the extended-care program, which from the start was limited to rehabilitative care.

However that may be, doctors who are familiar with such guidelines as letter No. 371 find that interpretations of individual cases seem to vary tremendously. Nor do they find all the Medicare requirements to be models of medical wisdom.

In a letter to Senator Moss concerning intermediary letter No. 371, the medical director of the White Plains (N.Y.) Center for Nursing Care, Dr. Michael B. Miller, cited two examples of how "fictitious and misleading" the definitions are as guidelines in caring for the aged. "Giving drugs by mouth is called an uncovered, unskilled service," he wrote, "yet a great many older patients can't be trusted to give themselves the proper medication. In the same context, the insertion of a catheter is defined as a covered, skilled service. The care and treatment after catheterization is classified as unskilled and uncovered, yet every doctor knows the use of catheters is fraught with dangers, and mishandling can lead to a patient's death."

The application of such general rules to a specific patient is a major stumbling block for physicians. "Finding out if the rules apply, how they apply, and when they apply is a big headache," says Alfred D. Klinger, a Chicago internist whose practice runs heavily to older patients. "Unless you're on the phone all the time, you just don't get the eligibility of extended-care patients straight-

ened out, and you find sometimes that it's the squeaky wheel that gets the oil."

For example, Klinger cites the case of a 72-year-old patient with poor circulation to the brain resulting in very frequent blackouts. The patient was so weakened by these spells that he couldn't take care of himself after hospitalization, and Klinger wanted him admitted to E.C.F. on the basis of a diagnosis of syncope. He was advised by a coordinator of hospital and E.C.F. care that with such a diagnosis the patient's application would be turned down—better call it a stroke. That was rejected, but numerous Klinger letters and phone calls finally got the patient approved. "Over a two-month period," he says, "I put in roughly half an hour to an hour a week on the telephone for just this one patient, so it's easy to imagine the amount of time being wasted by doctors on behalf of E.C.F. eligibility."

Once a patient is approved, Klinger adds, just as much time may be spent in trying to find an E.C.F. that will take him. Social Security may insist that these facilities are not dropping out of the program, he says, but experienced doctors know how reluctant E.C.F.s are becoming to admit Medicare patients.

The extent of that reluctance can be measured in different ways. An estimate by the general counsel of the American Nursing Home Association holds that fully half of the nation's 7,800 accredited nursing homes are sharply phasing down participation in the Medicare program. Several state nursing-home associations say their members want to get out of Medicare entirely. And a report from Georgia, as an example of how far the trend has gone, notes that out of that state's 7,000 E.C.F. beds, only about 300 have Medicare patients in them at any given moment. In Rochester, N.Y., the Pavilion Nursing Home says approved Medicare admissions have nearly stopped; of 167 patients recently counted, only three were on Medicare. While the situation in Rochester does not point to retroactive denial of benefits as the reason for this paucity of Medicare patients, elsewhere in the country such denials are the current basis for the uproar over Medicare's extended-care policy.

The Social Security Administration denies that retroactive rejections are numerous, or that the medical judgments of utilization review committees and patients' doctors are often disregarded. But one New Jersey doctor refutes these claims from firsthand experience.

Frederick M. Offenkrantz, medical director of the nonprofit New Jersey Rehabilitation Care Foundation, reports that there were 50 retroactive cutoffs in one year—including 18 in one day—at his instituton. "Every cutoff was made despite referrals from general hospitals whose utilization review procedures embody referrals to E.C.F.s," Offenkrantz says, "and in every instance a referring physician from a general h spital certified to the need for E.C.F. care." Also disregarded were the certifications by attending physicians at the Foundation, preadmission reviews on the need for E.C.F. care, and certification by the faculty's own utilization review committee. Cutoffs were made retroactive up to as long as seven weeks after admission, and in most cases no portion of the patient's chart, which would have been necessary to make a medical determination, was requested or reviewed by the person ordering the cutoffs.

"In many instances," Offenkrantz continues, "attending physicians flatly refused to order discharge of patients following the cutoffs. Because of the severity of the patients' illnesses, these doctors felt strongly that discharge would constitute malpractice." The upshot was that patients stayed and the facility sank ever deeper into debt. "Not once in my two years as medical director," he says, "has a physician from the intermediary or Social Security contacted me regarding a cutoff. It seems inconceivable that unnamed and possibly nonmedical persons can affect a life-and-death decision over patients whose need for additional treatment is certified by referring and attending physicians, consultants, and utilization review physicians."

To such complaints, a recent Medicare statement replies: "The physician and the utilization review committee make a medical decision that the patient be given further institutional care. The intermediary in no way questions that decision, but must carry out its separate and different responsibility of determining whether this care constitutes covered 'extended care' [under the law]."

If some doctors find Medicare's extended-care regulations and decisions obscure or obstructionist, however, there are other physicians who maintain it could be the doctors who are to blame when patients are hit by retroactive denials. Morton Adler of the Chicago Blue plans is one of these. To show how M.D.'s can influence the course of Medicare approval or rejection, he cites the case of a doctor who treated an elderly hospital patient for a hip fracture. When the patient developed phlebitis while his hip was on the mend, the doctor ordered his transfer to an E.C.F. on the strength of the phlebitis. But the only special care he ordered was that the leg be raised as aid to bed rest. Medicare rejected the claim for E.C.F. benefits. Another doctor with the same type of case and situation might order an anticoagulant administered, and find his patient approved for E.C.F. benefits. Such seemingly small differences, says Adler, often go far toward explaining the mystery of those divergent rulings on supposedly identical hip-fracture cases. Since no two cases actually are alike, Adler declares, it is imperative that doctors spell out the small differences completely when seeking extended care for Medicare patients. "The doctor who uses a maximum of medical language on his applications and charts can better expect to impress laymen and be understood by other physicians," he observes.

Other physicians, to be sure, are more likely to point to capricious rulings on E.C.F. eligibility than to any advantages of fully documented medical necessity. A general surgeon in the East, for example, is still shaking his head over two hip-nailing cases he treated not long ago and the E.C.F. benefits pattern that developed. The surgeon swears he did everything by the book in applying for Medicare coverage on both cases, yet one was accepted and one was denied. One case, he learned, was rejected because the patient had been in the hospital 10 days and his condition was therefore considered stabilized; the other was hospitalized for three days and was accepted for E.C.F. benefits because his condition had presumably not stabilized. It would be hard to convince this surgeon that rulings on E.C.F. eligibility and on length of stays are not the product of "rule of the book" decisions by nondoctors.

What's the way out of the Medicare E.C.F. labyrinth? In some parts of the country there are well-organized programs for coordinating patient care from hospital to E.C.F. that spare doctors most of the headaches. At the Hackensack (N.J.) Hospital, for example, an attending physician requests the hospital's social service department—or the community nursing department, which is also hospital-based—to initiate transfer proceedings for a Medicare patient he wants moved to a lower level of care. Since each department deals constantly with the requirements and regulations for E.C.F. eligibility, it is better able to cut through the outcroppings of red tape and produce acceptable claims or admission forms. "The added value of a well-run program of coordination," says Dr. Irving M. Levitas, head of the hospital's rehabilitation department, "is that it tends to keep the family of the Medicare patient who wants E.C.F. benefits out of the doctor's hair, E.C.F. frustrations and pressures on physicians often begin when they permit themselves to be talked into, coerced into, or suckered into trying to get benefits for elderly patients they know can't qualify."

The procedures followed at Hackensack Hospital would, of course, go a long way toward freeing doctors from Medicare E.C.F. entanglements. But most areas lack such a well-coordinated program, and many doctors argue that coordination will remain uncertain as long as Medicare persists in trying to save money at the extended-care level without explanation to patients and physicians.

The Social Security Administration is known to be formulating definite guidelines of eligibility and length of E.C.F. stay for all common pathological conditions of the aged. And there are doctors who give the agency the benefit of the doubt—believing that such guidelines will recognize that individual patients have different rates of progress and differing rehabilitative potential. In the past, however, flexible guidelines have tended to become inflexible rules at the enforcement level of the program. There are those who feel that the only workable solution is complete flexibility, to be achieved by recognizing that custodial care is the commonest need of the aged and by abandoning the concept of rehabilitation. "Then," says Richard C. Bates, Lansing, Mich., internist, "if a doctor said a patient needed to be in a nursing home, that would be it. The real need of older patients for traditional long-term nursing-home care would be met." To be sure, the yearly cost of such a free-for-all program for shelving aged relatives might well exceed that of a small war.

Raymond Benack, a Wheaton, Md., internist and president-elect of the Association of Physicians in Chronic Disease Facilities, suggests a more practicable way out. "No matter how you look at the problem," he declares, "the Medicare E.C.F. relationship is past the point of rescue. It's dying, if not dead, and poor planning killed it. What we need is a Medicare E.C.F. complex in which hospitals would maintain satellite extended-care facilities providing care with salaried physicians. The aged would receive treatment, and a number of the country's doctors could get back to practice with fewer headaches." To that, a number of the country's doctors would say, "Amen."

OPERATION SER PRODUCTIVE IN NEW MEXICO

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. LUJAN. Mr. Speaker, in view of the manpower training bill passed yesterday, I would like to make it clear that to my knowledge Operation SER is substantially productive to my home State of New Mexico.

The program under the direction of Ray Armenta and Robert Barela placed 2,763 persons in gainful employment who are still employed today. Of these, 1,826 were trained by Operation SER, and would not have otherwise been employed.

Job training and employment opportunities are a basic need in New Mexico. It should be in the interest of the Manpower Administration to authorize the continuation of the specialized services of Operation SER, which have been found highly successful in meeting the needs of individual workers.

AN OUTSTANDING ADDRESS BY A DISTINGUISHED AMERICAN, THE HONORABLE CLIFFORD O'SULLIVAN

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. HARVEY. Mr. Speaker, it is a great honor and privilege for me to bring to the attention of all Members of this body an outstanding address by Federal Judge Clifford O'Sullivan, of Port Huron, Mich. Judge O'Sullivan was honored just a few weeks ago by the Freedoms Foundation of Valley Forge for a speech he gave in 1969. The foundation's George Washington Honor Medal was presented to him at a meeting of the Economic Club of Detroit on November 9, 1970.

I would point out that Judge O'Sullivan's address was given at Law Day observances conducted by the Chattanooga Tenn., Bar Association on May 1, 1969.

The Port Huron Times Herald, Port Huron, Mich., shared in the high opinion of this fine message and reprinted it in its entirety. Thus, I am able to commend it to all for, as a separate editorial mentioned, the speech is as timely today as it was over a year ago.

The speech by Judge O'Sullivan, one of our Nation's finest jurists, follows:

[From the Times Herald, Nov. 9, 1970]

JUSTICE AND EQUALITY DEPEND UPON LAW AND UPON YOU

(By Judge Clifford O'Sullivan)

(NOTE.—Federal Judge Clifford O'Sullivan, Port Huron, is being honored by the Freedoms Foundation of Valley Forge for a speech he gave last year. The Foundation's George Washington Honor Medal was to be presented to him today at a meeting of the Economic Club of Detroit. Judge O'Sullivan's talk was given at Law Day observance conducted by the Chattanooga (Tenn.) Bar Association, May 1, 1969. Here is the full text of the award-winning address.)

The slogan for this Law Day, 1969, is "Justice and Equality Depend Upon Law and Upon You." Prefatorily, may I assume that the justice, the equality and the law that we talk about are not merely words of shifting definition, with every judicial officer at liberty to employ them to fit his current notion of their meaning.

In considering the direction of the remarks which I might make here today, I wondered whether it would not be good for me to talk confidently of the future—reassuring my audience that the road we are on is not, as some fear, leading to an early twilight of this country's greatness—to an end of whatever it was that for most of two centuries made this land the heart's desire of the poor and the oppressed of the entire world.

I considered whether it would be good that I now repeat the substance of a talk I gave about 30 years ago on the eve of our entering World War II. I gave that talk a formal title, "Apology for Optimism." It was my effort then to persuade the doubters of that time, the gloomy ones, not to read the discouraging signs with the pessimism they then appeared to justify. At that time I was in the prime of life. Now I have passed three score and ten, and while I retain the hopes of those days, I do not have the bright confidence that motivated that long ago talk. I do not have the stomach to assert that on this Law Day 1969 we have cause for optimism.

Honest intelligence today calls for pessimism. Not a passive, brooding and unspoken pessimism, but a loud, articular pessimism; a shouted pessimism that may arouse those—so many—who are aware of, but refuse to look directly at, the signs about them. They do not wish to believe that there can ever come an end to the "fun and games" which today's swift pace of material affluence provides, or that the great society we reach for can be mortally hurt by amused indifference to the ever-widening moral permissiveness of our time. I hope that my misgivings are merely the vagaries of an old timer who just doesn't understand. Never before have I so ardently wished that I was wrong. But neither this seeming humility nor my respect for the views of those who disagree with me will permit me to remain silent.

In the closing paragraph of Arthur Krock's book, "Sixty Years on the Firing Line," the author said:

"These are among my personal assessments of the consequences of the political and social new American revolution. And from these consequences I have contracted a visceral fear. It is that the tenure of the United States as the first power in the world may be one of the briefest in history."

This was not the utterance of a John Bircher, a right-winger, a conservative, and maybe he isn't even a Republican. It is the view of a man who continued for most of his life a liberal, a thrilled and quondam disciple of the spectacular social and governmental changes that have come in our time and are reaching fruition on this Law Day, 1969. I do not believe that merely because we are Americans we have some hereditary right that our country remain always "the first power in the world." But I am convinced that if we lose that position at this time, our descent will jeopardize the entire western civilization as we know it. We had better begin to think about that kind of society that will take our place when, and if, we cease to be the "first power in the world." We know that there is only one nation that now combines seeming ability and strong desire to replace us. There are none among our old friends and allies who have the strength or the will to do so.

The message that I wish to bring you, my fellow lawyers, is that the gloomy forebodings of the Arthur Krocks and others may indeed come to pass, unless those who do not wish for their fulfillment decide now to speak and act in loud and spectacular resistance. In illustrative point, may I say that I am weary of being told that what is going on at our universities and colleges represents the attitude of a small minority of our young Americans. If so, when is the majority to speak out? How far must pornography, lewdness and immorality go before the majority, whom we are told are against it, decide to do something about it? How much more crime can our society take before the majority let those who struggle to enforce the law know that we are on their side—that we do not expect that every policeman will be able to exhibit the patience by their disreputable tormentors? Will we, the lawyers of America, on and off the bench and in and out of the schools, talk and act as if we understand that the Bill of Rights was conceived to protect the just man from the imposition of despotic government? May I quote from remarks made by me some years ago to a meeting of federal judges:

"Will we, the judges of the land, be accused of wrong thinking if we believe that some part of our responsibility is the protection for the worthy and the innocent of their inalienable right to life, liberty and the pursuit of happiness? Are we not correct in thinking that among the liberties which all of our governmental structures are designed to protect, is the right to be free from destruction of life and property by predatory crime?"

Permit me to give expression to some miscellaneous and random thought that may illustrate what I am trying to say to you today.

(1) I do not believe that if we destroy every slum in the land and if everyone in this country has all of the food he or she can eat, and is comfortably and even luxuriously housed and clothed, and if every girl and boy is educated to his or her full capacity, we will have solved much, unless there will remain in the beneficiaries of all these good things a moral code. Let us be aware that those who make up the so-called—and very much hated by some—establishment, represent the well fed, the most educated, and the best-housed of today's and yesterday's society. If then, those who have, and have had, all of these things in generous measure are the ones who created this evil and hated establishment, why do we expect that new possessors of these advantages will be any less evil than their hated predecessors?

(2) I believe that however far we advance materially, scientifically and intellectually, we should keep God in our planning; we should listen again to the admonitions of Washington's advice to a new, young nation:

"Of all the dispositions and habits which lead to political prosperity. Religion and Morality are indispensable supports . . . Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure—reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principal."

(3) I do not believe that today's campus revolutions are the product of spontaneous resistance to defects or shortcomings of today's colleges. I believe that in the main they are the product of the evil designs of men and women who would destroy our scheme of social order, and I believe that they would not be enjoying their present success without the participation and connivance of substantial numbers of today's teachers. I do believe that those who have provided and continue to provide the means for the creation and maintenance of our great colleges have the right to demand better performance by our school administrators.

(4) I do not believe that schoolmen and churchmen can make up for their failures as educators or men of God by taking part in demonstrations and lawless acts of violence.

(5) I believe that most of those who call upon our courts to protect their constitutional guaranty of free speech would serve our society best by silence. I do not believe that the intellectual growth of America's youth would be stunted, nor that they would be culturally starved if Lady Chatterly's Lover, Fanny Hill and their companions were not available at every book stall in the land. I do not believe that our skies would fall if a few of the intellectuals who produce and perform in some of our current "off Broadway" shows would be unceremoniously tossed into the "hoosegow" with or without their clothes on.

(6) I join one Detroit parent who said that he did not believe that it was necessary to the education of his children that they learn all about the mechanics of sex before they quit believing in Santa Claus.

(7) I do not believe that young women who go about their business, whether as waitresses or otherwise, nude from the waist up—topless—are engaged in expressing something that is protected by the free speech provision of the First Amendment. One of today's courts has so held.

(8) I believe that we should keep in mind that no society in the world has long existed

in a state of anarchy. Either a majority, desiring order, will find a way to restore it without destroying freedom, or a strong man, or strong men, will take charge and those who do not like anarchy will exchange their freedom for the order of a dictatorship.

It is to be regretted, too, that so many who make conspicuous use of the sacred right of free utterance seek dramatic redirection of our society. For my part, I would hear out these articulate and colorful antagonists—jealously guard their freedom of speech—but with one terribly important caveat, that the rest of us do not walk away in silence. In this land of ours too many of those who believe in our institutions and love this nation's great history devote their time and strength to gaining larger and larger shares of the material rewards which these institutions make obtainable and leave to others the task of defending them. Irreparable damage is too often the product of the silence of those who should speak. The pattern of society is frequently fashioned by the blatant voices of demagogues.

Many wars would not have been fought, many tyrants would never have gained their frightening stature, and nations of people would not have visited tragedy upon themselves had the right thinking not been silent. We count among our allies today great nations who but a short time ago were led to catastrophe because so many watched in silence the disastrous progress of popular Pied Pipers who but yesterday strutted the world's stage.

If there are some brave men, willing to incur the wrath of intellectual demagogues by publicly expressing what we privately believe, our agreement with them should not be limited to saying so at cocktail parties to those that we know already agree. Each one of us has known the bitter regret that follows a failure to speak when we should have—a failure to be conspicuously identified with a cause or a man in whom, in our hearts, we believe.

There is no more poignant passage in all the scriptures than the account of Peter's denial of Christ. An angry and, for the day, popular mob accused him, "Thou also wast with Jesus, the Galilean," and Peter said, "I do not know the man," and when accused the third time, St. Matthew's gospel tells us, "Then he began to curse and to swear that he did not know the man. And at that moment a cock crowded and Peter remembered the word that Jesus had said, 'Before a cock crows, thou wilt deny me three times,' and he went out and wept bitterly." How often in history have a people wept in desolation because they were silent while the demagogues carried the day.

We are justly proud of our scientific age's ever-increasing multiplication of the means of communication. But we must be aware that these advances have also facilitated the spreading of misinformation and untruth. Unfortunately, those public men whose voices are most frequently heard seek to please as many as possible and offend as few. As a consequence, their public utterances ofttimes leave unsaid their deepest convictions.

All of this prompts me to wish that more people—people who are not inhibited by fear of being in the minority or by the need of being politically, socially or intellectually acceptable—would exercise their right to free speech.

If these gloomy forebodings are not to be fulfilled, we, the lawyers of this country, must take a very big part in resisting such fulfillment. We cannot do it alone, but our profession has always assumed and carried a big share of the responsibility for any forward movement or resistance to disastrous change. While we are trying in our own field, we can hope that others will be fighting on their ground. Dramatic changes are taking place. We as lawyers must explain to a well intentioned laity the wisdom and correctness of such of today's judicial innovations as we believe are good. Conversely, we must not be afraid to conspicuously resist what we find to be clearly wrong. You men of the practicing bar must take cognizance of what is going on. To the practicing lawyers, the law, procedural and substantive, is an applied science, not an abstraction. I suggest that the practicing bar, more than we of the judiciary or our fellows of the academy, know the need for the rule of law—for the continued respect for stare decisis—and the importance of maintaining in their proper and singular prerogatives our three great branches of government.

The practicing lawyers and his client are the chief sufferers when justice miscarries, whether from unwise procedural rules or decisions which announce bad substantive law. There is more involved in the trial of a lawsuit or other discharge of a practitioner's responsibilities than the delights of intellectual speculation or abstract dialectics. But with many honorable exceptions, most of today's able practitioners appear content to leave research and contemplative study of the law and the changing of it to the judiciary and the academicians.

We should, and do, give credit to the schoolmen of our profession for the hard work and aggressiveness that prompts their espousal of dramatic changes in our legal system which have come in a relatively short period of our legal history. But the practicing bar's pre-occupation with enjoying the rewards of practice should not prevent their taking a much more active part in the study and exposition of the legal philosophy of this country. They should not be timid in expressing whatever disagreement they may have with the dramatic changes that are occurring in our substantive law and procedure methods.

Much of the procedural law of this country is being rewritten by our college professors, and the substantive law by pioneering judges who are not much impressed by anything that has been said or done by the giants of our past. It is my view that our rules of procedure as well as the substantive law should be the product of nicely balanced contributions of the practicing bar, our academicians, and the judiciary. In the doing of this the special prerogatives of the executive and legislative branches should be properly respected. If one day the current momentum in such direction accomplishes complete abandonment of the rule of law, I hope it will not have come about through the silence and default of the practicing lawyers of this country.

Gentlemen, I hope that what I have said here today is in good taste and not unbecoming to a judge of an appellate court. It may be that those who have adopted the serenity of an "after me, the deluge" attitude have chosen well. But if there are some of us, now nearing the end of the course, who observe what appear to us to be disquieting trends, are we privileged to make such a choice? Do we not have a duty to employ the privilege of free speech so that whether we are right or wrong, and as we leave the scene, we will have said our honest convictions and apprehensions? If wrong, we may at least excite a vigorous and more convincing explication of the right of an opposite view.

To conclude, may I join you and all our countrymen in the hope that the now nearly 200 years of our nation's service to its high purpose—an ordered freedom for all men—may prove to be but the first of many centuries stretching ahead in generous vista in which man will ever move on to a greater and greater society. Let us hope that the giant problems that now torture men's minds are but the travail that precedes great success; that they are not portents of an end to the dreams of those who laid out the plans which brought to us the success we have known up to now. Let us hope that the answer will not ultimately have to be "No" to Lincoln's awesome question "whether that nation or any nation so conceived and so dedicated can long endure." We have the privilege of living in exciting and prosperous times. More and more people have more and more material things. It would be history's greatest calamity if, after our auspicious beginnings in the habits of freedom and with our currently swelling affluence, today's adventures in law, morality and religion lead us to a sophisticated and prosperous decay with everyone's constitutional right to contribute and proceed to such decay fully protected.

It should be our prayer that what we do, or fail to do in our own time will not create a society manageable only by an all powerful government upon whose dispensations will depend the weal or the woe of its citizens. I dare to believe that the majority of today's Americans still hold fiercely to the faith that God is in His Heaven, and even though we cannot share Browning's confidence that "All's well with the world" there is much that is right in the hearts of men. This rightness can prevail if courageous voices insist that it control the methods chosen to implement the plans for today's and tomorrow's society.

SALT TALKS MISGIVINGS CITED

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. SCHMITZ. Mr. Speaker, at this point I would like to include in the RECORD a recent column by Edith Kermit Roosevelt. This column which appeared in the Manchester Union Leader of November 18 makes several good points that we should all stop and consider when evaluating the SALT talks which are currently underway.

The article follows:

SALT TALKS MISGIVINGS CITED

(By Edith K. Roosevelt)

WASHINGTON.—As U.S.-Soviet arms control talks get underway in Helsinki, some experts outside government have strong misgivings over the likely results. This reflects several things: growing awareness that any initial agreement will be limited in scope and worry over our declining strategic position vis-a-vis the Soviet Union and the worsening of U.S.-Soviet relations.

Some of these concerns were raised in conversations with Dr. Robert A. Kilmarx, research principal at Georgetown University's Center for Strategic and International Studies and research director of the Mediterranean Study Organization. Dr. Kilmarx, who recently completed the direction of two special Center studies entitled "Soviet Seapower" and "New Trends in Kremlin Policy," declared:

"We may be curbing yesterday's arms race and doing nothing to prevent the acceleration of tomorrow's race with new weapons to be put into inventory."

The current talks are only concerned with deployed systems. In July of this year, our government reportedly proposed a detailed package that would entail a ceiling on the numbers of land and sea-based intercontinental ballistic missiles, antiballistic missiles and strategic bomber forces.

Thus, each side would be free to continue its research and development programs. One of the problems involved here is that our democratic system of government, in contrast to a Communist system, must take into account the pressures of a volatile public opinion and the competing economic de-

mands of domestic lobby groups. This makes the United States terribly responsive to what is known as "detente euphoria." Dr. Kilmarx said:

"The danger is that if we have an agreement with the Soviets there could arise the conviction that the vestiges of the cold war are long past and we are getting into a period of political sunshine, negotiations and peace."

That this sort of wishful thinking may have already exerted a dampening effect on weapons programs is evident from disclosures by Dr. John S. Foster Jr., director, Defense Research and Engineering. In a speech before the National Security Industrial Association, Foster said:

"This year the Soviet Union is investing the equivalent of $16 to $17 billion in such defense-related research development and applications. The United States is investing $13 to $14 billion in comparable activities. It is disquieting to realize that Soviet defense related research and development are already 20 per cent larger than ours. More alarming is the rate at which their efforts are still increasing." In a subsequent speech before the American Newspaper Publishers Association, Foster went so far as to make a projection of the effeect of the slowdown on our military research and development programs on the nation's security.

TRENDS CLEAR

"The trends are clear," he said. "Ten years ago, Soviet spending for all their national research and development was half of ours. Today, Soviet funding is estimated to be only 20 per cent less than ours. In another few years, if the trends continue, we will clearly be in second place."

What does this mean as far as its impact on a SALT agreement is concerned? As Foster pointed out in his April speech, the research and development picture is especially important since if we are ahead technologically, we can interpret fragmentary intelligence data about Soviet weapons developments and deployments. Thus, it follows that as our military research and development programs are cut back, our ability to detect SALT treaty violations by advanced means declines correspondingly.

This brings up the problem of effectively policing SALT agreements.

"We will have no agreement except one that is verifiable," a State Department spokesman told this correspondent. Understandably, the Department refuses to comment on the specifics of proposed policing while it is still under discussion. But it is certain that the Soviets will not agree to on site inspection so an agreement could only be arrived at by negotiations on matters that may be policed without having inspectors on Communist soil.

The difficulties entailed in dealing with a closed society means then that any realistic arms control agreement that would preserve U.S. security would have to be confined to those weapons systems that can be effectively policed by national systems. Therefore, we can expect continuing and even greater difficulties in monitoring weapons systems under development.

UNTOLD SURPRISES

In the past, we have experienced untold surprises in peacetime when the Soviets were secretly working on weapons programs all the way until final testing or operational capability. Our failure to detect these advances raises a question about the overall efficiency of our national monitoring capabilities, particularly if we are operating under the theory that "the cold war has entered a tepid phase."

The Soviets have continually added to the record of their unwillingness to interpret arms control agreements in both the spirit and the letter in which they were meant. They have found ways to violate arms control understandings precipitiously once the power balance put us in a position where we could not readily respond.

In the case of the Fractional Orbital Bombardment System that the Russians placed in space, they violated the spirit of the agreement that neither side would orbit weapons of mass destruction in space. We forsook this ability to test an important weapons system. The Soviets did not.

Then there was the blatant case of the Soviets violation of the nuclea. moratorium in early 1962. They conducted a series of tests that permitted them to catch up with us in some areas of nuclear technology and gain superiority in others which we can never match.

By such high yield nuclear weapons tests, the Soviets gained more information about the effects of these weapons in space than we did. They also tested the effects of nuclear shots on incoming warheads and their effect on the electronic environment of our radar defense capabilities.

In a background briefing with this correspondent, a State Department spokesman asserted that "if they (the Soviets) suddenly abrogated an arms control agreement, we would still be able to respond in sufficient time."

However, a careful study of Foster's provocative April speech raises some doubts among informed observers concerning our ability to respond quickly enough, Foster said:

"We used to be the ones who made the jumps. In the future, a dangerously large proportion of the surprises could come from the other side, while we scramble to catch up."

Would there be time for us to "scramble to catch up" since there would have been an overall erosion of our technological base and important design and research teams would have been broken up as has happened already at the Massachusetts Institute of Technology?

CAUSE DELAY

Dr. Kilmarx pointed out that already the SALT negotiations have in themselves caused a delay in spending for new strategic weapons programs even without an actual agreement. Arguments have been raised in the Senate that some important military programs would be a waste of money since there are prospects that the new weaponry will be outlawed.

Hopefully, the new Congress will be more responsive to the dangers of our deteriorating military posture but there is evidence that already serious restraints have been placed on important weapons programs, according to Dr. Kilmarx. He listed these as our sea-based offensive programs such as the Poseidon submarine program and, until recently, the Underseas Long Range Missile System as well as our Multiple Independently Targeted Reentry Vehicle capabilities and our Safeguard land-based Anti-Ballistic Missile Systems.

According to one assessment, reduction of the future mix or level of strategic arms through SALT or without it could have a destabilizing effect on regional balances unless the spokesmen for these areas too are invited to the negotiating table.

In the Middle East, the Soviets have reached a preeminent position of power without provoking an effective counter from our 6th fleet.

The recently announced augmentation of the 6th Fleet does not change this situation since we are still faced with the problem of bloc obsolescence of our ships.

We also must not forget, Navy League officials remind us, that the Indian Ocean is a military vacuum that is speedily being filled by the Soviets. Ominously too, we are closing our eyes to Soviet designs to establish a permanent Soviet military presence throughout the Caribbean.

SIX-MAN GROUP

There is also the question of the skill and background of U.S. negotiators vis a vis the Russian team. To handle the most sensitive negotiations of the nuclear age, the U.S. government selected a six-man delegation headed by Gerald Smith, director of the Arms Control and Disarmament Agency a Republican lawyer who served on the Atomic Energy Commission during the Eisenhower Administration and became John Foster Dulles' aide for atomic affairs.

The other U.S. delegates are Paul Nitze, former secretary of the Navy and deputy secretary of defense during the McNamara years; Dr. Harold Brown, former secretary of the Air Force, another McNamara era figure; Llewellyn E. Thompson, former U.S. ambassador to Moscow; Graham Parsons, former ambassador to Sweden and Gen. Royal B. Allison, an Air Force officer with extensive experience as an assistant to the Joint Chiefs of Staff.

The Charleston's News and Courier's well known military affairs writer, Anthony Harrigan, commented recently:

"Each of these men is able and dedicated. Yet the combination is somehow curious. Why were these two McNamara men selected? It was during the McNamara regime that the United States lost the immense lead in nuclear armaments that it had enjoyed since 1945.

"The McNamara concept of parity with the Soviets in nuclear weaponry—a doctrine to which Nitze and Brown evidently subscribed since they were instruments of the U.S. policy then—constituted unilateral disarmament by the United States."

A warning against what can only have been intended to be the well known symptoms of detente euphoria came from Vice President Spiro T. Agnew in an address before a Navy League dinner in New York City. Agnew declared:

SOBER LOOK

"The time has come for the American people to look soberly at the needs of our potential adversaries. While we in this country reorder our allocation of resources to benefit the people, there is disturbing evidence that the Soviet Union may be reordering its priorities for allocation of their resources in a different direction.

"The Soviets are now spending about $17 to $18 billion a year for strategic offensive and defensive forces, while we are spending between $7 and $8 billion. The total Soviet budget for strategic forces approximates 25 per cent of their national security budget in contrast to 12 per cent for the United States. By 1975, they will be spending at twice our level."

What this adds up to is plain enough. We are approaching a position where not only are we unable to engage in confrontation but we are unable to negotiate to further our own interests through strength.

HOUSE RESOLUTION NO. 144 CONCERNING THE PRESERVATION OF PEACE IN THE MIDDLE EAST

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. BYRNE of Pennsylvania. Mr. Speaker, the Honorable Vincent F. Scarcelli, chief clerk of the House of Representatives, Commonwealth of Pennsylvania, has advised me House Resolution No. 144, concerning the preservation of

peace in the Middle East, has been adopted by the house in Harrisburg. I should like to call this important resolution to the attention of my colleagues:

HOUSE RESOLUTION No. 144
IN THE HOUSE OF REPRESENTATIVES,
September 30, 1969.

The necessary steps must be taken to preserve the peace of the world. The Middle East presents a possible danger to that peace due to the saber rattling of Egypt and her allies, which threaten the nation of Israel. In order to prevent an attack upon Israel by Egypt and her allies, it is necessary that they know that such an attack would be immediately repulsed and that the aggressors would again suffer defeat, as they have in the past for unwarranted aggression; therefore be it

Resolved, That this House of Representatives memorialize the President and the Congress of the United States to take all necessary steps to preserve peace in the Middle East, particularly by considering and acting favorably on the Israeli request for more military equipment; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each House of the Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.

REACTION FROM UNION WHEN EMPLOYEE JOINED UNION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. CRANE. Mr. Speaker, recently the leadership of several rail unions rejected a 37-percent, 3-year pay hike.

Presently the United Automobile Workers locals are voting on the General Motors settlement which is estimated to cost 30 percent.

At the same time, it is interesting to note how a major union, the UAW, reacts when it has to change positions and take the role of management.

I commend the following article by Mike Royko of the Chicago Daily News, which appeared in Human Events on November 14, 1970, to the attention of my colleagues:

HOW ONE UAW LOCAL REACTED WHEN ITS EMPLOYEE JOINED A UNION

(By Mike Royko)

I admit to being personally suspicious of the United Auto Workers local in Danville, Ill.

Several months ago somebody sent me an unsigned column from their union paper. The column was quite good. Brilliant, in fact. But it seemed strangely familiar to me. Then I remembered why. I had written it two weeks earlier.

So I called the union and asked why they would filch somebody else's property like that. It's only a column, I told them, but the least they could do is put the author's name on it.

And what kind of union, I asked, exploits somebody else's labor. A day's work for a day's pay, right? So if they were too cheap to pay somebody to write a column, they could at least put the little traditional credit line at the bottom saying, "reprinted from . . .," etc.

The union office gave me a short grunt and a fast brushoff.

So I am not surprised to hear the way the Danville UAW, which consists of more than 2,000 members, is treating Joan Anderegg, their office manager, secretary and all-around Girl Friday.

Mrs. Anderegg decided to do something about her working conditions. She hadn't had a raise for the last two years. Picture Detroit's assembly line if the UAW didn't get a raise for two years. So she did what workers traditionally do in this country—she joined a union, the Office and Professional Employes Union.

Her union notified the UAW that they would be Mrs. Anderegg's bargaining agent.

And what did the UAW say? Did they say, fine, everybody ought to be in a union? Did they say, what's good enough for us is good enough for her? Did they sit down and negotiate a decent contract?

"They were furious with me for joining a union," Mrs. Anderegg said. "The first thing the local president said was that they could get along without me, that they'd put somebody else in the job or do away with my job altogether."

Just picture General Motors telling the UAW that they will put other people on the assembly line!

"Then he told me that I had made a big mistake, that I'd regret it and that I should have asked his permission before I joined the union."

Shortly thereafter, a time clock was installed in the office and Mrs. Anderegg was ordered to punch it.

"After five years they suddenly decided that I should punch in and out. Can you imagine a time clock for an office that has two employes—me and the janitor? They told him to punch it, that because he joined the union with me."

The idea of a time clock for two people becomes even more fascinating if you consider that one of the UAW's national demands is that time clocks be eliminated where they work.

Finally, the UAW agreed to negotiate with Mrs. Anderegg's union. Mrs. Anderegg asked for a 21-cent-an-hour cost-of-living ceiling, which is what the UAW workers were getting. She also asked for a $25-a-week pay increase.

The UAW offered about $5 or $6. Let GM offer them $5 or $6.

The negotiations bogged down. The giant UAW wasn't going to give in to Mrs. Anderegg's great demands.

Having worked for a union, Mrs. Anderegg knew what the next step was in dealing with a nickel-nursing, tight-fisted employer—she went on strike.

On the Tuesday after Labor Day, Mrs. Anderegg and the janitor showed up in front of the UAW office with their picket signs, and began picketing the union.

"They were really mad," Mrs. Anderegg said. "They threatened to throw me in jail, to sue me, and all sorts of things. But I screamed right back at them and they left us alone."

But the UAW hadn't given up. It informed Mrs. Anderegg and the janitor that they couldn't be on strike, because they didn't work for the union anymore—they were fired.

That's not the way employers are supposed to treat workers who go on strike, so Mrs. Anderegg's union complained to the National Labor Relations Board that the Danville UAW was engaging in unfair labor practices, an embarrassing thing for a big union to be accused of.

That's not good for the union's image, so the UAW grudgingly agreed to resume negotiations on a contract for Mrs. Anderegg and the janitor, while moaning that a raise in the two salaries would prove a terrible hardship on the local's treasury, and that dues would have to be increased. They sounded just like Ford or GM moaning that they would have to raise prices if they give the UAW a raise.

And that is where it stands now. Every day, Mrs. Anderegg and the janitor go march in front of the Danville UAW.

The UAW is very touchy about people crossing their picket lines when they strike, but they are not hesitating in crossing Mrs. Anderegg's little picket line.

The negotiations have not yet resumed, but when they do, Mrs. Anderegg's demands will be much less than those the UAW has thrown at General Motors. GM would be delighted if it had to deal with Mrs. Anderegg and the janitor.

In the old days, unions had ringing, idealistic slogans. Today, they might get by with something simple. Such as: "I've got mine."

ON RECRUITING VOLUNTEERS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. SCHWENGEL. Mr. Speaker, my hometown of Davenport, Iowa, has a rather unique organization. The Volunteer Bureau of Scott County is the agency to which I refer. Its uniqueness lies in the fact that its principal function is to get people to work—voluntarily—for other organizations. In the enclosed guest editorial from the Davenport Times-Democrat, Mrs. Thomas S. Douglass, director of the bureau, describes the rewarding work of the bureau:

LEARNING TO SMILE AGAIN

"I can smile again, now."

That was the statement of a retired man now volunteering regularly in a nursing home to help others. He's giving of himself but finding the reward of helping himself.

A little more than two years ago, the Volunteer Bureau did not exist, and that man might not have found the place to give of his ability and time. Today, that man and nearly 700 other individuals have received untold satisfaction and personal reward in volunteer work.

Another retired man began providing transportation occasionally. He still gives this kind of volunteer help, but he has now become "really involved" with several agencies and spends many of his weekdays in a variety of other volunteer services. He has also interested his wife in volunteering, and she is now a reliable worker in a preschool program learning the charm of little ones.

A hundred young adults, teens and college-age people found rewards other than money this summer when they spent their vacation months volunteering, and many adults learned a great deal as they witnessed the love and commitment of these young people. Staff people with whom they worked were heard to say, "They were as reliable as the professionals," and "They added a one-to-one dimension to our program that we've never had before."

Many persons are simply not aware of the tremendous opportunities for volunteer service that exist in the community—long-time residents and newcomers alike.

One newcomer, still living from a suitcase at a motel while she and her husband waited for their house to be ready, called the Volun-

teer Bureau and wanted to know where she could help. She started her volunteer work a week or two later, and she is still working to help an inner city agency's program.

Then, too, people have called to inquire if the town to which they are moving has a volunteer bureau. Most likely it has (if it hasn't, we suggest they try to start one) because nationally, volunteer bureaus are not new. While we have only two candles on our cake, some volunteer bureaus have celebrated their 40th birthday.

The Volunuteer Bureau of Scott County is an accredited member of the Association of Volunteer Bureaus of America, a national organization over 20 years old and number about 80 member bureaus.

In 40 years of growth, volunteer bureaus have developed from the single purpose of recruiting and referring volunteers to their strategic contemporary role as an integral part of the total community-planning process. Volunteer bureaus today have primary responsibility in the community for developing standards for volunteer programs, coordinating volunteer participation, and providing for training and consultation to all local agencies and citizens groups on building volunteer programs. The scope of each bureau's work depends on the size and the support of the community; the extent and need for service, and the size of the bureau's staff. Bureaus are clearinghouses, "people banks," or coordinating centers for all voluntary activities and ideas in the community.

But, not since our country was young and neighbor helped neighbor, has there been the current widely-spread increased interest in citizen participation for human welfare. This is true today both on the local and the national level. There is hardly any type of agency program that is not, at least somewhere in the country, successfully using volunteers. They work! People will be reliable and confidential. They can learn how to help the professional capably.

There is, however, a right way and a wrong way to work with volunteers. They need to be taken seriously. They need to understand that what they are doing, as volunteers, affects the achievement of an agency's goals. They should have an accepting climate in which to work. They should be allowed to progress at their own rate, yet be challenged and given a chance to grow. They also need real responsibility and real appreciation. To give all these things means there must be training and continuing supervision on the part of the agency.

Today's volunteers are interested in action. Today's volunteers are doers. Today's volunteers want to learn and to make a real contribution. The new ideas that volunteers have and their tremendous capacity for service must be channeled into areas where they can be used appropriately and where the volunteers can enjoy their work. This is the important and most intriguing work of the Volunteer Bureau—finding the best place for each individual according to his time, interest, ability, and concern. Volunteers want to work with an agency whose work is of particular interest to them.

If you're just one of the many concerned about the nation's growing racial problems and the problems of the poor and the disadvantaged but who feel at a loss to know what to do about it, or if you may be one of those who complains about "the government" spending all that money on welfare, poverty, and job training programs and who says it ought to be done by private individuals or private business, then, now is your chance to do something about it. Call us at 323-2239. Never before has there been a greater need for persons with a commitment to help; to come forth and be counted; and to volunteer and do something. It won't cost you any money or increase your taxes. All it will take is some time and effort, and you might even learn to smile again.

WAGING A SUCCESSFUL FIGHT AGAINST MALNUTRITION AND HUNGER

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. SEBELIUS. Mr. Speaker, the Kansas State University Department of Grain Science and Industry is the largest university baking and milling research facility in the world. The university's research program and the dedication of two outstanding men in the field of grain research have given promise of better things to come both for the Kansas wheat grower and the many countries who are striving to produce more nutritious foods to feed the malnourished and hungry.

It is worth repeating that perhaps our greatest weapon in the arsenal of peace is our willingness to share our agricultural expertise and abundance with those who are less fortunate. In this regard an announcement by the Kansas State University research team of Dr. Cho C. Tsen and Dr. William J. Hoover does indeed mean better things to come in our Nation's fight against malnutrition and hunger.

Mr. Speaker, the following article from the November 7 issue of the Kansas Farmer tells how the Kansas State research team is closing the gap in high protein bread. It is significant that in closing this gap, they are also making it possible for increased farm exports and for waging a successful fight against malnutrition and hunger. The article follows:

[From the Kansas Farmer, Nov. 7, 1970]

WAGING A SUCCESSFUL FIGHT AGAINST MALNUTRITION AND HUNGER

Kansas wheat growers haven't had too much to cheer about in recent months. But they should do some rejoicing now as the result of "high protein" bread research accomplished by the Department of Grain Science and Industry at Kansas State University.

Basically the research has resulted in the novel use of additives to wheat flour to produce high quality protein-fortified baked goods.

Dr. William J. Hoover and Dr. Cho C. Tsen of the K-State Department of Grain Science and Industry announced their discovery last month on the National Day of Bread at a press conference in Kansas City.

Dr. Hoover declined to call the research news a breakthrough. However, the findings sounded very much like top news to the editors at the press conference.

Hoover and Tsen pointed out that in many parts of the world wheat-based foods are the main part of the diet. These countries want to build in more nutrition to such foods, primarily through improved protein quality.

Unfortunately, the scientists explained, the addition of protein to wheat flour has affected the flavor, color, texture, appearance, aroma and volume of the products.

"Thus it has been impossible," Hoover said, "to add any significant amounts of non-wheat nutrient additives to breadstuffs without losing desirable qualities."

The research team of Hoover and Tsen found how to do the desired job and the "new bread" is protein-enriched without loss of any of its traditional appeal.

Hoover and Tsen used additives to accomplish their purpose, and these have been previously employed in the baking industry and have the blessing of the Food and Drug Administration. The additives can be described as dough conditioners or emulsifiers.

Technically, the two ingredients used to produce high quality protein-fortified baked goods are Sodium-Stearoyl-2-lactylate (SSL) and Calcium Stearoyl-2-lactylate (CSM).

Part of the team's research was with a third ingredient, ethoxylated monoglyceride (EM), which was found to greatly facilitate the use of high levels of non-wheat starches and flours in bread and related baking products.

How important is all this? Consider that 95 percent of the world's population consumes most of their calories, either directly or indirectly, from a cereal. Wheat is the staple for about 36 percent of the world population. The grains (rice, wheat, corn) provide the largest proportion, 50 percent of the world's supply of protein, though grains are not a particularly good source of protein.

We have a world protein shortage and the so-called "green revolution" hasn't done too much to alleviate this. New techniques in underdeveloped nations have produced more food, but this is in the form of grains, short of protein quality and quantity.

Now enters the K-State discovery. We can include high protein additives such as soy flour, which contains up to 50 percent protein and is of fairly consistent quality in breads at a level to significantly improve the nutritional value of breadstuffs. And none of the other qualities of the finished product is sacrificed in the process!

Soy flour is one of the most practical ways to boost bread protein. But nonfat milk solids and other high protein material could be used.

American and French style breads are being consumed in increasing quantities throughout the developing world. Not only have they been accepted in Asia and South America by former rice and corn eaters, but they have become a prestige or status food.

These food consumption trends are good for American wheat and flour exports, but they present real problems to developing nations. These countries want to lessen their dependence on outside sources for food to save foreign exchange and to stimulate local agriculture and industries.

For example, in some of these countries it is mandatory for bakers to add prescribed amounts of starches and flours from native crops to bread. In tropical areas, for example, this means bakers use starches and flours from corn and cassava with wheat flour to make bread.

Up until now, trying to fortify such bread with protein resulted in loaves that were rather small and hard. Now, the native starches and flours can be used with the additives to produce an acceptable loaf of bread.

Will this help Kansas wheat farmers? Hoover says, yes. He reasons that the utilization and export of U.S. wheat should increase due to increased consumption of bread. The bread may also be sold to the consumer at a lower price, because part of the composition would be based on low-priced native crops.

There's another facet to the Tsen-Hoover studies. They learned that less shortening is required in baked goods when the dough conditioners are used.

Hoover said that normally 3 percent shortening is used in bread, 8 percent in doughnuts and up to 55 percent in cakes. He said that by using the additives excellent bread can be made without shortening. He indicated that up to one-half the amount of shortening normally used in cakes could be eliminated.

This should be good news for weight watchers who may be able to eat cakes, rolls

and doughnuts which will have a lower fat content and thus a lower calorie content.

It will be good news to the baking industry as well as there is a potential cost reduction in the formulas developed by Tsen and Hoover. By using the additives, bakers can significantly decrease shortening normally used in baked goods.

Incidentally, the scientists say the producers of bakery products will have few, if any, alterations to make in their present manufacturing processes using the new formulations.

Many questions were directed at Hoover and Tsen during our meeting with them. Hoover was asked, for example, about the demand for a high-protein bread in the U.S.

The scientist replied that he did not expect the "new bread" to make a big ripple on the market immediately. He said he didn't think consumers would take notice of the new bakery products unless they were advertised on the basis of lower calorie content. Incidentally, the calorie reduction in bread would be insignificant.

"The high protein bread," he said, "should have a place in school lunch programs and in some other government food programs. It is a perfect vehicle to insure adequate protein intake."

It looks like we have some new abbreviations to put in our "active" file—SSL, CSM, and EM. Through their usage, the K-State scientific team may have taken a major step forward in preparing bread products for feeding the world. Certainly, the basic diet of the world will continue to be based on grain.

Wheat flour is short in the amino acid lysine. Soy flour has lysine. So by adding the latter to wheat flour, the protein content of bread can be raised from 8–9 percent to 13 percent protein.

In this way, Dr. Tsen told us, bread becomes balanced in protein. You could live on this bread alone and have a fairly respectable diet.

Non-wheat starch dilutes the quality of food flour. As little as 3–5 percent of such starch causes loss in loaf volume, poorer texture and poorer taste. Twenty to 30 percent casava starch can now be used in wheat flour if .25 percent EM is in the formulation. And a high percentage of corn starch can be added to wheat flour and still acceptable bread will result. Dr. Hoover believes all this is not so much a breakthrough as it is part of an evolutionary process to help feed the world and improve the image of wheat. The novel use of the dough conditioners has been patented and use patents will be licensed by the Kansas State University Research Foundation.

The K-State Department of Grain Science and Industry is the largest university baking and milling research facility in the world. Late last month the KSU department held an open house for its modernized feed milling facility. The program was built around the general theme, "dedication to the future."

Better things to come? When outstanding grain scientists are so dedicated—and have the funds and facilities—you can count on it.

OUR FINE YOUNG MEN

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. KUYKENDALL. Mr. Speaker, I learned Thursday night of the death of a friend and a constituent, Lt. Col. William Groom Leftwich, Jr., of Memphis, who died while serving a second voluntary tour in Vietnam.

Any time we worry, Mr. Speaker, about the modern generation, we need look no further than our fine young men serving in Vietnam. And we mourn the loss of such a one as Bill Leftwich, whose life was ended last week in a helicopter crash. He was 39 years old.

Bill Leftwich did not have to return to Vietnam. He was on a voluntary second tour, after earning the Navy Cross, the Purple Heart, and the Legion of Merit on his first tour. At that time General Westmoreland called him the best military adviser in Vietnam.

Every Member of this House, Mr. Speaker, indeed every American, owes a debt of gratitude to Col. Bill Leftwich and to his comrades in Vietnam. His wife and two young sons in Alexandria, Va., and his mother in Memphis, should take some measures of comfort in their grief today, to know that this man represented the very spirit of all that is good in our country.

This is the debt we can never repay.

HUNGARIAN REVOLUTION—1956

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. EILBERG. Mr. Speaker, these fall days bring to mind events occurring at this time of year 14 years ago in Hungary. For a few brief days a proud people who had loved and fought for freedom for a thousand years, knew liberty once again. The heritage of St. Stephen and Louis II, or Hunyadi and Corvinus, of Kossuth and Bem has risen triumphant again for all the world to behold. Briefly though, only briefly—for the heel of the Russian invader ruthlessly extinguished free Hungary in 1956. The New York Times noted on the day Soviet tanks entered Budapest, that—

> This Hungarian revolution was not one from the top. It came from the bottom. It originated among the intellectuals. It was started by the writers and journalists . . . the University students participated. The workers—the base on which Communism is supposed to be built—trailed behind.

Thus, the revolution of 1956 was a clear expression of the desire and hope and will of the Magyar nation to be free.

My colleague from Pennsylvania (Mr. FLOOD) once said when speaking on this same subject that—

> The fire, the inspiration, the whole emotional impact of events fades with the passage of time. In some cases this is a healthy phenomenon. In others it is a danger to be avoided. The revolt in Hungary in October 1956 is one case which should never be forgotten.

So that we do not forget, it seems useful that those memorable events of a few short weeks 14 years ago be recounted.

The year 1956 was a decisive one for Europe, especially for the Soviet satellite states in Eastern Europe. During nearly a decade after World War II, Stalin had established iron-fisted Russian control over these states: all were rigidly structured in every way according to the Soviet model, and collectively they created the image of a monolithic Communist empire. In March 1953, Stalin died, and the political forces of change, unleashed by the new leadership during the next 3 years, were to shake the foundations of this monolith.

Reconciliation with Tito in 1955, heretofore the prime target of Soviet attacks, and subsequent revisionist ideological declarations by Khrushchev—who by that time had control of the Soviet power apparatus—quickened the pace of revolutionary ferment. By coming to terms with Tito, Khrushchev in effect justified "Titoism," or in his words sanctioned as ideologically pure the principle of "other roads to socialism." Thus the principal heresy of international communism for nearly a decade, "Titoism," was no longer heretical, but its sanctioning raised fundamental doubts about the presumed infallible judgment of the Soviet Communist leadership. Such doubts were confirmed, and indeed magnified by Khrushchev's secret speech at the 20th Party Congress in February 1956. In this speech Khrushchev launched his de-Stalinization program: all the sins and errors of Stalin's past were laid open before the Congress, and the deceased Soviet leader, heretofore virtually deified by his Communist believers, was condemned.

Doubts created by reconciliation with Tito, by the ideological revision of accepting "other roads to socialism," and by the dethronement of Stalin, combined with growing discontent over economic stagnation, intellectual suppression, and political tyranny to produce revolutionary conditions in Hungary by the summer of 1956. In July, Rakosi, the Stalinist leader of Hungary, was removed because of the agitation among Hungarian writers, mounting resistance in the country, and open attack by Hungarian intellectuals in the Petofi Circle. Parallel discontent emerged in Poland where the workers in Poznan rioted in June 1956. But revolt in Poland was forestalled by the timely removal of the Stalinists from power and the election of Gomulka to the Polish party leadership. Events took a different turn in Hungary.

From all appearances the Hungarian revolution was spontaneous, almost accidental. On October 23, university students in Budapest organized a demonstration of sympathy for Poland; they used this occasion to publish demands for independence, free elections and the end of Soviet political control and exploitation. Large crowds joined the demonstrators. The Hungarian police—AVO—and later Soviet troops, called by Hungarian Premier Gero, fired into the crowds, igniting a revolution that enveloped the country. Revolutionary workers' councils and local national committees were formed to carry out the purposes of the revolution.

On October 30, the revolution succeeded, at least temporarily. Imre Nagy, a former Hungarian Communist Premier, formed a genuine coalition cabinet, announced a return to conditions that existed before the Communist seizure in 1947, abolished the one-party system, promised free elections, and negotiated for the immediate withdrawal of Soviet troops. Momentarily, the Russians appeared to acquiesce and accept the

Hungarian fait accompli. However, on November 1, Soviet military units surrounded Hungary's airfields and Budapest, the capital. Fresh troops were reported pouring into the country. Nagy responded with a proclamation of neutrality and a request to the West and the United Nations for assistance. Direct assistance was not forthcoming; by November 4, the Soviet military forces attacked Budapest. Heavy fighting went on for days; a general strike paralyzed the country for several weeks.

Within a few days the Russians crushed the rebellion; they installed a new regime under the Hungarian Communist leader, Janos Kadar. During the weeks of disorder an estimated 160,000 Hungarians fled the country; thousands were killed in the fighting.

Retaliation against the rebel forces began in 1957. Thousands of Hungarians were executed or imprisoned. In 1958, Premier Nagy, Gen. Pal Maleter, commander of the resistance forces, and several associates were secretly executed. Thus, Soviet control was reasserted over Hungary. To insure continued Soviet control, the Russians stationed between 50,000 and 80,000 Soviet troops in the country.

The American people were stirred by the events in Hungary, much as they were when the Russians crushed the revolution in 1849. No doubt President Eisenhower expressed the sentiments of the entire American people when he wrote the following letter to Soviet Premier Nikolai Bulganin on November 4, urging the U.S.S.R. "in the name of humanity and in the cause of peace" to withdraw the Russian troops from Hungary:

I have noted with profound distress the reports which have reached me today from Hungary.

The Declaration of the Soviet Government of October 30, 1956, which restated the policy of non-intervention in internal affairs of other states, was generally understood as promising the early withdrawal of Soviet forces from Hungary. Indeed, in that statement, the Soviet Union said that "it considered the further presence of Soviet Army units in Hungary can serve as a cause for an even greater deterioration of the situation." This pronouncement was regarded by the United States Government and myself as an act of high statesmanship. It was followed by the express request of the Hungarian Government for the withdrawal of Soviet forces.

Consequently, we have been inexpressibly shocked by the apparent reversal of this policy. It is especially shocking that this renewed application of force against the Hungarian Government and people took place while negotiations were going on between your representatives and those of the Hungarian Government for the withdrawal of Soviet forces.

As you know, the Security Council of the United Nations has been engaged in an emergency examination of this problem. As late as yesterday afternoon the Council was led to believe by your representative that the negotiations then in progress in Budapest were leading to agreement which would result in the withdrawal of Soviet forces from Hungary as requested by the government of that country. It was on that basis that the Security Council recessed its consideration of this matter.

I urge in the name of humanity and in the cause of peace that the Soviet Union take action to withdraw Soviet forces from Hungary immediately and to permit the Hungarian people to enjoy and exercise the human rights and fundamental freedoms affirmed for all peoples in the United Nations Charter.

The General Assembly of the United Nations is meeting in emergency session this afternoon in New York to consider this tragic situation. It is my hope that your representative will be in a position to announce at the session today that the Soviet Union is preparing to withdraw its forces from that country and to allow the Hungarian people to enjoy the right to a government of their own choice.

DWIGHT D. EISENHOWER.

Throughout the entire crisis, the United States assumed the leadership in denouncing the Soviet action in the United Nations and in urging United Nations sponsorship of a resolution requiring Soviet withdrawal from Hungary and the admission of United Nations investigators to Hungary. But the Russians opposed such measures, and the United States, unwilling to risk possible thermonuclear war by any direct military intervention, was compelled to acquiesce in the Soviet military reconquest of Hungary. The United States rendered whatever help was possible by lifting immigration barriers to accept thousands of Hungarian refugees and by dispatching medical supplies and other forms of relief for those Hungarian refugees awaiting transfer to other lands.

So, after a few autumn days more than a dozen years ago the light of Hungarian freedom was tragically extinguished. However, we know that the love of and desire for self-determination remains fervently alive in the hearts of Hungarians everywhere. As free men dreaming of ascendant justice in our world, we know that there will come a time when this desire of the sons of the ancient Magyars will be fulfilled. Until then we will weep for the heroes who fell so gallantly during those October days, while taking courage in the example they set for unborn ages of free men.

AIRCRAFT HIJACKING

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. BINGHAM. Mr. Speaker, the sixth—Legal—Committee of the United Nations General Assembly adopted on November 20 by a vote of 99 to 0 with 10 abstentions a strong resolution dealing with the hijacking of aircraft. This will be considered later this session by the General Assembly plenary, and is expected to receive the same vote at that time in favor of its adoption.

In view of the great concern about this subject, and in view of the interesting fact that the Soviet bloc nations voted in favor of this resolution—Cuba abstained—I would like to include the full text of the resolution in the RECORD at this point.

The General Assembly, recognizing that international civil aviation is a vital link in the promotion and preservation of friendly relations among states and that its safe and orderly functioning is in the interest of all peoples.

Gravely concerned over acts of aerial hijacking or other wrongful interference with civil air travel.

Recognizing that such acts jeopardize the lives and safety of the passengers and crew and constitute a violation of their human rights.

Aware that international civil aviation can only function properly in conditions guaranteeing the safety of its operations and the due exercise of the freedom of air travel.

Endorsing the solemn declaration of the extraordinary session of the assembly of the international civil aviation organization held at Montreal in June 1970.

Bearing in mind resolution 2551 (XXIV) and the resolution adopted by consensus at the 1552nd meeting of the security council.

1. Condemns, without exception whatsoever, all acts of aerial hijacking or other interference with civil air travel, whether originally national or international, through the threat or use of force and all acts of violence which may be directed against passengers, crew and aircraft engaged in, and air navigation facilities and aeronautical communications used by, civil air transport;

2. Calls upon states to take all appropriate measures to deter, prevent or suppress such acts within their jurisdiction, at every stage of the execution of those acts, and to provide for the prosecution and punishment of persons who perpetrate such acts, in a manner commensurate with the gravity of those crimes, or, without prejudice to the rights and obligations of states under existing international instruments relating to the matter, for the extradition of such persons for the purpose of their prosecution and punishment;

3. Declares that the exploitation of unlawful seizure of aircraft to take hostages is to be condemned.

4. Declares further that the unlawful detention of passengers and crew in transit or otherwise engaged in civil air travel is to be condemned as another form of wrongful interference with free and uninterrupted air travel;

5. Urges states to the territory of which a hijacked aircraft is diverted to provide for the care and safety of its passengers and crew and to enable them to continue their journey as soon as practicable and to return the aircraft and its cargo to the persons lawfully entitled to possession;

6. Invites states to ratify or accede to the convention on offenses and certain other acts committed on board aircraft, signed in Tokyo on 14 September 1963, in conformity with the convention;

7. Requests concerted action on the part of states, in accordance with the charter, towards suppressing all acts which jeopardize the safe and orderly development of international civil air transport;

8. Calls upon states to take joint separate action, in accordance with the charter of the United Nations, in co-operation with the United Nations and the International Civil Aviation Organization to ensure that passengers, crew and aircraft engaged in civil aviation are not used as a means of extorting advantage of any kind;

9. Urges full support for the current efforts of the International Civil Aviation Organization towards the development and coordination, in accordance with its competence, of effective measures with respect to interference with civil air travel;

10. Calls upon states to make every possible effort to achieve a successful result at the diplomatic conference which has been convened in The Hague in seizure of aircraft, so that an effective convention may be brought into force at an early date.

QUESTIONS STAY AFTER CEAUSESCU TRIP

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. DERWINSKI. Mr. Speaker, Rumania has managed to stimulate considerable attention in the Western World by its ability to conduct an independent foreign policy. The interest in Rumania was obviously further stimulated by the visit President Nixon paid to that country last year.

It is practical for us, however, to objectively study Rumanian foreign policy, specifically the actions of its Government and party leaders. Therefore, a column by the distinguished correspondent of the Copley Press, Dumitru Danielopol, in the November 10 Aurora, Ill., Beacon-News should be carefully read. Mr. Danielpol was a member of the Rumanian diplomatic corps prior to and during World War II and he is a very penetrating analyst of the Rumanian Communists and their activities.

The article follows:

QUESTIONS STAY AFTER CEAUSESCU TRIP

(By Dumitru Danielopol)

WASHINGTON.—In the aftermath of the Nicolae Ceausescu visit to the United States some nagging questions remain.

Is Rumania's Red boss the genuine article he claims to be, a Communist leader who is breaking away from the Soviet monolith?

I confess I have always doubted his "independence." Now I am more convinced than ever that he is a clever Soviet pawn put forward to fool the West and especially the United States.

Throughout his discourses at the United Nations, at the Foreign Policy Association in New York and in Washington, he consistently advocated moves that in no way help Rumania, but which could be to the advantage of the Soviet Union.

He plugged, for instance, for the disbanding of NATO, the "dismantling of military bases on the territory of other states and the withdrawal of foreign troops within their national borders."

This of course implies the withdrawal of American troops from Europe as well as Soviet troops from Czechoslovakia and East Germany. That would leave Soviet forces within a few hundred miles from West Germany and only a few yards from the Rumania border while U.S. troops would be some 6,000 miles away across an ocean.

Every country in Europe would be at the mercy of the Soviet Union. Under the Brezhnev Doctrine all of Eastern Europe would have the status of the Baltic States. Though Ceausescu denied the existence of such a doctrine, the Kremlin has claimed a "legitimate" right to intervene in any errant socialist country.

Another point that Ceausescu and his foreign minister Corneliu Manescue harped on was an All-European Security Conference "which would include the United States, of course."

Such a conference, they argued, would develop a pact that would be an extra safeguard for small countries against domination by big powers. If it is such a safeguard, why has the USSR given high priority to such a meeting?

The term "All-European" is enough of a clue. Moscow has long dreamed of a Europe subject only to its whims and powers.

"Their proposal for what they call a European Security Conference is a major weapon in this offensive to dominate all Europe," said British Kremlinologist Malcolm Mackintosh in a recent interview to the U.S. News and World Report.

The British expert says Russia traditionally, for centuries has considered that "by natural law they should be the paramount influence not only over Eastern Europe but also over Western Europe. . . ."

Herman Achminov, chief researcher of the Institute for the Study of the USSR in Munich, maintains that the Kremlin has never flinched from a 1952 Stalin plan to conquer the whole of Europe.

Ceausescu advocates policies that would hasten the achievement of those goals.

SENATE—*Wednesday, November 25, 1970*

The Senate met at 10 a.m. and was called to order by Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts.

Rabbi Joshua O. Haberman, Washington Hebrew Congregation, Washington, D.C., offered the following prayer:

THANKSGIVING PRAYER

O Lord of the universe and protector of all mankind, from Thee come all our blessings from day to day and from year to year. In this land of ours so richly blessed by Thee, we raise our voice in joyous thanks. To these shores Thy children have come from many climes seeking liberty and a new hope in life. All have been pilgrims to this land of promise. Here they found renewed purpose, increased strength and the opportunity to outgrow old fears and suspicions. Let not a disgruntled spirit despise the bounties of this gracious land, nor belittle its power for good.

Fervently we invoke Thy blessing upon our country and our Nation. Enlighten with Thy wisdom and sustain with Thy power those whom the people have set in authority, the President, his counselors and advisers, the judges, lawgivers, and executives and all who are entrusted with the guardianship of our rights and our liberties.

May peace and good will obtain among the inhabitants of our land and exalt our Nation in righteousness. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 25, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. KENNEDY thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. ROGERS of Florida, Mr. CARTER, and Mr. HASTINGS were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendment to the bill (S. 3619) to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JONES of Alabama, Mr. WRIGHT, Mr. JOHNSON of California, Mr. DON H. CLAUSEN, and Mr. SCHWENGEL were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. FRIEDEL, Mr. DINGELL, Mr. SPRINGER, and Mr. DEVINE were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 670) to amend section 19(a) of the District of Columbia Public Assistance Act of 1962.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 4183) to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits.

The message further announced that the House had agreed to the amendment

of the Senate to the bill (H.R. 9017) to amend the District of Columbia Alcoholic Beverage Control Act.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 10336) to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 13564) to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 13565) to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia.

The message further announced that the House had passed a bill (H.R. 19830) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 19830) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, November 24, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TIME FOR VOTING ON TAX CONVENTIONS TODAY

Mr. MANSFIELD. Mr. President, I would like to raise an inquiry. It is my understanding that the vote on the tax conventions will occur at 12:30 p.m., today, and that although only one vote will be taken, four separate votes will be recorded, one on each tax convention, and will be so shown in the RECORD. I ask the Chair whether that is correct.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MANSFIELD. I thank the Chair.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1360 and that the rest of the calendar be considered in sequence, up to and including Calendar No. 1374.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WORLD JAMBOREE OF BOY SCOUTS

The bill (H.R. 15216) to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1350), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill would authorize the Secretary of Defense to lend Army, Navy, and Air Force equipment and to provide transportation and other services in support of the world jamboree of Boy Scouts to be held in Japan in 1971. This will be the first world jamboree to be held in Asia and it is expected to be the largest single Scouting event ever conducted. More than 20,000 Scouts and leaders of 132 countries are expected to attend. The U.S. contingent will consist of 4,000 boys and leaders.

The equipment authorized to be loaned would include tents, cots, blankets, commissary equipment, flags, refrigerators, vehicles, and such other equipment as may be necessary or useful.

Under the authorization for "other equipment, and without reimbursement, furnish services and expendable medical supplies, as may be necessary or useful" there would be provided communication, medical, engineering, and protective services that were specifically authorized by previous enactments for similar support for the Boy Scouts and Girl Scouts.

In addition, it is anticipated that under the general terms of the bill authorizing "other equipment, and without reimbursement, furnish services and expendable medical supplies, as may be necessary or useful" there could be furnished, as has been furnished under the language "other equipment" and "other logistical services" in previous enactments for similar support of national Boy Scout jamborees, the following types of support on a nonreimbursable basis:

(1) Specialized equipment for administrative support, and the operation of such equipment.

(2) Personnel for security, accounting, and organizational maintenance of the equipment loaned.

(3) Administrative support personnel such as supervisors, medical and dental technicians, military police, and bandsmen.

(4) Temporary duty and per diem costs of the foregoing support personnel as authorized by law.

(5) Expendable medical supplies.

Transportation will be authorized to be furnished from the U.S. military commands overseas and return on transportation of the armed services. Such transportation would be provided to Boy Scouts, Scouters, and officials certified by the National Council, Boy Scouts of America, as representing the national council at the jamboree, and to Boy Scouts and Boy Scout leaders of other nations whose associations are certified by the Boy Scouts of America as being official representatives to the world jamboree. Transportation would also be provided for equipment and property and the property loaned pursuant to the bill.

The equipment authorized to be loaned and the service authorized to be provided would be furnished to the extent that they are available and their provision will not jeopardize the national defense program. Transportation would be furnished to the extent that to do so will not interfere with the requirements of military operations. Transportation would also be provided for equipment furnished at no expense to the U.S. Government.

The National Council, Boy Scouts of America, will be required to give a good and sufficient bond for the safe return of property in good order and condition without expense to the United States. The council will also be required to give a good and sufficient bond for reimbursement to the United States of the actual cost of transportation furnished.

It might be noted that this bill is being reported in lieu of S. 4311 introduced by Senator Schweiker which covers the same subject matter.

FISCAL ASPECTS

The bill provides that no expense be incurred by the U.S. Government for the delivery, return, rehabilitation, or replacement of the equipment loaned. The National Council, Boy Scouts of America, is to pay all costs for delivery and return of equipment and for rehabilitation and repair or replacement of equipment as necessary. Transportation is to be furnished at no expense to the United States. However, in addition to the nonreimbursable services indicated above, some administrative costs would be incurred in the processing of outgoing and incoming shipments and the inspection of returned equipment. It is believed that these expenses will be nominal and can be absorbed within the regular operational budgets of the installations involved.

PREVIOUS LEGISLATION

The authority which would be granted in this legislation is consistent with like authority granted in support of the national jamborees of the Boy Scouts of America, and of the Girl Scouts. Similar authority in support were provided the fifth, sixth, and seventh national and the 12th world jamborees by Public Laws 86–22, 88–41, 89–490, and 90–501.

DR. DIONISIO TENG LIBI AND DR. BERNADETTE LIBI

The bill (S. 3870) for the relief of Dr. Dionisio Teng Libi and Dr. Bernadette Libi, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Dionisio Teng Libi and Doctor Bernadette Libi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 7, 1961, and July 9, 1963, respectively.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1353), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiaries to file petitions for naturalization.

GEORGE K. LIU

The Senate proceeded to consider the bill (S. 3540) for the relief of George K. Liu, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 6, after the word "of", where it appears the first time, strike out "the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act during the current fiscal year or the fiscal year next following."; and on page 2, line 4, after the word "following.", insert "March 8, 1963."; so as to make the bill read:

S. 3540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, George K. Liu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 8, 1963.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1351), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with established precedents.

SOON AE KWALK

The Senate proceeded to consider the bill (S. 4029) for the relief of Soon Ae Kwalk, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 4, after the word "Act" strike out "Soon Ae Kwalk" and insert "Soon Ae Kwak"; and in line 7, after the word "Mrs.", strike out "Kon Yong Kwalk" and insert "Kon Yong Kwak"; so as to make the bill read:

S. 4029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Soon Ae Kwak may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Kon Yong Kwak, citizens of the United States, pursuant to section 204 of this Act: *Provided,* That the natural brothers and sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Soon Ae Kwak."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–352), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill as amended is to facilitate the entry into the United States in an immediate relative status of the alien child adopted by citizens of the United States The bill has been amended to reflect the proper spelling of the family name.

GIUSEPPE DELINA

The bill (H.R. 3373) for the relief of Giuseppe Delina, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1354), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Giuseppe Delina. The bill provides for deduction of an appropriate quota number and for payment of the required visa fee.

OK YON KIRSCH

The bill (H.R. 4670) for the relief of Ok Yon (Mrs. Charles G.) Kirsch, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1355), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to preserve immediate relative status for Mrs. Charles G. Kirsch, the widow of a U.S. citizen, which is the status to which she would be entitled were it not for the death of her husband.

INTERSTATE AGREEMENT ON DETAINERS

The Senate proceeded to consider the bill (H.R. 6951) to enact the Interstate Agreement on Detainers into law.

Mr. HRUSKA. Mr. President, before use for consideration today is H.R. 6951, a measure to enact the Interstate Agreement on Detainers into law on behalf of the United States and the District of Columbia. This is a most essential matter originally requested by the Department of Justice several years ago and enthusiastically endorsed by the National Association of Attorneys General representing the chief legal officers of each of our 50 States. To the knowledge of this Senator, there is no opposition to this proposal.

At the heart of this measure is the proposition that a person should be entitled to have criminal charges pending against him determined in expeditious fashion—another manner of stating the speedy trial guarantees of the Constitution. Just last year the Supreme Court in the case of *Smith* v. *Hooey,* 393 U.S. 374 (1969) held that a State which has a charge pending against a defendant serving a sentence elsewhere is required to make a good-faith effort to bring such defendant to trial within a reasonable time.

This agreement allows a prisoner serving a sentence in a State which is a party to the agreement to secure a trial within 180 days on a charge pending against him in another State. A prosecutor in a party State could similarly obtain custody of an accused who is serving a sentence in another party State subject to certain procedural limitations. This bill makes no charges in the substantive laws applicable to any criminal prosecution. All it does is to insure that both prosecution and defendant may, if they wish, have their day in court on a prompt and timely basis.

From the prosecutor's point of view, the advantages of this agreement are that long delay in trial pending the expiration of a previous sentence might make conviction impossible because of the death of witnesses or the disappearance of essential evidence. From the point of view of the accused, without this agreement his sixth amendment right of speedy trial is effectively destroyed. In addition the practice in many States is to deny parole or probation or other privileges to an incarcerated person who has an outstanding detainer pending from another State. Another consideration is that research has shown that convicted persons who have the threat of another prosecution hanging over them often lack the motivation for successful rehabilitation.

By enactment of this bill the United States and the District of Columbia would become signatories to this agreement which has already been adopted by 28 States. By approving this measure today we can insure that the United States will become part of this vitally needed system of simplified and uniform rules for the disposition of pending criminal charges and the exchange of prisoners. Article I of the agreement states the broad purpose of the legislation:

It is the policy of the party States and the purpose of this agreement to encourage the expenditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations, or

complaints. The party States also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

Let me summarize the effect of enactment of the legislation. Federal and District of Columbia prison authorities would be required to inform prisoners of detainers which have been lodged against them. Prisoners could then request trial on such pending charges. Any request would then be transmitted through the warden to the proper official in the other jurisdiction, who would then have 180 days in which to bring the prisoner to trial. The prosecutor could obtain temporary custody of the prisoner and take him to the place of the trial. In the case of a Federal prisoner, the prosecutor would be entitled to temporary custody or to the prisoner's presence in Federal custody, which ever arrangement was approved by the custodian. The State whose prosecutor requests trial would be responsible for costs of transporting and returning the prisoner—article V. Upon completion of the trial the prisoner would be returned to the institution in which he was imprisoned. If convicted, any sentence imposed would be served in the second jurisdiction following completion of the original sentence. If the prisoner were not brought to trial within the 180-day limit, the charges would be dismissed with prejudice. The time limit could be extended for good cause shown in open court with the prisoner or his counsel present.

When, on the other hand, the proceedings are initiated by a prosecutor the request for custody would be made to appropriate officials in the jurisdiction in which the prisoner is being held. Unless the request is disapproved by the Government within 30 days, temporary custody would be given the prosecutor for the purpose of transferring the prisoner and holding trial. In this case trial must be commenced within 120 days of the time the prisoner arrives in the jurisdiction seeking him, unless the time is extended for good cause—article IV(c).

The agreement does not apply to persons adjudged to be mentally ill—article VI(b).

In recent years the moving force behind the adoption of the agreement has been the National Association of Attorneys General. Just this year this organization unanimously adopted a resolution calling on all parties to consent to the agreement. This Senator is very pleased that the leader in this effort has been the very distinguished Attorney General of my own State, the Honorable Clarence Meyer of Nebraska. He has been calling upon his colleagues in the other 49 States to see that the legislatures of each of the States grant consent to the agreement, and he has been very effective in Washington in insuring that this bill has passed the other body and has reached this place today. It is my great pleasure to commend him for his diligence and skill in this matter.

So far 28 States have joined this compact; it is expected that the remaining 22 will become partners as soon as their legislatures meet in the coming year. Just recently three additional States—Virginia, Tennessee, and Arizona—became signatories by action of their legislatures.[1] It is essential that the United States and the District of Columbia join in this agreement so that all jurisdictions will have uniform and simplified rules for the disposition of detainers and the exchange of prisoners.

As I stated earlier, I know of no opposition to this agreement but do know of its great need and usefulness to the orderly conduct of justice in this Nation. For this reason I urge that it be approved by the Senate today.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1356), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enact into law and enter into the Interstate Agreement on Detainers on behalf of the United States of America and the District of Columbia.

STATEMENT OF THE FACTS

The Department of Justice and the government of the District of Columbia have stated their recommendations that the legislation be enacted.

The number of States that have joined in the agreement has risen from 20 to 25. Moreover, on January 20, 1969, in *Smith* v. *Hooey* (393 U.S. 374), the Supreme Court ruled that a prisoner charged with a State offense has a right to speedy trial and that the State is under an obligation to make a diligent, good faith effort to bring a defendant to trial within a reasonable time, even when he is serving a sentence in a Federal prison outside the State involved.

More recently, the Supreme Court of the United States ruled on May 25, 1970, in the case of *Dickey* v. *Florida* (398 U.S. 30), that a criminal conviction for robbery by the State courts of Florida must be vacated because the State had failed to bring the defendant to trial for a period of over 7 years on account of his detention during that time in a Federal penitentiary.

The committee is of the opinion that the enactment of this legislation would afford defendants in criminal cases the right to a speedy trial and diminish the possibility of convictions being vacated or reversed because of a denial of this right.

THE AGREEMENT

A detainer is a notification filed with the institution in which a prisoner is serving a sentence, advising that he is wanted to face pending criminal charges in another jurisdiction. In the absence of the agreement on detainers, prisoners do not have any way of initiating legal proceedings to clear detainers filed against them by authorities outside the State or other jurisdiction in which they are imprisoned.

The agreement on detainers, set forth in full in H.R. 6951, makes the clearing of detainers possible at the instance of a prisoner who is serving a sentence and also at the instance of prosecuting officials of a jurisdiction other than that in which a prisoner is incarcerated. The agreement gives the prisoner no greater opportunity to escape a conviction, but it does provide him with a procedure for bringing about a prompt test of the substantiality of detainers placed against him by other jurisdictions. The result is to permit the prisoner to secure a greater degree of certainty as to his future and to enable the prison authorities to plan more effectively for his rehabilitation and return to society.

The agreement also provides a method whereby prosecuting authorities may secure prisoners serving sentences in other jurisdictions for trial before the expiration of their sentences and before the passage of time has dulled the memory or made witnesses unavailable. However, a Governor's right to refuse to make a prisoner available is preserved and the agreement does not apply to persons adjudged to be mentally ill.

Under the agreement, prison authorities are required to inform prisoners of all indictments, informations, or complaints on the basis of which detainers have been lodged against them by other jurisdictions. Prisoners may then request trial on such pending charges. Any request is transmitted through the warden to the proper official in the other jurisdiction who then has 180 days to bring the prisoner to trial. For this purpose the prosecutor can obtain temporary custody of the prisoner and take him to the jurisdiction in which trial is to be held. In the case of a Federal prisoner, the prosecutor will be entitled to temporary custody as provided by the agreement or to the prisoner's presence in Federal custody at the place of the trial, whichever arrangement may be approved by the custodian. Upon completion of the trial, the prisoner is returned to the institution in which he was imprisoned. If convicted on the new charges, any sentence imposed is served in the second jurisdiction, after completion of the original sentence.

If the prisoner is not brought to trial within the 180-day limit, the charges are dismissed with prejudice and the detainer is no longer valid. The time limit can be extended for good cause shown in open court with the prisoner or his counsel present.

As was stated, prosecutors also can initiate proceedings to obtain trials of prisoners in other jurisdictions against whom charges are pending or detainers have been lodged. A request is made to appropriate officials in the jurisdiction in which the prisoner is being held. Unless the request is disapproved by the Governor of the State having custody within 30 days, temporary custody is given to the prosecutor for the purpose of transferring the prisoner and holding trial. Trial must be commenced within 120 days of the time the prisoner arrives in the jurisdiction seeking him, unless the time is extended for good cause.

Under the agreement any request by a prisoner to clear a detainer constitutes a request to clear all detainers emanating from the same State.

The agreement is open to participation by the United States of America and by the District of Columbia, as well as by each of the several States, the territories and possessions, and the Commonwealth of Puerto Rico.

It is provided that the agreement shall enter into full force and effect as to a party "State" when such State has enacted the same into law, and that any party may withdraw by enacting a repealer.

At the present time the following 25 States have enacted the Interstate Agreement on Detainers into law: California, Colorado, Connecticut, Delaware, Hawaii, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Utah, Vermont, Washington, and Wisconsin.

[1] States already party to this agreement: Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, Wisconsin.

Congressional consent in advance was given for agreements like the Interstate Agreement on Detainer in the act of June 6, 1934 (44 Stat. 909), which is now found in section 112(a) of title 4, United States Code, and reads as follows:

The consent of Congress is hereby given to any two or more States to enter into agreements or compacts of cooperative effort and mutual assistance in the prevention of crime and in the enforcement of their respective criminal laws and policies, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.

NEED FOR THE LEGISLATION

The Attorney General has advised the committee that a prisoner who has had a detainer lodged against him is seriously disadvantaged by such action. He is in custody and therefore in no position to seek witnesses or to preserve his defense. He must often be kept in close custody and is ineligible for desirable work assignments. What is more, when detainers are filed against a prisoner he sometimes loses interest in institutional opportunities because he must serve his sentence without knowing what additional sentences may lie before him, or when, if ever, he will be in a position to employ the education and skills he may be developing. Although a majority of detainers filed by States are withdrawn near the conclusion of the Federal sentence, the damage to the rehabilitation program has been done because the institution staff has not had sufficient time to develop a sound prerelease program.

For similar and other reasons, the government of the District of Columbia states that it believes that H.R. 6951 represents desirable and beneficial legislation. In connection with the predecessor measure, H.R. 15421, 90th Congress, it advised the committee that unless the legislation is made applicable to the District of Columbia (as well as to the United States) there is no method available whereby a prisoner who is serving a term of imprisonment in one of the party States and against whom there is pending in the courts of the District of Columbia an information or complaint based upon a violation of a municipal regulation or ordinance, or an act of Congress in the nature of a municipal regulation or ordinance which is applicable solely within the District of Columbia may require the disposition of a detainer lodged against him. Furthermore, unless the legislation is made applicable to the District, its prosecuting authorities would not be able to have a prisoner in a party State made available for disposition of local detainers. For these reasons the government of the District of Columbia recommended amendments to H.R. 15421 to make the legislation directly applicable to the District. The committee adopted these amendments and they are incorporated in H.R. 6951.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 6951) was ordered to a third reading, read the third time, and passed.

MRS. ROLANDO C. DAYAO

The bill (H.R. 14543) for the relief of Mrs. Rolando C. Dayao, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1357), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Rolando C. Dayao. The bill provides for deduction of a quota number and for payment of the required visa fee.

MRS. MARIA ZAHANIACZ

The bill (H.R. 15767) for the relief of Mrs. Maria Zahaniacz (nee Bojkiwska) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1358), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to preserve immediate relative status for Mrs. Maria Zahaniazc (nee Bojkiwska), the widow of a U.S. citizen, which is the status to which she would have been entitled were it not for the death of her husband.

SOMPORN BELL

The bill (H.R. 15922) for the relief of Somporn (Leeta Noi) Bell, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1359), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child adopted by a citizen of the United States.

SOON HO YOO

The bill (H.R. 16857) for the relief of Soon Ho Yoo, was considered, ordered to a third reading, read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1360), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child to be adopted by citizens of the United States, notwithstanding the fact that two alien children have previously been adopted.

JACQUELINE AND BARBARA ANDREWS

The bill (H.R. 17431) for the relief of Jacqueline and Barbara Andrews, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1361), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to provide for the granting of second preference status to two alien children to be adopted by lawful permanent residents of the United States.

JUNG YUNG MI AND JUNG AE RI

The bill (H.R. 17508) for the relief of Jung Yung Mi and Jung Ae Ri, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1362), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States as immediate relatives of the two alien children to be adopted by citizens of the United States, notwithstanding the fact that four alien children have previously been adopted.

JIN SOO PARK AND MOON MI PARK

The bill (H.R. 17912) for the relief of Jin Soo Park and was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1363), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States as immediate relatives of two alien children to be adopted by citizens of the United States.

SMALL BUSINESS ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 4536) to amend the Small Business Act.

SBA LOAN CEILING

Mr. DOLE. Mr. President, the Small Business Administration has reached the $1.9 billion statutory ceiling for outstanding loans set by the Small Business Act and the Economic Opportunity Act of 1964, so it has been necessary to freeze all loan approvals in SBA's regional and district offices. S. 4536, reported by the Banking and Currency Committee Monday, was passed on the consent calendar today. The bill will alleviate this crisis by raising the loan ceiling to $2.4 billion.

It is important that the Members of this body realize that the Small Business Administration anticipated this crisis. As early as last August 5, SBA's Administrator, in testimony before the House Banking and Currency Committee, warned that timely action on H.R. 4291

was needed, because, as of June 30, 1970, of the $1.9 billion existing ceiling, a total of $1.7 billion was outstanding.

On a straight line projection basis, the established ceiling will be reached by approximately December 1 of this year.

This forecast was accurate within a few days.

When we look at the figures for fiscal 1970, we can see that SBA has done an outstanding job of fulfilling its legislative mandate. A total of 32,113 loans amounting to $884,744,164, in private as well as Government dollars were approved. This compares with 16,640 loans amounting to $720,200,000 in fiscal 1969. At the end of fiscal year 1970, the 114,801 loans in SBA's active portfolio make up more than 11 percent over the previous year amount ing to $2.3 billion, a 15-percent increase in value.

In 1970, SBA launched new initiatives in financial assistance programs, including the 3-day automatic guaranty plan and the line of credit guaranty plan. SBA's relationship with the American banking community and the private financial sector has been tremendously enhanced by these and other innovations.

SBA has also done outstanding work over the past year in the fields of disaster loans, business opportunities for disadvantaged citizens, and the harnessing of voluntary, private sector help to service the small business community. But continued success depends on affirmative action by the Congress.

SCORE

S. 4536 also contains a provision that was the subject of a bill I introduced on April 20, 1970, authorizing compensation for expenses incurred by SCORE volunteers during their assistance to small businessmen.

SCORE stands for Service Corps of Retired Executives. As a program, it embodies some of our most basic American values. Under the auspices of SBA, some 36,600 former business executives give free advice and counseling in their individual areas of expertise to small businessmen throughout the country.

The need for this kind of assistance is emphasized when we recall the Dun & Bradstreet study that attributes nine out of 10 business failures to management problems. To help overcome this management gap, SBA, primarily through its SCORE volunteers, provides person-to-person business management counseling to prospective and operating small business owners. The counseling covers the full range of areas where a small businessman may encounter problems, from administrative management principles, to specific problem solving and business techniques.

A recent cost/benefit evaluation of SBA-guided management assistance, conducted in 12 SBA regions, reached an impressive conclusion in regard to SCORE. According to this study, benefits from assistance to small businessmen were 10 times greater than the costs of the program. I wish that we could say the same of many far more costly programs of the Federal Government. Certainly, when this kind of efficient service comes to our attention, we should do everything in our power to encourage and strengthen it.

SCORE's 3,600 volunteers provide their many-faceted services at no charge in the best spirit of voluntarism in a free society. No one that I know has ever suggested that this arrangement should be changed; however, as the law stands today, SCORE members provide their services without charge, but they are denied reimbursement for such necessary, unavoidable expenses as parking fees and telephone calls.

Section 2 of S. 4536 authorizes the payment of these out-of-pocket expenses. The annual cost to Government is estimated at $200,000.

This is not a monumental amount, and I believe we can all agree that it is a pitifully small sum in comparison to the contribution SCORE volunteers across the Nation are making to the small business community. Indeed, the money is not really the most important aspect of this legislation. To the thousands of SCORE volunteers whose efforts go on, day after day, unheralded and unthanked, this legislation is a small but tangible way for us to give them some well-deserved recognition and, more importantly, valuable assistance for their efforts. In other words, passage of this legislation is an immense morale builder and one that is highly deserved. Its positive impact will far outweigh the modest costs involved.

We owe it to the men and women who have compiled such an impressive performance record in the agency; to the thousands of volunteers who have cooperated in achieving that record; and, most of all, to the millions of small, independent businessmen across the country who look to SBA for firm, effective assistance.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1366), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The bill would amend the Small Business Act to increase by $500 million the amount of loans, guarantees, and commitments which can be outstanding at any time from the business loan and investment fund of the Small Business Administration. It would broaden SBA's authority to pay travel and other related expenses incurred by SBA's volunteer management counseling personnel.

AMENDMENTS TO THE SMALL BUSINESS ACT MADE BY THE BILL

Increase in the amount of loans which may be outstanding.—Section 1 of this bill increases from $1.9 billion to $2.2 billion the amounts which may be outstanding at any one time in SBA's regular business loan program, displaced business loans, prime contract authority, trade adjustment loans, and loans made under title IV of the Economic Opportunity Act of 1964. There is an increase in the sub-limitation of title IV loans from $200 million to $300 million. The Small Business Administration estimates that if this increase is made it will be able to continue these programs until June 30, 1971.

This bill also increases from $300 million to $500 million the amount of loans which may be outstanding under title V of the Small Business Investment Act of 1958. (State and local development company programs.) SBA estimates that if this increase is made it will be able to increase these programs until June 30, 1972.

The following tables show the increase in these loan ceilings made by the bill and the estimated requirements for these programs for fiscal years 1969-1972.

	Present law	S. 4536
Regular business loans; Displaced business loans; Prime contracts; Loans under title IV of the Economic Opportunity Act of 1964; Trade adjustment loans	$1,900,000,000	$2,200,000,000
Title V of the Small Business Investment Act of 1958 (State and local development company programs)	300,000,000	500,000,000
Loans under title IV of the Economic Opportunity Act of 1964	200,000,000	300,000,000

SMALL BUSINESS ADMINISTRATION—ESTIMATED BUSINESS LOAN AND PRIME CONTRACT LIMITATION REQUIREMENTS, FISCAL YEARS 1969-72

[Dollars in millions]

	Actual		Fiscal year 1971 budgeted levels projected	
	June 30, 1968	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972
Outstanding loans and commitments, start of year		$1,321.6	$1,510.5	$1,739.3	$2,165.4
Plus new loan approvals:					
7(a) business		426.5	424.4	635.0	635.0
Economic opportunity		49.1	70.3	138.0	118.0
Displaced business		29.8	39.2	46.0	46.0
Sec. 8(a) prime contracts (net increase)			11.2		
Total		505.4	545.1	799.0	799.0
Minus repayments and cancellations:					
7(a) business		287.6	285.9	329.8	350.0
Economic opportunity		14.7	21.4	29.1	40.0
Displaced business		10.5	9.0	14.0	16.0
Sec. 8(a) prime contracts (net decrease)		3.7			
Total		316.5	316.3	372.9	406.0
Outstanding loans and commitments, end of year		1,510.5	1,739.3	2,165.4	2,558.4
Contingency reserve or deficit (—)				34.6	—358.4
Present limitation		1,900.0	1,900.0		
Recommended limitation in H.R. 4291				2,200.0	2,200.0
Memorandum: Outstanding by program:					
7(a) business	$1,144.8	1,283.7	1,422.2	1,727.4	2,012.4
Economic opportunity	67.4	101.8	150.7	239.6	317.6
Displaced business	104.1	123.4	153.6	185.6	215.6
Sec. 8(a) prime contracts	5.3	1.6	12.8	12.8	12.8

SMALL BUSINESS ADMINISTRATION—ESTIMATED DEVELOPMENT COMPANY LIMITATION REQUIREMENTS, FISCAL YEARS 1969–72

[Dollars in millions]

	Actual		Fiscal year 1971 budgeted levels projected	
	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971	Fiscal year 1972
Outstanding loans and commitments, start of year	$205.8	$249.4	$291.9	$360.4
Plus new loan approvals	60.6	62.0	90.0	90.0
Minus loan repayments and cancellations	17.0	19.5	21.5	23.5
Outstanding loans and commitments, end of year	249.4	291.9	360.4	426.9
Plus contingency reserve			139.6	73.1
Present limitation	300.0	300.0		
Recommended limitation in H.R. 4291			500.0	500.0

Broaden authority to pay expenses of management counseling volunteers.—A great number of experts must be recruited by SBA to meet the management assistance needs of the small business community, consisting as it does of some five million numbers. Obviously, budgetary considerations prevent the Agency from expanding its staff to include the number that would be required. Instead, SBA must rely for the most part on the services of volunteers such as those enrolled in the Service Corps of Executives (SCORE) and Active Corps of Executives (ACE) organizations.

However, experience thus far gained demonstrates that, unless improvements are made in the conditions under which these volunteers furnish their services, SBA's efforts to enlist their talents will be substantially impeded.

Section 2 of this bill is directed largely to improving the conditions under which these volunteer-members work and to establishing more equitable reimbursement arrangements for out-of-pocket expenses incurred by them in the course of such work. In this connection, section 2 would effect the following changes:

Transportation expenses.—Under existing law, SBA can defray the transportation expenses and per diem allowance of a corps member only with respect to travel and subsistence expenses incurred in connection with travel to a point more than 50 miles distant from his home. Section 2 would abolish this 50-mile limitation.

Rental of facilities.—Under existing law SBA may permit corps members to utilize its office facilities and related materials and services—but only to the extent that such facilities, materials and services are available. If they are not available, SBA has no authority to rent them for the use of corps members. This deficiency would be remedied by section 2.

Parking space.—Under exisiting law, SBA has no authority to reimburse the volunteers for parking costs incurred by them in the discharge of their functions. This section would remedy this situation.

Telephone calls.—Under existing law, SBA cannot reimburse a corps member for expenses incurred in placing a telephone call from his home in furtherance of SCORE purposes. Section 2 would remedy this deficiency.

Telephone directories.—Under existing law, SBA cannot defray the cost of having SCORE and ACE listed independently in telephone directories. The absence of such a listing frequently prevents people from reaching the organizations, because it does not occur to them to look under the SBA heading. Section 2 would permit SBA to eliminate this problem.

This section also provides for the dissemination to members of the small business community of information regarding the availability to them of corps members. Under existing law, the authority of SBA to pay for such promotion is limited. SBA cannot, for example, buy TV space for the purpose. Section 2 would provide SBA with clear authority to pay the cost of such dissemination through advertising media.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$1,900,000,000" and inserting in lieu thereof "$2,200,000,000";

(2) by striking out "$300,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$200,000,000" and inserting in lieu thereof "$300,000,000".

SEC. 2. Subparagraph (B) of section 8(b)(1) of the Small Business Act (15 U.S.C. 637 (b)(1)(B)) is amended to read as follows:

"(B) in the case of any individual or group of persons cooperating with it in furtherance of the purposes of subparagraph (A), (i) to allow such an individual or group such use of the Administration's available office facilities, parking space, and related materials and services as the Administration deems appropriate; (ii) to rent for the use of such an individual or group such office facilities and related materials and services as would not otherwise be available for the purpose and as the Administration deems appropriate; (iii) to pay, as the Administration deems appropriate, the expenses of disseminating through advertising media information to small business concerns respecting the availability of such individuals or groups; (iv) to pay, as the Administration deems appropriate, the expense of placing in telephone directories an independent listing of the telephone numbers of such individuals or groups; (v) to reimburse any such individual for the cost incurred in making any telephone call from his home in furtherance of the purposes of subparagraph (A); and (vi) to pay transportation expenses and a per diem allowance in accordance with section 5703 of title 5, United States Code, and, when the Administration deems appropriate, the cost of transportation or mileage and related allowances under section 5704 of title 5, United States Code, for local travel including travel between the individual's residence or regular place of business and the place where service is performed, to any such individual or group for travel and subsistence expenses incurred at the request of the Administration in providing gratuitous services to small businessmen in furtherance of the purposes of subparagraph (A) or in connection with attendance at meetings sponsored by the Administration;".

Mr. MANSFIELD. Mr. President, that completes the call of the calendar.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Delaware (Mr. BOGGS) is now recognized for 20 minutes.

THE CONVEYANCE TO DELAWARE OF CERTAIN MILITARY LANDS

Mr. BOGGS. Mr. President, nearly 6 months ago my senior colleague (Mr. WILLIAMS) and I introduced S. 2922, a bill to convey to the State of Delaware certain military lands located in Sussex County, Del.

On June 15 the distinguished chairman of the Armed Services Committee asked the Department of Defense for its comment on the bill. Ten days later he asked that submission of that comment be expedited.

Now, nearly 6 months later, the Department has not seen fit to comment upon the bill. It appears that the Department has deployed its most devastating weapon—procrastination—in order to hold onto these lands for which it has precious little justification.

For the benefit of my colleagues who may be interested, I will briefly describe the land involved and the situation regarding it.

On the Atlantic Ocean, stretching northward from Rehoboth Beach in Sussex County, Del. is a stretch of beautiful beach land, most of it owned by the State of Delaware and used as public parkland.

It is one of the few areas of unsullied beach remaining on the densely populated east coast of the United States, and it is a popular vacation and swimming spot for thousands of Americans from eastern cities.

However, this State parkland is split by certain parcels of land owned by the Army and the Navy. Frankly, the State of Delaware long has coveted these parcels for incorporation into the park system where they could be of service to many more thousands of people.

It became evident during April—during Earth Week to be more exact—that it is necessary for the land to be conveyed to the State if it is to be used wisely.

The 1st U.S. Army, in all its wisdom, chose that week devoted to programs of conservation to destroy one of the few natural wonders in the Middle Atlantic area. It chose that week to level what we used to refer to as the "Big Dune." The "Big Dune" once stood 70 feet high and it was covered with beautiful flora and populated with strange fauna. It was so well known among naturalists that it was the subject of learned articles in The National Geographic and Scientific American.

Now it is a literary subject of interest only to editorial writers and indignant correspondents.

The 1st Army, during that week, moved in its bulldozers. When it left, it took the top 30 feet of the "Big Dune" with it. And in its place, the 1st Army installed five housetrailers.

Understandably, there was much hue and cry over this action, which was undertaken without consultation with Delaware officials or with residents of the area and in total disregard of the environment. This action also resulted in the introduction of S. 3922, which I have mentioned, by Senator WILLIAMS and myself and in verbal negotiations with both the Army and the Navy.

The Navy, I must say, has been reason-

able and has indicated a willingness to part with some of the land it does not need for vital defense purposes. The Army, however, has been adamant that it must retain its 190-acre plot.

The Army uses its land only as a rest and relaxation area. There is a firing range on the land and an underground bunker, neither of which is in use.

The Secretary of the Interior, the Honorable Walter J. Hickel, recently toured the area in the company of Representative WILLIAM V. ROTH, JR., of Delaware. At that time, Secretary Hickel indicated the land should belong to the State and be used for recreational purposes. That is an attitude long held by the National Park Service. In 1955 it issued a survey of the Atlantic and gulf coasts. That survey mentioned the Delaware coastline north of Rehoboth Beach as a most desirable place to develop public recreational facilities.

A letter written to Secretary Hickel by 1st Army Commander Lt. Gen. Johnathan O. Seaman in the aftermath of the Secretary's visit has recently come across my desk. I ask unanimous consent that that letter and a reply from Secretary Hickel be printed in full at the end of my remarks.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered. (See exhibit 1.)

Mr. BOGGS. But Mr. President, I cannot resist pointing out some of the inconsistencies it contains.

Overshadowing all of them is the proposal that a three-man committee to supervise the preservation of the "Great Dune" be established. This, in my opinion, would be the classic example of closing the barn door on the heels of the fleeing horse. General Seaman wants to preserve a sand dune which has largely been destroyed by his own organization.

The general, in his letter, points out that—

> With respect to the Great Dune, you will find personnel who desire complete stabilization and others who believe it should not be stabilized at all. Between these two extremes there is probably a solution which is optimum.

It is obvious to me that the 1st Army already has reached its own optimum solution. It knocked 30 feet off the 70-foot dune.

If this is the 1st Army's version of stabilization I am happy it is not running the economy.

General Seaman also points out in his letter that there are 26 furnished housing units at the installation, available to both enlisted and officer personnel on a first-come-first-served basis and that 12,000 people use these units.

I am afraid I must quarrel with General Seaman's figures. His Chief of Staff, Maj. Gen. R. G. Ciccolella, earlier wrote to me that reservations at the facility for this year totaled 304 officer families, 79 enlisted families, 711 bachelor enlisted men, and 20 bachelor officers.

If 12,000 people actually did use the facility, then simple arithmetic indicates that each family that used the facility had 20 members.

But much more important than that is the fact that the State of Delaware supplies water for the Army installation and charges a fixed amount for each person that uses it. The State depends upon the Army to count the people using the facility and takes the Army's word that the count provided is accurate.

This year the Army reported no use of the water until April. The counts then provided to the State were 45 in April, 255 in May, 1,082 in June, 955 in July, 967 in August, and 259 in September. There has been no count since September.

Mr. President, this totals 3,563 persons, a far cry from 12,000. I would suggest the First Army must either lower its estimates or pay its overdue bills.

General Ciccolella, in his letter to me, also explained that it cost $6,765.15 to grade the "Big Dune" and that the five mobile homes costs $24,911.40. This money, the General said, came from nonappropriated welfare funds.

The Department of Defense informs me that welfare funds normally are the profits from post exchanges and motion picture theaters and that they are intended to be spent on troop welfare activities such as athletics, recreation, and service clubs.

I would suspect that there are very few, if any, troops who have occupied these five house trailers. Rather, I would imagine, few persons below field grade have had access to them.

There are some 61,748 or more men and women in the First Army. I suggest that total of $31,676.55 could have been spent much more wisely and for the benefit of many more deserving people.

Secretary Hickel wrote back to General Seaman after reading his letter. He said:

> While I appreciate the recreation benefits to military personnel from the uses which have been made of the area, I am also personally convinced that the general public would also benefit from the use of this area in accordance with state recreation and park plans.

I am in full agreement with Secretary Hickel. I do not want to deny recreational facilities to military personnel, of course.

This Army land is adjacent to the Cape Henlopen State Park, which has accommodated 1 million persons this year, compared to the few people served by the Army facility. The State Park Commission estimates that the 2,800 feet of beach occupied by the Army would accommodate 4,500 swimmers at one time.

The State of Delaware has been a generous host over the years. Usage of the Cape Henlopen Park, alone, is double the population of the State of Delaware. It is estimated that 4 million visitors will use Delaware parks next year. That is nearly eight times the State's population.

The State of Delaware is fortunate to have such beautiful beach areas, and it is anxious that they be maintained properly. The Army has demonstrated its disregard for the piece of beach it owns and the land should be consolidated within the adjacent State parks areas.

There is ample precedent for this action. Just this year the Marine Corps turned over three and a half miles of beachland at Camp Pendleton for inclusion in a California State park. If the Marines can part with three and a half miles of beach at an active military installation, the Army certainly can part with 2,800 feet of beach at an inactive one.

At this late hour, I do not expect that any action will be taken on S. 3922 this year, but we will reintroduce it in January, and I am hopeful that the situation can be resolved properly early next year.

EXHIBIT 1

HEADQUARTERS, FIRST U.S. ARMY,
Fort George G. Meade, Md., October 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: It was an honor to have you visit our recreation and training facility at Fort Miles, Delaware, on 18 September 1970. I regret that because of a prior commitment that I was unable to change, I personally did not have the opportunity of being with you.

After discussing the meeting with Major General E. H. Burba, my representative, I was sorry to hear that there was not sufficient time available to inform you of the significant conservational efforts put forth by the U.S. Army in recent years. Thousands of dollars have been expended to build up the dune area and enhance its natural beauty. Today, unfortunately, we find ourselves involved in an emotional discussion concerning the preservation of the dune area.

During the past several years, the U.S. Army has returned approximately 1,200 acres to the State of Delaware leaving approximately a 200 acre tract of land for use by the U.S. Army. Title to this tract has been maintained by the Department of the Army with 13 acres being used for recreation and the remainder for training by U.S. Army Reserve units located in the Delaware, Maryland and Virginia area. Not only has the Army turned over most of the land and the majority of all buildings previously owned, we have also loaned supplies and equipment to their Parks Department and opened the dune and beach area to the general public.

There are a total of 26 furnished housing units available for reservation to enlisted and officer personnel on a first-come, first-served basis. The average daily rate for rental is $7 per day per family. Each year for the past six years, all units have been reserved to their maximum capacity for the entire summer season. This amounts to in excess of 12,000 people annually having the opportunity to spend a maximum of 7 days of their leave time at a beach resort within their financial means. In addition, a large number of military personnel and their families visit the beach on a daily basis.

In addition to the above, it is important that you be aware of the training requirements that exist for US Army Reserve units. At present there is an Area Organizational Maintenance Shop and an Area Equipment Storage Compound located at Fort Miles, Delaware. The Area Organizational Maintenance Shop provides maintenance support to all US Army Reserve units on the Delaware-Maryland Peninsula. Most of the equipment stored in the Area Equipment Storage Compound is assigned to the 67th and 68th Transportation Platoons located at Lewes, Delaware, and the 151st Transportation Platoon from Chincoteague, Virginia. There is also a 20 point known distance rifle range on the installation with firing lines at 100, 200, 300, and 500 yards. In recent years the range has been used for familiarization firing by the Navy and some US Army Reserve units. Plans are underway to restore the range for use by all reserve components on the peninsula. The use of this range reduces travel time for the units that have been using

the ranges at Fort Meade, Maryland, for their marksmanship training. The above mentioned units train at the Fort Miles Reservation two weeks each month. The gentle sloping sand beaches are ideally suited for training crews of the amphibians used in across-the-beach operations.

With respect to the Great Dune, you will find personnel who desire complete stabilization and others who believe it should not be stabilized at all. Between these extremes there is probably a solution which is optimum. We have tried in the past to effect this solution. To insure that efforts in the future are in the best public interest, I propose that we establish a committee for the preservation of the Great Dune to consist of three members, one from the Department of the Interior, one from the State of Delaware and one from the First United States Army to meet, discuss, and plan whatever future work should be necessary in the care of this natural resource. In this way we can be assured that future efforts will have received the adequate and careful attention of the Federal and state agencies who have an interest in this matter. I would appreciate your comments on this proposal.

In closing I want to assure you, Mr. Secretary, that we in First Army are completely cognizant of the natural beauty and value of the dune area and that we are taking all prudent steps possible to insure the proper management of the area.

Sincerely,

JONATHAN O. SEAMAN,
Lieutenant General, U.S.A. Commanding.

OCTOBER 26, 1970.

Lt. Gen. JONATHAN O. SEAMAN,
Office of the Commanding General, First United States Army, Fort George G. Meade, Md.

DEAR GENERAL SEAMAN: Thank you for your informative letter of October 2, 1970, relating to the Army's use of land at Fort Miles.

I enjoyed my visit to the area and the opportunity to meet with your representatives. While I appreciate the recreation benefits of military personnel from the uses which have been made of the area, I am also personally convinced that the general public would also benefit from the use of this area in accordance with State recreation and park plans.

Your letter suggested the possibility of establishing a committee for the preservation of the Great Dune and to advise on subsequent planning for the use by the Army of the area in question. It is my understanding that the Administrator of the General Services Administration is making a survey of this property pursuant to Sec. 2 of Executive Order 11500. Under these circumstances, I think it would be advisable for us to wait for results of that survey prior to establishing a committee on the future use of the land as a military recreation area.

Pending subsequent action by the General Services Administration, I urge you to open as much of the area as possible for general public use not incompatible with your military requirements.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

ORDER OF BUSINESS

Mr. BOGGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the able Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 10 minutes, without prejudice to the able Senator from Florida under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN TROOPS USE AGENT ORANGE, BANNED DEFOLIANT, IN VIETNAM

Mr. YOUNG of Ohio. Mr. President, 45 years ago the United States took the lead in drafting the Geneva convention, the most basic and fundamental international treaty banning the use in war of all poisonous gases and biological methods of warfare.

Today, the United States stands almost alone among the powers of the world in failing to become a signatory to this treaty which we first proposed.

The fact is that the contention was first suggested in Geneva at an international conference by the head of the U.S. delegation, Representative Theodore E. Burton, from my native State of Ohio, with the full support of President Coolidge and Secretary of State Kellogg.

In June, 1925, the United States signed the Geneva convention but it was never ratified by the Senate. This was in large measure because the chemical industries and especially generals of the Army Chemical Service exerted considerable pressure against the ratification of the convention.

Mr. President, a year ago today, on November 25, 1969, President Nixon announced that the United States was renouncing germ warfare. He ordered existing American chemical and biological germ warfare weapons destroyed. The President also pledged that research on biological agents would be only defensive in nature.

Recently, however, shocking and appalling, it has come to light that American troops in South Vietnam are continuing to use a poisonous chemical warfare ingredient months after it had been banned by the Defense Department. The fact is that spraying of Agent Orange, containing the deadly chemical compound, 2,4,5-T was ordered suspended on April 15 of this year. Since that time, however, hundreds of acres of farmland in the highlands of Quang Ngai Province in South Vietnam have been sprayed with Agent Orange.

This was disclosed by enlisted men in the 90th Chemical Detachment after the commander of the detachment, Capt. John Morrison, denied that Agent Orange was being used.

Last year, a secret study sponsored by the National Cancer Institute raised grave doubt about the 2,4,5-T ingredient in Agent Orange. When the substance was fed in small doses to laboratory rats and mice, 80 percent of their offspring were stillborn, and 39 percent of the survivors were deformed.

Because Agent Orange only reduces plant yield by two-thirds, individual plants, though tainted often look edible. Therefore, the National Cancer Institute study clearly suggests that the U.S. Army was inadvertently poisoning the people of South Vietnam.

The enlisted men in the 90th Chemical Detachment admitted that they had sprayed Agent Orange after the ban on this deadly defoliant and as evidence pointed to the fact that 145 barrels of the poisonous chemical were carried on their unit's books, but only 40 were actually on hand. When they were asked what happened to the missing 105 barrels, one soldier, David Church, a 21-year-old draftee from Pawtucket, R.I., replied:

> We sprayed a lot of it.

Larry Beckner of Spokane, Wash., stated:

> Hell, we've been using it all through the summer.

Remarked another soldier:

> If we ain't been using it, where do you think those missing barrels went? We sure ain't making milkshakes out of it.

The men of the 90th Chemical Detachment claim that Orange has been sprayed by other units as well as their own. The stated reason for spraying the crops, which all belong to Montagnard tribesmen, was that the Army suspects the harvest was being given to the Vietcong. The traditional ethnic hatred between Montagnards and all other Vietnamese make it unlikely they would voluntarily supply food to either side.

Mr. President, the Defense Department has not destroyed its stocks of biological warfare agents—including 45,000 poison bullets and darts—stored at Pine Bluff Arsenal in Arkansas nor has it dismantled any of the Army's biological research facilities at Pine Bluff or at Fort Detrick, Md., despite the President's renunciation of germ warfare. Moreover, the Defense Department still has not yet done away with the anticrop biological agents that produce such diseases as wheat rust and rice blast.

Visitors to Pine Bluff Arsenal report the existence of a 10-story tower where biological agents were produced and 273 mounds or igloos, visible from the air where the germs or toxins—toxins are the dead but poisonous products of bacteria—are kept under refrigeration.

Mr. President, since 1961, 100 million pounds of chemical herbicides have been sprayed on 5 million acres of land in South Vietnam, an area the size of the State of Massachusetts. Most appalling and often lost amid our growing statistics of war dead and wounded and those of the Vietcong and North Vietnamese is the fact that more than half a million Vietnamese civilians—women, children, and old men—have been killed or maimed for life by our napalm bombing, and our use of chemical defoliants.

When I was in South Vietnam in early 1968 as a representative of the Senate Armed Services Committee I personally witnessed the horrible effects of our defoliation program and of our napalm bombing of villages and hamlets. I saw in hospitals and elsewhere women and also little children who had been horribly burned and maimed by our napalm bombing. Many had lost an arm to the shoulder or leg.

Mr. President, approximately $350 billion of our taxpayers' money has been spent annually for chemical and biological warfare agents during recent wars. For many years, the Department of Defense has purchased and stockpiled enormous amounts of toxic and infectious chemical and biological agents.

The time is long past for the United States to dismantle its biological and chemical warfare establishment. Our continued use of defoliants in Vietnam is a stain on our national conscience. We should ratify the protocol prohibiting the use in war of asphyxiating, poisonous, or other gases, and of bacteriological methods of warfare, Geneva, June 17, 1925, and totally destroy our arsenals of germ warfare weapons that burn and maim innocent people for the rest of their lives.

JAPAN: A ONE-SIDED COMMITMENT—WE SHOULD CLOSE OUR BASES THERE AND GET OUT

Mr. YOUNG of Ohio. Mr. President, Japan is the third most powerful economic nation in the world. At the present rate of financial or national economic growth compared with ours it is expected that Japan will exceed the United States in per capita income by the year 1990 and will equal the U.S. gross national product by the year 2000. In addition to its enormous economic power, the Japanese have begun to provide, in a limited manner, for their own self-defense since the maintenance of a war potential has been forbidden by article 9 of the Japanese Constitution—but quite sufficiently for their purposes.

We, as the nation which destroyed the powerful imperial navy of Japan and became the occupation power under General MacArthur, dominated the drafting of that constitution.

The Japanese Special Defense Force presently numbers 285,000 officers and men. This is a highly trained, powerfully armed force superior man for man to the armed force of any Asiatic country. It is certainly sufficient in size, training, and general equipment to handle most ordinary contingencies while the U.S. nuclear umbrella and 7th Fleet are available to protect the Japanese from any real threat to their sovereignty, just as it is protecting some countries far less worthy of our support.

For example, we have for 19 years been supporting that corrupt and boastful old warlord of Taiwan, Chiang Kai-shek, whose government is despised by the native Taiwanese over whom he has established a military dictatorship. He would not be in power today were it not for the support of our 7th Fleet with its powerful guns and airpower and approximately $20 billion of U.S. taxpayers' money poured into the dictatorship of Taiwan.

By contrast, the Constitution and present system of government in Japan is overwhelmingly supported by the people. A rising self-confidence has developed from the economic boom of the 1950's and the pride which Japanese have gained by being host country to the 1964 Olympics and the 1970 Exposition.

Mr. President, U.S. dollars are not necessary for the support of this government. It can stand very well on its own feet. In fact, it is a well-known fact that the continued maintenance of 85,000 troops and dependents on almost 150 bases in Japan, at a cost to American taxpayers of from $550 to $600 million a year, is a source of worsening relations between our two countries.

A vast majority of the Japanese people, even small children, despise Americans. Of all nationals of various nations presently living in Japan, those families of American servicemen who are there and also Americans visiting Japan feel and realize the venom and hate towards Americans exceeds the dislike that Japanese may have for other members of the white race. More than a quarter of a century has elapsed since the nuclear bomb was hurled from the Enola Gay upon Hiroshima, destroying that city and instantly incinerating or permanently maiming in a most horrible manner more than 100,000 Japanese men, women, and children.

We can readily look back 25 years. Now the entire character of any possible world war is vastly changed. The United States maintains at the present time in the homeland of the Japanese people air bases and other military installations exceeding 150 in number.

In Japan we have been maintaining more than 40,000 men of our Armed Forces, mostly in the Air Force, maintaining a huge number of warplanes and, of course, taking over and making use of much land in this densely populated country depriving farmers and businessmen of land they could use for productive purposes. In addition, there are more than 45,000 dependents of men in our Armed Forces stationed in Japan and thousands of American civilians employed at airbases and other installations.

Then in the nearby Philippine Islands at Clark Air Base we have a huge enclave of our Armed Forces and dependents maintaining fighter planes and bombers, also in Okinawa.

One could wonder how we Americans would feel were the forces of the Soviet Union to seek to encircle us to even a small extent. There has been quite an outcry already over the fact that the Soviet Union has submarines and trawlers, being their version of intelligence collecting vessels just as we have our *Pueblos* in waters close to the Soviet Union, in the Atlantic. Yet some Americans express outrage that the Soviet Union has established a submarine facility at Cienfuegos, Cuba. So we have five airbases in Japan. Also airbases in Turkey, Okinawa, and the Luzon in the Philippine Islands. This seems such an unnecessary burden on American taxpayers and unrealistic operation on the part of the generals and admirals of our Armed Forces. Were there to be a sudden attack by one of the two great nuclear powers—the United States and the Soviet Union—there would be instant retaliation. For example, were the Soviet Union to seek to attack us suddenly and without warning, this, of course, would be a missile attack from within the Soviet Union and from the Soviets' submarines and there would be instant retaliation from our missile bases in the United States and from our far-ranging Polaris submarines with a capability of delivering nuclear missiles on target at distances exceeding 2,750 miles.

Frequently recurring riots and violence against our Embassy in Tokyo is just a symptom of the fact that the Japanese are again on the march to military naval and air power as they were in the 1930's. Just yesterday Japan's best known contemporary novelist, Yukio Mishima, committed hara-kiri in a gesture of protest against national defense policies he has long criticized for "timidity and weakness." Mishima, 45, rushed into the courtyard of the Ichigaya station of the ground self-defense forces with four other men, all brandishing swords, attacking Japan's United States-imposed "no war" constitution. Mishima told the troops from the balcony that "we protest by death this constitution which has spoiled and defamed the noble traditions of the country we love so much."

According to one recent poll, the popularity of America and Americans in the opinions of the Japanese is at a post-war low. An attempt by a U.S. President to visit Tokyo and laying the plans for such visit would require maximum security precautions and even this would be likely to set off bloody rioting and result in a cancellation, as in the case of the projected Eisenhower visit. A former assistant ambassador to Tokyo has reported that when President Johnson planned a visit to Korea and Japan following the Manila Conference of October 1966, the reaction from Tokyo was immediate. "Inconceivable" was the word.

The visits of our nuclear-powered submarines into Sasebo Naval Base result in demonstrations and considerable trouble for local authorities. American military installations in Japan have also contributed to anti-American feelings. A good number of the almost 150 installations are located in the densely populated Kanto Plain surrounding Tokyo and Yokohama, and the largest air bases in particular have created problems of land use, noise incidents and accidents. We have only to recall the difficulties which have accompanied the presence of U.S. bases in Okinawa and the Ryukyu Islands to predict the consequences of retaining a U.S. presence in Japan itself. Former Ambassador to Japan, Edwin O. Reischauer who, I might add, is both one of the Nation's greatest authorities on the Japanese people and a fluent speaker and reader of the Japanese language—how many of our ambassadors, past or present, can make that statement?—had recommended as early as 1956 that U.S. troops be removed. In his extremely knowledgeable book, "The United States and Japan," he said:

> The main defense of Japan is our military guarantee of the islands rather than our forces there, and consequently no great military establishment is necessary. And as the Japanese gradually restore their own defenses, we can reduce the size of ours. It seems probably that we can withdraw our

ground forces entirely within a year or two, and in time our naval and air forces in Japan can also be reduced and eventually eliminated entirely.

Mr. President, almost 15 years later, we still maintain a military force there far in excess of the necessary minimum. Mr. Reischauer also comments:

The Japanese are naturally sensitive about their equalities of their partnership with us. Influence seems to extend only in one direction.

It is precisely the one-sided nature of this relationship that I wish to protest. We have provided the Japanese with over two decades of freedom from external threats to the security, which they have used, as did the Western Europeans before them, to spectacularly increase their economic potential, and in exchange we have received primarily base privileges, which are by no means indispensable and probably an overall liability.

We have acquiesced in the development of a Japanese conventional force, but we have not given them any specific guidance as to how they might help share our burden. A Japanese Defense Agency official recently demonstrated his uncertainty by commenting:

It seems that the Pentagon wants us to play the infield while you (Americans) play the outfield against the Chinese.

Mr. President, whatever this appraisal lacks in sophistication, it makes up for in commonsense. We should cease attempting to cover the entire playing field in Asia and require the Japanese, who may soon be our economic equals, to shoulder some of the defense costs now unfairly assumed by the American taxpayer.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Ohio may have 10 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LET THERE BE NO MORE HAMBURGER HILLS

Mr. YOUNG of Ohio. Mr. President, Gen. Melvin Zais was the commander who directed the unnecessary military attack on Hamburger Hill. This general evidently never studied the tactics of Gen. Robert E. Lee at Chancellorsville. He certainly never profited by the horrible example of General Burnside in his futile frontal attacks with his Union Army, far superior in number to the forces of Generals Lee and Jackson. His was a disastrous frontal attack, first under heavy fire across the Rappahannock River and then a futile frontal attack up Marye's Heights where the Confederate forces were entrenched. President Lincoln fired him. Gen. Melvin Zais was promoted.

General Zais was serving his second tour of duty in Vietnam when he ordered the disastrous frontal attack on Hamburger Hill. Under his orders our soldiers made 10 different frontal assaults on Hamburger Hill, sustaining terrible losses. Each time they were driven back by the firing of the defenders at the top of the hill, with terrible casualties, and finally, on the 10th assault, they went over the top and the few remaining VC who had been defending either escaped or were killed.

Apparently, it never occurred to this General that with his superior forces he should have attacked at the front and from the side simultaneously or that he should have encircled the small force defending Hamburger Hill. He simply directed from his rear position nine unsuccessfully attempted frontal assaults and finally directed the 10th frontal, which at last won Hamburger Hill.

Incidentally, directly after that, Hamburger Hill was abandoned as being of no importance whatever militarily. General Zais, at a dinner party in the Shoreham Hotel shortly before he returned to Vietnam for a second tour of duty, was asked why he had volunteered to return so soon to duty there. He replied:

Our Johnny Johnson (Chief of Staff at the time) has offered me command of the 101st Airborne and if I am going to get a third star, I've got to have command of a combat division.

So the General got his third star after the Hamburger Hill frontal assault which resulted in the death in combat of 50 young Americans and the maiming of more than 300 other GI's.

It is said that some months afterward General Zais himself said that Hamburger Hill, so-called, had no military significance. General Zais, however, following receiving his reward for directing his men to capture Hamburger Hill the hard way by one frontal assault after another, is now the Deputy for Operations of the Joint Chiefs of Staff of our Army. It is my understanding that this top post is the key decisionmaking general's job in the Joint Chiefs of Staff. If so, it seems to me that would require the services of an officer of unquestionable good judgment.

At the Battle of Fredericksburg in December 1862, Gen. Ambrose Burnside, with a superior force, ordered his army to cross the Rappahannock River directly opposite the Confederate sharpshooters deployed in town along the waterfront and opposite the entrenched forces of Lee and Jackson at the top of Marye's Heights. After suffering heavy losses in crossing the Rappahannock, General Burnside ordered his troops at the base of Marye's Heights to make a frontal attack up the hill. Six times his forces were decimated. Six times his forces were driven back to the foot of the hill, regrouped, and on orders again advanced to the top where the forces of Lee and Jackson, inferior in strength but strongly entrenched, repulsed them. Finally he withdrew all the survivors back across the Rappahannock.

President Lincoln fired General Burnside. Confederate General Longstreet termed the Union advance a death march. Union casualties were nearly 10,000, Confederate losses but a small fraction of that.

General Zais outdid Burnside. He ordered 10 suicidal frontal assaults. The 10th succeeded. He was not fired. He was promoted.

It is exactly this rewarding of incompetency, and the hypocrisy in the Armed Forces which permits it to occur, that is disillusioning the young men and officers of our Army. This business of generals promoting themselves and decorating themselves for flying at 2,000 feet over young GI's dying or getting their arms or legs blown off taking hills for no valid military reason, in a war that has no military objective and nothing to do with the defense of our national security, is going to destroy the U.S. Army if it is not stopped.

Mr. President, I do not question the dedication, sincerity, or patriotism of any field grade or general grade officers in our Armed Forces. I do question very seriously the view that what is good for scheming officers seeking rapid promotion is necessarily good for the United States.

It is noteworthy that although President Nixon and other top officials in the Pentagon are prone to point out that approximately 175,000 or more troops have been withdrawn from Vietnam, not one headquarters unit of an army corps or higher headquarters has been pulled out. I believe there are approximately six divisions of our troops in Vietnam so the general commanding a corps headquarters in that area must be commanding but one division or perhaps no division whatever. This is the same type of organization set up that we unfortunately continued to tolerate in Europe.

Recently when I was in Berlin I learned that although tensions have greatly lessened and there is an absence of any threat of aggression against Berlin, and those Senators who had previously in years past been in Berlin, as I had been, noted the change for the better from 1963 to the present time. Yet in Berlin we have more men in our Armed Forces than before. The total is 7,500 officers and men. This includes many, many generals. Of this 7,500 approximately 2,000 could be termed combat men to whom would be assigned the mission of firing at the enemy in event of attack.

It is noteworthy, also, that the Armed Forces of the United Kingdom and of France, in Berlin as long as our forces have been, are greatly reduced, the total being approximately 2,000 for the forces of the United Kingdom and 1,500 for France.

SENATOR FULBRIGHT'S WISE WORDS

Mr. YOUNG of Ohio. Mr. President, recently the Saturday Review published in its November 7 issue, a most constructive article by the chairman of the Senate Foreign Relations Committee, the distinguished and eloquent Senator from Arkansas (Mr. FULBRIGHT). Its main thrust concerns the perils of militarism, a philosophy which poses a distinct threat to our democracy.

Senator FULBRIGHT's article makes the important point that, as our country continues to be at war and continues to neglect domestic problems, militarism will surely increase. One sign of this growing phenomenon is the ever-increasing tendency to suggest military solutions to foreign policy problems. In

the case of Cambodia, the President accepted military and not State Department advice in forming his decision to invade that country.

In the case of the repatriation of our prisoners of war, the President's first public action was a military one, a poorly planned and ill-advised commando raid on an empty prison camp, rather than the logical diplomatic solution, the opening of official negotiations for an exchange of prisoners. I have previously suggested to President Nixon that he offer to exchange the 36,000 Vietcong prisoners held by the South Vietnamese for the 1,000 U.S. servicemen believed held in North Vietnam.

The President has succumbed to pressures for a "military" solution, with disastrous results.

As Senator FULBRIGHT further points out, another consequence of the militarism in our society is the harm done to our moral values and our sensitivity. He cites the reaction of many people in this country to the My Lai massacre and the lack of recognition of any wrongdoing or criminal act in the alleged massacre.

I have seen this same attitude in my home State of Ohio, where Governor Rhodes has chosen a militaristic solution to student dissent—and four Kent State University students were murdered in cold blood by Ohio National Guardsmen. One of the special prosecutors conducting a whitewash of the incident, Portage County Republican executive committee chairman Seabury Ford, even expressed the opinion that the National Guard "should have shot all the troublemakers."

Such jingoism and a predisposition toward the use of coercion are the unwelcome byproducts of this growing philosophy of militarism, so accurately depicted in this article.

Mr. President, Senator FULBRIGHT is a great scholar, a great patriot, and a distinguished American. He deserves great praise for this fine article which I recommend to all my colleagues in this Chamber. At this time, I ask unanimous consent that this article be inserted in the RECORD at this point as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GOVERNANCE OF THE PENTAGON

(By J. WILLIAM FULBRIGHT)

Although I cannot conceive of a single top-ranking officer in any of the U.S. armed services who would consider an attempt to overturn our Constitutional government—in the manner of *Seven Days in May* fiction—militarism as a philosophy poses a distinct threat to our democracy. At the minimum, it represents a dangerously constricted but highly influential point of view when focused on our foreign relations. It is a viewpoint that by its nature takes little account of political and moral complexities, even less of social and economical factors, and almost no account of human and psychological considerations.

Rarely does a general officer invoke the higher loyalty of patriotism—his own concept of it, that is—over loyalty to civilian political authority, as Douglas MacArthur did in his defiance of President Truman. But if, as time goes on, our country continues to be chronically at war, continues to neglect domestic problems, and continues to have unrest in its cities and on its campuses, then militarism will surely increase. And even if the military do not take over the government directly, they could—because of increasing use in domestic crises—come to acquire power comparable to that of the German General Staff in the years before World War I. I hope this never comes to pass. It may not seem likely now, but it is by no means so inconceivable that we need not warn against it and act to prevent it.

I have often warned those students who talk of the need to revise our system by revolution that if such a revolution were to take place, the government that would emerge for our country would not be the one they seek. Rather it would be authoritarian and controlled by the very forces who today promote military solutions to foreign policy problems.

The leadership of professional military officer corps stems from a few thousand high-ranking officers, whose unusual ability and energy come to single-mindedness. Marked as men of talents by their rise to the highest ranks through the rigorous competitiveness of the military services, they bring to bear a strength in conviction and a near unanimity of outlook that afford them an influence on public policy, in government councils and in Congress, disproportionate to their numbers. Disciplined and loyal to their respective services, with added prestige derived from heroic combat records, they operate with an efficiency not often found among civilian officials.

The danger to public policy arises from civilian authorities' adopting the narrowness of outlook of professional soldiers—an outlook restricted by training and experience to the use of force. As we have developed into a society whose most prominent business is violence, one of the leading professions inevitably is soldiering. Since they are the professionals, and civilian bureaucrats refuse to challenge them, the military have become ardent and effective competitors for power in American society.

The services vie with one another for funds, for the control of weapons systems, and for the privilege of being "first to fight." Constantly improving their techniques for rapid deployment, they not only yearn to try them out but when opportunities arise they press their proposals on civilian authorities. The latter all too often are tempted by the seemingly quick "surgical" course of action proposed by the military in preference to the long and wearisome methods of diplomacy. For a variety of reasons—from believing it to be the only possible course of action in the national interest to testing equipment and techniques of counterinsurgency, or just to avoid the disgrace of being "left out"—all the military services were enthusiastic about our initial involvement in Vietnam. By now they should have had their fill, but they still push on, trying out new weapons and new strategies—such as "destroying sanctuaries" in Cambodia.

The root cause of militarism is war, and as long as we have the one we will be menaced by the other. The best defense against militarism is peace; the next best thing is the vigorous practice of democracy. The dissent against our government's action in Southeast Asia, the opposition to the ABM and MIRV, and the increased willingness of many in the Congress to do something about the hitherto sacrosanct military budget are all encouraging signs that democracy is being practiced. But there is much in American policy these days that is discouraging.

There seems to be a lack of concern among too many people about the state of the nation, and a too easy acceptance of policies and actions of a kind that a generation ago would have appalled the citizenry. The apparent broad acceptance of the "volunteer army" idea comes to mind—a concept completely at variance with our historic development. Up to now, a blessing of our system has been that those who go into the military service, whether by enlistment or through the draft, could hardly wait to get out. (Despite attractive re-enlistment bonuses, the Army's rate of retention in 1969 of men finishing their first term was 14.6 per cent for volunteers and 7.4 per cent for draftees.) But today, because of the exigencies of the times, there is a chance that we may turn our back on this fundamental principle. A large, standing professional army has no place in this Republic.

Along with promoting militarism as part of our society, the mindless violence of war has eaten away at our moral values and at our sensitivity. Reporters covering the domestic aspects of the Mylai massacre story in the home area of Lt. William Calley were surprised to find loud support for the accused—not sympathy, which might be expected, but support. Among these people, there seemed to be no recognition of a possible wrongdoing or criminal act in the alleged massacre.

Beyond the discouragements—and even such disturbing events as the Cambodian adventure and our activities in Thailand and Laos—one has to hope, with reason drawn from our nation's history, that the traditional workings of our system and the innate common sense of Americans will prevail. The task certainly is not going to be easy. We have been so stunned, almost desensitized—like Lieutenant Calley's supporters—by what has gone on during the recent past that it is almost possible to turn to total pessimism. History did not prepare the American people for the imperial role in which we find ourselves, and we are paying a moral price for it. From the time of the framing of our Constitution to the two world wars, our experience and values—if not our uniform practice—conditioned us not for the unilateral exercise of power but for the placing of limits upon it. Perhaps it was vanity, but we supposed that we could be an example to the rest of the world—an example of rationality and restraint.

Our practice has not lived up to that ideal, but, from the earliest days of the republic, the ideal has retained its hold upon us, and every time we have acted inconsistently with it—not just in Vietnam and Cambodia—a hue and cry of opposition has arisen. When the United States invaded Mexico, two former presidents and a future one—John Quincy Adams, Van Buren, and Lincoln—denounced the war as violating American principles. Adams, the senior of them, is said to have even expressed the hope that General Taylor's officers would resign and his men desert. When the United States fought a war with Spain and then suppressed the patriotic resistance of the Philippines, the ranks of opposition numbered two former presidents—Harrison and Cleveland—Senators and Congressmen, including the Speaker of the House of Representatives, and such distinguished—and differing—individuals as Andrew Carnegie and Samuel Gompers.

The incongruity between our old values and the new unilateral power we wield has greatly troubled the American people. It has much to do, I suspect, with the current student rebellion. Like a human body reacting against a transplanted organ, our body politic is reacting against the alien values that, in the name of security, have been grafted upon it. We cannot, and dare not, divest ourselves of power, but we have a choice as to how we will use it. We can try to ride out the current convulsion in our society and adapt ourselves to a new role as the world's nuclear vigilante. Or we can try to adapt our power to our traditional values, never allowing it to become more than a means toward domestic societal ends, while seeking every opportunity to discipline it within an international community.

It is not going to help us to reach these ends to have a President fearful that we are

going to be "humiliated," nor for him to turn to the military as a prime source of advice on foreign affairs. In the case of Cambodia, the President accepted military advice during the decision-making process apparently in preference to that of the Department of State, thereby turning to an initial military solution rather than a diplomatic or political one. Of course, the Senate was not consulted.

At one time, the treaty power of the Senate was regarded as the only Constitutional means of making a significant foreign commitment, while Executive agreements in foreign affairs were confined to matters of routine. Today, the treaty has been reduced to only one of a number of methods of entering binding foreign engagements. In current practice the term "commitment" is used less often to refer to obligations deriving from treaties than to those deriving from Executive agreements and even simple, sometimes casual declarations.

Thailand provides an interesting illustration. Under the SEATO alliance, the United States has only two specific obligations to Thailand: to act "in accordance with its Constitutional processes" in the event that Thailand is overtly attacked, and to "consult immediately" with the other SEATO allies should Thailand be threatened by subversion. But the presence of 40,000 American troops, assigned there by the Executive branch acting entirely on its own authority, creates a de facto commitment going far beyond the SEATO agreement, and one that is largely based on military recommendations and desires. On March 6, 1962, Secretary of State Dean Rusk and Thai Foreign Minister Thanat Khoman issued a joint declaration in which Secretary Rusk expressed "the firm intention of the United States to aid Thailand, its ally and historic friend, in resisting communist aggression and subversion." Obviously, this goes far beyond the SEATO commitment and omits any reference to Constitutional processes.

An even more striking illustration of the upgrading of a limited agreement into a de facto defense obligation is provided by the series of agreements negotiated over the past sixteen years for the maintenance of U.S. military bases in Spain. Initiated under an Executive agreement in 1953, the agreements were significantly upgraded by a joint declaration issued by Secretary Rusk and Spanish Foreign Minister Castiella in 1963 asserting that a "threat to either country" would be an occasion for each to "take such action as it may consider necessary within its Constitutional processes." In strict Constitutional law, this agreement, whose phrasing closely resembles that of our multilateral security treaties, would be binding on no one excepting Private Citizen Rusk; in fact, it is what might be called the "functional equivalent" of a treaty ratified by the Senate. In 1968, acknowledging even more explicitly the extent of our de facto commitment to Spain, Gen. Earle Wheeler, then chairman of the Joint Chiefs of Staff, acting under instructions from Secretary Rusk, provided Spanish military authorities with a secret memorandum asserting that the presence of American armed forces in Spain constituted a more significant security guarantee than would a written agreement. Again, as with the Thai commitment, strategic military considerations, arrived at by military commanders with the acquiescence of civilian authorities, undoubtedly were the overriding factors in the political decision.

The Department of State is not alone among the agencies of government awed as well as outmanned, outmaneuvered, or simply elbowed aside by Executive military decision-making. The Department of Defense has established a massive bureaucracy, like that in the Department of Commerce, the Atomic Energy Commission, the Department of Health, Education and Welfare, and all the others that protect their positions and interests within the mechanism of governmental power and appropriations.

When war was abhorrent to the American people, the military was considered only as a tool to be used if needed. Today, with our chronic state of war, and with peace becoming the unusual, the military has created for itself an image of a comforting thing to have around. In reality, however, it has become a monster bureaucracy that can grind beneath its wheels the other bureaucracies, whatever their legitimate needs and their prescribed roles within the process of government.

One ominously influential arm of the Defense Department is its military public relations apparatus, which today is selling the administration's Southeast Asian policy, just as it sold the Vietnam policy of the previous administration, with increasing emphasis on patriotic militarism and activity directed against its critics. The enthusiasm and dedication of the purveyors of the hard military line are such that their present course could easily be modified in order to encourage the removal of those in the Congress who question actions of the Executive branch and the growth of military influence.

Considering the normal skepticism of the American citizen, such overt political activity by the military would seem to have small chance of success. But I raise the point, nevertheless; the apparatus exists, and we of the Congress, in another context, have been put on notice that legitimate and even constitutionally required questioning is viewed by some individuals as interference with Executive prerogatives.

It is interesting to compare the American government's only *official* propaganda organization, the U.S. Information Agency, with the Defense Department's apparatus. The USIA is so circumscribed by Congress that it cannot, with the rarest of exceptions, distribute its materials within this country. Since much USIA output is composed of a filtered view of the United States and its policies, such a prohibition is eminently sensible. But the Department of Defense, with more than twice as many people engaged in public relations as the USIA has in all of its posts abroad, operates to distribute its propaganda within this country without control other than that of the Executive branch, and it floods the domestic scene with its special, narrow view of the military establishment and its role in the world.

Of course, the military needs an information program. But it should be one designed to inform, not promote or possibly deceive. There is no need for production of self-promotional films for public consumption. There is no need to fly private citizens about the country to demonstrate to the public our military might. There is no need to send speakers at taxpayers' expense anywhere from Pensacola, Florida, to Portland, Oregon, to address luncheon clubs and veterans organizations. There is no need to set up expensive and elaborate exhibits at state and county fairs. There is no need to take VIPs on pleasant cruises to Hawaii aboard aircraft carriers. There surely is no need for military production of television shows for domestic, commercial use showing "feature" aspects of the Southeast Asian war.

What can be done about the situation?

An obvious answer comes at once to mind: legislation that would again set a ceiling on Defense Department public relations spending. It didn't work before, but perhaps this time it might be possible to require the Defense Department to report on a regular basis to the Congress and to the public on just what it is doing in the "information" field. Such legislation might also eliminate some of the activities that are far outside the military's proper role in our society—such as the "V-Series" films from Southeast Asia and the "educational" programs of the Industrial College of the Armed Forces. It also might require the State Department to enforce strict clearance of films, speeches, and other material involving foreign policy.

The passage of such legislation would be desirable, but only as a step toward limiting the other activities in which the Pentagon is engaged far beyond the true mission assigned to it—that of physically protecting this country.

The real solution to militarism, of course, is rigorous civilian—including Congressional—control of the now largely uncontrolled military establishment. The growth of military influence began in perilous times when an implacable Stalin and world communism constituted a major threat to the noncommunist world recovering from a devastating war. But the growth of real Pentagon political power did not begin until we became increasingly involved in Vietnam seven years ago. Although the Congress these days is looking more coolly at the enormous defense budget than it has in the past, the surgical process of cutting back will be a difficult one—and not popular with many members to whose districts the military-industrial establishment has become of great economic importance.

It may help if the public starts examining carefully attempts by the military to sell them its point of view. The press, radio, and television might look more critically on the military's attempt to influence or use them. Not that the media have been remiss in their responsibilities; in fact, frequently the press has been the only source of accurate information about what is going on in Southeast Asia and throughout the world. But there are some who allow themselves to be seduced by the military with free trips and VIP treatment, and even a few who are not much more than trained seals for the Pentagon. Also, there are editors who are not skeptical enough about the material fed to them by the military. Radio and television, as we have seen, are heavy users of the military's propaganda and public relations output. Perhaps some of their executives should devote more attention to filling their public-service time examining the grave domestic problems besetting the country instead of using "V-Series" films and the Army's *Big Picture*.

Nearly ten years ago I made a speech to the National War College and the Industrial College of the Armed Forces in Washington. I said:

The effectiveness of our armed services depends upon the maintenance of their unique prestige and integrity. These will remain intact only so long as the services adhere to their tradition of nonpolitical professionalism. No group or institution can participate in political debate without itself becoming an object of partisan attack. It is precisely because of its status as a nonpolitical institution that the military in the past has enjoyed the virtually unanimous support of the American people and has thus been beyond partisan assault. . . . It is my hope that the armed services will never yield to misguided temptations, which can only shatter the high esteem in which they are held. The preservation of that esteem is essential to the success of the armed forces in fulfilling their assigned mission and essential also, therefore, to the defense of the Republic.

Since I made that speech in 1961, the military has been dragged into the political arena. President Johnson at one crisis point brought General Westmoreland from Saigon to address a joint session of the Congress, in order to counter critics in the Senate with an honored officer's explanation as a means of selling administration policy. What troubles me today is that some politicians want to make regular use of the military in such a role, and would be loath to give it up.

An indication of the fondness of some in the military for a political role is contained in the "Prize Essay 1970" printed in the

March 1970 issue of *U.S. Naval Institute Proceedings*, a semi-official learned journal on naval affairs published in Annapolis, Maryland. The prize essay, chosen presumably by a group of high-ranking naval officers, is titled "Against All Enemies," and was written by Capt. Robert J. Hanks, USN, commander of a destroyer squadron who earlier had served in the Pentagon. The theme of his essay is that the military must determine the nature and the extent of external threats to our national security, and must also determine the character of our response to them. Captain Hanks also wrote that there are many individuals in the country who want to curb the military, including a fair sampling of the Senate. He names Senators Clifford P. Case and Walter F. Mondale, who have questioned the need for more aircraft carriers, Mike Mansfield and Stuart Symington, who wonder about the size of our troop levels in Europe, Charles E. Goodell, who proposed withdrawal of our troops from Vietnam by December 1, 1970, and myself—people who would in effect, he wrote, "so weaken this nation's defenses as to place the United States in the greatest jeopardy in its history."

Captain Hanks also came to the conclusion that, "while the threat from without remains, we now face an equally potent challenge from within. . . . In concentrating on the main task of the past thirty years—the external threat—some of us may have forgotten that we solemnly swore to support and defend the Constitution of the United States against all enemies, foreign *and domestic.*" (The italics are the captain's.) And that, "If the United States is to be protected against efforts of those who would place her in peril—through apathy, ignorance, or malice—we of the military cannot stand idly, silently by and watch it done. Our oath of office will not permit it."

A real hope in the fight against military influence, I believe, rests with our young. War is abhorrent to them even though it seemingly is not to many of us who have lived with slaughter for the past thirty years and who have made an apparent accommodation to the threat of nuclear destruction. The young remain unpersuaded that man is brought upon this Earth solely to find his way to the grave. There is among them a vigorous affirmation of life, a love of life that is hopeful and adventurous, if not confident of the future. The antilife philosophy of militarism offends their minds and hearts.

An observation so widely cited that it is almost an axiom is that no one hates war more than the professional soldier. I think Alexis de Tocqueville was closer to the mark when he wrote in his *Democracy in America* in 1835:

"All the ambitious minds in a democratic army ardently long for war, because war makes vacancies [for promotion] available and at last allows violations of the rule of seniority, which is the one privilege natural to a democracy. We thus arrive at the strange conclusion that of all armies those which long for war most ardently are the democratic ones, but that of all peoples those most deeply attached to peace are the democratic nations. And the most extraordinary thing about the whole matter is that it is equality which is responsible for both these contradictory results."

Beyond the ambition of which de Tocqueville wrote, there is even more danger to our democracy from the dehumanizing kind of war we are fighting in Indochina. It produces among the military an insensitivity to life hard for the civilian to comprehend. We have fought many wars before, but none since our Revolution has lasted as long as the present one. Officers and noncoms go back to Southeast Asia for second and third tours of duty, to engage in second and third rounds of killing. Such long immersion in violence of the kind peculiar to this war cannot but brutalize many of those who go through it. One example of such brutalization can be found in Seymour M. Hersh's book *Mylai 4: A Report on the Massacre and Its Aftermath:*

One brigade commander ran a contest to celebrate his unit's 10,000th enemy kill. The winning GI received a week's pass to stay in the colonel's personal quarters. Many battalions staged contests among their rifle companies for the highest score in enemy kills, with the winning unit getting additional time for passes.

I can recall nothing during World War II that equals in callousness a statement that Hersh attributes to one colonel, the son of a famous general: "I do like to see the arms and legs fly." Horrifying words, but no more so than "body count," "free-fire zone," and other euphemisms the military use to camouflage their deadly business.

Perhaps there is something in the theory advanced by psychologist Erich Fromm, in his book *The Heart of Man: Its Genius for Good and Evil*, that in men there are polar attitudes toward life: "biophilia" (love of life) and "necrophilia" (love of death). Fromm feels that Spinoza in his *Ethics* epitomized the spirit of the biophile: "'A freeman thinks of death least of all things; and his wisdom is a dedication not of death but of life.'" The necrophile, on the other hand, has values precisely the reverse, for death, not life, excites and satisfies him.

Fromm goes on to say that the necrophile, by extension in modern society, might be labeled *Homo mechanicus* who has more pride in, and is more fascinated by, devices that can kill millions of people across a distance of several thousands of miles within minutes than he is frightened and depressed by the possibility of such mass destruction . . .

If more people became aware of the difference between love of life and love of death, if they became aware that they themselves are already far gone in the direction of indifference or of necrophilia, this shock alone could produce new and healthy reactions. . . . Many might see through the pious rationalizations of the death lovers and change their admiration for them to disgust. Beyond this, our hypothesis would suggest one thing to those concerned with peace and survival: that every effort must be made to weaken the attraction of death and to strengthen the attraction of life. Why not declare that there is only one truly dangerous subversion, the subversion of life? Why do not those who represent the traditions of religion and humanism speak up and say that there is no deadlier sin than love of death and contempt for life?

These are the kinds of questions the young are asking—not only those who demonstrate and dissent but those, too, who go unwillingly aboard the jet aircraft that fly daily from the West Coast to Saigon. A very few young people have resorted to criminal violence, but only a few. The supposition that they represent an entire generation is a hysterical invention of people like Spiro Agnew, people who seem to have lost faith in America. By and large, the young of today are life affirmers; they have new ideas and new perspectives, which warrant our respectful attention.

However, the task of strentghening the "attraction of life," the core of the American optimism that built this country, is in the hands of those no longer young. It is my generation who must halt, and then turn back the incursions the military have made in our *civilian* system. These incursions have subverted or muffled civilian voices within the Executive branch, weakened the Constitutional role and responsibility of the Con psychological burden that could be disagress, and laid on the public an economic and trous.

ORDER OF BUSINESS

Mr. YOUNG of Ohio. Mr. President, I suggest the absence of a quorum.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the quorum call be without prejudice to the Senators from Florida, under the order of yesterday.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

Mr. CHURCH. Mr. President, the——

Mr. BYRD of West Virginia. Mr. President, will the Senator from Idaho yield for a unanimous-consent request?

Mr. CHURCH. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that any intervening statements on morning business prior to 11:30 a.m. be without prejudice to the rights of Senators under the order of yesterday.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

U.S. POLICY IN THE CARIBBEAN

Mr. CHURCH. Mr. President, the countries of the Caribbean are vitally important to the United States, more so, in fact, than many other parts of the world on which we have lavished far more attention and money. It is thus important for our country to recognize the way problems are developing—cultural and economic nationalism, rising unemployment, and growing Soviet activities—in both the Spanish-speaking Caribbean and the English-speaking Caribbean.

In a recent speech before an American assembly conference on the Caribbean, at Arden House in New York, I discussed the course events are taking and the implications for American policy. I suggested several ways for our policymakers to respond to the changing tide.

First, in regard to Cuba, I believe it is time to reassess our policy toward that island by taking modest, tentative steps which would require no response from Castro. As I said in my speech:

> For it is clear that Castro is here to stay. Eventually, the Hemisphere and a Castro-molded Cuba will come to terms. How this will come about or what form Cuban society will eventually take, when its revolutionary spasms subside, I do not know. But I cannot understand why the United States, by continuing to follow a rigid and inflexible policy toward Cuba, should continue to provide Castro with so convenient a scapegoat for the managerial incompetence of his own regime. Why not take some tentative steps and see what happens?

Second, because the Caribbean area is so close to us, it has a valid claim for our special attention, especially economically. Due to the size of the island countries, smallness offers an exceptional opportunity to get unusual wide ranging

results from well-designed economic assistance programs. However, aid is not enough. We need to reshape our trade and investment policies, too. For instance:

We need to look for investment opportunities which are more labor intensive. Small agricultural processing plants are perhaps one example, not only for the jobs they would provide themselves but also for the farm labor which would be required to produce the raw materials. Progress in this direction presupposes easier entry of the processed products into the U.S. market and also local government policies designed to reorganize Caribbean agriculture.

American business needs to respond to economic nationalism. Governments in the Caribbean, indeed throughout Latin America, are feeling more and more pressure to move to the left, and many are doing so.

Business has two choices: it can either come to terms with economic nationalism or try to fight it. Fighting is more likely to accelerate it than to halt it, or even to slow it. On the other hand, a reasonable effort to come to terms has a very good chance, as things now stand. New arrangements will not be as satisfactory to foreign companies, especially in the extractive industries, as are their current arrangements. But more can probably be salvaged in the long run by giving up something in the short run—graciously in timely fashion.

Finally, there is the broader interest which is fundamental to U.S. policy and that is the political aspect. In the final analysis, American strategic and economic interests are dependent on political factors. One of the causes of political instability in the Caribbean is the widespread notion among ruling elites that in extremis the United States, because of our "send-the-marines" reflex, will step in to save oligarchic governments from violent overthrow. This only leads to dependency and irresponsibility in the basic sense of refusing to face and to solve the tough problems.

In summary, Mr. President, there ought to be a special relationship between the United States and the Caribbean, a relationship founded on a special priority for the Caribbean in American aid programs and American policymaking, coupled with a scrupulous respect for the right of the Caribbean countries to work out their own problems in their own ways. Such a charted course for the United States in the 1970's, I think would offer the best hope of steering us through the rough water ahead into calmer bays.

I ask unanimous consent that the full text of my address be printed here in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

U.S. POLICY IN THE CARIBBEAN

(An address by Senator FRANK CHURCH)

The first thing to do in discussing the Caribbean is to define the area we are talking about. I am going to limit myself to the islands of the Caribbean proper plus the Bahamas, which are really in the Atlantic, and Guyana, which is a part of the South American mainland. I exclude the French and Dutch possessions and the remaining British colonies on the grounds that, as of now, it would be inappropriate for the United States to develop a policy toward them.

This definition is admittedly based more on political than on geographic logic, but it still does not leave us with a homogeneous area. Each country, of course, has its own unique characteristics, but there are especially great differences between two major groups. For convenience, I will label them the Latin American Caribbean—that is, Cuba, Haiti, and the Dominican Republic—and the English-speaking Caribbean, which embraces the rest of the countries and territories I am talking about.

One big difference between the Latin American and the English-speaking Caribbeans is political and has deep historic roots. The Latin American Caribbean has been plagued throughout its independent history by alternating periods of political turbulence and the kind of graveyard order imposed by dictators. The English-speaking, or the Commonwealth, Caribbean by contrast has been blessed with relative stability thanks mainly to its British political heritage which gave it, well before independence, a set of broadly-based political institutions and experience in making them work. A most important question concerning the future of the Commonwealth Caribbean is whether these institutions are capable of dealing with the area's severe socio-economic problems.

By far, the most pressing of these problems in both the Commonwealth and the Latin American Caribbeans is unemployment.

This is endemic throughout the area, and it differs from one country to another only in degree. Depending on the source and the country, estimates of unemployment range from 15 to 25 percent of the labor force. The upper figure is almost certainly closer to the truth, and even that understates the magnitude of the problem because it takes no account of widespread underemployment. Both unemployment and underemployment are heavily concentrated among persons under 25 and are getting worse rather than better. More young people are reaching working age than jobs are being furnished.

It is not surprising that this situation is characterized by a growing economic nationalism and a general movement to the left on the political spectrum. The black power movement is one of the manifestations of this, but black power also has cultural and racial themes which make it difficult for white foreigners to fully comprehend. A part of it in the Commonwealth Caribbean is also an element of disillusionment with independence which is seen as having done little to improve everyday life.

The decade of the 1960's also saw not only a reduction in British influence in the Caribbean, but also the establishment for the first time of Soviet influence.

These developments raise new questions about United States foreign policy in the Caribbean, and it is most timely that this policy is being re-examined.

The United States has a number of national interests in the Caribbean—historic, strategic, economic, and political. A century ago President Grant even advocated statehood for the Dominican Republic—a proposal which was wisely rejected by the Senate. The historic interest of the United States in the Caribbean stems, of course, from its geographical proximity. The Caribbean controls the passages between the east and gulf coasts of the United States as well as the passage between each of those coasts and South America. The islands of the Caribbean lie athwart the Atlantic approaches to the Panama Canal. More recently, the Caribbean has become the source of strategic and critical materials, principally bauxite and petroleum.

American private investment in the Caribbean amounts to about $3.5 billion, and American trade with the area is approximately $1.2 billion a year, including both imports and exports. The Caribbean is visited each year by growing numbers of American tourists—approximately one million going to the Bahamas alone and about 400,000 to Jamaica.

Finally, the United States has territories of its own in the Caribbean—the Commonwealth of Puerto Rico and the Virgin Islands—and navy and air force facilities in Cuba, the Bahamas, Barbados, and Trinidad.

At a minimum, the objectives of American foreign policy should be to protect these national interests and, at a maximum, to promote them. But all of the interests are not of equal importance; indeed, in certain circumstances some of them may well conflict with one another. In these cases, the trick of foreign policy is to strike a balance between how much of some are sacrificed for the sake of others. If all of our interests are to be kept in proper balance and perspective, they need to be reassessed at frequent intervals in the light of changing conditions.

Let us consider, first, our strategic interest. The Caribbean is fundamental to our national security, though not quite in the same way as in the days of Theodore Roosevelt and Admiral Mahan. In those days, the undeniable necessity to insure free U.S. passage through the waters of the Caribbean (today we could add, through the air space over it, as well) was held to require the exclusion of a potentially hostile presence. Further, the defense of the Panama Canal and the Gulf of Mexico required U.S. bases in the islands of the Caribbean from which a hostile fleet could be intercepted while still far out at sea.

Today, the defense of Panama and the Gulf of Mexico must be viewed quite differently. One can no longer imagine a hostile fleet steaming in to conduct an offshore bombardment followed by the landing of troops. One can imagine a missile attack from hostile submarines. This raises an entirely different question to which I will return in a moment.

We no longer need to regard the Caribbean as an American lake in order to protect our strategic interest. It is just as well that this is so, because the growing nationalism in the area makes it impractical for us to treat the area as an American lake, anyway.

After years of accepting as an article of faith the proposition that we could not afford to tolerate a hostile foreign-dominated regime in the Caribbean, we have—except for the aberration of the Bay of Pigs—tolerated such a regime in Cuba. Not, to be sure, with serenity, but tolerated it nonetheless. We have drawn the line—properly, in my opinion—only at the establishment in Cuba of Russian military facilities which would have sharply changed the world balance of power and posed a clear and present danger to the United States.

This was the situation created by the introduction of Soviet intermediate range ballistic missiles into Cuba in 1962. We may have to face such a crisis again. I have been bewildered, as I am sure many of you have been, by the on-again-off-again statements emanating from the United States Government in recent weeks, some of them from anonymous sources, as to whether the Soviets may or may not be building a submarine base in Cuba. The evidence which the State and Defense Departments have been willing to present to the Senate Subcommittee on Western Hemisphere Affairs is pretty flimsy; and after the initial statement on the subject from the White House, both the State and Defense Departments seem to have all but dropped the charges.

Nevertheless, the matter is of sufficient import not to be dismissed out of hand. If the Soviets are building—or if at some future

time they do build—a submarine base in Cuba, we will have to judge the situation on the basis of all the hard intelligence we can get, from the point of view of the criteria applied at the time of the missile crisis—namely, does it sharply change the world balance of power and does it pose a clear and present danger to the United States? Applying these criteria to a Soviet submarine base would involve more questions of judgment than was the case during the missile crisis.

This is so, because at the time of the missile crisis the Soviets did not have many long-range ballistic missiles capable of reaching the United States and the introduction of shorter range missiles in Cuba sharply altered the strategic picture. Today, however, Soviet missile submarines regularly patrol the western Atlantic and even penetrate the Caribbean and the Gulf of Mexico from bases in the Soviet Union. A Russian submarine base in Cuba would make these patrols shorter, as our forward submarine bases in Scotland and Spain do for us. The real question would be whether such a Soviet base would dangerously enlarge the Russian capability of striking the United States in an all-out missile attack. If so, it would be a matter of the utmost gravity.

While on the subject of Cuba, let me interject to say that I think the time has come for a re-assessment of U.S. policy toward that island. I do not suggest any dramatic initiatives, which Castro would almost certainly rebuff in any case. *But I do suggest some modest, tentative steps which would require no response from Castro.* The first and most obvious of these is to relax restrictions on the travel of American citizens to Cuba. Surely it is an absurdity that an American can get his passport validated for travel to Communist China easier than for travel to Cuba. We might also begin some quiet consultations with other members of the OAS to measure sentiment for modifying existing hemispheric policy toward Cuba. It is my guess that the desire for a partial relaxation in relations is growing, in which event it would be prudent for the United States to test the waters now, rather than risk getting doused later.

For it is clear that Castro is here to stay. Eventually, the hemisphere and a Castro-molded Cuba will come to terms. How this will come about or what form Cuban society will eventually take when its revolutionary spasms subside, I do not know. But I cannot understand why the United States, by continuing to follow a rigid and inflexible policy toward Cuba, should continue to provide Castro with so convenient a scapegoat for the managerial incompetence of his own regime. Why not take some tentative steps and see what happens?

We do not have to commit ourselves on how far we shall go down the road before we take the first step. If that first step leads to a second and then to a third, fine. If at any point we feel our interests disserved, we can always stop the process.

The steps I suggest are extremely modest. Indeed, they might strike many people as much too timid. Nevertheless, they will strike the State Department as heresy, and this is really the kernel of my argument. I am not advocating a change in Cuban policy so much as I am advocating a change in attitudes toward Cuban policy. In the jargon of my children, we are too uptight about Cuba. We ought to cool it.

Let me turn now to our economic interests in the Caribbean. As I indicated earlier, our trade with the area is substantial and our private investment there is even greater. If these are to flourish, our economic interests have to be viewed in broader terms which take into account the felt interests of the Caribbean islands as well.

One of the many pecularities of our foreign aid program is that while we have lavished billions of dollars on continent-sized countries, like India and Brazil, which are so big that any amount of aid has only the slightest impact, we have actually managed in certain smaller countries, like Taiwan and South Korea, to perform miracles. I am led to conclude that in the Caribbean our aid programs, if well designed, could accomplish a great deal. But our attitude toward the Caribbean has really been one of indifference except in times of crisis when we have intervened and taken charge with troops, with money, or with both. This is the worst of policies. Aside from the political liabilities resulting from military intervention, it means that the money is wasted in crash programs. All of this could be avoided, and at much cheaper cost, by sensible programs undertaken in good time.

Because it is so close to us, the Caribbean does, it seems to me, have a valid claim for our special attention. Because its units are so small, they do offer an exceptional opportunity to get results. Seizing this opportunity would be one way—and a very promising way—of showing our continuing interest and concern.

But aid is not enough. We need to reexamine our trade and investment policies. Most of the islands of the Caribbean do not really have very much to sell and are thus hit particularly hard by U.S. restrictions on imports. Depending on the terms of Britain's entry into the European Common Market, the Commonwealth Caribbean could suddenly fall heir to an especially acute trade problem. Population problems are also severe, the U.S. can help on both fronts. With respect to population control programs, of course, the initiative has to come from the Caribbeans.

Investment raises a host of issues, many of them beyond the immediate realm of Government policy. The Caribbean desperately needs investment to create employment, but most investment these days is based on expensive labor-saving technology which does not provide many jobs. The most conspicuous exception is tourism, but in the Caribbean context tourism has a political backlash in that it tends to perpetuate the image of the rich white master—poor black servant relationship. This is ready-made for exploitation by the growing black power movement.

We need to look for investment opportunities which are more labor intensive. Small agricultural processing plants are perhaps one example, not only for the jobs they would provide themselves but also for the farm labor which would be required to produce the raw materials. Progress in this direction presupposes easier entry of the processed products into the U.S. market and also local government policies designed to reorganize Caribbean agriculture.

The biggest problem that investment, especially foreign investment, faces in the Caribbean, however, is the growing economic nationalism. This is, as I see it, the dominant political fact in the area. It is going to make the next few years a rough passage for business in general and for foreign business in particular. Governments feel under pressure to move to the left, and in one way or another, many are doing so.

This is mainly a problem for American business investors but indirectly for the American government as well. Business has two choices: It can either come to terms with economic nationalism or try to fight it. Fighting is more likely to accelerate it than to halt it, or even to slow it. On the other hand, a reasonable effort to come to terms has a very good chance, as things now stand. New arrangements will not be as satisfactory to foreign companies, especially in the extractive industries, as are their current arrangements. But more can probably be salvaged in the long run by giving up something in the short run—graciously in timely fashion.

I have dealt with the strategic and economic interest of the United States in the Caribbean, but there is a broader interest which is fundamental to U.S. policy and that is the political aspect. In the final analysis, our strategic and economic interests are dependent on political factors.

The intrusion of the Soviet Union into the Caribbean is essentially the result of the political collapse of pre-Castro Cuba. The American intervention in the Dominican Republic, mistaken though I believe it to be, was occasioned by political chaos.

More political breakdowns threaten. There is scarcely a country where we would not do wel to keep our fingers crossed. If this happens—perhaps I should say when it happens—I hope we will show greater restraint than we have in the past. There should be no American military intervention except when the security of the United States is directly threatened, as was the case in the missile crisis. If we make that position clear and credible, we will reduce the possibilities of such situations arising. One of the causes of political instability in the Caribbean is the widespread notion among ruling elites that in extremis the United States will step in and save the governments from violent overthrow. This leads to irresponsibility in the basic sense of refusing to face the tough problems and of avoiding the consequences of that refusal.

The send-the-marines reflex is only one aspect of the broader problem of intervention. Much more difficult to deal with are the subtler forms. This is especially so in the Caribbean because of the enormous disparity in size, wealth, and power between the United States and the island countries. The American presence is overwhelming, whether we like it or not, and there is very little we can do about it.

We are inevitably identified with the political factions with which we deal. Who the American Ambassador sees becomes an immediate topic of political gossip and is given a significance which it rarely deserves. Our support—psychological, economic, or both—is sought and capitalized on. When we encourage this, when we fail to hold ourselves at arm's length, we really give those we embrace power over us, because they soon conclude that the U.S. commitment to them is in their control—that we have nowhere else to go. The remedy for this, if there is one, is to avoid the appearance of support in the first place—to avoid, in other words, too close an identification with any particular government or opposition group.

It is one of the Caribbean's many paradoxes that politicians both seek U.S. approval and ride the tide of economic nationalism. Nationalism inherently contains elements of xenophobia, and these are principally directed against the United States, Canada, and the United Kingdom as the most prominent outside powers in the Caribbean. (The Soviet Union in Cuba may eventually fall victim to the same phenomenon.) In the case of the Anglo-Saxon powers, the matter is complicated by racism.

I think, therefore, that we have to expect a period of political turbulence in the Caribbean accompanied by growing anti-Americanism. The best way to deal with this is to ride it out while implementing our long-term policies as unobtrusively as possible.

The Caribbean is important to us—more so than some other parts of the world on which we have lavished far more attention and money. Yet, except for periods of crisis when we have usually over-reacted, we have neglected the Caribbean far too long. This neglect ought to stop. There are natural gravitational pulls between the Caribbean and the United States which we sought to seize upon, not in terms of creating a 19th century sphere of influence but in terms of two-way trade and travel.

There ought to be a special relationship

between the United States and the Caribbean, a relationship founded on a special priority for the Caribbean in U.S. aid programs and in U.S. policy-making, coupled with a scrupulous respect for the right of the Caribbeans to work out their own problems in their own ways. Such a charted course, I think, would offer the best hope of steering us through the rough water ahead into calmer bays.

ORDER OF BUSINESS

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GURNEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAPE CANAVERAL-CAPE KENNEDY

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Florida (Mr. GURNEY) is recognized for 30 minutes.

Mr. GURNEY. Mr. President, the senior Senator from Florida (Mr. HOLLAND) and I have reserved an hour today to talk about a matter important to each of us personally and especially to the entire State of Florida, which we represent here in the U.S. Senate.

In the first session of this Congress we introduced a joint resolution (S.J. Res. 133) which provided for the change of the name of Cape Kennedy, a geographical point in central Florida, where the space program of this Nation is conducted, back to the original name of Cape Canaveral, which had been used for several hundred years. At the time we introduced this resolution, we both discussed on the floor and before the Interior Committee's subcommittee the very substantial reasons which compelled us to such a course. We stated then—and this is still our intention—that the purpose of our resolution was to restore the historic name of Cape Canaveral.

For 6 years, Mr. President, I represented Florida's Fifth Congressional District in the House of Representatives. My old district included the cape and I still reside in the district where the cape is located. I think I know the sentiments of the residents of the area concerning the name change; they are very much, almost overwhelmingly, in favor of it.

Last year, the Gannett newspapers ran a poll in the area. It showed that more than 92 percent of those polled favored the restoration of the name Cape Canaveral. The Florida Legislature last year passed a unanimous resolution favoring the restoration of the historic name of Cape Canaveral.

Mr. President, this was not a partisan matter—it transcends partisan politics. It is a matter of undoing a wrong.

In December 1963, the Board of Geographic Names of the Department of Interior issued bulletin No. 6303 formally designating the geographic area which for 400 years had been known as Cape Canaveral as Cape Kennedy.

The Board apparently was taking upon itself to decide, without hearings, without reference to the wishes of the residents, the future name of this historic land mass.

This action, Mr. President, was at best highly irregular and some have charged that it was in fact illegal. The full Board apparently did not meet to discuss the name change and never formally passed upon it as a body. I do not wish to pass judgment as to the legality of that action, but I will comment on its propriety.

I think, in defense of the Board, that perhaps it was laboring under a misconception of the nature of President Johnson's Executive Order No. 11129 of November 29, 1963. That order, issued 1 week after the tragic death of President John F. Kennedy, was intended to and did effectively change the name of the NASA installation to the John F. Kennedy Space Center.

On December 20, 1963, James E. Webb, then Administrator of NASA, designated the launch operations center, NASA, as the John F. Kennedy Space Center in accordance with Executive Order No. 11129.

On January 22, 1964, by special order GA-7, Gen. Curtis LeMay, then Chief of Staff of the Air Force, designated the Cape Canaveral Missile Text Annex, permanent installation No. 1919—referred to in Executive Order 11129 as Station No. 1—as the Air Force Station No. 1 at Cape Kennedy.

These separate redesignations by Mr. Webb and General LeMay were required in order to distinguish the NASA and Air Force facilities which had been erroneously lumped together in the Executive order due, apparently, to the haste in which it was issued.

Shortly after these events, NASA moved the John F. Kennedy Space Center from its location on what had been Cape Canaveral to previously acquired land in the Merritt Island area, where it is located today. The Air Force facility, which was not moved, is now called the Air Force Eastern Test Range Station No. 1 at Cape Kennedy.

President Johnson's Executive order designated only the NASA and the Air Force facilities as the John F. Kennedy Space Center and made no mention of renaming Cape Canaveral, the land area, in a similar fashion. Frankly, I do not think President Johnson ever had the intention of changing the geographic name, but I think the Board of Geographic Names may have mistakenly read that intention and the Executive order.

I want to emphasize, Mr. President, what I have said previously—and I know the distinguished senior Senator from Florida joins me in this regard: It is not our intention in this resolution to detract in any way from the memory of President Kennedy. Our resolution would not in any way affect, change, alter, or disturb the name of the John F. Kennedy Space Center. That name would be untouched. Again, I know that Senator HOLLAND joins me in this sentiment—that is our belief that the name of the John F. Kennedy Space Center is a fitting tribute to President Kennedy's abiding interest in the American space program, in space travel, in excellence in all levels of our national life.

President Kennedy is properly commemorated in the name of the space center itself—and, for myself, I would resist any attempt to change that designation, or to diminish that tribute.

Our resolution does not affect, as I say, the Kennedy Space Center in any way. That remains the same and quite properly should remain the same.

Our resolution goes to the geographic name. It undoes what is, in our judgment, the mistake of the Board of Geographic Names.

Cape Canaveral, Mr. President, is one of the ancient historical names on our continent, indeed in this hemisphere. It has been used for over 400 years. Some historians say it was a site of Ponce de Leon's landing on the mainland of Florida and that the name was originally coined by that explorer. We have records of its use on a map dated 1530. It was a landmark on charts and maps since then.

Some geographers consider that it is the oldest geographical name on the North American Continent. It antedates Roanoke Island and Virginia by more than 50 years; Jamestown by 76 years; Plymouth and Cape Cod in Massachusetts by almost 90 years. It was a known geographic name and point of reference before the interior of North America was explored or even measured. It should not, Mr. President, be lightly or casually discarded, particularly if a new designation or a replacement designation was a mistake.

Mr. President, we know that President Kennedy was a historian of some note and a man who had a deep and abiding respect for history and tradition. I think we can speculate that his sense of tradition and propriety would both have been outraged by the Board of Geographic Name's highhanded and precipitous redesignation of this area, and the obliteration of this historic name. Our resolution, Mr. President, is aimed at putting this mistake right. It is the wish of the vast majority of the citizens of this area.

In sum, Mr. President, we think it is entirely fitting and proper that the NASA and DOD facilities retain the designation of the John F. Kennedy Space Center; we think it is also fitting and proper that the ancient and historic name of Cape Canaveral now be restored to the area it has graced for over 400 years.

That is the case for the change of the name to Cape Canaveral. I should like to point out that this resolution was introduced by the senior Senator from Florida (Mr. HOLLAND) and myself many months ago, in the first session of this Congress. There were ample hearings held before the Committee on Interior and Insular Affairs. There were many witnesses who testified in favor of the name change. There was no one present who opposed it. There was no evidence presented by anyone who was not present to oppose this name change.

I have personally polled all of the Republican members of the Committee on Interior and Insular Affairs, and every one of them is in favor of the name

change, as they have told me personally. Yet for some unknown reason, we cannot get the committee to act on the resolution and report it out, even though both Senators from Florida were for it, all of the people except a very small proportion in that area want it, and the Florida Legislature has unanimously asked for it.

That is why the senior Senator from Florida and I—the senior Senator will be here later—are presenting this case on the Senate floor and to the public, and inquiring why we cannot get this resolution through committee.

I can imagine how any Member of this body might feel about the change of historic names in his particular State. I wonder if anyone would like Cape Cod renamed, for example, up in Massachusetts, or Pike's Peak renamed in Colorado, or the Mississippi, a river that flows through a number of States.

That is the point here. This geographic point in the State of Florida—with the oldest name, as I say, in the United States, and as far as any geographic evidence reveals the oldest on the North American Continent—should be restored to that old historic name of over 400 years ago, Cape Canaveral.

We hope other Senators might generate a little pressure to assist us in accomplishing this job.

I ask unanimous consent to have printed in the RECORD at this time, articles, editorials, and letters to the editor favoring this name change from the following newspapers, on the dates indicated:

The Florida Times-Union, June 11, 1969.

The Clearwater Sun, Sunday, August 3, 1969.

The Orlando Sentinel, August 27, 1969.

The Palm Beach Post-Times, March 16, 1969.

The News-Tribune of Fort Pierce, Fla., August 8, 1969.

The Winterhaven News-Chief, August 31, 1969.

The Key West Citizen, August 10, 1969.

The St. Augustine Record, August 28, 1969.

The Clearwater Sun, July 27, 1969.

The Pensacola News-Journal, August 10, 1969.

The Miami Herald, July 6, 1969.

The Evening Tribune, Cocoa, Fla., May 12, 1969.

The Palm Beach Post, May 22, 1969.

The St. Petersburg Times, July 13, 1969.

The Panama City Herald, August 11, 1969.

The Palm Beach Post-Times, June 1, 1969.

The Ft. Myers News-Press, August 25, 1969.

The Tampa Tribune, August 9, 1969.

The Miami Herald, August 14, 1969.

The Palm Beach Post-Times, June 7, 1969.

The Evening Tribune of Cocoa, Fla., March 20, 1969.

The Tallahassee Democrat, July 1, 1969.

The Palm Beach Times, August 18, 1969.

The same newspaper, March 4, 1969.

The Palatka Daily News, August 20, 1969.

The Sunday Times of Melbourne, Fla., August 10, 1969.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Florida Times-Union, June 11, 1969]

RESTORE CANAVERAL'S IDENTITY

The resolution approved by the legislature urging restoration of the name of Cape Canaveral to the geographical area on which the space center is built seeks simply to correct an error committed in an excess of zeal.

The legislature's formal recommendation, which reflected the considered views of a great majority of the people of the affected area, of historians and of public officials, would retain the name of "Cape Kennedy" as it is applied to the space center itself, but would restore the ancient name of Cape Canaveral to the triangular point of land protruding into the Atlantic on the state's east coast on which the space center stands.

It petitioned the President and the Congress to make the change if Sen. Edward Kennedy, brother of the late President for whom the installation was named, agreed.

* * * * *

[From the Clearwater Sun, Aug. 3, 1969]

MOVEMENT GROWS FOR CHANGING CAPE NAME BACK TO CANAVERAL

(By Reinhold Rogers, Jr.)

Last week in this space we commended the Canaveral movement by many Florida citizens to have the ancient geographical name of Cape Canaveral reinstated, with the space center located there to keep the honored name of John F. Kennedy.

Our two Florida senators, veteran Spessard L. Holland and the junior senator, Edward Gurney, have, as we pointed out, introduced Senate Joint Resolution 133, which would restore the Canaveral name through the medium of congressional action. Such action would, as should be recognized, save possible embarrassment to President Richard Nixon, as he would not have to reverse the decision of former President Lyndon B. Johnson, who ordered the double-barrel name change in 1963.

Since last week's editorial here appeared, reaction has been both strong and completely favorable. We urged our readers to write to the two senators in Washington, and to our own Pinellas congressman, William C. Cramer, and give support to the movement to restore the geographical name to the cape itself. The space center with its huge layout, would, of course, keep forever the great Kennedy name.

MOVE APPLAUDED

We have received telephone calls from a number of people in this area applauding the new move, and in a letter from Circuit Court Judge James R. Knott of the Fifteenth Judicial Circuit at West Palm Beach, a former president of the Florida Historical Society, news that copies of last week's editorial here have been sent to Senator Holland and several others interested in the name change.

Judge Knott, as a Floridian and as a Florida historian, is one of the leaders in the state in supporting the congressional action initiated by the two senators in Washington.

Several members of the Pinellas County Historical Commission, which is part of the official county government, have indicated they too favor the restoration, and the commission is expected to take formal action at its meeting later this month.

Also, we have been informed that Sen. Holland has talked personally with Sen. Edward Kennedy about the proposal to keep the geographical name, and that Kennedy and the family would make no objection, since the space center itself would continue to be known as the John F. Kennedy Space center in honor of his brother.

RETENTION URGED

Here at home Mrs. Stephen A. Kallis Sr., of Dunedin, has provided us with particularly interesting correspondence on the subject. In November, 1963 she wrote to President Johnson, Florida's Gov. Farris Bryant, Senators Holland and George Smathers and Congressman Cramer, urging that the Canaveral name be retained for the cape and the Kennedy designation apply only to the space center.

Mrs. Kallis received replies from everyone except President Johnson.

Gov. Bryant wrote that "As a native of Florida I love our history and honor the cultures which have been a part of it. As a citizen of Florida I am glad, too, for the greatness that has come to her in this generation. Hundreds of years ago it was appropriate that the cape be named for a sugar cane field. That, I asume, is what it was. Today the millions who come to Florida find a new frontier of the mind. In a greater degree than any other man, John F. Kennedy symbolized that frontier. I think it appropriate to call it Cape Kennedy."

The governor ended his two-page letter by quoting Shakespeare's lines about "What's in a name. . ."

Sen. Holland explained that he had presented to the Domestic Geographic Names Committee prior to its meeting on Dec. 10, 1963, the many comments he had received from the people of Florida, but that he understood the committee considered the decision made on Nov. 27 and announced by the President on Nov. 28 to be final. The members had been polled by telephone earlier and had approved the President's suggestion on the name change, Holland explained.

STEPS DESCRIBED

Sen. Smathers also described the steps which led to the change, pointing out that the Secretary of the Interior had approved the action of the committee, and that "no approval of Congress is necessary.

The letter from Congressman Cramer, as might be expected from a member of the opposing political party, was more outspoken in his reaction to the name change by President Johnson.

Cramer wrote that he had "raised publicly" the question as to "whether the President has the power to change the name of an area which the federal government does not own, there being some non-governmental property on Cape Canaveral."

The letter also stated that the congressman had questioned the propriety of renaming an historical site. "It appears," the letter said, "that considerable opposition is being raised to this phase of the proposal."

It is good, we say again, to see that the "considerable opposition" of 1963 is finally piling up and that it has high hopes of proving successful. And once more we say, let the people at Washington know your feelings.

[From the Orlando Sentinel, Aug. 27, 1970]

RESTORE ANCIENT NAME

Editor: Florida citizens should join in supporting the resolution now before Congress which would restore the name Cape Canaveral to our oldest landmark. This proposal has the endorsement of the Florida Historical Society and, according to a newspaper poll, is favored by 93 per cent of the people in the cape area.

No one questions the propriety of naming the space center for our late respected President Kennedy, whose tragic death shocked the nation. But to destroy the historical associations attached to the name Cape

Canaveral, the oldest known landmark on the U.S. Atlantic coast, is to play havoc with historical continuity.

The resolution being considered by Congress would retain the name of the John F. Kennedy Space Center for the missile facilities and restore the name Cape Canaveral to the geographic area of the Cape, so that the title of this most ancient of our historic landmarks would be recognized and preserved.

It is suggested that those favoring this resolution recommend its adoption to their congressmen by letter or wire, and also communicate with Sen. Henry M. Jackson and Congr. George P. Miller, who are chairmen of the respective Senate and House committees considering the measure.

[From the Fort Pierce News Tribune, Aug. 8, 1969]

VOICE OF THE PEOPLE: URGES SUPPORT OF THE BILL TO RESTORE NAME OF CAPE CANAVERAL

* * * * *

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials of that past living and real to every citizen. Is it consistent to believe that he would have approved the substitution of his name for that of Cape Canaveral?

The resolution being considered by Congress would retain the name of John F. Kennedy Space Center for the missile facilities and restore the name Cape Canaveral to the geographic area of the cape, so that the title of this most ancient of our historic landmarks would be recognized and preserved.

It is suggested that those favoring this resolution recommend its adoption to our Congressional delegation by letter or wire.

[From the Winter Haven Daily News-Chief, Aug. 31, 1969]

CAPE CANAVERAL

A growing movement across the state is the one asking for the renaming of Cape Kennedy to Cape Canaveral. The legislation has been entered in both the U.S. House and Senate; now all that remains is for the bill to be reported favorably out of the respective committees. A recent survey of the central east coast area found that 93 per cent of those queried were in favor of restoring the original name to that area. There has been no one who desires to have the name of the John F. Kennedy Space Center changed and this is as it should be. On the other hand there are 400 years of history behind the name of the Cape and it was a hasty move that changed it some five and one-half years ago.

Elsewhere on this page is a Letter to the Editor from James R. Knott, past president, Florida Historical Society. The letter outlines what you as a person can do to see that this historical name is returned to the maps as it should be. We urge you to act now to give this pending legislation a needed boost.

LETTERS TO THE EDITOR

DEAR EDITOR: Florida citizens should join in supporting the resolution now before Congress which would restore the name Cape Canaveral to our oldest landmark. This proposal has the endorsement of the Florida Historical Society and, according to newspaper poll, is favored by 93 per cent of the people in the cape area.

Ponce de Leon is credited with the discovery of the cape in 1513, the year in which he discovered and named Florida, and the name Canaveral has identified this cape for more than 400 years on maps and nautical charts throughout the world.

No one questions the propriety of naming the Space Center for our late President Kennedy, whose tragic death shocked the nation. But to destroy the historical associations attached to the name Cape Canaveral, the oldest known landmark on the American Atlantic coast, is to play havoc with historical continuity. The same principle would be involved in changing the name of Cape Hatteras, or the Suwannee River.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make its memorials living and real to every citizen. Is it consistent to believe that he would have approved the substitution of his name for that of Cape Canaveral?

The resolution being considered by Congress would retain the name of the John F. Kennedy Space Center for the missile facilities and restore the name Cape Canaveral to the geographic area of the cape, so that the title of this most ancient of our historic landmarks would be recognized and preserved.

It is suggested that those favoring this resolution recommend its adoption to their Congressmen by letter or wire, and also communicate with Senator Henry M. Jackson and Congressman George P. Miller, who are chairmen of the respective Senate and House committees considering the measure.

[From the Key West Citizen, Aug. 10, 1969]

BACK TO CANAVERAL

EDITOR, THE CITIZEN: Florida citizens should join in supporting the resolution now before Congress concerning the restoration of the name Cape Canaveral to our oldest landmark. This proposal has the endorsement of the Florida Historical Society, and according to newspaper poll is favored by 93 per cent of the people who work and live in the cape area.

It is believed that Cape Canaveral was named by Ponce de Leon in 1513, the year in which he discovered and named Florida. While no one questions the propriety of naming the space center for our late respected President Kennedy, to invalidate a name established by historical documents and maps from the earliest exploration of the Atlantic coast—a matter of 450 years—is to play havoc with historical continuity. The same principle would be involved in changing the name of the Mississippi River, which is of more recent origin.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials of that past living and real to every citizen. Would he have approved the substitution of his name for that of Cape Canaveral?

The resolution being considered by Congress would retain the name of the John F. Kennedy Space Center for the missile facilities and restore the name Cape Canaveral to the geographic area of the cape, so that the title of this most ancient of our historic landmarks would be recognized and preserved.

It is suggested that those favoring this resolution recommend its adoption to our Congressional delegation.

[From the St. Augustine Record, Aug. 28, 1969]

RESTORE NAME OF CAPE CANAVERAL

Circuit Judge James R. Knott of the fifteenth judicial circuit, West Palm Beach, Florida, informed this newspaper this past week that he has joined other distinguished Floridians in supporting a resolution now before Congress.

The resolution being considered would restore the name Cape Canaveral to one of our state's oldest landmarks. The proposal has the endorsement of the Florida Historical Society and according to a recent newspaper poll the name change is favored by 93 per cent of the people in the cape area.

Ponce de Leon is credited with the discovery of the cape in 1513, the year in which he discovered and named Florida. The name Canaveral has identified this cape for more than 400 years on maps and nautical charts throughout the world.

Few people are questioning the propriety of naming the giant Space Center for the late President John Kennedy. But to destroy the historical association attached to the name Cape Canaveral, the oldest known landmark on the American Atlantic coast, is to play havoc with historical continuity.

What if Congress in its great wisdom invoked the same principle and changed the name of the Mississippi River or Long Island?

The resolution being considered by Congress would not change the name of the John F. Kennedy Space Center, but would restore the name of Cape Canaveral to the geographical area of the cape.

We support the endeavor of our fellow citizens to the South and urge our Congressmen's support of the change. We also suggest that fellow citizens agreeing with the fight for the return of the proper name to the cape area should take the effort to write or write Senator Henry M. Jackson and Congressman George P. Miller, who are chairmen of the respective Senate and House Committees considering the measure.

[From the Clearwater Sun, July 27, 1969]

MOVE TO RESTORE NAME OF CAPE CANAVERAL GAINING SUPPORT

(By Reinhold Rogers Jr.)

It is good to see that the movement to restore the ancient name of Cape Canaveral to the geographic point of land, and retain the proper designation of John F. Kennedy Space Center for the important facilities there, is gaining both strength and momentum.

On July 10 our two Florida senators at Washington, Spessard Holland and Edward Gurney, introduced a resolution calling for such official action.

The two senators emphasized the fact that their resolution, if enacted into law as they hope, would restore the historical Canaveral name to the geographic cape area, while at the same time assuring that the John F. Kennedy name would be perpetuated for the extensive National Aeronautics and Space Administration and Department of Defense installations there.

Sen. Holland called the original change in name "ill-advised."

* * * * *

Holland also said that he had talked with Sen. Edward Kennedy before introducing the resolution, so that the brother of the former President and the Kennedy family would understand the reasons for making the change.

The importance of having Sen. Kennedy approve the restoration of the Canaveral name was stressed in the Florida Legislature's resolution, which specifically called for Kennedy's agreement prior to formal action, which as the resolution pointed out, would call for President Richard Nixon to notify the Secretary of the Interior that the Board of Geographic Names should be ordered to make the proper changes in designations.

The value and importance of the Canaveral name was emphasized in the Florida Legislature's resolution, which is worth quoting here.

OLDEST KNOWN LANDMARK

"Whereas," the legislature declared, "the name Cape Canaveral is that of the oldest known and most continuously used landmark on the American Atlantic coast, its discovery accredited to Ponce de Leon, its name recorded on many of the earliest known Spanish and French maps and charts before any other, even the Mississippi River, Cape Hatteras or Cape Cod, a name in use

on maps and charts of world navigation since that time..."

The resolution went on to point out also that "Whereas, our late President, John F. Kennedy, deeply aware of the profound value and significance of the great historic past of the United States of America and untiring in his efforts to make the memorials of that past living and real to every citizen, would not, we believe have approved the substitution of his name for that of Cape Canaveral, although it was done in all sincerity to honor him in the grief and shock of his tragic death..."

At the time of the original change in 1963, both the Florida Historical Society and the Pinellas Historical Commission adopted formal resolutions opposing the geographic switch, while approving the name for the space center.

NEW RESOLUTIONS DRAFTED

Now, the state society has moved again in a new resolution to urge the planned restoration of the Canaveral designation in line with the action of Holland and Gurney. Many other historical organizations throughout Florida have followed suit, and the Pinellas Historical Commission is expecting to join in this move.

In addition, the 700-member organization of Missile, Space and Range Pioneers, meeting at Cocoa Beach, has unanimously supported the name restoration. A newspaper poll in Brevard County showed 93 per cent of the citizens there also in favor of the change as proposed.

We suggest that the Pinellas County Commission adopt its own resolution to give our U.S. senators more support in this plan, and we urge Florida citizens everywhere to write the two senators in Washington and add to the demand for the name restoration.

We can be proud of our Florida history (it began, you know, long before Capt. John Smith landed in Virginia and the Pilgrim Fathers stepped ashore at Plymouth Rock) and Cape Canaveral is a valuable part of that history. The geographic designation should be restored, the space center name rededicated to our late President as a permanent honor, especially significant now that the triumph of the moon landing has been so successfully completed.

[From the Pensacola News-Journal, Aug. 10, 1969]

RESTORE CANAVERAL

Florida citizens should join in supporting the resolution now before Congress concerning the restoration of the name Cape Canaveral to our oldest landmark. This proposal has the endorsement of the Florida Historical Society as well as the vast majority of the people who work and live in the Cape area.

No one questions the propriety of naming the Space Center for our late respected President Kennedy, whose untimely death shocked the nation. But to destroy the historical associations attached to the name Cape Canaveral, the oldest known landmark on the American Atlantic coast, is wrong in principle. The same principle would be involved in changing the name of the Mississippi River, which is of more recent origin—or Pensacola Bay.

Ponce de Leon is credited with naming the Cape in 1513, the year in which he discovered and named Florida. The name of Cape Canaveral is so well established in history and on every nautical chart since the earliest days of exploration of our shores that it deserves preservation.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials of that past living and real to every citizen. Many believe that he would not have approved the substitution of his name for that of Cape Canaveral, although it was done in all sincerity by President Johnson to honor him in the grief and shock of his tragic death.

* * * * *

It is suggested that those favoring this resolution recommend its adoption to our Congressional delegation.

JAMES R. KNOTT,
Past President, Florida Historical Society, West Palm Beach.

THE PUBLISHER'S NOTEBOOK: CAPE CANAVERAL

We applaud the Tallahassee Democrat's recommendation that the name Cape Canaveral be restored to the area now known as Cape Kennedy.

This could be done while retaining the John F. Kennedy Space Center name for the facilities so designated.

As the Democrat says, "The name Cape Canaveral identifies the oldest, continuously used landmark on Florida's Atlantic coast. Its discovery is credited to Ponce de Leon, and it is recorded on the earliest known Spanish and French maps."

In fact, Canaveral was on navigation maps before the Mississippi River, Cape Hatteras or Cape Cod.

A concurrent resolution * * * but is conditioned upon approval by the Kennedy family.

Their assent would be a gracious way of preserving the ties of history while continuing to honor the late President.

JOHN S. KNIGHT.

[From the Cocoa Evening Tribune, May 12, 1969]

NAME CHANGE PLEAS GROW

Interest remains high in the Cape Kennedy vs. Cape Canaveral name debate, according to coupons received by The Evening Tribune several months after its What's Your Opinion? poll on the topic closed.

And the replies still give strong support to returning the Cape Canaveral name to the geographical area now known as Cape Kennedy.

The last count of newspaper coupons several months ago showed 92.9 percent wanted the Canaveral name returned. The current tabulation is 91.9 percent, which is one percent lower than the previous percentage.

Members of the Missile, Space and Range Pioneers, Inc., voted 10–1 earlier this spring in support of returning the Canaveral name.

While a vast majority of the coupons received by The Tribune after the last count have come from Brevard, an impressive number came from former residents now living in other parts of the country.

These are from persons living in Washington, D.C., St. Petersburg, Binghamton, N.Y., etc.

This batch of coupons, along with those yet to arrive, will be forwarded to the Florida delegation in Washington. U.S. Rep. Lou Frey and U.S. Sens. Edward J. Gurney and Spessard L. Holland have been looking into the Cape name matter for many weeks. The Tribune poll was conducted to guide these men in their actions.

Here are some of the comments written on poll coupons:

"Americans are often criticized for their lack of culture. This is a very serious question: How can we develop an indigenous culture if mis-guided people sell our birthright down the river? To react by changing the name in the heat of emotion is madness. Anyone who says that this is a mature decision will condone practically all political expediency."

"Geographic names should not be 'tampered' with."

"The name of Cape Kennedy doesn't fit the area."

"Canaveral is more fitting because of historical background."

"Had a vote been taken on this issue in the first place, we would not be doing this now."

"Call the base anything you want, but the geographic location should never have been changed and now needs to be changed back."

"The Cape should not have been changed in the first place. I am in full accord that the KSC was rightly named."

"In our zeal to honor our late President, I think we went too far in changing half the airports, military establishments and half the country."

"President Kennedy was a fine man, but changing the names of historic landmarks is revolting."

"Enough honor and acclaim could never be bestowed upon our late President."

"The change was made in commemoration of a martyred President. To return the former name would be a useless charade that could only be interpreted as a slap at the Kennedy family by a city which is not mature enough to make and maintain a position of sympathy. How silly the whole question must seem. There are pressing socio-economic issues that deserve the 'heated debate' that this has generated."

[From the Palm Beach Post, May 22, 1969]

CAPE CANAVERAL CITIZENS HOPE TO REGAIN IDENTITY

(By Jack Harper)

TALLAHASSEE.—The folks of Cape Canaveral want their identity back. Remember? Cape Canaveral for more than 400 years identified the land mass in Brevard County sticking out in the Atlantic Ocean. It was first named by Spanish explorers.

Then, President Johnson inked out those 400 years when he signed an order renaming it Cape Kennedy in memory of former President John F. Kennedy.

The move to regain the Cape Canaveral identity came in a resolution introduced in the Florida House Wednesday by Rep. William E. Powell, R-Indiatlantic.

"We need all the history we can get for our children's sake," said Sen. Beth Johnson, R-Cocoa Beach, who supports the resolution.

New York born and mother of three children, Sen. Johnson said President Johnson had every right to name the U.S. Missile Test Center on Cape Canaveral after the late President Kennedy.

"But he didn't have the prerogative to take away the birthright of the generations of people who have lived on Cape Canaveral," she said.

The resolution is expected to easily clear the legislature. Then it will go to President Nixon and the Congress.

Ney Landrum, director of the Outdoor Recreation Council of Florida, said Wednesday President Johnson polled members of the U.S. Board of Geographic Names by telephone before making his announcement of the name change following the assassination of Kennedy.

"I don't believe he even intended to rename the land mass of the cape," he said, "but that's how it came out."

The resolution does not seek to change the name of the John F. Kennedy Space Center located on Cape Canaveral.

"Congress can change it back," Landrum said. "From a geographer's viewpoint, it should be done. By this precedent, the President can change the Suwanee River to Johnson River or Pike's Peak to Kennedy's Peak."

[From the St. Petersburg Times, July 13, 1969]

NAMING CAPE FOR JFK AN ERROR, GURNEY SAYS

WASHINGTON.—The action six years ago that changed the name of Cape Canaveral to Cape Kennedy apparently was an unin-

tentional error, Sen. Edward J. Gurney, R-Fla., said yesterday.

With Sen. Spessard L. Holland, D-Fla., Gurney has introduced a resolution to restore the old name to the geographical area that is the nation's stepping stone to space. A similar resolution is pending in the House.

President Johnson's 1963 executive order makes no mention of Cape Canaveral, Gurney said.

"It simply refers to the Air Force station and to the NASA installation and designates them as the Kennedy Space Center—something on which the people of Florida agree: We are very proud that it bears the name of the late President Kennedy.

"Actually, however," he continued, "further research that I did on this matter five years ago, indicated to my satisfaction that the name change accomplished by the Board of Geographic Names, which is the federal agency charged with this responsibility, was really taken without going into the details of the facts and circumstances, there were no hearings at the time as required by law. As a matter of fact, there was not even a meeting of the full board. How it came about, I do not know. But I do not think the intention at the time was really to change the name of the geographic area."

Earlier this year, the Florida Legislature adopted a resolution requesting the Cape's historic name be restored.

* * * * *

[From the Panama City Herald, Aug. 11, 1969]

RESTORE CANAVERAL'S NAME

DEAR EDITOR: Florida citizens should join in supporting the resolution now before Congress which would restore the name Cape Canaveral to our oldest landmark. This proposal has the endorsement of the Florida Historical Society, and according to newspaper poll is favored by 93 per cent of the people who work and live in the cape area.

Ponce de Leon is credited with naming the cape in 1513, the year in which he discovered and named Florida, and the name Canaveral has identified this cape since that time on maps and nautical charts throughout the world.

No one questions the propriety of naming the Space Center for our late respected President Kennedy . . . which is of more recent origin, or St. Andrews Bay.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials of that past living and real to every citizen. Is it consistent to believe that he would have approved the substitution of his name for that of Cape Canaveral?

The resolution being considered by Congress would retain the name of the John F. Kennedy Space Center for the missile facilities and restore the name Cape Canaveral to the geographic area of the cape, so that the title of this most ancient of our historic landmarks would be recognized and preserved.

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[From the Palm Beach Post-Times, June 1, 1969]

RESTORE "CAPE CANAVERAL"

West Palm Beach.

Editor:

Florida citizens should join in supporting the resolution recently offered before the Florida legislature concerning the restoration of the name Cape Canaveral to our oldest landmark. This proposal has the endorsement of the Florida Historical Society.

No one questions the propriety of naming the space center for our late respected President Kennedy, whose untimely death shocked the nation. To destroy the historical associations attached to the name Cape Canaveral, the oldest name of any landmark on the American Atlantic coast, is wrong in principle.

Ponce de Leon is credited with its discovery, in 1513, the year in which he discovered and named Florida. Its name was recorded on many of the earliest known Spanish and French maps and charts of world navigation for more than 450 years.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials of that past living and real to every citizen. Many believe that he would not have approved the substitution of his name for that of Cape Canaveral, although it was done in all sincerity by President Johnson to honor him in the grief and shock of his tragic death. The same principle would be involved in changing the name of the Mississippi River, which is of more recent origin.

The resolution being considered by our legislature recommends that the name of the John F. Kennedy Space Center be retained for the space program facilities and that the President restore "Cape Canaveral" to the geographical area of the cape in order that the title of most ancient of our own historic landmarks should be recognized and preserved.

This proposal calls for an expression of approval addressed to the members of our legislative delegation in Tallahassee.

JAMES R. KNOTT.

[From the Fort Myers News Press, Aug. 25, 1969]

CAPE CANAVERAL

Editor, News-Press:

Florida citizens should join in supporting the resolution now before Congress which would restore the name Cape Canaveral to our oldest landmark. This proposal has the endorsement of the Florida Historical Society and according to newspaper poll is favored by 93 per cent of the people in the cape area.

Ponce de Leon is credited with the discovery of the cape in 1513, the year in which he discovered and named Florida, and the name Canaveral has identified this cape for more than 400 years on maps and nautical charts throughout the world.

No one questions the propriety of naming the Space Center for our late respected President Kennedy, whose tragic death shocked the nation. But to destroy the historical associations attached to the name Cape Canaveral, the oldest known landmark on the American Atlantic coast, is to play havoc with historical continuity. The same principle would be involved in changing the name of the Mississippi River or Long Island.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country . . .

[From the Tampa Tribune, Aug. 9, 1969]

JFK WOULD PREFER CANAVERAL

WEST PALM BEACH.—Florida citizens should join in supporting the resolution now before Congress concerning the restoration of the name Cape Canaveral to our oldest landmark. This proposal has the endorsement of the Florida Historical Society, as well as the vast majority of the people who work and live in the Cape area.

No one questions the propriety of naming the Space Center for our late respected President Kennedy, whose untimely death shocked the nation. But to destroy the historical associations attached to the name Cape Canaveral, the oldest known landmark on the American Atlantic coast, is wrong in principle. The same principle would be involved in changing the name of the Mississippi River, which is of more recent origin—or Tampa Bay.

Ponce de Leon is credited with naming the Cape in 1513, the year in which he discovered and named Florida. The name of Cape Canaveral is so well established in history and on every nautical chart since the earliest days of exploration of our shores that it deserves preservation.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials . . . that he would not have approved the substitution of his name for that of Cape Canaveral, although it was done in all sincerity by President Johnson to honor him in the grief and shock of his tragic death.

The resolution being considered by Congress would retain the name of the John F. Kennedy Space Center for the missile facilities and restore the name Cape Canaveral to the geographic area of the Cape, so that the title of this most ancient of our historic landmarks would be recognized and preserved.

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[From the Miami Herald, Aug. 14, 1969]

TO GET "CANAVERAL" BACK FOR FLORIDA

(By Jeanne Bellamy)

So far the debut of Cape Canaveral on a map has been tracked back to 1541–44. The search for an earlier listing may prove endless.

Marjory Stoneman Douglas, Miami author, believes the 1541–44 mapmaker "copied the few names on the East Coast of Florida, notably Canaveral, from some earlier maps known to have existed around 1527."

She is curator of the David O. True Collection, Cartography of Early North America in Relation to Florida, in the University of Miami Library.

The late Mr. True wrote in 1958 that "the first date was 1525, when it was written 'b. d. las canas.' " He asserted that Cape Canaveral was discovered in 1499 by John Cabot, the explorer from England, and rediscovered in 1513 by Juan Ponce de Leon.

Mrs. Douglas began tracking down the first mention of Cape Canaveral because of a resolution pending in Congress to restore that name. She suggested the action in her book, "Florida, the Long Frontier," published in 1967:

"At the shock and sorrow of the assassination of youthful and gallant President Kennedy, the name 'Cape Kennedy' was hastily substituted on the maps for the old name of that remarkable hook of sand always known as Cape Canaveral.

"I cannot believe that John Kennedy, with his profound feeling for the values of history, would have approved that change. The name, 'Kennedy Space Center,' is a fitting and appropriate memorial. But I do not think it is too much to ask that some day the name 'Canaveral' may be restored to the cape by which it has been known for 400 years."

Nothing happened until last Feb. 28 when Mrs. Douglas talked to the Palm Beach County Historical Society. Her speech was about the many gaps in knowledge of Florida's past, including the history of Canaveral.

"History is still to be served," she remarked, "by an effort to restore the name of Cape Canaveral, that of the oldest known landmark on the American Atlantic Coast."

She got an unexpected response.

"I was startled," she relates, "by being interrupted by a burst of applause."

The group's head, Judge James R. Knott, a past president of the Florida Historical Society, pledged a concerted effort to restore the ancient name.

Something similar happened in April when Mrs. Douglas spoke to Friends of the Hillsborough Library in Tampa.

The movement snowballed. Resolutions

favoring the change were adopted by organizations concerned with history, genealogy and space pioneering. The Florida Federation of Garden Clubs approved informally, and the Florida Historical Society formally.

Before adjourning June 6, the Florida Legislature adopted a measure asking federal officials to restore the old name, with the consent of Sen. Edward Kennedy.

All the resolutions called for keeping the name of the John F. Kennedy Space Center on Merritt Island near the cape, as ordered by President Johnson seven days after the assassination in Dallas. The center contains the launch complex which sent the first men to the moon last month, achieving the goal set for the nation by President Kennedy in 1961.

In Washington, a spokesman for Sen. Kennedy said the family was "very appreciative of the cape's naming for President Kennedy, but if the Florida delegation feels there should be a change, it's up to them."

The 133-line joint resolution pending in Congress is sponsored by Florida's two senators, Spessard Holland (D.) and Edward Gurney (R.), seven Florida Democrats and three Florida Republicans in the House—all but Reps. Claude Pepper and Dante Fascell of Miami.

The bipartisanship echoes the pattern in the Florida Legislature. There, the sponsors were Sen. Beth Johnson of Cocoa, a Republican, and Rep. Jerome Pratt, Democrat of Palmetto.

The joint resolution in Congress would keep the John F. Kennedy Space Center but rename Cape Canaveral.

"Our Florida people are proud to have on our soil the John F. Kennedy Space Center," Sen. Holland told his colleagues July 10.

"However, I do not believe that John F. Kennedy, who was a historian of note and who cherished the heritage of this nation, would have wanted action taken that would in any way cause us to lose any of our historical background attained throughout the years."

That's where the project stands today. To replace Cape Canaveral on the maps, the joint resolution must be passed by both Houses of Congress and signed by the President.

[From the Palm Beach Post-Times, June 7, 1969]

STATE OKAYS CANAVERAL CAPE NAME

TALLAHASSEE.—A joint resolution introduced by Sen. Beth Johnson, R-Coca Beach, urging changing the name of Cape Kennedy back to Cape Canaveral, passed the legislature Friday.

It will be sent to Florida members of the U.S. Congress, President Nixon, the Federal Commission on Geographic Names, and U.S. Sen. Edward Kennedy of Massachusetts.

The proposal does not ask for changing the name of the John F. Kennedy Space Center, but only the land mass of old Cape Canaveral on which the center is located.

An amendment was attached to the resolution which requires the permission of Sen. Kennedy, brother of former president John F. Kennedy, for the name change.

Cape Canaveral was originally named by Spanish explorers of Florida's east coast.

The name was changed by President Lyndon Johnson following the assassination of President Kennedy.

[From The Evening Tribune, March 20, 1969]

CAPE CANAVERAL IS PROPER NAME

The Central Brevard geographical area now called Cape Kennedy should be renamed Cape Canaveral, but the Merritt Island facility should continue to be known as the John F. Kennedy Space Center.

We base that on the results of The Evening Tribune What's Your Opinion? poll. The survey indicated that 92.9 per cent of the 1,521 participants want Canaveral returned to the name, but Kennedy retained in the title for the Merritt Island aerospace facility.

A majority of the pro-Canaveral coupon votes argued that the area has been known as Cape Canaveral for over 400 years and that it is an historical name.

Many also said the name change was made during a period of great national grief over the untimely death of President John F. Kennedy. They explained that it was a hasty decision.

The pro-Kennedy participants mainly wanted the present name to remain as a tribute to the memory of the late President. They also felt that Canaveral has no special historical significance, and, if so, it was of lesser importance than honoring President Kennedy.

We believe that honoring Mr. Kennedy and remembering historical sites by their rightful names are both worthy goals. And this would be done by returning the name Canaveral and continue calling the island installation the Kennedy Space Center.

The Tribune has sent the poll results to our Washington delegation. We hope it will be successful in bringing back the name Canaveral to our historical site, as asked by hundreds of Brevardians.

[From the Evening Tribune, Mar. 20, 1969]

CHANGE IT TO CANAVERAL, URGE 700 SPACE PIONEERS

[From the Tallahassee Democrat, July 1, 1969]

LET'S RESTORE THE NAME

When President Johnson changed the name of the space facilities at Cape Canaveral, by executive order, to honor John F. Kennedy, it appeared to be a fitting memorial to the late President.

But many felt it improper to change also the historic name of the cape to Cape Kennedy. Now there is a strong movement to get the old name of the geographical area restored. It is movement that has merit.

When a newspaper poll was conducted in Brevard County, some 93 per cent of those participating were in favor of the restoration. In addition, a number of historical groups, including the Florida Historical Society, have passed resolutions asking that the old name be retained.

In its spring session, the Florida Legislature approved a concurrent resolution asking President Nixon to change the name back to Canaveral while continuing to honor the late John F. Kennedy Space Center for the space program facilities there.

This request is fair and reasonable and ought to be honored. The history contained in the name Canaveral shouldn't be lost. It should continue to be recognized as a significant landmark.

The legislative resolution provides the old name should not be restored without the consent of the late President's brother, Sen. Edward M. Kennedy. This is a courtesy to the Kennedy family that reveals an underlying concern for the family's feelings.

There is a good chance Senator Kennedy will be impressed with the desire of so many people and will consent to the restoration, fully realizing the memory of his brother will continue to be honored through the space center.

The name Cape Canaveral is that of the oldest known and most continuously used landmark on Florida's Atlantic Coast. Its discovery is credited to Ponce de Leon, and it is recorded on the earliest known Spanish and French maps.

Canaveral was on navigation charts even before Mississippi River, Cape Hatteras or Cape Cod. It ought to be given back its rightful place on the maps.

OUTLOOK FOR NAME CHANGE OF CAPE KENNEDY PROMISING

(By H. S. McKenzie)

Most of us remember the hysteria that followed the tragic death of President John F. Kennedy. In that hour of grief and excitement, public sympathy was expressed in the form of adopting his name for a wide variety of objects as memorials.

Falling within this category were highways, bridges, schools, streets and buildings. As proof of this, visit any town, city or county in the Nation, and one will find some street, public building, or bridge bearing the name of the great President, who fell victim to an assassin's bullet. Making this personal, this form of reverence and honor, consider the countless thousands of babies who arrived at about that time who now bear the name of John Kennedy.

Possibly the greatest of Memorial came from our State when Cape Canaveral as it had always been known in history and geography was changed to Cape Kennedy. Doubtless more attention and publicity followed this memorial act because of world-wide notice in connection with space flights topped by the present epochal flight to the moon.

In fact, the "Canaveral-Kennedy" name exchange was recognized as the nation's tribute. It was "fathered" by President Nixon in response to popular demand, his calling on the Florida Senators, Holland and Gurney to sponsor a move to repeal the former Act and to resume the name of Cape Canaveral.

The Florida Legislature adopted resolutions endorsing the proposed restoration to the name of Cape Canaveral.

We have never been influenced by wild hysteria, hence never became enthusiastic over the popular demand to call the historically known Canaveral to Kennedy.

These feelings, despite the fact that we had only love and admiration for the martyred President. Hero worship can often be misdirected. It is rather gratifying to know that the outlook is promising for the early official restoration of the name, Cape Canaveral.

MEMBERS VOTE 10 TO 1 FOR RESTORATION

(By George Allen)

A resolution asking that Cape Kennedy be renamed Cape Canaveral was unanimously adopted by the 700-member Missile, Space and Range Pioneers at its third annual dinner Wednesday.

The resolution came after a straw vote of the organization's membership turned out 352 to 36 in favor of restoring the Canaveral name to that geographical area.

This straw vote, amounting to 10–1 for Canaveral, was close to the outcome of The Evening Tribune What's Your Opinion? poll on this name debate.

The Tribune poll, with 1,521 participants, showed 92.9 per cent wanted that area renamed Cape Canaveral. Results of the poll were sent to Brevard's representatives in Washington.

Copies of the pioneers' resolution will be sent to U.S. Sens. Spessard L. Holland and Edward J. Gurney, U.S. Rep. Lou Frey, State Sens. Beth Johnson and C. S. Reuter, and State Rep. Charles E. Davis, Clifford A. McNulty, William E. Powell and Richard Tillman.

Asa B. Bibbs, pioneer president, said the resolution asking for the Cape to be renamed Canaveral noted that "Cape Canaveral had been the name of the geographical location for several hundred years of that region of land on the East Central Coast of the state of Florida and had been identified and recognized by seafaring men and freeholders of that region, and was so identified on maps and charts of that area until changed by Presidential order to Cape Kennedy."

Former State Rep. Harry Pfeiffer has circulated similar resolutions to other area organizations, pointing out that, in addition to the pioneers' poll, a poll taken by The Evening Tribune revealed a "tremendous and overwhelming majority favored restoring the name Cape Canaveral."

Pfeiffer encouraged groups receiving his resolution to adopt them and send them to Brevard representatives in Tallahassee and Washington.

The Canaveral name had been used for more than 400 years when it was changed to honor the memory of the late President John F. Kennedy. That touched off a debate on the name which sparked the current action aimed at settling the argument.

In the Pioneer straw voting, President Gibbs said these were some of the comments written by participants on their ballots:

"Kennedy Space Center properly honors the late president, and the Cape Canaveral name should be preserved."

"No one asked the people of this area when it was changed. I'm for changing it back. No disrespect intended, but they should have changed Cape Cod."

"The cost of changing the name was too much to justify it, but this should not prevent us from changing it back. It was not necessary in the beginning."

[From the Palm Beach Times, Aug. 18, 1969]

PEOPLE OF "THE CAPE" WANT OLD NAME BACK

(By Don Maclean)

WASHINGTON.—It's no secret that natives of the area once known as Cape Canaveral, Fla., were not exactly thrilled when President Johnson renamed it Cape Kennedy shortly after the assassination.

The name Cape Canaveral first appeared on maps and charts of explorers more than 400 years ago. But, in addition to the historical reason for resisting the change, the region's businessmen have a very practical one—literally hundreds of companies use Cape Canaveral in their names.

Both senators from Florida have pointed this out and, in a bill to restore the area's old name, they say that President Johnson's action was ill-advised and done without regard for those who would be affected by it. However, they have in mind a compromise: The cape will be called Canaveral and the rocket place will be called the John F. Kennedy Space Center.

So much for that. To date, neither New York senator has shown any interest in changing the name of John F. Kennedy airport back to Idlewild, although many pilots still call it that.

* * * * *

[From the Palm Beach Times, Mar. 4, 1969]

COLUMNIST ASKS CAPE RENAMING

PALM BEACH.—Marjorie Stoneman Douglas, editorial columnist for the New York Times, in a talk before the Palm Beach County Historical Society here, called for the restoration of the name Cape Canaveral.

Mrs. Douglas, who said she is an admirer of the late President Kennedy for whom the cape was renamed, said he would have been among the first to scorn the idea of changing the name.

Ponce de Leon gave the cape the name Cape Canaveral when he discovered Florida in 1513, Mrs. Douglas said.

"Let them name the missile base Kennedy and change the name of Cape Cod (to which President Kennedy was a frequent visitor) to Cape Kennedy. Cape Cod is a much newer name than Cape Canaveral," she said.

Mrs. Douglas also recounted facets of Florida's early history. She was introduced by Theodore Pratt of Delray Beach, author of a number of books with Florida settings.

RENAME THE CAPE

PALM BEACH.—The Palm Beach County Historical Society wants the National Aeronautics and Space Administration to give back its missile-test range its old name—Cape Canaveral.

Circuit Court Judge James R. Knott, society president, said the society is joining other groups in urging that the range—renamed Cape Kennedy after the assassination of President John F. Kennedy—go back to its original name.

Judge Knott said the society has been urged by a former New York Times editorial columnist, Marjorie Stoneman Douglas to back the move. She said she knew Kennedy well and he would not have wanted the name of the cape changed.

The judge said Mrs. Douglas reported the name was changed during a wave of deep and "almost hysterical" sorrow that swept the nation after the assassination.

Mrs. Douglas said a move is under way on the Florida east coast to restore the original name.

[From the Palatka Daily News, Aug. 20, 1969]

RENAME THE CAPE

Emotion sometimes puts a hammerlock on judgment and a decision is made which is regretted as time skips along.

We believe an outstanding example of this was the almost hysterical race to change long-standing names of places and things to Kennedy after the popular president was shot down in Dallas.

Cape Canaveral was included on the honor list and became Cape Kennedy not too long after the tragedy. This was very likely the most prominent case of name-swapping in view of the Cape's role in man's march toward the stars.

Now there are second thoughts and a campaign is underway to restore the designation of Cape Canaveral to its original status. The Florida Legislature is pushing this about-face and popular sentiment is in favor of the change.

We believe John F. Kennedy is assured of his proper place in history. His death was tragic, meaningless and will be shrouded in mystery for years to come. He was off to a running start toward that goal called "Greatness" and few will deny his stature.

* * * * *

[From The Sunday Times, Aug. 10, 1969]

WANT IT TO BE CAPE CANAVERAL?—SAY SO!

All Florida residents should join in supporting the resolution now before Congress which would restore the name Cape Canaveral to the Sunshine State's oldest landmark.

This proposal was aired in the final days of the '69 session of Florida state legislature and now is before the United States Congress.

It has the endorsement of Florida Historical Society and according to newspaper polls is favored by 93 per cent of the people who live and work in this county.

Which means if it comes to referendum, it would be restored as Cape Canaveral.

But if voter apathy is a problem in this nation, how about communication gaps?

Since we won't be voting but our Congressmen will, why not a concerted effort to contact U.S. Sen. Spessard Holland, U.S. Senator Edward J. Gurney, Congressman Lou Frey Jr. and Congressman William V. Chappell.

Senate or House Office Building should be sufficient address to insure delivery of written communications.

We are indebted to Circuit Judge James R. Knott, Palm Beach, president of Florida Historical Society, for the following contribution for our editorial comment column:

Ponce de Leon is credited with naming the cape in 1513, the year in which he discovered and named Florida, and the name Canaveral has identified this cape since that time on maps and nautical charts throughout the world.

No one questions the propriety of naming the Space Center for our late respected President Kennedy, whose tragic death shocked the nation. But to destroy the historical associations attached to the name Cape Canaveral, the oldest known landmark on the American Atlantic coast, is to play havoc with historical continuity. The same principle would be involved in changing the name of the Mississippi River, which is of more recent origin.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials of that past living and real to every citizen. Is it consistent to believe that he would have approved the substitution of his name for that of Cape Canaveral?

The resolution being considered by Congress would retain the name of the John F. Kennedy Space Center for the missile facilities and restore the name Cape Canaveral to the geographic area of the cape, so that the title of this most ancient of our historic landmarks would be recognized and preserved.

Let Washington hear from you.

Mr. GURNEY. These are some of the newspaper articles, letters to the editor, and editorials from all over the State of Florida requesting the change of name of this historic Cape Canaveral back to that original name, which, as I say, dates back, in the history books and on the geographic maps, for over 400 years.

Renaming this cape, in my judgment, was a grievous mistake in the first place. The citizens of the area, the citizens of Florida, and, for that matter, citizens in other parts of the Nation have felt that way, as stated in correspondence which has come to me, particularly immediately after the act was done, but since then also.

So, it would be my hope, Mr. President, that the Senate could find it possible, through the Committee on Interior and Insular Affairs, to unloose this bill and undo this wrong, and make it right again.

In closing, I say again—and I could not say this more sincerely, more honestly, or more fervently—that I think if our late President John F. Kennedy himself were alive, and could appear before the Senate today, where he once served in such a distinguished fashion, he would be here, backing with his voice 100 percent my words in favor of this name change, as well as those of my distinguished senior colleague, who is about to speak on this subject also.

The PRESIDING OFFICER (Mr. EAGLETON). Under the previous order, the Senator from Florida (Mr. HOLLAND) is recognized for 30 minutes.

Mr. HOLLAND. Mr. President, first I congratulate my colleague upon his able statement on this subject which has been of such deep concern, not only to him and to myself, but to literally thousands of citizens of the State of Florida; and I must say, in starting, that we have been deeply puzzled by our inability to get the committee having jurisdiction of this matter, having before it the record of what I think is an excellent hearing, after public notice, to which no witnesses came except those supporting our measure—and they were witnesses of the highest character and credibility—to report out this resolution. It has been a highly frustrating experience to both Florida Senators.

Mr. President, on July 10, 1969, I introduced Senate Joint Resolution 133, for myself and my distinguished colleague, Senator GURNEY, to redesignate the area in the State of Florida now known as Cape Kennedy as Cape Canaveral. This legislation was introduced only after very careful and full consideration. It was not introduced to detract from the esteem held by all Floridians for our late President Kennedy. We feel it fitting and proper to memorialize a beloved President. It was particularly proper that the facilities of the National Aeronautics and Space Administration and the Department of Defense be designated as the John F. Kennedy Space Center, as was done by Executive Order 11129, dated November 29, 1963, in view of the efforts made by the late President Kennedy, who did so much to advance our exploration of outer space and the fact that the major part of the space program is conducted from the center and not from the cape as a whole. The Center, by the way, is located on Merritt Island, and not on Cape Kennedy. The major part of the center and of the space program in that area is conducted from Merritt Island, and not from the cape.

Mr. President, it is to be noted that the proposed legislation in no way would change Executive Order No. 11129, except to make the designation of the space center permanent by law. This, I believe, is important for we know that an Executive order can be amended, changed or rescinded at any time by any President. And while it is inconceivable that the name of the space center would be changed, it is possible that in future years there may come a time when it is so recommended. By passage of Senate Joint Resolution 133 this possibility, by a stroke of a pen, would not be possible.

Mr. President, Senate Joint Resolution 133 would only redesignate the cape itself, now called Cape Kennedy, which for some 400 years had been known as Cape Canaveral, by its original historic name. Unfortunately, at a time when emotions were running high as a result of the tragic events of the time, President Johnson suggested that Cape Canaveral be renamed Cape Kennedy, notwithstanding the fact that Cape Canaveral is thought by scholars to be the oldest place name on the Atlantic coast of the continental United States. This suggestion was made early in the day of November 27, 1963, and Secretary Udall advised the President later the same day that the Naming Committee of the Board of Geographic Names and himself had evaluated the proposal and that the Board unanimously favored the renaming of this historic cape.

Obviously, due to the time limitation, it was not possible for the Board to do much research on the proposal. And it is interesting to note that the membership of the Board at the time was composed of representatives from the Departments of State, Army, Navy, Air Force, Post Office, Interior, Agriculture, Commerce, Government Printing Office, Library of Congress, and the Central Intelligence Agency. I believe it proper to note at this point, in view of the action taken in less than 1 day's time by the Board of Geographic Names, that the regulations which the Board issued covering the principles to be followed in change of names include some 15 rules, four of which were not or could not have been given consideration with reference to redesignating Cape Canaveral as Cape Kennedy.

First, the regulation is that names dominant in local use generally are retained. Second, the euphonious and suitable names of Indian or foreign origin shall be retained—and this name is of Spanish origin, the Spanish explorers having first discovered Cape Canaveral. Third, that existing names should not be replaced unless they are duplicates or are inappropriate. Fourth, that acts of State legislatures, municipal councils, and other local governing bodies regarding geographic names are usually accepted unless application of the name would be in conflict with many principles followed by the Board.

Mr. President, I submit that the renaming of Cape Canaveral as Cape Kennedy was in direct conflict with these four principles or regulations laid down by the Board.

Mr. President, the Chairman of the Interior and Insular Affairs Committee, the Senator from Washington (Mr. JACKSON), at my request set down and gave public notice of hearings on this proposed legislation on November 24, 1969, at which time I, along with my colleague, Senator GURNEY, testified as did other informed Floridians. No witness appeared in opposition to the legislation.

Since the committee has not as yet had the hearings printed, I ask unanimous consent that the transcript of the hearings be printed in the RECORD at this point in order that all Members of the Senate may have an opportunity to review it.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

[U.S. Senate, Committee on Interior and Insular Affairs, Nov. 24, 1969]

S.J. RES. 133

The committee met, pursuant to call, at 10:00 a.m., in room 3110 New Senate Office Building, Hon. Clinton P. Anderson presiding.

Present: Senators Clinton P. Anderson (New Mexico), and Clifford P. Hansen (Wyoming).

Also present: Jerry T. Verkler, staff director; Roy M. Whitacre, professional staff member; and Charles F. Cook, Jr., minority counsel.

Senator ANDERSON. This is the time duly noticed and set for an open public hearing on Senate Joint Resolution 133, to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral.

The bill also provides that the facilities of the National Aeronautics and Space Administration and of the Department of Defense shall continue to be known as the John F. Kennedy Space Center.

President Johnson, honoring the late President, in November of 1963, changed the name of Cape Canaveral and named the space center in his honor.

The bill we consider today, S.J. Res. 133, was introduced by Senators Holland and Gurney, and I direct that the text appear at this point in the record.

(Bill to be furnished follows:)

S.J. RES. 133

A joint resolution to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the area in the State of Florida formerly known as Cape Canaveral and thereafter designated as Cape Kennedy is hereby redesignated as Cape Canaveral, and any law, regulation, document, or record of the United States in which such area is designated or referred to shall be held to refer to such area under and by the name of Cape Canaveral.

SEC. 2. The facilities of the National Aeronautics and Space Administration and of the Department of Defense, referred to in Executive Order 11129, dated November 29, 1963, shall continue to be known as the John F. Kennedy Space Center.

RESUMPTION OF TESTIMONY

Senator ANDERSON. Senator Holland, we are very pleased to have your statement.

STATEMENT OF HON. SPESSARD L. HOLLAND, A U.S. SENATER FROM THE STATE OF FLORIDA

Senator HOLLAND. Thank you, Mr. Chairman.

I sincerely thank this committee for setting down these hearings on S.J. Res. 133, which I introduced on July 10, 1969, for myself and my distinguished colleague, Senator Gurney, to redesignate as Cape Canaveral the area in the State of Florida now known as Cape Kennedy.

Mr. Chairman, let me say first that I know of no Floridian who wishes to detract in any way from the great accomplishments of our late President Kennedy. His achievements and the devotion millions of Americans had for him are such that he will always be remembered.

We Floridians feel that it was and is wholly proper to memorialize a dearly loved President whose every effort was to aid his fellow man, his country, and the people of the world to a better and more peaceful way of life and whose inspired leadership did so much to advance our exploration of outer space. If it had not been for him, I seriously doubt that our nation, in 1969, would have landed men on the moon and would now be the world leader in the exploration of outer space.

Therefore, Mr. Chairman, it was most appropriate that President Johnson by Executive Order designated the facilities of the National Aeronautics and Space Administration and the Department of Defense located on the Cape as the John F. Kennedy Space Center in memory of the late President and his great contributions to the country's space efforts, that site being the very area where all successful launchings of manned space vehicles have been accomplished.

However, because of the great importance of the name Cape Canaveral dating back over 400 years and its history and Spanish background, our Florida people in general do not feel that the name Cape Canaveral should have been changed to Cape Kennedy.

It is this strong historical influence and the feeling of our people throughout the State that influenced Senator Gurney and myself to introduce the resolution now under consideration to restore the historic name Canaveral to the Cape as a matter of law.

Mr. Chairman, the first explorer of Florida, Ponce de Leon, landed near St. Augustine, Florida, in 1513, and is credited with naming the Cape at that time as Canaveral.

The *Real Academia Espanola's Diccionario Historico de la Lengua Espanola* translates Canaveral as "a place overgrown with canes or reeds." The historians state that mapmakers in 1541–44 copied the few names on

the East Coast of Florida, notably Canaveral, from some earlier maps known to have existed around 1527.

In 1958, the late Mr. David O. True wrote, and this is contained in the David O. True Collection, *Cartography of Early America in Relation to Florida*, in the University of Miami Library, that "the first date was 1525, when it was written 'b.d. las Canas.'" He asserted that Cape Canaveral was discovered in 1499 by John Cabot, the explorer from England, and rediscovered in 1513 by Juan Ponce de Leon.

I should say, Mr. Chairman, that I have been unable to find any vertification of an earlier discovery by John Cabot, but I am quoting these matters as they appear in various historical records for the information of the committee.

To show further the historical significance of the name Canaveral, I refer to a reprint from *Hispania*, Vol. XLVII, No. 2, May, 1964, entitled "Alonso de Escobedo and 'La Florida'," by J. Riis Owre, Professor of Spanish, Department of Foreign Languages, University of Florida. These works contain a poem written by Father Alonso de Escobedo when he came to Florida in 1587 and found the name Cape Canaveral already in use.

I believe the committee would be interested in the poem, translated by Professor Owre, for it shows very clearly the value of the Cape to early mariners:

"Great Habana has a port whence sails the fleet, the royal armada, going forth directly into the Bahama Channel, as it is called. The pilot of the fleet, if he is alert knows that his navigation has been good when he sees a great point which is called Cape of Canebrake (Canaveral) of lush vegetation . . ."

At this point, the poet explains that here the pilots set their course east for Spain, knowing that they have passed the latitude of the Bahama shoals.

I believe, Mr. Chairman, this illustrates the value placed upon Cape Canaveral some four centuries ago, as a guide to the seafarers of those days.

Mr. Chairman, if one would look on a map, he would see that Cape Canaveral extends far out from the east coast of Florida. It serves as a beacon to navigators sailing the east coast of the United States to the Bahama Islands, Central and South America, and for all the ships sailing the sea lanes north and south.

Again, Mr. Chairman, I state with all possible vigor that the renaming of the Cape is being requested, not as a reflection on a great President—and he was a great and beloved President—but because of the great historical significance of the name and with the belief that as a historian of note, our late President, who cherished the heritage of this nation, would not want any action taken to cause us to lose any of our historical background attained throughout the years.

As you know, historically Florida is Spanish oriented, for throughout the years since the discovery of Florida and up to the time Spain ceded it to the United States in 1819, except for a 20-year period from 1763 to 1783, when it was under English domination, Florida was under Spanish rule.

Mr. Chairman, at the time of the tragic and untimely death of President Kennedy, emotions ran high. Everyone was stunned and shocked at the assassination of the President, who was held in the highest esteem by everyone. Outside of Government, people of the nation could show their respect by attending the churches of their choice or participating in one of the many memorial activities.

Within the Government, high officials wanted to express in some manner this great loss by an appropriate memorial. President Johnson, thereupon, by Executive Order 11129, dated November 29, 1963, designated the facilities of the National Aeronautics and Space Administration and the Department of Defense as the John F. Kennedy Space Center.

This was an action which was most fitting and proper, and with which all Floridians heartily concurred. In the pending measure, we wish to make this action permanent as a matter of law.

Unfortunately, and I am sure with all intentions of doing the proper thing, but with high emotions due to the events of the time, President Johnson suggested that Cape Canaveral be renamed Cape Kennedy.

This was suggested, as indicated in a memorandum for the President from Secretary Udall dated November 27, 1963, subject, "Changing Name of Cape Canaveral to Cape Kennedy."

I ask that a copy of the memorandum be placed in the record at this point.

Senator ANDERSON. Without objection, that will be done.

(Document follows:)

THE SECRETARY OF THE INTERIOR,
Washington, November 27, 1963.

Memorandum for the President:

Subject: Changing Name of Cape Canaveral to Cape Kennedy.

Pursuant to your suggestion earlier today, with the help of the Domestic Names Committee of the Board on Geographic Names I have evaluated the proposal that Cape Canaveral, Florida, be renamed Cape Kennedy.

The name Cape Canaveral is derived from Cabo de Canareal (Cape of Royal Cane) which first appeared on a Spanish map in 1565. This name appears in different spellings on later maps. It is apparent that the original Spanish name was corrupted over the years into the name Cape Canaveral which later became the official designation for this geographic area. It is also interesting to note that it was not until 1963 that the name of the post office was changed from Port Canaveral to Cape Canaveral.

Of course, in recent years Cape Canaveral, due to its central importance as a center of space research, has come to be associated in the minds of people of the United States with our effort to explore outer space. The major American achievements in space to date are unquestionably largely the result of inspired leadership of the late President, John F. Kennedy. Consequently, the experts in my Department consider that the historical values associated with the renaming of this geographic area in honor of the late President Kennedy far outweigh the claim of the other historical values associated with the existing name. I should also advise you that there is ample precedent under the circumstances for making a name change of this kind. You are also advised that the Board of Geographic Names unanimously favors the renaming of this geographic feature as Cape Kennedy.

STEWART L. UDALL,
Secretary of the Interior.

RESUMPTION OF TESTIMONY

Senator HOLLAND. It is to be noted that based on the suggestion made early on the day of November 27, 1963, Secretary Udall advised the President that the Names Committee of the Board of Geographic Names and himself had evaluated the proposal and that the Board unanimously favored renaming of the historical name of Cape Canaveral as Cape Kennedy.

I submit, Mr. Chairman, and this emphasizes the emotion that all felt at the time, that the Board could have done little if any research on the proposal. It is interesting to note that the membership of the Board at that time was composed of representatives from the Departments of State, Army, Navy, Air Force, Post Office, Interior, Agriculture, Commerce, Government Printing Office, Library of Congress, and the Central Intelligence Agency, and that coordination was accomplished, and a unanimous position expressed, within one day—this was a remarkable feat unparalleled, I am sure, in recent history of government operations.

It is also most interesting to note that in the fall of 1962, just about a year prior to the action of the Board in renaming the Cape, the town of Port Canaveral petitioned the Committee on Domestic Geographic Names to change its name to Cape Canaveral, and the request was granted.

Upon announcement of the name change from Canaveral to Kennedy, opposition was immediate. To show this opposition, I ask that the following newspaper articles be included as a part of my remarks:

1. Editorial from the *Palatka Daily News* of November 29, 1963, entitled "Cape Kennedy, No!"

2. Article by Lora Sinks Brett appearing in the *Palatka Daily News* of December 5, 1963, entitled "Objection to Name Change of Cape Gathering Steam."

3. Editorial from the *Orlando Evening Star* dated December 9, 1963, entitled "So Cape Kennedy It Now Is."

4. Article by Ed Seney appearing in the December 9, 1963, issue of the *Miami Beach Daily Sun*, entitled "A Cape by Any Name."

I ask that these four articles of that period appear in my statement.

Senator ANDERSON. Without objection, that will be done.

CAPE KENNEDY, NO!

A four-century-old name will be no more by order of President Lyndon B. Johnson. He announced yesterday that Cape Canaveral will henceforth be called Cape Kennedy as a tribute to the late President John F. Kennedy who had given complete support of the Administration to the space program of the United States.

The announcement has taken Floridians by surprise, and there are some of us who disapprove because a place that has appeared on all Spanish and English maps of Florida throughout the world since the Sixteenth Century will be changed—at the request of the late President's grieving widow.

All Floridians are in greatest sympathy with Mrs. Kennedy, but President Johnson should remember that some acts in the emotional days following death are not always the ones that would take place at another time.

We disagree that Cape Canaveral should be changed in name and we dislike Governor Farris Bryant putting his approval on the change.

It is President Johnson's prerogative to change the name of Cape Canaveral and we do not question this, but we do question the good sense of his action. The John F. Kennedy Space Center at Cape Canaveral would be just as fitting a memorial and it would preserve the ancient name of Canaveral on the maps, almost the only original name remaining on the map of North America.

This country cannot and should not make a memorial of every street, bridge, canal, school, public building or public project to John Fitzgerald Kennedy. The affection for him shown in the days following his tragic death by many of his political foes will curdle and the memory that should be cherished with respect by them for a young, vibrant and far-sighted President will turn sour.

OBJECTION TO NAME CHANGE OF CAPE GATHERING STEAM

(By Lora Sinks Britt)

Objection to President Johnson's renaming of Cape Canaveral Cape Kennedy, without any previous public announcement of his intent, is beginning to gather steam.

The tiny City of Cape Canaveral, south of the missile base, and the city of Cocoa have approved resolutions to President Johnson and to Governor Farris Bryant protesting

the change in the name. The Cape Canaveral Council also wants to know if the President had the right to change the name of the cape.

Here in Palatka, numerous readers have called in since Nov. 29 when an editorial appeared in the Daily News protesting the change in name, to express hearty agreement with our stand. Most of them have said that they think it is fitting to name new structures and public facilities after the late President, and to name the Space Center at Canaveral in his honor, but they strongly disagree on the re-naming of the Cape.

Most Palatkans, who oppose the name change, share one of the same reasons that the Cocoa and City of Canaveral councils give in their petitions to the Governor and to the President: Historical. For about 400 years, Canaveral has appeared on all maps and every mariner in the world knows its location. It is the only name that has remained the same throughout all those years of changing Florida history.

There are others who oppose the action as being based upon emotion. They believe that if it had been delayed a few months, the renaming might not have taken place. On the other hand, they say that if it still seemed the thing to do, nothing would have been lost by the delay.

Still others who have called in to express disagreement saying that they view the action as just another example of the Administration's high handedness.

Meanwhile Governor Bryant told his news conference today that he thinks it is all right to have changed the name. He feels that "cane field," the translation of Canaveral, is no longer appropriate. Perhaps so, but it is doubtful if anyone, outside a handful of scholars, even knew that this is believed to be the meaning of the word.

I wish that instead of Governor Bryant making a "me, too" reply to the President when he called to ask what he thought of the idea, that he had said, "Let's think about this a little while." The Governor really owed it to his people to give it more consideration.

SO CAPE KENNEDY IT NOW IS

It looked for a while last week like the new name for the space launching area in Brevard County would have to be Cape Confusion.

The famous area had been Cape Canaveral for about 400 years which is more than twice as long as the United States government has been in business. Then on Thanksgiving Day President Lyndon B. Johnson announced that the space installation would be named in honor of the martyred President John F. Kennedy.

While no one had objected to honoring the late President, complaints about the change of such an old place name started seeping into the discussions and some outright objections from Brevard County were forwarded to both Florida's Governor Farris Bryant and to President Johnson.

Governor Bryant rechecked the situation on Thursday and came up with the idea that the land area would remain Cape Canaveral and space installation would be the John F. Kennedy Space Center, but this compromise type conclusion didn't last over night.

Word out of Washington said it was definite and final that Cape Canaveral would be no more and that Cape Kennedy it is and will continue to be. So the map makers and geographers went back to their drawing boards to make the changes on the thousands of maps and atlases which have carried the name Cape Canaveral since away back in the 1500s.

Now everybody can get back to business. The case is closed; at least it seems to be closed. The world will accept the new name without confusion as a fitting name for what soon will be the free world's spaceport. Cape Kennedy, now undergoing a change from a missile launching complex, will blossom into a great and expanding spaceport which will become more important and more famous as the years roll by.

A CAPE BY ANY NAME

(By Ed Seney)

On one side we have the memory of John F. Kennedy, a President most people liked even if they didn't agree with some of his political policies.

On the other side we have the people of a particular area who just don't see what the Federal Government (aided and abetted by Gov. Farris Bryant) has to do with naming or renaming their geographical area.

So now we have a feud—whether this cape or any cape shall be named Canaveral or Kennedy.

Did you ever see a debated issue with two sides so clearly defined? Did you ever see a controversy in which you could so clearly see both sides?

No one is disrespectful to the memory of a young President whose life was snuffed out by a mad assassin. I'm sure the people of the Cape Canaveral area—who are protesting the name change—do not mean to imply that they don't or didn't think the dead President deserved such a memorial.

During the hassle over this name change over the past week I have not heard anyone so brash as to claim that the late President should not be memorialized.

On the other hand, these people of the Cape area have been building their million-dollar dreams all on the Canaveral—a magic name that means space travel, orbits, astronauts, and an ultimate trip to the moon.

Canaveral was a word that meant space travel, a word known all over the world. The word means dollars and cents to those people.

When Mrs. Kennedy, President Johnson and Gov. Bryant decided to change the whole geographic scheme of things to honor the late chief, they may not have considered the feelings of the people who live and work in the Cape area. These Cape people are naturally concerned.

I have a deep respect for the name of the late President. I was for Kennedy all the way.

But I still think it is a bit thick the way the name change was forced on the people of the Cape. The government should:

1. Rename only the space complex, or

2. Let the people of that county vote their preference—a democratic way of doing things.

And I can't help but feel that one man especially would deplore the way the change was made. He would angrily denounce such a method of forcing something on people when they didn't want it. This man believed in the democratic processes.

This man was John F. Kennedy himself.

RESUMPTION OF TESTIMONY

Senator HOLLAND. Mr. Chairman, as you may or may not know there are many activities other than the space activities that have not been renamed. There is a City of Cape Canaveral immediately adjoining the Cape, with a first-class post office bearing that name. I understand that something above 5,000 people reside in that city.

The Port of Canaveral is a joint Federal-State venture in which the State is represented by the Port District. In Federal and State legislation concerning the port, the name Port Canaveral is used, and the name Port Canaveral is also used in the bond issue which raised the local contribution to supply the local share of cost of the port's development.

In addition, there are many private businesses at the Cape and at Cocoa Beach which contain the word "Canaveral" in their name.

Since the action was taken in 1963, the pressure from various groups has been building up, culminating in the Legislature of the State of Florida during its regular session, 1969, adopting a Senate Concurrent Resolution No. 1727 requesting the President to restore the name Cape Canaveral to the Cape.

I ask that a copy of this Resolution be included at this point in the record.

Senator ANDERSON. Without objection, that will be done.

S. CON. RES. 1727

A concurrent resolution recognizing the historical importance of the ancient name Cape Canaveral as our most significant landmark and requesting the restoration of that name to the geographical area of the Cape, while retaining the name of The John F. Kennedy Space Center for the space program facilities

Whereas, the late President of the United States, John F. Kennedy, closely identified with Florida both as distinguished visitor and in deep concern with American hopes in relation to outer space, was fittingly honored by President Lyndon B. Johnson's Executive Act No. 11129, of the 29th of November 1963, by which the facilities of the Launch Operations Center of the National Aeronautics and Space Administration and the facilities of Station No. 1 of the Atlantic Missile Range in Florida were given the name of The John F. Kennedy Space Center, which name should be retained, and

Whereas, the name Cape Canaveral was changed to Cape Kennedy at President Johnson's request to the Board of Geographical Names of the United States Department of the Interior, and

Whereas, the name Cape Canaveral is that of the oldest known and most continuously used landmark on the American Atlantic Coast, its discovery accredited to Ponce de Leon, its name recorded on many of the earliest known Spanish and French maps and charts before any other, even the Mississipi River, Cape Hatteras or Cape Cod, a name in use on maps and charts of world navigation since that time, and

Whereas, our late President, John F. Kennedy, deeply aware of the profound value and significance of the great historic past of the United States of America and untiring in his efforts to make the memorials of that past living and real to every citizen, would not, we believe, have approved the substitution of his name for that of Cape Canaveral, although it was done in all sincerity to honor him in the grief and shock of his tragic death, and

Whereas, a newspaper poll in Brevard County showed ninety-three percent of citizens voting in favor of restoring Cape Canaveral, and the Florida Historical Society and the seven hundred member Missile, Range and Space pioneers and numerous other bipartisan organizations throughout the state which reflect the sentiment of Florida citizens generally have endeavored and advocated the restoration of the name Cape Canaveral, now therefore, Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That, with profound respect for the memory of the late President John F. Kennedy and with a continuing sense of sorrow for his loss to us all, provided, however, that the Honorable Edward H. Kennedy shall agree to the restoration of such name, that the President of the United States, Richard M. Nixon, be requested to advise the Secretary of the Department of the Interior that the Board of Geographical Names should retain the name of The John F. Kennedy Space Center for the space program facilities, and restore the name Cape Canaveral to the Cape in order that the title of this most ancient of our own historical landmarks should be recognized and preserved for the honor of this nation forever.

Be it further resolved that a copy of this resolution, be submitted to the Honorable

Richard M. Nixon, President of the United States, and that copies be forwarded to the honorable members of the Senate and House of Representatives representing the State of Florida in the Congress of the United States. Filed in Office Secretary of State July 5, 1969.

I, Tom Adams, Secretary of State of the State of Florida, Do Hereby Certify That the above and foregoing is a true and correct copy of Senate Concurrent Resolution No. 1727, adopted by the Florida Legislature, Regular Session 1969, as shown by the records of this office.

Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the 28th day of July, A.D. 1969.

TOM ADAMS,
Secretary of State.

HOUSE MEMORIAL NO. 2219

A memorial to the Congress of the United States requesting that the land mass named Cape Kennedy be redesignated as Cape Canaveral, its historic name

Whereas, the name "Cape Canaveral," as applied to the land mass and not the government facility, has had historic association for the people of Florida and the United States for several hundred years, and

Whereas, the people of Florida applaud the renaming of the United States Missile Test Center in memory of President John F. Kennedy who was a pioneer in the American space effort, and

Whereas, it is appropriate that the Cape itself be known by its historic and familiar name of Cape Canaveral, now, therefore, Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is hereby requested to provide that Cape Kennedy, Florida, be again designated as Cape Canaveral, the historic name of the Cape.

Be it further resolved that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the Congress of the United States.

RESUMPTION OF TESTIMONY

Senator Holland. In addition, the Florida State Historical Society, the Historical Association of Osceola County, Inc., the Hernando County Historical Commission, the Peace River Historical Society, Brevard County Historical Society, the Gilchrist County Garden Club, the Margaret Mitchell Chapter and the Thomas Benton Ellis Chapter, United Daughters of the Confederacy, West Palm Beach, and numerous other groups and individuals, including the Association for the Preservation of Tennessee Antiquities, Lookout Mountain, Tennessee, and others, have fully supported the redesignation of the Cape as Cape Canaveral.

Mr. Chairman, as a result of the tremendous interest expressed by the people of Florida, and feeling as I do, and I am sure that my colleague, Senator Gurney, has similar feelings, that the historical significance of the name Cape Canaveral should be preserved, linked as it is to our Spanish background and to our earliest Spanish discoverers, explorers, and settlers, and further believing fully that our beloved late President would wish to perpetuate our historical background, I introduced S.J. Res. 133 for Senator Gurney and myself.

Mr. Chairman, since the introduction of the resolution, there have been many, many editorials and articles written in support of the name change back to Cape Canaveral.

Some of the editorials or articles are from out of our State. However, it is easy to understand the interest expressed by out-of-State newspapers, for I am sure they realize that if an historical Cape such as Canaveral, perhaps the oldest known and continuously used landmark on the American Atlantic Coast, whose name is recorded on maps even before that of the Mississippi River, Cape Hatteras, or Cape Cod, can have its name changed in one day, then no historic name, including those such as Jamestown, Plymouth Rock, Cape Cod, and many others, can be assured of perpetuity.

To show the desire of the Florida people to return the name Canaveral to the Cape, I would like to have included in the record the following 16 editorials and articles from Florida papers, which I have selected as being representative of the various sections of the State.

Mr. Chairman, without reading any of those, I read the list.

Article by Ralph Sumner appearing in the *Tampa Tribune*, May 29, 1969, entitled "Move To Return Canaveral Name to Cape Supported."

Editorial appearing in the *Cocoa Tribune*, June 27, 1969, entitled "Brevard Spoke Up; Washington Heard."

Editorial appearing in *Today*, which is published near the Cape in Brevard County, under date of June 28, 1969, entitled "Restore Canaveral."

Editorial appearing in the *Tallahassee Democrat* under date of July 1, 1969, entitled "Let's Restore the Name."

Article by George Gardner appearing in the *Star Advocate* under date of July 11, 1969, entitled "Historic Battle On To Rename Cape."

Article by S. L. Frisbie, IV, appearing in the *Polk Democrat* under date of July 14, 1969, entitled "It Should Be Canaveral."

Editorial appearing in the *Ocala Star-Banner*, under date of July 17, 1969, entitled "It Should Be Canaveral."

Editorial appearing in the *Eustis Lake Region News* under date of July 24, 1969, entitled "Let It Be Cape Canaveral."

Editorial appearing in the *Winter Haven Daily News* under date of July 25, 1969, entitled "Cape Canaveral."

Article by Reinhold Rogers, Jr., appearing in the *Clearwater Sun* under date of August 3, 1969, entitled "Movement Grows for Changing Cape Name Back to Canaveral."

Editorial appearing in *The Melbourne Sunday Times* under date of August 10, 1969, entitled "Want it to be Cape Canaveral?—Say So!"

Editorial appearing in the *Palatka Daily News* under date of August 20, 1969, entitled "Rename the Cape."

Editorial appearing in the *Winter Garden Times* under date of August 21, 1969, entitled "Cape Canaveral."

Column by Helen Coble, entitled "Courthouse Comments" appearing in the *Deland Sun News* under date of August 24, 1969.

Article by Bruce Dudley appearing in the *Orlando Sentinel* under date of September 14, 1969, entitled, "Cape's Old Name Near?"

Article by Hampton Dunn appearing in the September, 1969, issue of Florida Trend Magazine, entitled "Restore 'Canaveral' to Cape, Citizens ask."

Mr. Chairman, to be very candid with the committee, I must say that after all the search that I could make, I found only one editorial opposed to the change, and that was an editorial in the small paper published at the village of Sebastian, Florida, and I can produce that for the committee if the committee wants it. That is the only one that we have been able to discover.

Senator ANDERSON. Without objection, they may be placed in the record.

[From the Tampa Tribune, May 29, 1969]

MOVE TO RETURN CANAVERAL NAME TO CAPE SUPPORTED

(By Ralph Sumner)

FORT MEADE.—The Peace River Valley Historical Society has joined a growing number of similar organizations urging President Richard M. Nixon to order the changing of the name of Cape Kennedy back to its ancient name of Cape Canaveral.

By unanimous vote Tuesday night, the society instructed Col. Read B. Harding, secretary, to take the action necessary to accomplish that goal.

Said the historical society's resolution in part:

". . . with profound respect for the memory of the late President John F. Kennedy and with a continuing sense of sorrow for his loss to all of us, that President of the United States, Richard Nixon, be requested to advise the secretary of the United States Department of the Interior that the Board of Geographical Names should change the name Cape Kennedy to that of Cape Canaveral in order that the title of this most ancient of our historical landmarks should be restored and preserved for the honor of this nation forever."

Col. Harding, who made the successful motion, emphasized that the society wants the name of the United States space center to remain the John F. Kennedy Space Center in honor of the late President.

Explained the society by resolution in part:

". . . the late President of the United States John F. Kennedy closely identified with Florida both as distinguished visitor and deeply concerned with American hopes in relation to outer space was fittingly honored by President Lyndon B. Johnson's executive act . . . by which the name of the facilities of the launch operations center of the National Aeronautics and Space Administration and the facilities of Station No. 1 of the Atlantic Missile Range in Florida was changed to Cape Kennedy at Space Center.

The society noted that the name Cape Canaveral was changed to Cape Kennedy at President Johnson's request to the Board of Geographical Names of the U.S. Department of the Interior.

"The name Cape Canaveral is that of the oldest known and most continuously used landmark on the American Atlantic coast, its discovery accredited to Ponce de Leon, its name recorded on many of the earliest known Spanish and French maps and charts before any other, even Cape Cod, and in use on maps and charts of world navigation from that time to 1963 . . ." the society resolution noted.

The society expressed the belief that the late President Kennedy "would not, we believe, have approved the substitution of his name for that of Cape Canaveral, although it was done in all sincerity to honor him in the grief and shock of his tragic death."

Col. Harding said other organizations that have taken similar action include Palm Beach County Historical Society, the Palm Beach County Genealogical Society, the Historical Association of Southern Florida, the Dade County Historical Board, the Florida Historical Society, and the Federation of Garden Clubs.

[From the Cocoa (Fla.) Tribune
June 27, 1969]

BREVARD SPOKE UP; WASHINGTON HEARD

Brevard residents, along with friends elsewhere in the nation, told their state and federal representatives through the Evening Tribune public service project they wanted Cape Kennedy renamed Cape Canaveral.

The Florida Legislature, sparked by Sen. Beth Johnson, R-Cocoa Beach, then went on record as wanting the Cape geographical area's name changed to Canaveral.

U.S. Sen. Spessard L. Holland, D-Fla., is now preparing legislation to seek the name change.

Sen. Holland is working with U.S. Sen. Edward J. Gurney, R-Fla., and Sen. Edward M. Kennedy, D-Mass., on the bill which would undo President Johnson's administrative order to name the local area in honor of the slain President Kennedy.

U.S. Rep. Lou Frey, R-Fla., is also active in this Washington move to return the Cape Canaveral name.

We believe this is democracy in action. Here is proof that the people can speak and still be heard in Tallahassee and Washington.

It might be appropriate at this time to reflect a bit on this current lesson in democracy.

For some years, Brevardians talked among themselves about the manner in which President Johnson removed the historical Canaveral name. Our residents weren't only upset because the President did not first consult them, but they were also hurt over losing a name that was in use for over 400 years.

The Tribune decided early this year that the issue should be brought to a head. Talk among Brevardians had been going on long enough.

We started the What's Your Opinion? poll to get a true sample of exactly how the people here felt about the Cape name. The several thousand poll coupons readers clipped from The Tribune showed over 92 per cent wanted the name Cape Canaveral restored.

These newspaper opinion coupons and stories were sent to Sens. Holland and Gurney and Rep. Frey.

Meanwhile, support for returning the Cape Canaveral name came from other groups. The Missile, Space and Range Pioneers, Inc., took a strong stand in favor of Canaveral.

The latest backing for putting Canaveral back into the name came earlier this month from the Brevard County Historical Commission and the Florida Historical Society, who sent a joint resolution to President Nixon.

Although the effort has not yet reached a successful conclusion, there is still considerable hope that it will one day be Cape Canaveral and John F. Kennedy Space Center to make everyone happy.

Despite the hurdles still to be jumped, it should give every one of us a good feeling to know that the wants of the people in Brevard are noticed in Washington and Tallahassee by our representatives. And that these officials will try hard to carry out the wishes of the people electing them.

[From the Cocoa Today, June 28, 1969]

RESTORE CANAVERAL

TODAY fully supports the efforts of the Brevard County Historical Society, the Florida Historical Society, Brevard's State Sen. Beth Johnson, the Florida Legislature and U.S. Sen. Spessard Holland to restore the name Canaveral to our cape.

The name was changed a few days after the assassination of President Kennedy and became only one of hundreds of name changes that expressed the nation's grief and reverence for the late chief executive.

But sorrow has its limits, and so do memorials.

John F. Kennedy is sufficiently honored in Brevard County by the Kennedy Space Center and other public and private facilities that bear his name.

Removing his name from an historical landmark, that centuries before bore another name is no dishonor, nor is it intended as such by those who seek to restore the name of Cape Canaveral.

We agree with the resolution adopted June 9 by the Florida Historical Society:

"Our late president . . . deeply aware of the profound value and significance of the great historic past of the U.S.A., untiring in his efforts to make the memorials of the past living and real to every citizen, would not, we believe, have approved the substitution of his name for that of Cape Canaveral, although it was done in all sincerity to honor him in the grief and shock of his tragic death."

The restoration of Canaveral is appropriate, the historical society points out, because it is the "oldest known and most continuously used landmark on the American Atlantic coast; its discovery accredited to Ponce de Leon, its name recorded on many of the earliest known Spanish and French maps and charts before any other, even Cape Cod . . ."

It is fitting for the nation's space center to bear the name of the President who established the goal of putting Americans on the moon in this decade, a goal that shortly will be achieved.

It is also fitting that a landmark of great historical significance be allowed to keep its original name.

[From the Tallahassee Democrat, July 1, 1969]

LET'S RESTORE THE NAME

When President Johnson changed the name of the space facilities at Cape Canaveral, by executive order, to honor John F. Kennedy, it appeared to be a fitting memorial to the late President.

But many felt it improper to change also the historic name of the cape to Cape Kennedy. Now there is a strong movement to get the old name of the geographical area restored. It is movement that has merit.

When a newspaper poll was conducted in Brevard County, some 93 per cent of those participating were in favor of the restoration. In addition, a number of historical groups, including the Florida Historical Society, have passed resolutions asking that the old name be retained.

In its spring session, the Florida Legislature approved a concurrent resolution asking President Nixon to change the name back to Canaveral while continuing to honor the late President by retaining the name of the John F. Kennedy Space Center for the space program facilities there.

This request is fair and reasonable and ought to be honored. The history contained in the name Canaveral shouldn't be lost. It should continue to be recognized as a significant landmark.

The legislative resolution provides the old name should not be restored without the consent of the late President's brother. Sen. Edward M. Kennedy. This is a courtesy to the Kennedy family that reveals an underlying concern for the family's feelings.

There is a good chance Senator Kennedy will be impressed with the desire of so many people and will consent to the restoration, fully realizing the memory of his brother will continue to be honored through the space center.

The name Cape Canaveral is that of the oldest known and most continuously used landmark on Florida's Atlantic Coast. Its discovery is credited to Ponce de Leon, and it is recorded on the earliest known Spanish and French maps.

Canaveral was on navigation charts even before the Mississippi River, Cape Hatteras or Cape Cod. It ought to be given back its rightful place on the maps.

[From the Star Advocate, Titusville, July 11, 1969]

HISTORIC BATTLE ON TO RENAME CAPE

(By George Gardner)

An historic battle is being waged in the midst of preparations for America's greatest space age achievement.

Sandwiched in with news information and public relations reports about Eagle and Columbia (Apollo II code names for the Lunar and Command Modules), torques and first steps and lunar trajectories, is a flier produced by the Brevard County Historical Commission.

"Now therefore be it resolved that, with profound respect for the memory of the late President John F. Kennedy . . . that . . . the Board of Geographical Names should change the name 'Cape Kennedy' to that of 'Cape Canaveral' in order that the title of this most ancient of our historical landmarks should be restored and preserved for the honor of this nation forever . . ."

The resolution, passed in May by the Florida Historical Society and in June by the Brevard County Historical Commission, this prelaunch week became part of a flier aimed at capturing the attention of the world's press and VIP's.

"Rename Canaveral" includes four newspaper clipping reproductions showing both support for the change and a portion of the historical commissions' struggle.

Mrs. Claire Ewertz, Titusville member of the county historical commission, began distribution of some of the 3,000 fliers Thursday, placing a bundle at the museum showcase in the county courthouse lobby.

"The hardest part is to make people understand why we want the name changed back," Mrs. Ewertz said, "To show the historical significance of a Cape known as Canaveral since 1513, without showing disrespect for the late president or the area making today's history."

Support for the name change is as timely as the commission's effort. Florida's U.S. Senators Spessard L. Holland and Edward J. Gurney Thursday introduced a resolution to return the name "Canaveral" while retaining the memory of the slain president in Kennedy Space Center, actual site of the Apollo 1 Saturn 5 mission launches.

And the Brevard County Commission has apparently never yielded its support of the name "Cape Canaveral." The bottom of its official letterhead stationery has the epithet. "Home of Cape Canaveral."

Supporting the U.S. Senate proposal, Senator Holland called the original name change to "Cape Kennedy" after the president's assassination "ill-advised."

"Understandably," said the senator, "during our period of mourning some things were done without our properly thinking through the actions taken."

Pleading for a return to the 400-year-old Cape name, Holland said, "It's what the people of Florida want, as expressed by the resolution of the Florida Legislature."

[From the Polk County Democrat, July 14, 1969]

IT SHOULD BE CANAVERAL

(By S. L. Frisbie, IV)

In an ever-so-carefully-worded press release, Senators Holland and Gurney have announced that they are asking the Congess to restore the original name to Cape Canaveral.

Their resolution provides that the space center located at the Cape continue to be named for the late President Kennedy.

Their proposal is an ideal solution to one of Florida's least important but more vexing problems.

In the wave of national grief which followed President Kennedy's assassination, Cape Canaveral, Florida's contribution to scientific advance, was re-named to honor the late President.

There are at least three versions of how the name change came about: (1) Governor Bryant, acting without consulting either the Legislature or the people of the area, offered to change the name; or (2) President Johnson asked Governor Bryant to change the name, and the Governor agreed; or (3) Jacqueline Kennedy asked President Johnson to ask Governor Bryant to change the name which he did and he did.

In any event, the Cape was re-named, much to the consternation of a great many Floridians. Despite their grief at the death of President Kennedy—doubtless one of the most personable men ever to hold the job—the people of this state were far from unanimous in their approval of the Kennedy administration's political policies.

At the time the name was changed, it was unthinkable that Floridians appear so heartless as to demand that the action be rescinded. The city of Cape Canaveral—not to be confused with the nearby geographical land mass which had borne the same name—quietly refused to change its name. Many Floridians quietly continued to call the Cape by its familiar name.

Now that the nation's grief has passed, aided by the passage of time and the dissipation of Jackie's lovable mystique with the American public, the time is right for the restoration of the original name.

As was recognized shortly after the Canaveral name change, the rush to re-name public lands and facilities after the late President served to cheapen, rather than honor, the name of the assassin's victim.

Cape Canaveral—the land feature, that is—appeared on maps and charts of world navigators well over 400 years ago. That is a claim that even the states of the nation cannot make.

By contrast, the space facility on that land is an exciting adventure—a link with the future that scarcely could have been imagined at the time of John F. Kennedy's birth.

It is a fitting tribute to a man whose personal vigor typifies the spirit of adventure of the space age that the space center bear his name.

Congress should have no hesitation in restoring the historic name to Cape Canaveral and retaining the Kennedy name at the space center where history is being made.

[From the Ocala Star-Banner, July 17, 1969]

IT SHOULD BE CANAVERAL

As America's Apollo 11 astronauts speed toward the moon and the historic landing on the lunar surface, the drive to restore the name "Cape Canaveral" to the historic Atlantic Coast landmark continues to gain momentum.

Earlier this year the Florida Legislature, with the backing of the Florida Historical Society, called on Congress and President Nixon to change the name back to Cape Canaveral.

Recently, Sens. Spessard Holland and Ed Gurney introduced a resolution to restore the name of Cape Canaveral and retain the name of John F. Kennedy Space Center. The cape is enriched in history. In fact, it is one of the oldest landmarks in the Western hemisphere, Ponce de Leon having discovered it more than 400 years ago.

Canaveral was a name familiar to many persons long before it was selected as site of this nation's great moonport. Those who live in the immediate area strongly prefer the Cape Canaveral name to that of Cape Kennedy.

It will be recalled the change in name was made shortly after the tragic assassination of then President John F. Kennedy. And while it apparently was done on the spur of the moment, it did at the time seem appropriate, although even then there was considerable opposition to the switch.

During the period of mourning following that fateful day in Dallas many things were done spontaneously without a proper thinking through of the actions taken. Changing of the ancient and historic name of Cape Canaveral was one of them. Historic sites should not be affected by current events to the extent of changing names.

Certainly there is nothing in the movement to restore the name of the Cape to Canaveral that should be considered as disrespectful toward the late President.

A vast majority of Floridians, and we are confident most of our citizens throughout the land, favor the designation of the John F. Kennedy Space Center as a fitting and lasting memorial to a President whose foresight and inspired leadership did so much to enable this nation to reach the point where it today has men on their way to the moon.

Hopefully the Kennedy family will recognize the desire of Floridians as well as the propriety of restoring the name Cape Canaveral to history books and maps.

John F. Kennedy, during his aborted career in public office, succeeded in writing a place for himself in history. His achievements and the devotion millions of Americans had for him are such that he long will be remembered without it being necessary to have a cape named for him.

[From the Eustis Lake Region News, July 24, 1969]

LET IT BE CAPE CANAVERAL

Legislation has been introduced in Congress to restore the name "Cape Canaveral" to the historic Florida Atlantic Coast landmark which was designated "Cape Kennedy" in November 1963 in honor of the late President John F. Kennedy.

The resolution, introduced by Senators Spessard Holland and Edward Gurney, has the support of the Florida State Legislature.

The name Cape Canaveral is one of the oldest known and most continuously used place names on the American Atlantic Coast. The discovery of this landmark is accredited to Ponce de Leon and its name is recorded on many of the earliest known Spanish and French maps and charts before even Cape Cod, Cape Hatteras and Jamestown bore their proud names. It was in use on maps and charts of world navigators more than 400 years ago.

This change in no way disturbs the present name of the United States space installation at the Cape. This was named the Kennedy Space Center in memory of the late President Kennedy and residents of Florida are glad the late President was honored in this way.

However, the geographical name of Cape Canaveral is one of the oldest in the western hemisphere and the people of Florida wish this ancient name preserved.

[From the Winter Haven Daily News-Chief, July 25, 1969]

CAPE CANAVERAL

We never were for the change of the geographic name of Cape Canaveral to Cape Kennedy and now four of our elected officials have entered bills in the Congress to rectify that situation. Senators Ed Gurney and Spessard Holland put their bill in the Senate last month. On Wednesday Representative Louis Frey Jr. and William V. Chappell Jr. entered a similar bill in the House.

Practically from the first moment when the name of the Cape was changed there has been opposition to it. This desire to see the original name used once again came to a head in the last session of our state legislature when a bill was unanimously approved calling for the geographic change. The newly-entered bills in Washington would have nothing to do with the name of the Kennedy Space Center; it would remain the same.

One of the main reasons people have been trying to get it changed back is that that name was tagged on to the Cape by none other than Ponce De Leon, the Spanish explorer. In 1564 a Spanish map carried the name as Cape Canaveral and it was that way for 399 years until the Kennedy change. This is just one of those things that occurred in the heat of the moment; now is the time to rectify that error.

[From the Clearwater Sun, Aug. 3, 1969]

MOVEMENT GROWS FOR CHANGING CAPE NAME BACK TO CANAVERAL

(By Reinhold Rogers, Jr.)

Last week in this space we commended the growing movement by many Florida citizens to have the ancient geographical name of Cape Canaveral reinstated, with the space center located there to keep the honored name of John F. Kennedy.

Our two Florida senators, veteran Spessard L. Holland and the junior senator, Edward Gurney, have, as we pointed out, introduced Senate Joint Resolution 133, which would restore the Canaveral name through the medium of congressional action. Such action would, as should be recognized, save possible embarrassment to President Richard Nixon, as he would not have to reverse the decision of former President Lyndon B. Johnson, who ordered the double-barrel name change in 1963.

Since last week's editorial here appeared, reaction has been both strong and completely favorable. We urged our readers to write to the two senators in Washington, and to our own Pinellas congressman, William C. Cramer, and give support to the movement to restore the geographical name to the cape itself. The space center with its huge layout, would, of course, keep forever the great Kennedy name.

MOVE APPLAUDED

We have received telephone calls from a number of people in this area applauding the new move, and in a letter from Circuit Court Judge James R. Knott of the Fifteenth Judicial Circuit at West Palm Beach, a former president of the Florida Historical Society, news that copies of last week's editorial here have been sent to Senator Holland and several others interested in the name change.

Judge Knott, as a Floridian and as a Florida historian, is one of the leaders in the state in supporting the congressional action initiated by the two senators in Washington.

Several members of the Pinellas County Historical Commission, which is part of the official county government, have indicated they too favor the restoration, and the commission is expected to take formal action at its meeting later this month.

Also, we have been informed that Sen. Holland has talked personally with Sen. Edward Kennedy about the proposal to keep the geographical name, and that Kennedy and the family would make no objection, since the space center itself would continue to be known as the John F. Kennedy Space center in honor of his brother.

RETENTION URGED

Here at home Mrs. Stephen A. Kallis Sr., of Dunedin, has provided us with particularly interesting correspondence on the subject. In November, 1963 she wrote to President Johnson, Florida's Gov. Farris Bryant, Senators Holland and George Smathers and Congressman Cramer, urging that the Canaveral name be retained for the cape and the Kennedy designation apply only to the space center.

Mrs. Kallis received replies from everyone except President Johnson.

Gov. Bryant wrote that "As a native of Florida I love our history and honor the cultures which have been a part of it. As a citizen of Florida I am glad, too, for the greatness that has come to her in this generation. Hundreds of years ago it was appropriate that the cape be named for a sugar cane field. That, I assume, is what it was. Today the millions who come to Florida find a new frontier of the mind. In a greater degree than any other man, John F. Kennedy symbolized that frontier. I think it appropriate to call it Cape Kennedy."

The governor ended his two-page letter by quoting Shakespeare's lines about "What's in a name . . ."

Sen. Holland explained that he had presented to the Domestic Geographic Names Committee prior to its meeting on Dec. 10, 1963, the many comments he had received from the people of Florida, but that he understood the committee considered the decision made on Nov. 27 and announced by the President on Nov. 28 to be final. The mem-

bers had been polled by telephone earlier and had approved the President's suggestion on the name change, Holland explained.

STEPS DESCRIBED

Sen. Smathers also described the steps which led to the change, pointing out that the Secretary of the Interior had approved the action of the committee, and that "no approval of congress is necessary."

The letter from Congressman Cramer, as might be expected from a member of the opposing political party, was more outspoken in his reaction to the name change by President Johnson.

Cramer wrote that he had "raised publicly" the question as to "whether the President has the power to change the name of an area which the federal government does not own, there being some non-governmental property on Cape Canaveral."

The letter also stated that the congressman had questioned the propriety of renaming an historical site. "It appears," the letter said, "that considerable opposition is being raised to this phase of the proposal."

It is good, we say again, to see that the "considerable opposition" of 1963 is finally piling up and that it has high hopes of proving successful. And once more we say, let the people at Washington know your feelings.

[From the Melbourne Sunday Times, Aug. 10, 1969]

WANT IT TO BE CAPE CANAVERAL?—SAY SO!

All Florida residents should join in supporting the resolution now before Congress which would restore the name Cape Canaveral to the Sunshine State's oldest landmark.

This proposal was aired in the final days of the '69 session of Florida state legislature and now is before the United States Congress.

It has the endorsement of Florida Historical Society and according to newspaper polls is favored by 93 per cent of the people who live and work in this county.

Which means if it came to referendum, it would be restored as Cape Canaveral.

But if voter apathy is a problem in this nation, how about communication gaps?

Since we won't be voting but our Congressmen will, why not a concerted effort to contact U.S. Sen. Spessard Holland, U.S. Senator Edward J. Gurney, Congressman Lou Frey Jr. and Congressman William v. Chappell.

Senate or House Office Building should be sufficient address to insure delivery of written communications.

We are indebted to Circuit Judge James R. Knott, Palm Beach, president of the Florida Historical Society, for the following contribution for our editorial comment column:

Ponce de Leon is credited with naming the cape in 1513, the year in which he discovered and named Florida, and the name Canaveral has identified this cape since that time on maps and nautical charts throughout the world.

No one questions the propriety of naming the Space Center for our late respected President Kennedy, whose tragic death shocked the nation. But to destroy the historical associations attached to the name Cape Canaveral, the oldest known landmark on the American Atlantic coast, is to play havoc with historical continuity. The same principle would be involved in changing the name of the Mississippi River, which is of more recent origin.

Our late President John F. Kennedy was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials of that past living and real to every citizen. Is it consistent to believe that he would have approved the substitution of his name for that of Cape Canaveral?

The resolution being considered by Congress would retain the name of the John F. Kennedy Space Center for the missile facilities and restore the name Cape Canaveral to the geographic area of the cape, so that the title of this most ancient of our historic landmarks would be recognized and preserved.

Let Washington hear from you.

[From the Palatka Daily News, Aug. 20, 1969]

RENAME THE CAPE

Emotion sometimes puts a hammerlock on judgment and a decision is made which is regretted as time skips along.

We believe an outstanding example of this was the almost hysterical race to change long-standing names of places and things to Kennedy after the popular president was shot down in Dallas.

Cape Canaveral was included on the honor list and became Cape Kennedy not too long after the tragedy. This was very likely the most prominent case of name-swapping in view of the Cape's role in man's march toward the stars.

Now there are second thoughts and a campaign is underway to restore the designation of Cape Canaveral to its original status. The Florida Legislature is pushing this about-face and popular sentiment is in favor of the change.

We believe John F. Kennedy is assured of his proper place in history. His death was tragic, meaningless and will be shrouded in mystery for years to come. He was off to a running start toward that goal called "Greatness" and few will deny his stature.

However, we believe his name is borne by a sufficient number of locations, facilities and even people to insure the perpetuation of this man's memory.

As far as the space program is concerned, many other sites are a testimony to the respect and honor in which he is held by the American people.

We endorse and strongly urge the early restoration of the name, Cape Canaveral. This action would be both logical and have special meaning to Florida's history.

[From the Winter Garden Times, Aug. 21, 1969]

CAPE CANAVERAL

We never were for the change of the geographic name of Cape Canaveral to Cape Kennedy and now four of our elected officials have entered bills in the Congress to rectify that situation. Senators Ed Gurney and Spessard Holland put their bill in the Senate last month. On Wednesday Representative Louis Frey Jr. and William V. Chappell, Jr. entered a similar bill in the House.

Practically from the first moment when the name of the Cape was changed there has been opposition to it. This desire to see the original name used once again came to a head in the last session of our state legislature when a bill was unanimously approved calling for the geographic change. The newly-entered bills in Washington would have nothing to do with the name of the Kennedy Space Center; it would remain the same.

One of the main reasons people have been trying to get it changed back is that that name was tagged on to the Cape by none other than Ponce De Leon, the Spanish explorer. In 1564 a Spanish map carried the name as Cape Canaveral and it was that way for 399 years until the Kennedy change. This is just one of those things that occurred in the heat of the moment; now is the time to rectify that error.

[From the Deland Sun News, Aug. 24, 1969]

COURTHOUSE COMMENTS

(By Helen Coble)

Circuit Judge Wingfield is a man who has devoted thousands of hours researching Florida history, especially that of Volusia County.

He urges that we all support a resolution in Congress to restore the name "Cape Canaveral" to the historic Atlantic coast landmark. It was renamed Cape Kennedy in honor of the late President John F. Kennedy.

No one wants to rename the Space Center which also was named after President Kennedy.

U.S. Senators Spessard Holland and Ed Gurney have introduced a resolution to restore the name of the historic site to Cape Canaveral.

Those advocating this change should write or wire the Congressional delegation urging adoption of the resolution.

I personally join with Judge Wingfield in asking your support for this change.

Florida is rich in history and we have room for both Cape Canaveral and the Kennedy Space Center.

[From the Orlando Sentinel, Sept. 14, 1969]

CAPE'S OLD NAME NEAR?

(By Bruce Dudley)

It appears the Cape Canaveral name battle is about to be won.

This is the concensus of people who have been closely watching the name-change battle since the first time the land mass in Brevard was changed to Cape Kennedy.

But it now appears Cape Canaveral will become, once again, Cape Canaveral—and not be Cape Kennedy.

This is the observation of Hampton Dunn in the September issue of Florida Trend magazine.

Dunn observes many Floridians "have seethed over this switch of a name of a piece of real estate that appeared on maps as early as the 1530s."

If Congress acts favorably on a Florida-backed resolution, action taken by former President Lyndon B. Johnson will be wiped out. An active movement to repeal Johnson's action has gone on since the moment of his announcement.

The 1969 Florida Legislature, with the strong support of State Sen. Beth Johnson, called for a return to the historic title. And U.S. Sens. Edward Gurney and Spessard Holland now have jumped on the bandwagon with Florida House members.

In his account of the name battle, Dunn relates several interesting facts, including:

. . . The time Fort Castillo de San Marcos at St. Augustine once was renamed "Fort Marion" to honor an American hero, and how the original Spanish name was restored.

. . . The charges of critics that LBJ would not "change the name of the Alamo to Fort Kennedy."

. . . The fact that a French artist named Jacques LeMoyne drew a map in 1564 using Cape Canaveral, by that name, as a landmark when he accompanied the Huguenots on their journey in Florida.

It's also been reported that as early as 1544 an outline believed drawn by one of Hernando de Soto's band showed the cape and called it C. (Carbo or Cape) de Canaveral. The word "Canaveral" is Spanish and means "fields of high reeds," obviously from the canelike growth in the area.

Therefore, it is obvious why the name Cape Canaveral should be restored to the area which had borne that name for over four centuries.

The space center itself, if Congress acts on the Florida resolution still will be called the Kennedy Space Center. But the protruding land mass with its distinctive land markings again will be called Cape Canaveral.

And all this doesn't really make any difference to the real old-timers in the area.

They never stopped calling it Cape Canaveral anyway.

[From Florida Trend, September 1969]

FLORIDA'S PAST—RESTORE "CANAVERAL" TO CAPE, CITIZENS ASK—MOVEMENT UNDERWAY IN CONGRESS TO RETURN THE CAPE'S HISTORICAL NAME AND KEEP KENNEDY NAME ON SPACE CENTER

(By Hampton Dunn)

It now appears that Cape Canaveral soon will become, once again, Cape Canaveral—and not be "Cape Kennedy."

If Congress acts favorably on a Florida-backed resolution to switch back to the historic name which the cape wore proudly for more than four centuries, it will wipe out an action taken by former President Lyndon B. Johnson during the emotional period that followed the assassination of President John F. Kennedy.

Many Floridians have seethed over this switch of a name of a piece of real estate that appeared on maps as early as the 1530's. An active movement to repeal Johnson's action has gone on since the very moment of its announcement.

The 1969 Florida Legislature called for a return to the historic title, U.S. Sens. Spessard L. Holland and Edward J. Gurney with the support of all Florida House members except Congressmen Claude Pepper and Dante Fascell, both of Miami, have called for Congressional action to get the job done.

Reaction. Reaction to the Johnson order was immediate and strong. The Florida Historical Society, an organization of history-lovers dating back to 1856, convened in Tampa on Dec. 9, 1963, and expressed displeasure over the name change. It did support the naming of the Space Center at the cape for President Kennedy, but pleaded "That the name of 'Cape Canaveral' be preserved as the geographical designation of the general area which has borne that name for over four centuries."

"Would you," critics asked LBJ, "change the name of the Alamo to Fort Kennedy?"

A Tampan who identified himself as "a humble student of Florida history," F. Hilton Crowe, in a letter published Dec. 15, 1963 in *The Tampa Tribune* recalling that Fort Castillo de San Marcos at St. Augustine once was renamed "Fort Marion" to honor an American hero, but later the original Spanish name was restored.

Meanwhile, an elderly scholar and writer of Florida history, plucky Mrs. Marjory Stoneman Douglas of Miami, observed: "Nobody in Massachusetts would let anybody change the name of Cape Cod to Cape Kennedy!"

One of Oldest. Indeed, Cape Canaveral is one of the oldest names in American history. The low, sandy cape that juts out into the inshore current was discovered by the Spanish explorer Ponce de Leon on his first voyage to Florida, which he discovered in 1513. Because of opposing tides and currents at this spot near the Gulf Stream (which Ponce de Leon also discovered), the Cape was named "Cabo de las Corientes," the Spanish for Cape of the Currents. A flood of arrows unleashed by hostile Indians chased de Leon and party on their way.

Who changed that name to Canaveral is not recorded in history. But when a French artist named Jacques LeMoyne accompanied the Huguenots on their venture to Florida in 1564, he drew a map of the state and there as a landmark of the time was Cape Canaveral by that name.

It's also been reported that as early as 1544 an outline believed drawn by one of Hernando deSoto's band showed the cape and called it C. (Cabo or Cape) de Canaveral. The name Canaveral is Spanish and means "fields of high reeds," obviously from the canelike growth in the area.

Some claim the Indians named Canaveral and the name means "place of the high winds" in Indian language. It also is noted that Pedro Menendez de Aviles, who founded St. Augustine on Sept. 8, 1565, used the name of Cape Canaveral in a letter he wrote a few days after landing. That's where he first sighted Florida.

Demand Strong. The feeling that Cape Canaveral should get its rightful name back is strong and widespread. The Gannett newspaper, *Today*, published in Cocoa, took a poll of its readers on the question and 92.8 per cent responding demanded, "Change it back!"

State Sen. Beth Johnson, Republican lawmaker who represents the area, supported a resolution in the Legislature calling for the change. She was critical of the LBJ action that made it "Cape Kennedy."

Many Florida newspapers howled for restoration of the original name:

Boca Raton News—"It's difficult to alter the tide of history. It's been tried many times, but the names and faces, the places and dates keep coming back. Many Floridians, native as well as adopted, felt a twinge of remorse when the name of Cape Canaveral was changed to Cape Kennedy. . . . On the eve of our country's historic flight to the surface of the moon, it doesn't hurt to harken back to the landmarks the old mariners once used. After we chart the moon, maybe we can dust off the old charts of earth and bring back that piece of history that Cape Canaveral means to Floridians."

Tampa Tribune—"The name switch should never have been made. Historic American sites ought not to be renamed because of circumstances."

Historian of Note. No one wants to offend the Kennedy family in the matter and extreme caution is being taken to handle the delicate matter. Senator Holland said he had discussed it with the late President's brother, Sen. Ted Kennedy of Massachusetts. Holland says: "I do not believe that John F. Kennedy, who was a historian of note, and who cherished the heritage of this nation, would have wanted action taken that would in any way cause us to lose any of our historical background attained through the years . . ."

Senator Kennedy's aide, David W. Burke, told the *Orlando Sentinel*: "The Kennedys are very appreciative of the Cape's naming for President Kennedy after his death. But if the Florida delegation feels there should be a change, it's up to them. There will be no other comment."

RESUMPTION OF TESTIMONY

Senator HOLLAND. There are many, many more in my file that are favorable, but to prevent duplication I shall not ask that they be included. I simply include enough, Mr. Chairman, to show the Statewide nature of the editorial support for the change, and for the resolution now pending.

I do ask, however, that the following five articles appearing in out-of-State newspapers be included in the record, as they lend support to the general views of the people of Florida in redesignating the area Cape Canaveral. These five articles come from newspapers in Manchester, New Hampshire; Lynchburg, Virginia; Chicago, Illinois; Rochester, New York; and Austin, Texas.

I have a list of them here, and I ask that the list be included, and that the articles be included in the record.

Senator ANDERSON. Without objection, it will be done.

OUT OF STATE NEWSPAPER ARTICLES AND EDITORIALS

1. Editorial appearing in the Manchester, New Hampshire *Union Leader*, under date of August 5, 1969, entitled, "Sensible Resolution."

2. Editorial appearing in the Lynchburg, Virginia *News* under date of July 18, 1969, entitled "Restore Canaveral."

3. Guest editorial appearing in the Chicago *Tribune* under date of August 14, 1969, as a reprint from the Richmond *News Leader*, entitled "Why Not Cape Canaveral?"

4. Article apearing in the Rochester, New York *Democrat and Chronicle* under date of June 27, 1969, entitled, "Restore Canaveral Name, Florida Legislators Ask."

5. Article appearing in the Austin, Texas *Statesman*, under date of July 11, 1969, entitled "Rocket Site Renaming Is Urged."

[From the Manchester Union Leader, Tuesday, August 5, 1969]

SENSIBLE RESOLUTION

Florida's two senators have asked Congress to change the geographic name of Cape Kennedy back to Cape Canaveral.

The resolution was introduced by Senators Spessard L. Holland, Democrat, and Edward J. Gurney, Republican. They said they would leave the "Kennedy Space Center" name unchanged.

This sounds to this newspaper like a very fine suggestion and would begin to undo some of the ridiculous name-changing that went on in the hysteria following President Kennedy's assassination.

This newspaper hopes the resolution of the Florida senators is speedily acted upon.

[From the Lynchburg (Va.) News, July 18, 1969]

RESTORE CANAVERAL

The Florida State Legislature recently adopted a resolution requesting the Congress to restore the name of Cape Canaveral which was changed to Cape Kennedy following the assassination of President John F. Kennedy in November 1963.

Last week, Florida's two senators—Spessard L. Holland, Democrat, and Edward J. Gurney, Republican—introduced a resolution in the Senate requesting the same thing.

Both the Legislature and the senators want to keep the name of the John F. Kennedy Space Center. They simply want the name of Canaveral restored to the cape. And, as Senator Gurney pointed out, President Johnson's executive order designating the Air Force station and the NASA installation as the Kennedy Space Center, makes no mention of the cape itself.

The name of the cape was changed, Gurney said, by the Board of Geographic Names, and was a mistake.

The name of Cape Canaveral goes back more than 400 years. It first appeared, as far as records are available, on a map dated 1530. It is one of the oldest names in the Western Hemisphere and is recorded on maps long before Cape Cod, Cape Hatteras and Jamestown. The discovery of the cape is credited to Ponce de Leon.

Said Senator Gurney:

"The people who desire the name change really want to preserve the historical significance of the name 'Cape Canaveral.' That is the reason for the introduction of the resolution, and that certainly is the reason for the unanimous support behind it. Everybody wants the name of the space installation to remain as it is today—the Kennedy Space Center. But the overwhelming sentiment is that the geographical point now known as Cape Kennedy be changed back to Cape Canaveral."

We agree. And apparently that was the intention of President Johnson in his executive order. Cape Canaveral has been associated too long with the history of the hemisphere to be arbitrarily removed. By all means, keep the name of the Kennedy Space Center—a fitting tribute to the President who had so much to do with its development. But give history back the name of Canaveral. We think John F. Kennedy would agree.

[From the Chicago Tribune, Aug. 14, 1969]

WHY NOT CAPE CANAVERAL?

Following the assassination of John F. Kennedy in November of 1963, his successor, Lyndon Johnson, issued an executive order renaming the space facilities at Cape Canaveral for the late President. The space installation subsequently became known as the John F. Kennedy Space Center.

In translating Mr. Johnson's executive order into action, tho, the board of geographic names erred, for the board went beyond the authority of the executive order and renamed the Florida cape called Canaveral in honor of the late President as well.

The unauthorized renaming of the cape has stirred up some long-standing reaction in Florida. Recently the Florida state legislature adopted a resolution to Congress, asking that the name of Cape Canaveral be restored. Both Florida Senators Spessard L. Holland and Edward J. Gurney support this resolution; they have introduced a resolution in the Senate to satisfy the state legislature's request.

Supporters of the restoration of the name of Cape Canaveral, thought to have been discovered by Ponce de Leon, point out that the name of the cape first appeared on a map in 1530. Few names in this hemisphere boast such an historical identity. As Sen. Gurney explained:

"The people who desire the name change really want to preserve the historical significance of the name 'Cape Canaveral'. That is the reason for the unanimous support behind it."

This seems a reasonable request. If the people of Florida want the name of Cape Canaveral restored, there appears to be no reason not to accede to their wishes, because the cape was illegally renamed in the first place.

[From the Rochester (N.Y.) Democrat & Chronicle, June 27, 1969]

RESTORE CANAVERAL NAME, FLORIDA LEGISLATORS ASK

WASHINGTON.—Florida Sens. Spessard L. Holland and Edward J. Gurney will join in a bipartisan resolution early next week to change the name of Cape Kennedy back to Cape Canaveral while continuing the name of the space center as a memorial to the late president.

The resolution is expected to be introduced Monday. It would direct the Interior Department's board of geographic names to rescind its 1963 order which changed the east central Florida coastal land mass known as Cape Canaveral to Cape Kennedy.

The measure would not, both senators stress, interfere with the name of the "John F. Kennedy Space Center" which the National Aeronautics and Space Administration operates as the principal activity in the area.

The proposed name change, passed by the Florida Legislature, requires the approval of Sen. Edward M. Kennedy, D-Mass., brother of the late president. It was understood that Kennedy has indicated no personal objection to changing the name of the geographical area back to what it had been called for many years but planned to discuss the matter with other members of his family before giving his formal approval to the resolution.

On the House side, members of the Florida delegation gave their endorsement at a meeting two weeks ago to the name change requested by the Florida Legislature. There was some disagreement yesterday, however, whether an act of Congress was required.

[From the Austin (Tex.) Statesman, July 11, 1969]

ROCKET SITE RENAMING IS URGED

WASHINGTON.—It was ill-advised to name Cape Kennedy in honor of the late President John F. Kennedy, Sen. Spessard L. Holland, D-Fla., said Thursday in offering a bill to restore the name Cape Canaveral.

Holland said the assassination of President Kennedy left the nation stunned with grief and he shared in the sorrow.

"Understandably, during our period of mourning some things were done without our properly thinking through the actions taken," Holland said.

Upon further reflection, he added, he became convinced the action taken by the Interior Department renaming the site Cape Kennedy was ill-advised.

Holland said the bill by himself and Sen. Edward J. Gurney, R-Fla., would provide that NASA and Defense Department facilities at the Cape—the site of all U.S. manned space exploration launchings—would continue to be known as the John F. Kennedy Space Center.

But he said the cape itself should retain the name it held for over 400 years.

"It's what the people of Florida want, as expressed by the resolution of the Florida Legislature," he said.

RESUMPTION OF TESTIMONY

Senator HOLLAND. In closing, Mr. Chairman, may I respectfully request the committee to give early and favorable consideration to our resolution. The desires of our people are indicated in the articles and editorials referred to above and are clearly brought out in an opinion poll taken by the *Evening Tribune*, a daily newspaper which serves the Cape area. The returns received exceeded 1,000 and indicate that 92.8 percent of those voting favored restoring the geographical area's name of Cape Canaveral.

Mr. Chairman, I am sure that the committee realizes that the Spanish background of Florida largely exceeds in time the total period during which we have been a part of this great Republic, either as a territory or as a State.

But just for the information of the committee, I would indicate that among many other Spanish place names which we have in Florida, and which are coupled to our Spanish background, are 29 names. All of them are junior, much junior in point of time, to the name Cape Canaveral.

Senator HOLLAND. Mr. Chairman, I am glad to present now my distinguished colleague, Senator Gurney, who I am sure will have a statement on this matter.

Senator ANDERSON. Senator Gurney, we are glad to welcome you here today.

STATEMENT OF HON. EDWARD J. GURNEY, A U.S. SENATOR FROM THE STATE OF FLORIDA

Senator GURNEY. Mr. Chairman, Senator Hansen, as my distinguished senior colleague from Florida has stated, I joined him in co-sponsoring this resolution to restore the name of Cape Canaveral to this geographical point in Florida.

I am not going to read my statement, here, because my senior colleague has so thoroughly discussed the whole subject.

I ask unanimous consent that my statement be inserted in the record at this point.

Senator ANDERSON. Without objection, that will be done.

CAPE CANAVERAL RESOLUTION TESTIMONY

Mr. Chairman, I am most happy to co-sponsor this resolution with my distinguished colleague, the senior Senator from Florida.

I reiterate what he has said, that the resolution before us to restore the historic name of Cape Canaveral represents the overwhelming sentiment of the people in the Cape area as well as other parts of Florida. During my six years of service in the House of Representatives, the Cape Canaveral area was part of my congressional district. I personally know many of the people who work at the Kennedy Space Center, and I can attest to the fact this is what the people in the Cape area desire. Over the years I have received hundreds of letters and petitions urging that the name be changed back to Cape Canaveral. A recent Gannett newspaper poll of the area showed 92.8 percent in favor of the name change. The Florida State Legislature recently joined in a bipartisan and nonpartisan unanimous resolution urging restoration of the name. It also represents the wishes of the congressional delegation from Florida.

Mr. Chairman, the name Cape Canaveral was one of the most ancient historical names in this hemisphere, going back well over 400 years. It is recorded on a map dated as early as 1530, and was used in charts and maps of world navigation dating back to the discovery and exploration of Florida. As a matter of fact, it may well be the oldest geographical point in the United States, certainly on the East Coast, recorded even before the ancient names of Cape Cod and Jamestown. I do not believe, as Senator Holland has pointed out, that John F. Kennedy, with his appreciation for our American heritage, would have wanted an action taken which would in any way deprive us of one of our most traditional historical landmarks.

I want to point out and to make it perfectly clear that the reason for the introduction of this resolution is solely to preserve the historical significance of the name Cape Canaveral. It is in no way intended to disturb the land area on which the John F. Kennedy Space Center, NASA, is located. Members of the area and of Florida are very glad that our late President was honored in such a fashion and feel that the Kennedy Space Center is a fitting and lasting memorial to his outstanding contribution to the space effort.

As you can see (map), Mr. Chairman, the Kennedy Space Center, NASA, no longer occupies the geographical land area of Cape Canaveral. At the present time only the Air Force eastern test range station No. 1 is located at Cape Kennedy. When the executive order, issued by President Johnson on November 29, 1963, designated the John F. Kennedy Space Center, both NASA and Air Force facilities were located at the Cape.

Actually, Mr. Chairman, I think the change of the name of the geographical point, Cape Canaveral, was never intended. The Executive Order issued by the President designated only NASA and Air Force facilities as the John F. Kennedy Space Center—no mention of the name Cape Canaveral, as a land area, was made in this document. (Exhibit #1)

On December 20, 1963, James E. Webb, then administrator of NASA designated the launch operations center, NASA, as the John F. Kennedy Space Center in accordance with Executive Order 11129. (Exhibit #2)

On January 22, 1964, by Special Order GA-7, General Curtis LeMay, then Chief of Staff of the Air Force, designated the Cape Canaveral Missile Test Annex, permanent installation number 1919 (referred to in Executive Order 11129 as Station No. 1) as the Air Force Station No. 1 at Cape Kennedy. (Exhibit #3)

These separate re-designations by Mr. Webb and General LeMay were required in order to distinguish the NASA and Air Force facilities which had been erroneously lumped together in the Executive Order due apparently to the haste in which it was issued.

Subsequent to the naming of the space center, NASA moved the John F. Kennedy Space Center from the Cape to previously acquired land in the Merritt Island area where it is located today. The Air Force facility, which is still at the Cape, is now called the Air Force Eastern Test Range Station No. 1 at Cape Kennedy. I make these distinctions in order to emphasize that restoration of the name Cape Canaveral will in no way affect the name John F. Kennedy Space Center.

In an entirely separate action from the Executive Order, the Board on Geographic Names of the Department of the Interior, the Federal agency responsible for such name changes, issued Bulletin 6303 designating the geographical feature Cape Canaveral as Cape Kennedy.

This action, Mr. Chairman, was highly irregular in several respects, and I believe it was actually a mistake. I have done quite a bit of research in this matter and without going into the details of the facts and circumstances, I can say that no hearings were held as required by law. The step was taken without consultation and without any reference to wishes of the people in the area. As a matter of fact, the full board, in violation of its own rules, was *not* consulted and did *not* meet. I do not know how it came about, but I do not believe that the intention at that time was really to change the name of the geographical area.

Mr. Chairman, in view of the hasty and ill-advised change in the original name "Canaveral" and the great demand to restore this historical name to this most ancient historical landmark, I urge this committee to give favorable consideration to this resolution.

RESUMPTION OF TESTIMONY

Senator GURNEY. Let me simply add a few things.

First of all, I represented the Cape area in the House of Representatives for six years, and during the time that the name change was made, and I certainly back up what Senator Holland has said, that it was the overwhelming sentiment of the people in the area that the name not be changed from Cape Canaveral to Cape Kennedy.

Also, as the Congressman representing the area, I received a great many communications outside of the particular area in Florida, and also outside of the State of Florida protesting the name change at the time.

I also want to emphasize that I join the sentiment of my senior colleague, Senator Holland, in saying just as determinedly as I can that there is no thought here in changing this name to in any way detract from the accomplishments of our late President Kennedy. He certainly was well beloved all over the country, in Florida, and in this area, too.

Certainly as far as the space program is concerned, which represents such an important part of this Cape area, no man in this nation ever did more for it than the late President Kennedy.

Of course, I do reiterate, too, that as far as the space activity there is concerned, it is known as the Kennedy Space Center. There is no thought of changing that. All of the people want it that way.

It is only the change of this geographical point in Florida from Cape Kennedy to Cape Canaveral that we are asking the committee to act on here today.

As Senator Holland stated, it is one of the oldest geographical names, not only in North America, but in all of this hemisphere. It does appear on maps as early as 1530, to our knowledge. I think it may well be that it is the oldest geographical recorded point in the United States, and that is chiefly the reason why, of course, we want to restore the name Cape Canaveral.

One other bit of information that I would like to bring to the attention of the committee is that I do recall quite vividly when the name was changed following President Kennedy's assassination. I personally contacted people down at the Board of Geographic Names that are responsible, of course, for changing the geographic names in this country, as far as Federal installations are concerned, and I did find out to my satisfaction that the procedure was most irregular, and actually I think it probably was a mistake.

One of the procedures required in changing names by this body is a hearing and taking of testimony. This was never done. No testimony was ever taken. As a matter of fact, no meeting was ever had of the Board on Geographic Names of the Department of the Interior.

It seems to have been done rather hastily by one or two people, and certainly by phone, if all of the Board was contacted.

My information at the time from people I checked with down there was that not all the Board was contacted at that time. So that I do think that perhaps here, if the committee is disposed favorably to act on this resolution, we are perhaps correcting a mistake more than anything else, and that the real intent, of course, was to rename the Kennedy Space Center, which was done, and with which we all agree.

I do hope that the committee can act favorably on this. It certainly does represent the overwhelming sentiment of the people in the area, of the people in the State of Florida, and as nearly as I can determine, of the people throughout the country.

Senator Holland introduced a number of editorials. Here are a few others, which were not included in his list, that I would like to enter at this time: One from the *Tampa Tribune*, one from the *Fort Myers News-Press*, and one from the *Sanford Herald*. I ask unanimous consent that these be included in the record at this point.

Senator ANDERSON. Without objection, it will be done.

RESTORE THE NAME

Cape Canaveral was one of the oldest landmarks in the Western hemisphere. Ponce de Leon discovered the cape more than 400 years ago and it was shown on maps long before such historic spots as Cape Cod and Cape Hatteras.

Canaveral, which means "field of high reeds," already was known to mariners the world over when it became this nation's missile development center after World War II. In the emotional period which followed the assassination of President Kennedy in 1963 the name of this sand spit jutting into the Atlantic was changed to Cape Kennedy by order of President Lyndon Johnson.

Senators Spessard Holland and Ed Gurney are asking Congress to restore the name of Cape Canaveral and retain the name of John F. Kennedy Space Center where space facilities are located.

The Florida Legislature supports this restoration.

The name switch should never have been made. Historic American sites ought not to be renamed because of circumstances. Because of the late President's interest in space it is proper that the space center bear his name.

Just as this week's moon shot from the Kennedy Space Center is one of modern history's great moments so is Cape Canaveral one of this state's links with earlier history. We hope Congress will restore to this Florida site its rightful name.

PUTTING CANAVERAL BACK ON THE MAP

A bill to restore the historic name of Cape Canaveral to what is now Cape Kennedy has been introduced in Congress by Senators Spessard L. Holland, Democrat, and Edward J. Gurney, Republican. Just as its sponsorship is bipartisan, so should its consideration by Congress be, for the bill is in no sense a slap at the memory of President John F. Kennedy, in whose honor the name was changed in 1963 in the immediate aftermath of his assassination. It is a move to preserve an ancient and historic place-name.

Sen. Holland declared, in introducing the bill: "I do not believe that John F. Kennedy, who was a historian of note and who cherished the heritage of this nation, would have wanted action taken that would in any way cause us to lose any of our historical background attained throughout the years. The name Cape Canaveral is one of the oldest known and most continuously used place-names on the American Atlantic Coast. The discovery of this landmark is credited to Ponce de Leon and its name is recorded on many of the earliest known Spanish and French maps and charts before even Cape Cod, Cape Hatteras and Jamestown bore their proud names. It was in use on maps and charts of world navigators well over 400 years."

Such a wave of sorrow and sentimentality swept the country upon President Kennedy's assassination on Nov. 22, 1963, that there was an ill-considered rush to rename places and things in his memory. Within the week President Johnson issued an executive order designating the facilities of the National Aeronautics and Space Administraton and the Defense Department located at Cape Canaveral as the John F. Kennedy Space Center. At the same time the Interior Department's board of geographic names, at Johnson's request, changed the name of Cape Canaveral itself to Cape Kennedy.

It is highly fitting that the facilities of NASA and the Defense Department at the Cape be named the John F. Kennedy Space Center. For it was Kennedy who committed the nation in 1961 to the goal of landing a man on the moon by the end of the decade, a goal that will be achieved if the Apollo 11 flight to be launched t day is successful. Holland and Gurney would not change this. Their measure specifically provides that the name of the John F. Kennedy Space Center shall be retained. But it would restore the historic name of Cape Canaveral to the land on which the space center is located.

The Florida Legislature has called for the restoration of the Canaveral name. A poll by the Brevard County newspaper Today showed 92.8 per cent of the people in favor of its restoration. It is undoubtedly what the people want, and Congress should heed their wishes.

OK-CANAVERAL!

What a suitable and proper time for Congressional action to re-appraise national sentiment—more precisely the feeling of Floridians—and let Cape Canaveral re-claim its proper name Canaveral and let the space center retain its designation as Kennedy.

We are strictly in sympathy with this move which now has become the official action of the Congressional delegation from our Sunshine State.

"Well Done," Senators Spessard Holland and Edward Gurney and Representatives Lou Frey and Bill Chappell. Your introduction of bills to restore the historic name of Canaveral is truly expressing the wishes of the vast majority of your constituents.

Party lines fade. Political rivalries are subdued. For out of the past comes the tradition of Cape Canaveral where Ponce De Leon, Spanish explorer in the unknown lands of the west, about 450 years ago, placed that designation.

Time has put into perspective the national emotions which led President Johnson to change the name to Kennedy, following the assassination of that youthful President.

With the successful conclusion of the "man-on-the moon" objective it is even more logical to retain the name of John F. Kennedy for the space center.

But surveys in the areas surrounding the space center show that the people there want to restore the overall designation as Cape Canaveral. We believe this to be proper, logical and timely!

RESUMPTION OF TESTIMONY

Senator GURNEY. That concludes my statement, Mr. Chairman.

I would like at this time to read a very short statement by State Senator Beth Johnson, who represents this county in the Florida legislature. She had hoped to be here this morning but was unable to come.

She has been one of the chief movers as far as the resolution in the Florida legislature was concerned, of a unanimous resolution asking that Congress change the name back.

Here is her statement:

STATEMENT OF HON. BETH JOHNSON, STATE SENATOR REPRESENTING BREVARD COUNTY, FLA., AS READ BY SENATOR GURNEY

It is my hope that Congress should join in supporting the resolution concerning the restoration of the name Cape Canaveral to our oldest Atlantic Coast landmark. This proposal has the endorsement of the Florida Legislature and the Florida Historical Society.

No one questions the propriety of naming the space center for our late respected President Kennedy, whose untimely death shocked the nation. To destroy the historical associations attached to the name Cape Canaveral, the oldest name of any landmark on the American Atlantic Coast, is wrong in principle.

Ponce de Leon is credited with its discovery, in 1513, the year in which he discovered and named Florida. Its name was recorded on many of the earliest known Spanish and French maps and charts of world navigation for more than 450 years.

Our late President, John F. Kennedy, was deeply aware of the profound value and significance of the historic past of our country, and untiring in his efforts to make the memorials of that past living and real to every citizen.

The resolution being considered recommends that the name of the John F. Kennedy Space Center be retained for the space program facilities and that Congress restore "Cape Canaveral" to the geographical area of the cape in order that the title of this most ancient of our own historic landmarks should be recognized and preserved.

Senator GURNEY. I might also ask, Mr. Chairman, that the record might be kept open for perhaps a day or two. Our office has heard of a few who would like to include statements or telegrams.

In closing, may I say that I certainly join my distinguished senior colleague, Senator Holland, in urging the committee to take favorable action on our resolution.

Thank you.

Senator ANDERSON. Thank you very much, Senator Gurney.

Senator HOLLAND. Mr. Chairman, we have several distinguished citizens here from Florida who wish to be heard.

Before that, may I just say that prior to 1947, there had been a Board of Geographic Names established by Executive Order in the Department of the Interior. That Board was replaced on July 25, 1947, by a statute, and I ask that that statute, known as Public Law 242 of the 80th Congress be included in the record at this time.

Senator ANDERSON. Without objection, it will be done.

PUBLIC LAW 242—80TH CONGRESS, CHAPTER 330—FIRST SESSION, S. 1262

An act to provide a central authority for standardizing geographic names for the purpose of eliminating duplication in standardizing such names among the Federal departments, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, hereinafter called the Secretary, conjointly with the Board on Geographic Names, as hereinafter provided, shall provide for uniformity in geographic nomenclature and orthography throughout the Federal Government. The Secretary may exercise his functions through such officials as he may designate, except that such authority as relates to the final approval or review of actions of the Board on Geographic Names shall be exercised by him, or his Under or Assistant Secretaries.

SEC. 2. There is hereby established a Board on Geographic Names, hereinafter called the Board. The membership of the Board shall include one representative from each of the Departments of State, War, Navy, Post Office, Interior, Agriculture, and Commerce, and from the Government Printing Office, and the Library of Congress. The Board may also include representatives from such Federal agencies as the Secretary, upon recommendation of the Board, shall from time to time find desirable, even though these agencies are in the departments otherwise represented on the Board. The members of the Board shall be appointed by the respective heads of the departments or independent agencies that they represent. Each member shall be appointed for a two-year term but may be reappointed to successive terms. The members of the Board shall serve without additional compensation. The Board shall nominate a Chairman to be appointed by the Secretary, and shall establish such working committees as are found desirable.

SEC. 3. The Board, subject to the approval of the Secretary, shall formulate principles, policies, and procedures to be followed with reference to both domestic and foreign geographic names; and shall decide the standard names and their orthography for official use. The principles, policies, and procedures formulated hereunder shall be designed to serve the interests of the Federal Government and the general public, to enlist the effective cooperation of the Federal departments and agencies most concerned, and to give full consideration to the specific interests of particular Federal and State agencies. Action may be taken by the Secretary in any matter wherein the Board does not act within a reasonable time. The Board may make such recommendations to the Secretary as it finds appropriate in connection with this Act.

SEC. 4. The Secretary shall cause such studies and investigations to be made and such records to be kept as may be necessary or desirable in carrying out the purposes of this Act, and he shall provide a place of meeting and staff assistance to the Board. The staff shall be responsible to the Secretary, who shall prescribe its relations to the Board and the committees of the Board. The Secretary may establish from time to time, upon recommendation of the Board, advisory committees of United States citizens who are recognized experts in their respective fields to assist in the solution of special problems arising under this Act.

SEC. 5. For the guidance of the Federal Government, the Secretary shall promulgate in the name of the Board, from time to time and in such form as will carry out the purposes of this Act, decisions with respect to geographic names and principles of geographic nomenclature and orthography. The Secretary shall also furnish such additional information with respect to geographic names as will assist in carrying out the purposes of this Act.

SEC. 6. With respect to geographic names the pertinent decisions and principles issued by the Secretary shall be standard for all material published by the Federal Government. The United States Board on Geographical Names in the Department of the Interior created by Executive order, is hereby abolished, and the duties of said Board are transferred to the Board herein created, and all departments, bureaus, and agencies of the Federal Government shall refer all geographic names and problems to the said Board for the purpose of eliminating duplication of work, personnel, and authority.

SEC. 7. Nothing in this Act shall be construed as applying to the naming of the offices or establishments of any Federal agency.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

RESUMPTION OF TESTIMONY

Senator HOLLAND. In strict accord with Section 3 of that statute, the Board issued regulations covering the principles to be followed in change of name, and published for the information of the public the list of those principles, and I simply wish to state that there are 15 of them, but that there are four of them that I think were given little consideration, if any, in the name change that was accomplished between sunrise and sunset, in the one day, as my statement has already indicated.

The first regulation is that names in dominant local use generally are retained. This had been in dominant local use for all of the time of Florida's history.

Second, euphonious and suitable names of Indian or foreign origin are retained. Of course, the name Cape Canaveral is of Spanish origin, as already stated.

Rule 14, an existing name should not be replaced unless it is a duplicate or is inappropriate.

And 15, Acts of State legislatures, municipal councils, and other local governing bodies regarding geographic names are usually accepted unless application of the names would be in conflict with naming principles followed by the Board.

Mr. Chairman, all 15 of those rules can be discussed if the committee wishes to, and I will leave the bulletin issued by the Board of Geographic Names here for the committee, but I have quoted into the record the four rules which I think were particularly applicable in this case, and which were not apparently followed by the Board in its action in 1963.

Now, Mr. Chairman, it is my pleasure first to present Mr. Adam G. Adams, of Miami, who is the Chairman of the Dade County Historical Board, and he was former President of the Florida Historical Association of South Florida, and former Director of the Florida Historical Society, and he served as Chairman of the Civil War Centennial Commission of Florida, a well known historian, and a distinguished citizen of Florida, Mr. Adams.

STATEMENT OF ADAM G. ADAMS, CHAIRMAN, METROPOLITAN DADE COUNTY HISTORICAL BOARD

Mr. ADAMS. Mr. Chairman, my forte, if I should have one, is local history, the history of Florida.

The Senator has covered well most of the historical facts about Cape Canaveral.

Let me say the authenticity of the history of Florida is laid on a firm foundation. The Spanish kings required that those who visited new and strange countries send home written accounts of their experiences and of what they saw. Philip the Second was on the Spanish throne during most of the time that discoveries on the Florida coast were being made and maps drawn.

After Columbus landed, the Spanish attention was drawn naturally to the West, where gold and silver were found. It was some 20 years later that Juan Ponce de Leon discovered Florida, in 1513.

You will notice all along that people use different dates, slightly different dates for events in those far-off times.

Let me quote now from an article by Marjory Stoneman Douglas. The article is before you in a little magazine known as *Muse News*, on page 164.

"The most prominent landmark on the East Coast of Florida has for geological ages been the great hook of sand, with its curving, once swampy bight to the southward, which was known to European explorers for over four hundred years as 'Cape Canaveral.'

Ponce de Leon must have seen it a little while after he made the discovery of Florida in 1513."

We don't know that he actually did.

"He recognized its rough currents and landed both to the north and to the south of it. Its name on one of the earliest maps was 'Cabo Corrientes,' meaning 'currents,' came from Herrera's account of the Ponce de Leon expedition. The name 'Cape Canaveral' was marked very clearly on two maps, reproduced in the David O. True Collection, 'Early Maps in Relation to Florida.'

"These are the Spanish map of Herran de Soto and the French map of Rene's de Laudonniere of 1541–44. But since neither of these expeditions ever saw that part of the East Coast"—but I think that is an error. I believe Laudonniere did—"we can be sure that they were copied from still earlier charts, maps which have disappeared, indicating to trained historical cartographers the source of the name 'Canaveral.' But Canaveral is plainly seen on a 1536 map (of which there is a reproduction), that includes Florida and the Gulf of Mexico, from St. Elena to Panuco"—St. Elena is on the Georgia Coast, and Panuco is a town on the southern end of Texas—"It is the 'Alonzo de Chavez' map. It was placed in the Spanish Archives at some early date and then sent out to Mexico to be used by the ill-fated expedition to Pensacola by Tristan de Luna in 1557. A photograph of the map is reproduced in *The Luna Papers*, Vol. 1, and also in *The True Relation of the Fidalgo of Elvas Papers*, Vol. II, 1557, both in the fine editions of the Florida State Historical Society.

"The name 'Canaveral' is Spanish, translated as 'Cane Bearer.' They were not sugar canes, but the tall reeds with tips hardened by fire, which the Florida Indians used as arrows, such as the one that wounded Ponce de Leon on his second voyage to the lower West Coast and later killed him.

"The Cape was probably named, so far as we can tell now, on an expedition along the Florida coast by Lucas Vasquez de Ayllon, the slaver who discovered the Carolinas. At all events there is no question that the name has been applied to this best-known landmark on the Atlantic Coast of North America for well over four hundred years."

A copy of the 1541–1544 map is before you. It has been called "The Alonzo de la Cruz" map, and also "The De Soto Map." The map is anonymous and is in the Archives de Los Indias in Seville. Cape Canaveral is plainly marked thereon.

Also here are a few copies of the map by Jacques LeMoyne, who was an artist accompanying Laudonniere, a French explorer. This map was made in 1591. However, Cape Canaveral is plainly marked thereon. It is included in a book written by Congressman Charles E. Bennett, entitled "Settlement of Florida." In LeMoyne's narrative, he wrote in 1564, ". . . at a place called in maps Canaveral, twenty eight degrees from the Equator."

In 1565 Pedro Menendez de Aviles founded St. Augustine, but the French were also in the neighborhood, which made his position precarious. LeMoyne describes how the Adelantado Menendez walked the whole distance to Canaveral, about 90 nautical miles, that same year, when many of the younger men could not keep up with him. He destroyed the French position there, at Canaveral.

This is only a bare outline of the history of Cape Canaveral, but this shows the existence of the name 400 years ago.

It might be interesting to note that two other famous capes on the Atlantic Coast were discovered later, certainly named later, and of all the Atlantic Coast I believe the most permanent are Canaveral and Hatteras. Roanoke Island, an extension of which is Cape Hatteras, was first explored by the English in 1584, after which unsuccessful efforts of colonization were made. And the name Cape Cod is attributed to Goswold, who visited these shores in 1602. The pilgrims put in at the site of Provincetown in 1620.

Thank you, Mr. Chairman.

If there are questions, I would be glad to answer them.

Senator ANDERSON. Are there any questions?

Senator HANSEN. I have no questions, Mr. Chairman.

Senator HOLLAND. Mr. Chairman, your next witness is Mrs. Frances Ann Jamieson, who is President-elect of the Florida Association of Women Lawyers and former Councilman of the City of Cape Canaveral.

Mrs. Jamieson.

STATEMENT OF HON. FRANCES ANN JAMIESON, PRESIDENT-ELECT, FLORIDA ASSOCIATION OF WOMEN LAWYERS, FORMER COUNCILMAN OF THE CITY OF CAPE CANAVERAL

Mrs. JAMIESON. Mr. Chairman, Senator, it is a privilege and a pleasure for me to be here before you to speak on behalf of the people from my home town, Cape Canaveral, Florida. I live there. I practice law there, and incidentally, call it by its rightful name, Cape Canaveral. We have strongly resisted calling it anything else but by its famous historic name.

Let me state to you some of the examples of the continued resistance by the people of this area and of the State and of the nation.

In Brevard County, Florida, the Gannett News Corporation publishes Today. They have also acquired the Melbourne Times, the Titusville Star Advocate, and the Evening Tribune, Cocoa, Florida, and they have recently conducted a survey in which it was determined that 92.9 percent of the people were in favor of the restoration of the name Cape Canaveral.

Also, another poll has recently been made, this by the Missile, Space and Range Pioneers. This is a most interesting organization, and one of very limited membership. It consists of people who were involved in the space and missile and range development prior to the year of 1965, many of our astronauts, many of the early people connected with the space industry.

Indeed, these are the people who have made it possible for mankind to make its giant step.

When the poll was made of this group, the consensus was that they were overwhelmingly in favor of the vote, by 10 to one, to restore the name of Cape Canaveral. They feel that the restoration of this name is synomymous with exploration both by the early Spaniards and by our beloved space heroes.

The large companies in the area that are associated with the space program, to mention just but a few, the Martin Company, Lockheed, some of the large companies in our country, still refer to their local offices as their Canaveral divisions.

There has been much, much confusion in business over the name change. Hundreds of companies in the area use the name Cape Canaveral. We get mail from all over the world forwarded to our area, and it is very interesting to note that on the date of first-day cancellations, when one of the shots takes place, thousands of people line up, not only the philatelists, but the youngsters of our nation, too, to stand in line to have a cancellation that says Cape Canaveral, Florida.

When the City of Cape Canaveral came into existence in the early 1960's there wasn't any doubt as to the name that they would assume. They were very proud to adopt the name of Cape Canaveral.

When the name of Cape Canaveral was hurriedly and emotionally changed without the knowledge or the concurrence of those most vitally affected by the name change, the city council overwhelmingly voted to retain the name of Cape Canaveral. We have long hoped that a mistake can be rectified.

Democrats and Republicans along in this area are united in the feeling. There is certainly no disrespect intended or meant to our late and great President whose life was so tragically ended.

Our area has not been remiss certainly in naming things. The Kennedy Space Center is universally known. The name of the major airport in Brevard County located at Melbourne, Florida, has been designated the Kennedy Airport. There is a John F. Kennedy Junior High School in Brevard County.

Please accept the presentation and the gratitude of the people of my home town for your consideration and your assistance and your interest in this matter which is near and dear to our hearts.

You know, Mr. Chairman, it has been said that Neil Armstrong was the first man in history to climb down the ladder of success. We earnestly hope that the Congress of the United States will join him in his climb down and restore to us our name of Cape Canaveral, Florida.

Thank you.

Senator HOLLAND. Thank you. Thank you, Mr. Chairman.

The next witness is, I think, one of our greatest Floridians and one of our greatest Americans, a former member of Congress, former Governor of Florida, former Chief Justice of the Florida Supreme Court, the Honorable Millard Caldwell, whom I am glad to present, who was incidentally the first head of the National Civil Defense effort, also.

Senator ANDERSON. We are very happy to see him and I know him very well.

STATEMENT OF MILLARD F. CALDWELL

Mr. CALDWELL. Mr. Chairman and gentlemen of the committee, the first thing I would like to do is honor the request of the incumbent Governor of Florida, Claude Kirk, who has asked me to quote him in these words:

"The place named Cape Canaveral, for more than 400 years, has been noted on the maps of geography, connoting at first the new world and, more recently, this great nation. Speaking for all Floridians, with great respect for President Kennedy, I earnestly urge the approval of the Resolution now under consideration."

The purpose of my brief statement here this morning is to remind you there was no basis in law for the generous gesture of President Johnson in changing the name of Cape Canaveral. His action, motivated by the overwhelming distress of the moment, is understandable but is, in fact, without legal foundation.

The President has neither constitutional nor statutory authority to change the established geographical nomenclature of the country.

The Secretary of the Interior and the Board on Geographic Names are, by Title 43, Section 364–A, United States Code, charged with the responsibility for uniformity in nomenclature and orthography but, in this instance, uniformity was in no wise involved and, as of course, the Secretary was without authority in the premises.

The invalidity of the change is so obvious it seems unnecessary to take the time of the committee for extended argument or briefing.

President Kennedy's place in history is so firm as to negative a need for geographical emphasis. His memory is and will remain warm in Florida and in the nation. With his respect for history, he would have been the first to decry the erasure of Cape Canaveral from the charts, the first to remember that long before Cape Cod or the Mississippi or the City of Washington were dreamed of Cape Canaveral was established on the maps of the cartographers.

I am advised the President's family, although appreciative of what was done, abides

in the wish of Florida's delegation in the Congress, representing the overwhelming desire of the State's people for the restoration.

I urge the adoption of the resolution reestablishing the Cape to its rightful place in the annals of time.

Senator ANDERSON. Thank you.

Senator HOLLAND. Thank you Governor, The last witness that I know of, Mr. Chairman, and there may be others, is Honorable James R. Knott of West Palm Beach who has been a circuit judge in the State of Florida for some 14 years. He was the immediate past president of the Florida Historical Society at the time this question arose and as I understand will speak for that society as well as for himself. Judge Knott.

STATEMENT OF JAMES R. KNOTT, JUDGE OF THE CIRCUIT COURT, 15TH JUDICIAL CIRCUIT OF FLORIDA, PALM BEACH COUNTY

Judge KNOTT. Thank you, Senator.

Mr. Chairman, I appreciate the courtesy of this committee in affording me the opportunity of testifying on the resolution pending before the committee to restore the ancient name of Florida's oldest landmark.

Mr. Chairman, this subject is one which lies deep in the hearts and emotions of the people of our state. Newspaper polls indicate that more than 90 percent of our citizens, despite their admiration and affection for the late President Kennedy, favor the restoration of the name Cape Canaveral, while retaining the name of the John F. Kennedy Space Center for the space program facilities.

I would like to join my distinguished fellow citizens in emphasizing that our effort to have the name of Cape Canaveral restored to this geographic area is not motivated in the slightest degree by anti-Kennedy sentiment. On the contrary our citizens, particularly those of us in the Palm Beach area, are proud of the fact that as winter residents the Kennedy family has long had a friendly personal association with our people.

We shared the admiration of other Americans for President Kennedy, and we shared the grief of other Americans at his tragic death. We in Florida have been eager to pay him honor. Airports, hospitals, schools, streets, boulevards, and even our children have been named for him.

We know from President Kennedy's own interest in the values and memorials of American history that he, himself, would surely have discountenanced the abandonment of a name so deeply rooted in our history.

It has been said, in support of the change of name, that the Spanish word Canaveral translated into English merely meant canebrake, and is, therefore, unimportant. If we were to adopt this as a test, if ancient place names were to be considered appropriate candidates for oblivion because of plainness and simplicity, then let us begin with the simple, unromantic name of the Rocky Mountains, or the Snake River, or West Point, or Long Island, or, may heaven forgive me, Cape Cod, itself. Surely Canaveral, or canebrake, is not more commonplace or ordinary than these.

Paraphrasing Abraham Lincoln, we believe that the state of Florida belongs to the people who inhabit it. Its old place names, such as the Suwanee River, Pensacola Bay and St. Augustine, should be subject to change by the people of Florida alone.

Of all Florida's treasured place names, Canaveral, as the oldest, should be regarded with the greatest respect. President Johnson himself recognized this principle following President Kennedy's death, when he sought the advice of Senator Holland on the idea of changing the name. Senator Holland cautioned him against such action before consulting the people affected and determining their sentiment.

Notwithstanding this advice, President Johnson, in the intensity of emotion, both personal and national, made an impulsive decision which ultimately proved to have been injudicious. Understandably, Florida's then Governor, laboring under the same emotional stress, could be expected to give only an affirmative answer to his President, as he did, without allowing time to reflect upon the subsequent reaction of the people. It should be noted, here, that the Governor of Florida is not empowered under the constitution and laws of Florida to give or take away the names of geographic sites or places in our state.

Newspapers throughout Florida have supported the restoration of the name Cape Canaveral. Many of these have been mentioned to you. I have the names of others which are contained in my statement, Mr. Chairman, which I will leave with the committee.

Copies of some of these editorials also are being furnished to the members of the committee and I specifically ask that they be included as part of my statement.

Senator ANDERSON. Without objection that will be done.

Judge KNOTT. The Florida Historical Society, the Metropolitan Dade County Historical Board, and other organizations of this character in all parts of Florida from Key West to Pensacola, with memberships totaling many thousands, have gone on record urging the restoration of this name.

For your information the names of these are set forth in this statement to be left with you. They are too numerous to burden you with at this time.

The members of these organizations wish to honor President Kennedy and to preserve the name of the John F. Kennedy Space Center. However, as stated in the resolution of the Florida Historical Society, "the name Cape Canaveral has been a part of the geography and history of the state of Florida for over 450 years," going back to the days of Ponce de Leon, it being the desire "to preserve the name as part of our late President by associating it with an activity which was contemporaneous with his lifetime and interests."

On June 6, 1969, a joint resolution was adopted by the Florida Legislature favoring the restoration of the name Cape Canaveral, as the oldest known and most continuously used landmark on the American Atlantic Coast.

This is believed to be the only instance in the United States, and perhaps in the western world, where such a change in name has occurred in this fashion.

Mr. Jerome Kilmartin, executive secretary of the Domestic Geographic Names Committee, under the Board of Geographic Names, reported at the time of this change that never before in the history of the Board had a renaming proposal come from the White House.

Instances of this nature are not lacking in countries with cultures different from ours, of course, notable examples being Leningrad and Stalingrad. But the principle followed in such cases is inconsistent with our traditional standards.

To adopt it sets a dangerous precedent. As stated by Mr. Ney Landrum, director of the Outdoor Recreation Council of Florida.,

"By this precedent, the President can change the Suwannee River to Johnson River."

In conclusion, Mr. Chairman, to demonstrate the sentiment of the people of Florida, I quote from a recent statement by the Honorable John S. Knight, publisher of the Miami Herald and other well known newspapers:

"We applaud the Tallahassee Democrat's recommendation that the name Cape Canaveral be restored to the area now known as Cape Kennedy . . .

"As the Democrat says, 'the name Cape Canaveral identifies the oldest, continuously used landmark on Florida's Atlantic coast. Its discovery is credited to Ponce de Leon, and it is recorded on the earliest known Spanish and French maps.'

"In fact, Canaveral was on navigation maps before the Mississippi River, Cape Hatteras or Cape Cod."

Thank you very much, Mr. Chairman.

Senator ANDERSON. Are there any questions?

Senator HANSEN. Mr. Chairman, I don't have any questions, but I would like to take this opportunity to compliment the witnesses here this morning for the completeness of their testimony.

I think they have made a very persuasive case. I share their high regard for the honored name of a revered and loved President and I share equally their concern with the importance of keeping old names.

I happen to live in the western part of Wyoming and it has been with considerable dismay that we have seen the Forest Service in recent years come in and change the names of creeks and peaks out in my country.

Of course, we don't go back only within a lifetime but here is a case that is before us that is well documented. I think the testimony has brought out the fact that this is the oldest named landmark on the Atlantic coast. Am I right about that?

Judge KNOTT. Yes, sir.

Senator HANSEN. Changing that name seems to me to do violence to those things for which the late and great President Kennedy stood so strongly. I am certain that if he were given an opportunity to express an opinion he would join with those distinguished colleagues of his who have testified earlier this morning.

Thank you, Mr. Chairman.

Senator HOLLAND. Mr. Chairman, I thank the Senator from Wyoming and I thank the distinguished chairman for listening to us patiently. We are very much interested in this matter. We think we are on sound ground in standing for the preservation of the history, the traditions and inherited greatness of our country which is reflected in placenames such as Canaveral and particularly there, since it is the oldest landmark of which we know in our country and, of course, along the Atlantic Seaboard.

We thank you for your kind hearing this morning.

Senator ANDERSON. Are there additional witnesses?

If not, the hearing is closed.

(Whereupon at 11:05 a.m. the hearing adjourned subject to call of the chair.)

Mr. HOLLAND. Mr. President, I have discussed this proposed legislation with the chairman of the Committee on Interior and Insular Affairs on several occasions in the hope of having this bill reported to the Senate. I also, prior to the introduction of the resolution, discussed this matter with the senior Senator from Massachusetts (Mr. KENNEDY) who advised me at that time that he would talk the matter over with the Kennedy family and advise me of their wishes. He did say to me that he thought the wishes of the people of Florida should prevail. However, I have not yet heard with finality from him on this subject. In the meantime, the Senator from Massachusetts advised Col. Asa B. Gibbs, president of the Missile Space and Range Pioneers—and earlier a commanding officer of the base—in reply to a telegram—this is a quotation from the letter of Senator KENNEDY—

It is my conviction that this is a matter primarily to be decided by the citizens of Florida.

Colonel Gibbs, under date of April 11, 1970, wrote me regarding this matter and enclosed a copy of his telegram to Sena-

tor KENNEDY dated December 11, 1969, and the Senator's reply to him of February 3, 1970. I ask unanimous consent to have Colonel Gibb's letter to me and the enclosures printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SATELLITE BEACH, FLA.,
April 6, 1970.

Hon. SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.

SIR: When it became evident that the bills introduced into Congress to restore the name Cape Canaveral were likely to die in committee, I sent a telegram (Incl. 1) to Senator Kennedy. It seems clear that a favorable statement by him would release these bills for floor action. It is also equally clear that his silence indicates that he does not approve, which of course influences the action of the committee chairmen.

I received an answer from Senator Kennedy (Incl. 2) which on first reading is rather confusing. The phrase "but it is my conviction that this is a matter primarily to be decided by the citizens of Florida" causes one to wonder whether Senator Kennedy really knows what has taken place in this matter. However, from reported conversations with Senators Holland and Gurney, various news items, and indeed from the contents of my telegram, Senator Kennedy must be well aware of the wishes of the State of Florida.

Therefore, one can only reach the conclusion that Senator Kennedy is challenging the Florida Congressional Delegation to get these bills passed. The "citizens" of Florida have already "decided" as evidenced by the memorial to Congress passed by the Florida legislature. The citizens of Florida are only following the democratic process necessary to effect the decision.

You, as a member of the Florida Congressional Delegation, have a clearcut responsibility to take whatever action is necessary to accept this challenge and get these bills passed.

Respectfully,

COL. ASA B. GIBBS.

DECEMBER 11, 1969.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.:

The people of Florida in at least two polls and in editorials in the leading papers of the state have expressed an almost unanimous desire to restore the name Cape Canaveral to that historical site now known as Cape Kennedy. This desire culminated in a resolution to the Congress passed by the Florida State Legislature with the provision that this name restoration be made with the approval of the Kennedy family. It has been made very clear that the people of Florida are pleased and proud to have the NASA facility on Merritt Island named the John F. Kennedy Space Center in honor of our late President. The Kennedy Space Center is not located on Cape Canaveral and the restoration of the name would in no way affect the name of the center. Appropriate Bills have been introduced into both houses of Congress for this restoration, but it is becoming clear that these bills may die in Committee. The newspapers have reported that you chose to make no comment for the Kennedy family. You now have a wonderful opportunity to enhance your popularity, not only in Florida, but also nationally, if you were to make a public statement now that the Kennedy family has no objection to this restoration of a historic geographic name. A favorable statement by you would permit the Committee chairmen to process these bills without fear of embarrassing you. I urge you, in consideration for the desire of the people of Florida in this matter, to take immediate action.

Col. ASA B. GIBBS.

U.S. SENATE,
COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., February 3, 1970.

Col. ASA B. GIBBS,
Satellite Beach, Fla.

DEAR COL. GIBBS: Thank you very much for your telegram, and I appreciate the sentiments which prompted you to be in touch with me.

As you know, legislation has been introduced by Senators Holland and Gurney to change the name of the Cape. I have no idea whether their measure will be successful in the Senate, but it is my conviction that this is a matter primarily to be decided by the citizens of Florida.

Sincerely,

EDWARD M. KENNEDY.

Mr. HOLLAND. Mr. President, I also want to place in the RECORD an editorial published in the Orlando Evening Star, March 14, 1970, entitled "Change to Cape Canaveral." This editorial refers to the inquiry of Colonel Gibbs and the reply thereto by Senator KENNEDY which I have just placed in the RECORD. I ask unanimous consent to have this article printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Orlando Evening Star, March 14, 1970]

CHANGE TO CAPE CANAVERAL

Now that Senator Ted Kennedy has indicated he would not oppose changing the name of Cape Kennedy back to Cape Canaveral by which it was known for over 400 years, there should be no further delay in getting the job done.

In reply to an inquiry from Asa B. Gibbs, president of the Missile Space and Range Pioneers, Sen. Kennedy stated, "It is my conviction that it is a matter primarily to be decided by the citizens of Florida."

As most Floridians know, the restoration of the old name does not apply to the John F. Kennedy Space Center on Merritt Island but only to the land mass to the east which forms the cape. There was no reason to change this name in the first place.

And there is no reason now for further delay in correcting the error.

Mr. HOLLAND. I also ask unanimous consent that an editorial published in "Today," a daily newspaper published in Cocoa, Fla., under date of March 7, 1970, again referring to the exchange of correspondence between Senator KENNEDY and Colonel Gibbs, be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EDITORIAL: FLORIDA PICKS CANAVERAL

Sen. Edward M. Kennedy appears deliberately to be stalling efforts to restore the name Cape Canaveral to Cape Kennedy.

Col. Asa B. Gibbs, president of the Missile Space and Range Pioneers, who has spearheaded local restoration efforts, says key senators and congressmen have said Kennedy quietly passed the word he would prefer the name-change bill to die in committee.

That appears to be precisely what is happening to the bills which seemed so promising last fall.

And Kennedy, when he doesn't succeed in staying publicly silent about the matter, continues to be evasive.

When Gibbs wired Kennedy about his feelings on the name switch, this was the answer he got:

"It is my conviction that this is a matter primarily to be decided by the citizens of Florida."

The senator is fully aware of Floridians' feelings toward the cape's name.

Two local polls showed people were overwhelmingly in favor of restoring the historical name of Canaveral to our cape, while leaving the Kennedy Space Center's name unchanged. The Brevard Historical Society, the Florida Historical Society and the Florida Legislature all urged the same thing.

The Legislature's resolution to Congress unfortunately stipulated that the Kennedy family's approval be obtained first.

Sen. Kennedy has been fully apprised of all this, and he obviously is unwilling to give that approval.

There is evidence to indicate that President Johnson only intended the space center to bear John F. Kennedy's name—not the cape. That the geographical name was changed was the result of a misunderstanding by the Board of Geographic Names, Col. Gibbs believes.

The names of highways, bridges, airports, stadiums and space centers appropriately honor revered Presidents, but geographical names—particularly one as rich in historical significance as Cape Canaveral—are another thing.

It would be interesting to see what the reaction would be, for instance, to changing Cape Cod to Cape Kennedy.

We wish our lawmakers would ponder that.

Mr. HOLLAND. Mr. President, since Senator KENNEDY advised Colonel Gibbs that the matter of changing the name of the cape is "a matter primarily to be decided by the citizens of Florida," I have been queried, as has my colleague, Senator GURNEY, as to when the committee will take some action on this resolution.

While I have been able to state only that I have been attempting through discussions with the chairman of the committee, Senator JACKSON, to have the bill acted upon, my colleague, Senator GURNEY, has informed the press that all the Republican members of the committee wish to report the bill. This leaves the senior Senator from Florida in a most embarrassing position, in that seven Republican members of the committee wish to report the bill and the Democratic leadership of the committee apparently does not wish to report the bill, although I know of no vote taken by the committee.

Mr. President, in view of the continuing inquiries I receive from the press as to the status of the bill and the fact that, from reports, all Republican members of the committee wish to report the bill out of committee, I contacted Senator JACKSON, the chairman of the committee, on July 29, asking him to advise me as to the committee's plans. On July 30 he advised me that after the hearing last year, the proposed legislation was discussed in executive session by the members of the committee, and while he did not know where my colleague, Senator GURNEY, obtained the information that all of the Republican members of the committee wished to report the bill, no member of the committee had spoken to him since the executive session held after the November 24, 1969, hearings

when the legislation was discussed. Senator JACKSON further advised me in his letter that in view of my strong feeling on this matter, he would again bring up the subject at the first opportunity when his committee met in executive session.

Mr. President, I have spoken out here today, not in any disrespect for our late President who was admired and beloved by millions of Americans, including Floridians, but because I believe strongly that we must right a wrong that was done in extreme haste and under great emotional stress without regard to the will of the people so directly affected.

I might add, Mr. President, that there are many activities other than the space activities that have not been renamed. There is the city of Cape Canaveral immediately adjoining the cape, with a first-class post office bearing its name.

That city and the first-class post office at this site still bear the name Cape Canaveral. Also, the Port of Canaveral is a joint Federal-State venture in which the State is represented by the Port District, and in Federal and State legislation concerning the port the name of Port Canaveral is used, and it is used in the bond issue which raised the local contribution to supply the local share of costs of the port's development. These bonds will be outstanding for many years. Further, there are many private businesses at the cape and at Cocoa Beach which contain the word "Canaveral" in their name and those names have not been changed.

I might also say, Mr. President, it is my strong feeling that the late President Kennedy would never have approved the removal of the historic name of Cape Canaveral which, as I have already said, is the oldest place name along the Atlantic seaboard of the northern continent—that part of it which is in the United States. I am led to this conviction by many facts, one of which is set forth very eloquently by an address by Dr. Charles T. Thrift, Jr., president, Florida Southern College, Lakeland, Fla., delivered before the Florida Conference of the United Methodist Church, June 4, 1969. This is the statement by Dr. Thrift at the time and place mentioned which I quote in part:

> John Fitzgerald Kennedy, thirty-fifth President of the United States, would have been 52 years of age last Thursday had he lived. On that day last week his mother, Mrs. Rose Kennedy, made a brief address in connection with the presentation to the United States of a national historic site from the Kennedy family of the house in which John Fitzgerald Kennedy was born. In the course of her remarks, Mrs. Kennedy stated that one of the compelling reasons in helping the family decide to restore and donate this historic building was the fact that her son, the late President, had such a great sense of history.
>
> I once heard John F. Kennedy, while seeking the nomination for President, say in response to a question as to why he thought he was qualified to hold the high office that he felt there were six outstanding things that qualified him, but he said, "My first and greatest qualification is my historical-mindedness." He then went on to say that he felt no man could be a great President without this, and he felt that of all the current candidates, he possessed the historical-mindedness to an extent further than any other.

I also speak out so that the chairman of the committee, the distinguished Senator from Washington (Mr. JACKSON) may approve early action of the committee, either to favorably report the legislation to the Senate or to report it out of committee without recommendation in order that the Senate may work its will.

Mr. President, I understand and appreciate the difficulty the chairman of the committee is having in regard to this matter but I submit that in all deference we are here to legislate appropriately and to correct any legislative oversight.

Mr. President, hopefully the Interior and Insular Affairs Committee will act on Senate Joint Resolution 133 at the next executive session of the committee for I am convinced that the dragging on of this matter is doing much more harm than good. If the committee votes down the measure, that will be the end of it or if it reports the measure without recommendation, the Senate may then work its will.

Throughout my 24 years of service in the Senate, I have been a strong supporter of the committee system and firmly believe that the Senators sitting on the committee of jurisdiction in regard to specific legislation are and should be more knowledgeable of the problems that come before those respective committees and I have, therefore, relied to a great extent on the wisdom of those Senators and the reports of the committees upon which to base my judgment on specific issues. I shall continue to do so in my last weeks of service here with the hope that those colleagues sitting on the Interior and Insular Affairs Committee will take definite action on Senate Joint Resolution 133 that has been pending since July 10, 1969.

Now, Mr. President, in concluding my remarks, I want to call attention to the several features which are in the transcript of the hearing which all Senators will benefit from if they will read the transcript which I have had printed in the RECORD. The first is that the legislature of the State of Florida unanimously passed a resolution requesting that the change back be made for historic reasons, and that we take up the matter first with Senator KENNEDY. I did so. We took it up with him in great detail and finally introduced the resolution, after advising him at the specific time it was to be introduced that it could be introduced, even inviting him to have some statements, if he cared to make them at the time of the introduction, and inviting him to appear as a cosponsor if he cared to do so; but he simply told me that personally he did not care to attend and reiterated his statement, that he thought the will of the people of Florida should prevail.

In view of the action of the State Legislature of Florida and in view of some 22 editorials from leading newspapers in the State strongly favoring this change back, and in view of the statements made by other witnesses at the hearing, including former Governor Caldwell, himself a scholar and a gentleman of the highest standing, and including the president of Florida State Historical Society, including the representation of the official family of the city of Cape Canaveral among others, and, of course, both Senators from Florida who testified at that hearing, I hope that Senators will realize that the will of the people of Florida has been clearly exemplified.

Mr. President, I have a large file of correspondence on this subject. I want to make it clear for the RECORD that while I have received many hundreds of letters supporting the bill, the number of letters opposing it would be, in my judgment, without trying to count them, less than a dozen. They come from people not historians and not historically minded. The very contents of their letters, in most instances, show that they have no understanding of the historic importance of Cape Canaveral which has been the leading landfall on the eastern shore of the United States for maritime commerce since the earliest Spanish days, as shown by ancient Spanish maps, and maps made by mariners of other nations which I have seen by the dozen, showing the name of Cape Canaveral, a Spanish name, thought to have been named by Ponce de Leon at the time of his discovery of Florida in 1513.

Mr. President, we should not carelessly, even though we are led by great and understandable emotion at the time of deep grief, take actions which destroy part of our historic tradition and which ignore the fact that there are literally dozens of names based on this place name which will be permanent and which make for constant conflict and constant misunderstanding in that area, including the name of the nearest city which is a city of such size as to have a first-class post office which also bears that name. Also the name of the manmade harbor built to serve the Kennedy Space Center bears the place name Canaveral, which we by all means want to continue under that name as a legal matter. Cape Canaveral has been authorized and appropriated for by numerous acts of Congress and all of us refer to it by that name. Yet the name of the cape change was approved within less than 12 hours by an action of the Naming Committee of the Board of Geographic Names, which I have mentioned heretofore.

In all justice to the people of the great State of Florida, in all justice to the preservation of historic monuments of very great value, and this one I believe to be, and I am told so by scholars who know much more about it than I do, that this is the oldest place name on the Atlantic coast in the United States, I think it is wrong to destroy such a name. To destroy the historic value and the traditions that go with it, as well as the literally hundreds of references in the ancient literature of our State and our continent which refer to it, I think it is completely wrong that such a course be followed.

With great tenderness toward the late President—I think I was among the first, if not the first, to suggest him as a vice-presidential candidate, which was recognized by his family at the time—I think that no one could possibly take a position indicating that I was not his friend and admirer and always have been. By the very terms of the resolution offered by my distinguished colleague

and myself, we would legally perpetuate the name of the space center so that it will always bear the name of our distinguished late and lamented former President, John F. Kennedy.

Mr. MONDALE. Mr. President, with the greatest deference to the distinguished senior Senator from Florida and the distinguished junior Senator from Florida, I have great concern about the proposed name change from Cape Kennedy to Cape Canaveral for several reasons, one of which is that it would appear to be misinterpreted.

Our decision to rename the cape in memory of President Kennedy was more than a random tribute to a martyred President, as important as that was. It was a clear recognition of the fact that John Kennedy—more than any other man—was responsible for the revitalization of our space program.

It was President Kennedy who established the goal of landing a man on the moon by the end of the decade. And it was President Kennedy who provided the leadership to make this remarkable achievement possible.

Even though I have serious questions about the future direction of our space efforts, I have often expressed my admiration for the remarkable successes of the Apollo program. To President Kennedy, this program represented more than a challenge to America's technical and scientific abilities; to him it represented a challenge to the American spirit and to our capacity to establish and meet a difficult goal.

We met that goal, and we did so in large part because of the dedication and commitment which he brought to this program.

That is why the cape was renamed for President Kennedy, and that is why his name should remain associated with the place which successfully launched American astronauts to the moon.

I believe that the renaming of Cape Kennedy would affect our memory of him and his association with the successful launching of astronauts to the moon.

I recognize that this is not the spirit in which the proposal is made. However, I felt constrained to make the statement.

Mr. HOLLAND. Mr. President, I am afraid that my friend, the distinguished Senator from Minnesota, has not read the resolution in question. If he had, he would have found that the bill offered by the 2 Senators from Florida particularly speaks of the admiration of our State for the late, lamented President Kennedy and our feeling that the Space Center should be permanently named for him. The bill also provides that the name would be permanent.

I want to say in addition to that that, since the Senator has particularly spoken of the Apollo program, the RECORD should show that the program goes on not at Cape Kennedy, but at Merritt Island which is across the river from Cape Kennedy. Many Members of the Senate who have been down there know that this is the case. And the launching pad for the Apollo ventures, the assembly pad and the assembly building for the large rockets that would re required, the quarters of the astronauts and the training facilities for the astronauts employed in that program and the many other structures which I could name are located not on Cape Kennedy, but on Merritt Island.

I also want every Senator to know that every single editorial which we had printed in the RECORD—and I think I stated that the number was 22, and I am sure that my distinguished colleague had some editorials printed in the RECORD that I overlooked—expresses admiration for the late President. There have been many editorials printed since the date of the hearings, and we could enlarge the RECORD at this time with editorials which express not only what amounts to expressions of respect, but in many instances almost veneration for the late President.

We are all proud, I believe, to have his name given to the Space Center. I think that the late President himself would have been the first person opposed to changing the oldest historic place name in our country on the mainland portion of our country in the way in which it was done, and certainly by overlooking all of the regulations which were applicable and which had been formulated by the Naming Committee of the Board of Geographic Names for its own government in the consideration of the subject matter. We were all swept away at that time understandably by vast emotion and sorrow.

God knows, every American should be terribly sad when he thinks of the various sorrows that have been heaped upon the Kennedy family. Certainly both of the Senators from Florida are completely cognizant of that. We tried to draft our legislation and conduct the hearings with that in mind. We filed editorials from our State and the resolution of the State legislature which clearly bespeaks the affection of our people as reflected in that legislation for President Kennedy and their desire that the Space Center be permanently named for him.

I do not want any implication to go out from this hearing or any other hearing in connection with this whole matter that there is any feeling other than a great feeling of sorrow on the part of people of Florida and both Senators from Florida toward the late President Kennedy.

Mr. President, I shall not have anything more to say at this time. I am sorry that the committee has acted as it has. I happen to know that, in addition to the Republican members of the committee, there are other members of the committee who would be glad to report the bill out. They have so stated to me. I do not care to bring that matter into the RECORD by naming names. But the fact that we have not been permitted to have the matter reported out disturbs me greatly, particularly since I am leaving the Senate and particularly because I do have some historic mindedness myself.

Mr. President, I think it is almost in the nature of a tragedy that this was done so hurriedly and without deliberation or proper understanding at all as to what was involved.

Mr. BAYH. Mr. President, the Senator from Indiana wishes to make a comment as an observer sitting in the Chamber listening to the remarks of his colleagues from Florida and Minnesota. I think there is something a bit ironic, to say the least, about the fact that we are sitting here on the seventh anniversary of the burial of the late President Kennedy and considering this particular type of resolution.

I certainly believe that the Senators from Florida are sincere in their hearts, that they do not want anything in this proposed resolution to carry any derogatory implication whatsoever against the name of our late President. But we all have to be responsible for the reasonable interpretation of our acts. Like it or not, I do not see how such a change could be interpreted in any other way by a large number of the citizens of the world who will wonder at our conduct. And they will ask, "How can they have such a short memory of a brave and fallen leader?"

I do not think it is necessary for me to repeat what has been said. Even the proponents of this resolution would agree that President Kennedy was directly responsible for the space activity and its growth in the great State of Florida. And I am sure they would agree with me that he typified the ability of this country under the proper kind of leadership to harness the necessary vision, resources, and determination to accomplish what some might say are impossible goals.

I hope that we take a long look at this. As a former State legislator I share the concern of the Senators from Florida and the Legislature of the State of Florida in their desire for consideration of this matter. But consideration was given to this name change before it was enacted. If there was historical precedent, that should have been considered at the time the name was changed, and not now at a time when our action would suggest disrespect for the memory we all have. Those who support this resolution do not intend that to be the impact, but I do not see how it can be interpreted otherwise.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. GRAVEL). Under the previous order, there will be a brief period for the transaction of routine morning business with statements therein limited to 3 minutes.

RESPONSIBILITY OF HOUSEHOLDERS FOR THE PAYMENT OF UNORDERED MERCHANDISE

Mr. MAGNUSON. Mr. President, during the Senate consideration of H.R. 17070, the Postal Reorganization Act, I offered an amendment to the bill. The Senate agreed to the amendment. The matter went to conference, and the conferees agreed to the amendment. It is now the law of the land.

That measure establishes a nationwide policy on the use of the mails in the sending of unordered merchandise or the billing of same.

The amendment clearly states that the recipient of unordered merchandise

is under no obligation to the sender. He does not have to return the merchandise or pay for it. The law also forbids the mailing of any bill or dunning communication in connection with unordered merchandise.

Unordered merchandise is still being sent. I do not suppose there is a Senator present on the floor or anyone in the galleries within the sound of my voice who does not know that 1, 2, or 3 times a week a person not only receives some unordered merchandise, but also receives a bill and a dunning letter from some credit agency, apparently unconnected with the firm or group that had sent the material, stating that unless the person pays the bill some action will be taken to impair his credit rating.

Mr. President, take the example of a young married couple. They may have a mortgage on their house and they are buying a car on credit. To receive a threat to their credit rating as a result of a bill for something they have not ordered scares them. Often they will pay the $9.68, or the $16.20, or the $20 bill for something they have not ordered.

Then, there is always the possibility that someone will sign another person's name. The form says, "If you sign this, we will send you this book," or something of that kind. Even if no one signs the form, the merchandise is often sent and billed for.

Mr. President, under the provisions of the new law, the recipient can do anything with that material that he wishes; and he does not have to go to the trouble of sending it back, and that includes unordered subscriptions and anything else.

About a week ago I had an incident happen to me. I kept receiving a magazine I had not ordered. Finally I contacted them and I said, "Why are you sending this material to me and billing me for it?" They stated that, because they only had young girls working in the computer part of the subscription office, they did not recognize the "order" as the work of pranksters. How long will such foolishness continue to plague American families?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I am taking an electronics correspondence course that I never ordered and if I just hang on long enough, I am going to graduate from the course. This material was billed to "Occupant" and sent to my home in Seattle. This goes on and on.

I bring this matter up now because of the vast amount of unordered merchandise that is sent out at Christmastime, and I am not referring to the fundraising activities of recognized charities, either. People are sent magazines, they are registered in correspondence courses, they get things they have not ordered, and finally they receive dunning letters.

I get books from an organization called Outdoor Life. They are fine books, but I never ordered them. I later found out that somebody sent my name in. For a while I received the National Rifle Association magazine, but I never ordered it. It is nice reading, but I had to write two or three letters to clear up the matter.

What about a person who does not know about this law? Suppose a person receives something he has not ordered. Ordinarily he would probably think that he would have to go to the trouble to wrap it up and return it and say that he does not want it. Under our new law he may treat it as a gift and make no response to the sender.

As a result of my urging the Federal Trade Commission issued an order regarding unordered merchandise on September 11 of this year. It was a unanimous action by the Commission. The Commission indicated that without regard to the effective date of Public Law 91–375, which contained the amendment, the Commission had determined that section 3009 was a proper interpretation of section 5 of the Federal Trade Commission Act and that unordered merchandise could be treated as a gift effective immediately. As a result of the action of the FTC, persons who receive unordered merchandise this Christmas season may treat it as a gift.

I want to remind the shippers of unordered merchandise that the recipient will be under no obligation to pay for such merchandise nor will he need to return it. If I hear of any violations of the FTC's order, I will urge vigorous action by the FTC and the Post Office. Anyone receiving bills for unordered merchandise should send a copy of the bill to the FTC and to their postmaster for investigation.

I ask unanimous consent that the complete order of the Federal Trade Commission be printed at this point in the RECORD in the hope that it will receive the publicity in the press it needs.

There being no objection, the order was ordered to be printed in the RECORD, as follows:

FEDERAL TRADE COMMISSION,
Washington, D.C.

UNORDERED MERCHANDISE

Notice of Cancellation of Public Hearing and Opportunity to Submit Data, Views or Arguments Regarding Proposed Trade Regulation Rule.

On June 19, 1970, the Federal Trade Commission issued a Notice of public hearing and opportunity to submit data, views or arguments regarding a proposed Trade Regulation Rule relating to the shipment of unordered merchandise. Since § 3009 of the Postal Reorganization Act makes further action in this area unnecessary, the Commission cancels the Notice and hearing in the above proceeding.

Further, notice is given that, in connection with the shipment of unordered merchandise, the Commission considers § 3009 of the Postal Reorganization Act as the proper interpretation of Section 5 of the Federal Trade Commission Act. Thus, regardless of the enacted effective date, the Commission announces that it will move to enforce the Federal Trade Commission Act in accordance with the provisions of § 3009. These provisions are: "§ 3009. Mailing of unordered merchandise.

"(a) Except for (1) free samples clearly and conspicuously marked as such, and (2) merchandise mailed by a charitable organization soliciting contributions, the mailing of unordered merchandise or of communications prohibited by subsection (c) of this section constitutes an unfair method of competition and an unfair trade practice in violation of section 45(a)(1) of title 15.

"(b) Any merchandise mailed in violation of subsection (a) of this section, or within the exceptions contained therein, may be treated as a gift by the recipient, who shall have the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender. All such merchandise shall have attached to it a clear and conspicuous statement informing the recipient that he may treat the merchandise as a gift to him and has the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender.

"(c) No mailer of any merchandise mailed in violation of subsection (a) of this section, or within the exceptions contained therein, shall mail to any recipient of such merchandise a bill for such merchandise or any dunning communications.

"(d) For the purposes of this section, 'unordered merchandise' means merchandise mailed without the prior expressed request or consent of the recipient."

Issued: September 11, 1970.

By the Commission.

JOSEPH W. SHEA,
Secretary.

Mr. MAGNUSON. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point the response I received from Playboy Magazine when I complained that I was being billed for a magazine that I had never ordered.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 9, 1970.

Hon. WARREN G. MAGNUSON,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: A more detailed check of records by *Playboy* magazine's circulation department reveals that a subscription to *Playboy* was entered in your name via a promotional insert card regularly bound into each copy of the magazine.

Your name has now been removed from the list and you will no longer receive the magazine—nor bills for it, either.

May I add that this situation was the result of a fairly common trick by practical jokesters whose perverted sense of humor leads them to mail such order cards with names of prominent men and women. Evidently the card was completed by someone who knew or obtained the address of your Seattle residence.

Too, please understand that such cards are processed by young, usually unknowledgeable clerks who stamp them without really reading the names. Indeed, if it is any consolation, some years ago the now-defunct *Reporter* magazine billed to a faretheewell Pope Pius for whom a subscription had been entered in the name of E. Pacelli. The carefully printed address was Palazzo Vaticano, Rome, Italy. The young girl who processed the card hadn't a clue as to who E. Pacelli might be.

Again, our apologies for having inconvenienced you.

Sincerely,

SHIRLEY KATZANDER.

ORDER OF BUSINESS

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Do we have a unanimous consent agreement to vote at 12:30 p.m.?

The PRESIDING OFFICER. We do.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

MILITARY AWARDS PROGRAM—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. KENNEDY) laid before the Senate the following message from the President of the United States which, with the accompanying report, was referred to the Committee on Armed Services:

To the Congress of the United States:

In September of 1965, the Congress of the United States authorized a new cash awards program for military personnel. This program was designed to provide members of the Armed Forces with an added incentive to reduce military costs and improve military efficiency. In accordance with the provisions of 10 U.S.C. 1124, I am herewith forwarding the reports of the Secretary of Defense and the Secretary of Transportation concerning cash awards which were made under this program during Fiscal Year 1970.

The most recent report on the Military Awards Program covered the first 6 months of 1969. The present report and all future reports will cover an entire fiscal year, as is presently the case with the civilian Incentive Awards Program which is run by the Civil Service Commission.

In Fiscal Year 1970—as in earlier years—the Military Awards Program was a great success. Suggestions from military personnel that were adopted during Fiscal Year 1970 saved the government over $166 million—substantially more than in any previous year. Tangible first year benefits derived from such suggestions since the program went into effect in 1965 have now reached a total of more than $439 million. Many benefits and improvements of an intangible nature have also been realized.

Some 205,888 suggestions were submitted by military personnel during the reporting period of which 32,854 were adopted. Cash awards for adopted suggestions totalled $1,979,111. More than 80 percent of the cash awards were paid to enlisted personnel. Payments varied from a minimum of $25 to a maximum which was somewhat more than $1,000.

The reports which I am forwarding from the Secretary of Defense and Secretary of Transportation present additional information concerning payments made under the Military Awards Program, along with brief descriptions of some of the more noteworthy suggestions which were presented as a part of this program during Fiscal Year 1970.

RICHARD NIXON.

THE WHITE HOUSE, *November 25, 1970.*

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. KENNEDY) announced that on today, November 25, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 3630. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission;

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control;

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance;

H.R. 9486. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict;

H.R. 14252. An act to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes; and

H.R. 18546. An act to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. KENNEDY) laid before the Senate the following letters, which were referred as indicated:

REPORT ON MILITARY CONSTRUCTION—AIR FORCE RESERVE CONSTRUCTION AUTHORIZATION FROM PUBLIC LAW 91-511

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, the location, nature, and estimated cost of nine facilities projects proposed to be undertaken in six States for the Air Force Reserve (with an accompanying report); to the Committee on Armed Services.

REPORT ON THE ADMINISTRATION OF THE FOREIGN AGENTS REGISTRATION ACT

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report to the Attorney General on the administration of the Foreign Agents Registration Act (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on savings possible at the Government Printing Office by buying automatic data processing equipment or by leasing it from commercial leasing firms (with an accompanying report); and

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for improved laboratory equipment management procedures within the Department of Defense (with an accompanying report); to the Committee on Government Operations.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary:

William C. Frey, of Arizona, to be a U.S. district judge for the district of Arizona;

John Feikens, of Michigan, to be a U.S. district judge for the eastern district of Michigan;

Philip Pratt, of Michigan, to be a U.S. district judge for the eastern district of Michigan;

Owen D. Cox, of Texas, to be a U.S. district judge for the southern district of Texas;

Robert M. Hill, of Texas, to be a U.S. district judge for the northern district of Texas;

William M. Steger, of Texas, to be U.S. district judge for the eastern district of Texas;

John H. Wood, Jr., of Texas, to be a U.S. district judge for the western district of Texas; and

Jose V. Toledo, of Puerto Rico, to be a U.S. district judge for the District of Puerto Rico.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services:

"ASSEMBLY JOINT RESOLUTION NO. 36—RELATIVE TO FORT MACARTHUR

"Whereas, The Secretary of Defense has recently decided not to make cutbacks at Fort MacArthur in San Pedro as part of general cutbacks which will inactivate the only other Army installation in southern California, Fort Irwin; and

"Whereas, Fort MacArthur has adequate land for the service of military personnel in southern California and has the support of the San Pedro community; and

"Whereas, The designation of Fort MacArthur as a 'permanent' Army installation would permit the construction of certain new buildings for expanded operation in southern California and facilitate fundraising for a proposed military hospital; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to designate Fort MacArthur as a 'permanent' Army installation; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Resolutions adopted by the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 62—RELATIVE TO GARNER VALLEY

"Whereas, Garner Valley in the San Jacinto Mountains in Riverside County is a scenic area within short traveling distance from major population centers of California; and

"Whereas, There exists a crucial need for recreational land near major population centers in California and the nation; and

"Whereas, The preservation of present recreational land is of highest priority in California's fight to preserve her environment; and

"Whereas, The several thousand acres of Garner Valley are adjacent to the San Bernardino National Forest; and

"Whereas, Proposed development of this area may have adverse ecological effects upon such surrounding lands; and

"Whereas, A recent United States Forest Service report indicates the advisability of

protecting Garner Valley to insure the conservation of federal lands in this area; and

"Whereas, This study specifically notes that Garner Valley is a key watershed in the upper reaches of the San Jacinto River, and proper management of both private and national forest lands is essential from a flood control, water quality, and soil erosion standpoint; and

"Whereas, The federal government owns surplus property which consists of less desirable recreational land throughout California and in the vicinity of the City of Riverside, and it may be in the best interest of the people of the State of California and the nation to preserve Garner Valley and allow development on other surplus land; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memoralizes the President and the Congress of the United States to take immediate action to preserve Garner Valley or portions thereof; and be it further

"Resolved, That such action emphasize the possibility of exchanging surplus land or other federal properties in the vicinity of the County of Riverside or elsewhere for such Garner Valley land; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States;" to the Committee on Commerce.

"ASSEMBLY JOINT RESOLUTION NO. 64—RELATIVE TO FOREIGN FISHING OFF THE UNITED STATES COASTAL WATERS

"Whereas, The fishing industry has played a most important role in the development of the California economy; and

Whereas, Many Californians are dependent on the fishing industry to provide them jobs and a livelihood; and

"Whereas, There has been a rapid increase in foreign fishing activities off the coasts of the United States, especially the Pacific Coast; and

"Whereas, The California fishing industry is seriously threatened by increasing foreign fishing competition, which utilizes technological methods prohibited for use by California fishermen, resulting in overfishing and possible loss of some fisheries; and

"Whereas, There have been several reported instances of foreign fishing vessels violating the 12-mile United States coastal limit by fishing; and

"Whereas, The increasing threat to the irreplaceable natural resource, the coastal fishery, has alarmed many conservationists and American commercial fishermen; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President, Congress, the United States Secretary of Interior and State, and the United States Bureau of Commercial Fisheries to immediately review the threat posed to our marine resources by the foreign vessels fishing off the United States coastal waters; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Interior and State, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Appropriations, with amendments:

H.R. 17755. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1372).

By Mr. INOUYE, from the Committee on Commerce, without amendment:

H.R. 14714. An act to amend authority of the Secretary of the Interior under the Act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes (Rept. No. 91–1373).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

H.R. 3571. An act for the relief of Miloye M. Sokitch (Rept. No. 91–1374).

By Mr. KENNEDY, from the Committee on the Judiciary, with an amendment:

H.R. 2669. An act to amend Section 213(a) of the War Claims Act of 1948 with respect to claims of non-profit organizations and of individuals (Rept. No. 91–1375).

By Mr. BYRD of West Virginia, from the Committee on the Judiciary, without amendment:

H.R. 17272. An act for the relief of certain employees of the Department of Defense (Rept. No. 91–1378);

S. Res. 400. Resolution to refer the bill S. 3779, entitled "A bill for the relief of Concrete Industries (Monier), Limited," to the Chief Commissioner of the U.S. Court of Claims for a report thereon (Rept. No. 91–1376); and

S. Res. 445. Resolution to refer the bill S. 4237, entitled "A bill for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Company," to the Chief Commissioner of the U.S. Court of Claims for a report thereon (Rept. No. 91–1377).

By Mr. BYRD of West Virginia (for Mr. JORDAN of North Carolina), from the Committee on Rules and Administration, without amendment:

S. Res. 485. Concurrent resolution authorizing the printing of a report "A University View of the Forest Service," as a Senate document (Rept. No. 91–1379);

S. Con. Res. 2. Concurrent resolution authorizing acceptance for the National Statutory Collection of a statue of the late Senator E. L. Bartlett, presented by the State of Alaska (Rept. No. 91–1381); and

H. Con. Res. 183. Concurrent resolution authorizing the printing of additional copies of House hearings on "Proposed Amendments to the Constitution Relating to Prayers and Bible Reading in the Public Schools"; (Rept. No. 91–1382).

By Mr. BYRD of West Virginia (for Mr. JORDAN of North Carolina), from the Committee on Rules and Administration, with an amendment:

S. Res. 476. Resolution authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries and investigations (Rept. No. 91–1380).

CONSUMER PROTECTION ORGANIZATION ACT OF 1970—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91–1365)

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorable, with amendments, the bill (S. 4459) the Consumer Protection Organization Act of 1970. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Michigan (Mr. HART).

The PRESIDING OFFICER (Mr. HUGHES). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Washington.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JORDAN of Idaho (for himself and Mr. CHURCH):

S. 4540. A bill to provide for the disposition of a portion of the funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyo.; the Bannock Tribe and the Shoshone Nation or Tribe of Indians in Indian Claims Commission Dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, consolidated, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. METCALF:

S. 4541. A bill to amend the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Labor and Public Welfare.

By Mr. FULBRIGHT (by request):

S. 4542. A bill to amend the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

(The remarks of Mr. FULBRIGHT when he introduced the bill appear later under the appropriate heading.)

By Mr. FULBRIGHT:

S. 4543. A bill to provide additional foreign assistance authorizations; to the Committee on Foreign Relations.

(The remarks of Mr. FULBRIGHT when he introduced the bill appear later under the appropriate heading.)

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 4544. A bill to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. METCALF when he introduced the bill appear below under the appropriate heading.)

S. 4544—INTRODUCTION OF BILL TO DECLARE THAT CERTAIN FEDERALLY OWNED LAND IS HELD BY THE UNITED STATES IN TRUST FOR THE FORT BELKNAP INDIAN COMMUNITY

Mr. METCALF. Mr. President, I introduce, for appropriate reference, a bill to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian community.

This measure has been submitted and recommended by the Department of the Interior, and I ask unanimous consent that the letter accompanying the proposed legislation be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. HUGHES). The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 4544), to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community, introduced by Mr. METCALF (for himself and Mr. MANSFIELD), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter presented by Mr. METCALF follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., November 3, 1970.

Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill, "To declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community."

We recommend that the proposed bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

This bill provides that five acres of Government-owned land will be held by the United States in trust for the Fort Belknap Indian Community. It further provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

The parcels described in the bill, comprising 2½ acres each, were formerly the sites of the Kirkaldie School and the Big Warm School. Both tracts were acquired by deeds from the Indian allottees in 1934, since schools were needed for the children living in this isolated area of the reservation. The Kirkaldie School site was quitclaimed by the Federal Government to the local school district in 1962. However, in 1964 the land was quitclaimed back to the Federal Government and the Secretary of the Interior in that year declared a forfeiture of title and reversion thereof to the United States as provided in the Act of June 4, 1953 (67 Stat. 41). The Big Warm School was closed in 1937. The children that had been attending these schools were of course sent to other schools.

The present value of the Kirkaldie School site is $150. The cost to the Federal Government in 1934 was $25. The wooden school building is highly depreciated and in a state of disrepair. It is valued at $600. The Tribal Council made an offer, pending its acquisition of the property, to utilize it for a homesite. As a result, the building has been transferred to the community under authority of the Act of August 6, 1956 (70 Stat. 1057).

The Big Warm School land is presently valued at $50. Its original cost to the Federal Government was $25. The school building is no longer standing. All that remains is the crumbling foundation. A well casing protruding above ground indicates possible availability of water.

The described land is considered to be valuable for coal, but the thickness and extent of such deposits have not been established. The land is in an area where the geologic formations, under proper stratigraphic and structural conditions, are favorable for the occurrence of oil and gas. The nearest producing field is 25 miles to the west. Based on present knowledge, the mineral value of this land is rather low. The land is without value for other minerals, either metalliferous or nonmetalliferous.

The Kirkaldie School land is adjacent to allotted land and will be used for the purpose of exchange. The Big Warm School land is adjacent to tribal lands, allotted land, and one tract of fee land. There are several pending sales to the community in this general vicinity and a growing trend toward consolidation of tribal ownership. With this consolidation members of the Community will use this land along with other tribal lands for agricultural and ranching purposes.

The community by appropriate resolutions has requested these two tracts. As they are no longer used for the purpose for which they were acquired, are excess to our needs, have little value, and can be utilized by the community, this proposed bill will effect the conveyance of the equitable title to the community.

The Office of Management and Budget has advised there is no objection to the presentation of the proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

ADDITIONAL COSPONSOR OF A BILL

S. 4463

At the request of the Senator from Wisconsin (Mr. PROXMIRE), his name was added as a cosponsor of S. 4463, to provide a pool of general service railroad freight cars.

SENATE RESOLUTION 486—SUBMISSION OF A RESOLUTION RELATING TO THE JOINT ARMY-AIR FORCE EFFORT TO LIBERATE AMERICAN PRISONERS OF WAR HELD CAPTIVE BY NORTH VIETNAM

Mr. DOLE (for himself, Mr. MANSFIELD, Mr. SCOTT, Mr. GRIFFIN, Mrs. SMITH, Mr. ALLOTT, Mr. EASTLAND, Mr. YOUNG of North Dakota, Mr. ALLEN, Mr. BOGGS, Mr. BAKER, Mr. MCGEE, Mr. COOK, Mr. GOLDWATER, Mr. BENNETT, Mr. MURPHY, Mr. COOPER, Mr. HANSEN, Mr. HRUSKA, Mr. GURNEY, Mr. DODD, Mr. SCHWEIKER, Mr. TOWER, Mr. FANNIN, Mr. CANNON, Mr. THURMOND, Mr. DOMINICK, Mr. BYRD of Virginia, Mr. PEARSON, Mr. CURTIS, Mr. JACKSON, Mr. COTTON, Mr. SPARKMAN, and Mr. BYRD of West Virginia, submitted the following resolution (S. Res. 486), which was ordered over under the rule.

S. RES. 486

Whereas at the request of the Secretary of Defense, the President of the United States authorized a Joint Army-Air Force Task Force operation, the purpose of which was to undertake the liberation of a substantial number of prisoners-of-war being held under inhumane conditions by the Government of North Vietnam in flagrant violation of the Geneva Conventions; and

Whereas the dedicated officers and men of the Joint Army-Air Force Task Force, under the inspiring leadership of Colonel Arthur D. Simons, United States Army, and Brigadier General Leroy J. Manor, United States Air Force, flew into the Son Tay prison compound near Hanoi, deep in the heart of heavily defended enemy territory, for the purpose of liberating American prisoners-of-war; and

Whereas this group of courageous volunteers carried out this perilous mission with such superb timing and perfect execution that not a single casualty was sustained; and

Whereas this heroic humanitarian gesture, voluntarily made by the men of the liberation task force at great risk to their own safety and lives, clearly demonstrates their deep unselfish compassion for their comrades in arms who are being deprived of their freedom under the most despicable conditions; and

Whereas this daring operation will bring to all families of prisoners-of-war and missing men a reassuring comfort in the knowledge that these brave men have not been foresaken by their country: Now, therefore be it

Resolved, That the Senate hereby commends the brave officers and men of the Special Joint Army-Air Force Task Force, led by Colonel Arthur D. Simons, United States Army, and Brigadier General Leroy J. Manor, United States Air Force, for their courageous attempt on November 21, 1970, to liberate a substantial number of prisoners-of-war being held under inhumane conditions by the Government of North Vietnam in violation of the Geneva Conventions; and be it further

Resolved, That the extraordinary courage, dedication, and selflessness displayed by the members of such joint task force has earned for them the highest admiration and commendation of this Nation and has brought an undeniable luster to the Armed Forces of the United States and the people they so honorably serve; and be it further

Resolved, That a copy of this Resolution be forwarded by the Secretary of the Senate to each person who participated in the special joint Army-Air Force Task Force Rescue Mission.

(The remarks of Mr. DOLE when he submitted the resolution and ensuing debate appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 487—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO RUBY M. DOZIER

Mr. BYRD of West Virginia (for Mr. JORDAN of North Carolina), reported the following original resolution (S. Res. 487); which was placed on the calendar.

S. RES. 487

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Ruby M. Dozier, widow of Ellsworth B. Dozier, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and other allowances.

SENATE RESOLUTION 488—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO MARY ANN MILLER, CORRINE D. STREET, DELORES A. STREET, CALVIN E. STREET, AND CLARENCE E. STREET

Mr. BYRD of West Virginia (for Mr. JORDAN of North Carolina) reported the following original resolution (S. Res. 488); which was placed on the calendar.

S. RES. 488

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary Ann Miller, Corrine D. Street and Delores A. Street, daughters; and to Calvin E. Street and Clarence E. Street, sons of Dorothy M. Street, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of her death, a sum to each equal to one-fifth of six months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 489—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO FRED W. FRAY, JR., AND RICHARD E. FRAY

Mr. BYRD of West Virginia (for Mr. JORDAN of North Carolina), reported the following original resolution (S. Res.

489); which was placed on the calendar.

S. RES. 489

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Fred W. Fray, Jr., and Richard E. Fray, sons of Fred W. Fray, an employee of the Senate at the time of his death, a sum to each equal to five months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 490—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO ETHEL G. ROBINSON

Mr. BYRD of West Virginia (for Mr. JORDAN of North Carolina), reported the following original resolution (S. Res. 490) which was placed on the calendar.

S. RES. 490

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Ethel G. Robinson, widow of William G. Robinson, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and other allowances.

AMENDMENT OF THE SOCIAL SECURITY ACT—AMENDMENT

AMENDMENT NO. 1082

Mr. MANSFIELD submitted an amendment intended to be proposed by him to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the operating effectiveness of such programs, and for other purposes, which was ordered to lie on the table and to be printed.

RESTORATION OF TITLE IN TRUST TO THE TAOS PUEBLO OF MEXICO—AMENDMENT

AMENDMENT NO. 1083

Mr. HARRIS. Mr. President, I am today joining with the distinguished junior Senator from Michigan (Mr. GRIFFIN) as the principal sponsors of an amendment to H.R. 471, as reported by the Senate Committee on Interior and Insular Affairs. The amendment that we are submitting is cosponsored by Senators BROOKE, CRANSTON, MCGOVERN, and PERCY.

The terms of our amendment would substitute the original House-passed bill for the bill recently reported by the Senate committee by a split vote. Our amendment would provide for restoration of title in trust to the Indians of the Taos Pueblo. Under the version of the bill approved by the Senate committee the Indians would be denied restoration of title and would be given an undefined right to exclusive use of the area under the supervision of the Forest Service.

It was determined in 1965 that the Taos Pueblo was wrongfully deprived of its title to the Blue Lake and the lands they hold sacred surrounding the lake. Title was taken from the Indians in 1906 and the lands were made a part of a national forest.

The Taos Indians have consistently refused monetary compensation for the taking of their land. They have maintained that because of the unique religious and other intrinsic value of this area, the value of the land cannot be expressed in monetary terms. I agree.

The Taos Indians have also consistently maintained that they are entitled to receive at least what H.R. 471, as it passed the House, provides. With this I agree. The struggle of the Taos Pueblo to gain this is a significant struggle for all American Indians. The right of a people to retain their culture, their religion, and their heritage is at stake. I hope the Senate will recognize this fact and approve the amendment we are offering.

I submit the amendment and ask that it be printed as an amendment and that it be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. HUGHES). The amendment will be received, printed and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment No. 1083, intended to be proposed by Mr. HARRIS for himself and other Senators is as follows:

AMENDMENT NO. 1083

On page 6, beginning with line 10, strike out all through line 2 on page 12 and insert in lieu thereof the following:

The section 4 of the Act of May 31, 1933 (48 Stat. 108), providing for the protection of the watershed within the Carson National Forest for the Pueblo de Taos Indians in New Mexico, be and hereby is amended to read as follows:

"SEC. 4. (a) That, for the purpose of safeguarding the interests and welfare of the tribe of Indians known as the Pueblo de Taos of New Mexico, the following described lands and improvements thereon, upon which said Indians depend and have depended since time immemorial for water supply, forage for their domestic livestock, wood and timber for their personal use, and as the scene of certain religious ceremonials, are hereby declared to be held by the United States in trust for the Pueblo de Taos:

"Beginning at the southeast corner of the Tenorio tract on the north boundary of the Taos Pueblo grant in section 22, township 26 north, range 13 east;

"thence northwesterly and northeasterly along the east boundary of the Tenorio tract to the point where it intersects the boundary of the Lucero de Godoi or Antonio Martinez Grant;

"thence following the boundary of the Lucero de Godoi Grant northeasterly, southeasterly and northerly to station 76 on the east boundary of the survey of the Lucero de Godoi Grant according to the March 1894 survey by United States Deputy Surveyor John H. Walker as approved by the United States Surveyor's Office, Santa Fe, New Mexico, on November 23, 1894;

"thence east 0.85 mile along the south boundary of the Wheeler Peak Wilderness, according to the description dated July 1, 1965, and reported to Congress pursuant to section 3(a)(1) of the Wilderness Act (Public Law 88-577);

"thence northeast approximately 0.25 mile to the top of an unnamed peak (which is approximately 0.38 mile southeasterly from Lew Wallace Peak);

"thence northwesterly 1.63 miles along the ridgetop through Lew Wallace Peak to Old Mike Peak;

"thence easterly and northeasterly along the ridgetop of the divide between the Red River and the Rio Pueblo de Taos to station numbered 109 of said 1894 survey, at the juncture of the divide with the west boundary of the Beaubien and Miranda Grant, New Mexico (commonly known as the Maxwell Grant), according to the official resurvey of said grant executed during July and August 1923 by United States Surveyor Glen Haste and approved by the General Land Office, Washington, District of Columbia, on April 28, 1926;

"thence southeasterly, southwesterly, and southerly along the west boundary of the Maxwell grant to the north line of unsurveyed section 33, township 26 north, range 15 east;

"thence southerly to the north boundary of fractional township 25 north, range 15 east;

"thence southerly and southwesterly through sections 4, 9, 8, and 7, township 25 north, range 15 east to the southwest corner of said section 7;

"thence westerly along the divide between the Rio Pueblo de Taos and Rio Fernando de Taos to the east boundary of the Taos Pueblo grant;

"thence north to the northeast corner of the Taos Pueblo grant;

"thence west to the point of beginning; containing approximately 48,000 acres, more or less.

"(b) The lands held in trust pursuant to this section shall be a part of the Pueblo de Taos Reservation, and shall be administered under the laws and regulations applicable to other trust Indian lands: Provided, That the Pueblo de Taos Indians shall use the lands for traditional purposes only, such as religious ceremonials, hunting and fishing, a source of water, forage for their domestic livestock, and wood, timber, and other natural resources for their personal use, all subject to such regulations for conservation purposes as the Secretary of the Interior may prescribe. Except for such uses, the lands shall remain forever wild and shall be maintained as a wilderness as defined in section 2(c) of the Act of September 3, 1964 (78 Stat. 890). With the consent of the tribe, but not otherwise, nonmembers of the tribe may be permitted to enter the lands for purposes compatible with their preservation as a wilderness. The Secretary of the Interior shall be responsible for the establishment and maintenance of conservation measures for these lands, including, without limitation, protection of forests from fire, disease, insects or trespass; prevention or elimination of erosion, damaging land use, or stream pollution; and maintenance of streamflow and sanitary conditions; and the Secretary is authorized to contract with the Secretary of Agriculture for any services or materials deemed necessary to institute or carry out any of such measures.

"(c) Lessees or permittees of lands described in subsection (a) which are not included in the lands described in the Act of May 31, 1933, shall be given the opportunity to renew their leases or permits under rules and regulations of the Secretary of the Interior to the same extent and in the same manner that such leases or permits could have been renewed if this Act had not been enacted; but the Pueblo de Taos may obtain the relinquishment of any or all of such leases or permits from the lessees or permittees under such terms and conditions as may be mutually agreeable. The Secretary of the Interior is authorized to disburse, from the tribal funds in the Treasury of the United States to the credit of said tribe, so much thereof as may be necessary to pay for such relinquishments and for the

purchase of any rights or improvements on said lands owned by non-Indians. The authority to pay for the relinquishment of a permit pursuant to this subsection shall not be regarded as a recognition of any property right of the permittee in the land or its resources.

"(b) The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1049, 1050), the extent to which the value of the interest in land conveyed by this Act should be credited to the United States or should be set off against any claim of the Taos Indians against the United States.

"(e) Nothing in this section shall impair any vested water right."

THE TAOS-BLUE LAKE LEGISLATION—A FIRST AND SYMBOLIC STEP TOWARD A NEW ERA FOR INDIANS

Mr. GRIFFIN. Mr. President, I wish to indicate my strong support for an amendment which will seek at the appropriate time on the Senate floor to substitute the House-passed version of H.R. 471 for the bill approved by the Interior and Insular Affairs Committee.

The purpose of this legislation is to convey trust title to the Pueblo de Taos Indians in New Mexico of approximately 48,000 acres of land—land they have used since the 14th century for religious and tribal purposes which the United States took from the Indians in 1906 without payment of any compensation.

President Nixon, in his historic message of July 8, 1970, on Indian affairs, outlined a number of proposals designed to change the direction of our Indian policies. President Nixon specifically cited enactment of the House-passed version of the Taos-Blue Lake bill as an important symbolic step toward development of a new relationship of trust and confidence between Indians and the Federal Government.

This legislation is the first of President Nixon's recommendations in the area of Indian affairs to reach the floor of the Senate. By enacting this legislation in the form recommended by the President we will be according justice and demonstrating commitment to a group of Americans who have been neglected in many respects for too long.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 25, 1970, he presented to the President of the United States the enrolled bill (S. 3630) to amend the joint resolution establishing the American Revolution Bicentennial Commission.

ADDITIONAL STATEMENTS OF SENATORS

THANKSGIVING 1970—A TRIBUTE

Mr. HATFIELD. Mr. President, one of Oregon's leading industrialists, Mr. Ira C. Keller, chairman of the board, Western Kraft Corp., Portland, Oreg., has composed a tribute to the Thanksgiving season which I would like to share with my colleagues. Mr. Keller combines in an unusually effective manner the dynamic qualities of a successful business executive with a fervent support of the fundamental individual strengths of our Nation.

I ask unanimous consent that Mr. Keller's tribute to Thanksgiving 1970 be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

Would it not be interesting
If we all stopped reading and listening
About what's wrong with almost everything,
And swore a terrible swear
To be exclusively aware
Of the good and the gay
And the beautiful?

Surely we'd find that we do not need
The depressing news of the dissident deed.
And surely if no one watched or heard,
The exaggerated gloom would become absurd
And no one could gain by spreading it.

And then, would it not be refreshing
To cast our doubts away
And simply be
Grateful for the good,
Appreciative of the beautiful,
And thankful to be living
With all the kindly people
Who make life happy and gay?

I.C.K.

THE COST OF LIVING

Mr. KENNEDY. Mr. President, yesterday's dismal news that the cost of living has taken yet another turn for the worse demonstrates once again the continuing inability of the administration to bring the Nation's economy under control.

The rise of 0.6 percent in the Consumer Price Index for October means that prices are now rising at an annual rate of more than 7 percent a year. Coming hard on the heels of the September price increase of 0.5 percent—6 percent a year—the October figures show how rapidly we are losing ground in the fight against inflation.

In addition, over the same 2 months, we have seen the rate of unemployment rise steeply to 5.5 percent in September, and then to 5.6 percent in October. Millions of our citizens are out of work, and the specter of rising unemployment haunts tens of millions more.

Never before in American history have we experienced this situation of simultaneous inflation and recession. For too long, the administration has simply refused to acknowledge the deteriorating condition of the economy, or to change the policies that proved so ineffective in the past.

It should be abundantly clear by now that the administration's current fiscal and monetary policies alone simply cannot do the job of ending inflation and reducing unemployment. By rigidly adhering to its present policies, the President is placing the Nation in a cruel dilemma—tighten the screw and create even greater unemployment, or loosen the screw and send prices and inflation even higher.

There is a way out of this dilemma, however, and the need to use it has never been more urgent. If we are to escape the twin dangers of inflation and recession, we must have an effective policy of voluntary price and wage restraint. The time is long overdue for President Nixon and Budget Director Shultz to abandon their ideological opposition to such a policy, or face the consequences of rising popular demand for mandatory controls and other stringent measures to pull the economy out of its current tailspin.

The adoption of such a wage-price policy—fair and even-handed in its application to business and labor alike—should be our No. 1 priority for the economy. In recent weeks, a large number of the most respected economists and economic organizations in the Nation—and many international groups as well—have joined in calling for the President to implement such a policy. Business Week and Fortune have urged it. So have the OECD, the IMF, and the Bank for International Settlements. Months ago, Arthur Burns recommended such a policy. More recently, Chairman McCracken has given implicit recognition to the need. The Republican members of the Joint Economic Committee agree that such a policy is essential. This week, the highly respected Committee for Economic Development, representing 200 of the foremost business executives and educators in the Nation strongly recommended such a policy.

I urge the President to act now to establish an effective wage-price policy. I believe that it is the single most important step we can take today to restore the health of our sick economy. The alternative is to allow the present slide to continue, and generate yet another disastrous round of rising inflation and unemployment.

AMERICAN SERVICEMEN HELD CAPTIVE BY NORTH VIETNAM

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Texas (Mr. TOWER) relative to American servicemen who are being held captive by North Vietnam.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR TOWER

There is hardly a member of Congress who has not in a variety of ways expressed deep concern for our servicemen who are held captive by the North Vietnamese. We have decried the inhumane treatment that has been accorded these men and the flagrant disregard of North Vietnam for the provisions of the Geneva Convention on Prisoners of War. This past weekend affirmative action was taken to rescue some of our men. It was a bold effort demanding of a high degree of personal courage and expressing more clearly than words the deep concern of the volunteers who undertook it.

We have been at the peace table two years. The most significant breakthrough in negotiations was, after prolonged wrangling, agreement on the shape of the table. Meanwhile, our servicemen have been suffering, rotting and dying in North Vietnamese prison camps and their wives, children, mothers, and fathers have been subjected to the perpetual anxiety of not knowing whether they are alive or dead, well or ill. This uncertainty, wielded like a bludgeon by the North Vietnamese to break the morale of innocent women and children in the United States, is a vicious and unprincipled psychological weapon. Perhaps, this daring strike to free Americans will convince the North Vietnam-

ese that there is no profit in it; that they cannot persist in this inhumane course with no effort, save words, put forth to discourage them.

Mr. President, it is with great enthusiasm that I join with the Senator from Kansas and others in commending Colonel Simons, General Manor, and their valiant volunteers for their efforts in behalf of American servicemen held captive in North Vietnam.

DISASTER IN EAST PAKISTAN

Mr. INOUYE. Mr. President, while much attention has been focused on the problem of people caught up in the conflict which has raged for far too long in Southeast Asia, the very serious and major suffering which has occurred through natural disasters in recent weeks has gone almost unnoticed and unmentioned. The worst of these is, of course, the disastrous cyclone which hit the delta area of East Pakistan.

I would like today to call the attention of my colleagues to another recent and major tragedy—the severe typhoon which hit Manila and central Luzon last week with such destructive and terrifying force.

This typhoon—the fourth to hit the Philippines in recent weeks—has left some 170 dead, 200 missing, 1,500 injured, an estimated 30,000 homeless, and has resulted in some $80 million loss in property damage.

It knocked out water and electric power service to much of Manila and other areas, disrupted communications and has threatened the health and welfare of the Philippine people. It is a major national disaster.

With our long history of involvement in the Philippines, and with our history of affection for the Philippine people, I was naturally concerned that our Government take effective action to help these people in their hour of need.

I have been assured by our State Department that such aid is being given. They report that we moved in mobile generators to restore electric power; that our military made available numerous water trucks to provide drinking water for the population, that we provided aircraft for the use of Philippine officials in evaluating the extent and nature of the damage and in assessing relief needs, that we distributed food relief supplies including some 30,000 nutri-bunds and 13,000 50-pound sacks of flour to the needy and the suffering.

I have been assured that our response has been generous and timely. I commend those responsible, for it should certainly not be otherwise, and I encourage extraordinary effort.

We should be generous in cases of natural disaster any place on this globe. Too often we appear to provide military assistance to foreign governments under the claim that this is essential to the survival of a free government and to the welfare of a people, but when faced with a crisis brought on by natural disaster we appear to be penurious in our help and ill-organized to extend it effectively. Is it any wonder then that our motives are sometimes questioned?

In the case of the Philippines we should be particularly generous. The Philippine people are not some vanquished former enemy or hostile or even a neutral people—they are our friends and in a sense part of our "family". They have helped us in our hour of need. We must spare no effort in being of assistance when we can. We owe the people of the Philippines much for their support and valiant efforts during World War II. I know that that friendship which binds us will be greatly strengthened by our generous help in the current crisis as we seek to alleviate the suffering caused by this disaster.

IS BOMBING THE WAY?

Mr. HATFIELD. Mr. President, reports of increased bombing within our country and the tragic loss of life and property that comes in the wake of such violence questions the integrity of our institutions as well as presenting a challenge to the American people. Just as those who decry violence at home and advocate it abroad are hypocrites so are those who decry violence abroad and advocate it at home. Both are saboteurs of peace and should be equally condemned.

During the recent adjournment, Mr. President, Nicholas von Hoffman spoke to this point very well in his column published in the Washington Post of October 19, 1970. Those who seek justice, those who seek a fulfilling peace, those who seek freedom for themselves or others, can only demean and deter progress toward their goals if they assert a policy of violence. I ask unanimous consent that the commentary by Nicholas von Hoffman be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOMBING ISN'T THE WAY

(By Nicholas von Hoffman)

What would you do if your doorbell rang at three o'clock some morning, and when you went to answer it there was this person, recognizable as an acquaintance or friend, standing there, looking at you and saying, "Hide me! I've just blown up a police station."

Very few of us will ever be unlucky enough to be put in that position directly, but many, many of us are put in it conversationally. All the time people are talking about the revolution—no longer about the movement—all the time they're talking about the bombings, Angela Davis, the shootings, all the time they're soliciting some of us to declare we approve of it even if we can't exactly make ourselves join in.

There are a lot of pressures on many of us to assent.

There are the external ones, such as Agnew is against it; it's hard to concede that even Agnew can be right once in his flannelmouthed life, hard to be on the same side of any question with guys like him. But you don't have to be directly involved to be an accomplice in a non-legal sense. Agnew is right when he gives it to people who talk up the idea of blowing up buildings.

There are so many whispered, admiring conversations about righteous cats into heavy business and no one argues about it. It's taken for granted that it's okay. The underground newspapers are no help. Even though it's their First Amendment right to print diagrams of guns and bombs and turn their pages into replicas of War Department manuals, they also are contributing to an ambiance of encouragement.

The more difficult-to-resist pressure comes from within, from a hatred of the kind of person who won't live what he believes. The inner spokesman tells you, "If you believe in why these people are detonating bombs, then you must help them, you must take part and be one with them."

Charles A. Reich in a very fine article called "The Greening of America" (The New Yorker, Sept. 26, 1970) says that people who think this way partake of a new consciousness, one that "does not think much of fighting for change from the comfort of personal security and elegance. He feels if he is to be true to himself he must respond *with* himself. If he is deeply committed he may take a job teaching in a ghetto school, which offers neither prestige nor comfort but offers the satisfaction of personal contact with ghetto children. He does not assume that he can fight society while luxuriating in its benefits. He must take risks—the risk of economic loss, of discomfort, of physical injury, of a jail sentence. The liberal can be detached, cool, intellectual, cynical; he fights with his head. (The new consciousness) is more apt to feel visceral outrage at the ugliness of a freeway or the misery of a slum."

This is the tug of the Weatherman myth; the supreme, unto-death refusal to act and live powerlessly when individual impotence and powerlessness is the most universally shared social perception. Reich expresses it well, calling America, "one vast, terrifying anticommunity." He says, "We seem to be living in a society that no one created and that no one wants. The feeling of powerlessness extends even to the inhabitants of executive offices . . . 'Government' is forbidden to interfere with free speech but corporations can fire employees for free speech, universities can expel students for free speech, and newspapers and television and magazines can refuse to carry 'radical' opinion."

The bomb, then, is thought of as the tool of resistance in a society which can legally and constitutionally deprive you of food, shelter and clothing unless you talk, dress and live in a manner suitable to the interlocking, corporate units we all work for. But this said, is this justification for the trashing, the bombing, shooting and the kidnaping that the FBI thinks, with good reason, is to come?

The answer to that question is an unqualified no on all grounds. We must examine the grounds and not give a vague, nodding approval to these acts because they don't injure us personally, and it's all far away and distant, and anyhow we don't personally know anyone who's into high explosives. That's exactly how a lot of people have supported the Vietnam disaster.

The tactical grounds for saying no are simple. These may be revolutionary acts, but they're not acts in a revolution. There is not now nor will there be in the forseeable future an armed revolution in the United States. The bombings will only incite a lot of calamitous legislation which will be enforced with the panic and bad judgment that springs from fear.

There are other and higher reasons for saying no. If we deny that this government has the right to waltz into Southeast Asia and pronounce summary judgment on the people and property there, where do any of us get the right to do it here? Does ardent belief in certain principles issue any of us a permit to bomb and kill?

One of the more recent incidents was the bombing of a library at Harvard. The bombers are purported to have said they did it because the Nixon administration uses the books there in carrying out foreign policy. What kind of rubbish is this? We ought to be grateful the Nixon administration has taken to reading books, even Zap Komiks.

After the terrible experiences that have belonged to successive generations of this cen-

tury we should have learned the means always shapes the ends. Whatever end is accomplished by means of murder and explosions will be inherently murderous. We have Thieu and Ky as examples of that. You don't beget peace, tranquility and a generous and tender caring for life by murdering policemen and blowing up buildings.

SOVIET JEWS

Mr. RIBICOFF. Mr. President, last night at the Washington National Cathedral, 2,000 concerned citizens gathered to protest the mistreatment of Jews in the Soviet Union. The recent arrests and the impending trials are only the latest in a series of actions designed to intimidate and silence the Jewish population of the Soviet Union. There is genuine cause for apprehension over the ultimate fate of Russia's 3 million Jews as a result of the increased tempo of the vilification of Jews and Israel in the Russian media. This meeting was held to call attention to this danger.

I ask unanimous consent that the text of my remarks to this gathering, sponsored by the American Jewish Conference on Soviet Jewry and the Jewish Community Council of Greater Washington, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ABE RIBICOFF

Whether 3 million Russian Jews will survive as Jews depends to a great extent on how much attention can be focused on the discriminatory and repressive actions of the Soviet government.

Premier Kosygin's "workers' paradise" in the year 1970 has become a living hell for those Jews who have lawfully expressed their desire to emigrate to Israel. The recent arrests, acts of intimidation, and crude vilification of Jews in the press speaks louder than the hypocritical denials of anti-Semitism by Soviet spokesmen.

When the word Jew is made synonymous with the word Zionist, and when Zionism is openly compared to Nazism, then the Soviet Union is not deluding anyone. The Soviet government's systematic eradication of Jewish life exposes all too clearly the true motives of a regime which purports to treat all religions with equal indifference, but the Jewish religion differently and unequally.

But the problem is not one of presenting the damning evidence. We already have far too much of that. The problem is to translate concern into action.

Let us face the facts. The Soviet Union's unwavering support of the Arab cause in the Middle East and the restrictions on travel abroad imposed on all Soviet citizens, rule out any sizeable migration of Soviet Jews to Israel in the forseeable future.

But if they will not let Soviet Jews go—they might be induced to leave them alone. Without sacrificing vital Soviet interests, why can't a few more families be reunited? Why can't a minimum of Jewish religious life be tolerated? At the least, we can dare to hope that the Soviet Union will begin to narrow the yawning gap between what they say about their treatment of Jews, and what they actually do.

In the past we have passed a Joint Resolution condemning the persecution of Soviet Jews. I have met with Ambassador Dobrynin, and have intervened on behalf of Soviet Jewry with the highest officials in our own land. Many of you have attended other meetings and protests and have made your feelings known.

While the results of these efforts appear today to be so tragically disappointing, yet Soviet sensitivity over this issue demonstrates that while they may deny, they still listen. And they listen particularly closely here in Washington to see how much our own country cares about the fate of Soviet Jewry.

We must continue to confront the leaders of the Soviet Union with the monstrous crime of cultural genocide they are practicing against Jews in the Soviet Union. We must let the Soviet government know that we will continue to expose their shameful acts, and that we will not turn our backs on our brothers imprisoned in Russia. We must persist in embarrassing the Soviet Union until its discriminatory policies cease. And we must convince our own government that the subject of Soviet Jewry must be placed high on the agenda of the outstanding problems between our two countries.

In the final analysis, we must make the Soviet Union realize that its mistreatment of Soviet Jews is counter-productive politically, and damaging to its world position. Unless we do this, 3 million more Jews will be lost.

Human decency demands that we do everything in our power to ensure the survival of our fellow Jews in the Soviet Union.

THE ANTICIGARETTE BRAINWASH CAMPAIGN

Mr. COOK. Mr. President, amidst the strident voices of anticigarette zealots there occasionally comes through a dissenting peal of truth, totally unvarnished as to exaggeration or fact. With an impressive outburst of candor the New York News, New York City, one of the largest circulation newspapers in the United States, printed an editorial on November 15 which was a stinging rejection of the publicized request of the president of the American Cancer Society for free advertising space in newspapers to carry on its anticigarette crusade after the first of the year.

Entitled "Tops in Gall," the editorial places the controversy in proper perspective, and I salute their bravery in confronting the great brainwash campaign, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TOPS IN GALL

The new federal law barring cigaret commercials from television and radio takes effect Jan. 2, 1971, and the American Cancer Society says it expects "a massive influx" of cigaret advertising thereafter to the newspapers, magazines and other print media.

We hope the ACS expectation is correct.

The News likes advertising, lives in large part on advertising, and has no slightest compunction about printing cigaret advertising.

We feel this way because—while we don't claim that smoking cigarets will improve your health or make you an athlete like unto Joe Namath—we do not believe the charges that cigarets cause lung cancer, emphysema and heart trouble, though they can aggravate some of these ailments after you contact them from other causes.

Further, we hereby reject an appeal which the American Cancer Society already is making, and which we consider tops in gall: namely, that after Jan. 2 the newspapers and magazines give the ACS space in which to answer the cigaret advertisements.

We'll be happy to sell such space to the ACS. But donate such space? Certainly not. We are not in business for our health, and once this stuff started there is no telling where it would end.

Incidentally, the Damon Runyon Memorial Fund for Cancer Research (founded by Walter Winchell) peddles no propaganda, allots all funds to bona fide cancer research, and has offices at 33 W. 56th St., New York, N.Y. 10019.

THE DEESCALATING WAR AGAINST POVERTY

Mr. BAYH. Mr. President, in his inspiring inaugural address, the President told us that:

Our task is to build on what has gone before—not turning away from the old, but turning toward the new.

And for "Those who have been left out," he promised, "we will *try to bring* in." On October 12, we learned of the latest effort to build, and to bring those in who have been standing outside the system. For on that day there were reports to the effect that the Office of Economic Opportunity would be ordered to cut its fiscal 1972 budget in half. This would mean reducing the present OEO budget of $2.08 billion to $1.05 billion. In addition to these budget cuts, it was also reported that the President would recommend transfer of a number of antipoverty programs to other Federal agencies. The rationale being used here is that those antipoverty programs which will be transferred will no longer need to be funded out of the OEO budget.

If it is indeed true that the next OEO budget is to be cut in half, I feel compelled at this time to speak out against the poverty of the Nixon administration's antipoverty policies. It is quite evident that the direction the administration is taking can only be detrimental to the long-term interests of those who have for far too long been standing outside the system. I fear that instead of bringing the poor in, as they—and we—were led to expect, new barriers are being erected. A pattern can clearly be seen developing within the Nixon administration obviously aimed at decreasing the effectiveness of what was once termed "The War on Poverty."

When considering the real course of our national priorities, as distinguished from the President's words, it is becoming more and more evident that ending the cycle of poverty is not high on the list. The President's strategy is becoming more evident all the time. While deescalating the war in Vietnam slowly, he is rapidly deescalating our national commitment to winning the war against poverty.

Let me briefly recount some of the events of the past year and a half that illuminate the direction the President has apparently decided to take in relation to the poor.

THE JOB CORPS

On April 11, 1969, it was announced that the Job Corps would be integrated into the Labor Department. Of the 106 Job Corps Centers in operation at that time, 59 were to be closed down. The

President claimed this move was being made in order to save an estimated $100 million. But the impact of these cuts in the program cannot be measured in financial terms. With the closing of the camps and the de-emphasis on the importance of the Job Corps, many hard to employ youths were sent to their homes to face the pending summer with little if any chance of employment. It took a lot of work to convince many of the Job Corps recruits of the importance of job training. As a result of the Job Corps cutback, these recruits were left not only without a job, but with less hope than ever of getting one. On April 25, 1969, I questioned the Nixon policy. I said then:

By cutting back such a worthwhile program of job training, we are not helping the underprivileged help themselves; we are merely putting them back on the streets. President Nixon's substituting "mini" skill centers for Job Corps Centers is simply substituting "mini" solutions for maximum problems.

HEADSTART

For years Headstart has been referred to as the "darling" of the antipoverty program. It has certainly been one of the most successful and most popular programs to attack poverty. Its purpose has been to start early by guaranteeing a decent education to children between the ages of 3 to 6. Headstart has had few opponents in its brief history. But money has been desperately needed to make it work. It has been estimated that Headstart will reach 488,500 children in 1970. But in 1971, it is estimated that the program will reach only 403,700 children. Why should such a popular program decrease its outreach rather than increase it? The answer is because OEO has requested only $339 million for Headstart compared to $326 million in 1970. But in 1971 the emphasis on Headstart is seen as a full year rather than a summer program. Because of this emphasis, the increased request falls far short of meeting the demand. It is becoming more and more evident that even the successful Headstart program is expendible.

LEGAL SERVICES PROGRAM

This program has been a great asset in fighting the battle against poverty. It has operated on the premise that no one should be restrained from obtaining legal assistance in matters of civil law because of their inability to pay for it. But even this program recently appeared destined to undergo a watering-down process which would in fact dilute its effectiveness. This would have been done by decentralizing the Legal Services Office and placing it under the control of 10 regional officers. Under this reorganization the chief regional officer did not necessarily need to be a lawyer.

This would mean that the hard work of an independent lawyer could have been overruled by a nonlawyer regional director whose decision might have been the result of political motivations. I was encouraged to see that OEO Director Rumsfeld has publically announced that the proposed decentralization will not take place. He sighted his reason as pressure from Members of Congress and the American Bar Association. I ask unanimous consent to have printed in the RECORD an article from the Washington Post of November 15 which explains Mr. Rumsfeld's position.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POVERTY CHIEF SHIFTS ON LEGAL SERVICES

Bowing to pressure from the organized bar and Congress, antipoverty director Donald Rumsfeld has decided against putting the embattled legal services program under the control of regional directors.

Rumsfeld's decision ended, at least temporarily, a two-month battle among lawyers and government officials in which bar leaders charged that the Office of Economic Opportunity was scuttling a major bar-supported program of legal aid to the poor.

The move, which Rumsfeld said had been explored in a quest for greater efficiency, stirred opposition from liberal congressmen from both parties as well as the American Bar Association and a special advisory committee that has worked for five years to ensure lawyer control of the program.

ABA SUPPORT NEEDED

Rumsfeld disclosed his decision yesterday in an announcement that showed he still favored the decentralization idea but was impressed by the opposition from the ABA and members of Congress. ABA support for the program is "crucial," he noted, and key legislators had provided "helpful suggestions" about the controversy.

The lawyers argued that the program, which has frequently stirred the ire of local politicians by suing for the rights of persons who never had lawyers before, should not be controlled by regional supervisors who were non-lawyers and were subject to local political pressures.

They contended the program was safer with direction from Washington under Legal Services Director Terry Lenzner, who was reported ready to resign if bypassed under the reorganization.

Rumsfeld vigorously denied that the regional chiefs were politically motivated or "unsympathetic to the program or to the interests of the poor." He said he was taking immediate steps toward accomplishing, without regionalization, better coordination between legal services and other antipoverty programs.

Lenzner said he could not comment in detail about the announcement because he had seen it for the first time yesterday and had not been consulted by Rumsfeld about it during the past week. He said the announcement "appears to be a reaffirmation" of a policy decision last year to maintain the program's professional independence.

AMENDMENT OPPOSED

ABA officials were successful last year in rounding up opposition to an amendment that would have permitted governors to veto legal services programs in their own states. They charged that the regionalization program threatened to accomplish some of the same objections which Congress had just repudiated.

Rumsfeld said his decision had been made with "particular attention" to the views expressed in a letter last month from ABA president Edward L. Wright, but he said nothing to indicate he shared Wright's views on the merits of the issue.

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the RECORD the text of my letter of October 30 to Mr. Rumsfeld, stating my position on the issue.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 30, 1970.

Hon. DONALD RUMSFELD,
Director, Office of Economic Opportunity, Washington, D.C.

DEAR DON: In the past few weeks there have been a number of conflicting reports concerning the future course of the Legal Services Program of OEO. One element appears to be common to these reports: that plans are being formulated to regionalize the Legal Services Program. Because of the possibility of such regionalization, I feel that it is necessary to make my views clear on this matter.

Obviously, the Legal Services Program under the dedicated leadership of its director, Terry Lenzner, has been a great asset in fighting the battle against poverty. It has operated on the premise that no one should be restrained from obtaining legal assistance in matters of civil law because of inability to pay. It has been reported that decentralization of the Legal Services Office would mean placing it under the control of 10 regional officers. Under this reorganization, the chief legal officer need not necessarily be a lawyer. This would mean that an independent lawyer's findings could be overruled by a regional director untrained in law and on the basis of non-legal considerations. This proposed move could also infringe upon attorney-client relationships, another result disadvantageous to the poor.

In the past, I have actively supported legislation designed to bring improvements to the anti-poverty program. The successes of that program have convinced me of the need to expand it so that it might more effectively serve the approximately 25 million Americans who are now in poverty. It is evident that the latest plans of OEO would have a negative effect on these same people.

Many of the Nation's poor have never received the legal rights they deserve. The Legal Services Program has been an effective instrument serving to correct this deficiency. This was recognized by the Washington Post when it stated editorially on October 30, 1970 that in its relation to the poor, "The law has been an ally, not an enemy". I concur with this description and am concerned that any regionalization would seriously threaten if not destroy this relationship. Many of the poor have put their faith and trust into the law, particularly since the good legal assistance available through the Legal Services Program has encouraged the poor to work through the system rather than to reject it. Certainly, OEO should consider this important fact before any final decision is made.

In March of 1969 the Office of the Comptroller General of the United States, in its "Review of Economic Opportunity Programs", spoke quite positively about the Legal Services Program. The report stated that, "LSO had contributed significantly in providing equal justice under law to the poor . . .". The report asserted further that LSO has been able to do this by "affording legal representation to the poor and educating them as to their legal rights and responsibilities". To date, the LSO has certainly not reached its full potential. I am aware that out of the 5 million persons needed to be served by the program, only 800,000 cases will be handled by LSO in 1970. By putting the program under regional administration you are practically guaranteeing that this potential will never be reached.

I would appreciate having your clarification concerning the future of the Legal Services Program and will be looking forward to your prompt reply on this important issue.

Sincerely,

BIRCH BAYH.

Mr. BAYH. Mr. President, I was pleased that Mr. Rumsfeld was receptive to the concerns of myself and my Senate

colleagues regarding the legal services issue.

However, after Mr. Rumsfeld publicly stated his stand against regionalization of Legal Services, he turned around and fired the chief of the Legal Services program, Terry Lenzner, and his deputy, Frank Jones. As a result of his action, Mr. Rumsfeld has again placed himself in opposition to the best interests of the poor in this country. During his leadership of the Legal Services program Mr. Lenzner has molded the program into a powerful weapon to be used by the poor to fight their battle within the structure of the American system of justice. In firing Mr. Lenzner, OEO Director Rumsfeld has again projected himself as a voice for the President rather than a voice for the poor. This unfortunate action comes at a time when the Legal Services program desperately needs a restoration of confidence in order to perform the job for which it was designed. That is, to assist the poor in obtaining the legal rights that more fortunate Americans now enjoy.

THE MIGRANT DIVISION

Again we see the impeding threat to the OEO Migrant Division which may also be destined to decentralization. It is essential that the authority over migrant programs not be placed in the hands of politically motivated regional officers.

THE COMMUNITY ACTION PROGRAM

This program has been hard pressed ever since the Nixon administration took office. Its primary aim is to organize the poor to help themselves. Yet the President is operating against increasing this program. It is estimated that $145.8 million will be spent on community action operations in 1970. However, the President's fiscal 1971 budget calls for only $142.8 million for this important program. It is becoming increasingly harder for the requests of the poor to be heard. Because of both the financial cutback and the hardening of administration attitudes, it appears that there will be less ears listening to the poor in 1971.

VISTA

Another recent step taken to slow the progress of the antipoverty program has been the policy changes within VISTA. Born out of the idealism of the early 1960's, VISTA has since provided a vehicle for many concerned Americans to work toward bringing change to the country by peaceful and constructive means. The primary strength of VISTA throughout its brief life has been the aspect of community planning and organization. One of the biggest failures of the new OEO policy is the quota system which determines what percentage of volunteers can work in a particular problem area. As a result of this new policy, only 11 percent are allotted to work in the field of community planning. The remaining percentage of volunteers are then designated to work in areas ranging from education and manpower programs, housing programs, health programs, and economic programs. However, this new policy overlooks the basic reality that before you can effectively bring about all of these programs you have to be able to bring the community together. It could be concluded that the 11 percent of volunteers allotted for community planning is an outright attempt to keep poverty area communities divided.

These six examples are only a small part of the problem being raised as a result of the administration's new efforts toward bringing changes within the Office of Economic Opportunity. The attempt at dismantling the war on poverty at this time in our Nation's history can only lead to more racial disunity and greater alienation among many Americans.

On February 19, 1969, President Nixon in a message to Congress set forth his commitment on the question of poverty in America. In that speech, he said of poverty:

> It cannot and will not be treated lightly or indifferently, or without the most searching examination of how best to marshal the resources available to the Federal Government for combating it.

His verbal commitment at that time was both far reaching and positive or so it seems. Certainly the poor were willing to give the newly elected President a chance to act on behalf of their well-being. But over a year and a half has now passed and history has taken its toll. If a searching examination has been made, the feelings which have resulted have certainly not been encouraging to the poor. It is highly doubtful that the President will be able to live up to his commitment to the poor if he continues to follow the direction in which he is currently headed.

To sum up my position, it appears to me that the expectations of the poor do not coincide with the effort expended by the President. The administration's output simply does not go far enough. As my colleague, Senator JAVITS, stated on the Senate floor on August 24, 1970, while discussing the Headstart program:

> In fiscal year 1969, 664,000 children participated in the program. The number declined to 488,500 in fiscal year 1970. The Administration's request for fiscal year 1971 would provide opportunities for only 403,700.

When taken into consideration that the total number in need is 1.3 million children, we can readily see that the situation is becoming worse rather than better. It is not only Headstart that we find lacking in its ability to deal with the total need. Other programs as well are far from reaching their need. It is estimated that the Legal Services program will reach only 800,000 cases in 1970. This compares to a total need of 5 million. Programs for migrants have reached only 284,000 people in 1970 compared to a total need of 3.9 million. The Community Action program will reach an estimated 5,288,000 persons in 1970. The total need here totals 33,850,000 persons. The shortage of funds within the antipoverty program is a serious problem. If we are going to meet the total need standard we are going to have to increase our effort, not cut it back. If we are going to talk about commitment we must also talk about the funds to meet that commitment.

It is, therefore, essential that the funding level of the antipoverty program must not be cut. Confidence must be restored to the programs I have previously discussed.

On Friday, November 20, the Senate approved an additional $59 million for the Headstart program which will enable it to serve an additional 100,000 children over last year if accepted by the House-Senate conference. In addition, the Senate itself restored $42 million for work and training programs which had been cut by the House.

The amendment which I cosponsored provided for increased appropriations for title I, parts A and B of the Economic Opportunity Act. Programs funded under this title are critically needed to serve those persons affected by the already increasing rate of unemployment in the country. In the month of October, the unemployment rate rose to 5.6 percent. This was a 0.1-percent increase over the September figure. Of this percentage rise, the rate for blacks and other minority groups rose from 9 to 9.3 percent. The rate for white workers increased from 5.1 to 5.2 percent. This steadily increasing rate of unemployment is having a very serious impact on those rural areas that cannot avail themselves of broadly diversified opportunities for employment. The impact on workers in the 45 and older categories is critical since they tend to be under greater economic pressure and less able to adjust to changes in employment.

Part B of title I is specifically geared to provide adult work and increased opportunities in rural areas. It is for this reason that the amendment I cosponsored was so vital. Significantly, a majority of the Senate recognized the crucial nature of the problem and passed it. The President's plan if allowed to continue will not be a helpful factor in reuniting a divided country.

The administration's position on this whole matter has been vague and indecisive. It has been reported that OEO Director Donald Rumsfeld recommended as many as three alternative budgets to the Office of Budget Management Director George Schultz. There have also been reports that only $570 million will be available for OEO to operate programs which this year cost $1.3 billion. Because of the conflicting statements arising from this situation, I call upon the President to clarify his position and tell America's poor once and for all if he is going to be cutting the antipoverty program or fulfilling his previous commitment of not treating the program lightly or indifferently. The time has come for us to recognize the need to make an all-out effort to put those in need on their feet so that they can be producing members of society.

Let me conclude by once again restating my concern over the direction the administration is taking in regard to the need to eradicate poverty. The evidence to date has been disappointing or ambiguous, or both. The most recent confusion over the role of OEO and the OEO-funded programs points to continued equivocation. All concerned about the plight of the Nation of deprivation that exists within this Nation of affluence

must demand clarification of the administration's position. For times call not for semantic doubletalk but for statesmenship. I challenge President Nixon to state his position and back it with a tangible commitment. The times are too perilous to do otherwise.

DIALOG ON THE MIDDLE EAST

Mr. HATFIELD. Mr. President, the death of Gamal Abdel Nasser September 28, 1970, climaxed a series of events in the Middle East, the consequences of which we have really yet to determine. On October 2, 1970, Peter Mansfield produced a program for the British Broadcasting Co., presenting the views of numerous individuals with diversified backgrounds and experience in the Middle East. Included in the program were Sir Harold Beely, former British Ambassador to Cairo; Anthony Nutting, former Minister of State for Foreign Affairs in England; David Farhi, lecturer in Middle East studies at the Hebrew University in Israel; Dr. Mohammed Mehdi, an Iraqi teacher in London; Dr. Rahda Karmi, a Palestinian working in England; Michael Adams, director of information for the Council for the Advancement of Arab/British Understanding; Mr. Masseiba, former Arab mayor of Jerusalem and former Jordanian Ambassador in London; General Herzog, former chief of Israeli military intelligence; Sir William Hayter, former British Ambassador in Moscow; George Ball, Under Secretary during the Kennedy administration, and E. C. Hodgkin, foreign editor of the Times.

The views expressed by the individuals participating in the broadcast give an excellent perspective on the nature of the numerous complexities and dilemmas faced in the Middle East. I ask unanimous consent that a transcript of the October 2, 1970, BBC broadcast be printed in the RECORD, as follows:

ANALYSIS

(Presented by Peter Mansfield)

ANNOUNCER. And now Analysis. In the place of the advertised programme Analysis now examines the situation in the Middle East since Nasser's death. Peter Mansfield presents the views of a number of people concerned in the immediate future of political moves in the area and tries to find out how recent events are likely to affect the prospects of war and peace in the Middle East.

MANSFIELD. Statesmen all over the world are considering the meaning of President Nasser's death. President Pompidou of France saw in his lucidity and his courage essential factors in the re-establishment of peace in the Middle East. The Italian Prime Minister said his moderation, which is the noblest and most difficult form of courage, would be hard for his successor to emulate. Even the Israelis have hardly exulted in his departure from the scene. His oldest living enemy, Mr. Ben Gurion, has said that it is regrettable that he should have died at this stage of negotiations for peace. It scarcely needs saying that it'll be difficult for anyone to succeed him in Egypt. His influence will be felt for many years to come. But if and when his successors has succeeded in establishing their position, what are their policies likely to be. Will they be more militant in their attitude towards Israel? Will they finally close the door on all dealings with the United States, and accept complete Soviet tutelage? Or will they tend to turn in on themselves, by withdrawing from the Arab world, and reverting to an Egypt first policy. The late President's last act was to use his authority and prestige to help King Hussein of Jordan and the Palestinian leader Yasir Arafat to end the tragic Civil War in Jordan, a settlement that seemed impossible only two days before, as the Palestinians were describing King Hussein as "the butcher of Amman", or an "Arab Nero". The Civil War, and the plane hi-jackings which preceded it, have perhaps for the first time made the whole world sharply aware who the Palestinians are and why they have been driven to such desperate acts. If understanding is necessary for peace then some progress has been been made. But still the gap between what the Palestinians want and what the Israelis or the big powers, including the Soviet Union, say they should have, is enormous, and apparently unbridgeable. Does this mean that the Palestinians will have to fight on for another century, as so many of them say they are prepared to do? And if they have to do this, does it not mean inevitably that they will become more extreme and more desperate and that they will draw in all the Arab peoples behind them until they are not the moderate President Nasser, are the acknowledged leaders of Arab nationalism. It is a sobering thought, but we cannot dismiss it from our minds merely because it is such a depressing prospect. But first, what was this man like whose death has left such a vacuum in Egypt? Sir Harold Beeley, five years British Ambassador in Cairo, knew him well.

BEELEY. He was a man I think with an instinctive talent for politics, and a man who probably thought about little else. Politics were his life. He exerted himself with the utmost seriousness to the interests of Egypt as he saw them, and to the interests of the Egyptian people. And, of course, the Egyptian people identified themselves with him, as is shown by the scenes in Cairo. He was a man of great tenacity, patience, and became over the years a factor of stability in the Arab world. Egypt has always been the centre of gravity of the Arab world, and with Nassar in control of Egypt he became more and more a moderating element.

MANSFIELD. Mr. Anthony Nutting first met him as Minister of State for Foreign Affairs when negotiating the Anglo-Egyptian Agreement of 1954, and has often talked to him since. Before he left London to attend his funeral he described Nasser in these terms.

NUTTING. I always found him a man of enormous charm. I liked his sense of humour, he had a very English-type sense of humour. And he was a man who in conversation and negotiation, and if you were interviewing him for television which I did once, was so reasonable and talked so calmly and considering your questions, thinking out the answers, not the ranting, rabble-rousing demagogue haranguing the multitude, ganging everybody up for war, which was the public idea of him, the public image of him. He was in stark contrast to this. He wasn't a rabble-rouser at all. He was, I believe, in everything that he stood for as studiously moderate and reasonable as he was in the very rare appearances that he made on television, but which had been seen by people in this country, where people have said "this is just, this can't be Nasser, this isn't the Nasser that we know." This was the real Nasser.

MANSFIELD. But who will succeed him, and perhaps more important, what will be their attitude towards the rest of the world? Sir Harold Beeley again.

BEELEY. I would expect the correct constitutional procedures to be followed in Egypt, and therefore I would expect the inner circle as it now exists, that is to say the members of the Higher Executive of the Arab Socialist Union, and of the existing Government in Egypt, to produce a successor from among themselves. Obviously no successor in that circle can have the authority that President Nasser had, and I therefore think that the offices of President and Prime Minister, which Nasser had combined in his own person in recent years, will be separated. And to that extent there will be a diffusion of power. I think that the general objectives of the new regime will not be very different from those of President Nasser. But there will, of course, be an important difference in the position of the U.A.R. in relation to Palestine as a result of his death. The policy of the U.A.R. had to take . . . has had to take into account up 'til now both the interests of the country it serves and the position of President Nasser in the Arab world as a whole. The second factor has to a large extent lapsed with his death, and I think there is a possibility that the policy of the new regime will be more specifically Egyptian than-er- his policy was in the Palestine question.

MANSFIELD. Mr. Nutting foresees trouble with the Army.

NUTTING. Nasser's successor will have far more difficulty restraining the Egyptian Army than ever Nasser did. I remember the last time I saw him—it was just after the Israelis had perpetrated a raid up the Nile with helicopters, and they'd blown a few bridges and so on. And I said "Was the Army—I understand the Army was raring to go—I understand you had great difficulty in restraining them." And he laughed, and he said "I had great difficulty in restraining the Army yesterday"—which was when it happened. He said "I had great difficulty in restraining the Army two days betfore that. I had great difficulty in restraining the Army a week before that, and a month before that, and a year before that. I always have difficulty in restraining the Army." And I think his successor is going to find it very very difficult to restrain the Army. The main restraint on the Army lies in the fact that they don't have the offensive weapons. That the Russians have been very careful only to give them defensive weapons. But even with the defensive weapons they may want to have a go, if the Israelis cannot be negotiated out of the Sinai Peninsula and away from the Suez Canal.

MANSFIELD. The Israelis are also understandably closely watching developments in Egypt. Mr. David Farhi, lecturer in Middle East Studies at the Hebrew University in Israel, sees two options open to the successor regime.

FARHI. The first option is to conduct a policy which will be based on Egypt as a centre, will regard Egypt as a separate political entity with a separate history and a separate past, who happens to be a part of Arab culture, but has got the wrong problems to tackle, and she's basically a Mediterranean and an African country. One should suppose that this kind of policy will be more inclined towards the West, or less connected with the Eastern Bloc, the . . . the other school of thought. The second option will be more inclined towards Arabism and reversion of forceful . . . which usually is called Arab Socialism in the . . . in the Arab East. And this, of course, will be connected again with the Eastern Bloc and with the Asian and African countries who have regimes which are connected to this school of thought . . . school of politics.

MANSFIELD. I found Mr. Farhi's first suggestion of a revival of Egyptian nationalism an interesting one, and asked him if he had any evidence of this being a real possibility in Egypt.

FARHI. Now this school of thought, although submerged by Nasser and the three officers after 1952, still very much exists and finds its expressions, both in writings of Egyptian intellectuals living abroad, or in writings of Egyptian playwrights, poets, and

novelists who still live in Egypt. There's no doubt that the intelligencia in Egypt are very much under the impression that Egypt should steer a different course in its foreign policy. We've got in Israel some feeling of this . . . the attitudes of this state of mind by talking to the great number of visitors we had this summer from the Arab world coming through A . . . Bridge on the Jordan, many of whom were Palestinians studying in Egyptian universities, or Palestinians working in Egypt. And they told us that this topic is widely discussed in private meetings among intellectuals, among executives. One wonders if this is also the feeling in the Army among the officers.

MANSFIELD. Whichever of these options they choose, Egypt will remain a vital factor in the Middle East equation. But Egypt alone can never solve the basic problem of the area, which it is becoming clearer day by day is not so much an Arab-Jewish problem, as we always thought, as an Israeli/Palestinian problem—the struggle of two peoples for the same homeland. But first, who are the Palestinian Arabs? I asked Dr. Mohammed Mehdi, an Iraqui who teaches in London.

MEHDI. The Palestinian Arabs are the inhabitants of Palestine, mostly Moslems and Christians, and they have been in the last twenty-two years squeezed out of Palestine. The first wave was in 1948, when the majority of them, some 650,000, were forcibly expelled from Palestine, and were dumped on the East Side of the River Jordan, or on the West Bank, mostly living in refugee camps. The economy of Jordan at the time, and even now, was very primitive, and we in this country knew the dislocation which some one million foreign immigrants can bring about in . . . in our economy. Compared to the population of Jordan this amounts to something like forty million foreign immigrants coming to this country without much education, without any possessions or property, and this of necessity would lead to tensions between the . . . the Jordanian community, the past Jordanian population, and the new Palestinians. It is frequently imagined that the Arabs form one big family, a happy united family. I think this is false. I think the differences between the various Arab nations are much bigger than the differences between, say, the English, the Welsh and the Scottish people in Britain.

MANSFIELD. Dr. Rahda Karmi, a Palestinian working in this country, feels that her people have been ignored by the world until recently.

KARMI. In order to create Israel, of course, one had to somehow get rid of the population that was occupying the area that is Israel now. In other words, the population that is called the Palestinians. Now, it was not in the interests of either Israel, or any world power supporting the creation of Israel, for these people to remain within living memory, because they're an embarrassment and a constant reminder that one state had to be created on the bones of another, so to speak. And I think this was the most powerful motive in making the Palestinians get forgotten, or get buried, and this worked actually, it worked very well, because for twenty years people forgot the name Palestinian, they didn't really know who these people were.

MANSFIELD. But if the Palestinians were forgotten in the past this is hardly true today. But had their recent exploits merely made them unpopular throughout the world? Mr. Michael Adams, Director of Information for the Council for the Advancement of Arab/British Understanding, went out to Jordan to help with negotiations for the release of the hi-jacked hostages, and he was one of those caught in Amman by the Civil War.

ADAMS. The multiple hi-jackings and all the fearful events that have followed from them, while they have aroused a tremendous wave of criticism in the world, they have also forced a lot of people to ask the fundamental questions about the Palestinian position which ought to have been asked long ago. They have forced people to say "What is it that drives people to this kind of desperation and why is it that these people behave like outlaws. And a lot of people, some of them rather unexpected people, like leader writers in some of our national newspapers, have at last seen that it's the world that has made these people outlaws, and has put them . . . has forced them to behave like outlaws.

MANSFIELD. Militarily the Civil War was won by the King and his Army, but it was far from a complete victory. I asked Armanazi of the Free Palestine Group in London, how he assessed its effect on the Palestinian Movement.

ARMANAZI. Materially, of course, it has lost a considerable amount in man and armaments—this is understandable because of the intensity of the fighting that took place. But I believe that psychologically and politically it's gained a lot, its position has improved within Jordan and within the Arab world as a whole. And given enough time to make up for all the material losses, then I'm sure they will . . . movement emerge much stronger than it ever has been. I think that it takes a crisis of this sort to unite the Palestinian movement. I can only hope that the lessons of the past are absorbed today in that, in fact, they will in future unite together. I feel that surely the division within their ranks in the past has been one cause for the fact that they have not attained a degree of sense that one would want them to attain.

MANSFIELD. Mr. Michael Adams again.

ADAMS. One effect of the fighting was to draw all the different resistance groups together, to impose on them a unity which they all too seldom achieve. We'll have to see whether that unity lasts, because the differences between them are quite radical, quite fundamental, and once the dust has settled I imagine that the differences will reassert themselves.

Whether in the end it will be George Habbash in the popular front with their more striking methods which achieve the supremacy I think we can't tell at the moment. I suppose the . . . the logic of history, so to speak, suggests that it is the more extreme and the more ideologically certain revolutionaries who in the end come out on top rather than the moderates and in this case the moderates and the——

MANSFIELD. Even if the agreement between the Palestinian guerrillas and King Hussein lasts and everyone agrees that it's extremely precarious, there are grave doubts whether Palestinians and Jordanians can continue to live in harmony together, as Dr. Mehdi explains.

MEHDI. The events of the last two weeks, the civil war in Jordan, the killing and injury of several thousand Palestinians I think have shown that the Palestinians are not at all well liked by the bittering elements and other trans-Jordanian indigenous population. Incidentally they are not liked in Lebanon either very much, for example by the Christians and certain right-wing elements and therefore the events of the last few weeks have shown that it is not possible, easily or without violence, to indicate the mass of the Palestinians into the Jordanian society. Ironically it can be said that in the same way that the Jews, before the establishment of the State of Israel desperately and urgently needed a home, so do the Palestinians now. The Palestinians therefore have emerged as a force to be reckoned with. A force which cannot be destroyed by any of the local powers, and therefore if the peace settlement is to be imposed on the Palestinians, its imposition would require a degree of force which has been on the capacity of any of the local powers and which is quite unacceptable to any public opinion or to work public opinion and therefore I think the political cons . . . the main political consequence of the recent strife in Jordan is that the Palestinians have to be brought in, in an associative way, in a meaningful way, in any settlement of the problem.

MANSFIELD. Dr. Farhi an Israel who is a close observer of Palestinian Arab opinion in the occupied territories also thinks that the Palestinian movement has emerged strengthened from the recent civil war.

FARHI. I think when the Palestinians emerge from the last conflict quite strong, the mere fact that King Hussein in spite of his apparently military success had to come to Egypt and sign an agreement with them proved that their political weight in the Arab world is . . . in the Arab States is quite strong.

MANSFIELD. In a sense it would be true to say that the Palestinians and President Nasser were rivals for Arab leadership in recent months. Does it now mean that the Palestinians will become the acknowledged leaders of the Arab nation? I asked Mr. Massoiba, former Arab mayor of Jerusalem and a former Jordanian Ambassador in London who spoke to us from the studio in Jerusalem.

MASSEIDA. I have a very high regard for the Palestinian people being one myself, but I think one must also be realistic about this and then the Palestinian people, however fervent they may feel towards the Arab cause and the injustice which has occurred to them, still have their only limitations in the context of Arab leadership generally, and for that reason there may be a . . . for Arab, you know, political development in the future and I think they will take place, but I think for Arab leadership it will take a little bit more than that.

MANSFIELD. One suggestion that has often been made is that a Palestinian state should be created on the west bank of Jordan with possibly an outlet to the sea through Gaza. Clearly this is inacceptable to the guerilla organizations, but what are the views of a well-known moderate such as Mr. Masseiba?

MASSEIBA. No, quite honestly I don't think that it's very realistic or practical to think in those terms for a number of reasons. For one thing it doesn't satisfy the aspirations of the Palestinian people living outside the liberation movement themselves. For another it's a systematic movement as far as Jordan is concerned, would probably be opposed by . . . by Jordan, by the Arab countries and for the third it's inconsistent with . . . with the Security Council Resolution which everybody pins his hope on, in case a settlement does come about. Any settlement which did not take into account the association and the significance of Jerusalem for Arabs, Christians and Moslem, as well as for the Jews, would not stand a chance of being successful.

MANSFIELD. In view of what Israelis are saying, this does not seem to offer much hope for a compromise in the near future. But I asked Michael Adams if there was any chance of the Palestinians modifying their demands.

ADAMS. From their public pronouncement so far the answer would seem to be no. Myself I believe that they might in certain circumstances. If they got from the Israelis and from those who support Israel, the kind of generous gesture which opened up the way to some sort of genuine settlement, one that wasn't just a banquished affair, then I believe that you would get a great change of heart and change of feeling amongst the Palestinians, but one has to recognise that they have all, all the different movements, have said that they won't settle for anything less than the substitution of a genuine democratic multi-national state for the present Zionist state of Israel.

MANSFIELD. A generous gesture from Israel. I asked General Herzog, former Chief of Israeli Military Intelligence in Tel Aviv if there was any chance of this.

HERZOG. I think we've made all these gestures which are possible, and the main gesture is that we are prepared to sit down and discuss peace with them. After all you've got to remember that the Arabs who have passed the quietest period recently in the whole Middle East of those who are living with us, and they've given expression incidentally to the attitude of Israel during the recent fighting in Jordan, whereby Israel sends supply columns, relief columns offered medical help and so forth to Jordan. They have given very open expression to their appreciation. The general feeling is here that a very radical change has occurred in their thinking towards Israel. We might not feel it today or tomorrow, but something very very deep has occurred in their thinking towards Israel, as they compare what happened in Jordan in an intense Zion/Arab struggle with what's happened after the six-day war with Israel and with our very very inhumane approach to them. So on the day to day level and even having regard to what happened in Jordan last week and the week before I would say that we've made confessions which nobody ever dreamt of, but on the political level it's a question again of just sitting down and talking.

MANSFIELD. You were saying Israel have offered to discuss with the Palestinians. Would you be prepared to negotiate with other facts?

HERZOG. The Prime Minister made it quite clear that we were prepared to negotiate with whoever is in charge in Jordan at the moment. The King constitutes the legal Government in Jordan if, as a result of the events last week, . . . had taken over, I've no doubt that we would have been prepared to negotiate with him.

MANSFIELD. Negotiations between Mrs. Meir and . . . still seem a very distant prospect, but stranger things have happened and they might come sooner than we expect. Meanwhile Israelis, Arab Governments and the big powers are all waiting for the effects of the upheaval caused by President Nasser's death to settle. I asked General Herzog for his assessment of the situation and of the possibility of an 11th hour revival of the United States peace initiative in the Middle East.

HERZOG. Well I would say that the situation in the area at the moment can be summed up in one word very fluid, because each individual element in the area will in fact be looking over its shoulder at the next one, and since there is no leadership particularly in the Arab world such as there was until the emergence of Nasser, I think we will be entering now a transition period in which various elements will be jockeying for a position but they will not be able . . . there will be no single element capable of making a decision which might bind, at least if not all, even Nasser was incapable of getting all the Arabs to agree on anything, but a good part of the Arab world, and so I think we're entering, as I said, a transition period. Certainly they will use the pretext of the 40 days of mourning for that and a tendency not to change the status quo for the time being. Now as far as the American Peace Initiative is concerned, I would say that the key lies primarily with the Russians. They are after all the element which stands to lose most in the present situation which is created . . . being created by the passing of President Nasser and I have no doubt that they are today jockeying for position in Egypt and are trying to influence the developments there as far as the success is concerned. And at the moment they will have probably even more influence today than they had before because they do not have the power of a Nasser to stand up to the main political argument, and therefore, if they are in favour of continuing with the peace initiative, there will be a tendency to continue if the Russians are against it and I'm afraid it will not get very far.

MANSFIELD. Sir William Hayter, a former British Ambassador in Moscow broadly agrees with this view.

HAYTER. I think I did read in this morning's paper that statement of Kosygin's that there was no change in the civil policy which is indeed what one would expect. They don't change their policy easily. They are very conservative and if they have a policy they stick to it unless they're pushed off it, and I would expect them to stick to it. The trouble I think is that the policy they have, as he stated briefly in that statement is . . . is a policy which contains an over-conferrable contradiction, because he said there that the policy consisted of military support for Egypt and the maintenance of peace, but of course these two things are not very easy to reconcile and this has always been the trouble. It's bedevilled them ever since they have started their intervention, the Middle East.

MANSFIELD. But how do the Americans look on the chances of survival of their peace initiative? I asked Mr. George Ball, Under-Secretary during the Kennedy Administration for his assessment.

BALL. I think it's a very fragile hope because of the disappearance of Nasser means it seems to me that there is really no one on the Arab side who has the political authority and the political security to be able to make concessions that will be essential to any kind of a . . . of a settlement. Now this situation may change as someone emerges but I can't see the emergence of a figure quickly enough or who will be sufficiently strong to . . . to meet this particular criterion. I would hope that the cease fire will continue and that a certain amount of conversation will go on because the . . . as the . . . Mr. Nasser has indicated, he wants change rather quickly in that volatile part of the world and then a new set of conditions may arise in which some real progress can be made toward a settlement but I would . . . I would not see those conditions arising in the very near future.

MANSFIELD. But are the big powers not in danger of ignoring the most vital factor of all? I asked Mr. Ball whether the Palestinians would not have to be a party to any final settlement.

BALL. I think that the . . . the . . . is certainly a political force which has greatly expanded over the past months. Just what their . . . their posture is as a result of the very bloody fighting and . . . and Jordan is a little hard to tell. Whether the position has been greatly diminished by that I think it's too early to say, but in any event certainly they are a political force, they have to be dealt with. To bring them into the situation from the outset would seem to me to be quite impracticable, because of the fact that obviously they're going to be the last to make any confessions and I would think that the confessions would have to be made by more or less responsible Governments in the first instance and then the Palestinians dealt with.

MANSFIELD. A somewhat bewildering and sometimes contradictory range of views on an apparently insoluble political situation. To try to sum up and clarify the issues as far as possible we invited into the studio Mr. E. C. Hodgkin, foreign editor of The Times and Professor P. J. . . . Professor of Politics at London University. First I went back to the first question of the options now open to the Egyptian Government. Which way did they think the Egyptians would now face? Mr. Hodgkin.

HODGKIN. I think a lot of Egyptians I would say like to concentrate on their own country at first and if they could forget the Palestinian problem. On the other hand they have lost a large chunk of their country, Sinai, and they've lost this as the result of a war involving Palestine. They've lost the Suez Canal for the same reason. I don't see how even with the best will in the world they can pursue an isolationist policy. Even omitting the fact that I think the army, as one agrees, is still the decision-maker in Egypt and the army is not going to forget wars they've lost.

MANSFIELD. Well obviously in the Arab world as a whole, following Nasser's death, the Palestinians are going to be even more in the limelight. What about this question of their being forgotten, so much in the past. Would you say this was true, Professor.

——— I don't think that they were forgotten as much as some of their leaders, the more extreme leaders suggest. Partly their identity problems were self-generated. In other words they had to make up their minds by 67, they were Palestinians and not simply members of an Arab nation as such or Arabs, and I think that they will be in the limelight. To what extent they would be from a political force because of a physical harm that they have sustained in the events in Jordan is I think a difficult question to answer. There is no doubt that a lot of the force has been designated as a result of the civil war, and that the . . . the extremist versus the moderate group division is going to be shut up.

MANSFIELD. Mr. Hodgkins.

HODGKINS. I think the Palestinians tend to over-estimate their political and militant strength and I think other people now tend to over-estimate it too. After all, the purpose of Palestinians is to return to Palestine, and the longer that Israel have gained an occupation of what was Palestine, the less, as far as I see it, the less chance there is of them getting back in any meaningful way. I think that as the years go by the Palestinian grievance will grow, but patience for other Arab countries and the world public opinion who put up with Palestinian people will diminish. I think the moment everyone is extremely conscious of the definite grievance of the balancing and of the arms, some Palestinian guerrillas, but I don't think this is going to be a trump card in the Palestinian hands for long.

MANSFIELD. Well would you, Professor would you come into that?

HODGKIN. There is another factor one must consider and that is other problems would arrive in that part of the world, in the decade . . . which will involve the peripheries, especially the Gulf and the western periphery, North Africa, and certain Arab states that may be concerned with the Palestinian issue as a matter of priority at least in public, the Palestinian cause may fall further down on the agenda, as they have other problems among themselves or with other states.

MANSFIELD. So would you say that the super-powers, the United States and the Soviet Union, are taking on the whole a realistic view of the possibilities of a settlement?

HODGKIN. Well, I note that Mr. Brezhnev again today has stressed the interest which Russia has in a peaceful settlement, just as he said not so long ago when he was speaking in, he said he thought that a peaceful settlement was in the interests of the Arabs and Israel alike. The Russians continue to say this, and the implication is, of course, that they think it is in the interests of Russia too, and it is probably that they don't want to get drawn into a collision with America in the Middle East, and they must feel, I imagine, that this is even more likely after their . . the one most stable element which is President Nasser, from their point of view, has been withdrawn.

MANSFIELD. What do you think?

HODGKIN. May I suggest that there would also be added impetus for an interest in a

settlement because the local states, the Arab states, at the moment seem, after all these events, perhaps to be moving towards this view and this gives an added incentive, of course, especially among the clients of the super-powers to move towards that direction. For instance I feel that both in the case of Egypt, whoever emerges as the government or the ruler of Egypt, in the case of Iraq, in the case of Syria, as well even in the case of a large body of moderate Palestinian elements, there is that indication for the moment.

MANSFIELD. Do you think that the Palestinians would have been stronger if they'd formed their own government in exile? They've always refused to do this so far.

HODGKIN. Like the Algerians did, you mean?

MANSFIELD. Yes.

HODGKIN. I rather doubt it. I don't know that it essentially strengthened the hands of the Algerians. It was a gesture, it was a way of reminding people, the world, of the Algerian cause. I suppose in a sense that the hijackings and other similar actions have had the same sort of effect, and once you form a government in exile, you are committed to a group of people who very quickly, I think, find themselves out of touch with people in the occupied areas and this may be a disadvantage.

MANSFIELD. I think this was one of the things they feared themselves, one of the reasons why they didn't do it. Nobody has mentioned the possibility of Chinese intervention in the Middle East. Do you think this is so remote?

———. I think for the next decade, it is quite remote, despite the position or the emerging position of the Chinese in South Arabia.

MANSFIELD. Would you agree with that, Mr. Hodgkin?

HODGKIN. In the sense of sort of physical presence, you mean, or having bases? I suppose they might. They have already road building and so on in East Africa and in Arabia. I think this could fairly easily grow into something larger, but I . . . a threat in the way that the Russians are a threat to the Americans, I should say no.

MANSFIELD. And as far as Soviet intentions are going, would you agree with what Sir William Hayter said about them following incompatible aims, of giving military support to Egypt and also saying that they want peace in the Middle East? How would you think about that?

———. That will depend, of course, on the extent of the control or influence they will have with whatever new government or new constellation of power emerges in . . . in Egypt.

HODGKIN. Yes, I think the Russians, as Sir William Hayter said, they want a regime favourable to themselves, that they . . . as the Americans found, and as we found when we were in colonial parts. It's very difficult to say what is a regime favourable to yourself? Is it somebody who has the same point of view? In the case of Egypt, obviously not, because colonists are in prison. You want broadly a strong regime which is prepared to be on your side in diplomatic essentials.

MANSFIELD. Who then is nearer the truth? The Palestinians who believe that their movement is growing and gathering strength, or those who think that they have reached the peak of their achievements? The Palestinians believe that their cause, which may seem as hopeless as that of the Algerians at the start of their revolution, will triumph as theirs did. Others would say that the difference is that unlike the Algerians, the Palestinians are fighting from outside and not within their homeland, and that Israel could never be dislodged. The Israelis may feel overwhelmingly strong today, but will they ever have security unless at least some of the aspirations of the Palestinian Arabs are satisfied? The only certainty is the continued suffering of so many of the inhabitants of what we call the Holy Land. Meanwhile, the big powers look on and strive vainly to settle things in the way that they want, but the Middle East, above all, teaches them a lesson in humility, that they are virtually powerless to use their strength to control the actions of the small nations of this area of the world.

ANNOUNCER. Analysis on the Middle East was presented by Peter Mansfield and produced by David Willey. Next Friday, Ian Macintyre introduces a discussion on the British economy.

AFTER THANKSGIVING RECESS SENATE SHOULD CONSIDER RATIFICATION OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, today as we begin a short Thanksgiving recess, I urge Senators to spend some time studying the details of the United Nations Genocide Convention. When we return on November 30, this Convention will be one of the key issues before us. Action on it is long overdue; it has been awaiting Senate ratification for more than 20 years.

Earlier this week one of the major roadblocks to ratification was removed when the Foreign Relations Committee reported the Convention to the floor of the Senate by a 10 to 2 vote.

Mr. President, I suggest that December 10 might be an opportune time for Senate consideration. That day has been proclaimed National Human Rights Day.

I can think of no greater homage to National Human Rights Day than to ratify the Convention by that date.

MODEL RULES OF PRACTICE FOR CITIZEN PARTICIPATION IN AGENCY PROCEEDINGS

Mr. KENNEDY. Mr. President, much of the work of the Subcommittee on Administrative Practice and Procedure has been involved with the subject of citizen participation in the administrative processes. Our hearings have explored public inputs in agency decisionmaking in the equal employment area. We have examined regulatory agency responsiveness to the interests of the public, with hearings that took us into the procedures of the Federal Trade Commission, the Federal Aviation Administration, and the Federal Communications Commission. The subcommittee published a compilation of responses by agency heads on Citizen Participation and Agency Responsiveness, and it has held 2 days of hearings so far on my public counsel corporation bill, directed at institutionalizing representation of the public interest in agency rulemaking proceedings.

Durng our hearings and investigations we heard of instance after instance of agencies throwing up obstacles to effective public involvement in the administrative processes. The complexity and expense of participation are only part of the picture. In many agencies, procedures appear designed to exclude public involvement and frustrate citizen initiatives. If government is to regain the respect of the American public, then government agencies must change their ways and accommodate themselves to administrative democracy.

A number of public-interest organizations recently filed with the President and the independent regulatory agencies a petition "To Establish Model Rules of Practice for Citizen Participation in Agency Proceedings Affecting the Public, Citizens and Consumers."

While some agency and department officials might initially react negatively to the suggestion that special rules are needed to assure protection of the public interest in their proceedings, this type of reaction is clearly unfounded.

As the introduction to the petition shows, many agency officials has already recognized and deplored the absence of citizen participation in the governmental decisionmaking processes.

Various bills introduced in Congress in the past few years are premised upon the absence of adequate representation of the consumers' interests in agency proceedings.

Public interest lawyers have testified at hearings held by my subcommittee and others that agency procedures are not well adapted to their full participation in administrative proceedings.

Federal courts have recognized the failure of agencies to take the public interests fully into consideration and have sent cases back to the Federal Power Commission and Federal Communications Commission for further proceedings consistent with those interests.

Agencies themselves have seen shortcomings in their procedures, and the Civil Aeronautics Board, the Federal Communications Commission, and the Federal Trade Commission have empaneled advisory committees to initiate reforms so that would increase agency responsiveness to the public's needs and wishes.

Mr. President, the Federal agencies and departments should give close attention to the petition to establish model rules for citizen participation in agency proceedings. Since I believe that Senators and the public will be interested in this petition, I ask unaminous consent that it be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

PETITION FOR THE ADOPTION OF MODEL RULES OF CITIZEN PARTICIPATION IN ADMINISTRATIVE AGENCY PROCEEDINGS

PETITIONERS

Consumers' Union, 777 National Press Building, Washington, D.C.

Ad Hoc Committee on Consumer Protection, *representing* Council of Churches of Greater Washington 1230 Vermont Avenue, N.W. Washington, D.C.; Jewish Community Council, 1330 Massachusetts Avenue, N.W. Washington, D.C.; National Consumer Law Center, Boston College Law School, Brighton, Massachusetts; National Consumers' League, 1029 Vermont Avenue, N.W. Washington, D.C.; Washington Urban League, 1039 New Jersey Avenue, N.W. Washington, D.C. 20001

Citizens Commnuications Center, 1816 Jefferson Place, N.W. Washington, D.C.

Black Efforts for Soul in Television, 1015 North Carolina Avenue, S.E. Washington, D.C.

National Council on Hunger, 1000 Wisconsin Avenue, Washington, D.C.

Migrant Legal Action Program, 1820 Massachusetts Avenue, N.W. Washington, D.C.

INTRODUCTION

The petitioners here are individuals, citizens' groups and public interest organizations vitally interested in promoting citizen participation in administrative proceedings. This petition requests the adoption of model rules of practice for citizens' participation in agency proceedings. We submit a draft of proposed model rules.

This petition requests that the President promulgate the rules by Executive Order for those agencies of the Executive Branch that vitally affect consumer or other citizen interests. It requests the indepenednt regulatory agencies to promulgate thees rules by regulation.

The agencies in question engage in administrative proceedings that are of public record and have important effects on public, citizen and consumer interests. Such proceedings generally fall into four categories: rule-making, licensing, rate-making and adjudications. Public, citizen and consumer participation in these agencies proceedings is guaranteed by Section 6 of the Administrative Procedure Act, 5 U.S.C. 555:

"So far as the orderly conduct of public business permits, an interested person may appear before an agency or its responsible employees for the presentation, adjustment, or determination of an issue, request or controversy in a proceeding, interlocutory, summary, or otherwise, or in connection with an agency function."

There is a similar, express guarantee for rule-making. 5 U.S.C. 553(c). The right of public participation has now been firmly established by the courts. *Moss* v. *C.A.B.*, U.S. Ct. App. D.C. Cir. No. 23627 (July 9, 1970); *National Welfare Rights Organization* v. *Finch*, U.S. Ct. App. D.C. Cir. No. 23787 (June 9, 1970); *Office of Communications of United Church of Christ* v. *F.C.C.* 123 U.S. App. D.C. 328, 359 F. 2d 994 (1966); *Scenic Hudson Preservation Conference* v. *F.P.C.* 354 F. 2d 608 (2d Cir. 1965).

Such citizen participation might take various forms. Typical examples are:

In rule-making, by filing a petition for the adoption of a rule or for the institution of a rule-making proceeding; or participation in a rule-making proceeding instituted by the agency itself or at the request of other parties;

In licensing, by intervention to oppose the grant or renewal of a license, or to seek conditions upon or modification of the terms of a license sought to be granted or renewed;

In rate-making, by intervention in order to oppose rate increases;

In adjudications, by petition to compel institution of agency enforcement proceedings, by intervention in such proceedings or in proceedings, that the agency has already commenced.

Despite the importance of the activities of agencies to the citizens and consumer, public participation is inhibited and discouraged by agency rules, procedures and money charges that make participation difficult, complex, and very expensive. In effect, the rights now recognized by the courts are made a nullity by the agencies' own unreformed procedures.

Many administrators have recognized this problem.

In response to a July 24, 1969, questionnaire from Senator Kennedy's Subcommittee on Administrative Practice and Procedure of the Senate Judiciary Committee, Federal Communications Commissioner Nicholas Johnson declared:

"Citizen participation in the Federal Communications Commission's decision-making process is virtually non-existent.[1]"

He added:

"There are about 7,400 broadcast station licenses in the United States which are renewed every three years. In well over 99% of these renewal cases, there is no effective citizen participation." [2]

Former F.C.C. Chairman Rosel H. Hyde added:

"More typically, however, the ordinary citizen does not play a prominent role in the decision-making process." [3]

Former Chairman of the Federal Power Commission Lee C. White stated:

"On the whole, I believe meaningful citizen involvement in the administrative process is sorely lacking." [4]

Federal Trade Commissioner Philip Elman commented:

"It is true of far too many institutions today that no opportunities are afforded for meaningful citizen participation in processes that influence their lives and environment. Participatory democracy is not merely a slogan; it is absolutely essential if government and administrative agencies in particular are to be fully responsible and responsive to the needs of those governed." [5]

The Administrative Conference of the United States has asked federal Departments and Agencies about "the increased interest of citizens in the regulatory processes." Chairman of the Conference Jerre S. Williams wrote:

"The public is no longer content to rely passively on elements of the Government to protect their rights. They are now insisting on playing an active part in the governmental processes.

"We are concerned that administrative procedures which were designed before the on-rushing tide of this active citizen interest may be inadequate to handle today's problems."

In the following pages we outline a few of the difficulties presently facing the citizen who wishes to be heard in an agency proceeding.

NOTICE

It is often extraordinarily difficult for a citizen to discover whether an Agency is currently handling a topic of interest to him.

"Most Americans are probably unaware of the multitude of day-to-day Federal activities reflected in proposed, revised, and recently promulgated rules, regulations, or determinations which substantially affect the price, quantity, labeling, safety and other aspects of products and services available to the public." [6]

Agency proposed action is by law supposed to be published in the *Federal Register*. But the *Federal Register* is hardly an adequate means of notifying citizens of Agency proceedings. "The consumer is in a poor position to attempt to comprehend the legal and technical language comprising the typical *Federal Register* notice—if indeed, he knows of the existence of the *Federal Register*." [7] It is expensive to subscribe and a great burden to read.

Agencies often act without even this minimal notification. The Administrative Procedure Act, 5 U.S.C. 553, allows for waiver of notice of proposed rule-making (and of publication in the *Federal Register*) upon a finding that "notice and public procedure thereon are impractical, unnecessary, or contrary to the public interest." Agencies often take undue advantage of this loophole.

Rule 39 of the Interstate Commerce Commission's General Rules of Practice, 49 C.F.R. § 1100.39 provides for "appropriate notice of the filing of an application." Nevertheless the I.C.C. does not publish rate increase proposals in the *Federal Register*. Over 270,000 schedules and tariffs involving hundreds of thousands of rates were filed with the I.C.C. in fiscal 1968–69. The average citizen (who does not subscribe to trade publications, like *Traffic World*, at an annual fee of $140.00) cannot be aware of the multitude of rate increases and their effects on the commodities he purchases in the supermarket or department store.[8] Bureau of Traffic Director Mr. Edward Cox's February 12, 1970 assurance that "each day's filings are now kept separate for nearly a week and can be examined by anyone," [9] does not remedy the situation. An I.C.C. staff member commented that "some of the rate filings are like telephone books." [10] In short, as then Chairman of the I.C.C. Virginia M. Brown responded to the Kennedy questionnaire:

"Although our proceedings are publicized in the transportation trade journals and various news media, this publicity may not always reach the average citizen." [11]

The Federal Trade Commission's rules require only that details of sections 1.1 to 1.4 "Advisory Opinions" be made public *after* they have been rendered (except for advice concerning proposed mergers)[12] thus precluding any citizen participation in the issuance of F.T.C. "advice." Yet such "advice" insulates the party "advised" from future adverse F.T.C. action. 16 C.F.R. §1.3(b).

The Civil Aeronautics Board's Rules, 14 C.F.R. §302.404 require only that applications for exemptions from statutory and C.A.B.-made regulations be "posted promptly on a public bulletin board . . . in Washington, D.C." Applications are presumably included in one of the C.A.B.'s several weekly docket lists, all of which are equally unavailable to the airline passenger. John G. Crooker, Jr. (then) Chairman of the C.A.B., replied to the Kennedy questionnaire that ". . . those persons that are affected by the Board's activities know enough about them."[13] He must have been referring to formal parties to C.A.B. proceedings. Federal Power Commissioner Albert B. Brooke, Jr. responded to the Kennedy questionnaire:

"The various segments of the natural gas and electric power industries affected by FPC action are intimately familiar with the agency's activities. On the other hand, the average citizen, who ultimately pays the bills, simply does not have even cursory knowledge of regulatory authority and procedures.

"I hasten to add that the same information is available to all on a non-discriminatory basis."[14]

Fencing Out the Public—"Leaks" and Inside Information

Regulated industry often has private access to information that ordinary citizens who have no friends in agency staff cannot get. The F.C.C. is illustrative.

On November 10, 1969, *Broadcasting Magazine*, a communications trade publication, mentioned a meeting to be held on December 2, 1969, between F.C.C. employees and industry representatives to discuss "the Commission's policies and requirements regarding broadcasters' responsibilities in ascertaining community needs."[15] Inquiries to Commissioner Bartley on that day by representatives of two citizens' groups, Citizens Communication Center and Black Efforts for Soul in Television (petitioners here) revealed no hint of any "primer" being prepared by the F.C.C. On December 9, 1969, an F.C.C. staff member admitted that a "primer" had been distributed at the December 2 meetings, although it was not released to the public until December 19, 1969.[16]

Another "scoop" by *Broadcasting Magazine* was its article on the "Burch Miracle," printed December 29, 1969, on page 5, announcing the imminent issuance by the F.C.C. of a policy statement on "Comparative Hearings Involving Regular Renewal Applicants." Yet, when Citizens Communications Center's director telephoned the Commission on January 7, 1970, and asked if the matter was on the Commission's agenda or if such a proposal existed, he was told that "agenda matters are confidential as are all internal proposals." [17]

More recently, a request for a copy of a legal

Footnotes at end of article.

memorandum on the "fairness doctrine" of *Red Lion Broadcasting Company* v. *F.C.C.*, 395 U.S. 367 (1969) prepared by the F.C.C. General Counsel was denied on the ground the document was "inter-office correspondence" and not for public examination.[18] But curiously *Broadcasting Magazine* on September 15, 1969, carried a full-page article about the memorandum, quoting liberally from its contents.

FENCING OUT THE PUBLIC—AGENCY EXCLUSION OF CITIZEN REPRESENTATIVES

There are countless instances of Administrative decision-making for which no citizen input is contemplated, wanted or allowed. The Securities and Exchange Commission's "pre-filing assistance and interpretive advice," 17 C.F.R. § 202.2, and the Federal Trade Commission's "Advisory Opinions," 16 C.F.R. §§ 1.1–1.4 for example have a potentially significant impact upon the public, but allow for no direct citizen participation. This denies to representatives of citizen groups . . . the opportunity to rebut the contentions of the industry and to *effectively* present the views of community groups on how they, the members of the community, feel their needs can be ascertained. They were not given an opportunity to see what the Commission had in mind for them until after the legal representatives of the broadcasters had an opportunity to present, unchallenged, their assertions as to how the community's needs should be assessed.[19]

Even Congressmen find access forbidden. When Congressman John E. Moss learned of a proposed meeting between airline executives and members of the C.A.B. from a *Wall Street Journal* article,[20] he asked to attend that and later meetings. He was refused. After a series of "private" meetings with the industry, the C.A.B. approved certain airline fare increases, on September 12, 1969. Congressman Moss and thirty-two other Congressmen appealed to the United States Court of Appeals for the District of Columbia to invalidate that order.[21] Congressman Moss alleged that the C.A.B. had informally worked out proposed rate increases at the "private" meetings held in the summer from which the public was excluded.

The Court declared:

"If Congressmen are excluded from these *ex parte* meetings . . . ordinary rate-paying members of the public . . . would have little chance indeed to be admitted." [22]

As Mr. Moss' attorney interpreted the Court's decision:

"What it's really saying to the agencies is you've got to stop this backroom bargaining with industry over rates." [23]

Federal agencies have not been hospitable towards potential intervenors. While former F.C.C. Chairman Hyde took note of recent judicial decisions enlarging the "right of citizens' groups to participate as parties to Commission proceedings," [24]

Commissioner Johnson reminds us that:

"The essential point, however, is that the FCC's initial instinctive reaction was to *oppose*, not 'encourage,' greater citizen participation in its proceedings, and it took a forceful United States Court of Appeals to preserve this valuable right." [25]

F.T.C. Commissioner Mary Gardiner Jones suggests that that Agency is characterized by a similar reluctance:

"While the Commission is seeking to broaden its own exposure to consumer problems . . . it has not yet been willing to take the next step and recognize the right of citizens to intervene directly in its proceedings." [26]

Commissioner Jones made reference to the case of *Campbell Soup Company, et al., F.T.C. Docket No. C–1741* (May 25, 1970) where the F.T.C. denied the petition for intervention filed by a group of law students who were objecting to a proposed consent order.[27]

INTERVENTION AS A PARTY

Most agencies' intervention rules leave too much discretion to the Agency. F.P.C. Rule § 1.8 "Intervention," provides

* * * * *

(b) Who may petition. A petition to intervene may be filed by any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. Such right or interest may be:

(1) A right conferred by statute of the United States.

(2) An interest which may be directly affected and which is not adequately represented by existing parties and as to which petitioners may be found by the Commission's action in the proceeding (the following may have such an interest: consumers served by the applicant, defendant, or respondent; holders of securities of the applicant, defendant, or respondent.)

(3) Any other interest of such nature that petitioner's participation may be in the public interest.

This regulation leaves entirely to Agency discretion (except for statutory intervenors) whether a proposed intervenor's interest is being "adequately represented by existing parties," or whether "petitioner's participation may be in the public interest."

Full party status as an intervenor is crucial. Generally, only *parties* or their attorneys may attend pre-hearing conferences (e.g., the I.C.C. rule, 49 C.F.R. § 1100.68(a)) important in determining the procedures followed and the issues contested in hearings *Parties* have the right to submit proposed findings and conclusions to hearing examiners (e.g., the F.C.C. rule, 47 C.F.R. § 1.263 (a)), may employ discovery devices (e.g., the F.T.C. rule, Part 3, Subpart D, 16 C.F.R. §§ 3.31–.37), are accorded special privileges at hearings (e.g., the F.T.C. rule, 15 C.F.R. § 3.41(b)), and are allowed certain rights with respect to waiving procedural steps (e.g., the C.A.B. rule, 14 C.F.R. § 302.33). Being a party to a proceeding may make the difference whether one is notified of proposed actions (e.g., the F.P.C. rule, 18 C.F.R. § 1.19) or served with documents filed in a proceeding or any Agency decisions concerning it (e.g., the S.E.C. rule, 17 C.F.R. §§ 201.9, .23): *Parties* alone are usually given the right to appeal initial decisions of hearing examiners to the Board of Commission (e.g., the C.A.B. rule, 14 C.F.R. § 302.28).

EXPENSE

A staff member at the Consumer Federation of America estimated that intervention in Federal agency proceedings costs between $1,000 and $5,000 Another $10,000 ought to be kept in reserve to be spent should litigation develop. The Ad Hoc Committee on Consumer Protection recently has been involved in I.C.C. hearings on railroad rates for shipping fruits and vegetables [28] and has a suit pending in the U.S. District Court for the District of Columbia.[29] Its expenses to date total $2,600 (not including an estimated $18,000 in legal fees).

Most agencies require multiple copies of all documents to be filed with them, as well as service upon all parties to any proceeding (e.g., the C.A.B. rule, 14 C.F.R. §302.3(c) which requires 19 copies). Add the costs of reproduction and mailing, the legal fees, the purchase of transcripts of agency proceedings. Transcripts cost from 45¢ per page at the C.A.B. to 85¢ per page at the I.C.C.

As the Ad Hoc Committee on Consumer Protection (a petitioner here) pleaded to the I.C.C.:

"Respondent railroads, in I. & S. No. 8486, and other protestants who are able to purchase a transcript can confer with their clients at their home offices, in privacy, and with other resource material available. . . . [T]he Commission's primary concern should be the right of the public to be adequately represented before Commission proceedings—which should include having full access to transcripts." [30]

But H. Neil Garson, Secretary of the I.C.C. responded:

"Of overriding importance is the matter of our contract with a private company . . . which acts as the official reporter of the Commission and which makes its money from the sale of copies of the transcript to interested persons." [31]

PROCEDURAL COMPLEXITY

Some agency's procedural rules are hopelessly complex and provide no clue to the layman of his rights. The C.A.B., for example, has over 512 pages of regulations many of which include aspects of intervention by interested persons (e.g., 14 C.F.R. §§ 302.14, .15, .210, .214, .703, .915(c), .1208). The Board's principle formal intervention rule contains a bewildering list of qualifications for intervention. 14 C.F.R. §302.15(b).

The intricacies of submitting documents and knowing how to participate—build a high barrier. Federal Power Commissioner John A. Carver, Jr. explained to the Kennedy subcommittee:

"Increasingly, matters coming before the [Federal Power] Commission involve complex issues of industrial technology, law, economics, and finance. This acts as a very real limitation on effective participation by the individual citizen or private citizen groups unless they have substantial resources to employ the required expertise." [32]

In July, 1968, KSL, Inc. of Salt Lake City, Utah, filed renewal applications with the F.C.C. for certain radio and TV stations. Two citizens, Ethel C. Hale and W. Paul Wharton, wrote to the Commission opposing the applications, saying:

"We do not know the extent of the investigative powers of the Federal Communications Commission, and therefore are unable to guess how much evidence must be obtained prior to hearing proceedings and how much information can be solicited at hearings. Nevertheless, as private concerned citizens, unschooled in law, we urge attention to the following indications of abuse of public trust in radio broadcasting . . ." [33]

After the F.C.C. renewed the KSL, Inc. licenses in October, 1968, Mrs. Pale and Mr. Wharton sent a letter to the Commission, requesting reconsideration of that decision. George S. Smith, Chief of Broadcast Bureau of the F.C.C. at the time, responded in a letter *mailed* on October 28, 1968, that the Hale-Wharton petition was insufficient to qualify as a petition for reconsideration and that a new petition had to be received by the F.C.C. no later than by November 7, 1968. Smith offered the following further guidance to Mrs. Hale, a waitress, and Mr. Wharton, a taxicab driver:

"You refer to your letter as a "Petition for Reconsideration of Decision." However, there are certain definite requirements for filing a petition for reconsideration of any Commission action, which are set forth in Section 405(a) of the Communications Act of 1934 and Section 1.106 of the Commission's Rules and Regulations and particularly subsection (f) thereof. Copies of both are enclosed for your information."

Mrs. Hale and Mr. Wharton wired the F.C.C. on November 6, 1968, that they were mailing a petition for reconsideration that day. Soon after, they wrote to the Commission in response to a letter from KSL, Inc.:

". . . we are unsure, now as before, about proper procedure, and do not know whether response from us is appropriate. . . . We re-

Footnotes at end of article.

iterate that we are without counsel, and not trained in law. . . . Nevertheless, with stubborn and relentless effort we have obtained odds and ends of printed materials relevant to the laws, rules, and regulations we appeal to have enforced. . . We might have spared the Commission much inconvenience had we had access to some of these materials earlier, or if there had been available a procedure outline for use of ordinary citizens." [34]

The F.C.C. denied the petition for reconsideration [35] "relying in part, on petitioners' failure to comply with the F.C.C.'s rule requiring typewritten, double-spaced pleadings." [36] A second petition for reconsideration was also rejected, the Commission refusing even to consider it on the ground it was filed after the statutory deadline. Moreover, as an added point, the F.C.C. commented:

". . . there is very little of a factual nature contained in your allegations; much of the material you have submitted is merely argumentative." [37]

THE MODEL RULES

The Model Rules petitioners propose are designed to solve these problems.

Citizens need a simple-to-understand manual for participation in agency proceedings—one adapted to the situation of persons or groups without a direct and substantial financial interest in what is being decided.

Citizen intervenors should stand on an equal footing with their counterparts from the industry. The financial burden must be reduced in recognition of the interested citizen's lack of potential pecuniary gain and his severely restricted pocketbook. Citizens should be relieved of the possibility of a response that his submission will not be considered because of a procedural law. Persons who require advice and information will be made aware by the Model Rules that the Agency is ready to assist them.

As noted, court decisions have greatly expanded the rights of citizens to intervene in Agency proceedings, and a few Agencies themselves are beginning to allow partial intervention, but amounting to a change in "form only, rather than in substance . . ." [38] The fear of a flood of intervenors has not materialized.

In any event, the Administrative Procedure Act, 5 U.S.C. § 555(b) (1967) is available to ensure "the orderly conduct of public business."

The F.C.C. recently allowed four petitioners to proceed without submitting the required multiple copies [39] for the first time within the memory of one Commission employee whose services at the F.C.C. spans two decades. The Federal Trade Commission has just granted two requests concerning transcripts one for a free transcript [40] and another for a copy at the reduced F.T.C. per page rate, instead of the significantly higher reporting service rate.[41] The Wall Street Journal, July 15, 1970, carried on page 10 the announcement that the Securities and Exchange Commission is proposing "to make public the requests it receives for interpretive advice and 'no-action' letters, together with the replies of its staff to such inquiries." Increased citizen participation in the administrative process is necessary to our form of Constitutional government. It would moreover, help and not hinder the Agencies. Citizen knowledge and experience could complement Agency fact-finding. Citizens could serve as "sounding boards" for proposed administrative action—providing a more accessible gauge of the "public interest" each Agency is obliged to serve.

Citizen involvement would provide a solution to the increasing popular uneasiness felt over the unrepresentative nature of the administrative process.[42] Above all, each and every American has a stake in his government, in its successes, and in its failures. With so much at issue, shall not the citizen be heard?

CONCLUSION

Petitioners therefore request the adoption of the attached Model Rules of Practice for Citizen Participation.

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BENNY L. KASS,
Attorneys for Petitioners.

MODEL RULES OF PRACTICE FOR CITIZEN PARTICIPATION

1. Definitions:

(a) "Person" means any individual, group of individuals, nonprofit organization whether incorporated or not incorporated, or representative of a group of individuals or an organization or organizations.

(b) "Agency" means any Agency as defined in 5 U.S.C. 551.

(c) "Agency proceeding" means any proceeding conducted by an agency on the record and includes any adjudication, rulemaking, licensing, rate making or rate approval, and any other proceeding that may result in an order, sanction, or relief as defined in 5 U.S.C. 551.

2. Any interested person shall have the right to intervene in Agency proceedings under these rules if such person's pecuniary or economic interest is exclusively that of a consumer or is otherwise representative of the general public or of a particular geographical area, and if participation by such person under the ordinary rules of practice would be unduly burdensome.

3. Any person who intervenes under these rules shall have all the rights of a party, including the right to appeal any initial decision within the Agency, under the regulations and statutes applicable to appeals by any party.

4. Any person who intervenes under these rules shall:

(a) Be served personally or by mail by all parties with a copy of any written submission or document filed in the proceeding by such party.

(b) Be informed by the Agency in writing, in a concise and easily understandable way, of any schedules, rules, procedures or other specification established for the proceeding in which the person has intervened, and of any deadlines for taking any action, making any request or filing any document established either by rule of general application, order, ad hoc determination or in any other fashion.

5. Any person who has intervened under these rules:

(a) May file a single copy only of any written submission or document to be submitted on that person's behalf, whether as pleading, evidence, brief or otherwise. Copies of the document shall be furnished as a matter of course without fee by the Agency to any other person intervening under these rules.

(b) Be provided, without cost, with a permanent copy, or the loan for a reasonable time for the purpose of copying, of the written transcript of any hearing, portion of hearing, testimony, deposition or any other oral proceeding, which may be prepared at the order of the agency or any other party.

(c) Have the right (in accord with the applicable rules of the Agency) without payment of witness fees or travel expenses, to subpoena any party or the officer, directors, employees or owner of more than 10% of the stock or other capital, of a party in the proceedings who has not intervened under these rules, and to subpoena any documents from such party.

6. In the case of any submission in writing, whether pleading, brief, or documentary evidence, by a person who has intervened under these rules:

(a) No such submission shall be refused for filing because of a defect in form or in substance or any omission, material or otherwise.

(b) If any defect or omission cannot be remedied or supplied by the Agency or its staff, the person who has made the submission shall be notified in writing, personally or by mail, in a concise, non-technical and understandable way, of the defect or omission, shall be given a reasonable time to remedy the defect or supply the omission, and at his request shall be advised how the defect or omission might most easily be supplied or remedied.

7. The Agency and its staff shall assist any person who has intervened under these rules, upon request, in connection with any matter within the expertise of the Agency and its staff, such as by way of example, economic, financial, accounting, statistical, engineering and scientific matters, in respect of which the person requests assistance in preparing a submission or understanding or responding to a submission by others.

8. The Agency and its staff shall respond to any inquiry by any citizen respecting his rights, obligations or the substance of any matter within the jurisdiction of the Agency in a clear, concise, non-technical and easily understandable way to the end that the citizen shall be intelligibly informed and encouraged to participate in Agency proceedings.

9. The agency shall maintain a register of persons who have communicated to the Agency an interest in any subject matter or geographical area (where pertinent) within the Agency's jurisdiction, and shall in writing inform any person so registered of the institution or pendency of any proceeding that may be related to that subject matter or geographical area. This rule shall be deemed satisfied by publication in a Consumer Bulletin or other weekly, semimonthly or monthly periodical generally available to the public.

10. Any person who has intervened under these rules is entitled to be represented by counsel, but if the person is unable to retain counsel, the person may appear without counsel; in such case the Agency's legal staff shall render any reasonable legal assistance such group or representative may request in preparing a submission, understanding or responding to a submission by others, or otherwise participating in an agency proceeding; and if, in the judgment of the Agency's General Counsel or other chief legal officer the need for legal assistance appears to be sufficiently great, he shall assign an attorney or attorneys on his staff to assist and, if necessary, appear on behalf of such person throughout the pendency of the proceedings.

11. Nothing in these rules is intended to affect the rights of any persons not intervening under these rules.

FORM A

The undersigned, on his own behalf [and/or on behalf of_____ (group)], hereby certifies:

1. He [the group] is interested in [name the subject matter] [or desires to file a complaint with respect to _____]. [State briefly the nature of the interest.]

2. He [the group] has no pecuniary interest in the outcome of [name proceeding] and will obtain no pecuniary benefit therefrom, except as an ultimate consumer or purchaser of goods and services, which pecuniary interest is *de minimis*.

3. Participation in the Agency proceeding under the ordinary rules of the Agency would be unduly burdensome upon the [undersigned/group] because of cost. [State supporting facts briefly.]

Signature
Address

[Penalty for false statement.]

FOOTNOTES

[1] Subcommittee on Administrative Practice and Procedure of Senate Committee on the Judiciary, 91st Congress, 1st Session, *Responses to Questionnaire on Citizen In-*

volvement and Responsive Decision-Making (Comm. Print Sept. 9, 1969) at 60. (hereafter *Responses*.)

[2] *Id.* at 62.

[3] *Id.* at 19.

[4] *Id.* at 85.

[5] *Id.* at 136.

[6] 1969 Annual Report, Administrative Conference of the United States, *Recommendation No. 4*, at 30 (January, 1970).

[7] Letter of Oct. 22, 1968, from Betty Furness, Special Ass't to the President for Consumer Affairs, to Jerre S. Williams, Chairman of the Admin. Conf. of the U.S., at 1.

[8] Statement of Benny L. Kass, Ad Hoc Comm. on Consumer Protection, on S. 2355, Before the Subcomm. on Surface Transportation of the Senate Comm. on Commerce, Wednesday, March 18, 1970, at 3.

[9] Article in *Washington Post*, February 12, 1970.

[10] *Id.*

[11] *Responses*, at 293–294.

[12] 16 C.F.R. §§ 1.1–4 (1970).

[13] *Responses*, at 8.

[14] *Id.* at 108.

[15] Press Release, Citizens Communications Center, Dec. 2, 1969, at 1.

[16] Memorandum to Commissioners of the Federal Communications Commission re: Abuse of Commission's Informal Procedures, by Albert H. Kramer, Citizens Communications Center, and William D. Wright, Black Efforts for Soul in Television, Dec. 10, 1969, at 2–3.

[17] Memorandum in Support of Petition for Reconsideration of Commission's Order, FCC–70–62 (released Jan. 15, 1970) Adopting a "Policy Statement on Comparative Hearings Involving Regular Renewal Applicants," February 16, 1970, at 16.

[18] Request made by Mr. Ronald L. Winkler, Center for Study of Responsive Law, on July 9, 1970, at the FCC Office of Information.

[19] Memorandum, Dec. 10, 1969, at 4.

[20] *Cong. Rec.* (daily ed.) September 29, 1969, at H8562; and see *Id.*, December 11, 1969, at H12208.

[21] *Moss* v. *C.A.B.*, Civil No. 23,627 U.S. Ct. App. D.C. Cir. decided July 9, 1970.

[22] *Id.* at 5 n. 12.

[23] *Washington Post*, July 10, 1970 at A2.

[24] *Responses*, at 20.

[25] *Id.* at 61.

[26] Paper by Commissioner Mary Gardiner Jones, Federal Trade Commission, delivered before the Sixth Biennial World Conference of the International Organization of Consumer Unions, Baden/Vienna, Austria, Monday, June 29, 1970 at 19.

[27] *Id.* n. 39.

[28] I. & S. Docket No. 8486, Vegetables and Melons, Transcontinental Eastbound.

[29] *Ad Hoc Committee on Consumer Protection* v. *ICC*, Civil No. 766.

[30] Letter from Mr. Benny L. Kass, Ad Hoc Committee on Consumer Protection, to Mr. H. Neil Garson, Secretary, ICC, Dec. 30, 1969.

[31] Letter from Mr. H. Neil Garson to Mr. Benny Kass, January 12, 1970.

[32] *Responses*, at 110.

[33] Letter to Mr. Ben Waple, Secretary, FCC, July 29, 1968 (in FCC file: BR–4081).

[34] Letter to Mr. Ben Waple, Dec. 7, 1968.

[35] *In re License of KSL*, 16 F.C.C. 2d 340 (1969).

[36] *Responses*, at 61.

[37] Letter from FCC Commissioners to Ethel C. Hale and W. Paul Wharton, June 18, 1969.

[38] *The Palisades Citizens Association, Inc.* v. *C.A.B.*, No. 21,422 U.S. Ct. App. D.C. Cir., decided September 12, 1969, at 8.

[39] Petition for Rule Making, In the Matter of Adoption of Standards Designed to Eliminate Deceptive Advertising from Television, FCC Docket No. RM–1553, filed Jan. 13, 1970.

[40] *Campbell Soup Co. et al*, FTC Docket No. C–1741 (May 25, 1970).

[41] Letter from Mr. Joseph W. Shea, Secretary, FTC, to Mr. Benny Kass, February 25, 1970.

[42] Bonfield, *Public Participation in Federal Rulemaking Relating to Public Property, Loans, Grants, Benefits or Contracts*, 118 U. Pa. L. Rev. 540 at 540–541 (1970).

LEND LEASE FOR ISRAEL

Mr. PELL. Mr. President, Averell Harriman yesterday, in the New York Times, advanced a very interesting and thoughtful proposal for helping Israel.

His suggestion was that we should extend lend lease to that embattled country along the same lines we did to Great Britain before our entry into World War II.

Bearing in mind the long experiences and positions of immense responsibility that Mr. Harriman has occupied, all with singular ability, I thought this excellent idea of Averell Harriman's would be of interest to Senators. I ask unanimous consent it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY NOT LEND-LEASE FOR ISRAEL?

(By W. Averell Harriman)

President Nixon's request to the Congress for $500 million for arms to Israel makes urgent the immediate reconsideration of how we should aid Israel in her struggle for survival.

After Israel's success in the Six-Day War, the immediate military threat posed by its enemies disappeared and it was hoped that a peaceful settlement guaranteeing her security would shortly follow.

Unfortunately, no settlement was reached and hostilities continued. Meanwhile the Soviet Union poured arms into Egypt and Syria. The United States tried both through representations to the Soviets and by holding back on military supplies for Israel to check a Middle Eastern arms race. However, the Russians built up Egypt's and Syria's armaments far beyond what they had been before the Six-Day War.

The flow of Soviet weapons, provided in substantial part virtually as gifts, has required an economically costly and increasingly burdensome Israeli response. Israel is currently spending at least 25 per cent, and perhaps 30 percent, of its gross national product on national security.

The American percentage for military expenditures, including Vietnam, for fiscal 1971 is about 7.7 per cent. Prior to the Six-Day War, Israel spent less than $200 million annually on military imports. The cost of military imports has quadrupled. Israel's balance of payments now shows an annual deficit of $1.2 billion on a current accounts basis.

The Israelis have the determination and ability to defend their democracy without support from outside forces—provided Israel's military equipment is adequate—not inferior in quality although obviously inferior in quantity. It is clearly essential to insure that Israel has sufficient weapons to defend herself. But it is also vital that Israel not be compelled to spend herself into bankruptcy or to undermine the fabric of her society. The recently passed Jackson amendment to the military procurement authorization bill recognizes Israel's need for financial relief by authorizing the sale of military equipment on a credit basis.

But credits must be repaid, and a skyrocketing external debt would further strain Israel. I well remember the unfortunate situation that occurred as a result of the inability of various nations to repay the large loans we made to them during World War I.

One possible alternative would be for the United States to make military equipment available to Israel on a grant (free) basis. Almost every nation threatened by Communist or Communist-supplied arms has at some time received American military grant assistance. Even such Arab countries as Jordan and Iraq have been given American arms. Israel is virtually unique in having had to contract to pay for all arms she received from the United States. Arab arms have been supplied without cost by not only Russia and China but also by Great Britain and France. However, at this late date to begin to give free arms to Israel would be seen by the Arabs as a provocative act and might impede our effort to bring about peace.

In December 1940 President Roosevelt made a brilliant proposal "to get away from the dollar sign" while providing arms to nations whose survival we wanted to support. He devised Lend-Lease—the loaning of military equipment on the basis that when it was no longer needed the unexpended part would be returned to the United States.

It seems to me that a similar program should now be adopted in supplying to Israel certain needed sophisticated military equipment. The great advantage of Lend-Lease is that under Lend-Lease the Arab nations could be assured that after peace had been achieved, major items of sophisticated military equipment would not be kept by Israel but would be returned to the United States.

We must recognize that many Arabs have a real, although unrealistic, fear, based in part on misinformation on what brought on the June 1967 war, that Israel is an imperialistic state bent on expanding her position. The knowledge that in the event of peace Israel would relinquish much of its sophisticated armament could serve as an incentive for the Arab states to negotiate. Equipment supplied under Lend-Lease should be carefully limited, as Israel, like her neighbors, must be encouraged to accept the fact that security lies not in strength of military forces but in a genuine peace settlement.

DEATH OF LOUIS A. ECKL, EXECUTIVE EDITOR OF FLORENCE, ALA., TIMES-TRI-CITIES DAILY

Mr. ALLEN. Mr. President, Alabamians were shocked and grieved over the sudden death on November 9 of Louis A. Eckl, the distinguished executive editor of the Florence, Ala., Times-Tri-Cities Daily.

Louie, as he was fondly known, was one of Alabama's most illustrious journalists. His entire 42 years as a reporter and editor were spent with the Times-Tri-Cities Daily. There was so tempered in the heart and soul of Louis Eckl the God-given qualities of tolerance, courage, patience, and love that he drew to himself the ungrudging respect of all who came within the radius of his genial influence. His daily column was widely read, and it touched on all aspects of the great economic and social issues of the day.

Louis Eckl worked long and hard to open the door of economic opportunity to the people of the Muscle Shoals area, Alabama, and the South. His particular charge was that great engine of democracy, the Tennessee Valley Authority. He helped to nurture TVA at its roots in 1933 and two decades later, he was in the forefront of the fight to preserve TVA during the days of Dixon-Yates. Louie fought for the development of the Tennessee-Tombigbee Waterway, and I am so grateful that he was with us long enough to see his labors bear fruit with

the approval of the first construction funds for this mighty project by the Congress earlier this year.

Louis Eckl was, indeed, a worker in the vineyard; it can in truth be said of him, "Well done, thou good and faithful servant."

Mr. President, I ask unanimous consent to have printed in the RECORD, Louis Eckl's last column, which appeared in the Times-Tri-Cities Daily of November 9, and an editorial and column from the Times-Tri-Cities Daily of November 10, regarding his life and career.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

"WHAT FOOLS WE MORTALS BE . . .?"

(By Louis A. Eckl)

"Thou know'st 't is common; all that lives must die, passing through nature to eternity."

We are always reminded of these lines from Shakespeare when the observation of All Saints Day comes each year in the liturgical year (Nov. 1, 1970).

They have a sombering effect on us, in both a physical and spiritual way, for we are reminded that those who refuse to think about death are the most unrealistic of all. That is one inevitability from which no man escapes as Ponce de Leon, the Spanish discoverer of Florida, found out in his search for the Fountain of Youth. History has it that he was born in 1460, although there seems to be a little question about his birth date, and that he died in 1521, which would indicate he died in his 61st year, the year in which we are now in, although 62 is fast approaching.

GOD GETS TIRED OF US?

Perhaps it was Shelley who might have given a clue as to why there is a God-appointed hour for each man to die, when he said "Let me hear their everlasting grunts and whines no more."

Dryden may have pointed to the end of a good man when he proclaimed "and fires eternal in thy temple shine," whereas for most of us, we fear, it was Shakespeare, who wrote "an infinite and endless liar" and Pope who told "eternal smiles his emptiness portray" more adequately describes our plight.

Although wise men have told us that it is not the length but the quality of our lives that counts, yet it seems that we will do almost anything to keep from thinking of that inevitable day, just as it seems we will go on sinning against God, Nature, ourselves and fellowman, even though it seems that experience teaches all of us that we pay for our sins, even in this life, in a form of mental and physical anguish that might be a form of earthy purgatory, and that our weaknesses and failures and the wrongs we do cast us into sort of an earthly limbo of self-imposed unhappiness.

THE WORST SIN: INGRATITUDE?

Yet, nearing 62, we must admit that we were cheered up considerably the other day when we read that the way to live to be 100 (or more?) is to be contented and cheerful. To which we would add—and grateful!

It is interesting to note that envy has been added to the list of fatal diseases by Soviet gerontologist Shykhyur M. Gasanov who, after a 10-year study of farmers in Azerbaijan, a Caucasus mountain region noted for its centenarians, has concluded that they live to be more than 100 years old because, "They are not envious of their neighbors."

And conversely, a study made last year by the Duke University Medical Center in North Carolina indicated that pessimists and persons who dislike their work are not likely to reach the century mark. Which raises a question: Since it is said that an optimist is a pessimist in the making, do we bring on our own death?

Dr. Erdman B. Palmore, of the Duke Medical Center, says:

CHEER UP AND SERVE

"We know the mind affects the body in various ways. It would seem that the best way to increase longevity is to maintain a useful and satisfying role in society and keep a cheerful disposition."

Whatever the cause or causes, centenarians are found in nearly all countries, and there are as many theories of longevity as there are oldsters, as we have found out in interviewing some of them during our more that 42 years of newspapering.

The reason we say that perhaps gratitude to God has something to do with it is the fact that man has been most favored by the Creator in that, whatever the explanation, man outlives all other warm-blooded animals and birds.

Some people may attempt to dispute this in that elephants once were thought to be the longest lived, but the fact turns out to be that the myth was fostered by circus ballyhoo that billed any large specimen as "More Than 100 Years Old," when actually an elephant's average life span is 45 years, although occasionally a rare one may reach age 60.

HANG ON TO THAT SS CHECK

Many people, on the other hand, live much longer, although inadequate data and faulty memories often have made it impossible to pinpoint the greatest age reached by a human being.

For example:

A South African who thought he was 160 turned out to be only a "mere" 110 when officials unearthed some old birth records.

Yet, the United States Social Security Administration is now sending out monthly checks to a man 128 whose age was authenticated when he applied for a Social Security card at the age of 106 so he could get a job picking fruit. It didn't say what kind, so we don't know whether it was "an apple a day that kept the undertaker away," or whether it was some of that "Florida sunshine orange juice."

WE ARE DISCOURAGED . . .

We are somewhat discouraged to learn that Professor Gasanov's conclusion that lack of tensions contributing to long life isn't new, for our newspaper career has been filled with tensions, yet we are encouraged, on the other hand by the fact that surveys also have shown that retiring may not be as healthful as continuing to work, and we'll certainly never be able to quit working unless the government does something about stopping inflation.

Perhaps we can follow the example of the Soviet Union's oldest citizen, officially 165, and return to the farm and resume working once we're required to retire from newspapering, for the 165-year-old Azerbaijan was shown tending his garden, riding his horse, and strolling a mountain path in a recent documentary on his life; furthermore, the same film also featured a 30-member folk song group, all of whom were more than 100 years old, and with the troupe's only woman, a dancer, being reputed to be 130.

. . . AND ENCOURAGED!

We are also encouraged by:

A 105-year-old Briton runs a boarding house by the sea.

A woman 109 operates her own dairy.

Other centenarians are tax assessors, physicians, farmers, and newspaper columnists. (That newspaper columnist bit is really exciting!)

In San Francisco, a waiter who works up to 13 hours a day celebrated his 103rd birthday recently by jogging more than six miles; the previous year he ran the 100-yard dash in the fairly respectable time of 17.2 seconds.

And last, but not least, a Syrian farmer who claims to be 136 is seeking a bride because he has been married 13 times and considers an unlucky number, although being a Moslem, he already has two wives.

Hope really does spring eternal in the human breast!

A TRIBUTE TO LOUIS A. ECKL

On the back of an award hanging on the wall at the Florence Times Tri-Cities Daily office there's the following typewritten comment:

"The Florence Times Tri-Cities Daily entries covered a variety of subjects, ranging from the private education financial crisis to Governor Brewer's concern over the race issue, Justice Douglas' attack on the Army Corps of Engineers and a review of what makes the Shoals an unusual area. It was evident that this newspaper strove to present the issues fairly and to draw sound conclusions."

The comment was from John Seigenthaler, editor of the Nashville Tennessean.

The award was for the best editorials during 1969 in Alabama daily newspapers.

The recipient was Louis A. Eckl.

From June of 1928 until Monday night, Nov. 9, 1970, Louis Eckl lived and loved his career as a reporter and editor.

He was a newspaperman in the truest sense, and although he had his own opinions about subjects ranging the spectrum from religion to politics, he never failed to allow the issues to be presented fairly and he always attempted to draw sound conclusions.

Of journalism, Louis Eckl always said: "You'll never get rich," but his own life refuted that statement and he was one of the best examples of those folks who are rich in friends, in honesty, in love for their fellow human beings and in love of life itself. He always strove to be fair and honest and an excellent example of his fairness has always been in respecting the religious beliefs of all people. A Catholic, he always leaned over backward to be fair in print with other faiths and religions.

He had but one job in his 42-year newspaper career and that was here in the Muscle Shoals Area which he loved. He had three other loves in his life . . . his family, of course . . . his job . . . and TVA. If Louis Eckl's vocation was the newspaper, his avocation was TVA. He grew up with TVA and died as the long-time president of Citizens For TVA. At one time in recent years he was under serious consideration as a member of TVA's Board of Directors. He covered TVA in its infancy and became an active participant in furthering the authority in later years.

Over the years Louis Eckl's typewriter beat out a steady plea for human rights. He minced no words about kluxers, militants or governors. He's been both cursed and hated but he had a philosophy about this. "You can call me anything you want to. I'm sure I've been called worse before," he once told an irate telephone caller.

Of his many accomplishments, Louis Eckl's work in the field of human rights was his most cherished. In his early newspaper career he met a Negro professor from Tuskeegee at a Federal Court hearing in Montgomery. The man was not allowed to vote. "We got to talking about the Negro's struggle to vote and I told the man, 'You've got to be patient.'"

"He just looked at me and then he said, 'How long?'," Eckl recalled.

Of his many editorials on human rights, Eckl was most proud of one entitled "The Injustice of Man's Justice," published on May 2, 1963. "Governor Wallace has a chance to insulate both the whites and Negroes of Alabama against pain, poverty and disaster if he will stand for justice instead of their imprisonment and if he will fight for their right to the ballot and other rights under law of which they have been robbed far too

long in too many places in the state," Eckl wrote.

Not only was Louis Eckl a distinguished man in his community and Nation, he was respected and loved by his fellow workers or his "fellow slaves," as he often said. He never ducked an argument about religion, politics or Notre Dame football and friendly debates over these matters were not uncommon in the newsroom and composing room.

He was the type of man you just didn't expect to die, but even though his earthly life has ended, many of the things which Louis Eckl said and accomplished will live in human hearts for eternity.

TIMES-DAILY EDITOR LOUIS A. ECKL DIES

Funeral services for Louis A. Eckl, executive editor of Florence Times Tri-Cities Daily, will be held Wednesday at 11 a.m. at St. Joseph Catholic Church with the Rev. Paul Koehler, OSB, officiating.

Burial will be in St. Michael's Cemetery in St. Florian.

Rosary will be recited tonight at 7 p.m. at Morrison-Elkins Chapel.

Survivors include his wife, Mrs. Patricia Dowd Eckl, Florence; two sons, Christopher E. Eckl and William Wray Eckl, both of Atlanta; one daughter, Mrs. Charles Strothman, Tuscaloosa; his mother, Mrs. Edward J. Eckl, St. Florian; three brothers, Joseph and Edwin Eckl, both of St. Florian, and Harry Eckl, Cloverdale; seven grandchildren.

Active pallbearers will be Thomas W. McGough, Luther Baker, Frank Stone, James E. Anderson, Joseph L. Stumpe, R. C. Barnes, Frank Dirago and James Eckl.

"Thou know'st 'tis common: all that lives must die, passing through nature to eternity."

Louis A. Eckl began his last published column with that quotation. Those who didn't know him may have thought they were reading about a premonition when they read that column in his beloved Florence Times Tri-Cities Daily after learning of Eckl's death Monday night.

Those who worked closely with him and knew him well, know it was nothing like that. For one thing, that column was written several days ago. But more important, they knew that he was too much an optimist for anything like that. There were many other unpublished columns, like the one scheduled for Nov. 22 trying to generate interest in a memorial to FDR in the Muscle Shoals area.

Eckl died Monday about 7:30 p.m., the victim of a reaction to penicillin. He had been having considerable trouble with an infected tooth recently and left the office about 3 p.m. Monday to see a dentist.

Two teeth were extracted and the dentist gave him a penicillin tablet. He had taken the drug before with no ill effects. He became ill at home shortly thereafter and a doctor was called to his home about 6:30. The physician said Eckl was definitely suffering a mild penicillin reaction. The standard treatment for penicillin reaction was administered, even though the physician didn't think it was necessary at the time.

What happened later has not been determined, but he became much worse and was dead on arrival at ECM Hospital about 7:30 p.m.

Thus ended the career of a St. Florian farm boy who threw down his hoe in the cotton patch in June of 1928 and headed for Florence to look for work.

The qualifications he presented to J. L. Meeks, Sr., then publisher of the Florence Times-News, were "two years of college and a pretty good speller." His parents thought he had made a poor bargain when he was hired a few days later at no salary.

"Mr. Meeks told me I could come to work for experience," Eckl later remembered.

By 1932, Eckl had advanced to $35 per week. Two weeks after his marriage to his Irish sweetheart, the former Patricia Dowd, of Tanner, his salary was cut to $25.

It wasn't long before he acquired the title of "Editor."

"That was a joke," he later said. "I was it." Together with a lady proofreader, who doubled as women's editor and secretary to the publisher, Eckl got out the news side of the paper every day.

Over the years, honors and recognition from the community, state and nation came to the man who was pioneering for civil rights long before the Civil Rights Act of 1954 and the man who became the "Voice of TVA."

One of the highlights of his career was "Eckl Night" held Feb. 11, 1965 when some 300 Shoals and Tennessee Valley citizens joined with high government officials to honor the Executive Editor of the Florence Times Tri-Cities Daily.

Spokesmen representing every phase of community life praised Eckl for his efforts in behalf of TVA, human rights, and general progress in the field of journalism. Representatives from business, industry, labor, religion and education were on hand to pay tribute.

As President of Citizens for TVA, Inc., Eckl was leading the fight to gain additional support for TVA.

Other observations in Eckl's last column Monday were:

"Although wise men have told us that it is not the length, but the quality of our lives that counts, yet it seems that we will do almost anything to keep from thinking of that inevitable day. . ."

"Yet nearing 62, we must admit that we were cheered up considerably the other day when we read that the way to live to be 100 (or more?) is to be contented and cheerful. To which we would add—grateful."

". . . It would seem that the best way to increase longevity is to maintain a useful and satisfying role in society and keep a cheerful disposition."

"Other centenarians are tax assessors, physicians, farmers, and newspaper columnists. (That newspaper columnist bit is really exciting!)"

"Hope really does spring eternal in the human breast."

THE COSTS OF HIGHER EDUCATION

Mr. BROOKE. Mr. President, in these days when our system of higher education is under increasing attack, both from without and from within, it is well to be reminded of the unique contributions and the unique problems faced by our private institutions.

Recently, the acting president of Boston University, Dr. Calvin B. T. Lee, delivered an address on this subject which is remarkable for its candor and valuable for the recommendations which it so vividly outlines. His remarks are not complimentary where the Commonwealth of Massachusetts is concerned; ours is a State which is fifth in affluence in the Nation—and 49th in terms of expenditures for higher education. This inconsistent ratio has been made possible over the years by the presence in our Commonwealth of nearly 100 private institutions of higher learning, which through the expenditure of private funds have been able to educate well over two-thirds of all the college students in the State. Public resources have thus been relieved of a tremendous potential burden.

But private institutions of higher learning are facing increasing deficits: tuition can no longer make up the difference between investments, endowments, and alumni giving. If Massachusetts—and by implication, other States, in the Union as well—are not to be faced in the near future with the problem of absorbing thousands of students thrust upon public institutions through the financial failure of private colleges, constructive and cooperative steps must be taken immediately. Dr. Lee's address is a cogent plea for such cooperation. I commend it to the Senate and to the Commonwealth for serious consideration, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH AND PRIVATE HIGHER EDUCATION

(By Calvin B. T. Lee)

Never before in the history of American higher education has the university, as a corporate body, been so under attack. Universities have faced major crises before, but in most cases they were primarily attacks upon individual faculty members. At the turn of the Twentieth Century, professors were fired for espousing a silver policy; in the late Twenties a number of professors lost their jobs over the issue of evolution, and during the McCarthy period in the Fifties, red-baiting and red-purging disrupted the academic community.

But now the university as a whole has become a political football. It has become a target of political candidates in both parties, as they seek a scapegoat for unrest in the country, for the financial problems of the state or the city, or for what is called the breakdown of morality in America. On the other side, student revolutionaries have tried to tear down the university as a symbol of the so-called Establishment.

It is a very difficult role which universities are called upon to play today. Most of the protests which have been taking place in the last year or so are responses to the war in Viet Nam rather than campus issues. These protests, whether they be on the subject of ROTC or military research, use the university as a surrogate of society. The protests are thus, in fact, directed at the outside world, although the university can't help being implicated since it in part reflects the needs, wishes, and desires of the society which it serves.

The traditional approach to student protests has been to treat them as disciplinary matters, and the Dean of Students has served as policeman. However, the matter of campus unrest is no longer simply a matter for the Dean of Students or indeed the President. The issues today—for better or for worse—are framed in moral and philosophical rather than pragmatic terms. In order to respond to such concerns, to prevent unnecessary disruption of the educational process, to prevent violence requires the wisdom and complete involvement of all of the constituencies of the university: students, faculty, administration, and alumni.

Not only is this involvement of all constituencies desirable, it is essential. Universities must learn how to govern themselves or else there will be nothing left to govern. But this year I sense on the Boston University campus a "pulling together" by students, faculty and administrators to try to govern themselves. Within the next few weeks a set of rules and regulations governing non-academic conduct for students, faculty, and administrators, and a judicial process to try any infractions will be ready for adoption. We should be able soon to avoid the state of anarchy of the past where rules were not clearly laid out and sanctions not clearly enforced.

I would prefer tonight not to say any more about campus unrest. It is a topic which you have already heard a great deal about. I won't even "plug" my book *The Campus Scene: 1900–1970* although it is a timely subject as well as an entertaining one. Rather, I would like to take this occasion, in an election year, to share with you some of the recent studies and findings relating to the future of private higher education in this nation and especially in the Commonwealth of Massachusetts.

I am moved to talk about this topic because of the following:

1. The sad fact is that the Commonwealth of Massachusetts is fifth in affluence among the states, and it is 49th in terms of expenditures per capita for higher education (New Hampshire is 50th). I, therefore, challenge the candidates of both parties to consider whether or not this isn't a disgraceful fact.

2. This is an election year and we have heard little, if anything, from the candidates about their positions regarding the future of higher education in this state—and in particular private higher education—so important a part of this Commonwealth. I challenge the candidates of both parties to speak to this issue.

3. Even if the political candidates are not philosophically disposed to supporting education, the future welfare of this Commonwealth is involved in this matter. In this state, education is a multimillion-dollar industry. In 1968–69, the private sector alone spent $773 million in operating expenditures and an additional $90 million in plant expenditures. It has incidentally produced substantial income for merchants, restaurants, and retail stores. I challenge the candidates of both parties to consider the many values of higher education to this Commonwealth.

Throughout its history this nation has been called on to cope with the problem of constant growth, to raise standards of living, and create a body politic learned enough to sustain a vital democratic government. To meet such overwhelming tasks, Henry Steele Commager in retrospect has stated:

"That nation could not be too exacting or too scrupulous in the means it used. It took what was at hand, used what it had, wastefully and even recklessly, in education as in other natural resources."

In the preservation of our nation's natural resources, we learned several decades ago that forests must not be recklessly cleared and hills mined without provision for the future. We are only now beginning to face the problems of the pollution of our water and air. We have known for several decades that the mass movement of people to our cities would cause enormous social, health, and economic problems, but we have still done little about it.

So too in education. For years we knew that the baby boom would reach the schools and colleges, but we permitted ourselves to drift along and be overtaken by each new demand upon our educational enterprise. And now in order to cope with the increased size and burden of higher education, we, by and large, continue to mine our educational resources with old tools—chalk and talk—and perhaps reckless abandon—hand-to-mouth planning for students, facilities, faculty and the states.

It has become clear that the traditional resources of higher education are inadequate to meet the demands for higher education and the manpower needs of society as well as the knowledge explosion.

Massachusetts is unique in its development of the dual system of education because of its very long tradition of almost total reliance upon private education. As late as 1962–63 when most states had developed large and strong state colleges and universities, the total enrollment in public institutions in Massachusetts accounted for only 17% of the students. After a very rapid expansion of six years the figures showed in 1968–69, 32% of the students in the public sector and 68% in the private sector. This is, by and large, a healthy balance and the further development of public higher education should be encouraged. But one should be aware that the private share of higher education in the nation has been declining so rapidly that it is now only 28% of the nationwide enrollments—causing some concern about the proper balance between public and private if a dual system is to be preserved.

At this rate of growth of the public sector of American higher education, what will the role of the private college be in the future? Or, to put the question more pointedly: if there is a role for private higher education, what critical decisions will have to be made for its survival?

With 97 independent colleges and universities, Massachusetts, if it doesn't have *the* largest number, it certainly has among the largest number of private colleges in any one state. Just as important, if not more important, is the fact that there is a great diversity of institutions. Americans are fond of saying that we are a pluralistic society and that we encourage diversity particularly in education. Most of the time we are talking merely about a dual system of public and private institutions.

Massachusetts has the unique opportunity, if its 97 independent colleges are preserved, to continue to provide a truly pluralistic and diversified system of higher education. Among the independent colleges of the Commonwealth are junior colleges ranging from schools for more affluent girls (we used to call them finishing schools) to secretarial and business schools. There are in this Commonwealth, specialized schools such as the New England Conservatory of Music as well as private colleges for pharmacy and optometry. The four-year liberal arts colleges include schools with affiliation with every major religious sect as well as many of the best known non-sectarian colleges in the country. And, of course, we have in this state a larger than usual number of *large* private universities.

A youngster can choose from a range of institutions so that he can be where his talents are properly channeled and challenged. He can decide whether he wants to go to a large school or a small one, an urban one or a rural one, a sectarian or a non-sectarian, a liberal arts college or a school for specialized training. The choice is his and he is not faced with the homogenization which seems to be so prevalent in certain parts of the country.

We in this Commonwealth are now at the crossroads of making that decision of whether we want to preserve this pluralistic system of higher education. One of the major tasks for alumni of this and other universities is to encourage and to support legislation giving aid to private as well as public higher education. You should be aware of the facts and the issues. In April 1969 the Governor of Massachusetts appointed a Select Committee for the study of Financial Problems of Private Institutions of Higher Education in Massachusetts. Boston University's President, Arland Christ-Janer, was an active member of this Select Committee. A report was released in January 1970. Insofar as very little public notice has been made about this report, it may be useful for me to review its major findings and recommendations and to encourage you to challenge the candidates for political office to respond to these issues. The Report of the Select Committee came up with the following findings:

First, financial projections based on historical trends, institutional expectation, and environmental factors show that private higher education in Massachusetts will face a collective deficit of the order of $50 million by 1975–76 and perhaps two to three times that amount by 1980–81.

Second, the Select Committee observed that financial support from the federal government does not appear to offer an immediate solution to the private sector's financial problems for two reasons: (a) federal funds have been largely provided for services (notably, research) that generate only incidental financial support for other educational activities, and (b) new forms of substantial financial support from the federal government appear unlikely in the near future.

Third, confronted by the prospect of inadequate increases in existing external sources of funds, many private colleges and universities in the Commonwealth will be forced to take internal measures to cope with their worsening financial positions: limitation of student aid expenditures, continuance of a high rate of tuition growth, and reduction of educational resources resulting in increased educational deficits and erosion of quality available for each student may well be the ultimate result of financial problems in private higher education—all of this when Massachusetts is likely to face increasing shortages of 85,000 educational spaces by 1980. A depressing prospect, isn't it?

By enrolling Massachusetts residents (a total of 56% of all Massachusetts residents receiving higher education), private institutions have relieved the Commonwealth of a major share of its responsibility for providing educational opportunities for its citizens. If the state were supporting its residents who are enrolled in private institutions in 1969—70 at the level budgeted for public institutions, the operating cost of higher education in the state would approximately double, adding in excess of $90 million in taxes on the citizens of this state.

Allan Cartter, Chancellor of N.Y.U., has observed that for the preceding fifty years, the ratio of total major costs between private and public colleges had remained at about 1.5 to 1; that is, it costs about 50% more to attend an independent college than to go to a state college or university. Over the last ten years, however, the price ratio has risen to more than 2 to 1. Fortunately, for Boston University and its students, the present tuition of $1750 is very low in comparison to comparable private institutions. But looking at the widening gap between the tuition of independent colleges and of public colleges, the picture becomes alarming.

Some people have suggested that the only future for large private institutions is to be absorbed by the state system. Over the last decade the universities of Buffalo, Pittsburgh, Temple, and Kansas City among others have been absorbed into their respective state systems. Quite aside from the philosophical questions of whether it is wise to abandon the dual system in America, there are pragmatic considerations. First, can the Commonwealth afford to absorb all or most of the 97 independent colleges? Second, is the effect of absorption going to result in a social gain for the Commonwealth?

Chancellor Cartter brings our attention to the effect of the absorption of the University of Buffalo, by SUNY. Buffalo in 1962 was an old and reputable independent university with a relatively small endowment of $17 million (not much smaller than ours) when it was absorbed. At this point it had difficulties balancing its budget by several million dollars. Today the State of New York through tax support spends $45 million annually for approximately the same number of students, not including the capital expenditure for facilities. Undoubtedly there has been some improvement in the quality of the program with such a massive infusion of funds. But one wonders about how much improvement there has been, when an investment of a few million dollars a year could have been spent annually instead of $45 million to keep this institution viable.

It has also been argued that the absorption of private institutions would enable

under-privileged children to attend such institutions which they could otherwise not do if they were tuition based. A new book published this week entitled *Benefits, Costs, and Finance of Public Higher Education* by Hansen and Weisbrod contained the almost contradictory message that in California, public support of higher education tends to benefit students from relatively high-income families. Indeed many under-privileged students find that they cannot afford to go to a tuition-free university when the additional costs of books, transportation, and food are thrown in. Such a student finds a better opportunity at private institutions with total scholarship aid which provides not only tuition but also free room and board as well as the opportunity to have funds for books and some recreation. It is ironic that institutions such as Boston University with so little endowment for scholarships is put into a position of helping the under-privileged student out of tuition dollars from more affluent students. In point of fact, Boston University alone is paying out nearly as much scholarship monies as is the Commonwealth of Massachusetts.

Another observation should be made. It would be wasteful and foolish for the state to try to duplicate the very fine resources which are already available in private institutions. It would be more economical and sensible to develop what we have. A student who wants to study painting, drama, or music, for instance, does not have any real opportunities to develop his talents in any public institution in this region. He should be given the opportunity to attend our School of Fine and Applied Arts or the New England Conservatory.

May I make some recommendations for your consideration as citizens of this state:

First, the Commonwealth must make every effort to include in its long-range planning for the future of higher education the possible contributions which might be made by the private and independent institution, both large and small. To lose the money and time in developing new public institutions when existing private institutions can provide the same services given appropriate state support would be foolish. The Commonwealth should quickly turn to supporting the critical areas of manpower shortage so important to the welfare of our society. Indeed, the programs in medicine, dentistry, social work, nursing and the allied health professions are already at the point where tuition dollars do not and cannot pay for the expenditures needed to train such professionals.

Second, you as members of this academic community either as students, faculty, administrators, alumni, or policy makers in this area should be aware of the several alternatives which this state can take in the support of private higher education. The silence on this subject gives the general impression that no plans are available. On the contrary, I should simply like to name the several kinds of state aid plans available for consideration.

The Select Committee in Massachusetts has recommended that the Commonwealth give private colleges and universities direct institutional grants apportioned on the basis of degrees awarded equaling a small fraction of the cost of education of students in the public institutions. A payment schedule based on fifteen percent of the estimated public cost of providing degrees would provide about $25 million in 1975–76—significantly less than the $50 million deficit projected for that year. It is a good start, but not a final solution.

There are other forms of state aid which would help the private sector. Maryland and New York provide facilities assistance which is especially important in light of federal cutbacks in this area.

Another type of support is in the development of contractual relations. When New York was faced with the alternative of beginning another school of medicine which might take five years to become operational, and ten years to produce graduates, the state offered to subsidize the expansion of existing medical schools by offering $6,000 per additional student annually plus some capital funds for facilities. The state not only ended up spending less money, but it was able to cut the time of the production of graduates by more than half of the time. Other states have also used this device. New Jersey has a contract with the Newark College of Engineering. New York contracted with Cornell to provide higher education in agriculture, industrial and labor relations, home economics and veterinary medicine.

State scholarship programs exist in some twenty-two states. Under such programs the award is given to the student rather than the institutions (thus avoiding the constitutional question of church-related schools) and the student may attend the college of his choice whether it be public or private.

These are but a few of the proposals and actual working programs in support of private higher education.

Let me summarize my talk by reiterating just these two points:

First, the Commonwealth of Massachusetts has for 300 years relied upon the services of private higher education and if something isn't done to help support these institutions within the next few years, many will go bankrupt. The state system cannot alone take their place.

Second, the Commonwealth would be derelict in its duty to its citizens and extravagant in the use of public monies by omitting the private colleges and universities from their master planning.

Third, there are many ways in which both public and private higher education can be aided by the state: direct grants, facilities assistance, contractual arrangements, and state scholarship programs, among others.

I must make it quite clear, I am not proposing to put Boston University up for adoption by the state. I believe too strongly in the dual system of higher education. Until the time that such aid to private education becomes available we must rely heavily upon alumni giving to keep us both solvent and academically viable. We do not want to be put in a position where we must run to the state for emergency aid but rather we wish to discuss this matter from a position of relative strength. Indeed the continuing support of alumni is one indication of our belief in our institution. Thus we need the financial support of our alumni as never before.

If you agree with me that Boston University is not up for adoption by the state and if you continue to support our work, I also hope you will work to bring about discussion by the candidates on the future of private higher education. Like the deterioration of our environment, the deterioration of our educational system can only be considered a catastrophe. It affects every family in this state. Can we afford to ignore it? I think not.

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DR. CLAUDE McLEOD OF SAM HOUSTON STATE UNIVERSITY CALLS FOR A BIG THICKET NATIONAL PARK OF AT LEAST 100,000 ACRES NOW

Mr. YARBOROUGH. Mr. President, Dr. Claude McLeod of Sam Houston State University at Huntsville, Tex., author of the monograph "The Big Thicket, Its History, Location, and Description," has written to the Senator from Nevada (Mr. BIBLE), chairman of the Parks Subcommittee of the Senate, a perceptive and compelling letter calling for a Big Thicket National Park of 100,000 acres.

Yesterday, Senator BIBLE held an additional hearing on S. 4, my Big Thicket National Park bill. Dr. McLeod's letter is most timely in light of this hearing.

Professor McLeod has spent years conducting detailed research on the Thicket and has contributed some of the best scientific literature to date on this wilderness area. During this time, Professor McLeod has withheld judgment upon the desirability of a 100,000-acre park, pending completion of his thorough research on the Thicket. Today, I am pleased to announce that Professor McLeod, after carefully weighing the alternatives, has endorsed a 100,000-acre Big Thicket National Park. In his letter to Senator BIBLE, Professor McLeod presents perhaps one of the best and certainly most concise scientific statements in support of a 100,000-acre park to date. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SAM HOUSTON STATE UNIVERSITY,
Huntsville, Tex.

Senator ALAN BIBLE,
Chairman, Subcommittee on National Parks, Senate Office Building, Washington, D.C.

DEAR SIR: By way of introduction, I am Claude McLeod, Associate Professor of Biology, Sam Houston State University, Huntsville, Texas. My training, teaching, and research activities have been, to a large degree, in the field of plant ecology. For the past twenty years my research efforts have been centered in eastern Texas; an exception being field work (University of California) in the Sierras of northern California, including a study of floral variation of the Truckee River from Tahoe to Pyramid Lake.

One recent publication dealing with area vegetation is entitled: *The Big Thicket, Its History, Location, and Description*. This was published by the University Press in 1967. Results of this study were available for use by the National Parks study team in which the nine "String of Pearls" park sites were recommended. I was also a member of this survey group. Senator Yarborough has, from time to time, requested copies of this publication.

A more recent study entitled *Ecology of the Big Thicket Forest of East Texas*, is in

press and will be published June 22, 1970 by the Texas Journal of Science. These studies were made to determine the vegetational "make up" or community structure of the Thicket forest type and to botanically and ecologically delineate this forest type from contiguous vegetational types. The results of these studies have been of some value to foresters, conservationists, ecologists, and naturalists who are seriously interested in defining and bounding the Big Thicket forest.

Senator Bible, I did not attend the Thicket hearing in Beaumont on June 12, as I felt the program agenda was accommodated. And frankly my judgment has only recently jelled regarding the desirability of the proposed 100,000 acre ecological area over the 1967 park proposal of the nine unit 35,000 acre plan.

This final judgment is, in essence, the reason for this communication. I favor, after prolonged deliberation, acquisition of the larger area for, among others, the following reasons:

I. Continuous observation of this forest area for over twenty-five years, convinces me that present management practices, indiscriminate utilization, and sometimes wanton destruction of the hardwood components of this *mixed* forest type is irreparably altering the natural ecology of the Big Thicket forest type.

(A) Indiscriminate girdling, harvesting and burning (controlled) is designed to produce more pine timber to the total disregard of perpetuating the associated hardwood species, which with their associated understory species make or name the Big Thicket forest type.

These hardwood control practices alter, permanently in many cases, the original forest composition. Such species as beech, magnolia, and certain rare hickories will not reestablish themselves once the dominant forest community structure is radically changed or altered. This is of considerable significance in the ecology of this particular forest type. This forest management practice seems to be that followed by both government (national and state forests) and private owners.

(B) This hardwood control practice will continue, indeed, it is necessary, for land values, taxes, and other economic considerations are strong incentives to produce more pines per acre investment to the exclusion of the far less valuable hardwoods.

II. The removal of hardwood stands from stream bottomlands to create water basin area impoundment has removed permanently almost one-half million acres of our hardwood resource in the east Texas Thicket area. It is highly desirable that some of the few remaining bottomland hardwood stands be preserved.

III. Inasmuch as more than 50 percent of the 100,000 acres included in the proposed park plan is stream bottom floodplain forest, mostly hardwoods, the upland pine producing lands are less affected, thus the timber economy is less affected.

IV. Ecologically, the 100,000 acres proposed is far more tenable than the 35,000 acre proposal. Certainly a greater vegetational stability is assured as well as a greater diversity of plant and animal life. This area, if brought to park fruition, could serve as an invaluable outdoor laboratory for at least four large universities located in the general area of the Thicket forest. Natural areas are desperately needed for research training of naturalists and environmental scientists, both so needed in preserving our natural environment.

Senator Bible, I offer the foregoing comments to help clarify certain points relating to the ecology of the Thicket Forest area. If these remarks are of any help to you in any way, I am pleased. I feel that speedy acquisition of this unusual mesophytic forest type should be of first priority to the Department of Interior and by all means should be preserved as a part of our national heritage.

Sincerely,

CLAUDE MCLEOD,
Associate Professor.

THE DEBATE WITHIN ISRAEL

Mr. HATFIELD. Mr. President, numerous factors are contributing to the present impasse in reaching the negotiating table between the various parties to the conflict in the Middle East. There are differing points of view within the various Arab countries as to how best proceed. And there is similar querying among the Palestinians. We in the United States are familiar with the debate among the Arabs and Palestinians, but we not too often hear of the debate within Israel.

Lawrence Mosher, in an aritcle written from Jerusalem and published in the National Observer of October 23, 1970, describes many of the differing points of view within Israel and the problems presented that young country by the recent peace initiative and its aftermath. The article also presents an interesting reflection of the United States where seemingly little substantive debate is occurring as to the best policy to follow to contribute to a meaningful and lasting peace in the Middle East.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT IS ISRAEL?

(By Lawrence Mosher)

Israel's overriding dilemma continues to be itself. What is it? Where are its legitimate borders? Viewed from here, any hopes for a permanent peace settlement with the Arabs depend on the resolution of these questions.

Amid last week's flurry of diplomatic jousting between Israel and the United States, some observers both here and abroad thought they detected a movement by Israel to rejoin—eventually—the aborted peace talks in New York City.

Perhaps. But what complicates the decision here to edge again towards a negotiated settlement under United Nations auspices is the country's apparent inability to decide what it is.

Is Israel to be just a Jewish state, or an Israeli state for both Jews and Arabs? And where should Israel's boundaries really be? Along the Jordan River? Somewhere in the middle of the Sinai Peninsula? Or back near the pre-June 1967 frontiers?

A DISTANT DREAM

Peace will be more than a distant dream to the border *kibbutznik* here and the Palestinian refugee trapped in a Gaza Strip camp when this government can make up its mind about itself. Until then the mechanics of peace-making may continue to befuddle and confuse nearly everyone. And last week was no exception.

Indeed, the contradictions and ambiguities originating from official sources here suggest that the Israeli government is far from united on what to do next. But just as evident is the relaxed attitude of most of the government over the entire peace issue. Feb. 4, the end of the second 90-day cease-fire period, is still comfortably distant.

Mrs. Golda Meir, Israel's prime minister and now the unquestioned leader of the ruling Labor Party coalition, delayed her state-of-the-nation speech a week in hopes that opinions would jell. But no luck. So last week she larded her address with what her spokesman later described as deliberate ambiguities, cleared it with her cabinet in advance, and then delivered it to a somewhat indifferent parliament. Her message:

The time was still not ripe to end Israel's "political struggle" against the "dangerous violations" to the original standstill cease-fire perpetrated by Egypt and the Russians.

The proper "conditions" were not yet created to change the government's decision suspending the peace talks under United Nations special envoy Dr. Gunnar V. Jarring.

Israel would continue to agitate for the right "conditions" with the only country that is liable to provide them—the United States.

Vague as all this was, Israel's 120-member Knesset approved Mrs. Meir's policy speech by a vote of only 51 to 28. Even then, the adoptive resolution merely "took note" of the government's position on "the political and security situation."

What are the "conditions" sought by Israel? The prime minister's spokesman said the government had not yet decided on them. But in Washington last week Israeli foreign minister Abba Eban was more forthright.

At an opening 45-minute diplomatic skirmish with Secretary of State William P. Rogers, the persuasive Mr. Eban reportedly asked for the jackpot: assurance of continuing supplies of arms and money at least through fiscal 1972, and a promise by the Nixon Administration to refrain from further map drawing in the Middle East.

Such efforts at map drawing were the main elements of the American peace initiative that Mr. Rogers unveiled almost a year ago, and which the Israelis now would like very much to ditch. The Rogers plan, as it came to be called, suggested that Israel should return all of Sinai to Egypt, and seek only "minor border adjustments" in withdrawing from Jordan's west bank.

There also were two other propositions that were equally unpopular here. One called for compensation or reintegration on an annual quota basis of Palestinian refugees wishing to return to Israel. The other proposed that Jordan share in the civil administration of what is now unified Jerusalem.

The purpose of the Rogers plan was not to impose a peace solution on the Israelis, but to overcome deep Egyptian anxieties in order to get peace talks rolling. Mr. Rogers' efforts were based on the November 1967 Security Council resolution which Egypt, Jordan, and Israel have publicly accepted.

THE CYNICAL MOOD

The only snag is that the Israeli political scene here has changed during the three years that have passed since the U.N. resolution was approved. Today any Israeli will tell you that in the months immediately after the war the country was willing to give up every inch of conquered territory in exchange for genuine peace with the Arabs. Now, understandably, the mood is more cynical.

In general terms the government here is now unwilling to give up most of the occupied lands. Why? Because little confidence is now placed in any peace treaty that may emerge from negotiations particularly the kind of indirect talks now envisaged under Dr. Jarring. If additional justification was needed for this stand, the government now has the Egyptian violations of last August's standstill cease-fire agreement to cite. And it surely does.

Thus the Israeli government, despite what it says officially, has moved away from the November 1967 formula for peace. It wants more land. But it can't agree on how much.

Israeli sensitivity on this point these days is sharp. And for obvious reasons. Diplomatically, the government still must hue to the formula. Politically, it dare not.

This explains the recent sharp reaction here to the relatively innocuous speech made by Britain's foreign secretary Sir Alec Douglas-Home late last month in London. Sir Alec merely reiterated the "minor changes" approach to the new boundaries foreseen under the resolution. But Israeli officials here sharply criticized Sir Alec for his "inaccurate interpretation" of the U.N. formula.

For the record, the Security Council resolution passed unanimously on Nov. 22. It calls for the "withdrawal of Israeli armed forces from territories occupied in the recent conflict" and the "acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force."

Just how far Israel wants to move from the Anglo-American interpretation of the U.N. formula is now the issue here. The Gahal bloc, with 26 seats in the Knesset, continues to push for retention of all the occupied territories.

During the parliamentary debate on Mrs. Meir's speech last week Gahal party leader Menahem Begin argued that Israel would only be adding 80,000 Arabs by keeping everything. He insisted that Israel would continue to remain a Jewish state because Jews would still form 66 per cent of the total new population. But, he refrained from predicting for how long.

UNCERTAIN FUTURE

The Arab birth rate—which results in an Arab population increase of 3.4 per cent a year—is considerably higher than the rate for Ashkenazi (Western) Jews. Indeed, the rate for Sephardic (Eastern) Jews also is higher. Thus the Western Jews who run Israel today face an uncertain demographic future here regardless of how much occupied territory (and Arabs) remain under Israeli control.

On the opposite side of the issue are such parliamentary mavericks as Uri Avnery, whose New Force party has only two seats in the Knesset. During last week's debate Mr. Avnery, sporting a tie showing the international peace symbol, ridiculed Mr. Begin's insistence that "co-existence" with an enlarged Arab population inside Israel "was not just a pipedream."

Quipped Mr. Avnery: "Coexistence just like in Rhodesia, I suppose."

Mrs. Meir, who was suffering from a slight cold, squelched her critics with one of her typical oral put-downs. "I don't think anyone has a patent for obtaining both an integral land of Israel and peace," she said. "I want to ask the opposition, have they a program for peace? I know how to get war."

Curiously, it is Israeli defense minister Moshe Dayan who has been irritating Mrs. Meir most these days on the question of war and peace. During the past few weeks, Mr. Dayan has been dropping little hints of new Israeli flexibility.

"Let us face the truth," he said. "We have to plunge into some very cold water now because we are not interested in continuing the war. I very much want to end the war, and this can only be done through talks."

The next day Mr. Dayan cooly allowed that he had been "misinterpreted" by the news media. In the meantime newsmen were given to know that Mrs. Meir was burning over the untimely revelation of what may be the governments' unavoidable next step.

All this is either a very foxy move designed to show how very reasonable the Israeli government is about to become, or could become with suitable inducements from Uncle Sam. Or it is an indication of a government struggling with a very painful dilemma.

PRISONERS OF WAR

Mr. HRUSKA. Mr. President, the United States did not achieve its eminence in the world by sitting on its hands and doing nothing. Americans are by our nature activists. As activists we have often been distressed in our recent history when we have been forced to suffer passively indignities inflicted upon our citizens and fightingmen by Communist countries.

Because we feel more at peace with ourselves by reacting forcefully and positively to such crises, I am very pleased to take note of the daring attempt last weekend to rescue American prisoners of war in North Vietnam.

Our only regret at that action should be that it did not succeed in freeing any prisoners. Lacking that important element of achievement, however, the venture still must be termed a striking success. Word of it is bound to penetrate the curtain of secrecy around the North Vietnamese prison camps. Those survivors of our 1,500 military men who are listed as prisoners or missing will inevitably hear about the rescue attempt. They will be encouraged in facing their daily tribulations because they will know they have not been forgotten. They will be aware that their country is doing everything it can to obtain their release. It is entirely possible that the resulting increase in morale among our prisoners could mean the difference between life and death, by giving these men the will and stamina to continue their battle for survival under the inhuman conditions to which they are being subjected.

It should not be surprising, Mr. President, that there are those who wring their hands over the military's bold plan. Inevitably these will be the same prophets of doom who condemn virtually every move the President has made to bring an end to the war. It will be they who found immediate fault with our strategy of last spring despite its obvious success. It will be the same ones who seemingly never question the motives or the actions of the other side, but attempt to place all the responsibilities for the Vietnam problem at our doorstep.

Their answer is that we should rely on negotiations to free our prisoners. I submit that they should speak to the wives or the parents of our prisoners. They will discover quickly enough the reaction by these loved ones to negotiations that lead nowhere, persuasion which fails to move our opponents, and hope for justice in a situation where the captors have no sense of justice.

Negotiations have failed to pierce the callousness of the enemy. Even President Nixon's latest peace offer, which included as a key point the release of prisoners of war, has attracted nothing but disdain and more vitriol. It is well and good to call for more negotiations. We should continue to negotiate in every way we can. But we should not be deluded by the prospect that negotiation will release our prisoners of war in the near future. It has been notably unsuccessful to date.

Likewise our efforts to appeal to the humanitarian instincts of the North Vietnamese have availed us nothing, because the enemy apparently has no humanitarian instincts.

It seems obvious to me that, while we should continue to seek release of the prisoners through all possible diplomatic means, we should certainly utilize other bold and innovative measures. If they do not succeed, as unfortunately this one did not succeed, at least they serve notice to the world and to our prisoners of war that we are making every possible effort in their behalf.

Of course the administration expects nothing but verbal abuse from Hanoi and its Communist allies for this abortive attempt. It is disappointing however that the action reaps the same sort of abuse from some Americans also, for this surely is a cause which all Americans can wholeheartedly support.

It may be entirely coincidental, but the American Broadcasting Co., the morning after the raid was announced by Secretary of Defense Melvin Laird, carried a transcription from an American prisoner of war bringing Christmas greetings to America. According to ABC, this statement was monitored from an Hanoi broadcast and the serviceman's mother in Boston identified the voice as belonging to her son.

This may be, as I said, entirely coincidental, but it may also be an indication that our daring raid and our constant outcry for humanitarian treatment are beginning to bring results. If this is the case, then my reaction would be: Let us see more similar efforts.

In this regard, I am pleased to report that Nebraskans are very active in the matter of attracting public attention to the injustice of the POW situation. The State observed the week of November 9–15 as Concern for Prisoners of War Week, an event which drew comments from President Nixon.

Mr. President, I ask unanimous consent that the President's remarks be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF PRESIDENT NIXON

It is highly gratifying to note that Nebraska has set the week of November 9 through 15 as Concern for Prisoners of War Week. It is a concern that the Federal Government fully shares.

As you know, I have repeatedly urged that the enemy consider the prisoner problem as a humanitarian issue separate from our differences on the war. It is as difficult to comprehend the enemy's total disregard for human dignity as it is heartening to praise your desire to shorten the anguish and end the heartache of those who wait the return of their loved ones.

My thoughts and the thoughts of countless civic-minded, sensitive fellow citizens will be with you during this week as will our hopes that the goals for which we daily work will soon be realized.

Mr. HRUSKA. Mr. President, the President's remarks were read at the halftime of the University of Nebraska at Omaha football game on November 14.

I am also pleased to report that the Forgotten Americans Committee of Omaha, one of the first organized communitywide efforts to keep the problem of American POW's before the public, marked the week by circulating through 400 Omaha area churches an appeal for continued efforts in behalf of POW's.

I ask unanimous consent that the text of the bulletin, entitled "Let Us Not Be

Forgotten," be printed at this point in the RECORD.

There being no objection, the bulletin was ordered to be printed in the RECORD, as follows:

LET US NOT BE FORGOTTEN

The "Forgotten Heroes" of the conflict in Vietnam are those brave men who are living in the world of confinement and isolation—our American prisoners of war in Southeast Asia. If your husband or son or father or brother were being held captive, would you write to your elected officials and to Hanoi in his behalf? Would you pray daily for his release? Of course you would. But would you—Will you?—do it for the husband, son, father or brother of someone else?

Mr. HRUSKA. Mr. President, the Forgotten Americans Committee, I might add, has been a very effective instrument for focusing public attention on this issue. The committee was one of the early communitywide organizations to become active. Earlier this year it staged a rally at Omaha's Rosenblatt Stadium featuring a talk by Comdr. Lloyd Bucher of the *Pueblo*. It has conducted many other noteworthy programs, all designed to maintain public attention to this problem in the hopes that enough similar efforts will mobilize world opinion to the point where Hanoi's obstinacy will be eroded and the North Vietnamese will be amenable to a humane resolution of the entire POW situation.

Meanwhile the Northwestern Bell Telephone Co. took note of the campaign by including in its November billings an appeal for mobilization of public opinion.

I ask unanimous consent that the text of this appeal be printed in the RECORD.

There being no objection, the appeal was ordered to be printed in the RECORD, as follows:

DO YOU REALLY CARE?

Today more than 450 Americans are being held prisoners by Communist forces in Southeast Asia. Do you really care what happens to them?

These Americans are being held without proper food, medical care or regard for established conventions for war prisoners.

The Communists refuse to identify all those held prisoner . . . or those known dead. There is proof of cruel, physical and psychological treatment . . . Americans paraded through the streets for public harassment and abuse . . . prisoners isolated for extended periods.

The Geneva Prisoner of War Convention . . . agreed to by more than 120 nations including North Vietnam . . . provides for humane treatment of prisoners taken during armed conflict. Convention tenets are complied with by the U.S. and its allies. We must demand in the name of humanity that Communist forces also comply.

There is evidence that Hanoi and its allies will respond to public opinion . . . but they cannot hear the silent majority.

We must speak out. You can do so by sending the attached card to the President of North Vietnam. You can show your concern for these prisoners by helping them now.

Mr. HRUSKA. Mr. President, the text of the attached card, addressed to the President of North Vietnam, reads:

Dear Mr. President: I appeal to you and to your government and to your allies to:

Treat all prisoners of war humanely as specified in the provisions of the Geneva Convention.

Release an official list of all prisoners held; provide information about those known to be dead; release seriously sick and wounded, and allow a free flow of mail.

I ask your help in the name of humanity.

Some time ago, Mr. President, I challenged the Nebraska Jaycees to turn their boundless capacity for community action to this problem to help bring irresistible pressure on Hanoi. At the time we were very hopeful that the President's proposal to free all prisoners as part of peace negotiations would draw a favorable response from North Vietnam. Despite this hope, however, I said the Nation must support the President by generating such a climate of moral indignation that it will capture the sympathy of the world's peoples.

Many thousands of Americans are now dedicating virtually their full time to this project. But we need more help. Everyone is hoping and praying for an instant solution to the problem—some dramatic action such as last weekend's raid which would quickly solve the problem. Such a key is difficult to find, and while we know the administration will go on looking, we can bolster its negotiations and perhaps tip the scales in our direction by maintaining strong pressure on world opinion from throughout the Nation.

This is a job for each and everyone of us. One of the ways in which we can be sure to advance the project is by applauding and endorsing—rather than criticizing and second-guessing—bold and innovative actions by the administration which attempt to achieve our goal.

CAUSE FOR PAUSE

Mr. ALLEN. Mr. President, Mr. Gordon Tucker is editor of the SDE, a monthly bulletin published by the Alabama State Department of Education. The November 1970, issue contains a timely and thought-provoking editorial written by Mr. Tucker which I believe deserves the thoughtful consideration of Senators and the public in general. I ask unanimous consent that the editorial, entitled "Cause for Pause," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CAUSE FOR PAUSE

One of the most disrupting and debilitating forces in all the world is a sense of guilt—especially a false sense of guilt—whether individually or collectively felt.

We must rid our society of its "guilt."

The time, in fact, has long since passed when we as a people should have purged ourselves of a guilt complex with which we should have never been burdened in the first place.

One detects what appears to be an almost deliberately implanted compunction. Design has been permitted to play upon naiveté until America has come to feel a form of mass remorse—eager to assume retribution, anxious to do penitence.

This is a powerful instrument of manipulation so long as there are those people who are content to sit draped in the sackcloth of their contrition with the ashes of their self-esteem piled high upon their heads; and during the latter years of our nation's history it has been a tool which has been all too expertly utilized by those whose most distinguishing feature seems to be a conspicuous lack of guilt in any form over anything.

Ours is a society which has less cause than perhaps any in all of history to feel an overburdened sense of guilt over so-called sins of omission. America has no equal in its concern that the dignity of any man not be oppressed. If ever there has been a time or place where a people has more willingly assumed the role of brother's keeper, it escapes the ken of our recall; yet, the "guilt" complex rides on, unchecked, throughout a disportionate segment of the American social structure.

From any promontory which one may objectively choose to view it, the national fabric lies pockmarked with the stains of this same dismal guilt—splattered there by the sympathetic minions of those groups which are dead set upon maneuvering the body of legitimate society into a posture of an unfavorable verdict against itself, rather than against those who are indeed derelict.

For whatever reasons, which we will not attempt to analyze in this limited space, many students seem especially susceptible to this approach. In the light of what one would hope should be their research capabilities after years of having been taught the various methods of sifting out the truth—of learning to think for themselves—their vulnerability is all the more remarkable. It is as if they have deliberately chosen to close their eyes to escape having to face up to the obvious.

It should go without saying that despite her imperfections, ours has been a nation which has been generous to a fault, even with those who have demonstrated in no uncertain terms that they do not have any of her best interests at heart—to say nothing of her domestic tranquality. What indeed then DO those who pose as her apologists have to feel guilty about?

Is it a guilt which takes root in our national tolerance of all creeds and religions to the extent that the Congress shall pass no statute abridging their free and conscientious exercise—or in our over-tolerance of dissent, even that which disrupts.

Perhaps it might be a guilt which is traceable to our deep-seated belief in the policy of aiding, assisting and permitting other nations the pursuit of national self-determination even though this carries the distinct possibility of the formation of governments which would re-mold their peoples along lines totally alien to that of our own.

On the other hand, could it be a guilt which derives of our foreign aid activities—not in receiving, but in expenditures totalling $144 billion since WWII despite our continuously mounting public debt?

Could it be a guilt which is attributable to the American penchant for inventiveness, enterprise, industry and productive capability—in turn, providing more consumer items than any other nation on this planet—and all to the accompanying tune of a trillion dollar economy?

Then, of course, there is the possibility that it is a guilt which finds its genesis in the greatest opportunity for study, self-improvement and professional development, for the properly motivated, of any ever afforded man, thus translating into the most fantastic realization of personal ambition and individual aspiration that any society has ever witnessed—where even the poverty-strickened are "rich" in comparison to their counterparts in other systems.

Do any of these things furnish the answer as to the why of American guilt? Well, certainly not!

We must look elsewhere—to causes other than those which come as a direct outgrowth of the very system at which this guilt would strike.

We must look beyond—possibly to the lack of identification of the above characteristics (and others) with real national meaning and

purpose; a lack of identification which even in the most charitable spirit can be described as but a gigantic taking-for-granted of all that which is dubbed both American and good.

People of all ages need to be awakened to the excellence that our nation's men of good will are attempting to hold up to the world. Seldom has the value of human life and human dignity commanded a greater respect than that which is accorded these things in America today. Probably the right of equal access to opportunity and the pursuit of happiness has never been more firmly established or fairly distributed among a folk, despite howls to the contrary. For years now our codes have been as lax as they safely can be without leaving us at the mercy of the irresponsible and those who tend to anarchy. Any further relaxation—i.e., "freedom"—can but bring on more disruption than that which we have already experienced.

In short, ours—the American way—has been the only practical means whereby there might be the equitable distribution of the opportunity to seek and gain fortune—that is, free men enjoying the widest possible latitude to rise to their level of affluence, subject only to the extent of their motivation within the bounds of their innate capabilities. Those alternatives to the contrary insure but a RE-distribution of poverty.

If nations can be judged in such anthropomorphic fashion, then ours, on balance, is a good country—just as there are good persons—saved more than once by grace through faith despite her mistakes.

In this light we have no reason to feel guilty.

Educators cannot re-emphasize this fact enough to our young people.

FUNDS FOR FOOD STAMPS

Mr. BROOKE. Mr. President, members of the Appropriations Committee will soon be meeting in conference with the House on the fiscal 1971 Agriculture appropriations bill.

One particularly vital portion of this legislation deals with the food stamp program, which has brought needed and constructive relief from overwhelming household expenses to many millions of Americans.

Earlier this year I joined with the distinguished Senator from South Dakota (Mr. McGOVERN) and other Senators in securing Senate approval for an increase of $500 million in funds for this popular and successful program.

This year, many events have combined to make the original request for funds insufficient to our needs. Unemployment has risen and has remained at a rate higher than was anticipated. The eligibility of strikers to participate in the program has diminished correspondingly the resources available to other needy recipients. And a more active outreach has added many thousands of eligible poverty-level persons to the program. At the present time, a conservative estimate places the cost of the program for fiscal year 1971 at $1.65 billion.

And it is possible that the full $1.75 billion approved by the Senate may yet be required. As an indication of the vast increase in program participants and expenditures in the last year, I ask unanimous consent that a recent news release from the Department of Agriculture be printed at the conclusion of my remarks.

Mr. President, I urge the conferees to stand firm for the Senate-passed version of the bill, and I offer them the strongest possible support in their efforts.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

USDA FAMILY FOOD PROGRAMS AIDED 11,700,000 NEEDY PERSONS IN SEPTEMBER

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., November 4, 1970.

Assistant Secretary of Agriculture Richard E. Lyng today reported that an estimated 11,700,000 needy persons took part in September in the U.S. Department of Agriculture's family food-assistance programs.

Mr. Lyng said September participation in the Food Stamp Program climbed to an estimated 8,200,000 people, a record for the program. Participation in September a year ago was 3,343,806 persons. In December 1969, when improvements were announced permitting low-income families to pay less and get more food stamps, participation was 3,600,000.

Payments of "bonus coupons" to participating families also climbed during September to an estimated total of $116.2 million. A year earlier, the value of bonus coupons issued was $22.2 million.

Participation in the commodity distribution program in which foods are distributed directly to families was estimated at 3.5 million in September.

Families taking part in USDA's Food Stamp Program pay in about what they would usually spend for food. They receive additional free or "bonus" food coupons to bring their total food buying power to the level of USDA's "economy diet."

USDA food programs are administered by the Food and Nutrition Service, in cooperation with State and local governments.

THE SUPERSONIC TRANSPORT PROGRAM

Mr. JORDAN of Idaho. Mr. President, one of the most difficult and troublesome questions presented to Congress this year is whether the Government should continue financing of the supersonic transport program. The difficulty arises because there are many good arguments on both sides of the issue. Having sifted through the various arguments on both sides and weighing the relative merit of each, I have concluded that the $290 million requested for the SST program for fiscal year 1971 could be better spent elsewhere. I believe that given our tight budgetary situation and the many pressing domestic needs calling for Federal funding that we should not commit almost a third of a billion dollars to a program which may or may not turn out to be a success. Many hard questions should be answered, both in the area of economic soundness and environmental desirability before allowing the U.S. Government to continue financial support for this project.

The October 4 issue of the Sunday Star contained an excellent article on the SST entitled, "The SST—Necessity or Lethal Luxury?" The conclusion reached in that article was:

What the SST adds up to is a large question mark, a gamble with public funds and the environment that comes at a time of crisis in both areas. We should improve the odds for survival by pulling out of the SST race until the facts—not the suppositions—are in.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SST—NECESSITY OR LETHAL LUXURY?

An American supersonic transport exists today only as a gleam in the eyes of the Boeing Company and the Department of Transportation. The billion-dollar baby, conceived in 1959, is not expected until mid-1973 when—if all goes according to schedule—twin SST's will take to the air for five years of flight testing. Still assuming that the plane lives up to expectations, the public will fasten its seatbelt for the first commercial ride in 1978.

From the outset, there were those who viewed the project as something less than a blessed event. As the prolonged gestation period passed, the opposition grew in volume. Last spring, the army of critics came astonishingly close to major victory when the House passed the 1971 SST appropriation by the slimmest of margins.

Now the Senate is nearing a decision on whether or not to put up $290 million to continue the project. The anti-SST forces, encouraged by their near-success in the House, have redoubled their efforts. And this assault has produced a massive counterattack by the supersonic boosters to convince the Senate, the press and the public that the SST is not destined to be the ecological and economic delinquent pictured by the critics.

By now, all the criticisms and all the rebuttals have been stated and restated so often that they have, on both sides, taken on the sound of a recitation by rote. The emotional pitch may change, new authorities may be cited in accusation or defense. But the essential argument remains the same.

To the critics, the SST is a flying white elephant, destined to pollute a relatively unsullied part of the earth's environment with possibly disastrous results. The roar of the engines on takeoff and the sonic boom in flight will further degrade the quality of human life. The taxpayer is asked to buy this expensive, dangerous and annoying toy in order that the jet-setters can save a few hours of flying time.

To the boosters, SST spells progress. It will, they claim, make less noise than present jets on approach and after takeoff. The plane will be restricted to subsonic flight while it is over land and the sonic boom will pose no problem over water. And instead of an economic burden, the development of the SST is an economic necessity. With it, the United States can maintain its dominant position in the civil aircraft market—and turn a nice profit in the process. Without it, the domestic aircraft industry will disintegrate, the balance of trade will tip adversely and the overall economy of the country will suffer.

In trying to reach a judgment in this shrill and confusing debate, it may be wisest to refrain from trying to read the clouded crystal ball, and to look instead to the past. Since the industrial revolution, man has equated progress with advance, measuring his civilization according to its ability to protect itself against its enemies and to provide comfort, convenience and material security to its members. By this criterion, the advent of supersonic travel should be accepted as desirable and inevitable.

But today, man has been made joltingly aware that technology can demand a terrible price. We now know that progress has poisoned the air, the earth and the water to a degree that threatens the future of all life. We are beginning a difficult and costly effort to halt the degradation of the planet and to put technology to work producing antidotes for the poisons it has created.

Now comes the proposal to take yet another giant technological step, putting man's machines into the upper reaches of the atmosphere. No one can be certain of the result. A recent study, prepared for the Transportation Department by a panel of environmental experts, suggests that the disaster foreseen by some is wildly exaggerated, that the effect, whether for good or ill, will be negligible.

Before too much solace is drawn from that educated guess, it should be noted that the estimate was based on a fleet of 500 aircraft. If, as the proponents contend, the SST is the long-range carrier of the future, there will be thousands, not hundreds, of aircraft pumping the assorted byproducts of jet propulsion into a part of the atmosphere where they will remain for some 18 months. The inevitable accumulation of water vapor and pollutants in the upper atmosphere might produce negligible results over the next decade or two. But our concern cannot be so short-sighted. By the time we know whether ultraviolet levels are changing and whether the earth's weather patterns are being altered, we may be in a trap similar to that created by the automobile. We may know that terrible harm is being done, but it may be technically and economically impossible to stop it quickly.

The economic argument is equally riddled with uncertainty. The proponents argue that the government participation in the venture—now estimated at $1.3 billion—is not a subsidy but an investment. Uncle Sam, they say, stands to turn a nice profit. And they insist that the joint British-French SST entry, the Concorde, cannot be allowed to capture the market by default without drastic consequences for the entire United States economy.

The bright economic projection is based on two suppositions: That $1.3 billion will be the extent of the government's investment, and that the world's airlines will buy at least 300 SSTs now calculated to carry a price tag of $52 million apiece. The reverse argument that the United States cannot afford to stay out of the SST business rests on the twin presuppositions that the Concorde will be a big hit with the public when it goes into service in 1973, but that most airlines will be willing to wait five more years for the bigger and faster U.S. entry.

If recent economic history holds any lesson for the future it is that estimates of projected costs are contracts written on water. When the program was conceived in 1959, President Kennedy pledged that the government's participation would not exceed $750,000.[1] That has almost doubled and may well double again. On top of that, it is entirely possible that the private investors will be unwilling to advance the capital necessary for production. The government, in order to protect its initial investment, would then have to dig down again, pushing the cost to $5 billion or more.

If, however, the Concorde is a success, the airlines may be unable to wait for the Americans to produce. And when the Boeing product is offered, it will be in competition with a second generation Concorde, not the relatively smaller and slower version already in the air.

The economic and environmental uncertainties come together in the question of overland flights. To restrict supersonic flight to over-water routes is to restrict the economic potential of the SST. If the economic going gets rough for the airlines—as rough, say, as it is today—the pressure to permit overland flights will be overwhelming. And however sincere the intentions of those who say that sonic boom will never be permitted over populated areas, there is no guarantee that the decision-makers of tomorrow will be guided by the same concern for those who live beneath the air routes.

What the SST adds up to is a large question mark, a gamble with public funds and the environment that comes at time of crisis in both areas. We should improve the odds for survival by pulling out of the SST race until the facts—not the suppositions—are in. We should gamble not on a questionable investment, but on the ability of our economy and our prestige to withstand the impact of losing one part of one industry's market if the Concorde lives up to its sponsors' expectations.

The SST program should be shelved.

[1] Should read $750,000,000.

ARE OUR CIVIL LIBERTIES ENDANGERED?

Mr. EAGLETON. Mr. President, for 2 months this fall, Mr. William F. Woo, an editorial writer for the St. Louis Post-Dispatch, traveled over the United States, conducting scores of interviews and compiling extensive research, in an effort to determine whether, in 1970, our civil liberties are being endangered by repression.

Mr. Woo's findings were published in his newspaper last week in a seven-part series that concluded Sunday. He is an excellent reporter and an excellent writer, and the results of his investigations into this complex, somewhat amorphous, but extremely vital subject are important reading for all of us.

Mr. President, I ask unanimous consent that Mr. Woo's series be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

IS REPRESSION ENDANGERING CIVIL LIBERTIES?

(The Post-Dispatch has completed a two-month survey of the status of civil liberties. Along with scores of interviews conducted throughout the country, the survey included an examination of legislation and court cases.)

(By William F. Woo)

In the United States in the year 1970, six years before the 200th anniversary of its founding and 14 years before 1984:

The President's automobile was stoned by young protesters.

White radicals, who called themselves the Weatherman, were urging the destruction of the Government; black radicals, calling themselves Black Panthers, were saying "death to the police."

Bombs were going off, both through intent and blunder, with alarming frequency and people were being killed.

A judge was kidnaped from his courtroom by a band of self-proclaimed revolutionaries and murdered.

The urban guerrilla emerged as the romantic idol of the moment for the more severely disaffected and he was variously identified or confused with the Palestinian commando, the Tupemaro of Uruguay and the Quebec separatist.

In the same year that these things were occurring:

The Presdent entertained at the White House representatives of the Hard Hats, who in several cities had beaten students and other youths.

The Vice President was calling for the "separation" from society of dissenters and suggested that they be sent somewhere for "remedial education."

Congress passed a package of crime bills that contained such drastic provisions that civil libertarians throughout the country were greatly concerned.

One thousand agents of the Federal Bureau of Investigation were assigned to investigate campus violence.

In Ohio, a grand jury absolved the National Guard of any wrongdoing in its killing of four students and indicted 25 students and alleged agitators.

The Army was revealed to be operating a data bank containing the names of persons in political opposition to the Government.

A stranger to America, equipped only with a copy of the Constitution, might well have wondered what was happening in the most prosperous and powerful republic on earth. Had he been a visitor to the Senate spectators' galley on June 1, he would have heard what many would agree was a plausible explanation. On that day, Senator Margaret Chase Smith (Rep.), Maine, took the floor to speak on a "clear and present danger" that confronted "the American democracy." The date was the twentieth anniversary of her celebrated speech against McCarthyism.

"Extremism bent upon polarization of our people," she said, "is increasingly forcing upon the American people the narrow choice between anarchy and repression.

"And make no mistake about it, if that narrow choice has to be made, the American people, even with the reluctance and misgiving, will choose repression."

The point, as was clear from her full remarks, was that this harsh decision was not yet upon the people, that other, more civil options still existed through which the polarization that divided the country might still be overcome. To a significant percentage of the population, however, the Senator's words may have come too late. A growing number of persons believe that repression is now a fact of American life and that the narrow choice between anarchy and a widespread suppression of civil liberties already has been made.

The most persistent complaints about repression come from the young, the black and the over-30 whites who consider themselves somewhere to the distant left of the Silent Majority. A remark made to a reporter by Miss Margery Rosenthal, director of the Massachusetts Committee against Repressive Legislation, is somewhat typical of this point of view.

"What is going on now is unique," she said. "The war is increasingly unpopular. There is less and less money to cool our social problems and the cities are in a very bad way. The only way the Administration can deal with these things is by repression."

More bluntly, Charles Garry, the San Francisco-based attorney for the Black Panthers, says, "The Bill of Rights is inoperative for 60,000,000 Americans."

Conservatives are likely to think of repression in one of two ways. Some see it as a drastic but necessary antidote to violence and terrorism.

"I think 85 per cent of our membership would prefer a police state to what's going on now," a Washington official of a national patriotic organization says. "We just can't have a breakdown of our society—bombings and burnings of our cities."

Others, however, fear that repression may be the tragic price of urban and campus disorder.

"Repression," says Representative Richard Ichord (Dem.), Missouri, "is the greatest danger from revolutionary groups operating in this country. The great threat is that these people will cause law-abiding citizens to lose their liberty. This already has begun to come about."

From the Post-Dispatch investigation of civil liberties two general conclusions, both paradoxes, emerge:

First, despite loud and frequent assertions to the contrary, it cannot be demonstrated

that Americans now are living in a repressive society ruled by a repressive government. Yet, forms of repression exist, follow a number of well-defined patterns and seem to be tolerated by a large percentage of the people. Statistical evidence from numerous polls can easily be adduced in support of the last statement. (For example, a CBS survey found 76 percent of the public would not permit organized protest against Government policy.)

Second, since the Korean War, civil liberties have been expanded to a breadth that is without precedent in American history. Supreme Court rulings, for example, have greatly broadened the rights of the accused to have legal counsel and have placed tighter restraints on police procedures in the area of search and surveillance. A series of court rulings on the issue of pornography have left the law sufficiently broad so that virtually anything may be published if it possesses some "social value." By court and by Congress, the Negro's right to schooling, the vote, housing and public accommodation has been upheld.

Yet, the Congress passed within recent months legislation that both conservatives and liberals believe demonstrate a serious disregard for the Bill of Rights and that as a result face grave constitutional difficulties.

To persons at either end of the political and social spectrums, the Bill of Rights, in fact, seems scarcely relevant. A San Francisco labor leader finishes an interview by saying it is appropriate for youthful protesters to be beaten for their words. An article in a recent issue of the Black Panther newspaper concludes, "The only thing that will register in the mind of a pig is a 12-guage protest—aimed right between the eyes." Most persons agree, however, that the effects of polarization on civil liberties can best be measured not at the extremities but within the vast middle reaches of the American people.

As the CBS poll and other surveys disclose, a good many Americans appear willing to tolerate a retrenchment on civil liberties if such steps will reduce crime and violence. Not long ago, the office of Senator Thomas F. Eagleton (Dem.), Missouri, responded to more than 200 persons who had written in support of stiff law and order legislation. Neither the Senator nor anyone on his staff could remember receiving any letters urging that Congress, in the interests of preserving civil liberties, take a softer line on criminal legislation.

Says Representative Cornelius E. Gallagher (Dem.), New Jersey, "If someone were to introduce in the name of law and order a bill requiring the execution of every first-born child, it would pass overwhelmingly."

"Violence is intolerable to the community at large," says Harry S. Ashmore, the Pulitzer Prize-winning editor and now a senior fellow at the Center for the Study of Democratic Institutions in Santa Barbara, Calif. "Therefore, the community will support repression and restrictions."

IF THERE are erosions of civil liberties, it probably is safe to say that most Americans do not regard them, taken individually, as direct assaults on the Bill of Rights.

"When you look at the Bill of Rights," Ramsey Clark, the former Attorney General, said recently, "you find that it is taught as a little piece of antiquity. People form their basic ideas not from a study of the Bill of Rights but through a gut reaction to a series of unrelated experiences in their own lives. Your idea of free speech, for example, is not usually formulated by objective study."

What frequently is overlooked by those who believe that massive repression is or is about to be a condition of American life is that civil liberties have been suppressed throughout the nation's history. As Gerald Gunther, professor of law at Stanford University, points out, the first significant free speech case did not even reach the Supreme Court until after World War I. And that case, in which Justice Oliver Wendell Holmes articulated his famous "clear and present danger" test, was decided against the defendant, who had distributed leaflets urging resistance to the draft.

In even the most cursory review of American history, periods of sanctioned repression are evident.

Under the sedition laws of 1798, Republican editors who criticized President John Adams were jailed. (Federalist editors who criticized Vice President Thomas Jefferson were not.) Abraham Lincoln, in the Civil War, suspended habeas corpus. The Espionage Act of 1917 made it a crime to "utter, print, write or publish any disloyal, profane, scurrilous or abusive language" about the armed forces or its uniforms, and persons went to prison for suggesting that woolen socks knitted by volunteers might not reach the troops. After the war, Attorney General A. Mitchell Palmer ordered mass arrests of labor and political agitators; in one sweep, 2700 persons in 33 cities were taken into custody. The accusations and blacklists of the McCarthy era remain a fresh and terrible memory for many Americans.

The fact, however, that repression is not a novel experience in American history provides little comfort to those who worry about violations of civil liberties. They point to a wide range of examples:

Passage by Congress of legislation that permits police to enter a home without first knocking, that permit judges to detain in jail without trial persons who are "substantially guilty" of a crime.

The increased use by law authorities of "spies" in schools and political groups. Some of these agents have admitted fomenting illegal actions.

The claim by the Attorney General that court orders are not needed for electronic surveillance in cases involving "national security." Wire taps against radicals have been defended on the ground of national security.

The widespread use of subpenas against reporters' notes, news photographs and unused television film footage; the use by California of a criminal statute to punish an underground newspaper for publishing unauthorized information.

Inspection by federal authorities of incoming foreign mail.

The common use of breach of peace statutes against hippies and political protesters.

The refusal by grand juries to take action against law officers or national guardsmen who shot to death students at Jackson State College and Kent State University.

Police raids on black militants, such as the one in Chicago last December, in which police fired 82 shots. The militants, several Black Panthers, fired one shot. No officers were indicted although a grand jury found that police had falsified evidence, claiming to have been attacked.

The use by the Administration of the anti-riot rider to the 1968 Civil Rights Act to indict political protesters on conspiracy charges in Chicago, Seattle and St. Louis.

Most of these and other incidents of alleged repression are on the surface unrelated. Yet, some say, despite their apparent disparate nature, these incidents contribute toward an over-all national pattern, one that reveals an increasing callousness on the part of elected authorities toward Bill of Rights guarantees and a growing intolerance among the people of unpopular social or political opinions. These characteristics, many contend, contain the potential for transforming the American society from one that at the moment may be largely indifferent to civil liberties to one that is truly repressive.

"I have a hard time," says Ebe Abel, dean of the Columbia University journalism school, "accepting the notion that we're living in a repressive era. But I do think we're living in the vestibule of that era."

Tomorrow: The New Legislation—Repressive?

LIBERTARIANS ALARMED AT HARSH LEGISLATION

(By William F. Woo)

SECOND OF A SERIES

The evidence most frequently cited by those who contend that the United States has set itself on a course leading toward repression are two harsh laws against crime and civil disruption enacted this year by Congress and other proposals that still are before the legislators that include even more drastic visions.

The more publicized of the two laws and the one that provoked the loudest opposition from civil libertarians was the District of Columbia Crime Bill, which the President signed in late July. Partly this was because the bill was the first to be taken up and debated by Congress, but even more so because of its novel features, which included no-knock entry by police and preventive detention. This bill was put forward by the Administration as a model for state legislation.

These features alarmed many persons who regarded them as a cynical exchange of constitutional guarantees for the appearance of stern and effective measures against crime and disorder. They seemed to critics to be expedient, election year concessions to the demands for law and order. Furthermore, they were thought by some to be at least tacitly aimed more at blacks and dissident youths than they were at syndicated crime and professional criminals.

Senator Sam J. Ervin Jr. (Dem.), North Carolina, who led an unsuccessful fight against the bill, called it "a garbage pail of some of the most repressive, nearsighted, intolerant, unfair and vindicative legislation that the Senate has ever been presented."

The second law, as its name—the Organized Crime Control Act of 1970—implies, was presented as a measure to combat organized crime, "a highly sophisticated, diversified and widespread activity that annually drains billions of dollars from America's economy . . ." Critics of the act say, however, that it will be thoroughly ineffective against organized crime and, instead, poses grave threats to civil liberties. It was to this bill that a last-minute amendment was attached at the request of President Richard M. Nixon authorizing the Federal Bureau of Investigation to investigate bombings on campus.

Of the measures still before Congress, at least five are of special concern to persons who are worried about repression:

HR-19163—a bill to amend the Emergency Detention Act of 1950. It would authorize the Government to place in detention camps potential saboteurs in time of war or insurrection. Its chief supporter, Representative Richard J. Ichord (Dem.), Missouri, says the bill would protect citizens against a capricious President because it requires a congressional resolution declaring the existence of an insurrection to become operative.

S-2600—a bill to extend the principle of preventive detention to the entire country.

HR-14864—a bill amending the Internal Security Act of 1950. It enlarges the term "defense facility" to include, among other things, schools, public utilities and any factory. The activities considered subversive under the language of the bill, says Representative John Conyers Jr. (Dem.), Michigan, are susceptible to infinite expansion. The President, says Conyers, "would be justified in barring a worker employed in a defense industry because he took part in peaceful picketing of a chemical company in protest of its manufacture of napalm . . . Students and faculty members who ex-

press their disagreement with the university's involvement in defense work could be barred from campus."

S-3976—the First Amendment Freedoms Act. It would permit the Government or private parties to seek injunctions in federal courts against possible heckling at public gatherings.

S-3563—a bill to allow the arrest and detention of persons for whom there exists no probable cause for arrest in a crime. The purpose of the detention is to permit authorities to obtain "nontestimonial identification"—the taking of fingerprints, handwriting samples and blood and urine samples.

"Not long ago, I'd have said that most people talking in terms of repression are not being very objective," says Lawrence Speiser, director of the Washington office of the American Civil Liberties Union. "I've changed my mind because of what's happened in Congress."

The suggestion that the new crime laws, both proposed by the Administration, may be repressive was rejected by Deputy Attorney General Richard G. Kleindienst in an interview.

"There is no way you can trade by congressional enactment a constitutional safeguard," Kliendienst said. "So long as your court system has as its principal function the preservation of primary safeguards, there's no fear. Anybody who says that congressional enactment takes away constitutional rights is engaging in irresponsible rhetoric."

Under the District of Columbia crime law, police may enter without knocking if notice is likely to result in the destruction of evidence, endanger life, enable the suspect to escape or be a useless gesture. The preventive detention provision allows a judge to detain up to 60 days in prison without trial any person who is thought to be "substantially guilty" and who may be a danger to society if released.

Critics of the law contend that the no-knock provision is in violation of the Fourth Amendment's protection against unreasonable searches and examinations. They point also to the ancient principle that "Every man's house is his castle," a tradition that finds legal expression as far back as Semayne's case in 1603. In Semayne, an English court held that "the sheriff . . . before he breaks it (the door), he ought to signify the cause of his coming, and to make request to open the doors."

"When people think of no-knock they're usually thinking of someone else's home," says Lawrence Sperber, director of the Southern California ACLU Foundation. "Eventually, though it's going to be your house, your door."

Former Attorney General Ramsey Clark says that in his opinion "the real harm in the no-knock provision is that its passage indicates to the police that the public wants this kind of law. It seeks to control conduct by police violence.

". . . What it does is tell police, the legislatures, and city councils that this is something the public condones. That sort of thing can get out of control. If you begin to use such measures, you rarely limit them with any refinement."

Kliendienst disagrees. "As a matter of practice," he said. "Federal courts for years have determined a federal officer could enter if knocking would prevent the evidence from being seized. Twenty-eight states have such laws."

Opponents of preventive detention say this provision may well violate the Eighth Amendment right to reasonable bail. They point out that since 1789 federal law has made the right to bail in noncapital cases absolute. The provision, too, they say, goes against the fundamental tenet that a man is presumed innocent until proved guilty and is contrary to the historic principle that a person should not be imprisoned for crimes that have not been, and may never be, committed.

"Preventive detention should have been applauded by civil libertarians," says Kliendienst. "Under the 1966 Bail Act, federal courts could only deny bail if a court found the defendant was unlikely to appear for trial and, generally speaking, that's not a bad rule. In certain kinds of crime—armed robbery, rape, kidnaping, murder—judges prior to 1966 could take into consideration whether release would create dangers to society. Now what's happening is that the judges hypocritically make their decision on this point and 'decide' that the man will not appear for trial. We think this (preventive detention) is a correction of the law."

When the House Judiciary Committee favorably reported the organized crime bill, three Democratic Representatives—Conyers, Abner J. Mikva of Illinois and William F. Ryan of New York—issued a scathing dissent. Not the least of their complaints was that nowhere did the bill define organized crime.

"This bill," they said, "is another dreary episode in the ponderous assault on freedom. It employs the spirit of repression extant in some quarters as a substitute for the Constitution, custom and reason."

Specifically, they objected to provisions:

(1) Authorizing special grand juries to accuse public officials of misconduct even when there is insufficient evidence for indictment. The provision, the dissent says, "proposes to create official bodies bedecked with the power to accuse, while leaving the accused bereft of any effective means of rebuttal. This is hardly less than sanctified calumny." The three noted that the bill was amended by the House to exclude "elected officials from the reach of these mini-star chambers."

(2) Making admissible in court illegally obtained evidence that is more than five years old. "It demonstrates an antipathy toward, and impatience with, the exercise of constitutional rights which reflects another grim chapter in the attempts to uplift expediency to the level of constitutional legitimacy."

(3) Permitting the imprisonment for up to 25 years of "dangerous special offenders" who have been convicted of crimes carrying only a normal two-year sentence. "(The provision) . . . substitutes revenge for reason, and it flouts the concept of fair treatment."

Some who urged passage of the bill did so on the ground that increased crime made severe measures essential. Senator John McClellan (Dem.), Arkansas, speaking in support of it, said, "I know the members of this body (the Senate) want to enact whatever legislation is necessary to strengthen the arm of the law and law enforcement in this country, so that society may be protected . . ."

Others sought to associate the danger of organized crime with violent protest. "Organized crime," said Senator Robert C. Byrd (Dem.), West Virginia, is just as great a threat to the well-being of our nation as are the continued upsurge of street violence and the work of militants who seek to burn down our cities or destroy our educational institutions."

The bill reached the Senate floor in January. It was the first piece of legislation taken up by the Senate this year after its members had returned from Washington after the Christmas recess during which they had the opportunity to talk and listen to constituents. The bill was approved, 73 to 1.

"That," says Senator Thomas F. Eagleton, (Dem.), Missouri, "tells you something about the mood of the country."

Tomorrow: The citizen in 1970—how free to speak and assemble?

BREACH-OF-PEACE LAWS ASSAILED AS REPRESSIVE

(By William F. Woo)

THIRD OF A SERIES

On the day the Navy recommissioned a warship in Philadelphia, Peter J. Countryman was one of 100 persons who went to a park to protest against the event. Despite the peaceful and symbolic nature of the protest, which consisted of planting a tree and singing songs, Countryman and 50 others were arrested for violating an ordinance prohibiting gatherings of more than 12 persons in times of a "limited civil emergency."

Such an emergency had been proclaimed by the mayor of Philadelphia a few days earlier, after the assassination of the Rev. Dr. Martin Luther King had been followed by disruptions in several cities. A few blocks away from the park where Countryman and the others were arrested, 10,000 persons were assembled to celebrate the warship's recommissioning. That event was undisturbed by the police.

In Los Angeles, Paul Robert Cohen was arrested when he appeared in the Municipal Court building wearing a jacket embroidered with a slogan denouncing the draft. The slogan employed a four-letter word commonly considered an obscenity. Cohen was convicted on charges of "tumultuous and offensive conduct." His appeal is before the Supreme Court.

In Toledo, O., the city attorney's office has announced that a long-standing statute forbidding disrespect for the police will be invoked whenever someone calls an officer a "pig." To say "oink, oink" in the presence of a patrolman now can bring 30 days in jail.

The cases of Countryman and Cohen and the resurrection of the disrespect ordinance by Toledo officials are typical examples, say those who are concerned with the possibility of repression of attempts to suppress the First Amendment rights of dissidents. The widespread use of breach-of-the-peace statutes, the threat of federal conspiracy indictments and the difficulty frequently encountered in obtaining permits for rallies and demonstrations are evidence for many Americans that speech may not be free for all and that the right to assemble peaceably may exist for some only at the whim of the authorities.

It is, however, probably safe to conclude that to a sizable majority of citizens the notion that the First Amendment may be under serious attack is clearly preposterous.

At any moment, in the ghetto and on the campus, one may hear appeals for the overthrow of the established order. Communists and radicals do manage, although with occasional difficulty, to obtain a public forum. Radicals such as Angela Davis are hired by state university regents. And by now the spectacle of violent demonstrations has, through television, long become a familiar one for almost everyone.

As suggested in a CBS poll, which shows that 76 per cent would prohibit any demonstration by extremists against the Government, a good many persons may think that speech today is all too free.

Especially disturbing to civil libertarians is the fact that some of the most severe assaults on the principle of free speech have come from the militant left. As Marc Franklin, professior of law at Stanford University, observed, "The people who scream for free speech are the very people who stand up and holler the loudest when it comes to letting someone else with different ideas speak."

Some who attempt to justify heckling or the shouting down of speakers do so on the ground that such tactics are the only way for protesters to bring their views before the public. Others argue that individuals have an obligation to interfere with those whose speeches serve a so-called immoral policy. A

third, and more sophisticated rationale, is advanced by Donald Kalish, professor of philosophy at the University of California at Los Angeles.

"It's spurious," Kalish says, "to use the First Amendment against shouting someone down. The people who are shouted down are people who really can't be suppressed. They have the media. Their point of view is all over the nation, before the people every hour of the day. Shouting them down doesn't suppress an idea. Under most cases, though, it's a tactical mistake. If you let them speak, they'll usually do themselves in."

In matters of free speech, both liberals and conservatives face a similar dilemma. As Alan F. Westin, a Columbia University political science professor, pointed out, the Bill of Rights is hardly a national suicide pact.

"No society," said Westin, "legally allows revolution. There have to be rules for changing the system."

The dilemma is the point at which the line can be drawn to prohibit speech or assembly without at the same time violating the Constitution.

Robert L. F. Sikes (Dem.), Florida, said, "Those who incite to violence should be punished whether or not freedom of speech is impaired."

When Sikes made this comment, he was speaking on behalf of the antiriot provision of the 1968 Civil Rights Act, which makes it a felony to travel interstate or to use the mail, telegraph, telephone, radio or television with the intent to encourage any person to participate in a riot. It is the provision under which the defendants in the Chicago conspiracy trial were brought to court and under which political protestors have been indicted in Seattle and St. Louis.

Civil libertarians, in attacking the constitutionality of the statute, contend that provocative speech by "outside agitators" is protected by the Constitution, even in times of social instability.

In a friend-of-the-court brief filed with the Supreme Court in behalf of three Black Panthers who have challenged the antiriot section of the act, attorneys for the American Civil Liberties Union quoted from the decision of the Supreme Court, written by Justice William O. Douglas in 1947, in the case of Terminiello vs. Chicago:

"A function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. This is why freedom of speech, though not absolute . . . is, nevertheless, protected against censorship or punishment, unless shown likely to produce a clear and present danger of serious substantive evil that rises far above public inconvenience, annoyance or unrest."

The lawyers themselves concluded, "Therefore, since there is constitutional right to travel in interstate commerce and a constitutional right to engage in agitation . . . Congress may not constitutionally prohibit 'outside agitators' from crossing state lines. Nor may it enact legislation having the same effect under the guise that it is legislating against violence."

Although conspiracy indictments are regarded as the most drastic measures against political or social dissent, they have been until now used sparingly. The most frequent complaints about the suppression of free speech are concerned with breach-of-the-peace statutes. Just last week, the ACLU, acting for four activists, asked the Supreme Court to invalidate St. Louis peace disturbance ordinances on the ground that they were unconstitutionally vague. It was under a similar statute that Paul Robert Cohen was convicted in Los Angeles.

Anthony G. Amsterdam, Stanford law professor, writing in an ACLU friends-of-the-court brief filed on Cohen's behalf, said, "They (breach-of-the-peace laws) are the sinks of American criminal and constitutional jurisprudence. Hundreds of times every day, in every state, their applications are the occasion of arbitrariness and injustice, harassment, ideological repression . . .

"Of course, the prosperous, white, well-groomed, well-shod citizen, so long as he avoids political assemblies and never expresses unpopular views in public, has no reason to encounter these laws, or even to know that more arrests are made yearly under their authority than for any other 'crime' except drunkenness. But where the poor live, or the black, the dissentient, culturally divergent, those whom policemen see as 'subjects' rather than objects—or any who youth, venturesomeness, wanderlust, social or political activism or bad housing cause to be upon the streets more than ordinarily often—the breach-of-the-peace laws are an ever-present repressive force."

The convictions of Countryman and the others arrested in the Philadelphia park at the time of the proclaimed state of limited emergency were appealed to the Supreme Court, which declined to review the case. The refusal itself was regarded by some as an ominous sign.

"It was a clear signal to the states," said one Los Angeles lawyer. "It said, Go ahead and do whatever you want. We won't get involved'."

In a dissent, Justice Douglas raised several questions pertaining to the banning of public assemblies.

"Control of civil disorders that may threaten the very existence of the State is certainly within the police power of the government," Douglas said. He went on, however, to ask, "Yet does a particular proclamation violate equal protection? Is it used to circumvent constitutional procedures for clearing the streets of 'undesirable' people? Is it used selectively against an unwelcome minority?"

Authorities frequently cite the possibility of violence as a reason for discouraging public gatherings. Such discouragement, most frequently directed at young persons and minority group members, takes the form of a refusal to grant permits or of arrests. Civil libertarians, however contend that the threat of violence is not sufficient cause to prevent assemblies and in support of this view point to an opinion written in 1927 by Justice Louis D. Brandeis.

It said, "Prohibition of free speech and assembly is a measure so stringent that it would be inappropriate as the means for averting a relatively trival harm to society . . . The fact that speech is likely to result in some violence or in destruction of property is not enough to justify its suppression."

Recently, this opinion was cited in a case arising out of the arrest at San Fernando Valley, Calif., State College of about 300 students who were waiting to be addressed by the school president. The meeting had been called by the president to discuss demonstrations that had been occurring at the college.

"The meeting was canceled by the president on the advice of police spies, who said that it would become violent," said Lawrence Sperber, a civil liberties lawyer in Los Angeles. "As the students were settling in their chairs, waiting for their president, the police decreed it an unlawful assembly and ordered them to leave. They didn't and the arrests were made.

"Now, was this a case of preventive arrest, an attempt to stop trouble before it began? If you follow that line far enough, you begin putting people in concentration camps before they do anything wrong."

Tomorrow: The Press Under Pressure.

GOVERNMENT UNITS HARASSING PRESS

(By William F. Woo)

FOURTH OF A SERIES

Arthur G. Kunkin and Gerald Robert Applebaum were convicted in a California Superior Court this summer of receiving stolen property. Neither of the defendants fits the usual image of a fence, and the stolen property in question was hardly the sort normally taken by professional thieves. The case, in short, had significance beyond those of an ordinary criminal trial.

Kunkin is editor and publisher of the Los Angeles Free Press and Applebaum is a former reporter for the paper. The stolen property was a document that made its way in an unauthorized fashion from the state attorney general's office to the underground publication. The document contained the names, addresses and telephone numbers of California narcotics agents and when the Free Press published these, under a headline reading "Know Your Neighborhood Narc," the state filed criminal charges.

At the time of the conviction, the case received little attention. Some civil libertarians and editorialists who might have taken an interest in the trial were put out by what they considered the wanton journalistic irresponsibility of exposing 85 state agents to harassment. Two months after the trial, however, one significance of the case was described in an opinion article in the Los Angeles Times.

Pointing out that this was the first time that the law against receiving stolen property had been applied to the publication of information in a newspaper, Gene Blake, the Times' legal specialist, wrote, "Should this case stand and become precedent, the impact on the investigative efforts of the press to disclose wrongdoing in government could be devastating."

"Anytime you publish anything that isn't released to you, you're buying a prosecution," says Mel Albaum, an attorney for the Free Press. "They're not going after the big papers, but you go out and start your own little paper and see what happens."

Albaum's remarks underscored the second significance of the Free Press trial: The state had used the novel weapon of a burglary statute not against a large established publication but against an underground newspaper that espouses radical political and social opinions. In this respect, the prosecution of the Free Press provided further confirmation for those who believe that the media have become targets for official intimidation.

"The Press," says Prof. Richard T. Baker of the Columbia University School of Journalism, "has had a year of harassment. It is under serious attack."

In addition to the Free Press prosecution, other examples that have been offered as evidence that government authorities are attempting to intimidate the media include:

(1) The broad and sweeping subpenas issued by the Department of Justice for reporters' notes, news photographs and television film.

(2) Vice President Spiro T. Agnew's vigorous criticism of both television news analysis and newspaper editorials.

(3) The advice of Federal Communications Commission Chairman Dean Burch to executives of the Corporation for Public Broadcasting to "go out and hire some noncreative conservatives."

(4) Burch's request to the networks, three days after he took office, for transcripts of comments after a speech by the President.

(5) A bill introduced in the House that would require broadcasters to retain used and unused film and tape for government review.

(6) Strongly worded suggestions from the White House that songs with lyrics mentioning drugs not be played over the air.

In the opinion of some, government subpenas represented the most serious threat to the press. In a speech on the subject, Nicholas Johnson, the outspoken FCC commissioner, said that "this wave of government subpenas, together with other manipulations of the press, have placed the freedom and integrity of this country's news media in serious jeopardy."

The list of news organizations that have received subpenas for information acquired in reporting is extensive. It includes the New York Times, Newsweek, Time, Life, Fortune, the Post-Dispatch, the Chicago Daily News, the Chicago Sun-Times, the Chicago Tribune, CBS and local television stations in Baltimore and Chicago.

The most publicized of these cases involves a subpena issued to Earl Caldwell, a black New York Times reporter who specializes in reporting on West Coast militant groups. In February, Caldwell was served with a subpena from a federal grand jury in San Francisco ordering him to appear before it with notes and tape recordings of interviews with Black Panthers dating back to January 1969.

The following month, Caldwell received a second subpena ordering him to testify but without identifying the subject matter of his expected testimony. On motions by Caldwell, the Government withdrew the first subpena.

Before legal proceedings in Caldwell's appeal on the second subpena were completed, the term of the grand jury expired. A new grand jury was sworn in and a third subpena was issued. As he had in the two previous cases, Caldwell refused to answer it, citing the First and Fourth Amendment's guarantee of free press and the prohibition against unreasonable search and seizures. Caldwell contended that the subpenas were based on information gathered by unconstitutional government wire taps.

In June, Caldwell, continuing his refusal to appear before the grand jury, was found guilty of civil contempt. That conviction is being appealed.

Caldwell and other reporters maintain that to appear before a grand jury jeopardizes a journalist's credibility with his news sources. Because grand jury proceedings are secret, a reporter has little opportunity to convince his sources that he has not betrayed their confidences.

"To a Degree never previously shown, this record documents the devastating effect that the compulsion of newsmen's testimony has upon freedom of the press," Caldwell's brief appealing the conviction says.

"Newsmen of national stature—Walter Cronkite, J. Anthony Lukas, Eric Sevareid and Mike Wallace, among others—filed affidavits making basic points: that confidential communications to newsmen are indispensable to their gathering, analysis and dissemination of the news; that when newsmen are subpenaed to appear and testify concerning information obtained by them in their professional capacities, their confidential news sources are terrified of disclosure and consequently shut up; that the mere appearance of a newsman in secret grand jury proceedings, where what he has told cannot be known, destroys his credibility . . ."

"The Caldwell case, Says Anthony G. Amsterdam, professor of law at Stanford University and Caldwell's attorney, "is important because it's at the junction of two things. One, there is an active federally directed effort to suppress the Black Panthers, and the Caldwell case is an important instrument of that program. Two, it shows a callousness on the part of the Administration to what kinds of liberty get stepped on as they go about doing what they want to do.

"There are serious risks to the press in this case. As groups get polarized, the role of the press becomes much more sensitive. And also as polarization continues, it becomes more vital for the public to get a good flow of accurate news. Today it is both more important and more difficult for a report to relate to all segments of society."

Prof. Baker points out that the subpena cases have been usually associated with the reportage of social changes.

"We should be trying to find out what the radical movement is about, and the Government should be encouraging the press to establish lines of confidence with people in the movement," he said. "Why then should the Government try to break the New York Times' line of communication with the Panthers in Oakland?"

At the American Bar Association meeting this year in St. Louis, Attorney General John N. Mitchell said he did not consider "the press an investigative arm of the government." In the future, he said, the department would negotiate with the press in all instances in which subpenas were contemplated and would use subpenas only if negotiations failed.

His remarks, however, did not erase the feeling many have that the Government intended to continue applying pressure to the press.

"Mitchell's doctrine tells me two things," says Elie Abel, dean of the Columbia Journalism School. "It says, first, that the more thorough and penetrating your performance, the more you'll be harassed by the Government. And secondly, it says if the press will lay off the kind of investigative stories such as Caldwell was doing the Government will lay off the subpenas."

Many observers of the press contend that if there is an official effort to intimidate the media it can best be observed in the performance of television networks and local stations. These attempts at intimidation, they say, can be traced to November 1969, when FCC Chairman Burch requested transcripts of network analysis of the President's Vietnam speech and when the Vice President, speaking in Des Moines, Ia., denounced "instant analysis and querulous criticism."

An editorial in TV Guide has noted that "Vice President Spiro T. Agnew's scolding of the networks apparently had the desired result: after President Nixon's Dec. 8 press conference, there was no criticism whatever from the commentators who followed him."

Agnew himself has said, "Sometimes when I look around the tube from time to time, I think I have had a modicum of success." Tricia Nixon was more direct in her assessment of the Vice President's performance: "He's amazing, what he's done to the media . . . You can't underestimate the power of fear."

Reuven Frank, president of NBC News, contends, however, that the actions of the Administration have had little effect on the networks.

"I don't know that the networks have been intimidated," he said in an interview. "Since the Des Moines speech, I'm tired of trying to defend myself against this. We're not in the business of debating the President of the United States. What I've tried to do since then (Agnew's speech) is to keep people from doing either more or less than they had been.

"On this matter, we've had neither direct nor indirect pressure from our business office. Where we get the pressure, and it is real pressure, is from some of our affiliated stations. There is pressure on the way we do the news. There are repeated suggestions for a conservative spokesman. We get suggestions that we devote less time to radicals. 'Why don't you give us good news?' they ask. What they really want isn't good news. It's bad news happening to somebody else."

Tomorrow: The "Age of Aquariums."

DATA BANKS CAUSING ALARM

(By William F. Woo)

FIFTH OF A SERIES

Not long ago, in the course of a conversation with a visiting reporter, Representative Cornelius E. Gallagher (Dem.), New Jersey, began discussing "the last election." Gallagher was not talking about this year's congressional elections; neither did he have in mind President Richard M. Nixon's victory in 1968.

What Gallagher was referring to was the last election ever to be held in the United States.

"What happens," he asked, settling back into a large, black armchair, "when we have the second and third users of the data bank? All the crooks have been put in jail now. The data banks have gotten all the corrupt politicians out of office. A national police force has been installed. Someone, then, comes along who is smart enough to see the electronic corridors to power. One can foresee the last election."

As Chairman of the House special subcommittee on invasion of privacy, Gallagher for years has been a close student of computers and data banks and the possibilities for mischief that arise out of their misuse.

At the moment, the "last election" exists only as a figment of political science fiction. In alluding to it, however, Gallagher was expressing the deep concern many persons have over the dangerous possibilities that lie in the manipulation for political ends of information that is stored in computer-based data banks.

"The surveillance mentality," says Gallagher, "drawn to its logical conclusion means a dictatorship in United States in five years. Not through a malignant plot, mind you, but through a corrosion of liberties carried forward, as the glaciers move, by well-meaning people. We are already living in the age of aquariums."

Three data-gathering operations which have accumulated files on political dissidents, have caused considerable alarm among civil libertarians. These are data banks maintained by the Department of Justice and the Secret Service and an information system that the Army now says it has discontinued.

"I'm afraid that the net effect of collecting information will be for repressive purposes," says Aalan F. Westin, a Columbia University professor of political science and the author of "Privacy and Freedom." "I don't think that the people who are collecting the information can distinguish between revolutionaries and legitimate protesters."

Recently, Senator Sam J. Ervin Jr. (Dem.), North Carolina, wrote the Justice Department asking for an explanation of its policies on collecting personal information about citizens. "A particular area of current controversy," he wrote, "is the extent to which federal agencies may appropriately maintain intelligence-type data banks for surveillance of protesters, demonstrators and others involved in political activities either for or against various government policies."

Ervin's letter was answered by Deputy Attorney General Richard G. Kleindienst, who said the department had four systems for collecting information on individuals: the Civil Disturbance file, Organized Crime Intelligence Center, National Crime Information Center and the Known Professional Check Passers File.

"We share your concern with regard to unwarranted invasions of individual privacy," Kleindienst repield. "I would like to to emphasize, however, that the Department of Justice maintains only those records and systems which relate directly to the department's functions as a principal law enforcement agency of the Federal Government

"The department does not investigate protesters, demonstrators and others involved in political activities either for or against various Government policies. We do seek information concerning individuals in this country whose activities may constitute a violation of federal statutes . . . or whose activities present a potential for riots, disturb-

ances, armed rebellion, urban guerrilla warfare or other violence."

Of the four systems, the one greatest concern to civil libertarians is the Civil Disturbance file, which was established in July 1969 and contains information on 13,200 persons and 14,000 incidents. Completely computerized, its purpose is to co-ordinate all civilian activities connected with civil disturbances.

In his letter to Ervin, Kleindienst conceded that no written comprehensive guidelines existed governing the disclosure of data in the file, although "access and review are severely limited. Disclosure of information is predicated upon a need-to-know basis and follows established procedures governing the exchange of information between law enforcement bodies."

Attached to the letter was a fictitious sample printout from the file's "individual" category. It gave the name and home town of a 24-year-old man, noted that he belonged to the Students for a Democratic Society, had been arrested for possession of marijuana and incendiaries and was a suspect in a plot to burn down the Justice Department.

In addition to incidents of actual violence, the data bank contains information on such events as peace rallies and welfare protests and the individuals and groups involved in them. Judgments are made by the department as to whether the individuals are radicals or moderates.

"There's no way to determine the standard for getting on the list," says Lawrence M. Baskir, chief counsel for the Senate Subcommittee on Constitutional Rights. "And why keep lists of demonstrations anyway? People like the Weathermen don't usually engage in peace demonstrations.

"I don't like the idea of a general dossier that shows presumptive guilt. What the Government is doing is taking activities that are innocent on the surface and using them as indicators of a trend toward criminality."

The Secret Service data bank, one of the most sophisticated information gathering systems in the Government, is used to assist the agency in its function of protecting the President.

To justify the system, the Treasury Department cites the Warren Commission report, which states: "It will require every available resource of our Government to devise a practical system (of identifying potential assassins) which has any reasonable possibility of revealing such malcontents."

Ervin and others contend that the guidelines for collecting information for the bank are far too broad. Among other things, the guidelines seek information on persons who "insist upon personally contacting high Government officials for the purpose of redress of imaginary grievances," who are "professional gate-crashers," who plan to embarrass Government officials and who make "oral or written statements about high Government officials in the following categories: (1) threatening statements, (2) irrational statements, and (3) abusive statements." It seeks "information regarding anti-American or anti-U.S. Government demonstrations in the United States or overseas" and data on civil disturbances.

"Potentially, at least, I may qualify under the loosely written and even looser interpreted guidelines the Secret Service has issued," Ervin says. "Although I am not a professional gate-crasher, I am a malcontent on many issues. I have written the President and other high officials complaining of grievances that some may consider imaginary . . .

"The guidelines seek a wide variety of information of any tangential significance for discovering possible assassins. Requesting information on people taking part in demonstrations, be they anti-American, civil disturbances, or just plain demonstrations, opens the possibility at least of having everyone of hundreds of thousands who peacefully marched in recent months entered into Government security computer files."

Ervin pointed out that the Secret Service did not inform persons that their names were put in the file and they are given no opportunity to rebut derogatory information until they are arrested.

"That there is some opportunity to rebut at this stage is scant comfort," Ervin said. "We can only speculate on the consequences to an individual which follow his arrest for being a possible danger to the President. It will be little recompense to the victim's reputation if it later turns out this was a mistake and the Secret Service apologizes."

The Secret Service data bank is said to be capable of retrieving from its file individuals by name, alias, group affiliation and even by physical appearance.

"When that bomb went off in Cambridge, Md., this year at the courthouse where Rap Brown was to be tried, the Secret Service took the description of a woman seen around the place," says Baskir. "That description was put into the computer and out came five names. The question is, how did those five people get into the file?

"When it becomes known that the Government is taking notice of people who engage in certain kinds of activity, people will stop doing these things regardless of whether or not they're perfectly legal. The First Amendment goes out the window if people don't do things they think the Government doesn't approve of. And at this point, you're well on the way to thought control."

The existence of the Army domestic intelligence system came to light this January in an article in the Washington Monthly. The author, Christopher H. Pyle, a former Army officer, disclosed that the Army was keeping a detailed dossier on "virtually every activist political group in the country."

The program, which included a data bank, a microfilm archive of clippings and a loose leaf encyclopedia on dissent, was established to provide the Army with early warning should it be called on to quell civil disorders.

Representative Gallagher estimates that at one time the Army maintained three or four data banks containing the names of from 7,000,000 to 10,000,000 persons. Some of the information in the system appears to have been included without careful review.

"A prominent general whose fighting record is among the very best was classified as being a far-out leftist peacenik," reports a member of Gallagher's subcommittee staff. "The reason was that a former soldier in his outfit had submitted his name as a subscriber to an underground newspaper."

When it was learned that the Army was keeping track of civilian political activity, both Ervin and Gallagher threatened to hold hearings on the matter.

The Army received more than 50 inquiries from Senators and Representatives on the system and the American Civil Liberties Union filed suit to force the military to discontinue this surveillance. As a result of the controversy, the Army announced that it was dismantling its data banks.

Some, such as Gallagher, took the Army's word that it had abandoned its domestic intelligence system. Others such as Ervin and Baskir remained skeptical.

In a letter to Secretary of the Army Stanley R. Resor, Ervin said "it appears that the army has finally persuaded thet Department of Justice to assume certain surveillance and certain data-collection which the Army has been performing on civilians . . . However, I confess that the exceptions, qualifications and lack of criteria in your policy letter could lead the average citizen—which I consider myself—to wonder just how much of a change it represents in Government policy."

In addition to the constitutional issues the Army's intelligence system raised in the matter of invading the privacy of citizens, the data banks were important for another reason, the Senator said.

"This," Ervin said, "was that they appeared to be part of a vast network of intelligence-oriented systems which are being developed willy-nilly throughout our land, by Government and by private industries. I believe that in these systems, where they contain the record of the individual's thoughts, beliefs, habits, attitudes and personal activities, there may well rest a potential for political control which is alien to a society of free men."

Tomorrow: Public attitudes on civil liberties.

FREE SPEECH IDEAL WANING

(By William F. Woo)

SIXTH OF A SERIES

On the Fourth of July, a newspaper reporter stood on a sidewalk in Miami and asked 50 middle-aged passers-by to sign a copy of the Declaration of Independence. Only one man agreed. One person threatened to call the police, another suggested that the Federal Bureau of Investigation investigate the document and two others called it "Commie junk."

The reporter selected middle-aged pedestrians because earlier he had circulated a questionnaire about the Declaration among 300 young persons attending a Youth For Christ meeting. Twenty-eight per cent of the youths thought the Declaration had been written by Lenin. Others said it was the work of a hippie or "someone against our country."

As a number of surveys have demonstrated, there was nothing unusual about the public's response in Miami. More than 80 per cent of those questioned in Omaha refused to sign the Declaration. In Madison, Wis., only one person in 112 said he would sign the Bill of Rights. Most who refused said it was out of "fear of the consequences." In Aurora, Ill., two thirds of those approached refused to sign the Preamble to the Constitution.

If many Americans are unwilling to endorse the specific language of the Constitution or the Declaration, there is also evidence to suggest that a sizable percentage of the population does not agree with the principles of these documents.

A poll conducted by the Columbia Broadcasting System this year found that more than half of those questioned would favor peacetime censorship if the Government considered certain news stories harmful to the national interest.

More than half would not give everyone the right to criticize the Government and 76 per cent said that extremists should not be permitted to demonstrate against the government, even if there was no danger of violence.

A Harris poll showed that one American in five believes that "some politicians who have their lives threatened probably deserve it" and that one in 11 agrees that "sometimes I have felt that the best thing for our country might be the death of some of our political leaders." Half said that the "rough-and-ready" justice of the Old West was more effective than current procedures, "with all the legal red tape."

"Very frankly, I think that if people say 'kill the pigs,' the cops ought to take after them," says Al Clem, business manager of Operating Engineers Local Three in San Francisco. "I think a guy has a right to express his opinion but he ought to take his lumps without whining about it.

"We've all been on the picket line and admittedly we broke some laws. But when the cops laid the wood to us we took our lumps. Some of these crybabies are shouting now about what happened at Kent State. Well, the National Guard wouldn't have been around if the students hadn't burned the ROTC building."

In an apartment in Cambridge, Mass., Robert Gaylord Burlingham speaks in a patient, almost resigned manner, about the Bill of Rights. The impression he conveys is that the guarantees in the Constitution are neither adequate nor relevant any longer. Burlington is 24 years old and along with 12 other members of the radical Weatherman organization, he is under a federal indictment charging him with being part of a conspiracy to commit bombings in four cities.

"I suppose," he says, "that among lawyers and public people, the Constitution means something, that it's still possible to have justice in the constitutional sense. Among the people with whom I operate, among the young left in general, there's a cynicism about whether we have the right to speak or assemble.

"What's pushing this country toward a civil war is not a disregard for the Bill of Rights, but Vietnam. I believe the American Government and the American system have to be stopped by any means, preferably with the least amount of suffering.

"I don't think the proper social goals can be achieved under the Bill of Rights framework as long as power is distributed so unequally in this country. And actually, the question really isn't whether the Bill of Rights works in America. The question is whether you want the Bill of Rights for Southeast Asia."

Neither Clem nor Burlingham could claim to speak for all trade unionists or all radicals. Many in the labor movement are sympathetic to the aims of young protesters just as many radicals believe that the principles of the Bill of Rights are still useful.

"How the hell do you expect the kids to react to the war?" asks John De Lury, president of Uniformed Sanitationmen's Local 831 in New York. "If money were taken from killing and maiming and put into social reform it would solve some of the problems.

"I'm the champion of free speech, but I say when a man takes high office in the nation, or the state, or this city, and he divides the nation with his speech, he's worse than Benedict Arnold."

One of De Lury's assistants interrupted: "Who are you talking about?"

"I think his name is Spiro," De Lury replied. "Look, bullets and force have never killed an idea and neither has punitive legislation. Kent State—the National Guard was there and that college didn't quiet down."

Carl Oglesby, a radical theoretician, recently spent a few months as a visiting fellow at the Center for the Study of Democratic Institutions in Santa Barbara, Calif. While he was there, a reporter asked him whether he thought the Bill of Rights would necessarily have to be disregarded to achieve the kinds of social changes that radicals demand.

"I wouldn't abridge the Bill of Rights," he said. "As long as there isn't a civil war going on, there are certain rules that should be followed.

"There's no civil war now, only a metaphorical one. People who say there's a civil war in America haven't the faintest notion of what things would be like. I mean, that'd be a whole new and different trip."

For many Americans, especially the young and members of minority groups, the problem is not so much that the Bill of Rights may be irrelevant or objectionable as it is that it simply appears inoperative insofar as millions of persons are concerned.

"Kids who grow up believing in the Bill of Rights see the contradictions between what it says and what is really happening in society," says Mrs. Sarah Cirese, a researcher at the University of California who recently completed an attitudinal survey of students on 10 campuses.

"We found the more active the kids, the higher their level of moral development was likely to be and the more committed they were to the idea of freedom. At the highest level of moral development, there's a strong belief in the Golden Rule, the Bill of Rights, in acting on the basis of principles and one's conscience."

Students surveyed by Mrs. Cirese indicated a strong commitment to the ideal of free speech. Eighty-seven per cent agreed that "a person who advocates unpopular actions or holds unpopular ideas, no matter how extreme, should be allowed to speak to students." But she also found that 99 per cent of the students believed that some form of confrontation was necessary for social and political change. And nearly 10 per cent thought violence must occasionally be resorted to in order to effect change.

Charles Garry, the Black Panthers' attorney, has concluded that as far as the black and the poor are concerned, the Bill of Rights is meaningless.

"The Bill of Rights means nothing to you unless you can participate in the democratic apportionment of the wealth," Garry says. "The Bill of Rights means nothing on an empty stomach.

"In fact, I don't think the Bill of Rights is operational at all. In some cases, it has the appearance of being operational, but it's not. In terms of appearance, you have a judge, there's a jury, there's a lawyer defending the man and the judge even gives the appearance of being fair. But everything the judge does is geared to the prosecution. He's supporting the status quo and he looks at the defendant as an enemy of the status quo.

"If you could give the finest legal defense to blacks, it wouldn't mean a tinker's dam. It would only mean that they were convicted under the legal process. I'm trying to see if the Bill of Rights can give my clients some relief, but I don't kid myself.

"You know 34 months in prison for Huey Newton is hardly any justice. I really don't know what I'm accomplishing. I know the system doesn't work. I've come to the conclusion that our present system is tyrannical and has no useful reason to exist."

Middle Americans, too, are troubled over the apparent contradictions between the ideals of the Bill of Rights and conditions as they exist in society. They, however, are more likely to view the contradictions as arising out of abuses that certain groups—criminals and protesters—have made of constitutional guarantees.

"People in my area aren't looking for new repressive laws," says Max Hanson, of Boise, Idaho, a national vice commander of the American Legion. "They're mainly against destruction of property and the disruption of public institutions. I think most citizens of Idaho are quite tolerant of free speech, but by the same token they don' want to allow destructive acts to take place. If you want to get in trouble real quick in Idaho, just try burning a flag.

"If the dissident minority would follow the accepted ritual in presenting their views, nobody would object. It's their disgusting manner that offends peace."

In the district of Queens represented in the New York City Council by Matthew J. Troy, crime and radical activities are the two most frequently discussed topics. Of the district's 400,000 residents, 9000 are police officers, which gives Troy the largest constituency of policemen in New York.

"I'm fed up to here with civil libertarians who say they are going to do certain things that disrupt the civil liberties of others." Troy says. "People have a right not to have others come into their communities and start riots.

"When they had a disturbance at Queen College, I and seven other councilmen from Queens told the president, who had to climb out of his office window to meet with us, that he either stop this nonsense or we were going to cut the budget and close the school down altogether. We're not going to pay taxpayers' money so that he can run a boarding school for revolutionaries."

Nonetheless, Troy, who considers himself somewhat more liberal than most of his constitutents, is concerned with the intolerance he observes in his district. He said that a radical such as a Weatherman probably would be denied the right to speak and he recalled a community meeting at which the audience shouted down a speaker who was attempting to describe a program to help drug addicts.

"My God," he said, "it must have been what Germany was like in the '30s, the way they yelled at that guy."

In a recent discussion on public attitudes toward civil liberties, Vern Countryman, a Harvard law professor, noted that "many people feel caught between Nixon-Agnew-Mitchell on one hand and the SDS-Weatherman-Panthers on the other. They're both a threat to civil liberties.

"You know, I suppose if we had any way of reading people's minds, we'd find a lot of people in the country don't really believe in free speech. I guess that's why somebody had the wisdom to write those guarantees into the Constitution."

Sunday: Repression through the years.

Civil Liberties Threatened Many Times in U.S. History

(By William F. Woo)

LAST OF A SERIES

A scenario for political repression:

Two years before a national election, the majority party in Congress pushes through a law making it a prison offense to write malicious articles about the President. The law is designed to intimidate the opposition press during the forthcoming campaign. It expires on the day after the incumbent President's term ends. In this way, the statute cannot be turned against those who wrote it, should the opposing party's candidate win the election.

As the campaign begins, an editor is brought to trial under the law. He is accused, among other things, of suggesting that the President is spending too much money on the military and encouraging high interest rates. The editor is charged also with having written that at the time the President took office, he "was hardly in the infancy of his political mistake . . ."

In his remarks to the jury, the judge makes the political purpose of the law plain. "This publication," he says, "is evidently intended to mislead the ignorant, and inflame their minds against the President, and to influence their votes on the next election."

Convicted, the editor is fined and spends six months in jail.

The scenario is from American history. The law was the Sedition Act of 1798. The editor was Thomas Cooper of Sunbury, Pa., later to become president of South Carolina College. The judge was Samuel Chase, a fierce partisan of the Federalists and President John Adams. In addition to Cooper, nine men, all Republicans were convicted under the act.

"The Sedition Act," says Donald H. Fleming, professor of history at Harvard University, "was probably the most serious threat to civil liberties we've had and it came at the very beginning. But, mind you, the man who was against this threat, Jefferson, was elected President."

Persons who believe the nation now is undergoing a repressive period in which civil liberties are being er-ded in wholesale fashion can muster a certain amount of evidence for their case. They point to, among many other things, what they consider harsh criminal legislation of dubious constitutionality, increased Government surveillance of political protesters and efforts to intimidate the press.

It can be said, however, that although

there may be some genuine cause for concern now by civil libertarians, American history is replete with instances of repression. A case, in fact, might be made that civil liberties have been in jeopardy far more frequently than they have been secure.

"The contrast with what's happening now is not with a natural state of paradise we once had and lost," said Gerald Gunther, a professor of law at Stanford University. "It's been an uphill fight all the way.

"For most of our history, a very dominant part of public opinion and law enforcement have not been as tolerant of individual liberties as the Bill of Rights would indicate they should have been."

The country, in fact, began its existence with the immense contradiction of slavery and the words of the Declaration of Independence, "We hold these truths to be self-evident, that all men are created equal . . ."

"Repression now?" asks Fleming. "In any historical perspective, no. To my mind, it's a fantastic suggestion that this is a repressive era in American history. I conclude that most of the talk consists of measuring what we have now against ideals."

In the War of 1812, the New England Federalists were frequently accused of treason, Fleming noted. As the Abolitionist movement gained strength in the 1830s, its leaders were attacked and lynched. Religious persecution against the Mormons was especially vicious, and their founder, Joseph Smith, was lynched in Carthage, Ill.

"The Civil War was a particularly bad time," Fleming said. "Lincoln's record in civil liberties was probably the worst of any President. He suspended habeas corpus and the life of the Copperhead, the Southern sympathizer, in the Middle West was grave, indeed.

"Then, of course, in the 1880s, when the anarchists tried to take over they were violently suppressed. World War I vies with the Civil War for the worst suppression of civil liberties. Both the federal and the state governments took repressive measures. People were imprisoned for criticizing the war in private conversations. Then Wilson lost control of the Administration and you have (Attorney General) Mitchell Palmer's raids. That cleaned out radical movement and the IWW (International Workers of the World).

"World War II compares favorably, except for our treatment of the Japanese, who were interned, and yet that didn't become a model for repression in society as a whole.

"With the exception of the McCarthy period, there has been a real expansion of civil liberties since the Depression. I see, by the way, no similarity between what (Vice President Spiro T.) Agnew is doing and what (Senator Joseph R.) McCarthy did. One man attempted to purge the federal bureaucracy; the other urges voters to turn people out of office.

"As a matter of fact, in any past generation you wouldn't know what people meant in saying Agnew's rhetoric heated people up. I mean, in any past generation if the worst you could say about some body was that he was a radical, you'd better give up. Theodore Roosevelt's language was very vehement. He poked fun at the 'hyphenated-American,' the foreigner, and impugned his patriotism in a way that people understood. If you go back to the Jackson-Van Buren campaign or the Cleveland-Blaine campaign, why, they were absolutely scurrilous."

Harry S. Ashmore, the Pulitzer-Prize winning Arkansas editor who now is a senior fellow at the Center for the Study of Democratic Institutions in Santa Barbara, Calif., suggests a close parallel between the kind of repression that elements of the Left contend now exists and a type of repression that Southern whites experienced a few years ago.

"The Rednecks felt a degree of isolation and desperation," said Ashmore. "They felt persecuted by the Federal Government, which was insisting on integration, and they began arming themselves. The Klan literature was always saying, 'Every God-fearing white man had the right to bear arms. If the police had sold out to the nigger-lovers, well, we'd have to take that law into our own hands.'

"For a long time this was only rhetoric but then the violence began to come. Then the police cracked down, finally to the point of federal troops. A lot of whites felt the Supreme Court had abridged their constitutional rights. Gov. (Orval E.) Faubus said the integration order was null and void. And this sanctioned a lot of people's thinking they were both morally and legally wrong in acceding to the law.

"Their arguments would be very close to the one that's used today—that people have a moral right to do certain things. That's why these people were so difficult to deal with. But what happened in the end? Violence, the majority of whites concluded was intolerable. They disavowed it and the violence ended."

Some observers have noted, however, that the current period has certain significant differences from other times in American history when civil liberties were threatened. One of these differences is what might be called a revolution in rising expectations, a major change in attitudes fostered in no small measure by the Supreme Court's expansion of individual rights in recent years.

"Now we're worrying about whether the police can enter without knocking," says William Cohen, a Stanford University law professor. "Ten years ago, we worried about whether they needed any probable cause at all for arrest. Sure, things like the no-knock crime bill are important. But we're now arguing at a level of civilized police behavior that would have been unthinkable 30 years ago."

James Fisk, for 30 years a police officer in Los Angeles, agrees. Fisk, who retired as deputy police chief, is an adjunct professor of political science at the University of California at Los Angeles.

"When I came into the police department, nobody even talked about the Bill of Rights," he says. "I didn't have the faintest idea of the need for a search warrant. It used to be that the courts told us that evidence was admissible regardless of the method by which it was obtained.

"What I've seen in 30 years is an increased awareness among police officers that constitutional guarantees are superior to substantive law. The real question, however, is whether our society wants law enforcement to be constitutional."

Another aspect of the current concern over repression that sets it apart from other times in American history is the state of development in communications and data-processing technology.

The television set that brings the Vietnamese war into the living room also brings ghetto riots and campus violence. Students demanding the overthrow of the system and a President calling for law and order reached the same national audience. If the television coverage of the riots in Chicago at the time of the Democratic National Convention radicalized many youths, it hardened also the attitudes of many of their elders, who became convinced that protest was going too far.

The nearly infinite memory of the computer, with its ability for almost instant recall, for the first time has presented the nation with a possibility that a person's political and social opinions might be kept on file just as his credit rating already is. Just as a bad credit rating can prevent a citizen from engaging in a business transaction, so, civil libertarians worry, a bad social or political "rating" may keep someone out of a job—or put him in prison.

Coupled with increasingly sophisticated methods of electronic eavesdropping, the computer-based data bank may have given man, as Representative Cornelius E. Gallagher (Dem.), New Jersey, put it, "so powerful an instrument of social control that individual dreams, which become local nightmares, can now be world-wide catastrophes."

"If you're born with a television in the room, it's a state of nature to you," says former Attorney General Ramsey Clark. "If you're born with audio-surveillance in the room, you accept that, too.

"There are many tragedies to governmental wire tapping. It's far more than a dirty business. It tinkers with the foundation of individual character. If you try to sell it as morally right, you build an acceptance for it. If you try to sell its acceptance, as the Administration does, for purposes that are largely imagery, you build an acceptance for things that are essentially immoral. I don't find a history or a literature in which the eavesdropper is extolled."

A third factor that distinguishes this era, civil libertarians believe, is that repression is aimed at large cultural groups as well as at those with unpopular political views. Thus a youth with long hair, whatever his political opinions, may well feel repressed if the local authorities decide "to clear our streets of the hippie elements."

"What happened in the 1960s was a breaking up of the dominant cultural consensus," says Alan F. Westin, professor of political science at Columbia University. "We broke lose from the Puritan Protestant consensus, and driving through society came new life styles and with that a demand to be able to dress differently.

Censorship was loosened tremendously by the courts.

"Objectively, civil liberties, the right to pursue your ideas, really got greater breadth between 1960 and 1968 than in any other time in our history. But—a lot of people began exercising these freedoms and they came up against a fundamental fact. They didn't have a majority. And at this time, the dissenters began to say the whole society is rotten.

"That's what the issue of repression is all about to radicals. They say, 'To give us freedom and not make the changes that are necessary is really not to give us freedom at all.' "

AGRICULTURE CONSERVATION PROGRAM

Mr. TOWER. Mr. President, section 15 of the Soil Conservation and Domestic Allotment Act of February 29, 1936, authorized an appropriation for the agriculture conservation program in an amount not exceeding $500 million for any fiscal year.

In recent years, the Congress has authorized $220 million annually, but the 1970 program is being operated only at the $185 million level, even though $195.5 million was authorized by Congress.

The ACP is the most universally accepted of all farm programs. Nearly a million farmers participate annually in all of the 3,000 counties in the country. These farmers contribute 50 percent or more of the cost of conservation practices.

Conservation assistance has been limited to measures which farmers generally would not be likely to carry out to the needed extent without cost-share aid. Most of the practices have long-range benefits, but the immediate returns are not sufficient for the farmer to finance them on his own.

No program has done so much to benefit all the people with the amount of funds available. The ACP has spearheaded a main effort made in the protection of our environment.

Millions of tons of silt have been kept out of our rivers and lakes with the ACP assisting in 2 million water-storage reservoirs; 33 million acres have been terraced; 1 million acres of permanent sod waterways have been constructed; and vegetative cover on 769 million acres has been established.

Further, since the ACP was started, we have not experienced the dust bowl days so well remembered in the Great Plains and throughout the country.

In addition, the ACP has helped with planting 4.6 million acres of trees and improved the stand of trees on 3.8 million acres. This will help insure a badly needed supply of timber for the future, as well as convert nonproductive lands to productive uses.

The ACP has many other accomplishments, such as benefiting wildlife and improving outdoor recreation opportunities.

In 1970, the ACP has placed more emphasis on the improvement of our environment with the inclusion of more pollution abatement practices. These include the construction of diversion terraces, ditches, waterways, or dams to abate pollution and reduce erosion in critical sediment source areas, and in areas with livestock and poultry concentrations where outside water adds to the pollution problem.

In addition, assistance is given for pollution abatement systems to control and properly dispose of concentrations of pollutants in farm feedlot areas to keep our lakes, ponds, and streams clear and usable.

Both Houses of Congress have passed the USDA appropriations bill for 1971, which included an authorization for the 1971 ACP. The House bill had an authorization of $195.5 million, and the Senate bill $190 million for 1971.

This is surely a clear intent of the Congress to continue the program which is so vital to our Nation.

ACP is operated by the Agriculture Stabilization and Conservation Service. In many county offices, ACP work constitutes a tremendous bulk of their business. If there is no 1971 ACP, a minimum of 16 ACS county offices in Texas will have to be closed and a minimum of 300 throughout the Nation. One can imagine the consequences and hardships on farmers should this happen. In addition, I would think it impossible to reopen these offices once closed because of the expense involved trying to rehire personnel or find new people with adequate training and background.

Thus, I hope that Senators will join me in urging the Secretary of Agriculture to announce immediately the 1971 ACP without waiting for final action on the 1971 appropriation bill. This action has been taken in previous years and is badly needed now so that all concerned can make orderly plans for the operation of the 1971 program.

AMERICAN LEGION VOICES SUPPORT FOR POW RESCUE EFFORT

Mr. DOLE. Mr. President, Alfred P. Chamie, national commander of the American Legion, has issued a statement supporting President Nixon's decision to send a rescue force into North Vietnam for the purpose of bringing out American prisoners of war.

This statement adds another strong voice of support for President Nixon's continued effort to free American prisoners of war held unjustly in North Vietnam.

I ask unanimous consent that Mr. Chamie's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NEWS RELEASE OF THE AMERICAN LEGION

The American Legion wholeheartedly endorses the courageous decision of President Nixon to send a task force into North Vietnam for the purpose of attempting a rescue of our brave fighting men who are held captive by the Hanoi government. That the mission failed to achieve its desired result is unfortunate, but in no way detracts from the fact that we have now told Hanoi in no uncertain terms that we mean to have an end to their inhumane treatment of American prisoners in total disregard of the Geneva Convention.

We of the American Legion salute the President, the Secretary of Defense and, most especially the brave officers and men who carried out the daring and imaginative raid. I am certain this action, more than anything that has gone before, will serve to focus the attention of the world on the plight of American fighting men held prisoner by the North Vietnamese.

RETURNING CASUALTIES FROM THE INDOCHINA WAR DESERVE ADEQUATE MEDICAL CARE; DR. RUSK IN NEW YORK TIMES OUTLINES THE CRISIS

Mr. YARBOROUGH. Mr. President, on August 11, 1970, the independent offices-HUD appropriations bill was vetoed by President Nixon due to the alleged inflationary impact that it would have had on the economy. The veto was sustained in the House despite a valiant attempt to override it. One of the primary victims of the President's action was the Veterans' Administration which was scheduled to receive approximately $9 billion under the bill.

An informative article entitled "War's Medical Crisis" appearing in the November 15, 1970, edition of the New York Times makes clear the fact that the Veterans' Administration's 166 hospitals and 202 out-patient clinics are facing a crisis of major proportions. Unless we in Congress can persuade the Nixon administration to accept an adequate appropriation, our veterans can expect to receive less than adequate care in the months and years ahead.

We are told that the war in Southeast Asia is no longer the public's No. 1 concern, and yet every day that the conflict drags on those in need of the Veterans' Administration's services increases. Thus far there have been over 300,000 casualties of the Vietnam war, more than the total casualty list of World War I. In an age when we are inundated daily with statistics, perhaps it has become too easy for some people to ignore or forget the personal agony and human needs which underlie the casualty figures. We must not, indeed we dare not, lose sight of the fact that our wounded soldiers have made great sacrifices, and deserve the best medical care that we are capable of providing.

The improvement in the delivery of medical care that the military has been able to provide on the battlefields of Indochina has enhanced our ability to save the lives of men who have sustained what would have been fatal wounds in earlier wars. These gains must not be lost or squandered, due to an unwillingness on the part of the executive branch to approve sufficient funding for programs aimed at providing for the treatment and care of our veterans once they are evacuated to the United States. I urge my colleagues in the Congress to continue their demonstrated sensitivity to the needs of the American people by insisting that the Veterans' Administration receive the money it needs if it is to meet its obligation to our veterans.

Mr. President, I ask unanimous consent that the article by Dr. Howard A. Rusk, entitled "War's Medical Crisis," published in the New York Times of November 15, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WAR'S MEDICAL CRISIS—SOLDIERS SAVED IN VIETNAM RETURNING HOME IN NEED OF LONG, COSTLY CARE

(By Howard A. Rusk, M.D.)

Although the Vietnam casualties have been at their lowest point in five years these past few weeks, it would be tragic if the public were lulled into apathy. An enormous problem still exists: 300,000 total casualties, 100,000 seriously wounded, 25,000 severe injuries of the upper extremities.

For example, in 1968, 1,640 combat casualties with wounds of the upper extremities were treated at the Brook Army General Hospital in San Antonio. This number represented less than 8 per cent of the casualties evacuated to the United States. Most of the wounds were caused by fragments from mines, gunshot or burns. One-fourth of them involved the hands. Remarkably, 69 per cent of this group returned to duty and only 3 per cent died.

The rate of successful treatment was due largely to a new understanding reached during World War II of what can be done for the mutilating wounds of war through reconstructive plastic surgery. Eight special army centers were established in World War II to meet the needs of these patients. The best known is Valley Forge Hospital in Pennsylvania, which also operated as a specialized center during the Korean War and remains one of the primary army centers today.

NEW FIELD OF SURGERY

A new sub-specialty in reconstructive surgery of the hand has emerged from such centers. A special society has been formed to further the knowledge and service in this field. Hand surgery is one of the most difficult of surgical procedures, because of the

interacting tendons, the complexity of the nervous mechanism and the difficult circulatory problems.

The Army has been foresighted in this field and has trained enough hand surgeons to head active services in eight army general hospitals. However, they have been able to provide the total care necessary for only about 50 per cent of the patients with severe hand damage.

One reason is that beds must be made available for newly arriving casualties.

Another is that these patients cannot be kept in military hospitals for more than 12 months. Complex, long-term reconstructive cases must then be transferred to the Veterans Administration.

SIXTEEN THOUSAND SEVEN HUNDRED ARE TRANSFERRED

The administration has 166 hospitals of which 88 are associated with medical schools or teaching hospitals. From January, 1965, through September, 1970, some 16,700 patients have been transferred from the armed services to the Veterans Administration. These included more than 2,000 with spinal cord injury, 1,600 major amputees and 220 blind. There were almost 5,000 psychiatric cases.

When a patient is transferred from the armed services he is permitted to choose his V.A. hospital and usually selects the one nearest his home. Often this is an unwise choice because it is impossible to have highly-specialized, full-staff services for all types of veterans' medical problems in every hospital. It would seem that the V.A., like the military, needs specialized services in certain hospitals for those special complex problems.

At the armed services medical institutions in Vietnam, the morale of the patients is generally high. This is primarily because they feel they are "still part of the outfit."

In the evacuation chain to Japan, the Philippines or back to the United States, this feeling of belonging becomes increasingly diluted. Many casualties who are eventually referred to V.A. hospitals often want to return to the military institutions, hoping at least subconsciously to regain that sense of belonging.

Because of the life-saving helicopter evacuation techniques and excellent front-line medicine, the Vietnam War has produced the most severe disabilities with the most difficult complications and residual defects ever encountered in any war in history—men who in other wars would have died on the battlefield.

These are the men the Veterans Administration hospitals must be prepared to treat.

PAKISTAN CYCLONE AND TIDAL WAVE

Mr. PACKWOOD. Mr. President, we are all aware, I believe, of the cyclone and tidal wave which killed thousands of Pakistanis November 13, 1970, and left thousands more homeless and without food. A full-scale effort is now underway to bring desperately needed food, clothing, shelter, and medical attention to these less fortunate men of another land. It is during times such as these that I believe the United States makes excellent use of its resource and establishes much good will. In the current situation in Pakistan, I believe we are again making a worthwhile contribution. But why in the name of reason, do we insist on making a fool of ourselves at the same time? I refer to an Associated Press story run in the Tuesday, November 24, 1970, edition of the Washington Evening Star. The story said in part:

The instructions were to come forward one by one, receive a relief packet from the U. S. ambassador and shake his hand. The starving Pakistanis could not wait. In the bedlam, two refugees were slashed by rotating helicopter blades, another was hurt in a battle of rice sacks and Ambassador Joseph S. Farland retreated into a helicopter to escape the frantic mob.

Mr. President, it seems to me, at a time like this, when people are literally starving, that we could forego unnecessary and inappropriate pomp and ceremony. To make it necessary that a starving man shake the hand of some U.S. Government official before he gets his packet of food is ridiculous. That is like asking someone to shake hands with the fire chief before being pulled from a burning car.

When I contacted the State Department about this matter today, I was told that they could neither confirm nor deny that the instructions to distribute the food had included shaking hands with the U.S. Ambassador. Since the State Department seems to be having trouble deciding what the instructions are, I would like to offer two simple suggestions.

First, eliminate unnecessary and undesirable ritual associated with getting food and supplies to these unfortunate people in Pakistan; and second, proceed with due haste to make sure that food and supplies reach these people as soon as possible. It is quite possible that the American Ambassador could be used as just another worker. I think he would be appreciated more if he were.

BILINGUAL EDUCATION: POINTING THE WAY TO EQUALITY FOR THE SPANISH-SPEAKING AMERICAN

Mr. YARBOROUGH. Mr. President, a recent edition of the Center magazine contains an informative article about the true "forgotten Americans," the Mexican Americans who live in the Southwestern United States, one and one-half million of them in my own State of Texas.

By and large, this group of Americans receives substandard education, lives in substandard housing, subsist on a nutritionally substandard diet, and works for substandard wages. As the article points out, the ancestors of these people were here before the Anglos, yet their culture, their history, their contribution to our heritage are not taught in the schools.

But the most unfortunate and unnecessary barrier between Anglos and Chicanos is the linguistic barrier. In every industrialized nation in Europe, schoolchildren learn at least one language other than their own. Americans who have traveled in Europe know that there are English speakers in even the smallest villages. Yet in the Southwest, where a total of 5 million Spanish-speaking Americans live, the Spanish-speaking Anglo is the exception, not the rule. Due to cultural differences, the English-speaking American has used only his language and his way of life in the parts of the United States inhabited by Spanish-speaking Americans. Too few Mexican Americans speak English well enough to fully enjoy the advantages of our affluent society, and the Chicanos have been the ones who suffered.

Recognizing this fact, I introduced and moved through Congress the Bilingual Education Act of 1968. Delays, poor administration, and inadequate funding have prevented this program from operating as fully as it might, but, as the article indicates, the approach is a sound one.

Mr. President, I urge Members of Congress to read the article and to keep its message in mind when funding requests for my Bilingual Education Act of 1968 are presented to Congress. We have ignored the Spanish-speaking American for too long; we know too little of the language and heritage of this great people. The program which my bill has initiated will help to remedy this situation.

Mr. President, I ask unanimous consent that the article entitled "Montezuma's Children," written by Mr. Philip D. Ortego, and published in the November-December 1970 edition of the Center magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MONTEZUMA'S CHILDREN

(By Philip D. Ortego)

The face of Mexico is an Indian face. Traveling the length and width of modern Mexico one is more impressed by the Indian influences on Mexican culture than the European influences. The primitive pyramids of Teotihuacán are more impressive than the elegant facade of Chapultepec Castle. One is more fascinated by the legend of Ixtacihuatl than by the exploits of Cortez. Although the crown and church of Spain almost succeeded in Europeanizing Montezuma's children they were unable to convert the Indian masses into their own physical image. In our time Indian rather than Spanish blood has become a source of national Mexican pride. To be Spanish is to be a *gapuchin*, a foreigner, an oppressor, a rapist of the ancient Indian culture. To be a Mexican is to be a member of *la raza*, the race of Montezuma's children. More than two-fifths of the Mexican population are pure-blooded Indians, more than half have some Indian blood in them. Yet, despite Indian resilience, the language of the conquerors dominated.

In Mexico, where the Spanish-speaking Indian types have almost no linguistic disadvantage, they have achieved a relatively high degree of equal opportunity. However, the ten million or so of Montezuma's children who live in the United States are still struggling to overcome not only the handicap of speaking a foreign language but the social disadvantage of looking like themselves, that is Mexicans.

Only recently have Mexican Americans begun to receive significant attention in this country, though they are the second largest minority group in the nation. They constitute the single largest linguistic group. Most Mexican Americans (seven million) live in the five-state area of Texas, New Mexico, Colorado, Arizona, and California. The largest single concentration is in Los Angeles. Just as many black citizens have rejected the description of "Negro" or "Negro-Americans," many Americans of Mexican ancestry reject the hyphenated Mexican-American description by Anglos and instead prefer to be called Chicanos.

Montezuma's children are not transplanted Americans. Many of their forebears were here before the Puritans, the Pennsylvania Dutch, the Irish of Boston, the Italians of New York, or the Poles of Chicago and Pitts-

burgh. Yet Mexican Americans subsist on levels far below national norms. The reason for this, many Mexican Americans argue, is that the Treaty of Guadalupe Hidalgo in 1848 classified those who came with the conquered lands of the Southwest as a defeated people. Those who came afterward, in the great migrants of the early nineteen-hundreds, have been similarly victimized as a result of the Mexican-American War. Those who were here before the Mexican-American War have had their land rights usurped and today they have become almost strangers in their own land.

The problems of Mexican Americans relate specifically to American life, not to life in Mexico, just as the problems of Anglo-Americans relate to American life, not to life in England, whatever the linguistic ties. That many Mexican Americans do not speak English does not make them any less American. Their interests, attitudes, and aspirations differ little from those of other Americans. What conspicuously characterizes Mexican Americans is that most of them have an inadequate education, a handicap stemming primarily from socio-economic causes rather than from what educators have called the "language barrier."

The educational statistics on Mexican Americans are shocking. In the Southwest, their dropout rate is more than twice the national average. Estimates of the average number of school years completed by Anglo children in the Southwest is 12.1 years, and by black children, nine years. On the average Mexican Americans there stay in school 7.1 years. Armando Rodriguez, Chief of the Mexican American Affairs Unit for the U.S. Office of Education, has said that "the rise in cultural militancy among young Chicanos is directly related to the schools' appalling ignorance about the Mexican American and his role in the American democracy."

This ignorance is dramatically manifiested in the statistics: in Texas thirty-nine per cent of the Mexican Americans have less than a fifth grade education; Mexican Americans twenty-five years of age and older have as little as 4.8 years of schooling. Almost half of the Mexican Americans in Texas are still functional illiterates.

The percentage of Mexican American children entering first grade who know enough English to move forward with their Anglo-American peers is slight. Indeed, many never get to the first grade. Of those who do (especially along the U.S.-Mexican border), according to the first report of the National Advisory Committee on Mexican American Education, "four out of five . . . fall two grades behind their Anglo classmates by the time they reach the fifth grade." In Texas only about one-third of the five- and six-year-old Mexican Americans are enrolled in school. The National Advisory Committee notes that in some California schools more than fifty per cent of Mexican American high school students drop out between grades ten and eleven. Moreover, "although Spanish-surnamed students make up more than fourteen per cent of the public school population of California, less than one-half of one per cent of the college students enrolled in the . . . University of California are of this group."

Vicente Ximenes, former chairman of the Inter-Agency for Mexican American Affairs, has pointed out that "almost from the very beginning . . . there was prejudice and superiority in the posture of the [Anglo] pioneers from the eastern half of the land." Few Americans are aware that their brown fellow-citizens were segregated in some schools in California until 1947 and in Texas until 1948.

The long, arduous odyssey of Mexican Americans has been given little public attention. In 1940 George I. Sanchez called them "forgotten people," and at the National Educational Association meeting in Tucson in 1966 they were described as "the invisible minority." But the Chicano renaissance is changing this.

The issues in Mexican American education arise from a complex of psychosocial and cultural linguistic patterns. No one approach to the educational problem of Mexican Americans can achieve significant results. Even the linguistic disadvantages of Mexican American children are basically the product of a thoroughly lexocentric society: they are in part the result of ignorance about language and its social function, in part they arise from the distortion of Mexican American culture and history.

Existing educational programs (with the exception of pilot or experimental model programs) make no allowance for the fact that many Mexican American children come to school either knowing a fair amount of English but psychologically reluctant to use it, or knowing little English, or knowing only Spanish. Whatever the case, Mexican American children are burdened from the start by an inability to deal with the language of instruction. Often their teachers are Anglo-Americans who are not bilingual and cannot communicate to the children the lessons of first grade. First grade then becomes a sort of language laboratory in which the teacher attempts to create enough English fluency in the pupils to begin with the required instructional materials. But most first-grade teachers are inadequate; untrained in language theory and analysis, they cannot overcome the language barrier. What usually happens is that Spanish-speaking children are seriously traumatized by what too often becomes a demoralizing and degrading experience. Such courses as "Speech X" (Corrective Instruction in English Pronunciation) treat the symptoms rather than the malady.

A third-grade Mexican American boy, whose parents were born in the eastern part of the United States, was placed in an El Paso public school when his father was assigned to a nearby military base. The parents were soon advised that their son was being recommended for remedial language instruction. An investigation showed that the teacher's recommendation was based on the fact that the boy spoke an eastern dialect of American English rather than the teacher's Texas dialect. She considered the boy's speech atrocious and in need of remediation. This is the kind of "lexotherapy" many Mexican Americans are subjected to.

An editorial in *El Grito: A Journal of Contemporary Mexican American Thought*, commenting on the linguistic situation of the Southwest, said: "Almost unbelievably, [language] teaching to this day is characterized by puritanically rigid social sadism and linguistic imperialism."

What is needed—in addition to preparing teachers in linguistic principles—is training in "lexonomics," the study of linguistic social relations. As a social creature, man is also a creature of words, and therefore a "lexistent." The teacher, as the central figure in the dynamics of social relations in the schools, should comprehend the nature of language and its psychological function in human beings, especially children. Failure here is by far the greatest weakness in existing educational programs.

In practice Spanish-speaking children are frequently relegated to classes for the retarded simply because many teachers equate linguistic ability with intellectual ability. In California, Mexican Americans account for more than forty per cent of the so-called "mentally retarded." This is prima facie evidence of cultural disdain on the part of an Anglo-American educational system. Harold Howe, former United States Commissioner of Education, pointed out in an address to the National Conference on Educational Opportunities for Mexican Americans that the feeling of Anglo cultural superiority is reflected in hundreds of ways in American society and stated that "until the schools realize how our society projects this conviction of superiority, this cowboy-and-Indians mentality, and takes positive steps to correct it, they will not truly succeed with Mexican American children."

The schools have to be made aware of the part they play in promoting the myth of Anglo cultural superiority. In October of 1969, a group of Mexican Americans took over the boardroom of the Los Angeles City Board of Education to protest the assumption of Anglo cultural superiority. Walkouts have occurred in school board meetings in many communities of the Southwest. One of the issues in these walkouts is the custodial notion that emphasizes school attendance and discipline at the expense of learning. Some Mexican Americans, experiencing it, are beginning to suspect that the only reason for keeping Mexican American students in school is to improve the average daily attendance, the basis of most federal funding and support.

Based on the 1960 census, the estimated number of disadvantaged children in the nation was more than fifteen million, yet the money finally appropriated under the Elementary and Secondary Education Act, Title I, was hardly enough to provide programs for five and a half million of these children. The only thing the most school districts receiving such funds can point to are showcase programs. Some of these showcase programs are so poorly put together that one wonders how they continue to be federally funded. Nowhere among the participants is a Mexican American to be found. The same is true of the Teacher Corps program, which last year recruited sixty Anglo-American interns with only limited fluency in Spanish and not one Mexican American, for a target population of Spanish-speaking Mexican Americans. It then immersed these interns in a six-week intensive Spanish-language course.

In most of the schools of education or teachers colleges in the Southwest few, if any, Mexican Americans serve on the teaching faculties. Even fewer are represented in the decision-making for the education of Mexican Americans.

Preschool programs such as Head Start, Follow Through, and other compensatory educational efforts suffer from the assumption that all Spanish-speaking preschoolers in these programs will be fluent in English and ready to begin formal studies in English in the common and traditional education curriculum. Six months of preschool is not enough time to overcome the disadvantage of the Mexican American child. Herschel T. Manuel, of the University of Texas, one of the long-standing proponents for bilingual education, says: "The special difficulties with which we are struggling are those of children who must learn a second language outside of the home; of children who in addition suffer the disadvantages of poverty; of children who have to adjust to patterns of living in the larger community different from those of the immediate environment; and of children whose migrant parents have no secure place in the community."

Recent advances in applied linguistics have led to a curriculum heavily invested in technological hardware—tape recorders, slide projectors, special typewriters. But gadgets are only as good as the teachers who use them. Thousands of schools which acquired the technological hardware have still not significantly improved the education of Mexican Americans, nor does it appear that they are likely to.

Now there is much talk about English-as-Second-Language programs (E.S.L.) both as compensatory education and as part of experimental bilingual programs. These programs are perhaps the most meritorious effort thus far to meet the language problem. They are marred however by the insistence that to speak English with an accent is unacceptable in the United States. *El Grito* calls this "insidious arrogance," pointing out that such people as Lyndon Baines Johnson, Wernher Von Braun, Edward Kennedy, Otto Preminger, and others speak with colorful accents quite acceptable in the United States. To *El Grito* the conclusion is unequivocal: "In the United States today any accent is acceptable, except that of a Mexican American who speaks English with a Mexican accent."

In many states English is prescribed by law as the official language of instruction. Mexican American students are expressly forbidden to speak Spanish except in Spanish classes, and even then Anglo teachers of Spanish consider their Spanish tainted. The rationale behind the "no Spanish" rule is that by speaking English the students will learn English. The logic is that once a Spanish-speaking child is forbidden the use of Spanish he will then speak fluent idiomatic English like other Americans. In the *Handbook for Employees* of one Texas school district, the following admonition appears: "Use of English Language. Every effort should be made to enforce the rule that English is to be spoken in all schools and on all school grounds by pupils, custodians, lunchroom personnel, and teaching personnel except when they are teaching Spanish as a foreign language or participating in pilot projects as approved by the department of instruction. Written permission from the Texas Education Agency must be secured for any exception to this rule." Note that the "no Spanish" rule applies equally to custodians, lunchroom personnel, and teaching personnel.

Of course, the schools are right in their emphasis on English—it is, after all, the objective in the solution of the language problem of Mexican Americans. But the means used to solve this problem do not justify the ends. American education for the disadvantaged has oftentimes been a degrading experience. In many parts of the Southwest Mexican American students are still being punished for breaking the "no Spanish" rules. In Brownsville, Texas, Mexican American students have been fined for speaking Spanish in the schools. Some Southwest schools have resorted to corporal punishment for students who break the "no Spanish" rules.

Recently the "no Spanish" rules have been challenged by Mexican Americans in San Antonio and El Paso, but only after actual or threatened Mexican American student uprisings. One San Antonio school official has said that not only should Spanish be allowed in the schools but that Mexican American pupils should be "motivated to improve their fluency in standard Spanish in such conversation." This is a left-handed concession; the obvious inference is that even the Spanish of Mexican Americans is poor. The Mexican American border dialect of Spanish is thus reduced to an inferior position on someone's arbitrary linguistic scale. The truth is that there is no "standard" Spanish any more than there is a "standard" English. In Mexico alone there are almost as many dialects of Mexican Spanish as there are dialects of American English in the United States. Yet many Anglo-Americans continue to equate "good" Spanish with Castilian Spanish, lisp and all. In many schools this Castilian Spanish is being taught to Mexican American students.

In El Paso, only a threatened walkout protesting detention for speaking Spanish on the school grounds forced the school-board trustees to end the practice. Only the threat of massive protest by Mexican Americans forced educational districts of the Southwest into the twentieth century. The proposed action on the part of the National Education Association's West Coast office to decertify one El Paso high school if it continued its policy of Spanish detention helped bring the issue to a head and resolved it in favor of the Spanish-speaking student population of the city.

Though the "no Spanish" rules are slowly being eliminated, the educational systems of the Southwest are still waging a relentless campaign culturally to emasculate Mexican American youngsters. Jose becomes Joe, and Jesus becomes Jesse because Anglo-Americans find it hard to call someone by that name. Mexican American students are told they must accept and assimilate quickly into Anglo culture or face economic and financial deprivation later as adults. In effect, this is like telling the Mexican American child that there is something wrong in being a Mexican American. And though Spanish may no longer be prohibited on some school grounds, Jose has become so self-conscious about his Spanish that he is more and more withdrawn. Harold Howe puts it flatly: "It is time we stopped wasting [our linguistic resources] and instead enabled youngsters to move back and forth from one language to another without any sense of difficulty or strangeness."

About five per cent of American school children score below seventy-five on I.Q. tests and are therefore considered mentally retarded. However, thirteen per cent of Mexican American youngsters fall below seventy-five when tested. About twenty-five per cent of all children score between seventy-five and ninety on I.Q. tests, but fifty per cent of Mexican Americans fall in this range. Fifty per cent of all children score between ninety and a hundred, but only twenty-five per cent of Mexican American children score this high. Again, only twelve per cent of Mexican American children score above a hundred compared to twenty per cent of all others. The percentage of Mexican American children classified with inferior I.Q.'s is two and a half times the percentage of Mexican Americans in the population.

Those who argue against bilingual education usually point to the results of these questionable tests and measurements to support their contention about the intellectual potential and capability of Spanish-speaking Americans. On the basis of I.Q. tests in the English language (whose culture content has always been drawn from the milieu of the middle-class Anglo-American), Mexican American youngsters have been considered intellectually inferior. Only recently have educators become aware that they lack the instruments for measuring intelligence and achievement potential of Mexican Americans. Yet as long ago as 1935, Herschel T. Manuel had pointed out the deficiencies of the Stanford-Binet test in assessing the abilities of Spanish-speaking Mexican American children.

So much stress has been placed on the I.Q. by school administrators, teachers, and the public at large that as a consequence of low I.Q. scores many adult Mexican Americans have accepted and even internalized this negative appraisal. The effect on their children has been devastating. Mexican American children now face in their homes the same negative valuation they meet in the schools. Anderson and Safar raise this tragic question in presenting their research: "Are we asking too much of a child to continue working toward vague educational goals and gainful employment when most of the significant adults in his life—parents, adult friends, teachers, counselors—all evidence a lack of confidence in his ability to achieve the same goals as his Anglo classmates?" (*Sociology of Education*, Vol. 40, No. 3, Summer, 1967.)

Enlightened educators now see the distinct relationship between "retardation" and the extent of which intelligence tests require a knowledge of English. In *Pygmalion of the Classroom*, for example, authors Robert Rosenthal and Lenore Jacobson find that the I.Q. is not a true indicator of ability but simply the score of a person's intellectual performance at a given time based on background and experience. They show the nature of self-fulfilling prophecies based on the assumption of innate intellectual inequality.

If a teacher assumes and expects a child to be intelligent, the child will actually perform with greater intellectual capacity. An experiment was conducted in a community of the South San Francisco Unified School District where more than a hundred of the six hundred and fifty students were Mexican Americans. The teachers were told that on the basis of intelligence tests given during the previous year some of the students would probably show significant gain in intellectual ability during the current year. Actually, the names of these "potential gainers" had been chosen so that any difference between the "special" children and the others would be only in the mind of the teacher. The students were tested twice during the year and the "potential gainers" scored significantly higher than the others. Almost twenty-one per cent of them increased their I.Q. scores by thirty points. Almost half increased their I.Q. scores by twenty points. Nearly eighty per cent of the "potential gainers" increased their I.Q. scores by ten points, while only half of the other students experienced a similar increase. It appears, then, that a teacher's perception and expectation of her students demonstrably affect pupil performance.

The effects of environment and culture upon minority students cannot be excluded. A St. Louis cultural enrichment program succeeded in raising the average I.Q. of disadvantaged youngsters by 11.5 points in four years. But I.Q. tests as a measure of intelligence are now highly suspect precisely because of their culture content. They are therefore inconclusive as a measure of innate learning ability.

Adam Yarmolinsky pointed out in *Recognition of Excellence*: "This 'dragnet' function of testing [I.Q.] is almost completely ineffectual in a situation where a child's home and community background has denied him the cultural experience that the test assumes. Intelligence tests are standardized to a native white population. The discrepancy is particularly evident in testing children from disadvantaged ethnic minorities—not only Negroes but Puerto Ricans, American Indians, Japanese and Chinese Americans, persons from U.S. territories, and even Appalachian Mountain whites."

As a result of criticism from the Association of Mexican American Educators, the California State Board of Education created a special advisory committee to investigate charges that I.Q. tests seriously hinder some children—especially minority children—in achieving normal educational goals. (The Los Angeles school system had already banned use of group I.Q. tests in the primary grades.) The findings of the special advisory committee are startling. Mexican American children, classified as mentally retarded after I.Q. tests in English, have done remarkably better with tests in Spanish. Some of the children had spent as long as three years in special classes for slow learners simply because of low I.Q. scores. The special advisory committee found that the special classes themselves had a retarding influence. After retesting, one Mexican American student showed an improvement of twenty-eight points while the group's average rose thir-

teen points. The report of the committee asserts that Mexican American students are apparently placed in remedial classes "solely on their inability to function in what to them is a foreign language."

If the measure of intelligence is a necessary educational prerequisite, it is clear that Mexican American children who speak only Spanish or a limited amount of English should be tested for intelligence in Spanish rather than in English and with a test standardized to their population.

Many Mexican American students find that the only way to get out of a bad educational scene is simply to drop out. There are many individual reasons for dropping out. One of the principal reasons is that Mexican American youngsters tend to be overage in grade levels; given the linguistic handicaps with which they enter first grade, by the time they are able to do first-grade work, they are old enough to be in second grade. True, almost one-third of the homes and virtually all of the schools in the country are beset by the high-school dropout problem. But Mexican American children have a higher dropout rate than any comparable group in the nation.

David Gottlieb's study of the Job Corps suggests that most of the youths in the program who dropped out of school did so because they failed to find any relation between their school program and their vocational goals. This can hardly be called a lack of motivation; it is rather a lack of academic relevance.

Martin Deutsch's thesis is that "the lower-class child enters the school situation so poorly prepared to produce what the school demands that initial failures are almost inevitable, and the school experience becomes negatively rather than positively reinforced. Thus the child's experience in school does nothing to counteract the invidious influence to which he is exposed in his slum, and sometimes segregated, neighborhoods . . . . The frustration inherent in not understanding, not succeeding, and not being stimulated in the school—although being regulated by it—creates a basis for the further development of negative self-images and low evaluations of individual competencies . . . No matter how the parents might aspire to a higher achievement level for their child, their lack of knowledge as to the operational implementation, combined with the child's early failure experiences in the school, can so effectively attenuate confidence in his ability ever to handle competently challenge in the academic area that the child loses all motivation."

To keep Mexican American students in school, federal funds to states and school districts must be increased and the regulations concerning their expenditure must be made explicit. Schools must be encouraged to cooperate in federal programs for Mexican Americans. The programs should relate to the needs of the learners by taking into account their assets, attitudes, skills, personalities, and background. A new breed of teacher is needed, according to Dr. Miguel Montes, member of the California State Board of Education. Montes calls for teachers "sensitive to the many and diverse educational problems of Mexican American youth."

Finally, every school in a Mexican American community should have an educational coordinating committee composed of Mexican American teachers, parents, and civic leaders who will look into all the problems of Mexican American students, especially the dropout problem. We know the dropout cycle of Mexican Americans can be broken. "War on poverty" programs like the Youth Training and Employment Project (Y.T.E.P.) of East Los Angeles, whose primary objective is to upgrade disadvantaged Mexican American dropouts between the ages of sixteen and twenty-one, are steps in the right direction.

Considering the high dropout rate of Mexican American students, it is not surprising that there are so few Mexican Americans in colleges and universities. Only two per cent of the California state college population is Mexican American. Of these, less than one-half of one per cent go on to graduate. At U.C.L.A., there were only three hundred Mexican American students last year out of a student population of twenty-nine thousand. Out of approximately twenty-five thousand students at the University of California at Berkeley in 1966 only seventy-eight were Mexican Americans. Yet there are more than a million Mexican Americans in California alone.

Mexican Americans comprise almost half the population of New Mexico, but less than eight per cent of them attend the state universities and colleges. At the University of New Mexico, only ten per cent of the student population is Mexican American, yet they account for fifteen per cent of the freshman dropout rate and only six per cent graduate.

If higher education is to contribute significantly to the upward social mobility of Mexican Americans, then the colleges and universities must be willing to enroll them despite their previous academic records or conditions of poverty. Policies governing college admissions must be tempered with the realities of American socio-economic life. College counseling for high-school students must be strengthened. In a democracy, the university should be the last place for elitist doctrines. The groves of academe must not be allowed to become the Tuileries of an intellectual aristocracy. If a college or university helps Mexican Americans achieve vocational success, then they will have played their part in the fulfillment of the American dream.

The great educational experiment after World War II, the G.I. Bill of Rights, paid off remarkably well. Most of today's professional Mexican Americans are products of that government-financed education program. A similar program for disadvantaged minorities (in time, perhaps, for all young people) would help overcome the socio-economic plight of Mexican Americans who otherwise are not eligible for government assistance.

Some organizations like the Latin American Educational Foundation of Colorado, founded in 1949, award grants and loans to Spanish-named students of the state. But the effort is meager compared to the vast numbers of Spanish-speaking Americans who need financial assistance to get to college and to stay there.

With the help of a Ford Foundation grant, La Raza, newly formed organization of Mexican Americans, has so far parceled out money to some Mexican American students, particularly graduate students interested in going on to law school. With the help of its Legal Defense Fund, La Raza is encouraging Mexican Americans to become civil-rights lawyers; it is also providing a professional pool of Mexican American lawyers committed to the defense and advancement of Mexican Americans in civil-rights matters.

In California, the Chicano Movement advocates outright elimination of all college entrance requirements for Mexican Americans and for the establishment of a Chicano Studies Program better attuned to the needs and necessities of the Chicano community.

Most Mexican Americans see the need for the bilingual-bicultural school as the most pressing issue in Mexican American education, as well as one of the most challenging. To this end, the Bilingual Education Act, signed in January, 1968, directs the American schools to a new, bold course of education in action—bilingual-bicultural education. But the promise has been more a palliative than a true corrective.

From the beginning, the concept of bilingual-bicultural education has been confused. For example, an article on "Bilingual Education" in the *New Republic* (October 21, 1967) evoked a feedback which simply reflected the lexocentric attitude of most Americans. One response insisted that "segregating children from homes where 'Spanglish' is spoken into classes taught in any other language but English would only widen this barrier of language, not bridge it." Another respondent questioned "whether instruction in Spanish teaches a student more quickly and efficiently than instruction in English." He pointed out the linguistic success in English of Spanish-speakers who came to this country when they were ten or older. The fact is that these Spanish-speakers already had had instruction in the Spanish language, which gave them the necessary kinds of linguistic skills in one language that made the transfer process much less difficult. These are fairly typical reactions to the idea of bilingual-bicultural education, even by educated people.

What is bilingual-bicultural education? Essentially, it is teaching the non-English-speaking (or limited-English-speaking) child in his first language (not his mother tongue as it is so oftentimes erroneously called) at the same time he is introduced, via foreign-language instruction methods, to the target language, in small regulated doses at first, then in increasingly larger time units. Finally the target language becomes the medium of instruction while the child's first language becomes simply a coequal linguistic tool. The effect is to form a duly bilingual individual. Proponents of the bilingual-bicultural school argue that this kind of instruction can also be used to create bilingual Anglo-Americans.

For the first time, bilingual-bicultural education offers a Mexican American alternative to Mexican American problems. Mexican Americans are beginning to look for their salvation not in Anglo alternatives but in their own cultural identity and linguistic heritage. Biculturalism stresses the many strands of the American heritage. American history has been distorted to stress the special relationship between Americans and Englishmen. Bicultural education for Mexican Americans will illuminate the dark side of that historical moon by showing the relationship between Spanish-speaking Americans and their Spanish-speaking brethren of Latin America and Spain.

Bilingual-bicultural education is not just foreign-language teaching. It includes the whole range of academic subjects in the child's first language. It also involves acquainting the child not only with the Anglo-American part of his political identity but with the significance of his Spanish-American past.

Some progress has been made in bilingual-bicultural education. In San Antonio, the Horn Project, initiated in 1964, has grown from modest beginnings until it now instructs more than five thousand Mexican American children in grades one to four. The El Paso bilingual program, though it shows promise, has not yet expanded beyond its initial stage. Bilingual-bicultural education exists at the moment only in fourteen model programs throughout the country. This year, through E.P.D.A. programs, several hundred teachers have been recruited for training in bilingual-bicultural education. Unfortunately the ratio of Mexican American teachers selected has been small. Bilingual education requires bilingual teachers. Many of the teachers recruited for E.P.D.A. and other bilingual training programs can barely speak Spanish. When they go back to their schools, they do not change their teaching styles. Even on the staffs of many E.P.D.A. institutes, one finds only token Mexican Ameri-

can educators or workers. The directors of these institutes are almost always Anglos.

Many Mexican Americans see in the current federal programs for Mexican Americans a boondoggle for opportunistic Anglos. They see Anglos controlling the one significant Mexican American alternative to their problems. It seems strange, for example, that the twenty-eight Mexican American youngsters from a San Antonio elementary school who were selected for a bilingual demonstration program for the New York City Board of Education in its television studios, were taken to New York by an Anglo teacher. Even stranger, the director of the Bilingual Education Program of the Southwest Education Development Laboratory is an Anglo.

Mexican Americans are not saying that only Mexican Americans can teach Mexican Americans. They are saying that the employment of bilingual Mexican Americans or bilingual Anglo-Americans represents a better approach to bilingual education. However, since Mexican American children need Mexican American models in their classrooms, it makes good sense to use bilingual Mexican American teachers in preference to Anglo teachers in the primary grades.

The success of bilingual education depends upon the teacher. Current estimates place the need at one hundred thousand teachers who will be fluent in both Spanish and English. Bilingual education also calls for new teaching techniques. Language-arts programs must be redesigned for the bilingual-bicultural school.

Of course, money is the key factor. In 1968, Congress authorized thirty million dollars for the first year of the Bilingual Education Act, but it was slow in actually appropriating the money. The Bureau of the Budget recommended only five million dollars for the program. Emergency meetings by the N.E.A., its state affiliates, and concerned Mexican Americans got Congress to appropriate money for bilingual education, and at that far less than authorized or actually required.

The status of bilingual-bicultural education during President Nixon's term of office remains to be seen. Mexican American leaders hope the project will continue to be funded. In all likelihood the size of the appropriation will be token at best for the next several years. The Chicanos of La Raza are not waiting to see what happens. They are insisting on action now.

Mexican American educators see the education of Mexican American children as involving a coalition of the community and the school. Mexican American parents must be involved in the educational decisions affecting their children. The monocultural grip of school boards must yield. More Mexican Americans must become members of school boards to make the changes needed. If necessary, Chicanos insist that Mexican Americans must take the schools out of the hands of those who are academically suppressing them.

U.S. POSTURE IN RELATION TO WORLD TRADE

Mr. FANNIN. Mr. President, Congress has been asked to consider the posture of the United States in relation to world trade. This is a most complex matter that will require the best efforts of the executive and legislative portions of our Government to solve.

I think it will also require our trading partners to develop some understanding and appreciation for our domestic economic situation and the threat of high unemployment.

In my own State of Arizona, there is growing concern over the trend of manufacturers to establish full production facilities in countries outside the United States. We are especially concerned about the electronics industry.

That is why I appreciated recently the testimony of a spokesman for the consumer electronics manufacturers before the U.S. Tariff Commission on the competitive position of U.S. industries.

Mr. President, this appears to me to be a sound and well-reasoned position. The industry is not asking for protection. In the words of the witness:

> What we ask is that we be able to compete on a free and fair basis without sales at less than fair value, foreign government export subsidies or other forms of unfair competition.

He also notes that foreign governments are failing to live up to international trading agreements by throwing up barriers to American exports.

Mr. President, in order that we may all have the opportunity to examine this material, I ask unanimous consent that the testimony and accompanying exhibits be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF J. EDWARD DAY, SPECIAL COUNSEL, CONSUMER ELECTRONICS GROUP, ELECTRONIC INDUSTRIES ASSOCIATION, REPRESENTING CONSUMER ELECTRONICS MANUFACTURERS, BEFORE THE UNITED STATES TARIFF COMMISSION ON COMPETITIVE POSITION OF U.S. INDUSTRIES

Mr. Chairman and Members of the Commission: My name is J. Edward Day. I am a partner in the law firm of Sidley & Austin, 1625 Eye Street, N.W., here in Washington and am Special Counsel for the Consumer Electronics Group (CEG) of the Electronic Industries Association (EIA).

I am accompanied by William E. Boss, Chairman of the Board of CEG of EIA, and Vice President of Marketing of the Entertainment Products Group, Sylvania Electric Products, Inc. I am also accompanied by Charles N. Hoffman, Vice President of the EIA for the CEG. He is also the General Manager, Contract Sales, Admiral Corporation.

I appear here representing the great majority of United States manufacturers of consumer electronic products consisting of television, radio, phonographs and tape equipment. Total U.S. sales of these products, including imports, are about $4.6 billion at the manufacturer's level, of which about $2.6 billion is in television and $2.0 billion in other products.

We appreciate the opportunity to discuss with the Commission the impact of imports on the United States consumer electronics industry and hope that the information that we shall provide will be helpful to the Commission in fulfilling the difficult assignment you are undertaking. Should you desire additional information concerning our industry, please feel free to call upon me.

The Commission's "Notice of Investigation and Hearing" dated September 15, 1970, listed several areas which the Commission intends to analyze with regard to each industry being studied. My statement is designed to provide information about the consumer electronics industry in each of these areas.

The products produced by the consumer electronics industry include color and black and white television receivers, radios, radio-phonographs, phonographs, audio components and tape recorders and players. Each of these products is based on a widely known technology, available freely throughout the world. The technology changes rapidly. There has been much effort in recent years to make these products portable and more compact. Innovation is a significant competitive factor. Labor costs in the manufacture of parts and components, and in the assembly of these into the complete product, is also a significant factor influencing competition.

PERTINENT FACTS ABOUT THE U.S. CONSUMER ELECTRONICS INDUSTRY

A large percentage of the end products made and sold by the companies that we represent and of the components used in their production are of United States origin. However, a substantial percentage of both the finished products and the components are imported from abroad. There are companies of various sizes—large, medium and small—among the U.S. manufacturers of consumer electronic end products and the same is true for components.

There are now only about 15 manufacturers of television receivers in the United States compared to a total of about 50 less than 15 years ago.

The significance to the American economy of the domestic television market can be highlighted by the following comparison with other U.S. product markets:

1969 DATA (Factory sales—Estimated)	
Refrigerators	$1,100,000,000
Room Air Conditioners	750,000,000
Ranges	750,000,000
Total	2,600,000,000
Television	2,600,000,000

Ever since its start after Word War II the U.S. television set industry has been fragmented, and thus highly competitive. For the American consumer this has meant over the years better and better quality at ever decreasing prices. The industry has not needed the "price discipline" of imports. By any economic criterion the domestic industry has served the U.S. economy well.

This is reflected in the fact that in our industry prices have been going down over the years instead of up. Retail prices of consumer electronic products, even in this era of almost constant inflationary pressure, have shown dramatic decline since their first appearance in the Bureau of Labor Statistics Consumer Price Index. Using the 1957–59 standard of 100, television was 125.7 in 1951. Last year, however, the average for television receivers was 80.1. There has been a similar trend for phonographs, tape recorders and radios, with last year's average Consumer Price Index for radios being 76.5. Portable tape recorders closed last year at 91.3. These figures compare quite favorably with the rest of the Consumer Price Index which reached 127.9 in 1969. The domestic industry was experiencing this downward trend even before imports became an added factor—principally due to cost reductions made possible by advancing technology. But while improved technology is still an important factor in the downward trend of U.S. prices, the effect of unfairly competitive import pricing now plays a large part.

In efforts to try to remain competitive with Japanese import pricing in this market, many U.S. companies have within the past 10 years made extensive use of imported components and some have even used an imported end product made by a foreign manufacturer to the U.S. companies' specifications.

As a still further step to lessen the effect of imports, increasing numbers of United States manufacturers of consumer electronic products have had to resort to establishing full production facilities in countries outside the United States, principally Mexico, Taiwan, Hong Kong.

In the case of either the firm with the predominantly U.S. manufacturing base, or the firm which has trended offshore to a greater extent—and we have examples of both within the U.S. television industry—unfair Japanese competition has had and continues to have a significant adverse effect

which has operated to the detriment of U.S. industry.

My statement is largely confined to television receiving sets because the television problem with respect to imports is the most pressing one facing our industry today. Moreover, the television story is, in effect, the story for all consumer electronic products now seeking to withstand the heavy tide of imports. We think the television story is particularly appropriate to this investigation because:

(1) television is the largest and most technologically significant of all the electronic product lines classified as U.S. consumer electronic industries;

(2) the domestic television set industry is the segment of the consumer electronic business most vulnerable to import competition.

U.S. SALES AND IMPORTS OF CONSUMER ELECTRONIC PRODUCTS

I have included several exhibits which are a key part of my testimony. I will briefly discuss what they indicate.

Exhibit 1 summarizes the sales, exports, and imports of consumer electronics products between 1966 and September, 1970. The sales have increased only slightly over this period with sales for 1970 being far below those for the past several years. However, imports have increased from 9.9 percent of sales in 1966 to 21.5 percent of sales in 1969. The trend has been continuing through the end of the third quarter of this year with imports having jumped to a rate of 31.1 percent of sales through September, 1970. These percentages, which are based on dollar value of imports, are, as will be shown in summarizing other exhibits, much higher when computed for units imported. Furthermore, the percentages are lower than they would be if they reflected, which they do not, as part of dollar value, U.S. import duties, freight charges from the foreign country to the U.S. and insurance.

Exports, on the other hand, have increased from only 1.5 percent in 1966 to 2.3 percent of sales in 1969. They have continued at the 1969 rate during the first nine months of 1970. During 1969, the consumer electronic product balance of trade suffered a deficit of almost $1 billion.

I think it would be helpful to the Commission if I at this point describe the situation on a product-by-product basis. Since detailed charts are attached, I will only summarize them.

Exhibit 2 shows total U.S. sales of the various types of consumer electronic products. During the ten-year period from 1960 to 1969 sales have generally been increasing, the largest increase being that of color television receivers. While sales of color TV receivers have increased, sales of monochrome television receivers have declined somewhat. Estimates for the first nine months of 1970 indicate that sales have sharply declined during that period. Much of this, of course, can be attributed to the overall decline of the economy.

Exhibit 3 shows the sales of television receivers. Importing of receivers did not begin until about 1960. By 1969, 30.3 percent of all U.S. television receiver units sold were imported. For the first nine months of 1970, 37.8 percent of all television sales were imports. So far, import competition has been largely concentrated in smaller screen sizes of color and black and white. During the first nine months of 1970, 52 percent of total U.S. sales of black and white receivers were imports. However, import competition in larger screen sizes and in color is increasing.

Exhibit 4 shows that imports of radios did not begin to become significant until 1956. By 1964, 58.3 percent of the home radios sold in the United States were imports. By 1969 this percentage had gone up to 88.0 percent. For sales during the first nine months of 1970, imports were 91.8 percent.

Statistics relating to phonographs are provided in Exhibit 5. Imports did not begin until 1967. By 1969, 32.6 percent of the units sold in the United States were imports. For the first nine months of 1970, 38.6 percent were imports.

Finally, Exhibit 6 provides information regarding home magnetic tape recorders and reproducers. While in 1960, 71.2 percent of all units sold in the United States were imported, by 1969, 90.2 percent of the units sold were imports. The trend has continued into 1970.

The consequences of the foregoing import statistics are deeply disturbing to the U.S. television set industry as it faces the 1971's.

To domestic U.S. manufacturers it is anomalous that the U.S. television set market is strong and still growing, but their participation in their own home market is decreasing. Most industry spokesmen see a bleak future, with ever deepening erosion of their competitive capability. Thus, for example, in the first nine months of 1970 sales of U.S. made sets declined 25 percent; total imports increased 12.7 percent over 1969. The spectres of the U.S. radio, tape recorder and electronic components industries, all of which have been almost entirely displaced by imports, now loom large for television. Color television sets, a technology which only six years ago was within the exclusive domain of the U.S. manufacturers, are now being imported into this country at a rapidly accelerating rate.

Under the impact of the rise in imports, employment in the United States in producing radio and television receiving sets has decreased drastically. Department of Labor figures show that between July, 1969 and July, 1970 there was a loss of 25,000 jobs in manufacturing radios and TV receivers. Much of this loss is attributable to import competition.

CAUSES OF CHANGES IN COMPETITIVE RELATIONSHIPS IN THE U.S. MARKET

We are convinced that the principal cause of the injury to the U.S. consumer electronics industry by imports as shown by the facts and statistics I have given, is unfair pricing policies and other forms of unfair import competition.

The Treasury has made a preliminary and, in our view, entirely justified finding of dumping of television receivers from Japan. We are confident that the basis exists for a final determination of dumping. When that takes place we believe that the factual basis clearly exists for a finding of injury—not nominal or minor injury—but serious injury.

An affirmative determination of injury from dumping will establish a calculated Japanese strategy to capture a constantly increasing share of the U.S. market by dumping.

There is accumulating evidence in hand to indicate that such Japanese export strength derives from a whole array of strategies, subsidies and collective actions that constitute unfair competition within the meaning of the U.S. law and established U.S. trade policy. This evidence indicates that there are three broad categories of unfair Japanese competition:

1. Export sales to the U.S. at less than fair value.

2. Export subsidies and incentives provided by the Japanese government.

3. Japanese import and investment restrictions which protect their home market from outside competition.

I have already covered sales at less than fair value. In the area of Japanese government export subsidies and incentives the evidence is much harder to obtain and evaluate. Nevertheless, there is good reason to believe that the Japanese government

(a) remits the commodity tax applicable to domestic television sets on sets for export

(b) gives export credits up to 80% of the value of a shipment, at low interest rates

(c) permits accelerated depreciation for tax purposes on investment in plants manufacturing for export

(d) subsidizes research and development in consumer electronics. Thus, for example, a recent report from Osaka indicates that sixteen Japanese electronics firms are jointly working on development of an all integrated-circuit 19 inch color television set

(e) provides insurance for export advertising sales campaigns that fail to meet sales targets

(f) sponsors or encourages Japanese trading companies engaged in export sales

(g) acting through the Bank of Japan, allocates investment funds to plants and facilities with the greatest export potential

(h) acting through the Ministry of International Trade and Industry (MITI), encourages export cartels which sell at administered prices

(i) finances overseas joint ventures by manufacturers

(j) makes possible special reduced ocean freight rates for shipments to the United States.

We regard the foregoing list of Japanese government export subsidies and incentives as incomplete, both in number and in specific detail. However, it serves as a general indicator of a course of pervasive government-industry cooperation to exploit Japan's full export potential in consumer electronics.

Despite being a signatory to the General Agreement on Tariffs and Trade (GATT) Japan has notoriously pursued a policy of insulating its economy from import competition in certain key industries, including electronics, and from private foreign investment. At the same time, however, the Japanese government actively encourages private investment in foreign businesses.

A host of obstacles, official and unofficial, confront the U.S. television manufacturer who may wish to export into the profitable Japanese home market. Not only would he have to satisfy a variety of overt import regulations at the outset, but he also would have great difficulty in following up those shipments with necessary replacement parts. Nor could he, as a practical matter, obtain distribution outlets within the closed Japanese marketing system. In contrast to the preferential export credit terms granted by the Japanese government, import financing is severely restricted.

CONCLUSION

We have not asked for and do not ask at this time for import quotas or other protectionist measures. What we ask is that we be able to compete on a free and fair basis without sales at less than fair value, foreign government export subsidies or other forms of unfair competition.

We urge this Commission, to the extent of its own enforcement powers and by recommendations to the Administration and to other Federal agencies, to leave no stone unturned to locate, publicize and to put an end to all instances of unfair import competition.

EXHIBIT 1.—TOTAL U.S. SALES, EXPORTS, AND IMPORTS OF CONSUMER ELECTRONIC PRODUCTS

[In thousands of dollars]

	1966	1967	1968	1969	1st 9 months 1970
Sales	4,400,000	4,304,000	4,630,000	4,624,000	2,633,000
Export	64,562	64,494	85,223	106,587	60,483
Imports	435,430	454,144	711,732	995,952	818,412
Balance of trade	−370,868	−389,650	−626,509	−889,365	−757,929
Exports as percent of sales	1.5	1.5	1.8	2.3	2.3
Import as percent of sales	9.9	10.6	15.4	21.5	31.1

Source: U.S. Department of Commerce, Electronic Industries Association Marketing Services Department.

EXHIBIT 2.—TOTAL U.S. SALES OF CONSUMER ELECTRONIC PRODUCTS

[In millions of dollars]

Category	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1st 9 months 1970
Monochrome TV receivers	$750	$758	$851	$841	$896	$910	$756	$555	$591	$554	$329
Color TV receivers	47	56	154	258	488	959	1,861	2,015	2,086	2,031	1,072
Radios	190	190	207	179	267	328	346	333	371	422	247
Auto radios	154	134	181	206	205	248	267	259	330	316	231
Phonographs	359	304	389	421	440	505	528	480	503	490	232
Tape equipment [1]	21	75	81	110	135	170	159	181	225	278	240
Electronic organs [1]	([2])	51	56	94	97	103	94	90	101	92	
Other electronic musical instruments [1]	12	16	19	24	27	42	39	36	37	40	
Electronic kits [1]	([2])	29	31	37	34	35	41	40	46	44	282
Hearings aids [1]	([2])	38	38	35	37	36	37	35	36	37	
Other consumer products, nec [1]	272	157	183	198	215	241	272	280	304	320	
Total electronic	1,805	1,808	2,190	2,403	2,841	3,577	4,400	4,304	4,630	4,624	2,633

[1] Estimated.
[2] Included in "other consumer products, nec."

Sources: U.S. Department of Commerce, Electronic Industries Association Marketing Services Department.

EXHIBIT 3.—TOTAL U.S. SALES OF TELEVISION RECEIVERS (MONOCHROME AND COLOR)

[Add thousands]

Year	Factory sales (manufactured in U.S.A.)		Imports		Total imports		Total U.S. sales	
	Units	Dollars [1]	(Domestic label) Units	(Foreign label) Units	Units	Dollars [2]	Units	Dollars
1946	6	1,000					6	1,000
1947	179	50,000					179	50,000
1948	970	226,000					970	226,000
1949	2,970	574,000					2,970	574,000
1950	7,355	1,397,000					7,355	1,397,000
1951	5,312	944,000					5,312	944,000
1952	6,194	1,064,000					6,194	1,064,000
1953	6,870	1,170,000					6,870	1,170,000
1954	7,410	1,042,000					7,410	1,042,000
1955	7,758	1,078,000					7,758	1,078,000
1956	7,451	980,000					7,451	980,000
1957	6,473	868,000					6,473	868,000
1958	5,131	720,000					5,131	720,000
1959	6,368	843,000					6,368	843,000
1960	5,822	796,750	5	2	7	250	5,829	797,000
1961	6,292	813,000	10	13	23	1,000	6,315	814,000
1962	6,975	994,000	21	138	159	11,000	7,134	1,005,000
1963	7,592	1,076,000	174	217	391	23,000	7,983	1,099,000
1964	9,049	1,345,000	383	332	715	39,000	9,764	1,384,000
1965	10,399	1,809,000	704	344	1,048	60,000	11,447	1,869,000
1966	11,190	2,502,000	1,011	513	1,524	115,000	12,714	2,617,000
1967	9,950	2,445,000	903	711	1,614	125,000	11,564	2,570,000
1968	10,501	2,473,000	1,249	1,461	2,710	204,000	13,211	2,677,000
1969	9,273	2,290,000	1,622	2,373	4,035	295,000	13,308	2,585,000
1st 9 months 1970	5,304	1,201,000	1,224	1,995	3,219	225,000	8,523	1,427,000

[1] Estimated.
[2] The dollar value shown is defined generally as the market value in the foreign country (f.o.b.) and therefore excludes U.S. import duties, freight charged from the foreign country to the United States, and insurance.

Source: U.S. Department of Commerce, Electronic Industries Association Marketing Services Department.

EXHIBIT 4.—TOTAL U.S. SALES OF RADIO (EXCLUDING AUTOMOBILE)

[Add thousands]

Year	Factory sales (manufactured in U.S.A.)		Imports		Total imports		Total U.S. sales	
	Units	Dollars [1]	(Domestic label) Units	(Foreign label) Units	Units	Dollars [2]	Units	Dollars
1950	9,216			2	2		9,218	
1951	6,440			5	5		6,445	
1952	7,220			12	12		7,232	
1953	7,258			25	25		7,283	
1954	6,064			55	55		6,119	
1955	7,186		1	140	141		7,327	
1956	8,347		4	600	604		8,951	
1957	8,941		11	1,000	1,011		9,952	
1958	8,204		23	2,570	2,593		10,797	
1959	9,896		51	5,825	5,876		15,772	
1960	10,410		103	7,518	7,621		18,031	190,000
1961	11,295		295	12,064	12,359		23,654	190,000
1962	11,453		358	12,970	13,328		24,781	207,000
1963	9,819		620	13,163	13,783		23,602	179,000
1964	9,819	171,000	1,017	12,722	13,739	96,000	23,558	267,000
1965	12,062	198,000	1,750	17,877	19,627	130,000	31,689	328,000
1966	9,829	191,000	4,639	20,311	24,950	155,000	34,779	346,000
1967	8,105	170,000	4,463	19,116	23,579	163,000	31,684	333,000
1968	5,976	146,000	5,584	22,662	28,246	225,000	34,222	371,000
1969	4,737	116,000	5,663	29,014	34,677	306,000	39,414	422,000
1st 9 months 1970	2,020	31,000	3,861	18,885	22,746	218,000	24,766	249,000

[1] Estimated.
[2] The dollar value shown is defined generally as the market value in the foreign country (f.o.b.) and therefore excludes U.S. import duties, freight charged from the foreign country to the United States, and insurance.

Sources: U.S. Department of Commerce, Electronic Industries Association Marketing Services Department.

EXHIBIT 5.—TOTAL U.S. SALES OF PHONOGRAPHS

[Add thousands]

Year	Factory sales (manufactured in U.S.A.)		Imports		Total imports		Total U.S. sales	
	Units	Dollars [1]	(Domestic label) Units	(Foreign label) Units	Units	Dollars [2]	Units	Dollars
1946	3,932	216,000					3,932	216,000
1947	4,206	300,000					4,206	300,000
1948	3,056	207,000					3,056	207,000
1949	2,002	115,000					2,002	115,000
1950	1,260	122,000					1,260	122,000
1951	1,549	65,000					1,549	65,000
1952	1,350	51,000					1,350	51,000
1953	1,605	58,000					1,605	58,000
1954	2,683	82,000					2,683	82,000
1955	2,627	99,000					2,627	99,000
1956	3,788	140,000					3,788	140,000
1957	4,658	240,000					4,658	240,000
1958	3,973	259,000					3,973	259,000
1959	4,304	339,000					4,304	339,000
1960	4,523	359,000					4,523	359,000
1961	3,989	304,000					3,989	304,000
1962	4,954	389,000					4,954	389,000
1963	5,142	421,000					5,142	421,000
1964	5,159	440,000					5,159	440,000
1965	6,130	505,000					6,130	505,000
1966	6,303	528,000					6,303	528,000
1967	4,662	446,000	749	1,215	1,964	34,000	6,626	480,000
1968	4,366	466,000	1,101	1,028	2,129	37,000	6,495	503,000
1969	4,257	446,000	708	1,355	2,063	44,000	6,320	490,000
1st 9 months 1970	2,337	207,000	284	1,186	1,470	36,000	3,807	243,000

[1] Estimated.

[2] The dollar value shown is defined generally as the market value in the foreign country (f.o.b.) and therefore excludes U.S. import duties, freight charged from the foreign country to the United States, and insurance.

Sources: U.S. Department of Commerce, Electronic Industries Association Marketing Services Department.

EXHIBIT 6.—TOTAL U.S. SALES OF HOME MAGNETIC TAPE RECORDERS AND REPRODUCERS

[In thousands]

Year	Factory sales (manufactured in United States)		Imports		Total imports		Total U.S. sales	
	Units	Amount	Domestic label (units)	Foreign label (units)	Units	Amount [1]	Units	Amount
1960	85	$8,566	15	195	210	$6,068	295	$14,634
1961	366	38,551	23	777	800	15,554	1,166	54,105
1962	441	44,628	25	1,209	1,234	13,385	1,675	58,013
1963	459	51,617	29	2,353	2,382	27,665	2,841	79,282
1964	486	59,494	35	3,040	3,075	37,510	3,561	97,004
1965	653	80,646	100	2,692	2,792	41,626	3,445	122,272
1966	868	65,621	265	2,542	2,807	47,733	3,675	113,354
1967	783	56,719	557	3,223	3,780	72,583	4,563	129,302
1968	659	49,552	674	4,240	4,914	110,262	5,573	159,814
1969	676	55,723	825	5,428	6,253	142,743	6,929	198,466
1st 9 months 1970	278	24,464	928	4,672	5,600	141,232	5,878	165,696

[1] The dollar value shown is defined generally as the market value in the foreign country (f.o.b.) and therefore excludes U.S. import duties, freight charged from the foreign country to the United States, and insurance.

Source: U.S. Department of Commerce, Foreign Trade Sources (1960-67), Electronic Industries Association Marketing Services Department.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the unanimous-consent agreement of yesterday, the Senate will now go into executive session, and, with one vote, proceed to vote on four resolutions of ratification, with each vote set out separately after each resolution of ratification. The tax conventions are as follows: Executive G (91st Cong., first sess.), Tax Convention With the Netherlands; Executive D (91st Cong., second sess.), Tax Convention With Trinidad and Tobago; Executive E (91st Cong., second sess.), Tax Convention With Finland; and Executive I (91st Cong., second sess.), Tax Convention With Belgium.

The clerk will call the roll.

The assistant legislative clerk called the roll.

EXECUTIVE G—TAX CONVENTION WITH THE NETHERLANDS

Resolved, (two-thirds of Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and the Kingdom of the Netherlands for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Estates and Inheritances, signed at Washington on July 15, 1969, and the related Protocol signed on the same date. (Executive G, 91st Congress, first session.)

Mr. KENNEDY. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Maine (Mr. MUSKIE), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. GRIFFIN. I announced that the Senator from Oklahoma (Mr. BELLMON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senators from New York (Mr. JAVITS, and Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from Ohio (Mr. SAXBE), are also necessarily absent.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator From California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The yeas and nays resulted—yeas 76, nays 0, as follows:

[No. 398 Ex.]

YEAS—76

Aiken	Gravel	Nelson
Allen	Griffin	Packwood
Allott	Gurney	Pastore
Anderson	Hansen	Pearson
Baker	Harris	Pell
Bayh	Hart	Proxmire
Bible	Hartke	Randolph
Boggs	Hatfield	Ribicoff
Brooke	Holland	Schweiker
Byrd, Va.	Hruska	Scott
Byrd, W. Va.	Hughes	Smith
Case	Inouye	Sparkman
Church	Jackson	Spong
Cook	Jordan, N.C.	Stennis
Cooper	Jordan, Idaho	Stevens
Cotton	Kennedy	Symington
Cranston	Long	Talmadge
Curtis	Magnuson	Thurmond
Dodd	Mansfield	Tower
Dole	Mathias	Tydings
Eagleton	McGee	Williams, N.J.
Ellender	McIntyre	Yarborough
Ervin	Metcalf	Young, N. Dak.
Fannin	Miller	Young, Ohio
Fulbright	Mondale	
Gore	Montoya	

NAYS—0

NOT VOTING—24

Bellmon	Goodell	Murphy
Bennett	Hollings	Muskie
Burdick	Javits	Percy
Cannon	McCarthy	Prouty
Dominick	McClellan	Russell
Eastland	McGovern	Saxbe
Fong	Moss	Stevenson
Goldwater	Mundt	Williams, Del.

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

EXECUTIVE D—TAX CONVENTION WITH TRINIDAD AND TOBAGO

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and Trinidad and Tobago for the Avoidance of Double Taxation, the Prevention of Fiscal Evasion with respect to Taxes on Income, and the Encouragement of International Trade and Investment, signed at Port of Spain on January 9, 1970 (Executive D, 91st Congress, second session), subject to the following reservation:

"The Government of the United States does not accept Article 7 of the Convention relating to tax deferral for technical assistance."

Mr. KENNEDY. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Maine (Mr. MUSKIE), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. SAXBE) are also necessarily absent.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) would would each vote "yea."

The yeas and nays resulted—yeas 76, nays 0, as follows:

[No. 399 Ex.]

YEAS—76

Aiken	Gravel	Nelson
Allen	Griffin	Packwood
Allott	Gurney	Pastore
Anderson	Hansen	Pearson
Baker	Harris	Pell
Bayh	Hart	Proxmire
Bible	Hartke	Randolph
Boggs	Hatfield	Ribicoff
Brooke	Holland	Schweiker
Byrd, Va.	Hruska	Scott
Byrd, W. Va.	Hughes	Smith
Case	Inouye	Sparkman
Church	Jackson	Spong
Cook	Jordan, N.C.	Stennis
Cooper	Jordan, Idaho	Stevens
Cotton	Kennedy	Symington
Cranston	Long	Talmadge
Curtis	Magnuson	Thurmond
Dodd	Mansfield	Tower
Dole	Mathias	Tydings
Eagleton	McGee	Williams, N.J.
Ellender	McIntyre	Yarborough
Ervin	Metcalf	Young, N. Dak.
Fannin	Miller	Young, Ohio
Fulbright	Mondale	
Gore	Montoya	

NAYS—0

NOT VOTING—24

Bellmon	Goodell	Murphy
Bennett	Hollings	Muskie
Burdick	Javits	Percy
Cannon	McCarthy	Prouty
Dominick	McClellan	Russell
Eastland	McGovern	Saxbe
Fong	Moss	Stevenson
Goldwater	Mundt	Williams, Del.

The PRESIDING OFFICER. Two-thirds of the Senators present and voting have voted in the affirmative, the resolution of ratification is agreed to.

EXECUTIVE E—TAX CONVENTION WITH FINLAND

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and the Republic of Finland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and Property, signed at Washington on March 6, 1970 (Executive E, 91st Congress, second session.)

Mr. KENNEDY. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Maine (Mr. MUSKIE), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The yeas and nays resulted—yeas 76, nays 0, as follows:

[No. 400 Ex.]

YEAS—76

Aiken	Gravel	Nelson
Allen	Griffin	Packwood
Allott	Gurney	Pastore
Anderson	Hansen	Pearson
Baker	Harris	Pell
Bayh	Hart	Proxmire
Bible	Hartke	Randolph
Boggs	Hatfield	Ribicoff
Brooke	Holland	Schweiker
Byrd, Va.	Hruska	Scott
Byrd, W. Va.	Hughes	Smith
Case	Inouye	Sparkman
Church	Jackson	Spong
Cook	Jordan, N.C.	Stennis
Cooper	Jordan, Idaho	Stevens
Cotton	Kennedy	Symington
Cranston	Long	Talmadge
Curtis	Magnuson	Thurmond
Dodd	Mansfield	Tower
Dole	Mathias	Tydings
Eagleton	McGee	Williams, N.J.
Ellender	McIntyre	Yarborough
Ervin	Metcalf	Young, N. Dak.
Fannin	Miller	Young, Ohio
Fulbright	Mondale	
Gore	Montoya	

NAYS—0

NOT VOTING—24

Bellmon	Goodell	Murphy
Bennett	Hollings	Muskie
Burdick	Javits	Percy
Cannon	McCarthy	Prouty
Dominick	McClellan	Russell
Eastland	McGovern	Saxbe
Fong	Moss	Stevenson
Goldwater	Mundt	Williams, Del.

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

EXECUTIVE I—TAX CONVENTION WITH BELGIUM

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, signed at Brussels on July 9, 1970. (Executive I, 91st Congress, second session.)

Mr. KENNEDY. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Maine (Mr. MUSKIE), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. SAXBE) are also necessarily absent.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The yeas and nays resulted—yeas 76, nays 0, as follows:

[No. 401 Ex.]

YEAS—76

Aiken	Gravel	Nelson
Allen	Griffin	Packwood
Allott	Gurney	Pastore
Anderson	Hansen	Pearson
Baker	Harris	Pell
Bayh	Hart	Proxmire
Bible	Hartke	Randolph
Boggs	Hatfield	Ribicoff
Brooke	Holland	Schweiker
Byrd, Va.	Hruska	Scott
Byrd, W. Va.	Hughes	Smith
Case	Inouye	Sparkman
Church	Jackson	Spong
Cook	Jordan, N.C.	Stennis
Cooper	Jordan, Idaho	Stevens
Cotton	Kennedy	Symington
Cranston	Long	Talmadge
Curtis	Magnuson	Thurmond
Dodd	Mansfield	Tower
Dole	Mathias	Tydings
Eagleton	McGee	Williams, N.J.
Ellender	McIntyre	Yarborough
Ervin	Metcalf	Young, N. Dak.
Fannin	Miller	Young, Ohio
Fulbright	Mondale	
Gore	Montoya	

NAYS—0

NOT VOTING—24

Bellmon	Goodell	Murphy
Bennett	Hollings	Muskie
Burdick	Javits	Percy
Cannon	McCarthy	Prouty
Dominick	McClellan	Russell
Eastland	McGovern	Saxbe
Fong	Moss	Stevenson
Goldwater	Mundt	Williams, Del.

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

U.S. DISTRICT COURT

Mr. MANSFIELD. Mr. President, I call up some nominations that are at the desk, which were reported earlier today. I understand they have been cleared all around.

The PRESIDING OFFICER. The nominations will be stated.

The assistant legislative clerk read the following nominations:

William C. Frey, of Arizona, to be a U.S. district judge for the district of Arizona;

John Feikens, of Michigan, to be a U.S. district judge for the eastern district of Michigan;

Philip Pratt, of Michigan, to be a U.S. district judge for the eastern district of Michigan;

Owen D. Cox, of Texas, to be a U.S. district judge for the southern district of Texas;

Robert M. Hill, of Texas, to be a U.S. district judge for the northern district of Texas;

William M. Steger, of Texas, to be U.S. district judge for the eastern district of Texas;

John H. Wood, Jr., of Texas, to be a U.S. district judge for the western district of Texas; and

Jose V. Toledo, of Puerto Rico, to be a U.S. district judge for the district of Puerto Rico.

Mr. MANSFIELD. Mr. President I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

DISTINGUISHED MILITARY CAREER OF A WASHINGTONIAN

Mr. MAGNUSON. Mr. President, recently, a young constituent of mine has returned to Vietnam for his third tour of duty. Capt. James E. Elliott is a resident of Spokane, Wash., and has had an extremely illustrious military career. Jim should be commended for his dedication to duty, and his deep desire to return the men he serves safely home.

Captain Elliott was born and raised in Spokane, Wash., and attended the University of San Francisco before being commissioned into the Army in October 1966. He attended flight school and became a very fine helicopter pilot.

Captain Elliott currently holds the Distinguished Flying Cross, Soldier's Medal for Valor, two Bronze Stars, the Purple Heart, Air Medal with 36 clusters and the Army Commendation Medal. Unfortunately, Captain Elliott was injured in his last tour of duty while flying troop carriers and gunships in the Mekong Delta, but after several months hospital confinement has recovered and chosen to return to Vietnam.

Captain Elliott has demonstrated his desires and dedications through intensive and self-sacrificial actions. I commend Capt. James Elliott.

ORDER FOR RECOGNITION OF SENATOR RIBICOFF ON MONDAY, NOVEMBER 30, 1970

Mr. MANSFIELD. Mr. President, an order has been entered under which, when the Senate completes its business today, it will stand in adjournment until noon on Monday next.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, and after the disposition of the reading of the Journal, the distinguished Senator from Connecticut (Mr. RIBICOFF) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1380, H.R. 17867. I do this so that the bill will become the pending business for Monday.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be stated by the title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Is there objection to the motion of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

NORTH DAKOTA STATE UNIVERSITY VERSUS UNIVERSITY OF MONTANA

Mr. YOUNG of North Dakota. Mr. President, I am exceedingly proud, as all North Dakotans are, of our North Dakota State University Bison football team. They continue to compile a phenomenal winning record in one of the toughest small-college conferences in the Nation, the North Central Conference.

Members of the Senate, particularly those who are football fans, will remember that the Bison were acclaimed as the small-college team of the year for 1969 and that their coach, Ron Erhardt, was accorded honors equal to those received by Darrell Royal, coach of the University of Texas Longhorns, the major college team-of-the-year.

Mr. President, this year NDSU Bison

will again play the University of Montana in the Camellia Bowl, on December 12 at Sacramento, Calif. Last year, the distinguished majority leader of the Senate will recall, North Dakota defeated this same Montana team 30 to 3 in the Camellia Bowl. I am looking forward to this rematch, as I am sure the majority leader is.

The Bison of my State have the longest unbeaten record of any college or university in the Nation. They have not been beaten for the last 29 games, although they were tied once this year. It has been 33 games since they were beaten on their home field at Fargo, N. Dak. They have either won outright or shared their conference championship for the last 7 consecutive years.

The Bison have played in bowl games 5 out of the last 6 years, and won all but one of these. This year will be their seventh bowl game in 8 years. They have been ranked in the top of the small-college teams in the Associated Press and United Press International standings for the last 6 years and in 3 of those years were the national champions of the NCAA college division. Currently they are ranked third in the AP poll and fourth in the UPI poll.

Mr. President, while football victories by themselves are something to be proud of, I want to commend North Dakota State University, its coaching staff and its outstanding players for the wholesome influence they have had on young people all over our State and the Nation. This University has had no unfortunate campus incidents or disturbances which have been characteristic of some of the larger and more famous universities across the country. I am extremely proud of this fact, in addition to being proud of this football team. Their coach is a North Dakotan and most of their players are from North Dakota, or nearby Minnesota—many of them with farm backgrounds. They are an outstanding group.

While I achieved no records or performed no heroics like the Bison of recent years, I do want my colleagues to know that I attended North Dakota State University and played football there, too. In fact, football was once about the most important thing in my life.

In closing, I want to extend my warmest congratulations once again to the North Dakota State University and its football team. Too, I would accept any reasonable challenges from my colleagues concerning the outcome of the Camellia Bowl game on December 12.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. YOUNG of North Dakota. I yield.

Mr. MANSFIELD. Mr. President, I enjoyed listening to the speech of the distinguished Senator from North Dakota until he got to the last line. What does he wish to wager?

Mr. YOUNG of North Dakota. The Senator from Montana will recall that at one time we had a great many jack rabbits, and now they are very scarce. They are so fast that even one coyote cannot catch them. It takes two coyotes to catch a jack rabbit. I suggest that the loser present the winner with a live jack rabbit, and he has to catch it himself. [Laughter.]

Mr. MANSFIELD. Done.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. YOUNG of North Dakota. I yield.

Mr. METCALF. Considering the way the senior Senator from Montana ran in the last election, I think he can catch a jack rabbit. (Laughter.)

Mr. MANSFIELD. I doubt it.

Mr. YOUNG of North Dakota. I think my good friend the junior Senator from Montana is right. He runs scared like a rabbit and as fast.

Mr. METCALF. I congratulate the Senator from North Dakota on his statement. However, it contains much more bombast and less reason than he usually presents on the floor of the Senate. I suggest that the Montana football team is just waiting for this opportunity to cut out the distinguished winning record of the North Dakota team.

Last year, North Dakota University sneaked up on the University of Montana, but we are aware and alert and ready, and the Camellia Bowl on December 12 is going to be another story this year so far as the University of Montana is concerned.

Mr. YOUNG of North Dakota. Montana does have a very tough team. This will be a tough battle, and it will be so good that I think I will go to see it.

Mr. MANSFIELD. I am trying to figure out in which county I will chase that jackrabbit if I happen to lose. But I do not intend to lose this bet.

It is true that North Dakota defeated Montana last December in the Camellia Bowl in Sacramento; but, as I recall, we played without the assistance of seven or eight transfers who were ineligibile because of the rules regulating that game. This year we are not faced with that handicap.

May I say that, apart from the North Dakota game, the University of Montana Grizzlies—they have a patent on that name; others have tried to steal it, such as UCLA and a few others—also have an unbroken record of 10 won last year, none lost; this year, 10 won, none lost.

May I say, further, that this is the second Montana team this year to appear in a bowl game, because on November 14, the School of Mines, now known as Montana Institute of Technology and Science, appeared in the first bowl game of the season in Butte, the Copper Bowl, and there defeated Yankton, S. Dak., a very good small college team, by a score of 21 to 8. So now that we have disposed of South Dakota, we will be ready for North Dakota next month.

Mr. YOUNG of North Dakota. I am pleased the Senator's old school won its game, but not Montana in its game with North Dakota State. We have some new players that I think will do the job.

IN PRAISE OF EFFORTS TO RESCUE AMERICAN PRISONERS OF WAR HELD IN NORTH VIETNAM

Mr. THURMOND. Mr. President, I rise to express my deep admiration for the men at all levels of Government and in the military who had any part in the effort last week to rescue American prisoners of war held in North Vietnam.

Every man in this all-volunteer military force which executed this raid should be decorated for their outstanding exhibition of courage and gallantry. They went into the enemy's lair, 20 miles from Hanoi, knowing full well their lives could easily be lost. They offered their lives to save the lives of our POW's who are dying in Communist POW camps. They executed this hazardous mission with only one minor personal injury. They should have medals as an expression of this Nation's gratitude for their heroism. It is appalling to me that any Member of the Congress should term this effort as "faulty in concept and faulty in execution" as one has done.

Besides the courage of the military personnel employed in this effort, we should also recognize the courage of President Nixon and Secretary Melvin Laird in making the final decision to authorize this raid. This decision took the same kind of courage we saw demonstrated when United States and South Vietnamese forces drove into Cambodia. Who today can say the Cambodian operation has not saved thousands of lives of servicemen in South Vietnam? The Cambodian operation has reduced the tenor of the war to where our casualties are the lowest ever and the need for heavy combat does not exist.

Mr. President, when I hear and read about the howls of the critics of this raid it makes me wonder what adjectives they would be using if the some 70 prisoners previously held there had not been moved. Think of the impact upon this country if we could have brought these men home to their wives, children, and loved ones.

The relatives of our POW's certainly had a big stake in this raid and their telephone calls and telegrams to the President and Secretary Laird supporting this action leaves no doubt as to where they stand.

Critics say the raid was "futile," "showed our intelligence was a failure," and "jeopardized negotiations for a peaceful settlement of the war." Let us look at these criticisms.

Mr. President, they say it was futile because it failed. There is never a guarantee of success in a military operation. We have no visiting privileges at these POW camps in North Vietnam. Would it have been futile if it had succeeded? Most assuredly not. It would have been hailed as an outstanding success. Evidence given to the Congress shows the raid was planned carefullly and executed flawlessly. These critics do not understand military operations. Every military move is dangerous and results often depend upon factors over which we have no control.

The critics also say the fact that the prisoners had been moved shows our intelligence was weak. As Secretary Laird stated, we cannot look through the roofs of prison cells. The Communists move these prisoners around. They had been there only a few weeks ago. Other factors which cannot be disclosed favored this particular camp as the place to

make the raid. Some seem to forget the Communists' constant violation of many rules of the Geneva Convention when it comes to prisoners. We have no precise knowledge on our POW's, we are dealing with a closed society.

Finally, the critics say this raid jeopardizes chances for a negotiated settlement of the war. This is really a rejection of reality. We have been at the peace table for 2 years, made hundreds of concessions and the only real agreement reached to date has been the shape of the table.

Even some understandings between the two sides have not really been understandings because the Communists have repeatedly violated them. Even our efforts on behalf of our POWs have been summarily rejected because the Communists know we value so highly each human life. They therefore hold onto these men as pawns in their insidious campaign to overthrow the other nations of Indochina.

Mr. President, we had to make this effort in behalf of these POWs, most of whom have been held from 3 to 5 years. Reports have reached us that 17 have died in recent months. Those surviving deserve every effort we can make. Additional efforts should be made.

This daring raid fills me with pride. I say "God bless you" to every man who had anything to do with it.

Mr. President, I ask unanimous consent to have printed in the RECORD a telegram to me from A. W. Stewart, president of the Southern States Industrial Council, Nashville, Tenn., commending the President's action in authorizing this effort to rescue our prisoners of war.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

NASHVILLE, TENN.,
November 25, 1970.

Senator STROM THURMOND,
U.S. Senate.

The Southern States Industrial Council strongly commends the President's action in authorizing an effort to rescue American servicemen held captive by North Vietnam.

The military leaders who planned the raid and the brave servicemen who volunteered for this daring and dangerous mission deserve the applause and appreciation of their countrymen.

The Council believes that this hold raid is in the highest tradition of the U.S. Armed Forces. While it is regrettable that American captives had been removed from the Communists' Prisoner of War Camp, the raid clearly indicates the concern of the U.S. Government for the soldiers, sailors and airmen who are held by North Vietnam and exposed to barbaric treatment.

American servicemen in Communist prison camps often seem forgotten men, but the action of the U.S. Government in the raid on Son Tay Prison Camp shows that our Commander in Chief is keenly aware of the Nation's solemn obligation to its citizen soldiers and that other Americans are willing to risk death or imprisonment to free their comrades in arms from brutal Communist captivity.

Sincerely,

A. W. STEWART,
President, Southern States Industrial Council.

DAVID LAWRENCE'S COLUMN ON THE SEATING OF RED CHINA

Mr. THURMOND. Mr. President, there has been a lot of loose talk lately about the "reality," so called, of recognizing Red China, or at least seating Red China in the United Nations alongside or in place of the legitimate holder of the Chinese seat. If those who are talking about such reality want to remain in touch with the real world, they should take a look at the purpose of the U.N., and at the policies of Peking. The U.N. is supposed to a body of "peace loving" nations. It was never intended to include all the nations in the world. Much of the work of the U.N. as a peacemaking body has failed because it already includes too many nations who have no interest in peace.

As columnist David Lawrence pointed out in his column in the Evening Star on November 23, Peking has been a key factor in the Communist aggression against South Vietnam. We know that Red China has played a military role there. It has helped block the attempts of the South Vietnamese to attain independence. As Mr. Lawrence says:

The Peking government has been responsible for the loss of numerous American lives in Vietnam.

Surely no prudent consideration would ever allow us to acquiesce in the seating of Red China in the U.N. Indeed, if such ever happens, then Congress should rise up to block any appropriations in support of the U.N.

Mr. President, I ask unanimous consent to have the column by David Lawrence, "Why U.S. Silence on Seating Peking," printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Nov. 23, 1970]

WHY U.S. SILENCE ON SEATING PEKING?

(By David Lawrence)

While the American people have been reading in recent days about the efforts of backers of Red China to obtain a seat in the United Nations for the Peking regime, the administration lost an opportunity to tell the world what the real issue happens to be. On the ballot this year for the admission of Red China, there were 51 affirmative votes in the general Assembly, with 49 against and 25 abstentions. This was a majority for Peking but not the necessary two-thirds.

All through the discussions of the last several weeks about the upcoming vote, the United States remained virtually silent. The fact that it is opposed to the admission of Red China is well known, but the mystery is why the Washington government did not speak out and disclose what Red China has done in the past seven years as an adversary of the United States in Southeast Asia. The Communist Chinese have sent to the North Vietnamese arms and supplies and have provided other forms of assistance in carrying on the war. The Peking government has been responsible for the loss of numerous American lives in Vietnam. It continues to support North Vietnam and, along with the Soviet Union, prevents a peace agreement from being reached.

Under these circumstances, is a government entitled to admission to the U.N.? Should Peking be given the seat of Nationalist China in the face of Red China's encouragement of aggression by North Vietnam against South Vietnam and the help given attacks on troops of the United States?

Surely the Defense Department and the American intelligence services have plenty of information about the part that Red China has played in the Vietnam war from the beginning. It has helped to block the attempts of the South Vietnamese people to maintain their independence.

The charter of the United Nations states as one of its purposes: "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples."

Most countries throughout the world know that Red China has played a military role in Southeast Asia. Yet the mobilization of 51 votes in favor of its admission to the United Nations is in a sense a blow at American policy in Southeast Asia. It indicates that many of the nations are not concerned with what Red China has done and that the misdeeds of the Communist regime in Peking are being disregarded.

Fortunately, it had been decided that a two-thirds vote was necessary for Peking to get a seat in the United Nations. But the fact that an actual majority was lined up—something that has not happened in the previous 19 times the question has arisen—is an ominous piece of news, particularly for the small countries of the world, so many of which helped to make up the 51 votes that went to the Peking side last week. For if the principle of self-determination is abandoned, might will seem to make right and ambitious governments will feel free to take over other countries without fear of interference.

The Vietnam conflict may seem to many people to be an irrelevant war, but actually it involves a matter of major importance to the future of world peace. Unless nations are able to get the help of free countries when they are victims of aggression or when they are threatened with invasion by imperialistic governments, they cannot retain their independence. The United Nations then becomes meaningless, as a protector.

Today the United Nations is obviously weak, and only special alliances with free nations are safeguarding various countries. There is hope that the United Nations some day will be rebuilt and will have a strong enough spirit to take collective action to prevent war. But this will not be accomplished by awarding a seat to Red China, which has been intervening in the internal affairs of other countries and has assumed a belligerent attitude on the side of North Vietnam.

Now is the time for a complete exposure of what has been happening with respect to Communist China, so that the people of the world will be advised of the facts. The smaller nations in particular will possibly come to realize that seating an aggressor regime in the United Nations is not, in the long run, going to be helpful to the cause of independence in any hemisphere.

MILITARY CONSTRUCTION APPROPRIATIONS, 1971—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of November 24, 1970, page 38750, CONGRESSIONAL RECORD.)

REMOVAL OF INJUNCTION OF SECRECY FROM EXECUTIVE N, 91ST CONGRESS, SECOND SESSION, A TREATY ON EXTRADITION BETWEEN THE UNITED STATES AND SPAIN

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive N, 91st Congress, second session, a treaty on extradition between the United States and Spain, signed at Madrid on May 29, 1970, transmitted to the Senate today by the President of the United States, and that the treaty, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

The text of the President's message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty on extradition between the United States and Spain, signed at Madrid on May 29, 1970.

The treaty, the third of a new series of extradition treaties being negotiated by the United States, significantly updates the present extradition relations between the United States and Spain and adds the offense of aircraft hijacking and a broad category of narcotic offenses, including those involving hallucinogenic drugs.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the treaty.

I recommend that the Senate give early and favorable consideration to the treaty, and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *November 25, 1970.*

MILITARY CONSTRUCTION APPROPRIATIONS, 1971—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

Mr. MANSFIELD. Mr. President, the conference report calls for a military construction appropriation for fiscal year 1971 in the amount of $2,037,814,000. This amount is $96,986,000 below the budget as submitted in January. The bill, as approved by the committee of conference, is $40,777,000 above the House bill and $20,057,000 under the Senate-passed bill.

At this point, I would like to detail briefly the amounts approved for each of the military services.

The Department of the Army received $646,958,000, an increase of $9,049,000 above the House bill and $7,038,000 below the Senate version.

The Department of the Navy received $302,483,000, an increase of $16,811,000 above the House bill and $7,068,000 below the Senate.

The Department of the Air Force received $284,147,000, an increase of $15,316,000 above the House bill and $8,262,000 below the Senate.

The committee of conference agreed on a figure of $806,464,000 for family housing. This figure includes maintenance and operation, debt payment for Department of Defense housing mortgages, and new construction.

Mr. President, there is one section of this report that I would especially like to emphasize and that is in connection with the Department of Defense aid to communities that will bear the impact of the construction of the antiballistic missile sites in Montana and North Dakota.

Earlier this year, Public Law 91–511 was enacted which authorized construction of military installations and for other purposes. In that measure, the Secretary of Defense was authorized to assist communities located near Grand Forks Air Force Base, Grand Forks, N. Dak., and Malmstrom Air Force Base, Great Falls, Mont., in meeting the costs of providing increased municipal services and facilities to the residents of such communities where there is an immediate and substantial increase in the need for such services and facilities as a direct result of the establishment of the safeguard antiballistic missile system in these areas. It was intended by that law that no unfair or excessive financial burden should be incurred by these communities as a result of the safeguard construction and installation.

I ask unanimous consent to insert in the RECORD at this point the pertinent provisions—section 610 of Public Law 91–511.

There being no objection, the section 610 of Public Law 91–511 was ordered to be printed in the RECORD, as follows:

PUBLIC LAW 91–511

An act to authorize certain construction at military installations, and for other purposes

SEC. 610. (a) The Secretary of Defense is authorized to assist communities located near Grand Forks Air Force Base, Grand Forks, North Dakota, and Malmstrom Air Force Base, Great Falls, Montana, in meeting the costs of providing increased municipal services and facilities to the residents of such communities, if the Secretary determines that there is an immediate and substantial increase in the need for such services and facilities in such communities as a direct result of work being carried out in connection with the construction, installation, testing, and operation of the Safeguard Anti-ballistic Missile System, and that an unfair and excessive financial burden will be incurred by such communities as a result of the increased need for such services and facilities.

(b) The Secretary of Defense shall carry out the provisions of this section through existing Federal programs. The Secretary is authorized to supplement funds made available under such Federal programs to the extent necessary to carry out the provisions of this section, and is authorized to provide financial assistance to communities described in subsection (a) of this section to help such communities pay their share of the costs under such programs. The heads of all departments and agencies concerned shall cooperate fully with the Secretary of Defense in carrying out the provisions of this section on a priority basis.

(c) In determining the amount of financial assistance to be made available under this section to any local community for any community service or facility, the Secretary of Defense shall consult with the head of the department or agency of the Federal Government concerned with the type of service or facility for which financial assistance is being made available and shall take into consideration (1) the time lag between the initial impact of increased population in any such community and any increase in the local tax base which will result from such increased population, (2) the possible temporary nature of the increased population and the long-range cost impact on the permanent residence of any such community and (3) such other pertinent factors as the Secretary of Defense deems appropriate.

(d) Any funds appropriated to the Department of Defense for the fiscal year beginning July 1, 1970, for carrying out the Safeguard Anti-ballistic Missile System shall be utilized by the Secretary of Defense in carrying out the provisions of this section to the extent that funds are unavailable under other Federal programs. Funds appropriated to the Department of Defense for any fiscal year beginning after June 30, 1971, for carrying out the Safeguard Anti-ballistic Missile System may, to the extent specifically authorized in an annual military construction authorization Act, be utilized by the Secretary of Defense in carrying out the provisions of this section to the extent that funds are unavailable under other Federal programs.

(e) The Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended in the case of each local community which was provided assistance under authority of this section during the preceding six-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each such project during such period.

Mr. MANSFIELD. Mr. President, I am pleased to report that in this conference report of the Appropriations Committees of the House and Senate, there is provided the necessary funding to carry out the provisions of the military construction authorization measure.

It was clearly recognized by the conference committee that the severe impact of safeguard operations on the surrounding communities will require significant assistance from the Federal Government through the Department of Defense and other related Federal agencies. I point out that something between $12 and $14 million have been made available to the Secretary of Defense for this purpose. I ask unanimous consent to

have printed in the RECORD at this point the specific language from the conference report which bears on this matter.

There being no objection, the language was ordered to be printed in the RECORD, as follows:

CONFERENCE REPORT ON H.R. 17970, MILITARY CONSTRUCTION APPROPRIATIONS 1971

The House approved a total of $357,000,000 for Safeguard construction, exclusive of $8,800,000 specifically provided for family housing. Within this sum, it approved $27,400,000 for planning and engineering design based on the need to do complete design of the Whiteman site as well as advance planning for five additional sites, including one near Warren Air Force Base. Subsequently, the Senate recommended deferring such advance planning, except for the Warren site, and reducing the planning funds by $12,000,000. However, in recognition of the severe impact of Safeguard operations on surrounding communities and their abilities to provide public facilities and services, the Senate recommended that the $12,000,000 no longer required for advance planning be appropriated for use by the Department of Defense to assist such communities through existing Federal aid programs to meet the additional costs of providing increased public facilities and services required as a direct result of construction, installation, testing, and operation of Safeguard sites.

The primary purpose of the Senate recommendation was to provide some relief to such communities from an unfair and excessive financial burden which would be incurred as a result of the sitting of Safeguard installations in their areas.

After a careful study of this matter, the House conferees have agreed to the Senate proposal with the following important considerations. In view of the transitional nature of a large portion of the additional population to be supported by the adjacent communities, the conferees feel that, to the extent they may be practicable, the use of temporary or relocatable facilities to meet temporary peaks should be encouraged within the communities.

In recognition of the uncertainty at this time as to the scope and costs of the facilities to be assisted through this program, and to provide some needed flexibility, the conferees expect that in no event shall expenditures for such assistance exceed a ceiling of $14,000,000 unless prior approval of the Committees on Appropriations of the Senate and House of Representatives has been obtained.

Mr. MANSFIELD. Mr. President, it is clearly the intent of Congress, as indicated in this measure, and the authorization bill which preceded it, that the Secretary of Defense should assume the responsibility and take necessary aggressive action to assist these communities in assimilating the safeguard system in their areas and to prevent an unfair burden falling on the taxpayers of these small towns.

Under the language of this report, it is clearly within the authority of the Secretary of the Army to expend funds which are provided by this act for such items as sewage, water, schools, health needs, and other municipal facilities which may be required. Specifically, assistance should be provided in the maintenance and construction of highways which lead to the missile sites. I have in mind FAS 417, between Shelby and the ABM sites, and FAS 225, commonly known as the "Bootlegger Trail," between Great Falls and the safeguard locations. The traffic on these two routes by construction workers and operating employees, in addition to the heavy construction equipment which must be moved, will cause a rapid deterioration and will be a hazard to school buses, ambulance service, and other vehicle movements in the area.

In summary, Congress has authorized and appropriated the necessary funds to provide relief to communities in the safeguard areas of Montana and North Dakota, and it is expected that the necessary departments will follow through with their responsibility in this regard.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. MANSFIELD. I will be happy to yield to my distinguished colleague.

Mr. METCALF. Mr. President, I congratulate the senior Senator from Montana for obtaining this kind of appropriation. However, I think it should be pointed out that, while this is plowing new ground in some respects, this appropriation is a recognition of the needs that relatively small communities have when they have to participate in such a large construction activity as the ABM.

This is true in Montana. Relatively small communities are going to have their populations doubled. In some respects they will have problems in law enforcement, the highway problems the Senator suggested, problems of health and increasing the hospital capacities, and problems in school and increasing the educational facilities.

We have some money that would take care of some of these things had they been completely funded. However, from time to time we have been unable to pass adequate funding for the Hill-Burton Act and for other measures. There is a recognition of the fact that we have extraordinary defense activities in communities that have a relatively small population and that it is up to the Federal Government to take care of the extra cost of services and facilities involved. While this is very important in the State of Montana, and I certainly concur that this should be done, it is also of significance when we have defense facilities erected and created in other parts of the United States where we have relatively small communities and extraordinary expenses and services are required of those communities.

Mr. MANSFIELD. Mr. President, the Senator is absolutely correct. May I say that what is being done in this bill is based on legislation unanimously approved by both the House and the Senate.

Mr. President, I believe that the Committee of Conference has agreed on a bill that will be adequate for the construction needs of the Department of Defense for fiscal year 1971. It is true that we have reduced the bill by some $96 million, but our reduction was made of projects that in our judgment were either not needed by the military services for operational needs, or it was felt that these projects could be funded in future years.

I ask unanimous consent that there be printed in the RECORD at this point a tabulation showing the amounts of the conference agreement, and the comparisons with the Senate and House versions of the bill.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

MILITARY CONSTRUCTION APPROPRIATION BILL, 1971

[In thousands of dollars]

	Appropriations, 1970	Budget estimate, 1971	Passed House	Passed Senate	Conference action	Conference action compared with—			
						Appropriations, 1970	Budget estimate, 1971	House	Senate
Military construction, Army	288 267 741	686, 100, 000	637, 909, 000	653, 996, 000	646, 958, 000	+358, 690, 259	−39, 142, 000	+9, 049, 000	−7, 038, 000
Military construction, Navy	300, 028, 000	339, 100, 000	285, 672, 000	309, 551, 000	302, 483, 000	+2, 455, 000	−36, 617, 000	+16, 811, 000	−7, 068, 000
Military construction, Air Force	284, 570, 636	303, 500, 000	268, 831, 000	292, 409, 000	284, 146, 000	−423, 636	−19, 353, 000	+15, 316, 000	−8, 262, 000
Military construction, defense agencies	33, 915, 000	45, 600, 000	45, 025, 000	46, 300, 000	46, 300, 000	+12, 385, 000	+700, 000	+1, 275, 000	
Transfer, not to exceed	(20, 000, 000)	(20, 000, 000)	(20, 000, 000)	(20, 000, 000)	(20, 000, 000)				
Military construction Army National Guard	15, 000, 737	15, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000	−737			
Military construction, Air National Guard	13, 200, 000	8, 000, 000	8, 000, 000	8, 000, 000	8, 000, 000	−5, 200, 000			
Military construction, Army Reserve	10, 002, 475	10, 000, 000	10, 000, 000	10, 000, 000	10, 000, 000	−2, 475			
Military construction, Naval Reserve	9, 600, 000	5, 000, 000	5, 000, 000	5, 000, 000	5, 000, 000	−4, 600, 000			
Military construction, Air Force Reserve	5, 300, 000	4, 000, 000	4, 000, 000	4, 000, 000	4, 000, 000	−1, 300, 000			
Total, military construction	959, 884, 589	1, 416, 300, 000	1, 279, 437, 000	1, 344, 256, 000	1, 321, 888, 000	+362, 003, 411	−94, 412, 000	+42, 451, 000	−22, 368, 000
Family housing, defense	688, 476, 000	809, 038, 000	808, 138, 000	804, 153, 000	806, 464, 000	+117, 988, 000	−2, 574, 000	−1, 674, 000	+2, 311, 000
Portion applied to debt reduction	−85, 784, 000	−90, 538, 000	−90, 583, 000	−90, 538, 000	−90, 538, 000	−4, 754, 000			
Subtotal, family housing	602, 692, 000	718, 500, 000	717, 600, 000	713, 615, 000	715, 926, 000	+113, 234, 000	+2, 574, 000	−1, 674, 000	+2, 311, 000
Homeowner assistance fund, defense	31, 000					−31, 000			
Grand total	1, 562, 607, 589	2, 134, 800, 000	1, 997, 037, 000	2, 057, 871, 000	2, 037, 814, 000	+475, 206, 411	−96, 986, 000	+40, 777, 000	−20, 057, 000

Mr. MANSFIELD. Mr. President, I know I speak for the distinguished Senator from North Dakota, the ranking minority member on the Republican side of the Appropriations Committee, who is faced with a similar situation in relation to the Grand Forks Air Base and facilities in North Dakota. What we have done has had his continued and unstinted support and the agreement meets with his full approval.

Mr. YOUNG of North Dakota. Mr. President, I want to commend the distinguished majority leader for his leadership in sponsoring the amendment to the military construction authorization bill which gave the Secretary of Defense authority to assist communities in North Dakota and Montana with impact problems they are experiencing as a result of the construction of ABM facilities in the two States. These facilities are located in northeastern North Dakota and near Malmstrom Air Force Base in Montana.

I was very pleased to work with the majority leader and to cosponsor this amendment with him. This amendment could and should provide some important assistance to the small towns and cities which are unable to cope with the huge impact problems caused by the ABM construction program. In the case of many of these towns and cities, the impact will be largely of a temporary nature, extending perhaps for 2 or 3 years. Thus, these smaller towns and cities can ill afford, even if they could obtain the credit, to borrow money to meet the temporary demands which are facing them.

The most serious of these demands are for the education of children of the ABM construction force, including additional classroom space, for expanded sewer and water facilities, for recreation facilities, and for roads and highways, to mention just a few of the areas in which these communities are facing a very critical situation.

As the majority leader has pointed out, this bill contains at least $12 million which the Secretary of Defense can make available to ease the very serious problems these communities in North Dakota and Montana are facing.

Mr. BOGGS. Mr. President, I commend this appropriations bill to my colleagues as an example of responsible economy. It provides for the important construction needs of our Armed Forces without providing any unnecessary frills.

This legislation represents a very suitable compromise between the versions passed by the Senate and by the other body.

The bill totals $2,037,814,000. This figure is $97 million under the budget estimates for fiscal year 1971. It is $41 million higher than the House figure, but $20 million under the Senate bill.

I would like to commend the distinguished majority leader, Senator MANSFIELD, for his leadership in development of this bill. Commendations also are in order for the Senator from Nevada (Mr. BIBLE), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Texas (Mr. YARBOROUGH), the Senator from Kansas (Mr. PEARSON), and the Senator from Hawaii (Mr. FONG).

Special mention should be made of the great work of the clerk of the subcommittee, Mr. Vorley M. Rexroad.

Mr. MANSFIELD. Mr. President, I join in what my distinguished colleague, the ranking member of the subcommittee, has just said relative to our outstanding committee counsel, Mr. Rexroad. He is diligent. He is a man of great integrity. He is a man of great knowledge and understanding. Frankly speaking, I personally do not know what this committee would do without his valuable services, his unfailing courtesy and complete understanding of the projects involved in the conference report.

YARBOROUGH CALLS FOR PASSAGE OF THE CONFERENCE REPORT ON MILITARY CONSTRUCTION APPROPRIATIONS

Mr. YARBOROUGH. Mr. President, as a member of the Senate Appropriations Subcommittee on Military Construction, I commend the distinguished chairman of the subcommittee, Senator MANSFIELD, and the other Senate conferees for their diligent work on this year's military construction appropriations bill.

The bill which was finally agreed upon includes $58,915,000 for construction at various installations in Texas, which represents an increase of 54 percent over the amount of money that was allowed in the original House bill. I was pleased to be able to get these substantial increases for various projects in Texas.

One of the largest items that we were able to retain that was not in the House version of the bill is $15,741,000 for the construction of an engine overhaul facility at Kelly Air Force Base in San Antonio and is needed to replace obsolete buildings, and the work done there will enable the Air Force to amortize the total cost of the project in a very short time.

I am also gratified that we were able to persuade the House to agree to allow an additional $3.4 million for the naval air station at Corpus Christi. This money for the naval air station is badly needed to repair facilities at the base that were damaged or destroyed during Hurricane Celia which swept the Texas gulf coast on August 3, 1970. It includes repair of many buildings.

The conference report contains $809,000 for Fort Bliss at El Paso which was omitted from the bill which originally passed the House. This money is for the construction of an ingenious moving target simulator which will enable the military to save a considerable amount of expense in their training program for Army air defense gunners.

Finally, the bill which is being sent to the President also provides $75,000 more than the House originally appropriated for Bergstrom Air Force Base in Austin. This increased appropriation will provide for the installation of sound suppression units at the base which are needed to protect personnel from the hazards of jet engine noise.

I will not take the time to detail all of the Texas projects which will receive funds by virtue of this appropriations bill, but let me emphasize the fact that money in this bill will provide for training, housing, and medical facilities which are essential to the morale and well-being of our military personnel and their dependents.

I urge Senate passage of the conference report on the military construction appropriations bill.

The PRESIDING OFFICER (Mr. HUGHES). The question is on agreeing to the conference report.

The report was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the report was agreed to.

Mr. BOGGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 4542 AND S. 4543—INTRODUCTION OF AUTHORIZATION BILLS FOR MILITARY AND ECONOMIC ASSISTANCE

Mr. FULBRIGHT. Mr. President, in accordance with past practice I introduce, for appropriate reference, and by request, a bill drafted by the Department of State to implement those portions of President Nixon's message of November 18 which requested the authorization of an additional $535 million in military and economic assistance.

I also introduce a second bill which will provide members of the committee, the Senate, and the public with a clearer picture of what the draft bill submitted by the Secretary of State would do. Due to the manipulation of various foreign aid accounts to obtain additional military aid for Cambodia, it is especially important that the Congress and the public understand the specifics of the President's request. The second bill would authorize the additional foreign aid requested by the President on a country-by-country basis, wherever this is feasible, rather than in a lump sum as proposed in the administration's bill.

The action by the President in giving $100 million in military aid to Cambodia, without any prior justification to the Congress or any specific authorization, shows how little control Congress has over the existing foreign aid program. Under the present program, the President can juggle and allocate foreign aid funds as he pleases since the Congress, in days when legislative-executive branch relations were more tranquil, gave him the broad authority to do so. A supplemental bill is not the proper vehicle to correct this situation but line item authorizations will at least be a step in the right direction. A line item bill will also give Members an opportunity to stand up and be counted when giving away taxpayers' money to foreign countries.

I might point out that the senior Senator from Delaware (Mr. WILLIAMS)

proposed an amendment to the military sales bill last June which would have required country-by-country authorizations of credit sales. I was sympathetic to this approach but, unfortunately, the amendment did not pass.

This request involves grave policy questions relating to the war in Southeast Asia, the critical situation in the Middle East, and an exposition of the meaning of the Nixon doctrine. It deserves careful consideration and the committee will give it that.

I wish to make it clear that in introducing these bills I am not committing myself in any way on the merits of the President's request and I reserve my right to support or oppose the proposal when it is considered by the Foreign Relations Committee.

I ask unanimous consent that the texts of both bills and two explanatory tables be printed in the RECORD.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills and the tables will be printed in the RECORD.

The bills (S. 4542), to amend the Foreign Assistance Act of 1961, introduced by Mr. FULBRIGHT, and (S. 4543), to provide additional foreign assistance authorizations, introduced by Mr. FULBRIGHT, were received, read twice by their titles, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 4542

A bill to amend the Foreign Assistance Act of 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 402 of the Foreign Assistance Act of 1961 (22 U.S.C. 2242) is amended by striking out "for the fiscal year 1971 not to exceed $414,600,000" and inserting in lieu thereof "for the fiscal year 1971 not to exceed $609,600,000".

SEC. 2.504(a) of such Act (22 U.S.C. 2312 (a)) is amended by striking out "$350,000,000 for the fiscal year 1971" and inserting in lieu thereof "$690,000,000 for the fiscal year 1971".

SEC. 3. Chapter 2 of part 11 of such Act is amended by inserting at the end thereof the following new section:

"SPECIAL MILITARY AID TO KOREA

"SEC. 511. In addition to any program of assistance to Korea for which funds may be available pursuant to this part, the President is authorized until June 30, 1972, to transfer to the Republic of Korea, in furtherance of the purposes of this part and within the limitations of this Act such of the defense articles of the Armed Forces of the United States deployed in Korea on July 1, 1970, as he may determine: *Provided,* That no funds heretofore or hereafter appropriated for the purposes of this part shall be available for reimbursement to any Agency of the United States Government on account of any transfer made pursuant to this section."

S. 4543

A bill to provide additional foreign assistance authorizations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special Foreign Assistance Act of 1971".

SEC. 2. There are authorized to be appropriated to the President for the fiscal year 1971 not to exceed —

(1) $85,000,000 for additional military assistance and $70,000,000 for special economic assistance for Cambodia;

(2) $100,000,000 for economic and military assistance programs to replace funds which were transferred by the President for use in Cambodia;

(3) $150,000,000 for additional military assistance for the Republic of Korea;

(4) $30,000,000 for additional military assistance for Jordan;

(5) $3,000,000 for additional military assistance for Indonesia and $10,000,000 to replace funds transferred from other programs for use in Indonesia;

(6) $5,000,000 for additional military assistance for Lebanon;

(7) $65,000,000 for additional supporting assistance for Vietnam; and

(8) $17,000,000 for additional general military assistance to compensate for a shortage in anticipated recovery of funds from past years' programs.

SEC. 3. The President is authorized until June 30, 1972, to transfer to the Republic of Korea such defense articles located in Korea and belonging to the Armed Forces of the United States on July 1, 1970, as he may determine, except that no funds heretofore or hereafter appropriated under this Act or the Foreign Assistance Act of 1961 shall be available for reimbursement to any agency of the United States Government for any transfer made pursuant to this section.

SEC. 4. Except as otherwise provided in this Act, any assistance furnished out of funds appropriated under section 2 of this Act and any transfer made under section 3 of this Act shall be furnished or transferred, as the case may be, in accordance with all of the purposes and limitations applicable to that type of assistance or transfer.

THE JOINT ARMY-AIR FORCE EFFORT TO LIBERATE AMERICAN PRISONERS OF WAR HELD CAPTIVE BY NORTH VIETNAM

Mr. DOLE. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the resolution.

The legislative clerk read the resolution (S. Res. 486) by title, as follows:

A Senate resolution relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. FULBRIGHT. Mr. President, reserving the right to object—and I shall object—I object to it on the basis of procedure.

Yesterday in the hearings every member of the committee, including myself, and everyone else I know of who spoke on this subject, expressed admiration and approval of the personal courage of the men who participated in the aborted raid to free prisoners in North Vietnam. So, of course, I and everyone else would approve of that. However, this resolution concerns a matter about which there is not too much approval, and that is the policy and the wisdom of the raid and its effect upon the safety of the prisoners themselves and upon the negotiations.

In other words, there is inextricably involved in this resolution the question of the wisdom of sending the raid, but we do not question the valor of the men who participated. There is a question about the decision and judgment of the authorities who ordered the raid to be made on a place where there were no prisoners.

So I think adoption of the resolution would be misinterpreted by the country. Resolutions of this kind should be considered by the respective committees and an opportunity had to understand their full implications.

I do not wish to belabor the point, but I have many times over the period of several years apologized to the Senate and the country for having been pressured by the then administration into approving the Tonkin Gulf resolution. This is old history, but under those circumstances the President of the United States had taken violent action. He had sent a number of planes, not as many as this time, but, as I recall, there were 64 bombing sorties over North Vietnam; and under the impact of the emotions that were aroused and a misrepresentation of what had happened, I participated with the administration in misleading the Senate by repeating what I had been told. I participated in the passage of that resolution. I have apologized many times and confessed my error.

I am fundamentally opposed to bringing up resolutions touching matters of this kind and adopting them without hearings by the responsible committees. If we approve the resolution today—there are five Members of the Senate on the floor—it will be reported by the press as if the Senate of the United States—all 100 Members of this body—approved of it. It would be interpreted by the press as full Senate approval of the whole operation—bombing of the North and the effort to release these prisoners.

I realize that the language does not say that, but under the emotional atmosphere including the reports by officials and the testimony of the Secretary of Defense yesterday, I am quite sure that will be the way it will be interpreted.

The Secretary of Defense requested a public meeting yesterday. Most of the press said erroneously that I summoned him, and so forth. It happens that I am glad to have him at any time. The facts are that I was in a committee hearing and he called me yesterday at about noon, at 12:30, and said he would like to come in open session. I said I would be glad to have him. I am always glad to have the Secretary of Defense. He is a very able, capable man.

He gave us his story or version or interpretation of the significance of this event. I do not think that is all there is to it, however. I do not think it would be prudent or provident to act upon this resolution with so few Senators present and when there is a great deal about this whole expedition we do not know—not about the valor of the men who were on the mission, but about the background and circumstances that prompted the mission and about the question of why the mission was ordered when there were no prisoners there to be rescued. How could anyone make such a decision without absolute proof that there were American prisoners there to be rescued? What was the purpose of sending a mis-

sion to rescue prisoners who were not there? This is a most unprecedented situation.

I think it would be imprudent to adopt the resolution under these circumstances. I cannot allow it to be done by unanimous consent. If it is objected to, it has to go over under the rule, and that is what my objection is for. It must go over under the rule. Therefore, there will be time under those circumstances for persons to give it some consideration. It is on that ground that I object to the procedure as not proper.

Mr. DOLE. Mr. President, will the Senator withhold his objection for a moment?

The PRESIDING OFFICER. The Senator has objected. Does he withdraw the objection?

Mr. FULBRIGHT. I withhold the objection to give the Senator an opportunity to say what he likes.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, of course I would not want the resolution to be misinterpreted. It has been carefully drawn. In fact, it has been revised since the initial draft to make certain any policy issue was avoided.

With reference to the handful of Senators who may be present now, let me say to the Senator from Arkansas that there are 33 cosponsors, including the Senate majority leader, the Senate minority leader, and other members of the Foreign Relations Committee. In fact, the Senator from Kansas attempted to contact every Member of the Senate except those who were in meetings this morning.

In any event, I share the view with the Senator that this is a serious matter. The Senator from Kansas has no desire to have the resolution become a part of any Indochina policy discussion, but, with the Senator's indulgence, I would like to read the resolution at this time.

Mr. FULBRIGHT. It will be printed in the RECORD. Certainly, if the Senator wishes to read it, it is all right with me. I believe the Senator indicated it has been revised since some cosponsors saw it. That is a detail. It would make no difference, in my judgment, as to the procedure of approving a resolution of this character without full consideration and discussion. But I do not wish to deprive the Senator of his right to read the resolution. I just now read it. It is not the substance that I object to.

I may say to the Senator that in the case of the Tonkin Gulf resolution it was grossly misinterpreted by the press. The Senator cannot control what the members of the press will say about it. He cannot write the headlines in tomorrow's paper or this evening's paper. With all good will, the Senator has not that power.

When the Gulf of Tonkin resolution was considered, the President said we had been attacked without provocation and that he had responded, and the main thrust of the resolution was "We support the President of the United States." Then it went on with some other language he put in the resolution, but the main thrust of the resolution was that the United States could not tolerate being attacked on the high seas by a little, two-penny country, and this resolution was approval for everything the President did. I never heard of a greater distortion of the significance of a resolution.

I can no longer consent to resolutions of this kind, particularly in the field of my responsibility and the committee's responsibility, to go by without consideration.

I am not committing myself to oppose the resolution in due course. I am opposed only to bringing it up just before recess, with six Members on the floor, and passing it by unanimous consent. I object to any resolution of this importance being passed under these circumstances. That is the only objection.

If the Senator wants to read the resolution, that is all right. It will be printed. The six Senators here have read it. I do not know what the Senator wishes to accomplish by reading it, but I do not want to deprive the Senator of that opportunity if he wishes it.

Mr. DOLE. Mr. President, if the Senator will yield——

Mr. FULBRIGHT. I yield.

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. DOLE. Let me say to the Senator from Arkansas that I have no control over what the press may say, but it could say, in response to the objection, "The United States refuses to commend a courageous act by a group of Americans," and that is not the intent of the Senator from Arkansas.

Mr. FULBRIGHT. That is not true. That is a complete misstatement.

Mr. DOLE. That may be the headline tomorrow morning. For that reason, I would read the resolution itself.

Mr. FULBRIGHT. I have no objection to the Senator's reading it. My objection is to immediate consideration.

Mr. DOLE. I shall read it to make it clear to the Senate that it is strictly drawn, and refers only to the act of courage by those involved:

Whereas at the request of the Secretary of Defense, the President of the United States authorized a joint Army-Air Force task force operation, the purpose of which was to undertake the liberation of a substantial number of prisoners of war being held under inhumane conditions by the Government of North Vietnam in flagrant violation of the Geneva Conventions; and

Whereas the dedicated officers and men of the joint Army-Air Force task force, under the inspiring leadership of Colonel Arthur D. Simons, United States Army, and Brigadier General Leroy J. Manor, United States Air Force, flew into the Son Tay prison compound near Hanoi, deep in the heart of heavily defended enemy territory, for the purpose of liberating American prisoners of war; and

Whereas this group of courageous volunteers carried out this perilous mission with such superb timing and perfect execution that not a single casualty was sustained; and

Whereas this heroic humanitarian gesture, voluntarily made by the men of the liberation task force at great risk to their own safety and lives, clearly demonstrates their deep unselfish compassion for their comrades in arms who are being deprived of their freedom under the most despicable conditions; and

Whereas, this daring operation will bring to all families of prisoners of war and missing men a reassuring comfort in the knowledge that these brave men have not been foresaken by their country: Now, therefore be it

Resolved, That the Senate hereby commends the brave officers and men of the special joint Army-Air Force task force, led by Colonel Arthur D. Simons, United States Army, and Brigadier General Leroy J. Manor, United States Air Force, for their courageous attempt on November 21, 1970, to liberate a substantial number of prisoners of war being held under inhumane conditions by the Government of North Vietnam in violation of the Geneva Conventions.

Resolved further, That the extraordinary courage, dedication, and selflessness displayed by the members of such joint task force has earned for them the highest admiration and commendation of this Nation and has brought an undeniable luster to the Armed Forces of the United States and the people they so honorably serve.

Resolved further, That a copy of this resolution be forwarded by the Secretary of the Senate to each person who participated in the special joint Army-Air Force task force rescue mission.

Mr. President, I have read the resolution with an effort, or a wish, perhaps, that having read and now having heard it, the Senator from Arkansas might agree that the Senator from Kansas made the effort, with the assistance of the legislative counsel, to restrict it to the courageous act; to a commendation of those who risked their lives.

For what? To rescue some American prisoners. That is the sole and only purpose of the resolution. There is no purpose, no intent, and in fact no language in it that praises the administration. It does recognize that the Secretary of Defense, with the approval of the President, authorized the mission.

As I noted and as the Senator from Arkansas may know, at 4 o'clock this afternoon some of those men will be honored by the President. The Senator from Arkansas may have noted that the other body, the House of Representatives, may consider a resolution today commending these brave men. It appeared to the Senator from Kansas that this was an opportunity, in coordination with the executive branch and the other body, to demonstrate our feeling about Americans who demonstrate courage and who are willing to risk their lives.

It may be there is need for hearings. Maybe the men did not act bravely. That is the only issue: Was it a courageous act, or was it not a courageous act? The resolution does not speak to policy direction, the resolution does not speak to the decision, the resolution speaks only to the act which was participated in by these men. The Senator from Kansas believes, and hopefully the Senator from Arkansas believes, that it was a courageous act. It was carried out by volunteers. It was an important mission. Unfortunately, no prisoners were there.

The Senator from Kansas believes we are a grateful nation. Senators are aware of the sacrifices made by Americans in Southeast Asia. Whether we agree with the policy is secondary. Everyone in this body is aware of the great risks—or should be aware of the great risks—taken by these men.

Senators do not need a resolution; but it seemed to the Senator from Kansas

that this is a little which can be done now—not next week, not next month, not next year; that we might recognize this deed now, while fresh in the minds of the American people and the minds of the wives, children, mothers, and fathers of prisoners of war and Americans missing in action.

If there is some procedural question, then, of course, the Senator from Arkansas has every right to object. But I would only urge and remind the Senator from Arkansas that one change was made to avoid getting into a policy matter.

Whether or not we pass this resolution will not, of course, diminish what was done by these men. Whether or not the Senate acts today, it will not deprive those men of the satisfaction they must feel in risking their lives for other Americans. It will not dim the luster of the Army or the Air Force, only the luster of the Senate.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. DOLE. I yield to the Senator from Michigan.

Mr. GRIFFIN. I commend the Senator from Kansas (Mr. DOLE) for his initiative, and wish to emphasize, in addition to the other points he has already made, that this resolution bears no resemblance whatever to the Gulf of Tonkin resolution.

The Gulf of Tonkin resolution contained language indicating authority for the President to take military action. This resolution contains no authority whatsoever. This resolution does not speak to any policy, as the Senator from Kansas has said so eloquently. The only question is whether we wish to recognize and commend the bravery and courage of these American servicemen who volunteered and then followed orders of the Commander in Chief.

If we could agree by unanimous consent that this resolution be made the pending business, that would not necessarily mean it would then be adopted with only a few Senators on the floor. Of course, there could be a quorum call, and we could bring the rest of the Senators over here. But if it is referred to a committee, when the President is about to meet with leaders of these brave men at 4 o'clock, I believe it would appear that the Senate intends to take no action.

So I join with the distinguished Senator from Kansas in an appeal to the Senator from Arkansas—who is, of course, perfectly within his rights to object if he wishes to do so. I would suggest that on many other occasions, the Senate has considered similar resolutions, some of which have involved matters of policy—as this one does not. But on many occasions we have almost routinely recognized acts of bravery or demonstrations of courage through such resolutions. Accordingly, I hope there will be no objection.

Again I commend the Senator from Kansas.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. COOPER. Mr. President, I have joined as a cosponsor of the resolution which has been offered by the distinguished Senator from Kansas (Mr. DOLE). I think it proper that the Senate commend the men who made the very brave effort to rescue prisoners of war held by the North Vietnamese.

Of course, it was a risky venture, but rescue operations are not unknown in the history of our country. In every war there have been rescue operations, either to rescue prisoners of war or to relieve isolated groups of American servicemen who had been cut off from the main body of troops.

All such operations involve great risks. In this case it involved the risk of failure of the mission, but failure to find American prisoners of war does not mean the effort was not worthwhile. It involved the risk of the death or capture of those who participated in the operation.

Yesterday, in the open hearing of the Senate Foreign Relations Committee, when Secretary Laird testified—and, as I understand, at his request—questions were raised as to whether the operation involved the risk of retaliation upon other prisoners of war.

Their treatment by North Vietnam has been cruel thus far. All efforts by our country to secure their release, exchange and proper treatment according to the Geneva Convention on Prisoners of War, to which North Vietnam is a signatory, have been cynically rejected by the leaders of North Vietnam.

I would hope that the rescue operations would bring notice to those who rule North Vietnam not only that this country cares for its prisoners of war, but that our people and other peoples of the world can only feel revulsion at the lack of humanitarianism evidenced by North Vietnam.

The question was raised whether the rescue operations or the bombing of the missile sites represented a new policy on the part of the administration. I must say, in this connection, that the news story which appeared in the New York Times this morning was, in my view, one sided. From reading the news story, one who was not present at the hearing could have the opinion that all members of the committee were opposed to and derisive of the operation. This is not correct. In fact, during the hearings, both the Senator from New York (Mr. JAVITS) and I asked direct questions of Secretary Laird, which he answered forthrightly, as to whether the rescue operation or the retaliatory strikes in North Vietnam represented a change of policy—a change from the policy of pursuing negotiations, the policy of Vietnamization to bring an end to American participation in the war, or the policy of cessation of general bombing in the North. In each case, Secretary Laird answered that the operations did not represent any change of these policies of the United States.

I do not believe the resolution of Senator DOLE brings into question the policies of the United States. It is simply a forthright statement commending these men for carrying out a very delicate, difficult, risky and brave operation to attempt the rescue of some American prisoners of war.

I do not consider that failure of rescue is the decisive point upon which any objection should be made, and the Senator from Arkansas has said that he is not objecting on that point. I would be glad if we could vote on the resolution today.

Mr. DOLE. Mr. President, let me say in conclusion—and then I will renew my request—that as the Senator from Kansas views the resolution, it is simply a "thank you" to the men involved in this rescue mission.

Let me emphasize information concerning the resolution was made available to other Senators. At least, an effort has been made to contact nearly every Senator. Thirty-three Senators are cosponsors of the resolution, even though just a few are present in the Chamber.

I share the view expressed by the Senator from Michigan and the Senator from Kentucky. The Senator from Kansas would say that perhaps the news media, in their rush to find fault in Vietnam, may have created the impression that the American people generally deplore the rescue effort. The Senator from Kansas is of the opinion that, whether or not Americans agree on a policy, they respect courage, and they respect the efforts made by these Americans. The great majority of Americans are proud of every man involved, though the mission was not a total success because no prisoners were found. But it was, nonetheless, successful.

First of all, it proved that we have the ability. It proved we have the initiative. It proved—although it was not necessary to prove again—that Americans have the courage. It demonstrated concern for American prisoners of war.

How many men must die and how long must the children and the mothers and the wives and the fathers weep before this country demonstrates some initiatives?

The Senator from Kansas does not suggest that we expand the war in Vietnam. The Senator from Kansas does not suggest reckless raids in North Vietnam or Laos or wherever prisoners may be held. But the Senator from Kansas does suggest that if an opportunity presents itself in which Americans, by taking a risk, can save other Americans who have languished in prison camps for months and months and months—and some for 5 and 6 years—then the Senator from Kansas would hope the risk would be taken.

Yesterday, I stated the essence of a conversation with three wives. One wife indicated to me—and I believe that her opinion carries some weight—that she would prefer to see her husband die trying to escape, or in the effort of some rescue mission, than to rot in a prison cell.

Another wife indicated that this will sustain her for 6 months—this one act of courage by Americans willing to risk their lives for other Americans will sustain her for 6 months.

All they live on is hope.

Every Member of this body, I would guess, has urged his constituents to write letters to Hanoi. Some Members of this body have visited Paris. Many of us attended a joint session of Congress when Colonel Borman explained his trip around the world on behalf of prisoners.

Last May we had a Recognition Day. We appealed for international justice. We appealed to the North Vietnamese to release our prisoners. Our Government offered to exchange 33,000 prisoners for 3,000 prisoners. Our Government offered a cease-fire proposal, and one of the specific provisions was the exchange of prisoners.

Mr. Ross Perot, of Dallas, Tex., has traveled around the world in an effort to free the prisoners. Many wives have traveled to Paris in an effort to see representatives of the Hanoi government, to free their husbands and to free their sons. The mail is increasing in America. The concern is growing in America for the American prisoner of war and the American missing in action.

All we ask the Senate to do today is to say "Thank you" to brave and courageous Americans who have done more than we have done, but all done for the same purpose. We did what we felt we could do to be of assistance. They did what they were trained for, in an effort to be of assistance.

The Senator from Kansas would guess that no one could be more disappointed than Col. Arthur Simons, who landed at the compound and searched every room and found no American prisoners.

What a great Thanksgiving it would have been to have returned one prisoner, 10 prisoners, or 50 prisoners. I would guess there would be quite a different response. Resolutions would have been emanating from all over the Chamber praising this great deed and this great act of heroism.

I certainly respect the right of every Senator to object to procedure—because the Senator from Kansas may do it one day. But it is the hope of the Senator from Kansas—and I am certain it is shared by the Senator from Arkansas and every other Senator in this Chamber—that Gen. Leroy J. Manor and Col. Arthur D. Simons, notwithstanding the failure of the Senate to act today, will understand that we hold them in the highest regard, that we have nothing but admiration for their deeds and their service, and that perhaps at some later date we can properly commend them for it.

Mr. President, I renew my request.

Mr. FULBRIGHT. Mr. President, reserving the right to object, the Senator from Kansas is eloquent. He is one of the most eloquent Senators, I think, in this body. The substance of what he says clearly demonstrates one of the things I have in mind, because he interprets it as going far beyond its announced purpose, which is commendation of these men—which it is and for which I agree they should be commended as individual soldiers, doing what they are especially trained to do and at great risk.

However, I cannot conclude without making a few observations about this matter. First, I remind the Senate that it was created under the Constitution and not as an adjunct merely to give approval to what any Chief Executive wishes, which seemed to be the attitude of the preceding administration. I feel so justified in saying this, because it is not attributable solely to the present administration. But if the Senate is created for the purpose of exercising an independent judgment—and there has been considerable effort given to this matter in recent years by myself and others to try to reestablish an independent point of view—then we should examine all policies very carefully.

Now the raid to rescue the prisoners took place almost simultaneously with a tremendous resumption of the raids on North Vietnam, in which over 200 planes participated.

This resolution has serious policy implications. It is a small matter relative to the overall policy. It is a somewhat restricted expression of approval of a few individuals' brave yet ineffectual mission. We all agree with that. But I submit it does have and it will have implications of approval about the overall policy that is now being resumed; namely, the bombing of the north.

This is so reminiscent of the previous administration's decision to bomb the North Vietnamese and force them to come to terms.

It did not succeed under President Johnson and I predict it will not succeed under President Nixon.

It is troublesome to me in recent weeks to see a revival of a similarity not only of the procedure of the previous administration but also of the substance. Here we are resuming bombing in the north.

This rescue exploit was dramatic and interesting. However, I also submit every boy who walks through the elephant grass in the Mekong Delta, where they are boobytraps and where there may be Vietcong, is likewise entitled to commendation. Every one of them is entitled to commendation who walks through the elephant grass in the delta, because it is just as hazardous, perhaps more so, than this particular expedition.

This expedition was organized down to the last detail, with the most sophisticated vehicles the world has ever seen and the most sophisticated weapons. It was practiced many times over during a period of days and weeks, using a simulated prison camp, one that had been built exactly like the one they were going to attack. They practiced every move down to the last detail. The technical organization was correct.

As I said yesterday, the only trouble was, there were no prisoners there. The failure of the main point, to rescue prisoners, is so glaring that it raises serious questions as to the seriousness of the expedition to begin with, from the point of view not of the participants but of those who ordered it and those who directed that it be made.

This is so reminiscent of the aftermath of the Gulf of Tonkin episode. Certainly the men who flew the mission in the first bombing raid over North Vietnam were valorous men. They were well equipped. They were intelligent. They deserve our commendation. They were going there under the orders of the President of the United States. I shall not go further into that other than to say it was a great mistake that we approved a resolution that led to that decision.

But this gets out of perspective a little. We have lost some 50,000 dead in South Vietnam with more than 300,000 men seriously wounded, many of whom will never be able to live a normal life, many of whom have lost legs and arms or have been even more seriously injured for life. They are all heroes from that point of view.

The purpose that I am concerned with—and I know most of the Members of this body are—is how to stop the slaughter.

Involved in this kind of action is the question of policy; namely, is it wise now to resume bombing in the north? Is it wise to expand the war again?

These are policy matters which could be prejudiced by premature and thoughtless endorsement of an individual unsuccessful mission which we all agree that it is.

No doubt there will be those who say that I have refused to approve of the men who went on that mission. I, of course submit that would be a gross distortion of what my purpose is.

My purpose is to follow that procedure which is best designed to bring home all our prisoners in Vietnam, not just some of them, not just those who may have been at that particular camp.

My purpose is to stop the war, so that not only our prisoners of war can be brought home, but that all our soldiers can be brought home—and that the slaughter will be finished.

I have grave question about whether this resumption of the bombing in the north, with which this particular expedition was closely associated, whether it promotes that overall purpose

It is interesting that this morning the Vice President of South Vietnam visited members of the committee with the Senator from Vermont (Mr. AIKEN) as host, with other Senators present, because I had the opportunity to make an observation to the Vice President of South Vietnam, in which I said, "It strikes me, Mr. Vice President, that the history of western intervention in the Far East, beginning with the British intrusion into China, and then later with the French conquest of Vietnam—all of Indochina for that matter—in which the French reduced it to a colony, and the intrusion of other western peoples, including ourselves, has been the greatest tragedy for all the people of Asia. Vietnam has had a long history of 2,000 years, long before the United States was a country. I believe that the greatest thing that could happen to the people of Vietnam would be the removal of all foreigners, including Americans."

Well, Mr. President, much to my gratification, the Vice President said that he could not agree with me more, that that was exactly what he thought, that the best thing that could happen would be the removal of all foreigners, including those from the United States, from his country.

I submit, Mr. President, that involved in this kind of question, so eloquently discussed by the Senator from Kansas, is the question of policy. He cannot disassociate the approval of one part of the resumption of the bombings and the intrusion into Vietnam from the overall policy. It is inevitably involved, whether he likes it or not.

I do not believe there exists a newspaper in this country that could effec-

tively disassociate this raid from such matters of policy.

There is certainly involved in this whole expedition the question of the adequacy of our intelligence. It is a most unusual thing that a raid of this consequence is undertaken without adequate knowledge that the people it is intended to rescue are there.

The first consideration would not be the technical capacity of the helicopters to fly in. It would be whether or not the prisoners were there.

How anyone would make such a foray without absolute assurance, I do not know. Whether or not he has a photograph that can penetrate the roofs of buildings is immaterial. There are other ways to obtain knowledge. And without absolute assurance that the object was there, how could anyone make a decision to risk the lives of all of these very brave people who participated in the raid?

I wonder how much consideration they gave to what would have happened to the prisoners if the prisoners had been there. Would it not be very likely that, had those prisoners been there, a number of them or all of them would have been killed? There would have been guards there. Those who participated in the raid would not have been able to roam through the camp.

Mr. DOLE. Mr. President, will the Senator yield? There were guards there.

Mr. FULBRIGHT. There were a very few guards there. There is a report that one man was shot in his leg with one AK rifle. That was the extent of the injuries.

Could anyone believe that if there had been 50 or 75 prisoners there, there would not have been guards there? It would have been a very different situation. It could easily have resulted in the slaughter of the prisoners or of our men.

Our men were very fortunate from the individual point of view that there were virtually no guards there. Otherwise a number of them would not have returned.

These are circumstances which have nothing to do with the valor of the individual participants. But they have a lot to do with the wisdom of the men making the decision to engage in such expedition without absolute assurance that the people toward whom the raid was directed were there.

There are questions of policy involved. Perhaps I have had too much experience and have become too skeptical. I say this without prejudice to this administration. However, previous administrations have aroused in me a skepticism about many of these actions in which they ask immediate approval without consideration being given by a committee. I am just too skeptical about the whole operation to give consent to it now.

Mr. President, I will add one other statement. At 2:30 this afternoon, Under Secretary of State Irwin is appearing before the Committee on Foreign Relations at our request. He asked that the committee meet in executive session. He is coming to give his version of the affair. The Secretary of State is out of town.

I think this is entirely proper. I think the Department of State ought to have responsibility, although I sometimes wonder whether it does have responsibility for the overall policies in these matters. At least I think the committee, and I think all other Senators, should be advised as to what the Department of State views are about the policy and the effects of the resumption of bombing in the north in a major way and of this raid, of which it was a part.

I agree with the Senator that this mission without question demonstrates a tremendous technical capacity. I do not think that anyone ever doubted that. I agree that it is further evidence that we are concerned about the prisoners. I do not think anyone doubts that we are concerned about the prisoners. We all applaud the valor of our soldiers. But there is very serious question as to what is the wise policy and the best way and the most provident way to end this war and stop the slaughter of our citizens and stop the disruption of our whole economy here at home and all of the other difficulties that arise out of this war.

I very reluctantly have to object to this request on those grounds. I think it would be misunderstood. It would be misunderstood the other way if I did not object, probably as much as it will be if I do object. However, in view of my personal experience with resolutions of a similar kind in the past, I am bound to object. I do object.

The PRESIDING OFFICER. Objection is heard. The resolution goes over under paragraph 6 of rule XIV.

Mr. GRIFFIN. Mr. President, I deeply regret that the Senator from Arkansas has objected.

Earlier, I intended to ask the Senator from Kansas if he would read the names of those Senators who cosponsored the resolution. I ask him to do so at this time.

Mr. DOLE. Mr. President, the names of the cosponsors are: Mr. DOLE (for himself, Mr. MANSFIELD, Mr. SCOTT, Mr. GRIFFIN, Mrs. SMITH, Mr. ALLOTT, Mr. EASTLAND, Mr. YOUNG of North Dakota, Mr. ALLEN, Mr. BOGGS, Mr. BAKER, Mr. McGEE, Mr. COOK, Mr. GOLDWATER, Mr. BENNETT, Mr. MURPHY, Mr. COOPER, Mr. HANSEN, Mr. HRUSKA, Mr. GURNEY, Mr. DODD, Mr. SCHWEIKER, Mr. TOWER, Mr. FANNIN, Mr. CANNON, Mr. THURMOND, Mr. DOMINICK, Mr. BYRD of Virginia, Mr. PEARSON, Mr. CURTIS, Mr. JACKSON, Mr. COTTON, and Mr. SPARKMAN.

There are a total of 33 cosponsors.

Mr. GRIFFIN. Mr. President, I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, would the able Senator from Kansas (Mr. DOLE) indicate whether the resolution he has introduced today was appropriately circulated among the membership of 100 Senators to give each Senator an opportunity to study the resolution and, if he so desired, to attach his name thereto as a cosponsor?

Mr. DOLE. Mr. President, I made every effort to do it appropriately. I found, for example, that the informal meeting of the Foreign Relations Committee deprived me of contacting 10 or 11 Senators. I contacted some of them later. My office started delivering copies of the resolution at 9 o'clock this morning. There was a bipartisan effort made. I did the best I could.

Mr. BYRD of West Virginia. But the Senator cannot state that the resolution was presented to the attention of all Senators who are present in the Capitol today.

Mr. DOLE. No; I would not want to say that about any resolution.

Mr. BYRD of West Virginia. Mr. President, as I understand the Senator, he made the effort, but he does not, of his own knowledge, know that each Senator had an opportunity to add his own name as a cosponsor if he so desired.

Mr. DOLE. Mr. President, I first discussed it with the Senator from Pennsylvania (Mr. SCOTT), then with the Senator from Montana (Mr. MANSFIELD), then with the Senator from Michigan (Mr. GRIFFIN), and then with the Senator from Massachusetts (Mr. KENNEDY). The Senator from Massachusetts (Mr. KENNEDY) declined.

Members of my staff fanned out around the Capitol to contact as many Senators as possible. However, I would not want to say for certain that every Senator is aware of everything that happens in the Senate. Sometimes it is difficult to contact everyone. However, the effort was made and if the point is made that we should have contacted more, we did the best we could.

Mr. BYRD of West Virginia. Mr. President, the able Senator from Kansas contacted me. I indicated to the Senator that I supported the substance of the resolution. But I declined to join as a cosponsor at that particular time. I would not want the list of 33 cosponsors which will appear in the RECORD to leave the implication that all 100 Senators had been contacted and, by virtue of the fact that the names of more than 60 Senators do not appear as signatories, that they are opposed to the substance of the resolution.

In my case, as I say, I support the substance of the resolution. But I just want the RECORD to show all Senators have not, for one reason or another, perhaps had an opportunity to discuss the resolution, to study it, and to add their names as cosponsors, if they wish to do so.

Mr. DOLE. Mr. President, I do not intend by reading these names to imply that certain Senators are either for or against the substance of the resolution.

The Senator from Kansas would assume that some Senators might have reservations. Some few did express reservations. Others were not contacted.

The Senator from Kansas is not certain how many Senators may have been here earlier today. I assume that there are not many around the Capitol now.

Mr. BYRD of West Virginia. Mr. President, I want the RECORD to be very clear to the effect that while I support the verbiage of the resolution, I do not find fault with the able junior Senator from Arkansas in the exercise of his rights as a Senator to object, under the Standing Rules of the Senate, to the immediate consideration of the resolution. He has made it clear here that he has no objection to the substance of the resolution,

but that he feels that, procedurally, it is unwise to consider this resolution without having it lie over for a day in accordance with rule XIV; and he has explained his reasons, I think, in a very lucid manner as to why he has so objected. I hope his action will not be misinterpreted. He has exercised his right as any other Senator can and should do.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. BYRD of West Virginia. I yield, but I wish to add that the Senator from Arkansas does not need any defense from me.

Mr. DOLE. No; but as the principal sponsor I make it clear that I recognize the right of any Senator to object. The Senator from Kansas, when he knows little more about procedure, may object or do something sometime. In any event, I recognize the right of the Senator from Arkansas to object.

I understand his long and continuing interest not only in this area, but other areas; however, this was an unusual act of bravery and, in my opinion, did deserve unusual attention. I say that to explain the reason I attempted to bring up the resolution in this fashion.

Mr. BYRD of West Virginia. I do not think the objection by the Senator from Arkansas detracts one jot or one tittle from the resolution. I shall support the resolution when it comes to a vote; but this does not reflect in any way on the patriotism or good intentions of the able Senator from Arkansas. As chairman of the Committee on Foreign Relations he has not only a right under the rules to object but, perhaps, he felt it his duty to object at this point until more consideration could be given to the overall aspects and nuances involved. I respect him for it, and I trust his action will not be misunderstood.

Mr. FULBRIGHT. Mr. President, I do not know how much will be made of this, but the Senator from West Virginia made a very good point. It seems to me most unfair to read out a few names, leaving the impression that all other Senators declined to sign it, when actually they may never have heard of this resolution. It would strike me as unfair to absentees or Senators who were unaware of the resolution. I was not aware of it until the time of the rollcall on the treaties when I came to the Chamber. I had been in a meeting with Vice President Ky and otherwise occupied. One might say that by chance it was given to me when I came to the floor of the Senate. I am certain that a great number of Senators have never heard of the resolution.

The Senator from Kansas specifically mentioned the Senator from Massachusetts (Mr. KENNEDY) as having declined to sign the resolution. I have no idea of the attitude of the Senator from Massachusetts. But it seems to me since he is not here, that to leave the impression he declined and perhaps does not approve of the valor of the individuals is not a very fair way to leave the record. I cannot speak for the Senator. I have said nothing to him about it. I make that reference only as an illustration of some 60 or 70 other Senators who have not had an opportunity to speak for themselves. Yet it would be made to seem that those cosponsors are the only Senators who think that these men did their duty in a brave and courageous manner.

I presume to speak for everyone in saying that I believe everyone who participated in this event was brave, patriotic, and courageous. They are trained for this duty and did that duty exactly as they were trained. I think it would be unfortunate if there were to come out of this a feeling that there is a great division on this floor. There is no division between the Senator from Kansas and me in our respect for these particular men, but there is a difference between the Senator from Kansas and me as to the wisest way to conclude this war.

There is a definite division, apparently, between the Senator's view of the effectiveness and wisdom of the present policy of resuming the bombing of the North. These are differences of substance, having nothing to do with the resolution. I regret that the resolution, which purports on its face to have only to do with individual valor, is so integrated with other issues that I have to take this action in objecting, but it is so integrated. It happened almost at the same time as the resumption of the bombing in a major way on North Vietnam—200 planes—that is a major resumption of bombing and a matter over which this country has been divided for a good while. Think of all that went on under the previous administration leading to the cessation of bombing in the North. Think of all the debate in this Chamber and in the country as to whether it was wise to continue the bombing. All of this involved and in this the Senator from Kansas and I have a difference. Certainly, he is entitled to his views as to how to proceed to conclude the war or to win it. We all have these views but they do not concern the substance of this resolution; and to imply that there are Members of the Senate who do not approve of this valor is unfortunate.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. DOLE. The Senator from Kansas read the names of the sponsors in response to a question. I also wish to state that I offered the resolution under the unanimous-consent procedure and the Senator objected. Of course, that is his right. Resolutions and bills are passed here daily with five sponsors, 50 sponsors, or 17 cosponsors, and I do not believe there has been any intent to leave any impression that those named are the only ones who support the effort and that others may be opposed. I hope 51 Senators support the resolution, for otherwise it will not pass in any event.

Mr. FULBRIGHT. I do not know. The election is over and it seems to me that we should no longer view these matters in that context. We now should be concentrating on other aspects. I regret that it can be interpreted in any other way.

I understand that subsequent to the time some of the people agreed to cosponsor the resolution changes were made in it. I believe someone indicated a moment ago that one paragraph is striken out.

I am not sure the Senator is entitled to say that all 33 Senators approve of this precise language. I think that is a detail that is not critically important but it is certainly significant. I say that only to take away the idea that those Senators whose names were not read necessarily are opposed to the resolution.

I hope the press makes it clear that those whose names do not appear there are not opposed to the resolution. I join the Senator in saying that I believe all 100 Senators approve of the substantive thrust of the resolution. I do not believe they would approve of the procedure and the circumstances under which it was brought up.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BYRD of West Virginia. Mr. President, I commend the able and distinguished Senator from Kansas for authoring the resolution. I think it should be adopted. But at the same time, I want to be among the first to defend the Senator from Arkansas, if he needs any defense, in exercising his right—and perhaps his duty—to ask that the resolution lie over for a day. I think we are becoming accustomed all too often in this body to adopting measures upon "immediate consideration" and without adequate consideration by the appropriate committees and by the Senators who have jurisdiction and responsibility over the subject matter.

I would hope that we would get back to a tighter and more frequent application of the rules in that respect.

I commend the Senator from Arkansas in that regard.

Mr. FULBRIGHT. I thank the Senator.

Mr. DOLE. The Senator from Kansas concludes by stating that if any other Senator wishes to become a cosponsor, I will be pleased to add his name to the resolution.

Mr. BYRD of West Virginia. Mr. President, will the able Senator yield?

Mr. DOLE. I yield.

Mr. BYRD of West Virginia. I would like to ask unanimous consent that my name be added as a cosponsor.

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

Mr. BYRD of West Virginia. As I indicated earlier, the able Senator contacted me. At that time I said I would rather wait to see what the Senator from Arkansas, the chairman of the Committee on Foreign Relations, had to say about it. I am glad to have my name added at this time as a cosponsor.

Mr. DOLE. Mr. President, it appears to the Senator from Kansas that we have discussed this matter in enough detail. It is the hope of the Senator from Kansas that perhaps we could have hearings on the resolution, or perhaps the Senator from Kansas could offer it as an amendment at an appropriate time to an appropriate measure that may be passing through this body, perhaps a measure that is sponsored by 100 Senators, or five Senators, or 15 Senators.

In any event, the record has been

made. I believe it is a fair record. The Senator from Kansas, of course, regrets that he could not contact each Senator personally, but I had hoped to have the resolution acted on before 4 p.m. today. I shall advise General Manor and Colonel Simons that we do appreciate their efforts and that we may be able to express it officially at some other time.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 30, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of House Concurrent Resolution 786, as amended, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 2 o'clock and 31 minutes p.m.) the Senate adjourned until Monday, November 30, 1970, at 12 meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 25, 1970:

U.S. DISTRICT COURTS

William C. Frey, of Arizona, to be a U.S. district judge for the district of Arizona.

John Feikens, of Michigan, to be a U.S. district judge for the eastern district of Michigan.

Philip Pratt, of Michigan, to be a U.S. district judge for the eastern district of Michigan.

Jose V. Toledo, of Puerto Rico, to be a U.S. district judge for the District of Puerto Rico.

Owen D. Cox, of Texas, to be a U.S. district judge for the southern district of Texas.

Robert M. Hill of Texas, to be a U.S. district judge for the northern district of Texas.

William M. Steger, of Texas, to be a U.S. district judge for the eastern district of Texas.

John H. Wood, Jr., of Texas, to be a U.S. district judge for the western district of Texas.

HOUSE OF REPRESENTATIVES—*Wednesday, November 25, 1970*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be thankful unto Him and bless His name. For the Lord is good. Psalm 100: 4, 5.

O Lord, our God, we bow in Thy presence with hearts overflowing with gratitude because Thou hast been so wonderfully good to us. Thy mercies come with the morning light, they stay with us through the day and the evening hours and continue to be ours during the night. So we lift our hearts unto Thee in thanksgiving and love.

We thank Thee for food and clothing and shelter: for homes where love dwells, for churches where we can worship as we desire, for our Nation flying the flag of freedom and for the opportunity to serve our people in these Halls of Congress.

As Thou didst lead our fathers to found on these shores a free nation, so lead us in this day to keep our country great in spirit, good in purpose, and genuine in seeking for peace in our world, peace in our land, and peace in our own hearts.

In gratitude we pledge our love and our loyalty anew to Thee and to our country, in the spirit of Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2543. An act to prohibit the movement in interstate or foreign commerce of horses which are "sored," and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3867) entitled "An act to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes," agreed to conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NELSON, Mr. YARBOROUGH, Mr. PELL, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr. MURPHY, Mr. JAVITS, Mr. PROUTY, Mr. DOMINICK, and Mr. SCHWEIKER to be the conferees on the part of the Senate.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE CERTAIN REPORTS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SPECIAL ORDER ON RAIL PASSENGER SERVICE ACT OF 1970

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, I have this day forwarded to all of the Members an invitation to participate in a special order on Tuesday, December 1, 1970, regarding the Rail Passenger Service Act of 1970.

As we are all aware, this act creates a private corporation which will be required to operate the rail passenger system of the United States over a designated rail passenger system.

The preliminary designation of this system by the Secretary of Transportation is required by statute to be made on Monday, November 30. I thought it appropriate, therefore, to ask for a special order on Tuesday, December 1, 1970, so that the Members could discuss the provisions of the statute and the preliminary designation of the system in order that Members will be aware of the status of this project and in particular would be aware that comments on the designation of the Secretary must be made within 30 days from the date of the original designation.

I invite all of my colleagues to join in this discussion at the close of business on Tuesday, December 1, 1970.

PROVIDING 4-YEAR TERMS FOR MEMBERS OF THE HOUSE

(Mr. SCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, I have introduced two resolutions today to amend the Constitution to provide 4-year terms for Members of the House. Of course, this is not original but is being brought to your attention while the time and effort spent in the recent campaign is still fresh in your minds.

Under the proposals, half of the membership would be elected during the presidential years and the other half during off-year elections. The only difference between the two resolutions is that one spells out the action to be taken in some detail while the other provides for the details to later be supplied by legislation. Both contain provisions to meet fears in the other body that a Member of the House would offer himself for Senate membership while still having 2 years to serve in the House in the event of his defeat.

Some Members spend more time on public relations and reelection campaigns than others. But regardless of the time spent it could be used for legislative duties and service to constituents. In my opinion, 2-year terms are unfair to us and those we represent. Now, of course, most of us would not personally benefit by this proposal. If adopted during the 92d Congress there would still be a period of years before the amendment could be ratified by the required number of States.

It does seem a desirable change in our basic law and I hope you will consider joining me in January in reintroducing these or similar proposals and in urging committee action.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 369]

Abbitt	Ford, William D.	O'Neal, Ga.
Adair	Fraser	Ottinger
Anderson, Tenn.	Fulton, Tenn.	Pettis
Annunzio	Gallagher	Poage
Arends	Gettys	Powell
Ashley	Gilbert	Price, Ill.
Aspinall	Goldwater	Price, Tex.
Baring	Gray	Purcell
Berry	Green, Oreg.	Quie
Biaggi	Griffiths	Reifel
Blatnik	Hall	Rhodes
Bolling	Hanley	Rooney, Pa.
Bow	Hansen, Wash.	Rosenthal
Brock	Hawkins	Rostenkowski
Buchanan	Hays	Roudebush
Burton, Utah	Hébert	Roybal
Button	Hungate	Ruth
Camp	Hutchinson	Schadeberg
Carter	Ichord	Scherle
Celler	Jarman	Scheuer
Clark	Jones, Tenn.	Sebelius
Clay	King	Skubitz
Collier	Kuykendall	Smith, Iowa
Collins, Tex.	Landrum	Staggers
Colmer	Langen	Steele
Conyers	Lowenstein	Steiger, Ariz.
Corbett	McCulloch	Stokes
Cowger	McEwen	Stubblefield
Cunningham	McFall	Teague, Tex.
Daddario	McKneally	Thompson, N.J.
Dennis	McMillan	Tiernan
Dingell	May	Udall
Donohue	Melcher	Watson
Dowdy	Meskill	Weicker
Dulski	Minshall	Whitehurst
Dwyer	Morgan	Williams
Edwards, La.	Morton	Wold
Esch	Murphy, Ill.	Wolff
Eshleman	Murphy, N.Y.	Wyatt
Evins, Tenn.	Nedzi	Wydler
Farbstein	Obey	Zwach
Flynt	O'Konski	

The SPEAKER. On this rollcall 308 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SPECIAL REQUEST

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

Mr. WAGGONNER. Mr. Speaker, I yield back the balance of my time.

Mr. GROSS. Mr. Speaker, I did not hear the request.

The SPEAKER. The gentleman from Louisiana asked unanimous consent to address the House for 1 minute and to revise and extend his remarks.

Mr. GROSS. Mr. Speaker, reserving the right to object, the House came in early, at 11 o'clock, to transact the business, which is the highway bill. Reluctantly, I will object to any requests to now proceed. Having had one round of 1-minute speeches in the House, I will object to a continuation of it at this time. Reluctantly I do so. I therefore object.

The SPEAKER. Does the gentleman withdraw his request at this time?

Mr. WAGGONNER. No, Mr. Speaker, I prefer the request and the objection to stand.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Iowa objects, and the Chair presumes that applies to all such requests.

All Members have heard what the gentleman from Iowa has said. He objects to unanimous-consent requests at this time.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York will state his parliamentary inquiry.

Mr. STRATTON. I had intended to request 1 minute to speak on a resolution to indicate the support of some Members of this House of the effort to rescue our prisoners of war. Would it be in order to make that request and then see whether the gentleman from Iowa wants to object to that request?

The SPEAKER. The gentleman from Iowa has said that he would object to all similar requests. Does the Chair understand the gentleman from Iowa correctly?

Mr. GROSS. The Chair understands the gentleman from Iowa perfectly.

The SPEAKER. Does the gentleman from Iowa mean to object to requests of Members to extend their remarks in the RECORD?

Mr. GROSS. No, Mr. Speaker, I would not object to that request.

The SPEAKER. Or to obtain 1 minute to speak and to yield back the balance of the time?

Mr. GROSS. I would not object to that, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Louisiana will state his parliamentary inquiry.

Mr. WAGGONNER. Does not the record show that that was my request, that I asked unanimous consent to address the House for 1 minute, to revise and extend my remarks, and then I yielded back the balance of my time? Was that not my original request?

The SPEAKER. In fairness to the gentleman from Iowa, the chair does not believe the latter part of the statement was heard by him, but that is the request now, and without objection, it is so ordered.

Mr. WAGGONNER. Mr. Speaker, a further parliamentary inquiry——

The SPEAKER. The time of the gentleman has expired.

Mr. WAGGONNER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry. The Chair is trying to help.

Mr. WAGGONNER. In fairness to the gentleman from Louisiana, that was my initial request; was it not?

The SPEAKER. The Chair understood the gentleman was going to do that. The Chair will receive requests of Members to extend their remarks and requests for 1-minute speeches, the Members yielding back the balance of their time.

ECONOMY OUT OF CONTROL— THE PRESIDENT FINETUNES

(Mr. LEGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEGGETT. Mr. Speaker, on October 14—a little over a month ago—Dr. Paul McCracken, the Chairman of the Council of Economic Advisers, said:

> The next major move is certainly going to be upward.

The next day, he told reporters he was seeing signs of "latent strengths."

On the 19th, he informed us that—

> Now we face a new period during which stronger gains in output . . . and further gains against inflation are all evident and already in the picture.

As we now know, he was dead wrong. As he was saying this, industrial production was falling 2.3 percent during the month of October, equivalent to an annual decline rate of more than 27 percent. Consumer prices were rising 0.6 percent, equivalent to an annual inflation rate of 7.2 percent.

Gentlemen, our economy is a disaster. Yesterday, I took a special order in which I discussed in detail the state of the economy. I am continuing it this afternoon, and I am going to develop what I see as the urgent need for wage and price controls. I would welcome any comment, support, opposition, criticisms, or suggestions anyone would like to offer.

I hope I can interest enough of you in showing up so that we can have a dialog that may be useful to all of us.

PARLIAMENTARY INQUIRY

Mr. JACOBS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. JACOBS. Can the Chair state for the House the amount of time consumed in the most recent quorum call and which Member demanded the recent quorum call?

The SPEAKER. The Chair cannot state the time consumed by the House on the quorum call, but the Chair is sure every Member is pretty well acquainted with the time required.

WHY A DOUBLE STANDARD?

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, the issue of busing in this country is becoming ridiculous. When a situation arises in the northern part of our country the busing of schoolchildren is stopped and there is not a great deal said. Now let us go south, if the same problem occurs, and the same remedy taken, then there is the accusation that there is strictly a matter of racism.

Mr. Speaker, why a double standard? I will include a speech and several ar-

ticles pertaining to this matter in the RECORD today.

POT IS NOT ALWAYS GRASS AND NEITHER IS GRASS

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, sometimes you can get in trouble with the best of intentions. On Monday, I lauded the Ohio State University football team and its great coach, Woody Hayes.

During the talk I said:

I wish to extend my congratulations to the Michigan Wolverines who came to Ohio State prepared to do battle, and indeed they did, but on the grass they went to pot and we prevailed.

It was not long before a student in my district wanted to know if I implied the Wolverines were smoking pot.

According to a reference from a book entitled "A Hog on Ice and Other Curious Expressions," by Charles Earle Funk, Litt D., "gone to pot" is an expression "we use to mean ruined; destroyed; disintegrated. But the earliest English usage, which goes back at least to the 16th century, seems to have been literal, actually gone to the pot, chopped up into pieces, as meat, for stewing in a pot. And Edmund Hickeringill, in his "History of Whiggism," in 1682, wrote:

Poor Thorp, Lord Chief Justice, went to Pot, in plain English, he was Hang'd.

I simply meant to say that the Wolverines, who are accustomed to playing on artificial turf, in a colloquialism in common use when I was a student at Ohio State "went to pot." According to Roget's Thesaurus, "went to pot" means went down the drain, wasted away, wear away, or as Roget's further states in the words of Shakespeare—fall "into the sere, the yellow leaf," sere meaning withered. That is what I meant. The Wolverines, under the withering attack of the Ohio State Buckeyes, wore away and lost the game to the No. 1 football team in the Nation—Ohio State.

THE ATTEMPT TO RESCUE POW'S

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, all proud Americans stand with the administration—from President Richard Nixon, through Secretary of Defense Melvin Laird, and down to and including the gallant men who actually participated—in the attempt to rescue American prisoners of war in North Vietnam.

This attempt, even though unsuccessful, must stand as one of the brighter spots in U.S. history. It proves to the world, particularly Hanoi, and to our fighting forces that we do care. It proves our resolve that these men shall be freed and returned to their families and loved ones.

As Secretary Laird pointed out, the United States has offered North Vietnam the most generous prisoner exchange in all of history—at a ratio of some 20 to 1 North Vietnamese prisoners for American and South Vietnamese. This offer has been turned down. We have now served notice on Hanoi that we have not given up and that we will use all other available and appropriate means to free our men.

It also proves to Hanoi our capability to penetrate its defenses in the pursuit of military missions, a fact that should cause the government of North Vietnam to reassess its position.

Mr. Speaker, this daring and resourceful action on the part of dedicated men has rekindled in me a pride in being an American. I know of no honor too high to be bestowed upon these men whose actions went so far beyond the call of duty.

May God bless them. May their future efforts meet with success.

RESIGNATION FROM THE COMMITTEE ON EDUCATION AND LABOR AND COMMITTEE ON INTERNAL SECURITY

The SPEAKER laid before the House the following resignation from the Committee on Education and Labor and the Committee on Internal Security:

WASHINGTON, D.C., *November 25, 1970.*

Hon. JOHN W. MCCORMACK,
Speaker of the House, Capitol.

DEAR MR. SPEAKER: It has been a privilege and an honor to work with the members of the Committees on Education and ninetieth and ninety-first Congresses. My association with these colleagues will always remain a pleasant and rewarding experience in my memory.

However, I am submitting my resignation from the Committee on Education and Labor and the Committee on Internal Security, effective today.

Sincerely,

WILLIAM J. SCHERLE,
Member of Congress.

ELECTION TO COMMITTEE ON APPROPRIATIONS

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1277

Resolution providing for the election of a member to the Committee on Appropriations.

Resolved, That William J. Scherle of Iowa be, and he is hereby, elected a member of the standing committee of the House of Representatives on Appropriations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO HELP SMALL BUSINESS AND COMBAT INFLATION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency be discharged from further consideration of the bill (H.R. 19828) to help small business and combat inflation and ask for immediate consideration of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 19828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SMALL BUSINESS ADMINISTRATION

SEC. 101. Paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$1,900,000,000" and inserting in lieu thereof "$2,200,000,000";

(2) by striking out "$300,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$200,000,000" and inserting in lieu thereof "$300,000,000".

TITLE II—AUTHORIZATION FOR PRESIDENT TO STABILIZE PRICES, RENTS, WAGES, AND SALARIES

SEC. 201. Section 206 of the Economic Stabilization Act of 1970 (84 Stat. 799–800; Public Law 91–379) is amended by striking out "February 28, 1971," and inserting in lieu thereof "March 31, 1971,"; and by striking out "March 1, 1971," and inserting in lieu thereof "April 1. 1971,".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3373. An act for the relief of Giuseppe Delina;

H.R. 4670. An act for the relief of Ok Yon (Mrs. Charles G.) Kirsch;

H.R. 6951. An act to enact the Interstate Agreement on Detainers into law;

H.R. 14543. An act for the relief of Mrs. Rolando C. Dayao;

HR. 15216. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes;

H.R. 15767. An act for the relief of Mrs. Maria Zahaniacz (nee Bojkiwska).

H.R. 15922. An act for the relief of Somporn (Leeta Noi) Bell;

H.R. 16857. An act for the relief of Soon Ho Yoo;

H.R. 17431. An act for the relief of Jacqueline and Barbara Andrews;

H.R. 17508. An act for the relief of Jung Yung Mi and Jung Ae Ri; and

H.R. 17912. An act for the relief of Jin Soo Park and Moon Mi Park.

The message also announced that the Senate had passed with amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 1117. Joint resolution to establish a Joint Committee on the Environment.

FEDERAL AID HIGHWAY ACT OF 1970

Mr. KLUCZYNSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19504, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

By unanious consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Pursuant to the rule, general debate will continue for not to exceed 3 hours, 2 hours to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Public Works, and 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The Chair recognizes the gentleman from Illinois, Mr. KLUCZYNSKI.

Mr. KLUCZYNSKI. Mr. Chairman, I yield to the gentleman from New York (Mr. STRATTON), to speak out of order.

The CHAIRMAN. The gentleman will have to make a unanimous-consent request for that purpose.

Mr. STRATTON. Mr. Chairman, I take this time to advise the House——

The CHAIRMAN. The gentleman must make a unanimous-consent request.

Mr. STRATTON. Mr. Chairman, I thought the Chair was stating that. I ask unanimous consent.

The CHAIRMAN. The Chair was stating what the gentleman should do to get recognition for that particular purpose.

Mr. STRATTON. Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. LEGGETT. Mr. Chairman, I object.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Maryland (Mr. FALLON), the chairman of the House Public Works Committee and the father of the Interstate Highway System.

Mr. FALLON. Mr. Chairman, I appear before the House today in support of H.R. 19504, the Federal-Aid Highway Act of 1970, reported by the Committee on Public Works.

We have come a long way in improving transportation in this country, but we still have a long way to go. We have improved as no nation in the world has ever done our long distance communication lines. We have made it possible for every citizen to travel the length and breadth of this country by more than one means of transportation. We have enabled industry to move its products so that all the people of the country can avail themselves of the best the country has to offer at reasonable costs.

The major part of this great transportation progress is a result of the Federal-aid highway program in general and particularly the Interstate System. When the Committee on Public Works recommended to the Congress in 1956 a program to construct a network of high capacity, limited access highways across this country east to west, and north to south, we all believed that this was the solution to the major element of our ground transportation problem. We were correct in the greater sense and the 72 percent of that system now open to traffic has proven to the entire country the wisdom of that decision by the Congress almost 15 years ago.

The completion of the Interstate System is now in sight. There are still some troublesome elements remaining and the costs of the system have increased considerably. Costs for everything have risen in a similar manner, however, and this should not be a deterrent to finishing the job we started out to do. The savings in lives alone, estimated to be 8,000 annually when the system is completed, should spur us on to its rapid completion. How many other programs can produce such a tangible benefit as life itself.

As the completion of the Interstate System draws near it is necessary to examine what has been postponed during the period of major financial concentration on this overall national system, what steps must be taken to bring this backlog up to date, and what steps are required to meet the highway needs of the future.

The committee has delved into these problems at great length in its deliberations on the Federal-Aid Act this year. The Chairman of the Subcommittee on Roads, JOHN KLUCZYNSKI of Illinois will expand on these actions when he describes the bill.

The outstanding fact, however, is quite simple. There is still a staggering need for highways. The 1970 national highway needs report submitted to the Congress this year indicates the total highway need for all types of roads at $320 billion for the period from 1970 to 1985—the next 15 years. Of this amount $166 billion is required for the primary, secondary, and urban systems alone. This $166 billion is more than three times the Federal funds spent on all Federal-aid highway work over the past 15 years including all of the Interstate System.

We are about to enter into a period of transition in highway construction in which the emphasis will lie on those highway needs of a more regional and local nature, but still extremely important in a national sense. It is imperative that the groundwork for this transition be laid now and that the people of this country have the assurance that the Congress will continue to provide them with the highway system they require at all levels. H.R. 19504 does this very thing. It provides for the completion of the Interstate System, it provides for more detailed factual studies required, many of which are now under way, and it provides for changing the matching ratio on all Federal-aid highway systems—except the Interstate—to 70 percent Federal and 30 percent State beginning with the 1974 fiscal year.

H.R. 19504 is without doubt the most significant piece of highway legislation to come before the Congress since the 1956 Highway Act creating the Interstate System. There is no Member of this House whose district will not only benefit from this legislation but will require the legislation for its own well being.

The Subcommittee on Roads has worked hard and long on this legislation. I congratulate the Chairman JOHN KLUCZYNSKI and his committee for the splendid job they have done, and I thank them for the American people. I would also like to extend my thanks and praise particularly to those committee members from the other side of the aisle who have contributed unceasingly in the formation of this legislation. The committee has put together a bill with bipartisan effort acting at its best. This is the way the Committee on Public Works has always operated.

Mr. Chairman, I urgently support the immediate passage of H.R. 19504 as reported to this body so that the Federal-Aid Highway Act of 1970 can become law. The other body has already passed their version of this legislation in S. 4418 and it contains many positions different than H.R. 19504. It is imperative that conferees iron out the difference in these bills in the short time remaining in this session of the Congress.

The Federal-Aid Highway Acts since 1956 have included important provisions to protect and enhance our environment. The Federal-Aid Highway Act of 1968, for example, included a provision for the preservation of parklands. The Secretary of Transportation is forbidden to approve the use of publicly owned parklands for highway projects unless there is "no feasible and prudent alternative," and if such lands must be used, all possible planning must be instituted to minimize harm to such lands. Section 24 of that act requires the State highway departments before submitting proposals for highway locations to consider the social effects, environmental impact, and consistency with the goals and objectives of urban planning promulgated by the community of such locations, in addition to consideration of the economic impact of such locations.

At the urging of this committee, the Federal Highway Administration has undertaken numerous activities to assure the compatibility of the highway and its environment. I believe we ought to note a few of these efforts.

1. ENVIRONMENTAL DEVELOPMENT DIVISION

Almost 2 years ago, an Environmental Development Division was created in the Bureau of Public Roads. It is a multidisciplinary group, staffed with architects, city planners, landscape architects, sociologists, economists, appraisers, engineers, and others. This division is concerned with the following elements:

Consideration of social, economic, and environmental factors, with special emphasis on those factors significant to a highway decision;

Optimum utilization of the joint development potential of a highway project and its environment, including multiple use of the highway right-of-way;

Use of multidisciplinary design groups as staff advisers to agencies and jurisdictions responsible for highway and community programs;

Use of intergovernmental policy groups in a comprehensive highway project planning process, to develop integrated and coordinated highway and environmental plans and programs; and

Use of citizen and unofficial groups as community and neighborhood advisers to agencies and jurisdictions responsible for highway and community programs.

2. ENVIRONMENTAL DESIGN GROUP

In order to better recognize and integrate economic, social and environmental factors, design concept teams were established. Major design concept team efforts are being made in such places as Baltimore, Chicago, Boston, New York, and Phoenix. A number of highway departments, additionally, have established an internal multidisciplinary staff capability involving the environmental design approach. The objective of all of these efforts is to make sure that adequate attention is given to preservation and enhancement of the quality of the environment, and related social and economic factors. Substantial dollar resources are involved.

3. JOINT DEVELOPMENT AND MULTIPLE USE

More than 4 years ago, the idea of joint development and multiple use was initiated. The objective of these programs is to make double and triple use of highway rights-of-way and highway dollars, establishing uses compatible and complementary to the transportation corridor. It also assists communities in the attainment of their other stated goals. It restores taxable property and provides services of all kinds to communities. Over 500 requests from almost every State and the District of Columbia for the permissive joint use of highway land for nonhighway purposes have been processed. This program alone offers fantastic opportunities for preserving and enhancing the community environment.

4. METROPOLITAN DEVELOPMENT AND INTERGOVERNMENTAL REVIEW

Based upon a long-time tradition of intergovernmental cooperation, the Federal Highway Administration was one of the first to fully implement the Intergovernmental Cooperation Act of 1968 and its predecessor legislation. The objective is to conform highway projects with environmental and metropolitan development. Environmental elements are an important segment of these activities. This activity has been extended to nonmetropolitan and rural areas as well.

5. ACQUISITION IN LIMITED VERTICAL DIMENSION

In an increasing number of instances, the Federal Highway Administration is encouraging acquisitions in limited vertical dimension, either above or below a resource that is sought to be preserved. This could leave a park, open space, stream, wildlife area, battlefield, or similar resource intact.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. FALLON. I will be glad to yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, in the gentleman's statement he made reference to the fact that the 70–30 formula would start in 1974. I think the RECORD should show June 30 in 1973, as it is included in the House bill. Is that correct?

Mr. FALLON. Mr. Chairman, I thank the gentleman from California for that correction.

Mr. KLUCZYNSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to endorse the statement of my chairman, GEORGE FALLON, of Maryland, with respect to H.R. 19504.

The committee has developed here a bill which is unquestionably the most important piece of highway legislation which has come before this body since 1956. I want to assure the membership of this body that the subcommittee on roads realized early in the game the magnitude of the decisions which had to be made this year. They then proceeded in a most painstaking and deliberate manner to hear all views, determine the facts, and write this historic legislation. I have never in all my years here in the Congress ever observed a subcommittee so dedicated to doing a job completely and to doing it right.

The subcommittee held extensive hearings lasting for 3 months and listened to private citizens, interested organizations, and Federal agencies. No bill has ever had a fairer hearing nor been as open to the public to present their views—and believe me we heard them all.

Following the hearings the subcommittee met in executive session over a period of 2 months. Every member of the committee was given a chance to express his opinions on the bill and to take all the time he needed. This bill has been thoroughly analyzed and represents a complete consensus of thinking in the committee.

The program it proposes and the plan of action which it contemplates for future highway development is both a challenge and a necessity for the people of this great Nation of ours.

The bill itself is comprehensive and includes not only monetary authorizations for various types of highways but extremely important policy positions on current portions of the program such as beautification, safety, and urban transportation. In fact we feel the subject of safety to be so important we have devoted an entire title to that subject—title II of the bill.

Various members of the committee will follow me and speak on different segments of the bill so that you may have the benefit of their thinking on some of these issues.

The first significant item in the bill is the authorization to complete the Interstate System. In the Federal-Aid Highway Act of 1968 we authorized funds to complete the Interstate System by 1974. We also, however, added 1,500 miles to the system, the funding of which was not included in that bill. The new cost estimate received this year for completing the entire 42,500 miles is about $70 billion compared to about $56 billion in 1968 for the 41,000 mile system. A number of factors besides the 1,500 miles caused this price increase such as: increases in construction, right of way, and engineering costs; design changes; safety improvements, and additional lanes.

The completion date has therefore been extended to fiscal 1978 in the reported bill with the authorizations maintained at the $4 billion annual rate until the final year when it drops to three and a half billion.

Authorizations for the primary and secondary systems and their urban extensions commonly called the ABC system have been retained at the previous level of $1.1 billion for fiscal 1972 and 1973. Additional authorizations for the primary and secondary system in rural areas in the amount of $125 million for 1972 and 1973, and for the topics program in the amount of $200 million in 1972 and 1973 are also the same as in previous years.

A new authorization has been added in this bill for an entirely new urban system at $200 million for 1972 and 1973. This will be explained in more detail by one of the committee members.

The routine authorizations for those highways normally taken from the general fund are approximately the same as in the past years and are as follows for 1972 and 1973:

Forest highways, $33,000,000; public lands highway, $16,000,000; forest development roads and trails, $170,000,000; public land development roads and trails, $5,000,000; park roads and trails, $30,000,000; parkways, $11,000,000—plus single authorizations of $25 million for Palisades Parkway and $65 million for Baltimore-Washington Parkway—Indian reservation roads and bridges, $30,000,000.

Because some of the smaller States are nearing completion of the Interstate System and need larger sums for economical contracts a sum of $55 million of interstate authorizations has been added for 1972 and 1973 so that none of these States will receive less than one-half of 1 percent of the $4 billion annual authorization.

I would like to mention now one of the most important sections of this entire bill and one which will provide the first real step in the transition to a post-interstate program. Section 108 provides that starting in fiscal year 1974 all Federal-aid highway programs, other than the interstate program, will be financed 70 percent with Federal funds and 30 percent State funds. This will have the effect of returning money to the States for use on some of their local highways and also to release State funds for much needed maintenance programs. As you all know the present matching ratio is 50–50.

I might add at this point that under the present projections of highway trust fund income it will be possible to make this change without reducing the size of the total Federal-aid highway program or in any way endangering the solvency of the trust fund. Also there

would be no necessity for any new taxes into the trust fund other than the extension of the trust fund in its present form.

A next most important section of the bill dealing with the future highway program is section 121. This section provides for making the studies and getting the factual data together by January 1, 1972, so that all the information will be available to make decisions as to program size in that vital year of 1974.

The section provides for a new study of needs from 1975 to 1990, a functional classification study of 1990 highways, a realinement of the Federal-aid systems and submission of the individual State findings to the Congress along with those of the Secretary. This will provide Congress with the information it needs to proceed.

We have a number of items which are in a smaller vein than those I have mentioned, but nevertheless important within themselves. For example, we have formalized the reorganization of the Federal Highway Administration already put into effect by the Secretary which has now eliminated the Bureau of Public Roads. We have also set up training programs in highway construction work which is primarily aimed at aiding minority employment and we have made our semiannual sense of Congress resolution to the administration to stop cutting back on highway funds that belong to the States.

The bill provides for completing the Interstate System in the District of Columbia, all of which was authorized in the 1968 act. Contrary to what some people might say this is not setting a precedent for this kind of action in other States, nor is it an attempt to substitute congressional action for sound engineering judgment. The committee has heard the testimony and received the reports of the District of Columbia and the Department of Transportation over the past few years and is only acting within the responsibilities of the Congress toward the District of Columbia. I hope this body will support this section as it has been reported as you did in 1968, because I assure you gentlemen it is the only way your Nation's Capital will ever have an adequate transportation system.

As I mentioned previously other members of the committee will now present views on some of the other significant sections of the bill such as safety, beautification, and urban transportation.

At this time I would like, however, to compliment the members of the Subcommittee on Roads and the exceptionally fine staff which has done a real championship job on this difficult legislation. I especially would like to compliment those on the other side of the aisle for their splendid attendance at all our meetings and all of their diligent efforts. The ranking minority members, Mr. CRAMER and Mr. HARSHA have done an outstanding job and I am proud of them.

Thank you, Mr. Chairman.

Mr. Chairman, two other elements not covered specifically by the reported bill should be emphasized at this time to indicate our intent on these matters.

First of all, we would hope that here and now we can make clear, once and for all, just what the intent of the law is with respect to driver education and specifically, the inclusion of commercial driving schools within the driver education program.

We do not know whether driver education is actually as valuable an aid to accident reduction as has popularly been believed. The question does exist, and it is a valid question, but until we are more certain one way or the other we are prepared to maintain it as one of the required standards. We do not regard driver education as the exclusive province of the public school system, however. We did affirmatively intend in 1966 and we do affirmatively intend today, that States should regulate commercial driving schools, that regulated commercial driving schools should be actively encouraged by the National Highway Safety Bureau standard to participate in the program, that both the States and the Bureau should seek ongoing programs and demonstration programs in which the commercial driving school would be an active contractual participant, and that both the National Bureau and the State Governors, acting through their designated safety directors, should divorce themselves from the totally academic approach to this standard that has obtained thus far.

Second, the Comptroller General, in a report dated June 30, 1970, suggested matters relating to the deterioration of pavement surfaces on the Interstate System which the Congress might wish to consider in its deliberations on the funding of the Interstate System.

The issue arose from the review by the GAO of the Bureau of Public Roads' administrative determination to permit an overplay of additional pavement material on segments of the Interstate System completed during the early years of the program. The GAO expressed concern about stage construction of pavement surfaces as being an evasion of the maintenance responsibility of the States.

The Bureau of Public Roads in 1962 issued an instructional memorandum which permitted the construction of the Interstate System to be accomplished to the ultimate design at the time of initial construction, or to be done in "stages" of construction in which the initial design could be a part of the ultimate design and leave completion to the ultimate design to a later construction stage. The use of stage construction has long been recognized as an established engineering practice in highway building; and the construction of the pavement surface using overlays as a later stage of construction, bringing the pavement thickness to an ultimate design selected at the time of project approval, is not contrary to the intent of Congress that Federal-aid funds not be used for maintenance purposes, even though there may be some contribution to normal maintenance through this process. The issue is not one of substance, and a precise separation of the costs represented cannot reasonably be expected or required.

The Comptroller's report also discussed the Bureau of Public Roads' policy of permitting the States to construct, with FAI financing, an added overlay of pavement surface on certain completed segments of the Interstate System constructed, or approved for construction, prior to October 1963—when title 23 was amended to require design adequacy for a 20-year period. Prior to this amendment the system was being designed for the types of volumes of traffic anticipated by the year 1975. The report suggests the Congress may wish to address itself to the fact that these overlays, intended to add to the basic structural design of the highway, at the same time relieve the State of a portion of its maintenance responsibilities.

In the letter from the Secretary of Transportation to the General Accounting Office, appendix II to the Comptroller's report, response to this matter is made as follows:

> We do no believe that it is practical or necessary as you suggest, to measure and separately pay for small quantities of material of variable thickness that constitute a leveling course or wedge between a theoretical base of additional overlay layer and the top surface of existing pavement. The purpose of the leveling course is to provide a plane surface on which to place the overlay layer, not to rejuvenate or protect the existing surface.
>
> It has, therefore, been the practice in the highway construction program to include the small quantity of the leveling course in the total quantity for the overlay layer using the same type or class of funds.

The committee concurs in the Secretary's response that the overlays placed for the purpose of upgrading the original design to meet 20-year traffic requirements is not an evasion of the State's maintenance responsibility.

The Comptroller's report further suggests that there be requirement for overlay standards, uniformly applied in all States, and that design methods be established to give greater assurance that the proper amount of overlay is placed in all States.

The Secretary in responding to this suggestion stated:

> The pavement rating system developed as a part of the AASHO Road Test at Ottawa, Illinois, in the early 1960's is being used satisfactorily in most areas today. Refinements in the system, no doubt, will come with further usage and experience.
>
> The Bureau of Public Roads (BPR), the State highway departments and other highway interests are continuously seeking to further develop and refine criteria for the design of both flexible and rigid-type pavement structures. Currently, however, the BPR has determined that the criteria outlined in the AASHO Interim Design Guides for Flexible and Rigid Pavement Structures are the most reliable available.
>
> It, therefore, uses those criteria to measure the proposed designs submitted by State highway departments for initial pavement structure thickness and to measure the thickness of any additional pavement overlay layers. By application of those common criteria in the process of approving Federal-aid projects. the BPR obtains equivalence among the States that accommodate the conditions that prevail on individual projects.
>
> The fact that different thicknesses of design for overlays occur in different States, and in different areas of a State, does not necessarily mean that the design criteria are not being applied uniformly. The differences result from dissimilarities in the supporting soils, pavement materials available,

climate, traffic forecasts, and in other similar factors that enter into the design considerations.

We, therefore, believe that the provisions of the overlay program are applied uniformly throughout the States by the BPR.

The committee agrees that for the purpose of this overlay program the Bureau of Public Roads has endeavored reasonably to apply the criteria uniformly among the States, and believes that further refinement in design criteria and procedures will come with time and greater experience. For the problem being considered there is not need that these refinements be determined immediately.

In general it should be stated the actions of the Bureau in carrying out their responsibilities in this phase of the program have been made with the knowledge of the committee and with concurrence in the objectives sought.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. CRAMER).

Mr. DON H. CLAUSEN Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I wish to take only a brief moment to say a few words about the gentleman now in the well, Mr. CRAMER of Florida, inasmuch as this may be the last opportunity he may have to present the point of view not only of himself as the ranking Republican of our committee but that of the Republican Membership of the House. I think it is appropriate that we also acknowledge the work of our chairman, the gentleman from Maryland, Mr. FALLON. I would like to direct my comments to both gentlemen, and specifically to the gentleman about to address the House. I believe that these two men have done more for highways, transportation, and economic development in the United States than any other two people in the country, and I believe they are deserving of the plaudits and the commendation of every Member on the floor here today. I ask you to join me in giving them the recognition they so richly deserve. They have been the champions of building a better America. They are truly great Americans and history will be very kind to them as 200 million Americans enjoy the fruits of their labors and leadership. I am proud to call them my friends.

Mr. CRAMER. I thank the gentleman. As usual, he overgilded the lily, but I do appreciate his kind remarks. I am proud to be here for the purpose of discussing briefly one of the most significant of the Federal Aid to Highway Acts.

I guess when a man comes to the Congress, which I had the privilege of doing some 16 years ago, he hopes that in his service he will have an opportunity to render or be involved in something really meaningful as it relates to the growth and development of his country, as it relates to the well-being of the people of that country, and as it relates to the long-range future development of the country. I guess if there is one area in which I have had the privilege of being involved it has been in the highway program. Every time I have the opportunity of riding over those interstate highways throughout the country, which are about two-thirds completed, I am proud of the fact that I have had the privilege of serving with such an outstanding committee as the Committee on Public Works and such great leaders in this field in the development of our country as GEORGE FALLON, the chairman of our committee, JOHN C. KLUCZYNSKI of Illinois, chairman of the subcommittee, and, of couse, BILL HARSHA, DON CLAUSEN, and others serving on that subcommittee.

I remember, back in 1954, we had some other people on the committee. I see present ED EDMONDSON, with whom I had the privilege of coming here, and KEN GRAY and some others, some 16 years ago.

It is true that our highway program was in a horse and buggy stage. It is true further that the Eisenhower administration came up with a long-range study, the Clay report, proposing a program, and the Democrat-controlled Congress acceded to it, enacted into law a program which probably had more vision, more foresight than any other, and I believe it will have more economic and long-range good impact on America than any other I can remember as a Member of the Congress.

I am talking about the whole country. This is the greatest public works program in the history of the world, the Interstate and Defense Highway System that started some 16 years ago.

So in 1956 this program came into being. I do not believe many of us foresaw the impact it would have, and what it would mean to the growth of America and what new growth and new development would occur, and what new hope it would offer to our country.

We look forward now to: Where do we go after completion of the 42,500-mile Interstate System in America? What will we do in the future with respect to all types of transportation—air, water, and mass transportation?

We have the problems of the big cities, relating to transportation. They are all tied in. If we do not ship the goods in America, if we do not accommodate the moving people in America, America will be stymied and will be stultified, and it will die.

So we are talking about growth and the future of this great country of ours as it relates to the movement of people, to the freedom of the people and to their everyday needs.

It has been a great honor and a privilege to work with such outstanding people, and to see what has happened in this program since 1956.

It was also a privilege in 1968 to join with my colleagues in drafting the meaningful 1968 Highway Act, which is probably one of the most compassionate pieces of legislation to come before this Congress in a long time.

Why is that? It is because we recognized there are problems of the large metropolitan areas relating to the relocation of people and the problems of the people, relating to moving the people in order to accommodate highways, relating to long-range planning, and relating to beautification of the highways in the large metropolitan areas.

So a compassionate Congress passed a great and meaningful relocation program, the best which was ever put on the books, in 1968, and an improvement of it is further contained in this legislation.

I say to my colleagues, using hindsight, had I had a choice of being on a committee and being involved in a program which meant something to the future, using that hindsight I would have chosen exactly where I was, working on this program with the great Committee on Public Works of the House of Representatives.

This bill in 1970 is again one of the most significant relating to highways since the 1956 act. It is significant because we are talking about the breaking of new ground. I was one who insisted on that, and the chairman of our subcommittee, Mr. KLUCZYNSKI, agreed that we had to do more this year, in looking forward to the real impact this highway program could make on the future of our country, more than just a 2-year additional authorization of the same program. There were too many problems facing this highway program in America to stop there.

I was determined, as was the gentleman from Illinois (Mr. KLUCZYNSKI) and other members of the committee, to break new ground. Incidentally, I had to break with my administration, the Republican administration, the present administration, in order to do so, but I felt we could not wait 2 more years.

Yes, we are breaking new ground. I congratulate the committee for the areas in which it is doing so. For instance, we say we have to do something about urban congested areas in America in addition to the present program and in addition to the interstate program in the urban areas. We have to recognize they are congested. We have to do something about it. We have to coordinate with the mass transit program and in particular the highway oriented mass transit program written into this legislation.

The new ground broken is a new urban system, to be started with $200 million authorization, knowing full well we have to meet this challenge in the coming few years.

In our whole safety program we know that more has to be done. We have to do something with regard to an indepth study of the problems relating to alcoholism.

We did it in this legislation. We did it 2 years ago, and we are doing it in this instance. I hope it will be meaningful, because it is a basic problem that we have with regard to safety.

Mr. Chairman, the second problem relates to highway construction itself. If we do not do something about the bad safety problems we have on construction projects throughout America, we will not solve the problem. Money has been written into this measure with regard to actual safety in construction for the first time in an effort to get something done about it.

The distinguished gentleman from California (Mr. DON H. CLAUSEN) and I have been working on this concept for

years. Mr. CLAUSEN has been the leader with regard to what do we do about rural America and trying to build a better rural America. We have an urban council in this country. I was one of the Republican House leaders who insisted at the White House that if we have to have an urban council, then we also have to have a rural council.

The distinguished Senator from South Dakota (Mr. MUNDT) and I insisted on this one point so that there has been established 5 or 6 or maybe 8 months ago a rural council. Part of this problem has to be resolved in the highway construction program in America, as that is the most meaningful and direct way to prevent the continued outmigration from the rural areas and inmigration into the urban areas. If something is not done about it, we will not have resolved the big city and ghetto problems, and rural America will be faced with this problem in the future. Rural America, we believe, stands for what is good in America. We have to help to bring this about, and we do it here with a new program calling for $125 million for the development of rural roads. We are going into a 70 Federal-30 State participation program in 1970 for this fiscal year for the first time. We full well recognize that we have not done the job we should have done on the ABC system and other areas which has to be done now that the Interstate System is hopefully on its way to completion. We are breaking new ground, I say to my colleagues on the Committee on Public Works and in the House generally who have accepted the leadership of this committee. I do not know of any one program that has had better acceptance by the House of Representatives with more confidence shown in its committee activities and recommendations to this full body than the Committee on Public Works. I am proud of that and of the fact that we bring to you a bill like this today.

I think when we look back 14 years to the beginning of the interstate program and we realize what it has done, and I feel when we look back 14 or 15 years from now to see what we have done here this year in breaking new ground, we will say to the people of America that we feel we have done what is best in the interests of our country for its development and have broken some new ground today to make a better America and to make a better life for all of its people.

Mr. Chairman, at this point in the RECORD, I should like to include an analysis of the important provisions contained in H.R. 19504. The analysis follows:

HIGHLIGHTS OF H.R. 19504, AS FAVORABLY REPORTED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION ON OCTOBER 2, 1970

TITLE I—FEDERAL-AID HIGHWAY ACT OF 1970

1. *New authorizations for highway construction*

(a) Interstate System (Sec. 102):

[In millions of dollars]

Section 102	17,275
Section 105(13)	110
Total	17,385

Authorizations are extended for an additional four years through 1978, with the annual authorizations for each fiscal year being as follows: 1974, 4 billion (increased from $2.225 billion); 1975, 4 billion; 1976, 4 billion; 1977, 4 billion; 1978, 3.5 billion.

The 1970 Interstate System Cost Estimate shows that completion of the 42,500 mile system will cost $69.87 billion as compared to the 1968 estimate of $56.5 billion, or an increase of $13.37 billion. These costs are shown in the table below:

COMPARISON OF THE 1968 AND THE 1970 ESTIMATES

[In millions of dollars]

Item	1968 Total cost	1968 Federal share	1970 Total cost	1970 Federal share
1. Interstate mileage in State estimates:				
1968 estimate (40,969 miles)	54,234	48,538		
1970 estimate (42,495 miles)			67,213	60,031
2. Remaining system mileage:				
1968 estimate: Held for final measurement (31 miles)	310	280		
1970 estimate: Held for final measurement (5 miles)			50	45
Subtotal	54,544	48,818	67,263	60,076
3. State highway planning and research	790	704	985	879
4. Public Roads administration and research	663	663	870	870
5. Contingencies	503	455	752	675
Grand total	56,500	50,640	69,870	62,500

The Federal share of the interest cost is $11.86 billion. The 1970 estimate is based upon 1968 unit prices, and if the average annual unit price escalation of 5 percent in recent years continues until the System is completed, the Federal share of the cost of the System will be increased by about $5.415 billion, for a total additional cost of $17.275 billion in excess of the sums now authorized to be appropriated. Section 102 of H.R. 19504 as reported authorizes the appropriation of the additional sum of $17.275 billion over the 5-year period from 1974 through 1978, as follows: The authorizations for fiscal year 1974 are increased from $2.225 billion to $4 billion, and authorizations of $4 billion for each of the fiscal years 1975, 1976, and 1977 and $3.5 billion for fiscal year 1978 are added.

States that have advanced the construction of the Interstate System will receive decreasing shares of Interstate authorizations for 1972 and 1973 from apportionments made in accordance with the 1970 Interstate System cost estimate. Under such apportionments nine States would receive less than ½ of 1% of the total nationwide apportionment. Section 105(13) provides that each State that would be apportioned less than ½% shall have its apportionment increased to ½%, or approximately $20 million, for each of the fiscal years 1972 and 1973. The nine States that would so benefit are as follows:

REVISED TABLE 5, H. DOC. 91-317

ESTIMATED FEDERAL-AID AND STATE MATCHING FUNDS TO COMPLETE THE SYSTEM AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF 1972 AND 1973 FISCAL YEAR AUTHORIZATIONS

[Dollar amounts in thousands]

State	Estimated Federal-aid and State matching funds required to complete system	Estimated Federal share of funds required to complete system	Apportionment factors (percent)
Alabama	$430,365	$387,329	1.866
Arizona	409,242	385,997	1.860
Arkansas	112,822	101,540	.489
California	1,701,931	1,557,097	7.502
Colorado	374,235	341,265	1.644
Connecticut	601,756	541,580	2.609
Delaware	49,504	44,554	.215
Florida	587,893	529,104	2.549
Georgia	430,877	387,789	1.868
Idaho	78,735	72,688	.350
Illinois	1,547,126	1,392,413	6.709
Indiana	325,245	292,721	+1.410
Iowa	283,574	255,217	1.230
Kansas	242,204	217,984	1.050
Kentucky	324,075	291,668	1.405
Louisiana	696,549	626,894	3.020
Maine	112,744	101,470	.489
Maryland	758,079	682,271	3.287
Massachusetts	808,660	727,794	3.507
Michigan	864,136	777,722	3.747
Minnesota	415,725	374,153	1.803
Mississippi	193,939	174,545	.841
Missouri	468,219	421,397	2.030
Montana	261,709	238,679	1.150
Nebraska	58,338	52,504	.253
Nevada	89,520	85,044	.410
New Hampshire	104,455	94,010	.453
New Jersey	601,432	541,289	2.608
New Mexico	202,546	187,274	.902
New York	1,627,323	1,464,591	7.056
North Carolina	397,916	358,124	1.726
North Dakota	55,275	49,748	.240
Ohio	733,968	660,571	3.183
Oklahoma	168,203	151,383	.729
Oregon	499,130	469,497	2.219
Pennsylvania	1,139,371	1,025,434	4.941
Rhode Island	240,996	216,986	1.045
South Carolina	165,770	149,193	.718
South Dakota	108,765	98,987	.477
Tennessee	275,576	248,018	1.195
Texas	919,731	827,758	3.988
Utah	303,716	286,283	1.379
Vermont	121,662	109,496	.528
Virginia	590,221	534,829	2.577
Washington	680,616	616,842	2.972
West Virginia	702,784	632,506	3.047
Wisconsin	210,804	189,724	.914
Wyoming	161,461	149,400	.720
District of Columbia	418,821	376,939	1.816
Hawaii	293,604	264,244	1.273
Total	22,951,348	20,755,455	100.000

INTERSTATE APPORTIONMENT TO PROVIDE A MINIMUM APPORTIONMENT FACTOR OF 0.500 PERCENT IN ANY STATE

[In thousands of dollars]

State	Apportionment based on revised table 5 factors	Additional apportionment based on 0.500 percent minimum factor	Apportionment based on inclusion of 0.500 percent minimum factor
Arkansas	19,168	432	19,600
Delaware	8,428	11,172	19,600
Idaho	13,720	5,880	19,600
Maine	19,169	431	19,600
Nebraska	9,918	9,682	19,600
Nevada	16,072	3,528	19,600
New Hampshire	17,758	1,842	19,600
North Dakota	9,408	10,192	19,600
South Dakota	18,698	902	19,600
Total	132,339	44,061	176,400

Note: The above amounts are based on a total $4,000,000,000 authorization reduced by a 2-percent administrative reserve.

Three additional Interstate System cost estimates are authorized, with the last to be submitted to the Congress in January, 1976.

(b) *New Authorizations for ABC Program and Other Highways* (Sec. 105.): Authorizations for each of the fiscal years 1972 and 1973 for the ABC program are continued at

the same level as for fiscal year 1971, as follows:

[In millions of dollars]

Federal-aid primary and secondary and their urban extensions	1,100
Federal-aid primary and secondary systems in rural areas	125
Federal-aid urban system	200
Traffic operations projects in urban areas (Topics)	200

Note: Additional construction money is included in the safety provisions under Title II for spot improvement elimination of high accident safety hazards.

Funds are authorized for several classes of public domain roads for each of the fiscal years 1972 and 1973 in the same amounts as now authorized for fiscal year 1971, except that an additional $25 million is authorized for construction of the Palisades Parkway in the District of Columbia, and $65 million for reconstructing a portion of the Baltimore-Washington Parkway. The definition of Indian reservation roads and bridges has been revised so as to include State Indian reservations (Sec. 131).

2. Federal-aid urban system (Sec. 106)

Section 106 authorizes the establishment of a new Federal-aid urban system in urbanized areas having a population of 50,000 or more. The selection of routes on the system, the selection of projects to be constructed, and the determination of specifications for such projects shall be made by the State highway departments and the appropriate local road officials in cooperation with each other.

Not to exceed 50% of funds apportioned for extensions of Federal-aid primary and secondary systems in urban areas and for TOPICS may be expended on the Federal-aid urban system in addition to the $200 million annual authorization specifically for the system, thus, providing a total of $437.5 million that could be expended upon the Federal-aid urban system for each of the fiscal years 1972 and 1973.

Federal-aid urban funds will be apportioned to the states upon the basis of population in urbanized areas, and the Federal share of the cost of projects is the same as that for the ABC program (50%, plus the sliding scale in public lands states).

3. Prohibition of impoundment of apportionments and diversion of funds (Sec. 107)

Section 107 would reenact, with minor modifications, the provision contained in the Federal-Aid Highway Act of 1968 expressing the sense of Congress that apportioned Federal-aid highway funds should not be impounded or withheld from obligation. This section further provides that no funds authorized to be appropriated from the Highway Trust Fund shall be expended by any Federal agency other than the Federal Highway Administration unless such expenditures are specifically identified in an appropriation act and are to meet obligations attributable to the construction of highways or highway planning, research, or development.

4. Increased Federal share (Sec. 108)

In anticipation of commencing a transition program in fiscal year 1974, to phase out construction of the nearing completed Interstate System and the next Federal-aid highway program, section 108 provides that the Federal share of the cost of improvement of non-Interstate highways, which is now 50%, shall be increased to 70% with respect to authorizations for fiscal year 1974 and subsequent fiscal years.

5. Emergency relief (Sec. 109)

Section 109 amends the existing emergency relief provisions to provide for up to 100% Federal payment for the cost of repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by a State subsequent to December 31, 1967, because of imminent danger of collapse due to structural deficiencies or physical deterioration.

6. Training programs (Sec. 110)

Section 110 authorizes the expenditures of apportioned Federal-aid highway funds, as a part of construction project costs, to provide continuation of training during seasonal shutdowns of highway construction, for apprenticeship, skill improvement, or other upgrading improvement programs.

The Federal share of the cost of such supplemental training is the same as that for the construction project on which the trainees are employed.

Section 115 authorizes the establishment and operation in the Federal Highway Administration of a National Highway Institute to develop and administer, in cooperation with State highway departments, training programs of instruction for Federal Highway Administration and State and local highway department employees engaged in Federal-aid highway work.

Up to one-half of 1% of all funds, other than Interstate funds, apportioned to each State may be used by the State highway department to pay up to 70% of the cost of tuition and direct educational expenses (not including travel, subsistence, or salaries) for education and training of State and local highway department employees under this section.

The Secretary is further authorized to make grants for research fellowships.

7. Urban highway public transportation (Sec. 111)

Section 111 authorizes the use of Federal-aid highway funds apportioned for urban extensions of the Federal-aid primary and secondary systems, TOPICS, Federal-aid urban system, and the Interstate System for the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers. Such projects may be undertaken in urban areas having populations of 50,000 or more for use by public mass transportation systems operating more vehicles on highways.

To be approved, a project must make unnecessary the construction of a highway project and provide a capacity for the movement of persons at least equal to that which would have been provided by the avoided highway project, and the Federal share of the cost of the public transportation project must not exceed the cost of the avoided highway project; or such a public transportation project may be undertaken if no other feasible or prudent project can provide for the moving of persons by motor vehicles on highways.

8. Construction of replacement housing (Sec. 117)

Section 117 authorizes the use of apportioned Federal-aid highway funds as a part of the cost of construction of any project on any Federal-aid system to pay the cost of constructing new housing, acquiring existing housing, rehabilitating existing housing, and relocating existing housing to be used as replacement housing for individuals and families where a proposed highway project cannot proceed to actual construction because replacement housing is not available and cannot otherwise be made available. Wherever possible the State highway departments shall utilize the services of State or local governmental housing agencies in carrying out this authority.

9. Future Federal-aid highway program (Sec. 121)

The Secretary of Transportation is required to make the necessary studies, in cooperation with the State highway departments, and to include in the highway needs report, to be submitted to Congress in January, 1972, specific recommendations for the functional realignment of the Federal-aid system and for a continuing Federal-aid highway program for the period 1976–1990.

10. Highway beautification (Sec. 122)

The following sums are authorized to be appropriated from the general funds of the Treasury for carrying out outdoor advertising and junkyard control.

[In millions of dollars]

Advertising control:	
Fiscal year:	
1971	27.0
1972	20.5
Junkyard control:	
Fiscal year:	
1971	2.0
1972	2.0
Administrative expenses:	
Fiscal year:	
1971	1.5
1972	1.5

(Sec. 123): A Commission on Highway Beautification is established to study existing Federal and State statutes, regulations, policies and practices governing control of outdoor advertising and junkyards in areas adjacent to the Federal-aid system and to recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will best serve the public interest.

The commission shall be comprised of 13 members, including 4 members of the Senate Committee on Public Works, 4 members of the House Committee on Public Works, 4 persons to be appointed by the President (who are not officers or employees of the United States), and one person elected by a majority of the other 12 who shall be the Chairman of the commission. Within one year after enactment of this section, the commission is required to submit its report to the President and the Congress, and the Commission shall cease to exist six months after the submission of its report.

11. Elimination of segments of the Interstate System not to be constructed (Sec. 124)

The Secretary of Transportation has informed the Congress that approximately 124 miles of the designated Interstate System are the subject of substantial local controversies relative to the location, design or construction of such routes, and, in some instances, the controversies may not be resolved in time for the routes to be constructed as a part of the current program.

Section 124 requires the Secretary on December 31, 1973, to remove from designation as a part of the Interstate System every segment thereof for which a State has not established a schedule for the expenditure of funds for completion of construction within the period of availability of funds authorized to be appropriated for the Interstate System, and with respect to which the State has not provided the Secretary with satisfactory assurances that such schedule will be met.

Any mileage removed from designation under authority of this provision and funds that could have been used to pay the cost of construction of such mileage will not be eligible for allocation to any State under the authority of section 103(d)(2) (the Howard-Cramer Amendment) and presumably will not otherwise be available for designation of a new route, either in the same State or in any other State, if the December 31, 1973, deadline for establishment of a schedule and submission of assurances has been passed.

Substitutions may however, be made prior to that date.

12. Economic growth center development highways (Sec. 127)

$100 million is authorized for each of the fiscal years 1972 and 1973 for demonstration

projects for the construction, reconstruction and improvement of development highways to promote the development of economic growth centers, and surrounding areas, for the purpose of revitalizing and diversifying the economy of rural areas and smaller communities, enhancing and dispersing industrial growth, encouraging more balanced population patterns, to check, and where possible, to reverse migratory trends from rural and smaller communities, and improving living conditions and the quality of the environment.

Such development highway projects are to be initiated by the application of State highway departments for service of economic growth centers which have been selected by the governor of the State and approved by the Secretary of Transportation. Such economic growth center may not have a population in excess of 100,000.

The Federal share of the cost of such projects is 70%.

13. District of Columbia interstate highways (Sec. 129)

The Federal-Aid Highway Act of 1968 directed the Secretary of Transportation and the government of the District of Columbia to construct all routes on the Interstate System within the District of Columbia as set forth in the 1968 Interstate cost estimate, and specifically directed that construction of four projects be undertaken within 30 days, and that certain studies be made of other portions of the system.

Section 129 directs that within 30 days after enactment of H.R. 19504, that work be commenced for construction of the east leg of the inner loop and the North Central and Northeast Freeways, which were the subject of studies under provisions of the Federal Aid Highway Act of 1968.

Section 129 further repeals the authorization and direction contained in the 1968 Act for construction of the south leg of the inner loop and removes the south leg project from designation as a part of the Interstate System. The Secretary of Transportation and the government of the District of Columbia are further directed to study the north leg of the inner loop and to submit a report to Congress within 12 months.

14. Other provisions

Title I of the bill contains a number of other provisions, some of which are technical changes or are limited in their application. These provisions include the establishment of a Virgin Islands highway program, authority for construction of the Darien Gap Highway, reorganization of the office of the Federal Highway Administrator, increased authorizations for bridges on Federal dams, authority to negotiate with Canada for the improvement of the Alaska Highway, bridge alteration progress payments, payment of engineering costs on the basis of an agreed percentage of actual construction costs, minimization of toll collection stops on toll roads that are a part of the Interstate System, and authority to amend an agreement relative to the Richmond-Petersburg Turnpike.

TITLE II—HIGHWAY SAFETY ACT OF 1970

15. Federal Highway Traffic Safety Administration (pg. 47)

Section 202 provides statutory authority for completion of reorganization of the National Highway Safety Bureau, which has already been undertaken administratively by Secretary Volpe. This section establishes within the Department of Transportation a National Highway Traffic Safety Administration and provides authority and responsibility for specific provisions of the Highway Safety Act of 1966 to be carried out by this new Administration and by the Federal Highway Administration. The Federal Highway Administration is responsible for administering the State and local community highway safety programs and research pertaining to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety. All other provisions of the Highway Safety Act of 1966 are to be carried out by the National Highway Traffic Safety Administration.

16. Highway safety authorizations

Authorizations for appropriations to carry out section 402, title 23, United States Code, relating to State and local highway community safety programs are as follows:

	Fiscal year—	
	1972	1973
National Highway Traffic Safety Administration (from the general fund)	$75,000,000	$100,000,000
Federal Highway Administration:		
From highway trust fund	15,000,000	15,000,000
From general fund	15,000,000	15,000,000
Total	105,000,000	130,000,000

For carrying out section 403, title 23, United States Code, relating to highway safety research and development:

	Fiscal year—	
	1972	1973
Federal Highway Traffic Safety Administration (from the general fund)	$30,000,000	$45,000,000
Federal Highway Administration (from the general fund)	10,000,000	10,000,000
Total	40,000,000	55,000,000

Remaining unused authorization for section 402 of $175.0 million is repealed.

17. Demonstration projects

Section 203 authorizes demonstration projects (to be carried out by the National Highway Traffic Safety Administration) for (1) alcohol safety action programs, including multidisciplinary crash investigation teams, and (2) demonstration projects relating to enforcement of motor vehicle and traffic laws. Not to exceed 52 projects (one in each State and the District of Columbia and Puerto Rico) may be undertaken under each of these two categories to be completed by June 30, 1974. Progress reports to be submitted by close of each fiscal year.

There is authorized to be appropriated for the 4-year period ending June 30, 1974, out of the Highway Trust Fund, the following sums to carry out these demonstration projects:

	Millions
Alcohol safety action programs	$171.600
Associated multidisciplinary crash investigation teams	35.200
Enforcement of motor vehicle and traffic laws	75.000
Total	281.800

18. State highway safety agency

Section 204 would require that each State carry out the State and local community highway safety program through a State highway safety agency which shall have adequate powers and be fully equipped and organized to carry out the program to the satisfaction of the Secretary. A State may designate an existing State agency as the State highway safety agency.

19. Spot improvement program

Section 205 authorizes the appropriation of $200 million for each of the fiscal years 1972 and 1973 for the purpose of spot improvement projects to eliminate or reduce the hazards of safety at specific locations on the Federal-aid primary or secondary systems or their extensions in urban areas which have high accident rates or highway accident potential.

20. Bridge construction and replacement (Sec. 206)

To eliminate the hazards of bridges which are unsafe because of structural deficiencies, physical or functional obsolescence not more than 10% and not less than 5% (unless the Secretary determines that the 5% exceeds the needs of the State) of all sums appropriated for the ABC program for fiscal year 1972 and subsequent fiscal years shall be used to pay the Federal share of the cost of projects for the replacement or reconstruction of bridges that cross waterways and are on either the Federal-aid primary system or Federal-aid secondary system.

21. Elimination of railway grade crossings (Sec. 207)

Existing law provides that up to 10% of all Federal-aid highway funds apportioned to a State may be used to pay 100% of the cost of construction of projects for the elimination of railway-highway grade hazards. Section 207 would amend this provision to require that not less than 5% of the ABC and topics funds apportioned to each State shall be used for such purposes unless the Secretary determines that a lesser amount will meet the needs of the State.

(Right of way costs shared at 50/50.)

22. Rail crossing hazard elimination—demonstration project

Section 208 authorizes the appropriation of $9 million from the Highway Trust Fund and $22 million from the general fund of the Treasury to carry out two demonstration projects for the elimination of highway-railroad grade crossing hazards.

One project will involve the total elimination of public highway crossings of the route of the high speed ground transportation projects between the District of Columbia and Boston, Massachusetts. The second demonstration project to be carried out under this section, which project is to be in Greenwood, South Carolina, involves the elimination of some crossings by relocation of a railroad and the protection of other crossings by protection devices. A total of $4 million of Federal funds is authorized for the Greenwood, South Carolina project, with $2 million to be appropriated from the Highway Trust Fund and $2 million from general funds of the Treasury. The remaining authorizations are for the high speed ground transportation project between Washington, D.C. and Boston, Massachusetts.

TITLE III

This title is to consist of amendments to the Highway Revenue Act of 1956 as ordered reported by the Committee on Ways and Means. Title III extends the Highway Trust Fund for five years until October 1, 1978.

(See Report pp. 34–44 at p. 42.)

Attached hereto are lists of authorizations for appropriations from the general funds of the Treasury and from the Highway Trust Fund as contained in H.R. 19504. The total new authorizations contained in this bill are $22,752,861,000.

New authorizations of appropriations from the general fund of the Treasury

	Millions
Forest highways	$66.000
Public lands highways	32.000
Forest development roads and trails	340.000
Public lands development roads and trails	10.000
Park roads and trails	60.000
Parkways	112.000
Indian reservation roads and trails	60.000
Virgin Islands highway program	6.000
Darien Gap Highway	100.000
Bridges on Federal dams	3.761

Billboard control	$47.500
Junkyard control	4.000
Administrative expense for highway beautification	3.000
Highway beautification commission	.800
State and local community safety programs (Highway Safety Act)	205.000
Highway Safety Act research and development	95.000
Rail crossing safety hazard elimination demonstration project	22.000
	1,167.061

New authorizations of appropriations from the highway trust fund

	Millions
Interstate System	$17,385.000
Federal-aid primary and secondary systems and their urban extensions	2,200.000
Federal-aid primary and secondary systems in rural areas	250.000
Federal-aid urban system	400.000
Topics	400.000
Economic growth center development highways	200.000
State and local community safety programs (Highway Safety Act)	30.000
Highway Safety Act demonstration projects:	
Alcohol safety action programs	171.600
Multidisciplinary crash investigating teams	35.200
Enforcement of motor vehicle and traffic laws	75.000
Total, demonstration projects	311.800
Highway spot improvements safety projects	400.000
Rail crossing safety hazard elimination demonstration projects	9.000
Total, new authorizations for appropriations from highway trust fund	21,555.800
New authorizations for appropriations from general funds	1,197.061
Total	22,752.861

Mr. KLUCZYNSKI. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I think it is most appropriate today when we are considering the Federal-Aid Highway Act of 1970, one of the great bills in the history of the highway program and certainly the greatest since the landmark bill of 1956, that we at this time pause for a moment to pay a well-deserved tribute to the father of the Federal-aid highway program, the distinguished chairman of the Committee on Public Works, my friend and colleague, the Honorable GEORGE H. FALLON.

GEORGE FALLON has served with distinction for 26 years in the U.S. House of Representatives. He is the dean of the Maryland delegation. He has established over those years an outstanding record not only in the field of highways, but in all fields which affect not only the public works operation, but the welfare of the citizens of this great country and the State and district he has so ably represented. But beyond his brilliant record as a legislator, I think the great quality of GEORGE FALLON has been the fact that he has been a real leader. I have worked with him as a member of the Public Works Committee for a number of years and I know how he handled the Subcommittee on Roads which I now have the privilege to chair. I have served under him in his capacity as chairman of the Committee on Public Works. GEORGE FALLON has been a fine, decent, considerate man. He has recognized all Members fairly and honestly and has run his committee as a chairman and a man who knows his business. GEORGE FALLON leaves us, but the record he has established is enviable; and, as he leaves us, we say to him, "Farewell and good luck."

In the same vein we must commend a man I have known and with whom we have served in the U.S. House of Representatives, the distinguished Republican from St. Petersburg, Fla., the Honorable WILLIAM C. CRAMER. BILL CRAMER is another man who has distinguished himself as a leader. BILL CRAMER is a brilliant, able lawyer and a very effective legislator. I have seen him develop over the years from his first day with the Public Works Committee. His talents are manifold. His contributions not only to the legislation we are considering today but in all fields covered by the Public Works Committee has been tremendous. BILL CRAMER is another example of what a legislator should be. I salute him today and wish him good luck in the years ahead.

BILL, you are a great man and it has been a pleasure to serve with you during the 14 years I have been a member of our committee. To you and your fine wife and family, Mrs. Kluczynski and I wish you the best.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the distinguished gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I am most pleased that the distinguished chairman of the Subcommittee on Roads, the gentleman from Illinois (Mr. KLUCZYNSKI), has taken this time to salute two able members and leaders of the Committee on Public Works who are today helping to lead the fight for this major piece of legislation.

I have had the great privilege in the House of Representatives of serving with several chairmen of committees and I have been unusually fortunate in that without exception they have been fine men who were able legislators and great Americans.

But, Mr. Chairman, there is no finer chairman, there is no finer Congressman than GEORGE FALLON of Maryland. He has to me been an ideal chairman in practically every respect in the operation and administration of the committee's business. He has taken the lead in selecting fine staff members to be responsible for the staff work of the committee. He has placed trust and confidence in those staff men and has backed them up. He has given a great deal of latitude to his subcommittee chairmen and he has backed up his subcommittee chairmen in their handling of matters. He has been a very able peacemaker and mediator within the committee, a man who has put the good of the Nation and the progress of legislation above narrow personal differences or partisan considerations. In my judgment he has helped to make possible the great record of this committee and of this Congress.

I have counted it one of the real privileges of my life to get to know and work with GEORGE FALLON and to get to know and to admire his lovely wife, and to get to serve with him in the House of Representatives. He will indeed be missed, and the leadership that he has demonstrated in the House of Representatives will be missed in the next Congress.

Mr. Chairman, I am pleased also to join with my able subcommittee chairman, the gentleman from Illinois (Mr. KLUCZYNSKI) in saluting the senior Republican on our committee, the gentleman from Florida (BILL CRAMER). BILL CRAMER is one of the hardest-working Members of the House of Representatives. He is one of the ablest debaters. I do not know of any man who has brought to committee business and to committee consideration any greater mastery of detail, any greater scholarship and workmanship in the preparation and finalizing of the legislation that comes to the floor of the House, than he. He is a man who is tough to meet in debate, either in committee or on the floor of the House, because he is always well prepared, and a master of the English language. I know that he will be sorely missed not only by his colleagues on the other side of the aisle in the conduct of their business on the floor of the House, but by the entire House of Representatives, because of the contributions that he has made.

To him and to his lovely wife, as well as to the chairman of our full committee, and to his lovely wife, I want to extend my very best wishes.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to our distinguished majority leader.

Mr. ALBERT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I cannot pass up the opportunity to join in the sentiments expressed by my colleague, the gentleman from Oklahoma (Mr. EDMONDSON), in what he has said about the distinguished and beloved chairman of the Committee on Public Works, and the outstanding ranking minority member on the committee, the gentleman from Florida.

These are sentiments that are joined in by every Member of the House. These men have made great contributions to our country, and they will be missed. All of us, I know, wish them the richest of life's blessings in the years ahead.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the distinguished gentleman from Minnesota.

Mr. BLATNIK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, if I may, I would just like to add my sentiments to those expressed by our distinguished majority leader, and by my fellow colleagues on

the Public Works Committee, the gentleman from Oklahoma (Mr. EDMONDSON), who has made such a fine and glowing statement.

The length of my remarks can in no way be proportional to the service rendered through the Public Works Committee to the country by Chairman FALLON from Baltimore and the gentleman from Florida (Mr. CRAMER). I speak with earnestness and from the heart on behalf of two of the finest men that I have ever served with in Congress. The Nation knew the distinguished gentleman from Baltimore as chairman of the Public Works Committee. For my own part, I have had the pleasure to personally know George FALLON as a good friend for 24 fruitful years.

I not only have served with, but I have sat side by side with GEORGE FALLON, who is now closing his 24 years of service here.

Mr. Chairman, the very first tour that I ever made with the Committee on Public Works involved visiting different parts of the United States with GEORGE FALLON. The tour included the St. Lawrence Seaway, the Midwest, Kansas City, the western part of our country, Salt Lake City, and then the Northwest.

It was a personal privilege to have as my roommate on that tour, the senior member of the committee, the gentleman from Maryland (Mr. FALLON).

What I have gained in experience and knowledge from GEORGE FALLON can in no way be replaced, nor can our friendship. Of paramount importance was the way in which he handled controversial matters, and the respect, concern, and earnestness with which he handled all people. As the gentleman from Oklahoma (Mr. EDMONDSON) expressed so well, his concern was not only for the members of the committee, and other colleagues of the House of Representatives, but was directed to the entire Nation and its future.

His motto would perhaps be an old one, and old truths have a way of being trite in these days of noise, speechifying, and preachifying, but he thought deeds were stronger than words.

His philosophy was to get the job done in the best possible manner no matter what the diversity of opinion or controversies might be. His final judgment, which weighed all points of view, gave evidence of deep reflection and consideration, and that is always good. He was a master craftsman who steered and guided his end product to achieve what was possible.

In addition to giving meaning to the phrase "deeds speak louder than words," he truly showed us that politics, in a broader sense of the word, is the art of the possible.

Mr. Chairman, the leadership he gave to all areas of public works is to his everlasting credit. While most of us require words, GEORGE FALLON needed only his silent presence to give unified, energetic, and creative leadership to the Public Works Committee. This is a truly remarkable feat when you consider that the Public Works Committee includes such fields as area redevelopment, public buildings, rivers and harbors, roads, watershed development, and others.

The leadership he gave to the Public Works Commission created multibillion-dollar public works programs that were so good, they almost could have passed on the suspension calendar or by unanimous consent, GEORGE FALLON can sponsor billion-dollar spending projects at a time when the taxpayers are emotionally and justifiably concerned over the high cost of goods—the high rate of taxes, and the ever-increasing frustrations and problems that come up as a result of serious inflation.

Yet, again and again, he will come up with a multibillion-dollar highway program, a rivers and harbors program, a flood control program, a watershed program and many other programs that will benefit every major area in the United States. My memory also recalls programs of community facilities, programs of economic development assistance, and programs of assistance to municipal districts both large and small. Why we were working on waste treatment control facilities over 15 years ago, but at that time we called it "pollution" and now they call it "quality of life." The language has changed, but the problems are still there.

Mr. Chairman, I apologize for imposing on the time, which is precious because of the family holiday, but I do speak with all the feeling in my heart, not only for my own personal pleasure in being associated with both GEORGE FALLON and BILL CRAMER, but also in recognition of the work these two gentlemen have done while on the Public Works Commission.

If I forgot to mention the ranking minority leader, if I left him out, I did not do so intentionally.

I believe that I have engaged BILL CRAMER in more debate, at times very heated, than any other man on the Public Works Committee. And although I have more than one lump on my head to prove that point, we have remained good friends. Whenever we have agreed, we stuck together. The gentleman has contributed greatly by being an antagonist as well as a protagonist. I think out of that combined conflict, we came out with good propositions and propositions that have been repeatedly sustained and upheld on the floor of the House by record-breaking majorities. In closing it is with the deepest appreciation and with words inadequate to the occasion that I express my thanks for a job well done by Chairman FALLON. But my thanks is a small one when compared to the thanks the country is able to give, and will be able to give, because of what GEORGE FALLON has given it.

GEORGE FALLON, we salute you and your lovely wife and wish you all the best. BILL CRAMER, we also salute you and your lovely wife.

Mr. EDMONDSON. Mr. Chairman, I yield to the gentleman from South Carolina (Mr. DORN).

Mr. DORN. Mr. Chairman, I want, of course, to join my colleagues here today in paying tribute to one of the greatest committee chairmen of all time in the history of the Congress—a man who epitomizes the words of Daniel Webster here in the Hall of the House of Representatives.

Webster said:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worth to be remembered.

My chairman is truly a man who has promoted and developed the resources of our land, a man who will be leaving something in his day and time to be remembered.

I was not a member of the gentleman's great committee when the Interstate Highway System was first received and adopted by the Congress. Had I known Chairman FALLON at that time as I do today, I would then have supported the Interstate System as energetically as I do now.

The Interstate System today is a tribute to the chairman. He is deservedly called the "father of the Interstate System," and not only the Interstate Highway System, but so many other public works, such as Appalachia development and other programs of economic development. So much worthwhile, lasting legislation for the development of this Nation and for the protection of its environment has come from this great committee, under the gentleman's outstanding and superb leadership, that he will be remembered down the corridors of time.

Mr. Chairman, I am honored to have had a small part in these great programs for our country. In my own congressional district there is a $1 billion project—$1 billion in one congressional district, which could not have been possible without the leadership of the distinguished gentleman from Maryland and the distinguished minority leader of our committee, the gentleman from Florida (Mr. CRAMER).

Of course, my people shall forever be grateful for this great development, this investment in tomorrow.

My chairman epitomizes something that really is a lesson to all committee chairmen. I do not remember a time when he ever brought to the floor of the House a piece of legislation that was controversial in the extreme and which split the House down the middle. He hammered out legislation in committee, where it should be compromised and put together, and then he presented it on the floor. In most instances it was adopted almost unanimously. This, Mr. Chairman, is the art of government. It is the art of political leadership at its finest.

I could not let this opportunity pass without paying tribute to this great American, this man who will mean so much to all of us in the areas of pure water and pure air down through the years to come. The things that young people are talking about today, when they come to our offices, the chairman and, I might say, my great colleague from Florida (Mr. CRAMER) were thinking about and doing something about years ago.

I have the very highest regard for my distinguished minority leader on this great committee. He is a man with ut-

most integrity and character. His word is his bond. He is an outstanding legal scholar, with a solid grasp on all the issues that come before him. His clarity of intellect and his integrity have earned the respect of all his colleagues. I am going to miss these gentlemen and our association here, but I will always remember their outstanding leadership. I could not let this opportunity slip by without paying tribute to these two great Americans, two great Members of the greatest and most deliberative body in the world.

Mr. EDMONDSON. Mr. Chairman, I know it would be premature at this time to ask permission that all Members may extend their remarks on the subject of the service of these two gentlemen. I believe the chairman of our committee will obtain that permission when we get back into the House.

Mr. HARSHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Indiana such time as he may consume

Mr. BRAY. Mr. Chairman, I am in favor of the Federal Highway Act of 1970 and I certainly will vote for it. However, I believe that Congress must continue to demand that highway funds, collected for the highways, be used for the highways. I especially refer to the Highway Trust Fund established by law in 1956. Congress had refused to raise the Federal gasoline tax for any purpose except for the highways. In a sense, a trust fund was created to receive this gas tax money, and Congress by legislation, provided limitations on the spending of that trust fund.

The past two administrations have attempted to use that trust fund—for other purposes, refusing to spend it for the purpose for which Congress intended. This is a serious matter and must be stopped. The executive department does not have the right to determine that this Highway Trust Fund be used for other purposes. That decision has already been made by law. It must not be tampered with by any branch of Government. The misuse of trust funds is a serious matter. The American people have the right to expect their Government to respect the proper and legal spending of this trust fund.

I have spoken about this matter several times. I do want to give notice to the administration that I will fight the misuse of the Highway Trust Fund as I have during past administrations.

Mr. HARSHA. Mr. Chairman, I wish to join with the distinguished gentleman from Illinois (Mr. KLUCZYNSKI) and others in paying tribute to GEORGE FALLON and BILL CRAMER. Together, these two men have made an outstanding contribution to the committee, the Congress, and the Nation. They have played key roles in all of our deliberations, from legislation creating the Interstate Highway program to the follow-on measure we consider here today but their service is not limited to only that field. They have been leaders in programs designed to build America and contribute to its greatness. They have been in the forefront of the fight against water pollution. Their work deserves the recognition and applause of all Americans.

Throughout my tenure on the Committee, Chairman FALLON has been a fair and forceful leader. He has always been attentive to the needs of the minority. Under his stewardship, partisanship has taken a back seat. Members of the Public Works Committee can be justifiably proud of having served with him, and under him.

I agree with Mr. KLUCZYNSKI that the proposed Federal-Aid Highway Act of 1970 is a landmark proposal, for it sets the stage for the highway program which will serve the Nation's transportation needs for many years to come. It is fitting that this bill be enacted under the leadership of Chairman FALLON, and that of the ranking minority member, my friend and colleague from the State of Florida, WILLIAM C. CRAMER.

When BILL CRAMER, at the urging of President Nixon, announced his candidacy for the U.S. Senate, I was left with mixed feelings. On the one hand, was the realization that I would probably emerge as the ranking minority member on the Public Works Committee in the next session of Congress. On the other, was the sense of personal loss that I felt at his departure and the realization that we on the minority would have to continue without the benefit of his sound judgment and foresight.

Since my appointment to the Public Works Committee following my election to Congress in 1960, BILL CRAMER has been my mentor. In matters concerning the work of the Committee, he has proven a tower of strength, as well as, a resolute champion of sound and constructive legislation.

In fulfilling his leadership role on the committee, he has always been courteous and considerate of the rights and interests of his fellow Members on both sides of the aisle. Few legislators rivaled his ability to get to the heart of the legislative questions we faced.

He has been tireless in his determination to insure that all sides and positions were considered before legislation was reported. He set a high standard of performance and devotion to duty which I, in all sincerity, can only aspire to attain.

His interests range across the spectrum of our Committee's activities and then some. His stamp is on all of our work, and that of the Congress, over the past decade and a half.

BILL CRAMER and GEORGE FALLON will be missed.

Now I should like to say a word, if I may, about this bill we are debating today.

As this body has heard from other Members, this is one of the best highway bills ever proposed. It attempts to meet our highway needs by completing the interstate system, insofar as possible, and moving to a program designed to upgrade our deteriorating primary and secondary highway systems in order to meet transportation needs of the future.

In this legislation we create a new Federal aid urban system to serve major population centers. Its aim is to alleviate congestion in the most congested traffic corridors in order to reduce the cost of movement of both people and goods, and above all, to reduce the number and frequency of accidents and the resultant personal injury and loss of life connected with them.

In phasing out our interstate system, to meet the needs of updating and improving our deteriorating primary and secondary systems, we will move to a new cost-sharing formula based on a 70/30 distribution. This will serve not only to maintain a healthy construction industry during the transition period from the interstate to the next Federal aid highway program, but also it will help to meet the States' critical need for additional money.

We have developed an urban highway public transportation program designed to alleviate the mass transportation problem in our cities, to lessen the necessity for displacing people, to transport more people at less cost, to alleviate the congestion on the highways, to reduce the necessity for building more highways, and to lessen air pollution. Thus we are endeavoring to solve, to some degree at least, our environment problems.

In another effort to meet social problems, we have provided for the construction of replacement housing including it as a cost of construction of a highway project, thereby relieving the hardships suffered by many displaced persons.

We have expanded training periods under the Equal Employment Opportunity provision of the law, to provide a more meaningful and effective program which will enable trainees to receive an uninterrupted period of training in order to permit him to achieve an acceptable level of competence and skill. This will not only reduce the dropout rate but also will assist trainees to become productive, contributing members of society, with the resultant dignity and self-respect one attains by becoming such an individual.

Again, in an effort to resolve some of the social and environmental problems, we established a demonstration program to determine how highways can be used to develop economic growth centers. This provision is designed to revitalize and diversify the economies of rural areas and smaller communities, to relieve congestion in urban areas, to halt migration to them, and to eliminate some of the ghetto and urban problems resulting from mass migration to urban areas. It is designed to encourage more balanced population patterns, to improve the environment and living conditions and the quality of life for all Americans.

As to beautification, we authorize the administration to initiate a demonstration project or two pending the report of a special commission which will study the most effective ways of resolving this problem.

We set the stage for the so-called after 1995 highway system, and provide for a multimillion-dollar highway safety program designed to save millions of lives in the years ahead.

The National Safety Council tells us that highway accidents are killing more than 1,000 persons per week and injuring 40,000 more. The economic loss from such

mishaps come to $200 million every week. The rather extensive safety program authorized here will help to stop this needless killing and reduce the injuries and economic loss which we are suffering.

Mr. Chairman, these are just some of the highlights of this legislation. This is a well thought-out bill and one everybody can support. I hope the House will pass it without any crippling amendments.

Mr. Chairman, in passing the original emergency relief provision, which is contained in the Highway Act of 1968, it was our intention that structures replaced in such cases would meet geometric and construction standards currently required for the type and volume of traffic which such facilities would carry over their design life.

I regret to say that the General Accounting Office has misconstrued our intention. It has questioned the propriety of using Federal emergency relief funds for financing 100 percent of the cost of a four-lane bridge and approaches, built to replace the two-lane Silver Bridge between West Virginia and Ohio which collapsed in December 1967.

The misinterpretation resulted because of a strict interpretation by GAO of the term "comparable facility" as used in the 1968 act. I want to make clear for the record that I believe that decision was wrong.

In any event, the Senate has provided specific language to correct any misunderstanding on this score. Section 13(b) of S. 4418 adds specific language to this effect. Because of its retroactive coverage and the broadened definition of the term "comparable facility," this new subsection confirms, if any confirmation was needed, that 100-percent financing was intended for the Silver Bridge replacement project.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey, a member of the committee (Mr. ROE.)

Mr. ROE. Mr. Chairman, the bill before you, H.R. 19504, has proposed bold new approaches to the continuing problem of transportation in our urban areas.

Our Nation has long since passed from a rural-oriented society to one that is urban centered. Some 70 percent of our population lives in urban areas today and this is expected to increase to 80 percent by 1985. This concentration of people, and hence of trip potential, is and will continue to be one of the greatest challenges for transportation.

Our efforts, obviously, must be concentrated on meeting the challenge of providing adequate transportation for urbanized areas—places of 50,000 or more population—wherein the problems are most critical. In 1968, in urbanized areas, 98 percent of all person-trips and 97 percent of all person-miles of travel were made in either transit buses or private automobiles. In addition, virtually all goods movement was by truck.

By 1990, 70 million additional persons will live and work in the Nation's urbanized areas increasing the population of these areas to about 175 million, or about 70 percent of the total population of the Nation. Travel in most urban areas has been doubling about every 20 to 25 years or at roughly twice the rate of urban population growth. It is estimated that in 1990 urbanized area travel will be about 1.25 trillion person-miles annually, an increase of about 90 percent over current levels.

We cannot know for sure whether our large metropolitan areas will continue to expand to accommodate the additional population, or if this growth can be channeled into new communities such as have been proposed by the National Committee on Urban Growth Policy as a means of meeting the housing need of 100 million new Americans in the next 30 years. If the patterns of growth of the past are not altered we can expect that the future growth will tend to occur along major transportation corridors, and in areas made accessible by high-quality transportation. This will require not only a greatly expanded urban highway program, but will also afford an opportunity, through comprehensive planning, to design and locate future urban systems in harmony with land use development plans and as a means of enhancing the urban environment. We also have the opportunity now to assist in the implementation of a national urban policy by applying the highway program as a creative tool to stimulate desired development.

It is here that our future programs must be developed on a bimodal basis: a combination of freeways and arterials for vehicle trips, complemented with public transportation and, in the largest centers, with rapid-rail transit to accommodate the high volume of commuter trips destined for the city core, as well as for those central city dwellers who seek employment in outlying areas.

We should recognize that highway transportation is in reality multimodal in scope and operation. Highways provide the roadbed for most of the public transportation systems in urban areas and will likely continue to do so in the future, except in the largest metropolitan areas where fixed-rail systems can be effective in relieving traffic congestion, particularly during peak hours. Even here, there must be adequate highway facilities for the user to change modes at the original and/or destination of his trip. Highways also provide vital access to airports and shipping terminals, and interact with the rail network for transshipment of goods.

Because of the rapid rate of development that characterizes urban development today, the transportation needs of urban areas have received greater Federal and State emphasis in the past decade and may need more in the future. Federal highway legislation of the 1960's has been oriented specifically to better adapt the Federal-aid highway program to meet the complex transportation problems of urban areas.

Both the 1968 and 1970 national highway needs reports pointed out that the proper candidates for inclusion in an urban system would be those streets and highways that function as arterials. Most of this arterial mileage is on a Federal-aid system and it accommodates a major portion of the travel in urban areas. About 75 percent of the total travel in urbanized areas takes place on the 19 percent of the mileage which has been classified as arterial. Slightly more than half of this arterial mileage is on Federal-aid systems which accommodate over 52 percent of the total travel in urbanized areas. The remainder of the mileage, functionally classified as arterial but not on a Federal-aid system, amounts to about 9 percent of these streets and highways, yet it carries approximately 23 percent of the total travel. Since it is recognized and generally accepted that the Federal-aid systems should include all of the most important routes it is reasonable—because of the Federal interest in improved transportation—to conclude that many of the arterials not now on a Federal-aid system should comprise a part of the expanded urban system.

Section 106 provides for establishing this new urban system on a national functionally classified basis. It uses the functional classification study submitted by the Department of Transportation to the Congress as a supplement to the 1970 National Highway Needs Report. Specifically, in table 12 of that report the principal arterial system in urbanized areas is specified and consists of 29,851 miles, exclusive of interstate. Of that total 8,525 miles are not now on any Federal-aid system and represent the prime area where these funds are intended. Section 105 of the bill provides $200 million for the urban system for 1972 and 1973. It is the intent in the bill that this be a temporary designation for the system until all of the studies are in hand in 1972. At that time the then designated system will become permanent.

The provisions of section 111 of H.R. 19504 concerning urban highway public transportation would also be a real step forward in meeting the highway transportation crisis and peak-hour congestion problems in urban areas—by encouraging public mass transit by buses.

This section would authorize the use of apportioned funds for extensions of the Federal-aid primary and secondary systems within urban areas, for the Interstate System, and for the new Federal-aid urban system for the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities.

Such type of project would be an alternative to a regular highway project and would require meeting one of two tests: First, no such project would be approved for Federal aid unless it will eliminate the need for constructing a highway project to increase automobile traffic capacity, provide a capacity for movement of persons at least equal to that which would be provided by the avoided project, and will not exceed the Federal share of the cost of the avoided project; second, the project would not be approved unless "no other feasible or prudent highway project" can provide the additional capacity for the move-

ment of persons by motor vehicles on the highway.

Federal-aid highway funds are already participating in a number of transit improvement projects, ranging from exclusive bus lanes and extra median width for rapid transit facilities to a series of special feasibility studies and an urban corridor demonstration program conducted jointly with the Urban Mass Transportation Administration.

The new provision we are here considering will provide a sound legislative base—with adequate safeguards—to further encourage public mass transit by buses as a supplementing role in meeting overall transportation demands in urban areas.

It will not result in any diversion of the highway trust fund for nonhighway purposes. To the contrary, the whole purpose is highway oriented. It will make possible a substantial shift of people from private cars to buses and thereby increase the capacity to move people, remove congestion, and lower travel time and costs for highway users.

The committee therefore feels that this section of the bill will provide substantial benefits to the total transportation program in urban areas.

Section 117 of the bill takes another significant step toward easing the problem of providing urban facilities. This section expands from the landmark provisions for relocation benefits provided in the 1968 act and gives the States the authority to construct replacement housing as a part of the construction costs on any Federal-aid highway project. The authority covers the cost of constructing new housing, acquiring existing housing, rehabilitating existing housing, and relocating existing housing. The authority becomes available where a proposed project on the Federal-aid system cannot proceed to actual construction because replacement housing is not available or can otherwise be made available.

This provision will certainly help to solve some of the crucial urban problems we have today both in transportation and housing.

There are a number of additional benefits in the relocation process which are contained in a uniform relocation bill already reported out of the Public Works Committee. This bill will be enacted in this session and will include among other things the provision for making up the difference in interest rates which is currently a major problem in relocation.

Mr. Chairman, H.R. 19504 is truly a bill of major benefit to the urban areas of this country and I strongly support its enactment.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Chairman, the pending Federal aid to highways legislation, H.R. 19504, is probably the most important and necessary piece of legislation which the 91st Congress has considered.

In all our metropolitan and urban centers, mass transportation is getting more critical as the months pass by. Our population this year has passed the 200 million mark and automobiles, trucks, and all methods of transportation have multiplied much faster than our population.

I fully realize that rural communities, and especially small towns, do not have the daily problems of mass transportation that confronts larger centers of population and particularly cities located in the pathway of transcontinental traffic. I commend the Public Works Committee for the long hours of work in preparing this legislation which will authorize their full money request and the additional, approximately $17 billion for the highway trust fund which will greatly aid in relieving our deplorable transportation congestion.

The Calumet industrial region of Indiana, located on the south shore of Lake Michigan and adjacent to approximately 7 million people in the Chicagoland area, today is probably the No. 1 victim of traffic congestion owing to its location in the pathway of the Nation's east and west automobile and truck traffic.

All east and west traffic entering and leaving Chicago passes through the Calumet industrial area of northwest Indiana. This area is the No. 1 congested traffic problem in America. This traffic congestion directly and indirectly curtails transportation effecting all sections of the Nation.

In the Calumet region industrial area we have three major steel mills, all refineries from major oil companies, and approximately 200 other factories and industries, large and small, employing approximately 100,000 workers.

On account of the interstate and local traffic, it is practically impossible for these industrial and defense workers to drive to and from their jobs on account of this traffic congestion. Many workers are delayed on shift changes by over an hour on driving to work on a trip which should take about 10 or 15 minutes.

We have 16 major defense plants in this area which are turning out productions for our Defense Department almost exclusively, and, by reason of this congested traffic condition, our defense production is greatly impeded and curtailed because of too long delayed aid from our Federal Government in aiding the local taxpayers to construct proper access roads and freeways to handle this traffic congestion.

I thank Chairman FALLON and Subcommittee Chairman JOHN KLUCZYNSKI of the House Public Works Committee and all the members of that great committee for the courtesy extended approximately 15 witnesses from my congressional district in holding hearings several months ago to testify before their committee on our deplorable traffic congestion in the industrial Calumet region of Indiana. I think the time has arrived when this Congress begins to concentrate on appropriating all necessary money to relieve some of the long-delayed programs and projects, which are being held up and curtailed, to relieve the Nation's neglected traffic problems.

I hope the Congress today will pass this request made by the Public Works Committee for sufficient money to continue its great programs toward relieving the almost impossible transportation mess in which our highway traffic is enmeshed, especially in large metropolitan areas, along with our interstate and transcontinental traffic.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, I rise in support of H.R. 19504, of which I am a sponsor. Other members of the committee and the committee report on the bill pretty well explain this legislation. Therefore, I will simply state briefly that I am a sponsor of the bill, I attended most of the hearings and markup sessions and on balance it is good legislation. I particularly want to commend those staff members of our committee who worked long and hard to draft this legislation. It is unfortunate that this legislation comes to the House at such an inexcusably late date in this session.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, I rise today to voice my strong support for H.R. 19504, the Federal Aid to Highways Act of 1970.

I would first like to commend the members of both the Public Works Committee and the Ways and Means Committee for their excellent work in reporting this bill.

In my former capacity as a county commissioner in Davidson County, N.C., I learned the importance and the effectiveness of the federally assisted highway program.

I know firsthand the need of local and State governments everywhere for more funds for transportation, since transportation is such a vital element in the success and progress of any community.

I am vitally concerned about the transportation needs of my district, as well as the similar needs of other districts and communities across the country.

While the authority for road construction rests with State government, I want to do my part to encourage the rapid development of commerce and industry which inevitably accompany new transportation systems. I intend to lend my support to this legislation as an expression of my concern and that of my constituents for this issue.

I want to encourage the development and upgrading of primary and secondary roads, which open up undeveloped areas to trade, and thus strengthen the economy of the community, the State, and the Nation.

Because of this concern and this desire, I introduced legislation providing for an increase in the Federal share of funds for these projects from 50 to 70 percent. I am pleased that the distinguished members of the Committee on Public Works have seen fit to incorporate this provision in the final version of this excellent bill.

I believe the proposed increase in Federal participation under this program is fully warranted, because I have seen so many examples of improvement and

progress made within its framework. The tremendous work already accomplished under this program is reason enough for expanding and extending the program.

The highway trust fund has made the dream of a national interstate highway system almost a full reality. But this first responsibility of the fund has been successfully augmented to include construction of badly needed primary and secondary roads throughout the country.

Under this program, we have seen outstanding improvements in the transportation patterns of our large metropolitan areas, making the cities more easily accessible, speeding commuter traffic, and increasing the flow of commerce and services.

We have also seen great achievement in the less populous areas of the country, with many roads built with this fund serving as lifelines for communities throughout America.

This bill extends that trust fund through 1977, and as our Interstate System grows nearer to completion, we will have more and more funds available for construction and improvement of primary and secondary roads, the vital arteries of any prosperous and working society.

No project can be more important than the upgrading of roads serving our small- and intermediate-sized communities, whose very lives depend on adequate transportation. We must guard against letting the American town die of economic starvation. This bill promises to provide that protection.

Again, I commend those who have worked so diligently to fashion this bill, and I urge my colleagues to join me in voting for its passage.

Mr. HARSHA. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DON H. CLAUSEN), a member of the subcommittee.

Mr. DON H. CLAUSEN. I thank the gentleman for yielding this time to me.

Mr. Chairman, while many comments have been made about the retiring members of our committee, the gentleman from Maryland (Mr. FALLON) and the gentleman from Florida (Mr. CRAMER), and on which I have previously asked unanimous consent to revise and extend my remarks, I want to commend the chairman of our subcommittee, the gentleman from Illinois (Mr. KLUCZYNSKI). The gentleman from Ohio (Mr. HARSHA) and I and other members sat during the entire hearings and I think they would agree that the gentleman from Illinois (Mr. KLUCZYNSKI) has been one of the fairest, one of the most patient chairman we could have possibly had and is deserving of our highest commendation and appreciation.

Mr. Chairman, the gentleman from Maryland (Mr. FALLON) has always been most considerate. One of the reasons I believe this committee has been successful is because of his basic attitude toward permitting members of the committee to participate in the deliberations and consideration of legislation. With reference to the gentleman from Florida (Mr. CRAMER), I believe we have temporarily lost one of the finest minds, one of the most articulate spokesmen in the field of transportation that this Congress and this committee has ever had.

Mr. Chairman, I would like to devote a little time to a couple of amendments which I offered in the committee; namely, the changing of the matching formula for primary, secondary, and urban extension roads to a 70–30 percent formula, after June 30, 1973, as well as the provision having to do with the economic growth center development highways.

It is our intent through the economic growth center development highways program to coordinate expertise through demonstrations, grants and projects, so that once we move toward the phasing in of the new formula after June 30, 1973, we will have the kind of experience necessary to coordinate and integrate the transportation system with other forms of economic development programs, both public and private.

Throughout the deliberations of the committee we have done our level best to maintain the kind of balance in our basic allocation formulas for both the urban transportation systems, as well as the rural transportation systems, because in my judgment the country is desperately out of balance when you consider the current population patterns. It has been said so many times, that with 73 percent of the people living on 2 percent of the land, we have a ridiculous and a very unbalanced population pattern that is adding to the inflationary problems of this Nation, because it costs more to provide services and transportation systems in the major metropolitan areas than it does in the sparsely populated areas. But in dealing with this problem our efforts have been to move in the direction of transportation system improvement wherever we could, to clean up the transportation systems in the urban areas, but at the same time by the revising allocation formulas, as far as possible, so that we not only stop the movement of people and the out-migration from rural America, but hopefully reverse it, which I believe is the objective of this committee as we move toward the adoption of the 70–30 formula, and away from the 50–50 formula.

Also needed and included in this bill, in my judgment, was the handling of the problems under the so-called topics program, the traffic operational problems in congested areas. We have recognized this, and, at the same time, intensified and increased the amount of funding for the primary and secondary roads in the sparsely populated areas. We are dangerously overcentralized in this country, and in my judgment what is definitely needed is a new national economic growth policy, that would lead to a more balanced population pattern and distribution, and the way to start is to advance the coordinated, integrated and balanced transportation system program recommendations as envisaged in the revenue allocation revision formulas that are included in this bill.

Mr. Chairman, this is a landmark piece of legislation, and will be coordinated with all forms of transportation, land, sea, and air, so that we realize, at some point in the future, the sort of sound, positive, and economically balanced transportation system finance formulas that must be the trend in the future, if we are to provide the opportunities for our young people, small businesses, and every individual in America looking for a way to participate and get a piece of the action.

While our interstate and defense highway system was developed ostensibly for defense purposes, I would submit that history will record the fact that it contributed more to the economic growth and improvement of our standard of living than any other single program in the history of the country. I believe we need to expand on that approach by giving greater impetus and emphasis to our primary and secondary highways as well as the urban extensions commonly referred to as the A–B–C program.

This country must decentralize for defense purposes, and at the same time provide more opportunity to make a contribution to the gross national product, and I believe that this legislation will permit us to do just that.

Mr. Chairman, I wish to register my strong support for H.R. 19504, the highway bill before us today. It is one of the most comprehensive measures we have approved in many a year. Not only does it contain the usual biannual authorizations for a continuing highway program, but, in addition, it comes to grips with several of the most troublesome and pressing transportation problems facing this country today.

Through the legislative guidelines it provides, I believe we have taken the first long steps toward formulating a highway program which will serve the Nation's needs for many years to come.

With your permission, I would like to discuss with you some of the more salient features of the bill which, as a member of the Committee on Public Works, I had the privilege of helping to formulate.

Understandably, completion of the Interstate System was high on the list of priorities in our deliberations this year. Since its initiation in 1956, upwards of 30,000 miles of the best highways in the world have been built under this program. The Interstate System is now roughly three-fourths complete. With the end in sight, the question confronting the committee was: How can we assure completion with a minimum of disruption and a maximum of dovetailing into a follow-on Federal-aid highway program?

To press for too early a wind-up would likely create a gap between the present and future programs—particularly in those States where Interstate construction was virtually at an end. On the other hand, to stretch out the program, as some have recommended, well into the 1980's in order to place immediate emphasis on other highway needs, was not realistic.

After careful study, the committee settled on a compromise between the two approaches. Feeling that a reasonably early completion date was essential to meet transportation and national defense requirements and to support continued growth and development of the Nation's resources, we chose June 30, 1978, as the

target date. To that end, we provided $17,385 billion in new authorizations to see the program through.

A comparable extension of the highway trust fund is contained in title III of the bill. Thus, I believe we can reasonably expect to see the dream of a national network of superhighways become an operating reality before the end of the decade. Of this, all of us in the Congress can be justifiably proud.

A second major problem with which we came to grips concerned the proposed Federal-State sharing formula for a post-interstate highway program. Over the next 15 years, just keeping abreast of our highway needs will require a vigorous effort and the expenditure of vast sums of money. Some have estimated the cost at upward of $200 billion. Even the most optimistic forecasts indicate that user taxes will generate nowhere near that amount. Indeed, if continued at present levels, revenue forecasts suggest that only about half that amount will be forthcoming.

The foregoing considerations made it obvious to us that a new sharing formula would have to be devised. After weighing all factors, the committee decided that the Federal share payable on Federal-aid primary and secondary and urban systems, and on certain other special programs, should increase from 50 to 70 percent. This cost-sharing percentage, it was felt, would provide the incentive and wherewithal to continue the program at reasonable levels, while assuring State participation to the maximum feasible degree in funding it.

The new sharing formula will take effect beginning June 30, 1973, with authorizations for fiscal year 1974. The committee chose that date deliberately to coincide with the time that many States will be completing Interstate construction. Their apportionments will, consequently, be greatly reduced. The new formula should help to ease the difficulties of transition from the old to a new highway program. For traffic and transportation planning engineers at all kinds of government as well as labor and management engaged in the construction business.

By providing assurances of Congress' intention to fund a continuing highway program, local people can begin making plans for the future and the roadbuilding capabilities built up over the past 15 years can be maintained.

Our ultimate objective, of course, is to move ahead in the direction of a coordinated, integrated, and balanced transportation system which will serve the needs of all the people. Such a system includes air, water and mass transit systems, as well as highways.

Financing such an integrated transportation network will not be easy. Revenues generated from the highway trust fund are barely adequate to meet current needs. In view of the truly massive requirements forecast for the remainder of the century for primary and secondary road construction, additional revenues will have to be found just to keep abreast of highway needs.

Insofar as air transportation is concerned, the recently created airport trust fund should generate the funds required for keeping our airports and related facilities up-to-date.

The Nixon administration has committed itself to $10 billion for rapid transit construction from the general fund over the next 12 years.

The missing link in the financial picture is, of course, the absence of an adequate urban area transportation system trust fund to generate the moneys necessary for the construction, operation and maintenance of non-highway-related mass transit systems. Creation of such a fund would accomplish that objective while, at the same time, avoiding a head-on confrontation with those groups and interests representing other transportation modes. The three trust funds would permit the transportation and traffic engineering experts to move forward simultaneously in developing the balanced transportation system we all desire.

Such a confrontation recently occurred in my home State of California, when the people were called upon to decide whether highway trust funds could be used for purposes, other than highways. Proposition 18 was defeated. Again, I reiterate my strong feelings that in order to have a balanced transportation system, we must work toward a balanced and positive method of finance.

For these reasons, I do not agree with the suggestion that a single trust fund with designated accounts be created. In my judgment, the argument that such a fund could best serve all methods and modes is without foundation. As we have seen in some of our major cities, the conflicts of varied interests have effectively stymied freeway construction. Imagine what could occur if a single trust fund were involved. Again, I believe we need staunch advocates for each mode of transportation.

Finally, I would like to turn to the new and novel feature of the Highway Act of 1970—one which could well turn out to be of great significance for the future. I refer to section 127 relating to economic growth center development highways. Reference was made earlier in my remarks.

The purpose of this provision is to determine the role highways can play in revitalizing and diversifying the economies of rural areas and smaller communities. Through a series of demonstration projects, the feasibility of providing assistance for constructing development highways in areas of potential economic growth will be tested. Hopefully, this program will point the way to promoting nonurban industrial growth.

If it succeeds, we will have forged an effective tool for solving some of the Nation's most pressing problems.

I personally view present land use patterns in this country as one of the most serious and complex domestic problems facing us today. Land use transcends every materialistic value held by man—because it affects people, whether they live in a Manhattan highrise, a potato farm in Idaho, or a tree farm in my home State of California.

Problems of urban life crowd the front pages of our newspapers. City congestion, monumental airport and traffic tieups, crime, and other problems of congestion and centralization highlight the urgent and compelling need for new approaches to land utilization and resource development.

It is a shocking fact that 73 percent of our total population now resides on only 2 percent of our land. And the percentage grows larger all the time. As a result, our major metropolitan centers are fast becoming overly centralized and totally unmanageable. Paradoxically, at the same time, the economy of many of our rural areas and communities are in desperate need of revitalization. Heretofore we have not had the technical capabilities to redirect economic and population growth patterns. But we are now on the verge of developing them.

Today, America stands at the crossroads. We, as a Nation, can either continue down the time-worn path of centralization that has given us most of the domestic problems we face today—or, we can choose the fork in the road that will lead toward the kind of balance that I have been talking about here today.

The economic growth center development highway provision represents such a choice. I urge that you give it your support.

In conclusion Mr. Chairman, I submit that a soundly conceived, effectively implemented highway program is necessary to assure the Nation's continued growth and prosperity.

H.R. 19504 provides the legislative building blocks of such a program.

Further, it provides the kind of legislative and executive leadership expected of the United States—the leader of the free world. Many developing countries of the world will be following the example we set.

The Highway Act of 1970 will give to other political and transportation leaders of our free Nation alliances another legislative vehicle in the sands of time that they can look to for guidance.

Finally, I have asked for permission and received approval from the Speaker to add extraneous material at the conclusion of my remarks. The material referred to is a speech I delivered as a delegate from the United States, to the Pan American Highway Congress in 1967. Mr. WRIGHT, Mr. KLUCZYNSKI, with the strong support of President Nixon, Secretary Volpe and Highway Administrator Frank Turner and I have maintained continuing communication with the executive committee of the Pan American Congress in advancing to completion the Darien Gap project.

This project would complete the only missing link of our Inter-American Highway System that, when completed would permit, theoretically, any individual to drive from Alaska to Argentina.

But more importantly, it would serve as a strong political and psychological bond between all of the countries of the Western Hemisphere.

I know of no project that has more real and significant meaning to all of the people of the Americas than this project.

I am proud to say that it is a part of this bill and the committee members were kind enough to permit me to insert the content of the bill, I introduced along with Mr. WRIGHT and Chairman KLUCZYNSKI, as section 113 of our bill.

In order to record, more fully what I believe to be a very significant step forward in promoting hemispheric solidarity, I herewith include the address, as delivered, in Montevideo, Uruguay, on December 9, 1967:

ADDRESS OF U.S. CONGRESSMAN DON H. CLAUSEN TO THE SECOND PLENARY SESSION OF THE 10TH PAN AMERICAN HIGHWAY CONGRESS, MONTEVIDEO, URUGUAY, DECEMBER 9, 1967

It is with great humility that I accept this great personal privilege you have granted me—the opportunity to address the Delegates and Representatives of the countries attending the Tenth Pan American Highway Congress.

My purpose in addressing this distinguished group is to give to you some of my thoughts as a member of the Public Works Committee of the U.S. House of Representatives.

I am representing, on the U.S. Delegation to this Congress, that part of the U.S. Government, which has the responsibility to review the highway program proposals of the executive agency within my government which is headed by Mr. Frank Turner. The members of my committee must evaluate and pass judgment on the Bureau of Public Roads program proposals and authorize the funding and administrative control and procedural arrangements by which the programs can be executed. Thus, I represent one part of the partnership arrangement by which the road program of the Federal Government in my country is executed.

These past few days have proven to be very informative and educational for me as I have observed your Committees and Plenary Sessions at work, considering, evaluating and sharing information as presented by the very able Highway technicians, engineers, economists and administrators in attendance.

I have been particularly impressed with the very high quality of people present, willing to give of their time and talents so generously toward a program that I believe history will record as "the most important single undertaking of our time"—"a coordinated and integrated road and highway system for the Americas." Each of you will receive your reward in Heaven for having participated in this timely and important congress.

At this time, I want to associate myself with the previously expressed commendations of your retiring Chairman, Don Romulo O'Farrill. We, in the United States, hold him in the highest of esteem and respect for his extraordinary leadership in advancing the Pan American Highway Program.

Like you, we were shocked and saddened by the death of President Oscar Gestido shortly after his splendid address to the opening session of this Congress.

His wise and inspiring message is now recorded permanently among the papers of this very crucial meeting.

President Gestido left a marked impression on all of us privileged to hear this address. Later that day, he honored me with a brief private meeting in his office where we further discussed and agreed upon the importance of balanced transportation systems, land, sea and air, in the countries of North and South America. He was a great and gentle man—a fair, firm and trustworthy man.

At this time, I believe it would be most appropriate to reflect, briefly, on the words included in his Inaugural Address to his people of Uruguay.

These words more than adequately express what might be the symbolic phrase that your organization should adopt as you face the challenging requirements of your task ahead. He said . . . "There is no magic formula to make things well, only mental honesty, hard work and routine and meticulous planning for the future."

The task ahead is not only challenging but potentially rewarding. As I am sure many of you will agree, the improvements to our highways, tends to yield some of the greatest benefits of our time. It accelerates economic development, enhances education, and promotes the general health and welfare of our people.

We, in the United States, have invested large sums of money to build and improve our Road and Highway Systems. As a Member of the United States Congress, I can testify to the broad acceptance and genuine popularity of our Highway programs.

I am sure you can all agree that we can learn a great deal from the study of history and the facts that are revealed.

In order to encourage you to take bold and positive action now and in the immediate future, I would like to give you some very revealing and startling facts relating to the growth of our Gross National Product from 1916 to 1967. Based upon our experiences, I think I am safe in predicting similar growth in your countries and prompts me to say, ". . . with a well planned and financed highway system, you can anticipate repayment, many times over, through economic growth."

If you will permit me, I would like to briefly summarize the economic growth pattern of the United States since the establishment of a system of roads connecting our principal cities by legislation in 1916.

At that time, the Gross National Product was estimated at around 50 billion dollars.

In 1921, legislation was passed that required the creation of a system of highway development and concentrated financial resources on the connecting highway system concept and the establishment of priorities for construction on a carefully programmed basis. The long range objective called for an inter-connected, coordinated and integrated system of highway routes.

By 1955, the Gross National Product had grown to 400 billion dollars.

In 1956, the U.S. Congress enacted a monumental piece of legislation establishing the Interstate Highway System financing plan that was designed to assure the funds needed to carry out the contemplated long range highway plans for improvement.

Most significantly, it provided a dedicated source of revenue to be used exclusively for the purpose of financing the construction of a specified system of roads in the United States.

By 1968, we expect our Gross National Product to be 800 billion dollars. From 50 billion in 1916 to 800 billion in 1968 is the measured economic growth during that period of time when we committed ourselves to building the required system of highways in the United States.

The success of this venture is widely known and we are scheduling hearings before our Public Works Committee next year to consider and act on the future highway needs following the completion of our presently authorized system. We are openly confident that our people will support our efforts to expand our system because they have seen the immediate benefits to our standard of living that are associated with road building.

It is not enough, just to formulate great highway proposals—for they must be financed—and there must be proper machinery provided in the way of organization and authorization to convert ideas and proposals into reality and action.

I want to emphasize one of the points made by Mr. Turner at the opening session on Monday afternoon when he said:

"As the proper body in which to focus all our hemisphere efforts in highways, this Congress occupies a position of great responsibility because it can serve as an effective instrument to assure the efficient coordination of highway systems between countries, and the improvement of our highway management capabilities, by which knowledge we can provide the most economic, safe and effective service to the highway users of our hemisphere. Perhaps it is now time to consider the establishment of some planning body within the PAHC to coordinate these and other projects in the future on an overall basis."

It would seem important to me that this Tenth Pan American Highway Congress might want to take some positive action along this line and work toward the creation of a package plan of general highway system development in your countries to provide a coordinating mechanism to integrate the overall planning of a continental and intercontinental Pan American Highway System. Into such a total planning package would be placed such regional proposals as the Darien Gap, the Trans-versal Route, the River Plate crossing, the Caribbean Circuit, and others needed to forge a truly integrated system physically linking both of the Americas and all of the Countries therein. While you have appropriately focused attention on the Darien Gap proposal, we must also give proper attention to other very important and pressing road projects that will require multi-nation coordination and cooperation.

Each individual country's own planning could then be made to conform internally, and at the border connections. In such a manner as to insure the ultimate creation of a single connected system truly international and intercontinental in its scope.

To accomplish this I would like to suggest that the Congress create a new special ad hoc committee to give its full attention to the development of such a comprehensive total package.

Some will say this is too large of an undertaking but, having evaluated the extraordinary display of technical talents present at this Congress, I'm convinced that no task is too great for you and your organization. Frankly, the signs of our time demand that we rise to this challenge.

Each of you in your countries have the qualified personnel that could devote a portion of their time toward bringing together the recommendations for an organizational mechanism or to assist this special international or intercontinental highway committee in the development of this comprehensive highway package.

In conclusion, I want to remind you of my role at this Highway Congress. I am here as a delegate but more specifically as an adviser from the U.S. Congress to our U.S. delegation.

We believe it important to have Members of our U.S. Congress in attendance to support our delegation here during the conference, but more importantly to support them at home where their recommendations must receive maximum support for acceptance by our legislative bodies.

This has been a very educational experience for me. The thought has occurred to me that some of you might want to invite some of your own legislators or parliamentarians to future highway congresses. This would permit us to exchange ideas and possibly offer suggestions on how to implement, legislatively, some of the recommendations that you, as technicians and ministers, agree upon.

The last third of this century will bring forth many recommendations for change and improvement in our transportation systems and our standards of living.

With the technological advancements in radio, television, the satellite communication systems and also, the transportation improvements of our jet and space age, the

people of the Americas are going to be asking for more positive leadership from all of us. Many a new light is shining in some of the darker corners of this globe—it comes from the spark of enthusiasm and the ray of hope of an increasingly enlightened people.

With increasing affluence comes the desire to travel to places you've read about in your history books like Punta del Este, Rio de Janeiro, Buenos Aires, Caracas, the Andes, the Panama Canal and the many other interesting historical and cultural areas of Central and South America.

Many North American, European and other world travelers will want to visit your countries as tourists. Some will come by jets and will rent automobiles for travel in your countries but many will want to drive the Pan American Highway.

With each day of delay, we postpone this opportunity for economic growth, social progress, cultural enhancement, and better understanding among our people.

The question that remains before this great Pan American Congress is, "Will we be prepared to accommodate them?"

Having heard your individual and collective desires expressed during this Congress, I am fully confident you are ready and willing to meet this challenge.

As we work toward this desired multi-nation and intercontinental integrated system of highways, one can't help but visualize the ultimate formation of a "Common Market of all the Americas" tied together with an everlasting symbol of hemispheric solidarity—the completion of the Darien Gap project.

This will demonstrate to the world that we in the Western Hemisphere are living as good neighbors—openly advocating peace on earth and good will toward all mankind.

We must unite the Americas. United we are strong.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, there are several provisions in H.R. 19504 which are extremely important from the standpoint of rural development and highway safety.

All Americans are distressed by our terrible highway fatality toll: 56,000 persons killed on our highways in a single year with tremendous additional costs in injuries and financial disaster.

This bill addresses an entire title—title II—to the subject of safety with an intent to step up the program of reducing these catastrophic statistics. This bill authorizes the biggest Federal-State effort ever undertaken to make America's highways safe.

Earlier this year the Secretary of Transportation announced that he was removing the National Highway Safety Bureau from the Federal Highway Administration and establishing it as a new administration reporting directly to him. This committee recognizes the importance of the National Highway Safety Bureau, and it is our hope that it may be more effectively and efficiently managed after the reorganization. We believe, however, and the Secretary of Transportation agrees, that the reorganization should take place legislatively under the control of the Congress rather than through an Executive reorganization plan.

The reorganization plan established in H.R. 19504 renames the National Highway Safety Bureau the National Highway Traffic Safety Administration. We believe this name is particularly appropriate as it describes the role and purpose of this administration in dealing with the terrible toll on our Nation's highways.

The administration is to be headed by an administrator appointed by the President with the advice and consent of the Senate. He would be compensated at level III of the Executive schedule. There would also be a deputy administrator, likewise appointed by the President with the advice and consent of the other body, to be compensated at level V of the Executive schedule. This committee specifically directs that while the Administrator shall perform such duties as are delegated by the Secretary of Transportation, he shall on all highway matters consult with the Federal Highway Administrator.

The House bill launches attacks on several fronts aimed at enhancing traffic safety, I would like to call my colleagues' attention to one provision which has a tremendous potential for reducing the high accident and fatality toll that is a national scandal.

This section, section 205, authorizes the appropriation out of the highway trust fund of $200 million for each of fiscal years 1972 and 1973 to eliminate hazardous highway conditions that have led to high accident experience or may be conducive to accidents.

Actually, this program, known as the spot improvement program, has been in existence since 1964, but now, for the first time, funds would be authorized specifically for this purpose. Previously, regular Federal-aid apportionments were the source of money to eliminate dangerous locations.

From April 1964 through October 1970, more than 6,000 spot improvement projects were completed or programed by the States at a cost of more than $1 billion, of which $655 million was Federal-aid funds.

The program has been successful since its inception, but had been hampered somewhat by the necessity of States to use regular apportioned funds to finance it. With additional money made available, as provided in the pending bill, the program can help dramatically to reduce death and injuries in highway accidents.

Let me cite a few examples of reductions in accidents due to improvements made with moderate expenditures of money.

One turn signal improvement in Michigan, made at a cost of $9,000, resulted in a 17-percent drop in accidents and a 40-percent reduction in personal injuries in a 1-year period. Based on the cost of accidents, the project was responsible for savings of $154,000 or a 17-fold repayment to the motoring public in the first year.

In a 1-year before-and-after study, California reported a 61-percent reduction in accidents as a result of antiskid treatments applied at four locations. A total of 164 accidents was reported during the year before the improvement, compared to 63 accidents reported during the year after the improvement.

A railroad grade crossing in Virginia suffered from restricted sight distance and inadequate protection. In a 2-year period there was a total of seven accidents, and in one of them one person was killed and six injured.

At a cost of $18,600, short-arm gates, and flashing signals and bells were installed to provide advance warning to users of the crossing.

In a 2-year-after period, two accidents had occurred, and both of them resulted in property damage only. During this same period, the traffic load over the grade crossing had increased 21 percent.

The spot improvement program is an excellent means of getting rid of dangerous conditions, without large expenditures of money. It pays high benefits at a relatively low cost.

The authorization of funds exclusively for the program unquestionably will result in the elimination of more hazardous locations and lead to a greater reduction in highway accidents and a savings in lives.

Section 206 is another beneficial item in the bill.

It will make it mandatory for the States to assign between 5 to 10 percent of all sums apportioned for the A–B–C program for fiscal year 1972 to reconstruct or replace existing bridges that cross waterways on either the F–A primary or secondary system that are unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

The results of recent bridge safety inspections made by the States and the findings of the President's task force on bridge safety have made it apparent that a large number of the Nation's bridges are obsolete, badly deteriorated, and no longer structurally safe for legal loads permitted on the highways. It is also apparent from the high percentage of bridges built before 1935 that the rate of replacement of these older bridges is not keeping pace with traffic demand, obsolescence, or improvements in general highway standards.

Highway agencies have found it necessary to close many bridges to traffic because they are considered structurally unsafe, or to restrict their use by imposing load and speed restrictions. These restrictions and bridge closures are preventing the full use of our highway facilities and limiting them from delivering the full return on their capital investments. When excessive load restrictions are imposed they affect the free movement of commercial, agriculture, and military traffic. Since many communities depend on these bridges for truck hauling, these restrictions cause economic hardships.

Highway officials have expressed serious concern over the deteriorating condition of many of their bridges and the lack of available funds to take the necessary corrective measures. It is generally concluded that in order to deal effectively with the problem, an all-out program of bridge repair and replacement will be required. The cost of such a program cannot be borne by State and local governments alone, but will require assistance at the Federal level.

Historically, approximately one-third

of the Federal highway funds are expended on bridges and structures. This has not been sufficient to eliminate the inadequate and deficient bridges on the primary and secondary systems.

In a survey of bridge replacement needs conducted jointly by AASHO and the Federal Highway Administration in the spring of 1969, it was reported that the replacement of the most seriously deficient bridges would cost $1.9 billion. These bridges accounted for 3 percent of deck areas of all bridges on the State highway system.

The seriousness of the problem can best be illustrated by pointing out that the cost of replacing only 1 percent of the total square feet of bridges on the Federal highway system would be approximately $600 million. A 1-percent replacement per year will result in a minimum service life of 100 years for each bridge.

If all States use the 10-percent maximum permitted under the proposed legislation, the program will total about $142 million. When this is added to the approximate $420 million normally utilized for bridge construction the sum of the two programs would produce approximately $756 million including State matching funds. Since all of the funds would probably not be utilized for only bridge replacements, it must be assumed that the funds provided under this legislation will permit the initiation of an essential bridge replacement program. Although no additional funds are authorized in the legislation, the incentive to utilize the funds made available is the increase of participating Federal funds to 90 percent of the cost. In future years this program will become more significant as the emphasis changes from interstate funding to the normal balanced A–B–C funding.

In addition this bill in section 208 provides for a nationwide study of the highway-railroad grade crossing problem to once and for all provide the groundwork for attacking this part of the problem.

As demonstration projects in this category section 208 provides for the route of the metroliner from Washington to Boston and the city of Greenwood, S.C., as the centers of the first concentrated efforts. There is authorized to be appropriated $9,000,000 from the highway trust fund and $22,000,000 from the general fund for these demonstrations.

Because of concern over the quality of life in rural America and the increasing social costs associated with congestion in major urban areas in the United States, there has been a mounting support by Americans for a more balanced national development program. This policy could afford citizens in rural and urban areas greater choices in employment and residential opportunities, including opportunities for the migrant closer to his present home and in an environment similar in many respects to his customary way of life.

A balanced growth policy should focus on growth centers of a size capable of providing employment, social, and residence opportunities to individuals in surrounding rural areas. The development or growth center strategy should be fully coordinated with existing Federal programs, whenever possible. A concerted, coordinated and expanded program of Federal, State, and local governmental activities is needed to provide the necessary minimal conditions which would spur private industry to locate and expand in or near selected growth centers, and would propel the growth center and its surrounding areas to further economic and social advance.

Congestion in our cities and suburbs increases rapdily while our rural population declines. The result of this trend has been a lower quality of life for our citizens and a damaged environment. The purpose of this section is to establish a means which will enable us to learn to what degree highways can alleviate this situation. To this end, this section 127 authorizes the Secretary of Transportation to make grants for demonstration projects for the construction, reconstruction, improvement, planning, surveying, and investigation of highways that would lead to the development of economic growth centers and surrounding areas.

Although it would be possible for the States to promote the purposes of this section using existing law, the organized approach provided by this section will make this task considerably easier. The demonstration projects accomplished under this section will provide practical evidence which can lead to better planning of all the Federal-aid highway systems. Furthermore, this section does not require the States to reshuffle their existing Federal-aid priorities in order to participate, instead it encourages the State to join in a valuable learning process. It is believed that what is learned from these projects will help the States and the Federal Government perfect solutions to the problems of urban and suburban congestion and rural decline.

The committee wishes to emphasize that the basic purpose of this provision and the end toward which its administration should be aimed is the improvement of all aspects of the rural areas and smaller communities of this Nation so as to encourage a more balanced population pattern. Although economic growth centers may be as large as 100,000 population the expectation is that the great majority will be of 50,000 population or less.

Section 115 of H.R. 19504 directs the Secretary of Transportation, in cooperation with State highway department officials, to establish and operate a national highway academy to provide instruction in modern developments, techniques, and procedures relating to highway planning, environmental factors, acquisition of rights-of-way, engineering, construction, maintenance, contract administration, and inspections.

Academy students would be selected from Federal Highway Administration employees and from State highway department employees engaged in these functions and nominated by the States. Federal payment would be limited to the cost of providing instruction and the necessary physical facilities. Funding of the institute would be from sums authorized to be deducted for administration of the Federal-aid highway program.

The Department of Transportation supports the basic objective of section 115 to provide formal assistance and leadership to the States in the training of State highway department and local highway personnel.

The institute would be administered by the Federal Highway Administration. FHWA has long maintained an active and effective internal training program which would be utilized as an integral part of the national highway institute and expanded to provide needed training of State highway department personnel.

The institute would conduct the Washington portion of the curriculum which would include training for highway engineers, rights-of-way personnel, auditors, and administrative personnel. These trainees would be under the supervision of Federal Highway Administration field offices during those portions of the training period when they are assigned in the field. In addition, technical training courses of 1 to 3 weeks in such specialized areas as the environment, urban planning, highway capacity, geometric design, acquisition of rights-of-way, safety, and many other highway related subjects, would be conducted by the institute for mixed classes of FHWA and State highway department professional and managerial employees.

These courses would be held either in Washington, D.C., or other major cities, and would be conducted by FHWA and State highway department staffs.

This formal advanced training program would be supplemented as required to provide the type of training needed by the State highway departments to assure that assigned project personnel at the subprofessional level are capable of exercising adequate project construction control. The States need a means of providing training for technicians such as material inspectors, pavement inspectors, bridge inspectors, embankment inspectors, and rights-of-way appraisers.

This needed vocational instruction could be offered as a logical extension of the basic institute concept by an educational institution in each State, independent of but in cooperation with the State highway department, and under the supervision of the institute. Individuals would be assigned to these courses during the off-peak construction season and required to achieve a competence meriting the issuance of inspector's or other certificates in the varying fields of construction work. State highway department employees assigned thereafter to Federal-aid highway projects could be required to have certification to establish eligibility. The training of the required numbers at the level needed would be accomplished within each State, as a responsibility of the State.

The bill provides that up to one-half of 1 percent of Federal-aid primary, secondary, urban, and urban system funds may be used by the States to finance not to exceed 70 percent of tuition and direct educational expenses—but not travel, subsistence of salaries—in connection with the education and training of State

and local highway department employees.

The State highway departments, in cooperation with the National Highway Institute, would be authorized to utilize the services and facilities of colleges, universities, private agencies, institutions and individuals, through contractual arrangements for the development and conduct of courses offered under the sponsorship of the Institute.

Finally, section 115 would authorize the Secretary to make grants for research fellowships for any purpose for which research is authorized under the provisions of section 307(a) of title 23 United States Code.

The efforts of the Federal Highway Administration and the State highway departments to upgrade the quality and effectiveness of their staffs would be greatly enhanced by the special emphasis on training which the National Highway Institute would provide. Section 315, of title 23, United States Code, empowering the Secretary to prescribe all needful rules and regulations, together with this bill, would permit the implementation of the program in the manner described.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee, a member of the committee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I rise in support of this legislation.

Mr. KLUCZYNSKI. Mr. Chairman, I have no further requests for time.

Mr. HARSHA. Mr. Chairman, I would like to pay tribute to one other member of our committee who is leaving the Congress of the United States, the distinguished gentleman from Nebraska, Mr. BOB DENNEY, who has taken a great interest not only in the development of the highway program of this country and in this particular legislation but in all fields of legislation that this committee has jurisdiction to deal with. Particularly, he was interested and involved in our relocation assistance program which we hope to report to the Congress shortly. But, as I say, in other matters as well, BOB DENNEY has shown great insight into the problems facing the country and in those areas over which this committee has jurisdiction. He has made a valuable contribution to the activity and the work of the committee. We shall sorely miss him on the Committee on Public Works. On behalf of the minority side, I would like to extend him our best wishes as he advances from the Congress of the United States to the Federal judicial bench and to wish him the greatest of success.

Mr. HARSHA. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, I have asked for 5 minutes, but I will not take 5 minutes. I cannot let this opportunity pass without joining in the accolade that has been given here to some really important Members of Congress. Members who have served the public interest and the interest of the Committee on Public Works especially.

First, I want to pay tribute to the chairman of the subcommittee on roads, the gentleman from Illinois (Mr. KLUCZYNSKI) who has been eminently fair. In the many times—or the number of times—or several times I probably should say that I have had differences and I disagreed on some propositions that have been offered, I have always had a chance to have my day in court and to make my point and to be heard.

For that and for his leadership and for his sense of dedication to the objectives of the program and to the needs of America, I pay high tribute.

The same goes for the ranking Member on our side who will now be leaving the committee and the Congress, the gentleman from Florida (Mr. CRAMER) who has been a valued Member, one of the most intelligent Members of the Congress and who in various ways has made significant and meaningful contributions not only to programs in the Committee on Public Works and the roads subcommittee in particular, but in many, many other areas where he has been privileged to serve.

Certainly too, I want to pay tribute to the chairman of the committee and recall that when the Highway Act, the Interstate System was born—and I served on this committee and sat for 74 days hearing testimony and making suggestions and supporting amendments and opposing others and in various ways improving the legislation within the committee—I have never seen a place or a time when a committee has served more actively, intelligently, and soundly under his (Mr. FALLON) leadership—and I want to stress soundly because fiscally this committee did a very brave thing when instead of taking the Clay report proposed to build the Interstate System with borrowed money and pay for it later—we said "no" and we recommended to the Committee on Ways and Means and to work for and build the interstate program, by paying as we go.

You remember, that, Mr. Chairman. Because we did that, we evolved a Government program that is sound and which is not inflationary. If other areas of Government through the years had followed this example we would not be confronted with the inflationary problem that now plagues us.

In the process some pretty wonderful things have happened because we have enhanced the opportunity of movement of men and goods and now have or will soon actually have already the greatest highway system in the world which adds to and improves the economic position of our country.

Well, in that corner, was our present chairman. He was not then chairman, but he was a very valued member of the committee. He was chairman of the Subcommittee on Roads and was in a very real sense the father of this legislation.

We, in the Congress, should be eternally indebted to him as should the country. So I join with those who pay accolade to these people and pay them the respect they have earned.

The one great change, an important change, that we have suggested in this legislation is that one that changes the formula from 50–50 to 70–30 for the whole system.

I think this is a magnificent step in the right direction and will assure in the future the State Highway people will have the wherewithal to meet the challenge ahead, or more nearly correct, I think it should be pointed out, with all the sources of income we now have and can envision in the future if we are going to have enough to meet the real challenge ahead. I point that out because there are those who have eyes on this fund to use it for the development of other transportation systems, coordinated systems. I am for that. But we should not jeopardize the highway system, which is one of the most important, if not the most important, part of our transportation system.

Having said that, I also want to reiterate what I said yesterday. At the proper time an amendment will be offered that will take out of this bill some unnecessary legislation. It violates some traditions that I think we should be jealous of, and it sets a dangerous precedent that I think we ought to note, because I do not think in the future we want this Congress to tell the State of Iowa or anybody in our district or our communities just where highways should go. We ought to preserve this right for the people to have their day in court. When the proper time comes, we will carry that argument and proposition farther forward. But I did want to take time to comment briefly on the bill.

There are many things that are good about it and that have already been talked about by many Members of this Congress. I hope the record we are making here today, which is the result of real study on the part of some tremendous Members of the Congress who are completely dedicated to the development of a transportation system, will be read by all those interested in the evolvement of a coordinated transportation system in America to enhance the economy and welfare of all people.

Mr. KLUCZYNSKI. Mr. Chairman, I yield to the gentleman from Texas (Mr. WRIGHT) such time as he may consume.

Mr. WRIGHT. Mr. Chairman, I would like to confine my brief remarks here today to two areas of the bill, namely those which are of an international character and those which are concerned with our domestic beauty and environment.

First of all there are 3 sections which consider highway development outside the 50 States of the United States. These are: section 112 on the Virgin Islands, section 113 on the Darien Gap, and section 119 on the Alaska Highway.

VIRGIN ISLANDS

In January 1970, the Secretary of Transportation transmitted to the Congress a report entitled "Territorial Highway Study—Guam, American Samoa, Virgin Islands," prepared in accordance with the requirements of section 29(b) of the Federal-aid Highway Act of 1968, Public Law 90–495. In light of the findings of this report, this committee feels that a limited program of highway construction and improvement and technical assistance should be implemented in the Virgin Islands immediately.

An economic boom is bringing prosperity to the islands. The unemployment

rate is very low, and per capita income is by far the highest in the Caribbean. It is estimated that the growth rate of the gross domestic product of the islands is about 20 percent per annum for the 1960–70 decade. Even with a slower rate of growth during the 1970–80 decade, GNP in 1980 is expected to reflect a five-fold increase over 1965.

Economic expansion has produced other remarkable indications of growth. Population almost doubled between 1960 and 1968. An even faster rate of increase is expected throughout the 1970–80 decade. The expanding population and economy of the Virgin Islands and the gains in per capita income are reflected in the growth of motor vehicle registrations. In 1960, there was one motor vehicle—exclusive of motorcycles and motor scooters—registered per about every 6 persons. By 1968, registration had more than tripled, while population only doubled and the ratio of persons per vehicle had decreased to 3.3.

In order to sustain continued economic growth and physical development, there is a pressing need to develop the islands' arterial and collector network of major highways and improve and expand their local road and street system. Major arterials are in extremely substandard condition, and construction and maintenance procedures in the islands are far below an acceptable level. This committee feels that Federal assistance at this time is essential to prevent a slowdown in economic expansion in the future.

Of equal concern to this committee is the need for the development in the islands of a mature, self-reliant agency, capable of handling these highway improvement programs. The Virgin Islands would benefit greatly from technical guidance such as furnished elsewhere by the Federal Highway Administration. That agency possesses on its staff persons highly skilled in techniques of planning, locating, designing, and constructing highway facilities. Consequently, this section specifically authorizes the Secretary of Transportation to provide such technical assistance to the islands as necessary to develop a self-sufficient highway agency.

The bill authorizes $2 million for 1971, $2 million for 1972, $2 million for 1973 for the Virgin Islands highways.

DARIEN GAP

Section 113 provides for construction of 250 miles of highway in Southern Panama and Northern Colombia in a location known as the Darien Gap. This section of highway will provide the final link between the Inter-American Highway System, and thereby complete an uninterrupted highway from the State of Alaska to the Southern tip of Argentina.

This committee feels that competition of this intercontinental route should not be delayed any longer. The Federal Highway Administration, using the most advanced methods of geophysical survey, has furnished conclusive proof of the feasibility of crossing the Atrato Swamp in Northern Colombia. Studies have shown the tremendous favorable impact the Inter-American Highway has had and will continue to have on the economy of the Central American countries. Surveys made by FHWA have convinced the governments of Panama and Colombia to accept a route connecting the Inter-American Highway and the Pan American Highway System which is approximately 200 miles shorter than that originally planned and which will save over $100 million in construction costs.

Total cost of the route is estimated at $150 million. This bill authorizes $100 million as the U.S. share, a two-thirds contribution identical in percentage to that contributed to the Inter-American Highway.

This section further provides that construction of the highway will be under the administration of the Secretary of Transportation, in consultation with the Department of State. This is similar to the administrative provisions contained in section 212 of title 23, United States Code, with respect to the Inter-American Highway. This will insure that construction will be under the close supervision of the Federal Highway Administration. FHWA has had long experience in the development of highway organizations in Latin America and in the supervision of specific highway projects; its continued leadership and advice will insure an economical and expeditious completion of this important highway.

ALASKA HIGHWAY

Section 119 authorizes the President to enter into negotiations with the Canadian Government to secure a suitable agreement authorizing the paving and reconstruction of the Alaska Highway. The President is to report to Congress within 1 year the results of his negotiations with the Canadian Government.

During World War II, the Alaska Highway was built as a joint United States-Canadian project in which Canada provided the right-of-way and the United States the cost of construction on a route which followed a system of airfields.

The Alaska Highway now totals 1,525 miles and stretches from Dawson Creek, British Columbia, Canada, to Fairbanks, Alaska. However, of these 1,525 miles only 383 miles in Alaska are paved. The remaining 1,142 miles of the highway consists of a gravel-soil base that results in hardships to the user either from extreme dust or from complete erosion and slippage of the roadway. It is of vital importance for commerce, for defense and for tourism that paving and necessary realinement commence on the highway as soon as possible.

Previously, because of budgetary restrictions and lack of favorable balance of economic benefits, Canada has not been agreeable to sharing the cost of improving the Alaska highway. But this situation is now believed to be in process of change because of new economic developments in Alaska, that give promise of bringing changes also in northwestern Canada.

This Committee believes that it is desirable for the Congress through this section to indicate to the Canadian Government the importance that both the Congress and the President attach to the paving and realinement of the Alaska Highway.

BEAUTIFICATION

Concerning the domestic beauty of this country with respect to highways the bill has taken two steps: First, it has created a highway beautification commission and it has increased authorizations for the beautification items now covered by law.

Highway beautification is a part of the effort to reverse the deterioration of the quality in American life. The present beautification program should be improved and solutions must be developed for the control of outdoor advertising and junkyards in areas adjacent to the Federal-Aid Highway Systems. To do this the Committee believes we should possess the applicable pertinent data, the opinions of experts in the field and recommendations for appropriate action. The Committee believes that this can best be done through a study of the existing statutes and regulations, a review of the policies and practices of Federal and State agencies charged with administrative jurisdiction of beautification matters, a compilation of data necessary to understand and determine the requirements for a beautification program and the preparation of recommendations and modifications and additions to existing laws, regulations, policies, and practices as will best serve the public interest. To accomplish this important task, a special commission is being established under this section.

The Commission on Highway Beautification is to be composed of four Members each from the Senate and House Public Works Committees to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, and four public members appointed by the President, together with a chairman who will be elected by the other 12 members.

The Commission shall not later than 1 year after enactment of this section submit to the President and the Congress its final report. Through this method it is hoped that in the future there can be avoided the kinds of controversy which have surrounded most of the Highway Beautification Act of 1965, in particular, the outdoor advertising control program.

Because of the unique relationship of highways to the land, the committee has long been concerned with the highway's impact on the environment. Initial Federal efforts to control outdoor advertising resulted in the provision of the 1958 act providing incentive payments to States removing nonconforming signs. Some 25 States took advantage of this program.

In 1965, the Highway Beautification Act was passed. It is composed of three separate programs: control of outdoor advertising, control of junkyards, and landscaping and scenic enhancement. The establishment of these programs reflected an increasing awareness of the need to preserve and enhance the areas through which highways pass.

To date, the landscaping and scenic enhancement program has involved

most of the Federal funds appropriated, and has been successful. The program for the control of junkyards is underway. Forty States have laws which regulate junkyard screening and prohibit future nonconforming junkyards.

Until now the program for control of outdoor advertising has not been successful even though some of the States and the District of Columbia and Puerto Rico have legislation which permits compliance with the act's sign removal program.

The amount of funds authorized by this bill in fiscal year 1971 is $27 million and in 1972 is $20.5 million. Funded to this proposed level and guided by the findings of the Highway Beautification Commission established by this bill, this program can proceed.

Mr. KLUCZYNSKI. Mr. Chairman, I have no further requests for time.

Mr. HARSHA. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time for debate on titles I and II of the bill, all time has expired under those two titles for general debate.

Under the rule, the gentleman from Arkansas (Mr. MILLS) will be recognized for 30 minutes and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 30 minutes to control the time for general debate for the Committee on Ways and Means.

The Chair recognizes the gentleman from Arkansas, Mr. MILLS.

Mr. MILLS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I would now like to take up consideration of title III of H.R. 19504, which generally extends the highway trust fund and postpones the scheduled reductions in certain highway-related excise taxes now paid into the trust fund for a period of 5 years, or from September 30, 1972, to September 30, 1977.

THE HIGHWAY TRUST FUND UNDER PRESENT LAW

Let me briefly summarize the provisions of present law relating to the operation of the highway trust fund before discussing the provisions of title III of the bill. Under present law, revenues from a series of highway user excise taxes are placed in the highway trust fund, which was created by the Revenue Act of 1956. These are the manufacturers' taxes on gasoline and lubricating oil for highway use, trucks and buses, truck and bus parts, and tires, tubes and tread rubber for highway use; the retailers' taxes on diesel and special fuels for highway use; and the tax on use of heavy highway motor vehicles.

These highway-related taxes are expected to raise approximately $5.2 billion in revenue for the trust fund in the fiscal year 1971, and about $5.4 billion in the fiscal year 1972. As my colleagues know, the trust fund is used to finance the Federal Government's 90-percent share of the Interstate Highway System, the Govenment's 50-percent share of the A–B–C primary and secondary road systems, and the Government's share of certain other Federal-aid highway related programs.

The highway trust fund is presently scheduled to expire on September 30, 1972; that is, tax liabilities arising after that date for the highway user taxes mentioned previously—for those taxes that continue in effect after September 30, 1972—will be paid into the general fund as they were prior to the Revenue Act of 1956, instead of the highway trust fund. Highway user taxes collected after this date on account of pre-October 1972 liabilities will continue to be paid into the trust fund until June 30, 1973; however, moneys in the trust fund can be expended for Federal-aid highway programs only until September 30, 1972. At this point, I would insert table 1 of the committee report—House Report No. 91–1554—on title III of H.R. 19504, appearing on page 36, in the RECORD:

TABLE 1.—EXCISE TAXES ALLOCATED TO HIGHWAY TRUST FUND: UNIT OF TAX BY EFFECTIVE DATE OF RATES

	Unit of tax	Present rates	Rates effective after Sept. 30, 1972
Manufacturers:			
Gasoline	Per gallon	4 cents	1½ cents.
Lubricating oil	do	6 cents	6 cents.
Trucks, buses, trailers	Manufacturers' price	10 percent	5 percent.
Truck, etc., parts	do	8 percent	5 percent.
Tires	Per pound	10 cents	5 cents.
Tubes	do	10 cents	9 cents.
Tread rubber	do	5 cents	None.
Retailers: Diesel fuel and special fuels	Per gallon	4 cents	1½ cents.
Other: Highway motor vehicle use tax (vehicles weighing over 26,000 pounds).	Per 1,000 pounds	$3	None.

As indicated in this table, most of the highway user taxes presently paid into the trust fund will continue in effect at reduced rates after September 30, 1972. These reduced taxes would be expected to produce about 40 percent as much total revenue per year as would be derived from the existing schedule and rates of the highway trust fund taxes. The taxes on tread rubber and on the use of heavy motor vehicles are to expire after September 30, 1972, while the tax on lubricating oil will continue at the present rate.

THE NEED FOR EXTENDING THE HIGHWAY TRUST FUND

Mr. Chairman, it is apparent from testimony before the Congress that the Interstate Highway System cannot be completed by the present expiration date of the highway trust fund. Estimates indicate that the likely completion date of the Interstate System will extend at least until 1978. In fact, title I of this bill extends the authorization of funds for the Interstate System through June 30, 1978. The need for extending the trust fund in order to complete the Interstate System results from the increase in costs and also from the addition of 1,500 miles to the system in the 1968 highway-aid legislation.

The funding of the Interstate System is of immediate congressional concern due to the 1972 termination date of the trust fund because of the timing involved in the Federal-aid highway apportionment authorization procedure. Apportionment for a fiscal year of amounts available for State obligations for Federal-aid highway construction must be made at least 6 months prior to the start of that fiscal year; in other words, the apportionment for the fiscal year 1972 must be made on or before January 1, 1971.

Moreover, there must be sufficient future receipts coming into the trust fund to pay the disbursements that result from obligations under the apportionment of a fiscal year authorization, as well as for previous fiscal year authorizations. However, due to the present 1972 termination date of the trust fund, sufficient revenues will not be available to cover the apportionment of the total $6.125 billion trust fund authorizations under this bill for the fiscal year 1972. Furthermore, even the fraction of fiscal 1972 authorization amounts that could be apportioned from future revenues under existing law would give rise to actual disbursements after the September 30, 1972, cutoff date for expenditures from the trust fund. Therefore, it is necessary at this time to extend the trust fund in order to assure continuity in the Federal-aid highway program, and to allow proper Federal and highway planning.

EXPLANATION OF TITLE III OF H.R. 19504: 5-YEAR EXTENSION OF THE HIGHWAY TRUST FUND

Mr. Chairman, as I have previously indicated, title III of H.R. 19504 basically provides for the extension of the operation of the highway trust fund for 5 years, generally from September 30, 1972, to September 30, 1977. Accordingly, the rate reductions and expirations of the highway user taxes allocated to the trust fund—listed in table 1—currently scheduled for October 1, 1972, are postponed for 5 years. Thus, the bill does not make any change with respect to the current bases or rates of the highway user taxes listed in table 1.

Mr. Chairman, I therefore urge passage of title III of H.R. 19504 and the entire bill at this time.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I thank the distinguished gentleman for yielding. I know the chairman is very much concerned over the fiscal pressures that this Government is facing, and I would assume that the chairman would agree that these fiscal pressures are really likely to get worse rather than better over the next 5 or 6 or 7 years.

Mr. MILLS. Each additional fiscal year we will find them getting worse.

Mr. BINGHAM. And noting that the funds from the taxes that the gentleman has been referring to have grown from $1.4 billion in 1956, when this trust fund

started, to $5.2 billion now, and the likelihood is that this growth will continue, does it seem wise to the gentleman, the distinguished chairman of the committee, to lock up, so to speak, this source of very substantial revenue for many years ahead without regard to the consideration of other needs that might in these years be more urgent than the need for additional highway construction?

Mr. MILLS. Would my friend, the gentleman from New York, advise me of the particular need he has in mind that may be greater than building roads?

Mr. BINGHAM. I could do that in a kind of personal way, Mr. Chairman. During this last campaign I spent some time on the subway platforms in my city. In my district there are some 20 subway stations—just in that district—where the aged people and the infirm people cannot use the subways because we have long flights of stairs and no escalators.

This is the type of need in respect to our mass transit systems which, it seems to me, in terms of urgency are much greater than some of the highways that are contemplated here. What I am asking the chairman is: Is it wise for us now to lock up this very sizable amount of funds, not knowing what our needs are going to be 4 or 5 or 6 years from now?

Mr. MILLS. We know there is not sufficent money in this 5-year period to carry forward the completion of the interstate system plus the maintenance of the apportionment to the States for primary and secondary roads normally referred to as ABC roads. So the money here involved in the extension of the rates in title III of the bill will be needed in its entirety for this one purpose alone.

I know the problem the gentleman has reference to and which he mentioned. I talked with Secretary Volpe and many others in the administration about how we might develop a funding program for mass transit. I know the legislation presently on the books calls for it to be financed from the general funds of the Treasury. However, I am not an advocate, and I want my friend to understand that completely, of using highway user tax funds for some other purpose than the construction of highways. I do not mean to say to my friend that there may not be some other way to set up a trust fund that could be used for the purpose of answering the problems of mass transportation, but I cannot see the relationship between taxing a person for highway use and the construction with his dollars of something other than a road.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding. I note in the report the committee has stated that possible modifications would be reviewed to the way in which the trust fund is to be used. Would that be in the next year or so that this review might take place?

Mr. MILLS. I do not want to make a commitment as to the exact timing. I must say to my friend, that does not necessarily mean the committee intends in the next year or two, or in the next 5 years, to authorize the use from the highway trust fund of any of these moneys for mass transportation. I do not want the gentleman to be misled about it.

The committee, of course, could do that and the Congress, if it wanted, could approve the action of the committee, but I am not suggesting that I think the committee will do so.

That is not what we are talking about. There are some other elements involved in the overall highway use patterns and systems that we may well want to make some of this money available for in the future. We were not talking about mass transportation.

Mass transportation is a very acute problem. I want the gentleman to understand I recognize that. What I am talking about is how would such a program, as important as this, be funded.

I will ask the gentleman if there is any relationship whatsoever between taxing a person who owns an automobile and who will gladly pay the tax for Federal roads, also of the development of mass transportation which he may never see?

Mr. BINGHAM. Mr. Chairman, will the gentleman yield further?

Mr. MILLS. I yield further.

Mr. BINGHAM. Since the gentleman has suggested that question, I believe there is a very definite relationship. Just as this bill calls for parking facilities that may reduce the pressure on highways, so improved mass transit can make life much better for the motorist on the highways, rather than having constantly increased congestion on the highways.

Mr. MILLS. It has no relationship, in my mind, to taxing him under the guise of a use tax to use the highways, and then using the revenues for mass transportation. This is a problem I have difficulty in answering in my own mind.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Washington.

Mr. ADAMS. In a direct answer to that question, there are at least three different systems being considered at the present time.

Mr. MILLS. I am aware of that.

Mr. ADAMS. Which can use the limited highway facility and which in our major metropolitan areas are absolutely necessary if the automobile is to be able to function at all.

We have reached a point in some areas—and my own city is one—where one will not be able to get in and out with an automobile soon.

Mr. MILLS. I understand that problem.

Mr. ADAMS. So we have to use a part of the money.

Mr. MILLS. We do not have to use these moneys in order to solve the problem of mass transportation; that is all I say.

Mr. ADAMS. The allocation of a linear motor system on a concrete freeway or the use of an express type bus vehicle or hovercraft using these facilities is something in which the motorist who wants to come to an area, and then ride a portion where he cannot use his car, has great interest.

Mr. MILLS. If the gentleman will go back and sell his constituency on the idea of the Congress assessing them a tax for the use of a road and then allowing that money which they pay for that purpose to be used for some other purpose it would help.

Mr. ADAMS. I would say to the gentleman it is already being done with the blue streak specials on the highway using the Interstate System today.

Mr. MILLS. If the gentleman can satisfy his people, then he can come to my State and satisfy mine, please.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from New York.

Mr. KOCH. I should like to say to the distinguished chairman that transportation is an integrated matter, that the user of an automobile is at some time during the day a pedestrian. When he comes to the city, or if he is in the city and he has to park his car, and he wants to get elsewhere, he is delighted when public transportation is available.

Mr. MILLS. Then, assess a tax on them for mass transportation.

Mr. KOCH. I make this point: If you took the streets of the various cities of this country and put them end to end, they would far exceed the highways that this bill is paying for. There is no special tax levied against the user of a city street. I pay that tax and gladly do so to provide the public with a network of roads in my city. I believe that the user of a motor vehicle would be willing to pay for the integrated system if you would give him a chance to do so.

Mr. MILLS. That is not what they tell me about it. I am sure some people have a different viewpoint than others do. What I say is I do not like the idea of telling somebody that he is paying a tax in order to use something and then he finds out that he is paying a tax not for that purpose but for some entirely unrelated purpose. If you friends of mine in New York will come up with some program related to mass transportation as a form of use tax, I will be glad to hear you. I am sure you can almost sell me without any difficulty, but do not continue to ask us to tax for one purpose all of our people and then say, "No, no. We are going to use it for some entirely different purpose." Let us tax them on the basis of the use of that which we want to improve.

Mr. KOCH. If the gentleman will yield to me for one brief moment further?

Mr. MILLS. Yes. I yield to the gentleman.

Mr. KOCH. What we need is a single transportation trust fund, from which localities can choose that kind of trans-

portation most needed and suitable in their area. It is wrong to impose highways on the city of New York where they need mass transit.

Mr. MILLS. I am perfectly willing to consider the entire problem, but I am not willing to finance the entire problem out of the users of one segment of the problem. That is all I am saying.

Mr. KOCH. We say put all of those special taxes into one fund.

Mr. MILLS. That is what I am telling you. I will be glad to hear you at any time you want to be heard after the 1st of January. You develop a program of user taxes that is related to the use of mass transportation, and I will be glad to hear you.

Mr. KOCH. I will be down to talk to you.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to my friend from Texas.

Mr. WRIGHT. I thank the distinguished chairman for yielding to me.

In connection with the colloquy that has just taken place, two or three things, I believe, need to be clarified. First of all, with respect to the question of what constitutes a priority and what is important in this country. The gentleman from Arkansas personally would agree, I believe, that with 56,000 Americans being killed on the highways of the country each year, this is the first priority matter. Additionally, we have clear and adequate demonstration that the number of fatalities on the Interstate System measured per million passenger-miles is approximately one-half of those on the entire street and road network of the country. Therefore, it can be amply demonstrated that well-engineered highways can save lives. Some 56,000 Americans being killed each year is a greater number than the total number of American fatalities in the Vietnam war to date.

Mr. MILLS. On that very point, I do not know what in the world the death rate would be if the roads were the same today as they were in 1939, or 1956, with the number of cars that we have now.

Mr. WRIGHT. Precisely. In 1956, when we authorized the Interstate System, we were trying to put 60 million vehicles on a road surface that was designed for 30 million. Today we have 80 million vehicles on that road surface.

The second point is in this very bill we have done some things to facilitate and aid in the development of a mass transportation facility. One of the provisions of the bill permits the construction of preferential bus lanes, that is, lanes for mass transportation.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute. I yield to the gentleman from Texas.

Mr. WRIGHT. Another significant feature of the program permits fringe parking together with all of the accoutrements which would permit a connecting link between highways on the outside with whatever mass transportation programs may be developed on the inside.

So, I think it is fair to say that we have made significant strides within the framework of our good faith commitment and for those who pay the taxes that we do the things that will create an effective transportation system.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Yes, I yield to the gentleman from Texas.

Mr. PICKLE. The chairman of the Committee on Ways and Means makes the point as I understand it that these taxes are raised for highway purposes and are to be reserved and placed in trust and used specifically for those purposes.

Mr. MILLS. That is the purpose for which we levied them. If we are to change them——

Mr. PICKLE. They were levied for that purpose. It has been rumored that some of the highway trust funds had either been frozen or held up or used for other purposes.

I want to point out the fact that we passed the airport and airways bill just recently. The tax part of it came out of the gentleman's committee. It is estimated that this will amount to $600 million, plus. The rumor, very strongly, is that this money was being raised for this purpose but is not now going to be used for the purpose for which it was intended. It is my understanding that the administration is going to ask for only $60 million. I think we have in excess of $240 million to be used for airports and airway improvements. We levied the taxes for these purposes. For the administration to take that money and not use it or divert it or proliferate it, is not using it for the purpose for which it was intended and I think the House ought to take another look at this, particularly the Committee on Ways and Means.

Mr. MILLS. Sometimes I think the Committee on Ways and Means should consider these facts when funds are set up and trust funds are established that during the period of time their use is suspended, the tax itself will be suspended.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Yes, I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I have asked the chairman of the Committee on Ways and Means to yield just to add briefly to what has been said. I support the position of the chairman. I think the record shows that there are some $326 billion in highway deficiencies that need attention, based upon current information available to us.

Second—and I shall get into this more thoroughly when amendments are offered—I believe the gentleman is on the right track when we think in terms of the two trust funds we now have, plus the commitment for urban mass transportation use of the general fund, plus the highway and airway transportation system contained in this bill, but at the present time consideration should be given to an urban transportation area trust fund in order to fill in the missing links between the airway trust fund and the highway trust fund.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Would the chairman of the Committee on Ways and Means tell us what happens to the surplus, if any, that accumulates in the highway trust fund?

Mr. MILLS. Actually, there is not any surplus in the long run that will accumulate.

Mr. ANDREWS of Alabama. I assume more is collected in the fund than is spent for highway construction, et cetera?

Mr. MILLS. There is a provision in the law of 1956 to the effect that there cannot be expanded in any one year more than is taken in and, presumably, in order to be on the safe side they do not make commitments which will require the expenditure of more more than is take in over the long run and, therefore, there would be no excess of money. Under no circumstances can the money be taken from the fund and spent for anything other than what they have authorized those moneys to be spent for.

Mr. ANDREWS of Alabama. But are any of the funds taken out of the current income and replaced by bonds?

Mr. MILLS. Oh, well, let us say that you take in $5.2 billion in the fiscal year but actually only $5 billion is spent in order to be on the safe side. That $200 million, yes, could be put into Government bonds that could be put into the trust fund and the $200 million could be used for general purposes. However, the bonds in the fund would have to be retained by the Treasury for use whenever the Department of Transportation wanted to allocate those moneys to the States for road purposes. These funds cannot be spent for anything other than the specific items that are enumerated such as the construction of roads and so forth.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute.

Mr. ANDREWS of Alabama. Mr. Chairman, if the gentleman will yield further, on that point, I understand that. Now, we hear a lot about a unified budget as opposed to an administrative budget——

Mr. MILLS. Do not get me into that, please.

Mr. ANDREWS of Alabama. I will withdraw the question. I think we know the answer.

Mr. MILLS. I do not like it, and the gentleman knows I do not.

Mr. Chairman, I yield back the balance of my time.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 19504, the Federal-Aid Highway Act of 1970. I do not believe it is necessary for me to go into great detail in view of the background explanation of title I and title II of the bill by members of the Public Works Committee, and the explanation by the chairman of the Ways and Means Committee of the financing included in title III of the bill.

Title III of the bill, which the Ways and Means Committee considered, would provide for the extension of the highway trust fund for 5 years—from September 30, 1972, to September 30, 1977. In

connection with this, the scheduled reduction of taxes allocated to the trust fund are postponed for 5 additional years. Unless this extension is provided, disbursements cannot be made from the highway trust fund after September 30, 1972, and accrual of taxes to the fund will cease as of that date. Apportionment authorizations have traditionally been provided on a 2-year basis, and proper planning for the apportionments for these years requires that we act promptly to extend the present expiration date.

According to testimony received by the Committee, 96 percent of the interstate system is in the pipeline, with 70-percent completed and receiving traffic, 12-percent under construction and 14-percent being engineered. Due to the additional 1,500 miles added to the system in 1968, and increased costs of the program, it is not clear that the extension provided in this bill will be sufficient to completely finish construction of the interstate system. The extension does provide the necessary resources to continue construction of the system during the next few years.

I believe that the benefits of the interstate system clearly demonstrate that this is in the national interest. The Nation's system of highways is unmatched anywhere in the world. They permit our citizens to have easy and safe access to recreation, employment, educational opportunities, health facilities, entertainment, and civic functions. The benefits to our economy from an efficient system of public roads are self-evident. The interstate system, by providing limited access, divided highways permit more expeditious travel under conditions of greatly increased safety. A first class system of highways is clearly of benefit—both directly and indirectly—to the entire Nation.

This bill, while insuring that increased attention will be given to environmental problems, urban transportation needs, dislocations caused by highway construction, and improved safety, does not in any way provide diversion of funds from the highway trust fund. The user taxes imposed by the law will continue to be devoted to facilities and programs directly benefiting the highway user.

During the extension provided by this bill, Congress will have time to consider desirable modifications in the system, and changes in the program that should be associated with completion of the interstate system. In this connection, the bill requires the Secretary of Transportation in 1972, to submit specific recommendations for the functional realinement of the Federal aid system through the year 1990. The study should be of assistance to the Congress in making appropriate decisions relative to the Nation's needs.

Mr. Chairman, I believe it is imperative that we continue the task of completing this great undertaking. I urge all of my colleagues to join me in supporting this important legislation.

Mr. Chairman, I have no further requests for time.

Mr. GRAY. Mr. Chairman, I rise in support of H.R. 19504 the Federal Aid Highway Act of 1970. Before I comment on the great need for the passage of this legislation, I want to first highly commend the distinguished chairman of the full Committee on Public Works, the gentleman from Maryland (Mr. FALLON); the distinguished chairman of the subcommittee, my friend and colleague from Illinois (Mr. KLUCZYNSKI); the ranking minority members, the gentleman from Florida (Mr. CRAMER) and the gentleman from Ohio (Mr. HARSHA); and the other members of the Committee on Public Works for the long hours of labor in the hearings and the writing of this landmark legislation. I also want to thank our very able chief counsel, Richard Sullivan, and his staff and the brilliant assistant legislative counsel, Bob Mowson, for their great work and dedication to duty.

Mr. Chairman, H.R. 19504 is a bill that will provide over $22 billion in highway construction money between now and 1978. Thousands of lives will be saved when the Interstate Highway System is finished. The important primary secondary and farm-to-market road system is also vital to the welfare of our country. This bill will provide funds to finally eliminate the antiquated road system that we have had in America in the past.

I had the privilege to help write the 1956 Interstate Highway Act with the other distinguished friends on the Public Works Committee and it is a great joy to see this bill come up for approval to finish the job of building the greatest highway program in the world.

I urge a unanimous vote.

Mr. CLANCY. Mr. Chairman, I rise today in support of H.R. 17123, the Federal-Aid Highway Act of 1970.

Our Nation's prosperity and social development are highly dependent upon highway transportation. The benefits derived are literally beyond measure. Although every American reaps benefits from a quality highway system, the general improvement in living and the widened freedom of selection of daily activities it provides are often not fully appreciated. These benefits to the social and economic structure of America can be seen in increased job opportunities, wider choice of residence, and the dispersion of commercial and industrial activity. In addition, there is quicker access to cultural and recreational centers, schools, parks, churches, and hospitals.

Although the highway system is built through user taxes, the savings to users more than offset the expenditures. These user charges are an attempt on the Government's part to approximate the principles that apply in the market economy. As the highway trust fund does not produce sufficient revenue, continued dedication of trust fund revenues is necessary to avoid impairment of our Nation's mobility and its safety.

From its inception, the highway program's major objective has been that of safety and nearly every project greatly contributes to this factor. As a result of this safety program, our Nation's highway fatality rate is one of the lowest in the world even though highway travel has experienced mammoth increases. Strong emphasis has been placed on safety in all highway design and construction activities. In an effort to eliminate the causes of accidents and to minimize their severity, all elements of design on Federal-aid projects are required to be carefully reviewed. Two safety programs with which we are all familiar are: the effort to achieve nationwide uniformity of signs, signals, and markings; and the railway-highway grade crossing safety hazard elimination program.

Another factor which is considered during every stage of project development is the impact of our Nation's highways on people and upon the environment. Much importance is placed upon such factors as pollution, noise, and other environmental considerations. Today's highway projects are helping to improve and upgrade housing, to provide recreational and park facilities, to preserve historic sites and to enhance scenic beauty.

I am especially interested in the portion of the legislation before us today which deals with the emergency relief rule set by Congress in 1968 after the Silver Bridge catastrophe at Point Pleasant, W. Va. This earlier act was interpreted to allow Federal funds for bridges only after catastrophic failure and collapse. In recent years many older bridges in the Federal-aid highway systems have been closed due to their unsafe condition. Although the condition of these bridges were such that a real and present danger did, in fact, exist, it was not clear that emergency funds would be authorized for their repair or reconstruction. The additional authority found in the legislation before us today recognizes the need for funds to reconstruct or repair bridge structures in imminent danger of collapse but which have not been subject to catastrophic failure. The likelihood of failure which led to the closing of the C. & O. bridge which extends between Cincinnati, Ohio, and Covington, Ky., is precisely the kind of emergency condition for which relief is contemplated in this section. I firmly believe that a catastrophic occurrence was avoided by the timely closing of this bridge and its closing should constitute no bar to the granting of emergency relief for its reconstruction. To deny such relief would be to penalize the wisdom, decision, and foresight that this emergency section was designed to promote.

The above-mentioned amendment is but one example of how new highway programs have been initiated and implemented to fill newly emerging needs. The highway program has produced enormous benefits in this era of rapid technological advancement and changing attitudes.

I wholeheartedly support the Federal-Aid Highway Act of 1970 now under consideration by this body and urge its immediate passage.

Mr. DADDARIO. Mr. Chairman, I rise today to express my concern and to protest the provisions of section 129 of the Federal Highway Act of 1970 which direct the Government of the District of Columbia to begin work within 30 days after enactment of this legislation on certain highway projects authorized under the 1968 Federal Highway Act.

In the last decade the process of American government has sometimes been

criticized by some in this country who claim government has failed to respond to desires of the people. We are today presented with an opportunity to display to the people of the District of Columbia that we are, in fact, responsive to their desires and that we are cognizant of their needs before we enact legislation.

In assessing the need for the Three Sisters Bridge and the North-Central Northeast Freeway, it is helpful to recall the action of Congress in 1960 when it rejected the plans put forth in the "1959 Mass Transportation Survey," plans which are similar to those which would be forced upon the people of the District of Columbia under section 129. The plans were unacceptable then and are unacceptable now for the very same reasons: high cost, destructiveness, and lack of demonstrated need for added arterial highway capacity.

Rarely has a piece of legislation brought a more vehement and united outburst from the residents of the District of Columbia than section 129. This attempt to force the residents of the District to accept the highway proposals in exchange for the release of funds for the construction of the badly needed subway system is in no way justified by the principles of our democratic form of government. The people are opposed to it, the major civic groups are opposed to it, and the City Council is opposed to it. Although the Council voted to approve the Three Sisters Bridge, those councilmen who did so vote indicated that they voted that way only to free the badly needed funds for subway construction which were being held in front of them, in much the same way a carrot is hung out in front of a horse. In this case, however, the movement obtained by use of the carrot was backward, rather than forward.

The divisions which afflict this Nation are real. We in Congress should do all in our power to aid in the process of healing our wounds. Forcing upon the people of the District of Columbia something they do not want, without fair and proper hearing, is to deny them the privileges enjoyed by the citizens of the 50 States. We should learn from the decision of the courts in their interpretation of section 23 of the 1968 Federal Aid Highway Act. That section was interpreted to allow the people of the District to participate in decisions concerning the building of roads in the District. Section 129 ignores that holding and instead adopts a position which the Honorable J. Skelly Wright has indicated is most likely an unconstitutional denial of the rights of the citizens of this city. The people of the District of Columbia should decide whether or not a particular road or a particular bridge needs to be built. This is a decision for local determination, not a matter of policy to be set by the Congress.

Mr. DORN. Mr. Chairman, the Interstate Highway System is the greatest construction project in world history. I enthusiastically support this bill, H.R. 19504, which will authorize the completion of this great system, and I am proud to serve on the Road Subcommittee of the Public Works Committee which originated this legislation.

I am proud too, Mr. Chairman, to serve on the Roads Subcommittee under the able chairmanship of JOHN C. KLUCZYNSKI. Here is a man from the great city of Chicago, capital of our Nation's heartland, who is concerned with the transportation needs of all sections of this land. I know firsthand, Mr. Speaker, of the exhaustive hearings and studies that he personally has conducted throughout the Nation. He has been to all sections of this land, including my own, to document the highway needs of these localities. The outstanding bill before us today is a tribute to his foresight and effectiveness.

This bill would authorize an additional $17.275 billion for the completion of the 42,500 mile Interstate System, as well as provide authorization for Federal aid to A–B–C systems, the topics program, various highway safety programs, and other bold and imaginative programs. The funding for the completion of the Interstate System comes from the highway trust fund. This effective and financially responsible method of financing the Interstate System is protected by this bill, Mr. Chairman. The highway users who pay the gasoline, oil, tire, and other special road taxes which go into the highway trust fund can be assured that the road-related taxes they pay will continue to go toward improved highway transportation, and not be diverted into unrelated areas. The bill will continue to provide that every penny going into the highway trust fund is taken from taxes imposed only on owners and users of motor vehicles. If a person does not own a motor vehicle or use highways, he will contribute no revenues to the highway program, although he will benefit from it.

The benefits of this great Interstate System, as well as the entire Federal-aid system, are of course impossible to quantify exactly. But some of the figures developed by our committee are illustrative. For example, the value of travel-time saved as a result of modern highways, figured at a rate of $1.50 per hour, amounts to $273 billion returned to the traveling public by the Interstate System, much more than the cost of the system. The other dividends of the Interstate System, whether measured in terms of the pain and suffering avoided due to the lower rate of accidents on the safer Interstate System, or in terms of the greater mobility afforded the American people, or in terms of the simple joy of driving on modern highways, are not quantifiable.

Mr. Chairman, I have become more and more alarmed about the terrible toll of human suffering and property damage caused each year by highway accidents. This carnage must be ended, and the bill now before us is a giant step in that direction. One could easily term the complete bill a "highway safety bill," since highway improvement itself reduces the accident rate. The fatality rate on completed Interstate highways, expressed in terms of deaths per hundred million vehicle-miles traveled on the system, is less than half the rate on other heavily traveled highways. It is estimated that for every 5 miles of Interstate highway opened to traffic an average of one fatality will be avoided each year. The completion of the entire 42,500-mile system will lead to an annual reduction of about 8,000 fatalities, year after year. Between July 1956 and March 1970 a total of $43.8 billion of Federal funds was obligated for improvements on Federal-aid highways. One estimate is that the safety benefit resulting from all Federal aid will amount to about 131,000 fatalities and 3,300,000 personal injuries avoided during the effective life of these projects. So it is, Mr. Chairman, that this program merits our support as a safety bill aside from its economic advantages.

One specific section of this bill is of special concern to the people of my hometown of Greenwood, Mr. Chairman, as it relates to the serious safety hazard posed by highway rail crossings. In this connection, I quote from page 31 of our committee report:

> There is a need to develop and test an effective approach to solving the rail crossing problem. The City of Greenwood, South Carolina offers a unique opportunity to demonstrate in a single project, whether or not an approach to the rail crossing problem will bring about substantial improvement in both traffic flow and safety. The project would eliminate 35 rail crossings and reduce by approximately four miles the amount of rail line within this city of 20,000, and its environs where traffic is often delayed for ten minutes or more. The city, the railroads, the Federal Highway Administration and the Federal Railroad Administration, over a long period of time, have developed and planned an approach for alleviating the city's rail crossing problems. The demonstration project for greenwood provides funding which will allow the implementation of this approach from which we can learn valuable lessons for the future.

In connection with this proposed demonstration project I would again, Mr. Chairman, like to express my appreciation for the cooperation and concern shown by the great chairman of our Roads Subcommittee, the gentleman from Illinois (Mr. KLUCZYNSKI), a man from one of our largest cities who has shown such an appreciation for the highway problems of both large and small communities.

This is good legislation, Mr. Chairman, based on a sound, pay-as-you-go fiscal policy. I enthusiastically support this bill and urge my colleagues to do the same.

Mr. BRINKLEY. Mr. Chairman, I vigorously support H.R. 19504. Title III, in particular, provides long-range assurance that the Interstate Highway System as presently authorized will be completed in an orderly and expeditious fashion.

Many of us believe that the system should be expanded; certainly the trust fund based on user taxes must not be diluted through diversion of funds to other projects, however worthy they may be.

The gentleman from Texas (Mr. WRIGHT) points to highway safety as one important element of the Interstate System. I commend him for emphasizing that excellent point.

Also, may I be counted with the gentleman from Arkansas (Mr. MILLS) as an advocate of using highway trust funds, based on user taxes, on highways.

Mr. BROOMFIELD. Mr. Chairman, the impact of our highway system on the social and economic growth of the United States is beyond measure. For a people long accustomed to uncharted frontiers and vast expanses of open space, mobility has become more a matter of habit than of necessity. The American species of pioneer may have died out years ago, but the spirit of exploration, the silent urge to keep moving, remains stronger than ever. We are literally a nation on wheels, living and trading where our cars and trucks can take us. When a new road is opened, jobs, homes, schools, churches and hospitals spring up along with it, providing essential services to the mobile American. For our economy the highway system means capital, for our society it means civilization.

Yet, recent history has taught us that, despite our accomplishments in this field or, better, because of them, the development of our highway system is not without dangerous implications for the future of our people. The pollution of our air is a byproduct of the automobiles that make such large use of our highway system and the industries that could not exist without it. The flight of middle America from the city has been encouraged by its access to the freeways which link suburbs to population centers. The natural beauty of our countryside has suffered from the building of roads and the erection of ugly billboards on their banks. It is simply not true that highways have had only positive results, no more than it is true—as their critics argue—that America will soon be a country buried under concrete.

Clearly, we must adopt a balanced approach to road construction in the next decade, aware of its dangerous consequences for the future as well as its considerable contributions in the past. The Federal-Aid Highway Act of 1970 makes a start—a small one—toward the adoption of that approach.

The trust fund element of the new bill provides the best focus available on the past, present, and future of highway construction. Its very effectiveness raises, however paradoxically, questions as to its value in the long run.

The highway trust fund was established in 1956 under the Eisenhower administration to insure a comprehensive program of roadbuilding. The President warned against a "piecemeal approach" to the problem and urged that gas, tire, and vehicle taxes be placed in trust to be used solely for the highway system. By guaranteeing continued Federal subsidies for roads, the fund would facilitate long-range planning: contractors and States alike would have the confidence that whatever they decided upon could be paid for. The brilliant success of the network we eventually developed can be attributed to the integrated and comprehensive plans they drew up. Roads were not built as money became available, section-by-section, but rather, as they were needed by the nation as a whole.

This was, of course, the means we used to finance the Interstate Highway System; the only means that could have worked for a project of such overwhelming proportions. Now, the Interstate System, comprising only 5 percent of the Federal-aid highways in the Nation but carrying over 20 percent of all traffic, must be described as the backbone of our country's network of roads; this, despite the fact that it is not yet finished.

By 1978, the most recently estimated date for its completion, the Interstate System will connect all cities of more than 50,000 population with divided, high speed, limited access highways. To insure the final success of this most important venture of American roadbuilding, I believe we must continue the trust fund in its present form. I also approve the committee's authorization of $17.28 billion in additional funds to cover the cost of the system's extension. This authorization includes moneys totaling $5.5 billion to meet yearly 5-percent increases in construction costs through 1978. The trust fund guarantees that authorizations for the Interstate System will not be diverted to other projects; the cost-escalator control assures us that it will not suffer from rising prices.

Yet, important as this system has already proven, the past 5 years have shown us that there are many other elements of highway development that need just as urgent attention, particularly the improvement of urban primary and secondary roads. The expanded use of trust fund moneys for new projects in these areas is evidence of the flexible and even-handed position we must adopt for the seventies.

It is an unquestioned fact that our cities are hopelessly congested by auto traffic. There are two seemingly contradictory reasons for this: First, there is too great a reliance on the automobile as the only means of transportation, and second, we need more and better planned high-speed city roads. A critic of the bill would argue that the building of more roads will only encourage greater use of cars. In one sense this is absolutely true, but it does not take into account the balanced approach of this measure. It is true that the committee authorizes over $1 billion for urban primary and secondary roads with the Federal Government taking a 70-percent share of the cost rather than its present 50 percent. At the same time, however, the committee first, creates the Federal-Aid Urban System to improve the most heavily traveled elements of the city highway network, and second, authorizes a new Federal subsidy for urban highway public transportation to encourage commuters to use a more efficient bus service. Bus transit would be made more nearly competitive with the speed, comfort, and convenience of automobile travel: Exclusive bus lanes would be constructed, traffic control devices and bus passenger loading areas would be developed. By emphasizing public transportation the bill would take more cars off the roads; but the roads themselves would be increased in number and improved in quality for those who continue to use single automobiles. This seems to me a thoroughly sound way of reducing urban traffic congestion.

Two other aspects of the development of our roads have up to now been largely ignored by our emphasis on the interstate system: highway beautification and highway safety. The trust fund will be used to pay for new programs in both these areas. And again, this is proof of the bill's broader, more flexible scope.

A Highway Beautification Commission is established to review the efforts of the past. Increased funds, amounting to over $54 million for 2 years, are authorized for the control of billboards and junkyards and the development of scenic landscaping.

Another $330 million is authorized for general traffic safety programs, with further funds earmarked specifically for bridge reconstruction, railroad crossings, high hazard accident locations, and alcohol safety. About one-fourth of all highway program expenditures in 1970 are devoted to roadway elements which increase traffic safety. Close to 9,000 fatalities yearly will be eliminated by these most recent advances. This is surely a worthwhile undertaking.

I have considered now what I feel to be the key provisions of this bill. There is one more—the report of the Secretary of Transportation in 1972—which clearly directs us toward the problem of highway development in the future. The Secretary is ordered to make specific recommendations to the Congress for the functional realinement of highway programs through the year 1990. I believe this study will be absolutely necessary if we are to make intelligent decisions concerning future development in this area.

We must consider the fact that by 1980, 80 percent of the Nation's population will be living in urban areas which do not have the space for more highways, parking lots and garages; that by 1980, the Nation's population is expected to reach 250 million and auto ownership expected to increase by 64 percent, congesting our roads and demanding more and more of our open land; that by 1980, we will have a serious pollution problem. These factors clearly indicate a need for more efficient mass transit, not more highways.

The completion of the Interstate System by 1978 and the vast improvement in our network of roads by that year will finally allow us to look beyond highway transportation toward newer, more realistic methods. At that time, I think we must seriously consider revamping the trust fund which has made such a significant contribution to our success in the past. We will have a comprehensive system of roads; we will still be without a truly comprehensive system of transportation. The trust fund is an excellent concept, for it enables us to plan with confidence for the long-range future, but it must be expanded to include mass transit as well; otherwise, we may find our Nation a continental parking lot with cars tied up for hours on end.

The necessary reordering of our priorities must, of course, wait until the Interstate System is finished. The highway trust fund will insure its completion as soon as possible. I support the Federal-Aid Highway Act of 1970 for its balanced approach to the final development of our roads, but I urge my colleagues, at the same time, to prepare now for a future in which highways will be only a part of the total picture for American transportation.

Mr. WOLFF. Mr. Chairman, I rise in support of the amendment that will be offered by my distinguished colleague from New York (Mr. REID). This amendment would ensure effective local review of the impact of Federal-aid highway programs upon parks, wildlife refuge areas, national historic sites, and other areas whose conservation would serve the public interest.

In this period, when we get so much lip service to saving our environment, this amendment would give meaning to the words of those concerned about conservation.

In this period, when there is great understandable concern about the role of local communities in decisions affecting them, this amendment would give localities a well-deserved voice in matters of direct consequence to them.

In this period, when objections are justly raised to the lack of information available to the public about matters of general concern, this amendment would provide for an effective hearing and public disclosure procedures designed to ensure adequate public knowledge of the plans and probable impact of highway programs.

This amendment, then, gives us the opportunity to put the House of Representatives behind reasonable, responsible proposals of conservation, public disclosure and local participation in matters of great importance to the localities in which Federal-aid highway programs are contemplated.

It seems quite obvious to me that the House would want to put deeds where we have words; to substitute action for promises.

As the Members consider this amendment there is one crucial point to bear in mind. Once a highway is built, once trees, wetlands, and fields are destroyed, once the bulldozer has done its job, we cannot turn around and undo what has been done. The finality of constructing a highway is a perfect argument for building into the decisionmaking process as many safeguards as possible against wanton, ill-advised programs. This amendment, then, is not an antihighway amendment, it is a pro-environment, pro-local control amendment and most worthy of support.

I would also point out to my colleagues that this amendment does not give control to amateurs. As the able gentleman from New York said when testifying for this bill before the committee:

> Each local commission would be staffed entirely by persons with recognized expertise in the area of conservation of natural resources and wildlife and preservation of historic sites, communities and landmarks.

This is important because in considering the potential far-reaching impact of this amendment it is vital that we vest the authority for review of Federal-aid highway programs in individuals of ability and stature.

The gentleman deserves to be congratulated for taking the lead in this important area and I am pleased to rise in support of this amendment. I trust our colleagues will see the wisdom of adding this amendment to the pending legislation.

Mr. Chairman, there is no need to point out to anyone here the crying need for a solution to our present mass transit crisis. The state of transportation in the United States today is an absolute mess. Our cities are choking on automobiles and their pollution. Yet we are aiming at crossing oceans in 2 hours with an SST. For what? To wait 3 hours in a traffic jam? Why should we support a program which leaves the overwhelming majority of our people's problems unattended to? We should not. Thus I support this amendment which offers us at least a partial solution to the crisis.

If we adopt it, we will make available funds for a rational and unified approach to all forms of mass transit—not just the auto and the bus. What can be the argument against such a move? There is only one—and we hear it over and over again. The Government would break faith with highway users if it spent any of the trust fund money on nonhighway projects, that the taxes imposed on gasoline, tires, tubes, and other highway related equipment are acceptable to the American public only because of the Government's assurance that the money raised will be spent only on highways. One would think from reading much of the propaganda spread by the highway lobby, that the trust fund is fed by taxes specifically created in order to finance it. If that were true, there might be some logic in the aura of inviolability that surrounds the trust fund.

But it is not true.

Of all the taxes that yield money for the trust fund, only two were created along with it in 1956—a tax on rubber used in retreading tires and a use tax imposed on heavy vehicles. Most of the other taxes that feed this fund—including the one on gasoline that raises three-fourths of its income—came into existence in 1932, although some were increased in 1956. Prior to the creation of the trust fund, the money from these taxes went into the general fund without being earmarked exclusively for highway purposes. No one seriously contended between 1932 and 1956 that the Government was breaking faith with highway users by spending part of the money from these taxes on nonhighway projects.

Therefore, I respectfully suggest the need is clear, the funds are available, I beseech each and everyone of you to not let this opportunity to put sanity into our mass transit mess slip by.

Mr. BINGHAM. Mr. Chairman, the conclusion is inescapable, on the basis of the reading of the legislation before the House, that this Nation is—and for the indefinite future will be—fiddling with freeways while our cities burn. Based upon a commitment made 14 years and more than 40 billion dollars ago, this legislation proposes to commit $17 billion more for highways by 1978 with no end in sight.

Was the Congress' 1956 commitment to build highways through the highway trust fund a commitment in perpetuity, Mr. Chairman? Is there to be no pause, no review, no reevaluation of this commitment? Will this commitment never be regarded as fulfilled and ready for termination?

This legislation certainly suggests that the answer to those questions is a resounding "No". While our State and local governments are dangling by the last thread keeping them from bankruptcy, this legislation proposes to spend another $17 billion on highways by 1978, and even more after that, based upon the priorities and commitments of 1956. While we fight tooth and nail in the Congress to eke out a few million dollars to keep the Headstart program going, the legislation does not even raise the question of where highways now fit into our list of total national priorities, let alone our total transportation priorities. At a time when greater emphasis on mass transit systems could unclog many of our highways and relieve the impending suffocation of our cities from polluted air, this legislation takes steps to make Federal transportation funding more rigid, rather than more flexible.

Mr. Chairman, we can no longer tolerate this squandering of such an immense amount of funds without any reevaluation or review of our current needs and the impact of our transportation funding mechanisms upon those needs.

Those who defend uninterrupted continuation of our current level of spending for highways argue that we have a commitment to the public to use the funds accruing to the highway trust fund for highway development. We have had such a commitment and we have honored it for nearly 20 years. Surely we have now more than met our obligation to the taxpayer to improve our highway system. It is now time to reexamine that commitment and consider what changes in the use of these funds may be necessary or appropriate.

Certainly no one could argue that our problems and priorities as a Nation have not changed drastically since the beginning of the highway trust fund in 1956. Similarly, the amount of funds accruing to the trust fund have changed. They have increased to nearly fourfold since 1956, from $1.4 billion to over $5 billion in 1970.

As the committee has pointed out in its report, 1976 represents a major turning point in our highway programs. In that year, the Interstate System will be very near completion, and many States will find their allocations under the trust fund beginning to decline. The legislation before the House today proposes to go even beyond 1976 in its authorizations, and contains a number of provisions which make commitments for the post-Interstate period. Before we turn that corner, it seems to me, it is both appropriate and mandatory that we make some reappraisal of our entire highway program in relation to other national needs. I find no evidence in the committee report or in the rather extensive hearings conducted on this legislation, that the Committee on Public Works has either conducted such a reappraisal or that it even envisions one.

I am similarly disturbed that the Ways and Means Committee has seen fit to extend the highway trust fund in this legislation, in effect, through 1978. Given

the committee's broad jurisdiction over the trust fund mechanism, it is the appropriate body to conduct such a broad review of our transportation funding mechanisms, including full public hearings.

At the appropriate time, I shall offer an amendment which would limit the extension of authorizations for interstate highways to 1976, rather than 1978 as recommended by the committee in this bill. My amendment would make the House language consistent with the Senate-passed version of this legislation, which reflects the administration position that no authorization should be made beyond 1976 until the 1973 deadline for interstate project commitments and the 1972 national transportation needs report are available.

I also intend to offer, at the appropriate time, an amendment to allow our spending from the trust fund to better meet current local needs by expanding upon the action of the committee. My amendment would allow funds from the trust fund to be used for facilities to serve all mass transit passengers, rather than only bus passengers as recommended by the committee.

Several provisions of this legislation constitute definite improvements over past proposals. The new relocation assistance authority in this bill, for example, is most commendable and long overdue. It provides a greater assurance than ever before that families and businesses displaced by highways will have comparable replacement housing by allowing Federal highway funds to be used for the acquisition, rehabilitation, or construction of such housing where it is not otherwise available. It is unfortunate, however, that the committee emphasizes highway over human interests by stipulating that this relocation authority should be used only as a last resort when necessary to allow a highway project to proceed. Clearly, we should be creating new housing for families displaced by highways, not because to fail to do so might stop the highway, but because the well-being of such families is as important, and their needs are as pressing, as any needs or benefits that might justify the building of more highways. I would certainly hope that the Secretary of Transportation will interpret this provision as liberally as possible so as to make maximum use of the authority it conveys.

It is also gratifying to see the continuation of the highway beautification program provided for in this bill. A great deal more needs to be done to insure scenic enhancement adjacent to our roads and highways, particularly in the control of such blights as improperly placed advertising and junkyards. The committee should certainly be commended for its support of highway beautification programs in the past, and for its provision of some $47.5 million dollars over the next 2 years for that purpose. One could only wish that this amount could be larger given the importance of this work.

The committee is to be commended, also, for its action in this bill on highway safety. I am particularly gratified to note the committee language urging the new National Highway Traffic Safety Administration to issue standards for the transportation of school pupils and for the investigation of accidents involving them. The tragic deaths of a number of New York students some months ago apparently as a result of the actions of a poorly qualified driver and an unsafe school vehicle certainly demonstrates vividly the need for stricter safety standards in this area, and I am pleased that the committee took this into consideration in establishing the temporary cutoff date for further traffic safety standards.

Beyond the general weaknesses of this bill, which I have already mentioned, there are a number of specific provisions which, in my judgment, are particularly inadvisable and which far outweigh the strengths of the bill. The environmental protection provisions of the Highway Act, especially in the area of air pollution, are most inadequate, and this legislation promises no convincing improvements in that area. Indeed, the construction of the roads envisioned by this legislation can only contribute to our already critical air pollution problem, more than 90 percent of which is directly attributable to our dependence as a society on the automobile. This legislation only increases this dependence and encourages automobile travel regardless of the environmental consequences.

The language of the bill which purports to prohibit the impounding or withholding from obligation of funds apportioned under the highway program is clearly unenforceable. Furthermore, the provision in the same section which would prohibit any funds authorized to be appropriated from the highway trust fund from being expended by any other department or agency of the Federal Government than the Federal Highway Administration seems to me an unnecessary and inadvisable step toward greater rigidity, rather than flexibility, in the administration of transportation programs.

I strongly oppose the establishment of the National Highway Institute proposed by section 115 of this legislation. While such an institute might well save State and local governments some expense in the training of highway officials, and while such officials would undoubtedly benefit from such an institute, I feel that the considerable expense of such a project cannot be now justified given other needs and the likelihood that the operation of such an institute will only increase and further institutionalize our national highway bias.

I share the committee's interest in achieving a more balanced population pattern and a more rational land-use policy. However, I do not feel that it can be assumed that more highways are the appropriate device for stimulating new population centers. Little justification for the program of economic growth centering on development highways provided in this legislation is contained in the hearings, and I feel that no such program should be approved until the 1972 transportation needs study is complete and more evaluation can be focused on the appropriate role of highways in stimulating and serving population balance. Premature approval of this new category of highways is likely to lead to roads that go nowhere and further desecration of our dwindling wilderness and sparsely populated areas.

If my amendments are defeated, as I fear they will be, I shall vote against this bill and urge others to do likewise.

Mr. PICKLE. Mr. Chairman, earlier in this session we have passed legislation to help our air traffic systems and to help our railroads. The bill we are now considering rounds out the Federal program in transportation. It helps our highways.

Much of the Nation's attention has been drawn to our rail and air systems, but, as we all know, the highways remain a crucial part of our national transportation system—accounting for almost 90 percent of our passenger-miles and over a fifth of our freight miles.

H.R. 19504, the Federal-Aid Highway Act of 1970 seeks to help us meet the pressing needs of highway transportation. It not only safeguards the vital interstate program—the value of which anyone who travels across this vast and beautiful land can testify to—but it also provides for increased aid for noninterstate programs, for better busing service in our cities, for replacement housing when people are displaced by highway development, for better control on highway beautification, and for demonstration grants for highways leading to potential growth centers across the country.

Mr. Chairman, while I still look forward to the day when we will have an integrated national transportation policy, I find this bill a good one—attacking vital issues and filling gaps in the aid we have offered this year. I urge my colleagues to support this bill in the interest of the great and beneficial effects it will have on our national transportation.

Mr. KOCH. Mr. Chairman, I regret that no time was allowed for debate on section 129 of the highway act, a section which is so important to the residents of the Washington, D.C., metropolitan area. I had hoped to speak in support of the amendment offered by our distinguished colleague from Minnesota (Mr. FRASER) to delete this section from the bill.

Section 129, added by the committee, after the conclusion of the hearings, violates two rules. One of the House rules, XI 16(c) which limits the jurisdiction of the Public Works Committee so that "it shall not be in order for any bill providing general legislation in relation to roads to contain any provisions for any specified road."

The second rule is that of the basic intent of the highway law providing that neither the Federal Government nor the Congress shall compel the construction of a highway in a locality when the people of that locality do not want it. The highway act defines the District of Columbia as a State and gives the officials of the District of Columbia the responsibility for initiating projects. The freeway system mandated by this section has been opposed by the Mayor and the City Council of the District of Columbia and all local civic associations. In addition, both

the North Central and Northeast Freeways have been rejected in several public referendums. The imposition of a highway construction project on a city's people is a dangerous precedent to set—not only for the people of Washington, D.C., but for the rest of the country as well.

While I believe that it is imperative that section 129 be removed from the highway bill we are considering today, I would suggest that if this body insists on retaining it, fairness and consistency demand that we add a provision similar to that included in other legislation mandating the construction of the District of Columbia freeway system—a provision stating that all expenditures authorized by the Federal Highway Act will be suspended until construction on the District of Columbia system commences.

Mr. RYAN. Mr. Chairman, the bill which we have before us today, H.R. 19504, the Federal Aid to Highway Act of 1970, authorizes an additional appropriation of $17.275 billion for completion of the Federal Interstate Highway System.

I am sure that my colleagues will agree that it is no overstatement to say that this country is in the midst of a serious transportation crisis. And I think that with the consideration of H.R. 19504 it is fitting to assess what the problems are.

In the introduction to its report on the bill—House Report No. 91-1554—the House Public Works Committee states:

> Every American benefits from improved highways. Because the road and street network literally goes everywhere, it is too often taken for granted.

It is true that our network of highways goes virtually everywhere. In a May 1969 article in the Reader's Digest, it was estimated that Federal, State, and local governments have constructed 3,700,000 miles of roads. Such an extensive road system should benefit all Americans, but does it?

There are approximately 105 million vehicles presently using American roadways, and the amount of miles traveled comes to more than 1 trillion miles a year. The number of cars has more than doubled in 20 years. In 1950, there were only about 40 million.

According to Helen Leavitt, author of "Superhighway, Superhoax," the amount of people entering the central business areas of urban centers has remained the same over the past 30 years, but the amount of automobiles entering during the same period of time has risen consistently.

Her contention is that there are not more people using our Nation's highways; there are just more vehicles.

What then do highways accomplish?

They certainly do not move cars swiftly and efficiently in major metropolitan areas. Try to get anywhere in a hurry during morning and evening rush hours or during a holiday weekend.

Then is the answer more highways?

It is argued that the only way to solve the problem of bogged down automobile traffic is to create more roads. Thus, instead of phasing out the highway program, Congress is prepared to authorize over $17 billion in additional appropriations. However, the question is: Does increased highway construction solve the transportation morass?

Our highways have become virtual interstate parking lots where stalled and slowed vehicles emit hydrocarbons, carbon monoxide, and nitrogen oxides from their engines into the air. Automotive air pollution is one of the major contributors to the air pollution problem.

Highways are not helpful to those who cannot or do not own a car. The Nation's elderly, poor, and handicapped cannot travel around as they wish if they do not drive, own cars, cannot afford taxis, and have little access to other means of transportation.

Many of the poor in our urban ghettos cannot work, not because they do not want to, but because it is either too time consuming or virtually impossible to get to the place of work.

And lastly, highways have been built too many times through center cities, displacing residents and businesses. Too often these roads are built without regard to social, economic, and esthetic factors.

Many times local residents try to impress upon the highway builders that they are detrimental to the welfare of the community. More often than not, they are ignored.

An example of the paving over of local neighborhoods without regard to the protestations of local residents is the building of a complex freeway system in the District of Columbia despite the objections of the Mayor, City Council, and citizens of the city.

Included in this bill, in fact, is section 129, which mandates that the District of Columbia start construction of three controversial freeway sections of the system within 30 days of enactment of the bill.

I concur with Congressmen McCarthy and Schwengel, whose minority views point out that section 129 is in violation of House rules governing the jurisdiction of the House Public Works Committee.

I also agree with their opposition on the grounds that it creates a dangerous precedent for future congressional intervention in local freeway matters, discriminates against residents of the District of Columbia, and encourages withholding of rapid transit funds by the Congress pending freeway construction.

I support the Congressmen's contentions, and I plan to vote in favor of the amendment to strike section 129.

I do not think that present hearing procedures are adequate even though section 128 of title 23 provides for a two-hearing procedure regarding location. For this reason, I have introduced H.R. 628 to give the public a chance to be heard on any highway proposal.

My legislation requires a minimum of 30 days public notice and at a minimum 30 days mailed notice to each elected public official representing the area affected before any public hearing is held involving plans for a Federal aid or State section of an interstate highway project.

Such a hearing would have to take place at the closest feasible place to the proposed highway location and would have to take place within a year of the date when the plans for the project are submitted to the Secretary of Transportation.

The State highway department would have to certify that it had considered the economic and social effects of the location, as well as the impact on the environment and the consistency of the project with the goals and objectives of any local community planning.

In addition, the State highway department would have to submit a report to the Secretary of Transportation on the economic and social effects of the proposed location of the highway including such factors as the effects on tenants and owners of all property proposed to be acquired or which would be affected by the project.

I am pleased to note that section 117 of the bill includes, verbatim, the language of my legislation, H.R. 18240. This section deals with a problem which has long been of concern to me—the provision of replacement housing for those persons displaced by highway construction.

My legislation, and section 117 of H.R. 19504 provide for amendment of chapter 5, title 23 of the United States Code, to permit the Secretary of Transportation to approve as part of the cost of construction of any Federal-aid highway project which he administers, the cost of: "constructing new housing, acquiring existing housing, rehabilitating existing housing, and relocating existing housing, as replacement housing for individuals and families where a proposed project on the Federal-aid system cannot proceed to actual construction because replacement housing is not available as required by section 502 of title 23."

The section also provides that State highway departments may utilize, whenever possible, the services of State or local governmental housing agencies to help carry out the section.

The Senate, in its bill S. 4418, provides for construction of replacement housing in section 28. The Senate provision is similar, although not identical to the committee's and my language.

I commend the committee for focusing its attention on this problem, which has always been of concern to me, and for providing procedures by which individuals and families displaced by highway construction can be housed.

In order to achieve a balanced transportation system, it is necessary to create, improve, and strengthen mass transit systems.

Past actions of the Congress have favored highways. Unbelievably large amounts of money have been spent on highways, while comparatively little has been spent for mass transit.

As of this past spring, $795 million had been spent on mass transit; while $34.2 billion had been spent on completed highway projects and $13.9 had been spent on incompleted highway projects or those projects under authority.

This is obviously not a balanced transportation system—90 percent for highways and little or nothing for mass transit.

I strongly object to section 107 of the bill which prohibits impoundment of appropriations and diversion of funds from the highway trust funds. It also prohibits expenditure of funds authorized to be appropriated from the highway trust fund to any Federal Highway Administration for other highway purposes.

Since the Congress has refused to face the Nation's transportation ills realistically, I have introduced for many years legislation which would allow the Governor of a State to elect to use its highway construction moneys for mass transportation.

Since highway trust funds are allocated to States, my bill H.R. 48 gives this power to the Governors and gives them the power to decide whether or not the money should be used for mass transportation.

In the past, Congress has refused to debate my proposal to use highway funds for mass transit. Each year since 1966, I have offered this proposal in amendment form to legislation before the House.

When I have offered such an amendment to the Federal-aid highway bill, my amendment has been ruled not germane on the grounds that it deals with mass transit and, therefore, is foreign to the highway bill.

When I have offered this proposal as an amendment to the mass transportation legislation, my amendment has been ruled not germane on the grounds that it deals with highways and, therefore, is foreign to the mass transit bill.

During committee consideration of the Senate version of this bill, the chairman of the Public Works Committee, Senator RANDOLPH, introduced an amendment, which unfortunately failed in committee, to permit such a diversion of funds.

When I testified before the Subcommittee on Roads of the House Public Works Committee, the chairman of the committee argued that the history and background of the original act required that the funds be used only for highways.

But the bill before us today extends the highway trust fund beyond its October 1972 deadline, and so an amendment permitting the Governor of a State to use highway trust fund moneys for mass transit needs would not be subject to the same objection.

I am also a cosponsor of H.R. 17280, which would permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of paying additional costs incurred by the State in purchasing low-emission vehicles for use by the States and their localities. These vehicles would have to meet standards set by the Secretary of Transportation.

Today the House has the chance to reevaluate our previous transportation policies and to take steps to unclog and unpollute our highways. If we do not, one day soon we will face a national disaster where Americans are trapped, stranded, and even asphyxiated on the roads that "every American benefits from." When that day comes, Members of Congress, governmental officials, and the highway lobby will be held accountable.

Mr. MILLER of Ohio. Mr. Chairman, the passage of the Federal Aid Highway Act of 1970 signifies several things. This monumental bill renews this Nation's commitment to provide modern highway transportation to its people and continues the great progress and development that we have witnessed under this program.

Moreover, the passage of this bill should stand as a glowing testament to the tireless energy and dedication of the distinguished chairman and ranking minority leader of the Public Works Committee. GEORGE FALLON and BILL CRAMER have exhibited those exceptional leadership qualities which are so essential in the legislative process. I have had the privilege of serving with these gentlemen on the Public Works Committee and have greatly benefited from their experience and knowledge. We owe both a debt of gratitude for their years of services to the Congress and to the Nation. We will miss them.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Chairman, I ask unanimous consent to revise and extend my own remarks, and may I further ask, Mr. Chairman, that all Members desiring to do so may have the opportunity to extend their remarks on title III, or any of the other titles in the bill, at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, under the rule, titles I and II of the bill will be read for amendment under the 5-minute rule.

The rule also provides that title III shall be considered as read, and that no amendments are in order to that title except amendments offered by direction of the Committee on Ways and Means.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1970".

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "and the additional sum of $2,225,000,000 for the fiscal year ending June 30, 1974" and inserting in lieu thereof the following: "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1977, and the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1978".

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1972, and June 30, 1973, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, House Document Numbered 91-317.

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 104. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "eighteen years" and inserting in lieu thereof "twenty-two years" and by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1978".

(b)(1) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking out "1974" each place it appears and inserting in lieu thereof at each such place "1978".

(2) Such section 104(b)(5) is further amended by striking out the two sentences preceding the last sentence and inserting in lieu thereof the following: "The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and House of Representatives on April 20, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, and June 30, 1973. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1972. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, and June 30, 1975. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1974. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1976, and June 30, 1977. The Secretary shall make a final revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1976. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal year ending June 30, 1978."

HIGHWAY AUTHORIZATIONS

SEC. 105. For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas, out of the Highway Trust Fund, $1,100,000,000 for the fiscal year ending June 30, 1972, and $1,100,000,000 for the fiscal year ending June 30, 1973. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on the Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(2) For the Federal-aid primary system and the Federal-aid secondary system, exclusive of their extensions in urban areas, out of the Highway Trust Fund, $125,000,000 for the fiscal year ending June 30, 1972, and $125,000,000 for the fiscal year ending June 30, 1973, such sums to be in addition to the sums authorized in paragraph (1) of this subsection. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 60 per centum for projects on the Federal-aid primary highway system; and

(B) 40 per centum for projects on the Federal-aid secondary system.

(3) For the Federal-aid urban system, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973.

(4) For traffic operation projects in urban areas as authorized in section 135 of title 23, United States Code, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973.

(5) For forest highways, $33,000,000 for the fiscal year ending June 30, 1972, and $33,000,000 for the fiscal year ending June 30, 1973.

(6) For public lands highways, $16,000,000 for the fiscal year ending June 30, 1972, and $16,000,000 for the fiscal year ending June 30, 1973.

(7) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1972, and $170,000,000 for the fiscal year ending June 30, 1973.

(8) For public lands development roads and trails, $5,000,000 for the fiscal year ending June 30, 1972, and $5,000,000 for the fiscal year ending June 30, 1973.

(9) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973.

(10) For parkways, $11,000,000 for the fiscal year ending June 30, 1972, and $11,000,000 for the fiscal year ending June 30, 1973, and $25,000,000 for construction of the Palisades Parkway in the District of Columbia, and $65,000,000 for reconstructing to six lanes the section of the Baltimore-Washington Parkway under the jurisdiction of the Secretary of the Interior to the standards for the National System of Interstate and Defense Highways.

(11) For Indian reservation roads and bridges, $30,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973.

(12) Nothing in this section shall be construed to authorize the appropriations of any sums to carry out sections 131, 136, 319(b) or chapter 4 of title 23, United States Code.

(13) In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1972, and June 30, 1973, there is authorized to be appropriated out of the Highway Trust Fund not to exceed $55,000,000 for each such fiscal year for such System. Such authorization shall be apportioned to each of the States receiving apportionments under section 103 of this Act of less than one-half of 1 per centum for each such fiscal year, so as to ensure that each such State will receive for each such fiscal year an amount equal to one-half of 1 per centum of the total apportionment for each such fiscal year under section 103 of this Act.

FEDERAL-AID URBAN SYSTEM

SEC. 106. (a) Subsection (a) of section 101 of title 23, United States Code, is amended as follows:

(1) After the definition of the term "Secretary" add the following new paragraph:

"The term 'urbanized area' means an area so designated by the Bureau of the Census."

(2) After the definition of the term "Federal-aid secondary system" add the following new paragraph:

"The term 'Federal-aid urban system' means the Federal-aid highway system described in section (d) of section 103 of this title."

(3) The definition of the term "Interstate System" is amended to read as follows:

"The term 'Interstate System' means the National System of Interstate and Defense Highways described in subsection (e) of section 103 of this title."

(b)(1) Subsections (d) and (e) of section 103 of title 23, United States Code, are relettered (e) and (f), respectively, including all references thereto, and section 103 is further amended by adding immediately after subsection (c) the following subsection (d):

"(d) The Federal-aid urban system shall be established in each urbanized area. The system shall be so located as to serve the major centers of activity, the highest traffic volume corridors, and the longest trips within such area, and shall be selected from those routes included in the mileage figures for the urban principal arterial system as set forth in the '1970 National Highway Needs Report Supplement' other than routes on the Interstate System. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system shall connect with another route on a Federal-aid system. The establishment of the system and the selection of the routes shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title. Routes on the Federal-aid urban system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (f) of this section. The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be inconsistent with this subsection."

(2) Relettered subsection (f) of section 103 of title 23, United States Code, is amended by inserting after "the Federal-aid secondary system," the following: "the Federal-aid urban system,".

(c)(1) Section 104 of title 23, United States Code, is amended by adding at the end thereof the following:

"(f) Not to exceed 50 per centum of the amounts apportioned in accordance with paragraph (3) of subsection (b) of this section may be expended for projects on the Federal-aid urban system."

(2) Subsection (b) of section 104 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(6) For the Federal-aid urban system:

"In the ratio which the population in urbanized areas, or parts thereof, in each State bears to the total population in such urbanized areas, or parts thereof, in all the States as shown by the latest available Federal census."

(d) Subsections (d) and (e) of section 105 of title 23 United States Code, are relettered (e) and (f), respectively, including all references thereto, and section 105 is further amended by adding immediately after subsection (c) a new subsection (d):

"(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the State highway department and the appropriate local road officials in cooperation with each other."

(e) Subsection (b) of section 106 of title 23, United States Code, is amended to read as follows:

"(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on (1) the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, and (2) the Federal-aid urban system, shall be determined by the State highway department and the appropriate local road officials in cooperation with each other."

(f) Subsection (a) of section 120 of title 23, United States Code, is amended by striking out "and the Federal-aid secondary system" and inserting in lieu thereof a comma and the following: "the Federal-aid secondary system, and the Federal-aid urban system".

(g) Subsection (b) of section 135 of title 23, United States Code, is amended by inserting after "urban areas" the following: "and on the Federal-aid urban system".

PROHIBITION OF IMPOUNDMENT OF APPORTIONMENTS AND DIVERSION OF FUNDS

SEC. 107. Subsections (c) and (d) of section 101 of title 23, United States Code, are amended to read as follows:

"(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

"(d) No funds authorized to be appropriated from the Highway Trust Fund shall be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless funds for such expenditure are identified and included as a line item in an appropriation Act and are to meet obligations of the United States heretofore or hereafter incurred under this title attributable to the construction of Federal-aid highways or highway planning, research, or development."

INCREASED FEDERAL SHARE

SEC. 108. (a) Section 120 of title 23, United States Code, is amended by striking out "50 per centum" each place it appears and inserting in lieu thereof at each such place the following: "70 per centum".

(b) The amendments made by subsection (a) of this section shall take effect with respect to authorizations for appropriations for fiscal years beginning after June 30, 1973.

EMERGENCY RELIEF

SEC. 109. The first sentence of subsection (a) of section 125 of title 23, United States Code, is amended to read as follows: "An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120, for (1) the repair or reconstruction of highways,

roads, and trails which he shall find have suffered serious damage as the result of (A) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (B) catastrophic failures from any cause, in any part of the United States, and (2) the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State after December 31, 1967, because of imminent danger of collapse due to structural deficiencies or physical deterioration."

TRAINING PROGRAMS

SEC. 110. Section 140 of title 23, United States Code, is amended by inserting "(a)" immediately before "Prior" and by adding at the end thereof the following new subsection:

"(b)(1) For the purpose of providing for the continuation of training programs during seasonal shutdowns of highway construction work, sums apportioned in accordance with section 104 of this title shall be available to finance the Federal share of those portions of the costs of apprenticeship, skill improvement, or other upgrading programs, which the Secretary determines are (A) in compliance with the requirements of this section, (B) conducted during periods of the year when highway construction cannot reasonably proceed because of climatic conditions, and (C) supplementary to on-the-job training conducted during the construction season.

"(2) The Federal share payable on account of any portion of any training program under this subsection shall be that provided in section 120 of this title."

URBAN HIGHWAY PUBLIC CONSTRUCTION

SEC. 111. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 142. URBAN HIGHWAY PUBLIC TRANSPORTATION

"(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles on highways, other than on rails, for the transportation of passengers (hereinafter in this section referred to as 'buses') within urbanized areas so as to increase the traffic capacity of the Federal-aid systems, sums apportioned in accordance with paragraphs (3), (5), and (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects for the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers.

"(b) The establishment of routes and schedules of such public mass transportation systems shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and, except as provided in subsection (d) of this section, the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section shall be approved unless—

"(1) such project (A) will avoid the construction of a highway project under this title which increases automobile traffic capacity, (B) will provide a capacity for the movement of persons at least equal to that which would be provided by the avoided highway project, and (C) will not exceed in the amount of the Federal share, the Federal share of the cost of the avoided highway project; or

"(2) no other feasible or prudent highway project can provide the additional capacity for the movement of persons by motor vehicles on highways (other than on rails) provided by this project.

"(e) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"142. Urban highway public transportation."

VIRGIN ISLANDS HIGHWAY PROGRAM

SEC. 112. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 215. Virgin Islands highway program

"(a) Recognizing the mutual benefits that will accrue to the Virgin Islands and to the United States from the improvement of highways in the Virgin Islands, the Secretary is authorized out of funds specifically authorized to carry out this section to assist the Virgin Islands in a program for the construction and improvement of a system of arterial highways designated by the Governor of the Virgin Islands and approved by the Secretary. No Federal financial assistance shall be granted under this subsection unless the Virgin Islands, at a minimum, matches the Federal contribution.

"(b) In order to establish a long-range highway development program, the Secretary is authorized to provide technical assistance to the Virgin Islands for the establishment of an appropriate governmental agency of the Virgin Islands to administer on a continuing basis highway planning, design, construction, and maintenance operations, the development of a system of arterial and collector highways, and the establishment of advance acquisition of right-of-way and relocation assistance programs.

"(c) No part of the appropriations authorized under this section shall be available for obligation or expenditure in the Virgin Islands until the Governor of the Virgin Islands enters into an agreement with the Secretary providing that the government of the Virgin Islands (1) will design and construct a system of arterial and collector highways, built in accordance with highway standards approved by the Secretary; (2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons on any portion of the highways constructed under the provisions of this section; (3) will provide for the maintenance of such highways after completion in a condition to adequately serve the needs of present and future traffic; (4) will implement standards for traffic operations and uniform traffic control devices which are approved by the Secretary.

"(d)(1) Three per centum of the sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section shall be available for expenditure by the Virgin Islands only for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research and development, necessary in connection with the planning, design, and maintenance of the highway system, and the regulation and taxation of their use.

"(2) In addition to the percentage provided in paragraph (1) of this subsection, not to exceed 2 per centum of sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section may be expended upon request of the Virgin Islands and with the approval of the Secretary for the purposes enumerated in paragraph (1) of this subsection.

"(e) None of the funds authorized to be appropriated for carrying out this section shall be obligated or expended in the Virgin Islands for maintenance of the highway system.

"(f) The provisions of chapters 1 and 5 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section."

(b) The analysis of chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following:

"215. Virgin Islands highway program."

(c) There are hereby authorized to be appropriated for carrying out subsection (a) of section 215 of title 23, United States Code, out of any money in the Treasury not otherwise appropriated, not to exceed $2,000,000 for the fiscal year ending June 30, 1971, not to exceed $2,000,000 for the fiscal year ending June 30, 1972, not to exceed $2,000,000 for the fiscal year ending June 30, 1973.

(d) Sums authorized to be appropriated to carry out this section for the fiscal year ending June 30, 1971, shall be available for obligation immediately upon enactment of this section in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code. Sums authorized to be appropriated for the fiscal year ending June 30, 1972, and the fiscal year ending June 30, 1973, shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

DARIEN GAP HIGHWAY

SEC. 113. (a) Chapter 2 of title 23, United States Code, is further amended by adding at the end thereof the following new section:

"§ 216. DARIEN GAP HIGHWAY

"(a) The United States shall cooperate with the Government of the Republic of Panama and with the Government of Colombia in the construction of approximately two hundred and fifty miles of highway in such countries in the location known as the 'Darien Gap' to connect the Inter-American Highway authorized by section 212 of this title with the Pan American Highway System of South America. Such highway shall be known as the 'Darien Gap Highway'. Funds authorized by this section shall be obligated and expended subject to the same terms, conditions, and requirements with respect to the Darien Gap Highway as are funds authorized for the Inter-American Highway by subsection (a) of section 212 of this title.

"(b) The construction authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the Republic of Panama and Colombia as may be required to carry out the purposes of this section shall be conducted through, or authorized by, the Department of State.

"(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway survey or construction heretofore or hereafter undertaken in Panama or Colombia, other than the expenditures authorized by the provision of this section.

"(d) Appropriations made pursuant to any authorization for the Darien Gap Highway shall be available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Darien Gap Highway program.

"(e) For the purposes of this section the term 'construction' does not include any costs of rights-of-way, relocation assistance, or the elimination of hazards of railway grade crossings."

(b) The analysis of chapter 2 of title 23, United States Code, is hereby amended by adding at the end thereof the following:

"216. Darien Gap Highway."

(c) There is hereby authorized to be appropriated not to exceed $100,000,000, to remain available until expended to enable the Secretary of Transportation to carry out section 216 of title 23, United States Code.

ADMINISTRATION

SEC. 114. (a) Subsection (a) of section 303 of title 23, United States Code, is amended to read as follows:

"(a) (1) In addition to the Administrator of the Federal Highway Administration authorized by section 3(e) of the Department of Transportation Act, there shall be a Deputy Federal Highway Administrator appointed by the President by and with the advice and consent of the Senate. The Deputy Federal Highway Administrator shall perform such duties as the Federal Highway Administrator shall prescribe. There shall also be an Assistant Federal Highway Administrator who shall be the chief engineer of the Administration and shall be appointed, with the approval of the President, by the Secretary of Transportation under the classified civil service and who shall perform such functions, powers, and duties as the Federal Highway Administrator shall prescribe.

"(2) The Administrator of the Federal Highway Administration shall be compensated at the annual rate of basic pay of level II of the Executive Schedule in section 5313 of title 5, United States Code. The Deputy Federal Highway Administrator shall be compensated at the annual rate of basic pay of level IV of the Executive Schedule in section 5315 of title 5, United States Code. The Assistant Federal Highway Administrator shall be compensated at the annual rate of basic pay of level V of the Executive Schedule in section 5316 of title 5, United States Code."

(b) All provisions of law enacted before the date of enactment of this Act which are inconsistent with the amendment made by subsection (a) of this section are hereby repealed to the extent of such inconsistency.

(c) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of Public Roads to act as Deputy Administrator of the Federal Highway Administration created by the amendment made by subsection (a) of this section until the first Deputy Administrator is appointed in accordance with such amendment. The President may authorize any person acting as Deputy Administrator in accordance with this subsection to receive compensation at the rate authorized for the Office of Deputy Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

TRAINING AND RESEARCH FELLOWSHIPS

SEC. 115. (a) Chapter 3 of title 23 of the United States Code is amended by adding at the end thereof the following new section :

"§ 321. NATIONAL HIGHWAY INSTITUTE

"(a) The Secretary is authorized and directed to establish and operate in the Federal Highway Administration a National Highway Institute hereafter referred to as the 'Institute'. The Institute shall develop and administer, in cooperation with the State highway departments, training programs of instruction for Federal Highway Administration and State and local highway department employees engaged or to be engaged in Federal-aid highway work. Such programs may include, but not be limited to, courses in modern developments, techniques, and procedures, relating to highway planning, environmental factors, acquisition of rights-of-way, engineering, construction, maintenance, contract administration, and inspection. The Secretary shall administer all authority vested in him by this title or by any other provision of law for the development and conduct of educational and training programs relating to highways through the Institute. The Secretary is authorized to acquire, by lease, purchase, construction, reconstruction, or otherwise such buildings, facilities, and equipment as may be necessary for the Institute. Sums authorized to be deducted for administrative purposes by subsection (a) of section 104 of this title shall be available for carrying out this subsection.

"(b) Not to exceed one-half of 1 per centum of all funds apportioned for any fiscal year beginning after June 30, 1970, to any State under paragraphs (1), (2), (3), and (6) of section 104(b) of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 70 per centum of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

"(c) Education and training of Federal, State, and local highway employees authorized by this section may be provided by the Secretary, or, in the case where such education and training is to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary through grants and contracts with public and private agencies, institutions, and individuals."

(b) The analysis of chapter 3 of title 23 of the United States Code is amended by adding at the end thereof:

"321. National Highway Institute."

(c) Section 307(a) of title 23 of the United States Code is amended by inserting immediately after the period at the end of the third sentence thereof the following new sentence: "The Secretary is also authorized, acting independently or in cooperation with other Federal departments, agencies, or instrumentalities, to make grants for research fellowships for any purpose for which research is otherwise authorized by this section."

BRIDGES ON FEDERAL DAMS

SEC. 116. (a) Section 320(d) of title 23 of the United State Code is amended by striking out "$13,000,000" and inserting in lieu thereof "$16,761,000".

(b) All sums appropriated under authority of the increased authorization of $3,761,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across Markland Dam on the Ohio River near Markland, Indiana, and Warsaw, Kentucky. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the States of Kentucky and Indiana.

CONSTRUCTION OF REPLACEMENT HOUSING

SEC. 117. (a) Sections 510 and 511 of title 23, United States Code including all references thereto are hereby renumbered as sections 511 and 512 respectively.

(b) Chapter 5 of title 23, United States Code, is amended by inserting immediately after section 509 the following new section:

"§ 510. CONSTRUCTION OF REPLACEMENT HOUSING

"(a) The Secretary may approve as a part of the cost of construction of any project on any Federal-aid system the cost of (A) constructing new housing, (B) acquiring existing housing, (C) rehabilitating existing housing, and (D) relocating existing housing, as replacement housing for individuals and families where a proposed project on the Federal-aid system cannot proceed to actual construction because replacement housing is not available and cannot otherwise be made available as required by section 502 of this title. For the purposes of this subsection the term 'housing' includes all appurtenances thereto.

"(b) State highway departments shall, wherever practicable, utilize the services of State or local governmental housing agencies in carrying out this section."

(c) The analysis of chapter 5 of title 28, United States Code, is amended by adding after

"509. Relocation assistance programs on Federal highway projects."

the following:

"510. Construction of replacement housing."

(d) The definition of the term "construction" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, and acquisition, and rehabilitation, relocation, and construction of replacement housing."

BRIDGE ALTERATION PROGRESS PAYMENTS

SEC. 118. Section 7 of the Act of June 21, 1940 (54 Stat. 497), as amended (33 U.S.C. 517) is amended as follows:

(1) In the first sentence strike all after "Following" to and including "Chief of Engineers" and insert in lieu thereof "service of the order requiring alteration of the bridge, the Secretary of Transportation".

(2) In the second sentence insert "of Transportation" between "Secretary" and "may".

(3) In the third sentence strike out the last word and insert in lieu thereof "Transportation".

ALASKA HIGHWAY

SEC. 119. (a) The President, acting through the Secretaries of State and Transportation, is authorized to undertake negotiations with the Government of Canada for the purpose of entering into a suitable agreement authorizing paving and reconstructing the Alaska Highway from Dawson Creek, Canada (including a connecting highway to Haines, Alaska), to the Alaska border, including, but not limited to, necessary highway realignment.

(b) The President shall report to Congress not later than one year after the date of enactment of this section the results of his negotiations under this section.

EFFECTIVE DATE OF RELOCATION PROVISIONS

SEC. 120. Section 37 of the Federal-Aid Highway Act of 1968 is amended to read as follows:

"EFFECTIVE DATE

"SEC. 37. (a) Except as otherwise provided in subsection (b) of this section, this Act and the amendments made by this Act shall

take effect on the date of its enactment, except that until July 1, 1970, sections 502, 505, 506, 507, and 508 of title 23, United States Code, as added by this Act, shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. Except as otherwise provided in subsection (b) of this section, after July 1, 1970, such sections shall be completely applicable to all States. Section 133 of title 23, United States Code, shall not apply to any State if sections 502, 505, 506, 507, and 508 of title 23, United States Code, are applicable in that State, and effective July 1, 1970, such section 133 is repealed, except as otherwise provided in subsection (b) of this section.

"(b) In the case of any State (1) which is required to amend its constitution to comply with sections 502, 505, 506, 507, and 508 of title 23, United States Code, and (2) which cannot submit the required constitutional amendment for ratification prior to July 1, 1970, the date of July 1, 1970, contained in subsection (a) of this section shall be extended to January 1, 1971."

FUTURE FEDERAL-AID HIGHWAY PROGRAM

SEC. 121. (a) The Secretary of Transportation shall develop and include in the report to Congress required to be submitted in January 1972, by section 3 of the Act of August 28, 1965 (79 Stat. 578; Public Law 89–139), specific recommendations for the functional realinement of the Federal-aid systems. These recommendations shall be based on the functional classification study made in cooperation with the State highway departments and local governments as required by the Federal-Aid Highway Act of 1968 and submitted to the Congress in 1970, and the functional classification study now underway of the Federal-aid systems in 1990.

(b) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall also make recommendations to the Congress for a continuing Federal-aid highway program for the period 1976 to 1990. The needs estimates to be used in developing such programs shall be in conformance with the functional classification studies referred to in subsection (a) of this section and the recommendations for the functional realinement required by such subsection.

(c) The recommendations required by subsections (a) and (b) of this section shall be determined on the basis of studies now being conducted by the Secretary in cooperation with the State highway departments and local governments, and, in urban areas of more than fifty thousand population, utilizing the cooperative continuing comprehensive transportation planning process conducted in accordance with section 134 of title 23, United States Code. The highway needs estimates prepared by the States in connection with this report to Congress shall be submitted to Congress by the Secretary, together with his recommendations.

(d) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall report to Congress the Federal-aid urban system as designated, and the cost of its construction.

HIGHWAY BEAUTIFICATION AUTHORIZATIONS

SEC. 122. (a) Section 131(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $20,000,000 for the fiscal year ending June 30, 1970, not to exceed $27,000,000 for the fiscal year ending June 30, 1971, and not to exceed $20,500,000 for the fiscal year ending June 30, 1972. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(b) Section 136(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $3,000,000 for the fiscal year ending June 30, 1970, not to exceed $2,000,000 for the fiscal year ending June 30, 1971, and not to exceed $2,000,000 for the fiscal year ending June 30, 1972. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(c) Subsection (g) of section 6 of the Federal-Aid Highway Act of 1968 is amended by striking out "and" imemdiately before "$1,250,000" and by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "$1,500,000 for the fiscal year ending June 30, 1971, and $1,500,000 for the fiscal year ending June 30, 1972."

HIGHWAY BEAUTIFICATION COMMISSION

SEC. 123. (a) There is hereby established a commission to be known as the Commission on Highway Beautification, hereinafter referred to as the "Commission."

(b) The Commission shall be comprised of thirteen members as follows:

(1) two majority and two minority members of the Senate Committee on Public Works to be appointed by the President of the Senate;

(2) two majority and two minority members of the House Committee on Public Works to be appointed by the Speaker of the House of Representatives;

(3) four persons to be appointed by the President of the United States from among persons who are not officers or employees of the United States; and

(4) one person, elected by majority vote of the other twelve, who shall be the Chairman of the Commission.

(c) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Seven members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) Members of the Commission who are not Members of Congress or officers or employees in the executive branch shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

(h) The Commission shall (1) study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system; (2) review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards; (3) compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within the foreseeable future, and (4) recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in the judgment of the Commission, best serve the public interest.

(i) The Commission shall, not later than one year after enactment of this section, submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

(j) The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the control of outdoor advertising and of junkyards to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section.

(k) In carrying out its duties the Commission shall seek the advice of various groups interested in the problems relating to the control of outdoor advertising and junkyards including, but not limited to, State and local governments, public and private organizations working in the fields of environmental protection and conservation, communications media, commercial advertising interests, industry, education, and labor.

(l) The Commission or, on authorization of the Commission, any committee of two or more members may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

(m) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this section and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman.

(n) There are hereby authorized to be appropriated such sums, but not more than $800,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended.

(o) The Commission is authorized to appoint and fix the compensation of a staff director, and such additional personnel as may be necessary to enable it to carry out its functions. The Director and personnel may be appointed without regard to provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service

status without interruption or loss of status or privilege. In no event shall the staff director or any other employee receive as compensation an amount in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed $100 per diem for individuals.

(p) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this section to carry out such of its duties as the Commission determines can best be carried out in that manner.

ELIMINATION OF SEGMENTS OF INTERSTATE SYSTEM NOT TO BE CONSTRUCTED

SEC. 124. Section 103 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The Secretary, on December 31, 1973, shall remove from designation as a part of the Interstate System every segment of such System for which a State has not established a schedule for the expenditure of funds for completion of construction of such segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met. Nothing in the preceding sentence shall be construed to prohibit the substitution prior to December 31, 1973, of alternative segments of the Interstate System which will meet the requirements of this title."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 125. Section (b) of section 135 of title 23, United States Code, is amended by striking out ", if such project" and all that follows down through and including the period at the end of such subsection and inserting in lieu thereof a period and the following: "If such project is located in an urban area of more than fifty thousand population, such project shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title."

AUTHORITY FOR DEMONSTRATION PROJECTS

SEC. 126. Subsection (e)(3) of section 307 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "including demonstration projects in connection with such purposes."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 127. (a) Chapter 1 of title 23, United States Code, is further amended by adding after section 142 thereof a new section as follows:

"§ 143. ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

"(a) In order to demonstrate the role that highways can play to promote the desirable development of the Nation's natural resources, to revitalize and diversify the economy of rural areas and small communities, to enhance and disperse industrial growth, to encourage more balanced population patterns, to check, and, where possible, to reverse current migratory trends from rural areas and smaller communities, and to improve living conditions and the quality of the environment, the Secretary is authorized to make grants for demonstration projects for the construction, reconstruction, and improvement of development highways to serve and promote the development of economic growth centers, and surrounding areas, and for planning, surveys, and investigations in connection therewith.

"(b) Each Governor may transmit to the Secretary his recommendations for (1) the selection of economic growth centers within the State, (2) priorities for the construction of development highways to serve such centers, and (3) such other information as may be required by the Secretary, for his consideration in approving the selection of economic growth centers for demonstration projects.

"(c) Upon the application of the State highway department of any State in which an economic growth center approved by the Secretary as eligible for a demonstration project is located, the Secretary is authorized, to pay up to 100 per centum of the cost of engineering and economic surveys or other investigations necessary for the planning and design of development highways needed to provide appropriate access to such growth center, including airport facilities which may be established to serve it, in order to carry out the purposes of this section.

"(d) Except as otherwise provided in this section, all of the provisions of this title applicable to Federal-aid primary highways except those which the Secretary determines are inconsistent with this section shall apply to development highways and to funds authorized to carry out this section. For the purposes of sections 105, 106, and 118 of this title, funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized. In approving projects under this section, the Secretary shall give preference to those areas offering the most potential for future economic growth. No State shall receive in any fiscal year more than 15 per centum of the funds authorized to carry out this section for such fiscal year. Each development highway which is not already on a Federal-aid system shall be added to the appropriate system.

"(e) The Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall not exceed 70 per centum of the cost of such project.

"(f) No project shall be approved by the Secretary under this section until he has determined that such project will promote the aims and purposes set forth in subsection (a) of this section and that the economic growth center to be benefited will meet such criteria as he deems necessary, including, but not limited to, the following: (1) growth centers shall be geographically and economically capable of contributing significantly to the development of the area, and (2) growth centers shall have a population not in excess of one hundred thousand according to the latest available Federal census.

"(g) There is authorized to be appropriated out of the Highway Trust Fund not to exceed $100,000,000 for the fiscal year ending June 30, 1972, and not to exceed $100,000,000 for the fiscal year ending June 30, 1973."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"143. Economic growth center development highways."

FEDERAL SHARE OF ENGINEERING COSTS

SEC. 128. Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) At the request of any State, the Secretary may from time to time enter into agreements with such State to reimburse the State for the Federal share of the costs of preliminary and construction engineering at an agreed percentage of actual construction costs for each project, in lieu of the actual engineering costs for such project. The Secretary shall annually review each such agreement to insure that such percentage reasonably represents the engineering costs actually incurred by such State."

DISTRICT OF COLUMBIA

SEC. 129. (a) In the case of those routes on the Interstate System in the District of Columbia authorized for construction by subsection (a) of section 23 of the Federal-Aid Highway Act of 1968 and required to be restudied by subsection (c) of such section, the government of the District of Columbia shall commence work not later than thirty days after the date of enactment of this Act on the following projects as authorized in subsection (a) of such section 23:

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I–295 (section C4.1 to C6),

(2) North Central and Northeast Freeways, I–95 (section C7 to C13) and I–70S (section C1 to C2).

(b) The authorization for the project for the South Leg of the Inner Loop contained in section 23 of the Federal-Aid Highway Act of 1968 is hereby repealed and the route of the South Leg project is hereby removed from designation as a part of the Interstate System. Such removal shall be deemed to be a withdrawal from approval for the purposes of section 103(d)(2) of title 23, United States Code.

(c) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I–66 to point C7 on I–95, as designated in the "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

TOLL ROADS

SEC. 130. Subsection (b) of section 129 of title 23, United States Code, is amended by inserting "(1)" immediately after "(b)" and by adding at the end thereof the following:

"(2) It is the sense of Congress that (A) with respect to a toll road on the Interstate System any vehicle using such road should not be required to stop more than twice for the purpose of collection of tolls in connection with any one continuous intrastate trip on such highway and (B) with respect to toll roads on the Interstate System which connect at State boundaries that such States should enter into such agreements as may be necessary to provide for common facilities for the collection of tolls at or in the vicinity of such boundary connection in order that vehicles using such roads will be required to make but one stop at such connection for the collection of tolls."

INDIAN RESERVATION ROADS AND BRIDGES

SEC. 131. The definition of the term "Indian reservation roads and bridges" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government on which Indians reside whom the Secretary of the Interior has determined to be eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

RICHMOND-PETERSBURG TURNPIKE

SEC. 132. The Secretary of Transportation is authorized to amend any agreement heretofore entered into under the provisions of section 129(d) of title 23, United States Code, in order to permit the continuation of tolls on the existing Richmond-Petersburg Turnpike to finance the construction within the existing termini of such turnpike of two lanes thereon in addition to the lanes in existence on the date of enactment

of this section necessary to meet traffic and highway safety requirements. Any amended agreement entered into for such purposes shall provide assurances that the existing turnpike (including the additional lanes) shall become free to the public upon the collection of tolls sufficient to liquidate all construction costs, and the costs of maintenance, operation, and debt service during the period of toll collections to liquidate such construction costs, but in no event shall tolls be collected after date of maturity of those bonds outstanding on the date of enactment of this section issued for construction of such turnpike having the latest maturity date.

AIRPORT ACCESS

SEC. 133. Section 105 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments shall give consideration to projects providing direct and convenient public access to public airports, and in approving such programs the Secretary shall give consideration to such projects."

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1970".

HIGHWAY SAFETY

SEC. 202. (a) Section 201 of the Highway Safety Act of 1966 (80 Stat. 735) is amended to read as follows:

"SEC. 201. (a) There is hereby established within the Department of Transportation a National Highway Traffic Safety Administration (hereafter in this section referred to as the 'Administration'). The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the annual rate of basic pay of level III of the Executive Schedule in section 5314 of title 5, United States Code. There shall be a Deputy Administrator of the National Highway Traffic Safety Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the annual rate of basic pay of level V of the Executive Schedule in section 5316 of title 5, United States Code. The Administrator shall perform such duties as are delegated to him by the Secretary. On highway matters the Administrator shall consult with the Federal Highway Administrator.

"(b)(1) The Secretary shall carry out through the Federal Highway Administration those provisions of the Highway Safety Act of 1966 (including chapter 4 of title 23, United States Code) for highway safety programs, research, and development relating to uniform standards which the Secretary is authorized to promulgate pertaining to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety.

"(2) The Secretary shall carry out, through the Administration, those provisions of such Act (including chapter 4 of title 23, United States Code) for highway safety programs, research and development relating to all other uniform standards which the Secretary is authorized to promulgate.

"(c) The Secretary is authorized to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) through the Administration and Administrator authorized by this section.

"(d) All provisions of law enacted before the date of enactment of the Highway Safety Act of 1970 which are inconsistent with this section as amended by such Act of 1970 are hereby repealed to the extent of such inconsistency."

(b) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of the National Highway Safety Bureau to act as Administrator of the National Highway Traffic Safety Administration created by the amendment made by subsection (a) of this section until the first Administrator is appointed in accordance with such amendment. The President may authorize any person serving as Acting Administrator in accordance with this subsection to receive compensation at the rate authorized for the office of Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

(c) Subsection (c) of section 402 of title 23, United States Code, is amended by striking out beginning in the second sentence thereof "as Congress, by law enacted hereafter," and all that follows down through and including the period at the end of the third sentence thereof and inserting in lieu thereof the following: "75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a 'public road' means any road under the jurisdiction of and maintained by a public authority and open to public travel."

(d) The first sentence of subsection (d) of section 402 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section without regard to whether such expenditures were actually made in connection with such project."

(e) Section 402 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Except in the case of those State safety program elements with respect to which uniform standards have been promulgated by the Secretary before December 31, 1970, the Secretary shall not promulgate any other uniform safety standards under this section unless specifically authorized to do so by a statute enacted after the date of enactment of this subsection."

(f) The following sums are hereby authorized to be appropriated.

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973.

(2) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, for each of the fiscal years ending June 30, 1972. and June 30, 1973, out of the Highway Trust Fund for projects or portions of projects, pertaining to the Federal-aid systems, $15,000,000, and out of any money in the Treasury not otherwise appropriated, $15,000,000.

(3) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, $30,000,000 for the fiscal year ending June 30, 1972, and $45,000,000 for the fiscal year ending June 30, 1973.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, $10,000,000 for the fiscal year ending June 30, 1972, and $10,000,000 for the fiscal year ending June 30, 1973.

(5) Paragraph (10) of section 5 of the Federal-Aid Highway Act of 1968 (relating to authorizations for carrying out section 402 of title 23, United States Code), is hereby repealed.

DEMONSTRATION PROJECTS

SEC. 203. Section 403 of title 23, United States Code, is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof at each such place "this subsection" and by adding at the end thereof the following new subsection:

"(b) In addition to demonstration projects authorized by subsection (a) of this section, in order to demonstrate methods for increasing the safety of travel on the Federal-aid systems, the Secretary, in cooperation with the Governors of the affected States, shall undertake (1) demonstration projects for alcohol safety action programs including related multidisciplinary crash investigation teams, and (2) demonstration projects relating to enforcement of motor vehicle and traffic laws. Not more than one demonstration project under each of the preceding clauses shall be undertaken in any one State and all such projects shall be completed by June 30, 1974. The Secretary not later than June 30 of the years 1971, 1972, and 1973, shall submit to Congress a progress report on such projects, including his recommendations with respect thereto, and not later than July 31, 1974, the final report on such projects, including his recommendations with respect thereto. There is authorized to be appropriated for the four fiscal year period ending June 30, 1974, out of the Highway Trust Fund to carry out alcohol safety action programs under clause (1) of this subsection not to exceed $171,600,000, for multidisciplinary crash investigation teams under such clause (1) not to exceed $35,200,000, and to carry out enforcement projects under clause (2) of this subsection not to exceed $75,000,000."

HIGHWAY SAFETY PROGRAMS

SEC. 204. (a) Section 402(b)(1)(A) of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "through a State highway safety agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program."

(b) The amendment made by subsection (a) of this section shall take effect December 31, 1971.

PROJECTS FOR HIGH HAZARD LOCATIONS

SEC. 205. For the purpose of carrying out the provisions of title 23, United States Code, there is authorized to be appropriated out of the Highway Trust Fund for projects to eliminate or reduce the hazards to safety at specific locations where sections of highways on the Federal-aid primary or secondary systems or their extensions within urban areas which have high accident experiences or high accident potentials, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973. Amounts authorized by this section shall be apportioned to the States in the same manner as sums appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970, shall not be subject to sections 104(f) and 142(a) of title 23, United States Code, and shall be expended by such State only for projects under this section.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 206. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 144. Bridge Reconstruction and Replacement

"(a) To encourage and assist the States in eliminating the hazards of unsafe bridges, not more than 10 per centum, and not less than 5 per centum (unless the Secretary determines that 5 per centum exceeds the needs of the State), of all the sums apportioned in accordance with paragraphs (1), (2), and (3) of subsection (b) of section 104 of this title for the fiscal year 1972 and for each subsequent fiscal year shall be used to pay the Federal share of the costs of projects for the reconstruction or replacement of bridges that cross waterways and are on either the Federal-aid primary system or the Federal-aid secondary system. Such sums shall be available for expenditure without regard to the system for which apportioned.

"(b) The Secretary shall approve projects under this section only for bridges that are unsafe because of structural deficiencies, physical deterioration, or functional obsolescence. Each State shall establish a list of bridges to be reconstructed and replaced under this section in order of priority of need, taking into consideration the critical nature of the safety hazards involved, types and volumes of traffic, national defense requirements, alternate routes and detours, impact upon the economy and the effects upon adjoining States.

"(c) Notwithstanding any other provisions of law the General Bridge Act of 1946 (33 U.S.C. 525–533) shall apply to bridges authorized to be reconstructed and bridges constructed to replace unsafe bridges under this section.

"(d) The Secretary shall report annually to the Congress on projects approved under this section together with his recommendations for the reconstruction and replacement of bridges."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"144. Bridge construction and replacement."

(c) Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(i) The Federal share payable on account of any project for the reconstruction or replacement of a bridge under section 144 of this title shall not exceed the percentage payable under subsection (a) of this section or 90 per centum of the cost of construction of such project, whichever is the larger."

ELIMINATION OF RAILWAY-HIGHWAY GRADE HAZARDS

SEC. 207. Subsection (d) of section 120 of title 23, United States Code, is amended by substituting a comma for the period at the end thereof and adding thereafter the following: "and that not less than 5 per centum of all sums apportioned to each State in accordance with paragraphs (1), (2), and (3) of subsection (b) of section 104 of this title for fiscal year 1972 and each subsequent fiscal year shall be used by such State under this subsection, unless the Secretary determines that a lesser percentage will meet the needs of the State."

RAIL CROSSINGS

SEC. 208. (a) Chapter 3 of title 23, United States Code, is further amended by adding after section 321 the following new section:

"§ 322. Demonstration Project—Rail Crossings

"(a) The Secretary shall carry out a demonstration project for the elimination of all public ground-level rail-highway crossings along the route of the high-speed ground transportation demonstration projects between Washington, District of Columbia, and Boston, Massachusetts, conducted under authority of the Act entitled 'An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes', approved September 30, 1965 (49 U.S.C. 1631 et seq.).

"(b) The Secretary shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Greenwood, South Carolina.

"(c)(1) If the highway involved is on any Federal-aid system, the Federal share of the cost of such work shall be 90 per centum and the railroad's share of such cost shall be 10 per centum.

"(2) If the highway involved is not on any Federal-aid system, the Federal share of the cost of such work shall be 80 per centum and the railroad's share of such cost shall be 10 per centum and the remaining 10 per centum of such cost shall be paid by the State in which such crossing is located.

"(d) Before paying any part of the cost of the demonstration projects authorized by this section, the Secretary shall enter into such agreements with the States and railroads involved to insure that all non-Federal costs will be provided as required by this section.

"(e) The Secretary, in cooperation with State highway departments, shall conduct a full and complete investigation and study of the problem of providing increased highway safety at public and private ground-level rail-highway crossings on a nationwide basis through the elimination of such crossings or otherwise, including specifically high-speed rail operations in all parts of the country, and report to Congress his recommendations resulting from such investigation and study not later than July 1, 1972, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of this title are authorized to be used to carry out the investigation and study required by this subsection.

"(f) There is authorized to be appropriated not to exceed $9,000,000 from the Highway Trust Fund to carry out paragraph (1) of subsection (c) of this section. There is authorized to be appropriated out of the general fund not to exceed $22,000,000 to carry out paragraph (2) of subsection (c) of this section."

(b) The analysis of chapter 3 of title 23, United States Code, is amended by adding at the end thereof:

"322. Demonstration project—rail crossings."

Mr. KLUCZYNSKI (during the reading). Mr. Chairman, I ask unanimous consent that titles I and II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: On page 13, after line 20, insert the following:

"SEC. 110. Whereas, conditions have not materially improved in the year since Congress passed House Concurrent Resolution 454 calling for humane treatment and release of American prisoners-of-war held by North Vietnam and the National Liberation Front; and

"Whereas, increasing numbers of American military personnel remain in captivity in North Vietnam in circumstances which violate the Geneva Convention of 1949 on prisoners-of-war and offend standards of human decency, some having so remained for as long as six years; and

"Whereas, the government of North Vietnam and the National Liberation Front have refused to identify the prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, and to release seriously sick and injured prisoners, as required by the Geneva Convention, despite repeated entreaties from world leaders;

"Now, therefore, be it resolved by the House of Representatives that the official command, officers and men involved in the military expedition of November 21, 1970, seeking release from captivity of United States prisoners-of-war believed to be held by the enemy near Hanoi, North Vietnam, be commended for the courage they displayed in this hazardous and humanitarian undertaking which has lifted the hopes and spirits of our brave men imprisoned and fighting, as well as Americans everywhere."

And renumbers succeeding sections and references thereto accordingly.

Mr. KLUCZYNSKI. Mr. Chairman, I rise to make a point of order against the amendment; that the amendment is not germane to the bill.

Mr. STRATTON. Mr. Chairman, would the gentleman reserve his point of order until I have had a chance to explain the amendment?

Mr. KLUCZYNSKI. Mr. Chairman, I reserve my point of order against the amendment.

Mr. HARSHA. Mr. Chairman, I make a point of order against the amendment.

Mr. STRATTON. Mr. Chairman, would the gentleman be good enough to reserve his point of order until I have had the opportunity to explain my amendment?

Mr. HARSHA. No, I am sorry, but I cannot reserve the point of order.

The CHAIRMAN. A point of order is made against the amendment by the gentleman from Ohio (Mr. HARSHA).

Mr. STRATTON. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

Mr. STRATTON. Mr. Chairman, this amendment relates to be sure to the treatment of prisoners in North Vietnam and would specifically put the House on record that the official command, officers and men involved in the military expedition of November 21, 1970——

Mr. HARSHA. Mr. Chairman, a point of order.

Mr. STRATTON. Which was seeking their release from captivity——

Mr. HARSHA. Mr. Chairman, a point of order. The gentleman is not addressing himself to the point of order.

Mr. STRATTON. Mr. Chairman, I am addressing myself to the point of order.

Mr. HARSHA. The gentleman is speaking on the amendment.

Mr. STRATTON. No; I am speaking to the point of order. The gentleman has not even allowed me to complete the first statement.

Mr. HARSHA. You are not addressing yourself to the point of order. You are addressing yourself to the amendment.

Mr. STRATTON. I am explaining what the amendment does so that I can point out why it is appropriate.

Mr. HARSHA. To a highway bill?

Mr. STRATTON. That is right—to a highway bill.

The CHAIRMAN. The gentleman from New York will proceed in order and the Chair will hear him on the point of order.

Mr. STRATTON. Mr. Chairman, this amendment seeks to enlist the support of this House for action taken in an effort

to rescue these prisoners. This is a resolution which the gentleman from Illinois (Mr. FINDLEY) and I have introduced and on which we are seeking support. I think it is appropriate for two reasons.

This is an amendment——

Mr. GROSS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from Iowa will state the point of order.

Mr. GROSS. Mr. Chairman, the gentleman is not addressing himself to the point of order.

Mr. STRATTON. I am addressing myself to the point of order, if the gentleman from Iowa will allow me to continue.

Mr. Chairman, this amendment——

The CHAIRMAN. The gentleman from New York will suspend. This bill is a bill having to do with the highway system of the United States. The Chair regrets to rule that the gentleman——

Mr. STRATTON. Mr. Chairman, allow me to make my point. I have a couple of very valid points.

The CHAIRMAN. The gentleman has not addressed himself to the point of order and the Chair is constrained to rule that the gentleman is out of order.

Mr. STRATTON. Mr. Chairman, let me explain. The resolution under which this bill is considered specifically waives points of order and, secondly, this is an amendment to the section of the emergency relief provision of the bill.

The CHAIRMAN. The gentleman will suspend. There are no points of order waived on those things that are not germane to the bill.

Mr. STRATTON. The Chair has not even allowed me to explain my amendment.

The CHAIRMAN. The Chair is constrained to rule the gentleman is speaking on an amendment that is not germane to the bill. The gentleman must suspend under the ruling of the Chair.

The Chair holds that the amendment is not germane and sustains the point of order.

AMENDMENT OFFERED BY MR. KLUCZYNSKI

Mr. KLUCZYNSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KLUCZYNSKI: Page 30, line 10, strike out "January 1, 1971" and insert in lieu thereof "July 1, 1972".

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: Page 2, strike out all that follows "1976" in line 11, down through and including line 14, and insert in lieu thereof a period.

Mr. BINGHAM. Mr. Chairman, the effect of this amendment is very simple.

It would be to eliminate authorizations for the fiscal year 1977 and the fiscal year 1978, which are contained in this bill.

It would limit the funding authorizations to the years up to and including the fiscal year 1976.

This amendment would carry into effect the request that was received from the Department of Transportation. The Department of Transportation has not asked for funding authorizations going beyond 1976.

It seems to me we are indulging in a kind of crystal ball gazing here to assume that we can possibly estimate the needs for highways, or indeed for any other purpose, after June 30, 1976. The Secretary of Transportation has conveyed to the Committee on Public Works a list of projects which are considered highly controversial, and I include this communication in the RECORD at this point:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., July 14, 1970.

HON. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Immediately upon my return to the office, Mr. Legate brought to my attention your June 1 letter about the thirteen Interstate route segments included in my May 6 letter to you.

As will be explained in a discussion of each segment below, I do not believe the time is opportune to contact the Governors of the States involved. The purpose of my letters to Honorable George H. Fallon and you was to apprise the Committees of Congress of the controversial nature of some Interstate route segments and the amounts of monies involved. We have on various occasions discussed with members of the congressional committees and their staffs these problem areas and in a general way what the alternatives were. We thought it desirable to call this type of continuing controversy to the attention of Congress for its consideration during the hearings.

The following is a brief discussion and comment on each of the thirteen route segments.

Connecticut: Route I-291 at Hartford—from Route I-84 to I-91, 11.5 miles, cost estimate, $50 million.

This segment is located around the west side of Hartford through an open space and water supply reservoir area. The primary objections are environmental impacts and pollution of the water supply. A more easterly location would be through developed residential areas and a location west of the open space area would be on the west side of a north-south ridge. The ridge and open space area limit east-west highway access and a routing on the west side of the ridge serves a different traffic corridor.

Governor Dempsey already is aware of the problem and has asked the State Departments of Transportation and Public Health to jointly review all possibilities and attempt to resolve the issues. To assist in the review, the State has engaged a consultant to make an environmental study. These efforts are now underway. Our contact with the Governor should await completion of these joint reviews.

District of Columbia: The cost to complete the System for the District of Columbia as reported in this estimate, $650 million.

There has been full discussion of the District of Columbia Interstate system with the committees of Congress and there is nothing we can add at this time. Mayor Washington is fully aware of the situation.

Illinois: The "Chicago Crosstown" route is reported in the Illinois estimate, 19.9 miles, $1,064 million.

There is no major routing controversy in Chicago. Our concerns with the Chicago Crosstown route are with its estimated cost. We are in contact with State and city officials about our concerns and, with them, are actively seeking solutions. We should fully explore this matter through established channels before contacting Governor Ogilvie.

Louisiana: The north bypass at Shreveport is estimated for 17.6 miles, $63 million.

This controversy surrounded environmental and pollution issues. The highway crosses the lake which supplies water to the city and members of the city council and some of the residents expressed strong fears that a vehicle transporting a toxic material would by accident pollute the reservoir. Another expressed concern was the possible salt contamination from underground sources which would be penetrated by the bridge foundation.

The State is incorporating control features in its design to prevent toxic spills into the lake and a new study has confirmed earlier studies that there is no salt contamination danger. The city council has by unanimous vote approved the State proposal and asked that construction of the highway proceed. This problem is resolved and Shreveport has been removed from our list of controversies.

Maryland: In Baltimore, the segment of I-95 crossing the harbor in the vicinity of Fort McHenry, and the segment of I-70N on the Gwynns Falls line, total, $311 million.

The Fort McHenry segment involves the highway's impact on the historic site. The Gwynns Falls segment involves impact on parklands or as an alternative residential displacement.

I have personally discussed these problem areas with State and city officials and further investigations are underway. Governor Mandel has some knowledge of these problem areas and I am sure we can count on his cooperation in working out acceptable solutions. Under Maryland law Mayor d'Allesandro has perhaps more involvement in Baltimore than does the Governor.

Massachusetts: Interstate routes in the Boston area, including the uncompleted section of I-95 and the Inner Belt route I-695—and that part of I-895 at the Rhode Island border, $676 million.

The Interstate segments in the Boston area are longstanding controversies. The issues include all those that surround highway construction in urban areas; such as displacements, pollution, tax ratables, community disruption, etc. Governor Sargent has halted all planning and right-of-way acquisition for highways within S.R. 128, a highway loop around Boston, while a task force he appointed reviews transportation planning for the region. Governor Sargent is actively involved in these controversies and will want to consider his task force's report before committing the State of Massachusetts to a course of action on these route segments.

The southeast quadrant of the Providence beltway I-895, in Massachusetts will be governed by actions taken by the State of Rhode Island on its segment of the route, at least on that segment south and west at I-195. There is no controversy involving Massachusetts, and no contacts with Governor Sargent are necessary.

New Hampshire: The Franconia Notch segment of I-93 for 30.8 miles is estimated, $65 million.

I have advised Governor Peterson of New Hampshire of my decision to terminate construction of I-93 from the south at North Woodstock, indefinitely, without prejudice to a later acceptable solution to the Franconia Notch problem. The Governor has accepted this decision. The problem has been removed from our list.

New York: In New York, the Lower Manhattan Expressway portion of I-78 and I-478, coupled with the Cross-Brooklyn portion of I-78, total, $517 million.

Federal Highway Administrator Frank Turner and officials of the State and city have discussed possible and desirable changes for Interstate highway segments in New York City. We are hopeful of a resolution of this matter, but adjustments in the system will eventually be necessary. Governor Rockefeller

is fully aware of the problem and of possible solutions.

Ohio: In Cleveland, the Shaker Heights segment of I–290, 8.8 miles long, $103 million.

This is another of the longstanding controversial route segments. The general corridor designated for I–290 is along a linear park. The communities through which it passes have strongly opposed such a routing. Suggestions for alternate routings have likewise drawn a storm of protest from residents and officials of the communities involved. Several months ago Governor Rhodes of Ohio asked the officials of the concerned communities involved to advise him of their position on I–290. The communities all responded with opposition to any route through their community but suggested retention of the mileage and money in Cuyahoga County.

There has been informal discussion between the Bureau of Public Roads and State of Ohio concerning substitution of another route under the provisions of Public Law 90–238. Resolution of this problem may be possible through established channels. In any event Governor Rhodes is fully cognizant of the alternates available to him.

Pennsylvania: In Philadelphia, the Cobbs Creek segment of I–695, 6.5 miles, $134 million.

The Cobbs Creek Expressway in the Philadelphia region is strongly opposed on environmental impacts. A necessary connection (the Crosstown Expressway in Philadelphia) was deleted from the transportation plan by Mayor Tate of Philadelphia. The utility of the Cobbs Creek is seriously limited without the Crosstown Expressway. We have called this to the State's attention.

The Pennsylvania Department of Highways has submitted a request to the Bureau of Public Roads for substitution of Interstate spur routes at Allentown and Bethlehem for the Cobbs Creek Expressway under the provisions of Public Law 90–238. The State's proposal is now under review. Contact with Governor Shafer, if necessary, should await a decision on the State's proposed action.

Rhode Island: At Providence, the new segment of Route I–895 (12.1 miles) is estimated, $116 million.

This Interstate route segment has generated strong opposition based on its anticipated environmental impact, community disruption and family displacement.

In view of the strong controversy Governor Licht of Rhode Island has halted all planning for the route. Since the route also involves the State of Massachusetts there have been informal discussions between officials of Rhode Island, Massachusetts and the Bureau of Public Roads in an effort to resolve the problem and these discussions are continuing.

Vermont: The segment of I–93 in Vermont, north of the Franconia Notch section in New Hampshire (11.0 miles) up to St. Johnsbury, $15 million.

This problem area is part of the Franconia Notch controversy and since an interim solution has been reached in New Hampshire, there remains no problem in Vermont.

Washington: In Seattle, the portion of I–90—6.4 miles in length crossing Lake Washington, $195 million.

This segment has received mixed reaction within the community. Some support the need for the highway and support the corridor location but suggest an alternate location and design. Others opposed the route as unnecessary. The primary opposition is environmental impacts and the proposed cut-and-cover type tunnel construction through Baker Ridge in Seattle.

The city is only mildly supporting the proposed location and design. At the present time the State is reviewing presentations at the design hearing held in early June 1970. We believe it should complete this review and further coordinate its proposal with the city before Federal officials become directly involved in contracts with the Governor.

We hope this information will be useful in the committee's considerations. Frank Turner or I certainly will be glad to further discuss these problems with you should you desire.

Sincerely,

J. A. VOLPE.

There are 13 of these projects. They add up to some $3.9 billion. They include, for New York City, the Lower Manhattan Expressway, which as my colleagues from New York City can testify is strongly opposed by the people of New York City. They include a project for the city of Chicago in the amount of $1 billion, said to be the most expensive highway project ever considered. These are all stated by the Secretary of Transportation to be controversial projects. If these were to be eliminated, there would not be the need for the authorizations called for in 1977 and 1978.

The committee in its wisdom has provided that certain projects may be eliminated from the Interstate System if the proper plans are not submitted by the States. That provision is contained in section 124, page 38 of the bill. There may be eliminations made under that section. If they are made, the authorizations that are called for for 1977 and 1978 will not be needed.

Mr. Chairman, whether or not we agree with the proposition that these funds should be used exclusively for highways—and I have grave doubts about that proposition—it seems to me we should not go beyond what the Department of Transportation has asked for. The other body has authorized only through 1976. There is no reason given in the committee report that I can find why the authorizations here should be called for for the years 1977 and 1978. I hope that the amendment will be adopted.

Mr. KLUCZYNSKI. Mr. Chairman, I am opposed to the amendment offered by the gentleman from New York (Mr. BINGHAM). If the amendment is adopted, we will not complete the Interstate Highway System. I hope that the committee will not adopt the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The question was taken; and on a division (demanded by Mr. BINGHAM) there were—ayes 9, noes 51.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REID of New York: page 31, after line 21, insert the following new sections, and renumber subsequent sections accordingly:

"LOCAL HIGHWAY PLANNING REVIEW COMMISSIONS

"SECTION 122. Section 128, title 23, United States Code, is amended to read as follows:

"'(a) Each State legislative body shall designate or establish one or more local highway planning review commissions to assume jurisdiction over a county or group of counties for the purpose of assessing from time to time the impact on any parklands, seashores, forests, communities, historic sites, wildlife sanctuaries or the like, situated in whole or in part in such county or group of counties, through or contiguous to which any Federal-aid highway may be proposed to pass. All the members of each such local commission shall be persons who, by virtue of education and experience, are generally recognized to have achieved expertise in the areas of conservation of natural resources and wildlife or preservation of historic landmarks and sites.

"'(b) If any Federal-aid highway is proposed to pass through or be contiguous to any county or group of counties over which any local commission or commissioners shall have jurisdiction, the State highway department shall submit to such local commission copies of the surveys, plans, specifications and estimates that it has submitted or proposes to submit to the Secretary pursuant to section 106 of this title.

"'(e) Within one hundred and twenty days after such surveys, plans, specifications, and estimates shall have been delivered to such local commission, it shall, after having considered all arguments relevant to the location of such Federal highway, notify the Secretary as to whether it approves or disapproves of such location and, in the event that it shall disapprove, it shall set forth in reasonable detail the reasons for such disapproval.

"'(d) At the time that any local commission notifies the Secretary pursuant to subsection (e) of this section, it shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, in regard to the location of such proposed Federal-aid highway, and that the public has been afforded a full opportunity to examine all relevant papers prior to such hearings and to question under oath at such hearings State officials with respect to all matters relevant to the proposed Federal-aid highway."

"'(e) Any State highway department which submits plans for a Federal-aid highway project involving the by-passing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic effects of such a location. Any State highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway. Any hearings required to be held by a local commission under subsection (d) of this section or by a State highway department under this subsection may be consolidated into a single set of hearings.

"'(f) When hearings have been held under subsections (d) and (e) of this section, the State highway department, the local commission, or both, as the case may be, shall submit a copy of the transcript of said hearing to the Secretary, together with the certification."

"SEC. 123. Section 101 (a) of title 23, United States Code, as amended, is further amended by adding the following paragraph after the paragraph defining the term "Indian reservation roads and bridges":

"'The term 'local commission' means any one of the local highway planning review commissions described in subsection (a) of section 128 of this title.'

"SEC. 124. Section 103 of title 23, United States Code, as amended, is further amended by deleting the periods at the end of the first sentences of subsections (b) and (c)

thereof, by deleting the period at the end of the third sentence of subsection (d) thereof and by substituting in lieu thereof at the end of each such sentence, respectively, the following; 'and to the approval required by subsection (f) of this section.'

"SEC. 125. Section 103(e) of title 23, United States Code, is amended by deleting the last sentence thereof and by substituting therefor the following sentence: 'No Federal-aid highway or portion thereof shall be eligible for projects in which Federal funds participate until there shall have been received the approval of the Secretary and the approval required by subsection (f) of this section.'

"SEC. 126. Section 103 of title 23, United States Code, as amended, is further amended by adding at the end thereof the following:

"'(f) Any Federal-aid highway or portion thereof which shall be proposed to pass through or be contiguous to a county or group of counties over which a local commission shall have jurisdiction shall not be eligible for projects in which Federal funds participate unless, in addition to the approval of the Secretary required by subsection (e) of this section:

"'(1) there shall have been received the approval of such local commission; or

"'(2) in the event that such approval shall not have been received prior to one hundred and twenty days after there shall have been submitted to such local commission the surveys, plans, specifications, and estimates required by subsection (b) of section 128 of this title, there shall have been received the approval of the Secretary of the Interior.'

"SEC. 127. Subsection (b) of section 105 of title 23, United States Code, and subsection (b) of section 106 of title 23, United States Code, are each amended by adding at the end thereof the following: 'For purposes of this subsection, the term "appropriate local officials" shall include the local commission having jurisdiction over any county or group of counties through or contiguous to which such system is proposed to pass: *Provided, however*, That this subsection shall in no way be construed to satisfy the requirement of approval as set forth in subsection (f) of section 103 of this title.'"

Mr. REID of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REID of New York. Mr. Chairman, my amendment would add new sections 122 through 127 to the bill to require State legislatures to establish local highway planning review commissions for the purpose of assessing the effect of the proposed Federal-aid highways upon the overall environment, upon parklands, historic sites, wildlife sanctuaries, and other areas which could be and should be conserved. Prior approval of the local commission involved would be required whenever a proposed highway system would pass through or be contiguous with an area over which it has jurisdiction. Disapproval by a commission could be overruled only by the Secretary of the Interior.

Mr. Chairman, I testified in support of this proposal before the Subcommittee on Roads on April 21, 1970. In my judgment, the establishment of local highway planning review commissions is vital for two reasons. It would guarantee the public the right of access to all facts relevant to any proposed Federal-aid highway and would give local conservationists a veto over highway design which could result in the destruction of valuable resources.

Under existing hearing procedures pursuant to section 128 of title XXIII, United States Code, the first hearing deals with the approval of the location within a general service corridor. The second hearing is a hearing prior to approving a preliminary design of a highway in a particular location. This hearing system, in my judgment, is defective in that local residents have no effective voice in the decision; the hearings sometimes bear little relation to what might actually materalize in relation to the location and design; citizens affected by highway construction presently have no right of discovery to highway plans; and the law requires only that economic considerations be discussed in public hearings.

My amendment would broaden the issues taken into consideration and strengthen the influence of local citizens. Basically this amendment would require State legislatures to create one or more administrative units to review proposed highway routes as they affect the environment.

Each commission could cover a single county or group of counties with the State legislature deciding the appropriate jurisdictional base. Each local commission would be staffed by persons with recognized expertise in the areas of conservation, of natural resources and of wildlife, preservation of historic sites, communities, and landmarks.

Approval of a proposed highway could be granted or denied by the commission only after provision had been made for appropriate public hearings and the review by the commission would be in addition to that which the present Highway Act requires to be conducted by the State highway department.

In the past, Mr. Chairman, citizens' groups have encountered major problems in gaining access to the State plans and specifications for highway projects. In my judgment, citizens' groups should have the right to review all of the technical material relevant to informed decisions.

My amendment, therefore, would guarantee citizens the right of discovery to essential documents by requiring the State highway department to submit to the local commission involved copies of surveys, plans, specifications, and estimates for a highway project. The commission would in turn be required to make these documents available to the public prior to its hearing, and give the public an opportunity to question State highway officials under oath regarding the project. This right of discovery is intended to be the same as that enjoyed by parties to a civil lawsuit in Federal court under the Federal Rules of Civil Procedure.

Mr. Chairman, in essence I believe that there are conservation factors that should be included in any consideration of highway plans and that interested parties should have an opportunity to see the relevant documents.

In essence, Mr. Chairman, until now corporations, Government agencies, and roadbuilders have shown shocking disregard for our scenery, wildlife, natural resources, and historic communities and landmarks. Once a forest or preserve is destroyed or desecrated by a highway it is ruined forever.

I urge the adoption of my amendment in order to save from destruction what remains of our invaluable natural and historical resources, for only if we give local conservationists a voice and a veto over the roadbuilders may we save our environment.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from New York.

Mr. KOCH. I want to rise in support of the gentleman's amendment. It is one which is absolutely necessary. Conservation groups across the country support it. I hope it will be adopted.

Mr. REID of New York. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, I rise in opposition to this amendment.

I should like to point out that this amendment was the subject of a bill considered in committee. There were extensive hearings on the problem of the environment, as well as on other highway matters.

We did consider the subject of this amendment. The committee, at the time, felt that an amendment of this kind was not justified.

I should like to point out to the Committee that this proposal would set up a commission totally comprised of persons who may or may not have any expertise in highway construction who would have an absolute veto power over the construction or building of a highway.

Furthermore, this amendment would give to the public the right to examine all papers and to cross-examine under oath all State officials with respect to the matter. This would, in my judgment, further cloud and complicate an already difficult situation. I am not out of sympathy with the end sought to be served. But, in my opinion, the amendment would delay and extend the construction of highway projects an intolerable length of time. It could be used obstructively, rather than constructively. If enacted, I can foresee more demonstrations and delays than presently plague the program.

I want to make one other point. The "guts" of this amendment is, I believe, already incorporated into the law in the Federal-aid Highway Act and in Department of Transportation regulations. Let me read section 138, titled "Preservation of parklands:"

It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After the effective date of the Federal-Aid Highway Act of 1968, the Secretary

shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

We should use every precaution to protect and enhance our environment. The above law is designed to do that and is serving an effective purpose in that regard. A purpose I wholeheartedly subscribe to. Therefore, it is apparent that what the gentleman is trying to get at is already in the law. Many highway projects are currently going through a process of inspection and evaluation by concerned Federal agencies to make sure that they do not injure the environment or destroy national historic sites. I am in sympathy with the gentleman's desire to protect our environment. I believe this is being accomplished under existing law and regulations.

Mr. REID of New York. Will the gentleman yield on that point?

Mr. HARSHA. Yes.

Mr. REID of New York. If I read section 138 correctly, it is concerned solely—and I repeat, solely—with publicly owned lands. The section that determines it is section 128. Here public hearings in the original statute are only charged with looking at the economic effects of such location. Therefore, I think it should be concerned with the overall environmental question. Beyond that, if I may complete the sentence, this amendment of mine permits the Secretary of the Interior to overrule a local environmental highway review commission if it is his judgment that this should be done. So the gentleman's statement that the local commission exercises an absolute veto is not correct. The Secretary of the Interior makes the final judgment.

Finally, I say it is not a sustainable position to say that the public now has the right to access to certain facts and figures and it is essential that they should have this right in a timely fashion.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from Ohio (Mr. HARSHA) is precisely correct in saying that there is no need for this amendment. If Members were listening as he read from the highway act passed 2 years ago, they know that Congress already has clearly stipulated there that the Secretary shall not permit any of these historic sites, environmentally beautiful, or recreationally useful areas to be taken for a highway unless there is no feasible alternative and every possible step has been taken to preserve and protect it.

The gentleman from New York, I am sure, read an old law and intended to state the facts correctly when he declared that the requirement of local hearings applies only to economic and not to any other considerations. Let me read to you again from the 1968 Act that this House approved and which Congress passed 2 years ago. We have already amended that section which applies to public hearings so it requires that those hearings concern themselves not alone with economic matters, but I quote to you from the exact language that we added 2 years ago:

. . . and social effects of such a location, its impact on the environment and its consistency with the goals and objectives of such urban planning as has been promulgated by the community.

So there is no need for this amendment. Additionally there is no need, surely, for a further encumbrance on the right of the State and local highway officials to proceed once they have determined on a feasible route, they being obviously closer to the local public than we are. There is no need to allow for further long, labyrinthine corridors of appeals and re-appeals that could veto and stall and drag along most interminably these decisions which are so vitally needed.

The third point is that the Secretary of the Interior does not have one thing in the world to do with the administration of this bill. This bill is administered by the Secretary of Transportation.

According to the amendment offered by the gentleman from New York, we would create a plethora of bureaucracy with an additional department and an additional secretary arguing as to whether or not a certain road should be built.

For all these reasons I believe this amendment is not necessary, useful, or desirable and should be voted down.

Mr. REID of New York. Will the gentleman yield on the points he makes?

Mr. WRIGHT. Surely.

Mr. REID of New York. I appreciate the gentleman yielding to me.

The section I was referring to and which I called the gentleman's attention to is section 138 of title 23. If he will look at that section, he will see it is entitled "Preservation of Park Lands."

Mr. WRIGHT. If the gentleman will read that section, he will see that it includes this language: "or any land on a historic site of national, State, or local significance." It says "any" land and not just public land.

Mr. REID of New York. That is precisely my point. It says "land relating to a historic site." However, I feel there must be two points considered. One is the broadest concern for the environment. The second—and this point the gentleman did not address himself to, if I understood him correctly—is that the public should have timely access to all the relevant facts and figures, including highway plans and projections, ecological studies, and other matters pertaining to the environment.

The public is now denied that right. I, personally, wish the gentleman would address himself to that point.

Mr. WRIGHT. There is nothing in the existing law or in the present bill which denies the public access to this information or deprives the public from attending hearings. The public is invited to appear and testify, and based upon the 1968 Act those hearings are to concern themselves not alone with economics but with social effects on such a location, its impact on the environment, its consistency with the public goals and objectives as planned by the community.

Mr. Chairman, I submit the amendment is not necessary; it is redundant, and in addition to that it creates an additional bureaucracy that is not necessary. It creates a possibility of a local veto by some local agency of what has already been determined by the local highway department and others involved on programs which should go forward without this type of interruption.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I rise in support of the amendment which has been offered by the gentleman from New York (Mr. REID) to require State legislatures to establish local highway planning review commissions for the purpose of assessing the effect of proposed Federal-aid highways upon parklands, historic sites, wildlife sanctuaries, and other areas which should be conserved. Prior approval of the local commission involved would be required whenever a proposed highway system would pass through, or be contiguous with, an area over which it has jurisdiction; and disapproval by a commission could be overruled only by the Secretary of the Interior.

This amendment would guarantee the public the right of access to all facts relevant to any proposed Federal-aid highway, and would give local citizens an opportunity to oppose highway designs and plans which would result in the destruction of irreplaceable resources.

Citizens' groups in my community have encountered considerable difficulty in gaining access to plans for highway projects until they are fully developed at tremendous public expense. This amendment would require that essential plans for a highway project be available to the public before the hearing—so that citizens can adequately question highway officials on the project.

We cannot permit road builders to disregard the public interest in our scenery, wildlife, natural resources, and historic landmarks. A forest or tree needlessly desecrated by a highway is ruined forever. It cannot be replaced.

In my community, an interstate highway project has been projected time and again through the Shaker Lakes area of my district—one of the last virgin forest and lake areas in our midst. When community protests reached Gov. James Rhodes of Ohio last spring, he promised to remove the project from the Interstate System. Up to the present, he has not taken the action which he promised and the community is again aroused by the continued threat to an invaluable natural resource.

This amendment provides a necessary opportunity for the community to examine plans and proposals before the commitment is closed on a highway plan. It is vital and necessary to preserve the

few natural resources which remain in urban areas.

If these safeguards are not provided, I will have to vote against this bill and its unbridled capacity to ruin our resources and our environment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. REID).

The amendment was rejected.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Does the gentleman's second amendment apply to this section?

Mr. REID of New York. It does, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. REID of New York: Page 31, after line 21, insert the following new section, and renumber subsequent sections accordingly:

"RIGHT OF DISCOVERY

"SEC. 122. Section 128, subsection (a), of Title 23, United States Code, is amended by adding the following new material at the end thereof:

"'The State highway department shall also certify to the Secretary that the public was afforded a full opportunity to examine all relevant papers prior to such hearings and to question under oath at such hearings State officials with respect to all matters relevant to the proposed Federal-aid or Interstate highway.'"

Mr. REID of New York. Mr. Chairman, I shall be very brief and try and limit my remarks to about 60 seconds.

The point in the recent colloquy which has not been made clear is, in my opinion, the difference in interpretation as to whether or not the environment is fully considered. The point in question is not whether the highway departments deny the local people the right to be heard, but whether on the affirmative side an individual has the right of access to relevant and necessary State papers, ecological studies, and other matters that are appropriate this is not for the purpose of acting in a delaying fashion, but these matters should be brought before the Commission for consideration in a thoughtful, prompt fashion.

I have talked with David Sive, the principal attorney for the Sierra Club, on this point, and he feels that in the United States there are many instances where many of the facts are not presented at a hearing.

Mr. Chairman, the essence of this amendment is to provide a kind of protection that exists in the Federal Rules of Civil Procedure to parties in a civil lawsuit in a Federal court. It is basically the right of discovery and the right of the individual to have access and the public to have access to all the facts relevant to the actual construction as well as the environmental factors.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from New York.

Mr. KOCH. It serves no purpose, if we really want to have the public involved in recommending what should or should not be done in protecting the environment, if we refuse to give them the tools with which to shape their advice. Every one of us at some time has recognized deficiencies in a program and yet not been able to substantiate that which is wrong because the needed evidence has been withheld by some city, State, or Federal agency.

So, Mr. Chairman, I would urge all my colleagues here in the House that if we really want to provide the means to abate pollution in the broadest sense of the word, and this is a kind of pollution, we give the public the tools it needs. After all, the public is the very best watchdog in any matter.

Mr. REID of New York. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I would only add this: I think if we are going to make government work, and if we are going to give the American people a conviction that they can participate in the governmental process, and a conviction that the decisions which affect their lives have been made on the basis of all relevant factors, then I think the public is entitled to the right of discovery on basic environmental questions and for good cause. I repeat that this is a right acknowledged by the most knowledgeable people in this field and that this right is presently denied by most States. And I hope the Congress today will provide that affirmative right.

Mr. HARSHA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to point out to the Committee that many of the procedures that the gentleman from New York seeks to open up are governed by State laws which have established different procedures for dealing with such matters. As to what extent this proposal would apply to each State law, I am not really sure. But I would like to point out that in the procedures established in a majority of the States, the public already has access to design drawings, maps and location pictures to afford them the opportunity of determining what kind of highway is going where.

It is true that there are certain interdepartmental papers that the public does not have access to. But under this amendment, a State highway department would have to certify to the Secretary that the public was afforded a full opportunity to examine all papers prior to such hearings. At what point would the public have been afforded an opportunity to fully examine all papers prior to the hearings that the gentleman is calling for?

To permit the entire public to cross examine every official under oath as to any matter that is in any way conceivably relevant to the construction of the highway program, and its possible effect on the environment, would surely create a morass of confusion and delay. It could even result in defeating the objectives of our highway construction program. In all probability the gentleman makes a valid point that many State highway procedures are less than enlightening to the public. This should certainly put them on notice to improve their procedures. However to endeavor to accomplish that purpose by this amendment would create far more problems than it aleviates. I urge the defeat of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. REID).

The amendment was rejected.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANIK: Page 16, after the line following line 14 and before line 15, insert the following:

"OVERPASS AND UNDERPASS CONSTRUCTION

"SEC. 112. (a) Chapter I of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 143.Overpass and underpass construction

"The Secretary shall approve, as a part of the cost of construction of a project under any Federal-aid highway program which he administers, 100 per centum of the cost of constructing those passageways over and under any such Federal-aid highway as may be necessary in connection with the construction or possible future construction of facilities for publicly owned rail mass transportation systems if—

"'(1) The State highway department requests such approval, and

"'(2) The Administrator of the Urban Mass Transportation Administration certifies to the Secretary that such facilities may or will be constructed.'

"(b) The analysis of chapter I of title 23, United States Code, is amended by adding at the end thereof the following:

"'143. Overpass and underpass construction.'"

Renumber succeeding sections—including those to be added to chapter I of title 23, United States Code—accordingly, including all references thereto.

Mr. VANIK. Mr. Chairman, one of the pressing problems facing our Nation today is an effort to develop a fully integrated transportation system which will take care of the needs of the major bulk of our population which is located in the urban and suburban centers of our Nation. The Federal-aid highway program has been an effective tool in providing transportation in and out of these heavy population areas both for commercial and private use. It seems to me, however, that the highway program can go even further in this particular field and contribute a great deal toward an integrated transportation system which I am sure will be developed in the future. This is the reason I am offering the amendment today. This amendment provides in essence that the Secretary of Transportation shall approve as part of the cost of the construction of any Federal-aid highway program 100 percent of the cost of constructing those passageways over a Federal-aid highway or under one which may be necessary in connection with the construction or possible future construction of facilities for publicly owned rail mass transportation systems. This approval is contingent upon an approval by the State highway department and a certification from the administrator of the Urban Mass Transportation Administration that the mass transportation facilities may or will be constructed. This is a simple amendment.

If both the Highway Administrator and the Mass Transit Administration in

Washington know that presently or in the future mass transit facilities will be constructed in an area where Federal-aid highway work is underway and where there may be a capability to save money by constructing the Federal-aid highway project with appropriate overpasses or underpasses for future rail mass transportation purposes that this may be done at Federal expense. This seems to me to be a reasonable and logical approach. It is a link in the development of our great highway and transit systems, and we know eventually both of these systems must work together. For this reason, I hope the amendment will be adopted.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not think it is necessary for any of us to conclude that one is opposed to mass transit facilities, as urgently needed as they are in some parts of our country, in opposing this suggested amendment. In this bill we have gone as far as we believe we can in good conscience and in good faith with those who pay their taxes into the highway trust fund, to facilitate the use and development of urban and mass transit facilities.

In the section immediately prior to that point at which the gentleman from Ohio would insert his proposed amendment, we have made numerous provisions including bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities, to serve bus and other public mass transportation passengers.

What I find objectionable to the amendment offered by the gentleman from Ohio is his absolute requirement that the Secretary shall approve for Federal payment 100 percent of the cost of constructing passageways which may be necessary in connection with the construction or possible future construction of publicly owned rail mass transportation systems. We do not even pay 100 percent out of the Highway Trust Fund for the interstate highways. We pay only 50 percent out of the Highway Trust Fund for the primary and secondary State roads.

I do not believe it would be equitable. I do not believe it would be proper. I do not believe it would be in good faith with those who have paid their money year after year into the Highway Trust Fund in road-user taxes upon the premise and, indeed the premise, that those funds would be used to construct roads and streets on which they could drive those vehicles, for us now to create a favored category receiving 100 percent Federal funds for rail mass transportation.

So for those reasons, Mr. Chairman, it seems to me that this is not a proper amendment. I sympathize with the gentleman from Ohio on the need for mass transportation facilities. We in this bill have tried as best we can to facilitate and serve that need, but surely it would not be appropriate for us to create a situation in which the Secretary was given absolute instructions that he shall approve 100 percent—100 percent—out of the highway trust fund for any possible rail mass transportation facility.

For those reasons, Mr. Chairman, I suggest that this amendment should be defeated.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Ohio.

Mr. HARSHA. I thank the gentleman. I can point out, as the gentleman has already pointed out, that this would involve a change in the total appropriation formula for any program we have projected. But over and above that, the important thing is that it provides for 100-percent payment for possible future construction of facilities, a highly speculative situation. These grade separations are costly at best. To go in and build them on the basis of some possible future location or construction is highly speculative and contrary to good engineering and planning practice.

Let me point out to my good friend from Ohio that under existing law and procedure, the Department of Transportation, where there is to be constructed a facility of the type to which the gentleman has referred, and it is imminent and assured that it is going to be constructed, the Department of Transportation does enter into negotiations with the municipality or the governing body, whichever it may be, to work out some sort of cost-sharing formula, depending upon the type of project it is.

So the essence of what the gentleman is trying to achieve is already accomplished under Department of Transportation procedures, and to go to 100-percent Federal participation payments on such a speculative basis I think would be contrary to good engineering and sound financial policy.

Mr. DON H. CLAUSEN. Mr. Chairman will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I would suggest to the gentleman, Mr. VANIK, that it may well be advisable for him to convey his request to the Ohio State Division of Highways, because, through the American Association of State Highway Officials, we on the committee, as well as the people in Transportation, are, in fact, now in the process of conducting a functional classification and future needs study. That is where you might direct your request rather than incorporating it into the bill now before us.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: Page 8, line 3, insert a new section to read as follows:

"SEC. 105. (14) Any state which on the date of the enactment of the Federal-Aid Highway Act of 1956 had constructed at its own expense any highway which has been since that date included as a part of the interstate system, and for which the state received no Federal funds for its construction or been reimbursed for its construction, is authorized to exclude such highway, or parts thereof that are in the interstate system, from the original allocation of mileage to such state and to insert in lieu thereof other highways for inclusion in the interstate system upon approval of the Federal Highway Administration."

Mr. SAYLOR. Mr. Chairman, the amendment I have offered appropriately follows the amendment which was offered by our colleague, the gentleman from Ohio, and the colloquy that occurred when they talked about positions. In 1956 when the Interstate Highway System was proposed and the House Committee on Public Works reported that bill those who were in Congress at the time were pleased with its passage. We were delighted because at long last the Congress and the people realized that we were going to attack the problem of transportation in this country.

We from the great Commonwealth of Pennsylvania were particularly delighted with it, because when we read the reports, we found that Pennsylvania was going to obtain quite a bit of mileage. In the original allocation, Pennsylvania was allocated 1,576 miles, and we thought that was a fair assessment of mileage.

However, the Governor of the Commonwealth of Pennsylvania, mistakenly or otherwise, was led to believe that if Pennsylvania included in the Interstate System the already constructed Pennsylvania Turnpike, the State would be reimbursed for the money which they expended. Now in 1970 the Public Works Committee has taken the position, and perhaps justifiably so, that no State should be reimbursed. With that I can find no fault. But the amendment I have offered merely states that since Pennsylvania was authorized 1,576 miles, that we be given these 1,576 miles of the new Interstate System. Actually, with the inclusion of the turnpike all we got was 1,271 miles.

The amendment I have offered says that neither the State of Pennsylvania nor any other State is to get one additional mile of highway. All we say is that the mileage originally allocated to those States, which have before the Interstate System made progress, should be as authorized in the 1956 act.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I commend the gentleman for this very fine amendment and for the initiative which the gentleman has demonstrated in coming up with a new approach to this very serious problem. This might be regarded as a Pennsylvania amendment, but it could also be regarded, in fact, as the New York amendment because, as the gentleman from Pennsylvania knows, New York is in exactly the same bind as Pennsylvania. We have 500 miles of the New York State Thruway which is charged against our Federal Interstate Highway allotment, although New York paid for this highway itself, and we are still paying for it through tolls.

I want to say I think this is a splendid amendment. I certainly support it. I think it should be adopted.

Mr. SAYLOR. I understand from the Bureau of Public Roads that the two States to benefit most would probably be Pennsylvania and New York. There are a

few other States that have also done such building.

Another reason this amendment should be adopted is that the Pennsylvania Turnpike, the granddaddy of all our interstate system turnpikes, does not meet interstate standards. So we now have in the State of Pennsylvania and in this system over 300 miles that do not meet interstate standards. Still Pennsylvania is being penalized by the action that has already been taken by our former Governor.

I have talked to former Governor Leader and he tells me that the only reason they agreed at the time to include the turnpike was they were led to believe that reimbursement for the total turnpike expenditure would be made to Pennsylvania.

I would hope we could adopt this amendment and allow the affected States that qualify to benefit by this if, as I understand it, my amendment meets with the approval of the Federal Highway Administrator. We are not trying to bypass them or add 1 mile to the system.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. The gentleman from Pennsylvania has opened up a very interesting subject about which I have some convictions and ideas, too. I remind the gentleman from Pennsylvania that when we from Iowa travel in his State system, we not only pay the gasoline tax to the State of Pennsylvania and the Federal Government for the use of that highway, but we also pay tolls that, if translated into gasoline tax, would be something like 35 cents a gallon.

The point I make is that the State already has had advanced to it a lot of extra money which the other States have not had, because they did do this. They have had advantages, and have given us the opportunity to travel, that is true, but at greatly increased cost to people from other States.

We now have a very inequitable system. They are getting more money now for roads than we do, yet we give free passage on the Interstate System in Iowa.

Mr. EDMONDSON. Mr. Chairman, I rise in opposition to the amendment.

I may say that my heart is with the gentleman from Pennsylvania, and I should like to support his amendment, because my State is one that shared the fate of Pennsylvania in the allocation of money on the Interstate System, and had many toll road miles incorporated in the Interstate System—without reimbursement of any kind to this date.

I have sponsored for years a bill, along with friends from Pennsylvania and others from other States, to try to get this situation righted, but I believe we have been confronted for a number of years with a basic situation which makes it untimely to do that.

The basic situation is that we simply do not have the money in the Interstate System at this time to complete it on schedule. Until we do have the money to complete it on schedule we have to defer items such as this, which I believe will have to be attended to in the future, in order to meet the more pressing needs in the country, which are to build the roads urgently required to carry the growing traffic of the country.

Against the interest of my own district and of my own State in this regard, I note the fact that this amendment was not discussed in our commitee. It was not presented in the hearings. At least in detail it has never been covered in our committee with respect to the merits and the arguments against it.

I feel that it is a matter which should not be introduced at this stage in connection with this bill, and I hope that the amendment will be defeated. This can and should be the subject of complete and orderly hearings in the next Congress, and we should deal with justice with these States which have had substantial mileage incorporated under this system without reimbursement of any kind for it.

I am sure the gentleman has already noted that the report points out Route 219 in Pennsylvania, which is a road I know is of concern to him, is one which is badly in need of improvement, which will benefit from the new allocation formula, the 70/30 formula under the bill before us at this time.

The committee has not turned its back on routes like this one, but it has necessarily deferred this question of reimbursement for toll roads.

I hope the House will support the commitee action in this regard and turn down the amendment offered by my good friend from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, will my colleague from Oklahoma yield?

Mr. EDMONDSON. I am glad to yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I just want to say I did appear before the subcommittee chaired by the distinguished gentleman from Texas (Mr. WRIGHT) and used this approach, so the committee does have some benefit of it, and it was presented. This does not come as any surprise to the committee.

As to the approach I have used. very frankly, I did use the approach of a single highway. After hearing the explanation given to me by the distinguished presiding officer at that time (Mr. WRIGHT) and the gentleman from California (Mr. DON H. CLAUSEN) who was at the meeting, and others who were there, that we could not include specific highways, I adopted the different approach.

Mr. EDMONDSON. I have had my memory refreshed as to the gentleman's appearance with another approach to this problem, and I believe I did the gentleman an injustice by saying the question had not been presented to the committee. The amendment he proposes had not been presented to the committee.

Mr. SAYLOR. That is correct.

Mr. EDMONDSON. I believe the gentleman will agree that the new 70/30 formula will give some direct relief, with the improvement of Route 219.

Mr. SAYLOR. Let me say I am delighted with that portion of the bill which calls for a change in the overall formula for class 1 or class A roads of 70/30.

I think this is a tremendous advance in the bill.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield to me?

Mr. EDMONDSON. I will be glad to yield to the gentleman.

Mr. DON H. CLAUSEN. I merely want to say that the very strong testimony that the gentleman from Pennsylvania presented to the committee and his discussions with those of us serving on the Roads Subcommittee had a tremendous impact on the committee's ultimate decision and added leverage to our efforts to change the matching fund formula on the ABC system of highways—primary, secondary, and urban extensions—away from the 50–50 to the 70–30 that we have included as section 108 of this bill.

I am most sympathetic with the gentleman from Pennsylvania (Mr. SAYLOR). He has eloquently presented his case wherein he believes that the State of Pennsylvania is being penalized. However, in the committee's opinion, they felt that this was not the time to try to correct this inequity.

As the author of the bill and the amendment that changes the Federal-aid matching fund formula, to take effect after June 30, 1973, I can state categorically that Mr. SAYLOR's monumental effort in championing his approach to a solution on U.N. 219 was one of the most compelling reasons presented that lead to the change in the formula from 50–50 to 70–30 and also helped us to alter the effective date by moving it up 1 full year from June 30, 1974, to the accepted date of June 30, 1973.

He has been extremely vigilant, as well as cooperative, in pursuit of his Highway 219 inclusion objective. Because of his efforts, the State of Pennsylvania and all States concerned with highway construction improvements and acceleration will benefit. We, on the committee, are very grateful to Mr. SAYLOR for his most valuable support and contribution to this bill, the Highway Act of 1970.

Mr. EDMONDSON. I thank the gentleman for his contribution, but I hope that his amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SAYLOR).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER: On page 43, line 10, strike out paragraph (a) of section 129 and letter the following paragraphs accordingly.

Mr. EDMONDSON. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. FRASER. Mr. Chairman, this amendment seeks to strike from this bill the language which would mandate the

District of Columbia to proceed within 30 days to the construction of particular legs of the freeway system within the District of Columbia.

Mr. Chairman, this provision does not belong in this bill under the rules of the House. The rules of the House specifically provide that in a general act of this nature specific projects are not to be treated as is the case in section 129 of the bill.

The only reason why we cannot move to strike section 129 from this bill is because the rule granted a waiver of all points of order.

What is at stake in this amendment is the question as to whether or not the people who serve as the government of the District of Columbia should have a voice in the highway construction that goes through the District. The City Council in 1969 unanimously adopted a plan recommended by the National Capital Planning Commission in which they said that this proposed freeway leg was not needed, was not necessary, and should not be built. So now comes Congress saying, "Well, the City Council does not know what they are doing," and in effect it says "No matter what they think or how much they know, we know best what is good for the people, the 700,000 or 800,000 people who live in the District of Columbia."

At some point, it seems to me, the District of Columbia ought to be given a voice in what happens to this city. The City Council is not elected, but it is the closest thing that the city has to an official spokesman of the sentiments, the attitudes, and the judgments of the people of the District. Moreover, they have the benefit of official advice. The City Council when it acted was acting on the advice of the Federal planning arm. What they were trying to do was to develop a comprehensive transportation plan that envisioned both a rapid transit system and a modest freeway program. The fact is that one of the reasons that the District of Columbia has had so much trouble with this question is that when these projects originally were studied they were studied on the basis that the only transportation that the District of Columbia was to have was to be based on a freeway system with no mass transit involved. But since that, the Congress has wisely authorized the construction of a mass transit system. The executive branch of the Government under President Johnson and Secretary Volpe have all urged, in effect, that we not enforce this kind of action upon the District until we know what will happen with the mass transit system in place and operating.

Mr. Chairman, it is a matter of simple justice here because if we leave this provision in the bill, we are overriding the sentiments of the people in the District of Columbia.

Now, this is not the first time we have done this. In 1968, section 23 of the Highway Act mandated certain construction and authorized a study of certain other construction and, in fact, the District has complied with that 1968 act. They have no choice because we blackjacked them into it. We threatened to withhold funds for the subway and for the city itself unless they went ahead with those provisions. But we do not seem to be content with that action of 1968. Now we want to add another injustice to this unfortunate relationship between the Congress and the District by the enactment of paragraph (a) of section 129.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Washington.

Mr. ADAMS. And, is it not a fact that both the gentleman and I sit on the District of Columbia Committee that considered this compromise that would release subway funds and would comply with the 1968 act, and that compromise has been complied with?

Mr. FRASER. The gentleman from Washington is correct.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. ADAMS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment.

Now, Mr. Chairman, I want to address myself to the precise point with which the gentleman from Minnesota concluded and I think that is the agreement that took place before the District of Columbia Committee.

Mr. Chairman, I have before me a map that sets forth the program for the District of Columbia. I might say that I have also this day sent a letter to each member of the District of Columbia Committee and I have talked about this matter with members of the Committee on Appropriations and in the past we have discussed this matter with members of the Public Works Committee.

Mr. Chairman, I cannot stress how unhappy I am. I would use the word "bitter" but probably that is not the proper word to use, but somehow I must manifest my terrible unhappiness over what has happened with this bill.

Mr. Chairman, a number of us in committees with jurisdiction got together where we really had great doubt and said that because the highway people in this area had held up the subway funds, we would agree to effect a compromise with reference to the 1968 act as far as the construction of three roads was concerned, and it included the Three Sisters Bridge. The gentleman from Virginia (Mr. BROYHILL) and I worked on this for some period of time. We talked with representatives of the Department of Transportation, we talked with members of the Committee on the District of Columbia, we talked with members of the Public Works Committee, members of the Committee on Appropriations, and a compromise was agreed to. That compromise was passed. I stand with it as I have stood with it on platforms in this city where my skin has been taken off in strips because many people of the District have said, "We do not want any more highways under any circumstances."

Mr. Chairman, what this act does is to go beyond that original compromise, we are going to build these highways to complete the system, when it was agreed that the matter would be studied and the recommendation would come back from the District of Columbia. The highway was studied and a recommendation did come back. They said, "Do not take those houses out of the north section; build it out through another industrial freeway."

This recommendation was filed and later approved by the Department of Transportation with the recommendation of further study on part of this and it exists at the present time.

Mr. Chairman, this bill seeks to overrule the present plan. The committee had to have a special rule to waive the rules of the House to prohibit certain highways being authorized for the city, and they did it. What happened in the District of Columbia Committee? The subcommittee, we just found out, met and said they are going to present a bill that says no money can be appropriated to the District of Columbia unless they comply, not with the 1968 act which was the 1969 compromise, but the 1968 act and any other act of Congress and that "any other act of Congress" is this act before us today.

I just plead with you in the name of common decency that we keep our word as we have required the government of the District of Columbia to keep its word. They have outlined on the map where they will build their freeway, and there is a desparately important reason for this. The difference in the two areas where you build the freeway, one goes through industrial-type lands, and lands that are not homes, and the other goes through a series of homes in the north end. This goes clear back to 1960. This route was shifted from one side of Rock Creek over to the other side of Rock Creek, and it has been shifted back and forth for years and years. All I can say is that by passing this bill in its present form, if we leave this section in, if we do not accept this amendment that has been offered by the gentleman from Minnesota (Mr. FRASER), in my opinion we will simply have broken our word that was agreed to by the White House, the Department of Transportation, and all of the committees of this House, when we all agreed to the 1969 amendment to the District of Columbia Revenue Act, and started the subway.

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Minnesota (Mr. FRASER).

Mr. Chairman, I want to express my concern about the basic thrust of this legislation.

We have reached a point in our history when we must seriously consider the consequences of the Federal Government's policy in achieving the goals of this society. We have rapidly become a nation of suburbs. We are a nation of automobiles and highways. This interlocking development of highways, automobiles, and suburbs is no accident. It is the product of Government encouragement through the passage of legislation like this bill. In view of the problems this country faces I think it is time we looked at the effects our highway policy has had on the movement of our people.

The clogged traffic, the pollution of the air, and the decline of the cities are no accident. They are the result of Government policies which have encouraged the growth of urban problems. We live in a free society in which people aspire to live better. Fortunately, most Americans are able to live well. They are able to move freely. But if we are going to help the cities—if we are going to encourage central cities to remain the magnets and cultural centers for metropolitan areas—if we are going to make housing programs and job development programs work, then we must begin by encouraging the development of mass transit systems that move people from place to place both efficiently and without the threat of colossal traffic jams and clouds of pollution. We must pass legislation that integrates the development and redevelopment of cities, suburbs, and new towns with other forms of transportation, job opportunities, housing potential, and ecological considerations.

This bill does just the opposite. It uses highways as the prod for development because it changes the funding formulas to make the development of more highways extremely attractive. It makes a pass at recognizing mass transit needs by providing $200 million for the development of bus lanes. It provides funds for alcohol safety programs and highway beautification. In the case of the District of Columbia freeway this legislation completely casts aside the will of the people of Washington and of suburban Montgomery County, Md., who support the building of a subway, but oppose the construction of the North Central Freeway.

This legislation hermetically seals the highway trust fund from any review for another 5 years. In short, I believe this bill is the wrong way to shape the destiny of this country. It places far too much emphasis on highways, without facing up to the problems they create.

Mr. ADAMS. Mr. Chairman, I have some very dear friends in this House, and we have spent many, many hours trying to solve this problem. I am not an antihighway person. I have supported the position that we need highways and freeways for the movement of our automobile traffic. I also have supported, however, that we must have some other system to move people in and out of our cities, because we cannot park our automobiles now. I drive in and out of this city every day, and we cannot get in and out on the freeways, even where they are in existence, and it has nothing to do with building new freeways, because I am driving on the system that has already been established for the city, so that we need to have a comprehensive mass transportation system to go with it.

If we go along with this and then say no more money for the District of Columbia, all I can say is that I think we have done a bad thing.

Mr. McCARTHY. Mr. Chairman, I rise in support of the amendment.

As a member of the Committee on Public Works I support this amendment for the reasons set forth by the gentleman from Iowa and myself in the additional views. I think the strongest reason is that it violates the rules of the House.

One of the finest men who has ever served in this body, the late Dorsey Shackleford, of Missouri, took the initiative in including in the rules of the House a provision against logrolling—that is, inclusion of specific roads within a bill reported out by our committee, and in legislation enacted by the Congress. I think the reasons are obvious why that rule was included, because if you open up this kind of legislation any one of us would be tempted to come before this body and seek to include a specific road in his district.

We are not engineers or planners, and that is not our job, and it is prohibited by the rules.

Now, the argument will be made, I am sure, by some of the opponents of this amendment that the District of Columbia is in a special, unique category in terms of the Congress, that we have a special responsibility for the District. That is true. And the member of the Committee on the District of Columbia just spoke in support of the amendment citing our special responsibility. But I want to point out that section 101 of title 23 of the United States Code, which is the basic legislation relating to highways, treats the District of Columbia and Puerto Rico as States, so that the District of Columbia on highway matters is the same as any State.

The apportionment formulas and qualification requirements are the same as for the State of New York or the State of Pennsylvania or the State of Ohio. They all must submit to the same requirements in order to qualify for highway funds. So I submit to you that section 129 is a violation of the House rules; that it sets a dangerous precedent.

If you can mandate the construction of controversial highways in the District of Columbia, then you can do it in any State in the Union and in Puerto Rico.

The Department of Transportation itself recently set up a two-hearing procedure so that people affected by these highways could come before public bodies and express their views on proposed highways.

Mr. Chairman, the people of the District of Columbia have amply expressed their views on the subject of these highways and with virtual unanimity they have said they are opposed to them—the only thing I have ever seen the people of the District of Columbia, from Georgetown to Northeast, in unanimity on. They are unanimous in saying they are against these highways.

So I say it also violates the spirit and the intent of the Department of Transportation two-hearing procedures, and I hope that this amendment will prevail because I think it sets a dangerous precedent. I think it is a basically undemocratic thing for us to force these highways on people who have said they do not want them.

Mr. KLUCZYNSKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Committee on Public Works has no intention of dictating to the various States what kind of a highway program it should have or where individual routes should be located. In the case of the District of Columbia the courts declared in 1968 that the District of Columbia did not have authority under the regular Federal-aid program to construct interstate freeways. The provisions of the District Code did not permit highways as wide as those required for the interstate program. Only the Congress could change this situation and this it did in the 1968 Federal-Aid Highway Act. The act also authorized and directed a specific system to be built at that time because testimony developed at hearings indicated a complete bureaucratic mess here in the Nation's Capital. The system authorized was one developed over a 20-year period with complete regional cooperation. It was sound and was the product of local study and determination. It was not a creature of the Congress as some would have you believe.

Mr. Chairman and ladies and gentlemen of the House, I would not want to have the Federal Government designate or tell us in Illinois where we should designate our highways. I am sure every State in the Union can designate their own. But in this case, in the District of Columbia, as I have explained, the Congress has the right and the Congress should designate the highways.

Mr. GUDE. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. GUDE. Mr. Chairman, I yield to my friend, the gentleman from Maryland and my colleague from Prince Georges County (Mr. HOGAN), for a unanimous-consent request.

Mr. HOGAN. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I would like to take this opportunity to express my strong support for certain provisions of the Federal-Aid Highway Act of 1970, in which I and residents of the Fifth District of Maryland have a particular interest, and to urge your support of the same.

The first provision of which I speak is actually of prime interest to all residents in the metropolitan area who have occasion to travel on the Baltimore-Washington Parkway. I have long advocated upgrading of the parkway, and this past summer in a letter to Chairman FALLON of the House Public Works Committee, I pointed out my concern over the serious congestion on this vital artery which serves the people of Metropolitan Washington and Baltimore as well as interstate travelers. At that time I expressed my hope that the committee would include in the Federal-Aid Highway Act the funds necessary to widen and upgrade the parkway.

It is a pleasure to see that the Public Works Committee has taken note of my concern and recommended in the bill before us an authorization of $65 million for reconstructing to six lanes the section of the Baltimore-Washington Parkway under the jurisdiction of the Secretary of the Interior and bringing it up to the standards for the National System of Interstate and Defense Highways. Certainly the entire Baltimore-Washington area will benefit from this action.

Another section of the act provides for

a demonstration project for the elimination of all public ground-level railhighway crossings along the route of the high-speed ground transportation demonstration project between Washington, D.C., and Boston, Mass. Undoubtedly the residents of Seabrook, Md., and nearby townships on the Penn Central line will be relieved to know that this provision is in the bill. They are most concerned with seeing existing hazardous ground-level crossings eliminated.

Last, but not least, I would like to express my support for those provisions of the bill which require construction to begin on the North Central Freeway within 90 days of enactment of this legislation. For years I have supported and urged the construction of the rapid transit in the Washington area, which is sorely needed to improve the transportation situation of the area. At the same time, I firmly believe that the interstate highway network is also vital to produce the balanced transportation system which, in my opinion, is the best answer to the transportation problems of the present and the future.

The time is long past due to begin moving forward on both the highways and the rapid rail, toward providing this balanced system. If at this time we change the route of the North Central Freeway, as some are urging, further delays will result. The right-of-way has already been acquired for the proposed route, whereas any change of route will result in additional costs for this purpose. We can probably assume that any alternate route will also be objected to by elements of the community.

For these reasons, I support the language in the bill before us regarding the construction of the freeway and urge the District of Columbia to get construction under way on the North Central Freeway.

I hope my colleagues will join me in opposing the Fraser amendment.

Mr. GUDE. Mr. Chairman, I rise in support of this amendment and strongly urge the members of the committee to give it full and careful consideration because failure to adopt this amendment could well be ordering the District of Columbia to build a road to nowhere.

Section 129 requires the District of Columbia within 30 days to start building the North Central Freeway to the District of Columbia boundary line adjacent to Maryland.

At this time the State of Maryland and local government officials in Montgomery County have indicated that they are in doubt or in opposition to building a North Central Freeway. For us to order the immediate construction of a highway to the border of a jurisdiction that has indicated it does not intend to build it is ludicrous.

The Governor of Maryland, our elected State executive, was recorded earlier this month in opposition to the North Central Freeway. According to today's paper, the Governor has written me that, and I quote from the Evening Star:

He is not certain that the North Central should not be abandoned.

I have not, however, received the letter.

The State Roads Commission indicates to me that under the 1968 Highway Act, two separate hearings must be held before construction could begin on the Maryland portion. Sixteen of the 20 newly elected members of the Montgomery County senatorial and legislative delegations have specifically registered their opposition to the construction of the North Central Freeway. Six of the seven members of our newly elected council have declared their opposition. These local officials possess the decisionmaking powers on highway planning in the sections of Maryland adjacent to the District of Columbia.

Mr. Chairman, in 1968 the transportation planning board of the Washington Metropolitan Council of Governments and the county council and the Montgomery legislative delegation endorsed the North Central Freeway route. Since 1966 the Maryland State Roads Commission has carried the North Central Freeway in Maryland as part of the I–70S connection to the North Central Freeway routing in the District. But now the situation must be clarified as to the position of the several elements of government concerned in regard to the freeway.

Mr. Chairman, since my service in the Maryland General Assembly I have consistently supported a balanced system of mass transit and highways for the Washington metropolitan area, but it must be a well planned system which properly serves all the people.

And so to do what we are doing here today—to order the immediate construction of a controversial freeway in the District of Columbia to the border of a jurisdiction which is obviously not prepared to construct its section—is sheer folly.

I urge the House to reject the order to immediately construct this highway.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I yield to the gentleman from New York.

Mr. McCARTHY. Did I correctly understand the gentleman to say that the two-hearing procedure has not been followed with reference to these roads?

Mr. GUDE. The gentleman is exactly correct in regard to the Maryland portion. In regard to the District of Columbia portion there is some question, but in regard to the Maryland portion there would have to be two hearings.

Mr. McCARTHY. But they are related because they are connecting roads. You cannot build a road to nowhere. They have not held the two hearings on the roads that would connect with the District highway in Maryland?

Mr. GUDE. Our Maryland State Roads Commission indicates that they would have to hold two sets of hearings before proceeding with construction of the Maryland section of the North Central Freeway.

Mr. NATCHER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. NATCHER. Mr. Chairman, there is a place for both a freeway system and a rapid rail transit system in our Capital City. In order to meet the tremendous day-by-day growth of traffic, the highway program must be carried out along with the present rapid rail transit system that is now under construction.

Our Committee on Appropriations has repeatedly made this statement over the years, and we not only believe this to be true, but are willing to make any and all recommendations which will bring about a proper rapid rail transit system and a freeway system for the District of Columbia. Our committee's position that there is a place for both a freeway system and a rapid transit system in our Capital City is still unchanged. It has been expressed over the years both during the hearings, in its reports, and on the floor of the House.

In the year 1955, I recommended to the Subcommittee on the District of Columbia Budget that the District's share for the mass transportation survey be paid. Here we have the beginning of the program which finally brought about the rapid rail transit program. This was many years before those who want to destroy the freeway program and thereby have caused difficulty with the construction of the rapid rail transit system entered the picture.

In the year 1948 we had the Washington metropolitan area transportation study which was made at a cost of $505,000 by the highway departments of Maryland, Virginia, and the District of Columbia.

In 1950 we had the comprehensive plan for the Nation's Capital and its environs by the National Park and Planning Commission.

In 1952 we had the highway improvement program by the highway departments of Maryland, Virginia, and the District of Columbia with the cost for this project included in the $505,000 which was the overall cost of the 1948 Washington metropolitan area transportation study.

In 1955 the Washington metropolitan area transportation study made by the highway departments of Maryland, Virginia, and the District of Columbia cost $561,000.

The transportation plan for the National Capital region in 1959 made by the National Capital Planning Commission and the National Capital Regional Council cost $450,000.

The National Capital Planning Commision was created in 1952 and beginning in 1955 we had the 4-year study which was sent to the President of the United States in 1959. This study was designated the mass transportation survey and was the most comprehensive and cooperative of all previous planning in the sense that all jurisdictions took part. This study involved both mass transit and highways and the most up-to-date information and analysis methods were used. This survey was authorized by the 84th Congress with instructions that the National Capital Planning Commission and the National Capital Regional Council jointly should conduct a survey of the present and future mass transportation needs of the National Capital region. The results of that study were reported to the President in 1959.

This report found that the present and future needs of the National Capital region required a balanced system of transportation consisting of highways, express buses, and rapid rail transit. The report recommended that as a first step the regulation of the existing privately owned bus carriers should be unified and centralized on a regional basis.

The need for a freeway concept involving an all-out beltway and inner loop and connecting radials was recognized in the comprehensive plan of the National Capital Park and Planning Commission in 1950. This was 6 years before the enactment of the 90–10 interstate financing formula.

On August 2, 1947, pursuant to directions from Congress which specified that there should be designated within the continental United States a national system of interstate highways to connect the principle metropolitan centers, the Administrator of the Federal Works Agency approved a national system of interstate highways but withheld a portion of mileage for later distribution in and around the urban centers. On September 15, 1955, the Commissioner of Public Roads distributed this urban mileage. In 1955 the highway departments of Maryland, Virginia, and the District of Columbia initiated system layouts in accordance with highway legislation. The concepts followed the freeway plans current at that time in the District of Columbia.

The freeway projects adopted for the District of Columbia and approved for construction were:

First. Northeast Freeway—eight studies;

Second. North Central Freeway—six studies;

Third. Palisades Parkway—six studies;

Fourth. Three Sister Bridge—eight studies;

Fifth. 14th Street Bridge—staff studies;

Sixth. Potomac River Freeway—eight studies;

Seventh. South Leg—seven studies;

Eighth. North Leg, West—seven studies;

Ninth. North Leg, Central—seven studies;

Tenth. North East, North Central Freeway—eight studies;

Eleventh. North Leg, East—six studies;

Twelfth. East Leg—six studies; and

Thirteenth. Intermediate Loop—five studies. Eighty-two studies for the 13 projects.

When the urban mileage was distributed by the Commissioner of Public Roads in 1955, the Public Works Committee of the House that is now being criticized by a few people assisted the Highway Department of the District of Columbia and the District officials with their request for projects which had previously been approved by the District Government. Not only in 1955, but every year when mileage for cities was up for decision by the Commissioner of Public Roads or the Bureau of Public Roads, the Public Works Committee of this House fully protected the interests of our Capital City. The action of this committee was proper in every respect.

The 13 elements composing the freeway program were not selected by the Public Works Committee and at no time from the year 1955 down to this day has this committee selected any of the freeway projects for the District of Columbia.

The overall highway programs for the State of Virginia and the State of Maryland since 1955 were planned with the understanding that the approved interstate highway projects in the District of Columbia would be constructed.

After a number of comprehensive plans and studies were approved we finally started appropriating funds for our freeway progam in the year 1957. The rapid rail transit system had not been authorized at this time.

We then passed through 10 turbulent years up to the year 1968 when the Highway Act of 1968 was enacted by the Congress and signed into law by the President. During this 10-year period the Public Works Committee made no move to take part in the freeway-rapid rail transit impasse. If there is a committee in the House that had more right to attempt to straighten out the impasse that has developed than the Committee on Public Works, I am unable to name the committee.

After the Chairman of the National Capital Transportation Agency, the Chairman of the National Capital Planning Commission, and a few others decided that the freeway system must be stopped in order to secure enough support for the authorization of the rapid rail transit system, and further to carry out their wishes to simply destroy the freeway program, the Public Works Committee brought to the floor of the House and passed the Highway Act of 1968. At this time the District officials were dragging their feet and were indicating at every turn that the freeway system must be stopped. The Public Works Committee in the Highway Act of 1968 placed the following provisions:

DISTRICT OF COLUMBIA

SEC. 23. (a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia," submitted to Congress by the Secretary of Transportation with, and as a part of "The 1968 Interstate System Cost Estimate" printed as House Document Numbered 199, Ninetieth Congress. Such construction shall be undertaken as soon as possible after the date of enactment of this Act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.

(b) Not later than thirty days after the date of enactment of this section the government of the District of Columbia shall commence work on the following projects:

(1) Three Sisters Bridge, I–266 (section B1 to B2).

(2) Potomac River Freeway, I–266 (section B2 to B4).

(3) Center leg of the inner loop, I–95 (section A6 to C4), terminating at New York Avenue.

(4) East leg of the inner loop, I–295 (section C1 to C4), terminating at Bladensburg Road.

(c) The government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in "The 1968 Interstate System Cost Estimate," House Document Numbered 199, Ninetieth Congress, within the District of Columbia which are not specified in subsection (b) and shall report to Congress not later than eighteen months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such eighteen-month period then the Secretary of Transportation and the government of the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section.

(d) For the purpose of enabling the District of Columbia to have its Federal-aid highway projects approved under section 106 or 117 of title 23, United States Code, the Commissioner of the District of Columbia may, in connection with the acquisition of real property in the District of Columbia for any Federal-aid highway project, provide the payments and services described in sections 505, 506, 507, and 508 of title 23, United States Code.

(e) The Commissioner of the District of Columbia is authorized to acquire by purchase, donation condemnation or otherwise, real property for transfer to the Secretary of the Interior in exchange or as replacement for park, parkway, and playground lands transferred to the District of Columbia for a public purpose pursuant to section 1 of the act of May 20, 1932 (47 Stat. 161; D.C. Code, sec. 8–115) and the Commissioner is further authorized to transfer to the United States title to property so acquired.

(f) Payments are authorized to be made by the Commissioner, and received by the Secretary of the Interior, in lieu of property transferred pursuant to subsection (e) of this section. The amount of such payment shall represent the cost to the Secretary of the Interior of acquiring real property suitable for replacement of the property so transferred as agreed upon between the Commissioner and the head of said agency and shall be available for the acquiring of the replacement property.

The District of Columbia Committee in the 1970 revenue bill also made an attempt to help settle the impasse which had developed in the freeway—rapid rail transit programs. In the bill from this committee we find the following provision:

SEC. 903. No funds may be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47–2501a–47–2501b) until the President of the United States has reported to the Congress that (1) the District of Columbia Government has begun work on each of the projects listed in section 23(b) of the Federal Aid Highway Act of 1968 and has committed itself to complete these projects, or (2) the District of Columbia Government has not begun work on each of those projects, or made or carried out that commitment, solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

Prior to the time the District of Columbia Committee and the Public Works Committee attempted to help settle the freeway-rapid transit impasse, we passed

through 10 hectic years. Just to cite a few of the events that took place during this period we had:

First, well over $10 million invested in plans for an Interstate System by the District that were not used and were filed away.

Second, over $200 million has accumulated in Federal and District of Columbia funds to be used in the freeway program as this impasse is settled.

Third, Chairman of the National Capital Transportation Agency for a number of years made every move possible to destroy the Freeway System.

Fourth, the Chairman of the National Capital Planning Commission moved heaven and earth to destroy the freeway program and finally the Washington newspapers demanded that this Chairman not be reappointed.

Fifth, in 1964 the House recommitted the bill authorizing the construction of a rapid rail transit system due to the fact that the cost was not adequately presented to the House and the total mileage was also indefinite as presented.

Sixth, in 1965 the National Capital Transportation Act provided for a 25-mile rapid rail transit system at a cost of $431 million with $100 million to be Federal and $50 million to be the District of Columbia share and with the balance evidenced by bonds. The bonds were to be retired out of the fare box.

Seventh, the National Capital Transportation Act of 1939 authorized a regional transit system at a total cost of $2.5 million with $1,147,044,000 to be in Federal grants, $216,500,000 to be the District of Columbia share and with the suburban jurisdictions paying $357,000,000 the balance of $835,000,000 would be raised through revenue bonds issued by the Washington Metropolitan Area Transit Authority.

Eighth, in the year 1966, which was after the authorization for the construction of the rapid rail transit 25-mile system, the House refused to appropriate funds for the rapid rail system until the freeway impasse was solved. After the District of Columbia appropriation bill for that year passed the House the National Capital Planning Commission and the District officials finally agreed to start the freeway system and in conference with the Senate our Committee on Appropriations receded and agreed to release the money for the rapid rail transit system. After this action took place a lawsuit was filed which requested that the freeway system be brought to an end. This suit was filed and in February of 1968 the freeway system was stopped by the Circuit Court of Appeals.

Ninth, then we have the Highway Act of 1968 enacted.

Tenth, on April 28, 1969, President Nixon in his message to the Congress on the District of Columbia, stated in part as follows:

> Mass transit must be part of a balanced transportation network. A subway will not relieve local governments of the duty to modernize and improve their highway systems and other forms of transportation, so that all citizens have an adequate choice as to how they travel. Clearly the impasse that has arisen between proponents of road and rail transportation in the Washington metropolitan area has contributed little to the progress of either. There are, however, hopeful signs that a fair and effective settlement of these issues will be reached in the near future. It is in the interest of all those involved—central city dwellers, suburbanites, shoppers, employees, and visitors alike—that this be done.

Eleventh, on August 12, 1969, I received the following letter from President Nixon:

> DEAR BILL: Your diligent efforts through the years to insure that the district of Columbia will enjoy a balanced transportation system are very much appreciated by all of us who are concerned with the welfare of our Capital City. As you know, I have previously expressed my desire that a fair and effective settlement of the issues involved in the transportation controversy be reached to serve the interests of all those concerned —central city dwellers, suburbanites, shoppers, employees, and visitors. It is my conviction that those steps necessary for a fair and effective settlement have been taken.
>
> The City Council of the District of Columbia has now voted in favor of a resolution to complete the requirements of a Federal Aid Highway Act of 1968. Immediately thereafter, the Commissioner of the District of Columbia directed the Department of Highways to implement immediately the requirements of the act. The Secretary of Transportation has directed the Federal Highway Administrator to rescind the letter of his predecessor dated January 17, 1969, thus placing these projects back into the Interstate System. Furthermore, the Federal Highway Administrator has been directed to work closely with the Highway Department of the District of Columbia in order to continue work until completion of all projects and the study called for in the Federal Aid Highway Act of 1968. I trust that these actions will fulfill the criteria which you set forth in your statement of August 11, 1969.
>
> The District of Columbia Government is firmly committed to completion of these projects as the Federal Aid Highway Act of 1968 provides. I join the District of Columbia Government in that commitment, and I have directed the Attorney General and the Secretary of Transportation to provide assistance to the corporation counsel of the District of Columbia to vigorously defend any lawsuits which may be filed to thwart the continuation of the projects called for by this act.
>
> A balanced transportation system is essential for the proper growth and development of the District of Columbia. I hope that this evidence of tangible progress would permit us to assure the citizens of the District of Columbia that your subcommittee will be in a position to approve the $18,737,000 deleted from the supplemental appropriation bill together with the $21,586,000 in the regular appropriation bill for the District of Columbia for fiscal year 1970.
>
> With cordial regards,
> Sincerely,
>
> RICHARD NIXON.

Twelfth, on September 24, 1969, our Committee on Appropriations recommended that rapid rail transit funds be released and shortly thereafter actual construction of the rapid rail transit system started. A few weeks following our action in releasing construction funds for rapid rail transit, another suit was filed in Federal court.

Mr. Chairman, judging from some of the statements that have been made you would assume that only the District of Columbia Committee, the Public Works Committee, and the Appropriations Committee want a freeway system constructed in our Capital City. All down through the years, Washington's two leading newspapers have consistently stated that a balanced system of transportation is necessary for our Nation's Capital which would consist of a freeway-rapid rail transit system.

On July 14, 1968, the Sunday Star in an editorial entitled "Freeway Letter" stated in part as follows:

> Mayor Washington and City Council Chairman Hechinger have urged the Senate-House conferees to strike from the highway bill language which would require the District to proceed with the construction of a freeway system. We think the mandatory language should be kept in the bill and that it should be approved by Congress.
>
> Without such a directive there is little likelihood that work on the freeways will go forward. And lacking an adequate freeway system, combined with rapid transit, the economic life of this city is bound to stagnate. Those who have succeeded in stalling freeway construction for so long are not so much opposed to particular items in the plan; they are against any new freeway facilities. They will kill the whole thing if they can.

The Washington Post in an editorial which appeared in the June 21, 1968, issue entitled "D.C. Freeway Network" stated in part as follows:

> The House Public Works Committee has wisely included the long-stalled District of Columbia freeway projects in its omnibus Federal highways bill. If this legislation is passed, the District will have a mandate to go ahead with its controversial freeway network without further wrangling. At this point many objective observers find it impossible to believe that any law will end the dispute. But there is a powerful argument for Congress to go as far as it can in making the policy decision even if it cannot at this time resolve all the controversial details.
>
> In our view the Potomac Expressway to connect with the George Washington Memorial Parkway on the Maryland side of the river, the North Central Freeway, the Three Sisters Bridge and completion of the inner loops are essential to give this city a modern transportation system.

Again, on July 5, 1968, the Evening Star in an editorial entitled "Freeways and Parking" stated in part as follows:

> Representative Kluczynski, chairman of the Public Works Subcommittee on Roads, was right on target when he told his colleagues that "Washington as a living, operating city will cease to exist" without freeways. In our opinion, this cannot be successfully disputed, certainly not by rhetoric of the case variety. A completed freeway pattern is an essential element of the balanced transportation system planned for this community. The Senate approved provisions in its own bill to ease the impact of freeways on residences and businesses that might be affected. We hope this signifies an intent to deal realistically and forthrightly with a problem which will have calamitous consequences for this city if it is not resolved in the immediate future.

On July 27, 1969, the Washington Post in an editorial entitled "A Helicopter in Every Garage" stated in part as follows:

> So we come down to the nitty gritty—the Three Sisters Bridge and the North Central Freeway. Secretary Volpe says he is going to meet with "all concerned parties" and work "toward a complete solution." That's where he was many weeks ago when President Nixon asked him to do something about the prob-

lem. Tied up in this controversy is the fate of Washington's urgently needed mass transit system. The House of Representatives is unlikely to release money to go ahead with the subway system until the administration clearly signals its intent to carry out the 1969 Highway Act ordering a go-ahead for Three Sisters and a comprehensive 18-month study of the North Central Freeway.

On June 30, 1968, the Sunday Star in an editorial entitled "Congress Must Act" stated in part as follows:

The necessity for Congress to end the ridiculous controversy over Washington freeways by compelling the completion of a moderate, rational highway system has been evident for a long, long time. This week, at last, the House of Representatives will have the opportunity to begin that process. Its Members should not hesitate to do so.

Fortunately, the House Public Works Committee has given assurance that the issue will be faced by inserting a District freeway mandate in the high-priority administration bill—scheduled for debate tomorrow—to extend and broaden Federal aid to highway programs throughout the country.

It is hard to think of a more fitting legislative vehicle. For the national bill contains long-neded reforms, especially in terms of expanded Federal assistance to persons displaced by highways, which have a direct pertinence to the District dispute

A fight on the House floor nevertheless seems assured, since three committee members already have filed a minority report against the District mandate. It seems to us, however, that their arguments have added nothing new to the tired old tirades of those people who seem to believe that the best way to deal with automobiles is to ignore them.

The Chamber of Commerce and the Board of Trade of the District of Columbia are very much in favor of a balanced system of transportation for our Nation's Capital consisting of a freeway system and a rapid rail transit system. Within the last few days I received a letter from the president of the Metropolitan Washington Board of Trade which states in part as follows:

As you may know, we strongly endorse the balanced transportation program which the Congress has firmly supported. We believe it is quite essential to the economic future of the National Capital that these funds be cleared during this session of Congress so construction can proceed on the subway and freeways. We are greatly concerned that any further delay may accelerate the already serious erosion of confidence in the economic future of this city.

The majority of the people who pay the taxes necessary to operate our Capital City are for a balanced system of transportation. Those people who love and respect this city want this impasse settled and they want it settled now. They do not agree with the statement made several years ago by one of the dissidents that there shall be no more exists or entrances into our city.

Mr. Chairman, I intend to support the Public Works Committee. I hope that the committee will pass this bill as it was presented to the House and permit the Public Works Committee to take the bill to conference so that an agreement can be reached which will be for the best interests of our Capital City and for the best interest of a balanced transportation system.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

(On request of Mr. ADAMS, and by unanimous consent, Mr. NATCHER was allowed to proceed for 2 additional minutes.)

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I would be happy to yield to the gentleman from Washington.

Mr. ADAMS. I am very pleased that the gentleman would yield and I thank him for it.

Mr. Chairman, I have no quarrel with the gentleman in the well or with the basic history on this matter. I think the gentleman in the well will agree with me that I first entered into this picture in 1969 at the time the 1969 revenue bill was pending. We did make a compromise and that compromise was supported by the papers and others as stated by the gentleman because it would finish this system and build the subway, and that is all I want to have happen. I am not critical of the Public Works Committee or any other group or person so long as we keep our word on the specifics.

I have gone through the system. Part of it is already open, part of it is in the process of being constructed, but what is happening in this bill—and this is the time I think we have to thresh it out because as the gentleman from Kentucky has said, after it becomes law we are in trouble—is that a change was made because of the last study. This is not asking for another study. This amendment does not refer to a study for building the North Central Freeway or the construction of the Northeast Freeway. All I am saying to the gentleman is that we should not in this bill—because I do not think the Public Works Committee has a great feeling about one recommendation as opposed to another—mandate the North Central Freeway to go through the Northwest instead of the industrial New York Avenue freeway. The bill already provides for completing the loop on the outer side, for completing the center loop and the Three Sisters Bridge, as well as completing something that will connect in the center.

I say to the gentleman and plead with the gentleman to support us in our plea and that is we simply want to carry out the compromise of 1969, and I plead with the gentleman for his opinion.

Mr. NATCHER. Mr. Chairman, let me say to my distinguished friend—and he is my friend—back in 1955 when the Commissioner of Roads allocated the urban mileage, my friend, the gentleman from Maryland (Mr. FALLON) remembers that the mileage for the State of Maryland, and the mileage for the State of Virginia and the District of Columbia was approved at that time. The State of Maryland and the State of Virginia made their plans and they made their surveys and they expected the District of Columbia to carry out its commitments. After 10 long years the action of the Public Works Committee is proper in every respect.

Mr. ADAMS. I agree with the gentleman, but would not the gentleman agree that we did this and we completed this in 1968 and 1969. We finished it. The past history is over.

We do not want to turn over new dirt with a new shovel and start a new controversy by adding to this bill projects that were not required in the 1968 act. That is what this amendment, if adopted, proposes to avoid.

Mr. NATCHER. I would like to say to the gentleman that there are no projects in this bill that were not in the Highway Act of 1968. If I am wrong about that, I want the chairman of the Subcommittee on Roads, the gentleman from Illinois (Mr. KLUCZYNSKI), to correct me.

Mr. ADAMS. I am asking the gentleman for only an explanation so that we will not have any question about it.

Mr. NATCHER. I do not know of any project in this bill that we did not have in the 1968 bill.

Mr. KLUCZYNSKI. The gentleman from Kentucky is correct. We authorized all the projects in the 1968 act.

Mr. ADAMS. I am asking specifically if it were not stated that the northeast, North Central Freeway, project 17, was required to be studied and a return was to be made on that study. They made that return and they recommended what should be built. It was not mandated by the committee that they build the North Central Freeway as now required by this act.

Mr. KLUCZYNSKI. The entire system has been covered.

Mr. ADAMS. I am not questioning that same statements were made but under section 23(b) the North Central Freeway was definitely not mandated by this Congress.

Mr. SCHWENGEL. Mr. Chairman, I move to strike the requisite number of word, and I rise in support of the amendment.

Mr. Chairman, I appreciate this opportunity to speak in opposition to section 129 of the Federal-Aid Highway Act of 1970, which concerns itself with the construction of certain highways within the District of Columbia. I am certain that when my colleagues are informed of the circumstances surrounding this issue and honestly ponder on the consequences they will join with me in removing this section from the bill, H.R. 19504, in its entirety.

There are several points to be made in demonstrating why this section should be stricken from the Federal-Aid Highway Act of 1970.

First, as has already been pointed out, section 129 is in violation of House rule XI which governs the jurisdiction of the Subcommittee on Roads as well as the full Committee on Public Works. Subparagraph (C) of section 16 of this rule states:

It shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road.

Section 129 is in direct violation of this rule since it pertains to the specific routes; Interstate 66, 70–S, 95, 295, and

695 within the District of Columbia. The Federal-Aid Highway Act of 1970 is itself a general highway bill. This section, therefore, is in direct disagreement with House rule XI. If we allow this section to be passed along with the general legislation, it would create a dangerous precedent for pork-barrel highway legislation and could possibly weigh down future bills with specific interstate routes, which House rule XI was designed to eliminate.

In addition, the Federal Aid Highway Act of 1956 set up a working partnership between the States and the Federal Government. The States were to present their plans to the Bureau of Public Roads asking that the Bureau reimburse the State for up to 90 percent of the cost of interstate highway construction. Section 129, however, demands the construction of certain District highways without regard for the planning or recommendations of the District government. What better way to remove public confidence in the Interstate Highway System than to demand the building of highways which adversely affect the lives of private citizens even after they have raised unified opposition to such highways.

The second point, therefore, is that since it is the residents of the District of Columbia who must sacrifice their homes, businesses and recreational areas in order that these highways be completed, they should have the basic democratic right to decide whether or not this construction should take place.

Certainly, the opposition to urban sections of the Interstate System has been growing in other cities of the country and the duly elected officials of those areas have responded to the wishes of their constituents. Gov. Francis W. Sargent of Massachusetts, for example, has declared a moratorium on most road-building in the Boston area, pending further study of the social and environmental consequences of these new roads. Around the Nation various portions of highways have been delayed or cancelled due to the cries of public outrage to these projects. Why should the citizens of the District of Columbia be treated in a different manner from citizens in any other city in the country? Why should we have double standards?

A statement by President Lincoln portrays this situation much more eloquently than I could ever attempt to state it.

This he said in response to people from the district who even then had problems similar to present day problems. He said:

> I have not now, and never had, any disposition to treat you in any respect otherwise than as my neighbors. I have not now any purpose to withhold from you any of the benefits of the Constitution, under any circumstances, that I would not feel myself constrained to withhold from my neighbors. I hope that, if things shall go on as prosperously as I believe we all desire they may, I may have it in my power to remove something of this misunderstanding, that I may be enabled to convince you, and the people of your section of the country, that we regard you in all things our equals and in all things entitled to the same respect and the same treatment that we claim for ourselves: That we are in nowise disposed, if it were in our power, to oppress you, to deprive you of any of your rights under the Constitution of the United States, or even to split hairs with you in regard to those rights but are determined to give you, as far as is in our hands all your rights under the Constitution, not grudgingly, but fully and fairly.

How indeed can we, as we stand here in this very cradle and symbol of freedom, treat our neighbors in the District of Columbia with any less consideration than we show toward our neighbors and constituents in our respective congressional districts?

It is correct that the Congress possesses unique powers and responsibilities in legislating for the Nation's Capital, but this does not give the Congress the right to abuse this power when it is contrary to the interests of the citizens of the District who must pay the high cost in homes, jobs, and the air they breathe. Since 1940, for example, the central or "Federal City" area of the District has lost more than one-third of its population. Homes have been replaced by highways and parking lots. More than 60 percent of the central business district is now devoted to highways and off-street parking for motor vehicles. It should be evident by now that more highways and parking lots are not the answer to the transportation crisis in the District of Columbia. As Members of Congress we must realize that what we need to do is transport more people in fewer vehicles. There is already a critical shortage of parking spaces in the District. It would be unrealistic to believe that new facilities of this type could keep pace with the growing number of automobiles. In addition, automobile emissions are a primary cause of pollution in the Nation's Capital. The obvious solution to these problems is a rapid transit system capable of transporting large numbers of people swiftly about the city. The citizens of this city have accepted, indeed encouraged, the development of such a system within their city. The District planning groups and the Congress have approved the plans for the construction of a subway system which would greatly expedite the movement of people around the city. The construction of this subway, however, raises another controversial aspect of section 129. The Congress has informed the citizens and Government of the District of Columbia that before the funds necessary for the construction of a rail rapid transit system are released, they must agree to build the controversial highway segments mentioned in section 129 of this bill. The history of this action began with the passage of section 23 of the "1968 Federal-Aid Highway Act." This section, the cause of much debate and legal action, pertains to the controversial highway sections of which section 129 of the present bill is a consequence. Rarely has there been legislation passed by the Congress concerning the District of Columbia which has evoked such a unanimous cry of outrage from its citizens.

If this situation is to be remedied, section 129 must be removed.

Mr. Chairman, the action taken earlier this week by the House District Subcommittee gives even further reason for rejecting section 129 of H.R. 19504, if further justification is really necessary. Reports carried in the press, indicate that the House District Subcommittee has voted to force the District to build the North Central Freeway before it can receive the additional $15 million dollars so badly needed for this year's budget. This sort of blackmail is intolerable. By virtue of having decided to authorize the additional funds, the subcommittee presumably made a finding of sufficient needs to justify the expenditure of these funds. To then say to the District, despite the fact we know you need these funds, you can't have them until you build the North Central Freeway, is blackmail of the worst sort.

The situation is further aggravated by the fact the action of the subcommittee came before the House had even completed action on the highway bill.

The only fair response to these high-handed tactics is to soundly reject section 129 of H.R. 19504.

The people of the District of Columbia have not "had their day in court." Let us not deprive them of that basic right.

Mr. Chairman, at this point I should like to clarify one item contained in the majority report on H.R. 19504. It seems to me the majority report contains several inaccuracies with respect to the Transportation Planning Board of the Council of Governments. At page 23, the committee report states:

> Section 134 of title 23 requires as a prerequisite for approval of highway programs in any urbanized area in the entire country that such programs be based on a continuing comprehensive transportation planning process carried on cooperatively by states and local communities. In the Washington, D.C. area the Transportation Planning Board of the Council of Governments has been officially designated to perform this function.

The report then goes on to observe:

> That body rejected in February of 1969 the highway plan then espoused by the District Government. The Board reaffirmed its position in Feb. of 1970 and emphasized the need for I–70S and I–95 in the District and in Maryland. The Board approved the plan envisioned in the 1968 Highway Act before that Act became law.

I do not believe the committee's report summary of the purpose and function of the Transportation Planning Board of the Council of Governments is accurate.

In 1952, the Congress enacted the National Capital Planning Act. That act created the National Capital Planning Commission and designated the Planning Commission as the central planning agency for the Federal and District Governments, to plan the orderly development of the National Capital. The Planning Commission was charged with the duty, among other things, of preparing and adopting a comprehensive plan for the National Capital. As an element of this comprehensive plan, the Planning Commission was required to prepare a major thoroughfare plan. Following the preparation and adoption of the major thoroughfare plan by the Planning Commission, the National Capital Planning Act of 1952 requires that plan to be submitted to the District of Columbia

City Council. If approved by the Council that plan shall be deemed to be the approved plan.

The Transportation Planning Board of the Council of Governments, on the other hand, originated as an ad hoc body without any official status. When—more than 5 years ago—it appeared that the District Government was participating in the Board's activities without authority, the Congress provided authority in the 1966 District Revenue Act. The House District Committee's Report on the 1966 Revenue Act, however, expressly stated that it was not the intention of the Congress to place any limitation on, or repeal any provision of, the National Capital Planning Act of 1952. Mr. Chairman, I place the pertinent section of the House District Committee's report in the RECORD—House Report No. 1135, 89th Congress, first session, dated October 9, 1965:

TRANSPORTATION PLANNING BOARD

Following the completion of hearings on this bill, your committee was advised that the Board of Commissioners had approved a resolution calling for participation by the District of Columbia in a continuing comprehensive transportation planning process for the National Capital region. Although, for several years, the District of Columbia has cooperated with officials of State and local government jurisdictions of the adjoining States of Virginia and Maryland on matters related to transportation planning, Congress had given no legislative authorization to the Board of Commissioners to engage in or secure appropriations for the activities called for in the resolution.

Because of the stated need for participation by the District of Columbia in such planning processes to comply with the provisions (sec. 134 of title 23, United States Code), relating to interstate planning on Federal-aid highway projects, section 406 was added by your committee to the reported legislation. This section approves the action previously taken by the Board of Commissioners and authorizes appropriations to the District government for its pro rata share of the costs of such transportation planning process. This is to avoid any question as to the eligibility of the District of Columbia for Federal highway aid.

Under the agreement between the District of Columbia and the surrounding jurisdictions, a Transportation Planning Board is established. The voting membership of this Board, established prior to the approval of the resolution by the Commissioners, is composed of the three area highway directors, three elected officials from suburban Maryland, three elected officials from suburban Virginia, three representatives selected by the District Commissioners, and one representative of the Federal Government appointed by the President. Nonvoting members represent the Bureau of Public Roads, the Housing and Home Finance Agency, the National Capital Transportation Agency, and the Washington Metropolitan Area Transit Commission.

Since the Congress will not have had any opportunity to review either the adequacy and balance of the representation for the Federal and District interest on the Transportation Planning Board or to review the agenda of the Board established in advance of the District becoming a party to the agreement, it is the intent of the committee that the authorization provided in section 406 shall not be construed as approval of any plans which may be developed by the Planning Board or as any limitation on or repeal of provisions of previous enactments by Congress for comprehensive transportation planning in the National Capital Planning Act of 1952, the National Capital Transportation Act of 1960, and the Highway Extension Act of 1893, as amended.

Mr. Chairman, in December 1968, the National Capital Planning Commission adopted, and the District of Columbia City Council approved, a major thoroughfare plan as part of the Comprehensive Plan for the National Capital pursuant to the National Capital Planning Act of 1952. That plan did not include 3 of the interstate highways included in section 129 of the present bill—the North Central and Northeast Freeways and the east leg of the inner loop north section.

The Transportation Planning Board of the Council of Governments has never produced a highway plan of any kind. Most of its so-called approvals of highway projects in the National Capital region have been given under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and not under the Federal-Aid Highway Act. Furthermore, the Board has consistently rubber-stamped highway proposals made by the highways directors of the District, Maryland, and Virginia, who are voting members.

Mr. Chairman, it is the National Capital Planning Commission—not the Transportation Planning Board—which Congress has designated the central planning agency for the National Capital. The Planning Commission's authority to plan interstate highways for the Nation's Capital is paramount. I believe that no interstate highway project that is inconsistent with the Planning Commission's major thoroughfare plan could be approved for construction by the Secretary of Transportation under section 134 of the Federal-Aid Highway Act, whether or not section 129 is adopted. Certainly no action taken by the Transportation Planning Board can affect the validity of the major thoroughfare plan adopted and approved pursuant to the National Capital Planning Act of 1952.

I would like to insert in the RECORD at this point the complete additional views of the gentleman from New York (Mr. MCCARTHY) and myself with respect to H.R. 19504:

ADDITIONAL VIEWS OF HON. FRED SCHWENGEL AND HON. RICHARD D. MCCARTHY OPPOSING SECTION 129 OF H.R. 19504

We oppose section 129 of H.R. 19504 and urge that the House delete this section from the bill for the following reasons:

1. Section 129 violates the House rules governing the jurisdiction of this committee and creates a precedent that could be used to attempt to compel the construction of interstate highways in cities throughout the United States in the face of citizen opposition.

2. Section 129 attempts to deprive District citizens of the right to participate in deciding whether interstate highways that drastically affect them should be built.

3. The interstate highway program in the Nation's Capital will desecrate the city and gravely harm its business and its people.

4. The interstate highway program in the Nation's Capital is totally lacking in planning justification and is overexpanded and unnecessary.

5. Section 129 will provide a basis for continuing to impose upon District citizens an interstate highway system they do not want as the price for their support of rapid transit.

I. SECTION 129 VIOLATES A RULE OF THE HOUSE GOVERNING THE JURISDICTION OF THIS COMMITTEE AND CREATES A PRECEDENT FOR PORK-BARREL HIGHWAY LEGISLATION

House Rule XI, 16 governs the jurisdiction of the House Committee on Public Works. Subparagraph (c) of section 16 specifically and plainly provides:

"It shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road.

This rule was adopted in 1913 as part of a resolution creating the Committee on Roads (H. Res. No. 104, 63d Cong., 1st Sess.). Hon. Dorsey Shakleford of Missouri, the first Chairman of the Roads Committee, explained that the rule was designed to prohibit route selection by log-rolling (Cong. Rec., June 2, 1913, 63d Cong., 1st Sess., p. 1858):

"We have had an example before us of a pork-barrel bill in the shape of a public-building bill, and it was intended here to cut off any such legislation as that in relation to roads. It was intended that if a bill was brought in containing general provisions for the construction that maintenance of roads that Members would not be permitted to load it down with specific roads. We all know the vice of omnibus-bill legislation, and the purpose of these exceptions is to make it impossible to have any fog-rolling or an omnibus bill."

Section 129 of H.R. 19504 is part of general legislation to amend the Federal-Aid Highway Act. But that section relates to five specific interstate highways in the District of Columbia: Interstate Routes 66, 70–S, 95, 295 and 695. The District Highway Department's 1968 Cost Estimate, to which Section 129 refers, contains a precise description of each highway. It includes maps of the proposed routes, cross section references for design, roadside improvements, utility adjustments, and a myriad of other technical details. It is difficult to imagine any more specific provision for specific roads in a bill providing general legislation in relation to roads. It is difficult to imagine any more blatant violation of House Rule XI, 16(c).

In the context of general amendments to the Federal-Aid Highway Act of 1956, House Rule XI, 16(c) is particularly important. Members of Congress lack the planning and engineering expertise to have the last word on the necessity, desirability, location and design of interstate highways. Under the Federal-Aid Highway Act, these decisions were wisely left to local governments and local planning experts, working in cooperation with federal officials. The state governments (including the District of Columbia) plan the interstate highways and present their plans to the Bureau of Public Roads of the Department of Transportation, asking that the Bureau agree in advance of construction to reimburse the state for 90% of the cost. If the Bureau approves a project as complying with the established nation-wide standards for interstate highways, the state government then constructs the highway itself—letting the contracts, supervising the work, paying the cost—and requests reimbursement from the Bureau. Section 129, however, would direct the District to construct specific highways in particular locations with detailed design characteristics, whether or not the highways have been planned or approved by the District Government in the manner prescribed by District law.

State and federal highway administrators have worked together for decades to create professional partnership in implementing the greatest public works program in history. But it is a partnership, not a dictatorship.

If Congress attempts to resolve highway controversies, such as that in the District, through the device of amendments to the Federal-Aid Highway Act, this partnership would be undermined and public confidence in the interstate highway program would be destroyed. The periodic amendments to the Federal-Aid Highway Act would become, as Representative Shakleford warned fifty-seven years ago, log-rolling or omnibus bills loaded down with provisions directing state governments and federal officials to construct specific roads. Even more important, violating House Rule XI, 16(c) by passing Section 129 will constitute a disregard of the law that supposedly binds the House—a demonstration to the country that law and order are subservient to expediency.

II. SECTION 129 ATTEMPTS TO DEPRIVE DISTRICT CITIZENS OF THE RIGHT TO PARTICIPATE IN DECIDING WHETHER INTERSTATE HIGHWAYS THAT WILL DRASTICALLY AFFECT THEM SHOULD BE BUILT

Section 129 of H.R. 19504 directs the District of Columbia government to commence work, not later than thirty days after enactment, on (1) the north section of the East Leg of the Inner Loop, from Bladensburg Road near the southwest corner of the National Arboretum to 10th and Rhode Island Avenue, N.E., and (2) the North Central-Northeast Freeway, from 10th and Rhode Island Avenue, N.E., to the District line near Silver Spring, Maryland. It deletes the South Leg of the Inner Loop, near the Lincoln Memorial, from the District's interstate highway system. And it directs the District government and Secretary of Transportation to study the North Leg of the Inner Loop, across the heart of the city, and report their recommendations, including any recommended alternative routes or plans, to the Congress within twelve months after the date of enactment.

Section 129 is an unhealthy appendix to Section 23 of the 1968 Federal-Aid Highway Act. No legislation for the District of Columbia has evoked a more anguished or unanimous cry of protest from its people than Section 23 of the 1968 Federal-Aid Highway Act. That section provides:

"(a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall * * * construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" * * *. Such construction shall be undertaken as soon as possible after the date of enactment of this Act, except as otherwise provided in this section, *and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.*

"(b) Not later than 30 days after the date of enactment of this section the government of the District of Columbia shall commence work on the following projects:

"(1) Three Sisters Bridge, I-266 (Section B1 to B2).

"(2) Potomac River Freeway, I-266 (Section B2 to B4).

"(3) Center Leg of the Inner Loop, I-95 (Section A6 to C4), terminating at New York Avenue.

"(4) East Leg of the Inner Loop, I-295 (Section C1 to C4), terminating at Bladensburg Road.

"(c) The government of the District of Coumbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in 'The 1968 Interstate System Cost Estimate' . . . which are not specified in subsection (b) and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans. * * *"

The interstate highways specified in Section 23 of the 1968 Federal-Aid Highway Act would drastically affect the citizens of the District of Columbia—their homes, their jobs, the air they breathe, the quality of their lives. Section 23 appeared to deny these Americans the fundamental, democratic right to participate in deciding whether these interstate highways should or should not be built. Section 23 appeared to compel construction without the protections afforded by the planning and approval provision of either the Federal-Aid Highway Act or District law.

Opposition to Section 23 of the 1968 Federal-Aid Highway Act was so intense—both within the District and throughout the country—that President Johnson chose to interpret it as preserving the fundamental rights it appeared to deny District citizens. Upon signing the Act, he said:

"By far the most objectionable feature in this bill is the requirement that the District of Columbia Government and the Secretary of Transportation construct all interstate routes passing within the District as soon as possible—with the District required to commence work on four specific projects within 30 days. These provisions are inconsistent with a basic tenet of sound urban development—to permit the local government and the people affected to participate meaningfully in planning their transportation system.

"Under the Constitution, the Congress does possess special and unique responsibilities—different from its powers over fifty states—to legislate for the Nation's Capital. The desire of the Congress to move forward with the construction of a highway system to serve the Washington area is understandable. But it is vitally important that these roads be constructed in accordance with proper planning and engineering concepts and with minimum disruption of the lives of District citizens.

"Fortunately, the Congress has called for construction only in accordance with the applicable provisions of the Federal highway law.

"If the authority of the Executive Branch were not so preserved, I would have no choice but to veto this bill as an infringement of basic principles of good government and Executive responsibility.

"I am advised that under Federal highway law the Secretary of Transportation is required to approve construction only when:

"Funds are available.

"All rights of way can be obtained.

"These projects are shown to be appropriate links in a comprehensive transportation plan for the District.

"Other requirements of sound highway construction are met." [1]

Last April, the United States Court of Appeals for the District of Columbia Circuit upheld President Johnson's interpretation of Section 23 in a landmark decision involving the Three Sisters Bridge. The District and federal defendants in the case contended that Section 23 rendered the planning and approval requirements of the Federal-Aid Highway Act inapplicable to the Bridge. But Circuit Judge J. Skelly Wright's opinion pointed out that this interpretation "would result in discrimination between District residents affected by the Bridge and all other residents affected by highway projects in their localities." Referring specifically to the federal law's requirements for public hearings—"the only form of direct citizen participation in decisions about the construction of massive freeways, decisions which may well have more direct impact on the lives of residents than almost any other governmental action"—Judge Wright warned that the defendants' interpretation of Section 23 "would condemn it as unconstitutional." His opinion also pointed out that the planning requirements of District law were not affected by Section 23 because they were not "to the contrary." (*D.C. Federation of Civic Associations* v. *Volpe*, No. 23, 870, decided April 6, 1970).

The United States Court of Appeals has interpreted Section 23 of the 1968 Federal-Aid Highway Act to provide for equal treatment of District citizens in order to make it constitutional. If Section 129 of the present bill is enacted, it would be subject to the same constitutional defect as Section 23. Of course, Congress might deprive citizens all over the whole country of an opportunity to participate meaningfully in deciding whether interstate highways should be built. But nobody advocates that. Only in the District, where American citizens have no real voice in their own government, would Congress attempt to deprive the people of a voice in planning interstate highways. It is hard to conceive of action more conducive to disrespect for the law in the District of Columbia than enacting Section 129 of the present bill, which disregards and pretends to destroy the long-standing right of the people of the District to participate in planning interstate highways, a right which a Federal Court upheld only a few months ago.

III. THE INTERSTATE HIGHWAY PROGRAM IN THE NATION'S CAPITAL WILL DESECRATE THE CITY AND GRAVELY HARM ITS BUSINESSES AND ITS PEOPLE

The Committee has held no public hearings on Section — of the present bill.

The Committee's hearings on a bill similar to Section 23 of the 1968 Federal-Aid Highway Act, in April, 1968, showed that the District's interstate highway program has become a Frankenstein monster which devours far too great a portion of the District's limited land and financial resources. Through fiscal 1968, approximately $500 million in District of Columbia funds and Federal aid had been obligated for major new highway construction in the District since 1940. Some of this construction has been useful, but much has been overly destructive of homes, businesses, parks, and the best features of decent life in the city. Continuation of this course will bring civic disaster.

A. Preoccupation with highways has wrought severe injury to our Nation's Capital

Since 1940, the central city ("Federal City") area in the District has lost more than one-third of its population. Row houses have been replaced with new highways and parking lots. The city's housing shortage is desperate. More than 60% of the central business district is now devoted to highways and off-street storage of motor vehicles.

Throughout the District, 30% of the land area is pre-empted by highways, while only 35% is privately owned, tax-yielding property. The sprawl generated by past highway construction led to the loss, between 1948 and 1963, of one-fourth of the city's retail establishments. By 1960, over 44 percent of the city's wage earners resided and paid taxes outside of the city.

In return for its highway investment, the city has received increased smog, more traffic fatalities, a drastic loss of patronage in its public transit system, an ever-worsening housing crisis, and permanent scars on residential neighborhoods and monumental areas where older highways have been widened or new highways forced through to make room for more automobile commuters.

B. Congress rejected this all-encompassing devotion to highway ten years ago

When Congress enacted the National Capital Transportation Act of 1960, Congress rejected the recommendations of the "1959

[1] 114 Cong. Rec. 30958–30959 (1968).

Mass Transportation Survey" (MTS), and established a new agency, the National Capital Transportation Agency, to revise that plan. The expanded highway program which MTS had proposed was unacceptable to all—the community, the District of Columbia Commissioners, and the Congress.

The highway program which the Highway Department has proposed for the District of Columbia (embodied in Section 23 of the 1968 Federal-Aid Highway Act and Section 129 of the present bill) is not much different from that rejected by Congress ten years ago. In total cost, in added arterial highway capacity, in destructiveness, the Highway Department's highway program is almost a carbon copy of the program that the public at large, the District Commissioners and the Congress found unacceptable in 1959–60. Although some parks and neighborhoods in Northwest Washington are spared for the moment, relatively greater destruction of parks and neighborhoods will take place in Northeast Washington and along the Potomac and Anacostia River waterfronts.

C. Congress should not become a party to urban suicide in the Nation's Capital

More than ten years ago, in explaining the reasons for the District Commissioners' rejection of the MTS, Engineer Commissioner Welling counseled that the construction of new freeways, which itself encouraged the loss of middle-income and high-income families to the suburbs, also intensified "one of the most critical problems in the District of Columbia: namely, the conditions and welfare of the population living in the deteriorated sections of the city with their ever-increasing requirements for services and facilities other than transportation." That problem is even more critical today. The city and the Nation's Capital simply cannot afford the human and economic costs that would result from the present interstate highway program. These costs, according to estimates by the District Government, are as follows: [2]

(*a*) Destruction of another 180 acres of land in residential use, displacing 15,000 more District residents;

(*b*) Destruction of another 225 acres of land in commercial and industrial use, depriving thousands of workers of their present jobs;

(*c*) Destruction of 245 acres of park, monumental, and other Government-owned land presently used daily by thousands of residents and visitors for recreational purposes;

(*d*) Destruction of 24 acres of land presently used for schools and education;

(*e*) Destruction of 17 acres of land presently used for churches, cemeteries, and other tax-exempt charitable or institutional purposes.

In property taxes alone, the District would lose at least $2 million annually. Including related tax losses resulting from displacement—*i.e.*, losses in income, sales, and corporate taxes—the annual loss to the depleted general fund would likely exceed $6 million each year.

In a January, 1970 report to the District government, the District Highway Department estimated that the North Central Freeway and the north section of the East Leg of the Inner Loop referred to in Section 129 of the present bill would together displace 380 families and 144 businesses. The total cost of construction of approximately four and one-third miles of the North Central Freeway was estimated to be $144 million—approximately $27 million per mile.

[2] These estimates were furnished to the House District Committee in 1965 (Hearings on H.R. 11487, 89th Cong., 1st Sess., pp. 124–25). The highways in the District's 1968 Cost Estimate are the same as those for which estimates were given, but the Center Leg is now partially completed.

D. The Highway program will impose great and unnecessary hardship on people who will be forced to move

The plain and unvarnished fact is that the highway program will, as the Senate Committee said when it reported the NCTA legislation in 1960 (S. Rept. 1631 86th Cong., p. 5), "wreck the city—it will demolish residential neighborhoods, violate parks and playgrounds, desecrate the monumental portions of the Nation's Capital, and remove much valuable property from the tax rolls." Many thousands of District families will be unnecessarily displaced, and the burden of this forced dislocation will bear heaviest, and cause untold hardship, on low-income and middle-income families. The majority of these families will be nonwhite, and the difficulties they would have in obtaining substitute housing are well known.

The District does not provide any facilities for relocation of these people. Public housing in the District has no room for them, if they are eligible, since there already is a waiting list of many thousands of families. The relocation assistance provided in the Federal-Aid Highway Act will not solve the housing shortage or make the refugees from Washington's interstate highways more welcome in the suburbs. These meager bounties cannot begin to pay the highways' cost to the people of the District in dislocation of their lives and destruction of their urban values.

IV. THE DISTRICT OF COLUMBIA INTERSTATE HIGHWAY PROGRAM IS TOTALLY LACKING IN PLANNING JUSTIFICATION, AND IS OVEREXPANDED AND UNNECESSARY

All of the major highway projects completed since 1940, as well as those now under construction, were originally planned on the premise that Washington would have an all-highway transportation system. That policy was changed when Congress, in the National Capital Transportation Act of 1960, directed the planning of a "balanced" transportation system, including rapid transit. The task of planning and recommending such system was given to a new agency, the National Capital Transportation Agency (now the Washington Metropolitan Area Transit Authority). This change of policy was also approved by the National Capital Planning Commission in its "Year 2000 Plan," which stated, as a primary goal for Washington, that "every attempt should be made to encourage rush-hour use of transit to and from Metro-Center."

It is obvious, however, that the highway program specified in Section 23 of the 1968 Federal-Aid Highway Act and Section 129 of the present bill openly mocks and repudiates these planning decisions. Most of the highway projects that have been added since 1960 are radial highways designed to serve the same commuting needs for which rapid transit is being constructed and, in most instances, they are directly competitive with projected rapid transit routes.

The District Highway Department has failed to supply this committee with sound and detailed justification for the highway program specified in Section 129 of the present bill.

Predictions of future traffic growth are based upon the so-called "gravity model" computer forecasting technique originally applied for Washington by the Mass Transportation Survey of 1959. Experience to date verifies that this technique produces ludicrous and meaningless results. Thus, the Mass Transportation Survey based its freeway recommendations primarily upon a "1965" forecast indicating that, without rapid transit (which it correctly assumed would not then be in operation), average weekday traffic between Montgomery County and Washington would increase from 193,000 in 1955 to 494,000 in 1965. Instead, with completion of the Capital Beltway in mid-1964, such traffic actually increased to only 255,000 in 1965. The original forecast, which was the basis for the MTS recommendation that 14 freeway lanes would be urgently needed by 1965, exaggerated actual 1965 traffic by almost 100 percent—an error equivalent to 20 lanes of freeways.

It is also clear that the errors of the MTS cannot be attributed to the fact that the freeways proposed in that study have not been built. Across the Potomac River, where the MTS forecast that by 1965 average daily traffic would be 495,000, all bridges proposed by the MTS for completion by 1965 in fact were completed. Nevertheless, actual traffic was more than 100,000 less than forecast.

It is not surprising that the Arthur D. Little Report of March, 1966, the only independent review of transportation planning in the District, found pervasive shortcomings in the "gravity model" techniques used by MTS and concluded (p. 41) "the validity of *any* transportation plans based on them is open to question."

The Arthur D. Little Report also found that the District's highway plans had grown like Topsy around a basic design of loops and radials that had been chosen in the early 1950's and never "subjected to thorough examination by those responsible for preparing the transportation plans for the area" (p. 61). Because of basic deficiencies in data and traffic forecasting techniques, and because transportation planning had been "carried out with inadequate regard for long-range economic and social impact" (p. x), the Little Report recommended that the District Government "delay action on all proposals for extending the District's freeway network until the highway plan has been re-examined" (p. xi). The recommendations of the Arthur D. Little Report should have been followed. They were not followed. There was no valid reason or justification for not following them.

V. IT IS A NATIONAL DISGRACE TO IMPOSE UPON DISTRICT CITIZENS AN INTERSTATE HIGHWAY SYSTEM THEY DO NOT WANT AS THE PRICE FOR SUPPORTING RAPID TRANSIT

Although no public hearings were held on Section of the present bill, the overwhelming civic protest against accelerated highway construction within the District is well known to the Committee. When hearings were held in April, 1968, a bill similar to Section 23 of the Federal-Aid Highway Act met with unanimous opposition from civic groups, including such District-wide or area-wide organizations as the District of Columbia Federation of Citizens Associations, the District of Columbia Federation of Civic Associations, and the Committee of 100 on the Federal City. Other groups opposing the bill included the following: Democratic Central Committee; Emergency Committee on the Transportation Crisis; Black United Front; Neighbors Inc.; Arlingtonians for Preservation of the Palisades; Assembly of the Faculty of The Catholic University of America; and representatives of numerous churches and individual civic groups such as the Palisades, Georgetown, Brookland, Lamond-Riggs, and North Takoma Park civic or citizens associations. Not a single civic group in the District or Arlington County, Virginia, testified in favor of the District Highway Department's interstate highway program.

A. The highway plans are widely opposed by virtually all elements of the community

The singular and overriding fact that emerged from the hearings in April, 1968 was the unanimity of civic opposition to the present District of Columbia highway program. Never in the history of this committee has there been such an outpouring of civic protest against a highway program. Groups that ordinarily have little in common on

other public issues stood shoulder to shoulder in opposition.

Initially, this protest against expansion of the District's highway program was evident in Northwest Washington where proposals to eviscerate Rock Creek Park, Glover-Archbold Park, and Northwest residential neighborhoods evoked unanimous opposition from civic groups in the area. Action by Congress in 1960, later endorsed by the National Capital Planning Commission and the President, postponed these threats.

The resulting benefits were not overlooked by the residents of this area or citizens elsewhere. Even though there has been no major arterial highway improvement west of Rock Creek or north of M street since 1950, the predicted "strangulation" and "blight" from traffic growth have not materialized in this area. Growth in vehicular traffic in this area during the past decade has been virtually nonexistent. This area alone has not suffered material losses in transit patronage. And, contrary to claims that such a "no nothing" policy on highways would cause deterioration of property values, the tax appraisals in this area increased 44 percent between 1960 and 1965 compared with an increase of 18 percent elsewhere in the city.

By November 1959, when a joint subcommittee of the House and Senate District Committees extensively reviewed the findings of the 1959 Mass Transportation Survey, the flame of public protest had spread to the entire city. In recommending approval of the National Capital Transportation Act of 1960, both the House and Senate reports stated:

"At the same time, the November hearings produced relatively little support for the idea of an expanded highway program. Indeed, many witnesses protested that even the highways already planned will damage the beauty and livability of the Nation's Capital, while taking valuable property off the tax rolls."

When the District Government, in the face of these warning signals, continued to expand its major highway program, the protests grew more persistent. In 1962, a special subcommittee of the House District Committee investigated the expansion and acceleration of highway construction and concluded in its report:

"The testimony taken by the subcommittee on the proposed acceleration of the District's highway program reveals that public opposition to the accelerated highway program, which was vigorously expressed during the aforementioned 1958–60 hearings, has increased with the passage of time. Apart from the testimony by the Engineer Commissioner and representatives of the District Highway Department, the acceleration of the highway program received minimal support. On the other hand, the District Democratic and Republican committees and a considerable number of civic organizations, representing the District and the suburbs, opposed acceleration of the highway program.

"These objections hinge on three basic factors: (1) Relocation and other social problems engendered by the highway program; (2) the impact of the highway program on the District's financial problems; and (3) the need for coordination of transportation planning."

The 1962, special subcommittee investigation confirmed that the District highway planners were secretly ignoring the mandate of Congress in the National Capital Transportation Act of 1960 and were continuing to plan added highway capacity on the unfounded assumption that all increased metropolitan area travel would be by private automobile. Under this rationale, they increased the scope of District highway proposals by over $250 million in the 2 years subsequent to enactment of the 1960 legislation. After another year in which the District highway planners continued to ignore the policy of Congress, President Kennedy, June 1, 1963, found it necessary to direct the District Commissioners to reappraise their entire highway program, not only to assume a balanced transportation system including rapid transit, but also to obtain "a consensus which can command general support."

As far as can be ascertained from the record of the hearing in April, 1968, and previous hearings before Congress, this reappraisal has never been made. Although the District officials say that the present District of Columbia highway program assumes the existence of a complete rapid transit system, they have submitted no evidence to support that proposition. On the contrary, the whole history of the expansion of the highway program since the 1962 investigation demonstrates the falsity of their assertion.

Since the hearings before this committee in April, 1968, District citizens have spoken out again against accelerated highway construction—before the National Capital Planning Commission and D.C. City Council in November, 1968 and before the D.C. City Council again in February, 1970. On November 4, 1969, in connection with the District School Board election, an informal referendum was held on the question, "Do you favor construction of the Three Sisters Bridge and its connecting freeway system?" 84% of the voters voted "No."

This overwhelming civic protest against accelerated highway construction within the District of Columbia is not a device to promote rapid transit by "killing" freeways. The numerous hearings by the House District Committee since 1958 on Washington's knotty transportation problems confirm that public opposition to new highway construction arises from a concern about their neighborhood, their city, and their taxes. Such opposition predated serious consideration of rapid transit plans, and it is destined to continue regardless of decisions on rapid transit development.

It is entirely clear that the interstate highway program embodied in Section 23 of the 1968 Federal-Aid Highway Act and Section 129 of the present bill is totally devoid of community support. Without this essential community support, Congress should not have enacted Section 23 of the 1968 Federal-Aid Highway Act and it should not approve Section 129 of the present bill.

B. Plans for the Washington metropolitan area's metro system, which the Congress has authorized and approved, find unanimous support in the community

Public support for the Washington Metropolitan Area Metro System is a matter of common knowledge. The depth of this community conviction was confirmed in the House District Committee's 1963 hearings on the initial NCTA transit development program. It would ordinarily be expected that the commuter, particularly the auto commuter, would favor additional highways and more intown parking facilities to a rapid transit system. Yet, when asked about their own preferences, 76.3 percent of the bus commuters and 62 percent of the auto commuters throughout the Washington metropolitan area expressed preference for new rapid transit facilities. Between 1957 and 1963 the percentage of Washington area auto commuters who stated that the transportation problem of the area would be better solved by a new rapid transit system rather than by new highways had risen from 47 to 62 percent.

The National Capital Transportation Act of 1965 provided for construction of a 25-mile rail rapid transit system in the District of Columbia. It authorized appropriations not to exceed $150 million—$100 million for the federal portion and $50 million for the District portion. Since that time, an unique experiment in local inter-jurisdictional cooperation has resulted in plans for a 97.2 mile Metro System for the Washington Metropolitan Area. In November, 1968, voters in five metropolitan area jurisdictions approved local financing for the Metro System. The vote in favor averaged 71.4%.

In June, 1969, Joint Congressional hearings were held on the National Capital Transportation Act of 1969, to approve federal financing for more than $1 billion for the Metro System. The Joint Committee's Report declared: "A regional rapid rail transit plan and program is essential for the continued and effective performance of the functions of the Government of the United States, for the welfare of the District of Columbia, for the orderly growth and development of the National Capital region, and for the preservation of the beauty and dignity of the Nation's Capital." The Act was passed by the Congress in November, 1969. It is eminently clear that there is overwhelming public support for the urgently-needed Metro System.

C. The Washington Metropolitan Area Metro System has been held hostage for the District Highway Department's Interstate Highway program

When President Johnson signed the 1968 Federal-Aid Highway Act, he interpreted Section 23 to direct the construction of the specified interstate highways only if they were found "to be appropriate links in a comprehensive transportation plan for the District." He said that he "therefore directed the Secretary of Transportation promptly to convene the representatives of all interested executive agencies to support the Government of the District of Columbia in developing a comprehensive plan for a D.C. highway system."[3]

To comply with the President's directive, the National Capital Planning Commission and the D.C. City Council held extensive public hearings in November, 1968. One month later, they adopted and approved the major thoroughfare portion of the 1985 Comprehensive Plan for the National Capital. That plan rejected the District Highway Department's interstate highway program. On the basis of independent advice from the National Capital Planning Commission's staff of urban planning experts, the plan adopted a dramatic new concept: no "new gateway arteries that would increase vehicular flow into the District." The plan deleted both the Three Sisters Bridge and the North Central-Northwest Freeway from the highway program because they were inconsistent with that concept. The major thoroughfare plan, however, was not an anti-highway plan, since it called for construction of more than $500 million of additional highways within the District.

Some Members of Congress disagreed with President Johnson's interpretation of Section 23 of the 1968 Federal-Aid Highway Act. Pressure was exerted on the District government from various sources to proceed immediately with construction of the Three Sisters Bridge and the other interstate highways specified in Section 23(b), even though the District and Federal governments had not complied with the planning and approval requirements of the Federal-Aid Highway Act and local District law. During the summer of 1969, it became clear that these pressures were designed to compel the citizens of the District of Columbia to accept the District Highway Department's destructive over-expanded interstate highway program, which they do not need and do not want, as the penalty for obtaining appropriations for the Metro System and revenue for normal operations of the District government.

On August 9, 1969, the D.C. City Council yielded, voting 6–2 to construct the Three Sisters Bridge and connecting freeways. The remarks of three Councilmen *who voted for the resolution* reflect the tragic absence of

[3] 114 Cong. Rec. 30959 (1968).

democracy in the Nation's Capital.[4] The Chairman of the D.C. City Council, Gilbert Hahn, Jr., said:

"This City needs and requires a subway as part of its overall mass transportation system. The people who need the subway the most are those for whom we are most concerned, the low income citizen of our inner city. Unfortunately, this citizen cannot produce the subway system for himself and he needs the $1.5 billion which the Congress is prepared to provide as the District's share of the subway system. There is no other way.

"The Congress of the United States has said clearly that it will not provide the subway money unless the bridge is started. This is a fact. In my opposition to this decree, I had hoped to persuade the Congress to my views. I believe the building of the bridge is wrong and I am still not convinced that it is in the best interests of the City. However, we do not live in the world we wish, we live in the world as it is. We are forced at times to make rather hard choices—either build the bridge or no subway. * * *"

The Vice-Chairman of the D.C. City Council, Sterling Tucker, said:

"I take this step only because I believe there is no other course, short of chaos, available to the City Council. I concur with the unanimous vote of the City Council of last December 12 to put into effect a mass transportation and major thoroughfare plan which did not include the Three Sisters Bridge and the North Central Freeway. That decision reflected the best technical advice available to the Council and the views of the community as expressed in the public hearing preceding the Council action.

"No individual, group or private or public agency has proposed anything since to suggest there are new planning considerations. Only political considerations, then, reopen this entire subject."

And Joseph Yeldell, a Council Member, said:

"The Washington region desperately needs the metro system and in the final analysis, I must take that action which will enable us to begin at long last construction of the new subway system.

"It has been my firm position throughout that any act by this council to reverse its position to break the impasse should result in the releasing of the subway from bondage. * * * If the District government proceeds with highway plans dictated by the Congress, then the subway funds also will be released even though legal action may be undertaken by citizens of this city. * * *

"This city council acting upon the expert advice of its federal planning arm—the NCPC—adopted a comprehensive transportation plan which, based upon sound planning objectives, disagreed with certain elements of the 1968 Highway Act. Since no new planning data or any other supportive evidence has been presented to NCPC to cause it to alter its original recommendations, this council has seen no reason, heretofore, to change its position either.

"We are all painfully aware that this is no longer just a transportation issue but one that strikes at the very heart of the operation of this city. Congress has seen fit to withhold the federal payment to the city until we conform to the 1968 Highway Act. * * * Just this past Thursday the Board of Directors of WMATA seriously considered a phasing-out plan. * * * Painful and pressing political realities indicate that we must yield."

The blunt truth is that Section 129 of the present bill provides the basis for continued blackmail of the District of Columbia. It directs the District to "commence work" on the north section of the East Leg of the Inner Loop and the North Central-Northeast Freeway within thirty days, regardless of the law and regardless of the needs and wishes of District citizens. It will be the mechanism for holding the Metro System hostage for the completion of these destructive freeways. Even if there were a demonstrated need or public support for the District Highway Department's interstate highway program (and there is not), we dissent against this disgraceful blackmail of voteless American citizens.

CONCLUSION

Section 129 of H.R. 19504 would impose upon the people of the District of Columbia an overexpanded interstate highway program that is harmful socially, economically and esthetically, a highway program that lacks both planning justification and essential community support. Section 129 may provide a precedent for equally arbitrary action elsewhere in the country. Worst of all, it will provide a basis for the continued blackmail of the District by imposing this highway program on its people as the price for rail rapid transit. We dissent.

FRED SCHWENGEL,
Member of Congress, First District, Iowa.
RICHARD D. MCCARTHY,
Member of Congress, 39th District, New York.

I urge my colleagues to remove this highly controversial and undemocratic section from H.R. 19504 in the interest of the people of the District of Columbia and the preservation of the beauty of our Nation's Capitol. Let us treat our neighbors here in the District of Columbia as we would treat neighbors at home. Let us give them their "day in court."

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I could take the gentleman to a dozen towns and cities in which decisions with regard to highways have been made and carried out in defiance of the wishes of local residents. I could take the gentleman to literally dozens of them in my own district where this has happened. So if there is a decision made with regard to highways in the District of Columbia that local people within the city do not approve of it is certainly no unique experience. I will guarantee the gentleman that it has happened in dozens and hundreds of cities and towns across the country.

The CHAIRMAN. For what purpose does the gentleman from Illinois (Mr. KLUCZYNSKI) rise?

Mr. KLUCZYNSKI. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment do now close.

Mr. JACOBS. Mr. Chairman, I appreciate the urgency here——

The CHAIRMAN. The Chair recognized the gentleman from Illinois (Mr. KLUCZYNSKI), chairman of the subcommittee. What was the gentleman's request?

Mr. KLUCZYNSKI. Mr. Chairman, I ask unanimous consent that all debate on this amendment do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. JACOBS. Mr. Chairman, I object.

MOTION OFFERED BY MR. KLUCZYNSKI

Mr. KLUCZYNSKI. Mr. Chairman, I move that all debate on the pending amendment do now close.

The CHAIRMAN. The question is on the motion.

The question was taken; and on a division (demanded by Mr. FRASER), there were—ayes 62, noes 21.

Mr. FRASER. Mr. Chairman, I ask for tellers, and make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred forty-two Members are present, a quorum.

Those who are in favor of taking the vote by tellers will rise and remain standing until counted.

Nineteen Members have risen, an insufficient number.

Tellers are refused.

So the motion to close debate on the amendment was agreed to.

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

Mr. JACOBS. Mr. Chairman, after all, I was recognized before the Chair recognized the gentleman from New York.

Mr. Chairman, a parliamentary inquiry. Are men on their feet going to be permitted to speak for their 3 seconds?

The CHAIRMAN. The Chair had not recognized the gentleman from New York or the gentleman from Indiana. The Chair had recognized the gentleman from Illinois (Mr. KLUCZYNSKI), The gentleman from Indiana misunderstood the Chair had recognized him. The Chair had to recognize the gentleman from Illinois as chairman of the subcommittee.

PARLIAMENTARY INQUIRIES

Mr. JACOBS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. JACOBS. What about those of us who were on our feet when debate was choked off? Will we be recognized?

The CHAIRMAN. There was no count made of Members standing for time, and the motion of the gentleman from Illinois was to close debate, and that motion was agreed to.

Mr. KLUCZYNSKI. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois will state his parliamentary inquiry.

Mr. KLUCZYNSKI. Has there been a vote on the amendment?

The CHAIRMAN. The vote was on the motion of the gentleman from Illinois to close the debate. The motion was agreed to. It is now in order for the amendment offered by the gentleman from Minnesota to be voted upon.

The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. FRASER) there were—ayes 26, noes 101.

So the amendment was rejected.

[4] The statements of Messrs. Hahn, Tucker and Yeldell appear in the official minutes of the D.C. City Council, August 9, 1969.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: page 15, strike out line 15 and all that follows down through and including the line following line 14 on page 16, and insert in lieu thereof the following:

"URBAN PUBLIC TRANSPORTATION

"SEC. 111. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 142. Urban public transportation

"'(a) To encourage the development, improvement, and use of public mass transportation systems within urbanized areas, sums apportioned in accordance with paragraphs (3), (5), and (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects for the construction of facilities to serve bus and other public mass transportation passengers.

"'(b) The establishment of routes and schedules of such public mass transportation systems shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

"'(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and, except as provided in subsection (d) of this section, the Federal share payable on account of such project shall be that provided in section 120 of this title.

"'(d) No project authorized by this section shall be approved unless no other feasible or prudent highway project can provide the additional capacity for the movement of persons provided by this project.

"'(e) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project.'

"(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"'142. Urban public transportation.'"

Mr. HARSHA (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, since both the majority and the minority have copies of the amendment, and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BINGHAM. Mr. Chairman, the purpose of the amendment, which is to section 142 of the bill, is to strike out certain words in that section which limit the supplementary assistance that this bill now provides for mass transportation to highway transportation.

Mr. FALLON. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. If the gentleman can get me additional time, I shall be glad to yield.

Mr. FALLON. It will take less than a minute.

Mr. BINGHAM. I yield to the chairman of the committee.

Mr. FALLON. Would the gentleman's amendment transfer money out of the trust fund to be used for any other purpose?

Mr. BINGHAM. I cannot answer that question that way, Mr. Chairman. If the chairman would allow me to proceed——

Mr. FALLON. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman rises too late for that purpose. The gentleman from New York will proceed.

Mr. BINGHAM. Mr. Chairman, this amendment, as I was saying, simply deletes certain words on pages 14 and 15. It makes no additions. It does not change anything in the section. It simply proposes to delete certain words. The committee in this year's bill has made a substantial advance over previous bills in that it has recognized that certain improvements for mass transit are related to highway use and will improve the usefulness of our highways.

If I can quote from the committee report—page 39—for example, the present bill permits funds to be used for certain "facilities, where the project will move at least as many persons as an avoided highway project." That refers to parking and other facilities such as a lane for buses that will be of help in bus transportation.

What my amendment would do would be to remove the restriction for that type of mass transit facility that says it must be for buses so that it could be for rail transit as well. If a single lane is constructed for buses, why could not such a lane be used for a rail line, as is done in the city of Chicago right alongside a major expressway.

What the bill does is to say that we will help mass transit but only to the extent that buses are involved. I suggest that is an unreasonable limitation.

It has been suggested that using highway fund moneys for mass transit is not proper use of the excise taxes involved but if it is proper for bus mass transit, why not for rail mass transit?

We have other excise taxes that are not strictly limited to certain narrow purposes. We do not say that liquor taxes must be used for bigger and better bars, or that taxes on perfume are to be used only for facilities relating to perfume. It is interesting to speculate what they might be.

So let us face the fact that we have here excise taxes which could be and should be used for the purpose of making our highway transportation more efficient, including the needs of our cities as well as the needs of the countryside. The needs of our highways in New York would be vastly better met by improving our mass transit facilities in New York.

This would not be in any sense a departure from a commitment we have made to any taxpayers, because this is a new bill creating the extension of a tax. It is not dependent on any commitment made in 1956. It is a new bill. It is a new era. It is an era when we should have a balanced transportation system, and this amendment would make it possible for us to have a balanced transportation system.

Mr. KLUCZYNSKI. Mr. Chairman, I rise in opposition to the amendment. I oppose it the same as the amendment the gentleman introduced earlier.

Mr. FALLON. Mr. Chairman, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to my chairman, the gentleman from Maryland (Mr. FALLON).

Mr. FALLON. Mr. Chairman, in 1968, the same amendment in substance was offered. I made a point of order against the amendment then and the chairman at that time sustained my point of order.

Mr. HARSHA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, very simply, all this amendment would do would be to open up the trust fund to the construction of mass transportation, rail transportation, and even water and air transportation. It would go completely beyond the highway trust fund purposes. It would be a raid on it and open it up to all systems of mass transportation.

By looking at just one or two lines in the amendment, we can bring this out very clearly. In subparagraph (a) it says:

To encourage the development, improvement, and use of public mass transportation systems . . .

That opens it up to any mass transportation system.

Then at the end of that paragraph it says:

To finance the Federal share of the costs of projects for the construction of facilities to serve bus and other public mass transportation systems.

Quite obviously it is an endeavor to open up the highway trust fund to any transportation system that can be envisioned. This is contrary to the 1956 Highway Revenue Act and will delete the trust fund so that we will not be able to complete any of the highway systems that are needed in this country.

Under the present program of collecting revenues under existing laws there are not enough funds to be collected to provide half enough money to complete the highway needs of this country. The highway needs report filed in January of this year by the Department of Transportation indicated that between now and 1985 there will be a need for some $320 billion to adequately finance needed highways and highway facilities in this country.

If we open up this highway trust fund to any form of mass transportation then we certainly will never be able to conclude a viable and effective highway program.

I oppose the amendment.

Mr. KOCH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I do not believe that any of the proponents of the amendment or those of us who have spoken about mass transit expect to win on any of the proposals which we are making this afternoon. What we are trying to do, and trying to do in a rational way, is to bring to the attention of Members the real need for a comprehensive approach to our transportation requirements, as well as the need for more money for mass transit.

On September 29 a bill was brought up on this floor by the Banking and Cur-

rency Committee providing for a $5 billion authorization over the next 5 years for mass transit; but it was reduced to $3.1 billion by this body.

Today we are authorizing a Federal expenditure of $17 billion over a 4-year period for highways.

What we who support the amendment are saying, Is there not something irrational about the way we are proceeding? Is there not something irrational about talking about the need for $320 billion for highways over the next 15 years and at the same time having the House reduce to $3 billion what was really a very modest sum of $5 billion that was going to be authorized for mass transit for 5 years?

We recognize that there is a need for highways. We are not the enemies of highways, although there are particular highways to which we object.

What we are saying is: You have an interest in the total transportation picture. The people who drive cars are sometimes also pedestrians and are delighted to find a form of public transportation to carry them to their final destination. Those who live in the cities of this country know what it means to be on the highway for 2 hours to get home when a mass transit facility—if available—could get them home in 35 minutes. The committee in its report provides an estimate of the number of man-hours that have been saved by travelers on the Interstate System; but, it fails to mention the millions of man-hours that are lost each day in traffic congestion—hours that could be saved if public transportation were available.

Members of this House are not acting against the interests of their automobile-driving constituents when they attempt to appropriate sums for mass transit. They are helping these constituents.

Is there anything wrong with saying that where a highway is appropriate we would build a highway and where a mass transit facility—a subway, a bus, or an elevated structure—is appropriate, that is what we would build? What we say is that the locality is in the best position to know what form of transportation will best meet its needs and that it should be given this choice. If a Governor should determine that a form of mass transit can serve the public more efficiently and economically than a proposed highway, why should the Federal Government refuse to fund anything other than a highway?

We are not saying take the money and automatically put it into mass transit. We are saying use the money where it makes the best sense and does the most good.

This is why I have proposed that we establish a single transportation trust fund combining the mass transit, highway, railroad, and airport programs. If all transportation funds were dispensed from a single source, we would then be in a position to effect the rational, integrated approach desired and weigh the priorities and efficiency of one form of transportation against another.

Whether the single transportation trust fund comes under the jurisdiction of the Committee on Public Works, the Committee on Banking and Currency, or some other committee, this unified funding program will have to be established if we are to make effective use of our transportation resources and if we are to maintain—and hopefully improve—the mobility of a growing population.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I will be delighted to yield to the distinguished gentleman.

Mr. CONYERS. I thank the gentleman for yielding.

I want to commend him on a very cogent and persuasive argument. I join him in supporting the amendment offered by the gentleman from New York (Mr. BINGHAM).

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I am glad to yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Chairman, I, too, would like to thank the gentleman for his presentation and add my voice in support of the amendment offered by the gentleman from New York (Mr. BINGHAM).

Mr. KOCH. I thank the gentleman.

Mr. KLUCZYNSKI. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto end in 10 minutes.

The CHAIRMAN. On titles I and II?

Mr. KLUCZYNSKI. That is right.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. STRATTON. Mr. Chairman, I object.

MOTION OFFERED BY MR. KLUCZYNSKI

Mr. KLUCZYNSKI. Mr. Chairman, I move that all debate on titles I and II of the bill close in 10 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The CHAIRMAN. Does any Member wish to speak to the Bingham amendment?

Mr. BINGHAM. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BINGHAM. Mr. Chairman, I just want to emphasize that the amendment I have proposed is not as shattering an amendment as has been suggested here. The committee already recommended, and properly so, that mass transit be included within the terms of this bill to help highway transportation. This assistance would go for bus lanes, bus terminals, and the like where it would help highway transportation. It is my point that the improving of mass transit facilities in many cases—and it is certainly true in New York—would improve the highway traffic tieups that we have there and which we suffer under. So I do not think that this is such a far-reaching amendment that I have proposed.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, I intend to offer a straight motion to recommit the bill to the Committee on Public Works. The benefits to all Americans from an efficient highway system have already been clearly demonstrated by the Interstate System. We should at this time demonstrate our faith in the program by extending the taxes for a sufficient period of time to enable completion of the system.

While the report of the Ways and Means Committee, which handled title III of the bill extending the taxes, states that the committee favors completion of the Interstate System, it goes on to say:

> It is not clear that the five-year extension to 1977 provided by this bill is sufficient to achieve this result.

Mr. Chairman, 96 percent of the system is in the pipeline; with 70 percent completed and being used, 12 percent under construction; and 14 percent being designed. When we are this close to completing this great undertaking and the committee is clearly committed to completion of the program, we should extend the taxes for a sufficient period to accomplish this result.

My motion will enable the committee to determine the necessary additional time that we should extend the taxes for—probably not more than 1 or 2 years—to give us a reasonable assurance the program can be completed. The American people are committed to this magnificent task, realizing the economic and social benefits the Interstate System provides the entire Nation. I share this commitment. My motion will better enable us to fulfill this commitment we share.

The CHAIRMAN. Is there any other Member who wishes to speak on the Bingham amendment? If not, the question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, I sat here while my friend, the gentleman from Kentucky (Mr. NATCHER), for whom I have profound respect, spoke for approximately 17 minutes and I made no objection at all. And then I listened to the chairman of the subcommittee make a motion which I have rarely heard in my 6 years in this House, that the Members who wished to speak could not speak even 3, 2, or 1 second; no seconds at all.

There is an election pending for a nonvoting District of Columbia delegate to this body. That delegate will be allowed to speak, not vote. I am a member of the House District of Columbia Committee. I had something which I considered important to say on the amendment that was killed. I am permitted to speak on behalf of the District of Columbia not at all.

I remember that night 4 years ago when nothing would do but that certain Members of this body catch an airplane to the Paris air show. Debate was slashed off so that 60 seconds was divided among all Members of this body to discuss the question of college draft deferments during the following 4 years.

Now Members have to catch airplanes tonight for Thanksgiving.

So again luxury takes precedence over duty.

For the people of the District of Columbia this body, in effect, has adopted the policy: "Give them some day their American rights on certain conditions."

Congratulations on an outrage well done.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. STRATTON).

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: Page 13, after line 5, insert the following:

"PUBLIC HEARINGS

"SEC. 109. Section 128 of title 23, United States Code, is amended to read as follows:

"'§ 128. Public hearings

"'(a) In order to ensure that an opportunity is afforded for effective participation by interested persons in the process of determining the need for, and the location of, a Federal-aid highway, the Governor or other duly constituted State authority shall, prior to the submission of any plans for any highway project to be constructed under the provisions of this title, certify to the Secretary that at least two sets of public hearings (one set basically concerned with location and one with design) have been held by a duly authorized State or local official and that the people of the area or community involved have been afforded an opportunity to be heard and that full opportunity has been afforded during such hearings for the presentation of testimony and other evidence on not less than two proposed alternative highway locations offered by the State authority and on the economic and social effects of such alternative plans, highway locations or designs, their impact on the environment and, to the extent applicable, their consistency with goals and objectives set forth in any applicable urban transportation plan for the area. Such certification shall be accompanied by a report which indicates the extent to which those views expressed during the hearings concerning the economic, social, environmental and other effects of the various proposed alternative plans, or highway locations or designs and which were presented by the State authority or were raised during the hearings or which were otherwise considered did actually influence or determine the final selection of one proposed alternative over the others presented.

"'(b) When hearings have been held under subsection (a), the Governor or other duly constituted State authority shall submit a copy of such hearings to the Secretary together with the certification and report.'"

"Renumber succeeding sections and references thereto accordingly."

Mr. STRATTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

(By unanimous consent, Mr. GRAY yielded his time to Mr. STRATTON.)

Mr. STRATTON. Mr. Chairman, I have been waiting patiently in an effort to offer this amendment. It is a serious amendment. What it would do would be to incorporate in our bill very much the same language that appears in the Senate bill, to spell out in somewhat more detail not only the dual hearing approach that has been referred to, but to make some additional requirement that the views of the people who appear at these dual hearings are actually taken into account by those who make the final decision on the highway location and design. This has not been done in my own district in Schenectady and Albany Counties and in upstate New York, for example, in connection with Interstate Highway 88.

Mr. Chairman, I think State and Federal highway officials ought to be required to make some concrete response and adjustment in their plans to meet the wishes of the people most directly concerned.

So I hope this amendment will be adopted.

I am also going to request when we get back in the House permission to include in the RECORD at this point a memorandum circulated by the Federal highway department to the regional highway heads and also to the State transportation officials showing them how it is possible for them to conduct these hearings without paying any real attention to the will of the people, in other words, how it is possible to "con" the people into going along with the particular proposal that the highway officials want.

This is an official document issued by Mr. Swanson of the Federal Highway Administration. I hope you will get an opportunity to read it because I think it will shock you. For example, if you will look closely, you will note that the memorandum says this in its opening paragraph:

Strident citizen protest will increasingly interfere with our most accomplished and sophisticated planning efforts, unless and until we learn the techniques of working together at the grass roots.

Toward the end it makes this rather blunt conclusion, that even if all these fancy techniques of persuasion fail:

Then the highway agency has to take its stand, however difficult or painful that may be. New political pressures, demonstrations or even civil disobedience may result, but that should not deter the highway agency from taking the stand that it thinks is most in the public interest.

Not only what really is in the public interest, but what the highway people think should be the public interest. Surely, this is not the kind of language of an agency that really wants to adjust itself to the wishes of the people concerned. This is the language of an agency that simply hopes to manipulate the public so that in the end it can have its own way. And here is the final proof, in this closing paragraph: When the proposed process works the way it should work, these hearings do not really mean a darn thing, they simply become "academic."

The central point, however, about this process as experienced in highway planning and in other settings, is that when it is conscientiously and sensitively carried out, significant community resistance is not likely to develop and the issue of who makes the final decision is largely academic.

The full text of the administration's memo follows:

HIGHWAY PROJECT PLANNING WITH LOCAL CITIZENS—A PARTNERSHIP CONCEPT

(Remarks by Kent R. Larrabee, ACSW Environmental Development Division, U.S. Bureau of Public Roads)

In a recent address to the National Limestone Institute (January 22, 1970), Federal Highway Administrator, Frank C. Turner said, "We must be concerned not only with the problems of the physical environment, but also with what might be called the social environment—with the interaction of highways and people—with a highway's impact on individuals and communities." There have been several statements in this vein since the 1968 Highway Act and the January 1969 PPM 20–8, but we are still pretty much in the dark as to how-to-do-it, on how to proceed with this concern. It is the practical application, then, that I wish to talk about today.

The context for my remarks is the local highway project.[1] It is here at the grassroots, that we especially need to hammer out new approaches as we seek to deal with the hard realities of community work including the problems of lack of communication, distrust and suspicion, apathy, disorganization, fear, open hostility and, occasionally, the threat of violence.

Let us, then, look past the Urban Transportation Planning Process, important as that may be, past coming to term with the so-called Establishment agencies and leaders within the Power Structure, past the local governmental structures, past the technical and professional inputs of the multidiscipline or joint concept teams and past the older approach to highway planning symbolized by cost estimates, travel time and highway user benefits. All of these, of course, are important and have a bearing on planning with citizens, but these "establishment" efforts are often short-circuited by our inability to develop a viable citizen planning program within the framework of the State or local highway department. Strident *citizen* protest will increasingly interfere with our most accomplished and sophisticated planning efforts, unless and until we learn the techniques of working together at the grassroots.

NO ONE UNIVERSAL FORMULA

First, it is important to understand that there can be no guaranteed, "workable" approach to citizen involvement in highway planning. Every project situation, where the need for community participation is indicated, will have its peculiarities and restraints and must be considered flexibly and creatively in order to come up with the best workable approach to citizen inputs.

I. LEVELS OF CITIZEN INVOLVEMENT

One approach to relating to citizens in a neighborhood, while it is often thought of as citizen participation, in reality falls short of this goal. It could be called:

A. The educational approach

The idea is to educate the people with respect to what is being planned or what has been decided. Techniques of public relations, use of the mass media, public information meetings and other methods of informing the people and trying to sell the ideas and concepts that the engineers and planners have come up with are the usual characteristics of this approach.

Although such techniques can have merit within the context of *genuine* citizen in-

[1] The approach to highway location and design which is outlined here presupposes that the highway corridor has been defined and that location and design decisions must be made within the corridor restraints. The width of the corridor will vary greatly depending on the situation and the nature of the community, such as whether it is in a rural or an urban setting.

volvement, by themselves they do not constitute meaningful participation. It is more accurate to characterize this approach as salesmanship, public relations or a means of manipulating. As for the citizens, it is essentially non-involvement.

B. The advisory approach

In this approach, the highway and community planners will not only inform the citizens about the plans that are being developed, but in one way or another will ask their advice, perhaps in small meetings of selected leaders or in larger public meetings prior to the public hearing.

This is a minimal approach to citizen involvement that can all too easily carry disadvantages: a. Citizens may not be well enough informed to be able to give intelligent advice, b. The neighborhood may not be organized with enough depth or people-involvement to be alive to the issues and to overcome neighborhood apathy, or c. While local residents may lack enough involvement to feel really included in the decision-making process, they nevertheless may be informed just enough to be aroused to organized protest.

C. The partnership approach

The most workable model for citizen involvement within the context of highway project planning is that of a partnership between highway engineers and other agency professionals, on the one hand, and the citizens and their representatives on the other.

I hasten to add that a partnership arrangement should not be construed as leaving the highway or local public agencies open to the final decision being made or vetoed by citizen groups. In highway project planning, the power to make the final decision is clearly in the hands of the designated members of government and it is one of the tasks of a good community relations program to enable citizens to accept this as a "given" and to make a creative contribution within this framework.

Lack of citizen power to make the final decision will probably be seen as a limitation to some who question the effectiveness of representative government. But this complaint is met through the partnership approach which establishes the creative process of citizens to accept this as a "given" and to make through the problems, issues and alternatives together, becoming familiar with each others' values, constraints and point-of-view, coming up with creative concepts and ideas, and hammering out the compromises together.

D. The delegated power approach

The delegated power approach is the model for citizen control. It implies the power to make or somehow determine the final policy decisions. Community controlled schools and neighborhood control of public projects, as through a neighborhood corporation, are examples. These and other models for citizen control will undoubtedly emerge in the years ahead as the "have-nots" continue to press for greater authority in determining their own destiny.

Suffice it to say here that this is a kind of citizen participation that does not adapt well to the uniqueness of highway planning. More important, however, delegating the power to decide to citizen groups is not necessary for the democratic process to be fully operative within the highway context.

II. IMPLEMENTING A HIGHWAY-COMMUNITY PARTNERSHIP IN PROJECT PLANNING

How the citizen-highway partnership will evolve in a given locale will depend on the character and size of the neighborhood or area affected, the nature of the highway project, the presence of racial, ethnic or other "minority group" factors, the corridor definition and restraints, the amount of time available for involving citizens in planning and the history of community reaction to past highway improvements for the area involved.[2] These and similar variables are so widespread that it is not possible to establish a "typical" situation around which to describe a pat, how-to-do-it formula.

Nevertheless, given adequate funding for a thorough community relations approach, given a professionally trained community relations worker on the staff of the State or local highway agency and given an adequate amount of time in which to develop a meaningful community relations process regarding the highway's location and design it is possible within a hypothetical situation to outline some useful guidelines. The following 13 steps constitute a practical attempt to spell out the dimensions of the citizen-highway planning partnership. There will, of course, be variations from community to community in the emphasis on these steps and the sequence in which they are considered. They are presented here as suggestions for your consideration.

1. Conduct a socio-economic study of the area

It is of first importance to become knowledgeable about the neighborhood or community which is likely to be affected by a highway project.

A socio-economic study conducted "in-house" would not need to be extensive, excessively detailed or drawn out, but rather a *working profile* of the major socio-economic characteristics of the area. There are techniques for obtaining essential data that avoid the danger of over-researching and piling up a mass of unneeded data.

The Environmental Development Division has developed a list of the social, economic and other environmental factors which could be a main guideline for such a study.[3] Census data, consultation with other agencies, study of newspaper files, first hand observation, and use of the reports and studies of other groups are often feasible alternatives to expensive and time-consuming original research. Additional pertinent data can be added to the socio-economic study as the community organization process continues.

2. Conduct an initial survey of the agencies and organizations of the area including leadership

Again, this survey would not need to be exclusive and should be kept open-ended for groups to be added later and for further assessment of leadership strength as the process evolves.

The leadership and organizational survey should include both public and private agencies as well as religious, social and fraternal groups. It should embrace civic organizations of all kinds. It should begin to assess the informal organization and informal leadership structures of the area, though much of this will need to come at a later stage.

These first two steps are preliminary in character and, in most cases, would not involve the citizenry.

3. Conversations with local leaders and key citizens

The aim at this next stage is to establish some type of organizational structure for consideration of the community and highway issues in planning the local project. To do this meaningfully, relationships must be established with local leaders and citizens.

While being candid about the possibility of a highway, the community relations specialist's approach should be, "We need your help in deciding where the highway should be located and how its related projects can help to improve the neighborhood, protect local values and assist in meeting individual needs." Questions from citizens such as: "Should the highway be built at all?" and "What other transportation modes might be considered?" may well arise and should be dealt with forthrightly.

Through many conversations with local leaders the community worker soon learns what the leadership structure is, who the 10 to 20 most influential or most respected leaders are and what the patterns are of leadership competition for prestige and power. He also finds out that leaders of informal groups, or "natural" leaders with no organized group at all, may be more important to contact than "established" leaders.

4. Informal meetings with key leaders to develop a strategy and plan

The community work specialist should not himself try to be a leader in the community organization process. Rather, he is an enabler, helping to bring people together, giving suggestions when asked and offering his expertise in making resources available to local leaders.

The main problems and needs of the area are reviewed in these informal sessions with key leaders, and goals are established for neighborhood betterment. Ways in which the projected highway might help achieve those goals are examined. Most important is the citizen leader's *own* articulation of local problems and desires, his perception of how desirous these are and what the priorities should be for work on their solutions.

In these meetings, the community relations specialist can further establish in the eyes of citizen leaders that he is concerned for community development as a whole. He can exhibit his good faith by offering his services in a helping capacity. He may be able to open doors to community resources that can be used to solve certain problems and help the neighborhood to organize its approach to other community-wide agencies. Such involvement might be on neighborhood needs and problems quite unrelated to the highway.

5. Establish the local citizens' organization for highway project planning

In the informal sessions with leaders, discussion should be held on the creation of the best kind of local organization with which to pursue the goals and objectives of the area through the instrumentality of a possible highway project. Establishment of *an umbrella organization* of some kind is the most likely possibility, such as a committee or a council. Another possibility is to structure a working group, widely representative of the neighborhood, *in connection with an agency or organization* that is already in existence and has the good will and support of the area generally. A method of wide, volunteer, citizen involvement in the program of the umbrella organization would need to be worked out.

Prior to any public announcement, the leadership of the new organization and makeup of the council or central committee should be carefully considered on the basis of criteria established by the preliminary group in its informal meetings. Working committees should be established.

Public announcements and descriptive accounts through the mass media and through local organizations can now be made about the new organization. This public relations effort should be designed to create wide interest, to establish the prestige of the new group and to emphasize that this is an indigenous effort with local leadership.

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[2] Corridor restraints refer to such matters as determination of the termini of the project, study limits and the determination of location (physical) controls.

[3] For a comprehensive list of environmental factors see Harold C. King: "Multiple Use of Land and Joint Development" presented to the AASHO Conference, October 29, 1970.

6. Conduct an initial public meeting

One is now in a position to launch the citizen involvement effort in a more dramatic manner. A public meeting can help to establish legitimacy, can popularize the positive goals of the citizen group and can outline the community organization process. Top community leaders (both local and areawide) who command respect from citizens in the project area might be on hand to help launch the cooperative effort. The possible positive benefits from the new highway facility and a frank discussion of the problems which should be avoided could be presented. The citizen council's role as "watchdog," in addition to the role of making positive planning inputs, might also be highlighted. This additional role helps to overcome suspicion and to establish wide neighborhood backing and confidence.

7. Arrange discussions with all possible neighborhood organizations

All kinds of groups should be included: men's and women's clubs, churches, unions, businessmen's groups, public and private agency boards or commissions, PTAs, service organizations, block groups and many others. This should be a saturation effort carried out by highway-citizen teams.

Make a point of going directly to groups that are apt to be antagonistic, particularly militant groups or groups that might use disruptive tactics. Find ways to have these groups positively involved in the program.

The suggestions, complaints, problems and offers of citizen assistance made at all meetings of community organizations should be noted and followed up on.

Arrangements should be made for continuous contact between the citizen council and groups being visited. Newsletters and periodic meetings to hear progress reports and consider issues are two methods. Also, develop a plan to return to meet with each group a second time once the central organization has developed a set of tentative recommendations.

An appropriate technique at this stage may be to conduct a neighborhood centered "charrette." This is an experience of intensive study of local problems involving top community officials, and citizen leaders and residents. Participants meets to work out the differences that arise and to emerge with an agreed upon plan. The "charrette" may be especially useful if insurmountable conflict develops or is threatened. It may also be planned at a later stage.[4]

8. Consideration of each feasible location and design alternative in turn

The neighborhood planning group or council is now ready for the difficult task of considering the pros and cons of various location and design possibilities. It is here that the citizens turn to the resources of the establishment agencies for various kinds of professional and technical help.

Full use should be made of the expertise of the local highway agency in helping the citizen organization understand the engineering problems, costs and other restraints involved.

The incorporation of multiple use and joint development projects should be fully explored for each location possibility. This will probably involve consultation with other agencies and their service programs.

The complete list of social, economic and other environmental factors as developed by the Federal Highway Administration should be carefully thought thru at this stage. Additional study of these may be called for.

Full advantage should be taken of the relocation program with emphasis on improving the housing conditions and quality of life of those affected. At the same time, care should be taken to obviate any increased housing costs of those who are indirectly affected.

Throughout this process, it will be important to establish the cooperation and goodwill of the community's political forces. Agreement from political leaders should be sought at the beginning on the general approach to the partnership concept of citizen involvement. Efforts to explore service resources from other community agencies should be politically understood in order to avoid jealousy or competition. At the same time, the citizen involvement process should establish the independence of the organized citizen group and care should be taken to avoid a "political take-over" of the process.

9. Reach a consensus as to the most feasible location and design

The citizen-highway partnership finally arrives at the place of carefully weighing the advantages and disadvantages of each location alternative with the accompanying design features. Members of the council will probably need to work out a procedure for establishing and weighing priorities on various factors as an aid to reaching a set of recommendations.

In all these considerations, highway staff should allow and encourage the citizen members to fully participate in examining costs and benefits, in establishing weights and values, and in exploring creative and innovative possibilities.

As agreements between highway officials, community leaders and citizens are arrived at, every method possible should be used to give credit to citizens for insights, established values, innovations and stands taken and won.

10. Present the jointly-arrived-at recommendations to the citizenry

We are now ready for the promised return engagement to all the neighborhood organizations and groups that were met with early in the process. If there are areas of difference that the citizens council and highway officials have not been able to resolve, then these should be discussed openly with citizens at the grassroots in order to obtain new insights and a clearer consensus.

Again, if there are major unresolved differences, *this* may be the time to conduct a neighborhood "charrette" or a return engagement of an earlier charrette. (See page 10)

After all the discussion meetings have been held for the second time and on the basis of final citizen inputs, the council and highway agency partnership would then rework the location and preliminary design plans as necessary.

Up to this point, the feasibility considerations and the decisions have been handled jointly between the citizen organization and the highway agency. As a practical matter, this has been a relationship of equal partners.

11. Obtain highway agency and local governmental concurrences

Establishing approval of the joint findings of the citizen council and the highway department from the top authorities in the highway agency and the local governmental agencies should present little technical or political difficulty because of the care with which technical and citizen inputs have been made throughout the process. In obtaining broader community concurrence, it will also be important to clear with and seek the support of citywide business, industrial and social groups who have not been directly involved in the project level neighborhood effort.

12. Hold a public meeting to present findings

As with earlier meetings, citizen leaders should be in charge of the final public meeting and should present the council-highway agency case as their own. *They* should field the questions and handle any last minute complaints.

The positive benefits should be stressed. Praise and credit should be given to the individuals and neighborhood groups who contributed time, ideas and leadership. City and highway officials who participated in the process might well be on hand, though not out front, in this final public meeting.

An expresson of popular consent might be sought if the climate for this is right.

The mass media could be put to full use in underscoring the values in the democratic process and the expected positive benefits and in giving credit to the key indigenous contributions.

13. Select a delegation of citizen leaders to present the joint highway-citizen plan at the public hearings

In most cases, this would be a formality, though at the same time a ritual with profound symbolism for cooperative action and the democratic process.

In some cases, there may be last minute objections from some special interest group in the community. Such a group may wish to state its case at the public hearing contrary to the joint recommendations. There is every reason to believe, however, that with the broad based support that has been generated thru the process described, the recommendations would be successfully defended *by the citizenry.*

The Community Relations Program should be viewed as supplementing and preparing for the official public hearings which are spelled out in the Policy and Procedure Memorandum 20–8 which is currently in force.

III. COMMENT AND APPRAISAL

The hypothetical situation described here would have wide variations in practice, depending on the local situation. The methods described, however, make possible a maximum contribution of highway agencies to community development and the strengthening of citizen initiative, self-help and responsibility so germane to American ideals.

This is an "in-house", approach which seizes the initiative before a vacuum of misinformation, despair and negative psychology can develop at the neighborhood level. It is based on the belief that if citizens are genuinely in on the planning and the decision making, they will be responsible for helping to see that plans are carried out.

For the community relations program to emanate from the highway agency is to assure that all divisions of that agency will be making their input and mingling with citizens at various steps of project planning. The community relations effort then becomes an integral part of the agency *as a whole* as well of the community. In order to carry out the complicated community relations work

[4] A highway facilities "charrette" is a technique for studying and resolving highway and other development problems within the context of total community planning needs. The technique requires broad representation of community residents and neighborhood leaders, on the one hand, and a majority involvement of key agency and governmental heads on the other. Also, involved would be multidiscipline resource professionals and technicians including educators, planners, architects, engineers, economists, psychologists, social scientists, business representatives, local officials, students, etc. These meet to intensely study community problems in open public forum to achieve creative solutions. Emphasis may be given to the highway program as a catalyst for revitalization of the *total* community. The principle purpose is to arrive at implementable plans and solutions to community problems in a *compressed time* period. The "charrette" is kept practical and viable through commitment of local resources which leads to a high probability of implementation of "charrette" solutions.

implied in this process, it will be important for the highway department to add to its staff one or more persons who have had practical experience and training in community organization work, or some related profession within the social sciences.

This approach means that the highway agency sees itself in part as an instrument of the people and responsive to their values and desires. It means that highway personnel would take an enabling or supportive role, (not an out-in-front, leadership role) when it comes to working with groups, public presentations, community meetings and hearings.

It does *not* mean that the citizens are taking over, outvoting the official agencies, or making the final decision by themselves. If, in some situations, the community work process should break down, either partially or wholly, and if after exhausting all possible avenues to a compromise, a working consensus on recommendations cannot be reached, then the highway agency has to take its stand, however difficult or painful that may be. New political pressures, demonstrations or even civil disobedience may result but that should not deter the highway agency from taking the stand that it thinks is most in the public interest.

The *central point*, however, about this process as experienced in highway planning and in other settings, is that when it is conscientiously and sensitively carried out, significant community resistance is not likely to develop and the issue of who makes the final decision is largely academic. An experience of "community" grows up between the highway agency and the citizenry which is not likely to be broken. Polarization is avoided. Both elements are open to change and innovation. All are committed to hammering out a workable, reasonable compromise. The plan that evolves has been nurtured as the plan of the people, though it will necessarily have substantial highway inputs and final highway concurrence.

Surely, if the community is going to cooperate with the highway program, especially in controversial and impacted areas, some approach which embodies the principles outlined here will need to be given serious consideration.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I use my inadequate three-quarters of a minute to deplore the fact that three-quarters of a minute is not sufficient for discussion of amendments to come before this House. I deplore this process. It seems to me that our great committees lend great wisdom to the process of the House, but there is a little wisdom that can come from outside the committees.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. DORN).

Mr. DORN. Mr. Chairman, my purpose in rising is to ask the distinguished chairman of our subcommittee a question concerning the concern of the Southern Governors, and Governors in general, concerning the alcohol safety demonstration project.

The Governors are concerned that the language on lines 11 through 14, page 52, seems to them to restrict this demonstration project to Federal-aid system highways and exclude other public road systems.

Some of the Governors have suggested an amendment which would, on page 52, line 14, following the word "systems," add "and public road systems," in order to make it clear that these projects are not limited to Federal-aid highways.

My question is: Is it the intent of the committee that these projects on alcohol safety be limited to Federal-aid systems?

Mr. KLUCZYNSKI. Mr. Chairman, we understand the request of the Governors in respect to safety. All of their requests are adequately covered under this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I think the Members will be very delighted with the fact that a dream of several generations is about to come true. As early as 1830 Henry Clay spoke of the need for a hemispheric highway to connect all republics and nations in this hemisphere. For the past 40 years men of good will have worked and striven to make that goal a reality.

This bill authorizes the final completion of the remaining 250 miles through the primitive fastness of the Darien Jungle that connects Central and South America, so that for more than 14,000 miles there will be one continuous highway at last. From the southernmost tip of the hemisphere at Tierra del Fuego to the ice-locked tundra of Alaska we will have one connecting ribbon of highway that will unite the spirits and hopes and the economies of the peoples of the Western Hemisphere. This surely is one of the most historically significant and far-reaching acts we have performed in many years.

The President of the United States was outspoken and enthusiastic in his endorsement of his section of the bill. In addition to this, we are authorizing the President to enter into negotiations with the Government of Canada for the improvement and upgrading of the Alaskan portion of this highway.

Mr. Chairman, I think this is a great day for hemispheric relations.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, may I inquire if there are any amendments pending at this time?

The CHAIRMAN. The Chair will state that there are no amendments pending.

Mr. HARSHA. Mr Chairman, if there are no amendments pending, I will yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. KLUCZYNSKI) to close debate on titles I and II.

Mr. KLUCZYNSKI. Mr. Chairman, I want to thank all the Members of the House for their cooperation in handling this bill. I know that they are aware that this is a very important piece of legislation, and I hope that they will vote in support of it.

The CHAIRMAN. All debate is now closed on titles I and II of the bill.

Under the rule, title III is considered as having been read for amendment, and no amendments shall be in order to title III except amendments offered by direction of the Committee on Ways and Means.

Title III is as follows:

TITLE III—EXTENSION OF HIGHWAY TRUST FUND AND CERTAIN RELATED PROVISIONS

SEC. 301. HIGHWAY TRUST FUND.

Subsections (c), (e), and (f) of section 209 of the Highway Revenue Act of 1956 (relating to the Highway Trust Fund; 23 U.S.C. 120 note) are amended—

(1) by striking out "1972" each place it appears and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

SEC. 302. TRANSFER FROM LAND AND WATER CONSERVATION FUND.

Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–11) is amended—

(1) by striking out "1972" and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

SEC. 303. POSTPONEMENT OF CERTAIN EXCISE TAX REDUCTIONS.

(a) The following provisions of the Internal Revenue Code of 1954 are amended by striking out "1972" each place it appears and inserting in lieu thereof "1977":

(1) Section 4041(c)(3) (relating to rate of tax on fuel for noncommercial aviation).

(2) Section 4041(e) (relating to rate reduction).

(3) Section 4061(a)(1) (relating to imposition of tax on trucks, buses, etc.).

(4) Section 4061(b)(1) (relating to imposition of tax on parts and accessories).

(5) Section 4071(d) (relating to imposition of tax on tires and tubes).

(6) Section 4081(b) (relating to imposition of tax on gasoline).

(7) Section 4481(a) (relating to imposition of tax on use of highway motor vehicles).

(8) Section 4481(e) (relating to period tax in effect).

(9) Section 4482(c)(4) (defining taxable period).

(10) Section 6156(e)(2) (relating to installment payments of tax on use of highway motor vehicles).

(11) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).

(b) Section 6412(a)(2) of such Code (relating to floor stock refunds) is amended—

(1) by striking out "1972" each place it appears and inserting in lieu thereof "1977";

(2) by striking out "January 1, 1973" each place it appears and inserting in lieu thereof "January 1, 1978"; and

(3) by striking out "February 10, 1973" each place it appears and inserting in lieu thereof "March 31, 1978".

The CHAIRMAN. The Chair will ask the gentleman from Arkansas (Mr. MILLS) whether there are any committee amendments to title III of the bill?

Mr. MILLS. There are no committee amendments to title III of the bill, Mr. Chairman.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, pursuant to House Resolution 1267, he reported the bill back to the

House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. SCHWENGEL. Mr. Speaker——

Mr. BROYHILL of Virginia. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Virginia (Mr. BROYHILL) rise?

MOTION TO RECOMMIT OFFERED BY MR. BROYHILL OF VIRGINIA

Mr. BROYHILL of Virginia. Mr Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman from Virginia opposed to the bill?

Mr. BROYHILL of Virginia. I am, Mr. Speaker.

PARLIAMENTARY INQUIRIES

Mr. SCHWENGEL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. SCHWENGEL. Mr. Speaker, I speak as a member of the Committee on Public Works. This is a public works bill. I have a recommital motion at the desk which was filed earlier this afternoon.

The SPEAKER. The Chair will state that title III of the bill is a provision that has come from the Committee on Ways and Means. The gentleman from Virginia (Mr. BROYHILL) is a member of the Committee on Ways and Means.

Mr. ADAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. ADAMS. Mr. Speaker, would a specific motion to recommit with instructions have priority over a general motion to recommit? Did the gentleman from Virginia announce that his motion was a general motion to recommit?

It is my understanding that the motion to recommit by the gentleman from Iowa is a motion to recommit with instructions and, therefore, has priority.

The SPEAKER. The Chair will state in response to the parliamentary inquiry that a motion to recommit with instructions does not have priority.

Mr. ADAMS. Mr. Speaker, a further parliamentary inquiry.

It is my understanding that under the rules, a motion to recommit with instructions is a motion that, if not described by the word "priority" is entitled to prior recognition by the Chair because a motion with specific instructions is entitled to recognition over a general motion to recommit.

The SPEAKER. The Chair will state that a motion to recommit with instructions does not have priority over a straight motion to recommit.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BROYHILL of Virginia moves to recommit the bill, H.R. 19504, to the Committee on Public Works.

Mr. MILLS. I move the previous question on the motion to recommit.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on the bill just passed and to include extraneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17970) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3562. An Act to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 19868, EXCISE, ESTATE AND GIFT TAX ADJUSTMENT ACT OF 1970

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Monday, November 30, 1970, to file a report on the bill, H.R. 19868, the Excise, Estate, and Gift Tax Adjustment Act of 1970, along with any supplemental and additional views.

The SPEAKER. Without objection it is so ordered.

There was no objection.

FEDERAL-AID HIGHWAY ACT OF 1970

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4418), authorizing appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. JACOBS. I object.

The SPEAKER. Objection is heard.

CONFERENCE REPORT ON S. 2224, INVESTMENT COMPANY AMENDMENTS ACT OF 1970

Mr. FRIEDEL submitted the following conference report and statement on the bill (S. 2224) to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1631)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2224) to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Investment Company Amendments Act of 1970".

SEC. 2. (a) Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)) is amended as follows:

(1) Paragraph (5) is amended by striking out "under section 11(k) of the Federal Reserve Act, as amended" and inserting in lieu thereof "under the authority of the Comptroller of the Currency".

(2) Paragraphs (19) through (35) are redesignated as paragraphs (20) through (36), respectively, and paragraphs (36) through (42) are redesignated as paragraphs (38) through (44), respectively.

(3) A new paragraph is inserted immediately after paragraph (18) to read as follows:

"(19) 'Interested person' of another person means—

"(A) when used with respect to an investment company—

"(i) any affiliated person of such company,

"(ii) any member of the immediate family of any natural person who is an affiliated person of such company,

"(iii) any interested person of any investment adviser of or principal underwriter for such company,

"(iv) any person or partner or employee of any person who at any time since the beginning of the last two fiscal years of such company has acted as legal counsel for such company,

"(v) any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer, and

"(vi) any natural person whom the Commission by order shall have determined to be an interested person by reason of having had,

at any time since the beginning of the last two fiscal years of such company, a material business or professional relationship with such company or with the principal executive officer of such company or with any other investment company having the same investment adviser or principal underwriter or with the principal executive officer of such other investment company:

Provided, That no person shall be deemed to be an interested person of an investment company solely by reason of (aa) his being a member of its board of directors or advisory board or an owner of its securities, or (bb) his membership in the immediate family of any person specified in clause (aa) of this proviso; and

"(B) when used with respect to an investment adviser of or principal underwriter for any investment company—

"(i) any affiliated person of such investment adviser or principal underwriter,

"(ii) any member of the immediate family of any natural person who is an affiliated person of such investment adviser or principal underwriter,

"(iii) any person who knowingly has any direct or indirect beneficial interest in, or who is designated as trustee, executor, or guardian of any legal interest in, any security issued either by such investment adviser or principal underwriter or by a controlling person of such investment adviser or principal underwriter,

"(iv) any person or partner or employee of any person who at any time since the beginning of the last two fiscal years of such investment company has acted as legal counsel for such investment adviser or principal underwriter,

"(v) any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer, and

"(vi) any natural person whom the Commission by order shall have determined to be an interested person by reason of having had at any time since the beginning of the last two fiscal years of such investment company a material business or professional relationship with such investment adviser or principal underwriter or with the principal executive officer or any controlling person of such investment adviser or principal underwriter.

For the purposes of this paragraph (19), 'member of the immediate family' means any parent, spouse of a parent, child, spouse of a child, spouse, brother, or sister, and includes step and adoptive relationships. The Commission may modify or revoke any order issued under clause (vi) of subparagraph (A) or (B) of this paragraph whenever it finds that such order is no longer consistent with the facts. No order issued pursuant to clause (vi) of subparagraph (A) or (B) of this paragraph shall become effective until at least sixty days after the entry thereof, and no such order shall affect the status of any person for the purposes of this title or for any other purpose for any period prior to the effective date of such order."

(4) A new paragraph is inserted immediately after redesignated paragraph (36) (formerly paragraph (35)) as follows:

"(37) 'Separate account' means an account established and maintained by an insurance company pursuant to the laws of any State or territory of the United States, or of Canada or any province thereof, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company."

(5) A new paragraph is inserted immediately after redesignated paragraph (44) (formerly paragraph (42)) as follows:

"(45) 'Savings and loan association' means a savings and loan association, building and loan association, cooperative bank, homestead association, or similar institution, which is supervised and examined by State or Federal authority having supervision over any such institution, and a receiver, conservator, or other liquidating agent of any such institution."

(b) Section 13(b) of such Act (15 U.S.C. 80a–13(b)) is amended by striking out "paragraph (40)" and inserting in lieu thereof "paragraph (42)".

SEC. 3. (a) The second sentence of paragraph (2) of section 3(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(b)(2)) is amended by inserting "in good faith" after "paragraph".

(b) Section 3(c) of such Act (15 U.S.C. 80a–3(c)) is amended as follows:

(1) The material preceding paragraph (1) is amended to read as follows:

"(c) Notwithstanding subsection (a), none of the following persons is an investment company within the meaning of this title:".

(2) Strike paragraph (8); redesignate paragraphs (5) through (15) as paragraphs (4) through (13), respectively; and strike "paragraphs (3), (5), and (6)" in redesignated paragraph (6) (formerly paragraph (7)) and insert in lieu thereof "paragraphs (3), (4), and (5)".

(3) Redesignated paragraph (5) (formerly paragraph (6)) is amended by inserting "redeemable securities," before "face-amount certificates".

(4) Redesignated paragraph (8) (formerly paragraph (10)) is amended to read as follows:

"(8) Any company subject to regulation under the Public Utility Holding Company Act of 1935."

(5) Redesignated paragraph (11) (formerly paragraph (13)) is amended to read as follows:

"(11) Any employees' stock bonus, pension, or profit-sharing trust which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954; or any collective trust fund maintained by a bank consisting solely of assets of such trusts; or any separate account the assets of which are derived solely from (A) contributions under pension or profit-sharing plans which meet the requirements of such section or the requirements for deduction of the employer's contribution under section 404 (a)(2) of such Code, and (B) advances made by an insurance company in connection with the operation of such separate account."

(c)(1) Section 8(b)(2) of such Act (15 U.S.C. 80a–8(b)(2)) is amended to read as follows:

"(2) a recital of all investment policies of the registrant, not enumerated in paragraph (1), which are changeable only if authorized by shareholder vote;".

(2) Paragraphs (3) and (4) are redesignated as paragraphs (4) and (5), respectively.

(3) A new paragraph is inserted immediately after paragraph (2) to read as follows:

"(3) a recital of all policies of the registrant, not enumerated in paragraphs (1) and (2), in respect of matters which the registrant deems matters of fundamental policy;".

(d) Section 13(a)(3) of such Act (15 U.S.C. 8a–13(a)(3)) is amended to read as follows:

"(3) deviate from its policy in respect of concentration of investments in any particular industry or group of industries as recited in its registration statement, deviate from any investment policy which is changeable only if authorized by shareholder vote, or deviate from any policy recited in its registration statement pursuant to section 8(b)(3);".

SEC. 4. (a) That part of section 9(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(a)) which precedes paragraph (1) is amended by inserting "employee," before "officer".

(b) Section 9 of such Act (15 U.S.C. 80a–9) is further amended by redesignating subsection (b) as subsection (c) and inserting immediately after subsection (a) a new subsection to read as follows:

"(b) The Commission may, after notice and opportunity for hearing, by order prohibit, conditionally or unconditionally, either permanently or for such period of time as it in its discretion shall deem appropriate in the public interest, any person from serving or acting as an employee, officer, director, member of an advisory board, investment adviser or depositor of, or principal underwriter for, a registered investment company or affiliated person of such investment adviser, depositor, or principal underwriter, if such person—

"(1) has willfully made or caused to be made in any registration statement, application or report filed with the Commission under this title any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such registration statement, application, or report any material fact which was required to be stated therein; or

"(2) has willfully violated any provision of the Securities Act of 1933, or of the Securities Exchange Act of 1934, or of title II of this Act, or of this title, or of any rule or regulation under any of such statutes; or

"(3) has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of the Securities Act of 1933, or of the Securities Exchange Act of 1934, or of title II of this Act, or of this title, or of any rule or regulation under any of such statutes."

SEC. 5. (a) Section 10(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–10(a)) is amended to read as follows:

"(a) No registered investment company shall have a board of directors more than 60 per centum of the members of which are persons who are interested persons of such registered company."

(b) Section 10(b) of such Act (15 U.S.C. 80a–10(b)) is amended—

(1) by striking out "After one year from the effective date of this title, no" and inserting in lieu thereof "No"; and

(2) by striking out "affiliated", each place it appears in paragraph (2) and inserting in lieu thereof "interested".

(c) Section 10(c) of such Act (15 U.S.C. 80a–10(c)) is amended to read as follows:

"(c) No registered investment company shall have a majority of its board of directors consisting of persons who are officers, directors, or employees of any one bank, except that, if on March 15, 1940, any registered investment company had a majority of its directors consisting of persons who are directors, officers, or employees of any one bank, such company may continue to have the same percentage of its board of directors consisting of persons who are directors, officers, or employees of such bank."

(d) Section 10(d) of such Act (15 U.S.C. 80a–10(d)) is amended to read as follows:

"(d) Notwithstanding subsections (a) and (b)(2) of this section, a registered investment company may have a board of directors all the members of which, except one, are interested persons of the investment adviser of such company, or are officers or employees of such company, if—

"(1) such investment company is an open-end company;

"(2) such investment adviser is registered under title II of this Act and is engaged principally in the business of rendering investment supervisory services as defined in title II;

"(3) no sales load is charged on securities issued by such investment company;

"(4) any premium over net asset value charged by such company upon the issuance of any such security, plus any discount from net asset value charged on redemption thereof, shall not in the aggregate exceed 2 per centum;

"(5) no sales or promotion expenses are incurred by such registered company; but expenses incurred in complying with laws regulating the issue or sale of securities shall not be deemed sales or promotion expenses;

"(6) such investment adviser is the only investment adviser to such investment company, and such investment adviser does not receive a management fee exceeding 1 per centum per annum of the value of such company's net assets averaged over the year or taken as of a definite date or dates within the year;

"(7) all executive salaries and executive expenses and office rent of such investment company are paid by such investment adviser; and

"(8) such investment company has only one class of securities outstanding, each unit of which has equal voting rights with every other unit."

SEC. 6. Section 11(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–11(b)) is amended to read as follows:

"(b) The provisions of this section shall not apply to any offer made pursuant to any plan of reorganization, which is submitted to and requires the approval of the holders of at least a majority of the outstanding shares of the class or series to which the security owned by the offeree belongs."

SEC. 7. Section 12(d) of the Investment Company Act of 1940 (15 U.S.C. 80a–12(d)) is amended to read as follows:

"(d)(1)(A) It shall be unlawful for any registered investment company (the 'acquiring company') and any company or companies controlled by such acquiring company to purchase or otherwise acquire any security issued by any other investment company (the 'acquired company'), and for any investment company (the 'acquiring company') and any company or companies controlled by such acquiring company to purchase or otherwise acquire any security issued by any registered investment company (the 'acquired company'), if the acquiring company and any company or companies controlled by it immediately after such purchase or acquisition own in the aggregate—

"(i) more than 3 per centum of the total outstanding voting stock of the acquired company;

"(ii) securities issued by the acquired company having an aggregate value in excess of 5 per centum of the value of the total assets of the acquiring company; or

"(iii) securities issued by the acquired company and all other investment companies (other than Treasury stock of the acquiring company) having an aggregate value in excess of 10 per centum of the value of the total assets of the acquiring company.

"(B) It shall be unlawful for any registered open-end investment company (the 'acquired company'), any principal underwriter therefor, or any broker or dealer registered under the Securities Exchange Act of 1934, knowingly to sell or otherwise dispose of any security issued by the acquired company to any other investment company (the 'acquiring company') or any company or companies controlled by the acquiring company, if immediately after such sale or disposition—

"(i) more than 3 per centum of the total outstanding voting stock of the acquired company is owned by the acquiring company and any company or companies controlled by it; or

"(ii) more than 10 per centum of the total outstanding voting stock of the acquired company is owned by the acquiring company and other investment companies and companies controlled by them.

"(C) It shall be unlawful for any investment company (the 'acquiring company') and any company or companies controlled by the acquiring company to purchase or otherwise acquire any security issued by a registered closed-end investment company, if immediately after such purchase or acquisition the acquiring company, other investment companies having the same investment adviser, and companies controlled by such investment companies, own more than 10 per centum of the total outstanding voting stock of such closed-end company.

"(D) The provisions of this paragraph (1) shall not apply to a security received as a dividend or as a result of an offer of exchange approved pursuant to section 11 or of a plan of reorganization of any company (other than a plan devised for the purpose of evading the foregoing provisions).

"(E) The provisions of this paragraph (1) shall not apply to a security (or securities) purchased or acquired by an investment company if—

"(i) if the depositor of, or principal underwriter for, such investment company is a broker or dealer registered under the Securities Exchange Act of 1934, or a person controlled by such a broker or dealer;

"(ii) such security is the only investment security held by such investment company (or such securities are the only investment securities held by such investment company, if such investment company is a registered unit investment trust that issues two or more classes or series of securities, each of which provides for the accumulation of shares of a different investment company); and

"(iii) in the event such investment company is not a registered investment company, the purchase or acquisition is made pursuant to an arrangement with the issuer of, or principal underwriter for the issuer of, the security whereby such investment company is obligated—

"(aa) either to seek instructions from its security holders with regard to the voting of all proxies with respect to such security and to vote such proxies only in accordance with such instructions, or to vote the shares held by it in the same proportion as the vote of all other holders of such security, and

"(bb) to refrain from substituting such security unless the Commission shall have approved such substitution in the manner provided in section 26 of this Act.

"(F) The provisions of this paragraph (1) shall not apply to securities purchased or otherwise acquired by a registered investment company if—

"(i) immediately after such purchase or acquisition not more than 3 per centum of the total outstanding stock of such issuer is owned by such registered investment company and all affiliated persons of such registered investment company; and

"(ii) such registered investment company has not offered or sold after January 1, 1971, and is not proposing to offer or sell any security issued by it through a principal underwriter or otherwise at a public offering price which includes a sales load of more than 1½ per centum.

No issuer of any security purchased or acquired by a registered investment company pursuant to this subparagraph shall be obligated to redeem such security in an amount exceeding 1 per centum of such issuer's total outstanding securities during any period of less than thirty days. Such investment company shall exercise voting rights by proxy or otherwise with respect to any security purchased or acquired pursuant to this subparagraph in the manner prescribed by subparagraph (E) of this subsection.

"(G) For the purposes of this paragraph (1), the value of an investment company's total assets shall be computed as of the time of a purchase or acquisition or as closely thereto as is reasonably possible.

"(H) In any action brought to enforce the provisions of this paragraph (1), the Commission may join as a party the issuer of any security purchased or otherwise acquired in violation of this paragraph (1), and the court may issue any order with respect to such issuer as may be necessary or appropriate for the enforcement of the provisions of this paragraph (1).

"(2) It shall be unlawful for any registered investment company and any company or companies controlled by such registered investment company to purchase or otherwise acquire any security (except a security received as a dividend or as a result of a plan of reorganization of any company, other than a plan devised for the purpose of evading the provisions of this paragraph) issued by any insurance company of which such registered investment company and any company or companies controlled by such registered company do not, at the time of such purchase or acquisition, own in the aggregate at least 25 per centum of the total outstanding voting stock, if such registered company and any company or companies controlled by it own in the aggregate, or as a result of such purchase or acquisition will own in the aggregate, more than 10 per centum of the total outstanding voting stock of such insurance company.

"(3) It shall be unlawful for any registered investment company and any company or companies controlled by such registered investment company to purchase or otherwise acquire any security issued by or any other interest in the business of any person who is a broker, a dealer, is engaged in the business of underwriting, or is either an investment adviser of an investment company or an investment adviser registered under title II of this Act unless (A) such person is a corporation all the outstanding securities of which (other than short-term paper, securities representing bank loans, and directors' qualifying shares) are, or after such acquisition will be, owned by one or more registered investment companies; and (B) such person is primarily engaged in the business of underwriting and distributing securities issued by other persons, selling securities to customers, or any one or more of such or related activities, and the gross income of such person normally is derived principally from such business or related activities."

SEC. 8. (a) Section 15(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–15(a)) is amended to read as follows:

"(a) It shall be unlawful for any person to serve or act as investment adviser of a registered investment company, except pursuant to a written contract, which contract, whether with such registered company or with an investment adviser of such registered company, has been approved by the vote of a majority of the outstanding voting securities of such registered company, and—

"(1) precisely describes all compensation to be paid thereunder;

"(2) shall continue in effect for a period more than two years from the date of its execution, only so long as such continuance is specifically approved at least annually by the board of directors or by vote of a majority of the outstanding voting securities of such company;

"(3) provides, in substance, that it may be terminated at any time, without the payment of any penalty, by the board of directors of such registered company or by vote of a majority of the outstanding voting securities of such company on not more than sixty days' written notice to the investment adviser; and

"(4) provides, in substance, for its automatic termination in the event of its assignment."

(b) Section 15(b) of such Act (15 U.S.C. 80a–15(b)) is amended to read as follows:

"(b) It shall be unlawful for any principal underwriter for a registered open-end company to offer for sale, sell, or deliver after sale any security of which such company is the issuer, except pursuant to a written contract with such company, which contract—

"(1) shall continue in effect for a period more than two years from the date of its execution, only so long as such continuance is specifically approved at least annually by the board of directors or by vote of a majority of the outstanding voting securities of such company; and

"(2) provides, in substance, for its automatic termination in the event of its assignment."

(c) Section 15(c) of such Act (15 U.S.C. 80a–15(c)) is amended to read as follows:

"(c) In addition to the requirements of subsections (a) and (b) of this section, it shall be unlawful for any registered investment company having a board of directors to enter into, renew, or perform any contract or agreement, written or oral, whereby a person undertakes regularly to serve or act as investment adviser of or principal underwriter for such company, unless the terms of such contract or agreement and any renewal thereof have been approved by the vote of a majority of directors, who are not parties to such contract or agreement or interested persons of any such party, cast in person at a meeting called for the purpose of voting on such approval. It shall be the duty of the directors of a registered investment company to request and evaluate, and the duty of an investment adviser to such company to furnish, such information as may reasonably be necessary to evaluate the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such company."

(d) Section 15 of such Act (15 U.S.C. 80a–15) is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 9. (a) Section 17(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–17(f)) is amended to read as follows:

"(f) Every registered management company shall place and maintain its securities and similar investments in the custody of (1) a bank or banks having the qualifications prescribed in paragraph (1) of section 26(a) of this title for the trustees of unit investment trusts; or (2) a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934, subject to such rules and regulations as the Commission may from time to time prescribe for the protection of investors; or (3) such registered company, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Subject to such rules, regulations, and orders as the Commission may adopt as necessary or appropriate for the protection of investors, a registered management company or any such custodian, with the consent of the registered management company for which it acts as custodian, may deposit all or any part of the securities owned by such registered management company in a system for the central handling of securities established by a national securities exchange or national securities association registered with the Commission under the Securities Exchange Act of 1934, or such other person as may be permitted by the Commission, pursuant to which system all securities of any particular class or series of any issuer deposited within the system are treated as fungible and may be transferred or pledged by bookkeeping entry without physical delivery of such securities. Rules, regulations, and orders of the Commission under this subsection, among other things, may make appropriate provision with respect to such matters as the earmarking, segregation, and hypothecation of such securities and investments, and may provide for or require periodic or other inspections by any or all of the following: Independent public accountants, employees and agents of the Commission, and such other persons as the Commission may designate. No such member which trades in securities for its own account may act as custodian except in accordance with rules and regulations prescribed by the Commission for the protection of investors. If a registered company maintains its securities and similar investments in the custody of a qualified bank or banks, the cash proceeds from the sale of such securities and similar investments and other cash assets of the company shall likewise be kept in the custody of such a bank or banks, or in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors, except that such a registered company may maintain a checking account in a bank or banks having the qualifications prescribed in paragraph (1) of section 26(a) of this title for the trustees of unit investment trusts with the balance of such account or the aggregate balances of such accounts at no time in excess of the amount of the fidelity bond, maintain pursuant to section 17(g) of this title, covering the officers or employees authorized to draw on such account or accounts."

(b) Section 17(g) of such Act (15 U.S.C. 80a–17(g)) is amended to read as follows:

"(g) The Commission is authorized to require by rules and regulations or orders for the protection of investors that any officer or employee of a registered management investment company who may singly, or jointly with others, have access to securities or funds of any registered company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities (unless the officer or employee has such access solely through his position as an officer or employee of a bank) be bonded by a reputable fidelity insurance company against larceny and embezzlement in such reasonable minimum amounts as the Commission may prescribe."

(c) Section 17 of such Act (15 U.S.C. 80a–17) is further amended by adding at the end thereof a new subsection as follows:

"(j) It shall be unlawful for any affiliated person of or principal underwriter for a registered investment company or any affiliated person of an investment adviser of or principal underwriter for a registered investment company, to engage in any act, practice, or course of business in connection with the purchase or sale, directly or indirectly, by such person of any security held or to be acquired by such registered investment company in contravention of such rules and regulations as the Commission may adopt to define, and prescribe means reasonably necessary to prevent such acts, practices, or courses of business as are fraudulent, deceptive or manipulative. Such rules and regulations may include requirements for the adoption of codes of ethics by registered investment companies and investment advisers of, and principal underwriters for, such investment companies establishing such standards as are reasonably necessary to prevent such acts, practices, or courses of business."

SEC. 10. Section 18(f)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–18(f)(2)) is amended to read as follows:

"(2) 'Senior security' shall not, in the case of a registered open-end company, include a class or classes or a number of series of preferred or special stock each of which is preferred over all other classes or series in respect of assets specifically allocated to that class or series: *Provided*, That (A) such company has outstanding no class or series of stock which is not so preferred over all other classes or series, or (B) the only other outstanding class of the issuer's stock consists of a common stock upon which no dividend (other than a liquidating dividend) is permitted to be paid and which in the aggregate represents not more than one-half of 1 per centum of the issuer's outstanding voting securities. For the purpose of insuring fair and equitable treatment of the holders of the outstanding voting securities of each class or series of stock of such company, the Commission may by rule, regulation, or order direct that any matter required to be submitted to the holders of the outstanding voting securities of such company shall not be deemed to have been effectively acted upon unless approved by the holders of such percentage (not exceeding a majority) of the outstanding voting securities of each class or series of stock affected by such matter as shall be prescribed in such rule, regulation, or order."

SEC. 11. Section 19 of the Investment Company Act of 1940 (15 U.S.C. 80a–19) is amended by inserting "(a)" after "SEC. 19.", and by adding at the end thereof a new subsection as follows:

"(b) It shall be unlawful in contravention of such rules, regulations, or orders as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors for any registered investment company to distribute long-term capital gains, as defined in the Internal Revenue Code of 1954, more often than once every twelve months."

SEC. 12. (a) Section 22(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–22(b)) is amended to read as follows:

"(b)(1) Such a securities association may also, by rules adopted and in effect in accordance with said section 15A, and notwithstanding the provisions of subsection (b)(8) thereof but subject to all other provisions of said section applicable to the rules of such an association, prohibit its members from purchasing in connection with a primary distribution of redeemable securities of which any registered investment company is the issuer, any such security from the issuer or from any principal underwriter except at a price equal to the price at which such security is then offered to the public less a commission, discount, or spread which is computed in conformity with a method or methods, and within such limitations as to the relation thereof to said public offering price, as such rules may prescribe in order that the price at which such security is offered or sold to the public shall not include an excessive sales load but shall allow for reasonable compensation for sales personnel, broker-dealers, and underwriters, and for reasonable sales loads to investors. The Commission shall on application or otherwise, if it appears that smaller companies are subject to relatively higher operating costs, make due allowance therefor by granting any such company or class of companies appropriate qualified exemptions from the provisions of this section.

"(2) At any time after the expiration of eighteen months from the date of enactment of the Investment Company Amendments Act of 1970, or after a securities association has adopted rules as contemplated by this subsection, the Commission may make such rules and regulations pursuant to section 15(b)(10) of the Securities Exchange Act of 1934 as are appropriate to effectuate the purpose of this subsection with respect to sales of shares of a registered investment company by broker-dealers subject to regulation under section 15(b)(8) of that Act: *Provided*, That the underwriter of such shares may file with the Commission at any time a notice of election to comply with the rules prescribed pursuant to this subsection by a national securities association specified in such notice, and thereafter the sales load shall not exceed that prescribed

by such rules of such association, and the rules of the Commission as hereinabove authorized shall thereafter be inapplicable to such sales.

"(3) At any time after the expiration of eighteen months from the date of enactment of the Investment Company Amendments Act of 1970, (or, if earlier, after a securities association has adopted for purposes of paragraph (1) any rule respecting excessive sales loads) the Commission may alter or supplement the rules of any securities association as may be necessary to effectuate the purposes of this subsection in the manner provided by section 15A(k)(2) of the Securities Exchange Act of 1934.

"(4) If any provision of this subsection is in conflict with any provision of any law of the United States in effect on the date this subsection takes effect, the provisions of this subsection shall prevail."

(b) Section 22(c) of such Act (15 U.S.C. 80a–22(c)) is amended to read as follows:

"(c) The Commission may make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company, whether or not members of any securities association, to the same extent, covering the same subject matter, and for the accomplishment of the same ends as are prescribed in subsection (a) of this section in respect of the rules which may be made by a registered securities association governing its members. Any rules and regulations so made by the Commission, to the extent that they may be inconsistent with the rules of any such association, shall so long as they remain in force supersede the rules of the association and be binding upon its members as well as all other underwriters and dealers to whom they may be applicable."

(c) Section 22(d) of such Act (15 U.S.C. 80a–22(d)) is amended to read as follows:

"(d) No registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus. Nothing in this subsection shall prevent a sale made (i) pursuant to an offer of exchange permitted by section 11 including any offer made pursuant to section 11(b); (ii) pursuant to an offer made solely to all registered holders of the securities, or of a particular class or series of securities issued by the company proportionate to their holdings or proportionate to any cash distribution made to them by the company (subject to appropriate qualifications designed solely to avoid issuance of fractional securities); or (iii) in accordance with rules and regulations of the Commission made pursuant to subsection (b) of section 12."

SEC. 13. (a) Section 24(d) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(d)) is amended to read as follows:

"(d) The exemption provided by paragraph (8) of section 3(a) of the Securities Act of 1933 shall not apply to any security of which an investment company is the issuer. The exemption provided by paragraph (11) of said section 3(a) shall not apply to any security of which a registered investment company is the issuer, except a security sold or disposed of by the issuer or bona fide offered to the public prior to the effective date of this title, and with respect to a security so sold, disposed of, or offered, shall not apply to any new offering thereof on or after the effective date of this title. The exemption provided by section 4(3) of the Securities Act of 1933 shall not apply to any transaction in a security issued by a face-amount certificate company or in a redeemable security issued by an open-end management company or unit investment trust if any other security of the same class is currently being offered or sold by the issuer or by or through an underwriter in a distribution which is not exempted from section 5 of said Act, except to such extent and subject to such terms and conditions as the Commission, having due regard for the public interest and the protection of investors, may prescribe by rules or regulations with respect to any class of persons, securities, or transactions."

(b) Section 24 of such Act (15 U.S.C. 80a–24) is further amended by adding at the end thereof a new subsection to read as follows:

"(f) In the case of securities issued by a face-amount certificate company or redeemable securities issued by an open-end management company or unit investment trust, which are sold in an amount in excess of the number of securities included in an effective registration statement of any such company, such company may, in accordance with such rules and regulations as the Commission shall adopt as it deems necessary or appropriate in the public interest or for the protection of investors, elect to have the registration of such securities deemed effective as of the time of their sale, upon payment to the Commission, within six months after any such sale, of a registration fee of three times the amount of the fee which would have otherwise been applicable to such securities. Upon any such election and payment, the registration statement of such company shall be considered to have been in effect with respect to such shares. The Commission may also adopt rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors to permit the registration of an indefinite number of the securities issued by a face-amount certificate company or redeemable securities issued by an open-end management company or unit investment trust."

SEC. 14. Section 25(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–25(c)) is amended to read as follows:

"(c) Any district court of the United States in the State of incorporation of a registered investment company, or any such court for the district in which such company maintains its principal place of business, is authorized to enjoin the consummation of any plan of reorganization of such registered investment company upon proceedings instituted by the Commission (which is authorized so to proceed upon behalf of security holders of such registered company, or any class thereof), if such court shall determine that any such plan is not fair and equitable to all security holders."

SEC. 15. (a) Section 26 of the Investment Company Act of 1940 (15 U.S.C. 80a–26) is amended by redesignating subsections (b) and (c) thereof as subsections (c) and (d), respectively, and by inserting immediately after subsection (a) a new subsection as follows:

"(b) It shall be unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security unless the Commission shall have approved such substitution. The Commission shall issue an order approving such substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title."

(b) Redesignated subsection (c) (formerly subsection (b)) of section 26 of such Act is amended to read as follows:

"(c) In the event that a trust indenture, agreement of custodianship, or other instrument pursuant to which securities of a registered unit investment trust are issued does not comply with the requirements of subsection (a) of this section, such instrument will be deemed to meet such requirements if a written contract or agreement binding on the parties and embodying such requirements has been executed by the depositor on the one part and the trustee or custodian on the other part, and three copies of such contract agreement have been filed with the Commission."

SEC. 16. Section 27 of the Investment Company Act of 1940 (15 U.S.C. 80a–27) is amended by adding at the end thereof the following new subsections:

"(d) Notwithstanding subsection (a) of this section, it shall be unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first eighteen months after the issuance of the certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is over 15 per centum of the gross payments made by the certificate holder. The Commission may make rules and regulations applicable to such underwriters and depositors specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligations to refund sales charges required by this subsection.

"(e) With respect to any periodic payment plan certificate sold subject to the provisions of subsection (d) of this section, the registered investment company issuing such periodic payment plan certificate, or any depositor of or underwriter for such company, shall in writing (1) inform each certificate holder who has missed three payments or more, within thirty days following the expiration of fifteen months after the issuance of the certificate, or, if any such holder has missed one payment or more after such period of fifteen months but prior to the expiration of eighteen months after the issuance of the certificate, at any time prior to the expiration of such eighteen-month period, of his right to surrender his certificate as specified in subsection (d) of this section, and (2) inform the certificate holder of (A) the value of the holder's account as of the time the written notice was given to such holder, and (B) the amount to which he is entitled as specified in subsection (d) of this section. The Commission may make rules specifying the method, form, and contents of the notice required by this subsection.

"(f) With respect to any periodic payment plan, the custodian bank for such plan shall mail to each certificate holder, within sixty days after the issuance of the certificate, a statement of charges to be deducted from the projected payments on the certificate and a notice of his right of withdrawal as specified in this section. The Commission may make rules specifying the method, form, and contents of the notice required by this subsection. The certificate holder may within forty-five days of the mailing of the notice specified in this subsection surrender his certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested. The Commission may make rules and regulations applicable to underwriters and depositors of companies issuing any such certificates specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligations to

refund sales charges required by this subsection.

"(g) Notwithstanding the provisions of subsections (a) and (d), a registered investment company issuing periodic payment plan certificates may elect, by written notice to the Commission, to be governed by the provisions of subsection (h) rather than the provisions of subsections (a) and (d) of this section.

"(h) Upon making the election specified in subsection (g), it shall be unlawful for any such electing registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate, if—

"(1) the sales load on such certificate exceeds 9 per centum of the total payments to be made thereon;

"(2) more than 20 per centum of any payment thereon is deducted for sales load, or an average of more than 16 per centum is deducted for sales load from the first forty-eight monthly payments thereon, or their equivalent;

"(3) the amount of sales load deducted from any one of the first twelve monthly payments, the thirteenth through twenty-fourth monthly payments, the twenty-fifth through thirty-sixth monthly payments, or the thirty-seventh through forty-eighth monthly payments, or their equivalents, respectively, exceeds proportionately the amount deducted from any other such payment, or the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment;

"(4) the deduction for sales load on the excess of the payment or payments in any month over the minimum monthly payment, or its equivalent, to be made on the certificate exceeds the sales load applicable to payments subsequent to the first forty-eight monthly payments or their equivalent;

"(5) the first payment on such certificate is less than $20, or any subsequent payment is less than $10;

"(6) if such registered company is a management company, the proceeds of such certificate or the securities in which such proceeds are invested are subject to management fees (other than fees for administrative services of the character described in clause (C) of paragraph (2) of section 26(a)) exceeding such reasonable amount as the Commission may prescribe, whether such fees are payable to such company or to investment advisers thereof; or

"(7) if such registered company is a unit investment trust the assets of which are securities issued by a management company, the depositor of or principal underwriter for such trust, any affiliated person of such depositor or underwriter, is to receive from such management company or any affiliated person thereof any fee or payment on account of payments on such certificate exceeding such reasonable amount as the Commission may prescribe."

SEC. 17. Section 28 of the Investment Company Act of 1940 (15 U.S.C. 80a–28) is amended by adding at the end thereof a new subsection as follows:

"(i) The foregoing provisions of this section shall apply to all face-amount certificates issued prior to the effective date of this subsection; to the collection or acceptance of any payment on such certificates; to the issuance of face-amount certificates to the holders of such certificates pursuant to an obligation expressed or implied in such certificates; to the provisions of such certificates; to the minimum certificate reserves and deposits maintained with respect thereto; and to the assets that the issuer of such certificate was and is required to have with respect to such certificates. With respect to all face-amount certificates issued after the effective date of this subsection, the provisions of this section shall apply except as hereinafter provided.

"(1) Notwithstanding subparagraph (A) of paragraph (2) of subsection (a), the reserves for each certificate of the installment type shall be based on assumed annual, semi-annual, quarterly, or monthly reserve payments according to the manner in which gross payments for any certificate year are made by the holder, which reserve payments shall be sufficient in amount, as and when accumulated at a rate not to exceed 3½ per centum per annum compounded annually, to provide the minimum maturity or face amount of the certificate when due. Such reserve payments may be graduated according to certificate years so that the reserve payment or payments for the first three certificate years shall amount to at least 80 per centum of the required gross annual payment for such years; the reserve payment or payments for the fourth certificate year shall amount to at least 90 per centum of such year's required gross annual payment; the reserve payment or payments for the fifth certificate year shall amount to at least 93 per centum of such year's gross annual payment; and for the sixth and each subsequent certificate year the reserve payment or payments shall amount to at least 96 per centum of each such year's required gross annual payment: *Provided*, That such aggregate reserve payments shall amount to at least 93 per centum of the aggregate gross annual payments required to be made by the holder to obtain the maturity of the certificate. The company may at its option take as loading from the gross payment or payments for a certificate year, as and when made by the certificate holder, an amount or amounts equal in the aggregate for such year to not more than the excess, if any, of the gross payment or payments required to be made by the holder for such year, over and above the percentage of the gross annual payment required herein for such year for reserve purposes. Such loading may be taken by the company prior to or after the setting up of the reserve payment or payments for such year and the reserve payment or payments for such year may be graduated and adjusted to correspond with the amount of the gross payment or payments made by the certificate holder for such year less the loading so taken.

"(2) Notwithstanding paragraphs (1) and (2) of subsection (d), (A) in respect of any certificate of the installment type, during the first certificate year, the holder of the certificate, upon surrender thereof, shall be entitled to a value payable in cash not less than 80 per centum of the amount of the gross payments made on the certificate; and (B) in respect of any certificate of the installment type, at any time after the expiration of the first certificate year and prior to maturity, the holder of the certificate, upon surrender thereof, shall be entitled to a value payable in cash not less than the then amount of the reserve for such certificate required by clauses (1) and (2) of subparagraph (D) of paragraph (2) of subsection (a), less a surrender charge that shall not exceed 2 per centum of the face or maturity amount of the certificate, or 15 per centum of the amount of such reserve, whichever is the lesser, but in no event shall such value be less than 80 per centum of the gross payments made on the certificate. The amount of the surrender value for the end of each certificate year shall be set out in the certificate."

SEC. 18. Section 32(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–31(a)) is amended to read as follows:

"(a) It shall be unlawful for any registered management company or registered face-amount certificate company to file with the Commission any financial statement signed or certified by an independent public accountant, unless—

"(1) such accountant shall have been selected at a meeting held within thirty days before or after the beginning of the fiscal year or before the annual meeting of stockholders in that year by the vote, cast in person, of a majority of those members of the board of directors who are not interested persons of such registered company;

"(2) such selection shall have been submitted for ratification or rejection at the next succeeding annual meeting of stockholders if such meeting be held, except that any vacancy occurring between annual meetings, due to the death or resignation of the accountant, may be filled by the vote of a majority of those members of the board of directors who are not interested persons of such registered company, cast in person at a meeting called for the purpose of voting on such action;

"(3) the employment of such accountant shall have been conditioned upon the right of the company by vote of a majority of the outstanding voting securities at any meeting called for the purpose to terminate such employment forthwith without any penalty; and

"(4) such certificate or report of such accountant shall be addressed both to the board of directors of such registered company and to the security holders thereof.

If the selection of an accountant as been rejected pursuant to paragraph (2) or his employment terminated pursuant to paragraph (3), the vacancy so occurring may be filled by a vote of a majority of the outstanding voting securities, either at the meeting at which the rejection or termination occurred or, if not so filled, at a subsequent meeting which shall be called for the purpose. In the case of a common-law trust of the character described in section 16(b), no ratification of the employment of such accountant shall be required but such employment may be terminated and such accountant removed by action of the holders of record of a majority of the outstanding shares of beneficial interest in such trust in the same manner as is provided in section 16(b) in respect of the removal of a trustee, and all the provisions therein contained as to the calling of a meeting shall be applicable. In the event of such termination and removal, the vacancy so occurring may be filled by action of the holders of record of a majority of the shares of beneficial interest either at the meeting, if any, at which such termination and removal occurs, or by instruments in writing filed with the custodian, or if not so filed within a reasonable time then at a subsequent meeting which shall be called by the trustees for the purpose. The provisions of paragraph (42) of section 2(a) as to a majority shall be applicable to the vote cast at any meeting of the shareholders of such a trust held pursuant to this subsection."

SEC. 19. Section 33 of the Investment Company Act of 1940 (15 U.S.C. 80a–32) is amended to read as follows:

"FILING OF DOCUMENTS WITH COMMISSION IN CIVIL ACTIONS

"SEC. 33. Every registered investment company which is a party and every affiliated person of such company who is a party defendant to any action or claim by a registered investment company or a security holder thereof in a derivative or representative capacity against an officer, director, investment adviser, trustee, or depositor of such company, shall file with the Commission, unless already so filed, (1) a copy of all pleadings, verdicts, or judgments filed with the court or served in connection with such action or claim, (2) a copy of any proposed settlement, compromise, or discontinuance of such action, and (3) a copy of such motions, transcripts, or other documents filed in or issued by the court or served in connection with such action or claim as may be re-

quested in writing by the Commission. If any document referred to in clause (1) or (2)—

"(A) is delivered to such company or party defendant, such document shall be filed with the Commission not later than ten days after the receipt thereof; or

"(B) is filed in such court or delivered by such company or party defendant, such document shall be filed with the Commission not later than five days after such filing or delivery."

SEC. 20. Section 36 of the Investment Company Act of 1940 (15 U.S.C. 80a-35) is amended to read as follows:

"BREACH OF FIDUCIARY DUTY

"SEC. 36. (a) The Commission is authorized to bring an action in the proper district court of the United States, or in the United States court of any territory or other place subject to the jurisdiction of the United States, alleging that a person serving or acting in one or more of the following capacities has engaged within five years of the commencement of the action or is about to engage in any act or practice constituting a breach of fiduciary duty involving personal misconduct in respect of any registered investment company for which such person so serves or acts—

"(1) as officer, director, member of any advisory board, investment adviser, or depositor; or

"(2) as principal underwriter, if such registered company is an open-end company, unit investment trust, or face-amount certificate company.

If such allegations are established, the court may enjoin such person from acting in any or all such capacities either permanently or temporarily and award such injunctive or other relief against such person as may be reasonable and appropriate in the circumstances, having due regard to the protection of investors and to the effectuation of the policies declared in section 1(b) of this title.

"(b) For the purposes of this subsection, the investment adviser of a registered investment company shall be deemed to have a fiduciary duty with respect to the receipt of compensation for services, or of payments of a material nature, paid by such registered investment company, or by the security holders thereof, to such investment adviser or any affiliated person of such investment adviser. An action may be brought under this subsection by the Commission, or by a security holder of such registered investment company on behalf of such company, against such investment adviser, or any affiliated person of such investment adviser, or any other person enumerated in subsection (a) of this section who has a fiduciary duty concerning such compensation or payments, for breach of fiduciary duty in respect of such compensation or payments paid by such registered investment company or by the security holders thereof to such investment adviser or person. With respect to any such action the following provisions shall apply:

"(1) It shall not be necessary to allege or prove that any defendant engaged in personal misconduct, and the plaintiff shall have the burden of proving a breach of fiduciary duty.

"(2) In any such action approval by the board of directors of such investment company of such compensation or payments, or of contracts or other arrangements providing for such compensation or payments, and ratification or approval of such compensation or payments, or of contracts or other arrangements providing for such compensation or payments, by the shareholders of such investment company, shall be given such consideration by the court as is deemed appropriate under all the circumstances.

"(3) No such action shall be brought or maintained against any person other than the recipient of such compensation or payments, and no damages or other relief shall be granted against any person other than the recipient of such compensation or payments. No award of damages shall be recoverable for any period prior to one year before the action was instituted. Any award of damages against such recipient shall be limited to the actual damages resulting from the breach of fiduciary duty and shall in no event exceed the amount of compensation or payments received from such investment company, or the security holders thereof, by such recipient.

"(4) This subsection shall not apply to compensation or payments made in connection with transactions subject to section 17 of this title, or rules, regulations, or orders thereunder, or to sales loans for the acquisition of any security issued by a registered investment company.

"(5) Any action pursuant to this subsection may be brought only in an appropriate district court of the United States.

"(6) No finding by a court with respect to a breach of fiduciary duty under this subsection shall be made a basis (A) for a finding of a violation of this title for the purposes of sections 9 and 49 of this title, section 15 of the Securities Exchange Act of 1934, or section 203 of title II of this Act, or (B) for an injunction to prohibit any person from serving in any of the capacities enumerated in subsection (a) of this section."

SEC. 21. The last sentence of section 43(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-42(a)) is amended by striking out "sections 239 and 240 of the Judicial Code, as amended" and inserting in lieu thereof "section 1254 of title 28, United States Code".

SEC. 22. Section 44 of the Investment Company Act of 1940 (15 U.S.C. 80a-43) is amended—

(1) by striking out the next to the last sentence and inserting in lieu thereof "Judgments and decrees so rendered shall be subject to review as provided in sections 1254, 1291, 1292, and 1294 of title 28, United States Code."; and

(2) by adding at the end thereof a new sentence as follows: "The Commission may intervene as a party in any action or suit to enforce any liability or duty created by, or to enjoin any noncompliance with, section 36(b) of this title at any stage of such action or suit prior to final judgment therein."

SEC. 23. Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) is amended as follows.

(1) Paragraph (2) is amended by striking out "under section 11(k) of the Federal Reserve Act, as amended" and inserting in lieu thereof "under the authority of the Comptroller of the Currency".

(2) Paragraphs (17) through (20) are redesignated as paragraphs (18) through (21), respectively, and a new paragraph is inserted immediately after paragraph (16) to read as follows:

"(17) The term 'person associated with an investment adviser' means any partner, officer, or director of such investment adviser (or any person performing similar functions), or any person directly or indirectly controlling or controlled by such investment adviser, including any employee of such investment adviser, except that for the purposes of section 203 of this title (other than subsection (f) thereof), persons associated with an investment adviser whose functions are clerical or ministerial shall not be included in the meaning of such term. The Commission may by rules and regulations classify, for the purposes of any portion or portions of this title, persons, including employees controlled by an investment adviser."

SEC. 24. (a) Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(b)) is amended to read as follows:

"(b) The provisions of subsection (a) shall not apply to—

"(1) any investment adviser all of whose clients are residents of the State within which such investment adviser maintains his or its principal office and place of business, and who does not furnish advice or issue analyses or reports with respect to securities listed or admitted to unlisted trading privileges on any national securities exchange;

"(2) any investment adviser whose only clients are insurance companies; or

"(3) any investment adviser who during the course of the preceding twelve months has had fewer than fifteen clients and who neither holds himself out generally to the public as an investment adviser nor acts as an investment adviser to any investment company registered under title I of this Act."

(b) Section 203(c) of such Act (15 U.S.C. 80b-3(c)) is amended by striking out subparagraph (F) and inserting in lieu thereof the following:

"(F) whether such investment adviser, or any person associated with such investment adviser, is subject to any disqualification which would be a basis for denial, suspension, or revocation of registration of such investment adviser under the provisions of subsection (e), and".

(c) Section 203 of such Act (15 U.S.C. 80b-3) is further amended by redesignating subsection (d) as subsection (e), redesignating subsection (e) as subsection (g), and inserting after subsection (c) a new subsection as follows:

"(d) Any provision of this title (other than subsection (a) of this section) which prohibits any act, practice, or course of business if the mails or any means or instrumentality of interstate commerce are used in connection therewith shall also prohibit any such act, practice, or course of business by any investment adviser registered pursuant to this section or any person acting on behalf of such an investment adviser, irrespective of any use of the mails or any means or instrumentality of interstate commerce in connection therewith."

(d) Redesignated subsection (e) (formerly subsection (d) of section 203 of such Act) (15 U.S.C. 80b-3(d)) is amended to read as follows:

"(e) The Commission shall, after appropriate notice and opportunity for hearing, by order censure, deny registration to, or suspend for a period not exceeding twelve months, or revoke the registration of, an investment adviser, if it finds that such censure, denial, suspension, or revocation is in the public interest and that such investment adviser or any person associated with such investment adviser, whether prior to or subsequent to becoming such—

"(1) has willfully made or caused to be made in any application for registration or report filed with the Commission under this title, or in any proceeding before the Commission with respect to registration, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or who has omitted to state in any such application or report any material fact which is required to be stated therein; or

"(2) has been convicted within ten years preceding the filing of the application or at any time thereafter of any felony or misdemeanor which the Commission finds (A) involves the purchase or sale of any security, (B) arises out of the conduct of the business of a broker, dealer, or investment adviser, (C) involves embezzlement, fraudulent conversion, or misappropriation of funds or securities, or (D) involves the violation of section 1341, 1342, or 1343 of title 18, United States Code; or

"(3) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, or dealer, or an affiliated person or em-

ployee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security; or

"(4) has willfully violated any provision of the Securities Act of 1933, or of the Securities Exchange Act of 1934, or of title I of this Act, or of this title, or of any rule or regulation under any of such statutes; or

"(5) has aided, abetted, counseled, commanded, induced, or procured the violation by any other person of the Securities Act of 1933, or the Securities Exchange Act of 1934, or of title I of this Act, or of this title, or of any rule or regulation under any of such statutes or has failed reasonably to supervise, with a view to preventing violations of such statutes, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision: *Provided*, That for the purposes of this paragraph (5), no person shall be deemed to have failed reasonably to supervise any person, if—

"(A) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to present and detect, insofar as practicable, any such violation by such other person; and

"(B) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with; or

"(6) is subject to an order of the Commission entered pursuant to subsection (f) of this section barring or suspending the right of such person to be associated with an investment adviser, which order is in effect with respect to such person."

(e) Section 203 of such Act (15 U.S.C. 80b–3) is further amended by redesignating subsections (f) and (g) as subsections (h) and (i), respectively, and inserting after redesignated subsection (e) a new subsection as follows:

"(f) The Commission may, after appropriate notice and opportunity for hearing, by order censure any person or bar or suspend for a period not exceeding twelve months any person from being associated with an investment adviser, if the Commission finds that such censure, barring, or suspension is in the public interest and that such person has committed or omitted any act or omission enumerated in paragraph (1), (4), or (5) of subsection (e) of this section, or has been convicted of any offense specified in paragraph (2) of subsection (e) within ten years of the commencement of the proceedings under this subsection, or is enjoined from any action, conduct, or practice specified in paragraph (3) of subsection (e). It shall be unlawful for any person as to whom such an order barring or suspending him from being associated with an investment adviser is in effect, willfully to become, or to be, associated with an investment adviser, without the consent of the Commission, and it shall be unlawful for any investment adviser to permit such a person to become, or remain, a person associated with such investment adviser without the consent of the Commission, if such investment adviser knew, or in the exercise of reasonable care should have known of such order."

SEC. 25. Section 205 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5) is amended to read as follows:

"INVESTMENT ADVISORY CONTRACTS

"SEC. 205. No investment adviser, unless exempt from registration pursuant to section 203(b), shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to enter into, extend, or renew any investment advisory contract, or in any way to perform any investment advisory contract entered into, extended, or renewed on or after the effective date of this title, if such contract—

"(1) provides for compensation to the investment adviser on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client;

"(2) fails to provide, in substance, that no assignment of such contract shall be made by the investment adviser without the consent of the other party to the contract; or

"(3) fails to provide, in substance, that the investment adviser, if a partnership, will notify the other party to the contract of any change in the membership of such partnership within a reasonable time after such change.

Paragraph (1) of this section shall not (A) be construed to prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates, or taken as of a definite date, or (B) apply to an investment advisory contract with—

"(i) an investment company registered under title I of this Act, or

"(ii) any other person (except a trust, collective trust fund or separate account referred to in section 3(c)(11) of title I of this Act), provided that the contract relates to the investment of assets in excess of $1 million,

which contract provides for compensation based on the asset value of the company or fund under management averaged over a specified period and increasing and decreasing proportionately with the investment performance of the company or fund over a specified period in relation to the investment record of an appropriate index of securities prices or such other measure of investment performance as the Commission by rule, regulation, or order may specify. For purposes of clause (B) of the preceding sentence, the point from which increases and decreases in compensation are measured shall be the fee which is paid or earned when the investment performance of such company or fund is equivalent to that of the index or other measure of performance, and an index of securities prices shall be deemed appropriate unless the Commission by order shall determine otherwise. As used in paragraphs (2) and (3) of this section, 'investment advisory contract' means any contract or agreement whereby a person agrees to act as investment adviser or to manage any investment or trading account of another person other than an investment company registered under title I of this Act."

SEC. 26. The Investment Advisers Act of 1940 (15 U.S.C. 80b–1–21) is further amended by inserting immediately after section 206 a new section as follows:

"EXEMPTIONS

"SEC. 206A. The Commission, by rules and regulations, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title."

SEC. 27. (a) Section 2 of the Securities Act of 1933 (15 U.S.C. 77b) is amended by adding at the end thereof two new paragraphs as follows:

"(13) The term 'insurance company' means a company which is organized as an insurance company, whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and which is subject to supervision by the insurance commissioner, or a similar official or agency, of a State or territory or the District of Columbia; or any receiver or similar official or any liquidating agent for such company, in his capacity as such.

"(14) The term 'separate account' means an account established and maintained by an insurance company pursuant to the laws of any State or territory of the United States, the District of Columbia, or of Canada or any province thereof, under which income, gains and losses, whether or not realized from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company."

(b) Section 3(a)(2) of such Act (15 U.S.C. 77c(a)(2)) is amended to read as follows:

"(2) Any security issued or guaranteed by the United States or any territory thereof, or by the District of Columbia, or by any State of the United States, or by any political subdivision of a State or territory, or by any public instrumentality of one or more States or territories, or by any person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States; or any certificate of deposit for any of the foregoing; or any security issued or guaranteed by any bank; or any security issued by or representing an interest in or a direct obligation of a Federal Reserve bank; or any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian; or any interest or participation in a single or collective trust fund maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (A) a stock bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (B) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such Code, other than any plan described in clause (A) or (B) of this paragraph (i) under which an amount in excess of the employer's contribution for any period is allocated to the purchase of securities issued by the employer or any company directly or indirectly controlling, controlled by or under common control with the employer or (ii) which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of such Code. The Commission, by rules and regulations or order, shall exempt from the provisions of section 5 of this title any interest or participation issued in connection with a stock bonus, pension, profit-sharing, or annuity plan which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of the Internal Revenue Code of 1954, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title. For the purposes of this paragraph, a security issued or guaranteed by a bank shall not include any interest or participation in any collective trust fund maintained by a bank; and the term 'bank' means any national bank, or any banking institution organized under the laws of any State, territory, or the District of Columbia, the business of which is substantially confined to banking and is supervised by the State or territorial banking commission or similar official; except that in the case of a common trust fund or similar fund, or a collective trust fund, the term

'bank' has the same meaning as in the Investment Company Act of 1940."

(c) Section 3(a)(5) of such Act (15 U.S.C. 77c(a)(5)) is amended to read as follows:

"(5) Any security issued (A) by a savings and loan association, building and loan association, cooperative bank, homestead association, or similar institution, which is supervised and examined by State or Federal authority having supervision over any such institution, except that the foregoing exemption shall not apply with respect to any such security where the issuer takes from the total amount paid or deposited by the purchaser, by way of any fee, cash value or other device whatsoever, either upon termination of the investment at maturity or before maturity, an aggregate amount in excess of 3 per centum of the face value of such security; or (B) by (i) a farmer's cooperative organization exempt from tax under section 521 of the Internal Revenue Code of 1954, (ii) a corporation described in section 501(c)(16) of such Code and exempt from tax under section 501(a) of such Code, or (iii) a corporation described in section 501(c)(2) of such Code which is exempt from tax under section 501(a) of such Code and is organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization or corporation described in clause (i) or (ii);".

SEC. 28. (a) Section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)) is amended to read as follows:

"(12) The term 'exempted security' or 'exempted securities' includes securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States; such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors; securities which are direct obligations of or obligations guaranteed as to principal or interest by a State or any political subdivision thereof, or by any agency or instrumentality of a State or any political subdivision thereof, or by any municipal corporate instrumentality of one or more States; any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian; any interest or participation in a collective trust fund maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (A) a stock-bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (B) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such Code, other than any plan described in clause (A) or (B) of this paragraph which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of such Code; and such other securities (which may include, among others, unregistered securities the market in which is predominantly intrastate) as the Commission may, by such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors, either unconditionally or upon specified terms and conditions or for stated periods, exempt from the operation of any one or more provisions of this title which by their terms do not apply to an 'exempted security' or to 'exempted securities'."

(b) Section 3(a)(19) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(19)) is amended to read as follows:

"(19) the terms 'investment company', 'affiliated person', 'insurance company', and 'separate account' have the same meanings as in the Investment Company Act of 1940."

(c) Section 12(g)(2) of such Act (15 U.S.C. 781(g)(2)) is amended by adding at the end thereof a new subparagraph as follows:

"(H) any interest or participation in any collective trust funds maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (i) a stock-bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (ii) an annuity plan which meets the requirements for deduction of the employer's contribution under section 404(a)(2) of such Code."

SEC. 29. The provisions of the Securities Act of 1933 and the Investment Company Act of 1940 shall not apply, except for purposes of definition of terms used in this section, to any interest or participation (including any separate account or other fund providing for the sharing of income or gains and losses, and any interest or participation in such account or fund) in any contract, certificate, or policy providing for life insurance benefits which was issued prior to March 23, 1959, by an insurance company, if (1) the form of such contract, certificate, or policy was approved by the insurance commissioner, or similar official or agency, of a State, territory or the District of Columbia, and (2) under such contract, certificate, or policy not to exceed 49 per centum of the gross premiums or other consideration paid was to be allocated to a separate account or other fund providing for the sharing of income or gains and losses. Nothing herein contained shall be taken to imply that any such interest or participation constitutes a "security" under any other laws of the United States.

SEC. 30. This Act shall take effect on the date of its enactment, except that—

(1) sections 5(a), (b), and (c); 8; 9(a); 11; 18; 24(a); and 25 (amending sections 10(a), (b), and (c); 15; 17(f); 19; and 32(a) of the Investment Company Act of 1940; and sections 203(b) and 205 of the Investment Advisers Act of 1940, respectively) shall take effect upon the expiration of one year after the date of enactment of this Act;

(2) that part of section 5(d) which substitutes "interested persons" for "affiliated persons" in section 10(d) of the Investment Company Act of 1940 shall take effect upon the expiration of one year after the date of enactment of this Act;

(3) sections 16 and 17 (amending sections 27 and 28 of the Investment Company Act of 1940) shall take effect upon the expiration of six months after the date of enactment of this Act; and

(4) that part of section 20 which adds a subsection (b) to section 36 of the Investment Company Act of 1940 shall take effect upon the expiration of eighteen months after the date of enactment of this Act.

And the House agree to the same.

HARLEY O. STAGGERS,
JOHN E. MOSS,
JOHN M. MURPHY,
WILLIAM L. SPRINGER,
HASTINGS KEITH,
Managers on the Part of the House.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON WILLIAMS, Jr.,
THOMAS J. MCINTYRE,
WALLACE F. BENNETT,
JOHN TOWER,
BOB PACKWOOD,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2224) to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck all after the enacting clause of the Senate bill and inserted a substitute text. The conference agreed to a substitute for both the text of the House amendment and the text of the Senate bill.

Except for technical, clerical, and minor drafting changes, the substantive differences between the bill as passed by the Senate, the House amendment, and the substitute agreed to in conference are noted below.

OIL AND GAS EXEMPTION

The Senate bill modified the existing exemption for oil and gas funds in the Investment Company Act of 1940, (the "Act"). The modification would have resulted in the inclusion of many existing oil and gas funds into the regulatory pattern of the Act.

The House amendment did not alter in any way the existing exemption in the Act for oil and gas funds.

The conference substitute follows the House version but with the firm understanding that representatives of the oil and gas industry will cooperate with the Securities and Exchange Commission (the "Commission"), in working out a reasonable regulatory statute consistent with the need for protection of investors in this area. Such proposal will be submitted to the Congress within eighteen months from the passage of this legislation. If, however, the Commission fails to receive prompt cooperation from the oil and gas industry on this matter, it is understood by the conferees that the Commission will submit early in the next Congress appropriate legislation to provide necessary investor protection in this area.

FUND HOLDING COMPANIES

The Senate bill provided that the restrictions on fund holding companies would not apply to companies which have not offered after July 1, 1970, shares with a sales load of more than 1½ percent.

The House amendment provided that the restrictions on fund holding companies would not apply to companies which have not offered after January 1, 1971, shares with a sales load which, when added to the maximum sales load applicable to the acquisition of its portfolio securities, is excessive within the meaning of section 22(b) of the Act. In addition, the House amendment made it clear in section 12(d)(1)(E)(ii) that the restrictions on fund holding companies did not apply to the traditional type of registered unit investment trusts which sometimes issue two or more classes or series of securities, each of which provides for the accumulation of shares of a different investment company.

The conference agreement embodies the 1½ percent sales load limitation of the Senate version but includes the January 1, 1971, date found in the House amendment. The agreement also follows the House version with respect to the application of section 12 to unit investment trusts.

CUSTODY OF FUND ASSETS

The House amendment provided that, subject to rules promulgated by the Commission, custodians of fund assets might place

the shares on deposit in a central certificate depository service.

The Senate bill had no comparable provision.

The conference agreement includes the provision found in the House amendment.

SALES LOAD

The Senate bill provided that, in promulgating rules with respect to excessive sales loads, the National Association of Securities Dealers, Inc. (the "NASD"), should allow reasonable compensation for broker-dealers and underwriters. In addition, the Senate version granted to the Commission oversight over the NASD rules on sales loads eighteen months after the date of enactment.

The House amendment provided that, in promulgating rules on this subject, the NASD should allow reasonable opportunity for profit for broker-dealers and underwriters. With respect to Commission oversight over the NASD rules, the House version provided that the Commission would have such oversight eighteen months after the date of enactment or whenever the NASD adopted the rules contemplated by the section, whichever occurred first. The House amendment also provided that the Commission, upon application, could grant qualified exemptions from the sales load provisions for smaller companies subject to relatively higher operating costs.

The conference agreement follows the Senate version with respect to the NASD rules allowing for reasonable compensation for broker-dealers and underwriters and follows the House version with respect to the timing of the Commission oversight over the NASD rules. The conference agreement also includes the House provision giving the Commission authority to grant qualified exemptions for smaller companies.

BANK COMMINGLED AGENCY ACCOUNTS

The Senate bill specifically authorized banks and savings and loan associations to create and operate commingled agency accounts (really a bank "mutual fund") and set certain terms for them. In addition, the Senate bill added a new section to the Act which would have had the effect of permitting directors of federal reserve system banks to serve as directors of such companies and other no-load investment companies.

The House amendment provided that, if no other provision of state or federal law prohibited the operation by a bank or savings and loan association of an investment company, such investment company could be operated subject to certain terms set forth in the amendment. The terms in the House amendment were identical to the ones set forth in the Senate bill.

The conference agreement contains no provisions on these matters.

PERIODIC PAYMENT PLANS

The Senate bill provided that the existing front end load on contractual plans, that is 50 percent of the first year's payments, could be continued, but it added a required refund provision. Under this provision, if at any time during the first three years of the plan the plan holder terminated the plan for any reason, the plan holder would be entitled to receive in cash the sum of (1) the value of his account and (2) an amount from the underwriter equal to that part of the excess paid for sales loading which was over 15 percent of the gross payments made by the certificate holder. The bill also provided that the Commission would have rule making authority to specify reserve requirements it deemed necessary or appropriate to enable underwriters and depositors to carry out their obligations to refund charges under the section. In addition, the Senate bill required that, within sixty days of the issuance of the plan certificate, the custodian bank mail to every certificate holder a statement of charges to be deducted from the projected payments. Under the Senate provisions the plan holder would then have sixty days from the date of the mailing of such notice to cancel the plan and receive back the value of the account plus the sales and other charges paid. The Senate bill also would have deleted section 27(b) from the Act which grants the Commission power to exempt smaller companies with higher operating costs from some of the restrictions of section 27(a).

The House amendment included similar provisions for a refund to investors if the existing practice of withholding 50 percent of the first year's payments was continued. However, the House version set the refund period at one year and the refund amount at (1) the value of the account plus (2) an amount from the underwriter equal to that part of the excess paid for sales loading which was over 20 percent of the gross payments made by the certificate holder. The House version further authorized the Commission to make rules specifying reserve requirements as may be reasonably necessary. In addition, the House version provided that the custodian bank should notify the plan holders of the charges to be deducted, and it provided that plan holders would have a period of thirty days from the mailing of such notice to cancel the plan and receive back the same amounts as specified in the Senate bill. Finally, the House amendment did not remove the existing section 27(b) from the Act.

The conference agreement provides for a refund period of eighteen months and a refund amount of the sum of (1) the value of the account, and (2) an amount from the underwriter equal to that part of the excess paid for sales loading which is over 15 percent of the gross payments made. It also grants to the Commission authority to make rules specifying reserve requirements as it deems necessary or appropriate. The agreement continues the requirement that the custodian bank notify the plan holder of the charges to be deducted, and it provides that the plan holder shall have forty-five days from the mailing of the notice to cancel the plan and receive back the amounts specified. The conference agreement makes no change in the existing section 27(b) of the Act.

FILING OF DOCUMENTS WITH COMMISSION IN CIVIL ACTIONS

The Senate bill required that investment companies and other specified persons involved in civil actions under the Act file certain documents with the Commission. Any specified documents delivered to the company would be required to be filed by the company with the commission no later than five days after their receipt by the company and any specified documents filed in court or drafted by such company would be required to be filed with the Commission no later than two days after their filing or delivery.

The House amendment contained the same provision, but the respective time periods for filing with the Commission were ten days and five days.

The conference agreement follows the House version.

MANAGEMENT FEES

The Senate bill included in section 32(a) of the Act authority for the Commission to seek injunctive relief against certain persons for breach of fiduciary duty involving personal misconduct. The court could grant injunctive or such other relief as it, in its discretion, deemed appropriate in the circumstances. The Senate bill also required, in actions under the new section 36(b) for breach of fiduciary duty, that the plaintiff be a security holder of the investment company involved and that the plaintiff bear the burden of proof.

The House amendment authorized a court to grant under section 32(a) injunctive or such other relief as may be reasonable and appropriate in the circumstances. In addition the House amendment required, in a suit alleging a breach of fiduciary duty under the new section 36(b) of the Act, that the plaintiff be a bona fide security holder acting in good faith and with justifiable cause and that the plaintiff bear the burden of proving his case by clear and convincing evidence.

The conference agreement follows the House version with respect to courts granting injunctive or other relief under section 36(a)—that is, it may grant such relief as may be reasonable and appropriate in the circumstances. The conference agreement follows the Senate version by requiring in an action under section 36(b) that the plaintiff be a security holder of the investment company and that he bear the burden of proof.

PERFORMANCE FEES

The Senate bill provided that registered investment advisers could contract for a limited type of performance fee with registered investment companies. The limited performance fee permitted would have been one which increased and decreased proportionately with the investment performance of the company or fund over a specified period in relation to the investment record of an appropriate index of securities prices or such other measure of investment performance as the Commission may specify.

The House amendment would have permitted the same type of limited performance fee with not only registered investment companies, but also with (1) certain trusts, collective trust funds, or separate accounts with $5 million or more in assets to be managed, and (2) with any person with assets in excess of $1 million to be managed. The House version would also have made it clear that the base point for measuring proportionate increases and decreases would have to be the point at which the fund performance equalled the index or other measure used. In addition the House amendment provided that the restrictions on performance fees would not apply if the advisory contract was with a foreign-based investment company (the so-called "off-shore funds").

The conference agreement provides that registered investment advisers may contract for a limited type of performance fee with (1) registered investment companies, and (2) any person (other than certain trusts, collective trust funds, or separate accounts) with assets in excess of $1 million to be managed. The limited type of performance fee permitted by the conference agreement is one which increases and decreases proportionately with the investment performance of the company or fund over a specified period in relation to the investment record of an appropriate index or other measure provided that the point from which increases and decreases in compensation are measured shall be the fee which is paid or earned when the investment performance of the company or fund is equivalent to that of the index or measure chosen.

EXEMPTIONS FROM REGISTRATION UNDER THE SECURITIES ACT OF 1933 FOR CERTAIN TRUST ACCOUNTS

The Senate bill exempted from the registration requirements of the 1933 Act certain collective trust funds maintained by a bank or in a separate account maintained by an insurance company.

The House amendment would have codified a long established administrative practice of the Commission by making it clear that this exemption applied not only to collective trust funds, but also to single trust funds.

The conference agreement follows the House version.

EXEMPTION FROM REPORTING REQUIREMENTS OF THE SECURITIES EXCHANGE ACT OF 1934

The House amendment exempted certain H.R. 10 plans from the reporting requirements under section 12(g) of the Securities Exchange Act of 1934.

The Senate bill did not so exempt these plans.

The conference agreement follows the House version.

FINGERPRINTING

The House amendment required that persons in the exchange and broker-dealer communities be fingerprinted as a condition of employment and that such fingerprints be submitted to the Commission for appropriate processing.

The Senate bill contained no comparable provision.

The conference agreement contains no provisions on this subject.

HARLEY O. STAGGERS,
JOHN E. MOSS,
JOHN M. MURPHY,
WILLIAM L. SPRINGER,
HASTINGS KEITH,
Managers on the Part of the House.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of the week, if any, and the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we have finished the legislative business for the week and, of course, pursuant to concurrent resolution heretofore adopted, we will adjourn over until Monday from today.

The program for next week is as follows:

Monday: H.R. 16443, Federal policy concerning architectural, engineering, and related services, open rule, 1 hour of debate; and

H.R. 18884, to amend the Agricultural Marketing Agreement Act of 1937, open rule, 1 hour of debate.

Tuesday is Private Calendar day. Also on Tuesday we plan to bring up:

H.R. 19333, Securities Investor Protection Act of 1970, open rule, 1 hour of debate;

H.R. 19599, assistance for training in the field of family medicine, open rule, 1 hour of debate.

On Wednesday, H.R. 19436, Housing and Urban Development Act of 1970, open rule, 2 hours of debate.

For Thursday and the balance of the week:

H.R. 19868. Excise, Estate, and Gift Tax Adjustment Act of 1970, subject to a rule being granted;

House Resolution 1147, relating to certain allowances of Members, open rule, 1 hour of debate; and

H.R. 18214, Consumer Protection Act of 1970, subject to a rule being granted.

This announcement is made subject to the usual reservations that conference reports may be brought up at any time, and that any further program may be announced later.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next, December 2, 1970.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORIZATION TO RECEIVE MESSAGES FROM THE SENATE AND FOR THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday, November 30, 1970, the clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FEDERAL-AID HIGHWAY ACT OF 1970

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4418) to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate bill.

MOTION OFFERED BY MR. KLUCZYNSKI

Mr. KLUCZYNSKI. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KLUCZYNSKI moves to strike out all after the enacting clause of S. 4418 and insert in lieu thereof the provisions contained in H.R. 19504, as passed, as follows:

Strike out all after the enacting clause, and insert:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1970".

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "and the additional sum of $2,225,000,000 for the fiscal year ending June 30, 1974" and inserting in lieu thereof the following: "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1977, and the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1978".

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1972, and June 30, 1973, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, House Document Numbered 91-317.

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 104. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "eighteen years" and inserting in lieu thereof "twenty-two years" and by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1978".

(b)(1) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking out "1974" each place it appears and inserting in lieu thereof at each such place "1978".

(2) Such section 104(b)(5) is further amended by striking out the two sentences preceding the last sentence and inserting in lieu thereof the following: "The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives on April 20, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, and June 30, 1973. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1972. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, and June 30, 1975. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1974. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1976, and June 30, 1977. The Secretary shall make a final revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1976. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal year ending June 30, 1978."

HIGHWAY AUTHORIZATIONS

SEC. 105. For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system

and the Federal-aid secondary system and for their extension within urban areas, out of the Hgihway Trust Fund, $1,100,000,000 for the fiscal year ending June 30, 1972, and $1,100,000,000 for the fiscal year ending June 30, 1973. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on the Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(2) For the Federal-aid primary system and the Federal-aid secondary system, exclusive of their extensions in urban areas, out of the Highway Trust Fund, $125,000,000 for the fiscal year ending June 30, 1972, and $125,000,000 for the fiscal year ending June 30, 1973, such sums to be in addition to the sums authorized in paragraph (1) of this subsection. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 60 per centum for projects on the Federal-aid primary highway system; and

(B) 40 per centum for projects on the Federal-aid secondary system.

(3) For the Federal-aid urban system, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973.

(4) For traffic operation projects in urban areas as authorized in section 135 of title 23, United States Code, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973.

(5) For forest highways, $33,000,000 for the fiscal year ending June 30, 1972, and $33,000,000 for the fiscal year ending June 30, 1973.

(6) For public lands highways, $16,000,000 for the fiscal year ending June 30, 1972, and $16,000,000 for the fiscal year ending June 30, 1973.

(7) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1972, and $170,000,000 for the fiscal year ending June 30, 1973.

(8) For public lands development roads and trails, $5,000,000 for the fiscal year ending June 30, 1972, and $5,000,000 for the fiscal year ending June 30, 1973.

(9) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973.

(10) For parkways, $11,000,000 for the fiscal year ending June 30, 1972, and $11,000,000 for the fiscal year ending June 30, 1973, and $25,000,000 for construction of the Palisades Parkway in the District of Columbia, and $65,000,000 for reconstructing to six lanes the section of the Baltimore-Washington Parkway under the jurisdiction of the Secretary of the Interior to the standards for the National System of Interstate and Defense Highways.

(11) For Indian reservation roads and bridges, $30,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973.

(12) Nothing in this section shall be construed to authorize the appropriations of any sums to carry out sections 131, 136, 319(b) or chapter 4 of title 23, United States Code.

(13) In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1972, and June 30, 1973, there is authorized to be appropriated out of the Highway Trust Fund not to exceed $55,000,000 for each such fiscal year for such System. Such authorization shall be apportioned to each of the States receiving apportionments under section 103 of this Act of less than one-half of 1 per centum for each such fiscal year, so as to ensure that each such State will receive for each such fiscal year an amount equal to one-half of 1 per centum of the total apportionment for each such fiscal year under section 103 of this Act.

FEDERAL-AID URBAN SYSTEM

SEC. 106. (a) Subsection (a) of section 101 of title 23, United States Code, is amended as follows:

(1) After the definition of the term "Secretary" add the following new paragraph:

"The term 'urbanized area' means an area so designated by the Bureau of the Census."

(2) After the definition of the term "Federal-aid secondary system" add the following new paragraph:

"The term 'Federal-aid urban system' means the Federal-aid highway system described in section (d) of section 103 of this title."

(3) The definition of the term "Interstate System" is amended to read as follows:

"The term 'Interstate System' means the National System of Interstate and Defense Highways described in subsection (e) of section 103 of this title."

(b)(1) Subsections (d) and (e) of section 103 of title 23, United States Code, are relettered (e) and (f) respectively, including all references thereto, and section 103 is further amended by adding immediately after subsection (c) the following subsection (d):

"(d) The Federal-aid urban system shall be established in each urbanized area. The system shall be so located as to serve the major centers of activity, the highest traffic volume corridors, and the longest trips within such area, and shall be selected from those routes included in the mileage figures for the urban principal arterial system as set forth in the '1970 National Highway Needs Report Supplement' other than routes on the Interstate System. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system shall connect with another route on a Federal-aid system. The establishment of the system and the selection of the routes shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title. Routes on the Federal-aid urban system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (f) of this section. The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be inconsistent with this subsection."

(2) Relettered subsection (f) of section 103 of title 23, United States Code, is amended by inserting after "the Federal-aid secondary system," the following: "the Federal-aid urban system,".

(c)(1) Section 104 of title 23, United States Code, is amended by adding at the end thereof the following:

"(f) Not to exceed 50 per centum of the amounts apportioned in accordance with paragraph (3) of subsection (b) of this section may be expended for projects on the Federal-aid urban system."

(2) Subsection (b) of section 104 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(6) For the Federal-aid urban system:

"In the ratio which the population in urbanized areas, or parts thereof, in each State bears to the total population in such urbanized areas, or parts thereof, in all the States as shown by the latest available Federal census."

(d) Subsections (d) and (e) of section 105 of title 23, United States Code, are relettered (e) and (f), respectively, including all references thereto, and section 105 is further amended by adding immediately after subsection (c) a new subsection (d):

"(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the State highway department and the appropriate local road officials in cooperation with each other."

(e) Subsection (b) of section 106 of title 23, United States Code, is amended to read as follows:

"(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on (1) the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, and (2) the Federal-aid urban system, shall be determined by the State highway department and the appropriate, local road officials in cooperation with each other."

(f) Subsection (a) of section 120 of title 23, United States Code, is amended by striking out "and the Federal-aid secondary system" and inserting in lieu thereof a comma and the following: "the Federal-aid secondary system, and the Federal-aid urban system".

(g) Subsection (b) of section 135 of title 23, United States Code, is amended by inserting after "urban areas" the following: "and on the Federal-aid urban system".

PROHIBITION OF IMPOUNDMENT OF APPORTIONMENTS AND DIVISION OF FUNDS

SEC. 107. Subsections (c) and (d) of section 101 of title 23, United States Code, are amended to read as follows:

"(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

"(d) No funds authorized to be appropriated from the Highway Trust Fund shall be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless funds for such expenditure are identified and included as a line item in an appropriation Act and are to meet obligations of the United States heretofore or hereafter incurred under this title attributable to the construction of Federal-aid highways or highway planning, research, or development."

INCREASED FEDERAL SHARE

SEC. 108. (a) Section 120 of tile 23, United States Code, is amended by striking out "50 per centum" each place it appears and inserting in lieu thereof at each such place the following: "70 per centum".

(b) The amendments made by subsection (a) of this section shall take effect with respect to authorizations for appropriations for fiscal years beginning after June 30, 1973.

EMERGENCY RELIEF

SEC. 109. The first sentence of subsection (a) of section 125 of title 23, United States Code, is amended to read as follows: "An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120, for (1) the repair or reconstruction of highways, roads, and trails which he shall find have suffered serious damage as the result of (A) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes,

severe storms, or landslides, or (B) catastrophic failures from any cause, in any part of the United States, and (2) the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State after December 31, 1967, because of imminent danger of collapse due to structural deficiencies or physical deterioration."

TRAINING PROGRAMS

SEC. 110. Section 140 of title 23, United States Code, is amended by inserting "(a)" immediately before "Prior" and by adding at the end thereof the following new subsection:

"(b)(1) For the purpose of providing for the continuation of training programs during seasonal shutdowns of highway construction work, sums apportioned in accordance with section 104 of this title shall be available to finance the Federal share of those portions of the costs of apprenticeship, skill improvement, or other upgrading programs, which the Secretary determines are (A) in compliance with the requirements of this section, (B) conducted during periods of the year when highway construction cannot reasonably proceed because of climatic conditions, and (C) supplementary to on-the-job training conducted during the construction season.

"(2) The Federal share payable on account of any portion of any training program under this subsection shall be that provided in section 120 of this title."

URBAN HIGHWAY PUBLIC TRANSPORTATION

SEC. 111. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 142. Urban highway public transportation

(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles on highways, other than on rails, for the transportation of passengers (hereinafter in this section referred to as 'buses') within urbanized areas so as to increase the traffic capacity of the Federal-aid systems, sums apportioned in accordance with paragraphs (3), (5), and (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects for the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers.

"(b) The establishment of routes and schedules of such public mass transportation systems, shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and, except as provided in subsection (d) of this section, the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section shall be approved unless—

"(1) such project (A) will avoid the construction of a highway project under this title which increases automobile traffic capacity, (B) will provide a capacity for the movement of persons at least equal to that which would be provided by the avoided highway project, and (C) will not exceed in the amount of the Federal share, the Federal share of the cost of the avoided highway project; or

"(2) no other feasible or prudent highway project can provide the additional capacity for the movement of persons by motor vehicles on highways (other than on rails) provided by this project.

"(e) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"142. Urban highway public transportation."

VIRGIN ISLANDS HIGHWAY PROGRAM

SEC. 112. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 215. Virgin Islands highway program

"(a) Recognizing the mutual benefits that will accrue to the Virgin Islands and to the United States from the improvement of highways in the Virgin Islands, the Secretary is authorized out of funds specifically authorized to carry out this section to assist the Virgin Islands in a program for the construction and improvement of a system of arterial highways designated by the Governor of the Virgin Islands and approved by the Secretary. No Federal financial assistance shall be granted under this subsection unless the Virgin Islands, at a minimum, matches the Federal contribution.

"(b) In order to establish a long-range highway development program, the Secretary is authorized to provide technical assistance to the Virgin Islands for the establishment of an appropriate governmental agency of the Virgin Islands to administer on a continuing basis highway planning, design, construction, and maintenance operations, the development of a system of arterial and collector highways, and the establishment of advance acquisition of right-of-way and relocation assistance programs.

"(c) No part of the appropriations authorized under this section shall be available for obligation or expenditure in the Virgin Islands until the Governor of the Virgin Islands enters into an agreement with the Secretary providing that the government of the Virgin Islands (1) will design and construct a system of arterial and collector highways, built in accordance with highway standards approved by the Secretary; (2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons on any portion of the highways constructed under the provisions of this section; (3) will provide for the maintenance of such highways after completion in a condition to adequately serve the needs of present and future traffic; (4) will implement standards for traffic operations and uniform traffic control devices which are approved by the Secretary.

"(d)(1) Three per centum of the sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section shall be available for expenditure by the Virgin Islands only for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research and development, necessary in connection with the planning, design, and maintenance of the highway system, and the regulation and taxation of their use.

"(2) In addition to the percentage provided in paragraph (1) of this subsection, not to exceed 2 per centum of sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section may be expended upon request of the Virgin Islands and with the approval of the Secretary for the purposes enumerated in paragraph (1) of this subsection.

"(e) None of the funds authorized to be appropriated for carrying out this section shall be obligated or expended in the Virgin Islands for maintenance of the highway system.

"(f) The provisions of chapters 1 and 5 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section."

(b) The analysis of chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following:

"215. Virgin Islands highway program."

(c) There are hereby authorized to be appropriated for carrying out subsection (a) of section 215 of title 23, United States Code, out of any money in the Treasury not otherwise appropriated, not to exceed $2,000,000 for the fiscal year ending June 30, 1971, not to exceed $2,000,000 for the fiscal year ending June 30, 1972, not to exceed $2,000,000 for the fiscal year ending June 30, 1973.

(d) Sums authorized to be appropriated to carry out this section for the fiscal year ending June 30, 1971, shall be available for obligation immediately upon enactment of this section in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code. Sums authorized to be appropriated for the fiscal year ending June 30, 1972, and the fiscal year ending June 30, 1973, shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

DARIEN GAP HIGHWAY

SEC. 113. (a) Chapter 2 of title 23, United States Code, is further amended by adding at the end thereof the following new section:

"§ 216. Darien Gap Highway

(a) The United States shall cooperate with the Government of the Republic of Panama and with the Government of Colombia in the construction of approximately two hundred and fifty miles of highway in such countries in the location known as the 'Darien Gap' to connect the Inter-American Highway authorized by section 212 of this title with the Pan American Highway System of South America. Such highway shall be known as the 'Darien Gap Highway'. Funds authorized by this section shall be obligated and expended subject to the same terms, conditions, and requirements with respect to the Darien Gap Highway as are funds authorized for the Inter-American Highway by subsection (a) of section 212 of this title.

"(b) The construction authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the Republic of Panama and Colombia as may be required to carry out the purposes of this section shall be conducted through, or authorized by, the Department of State.

"(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway survey or construction heretofore or hereafter undertaken in Panama or Colombia, other than the expenditures authorized by the provision of this section.

"(d) Appropriations made pursuant to any authorization for the Darien Gap Highway shall be available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Darien Gap Highway program.

"(e) For the purposes of this section the term 'construction' does not include any costs of rights-of-way, relocation assistance, or the elimination of hazards of railway grade crossings."

(b) The analysis of chapter 2 of title 23, United States Code, is hereby amended by adding at the end thereof the following:

"216. Darien Gap Highway."

(c) There is hereby authorized to be appropriated not to exceed $100,000,000, to remain available until expended to enable the Secretary of Transportation to carry out section 216 of title 23, United States Code.

ADMINISTRATION

SEC. 114. (a) Subsection (a) of section 303 of title 23, United States Code, is amended to read as follows:

"(a)(1) In addition to the Administrator of the Federal Highway Administration authorized by section 3(e) of the Department of Transportation Act, there shall be a Deputy Federal Highway Administrator appointed by the President by and with the advice and consent of the Senate. The Deputy Federal Highway Administrator shall perform such duties as the Federal Highway Administrator shall prescribe. There shall also be an Assistant Federal Highway Administrator who shall be the chief engineer of the Administration and shall be appointed, with the approval of the President, by the Secretary of Transportation under the classified civil service and who shall perform such functions, powers, and duties as the Federal Highway Administrator shall prescribe.

"(2) The Administrator of the Federal Highway Administration shall be compensated at the annual rate of basic pay of level II of the Executive Schedule in section 5313 of title 5, United States Code. The Deputy Federal Highway Administrator shall be compensated at the annual rate of basic pay of level IV of the Executive Schedule in section 5315 of title 5, United States Code. The Assistant Federal Highway Administrator shall be compensated at the annual rate of basic pay of level V of the Executive Schedule in section 5316 of title 5, United States Code."

(b) All provisions of law enacted before the date of enactment of this Act which are inconsistent with the amendment made by subsection (a) of this section are hereby repealed to the extent of such inconsistency.

(c) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of Public Roads to act as Deputy Administrator of the Federal Highway Administration created by the amendment made by subsection (a) of this section until the first Deputy Administrator is appointed in accordance with such amendment. The President may authorize any person acting as Deputy Administrator in accordance with this subsection to receive compensation at the rate authorized for the Office of Deputy Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

TRAINING AND RESEARCH FELLOWSHIPS

SEC. 115. (a) Chapter 3 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 321. National Highway Institute

"(a) The Secretary is authorized and directed to establish and operate in the Federal Highway Administration a National Highway Institute hereafter referred to as the 'Institute'. The Institute shall develop and administer, in cooperation with the State highway departments, training programs of instruction for Federal Highway Administration and State and local highway department employees engaged or to be engaged in Federal-aid highway work. Such programs may include, but not be limited to, courses in modern developments, techniques, and procedures, relating to highway planning, environmental factors, acquisition of rights-of-way, engineering, construction, maintenance, contract administration, and inspection. The Secretary shall administer all authority vested in him by this title or by any other provision of law for the development and conduct of educational and training programs relating to highways through the Institute. The Secretary is authorized to acquire, by lease, purchase, construction, reconstruction, or otherwise such buildings, facilities, and equipment as may be necessary for the Institute. Sums authorized to be deducted for administrative purposes by subsection (a) of section 104 of this title shall be available for carrying out this subsection.

"(b) Not to exceed one-half of 1 per centum of all funds apportioned for any fiscal year beginning after June 30, 1970, to any State under paragraphs (1), (2), (3), and (6) of section 104(b) of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 70 per centum of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

"(c) Education and training of Federal, State, and local highway employees authorized by this section may be provided by the Secretary, or, in the case where such education and training is to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions, and individuals."

(b) The analysis of chapter 3 of title 23 of the United States Code is amended by adding at the end thereof:

"321. National Highway Institute."

(c) Section 307(a) of title 23 of the United States Code is amended by inserting immediately after the period at the end of the third sentence thereof the following new sentence: "The Secretary is also authorized, acting independently or in cooperation with other Federal departments, agencies, or instrumentalities, to make grants for research fellowships for any purpose for which research is otherwise authorized by this section."

BRIDGES ON FEDERAL DAMS

SEC. 116. (a) Section 320(d) of title 23 of the United States Code is amended by striking out "$13,000,000" and inserting in lieu thereof "$16,761,000".

(b) All sums appropriated under authority of the increased authorization of $3,761,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across Markland Dam on the Ohio River near Markland, Indiana, and Warsaw, Kentucky. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the States of Kentucky and Indiana.

CONSTRUCTION OF REPLACEMENT HOUSING

SEC. 117. (a) Sections 510 and 511 of title 23, United States Code including all references thereto are hereby renumbered as sections 511 and 512 respectively.

(b) Chapter 5 of title 23, United States Code, is amended by inserting immediately after section 509 the following new section:

"§ 510. Construction of replacement housing

"(a) The Secretary may approve as a part of the cost of construction of any project on any Federal-aid system the cost of (A) constructing new housing, (B) acquiring existing housing, (C) rehabilitating existing housing, and (D) relocating existing housing, as replacement housing for individuals and families where a proposed project on the Federal-aid system cannot proceed to actual construction because replacement housing is not available and cannot otherwise be made available as required by section 502 of this title. For the purposes of this subsection the term 'housing' includes all appurtenances thereto.

"(b) State highway departments shall, wherever practicable, utilize the services of State or local governmental housing agencies in carrying out this section."

(c) The analysis of chapter 5 of title 28, United States Code, is amended by adding after

"509. Relocation assistance programs on Federal highway projects."

the following:

"510. Construction of replacement housing."

(d) The definition of the term "construction" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, and acquisition, and rehabilitation, relocation, and construction of replacement housing."

BRIDGE ALTERATION PROGRESS PAYMENTS

SEC. 118. Section 7 of the Act of June 21, 1940 (54 Stat. 497), as amended (33 U.S.C. 517) is amended as follows:

(1) In the first sentence strike all after "Following" to and including "Chief of Engineers" and insert in lieu thereof "service of the order requiring alteration of the bridge, the Secretary of Transportation".

(2) In the second sentence insert "of Transportation" between "Secretary" and "may".

(3) In the third sentence strike out the last word and insert in lieu thereof "Transportation".

ALASKA HIGHWAY

SEC. 119. (a) The President, acting through the Secretaries of State and Transportation, is authorized to undertake negotiations with the Government of Canada for the purpose of entering into a suitable agreement authorizing paving and reconstructing the Alaska Highway from Dawson Creek, Canada (including a connecting highway to Haines, Alaska), to the Alaska border, including, but not limited to, necessary highway realignment.

(b) The President shall report to Congress not later than one year after the date of enactment of this section the results of his negotiations under this section.

EFFECTIVE DATE OF RELOCATION PROVISIONS

SEC. 120. Section 37 of the Federal-Aid Highway Act of 1968 is amended to read as follows:

"EFFECTIVE DATE

"SEC. 37. (a) Except as otherwise provided in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment, except that until July 1, 1970, sections 502, 505, 506, 507, and 508 of title 23, United States Code, as added by this Act, shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. Except as otherwise provided in subsection (b) of this section, after July 1, 1970, such sections shall be com-

pletely applicable to all States. Section 133 of title 23, United States Code, shall not apply to any State if sections 502, 505, 506, 507, and 508 of title 23, United States Code, are applicable in that State, and effective July 1, 1970, such section 133 is repealed except as otherwise provided in subsection (b) of this section.

"(b) In the case of any State (1) which is required to amend its constitution to comply with sections 502, 505, 506, 507, and 508 of title 23, United States Code, and (2) which cannot submit the required constitutional amendment for ratification prior to July 1, 1970, the date of July 1, 1970, contained in subsection (a) of this section shall be extended to July 1, 1972."

FUTURE FEDERAL-AID HIGHWAY PROGRAM

SEC. 121. (a) The Secretary of Transportation shall develop and include in the report to Congress required to be submitted in January 1972, by section 3 of the Act of August 28, 1965 (79 Stat. 578; Public Law 89–139), specific recommendations for the functional realinement of the Federal-aid systems. These recommendations shall be based on the functional classification study made in cooperation with the State highway departments and local governments as required by the Federal-Aid Highway Act of 1968 and submitted to the Congress in 1970, and the functional classification study now underway of the Federal-aid systems in 1990.

(b) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall also make recommendations to the Congress for a continuing Federal-aid highway program for the period 1976 to 1990. The needs estimates to be used in developing such programs shall be in conformance with the functional classification studies referred to in subsection (a) of this section and the recommendations for the functional realinement required by such subsection.

(c) The recommendations required by subsections (a) and (b) of this section shall be determined on the basis of studies now being conducted by the Secretary in cooperation with the State highway departments and local governments, and, in urban areas of more than fifty thousand population, utilizing the cooperative continuing comprehensive transportation planning process conducted in accordance with section 134 of title 23, United States Code. The highway needs estimates prepared by the States in connection with this report to Congress shall be submitted to Congress by the Secretary, together with his recommendations.

(d) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall report to Congress the Federal-aid urban system as designated, and the cost of its construction.

HIGHWAY BEAUTIFICATION AUTHORIZATIONS

SEC. 122. (a) Section 131(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $2,000,000 for the fiscal year ending June 30, 1970, not to exceed $27,000,000 for the fiscal year ending June 30, 1971, and not to exceed $20,500,000 for the fiscal year ending June 30, 1972. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(b) Section 136(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $3,000,000 for the fiscal year ending June 30, 1970, not to exceed $2,000,000 for the fiscal year ending June 30, 1971, and not to exceed $2,000,000 for the fiscal year ending June 30, 1972. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(c) Subsection (g) of section 6 of the Federal-Aid Highway Act of 1968 is amended by striking out "and" immediately before "$1,250,000" and by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "$1,500,000 for the fiscal year ending June 30, 1971, and $1,500,000 for the fiscal year ending June 30, 1972."

HIGHWAY BEAUTIFICATION COMMISSION

SEC. 123. (a) There is hereby established a commission to be known as the Commission on Highway Beautification, hereinafter referred to as the "Commission".

(b) The Commission shall be comprised of thirteen members as follows:

(1) two majority and two minority members of the Senate Committee on Public Works to be appointed by the President of the Senate;

(2) two majority and two minority members of the House Committee on Public Works to be appointed by the Speaker of the House of Representatives;

(3) four persons to be appointed by the President of the United States from among persons who are not officers or employees of the United States; and

(4) one person, elected by majority vote of the other twelve, who shall be the Chairman of the Commission.

(c) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Seven members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) Members of the Commission who are not Members of Congress or officers or employees in the executive branch shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

(h) The Commission shall (1) study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system; (2) review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards; (3) compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within the foreseeable future, and (4) recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in the judgment of the Commission, best serve the public interest.

(i) The Commission shall, not later than one year after enactment of this section submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

(j) The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the control of outdoor advertising and to junkyards to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section.

(k) In carrying out its duties the Commission shall seek the advice of various groups interested in the problems relating to the control of outdoor advertising and junkyards including, but not limited to, State and local governments, public and private organizations working in the fields of environmental protection and conservation, communications media, commercial advertising interests, industry, education, and labor.

(l) The Commission or, on authorization of the Commission, any committee of two or more members may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

(m) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this section and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman.

(n) There are hereby authorized to be appropriated such sums, but not more than $800,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended.

(o) The Commission is authorized to appoint and fix the compensation of a staff director, and such additional personnel as may be necessary to enable it to carry out its functions. The Director and personnel may be appointed without regard to provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege. In no event shall the staff director or any other employee receive as compensation an amount in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title

5, United States Code, but at rates not to exceed $100 per diem for individuals.

(p) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this section to carry out such of its duties as the Commission determines can best be carried out in that manner.

ELIMINATION OF SEGMENTS OF INTERSTATE SYSTEM NOT TO BE CONSTRUCTED

SEC. 124. Section 103 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The Secretary, on December 31, 1973, shall remove from designation as a part of the Interstate System every segment of such System for which a State has not established a schedule for the expenditure of funds for completion of construction of such segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met. Nothing in the preceding sentence shall be construed to prohibit the substitution prior to December 31, 1973, of alternative segments of the Interstate System which will meet the requirements of this title."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 125. Subsection (b) of section 135 of title 23, United States Code, is amended by striking out ", if such project" and all that follows down through and including the period at the end of such subsection and inserting in lieu thereof a period and the following: "If such project is located in an urban area of more than fifty thousand population, such project shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title."

AUTHORITY FOR DEMONSTRATION PROJECTS

SEC. 126. Subsection (c)(3) of section 307 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "including demonstration projects in connection with such purposes."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 127. (a) Chapter 1 of title 23, United States Code, is further amended by adding after section 142 thereof a new section as follows:

"§ 143. Economic growth center development highways

"(a) In order to demonstrate the role that highways can play to promote the desirable development of the Nation's natural resources, to revitalize and diversify the economy of rural areas and smaller communities, to enhance and disperse industrial growth, to encourage more balanced population patterns, to check, and, where possible, to reverse current migratory trends from rural areas and smaller communities, and to improve living conditions and the quality of the environment, the Secretary is authorized to make grants for demonstration projects for the construction, reconstruction, and improvement of development highways to serve and promote the development of economic growth centers, and surrounding areas, and for planning, surveys, and investigations in connection therewith.

"(b) Each Governor may transmit to the Secretary his recommendations for (1) the selection of economic growth centers within the State, (2) priorities for the construction of development highways to serve such centers, and (3) such other information as may be required by the Secretary, for his consideration in approving the selection of economic growth centers for demonstration projects.

"(c) Upon the application of the State highway department of any State in which an economic growth center approved by the Secretary as eligible for a demonstration project is located, the Secretary is authorized, to pay up to 100 per centum of the cost of engineering and economic surveys or other investigations necessary for the planning and design of development highways needed to provide appropriate access to such growth center, including airport facilities which may be established to serve it, in order to carry out the purposes of this section.

"(d) Except as otherwise provided in this section, all of the provisions of this title applicable to Federal-aid primary highways except those which the Secretary determines are inconsistent with this section shall apply to development highways and to funds authorized to carry out this section. For the purposes of sections 105, 106, and 118 of this title, funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized. In approving projects under this section, the Secretary shall give preference to those areas offering the most potential for future economic growth. No State shall receive in any fiscal year more than 15 per centum of the funds authorized to carry out this section for such fiscal year. Each development highway which is not already on a Federal-aid system shall be added to the appropriate system.

"(e) The Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall not exceed 70 per centum of the cost of such project.

"(f) No project shall be approved by the Secretary under this section until he has determined that such project will promote the aims and purposes set forth in subsection (a) of this section and that the economic growth center to be benefited will meet such criteria as he deems necessary, including, but not limited to, the following: (1) growth centers shall be geographically and economically capable of contributing significantly to the development of the area, and (2) growth centers shall have a population not in excess of one hundred thousand according to the latest available Federal census.

"(g) There is authorized to be appropriated out of the Highway Trust Fund not to exceed $100,000,000 for the fiscal year ending June 30, 1972, and not to exceed $100,000,000 for the fiscal year ending June 30, 1973."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"143. Economic growth center development highways."

FEDERAL SHARE OF ENGINEERING COSTS

SEC. 128. Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) At the request of any State, the Secretary may from time to time enter into agreements with such State to reimburse the State for the Federal share of the costs of preliminary and construction engineering at an agreed percentage of actual construction costs for each project, in lieu of the actual engineering costs for such project. The Secretary shall annually review each such agreement to insure that such percentage reasonably represents the engineering costs actually incurred by such State."

DISTRICT OF COLUMBIA

SEC. 129. (a) In the case of those routes on the Interstate System in the District of Columbia authorized for construction by subsection (a) of section 23 of the Federal-Aid Highway Act of 1968 and required to be restudied by subsection (c) of such section, the government of the District of Columbia shall commence work not later than thirty days after the date of enactment of this Act on the following projects as authorized in subsection (a) of such section 23:

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I–295 (section C4.1 to C6),

(2) North Central and Northeast Freeways, I–95 (section C7 to C13) and I–70S (section C1 to C2).

(b) The authorization for the project for the South Leg of the Inner Loop contained in section 23 of the Federal-Aid Highway Act of 1968 is hereby repealed and the route of the South Leg project is hereby removed from designation as a part of the Interstate System. Such removal shall be deemed to be a withdrawal from approval for the purposes of section 103(d)(2) of title 23, United States Code.

(c) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I–66 to point C7 on I–95, as designated in the "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

TOLL ROADS

SEC. 130. Subsection (b) of section 129 of title 23, United States Code, is amended by inserting "(1)" immediately after "(b)" and by adding at the end thereof the following:

"(2) It is the sense of Congress that (A) with respect to a toll road on the Interstate System any vehicle using such road should not be required to stop more than twice for the purpose of collection of tolls in connection with any one continuous intrastate trip on such highway and (B) with respect to toll roads on the Interstate System which connect at State boundaries that such States should enter into such agreements as may be necessary to provide for common facilities for the collection of tolls at or in the vicinity of such boundary connection in order that vehicles using such roads will be required to make but one stop at such connection for the collection of tolls."

INDIAN RESERVATION ROADS AND BRIDGES

SEC. 131. The definition of the term "Indian reservation roads and bridges" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government on which Indians reside whom the Secretary of the Interior has determined to be eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

RICHMOND-PETERSBURG TURNPIKE

SEC. 132. The Secretary of Transportation is authorized to amend any agreement heretofore entered into under the provisions of section 129(d) of title 23, United States Code, in order to permit the continuation of tolls on the existing Richmond-Petersburg Turnpike to finance the construction within the existing termini of such turnpike of two lanes thereon in addition to the lanes in existence on the date of enactment of this section necessary to meet traffic and highway safety requirements. Any amended agreement entered into for such purposes shall provide assurances that the existing turnpike (including the additional lanes) shall

become free to the public upon the collection of tolls sufficient to liquidate all construction costs, and the costs of maintenance, operation, and debt service during the period of toll collections to liquidate such construction costs, but in no event shall tolls be collected after date of maturity of those bonds outstanding on the date of enactment of this section issued for construction of such turnpike having the latest maturity date.

AIRPORT ACCESS

SEC. 133. Section 105 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments shall give consideration to projects providing direct and convenient public access to public airports, and in approving such programs the Secretary shall give consideration to such projects."

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1970".

HIGHWAY SAFETY

SEC. 202. (a) Section 201 of the Highway Safety Act of 1966 (80 Stat. 735) is amended to read as follows:

"SEC. 201. (a) There is hereby established within the Department of Transportation a National Highway Traffic Safety Administration (hereafter in this section referred to as the 'Administration'). The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the annual rate of basic pay of level III of the Executive Schedule in section 5314 of title 5, United States Code. There shall be a Deputy Administrator of the National Highway Traffic Safety Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the annual rate of basic pay level V of the Executive Schedule in section 5316 of title 5, United States Code. The Administrator shall perform such duties as are delegated to him by the Secretary. On highway matters the Administrator shall consult with the Federal Highway Administrator.

"(b)(1) The Secretary shall carry out through the Federal Highway Administration those provisions of the Highway Safety Act of 1966 (including chapter 4 of title 23, United States Code) for highway safety programs, research, and development relating to uniform standards which the Secretary is authorized to promulgate pertaining to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety.

"(2) The Secretary shall carry out, through the Administration, those provisions of such Act (including chapter 4 of title 23, United States Code) for highway safety programs, research and development relating to all other uniform standards which the Secretary is authorized to promulgate.

"(c) The Secretary is authorized to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) through the Administration and Administrator authorized by this section.

"(d) All provisions of law enacted before the date of enactment of the Highway Safety Act of 1970 which are inconsistent with this section as amended by such Act of 1970 are hereby repealed to the extent of such inconsistency."

(b) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of the National Highway Safety Bureau to act as Administrator of the National Highway Traffic Safety Administration created by the amendment made by subsection (a) of this section until the first Administrator is appointed in accordance with such amendment. The President may authorize any person serving as Acting Administrator in accordance with this subsection to receive compensation at the rate authorized for the office of Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

(c) Subsection (c) of section 402 of title 23, United States Code, is amended by striking out beginning in the second sentence thereof "as Congress, by law enacted hereafter," and all that follows down through and including the period at the end of the third sentence thereof and inserting in lieu thereof the following: "75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a 'public road' means any road under the jurisdiction of and maintained by a public authority and open to public travel."

(d) The first sentence of subsection (d) of section 402 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section without regard to whether such expenditures were actually made in connection with such project."

(e) Section 402 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Except in the case of those State safety program elements with respect to which uniform standards have been promulgated by the Secretary before December 31, 1970, the Secretary shall not promulgate any other uniform safety standard under this section unless specifically authorized to do so by a statute enacted after the date of enactment of this subsection."

(f) The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973.

(2) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, for each of the fiscal years ending June 30, 1972, and June 30, 1973, out of the Highway Trust Fund for projects, or portions of projects, pertaining to the Federal-aid systems, $15,000,000, and out of any money in the Treasury not otherwise appropriated, $15,000,000.

(3) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, $30,000,000 for the fiscal year ending June 30, 1972, and $45,000,000 for the fiscal year ending June 30, 1973.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, $10,000,000 for the fiscal year ending June 30, 1972, and $10,000,000 for the fiscal year ending June 30, 1973.

(5) Paragraph (10) of section 5 of the Federal-Aid Highway Act of 1968 (relating to authorizations for carrying out section 402 of title 23, United States Code), is hereby repealed.

DEMONSTRATION PROJECTS

SEC. 203. Section 403 of title 23, United States Code, is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof at each such place "this subsection" and by adding at the end thereof the following new subsection:

"(b) In addition to demonstration projects authorized by subsection (a) of this section, in order to demonstrate methods for increasing the safety of travel on the Federal-aid systems, the Secretary, in cooperation with the Governors of the affected States, shall undertake (1) demonstration projects for alcohol safety action programs including related multidisciplinary crash investigation teams, and (2) demonstration projects relating to enforcement of motor vehicle and traffic laws. Not more than one demonstration project under each of the preceding clauses shall be undertaken in any one State and all such projects shall be completed by June 30, 1974. The Secretary not later than June 30 of the years 1971, 1972, and 1973, shall submit to Congress a progress report on such projects, including his recommendations with respect thereto, and not later than July 31, 1974, the final report on such projects, including his recommendations with respect thereto. There is authorized to be appropriated for the four fiscal year period ending June 30, 1974, out of the Highway Trust Fund to carry out alcohol safety action programs under clause (1) of this subsection not to exceed $171,600,000, for multidisciplinary crash investigation teams under such clause (1) not to exceed $35,200,000, and to carry out enforcement projects under clause (2) of this subsection not to exceed $75,000,000."

HIGHWAY SAFETY PROGRAMS

SEC. 204. (a) Section 402(b)(1)(A) of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "through a State highway safety agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program."

(b) The amendment made by subsection (a) of this section shall take effect December 31, 1971.

PROJECTS FOR HIGH HAZARD LOCATIONS

SEC. 205. For the purpose of carrying out the provisions of title 23, United States Code, there is authorized to be appropriated out of the Highway Trust Fund for projects to eliminate or reduce the hazards to safety at specific locations, where sections of highways on the Federal-aid primary or secondary systems or their extensions within urban areas which have high accident experiences or high accident potentials, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973. Amounts authorized by this section shall be apportioned to the States in the same manner as sums appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970, shall not be subject to sections 104(f) and 142(a) of title 23, United States Code, and shall be expended by such State only for projects under this section.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 206. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 144. Bridge reconstruction and replacement

"(a) To encourage and assist the States in eliminating the hazards of unsafe bridges, not more than 10 per centum, and not less than 5 per centum (unless the Secretary determines that 5 per centum exceeds the needs of the State), of all the sums apportioned in accordance with paragraphs (1), (2), and (3) of subsection (b) of section 104 of this title for the fiscal year 1972 and for each subsequent fiscal year shall be used to pay the Federal share of the cost of projects for the reconstruction or replacement of bridges that cross waterways and are on either the Federal-aid primary system or the Federal-aid secondary system. Such sums shall be available for expenditure without regard to the system for which apportioned.

"(b) The Secretary shall approve projects under this section only for bridges that are unsafe because of structural deficiencies, physical deterioration, or functional obsolescence. Each State shall establish a list of bridges to be reconstructed and replaced under this section in order of priority of need, taking into consideration the critical nature of the safety hazards involved, types and volumes of traffic, national defense requirements, alternate routes and detours, impact upon the economy and the effects upon adjoining States.

"(c) Notwithstanding any other provisions of law the General Bridge Act of 1946 (33 U.S.C. 525–533) shall apply to bridges authorized to be reconstructed and bridges constructed to replace unsafe bridges under this section.

"(d) The Secretary shall report annually to the Congress on projects approved under this section together with his recommendations for the reconstruction and replacement of bridges.

"144. Bridge construction and replacement."

(c) Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(i) The Federal share payable on account of any project for the reconstruction or replacement of a bridge under section 144 of this title shall not exceed the percentage payable under subsection (a) of this section or 90 per centum of the cost of construction of such project, whichever is the larger."

ELIMINATION OF RAILWAY-HIGHWAY GRADE HAZARDS

SEC. 207. Subsection (d) of section 120 of title 23, United States Code, is amended by substituting a comma for the period at the end thereof and adding thereafter the following: "and that not less than 5 per centum of all sums apportioned to each State in accordance with paragraphs (1), (2), and (3) of subsection (b) of section 104 of this title for fiscal year 1972 and each subsequent fiscal year shall be used by such State under this subsection, unless the Secretary determines that a lesser percentage will meet the needs of the State."

RAIL CROSSINGS

SEC. 208. (a) Chapter 3 of title 23, United States Code, is further amended by adding after section 321 the following new section:

"§ 322. Demonstration project—rail crossings

"(a) The Secretary shall carry out a demonstration project for the elimination of all public ground-level rail-highway crossings along the route of the high-speed ground transportation demonstration projects between Washington, District of Columbia, and Boston, Massachusetts, conducted under authority of the Act entitled 'An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes', approved September 30, 1965 (49 U.S.C. 1631 et seq.).

"(b) The Secretary shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Greenwood, South Carolina.

"(c)(1) If the highway involved is on any Federal-aid system, the Federal share of the cost of such work shall be 90 percentum and the railroad's share of such cost shall be 10 per centum.

"(2) If the highway involved is not on any Federal-aid system, the Federal share of the cost of such work shall be 80 per centum and the railroad's share of such cost shall be 10 per centum and the remaining 10 per centum of such cost shall be paid by the State in which such crossing is located.

"(d) Before paying any part of the cost of the demonstration projects authorized by this section, the Secretary shall enter into such agreements with the States and railroads involved to insure that all non-Federal costs will be provided as required by this section.

"(e) The Secretary, in cooperation with State highway departments, shall conduct a full and complete investigation and study of the problem of providing increased highway safety at public and private ground-level rail-highway crossings on a nationwide basis through the elimination of such crossings or otherwise, including specifically high-speed rail operations in all parts of the country, and report to Congress his recommendations resulting from such investigation and study not later than July 1, 1972, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of this title are authorized to be used to carry out the investigation and study required by this subsection.

"(f) There is authorized to be appropriated not to exceed $9,000,000 from the Highway Trust Fund to carry out paragraph (1) of subsection (c) of this section. There is authorized to be appropriated out of the general fund not to exceed $22,000,000 to carry out paragraph (2) of subsection (c) of this section."

(b) The analysis of chapter 3 of title 23, United States Code, is amended by adding at the end thereof:

"322. Demonstration project—rail crossings."

TITLE III—EXTENSION OF HIGHWAY TRUST FUND AND CERTAIN RELATED PROVISIONS

SEC. 301. HIGHWAY TRUST FUND.

Subsections (c), (e), and (f) of section 209 of the Highway Revenue Act of 1956 (relating to the Highway Trust Fund; 23 U.S.C. 120 note) are amended—

(1) by striking out "1972" each place it appears and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

SEC. 302. TRANSFER FROM LAND AND WATER CONSERVATION FUND

Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–11) is amended—

(1) by striking out "1972" and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

SEC. 303. POSTPONEMENT OF CERTAIN EXCISE TAX REDUCTIONS

(a) The following provisions of the Internal Revenue Code of 1954 are amended by striking out "1972" each place it appears and inserting in lieu thereof "1977":

(1) Section 4041(c)(3) (relating to rate of tax on fuel for noncommercial aviation).

(2) Section 4041(e) (relating to rate reduction).

(3) Section 4061(a)(1) (relating to imposition of tax on trucks, buses, etc.).

(4) Section 4061(b)(1) (relating to imposition of tax on parts and accessories).

(5) Section 4071(d) (relating to imposition of tax on tires and tubes).

(6) Section 4081(b) (relating to imposition of tax on gasoline).

(7) Section 4481(a) (relating to imposition of tax on use of highway motor vehicles).

(8) Section 4481(e) (relating to period tax in effect).

(9) Section 4482(c)(4) (defining taxable period).

(10) Section 6156(e)(2) (relating to installment payments of tax on use of highway motor vehicles).

(11) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).

(b) Section 6412(a)(2) of such Code (relating to floor stock refunds) is amended—

(1) by striking out "1972" each place it appears and inserting in lieu thereof "1977";

(2) by striking out "January 1, 1973" each place it appears and inserting in lieu thereof "January 1, 1978"; and

(3) by striking out "February 10, 1973" each place it appears and inserting in lieu thereof "March 31, 1978".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed.

The title was amended so as to read: "To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 19504) was laid on the table.

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the bill (S. 4418) to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees: Messrs. FALLON, KLUCZYNSKI, WRIGHT, EDMONDSON, CRAMER, HARSHA, and CLEVELAND.

REPORT CONCERNING CASH AWARDS PROGRAM FOR MILITARY PERSONNEL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services:

To the Congress of the United States:

In September of 1965, the Congress of the United States authorized a new cash awards program for military personnel. This program was designed to provide members of the Armed Forces with an added incentive to reduce military costs and improve military efficiency. In accordance with the provisions of 10 U.S.C. 1124, I am herewith forwarding the reports of the Secretary of Defense and the Secretary of Transportation concerning cash awards which were made under this program during Fiscal Year 1970.

The most recent report on the Military Awards Program covered the first six

months of 1969. The present report and all future reports will cover an entire fiscal year, as is presently the case with the civilian Incentive Awards Program which is run by the Civil Service Commission.

In Fiscal Year 1970—as in earlier years—the Military Awards Program was a great success. Suggestions from military personnel that were adopted during Fiscal Year 1970 saved the government over $166 million—substantially more than in any previous year. Tangible first year benefits derived from such suggestions since the program went into effect in 1965 have now reached a total of more than $439 million. Many benefits and improvements of an intangible nature have also been realized.

Some 205,888 suggestions were submitted by military personnel during the reporting period of which 32,854 were adopted. Cash awards for adopted suggestions totalled $1,979,111. More than 80 percent of the cash awards were paid to enlisted personnel. Payments varied from a minimum of $25 to a maximum which was somewhat more than $1,000.

The reports which I am forwarding from the Secretary of Defense and Secretary of Transportation present additional information concerning payments made under the Military Awards Program, along with brief descriptions of some of the more noteworthy suggestions which were presented as a part of this program during Fiscal Year 1970.

RICHARD NIXON.

THE WHITE HOUSE, *November 25, 1970.*

ONE YEAR LATER: AN APPRAISAL OF OUR CBW POSTURE

(Mr. McCARTHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCARTHY. Mr. Speaker, 1 year ago today the President made an historical announcement, one which called for a sharp change in direction in this Nation's chemical and biological warfare policies. On November 25, 1969, Mr. Nixon stated without qualification that we would henceforth renounce bacteriological warfare and not use chemical weapons unless they were used against us. I welcomed this news, for it marked the first time that the United States was willing to destroy a weapons system unilaterally, and signalled the beginning of the end of a totally worthless but highly dangerous arsenal.

During the year previous to the President's announcement, I had examined with growing horror the magnitude of our chemical and biological warfare program and the irrational policies which guided the research, development, distribution, storage, and disposal of these weapons. Little was known about this folly until Congress, in its wisdom, insisted that the Pentagon reveal the size and nature of this weapons system. What was learned shocked the Nation and the world. Toxins and plague were cultured at Fort Detrick, Md. Nerve gas was stored at the end of a commercial airport runway waiting to be transported without proper precautions across the land to the ocean to be unceremoniously dumped into the sea.

Meanwhile, on the other side of the world in Southeast Asia, a chemical which had been found years earlier to cause the birth of malformed babies was being sprayed on populated areas.

Those of us who had come to recognize the atrocious implications of these incidents were, therefore, greatly relieved when informed that the full power of the Presidency was to lead the way in returning sanity to our national security policies. The tone of the President's remarks last November 25 led us to believe that immediate steps were being taken to dismantle this science-fiction war machine. We also looked forward to Congress deliberating the merits of the 1925 Geneva protocol which Mr. Nixon said he was submitting to the Senate for its advice and consent to ratification.

It seemed as if the framework had been laid for an orderly transition in policies and practices, in step with recent United Nations action which brought herbicides and tear gases under the provisions of the protocol. In addition, it gave encouragement to those who were working toward a total ban on microbiological weapons at the Eighteen-Nation Disarmament Conference in Geneva.

The prestige of the White House was at stake as nations looked to see whether we had the ability to halt a most abhorrent aspect of our military complex.

A full year has passed, and an assessment must now be made to determine what if any progress has been made to reach the goals outlined by the President.

First, a brief word about the Geneva protocol. While it is true that 7 months after the President's announcement, the treaty was sent to the Senate, where it is now pending before the Committee on Foreign Relations, I was distressed to learn that the administration is of the opinion that tear gases and herbicides are outside the scope of international regulation. This posture seriously dilutes the effectiveness of the protocol as it applies to contemporary events, and I would hope that the Senate would concur with the large majority of signatories who believe that these agents are indeed prohibited.

Turning to chemical warfare policies: I would think that a logical first step to implementing a no-first-use policy would be to instruct the field commanders to cease all defoliation immediately, to begin withdrawing all stocks from Vietnam, and make sure that no more arrive.

Unfortunately, the reverse seems to be the case. Recent reports indicate that field commanders have defied this ban and continue to use the birth-deforming compound Orange without provocation.

I am appalled that these Presidential orders are being violated, and I would hope that our Chief Executive would take immediate steps to see that his directive is carried out. There is absolutely no evidence that the enemy possesses lethal chemical weapons. If the no-first-use policy is to be implemented, these supplies should not be available in the field where they are obviously misused.

In the field of biological warfare, an area specifically designated by the President as having no worthwhile purpose, little if anything has changed from a year ago. While Congress is seeking to transfer the major research and development sites to civilian medical agencies, the administration evidently sits back quietly, requesting the same amount of funds, stockpiling the same lethal germs, repeating vague assurances that the arsenal will be destroyed "in the near future."

I am fully aware that the wheels of government turn slowly, Mr. Speaker, but a year is long enough for the military to begin destroying these living horrors. Many scientists have informed me that the disposal methods are well known and easily carried out. To put it simply, the will to do so is missing. Accordingly, the White House and every agency below is sitting on its hands, with a "business as usual" attitude. Meanwhile, funds totaling over $21 million are allocated for biological warfare, to be used in ways that not even most administration officials know or understand.

I was recently given an official tour of the facilities at Fort Detrick, and was pleased to note that the germ warfare research program was winding down. What still bothers me is the fact that no steps have been taken to eliminate the vast stockpiles of toxins and agents which cause tularemia, Q fever, anthrax, and Venezuelan encephalitis, which continue to be stored at Pine Bluff, Ark.

I can find nobody in the administration who can explain why these agents are still in existence. Officials in the Department of Health, Education, and Welfare, the Arms Control and Disarmament Agency, and the Pentagon are studying the matter. I will not hold my breath waiting for their recommendations.

Time for concrete action is long overdue. While the executive branch procrastinates, these are steps Congress can take now. One, the Senate should take up the Geneva protocol as soon as possible. When it was before the Senate earlier, it languished on the Foreign Relations Committee calendar for 40 years, being withdrawn in 1947 for lack of interest. Such a delay must not be repeated again. Congress should also examine how other international agreements can be negotiated to bring about a universal ban on biological warfare, and how similar restrictions can be placed on chemical warfare.

Second, Congress can act this year to transform Fort Detrick into a laboratory for health research under civilian control. The Senate took action on this proposal last week. I hope my colleagues in the House support this amendment to the HEW appropriations bill when it is considered in conference.

Mr. Speaker, this anniversary gives us no cause to celebrate. One year later, deadly chemicals are still being used in Vietnam.

One year later, the Geneva Protocol

awaits ratification; and 1 year later disease-spreading agents sit in refrigerated storage bins for no reason.

We should look upon this anniversary as an opportunity to take decisive action. To delay any further, to allow 1 more year to go by without progress would be an injustice to those here and abroad who look to the United States for leadership in the banning of the development of such reprehensible weapons.

AMERICAN BOMBING AND RESCUE MISSIONS IN NORTH VIETNAM

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, the credibility gap has grown wider this weekend with the news of American bombing and rescue missions in North Vietnam. The resumption of attacks on the North denotes a sharp reversal of American policy in Vietnam. For almost 2 years we have been told that Vietnamization, the cornerstone of America's present policy in Vietnam, has been proceeding quite successfully. Then suddenly, we are told that American men are engaging in raids on North Vietnam to counter enemy buildup. What, then, are we to believe about both the administration's commitment to a policy of deescalation as well as the success of the policy of Vietnamization?

Some have called American actions "misguided"; I see them as more than simply an exercise in bad judgment. Reflecting as they do the thinking of some of our Nation's top leaders, they indicate an indecisiveness as to the direction of our policy. They signify that the extraordinary events of the last 2 years have had relatively little impact on this thinking.

It is quite incredible to think that the debates of last May, the resolutions, the pages of testimony pointing to the hopelessness of achieving a military solution to this war are now being discounted.

In May of this year, this Congress had before it a resolution proposing a timetable for the withdrawal of American troops from Vietnam. I strongly supported that policy, although a majority of Congress rejected such a timetable, claiming it would "tie the President's hands" in his efforts to bring an end to the war.

But I believe the President misinterpreted the meaning of that debate and the mandate he received. He did not receive—even from those who voted against the timetable—carte blanche approval for another escalation of the conflict. He received a mandate to further deescalate.

In July of this year and September of last year, the many Members of Congress, myself included, sponsored resolutions demanding the humane treatment and exchange of civilian and military prisoners of war.

The release and well-being of American men captured by the North Vietnamese must remain a No. 1 priority of our country. But I question the wisdom behind "raids" to release them. We can now only hope that there will be no reprisals by the North Vietnamese.

Yet, military solutions, as we have learned, will not bring an end to this tragic 5-year conflict. If we have learned anything at all from the death of so many thousands of our young men, we have learned this. Military missions may appear successful—and in the short run they often are. Yet too often they have proved temporary and fleeting with little permanent impact. Sometimes they actually jeopardize chances for a more permanent solution. I hope this does not prove the case with the events of the last days.

At the same time, the circumstances behind the escalation are still unclear. Reasons range from retaliation for the shooting down of an unarmed reconnaissance plane over North Vietnam to the protection of pilots trying to halt the buildup of supplies along the Ho Chi Minh Trail. In addition, accounts of how far America penetrated into North Vietnam are contradictory.

The method of reaching this decision is also cause for concern. The actual decision seemed to have been made by the Pentagon with little consultation or input from either the Department of State or from congressional leaders.

The real danger and cause for concern is, however, the seeming indecisiveness and lack of direction on the part of our policymakers. Straddling two policies is not a policy; it results in no ultimate solution. In the long run, it may actually jeopardize chances of reaching a peaceful solution.

We can only hope that America's recent actions do not endanger the lives of American prisoners of war and do not hinder efforts for the achievement of peace.

NATIONAL WATER HYGIENE ACT OF 1970

(Mr. ROGERS of Florida asked and was given permisison to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am introducing the "National Water Hygiene Act of 1970," a bill to assure that the public will be provided with safe water for drinking, recreation, and other human uses. I am pleased to have as cosponsors several of my colleagues from both parties on the Subcommittee on Public Health of the Committee on Interstate and Foreign Commerce. Members joining me on this legislation include Mr. JARMAN, Mr. KYROS, Mr. PREYER of North Carolina, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS.

A national survey conducted by the Department of Health, Education, and Welfare's Bureau of Water Hygiene, Environmental Health Service, and U.S. Public Health Service has caused grave concern in this Nation about the quality of our drinking water. This survey of 969 public water systems, known as the "Community Water Supply Study" in its July 1970 published form, is a systematic, sample analysis of the raw water sources, public water supply systems, and water distribution systems in various States and communities of our Nation. Some of the major findings of this survey are summarized as follows:

First, 41 percent of the 969 public water systems surveyed were delivering waters of inferior quality to 2.5 million people. In fact, 360,000 persons in the study population were being served by waters of a potentially dangerous quality. This was particularly true of community water systems serving less than 100,000 persons. Even in those systems where the average quality was good, occasional samples were found to contain fecal bacteria, lead, copper, iron, manganese, and nitrate. A few even exceeded the arsenic, chromium, and selenium limits recommended by the Department of Health, Education, and Welfare as necessary to prevent major health impairments. Some of the very small communities were even drinking water on a day-to-day basis that exceeded one or more of the dangerous chemical limits, such as those on selenium, arsenic, or lead.

Second, regarding the quality of water delivered to the consumer, the survey found that 36 percent of tap water samples tested contained one or more bacteriological or chemical constituents exceeding the limits in the Public Health Service drinking water standards, 9 percent of these samples contained bacterial contamination at the consumer's tap evidencing potentially dangerous quality, 30 percent of these samples exceeded at least one of the chemical limits indicating waters of inferior quality, and 11 percent of the samples drawn from systems using surface water sources exceeded the recommended organic chemical limit of 200 parts per billion.

Third, regarding the status of physical facilities, the study showed that 56 percent of the systems evidenced physical deficiencies including poorly protected groundwater sources, inadequate disinfection capacity, inadequate clarification capacity, and/or inadequate systems pressure.

Fourth, regarding the qualifications of the operators of public water systems surveyed, the study found that 77 percent were inadequately trained in fundamental microbiology, and 46 percent were deficient in chemistry relating to their plant operation.

Fifth, regarding the status of State inspection and technical assistance programs, the survey revealed that 79 percent of the water systems were not inspected by State or county authorities in 1968, the last full calendar year prior to the study. And even more amazing is the fact that in 50 percent of the cases, plant officials did not remember when, if ever, a State or local health department had last surveyed their water supply.

The aforementioned survey reveals that although there are existing recommended standards for chemical and biological contaminants in our water supplies and some provisions of law for enforcing standards for disease-causing bacteriological contaminants, existing water hygiene technology is not being applied or practiced uniformly in our Nation's States and communities to assure the public of good quality water for drinking and other human uses.

Furthermore the study revealed that there is a desperate need for research, development of new technology, training of personnel, and improved State programs to provide adequate quantities of safe water in the future.

The study points out that history gives us examples of the penalties paid by past civilizations which failed to provide safe drinking water to the people. The fact that waterborne diseases persist today was evidenced by the epidemic at Riverside, Calif., in 1965 which affected 18,000 people, the 30-percent gastroenteritis attack rate in Angola, N.Y., in 1968 due to a failure in the disinfection system, and the 60-percent infectious hepatitis attack rate which afflicted the Holy Cross football team in 1969.

We can expect future major occurrences of epidemics and health impairments in our communities unless we now take the necessary measures to provide the public with adequate quantities of water for drinking, recreation, and other human uses. With the pollution of our waters on the upswing, we must recognize the voids in our existing water hygiene technology, and look to the Federal Government for leadership in this area, so that the States and communities are able to take the necessary steps to provide safe water to our people in the future.

The existing Federal program is limited to research by a small staff housed in the Bureau of Water Hygiene on a budget of $2,701,000 for fiscal 1970 and the administration's budget requests proposed a cut of $357,000 from the program's 1970 level for fiscal 1971. We drastically need more research, particularly for chemical contaminants which we know very little about. We also need to provide the States with a means to apply in practice this research to their supply systems and raw sources which provide the public with water. The States and communities urgently need technical assistance, grants for training of personnel, and grants for the planning and improvement of their water hygiene programs.

Under existing law the Public Health Service has only general authority to regulate interstate water carrier supplies and only relating to the control of communicable diseases caused by bacteriological contaminants in the water of some 709 systems in the Nation which supply only 82 million people with water. There is no authority over the water systems supplying the remaining 118 million people in our Nation, and what little authority the public service has, is limited to biological contaminants, and not radiological, or chemical contaminants. For example, there is authority to protect only about 40 percent of the people in the United States from bacterially caused diahhrea; however, under law, chemically caused diarrhea induced by magnesium sulfate cannot be required to conform to minimum national hygiene standards. Since there are some 12,000 toxic chemical compounds in industrial use today, and more than 500 new chemicals are developed each year, we must move to correct this void in the law. We need mandatory minimum national standards for such dangerous chemicals or substances as arsenic, mercury, lead, selenium, organic carcinogens, nitrates, cyanide, and others, which under present law are only recommended, and these minimum standards should apply to all water supply systems and raw water sources which supply water for drinking, recreation, and other human uses.

The legislation which I am proposing today would amend the Public Health Service Act to direct the Administrator of the Environmental Protection Agency, which after the effective date of the President's Reorganization Plan No. 3 has the responsibility for carrying out the functions of the Bureau of Water Hygiene within the Department of Health, Education, and Welfare relating to health concerns of water for drinking and other human uses, to promulgate standards for the minimum quality of water allowable for drinking and the maximum levels permissible for any chemical, biological, physical, radiological, or other contaminants in such water. These standards would be promulgated after proposed standards have been published and sufficient time is provided for all interested parties to make recommendations.

The bill would also direct the Administrator to promulgate standards relating to bacteria, viruses, caustic agents, and any other organic or inorganic substances which are hazardous or potentially hazardous to the public health in all raw sources in the United States which supply water for drinking, recreation, and other human uses, or which either directly or indirectly come into contact with people in a manner so as to affect their health.

This legislation does not preempt the States from having minimum standards or enforcement procedures. In fact, the bill provides that State standards and/or enforcement procedures will supersede Federal standards and enforcement procedures if the Administrator determines that a State within 1 year of enactment of the law comes up with standards and enforcement procedures equal to or more stringent than the Federal standards, regulations, and procedures.

Until such time as any individual State comes up with standards and enforcement procedures approved by the Administrator, the Federal standards and enforcement would remain in effect. If the Administrator determines that a raw water source or public water system is below the standards, or if a State or interstate agency has not provided adequate enforcement procedures, the Administrator notifies the State and gives the State 30 days with extensions up to an additional 90 days during which to comply. If the State does not comply within the specified time, the Administrator may bring suit in the district courts to require compliance, or he may bring an injunction against any official obstructing compliance. The courts are authorized to assess penalties up to $1,000 per day of violation.

In the case where the Administrator discovers a raw water source or water supply system which presents a grave and immediate danger to the health of the people using or otherwise coming into contact with such water, then under the provisions of the bill he has additional authority to issue a direct order instructing the responsible official to take the necessary steps to protect the people of that area and to even temporarily require the abatement of the use of that water until such time as it is rendered safe.

In addition to these provisions the bill directs the establishment of the National Water Hygiene Council, composed of 15 representatives of the public, scientific, and State and local governmental communities, which would advise and make recommendations to the Administrator regarding the implementation and administration of this program.

The bill would authorize $20 million for fiscal 1972, $30 million for fiscal 1973, and $40 million for fiscal 1974 for a total of $90 million over the next 3 fiscal years for the Administrator to conduct research, technical assistance, and training of personnel in matters relating to providing the public with safe water for drinking, recreation, and other human uses and to make project grants for this purpose to individuals, States, interstate agencies, communities, or organizations.

In addition, the bill would authorize $10 million for fiscal 1972, $15 million for fiscal 1973, and $20 million for fiscal 1974 for a total of $45 million for the next 3 fiscal years for the Administrator to make demonstration grants to States, municipalities, interstate agencies, institutions, and persons for projects demonstrating a new or improved method or technology in the provision of a safe supply of water to the public for drinking, recreation, and other human uses, including reclamation, recycling, and reuse of waste waters for this purpose.

Last, the bill authorizes $15 million for fiscal 1972, $20 million for fiscal 1973, and $30 million for fiscal 1974 for a total of $65 million for the next 3 fiscal years for the Administrator to make grants to State and interstate agencies for the planning, developing, and maintaining of their programs in the area of water hygiene.

This legislation contains provisions to encourage interstate cooperation in the provision of safe water to the public in order to cut down unnecessary duplication of facilities and services in areas crossing State lines.

The legislation directs Federal departments and agencies to comply with all applicable State and Federal standards insofar as practicable with the interests of the United States. It is necessary for the Federal Government to take the lead in providing safe water to the public if this is demanded of the States and communities of our Nation.

Last, the bill encourages the Administrator to work closely with the officers and employees of other Federal agencies such as the Public Health Service in order to carry through this important program.

Although there is not much time left during this session of Congress for passage of this important measure, I would urge the Members to seriously consider its merits during the time remaining in

this session with a view toward passage of a "National Water Hygiene Act" during the 92d Congress, as I plan to reintroduce the bill at that time.

REMARKS BY FORMER ATTORNEY GENERAL RAMSEY CLARK AT LUNCHEON OF SOCIETY OF FORMER SPECIAL AGENTS OF THE FBI

(Mr. SMITH of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of California. Mr. Speaker, as a former special agent of the Federal Bureau of Investigation, I have noted with great interest the published differences of opinion between former U.S. Attorney General Ramsey Clark and FBI Director J. Edgar Hoover. I consider Clark's criticism of both the Bureau as an organization and of Mr. Hoover to be completely unfounded, and I have been surprised by what Clark has said since it is not at all in keeping with remarks I heard him make near the end of his tenure as Attorney General.

In September 1967 the annual convention of the Society of Former Special Agents of the FBI was held in Washington, D.C., Ramsey Clark appeared as one of the luncheon speakers. I attended as did several thousand other persons including former FBI agents, their wives and guests, and the news media. Mr. Hoover has been quoted as saying that one never knew how Ramsey Clark was going "to flop on any issue," and this, indeed, appears accurate since at the luncheon on September 28, 1967, Clark was extremely profuse in his praise of both Director Hoover and the FBI. Of course, praise for the FBI and for its Director is not newsworthy, and it could be that his effort to publicize a recently written book and the fact that he has been mentioned as possible Presidential timber could be factors motivating Clark at this time.

Clark's comments at the luncheon in 1967 were made a matter of record, and I have secured a copy which I would like to call to the attention of my colleagues since it indicates Ramsey Clark's opinion when he was Attorney General and when he had the responsibility and the authority to correct FBI shortcomings if he saw fit. I include his comments at this point:

REMARKS OF FORMER ATTORNEY GENERAL RAMSEY CLARK AT THE LUNCHEON OF THE SOCIETY OF FORMER SPECIAL AGENTS OF THE FBI, INC.

Toastmaster Coyne (ph), Mr. Hoover, President Reagan (ph), officials and friends of the FBI, it is a thrilling experience to be with you today. Well, I'm not going to read anything, but I can think better with my glasses on.

I had intended to tell Mr. Hoover earlier but hadn't the appropriate opportunity that the President asked me to express today, as he has himself on so many occasions, his great admiration for his friend of many, many years, his neighbor for many, many years, his colleague in the Government of the United States, Director John Edgar Hoover. Unfortunately, he is traveling to view the ravages of hurricane and flood in the Rio Grande Valley but is with you and with Mr. Hoover in spirit at this time.

To the former Agents here I would like to say that you are alumni of an illustrious institution: an institution unsurpassed in governments in the excellence of its performance; one that reminds us at a time when it is so important that we be reminded that we have faith that big government, which is essential to a mighty Nation of 200,000,000 people, can perform through institutions with effectiveness, with efficiency and with fairness. I hope that each of you will also always feel that he is an alumni not only of the FBI but of the Department of Justice as well, which feels so close to the Bureau, to its members, which works constantly in a common mission.

Of all the institutions of Government, there is none in our time in this hour of great concern about crime that we are so fortunate to have such excellence. Of all the agencies that could have reached this level of excellence the American people can be grateful that it was the FBI because of the dependence of our people upon its performance for both their personal security and their liberty. Of all the attributes of the excellence demonstrated by the FBI, perhaps none is more impressive than the balance that is always shown. Here, contrary to expectation, perhaps to many's evaluation of human nature, there is no quest for empire. There is, instead, the constant awareness that its misison is described and delineated by constitution delegating powers to the Federal Government and reserving powers to the States. That it lends its strength to law enforcement throughout the United States working daily to build excellence in State and local law enforcement which are so critical to the survival of this great Nation.

About the man that you honor today, there is nothing I can think to say more appropriate than that as Ralph Waldo Emerson noted in the simple days before the Civil War that "Every institution is but the lengthened shadow of a single man." It seems incredible to me that this could still be true in our day of such complexity and vast number, but it is true; because, to a degree that I do not know to exist in any other institution, public or private, in this country, the great Bureau of Investigation is the lengthened shadow of John Edgar Hoover.

Thank you very much.

GEORGE H. SCRUTON, JR.

(Mr. RANDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RANDALL. Mr. Speaker, all of us here in Washington were shocked at the sad news of the passing of our friend, George Scruton. We have all suffered a loss by his untimely death. His loss will be mourned throughout our State because everyone who knew him, loved him. His fellow editors will miss his presence as a journalist of the highest integrity.

George Scruton, during his years as editor of the Sedalia Democrat, Sedalia, Mo., earned the enviable reputation for objectivity and fairness. His editorials were direct and to the point. Yet he always tempered them with an intimate knowledge of the viewpoint of his readers and the area his paper served. He struck hard against those things he believed were wrong and fought equally hard for the causes he knew were right. He consistently refused to let his writing be influenced by personalities or personal prejudices. For the foregoing reasons he became one of the truly outstanding editors of our State.

Out of the sadness we experience from his loss emerges the comforting thought that he leaves a legacy of wisdom, honor, and integrity, to strengthen and inspire all of us.

Our deepest sympathy goes to his good wife, Margaret, whom he loved so much. It is our prayer she be sustained by the Good Lord above in her hour of sorrow and the trying days that lie ahead.

COMMENDS BRAVERY OF OFFICERS AND MEN IN POW RESCUE ATTEMPT

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROYHILL of Virginia. Mr. Speaker, today I am offering a resolution commending the brave officers and men of the Special Joint Army-Air Force Task Force, led by Col. Arthur D. Simons, U.S. Army, and Brig. Gen. Leroy J. Manor, U.S. Air Force, for their courageous attempt on November 21 to liberate a substantial number of the thousand or more prisoners of war being held under inhumane conditions by the Government of North Vietnam in violation of the Geneva Conventions.

Already the air is filled with cries of alarm, with organized protest, that our Secretary of Defense, in directing this special rescue operation, may have antagonized the Communists. But, for the sake of our men in North Vietnam prisons, for the safety of those still free to fight. I, for one, will ignore the cries of alarm, the marching protests, the banners of surrender. I will do so because I believe it is my duty not only as a Congressman but as an American to support this first step toward guaranteeing their safety.

From hard experience I know the plight of a prisoner of war. While I was serving as a company commander in the 106th Infantry Division in the Battle of the Bulge, my entire division was wiped out, and I was taken prisoner along with those of my company who survived. The memory of the disease, dirt, starvation, and fear will remain with me as long as I live. We were marched away from the front lines, herded into boxcars like cattle, and twice bombed by Allied planes. During one bombing raid in Nuremberg, half the group were killed or wounded, yet we were proud of the bombers and of the men who were still fighting for us and our country.

I escaped from a POW marching column, through the grace of God and the extreme courage of my cellmates, whose will to live and fight again stemmed from their conviction that our country was worth fighting for.

I still know it is worth fighting for, but I often wonder if the American soldiers now being jabbed by Communist bayonets, beaten, and starved by Communist barbarians, believe in their heart at this moment that it is. For we have given them little to sustain their hopes until this week.

War is a personal thing when you fight it. It is even more personal when you are a prisoner of it. The loneliness surpasses reason; the hours erase time; and the misery dissolves hope. Unless there is a certainty that you are not forgotten, that you are not the victim of some higher policy or some grand strategy that leads to half-victories and uncontrollable stalemates, it is unendurable.

I would be ashamed as an American if this were the only hope, the only heritage, we could leave those in the darkness of their cells in North Vietnam today. I do not believe it is.

If the Communist North Vietnamese have found a legal basis for treating our captive fighting men worse than common criminals, then surely we have a legal basis for acting to guarantee their safety and secure their freedom. The American people are sick and tired of the arrogance, deceit, torture and killing of the Communists who hold our men captive. They are tired of repeated breaches of treaties and agreements, and of the total ineffectiveness and lack of action on the part of the United Nations. And, Mr. Speaker, they are even more sick and tired of submission by our own Government to threats and violations of international law, lest we anger or frustrate the international bandits who are perpetrating the atrocities.

Now is not the time to remain silent. Now is the time for the Congress of the United States to stand in support of the President of the United States and the Secretary of Defense in their determination to rescue those who have suffered so long.

If there are no standards of decency among the Communists, it is time we teach them some. If they have no qualities of mercy, it is time to cease dealing with them as equals among humankind. We can begin now by officially serving notice that we have had enough and that we support without reservation the rescue mission and those who carry it out.

If we must choose humane treatment for those we send to fight against the risk of greater conflict, I shall choose humane treatment.

If we must choose between nations with courage to stand with us in our demands for decency as against those who pay only lip service to decent human behavior, I shall stand with the courageous, whatever the risk.

If we must choose as Americans between might and sniveling threats, abject fear and weaseling, I shall stand with what is right and the might to make it so. So, I am sure, will this Congress. So will our President; our Secretary of Defense. And so will our people.

Mr. Speaker, I include the text of my resolution at this point in the RECORD, and I urge its adoption without delay:

H. Res. 1279

A resolution relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam

Whereas, at the request of the Secretary of Defense, the President of the United States authorized a Joint Army-Air Force Task Force operation, the purpose of which was to undertake the liberation of a substantial number of prisoners-of-war being held under inhumane conditions by the Government of North Vietnam in flagrant violation of the Geneva Conventions; and

Whereas, the dedicated officers and men of the Joint Army-Air Force Task Force, under the inspiring leadership of Arthur D. Simons, United States Army, and Brigadier General Leroy J. Manor, United States Air Force, flew into the Son Tay prison compound near Hanoi, deep in the heart of heavily defended enemy territory, for the purpose of liberating American prisoners-of-war; and

Whereas, this group of courageous volunteers carried out this perilous mission with such superb timing and perfect execution that not a single casualty was sustained; and

Whereas, this heroic humanitarian gesture, voluntarily made by the men of the liberation task force at great risk to their own safety and lives, clearly demonstrates their deep unselfish compassion for their comrades in arms who are being deprived of their freedom under the most despicable conditions; and

Whereas, this daring operation will bring to all families of prisoners-of-war and missing men a reassuring comfort in the knowledge that these brave men have not been foresaken by their country and will serve as notice to the enemy that the United States will not tolerate continued inhumane treatment of American prisoners-of-war in flagrant violation of civilized standards of respect for human dignity: Now, therefore be it

Resolved, That the House of Representatives hereby commends the brave officers and men of the Special Joint Army-Air Force Task Force, led by Colonel Arthur D. Simons, United States Army, and Brigadier General Leroy J. Monor, United States Air Force, for their courageous attempt on November 21, 1970, to liberate a substantial number of prisoners-of-war being held under inhumane conditions by the Government of North Vietnam in violation of the Geneva Conventions.

Resolved further, That the extraordinary courage, dedication, and selflessness displayed by the members of such joint task force has earned for them the highest admiration and commendation of this Nation and has brought an undeniable luster to the Armed Forces of the United States and the people they so honorably serve.

WHICH HAS MORE REALISM: TV OR REAL LIFE?

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, I have never been quite sure as to whether broad claims regarding the effect of television and movies on our lives were based on fact or were mere speculation. I have supported proposals to study these contentions and to try and sort out cause and effect.

Now, I am suddenly struck by this question again. Is it possible that our national and international policies are heavily influenced because we emulate our film heroes—especially when we are faced with frustrating problems that do not have solutions as simple as we projected them in campaign rhetoric?

Of course, the real life "Mission Impossible" which failed to turn up any prisoners of war as a result of our reckless invasion of a prison camp near Hanoi is a scenario that would never have reached our living room screen. The fictional team is always successful in completing its missions. At the very worst, an intelligence failure would only be a temporary setback.

Has the frustration of not being able to end, win, or lose the war—the pressure of anxiety related to the prisoners of war—reached the highest levels of our Government in Strangelove fashion?

Can we gloss over the obvious fact that this John Wayne-type raid has seriously jeopardized the possibilities of negotiation—not only in respect to the war, itself, but especially in the area of prisoner treatment and/or exchange?

Based on faulty intelligence, we conduct an invasion that ignores the delicate political factors involved.

What were the possible alternative outcomes of such a foolhardy escapade?

The raiding force could have been wiped out completely.

The mission could have met with complete success.

The results could have been somewhere in between.

Or—probably an alternative that we least expected—there would be no prisoners in the camp.

The first of these four alternatives is probably the only outcome that would not have damaged our negotiating position seriously.

Did those officials authorizing the foray actually fail to realize that success in such a mission, such as if we had spirited away 70 prisoners of war, would have repercussions in both North Vietnam and in Paris that could not help but wipe out any hope for all of the other prisoners and their families without complete military victory?

But, how would Dr. Strangelove have looked at the situation?

There is no question in my mind. Win, lose, or draw on the first mission, it would be obvious to him that there is only one course left. We should simply invade and release all of the prisoners.

It now appears, therefore, that the administration has completely abandoned any hope of negotiating a settlement.

The bravery and the execution of this effort might earn an Emmy for "best 1-hour dramatic program."

Let us pray that it is not to be continued next week.

DISASTROUS STATE OF THE NATIONAL ECONOMY

The SPEAKER pro tempore (Mr. KEE). Under a previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 60 minutes.

Mr. LEGGETT. Mr. Speaker, yesterday I finished partially an analysis I had made in some detail concerning the rather disastrous state of the national economy, and this morning in the 1-minute speeches I pointed up the rather onerous implications of the 7.2-percent inflation

rate coming on the heels of representations made by Economic Adviser McCracken and certain other people in the Nixon administration indicating in October that everything was under control.

It appears that everything in the administration economics-wise is out of control, that the administration really does not know what it is doing.

I should like to continue with some of the analysis which I made.

I point up these organized labor statistics only in an effort to show perspective. The workers see their wages being eaten up by rising costs, and they naturally want to guard against future inflation. The United Auto Workers, with considerable justification, point to the 19-percent pay raise GM top management gave itself in 1968, and to the fact that nearly 25 percent of the cost of a new car derives from senseless model changes. We have all heard about the massive and totally unconscionable raises Penn Central top management gave itself while the railroad was going bankrupt.

But the fact remains: we are going to have to live with these new settlements, and we will feel their effects soon. In one way or another, more than 10 percent of our population derives its living from the auto industry.

The same pattern can be found throughout the economy. According to the October issue of the Wells Fargo Bank Business Review:

> In the first six months of 1970, major contract settlements averaged 9.7 percent over the life of the contract and in the first year ran 14.6 percent as against 8.2 percent and 10.9 percent respectively for all of 1969. It does not appear that the rise in wage costs, which is accelerating, can be matched by further productivity gains. . . . The auto workers' contract has typically served as a model for other union settlements and it is difficult to see a settlement at less than a 10 percent rate.

Coming from a district which produces more than 20 percent of the Nation's rice, I have a strong interest in the plight of the farmer caught in an inflationary economy. As usual, the Nation's farmers are finding themselves the first to suffer from inflation. Richard Nixon said in September 1968:

> These (new) policy directions include dedicated efforts to improve market prices and strengthen our market economy; 74 percent of parity (1968) is intolerable in my book; farmers are entitled to better, and I pledge that in my Administration they will have better. (Des Moines, Iowa, Sept. 14, 1968.)

Farm prices have risen 4.6 percent since 1968, but costs are out of sight, reducing farm parity this month to 70 for the first time since the 1930's. Since farm prices have remained relatively constant, the decrease in parity can be attributed to increased costs, which in turn are largely attributable to inflation.

I include a table, entitled "Prices Received and Paid by Farmers," in the RECORD at this point:

PRICES RECEIVED AND PAID BY FARMERS

[Index, 1957–59=100]

Period	Prices received by farmers			Prices paid by farmers			Parity ratio [1]	
	All farm products	Crops	Livestock and products	All items, interest, taxes, and wage rates	Family living items	Production items	Actual	Adjusted [2]
1960	99	100	98	102	102	101	80	82
1961	99	102	98	103	102	101	79	83
1962	101	104	99	105	103	103	80	83
1963	100	107	95	107	104	104	78	81
1964	98	107	91	107	105	103	76	80
1965	103	104	101	110	107	105	77	82
1966	110	106	113	114	110	108	80	86
1967	105	101	107	117	113	109	74	79
1968	108	101	112	121	117	111	73	79
1969	114	99	125	127	123	116	74	80
1969:								
September 15	114	95	128	128	124	116	73	79
October 15	115	96	128	129	124	116	73	79
November 15	117	99	130	127	125	117	75	81
December 5	117	96	133	129	125	117	75	81
1970:								
January 15	119	97	134	131	126	118	75	81
February 15	120	99	135	132	127	119	75	81
March 15	120	99	134	131	127	119	75	81
April 15	116	99	129	132	127	119	72	78
May 15	117	104	126	132	128	119	73	78
June 15	116	104	125	133	128	119	72	77
July 15	118	105	128	133	128	119	74	79
August 15	114	101	124	133	129	119	71	76
September 15	116	105	124	134	129	121	72	77
October 15	113	103	121	135	129	122	70	75

[1] Percentage ratio of index of prices received by farmers to index of prices paid, interest, taxes, and wage rates on 1910–14=100 base.

[2] The adjusted parity ratio reflects Government payments made directly to farmers.

Source: Department of Agriculture.

The disastrous handling by the administration of the rice commodity is symbolic of their total agricultural ineptness. Two years ago the Republicans reduced rice allotments by 15 percent. My district, with nearly one-fourth of the Nation's rice, started to agriculturally integrate. This year Secretary of Agriculture Hardin reduced the rice commodity allotments another 10 percent. Our Central Valley economy continued to sag with high unemployment. Now inflation continues unabated and unemployment is pushing through the roof and Government tax income is also sagging and the administration admits publicly that in spite of starving millions worldwide they are planning on another 10-percent rice acreage reduction.

The plight of the rice farmer is well described in an article, entitled "Rice Co-op Raps Acreage-Cut Plan," in the Willows Daily Journal of November 16, 1970. I include this article in the RECORD at this point:

RICE CO-OP RAPS ACREAGE-CUT PLAN

SACRAMENTO.—The California rice industry will "resist strongly" what is described as a plan by a group in the U.S. Department of Agriculture to cut rice acreage another 10 percent.

It has already been reduced some 25 percent in the past two years, Marshall Leahy, executive vice president of Farmers Rice Cooperative, told about 650 members and their wives at the co-op's 26th annual meeting in the Woodlake Inn here:

"Two weeks ago we felt confident there would be no change in the acreage allotment.

"It now appears, however, there are some people in the Department of Agriculture who would reduce acreage."

This bore out a pre-election statement by Congressman Robert L. Leggett in a visit to this area that pressure was being exerted in the Department of Agriculture for another 10 percent acreage-allotment reduction.

Meanwhile, James Nicholas, vice president of the cooperative, said the rice industry faces a difficult marketing year overseas.

"Competition," he said, "has never been more severe."

Nicholas said California's 17.9 million hundredweight rice crop, some 10 percent smaller than last year, faces what he called "a reduced world import requirement which is likely to grow in intensity."

He said the decline in foreign demand for California rice stems from a rising production of rice by countries which traditionally have imported the crop from the United States.

"Vietnam, Indonesia and Korea—leading rice importers last year—are pursuing production programs aimed at eventual self-sufficiency," he said.

Nicholas said American rice has not been able to meet competition abroad to the same degree as in past years, and U.S. dollar exporters have suffered as a result.

During the 1969–70 marketing year, he pointed out, commercial exports from the United States totaled about 825,000 metric tons, down 30,000 from the previous year.

"It will be difficult to avoid a further decline during 1970–71," he said.

He said the 1969–70 total included a special dollar purchase a special dollar purchase by Vietnam of more than 100,000 tons, which is not expected to be repeated this year.

Leahy, general counsel for the cooperative as well as executive vice-president, said Korea has an influence on the move within the

Department of Agriculture to reduce acreage again.

While Korea, he said, has "expressed interest in 50,000 tons of California rice, no formal agreeemnt has been reached."

He said that by law acreage can be reduced an additional 10 percent nationally from the present 1,820,000 acres to 1,652,000 acres.

"We will resist strongly any additional acreage reduction," he said, "as it would place undue hardship on California rice farmers."

Four Glenn and Colusa rice growers are among those reelected as officers and directors of the cooperative.

RECESSION

The administration maintains we are not in a recession and never were. This is absurd and it is another administration lie.

The official definition of a recession is two consecutive quarters in which gross national product in constant dollars declines. In the third quarter of 1969, the GNP in 1958 dollars was 730.9 billion. In the fourth quarter, it fell to 729.2, and in the first quarter of 1970, it plummeted to 723.8.

This was a recession. In the second quarter, the GNP rose to 724.9, but a great, thriving country such as ours can certainly derive no pleasure from a quarterly economic growth of 1.1 billion. This is equivalent to an annual Nixonomic growth of six-tenths of a percent. During the third quarter, GNP grew at the still inadequate rate of 1.4 percent; compose this with the average of 5.9 percent real economic growth during the Kennedy-Johnson years.

And let us not forget we need at least 4.2 percent annual growth of real GNP just to stay even. Otherwise, increased productivity and population growth will lead to higher unemployment and a depressed standard of living.

If we look closely at the GNP figures, the contrast between the Kennedy-Johnson Great Society and Nixon's fumbling society is painfully evident. During the Great Society years, we racked up 20, 35 billion new dollars of real wealth every year. During 1966, Johnson's best year, we got $40.3 billion of real growth. Over the whole 8 years, the average annual growth was $22 billion.

What has the Nixonomic fumbling society given us? It has thrown us for a loss, that is what it has done. Through the first three quarters of 1970, we have averaged $800 million below 1969. Kennedy's worst year appears to be out of sight for Nixon—a $5 billion growth record only for 2 years.

I have here a table, entitled "Gross National Product or Expenditure," which sets out the figures I have been discussing, I include it in the RECORD at this point:

Billions of dollars; quarterly data at seasonally adjusted annual rates

Period	Total gross national product in 1958 prices	Total gross national product	Personal consumption expenditures	Gross private domestic investment	Net exports of goods and services	Government purchases of goods and services				Implicit price deflator for total GNP, 1958=100 [2]
						Total	Federal			
							Total	National defense [1]	Other	State and local	
1959	475.9	483.7	311.2	75.3	0.1	97.0	53.7	46.0	7.6	43.3	101.63
1960	487.7	503.7	325.2	74.8	4.0	99.6	53.5	44.9	8.6	46.1	103.29
1961	497.2	520.1	335.2	71.7	5.6	107.6	57.4	47.8	9.6	50.2	104.62
1962	529.8	560.3	355.1	83.0	5.1	117.1	63.4	51.6	11.8	53.7	105.76
1963	551.0	590.5	375.0	87.1	5.9	122.5	64.2	50.8	13.5	58.2	107.17
1964	581.1	632.4	401.2	94.0	8.5	128.7	65.2	50.0	15.2	63.5	108.84
1965	617.8	684.9	432.8	108.1	6.9	137.0	66.9	50.1	16.8	70.1	110.86
1966	658.1	749.9	466.3	121.4	5.3	156.8	77.8	60.7	17.1	79.0	113.95
1967	675.2	793.9	492.1	116.6	5.2	180.1	90.7	72.4	18.4	89.4	117.59
1968	707.2	865.0	535.8	126.5	2.5	200.2	99.5	78.0	21.5	100.7	122.31
1969	727.1	931.4	577.5	139.8	1.9	212.2	101.3	78.8	22.6	110.8	128.11
1969:											
I	722.1	907.6	561.8	136.0	1.3	208.5	100.9	78.6	22.4	107.5	125.68
II	726.1	923.7	573.3	139.3	1.3	209.9	99.8	77.9	21.9	110.1	127.22
III	730.9	942.6	582.1	143.8	2.6	214.1	102.5	79.8	22.7	111.6	128.97
IV	729.2	951.7	592.6	140.2	2.6	216.3	102.1	78.8	23.3	114.2	130.52
1970:											
I	723.8	959.5	603.1	133.2	3.5	219.6	102.3	79.3	23.0	117.4	132.57
II	724.9	971.1	614.4	134.3	4.1	218.4	99.7	76.8	22.9	118.7	133.98
III	727.4	985.5	622.1	138.3	4.2	221.0	98.6	75.8	22.9	122.4	135.59

[1] This category corresponds closely with budget outlays for national defense, shown on p. 36.
[2] Gross national product in current prices divided by gross national product in 1958 prices.

Note.—Data for Alaska and Hawaii included beginning 1960.
Source: Department of Commerce.

Gross retained earnings followed a similar pattern with the slight distinction that their big drop came in the fourth quarter of 1969 rather than the first quarter of 1970. Business earnings today are virtually the same as a year ago, but they buy 5 percent less.

I include a table, entitled "The Nation's Income, Expenditure, and Saving," in the RECORD at this point:

[Billions of dollars; quarterly data at seasonally adjusted annual rates]

Period	Persons					Government						
	Disposable personal income			Personal consumption expenditures	Personal saving or dissaving (—)	Net receipts			Expenditures			
	Total [1]	Less: Interest paid and transfer payments to foreigners	Equals: Total excluding interest and transfers			Tax and nontax receipts or accruals	Less: Transfers, interest, and subsidies [2]	Equals: Net receipts	Total expenditures	Less: Transfers, interest, and subsidies [2]	Equals: Purchases of goods and services	Surplus or deficit (—), income and product accounts
1962	385.3	8.6	376.6	355.1	21.6	157.0	42.8	114.2	159.9	42.8	117.1	—2.9
1963	404.6	9.7	394.9	375.0	19.9	168.8	44.4	124.3	166.9	44.4	122.5	1.8
1964	438.1	10.7	427.4	401.2	26.2	174.1	46.7	127.3	175.4	46.7	128.7	—1.4
1965	473.2	12.0	461.3	432.8	28.4	189.1	49.9	139.2	186.9	49.9	137.0	2.2
1966	511.9	13.0	498 9	466.3	32.5	213.3	55.5	157.9	212.3	55.5	156.8	1.1
1967	546.3	13.9	532.4	492.1	40.4	228.9	62.8	166.2	242.9	62.8	180.1	—13.9
1968	591.2	15.0	476.2	535.8	40.4	263.3	70.5	192.8	270.7	70.5	200.2	—7.3
1969	631.6	16.5	615.1	577.5	37.6	298.7	77.9	220.8	290.1	77.9	212.2	8.7
1969:												
I	612.0	16.0	596.0	561.8	34.3	291.2	75.1	216.1	283.5	75.1	208.5	7.7
II	623.0	16.4	606.6	573.3	33.3	299.2	77.4	221.8	287.4	77.4	209.9	11.8
III	640.6	16.7	623.9	582.1	42.0	300.4	78.3	222.1	292.3	78.3	214.1	8.0
IV	650.6	16.9	633.7	592.6	41.1	304.1	80.8	223.3	297.0	80.8	216.3	7.1
1970:												
I	665.3	17.3	648.0	603.1	44.8	300.2	81.8	218.4	301.5	81.8	219.6	—1.2
II	683.6	17.8	665.8	614.4	51.5	303.6	96.1	207.4	314.5	96.1	218.4	—10.9
III	693.0	18.2	674.8	622.1	52.7	304.8	94.3	210.5	315.3	94.3	221.0	—10.5

[1] Personal income (p. 5) less personal tax and nontax payments (fines, penalties, etc.).
[2] Government transfer payments to persons, foreign net transfers by Government, net interest paid by Government, subsidies less current surplus of Government enterprises, and disbursements less wage accruals.

Period	Business			International							
	Gross retained earnings [1]	Gross private domestic investment [2]	Excess of investment (−)	Net transfers to foreigners by persons and Government	Net exports of goods and services: Exports	Less: Imports	Equals: Net exports	Excess of transfers or of net exports (−) [3]	Total income or receipts	Statistical discrepancy	Gross national product or expenditure
1962	66.3	83.0	−16.8	2.7	30.3	25.1	5.1	−2.5	559.8	0.5	560.3
1963	68.8	87.1	−18.4	2.8	32.3	26.4	5.9	−3.1	590.8	−.3	590.5
1964	76.2	94.0	−17.8	2.8	31.7	28.6	8.5	−5.7	633.7	−1.3	632.4
1965	84.7	108.1	−23.4	2.8	39.2	32.3	6.9	−4.1	688.0	−3.1	684.9
1966	91.3	121.4	−30.1	2.8	43.4	38.1	5.3	−2.4	750.9	−1.0	749.9
1967	93.0	116.6	−23.5	3.0	46.2	41.0	5.2	−2.2	794.6	−.7	793.9
1968	95.6	126.5	−31.0	2.8	50.6	48.1	2.5	.3	867.4	−2.4	865.8
1969	97.3	139.8	−42.5	2.8	55.5	53.6	1.9	.9	936.1	−4.7	931.4
1969:											
I	96.5	136.0	−39.4	2.4	47.8	46.5	1.3	1.1	911.0	−3.6	907.6
II	97.4	139.3	−41.9	3.2	57.2	55.9	1.3	2.0	929.0	−5.3	923.7
III	99.1	143.8	−44.7	2.8	58.3	55.6	2.6	.1	947.9	−5.5	942.6
IV	96.0	140.2	−44.2	2.9	58.8	56.2	2.6	.3	955.9	−4.3	951.7
1970:											
I	95.7	133.2	−37.5	2.8	61.1	57.6	3.5	−.7	964.9	−5.4	959.5
II	97.9	134.3	−36.4	3.0	62.8	58.7	4.1	−1.1	974.1	−3.1	971.1
III [4]	99.1	138.3	−39.2	2.8	62.8	58.6	4.2	−1.3	987.3	−1.8	985.5

[1] Undistributed corporate profits, corporate inventory valuation adjustment, capital consumption allowances, and wage accruals less disbursements. Does not include retained earnings of unincorporated business, which are included in disposable personal income.

[2] Private business investment, purchases of capital goods by private nonprofit institutions, and residential housing.

[3] Net foreign investment less capital grants received by U.S., with sign changed.

[4] Preliminary.

Note: Data for Alaska and Hawaii included beginning 1960.

Source: Department of Commerce.

Now I would like to insert a table of economic growth and reduction I have calculated:

[In percent of growth]

Year:	
1960	2.5
1961	2.0
1962	6.5
1963	4.0
1964	5.5
1965	6.3
1966	6.4
1967	2.6
1968	4.7
1969	2.8

[In percent of growth (loss), annual rate]

Quarter:	
1969:	
2d	2.2
3d	2.5
4th	(0.9)
1970:	
1st	(3.0)
2d	0.6
3d	1.4

No one will have any difficulty telling the Democratic and Republican years apart.

The prognosis is not encouraging. For a while, there appeared to be some comfort in the administration's claims that we had "hit bottom." If things were not very good at least they were getting worse at a decreasing rate or, depending on which measure you used, they were slowly getting a little better.

But in October industrial production dropped 2.3 percent; this is a sickening annual decrease rate of more than 27 percent. Industrial production is now 7 percent below its peak of July 1969.

If there had been no car strike, we would still have had a decline of more than 1 percent, which is equivalent to an annual decline of more than 12 percent. As Edwin L. Dale, Jr., reported in the New York Times of November 18:

> The report cast doubt on the widespread assumption among private economists and Government officials that, apart from the strike, the economy had hit bottom earlier this year and was beginning a sluggish recovery.

Let us consider a few additional indicators of the very recessed state of our economy.

First, during the third quarter of this year, the Federal Reserve Bank reports our manufacturing plants operating at 76.2 percent of capacity—the lowest level since early 1961.

Second, our airlines are in desperate straits. Where 1968 brought them after-tax profits of about $270 million, the Air Transport Association estimates 1970 will bring a $50 million loss. The ATA explicitly relates its difficulties to the downturn of the general economy, which has caused the annual growth of air traffic to decline from the 1963–68 average of 17 percent to the current figure of 2 percent. People cannot afford to fly anymore; this certainly makes the SST project appear even more questionable.

Third, corporate profits are absurd. Recession usually hits the small business before the large corporations. Now even our industrial giants are suffering badly. Examining a list of our 40 largest corporations, we find that only 11 have increased their income between 1969 and 1970 sufficiently to keep ahead of a 5-percent estimated inflation.

I include this table in the RECORD at this point:

1970 1ST 9 MONTHS SALES AND INCOME FOR TOP 100 U.S. CORPORATIONS

[Ranked by sales]

1970 rank	1969 rank	Company	Sales or operating revenues (thousands)	Percent gain or loss over 1969	Net income (thousands)	Percent gain or loss over 1969	Net income as percent of sales
1	1	General Motors Corp.	$15,795,462	−1.1	$743,846	−38.1	4.7
2	2	Standard Oil Co. (N.J.)	13,700,000	+9.6	924,000	+.2	6.7
3	3	American Telephone & Telegraph	12,588,502	+.9	1,631,855	−1.0	13.0
4	4	Ford Motor Co.	10,715,500	+.1	364,700	−9.4	3.4
5	5	Sears, Roebuck & Co.	[1] 7,189,422	+4.3	[2] 314,001	+11.2	4.4
6	6	General Electric Co.	6,158,329	−5.4	161,470	−37.7	2.6
7	7	Mobil Oil Corp.	6,060,000	+8.8	348,300	+5.0	5.7
8	8	International Business Machines	5,508,439	+4.0	742,272	+8.4	13.5
9	9	Chrysler Corp.	5,147,300	−1.8	(20,200)	[3]	[3]
10	10	Texaco	4,951,000	+7.7	569,471	+3.1	11.5
11	11	Gulf Oil Corp.	4,819,924	+.7	419,144	−11.3	8.7
12	12	Great Atlantic & Pacific Tea	[1] 4,397,975	+5.3	[1] 41,904	+14.1	1.0
13	13	International Telephone & Telegraph	4,375,198	+12.5	238,540	+30.4	5.5
14	14	United States Steel	3,740,375	+6.3	108,450	−28.1	2.9
15	15	Standard Oil (California)	3,740,174	+8.4	327,929	−3.6	8.8
16	16	Standard Oil (Indiana)	3,418,000	+5.8	243,700	−5.5	7.1
17	18	Safeway Stores	3,236,432	+17.1	46,683	+33.4	1.4
18	17	Shell Oil	3,185,314	+1.1	173,899	−21.0	5.5
19	21	J. C. Penney	[1] 2,975,508	+12.4	[1] 75,855	−5.1	2.5
20	19	Ling-Temco-Vought	2,850,701	+4.2	(9,145)	[3]	[3]
21	22	Kroger Co.	[1] 2,785,799	+6.3	[1] 27,515	−8.0	1.0
22	20	E. I. du Pont de Nemours	2,764,679	+1.9	265,455	−4.1	9.6
23	33	Boeing Co.	2,707,468	+29.7	17,358	−5.7	.6
24	23	Westinghouse Electric	2,682,610	+7.4	96,864	−4.4	3.6
25	27	General Telephone & Electronics	2,500,069	+4.8	143,314	−15.3	5.7

Footnotes at end of table.

1970 1ST 9 MONTHS SALES AND INCOME FOR TOP 100 U.S. CORPORATIONS—Continued

[Ranked by sales]

1970 rank	1969 rank	Company	Sales or operating revenues (thousands)	Percent gain or loss over 1969	Net income (thousands)	Percent gain or loss over 1969	Net income as percent of sales
26	25	Atlantic Richfield	$2,408,822	+.7	$145,700	−11.7	6.0
27	24	RCA Corp	2,380,000	−3.6	54,400	−50.8	2.3
28	26	Goodyear Tire & Rubber	2,377,658	−.4	91,938	−20.9	3.9
29	32	Procter & Gamble	[1] 2,339,410	+10.8	[1] 169,489	+12.6	7.2
30	30	Bethlehem Steel	2,280,756	+5.0	69,981	−36.3	3.1
31	29	Swift & Co	2,278,867	+1.4	18,810	+31.5	.8
32	31	Union Carbide	2,258,457	+4.0	121,607	−16.0	5.4
33	[4]	Greyhound Corp	2,141,238	[2]	37,400	[2]	1.7
34	38	Continental Oil	2,100,000	+9.3	106,200	−5.0	5.0
35	36	Marcor Inc	2,056,461	+4.3	[1] 50,701	+12.3	2.5
36	37	Kraftco	2,055,213	+6.3	60,571	+9.2	2.9
37	35	American Brands	1,977,467	+.2	78,686	+10.2	4.0
38	39	International Harvester	1,947,128	+1.7	39,801	−5.1	2.0
39	40	Eastman Kodak	1,928,007	+1.6	279,268	+2.1	14.5
40	43	Litton Industries	[1] 1,855,790	+11.0	[1] 50,486	−19.5	2.7

[1] Latest 9 months.
[2] Estimated.
[3] Loss.
[4] Not on 1969 list.
[5] Figures notcomparable due to Armour acquisition.

Fourth. As we might expect from the high industrial unemployment figures I cited earlier, industrial production is in terrible shape. Durable manufacturing production is at the 1965–66 level.

I include a table, entitled "Industrial Production," in the RECORD at this point:

[1957–59=100, seasonally adjusted]

Period	Total industrial production	Industry					Market			
		Manufacturing			Mining	Utilities	Final products			Materials
		Total	Durable	Nondurable			Total	Consumer goods	Equipment	
1960	108.7	108.9	108.5	109.5	101.6	115.6	109.9	111.0	107.6	107.6
1961	109.7	109.6	107.0	112.9	102.6	122.3	111.2	112.6	108.3	108.4
1962	118.3	118.7	117.9	119.8	105.0	131.4	119.7	119.7	119.6	117.0
1963	124.3	124.9	124.5	125.3	107.9	140.0	124.9	125.2	124.2	123.7
1964	132.3	133.1	133.5	132.6	111.5	151.3	131.8	131.7	132.0	132.8
1965	143.4	145.0	148.4	140.8	114.8	160.9	142.5	140.3	147.0	144.2
1966	156.3	158.6	164.8	150.8	120.5	173.9	155.5	147.5	172.6	157.0
1967	158.1	159.7	163.7	154.6	123.8	184.9	158.3	148.5	179.4	157.8
1968	165.5	166.9	169.8	163.3	126.6	202.5	165.1	156.9	182.6	165.8
1969	172.8	173.9	176.5	170.6	130.2	221.2	170.8	162.5	188.6	174.6
1969:										
September	173.9	175.2	178.7	170.9	131.6	222.5	172.2	162.8	192.4	176.0
October	173.1	173.9	177.3	169.5	130.2	226.0	170.9	161.2	191.9	175.4
November	171.4	171.8	172.1	171.5	132.6	226.0	168.4	160.5	185.6	174.6
December	171.1	171.3	171.1	171.5	134.4	227.9	168.5	160.7	185.2	173.9
1970:										
January	170.4	170.2	169.7	171.0	131.7	230.1	168.5	161.5	183.6	172.5
February	170.5	170.3	169.6	171.3	134.2	232.7	169.9	162.4	186.2	171.5
March	171.1	170.8	171.0	170.6	135.1	230.3	169.7	162.0	186.3	171.7
April	170.2	170.0	168.4	171.9	133.9	233.8	168.5	163.2	179.9	171.9
May	169.0	168.1	167.6	168.7	134.8	234.9	167.7	163.2	177.3	170.4
June	168.8	168.0	167.3	168.9	135.5	235.4	167.1	162.8	176.3	171.2
July	169.2	168.5	167.4	170.0	133.8	236.3	166.8	163.5	173.7	171.4
August	169.0	167.9	166.5	169.8	137.2	235.8	166.6	164.1	171.9	171.2
September	166.1	164.2	160.5	168.7	139.5	238.5	163.1	160.4	169.0	168.7
October [1]	162.3	160.2	153.9	168.2	135.4	240.0	160.7	158.6	165.2	164.1

[1] Preliminary. Source: Board of Governors of the Federal Reserve System.

THE WORST OF ALL WORLDS

Economic policy is a matter of tradeoffs, of balancing the goals of high employment and high economic growth as opposed to inflation.

This has been the so-called game plan of the Nixon administration; the President has referred to it as "fine tuning."

It has not worked. The major indicators are either in catastrophic shape or on the verge of becoming so.

In the Republican tradition, the President chose inflation control as his first objective. By raising interest rates to the highest point in a century, he threw the housing industry into a depression. He failed to control inflation and he achieved instead economic stagnation and runaway unemployment.

Now the "game plan" calls for loosening the screws and encouraging expansion. But it will not work, because inflation is not sufficiently well under control. If economic growth and unemployment improve, inflation will continue to go through the ceiling.

In the face of this increasingly evident failure, the administration has adopted four strategies.

First, it has attempted to deny its failure. This was rank political talk for 9 months before the election. Its representatives have said we are not in a depression; unemployment and inflation are not so bad; and anyway we have bottoming out and things will shortly be better. Its rosy predictions have never materialized. It has developed a credibility gap comparable to that of the previous administration on the Vietnam issue; Dr. Paul McCracken, the Chairman of the Council of Economic Advisers, seems determined to become the Joseph Alsop of the economic world. He has had us turn so many corners we have passed the starting point more times than I can count.

I am going to take a few minutes to hit just a few of the high points of the credibility gap.

In a U.S. News & World Report interview on April 28, 1969, Dr. McCracken said:

I am not troubled by any likelihood of a recession in 1970.

As I have said, it now appears likely that real GNP for 1970 will be lower than that of 1969. Certainly, it will not reach the 4.3-percent gain necessary to keep up with increases in population and productivity.

In a "Meet the Press" interview on February 8, 1970, Lawrence Spivak reminded Dr. McCracken of his prediction, and asked:

Now, unemployment has jumped, the stock market has dropped, the last quarter earnings are very bad. Will you give us your definition of a recession, if that isn't one?

Mr. MCCRACKEN. Yes, I would be glad to. *We have had no consequential decline in production. Employment is still extremely*

strong. I don't think any economists would consider anything that we have in the picture at the present time as qualifying as a recession.

Dr. McCracken was speaking in the middle of the first quarter of 1970, the most recessionary quarter we have had in a decade. During that quarter real GNP was falling at an annual rate of 2.7 percent. Unemployment was climbing from 4.2 to 4.7 percent during that 1 month. He was right about production, however; that continued to climb for 1 more month before beginning the nosedive in which it now finds itself.

Speaking at the conference of the Financial Analysts Federation in Dallas on April 28, this year, Dr. McCracken said:

The evidence suggests that the pace of the economy is now beginning to quicken.

Technically, he was right; the second quarter economic growth of 0.6 percent annual rate was certainly better than the previous quarter's 2.7-percent loss, but it is still well within the disaster range.

As the table I inserted earlier indicates, the consumer price index went up 4 percent—an annual rate of 4.8 percent—during September. Yet, on April 29, the day after this was released, the Vice President told a political rally in Tucson:

We have solid evidence that your cost of living is no longer going through the roof.

The day after that, Treasury Secretary Kennedy said at the University of Virginia:

We clearly are winning the battle against inflation. . . . By this time, there should be little doubt that our policies of fiscal and monetary restraint are succeeding.

On October 14, Dr. McCracken said:

The next major move . . . is certainly going to be upward.

The next day, he told reporters he was seeing signs of "latent strengths."

On the 19th, he informed us that—

Now we face a new period during which stronger gains in output . . . and further gains against inflation are all evident and already in the picture.

This was the month during which output fell 2.6 percent and cost of living shot up 0.6 percent as we learned a few moments ago.

I suggest that the administration begin to operate on the principle that you cannot fool all of the people all of the time.

Consider, for example, this gullibly euphoric passage from the "Business Roundup" of Fortune magazine, July of this year:

The inventory swing, as usual, has been felt less heavily in GNP than in the FRB index of industrial production, which went from a high of 174.6 last July to 169 in May. But the decline may well have stopped there. The index should move back up to 171 or so by the year-end, go on to a new high next spring, and be pushing 180 before the end of 1971.

Well, God knows what it will be doing in 1971, but I have my doubts that it will reach 171 by the end of the year, since it has presently zoomed to the dizzying height of 162.

The title of this article, which was full of hosannas to the prospects for the economy, was "The Great Turnabout." I suspect the really great turnabout has subsequently occurred in the credulity of the author.

The business community is beginning to take a very different attitude. Consider, for example, what Barron's had to say about Dr. McCracken's October statement that the economy was "on the threshold of a vigorous upswing."

I said further:

Or, as another official optimist said 40 years ago: "Prosperity is just around the corner." We trust Professor McCracken's threshold will prove somewhat shorter than Mr. Hoover's corner. . . . With all due respect, we still can't buy the notion, espoused by so many of the dismal scientists in and out of government, that the economy is great, it's just business that's terrible.

So the king's new clothes are just about worn out.

In short, it appears that the administration totally misunderstands the Kennedy-Johnson jawboning success. Nixon apparently thinks jawboning the American public that the administration is solving the problem is morally OK but jawboning industry is socialistic.

Second, the administration has attempted to distract the public's attention. Led by Mr. AGNEW's assiduous agonized alliterations, it has attempted to sell the American people on the proposition that unemployment, recession, and inflation are false issues, that the real threat to our well-being comes from students who wear their hair too long and attack National Guard bullets with their bodies. This approach did not work very well in 1970, and we can expect it to be even less effective in the future.

Third, the administration has attempted to blame the previous Democratic administration, or the present Democratic Congress.

I suggest that the economy of early 1969 could be attributed to the Johnson administration. But to attempt to do this now, after nearly 2 years of the Nixon administration, is ludicrous.

Nor can the Democratic Congress be blamed. Where progressive legislation has been stalled in committee, it has been stalled not by the so-called radical-liberals but by the conservatives, many of them of the President's own party, who he considers the members of his ideological majority.

He cannot blame us either for contributing to inflation by excessive spending.

I include a listing of major appropriations bills in the RECORD at this point:

Bill	President's budget request	House approved	Change (+) or (−)
1. Legislative	$356,043,285	$346,649,230	−$9,394,055
2. Treasury-Post Office (net of estimated postal revenues appropriated)	3,044,755,000	2,971,702,000	−73,053,000
3. Education (veto overridden)	3,807,524,000	4,127,114,000	+319,590,000
4. Independent Offices-HUD (veto sustained)	17,216,823,500	17,390,212,300	+173,388,800
5. State, Justice, Commerce, Judiciary	3,243,905,000	3,106,956,500	−136,948,500
6. Interior	1,610,757,600	1,610,026,700	−730,900
7. Transportation	2,465,814,937	2,429,579,937	−36,235,000
8. District of Columbia (Federal funds)	109,088,000	108,938,000	−150,000
9. Foreign assistance	2,876,539,000	2,220,961,000	−655,578,000
10. Agriculture	7,531,775,500	7,450,188,150	−81,578,350
11. Military construction	2,134,800,000	1,997,037,000	−137,763,000
12. Public works, AEC	5,263,433,000	5,236,808,000	−26,625,000
13. Labor, HEW	18,731,737,000	18,824,663,000	+92,926,000
14. Defense	68,745,666,000	66,806,561,000	−1,939,105,000
Total	137,138,661,822	134,627,396,817	−2,511,265,005

As this table shows, on balance we appropriated more than $2.5 billion less than he requested.

Fourth, the administration has continued the same old policies, in the hope that "fine tuning" will eventually work.

It will not work.

It cannot work.

I do not mean to suggest the "fine tuners" have tin ears. I do not mean to suggest that Democrats could do the tuning better. I do not think we could. We would have shifted national priorities somewhat to better meet human needs, but I do not think we could have gotten much further by fine tuning the economy than Mr. Nixon's people have.

The problem is not that the fine tuners are incompetent. The problem lies in the inadequacy of the fine-tuning process itself.

As U.S. News & World Report mildly understated on November 2:

The Administration's "game plan" of trying to cool inflation without a recession seems to be in some difficulty. Unemployment is up, production is down, business is sluggish. But price rises go merrily on.

It is not just price rises that go merrily on, it is the policies that cause them. As Richard Jansses and John Pierson reported in the Wall Street Journal of November 9:

President Nixon is counting on easier Federal Reserve Board policies instead of massive budget increases to stimulate the economy, White House sources say.

The President made this clear, they report, at a Cabinet meeting in which he found the Congressional election results no reason to change the Administration's own "game plan" for restoring optimum economic growth by mid-1972.

Thus one official said, the Administration will try to hold the budget deficit "as close as possible" to *$10 billion*, the low end of the $10 billion to $20 billion range that has been estimated for fiscal 1971, ending June 30.

Instead of seeking greater fiscal stimulus, this official says, Mr. Nixon is counting on the independent Federal Reserve Board to follow a monetary policy *expansionary enough to reduce the jobless rate to the so-called "full employment" level of about 4 percent in mid-1972.*

It just is not going to work. As monetary policy expands, so will inflation. Then we will have to tighten up again, having gained nothing.

THE BITTER PILL: CONTROLS

Inflation just is not going to stop by itself. Labor and management are each blaming the other for inflation, and each is unwilling and unable to stop its own contribution to the spiral. If we are going to get a handle on inflation, and thereby give ourselves latitude to attack our other economic problems, we must have more vigorous Government action. We must have wage-price guidelines supported by chop-off-your-hands-and-feet jawboning, and if this fails we must have controls.

Mr. Nixon has said he does not like jawboning. This is understandable. If it does not work, you have to accept responsibility for its failure. If it does work, you make large numbers of powerful enemies overnight. President Kennedy probably alienated a majority of the business community when he forced the steel companies to roll back their price increases. But he did it because it was in the national interest, and President Nixon should have the statesmanship to do the same.

Wage-price guidelines are not self-executing and miraculous. They require the continuous heavy hand of the White House—not once-a-year economic analyses that fail to recognize the basic sickness in the national economy.

A fascinating article on the subject of guidelines, written by Walt Rostow, appeared in the New York Times of October 23, 1970. Walt was lousy on the war, but his economics show promise.

I include it in the RECORD at this point:

THE MISSING SOCIAL CONTRACT

(By W. W. Rostow)

The President's Council of Economic Advisers has held out an attractive prospect. They see the United States moving from the present state of inflation and relative stagnation in real output to a sharply improved position in the years 1973–75. Then, they forecast, we will enjoy a growth rate of 4.3 percent; unemployment will be held at 3.8 percent; and annual price increases will be about 2 percent.

It is true that production may now gradually expand; but I am aware of no serious analyst who believes the present prospects for employment and prices are consistent with these goals. I doubt that they can be achieved without wage-price guidelines in the early 1970's any more than they were in the late 1950's.

The technical issues surrounding wage-price guidelines are complex. But both analysis and experience, here and abroad, show three things:

Wage-price guidelines are no substitute for good fiscal and monetary policy, and to work well they also require purposeful manpower programs and a liberal trade policy;

They are difficult to manage successfully over a long period of time in a democratic society.

They can make a significant contribution to reconciling a high rate of growth with relative price stability; they cannot hold prices steady if the forces of demand press too hard; but they can permit a higher rate of growth with less price increase.

In round numbers wage-price guidelines can make, perhaps, a "1 percent contribution" to a solution. For example, in 1954–60, without wage-price guidelines, a 2 percent price increase was associated with 5 percent unemployment; in 1961–65, with wage-price guidelines, a 2 percent increase was associated with less than 4 percent unemployment. That 1 percent differential in unemployment means 3 percent less increase in GNP, or about $30 billion in wasted national resources; and it cuts public revenues by about $10 billion. Given the built-in claims on public revenues, an extra $10 billion is extremely important.

The numbers, of course, can be debated; but we are evidently dealing with a critically important margin for public policy.

I hope, therefore, we shall try again to make wage-price guidelines work; and this is the time to do so, as the economy bottoms out, but before expansion gains full momentum under continued inflationary conditions.

If we do move in this direction, we should look beneath the surface and understand what is really involved.

Essentially, wage-price guidelines are a form of social contract negotiated among the leaders of labor, business, and government. They agree to pursue their interests with knowledge of how others are committed to behave. The net result can be demonstrated to be better for all; but the result can only be brought about by engaging deeply the parties concerned and enlarging the framework of collective bargaining.

For labor there are two major questions:

Will wage guidelines permit one group of workers to gain at the expense of others? (In 1961 the problem was to assure Reuther that McDonald would not do better than he did and vice versa.)

Will business exploit labor's self-discipline by raising prices outside the guidelines and thereby expand profits disproportionately?

For labor as a whole there is no doubt that wage-price guidelines are a good thing when they work. Labor can protect itself less easily than business can against inflation; and labor gains substantially in many ways from steady growth. But what is good for labor as a whole may not be good for individual labor leaders.

One basic task of a wage-price guidelines negotiation is to bring potentially conflicting labor interests into reasonable harmony.

For business the question is short-run versus long-run interests. In the short-run, business can protect itself pretty well during inflation. But, in the long-run, business pays a heavy cost for stop-and-go policies in lower average rates of profit; for profits are very sensitive to fluctuations in employment and output.

Given the complexity of the tasks, it is not surprising that early experiments in wage-price guidelines, here and abroad, broke down. But I see no other workable course than painfully, stubbornly to learn how to bring labor and industry to a deep understanding of their true best interests—and the public interest. The stakes for our society are too great to avoid the effort because the job is tough.

Once the Keynesian revolution convinced us all that unemployment was an act of man and not of God, the development of this social contract became inevitable—if we were not to experience dangerous phases of inflation. After all, it is not much of a trick to vote yourself into full employment and inflation once you get the hang of it. The gap between a politically unacceptable level of unemployment and a corrosive rate of inflation can only be closed by this social contract. If the gap is not closed, we face stop-and-go policies that will deny us the public resources needed to improve the quality of our society and to play a responsible role on the world scene. To close the gap is, therefore, a central unresolved problem of modern democracy—here, in Europe, Latin America, and elsewhere. It should be viewed in these fundamental political terms.

The principal weakness of guidelines, of course, is that in many cases people feel free to ignore them, and the responsible companies and unions who obey them are thus put at a competitive disadvantage. Perhaps guidelines would be more effective if backed by the power to control prices and wages. If even this does not work, I advocate applying controls where needed.

The subject of wage-price controls has been developed rather thoroughly in a June 7, New York Times Magazine article by John Kenneth Galbraith, and I include this article in the RECORD at this point:

WAGE-PRICE CONTROLS—THE CURE FOR RUNAWAY INFLATION

(By John Kenneth Galbraith)

(NOTE.—John Kenneth Galbraith, the noted Harvard economist, was Deputy Administrator of the Office of Price Administration (O.P.A.) in World War II.)

These last few months have, just possibly, been decisive in the modern history of economics. Ideas in which economists have reposed the greatest confidence have been proved wrong and therewith, not surprisingly, the responding policy. And this has happened under circumstances which admit of no really plausible explanation, rationalization, or alibi—things in which we economists are more than minimally accomplished. There was, to be sure, more than a suspicion of error before; the evidence was highly adverse to the reputable ideas. But the heretics were a minority and the adverse evidence could be attributed to a lag. In economics, any inconvenient disassociation of effect from cause is always attributed to a lag. But not forever.

The doctrine was, of course, that the United States economy could be regulated by *general* measures in such manner that prices would be approximately stable. A "trade-off" a new and popular word among economists, would exist between price stability and employment. The closer the approach to level prices, the more people who would be out of work; the lower the unemployment, the greater the rate of price increase. The relationship had been given quantitative expression by the so-called Phillips curve—the annual rate of price increase which, on the basis of historical data, could be expected to accompany any particular percentage of unemployment in the labor force. The choice between unemployment and inflation so shown *seemed* to be essentially benign—reasonable price stability could be combined with a tolerable level of unemployment. Also, an unspoken point, the unemployment would be among the unskilled, uneducated, mostly young and black, who are also unorganized. These are assumed to accept unemployment philosophically, there being nothing they can do about it. There were no other decisively adverse side effects from the stabilization measures.

The difference of opinion was not over the efficacy of the general measures but over technique. Since Keynes, most economists have placed major reliance on fiscal measures—on control of total spending in the economy by means of the Federal budget. Inflation being the problem, this policy consisted in making Federal taxes and spending sufficiently restraining on total demand in the economy. But in recent times there has been the so-called monetary revival. This makes control of spending from borrowed funds the key instrument in the control of prices. The difference between the exponents of fiscal and monetary management must not be exaggerated. Both believed in the efficacy of general measures. Both urged some combination of fiscal and monetary measures. The difference was in the mix.

The Nixon economists when they came to office a year ago last January were superlatively confident of such management. Under their guidance, the President prom-

ised never to interfere with wages and prices; in one of the more ecstatic examples of economic phrase-making, he said that inflation would be ended by "fine-tuning" the American economy—a figure of speech roughly comparable with one about fine-tuning a major Mississippi flood. The then current inflation was blamed on the previous bad management of the economy—on tuning that was too coarse. The reaction to anyone who suggested that wage and price restraint might be necessary was lofty. Pierre Rinfret, the consulting economist, dispatched a letter to his clients telling them, quite correctly, that so far as the Administration was concerned, the lid on prices was now off. It is possible that in these first weeks the Administration did more to promote inflation than it accomplished in the next year and a half in controlling it.

But promises that inflation would end were not lacking. Advising the President of the United States on economic-policy, since few Presidents find the subject at all interesting, is tedious work. The tedium is relieved, after a fashion, by the liturgical functions of the officer. Every week in the year some convocation of businessmen, bankers, economic sages or professional seers is assembling somewhere in the United States. Often, combining business with tax deductibility, they meet at the better spas. All of these—the South Florida Savings Bank Association, the John Hancock Million Dollar Club, the Associated Sport and Saddle Shoe Manufacturers of America—have a prescriptive right to economic education by members of the Council of Economic Advisers. The speeches so given are not always informative. But they are firmly repetitious and during the first year and a half of the Nixon Administration, all promised that inflation would end, that prices would become stable.

Always the stability would come approximately two quarters in the future. As the promises continued, so at an increasing rate did the inflation. (In time, the date when the promise would give way to performance was given a little more "lag.") Dr. Paul W. McCracken, the head of the Council of Economic Advisers, became, perhaps, the most overpromised man in the history of the economics profession. There is an unfortunate tendency in public life when you want something to happen to predict that it will happen. And then when it does not happen, you escalate the predictions. Not since Herbert Hoover predicted the turning of the immortal corner has prediction therapy been so remorselessly pursued as in the last 18 months. It was called the "game plan" for defeating inflation. There has been no game quite like it since the Rose Bowl of 1929, when Roy Riegels ran 75 yards toward the wrong goal.

Outside the Administration, the view was slightly less sanguine. But the economists who had served the Kennedy-Johnson Administration did not strongly question the reliance on general measures. In the early sixties, prices were fairly stable. Unemployment, though initially high, was falling—from an annual average of 6.7 per cent of the labor force in 1961 to 4.5 in 1965. These were the years of the so-called guideposts, which meant that wage increases were held on the average to what industry generally could afford from productivity gains. And industry accordingly was persuaded to forgo price increases. Enforcement was hortatory; it was a price increase by U.S. Steel in violation of this general understanding that provoked President Kennedy's eloquent denunciation of the corporation in April, 1962. The economics underlying the guideposts obviously accords a prime determining role in price-making to unions and corporations. That is why they must be restrained. But this power is not greatly stressed in standard, macro-economic doctrine—roughly the economics of the textbooks—which holds that prices are set in markets, and respond well to changes in demand. So even in the Kennedy-Johnson years, the guideposts were the poor relation of economic policy. We economists greatly prefer to believe what we teach. When the guideposts later came under pressure from the Vietnam war, they were not strengthened but abandoned. As the Kennedy and Johnson economists returned to the campus, talk of wage and price restraint was muted. The guideposts were defended as a useful adjunct to the policy—more cosmetic than real: It was fiscal and monetary policy that really counted. Almost no one talked about making the guidelines mandatory, i.e., making them work. That was too radical.

There was never any strong proof that high employment and stable prices could be combined. Much of the proof antedated modern corporate price-making and collective bargaining. Rather there were hope and faith. But in economics, hope and faith coexist with great scientific pretension and also a deep desire for respectability. Fiscal and monetary measures in whatever mix are impeccably respectable, and the question of the particular mix is the kind of thing that can be resolved between gentlemen. Control of wages and prices has no similar standing. Its advocates have been thought to lack subtlety of mind and manners—to go too abruptly to the point. The sociology of economics is not without interest and by no means unimportant.

The flaw in the respectable doctrine is the appalling obduracy of circumstance. Wages do now shove up prices. Prices do pull up wages. The bargaining that produces the wage and price increases continues even under conditions of severe fiscal and monetary restraint. It is almost as though those engaged in collective bargaining and corporate price-making were out to discredit the best economic scholarship. Circumstance can be unbelievably cruel.

Accordingly, after a full year and a half of the most rigorous application of the general measures, prices are still rising at a nearly record rate. Dr. McCracken and his colleagues have been forced to take comfort from the fact that the rate at which the inflation is getting worse has been declining—or, as Herbert Stein of the Council of Economic Advisers did recently, from the even more exiguous fact that "the behavior of prices in the past year has been consistent with [the] expectation of a decline in the rate of inflation." In April, alas, even this modest expectation was defeated. There was an increase in the rate of inflation. Meanwhile unemployment has risen to nearly 5 per cent of the labor force and exceedingly uncomfortable side effects of the policy have appeared. Smaller businessmen who must borrow money are being punished with a highly selective brutality.

Tight money does not much hurt the big corporation which has internal cash flow and a favored position at the banks. In contrast the policy has put the housing industry into an acute depression, as the Administration itself concedes. The continuing price increases in the private sector of the economy have been exported to the public sector as increases in living costs. And there, among teachers, police, firemen and sanitation workers, they are causing an unprecedented but wholly predictable turmoil. The balance of payments is also weakening again.

Finally, there has been the effect on the financial markets. These had been made vulnerable by jerry-built and debt-burdened conglomerates, overbidden glamour stocks and the multiplication of the mutual funds headed by financial geniuses whose genius consisted only in a rising market. Under the pressure of the tight money policy, this price structure has collapsed. This had to happen sometime. But further pressure on the financial market would be very uncomfortable for all involved.

Within the framework of general measures, there is almost nothing the Administration can do. It is trapped. It could allow an increase in loanable funds at lower rates. This would ease unemployment, encourage home construction and ease the sorrow in Wall Street. But inflation is still at a near-record rate. This action would make it worse. And just ahead are wage negotiations which, with the compensating price increases, will give that inflation another protean shove. To continue the present policy is to accept the side effects and to invite more of the inflation that the policy has not cured. To tighten up and end the inflation is to invite worse side effects and perhaps a serious recession. There are many misfortunes that can befall an economist. The worst, by far, is to have a theory in which he devoutly believes, and which is wrong, put into practice.

The response of the Administration economists to their entrapment is a rewarding study—or would be were the matter not so serious. Economics, like foreign policy, allows for an escape from error through what may be called the Indochina effect. This generous device enables a man who has been wrong to denounce his previous position without admitting error and, by becoming right, thus greatly to enhance his reputation. Arthur Burns, now Chairman of the Federal Reserve Board, has taken this route. He now demands the wageprice guideposts he previously condemned. His transmigration is still incomplete, for he proposes something less strong than the Kennedy-Johnson measures, which themselves proved too weak. Dr. McCracken has been more complex. He admits the cause but refuses the remedy. In a speech in Dallas this April, he noted that in the fourth quarter of 1969, labor costs per unit of output (which were about 75 per cent of total costs) were rising at an annual rate of 7 per cent. He then went on to say that "both evidence and theory are pretty clear that a rising cost level tends to mean a rising price level." Later he condemned controls. One thinks, somehow, of a fireman who finds fire to be a cause of property loss, but greatly opposes water as a way of putting it out.

For, in fact, the only answer is one that has for so long been dismissed as too disreputable. That is to act directly on the wage-price spiral—to have wage and price control where the spiral contributes actively to inflation.

This must be real control. Dr. Burns and the economists of the Kennedy-Johnson period are ducking reality when they talk about a return to the voluntary guideposts. (As this goes to press, a pellmell rush is developing toward this particular escape hatch.) The guideposts will not do. They were not strong enough before; even stronger measures are now required. Also voluntary measures are highly discriminatory. They favor the individual or organization which refuses to comply and penalize those that are cooperative. This guarantees their eventual breakdown. And there is nothing to be said for billingsgate as an enforcement device. It is much better public practice to lay down fair firm rules after careful consultation with all concerned and then, when someone violates the rules, have resort to law.

Given wage and price controls, interest rates can be reduced for they will not have to carry the present burden of inflation control, which they cannot carry anyway. With lower rates, home construction would increase, the pressure on small business would be reduced, employment would rise, and all without a new surge of inflation, were this policy combined with prompt withdrawal from Indochina—which would ease the pressure of demand and, a more important matter, restore our reputation for elementary good sense—the immediate economic problem would be largely solved.

Such price and wage action, it is said, interferes with free markets. This is self-evident nonsense. The policy interferes with markets in which the interference of unions and corporations is already plenary. It fixes in the public interest prices that are already fixed.

Only prices that are so set by unions and strong corporations need to be (or should be) controlled. Prices of farm products, most services and products of small manufacturers need not and should not be touched. These are still subject to market influences. Where prices are still set by the market, general measures to restrict demand still work—or they do as much as can be done. As one needs to set prices that are already set, one does not need to interfere with the market where the market still governs.

Over the years I have experimented with various ideas for such a limited system of wage and price control. (I am not without experience in the matter or in the difficulties involved. During World War II, price control was under my direction from its inception until mid-1943. No one else, I suppose, has ever fixed so many prices.) But the most practical pending proposal is not mine, but that of Robert Roosa, former Under Secretary of the Treasury under Kennedy and now a leading Wall Street banker. He would simply freeze all prices and wages for six months. During this time, presumably, there would be extensive consultation with firms and unions to work out a more durable system of restraint.

Such a course would get immediate results while offering eventual accommodation to the problems and inequities of particular unions and industries. It would be possible to incorporate in the Roosa proposal arrangements for an even earlier correction of gross irregularities. And immediately after the freeze, all small enterprises—those employing, say, fewer than a hundred people—should be exempted. I would also exempt all retail firms; they have little independent market power. The objective is not perfectly level prices, but something much better than the grossly inflationary thrust of the present wage-price spiral. The long-run objective is, of course, an annual wage gain that accords roughly with the increase in productivity and thus requires no general increase in prices.

Controls are not a temporary expedient. There must, alas, be a permanent system of restraint. That is because we will continue to have strong unions and strong corporations and a desire to minimize unemployment. The combination, in the absence of controls, is inflationary. It will not become otherwise in the future.

No one who has had experience with wartime price control will be casual about the problems in managing it. Nor is it a formula for popularity; everyone unites in disliking the price-fixer. But if it is confined to the unions and to the corporations with market power, as here proposed, the administrative structure need not be vast. Dealings will be with only a few hundred unions and a few thousand firms, and for the latter it is sufficient to specify the limits within which average as distinct from individual prices may be moved. All price and wage control involves an arbitrary exercise of public power. But this is not an objection, for it replaces an objection, for it replaces an arbitrary exercise of private power and one that has further and exceedingly arbitrary effects for those suffer from the resulting inflation.

In the weeks and months ahead, more and more economists will come to accept the remedy here proposed—including, one suspects, those who advise the President. They are very decent men who have been substituting hope for reality, and hope unrequited does not sustain even an official economist forever. Promises of eventual price stability have become comic. Within the older framework of policy, the choice is between very severe inflation—worse than now—or severe unemployment, extreme distortion within the economy, great turmoil among public employes, and serious strain in the financial markets—and along with all this, a good deal of inflation, too. Whoever made respectable economic policy a choice between such repellent alternatives had obviously a bad upbringing and is a very mean man. But so it is. So the less reputable course of controlling the wage-price bargain obtrudes itself. And, since there is no escape, it will continue to obtrude itself.

I differ with Mr. Galbraith on one point. He favors firing all the big guns in the first salvo: an immediate total freeze for 6 months, followed by relaxation as circumstances permit. While this would be far preferable to the present policy, I favor an additive approach of applying controls where needed as they are needed, perhaps with escalation to full controls in 60 days.

Of course, the application of controls must be accompanied by other stimulative measures. A number of us in the Democratic Study Group have worked up a program, and I include it in the RECORD at this point:

PROGRAM OF THE DEMOCRATIC STUDY GROUP

President Nixon's economic game plan has resulted in severe and growing unemployment, an interest rate structure that is blocking essential activity, intolerable inflation, and a disastrous shortfall in national output and governmental revenues. We call on the President to take the following vigorous action to save the economy, not just for its own sake, but in order to provide an atmosphere of full employment without inflation without which our social problems are insoluble:

1. Invite to the White House the leaders of labor and management and work out with them long-term guideposts for non-inflationary wage-price behavior. After a transitional period, these guideposts should envisage reasonably stable prices and wage increases hitched to productivity increases.

2. Stand ready to use the law which Congress gave the President last August to impose a quick temporary freeze on wage, salaries, prices, interest rates and rents. Such a freeze is necessary if labor is going to be asked to use restraint. Being temporary, it presents no insuperable administrative problems.

3. Fight inflation on the supply side as well, by such measures as increased aids to medical and nursing schools, and enlarged quotas on oil.

4. Start a boom in housing (and in household equipment) and in state and local government construction by channeling credit away from wasteful uses—like financing conglomerate mergers and marginal foreign investment—to needed home-building and state-local government borrowing. The credit control law Congress passed last December contains adequate power to do this. Its prompt use would bring about needed lower interest rates.

5. Adopt vigorous measures to re-convert defense and aero-space industries to peacetime uses, particularly air and water pollution control, mass transit, and housing.

6. Vigorously implement the Manpower Training and Public Services Employment Bill now making its way through Congress.

7. Reduce the staggering recession-induced federal budget deficits that lie ahead by getting the economy and thus tax receipts, moving forward. This will flow from the other measures.

We should be aware that we are going to need new legislative action. The standby wage-price control authority which we passed last summer will expire on February 28, 1971. We will need to do it again. Perhaps we will need to move out of the standby stage and order a full bureaucracy established. I am not too enthusiastic about this; if the President does not want to administer controls, there is no practical way we can force him to do so. But I think we should make it very clear that we are willing to accept our share of responsibility for the move. The current bill was passed by a vote of 257 to 19; and authorizes the President to fix prices, wages, interest rates, rents, and salaries at levels not less than those prevailing on May 25, 1970, and provides for fines of up to $5,000 for violations. It also provides for court injunctions against violations of the levels set by the President.

I include the text of this bill, H.R. 17780, in the RECORD at this point:

H.R. 17780

SEC. 201. SHORT TITLE.—This title may be cited as the "Economic Stabilization Act of 1970."

SEC. 202. PRESIDENTIAL AUTHORITY.—The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, interest rates, and salaries at levels not less than those prevailing on May 25, 1970. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

SEC. 203. DELEGATION.—The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he may deem appropriate.

SEC. 204. PENALTY.—Whoever willfully violates any order or regulation under this title shall be fined not more than $5,000.

SEC. 205. INJUNCTIONS.—Whenever it appears to any agency of the United States, authorized by the President to exercise the authority contained in this section to enforce orders and regulations issued under this title, that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the agency, any such court may also issue mandatory injunctions commanding any person to comply with any regulation or order under this title.

SEC. 206. EXPIRATION.—The authority to issue and enforce orders and regulations under this title expires at midnight February 28, 1971.

I fully realize that controls are repugnant to a free economy. I also realize they are tremendously difficult to administer, they encourage black markets, and so forth. But the alternative is worse. To tolerate continued inflation year after year is "theft from the millions of people on fixed income."

After all is said and done, the fact remains that controls work. They do control inflation. With inflation under con-

trol, we will be able to adopt more expansionary policies to stimulate economic growth and reduce unemployment and redevelop business.

In an article opposing controls in the October American Legion magazine, Senator JOHN TOWER argues:

There is a need for management and labor to exhibit a higher degree of responsibility by voluntarily acting in a cooperative effort to hold down wages and prices.

I certainly agree with the Senator: there is a need—but the need is unmet, and will remain so. The objection to guidelines holds true in spades for the Senator's laissez-faire approach: He who acts irresponsibly, profits; he who restrains himself, loses.

Describing the Nixon game plan, Dr. McCracken's predecessor Arthur Okun said:

They've had seven interceptions, are 40 points behind, it's the fourth quarter, and they're sticking to the same plan.

The consequences of following the plan are grim. Even Dr. McCracken talks about production running 5 percent below potential, which will cost us $120 billion in goods and services over the next 4 years.

A more spectacular prediction was made to Mr. Nixon by his consulting economist, Pierre Rinfret. As Mr. Galbraith pointed out, Mr. Rinfret's advice to his clients at the beginning of the Nixon administration proved to be dead accurate. Mr. Rinfret now predicts 8 percent unemployment in 1971 and 10 percent in 1972 if the present game plan is followed.

I include the Evans and Novak article, entitled "Bloodchilling Unemployment," in the RECORD at this point:

BLOODCHILLING UNEMPLOYMENT

(By Rowland Evans and Robert Novak)

On Oct. 30, while President Nixon barnstormed the West, a confidential letter was mailed to him with contents foreboding enough to chill the blood of any Republican—particularly a Republican President named Richard M. Nixon.

The writer of the letter Dr. Pierre Rinfret, a New York-based economic consultant and sometime unofficial adviser to Mr. Nixon. In its single paragraph the letter sums up terrifying statistical projection Rinfret sent his clients in October: Astronomical unemployment rates reaching nearly 8 per cent in 1971 and nearly 10 per cent in 1972 if the Nixon administration continues its present economic "game plan." Unemployment rates even close to that would insure Mr. Nixon's defeat by *any* Democrat in 1972. Thus, the letter is both a warning to Mr. Nixon and ammunition to Republicans, inside and outside the administration, who are pushing for a change.

Rinfret's standing in the White House has had its ups and downs and now seems in a down phase. But his Oct. 30 letter did breach the sanitary cordon set up around Mr. Nixon by the palace guard and actually reached his desk, whereupon the President dispatched it to Dr. Paul McCracken, chairman of the President's Council of Economic Advisers. And relations between Rinfret and the CEA have been chilly (Rinfret acidly calls it the "catastrophe of economic advisers").

As of today, Nixon advisers are as divided over Rinfret's warning as over all other economic questions. Some, particularly high Treasury officials, view Rinfret's economics as unconscionably alarmist. But his warnings differ only in degree from CEA member Herbert Stein's position. One White House political operative, publicly euphoric over the economy, was privately pleased that Rinfret's warning reached the President's desk.

That warning, boiled down to one paragraph for quick presidential reading, was developed at length in reports to Rinfret's clients.

In an Oct. 16 report, Rinfret assumed that "real" national economic growth (discounting inflation) would be 3 to 3.5 per cent in 1971, accompanied by a 3 per cent increase in productivity (output per man-hour). This lethal combination of slow growth and high productivity, Rinfret projects, would lift present 5.6 per cent unemployment to 6 at the end of 1970, 6.6 in mid-1971, 7.9 at the end of 1971, 8.5 at mid-1972, and a horrendous 9.7 per cent at the end of 1972.

Such a result, Rinfret concludes with straight-faced understatement, "is politically unsatisfactory, and enough monetary and fiscal stimuli must be provided to see that this doesn't happen."

On Oct. 22, another Rinfret report contended that "low economic growth in 1971 and 1972 will lead to more idle economic capacity and idle men than at any time in the past 10 years." Thus, he continued, the economy can rapidly expand the money supply plus a 25 to 35 billion-dollar budget deficit "without stimulating inflation." What's more, he hinted at a tax cut to sop up idle capacity.

Checking economists outside the administration, he found disagreement with Rinfret's projection more in degree than kind. One prominent forecaster feels Rinfret's productivity estimates are too high and, consequently, end-of-1971 unemployment should be around 6.5 per cent—still poisonously high. Another says Rinfret's estimated growth rate is too low but agrees unemployment will worsen.

Inside the administration, those unequivocally backing the game plan of achieving full employment (that is, 4 per cent unemployment) by mid-1972 reject Rinfret's statistics but add that, if they do prove out, the administration can rapidly change gears. "You'd be surprised how quick we could change," one policymaker told us. "We may be crazy but we're not stupid."

That's just what is doubted by critics of the game plan, however. Governmental decisions affecting 1971 are being made now. If unemployment exceeds even 6 per cent at the end of 1971, the political gain for 1972 may be lost. That is the highly political—and highly important—message Pierre Rinfret has sent to Mr. Nixon in the most bloodcurdling language possible.

President Nixon has said:

The way to stop inflation is to reverse the irresponsible fiscal policies which produce it. . . . The imposition of price and wage controls during peacetime is an abdication of fiscal responsibility. Such controls treat symptoms and not causes. Experience has indicated that they do not work, can never be administered equitably and are not compatible with a free economy.

On June 19, 1969, he said:

If our projection proves to be wrong, then we will have to look to another course of action, because we cannot allow prices to continue to go up, interest to go up, and other factors to continue.

That was over a year ago. He has had almost 2 years in which to practice his fiscal responsibility. It has not worked. His projection has been wrong. Prices and other factors have continued to go up. It has not been equitable. Instead of a free economy he has given us a snowballing-out-of-control fumbling economy.

We now have no other choice than to look to other courses of action.

You might argue that we can go on as we are and the natural business cycle will take care of everything.

What about the future? My information is that the administration is becoming progressively more paranoid making adjustments in every department of Government, trying to balance a budget $15 to $25 billion out of balance for fiscal 1971. Last year the administration funded education programs at 28 percent of needs and students and educators erupted nationwide. We can hope for less next year. Health programs have been totally ignored by the administration. Dental care research is almost nonexistent. An entire future generation of scientists and engineers are being driven to other occupations by the Nixon mania to cut research budgets.

Efforts are now underway to drastically modify NASA capability. The administration is making an effort to reduce the total NASA budget to $3.1 billion for fiscal 1972, which action will effectively terminate perhaps $2 billion of invested research and development in partially completed programs.

Water development programs to build a new America, rural and urban, are now being cut to 50 percent of needs—all in the name of economy. These programs have been pared to the bone for too many years and their lag in development will hamper future development of agriculture and business. Many formerly feasible water projects are now unfeasible due to rapidly escalating Government note interest rates now at 7.45 percent. Only today the Bureau of Reclamation suspended construction on all new construction in the 1971 appropriation bill approved by the House. Ask any department of Government, "Can you respond to the needs of the people?" The answer is always negative.

I mentioned the 7-percent California unemployment. The Nation is little better off. DOD now projects, as Senator BARRY GOLDWATER said a month ago, that 90 military bases face closure after the first of the year. If this is not so, I would ask Secretary Laird to deny it. It is projected that by next summer over 700,000 more young people will be added to the unemployment rolls. Many of these men will come from Vietnam as we phase out that war. Where will these men work? I know the administration cares but it is making no plans.

Why all this curtailment? Because Government income is fading and good Republicans do not like either a deficit or controls.

I say we have a full-blown recession. Normal business cycle recovery will come so late, much of our education and defense capability will have wasted down the drain of bankruptcy and unemployment. Once an inventive business capability is destroyed, it is not automatically recreated at the next business upturn. I say we need to recognize the hardships and fear of poverty and unemployment. People are more than statistics; family units need the support of Government, not be desecrated by it.

We need then the full tax package

business redevelopment program of the 1960's that built the Great Society. We need to stop unemployment and destruction of business. We need to build up plant and equipment, stimulate perhaps a simultaneous development and reallocation of national effort into proper anti-ecological destruction directions.

But you say this will lead to inflation. Not if we simultaneously institute a strong wage-price guideline or controls.

Fat profits of industry can be channeled into either new jobs or Government coffers. With adequate Government tax income then we can do the things required of a great America in domestic and defense areas within the framework of full employment and a static and sound American dollar.

The alternative of course is to set the stage for the termination of a one-term Presidency more horrendous than that of Herbert Hoover. I say I would rather not have this happen knowing the hardship and sacrifice that that continued Presidential course of action will inflict on the American people.

Mr. BURTON of California. Mr. Speaker, will my colleague yield to me?

Mr. LEGGETT. I am pleased to yield to my distinguished colleague.

(Mr. BURTON of California asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. BURTON of California. Mr. Speaker, I would like to commend my distinguished colleague from California (Mr. LEGGETT) for his most perceptive analysis of the difficult economic conditions existing in the country and commend him highly for his incisive analysis of these problems.

I would also like to remind my colleagues that here again we find our hard-working and effective Member of Congress, our good friend from California, Congressman LEGGETT, has brought to the attention of the House a most serious and pressing problem.

Also at this point and time, if I may, Mr. Speaker, I would like to include the remarks of our distinguished majority leader, the gentleman from Oklahoma, CARL ALBERT, who just this day issued a statement on the case made by our colleague from California (Mr. LEGGETT).

Mr. LEGGETT. I want to thank my colleague very much for his remarks.

The statement of the Honorable CARL ALBERT is as follows:

The latest Government statistics on the cost of living for October should be all the inducement needed to jar the administration out of its lethargy in dealing with the Nation's deteriorating economy. The Bureau of Labor Statistics today reported living costs jumped by six-tenths of 1 percent last month. This reflects an inflationary rate, even on a seasonally adjusted basis, of over 6 percent.

This is apparently news to no one except the President and his economic advisers who persistently, month after month, report that inflation is under control and economic stability is just around the corner, in the face of all the evidence to the contrary. And persistently, month after month, the reports reflect a worsening economic malaise and cast doubt on the competence or credibility of the administration for its failure to face the facts and to deal with them constructively.

Not only did living costs rise in October. The same report reflects another decline in average real spendable income. A continuation of these higher costs combined with lower income is intolerable. It is long past time for the administration to recognize the futility of its so-called "game plan" which is behind the inflationary recession gripping the country. It is long past time for the Administration to utilize the tools provided by Congress. Certainly a policy of wage and price guidelines, and the effective use of the moral authority of the White House, represent a minimal step.

It has been more than a year since the leadership of Congress began its efforts to convince policy makers of the administration that its economic course was poorly plotted. The resulting inflationary recession—soaring cost of living combined with rising unemployment—has given us the worst of both economic factors.

Excuses are no longer acceptable. Congress has provided some measures for coping with our economic ills and certainly stands ready to join in concerted efforts to bring relief to the people who suffer under the double burden of rising costs and rising unemployment.

Mr. BURLISON of Missouri. Mr. Speaker, if the gentleman will yield, I commend my good friend, the gentleman from California for his very cogent and convincing presentation and statement.

I associate myself with his remarks.

RESOLUTION INTRODUCED COMMENDING POW RESCUE ATTEMPT

The SPEAKER pro tempore (Mr. KEE). Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, today my colleague, Representative SAMUEL S. STRATTON of New York and I are introducing, as chief sponsors, a House resolution commending those responsible for the attempted rescue of U.S. POW's near Hanoi. The resolution is cosponsored by 66 others.

On December 15, 1969, almost 1 year ago, the House of Representatives passed unanimously House Concurrent Resolution 454, calling for humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front. At that time, by their votes, 405 Members of this body strongly protested the treatment of U.S. servicemen held prisoner and approved of efforts by the U.S. Government and other world leaders to obtain humane treatment and release of American prisoners of war.

Since that time, no material progress has been made. The North Vietnamese have persistently refused to identify the prisoners they hold. The have refused to permit any inspection of the camps in which the prisoners are kept. They will not allow mail to be received by prisoners, and they have not released sick or injured prisoners. Each of these simple, humane gestures is required by the 1949 Geneva Convention on prisoners of war which the North Vietnamese ratified in 1957.

In the face of world opinion, and in contravention of its duty under international law to which it has voluntarily agreed, North Vietnam disregards basic tenets of human decency and in a barbaric manner makes hostages of American prisoners of war.

The only thing that has changed in the year since Congress last spoke is the number of Americans held captive. One year ago, just over 1,300 men were held prisoner or were listed as missing in action. Today that number has grown by over 250 men. At the end of last week, 1,558 American soldiers were held prisoner or missing in action.

The families of most of these men do not know whether their loved ones are still alive, and for them each new day brings only pain and waning hope. Newsstories, such as those of recent date, which tell of torture and even death in the prison camps add to the nightmare which has become the daily life of relatives of the prisoners. Imagine just how much worse it must be for the brave men who remain captive.

With no progress since Congress last spoke, it is important for us once again to reaffirm our strongest disapproval of North Vietnamese conduct and our determination to take considered steps to bring about the release of our men held under such intolerable conditions.

The expedition last weekend to save the lives of Americans thought to be held prisoner was such an action. It was well planned and executed. Its scope was strictly limited to the stated objective of saving the lives of American prisoners. Unfortunately, intelligence was defective. Had it been successful, had American prisoners been brought out safely and restored to their families as free men, no word of criticism would be heard today.

In my view, and in the view of those who have cosponsored this concurrent resolution, those responsible for planning and carrying out this valiant rescue mission deserve commendation and the sincere thanks of Americans everywhere. No doubt, when word of the rescue attempt reaches other prisoners, as it inevitably will, their spirits and their faith in their country will be greatly lifted. Similarly, the morale of our men still fighting in Vietnam under the trying circumstances will be raised.

America has never forgotten its fighting men who have risked and given their all in the service of their country. The world, and especially the North Vietnamese, must realize that we are not about to do so now.

The list of cosponsors and the text of the resolution follow:

LIST OF 65 COSPONSORS

Watkins M. Abbitt, Democrat of Virginia.
J. Glenn Beall, Jr., Republican of Maryland.
James T. Broyhill, Republican of Virginia.
Page Belcher, Republican of Oklahoma.
Benjamin B. Blackburn, Republican of Georgia.
William S. Broomfield, Republican of Michigan.
John Buchanan, Republican of Alabama.
Lawrence J. Burton, Republican of Utah.
Elford A. Cederberg, Republican of Michigan.
Frank M. Clark, Democrat of Pennsylvania.
Don H. Clausen, Republican of California.
James C. Cleveland, Republican of New Hampsnire.
William O. Cowger, Republican of Kentucky.

Philip M. Crane, Republican of Illinois.
Glenn Cunningham, Republican of Nebraska.
W. C. (Dan) Daniel, Democrat of Virginia.
Robert V. Denney, Republican of Nebraska.
Samuel L. Devine, Republican of Ohio.
William L. Dickinson, Republican of Alabama.
Wm. Jennings Bryan Dorn, Democrat of South Carolina.
Thomas N. Downing, Democrat of Virginia.
Ed Edmondson, Democrat of Oklahoma.
Paul Findley, Republican of Illinois.*
Peter H B. Frelinghuysen, Republican of New Jersey.
Louis Frey, Jr., Republican of Florida.
James G. Fulton, Republican of Pennsylvania.
Richard Fulton, Democrat of Tennessee.
James R. Grover, Jr., Republican of New York.
Orval Hansen, Republican of Idaho.
G. Elliott Hagan, Democrat of Georgia.
James F. Hastings, Republican of New York.
Frank Horton, Republican of New York
Craig Hosmer, Republican of California.
John E. Hunt, Republican of New Jersey.
Edward Hutchinson, Republican of Michigan.
Albert W. Johnson, Republican of Pennsylvania.
Carleton J. King, Republican of New York.
Dan Kuykendall, Republican of Tennessee.
Alton Lennon, Democrat of South Carolina.
Robert C. McEwen, Republican of New York.
John O. Marsh, Jr., Democrat of Virginia.
Wiley Mayne, Republican of Iowa.
Robert H. Michel, Republican of Illinois.
Robert H. Mollohan, Democrat of West Virginia.
G. V. (Sonny) Montgomery, Democrat of Mississippi.
John T. Myers, Republican of Indiana.
Bill Nichols, Democrat of Alabama.
Thomas M. Pelly, Republican of Washington.
Richard H. Poff, Republican of Virginia.
Robert Price, Republican of Texas.
John J. Rhodes, Republican of Delaware.
L. Mendel Rivers, Democrat of South Carolina.
Ray Roberts, Democrat of Texas.
William V. Roth, Republican of Delaware.
John H. Rousselot, Republican of California.
David E. Satterfield III, Democrat of Virginia.
William L. Scott, Republican of Virginia.
Henry P. Smith III, Republican of New York.
Samuel S. Stratton, Democrat of New York.*
Fletcher Thompson, Republican of Georgia.
Joe D. Waggonner, Jr., Democrat of Louisiana.
William C. Wampler, Republican of Virginia.
G. William Whitehurst, Republican of Virginia
Lawrence G. Williams, Republican of Pennsylvania.
Louis C. Wyman, Republican of New Hampshire.
Roger H. Zion, Republican of Indiana.

TEXT OF RESOLUTION

Whereas, conditions have not materially improved in the year since Congress passed H. Con. Res. 454 calling for humane treatment and release of American prisoners-of-war held by North Vietnam and the National Liberation Front; and

Whereas, increasing numbers of American military personnel remain in captivity in North Vietnam in circumstances which violate the Geneva Convention of 1949 on prisoners-of-war and offend standards of human decency, some having so remained for as long as six years; and

Whereas, the government of North Vietnam and the National Liberation Front have refused to identify the prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, and to release seriously sick and injured prisoners, as required by the Geneva Convention, despite repeated entreaties from world leaders;

Now, therefore, be it resolved by the House of Representatives, that the official command, officers and men involved in the military expedition of November 21, 1970, seeking release from captivity of United States prisoners-of-war believed to be held by the enemy near Hanoi, North Vietnam, be commended for the courage they displayed in this hazardous and humanitarian undertaking which has lifted the hopes and spirits of our brave men imprisoned and fighting as well as Americans everywhere.

*Principal sponsors.

ROGERS INTRODUCES EMERGENCY HEALTH PERSONNEL ACT

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, I am introducing, along with six of my colleagues in the House, the Emergency Health Personnel Act, legislation which I hope will have an effective impact on the manpower portion of the health crisis in America today.

As almost everyone knows, there is a fantastic shortage in health manpower throughout the Nation. Roughly speaking, we need more than 50,000 physicians, 200,000 nurses, and 20,000 dentists.

The law of supply and demand in the health manpower field area differs from that in other areas. The supply is always short, but the demand is greater in rural areas where there is light population and less than modern facilities and in compacted ghetto areas where there is high density population, but again a lack of modern facilities.

This means that the graduating doctors and dentists and nurses are attracted to the cities or parts of cities where the pay is better and the facilities are adequate. This leaves the small towns, the rural areas and the lower economic populations without medical representation or service.

And many large cities have sections where no doctors or dentists practice or where the nearest thing to personal medical care comes in the form of an emergency ward on the other side of the city.

These are areas barren of medical assistance to our citizens. And these are the areas which we hope to help through the legislation which we are today introducing.

During consideration of the allied health professions bill and again during hearings on the Comprehensive Health Planning Act, I questioned HEW officials, including Dr. Roger Egeberg, about the status and vitality of the existing Commissioned Corps. And I asked why we could not, in the face of our present health crisis, use some of these people in areas where there are no existing medical personnel. It was agreed at that time that if there is no medical personnel or service, that location would indeed be an emergency situation.

When I addressed the American Hospital Association in Chicago, I found that there were more than a dozen county seats in Illinois which did not have a single practicing physician. I am sure that this situation is not limited to Illinois, but that there are such examples all across our Nation.

As one physician clearly explained last week in an article about the "doctor gap":

> I can't see any reason why I should take myself and my family into the middle of nowhere where I would have to work 80 hours per week, use obsolete medical facilities and inadequate equipment.

Certainly, through other legislation we hope to remedy this situation so that practice in any part of our Nation will be attractive. But in the meantime, we must offer some vehicle so that the American public in low-economic areas or rural areas are not completely cut off from medical and dental help.

I was encouraged and interested in Dr. Egeberg's endorsement of such a plan as we are now proposing in a Scripps-Howard interview. During that interview, Dr. Egeberg said that he would favor expanding the commissioned corps.

Presently, this branch is composed of 5,732 people, of which 47 percent or 2,693 are medical doctors and 518, or 9.2 percent, are dentists. There are some nine other categories which compose the commissioned corps and I would like to list the entire makeup later in my statement.

These people in the corps are used in the main for giving health care and service to Indians, members of the Coast Guard, and the merchant marine and to Federal prisoners.

However, and this is very important, I would estimate that in the Public Health Service not more than one-half of the medical and dental personnel are actually practicing medicine. Somewhere around 50 percent are in research or serving in an administrative capacity. Therefore, we do nct really have as large a bona fide corps of medical personnel to call on, as a cursory look at the figures would indicate.

In addition to the concept of giving aid in medically barren areas, I also envision the use of the Emergency Health Personnel Act in emergency situations such as a disaster or to help quell an outbreak of disease.

There is one point which I would also like to make in the area of who will be recruited. We have heard much of the high ideals and the desire for personal involvement of our young people, including medical students. I think that the program which we are proposing here today could be the answer to that desire to help and become involved.

During the height of the conflict in Vietnam, more than two-thirds of all graduating physicians were called to serve in the military. This figure may drop to an estimated 50 percent during the peacetime which we hope is soon coming. I feel that young people will be attracted to a 2-year stint in serving their country and their fellow man by

enlisting in this newly expanded program.

I would note that consultation with local medical and dental authorities is set out in the bill. We are trying to develop the best possible rapport between local authorities, where there are medical personnel, and the corps. I would also like to point out that the bill we are introducing provides for the establishment of the National Advisory Council on Health Manpower Shortage Areas whose responsibility will be to advise the Secretary and to make recommendations for the program's implementation and administration.

In conclusion, I would ask that my colleagues give close attention to this legislation. I would venture to say that at least half of us have areas where such a medical aid would be welcomed and where now there is a lack of medical service and personnel.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Salt is a basic commodity. For table and cooking use it is the most widely used seasoning agent. Large quantities of salt are also consumed in a great variety of industrial processes. The United States is the world's leading producer of salt; 1968 production was 37,443,000 metric tons compared to 15,000,000 for mainland China and 11,011,000 for the Soviet Union.

RESTORE RECOMPUTATION NOW

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am today again introducing legislation to restore equality in military retirement pay by basing that pay on current active duty rates. This more equitable system was used until 1963 when the Congress, acting in good faith, discarded the recomputation principle and replaced it with a straight cost-of-living increase for retirees.

Our experience since 1963 should convince us that the across-the-board, cost-of-living increase is inequitable in comparison to the principle of recomputation in which the retiree receives direct benefit from each military pay raise.

The military active pay scale has consistently been lower than pay scales in other professions. It was always understood, however, that military men would receive additional benefits such as housing allowances, food allowances, medical care, and—a rate of retirement pay based on the current rate for the highest rank attained by the retiree.

Mr. Speaker, many of our colleagues in both Houses have supported this legislation in the past in the belief that retirement pay should once again be linked directly with active duty pay and that automatic adjustments in retired pay be assured whenever the active duty rates are changed. I urge the Congress to reconsider the recomputation issue and act favorably to restore it.

THE GENOCIDE CONVENTION

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, the ratification of the Genocide Convention has for some time been pending in the Senate, and it is expected that in the near future a final determination will be made of the issue. Scores of prominent national organizations are urging its private consideration by the Senate at this time. The President and his administration have earlier this year underscored the need for ratifying this important treaty.

The autumn issue of the Ukrainian Quarterly contains a comprehensive article on the convention, written by Dr. Lev E. Dobriansky of Georgetown University and president of the Ukrainian Congress Committee of America. The author knew and worked with Dr. Raphael Lemkin, the father of the convention, and his organization has supported the treaty's ratification for over 20 years. For the second time in two decades, the author of this article recently testified on the treaty and recommended a posthumous honor for Dr. Lenkins should the Senate ratify the treaty, which in his judgment is long overdue.

On the eve of the Senate's final action on this issue, I commend to the reading of my colleagues and all Americans concerned with the subject of genocide the article by Dr. Dobriansky. It treats of all the major aspects of the treaty and the controversy that has surrounded it. Its compact analysis of the subject helps to resolve some of the doubts held in relation to the treaty.

The article follows:

THE GENOCIDE CONVENTION

(By Lev E. Dobriansky)

In historical time, twenty years are but an instant; in the time consciousness of persons and legislatures they seem to be like a century. These different time dimensions surely apply to the treatment given the Genocide Convention, particularly for those who were personally involved in the original hearings on this vital and unprecedented international treaty. It was the writer's privilege over twenty years ago to present in both empirical and legal directions extensive testimony in favor of the convention's ratification by the U.S. Senate.[1] Two decades hence, it was also a veritable source of delight for him and others that the Nixon Administration decided to support the positive position first taken by the Truman Administration in this matter.

On February 5, 1970 Secretary of State William P. Rogers submitted a recommendation to the President to "request the Senate of the United States to give its advice and consent to United States ratification of the Convention on the Prevention and Punishment of the Crime of Genocide."[2] In it he expressed the belief "that ratification is in the interests of the United States and that there is no constitutional obstacle to ratification." On this he also invoked the agreement of the Attorney General. The statement concisely incorporates background and legal notes concerning the treaty, including the convention's unanimous adoption by the U.N. General Assembly on December 9, 1948, its signing by the U.S. two days later, Truman's submission of the treaty to the Senate on June 16, 1949, the convention's entering into force on January 12, 1951, and several legal recommendations for understandings of the treaty's articles, such as "mental harm" in Article II(b) meaning "permanent impairment of mental faculties."

Two weeks after the Secretary of State made his recommendation, President Nixon sent a message to the Senate, urging favorable action on the convention. Recounting some of the facts contained in the Rogers communication, the message stressed that "we should delay no longer in taking the final convicing step which would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever."[3] It concluded by stating that Senate ratification "will demonstrate unequivocally our country's desire to participate in the building of international order based on law and justice." In response to the message a subcommittee was established by the Committee on Foreign Relations to conduct additional hearings on the convention. With exclusive emphasis placed on the strictly legal contents and aspects of the treaty, the subcommittee under the chairmanship of Senator Frank Church of Idaho conducted these hearings at the end of April and May.[4] By the fall of 1970 the committee still hadn't reported out the convention, although in July the committee voted 6 to 5 in favor of it and then voted 7 to 5 to reconsider reporting it out prior to the November elections. There was an uneasy feeling that the 67 votes necessary for ratification would not be forthcoming.

THE LEMKIN LEGACY

In the course of these developments it has been somewhat disconcerting to observe the extent to which the Lemkin legacy concerning the convention has been played down or, in most instances, completely overlooked. It was also the writer's memorable and precious privilege to know intimately, down to August 28, 1959, the father of this treaty, Dr. Raphael Lemkin. To the time of his death, we worked closely on the ratification of the treaty, and although Professor Lemkin achieved the goal of the convention becoming international law in 1951, he died a sad man in that his United States still failed to ratify the treaty. It is no exaggeration that this veritably great person actually sacrificed his life and treasure for the universal acceptance of the treaty.

In the 50's, those connected with the Ukrainian Congress Committee of America can be everlastingly proud of their close association with him and the many opportunities he afforded them in subsidizing and assisting his educational and humanitarian efforts. As the writer openly and frankly stated in the second round of testimony on the treaty, "it is not in any measure of excessive laudation to suggest . . . that if and when, and on its own merits, this treaty is ratified by the Senate, a special tribute in Congress and by our Government, both here and in the United Nations, be posthumously made in honor of the founding and pioneering work of this man."[5] This idea was quickly recognized by the Honorable Edward J. Derwinski of Illinois when he observed, "Dr. Dobriansky's suggestion for an official tribute to the late Dr. Lemkin in the event of the treaty's ratification is well taken."[6]

Lemkin left an historic legacy for the world, but if the reader were to scan the literature of the past ten years on this subject,

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he would conclude that the man scarcely existed. Especially after the Eichmann trial, newcomers entered the field of discussion and behaved as though they introduced something new to the continuing struggle. From their output one would never know that a Lemkin ever existed. Despite its well-known editorial distortions and omissions, *The Washington Post* at least made mention of Lemkin in the recent discussion of the subject.[7] Because of long-standing problems with this supposedly liberal organ, the writer didn't anticipate that the following letter-to-the-editor would be published, but he nevertheless sent it for the broader record of this issue:

"FEBRUARY 24, 1970.

"To the EDITOR of the Washington Post:

"Your editorial of February 21 on 'Genocide' deserves the highest commendation for its accuracy and complete fairness. In particular, your mention of Dr. Raphael Lemkin in connection with the Genocide Convention is most praiseworthy. In the current drive for Senate ratification of this essential treaty it would do well for many to recall the supreme dedication and contributions of this self-sacrificing pioneer who both coined the term 'genocide' and devoted his remaining years, here and in the United Nations, for world-wide official acceptance of the treaty.

"It was my memorable privilege to know and work closely with Dr. Lemkin on the treaty's ratification from the time of the McMahon hearings in 1950 to his untimely death on August 28, 1959. It is no exaggeration of fact that this unusual person literally sacrificed his life in behalf of the convention and its enforcement throughout the world. He gave up a promising and comfortable career at Yale University in order to devote his entire time to this supreme cause. Regrettably, his persevering efforts at the time were not sufficiently understood and supported, and he died virtually penniless. It was also unfortunate that his nomination for the Nobel Peace prize was not favorably approved.

"On its own substantive merits, the ratification of the Convention by the Senate is long overdue. It is of doubtless credit to the present Administration that it has determined to bring to fruitful completion what was initiated under the Truman Administration. For those of us who knew and loved the witty and brilliant Polish Jewish jurist, Dr. Raphael Lemkin, the treaty's ratification will surely provide an additional tribute—one to the works, labors, and achievements of the man who gave his life for it."

Later, it was comforting to read the acknowledgment made by Senator Proxmire of Wisconsin, who stands above all in persistently advocating the treaty ratification in the Senate. As he accurately put it, "few people in this country are aware of the important contribution by Prof. Raphael Lemkin to the field of international politics."[8] He ended by saying, "I hope we do not need to wait for another crisis of mammoth proportion, but can act on the principle first stated by Professor Lemkin, which is embodied in the Genocide Convention." The leadership taken by Senator Proxmire in advancing tht treaty has without question earned the admiration and esteem of all involved in this significant undertaking.

SALIENT PERSPECTIVES ON THE TREATY

The life-long impressions Dr. Lemkin left me with enable me to take a reasoned and solid stand on this treaty. For months, and practically every evening of the week, before the McMahon hearings in 1950, he taught me virtually every aspect of the convention as we planned our strategy for the hearings. The writer doesn't hesitate to say that the training and informal schooling he received from his close relationship with this thoroughly dedicated soul equipped him in no small measure to evaluate the legal and other aspects of the treaty. Despite the fact that law is not my profession, with this rich provided background it is not difficult to transmit the insights, perceptions, perspectives and wisdom he implanted as concerns the sound legal structure and content of the convention. Before dwelling on the specific aspects of the treaty's legal structure, it is necessary to place the entire subject in proper and accurate perspective, with mention of some generally unknown facts and events surrounding the stalled fate of this treaty. It would be naive for anyone to think that consideration of the treaty has been purely on the basic of legalistic logic, void of diverse political pressures and a mass of grotesque misunderstanding.

First, without mincing words, it is almost in the nature of a national disgrace that our country has not as yet ratified the treaty. At the end of the 40's we were in the vanguard of the movement for an international treaty against the crime of genocide and were one of the first to sign this treaty. To date, 75 other states have ratified the treaty. To be sure, the reasons for this ironical development are many, but the fact remains that in this area, as well as that of the captive nations and the persistent threat of Soviet Russian imperio-colonialism, we definitely lapsed in moral and political leadership in the world at large. However, in this, as in these other areas, better late than never. As the editors of one organ rightly put it, "After two decades of inaction, based on sophistry and outright hypocrisy, there are signs that the United States may at last be moving to ratify the International Convention on the Prevention and Punishment of the Crime of Genocide."[9]

My second perspective is with regard to the numerous reasons for this unfortunate delay. Undoubtedly, the most prominent has been the political chaff and sophistical extraneities that cumulated about an objective treatment of the convention. During the first round of hearings twenty years ago, opponents of the convention admixed it with civil rights, dangers to states rights, charges of genocide against negroes, an international plot against our form of government, and a whole assortment of sophistry as to the constitutional and legal perils of the treaty. With the second round of hearings in 1970 much of this chaff has been re-expressed in old and some new forms, such as American "genocide in Vietnam, mass rioting and deaths, the Black Panthers, legalized abortions, and even poverty." Evidently, if the effects of everything or anything are to be painted as horrendous, the handy term of genocide is invoked. In plain fact, all of this and more is irrelevant to genocide itself and the treaty for good measure.

In the current controversy few are aware of certain enlightening facts concerning the treatment of the convention. In 1954, following a radio/TV program on the Georgetown University Forum, Dr. George A. Finch, one of the panelists and a leading American Bar Association opponent to the convention, let his hair down to inform Dr. Lemkin and the writer how he and Messrs. Rix and Schweppe managed to have the treaty tabled up till then.[10] Despite the overwhelming evidence brought out in the original hearings in support of the convention, they were able to persuade Chairman Tom Connally of the Senate Foreign Relations Committee that the treaty would not prevent communist genocide and that it would be exploited to our detriment. They were even able to convince the congenial but scarcely knowledgeable chairman that too many "foreign-sounding organizations" were behind the treaty and that confidence and trust be best placed in the powerful and presumably reliable American Bar Association. Needless to say, political pressuring was at a high pitch and, as Senator Proxmire has soundly pointed out two decades later, "the Senate can be expected to turn to the Chief Executive, and his Attorney General, and his Secretary of State. These offices have now come out squarely for ratification of the Genocide Convention. These are the views that should count; not those of the ABA."[11] The situation was no different in 1950.

Another example of political chaff obfuscating the importance and significance of the treaty was the agitation about the Bricker Amendment in those years. The Amendment emerged as an additional obstacle to the convention, which some opponents to the treaty even today are making use of.[12] Among other things, the amendment provided "that no provision of a treaty which conflicts with the Constitution shall be of any force or effect." It also specified that "no treaty shall be effective as internal law unless implemented by legislation which would be valid apart from the treaty." The clear fact is that there is no contradiction between the treaty and the defeated amendment. The difficulty was its misuse and abuse against the treaty. And it would probably astound the users of this political device to know that Senator Bricker himself admitted to Dr. Lemkin that he saw no inconsistency or discrepancy between the treaty and our Constitution.

It appears that twenty years are necessary to separate the chaff from the wheat, and there can be no doubt that the present effort has received a powerful assist from the President's endorsement, in reality taking off from where President Truman began. The positions taken by our Secretary of State and Attorney General buttress this effort further. Significantly enough, so does the studied output of the ABA's section on individual rights and responsibilities. In recommending that the ABA approve the convention at its February, 1970 meeting the study group stressed that "in practical political terms, not to sign . . . is to dissipate one's influence, and to supply fuel for those who characterize the United States as the great hypocrite."[13] Even the four-vote negative margin on this recommendation at the ABA meeting may be construed as a positive factor when the entire history of ABA's role in this is soberly taken into account. Nevertheless, anyone who has kept abreast of all these developments cannot but rationally conclude that all the pros and cons heard these past two decades were said and recorded in the 1950 Senate hearings. After this lapse of time the second round of hearings were, of course, necessary to dispel for good some of the more prominent misconceptions held with regard to the convention. As the writer argued in his own testimony, this can only be achieved by concentrating on the very essence of the meaning of genocide itself and the essential conformities of the treaty with our constitutional framework and limits.

THE PREDICATIVE MEANING OF GENOCIDE

With an eye on the essentials of the treaty, it is best to approach the subject in systematic terms of facts and meaning, the tailoring of a legal suit of clothes, and a moral force for rule under law and justice. The most fundamental point here is the special meaning of genocide itself. Concerning the facts or the empirical basis of the whole matter, most of the evidence was well supplied in the 1950 hearings, with appropriate emphasis placed on the far more extensive record of Soviet Russian genocide than that of the Nazi German one. Judging by some of the pro-treaty literature currently disseminated, one wonders whether the authors ever bothered to read the 1950 hearings on these comparative records.[14] Professor Lemkin knew the Russian and Nazi records well, and both for the past and the future he dreaded the Russian totalitarian one. It cannot be too strongly emphasized

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that this accumulated evidence, in large part found in the original hearings, is significant for two reasons. One, it constitutes the experiential foundation for the meaning of genocide; second, it determines objectively the legal suit of clothes necessary to fit the body of the crime.

Quite plainly, unless one is familiar with this crucial evidence, the valid meaning of genocide will elude him, and the term becomes subject to all sorts of careless application. Derived from this massive experience in genocide, the meaning is clearly stated in Article II of the convention. Most, if not all, of the confusion and misunderstanding that has emerged in relation to this treaty can be attributed to an insufficient grasp of the meaning of genocide as conveyed in this article and, ultimately, to an unfamiliarity with the evidence. Lemkin coined the word "genocide" to coincide objectively with this special evidence. Aside from the enumerated acts of commission in the article, the crux of the meaning of genocide is found in the words "with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such." Thus, obviously, Hitler's campaign against the Jews, Stalin's destruction of the Ukrainian Catholic and Orthodox Churches, deportations, man-made famine, etc. Mao's assault upon the Tibetans—these and numerous other examples clearly spell genocide. The intent to destroy one of these groups *as such*, whether in whole or in part and regardless of motivation or purpose, was realized overtly in the act itself.

What is frequently misunderstood is the delicate point that a distinctive and substantial difference exists between genocide and homicide, that latter whether singular or multiple. That difference lies in the crux of the meaning explained above. The loose and indiscriminate bandying about of the term genocide twenty years ago and again now to cover such phenomena as lynching, "the killing of one person or a thousand," mass deaths resulting from wartime bombing operations, terrorism and guerrilla warfare, revolutionary activity or even "driving five Chinese out of town" is a measure of the bold misconception that has prevailed. For example, for one of our Senators to state that Article II "means that a public official or a private individual is to be subject to prosecution and punishment for genocide if he intentionally destroys a single member of one of the specified groups" shows how wide of the mark interpretations can be.[15] The intent and design to destroy one of these groups *as such*, thus logically as a whole or in part, which necessarily means substantial thrust, is completely lost. Sever the head of a human, and the greater part of his body dies; annihilate the intelligentsia of a nation, and the nation faces death. To destroy one or fifty or perhaps thousands in the former, depending on its size, will not result in the latter. The article calls for a sense of proportion, and if an understanding is attached to the convention's ratification stiplating that genocidal acts are construced to involve a significant percentage of any of the specified groups, it would be in accord with the article's meaning as founded on the empirical base of the foremost genocidal records.

The term genocide has, of course, been prostituted in the political warfare lexicon of our enemies, both at home and abroad. The phenomena cited above, to which others can be added, are quickly seized by them as cases of genocide for propaganda purposes. Covered adequately by other criminal statutes, they and similar acts are not in themselves genocidal, where "intent to destroy, *in whole or in part*, a national, ethnical, racial or religious group, *as such*" is on evidence non-existent. So are acts causing "serious mental or bodily harm to any member of a national, racial or religious group.[16] Try it and our present laws will adequate cover your action. In terms of the repeated meaning of genocide, such harm, again based on established evidence, cannot but mean that caused by mass deportation or mass incarceration. The obvious formula by now is to relate the meaning of genocide to the truly genocidal experiences and cases on record if these misleading hypothetical constructions and misunderstandings are to be rectified.

Moreover, the objection is often raised that the meaning as given in the treaty excludes political groups. An article in the *American Bar Association Journal* furnishes a background to a trade-off with the communist states on this and deplores the exclusion of political groups in the treaty's definition.[17] If the account given is correct, objectively the communists pressed a valid point. For, plainly, acts of construed treason against a state, whether legitimately governed or no, whether they involve mass killing or no, are not in themselves genocidal and are covered by other laws. The alleged trade-off also works both ways. If a so-called revolutionary group here were to stage a serious treasonable act, annihilating it massively and completely would still not be genocidal. The political choice they made is not to be confused with their membership in a national, ethnical or religious group they individually or collectively might have belonged to. So with Stalin's treatment of non-Russian populaces, Hitler's butchery of the Jews and the like. Whether justified or not, Stalin's elimination of individual non-Russian "bourgeois nationalists" is one thing, a political phenomenon, his grotesque attempt, as Khrushchev disclosed it in 1956, to remove 40 million Ukrainians and scatter them about the wilds of Siberia. is clearly another phenomenon, a genocidal one.

Another frequent objection is made to Article III of the convention, which prohibits "direct and public incitement to commit genocide." This is supposed to violate the first amendment of the Constitution, guaranteeing free speech. Also, the designation of such conduct as criminal is supposed to open up a Pandora's box, where whitey calling for the blood of all blacks or vice versa would lead to all sorts of murky arrests under the article. Both objections are easily disposed of on both legal and empirical grounds. Legally, it is recognized that the sacred right of free speech is not unlimited and that in certain situations its exercise is subject to responsible limitation as, for example, playfully shouting "fire" in a packed theater or directly threatening the existence of our Government.[18] Empirically, where no direct threat is discernible and capability of execution is virtually non-existent, the genocide-bent whitey or blackie is a candidate for Bellevue or St. Elizabeth's, not for a prison. On record, genocidal cases have always been characterized by the attribute of clear and present danger, not by foul rhetoric, and politically this realized attribute is not possible without concentrated power in our times. By now it should be evident, therefore, that the whole thrust of both Articles II and III is against this special, differentiated type of crime that entails the destruction, in whole or in part, of the non-political entities mentioned.

CONTEMPORARY GENOCIDE A TOTALITARIAN ACT

In his struggle for the treaty's ratification Dr. Lemkin incessantly emphasized the requisite environmental factor for the commission of genocide. By way of analogy, who can deny the existence of anti-Semitism in the United States? Pockets of the disease exist, but it is surely no cancer by virtue of the freedom and pluralism of our society. On the other hand, in the Soviet Union and in the past Tsarist Russian Empire the disease has been of cancerous proportions because of autocratic and now totalitarian backing and support. Thus, once one grasps the meaning of genocide and the uncivilized and barbarous content of the act, denying the apolitical right of self-preservation to a group in and of itself, it should be evident that the commission of genocide is rationally impossible in a free, open democratic society where laws are rigorously maintained to safeguard the rights of persons and groups within a generally accepted framework of socioeconomic responsibility. Historically and logically, genocide is the worst of cancers associated with totalitarian, autocratic and imperio-colonialist environmental, as characterized by Soviet Russia within the USSR, Nazi Germany and Red China. In short, it can be said that this treaty bears no objective relevance to our environment as presently constituted; however, it does carry heavy weight for our politicio-moral leadership in the world at large for the prevention and punishment of this special, heinous crime. The objective capabilities—the apparatus, if you will—for the commission of this crime do very much exist in contemporary Red states, and the politicomoral force of this treaty cannot be underestimated.

From this fundamental viewpoint on the meaning of genocide and its conceptual conformation to the special crimes committed by autocratic and totalitarian governments, it becomes evident that we have steeped ourselves in a quagmire of sophistical legalisms in opposing the convention's ratification. The prominent fact is that with the definitional premise given in effect in Articles II and III, the treaty is formulated like a legal suit of clothes to fit the body of this crime and is predicated on this premise in conformity with our constitutional framework. Consequently, Article IV thus logically addresses itself to the punishment of persons involved in genocide and acts pertaining to it "whether they are constitutionally responsible rulers, public officials or private individuals."[19] The objection that the treaty "is directed largely toward individuals rather than nations and opens a new concept of international law whereby domestic crimes would be converted to international crimes by treaty law" is a specious one.[20] Plainly, who can indict a nation and its countless innocents for genocide or any other crime? Specific individuals in government or beyond can only be punished, and on this point the treaty stands on solid, moral ground. As for the supposedly new concept, it should first be pointed out that the worst cases of genocide, both under the Nazis and the Soviet Russians, have been international in breadth and character and, second, that many domestic subjects of far less intensity in anti-social conduct and the denial of human rights have properly been of international concern, as witness treaties dealing with slavery, narcotics, inheritance rights and the like, not to mention the protection of the lives of seals and migratory birds.[21]

In the extended controversy, for some reason Articles V and VI, dealing respectively with enabling legislation and trial by a competent tribunal, appear to have been subjected to more distortion and misinterpretation than all others following the two premisal articles. Fears about foreign dictation to our Congress, the self-executing power of the treaty and criminal prosecution without necessary legislation are totally unfounded. Article V, by specifying an undertaking to enact in accordance with the respective constitution the necessary legislation to give effect to the provisions of the convention, clearly shows that the treaty is not self-executing. It shows, too, that no specific legislation is mandated or required. If it appears that such legislation is necessary, then, by our Constitution only Congress can make a crime punishable. As the ABA itself has pointed out, "a treaty cannot sup-

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port a criminal prosecution in the absence of Congressional action." [22]

With equal explicitness, Article VI stipulates trial before a "tribunal of the State in the territory of which the act was committed" or by an international tribunal accepted by the parties involved. Contrary to prevalent distortions of fact and interpretation, this provision has nothing to do with the International Court of Justice, the so-called World Court.[23] If there is such blind fear about the role of the World Court on the basis of this article and Article IX, an understanding accompanying ratification to the effect that our courts would not be subordinated to the ICJ would not at all contradict the provisions of either. Moreover, the treaty would not deprive an American citizen of his constitutional right to a trial by jury if the act were committed here. To argue, as some do, that the treaty would permit North Vietnam to try American prisoners on charges of genocide is really irrelevant to the whole issue since any judicial circus of this nature could be performed any way with a complete perversion of the meaning of genocide.[24] Again, if one understands genocide as defined earlier, examples about Vietnam, the Black Panthers and the like don't even apply, and as twenty years ago they simply serve to befog the whole issue with political chaff. Here, too, an understanding attached to ratification that no American citizen would ever be tried by a foreign court for this crime would not really cast any shadow of doubt on this and other provisions. The genesis, implementation and consummation of a valid genocidal act go far beyond the presence and involvement of American citizens who would have to be tied in with the aparatus on foreign soil.

In fact, Article VI doesn't mandate any American participation in an international tribunal, were one to be created. If it were, even this at some later date would be subject to treaty and the advice and consent of the Senate. Article VII deals with extradition, which is accommodated where treaties are already in force between the United States and other countries. In cases of genocidal involvement by aliens legislative implementation may be required. This provision poses no problem, nor does Article VIII which simply allows a country to call upon organs of the United Nations for the prevention of acts of genocide. Under the U.N. Charter even they are jurisdictionally restricted. Alluded to above, Article IX permits submission of disputes to the World Court, which would be concerned solely with questions of interpretation only and not with decisions on genocidal cases. The language in all of these articles is perfectly clear and does not justify the propagandized misinterpretations made of them. Circulated fears about extradition for political crimes, U.N. subsumption of national sovereignty, dictation by the World Court and similar fiction are thoroughly groundless.

THE BASIC POLITICO-MORAL FORCE

Today, ratification of the Genocide Convention by the Senate would redress a long-standing failure that has cost us much in national prestige and honor. Our failure to ratify this treaty twenty years ago has made us vulnerable to charges of insincerity. In numerous parts of the world it has weakened our moral posture as our enemies skillfully propagandized this supposed insincerity. In short, it has deprived us of the full politico-moral force and power that we could avail ourselves of in the use of international law as an instrument both for our primary national interest and world peace, justice and the rule of law.

It cannot be too strongly emphasized that the crux of the issue is a vivid awareness of the very nature of genocide. Its presence in a free, democratic environment is tantamount to a squared circle. Those who rant about genocide in our midst haven't the faintest notion of its essence and pervert it for political purposes. With no conflict in relation to our constitutional framework, the convention is truly a legal suit of clothes patterned to fit the special body of genocidal crime, which has appeared time and time again in environments radically different from ours.

To argue, as many did twenty years ago and some still do today, that the convention will not prevent totalitarian regimes from perpetrating genocide misses entirely the crucial point of this basically humanitarian action. The fatalism implicit in the argument is cause for wonderment itself. But aside from it, such perpetration may be or it may not be. However, it cannot logically be denied that in this internation-building of law for rule with justice, the convention generates an accruing strength of deterrence that, with definable consequences, may well secure the prevention of this grotesque crime. In the world we live, its utility would be greatly justified by at least a forceful minimization in the commission of this crime. It is not difficult to imagine what may flow from a political explosion in Central Asia or in the Mideast, or in parts of Africa. The politico-moral force can even impress itself in such situations.

FOOTNOTES

[1] *The Genocide Convention*, Hearings, Committee on Foreign Relations, U.S. Senate, 1950, pp. 319–413.

[2] *Department of State*, letter, February 5, 1970, p. 1.

[3] "President's Message Urging Ratification of Genocide Treaty," *Congressional Record*, February 19, 1970, p. 4167.

[4] *Genocide Convention*, Hearings, Committee on Foreign Relations, United States Senate, Washington, D.C. 1970, pp. 261.

[5] Ibid, p. 166.

[6] "The Genocide Convention," *Congressional Record*, May 14, 1970, p. 15638.

[7] "Genocide," *The Washington Post*, February 21, 1970.

[8] "Proposal To Declare Genocide An International Crime First Made in 1933," *Congressional Record*, September 23, 1970, 33385.

[9] "Sophistry On Genocide," *The New York Times*, February 7, 1970.

[10] "Genocide: Fact and Convention," Georgetown University Forum, June 10, 1954.

[11] "ABA's Political Objections to the Genocide Convention Carry Little Weight," *Congressional Record*, March 10, 1970, p. 6614.

[12] E.g. "The Genocide Convention," *Christian Crusade Weekly*, March 22, 1970, p. 8.

[13] "An International Convention or Treaty Is The Most Suitable Form for Addressing the Dangers of Genocide," *Congressional Record*, June 3, 1970, p. 18071.

[14] "Questions And Answers on the United Nations Genocide Convention," Ad Hoc Committee on the Human Rights and Genocide Treaties, New York, 1970, p. 1.

[15] "The Genocide Convention—Why the Senate Should Refuse to Ratify It," *Congressional Record*, May 25, 1970, p. 16867.

[16] "The Genocide Treaty," *Manion Forum*, South Bend, Indiana, February 15, 1970, p. 3.

[17] Judge Orie L. Phillips and Eberhard P. Deutsch, "Pitfalls of the Genocide Convention," July, 1970.

[18] "Article III(c) of the Genocide Convention Does Not Abridge Free Speech," *Congressional Record*, vol. 115, pt. 20, p. 27265.

[19] *Genocide Convention*, Hearings, 1970, p. 8.

[20] E. "Genocide Convention," Resolutions, Daughters of the American Revolution, *The Evening Star*, Washington, D.C., April 24, 1970.

[21] "Genocide Revisited," Bruno V. Bitker, American Bar Association Journal, *Congressional Record*, January 22, 1970, p. 816.

[22] "The Genocide Convention Does Not Usurp Constitutional Guarantees," *Congressional Record*, March 9, 1970, p. 6492.

[23] "World Court Objections To The Genocide Convention Have No Basis," *Congressional Record*, April 1, 1970, p. 9966.

[24] *Congressional Record*, February 25, 1970, p. 4810.

WORLD LAW DAY

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. BINGHAM. Mr. Speaker, today, November 25, has been proclaimed World Law Day by the President of the United States. I commend President Nixon for his proclamation, the text of which is annexed to these remarks.

It is most appropriate that 1 day be set aside to observe the role of law in mankind's search for world peace. It is more than just a truism to state that there can be no peace, or justice, or secure freedom in the world without law. It is a fact.

Yet despite all the fine speeches about world rule of law, it is tragic to witness the snail's pace at which the nations of the world move to agree to accept law and international legal institutions in their relations with one another.

This year marks the 25th anniversary of the United Nations and has been designated by the U.N. as International Education Year. When the U.N. Charter was adopted at San Francisco in 1945, it was the clear intent of its framers that it should be a forum for the development and codification of international law. Article 13, section 1a states:

> The General Assembly shall initiate studies and make recommendations for the purpose of promoting international cooperation in the political field and encouraging the progressive development of international law and its codification.

While progress has been made in some fields, including human rights conventions where our own record of ratification is abysmal, we and others have failed to demonstrate the political will to develop and utilize international law and legal institutions in the peaceful settlement of disputes. We have not fully honored our commitment to the spirit or the letter of the United Nations Charter to "Refrain from the threat or use of force against the territorial integrity or political independence of any state." Article 2, section 4.

Likewise, we have failed to make full use of the excellent provisions of chapter VI covering the Pacific Settlement of Disputes. The very first article quite clearly makes it mandatory for member states to seek a solution for any dispute likely to endanger international peace and security through numerous peaceful means as a first resort. Article 33, section 1 reads:

> The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

I believe that we in the Congress can play a significant role in this regard by

putting the executive branch on notice that we expect the United States to honor its commitments under the U.N. Charter and will support specific actions to this end even when they prove unpopular with some Americans. As responsible legislators, we in the Congress should be the first to support our President when he acts to honor both the spirit and the letter of the Charter of the United Nations.

I am proud to have served as a representative to the U.N. and am proud today to serve with my distinguished colleague in the other body, Senator ALAN CRANSTON of California, as cochairmen of the United Nations Committee of Members of Congress for Peace Through Law.

I commend the members of the legal profession around the world for their promotion of World Law Day through their World Peace Through Law Center in Geneva, Switzerland.

The President's proclamation follows:

WORLD LAW DAY, 1970

At a time when a few men and women in many countries are reaching beyond legal forms in pursuit of their goals, it is more important than ever for the vast majority to reaffirm their commitment to the processes of law. But it is not enough that we merely defend the law as we have known it in the past: we must also work to build up rule of law—and to extend its influence in international affairs as well as in our national life.

One way in which the rule of law in world affairs can be encouraged is through stronger efforts to improve and modernize international legal education. The designation of 1970 as International Education Year by the United Nations General Assembly underscores the importance of this effort.

By directing the attention of men and women in all parts of our planet to the need for legal procedures and to their potential for resolving conflicts, we can do much to advance the day when mankind achieves a lasting world peace.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby proclaim November 25, 1970, as World Law Day. I call on all our people to join in this Sixth International Observance of World Law Day, as sponsored by the Center for World Peace Through Law. I hope that men and women will use this occasion for reflecting on the importance of legal procedures in their daily lives, on ways in which they can enhance general respect for the law, and on methods for making the law a more effective force in international affairs.

In witness whereof, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred seventy, and of the independence of the United States of America the one hundred ninety-fifth.

RICHARD NIXON.

EXCELLENT ELECTRONIC VOTING PROGRAM OF THE WAGGONNER SUBCOMMITTEE

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, during the course of the summer's debate on the Legislative Reorganization Act, a number of us expressed strong views on the need for electronic voting. I set aside my amendment that would have required the development and institution of an electronic voting scheme, following a promise that the House would study the problem and see what it could come up with.

A few days ago, we all received a "Dear Colleague" letter from SAMUEL FRIEDEL, chairman of the Committee on House Administration. This letter detailed the plan he and the Special Subcommittee on Electronic and Mechanical Office Equipment, chaired by JOE WAGGONNER, had worked out.

Mr. Speaker, the committee has done brilliant work. In my view, the plan is excellent.

It provides for 49 miniature voting boxes scattered around the floor of the House. Each Member would be issued an electronic identification card, which he would keep permanently. Upon arriving on the floor, he would insert the card in one of the boxes, and push a button signifying "Yes," "No," or "Present." His individual vote, the running total, and the time remaining in the 15-minute voting period would be displayed on a board that would be consistent with the present esthetics of the Chamber.

A copy of Chairman FRIEDEL's letter follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, D.C., November 20, 1970.

MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR COLLEAGUE: As you may know, the House Leadership has directed the Committee on House Administration to study and develop an approach to a system to handle voting and quorum calls on the House Floor through electronics. The system is being developed by the Special Subcommittee on Electrical and Mechanical Office Equipment under the chairmanship of the Honorable Joe D. Waggonner, Jr., in conjunction with its development of a computerized information system for the House.

To save time and improve the overall accuracy of the voting functions, the House requires a system with optimum reliability, simplicity of operation and conformity to the aesthetic environment of the Chamber. After serious consideration of all the feasible approaches to electronic voting, and visits to some State Capitols, the Committee has developed a sophisticated, reliable systems approach which meets the criteria of time, accuracy and decorum.

In the proposed system, a Member will be recorded on a vote or quorum call by inserting his personalized card (the size of a standard credit card), into any of 49 voting stations located throughout the House Floor, and pressing one of three buttons Yea, Nay or Present. (See attached illustrations 1 and 2.) The Member's vote condition or presence will be stored in a computer for permanent record, available for retrieval at anytime and will be displayed immediately in the Chamber for his verification. A computer printout will be available immediately following the vote. The voting and quorum call periods will be limited to 15 minutes. Members who fail to bring their cards to the floor can, at the end of the 15-minute period, indicate their vote or presence at the "well" microphone and be recorded by the Clerk in a special console.

All 435 Member's names will be displayed alphabetically on the wall behind the press gallery in the Chamber. Two displays for showing the running totals and the time remaining in the voting period will also appear in the Chamber. In order to preserve the present appearance of the Chamber, the names and voting conditions will be located behind opaque panels and will be lit and visible only while a vote is in progress. When no vote is being taken the Chamber would appear just as it does today. The attached illustrations 3 and 4 show how the Chamber would appear while the vote is in progress. Illustration 5 shows the location and appearance of the running totals and time remaining displays.

Because of the visual limitations associated with a full display, a partial display was also considered. A partial display would employ two high quality projectors (loctated in the attic) to project up to 75 names, with vote conditions, at any given time during the voting period. Each grouping of names, identically projected on disappearing screens located on the north and south walls, would appear on the screen for 10 to 15 seconds and repeat until all names have appeared. Running totals and time remaining will also appear on the screens (see attached illustrations 6 and 7).

Your comments on our voting approach and the types of displays outlined, are respectfully requested. We plan to install a sample of a full display in the Chamber soon.

Sincerely yours,

SAMUEL N. FRIEDEL,
Chairman.

SCHOOL BUSING IN NORTH AND SOUTH: A DUAL STANDARD

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, the United Press International moved a story November 16, describing the decision of the New Jersey education commissioner to halt all forced school busing in Trenton begun for the purpose of achieving racial balance. The story points out that the forced busing of 155 elementary schoolchildren "touched off bitterness in the city" and "had led to racial disorders, a state of emergency, and high absenteeism."

This mornings's Washington Post, by contrast, headlines a story on page 1, that six so-called civil rights organizations have accused the Nixon administration of illegally handing out special desegregation funds to Southern school districts, funds aimed at preventing just such disorders, states of emergency, and absenteeism. These self-appointed arbiters of all that is moral, ethical and wise, call this effort a fraud. The contrast between these two stories is the contrast of the still prevalent double standard, of intelligence versus ignorance and I would like to preserve it in the RECORD today by including both these stories following my remarks:

CONTROVERSIAL SCHOOL BUSING IN TRENTON ORDERED HALTED

TRENTON.—White students who had been boycotting Trenton schools will return today according to Ken Carolan, chairman of the Citizens Reaction Committee which spearheaded the boycott.

Carolan said that the decision by state Education Commissioner Carl L. Marburger to ban forced busing for integration purposes, prompted the organization to scrap plans it had to establish a private school and to end the boycott.

The controversial busing program for six schools, had led to racial disorders a state of emergency and high absenteeism.

Marburger enjoined the board Saturday

from continuing its plan to bus 155 elementary school pupils in an effort to achieve racial balance.

The board last month adopted the busing plan by a split vote in response to the orders of Marburger and the state Board of Education to improve racial makeup in the schools of the state through various means, including busing.

Marburger's reversal, in a 26-page ruling, said the local board failed to follow suggestions of the state board in its integration order of last year.

The commissioner said the board failed to involve certain community groups in planning the busing, didn't provide enough information about the plan to parents, students and teachers and enacted the plan under pressure.

The board decided by a one-vote margin last month to use the busing plan. The eleventh-hour decision, however, touched off bitterness in the city, especially in the largely white Chambersburg section.

SIX RIGHTS GROUPS ACCUSE ADMINISTRATION: SCHOOL-FUND FRAUD CHARGED

(By Peter Milius)

Six established civil rights organizations yesterday accused the Nixon administration of illegally handing out special desegregation funds to Southern school districts still "engaging in serious . . . racial discrimination."

They described the $75 million "emergency" desegregation program, the first installment on $1.5 billion proposed by the President over the next two years as "politically oriented" and "a fraud."

Only hours after the six groups issued their report at a press conference here, the House Education and Labor Committee unanimously approved legislation authorizing the full $1.5 billion program.

The committee vote revived the prospect that Congress this year might still pass the program to which Mr. Nixon has publicly assigned high priority. It would be the first federal aid of any size given expressly to reduce racial isolation in the nation's schools.

The committee bill, however, would give less money to the South and more to the North and the West than the President proposed. And its sponsors said last night that they had written in safeguards to prevent abuses of precisely the sort the civil rights groups yesterday complained about.

The six groups said in their report that "a substantial portion" of the present $75 million is being used for general education purposes unrelated to desegregation, and that some funds have gone to "projects which are racist in their conception" or "which will resegregate black students within integrated schools."

Their extensively documented 100-page report cited as one example of a "racist" project a grant to Madison County, Miss., which, the groups said, in its application "described its most 'pressing problem brought about by court-ordered desegregation' as the 'sanitation and personal hygiene of its students.'"

According to the civil rights groups, the application declared that, "'For students to accept close association with the opposite race, a very close watch must be kept on the cleanliness of all aspects of the operation of the school. This is especially true with females.'"

The organizations said that Madison County was subsequently given funds "to hire a female hygienist for each of its four schools."

The Department of Health, Education and Welfare issued a swift reply to the report yesterday afternoon. The reply did not deal with the specific charges made. It stressed instead "the fact that the dual structure of public schools in our nation was finally brought to an end this fall," that "this objective was accomplished with a minimum of violence and disruption," and that "the extent to which the ($75 million) aided in smoothing the way may be immeasurable."

The reply said "the department believes that the support and encouragement which the swift dispatch of these funds, gave to desegregating school districts greatly aided in the transition," and that "the administrators of this program have done a good job, consistent both with the emergency nature of the program and . . . the law that governs it."

The six civil rights groups involved in the report are the American Friends Service Committee, the Delta Ministry of the National Council of Churches, the Lawyers' Committee for Civil Rights Under Law, the Lawyers Constitutional Defense Committee, the NAACP Legal Defense Fund and the Washington Research Project.

Their conclusion was that, "For the most part (the $75 million program) is not helping desegregation" and "may well have the effect of retarding it."

They described it as "yet another broken promise by the federal government," and, to the extent that funds have gone to ineligible districts, "a fraud upon the Congress" and "acquiescence in fraud perpetrated by local school officials."

Congress appropriated the $75 million on Aug. 18. The money was mainly to tide over the 600 Southern school districts that were desegregating this year for the first time and could not wait for Congress to make up its mind on the full $1.5 billion.

Grants totaling $56.1 million have been made so far to 812 school districts, all but 34 of them in the 11 Southern states. The civil rights groups said they visited 295 of the Southern districts, and found 179 "engaged in practices that rendered them ineligible" under anti-discrimination safeguards written into the appropriation or the Department of Health, Education and Welfare's own subsequent and more detailed regulations governing the funds.

The groups said they found 87 other districts whose eligibility appeared "questionable," and that "in only 29—less than 10 per cent—did we find no evidence of illegal practices."

The "illegal practices" they listed were such things as classroom and other in-school segregation (94 "clear cases"), disproportionately black or white faculties (62 clear cases), and public aid to "private segregated schools" (13 "clear" examples).

The groups complained that, in addition to being spent for general education purposes, the funds were spread too thin, with the result that many grants were too small to do much good under any circumstances.

They noted that only a fourth of each grant has actually been released so far. They urged HEW to crack down before distributing the rest, "to retrieve what remains" of the program.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. PETTIS (at the request of Mr. GERALD R. FORD), for November 24 and 25, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. GUDE) to revise and extend his remarks, and include extraneous matter:)

Mr. FINDLEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DON H. CLAUSEN, to include extraneous matter with his remarks made today during debate on H.R. 19504.

Mr. STRATTON, to include extraneous material in his statements made today on the highway transportation bill.

Mr. BINGHAM, to insert a letter with his remarks today on the highway transportation bill.

Mr. RANDALL, and to include extraneous material.

Mr. MILLS, to revise and extend remarks made in Committee of the Whole on the bill, H.R. 19504, and to include extraneous matter and certain tables.

(The following Members (at the request of Mr. GUDE) and to include extraneous material:)

Mr. ZWACH.
Mr. MATHIAS.
Mr. WEICKER.
Mr. WYMAN in two instances.
Mr. SMITH of California.
Mr. ANDERSON of Illinois.
Mr. SNYDER in two instances.
Mr. EDWARDS of Alabama.
Mr. ADAIR.
Mr. SCHMITZ in three instances.
Mr. LANDGREBE.
Mr. FINDLEY in three instances.
Mr. BROYHILL of Virginia in two instances.
Mr. LUKENS.

(The following Members (at the request of Mr. BURLISON of Missouri) and to include extraneous material:)

Mr. KARTH in two instances.
Mr. WOLFF.
Mr. LONG of Louisiana in two instances.
Mr. CHARLES H. WILSON.
Mr. MOORHEAD in four instances.
Mr. ABERNETHY in two instances.
Mr. MIKVA in eight instances.
Mr. FISHER in three instances.
Mr. KYROS.
Mr. O'NEILL of Massachusetts in four instances.
Mr. CONYERS.
Mr. DOWNING in two instances.
Mr. STOKES in two instances.
Mr. WALDIE.
Mr. BYRNE of Pennsylvania.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 670. An act to amend section 19 of the District of Columbia Public Assistance Act of 1962;

H.R. 4183. An act to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits;

H.R. 9017. An act to amend the District of Columbia Alcoholic Beverage Control Act;

H.R. 10336. An act to revise certain laws relating to the liability of hotels, motels, and

similar establishments in the District of Columbia to their guests;

H.R. 13564. An act to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees;

H.R. 13565. An act to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia;

H.R. 17970. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

ADJOURNMENT TO MONDAY, NOVEMBER 30

Mr. BURLISON of Missouri. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with House Concurrent Resolution No. 786, the Chair declares the House adjourned until 12 o'clock noon on November 30, next.

Thereupon (at 4 o'clock and 53 minutes p.m.), pursuant to House Concurrent Resolution 786, the House adjourned until Monday, November 30, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2570. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the Tehachapi-Cummings County Water District, Tehachapi, Calif., for a loan under the Small Reclamation Projects Act, pursuant to section 4(c) of the act; to the Committee on Interior and Insular Affairs.

2571. A letter from the Administrator of General Services, transmitting a prospectus revising the authorized courthouse and Federal office building and parking facility at Akron, Ohio, pursuant to 73 Stat. 480; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRIEDEL: Committee on House Administration. House Resolution 1264. A resolution relating to the limitation on the number of employees who may be paid from the clerk-hire allowances of Members of the House and Resident Commissioner from Puerto Rico; with an amendment (Rept. No. 91–1628). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 17436. A bill to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data Bank; with amendments (Rept. No. 91–1629). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY: Committee on Interior and Insular Affairs. H.R. 19413. A bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives; (Rept. No. 91–1630). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on S. 2224; with amendment (Rept. No. 91–1631). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15188. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; with an amendment (Rept. No. 91–1632). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 212. A bill to provide for the appointment, promotion, separation, and retirement of commissioned officers of the Environmental Science Services Administration, and for other purposes; with amendments (Rept. No. 91–1633). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 19868. A bill to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 19869. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. HANSEN of Idaho (for himself and Mr. MCCLURE):

H.R. 19870. A bill to provide for the disposition of a portion of the funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyo.; the Bannock Tribe and the Shoshone Nation or Tribe of Indians in Indian Claims Commission dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, consolidated, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARSHA:

H.R. 19871. A bill to amend the Railroad Retirement Act of 1937 to provide that an individual's entitlement to retirement benefits under that act or the Social Security Act while he or she is entitled to dependent's or survivor's benefits under the other such act shall not operate to prevent any increases in his or her benefits under the 1937 act which would otherwise result under the so-called social security minimum guarantee provision; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 19872. A bill to amend title 38 of the United States Code to provide, under certain circumstances, for the payment of travel expenses for home visits by veterans undergoing extended treatment in Veterans' Administration medical facilities, and for visits to such veterans by certain relatives if home visits cannot be made by the veterans due to medical reasons; to the Committee on Veterans' Affairs.

By Mr. GAYDOS:

H.R. 19873. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

By Mr. ROGERS of Florida (for himself, Mr. JARMAN, Mr. KYROS, Mr. PREYER of North Carolina, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS):

H.R. 19874. A bill to amend the Public Health Service Act to provide the public with an adequate quantity of safe water for drinking, recreation, and other human uses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT:

H.J. Res. 1409. A resolution proposing an amendment to the Constitution of the United States of America providing a 4-year term for Members of the House of Representatives; to the Committee on the Judiciary.

H.J. Res. 1410. A resolution proposing an amendment to the Constitution of the United States of America providing a 4-year term for Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. TAFT:

H. Con. Res. 787. A resolution expressing the sense of the Congress with respect to the attempt to rescue American prisoners of war held captive in a North Vietnamese prison camp; to the Committee on Foreign Affairs.

By Mr. ASHBROOK:

H. Res. 1278. A resolution creating a special investigating committee; to the Committee on Rules.

By Mr. BROYHILL of Virginia:

H. Res. 1279. A resolution relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam; to the Committee on Armed Services.

By Mr. JACOBS:

H. Res. 1280. A resolution; consistency; to the Committee on Public Works.

By Mr. RYAN (for himself, Mr. BURTON of California, Mrs. CHISHOLM, Mr. CONYERS, Mr. ECKHARDT, Mr. FRASER, Mr. KASTENMEIER, Mr. LOWENSTEIN, and Mr. MIKVA):

H. Res. 1281. A resolution expressing the sense of the House of Representatives with respect to the impairment of first amendment freedoms; to the Committee on the Judiciary.

By Mr. STRATTON (for himself, Mr. DANIEL of Virginia, Mr. DICKENSON, Mr. MONTGOMERY, Mr. LENNON, Mr. PELLY, Mr. KUYKENDALL, Mr. NICHOLS, Mr. BELCHER, Mr. DORN, Mr. KING, Mr. HANSEN of Idaho, Mr. CLARK, Mr. BURTON of Utah, Mr. RIVERS, Mr. ABBITT, Mr. MARSH, Mr. POFF, Mr. SATTERFIELD, Mr. BROYHILL of Virginia, Mr. DOWNING, Mr. WAMPLER, Mr. SCOTT, Mr. WHITEHURST, and Mr. EDMONDSON):

H. Res. 1282. A resolution; support for efforts to rescue American prisoners of war incarcerated in North Vietnam; to the Committee on Armed Services.

By Mr. STRATTON (for himself, Mr. HUNT, Mr. WAGGONNER, Mr. ROBERTS, Mr. MOLLOHAN, Mr. FREY, Mr. JARMAN, Mr. HOSMER, Mr. CEDERBERG, Mr. SMITH of New York, Mr. MCEWEN, Mr. BROOMFIELD, Mr. BUCHANAN, Mr. HAGAN, Mr. PIRNIE, Mr. WATSON, Mr. BYRNE of Pennsylvania, Mr. GRIFFIN, and Mr. POLLOCK):

H. Res. 1283. A resolution; support for efforts to rescue American prisoners of war incarcerated in North Vietnam; to the Committee on Armed Services.

By Mr. FINDLEY (for himself, Mr. BEALL of Maryland, Mr. BLACKBURN, Mr. CLARK, Mr. COWGER, Mr. CRANE,

Mr. CUNNINGHAM, Mr. DENNEY, Mr. DEVINE, Mr. FRELINGHUYSEN, Mr. FULTON of Pennsylvania, Mr. FULTON of Tennessee, Mr. DON H. CLAUSEN, Mr. HASTINGS, Mr. HUTCHINSON, Mr. JOHNSON of Pennsylvania, Mr. MAYNE, Mr. MICHEL, Mr. MYERS, Mr. PRICE of Texas, Mr. ROTH, Mr. ROUSSELOT, Mr. THOMPSON of Georgia, Mr. WYMAN, and Mr. ZION):

H. Res. 1284. A resolution; support for efforts to rescue American prisoners of war incarcerated in North Vietnam; to the Committee on Armed Services.

By Mr. FINDLEY (for himself, Mr. RHODES, Mr. SMITH of New York, and Mr. CLEVELAND):

H. Res. 1285. A resolution; support for efforts to rescue American prisoners of war incarcerated in North Vietnam; to the Committee on Armed Services.

By Mr. FINDLEY (for himself, Mr. GROVER, Mr. HORTON, and Mr. WILLIAMS):

H. Res. 1286, a resolution; support for efforts to rescue American prisoners of war incarcerated in North Vietnam; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 19875. A bill for the relief of Giuseppa Allessandrini (nee Belacchi); to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 19876. A bill for the relief of Maria Regina Montenegro-Quintero; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

COL. WALDRON E. LEONARD, THE VETERAN'S VETERAN

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Wednesday, November 25, 1970

Mr. YARBOROUGH. Mr. President, the veterans of this country lost a great and true friend Friday, November 20, when Col. Waldron E. Leonard died.

Colonel Leonard served with millions of American servicemen and then served for them in many important positions with veterans organizations and groups. Knowing first hand the problems of the young man leaving service, Colonel Leonard worked to make the transition from military service to civilian life easier for all who left active duty.

As a veteran, I had a great appreciation for what Colonel Leonard did for all veterans. As a member of the Senate Veterans' Affairs Subcommittee for the past 13 years, and having served 7 of those years as chairman of that subcommittee, I knew firsthand the commitment and the dedication of Colonel Leonard in serving all veterans.

Through the years of working with Colonel Leonard, I got to know him personally. We became friends and close associates, working together to help our veterans.

Mr. President, I had the great honor and sad duty of delivering the eulogy at the Veteran's Memorial Service for Colonel Leonard here in Washington, Sunday, November 23. I ask unanimous consent that this eulogy be printed in the extension of remarks today along with the article "Much-Honored Head of Washington Bureau: W. E. Leonard, Crusader for Veterans" from the Washington Post of Saturday, November 21, and the article "Waldron Leonard Dies; 'Fightingest Veteran'," published in the Washington Evening Star of Saturday, November 21, 1970.

There being no objection, the eulogy and articles were ordered to be printed in the RECORD, as follows:

EULOGY OF COLONEL WALDRON E. LEONARD, DECEASED, BY SENATOR RALPH W. YARBOROUGH

Buddies, comrades, brothers, fellow veterans. The Veterans' Veteran has left us.

Colonel Waldron E. Leonard, 73 years of age, passed away Friday, November 20, 1970, in Alexandria, Virginia. He is survived by his widow, Mrs. Helen T. Leonard, his daughters, Miss Laura Leonard, Mrs. Robert Millan, Mrs. Douglas Gates, a son, W. E. Leonard, of Tyler, Texas, a sister, Miss Helen R. Leonard, of Buffalo, New York, and seven grandchildren.

He lived out the Biblical three score years and ten—with an added three years—but what a life! What a great life for his fellow man. He lived virtually three lives in that one lifetime.

Colonel Leonard was born at Monongah, West Virginia, September 9, 1897. He attended Virginia State Normal School and enlisted in the U.S. Army in March 1917. This enlistment action was typical of his vision, his ability to look ahead and foretell the course of events. Woodrow Wilson called for a Decleration of War on April 6, 1917. Less than a month earlier, Waldron Leonard, not yet 20 years of age, and with no draft law in the land, saw the shape of history to come, and cast his lot with the four million to be inducted later in that War.

When his service ended in March, 1919, he was a Sergeant, First Class. Like so many other veterans of World War I, World War II, and other wars, when his service terminated, he went west—in his case, southwest to Texas.

He went into business in Texas, but with the coming of the Great Depression, acting with that concern for his fellow man that is the hallmark of his life—the hallmark of a great life—he turned to public service in the form of aiding his fellow man. In the early 1930's he became active in Texas with the problem of unemployment, especially unemployment of veterans. You will recall that there was no unemployment insurance at that time, no old age pensions, no Social Security, very little of anything to blunt the heavy blows of unemployment in the early years of the Depression.

Because of that service with unemployed veterans, Waldron Leonard was appointed director of Veterans Affairs for Texas, at Austin, and served for two years.

During these Texas years he was active in the Texas National Guard, winning promotions up to and through the rank of Colonel.

In 1935, he branched out to a broader field of service, coming to Washington with the Department of Agriculture, then moving to the Interior Department as Legislative Director.

In 1945 he left the Interior Department to take a post with the Veterans Center in Washington to aid the 16,000,000 service men and women of World War II in their readjustment after demobilization—an experience he had gone through in 1919, when there was no GI Bill. His own experience aided him greatly in helping hundreds of thousands of other veterans.

For 21 years, he directed the District of Columbia's Department of Veteran's Affairs. He devoted his life to fighting for a fair break for hundreds of thousands of U.S. Servicemen, returning from the battlefields of World War I, World War II, of Korea and of Vietnam. When Colonel Leonard retired from the Directorship of the Veterans Center of the District of Columbia in December in 1965 he was appointed as a consultant to the U.S. Office of Emergency Planning for a year, but all the while, never slackening in his service to the Veterans of the country.

For the past 13 years, it has been my privilege to be a member of the Veterans Subcommitte of the Senate and for seven years of that time, I have served as Chairman. In that 13 years, I saw Colonel Leonard often. He was the most consistent battler for Veterans rights whom I knew in Washington. Commanders of the great national veterans organizations (and I belong to the American Legion, the VFW, and numerous other veterans organizations) come and go. And administrators of the Veterans Administration come and go, but Colonel Leonard keeps on and on and during my years in Washington I observed that he had accomplished more for Veterans than any veteran administrator or any commander of a national veterans organization within my experience. He accomplished much more than many senators, many other people of high rank. I have seen monuments erected to people who accomplished less for their fellow man than Waldron E. Leonard. His life was dedicated to serving his fellow man.

But let another veteran friend who has worked with Colonel Leonard all of his years, all of Colonel Leonard's years since 1945, describe him. Mr. Samuel E. Stavisky describes him as follows:

"Over his lifetime, Colonel Leonard was honored by six Presidents, and more than a score of governors, and he was bestowed with some 200 citations and awards for distinguished service to the veterans. Nonetheless, Colonel Leonard was perhaps proudest of an informal tribute paid him by an ex-GI who dubbed him 'the fightingest veteran for the vets.'"

For the veteran, Colonel Leonard fought apathy, red-tape, and bureaucracy; he fought discrimination at every level. He fought to give the returning GIs a fair break in medical treatment and rehabilitation, in making up for time lost in education and training, in acquiring decent housing and jobs with opportunity. He battled hardest for the disabled veterans and for those veterans who faced the most difficult road back to civilian life because they came from deprived sectors of the U.S.A.

Soon after he was appointed Director of the District Veterans Center in 1945, Colonel Leonard expanded services to handle 400 to 500 veterans daily. He ran the Center not only to serve the veterans of greater Washington, but also for GIs from around the country seeking assistance unavailable elsewhere. It was Colonel Leonard's belief that since Washington is the Nation's Capital, its veterans center there should be available to all ex-GIs, regardless of legal residence.

Much of the legislation for veterans that followed World War II bears the imprint of Colonel Leonard's fair-break philosophy. He persistently lobbied committees and members of Congress for legislation he believed the ex-GIs needed. He fought unyieldingly for years to replace the ramshackle Mt. Alto Veterans Hospital with the ultra-modern

veterans medical facility finally erected at the Washington Hospital Center.

And Colonel Leonard took a lead role in searching out the Congressional Medal of Honor winners of all wars by helping them form a permanent organization, and in making them guests of honor at the official inauguration ceremonies for Presidents Eisenhower, Kennedy, Johnson, and Nixon.

I knew Colonel Leonard best in his fight for hospitalization and education for the veterans, in his fight for pensions for the veterans of World War I. In my eight year fight for a Cold War GI Bill, Colonel Waldron Leonard was a constant and consistent supporter. At the same time he aided me with the Cold War GI Bill, he was fighting for modern veterans hospitalization, adequate care of the veterans, decent pensions, and decent treatment.

He was a man of vision. His fight was not just for the veterans alone, but for the entire country. He was a patriotic man and the country is stronger by caring for its veterans. He knew that if veterans were starved out and forced to come into the cities for some kind of break, then the country was weaker. Although the disability payments were small, if a disabled veteran was able to stay in a smaller town, he could live more extensively and more fully have a better life. Knowing all of this, Colonel Leonard fought for decent payments for the disabled veteran so that they could live out their lives in their home communities, a better life, a richer life, and one that strengthened the community.

As we worked together for the Cold War GI bill, stepped on toes, he was not a timid man, he was not a subservient man, he did not go cringing and crawling and begging for veterans rights, he stood boldly upright demanding them. He faced Presidents, Congressional Committees, anybody who stood in the way anyone who was slow or timid in granting what he thought was the veteran's just dues. He stepped on toes, and he rubbed high brass the wrong way when they didn't vote for right treatment for the veterans.

Colonel Leonard was bold and vigilant. Once in addition to helping the veterans of the Vietnam War get an even break with the veterans of the other three large overseas wars, he was fighting for justice for the veterans of World War I whose numbers were rapidly declining, but whose pension treatment was far poorer than that of the veterans of the Spanish American War. The treatment of veterans of World War I is still poor. I see Colonel Leonard now as he comes to my office, erect straight as an arrow at the age of 72 or 73, immaculately dressed, neat in appearance, trim and straight and firm and erect.

With his gold headed cane, his stickpin in his tie, his pride in his appearance, he came with a sense of right and justice that was the heritage of many generations that sought justice. A soldier's soldier, a veteran's veteran, a patriot and a fighter for justice. On occasions I have seen him, where strangers came to see a Senator, look around at Senators and Colonel Leonard, and walk up to Colonel Leonard and call him Senator. He looked the part of a Senator, a general, a colonel, a leader of men, but the man he fought for was a private in ranks, the man who needed a friend, a man who needed a bold and courageous spokesman

After his retirement from official positions, he devoted more time to the plight of the veterans of World War I. After having devoted his life to a single objective, "a fair break for the GI home from the war," he turned increasingly for a fair break for the veterans of World War I.

During his last battle, he underwent a serious operation. Less than a week later, he quit the hospital, flew from Washington to Salt Lake City, and on October 15 was elected by acclamation National Commander of the Veterans of World War I of the U.S.A. It was his hope and dream, as he told me not so many weeks ago, to see that the veteran of World War I got justice.

I believe that justice is coming for the veterans of World War I. I feel that the spirit of Colonel Leonard so infuses this place, and so affects all here that the fire of his spirit will spread like waves on a pond until its influence is felt in so many quarters that justice for these World War I veterans will come.

There was a strong bond of friendship between us. I miss him now greatly. These veterans organizations wanted him buried in a veterans cemetery. The veterans of Texas all want him brought home—we consider him a Texan, and the veterans organizations in Texas desired that he be buried there. But his interment will be in Alexandria, near where his loving family lives, and where they can visit the grave and with loving hands leave evidence of that love and those dear memories on his grave.

Colonel Leonard was a doer. He was an executive. He was a driver. But his drive was for the man who needed help. It was the drive of a great heart seeking justice, but he found time among other duties to be a President of the Metropolitan Council of Veterans Organizations, and was Chairman of the Veterans groups that participated in 4 different Presidential inaugurals. While aiding through his center ofttimes hundreds of veterans a day, he also served in civic affairs in Virginia, and from 1959 to 1962 he was a member of the Fairfax County, Virginia, School Board and served as its Chairman.

As was stated a few minutes ago, he really packed 3 lifetimes into this one. Yes, monuments have been erected to men who did far less for their fellow man. He lived such a life that he can fit the poet's dream of what a man's life should be like:

"So live that when thy summons comes to join
The innumerable caravan that moves to that mysterious realm . . .
Thou go not, like the quarry slave at night . . .
But sustained and soothed by an unfaltering trust approach thy grave . . .
Like one who wraps to draperies of a couch about him and lies down to pleasant dreams."

Goodbye, Brave Comrade.

MUCH-HONORED HEAD OF WASHINGTON BUREAU: W. E. LEONARD, CRUSADER FOR VETERANS

Col. Waldron E. Leonard, 73, Washington veterans affairs director for 20 years and a longtime crusader for improved veterans benefits and services, died yesterday at Circle Terrace Hospital in Alexandria.

Col. Leonard had been elected national commander of the Veterans of World War I just five weeks ago, shortly after undergoing a brain tumor operation. His death was ascribed to post-operation complications.

Once termed "the fightingest veteran for the vets" by an ex-GI, Col. Leonard directed the District's veterans affairs department from 1945 until his retirement in 1965.

Honored with about 200 citations and awards for services to veterans, Col. Leonard enlisted in the Army and rose to sergeant first class in World War I. He won his colonel's rank in the Texas National Guard in the early 1930s.

Director of the Texas veterans affairs department in 1932 and 1933, Col. Leonard came to Washington in 1935. He was an Agriculture Department personnel specialist and Interior Department legislative representative before being named chief of the old Veterans Information Center in 1945.

With the surge of veterans returning home from World War II, Col. Leonard expanded the center to serve 400 to 500 men a day seeking help with jobs, training, housing, education and medical treatment.

When he retired, he told newsmen that his proudest achievements were his role in the fight for a new veterans hospital here to replace the old Mt. Alto Hospital, and the designation of certain city jobs for disabled veterans.

A former president of the Metropolitan Council of Veterans Organizations, Col. Leonard was chairman of veterans groups that participated in four presidential inaugurals.

Also active in civic affairs, he was a member of the Fairfax County school board from 1959 to 1962.

Col. Leonard is survived by his wife, Helen T., of the home, 2612 Fairview Dr., Alexandria; three daughters, Laura, of the home, Mrs. Robert Millan and Mrs. Douglas Gates, both of Alexandria; a son, W. E. Leonard, of Tyler, Tex.; a sister, Helen R., of Buffalo, N.Y., and seven grandchildren.

WALDRON LEONARD DIES; "FIGHTINGEST VETERAN"

Waldron E. Leonard, 73, who retired five years ago after 20 years as director of the District Department of Veterans Affairs, died yesterday in Circle Terrace Hospital in Alexandria. He lived at 2612 Fairview Drive, Alexandria.

Mr. Leonard, a fighter for rights for veterans since 1919, was called "the fightingest veteran for the vets." Last month, less than a week after surgery for a brain tumor, he flew to Salt Lake City, where he was elected national commander of the Veterans of World War I of the U.S.A., Inc., an organization of more than 200,000 former soldiers.

Mr. Leonard remembered them, fighting apathy, bureaucracy . . . and discrimination on behalf of between wars.

He was honored by six Presidents, as well as governors, and had received about 200 citations and awards for his service to veterans—improving their medical service, rehabilitation, education and training, housing and employment opportunity.

Mr. Leonard was born in Monongah, W. Va. He attended a state normal school and a business college. He served in the Army in World War I and was discharged as a sergeant in 1919.

After the war, he moved to Texas, where he continued to champion veteran causes while operating his own businesses. At one time he was director of the Texas Department of Veterans Affairs two years, and also was promoted to colonel in the Texas National Guard.

Mr. Leonard served on many veterans committees and conferences, his name becoming a byword with such groups.

He was active in lobbying for veterans legislation after World War II and had worked for replacing the old Mount Alto Veterans Hospital with the modern facility now near Washington Hospital Center.

He also helped winners of the Congressional Medal of Honor form a permanent organization.

Mr. Leonard had lived in the Washington area since 1938, when he was a legislative liaison for the Interior Department. He left Interior in 1945 to take the post with the Department of Veterans Affairs, a District welfare agency that provides services ranging from notary public to employment and determination of eligibility for veterans benefits. DVA also helped save people from evictions, obtain pensions and medical care and review dishonorable discharges. It was estimated that the department saved the District government an estimated $1 million a year in welfare funds.

Mr. Leonard also was active in Alexandria and Fairfax County civic affairs and in the 1950s was a member and chairman of the Fairfax County School Board.

After he retired, he was a consultant to the Office of Emergency Planning.

He leaves his wife, the former Helen Thornton; three daughters, Laura, Mrs. Robert Millan and Mrs. Douglas Gates, all of Alexandria; a son, W. E. of Tyler, Tex., a sister and seven grandchildren.

SENATOR EDMUND MUSKIE URGES MORE IMAGINATIVE APPROACH TO HEALTH CARE PROBLEMS

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. KYROS. Mr. Speaker, as a member of the Public Health and Welfare Subcommittee of the Interstate and Foreign Commerce Committee, I have been continually made aware of the need to provide adequate health care for all Americans. While we can be very proud of the quality of medical science in our Nation, it is increasingly more obvious that the delivery of health care to our citizens is less than satisfactory. Speaking before the National Kidney Foundation Convention in Washington, D.C., this past Saturday night, November 14, Maine's Senator ED MUSKIE expressed important ideas about steps which should be considered in improving our medical delivery systems. Senator MUSKIE has long been concerned about the availability of proper health care in Maine and throughout the Nation, and I would like to bring his ideas to the attention of my colleagues.

His remarks follow:

REMARKS BY SENATOR EDMUND S. MUSKIE (D-M), BEFORE THE NATIONAL KIDNEY FOUNDATION, SHOREHAM HOTEL, WASHINGTON, D.C., SATURDAY, NOVEMBER 21, 1970

Thank you for permitting me to join you this evening . . . to honor those who have promoted the cause—not only of health—but of life itself.

Some of these men are good and close friends.

They are men whose judgment I have come to respect . . . whose profound human decency I have come to admire.

And I am proud to share this evening with them—with Abe Abel—with Arnold Picker.

I think it is appropriate—on an occasion such as this . . . with a gathering such as this . . . at a time in our nation's history such as this—to ask the question: How can we better secure the right to life?

After all, the goal of a more healthy society is not new. It is as old as the Republic itself.

Almost 200 years ago, the Declaration of Independence declared life to be—not a privilege—not a commodity—but an unalienable right.

It is now we who must protect and enhance that right . . . for every American.

The right to life requires health care of quality—health care that is accessible . . . that is comprehensive . . . that is available on fair and equitable terms.

We have not yet satisfied those requirements—the requirements of a healthy society.

Of course, we have passed legislation.

We have appropriated funds.

We have made enormous strides in medical knowledge and medical capability.

Yet, as the Carnegie Commission on Higher Education recently stated, "Better health care is clearly a high national priority."

Indeed, we seem confronted today by a serious crisis in our health care system—in terms of availability . . . in terms of cost . . . in terms of excellence.

It is a crisis that threatens not only our well-being as individuals . . . but also our vitality as a nation.

To our shame, this crisis has been apparent to poor Americans for many years.

To our surprise, this crisis has fast become apparent to Americans of all incomes.

You know how disturbing the figures are in only one area of concern, 4,000 children . . . between the ages of one and six . . . stricken annually with nephrosis; 8 million Americans of all ages . . . afflicted by some form of kidney ailment; from 50 to 100,000 of whom . . . die each year.

These people can be helped to *live*—by surgery . . . by drug treatment . . . by mechanical devices.

Yet the fact of the matter . . . is that not nearly enough men and women have been trained . . . to help them live.

The Public Health Service estimates a current shortage of, almost 50,000 physicians; 150,000 nurses and more than 250,000 allied health personnel.

These shortages affect not only the *delivery* of health care . . . but also its price.

Last year alone, doctor's fees rose 7.3 percent.

That rate of increase was not much different from what it was in 1968 . . . in 1967 . . . or in 1966.

Part of the reason, of course, has been inflation in general.

But another important part has been the added demand for medical services with no comparable growth in the supply of medical personnel. This manpower shortage is also costly in human terms. In many of our clinics—both public and private—medical records are all too often misplaced . . . service is frustratingly slow . . . and no one really seems to be concerned with patients as individual and essentially fragile human beings.

No one has the time to try to get to know them.

That kind of health care can in fact do more to diminish the quality of life, than to enhance it.

What, then, can we do?

Clearly, we can help medical schools grow . . . as well as survive.

He can insist that government be intelligent enough not to force these schools to resort to their endowment funds in order to meet their operational budgets.

We can insist that government aid those men and women who seek entry to our health profession . . . and *not*—as has happened in the last two years—reduce the number of student loans by *60* percent.

However, we must realize that even expanding our M.D. degree programs will not—by itself—cure all the deficiencies in our manpower supply.

It has been estimated that a doubling of medical school enrollment—under present conditions of training—would result in only about 8,000 more doctors . . . by 1978.

One alternative to more doctors . . . that has been suggested . . . is more productivity from the doctors we already have.

Yet many of them are—even now—working to the limits of their physical endurance.

Of course, we should encourage them to improve their efficiency and their effectiveness—by organizing together . . . wherever practicable; by emphasizing the *prevention* of illness as well as its treatment, by recognizing the potential of the general practitioner as *more* than a conduit to the specialist.

But we cannot rely on even these approaches alone.

We must also—at this point in time—make a commitment to increase substantially the number of our paramedical personnel.

And that commitment must be accepted—*without* reluctance—by the entire medical profession.

Men and women can and must be trained to reform many of the tasks which do not really require a medical diploma.

They must be offered opportunities for advancement in these indispensable careers.

And they must be treated with respect by the medical profession . . . so that they can gain the confidence of their patients.

Physicians' assistants, like physicians themselves, cannot succeed without that confidence.

One area of improvement immediately comes to mind—that of the medical corpsman.

In light of the fact that nearly 30,000 of them are discharged from the Armed Forces every year . . . including veterans from Vietnam . . . isn't it time we offer them the full opportunity to pursue their work in civilian life?

At least 6,000 of them have delivered primary medical care on a regular basis.

In some cases, they can take over as much as 70 percent of a physician's workload.

Each of them represents an investment of roughly $25,000 in medical skills.

Yet currently, only several hundred of them are licensed as medical assistants in civilian life.

They are capable of making a substantial contribution toward the goal of a more healthy society . . . if we give them the chance to do so.

Clearly, our health care crisis is not *impossible* to overcome.

We must, however, exercise imagination with respect to how we can better organize ourselves to respond to that crisis.

We must begin asking ourselves some fundamental questions . . . in the area of medical manpower.

We must examine the medical school curriculum and—if reasonable—reduce the time it takes to enter the practice of medicine.

We must explore whether solo practice on a fee-for-service basis is the most sensible avenue to success and—if it is not—develop more rewarding ways of organizing a physician's time and talent.

We must review the professional licensing statutes in our States and—where they are no longer up-to-date—change them to reflect the reality of new kinds of medical personnel.

We need to consider these proposals thoughtfully, and promptly.

And don't forget that we must—at the same time—address ourselves to the problems—of designing a program of comprehensive health insurance; of developing incentives and management techniques to reduce medical costs and paperwork; of establishing new kinds of health care facilities for people who do not really require hospital beds.

Responding to our health care crisis will obviously require us to apply the *resources* and the *compassion* which Americans *are* capable of applying.

It will require a new spirit of cooperation between the Federal Government . . . institutions of medical learning . . . and members of the medical and paramedical professions.

And it will require the support . . . the dedication . . . and the continued persistence of organizations such as yours . . . and of those persons and organizations you have chosen to honor tonight.

It was once written by Hipprocates that, "Healing is a matter of time . . . but it is sometimes also a matter of opportunity."

That opportunity is *ours* to seize.

WEST VIRGINIA HONORS PEARL S. BUCK—CAMPAIGN UNDERWAY TO MAKE HER BIRTHPLACE A LIVING MEMORIAL

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 25, 1970

Mr. RANDOLPH. Mr. President, there is perhaps no American woman of letters whose achievements have been so widely recognized as Pearl S. Buck.

As a writer of renown, as the only American woman to win the Nobel Prize for literature, as a devoted humanitarian, Pearl S. Buck has truly left her mark on our civilization.

We citizens of West Virginia are gratified that Miss Buck is a native of our State and shares our good heritage. To demonstrate the esteem in which we hold her, efforts have been underway for the past 5 years to obtain and restore her birthplace, a farm house in the lovely countryside of Pocahontas County.

The Pearl S. Buck Birthplace Foundation, a nonprofit organization formed with the encouragement and help of the West Virginia Federation of Women's Clubs, has purchased the home and is now engaged in a campaign to raise funds to complete the restoration and make the birthplace an active institution.

As part of her personal contribution to this effort, Miss Buck recently spent more than 2 weeks traveling about her native State, meeting the people and discussing with them the many and varied experiences of her active life.

Her outlook on life is, I believe, well summarized by a remark she made in my native town of Salem, which was reported in the Salem Herald. "If you don't want to get involved, you don't want to live," she said. There can, I am convinced, be no more realistic maxim to guide an active and productive life.

Between November 6 and 20, Miss Buck made 39 appearances in more than 20 West Virginia communities and spoke before audiences which totaled an estimated 18,300 persons. The tour was personally supervised by Robert Jacobson, an attorney in Miss Buck's native county, who is acting as director of the foundation. It was appropriately climaxed by a banquet at Charleston honoring foundation supporters on November 19 and a visit the following day to Pocahontas County High School.

In 1966 the West Virginia Society of the District of Columbia designated Miss Buck as its distinguished Daughter of the Year and so honored her at its annual dinner. At that time, I had the privilege of introducing her.

This privilege was repeated at the Charleston banquet last week, as I was once again asked to introduce Miss Buck. Urgent Senate business required that I cancel plans to be there in person, but I was able to speak to the banquet by a long-distance telephone arrangement.

Mr. President, West Virginians are proud of Pearl S. Buck. So that others may know of our affection for her, I ask unanimous consent that an article published in the Charleston Daily Mail and the text of my remarks to the banquet be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[From the Charleston (W. Va.) Daily Mail, Nov. 20, 1970]

PEARL S. BUCK BIRTHPLACE FOUNDATION SUPPORTERS SPECIAL GUESTS AT DINNER

Pearl S. Buck's West Virginia tour was made to give her a chance to know her fellow West Virginians and for her people to know her and to enlist personal support for the Pearl S. Buck Birthplace Foundation Inc.

The foundation has as its aim the restoration of Miss Buck's birthplace in Hillsboro and making of it a living memorial to the West Virginia woman who has won both the Nobel and the Pulitzer prizes and every other major literary award for her work as a writer of both novels and children's books.

Robert Jacobson, a Lewisburg lawyer, who is (volunteer) acting executive director for the foundation, told this part of the story, at the dinner which also honored those people who have donated $1,000 and become lifetime members of the foundation.

Fourteen of the donors were honored. Ten more preferred not to be named. Among those life members were Mr. and Mrs. Otto Hall, Mr. and Mrs. George Hoylman, Bank of Marlinton, Ronceiverie National Bank, Paul Hawkins of Martinsburg, Miss Pauline Johnson of Alderson, Mrs. Ruth Woods Dayton of Lewisburg, Mrs. Alice Van Landingham of Morgantown; John D. Rockefeller IV of Charleston; Nolan B. Hamrick of Gassaway; Miss Julia Price of Charleston and Marlinton; Mrs. Delmas Miller of Morgantown, the West Virginia Branch, American Association of University Women, and Mrs. Marie Leist, Ronceverte.

He explained that donations ranging from $5 up will be accepted. The West Virginia Federation of Women's Clubs has donated $50,000 which they hope will be matched by the federal government. Efforts are being made to raise another $50,000—the half-way mark has been reached—which the government tentatively has promised to match. This would give the foundation $150,000 to restore the birthplace and take care of the grounds.

Miss Buck has given all of her manuscripts, all of her many awards, everything connected with her literary career, and her personal research library to the foundation to be placed in the completed home.

"Feeling her home state did not want her, she signed over her assets, including royalties and all she had earned as an author to the Peark S. Buck Foundation to be used in caring for thousands of Amer-Asian children whom she will never see. She was a multimillionaire but she no longer is. She can no longer afford to do this for West Virginia," Jacobson said.

"I feel this is a real opportunity for West Virginia to join in honoring this gifted daughter . . . a chance to help build a living memorial that will make an impact throughout the world."

Officers of the Birthplace Foundation are Mrs. Marie Leist, Ronceverte, president; Mrs. George T. Hoylman, Gassaway, vice president; Mrs. Fred Hurt, Beckley, secretary; Mrs. Paul K. Yates, Ronceverte, treasurer; Robert S. Jacobson, Lewisburg, acting executive director. Tour directors for Miss Buck's trip through West Virginia were Mrs. Holyman and Mrs. Hurt.

REMARKS BY SENATOR JENNINGS RANDOLPH

Some 10 years ago the Saturday Evening Post published an article about West Virginia that received considerable attention.

There are those who believe that this article, in a major magazine, was the first widespread attention given to West Virginia as a so-called pocket of poverty and the forerunner of subsequent publicity.

The Post article pictured West Virginia, in many instances unfairly, as a backward land populated by semi-literate hillbillies and outside the main stream of American life.

I asked the editor if he would consider an article on "What's Right With West Virginia." He replied that they were not interested. The Charleston Gazette, however, published a series of articles that I prepared on the subject.

West Virginia was then a focal point of national interest in poverty and the rallying cry for those who believed it was time something was done about poverty. West Virginia and other affected parts of the United States have, we know benefitted from action programs on many fronts.

I regret, however, the image of West Virginia as a poor, backward area persists in part to this day. Our problems have been alleviated in degree, but we must understand them in the context of a total knowledge of our great state and its sturdy people.

You who have gathered tonight know of the fallacy of this impression. We are aware of the rich mountain heritage we share and how this accumulation of experience continues to contribute to the life we West Virginians live.

The spirit which infused the early settlers with the will to succeed still persists.

Ours is a unique and diversified culture, tempered by the hardships of life on the frontier, strengthened by the building of a state, and refined by our place in the modern world.

Those of us who have our roots in these mountains share in this heritage. It has contributed to making us what we are, and we in turn contribute to the total character of our state.

This is true of all of us, and it is especially true of our honored guest. Pearl S. Buck is a product and a part of our mountain culture. I am not being presumptuous in saying that Miss Buck's West Virginia background has influenced her life and her work more than just incidentally.

Miss Buck has traveled far from these hills during her lifetime. She has lived in many parts of the world, and she has contributed considerably of herself, both as a writer of incomparable talent and as a compassionate humanitarian.

Now Pearl Buck has returned home. For the past two weeks she has visited some 20 cities and towns, talking with West Virginians and receiving the accolades she so fully deserves.

In West Virginia Miss Buck has spoken on the theme of her autobiography, "My Several Worlds." Her worlds indeed have been several, and I am confident that at this special time West Virginia is prominent among them. I know too that Miss Buck draws new strength and new inspiration from this return to her homeland.

It is no accident that Miss Buck has chosen this particular time to accept some of the many invitations she has to return to West Virginia. Citizens of our State, who have long recognized her many contributions to mankind, are now engaged in creating a living memorial to this most distinguished native daughter.

Many persons have contributed significantly to this effort by becoming life members of the organization that is developing the Pearl S. Buck Birthplace at Hillsboro. Your generosity shows that you need no convincing of the merit of this undertaking.

Working in the Congress in Washington, D.C., for more than a quarter of a century, I have become accustomed to the memorials we have erected to our national heroes. These magnificent structures are monuments

to men and women who have so profoundly influenced their country.

But, in a sense, I feel that memorials such as that being created at Hillsboro are a more human tribute. For what finer honor can a woman have than to see the place of her birth cherished by her neighbors? Indeed, the Pearl S. Buck Birthplace is a monument on the scale people can comprehend and one that can relate to every individual. And this, too, is fitting for a leader who has devoted her life and her energies to people.

Nor will the Pearl S. Buck Birthplace be a static monument. It will be a living institution, contributing to the fuller understanding of mankind just as Miss Buck herself has done so much to ennoble the human spirit.

The Federal Government has recognized the significance of the Pearl S. Buck Birthplace by listing it on the National Register for historic places. I am hopeful that the Government will also participate financially in its development.

The main responsibility for this effort, however, properly must be borne by West Virginians, and I know our people will not be stinting in their support.

The accomplishments of Pearl S. Buck are well known. The magnitude of these achievements has had an impact throughout the world. She has indeed inhabited several worlds, but I believe in none of her roles has Pearl Buck excelled to the extent she has as a warm, compassionate human being.

As such, it is with unusual personal pleasure that I present to you this gifted daughter of West Virginia.

TRADE ACT OF 1970

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. ZWACH. Mr. Speaker, on November 19, the House passed the Trade Act of 1970 by a vote of 215 to 165. After weighing the advantages against the disadvantages of the bill as reported out of committee, I voted against the trade bill. While I voted against the bill, I do not want this to be interpreted as an expression of satisfaction with our present trade situation.

I do believe that we need new trade agreements on specific imports. In my Sixth District of Minnesota, our mink, meat, and dairy producers are feeling the effects of rapidly increasing numbers of imports of these products. If quotas or agreements could be accomplished through negotiations, there would be less likelihood of retaliation on our agricultural exports, especially for soybeans, which are also produced in my district.

The United States provides one of the freest markets to the rest of the world and other countries have taken advantage of our country by keeping variable levies and tariffs and expecting us not to reciprocate. What we need in the form of legislation is to renew the President's authority to negotiate trade agreements rather than mandatory restrictions. I want Japan and the European economic community to know that trade is a two-way street. I feel strongly that they are taking advantage of us. I expect improvement in this situation and unless there is improvement, I will support restrictive legislation in the future.

AMERICAN RAID SHOWS HANOI'S WEAKNESS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. LANDGREBE. Mr. Speaker, the recent raid by a small band of valiant men in an effort to rescue American prisoners-of-war has touched off waves of weeping and wailing by those elements in this country who will be satisfied with nothing less than surrender by our country.

The voices of fear have been heard once more, telling us what a reckless move this was by the President and asking us to quake with fear about the dire consequences that will result from this action.

And yet, I would ask, what was the reaction by Hanoi? Our raiding party went in by helicopter, 20 nautical miles from Hanoi itself, surrounded by hostile territory and miles from any reinforcement. Were they met and crushed by an invincible force of crack North Vietnamese troops?

On the contrary, the raid was conducted without a single casualty. The only loss was that of a helicopter, and this was due not to enemy action, but to a mechanical malfunction. If such an operation can be conducted twenty miles from the capital city of North Vietnam without reprisal, reaction or resistance, why do the architects of surrender continue to tell us that we must act timidly in Vietnam? Why do they cling to the myth that we cannot win this war? Why are they so sorely afraid of this tiny fly-speck on the globe?

Unfortunately, the raid did not accomplish its objective. Whether this was due to faulty intelligence or a security leak no one knows at this time. But I find a great deal of encouragement in the fact that the raid met with absolutely no resistance. I believe it clearly indicates the impotence of North Vietnam and sharply illumines the folly of our no-win policy.

Like the Cambodian incursion before it, the raid at Sontay shows that we are capable of any positive military action in Southeast Asia and that there is very little risk in taking that action. On my recent visit to Indochina, I talked with many high-ranking military officers, the true experts in military matters. To a man, they told me that we can end this war quickly and decisively by military victory.

This would be a faster and in my opinion a much more satisfactory solution than Vietnamization—even Vietnamization with a timetable. Its effect would be more sure and decisive in accomplishing the goals so many Americans have died for—freedom of choice in South Vietnam. It would probably result in the smallest loss of American lives and the smallest expenditure of American tax dollars.

At present, the peace talks drag on at Paris, with no indication that the Communists have ever seriously considered peaceful settlement. Our American POW's continue to languish in squalid concentration camps, while Hanoi callously ignores our pleading, our cajoling and our concessions on their behalf.

It is unmistakably clear that, unlike the United States, North Vietnam has never deviated from its intention of unconditional military conquest of all Indochina and will be satisfied with nothing less. Negotiations under such circumstances are an exercise in futility. The only way out is by victory for America or surrender by Hanoi; a middle ground, or "political solution" as some choose to call it, is impossible when our enemy has absolutely no motivation to settle for such a solution.

A surrender would be a betrayal of freedom in all Asia; a military victory would preserve freedom and show the Communists all over the world that we will not allow aggression and oppression to be rewarded. Additionally, the positive use of our military power, with its purpose of victory as unmistakable as that of Hanoi, could conceivably get the Paris talks at last off dead center. Such action would at last give Hanoi some motivation to negotiate and achieve that political solution that all of us want, but which, in my opinion, will not be forthcoming until we get Hanoi's attention and then let them know that our patience is very nearly exhausted.

In conclusion, I congratulate those great heroes, those brave men who volunteered to go to North Vietnam in search of their comrades who are being held by the Communists.

REMARKS OF LT. COL. JOSEPH SLEGER, JR., AT VETERANS DAY CELEBRATION IN LAFAYETTE, LA.

HON. SPEEDY O. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. LONG of Louisiana. Mr. Speaker, I was privileged to attend a Veterans Day celebration at Lafayette, La., this November 11, sponsored by American Legion Post No. 69 of Lafayette, La. Lt. Col. Joseph Sleger, Jr., assistant director of personnel procurement, 8th Marine Corps District, New Orleans, La., delivered a most inspiring and informative address at this observance. I thought his remarks were quite appropriate in this day and time, and I felt that I should share with my colleagues the very important thoughts Colonel Sleger expressed that day. His words follow:

It is indeed a pleasure and an honor to be able to address you here at the Lafayette Veterans Day celebration.

Since receiving the invitation to speak at this celebration, I have given considerable thought to the subject of my talk. In fact, I asked myself several times—what should I talk about—what would be a suitable subject on such a patriotic day as this? First I thought since we in the military service hear so much of the civilian opinion of the military that I could at least, for a beginning, reverse the situation and tell you what we think of you—the civilian populace. Of course, I can speak from a Marine's point of view and then more specifically, from a personnel procurement insight. The 8th Marine

Corps District, which has its headquarters in New Orleans, is comprised of the five states of Louisiana, Arkansas, Oklahoma, Texas and New Mexico. The 8th Marine Corps District leads the nation in Marine recruiting—both for officers and enlisted men. Certainly this must have some implication—and it does. It means simply this—that in this modern day and age when it is supposedly popular to object to and defy authority that the overwhelming majority of the population within the various states which comprise the 8th Marine Corps District—(and you are included in that majority)—recognize their responsibilities as Americans. In our reports to Headquarters Marine Corps, we have stated repeatedly that the area which comprises the 8th (Marine Corps) District is the stronghold of good old-fashioned American patriotism. I spoke just now of recognizing responsibilities and this brings me to a second point—that of individual responsibility.

We all recognize that large scale changes have taken place during this century . . . changes which can and have affected previous strong home patterns, strong patriotic feelings, and strong beliefs in traditional religion. Our responsibility therefore, is one of concern, a concern to ensure that the family, patriotism and traditional beliefs are maintained where they are strong and reinforced and strengthened where they may have faltered. This concern implies caring enough to become involved in discharging our individual and collective responsibilities as Americans.

There is also a responsibility to tradition—the act of passing these traditions from one generation to the next, and then moving ahead to achieve even higher goals. It should not come as a surprise to realize that one of the strongest ties between generations is the knowledge that the results we want, most are the same general aims and results which the previous generation or generations started out to achieve. In our constant struggle to achieve higher goals we are going to encounter problems. Unfortunately, somewhere along the line, something has been forgotten by many of our people. There is no quick, easy, and absolute solution to many of the world's problems. Remember, we live in a real world, not a dream world. We must distinguish between the world of our dreams and the tough, cruel, demanding world of reality where advantage, gain, and privilege are accompanied by and correlated to work, sweat, tears and accountability for our actions.

In our work and effort to enjoy the achievements of a free society, and in making our freedom more secure, we have learned that if freedom is to endure, it must be shared. We have been faced with the stark reality that when any nations' freedom is denied, ours is threatened. Freedom is not free—it comes with a high price tag which includes supporting those who struggle to gain it. Free men throughout the world must work and fight together for what they believe, or soon they will have no cause for which to work, fight—or believe.

Working and fighting together with free men of the world includes the type assistance we are currently providing in Vietnam. The Vietnam war is, without a doubt, the most controversial issue facing our nation today. While our purpose in the Republic of Vietnam is very simple—to ensure the right of self-determination of the Vietnam people, the nature of the war and our role in Vietnam are extremely complex. However, the complexity of this issue in one way reduces the obligation each of us has, to be thoroughly informed and to take a stand on Vietnam.

Permit me to pass along some basic information in regard to that conflict. First, the Vietnam war has often been erroneously termed a civil war, while in fact it is externally initiated and controlled. Externally initiated and controlled by adjacent and more distant Communist countries. In addition to our military successes on the battlefields of Vietnam, exceptional progress has also been made in assisting in the education of the Vietnamese children, progress in providing medical treatment and rebuilding roads, churches, and market places destroyed by the Communists.

One outstanding example of this progress is the 3rd Marine Division Children's Hospital in Quang Tri City. Last year, this hospital treated over 12,000 children. This hospital was built and maintained by Marine contributions. I had the personal privilege of being present at the cornerstone laying ceremony for that hospital.

Also, the Armed Forces of the Republic of Vietnam continue to improve. When first formed in 1954, they faced insurmountable obstacles. I had the opportunity to observe this, first hand, while in Haiphong in August and September of 1954. Poor equipment, minimum training, marginal leadership, and the continued pressure of the communist forces made progress slow. However, that small but determined country persevered . . . they have been fighting almost continuously since that time. Since 1961, they have lost over 106,000 officers and enlisted men in battle. That's a tremendous loss for a little country of seventeen million people. If we were to equate that figure to our own population, it would mean that we would have lost over one million, three hundred thousand men killed in action. This means, in turn, that on a percentage of population basis, the total military war dead suffered so far by Vietnam is: more than 13 times our combat dead in World War I, over three times our combat dead in World War II, and about 33 times our combat dead in the entire Korean conflict.

With our help, the Vietnamese Army continues to improve. With new equipment, increased confidence, they have gone out into the countryside. They have fought side-by-side with us in every major battle.

But the true measure of their success is the skill and professionalism which they have exhibited during those operations associated with destroying the power of the communist in the rural communities throughout the country. More and more the fighting has been pushed out beyond the populated area and the enemy has had to relinquish control of the people and retreat into his jungle and mountain sanctuaries. What effect has all this had on the enemy? He has had no victories, no progress to show for his losses. Much to-do is made of the few American military men who seek an escape from their responsibilities by gaining entry to Sweden or Canada—but how much have you heard about the 47,000 Viet Cong and North Vietnamese who defected to our side during 1969 alone? Morale has truly become a problem for the enemy! His hopes for a popular uprising among the people of South Vietnam are fading as the government and military of the South grow stronger and more stable each day.

We can point to the progress achieved in the field of education as another measure of strength of the Republic of Vietnam. In 1954 there were approximately 250,000 children in school. Today, there are 3 million young people in school. In the past five years the Vietnamese with our help have built 18,000 schools. In 1965, there were just 2,000 students attending ONE university in the Republic of Vietnam. Today, there are over 41,000 enrolled in five universities throughout the country. In the I Corps area during 1967, 140,000 tons of rice were grown. New strains of rice and improved farming methods have increased output so that in 1969, a half million tons were produced. These are the indications of progress. These are the things which portray accurately the growing strength of the Republic of Vietnam. Considerable gains have been made since our arrival in Vietnam. Now, more than ever before, we must consolidate our gains and continue to assist the Vietnamese government in their efforts to assume a great share of the fighting. As the Vietnamese continue to progress, we will be able to continue troop redeployments. However, our successes in Vietnam will be meaningful only if the enemy's propaganda efforts to undermine American public opinion are ineffective. As early as 1966, the announced main effort of the North Vietnamese was to win the war on the political and psychological battlefield in the United States as they had done against the French in 1954.

Our President has outlined his program for bringing an end to the fighting in Vietnam. His program provides for an honorable peace which will ensure the freedom of the Vietnamese people. I have no doubt that the vast majority of the American people support that cause of freedom.

We have labored for over five years in Vietnam at a great cost in life and treasure. We must be sure that the Americans who have given their lives have not died in vain. We must be sure that our men who are prisoners of war and missing in action are not abandoned. We will not turn our backs on the families of these men who keep the lonely vigil hoping the enemy will provide some word about their loved ones. We must remain faithful to the ideals for which so much has been sacrificed.

Hundreds of thousands of dedicated young men have fought and are continuing the fight in Vietnam. Their courage and determination should serve as an example for all of us. That same courage and determination which has been displayed in Vietnam is needed here at home to safeguard the true strength of America. It is time for all of us to take an active part in the cause of peace with freedom. This is a great responsibility, and a personal obligation we dare not ignore.

It is only just to say that the majority of the American people recognize their country's responsibilities and obligations to assist free men in their struggle against communism overseas. In acknowledging this recognition of our country's responsibilities and obligations the populace gives recognition to responsibilities and obligations on the personal and individual level. With this premise in mind we must consider that our attentions should be focused on two fronts: our overseas commitments which I have just partially reviewed and our national interests here at home.

In looking at the home front, permit me to reflect on the following statement:

"Your republic will be fearfully plundered and laid waste by barbarians in the 20th century as the Roman Empire was in the 5th, with this difference—that the Huns and vandals will have been engendered within your own institutions." That statement was made by Lord MacAulay, the famous English historian to an American friend of his, approximately 100 years ago.

Closely associated with Lord MacAulay's statement is a copy of some of the so-called "Communist Rules of Revolution," which the Allied Forces obtained in a conflict of the current century. These rules read in part as follows:

Corrupt the younger; get them away from religion. Make them superficial; destroy their ruggedness.

Get the people's minds off their government by focusing their attention on trivialities.

Divide the people into hostile groups.

Destroy the people's faith in their natural leaders by holding the latter up to contempt, ridicule and disgrace.

Encourage extravagance, produce fear of inflation with rising prices and general discontent.

Incite unnecessary strikes in vital industries, encourage civil disorders and foster a

lenient and soft attitude on the part of government toward such disorders.

Cause the breakdown of the old moral virtues of honesty, sobriety, self restraint and faith in the pledged word.

Cause the registration of all firearms on some pretext, ultimately confiscate those firearms and leave the population helpless.

The foregoing "Communist Rules for Revolution" were obtained by the Allied Forces in May 1919 at Dusseldorf, Germany. Over 50 years have passed since the uncovering of these "rules" . . . and in a careful review of each of these rules we can see that the goals of communism have not changed and there is presently an active confrontation with the internal proponents of these communistic oriented rules of revolution!

We do not have to look very far or hard to see the very first of these rules applied on the home front. Corrupt the younger; get them away from religion—make them superficial. Ladies and gentlemen, you need only look at the so-called peace symbol to see this first rule applied. Many young people are familiar with the peace symbol and wear it as jewelry and even paint it on their cars—some even go so far as to overprint it on the flag of our country. They wear it as a fad gadget, not necessarily realizing they are supporting the emblem of those opposed to Christianity—the broken cross turned upside down; the emblem of the anti-Christ; and communism. True Americans will actively oppose this symbol under any and all conditions of use: in the home, business, school or play. As good Americans we cannot be indifferent.

Regardless of how we may try to divert, we always return to the heart of responsibility by asking ourselves the simple question; "What am I for?" We hear a great deal today about what people are against, but only a few ever stand up and tell us what they are for. After you can name and justify to yourself the things you stand for, the next thing is to consider what you must do to support and foster those things. In short, we must decide what we are for and then be for it. And be alert—alert to oppose the relatively small factions that want to see the whole American system come tumbling down in flames, so they can build an entirely new civilization (which they have never described and are not capable of describing) on the rubble. They blame what they call the capitalist system for everything that is wrong.

These factions are regarded by many as being "way out" . . . so "way out" that they do not deserve serious consideration. As a result, we brush them off, and that's the greatest error we could ever make. Though they represent a small segment of our population they have managed to gain the attention and interest of a sincere media and have caused considerable disruption throughout the country. These factions are not aimless or impatient students—they are violent destroyers. Within these factions there is small core that will take risks, that will break the law to force an issue to the point of violence. That is exactly what they seek. When legally charged they immediately demand due process, and amnesty. They try to make a cause to which the more moderate or innocent can be rallied. These factions possess a determination to develop skills and attitudes of violence. Their final effort is to attack the morals of the young. They operate on the theory that "if the moral standards are destroyed the productive energies of the society will disappear."

This may appear to be a bleak and melancholy story, but it must certainly generate one question in your mind . . . what is there for decent Americans to do—people such as you who believe that freedom is for everybody and not just for those who aim to destroy our country and our society? To help, we must get involved . . . involved personally, emotionally, and enthusiastically. In other words, take a stand. Take a stand as individuals and as groups. Seek out, support and encourage the decent organization; support the various youth organizations that foster patriotism, obedience, loyalty and decency and others which are founded on the basic Christian ethic and the basic patriotic philosophy that has made our country what it is today. Check on the school administrators. Ask them to tell you and show you what they are doing about patriotic education, about education in the roots and traditions of our country. The good ones will be proud to tell you; the others may learn a lesson.

Most of all be attentive to the home. I would venture to say, that no one here can picture a youngster who had a strong home environment burning down a college library. Likewise we cannot picture a youngster brought up to understand the strength of our country, and the durability and brilliance of the American heritage, trampling on our flag or shouting "tear it down."

Ladies and gentlemen, it is said that we have a great country. This is not an entirely accurate statement. What we have is a great country with great people; people who in successive generations have produced a crop of youth who went on to secure and to strengthen our freedom and to bring it to the great condition which it enjoys today.

What else can we do? We have a choice! We can approach the future with hands idle in our pockets, or we can busy ourself by rolling up our sleeves. We can stand on the sidelines and criticize, or we can become involved and constructive. The person who turns away from responsibility will have much company—and those in such company deserve each other. But a person who cares enough to become involved picks his company from among the finest.

Unlike many things we may aspire to, no one has to wait long for responsibility. Responsibility begins wherever we find it and we'll find it whenever we begin to look for it.

These are challenging times—and I challenge you all to recognize your individual and collective responsibility that the greatness of our country and the greatness of its people is duly passed on to the next generation—ensuring that those who have fought and died for the freedoms we enjoy—those who we honor on this Veteran's Day—will never ask whether they fought and died in vain.

Thank you.

COMMUNITY CLUB AWARDS DAY IN MOBILE, ALA.

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. EDWARDS of Alabama. Mr. Speaker, in response to the outstanding work being accomplished by the more than 40,000 housewife members of Community Clubs throughout Mobile, and the efforts of radio station WABB in sponsoring these worthwhile endeavors, I wish to include in the RECORD at this point a proclamation by the mayor of Mobile, the Honorable Joe Bailey, designating October 27, 1970 as Community Clubs Day in Mobile. The proclamation follows:

PROCLAMATION

Whereas, all fraternal, religious, civic, social and charitable organizations of the City of Mobile are constantly striving through private means to further the cultural, civic and charitable aims of our great City; and

Whereas, the furtherance of these aims require long and dedicated work, and money to finance worthwhile projects; and

Whereas, WABB Radio Station, as a public service, has recognized this need and assists organizations eligible through Community Clubs Awards; and

Whereas, the 1971 campaign marks ten consecutive campaigns providing over $52,000.00 in cash Community Club Awards given to the various clubs in the Mobile area for the purpose of assisting in the promotion of their worthy projects.

Now therefore, I Joe A. Bailey, Mayor of the City of Mobile, do hereby designate Thursday, October 29, 1970, as Community Club Awards Day and urge our citizens to join in the observance by taking an active interest in the Community Club Awards program.

Attest.

RICHARD L. SMITH,
City Clerk.

Done at the City of Mobile, Ala., this 27th day of October, 1970.

JOE A. BAILEY,
Mayor.

ECSTASY IN ROCKFORD

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, the current issue of Newsweek magazine, in an article entitled "Ecstasy in Rockford," describes the success of the "scattered site" housing scheme for the poor in my hometown of Rockford, Ill., the largest city in my 16th Congressional District, and the second largest in the State.

Under this plan, the poor are assisted in purchasing homes in middle-class areas at monthly rates not to exceed what they were previously paying in rent. After 3 years, the city has built enough homes to move 226 poor families out of their former neighborhoods and into middle-class neighborhoods. The article goes on to tell why this scheme is working where sprawling public housing projects and high-rise ghettos have failed.

Mr. Speaker, I am naturally proud that Rockford is in the forefront of efforts to ease rigid socioeconomic neighborhood patterns and give the poor an opportunity to own their own homes. And I am equally proud to have had a part in the implementation of this program in 1967. As Newsweek points out, Rockford's scattered site program, "may be the most successful public-housing experiment in the country." At this point in the RECORD I include the article from the November 30 issue of Newsweek, and commend it to the reading of my colleagues.

The article follows:

ECSTASY IN ROCKFORD

Looming out of the rolling cornfields 90 miles northwest of Chicago, the rich industrial city of Rockford, Ill., hardly suggests itself as the ideal testing ground for new programs to help the poor. Its two newspapers—both owned by the Gannett chain—are well to the right of The Chicago Tribune. The political conservatism of most of its 145,000 residents provides the John Birch Society with plentiful supplies of recruits; and in their zeal to insulate the city from "social tinkering" by Washington, the town fathers finally accepted limited Federal aid only after lengthy debate. It comes as no small surprise, therefore, to find in Rockford

what may be the most successful public-housing experiment in the country.

The program is a "scattered site" scheme, in which the poor are helped to purchase new houses of their own in middle-class areas for no more than they used to pay in rent; it was begun haltingly in 1967 as an alternative to sprawling public-housing projects. Now, three years later, the city has not only built enough houses to move some 226 families—30 per cent of them black—out of poor neighborhoods, but in the process has also helped suggest that settling the poor in stable communities does not automatically open the door to crime and doom the area to decay. What's more, as the only hopeful alternative to the current trend toward impersonal high-rise monsters, the project is being picked up as a model by other cities across the country. "If it can work in Rockford," says William F. Lewis, acting director of the city's housing authority, "it can work anywhere."

CHOICE

The way Rockford's new program works, families selected to buy are given the choice of six brick-and-clapboard models with bank loans guaranteed by the U.S. Department of Housing and Urban Development. Prices run from $16,000 to $19,000 with no down payment; instead, the owners agree to pay 22 per cent of their monthly incomes for 25 years. And unlike their counterparts in traditional public housing, tenants are not kicked out when their incomes rise above a certain level.

To dampen the political static created when the plan was announced (local newspapers were barraged with hot letters predicting disaster), tenants are carefully screened and required to attend classes on how to keep their houses up to middle-class snuff. "Untended lawns, stripped automobiles and broken windows would have killed the program," says Lewis. Regulations also called for eviction for antisocial conduct and inspections to make sure the houses weren't becoming eyesores.

As it turned out, most of these fears proved groundless. Housing inspectors found little to criticize on their rounds—here, an overstuffed chair had to be removed from a front stoop, there, an owner was told to keep his motorcycle out of sight. Indeed, the poor behaved so well by community standards that they were criticized by some for not seeming poor enough. When the first family, a white couple with two children, was moved into the first house in 1968, a local reporter noted in his story that a color television sat in their living room. As a result, more angry letters poured into the newspapers, and some neighbors actually came to see the color TV. The houses have from two to six bedrooms, two baths and a full basement, but no garage. Some of them fit esthetically alongside private dwellings costing as much as $35,000. "In fact," says Lewis, "most of the hollering came from people whose homes weren't half as nice as ours."

As for Rockford's new host of landed poor, the reaction comes close to ecstasy. "I never did know anything to do with a rent receipt but burn it up," says Gerald Sparks, a black factory worker who a year ago moved his wife and four children out of a crowded public-housing project to a new Colonial on the integrated northwest side of town. His payments are $112 a month. "Everything I pay helps me buy this place," he says. "It's the first time I ever had a real home."

WHOSE INTELLIGENCE IS FAILING?

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. SCHMITZ. Mr. Speaker, there has been quite a bit of talk centered around a possible intelligence leak which supposedly compromised the recent gallant attempt to free some of our men being held by the North Vietnamese Communists. These doubts have arisen both from men who are interested in ascertaining the facts of the matter and others who seem only to be interested in sensationalist television coverage for themselves.

If we use some of the information which the Secretary of Defense supplied about the operation and our own intelligence, I think we can safely assume that the mission was not compromised by an intelligence leak.

Secretary Laird, in the hearings before the Senate Foreign Relations Committee yesterday said that:

> This particular camp was chosen as a target for the operation because this was the only camp which there were areas surrounding the camp that made it possible for us to make a landing outside the camp for our ground forces—for our special mission ground forces. It also gave us the opportunity to make a landing with the initial assault force inside the camp itself.

So we see that this was the only camp that could be the target of the particular type of operation for which our men had been training. This being the case, if the North Vietnamese Communists knew that the operation was coming, if the operation was compromised; why did they not set up for this operation and destroy it?

No one can have any doubts about the North Vietnamese capability to wipe out a small operation of this sort if they knew that is was coming. The North Vietnamese surely have the capability to do this. So we can safely assume that if the North Vietnamese had known that this operation was planned, and moved the prisoners accordingly, they would undoubtedly have set up an ambush that would, quite handily, have wiped out our force.

The fact that they did not do this leads me to believe that the mission was not compromised.

Some might say that even if the North Vietnamese had known of the operation they would not have set up an ambush. This is a bit far-fetched but since war is a combination of material capability and will we must examine this argument and refute it in advance.

The operation itself, while not accomplishing its mission, was functionally a success. We showed that we can land men within 20 or so miles of the enemy capital, have them on the ground for a time, and then successfully extract them. This is really quite an accomplishment which must cause the Communists no end of consternation. Imagine our feelings if the Soviet Union was to run a successful airborne commando mission within 20 miles of Washington.

The North Vietnamese will be forced to increase their defenses to ward off this type of operation in the future. This means that just that much less war material and soldiers will be going south. There was an incident just recently where a Cuban Mig flew unobserved into a Florida air base. We had to reestablish the reconnaissance operations which had been cut down for reasons of economy.

These two facts lead me to believe that if the North Vietnamese had known of the mission it would have been decidedly to their advantage to destroy it. This mission was a tremendous psychological victory no matter what the carping defeatists may say.

If we take all these facts into account: First. There was only one enemy prison camp which this particular type of mission could have had as a target—and even if there had been several camps where this type of mission could have been run the Communists still have enough ordnance and soldiers to set up successful ambushes at several sites; Second. The enemy has the capability to destroy this type of mission if forewarned; Third. That because this mission was a functional success the enemy must now divert men and materials from his war effort in the south and west; Fourth. The functional success of this mission makes it more likely that future attempts will be made to rescue our men; then I think that we can safely assume that there was no intelligence leak.

The Secretary of Defense should be congratulated; not interrogated.

THREE FLAGS TO ACCOMPANY VOLUNTEER TO ANTARCTICA TO BE RAISED OVER THE SOUTH POLE

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. BYRNE of Pennsylvania. Mr. Speaker, one of my young constituents, Sk2. Matthew F. Lewandowski, volunteered for Operation Deep Freeze, which is a year's assignment with the Navy in Antarctica. Out of many volunteers, Matt was one of 15 men selected by the Navy for this important project, and I am proud that he is from my congressional district in Philadelphia. Matt was the only member of the team chosen from Pennsylvania.

Several months ago Matt approached me with the suggestion that he take with him a U.S. flag, a Pennsylvania flag, and a City of Brotherly Love flag to be raised over the South Pole.

I was privileged to present Matt with the U.S. flag, which was flown over the U.S. Capitol on August 15, a holy day of obligation, the Feast of the Assumption. It is with great pleasure that I bring to the attention of my colleagues the transcript of the presentation ceremony held on September 12 in Mayor Tate's reception room in Philadelphia.

PRESENTATION OF FLAGS OF THE UNITED STATES OF AMERICA, STATE OF PENNSYLVANIA, AND THE CITY OF PHILADELPHIA TO MATTHEW F. LEWANDOWSKI, JR.

Before: Honorable Francis X. McClanaghan.

Present: Congressman James A. Byrne, Member of the House of Representatives of the United States. State Representative Stephen R. Wodjak, State of Pennsylvania. Francis J. Lederer, Member of the Veterans' Advisory Committee, on behalf of the City of Philadelphia. Henry J. Wyszynski, President of the Polish Congress, State of Pennsylvania.

Judge MCCLANAGHAN. Ladies and gentlemen, this is rather a unique occasion for

which we have gathered here, in that one of our young citizens volunteered for a year's service in Operation Deep Freeze in Antarctica for the United States Navy. Imbued with a love of country, state and city, he conceived the idea of taking with him to the Antarctica the flag of the United States that has flown over the White House, the flag of the Commonwealth of Pennsylvania, and the flag of the City of Philadelphia.

In these days when patriotism is regarded as something from the dark ages, it is real refreshing to see such devotion and a sense of pride in this young man who has such a regard for his country.

I will now present to you the Honorable James A. Byrne, who will present to Matthew Lewandowski, Jr., of the United States Navy, the flag of the United States.

Congressman Byrne. (Applause)

Congressman BYRNE. Thank you, Judge McClanaghan.

Specialist Lewandowski, Representative Wojdak, relatives and friends of Matt Lewandowksi, and ladies and gentlemen: It is a great pleasure for me today to be here to present this flag to Matthew Lewandowski because not only was it his own idea but his devoted sense of patriotism which has driven him forward to attain this goal. He was down to see me at the Customs House about a month ago with the idea and I told him at the time that I thought it was a fine idea. He said, "The astronauts put a flag on the moon and I want the people to know that I would like to put a flag on the South Pole, accompanied with the State of Pennsylvania flag and the City of Brotherly Love's flag." I thought it was a grand idea. And so on behalf of Matthew Lewandowski and all Americans, and all the boys in the service, at a time like this when a man like Matt steps forward as a member of the Navy and stands out as an American who is proud of the flag and not one of those individuals who burn the flag, he deserves a lot of credit. He volunteered to go to the South Pole on this expedition, I might say, and I know what he is going to go through, because as a member of the Armed Services Committee, we are briefed about once a month on what is going on throughout the world.

Matthew, Philadelphia, Pennsylvania and all Polish people throughout America congratulate you, and it is my personal privilege in this City Hall, the City of Brotherly Love, to present you with the flag of the United States that was flown over the United States Capitol on August the 15th, which was a holy day of obligation, the Feast of the Assumption, and it is my honor to present this flag to you and wish you health and wealth.

To the Polish people who are great Americans, let me say this to them, niech zije Polska. (Let Poland live.)

Judge MCCLANAGHAN. Thank you, Congressman Byrne.

It is now my privilege to present to you the Honorable Stephen R. Wojdak, the State Representative who will present the flag to the Commonwealth of Pennsylvania to our young man, Matthew Lewandowski, Jr.

Representative Wodjak. Judge McClanaghan, Congressman Byrne, Mr. Lederer, Matt Lewandowski, Jr., parents of Matt Lewandowski, Jr., and friends and neighbors of Matt: It is a particular honor for me to be here today and to know that Matt came to me and selected me as the person he would like to have present him with the flag of this Commonwealth. I think the man is to be congratulated, and I wish to extend a personal note of congratulations on behalf of myself and all of my constituents in the District, many of whom are neighbors and friends of Matt's.

On behalf of the Commonwealth of Pennsylvania, I extend this note of congratulations to Matthew Lewandowski for having been one of fifteen men selected to take part in Operation Deep Freeze. He is going to be spending a year in the Antarctica as part of this Navy team to do certain developments in the ice regions of the Antarctica, and I think it is a particular honor to all of us in the City of Philadelphia and the State of Pennsylvania to know that Matt is the only young man who was selected from the City of Philadelphia, and, for that matter, from the State of Pennsylvania.

Matt, I congratulate you on that and I congratulate the parents of Matt Lewandowski, and I wish you all luck. (Applause)

Judge MCCLANAGHAN. At this time it is my opportunity to present an old friend and a distinguished young man who served ably as chief of county detectives in the City of Philadelphia, who has been very active in veterans' affairs, who will now present the flag of the City of Philadelphia to our young Navy man, Matt Lewandowski.

FRANCIS J. LEDERER. Thank you, Judge McClanaghan.

Congressman Byrne, Representative Wojdak, friends of our very young man and inspiring Matt Lewandowski. It is my pleasure to come here this afternoon on behalf of the Veterans' Advisory Commission of the City of Philadelphia and his Honor Mayor Tate, who cannot be here today.

From time to time I have either been involved or overheard through different people in our city government of young men who have gone away and have requested flags of our City of Philadelphia, but this is the first occasion where I can recall that a young man sought to obtain a flag of his city, the City of Philadelphia, prior to going overseas, and it is inspiring to me and I congratulate Matthew.

Within the Veterans' Advisory Commission and the United States Veterans Council in Philadelphia, I don't think anyone can challenge the fact that within our organization there is no more patriotic group of men than the Polish American war veterans. I think you will find as you go along in life that the Polish community is synonymous with patriotism and Americanism. So, on behalf of the veterans in Philadelphia and our city government, it is my privilege to present the flag of the City of Philadelphia to young Matthew and wish him well. (Applause)

The COURT. I think it is a good time now that we give Matt a chance to talk to some of his friends here, because after he travels pretty near twelve thousand miles it is going to be rather difficult for him to talk at all. Here is a man of whom we are all proud, Matt Lewandowski.

MATTHEW F. LEWANDOWSKI, JR. Thank you, Judge McClanaghan, Congressman Byrne, State Representative Stephen Wojdak, Mr. Lederer, friends and relatives.

The Antarctic world is an exciting, unique and adventurous world of man against nature in a most inhospitable environment. There are no palm trees, no sandy beaches, no golf courses, and the swimming is a bit cold. Temperature variation of up to 100 degrees within a period of only a few weeks have been known to occur. Freezing weather accompanied by high wind will freeze inactive human flesh in one minute.

Far more important than the environmental state is the governmental state of affairs which exists. Although the name "Antarctic" is well known to all, perhaps we do not appreciate the fullness of the continent. Antarctica is governed under an eight and one-half year old treaty signed by sixteen nations vowing to peacefully develop and explore the icy wilderness. This is a treaty which says, "It is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes." It is the one continent in the world where all treaties established have worked, where no blood has ever been shed in war, and where no shot has ever been fired in anger.

Antarctica is in the interest of all mankind a humanitarian challenge. It is a challenge to scientists of the National Science Foundation and to service personnel like myself. A challenge, no matter how small, is accepted and attacked with full vigor, accepted with real patriotism, holding the idea of justice and dignity for all mankind, for human good, working to achieve worthy greatness and not empty prestige or power.

Although I do not fully realize the extensive effects of Operation Deep Freeze on mankind, I have faith in its intentions and success. I have been taught to believe in man until proven otherwise. I am the clearest mirror of my parents' performance, the truest measure of whether I live up to their ideas. By my participation in this huma.. exercise, I hope to do my share to help mankind, loving America and working to make it worthy of love and respect.

As I stand here today, I am proud to receive the flags of our country, our city, the City of Brotherly Love, and our state. I am also proud to be able to fly over Antarctica, the land of tranquility, this symbol in hope of man to live in peaceful coexistence.

Thank you. (Applause)

Judge MCCLANAGHAN. You heard him, ladies and gentlemen, and now you know why we are so proud of him. We are privileged to have with us today other members of our city government, Councilman Campbell in the back here. Deputy Sheriff Gallagher, the head of the Veterans' Advisory Committee, and other members of our court assembly.

As you know, Matt is employed in the data processing part of the court administrator's office, and he is on leave at the present time while he is fulfilling his service hitch.

I am now going to call upon somebody that Matt knows slightly. I know him, too, after having been my court officer and the father of our young man, Matt Lewandowski, Senior.

MATTHEW F. LEWANDOWSKI, SR. Thank you, Judge McClanaghan.

Congressman Byrne, Senator Wojdak, Deputy Sheriff Lederer, family and friends: It is a great honor for me today to stand up here and express my thanks to all of you for coming here to show respect for my son. I am real proud of him. I wish to thank Mr. Henry J. Wyszynski, who has taken time out from his duties to be here, also Councilman Campbell, Deputy Sheriff Gallagher, and all the personnel from around City Hall who are present here today. Thank you very much.

Judge MCCLANAGHAN. How about the president of the Polish Congress coming up here and checking up on that Polish expression used by Congressman Byrne.

HENRY J. WYSZYNSKI. Thank you, Judge McClanaghan.

Congressman Byrne, Representative Wojdak, Mr. Lederer: It is very proud the Polish people are today for the respects that are being paid to one of our sons, the chosen young man who had a great idea and brought it to our State Congressman and to the attention to the mayor of our city. We are all very proud of him, not only in the community, but those in the service who have made such a shining and outstanding record such as Matt Lewandowski, Jr., who has shown us by his thoughts and by his service in the United States Navy what true devotion to duty really means.

I want to thank you, Judge McClanaghan, for asking me to express myself, and I would like on behalf of the entire Polish community to wish Matt God speed.

Congressman Byrne always tells me when we meet, "Jescze Polska nie zginiela do puki my zyjemy." (Poland is not lost yet as long as we are alive.)

Judge MCCLANAGHAN. I wish to say that it is very fitting that these ceremonies be

conducted in the City of Philadelphia because this has always been recognized as a Navy town. I was a little upset about a week ago when I happened to see one of the letters in the Philadelphia Bulletin and the response there which indicated that there is no one known as the Father of the American Navy. Well, you can all tell your shipmates, Matt, that in Philadelphia we know there is a Father of the American Navy and he was a Philadelphian, too, by adoption, Commodore John Barry. He wasn't Polish, he came from County Wexford.

We are just as proud of you and your taking up the cudgels on behalf of the people of Philadelphia, Pennsylvania, and the nation the same way that Commodore Barry did, and it is in the spirit of brotherly love that you are going to the Antarctica. It is a cold spot down there that is going to be filled with warm hearts, I know, Matt, and we wish you God speed and we look forward to your safe return.

Thank you very much for coming. (Applause).

UTILIZING THE CAPABILITIES OF NASA AND THE AEROSPACE INDUSTRY IN THE ENVIRONMENTAL FIELD

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. DOWNING. Mr. Speaker, some of us have expressed a great deal of concern for our Government's oversight in failing to fully utilize the great capabilities of NASA and the aerospace industry in the environmental field.

My friend and colleague, Representative BOB CASEY of Texas, testified to this great undeveloped potential when he appeared before the Government Operations Subcommittee on Conservation and Natural Resources. His is an excellent statement, which I believe should be brought to the attention of our colleagues in both Houses, and to the American people.

My colleague, whose district includes NASA's Manned Spacecraft Center near Houston, is fully familiar with the aerospace industry and its contributions to our space effort, for I had the great privilege to serve with him for several years on our Science and Astronautics Committee. I not only commend him for his statement, but also my distinguished friend, Representative HENRY REUSS, chairman of the subcommittee for holding these important hearings on the role of the aerospace and defense firms in solving problems of environmental control. The statement follows:

STATEMENT OF REPRESENTATIVE BOB CASEY

Mr. Chairman and Members of the Subcommittee:

I am grateful for the opportunity of appearing before you as a witness in these very important—and very timely—hearings. I can think of no greater problem, no more irritating national itch, than the one you are looking into here: the roll our great new technologies can play in relieving some of the pollution crises that dominate so much of our thinking today.

I have come to speak, not as an expert in ecology or on the interaction of man with his environment, but as a concerned citizen with some experience in aerospace industry's capabilities. I have watched with awe, as I am sure you all have, the technological triumphs of the space age: the conception and creation and operation of the great space ships that explore the whole environment of man, the depths of the solar system within which our world floats, alone, blue, beautiful, teeming with life—and beset by many difficulties of our own making.

I shared with you and with a quarter of a billion others that great victory over the unknown—the first steps of man upon the moon. That triumph was not one of technology alone; it was one of national will as well. We have proven, to ourselves and to the world, that we can select and surmount incredible challenges, that we have the brain power and the courage to do the very difficult—and to do it very well. We know how to harness the best talents in government, in our schools and universities, in industry and business to get a job done. We understand teamwork, teamwork on the scale of Apollo which organized and managed nearly 400,000 people at its peak and which met its specifications in time, money, and performance. It was a massive pulling together of human energies, both physical and intellectual. The world has not seen its like before.

The question you are addressing here, it seems to me, is: "Will the world see its like again—but this time aimed at cleaning up our garbage dumps, sweetening our waters, purifying our air, and making green again our hillsides, forests, fields, and shores?"

I believe we will, but only if we go about it right.

As I see it, we have got to make some fundamental distinctions. We must understand the difference, for example, between a cosmetic and a real solution. A fence of pine trees in front of a junk yard does wonders for the sensibilities of the citizens that drive, walk, or ride before it; but does hiding the mess cure it? Or, worse yet, does hiding the mess contribute to its continued existence? There is something about the stark, visible honesty of filth and garbage that leads to personal action—local social, political, action—to have it changed. A cosmetic cover, while most agreeable, does little to unleash those forces of human will, indignation, and pride which we all know to be so effective—if marshalled, when and if aroused.

Real solutions are even more difficult. Take the simple problem of energy. We are today, I am told, facing a real crisis in energy sources. Over the next few years, we will have to triple our electric power generation capability in order to keep up with demand. That demand, by the way, is not expected to be the result of simple population expansion. No; it is going to be the result of our society's ever-increasing demand for machine power to replace human muscle, human time, human wear and tear. This is the mark of a technological society, after all; machines free men and women from drudgery, from dulling labor, and provide that glimpse of freedom called leisure. But energy for public consumption today coms basically in two forms: the conventional, fossil-fuel generator and the still exotic nuclear power plant.

How should we, whether voter or legislator, pick between the two? Certainly, there are rivers still undammed that could alleviate the problem—but at what expense to the picture we all have of free-flowing streams of clear water over clean rocks. And even if every creek and gully had a hydroelectric plant built in, we would still be far short of what we will need in the year 2000.

So we are going to have to make tradeoffs between the various bad things we will have to do to our environment just to be ourselves, a modern, science-based technological society. A nuclear power plant may be smog- and soot-free, but it sure can heat up the stream or lake it sits beside. What then happens to the plants and animals that, up to now, have lived there in equilibrium? I'm not sure we know—or have readily at hand the means for knowing.

Take the other extreme: build coal-burning power plants throughout the land wherever the shortages demand; let the railroad drive its steel and gravel strips across the countryside to bring in fuel; let the mines work to produce the coal and despoil the countryside, whether in Pennsylvania or West Virginia or in Wales or Germany. Let the smoke of the power plant befoul the air—with what unknown, unmeasured consequences for the present, let alone the future, generations in this land.

Energy is a basic problem in the America of today and tomorrow, but only one. What about beer cans on the roadside—or bottles that have to be disposed of too? What is the economically viable equivalent to DDT—now being banned throughout the U.S.—that has realistic alternates to detergents, whose phosno subtle dangers of its own? What are the phate residues today kill our bass ponds and make our rivers foam where they should run sparkling clear? What really can be done about oil spills, inshore or off, without strangling the very commerce that provides us all a standard of living second to none and a quality of life envied by all?

I have touched, in broadcast fashion, on some of the many pollution elements that beset our fair land, air, and waters. There are others, however, to which we have become so accustomed that we care little about the search for action-oriented solutions. In agriculture alone, we lose some $4 billion each year because of common weeds infesting our fields—a form of pollution all too common, all too normal, to become part of today's great debate.

So what are we trying to do? We are trying to find workable long-range answers to real, long-range problems. We are seeking only a part of the answers in technology, for the fundamental answers here lie in the field of social and political and legal process. Pollution, as a problem, is in itself only a symptom of a society grown a little too big for its britches. What we've got to deal with are the basics of civilization as we have come to know it: power, food, shelter, water, land use, transportation and communications, productivity, and conservation, management, or replenishment of natural resources.

Technology, and the science upon which it is based, have a great role to play here—but they are not the whole answer. Let me illustrate with a recent example. In August of 1969, the Gulf Coast was hit by a pretty bad storm, Hurricane Camille. We had winds hitting 200 miles per hour and tides flooding 20 feet above normal. We lost a major part of several towns along the Mississippi coast—but the death toll was surprisingly low in comparison to the severity of the storm. Don't forget, this is the storm that put ocean-going ships into the middle of downtown. The Weather Bureau says that 50,000 people would have died except for the early warning, the storm tracking, and the ability to get evacuation started before the hurricane hit. All of that comes down to technology—much of it space technology—harnessed in the service of mankind. It was the ESSA and NASA satellites that first saw and pinpointed the storm, and it was the computers and communications facilities that worked up the predictions early enough to give the authorities time to act, moving people out and making provision for their survival.

This is a real contrast to last week's disaster in the Bay of Bengal, where the storm was predicted all right but the system of information and action was inadequate to make use of the information in time.

Science and technology are not enough to avert disasters or solve environmental problems—there must be human action in an

organized way directed to a given, understood end. That kind of action is usually based on information, or understanding of the direct and indirect results of what is to be done.

Now it seems to me that this is the area most overlooked in the current press to do something about pollution. We are horrified by the symptoms of the disease, at it were, and try to treat piecemeal without stepping back and looking at the whole, at the interactions of all the pieces. Long-lasting, beneficial solutions are going to have to be pretty fundamental if they are not simply going to result in greater problems for the next generation to cope with. This, of course, is one of the characteristics of technology if not very thoughtfully applied: in solving one problem it creates another. The automobile gives us nearly total freedom of personal movement—but the cost is high, in atmospheric pollution, in concrete spreading over the landscape, in traffic deaths, in congestion. The answer is obviously *not* the immediate banning of the automobile; think of the social and economic consequences of such an action! There are many much more subtle interactions, however, whose full span we do not or cannot see and understand. As Dr. Phil Handler, President of the National Academy of Sciences, pointed out at Houston last month, the substitutes for DDT are turning out to be more dangerous to man directly than the chemical they replace—and we dont' even know as much about the eventual impact on the ecology.

We must begin, I believe, by looking upon our environment as a whole, a whole that includes man and his works as a part thereof. We must learn to measure all the significant parameters of that environment, not just for the sake of science, but for the sake of understanding how the pieces fit together and how the change in our element affects all the others. We have to develop mathematical models that put together related phenomena and predict what is going to happen. Weather forecasting is just one example of this kind of modelling; if we measure what is going on throughout the atmosphere around the globe, if we combine properly the power of the computer with our global weather satellite capabilities, we will be able to predict accurately what will happen to the climate many days in advance.

Once a model of this kind exists, it can be used to measure not just what is going to happen if everything is left alone but what may happen if certain of the factors are altered or manipulated. This kind of simulation will let us see the effect of different strategies, will show us what the various tradeoffs are among a related family of decisions. As you know, this technique of tradeoff analysis is well-developed in the aerospace business in its application to hardware; it has been called the "systems approach" and is fundamental to the success of our major technological enterprises in civil and military programs. What we need to do is to expand that technique tc encompass ourselves and our physical environment. Only when we begin to see beyond the ends of noses, only when we can balance the long and short-term effects of any given set of policies or decisions, will we be able to say we are managing the dynamics of our future.

Developing these kinds of environment models is difficult, to say the least. But it is being worked on today and makes up a significant part of the national space program right now. Let me cite a few examples. I have mentioned the weather satellites earlier: today, they are capable of measuring temperatures all the way from the surface of the ocean to the top of the atmosphere; they can trace the movement of clouds and derive therefrom the velocity of winds; they can measure the moisture content of the air. We are beginning to be able to put these kinds of observations together with other space measurements of the sun and the heat balance of the world to understand this great energy mechanism we call weather. A long range international program, the Global Atmospheric Research Program, has as its goal the development of such a worldwide weather model—and it can only be done with the help of space systems.

There is another example, much closer to home, of the power of modelling the natural environment. Last year, Operation Foresight was put into effect to minimize the disastrous effects of spring floods in the upper midwest. This called for combining the resources of many different institutions and organizations—the Corps of Engineers, the Department of Agriculture, the Red Cross—but the key was the prediction of the snow pack melting and runoff. And these predictions were made possible by remote sensing from spacecraft and aircraft as well as direct on-the-ground measurements. Because we were able to begin defensive measures early enough, because we could predict the amount of water we would have to handle and the rate at which it would come, we were in pretty good shape when the spring came. More than $200 million worth of damage was prevented by knowing what was likely to happen and being able to act intelligently in response to that knowledge.

Let me jump from the real and immediate examples to some of the potentials we have in the future. Take the so-called solid earth. In fact, we are learning that the earth is as dynamic in its own way as is the atmosphere around it. Continents are on the move, great sheets of rock are being pushed into each other as a result of the recently discovered sea floor spreading. Our geodetic satellite programs are mapping these movements and leading us to an understanding of what they mean and, quite literally, where will they take us. But in relation to the subject at hand, this kind of understanding has great importance. Today, we use the oceans as sewers, pouring in all matter of poisons, garbage, and junk ranking from left-over nuclear wastes to the familiar nitrogen and phosphate. We don't know the circulation patterns well enough to tell what happens to these now—or what may happen in the future. We haven't modeled our oceans well enough to know what their carrying capacities are, or what their biological balances should be. But we are beginning to do so—and again it is taking the global coverage capabilities of satellites to provide the information. One intriguing waste disposal mechanism has been recently suggested, based on our new knowledge of ocean floor spreading and moving continents. If we could model these motions accurately enough, we could find the places where the great sheets of slowly moving rock slipped one under another, diving down into the mantle of the earth. This would be the place to put our wastes, where they would be then carried into and incorporated with the molten materials on which the continents float. We do not yet know how to do this, but this may be a long-range answer to the kind of disposal problem we have just had with poison gases and which we will continue to have with radioactive materials. But before we can know whether or not it provides a solution, we must do much more research and develop a more complete understanding of the physics of our planet. The space program is working in this direction both in NASA and in other institutions, including the aerospace industry.

An interesting point came to light recently relative to ocean pollution from oil: A recent Gulf Coast oil well leak was looked at from a NASA earth resources airplane flying out of Houston to see what could be learned about measuring this kind of problem. By using different kinds of sensors, it turned out that the thin layer of oil was easily distinguishable from the water even when, on the surface, there appeared to be no oil present. This technique was so successful I understand the Coast Guard is incorporating it into its operational oil spill monitoring program. Of course, today we are mostly limited to aircraft, with their short range and limited fields of view. Soon, however, we may be able to count on satellites that can monitor whole oceans, reporting on natural and man-made oil spills in time to permit remedial—or preventive—action. Again, the technology of aerospace here is only part of the solution—it permits detection and measurement and location of a problem, but it takes people to take the necessary action to contain or repair the damage.

These same techniques, first in aircraft and then in spacecraft, are being explored for application to a whole series of real, down-to-earth problems. NASA has brought together other Departments and agencies in their Earth Resources Program to see what can be done with remote sensing from space, using the various approaches of photography, radar, radiometry, and spectrometry. This field is still experimental, of course, but the promise for the future is already apparent.

It looks as though we can spot the onset of crop diseases from orbiting sensors even before the farmer on the ground can notice the change—and we can see the extent of damage much more clearly in the large overview we get from space than by piecing together little jigsaw puzzle elements from ground reports. Add to this capability rapid communications and long range agricultural planning and we have an ability to react quickly and effectively. Airborne and spaceborne sensors have already proven their useful ability to spot and monitor remote forest fires even though they are not yet visible; coupled with quick reaction firefighting systems, this capability can help reduce the half-billion dollar annual loss of lumber. Geological exploration from space has already been shown to be useful; the big picture lets us see and relate features too large to recognize on or near the surface of the ground. I have already mentioned one aspect of hydrology—flood predictions—but there are many others, such as mapping the flow of sediments from rivers, monitoring visible water pollution, charting currents, even distinguishing the boundaries between salt and fresh water where they meet in bays and estuaries. The important element here is that this can be done not just once but repetitively from space, so that we can get a picture of the changes that come with time, with the seasons, with the intrusion of human activities. We are beginning to experiment with the possibility of identifying and measuring air pollution constituents and sources from space; coupled with an understanding of the weather systems which transport airborne pollutants, this may lead to rapid, early pinpointing of problem areas on a global scale.

I believe it is in such areas as these that aerospace technology will have a major permanent role to play in combating the environmental crises over the next decade. The ingenuity and dedication already exhibited in the conduct of our national space programs leaves little doubt that, if the problem can be defined in technological terms, it can be successfully solved. I am personally convinced that our space program will lead the way in bringing these approaches to bear on the health of our environment. But I am likewise convinced that we must maintain the right perspective on both the problems we seek to solve and the means we look to for solutions.

We need a more profound and complete understanding of the phenomena we wish to manage or control; we must not overlook the

scientific research necessary to that understanding. We will certainly need space systems to measure, monitor, detect, and map the dynamics of our earth and seas. We must press to model our environment so as to know what we are doing to it and what can be done about it. Science and technology can provide the basis for rational, long range decisions taken for the long term benefit of all our citizens.

But this same perspective suggests we must be careful to distinguish between the tools we have to apply to a problem and the answer to the problem itself. I believe it is wrong to rely upon technology alone to combat the crisis of the environment, just as I am certain it would be wrong to ignore the tools technology can provide. The real test of our ability to continue to live upon the globe, upon Space Ship Earth, lies in ourselves. The crisis is more social than technical; it is more a question of balancing the many self-interests involved, and less one of finding breakthroughs or panaceas. Societal, economic, and political forces dominate in this battle for a better quality of life; we must work just as hard—if not harder—in these arenas as in the field of the hard sciences, of engineering, of systems approaches. And we must work these two together. Before selecting a technical solution, let us be sure we understand the impact it will have, both the benefits and the costs; let us be sure we know who will pay those costs, whether our generation or another, and whether they are warranted. And before selecting a legislative or social policy, let us be certain we haven't overlooked the powerful new tools that science and technology has placed in our hands.

Mr. Chairman, I am most encouraged by the work of this Subcommittee; I think it is a step we have to take and that properly guided it can take us in the right direction. I deeply appreciate the opportunity of sharing with you and the other distinguished members some of my own thoughts on the subject, some of my own enthusiasms as well as my concerns. Thank you, Mr. Chairman.

TRAGEDY NEED NOT HAVE HAPPENED

HON. THOMAS G. ABERNETHY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. ABERNETHY. Mr. Speaker, recently two young schoolchildren, a boy and a girl, lost their lives in a railroad crossing accident at Byhalia, Miss. Carolyn and Jimmy Grady died when the car in which they were riding was hit by a freight train at a grade crossing.

This accident prompted the writing of a column by a distinguished Mississippian, the Honorable Tom Ethridge, which appeared in the Clarion-Ledger, a Jackson, Miss., newspaper, under date of November 4, 1970. The column follows:

MISSISSIPPI NOTEBOOK

(By Tom Ethridge)

TRAGEDY NEED NOT HAVE HAPPENED

The tragic deaths of two upstate school children, in an automobile-train accident, was all the more tragic in that it might never have happened—if the little girl and boy had not been made to cross the railroad tracks by a federal court order.

Carolyn and Jimmy Grady, ages 13 and 10, died recently when the car in which they rode was hit by a freight train at a Byhalia Railroad crossing. Their mother who drove was seriously injured.

She had already taken two children to one school and was enroute with two others to another school across the tracks when the tragedy occurred.

"The children in this family used to attend the same school which did not require crossing the railroad tracks, but they were assigned by the courts to be divided up between two schools, thus bringing on this tragedy," said the weekly South Reporter at Holly Springs. . . .

In a front page editorial, "It Need Not Have Happened," the newspaper said that "federal judges, the District Court, the Fifth Circuit Court of Appeals and the Supreme Court should look upon their handiwork and see the sorrows their orders have done."

Publisher George Yarborough, who has kindly sent us a copy of his editorial, went on to say: "In complete fairness to the railroad and federal judges, we make equal space available to them for any comment they might want to make concerning this editorial." At this writing, there does not seem to have been any comment.

These innocent little children have been sacrificed to the idols of "Racial Balance" and "Integration." How many more innocent victims and destroyed school systems will be required before the White House, the Department of Justice, the Department of Health, Education, and Welfare, and the Congress return to reason and justice?

THE SENIORITY SYSTEM IN CONGRESS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. SCHMITZ. Mr. Speaker, the seniority system is a perennial focus of debate in Congress. As it now works, and has worked for many years, this is a procedure for the selection of committee chairmen according to length of service and party membership. Each party maintains the seniority system for its members on committees, and the senior member becomes the chairman, if his party has the majority in the House.

It is easy to criticize the seniority system, since age and length of service obviously do not guarantee superior ability. What is not so easy is to propose a better method, or one as good, to take its place.

If committee chairmen are not selected according to seniority, then some Members of Congress must be preferred over others for these vitally important positions on the basis of often subjective judgments by other Members. Nothing could be better calculated to produce destructive discord and strife. In view of the great influence and authority of the committee chairmen, competition for these positions would be intense. Since there is a substantial number of chairmanships of varying scope of authority, depending on the jurisdiction of the committee. the opportunities for "dealing" in votes among legislators are almost unlimited.

As the late Vice President Alben Barkley well stated in an address to the Senate some years ago, while he was still a Senator:

It has been suggested that chairmen of committee be elected by the committees. In that event the element of personalities and favoritism would come into play, and there would be log-rolling and electioneering for the votes of the committee members by those who wanted to be chairmen. If the Senate should adopt that method I doubt very much that it would adhere to it very long, because it would result in a very unsatisfactory situation. Jealousies, ambitions, and all the frailties of human nature would crop out in the electioneering methods of men who wanted to be chairmen of committees.

My experience during my last year and a half of service in the California State Senate, before my election to Congress, proved the truth of Mr. Barkley's words. The California Senate had once maintained a seniority system very similar to that of Congress, but is now in the process of abandoning it. This has led to a long drawn-out struggle over the office of president pro tempore, Rules Committee membership, and committee chairmanships, proceeding very much as Senator Barkley described in the above quotation, with no end in sight. Factions form and dissolve without regard either to party or to ideology, based almost entirely on the ambitions of individual members striving for one position or another. Men of good will, who want the business of this body to go forward, find it at times almost impossible to proceed due to these conditions.

By contrast, to quote JOE EVINS in his book "Understanding Congress":

The seniority system also has the virtue of not being arbitrary. To a notable extent it is predictable and definite. Every member after a period of service knows where he stands and what should be his line of progression. He can devote energy and study to the field, secure in the knowledge that as long as he remains in Congress the time spent in developing his committee specialty will not be wasted by the arbitrary decision of some one person or group of persons.

It is argued that by the time one accrues the seniority necessary to become a committee chairman, he has often aged to the point of inflexibility. The voters of such a Congressman's district are the best judge of this. My present age of 40 places me in the younger class, relative to the average age of the Members of Congress. I do not consider that the gage of an effective Congress is the number of bills passed, but rather the quality of those bills, measured by the extent to which they protect the rights of the individual.

It is said that those who refuse to study history are doomed to repeat the errors of the past. This is especially true of legislators. There really is little that has not been thought of before, but merely variations of past ideas, some of which may or may not be improvements. By the time a man gets to be a committee chairman, he has heard thousands of ideas debated, he has seen thousands of measures enacted, and he has had the time to observe the results effected by them and is better equipped to know what will not work, and why.

Finally, the seniority system helps to maintain the integrity of Congress and prevent its domination by any other branch of government, foreign to the

basic principle of the check and balance of powers provided by our Constitution. The Washington Post—certainly no advocate of tradition for its own sake—stated on March 16 of this year:

The seniority system is the only way to prevent committees from becoming a rubber stamp for the Speaker and the White House. Congressional committees can be free to amend, refine and improve bills only if they are not made too responsive to strong leadership controls.

Unless someone can convince me, by more persuasive arguments than any I have yet heard, that the elimination of the seniority system would solve more problems than it would create, I will continue to support its retention.

COMING CRISIS IN ARMS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, in a recent interview with the editors of U.S. News & World Report Dr. John S. Foster, Jr., Director of Defense Research and Engineering of the Department of Defense, expressed his concern over the consequences of the relative levels of effort by the Soviet Union and the United States in the areas of military and civilian space technology. If present trends continue Dr. Foster says we will lose our technological superiority to the Russians in the next several years.

Such a prospect is of vital interest to every American, and Dr. Foster's remarks deserve wide dissemination and careful consideration. With that in mind I include the interview in the RECORD:

[From U.S. News & World Report Magazine, November 30, 1970]

RUSSIA VERSUS UNITED STATES—COMING CRISIS IN ARMS

(Interview With John S. Foster, Jr.)

Q. Dr. Foster, there has been a lot of talk by defense officials in recent weeks that the U.S. is in peril of falling behind Russia in military strength. Do you share that apprehension?

A. I do. I am concerned about the way events are moving. And I am not sure the public understands just why Secretary of Defense Laird and other officials are so concerned.

Q. What is it that causes the worry?

A. Several things. First, surprising as it may seem to Americans who are used to our technological superiority in defense, the U.S. will lose technological superiority to the Soviets in the next several years if present trends continue. It's a struggle that largely goes on in secret, but already we can see some of the things to come in new top-quality Soviet weapons. Further, if this loss of leadership occurs in three to four years, we will face certainly an extremely expensive, perhaps an impossible, task if we choose to attempt to regain our leadership even by 1985.

Another area of concern is the Soviet effort in strategic weapons. They have a continuing momentum both in development and deployment which we lack. They have a similar momentum at sea where, over all, we're slipping back.

I'm concerned, too, about the significance of the increasing quality of the weapons they pass on to their client states. We have faced technologically advanced Soviet weapons in Korea and Southeast Asia, and our friends face them in other parts of the world. It is significant, too, that while the Soviets send first-class planes and missiles and ships to their clients, they have even better equipment coming along for their forces at home. And we can expect to see these improved systems going to their clients in the future.

Q. How are they able to do these things?

A. It's largely a matter of level of effort. They have been moving steadily upward in money and technical manpower. We've been declining. And now they are ahead of us in sheer equivalent effort. Our level is being reduced in almost every area of military technology and civilian space technology.

Q. How do the two countries compare today?

A. Right now, I'd say we still have a two to three-year lead over the Soviet Union generally across the board, in research and technology, based on our work over the last two decades. Of course, there are exceptions in certain areas. However, the Soviet effort has actually increased to a point where it is now larger than ours by perhaps 40 to 50 per cent. Next year their effort could be 60 to 70 per cent larger than ours.

If the present trends continue—with the U.S. cutting back while the Soviet Union continues to increase its efforts—the Soviet effort could be double that of the United States by 1975, and with that would come a rapid reversal of our technological positions. One basic factor contributing to recent past and future trends is that the technical-manpower base in the Soviet Union continues to grow while ours has leveled off.

We are used to being the nation that makes the leaps ahead in defense technology. In the future, the big surprises may well come from the other side. We tend to forget that this has happened before—the German missiles and jet aircraft in World War II and the Soviet sputnik in 1957. I think it is pertinent to know that just prior to sputnik, we had permitted the Soviet military and space effort to increase to the point where it was 50 to 70 per cent larger than ours.

Q. Is it possible to forecast future Soviet advances?

A. In any technical area where we are ahead, we can predict upcoming Soviet quality improvements rather accurately because we know what's possible. We can't predict the *timing* of a jump forward, though, because that depends on the amount of effort and the priority they choose to give it. In areas where we're behind, it's just very difficult to predict, because there we don't yet have a good understanding of what is possible out on the horizons of a technology which they can see and we can't.

U.S. COULD BE "NO. 2 BY '74"

Q. How much more are the Russians spending?

A. Right now, judging from their results, the Soviets are putting the equivalent of about 3 billion dollars more a year into defense-related technology than we are. If this is sustained, we not only will lose our lead, but we will lose much of our ability to predict their gains and much of our ability to counter them quickly and effectively.

By 1974 or '75, we would be No. 2 technologically in some critical areas. To prevent this, we would have to expand our present effort by a large amount immediately—which doesn't look practical in today's environment. If we wait longer, the expansion required is still greater. And then, even if we tried to spend the money, we wouldn't have the technological base or the manpower to build on. The base is barely there now—in people, institutions and facilities. While they are building theirs, ours is eroding.

Let me indicate what 3 billion dollars a year for several years means. Like any group doing a job within budget limits, we have a list of major things which would be practical to develop if the money were available—in our case, a new strategic bomber, an improved ballistic-missile defense, a better air-defense system, several land-battle vehicles, improved attack submarines, two or three types of tactical fighter planes, a new missile submarine, better over-the-horizon radar and dozens of lesser systems. An extra 3 billion dollars would enable us to proceed with the development of all of these systems.

If the divergence between the U.S. and Soviet research-and-development efforts continues, they could, over the next five to seven years, turn these or similar systems into their "have" rather than "need" list. Of course, it would be their choice—I don't know what theirs would be.

Q. Is U.S. research and development being reduced more than other areas of defense?

A. No. It seems to me that the President and Secretary Laird and the Congress have a sort of equal-pain approach to defense-budget cuts. Research, development, production, deployment, operations—everything is absorbing reductions roughly equally. We in research and development are not alone in our concerns.

Q. Dr. Foster, does the danger that you see include the big Soviet effort to go ahead of the U.S. in nuclear missiles? Are they already ahead?

A. There are different ways to compare these forces in the two countries. In "throw weight"—the total usable payload on top of a missile—the Soviets have a capacity about twice that of the U.S., and they also surpass us in total megatonnage, which is a rough measure of total destructive power, but not in total number of warheads. However, their "throw weight" advantage could be converted into more warheads—in which case they would surpass us in both numbers of weapons and in total destructive power.

The Russians have more land-based missiles operational today—over 1,300 launchers, compared with our 1,054. We have more submarine-based ballistic-missile launchers operational today than they have—656, compared with 200 to 300. If you include all of the Soviet missiles completed and under construction we know about for land and sea-based, their total is larger than ours.

But we stopped adding numbers to both our land-based and submarine missile forces four to five years ago, and the Soviets are continuing their missile production. The Soviets have continued building up their already larger land-based strategic-missile forces at an impressive rate—an average of about 250 per year for the last four years. They are deploying sea-based ballistic missiles in Polaris-type submarines at the rate of about 130 missiles a year. By 1974, we can expect a Soviet submarine-launched ballistic-missile force also comparable in size to, or larger than, our own.

Q. Does the U.S. still maintain its superiority in nuclear-armed bombers?

A. Generally, yes, although it depends on how you measure it. We have 500-plus long-range bombers. The Russians have about 200 long-range bombers and another 700 medium bombers and refueling tankers. If half of these medium bombers were to be used as tankers to extend the range of the rest, then I'd say the two countries would be roughly equal in bombers. That situation is not likely to change much in the next five years.

There's possibly a more important factor: Our bombers would have to penetrate a Soviet air-defense system which is modern, dense and sophisticated. Their bombers un-

der present conditions would go against an American air-defense system which is thin, obsolescent and shrinking.

Q. How would you compare the two countries in total strategic nuclear power?

A. Looking at all aspects, I think you could say that there is rough parity between the two countries today. This rough parity will probably continue to exist for a few years in the future. However, I think that if the Soviets continue their momentum, in the absence of a SALT (Strategic Arms Limitation Treaty) agreement, the balance will shift more and more in their favor unless we take offsetting actions.

RUSSIA'S "INVISIBLE THREAT"

Q. How big a danger does Russia's momentum in missile deployment pose, assuming the U.S. doesn't react?

A. If the technological developments which are under way in the Soviet Union are completed and the resulting weapons are deployed, they will constitute a severe threat to our land-based strategic deterrent missiles. Their ICBM's would be able to take out almost all of our Minuteman force. Their submarine missiles could catch much of our bomber force on the ground—and also those Polaris boats which are in port. The surviving Minuteman missiles, bombers and Polaris/Poseidon missiles would then face much improved Soviet missile and air defenses. Those are the consequences of the improvements that we think we understand in Soviet weapons. In effect, that is their "no surprise" force of four to five years from now.

I'd like to point that one of our problems is that the Soviet strategic build-up is not easily discernible to either Congress or our people—it is a sort of invisible threat.

Q. Can anything be done to prevent the present balance from being upset?

A. One way is through negotiations on strategic-arms limitation. We hope that SALT, which has resumed, will result in an acceptable agreement which preserves the security of both sides. But, as Secretary Laird has noted repeatedly, we cannot afford an interminable wait for such an agreement, while Soviet momentum in deployment and development continues. Neither should we unilaterally stop those programs designated to preserve our security in the absence of an agreement. We may be faced with some difficult decisions in this area in the months ahead, and we should not let our hopes obscure the facts.

Q. What about antiballistic missiles—is there also rough parity with the Russians in that area?

A. No, but it's a little complicated. As you know, the Soviets long have believed in defense in depth. Today they have an operational ABM complex around Moscow, as well as about 10,000 surface-to-air missiles already deployed. We think this SAM force is largely for defense against aircraft. However, some of these interceptors may have ABM capabilities.

In any case, the Soviets have the technology to give much of this force an antiballistic-missile capability within the next few years. We, of course, have no ABM deployed. But, technologically, the situation is probably reversed. I believe the U.S. Safeguard is technologically ahead of the Soviet Union's Moscow ABM system.

Let me add a very important point: Of the major weapons which we can actually count—in land-based missiles deployed or attack submarines, for instance—we find more often than not that the Soviets are ahead in numbers. On quality, of the thing which we usually cannot accurately measure short of actual combat, we believe that we are—or have been—ahead. The trade-off of technological quality for quantity is highly judgmental and carries some risk as it is. This is why I become increasingly worried as the Soviet effort devoted to technology continues to exceed ours.

Q. Are you saying the Soviets have deployed a weapon complex that is inferior to the planned Safeguard ABM system?

A. Yes. But one has to be very careful in making a judgment here, because there are a lot of weapons that, while perhaps technologically inferior to others, still do the job—particularly if they are more numerous. And if an arms-control agreement does not stop further ABM deployment and development, we should expect additional, probably new-generation Soviet ABM missiles and radars to be deployed. The Soviets are already testing components in the Safeguard class.

It is particularly misleading to compare present U.S. and Soviet ABM systems. They have had components of their ABM deployed and have been able to shake down operational problems for the last several years. We will have our first site deployed and ready for shakedown four to five years from now. So it's not particularly useful to compare an existing Soviet defense with a future U.S. defense. We don't know what the Soviet system will look like, but at the rate the Soviets are going in development, it should be quite good.

"WE KNOW THE SOVIET ABM WORKS"

Q. Do you believe the present Soviet ABM really works?

A. We know it works, but we can't tell just how well it works. We do know that it can intercept many present ICBM warheads. So our job is to try to figure out how to defeat that system. Any defensive system, just as any offensive system, has some limitations, and we have to exploit those limitations.

Q. How can you defeat the Soviet defense system?

A. One simple way is to exhaust it simply by sending more warheads than the system can intercept. That is a primary reason why the Administration and the Congress decided to provide MIRV's—multiple, independently targeted re-entry vehicles—for the U.S. missile force. MIRV should enable us to saturate the Russian defenses. We plan to put more warheads on many of our missiles. Of course, with the same number of launch vehicles, the weight per warhead goes down. Thus, MIRV, which increases the number of warheads, does not necessarily increase the total destructive capability of the force.

Q. Dr. Foster, the Russians seem to be putting great emphasis on their huge SS–9 missiles. Why?

A. We're not certain, but the most likely reason, which becomes more certain every day, is to knock out our Minuteman missiles. There are four clear indicators to support this conclusion. These relate to the payload, number, accuracy and multiple-warhead characteristics of the Soviet SS–9 missiles. The Soviets have over 300 of these missiles now operational or under construction. The SS–9 can carry a nuclear warhead with a yield of up to 25 megatons. That's many times larger than the largest yield we have on our Minuteman. Certainly it could be used against U.S. cities. However, the U.S. has only a dozen or so cities large enough to require a missile as large as the SS–9, and the Soviets have more than 1,000 other ICBM's to target against our cities.

So, the reason we conclude the SS–9s are being deployed to attack Minuteman is that the SS–9 has by far the best accuracy of any ballistic missile in the Soviet inventory. It is being tested with multiple warheads, and there are strong indications that each warhead will be able to attack a different Minuteman silo. With three warheads per SS–9, they would require a little over 400 SS–9s to knock out all but a small fraction of our Minutemen, and they are still building more SS–9s. With three re-entry vehicles per missile, they could have enough to target every Minuteman by 1974–75.

"SEVERAL WAYS" TO SURVIVE

Q. In the face of that Soviet power, is there any way the U.S. can provide for the survival of a retaliatory force?

A. Yes, there are several ways we can provide for the survival of a significant portion of our Minuteman and bomber force. But no one of these ways is cheap.

The first way for our ICBM's to survive is by active missile defense—an ABM system. The Safeguard system, deployed at four Minuteman base areas, would provide for the survival of a number of Minutemen. As the threat increases, however, more ABM defense will be needed, or fewer Minutemen will survive.

A second way would be to take some of the Minutemen out of their silos, put them on vehicles which upon alert could drive to any one of many hardened shelters—to gain the advantage of the "shell game."

Still another way would be to have the Minuteman placed on alert aircraft based at airfields away from our coasts, which could be airborne before Soviet missiles arrived.

Each of these measures—and others—are in various stages of examination or deployment. The best way for now is to preserve the Safeguard option. Safeguard would also help protect bomber bases that are in danger of surprise missile attack from Russian submarines near our coasts. The full 12-site Safeguard system would provide for the interception of the leading edge of an attack and give the bomber pilots the precious minutes they need to take off. Thus our deterrent would be maintained and credible, and the likelihood of all-out war is less. But the fastest and cheapest way to provide for our future security would be to have an equitable agreement emerge from our discussions with the Soviets.

Q. Some people say the Pentagon ought to move all its missiles out to sea. Do you agree?

A. I do not agree, and for two reasons. First, from time to time, we find potential weaknesses in each of our weapons systems. We have found them in each of three strategic systems—the land-based missile, the sea-based missile and the long-range bomber. For a period of months or even a year or two, one system or another in the past has had faults which would have made them vulnerable to an enemy had he been aware of them. We cannot guarantee this will not continue to occur again and again in the future.

Second, the Polaris submarines could have an Achilles heel, so to speak. While they are currently judged to be the least vulnerable of our strategic forces—because they are in a sense hidden in the vastness of the oceans—we can't be sure we know everything about what the Soviets are doing to counter their invulnerability.

Our Polaris submarines are quiet enough to be undetected by the Russians most of the time. But the Soviets have an increasing number of submarines, ships and planes "on the prowl." So I don't believe we should risk the security of our nation on any single system which rests on a rapidly changing science and technology and in which there are so many uncertainties.

Q. Can the Russians neutralize U.S. missile subs today?

A. No. Certainly not those at sea. But the Soviets are improving their attack capability, judging from their vigorous work in antisubmarine warfare. The Russians not only have the largest attack-submarine force in the world today, but they are increasing substantially the antisubmarine ability of that force. They've made recent additions, for instance several new classes of high-speed submarines, new cruiser-class surface ships with helicopters, and new equipment on antisubmarine-patrol aircraft.

Q. Are we planning to build newer missile subs?

A. Yes, we are now reviewing several design alternatives. Without a crash program, the earliest we could have a substantial number of the new-design, ballistic-missile submarines would be by the mid-1980s. By that time, our Polaris submarines will be 20 to 25 years old.

I believe we must design and be ready to deploy a new version like the concept now under study. We call this concept the ULMS—undersea long-range missile system. It would be very much like the Polaris submarine, but would carry larger missiles which would travel greater distances. The Soviets already are testing a long-range missile for submarines that is in the 3,000-mile range. Our ULMS might have an even longer range, so that it would not have to travel so close to the Soviet borders, making it potentially less vulnerable.

RED CHINA'S MISSILE PROGRESS

Q. Are the Red Chinese much of a threat yet?

A. No. However, two to three years after they make their first test of an intercontinental ballistic missile, the Red Chinese will be a strategic threat to the U.S.

Q. Has Peking tested an ICBM?

A. Not to our knowledge, but it could come at any time. The Communist Chinese have put a satellite into space with a capable rocket system. Continued development of such a system could give them an ICBM capability. Over all, Chinese missile progress toward an ICBM has been slower than we thought it would be.

Q. Turning to tactical weapons, Dr. Foster, how does the U.S. stand?

A. Well, I already mentioned our problems with conventional sea power. We have an over-age Navy. The Soviets, by contrast, are expanding from largely a coastal-defense force to a global Navy, extending Soviet power to oceans throughout the world. They can increasingly threaten our sea lifelines, particularly to Europe.

We have the same problem of obsolescence in equipment for the Army and Air Force. This is less dramatic because tanks and planes individually cost less than ships, but obsolescence is no less important. The Soviets are impressively active in these fields. For example, although present Allied and Communist manpower and aircraft are about equal to numbers in Europe, the Communists have more tanks and more than twice as many artillery pieces and rocket launchers. And they are rapidly increasing their tactical-aircraft strength and improving in quality.

Q. Is the U.S. behind the Soviet Union in tactical weapons, over all?

A. It's close. Up until two years ago there was no question that the momentum of the Soviet program was greater than ours. For example, Soviet fighter aircraft were increasing in quality while retaining over-all numerical superiority.

The Soviets fly a new-model fighter on an average of every 18 months as a result of their steady pace in research and development.

I feel, though, that with our new F–14 and F–15 jet-fighter programs, we will be in a much better position in this area.

Q. How do U.S. airplanes compare with Soviet fighters?

A. They are quite different. The U.S., with few exceptions, has emphasized design concepts which require good performance at lower and medium altitudes, and thus has concentrated on altitudes of below 40,000 to 50,000 feet. The Soviets, on the other hand, have employed design concepts for high altitudes, so we don't have strict comparability. The Soviets have tended to concentrate on relatively short-range fighters in the past. Because of our obligations abroad and our geography, we have tended to concentrate on longer-range aircraft.

The present trend in the Soviet Union, however, is toward larger and longer-range fighters. They have a very high-altitude, high-speed aircraft that we call the Foxbat. It is based on a level of technology that is equal to our best in many respects. We have nothing comparable to that, and don't plan one.

They also have a new improved MIG–21 that's been flying in Egypt which seems to have eliminated some of the serious deficiencies that we noted in the earlier versions flown over North Vietnam.

However, we think our F–14 and F–15—and their weapons—will be able to cope with both the Foxbat and the new versions of the MIG's.

TARGET DATES FOR NEW U.S. PLANES

Q. How soon will these newer American planes be ready?

A. We expect to have flights of the Navy's F–14 early next year, with inventory beginning in 1973.

The Air Force F–15 will have its first flights in the 1972–73 period, and inventory deliveries beginning two to three years later.

These planes will not necessarily be faster than ones we have today. But in battling other fighters, higher supersonic speed is not as important as being able to have high acceleration, hard maneuvering capabilities, and most important of all, weapons that work reliably, and more effectively. I expect the F–14 and F–15 to have those characteristics.

Q. Are there any weapons being developed for our ground forces to offset the enemy's superiority of numbers?

A. Yes. One of the most promising developments in Vietnam that might apply to Europe or elsewhere in the future is the use of sensors. In ground warfare the single most serious deficiency is in our ability to find out where the enemy is and to know whether or not we have been successful in attacking him. These sensors are small packages of electronics which tell the field commanders what is going on in their vicinity. The sensors can be put in place by hand or dropped from aircraft. They can report to our operators the sounds and seismic disturbance caused by people walking, or by trucks or tanks in the area, the presence of metal objects and so on.

Also, we are doing well in armed helicopters, guided air-to-air and air-to-ground ordnance and night-vision equipment.

Q. How do you destroy a tank when the sensors find one?

A. The sensor information is sent to an antitank force. We have gone heavily into the missile approach. The Tow and Shillelagh missiles—the first for use on the ground and the second from helicopters—have a first-class capability against tanks. These missiles can destroy tanks from 100 yards to a mile away.

Q. Are any new weapons being developed or produced for the individual soldier?

A. Yes, a number of important individual weapons are coming along. For instance, there is a surveillance radar and other sensors for the soldiers, better communications, grenade launchers and antitank weapons. The soldiers are getting light armor for their personal protection, and the wounded are getting faster, greatly improved care. Some of our techniques of quick medical care are being tried now by civilian agencies in the United States, in co-operation with the Department of Defense. Important to the soldier also is the fact that food at the battlefield is much improved.

"UNPLEASANT SURPRISES" FROM RUSSIA

Q. Dr. Foster, what is the outlook for the Pentagon's getting more money for defense research and development?

A. As Secretary Laird has said, we presented "a rock-bottom, bare-bones budget." We are making every possible effort to persuade the Congress to restore as much as we can of the half-billion-dollar cut currently under consideration by the Congress, to our research-and-development program for fiscal year 1971. I believe that the Congress will restore at least a portion of the cut.

However, it seems to me that it is not likely that our level of defense research-and-development effort will increase significantly in the next few years if present trends in this country continue. It is more probable that the level will decrease. I believe that this fact, coupled with a larger and rising Soviet effort, will increase the risk to the security of the free world.

We are making a serious and conscientious effort to obtain an equitable settlement at the SALT, but this could take years. In the interim we must not neglect our developments and deployments.

We are doing the very best we can to improve our management of ongoing programs—to remove some of the reasons for congressional criticism.

I don't know whether or not we will receive increased funds in the future. Events and our ability to communicate the crucial need for congressional and public support will decide that. But to put it bluntly, the Soviets may force us to spend more. They are likely to go beyond their present capabilities and produce surprises that will be unpleasant for us, hopefully not disastrous—sputniks, not Pearl Harbors.

Our challenge is so to structure our research-and-development efforts for the '70s that the likelihood of sputniks or Pearl Harbors will be minimized.

PRESIDENT RESPONDS PROMPTLY TO TRAGEDY IN EAST PAKISTAN

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. ADAIR. Mr. Speaker, it is deeply regrettable that some of our colleagues have seen fit to seize upon the terrible tragedy in East Pakistan as the vehicle for political attacks on the Nixon administration. It is outrageous that those who are maneuvering for the Democratic presidential nomination in 1972 are now implying that the horrible suffering in Pakistan is somehow the fault of this administration.

The record shows that President Nixon and his administration have responded promptly and completely to every request of the Pakistan Government. U.S. relief assistance began immediately after the disaster and is still going on, limited only by the geography of the region and the ability of the Pakistan authorities to distribute the food and other supplies which are being sent to that country.

However, the American public is being shocked each night by film clips on the evening news shows of the suffering and deprivation in Pakistan. Certain people are evidently trying to capitalize on this disaster by charging that the administration has not done enough to help the flood victims.

To paraphrase a much publicized line, I would challenge: "How dare they imply that President Nixon does not care about the lives of 1 million people."

CLAUSEN DECENTRALIZATION PROGRAM

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. MATHIAS. Mr. Speaker, recently my fellow Californian, the Honorable DON CLAUSEN, was interviewed by Mr. Ed Wimmer, vice president of the National Federation of Independent Business. The subject of the interview was Mr. CLAUSEN's program of fiscal and institutional decentralization, which is his innovative and dynamic program to revitalize rural America.

So that all of my colleagues may have the opportunity to read and explore this outstanding program of revitalization and diversification, I am including the full text of the interview at this point in the RECORD:

Ladies and gentlemen, it is my pleasure this week to be seated across the Washington desk of Congressman Don Clausen, First District of California, a man who has been keenly aware of what is happening to the structure of free enterprise in this nation, and the great risks we have been taking in getting farther and farther away from the representative form of government we profess to cherish but seldom defend.

Don Clausen is a man who has built his economic and political philosophy on an almost reverent belief in the Jeffersonian-Lincoln concept of economic and political liberty, convinced as we of the National Federation of Independent Business are convinced, that the only salvation left for America is to fight undue centralization of power wherever it exists, in agriculture, industry, labor, finance, or government.

An advocate of major reforms in our tax structure, Mr. Clausen views the family farm, small business and local financial institution not as mere entities in themselves, but as the basis of whatever social, economic and political headway we may hope for in the future.

In speeches on the floor of the House, the big Californian has pictured the American town of the future with boarded up store fronts, closed schools and churches, ill kept frame houses surrounded by weeds, and the absence of young people—if urban and rural America do not get together in their thinking, and in their concern for each other's way of life.

Congressman Clausen, why have you put so much emphasis on bringing about a decentralization program at all levels of society?

Congressman CLAUSEN. Well, Ed, one reason I believe this country desperately needs a positive program of fiscal and institutional decentralization can best be illustrated by reading the newspapers. Wherever you have an overdose of welfarism, an over-injection of funds into major metropolitan areas, you simply compound whatever problem you are treating. What we have had is migration from rural America into metropolitan America, and one of the consequences is a population pattern that is absolutely out of balance.

Only a limited number of dollars are available to build the kind of public sector institutions that leave the private entrepreneurs room to function and flourish and make their contribution. We simply cannot afford the luxury of spending so much money to keep building facilities in major metropolitan areas that could be built in the more sparsely populated areas, giving more people in America exposure to the country living atmosphere we know has contributed the greatest to quality living conditions.

Mr. WIMMER. We have established a basis for what we want to talk about, but before we get any deeper into our subject, let us discuss your rural roads program, and I want your thinking on proposals before Congress that would provide a tax incentive for companies to locate in rural America with no provision that companies already so located will receive a similar incentive. In other words, the newcomers are to be subsidized by the taxes of those against whom they may compete.

Congressman CLAUSEN. I would like to answer the second question first. Under our EDA program (Economic Development Administration) that is a part of the public works committee jurisdiction, we have a specific provision in the law that says there shall be no piracy. We cannot revitalize one sector of the country by taking away from another, but if we use tax credits that will permit industry to decentralize, give business a reason to locate away from the big centers of population with their overcrowded conditions and undesirable living conditions that are associated with it, then I believe fully with you that we will be pursuing a course that will work.

Subsidizing one group at the expense of another is piracy in most cases, and I will oppose it, believe me.

Mr. WIMMER. Don, when you talk about saving the family farm because by doing so we keep those rural school buses filled, keep the churches filled, and Main Street stores busy, you are speaking our language. The language of Jefferson and Lincoln, and right here is where we should be building our resistance to any more out-migration from rural communities.

Congressman CLAUSEN. I couldn't agree with you more, and one of the leading examples of what you have reference to took place when we were in the State of Nebraska recently, holding hearings under the Interior Reclamation. It was interesting to note that Department's Committee on Irrigation and in those areas where they had on-going water projects, irrigation, reclamation of flood control, or municipal and industrial water supplies, there was either a stabilization of the population or some growth. Wherever there wasn't any water resource development, that's where you had the out-migration.

But, let's go back to the first question you asked me about more attention to the primary and secondary road systems in this country. I have some very good news to report to you since our last communications and the number of telephone calls you and I have had on this subject, as you have attempted to convey your thoughts to me, and I in turn have conveyed them to the Public Works Committee as well as the Interior Committee, and that is this:

The road Subcommittee and the full Public Works Committee accepted my amendment to increase the primary and secondary roads share of federal matching funds which will put a lot more money into improving country roads.

Up to this point there has been 50 percent of the money coming from the federal government, and then the states themselves match the other 50 percent. But to have the interstate highway program which, as you know, has been geared principally to link the capitals of the nation together (a program advanced under President Eisenhower in 1956), to stop here, would be a tragic mistake.

No greater public works project was ever launched in the history of the world. It moved people, goods and services on a scale that beggars description.

Now we must look down the road to the ultimate completion of the interstate highway system, and concentrate our attention on the primary roads—the secondary roads that connect our smaller towns with each other and with the cities, which will be possible if my amendment is cleared by the Senate and enacted into law.

In other words, the 50–50 matching will be a 70–30 matching formula which means that instead of producing a share of up to 50 percent, the states will only have to come up with 30 percent, because, as we complete the interstate, the same funds that have heretofore been committed to the interstate will be channeled into rural road building, one of the best moves to advance this decentralization concept that has occurred since I have been in Congress.

Mr. WIMMER. What you are saying, Congressman, is there must be a free movement of goods and services all over America or the decentralization concept falls apart, but how many people are aware of this so obvious need?

How many members of Congress, one might ask, are really disturbed by our present migration from rural America? How many people in urban areas, where we have our biggest job of selling countryside economics, would connect their own prosperity and hopes with a country road, a rural church, Chamber of Commerce, or a boarded up store front?

Congressman CLAUSEN. Sadly true, I am afraid, and that is why our work in this field, the work your National Federation is doing in getting the decentralization concept to so many people, is so important at this time. We've just got to make the states a dominant center of this movement, too, for they are the natural hub of restoring control of government to the people as well as economic control.

It is going to take a fantastic effort to reverse existing philosophies, and I am so glad to be working with you because you are reaching so many, many people. When you compare Thomas Jefferson and Abraham Lincoln with the vision behind all decentralization movements today, the philosophy is the same, and the end products are people doing things for themselves. Creating their own communities and deciding their own destinies.

So, you and I, Ed, are pretty much on the same wave length, which brings me to this concluding thought.

What America desperately needs in order to carry out this decentralization theme, is a new R and D program. People think routinely when we say R & D, of research and development, but I am talking about revitalization and diversification of the sparcely populated areas in America, to be brought about through the adoption of what I refer to as a new doctrine of the three Rs—not reading, writing and arithmetic, but Rights, Responsibilities and Revenues.

Mr. WIMMER. Rights, Responsibilities and Revenues, I like that, and I also like your philosophy, Congressman Clausen of California, and your determination to help get this country on the road to a mighty celebration of our 200th Birthday Anniversary of a Republic, on July 4, 1976, when the world will either praise us for what we have done and won, or despise us for what we didn't do, and what we lost, not only to ourselves but to the world.

CALIFORNIA STATE COLLEGES

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. MILLER of California. Mr. Speaker, during the summer, a study was released by the California State colleges entitled "Those Who Made It," indicat-

ing the true fulfillment of the mission of the California State colleges.

In our State there are 19 State colleges, one of which, San Jose State College, has the proud distinction of being the oldest public higher educational institution in California. It was founded in 1862, actually preceding the establishment of the University of California by some 10 years. The newest State college was just opened in September in Bakersfield. In the years in between, these great schools first served the needs of the many school districts in supplying teachers. As a matter of fact, most of them were called State normal schools and were basically so-called teachers' colleges. In 1962, the State legislature approved a so-called master plan for higher education which created a board of trustees to separately govern these colleges. The board of trustees reformed the mission of these colleges to transform them from basically teachers' colleges to become great liberal arts centers.

A study published this summer shows that these colleges are fulfilling the goals established by the trustees in 1962. The thousands of graduates from these institutions are choosing degree objectives in hundreds of disciplines preparing the graduates for any number of leadership roles in society in such fields as architecture, accounting, business administration, public administration, engineering, scientific research, social work, politics, public service, computer sciences, farming, foreign service, journalism, et cetera.

REVOLUTIONARY ANTIMILITARISM

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. SCHMITZ. Mr. Speaker, Communist antimilitarism consists of a psychopolitical attack on the military strength of the United States. The Soviet theorists view our society and the military as interacting parts of a single whole. The army is an extension of the society insofar as the attitudes of the society find their way into the military forces and influence military preparedness. The society in turn is an extension of the military, since its survival depends on the military forces.

The Communist attack is aimed at both the weapons systems and the men who must use them. The Soviets understand that the man without a gun is useless for defense, and that a gun without a man willing to use it is simply a lump of useless matter.

Many people cannot understand the persistence of the Communist Party of the United States in concentrating so much of its efforts on the labor unions—an unpromising target for them, since the workers in general are quite well satisfied with their wages and standard of living. But because these workers are engaged in manufacturing the strategic weapons systems needed for defense, the Soviet bosses reiterate the necessity of work in this area, and this is parroted by the local party bosses in our country. This is the reason for the Communist Party concentration at this point on black workers, where race rather than income can be used as an issue, and for the party's efforts to form a worker-student alliance—many students having already been influenced by Soviet propaganda.

So much for the industrial portion of the military-industrial complex, once known as the arsenal of democracy.

The military itself is always a prime target. Communist efforts to disintegrate the military forces of non-Communist nations have been historically quite successful. From the mutiny of the Russian fleet during the Russo-Japanese War in 1905 to the mutiny of American troops at Archangel in 1919, the mutiny in the French fleet during that same year in the Black Sea—in which, interestingly enough, Ho Chi Minh played a part, as a sailor in the French Navy recruited in what was then French Indo-China—the mutiny of the British fleet at Invergordon in 1931, and the riots of our own troops at Manila, Frankfurt, Shanghai, and Paris in 1946—and in numerous other instances—the Communists have shown great skill in agitating and demoralizing opposing armed forces.

According to experts in the field of military history, the fall of France to the Nazis in 40 days in 1940 was as much a result of Communist antimilitarist work among the troops as of the military superiority of the German Army. At that time, of course, Hitler and Stalin were allies through the Russo-German Pact. It is well worth remembering that the Germans sent Lenin back to Russia in 1917 to disintegrate the Russian forces through Bolshevik defeatist tactics. He did that job only too well.

Though these tactics have not always succeeded—as, for example, in Spain where General Franco defeated them with troops not infected with the germ of bolshevism—they have worked often enough to cause me to view current efforts at agitation in our own Armed Forces with grave concern.

It is essential that our military men be fully informed about the dangers facing our Nation, and particularly the danger from revolutionary antimilitarism, which Dr. Robert Beerstecher, civilian adviser to the Assistant Chief of Staff for Intelligence of the Air Force and the leading expert on the subject, testifying before the Senate Armed Services Committee, called "the foundation of Soviet strategy for achieving world domination."

The best defense against this strategy, as Dr. Beerstecher stated at this hearing in response to a question from Senator STROM THURMOND, is education—a fact of which I am well aware, having been an instructor in anticommunism courses during my period of active duty as a U.S. Marine Corps officer. The deemphasis on education of this kind among our troops, beginning with the appointment of Robert S. McNamara as Secretary of Defense, is almost certainly one of the primary causes for the recent upsurge of antimilitarist activity within the U.S. military today, which will be reviewed in next week's newsletter.

A NEW DIMENSION IN VOCATIONAL EDUCATION

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. ULLMAN. Mr. Speaker, a local high school in my congressional district has begun its second year of what, in my judgment, is a most promising experiment in secondary level education. The program, at Hermiston, Oreg., emphasizes the growing need for improved vocational education. Through a highly innovative curriculum, the school offers a real challenge to students who do not intend to pursue an academic college education, but who seek the best possible training for important careers in industry and business. The curriculum is proving ideal for preparing such students for further education in Oregon's successful community college programs.

A recent editorial in the Pendleton, Oreg., East Oregonian describes this laudable program, and I commend it to the attention of my colleagues:

EXCITING PROGRAM

Hermiston High School is into the second year of a program that will have far-reaching effects in the state of Oregon. It is a new aproach to vocational education that emphasizes career training.

Hermiston High School administrators began thinking about the program about five years ago when congressional committees began to talk about the need for more vocational education in high schools. Consequently, they were ready when the Oregon Department of Education launched a pilot program in 1968. The state department chose Hermiston as one of the pilot schools for the program in 1969.

Hermiston's approach to career training in vocational education is described as the "cluster" approach. Teachable skills are combined with courses related to those skills through bloc scheduling. In the second year of this program about half of the Hermiston High School student body is enrolled in industrial science and business courses.

The premise upon which this is built has been recognized for a long time but until recently there was little more than talk about it. Many high school students want vocational training with a minimum of formal education courses. They do not intend to go to a four-year college. They want to be able to hold down jobs soon after graduation from high school in occupations that afford on-the-job training. Business and industry has great need for them.

According to Principal Jack Jenkins of Hermiston High School, this new vocational education program at his school is moving as rapidly as possible in the direction of preparing vocationally-oriented students so that they take further education in their chosen vocations after high school at Blue Mountain Community College.

Hermiston High School and BMCC are working closely together on this and both Mr. Jenkins and President Wallace McCrae of the college are encouraged by the progress they are making.

When that's put together the Hermiston High School graduate will be able to get a BMCC the additional training he finds he needs with full recognition of the preliminary training he has had at the high school.

What Hermiston High School is doing is creating interest throughout the state. Principal Jenkins reports that visitors are coming from many high schools. The state Department of Education continues, of course,

to follow closely and assist in every way possible with the Hermiston program. Oregon State University has a keen interest in it because OSU has launched a major program for preparing teachers of vocational education courses.

All of this is quite exciting. The importance of giving career training in vocational education in the high schools as much emphasis as college-oriented training has been talked about in many places for a long time. At last it is coming on and we are so fortunate that it is all falling into place here in Umatilla County through the pilot program at Hermiston High School and now with the cooperation of Blue Mountain Community College.

EDWARD LEVI, PRESIDENT OF THE UNIVERSITY OF CHICAGO

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. MIKVA. Mr. Speaker, President Edward Levi, of the University of Chicago is a man whose association with the university goes back to his childhood and whose devotion to academic and administrative excellence in the university and its community is unmatched.

The October issue of Chicago magazine contains an article entitled, "A President for All Seasons," which indeed is a tribute to the many outstanding facets of this man's unique character. He is one of the great resources of academia and I am proud to be his former student and continuing admirer.

The article follows:

A PRESIDENT FOR ALL SEASONS

(By Roger Black)

From Edward Levi's office in the administration building he can see most of the University of Chicago. Directly below is the main quadrangle, a surprising two blocks on the city's south side, spotted with grass and trees and flagstone paths. Walking across it throughout the day are students, loaded with books, moving rapidly, intent on some academic purpose. While it is still warm students sit and talk or lie in the sun. Their talk is serious, articulate and endless.

From his window Levi can see them there, talking and dozing in the sun; he can see professors walking in pairs toward the grey gothic buildings around the main quadrangle. Beyond the quadrangle and the new more expensive buildings surrounding it, he can see Hyde Park, a neighborhood that was falling apart twenty years ago, and which was made stable, a middle-class bulwark surrounded by slums, by the strenuous efforts of Levi and a few others who were determined that the University of Chicago should survive where it was.

He can see all this from his window. He thinks about these things almost all the time; the faculty and how hard it is to keep it; the students and how hard it is to get good ones; the buildings and how hard it is to get the money to build them; the community and how hard it is to keep it together. If he wanted to, Levi could look out and see also the house where he grew up fifty years ago, and where he began his climb through the University of Chicago.

Rabbi Emil Hirsch, Levi's grandfather, came to Hyde Park in 1892 to be on the first faculty of the new university that was springing up, full-grown, from the mind of William Rainey Harper and the pocket of John D. Rockefeller. Hirsch became one of president Harper's advisers, and the family stayed. Levi's father was a Hyde Park rabbi, and as a boy Levi played in the shadow of the university's gothic buildings. When he was five, he entered the University Lab School, and continued on through the college (graduating in 1932) with honors), and the law school (receiving a J.D., with honors, in 1935). The next year he was appointed an assistant professor of law. With the exception of about ten years he has been there ever since, becoming a full professor in 1945, dean of the law school in 1950, University Provost in 1962, president in 1968.

Levi is not a tall man, about five foot seven. He tends to wear blue suits and he always wears bow ties. He now smokes pipes instead of cigars. On first meeting, his physical appearance is not impressive, unlike Robert Maynard Hutchins, the university's fifth president. Hutchins is tall and handsome, and when he enters a room he dominates it. Levi may not be noticed when he comes in but he endeavors to win the room over. Usually he succeeds.

Levi first came to national attention during the big sit-in in 1969. SDS took over the administration building, protesting the decision not to rehire a radical sociology teacher, Marlene Dixon. Levi's plan was to do nothing. He sat in his splendidly decorated house, received delegations of students and professors, and sent the demonstrators summonses to disciplinary hearings. The faculty was united behind Levi, happy to have him handle everything. The demonstrators couldn't rally the students, after two weeks the sit-in collapsed of its own ideological weight, and Levi was hailed as a master strategist.

The *Daily News* wrote that Levi had been "unflappable." That is accurate only in that Levi was not stampeded into any precipitous action, but he was considerably flapped by the whole thing. His house was in a state of turmoil for two weeks. One day I was there, working for the student newspaper. The scene was comical. A group of young professors were in the living room. The deans were assembled in the library. For some reason an assistant vice president was going upstairs with a bag of dry cleaning. I was sitting on a bench in the dining room and was approached by Ned Rosenheim, an English professor and at that time the spokesman for the committee of the council, the inner sanctum of the faculty honchos. Rosenheim offered me a can of beer and we sat watching the people coming and going. Levi was buzzing around, taking calls, moving from one group to the next. He was listening to everyone but he accepted no offers of negotiation. Rosenheim expressed his admiration for Levi and his principles. "There is no one better," he said.

From the beginning Levi did not intend to call the police. He had said that many times in private. He would rather see the university torn down first. A call for police help would be an invitation for violence. And in Levi's mind it would make him no better than the SDS.

As Levi is no Sam Hayakawa, neither is he a Kingman Brewster. He does not testify before Congressional committees or appear on television talk shows. He gives five speeches a year, holing up in his house for days to write them in his thoughtful, oracular style. He has not given the student paper an interview since 1967.

He is an intensely private man, jealous of what time he has for himself (much of it is now spent fund raising, something he doesn't like to do, but which he does very well). Students don't see much of him. There is an official student advisory committee that meets about once a month. He attends rather formal breakfasts with students in the dormitories. His reputation among them is a mixture of the media image and hearsay. Radicals, of course, regard him as a pig.

Most students vaguely feel Levi's influence; they know that he accomplishes things, but they don't know exactly how. They think of him as crafty and aloof and slightly intimidating.

To the students who know him best, particularly his own students (Levi taught law classes until 1967), most of his reputation is myth. He can be intimidating in conversation, but in a particularly University of Chicago way; he chooses his words so carefully and so well that it is an intellectual effort to talk to him. He has the ability to say no more than what he means. His wit can be devastating.

There is a story that a decade ago he was lecturing about morality and the law and was describing some of the vagaries of sex laws when the only girl in the class raised her hand and asked if he would mind being a little less explicit. Levi frowned, but changed the subject to corporations and was starting to talk about a case involving the American Tobacco Company when he turned suddenly to the girl and said, "You do smoke, don't you?"

As for craftiness, that is the part of the myth least like the man. There is no doubt that Levi gets things done, but he is extraordinarily overhanded about it. He has a brilliant legal mind (his principal work, *Introduction to Legal Reasoning*, is considered a classic). Like all great lawyers, his approach in conversation is part reason and part charismatic dazzle. He is completely frank. The secret of his persuasiveness is his ability to impress listeners with the depth of his feelings for the university that has been his life.

"It is natural for this university to believe it believes in pioneering. After all, this university came into being as a pioneering first modern university, borrowing ideas from Germany and England, building upon the New England college, joining undergraduate instruction and a panoply of graduate research in what, some said, surely would be a monstrosity—all this done with Middle Western enthusiasm and a confidence the best could be obtained here if only it could be paid for. Much has been written of the financial arrangements of those days, the creative use of material resources generously given. But the basic faith was not in material resources. The faith was in the intellectual powers of the mind. It was considered important, more important than anything else in the world, to uncover and understand the cultures of the past, to appreciate the works of the mind, to penetrate the mysteries of the universe, to know more about the environment, the societies and the nature of man." From Levi's inaugural address, November 14, 1968.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

TIME TO GIVE THANKS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. FINDLEY. Mr. Speaker, tomorrow is Thanksgiving Day and each American family will celebrate in its own special way. The business of government too often becomes the solving and preventing of problems. Because of this it is much too easy for all of us to see the serious problems which at times seem to defy an acceptable solution which we are willing to support with the necessary tax dollars.

Because, also, of their closeness to the basis of most of the productivity we benefit from in the United States, our farmers seem to be better able to see and understand the bounty which as a nation we all enjoy.

The December issue of Farm Journal magazine does an outstanding job of causing all to stop and give thanks for the many blessings we have. This magazine goes to more farm homes in the Nation than any other and over the years has demonstrated beyond doubt that its writers have an accurate understanding of the attitudes of our farm families.

Farm Journal Editor Lane Palmer writes:

We don't deny that our nation has serious problems, but we remain convinced that the biggest problem of all lies "in the eye of the beholder." Too many of us—of all income levels—are so preoccupied with the things we don't have that we've forgotten our Pilgrim heritage of being thankful for the bounty that is ours.

What better way to celebrate the season of Peace on Earth (and we could add Thanksgiving) than by rejoicing in the selection of an agricultural scientist as winner of the Nobel Prize for Peace. If the plowshare is the opposite of the sword, farming is truly the profession of peace.

There's good news, too, that the USDA's expanded food programs are getting food to most of those here at home who have not shared in the bounty—the ones we used to "remember" once a year with a Christmas basket.

Call us a square, an ostrich or a Pollyanna, we think most Americans still see mankind, not in the angry countenance of a demonstrator, but in those smiling trustful eyes on this month's cover. (Which shows a young boy at Christmas)

Few people anywhere on earth will call you a square, Mr. Palmer, who would take the time to read the monthly editorial, An Award For You.

Sincere credit should go to Nobel Prizewinner Dr. Norman Borlaug, for his efforts which have staved off starvation for a major segment of the world's population and the editorial gives appropriate credit. It also cites a long list of items all of us in the United States need to understand and express thanks to our farmers for keeping us so well fed and clothed.

The editorial follows:

AN AWARD FOR YOU

You and other American farmers can take pride in that Nobel Peace Prize that went to Dr. Norman E. Borlaug, former Iowa farm boy.

Borlaug received the award for developing high-yielding wheats that have dramatically increased the food supply in countries such as Mexico, India and Pakistan. Due largely to his efforts, his Rockefeller team-mates and the native farmers themselves, India and other countries have been snatched from the brink of starvation.

This is a major contribution to peace—not just peace between countries—but to the peace within a country that comes from having adequate food. If the children and the poor have food, this adds immeasurably to the peaceful stability within a nation.

Borlaug credits his farm upbringing for his success and for having fired his personal mission to help other farmers around the world. "The thing that has meant the most to me is my early experience on a small farm of fewer than 100 acres in northeast Iowa," he tells Farm Journal.

We applaud the decision to give the world's most distinguished peace award to a representative of agriculture—and we're proud to claim Dr. Borlaug as a product of our American farming system and farm community.

We think, too, that all American farmers merit more recognition for what they have done. We believe that you, and every other American farmer and farm family, deserve an appropriate international Peace and Freedom award for these outstanding accomplishments:

For producing the wheat and other food that warded off starvation in India and Pakistan through two years of disastrous crop failures—thus holding the line until Borlaug's new wheats could fill the breach.

For coming to the aid of the free, democratic world in two World Wars and for supplying the food to help our erstwhile enemies regain their feet with dignity and independence, exacting neither territory nor compensation in return.

For taking to new farming ideas with a zeal that is a source of amazement to foreign farm representatives who come here to study the phenomenon and endeavor to transplant it to other lands.

For sharing your farming know-how with one another—and with the world—in an unselfish manner.

For contributing your sons and daughters, your own talents, money and spirit to the Peace Corps, CROP, People-to-People programs and numerous private volunteer groups that help farmers overseas.

For helping develop and run our Land-Grant Universities and Agricultural Extension Services—which are models worldwide for disseminating practical information and developing new agricultural techniques.

For contributing, through heavy exports of low-priced food, more than your share to the U.S. balance-of-payments; thus giving the dollar an integrity it could not otherwise achieve as a world-wide currency which expedites trade and peaceful inter-change between nations.

For demonstrating that private property, individual ownership and free markets are unequalled as a means of encouraging production for the satisfaction of man's needs and wants.

For "keeping your cool" when others, with no more provocation, have vowed to dismantle with force democratic institutions designed, through generations of experience, for peaceful change.

For burnishing the democratic reputation of this nation by continuing to make local government work in thousands of townships, counties, school districts and other local government institutions.

For living with Nature, respecting it, and preserving the environment now and for future generations in a manner that is becoming fashionable in other circles.

For increasing your productivity and output faster than any other major economic group—thus cooling the forces of inflation in this nation and contributing to the economic stability of the world.

For supplying the rural countryside with a stabilizing bedrock of social values that has a steadying, healthy influence on the nation during a period of wrenching social upheaval.

For participating in volunteer farm organizations, putting up your own money and running your organizations from the grassroots in a strong demonstration of self-help.

For providing bountiful food at the lowest relative cost and smallest farm labor force anywhere, thus supplying the foundation that makes this nation a bastion of economic strength capable of aiding distressed people in other lands.

For being advocates of freedom for mankind and for upholding the dignity of man.

POW'S—SEARCH AND RESCUE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. RARICK. Mr. Speaker, all Americans are proud and happy that our Government has at last taken positive steps to recover our captured fighting men held prisoners by the Communists in Vietnam.

While the first raid was unsuccessful—as far as freeing any of our POW's—it has great significance. The Secretary of Defense assures us that there will be continued strikes to free our men and this new attitude should greatly bolster the morale of all of our POW's—some of whom have been imprisoned in excess of 5 years and are now given the first reassurance that they have not been forgotten by their Government nor their people at home.

The raid into Communist North Vietnam—territory heretofore regarded as a sanctuary—must have had a morale-shattering effect on the enemy who have been repeatedly propagandized that their forces were invincible.

Continued expeditions into North Vietnam for the humanitarian purpose of freeing our mistreated captured fighting men will also pressure the Communists to keep more troops at home if they intend to defend their own backyard from additional U.S. strikes to free our POW's.

Overall, there is nothing the Communists can now do except go to the peace table in good faith while they still have time to bargain.

I join with many in extending my congratulations to Col. Arthur D. "Bull" Simons and the volunteers of his command for their perfectly executed mission.

The statement by Secretary of Defense Melvin Laird, before the Senate Committee on Foreign Relations follows:

I appreciate the opportunity to appear today before the Senate Foreign Relations Committee, and I am most grateful to the distinguished Chairman for his invitation to make this session possible.

I want to share with Members of this Committee and the American people the pertinent facts, consistent with security, regarding our limited-duration protective reaction air activities against military targets in North Vietnam south of the 19th Parallel.

Also, and separately, I want to report to the Committee on the heroic search and rescue (SAR) attempt which was made to recover some Americans held in captivity in North Vietnam.

As I speak to you today, we are checking recent reports received from unofficial sources that cause me additional deep anguish. These unofficial reports indicate that even more Americans, in addition to the six reported earlier this month, have died in captivity in North Vietnam.

Let me turn first to our limited-duration protective reaction strikes. They were conducted over a period of only seven hours and involved approximately 200 strike aircraft—less than half the number involved in reinforced protective reaction strikes over a four-day period last May.

These limited-duration protective reaction air strikes were launched after the other side again had attacked our unarmed reconnaissance aircraft, in violation of understandings which were reported to me when I assumed office as Secretary of Defense. On November 13, an unarmed RF-4C was shot down with the two-man crew lost.

The protective reaction strikes also followed indiscriminate rocket shellings of the cities of Saigon and Hue earlier this month. The understandings which marked the end of our bombing of North Vietnam on November 1, 1968, also included the fact that major population centers in South Vietnam were not to be shelled.

I am pleased to report that not a single American was lost in these protective reaction strikes.

Now let me turn briefly to the SAR—search and rescue—effort at Son Tay, approximately 20 nautical miles west of Hanoi.

I think you can understand the anguish which went into my final decision to recommend to the President that this search and rescue attempt be undertaken. Late this summer I received and reviewed carefully a detailed contingency search and rescue plan for Americans held in captivity. I approved preparations for perfecting this plan, but I delayed making any final recommendations.

I believe you would want to know, Mr. Chairman, that all of the men who participated in this operation were volunteers. They included highly trained specialists from the Air Force Special Operations Forces at Eglin Air Force Base, Florida, and from the John F. Kennedy Center at Fort Bragg, North Carolina. A large number of the men who performed this daring nighttime rescue attempt were members of the Green Berets.

Brigadier General Leroy J. Manor, USAF, a native of Morrisonville, New York, who holds a Bachelor of Science in Education from New York University, was chosen as overall commander. Another distinguished military officer, Colonel Arthur D. Simons, USA, of New York City, a journalism graduate from the University of Missouri, where he received an ROTC commission, led the team into the suspected prisoner of war compound. They and their dedicated and courageous men, soldiers and airmen, performed heroically. What they did, in my view, was to demonstrate to all our citizens and to all the world that our prisoners of war are not forgotten.

My recommendation was made after discussions across a broad spectrum of POW interests, including conversations with Ambassadors Bruce and Habib in Paris.

It goes without saying that I took into deep and careful consideration the possible effects of such a rescue attempt on the status of other prisoners of war held in Southeast Asia.

At a time when Americans are dying in captivity, some have claimed that this search and rescue attempt might have jeopardized the lives of American prisoners. It is my firm belief that the lives of our American servicemen held captive are in danger every day that Hanoi holds them and refuses to abide by the humanitarian provisions of the Geneva Convention. In the absence of inspections by the International Red Cross or another impartial organization, we can never be certain of the safety and well being of our men.

As it became clear to me that Hanoi, week after week, month after month, and year after year, was rebuffing our efforts at Paris for meaningful negotiations, particularly concerning the release of prisoners of war, I could not ignore the fact that our men were dying in captivity.

Mr. Chairman, I want this committee to know that I have not faced a more challenging decision since I became Secretary of Defense. I concluded that there was no acceptable alternative than to recommend that the volunteer force, now highly trained and well rehearsed for its humanitarian mission, should be authorized to make a valiant attempt to save their fellow Americans.

I have said and I want to repeat today that it is my firm belief that if there had been prisoners of war at Son Tay, they would be free men today.

I hope, Mr. Chairman and Members of the Committee, that as we pursue our efforts at Paris in accord with the President's peace initiative for Indochina, we may count on the influential bipartisan support and assistance of this Committee and the Congress in helping to realize success for President Nixon's proposal that there be an immediate exchange of all prisoners of war in Indochina.

The other side has referred to our prisoners and missing men as "just 1500 men." In America we value each individual. We particularly value the safety of these men who have sacrificed so much for our country.

As Secretary of Defense, I am proud that the men who entered, searched, and who returned from Son Tay included soldiers and airmen who volunteered for what was described to them as an extremely hazardous assignment deep into enemy territory. These are not men, Mr. Chairman, who despair; these are men who are prepared again to serve their Nation whenever and wherever called upon.

I cannot close without speaking in behalf of our men who cannot speak for themselves . . . I refer, of course, to our prisoners of war and missing servicemen. Those who are held in Southeast Asia and their families know that they are not forgotten, and we will not let them down.

DON RUMSFELD AND LEGAL SERVICES TO THE POOR

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. LUKENS. Mr. Speaker, those of his former congressional colleagues who have carefully followed Don Rumsfeld's performance as Director of the Office of Economic Opportunity have been impressed at the way he has conducted himself in this truly awesome task of guiding this multifaceted antipoverty agency.

One of the many important antipoverty programs for which Don Rumsfeld is responsible is the legal services program. The function of this particular program is to provide legal assistance to the poor in civil matters. Since its inception this program has received high plaudits from the poor, the legal profession, and the news media.

It is not surprising that he should now come under fire by persons whom he was forced to release for incompetency. It is, however, surprising that he has received criticism elsewhere for his continued effort to improve the performance of the Office of Economic Opportunity.

Since Don Rumsfeld took control of OEO a year and a half ago, the impact on the legal services program has been truly significant. Don Rumsfeld personally and exhaustively has taken issues to over 200 Members of Congress in daily pilgrimages to Capitol Hill. Since his recent legal services program victory, Don Rumsfeld has continued to exercise great courage in protecting the program from political interference. Late last year he overrode strong gubernatorial opposition to the legal services program.

Moreover, he has refunded at a higher level his most controversial legal services programs—the North Mississippi Legal Services, the South Florida Migrant Legal Services, the California Rural Legal Services, and the D.N.A.—Navajo Legal Services. Despite intense local political opposition, Don Rumsfeld approved and caused the removal of the OEO-financed Chicago Legal Aid Bureau from the strangling control of its old sponsor, thereby increasing its effectiveness. All of the above-mentioned actions took place despite political pressure under which a less dedicated and courageous man might have weakened or compromised.

Under Director Rumsfeld's guidance, the legal services program has greatly increased in overall effectiveness. For instance, the percentage of need served has doubled from 14 percent in fiscal year 1969 to 28 percent in fiscal 1971. The number of OEO-funded legal services attorneys has increased from 1800 in fiscal 1969 to nearly 2000 today. The case load of legal services attorneys has virtually doubled from 610,000 in fiscal 1969 to a projected 1.2 million in fiscal 1971. Finally, under Don Runsfeld, the operating budget for the legal services programs has increased 33 percent from $46 million in fiscal 1969 to $61 million requested for fiscal 1971.

Don has performed superbly in thoroughly reorganizing OEO—administratively and programatically—into a more disciplined and more efficient organization in spite of incredible obstacles. It is difficult to understand how and why there is so much attention paid to former employees who apparently could not do their job while so little attention is directed toward OEO's real record of accomplishment.

SUPPORTS THE SCHWENGEL AMENDMENT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. STOKES. Mr. Speaker, I rise in favor of the amendment. Section 129 of the bill represents a bold attempt to perpetrate legislative blackmail of the worst

kind upon the citizens of the District of Columbia, all of whom I might add are without a voice or a vote in this Chamber. If the amendment fails, these voteless thousands of citizens will once again be trampled beneath the stampede of insensitivity which brought the bill to the floor in its present form. I therefore rise to speak for those whose voices cannot be heard.

The section under consideration is patiently violative of rule 16 of the House of Representatives, as ably pointed out by the gentlemen from Iowa and New York. I will only add that as a representative of America's largest minority group, I find it both curious and tragic that the advice we are constantly given to obey the rules and work within the system is, in reality, adjustable to the particular needs of the givers.

Even more onerous is the history behind section 129. It is an excellent example of the kind of plantation politics which has characterized the Federal Government's relationship with the District for decades. Under the provisions of the Federal Highway Act, protection of State interests is afforded through planning and approval procedures which guarantee local participation in the interstate highway program. The landmark opinion of Judge J. Skelly Wright in the Three Sisters Bridge case, decided last April, correctly pointed out that District citizens could not constitutionally be deprived of those same guarantees by an act of Congress. Section 129 flies in the face of that important precedent. The Public Works Committee has held no hearings on the three sections of the Interstate Highway System covered by section 129. No official of the District of Columbia government has enthusiastically supported these economically and socially harmful roads. Rather, opposition has been silenced by the threat that no funds for mass transit will be released until they are constructed.

If this amendment fails, the District government stands to lose at least $2 million a year in property taxes alone. Many parks, playgrounds, and other recreational facilities will be destroyed. In addition, almost 400 families and 150 businesses will be displaced. Where will they go? Who will provide for their relocation? Even if eligible, they have little chance to secure public housing because the list is long and the supply scarce. Further, it is well known that there is an acute housing shortage in the District, and a few provisions under the heading of "relocation assistance" in a public law will not change it. And all of this misery is going to cost us as much as $27 million per mile of pavement. Even in these days of high prices, that is a bad bargain.

One might suggest that the number of people harmed by section 129 will be few and the benefits great. For those who live in the suburbs, perhaps this is true. For those who are willing to make this sacrifice at the altar of expediency in order to make mass transit in the District a reality, perhaps this is true. But the truly tragic thing, Mr. Speaker, is the fact that the bill in its present form actually reached the floor of the House of Representatives—the body which is supposed to be closest to the people of this Nation.

I submit that this bill deliberately ignores the interests of the people in this city.

The District government has been told to govern. It is often criticized by some of my colleagues for not doing so. But the government and citizens of the District have had no say in this matter and that is unfair. As Dr. Martin Luther King once said:

> It is a cruel thing to tell a man to lift himself up by his bootstraps when he has no feet.

I urge that the amendment be adopted.

JUDGE MAX M. MELTZER

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. FARBSTEIN. Mr. Speaker, the late Judge Max M. Meltzer of New York was recently the subject of an editorial written by Mr. Abe E. Eisenstein in the East Side News. This weekly publication is widely circulated in the district which I have the honor to represent in the Congress. It affords me great pleasure to bring this article to the attention of my colleagues:

NEIGHBORS—THEN AND NOW: JUDGE MAX M. MELTZER

(By Abe E. Eisenstein)

Everyone has special memories. The late famed beloved East Sider New Yorker Judge Max M. Meltzer causes to flash back through one's mind the unforgettable images and doings which become a part of us and of our East Side-New York history. He was a friend of youth and adults, an outstanding lawyer, a noted civic-educational-community leader, a great humane being, industrious, able and respected jurist.

Son of the late Israel and Rose (Hollander) Meltzer, beloved brother of Anna, Abe, Lillian, Phyllis, Max M. Meltzer was born on August 29, 1908, in an old tenement building (Eldridge Street) on the lower East Side. His early life was far from easy and this developed in him an inner strength and courage reflected in his entire life.

Famed old P.S. 20 (member of its Hall of Fame), De Witt Clinton High School, St. John's University, New York University, and University Settlement (board director) alumnus—Judge Meltzer was a past president and charter member Forton Club-Lodge, Inc., organizer and secretary of the HIP for the New York City Civil Service employees, honorary member University Amigos, a director of the P.S. 20 Alumni Association, member Alfred E. Smith Democratic Club, New York Lodge No. 1 Elks, Knights of Pythias, Samuel Dickstein Lodge, B'nai B'rith, New York County Lawyers Association, The Community Synagogue Center, University Settlement Alumni, East Side Chamber of Commerce, Manhattan Democratic Club, Lower East Side Housing Conference (recipient of a plaque for his housing work on July 23, 1948) Grand Street Boys Association, Civic Center Synagogue (a plaque unveiled in his memory on April 2, 1962), etc., Judge Meltzer was loyal to the traditions of his beloved East Side and devoted to American ideals. His dreams, no less than his desires and talents, were always at the disposal of the greatest possible good.

As an outstanding lawyer, he was painstaking in the preparation of his briefs and opinions. He was noted for his courteous and gentlemanly demeanor. He was a valuable member of The Bar, respected by lawyers, judges, and laymen for his ability, his honesty, and his integrity.

As a judge, his career was a credit to the judiciary and to The East Side-New York community which gave him its respect. He was sympathetic, kind, unselfish, and was always helping someone. He administered justice equally and intelligently for all alike. He never mentioned his deeds in a conversation or ever claimed credit for his many achievements. The judicial branch was much richer by having this young man don its robes.

Judge Meltzer was a devoted active citizen who kept in close touch with the personal, social, education, and economic problems of its residents. He was the champion of the people of his community, and fought continuously and successfully for new housing (early advocate and supporter of The National Public Housing Act), slum clearance, new schools, veteran unsubsidized public housing programs, and other problems concerned with the welfare of the people of the East Side and New York. He gave of his wide knowledge freely, without pretense of ostentation. He was a well informed, active, useful citizen and judge. He died on January 30, 1962 (Shevat 25), and was buried in Beth David Cemetery, Elmont, New York.

Judge Max M. Meltzer was married to the former Miss Eva Paskin. They were the parents of three children: Mrs. Arlene Ochberg (grandchild Ricky), Miriam and Charlie.

East Siders, New Yorkers, friends everywhere Salute the Memory of Judge Max M. Meltzer, who made an impressive record and was a strong ally and a great influence for good in our midst.

SOYBEAN PRICES TUMBLE WITH TRADE ACT THREAT

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. FINDLEY. Mr. Speaker, yesterday's soybean futures market decline of 10 cents per bushel, which is the maximum permitted under trading rules for any 1 day, shows clearly that American farmers will pay dearly with reduced incomes if the Trade Act of 1970 becomes law.

With slightly more than 1 billion bushels of soybeans being produced this year, according to the USDA November crop production report, the Nation's soybean producing farmers yesterday lost more than $100 million. A flurry of export sales, which took place overnight, may partially reverse that heavy loss, but the pattern is clear—soybeans will be one of the first crops against which overseas governments will retaliate.

Discussions this morning with grain trade people on the Chicago Board of Trade indicate that the Trade Act consideration pending in the Senate, following approval last week by the House, without question was the major factor in the $100 million loss to farmers yesterday.

I am preparing for each Member of the U.S. Senate the amount of losses the farmers of his State thereby suffered. In my State of Illinois, the loss is $18.5 million. It illustrates more graphically than

any statements made up to now by overseas buyers that they will retaliate if the import quota bill is approved.

Faced with the serious threat of the loss of markets overseas, soybean handlers opened Tuesday's trading with heavy liquidation of stocks on hand which touched off the serious declines in sales price.

From this single item, it should be crystal clear that the Trade Act of 1970 should be rejected by the Senate or, if it reaches President Nixon's desk, it should be vetoed.

THANKSGIVING DAY AND MILLIONS STILL HUNGRY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. CONYERS. Mr. Speaker, as millions are counting their blessings around their full dinner table tomorrow, no one should forget that there are many others in this country who will go hungry because we have let America's bounty pass them by; on this day of feasts, they will have nothing but promises to eat. Last year hunger was used by some leaders as a political issue; this year they have moved on to law and order as a rallying point, leaving the poor with empty wallets and unfilled grocery bags. Yet the echoes of last year's unkept promises reverberate in this year's problems. When a man has not eaten, law and order becomes a cruel and ridiculous slogan. In May of 1969, President Nixon pledged that "the moment is at hand to put an end to hunger in America itself for all time." Last December he promised that by this Thanksgiving every hungry child would be served a free or reduced-price lunch in his school. I am watching what this administration does as well as listening to what it says and I see little if any of this promised progress. We discover that of almost 9 million needy schoolchildren, over 4 million of them still go hungry under school lunch programs. But even worse, we find that of this Nation's 25 million hungry citizens, 13 million are without any governmental food assistance at home and must struggle on in unbelievable circumstances of deprivation. How can some people accuse this Government of doing too much for the poor? What kind of country is it that can find the resources to put soldiers in Vietnam, nuclear submarines in the sea, oil wells in the Arctic, TV transmitters in the sky, and men on the moon, and yet cannot find the compassion to put nourishment in the stomachs of its hungry people?

This callous insensitivity of our policymakers only serves to underscore the corruption of our national priorities. Rev. Jesse Jackson, of SCLC's Operation Breadbasket in Chicago, is mounting a massive hunger crusade trying to obtain food to combat the terrible conditions in his city. But the situation has become so critical that a welfare council in Michigan composed of hungry people from around the State is planning to appeal to foreign countries such as Sweden, Germany, and Russia to come to their aid with badly needed commodities.

Lack of congressional action on the food stamp program is a prime example of this callous disregard. The Senate passed a new bill September 14, 1969, and the press heralded it in the headlines as "Free Food Stamps for the Poor," but this has proved an empty dream. Although the Senate measure was a good one, appropriating $1.75 billion, the House has not acted at all even on a heavily restrictive bill reported by the Agriculture Committee. There are a great many of my colleagues vitally concerned with improving this antihunger program, but it will expire December 31 if not reauthorized. The Rules Committee, under the leadership of Mr. COLMER of Mississippi, has had the bill for over 3 months without bringing it to the floor for consideration by the whole House. This exhibits, in my mind, the kind of resolute obstructionism that has plagued us throughout the 91st Congress.

I consider it extremely important that all citizens take a moment tomorrow on Thanksgiving Day to stop and think what this country must do in the coming year to erase the horrors of hunger and poverty from the map of America. Remember that the common bond we seek for our society will never be realized as long as malnutrition remains an unsolved problem.

VALUE OF LIFE COMMITTEE SPEAKS ON ABORTION

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, one of the issues that is being discussed across the entire Nation and an issue that deeply concerns a great many Americans is that of abortion.

Dr. Joseph Stanton, a member of the Tufts Medical School and a member of the Value of Life Committee has sent me a letter that he and 17 others have sent to President Nixon regarding abortion and the Constitution. I believe the letter is very well written, and I include it now for the benefit of my colleagues:

NOVEMBER 15, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
Washington, D.C.

DEAR PRESIDENT NIXON: We write to you about a matter of deepest concern. We believe that a fundamental provision of our Constitution is being abrogated by governmental decision and presidential commission all in the name of personal freedom, the individual pursuit of happiness, and the public good—to the disparagement of the right of life of the so-called "unwanted" unborn child.

The Constitution states in the Preamble its purpose to *"secure the blessings of liberty to ourselves and our posterity"*. In a subsequent paragraph it states: "Nor shall any state deprive *any person of life,* liberty or property without due process of law, nor deny any person within its jurisdiction the *equal protection* of the laws" (14th Amendment).

No word in the Constitution as amended qualifies life as having to be of any specific age, state of dependency, or degree of genetic perfection or acceptability in order to share in the promise, pledge, and protection of the Republic. The invisibility of this human life and the fact that its dwelling place is the nurturing body of another dare not obscure its claims as a person or proto-person to the protection of laws.

To remove an unborn human being at any stage from the mother's life-sustaining womb because it is merely "unwanted" is incompatible with the legal tradition of equal protection and due process fundamental to American Constitutional law. For generations our society and those older societies out of which our civilization has emerged have been evolving a refined, sensitive, and highly moral construct concerning the innate value of human life and have expressed this awareness in laws and professional safeguards against willful abortion.

Doctors should not now be encouraged by changes in the laws and professional codes to violate for one sector of human life the venerable Hippocratic Oath, nor lawyers and legislators be beguiled into thinking that while defending the new rights of liberated women, they may overlook the slowly and painfully accumulated legal insights into the rights of the weak, the unrepresented, the outcast before the bar of impartial justice.

The evil of any legalization of abortion on demand is that it allows one person to make an enforceable judgment about the right of another to continued life. Our Federal law does not yet know and may it never establish, by practice and precedent, such a power!

Item I. Where, Mr. President, are *the rights of the unborn child to continued life* being secured in the recent Department of Defense promulgation? We refer to that document which euphemistically refers to abortion of dependents as "termination of pregnancy", and allows abortion on demand in Department of Defense installations in the several states. Indeed, this is allowed regardless of the state law where the installation is geographically located.

Item II. Where, Mr. President, is the Constitution to be allowed to protect human unborn life in the report of your task force on the mentally handicapped dated September, 1970, which calls for increased government participation in "voluntary sterilizations and abortion".

Item III. We reject as sociologically unsound the commission's gratuitous assumption: "Today's unwanted children are likely to be tomorrow's alienated, violent, mentally disabled or criminal." The suburbs with their family planning have produced as much alienation from American society as the ghettos. We find your commission short on reason, fact, moral sensitivity, and an awareness of the long history in many cultures and legal traditions in which societies have come to safeguard the rights of the fetus.

For us, Mr. President, and for tens of millions of your fellow citizens, abortion on demand, whether to check the population explosion or to insure domestic tranquility, is *not* an idea whose time has come, but only an old idea being propagandized to appear as if its time had come. The sexual revolution, the women's liberation movement, the ecological crisis have all come upon us at the same time; and many conscientious citizens concerned with social justice and civil liberties, have in our view obscured the moral issue of abortion against this tumultuous background. We are shocked that also your administration seems in the instances cited to have confused abortion and family planning however responsibly sought, as though they were medical issues on the same level of ethical magnitude and public policy. Abortion must not be confused with contraception, as though the former were but a backstop for the latter.

We find bone-chilling similarities in the anti-life stance of sectors of American society and the Nazi propaganda and practice but a third of a century ago. Yesterday it was "unwanted" Jews, Gypsies, political and religious dissenters, and the mentally or physicially handicapped. Today in America for the moment it is only our "unwanted" unborn. But tomorrow it may be our "unwanted" aged or defectives and those who have outlived their usefulness. We face the specter of the manipulation of human beings from their genes to the life-goals.

Mr. President, it will cause us anguish if further moral polarization of this nation alienates us from our government. We submit that the proper fulfillment of a vow to uphold the Constitution's most basic promise should cause an immediate halt in government-sponsored and government-paid abortions in Federal installations on the grounds of due process and of the embryonic person's right to life and liberty.

Most sincerely,

Joseph R. Stanton, M.D., F.A.C.P., Associate Clinical Professor of Medicine, Tufts Medical School, Member, Value of Life Committee; Joyce Dwyer, Associate Professor of Maternal and Child Nursing, Boston College, President, Value of Life Committee; Charles L. Sullivan, M.D., F.A.C.S., Board of Directors, Value of Life Committee; Paul Ramsey, Harrington Spear Paine Professor of Religion, Princeton University; and George H. Williams, Hollis Professor of Divinity, Harvard University.

Charles P. Kindregan, Associate Professor of Law, Suffolk University, Secretary, Value of Life Committee; Maurice Fremont-Smith, Director of Development, Deaconess Hospital, Board of Directors, Value of Life Committee; Barbara A. P. Rockett, M.D., Board of Directors, Value of Life Committee; Rabbi Dr. Samuel J. Fox, Massachusetts; Robert E. Gross, William Ladd Professor of Children's Surgery, Harvard Medical School.

James M. Gustafson, Professor of Christian Ethics, Yale University; Leo Alexander, M.D., Assistant Clinical Professor of Psychiatry, Tufts Medical School Governing Board, Value of Life Committee; Arthur J. Dyck, Mary B. Saltonstall Professor of Population Ethics, Harvard University; Henry G. Armitage Jr., M.D., F.A.C.S., North Andover, Massachusetts, Board of Directors, Value of Life Committee; J. Robert Nelson, Professor of Systematic Theology, Boston University; Daniel Sargent, South Natick, Massachusetts; Walter G. Muelder, Professor of Social Ethics, Boston University; William F. Bernhard, M.D., Associate Clinical Professor of Surgery, Harvard Medical School.

This Letter was prepared by the Value of Life Committee, 637 Cambridge Street, Boston, Massachusetts 02135.

The eight members of the Value of Life Committee who are signatories are so identified.

The other signatories are distinguished personages who were invited to join with the Value of Life Committee in this statement.

LONG ISLAND SOUND: OUR BACKYARD SEA

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. WOLFF. Mr. Speaker, recently WNBC–TV in New York presented a 30-minute show on the Long Island Sound. In this time of great concern for ecology and conservation I believe this show was an excellent example of how responsible journalism can help focus public attention on matters of the environment.

Roger Shope, a constituent whom I am fortunate enough to know personally, produced and directed this superb documentary film. Mr. Shope's own interest in the Long Island Sound, as a valuable resource for fishing and recreation, is reflected in this sensitive film he has produced.

While I cannot share the actual film with the Members, I would like to include in the RECORD the script of this important film. I think we can all benefit from the understanding and concern for our environment that comes through this script.

I, therefore, include the script of "Long Island Sound: Our Backyard Sea" in the RECORD at this point:

LONG ISLAND SOUND: OUR BACKYARD SEA

(Produced and directed by Roger Shope; film editors: Vince Sarubbi, Don Orrico; Photography: Doug Downs)

ACT I

FRANK FIELD, V/O. Long Island Sound, a gigantic, pulsating tidal pool, more than 1200 square miles of water between Hell Gate and Fisher's Island to the east. The early Dutch settlers along its shores called it "The Devil's Belt." From its waters men harvest shellfish and the finny variety, or use it as a protected seaway for commerce, for relaxation, yachting, fishing, swimming, a place to commune. Too, the Sound is used in other ways. We've bulldozed and paved its shores, utilized it as a cesspool for human and industrial wastes, seeping and pouring into its embayments and estuaries by the millions of gallons. What about the Sound? Natural scientist and historian Robert Coles:

ROBERT COLES, SOF. The wide valley now containing the waters of Long Island Sound was once a river valley, formed millions upon millions of years ago back in the days of the dinosaur. Millions of years later it began growing cold all throughout the northern part of our continent, and huge continental glaciers pushed down out of the north, carrying tremendous quantities of sand and gravel . . . eating these harbors out and eating out the great valley, and to build up the upper strata of Long Island. The huge quantities of water that had been frozen into the glacier, melted, filled the oceans, raised the sea level. And so Long Island Sound became a reality at the end of the Ice Age. The shores of Long Island Sound have been to me almost like a university, a place where since childhood I've been able to wander on the shore and see nature not as you would in a museum where they have prepared exhibits . . . where you become a part of the world that you are exploring.

FRANK FIELD, V/O. Long Island Sound has been world famous for its shellfish industry, but polluted water has all but destroyed the natural set of oyster, clam, and mussel, or made inedible the shellfish that do survive. At Bayville, Long Island, in clean water, a flourishing shellfish business continues, owned and operated by Mr. Butler Flower:

BUTLER FLOWER, V/O. Our buisness started back in 1887. My grandfather started it and developed it, with a rowboat and a pair of tongs.

FRANK FIELD, V/O. Butler Flower calls himself a clamdigger, but as head of this three generation old clam and oyster business, he's a combination seafarer, businessman, biologist, and marine farmer.

BUTLER FLOWER, SOF. I've been in it since 1916. I left school when I was 14 years old, and I've been at it ever since. I thought I knew more than they did at school, but I found out I don't—(laughs) I still don't. I'm on the water every day of the week and sometimes Saturdays and Sundays. It's a good, healthy life. It doesn't get monotonous. Every time you look at the water it's changed. We call our land that we use underwater oyster beds. We lease these oyster beds from the town or from the city, or from the state, according to what jurisdiction they're under. Most of our good fattening grounds are leased from the town of Oyster Bay. We also lease land in Connecticut. Those lands over there were originally for the raising of seed, small oysters; but since the ecology has changed, there haven't been any set on our beds over there for 15 years. The natural set is the set that the oysters spawn out naturally in the saltwater of Long Island Sound or the bays, and are fertilized and develop and grow, and then settle down on the bottom in the natural waters. If there's a great possibility that the rivers in Connecticut or any of the areas that feed Long Island Sound were cleaned up, it would change the ecology so there might be another setting period. There are some sections of Long Island Sound free from pollution; some sections in some of the bays are polluted. The pollution that worries me most is the industrial wastes and the pollution from the hard pesticides, the detergents and the refuse discharged from the sewage disposal plants, or fertilizer—they have phosphates and nitrates and things like that. Fertilizers—the microscopic plants and things in the water, and they just grow too prolifically, and in some cases where conditions are right, the temperature is right, and there's not enough wind, you'll have an overabundant supply of plankton, algae, which causes red tide. Actually they are food for the animals, especially the large animals. But when it gets oversupplied, it has a tendency to do the same to the shellfish and the animals and things in the water . . . it happens to us if we get dunked in the water, and we just can't breathe the water. They can't breathe this heavy growth of plankton; it causes them to suffocate. So if we don't take care of the Sound, generations to come will not have the use of it or be able to raise this food that is possible. And it's up to us to see that it's properly taken care of, and not destroy our natural heritage.

FRANK FIELD, V/O. Seafaring is part of our national heritage. The traditions of our maritime past are kept alive aboard large sailing yachts, such as Paul Hoffman's cutter, *Thunderhead,* just one of the estimated quarter-million pleasure boats on Long Island Sound. Her home part is Larchmont. With other large sailing vessels, she races the width and breadth of the Sound on overnight long-distance hauls, or offshore events . . . the Bermuda Race, or to Halifax, Nova Scotia. One design yacht racing is an equally important scene in the weekend use of Long Island Sound waters. Advertising executive, Ed Kropke:

ED KROPKE, V/O. The Sound has to be one of the most beautiful bodies of water available to a sailor in the world. Even on days when there isn't any wind, just being out on the water, looking at the clouds and the glassy sea, there's an attraction that the Sound has for sailors who will wait, without turning engines on, for the wind to come up. Even drifting has its moments, of solitude, and pleasure, of being away from these highways and the crowded streets. These regattas attract as many as 300 boats on a given afternoon, which involve upwards of a thousand people for crews and skippers, beside the spectators who come out who enjoy the starts and finishes of some of these regattas. There's racing along both shores, so racing is a way of life to an awful lot of people on a weekend. The Sound's attraction, I guess, is the fact it's a beautiful, large lake of seawater that provides an opportunity to make small voyages between your harbor or your port in comparative

safety. A youngster's involvement in competitive sailing gives him experiences that he wouldn't get in any other sport.

FRANK FIELD, V/O. Whaling ships once were built in Milford, Connecticut, centrally located on the north shore of the Sound. To the east and west of its beachfront it's hemmed in by heavy industrialized harbors . . . terminals for oil to be used as a source of heat, power, and transportation. The mayor of Milford, Edward Kozlowski, is properly concerned.

EDWARD KOZLOWSKI, V/O. I have called a meeting of all the mayors and first selectmen, town managers, whose communities border the Sound, to study a very serious problem, the possibility of a major oil spillage, of a tanker perhaps splitting in half. It's happening on the West Coast, it's happening in Florida, it's happened in England. And it would be too late should a tanker split at the seams—too late to call for a meeting at that time. We must be prepared, we must have a plan of action. Another thing would be to investigate new methods of waste disposal. The easiest way to dispose of wastes has been to deposit it in the Sound, and also some of the rivers. This is what we must correct. Local villages and cities have a jurisdiction over what is discharged in the Sound, and we can do something about it or we can look the other way. The population is increasing on both sides of the Sound, and the sooner we learn how to dispose of our—all wastes, the better off we'll all be without destroying the natural resources of the Sound.

FRANK FIELD, V/O. Turbidity is checked by a Federal Water Quality Control Administration member, who also collects samples to determine the dissolved oxygen content of the seawater, and the coliform count, a fecal indicator of pollution. Lab director Dick Dewling:

DICK DEWLING, V/O. The primary reason for the federal government's concern about Long Island Sound is that we do not want Long Island Sound to become another Lake Erie. There are indications that the water quality is deteriorating in Long Island Sound . . . the fact that certain beaches have been closed, certain shellfish areas have been closed. People are primarily concerned about pollution when they lose a part of the environment that they're used to working in, or playing in, whatever the case might be. When they can no longer swim in a body of water that they used to swim in, then they get upset. If they used to catch fish in a certain area and they no longer catch fish, then they're concerned. We must protect the waters that we have now to prevent them from becoming any worse, and also improve the poor water quality conditions that exist around the peripheral areas of the Sound.

ACT II

FRANK FIELD, V/O. Long Island Sound is fed by many rivers as well as being replenished by the ocean. The Nissiquogue, which flows into the Sound by Smithtown, Long Island, is one of the purest. Trout spawn in its upper reaches, its banks harbor fur-bearing animals such as mink, muskrat, raccoon. It's a favorite place for wildlife biologist Tony Taormina:

TONY TAORMINA, V/O. I often get on the Nissiquogue River with my son Lee, take canoe trips. And each time I do them, I enjoy them, I think, even more. The river rises in the glacial moraine on the north shore of Long Island, about halfway between Orient Point and Hell Gate, and is the largest river that we have on the north shore of Long Island. The Nissiquogue is an excellent mixture of clear freshwater coming in from the uplands, mixing with saltwater coming in from Long Island Sound. The rich soup that we find in our estuaries, feeds the microscopic life which breeds here, and starts it on its way becoming the clams we eat, or the striped bass that we eat, and even the geese and waterfowl that the hunters pursue every fall. The future of Long Island Sound is probably the same as the future of all other environments that we live on. If we can maintain a semblance of population control, and don't try to crowd every inch of shoreline, every acre of land with people, or people artifacts, we can probably continue to have a quality environment. However, if we continue to treat land as nothing more as a substrate for man and his developments, if we continually add increasing numbers of power stations and marinas and ports and terminals, and bring in more freight with the encompassing oil spills, the Sound will have to degrade in quality . . . again, a reflection of man's activities: his sewage wastes, his boat wastes, his industrial wastes. And certainly the water quality is directly proportional to the numbers of people who live along the shoreline. Technology can do so much for us, but we as individuals have very definitely got to learn that we will probably have to be inconvenienced, that we will undoubtedly have to take greater responsibility, each and every one of us, to help mitigate the impact that we all have on our environment. Let's keep in mind some very fundamental truth, and that is that the most marvelous machine man ever devised can't compare in complexity with a functional oyster, let alone a functional bluefish or blue-winged teal.

(Noise of boat.)

FRANK FIELD, V/O. Off the Eaton's Neck Coast Guard Station, a 40-footer is a familiar sight. Booming down the Sound, they're the workhorse of the Service in this protected seaway. A buoy-tender, too, is a common sight. The crew and craft check and maintain close to a thousand navigational aids on the Sound. These buoys are the roadsigns of the Sound, marking a particular spot, either a channel, an obstruction to navigation, or some other hidden danger. And they're continually checked to make sure they're on station where they're supposed to be. The Chief of Staff, 3rd Coast Guard District, is Captain Albert Frost.

Capt. ALBERT FROST, V/O. Coast Guard was started in 1790. Actually it was first called the U.S. Revenue Marine. Alexander Hamilton requested Congress to provide 10 cutters to insure the collection of the customs. And in 1915 we consolidated with the Life Saving Service, to form what is now the U.S. Coast Guard. Main purposes of the Coast Guard are law enforcement, and search and rescue. We maintain patrols particularly for motor-boat safety law violations, as well as for pollution prevention and control, and generally to enforce the laws of the United States on navigable waters in the area. We have seven helicopters at Brooklyn Air Station which at various times you'll find flying over the Sound. They are used for pollution patrol, for search and rescue missions, and for logistics on occasion. At regular intervals Eaton's Neck would work with Brooklyn Air Station in hoisting operations, and in the control and direction of a search involving boats and helicopters. The Coast Guard maintains regular oil pollution flights over Long Island Sound also. All of our pilots, as are our boat cockswains, are trained and directed to report all pollution sighted, at any time when they are operating over the Sound. And the boats from the Station have patrols daily in which they observe and report pollution that they may find in the area. With the increased emphasis on pollution prevention, I have hopes that the situation in the Sound may be reversed and that the Sound itself may again be considered a clean, healthy body of water.

FRANK FIELD, V/O. Thousands of fish died during periods of flat and oily calmness on the Sound this summer, a natural phenomenon complicated by man's disposal of his wastes. A concerned official who investigated, looking for solution to Long Island Sound's ecological problems and its trends, Congressman Lester Wolff:

LESTER WOLFF, V/O. One of the basic problems with Long Island Sound is the fact there is no real overall master plan for the Sound, and therefore individual localities will be doing their own thing. And as a result of which, there is this so-called piecemeal destruction. They're planning to put bridges over the Sound now, which will disturb the whole ecology of the Sound and contribute not only to the problems of the water but the air pollution as well. The Sound is thought to be somewhat of a bottomless pit, and it is not. It can only accommodate a certain amount of pollution in the way of solid wastes, it can only accommodate a certain amount of thermal pollution, before it is a dead sea. In some areas of the Sound it is a sewer for New York City and certain areas of Connecticut. The people along the shores of Long Island Sound came to live along its shores for perhaps one of the greatest recreation areas that we have in the entire nation. It almost is like the redwood forest, or the Grand Canyon, as a natural resource. I think it is important that people write their local officials and write their congressmen, so that they understand the great concern that the people have who inhabit this area. Just look out over the Sound—you can't look at it and see it and then say, "We're just going to write this off."

FRANK FIELD, V/O. Congressman Wolff cosponsored a bill with Connecticut Senator Abraham Ribicoff, to enable the New England River Basin Commission to undertake a thorough three-year study of Long Island Sound, to produce a master plan for its future. At hearings on the bill held in Norwalk, Connecticut, radio announcer Phil Cutting was an outstanding witness:

PHIL CUTTING, SOF. As kids we used to swim around with our eyes open under water, as I'm sure many people have done. And I tried it recently, and you just can't see the same distance. Now, these aren't figures with test tubes and coliform counts, but these are basic observations.

FRANK FIELD, V/O. Phil Cutting broadcasts from his boat every summer weekend, giving mid-Sound weather reports, fishing and sailing news. He calls the Sound his neighborhood.

Every morning that I head out on the Sound, I see something entirely different from the last morning that I headed out. And in the day that I spend on the Sound, traveling as far as I do, I have an opportunity to enjoy sights and sounds that are just available nowhere else. The Thimble Islands are one of the most beautiful spots on the Sound. It's a good protected area for an overnight stay if you know where to anchor, and it is one of the prettiest of the colonies existing along the shore, a way of life all to itself. The Thimbles are unique in that they are rock-ribbed, practically devoid of any topsoil. They make an ideal place for a vacation cabin, and practically nothing else. Connecticut shoreline is the low edge or shore edge of New England, and therefore sustains large cities and is delta area for many major rivers coming into the Sound. And it's accessible to transportation from New England and New York in a way that Long Island, dead-ending as it does, is not. The Sound is being, and has been, polluted for a long time, at an increasing concentration in some areas, but in general we've begun to reverse the course of destruction of natural resources through the growing voice of conservationists and greater attention of those in political responsibility. There are exceptions to that in harbor areas or in new industrial areas where you'll find terrible problems of intense pollution; and with the increase in oil shipments on the Sound, occasional major spills such as we've seen this last summer. The problem is that some of the things that are lost on the Sound are irrevocably lost. These are beach and marshland areas that have been filled in and paved over, and there is just no restoring those. And the quality of life in terms

of marine life suffers for that loss. I compare the wetlands to the lung tissue of the human body, that they provide the source of nutrition, source of energy, in this case oxygen. They are very much a breathing apparatus for the Sound; within the protection and the nutrition of the marshland areas. Minute organisms exist that can exist nowhere else in the Sound. There is a growing concern to protect our environment, and I think it's not very far away. We'll be able to refine our legislation in a very practical way that will allow the realities of the necessity of dumping treated sewage, harmless effluent into the Sound, and at the same time we will be able to flatly rule out and prevent blatant misuse of the resources that are available to us on the Sound. I wonder why it is in taking as objective a look as I can at legislation affecting pollution, why it is that a clammer is made to be an outlaw, rather than the polluter who's made the situation unsafe.

FRANK FIELD, V/O. The Devil's Belt is getting tighter. Use of the Sound is limited only by its ecological ability to absorb our wastes. These waters are a mirror of our complex and changing environment, reflecting man's concern or lack of concern.

WORLD LAW DAY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. FINDLEY. Mr. Speaker, today is World Law Day. In a proclamation signed on October 30, President Nixon designated November 25 as World Law Day and called for appropriate ceremonies to recognize the essential role that law plays in domestic affairs and must play in international affairs if we are to have the means to secure freedom, equal justice, and lasting peace among all peoples.

I commend the unstinting efforts over many years of Charles S. Rhyne, Esq., of this city, to mobilize the talents of the legal profession and harness them to the achievement of world peace through law. Mr. Rhyne is president of the World Peace Through Law Center in Geneva, an international nongovernmental organization of judges, lawyers, legal scholars, and other jurists with members in 128 countries and territories working together to build legal rules and legal institutions for world peace through law. The Center is largely responsible for the promotion of a World Law Day each year.

Mr. Rhyne is also an adviser to the International Law Committee of Members of Congress for Peace Through Law, of which I am chairman. He generously serves voluntarily on our advisory board with Dr. Arthur Larson, its chairman, Dean Adrian S. Fisher, Judge Philip C. Jessup, Prof. Covey T. Oliver, and Stephen M. Schwebel.

World Law Day, Mr. Speaker, is an appropriate occasion for Members of Congress to express their own deep convictions about the role of law domestically and internationally. I have long felt deeply that disputes between nations should far more frequently be taken to the International Court of Justice for adjudication or at least an advisory opinion. Over the years, I have urged that numerous disputes to which the United States was a party be taken to the Court.

Today, on this fifth World Law Day, I want to share briefly with my colleagues my own convictions regarding the role of law and government and the road to a peaceful world.

President Eisenhower once said "there can be no peace, nor freedom or justice, without law." His words are manifestly true. And this truth is not limited to relations among the citizens within each nation, but applies with equal force to relations among all peoples and all nations.

It follows, therefore, that the pursuit of freedom, justice, and peace in this world means the pursuit of law and legal institutions and their acceptance and regular use.

To a tragic degree, many in this country have come to equate national power with peace. In the most fundamental sense, the use and threat of force by any nation is no more conducive to real peace than is the use and threat of force by an individual citizen.

What keeps peace within a nation is the compact among its citizens to accept and support rules of law and their adjudication and enforcement. They agree to be governed by their form of government. Their agreement stems not from theory or some ideal blueprint, but from their basic self-interest in order as opposed to anarchy.

To achieve peace and justice and true freedom for all nations and all peoples, we must strive consciously and persistently to eliminate anarchy and create order. This requires us to become more and more aware of our mutual self-interest as human beings on this spaceship called earth. It requires us to seek consciously and persistently to create, support, and utilize those rules of law and their adjudication and enforcement which alone can give us lasting peace, equal justice, and secure freedom.

Only as we employ this as our primary frame of reference and use this as our yardstick for measuring progress, can we be secure in the knowledge that we are truly moving toward peace and fulfilling human needs and away from war and misery.

On this World Law Day, 1970, I recommit my own efforts to this task and invite my colleagues in the Congress to do likewise.

Mr. Speaker, to this end, I insert in the RECORD at this point, a remarkably clear, instructive, and helpful article by the Honorable Philip C. Jessup, the distinguished former judge from this country on the International Court of Justice:

MEMORANDUM ON THE INCLUSION IN TREATIES OF CLAUSES FOR THE OBLIGATORY SUBMISSION TO INTERNATIONAL ADJUDICATION OF DISPUTES CONCERNING APPLICATION OR INTERPRETATION

(By Philip C. Jessup)

The practice of inserting in treaties a clause or provision by which the Parties agreed to submit to an international tribunal any dispute concerning the application or interpretation of the treaty, is well established. Judge Manley O. Hudson, in his standard treatise, *The Permanent Court of International Justice 1920–1942*, gives the background:

"#443. *Compromissory Clauses in Treaties and Conventions.* The establishment of a permanent judicial agency greatly facilitated the inclusion in international instruments of clauses concerning the settlement of disputes which might arise with reference to the interpretation or application of their provisions,[1] and it became a general practice to include such clauses in multipartite instruments drawn up at conferences held under the auspices of the League of Nations. They were frequently included in bipartite instruments also, and even in instruments concerning arbitration and judicial settlement. In the course of time standard clauses were developed. They usually applied to disputes as to (a) interpretation, or (b) application, or (c) interpretation and application, or (d) interpretation or application of the provisions of the particular treaties. Resort to various agencies for the settlement of such disputes was provided for, the Court being the agency most frequently mentioned: in some cases, the Court was named only as one of several alternative agencies. Most of the clauses provided only generally for the reference of the dispute, but in some cases it was expressly stated that reference was to be possible by the unilateral application of any party.

"Several interesting examples of such compromissory clauses may be mentioned. Article 41 of the Geneva General Act of September 26, 1928, provided for submission to the Court of "disputes relating to the interpretation or application of the present General Act, including those concerning the classification of disputes and the scope of reservations." [2] On March 27, 1931, a Protocol was opened for signature at The Hague, by which the signatories recognized the competence of the Court to deal with (Fr., *pour connaitre*) all disputes concerning the interpretation of the conventions on private international law drawn up by the Hague Conferences on Private International Law.[3] The standard compromissory clauses inserted in later multipartite instruments tended to follow the form used on Article 25 of the Geneva Convention on the Manufacture and Distribution of Narcotic Drugs of July 13, 1931, which provided:[4]

" 'If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application

[1] In the *Chorzów* Case, the Court referred to "the so-called *clause compromissoire* (arbitration clause) introduced into commercial and other treaties during the last twenty-five years of the XIXth century and subsequently, by which the contracting Parties agreed to submit to arbitration any differences as to the interpretation or application of the particular treaties." Series A, No. 9, p. 21.

[2] 4 Hudson, International Legislation, p. 2529.

[3] 5 Hudson, International Legislation, p. 933.

[4] 5 Hudson, International Legislation, p. 1048. The same text *mutatis mutandis* constitutes Article 4 of the Convention on Traffic in Women of Full Age, of October 11, 1933; Article 9 of the Convention on Contagious Diseases of Animals of February 20, 1935; Article 16 of the Convention of Transit of Animals of February 20, 1935; and Article 17 of the Convention on Traffic in Dangerous Drugs of June 26, 1936. See also Article 21 of the Convention on Conflict of Nationality Laws of April 12, 1930, and Article 7 of the Convention on Broadcasting in the Cause of Peace, of September 23, 1936.

The mention in such clauses of a forum other than the Court was originally due to insistence by representatives of the United States of America.

of the present Convention and if such dispute cannot be satisfactorily settled by diplomacy, it shall be settled in accordance with any applicable agreements in force between the Parties providing for the settlement of international disputes.

" 'In case there is no such agreement in force between the Parties, the dispute shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal the dispute shall, at the request of any one of the Parties, be referred to the Permanent Court of International Justice, if all the Parties to the dispute are Parties to the Protocol of December 16th, 1920, relating to the Statute of that Court, and, if any of the Parties to the dispute is not a Party to the Protocol of December 16th, 1920, to an arbitral tribunal constituted in accordance with the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.'

"The compromissory clause in Article 23 of the Geneva Upper Silesia Convention of May 15, 1922, was relied upon by Germany in its two applications in the case relating to *German Interests in Upper Silesia* in 1925; [5] Article 23 provided that 'should differences of opinion respecting the construction and application of Articles 6 to 22 arise between the German and Polish Governments, they shall be submitted' to the Court. Poland advanced a preliminary objection contending that the Court lacked jurisdiction on the grounds that no difference of opinion had arisen between the parties before the application was filed, and that the dispute did not fall under Article 23; the Court dismissed the objection, holding that under Article 23 recourse could be had to the Court as soon as one of the parties considered that a difference of opinion arising out of the construction and application of Articles 6 to 22 exists."

The practice was nearly uniform during the life of the League of Nations but since the United States was not a Member of the League and refused separate acceptance of the Permanent Court of International Justice, the United States did not support the practice widely until after the establishment of the United Nations in 1945. The United States had, however, become a Member of the ILO (International Labour Organisation) by a Joint Resolution of the Congress in 1934, and thereby accepted the Court's jurisdiction provided for in Articles 29–33 and 37 of the ILO Constitution.

A typical article is in Article XVII of the Statute of the International Atomic Energy Agency which reads:

"Settlement of disputes.

"(A) Any question or dispute concerning the interpretation or application of this statute which is not settled by negotiation shall be referred to the International Court of Justice in conformity with the statute of the court, unless the parties concerned agree on another mode of settlement."

In a memorandum of December 1, 1969, the Department of State listed multilateral agreements to which the United States is a party and which contained the so-called compromissory clause. The memorandum also listed bilateral treaties of the United States with the same provision. There are more than twenty treaties in each group. A copy of this memorandum with explanatory material is annexed hereto. Attention is called especially to the letter from Acting Assistant Legal Adviser Sylvia E. Nilsen to Lionel M. Summers in November 1964, also attached.

The interpretation of written texts by municipal courts constitutes a standard and substantial part of their task. From the interpretation of contracts, deeds and wills up through the interpretation of laws and of the Constitution, the task is universally recognized as a judicial one. Except in countries like England, where there is no written Constitution, all this judicial activity is common to practically all countries of the world. Throughout the modern period of international adjudications—that is from the Jay Treaty of 1794 down to the present—international tribunals have time and again been called upon to interpret written texts, usually of treaties. There has been hardly a case before the International Court of Justice which has not involved an issue of treaty interpretation.

The utility and acceptability of interpretation of treaties by an international court, is shown by the European experience in establishing the European Economic Community under the Rome Treaty of 1957. As part of the organization of the Community, the Court of Justice of the European Communities has been established. If in a litigation in one of the six countries, members of the Community, a question is raised as to the interpretation of the treaty establishing the Community, the lower court may, at its option, request the Community Court to give a "preliminary decision" concerning the interpretation of the treaty. If the question of treaty interpretation arises in a national court of last resort from which no national appeal lies, the national court is obligated to refer the question to the Community Court. Although the basic treaty does not so provide, it has been accepted in practice that the interpretation by the Community Court will be considered authoritative and will be acted upon by the national court which then proceeds to decide the case before it, utilizing that interpretation of the treaty.

It has sometimes been argued that there is or may be disagreement about the international law rules governing treaties and their interpretation. This is true in international courts and has been true when various national courts have been called upon to interpret treaties. No judicial system would work if it were a prerequisite of jurisdiction that all the judges on the bench must agree upon the rules of law to be applied. Now, however, international courts would be assisted by the Vienna Convention on Treaties which was elaborated on the basis of the studies made over a period of years by the International Law Commission. Secretary of State Rogers has called it "a treaty of major importance". Even for States which have not yet ratified the treaty, it affords a valuable source of applicable international law, and in regard to interpretation, it is doubtful whether there would be important disagreements with its text.

It is often the case that a question of treaty interpretation is merely one element in a dispute or controversy. Thus in the situations in the European Community Court, as just mentioned, it is the national court which proceeds to decide the case on the merits after the Community Court gives the interpretation required. In like manner, it would be possible for the United States, if it were disputing a question of interpretation with another party to a treaty containing the compromissory clause, to leave open the merits of the dispute which might the more easily be resolved when an authoritative interpretation was received from the International Court of Justice. Historically we have found it advantageous to terminate irritating controversies with our neighbors Canada and Mexico by asking international tribunals to interpret provisions of boundary treaties. The removal of even minor frictions with friendly countries is advantageous since if not settled, they may become magnified.

The long practice of inserting in our treaties the clause providing for judicial interpretation is evidence that a succession of Administrations have consistently found that the practice is a useful one. The list mentioned above shows that the Senate has not hesitated to advise and consent to ratification of treaties containing such clauses.

It is unfortunate that at recent conferences for the conclusion of great multipartite treaties on the law of the sea, on diplomatic and consular rights and privileges, and on the law of treaties, the Soviet Union has succeeded in blocking the inclusion of the customary clause conferring jurisdiction on the International Court of Justice on questions involving the interpretation or application of the conventions. The United States Delegations at the Conferences where those treaties have been negotiated have opposed this Soviet position. The unsatisfactory compromise has been to adopt an "optional protocol" which States may ratify separately if they wish to submit possible future disputes to the International Court of Justice. The Senate has approved such optional protocols accompanying the conventions on diplomatic and consular rights and privileges.

On May 1, 1970, a letter signed by 17 Senators and 53 Representatives was sent to the President urging the use of international legal procedures and institutions for the settlement of international disputes. The letter contained the following paragraphs:

"It would be a highly significant contribution to the purposes of the United Nations during this 25th Anniversary Year and a tangible demonstration of America's willingness to resolve international disputes peacefully if the following specific steps could be taken this year: . . . Third, the instructing of U.S. negotiators to seek inclusion of a provision in future treaties and agreements which provide for the World Court's adjudication of disputes arising under those treaties and agreements."

[5] Series A, No. 6; Series C, No. 9–I, p. 24; *idem*, No. 11, p. 340.

TRADE BILL VOTE EXPLAINED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. HAMILTON. Mr. Speaker, I voted against the Trade Act of 1970 because I felt it would lead to higher consumer prices, worsening inflation, decreased farm exports, and a chain reaction of retaliatory measures by our trading partners around the world.

This bill alters a pattern of trade that for the past 35 years has served us well. Since enactment of the reciprocal Trade Agreements Act of 1934, the value of American trade has steadily increased until it has become a major factor in the wealth and diversity of the American economy. Since 1960, the value of U.S. foreign trade has risen at a faster rate than the growth of the gross national product—a 111-percent increase compared to a 91-percent increase.

This expanding pattern of trade has reduced prices, increased opportunities for American business to export, and improved the efficiency and competitive strength of American industry. It has meant a higher rate of economic growth.

We must move with exceedingly great caution in reversing a pattern of trade that has brought us so many benefits.

My concern is that this trade bill, in-

tentionally or not, signals to all the world that the United States is abandoning its historic trade policy, and a contraction of world trade is likely to result.

This bill sets complicated and confusing procedures to restrict imports which will be difficult to administer equitably.

The retaliation in the form of reduced imports by foreign countries of American farm and manufactured goods will be serious. The six governments of the European Common Market, the world's largest trading bloc, and Britain have made clear they will be unable to resist pressures to retaliate against U.S. exports should this trade bill become law. All of these nations send sizable percentages of their own exports to the United States.

Retaliation could be especially serious for Indiana. Thirty-five percent of Indiana's manufacturing exports go to Europe and Europe is one of the biggest markets for Indiana soybeans, and one of the most likely areas to react adversely to the House trade bill.

In the area of manufactured goods, from 1958 to 1967, textiles and leather products created 1,480 new jobs in Indiana in 113 new firms. Exports for these two classifications increased by $100,000 from 1967 to 1969, reaching a level of $1.2 million. Over 400,000 manufacturing workers in Indiana are employed in exporting firms. In 1960, Indiana exports totaled $305 million; in 1969, $960 million—up to 370 percent. These growing markets should not be jeopardized by restrictive trade legislation.

Other reasons strengthened my opposition to the Trade Act of 1970. The bill provides a new tax loophole for export-oriented businesses, which will cost the Treasury up to $650 million per year in lost revenues.

The bill freezes the oil import quota system, which costs the consumers of American $5 to $7 billion annually in increased prices for oil.

The bill will have an inflationary impact, since it will result in fewer low-priced imported goods and less competition from abroad for domestic goods. The informed estimate is that the higher cost of items resulting from the trade restrictions contained in the bill will boost the consumer price index by almost 1 percent.

The bill will blunt incentives for American industry to modernize, cut costs, and increase productivity and output by erecting shields of Government protection. And it will jeopardize the jobs of American workers employed in export trade.

There are better ways of aiding American firms affected by import competition. Present law can be effective in protecting our manufacturers against dumping and other unfair trade practices; adjustment assistance for affected industries and employees can be liberalized.

We must consider alternative courses of action in foreign trade that will not rebound to the detriment of American farmers and manufacturers, as the Trade Act of 1970 is apt to do. There are defects in our present trade laws, but this bill goes too far.

COMPREHENSIVE MANPOWER ACT

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. WEICKER. Mr. Speaker, I would like to present the following statement by the executive director, William R. Hutton, of the National Council of Senior Citizens as an extension of remarks to the Comprehensive Manpower Act. This statement is in reference to the "senior aides," a highly successful U.S. Department of Labor community service employment program for older people which is operating in my district in Bridgeport, Conn. Your attention is directed to the affect the Comprehensive Manpower Act will have on it.

The program should be commended as it has been greeted by enthusiasm from both the employers of these senior aides for their youthful and useful contributions to these organizations and from the senior citizen participants for the feeling of well-being it has engendered.

The statement follows:

SENIOR AIDES

To provide meaningful part-time employment for needy older Americans in this country, I support continuance and expansion of the Community Service Employment Programs, through passage of the Manpower Bill. I know about the excellent work of these programs through my contact with the National Council of Senior Citizens Aides Program in Bridgeport, Connecticut.

Sponsored by the Bridgeport Commission on Senior Citizens, the Senior Aides Project has sixty low-income Senior Aides, age fifty-five and over, placed in 14 community service agencies throughout Bridgeport. These agencies include the American Red Cross, North End Girls Club, three hospitals, the public library, and the American Cancer Society.

Ten Senior Aides with the City's Parks and Recreation Department recently received Presidential commendation and kudos in the Bridgeport newspaper through their supervision of 200 youths in an anti-litter campaign for the city.

When I wrote to President Nixon about the clean-up project and asked for his endorsement of an anti-litter and beautification slogan contest, he did not reply to me, but instead sent a letter of commendation directly to Andrew Guyer, youth coordinator for the Parks and Recreation Department.

"I want to commend you and all those who assisted in the anti-litter campaign," wrote the clean-up project and asked for his example for all of our fellow citizens."

Guyer extended congratulations for the work of the Senior Aides to Mrs. Gertrude Kutno, the Project Director. The Parks official commented, "I feel that the work your Aides have done in abetting our beautification program is in great measure responsible for its success. The Aides work directly with the youngsters and this proves that age is not a barrier to pride in our community, but rather, an asset."

Other Senior Aides serve the community as instructors, maintenance aides, kitchen aides, hospital service aides, and clerical assistants.

Furthermore, their participation in the program is contributing to research on the elderly being conducted by the University of Bridgeport. Five Senior Aides, on a voluntary basis, are participating in scientific endeavors concerning older adult behavior.

I was very much involved in getting the initial funds for the program in Bridgeport,, so I know how effective the Senior Aides Program has been in both supplementing senior citizens' incomes and in giving them a useful place in society. One of my chief concerns has been that of the Senior Citizen. I strongly urge the continuance and expansion of Community Service Employment Programs such as the fine Senior Aides Program conducted in Bridgeport.

NIXON'S DILEMMA ON THE TRADE BILL

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 24, 1970

Mr. KARTH. Mr. Speaker, last week the House passed the trade bill in spite of the warnings, clearly sounded, that the consequences of its enactment into law will be to disrupt the world economy and imperil world peace.

What has not been emphasized sufficiently, I think, is the economic disaster which will befall the American farmers, workers, and businessmen as the result of the retaliatory measures which surely will be taken by other trading countries should the bill, as passed, become law.

An eminent observer, Milton Viorst, has written in the Washington Evening Star of some of the effects which can be anticipated. I commend the attention of my colleagues to this important article, which follows:

NIXON'S DILEMMA ON THE TRADE BILL

(By Milton Viorst)

The most important piece of legislation to come up during the entire Nixon administration is currently before Congress. And, amazingly, we don't have a clue to whether the President approves of it or not.

This bill, which imposes a stringent new set of restrictions on imports, can damage our relations with every trading country in the world. It can profoundly impair the development of our national economy.

But because of its domestic political implications, the President has remained silent about it.

We know his opinions on street crime and student violence, on which he can take pious moral positions but which elude easy legislative solutions.

In contrast, he says nothing about the trade bill, where a moral position requires courage but whose disastrous consequences can be averted by a simple congressional majority.

Admittedly, the President is in a dilemma. He committed himself in 1968 to repay the Southern textile tycoons who made possible his election. He also has some major debts to the big spenders in the oil industry. He'll need both of these groups again in 1972. This legislation was originally written for them. But he knows this bill is intrinsically inflationary It will raise oil prices immediately and textile prices shortly. Over the long run, it could increase the price of every product that now has foreign competition. By 1972, the inflation in this bill could generate a lot of anti-Nixon votes.

The President also knows that, before long, the nation's exporters will begin to feel the backlash of economic reprisal. The European Common Market, our biggest customer, has warned explicitly that it will retaliate vigorously if this bill is passed.

Hardest hit will surely be agriculture,

which last year had $6.6 billion in exports. Currently, American farmers export 50 percent of their soybean crop, 41 percent of wheat, 36 percent of tobacco, 58 percent of rice, 29 percent of cotton. Naturally, the farm lobbies are outraged by the bill.

As Denver's Rocky Mountain News put it: "Protection for a North Carolina textile plant will be at the expense of, say, an Indiana soybean grower (or) a Colorado wheat farmer."

There is no doubt, furthermore, that the bill will trigger the kind of action-reaction sequence (called a trade war) that can lead only to a grievous decline in international commerce as the Smoot-Hawley protective tariff act did in 1930.

Paradoxically, the loser would necessarily be the United States. This year, despite all the complaining about unfair competition from abroad, we will have a $3 billion trade surplus. This surplus is vital to maintain our overseas commitments, our balance of payments and the stability of the dollar.

Mr. Nixon, perhaps, can still save the situation. He understands the importance of international trade. He is not, at heart, a protectionist. He can go on television to explain to the country exactly what is at stake.

He will have no problem showing that a congressman who votes for fatter profits for textiles and oil takes dollars out of the pockets of farmers, industrial workers and, ultimately, every American consumer.

Yet Mr. Nixon risks going down in history as the first protectionist President since Herbert Hoover, and the chief antagonist to the international trend toward freer trade.

By his acquiescing in the trade bill, he is asking the country to pay a heavy price for his personal political debts.

WHY SO MANY BLACKS ARE DYING IN VIETNAM

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. CLAY. Mr. Speaker, many citizens are asking why the percentage of blacks in the armed services is far greater than their percentage of the national population? There are various reasons advanced for the fact that blacks are fighting and dying in Southeast Asia in far greater percentage than their numbers here in America. But the most logical one is that held by black militants: "the white man has decided that blacks will fight this illegal, unjust, and immoral war."

When the composition of draft boards are analyzed on a national basis, it tends to prove the charge that blacks are not fairly represented on the commissions that determine who will be inducted into the armed forces.

The following article from the St. Louis Post-Dispatch appearing November 19, 1970, substantiates the hypocritical positions of most Americans that "neighborhood schools" are important, but the "neighborhood draft boards" are not.

NEIGHBORS IN THE DRAFT

Gov. Hearnes ought to have a quiet chat soon with Lt. Col. Ralph E. McCain, acting director of Selective Service in Missouri. The Colonel is responsible for remedying an unfortunate defect that has developed in the Selective Service machinery here under which ghetto blacks are in large measure being drafted not by their black neighbors, as the system contemplates, but by white suburbanites who are strangers to them. This is hardly a procedure likely to instill confidence in the fairness of the system.

As disclosed in this newspaper by Ted Gest, almost half of the members of the 11 Selective Service boards with jurisdiction over areas of St. Louis live in St. Louis County, a clear violation of the spirit of federal regulations that say any members of local boards "shall be residents of a county in which their local board has jurisdiction." Col. McCain's argument that the nonresidency practice is permissible because St. Louis is no "county" is legal hair-splitting. We imagine both he and Gov. Hearnes would act quickly enough if the shoe were on the other foot—if black Republican politicians from North St. Louis were drafting young whites in Florissant, Clayton and South County.

To take one example of many: Robert Grant Walsh of Glencoe in southwest St. Louis County is chairman of Selective Service Board 103 in North St. Louis, some 25 miles as the crow flies from his home in outer exurbia. He is white, a former Democratic Committeeman from the First Ward and still active in Democratic politics, although now his political interests of necessity are centered in the county. If he wants to volunteer for draft board duty it should be for Board 220 which runs no farther east than Lindberg Boulevard, or else he could move back to the First Ward.

The idea of having local boards in the first place, as articulated by former Selective Service Director Lewis B. Hershey, is that they should be composed of "little groups of neighbors on whom is placed the responsibility to determine who is to serve the nation in the armed forces and who is to serve in industry, agriculture and other deferred classifications." Gov. Hearnes should insist that Col. McCain carry out this philosophy.

UGLY DUCKLING?

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. FISHER. Mr. Speaker, on a number of occasions in the past I have requested permission to insert in the RECORD newsstories and other material that I have considered helpful in furthering the true picture of the F–111.

Certain of my cause, I intend to continue to follow this course, and insert a newsstory dated November 20, 1970, from the Omaha World-Herald in the RECORD.

Briefly, the story says one simple but extremely important thing: At McCoy Air Force Base, Fla., a few days ago two "swing-wing SAC planes competed against 27 SAC B–52's and two Vulcan bombers of the British Royal Air Force in a test of precision bombing that was scored by radar."

The two-man FB–111 crew of Lt. Col. Robert S. Russell and Maj. Arben R. Ely scored the highest point total.

Under leave to extend my remarks, I include the article from the Omaha World-Herald. It follows:

UGLY DUCKLING PACES SAC BOMBERS

(By Howard Silber)

ORLANDO, FLA.—An ugly duckling was transformed Thursday into the beautiful bird of the Air Force.

The transformation began Sunday when two FB111 bombers were entered in the Strategic Air Command combat competition which was flown from McCoy Air Force Base here.

It ended with an announcement Thursday that the controversial plane had won an important part of the contest.

The FB111, which closely resembles and has shared many of the problems of the trouble-plagued F111 fighter-bomber, was declared the winner of the SAC bombing trophy.

The two swing-wing SAC planes competed against 27 SAC B52s and two Vulcan bombers of the British Royal Air Force in a test of precision bombing that was scored by radar.

FB111 VICTORY

The two-man F–111 crew of Lt. Col. Robert S. Russell, Paterson, N.J., and Maj. Arben R. Ely, Portland, Ore., scored the highest point total.

SAC's FB111 unit, the Ft. Worth-based 340th Bomb Wing, could not compete for the big prize, the Fairchild Trophy, because it does not yet have tanker aircraft, and an exercise in tanker navigation is one of the requirements.

In fact, the FB111 will not officially become part of the deterrent force until the middle of next year. The current mission of the 340th is testing the new bomber and training crews to fly it.

UNPRECEDENTED

The entry of the FB111 in the competition was unprecedented in that the contest which began in the 1950s had never before been opened to aircraft which were not available for tactical use.

SAC did not deny that the FB111 was entered in the hope that it would win at least part of the competition and, thus, begin to overcome a serious image handicap.

The bombing trophy victory was a big plus for an aircraft which has encountered many minuses, including the grounding of the entire fleet of more than 400 F111s and FB111s for the most rigid testing program ever undertaken by the Air Force.

The planes were grounded after a series of crashes.

OVER THE HUMP

Gen. John D. Ryan, Air Force chief of staff and defender of the plane, arrived here shortly after the announcement was made. "We are over the hump," he said. "This is going to be a real fine airplane for us."

Gen. Bruce K. Holloway, SAC commander-in-chief, was equally enthusiastic. "The FB111 is working very well," he said. "It represents significant technical advances in electronics and bombing and navigation systems."

The SAC chief was an early project officer for the TFX, which became the F111 and the SAC variant, the FB111.

HAPPY CREW

Perhaps the greatest enthusiasm was demonstrated by the two 35-year-old members of the winning crew. Russell and Ely were assigned to fly an airplane which is regarded by some persons and, they said, even their wives—as unsafe and unreliable.

But they insisted that the plane has been maligned.

"It is simply magnificent," said Russell. "It does just about everything for you. It is the only plane that SAC has that can do the job."

Russell said that by "the job" he meant the penetration of Soviet air defenses.

"Structurally it is small. It isn't seen easily on radar. It flies very low and very fast," Russell explained.

The FB111 can move in on a target at a level of 200 feet above the terrain—too low to be readily tracked by radar, the pilot said.

Ely, the navigator-bombardier, described the plane as "the finest there is from the standpoint of being capable of doing what it was designed to do."

Present plans call for SAC to receive 70 operational planes along with a few spares and training aircraft.

MOORHEAD LEGISLATION RESPONDS URGENT HOUSING NEEDS OF SRO'S

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. MOORHEAD. Mr. Speaker, the House Rules Committee yesterday granted a rule for House Resolution 19436, the 1970 Housing Act.

This legislation contains housing subcommittee's response to many of this Nation's critical housing dilemmas.

One of the lesser known but innovative measures is a provision I authored to provide dormitory-type housing for single individuals who have been forced to leave their homes because of public action.

Often these single men and women do not qualify for other forms of housing assistance and cannot find the unique type of abode that best suits their living style. Many times they expend their meager incomes on inappropriate housing, that offers few of the conveniences that they have come to rely on.

The man and woman I am speaking of is usually elderly and a loner. He or she is a person who prefers not to have a house or a complete apartment but feels quite at home in a clean sleeping room.

Too often these accommodations are found in the many residential hotels that dot the downtown area of many of our large cities. And it is these hotels that increasingly are the target of the wrecker's ball.

Ralph Miller, writing in the Pittsburgh Press of Sunday, November 22, has poignantly recorded the fate of one of these hotels in Pittsburgh and the men who now are living there.

I would like to introduce Mr. Miller's excellent article into the CONGRESSIONAL RECORD at this time:

DOOMED HOTEL, OLD-TIMERS SIT 'N' WAIT

(By Ralph Miller)

Carpeted heavily with the dust of decades, the lobby of the New Merchants Hotel is a sneezingly nostalgic setting.

The late fall sun, its rays slicing through the grime and grit on the front window, was warming the sagging shoulders of three old-timers sitting contentedly on the long, shiny, splintered benches.

They weren't saying too much—an occasional grunt somehow understood to mean something between cronies—but they were thinking thougths about as long as their memories.

A dim light dangling listlessly from a lengthy cord softened the shadows that were eerily etched into the scene.

Someone apologized: "Most of the fixtures just don't have no more bulbs . . . aw, we don't really need 'em just for settin' around like this."

LOOKING FOR "BIG BALL"

A ruddy-faced Irishman with the twin gifts of gab and wit explained:

"Every morning we get up and look out the window to see if the big ball is coming down on us yet."

That's the way James J. Dougherty, 70, a resident at the hotel "for a long time," facetiously expressed the anguished sentiments of the roomers.

They're trying to keep the thought of the hotel's closing out of their minds until the last couple of days, as one old-timer put it.

They've all been notified the historic place is closing Monday, Nov. 30.

A spokesman for the Herman Investment Co. said, "We're going to start razing the property on the first of December."

In the immediate future the plans for the site are "indefinite . . . but it will most likely be used for parking, at least temporarily."

"OUTLIVED USEFULNESS"

The hotel at 415 Fort Pitt Blvd., near Smithfield Street, "has simply outlived its usefulness," the investment company spokesman added.

Well, to the old-timers that's a matter of opinion.

"It may not be the Waldorf, you know, but it's been home to a lot of us for a long time, and it ain't easy leaving, especially at our age," said Joseph H. Hensler, 88.

Hensler, who laid pipelines before his retirement, recalled that in living 21 years at Merchants he had seen "a lot of fellows come and go . . . made an awful pile of friends . . . but a good many of them have gone now . . . died off."

Hensler plans to "stay in this neighborhood . . . I wouldn't want to go anywhere else . . . it's my home digs."

Hyman Miller, 65, "just a kid around the place," recently retired as newsboy at Fifth and Wood, downtown. He, too, prefers to stay in the same area.

CROSSING THE BRIDGE

"I'm going across the Smithfield Bridge, to a place that's kind of like this, not fancy but sort of homey," he said.

He said, "After the years—like, I been here 17 years—you get a feeling for a place and no matter what somebody else might think, why it's just home, that's all, just home."

Bill Craig, 66, the day clerk, nodded.

"I'll sure miss this place," he said, softly. Seated in a rickety chair facing rows of empty mail slots, Bill sighed, "We only have about 25 men left . . . rest all took off soon as they heard about the closing."

Bill fumbled with some registration cards. "No use for these . . . we're not taking anybody else now," he explained, wiping a cobweb from a dust-crusted inkwell.

Bill looked up when a guest walked quietly over the chipped squares on the lobby floor and headed toward the door—for the last time.

Carrying a paper bag in one hand, with some old newspapers scrunched under his arm, he paused to wave to Bill.

"See you around."

Bill could only say, sincerely, "Take care of yourself."

Craig and the lobby sitters agreed that it "kind of gets to you the way we have to fold up our stuff and hit the road," as Miller put it.

Hensler took a deep drag on his stogie, looked wistfully out toward the Smithfield Street Bridge, and concluded:

"So that's how it goes . . . everything comes to an end."

And when the big steel ball slams against the Merchants about the first of December, historians may wince. More than 100 years old, Merchants has been a landmark along the Monongahela River, dating back to when it was a riverboaters' hangout.

Now, a parking lot.

That's how it goes.

TONY GRANATA, "EXEMPLARY CITIZEN, 1970"

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. VANIK. Mr. Speaker, Friday evening, December 4, the Greater Cleveland community will honor one of its truly outstanding citizens, Anthony A. Granata, president of the Cleveland Federation of Musicians.

Tony will be receiving the Heights Lions' Annual Book and Scroll Award which confers the title of "Exemplary Citizen, 1970."

In announcing the award, the Honors Committee Chairman Judge John T. Patton said:

The award is presented each year to an individual who provides varied and important community services, thereby inspiring emulation and multiplying the good effects of those services. Mr. Granata's record of services merits the award.

Indeed, his record proves that he does deserve the reward and thanks of all Cleveland area residents. His career in music in the Cleveland area has spanned nearly 40 years. As early as 1932 he was a bass-playing bandleader. He traveled with many of the great orchestras of the time and led the Cleveland Indians "big band" at the stadium for all the ball games. He has long been active in the Cleveland Federation of Musicians, where he was first elected to the executive board of local 4 in 1941, and since that time was served as area-delegate and assistant secretary-treasurer. He has been president since December of 1965.

As a musician he has led in returning live music to the city's parks and shopping centers. Working with the Cleveland Chamber of Commerce he has just presented a series of free music-on-the-mall concerts.

Some small feeling for the dimension of Tony's contribution to the Cleveland community can be seen from the following list of community activities in which he participates and the past awards he has received:

Board of Directors, Health Fund;

Board of Directors, Cleveland Growth Association;

Board of Directors, Police Athletic League;

Alternate Board of Directors, Ohio Arts Council;

Board of Directors, Tri-State Musicians Conference;

Legislative Director, Ohio State, American Federation of Musicians;

Chairman, Special Events for Downtown Cleveland;

Advisory Committee, Foster Grandparents Program; and

Music Coordinator, City of Cleveland.

Tony's awards are also numerous:

Press Club Award, 1969;

Meritorious Service Award, Cleveland AFL–CIO Union Counselor Association, 1969;

El Hasa Shrine, 1967;

As well as awards from the Veterans' Administration hospitals at Brecksville

and East Boulevard, the city of University Heights; and the Severance Shopping Center.

Tony is a man who has brought the light of music into the lives of thousands upon thousands of people. As he himself has said:

Music is an international language which reaches the heart and mind of everyone who can hear and appreciate the gift of music. My entire life has been music, and I want to share it with everyone, especially those who rarely have the privilege of seeing and hearing a live band perform.

This coming Friday's banquet and award dinner is well deserved and it will be my privilege to be present, along with Tony's many other friends, on this special evening. As Daniel L. Mausser, Heights Lions' president summed up:

Tony's unselfish generosity, his sincere love of people, and his driving energy, have made many friends and admirers through the years. We will try to have them all presented at the presentation. It will be their night—Tony's and his friends'.

CAMPUS FUTURE QUESTIONED

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. MILLER of California. Mr. Speaker, the California State colleges are now 9 years old as a system, but in reality the history of these great institutions dates back to 1862 when the Weekly Normal School established by the San Francisco Board of Education in 1857 became the first institution of higher education established by the State.

These colleges have had to weather many storms in their history. There are now 19 State colleges; the 19th was opened in September at Bakersfield, Calif. They serve over 200,000 students. This past spring, these colleges were not spared the attempt by a few to turn the colleges and universities into centers for political action to protest a national problem of the moment. Needless to say, higher education has never received such a serious challenge to its very existence than this attempt to distort the true meaning of the education process and academic freedom.

Last July, the Christian Science Monitor had a special article on the California State colleges and the leadership of Chancellor Glenn Dumke in defending academic freedom from the many onslaughts facing it today. I am pleased to insert in the CONGRESSIONAL RECORD the referenced article as it indicates the firm resolve of one of the largest educational systems in the world to meet the need of our young people to acquire the knowledge necessary for societal leadership.

I am very proud to compliment the California State colleges on their achievements and their distinction, with over 200,000 sudents, of being the largest educational institution in the Western World and contributing much to the future greatness of the State of California.

The article follows:

CAMPUS FUTURE QUESTIONED: FREEDOM VERSUS "POLITICAL ACTIVISM"

(By Curtis J. Sitomer)

Los Angeles.—The man who rides herd on one of the largest complexes of higher education in the world warns that increasing campus trends toward political activism may eventually knock the props out from under "academic freedom."

Dr. Glenn S. Dumke, chancellor of California's 19 state colleges, says: "Society has only one institution devoted to the scholarly study of problems—the university. And because this institution offers the benefit of objectivity, society allows it special liberties. But if it stops performing, society no longer has the responsibility to provide academic freedom."

In an interview, the chief of this 227,000-student educational network emphasized that the role of the scholar is incompatible with political activism in an academic community.

"ACTION ROLE" REJECTED

"The function of the scholar is a 'critical' one. He must objectively study the problem of society," Chancellor Dumke explains. "The action role is not fitting.

"The social revolution in America today should be kept in its proper place—off-campus and in the social agencies in society," he adds.

Chancellor Dumke feels strongly that college campuses must not lend themselves to becoming political agencies. And he says that if they do, the academic operation will lose its integrity.

He opposes the so-called "Princeton plan," which would allow students two weeks' leave from their studies prior to the November elections to engage in partisan political activity.

"Even though the work of these two weeks would be made up," he says, "the very idea is paradoxical.

" 'FOLLY' CHARGED

"What we need more than anything else when we go to the polls is an educated citizenry. For the institution to underwrite political action as a substitute for academics—particularly when our younger generation now constitutes such a large and important part of our total population and an increasing part of our electorate—is the capstone of folly," he adds.

"Certain universities in Latin America have gone this route. And they are no longer valid institutions of higher education."

Chancellor Dumke's views on the impropriety of political activism on campus draw sharp fire from more "liberal" academic colleagues.

His critics say they are compatible with some of his recent administrative decisions overriding faculty authority.

MURRAY OUSTER DIVISIVE

The chancellor's firing of Black Panther George Murray as an instructor at strife-torn San Francisco State College last fall triggered sharp reaction on that campus. And his later dismissal of Prof. Eldred Rutherford at San Jose State College, contrary to a recommendation for reappointment by the school's faculty, further embittered many academic personnel toward him.

In his eight-year tenure as head of the state college system here, Dr. Dumke has been accused "by-passing traditional academic processes" and "selling out" to conservative California Gov. Ronald Reagan—a leading exponent of taking a "hard line" with student and faculty disrupters and malcontents.

A statewide faculty committee has periodically called for his resignation or firing. And several militant student groups have made the same call.

Dr. Dumke defends his intervention in local campus controversies in terms of the times. "Higher education could be governed in calmer days by consensus," he says. "But this system of wide-spread diffusion of responsibility is no longer workable.

PERSONAL DECISIONS DEFENDED

"Academic justice used to be leisurely and deliberate. Perhaps a disciplinary committee heard three cases a year. Today, with the advent of social action, they are often faced with 30 cases in one day.

"I can't wait for some slow process of academic justice," Dr. Dumke says. "In some cases, I must act swiftly."

Despite these stances, Dr. Dumke insists that he doesn't oppose student concern with public policy or even student use of "existing machinery" to make their opinions known.

"On the contrary, I favor student interest and concern. When properly exercised, it is certainly more appropriate than the apathy which afflicted our student generations of a decade ago," he says.

However, he insists that students, like lawyers, businessmen, and other workers, must not close down their shop for political purposes.

"We in education are responsible for an institution which is particularly unsuitable for partisan purposes," he says. "And we must not rob society of the only agency it has for an unbiased, objective, scholarly study of its problems and future."

THE POST OFFICE DEPARTMENT'S UNEQUAL TREATMENT OF PHOTOGRAPHERS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. MIKVA. Mr. Speaker, it has come to my attention that for years the Post Office Department has been following a policy that in effect, refuses to recognize the photographer, as compared to the painter, as a true artist. Since as early as 1856, the Post Office has used photographs as the basis for many commemorative stamps. Yet, it seems, little acknowledgment and no pay are given photographers whose pictures are transformed into "artist's renderings," while it is Post Office policy to byline and pay $1,000 to men who provide the finished product.

I am inserting an article, "Writer With a Camera," by Rus Arnold, a distinguished photographer in the Midwest which appeared in the November 1970 issue of Writer's Digest, explaining this unfair treatment of photographers. I recommend it as aptly describing patent unfairness.

The article follows:

WRITER WITH A CAMERA

(By Rus Arnold)

(Note.—Rus Arnold is a professional magazine and advertising photojournalist. He is the author of five books on photography; he writes a monthly feature in Travel and Camera and teaches visual communication.)

PHOTOS ON STAMPS

The first time a photograph was ever used as the basis of a United States postage stamp was way back in 1866—the 15-cent Lincoln. That was not the earliest photograph, though; the Post Office used an 1856-daguerrotype as the basis of the Thoreau stamp in 1967.

But lest you immediately concentrate your efforts on getting one of your photographs used on a stamp, take note that the Post Office offers the photographer neither of the two rewards for which we strive: fame or fortune . . . neither byline nor money. Here is an example of society's neglect of the photographer, compared to its respect for the practitioners of other graphic arts, the people designated as "artists" as distinct from "photographers".

Consider the two stamps mentioned. The Post Office made no effort to learn who produced the Lincoln photograph or the Thoreau daguerrotype. And the latter was not used as a photograph; it was given an "artist's rendering" by Leonard Baskin. That has been a standard practice with the Post Office. Joe Rosenthal's Iwo Jima flag-raising picture and NASA's photograph of the "moon landing" made during a dry run on earth were among the photographs the Post Office accepted for use as stamps only after an "artist's rendering" had been prepared.

You might say the processes involved in producing stamps require conversion of photographs to line drawings or the addition of color. Yet the most recent important photographic stamp, the Eisenhower 6c issue, was successfully reproduced from a photographic print.

To compound the Post Office's indifferent treatment of photographers, they have never, as far as I can determine, paid for the use of a photograph on a stamp. "Since the photos we use usually are in the public domain or are owned by publications,' a spokesman for the Division of Philately has written to me, "it is not policy to pay for them. We obtain permission and give credit in publicity."

That would be easier to take if the Post Office had the same attitude to "artists" as it has to "photographers". But in that same paragraph just quoted, I am told that "The present fee to artists is $1,000." I assume this refers to the man who converts the photograph to "art work" though it may also apply to original drawings.

Several well-known photographers have had their work used for stamps. The 1965 Churchill stamp was a Karsh portrait, the Herbert Hoover of the same year was by Fabian Bachrach Sr., and the 1967 Kennedy by Jacques Lowe. Philippe Halsman contributed to two stamps, the 1965 Adlai Stevenson and the 1966 Albert Einstein. If you think a photographer should be willing to let his photograph be used free on a stamp because of the prestige, consider Philippe Halsman, who has attained the ultimate mathematical accumulation in one of the most-sought-after prestige spots in photojournalism, the cover of *Life*. The January 23, 1970 Johnny Carson cover was Philippe's one hundredth. Greater prestige than his hath no photographer attained—yet he was paid for every one of those covers, in money, and at prevailing rates.

As further illustration of the Post Office's disregard for the photographers who created its pictures, it tends to give the "credit in publicity" that it substitutes for money, not to the photographer, but to the publication or news service. Thus the Post Office credits World Wide Photos for the 1966 Roosevelt stamp, *Life* for the 1967 George Marshall, the *New York Times* for the 1967 Eugene O'Neill and the 1967 Kennedy, the *Los Angeles Times* for the 1964 Kennedy, and the *New York Herald-Tribune* for the 1966 Savings Bond stamp. In only one case have I found credit given to both the photographer and his employer. The Eisenhower stamp is credited to Bernie Noble, photographer, and to the *Cleveland Press*, for which he made the picture, but which did not carry it.

Note that it is the Division of Philately that concerns itself with the pictorial aspect of postage stamps. For strictly functional purposes nothing more is needed on a stamp than the information provided by postage meters. But who enjoys receiving a letter with a dull, meter-imprinted stamp? The purpose of the art work is decorative. It forms the basis of stamp-collecting. And, frankly, it sells a lot of stamps. Commemorative stamps, particularly, are looked to by many governments as a profitable source of postal revenue. I would like to see more photographs, particularly color photographs, used for such purposes. But I would also like to see our Post Office recognize that the photographer, like the mail carrier and the mail sorter, is worthy of his hire.

HOUSE OF REPRESENTATIVES—*Monday, November 30, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Thou, Lord, art good, and ready to forgive; and plenteous in mercy unto all them that call upon Thee.—Psalms 86: 5.

O Thou whose love passes understanding, whose wisdom is beyond our highest thought, and whose power strengthens us for every noble endeavor, open our eyes that we may see the leading of Thy spirit across the years and in the present time may we trust Thy patient power and Thy gentle goodness to bring us out of the strife between men and out of the bitterness that blights the brotherhood of man. Confirm us in that greatness of spirit which will make us united in purpose, elevated in our sympathies, global in our outreach, and eager to minister to the needs of men.

In the work of this day may we be attentive to Thy voice and responsive to Thy call that we may walk the way of truth and love for the sake of our country and the peace of the world. In the spirit of Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Wednesday, November 25, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3540. An act for the relief of George K. Liu;

S. 3870. An act for the relief of Dr. Dionisio Teng Libi and Dr. Bernadette Libi;

S. 4029. An act for the relief of Soon Ae Kwak; and

S. 4536. An act to amend the Small Business Act.

TEMPORARY EXTENSION OF FEDERAL HOUSING ADMINISTRATION INSURANCE AUTHORITY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency be discharged from the further consideration of the joint resolution (H.J. Res. 1403) to provide an additional temporary extension of the Federal Housing Administration's insurance authority, and ask for immediate consideration of the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, I should like to ask the chairman of the Committee on Banking and Currency one or two questions.

The present authority expires when?

Mr. PATMAN. It expires tomorrow.

Mr. GERALD R. FORD. And this new authority would go until when?

Mr. PATMAN. Thirty days. One month.

Mr. GERALD R. FORD. Is it to December 31?

Mr. PATMAN. To January 1.

Mr. GERALD R. FORD. January 1. As the gentleman from Texas knows, I would have preferred and I think it would have been far more desirable to have the extension until March 1 or March 31. Under the current circumstances that is not possible as a practical matter because of the chairman's attitude. It is important to get an extension in view of these circumstances.

Mr. PATMAN. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Texas.

Mr. PATMAN. The gentleman discussed it with me, but our committee decided that we had better move in this direction of a 30-day extension, because the housing bill will be up the day after tomorrow, on Wednesday, and that involves this more permanent extension.

Mr. GERALD R. FORD. Will all of the programs for which an extension is sought at the present time be extended on a permanent basis in the proposed new housing legislation?

Mr. PATMAN. Yes.

Mr. GERALD R. FORD. For how long would the new extensions be in the overall comprehensive housing bill?

Mr. PATMAN. I do not recall the exact time, but it would vary by program from 2 to 4 years.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1403

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(a) of the National Housing Act is amended by striking out "December 1, 1970" in the first sentence and inserting in lieu thereof "January 1, 1971".

(b) Section 217 of such Act is amended by striking out "December 1, 1970" and inserting in lieu thereof "January 1, 1971".

(c) Section 221(f) of such Act is amended by striking out "December 1, 1970" in the fifth sentence and inserting in lieu thereof "January 1, 1971".

(d) Section 809(f) of such Act is amended by striking out "December 1, 1970" in the second sentence and inserting in lieu thereof "January 1, 1971".

(e) Section 810(k) of such Act is amended by striking out "December 1, 1970" in the second sentence and inserting in lieu thereof "January 1, 1971".

(f) Section 1002(a) of such Act is amended by striking out "December 1, 1970" in the second sentence and inserting in lieu thereof "January 1, 1971".

(g) Section 1101(a) of such Act is amended by striking out "December 1, 1970" in the second sentence and inserting in lieu thereof "January 1, 1971".

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RUSSIANS SEIZE DEFECTOR FROM COAST GUARD

(Mr. MONAGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, Sunday's newspaper carried the bloodcurdling story of the seizure by Russians aboard a U.S. Coast Guard ship in the ocean off Martha's Vineyard, Mass., of a Lithuanian seaman who was making what was called "a dramatic leap for political asylum." The conduct of the American representatives on the scene at that time and those who were consulted in Washington leads one to inquire whether we have in fact abandoned our policy of granting political asylum and whether we have chosen in this instance not to follow the Geneva Convention protocol relating to a situation of this type. This seaman was forcibly returned to his Russian fishing vessel by Soviet crewmen who had boarded the American ship, after permission had been given by the Coast Guard captain for the seaman's removal from the American vessel. The unfortunate man was severely beaten by the Russians while the American seamen looked on. The excuse given by the U.S. officer in charge for this inaction was that he was carrying out his orders.

I do not know what all the facts are on this case. I do not know whether it was the State Department or the Department of Transportation that was responsible for this brutal order, but certainly this is a matter of the utmost importance. It is a matter which concerns our whole tradition of granting political asylum. We must know what the law is, whether we in fact refused asylum and who made the decision to permit the forcible return to the Soviet vessel of this man seeking freedom from tyranny. I will certainly follow this up myself with the departments concerned and I hope that all Members of the House will take a similar interest in clearing up this very important matter and avoiding the setting of a tragic precedent.

SUPPORT FOR EFFORTS TO RESCUE AMERICAN PRISONERS OF WAR INCARCERATED IN NORTH VIETNAM

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, those of us who were here on Wednesday will recall that there was some difficulty in getting an opportunity to speak either from this well or out of order and to bring to the attention of the House certain important matters. I had sought at that time, and tried to get it in at least by indirection, to make an announcement to the Members of the House that I was sure many Members of this body did not share the sentiments of some of the more vocal Members of the other body as far as the desirability of trying to make an effort to rescue our prisoners of war in North Vietnam is concerned.

I introduced legislation on Wednesday, along with the gentleman from Illinois (Mr. FINDLEY), House Resolution 1282, expressing the sense of this House that we approve the effort to try to rescue those prisoners of war.

I feel sure that many Members of this House will want to support this legislation and join in introducing identical bills. It has been referred to the Committee on Armed Services. The chairman of that committee, the distinguished gentleman from South Carolina (Mr. RIVERS), has indicated his intention of getting it reported out as quickly as possible. I hope that we can pass this resolution with the same kind of enthusiastic response we had with a similar type of resolution last year, the resolution on peace and freedom, which passed overwhelmingly.

Mr. Speaker, I think the people of the United States should know that the Senate of the United States does not express the complete will of Congress.

MEMORIAL FUNDS FOR MARSHALL AND WICHITA STATE UNIVERSITIES

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, the pall of sadness hangs heavily over my hometown of Huntington, W. Va. Marshall University has not recovered, and I doubt will ever recover, from the unspeakable night of horror on the 14th of November when 75 Marshall University football players, coaches, athletic staff members, and fans lost their lives in that tragic air crash at Huntington, preceded a little more than a month before that by the crash on the 2d of October which killed 31 Wichita State University football players.

Mr. Speaker, over the weekend the "Night of Stars" was telecast over 200 stations throughout the Nation for the benefit of the families of those lost in these tragedies.

The Marshall disaster left 21 widows, 61 children, including 29 orphans who lost both parents in the crash. Receipts from Saturday's telecast will be divided equally between Wichita State and Marshall Universities. Contributions may be made to memorial funds at either of these institutions.

Mr. Speaker, I appeal to my colleagues, as the Christmas season approaches, to contribute generously to either the Marshall University Memorial Fund at Huntington, W. Va., or to the Wichita State University Memorial Fund at Wichita, Kans., for the benefit of the families of these unfortunate people who were lost in the crash.

As one who had the privilege to teach at Marshall University, and knew so many of these fine young people and community leaders, I hope that everything possible will be done to enable their grieving families to carry on—and in particular for the younger orphaned children to gain the benefit of a good education.

HOMER JONES, FORMER MEMBER OF CONGRESS FROM WASHINGTON STATE, PASSES

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his reremarks.)

Mr. PELLY. Mr. Speaker, I take this time to inform the Members of the House of the death of Homer Jones, a Member of the 80th Congress from the State of Washington. He passed away on November 26 in Bremerton, Wash.

The late Homer Jones was indeed a fine public servant and, even though I did not have the pleasure of serving with him in the House of Representatives, his long years of dedication to public service are well known and admired by me. Beginning with his election in 1919 to the City Council of Charleston, Wash., he rendered public service to local, State, and Federal governments until a very few years ago. He also served in the U.S. Navy during World Wars I and II.

Mr. Speaker, my wife and I extend our sincere sympathy to his family.

RUSSIAN DEFECTOR REFUSED ASYLUM ON ONE OF OUR COAST GUARD VESSELS

(Mr. KEITH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. KEITH. Mr. Speaker, the recent incident of a Soviet sailor being refused asylum on a U.S. Coast Guard cutter off Martha's Vineyard has drawn widespread national and international attention.

While the exact sequence of events is still unclear, it is agreed by all concerned that the Soviet ship *Sovetskaya Litva* was tied up to the Coast Guard cutter *Vigilant* last Monday, for an unofficial meeting to discuss coordinating fishing efforts to provide conservation of yellow tail flounder in the North Atlantic region.

At the scheduled end of these discussions, as the ships prepared to separate, a Soviet crewmember leaped from his own ship onto the *Vigilant* and asked for asylum.

After prolonged consultations with the Coast Guard district headquarters in Boston, and with the Soviet ship's captain, the Coast Guard finally allowed several Soviet seamen to board the *Vigilant* and forcibly return the defector to his ship.

As I understand them, these are the facts.

Many questions remain unanswered, however. What advice was asked of the State Department, and what was given, and when? On whose authority were the Soviets allowed to board a U.S. vessel in U.S. waters and forcibly remove the sailor seeking asylum?

Why was there no regulation for the Coast Guard captain to follow when this situation arose? This is not the first time that Soviet and American vessels have been together—and I hope it will not be the last.

Yet, neither the Coast Guard officer in charge at the scene, nor anywhere else, seems to have had any clear and timely idea about what to do.

Because of a lack of preparedness, in coordination and in communications between the Coast Guard and the State Department, the life of a Soviet sailor seeking freedom hung in limbo for nearly 8 hours before he was brutally recovered by his countrymen.

The Coast Guard officers on the *Vigilant* did what they were required to do—they asked higher authority for orders, and followed them. It is inexcusable, in my view, for them to be blamed for shortcomings of others.

I intend, therefore, to request an official investigation of this incident by the Subcommittees on Coast Guard and Fish and Wildlife Conservation, so that both the Congress and the country can hear just what our practices have been and what our policies are in this regard. Both the State Department and the Coast Guard should explain more fully their role in this incident.

It probably is too late now to help or hurt this one sailor who sought asylum; but we can and must insure that this sort of thing is never repeated.

UNFAIR ATTACK UPON VERACITY OF SECRETARY OF DEFENSE

(Mr. RHODES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, on yesterday a prominent Member of the other body took the occasion while being on national television to engage in what I would call a gratuitous and very unfair attack upon the veracity of the Secretary of Defense. The occasion was on the program known as "Face the Nation" and the individual involved was the chairman of the Senate Committee on Foreign Affairs, and the Senator made the remark that all people who are in the Department of Defense find it necessary to lie every now and then. He quoted a former Assistant Secretary of Defense to this effect: That "sometimes you lie to protect your own position," and he very cleverly attributed this type of action to the present Secretary of Defense.

Mr. Speaker, he gave no indication whatsoever, he gave no instance in which the Secretary of Defense who now serves, was anything but truthful. He gave no indication of what he meant, and I call upon him at this time that if he knows of any time that the Secretary of Defense has not told the truth in reply to a question which he was asked, he should bring it forth. Certainly, an accusation like this, which is gratuitous and without any support whatsoever, should not be made. This is no credit to this Nation or to any official thereof to have such an accusation made and to stand.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, I happened to see and hear that program and to say the least, I was disappointed in what I heard and saw.

Mr. Speaker, I join with the gentleman from Arizona in making the same request.

PROVIDING FOR CONSIDERATION OF H.R. 16443, AMENDING THE FEDERAL PROPERTY AND ADMINISTRATION SERVICES ACT OF 1949

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1254 and ask for its immediate consideration.

CALL OF THE HOUSE

Mr. TEAGUE of California. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 370]

Abbitt	Cowger	Griffin
Abernethy	Cramer	Gude
Adair	Daddario	Halpern
Addabbo	de la Garza	Hanna
Alexander	Delaney	Harrington
Annunzio	Denney	Hastings
Ashbrook	Dennis	Hawkins
Ashley	Dent	Hébert
Aspinall	Dickinson	Helstoski
Barrett	Diggs	Hull
Belcher	Donohue	Jarman
Berry	Dowdy	Johnson, Pa.
Biaggi	Dulski	Jones, Tenn.
Blackburn	Dwyer	Kazen
Blatnik	Edmondson	King
Bolling	Edwards, Ala.	Kluczynski
Brasco	Esch	Landrum
Bray	Eshleman	Langen
Brock	Fallon	Long, La.
Broyhill, Va.	Farbstein	Lowenstein
Burton, Calif.	Fascell	Lujan
Button	Fish	Lukens
Cabell	Flood	McCarthy
Carey	Flynt	McKneally
Carney	Foreman	McMillan
Casey	Forsythe	Macdonald, Mass.
Celler	Frelinghuysen	Madden
Chisholm	Fulton, Tenn.	Mailliard
Clancy	Gallagher	Michel
Clausen, Don H.	Gettys	Moorhead
Clay	Giaimo	Morton
Cleveland	Gilbert	Murphy, N.Y.
Collins, Tex.	Goldwater	Nedzi
Corbett	Gray	O'Hara
	Green, Oreg.	
O'Konski	Rosenthal	Symington
Olsen	Rostenkowski	Tunney
Ottinger	Roth	Vander Jagt
Passman	Rousselot	Waldie
Patman	Roybal	Watson
Philbin	Ruppe	Weicker
Pirnie	St Germain	Whalley
Podell	Sandman	Whitten
Pollock	Saylor	Widnall
Powell	Scherle	Wiggins
Preyer, N.C.	Scheuer	Wilson, Bob
Price, Tex.	Sebelius	Wold
Purcell	Shipley	Wright
Quie	Shriver	Wyatt
Quillen	Sikes	Wydler
Rees	Smith, Iowa	Wyman
Reid, N.Y.	Snyder	Zion
Reifel	Stanton	
Reuss	Stephens	

The SPEAKER. On this rollcall 275 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the case were dispensed with.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE A REPORT ON H.R. 19576

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight to file a report on the bill H.R. 19576, to establish the National Advisory Committee on the Oceans and Atmosphere.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 16443, AMENDING THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

The SPEAKER. The Clerk will read the resolution.

The Clerk read the resolution as follows:

H. RES. 1245

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16443) to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 1245 provides an open rule with 1 hour of general debate for consideration of H.R. 16443 to amend the Federal Property and Administrative Services Act of 1949.

The purpose of H.R. 16443 is to assure the selection of the highest qualified architects and engineers to design and offer consultant services in carrying out the Federal Government's multibillion-dollar construction and related programs. It would establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

The bill simply reconfirms the traditional method of securing services of architects and engineers for the Federal Government. It is necessary that we get the best quality of services available. One would be selected who, it is believed, would do the best job. Then a contract would be negotiated with him on a fair cost basis. If it is believed his cost is not fair, a contract would be negotiated with the next architect or engineer until a fair cost basis is reached.

The legislation has the strong support of the Administrator of the General Services Administration and is in keeping with the selection system departments and agencies having construction and engineering responsibilities have established as being most consistent with the public's interest.

Mr. Speaker, I urge the adoption of House Resolution 1245 in order that the bill may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the distinguished gentleman from Texas (Mr. YOUNG) in his remarks has adequately and appropriately explained the rule, House Resolution 1245, providing for the consideration of the bill, H.R. 16443, and I associate myself with his remarks.

Mr. Speaker, the purpose of this particular bill is to place into statutory language the existing governmental procedures of selected architects and engineers to design the Government's construction programs.

Under this system architects and engineers compete on their abilities. The procuring Federal agency rates the architects and engineers in order of their qualifications to perform the proposed project. Negotiations are then begun with the most qualified firm and a contract covering the cost of performance plus the anticipated profit is agreed on. If the most qualified firm is unwilling to perform the services at a contract price deemed fair by the contracting Federal agency, the negotiations are ended and the firm deemed next best qualified is approached.

Mr. Speaker, I urge the adoption of the resolution and reserve the balance of my time.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 18884, MARKET PROMOTION AND IMPORT RESTRICTIONS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1246 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H RES. 1246

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18884) to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes, and all points of order against the provisions contained on page 20, line 23, through page 21, line 2, of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1246 provides an open rule with 1 hour of general debate for consideration of H.R. 18884 to amend the Agricultural Marketing Agreement Act of 1937, as amended. Because of the transfer of funds, all points of order are waived against provisions contained on page 20, line 23, through page 21, line 2, of the bill, and the bill is to be read for amendment by titles instead of by sections.

The purpose of H.R. 18884 is to facilitate marketing of commodities regulated by Federal marketing orders. To achieve this goal, domestically produced commodities, including milk, would be promoted and import restrictions would be extended.

By a two-thirds vote of the producers, all Federal marketing orders could be amended to authorize assessments for promotional purposes, including paid advertising. Additionally, a nationwide potato promotion program would be authorized.

Olives, raisins, and prunes would be accorded protection against competition by imported commodities unless the foreign-produced items meet the same grade, size, quality, and maturity standards as are imposed upon the domestically grown produce.

Mr. Speaker, I urge the adoption of House Resolution 1246 in order that H.R. 18884 may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Why protect section 32 funds?

Mr. SISK. I beg the gentleman's pardon?

Mr. GROSS. Why protect section 32 funds?

Mr. SISK. It has to do with transfers of section 32 funds. I am sure my colleague is aware that, in connection with marketing orders, from time to time they do deal with section 32 funds with regard to transfer. That, of course, is language found near the bottom of page 21. It is a transfer of funds within the Department.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, in addition to the remarks of the distinguished gentleman from California (Mr. SISK) I should like to point out that House Resolution 1246 provides for 1 hour of debate, the time to be equally divided, and then the bill will be read by titles instead of by sections.

Mr. Speaker, I recall that last year we had before the House H.R. 2777, which has to do with title III. I supported the bill. However, it was defeated, and I think I lost about 10 points with some of the conservative rating organizations when I did that. I have the impression, talking to some Members around here, that there may be a bit of argument against this bill, so I would suggest that we hear the debate. I urge adoption of the rule, and reserve the balance of my time.

Mr. SISK. Mr. Speaker, I have no further requests for time.

I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CORRECTING CERTAIN PRINTING AND CLERICAL ERRORS IN THE LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1411) correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I correctly understand that the corrections are purely technical in nature and would in no way change

the substantive provisions of the legislation?

Mr. SISK. That is my understanding, I say to my colleague and friend from Iowa. I have before me a list of the corrections. I am sorry it has not been furnished to the gentleman. The joint resolution would correct certain words in connection with capitalization and would make similar clerical corrections in connection with grammar. There are actually five minor errors involved. I would be glad to go over those, if the gentleman would like me to do so. But the joint resolution would not change anything in substance. That is my understanding.

Mr. GROSS. I have just been handed a copy of proposed amendments. As far as I can see, there is nothing wrong with the proposals the gentleman makes.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. SMITH of California. Mr. Speaker, further reserving the right to object, I think it would be well if the gentleman would place in the RECORD at this point a list of the five technical errors so that the RECORD will clearly show them. This has been a rather long and involved program. I would be happy to submit the list or the gentleman can do so.

The word "Clerk" has to be capitalized. It was not capitalized in the legislation that was passed.

Then the word "prescribe" is used in one instance. It should be the word "preside." That is one of the proposed changes.

Reference to "rule XV" shows the word "rule" is not capitalized. The word "rule" in front of the Roman numeral XV should be capitalized.

In section 302(b) the word "majority" is spelled incorrectely "m-a-j-o-r-i-y." The "t" is left out. So it is proposed to correct the spelling of that word.

Then there is a clerical error in section 302(e). The reference to subsection "(a)" is a clerical error which should be corrected to read subsection "(b)".

I think it is well to have the corrections appear in the RECORD, Mr. Speaker, and I withdraw my reservation and urge adoption of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES 1411

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following amendments are made to correct certain printing and clerical errors in the Legislative Reorganization Act of 1970 (Public Law 91-510):

(1) The item relating to section 472 in the table of contents of the Legislative Reorganization Act of 1970 (84 Stat. 1142) is amended by striking out "Clerk" and inserting in lieu thereof "clerk".

(2) The last sentence of section 133(a) of the Legislative Reorganization Act of 1946, as amended by section 102(a) of the Legislative Reorganization Act of 1970 (84 Stat. 1144), is amended by striking out "prescribe" and inserting in lieu thereof "preside".

(3) Section 128 of the Legislative Reorganization Act of 1970 (84 Stat. 1160) is amended by striking out "rule" and inserting in lieu thereof "Rule".

(4) The third sentence of subparagraph (2) of paragraph (a) of clause 29 of Rule XI of the Rules of the House of Representatives, as amended by section 302(b) of the Legislative Reorganization Act of 1970 (84 Stat. 1177), is amended by striking out "majority" and inserting in lieu thereof "majority".

(5) Section 302(e) of the Legislative Reorganization Act of 1970 (84 Stat. 1179) is amended by striking out "(a)" and inserting in lieu thereof "(b)".

Mr. SISK. Mr. Speaker, the following printing and clerical errors have occurred in the last stages of the enactment of the Legislative Reorganization Act of 1970—Public Law 91-510:

First. In the section heading of section 472 in the table of contents the word "Clerk" is wrongly capitalized. The word should be in lower case and read "clerk" since it pertains to clerk hire allowances and not to the Clerk of the House.

Second. In the language pertaining to the calling of Senate standing committee meetings in section 102(a) the word "prescribe" should read "preside." The language should state that the ranking majority Member shall "preside"—not "prescribe"—at committee meetings.

Third. In section 128 reference is wrongly made to "rule" XV—rather than "Rule" XV—of the House Rules. The word "rule" should be capitalized since it refers to a specific House rule.

Fourth. In section 302(b), which amended the committee staffing provisions of clause 29 of House Rule XI, the word "majority" is misprinted as "majoriy." This misprint should be corrected.

Fifth. In section 302(e) the reference to subsection "(a)" is a clerical error which should be corrected to read subsection "(b)". Because section 302(e) is a saving provision pertaining to House committee staff appointments, this correction should be made to remove questions as to the application and scope of this saving provision.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. BROOKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16443) to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16443, with Mr. BURKE of Massachusetts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. BROOKS) will be recognized for 30 minutes, and the gentleman from Alabama (Mr. BUCHANAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill is to assure the selection of the highest qualified architects and engineers to design and offer consultant services in carrying out the Federal Government's multibillion-dollar construction and related programs.

H.R. 16443 casts in statutory form the selection procedure universally applied in the procurement of these professional services. It is the system Federal departments and agencies have used for more than 30 years.

Under this system, architects and engineers compete on the basis of their respective capabilities, qualifications, and experience as they relate to the proposed project. The procuring agency ranks the architects and engineers in order of their qualifications to perform the proposed project.

After this selection is completed, negotiations are entered into with the firm deemed to be the most qualified, and a contract is let if a fee that is fair and reasonable to the Government can be agreed upon—the fee comprising the architect's or engineer's cost of performing the services, plus his anticipated profit.

Should the most qualified architect or engineer be unwilling to perform the prospective services at a fair and reasonable fee, negotiations are broken off and the agency must then negotiate with the next ranking firm, and so on, until a contract with the most qualified firm that will also perform the work at a fee fair and reasonable to the Government is entered into.

This approach optimizes the possibility of the Federal Government's acquiring the highest qualified services that will be translated into the most efficient buildings and other facilities costing less to construct and maintain. This approach also allows the Government the benefit of fair and reasonable fees for these professional services.

Negotiations are conducted on the basis of a detailed analysis of the firm's cost to perform the required services. The architect or engineer considered to be the most qualified knows that failure to agree on a fair and reasonable fee will deprive him of the opportunity to obtain the contract.

This approach also avoids the pitfall of bidding or of routine competitive cost negotiation with the amount of the proposed fee a direct factor in the selection

of the firm to perform the work. As in the case of all professional services, there is no predeterminable standard at the time of contract to describe or control the level of effort the architect or engineer will devote to the project in return for the fee he is to obtain.

If fee is injected directly into the selection process, either through direct bidding or routine competitive negotiation, less competent members of these professions, or those willing to provide lower quality services are given an advantage in obtaining the contract. They can offer to perform the work at a lower fee, thereby obtaining a competitive advantage, and then, having won the contract, give a lower quality performance, or exert a lower level of effort in order to protect their profit margin.

The Government's interests lie in optimizing the quality of these services. The cost of the designs, plans, and specifications, for example, furnished the Government in the construction of a building or a facility, amounts to but a small percentage of the overall cost of the building or facility to be constructed. The plans and specifications obtained from the architect or engineer must be "cast in concrete" at a considerable additional expenditure in tax funds.

Failure, for any reason, to provide the highest quality plans and specifications and related work can be directly translated into higher construction costs, functionally inferior structures, and maintenance problems that could plague the Government throughout the decades the building or structure is in use.

This bill has the strong support of the Administrator of General Services and is in keeping with the selection system departments and agencies having construction and engineering responsibilities established as being most consistent with the public's interest.

The bill responds to a recommendation of the Comptroller General of the United States of April 20, 1967, that Congress clarify, by legislation, whether this traditional selection system is authorized under appropriate Federal procurement statutes.

The bill also accepts the substantive recommendations of the Comptroller General that Congress as a matter of policy emphasize the need for the broadest competition in the award of architectural and engineering contracts, and that negotiation of these contracts be on a cost basis rather than conducted in terms of a percentage of the estimated cost of the facility under the 6 percent limitation.

The committee does not accept the recommendation of the Comptroller General that the selection of architects and engineers follow routine competitive negotiation procedures under which the amount of fee to be paid the architect or engineer is considered as a factor in the selection process. Nor does the committee accept the related recommendation contained in the Comptroller General's report of April 1967 that the 6-percent statutory limitation on architect and engineer fees be repealed.

The committee concluded that the 6-percent limitation on architect and engineering fees which has been in effect for some 30 years constitutes a meaningful protection of the taxpayers from ill-advised action on the part of Federal procurement officials.

The committee further concluded that Congress intended that only those services relating to the submission of drawings and specifications should come within the 6-percent limitation. To assume otherwise would be to levy several very serious drafting errors against the House Armed Services Committee relating to the Armed Services Procurement Act of 1947. A study of this act and related statutes does not support the Comptroller General's position. This and related statutes are susceptible to a reasonable interpretation in keeping with the traditional application of these statutes by the executive agencies.

More importantly, if all possible services architects and engineers might perform for the Government were to be included within the 6-percent limitation, it would be necessary to raise the limitation to such a point as to make it ineffective in controlling the principal services members of these professions perform for the Government. If all architectural and engineering services were to be included within this limitation, then the limitation would have to be raised at least to 10 percent and possibly 12 percent, which would not be in the interest of the taxpayers.

Although these statutory fee limitations do not become directly involved in the procurement and negotiation procedure, they do constitute an effective restraint on fee negotiations in keeping with the best interests of the Government.

AMENDMENTS

The committee will recommend one amendment to H.R. 16443.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Chairman, the gentleman has set forth protective provisions, as I understand it, that will protect the Government and will protect the taxpayer so that this is not just a simple procedure of negotiation and selection of a particular contractor.

Mr. BROOKS. That is correct.

Mr. MONAGAN. I want to state that I support this legislation.

Mr. BROOKS. I thank the gentleman for his support and his contribution to its culmination in the committee.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my distinguished friend from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

What is a ranking architect or a ranking engineer? The gentleman used that expression in his remarks a moment ago. Who ranks the architects and the engineers?

Mr. BROOKS. In the instance of the GSA, when they are letting a contract, they send out the specifications to all architects and engineers they feel might be interested. At that point GSA or the letting agency within the Government—and this has been done for 30 years—selects the three they feel on the basis of prior experience, competence, staff, and so forth, would be most competent to do the particular job.

They then invite the ranking one, the top of those three, the best of those three, to negotiate on the basis of cost, on the basis of the total cost of the building, as to what should be the percentage of the architectural fee, or what the engineering cost should be.

The current limitation is 6 percent of the estimated cost of the proposed facility to be designed. Very often they are able to get an architect-engineer fee of 4 percent, if it is a large building. Sometimes they might have to go to 4½ or 5 percent, if it is a smaller structure.

That is what I meant by the ranking architect-engineer. That is the procedure by which we identify those that are most qualified to perform the particular job.

Mr. GROSS. So it is the General Services Administration that does the ranking?

Mr. BROOKS. Not only them. There are other agencies which build buildings. The Post Office Department and others do so on occasion.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BROOKS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I am delighted to yield to my friend the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. I wish to say, as one who before he came to the Congress, developed several large-scale publicly assisted projects in my view the interests of the American taxpayers will be very well served under the kinds of arrangements the gentleman describes. Architectural firms will be able to compete with each other not only on architectural planning excellence but also their past record and professionalism in estimating prices accurately, and planning economical projects.

Perhaps through this method of enabling the Government to negotiate for professional competence and cost controls as well as the esthetic merits of architectural planning we will be able to avoid some of the disasters we have had on Capitol Hill through the absence of this open-ended ability to seek out the best in the architectural, engineering, and planning professions.

The Rayburn Building, with which we are all familiar, was a disaster both from the point of view of the technical and planning esthetics and from the point of view of tough, hard-nosed cost controls.

The cost overages on the Rayburn Building and garage were an absolute disgrace to this Congress and impugn our professional competence as well as almost everybody's sense of esthetics.

Speaking as one who is concerned about the taxpayer, concerned about Government economy, I cannot think of a better way of assuring economy in design and construction than the tough, hard-nosed ability to live within specific

cost limits as established as a competitive factor among others, in this bill.

I heartily commend the gentleman from Texas for his leadership.

Mr. BROOKS. I thank the gentleman very much.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BROOKS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my distinguished friend and colleague from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. I thank the gentleman.

Did I correctly understand the distinguished gentleman from Texas to say that this is in response to the Comptroller General's recommendation?

Mr. BROOKS. No. This is in response to a request by the Comptroller General that this matter be clarified by statute in that he differed from the traditional procedure for architect and engineer selection and wanted a clarification in the law as to legality of this procedure. Beginning in April, 1967 we tried to resolve it with him without legislation, but he insists that he does not feel it is proper unless we do have legislation. Now I hope we can get legislation and resolve this matter.

Mr. ECKHARDT. Do I understand correctly this is about the posture of the matter: The Comptroller General has said that the practice of considering persons in order of their listing as consulting architects and engineers and the rejection of each if their fees are too high is, in his view, not in accordance with existing law. Therefore he suggests some change in the law to provide a lawful means of accomplishing the objective. That is No. 1.

No. 2, as I understand it, he recommended that consideration be permissible to treat qualifications along with the question of fees and that all of these factors be lumped together and considered. That would be somewhat of a change from present practice.

Do I understand that correctly?

Mr. BROOKS. As I understand you, I believe these are some of the things he discussed.

Mr. ECKHARDT. I cannot see how you can divorce the question of fees from the question of who should be employed to do Government service.

Mr. BROOKS. To reply to my good friend's question, this procedure does provide a very careful analysis of the fees. If the architect or engineer selected does not meet the requirements of the agency as to what they think is reasonable or fair, they do not give him the contract.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my good friend from Louisiana.

Mr. WAGGONNER. I thank the gentleman for yielding.

The gentleman and his committee have done yeoman work in preparation for this legislation. I would like to say that I am in full accord with the purposes of the legislation.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BROOKS. Mr. Chairman, I yield myself 3 additional minutes.

Mr. WAGGONNER. Will the gentleman yield further?

Mr. BROOKS. I yield to the gentleman.

Mr. WAGGONNER. The bill, however, is silent in one particular area. I would like to make a little legislative history here in order that we might clarify what I think is the intent of the committee.

The bill is silent about the criteria with respect to giving first consideration, as has been the policy through the years, to so-called local area architects and engineers when projects are located locally. Is it the intention of the committee that when criteria are drawn by the General Services Administration and any other agency heads that consideration will be given to the necessity for giving first consideration to these people who are closer to the scene and who have a better understanding of the local problems?

Mr. BROOKS. That is a good question, and I am glad you brought it up.

I would say in reply to the question of my friend from Louisiana the agencies have always, I believe, tried to consider the best available architects and engineers in an area where they are building the project, if they meet the qualifications and experience. I think in the past they have tried to acquire the services of local architects and engineering firms. I hope they will continue that policy, because certainly we would not want to have them get engineers from one coast to work on the other. This is a wise approach that saves more and results in higher quality plans and specifications as local architects and engineers are more knowledgeable of local conditions.

Mr. WAGGONNER. Will the gentleman yield further?

Mr. BROOKS. Yes.

Mr. WAGGONNER. Can we be a little more specific? You are the author of this legislation and you are to be commended for it. Is it not your intention or the intention of the committee that this practice be the practice where qualified architects and engineers are available?

Mr. BROOKS. Yes. I think it is proper.

Mr. WAGGONNER. Would you be more specific as to the intention of the committee. Is it the intent of the committee that this consideration be given where qualified people are available?

Mr. BROOKS. My friend, the committee did not discuss this particular problem of using local engineers or architects. The test is to be on the basis of quality and competence and not where they live except as in the case of the traditional procedures local professionals have a better knowledge of local soil and other conditions that give them an advantage in design work in their own area.

But I think the past record reflects—and I was one who urged that they continue to do this and it is my intent that they continue to take cognizance of the local people, but if the people in Beaumont, Tex., are not competent to do the job, I certainly do not want them to get it, and I do not care if it is next door whether it be in Beaumont, Tex. or Shreveport, La.

Mr. WAGGONNER. It is true that we are neighbors and I thank the gentleman for yielding. I think the gentleman has clarified the intent.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Iowa.

Mr. GROSS. Someone—I believe the gentleman from Texas (Mr. ECKHARDT)—raised a question, or the question was pointed out that the General Accounting Office asked for clarifying legislation; is that correct?

Mr. BROOKS. This was my impression of their letter of 1967 and in actions since that time.

Mr. GROSS. But only this year, in July, the Comptroller General asked that action on this bill be deferred.

Mr. BROOKS. Well, I do not think he liked the action he was getting. He did not agree with how he thought we ought to clarify the statute for him. He thought it ought to be clarified in the manner in which he wanted it done. After the most careful study of the problem we could not agree with him.

Mr. GROSS. The fact remains that the General Accounting Office which prompted the need for some legislation in this field does not support it.

Mr. BROOKS. I do not believe they would support any legislation contrary to their views.

Mr. BUCHANAN. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. Mr. Chairman and colleagues who have not had an opportunity to look at the report, I would call your attention to the views expressed by myself in the report and ask that you consider very briefly what we do here today. I do it as much for the purpose of making a legislative record as anything else, because I think it is important, I do it with the idea of persuading the House as I have little illusion that this will be of sufficient moment to most of the Members to cause them concern. However, I would simply point out that what we are undertaking to do in this bill is to legalize a rather narrow segment of cost concerning the GAO when they examined the procedure for acquiring the services of architects and engineers.

Those of us who were at the hearings on this particular matter I think were impressed at the vigorous objection of the architects and engineers to the concept of competition within their profession.

I would submit to you that that was a form of sophistry, because the competition within the profession of architects and engineers is just as genuine as the competition within your own profession here as legislators in which you compete for a seat in the House of Representatives.

In fact, I would suggest that the architects themselves have recognized the necessity to compete by the fact—and this is their language:

Competition, the A.I.A. has always maintained, is one of the best ways to get the best design in areas of public concern.

It has been mentioned that if we get into this competitive process we will somehow sacrifice quality for price. I would submit to you that the GAO recommendation involves both concept and cost and in fact there is a stipulation that cost not be the only criterion.

Mr. Chairman, we are not establishing any precedent because we use the competitive negotiation approach in such things as management and consultant services, in the development of the sophisticated weaponry for which we are responsible. All of these things are the result of competitive negotiations and have had varying degrees of success. There has been no wholesale deterioration of quality.

Mr. Chairman, I would simply say that I would urge you at least to know that what you are doing is sanctifying a practice that has been declared at least of questionable legality. In my view—and it is a very personal view not shared I understand by the American Institute of Architects or the National Engineering Society, both of whom feel that this would do horrendous harm to them—but in my view you would foreclose the young firm or young architect or engineer from being permitted to become involved in Government work.

So I would hope and I would ask that the Members would vote "no" on this bill so that we could then resubmit a bill that would embrace the concept of the GAO in which we would involve competitive negotiation as regards both concept and price.

Mr. Chairman, I yield back the balance of my time.

Mr. BUCHANAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the bill, and I wish to associate myself with the remarks made by the chairman of the subcommittee earlier.

In this legislation we seek simply to make clearly possible the continuation of the basic system that has been in operation in the Federal Establishment for some 30 years, and is the traditional system on the part of State and local governments as well. It does contain elements of cost control, but it also puts an emphasis on quality of services that I think is needed. When we are dealing with architecture or engineering in the construction of a building or facility, we are dealing with a very small part of the total cost of such construction, and yet a part that is basic to the quality of the entire construction of a building or facility.

To change to a system which might be one in which we would seek bargain-basement prices would be as unwise as would be the case if we were talking about the services of an attorney or a physician. It seems to me, Mr. Chairman, that this is a time tested procedure; one that has demonstrated its worth, and one which contains several elements of cost control to make it feasible from that point of view without sacrificing or endangering the sacrifice of quality in architectural and engineering services.

So, Mr. Chairman, I would join with the chairman of the subcommittee, the gentleman from Texas (Mr. BROOKS) in urging the approval of the committee and the House of Representatives on this legislation.

Mr. Chairman, I reserved the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. CLARK).

Mr. CLARK. Mr. Chairman, I want to congratulate the chairman of the subcommittee, the gentleman from Texas (Mr. BROOKS) for bringing this very important legislation to the floor of the House today.

Mr. Chairman, I am certain that we all recognize and fully appreciate the valuable contribution architects and engineers have made to the development of this great country. Architects and engineers stand ready to serve the various agencies of our Federal Government, and H.R. 16443 will insure that these agencies will be able to obtain the services of the most qualified and competent architects and engineers to meet the complex needs of our Government.

There are several important facts regarding this legislature that I think should be made perfectly clear, and these are—

First. H.R. 16443 will put into legislative language the procedure of obtaining architect/engineer—A/E—services which has worked successfully for more than 30 years;

Second, the present method of A/E procurement is essential to the maintenance of quality in performance of quality in performance of services. If firms are selected on the basis of fee, we can almost certainly expect to see a reduction in the quality of A/E work;

Third, contractors can bid on projects because they have detailed plans and specifications which tell them what materials they will need and how much. A/E's have no such detail upon which to base a fee estimate. This can only come through negotiation;

Fourth, once an A/E firm has been selected as most qualified, it must still reach agreement on a fee that is equitable and reasonable to the Government. If it cannot, the second most qualified firm is called in; and

Fifth, architecture and engineering are professional services similar to medicine and law. A patient does not go to five or 10 different doctors asking for fee quotations on removal of a tumor. He goes to the best man available for that type of service.

Mr. Chairman, it is for these reasons that I urge my colleagues to support H.R. 16443.

Mr. BROOKS. Mr. Chairman, I yield 10 minutes to the very able and distinguished chairman of the Committee on Government Operations, the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I am opposed to H.R. 16443, relating to the procurement of architect-engineer services, for these very simple and sound reasons:

First. It works against the competitive principle in procurement of technical services generally. Therefore, it sets a bad statutory precedent;

Second. The Comptroller General opposes this legislation on similar grounds, after extensive study of the whole subject;

Third. Alternatives can be devised which recognize the competitive principle without infringing on professional standards or canons of conduct. In fact, a pilot program was instituted by the Department of Defense for competitive procurement of architect-engineer services.

Fourth. The proposed legislation is partial in its coverage, which only serves to complicate even more the present patchwork procurement laws.

Fifth. The Commission on Government Procurement, created by the Congress, has this matter under consideration, and the Congress should have the benefit of its considered judgment and study. There is no reason to rush this bill into law, particularly since the elections are over.

It is not my intent to make a long argument for a lost cause. This is one of those technical, complicated subjects which most Members will not take the time to examine in detail. This is one of the reasons why we have such a hodgepodge of procurement measures today, and why we created a Commission on Government Procurement. As Vice Chairman of the Commission I could not, in good conscience, endorse a half-baked procurement bill.

In saying that the bill lacks uniform coverage on a Government-wide basis, I am aware that since the bill was reported from our committee, the military construction authorization bill for fiscal year 1971 included some brief language exempting architect-engineer services on defense projects from competition unless specifically authorized by the Congress.

In a most unusual addendum to the conference report on the military construction authorization bill—House Report No. 91–1593, October 9, 1970—the distinguished chairman of the House Armed Services Committee asked and received unanimous consent to make what amounts to an ex post facto amplification of the conference report. The sense of the added language, included in the CONGRESSIONAL RECORD of October 14—page 36678—was that the pilot program in the Department of Defense, which I mentioned a moment ago, should be discontinued unless specifically authorized by the Congress.

I regret that this incident occurred. It is another example of the legislative mutilation which goes on in this field—trying to rewrite legislative history after a law is passed. The way to deal with procurement of architect-engineer services is by careful reexamination of the basic statutes and not by running around the barn to make some people happy. These remarks are not intended to be in any way personal. I am talking about an issue in Government procurement.

H.R. 16443 amends one basic statute but not another. It amends the Federal Property and Administrative Services Act but leaves untouched the Armed Services Procurement Act. The latter now has to be construed in the light of the action taken on the military construction authorization bill, all of which adds to, rather than lessens, confusion.

In my supplemental views to the committee report, I pointed out some of

the deficiencies in H.R. 16443. Certainly it is not a very pleasant task, Mr. Chairman, for me to oppose a bill of my own committee, particularly since the House has just honored me by electing me the chairman of that committee. I guess a sensible chairman knows when he is beaten, but he must speak out where an important principle is concerned.

Mr. Chairman, I include with these remarks my supplemental views on H.R. 16443 as contained at pages 24 through 30 of House Report No. 91–1445:

SUPPLEMENTAL VIEWS OF HON. CHET HOLIFIELD

I am opposed to H.R. 16443 as reported from the Committee on Government Operations. This is, in a sense, special-interest legislation. It would freeze into law certain procurement practices with regard to architectural and engineering services. The Comptroller General has criticized these practices as not conforming to the basic procurement laws and as depriving the Government of the benefits of competition in this procurement area.

The subject is a complex one, and admittedly the legislative history of the procurement statutes throws little light on the subject. H.R. 16443 will not help very much in clarifying the legislative intent and, indeed, will introduce new elements of confusion. Note, for example, that the bill amends the Federal Property Act and therefore applies only to the civil agencies covered by that act. It does not apply to the vast volume of architect-engineer services procured by the Department of Defense and the military services, nor by the National Aeronautics and Space Administration, all of which are covered by the Armed Services Procurement Act rather than the Federal Property Act. It is true that the bill defines agency heads in a Government-wide sense for purposes of applicability, but since it would add a new title to the Federal Property Act, the meaning of the terms in the title must be construed in the light of the limitations in the whole act, which exclude procurement agencies covered by the Armed Services Procurement Act.

The partial coverage, the use of inappropriate language in some instances, the failure to clarify other important matters, such as statutory fee limitations, and the undesirable precedent which may be set for procurement of other kinds of professional and technical services, all suggest that H.R. 16443 is a good example of how *not* to legislate in the procurement area. We have too many such bits-and-pieces legislation in this field, and the Congress recently has created a Commission on Government Procurement to examine the vast accumulation of procurement enactment in the interests of more consistency and coherence. The subject of architect-engineer services is on the Committee's study agenda. Before legislating on so complex and controversial a subject, the Congress ought at least to have the benefit of the Commission's findings and recommendations.

Another reason for holding off such legislation at this time is the fact that the Department of Defense, in a desire to cooperate with the Comptroller General and comply with recommendations made by the GAO after its own study of this subject, has instituted a test program for competitive procurement of architect-engineer services. The essence of the test program, described in a memorandum attached to these remarks, is to request technical proposals from qualified architect-engineer firms, accompanied by lump-sum price estimates in sealed envelopes. The technical submissions would be evaluated and companies ranked according to the technical merit of these submissions. Then the accompanying price estimates would be examined to determine whether a company's ranking should be changed, which might occur if an estimated price were out of line. The Department of Defense test procedure may not be the last word, but it demonstrates at least a willingness to test the feasibility of competitive procurement in this area. This is a one-year test to be conducted by the Army and the Navy, and certainly we should have the benefits of the results before freezing a noncompetitive practice into law.

There are two aspects to competition—technical and price. The Comptroller General points out, in criticizing this bill, that (a) the procurement laws never expressly exempted architect-engineer firms from competitive negotiations; (b) competition need not rest exclusively on price; and (c) if this bill is enacted, the door is opened to removing other professional and technical services from competition. This bill, to repeat, sets a bad precedent. Many other services are just as technical and sophisticated and demanding as so-called architect-engineer services. Why should we fence off by statute the procurement of these services, and then open the gate to other similar demands?

The Comptroller General has submitted to the committee a draft of a bill (attached to these remarks) which proposes procedures for obtaining competitive procurement of architect-engineer services, including both technical and price considerations. In committee I offered a compromise between the noncompetitive approach of H.R. 16443 and the idea of price competition, which is so strongly resisted by spokesmen for the architect-engineer groups. They say that their professional canon of ethics prevents competing on a price basis, and they contend that price competition leads to price cutting and degradation of design quality. Certainly the professional groups should not object to technical competition. Architects and engineers frequently compete their designs and should be proud to compete.

My amendment would have required architect-engineer firms to submit, along with a statement of their qualifications and performance data, a general description of the design, plan or method of doing the required work. This would be a *general*, not a detailed, description. It would at least afford the Government a chance to compare offerings and select the one most advantageous to the Government on a technical basis.

To put it another way, the companies would be ranked for purposes of negotiation on the basis of what they are offering for a specific project rather than on the basis of their general reputation or status. A particular firm may have a big size and reputation, but it does not necessarily place the best men on a particular Government job or have the best technical answer. My amendment would relate selection more to what the company has to offer than to what is assumed it has to offer by status or reputation alone. Also, this would get away from the practice of picking some well-known firm and negotiating with the same firm time after time on a sole-source basis.

It is my belief that if we intend to effect improvements to the rules currently in effect, we should strive to encourage the kind of competition which will produce better ideas, which at the same time are likely to be more economical to the Government. A good technical proposal, written in terms of a specific project, and spurred by competition, may well produce a new and worthwhile concept that will reduce the cost of construction or maintenance. To me, there is no assurance simply in the reputation or past performance of individual firms that the Government will obtain the most advantageous ideas and plans for a particular size or type of building or facility. It may be that the firms are mainly concerned with how their fees are computed, but the procuring agency should be most concerned about the total cost of the project and the intrinsic values of the ideas which different firms may have.

I should add that the majority report accompanying H.R. 16443 contains considerable interpretative commentary regarding statutory ceilings on fees for architectural and engineering services and takes issue with the Comptroller General's interpretation of the statutes. The bill does not cover the subject of statutory ceilings for such fees, and all the commentary in the majority report on this subject should not be construed as any expression of legislative intent, particularly since these matters were not taken up in the full committee consideration of the bill.

In order that the committee report will be as complete as possible for the information of Members on the floor, I herewith include the text of letters commenting on H.R. 16443 from Comptroller General to me dated July 10, 1970, and from Hon. Barry J. Shillito, Assistant Secretary of Defense (Installations and Logistics), to the Comptroller General with an accompanying memorandum describing the test program for competitive procurement of architect-engineer services.

CHET HOLIFIELD.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., July 10, 1970.

B–152306.

Hon. CHET HOLIFIELD,
House of Representatives, Washington, D.C.

DEAR MR. HOLIFIELD: You asked for my views concerning H.R. 16443 which I understand will be considered by the full Committee on Government Operations next week.

H.R. 16443 would amend the Federal Property and Administrative Services Act of 1949 to establish a Federal policy concerning the selection of firms and individuals to perform architectural engineering, and related services for the Federal Government.

The General Accounting Office made a comprehensive review of the method by which the Federal Government contracts for architect-engineer services and we made a report to Congress on April 20, 1967. We questioned the legality of the procedures which have been followed by the construction agencies, both on the military and civilian side, in that there has not been effective competition in the awarding of contracts for A–E services. We also expressed the view that the 6-percent statutory limitation on fees for architect-engineers, as we interpret the law, is not being followed in many cases.

H.R. 16443 would provide for the selection of firms and individuals to perform architectural and engineering work without any design or price competition, but solely on the basis of the agency's determination of the qualifications of the firm or individual to do the job. Negotiations would first be with the firm or individual determined by the agency to be the most qualified. If these negotiations failed then the agency would negotiate with the second most qualified, etc.

I am concerned that the bill, which I recommended, in a report to Chairman Dawson dated May 15, 1970, and in testimony before the Subcommittee on Government Activities, on June 4, 1970, not be favorably considered does little more than confirm the procedure used in the past in the selection of A–E contractors, and provides no clarification of the fee limitation problem. In addition, I think the Committee should consider the effect of the bill, if enacted, on the procurement of other professional services by the Federal Government. The bill would provide for special procedure for the procurement of A–E services which would allow contracting for those services without either design or price competition. It seems to me that this would establish an undesirable precedent in that the way would be open for other professional

groups to request a similar procedure in contracting for Government work. At the present time other professionally oriented procurements involving a significant degree of expert talent and ingenuity, such as for management consultant services, for research and development, and for sophisticated and technically advanced weapon as aerospace systems, are accomplished successfully by means of competitive negotiation, including competition on both price and technical proposals.

I was informed by the Assistant Secretary of Defense (Installations and Logistics) by letter of July 7, 1970, that the Department of Defense plans to test a new method of contracting for A–E services which will accomplish the essential elements of competition in both the price and technical areas consistent with the recommendations which we made to the Committee in its hearing on June 4. A copy of the letter of July 7 is enclosed. Also, as you know, the method of selection of A–E contractors is scheduled for study by the Commission on Government Procurement, along with other professional services.

Under the circumstances outlined above, I strongly urge that the Committee on Government Operations defer action of H.R. 16443 for the present.

For your ready reference, I am also enclosing a copy of my statement given before the Government Activities Subcommittee on June 4, 1970.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Enclosures.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., July 7, 1970.

HON. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR ELMER: The review of architect-engineer (A–E) source selection procedures, about which I advised you in my letter of 3 February 1970, has been completed. You may recall your letter of 19 February expressed the hope that the study group for this review would take a hard look at competition in the procurement of A–E services. The completed review resulted in a number of recommendations that are under consideration for fostering this objective.

The foremost recommendation concerns the consideration of price in the A–E selection process. I have selected for testing, a contracting method termed "price estimated multiple proposals." By my letter of June 30, 1970, copy enclosed, I have advised my counterparts of the Army and Navy regarding such tests to be conducted in two areas of the United States, one by the Army and one by the Navy. For these tests, I visualize a 1-year application of this contracting method for all A–E awards of $10,000 or more pertaining to Department of Defense real property facilities for the areas selected.

In testing the "price estimated multiple proposals" method, the firms or individuals to whom invitations would be extended for the submission of such proposals would be determined by the current selection procedures. Under these procedures prescribed by the Armed Services Procurement Regulations (ASPR), a preselection board, upon review of data available on interested firms, would recommend to the District or Division Engineer, a listing (slate) of firms considered best qualified for providing the particular A–E services required. Under this concept of contracting, a number of A–E firms would be invited to submit technical proposals accompanied, under separate cover, by lump sum estimated prices without price breakdown. They would be advised that the price estimates do not constitute a commitment on the part of the Government or the A–E firm, they are not considered as bids, but simply are estimates to accomplish the technical descriptions of the work they would undertake as they understand it. The price estimates would be kept in sealed envelopes until technical evaluations (and rankings) of the proposals are completed. The price estimates then would be opened by the selection board and a determination made as to whether pricing considerations warrant a change in the relative ranking of the A–E firms. After careful consideration of technical proposals and prices, and any resulting change in ranking, negotiations would be initiated with the selected firm, and a contract awarded in accordance with current procedures.

Our tests should indicate the degree of receptivity of this method on the part of both the Government contracting offices and industry, the reasonableness of changing our A–E selection practices throughout the Department of Defense, and the worthiness of a change in practices. Under the method being tested, the price estimates from various A–E firms, coupled with the Government estimates, would help in determining the reasonableness of the A–E fee. This method retains technical considerations as the principal factor in making awards, with price as a secondary consideration.

I will keep you informed of progress on the tests being made of this new method for selection of firms for architect-engineer services.

Sincerely,

BARRY J. SHILLITO,
Assistant Secretary of Defense
(Installations and Logistics).

JUNE 30, 1970.

Memorandum for:
The Assistant Secretary of the Army (I.&L.).
The Assistant Secretary of the Navy (I.&L.).

Subject: Joint Review of Architect-Engineer Contracting.

The joint review of architect-engineer (A–E) contracting referred to in my memorandum of February 3, 1970, same subject, has been completed.

On May 19, 1970, I received a briefing on the report, at which time discussion centered on the recommendation to select one of three revised contracting methods proposed for adoption in A–1 contracting concerning Department of Defense real property facilities. I selected for testing the alternative described as "price estimated multiple proposals," with the modification that in the A–E selection process there be received from at least three well-qualified firms, technical proposals accompanied by lump sum estimated prices without price breakdown. A further description of this method as extracted from the report is attached. Other recommendations of the report will be the subject of correspondence at a later date.

For testing this contracting method, I consider it appropriate to have two tests made over a 1-year period, covering all A–E awards of $10,000 or more, one in the Eastern part and one in the Western part of the United States, by the Army Corps of Engineers and the Naval Facilities Engineering Command. Although you may have other suggestions as to where this testing should take place, I propose that this method of A–E contracting be used for DoD real property facilities for a period of about 1 year by a U.S. Army Engineer District in the Western part of the United States, and by a Division of the Naval Facilities Engineering Command in the Eastern part of the United States.

Your views are requested as to the acceptability of these two areas for testing, advising which District or Division should carry out this testing, the earliest time frame within which this testing may be accomplished, and any problems you foresee that should be resolved before undertaking this task.

BARRY J. SHILLITO,
Assistant Secretary of Defense
(Installations and Logistics).

EXTRACT FROM JOINT REVIEW OF ARCHITECT-ENGINEER CONTRACTING

Price estimated multiple proposals.—A minimum of five well-qualified firms, selected by current selection procedures, would be requested to submit technical proposals accompanied by lump sum estimated prices without breakdowns. The A–E firms would be advised that such requests and proposals are confidential to the Government, that they would not constitute a commitment on the part of the Government or the A–E firms, and they would not be considered as bids but simply as cost estimates to accomplish the work as they understand it. The price estimates would be kept in sealed envelopes until technical evaluations (and rankings) of the proposals were completed. The price estimates then would be opened and discussed by the Selection Board to see if pricing considerations would warrant a change in the relative ranking of the A–E firms, e.g., would the best technical approach be worth a substantially higher price? Or conversely would another technical approach by a well-qualified firm having a lower price estimate be wholly acceptable? After these discussions, and any resulting change in ranking, negotiations would be initiated with the selected firm, and a contract awarded in accordance with current procedures (except as modified elsewhere in this report).

Under this method, the multiple-price estimates, coupled with the Government estimates, would help in determining the fairness and reasonableness of the A–E fee. This method retains technical considerations as the principal factor in making awards.

ARCHITECT-ENGINEERING CONTRACT FEES

The military construction authorization bill—H.R. 17604—for fiscal year 1971, in section 604, exempts architect-engineering contracts from competitive bidding and declares in favor of traditional practices in this field unless otherwise authorized by the Congress. See the CONGRESSIONAL RECORD for October 12, 1970, at page 36128. The statement of the managers—page 36132—indicates that this was the House language from which the Senate receded.

Chairman RIVERS called up the conference report on October 13—page 36565. Then, on October 14—page 36678—in a "Correction of the RECORD" item, Mr. Rivers asked and received unanimous consent to add to his October 13 remarks, the following language:

In the language regarding architectural and engineering contracts in Section 604, it is the intendment of the Congress that architectural and engineering contracts should not be awarded through the competitive bidding procedure, as now proposed in a pilot program by the Department of Defense, unless specifically authorized by the Congress. It was the unanimous and enthusiastic agreement among the conferees that contracts for the services of architectural and engineering firms should continue to be awarded in accordance with presently established procedures, customs, and practices.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. RIVERS. Mr. Chairman, the gen-

tleman mentioned my name in connection with construction.

Mr. HOLIFIELD. That is right.

Mr. RIVERS. The reason I got unanimous consent to explain the amendment we adopted in conference, and it was unanimous, was I did not want some of these brilliant bureaucrats to go around here constructing something that was not a fact. I want that addition which I put in the CONGRESSIONAL RECORD to be notice to these smart wiseacres downtown in the Department of Defense that what we intended to do is not to have them tell us how to procure architectural and engineering services. They are the ones who concocted this thing. They are the ones who disturbed this great and honorable profession of architects and engineers and this is the reason it was done.

I think this bill is a good bill. Architects place themselves on the same scale with physicians and with dentists and with lawyers and they do not propose to get out here and compete for services. It is as simple as that.

Mr. Chairman, I want to say this too. It is very unusual for me to be in disagreement with the distinguished chairman and really I do not know how to oppose him because I have such high affection for the gentleman.

Mr. HOLIFIELD. The gentleman knows that I also have a mutual respect for him, and I find myself pained that I have to disagree with him on that point. I will say that the gentleman acted completely within the rules of the House in asking for the unanimous consent which was granted and explaining matter to make legislative history on something that had passed prior to the gentleman's request for unanimous consent.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from South Carolina.

Mr. RIVERS. It had not become law and would not become law until a day or so after.

Mr. HOLIFIELD. I understand. It had been considered in the House, and the gentleman's explanation came a day or so later.

Mr. RIVERS. It came a day or so later before the signing of the bill. I wanted the Members to have the benefit of it before the bill was signed.

Mr. HOLIFIELD. I understand the gentleman's position completely. Since the gentleman has brought up the subject, I wish to point out that this is a special-interest bill for the architects and engineers. It would eliminate any type of conceptual design competition. It would provide a formula which is meaningless as far as competition is concerned. The bill provides that the agency involved shall select three qualified architect and engineering firms for a particular project, but then it does not provide that those three shall compete with each other in conceptual design. It provides that the agency shall negotiate with firm No. 1, and if it does not like the submission of firm No. 1, it may go to firm No. 2, and then if it does not like No. 2, it can go to firm No. 3. I can see that legitimate competition in conceptual design—and I am not talking about final and complete design—but competition in conceptual design would be in the interest of the taxpayers, and it would give to the agency that is buying the service an opportunity to see different concepts in the building of a building of some kind or any other architectural items, and it would give a cautious and prudent buyer an opportunity to compare.

But this is—and I would not want to use the word "phony setup," the picking of three as being a phony setup—I would not want to use that word—but it is an unrealistic concept in that it does not allow any competition between No. 1, No. 2, and No. 3. I say that it would all be done on the basis of the protection of a profession.

I do not believe that when a profession of any kind is dealing with the U.S. Government and we are spending taxpayers' money we should protect the profession against its competing members of that profession. In every other field that I know of there is competition, and for us to come in and pass a special-interest bill for the architects and engineers is, in my opinion, a grave mistake, and I shall vote against the bill.

I understand that the bill will be passed in this House and probably passed in the other body. Nevertheless, I feel it my duty as a Member of this House and as chairman of this committee to stand up and say what I believe about this particular bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Iowa.

Mr. GROSS. I want to commend the gentleman and say to him that I take the same position he does on this legislation.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I take this time for the purpose of directing a question to the distinguished chairman of my subcommittee for the purpose of clarification, and also for the purpose of making some legislative history.

Mr. Chairman, I would like to know whether, in your opinion, the services of landscape architects will come within the confines of the proposed legislation.

Mr. BROOKS. In my opinion, in reply to my distinguished friend and very able member of this particular subcommittee, the bill would cover the various types of architects insofar as the term implies that the individual is professionally trained and qualifies under appropriate State law to practice the profession. The bill does not extend to other type services but, of course, does not exclude the use of this approach for the procurement of other type services when allowed under appropriate provisions of law, regulation, or practice.

Insofar as landscape architects are concerned, this bill would apply when the controlling jurisdiction, under appropriate registration laws, required that persons acquire and maintain a level of professional excellence. I think that would be adequate. In those States and jurisdictions where the term "landscape architect" is applied to individuals without professional requirements, then the bill would not apply.

Mr. MOORHEAD. I thank my chairman very much.

Mr. BUCHANAN. Mr. Chairman, I have no further requests for time.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I rise in support of H.R. 16443, which would amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Government.

Admittedly, there is a clear and present need to establish statutory guidelines in the area of Government procurement of architectural and engineering services. We are informed that for more than 30 years Federal departments and agencies have used a certain system in obtaining the services of architects and engineers. The fact that this happens to be the system which has been incorporated into the legislation which we are considering, is not the decisive element. The de facto system could easily have been one that required changes or improvements. What is more important, from the overall view, its that H.R. 16443 places the Federal Government in as favorable a position as that of a private party in the procurement of the professional services of architects and engineers.

Stated simply, this is effected by a two-step process: First, determine the qualifications of the professional, and, second, ascertain his fee. In the usual bidding procedure, price plays a predominant role. The lowest bidder, whether he be a saint or a scoundrel, usually gets the contract. Too often the lowest bidder, understandably anxious to get the contract, has underestimated his costs and is forced into compromises in order to avoid serious losses in the execution of the contract. The Government is generally a sad victim of such an unfortunate contractual situation.

H.R. 16443, as reported, on the other hand, would prevent such a situation from arising in the first place. Qualified architects and engineers would be rated by the Federal agency head in accordance with current statements of qualifications and performance data. The evaluation would be accomplished in relation to the proposed project. This is a very important requirement, for, while on the one hand, a one-man architect's office may not have the capability of providing the needed professional services in connection with the erection of a multimillion dollar Government building, on the other hand, a proposed Government structure may prove to be outside the scope of a large architectural firm's experience.

It is only after the Federal agency head has assigned numerical ratings to the most qualified architects or engi-

neers for a particular project that the question of fees would be considered. Fees would be decided by negotiation between the Government and the professional man or firm whose services are sought. This procedure is eminently fair to the prospective contractor because he is placed on notice that, despite his high professional standing, if his fee is not reasonable and fair, the Government will break off negotiations and move on to the next highest rated architect or engineer.

Mr. Chairman, the selection process which is provided in H.R. 16443 is also in the public interest. The Government will be assured of receiving the services of the highest qualified architects and engineers at fees which are fair to taxpayers This legislation deserves our wholehearted support.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I join my colleagues in supporting H.R. 16443, which amends the Federal Property and Administrative Services Act. Simply stated, this legislation is giving legal sanction to the current, and time-tested method of selecting engineering and architectural firms to provide services for the U.S. Government. I say it is time-tested; certainly we should know a system which has been in operation for over 30 years has proven workable.

I have received supporting mail from throughout the profession, including their associations, in support of this legislation.

I agree with the principle of this legislation. A contract with an engineer or an architect differs greatly with a contract for a piece of hardware or equipment. Technical counseling and design services are spawned from an exact construction science, but these services incorporate many intangibles that weigh beauty with function. Obviously, technical counseling and design appears to be a field where you get what you pay for and I believe there are sufficient checks within our agency system to prevent agency heads from awarding contracts at excessive prices to the Government.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. DORN).

Mr. DORN. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I enthusiastically support the fair and reasonable legislation first introduced by the gentleman from Texas (Mr. BROOKS) which is now before the House. And may I add, Mr. Chairman, that it has been my privilege to join Mr. BROOKS in sponsoring this bill. H.R. 16443 will assure that the Federal Government will continue to receive the highest quality of professional architectural and engineering design services at prices fair and reasonable to the Government. This bill writes into law what for many years has been the method by which the Federal Government has selected firms to perform professional architectural and engineering services. Under this system, the Federal agency head selects firms on the basis of their professional qualifications. This procedure is economy-minded, since the better the design of a structure, the lower the cost to the Government of construction, operation and maintenance. We would not advocate that our people select professional medical care on the basis of lowest bid, and neither should we allow government contracts for professional design services to be granted on the basis of cheapest price.

Mr. Chairman, this bill contains adequate safeguards for the public interest, for if the contracting agency head cannot negotiate a fee with the most qualified firm that is fair and reasonable to the Government, the agency head is directed to begin negotiations with the next-most qualified firm, and so on.

Mr. Chairman, this is economy-minded legislation which is truly in the public interest. I support it and I urge my colleagues to do the same.

Mr. BROOKS. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Texas has 6 minutes remaining.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT). The gentleman is opposed to the bill.

Mr. ECKHARDT. Mr. Chairman, first I want to recognize the generosity of my colleague, the gentleman from Texas (Mr. BROOKS) for whom I have a very great deal of respect for affording a nonmember of the committee time here. I hesitate even to question the bill, because I know the gentleman is highly qualified, and he is certainly strongly motivated in favor of the bill and I know for sincere reasons, but I must disagree with his proposition.

Mr. Chairman, it seems to me that what this bill does is select the architect on the basis of his reputation rather than on the basis of his ideas. I think the crux of the question is found in the answer of the Comptroller General, Mr. Staats, in his letter to the gentleman from California (Mr. HOLIFIELD) dated July 10, 1970, in which the Comptroller General says:

> The bill would provide for special procedure for the procurement of A–E services which would allow contracting for those services without either design or price competition.

It seems to me that this would establish an undesirable precedent, in that the way would be open for other professional groups to request similar procedures in contracting for Government work.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I am delighted to yield to the able gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, of course, this is the thing I am worried about. We set a precedent here that a group that comes up and says they are professional experts will be exempted from any type of competition with their peers. I am hoping that as time goes on, the Congress will realize what we are doing. We are setting a precedent wherein any profession can come up and ask for exemption from competition on the same grounds.

Mr. ECKHARDT. Mr. Chairman, my distinguished friend, the gentleman from California, is absolutely right. The Comptroller General then points out that competition with respect to technical inventiveness could be on the same basis.

Architecural design and design of technical equipment is not essentially different in this respect. There are ways to design a building to serve its purpose which may be better and cheaper than ways of designing it, just as there are ways to design a craft that goes to the moon in one manner and on one type of fuel that are cheaper than trying to do it in another manner with another type of fuel.

Mr. HOLIFIELD. Or they can build it with cheaper materials if the design is acceptable.

Mr. ECKHARDT. My colleague, the gentleman from California, and I are not speaking against the scientist or the professional man, but in his behalf. What the bill as presently presented would do is to make the bureaucrat the master of design and not to utilize a competition between trained professionals to obtain the best and least costly design.

What we should do is to let professionals who know the problems, outside of Government—who know them on the basis of their experience, inventiveness, and ability design or perfect architecture or engineering—to let them compete to see which design would be the best and cheapest. All in the world the Comptroller General is insisting on is that the question of price and the question of ability be considered at once. How can the Government do other than that? How can we divorce the two? The question is what pragmatically, cheaply, and effectively solves the problem. It is not who has the greatest reputation in the field of architecture.

What this bill would do would be to discriminate against the inventive and the innovative and the new and not yet distinguished young man in the engineering or in the architectural profession. That is what this would do. It decreases competition within the profession and tends to crystallize the jobs among those who already have the reputation—not on the basis of their ideas but on the basis of what people now think of the man who is making the bid for the job.

Mr. Chairman, I am most opposed to the bill. I feel this as one who is concerned about the young man in the profession, about the talented man in the profession, about the innovator in the profession. I do not think that the Member who is concerned about them is opposed to the profession—opposed to architects and engineers. He should receive their plaudits.

But the Member who is concerned about the old "fuddy-duddy" established firm, that already knows the people who give the contract, the Member who is concerned about limiting competition among persons in the profession—the Member who is misled in this way would tend to support the bill—I do not say for

those reasons, but I do say that is the result.

Therefore, I do not believe we buy credit with the profession at large by supporting a bill that limits opportunities to a very few who already have the reputation, men perhaps 65 or 70 years old, while we cut out that great range of men recently educated with new and different ideas who may give real service and afford fresh ideas that may save the taxpayers money.

Mr. BROOKS. Mr. Chairman, I have no further request for time.

Mr. BUCHANAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of H.R. 16443. I would note for the benefit of the Members that the administration supports this bill, and specifically we have received communications, both written and verbal, from Mr. Kunzig, the Administrator of the General Services Administration, and from Rod Kreger, Assistant Administrator.

Specifically they ask that two sections of the draft bill be changed, sections 903 and 904, and there is a committee amendment appended to the bill here today. Among other things, it makes it clear that the procurement procedures must deal with no less than three of the firms deemed to be most highly qualified to provide the services required.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. The gentleman says the administration supports this bill. What about the language to be found on page 27, in the letter from the Comptroller General, in which he asks that action on the legislation, H.R. 16443, be deferred.

Mr. REID of New York. The Comptroller General, I will say to the gentleman, in my understanding is essentially an agent of the Congress and not a part of the administration.

The point the gentleman makes is correct. The Comptroller General does have reservations, and he has made that point very explicit.

I would say to the gentleman, this bill is not an open and shut matter. There are differences on the committee. The distinguished gentleman from California (Mr. HOLIFIELD) properly expressed concern as to the precedent which might be involved here.

This is an attempt to try to concern ourselves both with the competitive bid process—which could lessen cost—and with higher qualifications—which could improve quality. There are a number of differing points of view, on this matter.

I believe that basically the necessary protections from a financial and economical standpoint are in the bill, plus an emphasis to try to negotiate bids and contracts mindful of the need for quality, and not just the lowest bid.

The Comptroller General, I say to the gentleman, does have reservations. As I understand his position, he would be opposed to the bill in its present form.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

I should like to call to the gentleman's attention the experience of at least one delegation in the House who received wires which I suspect all Members received from their various architectural and engineering State societies.

This particular Member, when he received his wire asking him to support this legislation—a rather curt wire which simply instructed him to vote "yes" on this matter—checked with the association State office. The only response he could get from the association State office was that all the girl in the office knew was that somebody from Washington had called her and told her to send the wire. She had not had an opportunity to check with anyone else in the office. She had just done as she was told, as she was directed by the Washington office.

I would submit and what I am explaining to the gentleman is that support of this measure as written by the national associations of both groups does not necessarily reflect the true feelings of the membership of those associations.

I thank the gentleman for yielding.

Mr. REID of New York. I thank the gentleman for his comments.

As I tried to indicate in my earlier remarks, the situation is that there is a difference of opinion on the bill. Many associations are for it; some individual architects oppose it; others support it. I would hope the objectives of the bill, which would be to get quality at the lowest cost, could be sustained. It may well be that this bill will have to be proven one way or the other in practice if it carries. However, the effort of the committee was to try to pay greater attention to quality along with an attempt to get reasonable economy as well.

I thank the gentleman for yielding, and I yield back the balance of my time.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 16443, which would establish by statute a Federal policy for the selection of individuals and firms to perform architectural, engineering, and related services for the Government. The purpose for these amendments to the 1949 Federal Property and Administrative Services Act is to clear up some of the confusion under existing law by writing into law the time-tested selection procedures which have been in existence for over 30 years. These procedures and this bill recognize the importance of procuring the highest qualified architects and engineers to provide the designs, plans, and specifications in the construction of Government buildings and facilities.

Under the procedures authorized in this legislation, architects and engineers will continue to be chosen on the basis of their respective capabilities, qualifications, and experience as they relate to a proposed project. The procuring agency will rank the architects and engineers according to their qualifications and then begin negotiations with the most qualified. A contract would then be let at a fee considered fair and reasonable by the Government. If such a fee cannot be agreed to, negotiations would be broken off and commenced with the next most qualified firm.

This procedure is designed to insure planning and design work of the highest quality and thus avoids the pitfalls inherent in injecting the fee factor into the selection process. Obviously it is to the advantage of the Government and the taxpayer to acquire the highest qualified services at this stage for they will be translated into the most efficient buildings and facilities costing less to construct and maintain. In the words of the committee report:

> Failure, for any reason, to provide the highest quality plans and specifications and related work can be directly translated into higher construction costs, functionally inferior structures and maintenance problems that could plague the Government throughout the decades the building or structure is in use.

Mr. Chairman, I think it is important to keep in mind during the course of our debate today that in discussing architectural and engineering services, we are talking about professions which present very unique considerations as far as procurement is concerned. The committee report, in fact, likens them to the professions of medicine, law, and accounting with regards to the amount of learning, skill, and integrity demanded. For these reasons, most State and local statutes exempt architectural and engineering services from bidding requirements on public contracts.

Mr. Chairman, I make this point because there will be those who will argue that we will be setting a very dangerous precedent by the enactment of this legislation. In response, let me only point out that it can hardly be a matter of precedent when we legislatively ratify a procedure that has been practiced for over 30 years; and, secondly, that we recognize the very unique nature of the services involved in this legislation. I for one would certainly not condone this selection process in other areas of procurement where competitive bidding is so practical and necessary, and I do not see how a vote for this bill can be construed as setting precedent in these other areas. All we are doing in this legislation is recognizing that direct price competition will not secure the highest qualified professional services which are so crucial in insuring an efficient and economical facility. This must be our primary consideration if we are truly interested in a facility of high functional and esthetic value and low construction and maintenance costs. These benefits will simply not accrue if we do not demand the highest caliber of professional workmanship in the planning and design stages. For these reasons I strongly urge the passage of this bill.

Mr. CORMAN. Mr. Chairman, I rise in support of H.R. 16443 to establish a Federal policy regarding the selection of architects and engineers for the construction of Federal projects.

Enactment of this measure would make it the policy of the Federal Government to negotiate architectural and engineer-

ing contracts on the basis of demonstrated competence and qualification for the type of service being contracted. This is a practice which is currently followed by many Government agencies but one which I feel should be a standard practice of all the agencies.

Without an established policy, contracts are many times awarded to a firm who has submitted the lowest fee without the Government paying any attention to the ability of the firm they are hiring. When firms are required to compete solely on a fee basis there is always a temptation to cut corners on the design stage so that a lower estimate can be presented.

An investigation into the situation shows, however, that design costs are minor in comparison to the total cost of constructing a building. And if the principal design plans are poor, the construction and maintenance costs of a building can unnecessarily be high which thereby increases the total cost of the building.

Under the provisions of Mr. BROOKS' bill and its companion bill which I introduced—H.R. 18892—Government agencies would invite all architects and engineers interested in a specific project to submit data as to their qualifications and performance.

Each firm would then be rated by the agency head according to its qualifications to undertake the contract then under consideration. The agency head would then be free to negotiate with the most highly qualified applicant, and assuming a fair and reasonable price, would award the contract to him. Should no agreement be reached, the next most qualified would be given a chance to negotiate and so on until the contract is let.

Considering the billions of dollars which the Government will invest in building during the decades ahead, I think it is only wise for us to make certain that we insist on getting the highest quality of services for the funds expended. Why attempt to save money in the short run by settling for second-rate services when the results of inferior quality are more costly in the long run?

I am hopeful that my colleagues will not hesitate in joining with me in voting for the passage of this measure which will provide for the improved management of Federal funds.

Mr. CULVER. Mr. Chairman, I rise in support of H.R. 16443, which I have cosponsored. This legislation would make it Government policy that contracts with architects and engineers on Federal projects be negotiated on the basis of demonstrated competence and at fair prices.

Contracts with architects and engineers are not suited for the ordinary competitive bidding process. Awarding contracts on the basis of lowest price works well only when the quality and specifications of the item to be procured are readily definable. The quality of professional services is hardly definable in this manner.

Under this bill, all interested architects and engineers would submit data as to their qualifications and performance to the Government agencies they desire to do work for. The agency would then rank those architects and engineers according to their qualifications to undertake particular design contracts under consideration. The agency would first negotiate with the highest qualified architects and engineers. If a contract was not successfully negotiated with them at a fair and reasonable price, the agency would then negotiate with the second highest qualified firm, and so on until a contract was agreed upon.

This process would insure that the services provided by architects and engineers on Government contracts will be both of the highest quality and obtained at a reasonable price.

While a low price for the design may initially represent apparent savings, it might well actually increase the cost to the Government in the end. For example, the firm selected would not be able to expend as much energy on studies and analyses of such things as construction alternatives and future maintenance costs. In the process set forth in this bill, these concerns would naturally receive their proper attention.

Mr. Chairman, although, as a percentage of the total cost of construction projects, the architect and engineer allocations are a small portion, nearly the entirety of the building construction stems from the designs and building specifications provided by the members of these professions. It goes without saying that the broadest possible competition, designed to achieve the services of the best qualified architects and engineers, is a most vital objective in the overall effort toward improved and expanded construction of Federal buildings and other facilities which will best meet the needs of our people and our Nation.

Approval of H.R. 16443 today, will follow a 3-year study of architect and engineer selection practices in the Government by the House Government Activities Subcommittee, on which I have been privileged to serve during these last 2 years, and I would like to take this opportunity to strongly urge my colleagues to join me in supporting this important legislation.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IX—SELECTION OF ARCHITECTS AND ENGINEERS

"DEFINITIONS

"SEC. 901. As used in this title—

"(1) The term 'firm' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture or engineering.

"(2) The term 'agency head' means the Secretary, Administrator, or head of a department agency, or bureau of the Federal Government.

"(3) The term 'professional services' includes those of an architectural or engineering nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform.

"POLICY

"SEC. 902. The Congress hereby declares it to be the policy of the Federal Government to negotiate contracts for professional services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

"REQUESTS FOR DATA ON PROFESSIONAL SERVICES

"SEC. 903. In the procurement of professional services the agency head shall invite firms engaged in the lawful practice of their profession to submit, in accordance with the terms of the invitation, a statement of qualifications and performance data. The agency head inviting such proposals shall evaluate the submissions received and shall select therefrom, in order of preference, no less than three of the firms deemed to be most highly qualified to provide the services required.

"NEGOTIATION OF CONTRACTS FOR SERVICES

"SEC. 904. (a) The agency head shall negotiate with the highest qualified firm for a contract for such professional services at a fee which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

"(b) Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally teminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"(c) Should the agency head be unable to negotiate a satisfactory contract with any of the qualified firms, he shall, in his discretion, either select additional firms in order of their competence and qualification, or reissue a new request for proposals."

Mr. BROOKS. Mr. Chairman, I ask unanimous consent that the bill may be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, strike out line 23 and all that follows down through page 3, line 5, and insert in lieu thereof the following:

"SEC. 903. In the procurement of professional services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be most highly qualified to provide the services required."

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Mr. Chairman, in reading the amendment the Reading Clerk left out the words "for each proposed project." Are they in the copy?

The CHAIRMAN. The Chair is informed that those words are in the amendment, but the Clerk left them out.

Mr. GROSS. I thank the Chair.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. HICKS

Mr. HICKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HICKS: On page 4 of the bill, after line 13, add the following new language to read as follows:

"SEC. 905 (a). Section 2304 (g) of title 10, United States Code, as amended, is further amended by inserting therein, immediately after the words 'all negotiated procurements', the following '(except procurements of architectural or engineering services)'.

"(b) Section 2304 is further amended by adding the following new subsections at the end thereof:

"'(i). In the procurement of professional services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be most highly qualified to provide the services required.

"(j)(1). The agency head shall negotiate with the highest qualified firm for a contract for such professional services at a fee which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope complexity, and professional nature thereof.

"'(2) Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"'(3) Should the agency head be unable to negotiate a satisfactory contract with any of the qualified firms, he shall, in his discretion, either select additional firms in order of their competence and qualification, or reissue a new request for proposals.'"

Mr. HICKS. Mr. Chairman, by direction of the Committee on Armed Services and the chairman thereof, I have offered this amendment. In my opinion it will obviate one of the objections of my other chairman, the gentleman from California (Mr. HOLIFIELD), in that it does now bring the armed services into the same bill as the General Services Administration and it is the same language.

Mr. Chairman, as a member of the subcommittee, the Brooks subcommittee that held hearings on this bill, I subscribe to the bill and support it completely.

However, as presently written, I believe the bill is deficient since it would not in my opinion affect the armed services procurement section or any statute covering the operations of the military departments as currently drafted, but only amends the Administrative Services Property Act.

The bill does contain a statement of policy which would be effective on a Government-wide basis.

This, in effect, does for the military exactly what the main bill, the bill presented to the House, does for the General Services Administration.

In addition, as was pointed out by the gentleman from California (Mr. HOLIFIELD), this Congress has already enacted Public Law 91–511 which does for the military what this bill does for the General Services Administration, but it does it on a temporary basis. By amending this bill in the manner that I have proposed, it makes permanent for the Department of Defense that which we have already done on a temporary basis.

I urge the support of the amendment and I urge the adoption of the bill.

Mr. BROOKS. Mr. Chairman, I have examined the amendment carefully, and I have no objection to it. I feel it would add considerably to the legislation.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. Mr. Chairman, the gentleman from Texas and I had a colloquy during general debate on the subject of landscape architects, and would those same statements apply with respect to the amendment offered by the gentleman from Washington (Mr. HICKS), if it were to be adopted?

Mr. BROOKS. Mr. Chairman, in reply to the inquiry of the gentleman from Pennsylvania I would state that to my way of thinking they would. The language of the amendment seems to be substantially the same type as the basic legislation.

Mr. MOORHEAD. I thank the gentleman for yielding.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment offered by the gentleman from Washington (Mr. HICKS).

I oppose the amendment on the same grounds and for the same reasons that I opposed the original bill. This furthers the particular case, the special interest case, to all architects and engineers who may function for the Committee on Armed Services the same as the bill did for the architects and engineers which are applicable to the General Services Administration and other agencies which might be under some jurisdiction of our committee. This is compounding the injury which we are doing to the taxpayers. This is raising a new qualification which goes under the name of professional. There are all kinds of professions. There is the engineering profession, there is the chemistry profession, there is the physics profession, and there are many other kinds of professions, so if we are going to play favorites, if we are going to give to the architects and engineers for the Defense Department and the General Services Administration particular special interest, thus eliminating conceptional designs from any type of competition in the conceptional designs, then we might as well do it for all the professions. And this seeks, of course, to put into the RECORD what the distinguished chairman of the Committee on Armed Services put into the colloquy of the debate under a unanimous consent request a day or two after the conference report was passed on the floor of this House.

I can appreciate the objectives of these gentlemen in doing this, without any disparagement of their motives, but I can only again repeat that this compounds the injury to the taxpayers in that it eliminates even a conceptional design from being considered in a competitive way.

The bill provides that three qualified firms shall be selected in the architectural and engineering fields, but it does not provide any competition between the three. It just merely says pick three firms, and if you do not like the first one you go to the second one, and it is not until then that you have more than one conceptional design, and if you do not like the second one you go to the third one, and, of course, by that time you have the three conceptional designs.

Now, why do we not start off by giving this an honest play and letting the three qualified organizations that have been selected by the agency submit some conceptional designs, not in the final, ultimate complete design form, which, of course, runs into many hundreds and sometimes thousands of pages, but the conceptional design as to how they are going to approach a particular architectural and engineering job, what kind of materials they are going to use, what kind of architectural design they are going to use, and at least an estimate of how much it would cost the Government.

This way you have no competition in those fields of conceptional design and approach. And as one of the gentlemen said, the gentleman from Texas (Mr. ECKHARDT), this is a grandfather protection clause for the well-established architectural and engineering firms, and it will keep the rest of them that have not been able to achieve that widespread architectural and engineering reputation out of the running, because they will never get down to them.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. RIVERS. By the same token, if you selected your architects by competitive bidding, one could be the low bidder and you would be stuck with him if he were responsible and if you brought in a bond, or whatever they require, you would be stuck with him whether he was worth a continental damn or not.

Take the Rayburn Building. Say that somebody underbid the architect on that. You would be stuck with him. You would not know how to get rid of him.

Mr. HOLIFIELD. I understand the gentleman, but my time is running out.

Mr. RIVERS. I will get the gentleman additional time.

We have it every day in the military with the so-called contractors who are nothing more than brokers. They come in with a bond. They are responsible and they get the contract. They go out and foul up a project and the bonding company has to build it.

What the gentleman has said does not any more follow than the man in the moon.

The CHAIRMAN. The time of the gentleman from California has expired.

(Mr. HOLIFIELD asked and was given permission to proceed for 3 additional minutes.)

Mr. HOLIFIELD. Mr. Chairman, in response to the distinguished gentleman, no one has advanced the idea that this should be competition on the basis of cost—no one that I know of. It is one of the facts that certainly should be considered. But what I am talking about is that you eliminate the Government knowing what the cost factor of a different kind of building might be as against a kind that the grandfather firm offers to build for you. So you have no idea at all of the competitive value. It might very well be a building of a different material or a different design that might serve the Government's purposes just as well as a more expensive building. If that be true then and the Government decided—and remember these three architect and engineering firms have been selected on the basis of their qualifications—so we are not talking of what the gentleman is talking about. He is bringing in another subject matter that is not under consideration in the bill.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. RIVERS. That is what the DOD wanted to do. Take for instance, the Rayburn Building.

Mr. HOLIFIELD. I do not know what the DOD wanted to do. We are talking about the legislation that is before this House.

Mr. RIVERS. The Department of Defense is the biggest contractor in America.

Mr. HOLIFIELD. That is right.

Mr. RIVERS. The DOD is the biggest contractor in America, to the extent of about $2 or $3 billion a year.

Mr. HOLIFIELD. Now in this bill, with the Hicks amendment, you are prohibiting them from having any kind of conceptual or design competition.

Mr. RIVERS. Oh, no; you are not.

Mr. HOLIFIELD. Yes, sir; you are.

Mr. RIVERS. No, sir; you do not.

Mr. HOLIFIELD. Yes; you are because you are looking at only one design.

Mr. RIVERS. The gentleman completely misses the idea of the whole business. Take the Rayburn Building. Somebody found a stream under there and the man did not know how to cope with it.

When you go into a community and get the local engineer, he knows what is under the ground in this place and the way they select them now is the only way they can build a foolproof—if there is any such thing—way of procuring people who create things.

Mr. HOLIFIELD. The architect of the Rayburn Building was selected without competition, as I understand it, and then they found a river or a creek.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. GROSS. Yes, they found this Tiber Creek under that building and it has been on every plat in the District of Columbia.

Mr. HOLIFIELD. I agree with the gentleman.

Mr. RIVERS. It has been on every plat in the last 150 years.

Mr. STEIGER of Arizona. Mr. Chairman, I would submit that what the gentleman has portrayed in reference to the distinguished chairman's reference to the Rayburn Building, as a direct result of one-company negotiation, and very properly that this was a result in which the architect was negotiated with no attention to competition or the prospects of other designs. As a result, they came up with a creek they did not know about.

Mr. BROOKS. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment.

Essentially the same factors apply to military procurement as to civilian procurement. You are talking about the young architects and young engineers. They could be entirely out in the cold as far as Government business is concerned if we do not adopt this kind of legislation. Young men starting out in business cannot afford to invest in draftsmen and talent for an elaborate, complete or conceptual design. We must think of the young architects and engineers. Unless we pass this legislation with this amendment, their opportunities are going to be minimized as far as getting jobs with the Government in defense or in Government in general.

Everyone talks about competition. Nobody likes to have it. I want to say this about architects and engineers: Under the system that the Government has been utilizing for 30 years and as reflected in this legislation we have competition. Three people are chosen whom you think can do the job best for the country. You select one of them. You select the one you think is the best and say to him, "Now, partner, what are your costs to do this job? This is what we think the job is worth based on what we feel will be the cost and the size of the job."

By this means put a price on it. You have a man you know can do the job, and it is the only way to get a good job. If we are going to auction off design contracts for big buildings, we are going to get some pretty sorry buildings. We will enhance the maintenance cost. We will enhance the original cost. Anybody who has ever built any structure bigger than a chickenhouse knows that you cannot go out and auction off the job of architecting and engineering. Nobody does that. Nobody would do it. I say that we would make a serious mistake if we should turn this over to auctioneers. I do not want an auctioneer to determine the doctor who will operate on me. I want to pick a good one, and then we will talk about what he will charge me. But I want to pick him first. You do not advertise in the newspaper for a man to do heart surgery on you.

I think the amendment is wise. It would continue the opportunity that architects and engineers have had to do a good job for this country as they have for the last 30 years.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I asked the gentleman to yield for the purpose of at least clearing up in my mind a statement the gentleman just made, because I do not believe that is what he really meant. The gentleman said:

> We will negotiate with this individual firm on the basis of price only. We will ask them, "Will you do the job?"

I believe the figure mentioned by the gentleman was 4 percent. What I think the gentleman meant was, "Will you do the quality of job we would like if this is the price?" Is that not correct?

Mr. BROOKS. What I meant was that we will pick three firms that we feel are highly qualified, competent, and able to do the proposed job. Then we would select one that we would feel was qualified. He will already have scanned the job. He would be familiar with the specifications. He has made his evaluation. Then you talk to him about what you are going to pay him. You have already reached the decision between yourselves as to who can, who will, and who wants to do the job properly.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield further?

Mr. BROOKS. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I think there is the nub of the difference between the gentleman's position and that of the chairman of the full committee and myself. We honestly feel that if we use the talents of all three of these agencies and require them to come up, all three of these firms, require them to come up with a concept which the purchasing officer can then analyze, you will end up with a better product. We are both talking about the same thing. We do not want to shop the price. We want to get the best possible design. I think therein lies the nub of the argument.

Mr. BROOKS. In reply to the statement of the gentleman, if each of them puts up a design, it will undoubtedly cost the Government more money, because someone has to meet the costs of those designs that were not accepted.

Second, if you shop the price between three people, you might as well shop it among 100 because, in the first instance you know when you get down to the nub of the matter, it will be a question of price, and you might as well go in low. This is the disadvantage of that particular approach. I think we should pick on the basis of quality, competence, and ability. Those are the first characteristics. Then you discuss what you want to pay.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. HICKS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: Page 3, line 18, after the word "shall", add the following: ", after consideration of such alternate conceptual designs and consideration at their feasibility and costs as may be deemed by the agency appropriate,".

Mr. ECKHARDT. Mr. Chairman, this amendment accomplishes the purpose that was argued for a moment ago by the gentleman from California. The way the bill is now written, as you will note in section 904, and I quote:

The agency head shall negotiate with the highest qualified firm for a contract . . .

The only criterion between the three firms, as I read it, is which is the most highly qualified firm. That is just the same as the firm with the highest reputation. Of course the agency can take into account, as provided at the end of this sentence: "the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof."

What we are considering is which firm is qualified to do a specific job, but the job is wholly defined by a bureaucrat. The determination of how the job can be done is wholly crytallized.

Mr. Chairman, that is what is wrong with this bill. What ought to be permitted is some competition with respect to the manner in which the job is to be done. An engineer knows a cheaper way to build a bridge. An architect knows a better way to build a building, so that more space will be utilized. An architect knows how to put the elevators into a certain place so as to afford more service to more areas in the building cheaper than if the elevators were put in another place. As between the three architects that bid, we ought to be able to take into account conceptual design. That is what this amendment does. It does not in any way change the basic idea of the bill. It simply brings in this additional criterion, in addition to the highest qualified firm, that is, in addition to the one with the best reputation.

After consideration of such alternate conceptual designs and consideration of their feasibility and costs—and note this—"as may be determined by the agency appropriate," then they can act.

If the agency does not want to deem any change appropriate and the agency wants to say, "Look, it has to be done our way, and there is no choice, and we do not want any other alternative suggested," then the agency can say that, because the qualification is that the alternate designs will only be considered if the agency deems the offering of those designs appropriate.

This amendment does no harm to the bill. This amendment does bring into consideration things other than just the kind of stuffed-shirt reputation that may carry one old firm to success over some new firm that has a better idea. That is all this does.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Washington.

Mr. HICKS. Mr. Chairman, I have gotten a great deal of mail on this particular bill. I suspect the gentleman has also. Has the gentleman gotten any mail from the young architects or engineers he is talking about, saying he should vote on this bill? All of my mail has been in favor of it.

Mr. ECKHARDT. Mr. Chairman, I suspect those people do not even know the bill is up. I imagine they are in a pretty remote position, but I imagine there are some young men who have some ideas to give in this field. Why cut them out?

Mr. HICKS. Mr. Chairman, I understand the gentleman has a great reputation as a lawyer prior to coming to Congress, and he still has it, but is not that how he got much of his business, because he has had this great reputation?

Mr. ECKHARDT. Mr. Chairman, if the gentleman will permit me to say so, if I had that much reputation, I probably would not have run for Congress. But there were many others in the same game with me. I was able to compete with them, as every professional man must do, on the basis of my ideas. No lawyer wants somebody to tell him how to try his case. I tried to settle a case out of court if I could, just as I think an architect ought to try to work out his problems the cheapest and most effective way possible.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. The gentleman from Washington raised a question which I simply feel is invalid. While it has been raised many times in the course of the discussion over this matter, the equation of the legal profession and the medical profession with the architect-engineer profession I believe is invalid, and I believe it merely muddies the water. We are dealing here with specific conceptual ideas as to specific buildings.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. STEIGER of Arizona, and by unanimous consent, Mr. ECKHARDT was allowed to proceed for 2 additional minutes.)

Mr. STEIGER of Arizona. I want to congratulate the gentleman for his concern and his approach. I wish to point out that if we do not either adopt the gentleman's amendment or reject the bill as it now stands, we are outlawing competition legally and almost certainly for all time, because the strength of the lobbying efforts of the established architect-engineering firm has been clearly demonstrated.

I urge that if we fail to adopt the gentleman's amendment we should vote the measure down.

Mr. ECKHARDT. I appreciate the gentleman's remarks, and I believe he is correct.

Even if there were an analogy with the legal profession, I want to point out that my amendment does not reintroduce price competition, but it reintroduces the idea competition which I should like to invite from a lawyer or an architect or a doctor.

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment.

I would say concisely I believe the amendment would do nothing but add to the cost of any construction. If this amendment were made a mandatory provision which it is not or if it were used extensively, these dangers of over extension of the amendment are of particular concern to me. If we require three architect-engineers to render conceptual designs, we cannot assume that the design work of all three firms will be paid for by the Government. This would increase the cost of the entire project.

Remember that in most instances this is what we employ an architect or engineer to do a design. The specifications state the number of rooms, the purpose of the building, the number of reception rooms, the number of meeting rooms, and so on, and generally what facilities they will have and what they will be used for.

From those facts the architects and engineers do conceptual designs. They may, after they get the job, do two or three or four design concepts before deciding upon the most effective considering all the essential data they have gathered and evaluated during the design process.

We are now considering the possibility of having conceptual designs by the three ranking architects and engineers before they give him the job. My argument is that anybody can submit a picture, a design, sketch or a drawing, if he wants to, but until they finally select the architect and engineer it is not very likely they are going to get a very substantial conceptual design to meet the requirements under the specifications. In many cases the basic data such as ground conditions may not even be available.

For these reasons I feel that this amendment would be unwise and unnecessary. Furthermore, if for any reason application of the concept were to go beyond those projects in which it was clearly appropriate, the effect of the amendment would be unnecessarily costly to the taxpayers and would discriminate against smaller firms of architects and engineers.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I am glad to yield to my friend and neighbor from Texas.

Mr. ECKHARDT. May I suggest to the gentleman that his argument is well taken and would have been effective if it had not been stated here that such conceptual design as may be deemed by the agency appropriate is what is involved. It does not require the agency to ask for it, but it permits the agency to ask for it.

Mr. BROOKS. I believe that the agency, if it believes it advisable, would certainly welcome such design now. Any architect who thought it was a good idea could submit one now, if he just happened to have a few draftsmen around

and wanted to spend $20,000 or $30,000 and wanted to gamble.

This is just the type of thing that would eliminate any young architect, any young engineer who is bright and willing to gamble, from the opportunity of obtaining a design contract with the Government.

Mr. ECKHARDT. Since there is no requirement for such a conceptual design, and since the highest qualified firm must get the bid, once the agency has put out its bid it may not ask for alternate conceptual designs. This is only permissive, to permit them to do it before making a final selection.

Mr. BROOKS. I understand the gentleman's position. There is no objection to anybody who wants to do a conceptual design on any number of buildings that the Government is submitting right now. To the extent that authoratative data are available, anyone can go ahead and submit a conceptual design if they want to gamble that kind of money. I think it is unrealistic, and unfair and if overzealously applied would waste tax funds. For these reasons I oppose the amendment.

Mr. HOLIFIELD. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I cannot sit here and allow the logic of the argument of the gentleman from Texas (Mr. BROOKS), to obtain, because no one can send in a conceptual design unless they are among the three selected as qualifying. No small or unknown or partially known or well-known agency, even, that is not selected among the top three could send them a design. I doubt whether two out of the three can send in a conceptual design, because the bill requires the agency to negotiate with one; the one that they consider the most qualified. It does not permit the other two to send in conceptual designs.

If the gentleman from Texas (Mr. BROOKS), will accept the amendment offered by the gentleman from Texas (Mr. ECKHARDT), then the three architectural engineers would be qualified and only those three could submit conceptual designs for the consideration of the agency. That is all we are asking. if you want to put any kind of competition at all into this field, we should accept this amendment. We are saying let us have three conceptual designs for the job placed before the agency. Then the agency picks the top one and sees if he is qualified under the bill and negotiates with him. If that turns out to be unsatisfactory, they can negotiate with No. 2. Then, if that turns out to be unsatisfactory, they can negotiate with No. 3.

We are trying to bring some semblance of competition into this bill, which, in my opinion, is a completely inadequate bill.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. Yes. I yield to the gentleman.

Mr. BROOKS. I want the gentleman to understand that a conceptual design is a pretty involved presentation.

Mr. HOLIFIELD. The gentleman is quite aware of it, and the gentleman also knows there is quite a bit of difference between a conceptual design and a complete design.

Mr. BROOKS. That is right.

Mr. HOLIFIELD. The gentleman also knows that any competing architect or engineer would finance his own conceptual design and send it in and it would not cost the Government 1 cent if they lose, but the cost would be borne by the architect or the engineer who lost because of his effort to get the business.

Now, this happens in practically every phase of business today where different people are competing for services or projects. They send in conceptual designs, including their estimate of the cost.

Mr. BROOKS. That is exactly what I want to point out. When the Government advertises its specifications, it sends them to dozens of architects around the country for presentation of bids on this particular job. Any architect who takes a look at that specification can then submit over a period of months—months—before they submit their bid. The three most qualified are chosen. All during that period of time, if, as the gentleman points out, they want to submit a design then they can.

Mr. HOLIFIELD. The language of the gentleman's bill does not provide that. It says in section 903:

SEC. 903. In the procurement of professional services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evalute current statements of qualifications and performance data on file with the agency—

That is not the conceptual design—

together with those that may be submitted by other firms regarding the proposed project, and shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three or the firms deemed to be most highly qualified to provide the services required.

I will ask the gentleman this one question. Will the gentleman from Texas yield for just one question?

I will ask the gentleman from Texas this question: Do the three qualified firms selected by the agency have any opportunity to submit conceptual designs unless they are requested to do so?

Mr. BROOKS. Mr. Chairman, if the gentleman will yield further, yes, they do, as well as, perhaps, 50 other architects who have known for 2 or 3 months that such a proposal is going to be made and they can at that time submit one.

Mr. HOLIFIELD. But the gentleman's bill does not contain that qualification. It says that they shall submit their statement of qualification and performance data and does not provide an invitation for a conceptual design.

Mr. BROOKS. Of course not. One does not submit a conceptual design on qualifications.

Mr. HOLIFIELD. The negotiation is with the No. 1 firm selected by the agency as to the evaluation of their qualifications.

Mr. BROOKS. On your qualifications and basic merit and ability and not on a particular job. This is to determine whether or not you might be capable of doing a conceptual design and final design on a job that might be determined when you submitted the qualifications.

Mr. HOLIFIELD. However, the agency is mandated to select three qualified firms. How could the other firms submit a conceptual design?

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. REID of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

As I understand the amendment which has been offered by the gentleman from Texas, it would permit one of the three firms, or all three of the firms, to provide conceptual designs and their price estimate.

It seems to me that that would be a rather necessary ingredient in any fair evaluation and, indeed, if a firm could not get some conceptual design and some estimate of the cost involved, I think the Government would not be in a full position to make a fair judgment. Is that a fair statement of the gentleman's amendment?

Mr. ECKHARDT. Not precisely. The one thing I tried to point out in the colloquy is that this is only when the agency may ask for conceptual designs among the three top firms.

Mr. REID of New York. It was my understanding that it was permissive and could go beyond the statute and be put into practice by the GSA which could be somewhat derelict in making judgment if it did not take into consideration both the qualifications and performance data of the firm and to some extent some ideas that go beyond the number of rooms and total floor space to the conceptual design and, indeed, the estimate of the cost.

It seems to me that would be a reasonable thing an executive would want to look at.

As I understand it, the amendment which has been offered by the gentleman from Texas does not require it, but it makes it possible.

Mr. ECKHARDT. The gentleman from New York is correct. It includes the consideration of the cost in the body of the amendment. The consideration of the cost is also written in the last phrase.

Mr. REID of New York. I thank the gentleman. I think it is a good amendment and should be supported. The consideration of price is not necessarily the most important consideration—design, for instance, might be more important—but nevertheless I do not think that we should exclude price as a consideration. This amendment simply makes possible the consideration of both design and price, in addition to the qualifications of the firms or individuals applying for the contract.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

Mr. Chairman, I would only point out the fact that I join with the gentleman in support of the amendment. If we do not use the language in this amendment, we have foreclosed the young architectural engineer, because imagine if you will, the young architect which approaches No. 2 firm or No. 3 firm and says, "I have an idea and I want you to look at it." They say, "We are not going to be negotiated with." He says, "I have a plan for you to the No. 1 firm," and the No. 1 firm says, "We do not need any conceptual ideas."

At least, this will permit the analysis of some new ideas.

Mr. Chairman, I urge support of the amendment.

Mr. REID of New York. I thank the gentleman for his comments.

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to underline some of the remarks of our distinguished chairman in his supplemental views which are a part of the report:

> We have too many such bits-and-pieces of legislation in this field, and the Congress recently has created a Commission on Government Procurement to examine the vast accumulation of procurement enactments in the interests of more consistency and coherence. The subject of architect-engineer services is on the Commission's study agenda. Before legislating on so complex and controversial a subject, the Congress ought at least to have the benefit of the Commission's findings and recommendations.

I would say concerning this that we are not advocating any innovations here this afternoon in this legislation as it is. We are saying let the departments and agencies continue the practices which they have been practicing for 30 years, and if the Commission which the Congress has created desires to come up with some alternative recommendations let us then consider them at the time the Commission makes such recommendations. What we are now doing in this proposed amendment is trying to change the established system without benefit or advice of the Commission we organized and created for that purpose.

Mr. BROOKS. Mr. Chairman, if the gentleman will yield, I might say in support of the position of the gentleman from Alabama in opposition to the amendment, that this would possibly increase the cost to the Government without any compensating benefit. If this language were overzealously applied in the form of formal, detailed conceptional designs, this additional design work would then increase their costs. I feel that the architects and agencies, like most people, would end up passing on these costs to the consumer, or in this case to the Government.

Mr. BUCHANAN. I certainly concur that this would tend to increase the cost of the architectural and engineering services, and I oppose the amendment.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think the purpose of the amendment is good; namely, to have the firms that, from the point of view of experience and background, seem qualified to do this job, at the invitation of the agency involved where appropriate to have them also submit some kind of preliminary design concept. A preliminary design concept would vary with the nature and requirements of the project. In no event should the preparation of a preliminary design concept involve unreasonable expense for the participating firm. If this amendment is agreed to I hope that we will make some legislative history that we would want the agency to limit what would be submitted by the engineering and architectural firms under the heading of conceptual designs so that there would not be a runaway competition where firms might end up spending thousands of dollars.

In the early days of the urban renewal program this took place, where development sponsors and their architects were competing for large jobs in New York, Chicago, San Francisco, and the other major cities, and there the competition just ran wild, and the firms were spending literally thousands of dollars on their architectural planning propositions. And it finally became the practice for cities in advertising for urban renewal sponsors to limit architectural and planning proposals that could be made to a certain number of pages, where the models could not be larger than x number of square feet, so that the expense was held to a modest amount.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, I want to call to the attention of the Members of the House that the gentleman from New York (Mr. SCHEUER) has engaged in some of the largest building operations in the way of apartment houses and things of that kind before he came to the Congress, and probably knows more on this subject than possibly any other Member, and what he is saying here I concur in, and it is the way that I think it ought to be, particularly regarding qualified architectural and engineering firms, and then let them submit conceptional designs in competition with each other, and then let the negotiations proceed.

I will say this, that if the gentleman from Texas (Mr. BROOKS) wants any semblance of competition at all in this bill, and will accept this amendment, or if the House passes this amendment, I will vote for the bill, otherwise I will have to vote against it.

Mr. SCHEUER. I thank the gentleman, and I say that I support the amendment. I think where appropriate it is an excellent thing to have proposals on architectural planning and design. It is often clear the places in which it is appropriate, and those in which it is not. For a housing project, a school, a library, a visitors' center, it may be appropriate. For a sewer plant or for a road it probably would not be.

Mr. Chairman, I urge the House to make this legislative history that if agencies are empowered at their discretion to invite submissions of architectural design, planning and esthetics that they be limited in what the architects and engineers are permitted to offer to keep the costs down to a minimal level so as not to limit competition by extravagant costs that we know have been incurred historically in urban renewal presentations.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Texas.

Mr. WHITE. Would not the provision to provide for three submissions of constructural designs by selected architects help to eliminate the danger of cronyism—rather than to have the selection of one architectural firm by the decision of one agency?

Mr. SCHEUER. I think the whole idea of opening up large Government jobs to competition is an excellent one. This bill sponsored by the gentleman from Texas does that. I think it is an excellent thing to add the additional dimension of competition that is offered by this amendment, namely, esthetics of the design concept and planning concept.

My only caveat is that we restrict the cost of preliminary conceptual designs to the minimum by limiting what architects and engineers will be permitted to enter as their design concept. This is necessary to keep the cost of presentations from getting out of control.

Limiting the costs of design submissions is especially important to smaller firms. If the costs of submissions were allowed to get out of bounds smaller firms would find themselves at a severe disadvantage in competing with larger, more affluent firms.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The question was taken; and on a division (demanded by Mr. ECKHARDT), there were—ayes 32, noes 26.

So the amendment was agreed to.

The CHAIRMAN. Are there any further amendments to be proposed?

Mr. ECKHARDT. Mr. Chairman, I ask unanimous consent that the amendment placed in the bill by the gentleman from Washington (Mr. HICKS) in section (j)(1) be permitted to be open for amendment at this time. I think I am joined by the gentleman in this request.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The action by which the amendment of the gentleman from Washington was agreed to is vacated and the amendment is open for amendment.

AMENDMENT OFFERED BY MR. ECKHARDT TO THE AMENDMENT OFFERED BY MR. HICKS

Mr. ECKHARDT. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Washington (Mr. HICKS).

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. ECKHARDT to the amendment offered by Mr. HICKS: In section (j)(1) of the amendment, after the word "shall", add the following: "after consideration of such alternate conceptional designs and consideration of their feasibility and costs as may be deemed by the agency appropriate,".

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, this only makes the section concerning the military conform with the provisions of the original bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT) to the amendment of the gentleman from Washington (Mr. HICKS).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington, as amended.

The amendment, as amended, was agreed to.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I take this time in order to ask the gentleman from Texas whether, in the consideration of the Eckhardt amendment providing for the submission of preliminary conceptual designs as part of the element of competition, it was not the intention of the House that the agencies that would invite the three most qualified firms to submit schematic drawings would make it very clear that they intended such offerings to be economical, to be of modest cost, and that they would limit the type of presentation and the number of exhibits, the size of the model, and the complexity and sophistication of the exhibits so as to avoid unreasonable or exorbitant costs, so that it would be possible for each of the three firms to submit such schematic drawings and exhibits at a modest and minimal cost? Was this not the intention of the House?

Mr. BROOKS. In reply to my friend, I would say I hope that my concern lies principally with an overzealous application of the language as contrasted to a fair and reasonable application of the amendment that would be added to the bill. As I have previously indicated, this language could be interpreted to require costly and time-consuming design concepts to be submitted by the ranking firms at a time when authoritative data essential to the development of an optimum design might not be available and under circumstances which could discriminate against the younger and smaller architectural firm who would not have the financial resources to develop design concepts on projects for which they did not have a firm, binding contract with the Government.

In reply to my friend, I would say that the amendment is subject to a reasonable interpretation—that this amendment is to give the constructing agency a general idea of the design approach that the firm would take—that the amendment relates and is limited to preliminary concepts and that it is not intended to become a costly and unpaid-for burden or expense on firms wishing to participate in Government work. Certainly, we do not want the experience you cite in urban renewal; namely, the submission of preliminary conceptual designs costing thousands of dollars, to come about as a result of this language.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PRICE of Illinois) having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 16443, to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government, pursuant to House Resolution 1245, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whcle.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MARKET PROMOTION AND IMPORT RESTRICTIONS

Mr. FOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18884) to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. FOLEY).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 18884, with Mr. BURKE of Massachusetts in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Washington, (Mr. FOLEY), will be recognized for 30 minutes, and the gentlewoman from Washington (Mrs. MAY), will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, this bill brings together for the convenience of the committee and the House four matters which are grouped in titles I to IV of the bill. It would have been possible for the Committee on Agriculture to report these as separate bills, but it was felt that in the final days of this session of the Congress, it might be more convenient to consider them as titles to one bill, because they do, in many ways, deal with similar material.

Title I of H.R. 18884 authorizes the amendment of marketing orders for milk, to include authority to provide for paid advertising and to allow separate marketing orders to be amended for the purposes of research and development projects as well as advertising, excluding granddad advertising, and to engage in other promotional and educational programs to enhance the sale and consumption of milk and milk products.

Title II of the bill provides the same authority for marketing orders for other commodities. We have had a number of proposals introduced and referred to the Agriculture Committee to allow the amendment of marketing orders to include research and promotion. The House has actually favorably acted on two of these bills, which were recommended to it, those dealing with apples and papayas. When it became clear to the Committee on Agriculture that a number of other bills would be introduced to ask for similar treatment for other commodities, it seemed more efficient to recommend to the House general authority for the amendment of marketing orders for any commodity and to put all of these commodities on a similar footing with respect to promotion and research and advertising.

Because of a technical problem in the Marketing Agreement Act of 1937, the milk section, which was a different section of the Act, has to be treated as a title all by itself. That is title I.

Title II deals with all other commodities.

Title III of this bill is authority for the development of a national research and promotion program for potatoes. This proposed legislation is exactly similar to that which passed the Senate. It is the result of an effort to accommodate this legislation to recommendations of the Department of Agriculture.

The Senate version which is incorporated in title III of this bill is adapted from the recommendations of the Department of Agriculture to an earlier bill. It is true that similar legislation was defeated on the floor on November 12 of

last year, but this legislation now involved in title III is different in that it incorporates the Department of Agriculture's recommended modifications.

The title would authorize the creation of a national potato promotion board and the assessment of not more than one cent per hundredweight of commercial potatoes by handlers for the development and promotion of a national plan for the advancement of potato consumption and research.

The board would be selected by the Secretary of Agriculture from nominations made by producers.

The board would have authority to expend these moneys, but all of them would be accountable to the Secretary for the proper utilization of the funds presented. There would be limitations on what could be expended.

It would not be possible; for example, to carry on any advertising program against any other commodity, and the Secretary would have the authority to review the conduct of the program by the board.

In order for the plan to come into effect it would have to be supported by two-thirds of the producers by number or volume, but at least a majority of the producers in the country; and a majority could terminate the plan, or it could be terminated by the Secretary.

The need for a national potato promotion program arises out of the fact that there are hundreds of thousands of potato producers in the United States. They are in a situation where falling income requires every effort to increase the consumption of potatoes and potato products. They want to engage in a self-help effort to provide the funds for advertising and research and promotion themselves.

But it is literally impossible to effect such a program by voluntary action because of the great number of producers in all the 48 continental States which would be affected by this program. Attempts at voluntary contributions and voluntary effort without some form of government structure have just not been considered very promising. Inevitably some producers would bear the burdens of the program and others would benefit.

This plan is very similar to the cotton research and promotion program which was authorized by the House and enacted by Congress in 1966. As in the cotton promotion program, there is an opportunity for any producer who does not wish to participate in the program to apply for and receive a refund of any contribution he has made.

Those farmers who farm less than 5 acres of potatoes are not considered commercial under the act and are excluded altogether.

The final title, title IV of this bill, deals with some restrictions on the importation of olives, raisins, and prunes. Where existing grade, quality, and maturity standards apply to American production of these commodities, this section would require similar standards to be met by imported commodities.

Now, there is one exception to the bill as reported. The gentleman from California (Mr. SISK), one of the principal sponsors of this legislation, will offer an amendment which will be accepted by the committee to eliminate Spanish-style green olives from the provisions of title IV. This will remove the objection of the Spanish Government and the Spanish olive association to the enactment of this title.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman.

Mr. FINDLEY. I am sure the gentleman will recall that the potato bill was up the last time together with the support of some other commodities and it had some amendments in it, one of which placed on the resources produced through the checkoff the full administrative cost of the program, the initial referendum cost and the administrative expense each year. Can the gentleman state whether or not in the proposal now before this body the potato measure is in the form in which it originally came to the floor of the House last year or has it been amended as it was amended on the floor last year to provide that the total administrative, referendum, and other expenses would be borne by the proceeds of the checkoff?

Mr. FOLEY. It is in its original form as it was reported to the floor before amendment.

Mr. FINDLEY. Can the gentleman give us an estimate as to the number of dollars the taxpayers may reasonably be expected to pay to cover the cost of the referendum and the annual administrative expense on the potato items as well as the other items of the bill?

Mr. FOLEY. The report from the Department of Agriculture indicates that the estimated cost of the referendum for the potato section, which is title III, would be $325,000 for the initial referendum if a full-scale referendum by voting at local ASCS offices were undertaken, but the Department has stated that if the potato associations could provide up-to-date and reliable mailing lists, the referendum could be conducted by mail at a cost that they estimate would not exceed $180,000. We were assured in the hearings that such mailing lists are available to meet satisfactorily this requirement of the Department. So, in answer to the question of the gentleman, the cost of conducting the referendum for the potato section would be $180,000 for the initial referendum. The annual estimated cost by the Department for administering such a program, if adopted, would be $80,000 a year.

Mr. FINDLEY. The gentleman, I believe, stated that this bill goes beyond the potato bill of last year and includes olives, prunes, raisins, and milk.

Mr. FOLEY. Yes; the estimated costs of those titles are as follows: It is estimated the milk section, title I, would cost, in Department of Agriculture figures, $200,000 for each of the first 2 years and a lesser amount thereafter. Title II, which deals with other commodities than milk, is estimated to cost about $7,500 for each amendment to a marketing order. The Department does not expect more than eight such orders to be amended within the first 2 years of the bill. New orders, that is, those that do not exist at all for any commodity, are estimated to cost about $25,000 a year to administer, but this deals with the amendment of existing marketing orders for commodities to include promotion, and it would not cost the full $25,000 because it would require only some slight additional administration.

Mr. FINDLEY. But the bill reduces the cost, at least during the first 2 years, by at least $1 million to the taxpayer; does it not? Would that be a reasonable ballpark estimate?

Mr. FOLEY. No; I think that is high. We have estimates that it would cost $180,000 to conduct the potato referendum and $80,000 on top of that which would make it $260,000. Then $200,000 for the milk section would be a total of $460,000 and not more than approximately $60,000 to $65,000 for the other commodities. So I would say it would be in the neighborhood of one-half of what you mention or about $500,000.

Mr. FINDLEY. I thank the gentleman.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from California.

Mr. TEAGUE of California. Whether it is $300,000 or $400,000 or $500,000 or even $1 million, it seems to me we should bear in mind the fact that these are essentially self-help programs and a few hundred thousand dollars to help these producers who are not subsidized by the Government and who do not participate in our feed grains, wheat, and corn programs is virtually nothing. I think that distinction should be borne in mind.

Mr. Chairman, anyone who voted for the omnibus farm bill, which I did not, certainly ought to be able to vote for these essentially self-help programs.

Mr. FOLEY. This is basically a self-help-type program which I think ought to be encouraged. The gentleman from California and I differ on the omnibus farm bill, as the gentleman knows, but I agree with the gentleman that it would seem strange if the House, having supported the omnibus farm bill at a cost in excess of $3.7 billion annually, would now reject this bill because of a cost of about $500,000. I must repeat that this bill provides for a variety of self-help programs by commodity producers who do not share in general price-support legislation. The cost of this bill is about one ten-thousandth of the cost of the general farm program. It is surprising that Members of Congress would come down so hard on self-help programs by insisting upon extracting even the administrative costs of the program from the producers.

I agree with the gentleman that these producers should be encouraged rather than discouraged. The effort to extract the cost of the administration from these programs when we extract them from no other program is difficult to justify.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield further?

Mr. FOLEY. Yes; I yield further to the gentleman from Illinois.

Mr. FINDLEY. The gentleman indicated that the committee would accept an amendment dealing with Spanish olives. Does the gentleman know if the committee will accept an amendment to

place the administrative cost of these programs on the income of the checkoff?

Mr. FOLEY. I would personally oppose such an amendment.

Mr. FINDLEY. The gentleman might oppose it, but the committee has not taken a position on it?

Mr. FOLEY. No; it has not.

Mrs. MAY. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I thank the distinguished gentlewoman from Washington for yielding to me this time.

Mr. Chairman, I want to point out to the House that title II of H.R. 18884, the bill we are considering at this time, is practically the same as the wording used in H.R. 2777 which was rejected by this House on November 12, 1969.

Today we have an omnibus bill with four titles.

Now, we could have sweetened this bill considerably by adding honey. For some reason or other the honey people were excluded. No one has ever given me a legitimate reason as to why they should have been excluded. They have asked for the same privilege.

Mr. Chairman, I want to warn the House that if we pass this bill today we are opening a Pandora's box. Every farm commodity group will be entitled to exactly the same consideration.

Mr. Chairman, we have absolutely no precedent for this bill. There are those who say we do have a precedent and refer to wool and cotton. Wool and cotton, I would remind the Members of the Committee of the Whole House on the State of the Union, are not food but, rather, fiber. They were given that privilege in order to compete with synthetics, and for no other reason. We are definitely setting a precedent because this is the first time we have had a checkoff program for financing one food as against another food commodity.

This bill can only mean increased costs to the consumer, the producer, and the Treasury of the United States.

Now, a word about the potato title:

This bill will only benefit a very small number of producers. A producer in this bill is defined as anyone raising 5 acres or more of potatoes. There are 310,000 potato producers in the United States, and under this bill only 17 percent would benefit, so we are actually excluding about 94 percent of the potato producers.

As has been stated, the USDA has estimated that a referendum will cost about $325,000, with a yearly administrative cost of about $80,000.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Washington.

Mr. FOLEY. The gentleman from Pennsylvania does not dispute, does he, that the Department has estimated that the cost of the referendum would be $180,000 by mail, and that in the committee testimony was received that such was feasible, and lists were available to conduct the referendum?

Mr. GOODLING. That is correct, if a list were made available, but as the gentleman will recall, the USDA was not certain it would have such mailing lists.

Mr. FOLEY. The gentleman may recall that the potato council indicated that they could provide such reliable, up-to-date mailing lists.

Mr. GOODLING. I am thinking more of the precedent than the amount of money involved.

Now, there are those who would say this would be of no cost to the taxpayers, because we are going to use section 32 funds. That to me is a rather ridiculous statement, and I have heard that statement made. Let me remind the Members what section 32 funds are.

Section 32 funds come from the duty on imports. In 1935, by action of the House and the Senate, we earmarked 30 percent for agricultural purposes. Section 32 funds are taxpayers' funds just as much as the tax money that comes out of your pocket and mine. I think that if commodity groups are to benefit they should at least be willing to pay the administrative cost. In the case of potatoes it has been anticipated that $2 million would be raised. It appears to me that the potato producers should at least be willing to pay the administrative costs.

Mr. Chairman, to me this is a bad bill. If we mix eggs, olives, prunes, and raisins with sour milk and spoiled potatoes for lunch we are going to have a tummy ache. I suggest that if this bill passes this House today we are going to sooner or later have legislative indigestion.

Mr. Chairman, I yield back the balance of my time.

Mr. FOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Chairman, I rise in support of the bill which is before us now, and I particularly support title III thereof. The potato-producing industry has long played a major role in our national agricultural program. The production and marketing of potatoes is carried on in every State in the United States, and yet uncoordinated marketing habits have resulted in the failure of the potato industry to keep pace with the ever-changing trends in consumer buying. I believe this bill will provide a way to help the industry to develop new markets, protect the product, and develop new promotional means.

The point has been made that this is going to cost the taxpayer $300,000 or whatever the figure is. I believe it was finally resolved if we use the mailing list of the associations, it will come to $180,000 to conduct the referendum, and it will cost another $80,000 annually. But this is a pittance compared with the amount of money we are spending to subsidize other agricultural products.

In the State of Maine, for example, the second largest potato producer in the country, we are producing 150,000 acres of potatoes. The area is in northern Maine and is suitable for few other crops than potatoes, especially on a wide scale. Over the past few years, the potato industry in Maine and throughout the country has not received any subsidy from the Federal Government, not since World War II anyway, and the amount that is going to be spent to promote their products, which by the way is going to inure to the benefit of the consumer as much as it is going to inure to the benefit of the growers, is a pittance. I think it would be a wise investment by the House of Representatives to support this legislation.

The point has been made that only 17,000 growers are going to benefit from this; 17,000 growers growing 5 acres of potatoes or more. If you try to conduct a referendum of 310,000 growers throughout the country, this would be an unwieldy procedure and it would not be profitable because most of those growers producing under 5 acres, are using it for their own consumption or supplying their friends and neighbors, and not entering into the big market.

Furthermore, the benefits of any plan adopted by the 17,000 growers who are growing 5 acres and above will inure to the benefit of those growing under 5 acres.

So let me say in conclusion, I think the legislation is good legislation and that the cost involved is very small compared to the benefit to the consumers and the growers of potatoes throughout the country. I hope the House will give its overwhelming support to the bill.

Mr. GOODLING. Mr. Chairman, will the gentleman yield for a question?

Mr. HATHAWAY. I yield for a question.

Mr. GOODLING. Is it not a fact that the Maine potato growers defeated the referendum a year ago, similar to the Pennsylvania referendum which was defeated?

Mr. HATHAWAY. I will say in answer to the gentleman's question that the Maine potato growers are unanimous in their support for this particular legislation. Whether or not they defeated one in the State of Maine, to the best of my knowledge, I do not know—but the gentleman could be correct. But I know the Maine Potato Council which is the spokesman for the Maine potato growers has unanimously approved the bill which is under discussion right now.

Mr. GOODLING. I am certain I am correct in my statement when I say that the Maine potato growers defeated the referendum similar to the one that the Pennsylvania potato growers defeated a year ago.

Mrs. MAY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, a year ago the House rejected a potato bill, and I guess it might be said that the potato bill got mashed. This time we have a bill that has not only potatoes in it, but olives, prunes, and raisins and milk. So this might properly be called a potato salad bill and maybe the question before the Committee today is whether the potato salad will get tossed.

There are several aspects of this bill that trouble me. One part is the provision on dairy. If I am correct, and I hope the gentleman from Washington will correct me if I am wrong, the referendum authorized for dairy does permit cooperatives to vote as a bloc. Am I correct on that point?

Mr. FOLEY. Yes.

Mr. FINDLEY. This means that a minority of the producers of milk through the operation of bloc voting could effectively impose a marketing order for the majority of milk producers. Would anyone challenge that assertion? I believe that is a fair assessment of what could happen.

Another aspect is that the bill has no provision which permits dairy producers to get a refund. Dairy is unique in that respect.

Under the other provisions of the bill the producer who wants to go through the paperwork procedure can get a refund in the amount of the checkoff imposed against his marketed product. But for some reason this is not extended to dairying. I wonder if anyone can explain why dairy producers are given such exceptional treatment, are passed up in this regard? I hear no response to that question.

Another aspect of the bill that troubles me is the degree to which it puts the Federal Government into the product-advertising business. In reading the bill I note that the Secretary of Agriculture is the official who selects the potato board and the board for the other commodities as well. Therefore, through his office the amount of the checkoff is determined. Through his office authority is exerted over how the proceeds of the checkoff are spent.

Is it really in the public interest to put an official of the Federal Government so deeply into the business of product advertising? I question it as a matter of public policy, and therefore urge my colleagues to join me in opposing this bill unless, happily, it is amended enough to make it desirable, though I have not heard of any amendments to accomplish that.

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentlewoman from Washington.

Mrs. MAY. In response to the gentleman's question concerning the difference in the handling of checkoff on dairy products, the milk section of this bill is an amendment to the 1937 act, and there have always been dairy cooperatives and bloc voting has been traditional, as well as no producer refunds. The potato research title in this bill is another separate act, differing from the amendment to the 1937 act, which title I of the dairy bill is.

Mr. FINDLEY. Am I not correct in stating that the 1937 act is opened up?

Mrs. MAY. For amendment.

Mr. FINDLEY. An amendment which could guarantee the right of each milk producer to vote directly in the referendum.

Mrs. MAY. The bill is open for amendment. I just wanted to point out the difference in the approach between the two commodities.

Mr. FOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I rise in support of H.R. 18884, a bill which has been carefully considered by many subcommittees and the full Committee on Agriculture before being brought to the House floor today. As you know, there are four sections of this bill, each of which is extremely important to some segment or other of our agricultural economy. Of course, I am particularly interested in section 3, having been the cosponsor of similar legislation a few months ago; legislation which was defeated by this same House of Representatives by a margin of 27 votes, which I am positive was due to a misunderstanding on the part of some as to the intent of this legislation. Many of you who voted "no" on that occasion have assured me that with a more thorough understanding we can expect your support here this afternoon.

In the broadest sense this entire bill, and particularly section 3, permits our farmers and farm organizations to make their products more competitive in this Nation and the entire world by providing for promotion and research without any cost to the American taxpayer whatsoever, with the possible exception of the cost of the referendum.

For many years different commodities have been brought to the attention of the Agriculture Committee asking for special legislation to provide for marketing orders and special promotional plans. This bill, H.R. 18884, will to some degree eliminate the necessity of this legislative process in the future, at least as it relates to the four commodities covered.

Certainly anyone who believes in free enterprise, whether it be in industry or agriculture, should recommend the producers of these various products for their efforts to improve their economic status. Certainly in this day of an inflationary spiral which is touching all segments of our economy, except that which the farmer is receiving for his produce, this bill is sorely needed, and, in my opinion, deserves the support of every Member of this House.

In my opinion, this bill deserves the support of every Member of this House.

Mr. Chairman, I am well aware of the opposition of one of the major farm organizations and the campaign which they have conducted against particularly title III of the bill, but I would like to relate a little instance which happened a few months ago when the original bill was being considered. As I recall, there were 12 witnesses from the States of California, Washington, Idaho, Maine, and, yes, North Carolina, who appeared in support of this legislation. The only opposition expressed in that full committee hearing was by a gentleman named Mr. Lynn who at that time, as I recall, was a legislative representative of the American Farm Bureau. When he finished with his opposition, I directed a question in words to this effect:

"Mr. Lynn, whom do you represent?"

His answer was, "The American Farm Bureau."

I then asked the 12 witnesses who had appeared on behalf of this bill how many of those gentlemen were members of the Farm Bureau somewhere in their respective States, and as I recall, 11 of the 12 stood and said they were Farm Bureau members. My only question to Mr. Lynn was, "Then just whom do you represent, sir?"

Yes, title III has had unqualified endorsement of the overwhelming majority of those who are seeking this legislation. This is not a bill that I designed or that any member of the committee designed. This language was brought to us by the producers themselves in what they believe are their own best interests.

I ask the Members to support not only title III but the other sections also, of H.R. 18884, for, in my opinion, it is sorely needed and greatly needed by those whom it will affect.

Mrs. MAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 18884 contains four titles, the impact of which I would like to briefly review.

Title I would authorize amendments to milk marketing orders providing for the establishment of research and development projects, and advertising, sales promotion, educational, and other programs designed to promote domestic marketing and consumption of milk. These programs would be financed through producer assessments.

Title II would authorize amendments to marketing orders for all commodities other than milk for the same purposes I have just outlined.

Title III incorporates the Potato Research and Promotion Act—self-help legislation designed to assist potato producers in expanding their markets. It would provide for a program of potato research, development, and advertising and promotion, to be financed by assessments of not more than 1 cent per 100 pounds of potatoes produced commercially in the 48 States. It is similar to the existing Cotton Research and Promotion Act. The program could go into effect only after approval by the Secretary of Agriculture and by two-thirds—in number and volume and at least a majority in number—of the potato producers voting in a referendum. The program would be administered by the growers themselves, subject to approval of the Secretary. Only commercial producers who produce 5 or more acres of potatoes would vote or be subject to assessment, and any producer could obtain a refund of his assessment if he so desired.

Title IV would prohibit the importation of olives, raisins, and prunes when such commodities would compete with commodities marketed under an order containing terms or conditions regulating grade, size, quality, or maturity.

The purpose of this legislation, Mr. Chairman, is to help U.S. farmers hold and expand markets for the commodities they produce. Research and promotion have proven to be effective market development mechanisms for many commodities, and allowing producers to assess themselves to help sell their product is the kind of basic self-help tool which many of us believe is a better path to follow than the road of greater and greater Federal involvement. Farmers can help themselves if given the tools with which to work, and this legislation will help supply those tools—with minimal cost to the Federal Government, I might add.

This Congress has already approved legislation to authorize paid advertising under marketing orders for almonds, apples, and papayas. So the thrust of this bill is consistent with that policy estab-

lished by Congress years ago and reaffirmed by this body.

We recognize, of course, that there may be disagreements over the details—the specific mechanics—of this particular bill, but there can be little question over the desirability of the policy it embodies. So I appeal to my colleagues not to let any differences over details deprive U.S. farmers of this important means of helping themselves improve their economic position.

A second avenue of approach utilized by this legislation would help protect domestic markets of olives, raisins, and prunes against competition of unregulated imports which do not meet the size, quality, or cleanliness standards of American produce. This has become an increasingly serious problem to U.S. producers and needs to be dealt with directly.

In conclusion, Mr. Chairman, our committee—along with many others in this body—are keenly aware of the need to build up the sagging U.S. agricultural economy, and we feel that this legislation with its self-help provisions can assist farmers in moving toward this goal. The bill was reported from our committee by an overwhelming vote, and I urge my colleagues in the House to make the vote today equally overwhelming for its enactment.

Mr. MATHIAS. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I am glad to yield to the gentleman from California.

Mr. MATHIAS. I rise in support of this very important self-help bill. I have had a great interest in title III, which contains the Potato Research and Promotion Act. I can say, after 4 years of service on the Committee on Agriculture, at no time have we seen as much unanimity for such a program as there is for the potato research and promotion program.

In the 48 contiguous States which grow potatoes I believe it is a fact that almost 100 percent of the growers agree a research and promotion program is desperately needed.

I do rise in support of the whole bill, and I hope it will be passed.

Mrs. MAY. I thank the gentleman from California. Indeed I can corroborate that he has worked very hard on behalf of the potato section of this bill, and indeed it did have very rare unanimity of support, which we do not often see in the Committee on Agriculture.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentlewoman yielding.

In the milk section on title I there are two things which are of concern to a number of people. I recognize the milk producers are split as to what they think about this kind of legislation.

In the Department letter, found on pages 10 and 11 of the committee report, they urge enactment of what was then H.R. 10710, but suggested minor modifications, including accommodation of refunds to producers under certain circumstances.

The bill which comes before us does not have that Department language contained in it.

I have an amendment prepared, which I do intend to offer at the appropriate time, to allow the refund. I wonder if the gentlewoman could give us any reason why that particular section was left off?

Mrs. MAY. I will say there was a controversy within the committee from the various sections of the dairy producing areas of our Nation. At that time there was a split feeling, shall we say, among members of the Agriculture Committee.

May I tell the gentleman, today it is true, in the interest of equity, since we have given this same provision in the potato section of the bill, I personally would add support to accepting the gentleman's amendment when offered.

Mr. STEIGER of Wisconsin. I thank the gentlewoman for her comments and support.

Mr. FOLEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. SISK).

Mr. SISK. Mr. Chairman, I appreciate the gentleman from Washington yielding.

I simply rise to state my support for this bill.

As has already been explained, of course, there are four titles in the bill. It is my opinion that they all represent progress in connection with the self-help program. I think all four titles will tend to improve the situation from the standpoint of the producers of the various items that are mentioned herein. I recognize that there are differences of opinion, but basically the commodities and the types and kinds of farming and agriculture we are dealing with here are types that are not subsidized, have never been subsidized, and are not now seeking any subsidy. These are people who have consistently, throughout the years, fought their battles in an open and free market. That is the position in which they desire to continue. These are programs which do permit them through working together and through cooperative arrangements and agreements to help themselves. As I say, they seek no subsidies in connection with any of the programs here involved.

So, Mr. Chairman, I would urge support for all titles of this legislation.

I think the gentleman from Washington (Mr. FOLEY), has already mentioned the fact that I will offer an amendment which I understand will be accepted generally by the committee doing away with some controversy with regard to olives in connection with title IV. The Spanish Olive Association raised some question, and we are offering an amendment which will exempt the Spanish-type green olives. This effort to reach this compromise was participated in by representatives of that association and, of course, it is agreeable to the California olive people. Therefore, as I understand it, this removes all of the objections that they had at the time the hearings were held on the legislation.

Mrs. MAY. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, I thank the gentlewoman for yielding to me.

I rise in support of this legislation and particularly to address myself to title IV, which says in effect that the American consumer has the right to expect the same standard of quality in dried fruit which is imported as is demanded of the producer of dried fruit in this country.

I am utterly appalled that the U.S. State Department is on record in opposition to title IV. I hope the people downtown in the State Department read the CONGRESSIONAL RECORD tomorrow, because I would like to use that device to remind them that their checks, when they come to them on the first of each month, are drawn on the "Treasurer of the United States." They receive their pay from the American taxpayer.

I am appalled that each time the taxpaying American public's interest comes into conflict with a foreign interest, the State Department is always lined up in opposition to the American taxpayer.

Mr. Chairman, dried fruit producers are not asking for a quota to be set on imported raisins and prunes. They are not asking for higher tariffs. They are not asking for the imposition of any hidden, nontariff barrier that would preclude importation. They are simply asking that imported dried fruit meet the same quality standards as we have imposed upon our product produced here in this country.

The California raisin industry has been able to market its product in an orderly fashion through a Federal marketing order for raisins. It has set aside as high as 40 percent of its crop in some years.

Mr. Chairman, the trade has established uniform standards so that both the domestic trade in the United States and the export trade must meet those standards. But ironically under the present situation the domestic grower must meet U.S. standards when he exports to a foreign country, but a foreign grower does not need to meet U.S. standards when he exports to the United States. Now, I ask you, does that make any sense at all? To permit anything less than U.S. standards for raisins imported into this country would be equivalent to setting up a double standard. It constitutes unfair competition for American growers.

Mr. Chairman, our prune industry is also trying to help itself through three programs. This year in a "green drop" program it took the equivalent of more than 23,000 dried tons of prunes and dropped them from the trees, a total waste.

Second, it has embarked upon a program to eliminate small prunes from the market. Third, it has taken 12,000 tons of last year's inventory and diverted it to cattle feed.

Forty-nine thousand tons of small and inferior, low-quality type prunes have been taken off the market. But now some Eastern European nations are today being allowed to export small-grade or poor-quality prunes to the United States. They are small sized, poor quality, and they do not meet the same standards which our growers impose upon themselves.

Mr. Chairman, I strenuously object. I cannot say too strongly that we should

not permit foreign countries to use the U.S. market as a dumping ground for low-quality products that we forbid our consumers to buy from domestic producers.

Mr. Chairman, there is a great wave of consumerism sweeping our country. We have an honest, serious, and legitimate concern for the quality of food which we offer to our consumers for their consumption. Yet, we require these high standards for the American grower and we look the other way when the foreign producer is allowed to send products into this country which violate those standards.

The dried food industry across this Nation is in serious straits. As the gentleman from California (Mr. SISK) has already told us. It has never asked for a subsidy and it never will. It only asks to compete fairly, on equal terms, in the world marketplace.

All title IV of this bill does is to say to the American consumer, "You have the right to expect the same quality from that which is produced outside this country that we give you when it is produced inside this country." It also says that we shall compete fairly throughout the world instead of having one-sided requirements imposed upon agriculture by the U.S. State Department.

Mr. FOLEY. Mr. Chairman, I have no further requests for time.

Mrs. MAY. Mr. Chairman, I yield 3 minutes to the gentleman from New York. (Mr. MCEWEN).

Mr. MCEWEN. Mr. Chairman, I share the views so well expressed by my colleague from Illinois when he addressed himself to the fact that under title I, this promotion program could be voted in by a bloc vote. I commend also my colleague from Wisconsin for the amendment he intends to offer permitting individual voting and also the amendment to provide for a refund if an individual producer does not wish to participate in this program.

Mr. Chairman, I know that there is a division among dairy farmers and dairy organizations on this section of the bill. But I am also aware of the fact that one of the major producer groups in the United States recently conducted a poll of its members numbering some thousands, and in that poll 87 percent of the milk producers replying said they were opposed to a compulsory program for milk and dairy products.

If the amendments offered by the gentleman from Wisconsin are adopted, and I think there are other provisions, as the gentleman from California (Mr. GUBSER), has pointed out in title IV, for example, that are very laudatory in this bill, then these improvements are made in this committee I intend to support the bill.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in opposition to H.R. 18884 which would authorize assessments for the promotion of certain domestically produced commodities, including milk, and extend import restrictions to raisins and prunes.

Title III of this bill, the Potato Research and Promotion Act, is nearly identical to a bill which this body rejected on November 12th of last year—a bill which I voted against. I intend to vote against this bill for the same reasons I voted against that one, plus a few more which present themselves with the addition of milk, raisins, and prunes. I can now understand why some insiders refer to this as the "Salad Bill," though I must say that the ingredients make for a most unpalatable salad, just as the contents of this bill make for a most unpalatable law. This is one tossed salad that ought to be tossed out the window rather than be served at the President's table.

Mr. Chairman, in examining the legislative history and contents of this bill I am reminded that the other body does not necessarily have a monopoly on the Christmas tree business, especially around this time of year. In fact, this bill reminds me a little of the song, "The 12 Days of Christmas," with all its goodies. I can almost hear the salad bill chorus ending on the melodious refrain, "and a lameduck in a pear tree."

Mr. Chairman. I do not intend to lightly dismiss this bill without addressing myself to the substantive objections which I have. We are being asked today to approve checkoff assessments on producers of several food commodities to finance promotion programs. We are also being asked in title IV of this bill to extend import restrictions to certain foreign commodities which do not measure up to domestic standards.

Mr. Chairman, those of us who objected to the original potato bill did so on the grounds that it not only discriminated against the vast majority of potato producers who would not be included in the program by virtue of small acreage, but because it would also set a precedent for producers of other food crops who would seek similar advantages from the Government. Apparently our fears were well founded for that is exactly what is happening under this legislation. At least under the potato title a producer may receive a refund on his assessment if he desires; but under titles I and II which cover dairy and other commodities, there is no such provision for an individual producer to receive a refund.

Mr. Chairman, if we look at this bill from the standpoint of logic, it makes little sense, for once you authorize these promotion funds for every imaginable commodity, any competitive advantage that might be intended would be lost. Competitive commodities would each have their own promotion programs which would tend to offset each other and thus bring us full circle but at considerable expense to producers, consumers and the U.S. Treasury.

Finally, in title IV which extends import restrictions to raisins and prunes, we have a provision which the Department of State claims will be interpreted by the affected supplying countries as a nontariff barrier in violation of various international commitments and agreements, including GATT. The State Department concludes that these countries will likely respond with retalitory measures against those American commodities which they import. I therefore oppose this title for the same reasons I opposed the trade bill—it is overprotective and likely to spur a trade war.

In conclusion, Mr. Chairman, I urge the defeat of this salad bill. I could think of no better way to spoil a Christmas dinner than to serve this chaotic concoction at the outset.

Mr. JOHNSON of California. Mr. Chairman, I rise this afternoon as a coauthor of H.R. 18884 to urge my colleagues to give their favorable consideration to this legislation.

Originally I became interested in this legislation because of H.R. 682 and H.R. 2387, which I cosponsored in the opening days of the 91st Congress. These bills would have extended import restrictions of the Agricultural Marketing Agreement Act of 1937 to olives and raisins, respectively.

Subsequently, I supported my good friend and colleague from California, Congressman GUBSER, in his effort to provide similar provisions for domestic raised prunes.

I was extremely gratified that the provisions of these three bills were incorporated in title IV of the omnibus bill, H.R. 18884, which was reported by the Committee on Agriculture.

Looking at this basic question of the equal status of domestic raised crops in competition with imported commodities, I would like to cite for you the comments made recently by Mr. A. E. Thorpe, executive vice president of the Dried Fruit Association of California. While he was speaking primarily of raisins in the following discussion, I think the same philosophy prevails for all three commodities covered in title IV:

The California raisin industry is not asking for a quota to be set on imported raisins. They are not asking for higher tariffs, nor are they asking for the imposition of any hidden non-tariff barrier which would preclude the importation of raisins from abroad that are sound, clean and edible, as well as of the same grade and quality as the domestic product. They are simply asking that the imported raisins meet the same quality standards as the industry has imposed upon its own product to give the American consumer a quality to which they are entitled. Purely and simply this is a matter of equity and is intended to keep out low grade raisins. Section 8(e) does no more than this.

The California raisin industry has been able to market its product in an orderly fashion through the Federal Marketing Order for Raisins. It has set aside as high as 40% of its crop in some years, to be diverted into non-domestic channels. It has provided its own subsidy for those raisins shipped in export by meeting world competition which usually does not return the cost of production to the grower. He is thus dependent upon the domestic market for a fair return for his crops, and in order to maintain that market, insists on strict quality regulations. To accomplish this, the industry has adopted U.S. Standards, and will not permit raisins to be shipped either in domestic or export channels unless they meet such standards. Every pound of raisins received by processors from producers requires inspection for quality. Every pound of raisins processed and shipped to the trade is inspected to assure they meet these quality standards.

To permit anything less for raisins being imported into this country would be equivalent to setting up a double standard and

would provide unfair competition for American grown raisins.

Additionally, I would like to emphasize that all three industries are expending heavily in research, advertising, and trade promotion. It is not intended that these funds advanced by the domestic industry should help provide and expand a market for low-grade prunes, raisins, and olives from abroad. We feel that these imported commodities should measure up to the standards required for this Nation.

Furthermore, we strenuously object to any foreign country using this country as a dumping ground for low-quality products, whether they be raisins, prunes, olives or other commodity.

One other provision of this legislation of special importance to me, is title III, the Potato Research and Promotion Act provisions. This provides for a program of potato research, development, advertising, and promotion, to be financed by assessments of not more than 1 cent per hundred pounds of potatoes produced commercially in the 48 contiguous States. It is generally similar to the Cotton Research and Promotion Act, which was approved July 13, 1966. The program would be effective only if approved by the Secretary of Agriculture after notice and hearing and by two-thirds—in number and volume and at least a majority in number—of the producers voting in a referendum. It would be administered by a national potato promotion board composed of producer representatives selected by the Secretary from producer nominees. The board would develop a budget and program, recommend assessment rates, and enter into agreements to carry them out, all subject to the approval of the Secretary. Assessments would be collected by handlers. Only commercial producers, who produce 5 or more acres of potatoes, would vote or be subject to assessment. Any producer could obtain a refund of his assessment if he desired.

The potato industry, which I represent in California, feels very strongly they should be entitled to participate in this program, which in effect is a self-help effort on the part of this industry.

The cost would be minimal compared to the benefits to the industry, which would result in stability to the area. As coauthor of H.R. 18884, I urge your support of the omnibus bill, as it would meet the needs of the industry.

Mrs. MAY. Mr. Chairman, I have no further requests for time.

Mr. FOLEY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the bill by title.

The Clerk read as follows:

H.R. 18884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ADVERTISING PROJECTS

SEC. 101. Section 8(c)(6)(I) of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended to read as follows:

"Establishing or providing for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to those commodities specified in section 8c(2) of this Act, such projects may provide for any form of marketing promotion including paid advertising: *Provided further*, That the inclusion in a Federal marketing order of provisions for research shall not be deemed to preclude, preempt, or supersede research provisions in any State program covering the same commodity."

TITLE II—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 202. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of $561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 203. As used in this title:

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 204. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan." Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARINGS

SEC. 205. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 206. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 207. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 208. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assesment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board, as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a)(4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided,* That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 209. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further,* That such promotional activities shall comply with the provisions of section 208(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising, and promotion in years when the production and assessment income may be reduced: *Provided,* That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 210. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for payment of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 211. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided,* That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 212(a) of this title.

ENFORCEMENT

SEC. 212. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violatiing, any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than $100 nor more than $1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 213. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is

carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 214. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 210(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 215. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 216. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 217. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 218. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 219. This title shall take effect upon enactment.

TITLE III—RESTRICTIONS ON IMPORTED COMMODITIES

SEC. 301. Section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, is amended by inserting in the first sentence thereof between "tomatoes" and "avocados," the following: raisins, olives, prunes".

Mr. FOLEY (during the reading). Mr. Chairman, I ask unanimous consent that the entire bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will read the first committee amendment.

The Clerk read as follows:

Page 1, line 3, insert the following:

"TITLE I—ADVERTISING PROJECTS: MILK

"SEC. 101. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I):

" 'Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising, or marketing research as required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds allocated under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order.' "

Mr. FOLEY (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN TO THE COMMITTEE AMENDMENT

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin to the committee amendment: On page 3, line 17, strike the quotation marks and insert in lieu thereof the following: "Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

Mr. STEIGER of Wisconsin. Mr. Chairman, this amendment is the one I discussed with the distinguished gentlewoman from Washington (Mrs. MAY) and a copy has been given to the gentleman from Washington (Mr. FOLEY) who is handling the bill.

This is the amendment which would guarantee under the marketing order the right of an individual producer to receive a refund when he so desired. If he did not support the research and promotion carried out under the order, he could then get a refund.

I want to make it very clear that it is the intent of this amendment that such a provision for a refund should be included in an order under the terms and conditions therein as established by the Department of Agriculture, and that it is my intent that it be simple; that is, that the producer be able to receive a refund in as quick and convenient a manner as possible so that there is not too much paperwork for the farmer to go through in order to receive his refund.

This is something about which a number of people have a great interest. I was interested, for example, in the remarks of the distinguished gentleman from New York. I think this amendment would go a long way toward helping to clear up any difficulties that may be forthcoming as a result of promotion and research under a marketing order, because all we are doing here in this section is mandating from the farmer a checkoff from his funds for this purpose.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Texas.

Mr. POAGE. Mr. Chairman, speaking only for myself, as chairman of the committee, I would be perfectly willing to accept the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. I am grateful for the aceptance of the amendment by the distinguished gentleman from Texas.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. Can this milk producer—and this does apply to milk only?

Mr. STEIGER of Wisconsin. Milk only.

Mr. GROSS. Can this producer verbally request a refund, or must he go through a lot of redtape, Government redtape, in order to get his refund?

Mr. STEIGER of Wisconsin. May I say to the gentleman from Iowa that I would think we would have to make some kind of written request for a refund. I tried to indicate in my opening statement my own understanding that this amendment is designed to allow a refund to be possible under the terms and conditions of the order and to direct the Secretary of Agriculture to make it as convenient and as expeditious as possible with as little paperwork as necessary for the farmer to get a refund.

Mr. GROSS. The gentleman says to "allow." Is this not mandatory that the refund be made upon the request of the producer?

Mr. STEIGER of Wisconsin. Yes, it is mandatory, but subject to the terms and conditions that are contained in the marketing order.

Mr. GROSS. I thank the gentleman.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to my colleague, the gentleman from Iowa.

Mr. KYL. I would like to direct three brief questions to the gentleman from Wisconsin.

First, we are talking here about an annual refund; is that correct, rather than a periodic or monthly refund?

Mr. STEIGER of Wisconsin. Yes, it would have to be a periodic refund, depending on the marketing order.

Mr. KYL. Question No. 2. I am assuming that a producer makes a request that all of his funds be returned, he could not request a portion of his contribution to be returned?

Mr. STEIGER of Wisconsin. That would be correct.

Mr. KYL. Finally, I am assuming there would be no cost assigned to the individual producers who ask for a refund. In other words, he would get his original contribution back without deductions for bookkeeping, and so forth.

Mr. STEIGER of Wisconsin. Yes.

Mr. KYL. I thank the gentleman,

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman.

Mr. FINDLEY. As I understand the gentleman's amendment, it deals also with block voting; am I correct on that?

Mr. STEIGER of Wisconsin. No, I have a separate amendment on block voting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER) to the committee amendment.

The amendment to the committee amendment was agreed to.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN TO THE COMMITTEE AMENDMENT

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin to the committee amendment: On page 3, line 7 strike out the phrase: "Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders," and insert in lieu thereof: "Notwithstanding the provisions of section 8c(12) and the last sentence of section 8c(19) of this Act, no order provision under this subparagraph (I) shall be effective unless separately approved by producers in a referendum in which each individual producer shall have one vote,".

Mr. STEIGER of Wisconsin. Mr. Chairman, this is the second of the amendments. This is the one that goes to the question of block voting.

I recognize full well that for producer cooperatives the concept of block voting is one that has always been supported. I think it is easier to have block voting in complicated marketing orders generally.

I think it is pretty clear that there is a reason for block voting as it has been carried on before. We have previously made an exception under the class I base plan passed here by the House sometime ago and, finally, now signed into law I guess or about to be signed into law. There is also a provision for one-man, one-vote in title III of this bill.

Mr. FOLEY. Is the gentleman aware the class I base plan has been signed into law as of 11 o'clock this morning.

Mr. STEIGER of Wisconsin. I thank the gentleman.

In title III of this bill, H.R. 18884, in the potato section, there is a comparable type of provision—not identical language. What we are saying here is that this is a single-purpose provision in the order. It is marketing and research. It has nothing to do with the other complexities of the typical milk marketing order. Therefore, each individual producer ought to be able to make a judgment as to whether or not he wants to be voted as part of a bloc or as an individual producer. I think there is every reason to believe that he would be better off voting on a one-man, one-vote basis, voting as an individual producer, as he sees whether or not the marketing and research order would be essential to him as an individual.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman. To make a little legislative history here, am I correct that the gentleman intends that his amendment prohibit a research and promotion checkoff for dairy unless the referendum on this program permits individual producers to vote separately?

Mr. STEIGER of Wisconsin. That is correct.

Mr. FINDLEY. I do not know whether the language you have introduced as an amendment will effectively change the basic law for dairy to accomplish that. I did want to make clear that that is your intention, that it would prohibit any referendum for the purpose of research and promotion for dairy unless the individual dairy producer is permitted a separate and independent vote.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's comment. He is correct in terms of his analysis of what the intent of the amendment is and what its effect will be if it is adopted.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. The gentleman has just offered an amendment which provides, as I understand it, a convenient and easy refund of any assessments to be made for promotion or advertising under this title. That amendment was accepted by the chairman of the committee and adopted by the committee. It would seem to me that this removes any basis for the second amendment being offered by the gentleman from Wisconsin. If individual producers, regardless of whether they favor or disapprove of a promotion and research program, have an absolute right to a refund in a convenient and prompt manner, how can they be disadvantaged by any provision in the existing law for bloc voting?

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am glad to yield to the gentleman from Iowa.

Mr. KYL. I do not think the gentleman's argument prevails at all. It is possible that there are far more people who would not want to be involved in this program than who would want to. Therefore, there would be a very substantial, perhaps a majority number of the people involved who would request a refund, and the amount of paperwork, and so on, would leave nothing for promotion. I think if you adopt the amendment offered by the gentleman from Wisconsin or not, the vote is an absolute necessity to get a viable program into operation. Otherwise, we may not have any promotion at all.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from New York.

Mr. McEWEN. I thank the gentleman for yielding. I agree with our colleague from Iowa. The gentleman's amendment would permit the individual expression of producers. Otherwise, it could be extremely burdensome. Under the first amendment adopted, the producer would have to renew his request.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. STEIGER of Wisconsin was allowed to proceed for 2 additional minutes.)

Mr. McEWEN. Mr. Chairman, will the gentleman yield further?

Mr. STEIGER of Wisconsin. I yield to the gentleman from New York.

Mr. McEWEN. Under the amendment we just adopted, the producer must periodically make his request for a refund, which is some burden. I think that the amendment it is still a burden. The argument against doing away with bloc voting and permitting individual voting has always, as I have understood it, been that the milk order might fail because not enough people would vote, and therefore the order would fail. In this case we do not have that threat because those matters are separated. If it is turned down, the language of the order does not fail. I think the amendment offered by the gentleman supplements the first amendment that we have adopted, and I think they go hand in hand. We need both of them.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's comments.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Washington.

Mr. FOLEY. I would like to ask the gentleman another question. He is aware, I am sure, that the act in question, in section 8c, subsection (16) provides for termination of any order at the sole option of the Secretary of Agriculture, and that, in addition, the Secretary does not have to promulgate an order after it has been in effect voted upon by the required number of farmers. So we have the backstop protection against the kind of case stated by the gentleman from New York, that if an overwhelming number of producers voted against a program, the Secretary could make a simple determination that it was not in the public interest either to promulgate a program or to terminate an existing program without any further requirement on the part of individual producers.

Mr. STEIGER of Wisconsin. I do understand what that implies, but again let me just simply say, while I do like the idea of research and promotion we are talking here about the individual farmer's income. We are talking about a checkoff from the milk which he markets and I think that every dairy farmer ought to be given the right to make a determination on an individual basis as to how his money is spent. Bloc voting runs counter to that ability, and that is the reason, it seems to me, since it is a separate facet of the order, the bloc voting ought to apply in this instance.

Mr. FOLEY. There are safeguards which do exist and which protect the rights of the individual farmer. The gentleman's first amendment would give full and adequate protection.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(On request of Mr. GERALD R. FORD, and by unanimous consent, Mr. STEIGER of Wisconsin was allowed to proceed for 2 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, the so-called safeguards mentioned by the gentleman from Washington, if they do exist and I assume that they do exist, in no way protect the right of the individual against the problem of block voting. There is a safeguard in the hands of the Secretary of Agriculture, not a safeguard for the rights of the individual participant who might be precluded from casting his vote the way he wants to if there is block voting.

Mr. STEIGER of Wisconsin. Mr. Chairman, it seems to me the comments of the gentleman from Iowa were right on target, that we do in this instance have a situation in which we will have a refund for individual producers, but if we use block voting and maintain and have this kind of marketing order, we are going to run the risk of the majority of farmers' withdrawing from research and promotion simply because the individual farmer was not given the right to make the individual determination.

I hope the amendment is adopted. I think it will strengthen the bill, and I hope the bill can then pass in good shape.

Mr. FOLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is not my purpose to argue the justification or the lack of justification of block voting. It has been in the Milk Act since 1937. It is a controversial subject that has been raised in the past debates on this floor as well as on the floor of the other body. All we did in this particular section is to give authority to have marketing orders amended for research and promotion in the same manner and with the same general guidelines as other amendments to milk marketing orders have made in the past.

If it is the desire of members of the committee to alter the block voting rule, then appropriate legislation can be introduced for that purpose. It seems to me any question about the individual rights of milk producers under this kind of assessment program have been more than adequately provided for by the adoption of the first amendment offered by the gentleman from Wisconsin. His first amendment which lets every single producer, regardless of his reason, get out of the program at any time he wishes to get out; to get a full refund, whether he voted for the program or not; or approved it in the original instance, or otherwise, or whether he participated for a time or not. He does not have to offer any reason, as I understand the amendment of the gentleman, or have any particular complaint, except that he does not want to pay the assessment.

Have we not done as much as we can to guarantee a reasonable protection for farmers who do not think program is sound? Rather than tamper with the basic law, which if it is going to be changed should be changed in general legislation, I hope this amendment will be defeated and that the adoption of the gentleman's first amendment will be taken, as full and adequate protection.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, in title III, on page 14, it says the Secretary shall conduct a referendum among producers. That is, as I understand it, individual voting for potatoes. Why do we deny it for dairy products?

Mr. FOLEY. The two are entirely different. One is for a market order under authority which has existed for many years and based on regions of the country and on milk markets. The other is an entirely new program which has its antecedent and precedent in the cotton research and promotion bill. It is national in scope. It does not take funds due to producers, as in the milk program, where pool payments are made to producers, and it provides a new assessment on handlers.

So the two are just in different form, and consequently they are treated differently.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield further?

Mr. FOLEY. I yield further; but, secondly, there are not potato cooperatives of the same character as our milk cooperatives.

Mr. STEIGER of Wisconsin. I understand, but here we are talking about a specific kind of order, a research promotion order. For the life of me, I will say to the gentleman, I do not understand why we cannot allow a relatively simple question to be put to the individual producer. That is all we are talking about. We are not trying to change the basic bloc concept in the law as it is now. It is an individual thing.

Mr. FOLEY. What I fail to understand is why the gentleman is concerned about changing the manner in which the milk marketing orders are conducted, when the gentleman has succeeded in getting an absolute option out for the individual producer. He has taken care of the individual producer's right to sign off the program. If the individual's ability to sign off is guaranteed in a convenient manner, with the least amount of paperwork and with a full refund, without any deduction for bookkeeping, all of which was established in the colloquy between the gentleman and his colleagues, then I believe this amendment is unnecessary and redundant.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Iowa.

Mr. KYL. The gentleman has asked a question which is not a rhetorical question, and I will try to respond to it.

First, I will say to the gentleman that this body agreed, only a few moments ago, that an individual should be entitled to a refund if he so desired.

We are talking about, A, advertising, and this has to be anticipated if it is advertising we are talking about; and, B, we are talking about research, which is usually a long-range program, which must be guaranteed at the beginning.

Unless there is an election to determine the attitude of the people involved there can be no estimate as to the amount of money available for advertising or research, because in the monthly period this can be cut drastically from the first month.

I believe that election is the only way we are going to be able to determine how much money they are going to have available for advertising and for research.

Mr. FOLEY. I might say to the gentleman that there is no way to estimate how much money will be available subsequent to the adoption of the amendment offered by the gentleman from Wisconsin (Mr. STEIGER) because there is no assurance that any producer who votes for this plan will stay with it, or will stay with it for any number of particular payment periods, or for any number of months, or will not change his mind back and forth several times as to whether he wishes to participate in it.

I believe that uncertainty is with us and is endemic in the amendment of the gentleman from Wisconsin (Mr. STEIGER).

Mr. KYL. I believe we should bear in mind that at least one large dairy cooperative has members who voted 85 percent to 15 percent in opposition to this.

Mr. FOLEY. There is no requirement that this authority be implemented, as the gentleman knows. If a milk marketing order is not amended by the producers, or the producers do not participate after adopting it, obviously we will not have a program in that particular milk marketing area. The bill anticipates that.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(By unanimous consent, Mr. FOLEY was allowed to proceed for 1 additional minute.)

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from New York.

Mr. McEWEN. I thank the gentleman. I should like to ask him a question.

Do I correctly understand that under the other titles, other than title I, where there is provided research and promotion for other products, this is accomplished without the structure of a marketing order, or may be accomplished without the structure of a marketing order?

Mr. FOLEY. Only in the case of title III, which provides for potato research and promotion.

Title II would provide similar authority for existing marketing orders to be amended to adapt for advertising and promotion.

The technical reason why they are in two separate titles is that the authority for milk marketing orders is contained in a separate title under the Agricultural Adjustment Act.

Mr. McEWEN. What is being done under title I could be done outside the marketing order?

Mr. FOLEY. Not without special legislation such as title III.

Mr. McEWEN. They could have a title III program for milk?

Mr. FOLEY. Yes.

Mr. McEWEN. Actually what we are doing in title I is not something inherent in or intrinsic to a marketing order. It is a promotional research program in addition to the usual referendums submitted on a milk marketing order.

Mr. FOLEY. The difference is under title I the individual milk marketing orders would have the option to develop such a program or not, as they choose, and we would not necessarily be imposing the national advertising and promotion plan on the entire milk industry. We would be going marketing order by marketing order.

Mr. POAGE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I must express my embarrassment at rising. I want to make sure that no one feels that I am criticizing anybody's action, because I am certainly not. I am just suggesting that there is a misunderstanding somewhere. I had stated when I stood up and accepted the amendment by the gentleman from Wisconsin that I was accepting the amendment that was then read and not some other amendment.

The gentleman presented an amendment which covered the waterfront. I accepted it in good faith and thought that that covered everything he wanted. Now I want it very clear I am not accepting this amendment.

As my colleague from Washington (Mr. FOLEY) has so well explained, we have done in the first amendment all of the effective work that this amendment could do except that this second amendment strikes at an existing program which has been in operation for 30-odd years. Whether it is good or bad—and I recognize that there is much criticism of block voting, and frankly I have felt at times that there was a great deal of question about it—it is certainly one of those questions which deserves real consideration on its own merits and should not be decided simply by coming in here and tying an amendment onto a bill that does not go to that subject at all.

Our committee brought out legislation which left this question of block voting exactly where it has been for more than 20 years. We did not change it. We did not change any block voting or create any new block voting but simply left it alone.

Now the gentleman from Wisconsin, the very State where I had most of the demands for block voting, comes in and says, "I want to destroy block voting." Maybe he is right and maybe we should destroy it. I thought there was a good deal to be said for destroying block voting, but the only practical effect that the gentleman's second amendment can possibly have is to destroy the existing law on block voting. It cannot have any possible effect on the legislation that is presently before us, because his first amendment gave to every individual the right to vote very effectively by simply demanding his money back.

The only thing this bill does is to allow a marketing order for milk to include a checkoff for promotion and development. He has already taken care of and we have already accepted the proposition that every individual who did not like that could veto it simply by writing in and asking for his refund or by following whatever procedure the market order prescribed.

So the amendment cannot have any effect on this legislation. It can and it may have some effect on the very thing which the gentleman from Wisconsin's own people have so long demanded; that is, block voting by these cooperatives.

Again do not misunderstand me. I am not passing on the merits of block voting. I think it is questionable, but I am suggesting that this is no time and no place to try to amend basic law by offering an amendment to provisions that in no wise relate to basic law.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield to me?

Mr. POAGE. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding to me.

Let me be very fair. I had two amendments which were available at the desk and circulated. I numbered them 1 and 2, so everybody could know exactly what was intended.

Also let me say to the distinguished chairman of the full Committee on Agriculture that this does not amend the basic law. It solely provides for the individual voting on the marketing order as it relates to research and promotion.

And, I would not be here today, I say to my friend from Texas, attempting to change block voting as it relates to basic marketing, because it is complex and I think there are reasons for block voting. I am not passing judgment on that. I am in this one instance where it seems to me we are taking a deduction from a farmer's check for research and promotion, there is no complexity involved in that issue. It is a clean, simple issue; are you for it or against it?

Do you think it will help you or do you not? For that reason I think there is a case for block voting. I hope the gentleman would not undertake to say that it changes the basic law. I would not support an amendment to change basic block voting.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. POAGE was allowed to proceed for 1 additional minute.)

Mr. POAGE. The gentleman suggests that it does not affect the basic law. It, obviously, does not affect the legislation now before us. It does not affect the substantive right of any individual under the newly proposed legislation. Since it does not affect their rights, it cannot have any effect except as an effort to try to weaken the exisiting law, which may or may not be good. But I do not think

this is the place or the forum to try that case. Let us try that on its own merits, with a full and complete hearing on that issue and decide that issue, rather than trying to simply make a showing here of putting two amendments on where one has already done everything that the proponents of the amendment have asked to be done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER) to the committee amendment.

The question was taken; and on a division (demanded by Mr. STEIGER of Wisconsin) there were—ayes 24, noes 35.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 18, strike out "I" and insert in lieu thereof "II" and after the colon insert "OTHER COMMODITIES".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 20, strike out "101" and insert in lieu thereof "201".

The committee amendment was agreed to.

Mr. FOLEY. Mr. Chairman, I ask unanimous consent that the remaining committee amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The remaining committee amendments are as follows:

Page 4, line 12, delete the words; "TITLE II" and insert in lieu thereof the following: "TITLE III"

Page 4, line 17, delete the words: "SEC. 202." and insert in lieu thereof the following: "SEC. 302."

Page 5, line 24, deleted the words: "SEC. 203." and insert in lieu thereof the following: "SEC. 303."

Page 6, line 20, delete the words: "SEC. 204." and insert in lieu thereof the following: "SEC. 304."

Page 7, line 9, delete the words: "SEC. 205." and insert in lieu thereof the following: "SEC. 305."

Page 7, line 19, delete the words: "SEC. 206." and insert in lieu thereof the following: "SEC. 306."

Page 8, line 2, delete the words: "SEC. 207." and insert in lieu thereof the following: "SEC. 307."

Page 8, line 7, delete the words: "SEC. 208." and insert in lieu thereof the following: "SEC. 308."

Page 10, line 17, delete the words: "SEC. 209." and insert in lieu thereof the following: "SEC. 309."

Page 12, line 11, delete the words: "section 208" and insert in lieu thereof the following: "section 308."

Page 13, line 7, delete the words: "SEC. 210." and insert in lieu thereof the following: "SEC. 310."

Page 15, line 12, delete the words: "SEC. 211." and insert in lieu thereof the following: "SEC. 311."

Page 16, line 12, delete the words: "section 212" and insert in lieu thereof the following: "section 312".

Page 16, line 15, delete the words: "SEC. 212." and insert in lieu thereof the following: "SEC. 312."

Page 17, line 2, delete the words: "SEC. 213." and insert in lieu thereof the following: "SEC. 313."

Page 19, line 2, delete the words: "SEC. 214." and insert in lieu thereof the following: "SEC. 314."

Page 19, line 20, delete the words: "paragraph 210" and insert in lieu thereof the following: "paragraph 310."

Page 19, line 22, delete the words: "SEC. 215." and insert in lieu thereof the following: "SEC. 315."

Page 20, line 14, delete the words: "SEC. 216." and insert in lieu thereof the following: "SEC. 315."

Page 20, line 17, delete the words: "SEC. 217." and insert in lieu thereof the following: "SEC. 317."

Page 20, line 23, delete the words: "SEC. 218." and insert in lieu thereof the following: "SEC. 318."

Page 21, line 7, delete the words: "SEC. 219." and insert in lieu thereof the following: "SEC. 319."

Page 21, line 9, delete the words: "TITLE III" and insert in lieu thereof the following: "TITLE IV."

Page 21, line 11, delete the words: "SEC. 301." and insert in lieu thereof the following: "SEC. 401."

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. SISK

Mr. SISK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SISK: On page 21, line 16, section 401 of title IV of H.R. 18884 is amended by inserting after the word "olives", the words "(other than Spanish-style green olives)."

Mr. SISK. Mr. Chairman, the purpose of this amendment is to except Spanish-style green olives from the import requirements of section 8e which this bill makes applicable to olive imports generally. Historically, imports of Spanish-style green olives have supplied approximately 95 percent of U.S. consumption of this product. Only very small quantities of Spanish-style green olives are produced in the United States, and they are not currently the subject of marketing order requirements as to size, grade, quality, or maturity such as would be imposed upon imports by section 8e. The purposes of this bill would not be furthered by making imports of this style of olive subject to the requirements of section 8e.

By inserting the words "other than Spanish-style green olives" the intent is to exclude such olives from the import requirements of section 8e. The term "Spanish-style green olives" means those olives which are referred to in section 932.9(b) of the olive marketing order currently in effect (7 CFR sec. 932.9(b)) as "green olives"; namely "olives, packed in brine, and which have been fermented and cured, otherwise known as 'green olives.'"

The intent is that imports of all other olives be subject to the requirements of section 8e. These include particularly the olives referred to as "natural condition olives" as defined in section 932.8 of the marketing order (7 CFR sec. 932.8) and the "canned ripe olives" referred to in section 932.9(a), including the three distinct types, "ripe," "green ripe," and "tree ripened." In the exception, the word "Spanish-style" prior to the words "green olives" is included in order to distinguish "Spanish-style green olives," which would be excepted from the import requirements of section 8e, from "green ripe" olives, which are to be subject to the import requirements of section 8e.

I would therefore hope that the amendment would be adopted.

Mrs. MAY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I should like to draw to the attention of my colleagues that the ranking minority member of the Committee on Agriculture, the gentleman from Oklahoma (Mr. BELCHER), and also our minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), received today or within the last few days a letter from the Department of State signed by Mr. David M. Abshire, Assistant Secretary for Congressional Relations, a letter which addressed itself to the inclusion of Spanish olives in this bill, and pointed out several objections from their viewpoint.

At the proper time later I shall ask for the inclusion of the entire letter in my remarks, but for now I should like to read just briefly from Mr. Abshire's letter, representing the Department of State, in which he points out that half of the olives consumed in the United States each year are imported, and more than 90 percent of these imports come from Spain.

They are an integral part of a much larger mutually beneficial exchange of goods which takes place between the United States and Spain each year. In 1969, for example, United States exports to Spain were valued at $580 million, exceeding our imports from that country by $276 million. Soybeans, our principal export to Spain, were valued at nearly $75 million.

Further along in the letter Mr. Abshire pointed out that there are other important considerations as well in that:

The pending legislation poses a danger to the present atmosphere of cordiality and cooperation in United States-Spanish relations.

And on August 6, 1970, I should like to remind this body that the U.S. Government entered into an agreement of friendship and cooperation with the Government of Spain.

For these and other reasons, as pointed out by Mr. Abshire, representing the Department of State, I urge my colleagues to join me and others in supporting the amendment offered by the gentleman from California (Mr. SISK).

The letter referred to follows:

DEPARTMENT OF STATE,
Washington, D.C.

Hon PAGE BELCHER,
House of Representatives.

DEAR CONGRESSMAN BELCHER: I would like to draw your attention to H.R. 18884, a bill recently reported out of the House Committee on Agriculture, and, more specifically, to the fourth title of the bill which would impose new trade barriers on United States imports of olives, raisins and prunes. The Department of State is opposed to the provi-

sions of this title. The Department's letter to the Chairman of the House Committee on Agriculture on this subject has been reproduced in the report accompanying H.R. 18884.

Half of the olives consumed in the United States each year are imported; more than 90 percent of these imports come from Spain. They are an integral part of a much larger mutually beneficial exchange of goods which takes place between the United States and Spain each year. In 1969, for example, United States exports to Spain were valued at $580 million, exceeding our imports from that country by $276 million. Soybeans, our principal export to Spain, were valued at nearly $75 million. If we were to impose restrictions on olive imports, depriving Spain of the means for paying for its purchases of soybeans and other American products, it might compel the Spanish Government to review its policy of importing from the United States.

There are other important considerations as well The pending legislation poses a danger to the present atmosphere of cordiality and cooperation in United States-Spanish relations. On August 6, 1970, the United States Government entered into an Agreement of Friendship and Cooperation with the Government of Spain. This Agreement, which replaces the Defense Agreement of 1953, as extended, initiated a new partnership between the United States and Spain. The Agreement, which provides for a five year extension of United States base rights in Spain, calls for both countries to seek to avoid measures that affect restrictions on the flow of trade.

The Spanish Government has made a series of representations against the proposed legislation in Washington and pointed out that domestically produced olives are not directly comparable with olives imported from Spain, that during the last round of negotiations the United States agreed not to increase the existing duties on imports of olives from Spain in return for concessions granted by the Spanish Government, and that any decision on the part of the United States Government to limit, by whatever means, imports of olives from Spain would be regarded as an unfair measure against established trade and a violation of an international trade agreement. Most recently, the Spanish Foreign Minister, addressing the Spanish-American Chamber of Commerce in New York emphasized the Spanish Government's deep concern over the pending legislation, declaring it would not be consistent with the Agreement of Friendship and Cooperation between the United States and Spain.

The trade value is smaller in the cases of raisins and prunes, but the impact of putting such trade restrictions into effect would also be unfavorable in Turkey, the Republic of China and certain other countries.

I am sending an identical letter to Congressman Ford.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the distinguished gentleman from California (Mr. SISK) how we can differentiate between Spanish-type olives, which his amendment does, and still leave in raisins and prunes. What is the justification for the differentiation?

Mr. SISK. If the gentleman will yield, of course the problem in connection with prunes as with raisins is that there are different kinds of problems and, yet, basically we seek to require the same standards of quality and purity and so on in connection with the imports in this area that our own producers are required to meet.

In connection with olives, because of the fact that practically all of what is referred to as Spanish style green olives are imported olives, at the present time it was simply felt that it would be best not to bring them under the order in view of the Spanish Government's opposition and concern which the Department of State, which as the gentleman knows has raised.

Therefore, to exempt them from the order. As I said, in view of the fact that a representative of the Spanish Olive Association was asked to join in the writing of this, it is our understanding and I am sure I am correct, that it does remove any objection that they have to the legislation.

I am not sure if I am responding to the gentleman's question—maybe I am not.

Mr. GERALD R. FORD. I understand the statement made by the gentleman from California. It does explain as far as Spanish-type olives are concerned why they are taking this action by this amendment. But I still do not get a basic rationalization as to why we take this action for Spanish-type olives and no comparable action so far as raisins and prunes are concerned.

Mr. SISK. In connection with raisins, of course, that is something of which there has been very little imports—in fact no importation that I know of, until quite recently.

There has been some experimental importations from certain areas of the world, and I think generally from Africa possibly and from some other points and only in very small quantities.

Also, I would say the same thing generally I think would be true of prunes. However, my colleague from California (Mr. GUBSER) is far better informed on prunes, I must say to my friend, the gentleman from Michigan, and raisins are grown in my area. Prunes are grown mostly over in the area of the gentleman from California (Mr. GUBSER).

But it simply is felt, in view of the fact that we do produce an ample supply of raisins and, in fact, we export a substantial quantity of raisins, we simply wanted to set, let us say, the rules of the game this early in the game, and simply say to any country that might in the future be desirous of importing into this country that they would be expected to meet the same quality and purity standards that our own growers are now required to meet under the Department of Agriculture and the Food and Drug Administration requirements.

Mr. GERALD R. FORD. Is the gentleman saying that imported Spanish-type olives do meet these standards and that raisins and prunes that are imported do not meet these standards?

Mr. SISK. No; I am not specifically speaking to that question. The point is in connection with the Spanish-style olives—green olives, and I am going to stay with the Spanish-style green olives because there is a difference in green and ripe olives, as I am sure my friend knows, we do not have an order covering those. We have no marketing order covering those. They are not at the present time and will not be affected whether they were in the act or not. Whereas, of course, in connection with raisins and prunes and so on, we do have marketing orders and they are operating under marketing orders.

Mr. GERALD R. FORD. Mr. Chairman, I yield back the balance of my time.

Mr. GROSS. Mr. Chairman, I move to strike out the next to last word.

Mr. Chairman, I am not at all surprised that it is easy to enter into an agreement with the Spanish Government with respect to the importation of a few olives. We have dumped hundreds of millions of dollars into Spain, so I find nothing surprising about this olive deal.

What I really arose to address myself to was this potato promotion and research program. Why is it limited to Irish potatoes? Does anyone not eat sweet potatoes—and, if not, why not?

Mr. FOLEY. I really cannot claim to be an expert on sweet versus Irish potatoes, despite my family name. I do think the reason that this bill is limited to Irish potatoes is that the potato producers as a group favor the Irish-type potato, and the producers that are organized favor asking for this kind of assistance, and we are in turn letting them develop their own promotion and research programs. The producers of yams, the sweet potatoes, and other such vegetable products, are not requesting such a promotional program, and consequently that is the reason they are excluded.

Mr. GROSS. Is the gentleman saying that only the Irish are interested in this legislation?

Mr. FOLEY. The Irish are always interested in the welfare of the potato.

Mr. GROSS. And they are also, I take it, interested in the National Potato Promotion Board, which seems to be set up to dispense these funds; is that correct?

Mr. FOLEY. Yes, sir.

Mr. GROSS. What is the National Potato Promotion Board?

Mr. FOLEY. Under the act, the producers of more than 5 acres of potatoes would vote in a referendum whether to establish a program, part of which would be the creation of a national potato promotion board. If they approved of such a program, the Secretary of Agriculture would establish such a board from the nominations for memberships submitted by the producers. The Board would then have the responsibility of administering the funds which would be collected by handlers against the amounts owing to producers and not more than 1 cent per hundredweight.

Mr. GROSS. Are the taxpayers of the entire country going to support this national potato promotion board?

Mr. FOLEY. Members of the board would not receive any salary. They would be entitled to receive their expenses, which would be paid out of funds collected from the producers and not from the taxpayers. There would be an estimated cost to the Department of Agriculture for its supervisory responsibility over the program, but in that respect it is no different from supervision of existing marketing orders. It all comes out

of the producers. It is money which they, themselves, contribute through assessments.

Mr. GROSS. Are the members of the potato promotion board elected on the basis of bloc voting?

Mr. FOLEY. No, sir; they are not elected at all. They are appointed by the Secretary on nominations from the producers. He appoints the board.

Mr. GROSS. Going back to the olives, does this bill have the approval of the State Department, which I am told, uses a considerable quantity of olives in the martinis that are served in Department headquarters over in Foggy Bottom?

Mr. FOLEY. On that question I cannot help the gentleman.

Mr. GROSS. I thank the gentleman.

Mr. FINDLEY. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. FINDLEY. The amendment offered by the gentleman from California, as I understand it, applies only to Spanish-style green olives which, according to comments made earlier, would have the effect of exempting about 95 percent of the olives that are affected by this title. The question I would raise is, What is the reaction of the producers of the non-Spanish style, nongreen olives? Admittedly, percentagewise, they are rather small compared to the Spanish-style green olives. But we ought to take into consideration the reaction of the producers of such olives. Can the gentleman tell us what that reaction is?

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I would like to correct what I understood to be a misstatement. I am sure the gentleman did not intend to make any misstatement, but what we are dealing with in connection with the Spanish-style green olives is 95 percent of the Spanish-style green olives consumed in this country are imported from Spain into this country. We are not talking about 95 percent of all olives.

Mr. FINDLEY. But what about the Spanish-style olives not imported from Spain? What does that 5 percent have to say on this particular amendment offered by the gentleman?

Mr. SISK. On this amendment, and we have had a number of days to discuss this and talk it out with the Spanish Growers' Association, I am sure the gentleman knows most of the olives grown in this country are grown in California, and I represent a district where many of them are grown. The gentleman from California (Mr. MATHIAS) also has some in his district, and there are some in other districts in California.

We have been assured that they are happy to accept this amendment. After all, these various olive producers and growers in this country as well as in Spain and other countries do work cooperatively together in this country and in markets and areas of markets and so on. They are agreeable to this particular amendment, which will clarify any misunderstanding or controversy between the Spanish olive growers and the American growers.

Mr. FINDLEY. Can the gentleman tell me whether or not this amendment was considered in the committee?

Can he tell me whether there was any testimony about the amendment? And, if there was not any consideration, why not?

Mr. SISK. The only testimony in connection with this in the committee was testimony by representatives of the Spanish Olive Association raising questions in this country about the possible effects on Spain and on the trade between the two countries. As a result of that testimony—and I might say, that was the only testimony offered in opposition to any part of this title—we have been working since that time on an amendment to try to work out an agreement, and work with the State Department and the olive industry and representatives of the Spanish people, in an effort to solve this in a way which would solve, of course, the problem of the State Department, where they felt they had a problem. As the result of this, I think the gentleman knows this amendment has been passed around, and it has general concurrence of the committee.

Mr. FINDLEY. May I ask anyone on the committee as to the position of the administration on this bill. Is the administration in favor of the bill as it was taken up today?

Mr. FOLEY. Mr. Chairman, if the gentleman will yield, in answer to that question, the bill as presented to the committee is a four-title bill. The administration through various departments reported on each section of this bill. The Department of Agriculture affirmatively reported, with suggested modifications, on the milk program. They reported affirmatively on the general legislation in answer to questions in committee hearings to establish general jurisdiction. They reported affirmatively on the potato research and promotion bill. The Department of Agriculture, however, did not report on title IV dealing with prunes, raisins, and olives.

The Department of State reported adversely at first, particularly stressing, however, the objections raised by the Spanish Government with respect to imports of Spanish-style olives, citing among other things a concern as to whether we had entered into a tentative agreement with Spain because of the Kennedy round negotiations not to raise tariffs against olives.

Mr. Chairman, I think all of these matters have been resolved by the amendment offered by the gentleman from California.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. FINDLEY was allowed to proceed for 2 additional minutes.)

Mr. FINDLEY. Mr. Chairman, I ask for this time to make this observation. The committee has already accepted an amendment dealing with a refund, dealing with checkoff against producers. We have had a long discussion about the propriety of establishing a new set of rules for setting a procedure for a referendum which would establish the checkoff. The distinguished chairman of the Committee on Agriculture argued this was a very important, far-reaching concept that had not been thoroughly explored at this time, and the committee did vote against that amendment.

We have had a prolonged discussion of an amendment which was not considered in the committee, which seems to have far-reaching foreign policy implications. My conclusion is that the committee would be wise to recommit the bill to the Committee on Agriculture for further consideration.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

I take this time to respond to the comment made by the gentleman from Illinois, because I believe there is an implication that this amendment raises, as he said, "foreign policy considerations of far-reaching consequence." Actually, it removes foreign policy considerations that have been posed against the bill. It removes the objection of the Spanish Government. It largely removes the objection of the Department of State, and thus it is an amendment to eliminate any question any Member might have about the concern of the Spanish Government or of the State Department insofar as it expresses concern on behalf of the Spanish Government.

I do not believe there is any reason to suggest we are creating additional problems by the amendment, for we are resolving problems.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from California.

Mr. TEAGUE of California. I should like to repeat a point I made earlier in the afternoon when there were fewer Members on the floor. It is simply this: It is beyond my understanding how any Member who voted for the omnibus farm bill, which I did not, can be opposed to this bill. This is basically a self-help series of programs costing from $300,000 to perhaps as much as $1 million, compared to almost $4 billion in the other program. I urge all Members who are in doubt, who did vote for the omnibus farm bill, certainly to vote for this measure.

Mr. FOLEY. I thank the gentleman. I concur in his statement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SISK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I have one remaining amendment, which I offer.

The Clerk read as follows:

Amendment offered by Mr. FOLEY: Page 4, line 8, strike out the words ": *Provided further*, That the inclusion in a Fed-" and strike out all of lines 9, 10, and 11 and insert in lieu thereof the following: ": *Provided further*, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt, or supersede any such provisions in any State program covering the same commodity."

Mr. FOLEY. Mr. Chairman, I believe the reading of the amendment is explanatory.

The purpose of this amendment is to insure that no State program would be preempted or otherwise prevented in its operation by the adoption of any of the titles of this act. It is a saving clause to insure the continued integrity of State commodity programs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. FOLEY).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. PRICE of Illinois) having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 18884) to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes, pursuant to House Resolution 1246, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GOODLING. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GOODLING moves to recommit H.R. 18884 to the Committee on Agriculture.

Mr. FOLEY. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FINDLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 130, nays 186, not voting 118, as follows:

[Roll No. 371]

YEAS—130

Anderson, Ill.	Giaimo	Podell
Arends	Gibbons	Poff
Baring	Goodling	Quillen
Beall, Md.	Gross	Railsback
Belcher	Grover	Reid, Ill.
Betts	Gude	Reid, N.Y.
Biester	Hall	Riegle
Bingham	Harsha	Robison
Brock	Harvey	Rodino
Broomfield	Hastings	Roe
Brown, Mich.	Hawkins	Rooney, N.Y.
Brown, Ohio	Hechler, W. Va.	Rosenthal
Broyhill, Va.	Helstoski	Roudebush
Buchanan	Hogan	Ruppe
Burke, Fla.	Hunt	Ryan
Burton, Utah	Hutchinson	Sandman
Byrnes, Wis.	Jarman	Satterfield
Camp	Keith	Schadeberg
Carter	Koch	Scherle
Cederberg	Kyl	Scheuer
Chamberlain	Landgrebe	Schmitz
Clawson, Del	Latta	Schneebeli
Cohelan	Long, Md.	Schwengel
Collier	McClory	Scott
Conable	McDade	Smith, Calif.
Corbett	McDonald, Mich.	Springer
Coughlin	McEwen	Stanton
Cowger	Marsh	Steele
Crane	Martin	Steiger, Ariz.
Daniel, Va.	Mayne	Stokes
Daniels, N.J.	Michel	Stratton
Davis, Wis.	Miller, Ohio	Vander Jagt
Dellenback	Minish	Vanik
Denney	Minshall	Wampler
Derwinski	Mize	Ware
Devine	Mizell	Whalen
Duncan	Monagan	Whitehurst
Dwyer	Morton	Widnall
Edwards, Ala.	Mosher	Winn
Erlenborn	Nelsen	Wolff
Findley	Ottinger	Wylie
Ford, Gerald R.	Pettis	Yates
Forsythe	Pike	Zion
Fulton, Pa.		

NAYS—186

Abernethy	Eilberg	Kluczynski
Albert	Evans, Colo.	Kuykendall
Anderson, Calif.	Evins, Tenn.	Kyros
Anderson, Tenn.	Feighan	Lennon
Andrews, Ala.	Fisher	Lloyd
Andrews, N. Dak.	Flowers	McCloskey
Annunzio	Foley	McClure
Ashley	Ford, William D.	McCulloch
Ayres	Fountain	McFall
Barrett	Fraser	McMillan
Bell, Calif.	Frey	Macdonald, Mass.
Bennett	Friedel	Mahon
Bevill	Fuqua	Mann
Blanton	Galifianakis	Mathias
Boggs	Gaydos	Matsunaga
Bow	Gonzalez	May
Brademas	Gray	Meeds
Brinkley	Green, Pa.	Melcher
Brooks	Griffin	Mikva
Brotzman	Griffiths	Miller, Calif.
Brown, Calif.	Gubser	Mills
Broyhill, N.C.	Hagan	Mink
Burke, Mass.	Haley	Mollohan
Burleson, Tex.	Halpern	Montgomery
Burlison, Mo.	Hamilton	Moorhead
Bush	Hammer-schmidt	Morgan
Byrne, Pa.	Hanley	Morse
Caffery	Hansen, Idaho	Moss
Carey	Hansen, Wash.	Murphy, Ill.
Carney	Hathaway	Myers
Casey	Hays	Natcher
Chappell	Henderson	Nichols
Clark	Hicks	Nix
Collins, Ill.	Holifield	Obey
Colmer	Horton	Olsen
Conte	Hull	O'Neal, Ga.
Conyers	Hungate	O'Neill, Mass.
Corman	Ichord	Passman
Culver	Jacobs	Patman
Davis, Ga.	Johnson, Calif.	Patten
Dingell	Jonas	Pelly
Dorn	Jones, Ala.	Pepper
Downing	Jones, N.C.	Perkins
Dulski	Jones, Tenn.	Pickle
Eckhardt	Karth	Poage
Edwards, Calif.	Kastenmeier	Price, Ill.
Edwards, La.	Kee	Pryor, Ark.
	Kleppe	Pucinski
		Randall
		Rarick
		Rhodes
		Roberts
		Rogers, Colo.
		Rogers, Fla.
		Rooney, Pa.
		Ruth
		Sisk
		Skubitz
		Slack
		Smith, N.Y.
		Snyder
		Stafford
		Staggers
		Steed
		Steiger, Wis.
		Stubblefield
		Stuckey
		Sullivan
		Symington
		Taft
		Talcott
		Taylor
		Teague, Calif.
		Teague, Tex.
		Thompson, Ga.
		Thompson, N.J.
		Thomson, Wis.
		Tiernan
		Udall
		Ullman
		Van Deerlin
		Vigorito
		Waggonner
		Watts
		White
		Whitten
		Williams
		Yatron
		Young
		Zablocki
		Zwach

NOT VOTING—118

Abbitt	Fallon	O'Konski
Adair	Farbstein	Philbin
Adams	Fascell	Pirnie
Addabbo	Fish	Pollock
Alexander	Flood	Powell
Ashbrook	Flynt	Preyer, N.C.
Aspinall	Foreman	Price, Tex.
Berry	Frelinghuysen	Purcell
Biaggi	Fulton, Tenn.	Quie
Blackburn	Gallagher	Rees
Blatnik	Garmatz	Reifel
Boland	Gettys	Reuss
Bolling	Gilbert	Rivers
Brasco	Goldwater	Rostenkowski
Bray	Green, Oreg.	Roth
Burton, Calif.	Hanna	Rousselot
Button	Harrington	Roybal
Cabell	Hébert	St Germain
Celler	Heckler, Mass.	Saylor
Chisholm	Hosmer	Sebelius
Clancy	Howard	Shipley
Clausen, Don H.	Johnson, Pa.	Shriver
Clay	Kazen	Sikes
Cleveland	King	Smith, Iowa
Collins, Tex.	Landrum	Stephens
Cramer	Langen	Tunney
Cunningham	Leggett	Waldie
Daddario	Long, La.	Watson
de la Garza	Lowenstein	Weicker
Delaney	Lujan	Whalley
Dennis	Lukens	Wiggins
Dent	McCarthy	Wilson, Bob
Dickinson	McKneally	Wilson, Charles H.
Diggs	MacGregor	Wold
Donohue	Madden	Wright
Dowdy	Mailliard	Wyatt
Edmondson	Meskill	Wydler
Esch	Murphy, N.Y.	Wyman
Eshleman	Nedzi	
	O'Hara	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Celler for, with Mr. Abbitt against.

Mr. Brasco for, with Mr. Philbin against.

Mr. Nedzi for, with Mr. Edmondson against.

Mr. O'Hara for, with Mr. Donohue against.

Mr. Dent for, with Mr. Reuss against.

Mr. Biaggi for, with Mr. Fulton of Tennessee against.

Mr. Addabbo for, with Mr. Flynt against.

Mr. Roybal for, with Mr. Gettys against.

Mr. St Germain for, with Mr. Hébert against.

Mr. Gilbert for, with Mr. Long of Louisiana against.

Mr. Howard for, with Mr. Landrum against.

Mrs. Chisholm for, with Mrs. Green of Oregon against.

Mr. Clay for, with Mr. Leggett against.

Mr. Diggs for, with Mr. Murphy of New York against.

Mr. Powell for, with Mr. Daddario against.

Mr. Farbstein for, with Mr. Garmatz against.

Mr. Gallagher for, with Mr. Rivers against.

Mr. Harrington for, with Mr. Quie against.

Mr. Lowenstein for, with Mr. Fallon against.

Mr. McCarthy for, with Mr. Stephens against.

Mr. King for, with Mr Kazen against.

Mr. Frelinghuysen for, with Mr. Alexander against.

Mr. Madden for, with Mr. Adams against.

Mr. Shipley for, with Mr. Aspinall against.

Mr. Delaney for, with Mr. Cabell against.

Until further notice:

Mr. Boland with Mr. Bray.
Mr. Preyer of North Carolina with Mr. Clancy.
Mr. Purcell with Mr. Don H. Clausen.
Mr. Fascell with Mr. Button.
Mr. Flood with Mr. Cunningham.
Mr. Hanna with Mr. Goldwater.
Mr. Sikes with Mr. Dennis.
Mr. Rostenkowski with Mrs. Heckler of Massachusetts.
Mr. Smith of Iowa with Mr. Cleveland.
Mr. Dowdy with Mr. Dickinson.
Mr. de la Garza with Mr. Collins of Texas.
Mr. Burton of California with Mr. Hosmer.
Mr. Blatnik with Mr. Esch.
Mr. Tunney with Mr. Fish.
Mr. Waldie with Mr. Bob Wilson.
Mr. Rees with Mr. Johnson of Pennsylvania.
Mr. Charles H. Wilson with Mr. Eshleman.
Mr. Wright with Mr. Wyman.
Mr. Adair with Mr. Lujan.
Mr. Ashbrook with Mr. McKneally.
Mr. Berry with Mr. Meskill.
Mr. Blackburn with Mr. MacGregor.
Mr. Cramer with Mr. Mailliard.
Mr. Foreman with Mr. Lukens.
Mr. O'Konski with Mr. Pirnie.
Mr. Pollock with Mr. Roth.
Mr. Reifel with Mr. Saylor.
Mr. Price of Texas with Mr. Rousselot.
Mr. Sebelius with Mr. Weicker.
Mr. Watson with Mr. Wold.
Mr. Shriver with Mr. Wyatt.
Mr. Whalley with Mr. Wydler.

Messrs. TEAGUE of Texas and MIKVA changed their votes from "yea" to "nay."

Messrs. LONG of Maryland and REID of New York changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR POTATO AND TOMATO PROMOTION PROGRAMS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from the further consideration of the bill (S. 1181) to provide for potato and tomato promotion programs, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1181

An act to provide for potato and tomato promotion programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of $561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 3. As used in this title:

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 4. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARING

SEC. 5. When sufficient evidence is presented to the Secretary by potato producers or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 6. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 7. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 8. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of in-

fluencing governmental policy or action, except as provided by subsection (a) (4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided,* That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 9. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further,* That such promotional activities shall comply with the provisions of section 8(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising and promotion in years when the production and assessment income may be reduced: *Provided,* That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 10. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such a plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for collection of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 11. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided,* That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 12(a) of this title.

ENFORCEMENT

SEC. 12. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than $100 or more than $1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 13. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing

out of any alleged violation of this title, or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 14. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph (10(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 15. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 16. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 17. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 18. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 19. This title shall take effect upon enactment.

TITLE II—TOMATO ADVERTISING PROJECTS

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or avocados" in the proviso, and inserting in lieu thereof "avocados, or tomatoes".

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOLEY: Strike all after the enacting clause of S. 1181 and insert in lieu thereof the provisions of H.R. 18884 as passed, as follows:

TITLE I—ADVERTISING PROJECTS: MILK

SEC. 101. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I):

"(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research as required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order. Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

TITLE II—ADVERTISING PROJECTS: OTHER COMMODITIES

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended to read as follows:

"Establishing or providing for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to those commodities specified in section 8c(2) of this Act, such projects may provide for any form of marketing promotion including paid advertising: *Provided further*, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt or supersede any such provisions in any State program covering the same commodity."

TITLE III—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 302. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of $561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 303. As used in this title:

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who han-

dles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 304. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARINGS

SEC. 305. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 306. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 307. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 308. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board, as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a)(4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided,* That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producers paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 309. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further,* That such promotional activities shall comply with the provisions of section 308(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising, and promotion in years when the production and assessment income may be reduced: *Provided,* That the total reserve fund does not exceed the amount budget for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 310. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for payment of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and em-

ployees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 311. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Sceretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such rulings is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 312(a) of this title.

ENFORCEMENT

SEC. 312. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than $100 nor more than $1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 313. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 314. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 310(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 315. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 316. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 317. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 318. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 319. This title shall take effect upon enactment.

TITLE IV—RESTRICTIONS ON IMPORTED COMMODITIES

SEC. 401. Section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, is amended by inserting in the first sentence thereof between "tomatoes" and "avocadoes," the following: "raisins, olives (other than Spanish-style green olives), prunes".

Amend the title so as to read: "An Act to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes."

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 18884) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 1403. Joint resolution to provide an additional temporary extension of the Federal Housing Administration's insurance authority.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2224) entitled "An act to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes."

RECENT FIRINGS AT THE DEPARTMENT OF THE INTERIOR

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Speaker, it comes as a shocking event to the Nation to see six men peremptorily discharged from the Department of the Interior.

It is, of course, quite understandable that heads sometimes roll for wholly political reasons, but it is very seldom that subsequent to such changes respected civil servants who are professional rather than politically appointed are also removed. One must always suspicion that there is some attempt peremptorily to step a program then in progress. I speak particularly of persons whom I know and whose backgrounds in this field I am acquainted with, such as Dr. Leslie Glasgow, Assistant Secretary for Fish, Wildlife, Parks, and Marine Resources.

Dr. Glasgow was not a friend of the Secretary when he was appointed. I doubt that he had even met him. However, he is a first-class environmentalist. He is former executive director of the Louisiana Game and Fish Commission, and a former professor at Louisiana State University.

He is knowledgeable in the field of marine life. When he went into the office both my friend and colleague, the gentleman from Texas (Mr. BUSH), a Republican, and I, as a Democrat, recommended Dr. Glasgow for the post. This was a nonpartisan recommendation and appointment. To peremptorily discharge such a man is highly partisan and most reprehensible, and one cannot fail to see some possible relationship between certain contemporary events.

On November 13 it was announced that Humble Oil Co. was charged with failing to install safety devices on its oil wells in the Gulf.

On November 20 the Justice Department brought similar charges against three other major oil firms: Shell Oil Co., Continental Oil Co., and Union Oil of California.

These charges came several months after Chevron Oil was fined $1 million for failure to install storm chokes, which caused a blowout that spilled millions of gallons of oil in the Gulf.

And then on November 25 President Nixon fired Secretary Hickel.

Had it not been for the sweeping out of secondary officers, pure professionals, I should not have raised this question, but the removal of those who might carry out an existing program, because facts—not politics—make the program desirable, does raise serious questions as to the basic cause of these discharges.

LETTERS TO CONGRESSMEN NOT ALWAYS DOMINATED BY CRITICS AND COMPLAINERS

(Mr. TALCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, the false suggestion that letters to Congressmen are dominated by the critics and complainers is given too much currency.

I do not know Robert E. Bullock of the U.S. Coast Guard, but a recent letter from him to me is too good for me to keep to myself.

Mr. Bullock's letter is direct and sincere and I believe worth sharing. I insert a copy at this point in the RECORD:

FOXTROT COMPANY 77,
USCG TRASUPCEN,
GOVERNMENT ISLAND, ALAMEDA, CALIF.,
October 31, 1970.

Congressman BURT L. TALCOTT,
House of Representatives,
Washington, D.C.

DEAR MR. TALCOTT: Being a person from the district you represent, I thought I might drop you a line.

I'm a young fellow who graduated this year from high school. I received a letter from you a while back; thank you. Also I would like to say I'm in the service now, the Coast Guard to be exact. I went in for reasons far too numerous to explain at this time. However, I would like to say that the Coast Guard is one of the finest outfits in the United States. I was a bit mixed up about life, but the Guard is helping me to walk the right path.

By now you are probably wondering why I am writing you this letter. Well, it's this: I, as an American, would like to voice my feelings. I'm part of the silent majority, one of the people who sits back and worries, but does nothing about it. This is changing more every day now. Now I feel I belong to something really worthwhile. This is the Coast Guard. In my opinion it is one of America's first and finest military organizations. It is one in which lives are saved, not taken. Most young people have a mistaken idea of this. They believe that the Guard acts in the same manner as the Navy or other armed forces. You and I know this is false. If I had one wish, I'd wish that more facts on what the Guard does were presented to the young men of high school and college age. Maybe it could well quell some dissent, and help some young men find the right road in life to travel. I have several more weeks of training to complete, then I'll go into the field to do my part in saving lives.

Now I think I've said enough. However, I know life still holds more in store for me and all other young people. Life is still a mystery (but the clouds are beginning to clear). If you can refer other young men to the Coast Guard I think it would help in ways uncountable. I don't believe in war, such as the one in Vietnam. I do, however, believe in the war with saving lives. We in the Guard are always ready; we have to go out, but we don't have to come back.

Boot camp is tough, but this is what makes good Guardsmen. I'm proud to serve, proud to wear the uniform of the Guard. I'm just plain proud of my country as one Nation under God.

If you can give me any advice that may help me later on I would appreciate it. Also any words of wisdom I could pass on to the other men. In closing, I'd like to say, keep up your good work, we need it.

Sincerely,
ROBERT E. BULLOCK 390-197SR.

WORK IS STILL ESSENTIAL

(Mr. POAGE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. POAGE. Mr. Speaker, I have just received one of the clearest and best explanations of the dangers of our policy of extending aid to everyone who wants to accept aid that I have ever read. The letter is from a schoolteacher who points to some of the grievous effects of our gifts of money to schoolchildren. She discusses the matter from a practical and a personal viewpoint. She points out the injustice of what we are doing to the children and the way we are breaking down all self-respect and ambition. She says that there is evidence that "working for a living is becoming unpopular and in many cases unnecessary."

We all know this is true and we all know that our country can no more exist on free bread and circuses than could the Roman Empire. No great civilization was ever built on leisure and laziness. Great civilizations and great nations have always depended on hard work. When we take away the incentive for work we undermine the strength of our Government and the very basis of our civilization.

Nor would we deny any needy citizen help who cannot work because of infirmity or inability to find work, but when we provide for those who will not work as generously as we do for those who do work we have moved completely away from the free enterprise to the socialistic concept.

I commend the letter which follows to the reading of everyone who is interested in the future of our great land:

MARLIN, TEX.,
November 23, 1970.

Hon. BOB POAGE,
House of Representatives,
Washington, D.C.

DEAR MR. POAGE: Change is inevitable and I'll be the first to admit that many changes which have taken place in our country have been beneficial to me. From reading that I've done, I've been convinced that America is the most advanced nation in the world.

I also believe that our country achieved its greatness partly because our people are free to pursue their desired occupations. However, one change now well underway seems to me to be undermining and, in fact, killing this desire to advance our nation by working for oneself. To be more specific, I see evidence now that working for a living is becoming unpopular and in many cases, unnecessary.

I am a schoolteacher. I was informed recently that free lunches in our school will soon be funded by the Department of Agriculture. My class is economically deprived and at present nearly half the class is on free lunch or part pay lunch funded by the Federal Title I program. Along with lunch assistance, we also give free pencils, paper and other supplies. It has become a joke among the faculty that as soon as we have one government program familiarized we are introduced to a replacement for it. It is no laughing matter, but has been used as ironical humor that some of the teachers in our system who have children can now qualify for free lunches for their school age children. Teaching school is no way to get rich, but when you are eligible for government paid lunches after accepting a position that requires four years of professional training then something is wrong. Either the government is giving too much too easily or the cost of living makes living on almost any salary impossible or too much of our money is being taken in taxes and then being returned to some of us who can qualify.

Helping the poor is a noble work which I feel we need. What concerns me is the "give, give, give" which destroys pride and eventually becomes expected instead of accepted. When you are informed that you cannot ask a child to pick up a napkin off the cafeteria floor if he is on free or part pay lunch because it would be discriminating against him by, in a sense, making him work for his lunch I feel there is injustice there. In other words, those children who pay their way do the work. Also, a child who pays not a cent for lunch cannot be denied the privilege of buying popcorn or snowcone while on the playground. It seems to me that this money, by all that is right, should be applied to the lunch, but once again this would discriminate by pointing out those who cannot buy snowcones or popcorn. This is unfair. The truth is the children who are paying for their lunches are quite often the ones who cannot then afford these extras. Why should being poor be considered shameful?

Hippies, Yippies, and other such radicals have been highly criticized by me. The long hair, filth, dope and such repulse me. I'm the kind the government must love. I never buck anything the establishment does. I vote in every election. More and more of my salary is taken for taxes and even though I gripe I usually pass it off with "Well, it is happening to everybody else." You know, for the first time in my life I am beginning to understand the radical who wants to change the establishment, even though I disapprove their methods.

What makes it so bad is, I don't even know who is responsible. To whom do I direct my feelings? Does it do any good? Certainly I'm not the first to become upset with the present state of affairs. What has become of other letters? Are they really given any attention? I know that my trite statements are no news. Anybody can gripe, but what about solutions?

Don't give so much so easily. Too many able-bodied people are overpopulating the country and being paid to do so with money taken from people like myself. Anyone in Washington cannot possibly know how the funds that are passed out are being used. As for me it would probably be less expensive for me to feed the poverty stricken in my room myself than to pay for the lunches plus the salaries of those who decide who receive the free and part pay lunches.

I love this country. I do not consider myself a highly prejudiced person. I love the children in my classroom and do not blame them for being poor or for taking advantage of "hand-outs". I hate to see them, so young, being stripped of pride and not even realizing that you are supposed to earn your own way. I am worried about socialism. I was brought up to believe that the free enterprise system was superior to other forms of government. The saying "Those who don't work, don't eat" is strong medicine and certainly subject to exceptions, but it would certainly relieve a lot of pressure currently upon those who do work.

Sincerely yours,

ANITA TATE.

PANAMA CANAL: CONTINUED U.S. SOVEREIGN CONTROL

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, following a recent 10-day visit in the United States, Revolutionary President Demetria B. Lakas of Panama reported in a message to the people of that country, his great pleasure over President Nixon's expression of willingness to resume diplomatic negotiations, pertaining to the status of the U.S. Canal Zone territory. This, together with the fact that the report of the investigation by the Atlantic-Pacific Interoceanic Canal Study Commission is due on December 1, 1970, presents a grave situation that must be met by the Congress.

In this connection, I call special attention to the fact that the recommendation for a sea level canal in the forthcoming report, depends upon surrender to Panama of the U.S. sovereignty over the Canal Zone. Accordingly, my most distinguished and scholarly colleague from Pennsylvania, Mr. DAN FLOOD, and I addressed a joint letter on November 17, 1970, to all Members of the House, with copies to all Members of the Senate. It urges early adoption by the House of pending identical resolutions opposing any surrender of the Canal Zone territory and emphasizes that the House must participate in any disposal of U.S. territory or property, as set forth in the Constitution.

In order that this letter may be known to the Nation at large, I quote it as part of my remarks:

The Washington Post of October 31, 1970, in its "Around the World" column, reports that revolutionary President Lakes of Panama, in a message to the people of that country following his recent talks with President Nixon, stated that the United States is prepared to negotiate a new canal treaty with Panama.

Following an effort by the United States Government to reopen negotiations on the basis of three proposed 1967 treaties that were never signed because of strong opposition in both countries, the Foreign Minister of Panama, in a note on August 5, 1970, formally notified the United States Government that the 1967 draft treaties are "no longer considered a satisfactory basis for negotiations."

Those proposed treaties, negotiated without the authorization of Congress, would:

(1) cede U.S. sovereignty over the Canal to Panama;

(2) make that weak and unstable republic a partner in the management and defense of the Canal;

(3) increase the annuity to Panama;

(4) raise transit tolls; and

(5) eventually give to Panama without any compensation whatever both the existing Canal and any new one in Panama that may be constructed at the expense of our overburdened taxpayers.

Evidently, the reason for the refusal of the revolutionary government of Panama to accept the 1967 proposed treaties as basis for renewed negotiations was, and is, the fact that the proposed treaties would not remove United States protection forces from the Isthmus as was done by the British Government in the case of the Suez Canal, thus permitting a Soviet takeover.

The chief negotiator for the 1967 treaty proposals was Ambassador Robert B. Anderson. His associates in the formulation and negotiation of them included John N. Irwin II, recently appointed Under Secretary of State, and Robert M. Sayre, now United States Ambassador to Panama. A fourth official involved is Daniel W. Hofgren, a young White House staff member with no diplomatic or Panama Canal experience, who is now the principal negotiating assistant to Ambassador Anderson. There could not be a more perfect setup for surender at Panama with complete loss to the United States of the strategic Panama Canal and its ultimate takeover by Soviet power just as occurred in Cuba and at the Suez Canal.

Under Article IV, Section 3, Clause 2, of the United States Constitution, the House must join the Senate in the disposal of territory or other property of the United States—a course that in the past has been observed by the Executive power.

Hence the House of Representatives has an imperative reason to express itself in the premises. With that objective in view, some 116 members of the House have sponsored 28 identical resolutions in the present Congress opposing any surrender at Panama. The House sub-committee on Inter-American Affairs during the period of July 8 to August 3, 1970, held intensive hearings on "Cuba and the Caribbean", including consideration of the indicated Panama Canal sovereignty resolutions, but a report thereon has not yet been made.

In addition to statements by the undersigned on August 3rd to the subcommittee, the testimony quotes the 1970 "Memorial to the Congress" prepared by the Committee for Continued United States Control of the Panama Canal. All of this, with the text of the pending sovereignty resolutions, was published in the *Congressional Record* of Sept. 15, 1970, pp. 31889–99.

There never has been proposed in the history of our country and such surrender of our indispensable rights, power and authority over this vital artery of marine transportation, constructed, maintained, operated, sanitated, and protected by the United States at huge cost as a "mandate of civilization." Instead, eminent Secretaries of State such as John Hay, Charles Evans Hughes and John Foster Dulles strongly supported exclusive United States sovereignty as indispensably necessary for the protection of the Western Hemisphere.

The questions at issue are not really between the United States and Panama but between the United States and Soviet imperialism, which since 1917 has had for its policy the wresting of control of the Panama Canal from the United States. Moreover, Red militants and terrorists are now operating throughout all countries of the Western Hemisphere, including our own; and with our surrender of the Canal the complete communist takeover of the Hemisphere will be facilitated. These are the challenges that should be debated in the Congress and forthrightly met.

The failure of the House to act in the premises will bring the United States into a situation of the gravest peril. With Cuba, Bolivia, Peru, and now Chile, already dominated by communist power, the rest of Latin America will soon be under Soviet control with our nation rendered powerless to defend itself unless we take proper action to prevent it.

It is, therefore, of the utmost importance that the Executive Branch of our government, and the Nation, should know the position of the House of Representatives in the premises. To that end, we urge prompt action on the pending Panama Canal sovereignty resolutions.

With such resolutions adopted should any surrender treaty or treaties be sent to the Senate for ratification some of our colleagues on both sides of the aisle have requested us to lead a march of a large number of protesting House members to the Senate Committee on Foreign Relations to be heard in opposition to ratification.

In addition to adopting the indicated resolutions, we urge all members of the House to write the President strongly opposing any surrender of United States sovereignty at Panama.

Sincerely yours,

DURWARD G. HALL,
DANIEL J. FLOOD,
Members of Congress.

RELIEF FOR PAKISTAN

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, in its all-out effort to provide disaster assistance to the people of East Pakistan, the Nixon administration has run afoul of some domestic critics who are charging that we are not doing enough. Since one of the greatest problems is lack of transportation to bring food and medical supplies to the disaster area, one of our colleagues has pointed to the fact that the United States has some 4,000 helicopters in Southeast Asia and implied that our Government is "suspect" because we have not made more of these helicopters available to the relief effort.

This criticism completely ignores the reality of the situation faced by our Government in Pakistan. The United States has more than met every request of the Pakistan Government, and we will continue to do so. But we must continue to function under the direction of the Pakistan Government, just as must all the other countries who are providing assistance. The relief effort must be coordinated; and if the United States were to undertake independent action, the result would be chaos and, quite probably, would bring a strong protest from the Government of Pakistan.

Those who are complaining that the United States is not doing enough would be the first to be outraged if this country undertook a relief invasion of Pakistan and violated the sovereignty of that country. The United States must respect the wishes of the Pakistan Government.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States has, by far, the greatest number of tractors in use of any country in the world. In 1968 the United States had 4,810,000 tractors. The second-ranked nation, the Soviet Union, had 1,821,000.

LEAVE OF ABSENCE

Mr. ROBISON (at the request of Mr. GERALD R. FORD), for December 1 and balance of week, on account of death in family.

Mr. WIGGINS (at the request of Mr. GERALD R. FORD), for today through December 13, on account of official business.

Mr. DON H. CLAUSEN (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. FRELINGHUYSEN (at the request of Mr. GERALD R. FORD), for the week of November 30, on account of official business.

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. HANNA (at the request of Mr. JOHNSON of California), for today through Monday, December 14, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ICHORD, for 60 minutes, on Wednesday, December 2, 1970.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ICHORD in two instances and to include extraneous material.

Mr. HOLIFIELD, to include with his remarks in the committee certain extraneous material.

(The following Members (at the request of Mr. MIZELL) and to include extraneous matter:)

Mr. BUSH.
Mr. SCHERLE in 10 instances.
Mrs. HECKLER of Massachusetts.
Mr. CEDERBERG.
Mr. HOSMER in two instances.
Mr. HUNT.
Mr. ZWACH.
Mr. ANDERSON of Illinois.
Mr. TAFT.
Mrs. PETTIS.
Mr. WOLD.
Mr. SCOTT.
Mr. HOGAN in three instances.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. RARICK in three instances.
Mr. RYAN in two instances.
Mr. GALIFIANAKIS in two instances.
Mr. SATTERFIELD in two instances.
Mrs. SULLIVAN in four instances.
Mr. RODINO.
Mr. JONES of Tennessee.
Mr. BYRNE of Pennsylvania.
Mr. CULVER.
Mr. KLUCZYNSKI.
Mr. PUCINSKI in 10 instances.
Mr. KOCH in five instances.
Mr. PICKLE in three instances.
Mr. FOLEY.
Mr. FOUNTAIN.
Mr. DANIELS of New Jersey.
Mr. DINGELL.
Mr. EVINS of Tennessee in three instances.
Mr. OBEY in six instances.
Mr. DIGGS in three instances.
Mr. WOLFF in six instances.
Mr. MONAGAN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3540. An act for the relief of George K. Liu; to the Committee on the Judiciary.

S. 3870. An act for the relief of Dr. Dionisio Teng Libi and Dr. Bernadette Libi; to the Committee on the Judiciary.

S. 4029. An act for the relief of Soon Ae Kwak; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3373. An act for the relief of Giuseppe Delina;

H.R. 4670. An act for the relief of Ok Yon (Mrs. Charles G.) Kirsch;

H.R. 6951. An act to enact the interstate agreement on detainers into law;

HR. 14543. An act for the relief of Mrs. Rolando C. Dayao;

H.R. 15216. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes.

H.R. 15767. An act for the relief of Mrs. Maria Zahaniacz (nee Bojkiwska);

H.R. 15922. An act for the relief of Somporn (Letta Noi) Bell;

H.R. 16857. An act for the relief of Soon Ho Yoo;

H.R. 17431. An act for the relief of Jacqueline and Barbara Andrews;

H.R. 17508. An act for the relief of Jung Yung Mi and Jung Ae Ri; and

H.R. 17912. An act for the relief of Jin Soo Park and Moon Mi Park.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2543. An act to prohibit the movement in interstate or foreign commerce of horses which are "sored," and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that

that committee did on the following days present to the President, for his approval, bills of the following titles:

On November 25, 1970:

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control.

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance;

H.R. 9486. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detailed status during the Vietnam conflict;

H.R. 14252. An act to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes; and

H.R. 18546. An act to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

On November 30, 1970:

H.R. 670. An act to amend section 19 of the District of Columbia Public Assistance Act of 1962;

H.R. 3373. An act for the relief of Giuseppe Delina.

H.R. 4183. An act to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits;

H.R. 4670. An act for the relief of Ok Yon (Mrs. Charles G.) Kirsch;

H.R. 9017. An act to amend the District of Columbia Alcoholic Beverage Control Act;

H.R. 10336. An act to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests;

H.R. 13564. An act to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees;

H.R. 13565. An act to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia;

H.R. 14543. An act for the relief of Mrs. Rolando C. Dayao;

H.R. 15767. An act for the relief of Mrs. Maria Zahaniacz (nee Bojkiwska);

H.R. 15922. An act for the relief of Somporn (Leeta Noi) Bell;

H.R. 16857. An act for the relief of Soon Ho Yoo;

H.R. 17431. An act for the relief of Jacqueline and Barbara Andrews;

H.R. 17508. An act for the relief of Jung Yung Mi and Jung Ae Ri;

H.R. 17912. An act for the relief of Jin Soo Park and Moon Mi Park; and

H.R. 17970. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Tuesday, December 1, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2572. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report on the operation of section 501 of the Second Supplemental Appropriations Act, 1970, establishing a limitation on budget outlays, through October 31, 1970 (H. Doc. No. 91–421); to the Committee on Appropriations and ordered to be printed.

2573. A letter from the Secretary, National Park Foundation, transmitting the report of the Foundation, pursuant to Public Law 90–209; to the Committee on Interior and Insular Affairs.

2574. A letter from the Secretary of Transportation, transmitting a preliminary designation of a basic system of intercity rail passenger service, pursuant to Public Law 91–518; to the Committee on Interstate and Foreign Commerce.

2575. A letter from the Chief Commissioner, U.S. Court of Claims, transmitting certified copies of the opinion and findings of the court in the case *Ralph J. Messina, Sr., et al.* v. *The United States*, pursuant to 28 U.S.C. 1492 and 2509 and House Resolution 1111, 90th Congress; to the Committee on the Judiciary.

2576. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 3, 1970, submitting a report, together with accompanying papers and illustrations, on Rhodes Point to Tylerton, Md., requested by resolutions of the Committee on Public Works, House of Representatives, adopted May 10, 1962 and October 5, 1966. No authorization by Congress is recommended as the desired improvements have been approved for accomplishment by the Chief of Engineers under the provisions of section 107 of the 1960 River and Harbor Act, as amended; to the Committee on Public Works.

2577. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 6, 1970, submitting a report, together with accompanying papers and an illustration, on Bayou Coden, Ala., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted March 11, 1963. No authorization by Congress is recommended as the desired improvement has been approved for accomplishment under section 107 of the River and Harbor Act of 1960; to the Committee on Public Works.

2580. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of several facilities projects proposed to be undertaken for the Army National Guard; to the Committee on Armed Services.

RECEIVED FROM THE COMPTROLLER GENERAL

2578. A letter from the Comptroller General of the United States, transmitting a report on improvements needed to upgrade the readiness of the Naval Air Reserve, Department of the Navy; to the Committee on Government Operations.

2579. A letter from the Comptroller General of the United States, transmitting a report on the information gathering and disseminating activities of the National Library of Medicine, National Institutes of Health, Department of Health, Education, and Welfare; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 19446. A bill to assist school districts to meet special problems incident to desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas, and for other purposes; with amendments (Rept. No. 91–1634). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19868. A bill to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes (Rept. No. 91–1635). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 19576. A bill to establish the National Advisory Committee on the Oceans and Atmosphere; with amendments (Rept. No. 91–1636). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FALLON (for himself, Mr. BLATNIK, Mr. JONES of Alabama, Mr. KLUCZYNSKI, Mr. WRIGHT, Mr. GRAY, Mr. CLARK, Mr. EDMONDSON, Mr. JOHNSON of California, Mr. DORN, Mr. HENDERSON, Mr. OLSEN, Mr. ROBERTS, Mr. MCCARTHY, Mr. KEE, Mr. HOWARD, Mr. ANDERSON of California, Mr. CAFFERY, Mr. ROE, Mr. CRAMER, Mr. HARSHA, Mr. GROVER, Mr. DON H. CLAUSEN, and Mr. MCEWEN):

H.R. 19877. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; to the Committee on Public Works.

By Mr. FALLON (for himself, Mr. DUNCAN, Mr. SCHWENGEL, Mr. SCHADEBERG, Mr. SNYDER, Mr. DENNEY, Mr. ZION, Mr. MCDONALD of Michigan, Mr. HAMMERSCHMIDT, and Mr. MILLER of Ohio):

H.R. 19878. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; to the Committee on Public Works.

By Mr. MCMILLAN (for himself and Mr. FUQUA):

H.R. 19879. A bill to provide additional revenue for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MILLS:

H.R. 19880. A bill to amend the Internal Revenue Code of 1954 relating to transfers taking effect at death; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 19881. A bill; consolidated returns of life insurance companies; to the Committee on Ways and Means.

By Mr. ICHORD:

H. Con. Res. 788. Concurrent resolution authorizing the printing of additional copies of "Hearings Relating to Various Bills To Repeal The Emergency Detention Act of 1950," 91st Congress, Second Session; to the Committee on House Administration.

By Mr. STRATTON (for himself, Mr. WOLD, and Mr. SCHMITZ):

H. Res. 1287. Resolution; support for efforts to rescue American prisoners of war incarcerated in North Vietnam; to the Committee on Armed Services.

By Mr. WAGGONNER:

H. Res. 1288. Resolution providing additional postage for Members and officers of the House of Representatives; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. JARMAN introduced a bill (H.R. 19882) for the relief of Shirley C. Thorne; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

641. The SPEAKER presented a petition of the Palau Legislature, Koror, Palau, Western Caroline Islands, Trust Territory of the Pacific Islands, relative to war claims; to the Committee on Foreign Affairs.

SENATE—*Monday, November 30, 1970*

The Senate met at 12 o'clock meridian, and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, as we return to our tasks we pause to thank Thee for the festival of Thanksgiving, for home and family, for church and school, and for the durability of our institutions in changing times. Now accept our fresh dedication to high service in a government of the people, for the people, and by the people. May Thy grace be sufficient for all our needs.

Grant to all who serve in the higher offices of the Nation the wisdom and courage to marshal the bountiful resources and generous talents with which Thou hast endowed us, for the making of a society of righteousness and justice. Guide the nations of the world, so torn by contention and weary of war, into the peaceable ways of Thy kingdom, where law is love and Thy spirit rules every man.

We pray in the name of the Prince of Peace. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 30, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Jones, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HOLLINGS) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 670. An act to amend section 19 of the District of Columbia Public Assistance Act of 1962;

H.R. 4183. An act to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits;

H.R. 9017. An act to amend the District of Columbia Alcoholic Beverage Control Act;

H.R. 10336. An act to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests;

H.R. 13564. An act to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees;

H.R. 13565. An act to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia; and

H.R. 17970. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 25, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF CALL OF THE CALENDAR TOMORROW

Mr. MANSFIELD. Mr. President, I serve notice on the Senate that the unobjected-to items on the calendar will, on the basis of joint agreement, be brought up during the morning hour tomorrow.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after the remarks of the distinguished Senator from Connecticut (Mr. RIBICOFF) today, there be a period for the transaction of routine morning business with a time limitation of 3 minutes on statements made therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENTS OF THE SENATE TO 10 A.M. ON TUESDAY, WEDNESDAY, THURSDAY, AND FRIDAY OF THIS WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today, it stand in adjournment until 10 a.m. tomorrow; and that on Wednesday, Thursday, and Friday of this week the Senate convene at 10 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from Connecticut (Mr. RIBICOFF) for 20 minutes.

S. 4545 AND S. 4546—INTRODUCTION OF THE URBAN EDUCATION IMPROVEMENT ACT OF 1970 AND THE GOVERNMENT FACILITIES LOCATION ACT OF 1970

Mr. RIBICOFF. Mr. President, more than 8 months have passed since the Senate debated the need for a national policy for integration. At that time, I urged this country, its leaders, and its citizens to acknowledge that segregation, de facto as well as de jure, is wrong in the North as well as in the South.

Those of us in the North have relied for too long on the artificial distinction between segregation enforced by laws—de jure—and segregation dictated by social and economic conditions—de facto. If we are to end the racial turmoil tearing this Nation apart, we must be willing to attack segregation in the North with a will equal to that we demand of the South.

Nothing has happened since last February to change my views. We have made no noticeable progress toward dealing with this problem. Distrust, hostility, and bitterness are increasing among minority-group citizens of this country, especially in the major population centers, North and South, where whites continue to flee the inner city. Unless we take action soon to correct this volatile situation, the breach between the races will pass the point of no return.

One hundred years ago, Abraham Lincoln warned that this Nation could not survive half slave and half free. Nor will we endure if we permit the formation of separate black and white societies that communicate with each other by sending ambassadors across boundaries of hate and fear.

We must act and act quickly, but we cannot afford to repeat the mistakes of the past. If we ignore the lessons of the 16 years since the Supreme Court's decision in Brown against Board of Education, we will only perpetuate the anger and disillusionment that surround us now.

We must first recognize that we can no longer assume that integrated education alone can solve the problems of segregation in this country. Experience has demonstrated that as long as attempts to integrate education take place within a segregated society, racial separation continues to exist.

We must end residential as well as educational segregation if we are serious about trying to bring this country together. But, our present policies work in the opposite direction. Whites in central cities are able to flee to the sanctuary of the suburbs whose governmental authorities have no obligations to the inner city. Once begun, this process accelerates as white families seek to avoid being left behind. At the same time, minorities are effectively trapped in expanding inner city ghettos.

Improving conditions in the central city is desirable, of course, but a successful solution to our racial problems must involve the suburbs as well, and must include integrated housing and jobs as well as education.

Another error we have made in the past is to require substantial changes and activities without providing the financing to make them possible. Integration will cost money. Suburbs as well as school systems are already facing financial crises that are producing deteriorating educational programs and declining municipal services. To ask these areas to assume greater expenses without the necessary assistance will only increase their resistance. We must be willing to help those ready to help others.

One lesson we should have learned is that no program for integration will succeed without a clearly stated time limit. Use of the ambiguous phrase, "with all deliberate speed" by the Supreme Court in its 1954 Brown decision allowed defenders of segregated schools to stiffen their resistance, while the victims of segregation grew increasingly bitter.

Any timetable, of course, must be effective and realistic. While we might desire an end to segregation in our metropolitan areas immediately, we must realistically assess the magnitude of the changes we are seeking. Adequate time for planning must be allowed. Nonetheless, to be effective, we must require substantial progress each step of the way, with our goal being an end to racial separation within a definite period of years.

The greatest lesson we can learn from our past experience is the danger of avoiding a critical issue for so long that the Supreme Court is forced to move in while we stand in the background shuffling our feet.

Some may support this as an easy way to settle controversial issues. The Court can take the blame since the Justices do not have to run for election.

But our courts are not structured to be legislatures. They decide issues on a case by case basis that does not lend itself to legislating and administering national programs.

Furthermore, if the courts continue to do our work for us, the ensuing public controversy will inevitably destroy their power and influence.

Members of Congress have been chosen by the voters to make the difficult decisions necessary to lead this Nation. The danger now is that we in the Congress will continue to ignore the problem of residential segregation as we have so often in the years gone by. It is folly to hope that the problem and the controversy will go away simply with the passage of time.

We should know better by now. In fact, the situation continues to worsen. Sooner or later the Supreme Court itself will be forced to take steps to eliminate the artificial political lines now used to maintain segregation and will order metropolitan-wide integration. Years of litigation, confusion of the issues and increased frustration on all sides will then follow.

It is time for Congress and the executive branch to demonstrate the leadership necessary to confront this issue and deal with it constructively.

I am, therefore, introducing two bills today. One deals with improving education, the other with developing low-cost housing in suburban areas. Both attack the problem of racial isolation on a nationwide basis.

These bills must be considered together, because the integration of public education can only be successful as long as it reflects the underlying integration of society. What good will it do to transport children from the ghetto to affluent suburbs every day for years, if they are returned to the misery of the inner city every night? The continuous cultural shock will only lead to increased bitterness when the youngsters learn that a complete life in the suburbs is foreclosed to them.

I do not have all the answers nor will the bills I introduce today provide complete solutions to these difficult problems. But it is time for us to stop arguing abstractly and begin to consider specific alternatives.

I recognize that Congress will not be taking action on this matter this year. I am introducing these bills now to encourage a discussion of the points they raise and to elicit suggestions for improvement before we convene again in January. Soon thereafter the President's emergency school desegregation assistance bill will be before us for consideration; I would hope we would use that occasion for a full consideration of these problems.

My first bill, the "Urban Education Improvement Act of 1970," focuses on the issue of school desegration in the major metropolitan areas of the United States.

Efforts to integrate schools have concentrated only in individual school districts within a metropolitan area. This has reinforced the concentration of minority-group students in the central city. In numerous areas of this country, the minority-group school population of the metropolitan area as a whole is less than 25 percent, while the percentage in the central city, separately, is above 50 percent and increasing rapidly.

Unfortunately, the specter of this transformation tends to drive whites out of school districts as soon as the minority-group population begins to increase. We will end this cycle only when we begin to integrate on a metropolitan-wide basis. Only then can we destroy the stereotype of an integrated school as a predominantly minority school.

Under the Urban Education Improvement Act, each school district will be required to participate with the other districts in its metropolitan area in developing and implementing an acceptable plan. The State will organize an area-wide agency to coordinate this planning effort and 2 years are allowed for development and approval of the plan.

Each plan will have to provide that within 10 years, each school in the metropolitan area will have a percentage of minority-group students that is at least one-half of the percentage of the minority-group school population in the metropolitan area as a whole. For example, the percentage of minority-group children in the Baltimore metropolitan

area is approximately 32 percent. Under my bill, each school in the Baltimore area would have to have a minority-group population of at least 16 percent no later than 10 years after adoption of an acceptable plan.

To improve central city schools and to attract whites and their children from the suburbs, the bill provides for establishment of educational parks and magnet schools in the central city, redrawing school district lines, pairing schools, and creation of unified school districts.

Cooperating States and local school districts will receive Federal funds to formulate the plans required as well as funds to implement those plans. This financial assistance should enable all school districts to maintain and improve the present quality of education while meeting the requirements of this act.

Under the bill, any school district that does not cooperate in the formulation and implementation of the master plan will be ineligible to receive Federal education funds. Furthermore, no State which provides State funds to a noncooperating school district will be eligible for Federal funds.

Because of the tendency of school districts to wait until the last minute and then claim hardship, substantial progress toward the target minority-group enrollment will have to be achieved each year the plan is in operation or the school will lose Federal and State funds.

The second part of my package is the "Government Facilities Location Act of 1970."

Statistics conclusively demonstrate that the overwhelming percentage of new jobs in this country are found in the suburbs. In the last two decades, in fact, 80 percent of all such jobs were developed in suburban areas.

At the same time, racial and economic policies and barriers have served to foreclose these jobs to those most in need: low- and moderate-income people in the central cities. We cannot allow this to continue. We must permit people to move where the jobs are. Experiments with transportation programs have established that the absence of available housing in the suburbs is tantamount to the absence of the job. Ironically, in many suburban areas, the result is an actual shortage of low- and moderate-income employees.

Suburban areas compete vigorously for new industries and new jobs. Federal and State agencies together with Federal contractors are among the major suppliers of new facilities and jobs. Yet, the U.S. Commission on Civil Rights has found that the Federal Government, by having no firm policy to cover Federal relocations, has added to the increasing gulf between the white suburbs and the inner cities. Rather than trying to narrow the gap, the Government has unconsciously contributed to its expansion.

My proposal is a simple one: We should encourage those communities willing to provide adequate low- and moderate-income housing by locating new federally connected industry in their cities. Why continue to subsidize those communities that are contributing to the racial and economic discord prevalent throughout this country?

Viewed another way, why continue to allow Federal and State facilities and Federal contractors to move or expand in areas that effectively eliminate jobs for low- and moderate-income employees, especially those belonging to minority groups?

The "Government Facilities Location Act of 1970" was drafted with these problems in mind. The purpose of the act is to insure that there is adequate housing for all low- and moderate-income Federal employees, State employees, and Federal contractors' employees, before any facility or installation is located or expanded in a community.

Nothing is done to affect the policies of those companies that are not Federal contractors. Nor does this bill try to reach facilities already constructed. Nonetheless, I think the impact of this bill will be significant. The Federal Government alone employs over 6 million employees. The total Federal payroll including benefits in 1970 will approach $50 billion.

The bill provides, that, before a Federal facility, State facility, or Federal contractor's facility may be located in a community, the agency or contractor involved must secure, in the form of a contract between the community and the Chairman of the EEOC, assurances that the community will provide at least one unit of adequate housing for each prospective low- or moderate-income employee.

We cannot expect communities to handle an influx of low- and middle-income families without some assistance. The financial burdens of all local units of government are already overwhelming. For this reason, cooperating communities will receive Federal aid to compensate them for the added expenses of providing municipal services to these new residents. The aid will be based on a formula which is designed to compensate for the decreased tax revenue generated by this economic group.

In addition, these communities will have access to all existing Federal programs designed to assist the construction of low- and moderate-income housing.

If a community reneges on its plan, the Chairman may take court action to enforce it. Should a contractor locate in a noncomplying community, the Chairman shall terminate existing Federal contracts. The Chairman can also bar the contractor from future Federal contracts. A State agency would be equally liable for any move into a noncooperating area.

More than just these two bills will be needed to attack the problem completely. We should establish a "new job" development bank whereby private industries would be free to locate wherever they wished but would have to give advance notice of their intention to allow for adequate planning.

Likewise, revenue sharing proposals should be designed to create financial incentives for those communities that provide low- and moderate-income housing. This would favor central cities initially but would also encourage suburbs to undertake the expenses and added burdens of providing low-cost housing.

The two bills introduced today, however, are the most important if we are to begin to make progress toward becoming a united country with equal opportunity for all.

If the President and Congress maintain their present attitude and slow pace, if we continue to be guilty of political and intellectual paralysis, we risk generating an upheaval that will test this Nation's very foundations. Unavoidable choices must be made soon or the entire debate and concern about national unity will be meaningless.

To help explain these bills, I ask unanimous consent to have printed in the RECORD a set of questions and answers and a section-by-section analysis of both bills.

I also ask unanimous consent that the full text of the bills I am introducing today be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, the questions and answers, the section-by-section analyses of the bills, and the bills will be printed in the RECORD.

The bills (S. 4545), to be known as the Urban Education Improvement Act of 1970, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare; and (S. 4546), to be known as the Government Facilities Location Act of 1970, was received, read twice by its title, and referred to the Committee on Banking and Currency; and were ordered to be printed in the RECORD, as follows:

S. 4545

Urban Education Improvement Act of 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PURPOSES AND FINDINGS

SEC. 201. The Congress finds that—

(a) Racial separation in our public schools regardless of the origin of such separation, causes irreparable harm to the children of this Nation;

(b) Racial separation in the public schools of our Nation's metropolitan areas, where the majority of our children live, is increasing and intensifying;

(c) Racial separation in large part results from housing, zoning, education, and other economic, social, and political policies and decisions of government at all levels;

(d) The general welfare of this Nation requires the elimination of racial separation in public schools wherever and how it occurs; and

(e) This Nation must therefore commit its moral strength and financial resources to the achievement of this goal.

SEC. 202. It is the purpose of this Act—

(a) to require State and local educational agencies in metropolitan areas throughout this country to develop and implement plans which will reduce and eliminate racial separation in our public schools, whatever the cause of such separation; and

(b) to provide financial assistance to assist state and local educational agencies to develop and implement such plans.

DEFINITIONS

SEC. 301. As used in this Act, except when otherwise specified—

(a) (1) The term "minority group children means—

(A) children, aged five to nineteen inclusive, who are Negro, American Indian or Spanish-surnamed Americans; and

(B) as determined by the Secretary, children of such ages from environments where the dominant language is other than English and who, as a result of limited English-speaking ability, are educationally deprived.

(2) the term "Spanish-surnamed American" includes persons of Mexican, Puerto Rican, Cuban, or other Latin American or Spanish origin or ancestry.

(b) The term "racial separation" means a condition in which minority group children in a school constitute more than 50 percent of the average daily enrollment of that school. The term "racially separated" refers to a school in which such condition of racial separation exists.

(c) The term "school" means those elementary and secondary public schools of a State which are located within a Standard Metropolitan Statistical Area (SMSA).

(d) The term "state educational agency" means the state board of education or other agency or officer primarily responsible for the state supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by state law for this purpose.

(e) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control, or direction of, public elementary or secondary schools in a district or other unit of the State, or a combination of such districts or other units and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school: *Provided,* That the term shall not refer to any such agency located outside an SMSA.

(f) The term "noncooperating local educational agency" means any local educational agency which refuses or has refused to participate in the preparation, submission, revision or implementation of an acceptable plan as required by this Act.

(g) The term "cooperating local educational agency" means any local educational agency that has participated in the preparation, submission, revision, and implementation of an acceptable plan as required by this Act.

(h) The term "State" means any State in which there is an area defined as a Standard Metropolitan Statistical Area, and the District of Columbia.

(i) The term "Standard Metropolitan Statistical Area" or "SMSA" means the area in and around cities of 50,000 inhabitants or more as defined by the Office of Management and Budget: *Provided,* That the term shall mean only that portion of any Standard Metropolitan Statistical Area which lies wholly within the boundaries of one state. Each portion of an SMSA in a different State shall be considered an independent SMSA for purposes of this act.

(j) The term "Secretary" means the Secretary of Health, Education and Welfare or his designee.

(k) The term "federal educational funds" means federal funds appropriated for grants, loans, contracts or other financial assistance to a state educational agency, a local educational agency, an individual school or to an individual in compensation for services rendered such organizations. This term shall not mean funds which go to individuals in the form of scholarships, fellowships, loans or other such assistance which is designed to further that individual's education, nor shall it mean funds which are to assist private, nonprofit organizations in the provision of education in pre-elementary and elementary situations.

THE PLAN

SEC. 401. Each State shall prepare and file with the Secretary for his approval, in accordance with the regulations issued by him, a plan under which it will establish and supervise the operation in each SMSA of an SMSA agency to develop with the local educational agencies within the SMSA a plan to reduce racial separation in their schools; Provided, that, should any state refuse to comply with the provisions of this Act, the local educational agencies within an SMSA may then independently create or assume control of such an SMSA agency.

SEC. 402. The plan developed by each such SMSA agency shall—

(a) contain the proposals by which the local educational agencies within an SMSA agree to reduce racial separation in their schools;

(b) provide that by a date approved by the Secretary, but in no event later than August 30, 1982, the percentage of minority group children enrolled in each school of the SMSA shall be at least 50 per cent of the percentage of minority group children enrolled in all the schools of that SMSA:

(c) include the use of techniques such as redrawing school boundaries, creating unified school districts, pairing schools or school districts, establishing educational parks and magnet schools as well as other techniques designed to end as soon as possible racial separation in all schools within the SMSA;

(d) provide for the establishment of multi-racial committees composed of local parents and students to advise the local educational agencies and the SMSA agency regarding the development of the plan required by this Act and to report periodically to the Secretary on the extent of compliance with the requirements of this Act.

(e) provide that in each year of operation of the plan, substantial progress toward fulfilling the requirements of this Act shall be made;

(f) provide that state financial assistance to local educational agencies within each SMSA shall not be so calculated, based, rated or fixed in any manner as to result in the condition that the per pupil contribution of the State to any racially separated school within the SMSA shall be less than the per pupil contribution of the State to any non-racially separated school within the SMSA.

SEC. 403. (a) The plan required by Section 402 must be submitted to and approved by the Secretary no later than August 30, 1972.

(b) The Secretary is authorized to promulgate and issue regulations regarding the time and manner of submission of such plans for his approval.

SEC. 404. Should the Secretary determine that the size, shape or population distribution of an SMSA would make inclusion of some parts of that SMSA in a plan unnecessary for fulfillment of the purposes of this Act or excessively disruptive of the educational process, he may exempt such parts from participation in the plan.

SEC. 405. Each SMSA agency shall annually prepare and file in accordance with regulations issued by the Secretary a report setting forth the results achieved under the plan and any necessary amendments to the plan to correct any deficiency of the plan.

SEC. 406. The Secretary is directed to review annually the plan and the reports of each SMSA agency. If the Secretary finds that for any reason the purposes of this Act are not being effectuated by the plan and any amendments thereto he shall, after giving appropriate notice to all concerned parties, withdraw his approval of the plan and each local educational agency in question will be treated as a noncooperating local educational agency: Provided, that if within a period prescribed by the Secretary, but in no event exceeding 180 days following the Secretary's withdrawal of approval, the local educational agencies through their SMSA agency submit a revised plan approved by the Secretary, the local educational agencies within the SMSA shall be entitled to receive all funds withheld during the period.

SEC. 407. (a) Because of its unique circumstances, the SMSA for the District of Columbia shall include for purposes of this act Montgomery and Prince Georges counties in Maryland, Arlington, Fairfax and Prince William counties in Virginia, and the cities of Falls Church and Alexandria in Virginia notwithstanding the provisions of Section 301(i) of this Act.

(b) A single plan shall be designed and submitted by all local educational agencies included in the District of Columbia SMSA; Provided that the existence of noncooperating local educational agencies within this SMSA shall not affect the status of cooperating local educational agencies.

SEC. 408. No state or local educational agency shall formulate or administer its plan in a manner that will result in the separation of minority group children within a school or classroom.

FINANCIAL ASSISTANCE

SEC. 501. Planning Funds—

(a) Within six months of the date of enactment of this Act, the Secretary shall notify each state and local educational agency within an SMSA of the requirements of this Act.

(b) The Secretary shall issue regulations establishing procedures and a timetable according to which SMSA agencies required to file a plan under this Act may apply for funds authorized to be appropriated by this Act.

(c) Upon application meeting the standards established by the Secretary, the Secretary shall grant to each SMSA agency funds for the development of a plan to reduce racial separation pursuant to the requirements of this Act, the amount of such funds being determined by the number of minority group students and the number of all students enrolled in schools in the SMSA.

SEC. 502. (a) Each year following the implementation of an approved plan, cooperating local educational agencies through their SMSA agency, may submit to the Secretary applications for financial assistance.

(b) An application for assistance under this Act may be approved by the Secretary only if he determines that:

(1) such application—

(A) sets forth a plan which is sufficiently comprehensive to offer reasonable assurance that it will achieve one or more purposes for which grants may be made under this Act; and (B) contains such other information, terms, conditions, and assurances as the Secretary may require to carry out the purposes of this Act;

(2) the applicant has adopted effective procedures for the continuing evaluation of programs or projects under this Act;

(3) the programs or projects for which assistance is sought will not result, and in the case of an ongoing program or project has not resulted, in an increase in the percentage of racial separation in any school.

(4) no part of the assistance provided under this Act shall be used to supplant funds, equipment or services which are used to assist any private school. Should any funds provided under this Act be used for this purpose, or for any other purpose that the Secretary finds to be inconsistent with the purposes of this Act, the Secretary shall file suit in the United States District Court for the District of Columbia against either the school which received such funds or the state educational agency, or both, for restitution of the funds.

(c) upon the submission and approval of such an application, the Secretary is authorized to provide a cooperating local educational agency with sufficient funds to meet its obligations under its approved plan.

(d) Funds provided under this section may be used for the following purposes or any other purposes the Secretary finds will promote an end to racial separation—

(1) Establishing and constructing magnet

schools or educational parks in locations chosen to reduce the degree of racial separation in the schools of the SMSA;

(2) providing additional staff members including para-professionals to provide guidance, counseling and training to assist minority group children in adjusting to a nonracially separated school environment;

(3) providing counseling, retraining and guidance for professional and other staff members who will be working with minority-group children;

(4) developing and implementing interracial educational programs and projects involving the joint participation of minority group and nonminority group children attending different schools, including extracurricular activities and cooperative exchanges or other arrangements between schools within the same or different school districts;

(5) providing such additional transportation for children as may be necessitated by the plan developed pursuant to this Act;

(6) expanding or altering facilities to accommodate students transferred under the plan;

(7) community activities, including public education efforts, in support of the plans, programs, projects, or other activities developed pursuant to this Act;

(8) planning and evaluation activities and expenses of administration;

(9) work study programs to provide the financial assistance necessary for minority group children to complete their education; and

(10) other specially designed programs or projects which meet the purposes of this Act.

(e) No funds granted under this Act may be used to supplant state or local educational funds presently being expended by state and local educational agencies.

(f) The Secretary shall issue regulations establishing procedures and a timetable according to which state and local educational agencies entitled to apply for financial assistance under this Act may apply to the Secretary for funds authorized to be appropriated by this section.

RESTRICTIONS ON FEDERAL FINANCIAL ASSISTANCE

SEC. 601. (a) No noncooperating local educational agency shall be entitled to receive any Federal educational funds; *Provided*, That the presence within an SMSA of a noncooperating local educational agency shall not affect the eligibility of cooperating local educational agencies in the SMSA to receive Federal educational funds.

(b) No state that fails to participate in the preparation, submission, revision and implementation of any plan or plans required by this Act, and no state that continues to provide state funds or assistance after August 30, 1972 to any noncooperating local educational agency under Section 401(a) shall be entitled to receive any Federal educational funds.

APPROPRIATIONS

SEC. 701. (a) For the fiscal years beginning July 1, 1971, and July 1, 1972, respectively, there is authorized to be appropriated $25,000,000 each year to be used by SMSA agencies to develop and promulgate the plan herein required to be filed.

SEC. 702. For the fiscal year beginning July 1, 1972, and for each of the nine fiscal years following, there is authorized to be appropriated $2,000,000,000 each year for purposes of carrying out this Act.

SEC. 703. Funds so appropriated shall remain available for obligation for one fiscal year beyond that for which they are appropriated.

JUDICIAL REVIEW

SEC. 801. (a) Any person affected by the enforcement or nonenforcement in the SMSA in which he resides of any provision of this Act may petition the Secretary for an expedited hearing of his complaint.

(b) Within sixty days of receiving such petition the Secretary shall hold a formal hearing to determine whether the provisions and purposes of this Act are being carried out in the petitioner. A transcript shall be kept of the proceedings of the hearing.

(c) Within thirty days after the date of the hearing, the Secretary shall issue a decision in writing which sets forth his findings and appropriate orders.

(d) The Secretary's decision shall be reviewable, upon petition, by the United States Court of Appeals for the District of Columbia Circuit. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(e) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of Title 28.

LAWS REPEALED

SEC. 901. The following provisions of law are hereby repealed—

(a) Section 181 of the Elementary and Secondary Education Act Amendments of 1966;

(b) Section 422 of the Elementary and Secondary Education Act Amendments of 1970;

(c) Section 2 of the Elementary and Secondary Education Act Amendments of 1970;

(d) Sections 102(d) and 205(f) of the Demonstration Cities and Metropolitan Development Act of 1966.

S. 4546

Government Facilities Location Act of 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PURPOSES AND FINDINGS

SEC. 201. The Congress finds that—

(a) The increasing concentration of Government facilities in suburban areas has placed many jobs beyond the reach of low- and moderate-income, inner city residents;

(b) A combination of government actions, such as zoning and housing programs, together with increasing housing costs, have effectively excluded low- and moderate-income families from most suburban areas; and

(c) A positive, affirmative program is necessary to provide decent, clean and safe housing for low- and moderate-income families within the immediate area of Government facilities.

SEC. 202. It is the purpose of this Act—

(a) To require Federal agencies, Federal contractors and state governments to assure that an adequate supply of housing for low- and moderate-income families will be available in any area in which a Government facility is to be located; and

(b) To provide financial assistance to communities to assist them in meeting the requirements of this Act.

DEFINITIONS

SEC. 301. As used in this Act, except where otherwise specified, the following terms shall bear the definitions provided—

(a) "Government agency" shall mean any Federal government organization listed in the Government Organization Manual published by the General Services Administration or any unit of any State government;

(b) "Government employee" shall mean any person employed by any Government agency.

(c) "Government facility" shall mean any building or complex of buildings occupied in whole or in part during working hours by more than twenty-five Government employees or any plant, factory, installation, office, or other place of business which houses, during working hours, more than 25 employees of a Federal contractor;

(d) "Federal contractor" shall mean any person, corporation, partnership or association with more than 50 employees which is a party, the parent company of a party, a subsidiary of a party, or a subsidiary of the parent company of a party, to any contract, or which is a subcontractor under a contract, with any unit of the Federal government which exceeds $50,000 in value;

(e) "Immediate area" shall mean any area which is within the corporate limits of the community in which a Government facility is located and which is within a reasonable commuting distance as defined by the Chairman;

(f) "Low- and moderate-income employee" shall mean any employee of any Government agency or Federal contractor whose total annual compensation does not exceed that paid at the highest step of the GS-7 level as determined by the Civil Service Commission;

(g) "Chairman" shall mean the Chairman of the Equal Employment Opportunity Commission or his designee;

(h) "Community" shall mean any political subdivision of a State;

(i) "Locate" shall mean to establish, construct, move from another location or make any addition or additions to any existing facility such that such additions or the sum of such additions results in increasing the work force at that facility by 50 employees within any 365-day period, or in any other way create or directly cause to be created any facility meeting the requirements of Section 301(c).

(j) "Average individual tax revenue" shall mean the total tax revenue collected by a community, divided by the number of individual taxpayers in the community; and

(k) "Average low- and moderate-income individual tax revenue" shall mean the total tax revenue generated by low- and moderate-income employees divided by the number of low- and moderate-income employees in a community.

RESTRICTIONS ON THE LOCATION OF FEDERAL FACILITIES

SEC. 401. (a) After January 1, 1971 no Government facility may be located in any community which has failed to develop an acceptable plan which provides, in the opinion of the Chairman, adequate housing in the immediate area of the facility for the prospective low- and moderate-income employees of the facility.

(b) Each Government agency or Federal contractor shall, prior to initiating location procedures, require written assurance in the form of a plan that the relevant community will conform to the requirements of Section 502.

(c) Should, after the acceptance of the plan by the Chairman, any community fail to comply with its approved plan, the Chairman shall bring suit in the United States District Court for the District of Columbia to secure an injunction to require such community to conform to its plan.

(d) Should any Federal contractor locate or expand any Federal facility in violation of the provisions of this section, the Chairman shall, after giving appropriate notice, terminate all Federal contracts held by such contractor: *Provided*, That the Secretary of a Department or Chief Executive Officer of an independent agency that holds a contract with a Federal contractor who locates a Federal facility in violation of this section may, subject to court review, veto the Chairman's termination of such contract if

he finds, on the basis of facts presented, that such a termination will seriously and substantially impede the mission of the Department or agency.

(e) The Chairman shall also prohibit the granting of any future Federal contracts with a noncomplying Federal contractor.

(f) Should any State take action to locate a Government facility in violation of the provisions of this Act, the Chairman shall, after giving appropriate notice, order the suspension of all Federal assistance to the State agency that has jurisdiction over such facility until such time as the community has produced an acceptable plan as provided by section 500 of this Act.

SEC. 402. The Chairman shall exempt a Government agency or a Federal contractor from the requirements of this Act if the National Security Council certifies that compelling national security reasons justify such an exemption.

THE PLAN

SEC. 501. The plan required to be filed by section 401 of this Act shall conform to the requirements of this section.

SEC. 502. Each plan shall—

(a) Be embodied in a contract between the Federal government, as represented by the Chairman, and the community in which the Government facility is to be located.

(b) Provide that at least one unit of housing be vacant or built in the community for every prospective low- and moderate-income employee of the locating Government agency or Federal contractor. Such units shall meet requirements of size, price and location as set by the Chairman;

(c) Meet the standards of cleanliness and habitability established by the Department of Housing and Urban Development;

(d) Contain a timetable for the provision of the housing units required by section (b) above: *Provided*, That the plan shall provide that all such units shall be in existence prior to the actual completion date of location of the Government facility; and

(e) Provide for sufficient community services to serve the new residents of the community.

SEC. 503. Should the Chairman determine that a change in the local situation, the size of the Government facility or other relevant factors necessitates a modification of the Plan, he may approve such modifications if they are proposed by the community or require a community to make necessary modifications: *Provided*, That such modifications do not impede the effectuation or achievement of the purposes of this Act.

SEC. 504. The Chairman shall reject a plan or modifications in the Plan if they fail to comply with the provisions of section 502 or if they would result in residential segregation of low- and moderate-income families within the community.

SEC. 505. Each Government agency and Federal contractor shall report annually to the Chairman the number of low- and moderate-income employees employed at each Government facility, the availability of housing for such employees, and such other information as the Chairman may require.

SEC. 506. The Chairman shall establish and cause to be published guidelines to assist Government agencies, Federal contractors and communities in conforming to the requirements of this Act.

SEC. 507. Each Government agency and Federal contractor shall designate one person who shall act as liaison with the Chairman. This person shall serve as chairman of an advisory committee on housing established by the Government agency or contractor. At least one-third of the membership of this committee shall consist of low- and moderate-income employees. It shall be the function of this Committee to channel employee needs and preferences to those persons responsible for the location of the facility.

FINANCIAL ASSISTANCE

SEC. 601. (a) Each community that files a plan under this Act may also file an application for financial assistance with the Chairman.

(b) Upon application meeting the standards established by the Chairman, the Chairman shall grant to each community an amount not to exceed $100,000 to reimburse such community for the expense of developing a plan to conform to the requirements of this Act.

(c) Each year the Chairman shall pay to each community filing an acceptable plan a sum determined by multiplying the difference between the average individual tax revenue and the average low- and moderate-income individual tax revenue by the number of low- and moderate-income employees who move into the community under the plan.

APPROPRIATIONS

SEC. 701. (a) For the fiscal year beginning July 1, 1971 and for the four fiscal years thereafter there are authorized to be appropriated sufficient funds to allow the Chairman to fulfill the requirements of Sections 601(b) and 601(c).

(b) Funds or a part of the funds so appropriated which are not allotted because a community or several communities have failed to file a plan or plans may be granted by the Chairman to communities upon a special, compelling showing of need by the community.

SEC. 702. Funds appropriated shall remain available for obligation for one fiscal year beyond that for which they are appropriated.

SEC. 703. In each fiscal year, sufficient funds shall be appropriated for the Equal Employment Opportunity Commission to cover costs of administering this Act.

The material, ordered to be printed in the RECORD, reads as follows:

QUESTIONS REGARDING INTEGRATION BILLS

Q. How does your education bill relate to the President's Emergency Desegregation Assistance Act?

A. The President's bill primarily provides assistance only to those school systems proceeding under court-ordered desegregation. By definition, this confines assistance primarily to the South and continues to focus only on single school districts. The President's bill does not confront directly the problem of de facto segregation on a metropolitan basis.

Q. How does your education bill relate to the cases presently before the United States Supreme Court?

A. There is no way to predict how the Supreme Court will decide these cases. Even if the cases are used to attack de facto segregation, it will only be within individual school districts, not throughout metropolitan areas.

Q. Isn't the basis of the problem of educational segregation to be found in residential housing patterns?

A. That's exactly what I argued months ago on the floor of the Senate. We can't consider problems of educational segregation apart from problems of residential segregation. That's why I am also introducing today my bill designed to assist suburbs in providing low-income housing.

Q. Aren't these problems being presently considered by the Senate Select Committee on Equal Educational Opportunity?

A. In its first few months, that Committee primarily concentrated on school problems in the South. They have now begun investigating problems in northern cities, again focusing mainly on education. I have provided the Committee with copies of my legislation on both housing and education which I hope they will consider before they report early next year.

Q. Won't many suburban school districts simply decide to do without federal aid rather than comply with the requirements of your act?

A. The act will also cut off federal educational funds for any state that continues to supply state funds to a noncooperating school district. Therefore, a suburban school district will have to do without both state and federal funds if it does not want to follow the requirements of this act. Not many will be able to do that.

Q. If some school districts in a suburban area refuse to cooperate, won't you be cutting off funds for needy schools in the area?

A. The bill is drafted to insure that only non-cooperating schools in a metropolitan area are deprived of state and federal funds.

Q. How much, if any, busing will be required by your education bill?

A. That will vary from area to area. In many situations, substantial integration can be obtained with little or no significant transportation problems. In addition, if we can begin to open up the suburbs to minority group families, the need to transport students great distances will diminish.

Q. Won't there still be a possibility of all black central city schools?

A. Yes, but it is my hope that the development of new school construction and imaginative educational programs in the central city will alleviate much of this problem by attracting white students to the city. Moreover, the impetus behind much of the so-called "white flight" to the suburbs will fade away once it becomes clear that the racial situation is stabilizing and the suburbs are not the white sanctuary.

Q. Don't many black leaders today believe integration is irrelevant if not actually undesirable?

A. Yes. And a lot of whites could not be more pleased with that development which in many ways results from the failure of the white community to do any more than talk about the importance of integration. Nonetheless, the majority of blacks in this country still seek and desire integration and the purpose of my bills for integrating housing as well as education is to provide them with that opportunity.

Q. Why was a ten year period chosen for achieving school integration?

A. That is only to be a maximum period. Some districts can meet the requirements in a lesser period of time. However, I think it is important to look at this problem realistically and not naively expect that we can change patterns of housing and education on a metropolitan basis over night.

If we can achieve the goals of my bills within ten years, we will have made a major move away from the development of two separate societies.

Q. What about the District of Columbia?

A. The District must receive separate treatment since all of its suburbs are in other states. This my bill does.

Q. Aren't some metropolitan areas so large or irregularly shaped that difficulties will be encountered in developing a plan?

A. The bill gives the Secretary of HEW discretion to take such factors into consideration.

Q. What about metropolitan areas that cross state lines?

A. My bill provides that each portion of a metropolitan area within a state would be treated separately for purposes of this act. This does not present a problem since in all cases there are blacks and whites on both sides of the state lines.

Q. How will suburbs finance the additional low and moderate-income housing required under your federal facilities relocation bill?

A. Housing programs already exist to provide this assistance. In addition, my bill reimburses the suburbs for decreases in per capita tax revenue resulting from the presence of additional low and moderate-income families.

Q. What do you think the chances are for your bills?

A. Tough. There will be many, including vociferous civil rights advocates, who will shy away from these bills. Nonetheless, I think it is important to refocus our attention not only beyond the South, but also beyond central city schools. We won't begin to solve these problems until we look at the problems of housing and education in the north and south on a metropolitan basis. I think this approach will find supporters in the Senate.

Q. Why introduce these bills now as the session is ending?

A. I wanted these bills to be considered as quickly as possible by the Congress and the Administration, since the President's bill will be considered either later this session or early next year. In addition, the Senate's Select Committee on Equal Educational Opportunity is obligated to report to the Senate early next year, hopefully on the matters raised by these bills.

URBAN EDUCATION IMPROVEMENT ACT OF 1970 (S. 4545)—SECTION BY SECTION ANALYSIS

Sections 201 and 202: State that the purpose of this Act is to end racial separation in the public schools of our nation's metropolitan areas regardless of the origin of such separation.

Section 301: Provides definitions of terms used throughout the Act. The term "minority group children" includes Negro, American Indian or Spanish surnamed Americans. "Racial separation" is a situation where minority group children in a school constitute more than 50% of the average daily enrollment of that school. "Standard metropolitan statistical area" or "SMSA", as defined by the Office of Management and Budget, is the area in and around cities of 50,000 inhabitants or more.

Section 401: Requires each state to prepare and file an acceptable plan pursuant to which it will establish and supervise the operation of an SMSA agency, within each SMSA, to develop with local educational agencies a plan to reduce racial separation in their schools.

Section 402 (generally): Sets forth the requirements of the Plan to be prepared.

Section 402(b): The Plan must insure that, no later than August 30, 1982, the percentage of minority group children enrolled in each school in the SMSA shall be at least half the percentage of minority group children enrolled in all schools in the SMSA.

Section 402(c): The Plan must also develop and use techniques such as redrawing school boundaries and establishing education parks and magnet schools so as to end racial separation in all schools within the SMSA.

Section 402(d): Multi-racial committees of local parents and students are to be established to advise local educational agencies and the SMSA agency regarding development of the Plan and to report periodically to the Secretary on the extent of compliance with the requirements of this Act.

Section 402(e): The Plan must assure equality of state financial assistance to all local educational agencies within each SMSA.

Section 403: Requires submission of the Plan and approval by the Secretary no later than August 30, 1972.

Section 404: Allows the Secretary to exempt portions of an SMSA from the Plan where necessary because of the size, shape or population distribution of an SMSA.

Section 405: Each SMSA agency must file an annual report setting forth the results achieved under the plan.

Section 406: The Secretary must review each plan and report for each SMSA agency annually and require revised plans where necessary.

Section 407: Provides that the District of Columbia SMSA shall include those parts of the metropolitan area lying in Maryland and Virginia.

Section 408: Prohibits the formulation or administration of a plan in any way that will result in separation of minority-group children within a school or a classroom.

Section 501: Provides Federal funds for each SMSA agency for development of a plan required by this Act.

Section 502 (generally): Provides Federal financial assistance for implementation of an approved plan. No Federal funds are to be used to supplant funds, equipment or services that are used to assist any private school. The Secretary is given power to file suit for restitution of any funds used for these purposes.

Section 502(d): Describes the purposes for which funds provided may be used including, among others, establishing and constructing magnet schools and educational parks, providing additional staff members, and the necessary counselling, retraining and guidance for those working with minority group children, furnishing transportation where necessary and expanding or altering facilities to accommodate students transferred.

Section 601: States that any local education agency in an SMSA refusing to cooperate in the formulation or implementation of a plan shall not be entitled to receive federal educational funds. Likewise, no state failing to participate in the preparation, submission, revision or implementation of any plan required by the act and no state continuing to provide state funds to any noncorporating local educational agency shall be entitled to receive Federal educational funds. The presence within an SMSA of a noncooperating local educational agency does not affect the eligibility for Federal funds of the remaining cooperating local educational agencies.

Section 701: Provides that each SMSA agency shall receive no more than $100,000 to develop and promulgate the plan required.

Sections 702 and 703: Authorizes $2 billion a year to implement the plans developed pursuant to this Act.

Section 801: Provides for expedited hearings by the Secretary for complaints concerning the enforcement or nonenforcement of provisions of this Act. Review of the Secretary's final decision lies with the United States Court of Appeals for the District of Columbia Circuit.

Section 901: Repeals those provisions of law which would interfere with the operation of this Act, particularly those forbidding the use of federal funds to overcome racial imbalance.

GOVERNMENT FACILITIES LOCATION ACT OF 1970 (S. 4546)—SECTION BY SECTION ANALYSIS

Sections 201 and 202: State that the increasing concentration of Government facilities in suburban areas has placed many jobs beyond the reach of low- and moderate-income inner city residents for whom housing is presently unavailable in these suburbs. The Act's purpose therefore is to require Federal agencies, Federal contractors and state governments to insure that adequate housing is available wherever they locate or expand their facilities.

Section 301: Contains definitions. The term "Government facility" includes any state or Federal building or buildings in which 25 or more government employees work or a facility of a Federal contractor in which more than 25 employees work. "Low- and moderate-income employees" are those making no more than the highest step of the GS–7 level determined by the Civil Service Commission.

Section 401: Provides that no Government facility may be located in a community which has failed to develop an acceptable plan to provide adequate housing in the immediate area of the facility for prospective low- and moderate-income employees. If a contractor locates or expands a Government facility in violation of this Act, the Chairman of the Equal Employment Opportunity Commission (EEOC) is given the power to terminate all Federal contracts held by such contractor unless the agency involved certifies that such termination will seriously and substantially impede the mission of the Department or agency. Likewise, any state agency that locates a facility in violation of this Act may have its Federal assistance terminated until compliance is achieved.

Section 402: Requires the Chairman of the EEOC to exempt a government agency of Federal contractor from these requirements if the National Security Council certifies that compelling national security reasons justify such an exemption.

Sections 501 and 502: Describe the plan which each community must file providing at least one unit of housing, either vacant or to be built, for every prospective low- and moderate-income employee of the locating government agency or Federal contractor. These units must be in existence prior to completion of the location of the government facility and must meet standards established by the Department of Housing and Urban Development and the Chairman of the Equal Employment Opportunity Commission.

Section 503: Gives the Chairman of the EEOC authority to require and approve modifications of any plan where necessary to meet the purposes of this Act.

Section 504: Gives the Chairman authority to reject any plan or modifications that would result in residential segregation of low- and moderate-income families within a community.

Section 505: Requires each government agency and Federal contractor to report annually to the Chairman of the EEOC the number of low- and moderate-income employees employed at each government facility, the availability of housing for such employees and such other information that the Chairman may require.

Section 506: Requires the Chairman to establish and publish guidelines pursuant to this Act.

Section 507: Provides that each government agency and Federal contractor shall establish a liaison with the Chairman of the EEOC. This liaison shall also serve as chairman of an advisory committee on housing established by the government agency or contractor.

Section 601: Provides that each community filing a plan under this act may also file for financial assistance. Up to $100,000 is available to develop the plan required by this Act. The Chairman of the EEOC is also authorized to provide each community filing an acceptable plan Federal funds to compensate for the loss of tax revenue as a result of the increase in the number of low- and moderate-income people into the community.

Section 701, 702, and 703: Provides for the appropriation of sufficient funds to allow the Chairman to meet the requirements of this Act.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. MONDALE. I am delighted to rise to commend the distinguished Senator from Connecticut for this most useful and, I believe, courageous measure designed to promote integration of schools and communities throughout our country. I am proud to support the goals of these proposals to deal with the question of racial isolation which I believe to be the most critical, explosive, and heartbreaking issue facing our country today.

I know the Senator from Connecticut is familiar with the statistics which

demographers have developed which show that racial and ethnic isolation is growing. The proposals presented by the Senator reflect a number of fundamental commitments and conclusions which I share: That racial segregation in our public schools, regardlesss of cause or origin, is detrimental to all children; the quality of integrated education benefits all children; that the Government should support the establishment and maintenance of quality integrated schools; that we must have a single, nationwide policy concerning the support of quality integrated schools, applied equally in all regions of our country; that the distinction between so-called de facto and de jure is becoming increasingly confused and meaningless; that we desperately need to work to heal and reunite America, to have one society rather than two; that we must end residential segregation as well as educational segregation to accomplish this goal; that a metropolitan approach is a necessary element in any effort to achieve and maintain quality integration; and that the Congress must provide leadership in these areas.

As the Senator from Connecticut has said in his remarks today:

> If we are to end the racial turmoil tearing this Nation apart, we must be willing to attack segregation in the North with a will equal to that we demand of the South.

I agree completely with that statement. We do not have a uniform national policy on school integration today. The Constitution must be equally enforced, in the North and West as well as the South. The Congress must take the lead and declare it to be our Nation's policy that every child will have the opportunity to attend a school which will provide the best possible education and that quality integrated education is the best way to provide that opportunity.

It is precisely this need for a nationwide emphasis on which the work of the Select Committee on Equal Educational Opportunity has focused. Of the 48 days of hearings the committee has held to date, 16 days were devoted to oversight hearings on the problems and progress related to school desegregation under Federal law. This set of hearings was prompted by the administration's request for a $150 million supplemental appropriation to assist school desegregation in the South. The major result of these hearings was an amendment to the supplemental appropriations bill designed to make that program nationwide. The amendment, which was adopted and now part of law, made those funds available to school districts desegregating under law throughout the Nation, regardless of location. I regret that it appears that the nationwide emphasis of that amendment has been neglected in the administration of these funds.

The bulk of our hearings have dealt with problems and programs that exist in all regions of our country. These hearings have included several days on the origins and causes of racial isolation in the North and West, 4 days on discrimination in housing as a cause of de facto segregation, 5 days on the education problems of Mexican Americans, 3 days on the educational problems of Puerto Ricans, and testimony on education parks, interdistrict cooperation, educational television, Indian education, and inequality of financial resources.

Senator RIBICOFF's bills are an important and far-reaching step in this direction. They contain useful and constructive suggestions for dealing with many of the complex issues with which the Select Committee on Equal Educational Opportunity has been grappling. They do not, of course, as the Senator has said, provide all the answers. We must also deal with other issues involved: the continued existence of the all black, or all Mexican-American school; the special needs of language and cultural minorities; safeguards and enforcement procedures to insure that school integration efforts are not token and misleading; racial balance; the time frame in which integration is feasible given varying conditions; community and student participation in school integration efforts; the relative importance of the socioeconomic composition of the integrated school; the possible remedies for racial isolation in nonmetropolitan areas; the relationship of school financing to racial isolation; ways to improve fair housing enforcement, and proposals to require that communities provide low- and moderate-income housing as a condition for receipt of any HUD grant.

The Senator, in introducing these bills, has taken a thoughtful and creative initiative. I hope these proposals will receive the serious consideration they deserve and that the ideas and provisions they contain will be the subject of committee hearings, and committee consideration. I hope they will be considered as the Committee on Labor and Public Welfare, and the Senate, as a whole, acts with regard to the administration's proposed Emergency School Aid Act of 1970. I know the ideas they involve and the recommendations they represent will be considered by the Select Committee on Equal Educational Opportunity in its future work.

I applaud the Senator for his leadership on this problem. I think the Congress and the country are indebted to him for this initiative.

The ACTING PRESIDENT pro tempore. The time of the Senator from Connecticut has expired.

Mr. RIBICOFF. Mr. President, I ask unanimous consent to proceed for 10 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MONDALE. I applaud the Senator's proposal to locate new federally connected industries in communities willing to provide housing for low- and moderate-income employees of those industries.

But I am extremely disappointed that the administration has not followed the recommendations of the President's Task Force on Urban Renewal, issued last May, that the Department of Housing and Urban Development exercise its already extensive powers to require fair housing, under the national fair housing law and under title VI of the Civil Rights Act of 1964, through termination of assistance to noncomplying communities.

As I understand the administration's position, explained by Secretary Romney in testimony before the Select Committee on Equal Educational Opportunity, the Department will not exercise its fund termination powers to combat unfair housing practices in communities receiving Federal assistance.

There are three sources of authority which the Nixon administration could invoke to carry out its own Commission's recommendations that Federal funds be denied any community that fails to make housing available to low- and moderate-income families.

First, title VIII of the Civil Rights Act of 1968, national fair housing law, requires that all executive departments and agencies "administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this title."

Second, title VI of the Civil Rights Act of 1964, provides that—

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Third, where there are insufficient funds, as there are in all housing programs, to take care of housing needs, HUD certainly has authority to distribute funds by giving priority to those communities which have provided fair housing, and which do not discriminate against minority and disadvantaged families.

In addition, at least one Federal appeals court, the 10th circuit in California in the Sasso case, has ruled that zoning policies that exclude low- and moderate-income housing violate the 14th amendment to the U.S. Constitution.

Clearly, on the basis of these authorities, the present administration has the statutory power it needs to deny Federal funds to those communities which discriminate by denying access to housing for minority groups and low-income families.

The Congress has provided the Department with effective tools to insure fair and open housing. It is my hope that this administration will use those tools.

I commend the Senator from Connecticut for this tremendously useful comment and his proposals.

One point I did want to reiterate is the question of the Federal Government's existing powers by virtue of the adoption of the various civil rights acts that I have mentioned. We have had some hearings before which Mr. Romney testified concerning the use of those powers. As the Senator from Connecticut may know, in the Fair Housing Act which we passed and which was cosponsored by the Senator from Connecticut, and in title VI of the Civil Rights Act of 1964, we provided the executive branch with broad powers to withhold grants and to use the Federal funding power in all or most of its provisions to bring about progress in the enforcement of fair housing, opening up communities for low-income housing, and the rest. I gather the Senator sees his proposals as an addition to those proposals.

Mr. RIBICOFF. Yes. These bills are in addition to the powers the Secretary of Housing and Urban Development already has. Unfortunately, there has been great uncertainty and reluctance in the present administration to utilize whatever techniques and powers Congress has given them.

Mr. MONDALE. I am glad to hear that comment.

There is one final point I wish to make. This fact gets lost, it seems to me, as we read the newspapers, and that is the success stories that already exist with quality integrated schools. One of the most impressive programs is in Connecticut. It is called Project Concern. While it is a small project and a voluntary project, it is one of the most impressive in the country where they have tried to reach a metropolitan solution for problems of substandard and segregated schools.

This project has shown that children from the ghetto who are introduced into quality suburban schools have done remarkably well. In 4 months after entry into Project Concern those children had achieved 1.2 years in basic skills. The ghetto children left behind had a mean IQ of 94 in the fourth grade, in 1965; which dropped to 88 in the sixth grade in 1967; and 86 in the eighth grade in 1969.

What is happening in ghettos is that these children are becoming candidates for subnormal institutions. That is how deeply serious the present system is in damaging or mangling our children.

Mr. RIBICOFF. I express my gratitude for the Senator's remarks. I know how hard he has been working in this field. The entire problem of racial isolation has increasingly concerned me since we had the discussion on the Stennis amendment last February.

I felt then, with the controversy that swirled around the Stennis proposal, that we in the North were not facing up to our responsibilities. As I continue to study this problem, I find that the No. 1 issue facing this Nation is the rapid road to apartheid we are on in the United States. I cannot conceive of any nation existing on the basis of apartheid. As long as the trend is toward white suburbs and black cities, we come closer to reaching the point of no return.

The 1970 census figures are now being made available. They are fascinating reading and clearly tell the story. I was able to obtain some of the preliminary statistics, in which the Senator might be interested. Consider Atlanta, Ga. From 1960 to 1970 the central city gained 98 people. The Atlanta suburbs grew by 356,000 people.

The city of Baltimore lost 45,000 people. The Baltimore suburbs gained 353,000.

Chicago lost a population of 225,000. Its suburbs gained 898,000.

Cleveland lost 136,000. The suburbs gained 271,000.

Detroit, in its central city, lost a population of 177,000. The suburbs gained 576,000.

My own city of Hartford lost 6,000 in the central city. The suburbs gained 114,000.

These figures are repeated throughout the entire Nation. The importance of these statistics is minimized by the fact that the growth in the suburbs has been virtually 100 percent white; only a few blacks creep in. Not only do the whites move out from the central city, but the central cities become increasingly black.

Therefore, if men like the Senator or me or the entire Congress and the executive branch fail to look at the entire problem of our metropolitan areas, we will never solve the problem of school segregation or the segregation throughout the entire society of our Nation.

Mr. MONDALE. I certainly agree with the Senator from Connecticut. I am going to put some figures in the RECORD that come from the testimony of Dr. Carl Tanber, of the University of Wisconsin. They go something like this: In the last 6 or 7 years, in the Greater New York area, 1 million whites have left the central city; 34,000 blacks have left the central city; and most of those blacks have gone to mini-ghettos outside the center. So the concentration of ethnic and racial minorities in the core cities of this country is becoming worse, and not better. Optimistic statements that we are becoming an integrated society simply do not stand up under any careful analysis.

Mr. RIBICOFF. They do not. What is most interesting, too—let us be frank with one another—is that there is a great fear by the whites in our society that they will be overwhelmed by the blacks. But, if one looks at an over-all metropolitan area, he finds few in which the black population is more than 25 percent of the total population.

The proposal that I have requires school integration with a minimum minority population percentage of at least one-half of the overall minority population percentage in a metropolitan area. This would create in almost every metropolitan area in the United States a ratio of blacks to whites comparable to the ratio of blacks to whites in the entire population of this country.

It is only when a school population becomes 40, or 50, or 60 percent black that the whites gallop as far away as they can go.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. RIBICOFF. I ask unanimous consent to proceed for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, the Senator is recognized for 5 additional minutes.

Mr. RIBICOFF. I believe that, if we had school systems in which the proportion of black equaled their proportion in the population taken as a whole, we could work out practically, philosophically and free from fear an arrangement wherein the whites would accept the blacks and the blacks would accept the whites. We would then start, finally, to have an integrated system.

Many persons have asked me, "Why wait 10 years?" Again, I am afraid I am just too practical and have had too much experience to think we can solve a problem like this overnight.

I recall that, when the Brown case was handed down, there were suggestions from many persons in the South that we ought to integrate one grade a year. This would have taken 10 or 12 years. Many civil rights advocates said, "You cannot do that. You cannot wait 10 years. You must integrate at once. You must integrate the entire school system at once."

What happened? A great resistance built up because the philosophy of a community cannot be changed overnight. The mores of a community cannot be changed at once. It is now 16 years after the Brown case, and we have not achieved integration.

So I am trying to be pragmatic. I am drawing not only on the country's experience but also on my own experience to develop a reasonable timetable. Each metropolitan area would have 2 years to propose a plan and then 10 years to put it into effect. During that time, we can try to educate the people. We can work out our plans in an orderly fashion. We can break down resistance and develop positive cooperation. That is what I am trying to achieve in the two bills I am introducing today.

I am also trying to have this country recognize a problem which faces the North as well as the South. Let us not confuse this problem any longer by saying it is just a southern problem. Let us recognize that this is just as much a northern problem.

If we want to desegregate housing in our cities, let us look in our own backyards. Let us not just pass laws and make speeches condemning the South. What must be condemned in the South surely should be condemned. But let us not blame the South for the problems we in the North have created.

Mr. MONDALE. I strongly commend the Senator's statement. I believe that the Senator has furnished figures showing that the ratio of blacks to whites in the metropolitan areas is about the same as it was 100 years ago, but because we have provided arbitrary limits in our political and school district boundaries, what has happened is that the suburban areas are virtually all white. I believe over 90 percent of the children in the District of Columbia are black.

Mr. RIBICOFF. Ninety-four percent of the schoolchildren in the District of Columbia are black; but, if we take the entire metropolitan area of Washington, the blacks are only about 30 percent of the school population. If we exclude the suburbs and consider only the city of Washington, of course, the percentage of blacks is overwhelming.

The time has come not to set artificial boundaries, but to recognize that we will never have integration if we are going to do it only on a city-by-city basis. We are going to condemn this country to two societies unless we unite the suburbs with the central cities in the battle to end racial isolations.

Mr. MONDALE. I just want to make one final point, because it is difficult to bring this matter to public consciousness, and that is the absolute disaster faced by most ghetto children, be they black, white, red, or brown. Here in the District of Columbia, for example, recent tests in

reading and arithmetic showed that the average District of Columbia student at the end of the ninth grade is 2.2 years behind his national counterpart. There are schools in the District of Columbia, in the heart of the ghetto, which, at the end of those 9 years, have somehow failed to such an extent that there is practically no evidence of any learning of reading or writing.

When we say that in the Nation's capital, in one of the major cities of this country and the world, thousands and thousands of children are going to be denied the right to learn and to read and to write and to count, what kind of society are we building?

Then you add to that the fact that we have a segregated society. I think many of these black children never see a white child until many years later; and the same is true of white children in the suburbs. So we are crippling the children, and denying them tools they need if they are to have any chance of success. We are denying children a chance to come to know each other. If that is not a pattern for national disaster, I do not know what is.

I think the proposal of the Senator from Connecticut is a major contribution to dealing with what I regard as the most fundamental issue in America today.

Mr. RIBICOFF. I thank the Senator. All of us will be watching with deep concern the findings of the special committee of which the Senator from Minnesota is chairman.

I would hope that we in the Senate, as well as the executive branch, would face up to this issue. It is going to be hard. I am not sure there is enough political courage in the executive branch or in Congress to make the tough decisions necessary. They are not going to be easy or politically popular decisions. But I fear continuous delay. I hope that, on a bipartisan basis, we can face up to this problem, Democrats and Republicans, northerners, and southerners, and realize the danger this country faces.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. RIBICOFF. I ask unanimous consent to proceed for 5 additional minutes, to continue the colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. RIBICOFF. I am pleased to yield to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I commend the distinguished Senator from Connecticut for the approach he is taking to this problem, and commend him also for his statesmanlike support of the Stennis amendment when it was before the Senate.

I should like to clear up in my mind just what the details of the Senator's plan are; and to that end, I ask whether the cities of this Nation having a population of 50,000 or more would be covered by the Senator's bill.

Mr. RIBICOFF. They would. The definition of a metropolitan area used by the Office of Management and Budget and virtually every urban authority is a central city of 50,000 population together with the surrounding suburban area.

Mr. ALLEN. It would be the Senator's plan, then, to take the ratio as it exists in that particular metropolitan area, to divide the minority group by 2, and to seek, over a period of 12 years—2 years for achieving a plan and 10 years for putting it into execution—to achieve, then, a 50-percent racial balance?

Mr. RIBICOFF. Every school in the metropolitan area would have to have a minority percentage at least one-half of the minority percentage for the metropolitan area. It could be more, but it would have to be at least that.

Mr. ALLEN. Assuming then, a metropolitan area with a racial minority of 30 percent, the Senator would cut that 30 percent in half, and require a 15-percent desegregation over a period of 12 years?

Mr. RIBICOFF. That is correct.

Mr. ALLEN. Amounting, then, to about 1 percent a year?

Mr. RIBICOFF. Well, it would not necessarily have to be that way on an arbitrary basis. I could conceive of a school system formulating its plan and putting it into effect faster.

Mr. ALLEN. Yes, that would be a minimum. They would be required to do that. Anything more than that would be purely voluntary.

Mr. RIBICOFF. Yes; but they would have to submit an acceptable plan. In some areas it would be very simple; in others it would be very difficult. You might have schools in an area where the areas to be reached were near one another, where any transportation needed would not be for long distances, and where you could use existing facilities. In an area like that, the whole plan could be put into effect in 3, 4, or 5 years.

On the other hand, I can visualize areas where they would have to start from scratch, draw lines, build new schools, and change and accommodate the school population in other ways. But I do use a maximum target of 10 years after the 2 years for planning.

Mr. ALLEN. That, then, would give to what is called de facto segregation a further waiting period of some 12 years, during which time, by degrees, the required ratio would be achieved?

Mr. RIBICOFF. My plan would apply nationwide; because, as I look at this country, it seems to me we have reached the stage where there is not much difference any more between the North and the South. Outside of rural areas, I think the South today, in its metropolitan areas, is segregated on a de facto basis just as the North is. This is my interpretation of what is taking place, because I have noticed a change in housing patterns. The South has learned very rapidly from the North, and the South is following a northern pattern when it comes to housing. The whites are moving out of the central cities in the South, out to the suburbs, just as they have in the North. In practically every metropolitan city, the South is rapidly becoming totally resegregated. Thus, the entire country will soon be resegregated on a de facto basis.

The ACTING PRESIDENT pro tempore. The Senator's additional 5 minutes have expired.

Mr. RIBICOFF. I ask unanimous consent to proceed for 5 additional minutes to complete the colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, if I might interrupt, I want to ask at least one question: I did not understand the Senator's proposal to in any way limit the jurisdiction of the Supreme Court applying normal constitutional desegregation patterns to any community in the country, so that as to the lawsuits that we have seen, for example, in Denver, Berkeley, South Holland, Ill., Detroit, Indianapolis, Pasedena, or Pontiac and other cities in the North, in no sense was this designed to deter the reach of the Supreme Court. Is my understanding correct?

Mr. RIBICOFF. The Senator from Minnesota is absolutely correct. Basically, whatever is illegal should be struck down, and in no way do I intend to impinge upon the Supreme Court.

The Supreme Court has a number of de facto school segregation cases before it now to be decided. I cannot predict what the Supreme Court will do. My guess is that they are wrestling mightily with their own consciences and the law to determine what to do.

As far as I personally am concerned, I can see no difference between de facto and de jure segregation. The Supreme Court having struck down de jure segregation in the South has, I think, an equal obligation to strike down de facto segregation in the North.

But practically every decision that the Supreme Court has made has been on a district by district basis, and there is not now a case before the Supreme Court for decision that involves a metropolitan area involving several school districts. Therefore, any decision the Supreme Court might hand down on a single school district basis will not eliminate the basic problem we face of apartheid in the United States. We will not eliminate the movement toward apartheid, in my judgment, until we take on our own shoulders our legislative responsibility. Congress, when it shrugs off its responsibility, forces the Supreme Court to legislate and to go where it would prefer not to go.

The time has come for us to look at this overall problem and assume the burden and responsibility, and not continue to put it on the shoulders of the Supreme Court. There is nothing in this bill, or in my speech, that would in any way take away from any jurisdiction of the Supreme Court.

Mr. ALLEN. Mr. President, will the Senator yield further?

Mr. RIBICOFF. I am pleased to yield.

Mr. ALLEN. While I admire the Senator from Connecticut very much, and appreciate his efforts in behalf of the Stennis amendment, I ask, does he not feel that the principle as proposed by his bill—that is, gradual desegregation with regard to de facto segregation—would be a retreat from the principle of the Stennis amendment, which called for one uniform Federal school policy regarding desegregation? Because

under the existing decisions of the Supreme Court, the southern school districts are required to desegregate now, and the distinguished Senator from Connecticut, by the introduction of his bill, would tacitly recognize the difference between de jure segregation and de facto segregation, still retaining the "desegregate now" principle for the southern schools and a "desegregate over a 12-year period principle for the northern schools. Is this not a retreat from the principle of the Stennis amendment?

Mr. RIBICOFF. May I say to my distinguished colleague that I do not think so at all. First let me say that I think the country would have been much farther along if we had adopted the Stennis amendment 8 months ago. I was for it then and I am for it now.

But I think the difference comes in this: The South, in de jure situations, has already had 16 years to act.

As I indicated in my colloquy with the Senator earlier, if we had originally followed some of the thoughtful suggestions that we desegregate in the South 1 year at a time, we would already have achieved integration.

In addition, I think that for the overwhelming number of schoolchildren, we basically have gone beyond the problem of de jure segregation. It is my contention that, with a few exceptions in the South, in the rural areas, today segregation in the South and education present exactly the same pattern found in the North. I think that we have resegregation in metropolitan areas of the South. I do not think that these resegregation patterns are de jure; I think they are de facto.

So I am recognizing a set of facts that I believe exists throughout the entire United States of America.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RIBICOFF. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Would the Senator's bill, then apply in municipalities in the South of a population of 50,000 or more?

Mr. RIBICOFF. Yes. The bill I have introduced would be nationwide in impact, and it would apply to every community—North, South, East, and West—which fits into a definition of metropolitan area, with 50,000 people in the central city, surrounded by populated areas in the counties and the suburbs surrounding it, irrespective of whether they are northern or southern cities.

Mr. ALLEN. I believe that Chief Justice Burger, in the case of Northcross against the School Board of the City of Memphis, pointed out 3 areas in which the Supreme Court had not ruled. One area is as to whether a particular racial balance is required in a school system; the second, as to whether school district lines may or must be altered to carry out the principles announced by the Supreme Court; and the third, as to whether or not transportion or busing may be or must be used to carry out the Court's edicts.

Is it not possible, then, that the Supreme Court, in its upcoming decisions, might cut the ground completely out from under the Senator's bill?

Mr. RIBICOFF. The Supreme Court may cut the ground out from under my bill, but that does not eliminate the responsibility that we in Congress and the President of the United States have for doing what is necessary. I cannot predict the Supreme Court's decision. But I will predict that this country cannot exist on an apartheid basis, part black and part white, without an intermingling of people nationwide.

No greater problem faces this country than the hatred and fear which have been generated and are being generated and multiplied throughout this Nation, with belts of white suburbs, affluent, with jobs, surrounding central cities of blacks, without jobs. It is this situation that I want to end.

My feeling is that the Supreme Court would certainly not strike down any attempt to end racial isolation. But, the question is not what the Supreme Court in its wisdom decides. The question in my mind is, what will the Congress decide in its wisdom? For too long we have placed the burden upon the Supreme Court, because we have not had the courage to face up to these nationwide problems in the Senate of the United States.

Mr. ALLEN. I agree wholeheartedly with the Senator's comments at this point. I feel that Congress long before now should have established a uniform policy. The Senator's bill, as I understand it, does establish a uniform policy with respect to municipalities, metropolitan areas, of a population of 50,000 or more.

Mr. RIBICOFF. The Senator is absolutely correct.

Mr. ALLEN. I thank the Senator.

Mr. JAVITS. Mr. President, I am a member of the select committee of which Senator MONDALE is chairman, and I fought the battle with the Senator from Connecticut on the Stennis amendment, as he very well recalls.

I did not hear all of the Senator's speech. I know that he has had very interesting and important discussions with my colleagues. I do not think any such discussion, however, should be allowed to stand without adding these two further considerations, which I think are vital:

One, we have found, unhappily, that the process of desegregation itself, pursuant to the Supreme Court mandate and congressional law, is not free of segregation. In the committee headed by Senator MONDALE, we have found many abuses of the desegregation process. So the idea that all is well in the South and that it is now in key with the North does not necessarily follow.

Two, I think that the question of timing, which is raised by the Senator's bills, must be considered in the context of the pending Emergency School Aid Act, which has already been reported by a committee of the House, and over which the Education Subcommittee of the Senate Committee on Labor and Public Welfare is presently deliberating. The original proposal of the administration which we are now considering is concerned with the effects of racial isolation on the pedagogical aspect of education as well as desegregation.

It may be insufficient to paint a 10-year picture and ignore the needs of children in today's educational system the concept on which we are working now, proposed by the administration, of a large money bill which would give great flexibility and opportunity for many different approaches deals with immediate needs with a timetable which would be conditioned, one, by the availability of resources, but also by what could be accomplished here, there, and everywhere, without necessarily slowing "X" down because you have a timetable for "Y."

I only throw that out in connection with the Senator's speech, because of my respect for the Senator, as a real factor in this field and so that the work of the committee, of which, as I have said, I am a member and Senator MONDALE heads, may be forwarded by what the Senator is doing.

I have not heard my chairman, but I hope very much that the bills which the Senator is introducing—the concept that the Senator is offering—may be before us in a very pertinent and important way in connection with our work, which has to be brought to a conclusion before very long.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RIBICOFF. I appreciate the Senator's comments.

May I say that I forwarded copies of these bills and my speech to Senator MONDALE's committee and his staff last week, so that he would have the benefit of some time before I delivered this speech.

I do appreciate the positive comments I received from Senator MONDALE before the Senator from New York entered the Chamber.

What bothers me about the administration's bill is that the billion dollars that the President has in mind is to help desegregate education in the South on a de jure basis. My criticism is that the problem is nationwide. We have to eliminate desegregation on a de facto basis as well. When the time comes, I shall personally introduce an amendment on the floor to make funds available under the administration's bill to help school districts in the North end de facto segregation.

Mr. JAVITS. If I may reply to that, I do not believe the Senator need have any concern about that. Any bill I have anything to do with, and I think that any bill the Senator from Minnesota (Mr. MONDALE) has anything to do with, whatever may have been the administration's original intention, will certainly recognize that from the point of view of a child, the deprivations of isolated learning, are equally bad no matter what the cause of the isolation. That should be one lesson of the Supreme Court decision.

Mr. MONDALE. Mr. President, I wish to make this point, if I may, for I think it is well known but I wish to repeat it, that the first installment of the President's original emergency school assist-

ance proposal was to be limited as a Southern school aid measure——

Mr. RIBICOFF. That is right.

Mr. MONDALE. And many of us, with support from the Senator from Connecticut, insisted, by amendment which was adopted, that it be a national program and that it apply to all segregation wherever it was in the country. I regret to say that the first $75 million has been administered in such a way that it is, in fact, basically a southern program. I feel very strongly that there is no justification in law, in morality, for educational reasons, or in terms of a healthy America, for having this as a southern program when it is a national problem.

I have pleaded with the Justice Department and HEW to have a national law enforcement program, and not just limit it to the South. I have pleaded with the Justice Department and HEW to include all minorities, Mexican Americans, Puerto Ricans, Portuguese, Indians, and other minorities, not just blacks, so that we will have a national enforcement of civil rights laws, and so that we will use the funds, including title I funds, for national solutions to these problems.

I repeat that plea today, because, despite their saying that it would be followed, it has not been followed.

Finally, may I say, the great contribution which the Senator from Connecticut makes today is to my knowledge the most courageous and unique proposal for a multidistrict solution that we have heard. I do not think we can solve the problem unless we have a multidistrict answer.

Mr. RIBICOFF. I thank the Senator from Minnesota very much.

Mr. JAVITS. I thank my colleague.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senate will proceed to the transaction of routine morning business, with a time limitation of 3 minutes on statements therein.

THE PROPOSED TRADE BILL

Mr. JAVITS. Mr. President, the trade bill will be considered very soon. It is being reported, we understand, by the Finance Committee. It contains a provision which relates to something called glycine.

Indications are that this bill will incorporate many, if not almost all, of the provisions of the House-passed Trade Act of 1970.

As this legislation is being considered I hope very much one of the amendments adopted will be to strike section 344 of the bill which proposes to establish a prohibitive duty on imports of glycine over 1,500,000 pounds. The rate of duty proposed in the bill for such imports is so high that it amounts to a quota.

Mr. President, I hope very much that the Finance Committee will see fit to strike this amendment on glycine from the bill because it does not belong there; but if it does not do so, I shall seek to do so myself on the floor.

In view of that fact, Mr. President, I ask unanimous consent that an important letter of analysis, answering arguments made by my colleague from Tennessee (Mr. BAKER) on this subject, be printed in the RECORD. It was addressed to me by a constituent company in New York which obviously knows a great deal about this situation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GEORGE UHE CO., INC.,
New York, N.Y., November 25, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR JAVITS: We are a New York corporation and are writing to you as our Senator in a matter of concern to us.

Very recently, the comments of Senator Baker of Tennessee in the Congressional Record of October 12, 1970 regarding the importation of Glycine were brought to our attention (see enclosure). We believe that Senator Baker's comments in connection with his support of Section 344 of the Trade Act of 1970, which places a tariff quota of 25 cents a pound on all importations of Glycine in excess of 1.5 million pounds must be answered.

Until the dumping complaint referred to by Senator Baker, we were interested in the sale of French Glycine which was sold to Benzol, now a division of Stauffer Chemical Company. In this capacity we had occasion to participate in the importation of Glycine from France and other countries. The transcript of the record in that case is available at the U.S. Tariff Commission and gives a complete background of the Glycine economic situation in the United States, including the supply-demand-price relationship. We are submitting herewith a brief summary of that background situation, based on information provided by the sole U.S. producer of Glycine which is seeking the tariff quota, namely, Chattem Chemical & Drug Company. Also submitted herewith are some of the pages of the transcript of record revealing Chattem's relevant admissions.

With this background, we would like to very briefly respond to Senator Baker's remarks, point by point.

First, he talks in terms of "relief to the sole-surviving domestic producer of Glycine," implying that Chattem is the sole surviving producer and that all other producers were eliminated by imports. The facts reveal that there were only two producers of consequence in the United States up until 1964, namely, Dow Chemical Company and Benzol Products Company, and that Chattem was not a producer but rather was a customer of Benzol. Chattem admits that up until this time imports were not significant. At this same time, Chattem signed a licensing agreement with SPCI, a French producer of Glycine. That agreement gave Chattem the sole and exclusive license in the United States to produce and sell Glycine by foreign process. Apparently, this process allowed Chattem to produce Glycine more cheaply than either Dow or Benzol were able to produce it. Subsequent to 1964, Dow, aware of Chattem's decisions and with a slightly inferior process, retired from the production of Glycine while continuing to make available a major raw material. Chattem stopped purchasing from Benzol and now that Benzol had lost one of its largest customers, namely, Chattem, Benzol stopped production. Thus in 1966, there was a good-sized market in the United States for Glycine, with the two traditional domestic producers having stopped production and one new domestic producer, namely, Chattem, starting up production. This was obviously a market for imports and imports began coming in at competitive prices. Under the circumstances, it is somewhat misleading to refer to Chattem as "the sole-surviving producer." Rather, Chattem was a brand new producer attempting to fill the void left by the cessation of production by the two traditional producers and under the circumstances naturally having competition from imports which were necessary to meet supply demands of the market.

Also, the above mentioned facts do not support Senator Baker's further allegation that "the Japanese and French succeeded in driving the other United States producers, Benzol Products, Inc. and Dow Chemical Company, out of Glycine production". As Chattem has admitted, Benzol and Dow stopped making Glycine before imports presented any problem. In fact Benzol, at least in part, stopped making Glycine because Chattem stopped purchasing it from Benzol and went into production itself.

The Senator further emphasizes that the price of Glycine "declined from $1.06 per pound in 1964 to 75 cents at the present," implying this is bad and is due to imports. We should point out that during the period prior to 1964 when, according to Chattem's own admision, imports were insignificant, prices of Glycine produced by the two American producers were declining due to improvements in the efficiency of production. Chattem itself stated in the said hearings at Page Four of the transcript: "In 1945, Glycine was priced at $1.50 per pound, thence falling to $1.30 per pound in 1951–60, and to 96 cents per pound in 1963 for very large volume purchases." Not $1.06 per pound as stated by Senator Baker. The above facts further reveal that price of Glycine dropped more during the earlier period when there were no imports than in recent period when there were imports.

In 1965 Chattem started selling Glycine at 95 cents per pound. It claims it had to drop from 95 cents to 75 cents over the next 1½ years to compete with imports. But it does admit that after filing its dumping complaint it was benefitted by the resulting elimination of the German and French imports and the price assurances given by the Japanese so that it has not had to lower its prices further, that is, from September 1966 to the present time, a period of more than three years, Chattem has not lowered its price. Moreover, during this same period, Chattem admits it has increased its share of the U.S. market from 10% in 1967 to 15% or 20% in 1968 and to 22% for the first nine (9) months in 1969. In fact, we are informed that Chattem h..s more orders than it can presently handle, as evidenced by users who have attmepted to obtain increased quantities of Glycine being told that such could not be arranged before the second quarter of 1971. This is obvious in part due to the fact that Chattem have a captive use of 35/38% of its production of Glycine for manufacture of DAA, a product for which they have a long term contract. Thus Chattem has a much larger percentage of the total market of Glycine than 22% mentioned above.

Moreover, as you may know, Glycine is a major ingredient for the production of L-Dopa, which is used in the treatment of Parkinson's disease. Apparently, this is in short supply and Public Law 91-309, approved July 7, 1970 has suspended all duties on the importation of L-Dopa for two years because of the emergency need of this product.

Senator Baker further seems to rely on the fact that "no foreign Glycine producer or import interest bothered to testify before the Ways and Means Committee." It seems clear that no one testified because no one took the threat of a quota on Glycine seriously. Such a proposed quota was not in the original Mills Bill or any other Bill seriously considered by the House Ways and Means Committee. Admittedly, Congressman Fulton of Tennessee had introduced a bill proposing a Glycine quota, but to the best of our knowledge no one else had supported

that bill. The threat of a Glycine quota did not become serious until all of a sudden it appeared in a bill reported out of the House Ways and Means Committee. Once it appeared it was impossible to object to it in the House and because the Senate Finance Committee held only two days of hearings, restricting the opportunity to testify only to Administration spokesmen and a few others, it was also impossible to object in the Senate. Ambassador Gilbert, as the Administration spokesman, did, however, object to the Glycine quota before the Senate Finance Committee.

We believe the above facts adequately answer Senator Baker's allegations as to the percentage of the domestic market taken over by imports. But perhaps we should make one further comment regarding his statement that "domestic production fell by more than 40% while imports increased by 140% by 1966 and 1967." It should be recalled that the domestic production of Dow and Benzol ceased in 1965, at which time Chattem commenced production, using much of its own production itself. Accordingly, imports filled a void and did take up to 70% of the domestic resale market (as pointed out previously). This percentage does not allow for Chattem's captive use of Glycine—if this captive use were taken into account imports would represent a far smaller percentage. But in every year since 1936 Chattem, now the sole U.S. producer, has taken an increasingly larger share of the market as pointed out above. At the present time, Chattem is unable to fill the orders it receives.

This is obviously no case for a tariff quota and shows how the quota approach can snowball when companies like Chattem use this opportunity to eliminate their competition with the help of the United States Government.

Finally, Senator Baker suggests there is no administrative remedy for Chattem to protect itself from French and Japanese imports of Glycine shipped through third countries which have not been subject to price assurances or the dumping order. This is incorrect. There is a very clear remedy spelled out in the Treasury Regulations, namely, Par. 53.16, which provides:

"If the merchandise is not imported directly from the country of origin, but is shipped to the United States from another country, the price at which such or similar merchandise is sold in the country of origin will be used in the determination of fair value if the merchandise was merely transshipped through the country of shipment."

A similar provision appears in Art. 2(c) of the International Antidumping Code, which has been adhered to by the United States, France and Japan.

Thus, if Japanese Glycine were imported to the United States through a third country and sold at less than the fair value in Japan, action would immediately be taken by the Treasury Department based on the price assurances previously given by the Japanese. Also, if French Glycine were imported through a third country at a price below a French home market fair value, a dumping duty would be applied to such imports.

Under the circumstances, we do hope you will take the opportunity to respond to Senator Baker's comments and further hope you will be able to get the Glycine quota eliminated from the Trade Bill. If we may be of any further assistance in this endeavor, please let us know.

Very sincerely,

H. C. VAN ARSDALE,
Secretary.

Mr. JAVITS. Mr. President, there has been much press attention accorded the effects the Trade Act of 1970 may have on our principal trading partners in Western Europe and Japan. But, too little attention has been paid to the concern that this legislation is causing our important trading partners in the less-developed world, particularly by Latin America. For this reason, I ask unanimous consent that a recent resolution passed by the Latin American members of the OAS be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

The First Special Meeting of the Special Committee for Consultation and Negotiation whereas:

The Latin American countries that are members of the Special Committee for Consultation and Negotiation (SCCN) requested, based on operative paragraph 5 of Resolution REM–1/70 of the IA–ECOSOC, that a special meeting of (SCCN) be convoked to study the protectionist tendencies shown in certain sectors of the United States of America and to consult on the appropriate measures to preserve the legitimate interests of Latin America that could be affected by the legislation presently under consideration;

The United States Delegation reaffirmed that the policy of liberalization of trade continues to be an objective of its government and, as evidence of this attitude, emphasized its determination to submit for approval by Congress as soon as possible the necessary legislation so that the General System of Preferences recently agreed upon in Geneva in favor of the developing countries will enter into effect. The Delegation also pointed out that the United States has proposed a liberal system that would facilitate exports of the developing countries:

The Latin American countries expressed the following:

(a) The protectionist tendencies which are reflected in the bills under consideration are clearly opposed to the commitments made by the United States within the framework of the inter-American system. These commitments are expressed in, among other documents, the Declaration of the Presidents of America, the Action Plan of Viña del Mar, and Resolution REM–1/70 of the Eighth Special Meeting of the IA–ECOSOC, which established the Special Committee for Consultation and Negotiation, and, fundamentally in the Charter of the Organization of American States, which has been ratified by the United States Government.

(b) The application of protectionist measures would be a violation of the standstill commitment and would represent retrogression in the treatment of Latin American exports in the United States market, since Latin America has only recently begun to market in the United States some of the products subject to the proposed restrictions.

(c) Such protectionist tendencies, moreover, contradict the efforts that have been made jointly by Latin America and the United States for many years to achieve, within the framework of international agencies such as UNCTAD and GATT, the elimination of tariff and nontariff barriers and to establish a general system of nonreciprocal and nondiscriminatory preferences whose purpose is to increase and diversify trade and to support the economic growth of the developing countries.

(d) The protectionist tendencies—which are reflected in the bills under consideration—are in open contradiction to the doctrine of free trade advocated by the United States Government during the past 35 years.

(e) The existence of a clear protectionist tendency in certain sectors of the United States is an undeniable fact. Not only have the Latin American governments stated their deep concern in this regard, but President Nixon and high officials of his administration have also stated their opposition to it and have said that the continuation of a liberal trade policy is in the interest of the United States.

(f) The adoption of protectionist measures in the United States would give rise to reprisals on the part of the other developed states, provoking a drastic reduction in world trade. This would result not only in contraction on the external sector of the economy of the Latin American states, but also in injury to their real capacity for development, with unquestionable negative effects on their economic, social, and political situation.

The First Special Meeting of the Special Committee for Consultation and Negotiation, reflecting the position of the Latin American countries, resolves:

1. To transmit to the Government of the United States for special consideration by its appropriate bodies the deep-seated concern of the Latin American countries over the possible adoption of protectionist measures that would constitute new tariff and nontariff barriers whose effect and magnitude with respect to the trade of the Latin American countries would be incalculable and would involve a violation of commitments assumed by the United States in inter-American and international forums.

2. To request the Government of the United States to take the necessary measures to prevent such protectionist measures from harming the trade relations between Latin America and the United States which would nullify the joint efforts carried on within the framework of the new forms of hemispheric cooperation that have arisen from the Latin American Consensus of Viña del Mar and the addresses delivered by President Nixon in April and October 1969.

3. To entrust the Executive Secretary of the IA-ECOSOC with taking the necessary measures so that the second regular meeting of the Special Committee for Consultation and Negotiation may study the development of the events that were the reason for this special meeting.

Mr. JAVITS. Mr. President, I ask my colleagues to note that the Latin American countries expressly note that—

The protectionist tendencies which are reflected in the bills under consideration are clearly opposed to the commitments made by the United States within the Inter-American system, as expressed in the Declaration of Presidents of America, the Action Plan of Vina del Mar, Resolution REM–1/70 of the Eighth Special Meeting of the IA–ECO SOC . . . ., and fundamentally in the Charter of the Organization of American States which has been ratified by the United States Government, and the application of protectionist measures would be in violation of the standstill commitment and would represent retrogression in the treatment of Latin American exports in the United States market, since Latin American has only recently begun to market in the United States some of the products subject to the proposed restrictions.

The Latin American countries of the OAS, in expressing their concern to the U.S. Government, note that the protectionist measures now before the Congress "would constitute new tariff and nontariff barriers whose effect and magnitude with respect to the trade of the Latin American countries would be incalculable and would involve a violation of commitments assumed by the United States in inter-American and international forums."

INVESTMENT COMPANY AMENDMENTS ACT OF 1970—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee on conference on the disagreeing votes of the two

Houses on the amendment of the House to the bill (S. 2224) to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT (Mr. HOLLINGS). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of November 25, 1970, pp. 38997–39005, CONGRESSIONAL RECORD.)

Mr. SPARKMAN. Mr. President, I do not believe it necessary that my remarks be in great detail since there is a printed report on page 38997 of the November 25 CONGRESSIONAL RECORD setting out the full text of the agreed upon legislation and a statement of managers on the part of the House, explaining the differences between the House bill and the legislation agreed to in conference.

However, I do wish to comment briefly on the major provisions contained in the proposed legislation. The first of these provisions and, in my opinion, the most significant is section 36. This section places a specific fiduciary duty in respect to management fee compensation on the mutual fund's investment adviser. This is in accordance with the belief that the investment adviser should be a fiduciary in its relationship with the mutual fund in the handling of assets and investments. Jurisdiction in enforcing this standard is placed in the courts who have traditionally judged fiduciary duties in similar types of relationships. Either the Securities and Exchange Commission or any mutual fund shareholder may sue in order to have a determination made as to whether the investment adviser has fulfilled his fiduciary duty to the mutual fund shareholders in determining the management fee. As in any other lawsuit the plaintiff would have the burden of proving to the satisfaction of the court that the defendant has committed a breach of fiduciary duty.

Under current law court review of allegedly excessive management fees is permitted only under the test of "corporate waste" or when the fee shocks the conscience of the court. This standard has been characterized as meaning that fees are subject to attack only when they are "excessively excessive"—a standard which has precluded meaningful court review.

The major difference between the Senate and House bills relating to management fees was the provision in the House bill requiring the plaintiff to prove his case by "clear and convincing evidence." In the opinion of the Senate conferees this standard would have placed a much more stringent burden on the plaintiff than is required in the usual civil suit. Therefore, I am most gratified that the House conferees receded on this matter and agreed to drop the clear and convincing test contained in their bill.

Another item of significant difference between the Senate and House bills involved the sales charges paid by investors on contractual or periodic payment plans. These plans are methods by which investors of relatively modest means purchase mutual fund shares by investing small amounts of money at monthly intervals. While these investors pay the same sales commissions as purchasers of ordinary mutual funds there is one significant difference—the front end load method of collecting the sales charge.

The essential characteristic of the front end load is that half of the investors first years payments are deducted for sales commissions. Obviously, this type of arrangement is detrimental to the investor if he discontinues his payments at an early date. Unless the stock market rises rapidly, he is almost certain to lose money. Since contractual plans are sold mostly to lower- and middle-income families who have the most to lose if they discontinue their payments, additional consumer protection was deemed necessary. The Senate bill would have permitted the current front end load sales charge. However, if an investor for any reason whatsoever elects to cancel his plan during the first 3 years he is entitled to receive a refund of the full value of his account including all sales charges exceeding 15 percent of the total payments made under the plan. The House bill provided for a similar type refund but limited it to the first year of the plan and to sales charges in excess of 20 percent of gross payments made by the investor. The conference accepted the Senate provision with an amendment allowing for an automatic refund during the first 18 months of the plan.

The other item about which there was a great deal of discussion between the conferees involved the authority of banks to enter the mutual fund field by pooling the individually limited resources of large numbers of investors into collective investment funds known as commingled managed agency accounts. The Senate bill would have specifically authorized banks to enter this field on a no load basis. On the other hand, the House bill while not specifically allowing banks to enter into the mutual fund business stated that in the event banks were permitted by some other means to engage in the mutual fund business they would be required to do so on a no load basis, subject to various other regulatory restrictions. This issue is currently pending before the U.S. Supreme Court awaiting a determination as to whether the Glass-Steagall Act specifically prohibits banks from entering the mutual fund field. The conferees therefore agreed to strike all provisions in both bills regarding bank sponsorship of commingled managed agency accounts and leave the decision to the Supreme Court.

Mr. President, there are approximately 10 other differences between the Senate and House bills which were resolved in conference. They are fully explained in the conference report and I would be happy to answer any questions concerning them.

In conclusion, this proposed legislation is a moderate measure intended to deal with the serious problems which have arisen in the investment company industry over the last 28 years. It is built on the traditional practices of existing securities laws. It embodies a program of governmental regulation which is needed to provide adequate consumer protection and to up date the Investment Company Act to the needs of today's economy. I, for one, am most pleased with the fine job done by the members of the conference committee of both Houses of the Congress and I hope that the Senate will give favorable consideration to the report.

Mr. President, I move that the conference report be agreed to.

The motion was agreed to.

H.R. 16542—DISCHARGE OF CONFEREES

Mr. SPARKMAN. Mr. President, on the Calendar today under that portion entitled bills in conference, the fourth measure is H.R. 16542, relating to unsolicited credit cards. That measure has been agreed to in another conference. I ask unanimous consent that these conferees be discharged.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the disposition of the reading of the Journal on tomorrow, and any unobjected-to items on the legislative calendar, the distinguished Senator from New York (Mr. JAVITS) be recognized for 30 minutes.

The PRESIDING OFFICER (Mr. MCINTYRE). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOD BLESS AMERICA

Mr. PROXMIRE. Mr. President, recently in the letter to the editors section of the New York Times, a remarkable letter was published from a woman who emigrated to this country from Poland and has just become an American citizen.

In that letter Mrs. Janina Atkins expressed some truths that many Americans seem to have forgotten in their strenuous criticism of this country.

A nation, like a person, needs criticism, especially a rich, powerful, successful country like ours.

But lately we may have overdone it. So many of the younger generation especially seem to have lost faith in this country.

So listen to a recent immigrant. Here is what she says, in part:

There is something in the air of America that filled my soul with a feeling of independence, and independence begot strength. There is no one here to lead you by the hand, but also no one to order you about. Once you land in America you are left to yourself, to shape your own future, to test yourself. This I suppose, is what living in freedom is all about.

And later in her letter, she writes:

I love America because nobody pays any attention to my accent. Only out of curiosity do people ask me "where are you from?" They accept me for what I am. They do not question my ancestry, my faith, my political beliefs. I love this country because when I want to move from one place to another I do not have to ask permission. Because when I want to go abroad I just buy a ticket and go.

I love America because when I need a needle I go to the nearest Woolworth's or Lamston's and get it. I love it because I do not have to stand in line for hours to buy a piece of tough, fat meat. I love it, because even with inflation, I do not have to pay a day's earnings for a small chicken.

I love America because America trusts me. When I go into a shop to buy a pair of shoes I am not asked to produce my identity card. I love it because my mail is not censored. My phone is not tapped. My conversation with friends is not reported to the secret police.

Mr. President, it is good to criticize. We can grow, and improve and develop on criticism. We cannot do so without it. But that criticism can become a fetish that can erode our confidence and strength. Janina Atkins has reminded us of some of the reasons we should cherish this country of ours.

I ask unanimous consent to have her letter printed in the RECORD.

There being no objection, the letter to the editor was ordered to be printed in the RECORD, as follows:

GOD BLESS AMERICA!

(By Janina Atkins)

Just over six years ago I came to this country with $2.60 in my purse, some clothes, a few books, a bundle of old letters, a little eiderdown pillow, and a beautiful china tea set for twelve—a going-away gift from my friends. I was an immigrant girl hoping for a new life and happiness in a strange new country.

Today, for the first time, I shall be celebrating Thanksgiving Day as an American citizen and, for millions of Americans before me, this will be a day of gratitude for the dreams that come true.

Mine is not a spectacular success story, nor is that of my husband. We both left the "old country" in 1964 to seek a new beginning in the free world of America. We did not know each other at that time, but when we met in New York City we had to face the same problems. Our career qualifications were of little use, we had language difficulties, no steady jobs, no family, few friends. It was easy to be despondent. And I did cry my eyes out in an apartment I shared with another girl.

But, slowly, times changed. There is something in the air of America that filled my soul with a feeling of independence, and independence begot strength. There is no one here to lead you by hand, but also no one to order you about. Once you land in America you are left to yourself, to shape your own future, to test yourself. This, I suppose, is what living in freedom means.

We started at the bottom—no other choice. Working by day—I as a secretary and my husband as a clerk—and studying by night, we took the old route so many Americans have taken. Whatever we earned went for rent, food, tuition at Columbia and books. An education loan from New York State helped. Naturally, we did not save a single cent. But we believed in the future. And the future did not disappoint us.

Today, we work in our new profession as librarians. My husband is studying for his doctorate. We live in a comfortable apartment in mid-Manhattan. Week-ends we drive to the country in a white-and-red car, a dream I've always had. Every year we travel to some faraway place. All this, we know, we owe to ourselves. And to the most hospitable and beautiful country in the world.

In the year my husband and I arrived in New York City almost 300,000 immigrants came to the United States from all over the world. Some, maybe, did not make out as good as we did. Some have achieved much more. But for all, I am certain, their hearts fluttered as mine did when we repeated the Oath of Allegiance.

Among some of our American-born friends it is not fashionable to be enthusiastic about America. There is Vietnam, drugs, urban and racial conflicts, poverty and pollution. Undoubtedly, this country faces urgent and serious problems. But what we, the newcomers, see are not only the problems but also democratic solutions being sought and applied. When on Nov. 3d for the first time I cast my vote as a free citizen of a free country, only then I truly realized what it means to have the power of participation in a democratic government.

Perhaps on this Thanksgiving Day we might well remember that there is much in America to be grateful for.

I love America because nobody pays attention to my accent. Only out of curiosity do people ask me "where are you from?" They accept me for what I am. They do not question my ancestry, my faith, my political beliefs. I love this country because when I want to move from one place to another I do not have to ask permission. Because when I want to go abroad I just buy a ticket and go.

I love America because when I need a needle to go to the nearest Woolworth's or Lamston's and get it. I love it because I do not have to stand in line for hours to buy a piece of tough, fat meat. I love it, because, even with inflation, I do not have to pay a day's earnings for a small chicken.

I love America because America trusts me. When I go into a shop to buy a pair of shoes I am not asked to produce my Identity Card. I love it because my mail is not censored. My phone is not tapped. My conversation with friends is not reported to the secret police.

Sometimes, when I walk with my husband through the streets of New York, all of a sudden we stop, look at each other and smile and kiss. People think we are in love, and it is true. But we are also in love with America. Standing in the street, amidst the noise and pollution, we suddenly realize what luck and what joy it is to live in a free country.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes with amendments, in which it requested the concurrence of the Senate; that the House insisted upon its amendments to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mrs. GREEN of Oregon, Mr. THOMPSON of New Jersey, Mr. DENT, Mr. DANIELS of New Jersey, Mr. O'HARA, Mr. HAWKINS, Mr. WILLIAM D. FORD, Mr. HATHAWAY, Mr. MEEDS, Mr. BURTON of California, Mr. GAYDOS, Mr. AYRES, Mr. QUIE, Mr. SCHERLE, Mr. ERLENBORN, Mr. ESCH, Mr. ESHLEMAN, Mr. STEIGER of Wisconsin, and Mr. COLLINS of Texas, were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 19828. An act to help small business and combat inflation; and

H.J. Res. 1403. Joint resolution to provide an additional temporary extension of the Federal Housing Administration's insurance authority.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore (Mr. RUSSELL):

S. 2543. An act to prohibit the movement in interstate or foreign commerce of horses which are "sored," and for other purposes;

H.R. 3373. An act for the relief of Giuseppe Delina;

H.R. 4670. An act for the relief of Ok Yon (Mrs. Charles G.) Kirsch;

H.R. 14543. An act for the relief of Mrs. Rolando C. Dayao;

H.R. 15767. An act for the relief of Mrs. Maria Zahaniacz (nee Bojkiwska);

H.R. 15922. An act for the relief of Somporn (Letta Noi) Bell;

H.R. 16857. An act for the relief of Soon Ho Yoo;

H.R. 17431. An act for the relief of Jacqueline and Barbara Andrews;

H.R. 17508. An act for the relief of Jung Yung Mi and Jung Ae Ri; and

H.R. 17912. An act for the relief of Jin Soo Park and Moon Mi Park.

HOUSE BILL REFERRED

The bill (H.R. 19828) to help small business and combat inflation, was read twice by its title and referred to the Committee on Banking and Currency.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SUPERSONIC TRANSPORT AIRCRAFT

Mr. FULBRIGHT. Mr. President, in the coming days we will be asked to approve a $290 million appropriation for continued development of the supersonic transport—SST—aircraft.

I have previously indicated my strong opposition to appropriating further funds for this purpose.

Some of the many arguments against the SST were cited in an editorial in the Paragould, Ark., Daily Press, November 16. As the Daily Press says:

The case against building the SST is a strong one.

According to the Press editorial:

The SST . . . looks like operation rathole.

In addition to this editorial, I would also like to call the attention of the Senate to a column by Mr. Ernest B. Furguson in the Baltimore Sun of November 10 and an editorial in the Washington Evening Star of November 12.

In his column Mr. Furguson asks a key question:

Why . . . should a President who has vetoed four bills on the grounds that they were inflationary (labor-welfare appropriations, hospital construction, education, and independent offices, which includes public housing)—why should he be so dedicated to spending $1.2 billion on a project of so much narrower, clearly less urgent public interest?

Likewise, the Star editoral makes a very important point:

As in the European case, those clamoring for development of an SST here are limited largely to a handful of manufacturers and their governmental sponsors. Yet there is demand for the taxpayers to finance the silly game—the Senate is being asked to approve a further $290-million subsidy. There are countless better ways to spend the money.

Mr. President, I ask unanimous consent that these three items be printed in the RECORD.

There being no objection, the editorials and article were ordered to be printed in the RECORD, as follows:

[From the Paragould (Ark.) Daily Press, Nov. 16, 1970]

THE SST

The American supersonic airliner is still on the drawing board—despite the fact that Congress has already spent more than $700 million on the plane and despite pressure from the Nixon administration.

The chief obstacle to the American SST, so far, has been the doubt within Congress.

President Nixon wants to see the SST developed, but to many members of Congress the SST appropriation ($290 million is currently asked for) is a prime target for the economy axe.

The case against building the SST is a strong one.

It has already turned into a money trap for France and England.

Development of the plane in those countries is already costing more than $2 million a week.

It still has to face tests for long sustained speeds of twice the speed of sound, but already engineers have discovered that it is using more fuel than expected.

Experts fear that scheduled SSTs and other supersonic airliners could consume so much fuel that they could cause a world oil shortage by 1980.

Last year Air Force Col. Robert Stephens, technical adviser for the SST, admitted that the plane would cause upsetting sonic booms when flying over land at efficient speed, but insisted that in most cases people would become accustomed to the booms except when they cracked windows and plaster.

Last May the President's science adviser, Dr. Lee DuBridge, wrote the Department of Transportation opposing the plane because of its bad effects on the atmosphere, its sonic booms and its airport noise.

A report on the plane by a committee of high administration officials and representatives of 12 government agencies recommended against building it.

The President then named another committee to study the matter and it opposed the plane, too.

Undersecretary of the Interior Russell Train then urged the President not to permit the plane to be built, either by government or private company, because of the damage it would do the environment.

Instead of scrapping the plane, the President has appointed William Magruder to "get out and sell the SST to Americans" as a patriotic gesture.

The reports "against" the SST unfortunately are being kept secret, despite the fact that Mr. Nixon pledged two years ago that his would be an "open administration."

The SST, from here, looks like operation rathole.

It is a bad investment, technologically useless, would be a drain on the balance of payments and a definite threat to air quality and the welfare of people living in its flight path.

[From the Baltimore Sun, Nov. 10, 1970]

PUTTING THE SST INTO PERSPECTIVE

(By Ernest B. Furgurson)

WASHINGTON.—When the clock radio clicked on this morning to WGMS, Washington's Good Music station, the announcer was into a description of how Fairchild-Hiller's sub-contract on the supersonic transport would bring 700 jobs to Hagerstown, Md.

News item? No. Commercial.

Propaganda pressure is mounting as the Senate nears a vote on this year's installment of the federal subsidy to the aircraft industry for building and testing two SST prototypes. The commercials on Fairchild-Hiller's morning program of aerospace news, timed when the more conscientious senators are rising or breakfasting, is the least of it.

A lot of money is at stake. The total federal investment is estimated at some $1.2 billion, and you know how far below eventual cost these estimates can turn out to be. So far $708 million has been appropriated, and the amount at issue in the lame-duck session of Congress convening next week is $290 million.

Thus a lot of senators want to know why every taxpayer should be required to help pay for an SST when it has no direct military role, is intended primarily to help private industry and business make a profit, will create troublesome supersonic shock waves and contribute further to noise and air pollution, and even when in full service will be used only by that handful of Americans who want to cross the ocean faster than today's jets can carry them.

These curious senators do not prominently include men from states with important aircraft industries, of course. Henry Jackson and Warren Magnuson of Washington are its most enthused proponents, because the prime contract has been let to Boeing, in Seattle. In California, New York, Maryland, elsewhere, SST means jobs in areas now high in the unemployment standings.

The challengers of the SST subsidy do not question the priority senators from those areas assign to jobs for constituents. They do, however, argue against the relative priority the Nixon administration has given to a project whose nationwide benefits would accrue to the scattered few.

Any administration may be forgiven for playing politics in its choices of projects and contractors. They all do. Full-scale efforts by Mr. Nixon's Secretary of Transportation, John Volpe, and the Federal Aviation Administration have paralleled those exerted by the industry to swing congressional backing. They reached an earlier peak when this year's installment approached critical tallies in the House, slipping through once by only 13 votes.

William M. Magruder, director of Volpe's SST division, charmed aviation industry representatives by telling them in a speech that the plane eventually would create 50,000 jobs directly and another 100,000 indirectly, and over a 12-year period would sell enough copies abroad to add $22 billion toward a favorable trade balance. The administration also emphasizes that the federal subsidy is intended as an investment, and as soon as the SST is in full production the taxpayers will realize a profit. If all goes well, that is.

Now that mid-term elections are over, however, strictly political justification for the administration's support of SST is past—until it starts thinking about 1972, and that process began last Wednesday at the latest. But by others, the administration's stand should be judged more objectively.

Why, for example, should a President who has vetoed four bills on the grounds that they were inflationary (labor-welfare appropriations, hospital construction, education, and independent offices, which includes public housing)—why should he be so dedicated to spending $1.2 billion on a project of so much narrower, clearly less urgent public interest?

That is the kind of question asked by opponents of the SST subsidy in the House, and in Senate committee, and now forthcoming again before the lame-duck session is over.

They insist it is not too late for the federal government to cut its potential losses on the SST venture, and invite the aircraft industry to raise its own risk capital. When the inevitable answer comes back that private corporations cannot raise that kind of money then perhaps the risk involved is too venturesome for the mass of us, caught as we are between inflation and recession.

[From the Washington Star, Nov. 12, 1970]

CONCORDE'S PROBLEM

No one has questioned the technical feasibility of making an airliner that can fly at twice the speed of sound. Granted this can be done, the more pertinent question has become: Who wants it?

That question has come to the fore in the case of the British-French Concorde, pushing into the background the news that a prototype has achieved the speed of mach 2.

Environmentalists have thought all along that the world could get along indefinitely—and more safely—without a new generation of aircraft insulting the atmosphere in ways that can only be guessed at. Persons whose tolerance for noise has been pushed to the breaking point can only cringe at the thought of sonic booms pummelling their sanity.

But now several airlines, supposedly panting to put customers on the latest flying machines, sound as if they could wait many years for the first production-line Concordes. Their fears are economic. The Concorde, a $25-million missile with little elbow room for possibly 120 passengers, looks like a money-loser even discounting $2 billion in develop-

ment subsidies from the British and French governments. TWA President F. C. Wiser sees need for a 30 to 40 percent fare surcharge. Pan Am's Najeeb Halaby proposes a long trial period before production models are built. It is doubtful how many of the airline options for Concordes will be converted into firm orders. Purchase of the Concordes would mean massive new capital outlays on top of the current, huge investments in jumbo jets.

It is questionable, also, how airline passengers will reaction to the advent of the supersonic age. Afer being educated to enjoy the spaciousness of the 747s, will they pay premium fares to be crammed into Concordes, their only reward being a faster trip?

Even though the parallels are not perfect (as in the size of the plane), the Concorde's troubles are relevant to the American supersonic transport project. As in the European case, those clamoring for development of an SST here are limited largely to a handful of manufacturers and their governmental sponsors. Yet there is demand for the taxpayers to finance the silly game—the Senate is being asked to approve a further $290-million subsidy. There are countless better ways to spend the money.

AMERICAN PRISONERS-OF-WAR LIBERATION EFFORT

The PRESIDING OFFICER. Is there further morning business? If not, the Chair lays before the Senate a resolution coming over under the rule, which will be read by title.

The legislative clerk read the resolution (S. Res. 486) by title, as follows: American Prisoners-of-War Liberation Effort.

Mr. FULBRIGHT. Mr. President, we discussed this matter with the distinguished Senator from Kansas and the leadership, and it was agreed that it would go over under the rules. I ask unanimous consent that it be placed on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object—and I shall not object—I just want to reaffirm the statement made by the distinguished Senator from Arkansas. It is, of course, the hope of the Senator from Kansas and many other cosponsors of the resolution that we can perhaps agree on hearings before a committee at an early time and have some agreement on reporting the resolution back to the Senate for action, and with at least that hope, if not understanding, I have no objection.

The PRESIDING OFFICER. Without objection, the resolution will be placed on the calendar.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS) laid before the Senate the following letters, which were referred as indicated:

REPORT ON OPERATION OF SECTION 501, PUBLIC LAW 91-305

A letter from the Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, on the operation of section 501 of Public Law 91-305, the Second Supplemental Appropriations Act, 1970 (with an accompanying report); to the Committee on Appropriations.

MILITARY CONSTRUCTION—ARMY NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on the location, nature, and estimated cost of facilities projects proposed to be undertaken for the Army National Guard (with accompanying papers); to the Committee on Armed Services.

REPORT ON BASIC NATIONAL RAIL PASSENGER SYSTEM

A letter from the Secretary of Transportation, transmitting, pursuant to law, a preliminary report on basic national rail passenger system (with an accompanying report); to the Committee on Commerce.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on improvements needed to up-grade the readiness of the Naval Air Reserve (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on information gathering and disseminating activities of the National Library of Medicine, National Institutes of Health, Department of Health, Education, and Welfare (with an accompanying report); to the Committee on Government Operations.

APPLICATION FOR LOAN UNDER THE SMALL RECLAMATION PROJECTS ACT

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application by the Techachapi-Cummings County Water District of Tehachapi, Calif., for a loan under the Small Reclamation Projects Act (70 Stat. 1044, as amended 71 Stat. 48), (with accompanying papers and a report); to the Committee on Interior and Insular Affairs.

AUTHORIZED COURTHOUSE AND FEDERAL OFFICE BUILDING AND PARKING FACILITY AT AKRON, OHIO

A letter from the Administration, General Services Administration, transmitting, pursuant to law, a prospectus which revises the authorized courthouse and federal office building and parking facility at Akron, Ohio (with accompanying papers); to the Committee on Public Works.

PETITION

A petition was laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HOLLINGS):

A resolution of the Palau Legislature; to the Committee on Interior and Insular Affairs:

"A RESOLUTION ENDORSING HOUSE JOINT RESOLUTION NO. 1258 AND SENATE JOINT RESOLUTION NO. 211 OF THE CONGRESS OF THE UNITED STATES OF AMERICA RELATING TO THE SETTLEMENT OF WAR CLAIMS

"Be it resolved by the Fourth Palau Legislature, Sixth Regular Session, October, 1970, that House Joint Resolution No. 1258 and Senate Joint Resolution No. 211 of the Congress of the United States of America relating to war claims be and are hereby fully endorsed as a legislative possibility during the current session of the United States Congress and;

"Be it further resolved that certified copies of this resolution be transmitted to the Honorable Cornelius Gallagher, Chairman of the United States House of Representatives Subcommittee on International Organizations and Movements, Speaker of the House of Representatives and President of the Senate of the Congress of the United States, Speaker of the House of Representatives and President of the Senate of the Congress of Micronesia, Assistant Secretary for Public Land Management of the Department of the Interior, William Nabors, Mariana District War Claims Committee, Trusteeship Council of the United Nations, High Commissioner, and District Administrator."

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RIBICOFF:

S. 4545. A bill to be known as the Urban Education Improvement Act of 1970; to the Committee on Labor and Public Welfare; and

S. 4546. A bill to be known as the Government Facilities Location Act of 1970; to the Committee on Banking and Currency.

(The remarks of Mr. RIBICOFF when he introduced the bills appear earlier in the RECORD under the appropriate heading.)

By Mr. MAGNUSON (for himself and Mr. JACKSON):

S. 4547. A bill to provide for regulation of public exposure to sonic booms, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear below under the appropriate heading.)

S. 4547—INTRODUCTION OF A BILL TO PROVIDE FOR REGULATION OF PUBLIC EXPOSURE TO SONIC BOOMS

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference a bill to provide for regulation of public exposure to sonic booms and for other purposes.

On April 15, 1970, the Department of Transportation filed a notice of proposed rulemaking to ban civil supersonic flight over land. This proposed regulation was published in the Federal Register on April 16, 1970—35 F.R. 6189. In addition to the filing of this proposed amendment to the Federal Aviation Regulations the President of the United States, the Secretary of Transportation, and other representatives of the administration have stated that commercial supersonic flight over land will not be allowed. In spite of these assurances, some critics have contended that the regulation might be changed or revoked when commercial supersonic flight becomes a reality.

To dispel these unjustified fears and to assure the American people that there will be no overland flights in this country by supersonic aircraft at speeds causing a sonic boom which could reach the earth, my bill would adopt the language of the Department of Transportation's proposed regulation as legislation.

The prohibition, by law, of sonic booms caused by civil supersonic aircraft over land will not have any effect on the economic viability of the U.S. civil supersonic transport. The prototype program has proceeded upon the assumption that commercial supersonic flight over land would not be allowed and all marketing and economic projections have been based on this assumption.

Once the two prototypes of the civil supersonic aircraft have been developed and tested, a decision must be made by the manufacturers of the aircraft and the

airlines as to whether commercial production of the aircraft is in the national interest. I am confident that the United States "fly before you buy" prototype program will lead to the development of a supersonic transport which will be a technical, economic, and environmental success. The U.S. supersonic aircraft program has had the benefit of years of careful research and analysis which will result in a product which is far superior on all scores to those now under production in England, France, and Russia.

While I have the greatest confidence in the program and in the capability of the manufacturers to produce a superior aircraft, I feel that the decision of the manufacturers and the airlines to enter into commercial production after the testing of the two prototypes is a decision in which the public has an interest. Because of the public's interest in this decision, the bill would require the Secretary of Transportation to submit to the Congress and to the public a report covering all aspects of the prototype program upon the completion of the prototype development and testing program.

The report shall include a detailed analysis of potential environmental, economic, and international consequences that may result from production or nonproduction of a U.S. civil supersonic aircraft.

The report will specifically address the problems of airport-area noise created by the SST, measured from the runway sidelines and from ascent and descent patterns over the community. While I am confident that the supersonic transport will not create greater noise levels than those created by existing subsonic turbojet aircraft, the Secretary's report will be helpful in developing a complete record on the parameters of this problem in particular as well as detailing the other potential environmental consequences of widespread supersonic air transport.

The Congress, at this point, does not have information available on which to make judgments regarding the potential noise effects of supersonic transports. Data on this facet of the SST's environmental consequences will not be available until the prototype airframes and engines have been built and flight tested.

Flight testing of the prototype equipment will enable us to measure and understand potential noise problems and will provide definitive answers to these questions.

The report shall also make available data on all other civilian supersonic aircraft programs—including the Concorde and the TU-144—which are in development or in commercial operation at that time.

The report shall also set forth any recommendations for legislation or international agreements which the Secretary feels are necessary to insure a balanced national transportation policy which is efficient, productive, economically and environmentally sound. The Secretary's recommendations are not to be limited to the U.S. civil supersonic program but shall include recommendations, where appropriate, for any necessary regulation of all civil supersonic aircraft that may have any effect on the United States. I believe that such a report, with legislative recommendations will go far to assure the American people that supersonic aircraft operations will be conducted under conditions which will insure that such operations are compatible with this Nation's environmental standards, that they are economic, and that they will result in important benefits to the Nation's economy, to a balanced national transportation policy and to the American people.

The PRESIDING OFFICER (Mr. DOLE). The bill will be received and appropriately referred.

The bill (S. 4547) to provide for regulation of public exposure to sonic booms and for other purposes, introduced by Mr. MAGNUSON (for himself and Mr. JACKSON), was received, read twice by its title, and referred to the Committee on Commerce.

ADDITIONAL COSPONSORS OF RESOLUTION

SENATE RESOLUTION 486

At the request of the Senator from Kansas (Mr. DOLE), the names of the Senator from New Hampshire (Mr. MCINTYRE) and the Senator from Oklahoma (Mr. BELLMON) were added as cosponsors of Senate Resolution 486, relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 30, 1970, he presented to the President of the United States the enrolled bill (S. 2543) to prohibit the movement in interstate or foreign commerce of horses which are "sored," and for other purposes.

CONSUMER PROTECTION ORGANIZATION ACT OF 1970—AMENDMENTS

AMENDMENTS NOS. 1084 THROUGH 1089

Mr. HART submitted six amendments, intended to be proposed by him, to the bill (S. 4459) to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Agency in order to protect and serve the interests of consumers, and for other purposes, which were ordered to lie on the table and to be printed.

[The remarks of Mr. HART when he submitted and discussed the amendments appear later in the RECORD under the appropriate heading.]

ADDITIONAL STATEMENTS OF SENATORS

PREVENTION OF RHEUMATIC FEVER—A PLAN THAT WORKS

Mr. HANSEN. Mr. President, the Wall Street Journal has taken note of the success of Casper, Wyo., in a program designed to prevent rheumatic fever.

The article of Jerry E. Bishop, which appeared November 27, points out that there has not been a single case among the city's schoolchildren in more than 3 years.

Wyoming's "Oil City" uses a simple formula of self-help, and I believe that Senators and many of their constituents would be interested in this program.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WYOMING CITY USES SIMPLE METHODS TO END RHEUMATIC FEVER FOR OVER 3 YEARS

(By Jerry E. Bishop)

A small city in Wyoming appears to have conquered rheumatic fever, that dreaded and still common childhood disease that can inflict crippling damage on the heart.

The town is Casper, which is situated in the northern part of the state and has a population of about 42,500. There hasn't been a single case of rheumatic fever among the city's 14,000 school children in more than three years, a period in which scores of cases would have been expected.

The key to Casper's success is a ritual that's performed daily in every elementary school classroom in the city. Each morning every teacher must ask whether any child in the class has a sore throat or a cold, and those who do are examined and, if necessary, given treatment designed to prevent rheumatic fever.

"We believe this is the first time a rheumatic fever prevention program has been successfully implemented in a civilian population," says Dr. Brendan Phibbs, chief of medicine at Natrona County Hospital, the city's only hospital.

HIGH-INCIDENCE AREAS

The Casper record is being watched with some astonishment by the nation's doctors and public health authorities. For one thing, Casper lies in the Rocky Mountain region, one of three areas in the U.S. where there is an unusually high incidence of rheumatic fever (the other areas are the Great Lakes region and New England).

More important, Casper health and school officials seem to have found a simple answer to rheumatic fever prevention that has eluded many other communities. For years, public health experts have argued that rheumatic fever could be wiped out with two simple medical tools, a throat swab and penicillin—and these are what Casper is using.

It is known that rheumatic fever occurs only after an infection by a certain bacteria called Group A beta-hemolytic streptococci, often called simple "strep." Rheumatic fever will develop in 1% to 3% of school-age children who are stricken, even mildly, by the ubiquitous "strep throat." If a sore throat can be identified as being caused by Group A strep bacteria, a simple 10-day course of penicillin treatment can cure the infection and prevent rheumatic fever. The method of identification is to swab the child's throat and send the swab to a laboratory where the bacteria can be cultured and identified in about 24 hours.

Despite such knowledge and the availability of penicillin for almost a quarter of a century, 100,000 school children are crippled by rheumatic fever each year, a spokesman for the American Heart Association estimates. The result is that 1.6 million Americans currently suffer heart damage from the fever and 14,000 people a year die of the effects of the heart damage.

ASPIRIN AND GARGLES

The reason, say health experts, is that a strep throat often is so mild that a child won't complain about it. Even if he does complain, the parent often will treat it with aspirin and gargles. And even if the child

is taken to a doctor he may not be properly treated. "Most physicians don't routinely take throat cultures on all cases of pharyngitis (sore throat), and a distressing number of physicians don't know how to treat streptococcal pharyngitis when it is diagnosed," charges Dr. Phibbs.

"Thus," he adds, "by what are euphemistically called conventional means of diagnosis and treatment, one is fortunate if one or two out of every 10 cases of streptococcal pharyngitis receive adequate therapy."

Upset at this situation, Casper officials, spearheaded by Dr. Phibbs, decided several years ago to force parents and doctors to treat strep infections. Hence, the sore throat program.

Grade-school children who respond each morning to the teacher's question about a sore throat or cold are sent to a central station in the school. There, their throats are examined for the telltale redness of a strep infection. A throat swab is taken and sent to the hospital laboratory for culturing.

A ROW A DAY

Then, just to make sure, every child is examined at least once a week, whether he has symptoms or not. This is done usually by taking one row of students out of each class room each day.

Each child found to be infected with strep germs is sent home with a letter telling the parents the child can't return to school until they have the signature of a doctor attesting that he has started the required penicillin treatment.

To handle the large number of examinations each day, several hundred adult volunteers are recruited. Local doctors then trained them in use of the tongue depressor and flashlight and educated them in the dangers of rheumatic fever. This has had "a tremendous educational effect." Dr. Phibbs says, noting that Casper now has "a couple of thousand moms around" who are well aware of how their doctors should handle sore throats.

The Casper program was put to a major test only three years after it started. In the 1957–58 Asian flu epidemic, strep infections broke out in epidemic proportions in the Casper school, striking 80% of the students. Of the 14,000 school children, however, only four developed rheumatic fever while there were 25 cases among pre-school children and young adults who weren't involved in the sore throat program.

A VERY LOW FIGURE

Recently, a U.S. Public Health Service team from Fort Collins, Colo., specializing in strep infections research, made a random check of students in the Casper area. They found only 1.9% of the students suffering strep infections at the time. By comparison, in three Colorado communities checked at the same time, anywhere from 11% to 20% of the students had strep infections.

"The figure 1.9% may be the lowest ever detected in a schoolchild population in the temperate zone," Dr. Phibbs told colleagues at a recent meeting of the American Heart Association. In addition, blood tests showed less than a third of Casper children had ever had a strep infection, while two-thirds of the Colorado children showed evidence of having encountered the germs at some time in their lives.

One by-product has been that Casper children, as a whole, probably receive fewer doses of antibiotics than most American children, since antibiotics usually are given only when the throat culture is positive for strep. This contrasts with the practice of many family doctors elsewhere of routinely giving antibiotics for every sore throat patient who walks in the office. Since many sore throats and colds are caused by viruses, which are impervious to antibiotics, many children receive the drugs unnecessarily.

The Casper program has been relatively cheap, costing about $8,000 a year, or about 20 cents per throat culture. However, Dr. Phibbs concedes this is remarkably low largely because he "begs, borrows or steals" a lot of help and equipment and because his laboratory workers are paid less than they might be in some other parts of the country. The cost to other communities, he says, might run 50 cents per throat culture.

COMPARISONS OF AMERICAN AND SOVIET SPACE ACCOMPLISHMENTS

Mr. ANDERSON. Mr. President, the landing on the moon of the self-propelled vehicle Lunokhod, carried by the Soviet spacecraft Luna 17, has once again stimulated comparisons of the American and Soviet space accomplishments and the relative merits of manned and unmanned lunar missions.

The activities of Lunokhod, there is no doubt, were impressive. But the true significance of this achievement is a matter of conjecture and debate. The most incisive and illuminating comments I have seen were contained in a letter to me from Dr. George M. Low, Acting Administrator of the National Aeronautics and Space Administration. In order that my colleagues might share Dr. Low's analysis, I will ask that his letter be printed in the RECORD at the conclusion of my remarks.

Dr. Low makes two major points, which I believe must be emphasized:

Lunokhod was an impressive feat, but it must not obscure the demonstrable fact that the United States retains a clear lead in space exploration and technology.

Even so, the U.S. space effort is ebbing dangerously.

We should not proceed at a breakneck pace simply to beat the Russians or to win the space race. But we must consider very seriously the problems inherent in dismantling our complex aerospace apparatus.

That apparatus was assembled over the years at considerable cost and with great care. The teamwork, both human and technological, was unprecedented in its sophistication and unmatched in its success. The government-university-business system represents a big investment, one which we are in danger of losing. We cannot allow thousands of highly educated and well-trained scientists and technicians drift away, management systems disperse, and technological abilities atrophy—we cannot, that is, if we expect to put that complex system to use again.

The U.S. space program is a victim of its own successes.

Once an American had walked on the moon, the culmination of a highly successful Apollo program, the space effort began to lose some of its public and political support. The budget began to drop rather sharply. Aerospace industries began to lay off technicians and production personnel.

I, for one, do not believe we should get into an expensive, futile "space race" with the Soviet Union or anyone else. But that does not mean we must abandon the American space effort, either. Instead, I firmly believe, we should continue a moderate, ongoing exploration program—at a level lower than its peak years, to be sure, but at a level high enough to keep the system together, now that it is operating smoothly and now that we have invested a good deal in it.

The space program is necessary not only for reasons of national prestige, but because of its purely scientific benefits and the "spinoff" applications in many fields.

Dr. Low's letter explains in some detail where we are now, the dangers of continuing our present course, and the necessity of maintaining both a manned and unmanned space flight capability. I ask unanimous consent that Dr. Low's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., November 25, 1970.

Hon. CLINTON F. ANDERSON,
Chairman, Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for my views on the significance of the present Soviet space flights to the moon. In addressing this subject, I found it best to discuss four related issues: the direct comparison of Apollo 11 and 12 with Luna 16 and 17; a review of the trends in United States and Soviet space programs; a discussion of the use of manned and unmanned space systems; and a brief conclusion about the significance of these flights, now and in the future.

COMPARISON OF APOLLO AND LUNA

Luna 17, with its self-propelled Lunokhod, and Luna 16, with its automatic sample return, are technically impressive; but as isolated events, their import to science and technology is relatively minor. We demonstrated United States scientific and technological leadership with Apollo 11, and that lead is still ours. We have now had four men now on the surface of the moon—they have none. We have returned 123 pounds of lunar material—they have returned 3 or 4 ounces. We brought together the best of our manned and unmanned capabilities when our astronauts emplaced an automated station on the moon that has now sent back scientific information for more than a year: we have gained an enormous amount of information about the moon, about its structure and composition, about its age and its properties—the Soviets have added very little.

So, when we view Luna 16 and 17 in the light of Apollo 11 and 12, the conclusions are clear: the United States leads today in space science and space technology. If we have any doubt about this, we need only imagine the reverse situation—Soviet cosmonauts on the moon, followed more than a year later by a few small automated American spacecraft. As a nation, we would not be satisfied with that situation.

TRENDS IN USSR AND U.S. CAPABILITIES

But when we view Luna 17, not as an isolated event, but in the context of the overall trends in the Soviet space program and in ours, we must reach another conclusion. These are the facts:

Our launch rate has been steadily decreasing, while theirs is increasing (see attached chart).

In 1970, so far, they have placed 74 payloads into space, while the United States has had 31.

They have seldom missed a launch window in the exploration of Venus and Mars; our planetary program has many gaps.

Soviet commentators have implied that the USSR has plans to return samples and use self-propelled vehicles on our neighboring planets; we have no such plans.

The Soviets have a systematic continuing manned space flight program. Soyuz 9, an 18-day mission and the longest manned flight to date, was their latest step.

They have demonstrated a capability, with their Zond spacecraft, for manned circumlunar flight, and could soon conduct such a flight.

The Soyuz and Zond programs could also lead to a manned earth orbital space station. The Soviets have stated that they expect to fly a space station before we do.

It has been reported that the Soviets are developing a booster in the giant Saturn V class; we have suspended production of ours. With such a booster, they would then be able to have permanent space bases in earth orbit, a manned outpost on the moon, or an automated planetary sample return capability.

We are rapidly losing the capability that made us first. On NASA programs alone, total employment has decreased from 420,000 in 1966 to a level of 160,000 now. Engineers and scientists are leaving the field by the thousands; young men are no longer going into these fields, because the future is uncertain. When the need again arises to rebuild our aerospace industry, to meet military requirements, or to meet a desire to move forward more rapidly in the exploration of space, we may no longer have the ability to do so.

Soviet research and development is estimated to be significantly greater than that of the United States—and growing at a rate of at least ten percent per year; United States research and development has leveled and is dropping.

Estimates of actual expenditures indicate that the USSR is spending somewhat more each year on their space programs than we are on ours. (In terms of percentage of gross national product, their space expenditures are more than double ours.)

From these facts, I can reach only one conclusion: unless we reverse the current trends in the U.S. space program, we must be prepared to give up our lead.

MANNED VERSUS UNMANNED SYSTEMS

The Soviet successes with Luna 16 and 17 have once again stimulated a debate on manned versus unmanned systems. Some of the Soviet statements and some of the comments in the U.S. have given the impression that Luna 16 and 17 show that the Soviets can accomplish unmanned (and at lower cost) what we seek to do manned (and at higher cost).

The fact is that the Soviet program, like our own, recognizes that manned flights offer important advantages in exploration and other complex missions. As I have already stated, they have a continuing manned program, appear to be increasing their manned capabilities, and are supporting a total space program containing strong manned and unmanned components. Today the Soviets are proud of Luna 16 and 17; but only a few months ago, they were just as proud of their cosmonauts' achievements with Soyuz 9, and rightly so.

In the United States, both manned and unmanned systems have made great contributions in the first 12 years of the space program. Our unmanned spacecraft have evolved into increasingly sophisticated and useful devices, including experimental and operational meteorological and communications satellites; geophysical and astronomical observatories; lunar spacecraft like Ranger, Orbiter, and Surveyor; and planetary probes like Mariner that brought back the first closeup pictures of Mars. Manned systems include Mercury, which demonstrated man's capability in space; Gemini, where man developed operational proficiency; and Apollo, where man first set foot on another body in space.

The principal goal of Apollo was to establish and to demonstrate United States preeminence in space science and technology through a *manned* lunar landing. But Apollo did more than that: it also demonstrated that important scientific results can be attained in manned space flight. It is virtually impossible to conceive of practical unmanned systems that could accomplish many of the most important things done by our astronauts—the discovery of unexpected features of the moon, the careful selection and documentation of lunar samples, and the reporting of conditions on the moon other than those measured directly by instruments selected in advance. Unmanned robot systems approaching the capabilities of the astronauts would, through their complexity, tend to approach manned systems in cost without ever matching their capability.

One may, in my view, generalize from these remarks as follows: When the details of a space mission can be defined in advance and when the task to be performed is relatively straight-forward, an unmanned system can best do the job; however, when objectives cannot be fully defined in advance, when we seek to explore the unknown or to perform tasks of great complexity, the presence of man with his unique intelligence and versatile physical capabilities offers essential advantages. And while individual unmanned systems may be less costly than those that are manned, a total unmanned program, which attempts to approach the capabilities of a manned system, would not be substantially cheaper. For these reasons, the U.S. space program makes use of manned and unmanned systems—each has its place in accomplishing the most for science, for applications, and in the exploration of the unknown.

CONCERN ABOUT THE FUTURE

In summary, if we view Luna 16 and 17 as isolated events, when we view them in the light of our past achievements, we can still be proud of what we have done—we can still state that we have demonstrated that our science and technology, produced by our way of life and in our system of government, is superior to theirs. We can still be proud of the high rate of scientific results and technological progress our total national program is providing.

But when we view Luna 16 and 17 in the context of the trends in our program and theirs, then we must be concerned about our future in aeronautics and space—about our position of leadership that we have worked so hard to achieve.

I am sending a similar letter to Chairman George P. Miller of the House Committee on Science and Astronautics, in response to his request.

Sincerely yours,

GEORGE M. LOW,
Acting Administrator.

EARTH ORBITAL, LUNAR AND PLANETARY PAYLOADS UNITED STATES AND U.S.S.R., CALENDAR YEAR 1970 (AS OF NOV. 19, 1970)

Month	United States	U.S.S.R
January	3	5
February	2	3
March	3	5
April	7	16
May	2	2
June	2	9
July	2	3
August	4	8
September	3	6
October	1	14
November	2	3
Total	31	74

Source: Satellite situation report.

NIGHT OF STARS AT WICHITA STATE UNIVERSITY

Mr. DOLE. Mr. President, this past weekend an event occurred that clearly demonstrates the thoughtfulness and concern of Americans for their fellow men. The event, "The Night of Stars," presented at Wichita State University, was a benefit performance by many leading entertainers to raise money to meet the human needs of the survivors of the Wichita State and Marshall University aircrashes. One hundred and six football players, coaches, and supporters died in the two airplane disasters, 31 from Wichita State, 75 from Marshall University.

The performers who volunteered their talents and gave up their Thanksgiving holiday to go to Wichita to prepare for the show included: Bill Cosby, George Gobel, Kate Smith, Phil Ford and Mimi Hines, Marilyn Maye, the Young Americans, Minnie Pearl, Lou Rawls, the Humble Pie, Mac Davis, Leif Erickson, Monty Hall and Gordon Jenkins. In addition to the entertainers, over 100 technicians from all areas of America went to Wichita to provide technical assistance for the production of the show.

"The Night of Stars" was a success. Ticket sales alone amounted to $175,000. The show was broadcast by all three major networks and was carried over 202 individual television stations across the Nation.

The true spirit of America was felt that evening. "Woody" Hayes, the outstanding football coach of Ohio State University, acting as President Richard Nixon's personal representative, delivered a message from the President that reflects that spirit.

Mr. President, I ask unanimous consent that President Nixon's message delivered at "The Night of Stars" be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

PRESIDENT NIXON'S MESSAGE

Along with countless other compassionate Americans, Mrs. Nixon and I join in spirit with those who are participating in the Night of Stars benefit for the survivors of the tragic Wichita State and Marshall University air crashes. These dreadful misfortunes have profoundly touched the lives of men and women all across this land.

The Nixon Family fully shares the widespread concern for those who grieve the loss of their loved ones. It is gratifying to us that so many of you have come to their assistance at this difficult time. We send our best wishes for the complete success of this heartwarming response to their needs.

URGENTLY NEEDED ECONOMIC ACTIONS

Mr. PROXMIRE. Mr. President, Saturday I released a letter to Chairman Paul W. McCracken, of the President's Council of Economic Advisers, proposing three urgently needed actions to get the economy moving again. In the letter I said that "the administration's 'game plan' has collapsed" and that "the time for action is long overdue."

I wrote McCracken that—

I hope very much that by the time you appear before the Joint Economic Committee in January the administration will have taken the following urgently needed actions:

(1) Institute a meaningful "incomes policy."

(2) Cut the military budget and cut it sharply.

(3) Stimulate housing through full funding of the Emergency Mortgage Credit Act of 1970.

I also said:

The administration should not let the natural instinct to "save face" prevent it from putting an incomes policy into effect. Now is precisely the time when it can be most effective.

In addition, it is clear that—

The much publicized cut in military spending has not taken place. While Congress cut appropriations . . . the actual rate of spending which the President controls has hardly dropped at all.

Pointing out that defense spending in the first quarter of fiscal year 1971 was at an annual rate $4 billion more than the budget estimate, the letter said that—

A major cut in military outlays . . . is an absolute must if inflation is to be stopped.

I proposed a $7 to $10 billion cut in military spending which I believe could—

ease inflationary pressures, reduce Federal spending and the Federal deficit, and make it possible to increase the money supply without adding to inflation.

The full funding of the Emergency Mortgage Credit Act of 1970 would cost only one-twentieth—$355 million—of the minimum military spending cuts I propose.

As a result at least 500,000 new homes could be built and 1 million new jobs for construction workers created now. Such action would take up the economic slack from the military cuts, provide both housing and jobs, and do so without adding to inflationary pressures.

I ask unanimous consent that the complete text of my letter to Chairman McCracken be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR MR. CHAIRMAN: The economy remains in great difficulty. When the Administration came into office, prices were rising at about 4.5 percent per year. Unemployment was at 3.6 percent. The original "game plan" was to reduce the rate of inflation to 3.0 percent without increasing unemployment.

But now unemployment is 5.6 percent and prices are rising at an annual rate of 6.0 percent—double the rate projected. Almost two million men and women who had jobs in January 1969 are out of work today. Moreover, almost all the economic experts expect unemployment to go up before it comes down.

The "game plan" has collapsed. The time for action is long overdue. I hope very much that by the time you appear before the Joint Economic Committee in January that the Administration will have taken the following urgently needed actions.

(1) Institute a meaningful "incomes policy."

The Administration should not let the natural instinct to "save face" prevent it from putting an incomes policy into effect. Now is precisely the time when it can be most effective. We do not face a demand inflation. We suffer from inflation induced by market power and administered prices. It is in these circumstances that the President can use the great power and prestige of his office most effectively to help stop price rises.

(2) Cut the military budget and cut it sharply.

The much publicized cut in military spending has not taken place. While Congress cut appropriations for FY 1970 by $6 billion, and the House has cut military appropriations for FY 1971 by $2 billion, the actual rate of spending which the President controls has hardly dropped at all.

The actual outlays for Defense in the first quarter of fiscal year 1971 were at an annual rate of $77.6 billion—$4 billion more than the 1971 estimate. In fiscal year 1970, the Administration spent $1 billion more than it estimated. The fact is that the cuts in Vietnam spending from $23 billion to $11 billion, in incremental costs, and the cuts in authorizations and appropriations made by the Congress are scarcely reflected in the rate of military spending which the President controls. The military is using the Vietnam cuts for its on-going programs. Regular spending continues from the backlog of funds. And the entire problem is made more difficult by the President's request for military aid for Israel, Cambodia, and other areas in addition to funds now in the budget.

The failure to cut back military spending is a major reason why inflationary forces continue strong. It has also contributed greatly to the $10 to $15 billion deficit for fiscal year 1971 which is now in the offing.

There is no way the President's goal of a fiscal year 1972 budget of $225 billion can be met unless there is a drastic reduction in military outlays now. Yet the Secretary of Defense is asking for more money, not less.

A major cut in military outlays which the President controls is an absolute must if inflation is to be stopped.

(3) Stimulate Housing through full funding for the Emergency Mortgage Credit Act of 1970.

Relatively small amounts of federal funds for housing can attract and stimulate vast quantities of funds from the private sector. By spending $355 million for housing under the Emergency Mortgage Credit Act, at least 500,000 new homes could be built and one million new jobs for construction workers created now. Because it affects not only lumber, bricks, and mortar, but home appliances, furniture, textiles, plumbing, glass, and dozens of other industries, the economic effects from stimulating housing ripple through the economy. In an industry where the demand is for at least 1 million units a year more than are now produced, where construction trade unemployment exceeds 12 percent, and where large quantities of capital are idle, full funding of the Emergency Mortgage Credit Act would be non-inflationary. When idle men are put to work on idle machines to produce a basic economic need there is no fundamental inflationary stimulus.

Such a program and plan of action is long overdue.

An incomes policy can help keep prices and wages in the administered price industries in line. This is the type of inflation occurring now.

A major cut in military spending—$7 to $10 billion—can ease inflationary pressures, reduce Federal spending and the Federal deficit, and make it possible to increase the money supply without adding to inflation.

The full funding of the Emergency Mortgage Credit Act of 1970, which would cost one-twentieth of the minimum military spending cuts I propose, would take up the economic slack from the military cuts, provide both housing and jobs, and do so without adding to inflationary pressures.

I hope the Administration will act and act now on these proposals. I hope that when you appear before the Joint Economic Committee in January you will be able to say that these policies have been put into effect.

With best wishes.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

THE PRESIDENT'S PERSONAL POPULARITY

Mr. DOLE. Mr. President, Republicans everywhere owe a debt of gratitude to President Nixon for his wholehearted participation in the recent election campaign, and it is gratifying to note that the latest Gallup poll shows that the President's personal popularity—at 57 percent—is virtually unchanged from before the election.

This information is contrary to the many learned analyses which purported to prove that the President had harmed his personal position by participating so vigorously in an off-year election. Some of these analyses were wishful thinking and some were well intentioned, but they have all been disproved.

In the last election the President campaigned hard for Republican candidates. With very few exceptions, he did not pick and choose his races. Instead, he went into almost all the States with key elections whether the Republican candidate was close or not. In so doing he proved once again that he is a loyal member of the Republican Party, one who believes in our party, and one who will work tirelessly to help our candidates get elected.

It was an unprecedented effort and it is satisfying to learn that the President's campaigning for our candidates did not have an adverse affect on his own popularity—despite the wishful thinkers.

MOTION PICTURE INDUSTRY HONORS IRVING H. LEVIN AS "PIONEER OF THE YEAR"

Mr. CRANSTON. Mr. President, it is my great pleasure to call to the attention of Senators the honor recently bestowed upon Mr. Irving H. Levin. Mr. Levin, who is the president and chief operating officer of National General Corp., has been chosen as the "Pioneer of the Year" by the Foundation of the Motion Picture Pioneers, Inc. The 32d annual "Pioneer of the Year" award dinner was held in New York on Monday, November 23, 1970.

Since the production of California's first commercially produced motion picture, "The Count of Monte Cristo," in 1908, the magic of Hollywood has contributed to the worldwide fame of California. Out of the tiny film colonies of those early days has grown a giant motion picture and television industry that has contributed to the greatness and diversity of my State.

Few industries in California have engaged in so many charitable enterprises as the motion picture industry. Leading the way in those charitable endeavors has been the Foundation of the Motion Picture Pioneers, an organization dedicated to the purpose of helping those in the motion picture industry who find themselves in need of assistance. Origi-

nally established as a social organization by the late Jack Cohn, of Columbia Pictures, the Pioneers' Foundation was formally launched as a permanent welfare activity in 1951, with this stated purpose:

To establish a self-perpetuating fund to assist Pioneers of the motion picture industry who find themselves in need. (A Pioneer is defined as one who has served the motion picture industry in some capacity for 25 years or more.) This assistance is to consist of direct financial aid, medical care and temporary subsistence during a period of unemployment for elgible applicants.

Mr. Levin is the 26th industry leader to be honored as "Pioneer of the Year" in the 32-year history of the Motion Picture Pioneers. He has had a long and distinguished career spanning more than 26 years in various executive capacities in the exhibition, distribution, and production phases of the industry. Entering the industry as a distributor in the 1940's, he associated with Charles Kranz in the organization of Kranz-Levin Pictures and Realart Pictures of California, Inc. This company developed into the largest independent film exchange operation in the United States. Soon after he entered the exhibition phase of the motion picture industry by purchasing and operating a number of theaters in southern California.

In the 1950's, Mr. Levin expanded into the production phase of the industry. He organized Mutual Pictures Corp., and was president of Filmakers Production, Inc., and Filmakers Releasing Organization. Later he joined American Broadcasting-Paramount Theaters, Inc., as head of the theatrical production and distribution subsidiaries and served as president of AB–PT Pictures Corp. and AB–PT Distributing Co., Inc., from 1956 until 1959 when he purchased these corporations.

In August 1961, Mr. Levin was elected a director of National Theaters and Television, Inc.—now National General Corp. In 1962 he was appointed vice president of the corporation and subsequently was named executive vice president. In 1966, he was given the responsibility of forming National General Productions, Inc., as the motion pictur producing arm of the parent company. In 1967, he spearheaded the formation of National General Pictures Corp. which distributes National General films and also the product of Cinema Center Films, the motion picture production company of CBS, Inc. In September 1969, Mr. Levin was elected president and chief operating officer of National General Corp. I urge my fellow Senators to join with me and the Motion Picture Pioneers in extending our hearty congratulations to Mr. Irving H. Levin as "Pioneer of the Year."

WELFARE CRISIS IN NEW JERSEY

Mr. CASE. Mr. President, at the recent 1970 annual meeting of the New Jersey Conference of Mayors in Atlantic City, N.J., Governor William T. Cahill discussed the growing welfare crisis in New Jersey and emphasized the urgent need for welfare reform.

Governor Cahill said:

We have no alternative but to replace our welfare system, as soon as feasibly possible, with a program of public assistance which will more accurately reflect the realities of the present age, and which will be responsive to the fact that our nation has undergone vast changes in the decades since our system of welfare delivery was first established.

New Jersey is not alone in finding it more and more difficult to support a welfare system that is inefficient, costly, and discriminatory. According to recent reports from the Department of Health, Education, and Welfare, many other States have experienced a sharp caseload increase in the last 6 months.

I ask unanimous consent that Governor Cahill's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF GOVERNOR CAHILL OF NEW JERSEY

Last February, while presenting my first budget message to the legislature, I compared the role of the Governor of New Jersey to that of the mythological Janus. I said that the Governor, like Janus, must look backward to what has and has not been done in the State, and forward to what should and must be done.

Without attempting to catalogue what I regard as my administration's successes and shortcomings, let it suffice to say that this has been a year of soul-searching and agonizing reappraisals and evaluations. Faced with a situation where burgeoning program expenditures were rapidly outstripping our ability to pay for them, I viewed as one of my major challenges upon taking office, the task of putting our State back on a sound economic footing—of raising new revenues to offset major budget deficits—of cutting back on wasteful, duplicative, or marginally valuable programs—and of reducing expenditures where this would be consistent with sound economic policy.

In short, I looked forward to that oft-elusive, although constitutionally-mandated, goal of a balanced budget. And even more, I was unwilling to accept as inevitable the thesis that annual budgets are susceptible only to increases.

From all of the preliminary figures available to me this month, it appeared that early next year I would be announcing a budget for fiscal 1972 which, for the first time in 27 years, would be substantially less than the previous year's budget. Our efforts, it seemed, were about to bear fruit.

I was therefore, shocked and dismayed to learn last week that new projected increases in one area of government assistance alone now threaten to undo much of the past year's efforts in the area of reducing the budget. I am speaking of New Jersey's public welfare assistance programs. I would like to outline to you for the next few minutes the magnitude of these projected increases, and to share with you what I regard as the impact of this new information.

As the Governor's task force on welfare management has already confirmed in its preliminary findings, we in New Jersey are now deep in the throes of a welfare crisis. Every year we watch the welfare rolls swell, while expenditures at every level of government likewise increase substantially. For example, the funds appropriated for the current fiscal year represent a $16 million increase over fiscal 1970. And during the same one-year period the number of persons receiving public assistance on a monthly basis in New Jersey increased by nearly 22 percent. And the figures for fiscal 1970 represent a $37.4 million increase over the public assistance expenditures in fiscal 1969, together with a 33 percent increase in the number of average monthly welfare recipients in the State.

To give you an even more dramatic illustration, I would like to show you what happened to the aid to families with dependent children assistance program during the period from 1965 through 1970. As you may know, this program, referred to popularly as AFDC, is the largest single component of New Jersey's entire welfare assistance program. Three-fourths of all New Jersey's public welfare expenditures go into this program. During that five-year period: (1) The average monthly number of welfare recipients rose from 106,000 to 306,000, a rise of nearly 200 percent; (2) net expenditures for this program, including Federal, State and county assistance, rose from $59 million to $216 million, a rise of approximately 270 percent; and (3) State expenditures increased from $17 million to $99 million, or a rise of nearly 500 percent.

What we have been doing, therefore, is perpetuating a system of welfare in New Jersey and in the United States, which competent evidence and statistical data have already proven to be inadequate at best and a failure at worst.

We have been content up to now to accept as normal and inevitable substantial annual increases both in the scope and cost of our welfare programs. But for me and hopefully for the Legislature and the citizens of New Jersey the alarm has been sounded.

Last week I learned that in order to continue our State public welfare assistance programs in fiscal 1972 on the same basis on which it is being operated during the current fiscal year, we must expect up to a $100 million increase in appropriations over and above the amount appropriated for fiscal 1971. This figure, which includes a $25 million increase in recommended medicaid appropriations, is the amount which my more pessimistic advisors foresee as the unavoidable minimum.

If so, this would mean a 53 percent increase over the amount appropriated for this year, and this would be accompanied by a 38 percent rise during fiscal 1972 in the average number of persons receiving welfare every month.

The best cost projection that I can obtain from my more optimistic advisers still would require a 19 percent increase, or $50 million, again including the $25 million increase for Medicaid, over and above the current fiscal year appropriations, together with a 26 percent increase in the number of welfare recipients.

In my judgment we have reached the point where we can no longer afford simply to accept these increases, nor can we remain on the sidelines while growing numbers of our underprivileged citizens become entrenched in a life cycle of poverty—victims of a system which actually makes a public welfare existence appear to be the more compelling and desirable alternative to gainful employment. And in this connection it does not make sense to me to constantly increase spending in an area for which there has not yet been devised an effective delivery system.

In a nationally televised interview last Sunday, Secretary of Health, Education and Welfare, Elliott L. Richardson stated that "we can't survive much longer with the ungodly mess we now have." Nationally, Secretary Richardson stated, welfare caseloads for the current year are already 20 percent above last year's figure, and at this rate caseloads are more than doubling every five years.

What, then, are our alternatives? From the outset, I want to emphasize that I am not against welfare. Obviously, public welfare as both a governmental concept and fact of life is extremely important and is with us

to stay. We all recognize that government has an obligation to come to the aid of our disadvantaged citizens. My concern is that as presently structured, our welfare system is not really aiding those citizens who truly need and deserve assistance.

As I see it, we have no alternative but to replace our welfare system, as soon as feasibly possible, with a program of public assistance which will more accurately reflect the realities of the present age, and which will be responsive to the fact that our nation has undergone vast changes in the decades since our system of welfare delivery was first established. Our own state provides us with a good example of the variety and depth of the changes to which I refer. In terms of its diverse problems, population, and distribution of urban, suburban, industrial, and agricultural land areas, New Jersey actually presents us with a microcosm of the problem which exists on the national level.

Let me sketch briefly some of the changes which have taken place in our own state. Sections of New Jersey have become part of the shifting, sprawling, urbanized complex of the northeastern seaboard now known as Megalopolis. In New Jersey, the outline of Megalopolis is a twenty mile-wide strip running the length of the state, with two-thirds of the state's 7,000,000 plus people living in this area. New Jersey's population density is the highest of any state in the union, with the result that we have been moving consistently toward increased urbanization and denser suburban communities.

The state's population increase during the last decade was approximately one and a quarter million persons. This rate of growth is due both to the excess of births over deaths and to an influx of new people. New Jersey has a large percentage of in-migration. In addition, the population of New Jersey itself is highly mobile—large numbers of persons in our state move between counties and within counties. One trend which is particularly discernible in this mobility has been a mass exodus from farms into urban areas, from farming and private housework into offices and factories.

New Jersey's cities have become increasingly congested as people from lower income groups pour in, looking for employment. As these groups have been moving into the cities, there has been a loss of middle income families to the surburbs. Central city is less and less able to attract and hold residents other than the underprivileged. The cities' congestion is therefore increased by the very people least able to cope with the difficulties of urban living. One characteristic of this movement is the loss by many persons of a sense of participation and loss of sense of self, as old, cultural patterns are discarded and new ways of adjusting have not yet emerged. To this we must add the dynamic quality of the relative poverty of the urban underprivileged which seems to either press persons in this status downward to welfare dependency, personal disorganization and crime, or push them upward to fresh opportunities and self-improvement.

In addition to changes in the pattern of urban-rural settlement, there have been changes in the composition of the population. Proportionately, the greatest increase in population has been in the dependent young and the dependent aged. During the 1950's New Jersey saw the phenomenon of an aging population, with elderly persons increasing in relation to the rest of the population. With the new rise in the numbers of the younger age group, New Jersey, as it has been expressed by the demographers, is now experiencing a so-called "younging" of the population.

It is clear that those who established the original programs of welfare assistance, upon which our present system is based, did not envision most of these very profound changes. The government's response to these critical changes over the years has been a patch work process that has largely been a failure.

If the blame were to be apportioned, the Federal Government would emerge as the main culprit for permitting this situation to deteriorate to its present crisis proportions. Individual States including our own, must share some of the blame. It is therefore clear that we must begin at every level of government to overhaul at once our programs of public welfare assistance from the bottom up.

In this connection, I am today recommending the following program of action:

First: I am calling upon the United States Congress, particularly the Senate, to seize upon the eleventh hour opportunity which it now has in its post-election session, and to pass the President's family assistance plan without further delay.

This message which passed the House earlier this year, presents a sensible approach to welfare reform. The bill incorporates the following key reforms: (1) It establishes a system of wage incentives which for the first time, on the Federal level, would reward a welfare recipient for working rather than penalize him; (2) establishes programs of job training, so that an unskilled and unemployed welfare recipient may have an opportunity to advance himself, rather than remain hopelessly and indefinitely dependent on the relief dole; (3) it establishes programs of day care, so that a welfare recipient burdened with the responsibility of young children may be able to seek employment or participate in job training; (4) it provides welfare recipients with assistance in finding jobs, and, corellatively, institutes penalties for not accepting reasonable employment, which may be available to that recipient; and (5) it establishes, for the first time, a national minimum welfare standard of $1,600, which the several States would be required to meet.

I have written to New Jersey's Senators urging their support for immediate passage of the administration bill. Similarly, I am publically calling on our Nation's Governors, regardless of political party or ideology, to urge, through their own Senators, swift enactment of the bill. As Secretary Richardson stated on Sunday, "This isn't a conservative-liberal issue; it's a question of sensible reform of an existing mess."

In terms of simple dollar amounts, passage of the Federal family assistance plan would mean that during the second half of fiscal 1972. New Jersey would receive from 12 to 19 million dollars in additional Federal funds. If passed, the scheduled effective date of the act would be January 1, 1972. But whatever the dollar amount, the projected increase in State appropriations for that fiscal year could be decreased proportionately.

This is the last chance, probably for years, for us to achieve meaningful welfare reform. Certainly, I have no power of prophecy, and cannot guarantee that the pending reform bill will be without flaws. But I am convinced that, with or without flaws, it presents a far more acceptable alternative than the present system.

Second: I have written to President Nixon and Secretary of Health, Education, and Welfare, Elliott L. Richardson, urging that Federal regulations governing the work incentive program in the federally-matched categories of AFDC be redefined, so that the earnings incentive for AFDC recipients would be calculated on gross income rather than on net income obtained through mandatory payroll deductions. If this were accomplished, very substantial savings would accrue not only to New Jersey, but to other States as well.

Let me explain for just a moment what this change would really mean, and how the need for it arose. In 1967, amendments to the Social Security Act included a work incentive program, the object of which was to stimulate persons on welfare to seek employment. The incentive feature provided that AFDC welfare recipients could retain a portion of their earned income. What happened, however, was that New Jersey public welfare administrators interpreted the Federal statute to mean they could place an administrative ceiling on the total amount of benefits and earned income that a recipient could receive. The administrative ruling in New Jersey stipulated that when an AFDC recipient's earned income reached a certain point, roughtly 133 percent of his welfare benefits, he would no longer be eligible to receive welfare benefits.

This was the basis under which the program was administered, up until recently when the Federal district court in New Jersey ruled against the administrative ceiling, and held that in calculating the amount of earned income a recipient could retain, the States must disregard the first $30 and one-third of all remaining earned income. New Jersey appealed the Federal court decision, and the issues involved are currently under review by the United States Supreme Court.

The effect of this determination was to markedly escalate during the current fiscal year the cost of public assistance programs, not only to the state, but to the counties as well. It is estimated that removal of the administrative ceiling has brought about an average increase of $55 per AFDC grant. Thus, for every 100,000 AFDC recipients, there has been a cost increase factor of approximately $5.5 million.

I believe that regardless of what the final outcome may be in the appeal to the U.S. Supreme Court, the revision in the Federal regulations which I have recommended is one which is both justified and necessary and one which would be of benefit to all states.

And third: within the next week, I intend to appoint a blue ribbon panel, to be composed of three mayors, three freeholders, three members of the Legislature, and three private citizens, which will be charged with: (1) evaluate the immediate and long-term impact of the projected welfare cost increase on both the fiscal integrity of our state and on the entire public assistance program in New Jersey; (2) defining New Jersey's options in dealing with this critical situation; (3) recommend alternative courses of action; and (4) report back to the Governor and the Legislature by the first of the year.

I expect that, as a part of its evaluation, the panel will consult with members of the Governor's task force on welfare management, which has for the past year been collecting substantial data on New Jersey's welfare programs, and has been preparing recommendations for changes. Specifically, I want the panel to evaluate those recommendations of the task force which may at this time be completed, and to determine which of them should be implemented immediately. According to preliminary reports that I have seen, the welfare task force is preparing a number of recommendations which closely parallel some of the key measures in the President's Family Assistance Plan, and these could be implemented on the state level regardless of whether the Federal bill passes.

In addition, there are a number of other problem areas in our state's public welfare assistance programs which I have observed, and which I would hope the panel would examine closely. Among these is the state program of assistance for the underemployed. This is a program funded entirely by the state of New Jersey and it is my understanding that New Jersey is among the few states that has such a broad and expansive program as this one.

I would like the panel to look into the problems of shelter costs. Reported abuses in the welfare system, and the payment of

monthly mortgages through welfare, particularly where no lien has first been obtained, to mention only a few.

These are only some of the areas which deserve critical and careful attention. And lastly, I want the panel to carefully evaluate whether we can afford even the optimistic lesser projected increase without first raising new revenues.

This administration has made every effort to cut back the tremendous overhead in the operation of State government. We instituted in the very first days in office, a job freeze and put a restriction on travel. We proposed and enacted an increase in the State sales tax. More recently, we have revised the budget drafting procedures with an eye toward placing a priority on the most important items and eliminating the "extras," and less than two weeks ago we received the Management Study Commission report with its recommended savings. I estimated that we will be able to save upward to $20 million in the next fiscal year as a result of their findings.

Yet, despite all of these measures by this administration, the anticipated increase in this welfare program will wipe out all our savings, all our anticipated surplus and will jeopardize many of our existing and proposed programs. I believe that it boils down to a single basic question. Should we permit a continuation of this welfare program to jeopardize other highly essential and desirable programs. Can we afford to curtail the narcotics program? Is there anyone who honestly believes we can eliminate aid to education? Do we want to stop our efforts in fighting organized crime? Are we willing to end our efforts to find adequate housing and adequate employment for a large segment of our population.

I think everyone here today would agree with me that the answer to these questions is a resounding no and I think we must find a solution to this welfare program so that we do not jeopardize other highly essential programs.

A STUDENT'S VIEWS

Mr. DOLE. Mr. President, I received a letter from a constituent which tells me a great deal about the young people of Kansas and of America in general. Today's youth are highly interested and concerned with the world around them and the events and processes in that world. They are well informed and give a great deal of serious thought to matters which many of their elders could do well to study with equal diligence.

Miss Nancy Felder, of Shawnee, Kans., wrote to share her views with me on U.S. policy in Southeast Asia. She said, in part:

I have never seen or heard of America backing out of any war. Korea was an undeclared war just like Vietnam. Maybe the reasons are a little different, but they have one thing in common, they were to stop communism.

If we pull out of the war, we have denied our reasons of being there. We are there to keep communism from spreading, and if you'd like to say—to keep the spread of communism to us. America the great.

Oh, yes; how about all the millions of men who have died fighting, trying to preserve freedom. If we pull out, we have committed murder of all the fighting boys who have died. We have killed them for a war we now, 5 years later, are trying to back out of.

I do believe that President Nixon's plan for Vietnamization is a very good plan. We should keep equipment and advisors there.

For a 14-year-old who is going to start high school this fall, I believe this letter shows considerable understanding of history and world political affairs. Miss Felder shows the makings of the best sort of adult citizen, informed, interested, and concerned enough to speak out. There are many more like her around the country, and we should not allow the distractions of a highly visible few to obscure that fact.

TIME HAS COME FOR US TO REGAIN THE LEADERSHIP IN FIELD OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, it is common knowledge that the United States has long been a world leader in the field of human rights.

We were among the leaders of the United Nations in the drafting and the subsequent adoption of the universal declaration of human rights. We led the drafting of the United Nations Conventions on Genocide, political rights of women, and forced labor.

Our Declaration of Independence is one of the world's foremost guarantees of human rights in existence today. This document recognizes the civil and political rights of our citizens.

But we cannot relax our pursuit of basic human rights, and rest on our laurels.

Bruno Bitker, in the conclusion of his statement entitled "United Nations Universal Declaration of Human Rights in the United States," pointed this out:

The idea that Americans are the architects of human rights has also led to the notion that these rights have been fully achieved within the United States. Obviously this is not the case. When compared to practices in many other nations the record of the U.S. must be considered remarkable. This may be especially true with regard to civil and political rights. These rights are part of the American heritage . . .

The articles of the Universal Declaration dealing with social, economic and cultural rights are not a similar part of American tradition. They are now accepted as part of our way of life, but they have become so more by way of a reaction to the depression of the 30's than to a deep philosophic acceptance of them as common law rights.

The fact is, however, that generally speaking, both groups of these rights are recognized in the United States under its own Constitution and laws. That they are not wholly honored in practice is a matter of grave concern. So long as a substantial number of our fellow Americans are jobless, do not have adequate housing, clothing, food, education, or medical services, we have not lived up to our commitments. If minority groups are denied full equality in fact, then we have failed to respect our own assertion of human rights; if freedom of speech, of thought, of the press, or any other of our civil and political rights are suppressed or denied to any American we have failed in this duty.

I believe all of us should give careful consideration to this statement by Mr. Bitker which was presented at the Governor's Conference on the United Nations commending the 25th anniversary of the U.N.

I believe we can renew our dedication to the fulfillment of the basic human rights of man by ratifying the Genocide Convention of the U.N., which has been reported favorably to the floor of the Senate by the Senate Foreign Relations Committee. I hope the Senate will act on this promptly.

SUGGESTION FOR WAGE-PRICE GUIDEPOSTS

Mr. McGEE. Mr. President, on Thanksgiving Day, the Washington Post published a suggestion for wage-price guideposts by its distinguished financial editor, Hobart Rowen. Mr. Rowen makes the point that no administration should pursue a wage-restraint policy without a price-restraint effort to match it. And he proposes a specific approach, concluding that it is far from perfect, yet "far preferable to the alternative of an economic crunch and heavy unemployment . . . or a new inflation created by an uninhibited expansion."

The need, Rowen says, is not for a policy of singling out labor as the villain of the current economic situation, but a policy aimed at restoring public expectations that both wages and prices will not continuously leapfrog. While there may be better formulas than he has suggested, Mr. Rowen has offered a specific plan that should help stimulate discussion. That, of course, is his purpose.

I ask unanimous consent, that Mr. Rowen's suggestion for guideposts be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SUGGESTION FOR GUIDEPOSTS

(By Hobart Rowen)

The heat is now on the Nixon administration to do "something" about prices and wages. The "something" of course, is a wage-price guidepost or "incomes policy," as urged by increasing numbers of respectable businessmen.

A recent, timely, argument for the use of a voluntary wage-price policy and selective credit controls was offered by the Committee for Economic Development, a leading "establishment" organization. It was the best CED report in years.

There are signs, as well, that the administration is preparing to use its jawbone, and maybe a bit of muscle to deal with glaring examples of inflationary behavior, like the recent increase in crude oil prices; there, the industry seems to be spoiling for a fight.

But anyone expecting Mr. Nixon to blossom forth with a tough controls program that will deal with the discretionary power of big unions or powerful industries may be due for a letdown.

It should be recognized that some of the most ardent advocates of an incomes policy are really talking about controlling wages. Witness, for example, the pressure for doing "something" that emanated from the Business Council last month.

What Messrs. Fred Borch (General Electrict) and Donald Burnham (Westinghouse) were talking about at that time was cracking down on labor, especially the construction unions.

Within the government, one leading advocate of an incomes policy suggests that for the good of the country, Mr. Nixon may have to "take on labor," perhaps to the point of considering compulsory arbitration.

This almost monolithic concern with the wage side of the picture runs through the argumentation, as well, of liberal Democrats who served Messrs. Kennedy and Johnson. For example, Gardner Ackley, a Chairman of the Council of Economic Advisers under Lyndon Johnson said in a speech at Ann Arbor the other day:

"It seems crystal clear to me that an incomes policy is meaningless unless—among other things—it aims directly at reducing the excessive wage gains made by powerful

unions. I don't mean the lettuce pickers, the hospital workers, or even the textile workers. I mean instead unions like the United Automobile Workers, the Teamsters, and the Steel Workers . . .

"Inflation is not going to be halted . . . unles we succeed in deflating a bit . . . the air of righteous indignation which powerful and already affluent unions are allowed by the rest of us to assume in their wage negotiations, and with which they rally their troops; unless we succeed in diluting the public sympathy and support which unions of the high-paid receive when they try to better their relative incomes; and the public acclaim and admiration which accrues for their great achievements on behalf of their poor and downtrodden members."

Mr. Ackley's own righteous indignation—and sarcasm—shines through such a statement. But the important point is that no administration can or should pursue a wage-restraint policy without a price-restraint policy. And while Mr. Ackley covers his tracks by saying that "a more responsible exercise" of the price-making power of the large enterprises is also needed, his emphasis is clearly on the wage side.

But despite the publicity given to wage increases in some major cases, like the Teamsters settlement, the New York Times settlement, and the recent deal made by General Motors, wages are not rising as fast as a casual reading may suggest. Excepting construction—where wages are soaring at rates that have to be considered out-of-hand—the average increase in pay this year is more modest than the public assumes.

The pendulum has been swinging: our current inflation was probably precipitated by the Vietnam war and Mr. Johnson's big deficits; the guideposts then existing failed to hold down profits, and wages suffered; rising pay scales finally brought about a labor catchup—and then some. Now, we are entering a phase where the cost-push pressure from the wage side is less severe than it appears to be.

In part, this is due to the fact that some of the more publicized agreements are heavily "loaded" for the first year. That means a big increase for the first year (which makes the recipients' pay checks look good right away) and much lesser changes in a second or third year.

Thus, while there is a public impression of 12 and 13 per cent wage increases (the construction settlements have in fact been in that range) the average industrial union settlement in the first nine months of 1970 has provided only an average of 6.3 per cent over the lift of the contract (compared with 5.9 per cent in the period a year ago.)

These gains, to be sure, are more than the 3 to 3.5 per cent trend rate of national productivity increase. But they suggest that the problem is something less than overwhelming.

Moreover, the rise in unit labor costs lately has been less than the rise in prices. The Department of Labor's analysis of productivity, wages, and prices published on October 31 shows that unit labor costs increased at annual rates of only 1.9 per cent and 2.9 per cent, respectively in the second and third quarters. But non-labor unit payments (which include interest, taxes, profits, rental income, depreciation, etc.) increased at annual rates of 9.8 per cent and 8.5 per cent respectively.

Thus, what is needed is not a policy of singling out labor as the villain of the current economic drama, but restoration of public expectations that both wages *and* prices will not continuously leapfrog.

This will take leadership by the President in what is admittedly a very difficult situation (which he helped earlier to create by abandoning an activist policy on wages and prices). What must be done is to establish a standard of acceptable wage and price behavior in the present circumstances.

Any such standard no doubt will work unfairly: it will discriminate against the large corporations, whose pricing actions are exposed. It will put the heat on bigger unions. It won't begin to touch the construction industry or the service area. But what are the alternatives?

Economic Council Chairman Paul W. McCracken and other officials complain from time to time that no one comes up with anything specific when talking about an income policy. Therefore, in the interest of stimulating a dialogue, I suggest the following:

Wage guidepost—3.5 per cent (to represent the approximate level of the national private economy productivity trend): plus that part of the consumer price increase that exceeds 1.5 per cent (which would represent the trend toward higher sales taxes and cost of services. This is more modest than the GM settlement, which in the next two years allows 3 per cent plus the full rise in consumer prices).

Thus, if the CPI were going up by 4 per cent, the wage guidepost suggested here would be 6 per cent (3.5 per cent for productivity and 2.5 per cent for a partial catch-up on the CPI).

Price guidepost—The general objective would be stated as the stabilization of the wholesale price index, not the CPI, recognizing that consumer prices are going to push up, even in a period of stability. Producers who had unusual cost increases (like utilities) would be allowed a one-time opportunity to pass them on in higher prices. But if the guidepost on wages is observed, then future increases would have to be based on proving hardship (financial impairment of a company would be a good example.)

This is far from a perfect or satisfactory system; there are probably other and better formulas or techniques. But it would seem far preferable to the alternative of an economic crunch and heavy unemployment, as suggested recently by the staff of OECD, or a new inflation created by an uninhibited expansion.

PILOTS, AIRPLANES, AND PILOT ERROR

Mr. SAXBE. Mr. President, a letter published in the Columbus Citizen-Journal on November 28 expresses my feelings on the subject of pilots, airplanes, and pilot error.

As the letter indicates, a time comes when a pilot is flying below what we call minimum descent altitude that no safety device now in use can be guaranteed to keep him from flying into the ground. I am a pilot myself, and have flown enough to know that at a time like the one described in the letter, the aircraft is in the hands of a human—not protected by a safety device.

The tragedy at Huntington, W. Va., graphically pointed up this problem—that in some instances the pilot is "on his own" in navigating and maintaining proper altitudes. I ask unanimous consent that Mr. Ratcliff's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PILOT'S RESPONSIBILITY

As a commercial pilot and an instrument flight instructor, I believe I qualify to speak on the subject of the tragedy that occurred at Huntington, W. Va., where most of the Marshall University football team perished.

There are certain regulations which we must abide by when flying on Instrument Flight rules. The one which seems to be applicable in this particular accident is called Minimum Descent Altitude, which is the elevation above the runway we can descent to and maintain until we have made visual contact with the runway. Further, in most Instrument Landing systems, there is a component called a Glide Slope which enables us to descend at a constant rate to the runway. When the Glide Slope is inoperative or not available, as in the approach to Huntington Tri-State Airport, the minimum altitude we can go down to is somewhat higher to compensate for the precision lost in this type of approach. At Huntington, the Minimum Descent Altitude is 1240 feet above sea level, which is 412 feet above the runway. The ceiling at the time of the accident was 300 feet above the runway. This information concerning the ceiling is normally given to the pilot prior to commencing his approach.

There also seems to be a misconception, by the reports we have read about the accident, concerning the use of radar in making an instrument approach. Namely—"Not having radar available at the airport, the controller could not inform the pilot that he was dangerously low." There are very few airports in the United States that have radar capable of determining the altitude of aircraft, included in these is our own Columbus International Airport. This type of installation is normally only available to military airports. The primary use of radar at an airport is to enable the controller to provide separation of aircraft and to provide guidance to pilots for intercepting the final approach course to the airport. Once the final approach course is intercepted, the execution, and the quality of the approach, is the sole responsibility of the pilot.

Although the instrument approach to a controlled airport is conducted with direct pilot-to-controller communications, in the absence of radar, you are "on your own" in navigating and maintaining proper altitudes. Pre-flight study of the latest information about your destination airport and understanding of the details of the Standard Instrument Approach procedures, including the minimum altitude you can descend to, is the responsibility of the pilot, not the controller at the airport, the fact that the airport is in a bad locale, or whether there is, or is not, radar available—Rodney C. Ratcliff, 892 Chatham-lane, Apartment N.

AMERICANS ARE FIRST IN AGRICULTURE

Mr. BELLMON. Mr. President, American food consumers are among the world's most fortunate people. Because of the high level of efficiency which American agriculture has attained, American wage earners are able to feed their families better and cheaper than are the wage earners of any other country on earth.

An editorial published in the October issue of the Farm Journal summarizes this condition extremely well.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ELEVEN REASONS WHY YOU ARE NO. 1

Coming soon is National Farm-City Week, Nov. 20–26. The purpose of this week is to give farmers and city folks a chance to tell each other about their own business.

We think that you have a solid story to tell. Here are eleven positive points that you can make with trumpet and fanfare:

1. Food is better than ever. The quality is better; the selection is broader; and the safety is unmatched. Farmers are producing higher grades of food than ever before; the food leaves the farm in the best condition

ever; and food processing methods maintain quality better.

2. Food has more built-in services than ever. Thanks to prepared mixes, new food combinations, and easy-to-prepare food innovations, housewives spend less time preparing food, get more uniform quality with less waste.

3. Food prices have gone up less than other costs of living. Between 1950 and 1969, food prices (home and eating out) increased 46%—while other living costs climbed 55%. What a surprise that is to a lot of people! One reason for the surprise: the monthly cost-of-living report out of the Department of Labor usually highlights food costs. The news media play this up. Whenever a TV station does a program on the cost of living, where do they go? Down to the food store to interview shoppers.

4. Food prices have increased less than wages. Wages in manufacturing industries have climbed 122% since 1950—from $1.44 per hour to $3.19 last year—2½ times as much as the cost of food. A recent Gallup poll in New Jersey found that nearly nine out of ten city folks believe that food prices have gone up faster than wages.

5. We spend less of our income for food than ever before. We are now spending 14c per dollar of national personal income (before taxes) for food—11c for food eaten at home and 3c for food eaten "out." This is the lowest in history—and beats any other country.

6. Food prices are the most reasonable of all the "essentials." Let's say that rents, health care and taxes are "essentials." Rents have risen 50% and health care costs have soared 136% since 1950. And taxes, whew! Federal, state and local governments collected $71 billion in 1950—and a whopping $319 billion last year: 4½ times more!

7. Nowhere is food as reasonable as in the United States. In 1967 (most recent figures), we spent 19% of our private expenditures (after taxes and savings) for food. In the United Kingdom, it was 25%; in France, 29%; in West Germany, 33%; and in Russia, 55%.

8. Farmers' "take" has increased much less than in other parts of the food business. Since 1950, the prices that farmers get for food commodities have gone up only 17%—yet the prices farmers pay for everything climbed 46%. During the same time, food marketing costs—from farm to consumer—went up 51% to handle the same "market basket" of food. While we spend 14c per dollar of personal income for food, only 4.3c of this goes to the farmer.

9. Farmers are doing more than any other economic group to combat inflation. We get inflation and higher prices when money or wages increase faster than the output of goods. Farmers' output per man-hour is increasing three times faster than in non-farm industries. Output per man-hour in non-farm industries climbed 60% since 1950—but farmers' output per man-hour jumped 182%!

10. Our amazing farm productivity is a chief reason for our national affluence. The fact that we can spend 86c out of each dollar of personal income for things other than food allows us to support a wide range of consumer goods and services. We can pour money into education, the arts, household appliances, automobiles, sports, housing, highways, airplanes, electric power, hospitals, etc. Only 5% of our population now live on farms—leaving 95% to produce other goods and services. One farm worker feeds 45 people.

In India where they have only 40c left per dollar after buying food, the economy can't get off its back. Russia has a third of her work force tied up producing food—she can marshal resources to go to the moon, but it's a disappointing trip to the Russian food store.

11. Farmers are industry's best customer, using each year ⅓ as much steel as the automobile industry; enough rubber to put tires on 85% of the new cars; and more petroleum than any other industry. Farming employs more people than any other industry and is the biggest customer for the products of the nation's workers. In 1970, farmers' production expenditures will reach $40 billion—with another $32 billion of family spending.

You have an impressive story to tell—and you can use Farm-City Week to be aggressive about telling it.

ALF M. LANDON

Mr. DOLE. Mr. President, Kansas is proud of her Senior Republican Statesman, Alf Landon. As the Republican candidate for the Presidency in 1936, he brings a unique historical perspective to the issues of our day.

Today the New York Times published a guest editorial written by Alf Landon that exemplifies his sense of humor and refreshing insight. Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PLAIN TALK FROM KANSAS

(By Alf M. Landon)

TOPEKA.—I am not as concerned about creeping Communism or creeping Socialism in America (although we had better make our unique system of welfare state and capitalism work) as I am at the creeping dominance in our domestic processes of a government by a plutocracy.

I agree with President Nixon's veto of the Political Broadcasting Bill. Not so much because the bill is discriminatory in that it applies only to broadcast media but because it does little to curtail the total expenditures of a candidate.

I favor repeal of the present provisions calling for equal time to all candidates. I advocate that the electronic news media be allowed to offer more free time to major candidates without the present obligation to offer the same amount of time to minor party candidates.

I am also opposed to the proposed direct popular vote for President and Vice President. This method could encourage any crackpot millionaire who wanted a sentence in history to file as a candidate for those high offices and we could have quite a few names on the ballot.

The present electoral college system needs reforming. There are several constitutional proposals pending to change that. Some of these have merits, but the right of an organized minority party is precious and must be preserved.

Today the photogenic appearance of a candidate is all-important in both primary and election campaigns. I mean some men go over better personally than they do on television or by radio. That has eliminated old-fashioned campaign oratory. I have always thought that William Jennings Bryan made the greatest single-handed campaign in the history of our country. I wonder whether he would have spoken as effectively if he had to read from a manuscript.

I remember Raymond Moley asking me in 1937 if I knew what Mr. Roosevelt had been afraid of in 1936. I replied I did not know of anything he had to fear. Mr. Moley said that President Roosevelt thought his radio delivery was so perfect people might think it was artificial. That was interesting because I had thought early in the campaign that there might be an advantage in the antithesis of our delivery. I guess I got too much antithesis.

I am speaking about the changes that have taken place in politics in our great and beloved country in comparatively recent years.

Better roads—better communication—better news coverage—better education—increasing protection of voting rights—all add up to a better informed citizenry more easily effecting changes in our government at the ballot box than heretofore.

People today are handicapped by a multiplicity of information—the "permissive" policies, as it were, of the publishers.

I have said ever since the 1968 election the danger of Wallace was over exaggerated. You can't base a political party on hate. Maybe I'm wrong—about that and about this "campus phenomenon."

We had a Populist party in the late eighties and nineties winning victories in combination with Democrats—electing Governors and Senators. However, the principles of the Populist party advocated in their platform have long been the law of the land.

The Ku Klux Klan, as I remember, elected a Senator from Indiana. In 1924, when I spent a night with the William Allen Whites, as I frequently did in those days, he said: "I think both the nominees of the Democrat and Republican parties belong to the Klan. I think it's time we count noses. I'm thinking of running for Governor on an independent ticket." I said: "Go to it. I'll be for you." He laughed the Klan out of Kansas—and the country generally, I think, also—as a result of that campaign.

However, you can't laugh off these "campus explosions" or, I guess, Wallace—or Agnew, for that matter.

I don't think the answer on the campus is the hard line. Or the talk about "permissive parents." I remember hearing a lot about the lack of "parental responsibility" in the Roaring Twenties. As I recall it, the German Revolution in 1848 was started in their universities and by the intellectuals.

There may be another factor and that is the feeling of the young that they are fenced in. They don't see the opportunity to strike out on their own.

This great change took place at the end of the free lands—when you could stand on the shore of the Pacific and look at Alaska. They fail to grasp the romance of free enterprise—when a Ford of a Chrysler could start a little automobile shop or a boy with a shirttail full of type could start a small newspaper.

What I'm groping for is that, as far as the campuses are concerned, the hard line is not the answer. Perhaps the era of the second thought is hopefully materializing—if we don't crush that with the hard line. And that goes for the arrogant academicians, who consider their schools the citadels of learning.

Alf M. Landon ran for the Presidency in 1936 on the Republican ticket against Franklin D. Roosevelt.

ISRAEL'S STRUGGLE FOR SURVIVAL

Mr. McGEE. Mr. President, Averell Harriman, writing in the New York Times of November 24, proposed a new-old approach toward the problem of helping Israel in her struggle for survival. It is lend-lease, just as proposed in 1940 by President Roosevelt. It would permit Israel to acquire the sophisticated armament needed to match that of its neighbors without overburdening that nation's economy. As Governor Harriman writes:

The knowledge that in the event of peace Israel would relinquish much of its sophisticated armament could serve as an incentive for the Arab States to negotiate.

Governor Harriman has advanced a thought-provoking idea which merits consideration. I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 24, 1970]

WHY NOT LEND-LEASE FOR ISRAEL?

(By W. Averell Harriman)

President Nixon's request to the Congress for $500 million for arms to Israel makes urgent the immediate reconsideration of how we should aid Israel in her struggle for survival.

After Israel's success in the Six-Day War, the immediate military threat posed by its enemies disappeared and it was hoped that a peaceful settlement guaranteeing her security would shortly follow.

Unfortunately, no settlement was reached and hostilities continued. Meanwhile the Soviet Union poured arms into Egypt and Syria. The United States tried both through representations to the Soviets and by holding back on military supplies for Israel to check a Middle Eastern arms race. However, the Russians built up Egypt's and Syria's armaments far beyond what they had been before the Six-Day War.

The flow of Soviet weapons, provided in substantial part virtually as gifts, has required an economically costly and increasingly burdensome Israeli response. Israel is currently spending at least 25 per cent, and perhaps 30 per cent, of its gross national product on national security.

The American percentage for military expenditures, including Vietnam, for fiscal 1971 is about 7.7 per cent. Prior to the Six-Day War, Israel spent less than $200 million annually on military imports. The cost of military imports has quadrupled. Israel's balance of payments now shows an annual deficit of $1.2 billion on a current accounts basis.

The Israelis have the determination and ability to defend their democracy without support from outside forces—provided Israel's military equipment is adequate—not inferior in quality although obviously inferior in quantity. It is clearly essential to insure that Israel has sufficient weapons to defend herself. But it is also vital that Israel not be compelled to spend herself into bankruptcy or to undermine the fabric of her society. The recently passed Jackson amendment to the military procurement authorization bill recognizes Israel's need for financial relief by authorizing the sale of military equipment on a credit basis.

But credits must be repaid, and a skyrocketing external debt would further strain Israel. I well remember the unfortunate situation that occurred as a result of the inability of various nations to repay the large loans we made to them during World War I.

One possible alternative would be for the United States to make military equipment available to Israel on a grant (free) basis. Almost every nation threatened by Communist or Communist-supplied arms has at some time received American military grant assistance. Even such Arab countries as Jordan and Iraq have been given American arms. Israel is virtually unique in having had to contract to pay for all arms she received from the United States. Arab arms have been supplied without cost by not only Russia and China but also by Great Britain and France. However, at this late date to begin to give free arms to Israel would be seen by the Arabs as a provocative act and might impede our effort to bring about peace.

In December 1940 President Roosevelt made a brilliant proposal "to get away from the dollar sign" while providing arms to nations whose survival we wanted to support. He devised Lend-Lease—the loaning of military equipment on the basis that when it was no longer needed the unexpended part would be returned to the United States.

It seems to me that a similar program should now be adopted in supplying to Israel certain needed sophisticated military equipment. The great advantage of Lend-Lease is that under Lend-Lease the Arab nations could be assured that after peace had been achieved major items of sophisticated military equipment would not be kept by Israel but would be returned to the United States.

We must recognize that many Arabs have a real although unrealistic fear based in part on misinformation on what brought on the June 1967 war, that Israel is an imperialistic state bent on expanding her position. The knowledge that in the event of peace Israel would relinquish much of its sophisticated armament could serve as an incentive for the Arab states to negotiate. Equipment supplied under Lend-Lease should be carefully limited, as Israel, like her neighbors, must be encouraged to accept the fact that security lies not in strength of military forces but in a genuine peace settlement.

CORNELL UNIVERSITY DEPARTMENT OF BIOLOGY CALLS FOR 200,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, this week I received a petition signed by 40 distinguished members of the Cornell University Department of Biology calling for a Big Thicket National Park of 200,000 acres. This department, which spans both the New York State College of Agriculture and the Cornell University College of Arts and Sciences, has been a national leader in research on the environment, and it is most gratifying to receive a petition from such a prominent and respected group. Their petition is greatly appreciated, and will be added, along with a number of others from the scientific community, to the growing list of concerned Americans who are working hard to save the Big Thicket.

Mr. President, I ask unanimous consent that this letter, dated November 23, 1970, the petition from Cornell University and the names of the signers of this petition be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CORNELL UNIVERSITY,
DIVISION OF BIOLOGICAL SCIENCES,
Ithaca, N.Y., November 23, 1970.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: It is with great interest that I have learned of your attempts to save the "Big Thicket" area of Texas. Many of us at Cornell are interested in the area, which is one of the last of its kind and of extraordinary value to ecologists and other biologists all over the country. I only heard a few days ago that you might attempt to move the Big Thicket bill out of committee on to the Senate floor during the current session of Congress. The enclosed list of names, almost all professors of biology, is but a small sample of the number who would have signed had we had time to canvass the Campus as a whole. I sincerely hope you will meet with success, and that the Big Thicket National Park will come into being.

Very sincerely yours,

THOMAS EISNER,
Professor of Biology.

PETITION

We the undersigned believe and wish that 200,000 acres of the wilderness and virgin forest area described commonly as the Big Thicket be set aside and reserved and preserved as a national park and that these acres be adjoining each other and that as a wilderness area these 200,000 acres be designated as the Big Thicket and that the Big Thicket as a national park be preserved and protected by the laws which govern the protection of other national parks as set aside by acts of the Congress of the United States of America.

SIGNERS OF PETITION

1. Thomas Eisner.
2. Bruce P. Halpern.
3. Robert M. Grossfeld.
4. William C. Dilger.
5. Stephen T. Emlen.
6. Robert C. Lederhouse.
7. Robert R. Capranica.
8. Daniel N. Tapper.
9. Frank Rosenblatt.
10. Eric H. Lenneberg.
11. William T. Keeton.
12. H. W. Ambrose III.
13. David O. Holz.
14. J. M. Camhi.
15. R. D. O'Brien.
16. Howard Howland.
17. Jack Bradbury.
18. Jeff Dean.
19. Harry J. Stinson.
20. Bruce Wallace.
21. Anthony Blackler.
22. Ross MacIntyre.
23. Jack W. Hudson.
24. Peter F. Brussard.
25. Gene Likens.
26. Lee Miller.
27. F. Harold Plough.
28. William McFarland.
29. John N. Barlow.
30. R. H. Whittaker.
31. Peter Marks.
32. Walter Westman.
33. Judy Carrel.
34. Natalie Demong.
35. Nancy Schatz.
36. John H. Meyer.
37. James E. Carrel.
38. Don Aneshansley.
39. W. L. Brown, Jr.
40. La Mont Cole.

OPERATION 100 TONS

Mr. DOLE. Mr. President, the National League of Families of American Prisoners and Americans Missing in Southeast Asia is making another effort to obtain humanitarian treatment for those men held prisoner by the North Vietnamese.

This is a cause that must involve all honorable men. No effort can be spared in obtaining the humane treatment and release of these much mistreated prisoners.

Mr. President, I ask unanimous consent that information concerning this effort be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OPERATION 100 TONS

We are in the process of collecting 100 tons of mail to be delivered to Minister Xuan Thuy in Paris at Christmastime. We feel that this will dramatically demonstrate to the North Vietnamese and to the world that Americans care very deeply about the more than 1,500 men who are prisoners of war or missing in action in Southeast Asia.

We believe that these letters should be hand-written, if possible. They should not

be abusive, and they should request humane treatment for all the men . . . particularly:

1. List of all prisoners held,
2. Free flow of mail,
3. Impartial inspection of prison camps,
4. Release of all sick and wounded,
5. An adequate diet.

Individual letters should be sent to POW/MIA, Box 1970, Washington, D.C. 20013. These will only require 6¢ postage. If you are conducting a letter-writing campaign at your school, church, community, office, etc. . . . they can be collectively sent to POW/MIA, 6600 Columbia Park Rd, Landover, Maryland, 20785, by December 15th.

The teamsters have agreed to truck this mail at their expense to New York, then the Longshoremen will load it and ship it to France. We feel very strongly that an overwhelming response from the majority of Americans will have a very positive influence on the North Vietnamese. There is proof that they are susceptible to world opinion, and an outpouring of mail at this Christmas season may very well be the one thing that will influence the North Vietnamese, Viet Cong, and Pathet Lao to grant humanitarian treatment to these brave men who have given so much and suffered for so very long.

If you want to offer these men a gift, send a letter showing your concern over their plight. This gift may save a life, and it could help to fill the empty chair at the Christmas table of the lonely families of these brave men next year.

Mrs. BOBBY G. VINSON,
National Coordinator.

WORLD LAW DAY

Mr. CRANSTON. Mr. President, last Wednesday was World Law Day. In a proclamation signed on October 30, President Nixon designated November 25 as World Law Day and called for appropriate public ceremonies across the country.

That day is a credit to the members of the legal profession around the world who are working through the World Peace Through Law Center in Geneva to achieve a world rule of law which will be a giant step toward the great goal of an ordered society enabling all men to live at peace. I commend them and the center for their promotion of World Law Day.

Probably the most important international law written thus far was adopted at San Francisco 25 years ago. The United Nations Charter, together with the Statute of the International Court of Justice, forms the cornerstone of our earth's future. It is a sound cornerstone, but it is only a beginning. We must be willing to rely on it, to use it, and to build upon it. I am proud to serve as cochairman, together with my distinguished colleague, Representative JONATHAN B. BINGHAM, of New York, of the United Nations Committee of Members of Congress for Peace Through Law.

The provisions of the charter and of the statute are a binding commitment under international law upon the contracting parties. I use the term "binding" realizing full well that they are not yet enforceable. And there is the great gap that must be filled.

We must move from binding commitments which are too often ignored or honored in word but not in deed to what every American demands in his own relations with others, enforcement of contract. We must move from unenforceable international law to enforceable world law.

I am not suggesting that any dramatic leap forward is now possible overnight. I am suggesting that there are many steps we can take that will lead us toward a peaceful world with enforceable law. One such step is to regard our commitments under the U.N. Charter and the Statute of the Court as binding upon ourselves. Though others, in our judgement, may flout these commitments, let us be true to self-esteem, let us be true to ourselves, by meeting our commitments fully as a binding obligation to ourselves and our national honor. I submit that our example will have a profound influence upon both friend and foe alike.

This means avoiding the use of force or the threat of force in our international relations. It means honoring our agreements under chapter VI of the U.N. Charter, to seek, as a first resort, the peaceful settlement of any disputes likely to endanger international peace and security.

Another step we can take is to seek the agreement of certain nations to take some longstanding disputes between them and ourselves, disputes which are of no great consequence to either's national security, to the World Court for a binding settlement. I intend to make specific proposals in this regard early in the 92d Congress.

Yet another step we can explore is the development of world habeas corpus—already expanding on a regional basis—as a protection against arbitrary arrest and unlawful detention.

I suggest one other specific step. The need to control and improve our human environment has now become apparent to people around the world. Here is one area in which there is general agreement that the world is one, one ecological unit. For any one nation to stop polluting the oceans will help, but unless there is universal agreement, action, and regulation in this area, and many others, we will not save our planet for the generations to come.

Here is an area of recognized need in which all peoples have a great stake. Here is an area in which it can truly be said, "United we stand, divided we fall." I believe that out of a common effort to save our environment can come an accepted system of enforceable worldwide laws that show us the way to effective law enforcement in other, more difficult fields, where world laws are needed to provide order as no one nation or group of nations can do the job alone.

I urge that this concept be kept firmly in mind in our Government's planning for the United Nations Conference on the Human Environment, to be held in Stockholm in June 1972. I urge that it be on the agenda at Stockholm.

These are only four steps that can be taken. I could submit many more. I trust that Senators will propose others. If World Law Day acts as a catalyst to suggest to each of us to pause and ponder upon concrete steps we can propose and promote—and if this is followed by action—this day will have led us toward an ordered world of freedom and justice and peace under law, and it will have served an extremely valuable function.

SACRED TAOS INDIAN AREAS

Mr. METCALF. Mr. President, according to the schedule, the Senate is going to consider H.R. 471, as amended, tomorrow. The amended bill provides for the protection of the sacred Indian areas described by the Taos tribe, including Blue Lake, and a grant in trust to the tribe of all areas including shrines, sacred groves, and the like, but not the surrounding forests as included in the House bill. Every identifiable shrine and every identified grove or sacred area suggested by the Taos tribe is protected by the Senate bill. The surrounding lands are not included, nor should they be included.

During the course of the debate, I shall enlarge on the foregoing propositions. At the present time I am going to read a statement that I have worked out in conjunction with the senior Senator from New Mexico (Mr. ANDERSON). My interest in this legislation is completely objective. I approached the hearings with an attitude of concern for the Taos Indian claims, but at the same time a concern that such claims must be proved. In my own State of Montana, several similar claims are pending, and this is a test case for them. I interrogated the witnesses on behalf of the Taos claimants carefully and thoroughly. When some of the witnesses, especially Mr. Bernal, were unable to answer my questions, they called foul. The questions propounded were never hostile, merely seeking clarification or information. I can say, insofar as I am concerned, that the witnesses for the Taos tribe did not prove the case for trust ownership of the entire 48,000 acres. I have consulted with the senior Senator from New Mexico (Mr. ANDERSON), and he and I concur in the following statement, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the joint statement was ordered to be printed in the RECORD, as follows:

STATEMENT IN SUPPORT OF THE SENATE VERSION OF H.R. 471: BLUE LAKE

For a number of years there has been pending in Congress proposed legislation affecting the Taos Indian Pueblo in the State of New Mexico.

Beginning in the 89th Congress, legislation was introduced in the Senate and in the House providing for the transfer of 50,000 acres to the Pueblo in place of a money award to which the Pueblo is entitled by reason of adjudication of its claim before the Indian Claims Commission. Legislation now before us is the product of many hours of hearings and testimony from proponents and opponents to a congressional settlement of the Tribe's claim. Our first hearings on this issue were held in the 89th Congress in connection with S. 3085. Again in the 90th Congress, several days of hearings were held on H.R. 3306 and on S. 1624 and S. 1625 introduced by the senior Senator from New Mexico. This year our Committee took two days of testimony from tribal spokesmen and others on H.R. 471 and S. 750. A copy of our most recent hearing is on the desk of each Senator.

In his message of July 8, 1970, President Nixon made reference to the pending Taos legislation and strongly recommended that this matter be resolved by the 91st Congress.

The bill which has been reported by the Senate Committee on Interior and Insular Affairs after many months of consideration is an attempt ot resolve this long-standing controversy. The bill does not have the unani-

mous support of the Committee but a majority of the membership believes that this a fair and reasonable solution that will do equity to the Indians of the Taos Pueblo and adequately protect their religious shrines and ceremonials.

The real question at issue is whether the Taos Pueblo should receive a trust title to 48,000 acres of land in the Rio Pueblo watershed in New Mexico, including their sacred Blue Lake.

The Indians have contended that they had "title" to this land, and that the Federal Government seized it in 1906 and put it in a national forest. In their testimony, the Indians say they are seeking "return" of the land which they desire to use for religious and ceremonial purposes only, and which they wish to keep in a primitive or wilderness state. The tribe further claims that lack of fee ownership of the land interferes with the practice of their religion, and that this causes uneasiness and a feeling of insecurity. They have further claimed that they are disturbed by people who come into the area.

The mere fact that the Tribe seeks trust title to the land is not sufficient cause for the Government to give them trust title. Many other tribes and individuals have sought land or other emoluments from the Government, but it does not necessarily follow that the Congress is obligated to meet such demands. Certainly Congress is obligated to consider these claims and requests, investigate carefully the merits and then make a decision on the basis of the facts developed. When the public estate—in this case public land—is involved, Congress is obligated to consider the public interest as well as that of the claimant. Dangerous precedents can be set that eventually lead to more and greater problems should Congress treat these matters lightly. The giving of title in trust to the Taos Indian Tribe in payment of a claim will depart from long-established policy. It will set a precedent allowing every other tribe to come in and ask for like treatment. Further, such action may lead to requests from many other tribes, already paid in cash, to have their claims reopened in hopes of obtaining land. In the case of the Blue Lake claim, Congress settled this problem in 1933 when it passed Public Law No. 28 which gave the Indians a permit and the accompanying House Report stated, "This is a settlement by land tenure in lieu of a cash payment. It is what the Indians desired." Apparently, the Indians had been contending for title, but Mr. John Collier, a former Commissioner of Indian Affairs, and other friends of the Indians, agreed to this type of settlement because Congress, realizing the possible consequences, felt that title should not be given to the Indians, but that their right to use of this area should be protected. In total disregard of this action by Congress, the Indians asked the Claims Commission to consider this claim along with another claim for 130,000 acres of land. The Commission did consider the claim as though settlement had not been made and this is one reason the problem remains with us today. The Commission disregarded previous action of Congress and on September 8, 1965 ruled that this claim had not been paid. To pass a bill now giving title to land in lieu of cash would upset the firmly established procedure laid down by Congress more than 20 years ago in legislation creating the Indian Claims Commission. It would set a precedent that would open the door for review and reconsideration of many other claims already adjudicated by the Indian Claims Commission. Would the Commission say to the Congress, "You must pay additional amounts on such claims"? I believe that changing the rules of claims settlements by giving land in lieu of cash would bog Congress down in a morass of claims that could not possibly be settled by payment in land. The mere statement in legislation or in debate that Congress would not consider this a precedent would be no bar to tribes wanting to file land claims. It is ridiculous to assume that such statements would prevent a host of claims from being submitted to Congress for legislative settlement—the very thing Congress wanted to prevent when it adopted the Indian Claims Commission Act of 1946 authorizing money judgments to successful claimants.

The Senate Committee is agreeable to guaranteeing the security of the Taos Indians in their use of this land for religious and traditional purposes. The Indians have already had this use; but in order to give them greater security, the Senate Committee has been willing to amend the Act of 1933 by striking any references to a permit and giving them the use of the land in perpetuity or for so long as they need it for religious and traditional purposes.

The Indians claim that they had title to this area because of recognition of their rights under Spanish and Mexican rule which were confirmed by the Treaty of Guadalupe Hidalgo. I refer you to page 2 of the Senate report, at the top of the page where you will see the quotation from the Spanish law on which this claim is based. In going into the history of all of the pueblos, we find that in most instances the Spanish government determined that the Pueblo Indians were entitled to approximately 17,400 acres of land (four leagues square) around their pueblo which they traditionally farmed and used in making a livelihood. The Spanish government failed to follow through and did not make a grant to the Taos Tribe. A grant by President Lincoln did confirm a 17,360-acre area to the Taos Pueblo which was in line with what the other pueblos had received. The fact that the Indians traditionally roamed, hunted and fished over other large areas of land does not mean that the Spanish government, by the above-mentioned Spanish law, gave them title. If this is true, then all of the Indian tribes up and down the Rio Grande valley would be entitled to much larger areas than they now have in their reservations and we would have to reopen all of these claims. By their testimony, the Taos Tribe has admitted the Apaches also used this area for hunting and fishing. On page 72 of the transcript of hearings before the Senate Subcommittee on Indian Affairs, May 18, 1966, Mr. Paul Bernal, spokesman for the Taos Tribe, referred to Apache Springs in this area and said that this area around the Springs was used by both tribes many years ago. "Therefore, this is a shrine that the Taos and Apaches used for years before the Apaches were driven out." It is perfectly clear that all of this area was not always exclusively used by the Taos Tribe as has been contended by supporters of the House bill. Further, on July 23, 1953, in hearings in Santa Fe, New Mexico, before the Indian Claims Commission, the Taos Indian attorneys, Darvin P. Kingsley, Jr., Frank E. Carlson of New York, and Richard Shifter of Washington, agreed that there had been conflicting claims by the Apache Indians; but that in order to simplify the handling of the claims by each tribe, an agreement had been reached for the Apaches not to file a claim for the same land claimed by the Taos Indians.

Let us examine the contention that the Taos Indians were deprived of title by the Government in November 1906 when President Theodore Roosevelt put this land in the national forest. All of the acreage that became the Kit Carson National Forest was a part of the public domain. Indian title, or aboriginal title as it is commonly called, was extinguished in the same manner that the Government extinguished the aboriginal or Indian title on other public domain. However, provision was made for protection of the area and for the Taos Indians' continued use. Later the Indian Claims Commission was created so that these claims could be heard and cash payment made. It would have been impossible to satisfy these claims by giving land. The Claims Commission has advised me that claims have been filed for about 90 percent of the entire United States.

The Indians have stated that they were squeezed out and denied the use of the Blue Lake area. The record is otherwise. As far back as 1903, Mr. Vernon Bailey, Bureau of Biological Survey, reported to the Agriculture Department that the Taos religion is an essential part of the Indians' lives and happiness, and stated, "You will be glad to know that both the sacred lake and mountain will be in and have the protection of the forest reservation." Again on January 11, 1908, Mr. Burt Philips, the Forest Supervisor, advised the Governor of the Pueblo that "there need be no uneasiness any time upon your part or upon the part of the Taos Indians that you will not receive full protection for irrigation and grazing interest in the section of country to which you refer." (Meaning the Blue Lake and Rio Pueblo area). And there is no hard evidence that full protection to the Indians' interest has not been given. From time to time to the present date, use of this area has become more restricted for Indian use and all of the land in the permit authorized by the Act of 1933, some 31,000 acres, is reserved for the exclusive use of the Taos Indians. Others cannot go into the area unless the permit is signed by the proper officials of the Tribe. There has never been any question about the Indians' use of this area. The Indians know this. There has been some discussion about cutting timber in an area not under permit to the Indians; but because the Indians objected, no further consideration has been given. The only commercial timber operation was on what is called the La Junta tract. This tract was traded to the Federal Government by New Mexico after it had been cut over under a State contract.

Under the Senate language of H.R. 471, we propose to include an addition of land to the use area, bringing the Indian use area to 48,000 acres, which should remove any anxiety from the minds of the Indian tribe. This acreage, so the Tribe contends, should have been the amount in the original permit. The mere fact that some individuals put out rumors that there are to be contracts to timber operators or that the land is to be developed for recreation purposes, cannot possibly cancel out the Government's agreement with the Indians in regard to the use of this area. Certainly the Indians realize this and know that they can come to Congress or to the Secretary of Agriculture for relief if anyone attempts to violate the agreements concerning the use of this area.

Another contention made by the Indians is that their land was seized. I think we should remember the Executive Order of July 7, 1928, signed by President Coolidge that withdrew this land from all forms of entry or appropriation for the protection of the watershed—the same watershed from which the Indians of Taos obtain water for irrigation and domestic purposes. Let us go back to the time of withdrawal of the area and its inclusion in the forest. We find that the background and history leading to its inclusion in the forest was to prevent misuse or overuse and to protect the watershed in the interest of the Indians and others. We must remember that there are many more non-Indians than Indians depending on this water. There is a public interest involved here as well as an Indian interest. I think it would be very difficult for the Indians to prove that they have been squeezed out and denied the use of this land. Such statements are simply not true.

Another aspect of the Taos situation that requires clarification relates to the claim for $297,000 and the 1933 award by the Pueblo Lands Board. I refer to page 3 of the

Senate report which points out that the Pueblo Lands Board had no right to agree to give land in payment of any Indian claim. Attorneys for the Indians knew this. It was explained to the Indians, but the tribe contended, "We do not want money, we want land." They did present a proposal to the Board offering to waive their right to money if they could receive the Blue Lake and Rio Pueblo watershed in lieu of the money. This was discussed again in the House and the Senate at subsequent hearings on bills to authorize payment of the various Indian claims, and the Senate Subcommittee on Indian Affairs which held hearings on May 8, 1931, on the conditions of the Indians in the United States recommended in their partial report that it would serve to meet the *economic* needs of the Indians if appropriate legislation were passed for patenting the Blue Lake area to the Indians or setting aside of the area by an Executive Order Reservation. Congress considered this recommendation in connection with H.R. 4014 which became the Act of May 31, 1933, Public Law No. 28, 73rd Congress. In reporting on that bill, the House Committee made the recommendation which is quoted on page 3 of the Senate report on H.R. 471. You will see that after discussion of this problem, the present permit act was approved as an award of land tenure in lieu of an award of money because it was desired by the Tribe. John Collier and other friends of the Indians had sought title to the land; but when they found that this was against public policy and would set a bad precedent, they agreed to the permit arrangement. I am not trying to say that the Indians and their attorneys were completely satisfied with this, but this was the decision of Congress. The Senate Interior Committee does not feel it should give title to this land now but we are willing, in the substitute language, to make a better and more secure arrangement for protection of the Indians' rights and use of the area and relieve them of any anxiety as to the good faith of the Congress.

Since H.R. 471 was ordered reported, we have heard from the Indian Tribe objecting to the provision which continues Forest Service control of this land. They claim that the Forest Service, the Department of Agriculture, and the Indians desire that the area be transferred to Interior. Up until this year, the Forest Service and Department of Agriculture have violently protested the deletion of this area from the national forest and its transfer to the Department of the Interior. The Agriculture Department, at heart, is still opposed to satisfying Indian claims by transferring national forest lands, but they have withdrawn objection as a result of orders from the White House. This area is an important watershed. Overgrazing has been experienced all over the west on Indian and other private lands. New Mexico has experienced overgrazing of various Indian reservations. In fact, the testimony in regard to this particular area shows that the Indian livestock overgrazed.

For example, testimony of Seferino Martinez, representative of the Taos Tribe, testifying in Santa Fe, New Mexico, before Claims Commissioner Louis J. O'Marr, July 23, 1953:

Martinez said that the Indians had used the Blue Lake area for grazing cattle and horses, including the La Junta Canyon area, formerly State land. Martinez stated that: "My stock remain (sic) grazing, would gradually travel north to Apache Springs, and from there still north to Whit Park and then from Whit Park to Bonita Park, still north and up near the Blue Lake area."

Attorney Kingsley asked: "Now would the livestock finally in the fall, graze in the Blue Lake area?"

Martinez: "Yes."

Kingsley: "At the time you started grazing livestock in the area, just how much livestock did the Pueblo of Taos as a whole own?"

Martinez: "I would say there were about 1,200 head of cattle and there were about between 1,500 and 1,600 heads of wild horses at the time."

I am advised by persons who know this country and the range that 2,800 head of livestock is far in excess of the carrying capacity of the Blue Lake area and the reservation.

I would like to further point out that the Indians objected strongly to a small corral in the Blue Lake area used by the Forest Rangers for their saddle horses and the corral was removed. The supporters of the House bill claim that the Indians were afraid of stream pollution in the Rio Pueblo. Certainly there was more danger from pollution from the nearly 3,000 head of livestock grazed by the Indians at one time than there would be from two or three horses in a corral. This is the type of argument that the proponents of the House bill use to try and show that the Forest Service is not protecting the watershed, or that unless the Tribe owns the land there is danger of stream pollution.

On page 46 of the 1966 hearings in the Senate, Mr. Greeley, Associate Chief of the Forest Service testified that, "My understanding is that there have been times in the past when there has been overgrazing." He further stated this was along the stream bottoms, but that under Forest Service supervision conditions have improved.

On page 67 of the 1968 Senate hearings, Mr. Greeley again testified of difficulties in controlling Indian grazing of the "drainage bottom areas and other more accessible areas." He stated:

"We have attempted to work with the Indians in taking steps to control overuse of drainage bottom areas and other more accessible areas. However, we have had difficulties in this. There is presently overuse of the forage resources where cattle tend to concentrate, and the watershed and range are being damaged in these areas."

Contrary to claims of the proponents of the House bill, this is further evidence that the Indians are not without fault and have been rather uncooperative with the Forest Service in preventing overuse of the land. The Bureau of Indian Affairs, which no doubt would be in charge of this land if transferred to Interior, does not have the personnel or type of organization in Northern New Mexico qualified to handle the protection of this watershed. The senior Senator from New Mexico, a member of the Interior Committee, objects strongly to turning this watershed over to the Department of the Interior. The Department of Interior would undoubtedly put it under the administration of the BIA, and I think you will find those who depend on the watershed in New Mexico strongly support Senator Anderson's objection to BIA control of this watershed.

The Indians claim that the Senate bill would permit the Forest Servcie to put into effect multiple use policies that would be incompatible with religious uses. I do not interpret the Senate bill as permitting multiple use. The report very strongly expresses the intent of the Committee to do the opposite. On page 6 of the report, it is pointed out that it is our desire to see that the Indians are able to use this land for religious and other traditional purposes, for their domestic water and wood and grazing, and for their exclusive use.

Opponents of the Senate language contended that the Department of Agriculture, Interior and the Pueblo all agree that the Forest Service supervision has not worked. I cannot find any testimony to that effect. The Indians have complained that they have been disturbed, but on direct questioning they could not give an instance. They could not show when they were denied use of the land. They could not show when anyone interfered with their ceremonies. They merely objected to the fact that some unauthorized people got into the area. They object to the Forest Service having any say about the administration of this watershed. Trespassers could go into the area under the Department of the Interior administration as well as that of the Forest Service, because this is a very large, unpopulated area and hunters and fishermen are known to trespass on many reservation areas in New Mexico. It would be very difficult to patrol every foot of the boundary and keep them out. The Interior Department could do this no better than could the Department of Agriculture. The Indians now have every right to patrol to keep people out. They would have this right under the Senate proposal. The Indians have testified time and again that the Forest Service has been cooperative. I refer you to the testimony quoted on page 5 of the Senate report. I can also refer you to the testimony before the Indian Claims Commission and testimony before the House Committee on Indian Affairs in which the Indians say the Forest Service has been most cooperative. I will admit that there have been several occasions where there was some disagreement between the local ranger and some of the Indians. The same thing could happen between a local BIA official and some of the Indians. With the establishment of the new ranger district—manned by Taos Indians themselves—authorized in the Senate bill, we would eliminate, or at least minimize, the chances for disagreement concerning officials required to go into the area for its protection.

The Indians have claimed that the Senate version affects the Pueblo's water rights. They are completely mistaken. In Section 4(b), we find these words: "Nothing in this Act shall impair any vested water right."

It is claimed that this Senate bill provides for automatic termination of Indian exclusive use rights without notice, hearing or other requirements of due process. The bill provides that the Indians may use this for so long as they need it and comply with the provisions of law. This would be true under the trust act proposed by the House. Congress would have the right to revoke the trust at any time it felt the Indians were not complying with the provisions of the trust. If there is any question about whether or not anyone in the Department could capriciously cancel the Indians' use, amendatory language could be supplied to remove any fears about this. However, tribal officials and their attorneys know they can always come to the Congress with any grievances about capricious action on the part of an official. They have brought their problems to Congress time and time again and corrective measures have been taken.

It is further claimed that under the Senate version, the exclusive use is conditioned upon protection of the watershed in the public interest and thereby subordinates Indian use. Indian use is not subordinate in the language of the bill. The Senate Committee wants to make sure that it is understood that not only are the Indians interested in protecting this watershed, but that there is a public interest as well. We cannot ignore this fact because hundreds of people downstream depend on this water.

Mr. President, another criticism I have heard about the substitute bill is that the proposal to set up the Forest Service ranger district providing jobs for Indians is illusory, and that there may be no Indians qualified for these jobs. This misses the point completely. The purpose of this provision is not to give Indians jobs—it was inserted in the bill only after discussions with Forest Service officials and the determination by Senator Anderson's office that the majority of the Forest Service employees in the Pueblo area are Taos Indians, and on assurances from the regional forester that the Department does have well-qualified Taos Indians to assume

the administrative positions in this district. Certainly, if the district is supervised by Taos Indians, the Tribe will have their own people who understand their ways, are sympathetic to the problems, and able to administer the area in a fashion compatible with the will of Congress and the interests of the Pueblo.

It is claimed that the substitute reported to the Senate will jeopardize rather than insure privacy of the Indian religious practices. This is purely conjecture. I see no basis for any such assumption and contend that the Senate bill protects the Indians for so long as they need this land for traditional purposes and are willing to comply with the terms of the Act by not commercializing the land.

Finally, it is claimed that the only sound way to assure the continued survival of Taos religion and culture is to transfer title to the lands to the Indians.

For the last 64 years the Indians have used the Blue Lake area either with or without a permit. No one has objected to that use. There has been no testimony to support the contention that the culture and religion of the Taos Indians will vanish if they are not given title to the Blue Lake area. It is true that contentions were made both by the Indians and others who support the transfer of title, but the facts are that the Taos religion and culture is much the same as it was 60 or more years ago. There has been little change except that most of the younger generation have gone to school and received some education. This has automatically changed the younger members of the Tribe and many do not now hold the same views about many things that their elders have. The population of the Tribe has more than doubled since the late 1800's and the tribal members themselves deny that their religion is dying out. Lack of ownership of this land has had little or no effect on the Tribe.

I think we have justifiable basis for putting some conditions into this act. I have before me a copy of the Albuquerque JOURNAL of November 15, 1970, with a full-page article entitled, "Taos Pueblo Seeks Return of Sacred Tribal Lands." This recites some of the history of this problem but the thing that concerns Senator Anderson and me is the reference to future use of the area. The spokesman for the Tribe, Mr. Bernal, said plans for the future of Taos are under a cloud because of the Blue Lake fight. "The Blue Lake fight is slowing everything," Bernal said. "We are hurt." The article further states that plans have been made. One project is a motel and tourist facility at the end of the Rio Crande Gorge bridge. The tract referred to has nothing to do with Blue Lake. It is far removed from the area in question. Whether or not they get Blue Lake has nothing to do with the building of a tourist facility. The Tribal officials deny th.y want the Blue Lake area for economic reasons. The article goes on to say that the lodge will be a two-story, 50-unit resort-type to start operation in 1973 and expanding to 95 units by 1982. Further, the article states the Indians are hopeful of developing arts and crafts. Certainly this work would be carried on at the Pueblo and can be carried on now. Blue Lake has no bearing on such a project because they propose this under the Economic Development Administration grant. Further it refers to recreation facilities for the young people. Surely this would be in the Pueblo or on the reservation land. The article points out that Tribal income from leases is virtually non-existent because the Tribe refuses to lease any part of its lands. It is stated that the Tribe realized $50,000 in 1969 from hunting, fishing and camping permits. Where was this hunting, fishing and camping done? The reservation is relatively small. Do they intend to expand this operation if they get Blue Lake and use it commercially? Is the Tribe issuing hunting and fishing permits on the Federal land in the permit area? We have had some reports on plans to use the Blue Lake area by people who have had discussions with the Tribal officials. That is why we want to make sure that this area is kept in a wilderness state and that the shrines and watershed not be desecrated. The Indians have said that they want this land only for religious ceremonies and traditional purposes; therefore, the Senate Committee made the bill tight enough to prevent its use for any other purpose, either by Indians or non-Indians. This bill was drafted only after a careful review of all of the testimony presented by the Indians during the years in which they had contended that they want protection only for their religious and ceremonial practices and others of a domestic nature. By their own testimony, they declare their desire that this be kept in a wild or primitive state, and they do not intend to commercialize it. The bill will preserve it in this fashion and for these purposes and this meets all the legitimate requirements of the Tribe.

AMERICAN PRISONERS

Mr. DOLE. Mr. President, the following is the text of a message I cabled today to Minister Xuan Thuy, representative of the Democratic Republic of Vietnam, Paris, France:

With the approach of the Christmas and Oriental New Year seasons, I call upon you to make a special gesture regarding U.S. Servicemen you hold prisoner in your country. I can think of no better way nor more appropriate occasion for you to demonstrate to the American people, and indeed to the people of the world, the humanitarian policy which you proclaim. In addition to the holiday ceasefire you have proclaimed, it would be particularly fitting for you to release the men you hold prisoner. I call upon you to set aside political differences and other grievances to accomplish this simple humanitarian act.

If the North Vietnamese are sincere, it is time they take some positive action. I hope my colleagues would join me with similar requests to demonstrate their concern for American prisoners.

MANAGEMENT OF WASTE IN COASTAL ZONE

Mr. HOLLINGS. Mr. President, concern for the problems of waste management in the coastal zone of the United States are growing, often without clear guidance where to turn. Many solutions to these problems have been proposed, but more often than not they turn on problems of committee jurisdiction rather than the substance of the waste management problems. During this past week the National Academy of Sciences and the National Academy of Engineering published an important contribution to our understanding both of the problems of waste management in the coastal zone and suggested programs to help remedy them. Entitled "Wastes Management Concepts for the Coastal Zone—Requirements for Research and Investigation," the study is a lucid and cogent work that I recommend to all of us who seek guidance on where to turn to combat our waste management problems. Some of the recommendations relate to legislation already under consideration in the Committee on Commerce: Management plans and programs for the coastal zone; designation of research preserves; support of coastal laboratories. Some of the recommendations, such as that to improve the quantity and quality of graduate education combining the interests of oceanography, ecology, and engineering, have already received strong impetus from programs such as the national sea grant program.

I want to convey my congratulations to the National Academy of Sciences and the National Academy of Engineering on the excellence of this report, and particularly to the Committee on Oceanography and the Committee on Ocean Engineering under whose auspices the study was carried out.

Mr. President, chapter 6, "Recommended Research and Investigation for Effective Coastal Wastes Management," and chapter 7, "Suggested Priorities and Estimated Minimum Effort Required," cogently summarize the problems of research and investigations needed and the estimated magnitude of the programs that should be undertaken. I ask unanimous consent that these two chapters be printed in the RECORD.

There being no objection, the chapters were ordered to be printed in the RECORD, as follows:

CHAPTER 6.—RECOMMENDED RESEARCH AND INVESTIGATION FOR EFFECTIVE COASTAL WASTES MANAGEMENT

Effective rational management of the growing volume and variety of wastes generated by our accelerating coastal urbanization requires immediate initiation of a coordinated, long-term national program of research and investigation involving government, industry, and universities. When such a program has begun to supply answers to the many questions raised in the preceding chapters, we can begin to expand effectively our present waste treatment facilities commensurate with the task of maintaining and even enhancing the quality of our coastal waters.

Toward this end, we present here four recommendations for action as developed at the National Academy of Sciences-National Academy of Engineering Coastal Wastes Management Study Session. They are organized to reflect our assessment of the areas in which effective management of society's wastes is limited by lack of knowledge.

Our recommendations do not comprise an exhaustive catalog of information deficiencies in coastal marine science and engineering. Rather, they represent our assessment of a reasonable first step among the many programs of basic long-term research, the design-related investigations, and the collection of specific laboratory and field data, needed for improved design, management, and evaluation of coastal wastes treatment systems.

Our nation enters the present era of awakened and increasing public concern for effective wastes management with an existing and substantial framework of facilities, knowledge, organizations, and competent personnel in the area of coastal wastes management. This framework constitutes a formidable resource for maintaining and enhancing the quality of the environment, and provides a basis for the evolution of expanded and more effective mechanisms for applying scientific and engineering expertise to the problems in wastes management.

GENERAL RECOMMENDATIONS

Concept and criteria for waste treatment

One of the greatest contributions that scientists, especially biologists, can make to

conserving marine values as to furnish quantitative guidelines to assist the engineers who have responsibility for designing waste-treatment and disposal systems. The design of such systems must become much more scientifically oriented than in the past. Historically such design has been concerned primarily with maintaining aerobic conditions in the receiving waters and in keeping these waters safe for human health. *This criterion is no longer sufficient.* Methods are becoming available for assessing a broad range of marine receiving-water values. Thus the engineer's design should become less based on the use of "standard" systems and instead be tailored to preserve and enhance the specific receiving-water values of concern.

Professional development and institutional arrangements

In response to the increasing emphasis on preserving and enhancing the quality of receiving waters, it is essential that the existing organizations and scientific and engineering expertise in coastal wastes management be used as a basis for the evolution of new and improved organizations and professional competence. Particular attention should be given to initiating or improving:

1. Coordination of scientific research and engineering investigation, with emphasis on dissemination of the information generated.

2. Planning for multiple use, including preservation, of the coastal waters and estuaries. Special attention should be given to the strength of local initiative in planning and operation within criteria reflecting local, regional, and national interests.

3. Development of regional policies, goals, criteria, and review procedures concerning resource development and use, including management of wastes, as they affect the coastal zone.

4. Allocation of a fraction of the cost of new wastes treatment systems and facilities to a program of monitoring waste discharges and receiving waters related to the facilities.

5. The quantity and quality of graduate education combining the interests of oceanography, ecology, and engineering.

6. Designation of research preserves to facilitate experimentation in estuaries and coastal waters in which the intrusion of other human influences is minimized.

7. International mechanisms for controlling persistent toxicants, such as chlorinated hydrocarbons, on both a worldwide and regional scale.

RECOMMENDATIONS CONCERNING MONITORING OF WASTE DISCHARGES AND RECEIVING WATERS

Research in support of a monitoring program

Implementation of an effective monitoring program requires the initiation of specific research projects to improve the monitoring capability. Recommended research and development projects include:

1. Develop uniform sampling procedures for mass emission rates and receiving water, with consideration of the requirement for data processing.

2. Develop methods for quantitation of floatable matter and films and for identifying their origin.

3. Review the methods for detection of persistent pesticides.

4. Develop a method for quantitation and classification of persistent organics.

5. Develop a method for quantitation of gross heavy metals and gross acute toxicity.

6. Develop methods for monitoring biostimulants and for interpreting the data.

7. Develop a method for quantitative description of biomass.

8. Develop methods for monitoring long-term effects in a community structure and its productivity.

9. Develop methods of monitoring trace metals (sediments).

10. Develop a method for quantitation of specific organics, especially in trace concentrations.

11. Identify the criteria necessary to define properly the wastes discharges that should be included in the category "significant" waste discharge.

A monitoring program

1. A program to monitor waste discharges and receiving waters should be initiated.

2. Characterization of wastes and receiving waters should take cognizance of the need for rapid, accurate, and economical methods for measurement of the selected parameters. In addition, instrumentation should be adapted or developed to perform the analyses and to transmit or record the observed data. Data analysis techniques should be developed so that corrective action can be initiated promptly.

3. Monitoring specifications must be examined periodically to insure their continuing adequacy and to remove redundancy.

Monitoring waste discharges

1. To implement a program of monitoring waste discharges, specifications should be developed for a core minimum program to be applied to all "significant" waste discharges. "Significant" waste discharges are to be defined as a result of a research project recommended above.[1]

2. The general objective of the core, waste-discharge monitoring program is to provide the minimum information needed to assess adequately the pollutional contribution of waste materials to the Nation's coastal environment. Specific objectives would include but not necessarily be limited to the following:

a. Provide quantitative information on the unit and total mass emission rates for the common significant groups of wastes from significant waste-generating activities such as municipal, industrial, agricultural, natural, and other sources so that:

(1) Adequate data are available for forecasting future waste contributions, based upon the level of future estimated waste-generating activity (population, industrial production, etc.);

(2) Accurate input data are available for use in various modeling systems to provide estimates of waste concentrations and their variation in space and time; and

(3) It is possible to correlate or develop functional relationships between waste emission rates and waste effects that are principally biological in character.

(b) Assess performance, on a gross basis, of waste treatment installations.

(c) Insure that adequate information is available to permit improvements in waste treatment and disposal system design and operation.

3. All samples (except for "grab" samples collected for special analyses for high decay rate constituents) collected for routine analysis should be near-continuous, proportional, composite samples which accurately represent the characteristics of the waste stream (i.e., floatable, suspended, and dissolved constituents) with respect to their true mass emission rates (i.e., lb/day). Sufficient samples should be collected to provide an adequate statistical description for both the constituent concentration and the mass emission rate of the contaminant. After the waste has been statistically defined, analyses not pertinent to the local problem or to the wastes characterization should be deleted.

4. The analyses indicated in Table 10 should be conducted on essentially all samples collected.

5. Information on the accuracy and precision of both the sampling and analytical methods should be obtained and reported.

6. Data should be obtained on the level of waste-generating activity (i.e., for municipal waste—population tributary; for industrial wastes—tons of each product/day; etc.) so that waste discharges can be reported on a unit mass emission rate basis.

TABLE 10—Recommended Core Program Analyses—Waste Discharges:

Floatable matter.	
Total and organic suspended solid.	
Acute toxicity.	
Persistent pesticides.	
Persistent organic compounds.	
Biostimulants.	
Gross heavy metals.	
Coliforms (or equivalent).	
Radioactivity.	
Method needs development.	
Methods adequate.	
Method needs review.	
Method needs review.	
Method needs development.	
Method needs development.	
Method needs development.	
Method under continuous review.	
Methods adequate.	

Monitoring receiving water

1. For implementation of an effective program of monitoring receiving waters, the objectives of the program should include:

(a) Provide intermittent or continuous characterization of the receiving body of water and its terrestrial and atmospheric interfaces. Measurements sufficient to define the significant nature of the water body throughout a time period should be specified on the basis of statistical validity.

(b) Provide a knowledge of all sources of mass movement into and residence time within the receiving-water body, establish the significant character of such sources, and evaluate the relative contribution of each to the nature of the water body.

(c) Provide for rapid data evaluation and indicate the response procedures appropriate for the given water condition.

2. Monitoring program data should be obtained with consideration of the following factors:

(a) Sampling procedures which provide samples representative of the condition of the air, land, and water interfaces at any time.

(b) Sufficient vertical and horizontal control points, so that the samples will adequately describe the system.

(c) Sufficient frequency of sample collection to validate the analyses within any preselected statistical confidence limits.

(d) Analytical procedures that are of defined precision in terms of the parameter being measured.

The character of one restricted water body or coastal regime is quite likely different from another; therefore, no detailed recommendation can be made concerning the items b, c, and d above without enumerating the definitive characteristics of each water body. This analysis hopefully will be accomplished by a monitoring program with enough sampling locations and with sufficient frequency to describe the system within reasonable confidence limits.

Table 11 presents a summary listing of the recommended core program analyses of the waters and sediments. It outlines the recommended application of the tests to either restricted waters, the open ocean, or both for assessment of the condition of receiving waters and the effect thereon of the discharge of treated effluents. The core minimum monitoring program is not intended to be applied in its entirety to all marine waters but only to those bodies of water that receive "significant" waste discharges.

[1] The term "significant" is discussed in Chapter 2.

TABLE 11.—SUMMARY OF RECOMMENDED CORE MONITORING PROGRAM ANALYSES—SEDIMENTS AND WATER COLUMN OF RECEIVING WATERS.

Analyses	Applicable region: Restricted water	Applicable region: Open ocean
SEDIMENTS		
1. Physical:		
(a) Particle size distribution (methods adequate)	×	×
(b) Temperature (methods adequate)	×	×
(c) Other observations may also be needed for particle density, in-place density, and thickness of waste deposits to permit an estimate of the volume and mass of wastes accumulated (techniques need evaluation)	×	×
2. Biological:		
(a) Quantitative description of the standing crop of benthic organisms (quantitative technique needs development)	×	×
(b) Other tests including an index of bottom respiration may be useful to indicate the amount of readily biodegradable organic matter in the deposit (technique needs development)	×	×
3. Chemical:		
(a) Concentration of organic matter by concentration of organic carbon or organic nitrogen (technique needs evaluation)	×	×
(b) Presence or absence of H_2S (quantitative technique needs evaluation)	×	×
(c) pH (technique adequate)	×	×
(d) Other measurements should be made for suspected toxicants when appropriate including specific trace metals (technique needs evaluation)	×	×
WATER COLUMN		
1. Physical:		
(a) Quantification of floatable material and films with analysis for determination of probable origin of material (method requires development)	×	×
(b) Water clarity by photometric or other methods (methods adequate)	×	×
(c) Temperature—continuous recording with depth or at least three points in vertical column (method adequate)	×	×
2. Biological:		
(a) Coliform determination (method needs evaluation)	×	×
(b) Biostimulatory characteristics (method to be developed)	×	×
(c) Assessment of biomass including standing stock and community structure to determine long-term effects of waste discharges (techniques to be developed)	×	×
3. Chemical:		
(a) Dissolved oxygen (method adequate)	×	
(b) Chlorosity (method adequate)	×	×
(c) pH (method adequate)	×	×
(d) Nitrates (method needs periodic evaluation)	×	
(e) Phosphates (method needs periodic evaluation)	×	

RECOMMENDATIONS CONCERNING PHYSICAL PROCESSES AND INTERACTIONS

Initial dilution and diffuser design

1. Present knowledge of buoyant jet diffusion is nearly adequate for design of outfalls (including a multiple port diffuser) to achieve a prescribed initial jet dilution and submergence below any given thermocline. However, further research is needed in a number of areas. Primarily, there is need for understanding of line sources, and how well multiple-jet diffusers may be represented by line sources. Although current effects on initial plume behavior are not well understood, they are not as critical a factor as density stratification in predicting initial dilutions due to jet mixing.

2. Methods do not exist for predicting the size and shape of the waste fields (of either conventional or heated effluents) that are developed at the end of the initial jet-mixing stage. Closely coupled with this shortcoming is the problem of lateral spreading due to density differences between the field and its environment. Research should be conducted on both of these problems.

3. For barge dumping of sludges in the ocean, research is needed on flows generated by suddenly released sinking sludge in a stratified environment.

4. Control of thermal waste in coastal waters involves the same kind of stratified flow problems as sewage disposal. Inasmuch as large submerged diffusion structures are not yet in use, some problems of large single jets need special study, such as the behavior of a buoyant surface jet injected in a stream perpendicular to the current.

5. Field studies of flow patterns and dilutions over waste outfalls are needed urgently to confirm design predictions and methods. Most of the hydrodynamics of buoyant jet mixing has been confirmed only in laboratory experiments. Similarly, the effects of hydrodynamic forces on the diffuser structures themselves require continuing investigation.

Physical processes in estuaries

1. It is necessary to develop a sound physical basis for quantitative predictive models of time and space variations of constituent distributions in estuaries. This project will require further work on theoretical, numerical, and physical models, including determination of the correlation between the models and field studies.

2. Further knowledge is required of the relationship of the mean circulation, tidal currents, and turbulent exchanges to the river inputs, external tides, external density distribution, wind, and the shape and size of the estuary.

3. Little is known of conditions responsible for the change in an estuary from a salt-wedge to a partially mixed estuary, or from a fiord to either a salt-wedge or a partially mixed estuary. These conditions need study, particularly in fiords.

4. In the development of models, both theoretical and numerical models should be stressed, as they include the possibility of the incorporating of biological, chemical, and physical processes at prototype scales.

5. Turbulence processes need investigation, as their dependence on density stratification and mean-velocity shear plays a dominant role in the behavior of estuaries.

Turbulent flux and diffusion

1. Detailed observational approaches to the problem of turbulent diffusion are needed. Simultaneous measurements of turbulent fluctuations in velocity, salinity, and other properties, together with environmental factors such as shears in mean velocity and stability of the water column are necessary. Likewise, tracer studies on a scale of 10–100 meters should be carried out under various environmental conditions.

2. There is need to develop predictive models for gross spreading of patches and plumes in the ocean from the combined effects of eddy diffusion (both horizontal and vertical) and shear in the mean velocity field. Item 1 above recommends steps that will provide a basis for this development, and will allow a better interpretation of previously reported values of gross dispersion coefficients.

3. Systematic tracer experiments should be carried out in subsurface waters in order to have more reliable information on the dispersion of patches or plumes. These experiments should include the use of artificial tracers, such as fluorescent dye, and studies of existing waste fields which occur at subsurface depths.

Physical processes in coastal areas

1. For a proper understanding of coastal circulation on all scales, a program of collection of oceanographic and meteorological data is recommended. The observations should be made over a long enough period of time to reveal all periodicities up to and including annual. Although such a program could be carried out by multiship operations, moored arrays of instruments capable of sampling the entire water column would probably be better. Such a program should permit evaluation of wind, river inflow, tide, and internal waves as transport mechanisms.

2. To improve our ability to predict the fate of wastes introduced into estuaries and coastal waters under specific environmental conditions, a study is recommended of the effects of intermediate scale variations in the current pattern on the time-varying concentrations of waste components at various distances from the source, using tracers such as fluorescent dyes as well as waste components from existing outfalls.

3. The large-scale processes which lead to exchange of coastal water with oceanic water should be studied. Development of a fluorometer capable of sampling at all depths, which is an order of magnitude more sensitive than any available at present, is needed so that large-scale dye-tracer experiments can be carried out economically. Alternatively, a more economical tracer might be developed for such work.

Decay of nonconservative constituents as related to physical factors

1. A series of controlled field experiments should be conducted to study the nonconservative properties of such constituents of waste-water as enteric bacteria and other toxic substances discharged into coastal and estuarine waters.

2. As soon as reliable detection and enumeration techniques have been developed, these studies should be expanded to include pathogenic viruses.

Interactions between floatable and settleable components of wastes and physical factors

1. Studies should be conducted to ascertain the prevalence, properties, and character of floatables that originate from waste water and sludge (including barged materials) in coastal waters and in estuaries. The substances comprising the various forms of the floatables (particulate matter, films, scum, and foam) should be identified as to primary source.

2. Investigations should be made to determine the means by which the floatables are collected and compressed into slicks or streaks on the water surface, as well as the natural mechanisms available for transporting the materials in the water surface.

3. Studies should be made to ascertain methods of treating or handling the waste waters and sludges that will reduce or eliminate problems of surface pollution.

4. Studies should be conducted to evaluate the movement and dispersion of releases of sludge at sites currently in use, such as in the New York Bight and off southern California. These studies should include, but not necessarily be limited to, investigation of the methods of introducing the sludge, i.e., by barge or outfall, and the transport mechanisms, including settling and resuspension, which influence the distribution and spread of the materials.

RECOMMENDATIONS CONCERNING CHEMICAL FACTORS

Chemical processes involving dissolved inorganic constituents

1. The concentrations and forms of trace elements believed to be biologically significant in the waters and sediments and their concentrations in organisms in different areas should be determined. Areas that should be examined are near the mouths of large rivers and coastal areas where freshwater inputs come primarily from wastewater discharges. The elements of concern would probably include but not be limited

to copper, zinc, cobalt, chromium, arsenic, molybdenum, selenium, mercury, cadmium, and lead.

2. The degree of complexing of trace metals by the organic and inorganic constituents of waste-water effluents, sea water, and estuarine waters should be evaluated in both laboratory and field studies. Temperature ranges in the natural environment, as well as in the vicinity of thermal outfalls, should be represented in the experimental program. Not only may the degree of complexing prove significant in controlling the behavior of the metal ions, it may also prove pertinent to an understanding of the action of organic residues. The forms in which the metals exist are important factors affecting their biological activity.

Chemistry of particles and processes in sediments

1. Experiments should be carried out to establish the effects on soluble components, particularly waste solutes, of flocculation, aggregation, coprecipitation, and sorption. A study should be made of the physical-chemical factors and the role of organisms in affecting the flocculation rates of sediments in estuaries and coastal waters. Pertinent variables appear to be the degree of dilution of fresh water suspensions entering sea water, the levels of organic matter, the pH of the mixture, the oxidation potential, the relative percentages of different clay minerals and other solid phases, the mixing characteristics of the flow, and the temperature.

2. The rates of aggregation and sedimentation of organic particles in the marine environment should be studied. Such factors as pH, temperature, organic-metal ion complexing at organic particle surfaces, and the concentration of inorganic particles should be evaluated. Organic debris appears to play a role in transporting trace metals to the sediments. The organic debris may associate with inorganic particles, thus affecting the sedimentation of inorganic phases (oxides, clays, silica).

3. The biological and chemical transformations occurring in contaminated and uncontaminated sediments should be determined, with particular reference to nutrients and trace elements. These studies should include considerations of concentration gradients, movement of water at the sediment interface, eddy diffusion, and the release of gas on the rates of transport from sediments to the water column. Also included should be the effects or changes from oxidizing to reducing conditions, and vice versa.

4. Adequate procedures should be developed for distinguishing among inorganic particles, living organisms, and dead organic matter, both in the water column and in the sediments.

Nutrient chemistry and biochemical changes

1. The fluxes of nitrogen and phosphorus in all phases of the cycles affecting the marine environment should be explored. The study should not overlook the fluxes due to rooted benthic plants, birds, and humans.

2. An understanding should be developed of the amount and character of dissolved and particulate organic matter in the ocean; its origin, including the contributions from rivers and waste discharges; its spatial distribution; and its biological significance.

3. A study of the factors that control the qualitative and quantitative aspects of phytoplankton blooms in estuarine and coastal waters should be carried out.

4. The effects of adding nutrients (phosphate, nitrate, silicate) and oxidizable carbon on the primary productivity and on the resulting organic load in restricted coastal environments should be determined. The relative effects of the individual nutrients are important considerations. The rates of oxygen exchange between the atmosphere and other sources (e.g., ferric oxide in sediments) and the costal waters should also be studied. These studies will help provide a basis for predicting to what extent re-aeration can compensate for the oxygen demand caused by the introduction of oxidizable carbon and nutrients from waste outfalls. Factors such as wind stress, depth, pressure head, density gradient and stability, and surface films such as petroleum should be considered.

5. The biochemical mechanisms for concentrating trace components by the biota, the subsequent effects of this concentration on the organisms involved, and the transport and further concentrating of these trace components as they move up the food chain should be determined.

6. Subtle, sublethal effects of waste products on physiological and biochemical processes—such as enzyme induction or inhibition, ion transfer across membranes, and chemosensitive reception—should be studied. Effects of these kinds may significantly influence the growth, reproduction, development, or survival of marine animals in ways not detected by conventional assay or toxicity tests, or population studies. It is in this area sublethal effects that ocean disposal of wastes may encounter its most serious problems.

The chemistry of specific wastes

1. Even with the establishment of improved safety criteria and redundant emergency systems, the probability of the occurrence of oil leakage and bilge washings from ships, of catastrophic events such as shipwrecks, and of oil seepage and operating well casualties on the continental shelf, indicates that research is needed on:

a. Natural biochemical processes responsible for degradation of oil films or oil droplets.

b. Techniques of analysis for detecting and characterizing low concentrations of oil in water and for identifying sources.

c. The effects of different oil dispersants in degradation of the oil, the toxicity of dispersant and dispersant-oil mixtures to marine organisms, and the uptake of the oil, dispersant, and/or dispersant-oil mixtures in the food chain.

d. The effects of added settling agents on bottom characteristics and on the benthos, and the fate of oil so deposited.

e. Fractionation of oil films on exposure to environmental influences, and the fate of residual materials in the sea.

f. The effect of oil films on the air-sea oxygen exchange, and interference in processes of biological productivity, such as changes in light penetration and mixing.

2. The fluxes of synthetic organic chemicals into the ocean through sewage outfalls, rivers, atmosphere, and biota should be determined. Priorities should be given to potentially hazardous or deleterious materials such as pesticides, detergents, fuel residues, certain solvents, etc.

Chemical consequences of man's physical activities

1. The effects of human activities (such as forestry, agriculture, terrestrial and marine mining, dredging, and impoundments), on the flow of inorganic suspended matter to the oceans, and on the distribution and character of the sediments should be determined. Among the potentially significant effects are those on transparency of overlying waters, oxygen demand from reducing sediments, transport or release of nutrients including trace elements, alterations of the benthos, silting of harbors, and erosion of beaches.

RECOMMENDATIONS CONCERNING BIOLOGICAL EFFECTS

1. Studies should be made immediately of selected existing outfalls and disposal areas in several distinct marine biogeographic provinces. These studies, and the relationships derived from them, must serve as an interim basis for improved evaluation of the acceptability of new disposal facilities and sites. Completely adequate techniques are not available for definitive assessment of all impacts of wastes on coastal waters. The studies should include at least the following:

a. Quantitative floral and faunal surveys in the immediate vicinity of discharge, within the measurable zones of influences, and at reference sites.

b. Sludge fields (when present).

(1) Measurement of the temporal and spatial dimensions of sludge fields.

(2) Chemical analyses of sample sludges from various outfalls with emphasis on substances likely to have biological importance.

(3) Measurement of the rates of biodegradation and utilization of sludge components by marine organisms.

c. Determination of the dissolved inorganic and organic substances resulting from coastal discharges and their effects by:

(1) A chemical inventory of components.

(2) Bioassays of both effluents and affected waters for toxicity and stimulation.

(3) A study of primary productivity and other community responses in affected waters.

2. A detailed examination of the public health significance of coastal discharges should be made, including:

a. Re-evaluation of the adequacy of traditional fresh-water biological indexes in marine waters and in organisms consumed by man.

b. Development and application of improved indexes.

3. Research on the biological concentration of waste components by marine organisms should be expanded and intensified. Special attention must be given to organisms involved either directly or indirectly in the food chain of man, without sacrificing adequate attention to the complete environment.

4. The input of DDT into the marine environment by the United States should be eliminated. To avoid repetition of the DDT type of problem, we further recommend that any material that combines the properties of mobility, chemical stability, low solubility in water, and high solubility in lipids be kept out of the marine environment unless it has been proven not to have the broad biological activity that is characteristic of DDT.

5. Long-range, properly designed, detailed, quantitative studies of the structure and dynamics of animal and plant communities and their relationship to waste disposal in carefully selected areas should be established and supported. These areas should include those that are relatively little affected, that are being affected at an increasing rate, and that are already seriously affected. Some of the studies should be done in designated and protected marine preserves. All should be related to the beneficial uses to which the particular coastal region is allocated.

6. Programs of physiological studies to define the tolerable limits of waste concentration for each of the specific uses envisioned for the coastal regions designated in a long-range plan should be established and supported.

7. Programs of systems analysis and model development that will improve prediction of the biological effects of various possible combinations of waste treatments, disposal systems, and uses of the receiving water should be instituted and supported. As more data become available from the studies suggested above, models can be continually refined.

8. All proposals for new installations, modifications, or activities that may result in major changes in the amounts or nature of the wastes should be reviewed to determine whether quantitative ecological studies of the biota are required, both before and after the change. If such studies would lead to greater protection of the biota, or would provide better bases for regulation, adequate funds for them should be included in the budget. Enough time must be allowed for

careful studies, especially those to be done before the change is made. Data from such studies would increase the accuracy of models and strengthen the objective bases for setting standards.

9. The U.S. Government should consider, and act effectively upon, the ultimate disposal problems and the biological effects of new products of any kind which, after release in the commercial market, could result in the impairment of the biological values of the marine environment.

CHAPTER 7.—SUGGESTED PRIORITIES AND ESTIMATED MINIMUM EFFORT REQUIRED

Our recommendations select, from among the broad scope of scientific and engineering research and investigation program areas in wastes management, those projects that we believe are essential and that should be assigned high priority to improve effectively our wastes management practices.

We have assigned relative priorities to each of the recommended projects within each of the major program areas. The minimum effort required for effective results and the period required for completion of specific projects has been estimated for each project. *These suggested priorities and allocations of effort are, of course, highly subjective.*

Although priorities were estimated within each of the major program areas, no attempt was made to compare priorities in each of the areas with those in the others. On the other hand, the minimum effort that is suggested for each of the program areas compared with the others indicates our estimate of the relative emphasis to be placed in each area of the total initial minimum program.

Further detailed refinement of priorities should be undertaken on a continuing basis by those within industry, government, and universities who, because of their responsibilities and competence in developing and utilizing the results of the research and investigation, will be involved in operational and research problems. Continued refinement of the estimates of effort required beyond the suggested initial minimum effort, and the refinement of time required for the initial and any additional effort, should also be undertaken.

PROGRAM AREA OF MONITORING WASTE DISCHARGES AND RECEIVING WATERS

The recommended routine-type monitoring program should be initiated immediately, should be expanded to meet management information requirements, and should be improved as monitoring techniques resulting from the recommended specific research projects become available. The monitoring program should be a continuing and a regular part of the waste disposal operation. No estimate of required effort for the actual field-scale monitoring program is given.

Table 12 lists the relative priorities and estimated minimum effort for specific research projects that will be required to implement the broad recommendations for a program of monitoring and investigation of waste discharges and receiving waters.

For waste streams like those in agricultural and industrial areas, additional research and development on specific sampling and analytical methods is required. For receiving-water monitoring, there also will be special development efforts associated with particular monitoring problems. The magnitude of this research and development may be equal to, or greater than, that required for the core monitoring programs recommended in this study.

PROGRAM AREA OF PHYSICAL PROCESSES AND INTERACTIONS

Relative priorities and estimated minimum effort for the recommended research and investigation in physical processes and interactions are presented in Table 13. The relative priorities for each project have been estimated within each of six sets of related projects. The estimates of effort represent that which we believe is required to conduct the recommended programs at a level that will provide beneficial results.

PROGRAM AREA OF CHEMICAL FACTORS

Relative priorities and estimated minimum effort for recommended research and investigation in chemical factors are summarized in Table 14.

TABLE 12.—PRIORITIES AND ESTIMATED INITIAL MINIMUM EFFORT FOR RESEARCH AND INVESTIGATION NEEDED FOR IMPROVING WASTE DISCHARGE AND RECEIVING-WATER MONITORING PROGRAMS [1]

Research required to implement the monitoring program	Research concerned with— Waste discharge	Research concerned with— Receiving waters	Estimated minimum total effort [2] (man-years)	Priority	Completion time
Uniform sampling procedures, relative to mass emission rates, receiving waters, data processing	X	X	11	A	S [3]
Floatable matter, method of quantitation	X	X	11	A	S
Films, method of quantitation		X	11	A	S
Persistent pesticides, review method of determination	X	X	11	B	S
Persistent organics, method of determination, quantitation	X	X	13	B	S
Gross heavy metals, method of quantitation	X		7	B	S
Gross acute toxicity, method of quantitation	X		7	A	S
Biostimulants, methods and interpretation	X		34	A	L [4]
Biomass,[5] method and quantitative description	X	X	27	A	L
Community structure, productivity,[5] methods for long-term effects		X	50	B	L
Trace metals (sediments),[5] method		X	11	C	S
Specific organics,[6] method of quantitation, trace concentration	X	X	13	C	S
Significant discharge, definition of	X	X	4	A	S

[1] The recommended Monitoring Program itself is not included.
[2] Total effort for this program area is 210 man-years.
[3] S is short-term (less than 5 years).
[4] L is long-term (less than 10 years).
[5] These projects must be examined in detail for compatibility with projects recommended under chemical factors and biological effects.

TABLE 13.—PRIORITIES AND ESTIMATED INITIAL MINIMUM EFFORT FOR RESEARCH AND INVESTIGATION IN PHYSICAL PROCESSES AND INTERACTIONS

Recommended research and investigation and estimated minimum total effort [1] (man-years)	Priority	Completion time
Initial dilution and diffuser design (37):		
Buoyant jet diffusion	B	S [2]
Waste fields	B	S
Barge dumping of sludge	A	S
Thermal waste	B	S
Flow patterns	A	L [3]
Physical processes in estuaries (185):		
Quantitative predictive models	A	L
Hydrodynamics	B	L
Estuary transitions	A	S
Biological and chemical processes	A	L
Turbulence processes	A	S
Turbulent (eddy) flux studies (72):		
Observational studies	A	S
Predictive models	A	S
Subsurface tracer experiments	B	S
Physical processes in coastal areas (360):		
Data collection	A	L
Intermediate-scale current patterns	A	S
Large-scale exchange processes	B	S
Decay of nonconservative constituents as related to physical factors (20):	A	S
Interactions between floatable and settleable components of wastes and physical factors (46):		
Character of floatables	A	S
Mechanisms of transport	B	S
Reduction of surface concentration	B	S
Case studies	A	L

[1] Total effort for this program area is 720 man-years.
[2] S is short term (less than 5 years).
[3] L is long term (less than 10 years).

TABLE 14.—PRIORITIES AND ESTIMATED INITIAL MINIMUM EFFORT FOR RESEARCH AND INVESTIGATION NEEDED IN CHEMICAL FACTORS

Recommended areas of research and investigation	Estimated minimum total effort [1] (man-years)	Priority	Completion time
Trace metals	50	A	S [2]
Complexing	22	B	S
Inorganic aggregation	22	B	S
Organic aggregation	17	B	S
Diagenesis	13	B	L [3]
Distinguish organic vs. inorganic	5	C	S
Nutrient fluxes	22	C	S
Organic matter distribution	13	B	L
Phytoplankton blooms	42	A	S
Anoxic conditions	17	B	S
Biochemical concentration	17	B	L
Sublethal effects	34	A	L
Oil spillage	134	A	S
Synthetic organics	17	A	L
Human physical activities	25	C	L

[1] Total effort for this program area is 450 man-years.
[2] S is short term (less than 5 years).
[3] L is long term (less than 10 years).

These recommendations, listed as specific projects, are indicative of broad areas of investigation, within which re-emphasis may be desirable in the future.

PROGRAM AREA OF BIOLOGICAL EFFECTS

Priorities and estimated minimum effort for project areas of research and investigation on biological effects are summarized in Table 15.

TABLE 15.—PRIORITIES AND ESTIMATED INITIAL MINIMUM EFFORT FOR RESEARCH AND INVESTIGATION IN BIOLOGICAL EFFECTS

Recommended areas of research and investigation	Estimated minimum total effort [1] (man-years)	Priority	Completion time
1. Intensive study of outfall areas and effects	620	A	L [2]
2. Public health significance of wastes	25	B	S [3]
3. Study of biological concentration mechanisms	40	B	S
4. Management of DDT		B	S
5. The structure and dynamics of coastal biological communities	370	A	L
6. Defining tolerable limits for each major use	190	A	S
7. Improvement of systems and models	35	B	S
8. Criteria for review of proposals for ecological study requirements		A	L
9. Evaluation of new waste products		B	L

[1] Total effort for this program area is 1,280 man-years.
[2] L is long term (less than 10 years).
[3] S is short term (less than 5 years).

POW RAIDS

Mr. THURMOND. Mr. President, in this afternoon's edition of the Washington Daily News, Mr. Ray Cromley has written a magnificent piece recounting the reactions of a prisoner of war to rescue missions over enemy territory. The article has special significance, and a guarantee of authenticity, because the prisoner of war was Mr. Cromley himself. The author was a POW in Tokyo during the famed Doolittle raids. Both these raids and the attempt of the Swiss Government to negotiate a prisoner exchange were of momentous importance

in boosting prisoner morale, regardless of the outcome.

Mr. Cromley writes:

The freedom in my soul and in my voice was not the thought of rescue or release (pleasant as release would be) that mattered so much as the thought that my country cared enough for me—for us . . .

And then he goes on to say:

I was a man and an American and nothing could defeat my soul.

There are some who would seek to downgrade the value of the Nixon administration's attempt to rescue the American prisoners in North Vietnam, but Mr. Cromley's testimony cuts across all such narrowminded criticism. As he writes:

It is hope that men require when they are prisoners of war. And a belief that their country cares.

Who would take away such hope from men in a POW camp? Who would consign them to hopeless waiting? The enemy technique has been to break down the morale of Americans, both those in POW camps, those in battle, and those at home, by refusing civilized contact and treatment and rebuffing attempts to secure humane treatment for our men. The whole technique has been to build up an atmosphere of hopelessness.

Mr. Ray Cromley's article effectively explains why the POW raid undercuts the enemy strategy, and I congratulate him on his stirring writing.

Mr. President, I ask unanimous consent that the article entitled "Bringing Hope to the Heart of the POW," written by Mr. Ray Cromley, and the article entitled "Why Ray Cromley Wrote This," published in today's edition of the Washington Daily News, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BRINGING HOPE TO THE HEART OF THE POW

I was a prisoner of the enemy in war. For six months of solitary confinement. In a Japanese prison in World War II. Perhaps, then, I can describe in some small way how the American prisoners of war now in North Vietnam feel after this attempt at their rescue. I don't know, of course. I can only think back 28 years to my own feelings.

I remember two things quite vividly from that time:

The Doolittle raid of April, 1942, and the visit of the Swiss Government representative after I'd spent about five and a half months in solitary.

(During the war the neutral Swiss Government represented U.S. interests in Tokyo).

I remember these two things strongly even today because they brought hope to the heart of one prisoner, who, thru no one's fault, had had no sign from his government and his country during the months of imprisonment.

It did not matter that the Doolittle raiders had not come to free those of us who were in prison, but were over Tokyo for an entirely different purpose. You could look out the barred window and see the American fliers were there. For hours afterward you could relive this flight by watching the rising smoke and by listening to the excited conversations of the guards. You could feel and hear and know yourself that something was being done—and in a way you could feel that it was being done for you. You were part of it.

Then the other incident. When the Swiss came, I cried. I cried because I said to myself "my country cares!" I said it again and again in happy agonizing gulps. In the months of holding in during daily questioning by teams of guards and of sitting, eating, sleeping in my cell, I had not realized how alone I had come to feel myself.

The freedom in my soul and in my voice was not the thought of rescue or release (pleasant as release would be) that mattered so much as the thought that my country cared enough for me—for us—that the Swiss should come to see each of us individually even for a few minutes and should be attempting, whether successfully or not, to do something for us.

I still remember the room in which the Swiss representative and I sat. I remember the expression on his face and the way his lips moved when he talked.

He asked me a few questions and we talked a little, the normal things men say to each other. He did not promise me anything. It was not yet clear then whether negotiations for an exchange of prisoners would be successful. But I walked back down that prison hall with music singing in my heart as loud, as strong, as powerful and as triumphant as the sound of a gigantic choir in a cathedral—as if heaven had opened wide.

I was a man and an American and nothing could defeat my soul.

I have never seen that Swiss again. But he will remain my friend until the day I die.

It is hope that men require when they are prisoners of war. And a belief that their country cares. And their wives and children.

With these a man can endure all things. Sickness, loneliness, beatings, death.

WHY RAY CROMLEY WROTE THIS

Ray Cromley, who is Washington correspondent for the news syndicate, Newspaper Enterprise Assn., was a correspondent for the Wall Street Journal in Tokyo on the day of the Pearl Harbor attack. On that day he was arrested and held in Nishi Sugamo Prison, in Tokyo.

He was tried, convicted of "sending information to the United States which could be used against the national defense of Japan" and sentenced to 1½ years in prison. An exchange of prisoners was arranged between the United States and Japan in July, 1943. He was moved into Sumire Concentration Camp about one week before exchange and was brought home—to New York—along with other exchangees on the SS Gripsholm in September, 1942.

Mr. Cromley grew so thin in prison that he couldn't keep his pants up, but after transfer to concentration camp he was fed well and ate eight meals a day to prepare himself for the trip home. When he enlisted in the U.S. Army eight months after his return home he had to sign a weight waiver in order to be accepted.

In the aftermath of the daring attempt to rescue U.S. prisoners of the North Vietnamese at the Son Tay prison camp near Hanoi, Mr. Cromley has been reflecting upon his experiences as a war prisoner and trying to put himself in the place of the men now held by the North Vietnamese. He describes his feeling in this article.

AIRPORT SAFETY MUST HAVE TOP PRIORITY

Mr. BYRD of West Virginia. Mr. President, the proposal to divert close to $250 million in trust funds from airport and airways improvements to Federal Aviation Administration operational programs seems to be ill timed and ill advised.

As chairman of the Appropriations Subcommittee on Supplementals and Deficiencies, which is now considering the proposal, I shall oppose any move that would take trust fund money away from high-priority items such as airport and airways improvements.

The trust fund was established by the Airport and Airways Development Act of 1970; and, through the implementation of what is commonly called a user's tax, the trust fund is expected to take in over $600 million this year. According to the law, that money is to be used on a priority basis, for airport developments grants, and airways equipment and facilities, including the installation of vital safety equipment. Any money still remaining in the trust fund could then be used for FAA operational programs.

In the supplemental appropriations bill now before my subcommittee, the administration is requesting $100 million for airport development grants—compared to the $280 million authorized by Congress for such grants. The request for airways equipment and facilities is $250 million, or $24 million below the amount authorized by Congress.

What the proposal suggests, then, is that we cut back much-needed development programs at our Nation's airports—that we deescalate, if you will, the installation of safety equipment and the general upgrading of our airports.

Just a little over 2 weeks ago, Mr. President, a plane carrying almost the entire varsity football team at Marshall University and a number of prominent citizens crashed at the Tri-State Airport in Huntington, W. Va. All 75 persons aboard, including the plane's crew, were killed.

I am by no means saying that this tragedy would have been avoided if additional instruments had been installed. We shall have to wait for the FAA investigation before determining what the cause of the accident was. Nevertheless, officials of the FAA have stated that the Tri-State Airport is one of many that are in dire need of improvements; and, very obviously, airport safety in every State in the Nation will suffer from a cutback in development programs.

Mr. President, I oppose the request to divert the trust funds from the priority programs the trust fund was primarily intended to bolster. I oppose any move that would give airport safety anything less than top priority.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. What is the will of the Senate?

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. If there be no further morning business, morning business is closed.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1380.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill (H.R. 17867) by title, as follows:

A bill making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded as original text for the purpose of amendment, provided that no point of order shall be considered to have been waived by reason thereof.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none and the committee amendments are considered and agreed to en bloc.

The amendments agreed to en bloc are as follows:

On page 2, line 10, after the word "law", strike out "$310,000,000" and insert "$396,870,000".

On page 2, line 12, after "World-wide", strike out "$150,000,000" and insert "$183,500,000".

On page 2, line 14, after the word "Progress", strike out "$75,000,000" and insert "$90,750,000".

On page 2, line 16, after the word "organizations", strike out "$85,000,000" and insert "$122,620,000".

On page 2, line 24, after "section 214(c)", strike out "$8,600,000" and insert "$12,895,000".

On page 3, line 1, after "section 302 (b)(2)", strike out "$4,000,000" and insert "$5,850,000".

On page 3, line 3, after "section 302 (b)(1)", strike out "$6,000,000" and insert "$7,960,000".

On page 3, line 9, after "section 402", strike out "$375,000,000" and insert "$414,600,000".

On page 3, line 13, after "section 451 (a)", strike out "$12,500,000" and insert "$15,000,000".

On page 3, line 15, after "section 252 (a)", strike out "$225,000,000" and insert "$337,500,000".

On page 3, line 20, after "section 202 (a)", strike out "$280,000,000" and insert "$570,000,000".

On page 3, line 25, after "section 637(a)", strike out "$50,000,000" and insert "$51,125,000".

On page 4, line 17, after the word "subparagraphs", insert "any of"; and, in line 18, after the word "general", strike out "purpose" and insert "purposes".

On page 5, line 11, after "section 235 (f)", strike out "$18,750,000" and insert "$37,500,000".

On page 5, after line 12, insert:

"SOCIAL DEVELOPMENT ASSISTANCE

"INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

"The Inter-American Social Development Institute is authorized to make such expenditures within the limits of funds available to it and in accordance with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out its authorized programs during the current fiscal year."

On page 8, line 4, after the word "than", strike out "$9,000,000" and insert "$10,000,000".

At the top of page 10, strike out:

"TITLE II—FOREIGN MILITARY CREDIT SALES

"FOREIGN MILITARY CREDIT SALES

"For expenses not otherwise provided for, necessary to enable the President to carry out the provision of the Foreign Military Sales Act, $272,500,000."

On page 10, after line 6, insert:

"PEACE CORPS

"SALARIES ANE EXPENSES

"For expenses necessary to enable the President to carry out the provisions of the Peace Corps Act (75 Stat. 612, as amended, including purchase of not to exceed five passenger motor vehicles for use outside the United States, $94,500,000, of which $31,400,000 shall be available for administrative expenses."

On page 11, line 3, after the word "appurtenances", strike out "$6,000,000" and insert "$6,952,000".

On page 13, line 7, after "5 U.S.C. 3109", strike out "$5,511,000" and insert "$5,787,000".

On page 14, after line 2, insert:

"INTERNATIONAL MONETARY FUND

"INCREASE IN QUOTA, INTERNATIONAL MONETARY FUND

"To finance an increase in the quota of the United States in the International Monetary Fund, $1,540,000,000 to remain available until expended: Provided, That this paragraph shall be effective only upon enactment into law of H.R. 18306, Ninety-first Congress, or similar legislation."

On page 17, after line 2, strike out:

"SEC. 504. None of the funds herein appropriated for 'International Financial Institutions' shall be available to assist in the financing of any project or activity the expenditures for which are not subject to audit by the Comptroller General of the United States."

On page 17, after line 7, strike out:

"SEC. 505. None of the funds herein appropriated for 'International Financial Institutions' shall be available to assist in the financing of any project or activity for which detailed justification is not available to the United States Senate and House of Representatives."

Mr. McGEE. Mr. President, there are a few technical amendments that should be made in order to conform the printed bill to the action taken by the committee.

The first such amendment on page 4, line 17, the words "any of" that were inserted after the word "subparagraph" should be inserted after the word "for".

On page 10, line 6, "title III" should be changed to "title II"; and on page 14, line 10, "title IV" should be changed to "title III".

On page 15, line 22, "title V" should be changed to "title IV".

The PRESIDING OFFICER. The Senator will send his amendments to the desk.

Without objection, the technical amendments are agreed to.

Mr. McGEE. Mr. President, the budget estimate for foreign assistance and related programs for fiscal year 1971 totaled $4,416,539,000. The appropriations subcommittee recommendation provides for new obligational authority amounting to $4,143,639,000. This is $1,922,678,000 over the amount allowed by the House of Representatives, but $272,900,000 under the total estimate.

The amount that the committee has recommended, however, includes the $1,540,000,000 for the increase in quota for the International Monetary Fund; and so, to keep this total figure in proper perspective, I think it is important that we think of it in net terms; that is, minus the increased quota for the International Monetary Fund. The committee has included the increase in quota in this appropriation action because of the time factor involved since our quota payment is due on January 1, 1971. However, in the event the amount is not authorized, the committee has included a proviso to the effect that the appropriation is without effect if H.R. 18306, or similar legislation is not enacted by the Congress.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. JAVITS. I think it should be made clear for the record that the $1.5 billion is not appropriated money that is going to be spent.

Would the Senator be kind enough to tell us how much needs to be contributed by the United States as an additional subscription in the way of money and what represents residual authority to back up the activities of the fund?

Mr. McGEE. The increase in quota includes $385 million in gold, and a letter of credit in the amount of $1,155 million. This represents our portion in the upgrading of the International Monetary Fund reserves. All the participating nations are increasing it. I think the total increase is $7.6 billion, and this is roughly our share.

Mr. JAVITS. Therefore, of the total liquidity pool which is available to support the monetary systems of the world, the United States contributes, if my memory serves me correctly, something in the area of 20 percent?

Mr. McGEE. That is correct.

Mr. JAVITS. Of which—again in round figures—only something in the area of 20 percent plus represents a pledge of U.S. gold, to which the United States still has a claim as the U.S. gold contribution becomes part of the gold pool of the International Monetary Fund. So we retain, as it were, our equitable interest to the same extent as our contribution in that gold pool. Is that correct?

Mr. McGEE. Not only do we retain our equity in it, but also, as I understand it, we will have an increase in special draw-

ing rights, which can be lost if we do not contribute our increase in quotas by January 1, 1971.

Mr. JAVITS. That is correct.

Mr. McGEE. Which comes at a time when these new drawing rights would be to our advantage.

Mr. JAVITS. That is correct. The United States has already availed itself, has it not, in its international monetary operations, of drawing rights in the fund?

Mr. McGEE. The United States has already availed itself of that.

Mr. JAVITS. I think this is critically important, so that it should not be taken superficially as some expenditure of $1.5 billion. It is like depositing money in a bank in which we retain drawing rights and other proprietary interests. So that the United States has not been separated from its money, as it would be if this were a defense appropriation or an education appropriation or something like that.

Mr. McGEE. It is an exchange of assets. Transactions between the Fund and the United States are monetary exchanges through which the United States receives international reserve assets. The U.S. net position with the International Monetary Fund is a foreign exchange asset comparable to gold or convertible foreign currencies owned by the Treasury. For this reason subscriptions, as well as drawings and other transactions reflecting net changes in the U.S. position with the International Monetary Fund, are excluded from budget receipts and expenditures. Thus, this increase in our subscription will have no budget impact.

Mr. JAVITS. I thank the Senator. I think it is very important to make that point.

Mr. McGEE. And with the further caveat that I tried to specify in the opening comments—namely, that this all still hinges upon the official authorization of this sum by the appropriate legislative committee.

Mr. JAVITS. It is a fact that the drawing rights materially exceed the approximately $350 million of gold deposited.

Mr. McGEE. That is correct. In this measure, the United States stands to gain in a very substantial way.

Mr. JAVITS. Thus the United States gains by having the right to draw more than $350 million as well as benefiting from world monetary stability as do all other nations.

Mr. McGEE. That is correct.

Mr. JAVITS. I thank the Senator.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. AIKEN. I might add that the reason why there has been no authorization for this $1.5 billion contribution to the IMF is that all the proposed increases in our contributions to international banking institutions are in the same bill, which was brought up last week. The principal contributions will be to the International Development Association, the Asian Bank, and the Inter-American Development Bank. I believe the contribution to the Inter-American Development Bank is the largest of all.

Mr. McGEE. Yes. The Inter-American Development Bank will get a billion dollars under that bill.

Mr. AIKEN. I had suggested a separate bill for the IMF contribution but that suggestion did not seem to catch fire. Now we have before the Senate a bill for our contributions to all of these organizations. It has been held up for some time now, one way or another, and whether there will be action on it this year remains to be seen. If there is no action this year, I would not expect that there would be action until about the first of March, which would make us in arrears. That fact will be nothing new for the United States, because for many years we were in arrears on our assessments to the United Nations, because the United Nations was operating on a year which terminated on December 31 and the United States was operating on a year which ended on June 30.

Although it would not be fatal if the authorization bill does not go through, it would be best to get it through as soon as possible; and with the consent of 99 other Senators and myself, it might be passed.

Mr. McGEE. I thank the Senator from Vermont for his comment. I agree with him that I think this is a correct approach to this matter and that it would be better if we could authorize it. I would also like to point out again, as I mentioned just a short while ago, a very important point which I want the Senate to be fully aware of. If our quota is not increased before January 1, 1971, we will lose up to $130 million in special drawing rights allocations. Action now is essential if we are to avoid this potential loss.

Mr. AIKEN. Nobody likes to vote for an appropriation that has not been authorized.

Mr. McGEE. Yes. We do not intend to do violence to that principle here, but we are voting with the proviso in the bill that this provision does not become operable as an appropriation until it is authorized.

Mr AIKEN. Unless the amount is authorized, we will probably be at least 2 months in arrears on the payment in meeting our obligation.

Mr. McGEE. At least, our action, through the appropriating process, will have been completed.

In the light of this colloquy, I think it would be well to separate the total sum in this bill in real cost from the appropriations by the Senate a year ago and by the action of the House of Representatives.

The Senate figure is $382,678,000 over the House figure this year, without the IMF funds. It is that sum that is in roughly the same proportion as the Senate addition to the House appropriations a year ago. The increase by the committee is really a modest one. Surely there will have to be some give and take in conference and we do not consider the $382 million difference an excessive bargaining position to take to conference.

The committee recommendation is already low in terms of preferences of this administration, because it is limited by the 2-year authorization of a year ago. The administration would have requested larger funds this year because of a number of factors that would have required it. But because of the 2-year authorization, it started with a figure lower than its estimate of a year ago.

With that in mind, the committee is recommending virtually a full restoration of the administration request in title I of the bill.

I think it is important to underscore the lower level at which we are starting because of the 2-year interval. Likewise, in terms of the real figures from last year, the apparent $200 million increase that the Senate figure represents from a year ago, in itself is in the development loan category. This derives not only from the fact that we are starting with a lower figure this year, but because the Congress, in its wisdom, earmarked approximately $100 million—for population programs throughout the world. As a consequence of that, some 30-plus million dollars in this hemisphere and $65 million elsewhere, we will find a sizable chunk of the development loan funds already labeled and set aside. So, to accommodate to the specification, we felt that the restoration of the $200 million in that category was very much in order. Except for that particular category, the other areas are approximates of the action of the Senate a year ago.

Mr. President, the budget estimate for foreign assistance and related programs for fiscal year 1971 totaled $4,416,539,000. The committee recommendation provides for new obligational authority amounting to $4,143,639,000, which is $1,922,678,000 over the sum allowed by the House but $272,900,000 under the estimate The sum recommended by the committee includes $1,540,000,000 for the increase in quota of the International Monetary Fund.

The estimate for the increase in quota of the International Fund was contained in Senate Document 91–110, dated November 17, 1970, thus the amount was not considered by the House. Therefore, if the $1,540,000,000 is deducted from the $1,922,678,000 which is the sum by which the Senate bill exceeds the amount recommended by the House, the amount of the Senate increase over the House-passed bill is $382,678,000.

Title I of the bill, which contains funds for economic assistance, military grant assistance, and the Overseas Private Investment Corporation—OPIC—includes a total of $2,204,400,000 for these purposes for fiscal year 1971.

The committee recommends $1,816,900,000 for economic assistance; $37,500,000 to be added to the reserves of the Overseas Private Investment Corporation; and $350,000,000 for military grant aid.

It would appear, Mr. President, that the committee has appropriated funds almost equal to the budget estimate for title I. However, the amounts set out in the bill do not tell the full story because the 1971 budget estimates were necessarily reduced to comply with the 2-year authorizing legislation passed in the first session of the 91st Congress. It will be recalled that this authorization provided $2,286,185,000 for both military and economic aid and for the Overseas Private Investment Corporation for each of the fiscal years 1970 and 1971, which amount

was $423,835,000 under the administration's request for fiscal year 1970 of $2,710,020,000. Necessarily, then, the administration's request for fiscal year 1971 had to be within the ceiling established by the previously passed authorizing legislation, and under the amount requested for fiscal year 1970 by $423,835,500.

Mr. President, in recommending almost the full amount of the necessarily reduced budget estimate in fiscal year 1971, the committee has taken cognizance of the fact that the need for economic and military aid is presently far greater than the budget estimate that was sent to Congress in January of this year. In fact, Mr. President, as this bill is being presented to the Senate, a supplemental estimate in the amount of $1,035,000,000 was just recently received by the Congress.

While the amount recommended by the committee for title I of the bill is more than a half billion dollars above the sum recommended by the House, the differences on an individual item basis are not that great. Actually, divergence of opinion between the House and the amount recommended by the committee is concentrated in four items; namely, the General Development Loan Fund, development loans for the Alliance for Progress, technical assistance, and supporting assistance.

For the General Development Loan Fund, the committee has recommended and appropriation of $570 million, which compares with the House allowance of $280 million. Thus, the committee has increased the new obligational authority for this item over the amount recommended by the House by $290 million. Of the amount added by the committee, $65 million is earmarked for carrying population programs authorized by title X of the Foreign Assistance Act of 1961, as amended.

For the development loans for the Alliance for Progress, the committee recommends a new obligational authority of $337,500,000, which compares with the House allowance of $225 million, an increase of $112,500,000 over the amount recommended by the House. Included in this appropriation is $30 million for population programs authorized by title X of the Foreign Assistance Act of 1961, as amended.

For technical assistance, the committee has recommended the full amount of the budget estimate of $396,870,000. This sum is divided into three separate technical aid programs. First, the worldwide technical aid program, which has a budget estimate of $183,500,000; second, the Alliance for Progress program with a budget estimate of $90,750,000; and third, for the various multilateral organizations a budget sum of $122,620,000.

The House made considerable reductions in the technical assistance program totaling $86,870,000 below the budget estimate and divided the reductions among the three aforementioned categories as follows:

For worldwide technical assistance, the budget estimate was reduced by $33,500,000, from $183,500,000 to $150,000,000.

For technical assistance, Alliance for Progress, the budget was reduced $15,750,000, from $90,750,000 to an even $75,000,000.

For multilateral organizations, the budget estimate was sliced severely by $37,620,000, from a budget estimate of $122,620,000 to $85,000,000.

Mr. President, the committee feels that perhaps the strongest overall program in the foreign aid field is in the area of technical assistance, which includes both bilateral and multilateral technical aid. Included among the multilateral aid programs is the U.N. development program, the U.N. Children's Fund, and the U.N. population programs.

In addition, for fiscal year 1971 the amount made available for the multilateral organization technical aid program includes $2 million for the initial operation of the special fund that has been created to finance the expanded U.N. drug control program. In this connection, on July 28, 1970, a resolution of the Economic and Social Council of the U.N. which was initiated by the United States, called for a special meeting of the U.N. Commission on Narcotic Drugs on September 28, 1970, in order to prepare a worldwide plan of attack against the explosive growth of drug addiction and its causes. At this session, the Commission recommended a substantial increase in the U.N. drug control activities and proposed that a special voluntary fund be established to finance them. The $2 million provided in the pending measure is in response to this recommendation of the Commission.

Title II of the bill, Mr. President, contains a House allowance of $272,500,000 for foreign military credit sales. Needless to say, authorizing legislation for the credit sales program appears to be helplessly deadlocked in a House-Senate conference at this time; consequently, the committee has not recommended any appropriations for this program for fiscal year 1971. However, since the House has included funds for this item in the bill, the amount ultimately allowed to fund this program will necessarily have to be resolved when a conference is held on this bill.

For title III of the bill, the committee has included a total of $1,939,239,000 to fund the Peace Corps, the administration of the Ryukyu Islands by the Army, assistance to refugees in the United States, the migration and refugee assistance program administered by our Department of State, subscriptions to the Asian Development Bank and the International Development Association, and an increase in quota of the International Monetary Fund. For all of these items, the committee has made the full budget estimate available with the exception of the Peace Corps wherein the committee recommendation of $94,500,000 is $4,300,000 below the budget estimate and the amount authorized by the Congress. I might add that this reduction of $4,300,000 was requested by the Deputy Director of the Peace Corps, Mr. Houser, when he appeared before the committee earlier this year.

Title IV of the bill, Mr. President, contains items covering the limitation of program activity and administrative expenses of the Export-Import Bank. New obligational authority is not involved in the case of the Export-Import Bank because Congress has authorized it to operate on borrowing authority from the Treasury. With regards to these limitations, the committee has concurred with the budget estimate and the amounts recommended by the House of $4,075,483,000 for program activity and $6,613,000 for administrative expenses.

Mr. President, this concludes my presentation on the bill. I am ready to answer any questions that Senators might have regarding any of the items in the bill.

Mr. FONG. Mr. President, I want to commend the distinguished chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations for doing an outstanding job in guiding the foreign assistance appropriations bill through the committee hearings and markup sessions. His broad experience in and keen understanding of foreign affairs were very instrumental in forging the appropriations bill that we have before us.

Mr. President, it is a fact that in the past few years interest among many Americans in the problems of the less developed countries of the non-Communist world and the U.S. effort to assist these countries have declined.

The reasons for this decline in interest and participation are both numerous and varied. They include: First, a growing preoccupation with pressing domestic problems and needs; second, a continuing Vietnam war demanding tremendous outlay in dollars; third, an easing of cold war pressures; fourth, numerous reports of waste in and mismanagement of assistance programs; fifth, conflicting reports on the effectiveness of development assistance in achieving stated goals; sixth, dissipation of agricultural and industrial progress by rapid population increases; and seventh, a lack of demonstrated appreciation.

It is generally agreed, however, that one of the main reasons for our participation is that, as the most powerful free country in the world, the United States has a fundamental interest in a peaceful and improving world environment. Today, many speak of the "community of nations," suggesting a new world order in which narrow conceptions of sovereignty and self-interest are replaced by a consciousness of the interdependence of nations. This in turn suggests the need to contribute to the building of a world community in which a reasonable level of material welfare comes within reach of all the peoples of all nations.

Just as we have learned that we can be neither safe nor comfortable in a nation sharply divided between the well off and the deprived, so must we also recognize that no wealthy nation can be safe or comfortable in a world where a majority of mankind is still impoverished and in need of hope and assistance.

Though great is our desire to help the developing nations of the world to achieve self-sufficiency in the shortest possible time, increasing and continuing deficits in our national budget, combined with greater demands of our people to

improve pressing needs at home, have accounted in a large measure for the modesty of this bill.

A perusal of the Senate figures indicates that the committee has appropriated funds almost equal to the full budget estimate. However, the amounts do not tell the full story because the 1971 budget estimates were necessarily reduced to comply with the 2-year authorizing legislation passed in the first session of the 91st Congress. This authorization provided roughly $2.2 billion for both military and economic assistance for each of the fiscal years 1970 and 1971.

While the Appropriations Committee has restored almost the full amount of the reduced budget estimate for fiscal year 1971, the committee is aware that the need for economic and military assistance may presently be far larger than the original budget request. The increased need can be attributed to the following developments: First, events in the Middle East have adversely affected an already grave foreign exchange reserve position for Israel; second, President Nixon's decision to reduce American troop strength in Korea has prompted the need for additional military aid to South Korea; third, the acceleration of the Vietnamization process and the expansion of the war in Cambodia has made it necessary for increased military and economic aid to that area.

Mr. President, in weighing the pros and cons of our foreign aid program in light of the various demands on our tight budget situation, I have come to the conclusion that the merits of the program far outweigh the demerits of it and that the request for financial assistance should be supported. I therefore request my colleagues to give this appropriations bill their favorable consideration and support.

Mr. JAVITS. Mr. President, I want to raise some questions with the distinguished Senator about a part of the bill which repeatedly has come to my attention while serving as a U.S. delegate to the United Nations this year; that is, the provision contained under supporting assistance of roughly $13.3 million for the United Nations Relief and Works Agency—UNRWA—which must be considered as coupled with the rest of the $8,900,000 in commodity assistance, making a total of $22,200,000 with respect to the operation of this agency. UNRWA deals with Palestine refugees wherever they may be—mainly on the west bank of the Jordan, under the military control of Israel—also in Jordan, Lebanon, Syria, and the Gaza Strip.

As Senators will note, there is in the bill a specific provision for $1 million additional for the education of these refugees.

I have looked into the situation carefully at the United Nations, and have also talked with the Director of the United Nations Relief and Works Agency.

It will be recalled that there has been acute dissatisfaction in the Senate, and in the other body, with the operation of these camps—alleged Palestine Arab refugee camps—which were the central source of one side of the recent bloody civil war in Jordan.

The camps have been considered primary centers for the training of guerrillas and commandos, and the headquarters of the Al Fatah—an Arab guerrilla organization. Even further, it is known that one camp was used as a place of concealment for the hostages from the hijacked aircrafts. These are serious matters.

In addition, the whole UNRWA operation looks like a bottomless pit in the sense that we are supporting a large number of people who are not being incorporated into existing nation states. The committee report points out, on page 13, the numbers involved, which I would like Senators to note.

It points out the number of refugees registered with UNRWA now numbers 1,409,659, of whom 819,388 are receiving rations from UNRWA. This complex of circumstances indicates that the whole operation is going nowhere and is simply a holding operation. When this is coupled with the abuse and actions so contrary to the policies of our Government emanating from the camps which are supported by an international agency to which the United States contributes 55 percent of total support, there are grounds for serious worry and concern. That is why we wrote into the authorization act—and I now refer to section 301(c) of that act, as amended, Public Law 91–175, which is the enabling statute to the appropriation which reads as follows:

> No contribution by the United States shall be made to the United Nations Relief and Works Agency for Palestine refugees in the Near East except on condition that the United Nations Relief and Works Agency shall take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee receiving military training as a member of the so-called Palestinian Liberation Army or any other type of guerrilla organization or engaged in any act of terrorism.

Mr. President, before I ask the Senator a question, I would like to say that for years, notwithstanding my deep feelings about United States-Israel relations, I have supported the U.S. participation in UNRWA in such a major way to alleviate the plight of the Palestinian refugees. I still feel that this continues to be a critical element of stability in that area of the world.

I deplore the fact that we have now seen cases of very grave abuse that are so inimical to the interests of the United States and peace in the area. I have described those. There is a dismaying lack of progress in moving toward some real settlement with respect to the refugees which will terminate the need for an UNRWA-type of operation.

There is no question about the fact that a solution to the refugee problem must be incorporated into a peace settlement in the area or we will never be free of the terrible exacerbations caused by this problem.

Under all these circumstances, and bearing in mind that the mandate of this agency given by the United Nations expires in 1972, we are getting toward the point of deciding whether we want the United States to continue along the old UNRWA path.

I would like to ask the Senator, who has been very understanding in this situation, two questions:

First, did the committee receive any information to make it feel that the proviso which we wrote into the enabling legislation is being taken seriously, so that we are able to find out that the U.S. contribution is not being used to furnish assistance to any refugee receiving military training as a member of the so-called Palestinian Liberation Army or any other type of guerrilla organization or any refugee similarly engaged in any act of terrorism. That is pretty hard to believe, considering the recent civil war in Jordan.

Second, I wish to ask the Senator whether the committee considered having our State Department do something about terminating soon this anomalous situation, especially of terminating the present type of UNRWA operation—which has now been going on for 20 years.

Mr. McGEE. Mr. President, I say to the Senator from New York in regard to the first question that this refugee assistance has been carefully screened and that its recipients have been doubly screened to ascertain insofar as possible in this kind of difficult situation that the assistance is not going to someone receiving military training or is not treated in some other way that would be equally complicated and costly in terms of its original purpose.

We did go in depth into this question with the agency spokesmen and pressed them constantly for a followup on this. We have been steadily reassured that this extra scrutiny has been constant and that they have satisfied themselves as closely as is humanly possible that the individuals who receive it have qualified for it and do indeed meet the limitations of the proviso which this body included in the measure a year ago.

We are satisfied that this is a genuine effort rather than a nominal one and that it is being held to a minimum.

I say that advisedly because, as the Senator from New York and I both know, in that case there is a somewhat fluid situation under very tortuous circumstances and one can never be absolute in his judgment how tightly it is being followed through.

We are satisfied that the effort being made is a very real one.

I share with the Senator his expression of thought that, as frustrated and as complicated as this whole noteworthy operation has become, there would probably be something even worse than the kind of slippage the Senator has made reference to and that there would be something from this body that would even worsen the atmosphere with respect to possible face-to-face confrontations in the whole troublesome Middle East situation.

I think we are in agreement that this would not be the time to introduce such a new factor as would make even more difficult the prospects of a peaceful settlement in that part of the world.

With that in mind, we had to do the best we could with this very nasty situation and try to ride herd on it and keep the reins as tightly in our hands as human frailties permit. This is being done.

The ultimate termination of the matter, I would like to suggest, would be a little further down the road when we have a chance to see that the ultimate events make possible some settlement of some of the major differences in that part of the world.

Mr. JAVITS. Mr. President, would the Senator say that it would be the mood of his committee that we are not to be taken for granted and are not going to continue to go along with the UNRWA payment for another period of years on this "bottomless pit" basis?

Mr. McGEE. Mr. President, the mood of the committee is very clearly one to make certain that if this does not show a chance of correcting the conditions that brought it into being in the first place and if it does not show a chance of getting some place, even though it might take longer than hoped for at the outset, we are not interested in perpetuating conditions that the Senator referred to as a bottomless pit. It has been making headway. We are hopeful that new proposals and new formulas will be advanced for trying to resolve the refugee question in still other ways if it is possible to achieve a settlement of conditions in that part of the world. Just where those lines are to be drawn will have to await a settlement.

Mr. JAVITS. Mr. President, I would like to be sure that the UNRWA resolves this matter in a way that assures it does not give aid to any refugee involved in commando activities or of such people being on the ration list.

As the Senator says, I am sure there are plenty of holes in that. However, at least the Senator noted that our people are trying to see that the people who receive rations are not commandos. One never knows what happens to the rations when they get into the hands of a family. Undoubtedly, commandos eat many of the rations.

There is one thing that we should know about this matter. Although they do not actually maintain camps, they do furnish certain essential services. For example, water and sanitation are supplied by UNRWA. They furnish also other types of services.

I would hope very much that the committee would make it very clear to our authorities that we expect strict accountability in this matter. As we already know, because we have seen it, these camps have been used as the bastion of the effort to overthrow the government of King Hussein. They have even been used as a place in which the hostages from the hijacked aircraft were kept.

This is not acceptable to the United States and is contrary to the legislation passed by Congress concerning the use of U.S. funds by UNRWA.

When the chance is present, I hope that something far more constructive will be done about the Palestinian refugees than has been done until now.

Mr. McGEE. I believe the Senator is precisely correct that our buying time, in effect, is an operation that must have a terminal point. In most cases, time cannot be bought forever.

But I would again urge that there are other explosives present in this situation. It is unfortunate that the desperate plight of a younger generation of kids, who never knew anything in their lifetimes but hate because of having survived in these camps, become the tempting and almost automatic shields for these guerrilla operations to which the Senator referred; but there is still the case to be made from the humanitarian point of view for those in these operations and our effort is that we do not become unwitting humanitarians without weighing the other imbalances which the Senator so forcefully has set before us.

Mr. JAVITS. I thank the Senator. I believe this colloquy will be helpful to our authorities and the agency. I think it is a set of injunctions which is very badly needed. I thank the Senator.

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, if the Senator from Oregon would like to have the floor in his own right, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, first of all, I am sorry I did not get in on the full colloquy between the distinguished Senator from New York (Mr. JAVITS) and the manager of the bill, the Senator from Wyoming (Mr. McGEE), because actually what I wish to address myself to at this time has to do with the subject of the UNRWA part of the budget and the underfunding of the refugee program which is represented by the $6 million deficit facing UNRWA today.

I had planned to offer an amendment at this time to increase the foreign aid budget by $1.5 million, merely to bring the United States up to the pre-June 1967 war percentage of our contribution to UNRWA, which at that time was 70 percent.

I shall not offer the amendment at this time. It is an amendment in which the Senator from Massachusetts (Mr. KENNEDY) had joined me. Rather, I will wait until the next session to make the case before the Committee on Appropriations.

Today I would like to comment on the tremendous need in the Middle East which is represented by 1.4 million human beings, our fellow human beings. I hope we can look at these people, not in titles or terminology of refugee or something impersonal, but that we think of them as human beings and realize there are some things we can do now, short of a full-blown conference to settle the political problems in the Middle East. Too often we fail to do things we can do to alleviate human suffering, which gives much fuel to the political problems we find difficult at the conference table.

The UNRWA budget today is functioning at 10 cents per refugee per day: 5 cents for food, 4 cents for education and technical training, and 1 cent for medical care and sanitation.

It is like many other things we learn to live with, by the fact they have existed for so long a time. If one were to visit refugee camps on the Jordan side of the river, as I have, one could not help but sense the human anxiety and suffering which gives rise to many of our political problems. That is why I feel we must do more than we have been doing to remove the causes of war, and other than to merely come up with some military answers for military problems that really are rooted in human problems.

Let me make clear that there is no responsibility which UNRWA has for the security of the area. Let us not confuse the military and political situations of the area with UNRWA, which deals totally with human suffering.

The UNRWA budget faces a $6-million deficit. This is due to the increasing number of refugees. Bear in mind that some of these refugees have been in camps since 1948 and they are increasing within the camp by natural procreation, and the increased numbers fleeing into camps from homes disturbed by political consequences of the times.

Cuts will be necessary if additional funds are not found, and education and technical training will be the areas in which cuts are first made. There must be funds for these areas because one finds in the past where men had the skills or semiskills they found themselves out of these camps. The main thing is to get the people out of the camps. As long as they remain in the camps we do more to provide backing for the Fedayeen, the Al Fatah, and other guerrillas than any one thing I know of.

Commissioner-General Laurence Michelmore recently reported that they cannot even supply the refugees with their monthly ration of soap due to this deficit. Things are in crisis proportions. We can realize these consequences and the evil and the bad that exist by even having such camps.

We further alienate the young who stand to benefit from the education and technical training, in that it will decrease their hope for the future and leading productive lives and it could push many of them toward the Fedayeen and create more violence in the area.

The United States contributed more than any other country in the past and up until the 1967 war our percentage was 70 percent of UNRWA's funds. Today it has decreased to 56 percent. In the foreign assistance appropriations bill of 1971 we find $13.3 million authorized and an additional $1 million recommended by the Commmittee on Appropriations as passed by the House.

Mr. McGEE. Mr. President, will the Senator yield at that point?

Mr. HATFIELD. I yield.

Mr. McGEE. We have $13.3 million plus $8.9 million. That makes the total actually $22.2 million.

Mr. HATFIELD. I understand.

I thank the Senator from Wyoming.

If we add the $1.5 million, which I think should be the amount required to bring our part up to the pre-1967 level and help the agency meet its $6 million def-

icit, it would be for present needs only. It would not be for the expansion of the needs or for other problems that have gone unresolved in the refugee camps.

I want to emphasize that this would merely bring our portion of the $6 million deficit up to the prewar figure of 70 percent.

The administration recently requested a $1 billion appropriation for military equipment for Southeast Asia and Israel. All we would ask for here in order to bring this figure back up to our percentage of 70 percent would be $1.5 million, which is only .15 percent of the requested supplemental appropriation.

The amount we are requesting for UNRWA could lead to significant progress in alleviating the primary cause of the tragedy besetting the Middle East: the plight of the Palestinians.

I believe that peace will not be reached in the Middle East through military means alone. Until we realize this fact and effect a policy to deal with this reality, we will only create more misery and decrease the possibility and the hope for peace.

Even though we can get more excited about billions required for military appropriations, I wish we could bring into focus the requirements of human beings, which can be met with millions rather than billions, and get the right kind of priority.

I ask unanimous consent to have printed in the RECORD my testimony before the Appropriations Subcommittee for Foreign Operations relating to the problem of UNRWA.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY SENATOR MARK O. HATFIELD

Senator HATFIELD. My purpose in submitting testimony to this Committee is to stress to you the importance of increasing the contribution of the United States to the United Nations Relief and Works Agency (UNRWA) not only for increased technical-vocational training but also to alleviate the cash deficit UNRWA is facing in trying to meet its operational costs.

UNRWA is the primary agency dealing with the Palestinian refugees. Its responsibilities range from providing technical-vocational training to provide food, shelter and medical facilities for more than 1.5 million Arab refugees in the Middle East. The role UNRWA has played over the past two decades in this troubled area of the world has been of critical importance in giving the Palestinian refugees a constructive hope for the future and in mollifying the refugees' intense feelings of frustration, alienation and injustice. Some have argued that UNRWA is financing, consciously or unconsciously, the various guerrilla groups which have sprung up from the ranks of the Palestinians since the Six Day War in 1967. Through my travels in the area and the contacts I have developed, I have found no evidence to support this allegation.

I would like at this time to draw your attention to a "Letter to the Editor" by John Defrates, Chief, Public Information Office of the United Nations Relief and Works Agency which speaks to this important point.

JUNE 8, 1970.

The EDITOR,
Prevent World War III,
New York, N.Y.

DEAR SIR: In an article entitled "We Accuse UNRWA . . ." published in the winter-spring issue, 1970 of "Prevent World War III", serious allegations are made about UNRWA, leading to the conclusion that UNRWA is misusing funds placed at its disposal. The article is long on accusations and short on evidence, and the result is to give your readers a grossly distorted picture of the responsibilities and operational activities of this United Nations organization.

As the article has since been read into the U.S. Congressional Record, I am taking the trouble to explain the position of this Agency and I shall be glad if you will, in publishing this, give it the same prominence in your publication as you gave to the original article.

The function of UNRWA—and the purpose for which it is entrusted with funds—is to provide relief, health, education and training services for the needy among the Palestine refugees registered with the Agency and to provide assistance as far as practicable for other persons in the area who are displaced and in need as a result of the June 1967 hostilities.

This function is being carried out to the satisfaction of the United Nations General Assembly which, at its last session, again expressed its thanks to the Commission-General of UNRWA and his staff "for their continued faithful efforts to provide essential services for the Palestine refugees".

UNRWA has always taken all possible measures to ensure that contributions of governments and of other donors are used exclusively for assistance to persons whose eligibility has been established and who are present in the area where they are registered and in need of that assistance.

The criteria of eligibility have been defined in reports to the General Assembly, and the Agency's established administrative and budgetary practices and control mechanisms (including both internal and external audit) ensure that funds and supplies are safeguarded and that services and supplies are distributed only to persons previously determined to be eligible beneficiaries and identified as such at the point of distribution. Two-thirds of UNRWA's expenditures go to provide school-milk and hot meals for children, education and health services, which can only be used or consumed by the immediate recipient, and there is no possibility of diversion to an unauthorized recipient before or after the assistance is provided.

With regard to the monthly distribution of food commodities to refugee families, there is no evidence that supplies are subsequently transferred to military groups such as the Palestine Liberation Army or other similar organizations, and the Agency believes that *fedayeen* in training have their food and other needs met by these organizations and consequently do not benefit from UNRWA's assistance.

Since October 1969, the situation in refugee camps in Lebanon has been abnormal, in that armed men belonging to guerrilla organizations have been present and the Government's regular police and other staff have been absent. Arrangements for the governmental authorities to resume their normal responsibilities in these camps are still under discussion. Meanwhile, UNRWA's installations and services for the needy refugees in those camps, which accommodate only half the registered refugee population in Lebanon, have not been interfered with, except in a few isolated cases, and UNRWA's assistance has not been diverted to other purposes.

In east Jordan the number of *fedayeen* in the refugee camps has never reached the same proportions as in the camps in Lebanon in October/November 1969, and, so far as we know, no commando training has taken place within the boundaries of the refugee camps. The Jordan Government has continued to exercise its responsibilities within the refugee camps and, as in Lebanon, there has been no interference with UNRWA operations.

The circumstances under which UNRWA operates, which have always presented problems, have become much more difficult as the crisis in the Middle East has deepened and tensions have increased throughout the area. It is of the greatest importance that the essential needs of the refugees—for relief services, for health protection and especially for education and training—continue to be met, both from the humanitarian aim of ensuring the physical survival and health of the refugees and preparation of the young for a useful future life, and also from the standpoint of avoiding a catastrophic worsening of conditions in the area.

Consequently, the article "We Accuse UNRWA . . .", in attacking the integrity of UNRWA's operations and accusing UNRWA of "the gravest malfeasance", is not only grossly misleading but constitutes a disservice to those who are working for a just settlement of the refugee problem in the context of a just and lasting peace in the Middle East—the very peace which your publication claims to be working to advance.

Yours truly,

JOHN F. DEFRATES,
Chief, Public Information Office.

RESUMPTION OF TESTIMONY

Since the creation of UNRWA the United States has played a key role in that organization's development. Due primarily to the natural increase in the Palestinian population, UNRWA ended the last fiscal year with a $4 million deficit which was met by using its reserves for 1971, by cutting internal costs within the organization and by means of special contributions by various governments and voluntary organizations. This, however, leaves UNRWA facing a $5 million deficit for 1970–71 without any reserves. Consequently, the only manner in which the organization can meet this deficit without any new funding is to cut from general operating funds money previously allocated for technical-vocational training. This would have to be done in order to meet the more basic demands for food, shelter and medical facilities. The House of Representatives voted to contribute an additional $1 million for the "expansion of technical and vocational training of Arab refugees" which is very much needed and which I fully support, for this type of program is the source of hope for the refugees to meaningfully contribute to their society and is a major contributor to our hopes for peace in the Middle East.

I would like at this point in my testimony to include a general outline of the requirements for expansion of the technical-vocational training centers which have been proposed:

TABLE I.—ESTIMATED COSTS

Project	1970–71	1971–72	1972–73
A. Full exploitation of existing facilities			
1. Amman Training Center	$300,000	$350,000	$360,000
2. Gaza Vocational Training Center	80,000	80,000	85,000
Total	380,000	430,000	445,000
B. Expansion:			
1. Kalandia Vocational Training Center (1st phase)	620,000	.....	.....
2. Kalandia Vocational Training Center (2d phase)	.....	120,000	.....
3. Ein el Hilweh camp	.....	80,000	.....
4. Baqa's emergency camp	.....	370,000	.....
5. Huson emergency camp	.....	.....	470,000
6. Other projects	.....	.....	85,000
Total	1,000,000	1,000,000	1,000,000

EXPLANATORY NOTES TO TABLE I

A. Full exploitation of existing facilities

1. Amman Training Center

Prior to the June 1967 hostilities, the Agency's teacher training facilities for men and vocational and teacher training facilities for women in Jordan were concentrated in the West Bank at training centers located in Ramallah.

With funds (nearly $1,400,000) contributed by the American organization, NEED (Near East Emergency Donations, Inc.) a new training complex has been constructed on a site five kilometers south of Amman, close to the Amman/Jerusalem highway. When the center is fully operational in the 1971/1972 school year, 702 in the men's section; 250 teacher trainees and 152 vocational trainees in the women's section. The two sections will share certain common facilities e.g. library, assembly hall, science laboratories.

In the 1969/1970 school year certain minor staff costs will be incurred in the preparation of the center prior to its official opening in September 1970.

In the 1970/1971 school year a total of 487 students will enroll in teacher training courses and 76 students in vocational training courses.

The cost will rise to $350,000 during the 1971/1972 school year when the facilities of the joint center are used to full capacity.

No funds have been provided by NEED for the operation of the new training center.

2. Gaza Vocational Training Center

Originally built in 1954 for 187 day students in the mechanical, electrical and building trades, the Gaza Vocational Training Center was expanded in 1962 to accommodate 368 resident trainees in 12 courses. Even after this expansion there were still six or more applicants for every vacancy, and there is a growing need for vocational training for young refugees.

With funds (approximately $250,000) provided by Near East Emergency Donations, Inc. (NEED), the training and residential capacity of the Center is now under expansion from 368 to 556 places. Twelve courses, all of two years' duration, will be provided. 188 additional places will be available in the 1970/1971 school year.

B. Expansion

1. and 2. Kalandia Vocational Training Center (First and Second Phase)

Kalandia Vocational Training Center, located near Jerusalem, opened in 1954 and was UNRWA's first training center. Kalandia currently provides training facilities for a total of 376 students in the electrical, mechanical and building trades, and in commercial courses.

This proposal envisages the expansion of the center in two states—the first phase will be an additional 120 trainee places. Capital costs (construction and equipment) arising from the proposed expansion are estimated at approximately $2,000 per trainee. Recurrent costs (at $600 per year) over a five year period are estimated to be $3,000, resulting in a total cost of approximately $5,000 per place for a five year period. The second phase of the expansion will result in a further 24 places.

3. Ein el Hilweh Camp

The Agency proposes to establish in or near Ein el Hilweh refugee camp in Lebanon, one year courses (16 students in each course) to train young refugees as upholsterers and plasterer/tilesetters. Both courses, which will be on a day-student basis, will provide young refugees with the skills required to enable them to find local employment.

Surplus equipment for both courses is already available. Capital and recurrent costs for a five year period are estimated to total $80,000.

4. Baqa'a Emergency Camp

The Agency proposes to establish in or near Baqa'a Emergency Camp, in east Jordan, courses of one year's duration in the building and allied trades (i.e. builder/shutterers, plasterers, upholsterers, carpenters). The cost of establishing and operating such a center with a capacity of 100 places is estimated at:

Capital costs (purchase of prefabricated buildings, equipment, supplies, etc.)	$70,000
Recurrent costs ($3,000 per trainee for a five year period)	300,000
Total	370,000

5. Huson Emergency Camp

The Agency proposes to establish a similar project in or near Huson Emergency Camp in east Jordan, but offering instead one year courses for 100 refugees to train as general mechanics.

Capital costs (purchase of prefabricated buildings, equipment, supplies, etc.)	$170,000
Recurrent costs ($3,000 per trainee for a five year period)	300,000
Total	470,000

6. Other Projects

Consideration is being given to the establishment of a number of short courses in manual trades to provide refugees with the minimum skill required to enable them to find local employment. The comparative shortness of the courses would give such a project some of the virtues of a "crash" program and would reduce the element of capital cost in the training of each refugee.

RESUMPTION OF TESTIMONY

Senator HATFIELD. But money for purely operational purposes is sorely needed if UNRWA is to continue to adequately meet growing demands of increasing population. Last year the United States contributed $23.2 million, including the additional $1 million made available during that year. This, however, contrasts to the annual level of $24.7 million of earlier years. During that earlier time, prior to the June, 1967, war, the United States contributions comprised approximately 70% of UNRWA's government contributed income. Recently this annual ratio has fallen to 56% of the total. If our contributions were raised to the previously maintained level of $24.7 million, an increase of $1.5 million this year, as well as our calling upon other contributors to follow our lead, the deficit which UNRWA faces could be substantially reduced if not eliminated.

I would like to include in my testimony at this point a United Nations press release which includes the text of a letter from the Secretary General of the United Nations and a statement by the Commissioner-General of the United Nations Relief and Works Agency, both of whom stress the importance of the role UNRWA is playing in the Middle East and the gravity of UNRWA's present financial crisis:

SECRETARY-GENERAL TRANSMITS REPORT OF UNRWA COMMISSIONER-GENERAL ON FINANCIAL SITUATION OF AGENCY

Following is the text of a letter dated 13 August from the Secretary-General, U Thant, to member Governments of the United Nations, transmitting the report of the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) on the financial situation of the Agency:

"I have the honour to transmit to you herewith a statement by the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East on the financial situation of the Agency. I trust that this statement will be brought to the attention of your Government as a matter of urgency.

"I share the concern of the Commissioner-General that it has been necessary already to curtail expenditures both by discontinuing certain subsidy payments to Governments, especially for health and education services, and by reductions in other parts of the Agency's programme. I also share his concern that further reductions in the Agency's services may have to be made unless its financial situation can be improved. Such reductions would inevitably, in the disturbed conditions of the area, have a profoundly unsettling effect.

"In the present circumstances, the Agency will be unable to meet its cash obligations beyond the first months of 1971, and its obligations will in effect exceed its cash assets by the end of this year. I earnestly hope that Governments will give urgent attention to this vital matter so that it will be possible for the General Assembly to act at the twenty-fifth session in such a way as to enable the essential work of the Agency to be maintained in the coming year.

"Accept, Sir, the assurances of my highest consideration."

Financial situation of UNWRA as of July 1970—statement by Commissioner-General

During the first half of 1970, the financial situation of UNRWA continued to deteriorate, and the threat of a breakdown in the Agency's services for the Palestine refugees became more imminent.

Appeals for additional funds, both within and outside the United Nations, and special efforts by the Secretary-General have brought a helpful response from a few contributors which is greately appreciated, but the total result has been quite inadequate. The income provided to the Agency is still nearly $5 million less than its total requirements. Since 1967 contributions have been at a higher level than than they were before, but the cost of providing essential services to the refugees has grown even faster.

Since 1967, the pattern of the Agency's expenditures to meet the recurrent costs of the principal programmes has been developing as follows:

[In millions of U.S. dollars]

	1968	1969	Estimated 1970	Estimated 1971
Recurrent costs:				
Relief services	19.0	19.7	18.7	18.9
Health services	5.4	5.5	6.0	6.3
Education services	16.2	17.6	20.3	21.8
Total	40.6	42.8	45.0	47.0

Note: Excluded from these figures are nonrecurrent costs for buildings, replacement of motor vehicles and other equipment, etc. Expenditures for school buildings, health centers, shelter and other improvements in the emergency camps are now made only if special contributions are received for these particular purposes.

As the above figures show, there has been very little change in the cost of maintaining basic relief services (monthly food ration, supplementary feeding, shelter, and special hardship assistance) at the minimum level. This is mainly due to the receipt of basic foodstuffs in kind and the restriction imposed by ration "ceilings." Health costs have increased (and in 1971 will be about 19 per cent above the 1968 level) because medical and sanitation services must be provided to more people, and the costs of supplies and wages have risen as well.

By far the most significant increase in expenditure has been in respect of education, which will have increased by 34 per cent in a

three-year period. This is principally due to the increased enrollment in UNRWA/UNESCO schools, largely as a result of the natural increase in the refugee population; for the school year 1970–1971 enrollment is expected to be 37 per cent above what it was at the end of the 1967–1968 school year. The level of teachers' salaries has also risen.

As income has fallen short of needs, the Agency has examined all possibilities of curtailing expenditure. In a sense this is a continuous process and savings have been achieved whenever possible from administrative economies or from reductions in programmes where feasible. Cumulative savings over recent years would amount to well over $1 million annually.

As foreseen in reports distributed to the General Assembly last year (A/7577, A/7614), much more far-reaching reductions have had to be considered. Some of them have been put into effect, at least provisionally until the General Assembly can once again review the Agency's programme and financing.

Expenditures have been curtailed by discontinuing certain subsidy payments to Governments, especially for health and education services, by discontinuing the distribution of soap with the monthly ration (except in the emergency camps), by reducing certain elements of the supplementary feeding programme, by reducing the number of university scholarships and by a number of other small economies. In total, these reductions would amount to nearly $2 million on an annual basis, and about $1.5 million up to 31 December 1970.

The possibility of proceeding with other reductions mentioned in the above-mentioned reports to the General Assembly has also been explored. In some cases, it was hoped that alternative ways could be found by which services could be maintained for the refugees but at lower cost to the UNRWA budget. These efforts did not succeed.

In view of the disturbed conditions in the area and the unsettling effect of further reductions in the Agency's services, the Commissioner-General in consultation with the Secretary-General and on the strong advice of the host Governments, has deferred the implementation of these further reductions in the UNRWA programme until the General Assembly can once again examine the problem.

Even if there are no adverse developments, and if contribution payments are received as and when anticipated, the Agency's obligations will, by the end of this year, exceed its assets in cash, or in a form readily convertible to cash; in fact, the Agency will not be able to meet its cash obligations beyond the first months of 1971.

Various possible means of providing additional funds to UNRWA were outlined in a note submitted by the Commissioner-General at the twenty-fourth session of the General Assembly (A/SPC/134). Members may find it of interest to review this paper in the course of formulating their views for the twenty-fifth session.

Unless the General Assembly acts at the twenty-fifth session, the likelihood is that the structure of the Agency will have disintegrated before the next session, either for lack of cash or, in the alternative, under the stresses caused by the dismantling of a major part of the structure in order to reduce expenditure.

RESUMPTION OF TESTIMONY

Senator HATFIELD. By raising our contributions to their previous level, giving $1 million for additional technical-vocational training and $1.5 million for operational costs, we will not only enable UNRWA to meet a financial crisis, but the United States will be making a most significant investment in the future peace of the Middle East as well.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. AIKEN. The understanding of the Senator from Oregon for people in distress and need anywhere is well known. What he has said here today is simply an expression of that aspect of his character.

The treatment of the Arab refugees is one of the black spots in the history of the United Nations. This international organization has failed miserably in bringing about a solution to that problem. The situation today, the fact that they are $6 million behind in meeting their obligation, is not due entirely to the increase in the membership, although that is contributory, of course. It is due partly to the fact that certain countries have refused to pay their assessments for support of UNRWA.

I well remember 10 years ago when Yugoslavia presented to the U.N. a proposal to try to do something to solve the very bad situation in the Gaza Strip, and ran right into the adamant opposition of Russia.

I will say this: The President, last fall or early last summer, appointed a commission of 45 members to study the United Nations and make recommendations for improvements in its procedures. A subcommittee of 15 members is supposed to be working intensively, trying to come up with recommendations to make the organization more effective. I happen to be one of those 15 members. We are meeting in about a week here in Washington, and I shall be very glad indeed to present this situation to them again in the hope that even if we accomplish little, we will have made correct recommendations and put the responsibility where it belongs.

Should we fail completely, then I would expect that when the Foreign Relations Committee meets next year to consider foreign aid, if the Senator from Oregon presents this proposal for the United States to assume more of the burden, he will receive a very sympathetic hearing.

Mr. HATFIELD. I am very grateful to the Senator from Vermont for his comments and for his sympathetic understanding of this problem. I would only comment further by saying I believe it is a very, very inexpensive investment, even if the United States should have to bear, as we have on many other occasions, an out-of-proportion kind of responsibility for funding all these programs. We do not find the problem oftentimes in the matter of military weapons, but we do find it increasingly difficult to get funding for some of the human needs.

I would like to repeat something that was a great truth at the time it was applicable, and which would be true today. In the period of World War I, Mr. Herbert Hoover was director of food relief for the Low Countries, which were under great siege at that time, and the pressure was on for maintaining the Allied military blockade of the Low Countries. Mr. Hoover was fighting the possibility that the blockade would preclude his program of getting food to the civilian population of Belgium and the Netherlands.

The political personalities of that day who were in leadership of our respective allied countries were pressed by the military, on one hand, to continue the blockade, to prevent the relief program Mr. Hoover was heading, on the ground that we would make it more difficult for the German armies, by forcing a situation of starvation on the civilian population and making it more difficult to occupy the Low Countries, and permitting the Allies to achieve our military objective sooner. That was the argument of the military leaders.

On the other hand, Mr. Hoover countered by saying, which had more than an element of truth, that they might be able to achieve a more immediate or short-range military objective, but if the objective of ending World War I was to bring about a world in which we could have peace, then we would be sowing the very seeds for World War II by this very kind of inhuman action of forcing starvation and death upon civilians and nonmilitary people.

So it is in the case of the Middle East that we have human suffering that is going on unabated, that has been accepted as a way of life, that we, as a leading ethical nation of the world, have permitted. I believe we have reaped a lot of military plums for not acceding to human needs—namely, food, clothing, and shelter for displaced people who are called refugees.

I would like to feel that our committee could give not only a sympathetic hearing but some action that would bring about relief. I would venture the guess that it would ease military tensions and bring about a solution a little sooner than if we permitted this kind of infestation of poverty and hunger to go on, which would only cause more hostility and resentment on the part of the guerrillas of the Middle East.

I yield the floor.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. McGEE. Mr. President, I have advised that the Senator from Missouri (Mr. SYMINGTON) is submitting a proposed amendment to the pending bill. The point of the amendment, which I shall now explain, would be to forgive payments for 1971 and 1972 on loans made for the benefit of the Weizmann Institute in Israel by the Agency for International Development.

The purpose of the proposed amendment is to try to assist the institute in achieving its request for some funds made necessary by the war going on there now, which has interrupted the flow of finances into the institute.

The committee was not able to recommend the total amount that they felt they needed, and that they verified in the hearings, simply because the requested amounts were not available for as many institutions as were in need.

As chairman of the subcommittee, I would express the view that we would be willing to take this proposed amendment to conference and see what might be done in that regard. If the payments

were waived for 1971 and 1972, what would be waived would be payments of approximately $1.3 million for each of those 2 years, which would bring the totals granted to the Weizmann Institute in this particular action to something over $3.1 million.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. ELLENDER. Is this merely a postponement, or a cancellation?

Mr. McGEE. The proposal is that this would be a cancellation for only those 2 years—not, I repeat, for their other loans—because of the war.

Mr. ELLENDER. What is the total amount due, outside of what is being canceled out?

Mr. McGEE. The total amount due is about $22 million, and this amendment would not tamper with the balance of that. It is simply an expedient measure because of the war.

Mr. ELLENDER. As I recall, we have had no hearings at all on this issue, and the matter has not been submitted to the committee as a whole.

Mr. McGEE. That is correct. That is the reason that I was cautious about proposing a way in which we could give it some consideration. Perhaps taking it to conference would accomplish that.

Mr. ELLENDER. If the Senator does that, I hope he will obtain facts sufficient to submit it properly to the conference.

Mr. McGEE. We will have our ammunition available at the conference.

Mr. ELLENDER. I thank the Senator. Mr. President, I wish to make a very short statement.

As the record shows, I have been opposed to money requested for the aid programs since the early 1950's.

Many people believe that this program is being gradually phased out, when as a matter of fact it is not. The amount that we are now being asked to appropriate is far in excess of what we appropriated last year and in prior years.

I have been opposing the present program for quite some time, not because I am closeminded or prejudiced toward it but because I have studied the subject closely and found that the facts warrant my opposition.

I have made many trips throughout the world, examining the administration of this program, and, to say the least, there has been much waste of U.S. taxpayers' money.

The Committee on Foreign Relations has provided for a 2-year extension of this program, and this happens to be the last of those 2 years. I am very hopeful that when future authorizations are presented, this whole program will be minutely reexamined in the hope that we can drastically taper it down.

Mr. President, our national finances today are in bad shape. The last figures that I have been able to obtain on our overall national debt show it to be approximately $382 billion.

I have been in Congress 34 years come January 3. My first year here was the beginning of the 75th Congress, and that year both the Senate and the House of Representatives felt that President Roosevelt was being extravagant when he proposed that we appropriate for the first session of that Congress the sum of $9,184,000,000 to finance all the expenses of Government, including payments on the national debt.

During the second session, we appropriated $10,339,000,000, or a total of $19,523,000,000 for the entire appropriations during the 75th Congress.

Mr. President, the record now shows on this huge debt to which I have just referred, we must now cough up $21,600,000,000 annually—merely to pay the interest on our debt. And here we are, with this huge sum that we owe, with all the interest charges that we are compelled to pay each year, being asked to appropriate, under this bill, according to the committee report, which I have before me, $4,143,639,000.

This aid program started in 1948, as I recall, and the amount appropriated during that year was not quite as large as what we are now being asked to approve. Moreover, the sum I have mentioned does not cover all of the foreign aid. In addition to the sums I have just mentioned, in the Defense Department appropriation bill an additional $22 billion will be appropriated for South Vietnam and Southeast Asia, which must also be added in order to give a true picture of our foreign aid expenditures.

And, Mr. President, we should add to what we are providing in this bill the $1.5 billion we are spending for Food for Peace—and you cannot buy that with collar buttons; it takes cash to do it. Also, we cannot ignore the various contributions that our Government is making to the various banks to which we are now providing funds, and for which we expect no returns—not a dime. In the pending measure there is $20 million for the Asian Development Bank and $160 million for the International Development Association.

In the huge international funding bill (H.R. 18306), which will be taken up by the Senate in the near future, there is $1 billion to be authorized for the Inter-American Development Bank; an additional $100 million for the Asian Development Bank; $246.1 million for the World Bank; and the $1.54 billion for increase in quota of the International Monetary Fund, which is provisionally appropriated in this bill.

Mr. President, I believe it is time for us to wake up to our own condition. I have just returned from a trip over eastern and western Europe. I was not surprised at the prosperity I saw there. It is quite apparent. All those countries are doing well. They are trading with Russia, as well as with the countries of East Europe, and all are prosperous.

I am preparing a report that I hope to have ready early next year, and it will show astounding facts as to the condition of NATO, an organization that I have hoped for some time we would do away with. I looked into the condition of that organization 10 years ago, and the facts that I brought back to the Senate 10 years ago were unbelievable. Most of the divisions to be furnished by our allies were mere paper divisions. They were not combat ready. The only divisions actually combat ready in 1960 were our five divisions and a brigade from Canada. Out of the 12 divisions Germany was supposed to have there, all were paper divisions.

As to the situation prevailing there now, I cannot state now my conclusions in detail, because I do not have all the facts available, but I hope to finish compiling these within the next 60 days. I will be ready then to present to Congress a full report of the conditions in many of the countries of Eastern and Western Europe.

The countries of Western Europe are well able to provide for their own military preparedness, but somehow we must remain there. We have been there now for more than 20 years. We are carrying a big load with our 6th Fleet in the Mediterranean. We are carrying a big load throughout Europe. From the last reports I have been able to obtain, our yearly NATO obligations amount to almost $14 billion. I wonder how long we can keep that up and remain solvent.

Mr. President, I am very hopeful that the Committee on Foreign Relations can look into this foreign aid program again and look at it in light of our present financial conditions. To say the least, our financial condition is poor, and it is getting worse—with a budget deficit last June amounting to more than $2 billion. For the current fiscal year, the deficit could be as high as $20 billion. The carrying charge on this deficit alone will be almost $1¼ billion per year.

As I said earlier, all told the interest charge on our huge debt now amounts to $21,600,000,000; and if we continue this deficit spending as we have in the past, I fear for what is going to happen to our economy.

Mr. President, I just thought I would give these facts to the Senate. I am aware that I cannot defeat this foreign aid bill. I tried repeatedly in committee in the various areas and failed. However, I am not giving up. I will do my best to cut back on future authorizations of aid and I will carry the fight in the Senate Appropriations Committee.

As I have said, instead of this aid money decreasing, in view of the prosperity in Western Europe and in other parts of the world, we are being called upon to give more and more, something we cannot afford, and in the process we do violence to our own economy.

I repeat that I am very hopeful that if, as, and when the Committee on Foreign Relations looks into the foreign aid program for the next few years, before coming to Congress and saying how much we should continue to donate, give, grant, and loan at cheap rates of interest, that committee will take into account the condition of our own finances.

Mr. SYMINGTON. Mr. President, it is my understanding that at the desk is an amendment reading:

At the end of line 24 on page 2, delete the period and add the following,

And so forth. I call up that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, delete the period "." and add the following: ", and the payments due in

1971 and 1972 on loans made for the benefit of the Weizmann Institute of Science by the Agency for International Development from funds available under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (P.L. 480) are hereby waived".

Mr. DOLE. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COTTON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared for delivery by the Senator from Arizona (Mr. GOLDWATER).

There being no objection, Senator GOLDWATER'S statement was ordered to be printed in the RECORD, as follows:

RESTORING SIGHT THROUGH FOREIGN AID

Mr. GOLDWATER. Mr. President, the pending appropriation measure contains a small, but vastly important, amount of funds programed for the International Eye Foundation. As the sponsor of an amendment to provide $200,000 for this excellent organization, I would like to thank the Chairman of the Subcommittee on Foreign Operations, Mr. McGee, for his role in approving this sum. Next I would take only a few minutes of the Senate's time to discuss the purposes of the International Eye Foundation and to demonstrate why it is essential to provide Federal support for its programs.

Mr. President, the IEF came into being nearly 10 years ago. It is an American-conceived and American-manned program. In short, its aim is to succeed as far as possible in conquering world blindness.

This is an imposing task and, of course, the IEF cannot reach the goal alone. There are more than 16 million blind people in the world and the IEF has only a small paid staff and a force of volunteer physicians and nurses.

The IEF strives towards its goal by seeking to teach American skills to local doctors in host countries around the globe. In other words, the IEF runs a true "people-to-people" program. Its projects are undertaken at the request of the host country and are designed to phase out after a few years, leaving behind a self-supporting eye surgery-blindness prevention unit run by local people.

In a true sense, America is, through the medium of the International Eye Foundation, sharing its surgical knowledge with the world. And doing it on a free basis. This organization functions solely through the volunteer services of eye surgeons from hospitals and universities from all across the United States, who are sent to foreign areas where the need for their skills are the greatest. They operate, teach local doctors the intricate techniques of cornea grafting, instruct nurses in post-operative care, help organize eye banks, and at the same time, provide the education necessary to prevent blindness wherever possible. In every instance, the spirit of self-help is encouraged, and thereby the local doctors themselves become able to provide the care their people need.

Actually, the International Eye Foundation was first founded under the name of the International Eye Bank. However, soon after its beginning, there developed a groundswell of demand not only for the services an eye bank could provide, but also for the operation of training programs and instruction in methods of preventing blindness. These pressures continued to grow, and as a result, the Eye Bank took on more and more responsibility for providing both care and education. Thus it evolved in to the International Eye Foundation.

The Foundation is now being and always has been operated entirely as a people-to-people program. It has been operated solely with volunteer services and volunteer contributions of financial support. And, the Foundation has achieved a remarkable record.

It has conducted a very successful eye bank program which has provided eye tissue for over 6,000 cornea transplants. It has furnished training opportunities for 300 eye surgeons who have served in 36 countries of the world teaching and operating. What is more, it has helped to establish 29 eye banks in 26 countries.

It has done all this through private support. In fact, during the last year the general public donated 260,000 dollars to support the Foundation's sight-giving work. On top of this, the medical profession and American industry have given the Foundation in excess of a quarter of a million dollars worth of supplies, instruments, equipment, and voluntary services—a glowing tribute to the appeal and reputation of this impressive organization.

Also, it is significant to mention at this point that all of this has been accomplished through the efforts of a small paid staff. Indeed, the Medical Director, Doctor Harry King, Jr., of Washington, D.C., volunteers his services. Therefore, I can assure the Senate the work of this organization is not diluted by the waste of funds for administrative purposes. Donations given to this group are truly put to work doing the good that was intended by the givers.

Mr. President, with this background, you can understand why I have introduced an amendment on behalf of the International Eye Foundation. The Foundation simply has reached the peak of the assistance it can provide by relying entirely upon its own private resources.

It has the know-how. It has arrangements with over 80 American eye banks to use eye tissues which are considered surplus within the United States. It has proven its ability to fulfill a desperate need throughout the world. It has demonstrated that it is welcome across the globe. But the demands upon the Foundation have grown so enormous it is no longer able to provide with private resources all the services being requested in country after country where the rate of blindness is overwhelming, but where local facilities are inadequate and understaffed.

Consequently, Mr. President, I ask that the Foundation be given an incentive grant of $200,000 in order to give it the basic support needed to bring its good works within the reach of the many thousands of blind children and adults who can be helped by its services.

Mr. President, some Senators may have read, as I did, that the Federal Government recently announced it would grant $250,000 to support Washington's National Symphony Orchestra. This leads me to ask, can this country not do as much for the cause of alleviating blindness in the world as it does to assist musical interests in one of our cities?

In closing, Mr. President, I can only add that Congressional approval of this sum will help to promote good will toward the United States and peaceful relations with our neighbors. As Americans, we are blessed to live in a country that knows how to treat blindness and to restore sight to many who are blind. Sadly enough, this is not the case throughout the rest of the world, particularly in the newly developing countries and as close to home as our sister nations of Latin America. Accordingly, I can think of no better way to invest our foreign aid funds than to support the efforts of the IEF to ease the world's blindness problem with American know-how and American concern.

PALESTINIAN REFUGEE PROBLEM

Mr. NELSON. Mr. President, the United States has been the main contributor to the United Nations Relief and Works Agency—UNRWA; the Agency would not have been able to function without the generosity and concern of the American people.

It was hoped that through economic and technical assistance, UNRWA would conduct a self-liquidating program for the Arab refugees. But from the very beginning the Arab States refused to cooperate with any program calling for resettlement, claiming that any settlement of the refugee problem that did not involve the liquidation of Israel was an act of treason. Instead they insisted that the refugees must be repatriated to Israel. International programs for integration and resettlement, first projected in the early 1950's, were brushed aside. And so, over the years, the United Nations became an instrument for preservation of the Arab refugees in the UNRWA centers, as well as the political instrument for the advocacy of the Arab demand for repatriation.

The existence of UNRWA liberated the Arab governments from responsibility; they were under no compulsion to put up large sums for the care of the refugees and they could ignore programs for resettlement. Indeed, the fact that the international community and the United States were assuming the primary burden was interpreted by the Arab governments as an admission of guilt by the West for the plight of the refugees and an acceptance of the responsibility for reparations.

For some two decades the Arab refugees were held as hostages to the political and propaganda campaigns waged by the Arab governments against Israel. This campaign was always paralleled by military appropriations by the Arab governments in contemplation of a renewed war against Israel. During this period in fact, there were three wars: in 1948, 1956, and 1967.

In recent years the Arab leadership came to regard the Palestinians not merely as propaganda instruments but as human instruments of war. Beginning in 1965, active measures were taken by the refugee leaders to train them for military action. Refugees were frequently involved in terrorist attacks against Israel, but for the most part these were isolated and did not involve paramilitary organizations. In 1965 the international community began to take note of the fact that refugees were receiving military training to make war against Israel. Thus, on April 23, 1965, Arab authorities issued a decree calling up all able-bodied men in the Gaza strip for military service and it was revealed that a substantial number of the Palestinians from Gaza were in military training under the auspices of the Palestine Liberation Organization.

During this period Members of Congress questioned the failure of UNRWA to rectify its relief rolls and to eliminate from the list thousands who had died or who had gone to work and who were no longer eligible for relief. For years UNRWA was unable to do this because

of the opposition of the Arab States. But now a much more serious problem has arisen, because UNRWA is providing rations for refugees who are being trained for war against a member state of the United Nations.

Mr. President, in 1966, the House of Representatives Foreign Affairs Committee adopted the following wording to its Foreign Assistance Authorization Report:

No further U.S. contribution shall be made to UNRWA except on the condition that the Agency take all possible measures to assure that no part of the U.S. contribution shall be used to furnish assistance to any refugee who is receiving training as a member of the so-called Palestine Liberation Organization. The committee is firmly of the opinion that U.S. voluntary contributions should not be used to provide support, either directly or indirectly, to an organization whose avowed goal of prompting aggression is directly in conflict with our efforts to preserve peace and order in the Middle East region.

It is my hope that such wording as adopted 4 years ago is similar to the intent of Congress in its consideration of the foreign aid appropriations bill today. This wording would greatly reduce the chances for American funds—$13.3 million or 70 percent of funds provided to the United Nations for this purpose—to be used inadvertently to aid the members of the PLO whose expressed purpose is the annihilation of Israel.

The establishment of the PLO in 1964 introduced a new element into the operations of UNRWA. From its annual report submitted to the United Nations recently, we learned of its indefensible practice of using United Nations funds for the feeding of various members of the PLO. Such practices have prompted the New York Times to label the activities of UNRWA as calling on the U.N. to "subsidize the subversion of its peaceful purposes." The Commissioner-General of UNRWA has failed to deal with the problem of a U.N. agency subsidizing the terrorism the Security Council is trying to halt. This failure in large part stems from the agency's failing to draw the line between caring for the refugees and catering to the Arab terrorists.

In 1966, after the United States had declared its reluctance to contribute to UNRWA if the situation continued, the Agency turned to Arab states with a request for $150,000 the amount estimated to be going to Arab members of the PLO in refugee camps. Although the Commissioner-General of UNRWA had assured various member nations that their funds contributed to UNRWA would not be used to provide rations for men in training in the PLO, he has, by accepting the special donations amounting to $150,000, laid the U.N. open to the criticism and charge of having entered into a partnership with some U.N. members for the express purpose of feeding people who are conducting guerrilla activities. The language of the UNRWA report itself discloses this indefensible evasion:

Doubts have been expressed by some governments about the propriety of the Agency's issuing rations which may be consumed by young men in military training under the auspices of the PLO. The host countries do not consider the doubts well-founded. In the light of these differences, arrangements have been made for special added donations to the amount of $150,000 (dollars) which meets the costs of any rations consumed by the young men in question. The Commissioner-General is satisfied that these arrangements provide a practical means of disposing of the problem in so far as the Agency is concerned. Contributors to UNRWA, who may have been concerned about this matter, may thus be assured that their contributions will not be used to furnish assistance to refugees receiving military training under the auspices of the PLO.

This situation continued unchallenged, but as time went on the terrorist organizations became bolder in their operations in the UNRWA camps, which were transformed into centers for recruitment and the training of Arab terrorists. There was a glaring climax during the Jordanian civil war. The PLO units had entrenched themselves in refugee camps which became battlegrounds. Many refugees as a result were killed and left homeless in the fighting.

UNRWA estimates that there are 1,425,219 refugees in Egypt, the Gaza Strip, Jordan, the West Bank, the Golan Heights and Lebanon. It also estimates, as stated in hearings before Congress concerning the Foreign Assistance Act in 1965, that the proportion of ineligibles drawing rations may be as high as a third—Secretary Rusk's estimate—to one-half in the four host countries. Although the agency has made efforts to remove from its lists people that have died, are ill-qualified or are absentee, it has failed substantially if its own estimates of refugee ineligibles is correct. The Agency has contributed to the feeding of military personnel at the expense of some 324,187 children in east Jordan, on the West Bank, in Lebanon and Syria and in the Gaza strip for which no rations are available on a permanent basis.

The agency has subsidized the very terrorism that the U.N. is desperately trying to combat, has subsidized those organizations bent upon destroying what ever chances there are for peace in the Middle East. The agency, through its support for the PLO, has contributed to the increasing militarization and politicization, both of which are counterproductive to the agency's efforts and work. The agency is certainly guilty of substantial failures in its administration of the refugee relief program.

There is an urgent need to overhaul UNRWA. The U.N. agency should not be allowed to operate as a political and military instrument. At the very least the United States should reaffirm the action it took in 1966 in the U.S. Congress. This is a minimum request. We must inform the United Nations that we are no longer willing to contribute funds as long as UNRWA submits to the demands of the PLO. The situation could get worse; it is bound to improve only if action is taken now. Otherwise a listing peace will not be achieved in the Middle East.

Mr. McGEE. I ask for third reading, Mr. President, if there are no further amendments.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. McGEE. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. McGEE. Mr. President, I had promised the Senator from Kansas to respond to an inquiry.

Mr. DOLE. I wonder whether the Senator from Wyoming could advise the Senator from Kansas whether any additional funds are provided because of the recent great tragedy in East Pakistan.

Mr. McGEE. No specific money is earmarked in this particular measure for emergency aid for Pakistan. There is approximately $126 million in the traditional foreign aid categories for Pakistan, but those are committed funds in several project developments there. If there were to be extra moneys for the crisis due to the recent disaster there, they would be confined to the contingency fund available, and that is a very small fund. There is $15 million recommended in the pending measure for the contingency fund.

Mr. DOLE. Does the Senator from Wyoming believe that it would be necessary that additional funds be authorized and appropriated for the rather vast tragedy that has occurred?

Mr. McGEE. I would think so, and I think it would be very urgent. I do not suppose, yet, that we in this country have begun to comprehend the frightening scope of that disaster. As a compassionate people, we must have a very deep interest in doing what we can there. I think it would be in order to move towards more positive and substantial assistance there than we have up until now.

Mr. DOLE. Mr. President, in light of the recent politically inspired attacks on the efforts of the Nixon administration to provide disaster assistance to East Pakistan, it should be made completely clear that the administration has met every request of the Pakistani Government.

On Sunday, November 15, President Nixon sent to President Yahya a message of sympathy and an offer of help. On the same day, Ambassador Farland released $52,000 in local currency from his emergency funds.

On Tuesday, the administration formed a high-level interdepartmental working group on East Pakistan disaster relief which provided immediate assistance of $10 million. There was also an initial shipment of 10,000 AID-financed blankets and 1,000 tents to Pakistan as well as the release of 50,000 tons of wheat, valued at about $5 million, for shipment to Pakistan.

On November 18, four large Huey helicopters and their crews were dispatched to Pakistan. On the 19th, 62,000 doses of typhoid vaccine donated by Church World Services were sent by commercial plane. On the 20th, a plane load of 90,000 pounds of high protein survival biscuits, and a planeload of 90,000 pounds of canned meat, baby food, and fruit were sent.

On Saturday, the 21st, four more Huey helicopters and crews, 50 16-foot motorboats, and two planeloads of concen-

trated food and plastic water bottles were dispatched to Pakistan.

On November 22, two planes loaded with 180,000 pounds of civil defense survival biscuits and additional corned beef and applesauce donated by CARE were dispatched. And in the next 2 days, additional planeloads of biscuits and 460 pounds of typhoid vaccine donated by the Catholic Relief Services and 30,000 more water bottles were provided. On November 25, the U.S. Department of Agriculture announced shipment of an additional $75.4 million worth of U.S. farm products under the Food for Peace program.

As of November 27, 10 commercial charter flights have been utilized at the direction of the Disaster Action Group, assigned by President Nixon to coordinate all U.S. Government efforts.

Critics of the American relief effort have specifically raised a number of questions about the U.S. helicopters being used in East Pakistan. They have accused the United States of ignoring the 4,000 helicopters stationed in Southeast Asia and delaying the relief effort by shipping helicopters from North Carolina.

I have checked into this matter, and it turns out that there is a quite rational explanation for the procedure employed by the United States. It is simply that shipping the helicopters from North Carolina is much faster than shipping them from Vietnam.

To redeploy helicopters from Vietnam would mean that the machines would have to be taken off the line, disassembled, crated, and then shipped by air to East Pakistan. It is estimated that this procedure would take about 5 days.

The helicopters in North Carolina are already disassembled and crated and simply have to be loaded on aircrafts for shipment to Pakistan. This procedure, including shipping, takes 2 days. For example, the last four helicopters shipped were in the air in cargo planes 6 hours after receipt of Pakistan's request for them.

It is not technically feasible to fly the helicopters directly from Vietnam to Pakistan. The helicopters in question have an operating radius of about 200 miles. Flying them direct would mean frequent stops for fuel which is simply not available along the flight path. In addition, the helicopter, despite its apparent ruggedness, is really a very fragile machine. Even if it were possible to fly them direct to Pakistan, they would then have to be stripped and undergo extensive maintenance before they could be used in the relief effort. Again, the total time factor would be longer than in deploying the mechanically perfect helicopters from North Carolina.

All of the facts I have mentioned could have been established with a simple phone call to knowledgeable authorities who are directly involved in the relief effort.

The response of both the U.S. Government and U.S. voluntary relief organizations has been both prompt and effective in helping the disaster victims. It is deplorable that some critics of the administration are spending their time trying to make political hay out of the disaster rather than making a substantive contribution to the relief effort.

Mr. President, as indicated by the Senator from Wyoming, I certainly feel that we have a great obligation in this great country. We are now estimating that perhaps, by the time relief gets to Pakistan, 500,000 more people may die. This is a calamity which exceeds my comprehension. We are a humanitarian country and we must continue our obligations. Yes, we have done a lot, but much more could be done by our Government, as well as other governments in the world.

Mr. JAVITS. Mr. President, I am so pleased that the distinguished Senator from Kansas has made this an issue in our debate today. The scale of the tragedy is almost beyond the imagination.

Speaking personally, my wife and I had an extended visit with the Pakestani Ambassador to the United Nations. Because of my wife's interest and my own, I have looked into this matter very carefully. Our country has done a great deal more than many other governments. Many other governments are paying no attention to this tragedy. They certainly should, from instincts of humanitarianism and religion if for no other reasons.

There is a fine voluntary organization getting started under the auspices of Robert Murphy, our former Under Secretary of State. Citizens can certainly join.

I should like to join the Senator from Kansas, one, in urging the rest of the world to do its share; two, in emphasizing the fact that from what I have seen, the United States will do everything that can reasonably be done, governmentally and privately, to give succor to these terribly unfortunate people in East Pakistan; and three, the big problem is apparently administration. The governmental machinery in West Pakistan is 1,000 miles from the scene of the disaster in East Pakistan, and there are political rivalries involved.

I would join the Senator from Kansas in the hope that perhaps international agencies like the United Nations and its various organizations; SEATO, and other organizations; including the United States if it is operating under those auspices, will make available personnel, medical teams, and similar skills which would normally be within the competence of the local governments in other situations, but required here on an unprecedented scale. We should also encourage other governments to do that.

Mr. DOLE. Mr. President, I appreciate the comments of the Senator from New York. It does occur to me, as I indicated, that much more can be done; but, as the Senator from New York so aptly describes, it is, by and large, a problem of administration. I would guess that at this time, probably thousands and thousands of survivors are trying to find some food, but unless they are stranded on some island or some inaccessible area, unless relief is given to them within the next week or 10 days or 2 weeks, thousands and thousands more will probably die because of administrative failure, and perhaps other failures we are not aware of at this moment.

Mr. JAVITS. Mr. President, I wish to make one or two comments before we lock this up and vote on the bill. I noticed with great interest, as again I refer to my own status as one of the two Senators who are delegates to the United Nations General Assembly, that there was stricken out, on a point of order in the other body, that part of the appropriation bill which would represent a sense resolution reiterating the opposition of Congress "to the seating in the United Nations of the Communist Chinese regime as the representative of China."

Now I wish to call the attention of my colleagues to the fact that the United States took a rather enlightened new attitude in the General Assembly with respect to that particular question and, in effect, left it open for a change in the direction of U.S. policy on this subject.

I realize that the House did not pass upon the merits of this matter and that it was stricken out on a point of order. I also realize that the Senate committee did not seek to insert it in the bill in any form. I am gratified by that. These kinds of provisions have been perpetuated, without any real thought, for many years. It is a good thing that the practice has been broken.

I merely rise to signalize the fact that we are in a phase of changing policy on this question. The deletion in the House of the traditional section 105 is a constructive and proper step.

I express my satisfaction that we in the Senate have not tried to load it back into this appropriation bill. It is a historic benchmark, indeed, with respect to this question.

Mr. President, the President has sent in a request for appropriations to implement the authorized military supplies to Israel in connection with the danger in which it has been placed because of the violations of the standstill and ceasefire in the region of Suez Canal on the part of Egypt, supported by the Soviet Union. He has made certain requests for other funds, too.

It is a fact that the request with respect to Israel is already authorized by law. The funds are not included in this bill. I think the explanation for that should be made clear to all the world and that the facts should be set forth in this record.

I hope the Senator will point out that it is true that the funds have been authorized and could have been included in this appropriation bill, but that because of the stage of hearings upon this matter this was not done, sympathetic as I know the Senator from Wyoming is, in this matter.

Mr. McGEE. Mr. President, the Senator knows that was not submitted to Congress until just recently. We felt that, rather than hold up items that had already been processed and heard, we would be better advised to go ahead. We tried to schedule our hearings on this matter for this week before the Subcommittee on Supplemental Appropriations headed by the distinguished Senator from West Virginia (Mr. BYRD), who was interested in the matter. I have been asked to handle the foreign assistance portions of the supplemental bill.

We tried to schedule hearings for this

week so that we might move as expeditiously as possible. However, both the Secretary of State and Secretary of Defense were unavailable. We are therefore holding the hearing next Tuesday, a week from tomorrow.

Mr. JAVITS. Mr. President, I thank the Senator. There ought to be some word of explanation on this policy.

Mr. McGEE. That is the only explanation.

Mr. JAVITS. Mr. President, I thank the Senator.

The PRESIDING OFFICER (Mr. DOLE). The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA), the Senator from Idaho (Mr. CHURCH), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

On this vote, the Senator from Rhode Island (Mr. PASTORE) is paired with the Senator from North Dakota (Mr. BURDICK).

If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from North Dakota would vote "nay."

I further announce that, if present and voting, the Senator from New Jersey (Mr. WILLIAMS), and the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH) would vote "nay."

Mr. SCOTT. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

If present and voting, the Senator from Colorado (Mr. DOMINICK) would vote "yea."

On this vote, the Senator from Delaware (Mr. BOGGS) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Delaware would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Oregon would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 43, nays 32, as follows:

[No. 402 Leg.]

YEAS—43

Aiken	Hughes	Packwood
Allott	Inouye	Pearson
Anderson	Jackson	Percy
Baker	Javits	Prouty
Bayh	Long	Proxmire
Brooke	Magnuson	Ribicoff
Case	Mathias	Saxbe
Cooper	McCarthy	Schweiker
Cranston	McGee	Scott
Dodd	McIntyre	Smith
Fong	Metcalf	Spong
Goodell	Mondale	Stevenson
Harris	Moss	Yarborough
Hart	Muskie	
Holland	Nelson	

NAYS—32

Allen	Ervin	McClellan
Bellmon	Fannin	McGovern
Bennett	Fulbright	Miller
Bible	Gurney	Stennis
Byrd, Va.	Hansen	Symington
Byrd, W. Va.	Hartke	Talmadge
Cook	Hollings	Thurmond
Cotton	Hruska	Tydings
Curtis	Jordan, N.C.	Williams, Del.
Dole	Jordan, Idaho	Young, Ohio
Ellender	Mansfield	

NOT VOTING—25

Boggs	Gravel	Randolph
Burdick	Griffin	Russell
Cannon	Hatfield	Sparkman
Church	Kennedy	Stevens
Dominick	Montoya	Tower
Eagleton	Mundt	Williams, N.J.
Eastland	Murphy	Young, N. Dak.
Goldwater	Pastore	
Gore	Pell	

So the bill (H.R. 17867) was passed.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SCOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McGEE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McGEE, Mr. ELLENDER, Mr. HOLLAND, Mr. MONTOYA, Mr. FONG, Mr. PEARSON, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, the expeditious disposition of the foreign aid appropriations measure can be credited to its expert handling by the chairman of the Foreign Operations Subcommittee of the Senate Appropriations Committee, the distinguished Senator from Wyoming (Mr. McGEE). As always, Senator McGEE exhibited a degree of expertise about the measure that assured its efficient disposition. The Senate is deeply indebted to him and to his entire subcommittee for outstanding work on this funding measure.

Particularly, I wish also to commend the ranking minority member, the distinguished Senator from Hawaii (Mr. FONG). His contribution to the discussion assisted greatly in reaching final passage of the measure with full regard for the views of all Senators.

Joining as well to provide the high level of debate on the foreign aid measure were the Senator from Louisiana (Mr. ELLENDER), the Senator from Missouri (Mr. SYMINGTON), the Senator from New York (Mr. JAVITS), and many others. Their contributions and invaluable observations greatly enhanced our understanding and appreciation of this funding measure. We are grateful, as always, for their efforts.

ADDITIONAL TEMPORARY EXTENSION OF THE FEDERAL HOUSING ADMINISTRATION'S INSURANCE AUTHORITY

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House on House Joint Resolution 1403.

The PRESIDING OFFICER laid before the Senate House Joint Resolution 1403, a joint resolution to provide an additional temporary extension of the Federal Housing Administration's insurance authority, which was read twice by its title.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BYRD of West Virginia. Mr. President, I ask that the Senate agree to the joint resolution as passed by the House of Representatives.

The PRESIDING OFFICER. If there be no amendment to be offered, the question is on the third reading of the joint resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. The question now is on passage of the joint resolution.

The joint resolution was passed.

Mr. BENNETT. Mr. President, I was trying to get recognition before passage of the joint resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the passage of the joint resolution be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the passage of the joint resolution is reconsidered.

Mr. BENNETT. Mr. President, I merely wish to make the point that the FHA lending program is probably one of the most important and key elements in the continuing development of our housing program. There is a major housing bill before the House. It probably will be passed the middle of this week, but in order to be absolutely certain that anything that might happen to that bill would not make it impossible for FHA to continue its lending program, I think it is vital that this one month extension be passed. Within that time we can either get through the housing bill which the Senate has already passed or we can offer the Senate an additional extension which can carry late enough

into next year so that we can pass a major housing bill in the 92d Congress.

That is the reason for this extension. I urge that it be passed.

The PRESIDING OFFICER. The Chair again puts the question on the passage of the joint resolution.

The joint resolution (H.J. Res. 1403) was passed.

PROGRAM

Mr. SCOTT. Mr. President, may I inquire of the distinguished majority leader what is the next order of business, and since this is Monday, it would be well to know, if we could, what the several matters are which it is contemplated will be taken up.

Mr. MANSFIELD. Mr. President, in response to the queries raised by the distinguished minority leader, I must say that it had been anticipated that we would take up the Department of Transportation appropriation bill next, but that measure will not come up until Thursday.

As to the remaining items on the calendar, it seems that on every matter that the leadership turns to, there is an objection or a plea for delay or something of the same nature. Actually, there is little to choose from on the calendar. It certainly points up the fact that the leadership is faced with great difficulty in setting forth a program. It would be greatly appreciated if all concerned could strive to cooperate to the fullest in order to complete the Senate's business.

As it stands now, the bill to establish a Federal Broker-Dealer Insurance Corporation is being delayed temporarily.

An act to authorize U.S. participation in increases in the resources of certain international financial institutions, and so forth, is being delayed because of factors of which the Senate is well aware.

The House and Senate bills having to do with amending the Atomic Energy Act cannot be taken up because of circumstances over which the leadership has no control.

The bill to amend the Federal Trade Commission Act to provide increased protection for consumers—the so-called class action bill—was originally scheduled for today, but certain questions have since been raised, and probably it will not be taken up.

It was thought, then, that we would take up H.R. 471, an act to amend section 4 of the act of May 31, 1933, having to do with the Taos Indians Lake in the Carson National Forest, but unless circumstances dramaticaly change—that hopefully will be the pending business when we come in tomorrow.

So that leaves only one other bill at this time, about which, to the best of my knowledge, there is controversy but which, nevertheless, is available for action.

CONSUMER PROTECTION ORGANIZATION ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1375, S. 4459; that it be laid before the Senate and made the pending business. There is no other choice.

Mr. HRUSKA. Mr. President, reserving the right to object, will the Senator yield?

Mr. MANSFIELD. Yes.

Mr. HRUSKA. I was informed a while ago that the report on the bill has not been printed and is not before the Senate. Am I correct in that?

Mr. MANSFIELD. It has been on the calendar since the 23d.

Mr. HRUSKA. We made inquiry for a copy of the report.

Mr. MANSFIELD. There it is.

Mr. HRUSKA. It was delivered earlier today. That is scant notice for a bill of this kind.

Mr. MANSFIELD. Well, we must do something.

It was understood on the part of the joint leadership that when we came back after the recess the Senate would accommodate itself as much as it could, regardless of individuals' views. If the Senate is to complete its work, there must be a degree of accommodation and cooperation, regardless of how one feels about certain bills. I plead that we go ahead and let us do what we can, because we have less than 3 weeks to go. There are many appropriation bills remaining. There is much legislation which is controversial and will cause some debate. If we keep on stalling and delaying, I think we are going to look foolish, and I do not want the Senate to look foolish.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The bill will be stated by title.

Mr. METCALF. Mr. President, did the majority leader suggest that H.R. 471 would be the pending business at the close of business tomorrow?

Mr. MANSFIELD. No; we are going to lay it before the Senate tomorrow, and I hope it will be early in the day.

Mr. METCALF. I completely concur, if it is made the pending business for Wednesday.

Mr. MANSFIELD. It will be the pending business tomorrow, may I say to my colleague, because tomorrow is Tuesday, and we will get started on it.

Mr. METCALF. We will get started on H.R. 471 tomorrow, at the close of business tomorrow?

Mr. MANSFIELD. No; at the conclusion of morning business, or, hopefully, shortly thereafter.

The PRESIDING OFFICER. The bill will be stated by title.

Mr. MANSFIELD. Mr. President, may I yield first to the Senator from Nebraska?

Mr. HRUSKA. Mr. President, I think we ought to discard any idea that anyone seeks to avoid debate. I do not think that is the idea here. Certainly, as to the consumers protection bill, we are ready to go ahead, Mr. President. The only thing is, it is a bill that is very important. I have about 10 or 12 amendments. It will require extensive debate and discussion. Other Senators have been heard to say they have amendments and they want to discuss the bill in depth.

What we would very much dislike—certainly I would very much dislike it—is to have that bill called up, discussed half a day or a few hours, then lay it aside and take care of other items, and then return to this bill. It is sufficiently important to require sustained and uninterrupted attention by the Senate.

Mr. MANSFIELD. Mr. President, may I say, if the Senator from Nebraska will permit me, that any bill reported by committee is entitled to that consideration, but we are faced with a limited amount of time. I would hope that the Senator would recognize the position in which the joint leadership finds itself, because, after all, what we are trying to do as far as this legislation is concerned, even though certain aspects of it are opposed by the administration, as I have been informed, is to face up to the program which the administration sent down.

Mr. HRUSKA. That we will be happy to do, Mr. President, but I do not see that justice can be done to this important bill by discussing it and treating it fragmentarily. It is far too important a measure, intruding, as it does, upon the entire judicial system of this country.

It is unfortunate that there is so much to be done in such a short time, but I do not believe it is good parliamentary practice to say, "We have only this much time, and therefore we must qualify and dilute the quality of our parliamentary product here, in order to accommodate the short number of days."

Mr. MANSFIELD. I would not worry about dilution of the parliamentary product, because sometimes it is pretty bad and sometimes it is pretty good, but overall it is very good.

The PRESIDING OFFICER (Mr. DOLE). The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 4459) to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Protection Agency in order to protect and serve the interests of consumers, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 4, line 20, after the word "compensation", strike out "of,", and insert "of"; on page 5, line 8, after the word "all", insert "executive and"; on page 6, line 20, after the word "shall", insert "so advise the President and recommend that he be authorized to"; on page 7, line 18, after the word "Section", strike out "5314" and insert "5315"; on page 9, line 17, after the word "Act", strike out "and" and insert "in order to"; on page 10, line 15, after the word "with", strike out "an" and insert "and"; after line 24, strike out:

(9) cooperate with and provide assistance to the Attorney General in carrying out his functions relating to the protection of consumers;

(10) perform such product testing as may hereafter be authorized;

On page 11, at the beginning of line 5, strike out "(11)" and insert "(9)"; in the same line, after the word "the", strike out "President, through the Council of Consumer Advisers" and insert "President and"; in line 6, after the word "and", strike out "for transmittal";

on page 13, at the beginning of line 10, strike out "generally" and insert "within the United States"; in line 11, after the word "of", insert "such"; in line 20, after the word "consumers", insert "within the United States"; in line 21, after the word "of", insert "such"; on page 14, line 1, after the word "consumers", strike out "generally" and insert "within the United States"; in line 2, after the word "of", insert "such"; in line 11, after the word "consumers", strike out "generally" and insert "within the United States"; in line 12, after the word "of", where it appears the first time, insert "such"; in line 18, after the word "consumers", strike out "generally" and insert "within the United States"; in line 19, after the word "of", insert "such"; on page 15, in line 4, after the word "consumers", strike out "generally" and insert "within the United States; in line 5, after the word "of", insert "such"; in line 17, after the word "a", insert "clear and concise"; in line 21, after the word "discretion,", strike out "and"; in the same line, after the word "writing," insert "and shall be available to the public."; in line 23, after "(g)," strike out "Representatives of the Director, designated by him" and insert "An officer or an employee of the Agency designated by the Director,"; on page 19, line 22, after "(l)", strike out "In conducting investigations under this section" and insert "In carrying out provisions of this section"; on page 20, line 4, after the word "the", where it appears the second time, strike out "Section." and insert "Agency."; at the beginning of line 13, strike out "shall," and insert "may upon petition by the Director,"; after line 21, strike out:

CONSUMER ADVISORY COMMITTEE

SEC. 206. (a) There is hereby established in the Agency a Consumer Advisory Committee to be composed of twelve members appointed by the President for terms of two years without regard to the provisions of title 5, United States Code. Members shall be appointed on the basis of their knowledge and experience in the area of consumer affairs and their demonstrated ability to exercise independent, informed and critical judgment. Representatives of consumer, business, labor, and other interested organizations shall be encouraged to recommend qualified candidates for appointment to the Council.

(b) The Committee shall advise the Director on policy matters relating to the functions of the Agency with respect to consumer interests including—

(1) the consideration of consumer interests by agencies of the United States;

(2) the attention devoted by public agencies to the consumer problems of the poor;

(3) the availability of information necessary for the making of intelligent consumer decisions; and

(4) the existing organization within the Federal Government of consumer protection functions and the need to reorganize such functions.

(c)(1) Members shall be appointed for two year terms, except that of the members first appointed, six shall be appointed for a term of one year and six shall be appointed for a term of two years as designated by the President at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) A vacancy in the Council shall not affect its activities, and seven members thereof shall constitute a quorum.

(d) The Director shall designate the Chairman from among the members appointed to the Committee. The Committee shall meet at the call of the Chairman but not less often than four times a year. The Director shall be an ex officio member of the Committee and is to be its Executive Secretary. The Committee shall keep a complete summary of the proceedings of its meetings, which shall be available to the public.

(e) Members of the Committee who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) The Director shall make available to the Committee such staff, information, and other assistance as it may require to carry out its activities.

(g) The Committee shall make such interim reports as it deems advisable and an annual report of its findings and recommendations (including recommendations for changes in the provisions of this Act) to the Director not later than January 31 of each year. The Director shall transmit each such report to the President for transmittal to the Congress together with his comments and recommendations.

On page 23, at the beginning of line 14, change the section number from "207" to "206"; on page 24, line 3, after the word "employee", insert "of the United States"; at the top of page 25, strike out:

(10) acquire by purchase, lease, condemnation, or otherwise, construct, improve, repair and maintain research facilities as may be necessary;

At the beginning of line 4, strike out "(11)" and insert "(10)"; at the beginning of line 7, strike out "(12)" and insert "(11)"; at the beginning of line 10, strike out "(13)" and insert "(12)"; in line 10, after the amendment just above stated, strike out "without regard to section 529 of title 31, United States Code," and insert "subject to appropriation Acts,"; after line 17, strike out:

(14) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as he deems necessary, including funds appropriated for construction, repairs, or capital improvements; and

And, in lieu thereof, insert:

(13) transfer funds made available under this Act to facilities of other Federal, State, local and private agencies and instrumentalities as reimbursement for utilization of their services, personnel, and information as authorized in paragraph (5) and appropriations Acts; and

On page 26, at the beginning of line 4, strike out "(15)" and insert "(14)"; in line 11, after the word "authorized", strike out "and directed"; at the beginning of line 20, strike out "Whenever time permits, before" and insert "Before"; in line 22, after the word "shall", strike out "consult with" and insert "notify"; on page 27, at the beginning of line 11, change the section number from "208" to "207"; in the same line, after the word "Section", strike out "5313" and insert "5314"; in line 15, after the word "Section", strike out "5314" and insert "5315"; in line 20, after the word "Section", strike out "5315" and insert "5316"; after line 25, strike out:

(d) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

On page 28, at the beginning of line 6, change the section number from "209" to "208"; in line 9, after "1972", insert "and"; in line 10, after "1973." strike out "and such sums as may be necessary thereafter."; on page 30, line 6, after the word "program", insert "or demonstration thereof"; on page ?2, line 2, after the word "legislative", strike out "groups;" and insert "groups, except where the Agency already is representing such interests;"; on page 34, line 15, after the word "out", strike out "by community action agencies"; after line 18, insert:

(8) provide, whenever appropriate, for cooperation and coordination with local offices of the Federal Trade Commission and any Consumer Protection Coordination Committees or Consumer Advisory Boards established under the Commission's aegis;

At the beginning of line 23, strike out "(8)" and insert "(9)"; at the beginning of line 26, strike out "(9)" and insert "(10)"; on page 35, at the beginning of line 4, strike out "(10)" and insert "(11)"; in line 11, after "Sec. 307." insert "(a)"; on page 36, line 2, after the word "by", strike out "community action agencies"; after line 3, insert:

(5) provide, whenever appropriate, for cooperation and coordination with local offices of the Federal Trade Commission and any Consumer Protection Coordination Committees or Consumer Advisory Boards established under the Commission's aegis;

At the beginning of line 9, strike out "(5)" and insert "(6)"; at the beginning of line 12, strike out "(6)" and insert "(7)"; on page 37, line 3, after the word "organization", strike out "75" and insert "50"; in line 9, after the word "to", strike out "plant" and insert "plant,"; on page 40, line 19, after "(6)", strike out "'person' includes natural persons, partnerships, corporations, and any other form of association;" and insert "'consumer' means any person who is offered or supplied goods or services for personal, family, or household purposes;"; on page 41, line 1, after the word "Rico," insert "and"; at the beginning of line 2, strike out "Samoa," and insert "Samoa;"; in line 3, after the word "Islands", insert "except as provided in section 302(a) of this Act."; in line 6, after the word "executive", strike out "agancy" and insert "agency"; at the beginning of line 9, insert "within the United States"; on page 42, line 11, after the word "dissemination", strike out "functions. Except" and insert "function"; in line 12, after the word "safety", strike out "hazards, before" and insert "hazard or extraordinary economic harm."; in line 18, after the word "information.", strike out "In such health and safety cases he shall give

reasonable notice to the owner or lawful possessor of such information."; after the amendment just above stated, insert:

(b) No information shall be disclosed if that information is inaccurate, misleading, or is not reasonably complete. Before disseminating any information which may injure the reputation or good will of a person or company (or its products or services) or which may disclose product names or otherwise may permit identification of a product or service with a person or company, the Director shall notify the person or company of the information to be disclosed, and shall afford an opportunity for comment, unless extraordinary health and safety hazards dictate otherwise.

On page 43, at the beginning of line 6, strike out "(b)" and insert "(c)"; and at the beginning of line 15, strike out "(c)" and insert "(d)"; so as to make the bill read:

S. 4459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Protection Organization Act of 1970".

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of the Federal Government to protect and serve the interests of the people of the United States as consumers of goods and services which are made available to them through commerce or which affect commerce by establishing the Council of Consumer Advisers and an independent Consumer Protection Agency in order to facilitate the coordination of Federal programs and activities affecting consumers, to insure adequate representation of the interests of consumers in administrative and judicial proceedings, to provide information to consumers generally, to provide financial assistance to State and local consumer frauds and consumer protection programs, and to insure that the interests of consumers are considered by the Federal Government.

TITLE I—COUNCIL OF CONSUMER AFFAIRS

CONSUMER REPORT OF THE PRESIDENT

SEC. 101. (a) The President shall transmit to the Congress not later than March 1 of each year a report to be known as the Consumer Report, setting forth (1) the effectiveness of Federal programs and activities designed to carry out the policy declared in section 2, with particular emphasis upon the manner in which such programs and activities adequately protect the interests of consumers in the United States; (2) a review of such other programs and activities as the Council determines are of unique or national significance and suggesting areas most in need of attention; (3) a review of State, local, and private programs which are designed to carry out the policy set forth in section 2 and are assisted by the Federal Government, including an assessment of the success of such programs in protecting the interest of consumers; (4) an evaluation of the degree of cooperation and coordination among the departments and agencies of the Federal Government engaged in carrying out programs or conducting activities designed to implement the policy declared in section 2; and (5) a program for remedying deficiencies in existing programs and activities designed to implement such policy together with such recommendations for additional legislation as he deems necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the Consumer Report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 2.

(c) The Consumer Report, and all supplementary reports transmitted under subsection (b) of this section, shall, when transmitted to Congress, be referred to the appropriate committees of the Congress, including the Committee on Government Operations and the Committee on Commerce of the Senate and the Committee on Government Operations and the Committee on Interstate and Foreign Commerce of the House of Representatives.

COUNCIL OF CONSUMER ADVISERS TO THE PRESIDENT

SEC. 102. (a) There is created in the Executive Office of the President a Council of Consumer Advisers. The Council shall be composed of—

(1) the Director of the Consumer Protection Agency; and

(2) two persons appointed by the President, by and with the advice and consent of the Senate, who by reason of their training, experience, and attainments are exceptionally qualified to appraise programs and activities of the Government in the light of the policy declared in section 2, and to formulate and recommend programs to carry out that policy.

No member of the Council who is otherwise an officer or employee of the United States shall receive additional compensation for service as a member of the Council. The President shall designate one member to serve as Chairman of the Council.

(b)(1) The Chairman of the Council is authorized to employ, and fix the compensation of such specialists and other experts as may be necessary for the carrying out of its functions under this title without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and is authorized, subject to such provisions, to employ such other officers and employees as may be necessary for carrying out its functions under this Act, and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

(2) The Chairman of the Council shall act on behalf of the Council in all executive and administrative matters.

(c) It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Consumer Report;

(2) to gather timely and authoritative information and statistical data concerning programs designed to carry out the policy declared in section 2, both current and prospective, to analyze and interpret such information and data in the light of the policy declared in section 2 and to compile and submit to the President studies relating to such programs;

(3) to assist the President in coordinating the programs and activities of all Federal executive agencies relating to the interests of consumers in order to avoid waste, duplication, and inconsistencies;

(4) to advise the President in establishing priorities, and when necessary, with the approval of the President, to resolve conflicts between Federal executive agencies engaged in such programs or activities;

(5) to conduct investigations, studies, surveys, research, and analyses relating to the protection of the interests of the consumer;

(6) to develop and recommend to the President national policies to foster and promote the protection of the interests of consumers, including recommendations relating to the most effective way to allocate Federal responsibilities and the level of government—Federal, State, or local—best suited to carry out programs and activities relating to the interests of consumers;

(7) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation to carry out the policy declared in section 2 as the President may request.

(d) Whenever the Chairman of the Council determines that information or data developed pursuant to subsection (c) of this section should be made available to the States and localities he shall so advise the President and recommend that he be authorized to make arrangements for the timely dissemination of such information and data to such States and localities as he deems appropriate.

(e) The Council shall make an annual report to the President in February of each year.

(f) In exercising its powers, functions, and duties under this Act—

(1) the Council may constitute such advisory committees and may consult with such consumers, representatives of industry, agriculture, labor, State and local governments, and other groups, organizations, and individuals as it deems advisable;

(2) the Council shall, to the fullest extent possible, use the services, facilities, and information, including statistical information, of other Government agencies as well as of private research agencies, in order that duplication of effort and expense may be avoided.

COMPENSATION OF MEMBERS OF THE COUNCIL

SEC. 103. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(20) Chairman, Council of Consumer Advisers."

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Members, Council of Consumer Advisers."

AUTHORIZATION OF APPROPRIATIONS

SEC. 104. There are authorized to be appropriated to carry out the provisions of this title such sums as may be necessary.

TITLE II—CONSUMER PROTECTION AGENCY

ESTABLISHMENT

SEC. 201. (a) There is established as an independent agency within the executive branch of the Government an agency to be known as the Consumer Protection Agency.

(b) The Agency shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate for a term of four years. There shall be in the Agency a Deputy Director who shall be appointed by the President by and with the advice and consent of the Senate for a term of four years. The Director and the Deputy Director, in the event of a vacancy, shall be appointed for the remainder of the term for which his predecessor was appointed. The Deputy Director shall perform such functions as the Director may prescribe and shall be the Acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director. Notwithstanding the provisions of this subsection the terms of the Director and the Deputy Director first taking office shall terminate on January 20, 1973. Upon the expiration of his term, the Director shall continue to serve until his successor has been appointed and has qualified.

(c) There shall be in the Agency a Consumer Counsel who shall be appointed by the President, by and with the advice and consent of the Senate. The Consumer Counsel shall be the chief legal officer of the Agency, and shall perform such duties as the Director may prescribe and shall be Acting

Director during the absence or disability, or in the event of vacancies in the offices, of the Director and the Deputy Director.

(d) The President by and with the advice and consent of the Senate is authorized to appoint within the Agency not to exceed five Assistant Directors.

FUNCTIONS OF THE AGENCY

SEC. 202. It shall be the function of the Agency to—

(1) represent the interests of consumers in proceedings before Federal executive agencies and Federal courts in accordance with section 203 of this Act;

(2) make grants to States, localities, and nonprofit private organizations to encourage and assist consumer protection programs in accordance with title III of this Act in order to prevent consumer frauds;

(3) receive and evaluate complaints from consumers and refer complaints to the appropriate Federal executive agency and State and local agency and take such other action as authorized by section 204 of this Act;

(4) conduct, support, assist, and coordinate research and economic investigations and surveys in accordance with section 205 of this Act;

(5) publish a Federal Consumer Register which shall set forth the times, places, and subject matters of major rulemaking proceedings by Federal regulatory agencies, civil actions and other useful information of national significance which relate to the protection of consumer interests, stated in language which is readily understood by consumers generally;

(6) disseminate information of importance to consumers, including information concerning consumer items which the Government purchases for its own use, in the most efficacious manner possible, especially through the publication and distribution of periodicals and other printed material which can be readily understood by consumers generally;

(7) cooperate with and encourage private enterprise in the promotion and protection of consumer interests;

(8) after consultation with the United States Office of Education, encourage the adoption or expansion of consumer education programs at all education levels, including consumer adult education projects, and consumer counseling services and provide technical assistance to public agencies and private nonprofit organizations for such programs;

(9) submit a report to the President and to the Congress at least once each year on the activities and programs of the Agency together with such recommendations including legislative recommendations as the Agency deems appropriate.

REPRESENTATION OF CONSUMER INTERESTS BEFORE FEDERAL AGENCIES AND IN FEDERAL COURTS

SEC. 203. (a) The Director may request or petition for the initiation of any proceeding with the responsibility and authority of any Federal executive agency concerning any matter which substantially affects the interests of consumers, but participation in such proceedings once initiated shall be in accordance with the provisions of this section.

(b) Whenever there is pending before any Federal executive agency any matter or proceeding not involving the internal operations of such agency, and the Director finds that the determination of such matter or proceeding is likely to affect substatnially the interests of consumers within the United States, the Director shall be entitled as a matter of right to intervene, with respect to any issue affecting the interest of consumers, within the time limits specified in the rules and regulations of such agency, in such matter or proceeding as a party to represent the interests of consumers. Upon any such intervention, the Director shall present to such agency, in conformity with the rules of practice and procedure thereof, such evidence, briefs, and argument as he shall determine to be necessary for the effective protection of the interests of such consumers.

(c) Whenever—

(1) there is pending before any Federal executive agency any matter or proceeding, or

(2) there is pending before any court of the United States any matter or proceeding to which the United States or any Federal executive agency is a party, other than a proceeding to which subsection (d) is applicable,

and the Director finds the determination of such matter or proceeding is likely to affect substantially the interests of consumers within the United States, the Director upon his own motion, or upon written request made by the officer or employee of the United States or of such agency who is charged with the duty of presenting the case for the Federal executive agency in the matter or proceeding, may transmit to such officer or employee all evidence and information in the possession of the Agency relevant to that matter or proceeding, and whenever the Director takes a position on any consumer issue in whole or in substantial part adverse to or different from that of the Federal executive agency, he may, in the discretion of the Federal executive agency or the court, appear as amicus curiae and present written or oral argument to such agency or court on such issue.

(d) (1) Whenever—

(A) the Director finds that a final action of a Federal executive agency has or is likely to have a substantial adverse effect upon interests of consumers within the United States or of any group or class of such consumers and takes a position on any consumer issue in whole or in substantial part adverse to or different from that of the Federal executive agency;

(B) the Agency was an intervenor in such an action; and

(C) a right of review is otherwise accorded by law, the Director shall be entitled as a matter of right to bring a proceeding in the appropriate court of the United States to review such an action with respect to any such issue in order to represent the interests of consumers within the United States generally or any group or class of such consumers.

(2) Whenever—

(A) the Director finds that a final action of a Federal executive agency has or is likely to have a substantial adverse effect upon the interests of consumers within the United States or any group or class of such consumers and takes a position on any consumer issue in whole or in substantial part adverse to or different from that of the Federal executive agency;

(B) there is pending before any court of the United States any matter or proceeding involving the review of such an action; and

(C) the Agency was an intervenor in such action, the Director shall be entitled as a matter of right to intervene in such matter or proceeding with respect to any such issue as a party to represent the interests of consumers within the United States or of any group or class of such consumers.

(3) Whenever—

(A) the Director finds that a final action of a Federal executive agency has or is likely to have a substantial adverse effect upon the interests of consumers within the United States or of any group or class of such consumers, and takes a position on any issue in whole or in subtantial part adverse to or different from that of the Federal executive agency; and

(B) the Agency was not an intervenor in any such action,

the Director may, at the discretion of the court, intervene as plaintiff or defendant or appear as amicus curiae in any proceeding brought to review such action with respect to any such issue in order to represent the interests of consumers within the United States or any group or class of such consumers.

(e) Under such regulations as he may prescribe, the Director may petition to intiate proceedings, seek leave to intervene or appear pursuant to subsection (b), (c), or (d) of this section, whichever is applicable, in any Federal executive agency proceeding upon a petition by a substantial number of citizens of the United States stating a cause of national significance requesting that he do so. Within sixty days after the receipt of the petition the Director shall notify the principal sponsors of the petition with respect to the action which he has taken. If the Director determines not to seek leave to intervene or appear the answer required by the preceding sentence shall include a clear and concise statement of his reasons therefor.

(f) Findings of the Director under subsections (b), (c), and (d) of this section shall be made in the exercise of his reasonable discretion, shall be in writing, and shall be available to the pubic.

(g) An officer or an employee of the Agency designated by the Director, for the purpose of this section, shall be entitled to enter an appearance before any Federal executive agency for the purpose of representing the Director in any proceeding pursuant to this section without compliance with any requirement for admission to practice before such agency.

(h) The Director is authorized, in any Federal executive agency proceeding to which he is a party, to request that Federal executive agency to issue on his behalf such orders, as authorized by the statutory authority of such agency, for the copying of documents, papers and records, summoning of witnesses, production of books and papers, and submission of information in writing as is relevant to the subject matter of the proceeding. The Federal executive agency to which such a request is made shall issue such discovery orders requested by the Director unless the Federal executive agency determines that the request for discovery is not relevant to the matter at issue, or is unnecessarily burdensome, or is not authorized by the agency's statutory powers.

CONSUMER COMPLAINTS

SEC. 204. (a) Whenever the Agency receives from any person any complaint or other information disclosing a possible violation of (1) any law of the United States, (2) any rule or order of any Federal executive agency, or (3) any judgment, decree, or order of any court of the United States, concerning consumer interests, the Director shall transmit such complaint or other information received by the Agency not later than sixty days after receiving such complaint or other information to the Federal executive agency charged with the duty of enforcing such law, rule, order, judgment, or decree, for appropriate action.

(b) Whenever the Agency receives complaints or other information disclosing any commercial or trade practice which it deems detrimental to the interests of consumers within the United States, and which is not included within the category specified in subsection (a) of this section, the Director shall transmit such complaint or other information not later than sixty days after receiving such complaint or other information to the Federal, State, or local agency whose regulatory or other authority provides the most effective means to act upon them.

(c) Whenever practicable the Agency shall ascertain the nature and extent of action taken with regard to complaints and other

information transmitted under subsections (a) and (b) of this section.

(d) Not later than sixty days after the receipt of any complaint signed and in writing, the Agency shall notify any producer, distributor, retailer or supplier of goods named or readily identifiable in each complaint received under this section of such complaint. The Agency shall notify any producer, distributor, retailer, or supplier of goods and services named or identified in any other complaint or information received or developed by the Agency of the matter complained of unless the Director determines there is a more effective means of remedying such matter.

(e) The Agency shall maintain for convenient public inspection and copying a current listing and brief summary of all consumer complaints signed and in writing received by it pursuant to this title. The complaints shall be arranged in meaningful and useful categories together with annotations of actions taken by the agency or person to whom any such complaint has been referred and the response of and actions taken by the person complained against. Names of complainants shall be removed if they so request. The Director shall carry out the provisions of this subsection not later than one hundred and twenty days after the receipt of any complaint, or promptly after the date on which the Agency receives a response from the person complained against, but in no event shall such complaint be made available to the public until the party complained against has had sixty days to comment on such complaint. The Director shall not include in the listing and brief summary required by this subsection any complaint which has been satisfied during the sixty-day period provided in the previous sentence, the evidence of such satisfaction having been provided to the Director.

ECONOMIC SURVEYS AND RESEARCH

SEC. 205. (a) The Director is authorized to—

(1) conduct research, investigations, conferences, and economic surveys concerning the needs, interests, and problems of consumers, including the execution of Federal laws for the protection of consumer interests,

(2) analyze and disseminate to the public information obtained or developed under this section.

(b) In carrying out the provisions of this section, the Director may recommend to other Federal agencies the conduct of research pertaining to the interests of consumers by such other agencies and obtain from any such agency a report on the action taken with respect to a recommendation under this subsection.

(c) Unless the Director determines that an economic survey or other research or investigation is essential to the performance of the functions of the Agency under this Act, no such survey, research or investigation which is substantially a duplication of any current or recent survey, research or investigation conducted by any other Federal agency shall be conducted under this section.

(d) (1) In carrying out provisions of this section the Director is authorized to require any persons, by general or specific order setting forth with particularity the consumer interest involved and the purposes for which the information is sought, to file with the Agency a report, or answers in writing to specific questions, relevant to the functions of the Agency. Any such reports or answers shall be made under oath, or otherwise as the Director may prescribe, and shall be filed with the Agency within such reasonable period as the Director may prescribe, unless additional time be granted in any case by the Director.

(2) Any district court of the United States within the jurisdiction of which the subject of an inquiry authorized by this section is found, or has its principal place of business, may upon petition by the Director, in the case of refusal to obey a valid order of the Director issued under this subsection, issue an order requiring compliance therewith, and any failure to obey an order of the court may be punished by the court as a contempt thereof.

(e) No compilation or summary of complaints that are signed and in writing shall be published under this section until sixty days after the date of receipt by the Agency of the most recent complaint contained therein.

ADMINISTRATION

SEC. 206. (a) The Director is authorized, in carrying out his functions under this Act, to—

(1) appoint and fix the compensation of personnel of the Agency;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act;

(4) promulgate such rules, regulations, and procedures as may be necessary to carry out the functions vested in him or in the Agency, and delegate authority for the performance of any function to any officer or employee of the United States under his direction and supervision;

(5) utilize, with their consent, the services, personnel, information, and facilities of other Federal, State, local and private agencies and instrumentalities with or without reimbursement therefor;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(7) adopt an official seal, which shall be judicially noticed;

(8) request such information, data, and reports from any Federal agency as the Director may from time to time require and as may be produced consistent with other law; and with the approval of the President convene meetings of the heads of those Federal agencies, or their designated representatives, on programs affecting consumers;

(9) arrange with the heads of other Federal agencies for the performance of any of his functions under this title with or without reimbursement and, with the approval of the President delegate and authorize the redelegation of any of his powers under this title;

(10) establish such regional offices as the Director determines to be necessary to serve more adequately the interests of consumers;

(11) accept unconditional gifts or donations of services, money or property, real, personal, or mixed, tangible or intangible;

(12) subject to appropriation Acts, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(13) transfer funds made available under this Act to facilities of other Federal, State, local and private agencies and instrumentalities as reimbursement for utilization of their services, personnel, and information as authorized in paragraph (5) and appropriations Acts; and

(14) designate representatives to serve or assist on such committees as the Director may determine to be necessary to maintain effective liaison with Federal executive agencies and with State and local agencies carrying out programs and activities related to the protection of the economic interests of consumers.

(b) Upon request made by the Director each Federal executive agency is authorized to make its services, personnel, facilities and information (including suggestions, estimates and statistics) available to the greatest practicable extent consistent with other laws to the Agency in the performance of its functions with or without reimbursement.

(c) Attorneys in all proceedings under section 203 of this Act, except proceedings before the Supreme Court, shall be under the supervision of the Director of the Agency. Before bringing any action in a court or taking an appeal in any court pursuant to section 203 of this Act the Director of the Agency shall notify the Attorney General or his designee.

(d) Each member of a committee appointed pursuant to paragraph (3) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence and necessary expenses incurred in the performance of their duties.

COMPENSATON OF THE DIRECTOR, THE DEPUTY DIRECTOR, THE CONSUMER COUNSEL AND THE ASSISTANT DIRECTORS

SEC. 207. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(57) Director, Consumer Protection Agency."

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Deputy Director, Consumer Protection Agency."

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(130) Consumer Counsel, Consumer Protection Agency."

"(131) Assistant Directors, Consumer Protection Agency (5)".

AUTHORIZATION OF APPROPRIATIONS

SEC. 208. There are authorized to be appropriated to carry out the provisions of this title $10,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $25,000,000 for the fiscal year ending June 30, 1973.

TITLE III—CONSUMER PROTECTION GRANTS

AUTHORIZATION

SEC. 301. For the purpose of assisting States, localities, and nonprofit private organizations to establish or strengthen consumer protection programs under this title, there is authorized to be appropriated $7,500,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $25,000,000 for the fiscal year ending June 30, 1973.

ALLOCATION OF FUNDS

SEC. 302. (a) (1) From funds appropriated pursuant to this title for any fiscal year the Director shall allocate 80 per centum among the States for the purposes specified in section 304 of this title, as follows: Each State, other than possessions of the United States, having an approved plan shall be allocated $50,000, each possession having an approved plan shall be allocated $20,000, and the remainder of such 80 per centum shall be made available among the States according to their respective populations. The remaining 20 per centum of such funds for any fiscal year shall be allocated among the States for planning grants pursuant to section 303, as the Director may determine.

(2) For the purposes of this subsection the term "possessions of the United States" means the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(b) The amount of funds available to any State under subsection (a) for any fiscal year which the Director determines will not be required for such fiscal year shall be available for reallocation from time to time, on such dates during such year as the Director may fix, to other States, to the extent the Director estimates such State, or local public agency or nonprofit private organization within such State, needs and will be able to use such amount being reallocated.

PLANNING GRANTS

SEC. 303. (a) In order to encourage States and localities to prepare and adopt comprehensive consumer protection plans covering their respective jurisdictions, the Director is authorized to make grants to any State or local public agency to assist in preparing or revising such plan.

(b) The Director is authorized to make grants to any State and local public agencies, and nonprofit private organizations to assist them in meeting the cost of planning any project or program or demonstration thereof for which a grant may be made under the provisions of this title.

(c) The Director may require as a condition to any grants under this title within any State or locality that comprehensive consumer protection planning be undertaken and that, where he deems it appropriate, a comprehensive plan or plans be prepared within a reasonable period.

(d) No such grant may exceed 75 per centum of the cost of the planning with respect to which such grant is made.

GRANTS FOR CONSUMER PROTECTION PROGRAMS

SEC. 304. The Director is authorized to make grants to pay the Federal share of the cost of consumer protection programs, which may include the following—

(1) the establishment of strengthening of a Consumer Protection Agency which, in the case of the establishment of such an agency, shall be located in such department or agency of the State as the chief executive or the legislature of the State determines;

(2) the establishment, operation, and expansion of programs to license, or otherwise regulate, household appliance repairmen, motor vehicle repairmen, and home improvement contractors in order to provide improved consumer protection, including protection against—

(A) false advertising;

(B) failure to perform the work or service as advertised;

(C) performing unnecessary and unrequested work or services;

(D) failure to perform work or services as represented to the consumer and for which the consumer was billed;

(3) the establishment, operation, and expansion of programs requiring credit reporting agencies to adopt reasonable procedures for meeting the needs of commerce for credit information in a manner which is fair and equitable to the individual;

(4) the establishment and expansion of consumer education programs, with particular emphasis upon projects which give promise of assisting persons who reside in urban areas of high concentration of unemployed or low-income individuals and the encouragement of the introduction of consumer education courses in public school curriculums;

(5) representation of consumer interests before administrative and regulatory agencies, courts and legislative groups, except where the agency already is representing such interests;

(6) the establishment or expansion of consumer complaint centers;

(7) provision of counseling to consumers;

(8) enforcement of laws to protect the interests of consumers, including laws prohibiting fraud, deceptive practices, and unfair practices against consumers, and laws concerning monopolies and restraints of trade;

(9) study of State laws and regulations, and the laws and regulations of units of general local government, relating to the interests of consumers, and recommendation of improvements in such laws and regulations;

(10) research, studies, and analyses of consumer matters;

(11) the conduct of research, counseling, and educational projects concerning the nutritional value of food; and

(12) such other activities as may bear a direct and material relationship to the interests of consumers.

RECIPIENTS OF GRANTS

SEC. 305. Eighty-five per centum of the funds allocated pursuant to the first sentence of section 302 shall be available for grants to States which have adopted State plans in accordance with section 306 of this title. Not to exceed 15 per centum of such funds shall be available for grants to local public agencies and private nonprofit organizations for consumer protection programs not included in State plans. Until a State has submitted a State plan and the Director has apporved such a plan, or upon the failure of the State to carry out such a plan according to the terms and conditions specified in such plan, as approved, the Director may make grants directly to local public agencies and nonprofit private organizations for consumer protection programs within such State for the purposes set forth in section 304 of this title.

STATE PLANS

SEC. 306. (a) Any State desiring to participate in the grant program under this title shall designate or create an appropriate State agency for the purpose of this section and submit through such State agency, a State plan which shall—

(1) set forth a program under which funds provided under this title will be expended by the State directly or through grants to local public agencies or nonprofit agencies and organizations for the purposes described in section 304 of this title;

(2) provide for the proper and efficient administration of such plan and programs set forth in the plan;

(3) provide adequate assurances that the remaining cost of such plan and programs will be paid from funds derived from a source other than Federal funds;

(4) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant other Federal, or non-Federal, funds available for the purposes set forth in section 304 of this title;

(5) take into account the needs of units of general local government in the State;

(6) provide for effective use of existing resources and improvement of existing programs;

(7) provide for cooperation and coordination with State and local legal services programs and other consumer oriented programs carried out under the Economic Opportunity Act of 1964;

(8) provide whenever appropriate for cooperation and coordination with local offices of the Federal Trade Commission and any Consumer Protection Coordination Committees or Consumer Advisory Boards established under the Commission's aegis;

(9) provide that reports on programs receiving assistance shall be made in such form and containing such information as the Director may reasonably require;

(10) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement of and accurate accounting of funds received under this title; and

(11) contain such other terms and conditions as the Director may prescribe to assure the effectiveness of the programs assisted under this title.

(b) The Director shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

APPLICATIONS

SEC. 307. (a) Any local public agency or nonprofit private organization desiring to receive a grant under this title shall submit an application, at such times, in such manner and containing or accompanied by such information as the Director may prescribe. Such applications shall—

(1) set forth a program under which funds provided under this title will be expended for the purposes described in section 304 of this title;

(2) provide for the proper and efficient administration of such application;

(3) provide adequate assurances that the remaining cost of such application will be paid from funds derived from a source other than this title;

(4) provide, whenever appropriate, for cooperation and coordination with State and local legal services programs and other consumer oriented programs carried out by under the Economic Opportunity Act of 1964;

(5) provide, whenever appropriate, for cooperation and coordination with local offices of the Federal Trade Commission and any Consumer Protection Coordination Committees or Consumer Advisory Boards established under the Commission's aegis;

(6) provide that reports on programs receiving assistance shall be made in such form and containing such information as the Director may reasonably require;

(7) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement of and accurate accounting of funds received under this title.

(b) The Director shall approve any applications and modifications thereof which comply with subsection (a).

PAYMENTS

SEC. 308. (a) From the amounts allotted to each State under section 302, the Director shall pay to each State which has a plan approved under section 306(b) and to each local public agency and private nonprofit organization which has an application approved under section 307(b) an amount equal to the Federal share of the amount needed for the purposes set forth in such plan or application.

(b) For the purposes of subsection (a), the Federal share for each State and local public agency shall be 50 per centum for each fiscal year and for each nonprofit private organization 50 per centum for each fiscal year.

(c) Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(d) Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to plant, equipment or services.

WITHHOLDING

SEC. 309. (a) Whenever the Director, after reasonable notice and opportunity for hearing to the grantee under this Act, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of section 306;

(2) the application has been so changed that it no longer complies with the provisions of section 307; or

(3) in the administration of the plan or

application there is a failure to comply substantially with any such provision,

the Director shall notify any such grantee that no further payments will be made under this Act (or in his discretion, that further payments will be limited to programs or portions of the State plan or application not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made under this Act (or payment shall be limited to programs or portions of the State plan or application not affected by such failure).

(b) An agency or organization dissatisfied with a final action of the Director under section 306, section 307, or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the agency or organization is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director or any officer designated by him for that purpose. The Director thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm the action of the Director or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Director may modify or set aside his order. The findings of the Director as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Director to take further evidence, and the Director may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Director shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Director's action.

RECORDS AND AUDITS

SEC. 310. (a) Each recipient of assistance under this Act shall keep such records as the Director shall prescribe, including records which fully disclose the amount and disposition of such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used and the portion of the total cost supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Director and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this title.

TITLE IV—GENERAL PROVISIONS

DEFINITIONS

SEC. 401. As used in this Act—

(1) "Agency" means the Consumer Protection Agency;

(2) "commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State, and such term includes foreign commerce;

(3) "Council" means the Council of Consumer Advisers;

(4) "Director" means the Director of the Consumer Protection Agency;

(5) "Federal executive agency" means any department, agency, or independent establishment in the executive branch of the Government; including any agency described in section 551 of title 5, United States Code, and any wholly owned Government corporation;

(6) "consumer" means any person who is offered or supplied goods or services for personal, family, or household purposes;

(7) "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands, Guam, American Samoa; and the Trust Territory of the Pacific Islands except as provided in section 302(a) of this Act.

CONSIDERATION OF THE CONSUMER INTEREST IN FEDERAL EXECUTIVE AGENCY DETERMINATIONS

SEC. 402. Every Federal executive agency in taking any action of a nature which can reasonably be construed as substantially affecting the interests of consumers within the United States of products and services, including, but not limited to, (1) the promulgation of rules, regulations, or guidelines, (2) the formulation of written policy decisions, or (3) the issuance of orders, decrees, studies, reports, or standards, shall, in taking such action, give due consideration to the valid interests of consumers. When, in the normal course of its operations, the agency concerned makes public a statement with respect to such action, it shall indicate in such public statement the manner of its consideration of consumer interests.

INFORMATION DISCLOSURE

SEC. 403. (a) Subject to the provisions of this section, the Director shall disclose to the public so much of the information he obtains under this Act as he determines will assist in carrying out the purposes of this Act. The Director may not disclose trade secrets or information which includes formulas, processes, plans or patterns of manufacture, research, methods of doing business, costs, names of customers or other competitive information otherwise unavailable to the general public except to other Government officials and to authorized committees of Congress and except, where such disclosures are necessary to assure protection of the interests of consumers and such disclosures do not unreasonably prejudice the interests of those owning or lawfully possessing such information, (1) in a judicial proceeding if ordered by a court, (2) in a proceeding in which he appears pursuant to this Act, or (3) in carrying out his survey, research, and information dissemination function in cases involving extraordinary health and safety hazards or extraordinary economic harm. Before disclosing such protected information in a court or in an agency proceeding or in carrying out the survey, research, and information dissemination functions, the Director shall give fifteen days' notice to the owner or lawful possessor of such information.

(b) No information shall be disclosed if that information is inaccurate, misleading, or is not reasonably complete. Before disseminating any information which may injure the reputation or good will of a person or company (or its products or services) or which may disclose product names or otherwise may permit identification of a product or service with a person or company, the Director shall notify the person or company of the information to be disclosed, and shall afford an opportunity for comment, unless extraordinary health and safety hazards dictate otherwise.

(c) In disseminating any information under the provisions of this Act which discloses product names, the Director shall take such action as may be necessary to assure that any disclosure or dissemination of such information includes a statement making it clear that products of a competitive nature are not included and that there is no intent to rate one product as better than another product, to imply that certain products are superior in quality to any other products, or that one product is a better buy than any other product.

(d) In any case in which information is disclosed or disseminated under this Act and is subsequently found to be inaccurate, the Director shall take such action as is necessary to assure a full retraction of the inaccurate information together with a statement of the new data in a manner similar to the initial disclosure or dissemination of such information.

SAVINGS PROVISION

SEC. 404. (a) Nothing contained in this Act shall be construed to alter, modify, or repeal any other provision of law, or to prevent or impair the administration or the enforcement of any other provision of law, or to affect the duty of the Administrator of General Services to represent the interests of the Federal Government as a consumer pursuant to section 201(a)(4) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)(4)).

(b) Nothing contained in this Act shall be construed as relieving any Federal executive agency of any responsibility to protect and promote the interests of consumers in the United States.

(c) Nothing contained in this Act shall be construed to limit the rights of any person or group or class of persons, to initiate, intervene, or otherwise participate in any court or Federal executive agency proceeding.

FORCIBLE RETURN OF A DEFECTING SOVIET SAILOR A DISGRACE TO THE AMERICAN FLAG

Mr. JAVITS. Mr. President, I call the attention of the Senate to an incident which just occurred, in which a man seeking political asylum off a Russian fishing vessel threw himself aboard a Coast Guard ship and, by some strange circumstances which now seem hard for anyone to understand, found himself, some hours later, back in the custody of the Russians themselves, having been beaten insensible, according to the editorial in the New York Times, by other crew members of his Russian fishing vessel who came aboard the Coast Guard vessel *Vigilant*. The Soviet seaman was summarily denied asylum, God knows by whom, and sent back to this Russian ship; and that is undoubtedly the end of him.

I have just been advised that the United Nations High Commissioner for Refugees, who is in charge of the refugees' rights in the world—and we are a party to that particular convention—has just protested this matter to the Secretary of State.

I seems to me, Mr. President, that this incident requires investigation and public explanation. It is a very regrettable incident, assuming the accuracy of the report. Since it is the subject of a lead editorial in the New York Times, I am confident of its accuracy.

So, Mr. President, I shall look into it promptly, and if in my judgment it is worthy of it, I shall seek a hearing from the appropriate committee with respect to this matter. We will not know what is appropriate until we know whose decision this was, whether it was a State Department decision, a Coast Guard decision, or who did what. There seems to have been a breach and violation of

everything we believe in, in terms of asylum, and of the international agreements to which we are so much a party.

So that Senators may be apprised of the situation, I ask unanimous consent to have printed in the RECORD at this point the editorial from the New York Times entitled "Land of the Free."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LAND OF THE FREE

The forcible removal of a defecting Soviet sailor from a United States Coast Guard cutter with the cooperation of its American officers is surely one of the most disgraceful incidents ever to occur on a ship flying the American flag. It flouts the American tradition of granting political asylum and it may constitute a violation of the Geneva convention on refugees.

The seaman, Lithuanian in origin, sought refuge on the Coast Guard cutter Vigilant while it was negotiating with a Soviet fishing vessel in American waters off Martha's Vineyard. In brief, what then happened over a ten-hour period was that the captain of the Vigilant permitted Soviet sailors to come aboard the cutter, drag the defector from his hiding place, beat him senseless in the presence of American observers and finally transport him, in one of the American ship's lifeboats, back to the Soviet vessel.

An "explanation" offered by a Coast Guard spokesman was almost as bizarre as the incident itself. He said the decision to return the Lithuanian was made "in consideration of delicate international discussions which were being carried on regarding fishing problems." These talks, he said, "could have been endangered by any other course of action." To the Coast Guard, in short, the nation's obligations to those who fish for yellow-tail flounder exceed any obligation owed to a human being seeking safety and freedom on an American ship.

The real explanation is surely craven stupidity in high places, possibly accompanied by lethargy. The damage is done; it now is impossible to save the Lithuanian who believed, with the weight of history and tradition on his side, that he would be safe once he had jumped to an American vessel. What is imperative now is to take action to insure against any repetition of this incredible train of events.

This nation has expended tens of thousands of lives and hundreds of billions of dollars to resist Communist tryanny. Defectors from totalitarian rule have been warmly welcomed from many parts of the world. Refugees have repeatedly undertaken hazardous flights to an assured safe haven in the United States.

The Administration should call all those responsible in this episode swiftly to account and a prompt investigation by the Congress might be valuable as a deterrent against any repetition—ever—of the affair of the Vigilant.

CONSUMER PROTECTION ORGANIZATION ACT OF 1970

The Senate continued the consideration of the bill (S. 4459) to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Protection Agency in order to protect and serve the interests of consumers, and for other purposes.

Mr. MAGNUSON. Mr. President, S. 4459 is a bill which would establish a Council of Consumer Advisers in the Executive Office of the President, and establish an independent—I underline the word "independent"—Consumer Protection Agency, in order to protect and serve the interests of consumers, and for other purposes.

Having considered the same, the Committee on Commerce unanimously reported the bill out; but I must say that the reporting is pretty much—about 90 percent—a compilation of the fine work that was done by the Senator from Connecticut (Mr. RIBICOFF) and his subcommittee. The bill was then referred to the Committee on Commerce, and we agreed with the conclusions of his subcommittee—a subcommittee of the Committee on Government Operations.

PURPOSE

It is the purpose of this bill to: First, strengthen the implementation and coordination, of various consumer programs within the Federal Government; second, provide for the dissemination of needed consumer information; third, assure the systematic receipt, analysis, and disposition of complaints forwarded to the Federal Government by consumers; fourth, stimulate the informal settlement of consumer complaints; fifth, create a consumer advocate within the Federal Government to represent the consumer interest in the formulation and implementation of governmental policies—legislative, administrative, regulatory, or judicial—which substantially affect the interests of consumers; sixth, encourage the development of, and give financial aid to, State and local programs designed to improve the marketplace by assisting consumers in achieving their consumer rights, thereby rewarding legitimate business interests which already recognize and promote the consumer's; and seventh, undertake comprehensive studies of the way in which consumers are faring in the marketplace and make recommendations for improving the relationship between suppliers and consumers of goods and services.

SUMMARY

In order to accomplish the purposes enumerated above, the bill would establish a Council of Consumer Advisers to assist the President in formulating consumer policy. The Council would consist of three members—one of whom would be the Director of the Consumer Protection Agency—appointed by the President with the advice and consent of the Senate. One member would be designated Chairman.

The Council would serve the President and Congress by analyzing existing consumer programs within the Federal Government. The Council would monitor and evaluate consumer activities within various Government agencies, comparing actual performance with stated objectives. It would recommend to the President ways of properly interfacing various Federal consumer activities so as to insure their efficacy and avoid duplication and waste. And the Council would strive to coordinate Federal consumer programs with similar State and local activities.

The bill would also provide for the creation of a Consumer Protection Agency, independent of the administration but coordinated with it because of its Director's membership on the Council of Consumer Advisers. This Agency would consist of a Director, Deputy Director, Consumer Counsel, not more than five Assistant Directors, and a highly qualified staff of attorneys, economists, and other experts who would assist the Agency in ascertaining and promoting the consumer interest.

The Consumer Protection Agency would perform several important functions for consumers of this Nation. Most important, the Agency would perform an advocacy function, arguing the consumer viewpoint before regulatory agencies and courts. It would represent the consumer in the formulation and implementation of programs substantially affecting consumers. And it would fight for the removal of inequitable barriers to consumer participation in Government decisionmaking.

The bill would require the Agency to receive and systematically analyze consumer complaints sent to the Agency or to the Council of Consumer Advisers or forwarded to it by the legislative branch of the Federal Government. Data related to the complaints would be compiled and appropriately utilized in the formulation of legislative or other recommendations.

The Agency would be empowered to forward complaints to other agencies for their appropriate disposition; and procedures would be established to insure that consumers receive adequate responses. The Agency would also send complaints to those companies or individual businessmen implicated in complaints and provide them with an opportunity to correct any misunderstandings. In other words, the Agency would serve as a liaison between the consumer and supplier in order to promote the informal settlement of disputes.

The bill would require the Consumer Protection Agency to diseminate information of vital interest to consumers. Because "informed consumers are essential to the fair and efficient functioning of the free market system," the Agency's information dissemination operations would be as broad as time and budget permitted, but care would be taken to see that the information disseminated fairly treated all interested parties.

But no Federal consumer protection program alone could adequately serve the needs of consumers and legitimate businessmen on "Main Street, U.S.A." Therefore, the bill would provide for the funding of consumer programs at the State and local level. Governmental agencies and nonprofit private organizations would be eligible for funds on a participating basis, and they would be required to submit their own consumer protection plans as a prerequisite to receiving Federal funds. This planning requirement would help assure coordination of consumer activities at the State and local level in much the same way that the Council of Consumer Advisors and the Consumer Protection Agency would assure coordination and vitality of consumer programs at the Federal level.

Finally, the bill would provide an opportunity for comprehensive study of the consumer's position in the American

marketplace by creating a research capability within the Consumer Protection Agency. This research capability would, perhaps for the first time, permit comprehensive study of such subjects as consumer product testing so that any legislative action could have the benefit of carefully drawn, research-supported Agency recommendations.

LEGISLATIVE HISTORY

S. 4459, as reported from the Government Operations Committee by Senator Ribicoff, is a legislative amalgam of many different bills introduced in the 91st Congress. These bills recognize the need to provide consumer representation, to coordinate consumer programs, to disseminate consumer information, and/or to provide Federal assistance to State and local consumer protection organizations.

In the 91st Congress at least nine bills provided a foundation for S. 4459. The advocacy function was set forth in Senator METCALF's utility consumer council bill (S. 607), Senator HART's independent consumer council bill (S. 2959), the administration's bill (S. 3240) placing the advocacy function in the Justice Department, and Senator KENNEDY's bill (S. 3434) creating a public counsel corporation. The coordination function was covered in Senator NELSON's bill (S. 860), creating a Department of Consumer Affairs, the bills proposing an Office of Consumer Affairs in the Executive Office sponsored by Senators TYDINGS and BAYH (S. 2045), Senator PERCY (S. 3097), and Senator JAVITS—by request—(S. 3240). Bills fostering the development of State and local consumer protection or complaint settlement facilities consisted of Senator HART's Independent Consumer Council (S. 2959) and Senator JAVITS' S. 861 which is the basis for the Federal grant provisions in S. 4459. The legislative proposals providing for dissemination of consumer information in the form of product testing or something similar were S. 860 creating a Department of Consumer Affairs, S. 2959 creating an Independent Consumer Council, S. 3165 creating an Independent Consumer Protection Agency, and the administration's Consumer Product Testing Act (S. 3286).

This committee had jurisdiction over three of the above bills, S. 861 providing Federal assistance to the States, S. 2959 creating the Independent Consumer Council, and S. 3286, the Consumer Product Testing Act. Senator Moss, chairman of the Consumer Subcommittee, held hearings on S. 2959—October 16, and November 3, 1969—and S. 3286—March 4, 1970. The substance of S. 861 was thoroughly investigated by the committee through its staff. This staff investigation included an analysis of existing State and local consumer protection activities—governmental and other. Particular attention was given to activities of the Federal Trade Commission and the Office of Economic Opportunity—activities involving Federal participation in State and local consumer protection programs.

An intriguing aspect of S. 4459's legislative history was the emergence of the idea that a consumer advocate should be independent and unfettered by political pressures from the administration. This idea was first prominently set forth legislatively in Senator HART's independent consumer council bill (S. 2959). Senator HART said the following upon introducing his bill:

> Only a cockeyed optimist can expect any agency established as an arm of the executive or Congress not to reflect constantly the prides and prejudices of its master. If top appointments also are made by either the executive or Congress, the control of philosophy is even more absolute.
>
> It simply is not realistic—and ignores human nature—to establish a consumers' watchdog on Government under those conditions and expect it to perform fully up to anticipations.

The Hart bill was, in essence, a quasi-public corporation completely autonomous from Government save for certain financial ties. After initial hearings and staff review an amended version of S. 2959 was prepared but never introduced, although certain provisions of the amended bill parallel S. 4459.[1]

The notion of "independence" advocated by Senator HART was so attractive that proponents of legislation creating a Department of Consumer Affairs shifted ground and opted for an independent Consumer Protection Agency. Although an independent Consumer Protection Agency theoretically fell short of the "independence" contained in Senator HART's proposal, many consumer activists in and out of Congress settled on this form.

Given this background, the independent Consumer Protection Agency in S. 4459 is designed to be a unique creature in the Federal Government. Although the President would appoint the Director, the Director would serve for a definite term; he would not be subject to dismissal by the President—except for clear malfeasance of office. And although the Office of Management and Budget would presumably handle the budget requests of the Consumer Protection Agency, the Agency, in accordance with its authority, could take issue with budget actions when they substantially affected the interests of consumers. Thus, the Consumer Protection Agency would be free of some of the fetters which Senator HART foresaw in the creation of "a consumers' watchdog on Government" in the executive. The legislative history of S. 4459 suggests the Agency would be quite independent.

The Congress could help assure the "independence" of the Consumer Protection Agency by diligently exercising its advice and consent, oversight, and appropriation powers. This committee especially could have a constructive role because it would handle the Agency's nominations and be responsible for oversight.

Of course, in final analysis the Agency's "independence" would be a direct function of the integrity and dedication of the individuals in the Agency. And this would be true even if the Agency had no connection at all with the Federal Government.

[1] See appendix for text of amended version of S. 2959.

BACKGROUND AND NEED

1. CONSUMER ADVOCACY

The energy and effectiveness of consumer protection regulation diminishes in direct proportion to the absence of vigorous external surveillance and initiative. No single fact of bureaucratic life emerges with more striking clarity from the legislative oversight and investigatory activities of this committee.

Unhappily, we have witnessed a virtually unvaried pattern first of growth and promise, then debilitation, in the implementation of consumer laws. Congress enacts a new law; the agency charged with regulatory responsibilities issues a bold pronouncement of its plans for implementation; Congress turns its attention to new issues which press for the legislative limelight.

Then come the inevitable delays in implementation; regulations are eroded; the Agency begins to lose its initial sense of mission and purpose. In the end, the Agency finds itself facing each day only one consistently concerned constituency—the very industries it regulates. In time regulator and regulated begin accommodating to the needs of the other, sometimes unconsciously, and the consumer interest may be shortchanged.

In this Congress alone, our committee in its investigations and oversight hearings[2] has seen this pattern emerge; in pesticide regulation; in the regulatory response to the knowledge of hazardous lead and mercury contamination; in the lackluster implementation of the Flammable Fabrics, Fair Packaging and Labeling and Hazardous Substances Acts among others. Even in the implementation of the National Traffic and Motor Vehicle Safety Act, which the committee has closely monitored through a series of oversight hearings, there have been serious inadequacies and delays.

The Heffron report prepared for the National Commission on Product Safety created by legislation originating in this committee, examined the implementation of Federal consumer safety legislation including the Automobile Safety, Flammable Fabrics and Hazardous Substances Act programs. The report's summary conclusions are both disturbing and instructive:

> The administration of these programs has been marked by too much timidity and inordinate delay, although there have been some instances of effective action. The Food and Drug Administration has taken over 2 years to bring to completion proceedings for a proposed ban on the commonly recognized and highly dangerous poison, carbon tetrachloride, and this same agency failed to use its authority to ban carbon tetrachloride provisionally, as a substance posing imminent hazard to public safety, pending com-

[2] In the 91st Congress the Senate Commerce Committee has held more than 36 days of hearings on consumer bills or consumer programs ranging from warranty legislation (S. 3074), to consumer class action (S. 3201), to fair packaging and labeling oversight, to investigations concerning the nutritional content of dry breakfast cereals. In those hearings the committee has received testimony from more than 110 witnesses. Add to this the investigations undertaken by the committee, and a clear pattern of consumer activism emerges.

pletion of the administrative proceedings. The Department of Commerce has failed to take steps to apply even the weak existing flammability standard to dangerously flammable blankets, bedding, and other interior furnishings, which were made subject to safety regulation over 2 years ago, and the Department has only this year begun initial proceedings for a special flammability standard relating to children's wearing apparel. As for the automobile safety program, although a few important standards have issued, they have been drawn mainly from safety features already incorporated in the vehicles of most domestic manufacturers.

These, as well as other disappointments in the consumer protection programs, are all the more alarming because, by and large, Congress has granted to the agencies concerned powers generally adequate to deal with the regulatory problems involved.

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As if instinctively, the agencies approach problems so as to seek accommodation with the regulated industry and to avoid major conflict with it. Ironically, the timidity with which the agencies approach their task seems endemic to the administrative process established for consumer protection.

The financial, technical, and legal resources of the regulated industries are far greater than those of the agencies. Administrators apparently fear that a major conflict in rulemaking or enforcement would tie up so much of the agency's resources that its ability to press its program would be hamstrung. They fear also that the entrenched economic interests they regulate could retaliate through the legislative process, particularly through appropriations, since legislators with a direct constituent interest, such as a particular manufacturing plant in their district or State, may be more responsive to such local economic interests than to generalized consumer interests. Then, too, administrators running these programs find that their agencies, due to lack of resources or inadequate staffs, cannot provide them with the backup data they regard as necessary to withstand challenge from the regulated industry. Like many laymen, they seem to be wary of lawyers and fear a court test of their policies.

Continual communication with representatives of the regulated industries causes agency preoccupation with the economic burdens and dislocations that specific safety standards would impose. The Government penchant for multiple layers of review preceding final decision produces conflicting interests within the agencies, which may create a stalemate and allow industry representatives to probe for the soft spots receptive to delay. In sum, the consumer safety regulatory process in fact has too often been a dialogue between Government and industry, with informal communications not open to public scrutiny.

* * * * *

To counter industry arguments and the institutional constraints limiting vigorous agency action, an independent voice speaking for the generalized consumer interest should be intruded into the administrative process. That voice should be heard in the critical phases of standard setting before specific proposals are published, and later, when formal proposals have been formulated. The ubiquitous presence of the consumer spokesman should stiffen the spine of the most timid official.

* * * * *

Congressional hearings, special investigations, such as the Heffron report, the remarkable work of public interest law firms and other advocates can help to stem the decay in promised consumer protection. But these activities are necessarily sporadic: Congressional committees are compelled to turn their attention from the implementation of past legislation to the processing of new legislation. Moreover, the resources and expertise necessary for effective, constant surveillance simply do not exist anywhere. Private consumer advocates, too few in number, and with limited resources, are able to concentrate only on the most conspicuous failures in consumer regulation.

S. 4459 would create an independent Consumer Protection Agency without regulatory authority. In this committee's judgment only such an agency: independent, permanent, adequately staffed with a systematized consumer mailbag and research capacity can assure governmental responsiveness to the very real needs of American consumers rather than to bureaucratic imperatives.

2. CONSUMER INFORMATION

But even if the regulatory agencies were to perform their functions flawlessly, the committee has time and again produced evidence that consumers often lack basic information and know-how to make those informed choices which are the cornerstone of the free market economy. The preamble to the Fair Packaging and Labeling Act enunciates as national policy that "informed consumers are essential to the fair and efficient functioning of the free market economy."

Yet in its consumer investigations, the committee has found it is often impossible for a consumer to make a rational choice. For example, as a byproduct of its work in automobile safety, the committee found consumers universally confused by competing claims among various brands of tires. So drastic, in fact, was the absence of unuseable information on tire quality that Congress added to the Motor Vehicle Safety Act a specific directive to the Secretary of Transportation to develop a uniform quality grading system for tires.

The committee again recognized the need for information when urging that the Federal Trade Commission establish a tar and nicotine testing laboratory which now produces semiannually reports on the tar and nicotine content of all cigarette brands marketed in the United States. Such information may well enable those smokers who are unwilling or are unable to stop smoking at least to reduce the hazard of their smoking.

Oversight hearings on the Fair Packaging and Labeling Act this year revealed substantial discontent on the part of housewives who could not obtain information which they considered essential to their basic daily choices of food for their families. The absence of price per unit labeling made it difficult for them to identify the most economical brands or sizes. And the absence of uncoded labeling of perishable commodities rendered them incompetent to determine the relative freshness of milk and eggs and other highly perishable commodities. For a vast range of products in the marketplace characterized by the increasingly complex fruits of technology, the consumer must thread his way through a maze of conflicting, sometimes meaningless, certainly confusing, claims.

The result of these pervasive consumer confusions has, in many cases, rewarded the marketer making the loudest claims rather than the producer of the product which performs best. The recent executive order by the President providing for the limited dissemination of the results of Government testing of consumer products wisely recognizes the need for examination of such information. But as the President's Consumer Adviser, Mrs. Knauer, herself observed, these tests at best provide only a limited range of information for a relatively few products.

Again there are encouraging breakthroughs in the voluntary dissemination of consumer information particularly by supermarket chains which are voluntarily adopting price per unit labeling and open date labeling.

Nevertheless, it is clear that much remains to be done, not only in the collection and dissemination of information in a form usable and comprehensible to consumers, but also in the examination of proposed new systems for the development and dissemination of consumer information, such as the "tel-tag" programs tested on a pilot basis in Great Britain and Sweden, which are similar to the administration proposal for developing consumer product testing standards.

Among its activities in this area, the Agency would be required to produce a Federal Consumer Register to serve as a basic consumer information text for the country. This Register would be a laymen's version of the current Federal Register, but include only those matters which substantially affect consumers. Such a publication stripped of all "legalese," would enable consumers to be aware of and to participate in Government proceedings which affect them. The concept of publishing a Federal Consumer Register has been approved by the Administrative Conference of the United States.

The preparation of the Federal Consumer Register need not be duplicative of the work undertaken in order to prepare the Federal Register. The technicians responsible for drafting Federal Register material routinely prepare memoranda for agency or departmental heads summarizing and explaining the issues represented in the publication. These memoranda could be used by the agencies in preparing Consumer Federal Register submissions for the Consumer Protection Agency.

3. HANDLING OF CONSUMER COMPLAINTS

Every Congressman and Senator, every committee involved in consumer legislation has seen the volume of consumer complaints soar in the past decade. Time and again the dissatisfied consumer finds himself up against a vast impersonal manufacturing or retailing organization. Finding himself corresponding with an unthinking computer or an unresponsive hierarchy, he will, in desperation, write to his Congressman and Senators, the President's consumer representative, or perhaps the Federal Trade Commission. But nowhere in the Government is there an agency with sufficient resources and authority to provide for the systematic receipt, analysis, and handling of these consumer complaints.

The Canadian Government has been responding to the developing needs of Canadian consumers. Through its Department of Consumer and Corporate Affairs Canada has developed a system by which consumer complaints can be mailed to "The Consumer," Box 99, Ottawa, with the assurance that the agency will know how to reach the responsible parties and will pursue the complaint with concern and diligence.

The alienation of citizens from our institutions, both public and private, is a matter of growing concern. Unless these institutions can be made more responsive to just complaints, this alienation will plainly fester and grow. The Agency's complaint handling authority is, therefore, critical.

4. INFORMAL DISPUTE SETTLEMENT

Of course the resolution of disputes involve more than the efficient communication of consumer complaints to the responsible parties. Not infrequently, the rights of the consumer and the responsibilities of the manufacturer or retailer are obscure and ambiguous. In many cases each party insists he is in the right. Our Anglo-Saxon system of jurisprudence leads us to the courts for the resolution of such civil disputes. Yet, as our hearings on consumer class actions amply demonstrated, the courts are an illusory forum for the redress of consumer complaints of $10, $50, $100 or even $500. The costs of an attorney, to say nothing of the inconvenience of court procedures, force the consumer to accept the buffetings of the marketplace, no matter how fraudulent or unjust. Yet while the manufacturer or retailer may in such cases avoid the payment of a claim, he will not avoid the costly and damaging ill-will engendered by such disputes. Thus, it is not surprising that there has been growing interest in the development of informal dispute settlement mechanisms.

Recently, the major appliance manufacturers sponsored the formation of MACAP—the Major Appliance Consumer Action Panel—designed to facilitate and to assure fair mediation of consumer complaints. Similarly the National Association of Better Business Bureaus is undertaking drastic reforms, in part motivated by the desire to find fair, flexible and expeditious mechanisms for deciding consumer complaints. In recent years, the American Arbitration Association has pioneered in the development of simple arbitration for consumer complaints, particularly in the dry cleaning field.

Yet today these efforts remain sporadic and embryonic. The Consumer Protection Agency is needed to spur and facilitate the widespread development and utilization of informal disputes settlement mechanisms. But such mechanisms can never be a panacea for all consumer problems.

5. AID TO STATE AND LOCAL CONSUMER PROGRAMS

Of course, the Federal Government can not offer complete protection to each and every American consumer in every remote corner of the American marketplace, although it can do much to alleviate the more flagrant and more widespread abuses. It can attack pockets of abuse in certain local areas, it can remove barriers to the Federal courts so that consumers in all parts of the country as a class can help themselves, it can take the foul play out of the warranty game, and it can assure that certain information is made available to reach the consumer. But comprehensive consumer protection at the State and local level is at least equally essential if light is ever to shine upon the dark side of the marketplace.

Some States and municipalities have done a laudable job in providing protection to consumers within their jurisdiction. The State of Washington, for example, has had an active and effective consumer program in the office of the attorney general since 1960. Its little "FTC Act" served as a model for other States in the sixties, and its recent revision of that act should guide legal developments at the State level in this decade. Massachusetts and New York have also been very active in consumer protection at the State level. And New York City has pioneered in consumer protection at the municipal level through its articulate spokeswoman, Bess Myerson Grant.

There have been several efforts at the Federal level to assist States, localities, and private nonprofit corporations in their consumer protection activities. In 1966, at the suggestion of Chairman MAGNUSON, the Federal Trade Commission began a demonstration project in the District of Columbia. In this demonstration a consumer office was set up to act as a one-step consumer complaint center. The office staff received all complaints and obtained sufficient data for an initial investigation. Complaints were then handled by the office or forwarded on to other appropriate agencies for their consideration.

On the basis of the Federal Trade Commission's experience with this project and its own reappraisal of its consumer function, it has now reorganized so as to give its field offices greater power to investigate without first referring complaints received in the field offices to Washington, D.C. At the same time, the Commission has launched a project designed to coordinate its activities with those of State and local agencies. In addition to acting as a clearinghouse for information and maintaining contact with the State attorneys general, the Commission has begun establishing consumer protection coordinating committees comprised of State and local consumer protection officials and consumer advisory boards designed to involve distinguished citizens of the community in consumer protection.

In addition to the Commission's efforts, the Office of Economic Opportunity has been attempting to serve consumer needs at the local level.[3] It is estimated that about 20 percent of the cases handled by Legal Services in OEO involve consumer matters. In addition, OEO has undertaken specific programs designed to help the Nation's low-income consumers. These programs have two major thrusts: the support of consumer activities in State and local agencies, and the creation and support of community education and complaint resolution offices. Also OEO is experimenting with several ombudsman models that may assist consumers in obtaining redress in the marketplace. The committee strongly endorses these programs and encourages their continuation.

Unfortunately, present Federal efforts have not been coordinated. It seems that both the Federal Trade Commission and the Office of Economic Opportunity have failed to work with each other when undertaking their local consumer programs.

There is presently a strong need to provide Federal assistance to State and local consumer programs. There is a corresponding need to insure viable coordination between Federal consumer efforts and State and local programs. S. 4459, through its grant-in-aid program to States, local agencies, and private nonprofit organizations would meet those needs. A national network of agencies, coordinated and dedicated to the consumer interest, would spring up to insure "law and order" in the marketplace, and in so doing might relieve certain anxieties and pressures that detract from the general "law and order" of the community.

There is a final need for action in the consumer area: there is a need for competent research and investigation to ascertain the plight of consumers—and businessmen—in the marketplace and to make recommendations for adjustments

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[3] In 1970 the Office of Program Development in OEO sponsored three local consumer programs. In the Washington, D.C. area OEO has funded to the level of $200,000 in fiscal year 1970 the Neighborhood Consumer Information Center (NCIC) which is affiliated with Howard University. NCIC's complaint center has been very successful in achieving informal settlement of consumer disputes. Its education department has made some progress in bringing vital consumer information to low-income consumers. And its public relations department is working with Mrs. Knauer's office to air cases describing the plight of poor consumers.

In the State of Washington OEO has committed $150,000 to a program being carried out by the Washington State Attorney General designed to attract private attorneys to the business of representing aggrieved consumers. By conducting seminars, drafting model pleadings, and researching particular issues, the Washington project directors hope to make the local bar a positive force for consumer protection. With Washington State's new class action authority and treble damages for "unfair or deceptive acts or practices" the Washington project may prove very beneficial to consumers.

In Massachusetts the OEO is funding ($150,000) a project to see if research and investigation independent of the consumer complaint process can be the basis for effective rule and regulation under a "little FTC" statute. This project, too, holds some promise.

Unfortunately, OEO plans for consumer programs in fiscal 1971 are thin. Either because of monetary restrictions or reorientation within the Office, imaginative plans for consumer programs holding promise for low-income consumers are being set aside. This is unfortunate, particularly when such programs could serve as useful models for the Consumer Protection Agency, if and when it begins funding local consumer programs.

that will better serve consumers and, promote the free market system.

This particular need is acutely felt by those committees in Congress who struggle to protect consumers without ignoring the legitimate needs of suppliers. The data available to committees is virtually nil. That which is available is often tainted because it has been collected through research financed and directed by the very industry whose practice may be in question.

In those areas where it has recognized that it cannot act without more information, Congress has been forced to constitute special commissions to provide it with the facts. In the case of the National Commission on Product Safety and the Automobile Insurance Compensation System Study this has proven very satisfactory. The final report of the National Commission on Product Safety and the Heffron report prepared for the Commission under contract, testify to the way in which studies can constructively advance the work of the legislative and executive branches, and the same can be said of the Department of Transportation's automobile compensation system study.

But the commission or special study approach is somewhat wasteful. Competent researchers must quit what they are doing to undertake the project and then must find something else to do when the project has been completed. And the research data collection operations must be geared up and then torn down or transferred to some existing operation.

The Consumer Protection Agency would be competent to undertake research at all times, and one of the most important long-term consumer needs would be fulfilled.

I wholeheartedly recommend the bill to the Senate. As I say, the architect of the bill was the Senator from Connecticut, therefore, although the bill technically came out of the Committee on Commerce, it is not a Commerce Committee bill; it is a case of the Committee on Commerce putting its wholehearted approval upon a bill that the Senator from Connecticut had worked long and hard upon. I yield the floor to him.

Mr. RIBICOFF. Mr. President, I thank the distinguished Senator from Washington, whose help has been very important and very necessary.

Mr. President, the purpose of this bill is to strengthen the organization and improve the operation of Federal consumer protection activities. To achieve this, it establishes a Council of Consumer Advisers in the Executive Office and a Consumer Protection Agency in the executive branch. Together, they will provide what is now lacking in our consumer protection efforts—effective program coordination, a vigorous advocate to represent the consumer interest in the regulatory process, and support for State, local, and private consumer protection organizations.

This bill is the product of 18 months' work by the Government Operations Committee. First, we held 11 days of hearings on five different proposals. Then we combined the best features of all of them into one carefully drawn bill. As a result S. 4459 advances the public interest without harming private interests. The bill was overwhelmingly approved by the committee.

The proposed legislation is designed to provide a more effective organizational framework for the multitude of Federal consumer programs. It is modeled after the reorganization of our environmental protection programs which Congress recently approved. There is a small White House unit to assist the President in coordination and policy development and an action agency to protect the consumer interest.

The Council, created by title I, will be composed of the Director of the Agency and two other persons appointed by the President with the advice and consent of the Senate. The President will designate the Chairman of the Council.

In addition to its other responsibilities the Council will prepare a yearly report on the progress of consumer interests. It will review the efficiency and effectiveness of Federal consumer protection programs. The report will suggest priorities for governmental action and recommend new legislation to meet emerging consumer needs. Last, the report will assess the efforts of State, local, and private efforts to protect the consumer.

With so many departments and agencies engaged in consumer protection activities, it is vitally important that a top level executive branch organization evaluate program performance. We need to determine, on a continuing basis, whether programs are actually achieving their intended results. The Council will perform a valuable function in reporting on the success or failure of consumer programs.

Title II is the heart of the bill. It establishes the Agency and defines its functions.

The Agency will be headed by a Director appointed with the advice and consent of the Senate for a term of 4 years. A Deputy Director will be appointed in the same manner for the same length of time. The terms of the Director and Deputy Director will be coterminous with the President. He is also authorized to appoint the other principal officers of the Agency: a Consumer Counsel and up to five Assistant Directors.

The Agency's mandate will cover a broad spectrum of the consumer interest. It is authorized to carry on eight major activities:

First. Represent the consumer interest before Federal departments, agencies, and courts;

Second. Refer consumer complaints concerning the actions of business;

Third. Publish information useful to consumers;

Fourth. Conduct economic surveys and research;

Fifth. Provide financial and technical support to State, local, and private consumer organizations;

Sixth. Promote consumer education programs;

Seventh. Cooperate with business in its consumer protection efforts; and

Eighth. Perform or supervise such product testing as may later be authorized.

Consumer advocacy is the most important new principle established in the bill. Section 203 provides that the Agency shall represent the consumer interest before other Federal agencies and the courts. Intervention in policymaking and adjudicatory proceedings will be the primary means by which the consumer's voice is heard in the decisionmaking process.

This is not a new or novel idea. The Commerce Department tends to support business interests and the Labor Department, the interests of the workingman in the councils of government. Hence, it is appropriate for the consumer, as a purchaser of goods and services in the marketplace, to have a governmental advocate to defend his interests.

Consumer abuses are a kind of silent violence in the marketplace. Adherence to law and order is needed there every bit as much as it is in the city streets. The damage of marketplace abuses can destroy lives and property. An independent consumer protection agency will stand as the consumer's representative to assure that their interests are heard and weighed in governmental regulatory processes.

Section 203 has been tightly written to permit CPA intervention only where it is appropriate and then, only in accordance with strict terms and conditions. But the Agency can have a real impact on consumer matters. It will, for example, be able to participate in license, rate, and route proceedings. It can oppose inflationary rate increases or unjustified service cutbacks. Thus, it will serve as a friend of the consumer, helping to guard his pocketbook and preserving his right to quality service from those who serve the public under Federal authority.

A second responsibility of the CPA will be handling consumer complaints. Section 204 provides that it will receive and transmit to other Federal authorities, within 60 days of receipt, consumer complaints regarding the violation of any Federal laws, administrative rules or orders, or Federal court decrees. Other types of complaints will be referred to Federal, State, or local authorities.

Recognizing the legitimate need of private businesses to protect their name and goodwill, section 204(d) provides for the referral of all complaints in writing and signed to the firm named, or identifiable, within 60 days of receipt by the CPA. Oral or other types of complaints will also be referred to the party complained against when this would be the most effective way of handling the matter.

All complaints in writing and signed, plus the responses to them, will be made public unless evidence is submitted to the Director that the complaint has been satisfied. Where this occurs, the complaint will not be published. We believe this represents a fair balancing of the interest of business in having adequate notice and an opportunity to satisfy a complaint, and the right of the public to know what products and services have

been the subject of complaints to the Government.

A third function of the Agency will be to conduct economic surveys and research. Section 205 gives the Director authority to investigate a wide variety of subjects concerning the needs, interests and problems of consumers.

The research work of the Agency can make a valuable contribution to the protection of the consumer interest. At present, no agency of Government is conducting such consumer research. The knowledge it gains could help consumers get more value for their dollars and enable the Government to do a better job of safeguarding their interest.

The Director is authorized to publish the information he learns, but this is clearly limited by section 403 of the act. This forbids him from disclosing trade secrets or similar protected data to the general public.

Closely related to the research program is the provision for publication of consumer information. The market mechanism will function better if consumers have the information necessary to make an intelligent choice among competing products. Thus section 202 (6) authorizes the Agency to develop and publish useful consumer information in an easily understood form. The bill specifically includes in this category information from other Government agencies concerning consumer products they purchase for their own use. The Director is authorized to publish the information he obtains by brand names wherever relevant and is not confined to releasing generic information only.

We believe this approach is superior to the recent Executive order placing responsibility for the release of Government consumer information in the General Services Administration. The CPA is the logical choice to undertake this assignment, not the Government's purchasing office. Moreover, the order speaks only of making available "selected product information." Thus, there is no guarantee that meaningful brand name data will be published. The Executive order is also deficient in failing to specify how this program will be funded and staffed. In sum, the order is vague and lacking promise that consumers will really benefit from it.

Under this bill, the Agency will be able to obtain access to the product information of the General Services Administration, Veterans' Administration, and other Federal departments and agencies. When publishing the results of product tests which may be conducted hereafter by the CPA or other agencies, it will not state that one product is better than another or is a better buy. Evaluative judgments are not authorized. Where information is released concerning certain competitive products, as, for example, a number of nationally advertised laundry detergents, the Director must state the limited scope of the test and make clear that not all competing products were included. If any information published is later found to be inaccurate, the Director must make a full retraction and publish the correct information in a manner similar to the original.

The average American is unaware of the multitude of day-to-day Federal activities reflected in proposed, revised, and recently promulgated rules, regulations or determinations which have a substantial impact on the price, quantity, quality, labeling, safety and other aspects of products and services available for his use as a consumer. A bulletin of general distribution containing an easily understood summary of current information in areas of consumer interest, including notices of proposed rulemaking, could serve a widespread public need, supplementing the Federal Register, and agency and private publications of a more technical or more limited nature.

Accordingly, to advise consumers of Federal actions affecting them the Agency is directed by section 202(5) to publish a Federal Consumer Register. Initially, the bulletin should concentrate on items published in the Federal Register, but as it gains public attention, it should be broadened to contain other materials of national significance secured from public and private sources. This might include speeches of major officials relating to consumer affairs and court cases concerning trade practices detrimental to the consumer interest.

Consumer protection is not the responsibility of the Federal Government only. The States, local governments, and private organizations have an important role to play. Many violations of consumers' rights are local in nature and may best be handled at that level. The Federal Government should encourage other governmental and private units to remedy these violations whenever possible.

In February 1969, Senator JAVITS introduced S. 861 to provide financial assistance to State and local government consumer protection programs. This bill provides the basic framework for title III.

Thirty-eight States now have some form of specifically designated consumer offices, although the responsibilities and powers of the offices vary widely among the States from an advisory capacity to actual enforcement of consumer protection laws. In 12 of the 38 States there are two or more consumer offices with divided or coordinated responsibilities. In four of the 38 States, there is a consumer office within the office of the Governor. In 32 of the 38 States, there is a consumer fraud or protection agency or bureau in the office of the attorney general. In 15 of the 38 States, there is an independent consumer protection office or department of State government, or a consumer office functioning within another department of the government. Additionally, five cities and four counties have consumer offices with widely varying responsibilities and powers.

A recent newspaper survey of 20 States indicates that many State and local agencies lack the authority and funds to do a proper job. Arizona's consumer fraud division is staffed by only two professional employees and California has reduced the funds for its consumer fraud unit for the second consecutive year. Missouri has sufficient funds for only three lawyers to spend just half their time on consumer protection matters with three investigators. Most agencies also acknowledged that they are not reaching those most in need—the urban poor—despite a growing effort to do so.

To provide State, local, and private nonprofit organizations with the funds they need to improve their work, title III establishes a grant program designed to assist them. It is patterned on the grant provisions of the Crime Control Act of 1968, with a requirement for a State plan, a minimum allocation for each State, plus additional funds based on population.

The total estimated cost for the first year of this bill would be a maximum of $20 million. The authorization for title I provides only such sums as may be necessary. It would be inappropriate to specify a definite sum for the activities to be performed by the Executive Office. The President should submit a request after the bill has been enacted. However, in a letter to the subcommittee in March, Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs, estimated a budget of $1.1 million for her office under the provisions of S. 3240. This appears to represent an appropriate figure for the Council for the remainder of the year.

The first-year authorization for the CPA is set at $10 million. This is substantially less than half the funds requested for the FTC, and slightly less than half the funds sought for the Equal Employment Opportunity Commission. It would provide a modest beginning, but would enable the Agency to make a good start toward recruiting the lawyers, economists, engineers, and other top-flight professional people who will be needed by it.

The authorization for the first year of the grant program is put at $7.5 million. The funds for the grant program should be less than the amount for organizing and beginning operation of the Agency. This will insure that the emphasis the first year will be on an efficient and effective start, not dispensing money across the Nation.

After 3 years, the authorization for the Agency and the grant program are set at $25 million each. This should be reasonable in view of the task facing the Agency.

Mr. President, everyone is for the consumer, but the real question is what specific actions Congress will take to protect and advance his interests. This bill is designed to translate from rhetoric to reality the consumers' rights recognized by all.

Consumers are dissatisfied with the quality of goods and services they receive in the marketplace. They are skeptical of the effectiveness of existing Federal consumer programs. They do not believe their interests receive fair consideration in the regulatory process.

The CPA can be a powerful opponent of inflation. Each year, Federal boards and commissions approve billions of dollars of rate increases and route changes. Who speaks for the consumer in these proceedings? No one. His interest is now unrepresented.

This bill is intended to remedy that situation. The Consumer Protection

Agency will advocate the consumer interest in the policymaking processes of government, implement the right of the consumer to be informed, and safeguard his right to choose. This could result in large savings to the consumer and enhance his influence in the Federal Government. In addition, the Council will pull together current programs so that they will be more meaningful.

These two agencies provide a workable, responsible framework for Federal consumer protection activities in the 1970's. They will respond to the consumers' needs in a practical manner.

The bill creates an effective agency for consumer representation in the Federal Government, but with powers limited and confined to fit its needs. This is a tight bill. It has been carefully drafted to focus the Agency's actions on those activities which cause economic harm to the consumer as a result of transactions in the marketplace or expose him to health and safety hazards resulting from the purchase of goods and services. The Agency will not become involved in actions unrelated to the fundamental interest of people as consumers.

I have reviewed the amendments proposed by the Commerce Committee and find them acceptable. They further strengthen and improve the bill. I have discussed them with the chairman and the ranking minority member. We will accept them en bloc.

The bill has now been approved overwhelmingly by two committees. I urge its passage by the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, this bill before us is of the highest importance and of the greatest interest to us all. I hope very much that we will not have to complete action on it tonight.

I would like to address myself to this bill in the capacity of the acting ranking minority member of the Government Operations Committee. I know that every Member of the Senate will join me in expressing the sense of sadness which we all feel because the ranking minority member of the committee, the Senator from South Dakota (Mr. MUNDT), cannot be present to take his place in the debate and to deal with the matter, as I know he would, in a most considered way. In his absence we all feel most sad. We all express the hope that he might return to us soon to take his proper place with us.

My colleagues and I on the committee will do our utmost to pay tribute to the thinking of the Senator from South Dakota with respect to this matter.

It is my understanding that a number of amendments will be proposed to the bill. I hope that debate on them may be deferred until tomorrow so that the Senate and the White House may give earnest consideration to the points of view which will be expressed.

Mr. President, the White House has assumed a serious and important role in consumer protection through its appointment of Mrs. Virginia Knauer as the Special Assistant for Consumer Affairs. Tremendous interest has been engendered in the country by her activities as well as by the activities of many States' attorneys general with respect to consumer fraud and consumer protection.

I am very proud to note that the attorney general of my State, Attorney General Lefkowitz, has been a leader in this field.

His thoughts and description of his modus operandi, which he has presented to the White House, have been of great use to Mrs. Knauer's office.

The activities on behalf of the consumer have not been limited solely to State and Federal governments.

Activities of young, indefatigable, and zealous crusaders, such as Ralph Nader, have been a very important factor. Often they have been very controversial. Many people have been made rather angry and serious litigation over these matters has often resulted. It has certainly stirred interest in consumer protection, however.

Mr. President, I wish to address myself next to the considerations of our subcommittee, so graciously and effectively chaired by the Senator from Connecticut (Mr. RIBICOFF), and the thoughts behind the development of this bill.

The Executive Reorganization Subcommittee of the Government Operations Committee held 11 days of hearings on five different bills concerned with the organization of the consumer activities within the Federal Government.

Among these was the administration bill, S. 3240, which I introduced for the Senate's consideration. Like the bill now before us, this bill proposed to consolidate a number of consumer protection activities of the Federal Government.

That was a highly important and desirable initiative which had to be pursued and I am pleased that the administration responded.

The administration's bill would have established an Office of Consumer Affairs in the White House to have principal responsibility for coordinating Federal consumer programs. It would have established a Consumer Advisory Council to advise the Director of the Office of Consumer Affairs on matters relating to the consumer interest. And it would have established a Consumer Protection Division within the Department of Justice to represent the interest of consumers in administrative and judicial proceedings.

Mr. President, it must be remembered that the bills pending before the Government Operations Committee deal essentially with governmental organization. In this case the committee dealt with how the Government generally should organize its consumer protection activities. It did not deal with the individual rights of the consumers to sue. That question inheres in the Judiciary and Commerce Committees. Such a bill most likely will be considered by the Senate—the class action bill.

The Government Operations Committee has seen a great need for someone to guide the consumer and fight for him, someone to whom the consumer can repair in terms of a redress for his grievances, which are many.

This is especially true because we have developed a highly articulated merchandising system which depends very heavily upon advertising, which make many representations to the consumer upon which the consumer is invited to act. These representations are not always true or accurate.

Mr. President, I did my utmost to carry the ball for the administration in the committee in terms of the way in which the administration wanted to see a consumers' protection plan carried through.

After a great deal of work I became convinced that it was impossible to carry through the plan of the administration as it had been proposed to us, and that it was necessary to work out, with full respect for the administration's ideas, some other way.

We retained the functions which the administration deemed essential for consumer protection in this bill. Although we placed the advocacy function in an agency, we retained the coordinating function in a Council of Consumer Advisers in the White House, conceptually what the administration had proposed for its office. The advocacy function was limited to intervention in other agencies' or departments' proceedings—cases could not be initiated by the consumer advocate.

Throughout the bill there are precautions provided against an abuse of the Agency's processes. A great effort has been made in every way to reassure the public that an agency with such a sensitive and broad effect upon the economy will not be an agency which will go out with a shotgun and look for targets and opportunities.

Mr. President, we have really, in a basic and constructive sense, compromised on this bill—both those on the minority and on the majority side. I hope that this balance will be appreciated by the Senate and that the matter will not be further compromised.

There is no question about the fact that the pending bill attempts to provide a decisive means of assuring that the performance of the Government in respect of consumer interests reflects the commitment of the Government in this area.

Mr. President, I really do not know of any Member of Congress—certainly none in the Senate—who would not wish to see a commitment of the Government to protect the consumers succeed. I believe that in essence—bearing in mind what I have said about the fact that we had a problem with the creation of the Agency per se—that the bill does carry out this commitment in a very real way.

As I mentioned, it creates a Consumer Protection Agency with the power of advocacy on behalf of the general consumer, whose Director and Deputy Director will be appointed by the President, each with a 4-year term, coterminous with that of the President.

It establishes a three-man Council of Consumer Advisers in the White House with the Director of the Agency serving

as one of its members, and the President, if he chooses, could appoint Virginia Knauer as one of its members.

Further, it authorizes something that to me is critically important—which I introduced as legislation and which has found general favor—a grant-in-aid program for State and local governments and nonprofit private consumer organizations which are engaged in consumer protection.

Mr. President, I shall stand with the Senator from Connecticut (Mr. RIBICOFF) on the bill, because I feel it represents about the best balanced compromise, everything considered, that can be worked out in the interest of the consumer, in the interest of the authority of the Federal Government, and the interests of governmental organizations.

The Agency which would be created will have neither regulatory nor enforcement powers. It would be authorized to represent consumer interests before Federal departments, agencies, and courts; refer consumer complaints concerning actions of business to an appropriate agency—such as the Federal Trade Commission, the Department of Justice, or wherever they might properly go; publish information useful to consumers; conduct economic surveys and research; and provide financial and technical support to State, local, and private consumer organizations. The Agency would promote consumer education programs and cooperate with business in consumer protection efforts.

These particular authorized functions have been of great concern to businessmen, and so we have been very careful to insure procedural safeguards and to prevent unwarranted interference by the agencies into Government or business activities not directly concerned with the consumer.

We placed limitations on the Agency's advocacy powers—in that they cannot initiate suits. For example, the right of the Agency to appeal to the courts, the Agency's subpena powers, the public inspection of complaints, the release of trade secrets, and the publishing of information. All of these areas are carefully set forth with limitations so as to prevent excesses or impositions, with none of them so restrictive as to seriously hamstring the Agency or the consumer interest which is involved.

We sought to achieve in the subcommittee a balance of the consumer interest with the legitimate interest of business. I think we have successfully carried out this balance.

After carefully considering the idea of putting the advocacy function in the Department of Justice, we did not do it and chose to put it in the Agency instead. I feel that was a compromise. There is no question about that. But I am confident there was no other way to get a bill reported. I feel that the deep public interest which is involved demanded that the bill be reported and that we do our utmost to get it enacted into law.

We sought to make the Agency reasonably independent, but we did not separate it from the Government itself. The bill does not separate the Agency entirely from the executive branch or from Congress. The Agency will monitor the action of government and take appropriate action for consumers, but not sit as an ombudsman, illusive and unaccountable to any other governmental authority. It is not authorized to compel, that is, to initiate, other governmental units to act. If we let it do so it would make it a super agency. In the other hand we subject the Director, Deputy Director, Consumer Council, and five Assistant Directors, all to be appointed by the President, to the advice and consent of Congress and that keeps the Agency accountable to Congress and not merely window dressing for the executive branch.

Mr. President, this bill provides for a three-man—it does not necessarily have to be all male, as I said a moment ago—Council of Consumer Advisers, the primary responsibility of which is to assist the President in coordination of Federal consumer programs and the development of Federal consumer policies. The critical importance of this Council in the Office of the President is that it will set the criteria. One member of the Council will be the Director of the Agency. This will insure the greatest degree of efficiency in the programs, as there will be a free flow of information to and from both the Agency and Council. The Director of the Agency will be in a position to recommend legislation.

The Council will also assist and advise the President in the annual consumer report which the committee felt would be a splendid review of consumer matters, as well as serve as a basis for future action on the part of both Congress and the executive branch in this area.

Mr. President, the committee believed a council to be an appropriate body to represent the consumer in the highest councils of government. The responsibilities which this bill assigns to it would be far broader and more profound than those presently handled by the Office of Special Assistant to the President for Consumer Affairs. A council allows for prestige and visibility in the executive branch greater than that of an office, and with the Director of the Agency a member of the Council, policy decisions will be based on the most up-to-date assessment of consumer needs.

Title III, modeled after S. 861, a bill I introduced in February 1969, authorizes the Federal Government, for the first time, to make consumer protection grants to States and local governments—and limitedly to private nonprofit organizations—for the planning and operation of consumer assistance programs.

These grants are essential for a comprehensive protection of the consumer, for consumer protection should not be the responsibility of, nor can it be handled by, the Federal Government alone. The local units of government are frequently in the best position to curtail fraud and deception in the marketplace, and by encouraging and supporting them we will offer the consumer the quickest and most direct assistance possible.

Thirty-eight States along with a number of cities have some type of consumer protection unit. These are, generally speaking, short of funds and are only able to be of limited usefulness to the consumer.

The problems concerning the consumer, as shown by the better business organizations and organizations of that type throughout the country, are peculiarly indigenous in many areas. Accordingly, there is wide latitude in the type of grants the Director may make. In addition to general "planning" grants, the Director may make "action" grants, among others, to regulate household appliance repairmen, motor vehicle repairmen, and home improvement contractors; to require credit reporting agencies to adopt fair and equitable credit information procedures; to create and expand consumer education programs especially in urban areas of high concentration of unemployed or low-income individuals—which incidentally Mrs. Knauer has just strongly urged be done; to establish or expand consumer complaint centers; and to provide for research, counseling, and education projects concerning the nutritional value of food.

The conditions with which the applicant must comply serve primarily as guidelines. They insure that the applicant has coordinated his program with existing OEO or FTC consumer programs—to encourage harmony and avoid duplication—and to insure that their programs will be as effective as possible. There is also provision to insure that local agencies which might show a need for consumer grants would be able to receive them, if the State is unable or finds it unnecessary to have statewide programs.

It seems to me that these grant programs have enormous capability for accelerating solutions, making infinitely more efficient and broad consumer protection activities throughout the country.

As attorney general of New York, I had enormous consumer protection activities in that office. My successor, Attorney General Lefkowitz, has expanded those materially. So I know how critically important it is and how much good can be done, with only the least feeling on the part of business that there is any danger of harassment.

It is also very important to note—and I am sure that the Senator from Connecticut made this clear—that this bill does not deprive the Federal Trade Commission, the Department of Justice or any other agency or department of its jurisdiction. Obviously those jurisdictions remain unimpaired.

Before I conclude, I would pay tribute to the Commerce Committee, to the Senator from New Hampshire (Mr. COTTON), and to the Senator from Washington (Mr. MAGNUSON), ranking members on each side of the aisle, for the work they put into this bill, and for the celerity with which they passed it through the committee. They could have buried it or turned it out, as they did. I also pay tribute for the very large number of amendments—if my memory serves me correctly, over 30—which were added to the bill by the Senator from New Hampshire (Mr. COTTON). These were designed to further balance the two needs—the need for consumer protection and the need for some assurance that legitimate business would not be victimized or harassed.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COTTON. I thank the distinguished Senator from New York for his kind comments concerning the chairman of our Commerce Committee, the Senator from Washington (Mr. MAGNUSON), and myself, as the senior Republican on that committee.

I cannot take great credit for these amendments. They were the result of a joint effort on the part of the majority and minority staffs of our Commerce Committee, and were carefully considered by the full committee. They were, in large measure, perfecting amendments.

I think perhaps the most important amendments were those restoring the appropriation power of the Congress, through its Appropriation Committees, over what might have resulted in opened-ended expenditures. Also, our Commerce Committee eliminated what was felt to be a superfluous Consumer Advisory Committee within the independent Consumer Agency. We have so many advisory committees and task forces in the Government now that I think they fall over each other.

I would like to say to the Senator from New York that I certainly cannot and shall not attempt to speak for the chairman of our Commerce Committee (Mr. MAGNUSON). However, if the amendments of the Committee on Commerce were to be adopted en bloc, then, although there are features of the bill on which I have expressed reservations in individual views in that committee's report, the Senator from New Hampshire, nevertheless, feels it would provide the basis for compromise and expeditious action.

Mr. JAVITS. I thank the Senator from New Hampshire. I might say that, the way things work around here, the statement he has made will likely be the most decisive in terms of getting the bill into law, because we know how easy it is to kill these proposals.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RIBICOFF. I would like to take this opportunity to pay tribute not only to the Senator from New York for his untiring efforts and his sense of cooperation in trying to get a constructive bill, and the Senator from Illinois (Mr. PERCY), who always since the day he came to the Senate has been deeply concerned with the problem of the consumer and the obligation of the Government to the consumer, but a great tribute to the Senator from Washington (Mr. MAGNUSON), the chairman, and the ranking Republican member, the Senator from New Hampshire (Mr. COTTON).

I believe many of the en bloc amendments improve the bill. I hope, before its consideration is over, the Senate will agree with those who worked so hard in both the Committee on Government Operations and the Committee on Commerce, and take a long-needed step to protect the consumers of this country.

Mr. JAVITS. I thank my colleague very much for his remarks.

I would like to say, in conclusion—and then I shall yield the floor—that the work of the Senator from Illinois (Mr. PERCY) on our committee, having had such vast business experience himself in the manufacture of a highly technical product for consumers and having been the former head of one of our great camera companies in the United States, was of tremendous help. I doubt very much that this bill could have been worked out without the expertise which he brought to it, and I would like to pay tribute to him.

Finally, I think what has been done on keeping close tabs on how the whole procedure set forth in this bill operates will be extremely useful. I think it is going to be important to have an agency which does not fly before it walks. It is going to be important to realize, to the fullest extent practicable, the part to be played by the State and local consumer protection agencies, with which I have had experience. I think it is going to be critically important to help business develop confidence in dealing with the consumer protection agencies.

If we believe this can be done not only will the bill become law at an early date but it will become the kind of law which is successful because people on both sides—consumers and the businesses that are dealing with it—have confidence in its purposes and the integrity of its administration.

Mr. President, I approach the debate, the effort to secure the passage of this bill in the Senate in that spirit, and I hope very much that as we continue with whatever amendments are offered that spirit will emanate from us all.

I yield the floor.

Mr. PERCY. Mr. President, I would, first, like to express appreciation to my colleagues, who have been overly generous—perhaps it is due to the fact that Thanksgiving has just passed—in expressing their gratitude. They have given me more credit than I deserve.

I will say, though, that I have sought to devote myself to the recognition that the American economy is a consumer economy.

Producers have traditionally had many, many advantages. They are well organized. We know, for instance, in our own experience, that we are called on many times by able lobbyists, representing all sorts of manufacturing and merchandising interests, who present their arguments clearly, concisely, effectively, and forcefully. Sometimes we wonder how they get all their work done for all the help we get on the legislation they suggest to us.

But I have been impressed with the fact that in my 4 years' experience in the Senate, I have not really seen that kind of organized effort for the consumer. I think it is primarily because the American public looks to the legislators, to the executive branch of Government, as well as to the courts, to protect their interests.

That, then, is our primary responsibility—to recognize that the consumer is not as well organized as his counterpart in the marketplace and to recognize that we have a great responsibility in insuring that representations made to the consumer, the quality of products offered him, and the prices charged him are fair. This is, in my judgment, a very grave responsibility.

If I may be personal for a moment, I remember, at a time when our company offered a lifetime guarantee on a product, I received an irate letter from a man who had purchased a film splicer. He said that he had had cause to repaint it, and found that when he removed the paint, the casting had little porous holes in it. He felt that amounted to an imperfect casting, though it did not affect the function of the product at all.

We checked the records, and found he had purchased the product 17 years before he had occasion to register this complaint, but I considered a lifetime guarantee to be a lifetime guarantee, so we sent him a brand new product. It has been my consistent experience in business that the best support a business has is its satisfied customers. In fact, we have a company in Chicago in the merchandising field, Marshall Field, whose motto is, "The customer is always right." I think that is, generally, the principle upon which legitimate business has been based—satisfied customers create the best markets for the future.

I have found also that legitimate businesses, well-organized trade associations, and chambers of commerce have been receptive to our taking the lead in seeking to provide assurance to the American consumer that he is adequately protected and his interests have been thoroughly considered.

For that reason I have been very pleased indeed to work with my colleagues who have regarded their responsibility as one of protecting the consumer. The distinguished Senator from New Hampshire, who has worked in the Committee on Commerce as ranking minority member, has been immensely helpful, as other Senators have stated. So has the distinguished Senator from Washington (Mr. MAGNUSON) also been helpful. I have had the privilege of working intimately, over a period of many months, with the distinguished Senator who serves as our subcommittee chairman (Mr. RIBICOFF), and seen the tenacity with which he has recognized that something must be done to correct some of the inequities we discover.

The Senator from New York (Mr. JAVITS), presently the ranking minority member of the Government Operations Committee in the absence of the Senator from South Dakota (Mr. MUNDT), has been immensely helpful also. His experience and skill in recognizing that a legislative answer can and must be found to provide the degree of protection not now afforded to the consumer has been inspiring to the rest of us likewise engaged in this mission.

Thus I am privileged at this time, Mr. President, not to speak at great length, but merely to indicate to the Senate and my colleagues my enthusiastic support for the Consumer Protection Organization Act of 1970 and outline some of the reasons I consider it worthy of other Senators' support and enactment.

It really is not necessary to remind anyone these days of the urgency of this task; the occasions of consumer abuse and lack of fundamental fairness in the marketplace are notorious, a notoriety which yields its own urgency. Neither is it necessary to rehash the evidence of the Government's—at all levels through the years—haphazard attempts to deal with consumer problems; where the law itself was not inadequate, official disinterest too often left the consumer to fight his own battles.

It is encouraging to me that we have finally begun to recognize that our long-time indulgence of the principle of caveat emptor is now unrealistic and inequitable. If it is not too late, and it is certainly not too early, Congress must act now to qualify that presumption. The consumer is deserving of having his interest considered routinely at the points of decisionmaking. He is likewise to be afforded basic protections against fraud and exploitation.

Title I of this bill sets up a Council of Consumer Advisers. Title II creates a Consumer Protection Agency. Title III outlines a program of consumer protection grants to State, local, and private nonprofit organizations who qualify under the terms of the bill. And contained in title IV are provisions requiring the consideration of the consumer interest in all Federal executive agency determinations as well as standards of information disclosure by the Consumer Protection Agency. This legislation represents the best efforts of Republicans and Democrats on the Government Operations and Commerce Committees in the Senate; it also reflects in part the important and helpful suggestions of the Nixon administration, which has set out with the avowed purpose to better protect the interests of the consumer in this country.

As already explained, the bill before us incorporates my original idea of a high-level Council of Consumer Advisers in the Executive Office. It creates a three-member body to be responsible for policy setting, coordination, assisting the President in the preparation of a consumer report, setting priorities and information gathering. In short, it promises to lend the prestige visibility and clout of the Presidency to consumer protection efforts.

The need for this sort of executive coordination and policy setting is well-documented. Recent studies prepared by the Library of Congress indicate that there are presently some 76 consumer activities involving 34 different departments and agencies in the Federal Government. Nine separate governmental units implement the truth-in-lending program; three enforce the truth-in-packaging legislation. This situation greets the aggrieved consumer seeking recourse—a situation which in my judgment adds insult to injury. I am deeply gratified that the Government Operations Committee saw fit to include this important concept in the bill it has reported to the Senate.

I have also been pleased by the care with which the committee sought to balance the powers it has vested in the new independent Consumer Protection Agency. I confess that I had initial reservations concerning the wisdom and propriety of setting up an autonomous governmental unit to monitor not only the consumer activities of the marketplace but of other governmental agencies as well. Such an agency could, I thought, be as potentially abusive of industry's rights as some industries had been of consumers' rights; such a plan obviously would not solve any problems. But I want to assure Members of the Senate, who might have raised in their minds this same question, that every attempt has been made to include important safeguards and limitations so to bring the powers granted in line with standards of commercial fairness and parity.

Under this bill, for instance, the Consumer Protection Agency is precluded from initiating any proceeding before any other Federal agency or court, its powers being limited to those of intervention according to four carefully drawn conditions.

The subpena power of the CPA is limited to the extent that discovery of information can be sought only as the CPA stands in the shoes of the Federal agency in whose proceedings it has intervened. This means the CPA must request that the other agency order disclosure. In securing data for economic surveys, the CPA must set forth with particularity in its order the consumer interest involved and the purposes for which the information is sought.

The disclosure powers of the CPA do not permit divulgence of trade secrets or similar data to the public. Furthermore, ratings of products, implications that certain products are superior in quality, suggestions that one product is a better buy than another are all precluded under the terms of this bill. Where information is disseminated or disclosed and the information is later found to have been erroneous, the Director is under an affirmative burden to retract the information and state the new data in a manner similar to the initial disclosure.

Safeguards have also been incorporated concerning public inspection of consumer complaints.

I take the time, Mr. President, to outline these provisions in detail to emphasize the fact that the bill is just about as fair as we can make it. It is certainly consistent with our responsibility to meet the demands of both the consumer and the honest businessman. As I have frequently stated, good consumer protection legislation is in the interest of both buyers and sellers. The buyer wants the most for his money with the least inconvenience; the seller relies on the return of a satisfied customer. Consumer protection is not a partisan issue, and this bill reflects that understanding.

The report of the National Commission on Civil Disorders listed among the 12 most deeply held grievances leading to discontent and disorder the problems of consumer frustrations. It is no wonder, particularly in light of the estimate that out of $750 billion spent last year by consumers, approximately $200 billion received no value in return.

Substantive law is finally reaching a point where it can be considered adequate to the task of protecting consumers' interests in the marketplace. But the machinery of protection is still clearly lacking. The fact that one case has taken 29 years for the consumer to get relief, while it may be an extreme example, serves to restate the compelling need for new Government procedures.

Mr. President, in my judgment, the proposed legislation now before the Senate is far better than any other similar bill before this Chamber or the other Chamber. It is strong, but fair; it breaks new ground without destroying the tried-and-true principles of free enterprise; and it assures for the first time that systematic consideration will be given the consumer interest wherever that interest is being debated and decided upon in Government.

I urge my colleagues to support its passage.

Mr. HART. Mr. President, before discussing the bill that is before the Senate, I, too, want to express my appreciation to Senator RIBICOFF and those who were associated with him in the effort which is culminated today by the appearance before the Senate of a consumer protection bill. Moving any measure of this character through committee is an extraordinarily difficult undertaking. Pressures, always highly motivated but not always objective, immediately appear to resist even the most modest of proposals.

As the able Senator from Connecticut understands, I have expressed sharp disappointment with respect to certain features of the bill; but I would be completely out of line if I were to suggest, much less imply, that certain features of the bill before the Senate do not represent substantial progress in the protection of the American consumer. Indeed, certain of the proposals contained in the bill before the Senate have been advanced in earlier years by others of us in the Senate and in Congress.

I think that the Committee on Government Operations and—under Senator MAGNUSON'S leadership—the Committee on Commerce have contributed substantially to the progress we all seek to see in terms of protecting the American consumer, because, as a result of the appearance of this bill on the floor, we now have an opportunity further to strengthen it and thereby to advance further the cause that all of us espouse, the protection of the consumers of this country.

The specific proposal for a consumer organization to look out for the special interests of the consumer dates back, as far as our research goes, to 1959 and to the able late Senator from Tennessee, Estes Kefauver. On paper, it has had impressive support, with several versions drawing more than 20 cosponsors in the Senate. Over these years, as we have developed an understanding of the problem, it has taken many forms: A Department of Consumers, an Office of Consumers, similar to the bill that now pends in the House, up to the bill that is now before the Senate, S. 4459, which establishes a Federal agency. None of these earlier proposals moved very far until Senator RIBICOFF and Senator MAGNUSON, the chairmen of the committees reporting these bills, had brought to us S. 4459.

Again, these congressional leaders are to be congratulated for their perseverance and their dedication. Without it,

we would not be offered an opportunity to consider actually establishing a consumer organization.

It would be no surprise that I am delighted that we are this far. I remember cosponsoring in 1959 Senator Kefauver's bills, and again when he offered them in succeeding years, in 1961 and 1963. Indeed, I became a chief cosponsor in 1965, 1967, and 1969.

Clearly, the consumers should have an agency to serve their special interests, just as other groups are represented by such Departments as Labor and Agriculture and Commerce. It is not surprising that I have developed some definite ideas as to what ingredients such an agency should have if it is to be of maximum effectiveness. I feel that the consumer protection agency which would be established by the bill before the Senate still lacks some of these ingredients. It would be my hope that as we work on this bill, this additional strength could be added to it. I have a concern that some of the ingredients it does have would tend to hamper the agency so that it could not effectively represent the consumer—at least, not in the fashion that I think a majority of us seek with respect to such an agency.

So it is my intention, Mr. President, as we proceed with this bill, to propose amendments which I believe would add strength and vigor and force to the agency. At the conclusion of my remarks, I shall ask unanimous consent to have printed in the RECORD the amendments, six in number, and ask that they be printed.

There are two major areas of concern with respect to S. 4459 in its present form. While the title of the bill recites that it is an independent agency and the declaration of policy talks about an independent agency, it seems to me to have a built-in loyalty to the chief executive officer of the country, the President, rather than to the consumers.

I have reservation, also—the second major concern—that it is unable to act as the consumers' lawyer in a fashion and a form which would make for a maximum of effectiveness in its representation of the interests of the consumer.

So, Mr. President, the first of the amendments that I shall ask to be printed would alter the method of designating the top officials of the agency. In the bill as it has been reported, the top eight officials are named by the President—with the advice and consent of the Senate, it is true. Two of these officials, the director and the deputy director, would serve terms identical with the term of the President.

The amendment that I intend later to call up is for a nine-man Board of Directors—three to be appointed by the President and three by each majority leader of the two Houses of Congress. The Executive Director would be named, in turn, by this Board of Directors and he, with the approval of the nine-man board, would fill the other top slots.

It seems to me, and I suggest that on consideration others might agree, that this is a step toward making the agency what the drafters of the legislation intended when they designated this an independent Federal agency; and yet, realizing that we cannot have a Government agency totally independent of the reach of either the administration or Congress—and perhaps should not—it would share the existing influence more to Congress and less to the President. It would introduce a balance, if you will, Mr. President, between the executive and the legislative branch.

There is another way of making this more of an arm of Congress than the President. Some of the amendments that I intend to offer would release the agency and clear the agency from the exclusive control of the Bureau of Management and Budget. Under the amendment, the budget request would come directly to Congress as well as to the Bureau of Management and Budget, giving Congress a real chance to evaluate the needs of the agency as the agency sees them, and not solely as the Budget Bureau may see them.

Under the amendment which I intend to offer, the Consumer Protection Agency would bypass the Budget Bureau and the Industry Advisory Committees when sending out informal questionnaires or when making public statements. This, it seems to me, is important if the agency is to act in the very best interests of the consumer.

On the question of whether the agency should become a consumers' lawyer, of course, I respond affirmatively.

Many of the matters coming to the agency, I foresee, can be handled by negotiation, or through the normal proceedings of governmental agencies. Publicity, too, can be a powerful weapon. But anyone who has been reading consumer mail over the years, I think might agree that frequently there arises a situation where the ultimate recourse for relief is to the courts. Among the amendments I propose is one which would make this access to the courts an assured one. Under the bill as presented, the hurdles and the limitations on the reach of the agency with respect to its right to appear in court is hedged.

Mr. President, the fact that I am proposing in the first of these amendments an appointing process that involves the majority leaders of the Senate and House raises a question that is traditional in this body. We have never done it before. This does not obligate us to assume that logic compels us, therefore, to reject it merely because it has never been undertaken before.

We have not yet effectively given the consumers of this country a viewpoint and a lever. It does not mean we shall not and ought not undertake it here.

The fact that the appointing process suggested in the amendment is a new one, similarly, should not cause us to reject it out of hand.

The report of the Committee on Commerce, on page 4, includes an excerpt from testimony that the senior Senator from Michigan offered the Committee on Commerce when considering S. 2959, my bill, that would establish an independent consumer council. The excerpt, perhaps not graceful, underscores the concern I have that, in present form, the independence of the agency is such that it strains, if one wants to describe it as really independent, an absence of a greater measure of independence and raises a possibility—the concern I voiced in the testimony—that may continue to be entertained with respect to the bill before us.

In that testimony I said:

> Only a cockeyed optimist can expect any agency established as an arm of the executive or Congress not to reflect constantly the prides and prejudices of its master. If top appointments also are made by either the executive or Congress, the control of philosophy is even more absolute.
>
> It simply is not realistic—and ignores human nature—to establish a consumers' watchdog on Government under those conditions and expect it to perform fully up to anticipations.

In spreading the appointing authority between the executive and the leadership of the two Houses, I attempt to respond in part to the concern I voiced in the testimony. Admittedly, it does not go all the way. I sense that at this point in our experience with legislative efforts to give the consumer a voice in affairs that intimately affect him, Congress is not prepared to go further. Indeed, there may be difficulty in persuading the Senate to go as far as a sharing of the appointment as between the President and Congress.

I hope very much, however, that we shall be able to make that modification.

I hope very much that the veto power which the Bureau of the Budget would have over this agency may be reduced if not eliminated.

For the reasons that I have in summary outlined, I hope very much that the amendments, after further discussion, will be agreed to. Finally, Mr. President, I hope that with some modifications, the bill will become the law.

I conclude, as I opened, by saying that contained in the bill as reported by the committee are objectives which many of us for long years have sought to see realized. This is the opportunity. But, in reaching for those goals, let us make certain that we are not constructing a machine which will destroy the consumer to whose service we shall claim the machine shall be put.

Let us be sure that we do not put on the road a vehicle which is ineffective in achieving its objective but merely in its existence and creation will provide the alibi for delaying for long years more adopting procedures that will in fact respond to the myriad problems that confront the American consumer in today's marketplace.

Mr. President, I submit the six amendments, and I ask unanimous consent that they be printed in the RECORD.

AMENDMENTS NOS. 1084 THROUGH 1089

The PRESIDING OFFICER (Mr. BAYH). The amendments will be received and printed, and will lie on the table; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 1084 through 1089) are as follows:

AMENDMENT NO. 1084

On page 8, strike Section 201, lines 1–25; on page 9, strike lines 1–8 and substitute the following:

"SEC. 201. (a) There is established as an independent agency an agency to be known as the Consumer Protection Agency.

"(b) The agency shall be headed by a 9-member Board of Directors, three of whom shall be appointed by the President in such manner as to stagger their terms for 2, 4 and 6 years respectively; three of whom shall be appointed by the Speaker of the House of Representatives in such manner as to stagger their terms for 2, 4 and 6 years respectively; and three of whom shall be appointed by the Majority Leader of the Senate in such manner as to stagger their terms for 2, 4 and 6 years respectively; subsequent appointments shall be for 6 year terms and shall be made by the office making the original appointment. Vacations shall be filled by the office making the original appointment for the remainder of the term vacated. The Board of Directors may elect a chairman and such other officers of the Board as they may deem and adopt rules, regulations, and by-laws for the orderly carrying on of business and for carrying out the purposes of this Act.

"(c) Members of the Board shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under Section 5332, Title 5, United States Code, for each day they are engaged in the actual performance of their duties, including travel time; and while so serving away from their homes or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by Section 5703 of Title 5, United States Code, for persons in the Government service employed intermittently.

"(d) The Board of Directors, by majority vote, shall appoint a Director and Deputy Director who shall head the agency and serve at the will of the Board and under such rules and regulations as the Board may prescribe. The Director shall nominate, by and with the consent of the Board, a consumer counsel for the agency who shall be chief legal officer of the agency, and shall perform such duties as the Director may prescribe and shall be Acting Director during the absence or disability, or in the event of vacancies in the offices of the Director and Deputy Director.

"(e) The Director by and with the consent of the Board of Directors is authorized to appoint within the agency not to exceed five assistant Directors."

AMENDMENT NO. 1085

On page 9, line 12, delete the word, "executive," insert a comma after the word "agencies" and add the word, "Congress."

On page 11, line 13, after the word "request" insert a comma and add the words "file complaints."

On page 11, line 15, strike the word "executive" and insert the words "or any federal court" after the word "agency".

On page 11, line 18, strike the words "the provisions of this section" and insert the words "the rules or regulations governing practice and procedure before the federal agency, the Congress, or court."

On page 11, line 20, strike the word "not."

On page 12, lines 9–25; page 13, lines 1–25; page 14, lines 1–25; page 15, lines 1–25; and page 16, lines 1–4, strike the language included within the above pages and lines and insert the following:

"(c) The agency shall have standing as a party in equity in any proceeding under subsections (a) and (b), including the right to intervene and all rights to appeal as may be provided by law."

On page 16, line 5, delete "(e)" and insert "(d)".

AMENDMENT NO. 1086

On page 20, line 9, insert the following sentence after the period: "Notwithstanding 31 U.S.C. section 18(b) any investigation, survey or research undertaken pursuant to this section may be done without consultation or approval of the Office of Management and Budget or any other executive branch agency."

AMENDMENT NO. 1087

On page 28, line 10, insert the following after the period:

"The Consumer Protection Agency shall prepare an annual request for appropriations each fiscal year after 1973. The request shall be presented simultaneously to the Office of Management and Budget and the appropriate committees of Congress on or before February of each year by the Board of Directors."

On page 28, line 20, following the period insert the following:

"The Consumer Protection Agency in consultation with the representatives of recipients of grants under this section, shall prepare an annual request for appropriations each fiscal year after 1973. The request shall be presented simultaneously to the Office of Management and Budget and the appropriate committees of Congress on or before February 1 of each year by the Board of Directors."

AMENDMENT NO. 1088

On page 35, line 6, after the period insert the following:

"(12) Contain safeguards to ensure that the agency designated or created by the state will effectively represent the consumer."

AMENDMENT NO. 1089

On page 44, line 12, insert the following language after the period:

"Nothing in this Act shall be construed by any court or agency as affecting the discretion of any court or agency to permit any person or group or class of persons to initiate, intervene or otherwise participate in any court or agency proceeding."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BAYH). The Chair, on behalf of the Vice President, pursuant to Public Law 70–770, appoints the Senator from Montana (Mr. METCALF) to the Migratory Bird Conservation Commission in lieu of the Senator from Maryland (Mr. TYDINGS), resigned.

THE SST

Mr. PROXMIRE. Mr. President, it is my understanding that within the next few days, probably on Thursday, the Senate will take up the consideration of the Department of Transportation appropriation bill.

As Members of the Senate realize, this bill carries within it an appropriation of $290 million for funding the supersonic transport. This is a matter of great controversy. It is a matter on which I expect that there will be a close vote in the Senate. It is a matter on which there have been a great many new developments over the past 12 months. It is a matter on which I think that the Senate will make a historic decision.

If the Senate approves the supersonic transport in its vote on Thursday, there is then every likelihood that the program will be funded to its completion. I think that this is likely to be a critical vote.

I think that in discussing the supersonic transport, we should first of all put it in the perspective of the capability of this country to expend $290 million for this kind of program. I think that there are many good programs which we all want. There are many programs that many of us feel should be funded more fully than they are. However, it is unfortunately necessary for us to make some hard, tough decisions to cut back expenditures in fields in which we would like to make them.

I happen to be one who strongly opposes the supersonic transport. I think that such a strong case against it has been made that we should not go ahead with it even if we did not have the problem of limited funds. Under the present circumstances where we have a very tight budget, regardless of what attitude the administration takes, even those who favor the SST should reconsider their vote in view of the tough choice on priorities we face.

I think it is most important to eliminate any expenditures that are not absolutely necessary. I say that primarily because two newspaper articles have come to my attention over the weekend. One of them was a remarkable article in the New York Times of Sunday which goes into the tremendous needs of our cities and documents them.

The article points out that in city after city the financial situation has become really critical. The cities are in a state of crisis. We know that in the city of New York, the mayor and a number of other officials have taken cuts in their salaries and that some people have been laid off.

Many people feel that New York is an exceptional case in this respect. But it is not. Financial crisis is the rule, not the exception. I expect to go into this in detail in a few moments. However, I want to call attention to the fact that there will be great pressure brought to bear upon the Senate and the House of Representatives to provide more funds in the coming year. Many will feel that more funds are necessary and desirable and that they must be granted. We will have to do this within a very constricted budget. I say that because of another article by Ed Ward, published in the New York Times of yesterday. Mr. Dale is an extremely competent reporter on economics, about as able as any whom I know. He makes a fine analysis of a relatively new concept in economic thinking, but one which has at last been accepted by the administration and by

economists generally. That is the concept of the unemployment surplus. That concerns the fact that in determining how much we spend, we should do so on the basis of trying to balance Federal revenues at a level of full employment. "Full" employment is determined as a level of unemployment of 4 percent—and this is an assumption made by many economists—they say that once unemployment gets below 4 percent, inflation is likely to become unacceptable.

If we assume that that is our target level, then we can calculate on this basis how much money we can spend and have the budget in balance if we have a 4 percent level of unemployment. The point is that if we have 5.5 percent or 5.6 percent of unemployment, as we have at the present time, we can run a very large deficit and justify it on the grounds that with that level of expenditures and with the tax rates being what they are, the budget would come into balance. As unemployment diminishes and as profits go up and we proceed in the direction of full employment, the concept of "full employment surplus" can tell us how much of a deficit is a responsible one.

This is something that many conservatives refused to accept in the past. The administration refused to accept it for a long time but in the last few months they have accepted it. They agree this is a sensible and a desirable position.

It is a sound concept because if you attempt to balance the budget when unemployment is high it is cruel and it means the attempt to balance the budget will insure a continuance of the high level of unemployment, and further there will be restraint from providing the kind of economic growth and the kind of stimulation that is needed.

Anyone who follows this matter can agree that this is a more liberal concept than we had before and it permits a larger amount of expenditures. But even on this new liberal basis of estimates in the coming year we will be limited to $228 billion.

In view of the desperate needs of our cities and urgent requirements elsewhere, we will not be able to go ahead with any programs that are not justified as absolutely essential to our national well being.

This is why I am raising this supersonic transport question this evening and trying to put it in that perspective. I would like to debate the matter with my friends who feel it is a good program, and who feel they would like to go ahead and do something for the aviation industry. I would like them to consider the great importance at this time, in view of the needs that are so urgent, and the fact we have a definite ceiling on the amount we can spend, that our cities are in such dire straits, and we have so many other needs we all would like to further, including sudent loans and health needs, which we have to reduce and cut because funds are not available.

I wish to review some of the arguments on the SST.

One of the arguments made in favor of the SST is that it would help our balance of payments; that is, as we build these planes we would sell them abroad for $50 million or so a copy and we would have several billion dollars flow into this country. In addition, it is said if we did not build the plane we would have to buy it from abroad and dollars would flow out and our balance of payments would be adversely affected.

The question of whether it would adversely affect the balance of payments was put to a panel of experts by President Nixon in 1969. The principal authorities on this were officials from the Treasury Department. These Treasury experts at that time decided that the SST would not be favorable to our balance of payments but unfavorable. The conclusion on the part of the Council of Economic Advisers was the same. Recently the Senator from Arkansas (Mr. FULBRIGHT) asked 16 outstanding economists—the biggest names among economic experts in our country, including Friedman, Heller, and others—and the opinion was overwhelming, 15 to 1, against building the SST for balance-of-payments reasons. Fifteen of these 16 economists said it would be a mistake to build the SST and that the balance of payments would not be benefited.

The second argument for building the SST is that the Concorde being built by the British and the French would be such an efficient plane it would give Britain and France a big advantage in the international aviation industry.

The fact is the United States at the present time has a dominant position in the aviation industry. That dominant position has been achieved because we have free enterprise in the aviation industry. The Government is not involved in it and we have not had subsidization for private aircraft research and development in the past.

This SST approach would get the Government into construction and into the operation of the airlines, and in a big way. I think that would be a serious mistake. On the basis of the testimony of experts who appeared before the Joint Economic Committee the Concorde is very unlikely to become a serious competitor with our jumbo jets and supersonic jets. It is small, it is not nearly as fast as our supersonic plane would be, there is some question if it can fly from London to New York without carrying a payload and if it does not carry a payload there would be no economic value in the Concorde.

The Concode also raised very substantial problems with regard to the environment in England. Of course, they are conscious of the potentiality in producing an advanced plane that would give them prestige and an advantage in aviation, but in spite of that there has been complaint about the terrific noise of the Concorde and other disadvantages. So there are real indications that the Concorde not only may not be an effective competitor, but may never be produced.

Overruns have been great and they have had to put in substantially more money than was anticipated. There is a definite possibility that if we reject the SST on Thursday or Friday that the British then would stop production on the Concorde, would opt out of it, and the international SST race would be postponed until we solve some serious technological problems.

There has also been a great deal of question, of course, about the environmental impact of the supersonic transport, in the first place, the impact in terms of noise. All of us are aware of the complaints by people who live in or around airports about the subsonic jets. Well, as the song goes, "Baby, you ain't seen nothin' yet." The testimony before our joint committee by one of the outstanding scientific experts was that it was estimated that sideline noise—by that he meant noise within 2½ miles of takeoff at the airport—would be 50 times greater with the supersonic than it is with the subsonic jet. Of course, there is some question as to whether it would be 50 times as great. We had the testimony of an expert, who was the SST adviser for Presidents Nixon, Johnson, and Kennedy, the last three Presidents. Some people say that that estimate is wrong; that it would be only three or four times as great. At any rate, it would be a crashing, thunderous roar.

One sonar expert from the Massachusetts Institute of Technology has written that the impact of the supersonic transport will be so great that if 500 of them were in operation—and the estimate is there would have to be 500 in operation if it were to be a successful operation—the impact would be so great that any house within 15 miles of the Kennedy Airport in New York—and, of course, there are hundreds of thousands of such homes—or 9 miles from the San Francisco airport or the Los Angeles airport, where the supersonic transports would operate, would have to be soundproofed at a cost of $6,000 per house.

So it can be seen why there is such a rising tide of opposition and indignation on the part of the public to the supersonic transport. Private polls taken on the question show that opposition to the SST has been 8 to 1, 9 to 1, and 10 to 1 against.

In addition, there is the problem of upper atmosphere pollution caused by the SST. The SST is entirely different from the present subsonic jet. The supersonic transport cannot fly at 25 or 30 thousand feet; it must fly at 60,000 feet. At that level the atmosphere is extremely thin, and the emissions have a far more profound effect because they disintegrate much more slowly, because the atmosphere is too thin. At that level the moisture emitted from the SST would warm the atmosphere and have a destructive effect on the ozone. The ozone is that part of the envelope that surrounds the earth which makes it possible for human life. Without ozone, ultraviolet radiation would be so intense that plant life, animal life, and human life would not be able to exist. If any part of the ozone is destroyed, it can have a serious effect, sometimes a fatal effect on people, animal life, and, of course, on plant life.

The expectation on the part of responsible authorities is that the SST would reduce the ozone from 5 to 10 percent. Many people say that, if it is reduced as much as 9 percent, it can have a serious effect, perhaps a fatal effect, on some an-

imals, and perhaps on some humans, because of the increase in ultraviolet radiation.

It is true that this is in part speculative, because we do not have 500 of those planes flying. We would have to have them flying before we determined whether or not they would have a lethal effect, but responsible scientists say this is their expectation. It is this kind of nightmare which should be studied before we go ahead and spend $290 million more and make it likely to continue with a plane that could have a serious effect on this planet.

Few people realize that the SST has been given an extraordinary priority. It not only has been given red carpet treatment in terms of funding, but also has been given DX priority; that is, in procurement of vital materials in short supply, the construction of the SST has been given special priority, a kind of superiority over 99 percent of our military programs and over all civilian programs. The SST is the only nonmilitary program that has been given this DX priority. It can only be given by the President of the United States.

This is another indication of the extraordinary, red carpet, special, privileged treatment given to the supersonic transport.

This is something which certainly should give us pause, in view of the fact that the SST will provide a benefit to a very small proportion of our people. It has no military value, on the basis of all the testimony we received. The SST will benefit only about one-half of 1 percent of our people, those who fly overseas regularly. The rest of the population would be benefitted only if we assumed that loud noise is good for one, because the rest of the population is going to have to suffer from the loud noise. They would not benefit, because only those who fly overseas regularly would benefit. We have assurances that the airplane will not fly overland because of the supersonic boom, which would be very noisy. So if we confined the airplane to the use of those who fly overseas regularly, only one-half of 1 percent of the American people would benefit. They are affluent people, who could well afford to pay for this cost, without having the Government subsidize it.

I want to make another point in this connection, and that is that the people in the Department of Transportation who are responsible for the SST have become aware of the environmental problem and they have agreed that a research panel should be appointed to study the problem. The trouble is that those who would be most likely to give a competent, objective opinion of the effect of the SST on the environment are not on the panel. Nobody is on that panel from the Department of the Interior. Nobody is on that panel from the Department of Health, Education, and Welfare, or from the Office of Science and Technology. Nobody is on that panel from any of the three agencies that comprised the environmental panel of last year's Presidential Commission that reviewed the legislation and which opposed it. So the panel is loaded with people from Commerce, from the Air Force, from the Federal Aviation Agency, which, of course, is the principal proponent of the legislation.

The Department of Transportation itself is involved. In addition there are private interests involved from McDonnell, Douglas, and American Airlines. They are on the panel. So they have loaded the panel. If that panel arrived at a recommendation that the environment would be adversely affected, it would be an astounding surprise.

There are other reasons I might go into. I wanted to review some of the principal arguments against it before I got into my main argument this evening.

When President Kennedy announced that we should go ahead with the SST, he said that "in no event" should we spend more than $750 million on it. This appropriation would bring us to $1 billion, because we have already spent about $710 million. This proposal involves $290 million. We would spend about $1 billion on it if we went ahead with this appropriation. We would, therefore, exceed the amount President Kennedy said we should expend. This would not be close to the end of the amount we would spend. The estimated cost by the Department of Transportation to build the two prototypes would be $1.342 billion—80 percent over the ceiling we were promised in 1963. But even this is only a fraction of the total eventual cost to the Federal Government. Here are the reasons:

But the cost will be far higher.

First, the Government's present cost estimates cover just phases 1, 2, and 3 of the program; that is, planning, research, and development and design competition and construction of the two prototypes.

Second, there is a substantial likelihood that the government will get involved in phase 4, the certification stage, and phase 5, the early part of the production stage.

The reason we were sucked into, brought into, pulled into this operation, in which the Federal Government funds 90 percent of the cost of the prototype, was the argument, "Well, you cannot expect private industry to provide such an enormous amount of money on something so speculative, something so risky. So what you have to do, if private industry does not come up with it, is have the Federal Government get into it."

The argument I am making is that the SST is still very risky. If anyone does not think so, I ask him to talk to any of the airlines. None of the airlines have indicated a real enthusiasm for this program.

And I might also point out that the subsequent phases are going to be a great deal higher. If $1.3 billion is too much, the $3 to $4 billion of production costs will really be too much; and there is every reason to expect that the Federal Government is going to be expected to be sucked into phases 4 and 5, the certification phase and the production phase.

I might point out something I have not mentioned until now, but I think this is an appropriate place to state it: If the position of the Federal Government on the SST were that of an investor who expected to invest in a stock in the stock market, the Securities and Exchange Commission would reject in a minute the license of any broker who would sell to an investor the kind of investment that the Federal Government is making in the SST.

Proponents say, "After all, what is all the sweat? Why worry about spending all this money? The Federal Government will get its money back anyway." If the SST is a great success, the Federal Government they say, "will get back its money with interest—get it back and get a billion dollars in addition."

The trouble with that argument is the following:

First, the Federal Government does not get its money back unless there is a very large number of these planes produced. One noted economist estimated on the basis of the advantages of flying on the SST—and he calculated them very carefully on the basis of the earnings of people who might fly on the SST, and so forth—about 139 SST's would be built.

It is true that this is far fewer than the Department of Transportation or the industry expects. But if that economist is correct, it would mean that the Federal Government would get back nothing—it would lose every single penny we put in. All this money would go down the drain. The Federal Government would get nothing back; but under those circumstances, both the airlines and the Boeing Co., which produces the SST, would get their money back and make a profit to boot. They would get their money back with interest.

Mr. President, what kind of deal is that? They say, "It is too risky for private enterprise to get into; they do not want to get into it by themselves." But it is not too risky for Uncle Sam. They are asking Uncle Sugar to put up 90 percent of the money and take virtually all the risks.

If the plane is a big success, then what happens? The Federal Government gets its money back with about 4.5 percent interest—less than the Federal Government has to pay for money it borrows. What does that mean? That means the Federal Government, even if everything works out, will lose money, because we have to borrow money now, and pay far more than 4.5 percent because we have a deficit, in order to invest in the SST.

So there is just no way the Federal Government can come out. Can you imagine telling an investor, and expecting to sell anything to him, "Look, there is a chance that you will lose everything you have got. Some good economists say, not that it will, but that it might work out, and if it does work out, we will give you less than you would get if you invest in absolutely riskless, tax-free Government bonds."

That would be a ridiculous investment to make, but that is exactly the kind of investment the Government is being asked to make now.

As I say, this billion dollars from Uncle Sam is only the beginning. That was confirmed by Under Secretary of Transportation Beggs before the Joint

Economic Committee last spring. I asked him about this, and Secretary Beggs said the Government might have to make available to the SST manufacturer, in addition to the $1.3 billion for the prototype version, an additional $1 billion above and beyond prototype development, in the event that private financing proves unavailable; and there is every indication that private financing is likely to prove unavailable, partly because the airlines are not now in good financial shape; partly because they have already invested heavily in the jumbo jet; and partly because they find, when they make these enormous capital investments, that they are in bad financial condition for some years thereafter. So to expect the airlines to pick up this tab is expecting a great deal, and it is very likely that the Federal Government will be in it for at least another billion dollars.

That would bring the total Federal Government investment to the vicinity of 2.3 billion. But that does not take into account an overrun.

And, Mr. President, overruns here are very likely. Overruns come when you get into a new kind of technology, new kinds of techniques, new kinds of metal—areas that have not been explored before.

This is a new technology. We are now using on the SST not aluminum, the usual metal which has been used in such cases, and has been used in the Concorde, for example, but something called brushed titanium honeycomb.

Brushed titanium honeycomb is a very exotic new metal. It might work out perfectly, but the experience has been that these things require adjustment and change, and have to be tested over and over again. And here is where the overruns come.

We have had the experience with our Defense Department that the average overrun—not in new, exotic areas—on 23 major new weapons systems has been 50 percent. So I think, with this new kind of metal, there is every reason to expect an overrun which would be very high indeed. Fifty percent, I think, is a modest expectation. A reasonable expectation would be that the costs would soar from $2 billion to $3.5 billion.

Experts have testified publicly that Government costs on the SST will run to $3 to $5 billion. Gen. Elwood Quesada, highly qualified to speak on this matter, who was formerly head of the Federal Aviation Agency, is now a director of one of the top airlines in the country, and was right in on the ground floor as FAA Chairman when the SST was started, said he expected it to cost $2 to $3 billion. Dr. Richard Garwin, science adviser to Presidents Kennedy, Johnson, and Nixon, made the same kind of prediction.

As the Department of Transportation says, we are not half way through this project. As a matter of fact, we are not even one-third through. We are barely 20 percent along, and 80 percent of the costs still lie ahead. So under the circumstances, as I say, we have to consider the impact of the costs on the Federal budget.

I have made the argument tonight, and the principal argument I want to make and reinforce, is that the main difficulty we face for the next 10 years in Congress is how we are going to be able to meet the tremendously serious needs of our society in the environment in our cities, for health, and in all kinds of other ways. We are going to be strapped again and again, faced with the question of whether or not we can go to the people of America with higher taxes. Anyone who experienced the recent election knows how hard that is going to be. No one with a serious estimate of the economic and political situation today would argue that we could go this year to the American people with a tax increase. This administration is not going to do it; we know they are not. They have indicated they are not. They have some kind of vague proposal about a tax on leaded gasoline, but that will not get through the House of Representatives this year, and there is little likelihood next year. There is more likelihood of a tax decrease, because of the economic situation.

Under these circumstances, for us to try to provide additional funds for anything like the SST, it seems to me, is very wasteful and very foolish. It means we will not be able to provide the funds we need to provide for education, for health, and for our cities, which are really up against it in a very serious way, and now laying people off, although they are suffering in those cities very serious unemployment. The main issue that now emerges in national politics is, will the Nixon administration stick to its principles on the national budget?

The Nixon administration has lately taken a more liberal view on the budget. Casper Weinberger, when he first went in to head the Budget Office, said they wanted a balanced budget, period, even in periods of high unemployment. Mr. Weinberger, I am happy to say, has now revised that view, and understands that you cannot have a balanced budget with unemployment as high as it is. So let us assume that there will be a deficit. Let us calculate the budget so that it will come into balance only as we approach 4 percent unemployment. This means we are assuming we would get the higher income that would come in if we had another 2 million people working, with the income taxes they would pay, the higher income that would come in if we had more production and, therefore, higher production and a higher corporate income tax yield. This would mean, on that full-employment basis—providing for a bigger budget next year—one that could go as high as $228 billion. But that $228 billion is going to be very hard for President Nixon to stick to. He will not be able to stick to it if we are going to go ahead with projects like the SST, unless he makes some cuts in other very essential programs that I think almost all Members of the Senate and the House want very dearly to resist. After all, the SST is not going to educate a child; it is not going to cure anybody who is ill; it is not going to provide any kind of opportunity for people to be able to improve themselves. It is not going to meet any essential need in this country.

The argument for the SST now boils down to the fact that we have an unemployment situation, and it is particularly bad in the State of Washington and some of the other States that might have subcontractors in the SST, so why not go ahead with the program? It may be wasteful; at least, you are going to put people to work.

The answer to that is that this is not a productive way to put people to work. After all, this is an industry where you hire people who, by and large, over the years are highly skilled and are in short supply. Most of the employment will not come in 1971 and 1972. It will come in 1978, 1979, 1980, and 1981. This is when you will get into production. In those years, how will we know what the employment picture is going to be? If we make the kind of progress we should make economically, we should have close to a full-employment economy at that time. We should work in that direction. We should make assumptions that that would be the situation. If we do that, with the 50,000 jobs that would be available in 1978 and 1979. The SST would be inflationary. It would mean that instead of people working on counteracting environment pollution, instead of people working on improving the health of our people, instead of people working in education and housing, they will be working in building a plane which will pollute the environment.

The question is, How about the immediate jobs? This would provide some 20,000 jobs in the next couple of years in the prototype construction. Well there is a far more productive way to provide jobs and far more of them than this. If we take that $290 million and fund the emergency mortgage credit bill which is now law—I was the author of the amendment that provided this—we could provide a payment for the difference between the present 9-percent mortgage on housing, which is the reason why people are not buying homes and 7 percent.

People cannot buy a home now, because if they go to buy a $20,000 home, the interest on that $20,000 home is $38,000. It is that high because the mortgage is 9 percent. If we can get the mortgage down to 7 percent, we can bring in literally hundreds of thousands of people who now cannot afford to buy a home but can buy a home if the mortgage is that low, so that monthly payments are low enough for them to afford it. This is not my calculation. This is the calculation of the Federal Reserve Board and the Housing and Urban Development Administration.

If we take that $290 million from the SST and fully fund that housing bill, it would provide not 20,000 jobs, not 200,000 jobs, but 1 million jobs. This calculation is based on the fact that if you reduce the interest rate from 9 to 7 percent, it would mean that you could produce 500,000 new homes, and 500,000 new homes means 1 million jobs. This is the way to put the people in this country to work. They would go to work in the State or in Washington, where they have a big lumber industry, as well as in Oregon. They would go to work all over America. They would go to work in West Virginia, Wisconsin, New York, and elsewhere.

Furthermore, you would be meeting a desperate need not of a few people who want to fly overseas a little faster but of the hundreds of thousands of people who need new homes and cannot afford them, who are now living in inadequate housing, doubled up with relatives, living in trailers, living under circumstances that are undignified and unnecessary.

Mr. President, I am about to conclude. In concluding, let me say that I think we ought to recognize that other programs would contribute more to the quality of life in this country, as well as to jobs, far better than the SST.

One of the most ironic figures, which I cannot get out of my mind, is the fact that we are being asked to spend $290 million this year to produce an SST that will pollute the environment, pollute the air, and we are spending $105 million to combat air pollution. We are being asked to spend $290 million to increase air pollution and we are spending $105 million to reduce it. Does that make sense? It does not make sense to me. We are being asked to spend $290 million this year for transportation for one-half of 1 percent of the people, the jet set, to fly overseas, and we are spending $204 million this year for urban mass transportation for millions of people to get to work. Does that make any sense? I do not think so.

We are being asked to spend $290 million this year for the supersonic transport and $85 million in the entire country for consumer protection. In other words, we are spending some three times as much—more than three times as much—for the SST as we are for protecting the consumers of this country, and of course every American is a consumer.

These are programs which are vital to us all—not an SST which will get a tiny handfull of businessmen and tourists to Europe just a couple of hours faster.

Mr. President, the SST has no place in the Federal budget. If there is to be an American SST, let private industry finance and build it. That is the way every other U.S. aircraft has been built. That is the way to make and keep our aviation industry strong, not by panicking headlong into some competition with Britain and France and Russia to build a lemon that no one really wants.

Mr. President, this afternoon several scientists representing the National Academy of Sciences are making a presentation to William Magruder on the problem of the SST's potential environmental impact. The report apparently deals with the question of ozone depletion, and voices concern over the possible increase in ultraviolet radiation that might ensue. I spoke about that a little earlier in this speech. The National Academy of Sciences is going directly to the Department of Transportation and is trying to bring this matter to the attention of the people who are responsible. The question of ozone depletion has been hotly debated all summer and fall. We would welcome hearing what the impartial group from the National Academy of Sciences has to say. We have appealed to the Department of Transportation to give us this information. They have refused, as they have refused repeatedly to give us information on the reaction of the agencies to the environmental study that was made available to them by the Department of Transportation on the effect the SST would have on the environment. On both these points the Department of Transportation has not made the information available.

Mr. President, in mid-September, the Department of Transportation filed its preliminary draft of a section 102 environmental report with the Council on Environmental Quality. That was required by the Environmental Quality Act. Eleven Federal agencies, under the law, were to submit comments on the report within 30 days. That was in September. Those reports should all have been in by now. My staff called the Department of Transportation last Wednesday, more than 60 days after the time the initial report was filed, and asked the Department of Transportation about these agency comments. We were told that the Department of Transportation has only some of these reports, that DOT would not make available the comments that it does have.

In other words, we are being asked to vote on a $290 million appropriation without having information available, which is the very purpose of that act. Why are these reports supposed to be made? They are supposed to be made so that Congress will be fully informed and will know what the situation is when it votes on these appropriations. Otherwise, we might as well not have such a requirement. The Senate is entitled to have these comments. There is no excuse for not making them available, either. Clamping the lid of secrecy on these comments at the very time when the Senate is about to make a decision on the SST is totally without justification.

Mr. President, I ask unanimous consent that the two articles from the New York Times and an editorial be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NIXON TEAM FACES TEST—STICKING TO PRINCIPLES ON BUDGET

(By Edwin L. Dale, Jr.)

WASHINGTON.—A fundamental question is emerging as the Nixon Administration nears the final decisions on its budget—and economic policy—for next year. The question is simply stated: Will the Administration stick to its principles about the budget?

Despite a good deal of wavering on such things as school integration, this Administration has tried to have some principles, particularly in the sphere of economic policy. On the matter of Government spending it has elaborated, and frequently stated, two principles of great importance:

Federal Government outlays should not exceed the yield of the tax system at high employment—that is, when the economy is operating with roughly 4 per cent unemployment.

Total tax rates—Federal, state and local—have gone about as high as they should go.

The principles have some interesting consequences, and the first people who should realize them are Governor Rockefeller and Mayor Lindsay.

If the first principle is lived up to in the next budget, there will be no more than about $228-billion of outlays. Given a depressing array of unavoidable increases in existing expenditures, starting with the pay of the millions of Federal employes, this outside limit means— esteemed Governor and Mayor—that there is not much extra dough for you. A little, yes; but not much.

It will, in fact, require a major act of will by Mr. Nixon to keep expenditures as low as $228-billion, without granting the states and cities an extra nickel apart from the slow-starting revenue-sharing plan he already has proposed.

The fascinating thing about the high-employment budget concept is that it sets a much firmer ceiling on expenditures than all of the old budget concepts. A second-year student in public finance can calculate in 10 minutes what "high employment revenues" will be, with a range of error of no more than $5-billion in a budget of well more than $200-billion.

The reason for this is that "full employment" gross national product is a reasonably precise figure, and the revenue from any given G.N.P. is also a known figure, within very limited error. Paul W. McCracken, the chairman of the Council of Economic Advisers, has not only conceded this point but has expressed gratification that the high employment budget principle sets an outside limit on expenditures.

And so it does. The figure is about $228-billion for the fiscal year 1972, give or take a few billion. The only thing that could change the figure is an increase in tax rates; but that, apart from being politically unlikely, violates the second principle.

The balanced full-employment budget concept has another implication. If it is adhered to, there is no such thing as a strongly stimulative Government fiscal policy, to help the economy return to full employment. Without going into all the nuances, budget policy can be a little stimulative, but not massively so. By the same token, it is important to remember, there is no such thing under this concept as a dangerously inflationary Government fiscal policy.

One does not bother about an actual deficit in the budget, except for the possible impact on the money market and interest rates because of Government borrowing. But, by the same token, one knows that a deficit, as such, is not stimulative. Revenues are low because the economy is sluggish. Indeed the budget itself—its actual expenses and revenues—hardly means anything at all in the economic sense: "deflationary" or "inflationary," stimulative or contractionary. A budget with a small high-employment surplus—the aim outlined by the Administration—is essentially neutral.

The clear companion to the idea—though not always stated—is that Federal Reserve monetary policy must do the expanding or contracting.

The only way to have an overtly stimulative budget is to raise expenditures—or cut taxes—so that there will be a high-employment deficit. This conclusion is now a fairly widely accepted gospel, and not only in this country. It could be done, of course, and there is already vague talk of it for next year, both inside and outside the Administration.

Gardner Ackley, the former chairman of the Council of Economic Advisers, said openly the other day that he would not mind a high-employment deficit next year, given the present degree of unemployment and idle plant capacity.

But such a decision by this Administration would be a clear breach of principles long enunciated. It could well add to the "inflationary expectations" that still are only

barely beneath the surface in this society, including the financial markets.

One can grant that consistency is the hobgoblin of little minds. One can even argue that consistency is good in some things and not in others. But one can wonder, too, whether a society can live well with a Government that has a forked tongue.

[From the New York Times, Nov. 27, 1970]

CITIES CUT BACK JOBS AND SERVICES IN FINANCIAL PINCH—ACTION IS FORCED BY INFLATION AND DECLINING TAX BASE—MANY CONFRONT CRISIS

(By Paul Delaney)

WASHINGTON.—The twin pressures of continued inflation and a declining tax base are forcing many of the nation's major cities to lay off workers, trim services and adopt other belt-tightening measures.

Reports from cities around the country this week showed that those city officials who had earlier complained of financial troubles are now warning that the situation may be reaching crisis proportions. And even in those cities where the picture is less bleak—such as Atlanta, Milwaukee and Houston—municipal leaders say they fear a change for the worse in the near future.

The financial problems of the cities were exemplified in New York last week when Mayor Lindsay laid off 500 employees to save the city $2-million a year. And the Mayor and 25 top officials agreed to take $1,000-a-year pay cuts as their personal response to the budget crisis.

RUNNING OUT OF FUEL

Baltimore's Mayor, Thomas J. D'Alesandro 3d, likens the money supply for his city to fuel for Gen. George S. Patton's tanks:

"You run as far as you can, but when you run out of gas you've got to stop."

Boston's budget director, Richard E. Wall, said that next year "is going to be a bad year, our expenses are very great and rapidly increasing." And Richard Clark, budget director of Denver, commented:

"The basic situation is that over a period of at least 10 years our expenditures have increased at a rate of from 10 to 12 per cent, while revenues from the existing tax structure have increased about 3 or 4 per cent a year."

The National League of Cities reports that while local governments have raised their tax collections by 499 per cent since World War II, city costs have risen by almost 550 per cent.

The cities are caught in the crunch of increased operating costs, added to the exodus of higher income groups and industry, leaving the inner cities to lower income residents, which results in a lower tax base.

To meet the growing problems, city officials have taken a number of steps, as follows:

Cuts in city service, programs and budgets are becoming widespread. San Diego reduced downtown rubbish collections from twice weekly to once a week, the same as the residential schedule. Because of the defeat of a tax proposal, in the Nov. 3 election, trash collection and snow removal in Cleveland will be sharply cut this winter.

Dallas has shelved the planned construction of a $50-million city hall and cut expenditures for equipment for the fire and police departments, for street resurfacing, traffic control programs, land purchases and community health programs.

"The curtailed capital expansion program is at the expense of the future," George Schrader, the assistant city manager, remarked. "The curtailment of planning efforts in a community such as Dallas is a reduction of services."

NO MONEY FOR TREES

In Kansas City, Mo., a monument to the city's money crisis is 6,000 dead elm trees. No funds were appropriated to replace them and money to remove the dead ones has not been provided to contend with the Dutch elm disease that is killing them.

In Los Angeles, there is no money for several new station houses, scientific equipment helicopters and a special department for police liaison with citizens.

Vacancies are not being filled. Mayor D'Alesandro of Baltimore ordered all city department heads to hold the line on planning, and to draw up an alternate set of figures 5 per cent below current spending. Denver will save $1.3-million by not filling vacancies this year. And several departments in Pittsburgh are operating far below strength. Kansas City is not filling police department vacancies.

Layoffs and dismissals are becoming common. In Cleveland, 89 police cadets were laid off. Mayor Peter F. Flaherty of Pittsburgh began an austerity drive by discharging 30 cleaning women and has dismissed a total of 350 since he took office last January. Another 300 city employes reportedly will be let go early next year.

Almost all cities have increased taxes, but that is a step many politicians are reluctant to take, especially in an election year. Several elections will be held next year, and the money crisis is already a major political issue in many places.

In Seattle the City Council cut $1.5-million from Mayor Wes Uhlman's $88.8-million budget for the 1971 fiscal year. The Mayor branded the cut "a strange witches' brew of ineptitude and backroom politics," and the fight was on. The city, meanwhile, enacted increases in water and sewer rates. The theory is that if the council adopts the requested budget, there will be no cuts in city services.

BIG RISE IN TAX

In Los Angeles, Mayor Samuel W. Yorty complained that the tax on his home jumped from $1,408 in 1969 to $2,128 this year under a combined city-county rate schedule that rose this year to the highest level in history. Hartford's tax rate has nearly doubled since 1961, and the prospect is for further increases.

Kansas City's situation has been termed a near disaster. The voters rejected a 24-point revenue package last December that included a sales tax, a higher earnings tax and 17 bond propositions. A special election will be held Dec. 17 with only the earnings tax and a business profits tax on the ballot.

With the police department getting the biggest single share of the money, followed by the fire department, the drive to solicit support for the increased taxes has revolved around the "public safety" issue. However, the situation is complicated by the fact that a new city administration will be elected next March 30. Some citizens felt that the new administration should determine what kind of revenue package it wants and they recommended postponing the vote.

SLOWDOWN BY FIREMEN

The firemen have pressed demands for salary increases by engaging in a work slowdown. They are making only emergency repairs on their equipment and the fire alarm office will accept only emergency calls for resuscitators and actual fires.

Some cities' financial frustrations have been heightened by the loss of state and Federal aid because of declines in population. Some funds are granted on a per capita basis, and such cities as Cleveland, Baltimore, Chicago, New York, Los Angeles, Boston, San Francisco and Detroit will presumably lose some assistance. Some cities in Connecticut are considering asking the state General Assembly for massive fund increases.

Nevertheless, the National League of Cities has warned: "Central cities should not kid themselves that the state or Federal governments or the suburbs will come through with enough aid and relief to close the whole gap between local spending at the present rate of increase and local revenue from today's local tax practices."

"Once again the question is not whether, but how," the league says in its magazine, Nation's Cities. The question is not whether cities must do far more to help themselves financially, but how best the cities hold down their own local costs and step up their own local revenues."

"We were told by Mayor Flaherty to submit austerity budgets for 1971 and keep costs down," commented Joseph Cosetti, the city treasurer of Pittsburgh. "We are trying to apply new technology, new business machines and computers, but I think these just achieve better service without lowering costs.

"In February and March there were layoffs in every department. Lands and buildings [department] let out 30 cleaning women; the refuse department closed a city incinerator, resulting in 80 or 90 layoffs; cashiers, clerks, typists and appraisers have been laid off."

And, adding a political note similar to those that have kept a controversy going between Mayor Flaherty, who is politically independent, and other city officials, Mr. Cosetti said:

"We did that because in the past employment has been used by the Democratic organization. We asked 'Who do we need?' without regard to political consequences."

PATCHWORK PROCEDURE

Mr. Clark, Denver's budget director, says the city gets by with a "patchwork" procedure that consists of "taking money from capital construction, increasing the rate of taxes or introducing new taxes. You can't continue to exist without doing something of this nature."

William G. Sage, auditor-controller of San Diego, said his city was in better condition than many others, but might be in real trouble next year.

"We have been about three years behind other states in reaching the crisis stage, but our reserves are just about used up and things are getting worse all along." Mr. Sage said, "We'll need new sources of revenue, or we'll have to cut back services."

Atlanta's finance director, Charles Davis, explained that state law required the city to plan its expenditures below the previous year's income. Thus, he said, Atlanta is in excellent shape."

In addition, the Federal Government contributes $50-million for urban renewal, the model cities program, the airport and other projects, as well as $— million for pollution abatement. But Mr. Davis was concerned that if the Federal Government reduced its aid, the city would have to pay the tab.

Houston ended 1969 with a surplus of $14-million, and the healthy financial picture that is expected to continue because the tax bases have been broadened to include alcoholic beverages, tobacco products and building materials.

Credit for Houston's enviable financial situation is given to Mayor Louie Welch, who is regarded as an adept money manager.

[From the New York Times, Nov. 28, 1970]

SHOWDOWN FOR THE SST

The approval by the Senate Appropriations Committee of additional funds for the supersonic transport was no surprise. The real showdown on this hotly disputed issue will come in the next few days on the Senate floor where advocates of the SST will encounter much stiffer opposition.

Like most complicated human enterprises, the supersonic transport was conceived and has been pushed forward for a variety of reasons, some good and some bad, some deliberate and some almost unconscious. Basically, the plane is another advance in aviation technology, and every technology has its own inherent momentum.

If something is technically possible, the natural impulse of technicians is to do it, regardless of the cost or consequences. But the technological impulse has met a powerful check in the environmental argument. Ear-splitting noise, architectural and physical damage, and supersonic pollution are convincing reasons for not carrying airplane development to this further stage.

National prestige is yet another argument for this plane. No powerful nation can entirely ignore considerations of prestige. But a country which was first to put men on the moon need hardly worry about its ranking in the ratrace of the nations. Such a country can afford to invest its wealth in more mundane and useful undertakings such as medical schools, child care centers, passenger trains, and sewage disposal plants.

Advocates of the plane have of late returned full circle to their original chief argument, which is economic. You may not like the sonic booms or the terrifying noise at ground level, they say, but the United States has to develop the plane anyway to protect its balance of payments. The Russians and a British-French combination are building their own planes, and these foreign models will capture the SST market if the United States holds back. Leading economists have repeatedly demonstrated that this economic case has many holes, but it will undoubtedly be presented in the Senate again as if it were air tight.

With the struggle over this project now reaching the critical point, personalities also play a part. A pair of popular and influential committee chairmen—Senators Magnuson and Jackson of Washington—are lobbying intensively for the SST because much of the work would be done by the Boeing Company in their state. It is regrettable that there is no coherent policy for making use of the talents of the unemployed engineers and technicians in Seattle, San Diego and other centers of high unemployment.

But if the Congress wants to rescue them with public funds, there are many more productive projects than SST in which they can be used. In any event, Senators would be abysmally irresponsible to decide this important question not on its merits but because they want to do a personal favor for "Maggie" Magnuson and "Scoop" Jackson.

On balance, the arguments for stopping the SST are decisive. The plane has no dependable markets since the airlines do not really want it. The noise pollution would be severe. The ecological threat to the air in the stratosphere from the plane's vapor is indeterminable and could be catastrophic. More American prestige in this field would be superfluous. The resources of the Boeing Company and the talents of its ex-employes could be put to better use. In short, before the Government's commitment becomes fantastically expensive and irrevocable, the Senate should put a stop to the SST now and for the foreseeable future.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 6951. An act to enact the Interstate Agreement on Detainers into law; and

H.R. 15216. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes.

OCCUPATIONAL SAFETY AND HEALTH ACT

Mr. YARBOROUGH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2193.

The PRESIDING OFFICER (Mr. BAYH) laid before the Senate the amendments of the House of Representatives to the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes, which were to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Occupational Safety and Health Act".

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be its purpose and policy, through the exercise of its powers, to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources—

(1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions.

(3) by creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an Occupational Safety and Health Appeals Commission for carrying out adjudicatory functions under the Act;

(4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;

(5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;

(6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

(8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

(9) by providing for the development and promulgation of occupational safety and health standards;

(10) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;

(11) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(12) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;

(13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Labor.

(2) The term "Safety and Health Appeals Commission" means the Occupational Safety and Health Appeals Commission established under section 12 of this Act.

(3) The term "Board" means the National Occupational Safety and Health Board established under section 8 of this Act.

(4) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than a State as defined in paragraph (8) of this subsection), or between points in the same State but through a point outside thereof.

(5) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(6) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

(7) The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce.

(8) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(9) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(10) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (a) has been adopted and promulgated by a nationally recognized public or private standards-producing organization possessing technical competence and under a consensus method which involves consideration of the views of interested and affected parties and (b) has been designated by the Board, after consultation with other appropriate Federal agencies.

(11) The term "established Federal standard" means any operative occupational safety and health standard established by any agency of the United States and presently in effect, or contained in any Act of Congress in force on the date of enactment of this Act.

APPLICABILITY OF ACT

SEC. 4. This Act shall apply only with respect to employment performed in a workplace in a State, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, or the Canal Zone, except that this Act shall not apply to any vessel underway on the Outer Continental Shelf lands. The Secretary of the Interior shall, by regulation, provide for judicial enforcement of this Act by the courts established for areas in which there are no Federal district courts having jurisdiction.

DUTIES OF EMPLOYERS

SEC. 5. Each employer—

(a) shall furnish to each of his employees employment and a place of employment which are free from any hazards which are readily apparent and are causing or are likely to cause death or serious physical harm to his employees;

(b) shall comply with occupational safety and health standards promulgated under this Act.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

SEC. 6. (a) The National Occupational Safety and Health Board established under section 8 of this Act is authorized to promulgate rules prescribing occupational safety and health standards in accordance with sections 556 and 557 of title 5, United States Code.

(b) Without regard to the provisions of sections 553, 556, and 557, title 5, United States Code, the Board shall, as soon as practicable, but in no event later than three years after the date of enactment of this Act, by rule promulgate as an occupational safety and health standard, any national consensus standard or any established Federal standard, unless it determines that the promulgation of such a standard as an occupational safety and health standard would not result in improved safety or health for affected employees. In the event of conflict among such standards, the Board shall promulgate the standard which assures the greatest protection of the safety or health of the affected employees. Such national consensus standard or established Federal standard shall take effect immediately upon publication and remain in effect until superseded by a rule promulgated pursuant to subsection (a) of this section.

(c) (1) Whenever the Board promulgates any standard, makes any rule, order, decision, grants any exemption or extension of time, it shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register; and

(2) Whenever a rule issued by the Board differs substantially from an existing national consensus standard, the Board shall include in the rule issued a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

(d) Any agency may participate in the rulemaking under this section.

(e) The Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) may submit a request to the Board at any time to establish or modify occupational safety and health standards indicated in the request. Within sixty days from the receipt of the request, the Board shall commence proceedings under this section.

(f) Any interested person may also submit a request in writing to the Board at any time to establish or modify occupational safety and health standards. The Board shall give due consideration to such request and may commence proceedings under this section on the basis of such request.

(g) If, prior to the publication of the rule, an interested person or agency which submitted written data, views, or arguments makes application to the Board for leave to adduce additional data, views, or arguments and such person or agency shows to the satisfaction of the Board that additions may materially affect the result of the rulemaking procedure and that there were reasonable grounds for failure to adduce such additions earlier, the Board may receive and consider such additions.

(h) In determining the priority for establishing standards under this section, the Board shall give due regard to the need for mandatory safety and health standards for particular industries, trades, crafts, occupations, businesses, workplaces or work environments. The Board shall also give due regard to the recommendations of the Secretary and the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

(i) (1) The Board shall provide without regard to requirements of Ch. 5, title 5, United States Code, for an emergency temporary standard to take immediate effect upon publication in the Federal Register if it determines (A) that employees are exposed to grave danger from exposure to substances determined to be toxic or from new hazards resulting from the introduction of new processes, and (B) that such emergency standard is necessary to protect employees from such danger.

(2) Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.

(3) Upon publication of such standard in the Federal Register the Board shall commence a hearing in accordance with sections 556 and 557 of title 5, United States Code, and the standard as published shall also serve as a proposed rule for the hearing. The Board shall promulgate a standard under this paragraph no later than six months after publication of the emergency temporary standard as provided in paragraph (2) of this subsection.

(j) (1) Whenever the Board upon the basis of information submitted to it in writing by an interested person (including a representative of an organization of employers or employees, or a nationally recognized standards-producing organization) or by the Secretary or the Secretary of Health, Education, and Welfare, a State or a political subdivision of a State, or on the basis of information otherwise available to it, determines that a rule should be prescribed under subsection (a) of this section, the Board may appoint an advisory committee as provided for in section 7(e) of this Act, which shall submit recommendations to the Board regarding the rule to be prescribed which will carry out the purposes of this Act, which recommendations shall be published by the Board in the Federal Register, either as part of a subsequent notice of proposed rulemaking or separately. The recommendations of an advisory committee shall be submitted to the Board within two hundred and seventy days from its appointment, or within such longer or shorter period as may be prescribed by the Board, but in no event may the Board prescribe a period which is longer than one year and three months.

(2) After the submission of such recommendations, the Board shall, as soon as practicable and in any event within four months, schedule and give notice of a hearing on the recommendations of the advisory committee and any other relevant subjects and issues. In the event that the advisory committee fails to submit recommendations within two hundred and seventy days from its appointment (or such longer or shorter period as the Board has prescribed (the Board shall make a proposal relevent to the purpose for which the advisory committee was appointed, and shall within four months schedule and give notice of hearing thereon. In either case, notice of the time, place, subjects, and issues of any such hearing shall be published in the Federal Register thirty days prior to the hearing and shall contain the recommendations of the advisory committee or the proposal made in absence of such recommendation. Prior to the hearing interested persons shall be afforded an opportunity to submit comments upon any recommendations of the advisory committee or other proposal. Only persons who have submitted such comments shall have a right at such hearing to submit oral arguments, but nothing herein shall be deemed to prevent any person from submitting written evidence, data, views, or arguments.

(k) The Board shall within sixty days (where an advisory committee is utilized) or one hundred and twenty days (where no advisory committee is utilized) after completion of the hearing held pursuant to section 6(a) issue a rule promulgating, modifying, or revoking an occupational safety and health standard or make a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date for such period (not in excess of ninety days) as the Board determines may be appropriate to insure that affected employees are given an opportunity to familiarize themselves and their employees with the requirements of the standard.

(l) Any affected employer may apply to the Board for a rule or order for an exemption from the requirements of section 5(b) of this Act. Affected employees shall be given notice by the employer of each such application and an opportunity to participate in a hearing. The Board shall issue such rule or order if it determines on the record, after an opportunity for an inspection and a hearing, that the proponent of the exemption has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the Board on its own motion in the manner, prescribed for its issuance at any time after six months after its issuance.

(m) Standards promulgated under this section shall prescribe the posting of such labels or warnings as are necessary to apprise employees of the nature and extent of hazards and of the suggested methods of avoiding or ameliorating them.

ADVISORY COMMITTEES

SEC. 7. (a) There is hereby established a National Advisory Committee on Occupational Safety and Health (hereafter in this section referred to as the "Committee") consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare, without regard to the civil service laws and composed equally of representatives of management, labor and the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

(b) The Committee shall advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

(c) The members of the Committee shall be compensated in accordance with the provisions of subsection 8(g) of this Act.

(d) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

(e) An advisory committee which may be utilized by the Board in its standard-setting functions under section 6 of this Act shall consist of not more than fifteen members and shall include as a member one or more designees of the Secretary of Health, Education, and Welfare, and also as a member one or more designees of the Secretary of Labor and shall include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employers involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more representatives of health and safety agencies of the States. An advisory committee may also include such other persons as the Board may appoint who are qualified by knowledge and experience to make a useful contribution to the work of such committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health, and one or more representatives of nationally recognized standards-producing organizations, but the number of persons so appointed to any advisory committee shall not exceed the number appointed to such committee as representatives of Federal and States agencies. Persons appointed to advisory committees from private life shall be compensated in the same manner as consultants or experts under section 8(g) of this Act. The Board shall pay to any State which is the employer of a member of such committee who is a representative of the health or safety agency of that State, reimbursement sufficient to cover the actual cost to the State resulting from such representative's membership on such committee. Any meeting of such committee shall be open to the public and an accurate record shall be kept and made available to the public. No member of such committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

NATIONAL OCCUPATIONAL SAFETY AND HEALTH BOARD

SEC. 8. (a) The National Occupational Safety and Health Board is hereby established. The Board shall be composed of five members, having a background either by reason of previous training, education, or experience in the field of occupational safety or health, who shall be appointed by the President, by and with the consent of the Senate, and shall serve at the pleasure of the President. One of the five members may be designated at any time by the President to serve as Chairman of the Board.

(b) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title V of the United States Code is amended as follows:

(1) Section 5314 (5 U.S.C. 5314) is amended by adding at the end thereof the following: "(54) Chairman, National Occupational Safety and Health Board.".

(2) Section 5315 (5 U.S.C. 5315) is amended by adding at the end thereof the following: "(92) Members, National Occupational Safety and Health Board.".

(c) The principal office of the Board shall be in the District of Columbia. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the Secretary of the Board.

(d) The Chairman of the Board, shall, without regard to the civil service laws, appoint and prescribe the duties of a Secretary of the Board.

(e) The Chairman shall be responsible on behalf of the Board for the administrative operations of the Board, and shall appoint, in accordance with the civil service laws, such officers, hearing examiners, agents, attorneys, and employees as are deemed necessary and to fix their compensation in accordance with the Classification Act of 1949, as amended.

(f) Three members of the Board shall constitute a quorum.

(g) The Board is authorized to employ experts, advisers, and consultants or organizations thereof as authorized by section 3109 of title 5, Unied States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(h) To carry out its functions under this Act, the Board is authorized to issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(i) The Board may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Reasonable notice must first be given in writing by the Board or by the party or his attorney of record, which notices shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (j) of this section. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(j) In the case of contumacy by, or refusal to obey a subpena served upon any person under this section, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(k) The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings.

DUTIES OF THE SECRETARY

Inspections, Investigations, and Reports

SEC. 9. (a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

(1) to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(2) to question any such employee and to inspect and investigate during regular working hours and at other reasonable times and within reasonable limits and a reasonable manner, any such area, workplace, or environment, and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein.

(b) If the employer, or his representative, accompanies the Secretary or his designated representative during the conduct of all or any part of an inspection, a representative authorized by the employees shall also be given an opportunity to do so.

(c) Each employer shall make, keep, and preserve for such period of time, and make available to the Secretary such record of his activities concerning the requirements of this Act as the Secretary may prescribe by regulation or order as necessary or appropriate for carrying out his duties under this Act.

(d) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumancy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(e) In carrying out his responsibilities under this Act, the Secretary is authorized to—

(1) use, with the consent of any Federal agency, the services, facilities, and employees of such agency with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or subdivision with or without reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS–18 in section 5332 of title 5, United States Code, including travel-time, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(3) delegate his authority under subsection (a) of this section to any agency of the Federal Government with or without reimbursement and with its consent and to any State agency or agencies designated by the Governor of the State and with or without reimbursement and under conditions agreed upon by the Secretary and such State agency or agencies.

(f) Any information obtained by the Secretary, the Secretary of Health, Education, and Welfare, or a State agency under this Act shall be obtained with a minimum burden upon employers, especially thoe operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(g) The Secretary shall prescribe such rules and regulations as he may deem necessary to carry out his responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment.

(h) There are hereby authorized to be appropriated such sums as the Congress shall deem necessary to enable the Secretary to

purchase equipment which he determines as necessary to measure the exposure of employees to working environments which might cause cumulative or latent ill effects.

CITATIONS AND SAFETY AND HEALTH APPEALS COMMISSION HEARINGS

SEC. 10. (a) If, upon the basis of an inspection or investigation, the Secretary believes that an employer has violated the requirements section 5, 6, or 9(c) of this Act, or subsection (e) of this section, or regulations prescribed pursuant to this Act, he shall issue a citation to the employer unless the violation is de minimis. The citation shall be in writing and describe with particularity the nature of the violation, including a reference to the requirement, standard, rule, order, or regulation alleged to have been violated.

(b) In addition, the citation shall include—

(1) the amount of any proposed civil penalties; and

(2) a reasonable time within which the employer shall correct the violation.

(c) The Secretary shall issue each citation within forty-five days from the concurrence of the alleged violation but for good cause the Secretary may extend such period up to a maximum of ninety days from such occurrence.

(d) If an employer notifies the Secretary that he intends to contest a citation issued under this section, the Secretary shall notify the Safety and Health Appeals Commission of the employer's intention and the Safety and Health Appeals Commisison shall afford the employer an opportunity for a hearing as provided in section 11 of this Act. However, if the employer fails to notify the Secretary within fifteen days after the receipt of the citation of his intention to contest the citation issued by the Secretary, the citation shall, on the day immediately following the expiration of the fifteen-day period, become a final order of the Safety and Health Appeals Commission.

(e) Each employer who receives a citation under this section shall prominently post such citation or copy thereof at or near each place a violation referred to in the citation occurred.

(f) No citation may be issued under this section after the expiration of three months following the occurrence of any violation.

(g) Whenever the Secretary compromises, mitigates, or settles any penalty assessed under this Act, he shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register.

OCCUPATIONAL SAFETY AND HEALTH APPEALS COMMISSION

SEC. 11. A. ORGANIZATION AND JURISDICTION—

(1) STATUS.—The Occupational Safety and Health Appeals Commission is hereby established as an independent agency in the Executive Branch of the Government. The members thereof shall be known as the Chairman of the Commission and the Commissioners of the Occupational Safety and Health Appeals Commission.

(2) JURISDICTION.—The Commission shall have such jurisdiction as is conferred on it by this Act.

(3) MEMBERSHIP.—(a) The Commission shall be composed of three Commissioners, appointed by the President, by and with the advice and consent of the Senate, solely on the grounds of fitness to perform the duties of the office.

(b) The salary of the Chairman of the Commission shall be equal to that provided for the executive level in section 5314, title 5, United States Code, and the salary of the remaining two Commissioners shall be in accordance with the executive level as provided in section 5315, title 5, United States Code.

(c) The terms of office of the Commissioners shall be as follows: one Commissioner shall be appointed for a term of two years, one Commissioner shall be appointed for a term of four years, and the remaining Commissioner for a term of six years, respectively. Their sucessors shall be appointed for terms of six years each, except that vacancy caused by death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A Commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(d) A Commissioner removed from office in accordance with the provisions of this section shall not be permitted at any time to practice before the Commission.

(4) ORGANIZATION.—The Commission shall have a seal which shall be judicially noticed.

(b) The President may at any time designate one of the three Commissioners to serve as Chairman of the Commission.

(c) A majority of the Commissioners shall constitute a quorum for the transaction of the Commission's business. A vacancy shall not impair its powers nor affect its duties.

(d) The principal office of the Commission shall be in the District of Columbia, but it may sit at any place within the United States giving due consideration to the expeditious conduct of its proceedings and the convenience of the parties.

(5) HEARING EXAMINERS.—(a) The Commission may appoint hearing examiners to conduct such business as the Commission may require. Each hearing examiner shall be an attorney at law and shall be selected from the Civil Service Commission list of individuals eligible for selection as administrative hearing examiners.

(b) Except as otherwise provided in this Act, the hearing examiners shall be subject to the laws governing employees in the classified civil service, except that appointments shall be made without regard to 5 U.S.C. 5108. Each hearing examiner shall receive compensation at a rate not less than the GS–16 level.

B. PROCEDURE—

(1) REPRESENTATION OF PARTIES.—The Secretary or his delegate shall be represented by the Solicitor of Labor or his delegate before the Commission. The respondent shall be represented in accordance with the rules of practice prescribed by the Commission.

(2) RULES OF PRACTICE, PROCEDURE, AND EVIDENCE.—The proceedings of the Commission shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the Commission may prescribe and in accordance with the rules of evidence applicable in trials without a jury in the United States District Court of the District of Columbia.

(3) SERVICE OF PROCESS.—The mailing by certified mail or registered mail of any pleading, decision, order, notice or process in respect of proceedings before the Commission shall be held sufficient service of such pleading, decision, order, notice, or process.

(4) ADMINISTRATION OF OATHS AND PROCUREMENT OF TESTIMONY.—For the efficient administration of the functions vested in the Commission any Commissioner of the Commission, the clerk of the Commission, or any other employee of the Commission designated in writing for the purpose by the Chairman of the Commission, may administer oaths, and any Commissioner may examine witnesses and require, by subpena ordered by the Commission and signed by the Commissioner (or by the Secretary of the Commission or by any other employee of the Commission when acting under authority from the Secretary of the Commission—

(a) The attendance and testimony of witnesses, and the production of all necessary books, papers, documents, correspondence, and other evidence, from any place in the United States at any designated place of hearing, or

(b) The taking of a deposition before any designated individual competent to administer oaths under this title. In the case of a disposition the testimony shall be reduced to writing by the individual taking the deposition or under his direction and shall then be subscribed by the deponent.

(5) WITNESS FEES.—(a) Any witness summoned or whose deposition is taken shall receive the same fees and mileage as witnesses in courts of the United States.

(b) Such fees and mileage and the expenses of taking any such deposition shall be paid as follows:

(A) In the case of witnesses for the Secretary or his delegate, such payments shall be made by the Secretary or his delegate out of any moneys appropriated for the enforcement of this Act and may be made in advance.

(B) In the case of any other witnesses, such payments shall be made, subject to rules prescribed by the Commission, by the party at whose instance the witness appears or the deposition is taken.

(6) HEARINGS.—Notice and opportunity to be heard upon any proceeding instituted before the Commission shall be given to the respondent and the Secretary or his delegate. If an opportunity to be heard upon the proceedings is given before a hearing examiner of the Commission, neither the respondent nor the Secretary nor his delegate shall be entitled to notice and opportunity to be heard before the Commission upon review, except upon a specific order of the Chairman of the Commission. Hearings before the Commission shall be open to the public, and the testimony, and, if the Commission so requires, the argument, shall be stenographically reported. The Commission is authorized to contract for the reporting of such hearings, and in such contract to fix the terms and conditions under which transcripts will be supplied by the contractor to the Commission and to others and agencies.

(7) REPORTS AND DECISIONS.—(a) A report upon any proceeding instituted before the Commission and a decision thereon shall be made as quickly as practicable. The decision shall be made by a Commissioner in accordance with the report of the Commission, and such decision so made shall, when entered, be the decision of the Commission.

(b) It shall be the duty of the Commission to include in its report upon any proceeding its findings of fact or opinion or memorandum opinion. The Commission shall report in writing all its findings of fact, opinions, and memorandum opinions.

(c) A decision of the Commission dismissing the proceeding shall be considered as its decision.

(8) PROCEDURES IN REGARD TO THE HEARING EXAMINERS.—(a) A hearing examiner shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such hearing examiner by the Chairman of the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceeding.

(b) The report of the hearing examiner shall become the report of the Commission within thirty days after such report by the hearing examiner unless within such period any Commissioner has directed that such report shall be reviewed by the Commission. Any preliminary action by a hearing examiner which does not form the basis for the entry of the final decision shall not be subject to review by the Commission except in accordance with such rules as the Commission may prescribe. The report of a hearing examiner shall not be a part of the record in any case in which the Chairman directs that such report shall be reviewed by the Commission.

(9) PUBLICITY OF PROCEEDINGS.—All reports

of the Commission and all evidence received by the Commission, including a transcript of the stenographic report of the hearings, shall be public records open to the inspection of the public; except that after the decision of the Commission in any proceeding which has become final the Commission may, upon motion of the respondent or the Secretary or his delegate, permit the withdrawal by the party entitled thereto of originals of books, documents, and records, and of models, diagrams, and other exhibits, introduced in evidence before the Commission; or the Commission may, on its own motion, make such other disposition thereof as it deems advisable.

(10) PUBLICATION OF REPORTS.—The Commission shall provide for the publication of its reports at the Government Printing Office in such form and manner as may be best adapted for public information and use, and such authorized publication shall be competent evidence of the reports of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. Such reports shall be subject to sale in the same manner and upon the same terms as other public documents.

(11) Upon issuance of a citation and notification of the Commission, pursuant to section 10, the Commission shall afford an opportunity for a hearing, and shall issue such orders, and make such decisions, based upon findings of fact, as are deemed necessary to enforce the Act.

C. MISCELLANEOUS PROVISIONS.—

(1) EMPLOYEES.—(a) Appointment and Compensation. The Commission is authorized in accordance with the civil service laws to appoint, and in accordance with the Classification Act of 1949 (63 Stat. 954; 5 U.S.C. chapter 21), as amended to fix the compensation of such employees, including a Secretary to the Commission, as may be necessary to efficiently execute the functions vested in the Commission.

(b) Expenses for Travel and Subsistence. The employees of the Commission shall receive their necessary traveling expenses, and expenses for subsistence while traveling on duty and away from their designated stations, as provided in the Travel Expense Act of 1949 (63 Stat. 166; 5 U.S.C., chapter 16).

(2) EXPENDITURES.—The Commission is authorized to make such expenditures (including expenditures for personal services and rent at the seat of Government and elsewhere, and for law books, books of reference, and periodicals), as may be necessary to efficiently execute the functions vested in the Commission. All expenditures of the Commission shall be allowed and paid, out of any moneys appropriated for purposes of the Commission, upon presentation of itemized vouchers therefor signed by the certifying officer designated by the Chairman.

(3) DISPOSITION OF FEES.—All fees received by the Commission shall be covered into the Treasury as miscellaneous receipts.

(4) FEE FOR TRANSCRIPT OF RECORD.—The Commission is authorized to fix a fee, not in excess of the fee fixed by law to be charged and collected therefor by the clerks of the district courts, for comparing, or for preparing and comparing, a transcript of the record, or for copying any record, entry, or other paper and the comparison and certification thereof.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

SEC. 12. (a) The United States district courts shall have jurisdiction, upon petition of the Secretary, to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act.

(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to section 11 of this Act. The proceeding shall be as provided by Rule 65 of the Federal Rules, Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

(c) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) exist in any place of employment, he shall inform the affected employees and employers of the danger and that he is recommending to the Secretary that relief be sought.

(d) If the Secretary unreasonably fails to petition the court for appropriate relief under this section and any employee is injured thereby either physically or financially by reason of such failure on the part of the Secretary, such employee may bring an action against the United States in the Court of Claims in which he may recover the damages he has sustained, including reasonable court costs and attorney's fees.

(e) In any case where a temporary restraining order is obtained under this section by the Secertary, the court which grants such relief shall set a sum which it deems proper for the payment of such costs, damages, and attorney's fees as may be incurred or suffered by any employer who is found to have been wrongfully restrained or enjoined. In no case shall any employer wrongfully restrained or enjoined be entitled to a recovery for costs, damages, and attorney's fees in excess of the sum set by the court.

JUDICIAL PROCEEDINGS

SEC. 13. (a)(1) Any employer required by an order of the Commission to comply with the standards, regulations, or requirements under this Act, or to pay a penalty, may obtain judicial review of such order by filing a petition for review, within sixty days after service of such order, in the United States court of appeals for the circuit wherein the violation is alleged to have occurred or wherein the employer has its principal office. A copy of the petition shall forthwith be transmitted by the clerk of the court to the Commission and to the Secretary.

(2) The Secretary may also obtain judicial review or enforcement of a decision of the Commission as provided in subsection (1) of this section.

(3) Until the record in a case shall have been filed in a court, as herein provided, the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part any finding, order, or rule made or issued by it.

(4) Upon the filing of a petition for review under this section, such court shall have jurisdiction of the proceeding and shall have power to affirm the order of the Commission, or to set aside, in whole or in part, temporarily or permanently, and to enforce such order to the extent that it is affirmed. To the extent that the order of the Commission is affirmed, the court shall thereupon issue its own order requiring compliance with the terms of the order of the Commission. The commencement of proceedings under this paragraph shall not, unless specifically ordered by the court, operate as a stay of the order of the Commission.

(5) No objection to the order of the Commission shall be considered by the court unless such objection was urged before the Commission or unless there were reasonable grounds for failure to do so. The findings of the Commission as to the facts, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Commission for the taking of additional evidence in such manner and upon such terms and conditions as the court may deem proper, in which event the Commission may make new or modified findings and shall file such findings (which, if supported by substantial evidence on the record considered as a whole, shall be conclusive) and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence.

(6) The judgment of the court affirming or setting aside, in whole or in part, any order under this subsection shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(7) An order of the Commission shall become final under the same conditions as an order of the Federal Trade Commission under section 45(g) of title 15, United States Code.

(b) Any interested person affected by the action of the Board in issuing a standard under section 6 may obtain review of such action by the United States Court of Appeals for the District of Columbia by filing in such court within thirty days following the publication of such rule a petition praying that the action of the Board be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Board and thereupon the Board shall certify and file in the court the record upon which the action complained of was issued as provided in section 2112 of title 28, United States Code. Review by the court shall be in accord with the provisions of section 706 of title 5, United States Code. The court, for good cause shown, may remand the case to the Board to take further evidence, and the Board may thereupon make new or modified findings of fact and may modify its previous action and shall certify to the court the record of the further proceedings. The remedy provided by this subsection for reviewing a standard or rule shall be exclusive. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of a proceeding under this subsection shall not, unless specifically ordered by the court, delay the application of the Board's standards.

(c) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil suit in the name of the United States brought in the Federal district court in the district where the violation is alleged to have occurred or where the employer has its principal office.

(d) The Federal district courts shall have jurisdiction of actions to collect penalties prescribed in this Act and may provide such additional relief as the court deems appropriate to carry out the order of the Occupational Safety and Health Appeals Commission.

REPRESENTATION IN CIVIL LITIGATION

SEC. 14. Except as provided in section 518 (a) of title 28, United States Code, relating to litigation before the Supreme Court and the Court of Claims, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

CONFIDENTIALITY OF TRADE SECRETS

SEC. 15. All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be dis-

closed to other officers or employees concerned with carrying out this Act or when essential in any proceeding under this Act. However, any such information shall be recorded and presented off the official public record, and shall be kept and preserved separately.

VARIATIONS, TOLERANCES, AND EXEMPTIONS

SEC. 16. The Board, on the record, after notice and opportunity for a hearing may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as it may find necessary and proper to avoid serious impairment of the national defense. Such action shall not be in effect for more than six months without notification to affected employees and an opportunity being afforded for a hearing.

PENALTIES

SEC. 17. (a) Any employer who willfully or repeatedly violates the requirements of section 5 of this Act, any standard or rule promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

(b) Any citation for a serious violation of the requirements of section 5 of this Act, of any standard or rule promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, shall include a proposed penalty of up to $1,000 for each such violation.

(c) Any employer who violates the requirements of section 5 of this Act, any standard or rule promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, and such violation is specifically determined by the Secretary not to be of a serious nature, the Secretary may include in the citation issued for such violation a proposed penalty of up to $1,000 for each such violation.

(d) Any employer who violates any order or citation which has become final in accordance with the provision of section 10 of this Act may be assessed a penalty of up to $1,000 for each such violation. When such violation is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of assessing the penalty except where such order or citation is pending review under section 11 of this Act.

(e) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years or both. Whoever kills a person while engaged in or on account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

(f) Any employer who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed by the Commission a civil penalty of up to $1,000 for each such violation.

(g) Any person who discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, shall be assessed a civil penalty by the Commission of up to $10,000. Such person may also be subject to a fine of not more than $10,000 or imprisonment of a period not to exceed ten years or both.

(h) The Commission shall have authority to assess and collect all penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(i) For purposes of this section a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the Secretary determines that the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

STATE JURISDICTION AND STATE PLANS

SEC. 18. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any occupational safety or health issue with respect to which no standard is in effect under section 6.

(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b) or any modification thereof, if such plan in his judgment—

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and the enforcement of which standards) are or will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 which relate to the same issues, and which standards, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce,

(3) provides for a right of entry and inspection of all workplaces subject to the Act which is at least as effective as that provided in section 9(a)(1), and includes a prohibition on advance notice of inspections,

(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan,

(7) requires employers in the State to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect, and

(8) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(d) If the Secretary rejects a plan submitted under subsection (b), he shall afford the State submitting the plan due notice and opportunity for a hearing before so doing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 9, 10, 11, and 12 with respect to comparable standards promulgated under section 6, for the period specified in the next sentence. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such determination for at least three years after the plan's approval under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of sections 5(b), 9 (except for the purpose of carrying out subsection (c)), 10, 11, and 12, and standards promulgated under section 6 of this Act, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 10 or 11 before the date of determination.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(g) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition praying that the action of the Secretary be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan to be arbitrary and capricious, the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(h) The Secretary may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State until final action is taken by the Secretary with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this Act, whichever is earlier.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 19. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall (after consultation with representatives of the employees thereof)—

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;

(4) consult with the Secretary with regard to the adequacy as to form and content or records kept pursuant to subsection (a) (3) of this section; and

(5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section 7902(e) (2) of title 5, United States Code.

(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a) (5) of this section, together with his evaluations of and recommendations derived from such reports. The President shall transmit annually to the Senate and the House of Representatives a report of the activities of Federal agencies under this section.

(c) Section 7902(c) (1) of title 5, United States Code, is amended by inserting after "agencies" the following: "and of labor organizations representing employees".

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a) (3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

TRAINING AND EMPLOYEE EDUCATION

SEC. 20. (a) The Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor, the Board, and with other appropriate Federal departments and agencies, shall conduct, directly or by grants or contracts (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety and health equipment.

(b) The Secretary is also authorized to conduct (directly or by grants or contracts) short-term training of personnel engaged in work related to his responsibilities under this Act.

(c) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Act, and to consult with and advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illnesses.

GRANTS TO THE STATES

SEC. 21. (a) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States which have designated a State agency under section 18(c) to assist them (1) in identifying their needs and responsibilities in the area of occupational safety and health, (2) in developing State plans under section 18, or (3) in developing plans for—

(A) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(B) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; or

(C) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(b) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in subsection (a) of this section.

(c) The Governor of the State shall designate the appropriate State agency, or agencies, for receipt of any grant made by the Secretary under this section.

(d) Any State agency, or agencies, designated by the Governor of the State, desiring a grant under this section shall submit an application therefor to the Secretary.

(e) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(f) The Federal share for each State grant under subsection (a) or (b) of this section may be up to 90 per centum of the State's total cost. In the event the Federal share for all States under either such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

(g) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary pursuant to section 18 of this Act. The Federal share for each State grant under this subsection may be up to 50 per centum of the State's total cost. The last sentence of subsection (f) shall be applicable in determining the Federal share under this subsection.

(h) Prior to June 30, 1973, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to the President and to Congress, describing the experience under the program and making any recommendations he may deem appropriate.

ECONOMIC ASSISTANCE TO SMALL BUSINESSES

SEC. 22. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of "paragraph (5)" and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alteration in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of the Small Business Act, as amended, is amended by striking out "or (5)" after "paragraph (3)" and inserting a comma followed by "(5) or (6)".

(c) Section 4(c) (1) of the Small Business Act, as amended, is amended by inserting "7(b) (6)," after "7(b) (5),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b) (6) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

RESEARCH AND RELATED ACTIVITIES

SEC. 23. (a) (1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary, the Board, and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

(2) The Secretary of Health, Education, and Welfare shall from time to time consult with the Board in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including criteria identifying toxic substances, enabling the Board to meet its responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop and publish at least annually such criteria as will effectuate the purposes of this Act.

(3) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments, and demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

(4) The Secretary of Health, Education, and Welfare shall publish within six months of enactment of this Act and thereafter as needed but at least annually a list of all known toxic substances by generic family or other useful grouping, and the concentrations at which such toxicity is known to occur.

(5) The Board shall respond, as soon as possible, to a request by any employer or employee for a determination whether or not any substance normally found in a working place has toxic or harmful effects in such concentration as used or found.

(b) The Secretary of Health, Education, and Welfare is authorized to make inspections and question employers and employees as provided in section 9 of this Act in order to carry out his functions and responsibilities under this section.

(c) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In carrying out his responsibilities under this subsection, the Secretary and the Secretary of Health, Education, and Welfare shall cooperate in order to avoid any duplication of efforts under this section.

(d) Information obtained by the Secretary, the Board, and the Secretary of Health, Education, and Welfare under this section shall be disseminated by the Secretary to employers and employees and organizations thereof.

STATISTICS

SEC. 24. (a) In order to further the purposes of this Act, the Secretary shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. Such program may cover all employments whether or not subject to any other provisions of this Act but shall not cover employments excluded by section 4 of the Act.

(b) To carry out his duties under subsection (a) of this section, the Secretary may:

(1) Promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics.

(2) Make grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics.

(3) Arrange, through grants or contracts, for the conduct of such research and investigations as give promise of furthering the objectives of this section.

(c) The Federal share for each State grant under subsection (b) of this section may be up to 50 per centum of the States' total cost.

(d) The Secretary may, with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or political subdivision, with or without reimbursement, in order to assist him in carrying out his functions under this section.

(e) On the basis of the records made and kept pursuant to section 9(c) of this Act, employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act.

(f) Agreements between the Department of Labor and the States pertaining to the collection of occupational safety and health statistics already in effect on the effective date of this Act shall remain in effect until superseded by grants or contracts made under this Act.

EFFECT ON OTHER LAWS

SEC. 25. (a) Nothing in this Act shall be construed or held to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, occupational or other diseases, or death of employees arising out of, or in the course of, employment.

(b) Nothing in this Act shall apply to working conditions of employees with respect to whom other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021) exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(c) The safety and health standards promulgated under the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.), the Service Contract Act (41 U.S.C. 351 et seq.), and the National Foundation on Arts and Humanities Act (20 U.S.C. 951 et seq.), are deemed repealed and rescinded on the effective date of corresponding standards promulgated under this Act, as determined by the Secretary of Labor to be corresponding standards.

(d) Nothing in this Act shall apply to any employer who is a contractor or subcontractor for construction, alteration, and/or repair of buildings or works, including painting or decorating in the regular course of his business.

(e) The Secretary shall, within three years after the effective date of this Act, report to the Congress his recommendations for legislation to avoid unnecessary duplication and to achieve coordination between this Act and other Federal laws.

(f) Section 2 of the Act of August 9, 1969 (Public Law 91–54; 83 Stat. 96), is hereby amended to read as follows:

"SEC. 2. The first section and section 2 of the Act of August 13, 1962, are each amended by inserting 'and Construction Safety and Health' before 'standards' each time it appears."

(g) Subsection 107 of Public Law 91–54 (83 Stat. 96) is amended to read as follows:

"SEC. 107. (a)(1) It shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation based on proceedings pursuant to section 553 of title 5, United States Code, provided that such proceedings include a hearing of the nature authorized by said section. The Secretary of Labor shall consult with the Advisory Committee on Construction Safety and Health created by subsection (f) and shall give due regard to the Committee's recommendations and information in framing proposed rules or subjects and issues in setting standards in accordance with section 443 of title 5, United States Code.

"(2) Each employer as defined in section 3(6) of the Occupational Safety and Health Act who is a contractor or subcontractor for construction, alteration, and/or repair of buildings or works, including painting and decorating in the regular course of his business, shall comply with construction safety and health standards promulgated under this section."

(h) Subsection (b) of section 107 of Public Law 91–54 (83 Stat. 96) is amended to read as follows:

"(b)(1) The Secretary is authorized to make inspections and investigations pursuant to sections 9(a), (c), and (d) of the Occupational Safety and Health Act. If upon the basis of inspection or investigation, the Secretary believes that an employer subject to the provisions of section 107(a)(2) has violated any health or safety standard promulgated under section 107(a) of this Act, or has violated the condition required of any contract to which subsection (a) of this section applies, the Secretary shall issue a citation to the employer unless the violation is de minimis. The provisions of section 10 (except subsection (c) thereof) of the Occupational Safety and Health Act shall apply to citations issued under this Act. In issuing citations under this Act, the Secretary shall issue each citation at the earliest possible time from the occurrence of the alleged violation but in no event later than forty-five days from the occurrence of the alleged violation except that for good cause the Secretary may extend such period up to a maximum of ninety days from such occurrence. The provisions of section 12 of the Occupational Safety and Health Act shall also apply to this Act.

"(2) If, after notice and opportunity for hearing, the Commission determines that a violation has occurred of any condition prescribed by this section for a contract of the type described in clause (1) or (2) of section 103(a) of this Act, the governmental agency for which the contract work is done shall have the right to cancel the contract, and to enter into other contracts for the completion of the contract work, charging any additional cost to the original contractor. If, after notice and opportunity for hearing, the Commission determines that a violation has occurred of any condition prescribed by this section for a contract of the type described in clause 3 of section 103(a), the governmental agency by which financial guarantee, assistance, or insurance for the contract work is provided shall have the right to withhold any such assistance attributable to the performance of the contract. Section 104 of this Act shall not apply to the enforcement of this section."

(i) Subsection (c) of section 107 of Public Law 91–54 (83 Stat. 96) is hereby repealed and subsection (d) of that section is redesignated as subsection "(c)" and is amended to read as follows:

"(c)(1) If the Commission determines on the record after an opportunity for hearing that by repeated willful or grossly negligent violations of this Act, a contractor or subcontractor has demonstrated that the provisions of subsection (b) of this section and actions by the Secretary under paragraph (3) of this subsection are not effective to protect the safety and health of his employees, the Commission shall make a finding to that effect and shall, not sooner than thirty days after giving notice of the findings to all interested persons, transmit the name of such contractor or subcontractor to the Comptroller General.

"(2) The Comptroller General shall distribute each name so transmitted to him to all agencies of the Government. Unless the Commission otherwise recommends, no contract subject to this section shall be awarded to such contractor or subcontractor or to any person in which such contractor or subcontractor has a substantial interest until three years have elapsed from the date the name is transmitted to the Comptroller General. If, before the end of such three-year period, the Commission, after affording interested persons due notice and opportunity for hearing, is satisfied that a contrator or subcontractor whose name he has transmitted to the Comptroller General will thereafter comply responsibly with the requirements of this section, the Commission shall terminate the application of the preceding sentence to such contractor or sub-

contractor (and to any person in which the contractor or subcontractor has a substantial interest); and when the Comptroller General is informed of the Commission's action he shall inform all agencies of the Government thereof.

"(3) Any person aggrieved by an action of the Commission under subsections (b) or (c) of this section may seek a review of such action in the appropriate United States Court of Appeals pursuant to the provisions of section 13(a) of the Occupational Safety and Health Act. The Secretary may also obtain judicial review or seek enforcement as provided in section 13(a) and 13 (c) and (d), and section 14 of the Occupational Safety and Health Act."

(j) Section 107 of Public Law 91-54 (83 Stat. 96) is amended by adding a new subsection "(d)" immediately after the new section "(c)". Subsection (e) of section 107 of Public Law 91-54 (83 Stat. 96) is hereby redesignated as subsection "(f)" and subsection (f) of section 107 of Public Law 91-54 (83 Stat. 96) is accordingly redesignated as subsection "(g)". The new subsection "(d)" shall read as follows:

"(d)(1) Any employer who willfully or repeatedly violates the standards promulgated by the Secretary under section 107(a) of this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

"(2) Any citation for a serious violation of the standards promulgated by the Secretary under section 107(a) of this Act shall include a proposed penalty of up to $1,000 for each such violation.

"(3) Any employer who violates the standards promulgated by the Secretary under section 107(a) of this Act and such violation is specifically determined by the Secretary not to be of a serious nature, the Secretary may include in the citation issued for such a violation a proposed penalty of up to $1,000 for each such violation.

"(4) Any employer who violates any order or citation which has become final in accordance with the provisions of section 10 of the Occupational Safety and Health Act may be assessed a penalty of up to $1,000 for each such violation. When such violation is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of assessing the penalty except where such order or citation is pending review under section 11 of the Occupational Safety and Health Act.

"(5) Any employer who violates any of the posting requirements, as prescribed in section 10(e) of the Occupational Safety and Health Act, shall be assessed by the Commission a civil penalty of up to $1,000 for each such violation.

"(6) Any person who discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, shall be assessed a civil penalty by the Commission of up to $10,000. Such person may also be subject to a fine of not more than $10,000 or imprisonment of a period not to exceed ten years, or both.

"(7) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years or both. Whoever kills a person while engaged in or on account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

"(8) The Commission shall have authority to assess and collect all penalties provided in this section, giving due consideration to the appropriations of the penalty with respect to the size of the business being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

"(9) For the purpose of this subsection a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the Secretary determines that the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation."

AUDITS

SEC. 26. (a) Each recipient of a grant under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

REPORTS

SEC. 27. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of occupational safety and health, and any other relevant information, and including any recommendations to effectuate the purposes of this Act.

OBSERVANCE OF RELIGIOUS BELIEFS

SEC. 28. Nothing in this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such medical examination, immunization, or treatment is necessary for the protection of the health or safety of others.

APPROPRIATIONS

SEC. 29. There are authorized to be appropriated to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

EFFECTIVE DATE

SEC. 30. This Act shall take effect one hundred and twenty days after the date of its enactment.

SEPARABILITY

SEC. 31. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

And amend the title so as to read: "An Act to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes."

Mr. YARBOROUGH. Mr. President, I move that the Senate disagree to the amendments of the House and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon; and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. BAYH) appointed Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. PELL, Mr. NELSON, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, Mr. JAVITS, Mr. PROUTY, Mr. SAXBE, Mr. SCHWEIKER, and Mr. DOMINICK conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER (Mr. BAYH). The pending order of business is S. 4459, the proposed Consumer Protection Organization Act of 1970.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 1 minute p.m.) the Senate adjourned until tomorrow, Tuesday, December 1, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 30, 1970:

U.S. CIRCUIT COURTS

Donald R. Ross, of Nebraska, to be a U.S. circuit judge of the eighth circuit, vice Harry A. Blackmun, elevated.

U.S. DISTRICT COURTS

Franklin T. Dupree, Jr., of North Carolina, to be a U.S. district judge for the eastern district of North Carolina, vice a new position created by Public Law 91-272 approved June 2, 1970.

James H. Gorbey, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania, vice a new position created by Public Law 91-272, approved June 2, 1970.

EXTENSIONS OF REMARKS

OPERATION CORNERSTONE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 25, 1970

Mr. RARICK. Mr. Speaker, Cornerstone, HUD's controversial training program in Atlanta, Ga., is a classic disgrace in waste and wanton misdirection of taxpayer's dollars under the excuse of helping poor and unfortunate.

Even officials at HUD are concerned over continued subsidizing of revolutionary fronts providing an economic base for community organization activities to attack the American people and plot destruction of our country.

I include several memorandums from HUD officials and a story about "Cornerstone" by E. H. Rothschild from the January 1970 edition of Challenge, publication of HUD, Washington, D.C., at this point:

U.S. GOVERNMENT MEMORANDUM

(Confidential)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,

October 15, 1969.

To: Richard C. Van Dusen, Under Secretary.
From: Cornerstone Participants Listed Below.
Subject: The Cornerstone Project—Some Reservations.

The purpose of this memorandum is to call to your attention several reservations which we, as Cornerstone participants, believe severely detract from what might otherwise be a useful training experience for Departmental staff.

The first and most important criticism is the extreme bias built into the Cornerstone program. The Cornerstone staff, representing one viewpoint, places every neighborhood problem into a preconceived radical ideological framework. We do not think it is an exaggeration to say that the Cornerstone program is designed to force the participant into a radical or "New Leftist" ideological mold. We submit that it is extremely difficult for participants to arrive at objective conclusions in such an unobjective atmosphere. We should like to make clear that our criticism is not of the staff members' personal opinions, that is their own business. Rather, we object to the extension of these opinions into every facet of the program without giving due, indeed any, consideration to opposing points of view.

Our second criticism is directed at the cost of the service (previously $150, now $300 per person) as compared with the staff time and energies devoted to putting together a quality program for participants. The Cornerstone staff now consists of six or seven people. However, it appeared to us that the time of only two people was devoted to the program while the remainder of the staff was either not working or engaged in "community organization" (see below) activities. While the "loose-knit," "open-ended," "unstructured," approach that was taken in planning activities has been praised by some participants, we feel that these words are euphemisms for "mismanagement" and that the term "mismanagement" would more aptly describe the current Cornerstone situation.

Our third criticism is that the staff appears to be spending a large percentage (70 to 80 percent) of its time in community organization, similar to the Office of Economic Opportunity's Community Action Program-type activities. We came away with the feeling that the *participant portion of the project is primarily a device invented to provide an economic base for the community organization activities.* These activities, according to our observation, have taken the form of non-constructive attacks on local, state, and Federal programs and/or agencies operating in the neighborhood. The key question which we feel you should be alerted to is: Does the Department of Housing and Urban Development wish to subsidize a group that devotes 70 or more percent of its time to community organization-type activities that are in direct conflict and competition with OEO and Model Cities programs in the area? Please understand that we do not desire to destroy citizen opposition to public/HUD programs (as if that were possible). We do, however, question the advisability of having taxpayers subsidize this opposition under the guise of an employee training/education program.

As you are already aware, a number of our colleagues enthusiastically support all aspects of the Cornerstone Project. We do not. We believe that the project presents only one point of view, is not well managed, and is non-constructively involved in community organization activities. Its continuance as a HUD funded employee training project should be subject to serious question.

In view of the fact that the Cornerstone Project has both its supporters and detractors, we feel that it would be highly desirable for you to examine the Cornerstone program as a participant so that you could arrive at your own opinion as to its worth. However, we recognize that more important matters compete for your time. We would, therefore, recommend that you request a person to attend Cornerstone whose impartiality you have come to respect and to provide you with a report on the merits and/or demerits of the project. We strongly urge that such action be taken before HUD engages in any long-term training arrangement with Cornerstone and before you move to further encourage Departmental staff to participate in the project.

We appreciate the opportunity to make these views known to you and we would be happy to provide you with any additional information or be of service in any way.

RICHARD LEHMANN.
LEE RUDD.
MARGARET L. LINDSAY.
CHARLES K. MATHENY.
EDWARD WISE.

[From Challenge, publication of U.S. Dept. of Housing and Urban Development, Washington, D.C., January 1970]

CORNERSTONE—FACE TO FACE WITH POVERTY

(By E. H. Rothschild)

Rickety green wooden steps that lead up to the porch of 97 Love Street give little clue that this 60-year-old frame house is headquarters for Project Cornerstone. There is no sign on the door. The house is like hundreds of others that line the mostly unpaved streets in the Summerhill ghetto of Atlanta.

Once inside however, the similarity ends. It matters little to Kelly Kidd, dungaree-clad Project Director, whether you are a mayor, GS–18, or a drunk who has stumbled into the dark living room. Pretenses and credentials carry no importance here.

If you're hungry, you'll probably be directed toward the kitchen. If you can find something to eat, you'll have to move the pile of dirty pots and pans filling the sink to find a glass or dish, if you require such niceties. If you're tired, you may be able to talk your way into flopping for a while on one of the bunk beds covered by mattresses which resemble WWI Red Cross litters.

Randy Reynalds, a likable nineteen-year-old drop-out, flopped down six months ago, and is still around. Now a Cornerstone staff member, he receives room and board for varied chores such as carrying out garbage, painting the house, or acting as guide for participants who come to the Project from various Federal agencies.

HUNDREDS OF VOLUNTEERS

Hundreds of volunteers have come to Project Cornerstone in Atlanta since it was founded in 1966, for two-week seminars. Hopefully, they will learn what it's like to be a poor black American struggling to stay alive in a ghetto. Agencies such as HUD, HEW, Commerce and Labor send employees to introduce policy-making bureaucrats to what it's like looking up from the bottom.

Every day, 97 Love Street is crowded with 10 or 12 volunteers and three or four Cornerstone staff. Neighborhood children and adults seem to be drawn to the house and the friendly inhabitants. It takes a few days for a middle-class white newcomer to adjust to the cultural shock and lack of conveniences. Privacy, which most of us enjoy and take for granted in our own homes, doesn't exist in a house with one bathroom, two overcrowded bedrooms, a kitchen, a living room and front porch. But once settled, your attention is drawn away from yourself as you participate in the group activities.

"DO IT YOURSELF" BREAKFAST

A typical day at Project Cornerstone starts with a "do it yourself" breakfast. Afterward the group, dressed in casual attire, trudges up Love Street for a visit that may take it to the Mayor's office or a neighborhood bar. Brief trips to the emergency ward at Grady Memorial Hospital, the Model Cities Agency, the Southside Comprehensive Health Center and Juvenile Court permitted our group to observe first-hand how various Governmental programs and services were being dispensed.

Questions begin to get pointed after a day or two and pat answers are not left unchallenged very long. After lunch, discussions may last into the afternoon when participants once again go off to have a look at some other aspect of ghetto life.

None of the activity is tightly structured and this leaves great opportunity for initiative and personal search for both problems and answers. The intended course of a day's activity can change drastically from sunup to sundown.

Evenings, the project house comes alive as various speakers from organizations like the Southern Christian Leadership Conference (SCLC), Student Non-Violent Coordinating Committee (SNCC), Tenants Union For Fairness (TUFF), or a representative from the Mayor's office speak and exchange views in what frequently turns out to be a rough and tumble verbal confrontation.

Those who take issue with a topic can expect plenty of give and take. Conversations get intense as the guts of emotional issues such as racism are cut open and spill out for all to examine.

TIME TO "BUG OUT"

After a few days it's impossible not to begin examining your own hates and prejudices. This is the time to pack up and "bug out" unless you are willing and prepared to come face to face with the fact that your own beliefs are being questioned by none other than you.

I was privileged to be among the earliest HUD participants at Cornerstone, a group that numbered 50 by the end of 1969. During my two weeks it was hot and humid in Atlanta; the temperature did not drop very much at night and sleep became elusive.

I remember our group visiting the Georgia Surplus Food Distribution Center on a day when it was 97 degrees. This one center serves the 200,000 poor people of Fulton County with surplus food such as flour, beans, soup and other staples. Prison labor cuts open the brown cardboard boxes and dispenses pre-determined amounts as people walk along pushing their food on a roller conveyor gathering their month's supply. A family of ten is entitled to 327 pounds of food. No one seemed to know or care how a poor woman, having waited in line for three hours, can carry 327 pounds of can goods in 97 degree heat across the city or county to her home.

DISCUSSING JAIL OVER LUNCH

On another day, we visited Magistrate Court and listened while Atlanta's lower court judiciary conducted hearings. Most of the cases involved drunkenness, beatings or relatively minor crimes. After the hearings, our group discussed the sentences over lunch and almost unanimously agreed that the white southern Magistrate was enormously fair in measuring the penalty to the crime of predominantly black defendants.

Another day was spent at the new OEO-funded Southside Comprehensive Health Center. This recently opened $6 million outpatient clinic services 48,000 people who live in Summerhill and the adjoining communities of Peoplestown, Mechanicsville and Pittsburgh.

The Reverend O. B. Davis, the full-time pubilc relations director, patiently attempted to answer our questions and gave us a tour of an impressive clinic within what was once a mattress factory. Seventy-two percent of the clinic's employees live in the neighborhood and more than 1,000 patients are treated weekly. Unfortunately, the center's open hours are 8:30 a.m. to 5:00 p.m. and this limits its treatment mostly to unemployed females, housewives and children. It seemed to us that a simple change in hours once or twice a week would permit working males to receive proper treatment without having to lose time or salary from their jobs.

PROMISES CLOAKED IN RHETORIC

By the second week, many of us began to display frayed nerves and irritability as a result of the heat, the long days of asking, seeking, arguing and just existing. This feeling combined with the little visible improvement that had taken place in the community made us begin to see and feel some of the frustration and hopelessness.

We began to see how many of the promises have been cloaked in rhetoric, and that the paternalistic idea of doing for the poor is not the total answer. You begin to realize that the poor is not the total answer. You began to realize that the poor must rise out of the ghetto, not by being badgered or bulldozed, but by having the equal opportunity in deeds, that middle-class whites believe exists, but which in fact does not.

We never learned, for instance, why fifty percent of the streets were not paved in that community and yet a pot hole in the better neighborhoods would receive repaving in a matter of days, if not hours. Or why our own Model Cities approach was massive relocation and demolition, when to our eyes it appeared vacant lots constituted more than half the land in Summerhill which with some imaginative planning and forethought could easily have held new homes. Or why no employee at the Model Cities Agency was responsible for seeking out job-creating industries to locate in an underemployed and undertrained community.

OUR CLIENTS ARE POOR PEOPLE

The lack of answers to questions like these and dozens more shocked and surprised us all. We began to realize that our clients are not seven HUD Regional Offices or several hundred Congressmen. Our clients are not the 1,000 Redevelopment Authorities or Housing Authorities across this land. Our clients, to a large extent, are those millions of poor people, black and white, out there in hot, depressing, dirty ghettos like Summerhill—trying, or at least waiting, to get a slice of the pie against odds that are overwhelming, in a game where the rules have been one-sidedly made through hundreds of years of prejudice and ignorance.

To say that Project Cornerstone was enlightening, emotion filled, educational and shocking is an understatement. It is all of these things and much more.

The hope is that participants come back a little more understanding and a lot more knowledgeable of the real problems at the roots of society. It is not designed to convert you into a raving liberal. The hope is that you are better prepared to help those people who you now know really exist, but who before Project Cornerstone were merely imaginary, or at best statistics.

And perhaps, if you are lucky, you will return to HUD, as many Cornerstone participants did, more resolved to be critical and outspoken when policy is discussed and passed around for review, determined to remember these black people in Summerhill, who don't know about advocacy planning or can't spell citizen participation, who are waiting for us to deliver better homes, a better community, and a better life, as we have been promising and promising and promising....

DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT,
May 13, 1970.

U.S. GOVERNMENT MEMORANDUM

To: Secretary George Romney.
From: Lester E. Ogilvy, Assistant to Special Ass't for Cooperative Housing.
Subject: Operation Cornerstone.

Having just returned from one of HUD's training programs, Cornerstone, in Atlanta, Georgia, my sense of loyalty to my country, to my President, and more particularly, to you, Mr. Secretary, compels me to report to you, (1) the deplorable physical conditions under which the participants live, (2) the outrageous communistic philosophy expressed in an obscene manner by the Cornerstone staff *and* its speakers, (3) the atrocious lack of a well-planned, constructive program, (4) the lack of an acceptable level of administration of the shamefully constructed program, and (5) the expenditure of Government funds which permits an anti-democratic philosophy to flourish.

Soon after receipt of the attached HUD Staff Bulletin 70-28, dated March 4, 1970, I volunteered as a participant for the session commencing April 19th. Having a Master's Degree in Social Service and having worked with poverty-stricken black and white families, together with my experience in housing programs designed to meet the needs of the low-income families, I believed this training program would be a productive experience—one in which I could contribute as well as learn.

Previous participants from HUD have attended Cornerstone with varying impressions as to the worthwhileness of the training program. Each participant is informed that he is not required to submit a written report, but should he choose to do so, he may record on tape his impressions of Cornerstone. Prior to my going to Cornerstone, I requested an opportunity to review impressions of earlier participants but was denied this request as it was believed that each participant should go to Cornerstone with an "open mind." However, I did have the opportunity to discuss this training with a number of previous participants and received reports varying from "I would find it an 'interesting' experience," "you probably will be better able to get something constructive out of it than I did," to "it is a repulsive experience and HUD should stop its participation in it."

Since my return from Cornerstone, I have been given the attached memorandums, dated October 15, 1969, and November 19, 1969, to Mr. Richard C. Van Dusen, Under Secretary, which I am told have not been acknowledged.

Any one of the five reasons cited in the second paragraph of this memorandum is sufficient for HUD to cease its payment of $300 per person to Cornerstone for so-called "lodging, meals and training." Each of the five reasons could be the subject of treatise; however, I want to concur with the October 15th and November 19th memorandums and cite only a few specific incidents I observed which confirm their feelings concerning the administration of the HUD training program, Cornerstone.

Kelley Kidd, co-director of Cornerstone, presented a two-hour lecture on the development of this country to the present time, which he describes as being in the third stage—the fourth stage being the revolution "when the blacks and the whites will be treated equally and the people are rightfully given that which is theirs rather than in the hands of the Henry Ford's, etc." He stated that there are really only three things in life: fornicating, defecating, and urinating, and we only need to contribute that which is necessary to make these functions possible. This theme was repeated time and again during his lengthy lecture. He hates two things in life, (1) hard work, and (2) doing any thing unpleasant which he is told he has to do. Throughout my stay at Cornerstone, statements concerning "those ———, ———, ———, Nixon and Romney" were uttered more frequently than I care to remember by most of the members of the Cornerstone staff, speakers and "guests" of the staff which addressed the eight participants (four male government employees, one male student from Oregon, and three female government employees). One member of the staff admitted he was a Communist and was ready to go to Washington and "burn the ——— place down."

It appeared to me that the scheduling of speakers on the Cornerstone promises was done to give an abundance of time to non-constructive-minded community personnel to present their views concerning Nixon, Romney, draft-dodging, and "non-violent activities (don't inflict physical harm—anything else goes)."

It was quite apparent little effort was given to stressing the importance of the constructive government operations (Comprehensive Health Center [OEO funds], Child Development Center [Model City funds], Model Cities and Emmaus House [Episcopal Church funds]). I was also aware that these activities were not clear as to the function of Cornerstone nor the purpose of our visit to their activities. Scheduling was so poor that four of the scheduled events were cancelled or substituted.

Collins McGee (black—picture attached) was intoxicated to the extent that concern was expressed by one of the Cornerstone guests about his driving the Volkswagen bus (owned by Cornerstone, bought with HEW funds). Our seminar leader of the Cornerstone staff, Joe Reagon, said, "He always drives drunk." When asked where Jim was (an Oregon student who was a participant), Joe replied, "He's up at the other house doing a job on my wife." When someone in the group said, "Anna Mary (Joe's wife) is

kind of drunk and maybe that's not a good idea," he replied, "Let them do their thing."

Jim (Oregon student) told me and participant, Mr. Kenneth Martin, Social Security Administration, Kansas City, that he grew marijuana in Oregon and had some with him and was prepared to furnish it for a party which he thought the group needed.

Mr. Martin told me that Jim said Kelley Kidd needed something stronger than marijuana and was on "speed". (Jim's comment got back to Kelley Kidd and he publicly denied at the outset of his two-hour lecture that he was on speed or LSD.)

On the evening of the 22nd, two men stopped their car in front of our house and inquired who owned the Volkswagen bus, that they had a good deal that the owner would be interested in. It was a brand new tire and rim they would sell for $4.00. Kelley Kidd brought it.

One of the staff members brought two gallon jugs of home brew to Cornerstone and put them in the ice box for our use.

"Hippy" friends of the staff wandered in and out of the house at all hours of the day and night and consumed food allegedly for the participants and staff.

Living conditions were unbelievably filthy. The mattresses and pillows furnished all of the participants would be instantly burned by the Health Authorities. The bedroom which was about 18' by 18' housed the five male participants. One closet was provided for use of the five male participants. The one bathroom which was used by twelve people did not have a lock, merely a nail which was turned to provide security. The flooring was a rotted plywood, no shower, only an old small bathtub, a *torn paper curtain* provided the only means of privacy on the first floor window. The toilet seat was ready to come apart. Stokely Carmichael's picture was prominently displayed in the "living room."

Mice, rats, cockroaches and bugs and Rap Brown's picture were evident in the kitchen. We prepared our own breakfast and lunch. A *very mediocre* evening meal was served buffet style.

During the afternoon group discussion period of the 24th, I stated that I was aware of the position taken by the Cornerstone staff in supporting the garbage strikers and it would have been inconsistent for them to minimize the ill effects of their strike; however, I could not condone the staff making no effort to gather up the garbage and trash on the 23rd after the strike was settled at midnight on the 22nd. The *Co-Director, Collins McGee*, told me, "If the God-damn garbage bothered you so much, why didn't you do something about it?" I told him that it did, and worked as fast as I could that morning getting about 80% of it hauled out to the curb prior to the downpour and asked where he was during that time. I was told, "It is none of your damn business." The following day when I returned from downtown Atlanta about 10:30 p.m., I found my pillowcase, pillow, sheet and mattress saturated with urine.

Saturday was listed on our schedule as "Free time—Do your own thing." Four of the male participants had planned to get a shower and a good night's sleep at a hotel in downtown Atlanta but were told in very positive terms that it was not intended that any participants spend any evenings sleeping away from Cornerstone.

I believe that I approached training opportunity with a mature and open mind and that I have given a fair and, hopefully, a constructive evaluation of this program.

Although Cornerstone was conceived as an excellent opportunity to increase participants' awareness and understanding of urban poverty and racial prejudice, as administered during the sessions reported by HUD employees in October and November 1969 and during the session I attended, it is not accomplishing its objective. It is my sincere belief that this Department should not participate in its continuance. I know that similar recommendations are being made by participants from HEW Headquarters Office and the Social Security Office in Kansas City.

I would be pleased to discuss this further with you should you so desire.

LESTER E. OGILVY.

VOLUNTEERS FOR PROJECT CORNERSTONE

(Staff Bulletin)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
March 4, 1970.

Project Cornerstone is a training experience designed to increase participants' awareness and understanding of urban poverty, racial prejudice, and institutional discrimination through personal exposure to these problems. It was started over three years ago as a summer training program to give professionals a first-hand experience with urban poverty. Cornerstone has expanded to a year round activity in Atlanta. The program participants include businessmen, government employee, labor union officials, clergymen, and educators. Participants live for two weeks in the heart of Atlanta's ghetto where they have an opportunity to meet and talk with residents, community leaders, and anti-poverty workers and where they can see and experience at first hand the problems of urban poverty and evaluate the effectiveness of current existing program at the lower level.

Last year fifty professional HUD employees participated in Project Cornerstone. They have returned with a heightened understanding of urban crisis and new insights as to how they might improve their job performance when involved in designing and developing HUD programs which affect the poor.

Since the experience proved so valuable HUD has increased its participation to 75 employees for calendar year 1970 and is seeking Volunteers (senior professionals GS–12 through 18) to participate in this program.

Interested employees should contact Noel Sweitzer, room 10014, extension 56648 or Mel Patterson, room 2154, extension 55473, for applications.

HUD will be sending three or four employees to each session. The calendar for the first 10 sessions is listed below. Applications should be submitted no later than March 16, 1970.

1970 SESSION OF THE CORNERSTONE PROJECT

March 29—April 10.
April 19—May 1.
May 3—May 15.
May 17—May 29.
June 7—June 19.
June 21—July 3.
July 12—July 24.
July 26—August 7.
August 9—August 21.
August 23—September 4.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

PITTSBURGH INITIATES "THE WORLD OF CONSTRUCTION"

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. MOORHEAD. Mr. Speaker, how many of us in this chamber today took woodshop when we were in grade school or high school? How many of us have had young sons come home displaying proudly the jewelry box or breadboard they had worked on so intently for several long weeks?

Woodshop and several other classes, such as metal shop or printshop, and so forth, came under the industrial arts category in the Pittsburgh public schools curriculum. But recently there has been a change and a change which I believe is a good one and one that many of you might want to suggest to your local school boards.

The traditional "shop" class has given way to a new subject. It is called "The World of Construction." The November 15 Parade magazine carries an excellent article by John G. Rogers on "The World of Construction" and how it is operating in Pittsburgh public schools.

Before introducing this article in the RECORD, let me quote a few of its paragraphs to show you what has replaced the birdhouse making in wood shop:

Construction is a broad concept. These youngsters "live" the whole of it. They buy land, make blueprints, close contracts, hire labor and then build scale-size sections of houses right down to plumbing and electric wiring that must pass strict inspection. They're getting a whole rounded picture, not just pounding a nail here and there in isolation.

The house-building, of course, is real while other aspects of the one-year class are simulated exercises—for example, buying property and bargaining over wage rates. But even the simulations are faithful to reality according to a given set of facts and the kids frequently get quite carried away. At a recent union-management grievance session, boys on both sides were pounding the table in anger as they sought to score points before an arbitrator.

I include Mr. Rogers fine article in the RECORD:

NEW COURSE FOR SCHOOL KIDS: HOW TO BUILD A HOUSE

(By John G. Rogers)

PITTSBURGH, PA.—Robert Allen is a building contractor who drives hard bargains when it comes to buying land for a big housing development. Ross Thomas is a union leader who gives Allen a rough time during wage negotiations. And Jeffrey Johnson is a master carpenter who hammers and saws on Allen's projects. All this is quite strange because Robert Allen, Ross Thomas and Jeffrey Johnson are students in a Pittsburgh junior high school.

The boys and their classmates are enrolled in a pioneering course: The World of Construction. It has replaced that traditional course called "shop," which had the youngsters building such uninspiring items as birdhouses.

"Birdhouses are now behind us," says Dr. Perry C. Olson, an assistant school superintendent overseeing the new course. "In the World of Construction the kids do learn

conventional skills with tools but it's all set against a backdrop of real life in the adult world around them, the world they'll be living in tomorrow.

"Construction is a broad concept. These youngsters 'live' the whole of it. They buy land, make blueprints, close contracts, hire labor and then build scale-size sections of houses right down to plumbing and electric wiring that must pass strict inspection. They're getting a whole rounded picture, not just pounding a nail here and there in isolation?"

The house-building, of course, is real while other aspects of the one-year class are simulated exercises—for example, buying property and bargaining over wage rates. But even the simulations are faithful to reality according to a given set of facts and the kids frequently get quite carried away. At a recent union-management grievance session, boys on both sides were pounding the table in anger as they sought to score points before an arbitrator.

THEY LOVE IT

Student enthusiasm for The World of Construction is obvious when you see the class in action. Whether the problem is pouring concrete or the principle of hoisting steel beams, concentration is intense and brows furrow as problems are grappled with. More than one boy will ask permission to come in on Saturday to keep his job up to date. In simulated routines, they take turns playing different roles. High praise comes from a Pittsburgh father:

"My son has learned more about the construction business in just a few months than I have picked up in my lifetime."

The World of Construction and a companion course, The World of Manufacturing, were developed by the Industrial Arts Curriculum Project (IACP), a team of Ohio State University education specialists, with cooperation from the University of Illinois. Private funds from organized labor and big business and $1.4 million from the U.S. Office of Education have financed development of the two courses.

Pittsburgh's schools—the city entered the program last year in just one junior high but added six more this year—are among 250 schools in 40 states which either are still testing the imaginative courses or have adapted them as permanent curriculum. Among participating cities are Dallas, Chicago, Philadelphia, Denver, Salt Lake City, Seattle, Portland, Ore., Newark, N.J., and Long Beach, Calif.

John Luck, who used to teach conventional "shop" in Pittsburgh schools, is delighted to be teaching The World of Construction. "That old-fashioned shop used to worry me," he says. "A kid might spend a whole week just sandpapering some boards. What a waste of time and mind that was! In the same week in The World of Construction he comes up against maybe a dozen challenges he has to lick. And that goes on right through the whole course. Even the final act—tearing down the housing sections—is made into a lesson of demolition and salvage."

Just as enthusiastic as John Luck is Richard Cadwallader who teaches The World of Manufacturing. "We've got the same complete approach," he reports. "The kids form a corporation and there's a board of directors, personnel department, labor unions, the works. We sell stock in the company and the big project of the year is making high intensity reading lamps on an assembly line."

To give his students the concept of an assembly line, Cadwallader set one up the first week of school to make coat hangars out of heavy wire. In a few hours the line turned out 180 of them and only four were rejects.

A BIG PLUS

"The assembly line turned up some added benefit," Cadwallader recalls. "I had one boy who was constantly in a silent rage. He didn't want to talk to anybody or ever take part in anything with anybody else. But when he saw that coat hanger assembly line start up without him he joined in fast and when the whole project was successful he felt that he, as part of the group, deserved part of the credit. And he did. Drawing that loner in—to me that by itself was a triumph."

Different school systems sometimes adapt the two "world" courses in different ways. For the Pittsburgh schools, Dr. Olson foresees 7th- and 8th-grade boys and girls getting a preliminary exposure to both in month-long required courses. Then, in the 9th grade, the full one-year courses would be elective for those students interested—probably just boys—and here the concept of vocational training for future employment would enter in. Another likelihood is that students will take both courses in the 9th and 10th grades.

SPECIAL TRAINING

IACP has a network of 18 colleges which train "world" teachers at special summer sessions. In addition to the expense of teacher-training, it's estimated that installing a "world" program for 125 students costs $40 a head the first year, $10 the second. During the developmental period, private contractors all over the nation have given strong support—paid for teacher-training, donated thousands in cash, even sent bricks and lumber for the kids to build with.

Endorsement of the "world" programs by hard-headed businessmen and labor leaders is testimony to their worth and it's surprising that these imaginative courses weren't thought of long ago. For the fact is—the jobs for more than one-third of the U.S. labor force are in construction and manufacturing and all of us are affected in many ways by what happens in those industries.

INDEPENDENCE DAY OF MAURITANIA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. DIGGS. Mr. Speaker, the Islamic Republic of Mauritania celebrates the 10th anniversary of its independence on November 28. This young country of 1,200,000 people has been confronted with a difficult and often inhospitable climate and environment throughout its history. Since its independence, the Government has sought to overcome these natural obstacles by improving the lot of its people through its economic develoment afforts. It is gratifying to note that the signs of economic improvement are now being seen in the rise of per capita income and in an economic growth rate of approximately 9 percent annually. We can only wish the people of Mauritania continued good success in the future.

For the United States, this past year was notable in that diplomatic relations were reestablished with Mauritania on December 22, 1969, after the rupture occurring as a result of the 1967 Arab-Israeli war. We regretted the decision of Mauritania to break relations with us in 1967 and welcomed the return to normal relations. The United States hopes these relations will evolve and grow stronger over the coming decade.

ADDITIONAL LETTERS ON PROPOSAL TO CLOSE ARLINGTON NATIONAL CEMETERY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, the CONGRESSIONAL RECORD of Wednesday, November 18, 1970, beginning on page 38010, contained my statement relating a 3-hour meeting I had held the previous day at which an overflow group in the meeting room of the District of Columbia Committee urged Mr. Robert E. Jordan III, General Counsel of the Department of the Army, to reject a proposal to close Arlington National Cemetery to all sightseeing buses, charter buses, schoolbuses, limousines, taxicabs, and tour guides with the exception of Landmark Tours, Inc., operating as "Tourmobile" under contract with the Department of the Interior.

In addition to the statements of principal spokesmen for the travel industry in the Washington area, a number of individual witnesses appeared. Others who were either unable to appear or to submit prepared statements have written to me expressing their own individual concern about the proposal. Still others have, since the time of his testimony, written to Mr. T. S. Trimmer, assistant vice president for operations of D.C. Transit System, Inc., with copies of correspondence to other of our colleagues who represent them. As all these communications serve to emphasize the concerted appeal of the industry against this proposal, and many contain specific concerns not included in the original testimony. I insert the text of these various communications at this point in the RECORD.

I again urge our colleagues to join me in fighting this proposal.

The material follows:

WASHINGTON, D. C.,
November 11, 1970.

House of Representatives,
Washington, D.C.

DEAR MR. BROYHILL: As a licensed guide in the District of Columbia and one of the Representatives of Guide Service of Washington at the meeting held in your office on October 26, 1970, I was impressed by your concern for our plight at Arlington National Cemetery if indeed it were to be closed to all commercial vehicles. It is my deep conviction that if this did come to pass, many Americans as well as foreign visitors will be denied the privilege of visiting a National Shrine to honor our Unknown Soldiers due to lack of time, lack of money or lack of energy. Most of our school groups with their hard-earned travel time and money budgeted very closely could afford neither the two hours it would take to walk up the hill from the parking lot and back nor the seventy-five cents per person it would cost them to ride the proposed minibus. Our senior citizen group equally would be hard-pressed to manage the trek by foot or pay the $1.25 it would cost them per adult to ride.

At present, the buses we bring into the cemetery cause no congestion by coming through the main gate and going up to the Tomb via Porter Drive. We lecture to our groups enroute and direct our bus drivers to unload in the bus parking lot there and con-

tinue back down the hill where we meet them with our group forty-five minutes later, walking downhill past the Kennedy gravesites. This has been a fine arrangement and one we hope will not be discontinued due to a misunderstanding of the services we perform or to a lack of consideration for the large groups which come to our Nation's Capital. Everyone of my tour groups has looked forward to visiting Arlington and without fail, each group has left it with all their high expectations realized.

Mr. Broyhill, we appreciate your efforts on behalf of guides and tour groups in Washington. Looking forward to meeting with you once again on Tuesday, November 17th, I am,

Very truly yours,

Mrs. JACK A. NEUBERGER.

SILVER SPRING, MD.,
November 12, 1970.

Mr. JOEL BROYHILL,
House Office Building,
Washington, D.C.:

I would like to thank you for the work you are doing in regards to the problem of Arlington Cemetery. I only wish that my Congressman and Senators in Maryland who I have corresponded on this matter would be the man that you are. I have called and written many letters to my Congressman and Senators but you, a man from Virginia, has come to my rescue. Most certainly I appreciate this with all my heart. I have told all my constituents of your interest in this matter

Sincerely,

EDWARD A. VANDERFORD.

NOVEMBER 12, 1970.

DEAR CONGRESSMAN BROYHILL: Speaking as a licensed guide for this area and having attended the meeting in your office October 20, I want to congratulate you on your re-election and also express my personal appreciation for your help in keeping Arlington Cemetery open. I am extremely concerned about the Tourmobile being given a monopoly and making it look like "Disneyland."

My husband is a retired Captain US Navy now working for the Atomic Energy Commission and he feels as I do concerning Arlington.

Sincerely,

JUNE HUMPHREY.

ALEXANDRIA, VA.

DEAR CONGRESSMAN BROYHILL: It is a source of great satisfaction and comfort to me, a licensed tour guide in the District of Columbia, that you have taken an active interest in the problems that confront us regarding the possible closing of Arlington Cemetery to all tour guides, buses, limousines, taxis, etc. Your support and encouragement is most sincerely appreciated by all of us in the *licensed* tour industry who recognize that the appropriation of Arlington Cemetery to itself by the Tourmobile will create far more problems than it will resolve.

I would like to point out to you for your serious consideration the particular plight of the foreign tourist, for it is with this tourist that I personally am most familiar since I act as guide for French and Italian speaking groups on charter buses.

The visit to Arlington is, without any doubt, the highlight of the trip to Washington for these tourists. They are not only eager to visit the Kennedy tomb—many say "Nous sommes Venus pour cela"— "We came for that"—but also to see the changing of the guard. But something *over and above* these two highlights comes out of their visit, when accompanied by an educated and trained guide who can speak their language and answer their questions. They learn a great deal about our Civil War. They learn a great deal about American customs in funerals, military and otherwise. The walk from the Tomb of the Unknown down to the Kennedy graves provides an invaluable opportunity to answer questions on an individual or group basis, about many diverse features of American history, customs, even horticulture—for the trees and plantings in the cemetery are of great interest to the foreign tourist. The 30–45 minutes we spend with them in the cemetery—whose noble and serene atmosphere enhances this task—are truly valuable in giving us an opportunity to delineate the best in America and to put to rest many misconceptions with which any foreign tourist in any country is often laden.

This function, which I have only generally sketched, cannot in any way be performed by the operator of a Tourmobile. And I am not sure I know of any function more vital to mutual respect and understanding among countries than this person-to-person basis wherein we can attempt to set forth the best about our country and dispel many mistaken notions. This task is, also, a source of personal pleasure and of patriotic privilege for the educated and trained guide. Our greatest reward is to sense the new comprehension of America which emerges from this guided tour through Arlington. I am truly dismayed that the promoters of the Tourmobile have apparently never even thought of the foreign visitor, whose numbers are increasing tremendously each year. There is absolutely no way in which the Tourmobile can provide any sort of adequate service to the foreign visitor. And never could it perform this very personal service which the guides endeavor to do.

Those of us who specialize in the foreign tours are also called into service during the peak of the spring school-bus season, especially during Cherry Blossom Festival. Somewhat the same educational service is performed for our American school children, again often on an individual or group basis. The Tourmobile would be totally inadequate to this task. I question also the mechanics of getting 60 busloads of tourists up to the Changing of the Guard at a fixed moment if they must transfer on and off to a Tourmobile. The present system by which the charter buses drop them off at the bus stop near the tomb and then leave immediately for the lower parking area is far more flexible and permits tourists to arrive for the hourly ceremony with a minimum of time-wasting delay.

I will look forward to meeting with you on November 17—and in the meanwhile I hope you will have a moment to reflect earnestly on the services we can render our foreign tourists and how best these can be accomplished.

Yours truly,

CAROLINE EMBRY TURNER,
Guide Service of Washington, Inc.

NOVEMBER 12, 1970.

ARLINGTON, VA.,
November 12, 1970.

DEAR CONGRESSMAN BROYHILL: I was one of the licensed guides who attended the meeting in your office on Tuesday, 20 October, seeking to keep Arlington Cemetery open and I want to thank you for your efforts in preventing the 1 November closing of the cemetery.

To allow Tourmobile a complete monopoly for sightseeing at "Arlington" is undemocratic. I do hope that this proposed plan will be resolved at the hearing on 17 November, Longworth House Office Building.

It is said that the increased traffic congestions caused this proposal—yet, the many times I have taken groups to Arlington Cemetery, I have not seen a traffic problem to warrant a monopoly by one agency. This solution would only create chaos; and would be a hardship on tourist traveling by chartered bus with limited funds.

Please do all in your power to see that the cemetery will remain open to free enterprise.

Congratulations on your re-election!

Sincerely,

——— M. HARBERS.

WEST SPRINGFIELD, VA.,
November 13, 1970.

Re Arlington Cemetery and the Tourmobile

Hon. JOEL T. BROYHILL,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. BROYHILL: In letters to you September 23rd and October 20th from Mr. Irving Schlaifer you have been given many of the urgent reasons why the transportation and sightseeing industry of Washington feels it needs your help in keeping Arlington National Cemetery open and available to tourists (who are our second biggest industry!).

Since I am one of approximately forty women employed by Guide Service of Washington (all of whom are licensed guides), *not* relying on this work as my livelihood, but as a very welcome addition to our finances in this inflated economy, perhaps I could offer several different insights as to why Arlington National Cemetery would be a disaster for our visitors with only a Tourmobile.

1. We have an enormous number of foreign tourists; more every year. I speak German fluently and have escorted thousands of foreign visitors to Arlington. Mr. Broyhill, these international visitors come (at great expense—remember the conversion rates!) to see our Capital City, of course, but for them, the high point of the visit is the opportunity of seeing the Kennedy gravesite and the Changing of the Guard at the Tomb of the Unknown Soldier. It would be *unthinkable* to them to miss this part of their trip.

2. The same approach applies to the thousands of middle-aged and older United States citizens who come to visit Washington. How many times an elderly lady or gentleman has told me, "Mrs. Bellman, the only (or "main") reason I came on this trip was to see President Kennedy's grave!" These are the voters and taxpayers of our country, Mr. Broyhill, and they feel that Arlington Cemetery belongs to them.

3. Here's another set of circumstances:—In March, April and May, thousands of young people arrive on buses for their first visit to their Capital. In most cases, the class has raised the money to come with bake sales, car washes, service activities—one class painted a house!—and they're working on a very tight budget. So tight, in some cases, that it's been figured to the penny how much a child can spend for food. Having to pay $1.25, or even 75¢, at Arlington will be the difference between having a nourishing lunch, or just drinking a coke to fill up that hollow space under every kid's ribs at noontime!

4. The time factor is critical, too. During peak months in the spring and summer, I cannot conceive of a tourmobile being able to handle adequately the numbers of people coming to Arlington to see the changing of the Guard. Since the ceremony takes only a few minutes, arriving a minute after it's over is heartbreaking—and a group on tour *doesn't have the time* to wait the additional hour for the next one. Guides *always* plan their time so as to arrive at the proper time for the ceremony—you *know* how long it will take with your bus; how could you possibly judge this with the proposed tourmobile? How long would you have to wait in line?

5. Last, but certainly not in order of importance, many thousands of elderly people visit Arlington—and as I mentioned earlier, they come *mainly* for that reason. Many of them are not capable of walking very far—it is an enormous effort for them to walk downhill from the Tomb of the Un-

known Soldier to the Kennedy gravesite, and then downhill to the bus—they're pretty tuckered out when they get back. It would be physically impossible for many of these visitors to walk uphill from the parking lot to the gravesite, then uphill to the Tomb of the Unknown Soldier, and then all the way back down again to their buses . . . and this would almost certainly be the case, because guides *could not* time their arrivals at Arlington, knowing they must rely on the tourmobile's schedule. They would be forced to have the group walk . . . and walking, of course, would take from thirty minutes to an hour or more longer, which would cut into the time left for seeing Washington's other important sights. Many groups come for only a day, so this hour becomes critical!

During the six years I have been a guide in Washington, in both English and German, I have learned so many things from our visitors! . . . American's reactions to their Capital City, an international visitor's reactions to the United States and its citizens. But I've found there is a universal feeling about Arlington that does something special to all my groups of tourists. I sincerely hope they will not be deprived of this unique experience.

I've gone on at great length, Mr. Broyhill, but I hope the way I feel about Arlington will assist you in helping us.

There must be a better solution than a tourmobile—especially one that charges $1.25! I *know* that many of my busloads of visitors, when they are told they will be charged $1.25 to see Arlington Cemetery, or have the alternative of walking as I explained would be necessary, will elect not to visit Arlington, and go back home rather bitter about it—and *this* is what they will remember about Washington—not all the other historical and interesting things they've seen!

As Mr. Schlaifer said in his September 23rd letter, who stands to gain from this change? Certainly not the millions of visitors! Can we afford to lose the boost they give the economy of our metropolitan area—including the Tenth District?

Sincerely,

IRMA M. BELLMAN.

P.S.—If there is any change in the time set for the hearing November 17, 1970, 2:30 p.m., could I be advised, please? I plan to be there.

HYATTSVILLE, MD.,
November 13, 1970.

Congressman JOEL T. BROYHILL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BROYHILL: This letter is to express my support of the effort of the Emergency Taxi cab Committee in their attempt to keep Arlington National Cemetery open to commercial and private vehicles.

In my opinion, Landmark Services are trying to impose a monopoly on private and commercial transportation and it should be stopped. Situations like this restrict free enterprise, the very foundation of our country.

I ask your cooperation in keeping the Cemetery open.

Very truly yours,

CLYDE A. JORDAN,
Licensed Guide.

BALTIMORE, MD.,
November 13, 1970.

Congressman JOEL T. BROYHILL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BROYHILL: In regards to the decision of the Secretary of the Army and the Secretary of the Department of the Interior to close Arlington National Cemetery to vehicles connected with the Sightseeing industry, I would like to offer the following:

I am a non-resident sightseeing guide of nineteen years standing, employed by Monumental Motor Tours of Baltimore. I have been able to observe, first hand, the impact a visit to Arlington National Cemetery, to visit the Tomb of the Unknown Soldiers, has on people of all ages. My business is bringing groups to Their Nations Capital, to introduce them to Their Capital City and the many points of interest. Many thousands of these persons are school children of all ages. In many cases, teachers have been collecting nickles and dimes for months from children of families who can ill afford the expense. In many cases groups come to Washington from schools in districts where budgets are so tight the small fee of fifteen cents (15c) for the tour of the Capital Building is omitted from the "charge for the trip" as it may well be the difference between many children taking the trip or staying home. Imagine, please, the hardship that would be imposed if additional funds had to be included for such things as a tourmobile. And how about the many thousands of senior citizen groups who, likewise, would have to miss this principle feature of Their Capital for the lack of the ability to pay this additional fee.

In addition, sir, part of our skill in performing our job, is the ability to be in the right place at the right time in order to make the most of the time spent in our Capital City advantageous to our customers. Imagine if you can sir, the bottlenecks that would be created if it were necessary to "make connections" and "transfer" passengers and "meet a schedule run"! The resulting lines of waiting people, the endless line of tourmobiles (or whatever), the selling of tickets and giving of change would set up our greatest of memorials to our war dead for the Title of the Side Show Across the Potomac. Believe me, many people would leave Washington disappointed because they had to miss Arlington and the "Change of Guard."

I have seen a few changes at Arlington in my nineteen years. Closing the Fort Meyer entrance to buses was one of the first, restricting buses in other areas followed, special bus routes were established. In each case these changes were justified or appeared so. But sir, I never thought I would see the day that Arlington National Cemetery would have a concessionaire. I would have thought the thinking by those in decision making positions would be on a higher plane. I refuse to believe this problem to be so insurmountable as to necessitate such a drastic move.

Congressman Broyhill, my company is not in competition with Landmark Services or anyone else in business in Washington. I personally am not in competition with any of my brother guides in Washington. I join them in this effort to rectify what I consider an injustice for one reason, that reason being that I want to continue doing the best I can for my customer, the ultimate person, really, who will be the loser.

Thank you for the interest you have shown for this cause to date. I hope you will see your way clear to continue.

Sincerely,

V. FRED STORM.

ARLINGTON, VA.,
November 14, 1970.

Hon. JOEL T. BROYHILL,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. BROYHILL: Thank you for your time and effort in keeping Arlington Cemetery open.

I was very impressed with your ability to handle the problem at the October 20 meeting. As one of your constituents, I am glad you will once again be representing us.

Your work on our behalf is greatly appreciated.

Sincerely yours,

WILLIAM P. O'FLINN.

SILVER SPRING, MD.,
November 13, 1970.

Hon. JOEL T. BROYHILL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BROYHILL: As a Washington tourist guide, I want to thank you for taking the time out of your busy schedule to intercede on our behalf with regard to the situation at Arlington Cemetery. I am pleased with the postponement you were able to obtain, pending a hearing in this matter.

Having been a guide for many years in the Washington area, if this situation is allowed to continue, it will curtail my income and deprive me and my family of a means of support. It is too late in my life to turn to other means of support.

Looking forward to a just solution of this matter and thanking you again, I am

Sincerely yours,

MILTON J. BRANDON.

NOVEMBER 14, 1970.

Hon. JOEL T. BROYHILL: I am objecting to the proposed closing of Arlington National Cemetery to the sightseeing industry.

My husband is a licensed guide for the past 20 years and makes his living doing so.

Hoping you will continue working for our cause.

Respectfully,

Mrs. PHILIP M. SPIVAK.

BLADENSBURG, MD.,
November 15, 1970.

Congressman BROYHILL.

DEAR SIR: I will not be able to make this meeting that is coming up on Nov. 17th between you and the sightseeing guides.

But I would like for you to know although I live in Md. I am sure glad that you made it back in for another term.

I have a summer home outside of Winchester, Va., and I spent a lot of time up there.

I expect to retire there within the next 4 years.

Mr. Broyhill this meeting with you is very important to us in fact it means our bread and butter. I can assure you of one thing if you can get all the cab drivers and sightseeing and bus drivers behind you. You will be one powerful man up on that hill.

I have been in the sightseeing business for 36 years, and I can assure you now that they are trying to drive us off of the streets.

I am quite sure you can do something about this.

We are all looking to you for help—I don't know if you know it or not, but there is ten thousand licensed cab drivers in D.C. alone.

We will thank you for whatever you can do.

Yours sincerely,

ELWOOD A. STINE.

NOVEMBER 15, 1970.

Hon. JOEL T. BROYHILL,
Rayburn House Office Building,
Washington, D.C.

DEAR SIR: It is comforting to me to see someone of your importance and stature to take time out of his busy work schedule and reach down and take the hand of the little guy on the street.

As a member of the sightseeing industry in the city of Washington I am angry at the way the government has stepped into private enterprise. It was always my belief that the bill of rights allowed the little man the right to life, liberty and the pursuit of happiness. In pursuing my line of work I am no longer happy.

This so called "TOURMOBILE" has come in on the scene and achieved something that I as a native Washingtonian can't get. That is to achieve the right to run a bus over 7 passengers on the streets of Washington without having the WMATC approval or the ICC rights. After all I as a *Licensed* sightseeing guide would like to be able to secure rights as they are doing and ply my trade without this unfair treatment I am receiving at the hands of the government.

I happen to be very adept at my business and very proud to be in this line of work. I think it is important that we as guides be able to expound on the glory of our city which should reflect the American way. I take my trade seriously enough to be a member of several Historical Societies, and over a period of time it has become a hobby with me to be sort of a Washington buff. Show me somebody in the "Tourmobile" organization that can say the same.

One other thing. I just wonder what revenue the city derives from Universal Studios in the form of taxes and corporate dividends.

I want to again thank you for your efforts and am now ready to understand what makes you the valuable asset you are to your constituents.

Ever grateful and sincerely,

M. H. BAKER,
Licensed Guide, Badge No. 74.

TAMAGUI TRAVEL AND TOURIST SERVICE,
Washington, D.C., November 16, 1970.

Hon. JOEL T. BROYHILL,
Rayburn House Office Building.
Washington, D.C.

MR. CONGRESSMAN: We have been promoting tourism from Spanish speaking countries to Washington, for the past seven years and always considered Arlington Cemetery a must for the visitors. Their tour of the Nation's Capital will not be complete if the do not visit the Tomb of the Unknown Soldiers and The Kennedys graves. Now we hear that the Cemetery is going to be closed to other vehicles but Tourmobile and that they will charge $1.25 for transportation in the Cemetery grounds. Really this additional charge will be too much for any visitor and specially for those coming to visit the United States from abroad.

We need your help in this important matter to prevent the closing of the Cemetery, so many people will be able to continue working on what has been their profession for so many years.

With our gratitude, we like to remain very truly yours,

JORGE TAMAYO,
Manager.

WESTERN GEAR CORP.,
Washington, D.C., November 18, 1970.

Hon. JOEL T. BROYHILL,
Rayburn House Office Building,
Washington, D.C.

DEAR SIR: As the Washington representative of my company, I have many visitors who come to this city, not only for business reasons, but also to see the Nation's Capital. Invariably they ask to visit Arlington Cemetery, which now threatens to be a restricted area, unless one chooses to either walk or pay to travel in the vehicles of a single private firm.

Additionally, my wife is an interpreter and accompanies groups of French citizens on guided tours. These people always ask to see our National Cemetery and invariably come away with a renewed respect and improved attitude for the American people, something that is becoming increasingly rare in these times, as you know so well. Other associates of my wife execute similar translations in other languages. It is apparent that the single private company which the Interior Department and the Army have already apparently licensed (without benefit of competitive public bidding) will have little or no interest in appealing to these relative minority groups.

It seems to me, Congressman Broyhill, that aside from a purely national pride motive (which itself is important enough), the fact that one company has a monopoly control over access to a national monument for a profit motive is basically unfair, not to mention immoral and probably illegal.

I respectfully ask that you do what your conscience dictates, and that hopefully this will be to permit access to the cemetery of tour buses with their guides and interpreters. as well as the taxis and limousines that have themselves never created the alleged "traffic congestion" cited by the Army.

Respectfully,

E. C. COLLAR,
Corporate Representative.

FALLS CHURCH, VA.,
November, 19, 1970.

Hon. JOEL T. BROYHILL,
House of Representatives,
Washington, D.C.

DEAR MR. BROYHILL: As one of your constituents and a licensed guide I attended the hearing you held on November 17 in the Longworth Building.

If I understood Mr. Jordan and his colleagues, commercial traffic will be barred from the Cemetery because it causes traffic jams. However, the gentleman from the Army assured the parties present that there will be enough Tourmobiles at any time to take care of all the tourists.

Why won't 20, 30 or 40 (or whatever their number would have to be) Tourmobiles an hour running in two different routes—discharging people at far more stops than busses were permitted to make—create more of a traffic problem?

The parking lot at the Visitors Center which can hold 600 cars and which serves as a pick-up point for most of us after our tours through the cemetery has been crowded at times, and departures were occasionally delayed. This was at a time when busses, limousines and taxis were still permitted in the cemetery. Under the new plan you will not only have far more busses and cars in the parking lot, there will be the additional confusion of large crowds transferring from one vehicle to another, plus a continuous stream of Tourmobiles coming and going. The result would be a huge traffic tie-up on the approach to the cemetery during the season.

I would also like to raise a question now which I did not hear asked during the hearing: What provision has been made for the groups that have come to pay their respect at the Tomb of the Unknown Soldier by placing a wreath? This ceremony takes place by appointment only and punctuality is a must.

I hope you will be able to help our visitors—whether they are Americans or from abroad—to tour the national shrine that Arlington Cemetery is, without inconvenience, delay or extra charge.

Sincerely yours,

ALICE B. FORBES.

FAIRFAX, VA.,
November 20, 1970.

Hon. JOEL T. BROYHILL,
House of Representatves,
Washington, D.C.

SIR: Your proposal to limit vehicular traffic in Arlington Cemetery certainly has some merit but I feel that you have overlooked one aspect of the situation.

My husband was a Vietnam casualty and is buried in Arlington, some distance from the main entrance. It would create a hardship for my sons and me if we could not drive into the cemetery. Perhaps your proposal should consider this and provide for passes or windshield stickers for those of us who have reason for regular visits to the cemetery.

The carnival atmosphere that prevails due to the tour busses and hordes of curious is distressing to those of us who wish a quiet and dignified resting place for our loved ones. Certainly the cemetery should not be utilized as a short-cut for commuters.

Please take our position into consideration when you present your proposals.

Sincerely,

MRS. GERALD BURGENER.

ALITALIA AIRLINES,
New York, N.Y., November 16, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit,
Washington, D.C.:

Proposal, Secretary of Army, to close Arlington Cemetery to all vehicle traffic.

Forcing our thousands of visitors to use other media transportation other than charter buses could affect price wise or due walking discomfort of our future Washington packages.

CINCENZO URSINO,
Manager, Visit USA Department.

BURLINGTON NORTHERN,
November 16, 1970.

Hon. ROBERT PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: It has been called to our attention the fact that the Secretary of the Army proposed to close Arlington National Cemetery to all vehicle traffic on November 1, 1970. This order was postponed until after a public hearing on November 17.

We are very much opposed to such a move, and would appreciate your support in our behalf.

We have handled transportation for many school and church groups coming to Washington, D.C. on educational trip. The highlight is always the visit to Arlington Cemetery. The fact that our students have a geographical disadvantage means that it costs more to get there and are dependent upon local bus transportation when they arrive.

If the sightseeing buses are required to park outside the cemetery, it will mean additional expense and delay for our groups.

Again, any action on your part would be most appreciated.

Very truly yours,

A. T. MERCER,
District Passenger Sales Manager.

(Identical letters also received by Senator HATFIELD, Congressman WYATT, and Congresswoman GREEN of Oregon.)

OXLEY TRAVEL SERVICE,
Toronto, Canada, November 13, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President,
D.C. Transit,
Washington, D.C.

DEAR MR. TRIMMER: Have just returned from the International American Society of Travel Agents Congress at which over 3000 Active and Allied Travel Agents met to discuss and promote Tourism.

"See America" was largely stressed, and by the enthusiastic publicity one gathered that from the President down, every one was uniting to make 1971 the biggest yet in tourism in the U.S.A.

You can imagine the shock I received on my return to learn that the Secretary of the Army had proposed that Arlington National Cemetery was to be closed to all Vehicular traffic except official cars and or funerals.

Arlington Cemetery and particularly the Tomb of the Unknown Soldier belongs to the people of the United States, the mothers and the fathers and families of the millions who had sons and daughters serving in foreign

Wars, and the Tomb of the Unknown Soldier might be the resting place of their son. It is unthinkable and unbelievable that such an idea could even be voiced.

Separate and apart from the proposed order that "Arlington National Cemetery only be to the 'upper brass' of the Army, because thousands of parents are now in the older bracket, and couldn't walk in from the gates, there are those of the younger generation, who look on Arlington National Cemetery as hallowed ground, and feel the natural urge to pay homage to the Great Men who have gone before them. If this proposed ruling is carried through, it could be another wedge driven in to the fabric of the Country to cause another opening for the continued dissatisfaction and unrest which has more than raised its ugly head.

Also what about the loss of money to the Tour operator and transportation firms who bring thousands upon thousands of people into Washington every year, and who want to visit the Tomb of the Unknown Soldier, President Kennedy's Grave and other great Americans.

Have they come up with any counter proposal? Are they suggesting to have an auxiliary transportation system. It won't work and one of the reasons is that prices have climbed so high, that to add an additional cost to a Tour, which can't be completed as it has been in the past, we would have to cut it out altogether because of the cost.

Is it possible that you can do something about this iniquitous proposed ruling.

Sincerely,

MRS. FERN OXLEY,
Coordinator of Group Tours.

TRADE AND INDUSTRY TOURS ASSOCIATION,
New York, N.Y., November 16, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit, Washington, D.C.

DEAR MR. TRIMMER: We understand that the Secretary of the Army has proposed to close Arlington Cemetery to all vehicular traffic.

As you know, we have hundreds of people from Europe every year that we bring to Washington for a weekend in order to see our beautiful capital. Part of the Washington scene is definitely Arlington Cemetery, since it has been widely publicized in Europe, not only after President Kennedy's funeral but even before, as a national monument.

Up to now, we have been able to include Arlington National Cemetery within our 4 hr. sightseeing tour through our capital and we feel very strongly that this would no longer be possible if our participants should be required to either take additional transportation at additional expense or walk from the parking lot to the Change of Guard and President Kennedy's grave. We would hesitate to omit a visit to Arlington Cemetery for our European groups, but we cannot possibly absorb additional charges to visit this national memorial and are sure that we cannot impose additional charges for a visit to Arlington Cemetery on our participants since anything else in Washington, D.C. is free of charge and can be visited any time within the posted visiting hours. It would be impossible to have the people walk the far distance involved to not only see the places mentioned above but also the grave of Mr. Dulles and many other corners that make American history come alive.

We urge you to bring to the attention of the panel represented at the public hearing that Europeans visiting the United States and taking advantage of the services that you offer have no time to spend about 2 to 2½ hrs. walking to visit this national shrine but that it would be imperative to be able to go to the present parking facilities close to the Tomb of the Unknown Soldier as well as to other places of international interest without encountering a walk of 1½ to 2 hours.

We are sure that we are not the only tour operator that has been told by their European clients that Arlington Cemetery has always been a highlight of their Washington tour, but we are sure that every tour operator will not be able to include Arlington National Cemetery in the regular D.C. sightseeing, if transportation within the Cemetery will no longer be permitted.

May we point out to you that the U.S. tax payers are paying a great amount of money to bring Europeans to this country through the official U.S. travel service represented widely in Europe and that in many brochures Arlington National Cemetery is publicized as a great landmark, which indeed it is. We feel that the Secretary of the Army is not justified in having tax payers pay to publicize this American landmark to foreign visitors and then make them walk or maybe pay additionally in order to visit the historical sites so widely publicized.

We are confident that you can project the true needs of European visitors to whoever is responsible for such a detrimental order and we will certainly see to it that our Senator will be properly informed.

Yours very truly,

GUS W. BESSERER,
General Manager.

NYMAN & SCHULTZ/NORDISK,
New York, N.Y., November 17, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit System, Inc., Washington, D.C.

DEAR MR. TRIMMER: It is in deep concern we have found out that the Secretary of the Army has proposed to close Arlington Cemetery to all sightseeing and groups tours. As being one of the leading tours operators for traffic from the Scandinavian countries to the United States, we know by experience that one of the main things visiting foreigners want to do while in Washington, D.C. is to visit Arlington Cemetery. An eventual closing of the Cemetery grounds for public transportation would give the Arlington Cemetery as well as in some respect Washington D.C. an image of red tape, which would be quite difficult for visiting foreigners to understand. One should remember that a lot of Europeans are very thankful to what the American people have done for them during two world wars and many feel sort of obliged to pay a visit to among other things the Unknown Soldiers Tomb. If, as suggested by the Secretary of the Army, the ground would be closed a lot of elderly people etc. would not be able to pay their respect.

We really hope that your company and attorneys will be successful in the effort to convince the authorities of the necessity of having the Arlington Cemetery open for at least public transportation. It is our sincere hope that we even in the future will be able to take our many tours through the well managed Arlington Cemetery.

Kindest regards.

Sincerely,

BO W. LYCKE.

CHURCHILL TOURS,
Portland, Oreg., November 13, 1970.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

SIR: We should like to voice our disapproval of the Secretary of the Army's proposal to close Arlington Cemetery to all but special vehicular traffic.

We are of the opinion that this would be a mistake.

Aside from the strictly business outlook, in which, of course, we are very interested, there would be a tremendous loss historically to the public in general. Our nation has a great deal in which to be proud and we feel that Arlington Cemetery plays an important part in this history.

Business-wise we would be affected twofold. We send a substantial number of visitors to Washington, D.C. and arrange sightseeing for them . . . Arlington Cemetery is always included. Our Group Division would be seriously affected, since here again, our group tours visiting Washington, D.C. visit Arlington Cemetery. Even assuming that inter-cemetery transportation might be available (other than the tour buses which we normally use), the price of such a tour certainly would increase our costs.

It is our sincere hope that the Secretary of the Army will reconsider his proposal.

Very truly yours,

DICK RANIAN,
Manager, Group Travel Division.

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ALTALIA AIRLINES,
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VINCENZO URSINO,
Manager, Visit U.S.A. Department.

THE FUTURE FARMERS OF AMERICA

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. JONES of Tennessee. Mr. Speaker, during the recent election recess, I had the pleasure of attending the 43d national convention of the Future Farmers of America in Kansas City, Mo. More than 12,000 members of this fine organization gathered in that city to conduct their annual business.

I do not recall ever having seen a better behaved group of young men, especially one so large. Everywhere in the city swarms of blue jackets could be seen, but the boys wearing the jackets always conducted themselves as true gentlemen.

I was pleased to be asked by the FFA to address the Friday morning session of the convention along with the star of the Daniel Boone television show, Mr. Fess Parker. However, when the organization awarded me its 1970 Leadership Plaque, I was truly honored.

FFA is directly affiliated with the vocational agriculture programs in schools all across the country. From FFA and the vo-ag programs, the boys are given expert instruction and encouragement in all phases of agriculture and agribusiness.

However, the FFA is also concerned with broader issues. For example, it is presently involved in a program called BOAC or Building Our American Communities. This program recognizes the problems created by the redistribution of our population over the past 25 years.

Our people have been leaving the countryside and settling in the urban areas in record numbers. In fact, nearly three-fourths of our people now live on only 2 percent of our land. Naturally, this gigantic shift in our population has created numerous problems both for the cities and for the rural areas.

To combat the problems which have arisen in the rural areas, the FFA's new program offers a comprehensive list of positive steps to be taken in each community. The idea behind the program is to make our rural communities so desirable that people will not be tempted to leave and that city dwellers will be attracted to return.

The program emphasizes not only the physical appearance of the rural areas, but also such things as education, recreation, health facilities, power sources, water supply, sewage disposal systems, and telephone services. All of these areas must be strengthened in rural America if further migration of our people is to be stemmed. The FFA is aware of this condition and is making a strong positive effort to do something about it.

If all Americans would involve themselves in such constructive efforts, there is no doubt in my mind that our country would be placed in a much better condition. It is easy to be negative and destructive, but to take positive steps in a constructive direction takes hard work and determination. There is no doubt in my mind that the boys of the FFA will have the necessary determination and willingness to work which will lead to a better America. The rest of us would do well to follow their example.

PHILADELPHIA HISTORICAL COMMISSION EXPRESSES DEEP INTEREST IN H.R. 18161

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. BYRNE of Pennsylvania. Mr. Speaker, on June 22, 1970, I introduced H.R. 18161, to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania.

Kosciuszko House is located in Philadelphia, within the Third Congressional District of Pennsylvania, which I represent.

I am very anxious that this legislation be enacted into law to honor the memory of the great Polish statesman, Gen. Thaddeus Kosciuszko, who did so much to assist the United States during the Revolutionary War era.

The Philadelphia Historical Commission has expressed their deep interest in this legislation by adopting a resolution on September 29, and I know this will be of great interest to my colleagues:

RESOLUTION

(Adopted September 29, 1970, by the Philadelphia Historical Commission)

Whereas, the preservation, protection, and enhancement of all historically significant buildings has done much to bolster Philadelphia's rich heritage involving the birth of our nation; and

Whereas, the brick house at 301 Pine Street, built by a member of the Carpenters' Company in 1775, was the last residence in America of General Thaddeus Kosciuszko, a hero of the American Revolution, and played an important role in his life; and

Whereas, the President and Congress of the United States and the Secretary of the Department of Interior are engaged in saving such historic sites as tributes to the contributions of individuals who have helped to make this nation what it is; and

Whereas, a number of Senators and Congressmen have introduced identical bills to authorize the Secretary of the Interior to establish General Kosciuszko's last residence in America as a national historic site; and

Whereas, the sponsors of this legislation and millions of their fellow Americans are anxious to restore the house in which Thomas Jefferson frequently visited General Kosciuszko in time for our Nation's Bicentennial Celebration; now, therefore, be it

Resolved, by the Philadelphia Historical Commission, That we hereby respectfully memorialize the President and Congress of the United States and the Secretary of the Interior to take all possible steps to obtain passage of H.R. 18161 and S. 4026 in this session of Congress; and be it further

Resolved, That the Chairman of the Philadelphia Historical Commission transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the House Committee on Interior and Insular Affairs, to the Senate Committee on Interior and Insular Affairs, to the two U.S. Senators from Pennsylvania and to each Representative from Philadelphia in the Congress of the United States.

IF MEN WERE ANGELS

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. ICHORD. Mr. Speaker, there are in the United States today a number of subversive organizations which advocate the use of revolutionary violence to accomplish their objectives. They strive in every possible way to disrupt democratic processes and to inculcate hatred and bigotry that breed violence. As chairman of the Committee on Internal Security, I have initiated comprehensive studies and investigations on the subject of revolutionary violence with a view to informing the Congress fully on this subject, and in the hope that appropriate legislation can be advanced.

An extremely interesting and timely speech entitled "If Men Were Angels" was delivered by William C. Sullivan, Assistant to the Director of the Federal Bureau of Investigation, at the United Press International Conference at Williamsburg, Va., October 12, 1970. Mr. Sullivan's speech has evoked very favorable responses. I feel that all American citizens should inform themselves about the real nature of the organizations in our midst which advocate the use of revolutionary violence, in order to develop a greater understanding of their goals and methods of operation. Such factual data will enable citizens to comprehend the true nature of the threat and thus be alert to the necessity to prevent these nefarious groups from making further inroads into our society.

I was most impressed with the content and approach of Mr. Sullivan's speech. In addition to setting forth a detailed, and therefore most useful, description of the current subversive movement, the speech emphasizes what is right about America, a subject too frequently ignored in the instruction of young people and forgotten by many long-time beneficiaries of our democratic system. A democracy cannot function in the midst of chaos. Internal order is essential if our lives are to be productive and meaningful. Director J. Edgar Hoover and Assistant to the Director Sullivan understand this principle very well. Mr. Sullivan's speech, thoughtful and exact in keeping with the high standards of the FBI, merits the widest possible distribution.

I would urge my colleagues to read Mr. Sullivan's speech and in order that it might receive wider dissemination, I am herewith inserting a copy of it in the RECORD:

IF MEN WERE ANGELS

(By William C. Sullivan)

"If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this:

You must first enable the government to control the governed, and in the next place, oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government, but experience has taught mankind the necessity of auxiliary precautions."—*The Federalist, No. 51*

Man is a finite being. He is bound by his limitations to be less than an angel. But his vision has always been to expand his boundaries, to extend his reach beyond his grasp. Forever falling short he yet inches upward, innately conscious that the impossible is still before him and acutely aware that the possible continues to be his world at hand.

It is in the context of the possible that man must weigh his achievements and his defeats. In the United States today, we are weighing and cataloging our gains and losses of 194 years to try to determine where we are as a nation and, more importantly, where we are going. Viewed objectively we must assert that there is a great deal that is good in America; we must also concede that there is much that is bad. It is important for us to examine our national posture in these terms and to see how the scales are weighted. It is also important that this be done in a spirit of optimism and with a sense that perfection is our goal despite the fact that we must always be imperfect.

This spirit and this sense were strong in the 19th century America of the great essayist Ralph Waldo Emerson who wrote, "This time, like all other times, is a very good one, if we but know what to do with it." Emerson was surveying a country afflicted with grave problems. It was seething with discontent and facing the agony of a great historical issue, the slavery question. And yet Emerson affirmed that it was a very good time because he recognized that a vital and dynamic people were in the process of forging a great nation.

The American people in Emerson's era were strong and optimistic—optimistic despite the many flaws that marred their society and made their lives difficult. They did not look for immunity from errors or inequities of the past, but tackled their problems head-on, making their own mistakes but always balancing out the bad with a greater good.

That spirit of optimism seems to burn low in our contemporary society. To many, Emerson's vigorous faith in the future may appear utopian. Besieged on every side with a flood of recriminations about what is wrong with America and confronted by a growing loss of faith in our democratic ideals, too many Americans have blinded themselves to what is good and right about our country. Preoccupied with problems still unsolved and mistakes not yet corrected, they have lost sight of the hard-won progress we have made and the solid values of our system.

CHALLENGE THE DEFEATIST

Americans today must not cringe from expressing that optimism which bolstered our past or fear to declare that faith which inspired our forebears. We must challenge the defeatist; the ignorant critic; and the self-seeking protester whatever his motives. We must assert that whatever the Nation's problems, it is still deeply committed to social justice and to those common ideals which recognize the inherent dignity and worth of the individual. Cynicism must be met by proclamations of what is "right" in America, for there is much to proclaim.

First and foremost, is the basic concept of our democracy as embodied in the American Constitution, a document the British statesman William Gladstone one described as "the most wonderful work ever struck off by the brain and purpose of man." As a blueprint for government, the Constitution is especially remarkable because of the aim of its authors to construct a political system which would serve all the people. The 55 men who comprised the Constitutional Convention at Philadelphia in 1787 certainly did not represent all segments of American society at that time. There were virtually no spokesmen for vast numbers of small farmers or debtors or the unpropertied classes. By contrast, the great majority were part of the "establishment," representing the monied interests; 35 were lawyers and 15 were slaveholders.

But, this small group of men nevertheless produced a charter which has since served as a model of equalitarian political philosophy and under which this Nation has prospered for nearly 200 years. Our system of "checks and balances" among the executive, legislative and judicial branches of government, spelled out in the Constitution and well known to every schoolboy, has provided for a diffusion of political power which has for two centuries safeguarded us from totalitarianism and insured a political stability rarely matched in world history. Our system has time and again proven its flexibility and unique capacity to adjust to changing conditions and crises through lawful and democratic means. The ability of our form of government to weather the numerous economic, social and military challenges which have arisen throughout our history and to adjust to the vast cultural and technological changes which have occurred since 1776, represents prima facie evidence of its basic soundness and validity.

Perhaps most extraordinary is the fact that, despite the enormous complexity and dangers of 20th century civilization, we have been able to steadily enlarge the rights and freedoms of our individual citizens. At no time in history has the individual been blessed with more meaningful independence and liberty, at no time has he been so zealously protected against the interests of the government or the society as a whole, as in the United States of 1970. It is this concern for the individual, in fact, that has led to the overreaction described by former Ambassador Phillip M. Klutznick, as the elevation of "punks to idol worship while long-proved and dedicated workers in the struggle for equal opportunity have had to fight for their professional lives." How much has the press media contributed to this?

Second, in cataloging what is "right" about America, we need to remind ourselves of the impressive progress this society has achieved in the relatively short span of our membership in the community of nations. Our economic and technological accomplishments are almost too well known to be recited. Beginning from a modest agricultural society in the late 18th century, America has witnessed an industrial and technological development and an economic prosperity unparalleled in history. The American standard of living has far surpassed that of any other nation in the world and we have realized phenomenal success covering the whole spectrum of science and technology—medicine, space, cybernetics, transportation, and communications, mass production in both industry and agriculture—the list is almost endless.

What is even more significant, our extraordinary economic and scientific advances have been *shared* to an increasing extent by our entire population. Within our lifetime, there has been a dramatic improvement in the position of American labor, not only in terms of working conditions and wages but also with respect to labor's share in the national decision-making process. Union membership in the United States today numbers some 18 million strong, and it is no exaggeration to say that the American workingman has become a full-fledged partner with management in many areas of our economic life.

By almost any standard which can be applied, the American worker is highly priviledged in comparison with his counterpart in other societies. A simple vivid illustration of this can be seen in the fact that the American worker's purchasing power for every hour worked is more than 10 times greater than his Soviet counterpart.

As well known as we have become for our material successes, American progress cannot be measured simply in terms of the Dow-Jones averages or life-expectancy rates. The quality of life in our society has been steadily improving—although we must certainly look beyond the headlines to appreciate this fact.

In the field of education, for example, the United States has witnessed improvements on a dramatic scale. In 1900 only four per cent—one out of twenty-five—of our youth graduated from high school. Today nearly eighty percent of American youth graduate from high school and about half of these enter college. Even these figures do not tell the whole story. The quality of our education has improved equally as much in terms of method, diversity, and teaching skill. Currently, for instance, we are investing more than three times as much for every pupil as we did only twenty years ago.

Advances in education are only a part of a vast "knowledge explosion" which has characterized this country's growth. America today boasts nearly 2,000 daily newspapers with a combined circulation of well over 60 million; some 850 television stations and 7,500 radio stations with comparable audiences; as well as countless periodicals, publishing houses, and other outlets for the expression and interchange of ideas. For the *free* expression of ideas, let it be stressed—for this vast array of information media operates without governmental censorship.

In the area of civil rights certainly much remains to be accomplished, especially in terms of providing equal opportunities for blacks. But even on this score, while conceding past injustices, we can feel some encouragement from the recent record. Less than fifteen years ago only one eligible black American out of ten was registered to vote—today the figure has gone over the fifty per cent mark and is climbing rapidly. Fifteen years ago, only one in a hundred Southern school districts was desegregated—today we have finally achieved virtually complete desegregation. Within the last decade the enrollment of black youth at our colleges and universities has quadrupled and presently numbers approximately half a million. Black Americans are increasingly gaining positions of leadership and influence. Today, black men serve as mayors of three of our major cities, another sits on the Supreme Court, and another occupies a seat in the Senate. It is only a beginning in balancing the scales of past discrimination, but it is at least a hopeful and tangible start.

Contrary to the cliche-exaggerated picture of military influence in our society which has become fashionable in certain circles, the record clearly shows that from our colonial beginnings to the present we have successfully resisted military domination of our national policies. Our elected representatives in Congress retain clear-cut control of the purse strings of the military establishment. The Federal courts have reviewed the decisions and modified the practices of court-martial proceedings in the Armed Forces. The Reserve Officers' Training Corps program, which ironically has been singled out as a symbol of alleged excessive military influence, has actually served precisely the opposite purpose: to provide for the regular infusion of civilian influence into our Armed Forces and to preclude the development of an officer caste.

In the field of law enforcement, we can also find much that is right and which should serve as grounds for optimism. To a greater degree than most professions, law enforcement in recent years has witnessed a marked improvement in quality, training and professionalism of personnel on every level. Since 1935 when the FBI initiated its National Academy to assist in the training of local police officials, nearly 6,000 officers have been graduated of whom more than one-fourth are currently serving as executive heads of their respective departments. Once the neglected stepchild of government, law enforcement is now receiving an increasing share of both Federal and local funds to improve police training, attract better-qualified candidates, and adopt the most effective and modern equipment in the continuing struggle against crime. Educational requirements of police applicants now include a college degree in many departments, and there has been approximately a 40 per cent increase in the average pay for law enforcement officers during the past five years. Police-community relations, especially in urban areas, have been heavily stressed and have already begun to pay dividends. Cooperation between various police agencies, as typified by the FBI National Crime Information Center, has further improved both the quality and effectiveness of law enforcement throughout the country.

We cannot minimize the crisis in crime—serious crime in 1969 increased 12 per cent over 1968—or suggest that it will be solved in the foreseeable future, but we should at least be encouraged by the steps being taken today to combat it. As an example of what can be accomplished, we need look no further than our Nation's Capital where, largely through improved training, administration and personnel, the trend toward a runaway crime rate has now been clearly reversed.

It has been often remarked that democracy is an inefficient form of government and some have declared that democracy is doomed to failure. It is believed that the record this country has made, which has just been touched upon, gives the lie to defeatist notions and offers ample reason for us to share Emerson's faith in the future. Through the exercise of the freedoms of speech, press, assembly and worship, this country has experienced a dynamic interplay of values and ideas throughout our history. The competition between conflicting values and ideas occasionally has been marked by bitterness and even violence. Despite our differences, however, we have survived and prospered.

Many centuries ago a wise man recommended: "In things essential, unity; in things doubtful, liberty; in all things, charity." This spirit has, I think, been that of the United States throughout its history.

Thus, we weigh the scales on the side of what is right in the country. Certainly it is apropos to raise these questions. Is there any other country in a world of 143 nations which exceeds the United States in personal freedom; in opportunity for individual expression and for self-improvement? These qualities of our life enhance the individual's freedom under law in areas of thought, action, inquiry, dissent, worship, and experimentation.

Now we must look at what is wrong, for clearly a great deal is not right in our society. The list of our problems is lengthy and all too familiar: the overcrowding and deterioration of our cites; the pollution of our environment; the growing spectre of drug addiction and crime; the stubborn endurance of poverty and discrimination; the problems of human identity in a mechanized society; and a dozen other issues equally as urgent.

Many of these problems are rooted in the neglect or failure of generations which preceded us. They have been passed along through the years, slowly gathering force, until they have burst upon our national consciousness in the last two decades. Others—student unrest (there were 530 public school racial disorders this last academic year); the breakdown in authority; permissiveness in society and the home—are uniquely our own by-products of our age of whirlwind economic and technological change. The swiftness of industrial development, the rapid shift of our economy from an agricultural to an industrial base and of our population from rural to urban areas have inevitably created enormous strains which have left large numbers of Americans stranded in the backwaters of our swelling prosperity. Millions of Americans, inadequately trained or poorly educated, still have incomes below that which we have defined as the poverty level despite a staggering $55 billion committed by the Federal Government to health and welfare programs and despite the additional billions being spent by private aid organizations.

The whirlwind of our technical progress among other factors has also produced an irrational tolerance for civil disorder in the Nation, much of it centered in our young people—students and professors. This tolerance for violence has now developed to the point where even a few clergymen have been involved in planning acts of violence. The issues underlying student disorders relate basically to demands for change: an end to the war in Southeast Asia; greater commitments to social justice; and a more meaningful educational experience based on university reform.

The consequences of these problems for our Nation are such that we cannot await the action of future generations to resolve them. They can be solved now, as can those which have been thrust upon us from the past, but only if we are willing to exert the effort and are ready to make the sacrifices required.

Pressing as these issues are, however, there is one that, by its very nature as a fundamental threat to our democratic concepts, demands our greatest effort. This is the growing commitment to violence on the part of small, willful, emotionally unstable, dangerous and destructive minorities of alienated groups and individuals. These extremists, who wield an influence far out of proportion to their numbers, have totally renounced our traditional system of rule by law and have launched a concerted, all-out effort to seize power by intimidation and terror.

Law enforcement has been a principal target of these extremists. The police are the most visible and the most available representatives of the system of law and moderation that they detest. And so we have seen a wave of unprovoked assaults on policemen in recent months, an intensification of a campaign that has been going on for years.

Law enforcement represents our first line of defense against the anarchy of the terrorist. Local police have borne the brunt of these attacks with 561 officers killed due to criminal action from 1960 through 1969. In 1969, alone, 17 out of every 100 police officers were assaulted. Other law enforcement personnel have not been immune. For example, there were 73 FBI agents assaulted while performing their official duties during the 1969 fiscal year. This figure jumped substantially the following year when 90 Agents were assaulted.

Who are these terrorists who use bombings, arson and murder as political weapons? They can be broadly catalogued into three segments: extremists of the far right, black extremists and youthful anarchists of the so-called New Left.

WHITE EXTREMISTS

White extremists opposing Negro rights and equality go back in our history to the colonial period. Their continuing deluge of libelous propaganda and readiness to resort to force, intimidation, and lawlessness represent a blemish on the Nation's record of numerous positive steps taken to correct racial inequities. While the membership in white hate groups that spread racial bitterness and engage in violence has waned in recent years, a hard-core of irrational diehards is still busy trying to prevent the extension of constitutional guarantees to Negroes and is still practicing a virulent anti-Semitism.

Klan-type organizations, with a total membership of 4,300 in 18 separate groups, comprise the majority of organized white extremists. In the South, constant pressure by law enforcement, including the FBI, has detected plans or acts of violence, such as the killing of civil rights workers. The

courts have also convicted Klan-type individuals for their violent activities. Regrettably, however, there have been occasions when a court or a governor has caused the release of a convicted Klansman even though he was directly involved in the killing of civil rights workers. Nevertheless, legal action against the Klan has resulted in decreased membership in southern states. In the North, Klan growth has been minimal.

Akin to the Klan groups and equally vitriolic in its racist utterances is the small National States Rights Party with headquarters in Savannah, Georgia. Its newspaper, "The Thunderbolt," which spews hatred for blacks and Jewish people, makes a grotesque joke of the principles of justice and objectivity to which your profession adheres. Grinding out similar racial bigotry is the National Socialist White Peoples Party, the former American Nazi Party. Patterning themselves after the jackbooted storm troopers of Nazi Germany, members of this group strut about in their uniforms replete with swastikas. They regularly converge on the Nation's Capital from their Arlington, Virginia, headquarters to proclaim their antiblack, anti-Semitic beliefs.

The highly publicized Minutemen, a secretive band formed to collect and store weapons for use in combating an anticipated communist take-over, has virtually disintegrated following the arrest and jailing of its organizer and leader, Robert DePugh. He is currently serving a sentence after conviction for a violation of the Federal Firearms Act.

The American press can take pride in its exposure of Klan and similar groups as purveyors of terror and violence who openly and covertly flout the rule of law. Publicity of the abhorrent extremes used to foil Negro gains has undoubtedly contributed in large measure to the decline of white extremist groups in recent years. In performing this valuable service of presenting the facts on such lawless elements, the press has even had to face—unarmed except with the tools of its trade—the verbal and physical hostility which has often been directed against members of my profession by white extremists.

AIRCRAFT HIJACKING

Fanaticism knows no national boundaries. The impact of it is felt by our citizens both at home and abroad. Moreover, there often seems to be an attraction between some brands of fanaticism.

A case in point is the Palestinian commandos who are currently in the news.

In the past two and one-half years the Fedayeen—"Those who offer themselves for their native land"—have been responsible for attacks against aircraft and hijackings of airliners in more than a dozen cases. The most notorious, of course, was the series of hijackings on Sunday, September 6, when hundreds of innocent passengers were flown to Jordan and Egypt, and subjected to inhumanities, indignities, inconveniences and constant threats of death.

These Middle East terrorists are brazen in their planning and bold in the execution of their deeds. Within a month prior to their September 6 hijackings, they announced plans to hijack a Swissair plane carrying United States citizens. The declared purpose of these terrorists was to hold the citizens hostage in order to compel the United States Government to bring pressure on the Swiss Government to release criminals being held in Switzerland for an earlier attack on Israeli planes.

Hijacking is now, indeed, an international problem. Since January 1, 1968, a total of 80 American aircraft have been hijacked with 59 diverted to Cuba. The successes of such fanatics attract and impress other fanatics. Even now we are seeing among black extremists in our own country signs of an attraction to Arab terrorist methods. In August, 1970, for example, an article in the commando newspaper "Fatah" reported a group of Black Panthers from the United States was visiting Jordan to attend a meeting along with representatives of Communist China and North Korea. Moreover, there has been clandestine travel by black extremists, principally Black Panthers, to the Arab countries of the Middle East.

BLACK EXTREMISM

For decades there have been traces of black extremism on the fringes of the legitimate civil rights movement. Today, however, there are major black militant elements which represent an ominous threat to peaceful relations between various racial groups. More than that, these extremists pose a fundamental threat to the orderly processes of government in our Nation. Black extremists—along with the white supremacists—have received voluminous publicity for their hate-filled messages and their dangerous contentions that the laws of the land must be disregarded in order to achieve their goals. Unfortunately, publicity concerning these embittered black extremists often obscures the truly talented and responsible black spokesmen who see the reduction of inequality through legitimate acts within the framework of the rule of law—not through some sudden stroke of violence.

Black extremists have accelerated their terroristic tactics. One group was responsible for the August, 1970, bombings at the Portuguese and Rhodesian Embassies in Washington, D.C. Another, the Black Liberation Front, conspired to destroy, at Tyler, Texas, a school building and buses with Molotov cocktails. Fortunately, the FBI advised local authorities of this conspiracy, enabling them to seize 25 fire bombs and to bring charges against eight of the conspirators.

The vanguard of black extremism today is the Black Panther Party with its demonstrated proclivity for violence. The party was founded in 1966 ostensibly as a self-defense group against police officers. It has, however, been constantly on the offensive in keeping with its battle cry of "off the pigs"—Panther jargon for "kill the police." According to Panther thinking, the police are the first target in the program for "liberation" of the black community and the violent destruction of white America.

The Panther propensity for violence is well documented. On April 21, 1967, four carloads of Panthers, some armed with shotguns, rifles, and sidearms, appeared at the County Administration Building, Martinez, California, to demand an audience with the sheriff in connection with the shooting by police of a young black caught in the act of breaking into a liquor store. On May 2, 1967, some 25 Panthers carrying loaded rifles, shotguns, and pistols invaded the California State Assembly to protest the introduction of a bill outlawing the carrying of loaded weapons in public.

In August, 1967, Panther Minister of Defense Huey Newton in a press interview by "Ramparts" magazine reprinted in the "New York Times," was asked if he would kill an officer of the law. His answer was an unqualified yes. His intention was underscored two months later when he was involved in the first Panther killing of a police officer and the wounding of another. Newton's conviction in the Oakland officer's death was later overturned and he is presently free on bond pending pretrial hearing in connection with a possible new trial. Eight other police officers have been killed in Panther violence, making a total since 1966 of nine officers killed and 48 wounded at the hands of Panthers.

In 1969 one police officer was killed by a Panther firing a shotgun at point-blank range as the officer lay wounded and helpless on the ground. On August 12, 1970, an Omaha, Nebraska, police officer was literally blasted to death by an explosive device placed in a suitcase in an abandoned residence. The officer had been summoned by an anonymous telephone complaint that a woman was being beaten there. An individual with Panther associations has been charged with this crime.

On September 16, 1970, the New Orleans Police Department attempted to investigate the savage beating of two police undercover agents by Black Panthers. Police were met with gunfire from Panther headquarters and only after returning fire and using tear gas were the police able to enter. Fifteen Panthers were arrested and charged with attempted murder. Many shotguns, rifles, and thousands of rounds of ammunition were recovered by police.

In Toledo, Ohio, on September 18, 1970, a police officer was killed by a Panther member shooting at point-blank range through a police van window. While apprehending the assailant, police were fired on by individuals in Panther headquarters. Armed with a search warrant, police later searched the Panther office and found three rifles, three shotguns, expended cartridge shells, much live ammunition, and some explosive materials. Generally omitted in press accounts was the fact that a judge was on the scene observing police and Panthers alike and issuing a search warrant for police entry into Panther headquarters.

While compiling a lengthy record of violence against authorities, the Panthers claim that they are being victimized by the police. Their attorney claimed, for instance, in December, 1969, that 28 Panthers had been killed by police officers since 1966. This false figure is still publicized by the Panthers despite the attorney's later reduction of the figure to 20. But even that figure is false. Of the 20, 10 were killed in gun battles with police. Of the other 10, four were killed by rival black extremists; two by unknown individuals; one by a store owner in an attempted holdup; one by his wife for consorting with a female Panther; one as a result of barbiturate intoxication, and the tenth, Alex Rackley, allegedly by fellow Panthers, one of whom has been convicted on a murder conspiracy charge in Rackley's death.

Panthers deny association with or responsibility for criminal activities. But, in 1969 alone, some 350 Panthers were arrested for serious crimes such as murder, armed robbery, rape, bank robbery, and burglary. In addition, police have found in Panther custody hundreds of firearms, including machine guns, sawed-off shotguns, rifles, pistols and grenades, as well as thousands of rounds of ammunition.

Hate-type propaganda of the Panthers has included Panther Christmas and greeting cards depicting scenes of Negro youths asking for guns and explosives for Christmas and conducting violent attacks on police. "The Black Panther," the weekly newspaper with almost 150,000 circulation at present, has carried diagrams and discussions of incendiary and explosive devices and has recommended the use of high-powered weapons against police. In the August 21, 1970, issue of "The Black Panther," a warning was issued to police to walk at night in "threes and fours because twos won't work anymore." The article said the Panthers were ready for the police "with everything from lye to lead."

The overwhelming hatred of this Nation expressed openly by the Panthers is evident in their attempts to secure sympathy and support from abroad. Panthers castigate the United States as an imperialist giant trying to oppress freedom-seeking people around the world. Panthers idolize "Che" Guevara, Fidel Castro, Ho Chi Minh, and Kim Il Sung (of North Korea) as revolutionary heroes.

Mao Tse-tung's "Red Book" of revolutionary tactics and goals has been revered for providing an "ideological framework" for the Panther Party. Lately, an International Section has been opened by fugitive Minister of Information Eldridge Cleaver in Algeria which has formally accorded the Panthers status as a "liberation movement." Cleaver and various traveling Panther functionaries have recently visited Asian capitals, including Hanoi. Moreover, Minister of Defense Huey Newton, in the "spirit of international solidarity," has offered the Viet Cong an "undetermined number of troops to assist" in the fight against "American imperialism."

Panther anti-Semitism has led to embracing the Arab terrorist movement in a bitter propaganda campaign which charges that Israel is a tool of the "imperialist" United States. The depth of the alliance between the Panthers and the Arab terrorists is described in a scholarly July, 1970, study of the Anti-Defamation League of B'nai B'rith entitled "The Black Panthers." The fugitive Panther official Cleaver is described as embracing and kissing Al Fatah leader Yasser Arafat in Algiers in late 1969. Cleaver, according to the official Algerian newspaper "El Moujahid," has also stated that "Zionists, wherever they may be, are our enemies."

In the 57 issues of "The Black Panther" published between June 1, 1969, and July 11, 1970, no less than 50 articles or references of an anti-Zionist or pro-Arab terrorist nature were published. Twenty-seven of these articles appeared in the first 21 issues of 1970. The articles appeared under such bold headlines as "Zionism (Kosher Nationalism) + Imperialism = Fascism," and are frequently illustrated by cartoons depicting "Zionism" as a pig, a characterization usually reserved for policemen.

Speaking in the May 19, 1970, issue of "The Black Panther," a New York City Panther said:

"We are anti-Zionist expansion in the world and Zionist exploitation here in Babylon (United States), manifested in the robber barons that exploit us in the garment industry and the bandit merchants and greedy slumlords that operate in our communities."

The recent justification by Arab guerrillas of their hijacking and destruction of jet airliners as "revolutionary acts" is directly akin to the Panther rationale that its criminal acts are political acts immune from retribution.

In concluding its recent study of the Black Panther Party, the Anti-Defamation League observed:

"In their all-out support for Al Fatah, the Panthers have attacked Israel with the rhetoric of Arab and anti-Semite alike . . ."

Despite open espousal of Marxist-Leninist revolutionary acts and goals, despite unprovoked physical attacks on authorities, despite stockpiling of weapons and explosives, and despite the criminal records of Panther leaders and members, Panther cries of repression at the hands of a Government "conspiracy" receive the sympathy and support not only of adherents to totalitarian ideologies, but also of those willing to close their eyes even to the violent nature of hoodlum "revolutionary acts."

Many individuals—commentators, educators, lawyers, clergymen, and socially prominent figures—have either failed or refused to recognize the primarily lawless nature of the Black Panther Party. This is unfortunate for two reasons: First, emotions have been permitted to prevail over facts. Second, the expressions of sympathy and support for the Black Panthers contribute to an atmosphere of contempt for our Nation's foundation of rule under law rather than to positive steps to improve the quality of our national life. Certainly, the torture-death of Alex Rackley, allegedly at the hands of the Black Panthers, should reveal the criminal character of this group.

In May, 1969, Rackley, an apparently dedicated Panther from New York City, stood before a Panther "kangaroo" court in New Haven accused of being a police informant. Scalded with boiling water and beaten almost beyond recognition, he was judged to be guilty. His body was found by police shortly thereafter in a swamp.

After arrests of individual Panthers by local authorities, the gruesome details of the torture-killing eventually brought a strange reaction from some quarters of the academic community. Referring to the defendants in this case, a prestigious educator in April 1970, asserted publicly that he was skeptical of the chance for black revolutionaries to receive fair trials anywhere in the United States. While he soon moderated his stand by saying that no disparagement of the entire legal system was intended, the modification went virtually unnoticed in the wake of the publicity given to his first statement.

Prior to the New Haven trial, Panther demonstrations against the courts were a direct challenge to the rule of law. Threats were made that violence would break out in the streets in connection with the trial. The city became tense and uneasy. With good reason, too, for the Panthers were well-armed for a showdown with police, looking apparently for a bloody confrontation to draw attention to the trial. This tension was compounded by a vote at Yale University to close the university for a massive rally in sympathy with the Panther defendants.

Fortunately, in an effort to ward off violence, authorities arranged for sufficient law enforcement personnel. National Guard units, and Federal troops to be ready for immediate use in New Haven during the massive Panther rally on the first weekend of May, 1970. The result was that Panther leaders, to whom the array of force was readily apparent, departed New Haven earlier than planned. The show of force definitely kept the disruption to a minimum of sporadic incidents. Yet, some members of the press gave credit where it did not belong.

Obviously disappointed in the effective preparations to control outbursts of violence at the rally, the Panthers soon were to welcome Yale's hosting of a Panther-sponsored Black Student Revolutionary Conference, May 16–19, 1970. This was no ordinary talkfest. Excluding whites and white press coverage of the proceedings, the Panthers set up workshops on urban guerrilla warfare, including such subjects as means of sabotaging public utilities as well as the construction and use of explosive and incendiary devices. The conference discussed techniques of attacks on police. Many of the techniques discussed have been used in unprovoked racially motivated assaults on and murders of law enforcement officials.

The trial of the first Panther defendant began in July, 1970. Efforts of the Black Panther Party to create an emotionally charged atmosphere were to be expected. The potential for violence, however, in this volatile situation was increased by the interaction of several factors. These included the attacks on our court system, the massive rally, the revolutionary conference and diverse forms of sympathy and support from numerous sources. Much of that sympathy and support might have been withheld if those who extended it had examined with objectivity the true character of the Black Panther Party.

During the trial ending in the conviction of the first defendant, courthouse rallies in support of the Panthers were an almost daily occurrence. They were calculated to affect the outcome of the trial, an activity repugnant to the idea of fair and impartial trial. Nevertheless, the rule of law prevailed through the alertness of law enforcement and disruptions were kept to a minimum. And in a turnabout statement the Panther defense attorney acknowledged at a news conference after his client's conviction that "anybody in a minority group can get a fair trial in this state."

The call of the Black Panthers for positive action in the form of force and violence against white society, especially the police, appears to have stimulated elements beyond the Panther membership. In June, 1970, the FBI furnished information to the Detroit Police Department which enabled them to thwart the plans of a group associated with the Black Panthers, the Black Liberation Army Strike Teams (BLAST), to ambush police. The "officer on the beat" has borne the brunt of the black extremists' attacks on our society. Since January 1, 1970, there have been 190 reported instances of racially motivated attacks against policemen, including 17 ambushes. As a result, 21 police officers have been killed and 159 others have been injured. Police have arrested 351 blacks in connection with the attacks, which include 104 assaults, 54 snipings, at least 7 bombings, and 4 incidents of arson.

During August, alone, there were 23 attacks by black extremists against police. These caused the deaths of 5 officers and injuries to 56 others. The terrorist tactics against police lead to the inescapable conclusion that the inspiration, motivation and techniques employed come not so much from the inflammatory rhetoric of the Black Panther Party as they do from its deliberate planning for such violent acts.

In California a group of black extremists were responsible for the August 15, 1970, murder of a state judge sitting in Marin County. Three of the blacks involved were killed at the time. They were eulogized by the Black Panthers as "courageous revolutionaries." Angela Davis, former University of California instructor who had earlier been given sympathetic treatment in some segments of the press, allegedly purchased the guns that were used in the killing of the judge. She has been a publicly avowed communist for some years and is now being sought under the Federal Fugitive Act following indictment for murder in California.

Currently, the Black Panther Party is planning a November, 1970, national convention in the Washington, D.C., area. Called the Revolutionary People's Constitutional Convention, it is to be a gathering of "oppressed people," white and black, for the purpose of rewriting the United States Constitution. Last month, in Atlanta, Georgia, the Congress of African Peoples held a conference attended by 2,500 black power representatives from 35 states and 21 nations. Dominated by extremists, the Congress established its objective as the creation of programs to destroy any progress toward integration. The Congress called for the establishment of a World African Party which would emphasize disruptive tactics against white institutions, including the police and the military, and stressed training in skills for engaging police in shoot-outs.

The extremism of both whites and blacks requires objective reporting in the press. Factual presentation of such activities helps to reveal the dangerous nature of those who take the law into their own hands. There have been, however, complaints that press exposure of the evil of white extremists has been exaggerated and overdone, while on the other hand black extremist activities have been condoned in many sections of the press. Some readers and commentators have questioned why some elements of the press believe it wrong for police to investigate and arrest Black Panthers for violating our laws when the record shows that the Panthers preach violent destruction of the Nation; have leaders and members with serious criminal records; threaten to kill those interfering with them, including President Nixon, former Supreme Court Justice Arthur Goldberg, California Judge Monroe Freidman, U.S.

District Court Judge Julius Hoffman, Senator John McClellan and Dr. Henry Kissinger; and have killed nine police officers since 1966.

Vigorous action by law enforcement against Klan-type individuals and other white extremists has generally been applauded in the press, but some press elements seem to contend that arrests are making martyrs of the Panthers and police should bend over backward in dealing with them. The question can logically be asked: does such criticism mean Panthers should not be arrested despite their criminal acts?

Of course, there are sociological factors involved, but a crime must not be ignored because of a man's urban, innercity background any more than it can be ignored because of a man's rural, white supremacist background. Referring to the riots in our cities, former Ambassador George F. Kennan declared in June, 1968, ". . . if there has been any excess here, it has been an excess of tolerance towards such things as arson, looting, sniping and the malicious harassment of police and firemen endeavoring to perform their duty."

The criminal acts of all extremists regardless of race, color, or creed, require the attention of law enforcement. When criminal activity goes unchallenged, the very foundation of our rule under law crumbles.

EXTREMIST MINORITY OF NEW LEFT

The more militant elements of the New Left, such as the Students for a Democratic Society, have, during the last year or so, been associated with the tactics of mass destruction, terror, and guerrilla warfare directed against this Nation. Since 1962, SDS has moved rapidly from a stance of protest through one of active resistance to its current position which urges acts of outright rebellion to overthrow the Government. The extremist elements of the New Left, with their campus orientation, pose a grave challenge to the stability and continuity of freedom of speech and to progress under law.

The university is viewed by the student rebel as a tool of the establishment. It accepts payment for engaging in war-making research projects, produces brainwashed students to keep the system going and thwarts students initiative through its security forces. It is viewed as a symbolic institution of American injustice.

Thus, the college campus has become a major target of extremist New Left attacks. The aim is to radicalize students and to use them to destroy the university's role within the establishment. At the same time, there is an aim to make the campus a base for political action directed against the social structure and ultimately against the Government itself. A small nucleus of professors occupy a very important role in this strategy. To date, this role has not been adequately treated by the press. The concept of an elite group above the law is alien to American society and it is the responsibility of the press to inform the citizen by exposing those who identify with this elitist concept.

Statistical evidence for the academic year 1969–1970 shows a sharp increase in the number of demonstrations on college campuses and corresponding violence. There were some 1,800 demonstrations on American campuses in that academic year. As a result of these demonstrations, many of which involved violence, 7,500 arrests were made and 462 injuries reported. Of this latter number, some two-thirds were police officers and college administrators trying to control the demonstrations. Tragically, eight deaths resulted from this campus violence. Sit-ins totalled 313 and there were 14 instances of bombings and 247 arson incidents. ROTC facilities suffered 282 attacks on campus. Damages approached $10 million in campus disorders.

Since the end of the 1969–1970 academic year, additional campus disruption has occurred. The most tragic and repulsive, of course, was the bombing of the Army Mathematics Research Center at the University of Wisconsin on August 24, 1970. Five minutes after an anonymous call that a bomb was in the center, a deadly blast ripped the six-story building, killing a research worker and injuring four others in the building. Property damage was estimated at $3 million. The FBI has identified four suspects who have been indicted for sabotage and destruction of Government property.

Terrorist acts violate academic freedom and interfere with scholarly work. These insane acts of violence as well as instances of student anarchy, interfere with the right of professional, qualified persons to inquire, discover, publish, and teach within the field of their competence.

In addition to disruption and violence on the campus, some extremist elements of the New Left have left the campus to confront the establishment elsewhere.

The Weatherman faction, arising from a split of SDS at its 1969 national convention, called for terrorist tactics during a "National Action Week" in Chicago during October, 1969. Over 270 Weatherman members and followers were arrested in Chicago as they gained experience in revolutionary tactics. Noting the numbers arrested at the Chicago action, Weatherman leaders in December, 1969, outlined a different strategy. They planned a small, tough paramilitary organization designed to carry out urban guerrilla warfare which would bring about a revolution against the Government. In early 1970, Weatherman leaders called for their members to go underground and form commando-type units. Weatherman members were to engage in strategic sabotage directed against military and police installations using bombs, assassinations, and some direct confrontations with police.

Evidence of the new strategy was soon apparent. On March 6, 1970, three Weatherman associates were killed in a dynamite explosion in New York City of a townhouse "bomb factory." On March 30, 1970, sticks of dynamite and other explosives were found in a Chicago apartment rented to Weatherman activists. The dynamite, incidentally, was similar to that found unexploded on March 6, 1970, in two Detroit police installations.

In May, 1970, Bernardine Dohrn, top female Weatherman, issued a Weatherman "Declaration of War" which called for revolutionaries and youths to join in the "Weatherman revolution." She threatened that within the next 14 days, "We will attack a symbolic institution of American injustice." The New York City Police Department became the apparent target when a bomb exploded there on June 9, 1970, 15 minutes after a Weatherman anonymous call to the headquarters. Damage from the explosion was $150,000, and eight persons were injured.

On July 27, 1970, a pipe bomb exploded at the Bank of America office in New York City. A New York City newspaper received a call five minutes after the blast stating, "This is a Weatherman . . . We have just bombed the Bank of America . . . Tell John Mitchell (Attorney General) that no matter what he does, we cannot be stopped."

On September 16, 1970, a Los Angeles newspaper received a letter purportedly from Bernardine Dohrn. That letter enclosed a letter from Timothy Leary who escaped four days earlier from a California prison where he was incarcerated on a local possession of marijuana charge. The Dohrn letter stated that Weatherman "commits itself to the task of freeing these prisoners of war." Leary expressed gratitude for the Weatherman underground aiding his escape and warned that he is armed and should be considered dangerous.

This strategy of terror through urban guerrilla warfare and violence on campuses has brought needless death and injury to many. Too often, little attention is given to the grief-stricken families of innocent people killed or injured by the acts of arrogant extremists. Other victims of this strategy of terror are the parents and relatives of the terrorists themselves. Some must resign themselves to being apologists for these revolutionary wrecking crews of society. These wide-ranging facets of the results of such violence require more coverage in our press. So do the explicit utterances of the revolutionary leaders. Weatherman leader Bernardine Dohrn, for example, spoke last winter at a Weatherman conference. She in effect condoned the Sharon Tate murders in California with the revolting statement "Dig it, first they killed those pigs, they had dinner in the same room and then shoved a fork into a victim's stomach—wild!"

Several anarchistic groups reportedly have plans to kidnap Government officials. This kind of terrorism is especially ominous since many foreign heads of state will be attending the 25th anniversary of the United Nations in New York this month. Moreover, the widespread campaigning of Government officials in the United States this fall increases their vulnerability to be seized as hostages by extreme groups.

INTERNATIONAL TIES

The New Left movement is not strictly an American phenomenon. It exists in other countries and there are international ties. Many New Left leaders have traveled and conferred with their counterparts abroad. SDS leaders such as Mark Rudd, Bernardine Dohrn, and Thomas Hayden, for example, have visited Canada, Cuba, France, and North Vietnam.

Another foreign thrust of the New Left movement is the Venceremos Brigade which was organized in June, 1969, in this country to support Castro's Cuba by assisting in the 1970 sugar cane harvest. Openly defying a State Department ban on travel to Cuba, the Brigade has sent three contingents to Cuba in 1969 and 1970. Two of the most active recruiters for the Brigade were Weathermen Ted Gold and Diana Oughton who were killed in the explosion on March 6, 1970, of a Weatherman "bomb factory" in New York City. Curiously, some colleges and universities have offered academic credit to students participating in Brigade trips to Cuba.

New Left international ties also are evident in the antiwar movement in our Nation. After failing to attract large numbers of protesters to the demonstrations at the January, 1969, Presidential Inauguration, leadership of the primary antiwar group made plans for a summer conference to revitalize the movement on a broader basis. During May, 1969, New Left representatives attended a meeting of the Stockholm Conference on Vietnam where representatives of North Vietnam and the National Liberation Front of South Vietnam strongly supported the United States antiwar movement. The communist delegates emphasized the need for creating widespread public opinion to demand United States withdrawal from Vietnam in order for the Viet Cong and North Vietnamese to achieve victory in South Vietnam.

In June, 1969, a call went out for a National Antiwar Conference for the following month in Cleveland, Ohio. The conference, including Students for a Democratic Society, the Black Panther Party, the Communist Party, USA, and other Marxist groups, created the New Mobilization Committee to End the War in Vietnam (New Mobe). It called for a massive November 15 march on Washington, D.C., to protest American involvement in Vietnam. One speaker, Irving Sarnoff of Los Angeles, reported his recent discussions in Paris with a North Vietnamese delegation which praised plans for the Cleveland antiwar conference.

The ties between the domestic antiwar movement and its foreign principals were revealed again prior to the November 15 demonstrations. New Mobe leaders attended another international meeting of the Stockholm Conference on Vietnam. Viet Cong and North Vietnamese representatives were present. Plans were made for a later international conference so that the November 15 demonstrations would not be seen as an end to the "peace" offensive that was to benefit the communist cause in Vietnam.

The broad effect of action by the extremist minority of the New Left has been measured in the September 9, 1970, issue of the "Liberation News Service." Following destruction of Selective Service files in Baltimore and Catonsville, Maryland, in 1967 and 1968, about 500,000 draft files have been destroyed by antidraft extremist groups of the New Left such as the Milwaukee 14, the Chicago 15, the Beaver 55, the New York 8, the Boston 8, and the East Coast Conspiracy to Save Lives. According to the above issue, the Beaver 55 raided Dow Chemical Company headquarters where they erased computer tapes storing all of the data from Dow's biological and chemical warfare research programs.

Another small militant group, the White Panther Party, which supports the Black Panther Party, has called for revolutionary violence, including bombings and sabotage. The White Panthers have also suggested the possibility of kidnaping high Government officials and United States ambassadors, demanding freedom for White Panthers now in prison in exchange for release of the officials.

Idealism Corrupted

The world-renowned psychiatrist Dr. Bruno Bettelheim, in writing about youthful revolutionaries in the September, 1969, issue of "Encounter" states:

"I have worked professionally with some militant leaders for years, and I know that student revolt permits the social isolate to believe temporarily that he is 'part of a community,' and offers an opportunity for the paranoid persons to act out his paranoia as could happen in no other niche of society . . .

"Unfortunately, most non-professionals do not know how persuasive paranoiacs can be in their unconscious appeal to the vague and fleeting paranoia of the immature and disgruntled. Paranoiacs are always persuasive in their appeal to any group of the population who rightly or wrongly feel persecuted."

These comments regarding psychiatric disorders bring to mind the observation of George Orwell that "revolutionary creeds are rationalizations of neurotic impulses."

It is absolutely essential to recognize and publicize the fact that each incident of violence committed by the most radical minority of the New Left—including the Weatherman—constitutes an increasing corruption of a youthful, student idealism which in the past held great promise. The perversion of that idealism by acts of terror is a tragic waste of our youthful resources.

In examining distruption by the New Left, it is easy to place the total responsibility on the extremist leaders and those young people who man the barricades with them. But this responsibility must be shared by others in our society who by their actions have been instrumental in encouraging this disruption. A small number of alienated and irresponsible faculty members have played important roles—openly and behind the scenes—in many of the worst campus disorders. These individuals, in their arrogance, count for nothing the rights of the students who want to attend class peaceably and to learn in an atmosphere conducive to study. Such faculty members seek only to politicize the campuses in support of their own elitist concepts and, in so doing, they have grievously harmed academic freedom. Responsibility for the intensity of campus disorders must also be borne by those college administrators who have appeased the disruptors in the name of academic freedom and in surrendering their professional standards have only extenuated the student attacks.

Members of the Boards of Trustees of colleges and universities are also not free from blame. How many know what is going on in their colleges? How many are aware of the weaknesses of their educational administrators? How many have been appeasers to revolutionary professors and students, oblivious to the fact that you can no more appease them than Chamberlain appeased Hitler?

Joseph F. Ford, member of the Board of Trustees of Brandeis University, has expressed some thoughts on this subject which all members of Boards of Trustees could consider with benefit. Mr. Ford has in discussion emphasized that freedom of thought, expression and action plus fearless pursuit of truth must be guaranteed to *all* members of an academic community. Mr. Ford adds that this can be done only in a context of rationalism, order and good will. He concludes that it is the responsibility of the members of Boards of Trustees to contribute to this end.

The mass media, of course, has a fundamental responsibility for pursuing truth. It also has the responsibility to report in a rational and balanced manner. Unfortunately, certain segments of the media—either wittingly or unwittingly—have given impetus to student extremists through slanted coverage of their activities, or through excessive concern for the sensational in their reporting. Media must inspire its audience to arrive at reasoned conclusions based on facts impartially presented. A free yet responsible media is absolutely essential in providing a self-governing nation with an enlightened citizenry.

The excesses of left extremism, dangerous as they are in their own right, pose a far greater danger for the country in the reaction they can cause among the moderate majority. If the irrationalism, violence, destruction and lawlessness of the extremists of the left are allowed to continue, the people of this Nation, out of fear, anger and growing concern for themselves and their families, could veer away from the "vital center" and dangerously far in the direction of the extreme right.

NO SIMPLE ANSWER

If there is anything to be gleaned from this Nation's crisis of conscience of faith and of confrontation with extremism, it is that man, despite his immense abilities to harness his physical world, has still to learn how to harness itself. His genius for evil, for selfishness, arrogance and cruelty, continues to match his genius of spirit which has enabled him to put his footsteps on the moon and on the threshold of the forces of life itself. He is more aware of his capabilities than his limitations. What is possible within these capabilities and limitations?

There are no simple answers to America's problems of the 1970's. No permanent solutions will be found through legislation or law enforcement alone. Neither will shibboleths of the past provide us with a panacea. We must question old concepts and test them in the light of new realities. In fact, it has been well said that the recurrent shock of our age is the discovery that concepts and patterns of action of a more secure past no longer fit the present reality that change, challenge and conflict have created.

Americans today could agree with the thought expressed by Emerson—this is a very good time. But it is a time which calls for us to remain rational in an atmosphere of social flux and hostility and which compels us to search for solutions to our urgent problems with reason rather than emotion. This is a time for cool heads and unshakeable courage. It is also a time for us to expand our capacity for moral and spiritual growth and to deepen our commitment to and understanding of the democratic principles on which this Nation was founded.

Alexander Pope could have been speaking just as well of the contradictions of the human condition of our time as his own when he wrote in his "Essay on Man":

"Born but to die, and reas'ning but to err;
Alike in ignorance, his reason such,
Whether he thinks too little or too much;
Chaos of thought and passion, all confused;
Still by himself abused and disabused;
Created half to rise, and half to fall;
Great lords of all things, yet a prey to all;
Sole judge of truth, in endless error hurled;
The glory, jest and riddle of the world."

The churning contradictions of good and evil in contemporary America challenge us as never before to raise the quality of life and achieve new goals of freedom and opportunity.

If men were angels this world would be different. Their ideals would be achieved. But men are not angels and, therefore, as Louis MacNiece wrote:

". . . to the good who know how wide the gulf, how deep
Between Ideal and Real, who being good have felt
The final temptation to withdraw, sit down and weep,

"We pray the power to take upon themselves the guilt
Of human action, though still as ready to confess
The imperfection of what can and must be built,
The wish and power to act, forgive, and bless."

This is a very good time for all of us, if we but know what to do with it. And, we will know what to do with it only if we recognize honestly and in depth both our human capabilities and human limitations and within this context pursue "the art of the possible."

Apropos of this, we can with profit reflect upon two related thoughts expressed by Mr. John Edgar Hoover, Director of the Federal Bureau of Investigation:

"Long before we became a Nation there were those who questioned man's capacity to govern himself. The philosopher, Rousseau, who died in 1776, expressed his doubt in these words: 'If there were a people consisting of gods, they would be governed democratically; so perfect a government is not suitable to men.' We are not gods, but while we have faith in God and continue to make it our concern when our neighbor's wall is on fire, we shall confound the cynics and this Republic will survive."

"I am convinced that the heart and spirit of this Nation are sound and good. I believe one day the verdict of history will reveal that, in the main, today's Americans rose magnificently to meet a series of most formidable challenges."

MANY HAVE MUCH AT STAKE IN IMPORT BILL

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. GALIFIANAKIS. Mr. Speaker, I would like to share with my colleagues an editorial which appeared in my hometown newspaper, the Durham Sun, last Friday.

The content of this editorial stresses the vital importance of the passage of the Trade Act of 1970 to the people and the economy of North Carolina. I commend the Durham Sun for so accurately reflecting the thinking of the people of my congressional district and of our State.

The editorial follows:

MANY HAVE MUCH AT STAKE IN IMPORT BILL

Anyone who doubts that the textile industry in this country needs some protection against foreign imports, particularly from Japan, should take a look at the latest statistics of the U.S. Department of Labor.

In the last six months alone, at least 41 American textile plants have shut down and hundreds more have gone on reduced schedules, which means smaller paychecks to their employes. Most of this has been caused by inability to meet the competition of lower-priced imports, produced by people working for a low wage scale.

Around 17,000 workers in the Carolinas, 10,000 of them in North Carolina, have been caught in the squeeze since September 1969, and have been laid off their jobs. For the nation as a whole, textile employment in the past year dropped from 991,000 to 945,000, th unemp'oyment ranks being swelled by 10,000 this past October alone.

But even more people have a stake in the future of the import quota bill now before Congress. Without some kind of assurance of trade protection, the industry in the United States is unwilling to spend large sums of money on expansion and needed modernization of their plants. If it is not provided, it is likely, as often has been predicted, to go outside of the U.S. and build new plants where labor and other costs will be cheaper.

Then it would be in a position to compete with unrestricted foreign imports. Industry leaders say that is the only way it could.

UNDERSTANDING WHAT IS GOING ON IN RURAL AMERICA

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. ZWACH. Mr. Speaker, too many people, including, I am sorry to say, far too many Members of Congress, seem to lack an understanding of what is going on in rural America, what are the conditions under which our food producers work in order to give the American consumer the greatest food bargain in the world.

I have gathered some interesting facts from "1961 to 1970, The Farmers' Worst Nine Years" which I would like to pass along by their insertion in the CONGRESSIONAL RECORD.

The author, Frank LeRoux, charges that the United States' greatest industry, agriculture, is being economically destroyed in an effort to please the consumer.

Here are some of his salient assertions:

Three million producing farms employ 4,600,000 workers. This is more than the combined employment in transportation, public utilities, the steel industry, and the automobile industry.

Total gross agricultural assets are $307,000,000,000. This is two-thirds of the value of current assets of all corporations in the United States and one-half of the market value of all corporation stocks on the New York Stock Exchange. It represents about $50,000 in investment for each farm employee—double that of each manufacturing employee.

Three out of every 10 jobs in private employment are related to agriculture.

Eight million people have jobs storing, processing, and merchandising the products of agriculture.

Six million people have jobs providing the supplies farmers use.

No other industry in the United States does so much for the country and receives so little in return.

POW'S IN SOUTHEAST ASIA HAVE HAD LITTLE TO BE THANKFUL FOR ON THEIR THANKSGIVING DAY

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. SATTERFIELD. Mr. Speaker, as this body meets today following a Thanksgiving recess, which most of us shared with family and friends, I call to the attention of my colleagues the Thanksgiving of our American POW's in Southeast Asia. Certainly they had very little to be thankful for on their Thanksgiving day.

It is my sincere hope that another day of Thanksgiving in these United States will not pass without all Americans having the opportunity to say, "We are thankful that our POW's have been returned."

It was my privilege and the privilege of our entire Virginia delegation in Congress to meet with a courageous group of wives of Virginia prisoners of war last week. They delivered to us a petition gathered by the Richmond Chapter of the American Fighter Pilots Association with the assistance of the Virginia Air National Guard at the annual State Fair of Virginia. The petition, signed by over 10,000 Virginians, is directed to the Congress of the United States.

On behalf of the Virginia delegation, those who signed the petition and especially the views of captured and missing servicemen, I invite the attention of my colleagues to the text of this petition and to a Richmond News Leader editorial dealing with its presentation which follow:

PETITION TO THE CONGRESS OF THE UNITED STATES

We, the undersigned, are greatly concerned about the condition of American prisoners of war being held captive in Southeast Asia. There appears to be more than ample evidence that the government of North Vietnam and its allies are not conforming to the terms of the Geneva Convention. We are disturbed that our nation has been ineffective in its efforts to bring about the humane treatment of these men. We, therefore, respectfully petition you to take immediate and positive action to the end that the government of North Vietnam and its allies provide a complete list of those held prisoner, repatriate the sick and wounded, permit inspection of the prisons, and allow these men to correspond with their courageous and long-suffering families.

POW WIVES LEAVE SADNESS AND A WINCE IN THE HEART

The day began at 7 a.m., when the State airplane took off from Byrd Field on a swing around Virginia to pick up wives of Americans missing or held captive in Vietnam. The plane touched down at Lynchburg, Danville, Norfolk, and Langley Air Force Base. When it landed nearly four hours later at Washington's National Airport, six POW wives were aboard. They were met in Washington by three others who had come to Washington by car.

The group's purpose was to deliver a petition to Virginia's congressional delegation. The petition was sponsored by the Richmond chapter of the American Fighter Pilots Association. The 400-foot-long petition contained the signatures of more than 10,000 persons who visited the Virginia Air National Guard exhibit at this year's State Fair. It asked the Virginia delegation "to take immediate and positive action to the end that the government of North Vietnam and its allies provide a complete list of those held prisoner, repatriate the sick and wounded, permit the inspection of camps, and allow these men to correspond with their courageous families."

The wives presented the petition to the delegation on the steps of the Capitol. Every member of Virginia's congressional delegation was there—10 congressmen and two Senators. Fourth District congressman Watkins Abbitt, dean of the delegation, said it was the first time in his memory—and he has served in the House since 1948—that the entire delegation turned out to receive visiting group. After the presentation of the petition, the wives were guests at a lunch hosted by Dave Satterfield and attended by eight members of the congressional delegation. At the conclusion of the lunch, each wife told a little about her husband and her particular predicament.

The POW wives are:

Phyllis Galanti of Richmond, wife of Lieutenant Commander Paul Galanti, shot down over North Vietnam June 17, 1966; married seven years, no children; hasn't seen her husband for five years; has received nine letters from him.

Evelyn Grubb of Colonial Heights, wife of Major Wilmer Grubb, shot down over North Vietnam January 26, 1966; mother of four sons, the youngest of whom never has seen his daddy; never heard from her husband; two weeks ago Communist sources informed the Air Force that her husband has died in a North Vietnamese cell.

Mary Crow of Hampton, wife of Colonel Frederick A. Crow, Jr., shot down over North Vietnam March 26, 1967; mother of four children; received her first letter from her husband 10 days ago.

Jean Ellison of Lynchburg, wife of Commander John C. Ellison, shot down over North Vietnam March 24, 1967; mother of four children, the youngest of whom was two months old when his daddy left for duty in Vietnam; has reliable evidence her husband was taken prisoner; several days ago Communist sources informed her that the North Vietnamese never have heard of her husband.

Billie Hartney of Hampton, wife of Lieutenant Colonel James Hartney, shot down over North Vietnam January 5, 1968; never heard a word from him.

Valerie Kushner of Danville, wife of Major F. H. Kushner, a surgeon who was the sole survivor of an air crash in South Vietnam three years ago, now a prisoner of the Viet Cong; mother of two children, the youngest of whom never has seen his daddy; never heard a word.

June Nelson of Virginia Beach, wife of Lieutenant Richard C. Nelson, shot down over North Vietnam March 6, 1968; no children; married two days before her husband left for Vietnam, four months before he was shot down; never heard.

Leslie Palenscar of Virginia Beach, wife of Lieutenant Alexander J. Palenscar, III, shot down at sea off North Vietnam March 27, 1967; mother of two children, the youngest of whom never has seen his daddy; never heard.

Mary Webb of Hampton, wife of Major Ronald Webb, shot down over North Vietnam June 11, 1967; has received one letter from her husband.

They're all attractive, all intensely eloquent. And they do not fit the mental prototype of what they ought to be. Publicly at least, they are not emotional and weepy; they are not fierce. The airborne coffee klatch in the Governor's plane was like almost any other that takes place in countless houses every day; Women drawn together by common ties. But they know their arguments—God knows, they know them—and the arguments come through with piercing precision when the wives speak to the Virginia delegation. "Gentlemen, I would like to know whether I am a widow or not." We have been patted on the back enough and told enough times that we have your sympathy. We want something done."

As it ironically turned out early today, the announcement was made that something indeed had been done—the abortive raid on the POW camp at Son Tay. The feelings of the wives have not yet crystalized about it; they will be discussing it for months, wondering whether, had the raid been staged three weeks earlier, they now might have their husbands home. In general the wives are enthusiastic about the raid, but they are exasperated because Son Tay was empty. The raid fitted into what they have come to recognize as the awful pattern of this war—exasperation and tears.

Being with these gals is therapeutic. Their determination and unexpressed agony are contagious and fortifying. The cliches flood into the mind, but none really helps. And the quotes. From Dumas, were: "All wisdom may be reduced to two words—wait and hope." Surely these gals, in their ordeal of waiting and hoping—are wise well beyond their years, probably wiser than they care to be. From Goethe: "Happy is the man who has a good wife; he lives twice as long:" These are good wives, good wives. If the capacity to extend lives can be transmitted across oceans and through jungles, these gals have transmitted to it their husbands. Because of these gals, these wives alone, their husbands may yet live.

At the end of the day one is left, as they are, with his private thoughts. If he were one of those poor guys over there, locked in a Communist cage, he would want a wife such as these. He comes away from them—how? Saddened. Strengthened. And with a wince in the heart.

ASSAULT AGAINST POLLUTION IN CAMDEN, N.J.

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. HUNT. Mr. Speaker, the week of November 8 through November 14, 1970, was recognized in Camden, N.J., as "Bag Your Trash Week" at the urging of the proclamation issued by Mayor Joseph M. Nardi, Jr.

While this was only a token assault against the pollution by solid household wastes, such as are generated in the thousands of tons daily, it is to be hoped that the heightened awareness of the trash disposal problem brought about by the "Bag Your Trash Week" activities will cause everyone to be more mindful of the disposition of that kind of pollution within his control—namely, household trash.

The mayor's proclamation follows:

PROCLAMATION

Whereas, the state of our precious environment is threatened on all sides by many forms of pollution and we have fallen prey to tons of waste generated daily by our highly developed technology; and

Whereas, the amount of household refuse is expected to almost double within the next ten years due to modern developments in product packaging, including a deluge of paper products, tin cans and indestructible plastics;

Now, therefore, I, Joseph M. Nardi, Jr., Mayor of the City of Camden, New Jersey, do hereby proclaim the week of November 8 through November 14, 1970 Bag Your Trash Week and do urge all citizens to join in activities which will help further the effort to enhance your environment and to control the problem of mounting refuse through the conscientious use of plastic trash bags to contain all household waste.

In witness hereof, I have hereunto set my hand and the seal of the City of Camden, New Jersey, this 2nd day of November, 1970.

JOSEPH M. NARDI, Jr.,
Mayor.

RUSSIANS SEIZE DEFECTOR ABOARD COAST GUARD SHIP

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. MONAGAN. Mr. Speaker, I include the following as part of my remarks in the RECORD:

[N.Y. Times, Sunday, Nov. 29, 1970]

RUSSIANS SEIZE DEFECTOR ABOARD COAST GUARD SHIP

(By Robert D. McFadden)

At 2 P.M. last Monday, as the mother ship of a Soviet fishing fleet and a United States Coast Guard cutter rocked in the swells a mile off Martha's Vineyard, a Lithuanian seaman made a dramatic leap for political asylum.

The seaman, a radio operator known here only as Simas, hurled himself across a 10-foot gap from the Soviet vessel, the Sovietskaja Litva, and onto the deck of the cutter Vigilant.

About 10 hours later, after a flurry of ship-to-shore radio consultations, the seaman was forcibly returned to the fishing ship by Soviet crewmen who had boarded the American vessel with the permission of the Coast Guard. The man, according to eyewitness accounts, was severely beaten by the Russians while the American seamen looked on.

DEMONSTRATIONS HELD

"Simas pleaded with [the Americans] to let him stay," a civilian who was aboard the cutter and witnessed the beating said yesterday. He added:

"He was crying 'help' and was on his knees praying and begging them to save his life. But the captain said he was just following orders."

The incident has led to a series of demonstrations here and in other cities, produced conflicting statements by the Coast Guard and the State Department, and raised questions over a possible United States violation of the Geneva Convention protocol on political asylum.

About 100 demonstrators gathered in Times Square yesterday to protest what they called the denial of political asylum to the seaman and the violation by the United States of his human rights under the protocol, to which the United States is a signatory.

The peaceful, two-hour demonstration here, which included picketing and angry speeches, was one of a number of protests staged yesterday and Friday in Boston, Philadelphia, Cleveland and Chicago by Americans of Lithuanian, Estonian and Latvian ancestry over the incident at sea.

The demonstrators, many of them wearing black armbands, carried sings reading "Is State Department trading fish for human lives?" and "Russians and Coast Guard kill brave Lithuanian sailors."

The two ships had met in Vineyard Sound, in American territorial waters, for a conference on fishing off the Atlantic coast, a subject of continuing Soviet-American controversy.

A spokesman for the State Department yesterday acknowledged that the seaman had been forcibly returned to the 300-foot Soviet ship by crewmen who were allowed aboard the American cutters, a 200-foot-long vessel.

The spokesman said the incident constituted an apparent violation of Article 33 of the Geneva protocol, which governs political asylum, but he added that the State Department had not learned of the case until after the defector had been returned, and thus could take no action.

This was contradicted yesterday, however, by a spokesman for the First Coast Guard District in Boston, which had jurisdiction over the cutter in the authorized but unusual conference with the Russians.

The Coast Guard spokesman said that the decision to return the defector was ordered by the First District commander, Rear Adm. W. B. Ellis, but that both the State Department and the Coast Guard commandant in Washington had been apprised of the situation "early in the afternoon of the 23d," the day the incident took place.

DISCUSSIONS GOING ON

The spokesman said that "the decision to return the crewman was made in consideration of delicate international discussions which were being carried on regarding fishing problems." He added: "Their progress could have been endangered by any other course of action."

Admiral Ellis was reported yesterday to be recuperating from surgery and could not be reached for comment.

The meeting of ships during which the attempted defection took place was arranged at Soviet suggestion, according to the State Department, to take up the problem of "over-harvesting" the yellow-tail flounder along the North Atlantic coast.

The Russians had suggested that the matter could be dealt with "on the scene," the State Department spokesman added, and thus the Soviet factory ship was invited into United States territorial waters for the meeting, which took place about a mile west of Gay Head on the western tip of Martha's Vineyard.

SESSIONS CALLED CORDIAL

In addition to representatives of the Interior Department's Bureau of Fisheries, principals in the meeting at sea included representatives of fishing interests in New Bedford, Mass., including Robert Brieze, president of the New Bedford Seafood Products Association, and John Burt, an official of the New Bedford Fishermen's Union.

The spokesman for the State Department, which authorized the meeting, described it

as an "informal get-together" aboard the Soviet ship, "mainly for the benefit of regional people and fishermen from New Bedford." He added that the sessions were cordial and that there had been "a lot of visiting back and forth" between the Soviet ship and the Coast Guard cutter.

The ships were linked with hawsers and fenders were put over the side to prevent damage to their hulls at about 10:30 that morning. Mr. Brieze, Mr. Burt and the Government officials rode beeches buoys across to the Soviet ship. The conference took place in the Russian captain's quarters, according to Mr. Brieze.

OFFICER IS APPROACHED

Shortly before 2 P.M., Mr. Brieze said, the Lithuanian quietly approached one of the Vigilant's officers and told of his plan to defect. No action was taken on the information.

Ten minutes later the seaman leaped across the space between ships and tumbled onto the deck of the cutter. He carried various papers, letters, his wife's photograph and his passport, all of which were taken by the Coast Guardsmen, Mr. Brieze said when reached by telephone yesterday at his home in New Bedford.

"He is known to have two children," Mr. Brieze said. "He speaks English, German, Russian and Spanish as well as Lithuanian. All the communication with the Americans was in English."

Mr. Brieze said that when the Russian learned of the defection, they asked permission to speak to Simas. A flurry of radio communication followed between the ship and the First Coast Guard District in Boston, which says it notified the Coast Guard commandant in Washington. The commandant, in turn, notified the State Department, according to the First District spokesman.

NO OVERT ACT MADE

The Americans aboard the Soviet ship returned to the cutter at about 3:30 P.M., according to Mr. Brieze, and no attempt was made by the Russians to detain them.

Several hours later, after nightfall, the cutter's commander, Capt. Ralph E. Eustis, received Admiral Ellis' order to return the Lithuanian, and four Russian seamen were granted permission to come aboard to take him back.

"Simas pleaded with [the Americans] to let him stay," Mr. Brieze said. "He was crying 'help,' and was on his knees praying and begging them to save his life. But the captain said he was just following orders."

The Russians seized Simas just outside Captain Eustis' quarters aboard the cutter, Mr. Brieze said, and "beat him all up." Bloody from the beatings, in which the Americans did not interfere, Mr. Brieze said, Simas nevertheless broke free and ran up on deck.

In the darkness, it was believed that Simas had jumped overboard. Actually, he had hidden himself in the cutter's recesses, Mr. Brieze said.

BEATEN UNCONSCIOUS

Though the Russian seamen were still aboard, Captain Eustis drew the cutter away from the Soviet ship. Later, at about 11:30 P.M., the Russians found Simas and, according to Mr. Brieze, "bound him hand and foot and kicked and beat him until he was unconscious."

The Russians, at their own request, were then lowered with their prisoner and two American seamen in one of the cutter's lifeboats and returned to the Soviet ship, Mr. Brieze said.

"During all this time, not a single American sailor or civilian went to Simas' aid, even though all said what they had seen was against their grain," Mr. Brieze added.

The State Department spokesman who was asked about the incident yesterday said that, had the department been apprised of the case in time, it probably would have asked the Coast Guard to handle it differently.

The United States policy, the spokesman said, was to grant asylum to persons from Communist-bloc countries "who manage to make it into our hands."

GOVERNMENT ASSAILED

Romas Kezys, chairman of the Ad Hoc Lithuanian-American Action Committee, which was formed last week to protest the handling of the incident, said the demonstrations had been organized after repeated appeals for information by telephone and telegram had been ignored by the State Department.

"We wish to draw public attention to this outrageous decision," he said.

The Baltic states of Lithuania, Latvia and Estonia have been part of the Soviet Union since 1940, when they were annexed, except for a time during World War II.

GODFATHER OF THE NEW LEFT: COULD IT BE HITLER?

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. CEDERBERG. Mr. Speaker, lately it has become fashionable for radicals of the far left to picture our society and its institutions as repressive and dehumanizing. The rule of law and the establishment of order is decried as being somehow inhuman and degrading to free man.

As one stands back a little and reviews this type of talk and, more particularly, the violent action which is prompted by the vocal advocates of the theory, one is reminded of the intolerant idealists of the past. The most recent example of this type of individual occured in Germany of the 1930's. Adolf Hitler stands in history as one of the most successful of those who would have society give way to his idealistic utopia. He also stands as the most unsuccessful, and the entire world suffered as a result of his fanatical dream.

I believe that there is a lesson for us in all of this. The editorial comment which follows, taken from the November 28, 1970, edition of the Detroit News, makes the point rather well. I highly recommend this short article to my colleagues for their consideration:

GODFATHER OF THE NEW LEFT: COULD IT BE HITLER?

When we hear the spiritual guides and the disciples of the New Left outline their dream of a new society and their program for achieving it, we are stuck not by the newness but by the triteness of their schemes.

Utopia was a worn theme when Sir Thomas More revived it in the 16th century. The cynical attitude of intolerant idealism was far from new when Hitler assumed it in the 1920's.

Hitler a godfather of the New Left?

Theoretically, the extremes of left and right stand at the farthest possible distance from each other on the ideological globe. In practice, they occupy much the same position. As they circumnavigate, they meet one another coming from the other direction.

Naive youngsters sit enraptured at the feet of Herbert Marcuse or find themselves transported by emotion when listening to a harangue by Huey Newton. They think of themselves as the participants in and beneficiaries of a noble experiment. The formula for the experiment comes down from the Nazis.

The New Left represents its program as a spiritual movement which, however, must be advanced by rocks and fists and the constant press of bodies against the Establishment.

Hitler wrote in "Mein Kampf":

"The young (Nazi) movement, from the first day, espoused the standpoint that its idea must be put forward spiritually, but that the defense of this spiritual platform must if necessary be secured by strongarm means."

The New Left preaches that the new society cannot be created within the prevailing society but must be constructed upon its ruins.

Hitler wrote:

"Since a philosophy of life is never willing to share with another, it cannot be willing either to collaborate in an existing regime which it condemns, but feels obligated to combat this regime and the whole hostile world of ideas with all possible means; that is, to prepare its downfall."

The New Left rationalizes its own intolerance as a justifiable means toward a desirable end.

Hitler wrote:

"The future of a movement is conditioned by the fanaticism. yes, the intolerance, with which its adherents uphold it as the sole correct movement, and push it past other formations of a similar sort."

Young persons unfortunately do not possess the perspective that develops from personally passing through a certain period of history. But persons who lived during the 1930's and observed the Nazis as they seized Germany and then turned their hungry eyes on the rest of the world will not soon forget the words and the techniques of Hitler.

Those words and those techniques—from the utopian promises to the marching in the streets—are revealed again in the movement of the militant New Left.

FROM VIETNAM TO CALIFORNIA—ROUND TRIP FOR $350

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. WALDIE. Mr. Speaker, I should like to call to the attention of this body a most magnanimous gesture on the part of my constituent, Mr. Ed Daley, president of World Airways, with headquarters in Oakland, Calif.

Mr. Daley has just received approval from the Civil Aeronautics Board to enable military personnel to fly round trip from Vietnam to California for $350. World Airways, which operates a fleet of Boeing 707–320C fan-jet aircraft, is the largest charter carrier, and has operated scheduled air service in and to Southeast Asia for the military since 1956.

Last year World Airways flew almost 20 million miles for the Military Airlift Command, and recently received the USO Gold Medal Award for having safely transported more than 500,000 servicemen and women.

World Airway's plan will include: a. frequent flights from Vietnam to California; b. scheduled connections to all

parts of the United States; and c. financing arrangements so that all eligible military personnel will be able to take advantage of the new Vietnam leave policy. Mr. Daley will personally guarantee loans to servicemen who would otherwise be unable to pay for the trip or to borrow the necessary funds. Financial arrangements will be handled through the First Western Bank of Los Angeles.

I wish to take this means of commending to Mr. Daley upon this generous undertaking in the public interest.

BLACK PANTHERS OR JUST RED REVOLUTIONARIES?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. RARICK. Mr. Speaker, seemingly, the use of labels and slogans performs a great disservice to the right of our citizens to know—to be informed.

The communications media, redundant on reports of the recent Black Panther convention in Washington, played down the participants and attendees to the convention. The local press reported that the delegates were neither all black nor all Panthers—but merely all Red revolutionaries. For the most part, it was the same old misdirected civil rights groups, just under a new banner.

If these reports are true, many will question who it is that wants to foment racial agitation by misleading the American people to believe that all of the Black Panthers are black or that black people have a monopoly on violence.

It is ironic that those who rely on the Constitution of the United States for their protection would destroy that same Constitution.

I include several related newsclippings, as follows:

[From the Washington Post, Nov. 30, 1970]

PANTHERS END DISTRICT OF COLUMBIA CONVENTION

(By Ivan C. Brandon and Jim Mann)

Delegates to the Black Panther-sponsored revolutionary people's constitutional convention left Washington yesterday without a promised constitution and with little else to show for two days of apparently aimless activity on the sidewalks along 16th Street NW.

The participants, who numbered between 3,000 and 5,000 predominantly white young persons, arrived Friday from throughout the United States with the expectation that they would take part in workshop discussions and help write a document to replace the U.S. Constitution.

But the planned workshops were never held because the Panther organizers were unable to obtain an indoor convention site. Instead, the majority of the delegates spent Friday and Saturday afternoons sitting outdoors or wandering along 16th Street NW from Harvard Street to Newton Street.

When Saturday night came, the constitution was only outlined by Michael C. Tabor of New York City, who said the main elements were proportional representation, the outlawing of racial exclusion and the elimination of "elements of oppression." A Panther spokesman said yesterday that this outline had been drawn up by the Panthers after a convention in Philadelphia in September.

However, Huey P. Newton, Panther minister of defense, said Saturday night the constitutional convention would have to be held at another time, after the revolutionary groups had "liberated" Washington.

A speech by Newton, who has made few public appearances since his release from prison Aug. 5, was almost completely inaudible to most of the delegates because of the garbling of the public address system as they listened outside the St. Stephen and the Incarnation Church while Newton spoke inside.

Many delegates walked away wondering aloud whether they had heard Newton or a tape recording, even though Newton was actually inside the church, where only a minority of the conventioneers could fit.

The series of events left some of the participants unhappy.

One girl, from the Boston area said the weekend was enough to make her "want to leave the movement."

BEGAN EARLY

Another participant, a young student who was sitting outside Saturday afternoon with nothing to do, complained, "If they just wanted to read the constitution, why didn't they print it in next week's edition of the Panther newspaper?"

The convention's troubles began early in the week when Panther officials refused to meet a Tuesday deadline set by Howard University for the payment of a $7,377.98 service fee for the use of the campus as a convention site.

The Panthers demanded that Howard allow them to use the campus without charge. But Howard President James E. Cheek refused, saying the school could not legally subsidize events sponsored by off-campus groups.

This action removed the Panthers' last hope for an indoor location. Earlier efforts to obtain the use of the University of Maryland and the D.C. armory had been futile, but Panther spokesmen still urged the delegates to come to Washington.

Those who arrived for registration Friday at the All Souls Unitarian Church turned out to be a disparate assortment: women's groups college students, the homosexual Gay Liberation Front, the Panthers, the Puerto Rican Young Lords, radical splinter groups and young white "street people"—many of high school age.

A larger percentage of delegates had come great distances than had participants in larger Washington rallies such as last year's Moratorium. Many were from Berkeley, Calif., and points across the Midwest.

All day Friday, they wandered the streets, bought and sold radical newspapers, and waited for information on planned activities. On Friday night, a rally in Meridian Hill Park attracted nearly 5,000 persons, the largest crowd of the weekend, to hear the Panther-oriented rock group, the "Lumpen," whose featured number is "Free Bobby."

Saturday morning and afternoon produced only more confusion. The only organized workshop was a gathering of about 700 women at Trinity College to discuss women's rights issues. The majority of the delegates remained milling outside along 16th street.

Throughout the day, persons who said they were speaking for the Panther organization told reporters there should be no press coverage and asked film crews to leave. In at least three cases, camera film was destroyed.

At least three hours before the planned reading of the constitution, St. Stephen church was filled to its capacity of 600 persons and then sealed off. A public address system was set up on the church steps for about 2,000 people standing outside.

Newton's speech supported "world government with proportional representation and a socialist framework." The Panther Party's immediate goal, he said, was "revolutionary intercommunalism," under which "oppressed communities" around the world would cooperate to destroy capitalism.

Yesterday, a spokesman for the Black Panthers said the organization felt the week end was a success.

"We think so because the whole mood showed that the will of the people was greater than mass technology. The people waited here (despite the obstacles)," the spokesman said, adding that the convention will continue indefiniteley until a "liberated site" can be found.

[From the Sunday Star, Nov. 29, 1970]

NEWTON OFFERS PANTHER PARLEY ONLY REBELLION

Black Panther leader Huey Newton yesterday told several thousand activists gathered here for the Revolutionary Peoples Constitutional Convention that, since they had "lost everything," there is nothing left "but total rebellion."

In one of his few major appearances since his release from jail Aug. 5, Newton told the crowd gathered inside and around St. Stephen and the Incarnation Church, 16th and Newton Streets NW:

"We've been forced out of society. We've been forced out of equal protection of the laws, and human respect, and it leaves us with nothing to lose really and everything to gain, because we've lost everything.

"And, of course, when one has lost everything, nothing is open to him but total rebellion—rebellion against that force and those conditions which have stripped him of his very dignity as a human being."

"We've concluded that there's no room for us in the capitalistic system because of the overdeveloped nature of the country. We see that as far as autonomy of our community in any respect, as far as self-governing our institutions, this cannot exist under capitalism."

Newton's speech last night followed the reading of a "new" constitution to representatives of the Panthers and other New Left groups gathered at the church.

The church yesterday became the main meeting place for the convention, called to rewrite the U.S. Constitution to reflect the needs of "oppressed communities." Convention organizers earlier were refused space at Howard and Maryland universities and the D.C. Armory.

Most participants, whom the Panthers say numbered about 5,000, are bunking with area sympathizers. Many were fed in shifts yesterday at the church before hearing the provisions of the proposed constitution, which had not been voted upon late last night. The location of today's session remained uncertain late last night.

A comment by Newton near the end of his two-hour speech threw further confusion on today's activities. He said that the "new" constitution should not be put together until "after the revolution" and that the time for the revolution had not yet come.

"It's the wrong time to speak about anything like a constitution until you get rid of those institutions that symbolize fascism," Newton said.

His remark was heard by about 400 persons in the church, but apparently by few of those listening to loudspeakers outside.

Many participants milled around outside the church after Newton's speech unsure of whether action should be taken today on the proposed constitution, which was the main reason for the convention here.

The "new" constitution is not a governmental charter in the usual sense, but is mostly a declaration of ideological principles aimed at cementing the "oppressed commu-

nities" of blacks, Puerto Ricans, Orientals, women and homosexuals.

It reiterates the assertion that capitalism, imperialism and racism are linked, and proposes "a system of true communism where all people produce according to their abilities" and "determine their own destinies."

The sympathizers who came to the convention scheduled to run from Friday through today expressed different reasons for their attendance.

One college student from Fresno, Calif., had expected workshops to "rip apart" the Constitution and rewrite it "for all the people." The "new" constitution apparently was written in closed Black Panther sessions.

One elderly resident of the Woodley Hotel here passed by an impromptu "rap" session across the street from St. Stephen Church. She remarked to two delegates, "I heard you wanted to rewrite the Constitution.

"Well," she asked a tall black youth with a towering Afro haircut, "when did it stop working?"

Her query was met with silent stares and as she continued to walk down 16th Street one of the group remarked, "I guess she hasn't been tuned into the revolution."

Most of the delegates were members of such radical groups as Women's Liberation, the Young Lords (a New York-based Puerto Rican group), Gay Liberation and Youth International Party (Yippies). Other fringe groups included disenchanted servicemen, Socialist party members and a West Coast-based Asian militant group.

Most said they came in support of the Panthers as "revolutionary people" and trusted the "constitution committee."

"Has the brother Huey ever did us wrong? We know he'll put down for all the people," shouted one youth from a group that took over a lawn in front of an apartment house in the 3300 block of 16th Street.

One white 82-year-old grandmother who said she lived on 125th Street in New York, the heart of Harlem, claimed, "I'm a Black Panther at heart and I just had to come here."

[From the Washington Post, Nov. 30, 1970]

FOURTEEN REMOVED FROM PLANE AS "UNRULY"

(By Stephen P. Caplan)

Fourteen persons identified with the Black Panthers were removed from an American Airlines 747 jet last night after they allegedly became "boisterous and unruly" as the plane was preparing to leave Dulles International Airport, according to a Federal Aviation Administration spokesman.

The plane, Flight 75 to Los Angeles, was taxiing down the runway at 6:30 p.m. when the decision was made by the pilot to return to the terminal, H. A. Taber, airport operations manager, said. There were 128 passengers and 13 stewardesses and crewmen aboard, an airport spokesman said.

All of the passengers were put on mobile lounges, but only the mobile lounge with the group of 14 actually returned to the terminal, Taber said. The others were driven around briefly and returned to the plane.

David Gelfin, FAA public affairs officer, said the pilot refused to fly with the group unless a sky marshal was put aboard. The recently formed force of armed federal agents has been riding numerous international and domestic flights, but none was scheduled on the Los Angeles flight and none could be obtained on such short notice, said Gelfin.

Exactly what occurred in the plane was not clear. The group of 14, which included nine men, three women and two children, was still sitting in the terminal four hours later, but would not talk to reporters. The 14, half of whom were black, had apparently attended the two-day revolutionary people's constitutional convention here, sponsored by the Black Panther Party, officials said.

Taber said it was his understanding there had been a lot of shouting and swearing in the plane. Gelfin said the pilot had only told FAA officials the group was being "boisterous."

Gelfin said it was the first time he could recall that a plane had returned to the terminal in such a situation but that it is the prerogative of the pilot to do so if he feels it is necessary.

The pilot was not identified.

W. L. Helmantoler, a spokesman for American Airlines, said late last night that the group was asked to leave the plane but refused. All passengers were then asked to leave, the other passengers later being returned to the plane. He said the group was offered transportation into Washington but refused it.

A spokesman for the Black Panthers said early today that the group did not cause any trouble on the plane. They were sitting in the plane "when they were suddenly surrounded by pigs," the spokesman said.

According to the Panther information office, the only problem at the airport before the group was ejected came when a member of the group was entering the mobile lounge for the trip out to the plane and the door was slammed in her face.

[From the Sunday Star, Nov. 29, 1970]

TWELVE FROM GAY LIB FRONT RELEASED AFTER BRAWL

Twelve members of the Gay Liberation Front were released on personal recognizance yesterday on charges stemming from a bottle-throwing, window smashing brawl which erupted at a Northwest Washington restaurant after four homosexuals were denied service.

General Sessions Court Judge Sylvia Bacon released the defendants, most of them out-of-towners attending the Peoples' Revolutionary Constitutional Convention, in custody of the Rev. Jon Higginbotham, a District minister.

The 12 face several misdemeanor charges of simple assault, vandalism, and unlawful entry after the free-for-all late Friday night at the Zephyr Restaurant, 4912 Wisconsin Ave. N.W.

The incident began when four Gay Lib members, two of them arm-in-arm, entered and sat at a table. One of those arrested said the group waited several minutes without service before talking with the manager.

"The manager said he couldn't serve us," he said. "I asked him it was because one of us was black and he said no. I asked him if it was because we are homosexuals. I asked him three times and he wouldn't answer."

The four returned to American University where they are staying during the convention, he said, and decided to stage a sit-in. About 40 persons returned, he said.

The brawl occurred during the sit-in. The 12 were arrested later when their minibus was stopped by police several blocks away on Wisconsin Avenue.

[From the Washington Post, Nov. 30, 1970]

NEW ORLEANS POLICE SEIZE PANTHER GUNS

NEW ORLEANS, November 29—Police entered Black Panther headquarters today, the second time in less than a week, and confiscated weapons, explosives, electronic equipment and Panther records.

Six members of the local Panther group, called the National Committee to Combat Facism (NCCF), had a brief gunfight with police Thanksgiving Day when their Desire Housing Project headquarters was raided. Police arrested the six and confiscated rifles, shotguns, explosives, gas masks and tear gas grenades in that raid.

"Since the successful raid on NCCF headquarters on Thursday morning, the building has been under close surveillance," said Police Chief Clarence Giarrusso.

"Three men with shotguns ran from the front of the building as police entered through the rear," Giarrusso said. He said they disappeared into the housing project, home of 11,000 Negroes.

In addition to rifles, shotguns and explosives, Giarrusso said officers confiscated tape recorders, short-wave radios capable of monitoring police broadcasts, gas masks and Panther records.

"This confiscated material will be helpful in the trials of those arrested earlier," Gairrusso said. "It will further demonstrate to this community the revolutionary purpose of this group."

Police arrested 31 Panthers and sympathizers last Wednesday and Thursday. Giarrusso said at the time he believed the "core" or "revolutionary cadre" of the group had been arrested.

They were booked on charges ranging from attempted murder to criminal mischief. The charges are being challenged in federal court.

[From the Washington Post, Nov. 30, 1970]

LENZNER AND POLITICAL REALITY

(By Rowland Evans and Robert Novak)

Deeply embedded roots of the furious debate over legal services in the government's antipoverty program are found in a Sept. 15 police raid in New Orleans on the National Committee to Combat Fascism (NCCF), a Black Panther front specializing in police-baiting.

Present at NCCF headquarters was Robert Glass, a lawyer for the federally funded New Orleans Legal Assistance Corp. (NOLAC), part of the national antipoverty program. Questioned by police, Glass invoked his client-lawyer relationship with the NCCF. Subsequently, 12 NCCF members charged with attempted murder, assault, and other felonies were represented by NOLAC lawyers.

Thus, taxpayer funds were used to defend a violence-prone black extremist organization. This clearly violated federal law barring antipoverty legal services from criminal cases (as were 24 per cent of all NOLAC cases) and violated federal policy requiring these services to be used directly by the poor and only the poor.

Herein lies the ugly dispute that surfaced Nov. 19 when Donald Rumsfeld, President Nixon's antipoverty czar, fired Terry F. Lenzner, 31, as head of the federal legal services program. Rumsfeld insisted that the program be tightly molded to aiding the poor in eviction and other tenant cases, welfare and consumer grievances, and school disputes. Lenzner envisioned a far broader mandate encompassing reform of the whole system, not excluding support for Black Panthers.

The legal services fight is, in microcosm, what's happening in the poverty program at large. Since its Great Society birth under R. Sargent Shriver, the program has swarmed with idealists, pushing political revolution. Since taking over in 1969, ex-congressman Rumsfeld has been guiding it back to the original congressional intent of helping poor people.

Indeed, anything more than that would not be tolerated by a conservative Republican administration and a hostile Congress. What Lenzner failed to understand is that Rumsfeld must control militant excesses or risk congressional obliteration of the anti-poverty program—particularly its much-needed legal services, emasculated by the Senate last year but restored by the House under Rumsfeld's urging.

Consequently, Rumsfeld was appalled at the New Orleans office of NOLAC. For example, a legal services fellow connected with

NOLAC was an attorney-of-record defending SDS demonstrators. Further, NOLAC sought to obtain circulation at Louisiana State University of a pornographic underground newspaper (a recent copy of which contains a nude cartoon of President Nixon amid other indecencies). The recently resigned NOLAC director, Richard Buckley, says: "Legal services exist for the redistribution of wealth and power."

When Rumsfeld sent investigators to New Orleans, Lenzner denounced it as political interference. Tension was also high when Rumsfeld probed legal services in Los Angeles to state employees earning $11,000–$15,000 and in Dallas to an underground newspaper, the Dallas Notes, enjoined from publication because of obscenity.

The Dallas case is illustrative. Using federal funds intended to help the poor, legal services there defended the underground publisher, Brent Lasalle Stein, 27, son of a rich Dallas merchant. "It seems to me that's the kind of activity necessary to insure this kind of publication for the poor," says Frank Jones, fired as legal services deputy along with Lenzner.

In each of these cases, Rumsfeld felt Lenzner was dragging his heels by delaying action against the violations. The relationship rapidly deteriorated between Rumsfeld and Lenzner, a bright former Justice Department civil rights lawyer who was Rumsfeld's first senior staff appointment in 1969.

The final straw came Nov. 16, when Lenzner telegraphed the New Orleans office exonerating it of wrongdoing. Antipoverty officials say he acted in violation of explicit orders from Rumsfeld not to communicate with New Orleans without first informing Rumsfeld; Lenzner told us flatly he received no such orders.

Such nasty charges and countercharges will be aired before eager Democratic senators at hearings soon to begin. But the hearings likely will miss the poignancy of the dispute. If any program as naturally provocative as legal services for the poor is to survive in Richard Nixon's Washington, it must be kept in check by a cool-headed politician, fending off uncompromising idealists. Failing to comprehend that political reality put Terry Lenzner on his collision course with Rumsfeld.

[From Human Events, Dec. 5, 1970]

FORD FOUNDATION FUNDING HUEY NEWTON'S BIOGRAPHY

(From the Allen-Goldsmith Report)

The Ford Foundation is putting up $13,130 for an autobiography by Huey P. Newton, supreme commander of the crime and violence-tarred Black Panthers.

Head of the immensely wealthy foundation is McGeorge Bundy, former Harvard dean and special foreign affairs adviser to Presidents Kennedy and Johnson.

In 1968 Newton was convicted of voluntary manslaughter for the killing of a police officer. Last summer this conviction was reversed on a technicality and a new trial ordered. He is now out on $50,000 bail—posted by the Black Panther party and Charles Garry of San Francisco, Newton's white attorney.

The $13,130 Ford Foundation grant for Newton's book was made to J. Herman Blake, black sociology teacher at the University of California, Santa Cruz.

This grant was reported by the Santa Cruz *Sentinel* in an article captioned "UCSC's Blake Receives Grant." It stated he had been given this money by the Ford Foundation "to assist him in studies toward a doctoral degree." Also, that such grants are administered by "bi-racial groups and are aimed at increasing the number of doctorate degrees held by members of minority groups."

But last month another California newspaper disclosed the real purpose of the grant—to finance Blake's collaboration with Newton in compiling the Black Panther leader's autobiography.

Blake apparently is doing the "leg work" in gathering information for the book, and possibly ghostwriting it.

Newton himself is the source of this disclosure.

On October 6, the *Daily Pioneer*, a newspaper published at the California State College in Hayward, printed a letter by Newton stating that he and Blake are co-authoring a book about Newton's early life and the development of the Black Panther party.

Newton asked that anyone having information about his youth get in touch with Blake—whom he referred to as "professor of sociology, UCSC, Santa Cruz."

The book, Newton declared, "will be an important document in contemporary history."

How and why Newton selected Blake as his collaborator is not clear.

Obviously, Blake is on close terms with Newton and the Panthers—although there is no known record of his being a member of the latter. Certainly if he weren't trusted by both, Newton wouldn't have picked him for the book job.

Blake is on record as a militant dove. Last spring he was aggressively active in anti-Viet Nam demonstrations. The Santa Cruz *Sentinel*, reporting one campus demonstration, listed Blake as a speaker and as telling the students: "The only way to stop the war is to stop the normal operations of government."

Amplifying on that, he urged the students to "issue a statewide call to other university and college students to stage a rally at the federal buildings in San Francisco and Los Angeles and not permit people either to enter or to leave. Shut them down and force the machinery of government to halt. That's one way to make your demands felt."

Nothing came of Blake's provocative clamor.

California authorities have inside information that a considerable portion of the $50,000 put up by Newton's bail came from contributions for the Black Panthers' widely touted "breakfast for children" program.

That plan has garnered a lot of publicity and contributions for the Panthers. Actually, the program is far from what it's claimed to be.

According to the Panthers, they are feeding "thousands" of children around the country. An authoritative survey disclosed that in reality only a few hundred are getting breakfasts—with heavy doses of hate propaganda.

This virulent racist indoctrination is a dairly feature at every breakfast.

The children get a great deal more propaganda than they do food.

Graphically illustrative of what is taking place in this fanfared scheme is what is happening in the San Francisco area—location of the Black Panthers' national headquarters. Breakfasts are no longer being given children.

Charles Garry, white militant leftist Black Panther attorney, in an effort to picture them as victims of "police brutality," claimed 28 had been murdered by police since 1968. But in an accompanying press release, the Panthers had difficulty listing 20 who assertedly "were killed in cold blood."

Following is the incontrovertible record of the 20:

One was killed by his wife over an affair with a female Black Panther; one during a robbery attempt; another reportedly was tortured and killed by Black Panther members; and four were slain by other black extremists.

In a recent leading article, widely reprinted in Arab publications, the Libyan daily, *El Khuriya*, vigorously urged "Black Americans to mobilize in support of Islam and Arab interests as a counter to Zionist in the United States."

Following are highlights from this significant pronouncement:

"There are more than 22 million blacks in the United States. In the state of New York alone, blacks could tip the scales in support of any candidate they choose. In the U.S. presidential election, the black vote could grant victory to the candidate of its choice. The Kennedy family understood this truth, and hence the Kennedys embarked on a calculated policy to build bridges to the blacks.

"The periodical of the Black Panthers is an outstanding defender of the Arab interests and an outspoken supporter of Arab nationalists, and condemning world Zionism, its expansionist ambitions and imperialism. Arab propaganda should exploit this support and establish a common front in opposition to world Jewry.

"We must actively help our black friends on that hostile continent. We can derive great propaganda from black Americans, a propaganda that is even more important than American investments in our country."

INVESTIGATION ON PROBLEMS OF BOXERS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. WOLFF. Mr. Speaker, recently my distinguished colleague (Mr. BIAGGI) and I held an informal congressional hearing to determine what has happened in the past 5 years since the House of Representatives held hearings on how to improve protection of boxers and to remove unsavory interests from the sport itself.

A considerable number of boxers, referees, public officials, and sportswriters offered their views. Among them, were former heavyweight champion Floyd Patterson, former light heavyweight champion Jose Torres, New York State Boxing Commissioner Edwin B. Dooley; Madison Square Garden's President and General Manager Harry Markson, and New York State licensed referee Davey Feld.

Their testimonies on the problems of boxers as well as their views on the future of boxing were shocking. In effect, it was clearly pointed out that the American boxer remains the victim of exploitation from alleged powers that be, as well as continuing to be ignored in matters of medical exams prior to fights, no pension program and other such abuses. Moreover, the informal hearing clearly demonstrated that Federal legislation is necessary to correct the problems found within this sport if we ever hope to protect boxers and provide a better future for the sport.

I therefore would like to extend my remarks, Mr. Speaker, to include in the RECORD during the next several days the testimonies gathered at this hearing. I feel it justifies action from Congress.

The testimonies follow:

STATEMENT BY REPRESENTATIVE LESTER L. WOLFF, INFORMAL CONGRESSIONAL HEARING ON ESTABLISHING A NATIONAL BOXING COMMISSION

This morning, my distinguished colleague, Mr. Mario Biaggi, and I will reopen an issue

which has been debated time and again, but has yet to be resolved. It is the question of what can be done to rid boxing and its boxers of the specters of hardship and corruption which haunt them.

We will be hearing from a wide variety of views during the course of this informal hearing. We are hopeful that your opinions and experiences can be combined with Congressional efforts to solve the many mysteries which surround this sport. Moreover, we believe that this hearing will offer us a means by which we may determine if it is necessary to cure maladies of this sport by establishing a National Boxing Commission.

We do know that the American boxer must face more than the mere blows of his opponent in the ring. He has, in fact, far more serious and consistent problems.

Prior to each fight, he must wonder how physically fit he really is, since there is no uniformity among states with regards to pre-fight checkups.

His very rating as a boxer is inconsistent. It varies with the views of each magazine or association. For that matter, he is not even assured consistency of being licensed from state to state, even if he is a world champion.

He must continually face public skepticism as to his honesty and integrity, being part of a sport's history which has had its share of troubles.

Silently, he must live with the problem of "bunched income potential," approximately 7–8 years in which he can make money in the sport before health and success begin to fade. Unlike other athletes, once his decline begins, there is no source of security such as a pension fund to which he can turn.

The American boxer, for all intents and purposes, is out for the count almost before he has begun.

Referees, another important part of boxing, also face problems. For example, they have no rotation system to ensure that each licensed referee has a fair chance at refereeing the main bout of a match.

Today, we hope to unravel some of the mysteries and to try and understand what are the greatest hardships within this sport. By doing this, we should be able to take the right course of action regarding boxing.

It is also important to note, that these informal hearings are of a preparatory nature. If the material obtained here warrants a more intensive investigation, it will be turned over to the Committees of the Judiciary; Interstate and Foreign Commerce; and the Select Committee on Crime.

Boxing must rid itself of a troubled past, in order to maintain itself among other national sports. We therefore should not wait any longer to banish the inequities and distortions which surround both the sport and its boxers.

STATEMENT OF NEW YORK STATE LICENSED REFEREE DAVEY FELD

1. Boxers should have:

(a) A disability plan.

(b) A pension plan.

(c) Boxing rules that will be enforced by the Federal Government, with each state having the same medical tests for boxers and referees.

2. Trainers should be given a test to make sure they know how to fix a cut in the corner before being given a license. The trainers should be given instructions from the Commission doctor. In any given bout, when a boxer is TKO'd by a cut, he should be compelled to go to the Commission doctor and have his cut looked at and stitched up properly, and have all the tissue removed from that cut so the fighter can be protected and not go blind; or he can go to his own physician, but would have to report to the Boxing Commission doctor the following day for a look at the cut to determine whether it was done correctly (with a medical report from his doctor to indicate that the scar tissue in the cut was removed). After having the cut taken care of properly, the fighter should be required to go to the Commission doctor for an examination before his license is continued as a professional boxer.

3. Fighters should be rated by the Federal Commission. They should be put into classes; for example, Class A, B, C, D; and a boxer could not fight out of his class unless he applies to be moved up. A boxer could and should be dropped down in class according to his wins and losses. In that way, a fighter could not be over-matched or mismatched. A boxer should be protected against unscrupulous managers in connection with his earnings; managers would be required to make sure the boxer received his full 66⅔% of each and every fight. The manager should pay all expenses because he is getting a big cut of the boxer's earnings.

4. Scoring rules should be enforced throughout the U.S. so that there would be one uniform scoring system and the public would not be confused with all the different ways of scoring a match. New York, in my opinion, has the best scoring system.

5. Referees should have a rotation system and should be given ample notice of bouts they are to referee. A few day's notice should be given to a referee, not a few hours on the afternoon of the fight. If a referee cannot be trusted, he should not get a license.

6. A promoter, trainer, manager or fighter should not be permitted to dictate to the Commission who the referee should be to referee a given fight. Some managers know what referee would be good for their fighters. For example, the manager might feel that it would be to the advantage of his fighter to have a referee who breaks fast in the clinches and would therefore choose a referee who would do so, even though this might not be good for the opposing fighter.

7. If the Commission claims to be impartial, how can they give to one referee 32 assignments of boxing matches in 30 months?

8. Why should we have such favoritism for certain referees rather than a rotation system for all referees?

9. How is it possible that one referee could have 25 of his 32 assignments in Madison Square Garden in a period of 30 months?

10. Why should a referee receive 32 assignments in a period in which no more than 40 to 50 boxing exhibitions were held in the whole state, when other qualified and sometimes more experienced referees have gotten 80 to 90 percent fewer assignments during that period?

11. Doesn't this cry out for a rotation system, and ask and require an answer to the question "Why is such favoritism given?" Can't we also ask whether anyone is controlling the Commission in its choice of officials?

REMARKS OF EDWIN B. DOOLEY, CHAIRMAN, N.Y. STATE BAKING COMMISSION

I am pleased to give my views on what can be done to protect the integrity of the sport of boxing and to ensure a better future for boxing.

On September 14, 1966, pursuant to a request from Senator John A. Pastore, chairman of the Senate Sub-Comimttee of Communications, asking me to state my views with regard to H.R. 8635 passed in the House of Representatives on August 16, 1965, and pending before his Committee, which would establish a Federal Boxing Commission to exercise surveillance over professional boxing matches, broadcast or disseminated by wire in Interstate Commerce, I wrote the following statement which represents my thinking to date on Federal Control of boxing. I did not receive an answer to my letter nor has there been any public statement by the Senate Sub-Committee as to what action was taken on H.R. 8635.

Professional boxing has been subject to regulation in New York State since 1920, first as the State Boxing Commission, and presently under the New York State Atheltic Commission.

Our Commission is charged by statute with the sole direction, management, control and jurisdiction of all professional boxing matches and wrestling exhibitions held within the state. The Commission grants annual licenses to boxers, wrestlers, managers, trainers, seconds, matchmakers, promoters and all persons involved in the actual conduct of matches and exhibitions, such as referees, timekeepers, judges and announcers, all in accordance with prescribed statutory standards of character, experience, fitness and financial responsibility. In addition, the Comimssion prescribes the form of contract to be used between boxers and managers and between boxers or their managers and promoting corporations. All such contracts must be filed with the Commission and the Comimssion must approve them.

The rules and regulations of the Commission specify in detail the manner in which matches and exhibitions must be conducted and the medical precautions which must be observed. Boxing bouts, for example, must be held only in premises approved by the Commission. Not later than five days after the bout, our rules require a licensed manager to file with the Commission on a special form a report of the expenses and division of the proceeds of the contest.

The Commission also exercises broad powers of investigation and of license suspension and revocation. Our rules also require that all contracts entered into by any licensee of the Commission or any and all amendments, changes or modifications calling for any motion picture, telecast or radio broadcast of any bout, must be promptly filed with the Commission for approval and no person or party may announce or conduct any such broadcast or telecast of any bout conducted under the jurisdiction of the Commission without first obtaining its approval.

Despite the scope of our Commission's activities and the relative effectiveness of our regulations, we share with the Congress its concern over the different standards of regulation which exist among the various states, also the lack of power of the states or federal governmental authorities to assure the proper utilization of communication facilities in connection with the coverage of professional boxing matches and to protect the integrity of the same. Generally speaking, we in New York are opposed to federal regulation of sports, but in the light of our experience and the material developed by the Senate Sub-Committee on the AntiTrust and Monopoly and by the House Committee on Interstate and Foreign Commerce, we agree that action at the federal level is needed to rid professional boxing on a nationwide basis of all taint of gangster influence and monopoly practices.

It is the purpose of HR 8635 to establish a Federal Boxing Commission with adequate authority to exercise continuing surveillance over professional boxing matches which are broadcast by television or radio (otherwise than as part of bonafide news broadcasts) or which are diseminated by wire in interstate or foreign commerce either to be received on home receivers or in theatres, arenas, or other places of public assembly. The surveillance extends to and only to the use of television, radio and other interstate and foreign communications, facilities and those professional matches held within the United States which are covered by means of said facilities.

HR 8635 would establish a Federal Boxing Commission consisting of three members appointed by the President by and with the advice and consent of the Senate. The terms

of office of the Commissioners would be six years except that two of the Commissioners first appointed would serve terms of two and four years respectively. The President shall designate one member of the Commission to serve as Chairman.

The operating costs of the Commission, insofar as practicable, are to be covered from fees from licenses to be issued by the Commission and toward this end the Commission is directed to prescribe an appropriate scale of fees.

The Commission is given a statutory authority to license professional boxers, boxing promoters, agents, fight managers, referees and judges, and any other persons participating in any other capacity in boxing matches as the Commission may by regulation prescribe; and corporations, partners or other business organizations participating in or connected with the coverage of any covered boxing match, except persons providing coverage who are licensed under the Communications Act of 1934, as amended.

In addition, contracts, agreements, arrangements, and understandings pertaining to the conduct, promotion, or coverage of covered boxing matches are required to be in writing and open to inspection by the Commission. Copies must be furnished to the Commission upon its request.

The Commission is further authorized to provide by regulation that such contracts, agreements, arrangements and understandings shall not contain provisions of nature which the Commission has determined to be contrary to the best interests of professional boxing and the best interests of the public. Finally, the Commission is authorized to prescribe and issue regulations with regard to the promotion, conduct and coverage of covered boxing matches.

The legislation provides criminal penalties for violations of the provisions of the Act and orders of the Commission. It further authorizes the Commission to issue orders prohibiting the holding, or coverage, or both, of boxing matches in connection with which the Commission has determined provisions of this legislation or the Commission's orders have been violated or where there exists reasonable grounds to believe that a proposed covered boxing match will be in any way affected by bribery, collusion, intentionally losing, extortion, racketeering, or the use of unlawful threats, coercion, intimidation or violence.

Finally, the commission may by order prohibit the coverage in the United States of any boxing match proposed to be held outside the United States if it finds that such match would, if held within the United States, be a covered boxing match, and that there exists reasonable grounds to believe that such match is to be held outside the United States in order to avoid compliance with the provisions of the Act intended to protect the best interests of professional boxing and the best interests of the public.

Section 15 of the bill specifically safeguards the continued exercise by any state or local boxing commission or other agency of any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches or any aspect of the coverage thereof. It reads as follows:

"NONINTERFERENCE WITH STATE BOXING AUTHORITIES

"Sec. 15. *Nothing in this Act shall prohibit any board, commission, or other agency, created by or pursuant to the law of any State or political subdivision thereof, Commonwealth, or possession of the United States from exercising any of its powers, duties or functions with respect to the regulation or supervision of professional boxing or professional boxing matches or any aspect of the coverage thereof."*

It is my understanding that Section 15 permits the State of New York to continue its present statutory regulation without change. For example, if the rare occasion should arise when a federal license has been issued but the New York State Athletic Commission has refused to issue a license, the federal licensee would not be allowed to participate in a New York contest which is broadcast by television or radio. What HR 8635 would require, in the case of a boxing contest in New York to be broadcast by television or radio, is a federal license for the principal participants in addition to a New York license, a filing with the Federal Commission of certain contracts which would be filed with the New York State Athletic Commission—contracts which were either approved in advance by the Commission or on forms approved by the Commission—and the submission to the Federal Commission of an accounting similar to, but not necessarily identical with, the accounting required by the New York State Athletic Commission under the New York Law.

Where state requirements are high and effectively enforced, as they are in New York, this would involve unnecessary duplication at the federal level and certain aspects of state regulation. We would accordingly recommend an amendment to the proposed bill which would authorize the Federal Commission to issue a federal license on the basis of a state license and to accept duplicate copies of the accounting required by the State authorities where the Federal Commission finds that the standards of state regulation are at least equal to those imposed by the federal statutes and the rules and regulations promulgated under it.

Where there is no state regulation or inadequate state regulation, the requirement of a federal license and an accounting to the Federal Commission is necessary to combat evils which the Congress has found to exist in professional boxing. We are convinced, as I have stated, that there is a need in professional boxing for supervision which crosses state lines and the licensing of persons by the federal government connected with covered boxing matches in order to assure the observance of appropriate standards in the conduct of these matches and to prevent insofar as possible, collusion and other criminal activity which adversely affect the integrity of professional boxing.

We are particularly pleased with the provision in HR 8635 which requires the licensing of individuals and corporations who undertake to transmit by closed circuit telecast professional contests held outside of New York State a group of promoters over which we have no jurisdiction.

In conclusion, because of the material brought out in the hearings before the House Committee on Interstate and Foreign Commerce from July 6th through 8th, 1965, and our own experience, we find ourselves in agreement with the general approach and objectives of HR 8635. We support the bill, although we would prefer to see an amendment along the lines suggested.

MR. HARRY MARKSON, PRESIDENT, MADISON SQUARE GARDEN BOXING, INC.

Madison Square Garden Boxing believes that boxing—honest, wholesome, competitive boxing—is a part of and belongs in the mainstream of American sports. Boxing has made innumerable contributions to the sports tradition of this nation and it would be regrettable if it were allowed to pass from the national scene. But Federal legislation is desirable if the sport is to prosper.

Past events have demonstrated conclusively that State Commissions, however efficient they may be, cannot cope with problems arising from the interstate nature of our industry. Boxers, managers, promoters barred for good and sufficient reasons in one jurisdiction, are welcomed to perform in another; unqualified promoters, concerned only with making "a quick buck" and getting out, have been debasing the sport; champions contemptuously ignore State Commission denunciation of return bout contracts; boxers are signed to exclusive promotional contracts in defiance of governmental disapproval.

Corrective legislation can be accomplished only on a Federal level. This should be in the form of a nationwide licensing system centered in a Federal agency, a system that would contain investigative facilities and criminal penalties. The Federal agency or national commission should have jurisdiction to license all professional boxers, managers, matchmakers, promoters, and close-circuit television companies. (Regular television companies already are under various Federal regulations).

As a licensing agency primarily, such a Federal Commission would in no way preempt present State authority in regulating professional boxing, although it would be extremely helpful if such Federal Commission could seek to establish uniformity in rules among the several States.

As things stand now, we have a confused situation in which the rules in some States call for a referee and no judges; some have three judges plus a referee who has no vote in the decision; some have two judges and a referee. Some States have a so-called "10-must" scoring system; some have a "5-must"; some have a round-by-round system; some, like New York, combine round-by-round with a 4-point system. And even in so basic a boxing requisite as gloves, there is a variance in types used, with gloves that are outlawed in some States being accepted in others.

A Federal Commission could also seek to bring about uniformity in medical examination and medical standards to prevent the present distressing conditions which permits a fighter medically rejected in one State to perform in another.

A Federal Commission could encourage the furthering of such long-standing traditions as championship defenses within six months against worthy challengers and it could help set up a pension fund for retired or ailing boxers.

Through its licensing powers it could keep undesirables from entering the boxing business and it could prevent fly-by-night promoters from "setting up shop" for one-shop ventures.

In contrast to the situation in other sports which are opposed to the concept of Federal supervision; it has become painfully apparent that boxing's decline and fall can be halted only by the Congress. Those of us who are genuinely interested in the preservation of this industry appeal for remedial legislation on the Federal level.

Boxing is a sport that deserves to be saved. It is world-wide in its appeal and it knows no boundaries of race, religion, nationality, social status, wealth, education, or physical size. It asks only a measure of specialized athletic ability and a sincerity of purpose. Proper supervision can help in the rehabilitation and restoration of boxing as a glamorous and glorious sports activity in this country.

STATEMENT BY PETER HELLER

(Writer-editor-producer, ABC–TV News; Columnist, Boxing Illustrated magazine; Inspector, New York State Athletic Commission: Author of the forthcoming Simon & Schuster boxing book, "The Fighting Champions.")

Gentlemen, thank you for the opportunity to express my views regarding a National Boxing Commissioner. I want to point out that these are my views, and not in any way those of ABC, or the New York State Athletic Commission.

I strongly favor the concept of a Federal Commissioner to supervise boxing on a national level. Despite the beliefs of many uninformed people, boxing is not dead. But it is, I believe, in need of change, and an informed, imaginative, and innovative National Commissioner can, and should, play a major role in lending direction to that change.

We no longer have as much boxing in the U.S. as we once did. But anyone who follows the interest surrounding a heavyweight title fight in New York, or looks at the gate receipts for a bantamweight championship fight in Los Angeles can't say boxing is dead. Just this year, the gate and television receipts from the Frazier-Ellis contest and the Ali-Quarry bout serve as further proof of the nationwide and worldwide interest in boxing. And the projected receipts and already-growing interests in the proposed showdown between Joe Frazier and Muhammad Ali demonstrates further how healthy boxing can be when all the ingredients are right. Boxing's detractors say the days of Dempsey, Tunney, and Louis, Walker, Leonard, Ross and Armstrong are gone. That's true. But the fact is that today there are men like Emile Griffith, Dick Tiger, Muhammad Ali, Ruben Olivares and Ismael Laguna, who would have been standouts in any era. So boxing is far from dead. But boxing is, in many ways, in a state of near-chaos. And this is why I believe it needs competent federal supervision. A National Commissioner is needed so that boxers such as one I came across in the record book—and there are many just like him—with a record of 5 wins and 29 losses are given some close scrutiny before they are allowed to enter the ring as nothing more than men on whom other boxers build up their records. Boxing in America needs someone to unify a system of scoring for boxing, which now varies from state to state, and to unify the sanctioning of title bouts and championship recognition. Right now, everyone from individual state boxing commissions to groups such as the World Boxing Council and the World Boxing Association sanction their own championship bouts and recognize whomever they want to as world champion.

One need only look at each group's ratings of boxers each month to see just how much confusion these groups create on the boxing scene. The history of divided titles and partially-recognized champions is a long one which must end. It is even more absurd when you realize that many of the states who belong to these so-called World groups and lend validity to them by recognizing the champions they choose do not even have state boxing commissions, and often do not even have any professional boxing in the state at all. Clearly one champion, and only one, must be recognized in each weight division in all of the fifty states. And when that champion wins the title, a National Commissioner must see to it that he defends the title on a regular basis against the top contenders deserving of a shot at the crown, so that number-one men like Emile Griffith and Jimmy Dupree aren't deliberately bypassed.

A National Commissioner should also take the lead in introducing beneficial and innovative new programs in boxing. One should be to encourage young boxers to continue their education while they are fighting. Track stars, basketball and football players, swimmers, and many other athletes gain a valuable college education while becoming top athletes—an education whose benefits are demonstrated when their athletic days are over and they move into other fields. Why not boxers? There is no question that they should be directed and encouraged to do this. The only question is why they haven't been up until now. One way to encourage this might well be the re-establishment of inter-collegiate boxing and boxing scholarships, just like football and baseball. Boxing has always been a way toward upward mobility for the lower class. What better way to provide this mobility than with scholarships in boxing, enabling young men to learn to box while getting an education they otherwise couldn't afford?

And, yes, a National Commissioner is needed—as in other sports—to police boxing. It's a fact that fixes have been a part of the game. They go back to the days of Jim Corbett and Joe Gans. They may be virtually non-existent today, at least in the big-time, well-supervised boxing centers. But a National Commissioner is needed to make sure that boxing is free of fixes and other collusion. I have crossed the country this past year from New England to California interviewing former world champions for a boxing book I'm writing for Simon and Schuster. I've been asked to present some first-hand information. So here then, from the hours of taped conversations I have had, are some first-person accounts of fixes—hopefully to serve to emphasize the need to have a Commissioner to see that they play no part in boxing's future.

(Tape insert: P. T. Story—1940's; Bat Battalino—1920's; Charley Phil Rosenberg—1920's; Jake LaMotta—1940's; and Don Jordan—1959.)

And finally, we come to what it's all about, after all—money. And this is one of the main reasons we need a Federal Commissioner. So that boxing can, at last, have what it so desperately needs: a national pension fund for retired boxers. Every other major sport from baseball and football on down have one—except boxing. Why? It is long overdue. A pension fund could provide, at least in a modest way, the security that all too many older fighters, as I have seen first-hand, need in their later years, when the public has forgotten about them. Boxing needs a pension fund because fighters, who go into the sport as little more than youngsters, are often not conscious of the need in those early years to provide for their futures, and some are not yet sophisticated enough to manage money properly. A pension fund is a must, and could prevent familiar stories like this one—of fighters who work for years only to learn they have little or nothing to show for it—told to me by my friend Bobo Olson, former Middleweight Champion of the World.

(Tape insert: Bobo Olsen)

In conclusion, let me say that boxing is a good sport. It is, despite its critics, a way for a kid to learn discipline, conditioning, to make money, and to achieve recognition. Modern rules and modern medicine and stricter supervision have advanced boxing to a point where serious injury is probably much less frequent than in auto racing, football, and other sports. As for the men who box, I have met many in my travels, and virtually none regret the years they devoted to the sport. Boxing is a sport that tough kids go into, and most former boxers tell me that boxing is probably the one thing that kept them off the streets and out of trouble. And today it's the same. Many of the young fighters I know were once headed for trouble. Some had already been in it. But virtually all have one thing in common: the trouble ended when they found boxing, which gave them direction, and pride.

We need a strong, effective, imaginative National Boxing Commissioner—a modern man with modern ideas, who can change with the times. We owe it to boxing, we owe it to boxing's fans, we even owe it to boxing's critics—but most of all, we owe it to the young men who stand alone in the ring when the lights dim and the bell rings.

Boxing is a sport worth saving.

Boxing is a sport that needs change.

Boxing is a sport that needs a National Commissioner.

Thank you.

TAPED INTERVIEWS

One champion from the 1920's told me this:

"We had an idea of going through with (by next) fight, and (then) going somewhere else. You know—let them win the title, cause I was already on my way out. Pick up fifty thousand plus the purse. Somebody in Philadelphia . . . we were supposed to go to Philadelphia. I don't even know who we were going to fight, I'll be truthful with you."

A world champion from the 1930's told me this story of a proposed fixed title fight:

"I was supposed to take a dive, to tell you the truth. I didn't want to do it, but my manager and racketeers, they wanted me to take a dive. It was supposed to be a title fight."

Q. You were supposed to lose the title?

A. Yeah . . .

Q. Was your manager in with the racketeers?

A. He was one of the biggest racketeers . . . my manager wanted me to buy (my opponent's) contract, so it would be him and me business managers of my opponent.) I was supposed to throw the title, but I was disqualified . . .

Former world middleweight champion Jake LaMotta 1949–51 told of how he threw a fight in order to get a shot at the title:

"I purposely lost a fight to Billy Fox because they promised me that I would get a shot to fight for the title if I did . . . I never had a manager . . . I wouldn't trust nobody. I deserved a chance at the title, but because I had nobody to represent me, the right kind of people, so they say, I did things on my own. I was uncrowned champ for five years. Nobody wanted to fight me, so I thought this was the only way I could get a chance. I had to lose the fight, which I never wanted to do but I was only a kid and thought this was the way you had to do it. Later on it came out in the Kefauver Committee when they investigated boxing, and I admitted it . . . I was very ashamed when it was all over, but I did get a chance to fight for the title because I did something like that . . . Then when they finally gave me the chance, I still had to pay twenty thousand dollars more to get it. And I paid it, and I got it, and I won it. There was a lot of good fighters around at that time, but because they weren't on the 'in' they were left out."

Don Jordan, former welterweight champion, told me of his involvement with organized crime, and how he threw the title to Benny Kid Paret in 1960.

Q. What was it like winning the title?

A. It was the most awful experience I ever had in my life. I was involved in some situations, activities not to my advantage, shall we say. When I lost (the title) I was happy. I was more happy losing it than winning it. My wife was staying with certain individuals (on the night of the fight with Paret) I was in the ring, and they had a certain situation going. I threw it for one reason. I (could) beat the ——— out of him, and they told me, "If you do it, you're dead." Boxing is an organized monopoly. It's always been, always will be. I didn't know that. It controls you from the day a guy starts fighting until he quits fighting. I was approached by a certain character on this side of the mob who had an idea about something, and he expressed it. When I got back to St. Louis I was approached by another person who had another idea. He said, "If you do this, you know, we can help you."

Q. Which fights of yours did they try to arrange the outcome?

A. They never tried to arrange anything. They controlled it from the very beginning.

Q. Did you have fights coming up along the way in your career that were pre-arranged?

A. "Every fight I fought was pre-arranged before I got into the ring. I knew who was going to win and who lost. (Paret didn't win the title, I gave it to him . . . the deal was in. He had to win."

Bobo Olson, former middleweight champ

of the '50's, told me this story about money of his that was mismanaged:

"My manager at that time, who was Sid Flaherety, he was like a father to me, when I was making five, six hundred, two or three thousand, I was getting the money. He was square with me. But then I gave him power of attorney. He talked to me that he was going to take care of my thing and I wasn't going to end up broke. Everytime I had a big fight, he was putting my money in a trust fund and a pension fund. He told me this. Then after awhile I was worried. After I fought Archie Moore, I didn't get a cent for the Archie Moore fight. I says, 'Well, how come?' I found out I was about 125-, 150-thousand in back taxes. So I got to him and told him, 'How come I owe all his money. You were supposed to be taking care of me?' I found out he was using the money in a trust fund, a pension fund, and he put me in debt with the government . . . making bad investments and using my money. He had power of attorney. He told me I had like seventy-something thousand in the trust fund and in the pension fund I had 66-thousand. . . ."

ACTIONS TAKEN BY THE ADMINISTRATION WITH REGARD TO THE DISASTER IN EAST PAKISTAN

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. TAFT. Mr. Speaker, it is unfortunate that some Americans seem to want to blame our country for every calamity and disaster that occurs in the world. The latest attempt to pull down all the problems of the world upon our heads is the unreasonable claim that the United States is somehow to blame for shortcomings in the relief effort in East Pakistan.

It is true that millions of people in East Pakistan are undergoing terrible suffering and deprivation. But it is equally true that the U.S. has met every request for aid by the Pakistan Government and, in fact, is going far beyond those requests in its effort to provide relief.

A recent issue of the CONGRESSIONAL RECORD included a series of articles dealing with the disaster. The gist of all those articles is that responsibility for conduct of the relief effort lies squarely with the Government of Pakistan, which it should. Failures or successes must accrue to that Government.

I would not pretend fully to understand the internal problems of the Pakistan Government, but it is quite clear that the United States must work with that government in order to provide relief to the citizens of Pakistan. An attempt to set up an independent relief effort would surely compound the existing difficulties.

In short, I am confident this Government is doing everything possible within the confines of the situation. To imply otherwise, I believe, is a disservice to our Government and to the American people, who have manifested such a great compassion and concern for the suffering of our fellow men around the world.

The following is a list of administration actions taken thus far with regard to the disaster in Pakistan:

NOVEMBER 15

President Nixon sent to President Yahya a message of sympathy and an offer of help. The disaster occurred on November 13–14.

Ambassador Farland donated $52,000 in local currency from his emergency funds. Food stocks were immediately released by American voluntary agencies in Dacca.

NOVEMBER 17

President Nixon announced the creation of a high-level interdepartmental Work Group on East Pakistan Disaster Relief, chaired by Maurice J. Williams, Deputy Administrator of the Agency for International Development—AID.

President Nixon directed the Working Group to initially provide assistance up to $10 million through Public Law 480 and other programs for the immediate relief of East Pakistan.

Initial emergency air shipment of 10,000 AID-financed blankets and 1,000 tents dispatched to Pakistan.

Also in immediate response 50,000 tons of wheat valued at about $5 million was authorized for early shipment to East Pakistan to replenish stocks being drawn down.

NOVEMBER 18

Three military cargo planes carrying four large Army cargo helicopters and crews were sent from the United States.

In addition, two helicopters which were in the vicinity in Nepal were instructed to proceed to Dacca.

NOVEMBER 19

A commercial plane was dispatched carrying 62,000 doses of typhoid vaccine donated by Church World Services.

NOVEMBER 20

Notified that packaged, high protein food was in short supply, a plane load of 90,000 pounds of high protein survival biscuits donated by the Office of Civil Defense was dispatched.

Also sent was a plane load of 90,000 pounds of canned meat, baby food and fruit donated by Care.

NOVEMBER 21

Three military cargo planes carrying four more large Huey helicopters and crews were sent to Pakistan.

Because internal transport is very difficult in the disaster area, 2 commercial planes were sent carrying a total of 50 16-foot motorboats provided by the U.S. Army. Such boats will be used to carry supplies internally in East Pakistan.

Two planeloads of concentrated food and plastic water bottles were sent.

Under continuing assessment, Ambassador Farland went to Dacca directly to administer the operation there and to allow for his own personal assessments. Under these assessments by the Ambassador and his staff, we are meeting requirements as they arise and as they are established.

Four more commercial flights with emergency supplies, mainly packaged food, are planned so far for this week. A decision will be made on sending U.S. military medical facilities to Pakistan as soon as our people—a special U.S. military medical team flown in with the last delivery of helicopters—complete their initial survey.

So far, we have spent about $7 million of initial $10 million authorized by the President. Immediate requests have been met, and we will continue to do all that is possible to assist in dealing with the problem.

GOVERNMENT "OF THE PEOPLE" IS YOUNG LEGISLATOR'S GOAL

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, among the many Democratic victories in the recent elections, I am particularly pleased by the outcome of a local Massachusetts race. The successful campaign of Jon Rotenberg, State representative-elect from Brookline, Mass., pleases me for several reasons. Jon gives the young and old alike true representation; he is an exceptionally capable and dedicated young man; and his political philosophy holds that the purpose of government is to serve the people.

Since I first entered Congress in 1952, it has been my policy to have young people work in my office as research assistants and legislative aides. I have hoped this would enable them to see firsthand the workings of a congressional office and demonstrate to those young people particularly interested in serving the public that this can best be done within the legislative framework. It gives me a great deal of pride when these young people continue their interest in public service and particularly when they choose to stand for elective office and present their credentials to the voters.

One such young man is Jon Rotenberg, who at 23, has been elected to the Massachusetts House of Representatives as one of the youngest legislators in the Nation. The same qualities which marked Jon's tenure as legislative assistant will make him an outstanding State representative for Brookline. Jon is deeply committed to change through the governmental process, and he is dedicated to serving people. He possesses an enthusiasm and eagerness to help others that I have rarely encountered. Jon is a bright and capable young man, but it is the generosity of his spirit which sets him apart.

Ann Beierfield of the Boston Sunday Advertiser, has succeeded in capturing Jon's tenure as legislative assistance will his desire to be a true representative of the people. I know my colleagues will be interested in this excellent article on a young leader who delivers for the people rather than shouts for the few:

GOVERNMENT "OF THE PEOPLE" IS YOUNG LEGISLATOR'S GOAL

(By Ann M. Beierfield)

For young Jon Rotenberg, a political career was always a dream for the future—and then the shootings occurred at Kent State.

Suddenly the future was now. There was no more time for dreams.

Rotenberg, then only 22, decided to run for the office of State representative from Brookline. And he won. To become, at 23, one of the youngest men ever to serve on Beacon Hill.

Jon grins as he admits he is "green." He says his organization—mainly family, friends and enthusiastic citizens who listened to him on the streets and liked what they heard—was long on eagerness, but short on polish.

Jon's campaign was guided by the feeling that government is truly and personally "of the people," that youth must work constructively and that a representative must do more than spout platitudes—he must represent.

Rotenberg racked up 11,918 votes running as a Democrat in the race for three contested seats. He finished behind Republican incumbent Martin A. Linsky, but well ahead of the 8,861 votes polled by the other winner, John A. Businger, another Democrat.

"After the Kent State tragedy, I felt it was vital for young people to become active in politics," Rotenberg said, "mainly, because so many older people were saying we never try to work within the system; that all we do is rip down society or riot or sit down and cry when we can't get what we want.

"Well, maybe a small percentage of young people do behave that way, but most of us are really thinking. We want to work for, not against.

"Sure, there were voters who thought I was too young, but I never felt any resentment because of that. And I'll tell you something: I feel I reached the elderly in this campaign.

"And I reached them with more than words. I did something.

"For instance, a lot of older people wanted to go to the rent control meetings, but were afraid to leave their homes at night. I chartered two buses and brought them to the meetings—and I would have done the same for the landlords if they had needed a way to get there.

"I believe in doing things people can actually see," continued Rotenberg. "People don't mind spending their money if they can see results—see that it's working for them on a personal basis.

"That was the whole keystone of my campaign—a personal feeling for people. Government can't go on becoming so large that it ceases to be 'of the people.'"

The youthful bachelor is tall, lean and boyishly appealing, with clear, straight-forward eyes and a sheaf of heavy brown hair that he keeps trimmed and well-groomed.

He lives with his mother and two sisters in a big rambling home on Heath st., which served as his campaign headquarters, with his family working day and night.

Born and raised in Brookline, he attended elementary schools there before undertaking his "prep" studies at Winchendon School.

During his collegiate years at Ohio University—where he majored in government and interpersonal communications—he began to show the same dedicated social commitment that spearheaded his campaign.

"When I became president of the interfraternity council, I thought it would be good if the fraternities did something other than throw parties and drink beer," he recalled.

"I initiated a lecture series, and a big brother program at a school for mentally retarded children close by our campus. I thought, as long as the fraternity men have this brotherhood feeling, why not really make it mean something?"

While there, he won the respect and admiration of the university's president, Dr. Vernon R. Alden, who is now chairman of the Boston Company.

Dr. Alden publicly endorsed his candidacy as did Sen. Edward Kennedy, and Rep. Thomas P. (Tip) O'Neill, for whom the young man worked as legislative aide in Washington.

Rotenberg cast his lot with the Democrats, for whom he has worked "since about the age of 12," because he felt that party matched his own philosophy of personal politics.

"It's more for the people," he says. "But that doesn't mean I will go along with the Democrats, straight across the barrel, right or wrong. I don't think anyone should do that."

Asked if he would call himself liberal, conservative or middle-of-the-road, he replied: "I call myself Jon Rotenberg. I'm not bound to any particular line of thought. It's the issue itself that matters.

"I'm for immediate withdrawal from Vietnam . . . the money could be spent so much better on social needs here. But I believe very strongly in law and order, and that policemen deserve our support. Without law and order there is chaos, and chaos means anarchy.

"I don't like to see government grow out of all bounds, and get into too many areas, but I do believe the state must push for more federal aid to relieve the welfare burden.

"Most of all, I believe in learning what the people want, what's on their minds. Too many legislators ignore the feedback from the public. I want to get out and look for the feedback.

"I have a card file of people who called during the campaign and the issues they spoke to me about.

"I'm going to go through these cards. And if I find, for example, that there are several people concerned about mental health, I'd like to call a meeting, invite a top legislator and maybe some administrators from mental hospitals, and we can talk about it, work at it together.

"One thing that's very much in my favor, I think, is that I can give this my full time.

"My sister, Judy, and I have been running an art gallery and a couple of other stores in Rockport the past few summers, and it's given me enough personal income so that I can give this new responsibility the kind of attention it must have. (His legislator's salary will be $11,400.)

"I want to be available to the people at all times. I'll have an office, but I'll talk to them in the streets, too."

TRIBUTE TO HON. PHILIP J. PHILBIN OF MASSACHUSETTS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. EVINS of Tennessee. Mr. Speaker, permit me to take this means of paying a brief but sincere tribute to our colleague, the gentleman from Massachusetts, PHILIP J. PHILBIN, who is retiring from the Congress at the conclusion of the 91st session following 28 years of distinguished and dedicated service to our country.

PHIL PHILBIN is a ranking member of the powerful and influential Committee on Armed Services and has contributed immensely to the strength and security of the Nation. His legislative achievements and contributions are monumental. His devotion to duty has set an example of patriotic service.

PHIL PHILBIN has served his district, his State, and the Nation faithfully and well and he will be greatly missed—especially because he is one of the grand and great personalities of the Congress.

He is a great human being—warm, friendly, personable, genial, a truly beloved colleague. We shall miss him in the House. As he seeks a well deserved retirement, I know that we wish for him every good luck, good health, and much happiness.

RETIRED USAF LT. GEN. IRA EAKER ANALYZES THE RED THREAT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. TEAGUE of Texas. Mr. Speaker, my good friend, Lt. Gen. Ira Eaker, U.S. Air Force, retired, recently attended the American Ordnance Association's SAC-briefing on the Soviet-Chinese threat in Orlando, Fla., and was asked to analyze this threat from a military view. The following are General Eaker's remarks which I commend to every Member of this body:

THE MEANING OF THE RED THREAT

General Holloway, Mr. Wallace, Mr. Kohler, Members of the Symposium, Gentlemen: First, my congratulations to General Cordes of the Strategic Air Command Staff for the excellence and accuracy of his briefing highlighting the quantitative aspects of the growing Soviet strategic offensive and defensive forces and the emerging Chinese Communist threat.

His presentation of the size and composition of the nuclear delivery capability, of the Red land, sea and air power cannot be dismissed as an exaggeration for the purpose of creating a bigger SAC, more U.S. strategic power, as the pacifists and doves are sometimes wont to charge.

The totals of Red missiles, bombers, and ships presented in this briefing are confirmed by similar estimates recently made by The Institute of Strategic Studies, London, The Georgetown University Center for Strategic Studies and the National Strategy Information Center, New York.

A report of the Committee on Armed Services, House of Representatives released last October 7th entitled, "The Threat," gives generally the same estimates of Red strategic forces we have heard today.

As late as November 10th, last, General Goodpaster, the NATO Commander, warned, "The Soviet forces of today constitute a concentration of military power far beyond anything the world has ever previously seen. It is a force far exceeding their reasonable defense requirements.

These assessments of the Red threat clearly indicates that the USSR is now the number one military world power, the U.S. is now a second-class power and the disparity is still growing in favor of the Reds.

My assigned task in this symposium is "The Meaning of this Red Threat."

In a dramatic speech in the House on October 10th, the Honorable Mendel Rivers, Chairman of the Armed Services Committee, after detailing the size of the Red Threat said, "Mr. Speaker, never before in the 30 years of my membership in this body have I stepped into the well of this House with greater concern for the future of this nation." I share completely Mr. Rivers' concern and I do not believe he overstated the case when he continued, "I have no doubt that the Soviets are now building a nuclear submarine base in Cuba. Mark my words well—one of these fine mornings we are going to be told by the Russians, in most unmistakeable terms, to get out of the Meriterranean."

Here are other quotes from this great speech which are of major significance, "The

7% portion of the gross national product which is now allocated to our national defense represents the smallest allocation of our gross national product to national defense purposes in 20 years. Surely no American would argue that we can put a price tag on the lives of our people. But I would rather be alive at 10% than dead at 7%."

He concluded, "The Soviet Union now has a nuclear strategic weapon capability in excess of ours and this superiority will continue to increase if we do not take dramatic action to stem the tide."

"In calendar year 1969, the United States spent a total of $7.5 billion on strategic offensive and defensive weaponry. During that same period the Soviet Union expended approximately $13 billion dollars in the same effort."

This speech should be read in its entirety by every thoughtful, concerned citizen, for Chairman Rivers is without doubt one of the best informed members of Congress on the National Security.

There are two decisive factors which give the Russians a tremendous advantage in any nuclear exchange with us. There are many more lucrative nuclear targets in the U.S. than in the USSR due to the fact that population and industry is much more concentrated here into urban areas. For example, if Russia hit the 50 largest U.S. cities it would kill 86 million Americans and destroy 55% of U.S. industry. On the other hand a nuclear attack against the 50 largest Russian cities would kill only 48 million Soviet citizens and destroy but 40% of their industrial capacity. Such attacks would result in the death of 42% of the U.S. population but only 20% of the Russians.

The other dangerous inequity lies in the fact that it is U.S. policy never to deliver the first nuclear strike. The only U.S. retaliatory nuclear capability would be that which survived an enemy nuclear attack. Present estimates of our weapons survival is between 15 and 20%. This policy makes it possible for the USSR to plan their nuclear first strike against the strategic forces of the U.S. Obviously the U.S. strategic capability which survives a Red first strike will not hit the nuclear delivery capacity of the Russians, since it would be senseless to target ICBM sites which have already released their missiles.

Since President Nixon expressed grave concern, when he was a candidate, about Russia's growing strategic strength coincident with our own unilateral disarmament, and since both have accelerated since he became Commander-in-Chief, it seems appropriate to examine this phenomenon.

This is my present analysis of the Nixon defense policy.

He went to the country recently in an effort to elect a Republican Congress, by reminding our people that he expressed the hope in his Inaugural Address that we are leaving a period of confrontation with the Reds and moving into a period of negotiation. Since he become President, therefore, he has reduced our defense budgets by more than $10 billion and has not deployed a single new offensive strategic weapon, relying upon SALT (the Strategic Arms Limitation Talks) to provide for our security through negotiation. In the meantime, Mr. Nixon will continue to wind down the Vietnam War, reducing by more than half the extent and cost of that conflict and reducing our defense forces by about one million men, military and civilian.

Whether this plan will be politically effective, I cannot predict, not being a politician or political commentator. But I am certain, having spent fifty years as a Red watcher, that it will not favorably influence Kremlin policy. The USSR will never agree to return to strategic inferiority or parity at Vienna, Helsinki or anywhere else. There is no evidence that they have abandoned their plans for world domination and they know that parity is not the route to success in that area.

Instead of the period of negotiation, for which the President hopes, we shall, I believe, have a period of Red nuclear blackmail. Taking advantage of their strategic superiority, the Reds will begin to show their muscle and make hostile demands. Already since achieving superiority they have become much more aggressive. Their air and sea bases in North Africa, their missiles and fighters in Egypt, their growing naval thrusts into the Mediterranean Sea and Indian Ocean, and their missile carrying subs off our coast provide unmistakeable evidence of this.

On May 20th last their missile ships returned to Cuban waters and U.S. intelligence agencies report that Russian bombers are now using Cuban bases.

Faced then with positive evidence of Red truculence and blackmail, President Nixon will go to the American people in his own re-election bid in 1972 reminding our people and all the world that he bent over backward in an effort to support SALT. He even continued our own strategic disarmament for two years despite certain evidences of the Red strategic arms build-up. Since this effort failed, he proposes to begin at once to restore the strategic imbalance. He can point out that since we have twice the economic resources of the USSR we can and will do this without further delay. Such a campaign promise will be very effective as our people will by then have ample warning of the hazard in strategic inferiority, the loss of the credibility of our deterrent posture.

There is a terrible danger in the Nixon defense strategy I have outlined it. The Reds may not permit our rearmament. Over the Hot Line from Moscow could come this ultimatum: "As you know, Mr. President, we now have your land-based ICBM's well covered with our SS9's. Your own Secretary of Defense has told your Congress that we can destroy 95% of your ICBM capability in a surprise first strike. The only thing we now have to fear is your Polaris and Poseidon nuclear submarines. We now order you to send these vessels into the Black Sea where we can be sure they are disarmed. You will be wise to comply, since each of your subs at sea is now followed everywhere it goes by two of our killer subs."

In such a circumstance, when the USSR has about the same strategic superiority, four to one, which we enjoyed at the time of the Cuban Missile Crisis, the President may have no alternative but to comply with the Red ultimatum, as Khruschev responded in 1961.

With loss of our No. 1 power position will go loss of world leadership. Many fateful consequences will inevitably follows.

One early and tragic result may be the destruction of gallant little Israel. The U.S. has been the only nation guaranteeing Israel. The U.S. has been the only nation guaranteeing Israel's continued status as a free nation, with the strength to enforce its pledge. This guarantee will be ineffective in the future with the U.S. a second-rate world power.

A second inevitable result will be the break-up of NATO. European leaders have realized for some time that the U.S. no longer was a dependable ally and assured protector, her people having lost the will and refused to provide the means for Free World leadership. This is why the leaders in Germany and France, have been recently to Moscow seeking some form of detente with the Kremlin. That also was the reason Greece and Turkey refused use of their bases to U.S. aircraft in the late Middle East crisis. Likewise it accounts for the recent defection of Canada, confirmed by her recognition of Red China.

The U.S. must now alter its strategy since its defense posture is such that its peacekeeping ability is no longer credible. When the U.S. was the No. 1 world power, so acknowledged by friend and foe, its earlier policies of massive retaliation and graduated response were effective.

A nation faced with an adversary having superior nuclear capability and strategic strength has only these options: It can strike first in a surprise attack in order to reduce the nuclear capacity of the enemy. It can await the enemy's first strike and then retaliate by launching whatever nuclear weapons survive upon the cities of the enemy. Or it can accede to nuclear blackmail, tantamount to surrender.

Our former allies of the Free World have but two options now. They can make the best deal they can get from Moscow or they can develop their own nuclear defenses. Britain and France have a nuclear start and Germany and Japan will no doubt be making that hard decision soon.

In the past, whenever U.S. defense appropriations were reaching dangerously low levels, the Reds always took some offensive action to alarm our people and warn our leadders. The blockade of Berlin, the invasion of South Korea and the Cuban Missile Crisis were such examples. The U.S. then acted promptly to restore the credibility of its deterrent posture.

The Reds have done the same thing this time. They have never been more aggressive than since gaining strategic superiority. Their fleets in all the world's oceans, their planes, missiles and troops into Egypt, their nuclear submarines patrolling our coasts and their sub base in Cuba have given unmistakeable warning. But our people have not responded as in the past.

Some defense leaders credit this apathy to an unrealistic reliance upon SALT (the Strategic Arms Limitation Talks). The recent action of the House on defense appropriations cuts the ground from under SALT. Why would Russia agree to mutual disarmament when she has Congressional confirmation that U.S. unilateral disarmament is being accelerated?

You will recall that General Cordes told us "The Soviet Union is now about to seize world technological leadership from the United States." He also pointed out that they have already spent about three billion dollars more than we have on defense oriented research and that their annual expansion in their R&D effort has been 10% a year while ours has only been 4%, hardly enough to cover rising inflation costs.

I thought his comment on Soviet Research Institute growth was especially significant in this area. "The Soviets have established a technically-oriented society. As a measure of this growth, they have nearly doubled the number of research institutes over the past 20 years and quadrupled their graduated engineers. This technical manpower force is now six times the size of ours."

Dr. John S. Foster, Director of Defense Research and Engineering has repeatedly warned the Congress of the tremendous Red R&D effort and its dangerous consequences for us.

In Russia the scientists, engineers and technicians enjoy favored status, ranking right after the Party leaders in salary, housing, food and prestige. There are no unemployed scientists and engineers in the USSR, while we have today thousands of unemployed scientists and engineers. To me, this has ominous and obvious future consequences.

It means that the USSR will have superior strategic weapons in the future. Add this to their numerical superiority and our defenses lose their deterrent credibility entirely.

There is another grave significance to this Soviet technological superiority. They will ultimately control the markets of the world. Their consumer products will be better, cheaper and favored world-wide as were those of Britain in earlier times and as are those of Germany, Japan and the U.S. today. I foresee and fear the time when Russian technology joins the great industrial capacity of Western Europe to dominate the world's commercial markets.

The Reds also have caught this vision. That's why they are now building a vast merchant marine, able to deliver these merchandise cargoes to every people on every island and continent on earth.

There is another side to the USSR-U.S. inequity which disturbs me greatly. I have a sufficient acquaintenance with history to know that more nations have fallen due to internal disorder and decay than from outside conquest. I see in our Country today many of the maladies which have been fatal to other peoples, other nations once great but which ultimately disappeared.

The apathy of our people to their defense establishment and forces passes all understanding. In 1962 there was strong popular support for President Kennedy when he ordered the Russians to get their offensive missiles out of Cuba. Contrast that reaction with the lack of popular concern when President Nixon told us that the Soviets were building a nuclear sub base in Cuba.

We also have in this country, as we all know, a large and growing group of traitors. By definition of long standing a traitor is one who gives aid and comfort to the enemy. During the Vietnam War many of our citizens, some in high places, have given aid and encouragement to the Reds, hiding behind the legal fiction that war was not declared by Congress.

When some historian of the future does the job on us which Gibbon did on Rome, I believe he will trace the beginning of our decline to our tolerance of treason. The Reds do not have that problem.

There is now much talk about national priorities. We are told that we must reduce defense expenditures in order to provide more funds for other pressing priorities. I submit that our first priority must be the national security for if that fails the other priorities do not matter. Our conquerors will take care of those.

There appears to be a considerable feeling in this country, which has been fostered by the intellectual-left, that the Reds no longer represent a serious menace since Russia and China are quarreling. I believe the USSR-ChiCom quarrel is like spats between husbands and wives. They can be bitter, but when third parties intervene, the couples promptly double up on the intruder.

Despite this heated oral controversy, I note both big Red powers have been supplying aid to North Vietnam.

In view of the present threat to our security, what should be the size and composition of our defense forces? While a detailed discussion of this subject lies outside my assignment at this symposium, I have compiled such a force list and can make it available to anyone who is interested. There are some facts and conditions relating to this question pertinent to my topic "The Meaning of the threat."

No Free World leader knows what would deter an enemy from launching a nuclear first strike. Only the rulers in Moscow and Peking know that. We do, however, have some pertinent yardsticks. Our strategic superiority has kept the truce thus far. At the time of the Cuban Missile Crisis when our strategic superiority was four or five times theirs, they were deterred.

A nation whose policy is to survive a nuclear first strike and retaliate must be sure to emphasize all defense measures including the ABM and civil defenses, especially shelter programs and ample warning devices.

An adequate force, when on the defensive must also be much larger, more extensive and more expensive than a nuclear first strike force due to the frightful destructiveness of nuclear weapons. Incidentally, I never knew of any body who ever won while on the defensive.

The frequently heard argument against the great cost of our defense system is scarcely valid since whatever it costs is but a pittance compared to what we would lose if our defenses failed.

Here I want to suggest one caution to the military.

Sometimes in the past when defense appropriations were inadequate the Armed Services have engaged in heated controversy over the sparce funds which were available. That would be fatal now when it is open season on all things military. Every military leader must put national interest above any partisan or parochial advantage. The Joint Chiefs of Staff and all subordinates in uniform must speak with one voice resolving all issues in conference and creating no inter-service rivalry headlines.

National security should never be a partisan or political issue. It is as non-partisan as safe streets and clean air. Since national security concerns every citizen, it should be a concern of every citizen.

One decisive aspect of the Red threat has not received the attention it deserves. That is the intention, plan and will of enemy leadership. Does anyone who has observed the truculence of the Kremlin during the years since World War II, when their strategic forces were inferior, doubt that they will be more difficult to deal with now that they are the World's No. 1 military power? Has anyone seen any evidence that Soviet leadership has abandoned its announced plan for World conquest?

Two things are necessary for world domination, the military power and the will or determination of national leadership to use it. Russia undoubtedly now has both.

When the U.S. was the No. 1 military power in the world this represented no menace to any people or nation on earth. Everyone here and abroad knew that our strength was defensive. Not since 1898 (the Spanish American War) has the U.S. been an expansionist nation or had an aggressive policy. Can any informed person say the same of the men in the Kremlin?

In 1914 the Kaiser and his Prussian War Lords had the will for conquest but not, as it developed, the military strength. In 1940 Hitler, Mussolini and the Japanese War Lords had the will but not the means. Now for the first time there is a nation with the strength and whose leaders obviously possess the will for conquest.

Finally, Gentlemen, I have observed that some of our people misunderstand why we recommend superior U.S. military strength. Recently, for example, Senator Brooke criticized General Ryan for saying our strategic forces must be able to disarm an enemy.

Frankly, I have little interest in retaliation or how many Russians or Red Chinese are killed after a massive nuclear attack on the U.S. Everything, everyone, every institution I cherish will have been destroyed.

What I want, what this country must have, is a strategic force of such size and composition that no enemy will ever dare to launch that massive nuclear first strike. We have had such a force, it has kept the uneasy nuclear truce for two decades. We have lost it. We must never cease our effort until we get it back. That is our highest national priority.

TOP PRIORITY: COMMUNIST WAR PLAN IN THE U.S.A.

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. SNYDER. Mr. Speaker, recently the following bulletin published by the Christian Heritage Center of Louisville, Ky., came to my attention and I submit it for the attention of the readers of the RECORD:

TOP PRIORITY: COMMUNIST WAR PLAN IN THE U.S.A.

It is a rare event when you can read the outline of the Communist plan of attack inside the United States in clear and unmistakable language. But such is the case. In Political Affairs, October 1970, James J. Tormey sets forth Communist strategy under the title: "The Need for a National Defense Organization."

Make no mistake about it—it is a determined effort—based on careful planning to turn the flow of events toward revolution within the United States.

Gus Hall, General Secretary of the Communist Party gave this appraisal in his report to the National Committee:

"We must now set our course, fix our priorities, assign forces so that we work toward the crystallization of *a broad people's alliance which will gather all the forces of rebellion into a coalition* that will have the power to challenge the policies of the monopoly-military-industrial complex on all levels, on all fronts. That is the key link."

Hall further stated that "given proper leadership the democratic and radical forces *are powerful enough to prevail.*"

If the Communist coalition of rebellion and revolution is not to prevail, it will be because a superior force is brought to bear against them. That is why it is so vitally important for us to be informed as to Communist plans and strategy. Therefore, as an American and as a Christian, we urge you to study carefully this battle-plan of the Communists. Here are key excerpts from Tormey's article:

THE ROLE OF COMMUNISTS

On this basis I see two concurrent massive drives in an effort to build a solid foundation for a broad people's alliance in the United States. *One is a drive on the peace front aided by the founding of an Anti-Imperialist Peace Center with a full anti-imperialist program. The other is a drive on the democratic front, for the preservation and greater extension of democracy in the U.S. With respect to the latter, the essential need is to bring into being a new national organization as the center from which to conduct the fight. In regard to both centers the objective would be to infuse both movements, now floundering in terms of direction, with a working-class approach to their problems, and to project programs consistent with this.* Such centers can become new homes for new radical forces where Communists and non-Communists can work together on programs that are mutually acceptable. This will serve to broaden the power base of the Left, to put forces, working-class troops of all races, at the command of the Left. Thereby the Left can help to bring about the necessary alliances and coalitions and to guarantee the kind of perspective that will help them to grow and serve our nation better.

Today there are huge numbers of forces at work in the fight-back against repression, but there is also much proliferation of effort. There are conflicting trends relative to the

fightback and the almost total lack of coordination around major cases nationally. While everyone has been "doing his thing," few have been defending the Communists or overtly fighting anti-Communism. This condition is a threat not only to our Party but also to the people's movement. At the same time, Communists in many places have been active in the movements which do exist, and have in most cases been responsible for bringing about a number of conferences against repression. Where this is taking place, some semblance of unity is being brought about.

The main thrust of our line in the fight against repression must be to build alliances and coalitions wherever we can influence events. However, the question arises how we can increase our power base in order to play an effective role in influencing the broader democratic movement to fight for the preservation of democracy and its extension to the millions who have never had it: the poor and especially the Black and other racial minorities. In this context there arises the question of whether and how to build a new national organization.

In this connection, it is clear that we Communists will not increase our ability decisively to influence the fight against repression without an effective fight for the legality of our Party. No one respects those who do not fight for themselves. No one will fight for us if we don't fight for ourselves. Our credentials to give leadership to others and our legitimate place in the general movement against repression can only be understood, and win respect of others, if we set an example, working in our own defense as well as in the defense of others.

Concretely, this means fighting against the indictment of Arnold Johnson. It means smashing the current attempt to revive the McCarran Act indicated by the Attorney General's efforts to haul the Young Workers' Liberation League and the New York Center for Marxist Education before the Subversive Activities Control Board (the school hearing is scheduled for November 13). It means a fight to repeal the McCarran Act. It means a fight for access to the ballot everywhere. It means a struggle to eliminate anti-Communist hiring restrictions in defense plants and government jobs. And it means a fight for the deletion of anti-Communist clauses in all union constitutions, and for the reinstatement of Gene Robel, who had successfully fought for the right of Communists to be employed in "defense" industries, to full membership in the IAM. In short, what is needed is a comprehensive campaign against anti-Communism in general, always associating our oppression as a political minority with the oppression of all other minorities.

A national organization to meet today's requirements should be composed of both Communists and non-Communists who subscribe to the concepts here outlined, with identifiable leaders of the Communist Party sharing leadership with others.

It should have a comprehensive program to meet the constitutional crisis. It should wrest the national banner, the American flag, from the bloodstained hands of the ruling class who have defiled it and from the ultra-Right who have pre-empted it. *It must be made for the first time in American history the banner of all the people.*

It should become an organization which understands that the fight against racism is absolutely central—the main ingredient in the attempt to achieve a people's unity against repression.

It must become a movement which seeks alliances with all the oppressed, based on the common denominator which exists among them and exposing the oppressor—the imperialist ruling class.

It must become a movement which, precisely because it is on the side of the oppressed, will fight for the rights and the legality of the Communist Party. And it will do so not alone from an abstract "rights" point of view but because the Communist Party is among the oppressed as well as the defender and champion of all oppressed peoples.

It should be a movement which will defend victims of repression both legally and through mass campaigns.

It should help to organize medical services and first-aid to victims of police brutality at demonstrations, or picket-lines, and strive to service political prisoners and their families.

It must have a young, vigorous and imaginative working class leadership of all races, with identifiable young leaders of the Communist Party sharing leadership with other progressive forces.

It was with the aim of reviewing the ideas set forth above that this writer was sent about the United States to talk with everyone we could reach and to try to see these problems through the "eyes of others." I talked with more than seventy-eight people in all walks of life, and I posed the following questions to each:

THROUGH THE EYES OF OTHERS

What is your estimate of the situation in the U.S. now with respect to repression?

Are there acceptable common denominators which could lead to greater unity of the repressed?

What defense can Communists expect, should the attack upon the Communist Party be stepped up?

When I met directly with a victim or a victim's family, I also asked how the Communist Party could help.

I saw only those who would see me as a member of the National Committee of the Communist Party. I was received with a great deal of interest and good will. Most of those I talked with were non-Communists. Some were themselves victims of repression or were members of the families of victims.

FURTHER CONCLUSIONS

The following are some further conclusions which can be drawn from the experiences of my tour:

First, most people fighting against repression agree with the estimate of our Party with respect to this matter at our National Committee meeting. They believe that millions of other people share our concern.

Second, many people realize that the present proliferation of effort of the democratic forces in the fightback is an obstacle to realizing the full potential power of the people's movement; yet most are unable to determine how unity can be achieved, and would take a lead from us were we to provide an answer.

Third, though there are ominous stirrings in ruling-class circles, in their efforts to revive red-baiting and to renew their attack upon our Party, a massive movement can be organized to oppose this.

Fourth, thousands of victims of repression in our country need our Party's experience and dedication in the fight against oppression. In respect to some of the current defense cases in the courts, there should be a national effort to free the victims. These are among the many reasons why there is a need for a national organization along the lines outlined above.

Fifth, we can learn much from the people engaged in the struggle for freedom, but we must develop a style of work which permits this.

Clearly, the forces of reaction can be defeated—the democratic and radical forces are most powerful—our task is to unleash this power by giving it able leadership.

FOREIGN TRADE BILL FOR U.S. JOBS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. RARICK. Mr. Speaker, the foreign trade bill, passed barely a week ago, has already received retaliation from many powerful lobbies in the United States who carry on as if unaware that America's largest consumer is the U.S. workingman.

The Federal Reserve System has become a bitter spokesman against job preferences for Americans. This was to be expected since it was the international banking cartel that initiated the "share the wealth for the world" program and which has been adamant in its goal to hold down progress in the United States in a compensatory blueprint designed to upgrade incomes in other countries of the world at the expense of U.S. taxpayers. It is noteworthy that the international lobbyists who over the years have exploited the working people with such promotional talk as more jobs, higher income, and better living conditions, now defend abolition of American jobs and American goods.

Threats of retaliation against Americans wanting at least a fair chance to manufacture goods for their own market are traceable to an emotional hysteria coming from other Americans striving to protect their investments and commitments outside the United States.

For the most part, the only American products now being exported are machinery and sophisticated weaponry and tools which foreign nations thus far have been unable to develop or manufacture themselves.

It must be understood that if U.S. products cannot compete pricewise in the United States against foreign imports, they most certainly cannot compete in foreign markets—unless we give them away or supply the purchasing capital through foreign aid programs.

We might ask, "Just what does Japan buy from the United States?"—Or, "Will Israel retaliate by not buying jet aircraft and tanks?" Foreign retaliation against farm products? The great mass of American farm commodities leaving our shores as exports are being sold to foreign nations under Public Law 480 which provides such liberal credit terms that certainly no nation could afford to retaliate against.

At hearings relating to the inspection of imported livestock products, a Mr. Ioanes of the Secretary of Agriculture's Office, testified that U.S. meat exports to foreign countries constitute roughly 700 million pounds, while foreign meat imports to the United States are estimated at 1,600 million pounds. As to meat, the American farmer would enjoy a greater prosperity from domestic sales in the United States than from exports.

To those vocal opponents of "Made in America by Americans" who would justify denying Americans jobs by saying they are for free trade why have they

never voiced opposition to the stringent trade prohibitions placed against all Americans on imports or exports to Rhodesia.

The weekend news reports that Prime Minister Heath of England will visit Washington, D.C., ostentatiously for the purpose of getting more U.S. tax dollars with which to buy more U.S. goods in the nature of sophisticated military weapons. This is hardly an indication of any trade retaliation from England.

As the international extremists continue to warble their fright-peddling against American labor and industry, it should become more apparent to those of us who supported the foreign trade bill that a vote for final passage was in the best interest of America—if it accomplishes nothing more than show the working people of America who are not their friends.

[From the Washington Daily News, Nov. 26, 1970]

THE PRICE OF PROTECTION

Congress might as well turn loose an army of pickpockets in the land as pass a foreign trade bill that slaps restrictive import quotas on shoes and clothing.

Yet that is what Congress apparently intends to do unless the American consumer (remember him?) soon makes himself heard.

The trade bill now under discussion, for all its pretensions of preserving jobs by keeping out cheap foreign goods, could be the most damaging piece of import-export legislation since the tariff wars of the 1030s.

In addition to threatening the consumer with higher prices, it is a threat to more jobs than it possibly could save. All of our export business would be in immediate jeopardy—coal and farm products, aircraft and machinery, to cite a few.

The countries whose products would be restricted by the legislation not only are able, but obviously are ready and eager to apply similar restrictions on the products they buy from the United States.

This danger is seriously enlarged because the bill not only would clamp immediate import quotas on footwear and textiles, but it includes a triggering clause which could result in future quotas on as many as 70 other items, ranging from wigs and bicycles to tennis balls and television sets.

As for the consumer, the damage was spelled out in dollars and cents last week by Andrew F. Brimmer, a member of the board of governors of the Federal Reserve System.

By 1975, said Mr. Brimmer, import quotas on shoes and clothing could cost consumers an extra $3.7 billion a year in higher prices.

Because of the quotas, there would be less competition, less selection for the consumer and less incentive for American firms to keep their prices low and their productivity high.

Some retailers say the trade bill could raise clothing and shoe prices 15 to 25 per cent, costing the family of four as much as $200 a year.

It would be far better, Mr. Brimmer contends, to put the money into retraining and financial aid to workers displaced by automation and by competition they can't control.

No matter how you rationalize them, import quotas are a dubious and highly inflationary device. They invite retaliation against American goods sold abroad. In the end, like all artificial restrictions on trade, they tend to be self-defeating.

[From the Washington Star, Nov. 26, 1970]

PROTECTIONIST SENTIMENT HIT BY MCLAREN

The head of the Justice Department's antitrust division says that reducing imports would be expensive to the United States in terms of prices, retaliation against U.S. goods and loss of business competition.

In a statement to the Tariff Commission, asst. atty. Gen. Richard W. McLaren yesterday opposed what he said is a rising protectionist sentiment.

McLaren did not specifically cite the House-passed trade bill, which would impose new quotas on imports of textiles, shoes and other products. The bill is awaiting action in the Senate where its prospects are now considered doubtful.

"If we insulate our markets against foreign goods, we insure that prices paid by the American consumer and by American industry for the things they need will increase or, at best, remain at relatively high levels," McLaren said.

"Another cost of protectionism arises from the likelihood—indeed the virtual certainly—of foreign retaliation," he said. "Loss of access to foreign markets will mean loss of jobs and profits in those very industries where we now enjoy, and should be exploiting, a position of strength.

"The costs of protection are real, not imaginary; these costs can be very high; and we may be temporarily protecting our less efficient industries at the permanent expense of the more progressive sectors of our economy," McLaren said.

HECKLER QUESTIONNAIRE

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, now that the election is over and the Congress is in session, I am once again traveling almost every week between Washington and the 10th district.

The district as we all know is quite diverse geographically and economically. My Wellesley neighbors face different problems from cities such as Fall River, Taunton, and Attleboro. Nevertheless, they share common concerns. Every year I send a questionnaire to my constituents asking for their views on the vital isues facing all of us. The answers to this questionnaire have been very valuable to me. Thank you for your efforts, interest, and patience.

Many of the questions were difficult to answer with a simple "yes" or "no." This dilemma is similar to the problem a legislator faces voting for or against a bill which includes many pages and numerous complex provisions.

The following results of the questionnaire represent the views of constituents of the 10th district. Unfortunately, not all of the questions and answers could be reproduced here. Each area of concern relates to an issue involved with current or future legislation, and deals with the fundamental issue in our society of assigning national priorities, as follows:

The most critical problems: (Preferences ranked as follows:)

(Answers in percent of total out of more than 28,000 respondents)

a. War in Vietnam	64
b. Inflation	42
c. Drug abuse	38
d. Crime in the street (tie)	29
Pollution (tie)	29
e. Rising cost of health care and hospitalization	26
f. Organized crime	28
g. Student alienation (tie)	10
Race relations (tie)	10
h. Urban problems	9
i. Transportation	4
j. Other	3

In dealing with drug abuse, which approaches do you favor:

a. Legalize marijuana	10
b. Strengthen penalties against "pushers"	74
c. Increase federal funds for drug rehabilitation and education	52
d. Crack down on illegal possession of drugs	54

Do you support the following?

a. Wage and price controls to control inflation	36
b. Welfare reforms which would provide work incentives and support for the working poor	81
c. Lowering the voting age to 18	38
d. Draft deferments for students	31
e. Establishing an all-volunteer army	44
f. A national health insurance program	45
g. Automatic social security benefit increases as the cost of living index goes up	67
h. Creation of a new federal department with jurisdiction over all aspects of environmental quality	35
i. Large scale spending programs to combat pollution	41
j. Tax credits and/or government loans to small companies willing to install antipollution devices	52
k. Congressional representation for the District of Columbia	42
l. Further reductions in foreign aid	58

Concerning Vietnam, which one approach do you favor:

a. Pursuit of military victory	8
b. Vietnamization and phased withdrawal of all U.S. troops within a specified time	45
c. Vietnamization, with residual U.S. support troops remaining as necessary	22
d. Immediate withdrawal of all American personnel	25

Concerning Laos and Cambodia and other Southeast Asian nations, which one approach do you favor:

a. Full U.S. military assistance	11
b. U.S. air cover and military support but no ground troop involvement	29
c. U.S. provision of small arms only	15
d. No U.S. involvement whatever	45

KAUFMANS CELEBRATE GOLDEN ANNIVERSARY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. RODINO. Mr. Speaker, Mr. and Mrs. Samuel J. Kaufman recently celebrated their golden wedding anniversary with their son and daughter-in-law, Mr. and Mrs. Norman K..ufman and grandchildren Paul E. Felson and Stephen, Kathy, and Peter Kaufman.

Mr. Kaufman, an attorney for 52 years in Newark, is chairman of the New Jersey Appeals Board of the Selective Service System, with which he has been associated for the past 27 years. Previ-

ously he served as law secretary and aide to Circuit Court Judges Edwin C. Caffrey and Daniel J. Brennan, assigned to the Essex County courts.

On the occasion of this milestone, I want to extend my warmest congratulations and good wishes to the Kaufmans for the continued enjoyment of life's blessings.

THE U.S. COAST GUARD COURTS DISASTER

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Monday, November 30, 1970

Mr. PUCINSKI. Mr. Speaker, the U.S. Coast Guard has marred its magnificent history with one of the most disgraceful examples of cowardice and brutality that we have seen in the annals of our Nation.

I have reference to the bizarre episode which occurred on the U.S. Coast Guard cutter *Vigilant*, when the commanding officer of this American vessel permitted Soviet fishermen to board his ship and forcefully remove, in a barbaric manner, a Lithuanian refugee who jumped from a Soviet fishing vessel to the American cutter seeking political asylum.

We can look through the breadth and scope of American history and we shall not find an example to compare with this despicable behavior of an American Coast Guard commander or his crew.

Every American should be outraged at the conduct of this Coast Guard cutter commander, and we have a right to ask by what authority did he permit Soviet seamen to board his ship to remove one of their crew members from seeking political asylum.

I am calling today for the prosecution of the commander of this American Coast Guard cutter. He should be stripped of his responsibilities and his rank and should be driven out of the Coast Guard in dishonor. Unless we take this forceful action, it is my judgment that any indecision on the part of American authorities will set a precedent of piracy on the high seas which will court disaster for our entire fleet.

I know of nothing in recent history that compares with the cowardice of this commanding officer and I refuse to accept his excuses. He is the commanding officer of the *Vigilant*, and he alone has the full responsibility for the security and safety of that ship and the protection of American interests.

It defies credibility to conceive of the brutality of this whole episode: the captain and his crew standing idly by as the Lithuanian refugee is barbarically beaten into complete unconsciousness by Soviet fishermen and then brutally dragged off the American cutter unto the Soviet fishing vessel.

What kind of opinion will freedom-seeking people all over the world have about America as the great symbol of the land of the free when an officer of the U.S. Coast Guard permits this kind of gangsterism on his ship and is too scared to lift a finger in protest.

I believe the captain of the Coast Guard cutter should be tried forthwith, for his crime is of no smaller significance than the crime at Mylai for which American officers are now being tried.

He had no right to permit foreign agents to board an American vessel in American waters on the high seas. His conduct is an act of unprecedented cowardice. The magnificent history of the American Coast Guard shall forever remain suspect until authorities deal properly with this irresponsible commander.

Equally important, in my judgment, is the need for a full-scale investigation of who really runs the Coast Guard of the United States. This whole bizarre episode is replete with question marks and serious doubts about the lines of communication and the lines of responsibility. The security of this country is seriously jeopardized when we see here a total lack of communications.

I am asking the appropriate committee of Congress today to launch an investigation of this whole episode and present to the Congress a full report with particular emphasis on what steps are being taken to prevent a reoccurrence of this hideous tragedy.

The commanding officer of the *Vigilant* has exposed to the whole world, and to Americans in particular, the serious gap which exists in our communications.

I am including in my remarks today an editorial which appeared in the New York Times denouncing the behavior of American authorities in denying this Lithuanian refugee the political asylum to which he was entitled.

I hope the New York Times editorial will serve as a basis for a congressional investigation, particularly as to the bizarre explanation offered by the Coast Guard spokesman that the removal of the Lithuanian was made "in consideration of delicate international discussions which were being carried on regarding the fishing problems."

This senseless spokesman, in concurring with the Coast Guard commander, obviously placed the rights of those who fish for yellowtail flounder above the rights of one individual seeking freedom and safety on an American ship.

The whole performance of the Coast Guard and the commander of the *Vigilant* is despicable and indefensible.

Every American has a right to ask tonight—at what point is this Nation going to regain its sanity? At what point are we going to restore dignity to the might and glory of the United States?

What a tragic chapter in American history it is when we have to tell our children that a gang of Communist fishermen can board an American Coast Guard cutter, barbarically beat a fellow seaman into unconsciousness and drag him onto their own ship, while our own American Coast Guard personnel stand by and watch this bizarre proceeding.

The conscience of this Congress cannot and must not rest until all the details of this tragic episode are brought to light, and those responsible for this hideous decision are brought to the bar of justice.

The New York Times editorial follows:

LAND OF THE FREE

The forcible removal of a defecting Soviet sailor from a United States Coast Guard cutter with the cooperation of its American officers is surely one of the most disgraceful incidents ever to occur on a ship flying the American flag. It flouts the American tradition of granting political asylum and it may constitute a violation of the Geneva convention on refugees.

The seaman, Lithuanian in origin, sought refuge on the Coast Guard cutter Vigilant while it was negotiating with a Soviet fishing vessel in American waters off Martha's Vineyard. In brief, what then happened over a ten-hour period was that the captain of the Vigilant permitted Soviet sailors to come aboard the cutter, drag the defector from his hiding place, beat him senseless in the presence of American observers and finally transport him, in one of the American ship's lifeboats, back to the Soviet vessel.

An "explanation" offered by a Coast Guard spokesman was almost as bizarre as the incident itself. He said the decision to return the Lithuanian was made "in consideration of delicate international discussions which were being carried on regarding fishing problems." These talks, he said, "could have been endangered by any other course of action." To the Coast Guard, in short, the nation's obligations to those who fish for yellow-tail flounder exceed any obligation owed to human being seeking safety and freedom on an American ship.

The real explanation is surely craven stupidity in high places, possibly accompanied by lethargy. The damage is done; it now is impossible to save the Lithuanian who believed, with the weight of history and tradition on his side, that he would be safe once he had jumped to an American vessel. What is imperative now is to take action to insure against any repetition of this incredible train of events.

This nation has expended tens of thousands of lives and hundreds of billions of dollars to resist Communist tyranny. Defectors from totalitarian rule have been warmly welcomed from many parts of the world, Refugees have repeatedly undertaken hazardous flights to an assured safe haven in the United States.

The Administration should call all those responsible in this episode swiftly to account and a prompt investigation by the Congress might be valuable as a deterrent against any repetition—ever—of the affair of the Vigilant.

UNITED BLACK FRONT TAKES GIANT STEP IN PITTSBURGH

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. MOORHEAD. Mr. Speaker, minority entrepreneurship took a big step forward in Pittsburgh recently when the United Black Front and Alcoa, the Aluminum Company of America, announced that they were going to form a business that would produce aluminum nails.

Although many individuals had a hand in this venture, none played a greater role than Clyde Jackson, executive director of the Black Front.

Mr. Jackson, for the past few years, has endeavored to put job-creating businesses in the neighborhoods which his organization serves. He has labored diligently on behalf of his people and his community.

Mr. Jackson's actions, in this particular effort, have been mirrored by the far-sighted executives at Alcoa, who have matched with deeds rather than rhetoric, the work of the Black Front.

I hope that this economic union is a productive one and one which leads more minority-owned businesses. This is an area that big business knows best and an area that it can make lasting contributions, not only with short term capital but by lending on a sustained basis the economic know-how that have made their own corporation great.

I would like to put in the RECORD the announcement of the Alcoa-United Black Front agreement.

UNITED BLACK FRONT TAKES GIANT STEP IN PITTSBURGH

PITTSBURGH, PA. November 12, 1970.—The United Black Front and Aluminum Company of America today jointly announced an agreement to form a Pittsburgh manufacturing concern to be owned, managed and operated by minority members of the community.

The new venture, Wylie Centre Industries, Inc., initially will employ 12 to 15 people in one-shift production of aluminum nails in a single-story building at 3228 Penn Avenue. Alcoa will lease, for one dollar, nail-making and auxiliary supporting equipment representing a quarter-million dollar investment, and also will provide the marketing expertise and production and management training for the undertaking.

Equipping of the plant and the beginning of production will get underway as soon as an application has been processed and a loan guaranteed by the Small Business Administration. Present plans call for installing machinery in January and starting nail production in February.

Formation of Wylie Centre Industries, which culminates months of planning and search for a suitable site, was proposed to Alcoa by Clyde Jackson, executive director of United Black Front. UBF, headquartered in the city's Hill District, is an organization dedicated to the improvement of job opportunities for black entrepreneurship.

Interim president of the company will be D. C. "Pete" Mathewson, an Alcoa career man with 30 years of broad experience in operating technology, management, and training both here and overseas. The concern initially will be managed by a five-man board of directors representing Alcoa and United Front, Inc., a subsidiary corporation of UBF. Pittsburg National Bank will be the lending agency.

In addition to its lease of 13-high-speed nail making machines and equipment for cleaning, painting, applying washers and packing and shipping finished products, Alcoa also will back the fledging company by initially utilizing at least 60 percent of the output through its own internal marketing channels.

Beyond this Alcoa will train employes in both production and management and provide engineering, purchasing and accounting services. Such assistance is expected to end in about two years when successful operation of the new venture should permit Alcoa to phase out its role, give the company its leased equipment, and send the concern on its way under experienced black ownership, managment and production personnel.

UBF Director Jackson today said "This represents our first clear-cut chance to demonstrate that, given the opportunity, Pittsburgh's black citizens can sucessfully own, manage and operate a manufacturing enterprise. With the help and encouragement Alcoa is providing with its loan of capabilities and resources, we're confident of achieving our goal of industrial growth within the black community. More than that, we regard this as a start on which we can build a solid pattern of future opportunities to achieve individual and collective stability within the economic framework."

In a similar vein State Represenative K. Leroy Irvis, House Majority Leader and UBF board member, commented:

"This new venture could be the nucleus of a major aluminum fabricating operation and should provide expanded opportunities for black industry which could very well be the basis for economic stablity. What is needed is this opportunity to attain experience. We honestly feel the Wylie Centre Industries project will fill that need. I'm confidently looking forward to future accomplishments by the United Black Front."

As Alcoa's spokesman, Mr. Mathewson said he shared the enthusiasm and complimented Mr. Jackson and his aides for their patient cooperation and willingness to accept challenge in a business completely new to them. "Such attitudes," he said "are essential to success. I feel confident we will achieve it together."

ST. LOUIS MOURNS FORMER MAYOR RAYMOND R. TUCKER, PIONEER IN AIR POLLUTION CONTROL AND URBAN RENEWAL

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mrs. SULLIVAN. Mr. Speaker, one of the outstanding figures of American municipal government, former St. Louis Mayor Raymond Roche Tucker, who combined successful careers in education, engineering, and politics during a productive and humane lifespan of 74 years, died last Monday night, leaving our city and the whole Nation deeply in his debt. This is the man who proved to our city, and to all of our cities, that municipal smoke control could work effectively to remove the "midnight at noon" darkness from our great centers of industrial production.

St. Louis led the way more than 30 years ago to smoke control, and Ray Tucker, as the city's first smoke commissioner, was the man who accomplished the unprecedented and vastly difficult technical feat, under the leadership of another great mayor, Bernard F. Dickmann, later our Postmaster, who has been the father of the Jefferson National Expansion Memorial and the magnificent Gateway Arch, and whose political courage as mayor made it possible for Smoke Commissioner Tucker to make air pollution control effective.

ORIGINAL STATUTE WRITTEN BY JOHN BERCHMANS SULLIVAN

I have enjoyed a long and close personal relationship with both of these great municipal leaders because my husband, the late Congressman John Berchmans Sullivan, before running for Congress, had been Mayor Dickmann's assistant and, with Commissioner Tucker's engineering assistance, had done the actual legislative drafting work for the city's first smoke control ordinance, which became the vehicle for St. Louis' great civic revival and a model for Pittsburgh and numerous other cities to follow.

When the ordinance was being drafted and put into effect, those who were determined to restore sunlight to the city of St. Louis were often ridiculed as visionaries and impractical idealists who would destroy St. Louis as an industrial center. The very opposite happened. Thus, while Ray Tucker went on to earn an even greater reputation as a three-term mayor of St. Louis, during which time he led the way toward urban renewal of our downtown area, many of us will always think of him first as the Nation's first successful administrator of air pollution control.

Many Members of Congress will recall Ray Tucker's frequent appearances before House and Senate committees as a spokesman for the Nation's cities on national legislation. He was always a good witness, because he knew the technical facts and he was able to articulate them clearly and understandably. This skill undoubtedly came from his distinguished career as an educator at Washington University, where he taught in the school of engineering both before and after his political career.

EDITORIAL EULOGIES

The St. Louis Globe-Democrat concluded a highly laudatory editorial on Ray Tucker with these sentences, which I think everyone in St. Louis would agree with:

Complete integrity was something Ray Tucker took for granted as part of his contribution to public service, and so did everyone who knew him.

The community mourns his death. And its people willingly would write as his epitaph: Raymond Tucker, one of the most effective mayors and respected public leaders St. Louis has ever had.

The St. Louis Post-Dispatch said, in part:

The three Tucker administrations in City Hall constitute a standard by which all of his successors in the mayoralty can be measured. Under his leadership, vast stretches of the city were rebuilt. * * * Better than $110,000,000 in public improvements were installed in the largest such construction program in the city's long history. The Mayor's ability to attract the two-thirds majorities necessary for authorization of so huge a spending scheme rested on the public confidence elicited by his scrupulous handling of public affairs.

Mr. Speaker, I will insert the full text of these two fine editorials at the conclusion of my remarks, along with several news accounts of his passing containing extensive biographical material. Many mayors have served with distinction in many cities during our Nation's history; this man was one of the greatest.

I want to express my deep-felt sympathy to Mrs. Tucker, who shared Ray's triumphs and went through with him the crushing blow of an election defeat, and to the members of their family, who have lost a man of honor, decency, humaneness, integrity.

EDITORIALS AND OBITUARIES

Following, Mr. Speaker, are the full texts of the editorials I have referred to, and the obituaries in our two daily newspapers.

First, the editorial from the St. Louis Globe-Democrat of Wednesday morning, November 25, 1970:

FINE CIVIC LEADER—RAYMOND R. TUCKER

Few men in a community's history have, through their dedicated leadership and unswerving purpose, done as much to change the face and spirit of their city as Raymond R. Tucker, during his three terms as mayor of St. Louis.

Under his administrations, the whole structure of a decaying downtown was revitalized with the monumental Arch, the towering new buildings and stadium complex at the riverfront.

He would have been the last to assume the credit, and in fact many influential figures of the community were vitally instrumental in renewing the downtown area.

But Ray Tucker was a driving, determined factor in reshaping his city's facade to modern new beauty. He was in the forefront of every move to redevelop the city grown down at the heels, fast drifting into desuetude.

Even before Mr. Tucker became Mayor he was the key engineer in one of the biggest benefactions this city of "diurnal night" had long suffered. He was the father of the smoke abatement law that rid the community of a sooty plague such as modern-day ecologists may hardly imagine.

Raymond Tucker was a professor turned politician—an official whom the politicians mistrusted. He would not make trades at the expense of superior public administration. He was elected by going over the heads of the organized Democratic apparatus and always preserved his independence.

For years he taught in the School of Engineering at Washington University before entering public service. He was brilliant in his field and did a great amount of consulting work before he exchanged the classroom lectern for the mayor's desk at City Hall.

Not a single political foe—and no man can long serve major office without making some political enemies—ever cast personal or official blemish upon the Tucker stewardship in St. Louis.

Complete integrity was something Ray Tucker took for granted as part of his contribution to public service, and so did everyone who knew him.

The community mourns his death. And its people willingly would write as his epitaph: Raymond Tucker, one of the most effective mayors and respected public leaders St. Louis has ever had.

Next, Mr. Speaker, the editorial referred to from the St. Louis Post-Dispatch later the same day, November 25:

RAYMOND R. TUCKER

In a sense, Raymond R. Tucker never left the classroom, and St. Louis is the better for it. His conviction that the people make the right choices once they are aware of the facts led him time and again to consult the citizens directly rather than to operate in political back rooms and through regular party organizations. These consultations on public issues invariably became exercises in educating the public; and they were as honest, as straightforward and as free of gimmickry and calculated hard sell was his whole political life.

The three Tucker administrations in City Hall constitute a standard by which all of his successors in the mayoralty can be measured. Under his leadership, vast stretches of the city were rebuilt. The civic renaissance attracted national attention and touched not only downtown and Mill Creek, at its height the largest urban redevelopment program in the United States, but the neighborhoods as well. Better than $110,000,000 in public improvements were installed in the largest such construction program in the city's long history. The Mayor's ability to attract the two-thirds majorities necessary for authorization of so huge a spending scheme rested on the public confidence elicited by his scrupulous handling of public affairs.

Mr. Tucker personally solved the engineering problem of the riverfront train tunnel, which paved the way for construction of the Gateway Arch and the whole downtown rebirth that it stimulated. But he was more than a builder and administrator. He was a political leader in the highest meaning of the term. He stopped the neighborhood-destroying device of spot-zoning that had become a routine feature of almost every aldermanic meeting; he brought sanity to a traffic program in which the aldermen had installed more stop signs than in any city in the country, and by quiet persistence he led the aldermen to adopt civil rights ordinances covering fair employment, fair housing and equal access to public accommodations that at the time made St. Louis unique among the nation's major cities. The Tucker civil rights legacy may well have been why St. Louis avoided the racial troubles that afflicted Detroit, Newark, Cleveland and other troubled cities.

Some of his admirers argue that his defeat in the Democratic primary in 1965 grew out of his failure to assume control of the party apparatus earlier in his career, and they may well be right. But that was not his way. His preference was for direct consultation with his people, and he was faithful to it to the very end.

Following, Mr. Speaker, are news articles from both of our daily newspapers which outline the scope of Ray Tucker's many achievements in public life and his high reputation as a citizen and a human being:

[St. Louis Post-Dispatch, Nov. 24, 1970]

FORMER MAYOR TUCKER DIES

Raymond R. Tucker, the former Mayor of St. Louis who led the start of the city's downtown building renewal, died last night at Barnes Hospital. He was born in St. Louis on Dec. 4, 1896.

Mr. Tucker entered the hospital Nov. 9 after experiencing breathing difficulties and was placed in an intensive care unit. The cause of his death could not be learned.

The former Mayor died at 10:05 p.m. At his bedside when he died were his wife, Mrs. Edythe Leiber Tucker; their daughter, Mrs. Joan Marie Doxsee, and her husband, Leigh A. Doxsee, Jr.

Completion of funeral arrangements was delayed until the arrival today of Mr. and Mrs. Tucker's son, John, from his home at Greenwich, Conn. Surviving also is the former Mayor's brother, Dr. William J. Tucker, a physician at Ashland, Wis.

LUNG REMOVED

Mr. Tucker first suffered serious health problems from respiratory difficulties in 1961 when he developed a malignancy of one lung. He underwent removal of the lung. A hospital spokesman said today Mr. Tucker had developed a malignancy in the remaining lung.

Mr. Tucker was politician, engineer, educator and civil servant. He was the city's first smoke commissioner and directed civil defense for St. Louis while a member of the Washington University faculty.

He returned to Washington University in 1965 as professor of urban affairs after an unsuccessful campaign for a fourth four-year term as mayor.

Alfonso J. Cervantes, the present mayor, defeated Mr. Tucker in his final political campaign.

After his return to the Washington University staff in 1965, Mr. Tucker taught classes in architecture, law, political science and sociology.

FAREWELL SPEECH

In the former Mayor's farewell address to the Board of Aldermen on March 26, 1965, after his defeat in the March 9 primary election, he told the aldermen: "We have together worked out the biggest program of capital improvements in the history of our city, with benefits to every section of the community."

He praised the aldermen for their co-operation and did not mention the sometimes bitter opposition to some of his programs. Mr. Tucker noted that in his 12 years as mayor laws on civil rights and air pollution control had been approved. Rebuilding downtown St. Louis had begun.

In recent years, he and his family had lived quietly, away from the center stage where he had been for most of his adult life.

ENTERED PUBLIC LIFE IN 1934

Mr. Tucker had extensive experience in affairs of municipal government before he became Mayor in 1953.

His introduction to public life was in 1934 when he left Washington University, where he was associate professor of mechanical engineering, to serve as secretary to Mayor Bernard F. Dickmann.

Three years later he took over direction of the smoke elimination campaign. The assignment as the city's first commissioner of smoke regulation was "the toughest" of his career, he said in later years. It was a job of public education as well as law enforcement, and Mr. Tucker convinced businessmen and householders that elimination was not just an ideal, but a practical possibility.

He filled other posts under Dickmann. He served as director of public safety. He was a member of the commission that wrote and won adoption of the civil service amendment. He was secretary of a citizen's committee that made an intensive study of the city's finances and recommended steps to improve efficiency of the municipal government.

When the late Mayor William Dee Becker succeeded Dickmann, Mr. Tucker served another period as smoke commissioner. In 1941 he returned to Washington University to head the department of mechanical engineering, but while teaching he maintained an active interest in civic affairs. In 1949 he became chairman of a board of freeholders elected to draw up a new city charter. The charter was not adopted.

When development of a civil defense agency for St. Louis bogged down in 1951, the late Mayor Joseph M. Darst asked Mr. Tucker to take on the assignment. For two years Mr. Tucker served as director of civil defense while carrying on his work at the university.

DECIDES TO RUN FOR MAYOR

In 1953, physicians advised Mayor Darst to retire and the Mayor asked Mr. Tucker to run as his successor. It was not easy to give up teaching and engineering, and it took some time for Mr. Tucker to make up his mind. The delay had the effect of precipitating a bitter primary election fight among leaders of the Democratic party.

When Darst announced that he would not run again, the politicians got busy at once, recognizing the importance of getting a strong candidate to head the city ticket. By the time Mr. Tucker decided to run, most of the Democratic leaders were committed to Mark Eagleton, a former president of the Board of Police Commissioners.

With more than three-fourths of the ward leaders lined up behind Eagleton, Mr. Tucker turned to citizen's groups for support. Civic, business, neighborhood and women's organizations rang doorbells for Mr. Tucker, while the old-line politicians instructed their precinct workers to get out every possible vote for Eagleton.

Almost 107,000 votes were cast in the primary. Mr. Tucker received 54,200 votes and won the nomination by a margin of less than 1700.

In the election three weeks later, there was a landslide for Mr. Tucker, who received 144,000 votes and won by a record majority of 62,000.

MAKES DIRECT APPEALS

As Mayor, Mr. Tucker appealed directly to the citizenry for support in his efforts to solve problems that had plagued St. Louis for years.

Citizen assistance was asked in getting the Legislature to reauthorize the municipal earnings tax. Business and banking leaders called on associates throughout Missouri to cooperate as the new Mayor went all over the state to enlist the support of legislators. When the Legislature met, the necessary enabling act was passed.

The project for development of the Jefferson National Expansion Memorial had been stalled for many years when Mayor Tucker led citizen groups to Washington and got the Federal Government to reactivate the project.

Smarting under the defeat they had suffered at Mayor Tucker's hands in the 1953 primary, Democratic leaders long boycotted the Mayor's office. This enabled the Mayor to fill administrative jobs with officials who had no obligation to ward leaders.

Liaison between the executive and the legislative branches of the city government suffered as a result of this situation. Aldermen, highly responsive to ward committeemen, permitted important civic measures to gather dust in committee. Some of these measures ultimately were enacted, but only after prolonged delays and the mobilization of citizen pressure.

The aldermen enacted numerous "spot zoning" ordinances and authorized erection of many unneeded stop signs. When the Mayor vetoed these measures, the aldermen consistently overrode the vetoes, often without any discussion of the objections from the Mayor's office.

Mayor Tucker stood this for a time, but finally began fighting. Personally addressing the Board of Aldermen, he bluntly accused members of creating "blight by ordinance" and of "formalizing our own decay."

The strained relationship between the administrative and legislative branches continued to hamper the administration's program. The Mayor urged election of a board of freeholders to modernize the city charter, but the aldermen stalled month after month. Only when the Mayor set out to bypass the aldermen and organized a citizens' group to circulate petitions for a referendum on the election did the board finally pass an enabling ordinance.

CHARTER REVISION FAILED

After a year's work, the freeholders presented to the voters a new charter proposal calling for reorganization of municipal departments and the city's legislative body. Threatened with loss of jobs and considerable patronage, politicians conducted an intensive campaign of opposition and defeated the charter proposal.

Mayor Tucker then moved to modernize the governmental structure as much as possible by ordinance. The aldermen enacted bills streamlining some of the city departments. A series of charter amendments followed.

RELATIONS IMPROVE

During his second term as Mayor, the relationship between Mr. Tucker and the aldermen underwent a quiet but far-reaching change. A liaison was established with aldermanic leaders who were consulted on important problems, especially those relating to appropriation and tax measures. The executive and legislative branches finally began to function as a team.

Most members of the Democratic City Central Committee acknowledged Mayor Tucker's popularity and supported him in the 1957 municipal elections. On this occasion, Mr. Tucker's campaign committee made political history after the campaign by returning to donors about 11 per cent of their individual gifts, or a total of $7300.

PROGRESS GAINS ATTENTION

Progress in St. Louis under the Tucker administration sky rocketed. Industrial development, urban redevelopment, neighborhood renewal and municipal reconstruction were emphasized by Mr. Tucker. Projects advanced included redevelopment of the Plaza area, clearance of the Mill Creek slum for redevelopment, rehabilitation programs on a number of old neighborhoods, plans for a downtown sports stadium and rehabilitation of the downtown riverfront.

NARROW ESCAPE IN PRIMARY

Mayor Tucker was re-elected for a third term by a substantial majority, but had a narrow escape in the primary, when he won renomination by a margin of only about 1200 votes. The close vote in the primary was attributed to overconfidence on the part of his supporters and to an unexpectedly large turnout of persons with grievances against the city administration.

His career of public service brought him many honors, including Doctor of Law degrees from St. Louis and Washington Universities and the presidency of the American Municipal Association.

In 1956 he was presented with the St. Louis Award for "going far beyond the usual obligations of his office" in making this a better city by rallying citizens to public causes. This was the first time that a mayor had been selected for the award. Mayor Tucker turned the $1000 prize over to St. Louis and Washington Universities, which used the money for awards in government essay contests.

Mr. Tucker was born in St. Louis, the son of the late William J. and Ellen Roche Tucker. His father was a heating contractor and former city smoke inspector.

After attending public and parochial schools the son obtained his B.A. degree from St. Louis University in 1917 and his B.S. in mechanical engineering at Washington University in 1920.

He worked for a time as a safety engineer with Aluminum Ore Co., then became an associate professor at Washington University in 1921. Two years later he re-entered the business world and was associated with an oil company and an oil burner firm. In 1927 he returned to his professorship.

In 1928 he married Miss Edythe Leiber. The Mayor lived at 6451 Vermont avenue in the modest house that has been the Tucker family home since 1908.

CERVANTES, OTHER LEADERS PAY TRIBUTES TO TUCKER

Tributes to former Mayor Raymond R. Tucker were paid today by his successor, Mayor Alfonso J. Cervantes, and other public officials and civic leaders.

Mayor Cervantes said: "The community has suffered a serious loss in the death of Ray Tucker. His contributions to the community were twofold. As an educator, he prepared young men well in the field of engineering. As a public official, he became a strong administrator who started St. Louis on the way back.

"My wife and I join in extending condolences to his family and our city, which benefited greatly from his leadership."

August A. Busch Jr., president of Anheuser-Busch and the baseball Cardinals: "I was chairman of the board of Civic Progress during the entire administration of Mayor Tucker.

"Few people knew him better and few knew of his great talent for administration and leadership, and his absolute devotion to every segment of this community. His integrity was a byword whenever his name was mentioned. He has set an example that few will be able to achieve."

Donald Gunn, probate judge and former President of the Board of Aldermen, said: "Ray Tucker was a man of great integrity and great courage. He was a fine administrator and had a deep knowledge of government, but most of all he was objective in his decisions. He always put the City of St. Louis ahead of himself and others. I am proud to have been his friend and I cherish that friendship deeply."

Aloys P. Kaufman, mayor from 1943 to 1949: "Mayor Tucker was a charming, selfless, competent, dedicated person. His terms of office closely paralleled my service as President of the Chamber of Commerce, and it was a pleasure and honor to work with him on many civic projects. His achievements are too numerous to recount here but they are many. He was truly a loyal, distinguished son of St. Louis and his record speaks for itself."

[From the St. Louis Globe-Democrat, Nov. 25, 1970]

FORMER MAYOR TUCKER FUNERAL MASS TONIGHT

Funeral mass for former St. Louis Mayor Raymond R. Tucker will be at 8 p.m. Wednesday at Sts. Mary and Joseph Catholic Church, 6304 Minnesota ave. Services will be followed by private entombment.

Mr. Tucker, who would have been 74 Dec. 4, died at Barnes Hospital at 10:06 p.m. Monday after being hospitalized Nov. 9 for congestive heart failure.

He is survived by his wife Mary Edythe Leiber; a daughter, Mrs. Leigh A. Doxsee Jr.; a son, John Thomas; a brother, Dr. William J. of Ashland, Wis., and eight grandchildren.

The grandchildren are Army Pvt. Leigh Tucker Doxsee; Judith Doxsee; Deborah Doxsee; Patricia Tucker, Timothy Tucker, Susan Tucker, John Thomas Tucker and Elizabeth Tucker.

The family requested that contributions be made to the Tucker Memorial Fund of Washington University, where he was on the faculty. Contributions should be sent to the university.

Mr. Tucker served three terms as mayor, from 1953 to 1965, but was defeated for a fourth term when he lost the Democratic nomination in the March, 1965, primary.

In June, 1961, while he was still in office, his right lung was removed because of cancer.

In his last illness, fluid had accumulated in his remaining lung.

During his 12 years in office, Mr. Tucker spearheaded the revitalization of downtown St. Louis with a $110 million bond issue in 1955.

After his defeat in 1965, Mr. Tucker, who had been on the faculty of the School of Engineering at Washington University, returned to the university as professor of urban affairs and lecturer in political science.

Mr. Tucker was a Knight of St. Gregory, one of the highest honors for Catholic laymen.

Mayor Alfonso J. Cervantes, who defeated Mr. Tucker in the 1965 primary, Tuesday ordered flags on all municipal buildings flown at half staff in honor of Mr. Tucker.

LENZNER AND POLITICAL REALITY

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. WOLD. Mr. Speaker, the controversey involving the legal services of the Office of Economic Opportunity is the subject of a column by Rowland Evans and Robert Novak. Writing in the Washington Post of November 30, the columnists explore legal services practices in the context of the "Federal law barring antipoverty legal services from criminal cases," and note that the new Director of OEO, former Congressman Donald Rumsfeld, "since taking over in 1969 has been guiding it—legal services—back to the original congressional intent of helping poor people."

Director Rumsfeld is doing a highly commendable job of redirecting the programs of OEO to conform to the mandate of Congress which created the agency, and his efforts have drawn well-earned praise from the columnists.

Mr. Speaker, I include the Evans and Novak column, "Lenzner and Political Reality" in the RECORD with my remarks:

LENZNER AND POLITICAL REALITY

Deeply embedded roots of the furious debate over legal services in the government's antipoverty program are found in a Sept. 15 police raid in New Orleans on the National Committee to Combat Fascism (NCCF), a Black Panther front specializing in police-baiting.

Present at NCCF headquarters was Robert Glass, a lawyer for the federally funded New Orleans Legal Assistance Corp. (NOLAC), part of the national antipoverty program. Questioned by police, Glass invoked his client-lawyer relationship with the NCCF. Subsequently, 12 NCCF members charged with attempted murder, assault, and other felonies were represented by NOLAC lawyers.

Thus, taxpayer funds were used to defend a violence-prone black extremist organization. This clearly violated federal law barring antipoverty legal services from criminal cases (as were 24 per cent of all NOLAC cases) and violated federal policy requiring these services to be used directly by the poor and only the poor.

Herein lies the ugly dispute that surfaced Nov. 19 when Donald Rumsfeld, President Nixon's antipoverty czar, fired Terry F. Lenzner, 31, as head of the federal legal services program. Rumsfeld insisted that the program be tightly molded to aiding the poor in eviction and other tenant cases, welfare and consumer grievances, and school disputes. Lenzner envisioned a far broader mandate encompassing reform of the whole system, not excluding support for Black Panthers.

The legal services fight is, in microcosm, what's happening in the poverty program at large. Since its Great Society birth under R. Sargent Shriver, the program has swarmed with idealists, pushing political revolution. Since taking over in 1969, ex-congressman Rumsfeld has been guiding it back to the original congressional intent of helping poor people.

Indeed, anything more than that would not be tolerated by a conservative Republican administration and a hostile Congress. What Lenzner failed to understand is that Rumsfeld must control militant excesses or risk congressional obliteration of the antipoverty program—particularly its much-needed legal services, emasculated by the Senate last year but restored by the House under Rumsfeld's urging.

Consequently, Rumsfeld was appalled at the New Orleans office of NOLAC. For example, a legal services fellow connected with NOLAC was an attorney-of-record defending SDS demonstrators. Further, NOLAC sought to obtain circulation at Louisiana State University of a pornographic underground newspaper (a recent copy of which contains a nude cartoon of President Nixon amid other indecencies). The recently resigned NOLAC director, Richard Buckley, says: "Legal services exist for the redistribution of wealth and power."

When Rumsfeld sent investigators to New Orleans, Lenzner denounced it as political interference. Tension was also high when Rumsfeld probed legal services in Los Angeles to state employees earning $11,000-$15,000 and in Dallas to an underground newspaper, the Dallas Notes, enjoined from publication because of obscenity.

The Dallas case is illustrative. Using federal funds intended to help the poor, legal services there defended the underground publisher, Brent Lasalle Stein, 27, son of a rich Dallas merchant. "It seems to me that's the kind of activity necessary to insure this kind of publication for the poor," says Frank Jones, fired as legal services deputy along with Lenzner.

In each of these cases, Rumsfeld felt Lenzner was dragging his heels by delaying action against the violations. The relationship rapidly deteriorated between Rumsfeld and Lenzner, a bright former Justice Department civil rights lawyer who was Rumsfeld's first senior staff appointment in 1969.

The final straw came Nov. 16, when Lenzner telegraphed the New Orleans office exonerating it of wrongdoing. Antipoverty officials say he acted in violation of explicit orders from Rumsfeld not to communicate with New Orleans without first informing Rumsfeld; Lenzner told us flatly he received no such orders.

Such nasty charges and countercharges will be aired before eager Democratic senators at hearings soon to begin. But the hearings likely will miss the poignancy of the dispute. If any program as naturally provocative as legal services for the poor is to survive in Richard Nixon's Washington, it must be kept in check by a cool-headed politician, fending off uncompromising idealists. Failing to comprehend that political reality put Terry Lenzner on his collision course with Rumsfeld.

APPALACHIAN PROBLEMS REMAIN UNSOLVED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. HAMILTON. Mr. Speaker, the following article by Ben A. Franklin of the New York Times documents the frustrations that accompany regional economic recovery schemes. Mr. Franklin gives credence to the French proverb that "the more things change, the more they remain the same" by noting that, in the case of the 10-year-old $7 billion Appalachian recovery scheme, "The harshest irony of all—may be that those who needed help most never got it." I recommend his article to my colleagues:

IN APPALACHIA: VAST AID, SCANT RELIEF

(By Ben A. Franklin)

HAZARD, KY., November 28.—On a clear day here 10 years ago this fall, you could almost see prosperity coming 'round the mountain to the hard, misty highlands of Appalachia.

It was the Presidential campaign season of 1960 and John F. Kennedy had just committed himself and the Federal Goverment to undertake the greatest regional economic recovery scheme ever attempted in the United States.

Hopes were high. In this bypassed land of isolated valleys and hollows, with an area and population equal to those of California, life was bone-poor and hungry, as stagnant as the coal industry, or in the mountain phrase, as "black as a wolf's mouth."

In the decades since then an extraordinary effort—a policy of favoritism to overcome prior neglect unmatched in American history—has brought some $7-billion in public investment into the 13-state Appalachian region.

But for hundreds of thousands, perhaps a million of the poor in the nearly impenetrable ridgelands of Kentucky and West Virginia, opportunity is still like the rider of the six white horses in the old mountain song: perpetually coming "when she comes."

It was for them that the program was conceived. And yet 10 years later they remain largely untouched by it, while to the north and south less impoverished fringe areas are making significant economic progress.

Looking back over the accomplishments and failures of the decade, Ralph R. Widner, executive director of the Appalachian Regional Commission, says that "any evaluation must begin with humility."

"There are still millions of people in Appalachia who do not have access to a good education, or to decent health, or to an adequate job, and who still live below a level of accpetable income," he said. "From their point of view, not very much has been accomplished to date."

Mr. Widner and other government officials responsible for the Appalachian program say that much of the "pay off" is still to come in the shape of new roads and facilities to attract new factories and to provide better schools to train workers.

As evidence for their optimism, they cite the first fruits of these benefits now appearing in rural counties of states like New York and Georgia, which have not experienced the long deprivation of the Appalachian highlands and which, accordingly, have made a convincing start at economic recovery.

But the officially encouraging comparisons of these areas also emphasize the fact that there are two Appalachias—the better-off "suburbs" to the north and south and the steep, hillbilly "ghetto" here in the highlands. The comparisons raise questions about why the boundaries of the region were drawn so generously that its $7-billion in aid has come to only $390 per man, woman and child over the last 10 years.

The answer, officials say, is that the need for sweeping, regional "scale" in planning, together with the need for Congressional support, has frankly required some "log-rolling." The addition of Mississippi, for example, "was dictated largely by the fact that Senator John Stennis of Mississippi is a key member of the appropriations committee," one official said.

DILUTION OF EFFORT SEEN

The result of the need to accommodate to political realities, those close to the program concede, has been a dilution of effort. During the decade of the nineteen-sixties:

Per capita income in all of Appalachia rose from 77 per cent to about 80 per cent of the national average.

But in the Appalachian portions of all but four states—New York, Pennsylvania, Maryland and South Carolina—per capita incomes are still 75 per cent or less of the national figure. Per capita income here in eastern Kentucky is still less than half the

national level, having climbed from 43 per cent in 1959 to 48 per cent last year.

New factories and jobs, spurred by an enormous investment in road building, have put 150,000 wage earners on payrolls that did not exist in 1960. Economic recovery has restored 750,000 more to jobs. Altogether, 6.6 million have work.

But unemployment figures here in hard-core Appalachia are still cruelly high, and they do not even reflect the plight of some 500,000 of the "disguised unemployed"—those who long ago gave up looking for work. Unemployment in Kentucky and West Virginia fell from 11 and 8.4 per cent, respectively, in 1961, when the national average was 6.7 per cent, to 7.5 and 5.5 per cent last year, when the national figure was 3.5. But in two counties, the 1961 to 1969 unemployment trend was up—from 11.4 to 16.6 per cent in Clay County, W. Va., and from 16.7 to 23.3 per cent in Magoffin County, Ky.

The population of the region has declined by 1.4 million to under 18 million people. The decline was one-third less than in the previous decade, but it has continued in the Appalachian portions of Kentucky, West Virginia, Ohio and Pennsylvania, according to the 1970 census.

In an area with the highest school dropout rates in the country—10 per cent higher than the national average—and one of the highest illiteracy rates—11.3 per cent in 1960, compared to 8 per cent nationally—Appalachia is still losing 90,000 of its high school students every year. The loss may total 1 million by 1980.

The program was conceived during the campaign of 1960 when Mr. Kennedy got his first look at Appalachia and was shocked by the stark poverty of the area and the number of able-bodied men who were idle. What he saw was largely the result of a drastic decline in coal mine employment, from 469,000 in 1950 to 116,000 in 1960.

Mr. Kennedy brought the promise of food, shoes, shelter, schools and jobs to the Appalachians and in the spring of that year supposedly anti-Catholic West Virginians gave him a crucial primary victory that diminished the impact of the religion issue nationally.

As his first official act in the White House, on Jan. 21, 1961, Mr. Kennedy ordered a massive ration of emergency food relief to the malnourished people of the mountain country.

Plans were laid for much more. Defense contractors in West Virginia were openly favored to generate jobs. There was a patchwork of short-term emergency programs, made-work "training" to bring income to the unemployed, deworming clinics for spavined children and high-risk Federal loans to induce industry to come in.

"BRICK -AND-MORTAR" PROGRAM

No one today can fix precisely the huge flow of supplementary Federal aid to the Appalachian highlands in the first five years before a system of regional planning was organized under the Appalachian Regional Commission in 1965. But estimates place the first five-year push of grants at $1-billion.

With another $1-billion channeled through the A.R.C. since 1965, expenditures of $5-billion by state and local governments that otherwise would not have been made, raise the 10-year total to $7-billion.

Commission officials concede that their program has not had much direct impact on poor people. "I never thought the commission was pork-barrelling or rat-holing money," says Ralph C. Sutton, the North Carolina A.R.C. coordinator. "But, unfortunately, it's a brick-and-mortar program rather than a people program."

This preoccupation with building facilities rather than working directly with poor people dates to 1965, when Congressional strategists in the Johnson Administration decided then that Congress would not accept two antipoverty drives, one for Appalachia and another national one under the Office of Economic Opportunity. As a result, the so-called "human resources" part of the A.R.C. program was given to O.E.O.

The two agencies have scrapped bitterly since then. Many believe that these disputes have weakened the A.R.C. by disclosing that its constituents here in many cases are the same small town "Main Streeters"—merchants, bankers, coal industry leaders and civic boosters—from whom the O.E.O.'s anitpoverty war has encouraged the poor to demand a better treatment. Some O.E.O. activists here see the Appalachian program as chiefly a boon for the rich and for entrenched political interests.

With A.R.C. aid, a 2,000-mile network of so-called Appalachian development highways has been started and more than 240 vocational schools and technical training centers have been built. A total of 160,000 people have been prepared for modern jobs, but thousands were "trained for export" because there were no local jobs open.

The A.R.C.'s strategy in Appalachia has been one of intensive public investment in selected small-town "growth areas." It is frankly an application of "trickle-down economics."

MUST COME TO TOWNS FOR HELP

To gain benefits, the isolated poor—a majority of the population here in central Appalachia—must come out of the creeks and hollows to revived employment centers. The trouble is that many either can't or won't.

A classic example is Pikeville, Ky. There, in a gritty coal town that follows a narrow strip of river bottom flatland around the point of Peach Orchard Mountain, the Federal and state governments have been persuaded to invest $22.5-million in the construction of a huge mountain cut.

The vast channel will reroute a new four-lane highway, the Chesapeake and Ohio Railway tracks and the course of the Big Sandy River itself away from a congested center of about 6,000 people, thus opening 200 acres of land to be reclaimed and developed by the townsfolk.

Pikeville, chosen as a strategic "growth center" for the 60,000 people in the rural Pike County, would have continued to die without this vast effort. The project is putting the place on the map if only because the dirt to be moved is greater than the bulk of Grand Coulee Dam. But the effort has generated skepticism.

Among the "generally discouraging statistical facts" about central Appalachia reported to the A.R.C. recently by Checchi and Company, a Washington consulting firm, is the discovery that barely 12 per cent of the total population here is living in towns.

It is as if the population of Denver, Colo., had been distributed by helicopter throughout the Rockies, behind canyons inaccessible except by burro.

The McDowell County Board of Education has been sending a school bus to one such remote area, Coon Branch, near Iaeger, W. Va., this year for the first time since the opening of coal mines in 1891 brought the Norfolk and Western Railway and changed the mountains there from a horseback frontier.

Generations have grown up in Coon Branch cabins—and now in gaudy "mobile homes"—with no hope of going beyond the eighth grade, or sometimes only the sixth, in one-room schools.

"I went to the sixth grade and that's all because there weren't no way off the mountain," Mrs. Tootsie Powell told a visitor recently in Coon Branch. "Most here didn't get that far. The neighbor boy, he's 19, and he can't read nor write except what his momma taught him, and she can't read much herself."

Mrs. Powell is 27 years old and the mother of six children, none of whom is now going to the county school system.

In a bitter struggle with the county, the parents of Coon Branch are boycotting both the one-room school and the school bus. The bus comes up over a 14-mile back road to avoid the shorter but badly rutted route directly up the hollow. The school board says the shorter route would wreck its buses. The parents say the longer route is isolated and unsafe in winter.

Violence has marked the dispute. Both the one-room High Nob school and a church used for informal classes by the boycotting students have been burned to the ground at night. Now a dozen children are being taught by college-trained volunteers in an Army surplus cook tent. The bus runs empty.

Along the valley towns and roads, to which transportation does not bring the youth of Coon Branch, there are signs of the heavy public investment dating from 1960. But many of the 300 open miles of the A.R.C.'s planned 2,000-mile network of "development highways" pass in many places through a right-of-way of poverty, like urban freeways over a ghetto.

By fording the Kentucky River in a country doctor's Volkswagen and crawling in first gear a mile up Caudill's Branch near the ghost town of Blackey, Ky., a persistent visitor can still find the poplar-pole cabin of Mrs. Ruby Caudill. She is 45 years old and has 10 children and no teeth.

When she was interviewed in 1964, her 55-year-old husband, Spencer, who had never held a job, was working on a Federal "manpower training" program that paid him $160 a month for "digging ditches and beating rocks." He quit that in 1966, Mrs. Caudill said recently, and the family now subsists on a garden and a pig.

Food is stored in a freezer, powered by the electric line that came up the hollow two years ago, and there is now a television set in the front room of the dirty, three-room cabin.

Mrs. Caudill said that since "someone told lies that we were moonshining" the family has received no welfare benefits. The only income is from a coal mine job of a son, Roger, which "barely pays the light bill." Her younger children rarely go to school.

CALLED A RURAL SLUM

In Mrs. Caudill's four-county development area, more than 90,000 people are crowded into remote hollows or rows of decrepit roadside coal camp houses—the peeling remains of mining company towns. It is the densest "rural nonfarm" population in the United States, and the Government-funded Eastern Kentucky Housing Development Corporation has described the people as trapped in "a rural slum reaching over 1,450 square miles."

More than half the houses were built before 1930 and 72 per cent of them are valued at less than $5,000.

This is an area where, to avoid servicing them, outhouses are placed precariously along creek banks, some of them barely a hubcap's width from the surfaced road. When the streams recede after high water, the branches of trees and the hulks of abandoned automobiles strewn among them are festooned with toilet paper.

In the 60 worst-off central Appalachian counties of Kentucky, West Virginia, Virginia and Tennessee, nearly nine persons in 10 live where frontier history and the steep land left them—in the bottoms of inaccessible, slanting coves and hollows, many without usable roads and bridges.

They remain almost untouched by change. There would be no room for them now in the growth centers if they came. And often the barrier that holds them there is the

pride and privatism of people unable to compete outside the ancient kinships of the hollow.

A.R.C. CONCEPT ACCLAIMED

In spite of its acknowledged failures, the A.R.C. has become the most universally acclaimed new organ of government since the New Deal.

Its 13 state Governors exercise the same voting weight in allocating Federal appropriations as the single Federal chairman, John B. Waters, Jr., and the states now bear the staff costs.

The result is a happy regionality of planning and acting that moved Gov. Robert E. McNair of South Carolina recently to declare: "The last time we had 13 states showing this kind of unanimity was when we ratified the Constitution." The A.R.C. concept may be applied by the Nixon Administration to other regions.

But deliverance delayed much longer for central Appalachia may never come. According to John L. Sweeney, a former top administrator of the Commission and one of its architects, "The Appalachian fad is ending and in five years you probably won't be able to get Congress to vote a dime for it."

The A.R.C.'s current Congressional authorization expires next July 1, and its future is uncertain.

The Nixon Administration is considering applying the A.R.C. concept to the entire nation through a series of regional development commissions. This would tend to stamp the Appalachian recovery experiment as legitimate but would probably reduce the A.R.C.'s share of the available development money.

The harshest irony of all at the end of the most hope-filled decade in these 300-million-year-old hills may be that those who needed help most never got it.

THE LATE L. A. SCHREINER—THE PASSING OF AN AGE

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. FISHER. Mr. Speaker, one of the most remarkable men I have ever known was the late and lamented Louis A. Schreiner, of Kerrville, Tex.

The last surviving son of the late Capt. Charles Schreiner, "Mr. Louie," as he was affectionately called, was born in 1870 in Kerrville, and died there on September 17, 1970. Had he lived until December 31 he would have been 100 years of age.

A philanthropist of note, Mr. Schreiner was a community leader and for some 70 years played a prominent role in ranching and banking enterprises throughout the area where he lived. He was chairman of the board of the Charles Schreiner State Bank, established in 1869 by his father.

"Mr. Louie" lived an interesting life. He attended schools in Kerrville, Comfort, and San Antonio. In 1890 he attended Eastman Business College in Poughkeepsie, N.Y., for a year, taking bookkeeping, stenography, and banking.

He went to work as a bookkeeper in his father's bank in 1891. Four months later he became cashier, and soon he was vice president.

On January 19, 1919, Mr. Schreiner was made sole owner and president of the bank. The family bank was chartered as a State bank on January 1, 1959, and he was elected chairman of the board—a position he held until his death. Shortly before his death he celebrated his 80th anniversary with the bank.

This distinguished Texan was married to Mae Shiner in 1898. They had one daughter, Mae Louise, who was married to Edward Bennett Carruth, and both have passed away.

Mr. Schreiner was a man of many interests and had received many honors in his lifetime. He was an organizer of the local Rotary club and became a life member of it. Active in Masonic affairs, he was a member of the San Antonio Commandery and of Alzafar Shrine.

Among other activities, he was a life member of the National Forestry Association; a member of the Audubon Society; the Museum of Natural History in New York City; the Texas Lions Camp for Crippled Children; the National Wool Growers Association, and the Texas Sheep and Goat Raisers Association.

Mr. Schreiner became the only Texan among officers and directors of the National Wool Trade Association in 1939. His leadership in the livestock industry brought him the honor of having his portrait hung in the exclusive Saddle and Sirloin Club in Chicago.

On the subject of philanthrophy, "Mr. Louie" donated much land and countless gifts of money for developing and improving the Kerr County region. He was named "Man of the Century" by the Kerr County Chamber of Commerce on May 27, 1964.

He and his family have been noted for their generosity. He built the Jane Flato Hall, a dormitory at Schreiner Institute—a school established by his father. He donated the land for the Antler Stadium, the Kerrville Municipal Airport, and with his family established the Schreiner Road and Bridge Fund. They gave the land on which the present Veterans' Administration hospital is built; and also the land for the building of high schools in Junction and Rocksprings. He gave the land for the construction of the State fish hatchery near Ingram.

These are but a few of the many benefactions at the hands of this great man. Active right up to the last, Mr. Schreiner throughout his long career was always available to give advice on financial matters when requested by his hundreds of friends.

On Sunday before his death he had been guest of honor at the first Schreiner family reunion held at the home of Mr. and Mrs. E. C. Parker, Jr., attended by more than 75 people who came to congratulate the man who had spent 80 years at the Chas. Schreiner Bank and was its chief executive for 71 years.

Mr. Speaker, Louis A. Schreiner was truly a great American. He loved his country, and was always deeply concerned about the course of our history. I have visited with him scores of times. He always wanted to know more about the issues of the day, and he maintained a remarkable understanding of the problems which beset us. He believed in the dignity of honest toil and in the abiding strength of self reliance.

Funeral services for "Mr. Louie" were held at the Deitert Chapel on the Schreiner Institute campus, conducted by the Institute president, Dr. Andrew Edington and Rev. Marvin Bond, pastor of St. Peter's Episcopal Church.

In his eulogy, Dr. Edington said that rarely are we able to pinpoint the end of an age, but that "Mr. Louie's" life does mark the end of an age. Some of these attributes of his age were:

A man's word was his bond—the idea that profit is the reward of diligence and that satisfaction comes from something that is excellent—kindnes was not tax deductible—if a man wanted to help someone in distress, he simply helped him.

Mr. Speaker, under leave to extend my remarks I include Dr. Edington's eloquent remarks in their entirety. The address follows:

THE PASSING OF AN AGE

About five or six weeks ago, I was in the Schreiner Bank and stopped to talk to Mr. Louie as my custom was. We have often talked of many things that I don't know much about, such as pumpkins, and many other things, but on this occasion, strangely enough, Mr. Louie brought up the matter of his funeral services. He said that he assumed that I would be handling affairs for this day and I told him that I had thought that was probably true some year or two ago but I had come to the conclusion that he was going to probably conduct my services; that he looked as if he had a better hold on longevity than I did. In our conversation, he said that he had nothing specific to say except one item. And he said, "You are a teacher." He continued, "There is nothing of any great significance or need that should be reiterated about me per se or about one thing or another, but you are a teacher and you use the occasion of my passing to teach."

Now we are going to take a brief look at an age that is gone. Rarely do we have occasion, any of us, in the scheme of things to actually be able to pinpoint the end of an age, such as the end of the neolithic period or the beginning of the renaissance. We assign an arbitrary date born of certain things. It is extremely rare that an opportunity comes when there is something very specific. I do not believe that anyone could question the fact that an age is gone. A whole system has vanished; the whole business is gone and the first thing that we must really teach today is that an age is completed.

Now let me mention a few characteristics of the age. The obvious things, I think, we can notice easily. The horse and buggy, the smoking fire engine, the express company horses, the cobbled streets made of wooden blocks—all of the many, many things that were part and parcel of the practical and physical life of Mr. Louie who lived during the entire time at one specific age—but we are going to look at what I believe 500 and a thousand years from now the analysts are going to specify certain little earmarks of the age and I want to mention them.

One of them is that a man's word was his bond. Now this worked. It didn't matter if it was for 50c or a horse or $100,000. A man gave his word and they shook hands on it and it was done and there was no question about this. Practically throughout the knowledgeable years of Mr. Louie, this worked. Now I'm sure there are always some who goof up an age and create some kind of problem but this was a mark of the age. This is gone. We can't do it today—it just can't be done because you've got to have two copies for the government, at least two. You have to have records for the court. We just

can't do this any more. It doesn't matter how a man might feel within him. We have strictly prohibited this type of thing and it is just gone.

Now another thing that is gone is the idea that profit was the reward of diligence and that satisfaction came from the accomplishment of something that was excellent. A person took specific pride in his work, in the excellence of what he did, and he was recognized for it and if he worked hard enough, then he would profit from it. Now our world just doesn't absorb this. As much as we would like to say this is true, we cannot promise. This is not one of the features of the new age that starts tomorrow.

The third thing—kindness was not tax deductible. We don't think about these things until we have studied the age and attempted to lift out certain marks of it, but if a man wanted to help someone who was in distress, he simply helped. He gave him some money, he delivered some feed to him, he did all kinds of things and many of you here have fathers and grandfathers who have benefited from this very type of thing from Mr. Louie. This was the mark of the age. Tomorrow it must be tax deductible and the organization, if you give to an organization, must have its papers showing it is tax deductible. So passes an age. Now we are having a time today of sadness, in a sense, though in a sense it is not sadness; yes, Mr. Louie was anxious for this day to come. Yet we are seeing the passing of an age and I think we should take note of it.

Let there be a new age! Now this is what God has to say to us. This is where we have something to learn. He says this is the way life is created. God so made life that there are ages and there are great men in great ages. Greatness cannot possibly die with the great. Greatness to be complete must carry with it a challenge to the coming generation to be great in their own age. Let there be great men and great women here today. The great grandchildren, the great nieces and nephews, these fine Schreiner boys, now learn this. Greatness to be valid must be continued if we are to meet the challenge of greatness. This is the Lord's plan; this is not something that a committee developed. I want to read you a portion of Deuteronomy—it is not a very familiar portion. It is in the period of Moses and Moses has come to the end of his time. He is an old man, at the end of an age. He has led the children of Israel in mighty endeavors; he has been through difficulties and problems and now, stricken in years, his time has come and his age is gone. The age in which he lived, the system under which he operated, is gone, and he says something like this, "O Lord God, thou has begun to show thy servant thy greatness and thy mighty hand. At last I am beginning to see how the hand of God works in the affairs of man. For what God is there in heaven or on earth that can do according to thy works and according to thy plan? But I pray thee, let me go over and see the good land that is beyond Jordan, that goodly mountain at Lebanon. I want ten more years, or 15. I'm not asking to be the leader, I just want to see it. I ask to live long enough to see this new age jell and know its leaders." The Lord said to his great servant Moses, to this grand old man, "Get thee up into the top of Pisgah, this great high mountain, and lift up thine eyes westward and northward and southward and eastward, and behold it with thine eyes, for thou shalt not go over into Jordan."

You can look at it, and many of you here know that this is what Mr. Louie did. He liked to look in every direction at some of these new things. He liked to wonder what would happen. He has time after time asked me, "What do the young people think, what is this new age all about?" And God told Moses and He has told men historically, great men in great ages, you can take a look at it and that's all. But what is he to do? This is why we teach today, right here, and teach this. Behold Joshua, there's a young fellow coming along, behold Joshua and encourage him and strengthen him for he shall go over before this people and he shall cause them to inherit the land which thou shall see. Challenge the youngsters!

Now here is a new age and today you have been challenged. You have no obstacles. It matters not whether you are male or female. The word is wide open. We need a new nation under God in spirit and in fact, not just in words. We need new great men with great vigor and great dedication—high and holy men. The world cries out for new greatness in a new generation. In closing now we use the words so wisely used to the people of England in their time of great distress and great difficulty and great wonderment about what was to come. "I said to the man who stood at the gate of the year, 'Give me a light that I may go forth into the unknown' and he replied, 'Go out into the darkness and put your hand into the hand of God, for it is safer than a light and better than a known way.'" Amen. Let us pray.

LESS TIME, MORE OPTIONS: EDUCATION BEYOND HIGH SCHOOL

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. PUCINSKI. Mr. Speaker, the current report of the Carnegie Commission on Higher Education makes some encouraging recommendations regarding our degree-centered society.

Basically, the members of the Commission have unanimously endorsed a system of education that prepares a student to enter the work force more readily. Acknowledging the phenomenal influence of television on the general awareness and sophistication of today's high school senior, the Commission recommends increased cooperation between the faculties of the secondary schools and the colleges to bring about a 3-year college degree. This would enable students to direct their energies and interests more specifically and would discourage the unnecessary or ambiguous courses that in so many cases serve only to fill time.

Mr. Speaker, I am highly encouraged by this report. In particular, I salute its forthright statements about the need for students to learn something of the world of work and to prepare for that world at the earliest opportunity.

Following is a brief article which appeared in the Christian Science Monitor today discussing the recommendations of the Commission. I call it to the attention of my colleagues today as an example of the practical thinking so needed in the academic community today:

CARNEGIE PANEL'S REPORT CONTROVERSIAL: RADICAL HIGHER-EDUCATION CHANGES URGED

(By David Holmstrom)

SAN FRANCISCO.—By 1980 the unwanted American commodity known as the student "dropout" may be changed into something attractive known as the student "stopout."

The California-based Carnegie Commission on Higher Education has called for an end to the often exhausting, expensive, and boring way many students shuffle from high school to college and in great numbers drop out along the way.

Instead, it has called for a package of radical changes in higher education by 1980.

Eliminating one year of study from high school and from college.

More opportunities for students to "stop out" and mix academic education with work experience, thus encouraging lifelong learning.

More options in lieu of formal education.

New degrees to be introduced at new levels of education.

RESENTMENT SEEN

"Students have great resentment over the steady grind of education, the years of sitting in classrooms when they want to be out and independent on their own," says Dr. Clark Kerr, chairman of the commission. He says resentment is a factor in campus unrest and the "generation gap."

Dr. Kerr acknowledges that the report entitled "Less Time, More Options: Education Beyond High School" will no doubt be controversial because "it could have great impact on every high school and college in the country. But if implemented, it would add up to the most significant reform since the modern system of higher education began a century ago.

WASTE OF TIME SEEN

The report asserts that "much more of education takes place before college, outside of college, and after college than ever before." It says that "much of the last year in high school is wasted," particularly for those already admitted to college.

The reason for this is the easy availability of television, films, and books. Students come to college with more general knowledge than did the same age group at the end of World War II, says the report.

Consequently, college today supplies a smaller proportion of lifetime knowledge. "It is one of many sources of knowledge and less a rare and onetime opportunity," states the report. "The approach to college need not be so much as it once was: Everything now and never again."

SAVINGS SIGHTED

The report insists that if the reforms are implemented the result could be "a reduction of operating expenditures for higher education by 10 to 15 percent a year below levels that would otherwise prevail in 1980, or $3 billion to $5 billion a year."

Dr. Kerr, former president of the University of California for eight years, was quick to point out that the report proposals were not recommended simply because of cost savings but rather because they would open up more opportunities for people to "study part time or return to study later in life, particularly for women and older persons."

"Society would gain if work and study were mixed throughout a lifetime" said the report, thus reducing the sense of sharply compartmentalized roles of isolated students vs. workers, and youth vs. isolated age, if more students were also workers, and if more workers could also be students . . . if all members of the community valued both study and work, and had a better chance to understand the flow of life from youth to age."

VIEWS UNANIMOUS

The report, Dr. Kerr said, was adopted unanimously by the 18 commission members. These include Nathan M. Pusey, president of Harvard University; the Rev. Theodore M. Hesburgh, president of the University of Notre Dame; David D. Henry, president of the University of Illinois, and William Friday, president of the University of North Carolina.

The commission members would like to see an end to the "four-year modules" now offered on the way to the B.A. degree and Ph.D.

Instead, they would like to see a four-level structure—associate arts degree, bachelor of arts degree, master's degree, and a doctor of arts or Ph. D.—all broken down into two-year "planning modules."

CREDENTIALS ACCENTED

In this way students would be encouraged to reassess their plans every two years and not fall into a "prolonged aimless search for, and experimentation with, various lifestyles."

Dr. Kerr said America has been described as a "credential society," insisting on "degrees," which results in fewer "careers open to people of talent." He said employment officers "minimize the personal risks they encounter" by looking for degrees rather than relying on their own judgment in appraising maturity. He would like employers to do their own screening for talent and rely less on using a B.A. degree as the starting point.

STUDENTS POLLED

In support of the report's recommendations Dr. Kerr cited a recent Carnegie commission report in which a study of 1961 college graduates disclosed that three-fifths of the test group said they felt there should be "some stopping out either between high school and college or during college."

Dr. Kerr, the author of the report, said he expected "gradual acceptance of the report" and that it "would not be effective unless it was widely accepted." He said he thought students would like the proposed changes, but that it would mean major changes in high-school and college curriculums" and that includes faculty attitudes toward the awarding of degrees, "not renowned as an area of experiment."

NEW IDEAS TESTED

But a handful of the ideas in the report already have been implemented in scattered institutions throughout the country. The doctor of arts degree—designed primarily for the nonresearch teacher—is in effect at the Carnegie Institute of Technology and the University of Washington. At 75 other institutions it is being offered, developed, or under consideration.

California's vast community-college system—93 strong—offers associate arts degrees to all students completing a two-year course.

HAZARDOUS DUTY RETIREMENT URGED FOR FIREFIGHTERS

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. PETTIS. Mr. Speaker, well over a month ago S. 578 was favorably reported from the Post Office and Civil Service Committee and placed on the Union Calendar. This bill will include Federal firefighters under the hazardous occupations retirement provisions now applicable to Federal police.

As many of you will recall, in the 90th Congress, the Senate passed similar legislation which was not acted upon by the House. I am strongly convinced that providing these brave men with hazardous duty retirement pay is fully justified and S. 578 merits our favorable consideration at the earliest possible time.

During a recent tour of my district, I spoke with a number of Federal firefighters who serve at the Marine Corps Supply Center in Barstow, Calif. Pursuant to my conversation with these fine men, I received a letter outlining their support for the adoption of S. 578. The letter succinctly sets forth some straight information on the need for the provisions of this legislation and I insert it in the RECORD now and commend it to your attention:

OCTOBER 31, 1970.

Hon. JERRY L. PETTIS,
U.S. Congress,
Washington, D.C.

DEAR MR. PETTIS: As I promised you on your visit, here is some straight information.

This is a plea to support passage of S. 578, a bill for possible retirement of Fire Fighters at age 50 with 20 years' service.

So many arguments have been put forth pro and con, that it is extremely difficult to find a trustworthy statement, either pro or con.

Therefore, one must research for bona fide factual history on which one can prove the case again.

Let us first clear the cobwebs of many adverse shouters—on this issue S. 578, the Federal Fire Fighters Service is not trying to compare itself with metropolitan or any non-federal fire fighters.

We are comparing ourselves with the Federal Police that have 20 year service-50 years of age retirement. We have shown that if they rate it, then the Federal Fire Service deserves this benefit.

The U.S.M.C. Supply Center, Barstow, Fire Department has a 67 position ceiling and only on rare occasions have we enjoyed a full crew.

This Fire Department was staffed totally by civilians starting in 1957.

The turnover in personnel at this Department has been proved to be 193% since 1957 with only one man retiring. Two of the three that died while employed, did so of a heart attack—which is rated high among Fire Fighters.

Of the twelve on disability, four were injured on duty, five of heart attacks and one of lung trouble, the remaining two became ill while employed and were placed on disability.

The 45 transfers were mainly away from the fire service to other fields of endeavor.

Less than five of the 74 who resigned did so by request. Most had better opportunities.

Of those that transferred from the Fire Department to the other departments on this installation, all are making equal money, or more, and on a 40 hour week instead of the 72 hour week.

In this vein, one must acknowledge that the Federal Fire Service has no mass of records or positions of light duty to graduate to such as the Federal Police have. We, therefore, find men of 50 years or more that are assigned to duties totally incompatible to their physical capabilities, even in non-emergency conditions. For example, other shops do not assign loft and ladder work to the senior employees.

It has been extremely difficult to almost impossible to gain facts on either Federal Fire Service or Federal Police. It seems there is no control department that assimilates the information we all desire. In contacting the Federal Fire Council, it is found that the injury and casualty figures it gains is mostly voluntarily submitted. Perhaps in a few years when it is better established?

Much misinformation is put forth by some who oppose this issue, when they try to compare the Federal Fire Service with City, County and State Fire Fighters. However, we Federal Fire Fighters say, fine—IF when you compare, really compare! In other words, hours of duty, pay, fringe benefits, retirement, and last but not least—kind of duty, to keep in line with the factual theme.

We, being located far from any metropolitan area use the nearby small town of Barstow, California, Fire Department for comparison.

Because of our remote location, we are called upon for mutual aid and have responded to the City of Barstow for their major fires—the largest being a warehouse approximately 80 x 200 ft.

We are called upon to respond to truck and auto fires along the highway and to aircraft crash scenes, remote house and structure fires, farm and forest fires.

We hear much about comparability, but it is always directed at other Federal employees, and only by virtue of being classified employees do we receive a very limited advance to comparability.

In conclusion, it seems high time for some comparability for Federal Fire Fighters. The bill does not bestow retirement on all Federal Fire Fighters who reach age of 50 with 20 years of service—only those deemed physically unqualified to perform. This, we are sure, would cut the rate of injuries on the job.

Because of our record, it is time to afford faithful employees of the Federal Fire Service, that *qualify*, an equitable retirement.

Please accept my thanks and that of all the Federal Fire Fighters, especially those of the United States Marine Corps Supply Center, Barstow. You have our best wishes.

Most Respectively,

R. J. STECK,
Federal Fire Fighter.

HIJACKERS OF FREEMASONRY

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. SCOTT. Mr. Speaker, the New Age, a monthly publication of the Scottish Rite Bodies for the southern jurisdiction of the United States, contained an article in its November issue by the head of these bodies, Henry C. Clausen, in response to a September 9, 1970, editorial in the Washington Post critical of the Masonic fraternity. Not being a regular reader of the Post, I did not see the editorial. However, the suggestion that the membership of this fraternity are antiestablishment is nonsense and I believe my colleagues may be interested in the response by the sovereign grand commander which follows:

HIJACKERS OF FREEMASONRY

(By Henry C. Clausen)

A *Washington Post* editorial of September 9, 1970, commented on the presidential ballot in Chile for a reported Marxist and Mason. It set forth this incredible claim:

"Dr. Allende, a medical man, is no ordinary doctrinaire ideologist. His anti-establishment attitudes may come as much from being a Mason as from being a Marxist."

That is Masonic-hijacking, for it is a distortion of the meaning of Masonry, tending to create fear and hatred and to divert public opinion into a false direction. The invidious nature of the mentioned "anti-establishment attitudes" is obvious from this and similar articles, including alleged socialization of the economy, confiscation of private property, suppression of the press and alliances with Cuba's Castro. Any American Mason knows that these attitudes of atheistic Marxism are diametrically opposed to those of our Deity-conditioned Masonry. The two simply cannot coexist. To claim otherwise indicates

either careless editing, woeful ignorance, or deliberate calumny.

Masonry in its history has been the victim of many unfair attacks. In some areas of the world, to paraphrase Shakespeare, slanderous tongues have done it to death. Often we have suffered in silence, content that:

"Be thou chaste as ice, as pure as snow, thou shall not escape calumny."

Yet, fairness and justice impel the observation that the charge now made is so far from reality as to be an outrage. It is a low blow. It is cruelty to those patriot Masons who were responsible for the civil and religious freedoms we enjoy. At its worst it smacks of the rapacious greed and the "big lie" technique with which dictators have confiscated the properties and imprisoned the leaders of our brethren aboard. We have every right to cry foul!

Consider those who have persecuted Masonry and then ask why. One of the first acts of the Russian Bolsheviks in 1917, precursors to our present-day Communists, was to dissolve all Lodges. Bela Kun in 1919 proclaimed the dictatorship of the proletariat in Hungary and ordered dissolution of all Lodges. Spain's first dictator, General Primo de Rivera, abolished Freemasonry in 1925. Mussolini, who tried unsuccessfully more than once to join a Masonic Lodge, having established his regime, decreed in 1924 that no member of his Fascist Party could be a Mason, and proceeded in 1925 to exterminate the Lodges and imprison the leaders. The Nazis, on Hitler's rise to power, dissolved Germany's Grand Lodges and sent prominent dignitaries to concentration camps. Gestapo agents seized the membership lists, looted the libraries and the collection of Masonic objects. Much of this was exhibited in an "Anti-Masonic Exposition" started in 1937 by Goebbels in Munich. This poured over into Austria where Masters of Lodges were confined in notorious concentration camps, including the living hell of Dachau. Similar mistreatment was repeated on Hitler's takeover of Czechoslovakia, Poland, Holland, Belgium, Norway and Denmark. Nations subservient to Germany similarly were obliged to enact punitive laws against Masonry. General Franco of Spain in 1940 sentenced all Masons in his nation automatically to ten years in prison. When France fell the Vichy government dissolved the Lodges, seized their properties and imprisoned the leaders.

Misguided church hierarchies also have blasted forth Bulls from time to time, trickily directed not against individuals but against the whole Masonic Order, prompted primarily because they could not impose upon everyone their political, social, and religious dictates as long as there were freedom-minded people. They considered the Masons a bar to their desire to dominate. No wonder the Bulls frequently have been coldly received or ignored.

Masonry is tolerant and universal, embracing all men, and all religions with a belief in God. We therefore welcome, for example, a Christian, or a Jew, or a Buddhist, or a Mohammedan. There is no divisive dogma or creed. Many a member of the clergy who graced a pulpit has felt he was a better man and a better minister or priest because of his Masonry. They found in their Lodges high religious ideals amid centers of enlightenment and good fellowship.

Mason-baiting therefore has been the practice of the White Terrors, the Red Terrors, and the Black Terrors. The full sorrowful story includes murder, inquisitions, imprisonment, tortures, looting of treasures and charities and outlawing of organizations.

Why? Why this fanatical hatred? Why this misdirected animus? The answer is simple. It is demonstrated in Masonry's history and purpose. For centuries Masons have opposed intolerance and bigotry, spiritual despotism and political tyranny. They have stood for integrity, for freedom and for individual dignity. They refrain from meddling in politics. They believe in a Divine Power, in morality and in a practice of charity, the teachings of which are derived in Lodge meetings with similar minded men. It is not a secret society. Its design, its object, its moral and religious tenets and humanitarian doctrines are as open and available as the obvious places where we meet. It is not a religion. It is dedicated to bringing about the Fatherhood of God, the Brotherhood of Man and the making of better men in a better world, wiser men in a wiser world, happier men in a happier world.

As individuals, enlightened Masons have advanced the cause of human progress and its republican institutions. They laid the intellectual and spiritual foundations of America. The authors of the great first Encyclopedia—Diderot, d'Alembert, Condorcet, Helvetius—were Masons. When Benjamin Franklin went abroad as an envoy to France and met there with his brethren in Masonry, it was with the moral strength gathered in Masonic Lodges for individual action outside the Lodges. Similarly, George Washington, his most trusted generals and Alexander Hamilton, Robert Morris, Paul Revere, John Marshall, John Hancock, and many of the cosigners of the Declaration of Independence were Masonically so inspired.

When Voltaire went to Paris, the year he died at 79, he was initiated into Freemasonry. The ceremony climaxed with Benjamin Franklin handing Voltaire the Masonic apron that the great Helvetius had worn. Voltaire then kissed the apron. As he did so he must have remembered the hounding and killing of Masons who met in the sewers of Paris just before the French Revolution in 1789.

Masons historically have been in the forefront of movements that fired the imagination of freedom-loving people throughout the world. Goethe, Mozart, LaFayette were enthusiastic Masons as was the great Hungarian hero of democracy Kossuth, who found temporary refuge in America. Garibaldi was a Thirty-third Degree Scottish Rite Mason and a Grand Master. Leaders of the Young Turkish Committee that in 1908 forced Sultan Hamid "the Damned" to give their nation a parliamentary form of government were Masons. In Latin America the great liberators, Bolivar, San Martin, Mitre, Alvear, Sarmiento, Juarez, were active members who put into practice their Masonic humanitarian ideals. They were charged in Lodges with teachings that enabled them to become individual champions of democratic progress and of religious and civil liberty.

The hatred of the Nazis, the Fascists and the Communists was not merely emotional. It went deeper. The cleavage was a fundamental divergence of creed, namely, the totalitarian super racial versus the Masonic ideal of equality and freedom and the fulfillment of man's destiny as an individual.

From "the time whereof the memory of man runneth not to the contrary," Masonry always has championed the highest ideals of civilization. When permitted to flourish, those ideals have come nearest to realization and in a climate of the highest living standards. Conversely, when suppressed, the humanitarian ideals and freedoms and the welfare of the people have deteriorated.

Perhaps we can best sweep away the rubbish of anti-Masonic ravings with the words of a great Mason and guardian of American freedoms, the man who in 1793 while our first President wore a Masonic apron and laid the cornerstone of the Nation's Capitol in Masonic ceremonies—George Washington:

On August 22, 1790, he wrote this letter to King David's Lodge in Newport, Rhode Island:

"Being persuaded that a just application of the principles, on which the Masonic fraternity is founded, must be promotive of private virtue and public prosperity, I shall always be happy to advance the interests of the Society, and to be considered by them as a deserving brother."

Today our four million plus Masons in the United States happily and proudly join in this sentiment. They number among them prominent statesmen, scientists, businessmen, artists, writers, clergymen, government officials, professional men, military men, rich men, poor men, lawyers, doctors, professors, mechanics, laborers, democrats, republicans, butchers, bakers, and candlestick makers, strong exponents of Americanism all.

We could list hundreds whose names, brilliant in history and fame, adorn schools, streets, and municipalities, the halls of our lawmakers and the executive offices of our government. In this setting, the Scottish Rite of Freemasonry enjoys amazing success and popularity, at home and abroad, symbolizing to all people the ideals and principles of freedom, the independence from fear and archaic superstition and serfdom, the dynamic Masonic leadership and action, and the onward march of a free, a wise and a happy humanity. We proclaim in our Scottish Rite what we believe is right and true and honorable and pay homage to our great national heritage and to the beneficent Deity that gave us life. Consequently since a lie never fits a fact and facts are stubborn things, the attempts at Masonic-hijacking will never succeed. Long may our Masonry live and flourish in the free soil of a free world!

PRESERVATION OF WILDLIFE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. HOGAN. Mr. Speaker, it was a distinct pleasure for me to participate today in a luncheon ceremony honoring one of the outstanding citizens of Prince Georges County in my congressional district. He has been dedicated to conservation and has created a wildlife sanctuary for Canadian geese on the banks of the Patuxent River.

It was a particularly special personal privilege for me since one of my first jobs, at age 14, was working in the bindery at the printing company of which this distinguished gentleman is president.

Mr. Speaker, I refer to Mr. Edgar A. Merkle, an outstanding conservationist whose example should be emulated by others in the private sector concerned about the deterioration of our environment and the decimation of our wildlife.

I insert a resolution presented to Mr. Merkle today in the RECORD at this point:

NATIONAL CAPITAL PARK AND PLANNING COMMISSION,
Riverdale, Md.

RESOLUTION TO EDGAR A. MERKLE

Whereas, the generosity and individual efforts of Edgar A. Merkle have contributed to the preservation of wildlife on the Patuxent River; and

Whereas, in the face of advancing urbanization, for nearly three decades Edgar A. Merkle has maintained an ecology on a portion of the Patuxent River that has perpetu-

ated the migration of wild Canadian Geese and other waterfowl; and

Whereas, Edgar A. Merkle has created a unique waterfowl sanctuary that contributes to the natural resource value and the recreational value of the Patuxent River; and

Whereas, this wildlife sanctuary complements The Maryland-National Capital Park and Planning Commission's park acquisition program designed for the protection of the Patuxent River; and

Whereas, efforts made by Edgar A. Merkle have influenced conservationists to assume a permanent and perpetuating responsibility to the wildlife in the Patuxent River Region;

Now, therefore be it resolved, that Edgar A. Merkle be publicly commended for his individual generosity and farsighted effort to protect and preserve the wildlife on the Patuxent River; and

Be it further resolved, that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission pledges to pay tribute to the dedication of Edgar A. Merkle by continuing to work toward the protection and preservation of the Patuxent River and the wildlife along the shores of the River.

* * * * * *

This is to certify that the foregoing resolution was adopted by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, Monday, November 23, 1970.

ROBERT C. McDONELL,
Executive Director.

THE LOST CRUSADE: AMERICA IN VIETNAM

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. KOCH. Mr. Speaker, I should like to bring to the attention of our colleagues a review by Nelson Seitel, associate publisher of the New York Law Journal, of "The Lost Crusade: America in Vietnam," by Chester L. Cooper.

The review follows:

THE LAWYER'S BOOKSHELF

(Reviewed by Nelson Seitel)

In his classic work on military strategy, Baron Von Clausewitz asserted that war is too serious a business to leave to the generals. An arresting, unarticulated corollary to that assertion emerges from "The Lost Crusade: America in Vietnam," by Charles L. Cooper: Peace is too serious a business to leave to the diplomats.

Reviewing aborted diplomatic searches for a peaceful settlement of the Vietnam tragedy, Cooper paints a picture of diplomats pacing through intricate, elaborately staged choreographies, with the diplomatic set more concerned with the modalities of the craft than its objectives. With peace in Vietnam so elusive a pursuit, the diplomatic performance all too frequently comes off with the grace of an elephant executing an entrechat.

Cooper writes about America in Vietnam from the unique perch of an important participant at the highest levels of policy formulations without being saddled with responsibility for policy decisions. That unique vantage point includes Cooper's membership on the United States delegations to the 1954 Geneva Conference on Indochina, the 1961 Geneva Conference on Laos, the 1966 Summit Conference in Manila, and stints as White House assistant for Asian affairs and as special assistant for Vietnam negotiations to Ambassador Harriman.

As one who had no direct responsibility for policy making, Mr. Cooper dissects the complex issues of Indochina with the cool detachment of a skilled professional, without misgivings as to his own role, and without rancor as to the part played by major protagonists. His style is enlivened with flashes of wit and sardonic humor over the follies and foibles, the pretensions and posturings of his colleagues in the diplomatic service.

"Questions as to whether the United States or any particular administration was right or wrong in Vietnam," Mr. Cooper observes, "premature or tardy, too soft or too rough at any particular point in time, are interetsing and relevant. But they are not crucial. Vietnam is not an area isolated and insulated from events and trends in the rest of the world. And the Decade of Vietnam is not an experience shared only by miserable Vietnamese and tortured Americans. Our involvement in Vietnam has gone well beyond Vietnam itself, beyond it in terms of area and beyond it in terms of time."

Cooper's narrative begins with the occupation of Indochina by the Japanese in 1940 and ends with the stalemated peace talks in Paris, with the various delegations awaiting the inauguration of Richard M. Nixon as President. Between the beginning and the end of the volume, Cooper traces the history of American involvement in an area that was unknown to most Americans but two decades ago, but has since become a most pervasive fact in the lives of Americans.

That history begins with a commitment by President Harry S. Truman to aid France in its efforts to subdue the Communist-led Vietminh, a policy that collapsed with the fall of Dien Bien Phu. Events, not men, shape the destinies of peoples and of nations. So American concern in Indochina was resumed by efforts of President Eisenhower and Secretary of State Dulles to certain Communist aggression in Vietnam through a policy anchored to the "Domino Theory" that successful Communist penetration there would result in the total sway of Communism in Southeast Asia. That first beginning was advanced by the Kennedy Administration through a "counter-insurgency" theory followed by a virtual declaration of war through adoption by Congress of the Gulf of Tonkin Resolution at the urging of President Johnson. In the interval, the token force of military advisers in Vietnam increased the American presence in Vietnam to more than a half million troops.

Cooper details the tragic consequences of poor orchestration in Washington in formulating Vietnam policies, with the Department of State, the Department of Defense and the Joint Chiefs of Staff playing their own themes at conflicting tempos resulting in a dissonance in which the dulcet instruments for peaceful negotiations were invariably drowned out by the percussive thunder of bombs exploding over Hanoi. This label of voices in Washington opened opportunities for meddlers in all parts of the globe, from charlatans to Nobel Peace Prize aspirants, to seek moments in the international sun by promising to open channels of communication between Washington, Saigon and Hanoi. The frenetic diplomatic activity generated by some of these meddlers smacks of high comedy except for the tragedy of events that include diplomats seeking hidden meanings in "messages" with the fever and casuistry of a medieval theologian or a Talmudic scholar.

"The Lost Crusade" is must reading for those who want a clear and precise history of the events that brought America ever deeper into the morass of Vietnam. "In the short term," Cooper concludes, "the American venture in Vietnam may be judged a lost crusade. . . . The observer can only hope that the experience in Indochina will help America meet the challenges ahead more effectively and less traumatically."

Only time will tell whether the future will so well remember the past that it will not be condemned to repeat it. More than two thousand years ago Herodotus wrote that mankind will always prefer peace to war, because in times of peace sons bury their fathers, but in times of war fathers bury their sons. America in Vietnam is a lost crusade because fathers continue to bury their sons.

FULL INVESTIGATION NEEDED INTO DEATHS OF ST. LOUIS POST-DISPATCH NEWSMAN TIM BLECK, WTOP SOUND MAN ROBERT STUCKEY

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mrs. SULLIVAN. Mr. Speaker, everyone on Capitol Hill was shocked by the deaths of two young men in the news media who died from liver complications after participating with nearly 2,000 Capitol Hill employees in a Public Health Service project involving the use of an antituberculosis drug, isoniazid. One of them was Tim Bleck, who at age 30 was already building a reputation as a hard-digging and highly effective reporter in the Washington bureau of the St. Louis Post-Dispatch; the other fatality among participants in the antituberculosis drug project was Robert Stuckey, a news film sound man for WTOP-TV.

Following these deaths, the Public Health Service has been investigating any connection between the drug and liver damage, and has advised the men and women on Capitol Hill who were taking the drug under PHS supervision to stop taking it, at least until further information is available.

It is my understanding, Mr. Speaker, that many of those who were given daily dosages of the drug were advised in orientation lectures that the drug had a remarkable record for safety, and was the most effective medication for establishing immunity from tuberculosis for those who had at some time in their lives been exposed to the disease as shown in skin tests, but whose X-rays were negative. There is controversy over whether the persons participating in the program were warned adequately of the nature of side-effects to watch for.

Mr. Speaker, I knew Tim Bleck as a reporter deeply devoted to his craft and anxious to comply with the highest standards of integrity on a newspaper famous for its crusading spirit and complete independence. I was not only shocked by his death, but deeply distressed that it might have been attributable to a possibly insufficiently controlled mass medication program instituted by a Government agency. There must be a full and straightforward investigation into this matter to see if these two deaths were merely coincidental to the use of the drug, or were caused by it.

In the meantime, I am sure all Members of Congress share the concern

which those of us who knew either of the men who died feel about these cases. I did not know the gentleman from WTOP but I know that Tim Bleck's death cannot help but leave a gap in the Washington bureau of the Post-Dispatch, where he was well liked and respected. I am informed that friends of Tim Bleck have established a fund for the education of his three children 2 to 7 years of age, administered as the Timothy Bleck fund by James H. Erickson, assistant to the president of Bradley University, Peoria, Ill., 61606. I am sure contributions sent to the fund will be put to good use.

FB–111'S PLACE FIRST AND SECOND IN SAC'S ANNUAL BOMBING COMPETITION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. TEAGUE of Texas. Mr. Speaker, last week in Orlando, Fla., two FB–111's placed first and second in the Strategic Air Command's annual bombing competition. This is the plane which has suffered untold unfavorable publicity around the country. However, SAC's headquarters recognize its worth as evidenced by the following article which appeared in the Omaha World Herald for November 20, 1970. It is hard to understand why this feat has received so little publicity when one considers the fact that this is the first time in the history of bombing competition where an aircraft weapon system won the top bombing honors before the aircraft became fully tactically operational.

The article follows:

UGLY DUCKLING PACES SAC BOMBERS

(By Howard Silber)

ORLANDO, FLA.—An ugly duckling was transformed Thursday into the beautiful bird of the Air Force.

The transformation began Sunday when two FB111 bombers were entered in the Strategic Air Command combat competition which was flown from McCoy Air Force Base here.

It ended with an announcement Thursday that the controversial plane had won an important part of the contest.

The FB111, which closely resembles and has shared many of the problems of the trouble-plagued F111 fighter-bomber, was declared the winner of the SAC bombing trophy.

The two swing-wing SAC planes competed against 27 SAC B52s and two Vulcan bombers of the British Royal Air Force in a test of precision bombing that was scored by radar.

FB111 VICTORY

The two-man FB111 crew of Lt. Col. Robert S. Russell, Paterson, N.J., and Maj. Arben R. Ely, Portland, Ore., scored the highest point total.

SAC's FB111 unit, the Ft. Worth-based 340th Bomb Wing, could not compete for the big prize, the Fairchild Trophy, because it does not yet have tanker aircraft, and an exercise in tanker navigation is one of the requirements.

In fact, the FB111 will not officially become part of the deterrent force until the middle of next year. The current mission of the 340th is testing the new bomber and training crews to fly it.

UNPREDEDENTED

The entry of the FB111 in the competition was unprecedented in that the contest which began in the 1950's had never before been opened to aircraft which were not available for tactical use.

SAC did not deny that the FB111 was entered in the hope that it would win at least part of the competition and, thus, begin to overcome a serious image handicap.

The bombing trophy victory was a big plus for an aircraft which has encountered many minuses, including the grounding of the entire fleet of more than 400 F111s and FB111s for the most rigid testing program ever undertaken by the Air Force.

The planes were grounded after a series of crashes.

OVER THE HUMP

Gen. John D. Ryan, Air Force chief of staff and a defender of the plane, arrived here shortly after the announcement was made. "We are over the hump," he said. "This is going to be a real fine airplane for us."

Gen. Bruce K. Holloway, SAC commander-in-chief, was equally enthusiastic. "The FB111 is working very well," he said. "It represents significant technical advances in electronics and bombing and navigation systems."

The SAC chief was an early project officer for the TFX, which became the F111 and the SAC variant, the FB111.

HAPPY CREW

Perhaps the greatest enthusiasm was demonstrated by the two 35-year-old members of the winning crew. Russell and Ely were assigned to fly an airplane which is regarded by some persons and, they said even their wives—as unsafe and unreliable.

But they insisted that the plane has been maligned.

"It is simply magnificent," said Russell. "It does just about everything for you. It is the only plane that SAC has that can do the job."

Russell said that by "the job" he meant the penetration of Soviet air defenses.

"Structurally it is small. It isn't seen easily on radar. It flies very low and very fast," Russell explained.

The FB111 can move in on a target at a level of 200 feet above the terrain—too low to be readily tracked by radar, the pilot said.

Ely, the navigator-bombardier, described the plane as "the finest there is from the standpoint of being capable of doing what it was designed to do."

Present plans call for SAC to receive 70 operational planes along with a few spares and training aircraft.

ANOTHER TREASON HIGHWAY?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. RARICK. Mr. Speaker, announcement that the International Development Association had granted a $9.3-million credit to finance a paved road in Africa between Rwanda and Uganda will remind many of a similar road constructed in conjunction with the Soviets in Asia and labelled by some as the "Treason Highway."

Similarly, many will ask if the road in Africa cannot also be used as a transport artery for tanks and convoys in military operations in Africa.

Time alone will tell whether the highway will be used against the Portuguese, South Africans, and Rhodesians, or whether it will prove of benefit to the intended victims.

I insert a pertinent newsclipping at this point:

[From the Evening Star, Nov. 26, 1970]

RWANDA GETS GRANT FOR UGANDA ROAD LINK

KIGALI, RWANDA.—The International Development Association has granted Rwanda a $9.3 million credit to help finance a paved road that will link Kigali, the capital, to the road network of Uganda. Landlocked Rwanda is 1,085 miles from the nearest port.

The project, costing $10.9 million, is scheduled for completion in 1974.

ETHNIC STUDIES AND "CIVILISATION"

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Monday, November 30, 1970

Mr. PUCINSKI. Mr. Speaker, an editorial in the Washington Post yesterday discussed the phenomenal success of a series of programs currently being shown on television that chronicle some of Western man's more edifying works and deeds.

This series is entitled "Civilisation" and is written and directed by one of Great Britain's most notable historians, Sir Kenneth Clark. I was particularly gratified by Lord Clark's statement concerning the series' popularity in the United States. He said:

Americans seem to feel in need of sometihng to hold on to. They have a store of undirected belief and a need to feel that they are part of history, part of a continuing process.

Earlier this year, I, together with 17 of my colleagues, introduced the Ethnic Heritage Studies Centers bill in the Congress. We held extensive hearings on this legislation in the spring and summer of this year. In every instance, the witnesses who appeared before us—scholars, sociologists, teachers, parents—repeatedly stressed the need for greater information in the schools about who we are and where we came from and how, through the diverse elements, traditions, and governments that preceded us, we have forged the United States of America.

Mr. Speaker, I have high hopes for the ethnic heritage bill. It would assist school systems throughout American to develop and disseminate information about the many cultures and races that are represented in this great Nation. We need to know more about our origins so that we can have a renewed appreciation of our common future.

Mr. Speaker, the Post editorial follows:

"CIVILISATION" AND CIVILIZATION

Sir Kenneth Clark's television series on "Civilisation," though it brilliantly illuminates the achievements of 6,000 years of Western culture in 650 minutes (which comes out to 30 seconds per century), stops short of illuminating civilization in our own time, in part, we suppose, because Lord Clark feels that the less is said about that, the bet-

ter. Yet Lord Clark, as a man, his superb show, the way it is brought into the homes of the multitudes, and the way the multitudes are responding, are, of course, very much a unique accomplishment of the 20th century and thus, we like to think, in themselves an indication that all is not lost—civilization-wise.

This cheering thought was further confirmed for us at a press conference in the Renaissance Gallery of the National Gallery of Art last week, where we found Lord Clark, a youngish, dapper-looking man, seated on a richly carved 16th century Savonarola chair behing a 13-foot-long walnut table from the Davanzati Palace in Bologna, ca. 1500, toying with a medal with the self-portrait of Leon Battisti Alberti, the writer, critic of human affairs and Renaissance architect, who keeps bopping up in the "Civilisation" series. The room was packed with almost as many reporters and TV cameramen as most White House news conference. They learned that thanks to a grant from the National Endowment for the Humanities and the Xerox Corporation, the "Civilisation" films will be made available to as many as three million college students in places like Coons Rapids, Minn., and Devils Lake, N.D.

When it came to Lord Clark's turn to answer questions, he carefully put Alberti down and faced the reporters with the same thoughtful and gracious enthusiasm with which he might address a group of his peers. He spoke with the clear, effortless, silvery fluency of a mountain brook. Yes, he said, he was "surprised—indeed, astonished by the exposure the series is having in America." The reception is even more enthusiastic than in England and on the continent. "Americans," he said, "seem to feel in need of something to hold on to. They have a store of undirected belief and a need to feel that they are part of history, part of a continuing process."

It is comforting to know, he added, that in the past there were people "who were just as clever as we are, and sometimes cleverer, yet they, too, often believed in and did rather absurd things."

TRIBUTE TO HON. JOHN O. MARSH, JR. OF VIRGINIA

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. EVINS of Tennessee. Mr. Speaker, as the 91st session of the Congress approaches adjournment I want to take this means of paying a brief but sincere tribute to our colleague, the gentleman from Virginia, JOHN O. MARSH, JR., who is retiring after this session following 8 years of distinguished and dedicated service.

Congressman MARSH has been a member of the Subcommittee on Independent Offices and Department of Housing and Urban Development Appropriations which I am honored to serve as chairman. He has served on my committee for a number of years and has been diligent, able, and conscientious in his work. He has made a splendid contribution to the work of our committee.

JACK MARSH has represented his district—the Seventh District of Virginia—and his State, and the Nation well and faithfully in the House. We shall miss his presence on our committee and in the Congress as he takes his leave and seeks retirement. I congratulate him as he concludes an outstanding career in public service in the Congress.

JOB CORPS: THE ADMINISTRATION'S BROKEN PROMISE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. RYAN. Mr. Speaker, the fate of Job Corps under this administration has been a dismal one. On July 1, 1969, 59 Job Corps centers were closed. When the closings were announced, 53 of my colleagues joined me in introducing House Resolution 381, and companion resolutions (H. Res. 382, H. Res. 383, and H. Res. 390) in an effort to prevent this action.

The irony of the situation was that on April 11, 1969, then Secretary of Labor Shultz admitted that a number of the basic premises of Job Corps were sound—such as complete residential services for youths from disrupted environments, and intensive supportive services—for example, remedial education and work orientation.

The palliative for the administration's closing of the centers was to be 30 new "mini centers." Then Secretary of Labor Shultz promised that 10 of these new centers would be opened by September 1969. The remaining 20 were to be opened by July 1970.

The promise of new Job Corps centers has been broken. Today, November 30, 1970, there are in fact only nine new centers in operation. And two of these—that in Hawaii and that in New Jersey—are really old centers under the names, with new contractors.

This default of the administration is very cogently discussed in the following article by Tom Littlewood which appeared in the November 29 edition of the Chicago Sun-Times:

JOB CORPS FUTURE SHAKY AS U.S. LAGS ON NEW CENTERS

(By Tom Littlewood)

WASHINGTON.—The Labor Department is lagging far behind its announced plans to substitute a network of urban "minicenters" for the 59 Job Corps training camps that were closed almost two years ago.

Shortly after taking office, the Nixon administration shut down 59 of the 113 Job Corps facilities.

George P. Shultz, then secretary of labor, said it made more sense to create smaller residential centers closer to the places where the unemployed inner-city youths would live and work.

He gave Congress a timetable calling for the planned development of 30 new centers—10 by September, 1969, and 20 others by July, 1970.

Now, nearing the end of 1970, there are only nine in operation. The projects in Chicago, New York City and Detroit are still being planned.

Severe federal budgetary pressures, and the administration's goal of freeing the states from Washington's rigid job-training directions, suggest that the future of the Job Corps social experiment is precarious indeed.

Started in 1964 as part of the "war on poverty," the Job Corps was administered initially by the Office of Economic Opportunity under Sargent Shriver.

PUBLICIZED TO DEATH?

The idea was to take the most troublesome youths—social outcasts between the ages of 16 and 21 who had dropped out of school at an early age—and make them job-ready, beginning with make-up book learning, at a location far removed from their familiar neighborhood.

There were difficulties. Many of the youths were unwilling to stay long enough. Vocational courses were not always related to the job opportunities in the city where the trainee would return. The medical and educational deficiencies of the hard-core unemployed in the slums were underestimated; the costs ran much higher than had been expected. And, of course, there were the much-publicized "community relations" incidents resulting from the introduction of young ghetto manhood into the pastoral countryside.

A recent report by Sar A. Levitan and Robert Taggart of the Center for Manpower Policy Studies at George Washington University concludes that the Job Corps was publicized to death. Its successes were exaggerated by officials who wanted to justify the large economic investment by some form of cost-benefit analysis. Its failures were amplified by political critics who insisted on comparing the $8,000 annual cost per enrollee with the cost of a Harvard education, pretending that the two were somehow comparable.

One critic, then-presidential candidate Richard M. Nixon, said in 1968 that the Job Corps was a failure and should be eliminated. It sounds good, he said, but costs too much to train a man for a job that may not exist.

The program had its defenders in Congress. So Shultz apparently persuaded the President to be more selective and not to use the shotgun approach on the Job Corps. But Levitan and Taggert say the decisions on which camps to close were made on political as much as analytical grounds. A surefire cost-benefit analysis for inner-city manpower programs simply does not exist. The most costly operations were shut down in 1969, regardless of whether or not they might be effective.

BUDGET SLASHED BY $100 MILLION

For the following fiscal year, the Job Corps budget was reduced by $100 million. Administration was transferred from the OEC to the Labor Department.

The new centers in operation, averaging about 200 enrollees each when they are at full capacity, are at Edison, N.J.; Washington, D.C.; Portland, Oreg.; Phoenix, Ariz.; Atlanta; El Paso, Tex.; Cincinnati, San Francisco and Honolulu.

So far, according to Levitan's assessment, the minicenters are more rhetoric than reality. In at least one case, Honolulu, a center that was closed in 1969 has been reopened and labeled a minicenter, he said.

Although overgrown size was given as one of the weaknesses of the old system utilizing Army camps, the four men's centers that are still open—at Gary, Tex.; Breckinridge, Ky.; Atterbury, Ind., and Clearfield, Utah—have higher enrollments now than before. The Texas installation has more than 3,000 young men. The more enrollees, the lower the per capita cost.

William Mirengoff, a career manpower official in the Labor Department and the new Job Corps director, offered this revised schedule for the minicenters:

To be opened next spring—New York (Long Island); Hartford, Conn.; Jacksonville, Fla.; Detroit; Tulsa.

To be opened by mid-1971—Chicago; Rochester, N.Y.; Norfolk, Va.; Pittsburgh.

To be opened eventually—San Jose, Calif.; St. Louis; Milwaukee; West Virginia (site undetermined); Richmond, Va.; Baltimore; Davenport, Iowa.

Nine opened and 16 more scheduled makes 25. What about the other five?

"I guess you have to say the five others are not identified," explained Mirengoff, which seems to translate that the plans for 30 centers have now become plans for 25 centers.

SITE SELECTION CONTROVERSIES

Controversies over site selection caused delays in Chicago and a few of the other cities.

Shultz felt that the training should occur close to home, but not too close. He wanted the centers located away from the distractions of the ghetto, presumably on the outskirts of the metropolitan area, close enough to come home on weekends.

A seminary for sale in Du Page County, an upper-income suburban county west of Chicago, was chosen first. The neighbors panicked at the thought of having unmanageable innercity blacks nearby. Political necessities soon put an end to that and alternative suburban sites.

Finally, a less controversial location was discovered about as far from suburban as one can go without getting one's feet wet—the Stone-Brandel complex at 1500 S. Indiana Av. on the inner edge of the South Side ghetto.

It is considered important that the enrollee live at the center and go home only on weekends. However, when the facility is located downtown it becomes more practical for some of the trainees to commute, a situation that Levitan and Taggart say has not worked successfully for this type of problem learner in the past.

PITTSBURGHER REMINISCES ON U.N.'S 25TH BIRTHDAY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. MOORHEAD. Mr. Speaker, many of us still hold the spirit of the United Nations as a necessary and desirable element in today's world politics.

When it was born 25 years ago, it was hoped the U.N. would keep the powers of the world from blowing our globe to pieces. Well, we still have a world; it has yet to be disintegrated in a nuclear war; however, we have not exactly been free from martial discord in the past two and one-half decades.

One of those who believed, and still believes, in the U.N. is Dr. Daniel Cheever, of the University of Pittsburgh.

Dan Cheever was an original staff member of the International Secretariat. He was a navy lieutenant in 1945 and after being given to the State Department by the Navy, Dan Cheever found himself at the U.N. meeting the world's greatest diplomats.

The November 13 Pittsburgh Post-Gazette carries a story about Dr. Cheever and his experiences at the U.N. and what he thinks the fate of the world body is. I would like to introduce this article into the CONGRESSIONAL RECORD for the information of my colleagues:

HE REMEMBERS WHEN: UNITED NATIONS' WORLD OF THE FUTURE

(By Zora Unkovich)

In anticipation of Pittsburgh's part in the 25th anniversary celebration of the United Nations' University of Pittsburgh professor, Dr. Daniel S. Cheever, and Mrs. Cheever leafed through the special limited edition charter of the United Nations.

Written in five languages, English, Russian, Chinese, French and Spanish, it brought back many memories to Dr. Cheever.

He's a past president—his wife is current president—of the United Nations Association of Pittsburgh which will hold its anniversary celebration at Webster Hall Tuesday. Glenn Olds, U.S. representative to the Economic and Social Council of the UN will be the speaker.

But at the moment, Dr. Cheever was thinking of 1945—not long after the death of President Roosevelt—when many of the world's great were in San Francisco in another hope of a world peace organization. He reminisced:

"I was a member of the International Secretariat of the United Nations. Actually the Navy loaned me to the State Department for that purpose. In the Navy I was simply a deck officer and lieutenant.

"Many Americans believed that World War II came because the United States was isolationist and Hitler was sure we never would join the alliance against him.

One of the first persons he met in his new post was Ralph J. Bunche—also a member of the staff recruited from the State department . . . and later to represent his country in the U.N.

Another was Andrei Gromyko, who for many years was Russian ambassador to the U.N.

Among Lt. Cheever's job in San Francisco was the assembling of speeches as a memorial to Franklin Delano Roosevelt.

Gromyko, who was late in preparing his speech, told Lt. Cheever with a wry smile:

"I will have it. Do not condemn me to death!"

Another of the world figures Lt. Cheever encountered in those days was Lord Halifax, British Ambassador to the United States. He recalls:

"He was a reminder to me of the appeasement period between the two wars when he was in the government of Sir Neville Chamberlain. I was struck by the fact that in 1945 he felt a collective security organization was essential to future peace—especially in view of the failure of the League of Nations."

In Dr. Cheever's opinion, the most important achievement of the United Nations is the fact it still exists in spite of the shaky, conflict-ridden world.

"We now know," he explained, "that a great many problems facing all mankind today require international cooperation in a global framework.

Examples he named are the fighting of pollution, maintaining population levels, improving social and economic developments. These environmental, economic and social problems are what compel nations to cooperate. For instance, he said, no nation, alone, can integrate a plan to monitor the global environment. In fact, the United States and Soviet Union, he points out, are "very cooperative in the scientific fields, particularly in Marine science.

With the oceans covering 70 per cent of the earth's surface, its uses must be regulated, Dr. Cheever emphasized, adding that "this is the world of the future." Collective actions to maintain peace should be seen simply as holding operations."

It is in this field that he finds the significance of the current United Nations' activities during the 25th year of its existence."

In the Cheever's household in Shadyside, guests from any part of the world are likely to arrive anytime—for a meal, maybe for the night. The guest room is always ready.

Leaf through their guestbook and you'll find names like J. Lewankowski, Warsaw, Poland, who attended the first UN conference on problems of urbanization held in Pittsburgh. Year was 1965 and his hosts recall how thrilled their guest was to find so many Polish compatriots in Pittsburgh . . . many of them friends of his friends back home.

Paul Marc-Henry, author of Africa Aeterna, is another of the names. So is Joseph E. Johnson, president of the Carnegie Endowment for Peace.

Dr. Cheever is author of "Organizing for Peace" and co-author with Milton J. Esman, former Pittsburgher, of "The Common Aid Effort."

Before her marriage, Mrs. Cheever, a Radcliffe graduate, worked in military intelligence for the duration of World War II. Later she was in the Washington office of Little Brown & Co., so diplomats and officials were an accustomed part of her life.

In their work with the UN Association of Pittsburgh both Dr. and Mrs. Cheever are especially proud of the group's record . . . of the $25,000 raised for UNICEF . . . of the Student UN Model Assembly for which the Association supplies judges and awards certificates (some 1,500 students in 60 schools participate) . . . of the work of volunteers . . . of the way the office in Webster Hall serves as a service and information center for all the city.

"Gen. DeGaulle," Dr. Cheevers concluded, returning to news of the day, was interested in the technical side of the United Nations much more than the political. In this respect he was wise."

NOTICE TO MEMBERS OF COURT VIOLATION OF PRIVILEGES OF HOUSE

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. ICHORD. Mr. Speaker, on November 17 I circulated the following letter to all Members of the House of Representatives. The issues involved in the controversy mentioned therein should be of great interest to all students of the American political system. Today, it is a Federal judge of one philosophical persuasion restricting the rights of a congressional committee under the speech and debate clause. Tomorrow, it can well be a judge of the opposite philosophical persuasion suppressing the report of another committee.

The letter follows:

WASHINGTON, D.C.,
November 17, 1970.

DEAR COLLEAGUE: On Wednesday, October 13, Judge Gerhard A. Gesell of the U.S. District Court for the District of Columbia entered a temporary restraining order enjoining the Public Printer and others from printing and distributing a report of the House Committee on Internal Security which was ordered to be reported to the House with one dissenting vote. At the time of the temporary order, the report was not yet filed with the House but in some way unknown to me

had come into the possession of Lawrence Speiser, Director of the Washington, D.C., office of the American Civil Liberties Union, who filed the complaint in this action.

The report was filed with the House on October 14, shortly before the recess for the General Election. On October 28, Judge Gesell modified his original temporary order but did permanently enjoin the Public Printer and Superintendent of Documents from printing and distributing the report, declaring that any publication of said report at public expense was illegal.

On Tuesday, November 17, I placed in the Congressional Record copies of the court proceedings and would respectfully urge your study of the same. Judge Gesell's decision demonstrates disrespect for and judicial encroachment upon the Freedom of Speech expressly granted to Members of the House by the Speech and Debate Clause of the United States Constitution, the principle of separation of powers, and the privileges of the House. It also reveals an ignorance of legislative procedures (for example, he confuses the Congressional Record with the House Journal). His decision should be of grave concern to every Member of this House regardless of his political and philosophical persuasion, for if the court has the power to prohibit the printing of this Committee report on alleged constitutional grounds, it has the power to prohibit the printing of any Committee report on the same grounds.

Heretofore, the courts have held that the Speech and Debate Clause of Article I of the Constitution was an effective bar to an action to enjoin the Public Printer from printing a Committee report. See *Methodist Federation for Social Action* v. *Eastland,* 141 F. Supp. 729 (D.D.C. 1956), in which a three-judge court for the District of Columbia dismissed a complaint seeking to enjoin the publication and distribution of a report of the Senate Subcommittee on Internal Security, holding that:

"Nothing in the Constitution authorizes anyone to prevent the President of the United States from publishing any statement. This is equally true whether the statement is correct or not, whether it is defamatory or not, and whether it is or is not made after a fair hearing. Similarly, nothing in the Constitution authorizes anyone to prevent the Supreme Court from publishing any statement. We think it equally clear that nothing authorizes anyone to prevent Congress from publishing any statement. 141 F. Supp. at 731.

However, without facing the issue, Judge Gesell sought to evade the impact of the clear pronouncement of this case by ruling it "has been in effect overruled" by the recent Supreme Court case of *Powell* v. *McCormack,* 395 U.S. 486 (1969), although the above issue decided in *Methodist Federation* was not presented or decided in *Powell.*

Stripped of all its legal verbiage, Judge Gesell's decision holds that revolutionary activists, many of whom are advocating the violent destruction of our government and its institutions, have the absolute right of free speech, while a Committee of Congress does not possess the full right to comment on such activities. Judge Gesell, a non-elected public official, has asserted and enforced his alleged right to supervise, censor and restrict the dissemination of the speech of Members of Congress.

The purpose of this letter is to advise you that I have instructed the Committee staff to prepare a second report on the same subject, and intend to lay the report before the Committee for its action. If the document is ordered reported to the House, there is a possibility that this report might be construed by Judge Gesell as a "restatement" of the prior report within the prohibitions of his injunction. Therefore, I am preparing a privileged resolution for consideration which by its terms will enjoin any person from interfering with the public printing of the second report. It is my intention to provide each Member with a copy of the report and resolution prior to a consideration of the resolution.

In light of the legislative powers exclusively conferred on the Senate and the House by the Constitution, and the precedents of the House on this subject, there should be no doubt that the encroachment of the judiciary upon the functions and procedures of the House involves a question of highest privilege. Accordingly, in my opinion, this resolution which I am preparing should be clearly a privileged resolution and considered as such.

I plan to reserve a Special Order for the purpose of discussing the ominous implications of Judge Gesell's decision prior to a consideration of the second report. I will notify you of the time of the reservation and express the hope that you will participate in the discussion.

Sincerely yours,

RICHARD H. ICHORD,
Chairman.

CLAY REFUSED TO SUBMIT TO DRAFT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, my friend and constituent, Gen. Bruce C. Clarke, U.S. Army, retired, recently advised me that Dr Tarr, head of the Selective Service, had, at General Clarke's suggestion, released information to Lee Stillwell, a Scripps-Howard staff writer, about the man who moved up to take the place of Cassius Clay when Clay refused to submit to the draft.

General Clarke feels, and I agree, that this is a story the American people should read. I therefore request permission to insert the Lee Stillwell column of October 15, 1970, at this point in the RECORD:

CLAY REFUSED TO SUBMIT TO DRAFT

(By Lee Stillwell)

WASHINGTON, October 15.—As Cassius Clay, convicted of refusing to submit to the draft, prepares to return to fame and fortune in the boxing ring, the man who moved up to take his place in the army and served in Vietnam is broke and looking for a job.

Selective Service records indicate that Isaac T. Price Jr., of Louisville, Ky., was the man next in line to be drafted when the former champion began his battle against military service.

Price, who like Clay is black, was drafted less than a year after his graduation from Central High School in Louisville and served two years and five days before receiving an honorable discharge from active duty as a specialist four in May of last year.

He became an Army cook, went to Vietnam, volunteered to become a gunner on an Army helicopter, and saw action. His efforts earned him the National Defense Service Medal, Good Conduct Medal, Vietnam Service Medal, Vietnam Campaign Medal, and Overseas bar.

Price is not bitter toward Clay, who will fight Jerry Quarry Oct. 26 in Atlanta while Clay's lawyers continue their battle to have his convictions reversed. They contend he should have received a ministerial as a Black Muslim or should have been declared a conscientious objector.

"I don't knock anybody for their beliefs," Price said, in a telephone interview from his home.

Price said he wasn't happy about being drafted but "didn't want to go to jail and didn't have the funds to fight like that man (Clay)."

Of his Vietnam duty tour he said: "There's a hell of a lot more togetherness there, than here as far as the races go. Everybody learns to get along."

Price admitted he has had a hard time readjusting to civilian life, but he's philosophical about it.

"I feel I learned something in the Army," he said. "I benefited from it. I done everything right. I went to Vietnam.

"I figure I can say I'm a man. I have done something for my country and that makes me feel good."

All he wants to do now, Price said, is get a steady job so he can marry his fiancee and take care of his baby daughter who has been ill with pneumonia.

Price said he hasn't had steady work since his Army discharge and is living with his parents at 1607 S. 39th St., Louisville. He said his only income comes from singing with a local group when there is work.

"I would go anywhere . . . it makes no difference," said Price about his efforts to get a job.

Although Clay has not fought since refusing to step forward to be inducted in Houston—after transferring his case from Louisville—the boxer has traveled around the country making public appearances.

Clay's case is now back before the Supreme Court for a final ruling after having been sent back before the District Court in Houston to determine if wiretapping was involved. The lower court ruled it wasn't. Clay's case by now is more than three years old.

Ironically, even if the Supreme Court upholds the guilty verdict, Clay still may get a chance to escape prison. A Selective Service statute permits a person convicted of draft evasion and sentenced to prison to volunteer for military service.

If the Selective Service director and the attorney general approve the prisoner is then paroled to serve in the military.

PERSONAL ANNOUNCEMENT

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 30, 1970

Mr. KOCH. Mr. Speaker, I would like to note that I was in New York City meeting with constituents at the time the House considered and voted on the Occupational Safety and Health Act of 1970. I supported the committee bill and in rollcall No. 365 on the substitute offered by the gentleman from Wisconsin (Mr. STEIGER), I was paired against the amendment. On final passage, rollcall 366, I was included in a general pair; had I been here I would have voted "yea."

SENATE—*Tuesday, December 1, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who hast been our dwelling place in all generations be Thou in us and we in Thee, for this foundation is sure and strong. Amid all that is transient and tentative anchor us to eternal verities. Let truth prevail over falsehood, reason over emotion, sound judgment over expediency, grace over coercion. Grant to us here the serenity which brings poise, the peace which brings power, the prayerfulness which brings divine guidance, the courage that never turns back, the love that abides all time. Through the diversity of talents and variety of ideas, bind us together in the unity of the spirit to build a nation strong in the Lord and in the power of His might. Help us Lord in this season of holy expectation to welcome the divine in every area of life and so to live and act as to make known the divine presence among the nations.

In the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 1, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, November 30, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from New York (Mr. JAVITS) today, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, from Calendar No. 1377 through Calendar No. 1395.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PAYMENT OF TRANSCRIPT FEES

The bill (H.R. 4302) to amend title 28 of the United States Code, section 753, to authorize payment by the United States of fees charged by court reporters for furnishing certain transcripts in proceedings under the Criminal Justice Act, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1368), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT

This measure has been recommended by the Judicial Conference of the United States as a means of eliminating a redundant and unnecessary step in the obtaining of transcripts without charge by defendants for whom counsel is appointed pursuant to the Criminal Justice Act. Under the present system, such defendants must establish their inability to pay on two occasions: First, when they originally have counsel assigned under the Criminal Justice Act; and second, when they apply for the transcript. The bill would eliminate the second step, which is obviously unnecessary.

As pointed out by the Department of Justice, section 753(f) of title 28 of the United States Code authorizes court reporters to collect fees for transcripts requested by parties. In its present form, section 753(f) authorizes the United States to pay transcript fees only for persons who are allowed to appear in forma pauperis. H.R. 4302 is designed to permit a defendant who has qualified for assistance under the provisions of the Criminal Justice Act of 1964, 18 U.S.C. 3006A, to obtain a transcript under the provisions of 28 U.S.C. 753(f) without the necessity of a further showing to meet the current indigency requirements. This would accord with the general intent underlying the Criminal Justice Act. Also, since defendants qualifying under the Criminal Justice Act have little practical difficulty in establishing indigency for the purpose of securing a transcript under 28 U.S.C. 753(f), the legislation would eliminate what is in effect only a duplicative showing.

The bill authorizes no additional expenditures and will generate no increases in cost.

The committee believes that the bill is meritorious and recommends it favorably.

SUMMONSES FOR JURY DUTY

The bill (H.R. 9677) to amend section 1866 of title 28, United States Code, prescribing the manner in which summonses for jury duty may be served, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1369), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT

The purpose of H.R. 9677 is to eliminate needless effort in the serving of summonses for jury duty by authorizing the clerk or the jury commission, or their authorized deputies, to mail summonses for jury duty.

This proposal has been recommended by the Judicial Conference of the United States as a means of increasing the efficiency of our court system. Under the present system, when summonses for jury duty are served by mail only U.S. marshals are allowed to do the actual mailing of the summonses. As a result, bags of mail must be carried from the clerk to the marshal who in turn must hand the mail over to the post office. This method is obviously wasteful, uneconomical, and serves no useful purpose.

H.R. 9677 would eliminate the need for this unnecessary step and would permit the summonses to be mailed directly by the clerk or the jury commission, or their duly designated deputies.

Reprinted here and made a part of this report are a communication from the Director of the Administrative Office of the U.S. Courts requesting this legislation and the report of the Department of Justice.

COURT LEAVE FOR EMPLOYEES OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 12979) to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 8, after the word "title", insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)"; on page 2, line 21, after the word "title", insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)"; on page 3, in line 17, after the word "title", insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)"; on page 4, line 9, after the word title, insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)"; on page 5, line 12, after the word "title", insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)"; on page 6, line 4, after the word "title", insert "(except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives)"; after line 18, insert a new section, as follows:

SEC. 6. (a) For purposes of this section—

(1) "employee" means any individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives; and

(2) "court of the United States" has the meaning given it by section 451 of title 28, United States Code and includes the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands.

(b) The pay of an employee shall not be reduced during a period of absence with respect to which the employee is summoned (and permitted to respond to such summons by the appropriate authority of the House of the Congress disbursing his pay), in connection with a judicial proceeding by a court or authority responsible for the conduct of that proceeding, to serve—

(1) as a juror; or

(2) as a witness on behalf of a party other than the United States, the District of Columbia, or a private party;

in the District of Columbia, a State, territory, or possession of the United States including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands. For purposes of this subsection, "judicial proceeding" means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

(c) An employee is performing official duty during the period with respect to which he is summoned (and is authorized to respond to such summons by the House of the Congress disbursing his pay), or is assigned by such House, to—

(1) testify or produce official records on behalf of the United States or the District of Columbia; or

(2) testify in his official capacity or produce official records on behalf of a party other than the United States or the District of Columbia.

(d) (1) An employee may not receive fees for service—

(A) as juror in a court of the United States or the District of Columbia; or

(B) as a witness on behalf of the United States or the District of Columbia.

(2) If an employee receives an amount (other than travel expenses) for service as a juror or witness during a period in which his pay may not be reduced under subsection (b) of this section, or for which he is performing official duty under subsection (c) of this section, the employee shall remit such amount to the officer who disburses the pay of the employee, which amount shall be covered into the general fund of the Treasury as miscellaneous receipts.

(e) (1) An employee summoned (and authorized to respond to such summons by the House of the Congress disbursing his pay), or assigned by such House, to testify or produce official records on behalf of the United States is entitled to travel expenses. If the case involves an activity in connection with which he is employed, the travel expenses shall be paid from funds otherwise available for the payment of travel expenses of such House in accordance with travel regulations of that House. If the case does not involve such an activity, the department, agency, or independent establishment of the United States on whose behalf he is so testifying or producing records shall pay to the employee his travel expenses out of appropriations otherwise available, and in accordance with regulation applicable, to that department, agency, or independent establishment for the payment of travel expenses.

(2) An employee summoned (and permitted to respond to such summons by the House of the Congress disbursing his pay), or assigned by such House, to testify in his official capacity or produce official records on behalf of a party other than the United States, is entitled to travel expenses, unless any travel expenses are paid to the employee for his appearance by the court, authority, or party which caused him to be summoned.

(f) The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives are authorized to prescribe, for employees of their respective Houses, such rules and regulations as may be necessary to carry out the provisions of this section.

(g) No provision of this section shall be construed to confer the consent of either House of the Congress to the production of official records of that House or to testimony by an employee of that House concerning activities related to his employment.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1371), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENTS

Although the intent of H.R. 12979 is to protect all Federal employees, the major sections of the bill, as passed by the House of Representatives, are not germane to legislative employees. For instance, the first two sections of the bill, which deal with leave for jury or witness service, are premised upon a formal leave system. However, there is no formal leave system for individuals whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives. The act is amended to remove these employees from the misfitting sections and to provide appropriate coverage in section 6, a new section. Section 6 protects Senate and House employees' pay, rather than leave, from reduction when they are called for jury or witness service.

Another problem is found in section 4 of the bill, which relates to the payment of travel expenses of employees of the United States when summoned as witnesses. This section provides that the employees are entitled to travel expenses under subchapter I of chapter 57 of title 5, United States Code. However, these travel provisions do not now apply to legislative employees. Legislative employees of the United States Senate and House of Representatives should not be subject to the travel expense limitation of subchapter I of chapter 57 of title 5, United States Code, or to any of the other limitations that ordinarily would apply only to the employees of the executive branch. The bill is amended to remove legislative employees from section 4 and to cover these employees in section 6.

The provisions of the new section 6 are tailored to the problems of the legislative branch. Ultimate control is left in the hands of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

The amendments were drafted with the assistance of the Comptroller of the Senate. Moreover, the chairman of the Committee on Post Office and Civil Service of the House of Representatives, the committee that studied the legislation in the House, has indicated in a letter to the chairman that he considers amendments similar to those purposed to be desirable for employees of the House of Representatives.

PURPOSE

The major purpose of this legislation is to alleviate financial hardship now imposed on employees of the United States and of the District of Columbia resulting from their service as a witness, a juror or an official representative from the agency in which he serves. The hardship is alleviated in the following ways:

By extending existing authority relating to court leave for an employee of the United States or of the District of Columbia to include periods when the employee is appearing as a witness in a judicial proceeding on behalf of a State or local government.

By extending existing authority relating to an official duty status for an employee of the United States or of the District of Columbia when summoned, or assigned by his agency, to testify or produce official records on behalf of the United States or the District of Columbia, to include periods when summoned or assigned by his agency, to testify in his official capacity or to produce official records on behalf of a party other than the United States or the District of Columbia.

By extending existing authority relating to travel expenses for an employee of the United States when summoned, or assigned by his agency, to testify or to produce official records on behalf of the United States, to include situations when summoned, or assigned by his agency, to testify in his official capacity or to produce official records on behalf of a party other than the United States.

STATEMENT—BACKGROUND

On April 17, 1969, Congressman David N. Henderson introduced H.R. 10247, to extend court leave for employees of the United States and the District of Columbia to include absences not only for jury service, but also when called as witnesses in certain judicial proceedings on behalf of State and local governments.

The House Subcommitee on Manpower and Civil Service of the Committee on Post Office and Civil Service held public hearings and took testimony from representatives of five major employee organizations and the General Counsel of the Civil Service Commission.

All of the testimony was favorable to the proposed legislation, but it also evidenced a need for clarification and expansion of the coverage. Accordingly, all members of the subcommittee cosponsored a successor bill, H.R. 12979, which was ordered reported unanimously without amendment.

The enactment of this legislation is recommended by the Civil Service Commission. The Commission advised the House Committee on Post Office and Civil Service by letter dated July 31, 1969, that the bill was a good step forward in correcting some longstanding inequities. No opposition to this bill has been registered.

On September 15, 1969, H.R. 12979 passed the House of Representatives. H.R. 12979 as passed by the House, will—

(1) Extend the court leave provisions, now available for an employee of the United States or of the District of Columbia while serving as a juror, to include a period of absence when the employee is summoned to appear in a judicial proceeding as a witness on behalf of a party other than the United States, other than the District of Columbia, or other than a private party, such as a State or a local government;

(2) Provide that duty by an employee of the United States or of the District of Columbia is official duty during periods with respect to which the employee is summoned, or assigned by his agency, to testify or produce official records on behalf of the United States or of the District of Columbia (which, under existing law, is treated

as court leave) or testify in his official capacity or produce official records on behalf of any party other than the United States or the District of Columbia;

(3) Require that an amount received by the employee for service as a juror or a witness shall be credited against pay otherwise due the employee; and

(4) Transfer the existing authority relating to travel expenses for an employee of the United States when testifying or producing official records on behalf of the United States, from title 28 of the United States Code, and amplify such provisions so as to authorize the payment of travel expenses to such an employee of the United States when summoned on behalf of a party other than the United States to testify in his official capacity or to produce official records, except to the extent that travel expenses are paid to the employee by such other party.

The court leave provisions (sec. 6322(a)) will apply in connection with judicial proceedings by a court or authority responsible for the conduct of such proceedings in the District of Columbia, a State, territory, or possession of the United States, including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands. The judicial proceedings include any action or suit, including condemnation, preliminary, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

The new official duty status provisions (sec. 6322(b)(2)) and the new travel expenses provisions (sec. 5751(b)) are not limited to judicial proceedings but applied to any proceedings with respect to which the employee is summoned, or assigned by his agency, to testify in his official capacity or produce official records.

COURT LEAVE

Court leave is authorized under existing law for an employee of the United States or of the District of Columbia for jury duty (5 U.S.C. 6322) or for attending court in a nonofficial capacity as a witness on behalf of the United States or the government of the District of Columbia (28 U.S.C. 1823).

The court may be a State, Federal, or District of Columbia court, and municipal courts are considered as State courts for purposes of these laws.

When an employee appears as a witness for the Government in a nonofficial capacity, he is carried on court leave and paid his regular salary during the time he is absent as a witness (38 Comp. Gen. 307, 310).

When an employee is called as a court witness in his official capacity, whether on behalf of the Government or a private party, he is in an official duty status and entitled to his regular compensation without regard to entitlement of court leave (38 Comp. Gen. 142).

When an employee's appearance in court as a witness is not on behalf of the United States or the government of the District of Columbia, and not in his official capacity, his absence from duty must be charged as either annual leave or as leave without pay (27 Comp. Gen. 83).

The present restrictions against granting of court leave while serving as a witness on behalf of a State or local government have caused hardships to a number of employees. For example, one Federal employee lost 2 days' work when he was subpenaed by a State attorney general as a witness to a highway accident. In another instance, a Federal employee was required to take 3 days of annual leave to serve as a witness for a county in a robbery case. In still another case, a Federal employee lost an aggregate of 18 days' annual leave when he was subpenaed as a State witness in a murder trial. There was also an instance where a Federal employee who, after observing a hit-and-run accident pursued the offender, and was later required to use his annual leave when called as a witness for the State.

There are also a number of employee hardship cases in the noncriminal area wherein individuals are called as witnesses by a governmental body in tax suits, condemnation proceedings, and eminent domain actions.

In accordance with existing law, employees of the United States and of the District of Columbia, when appearing on behalf of State or local governments, are penalized through either loss of pay or annual leave. Since it is to their financial detriment, such employees may be understandably reluctant to step forward as witnesses to criminal acts.

In these days of deep concern over crime and crime control, employees should not be penalized for performing their civic duty. The Federal Government should be leading the way in this area.

The General Counsel of the Civil Service Commission testified that in a 1963 survey, the Bureau of Labor Statistics found that over 60 percent of the industries included in the survey granted court leave to their employees.

This legislation will alleviate the hardship for such employees when they are serving as a witness on behalf of a State or local government.

This legislation also provides (5 U.S.C. 6322(b)) that an employee of the United States or of the District of Columbia "is performing official duty" during a period with respect to which he is summoned, or assigned by his agency, to (1) testify or produce official records on behalf of the United States or the District of Columbia, or (2) testify in his official capacity or produce official records on behalf of a party other than the United States or the District of Columbia.

TRAVEL EXPENSES OF GOVERNMENT WITNESS

There are also restrictions on the payment of travel expenses to employees of the United States when summoned as witnesses. Existing law (28 U.S.C. 1823(a)) authorizes payment of travel expenses when employees are summoned as witnesses on behalf of the United States. It does not authorize payment of travel expenses of employees summoned or assigned by their agencies, other than on behalf of the United States, to testify in their official capacity or to produce official records.

The Comptroller General has ruled that, since it is not a function of the Government to furnish witnesses or official records subpenaed by private litigants, appropriated funds cannot be used to pay the travel expenses of employees of the United States who perform such functions, even though it is clear that the employees perform those functions as a part of their official duties.

The classic example of this inequity is the U.S. Weather Bureau employee who is called upon as a witness, other than on behalf of the United States, to produce official weather records. Under existing law, this employee cannot be paid from appropriated funds for any travel expenses which he might incur.

This legislation transfers the existing authority from title 28 to title 5 and extends the authority to pay travel expenses for witnesses to include cases when the employee is summoned or assigned by his agency to testify in his official capacity or to produce official records on behalf of a party other than the United States.

BILL PASSED OVER

The bill, H.R. 17755, an act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, was announced.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

TRAVEL IN THE UNITED STATES

The bill (H.R. 14714) to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1373), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF LEGISLATION

H.R. 14714, amends the authority of the Secretary of the Interior to encourage, through the National Park Service, travel within the United States by increasing the appropriation authorization for this program from the existing $100,000 ceiling to $250,000 for fiscal year 1971, and $750,000 for fiscal year 1972.

NEED FOR LEGISLATION

As part of the effort to accommodate the rapidly increasing number of Americans who have the desire to see, experience, and use the natural, recreational, and historical resources administered by Federal, State, and local Government, and the private sector, it is necessary to increase significantly the scope of travel promotion program of the agency of Government charged with promoting travel within the United States. To do this, however, the authorization of funds for that agency's efforts should be raised beyond the present $100,000 annual ceiling.

H.R. 14714 would do this by authorizing an appropriation of $250,000 for fiscal year 1971, and $750,000 for fiscal 1972.

GENERAL STATEMENT

The act of July 19, 1940 (54 Stat. 773), authorizes the Secretary of the Interior, through the National Park Service, to encourage, promote, and develop travel within the United States, its territories and possessions provided that such activities do not compete with the activities of private agencies. The 1940 Travel Act is the existing basis for the travel promotion activities of the National Park Service.

In January 1968, President Johnson's industry-Government Special Task Force on Travel strongly recommended the National Park Service exercise its general authority under the 1940 act as a means of achieving a truly national domestic travel promotion program. To accomplish this, the Service reprogramed $30,000 in fiscal year 1968, and $100,000 in each of the following 2 fiscal years and established a Division of Tourism to direct the program.

The Secretary of the Interior has assigned leadership and coordination responsibilities for the Department's tourist development to the Assistant Secretary for Fish and Wildlife and Park, and Marine Resources, and has established within the National Park Service an Assistant Director for Travel and Information Service. The National Park Service can be particularly effective in the field of travel promotion. The national parks, monu-

ments, historic sites, and recreation areas serve to "generate" travel and tourism, and this activity inevitably involves adjacent areas, sites, facilities, cities, and other recreation areas. The program has great economic importance to domestic travel and to travel to the United States from foreign countries. Such a program can also contribute understanding and appreciation of our Nation's cultural and natural heritage.

Your committee believes that the existing ceiling of $100,000 prevents the carrying out of a promotion program of sufficient scope to meet the national needs of today. Within the National Park System alone, there were 16 million visits in 1940, against 140 million in 1967. In 1967, over 112 million visits were recorded on lands administered by other bureaus and offices of the Department of the Interior. The Bureaus of Land Management, Indian Affairs, Outdoor Recreation, Sport Fisheries and Wildlife, and Reclamation, and the Office of Territories are all deeply involved in tourism. According to the Department of the Interior, a countrywide travel promotion program reflecting all the Department's interests cannot be effectively developed within the existing ceiling.

Development of a national program requires a professional and expanded approach to marketing and advertising as well as education and information. Full use should be made of modern means of communication: publications, traveling exhibits, films, posters, and the use of radio and television. The National Park Service should cooperate with the U.S. Travel Service and develop materials and programs in multilanguages to encourage and support foreign visitors. Your committee wishes to make clear, however, that the National Park Service program should be restricted to within the United States, and not overlap the overseas activities of the U.S. Travel Service. The National Park Service should consult with the U.S. Travel Service to insure full coordination of the two programs and to avoid duplication of effort. Even on the expanded scale, the projected program should be only a catalyst, insofar as the private travel sector is concerned and should in no way compete with private agencies.

CONCLUSION

In your committee's opinion, enactment of H.R. 14714, would be another progressive step toward a more creative and expanded domestic travel promotion program.

A vital, expanding domestic travel program is in the economic interest of the United States. It will also foster an understanding among our people of the great significance of their national and cultural heritage which is preserved for them in our National Parks System, the programs of the States and local governments, and the efforts of private enterprise.

BILL PASSED OVER

The bill, H.R. 3571, for the relief of Miloye M. Sokitch, was announced.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

CLAIMS OF NONPROFIT ORGANIZATIONS AND INDIVIDUALS

The Senate proceeded to consider the bill (H.R. 2669) to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations and certain claims of individuals which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That (a) section 213(a) of the War Claims Act of 1948 (50 App. U.S.C. 2017l(a)) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

"(1) Payment in full of awards made pursuant to section 202(d)(1) and (2), and thereafter of any award made pursuant to section 202(a) to any claimant (A) certified to the Commission by the Small Business Administration as having been, on the date of loss, damage, or destruction, a small business concern within the meaning now set forth in the Small Business Act, as amended, or (B) determined by the Commission to have been, on the date of loss, damage, or destruction, a nonprofit organization operated exclusively for the promotion of social welfare, religious, charitable, or educational purposes.".

(2) Redesignate paragraph (3) as paragraph (4) and, immediately after paragraph (2), insert the following new paragraph:

"(3) Thereafter, payments from time to time on account of the other awards made to individuals and corporations pursuant to section 202 and not compensated in full under paragraph (1) or (2) of this subsection in an amount which shall be the same for each award or in the amount of the award, whichever is less." The total payment pursuant to this paragraph on account of any award shall not exceed $35,000.

(b) The Foreign Claims Settlement Commission is authorized to recertify to the Secretary of the Treasury each award which has been certified before the date of enactment of this Act pursuant to title II of the War Claims Act of 1948, as added by the Act of October 22, 1962 (76 Stat. 1107), but which as of the date of enactment of this Act has not been paid in full, in such manner as it may determine to be required to give effect to the amendments made by this Act to the same extent and with the same effect as if such amendments had taken effect on October 22, 1962.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1375), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENT

Section 213(a), as amended, adds a new paragraph (B) to give "non-profit organization, operated exclusively for the promotion of social welfare, religious, charitable or educational purposes," the same priority of payment as was provided for small business concerns as described in paragraph (A) of that section.

The committee amendment also adds a new paragraph (3) to section 213(a) of the War Claims Act of 1948 to give individual claimants and corporate claimants which have not yet been paid in full a next priority of payment from the War Claims Fund up to an amount of $35,000.

Other technical changes were made only in order to conform the bill with existing law.

PURPOSE

The principal purpose of the bill as amended is to alter the existing order of payments under the War Claims Act of 1948. The reported bill provides that the next payments out of the War Claims Fund should be made to nonprofit organizations operated exclusively for the promotion of social welfare, religious, charitable or educational purposes up to the full amount of the unpaid balance of their award. Payments thereafter shall be made on the unpaid balances due to individual and corporate claimants up to a maximum of $35,000. The last priority would go to individual and corporate claimants whose unpaid balances exceed $35,000.

All awards have been paid up to an amount of $10,000 plus 61.3 percent of the unpaid balance. The present bill deals only with the payment of the remainder. No appropriations will be required since all payments are to be made only as funds become available out of the War Claims Fund which consists of the proceeds of German and Japanese assets vested by the United States during World War II.

STATEMENT

The War Claims Act of 1948 provided for the payment of a limited category of war claims of American nationals out of a fund comprised of the proceeds of vested German and Japanese assets in the United States. The act provided for payment for the injury, death or detention of certain employees of contractors with the United States, payments to American civilian internees and prisoners of war, as well as for the payment in full of claims filed by any religious organizations functioning in the Philippine Islands and affiliated with a religious organization in the United States. The religious organizations in the Philippines were compensated in full for the damage sustained as a consequence of the war to their schools, hospitals and other property connected with their educational, medical, or welfare work.

In 1962 legislation was enacted establishing a number of other categories of claims to be paid out in full. Title of the 1962 law established four preferential categories which would receive payment in full. These were (1) all awards for loss on account of death; (2) all awards for loss on account of injury or permanent disability; (3) all awards to "small business concerns" which was defined as companies employing less than 1,000 employees or having under $5 million in annual sales; (4) all awards up to $10,000. All other categories were to be paid pro rata as funds become available from the War Claims Fund.

A total of 5,920 claims have been paid in full under the above priorities. A total of 1,119 claims have received partial payment only, amounting to $10,000 plus 61.3 percent of the unpaid balance of the claim. Included among these are the claims of 29 religious, charitable and nonprofit organizations in a total amount slightly in excess of $24 million of which less than $15 million has been paid out.

It only became apparent after payments were made under the 1962 law that there would not be sufficient funds available to pay all claims in full. It then became clear that unless the provisions of title II were made consistent with the provisions of title I, religious, charitable and educational organizations in the United States might be treated less favorably than had been the case with religious organizations operating in the Philippines, and less favorably than all those categories including small business concerns which had been given preferential treatment in the 1962 act.

The following chart shows the amounts awarded to the different categories of claimants under title II of the War Claims Act of 1948, as amended, as well as the charitable, religious and nonprofit agencies which have not been paid in full.

AMOUNTS AWARDED UNDER TITLE II OF THE WAR CLAIMS ACT OF 1948, AS AMENDED

Category of claim	Awards: Number	Awards: Amount	Percentage paid	Amount paid	Balance to be paid
(1)	(2)	(3)	(4)	(5)	(6)
I. Death and personal injury	34	$510,035	100	(1)	
II. Small business	251	12,026,093			
III. $10,000 and under	5,635	13,095,352			
Total, categories I, II, and III	5,920	25,595,480		$25,595,480	0
IV. Over $10,000:					
1. Individuals	886	35,276,571	(2)	25,053,358	$10,223,213
2. Corporations	199	249,441,491		153,677,764	95,763,727
3. United States	1	327,073		204,366	122,707
4. Religious, charitable, and nonprofit	33	24,159,313		14,951,124	9,208,189
Total, category IV	1,119	309,204,448		193,886,612	115,317,836

[1] Paid in full.
[2] $10,000 plus 61.3 percent.

CHARITABLE, RELIGIOUS, NONPROFIT (AWARDS UNDER PUBLIC LAW 87-846)

Claim No.	Name	Amount of award
W-13723	American & Foreign Christian Union, Inc	$195,000.00
W-3554	American Baptist Foreign Mission Society	813,039.45
W-10541	American European Fellowship for Christian Oneness	[1] 7,855.00
W-10380	Anatolia College	97,005.00
W-9952	Assembly of God	[1] 8,500.00
W-4234	B'nai B'rith	1,408,350.00
W-10379	The Evangelica land Reformed Chruch	336,821.50
W-21463	Evangelical United Brethern Church	81,982.68
W-7904	Presbyterian Church in the United States	816,859.63
W-18425	Reformed Church in America	209,301.00
W-8376	China Medical Board of New York	2,038,103.00
W-4631	Church of the Lutheran Brethren of America, Inc	29,820.00
W-13666	United Presbyterian Church in the United States of America	5,142,677.95
W-7010	Congregation of the Mission of St. Vincent de Paul in Germantown	2,080,421.15
W-22347, W-14209 through W-14267.	Protestant Episcopal Church in the United States of America	246,096.03
W-9772	Seventh-day Adventists	1,388,634.39
W-1331	Home of Onesiphorus	50,000.00
W-10402	Honpa Hongwanji Mission	[1] 9,000.00
W-20475	Young Men's Christian Associations	12,144.00
W-4105	National Jewish Welfare Board	126,725.00
W-9309	Oriental Missionary Society	23,175.00
W-20339	Pious Society of St. Paul	91,686.10
W-11475	Seventh-day Baptist Missionary Society	20,319.50
W-15937	Sisters of the Order of St. Benedict	[1] 5,475.00
W-10401	Sisters of Charity of St. Joseph's	108,172.29
W-10657	Congregation of the Mission of St. Louis, Mo	600,525.00
W-6658	Sons of Divine Providence	497,472.00
W-18886	Thessalonica Agricultural & Industrial Institute	122,000.00
W-18034	United Board for Christian Higher Education in Asia	3,464,378.86
W-10378	United Church Board for World Ministries	481,825.64
W-14622	Women's Christian Medical College	225,418.93
W-14636	World Division of Board of Missions of Methodist Church	3,251,605.06
W-79130	Yale-in-China Association	107,185.00
Total		24,159,313.66

[1] Paid in full.

At present there are about $5 million available for further distribution from the War Claims Fund. Over $60 million is being held by the Department of Justice from the proceeds of vested German and Japanese assets for the purpose of satisfying any possible judgments against the United States which might occur as the result of pending litigation. Because of the uncertainties involved in litigation, the amounts which will eventually be available for transfer to the War Claims Fund cannot be ascertained precisely at the present time. It has been estimated however that approximately $26 million may be available for eventual transfer to the War Claims Fund to satisfy the unpaid portion of existing awards.

Under the legislation herewith reported to the Senate, the amounts hereafter transferred to the War Claims Fund will be used first to pay the remaining unpaid balance on all awards made to nonprofit organizations operated exclusively for the promotion of social, welfare, religious, charitable, or educational purposes. The total amount of unpaid claims of these organizations is $9,208,189.

Upon completion of payments to nonprofit organizations, payments will thereafter be made out of amounts transferred to the War Claims Fund on account of unpaid balances of awards made to individuals and corporations, but only up to an amount of $35,000 of the original award. If sufficient sums are not available for payment of $35,000 to all individual and corporate claimants, each claimant will receive payment in the same amount, or in the amount of the unpaid balance, whichever is the smaller. In this fashion, the smaller individual and corporate claims will be paid first with the larger claims being paid last.

It was the recommendation of the Foreign Claims Settlement Commission that following the payment to nonprofit organizations both corporations and individual claimants receive payments up to a total of $35,000 and that thereafter the fund be divided pro rata among those whose awards had not been satisfied in full. Under this proposal which is hereby reported favorably by the committee, all of the claimants, except 167 large corporations and 184 individuals with awards over $35,000, will have received full payment, and many of those will receive close to full payment.

Since a substantial number of large corporations had already received tax benefits under foreign tax laws, which were not deducted from their awards, it was felt that the revised priorities would assure greater equality of treatment to all of the claimants. Many of the large corporations had elected to take United States tax benefits as early as 1939. Although these American tax benefits were deducted from the war claims award, the corporations have had the benefit of very substantial tax savings for over 25 years which has already placed them in a preferred position as against other claimants.

The Attorney General advised the committee that Congres could reasonably make the judgment that corporate claimants should be paid last since Congress might reasonably take into consideration the fact that corporate claimants have received the great bulk of the money which has been paid out under the War Claims Act. Of the approximately $219 million distributed, almost $154 million has been distributed to large corporations. It was also the view of the Attorney General and the Foreign Claims Settlemnt Commission that the proposed amendment would not violate the First Amendment of the United States Constitution.

The nonprofit organizations operating exclusively for the promotion of social welfare, religious, charitable or educational purposes testified that the funds received would be used primarily, if not exclusively, for the secular purposes of rebuilding their damaged or destroyed schools, hospitals, orphanages, old-age homes and other properties.

The committee views the present amendment as not necessarily binding as a precedent for future war claims legislation.

Hearings on the amendment were held on September 17 and 18, 1970. After considering all the arguments the committee recommends that the bill do pass.

Mr. JAVITS. Mr. President, I should like to state that I think the distinguished Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Pennsylvania (Mr. SCOTT) have done remarkably well by a great group of people who are interested in this bill, which is one I introduced. I know it would not have had the action it has just had, were it not for the fine intercession on the part of both Senators. I, therefore, express to them the gratitude of the many persons who are interested in this bill.

If the Senator from Massachusetts considers it proper, in view of the long delay on this matter, Mr. President, I move that the vote by which the bill was passed be reconsidered, just to get this definitely nailed down.

Mr. KENNEDY. Mr. President, I move that the motion to reconsider be laid on the table.

The motion was agreed to.

RESOLUTIONS PASSED OVER

The resolution, Senate Resolution 400, to refer the bill (S. 3779) entitled "A bill for the relief of Concrete Industries (Monier), Ltd." to the Chief Commissioner of the U.S. Court of Claims for a report thereon, and the resolution, Senate Resolution 445, to refer the bill (S. 4237), entitled "A bill for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Co." to the Chief Commissioner, U.S. Court of Claims, for a report thereon, were announced.

Mr. MANSFIELD. Over, Mr. President, on these two resolutions.

The ACTING PRESIDENT pro tempore. The two resolutions will be passed over.

DEPARTMENT OF DEFENSE—RELIEF OF CERTAIN EMPLOYEES

The bill (H.R. 17272) for the relief of certain employees of the Department of Defense was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1378), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve named employees of the obligation to repay amounts paid them for travel, transportation, and related expenses authorized by official travel orders of the Department of Defense which were subsequently held to be erroneous since the employees had been ordered to overseas locations in a training status. Section 2 would authorize payments to similarly situated individuals who had performed the same travel but were denied reimbursement because of the ruling concerning the error in the orders directing that travel.

STATEMENT

The facts of the case as contained in the House Report (91–1510) are as follows:

"The Department of Defense in its report to the committee on the bill H.R. 17272 recommended that the bill be considered favorably. The employees named in H.R. 17272 were assigned for language and area studies training to the U.S. Foreign Service Institute, Taiwan, to the University of Durham, England, and to the U.S. Army Institute for Advanced Russian and East European Studies, Germany, in 1966, 1967, and 1968. These employees were authorized by their orders to be paid, and were in fact paid, the same travel allowances as employees who are ordered to these overseas stations for regular duty. These payments for dependents' per diem, miscellaneous expenses, and temporary quarters subsistence were received and spent in good faith by the employees to defray the costs of their moves to and from these locations. This practice was eventually brought to the attention of the Department of Defense Per Diem, Travel and Transportation Allowance Committee and the Comptroller General by a Department of Defense Finance Officer. In his decision of July 23, 1969, B–167229, the Comptroller General directed that these payments be stopped and that similar amounts already paid be collected from the employees.

"As is noted in both the reports of the Department of Defense and the Comptroller General, the situation described above results from the fact that title 5 of the United States Code, and the implementing OMB Circular A–56, currently provide two different sets of travel allowances, depending upon whether an employee is ordered to a station for training duty or regular duty. Those ordered to training assignments receive only their travel and per diem, except that the transportation of an employee's immediate family and household goods is authorized when the cost of such transportation is estimated to be less than the total per diem payments that the employee would receive while at the site of the training assignment (5 U.S.C. 4109). However, if the purpose of the travel is to assume a new regular duty assignment outside the continental United States, the employee is entitled to the following allowances in addition to those just mentioned:

"(1) Payment of per diem to the employee's immediate family while en route between stations.

"(2) Payment of subsistence expenses while occupying temporary quarters upon the return to a new duty station in the United States.

"(3) Reimbursement of miscellaneous expenses associated with discontinuing and establishing residences. (5 U.S.C. ch. 57.)

"These three allowances, and others applicable only to movements within the continental United States, were authorized for regular duty transferees by Public Law 89–516 in 1966. The Comptroller General's decision held that the benefits of the 1966 legislation do not extend to employees ordered to training assignments whose travel allowances are fixed by a different provision of law (5 U.S.C. 4109) which remain unchanged.

"The Department of Defense in its report stated that under the applicable law referred to above, it is clear that the employees named in the bill are obligated to refund the amounts already received, or, in the case of those in section 2, may not be paid the amounts originally called for in their orders. However, the Department noted that there are considerations in these cases which, from the standpoint of equity and fairness, provide the basis for relief. The Department stated that it had issued travel orders to the employees which contained erroneous information that certain expenses not authorized by law would be paid by the Government, and the employees relied on the apparent obligation of the Government to pay allowances stated in their travel orders in performing their training assignments. Finally, these amounts would not be an unearned windfall since they represent the reimbursement of expenses incurred in good faith by the employees to defray the costs of their transfers to and from the United States.

"The persons named in section 2 and those identified in the following paragraph traveled to these locations for training under orders providing for the allowances later held to be unauthorized. The Department determined that they were precluded from filing vouchers for reimbursement of these authorized expenses as a result of the referenced Comptroller General decision. Since they are part of the class of persons affected by that decision, the Department concluded that they should not be entitled to submit new vouchers and to be paid for the allowances originally authorized by their orders.

"The Department recommended that section 2 of the bill be amended in the following manner. The amount opposite the name Carolyn Dischert should be changed from $100 to $190.97. The correct amount of Miss Dischert's claim was not available at the time this bill was introduced. Section 2 should also be amended by adding the following names and amounts:

"James R. Duncan	$342.58
Robert E. Eckert	412.63

"The committee has recommended that these names be included. It has further recommended that the two corrections recommended by the Comptroller General concerning amounts shown in the bill be made. That is, that the amount shown for Ronald Roth be corrected to read $589.30 and that, as has been noted, the amount for Carolyn Dischert be corrected to read $190.97.

"It is recommended that the bill, as amended, be considered favorably."

In agreement with the views of the House, the committee recommends the bill favorably.

A UNIVERSITY VIEW OF THE FOREST SERVICE

The resolution (S. Res. 485) authorizing the printing of a report "A University View of the Forest Service" as a Senate document, was considered and agreed to, as follows:

S. RES. 485

Resolved, That there be printed with illustrations as a Senate document a report "A University View of the Forest Service," prepared at the request of Senator Lee Metcalf by a select committee of the University of Montana, together with related materials, and that there be printed ten thousand additional copies of such document for the use of the Committee on Interior and Insular Affairs.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1379), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 485 would authorize (1) the printing, with illustrations, as a Senate document a report entitled "A University View of the Forest Service," prepared at the request of Senator Lee Metcalf by a select committee of the University of Montana, together with related materials; and (2) the printing of 10,000 additional copies of such document for the use of the Committee on Interior and Insular Affairs.

The printing cost estimate, supplied by the Public Printer, is as follows:

Printing cost estimate

To print as a document (1,500 copies)	$1,084.41
10,000 additional copies, at $62.39 per thousand	623.90
Total estimated cost, S. Res. 485	1,708.31

ETHEL G. ROBINSON

The resolution (S. Res. 490) to pay a gratuity to Ethel G. Robinson, was considered and agreed to, as follows:

S. RES. 490

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Ethel G. Robinson, widow of William C. Robinson, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

FRED W. FRAY, JR., AND RICHARD E. FRAY

The resolution (S. Res. 489) to pay a gratuity to Fred W. Fray, Jr., and Richard E. Fray, was considered and agreed to, as follows:

S. RES. 489

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Fred W. Fray, Junior, and Richard E. Fray, sons of Fred W. Fray, an employee of the Senate at the time of his death, a sum to each equal to five months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MARY ANN MILLER, CORRINE D. STREET, DELORES A. STREET, CALVIN E. STREET, AND CLARENCE E. STREET

The resolution (S. Res. 488) to pay a gratuity to Mary Ann Miller, Corrine D. Street, Delores A. Street, Calvin E.

Street, and Clarence E. Street, was considered and agreed to, as follows:

[S. RES. 488]

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary Ann Miller, Corrine D. Street, and Delores A. Street, daughters; and to Calvin E. Street and Clarence E. Street, sons of Dorothy M. Street, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of her death, a sum to each equal to one-fifth of six months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

RUBY M. DOZIER

The resolution (S. Res. 487) to pay a gratuity to Ruby M. Dozier was considered and agreed to, as follows:

S. RES. 487

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Ruby M. Dozier, widow of Ellsworth B. Dozier, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE

The Senate proceeded to consider the resolution (S. Res. 476) authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries and investigations, which had been reported from the Committee on Rules and Administration with amendments, in line 3, after the word "Senate", strike out "$50,000" and insert "$25,000"; and, in line 5, after the word "to", strike out "February 9, 1970" and insert "February 16, 1970"; so as to make the resolution read:

Resolved, That the Committee on Labor and Public Welfare is authorized to expend from the contingent fund of the Senate $25,000 in addition to the amount, and for the same purposes and during the same period, specified in S. Res. 312, Ninety-first Congress, agreed to February 16, 1970, authorizing an investigation of various matters within its jurisdiction.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1380), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 476 as referred would increase by $50,000, from $695,000 to $745,000, the limitation on expenditures by the Committee on Labor and Public Welfare for the investigation of various matters within its jurisdiction it is currently engaged in pursuant to Senate Resolution 312 of the present Congress.

The Committee on Rules and Administration has amended Senate Resolution 476 by reducing the requested amount from $50,000 to $25,000, a reduction of $25,000. An additional amendment by the committee would correct a clerical error in a date.

Senate Resolution 312 as agreed to by the Senate on February 16, 1970, authorized the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, to expend not to exceed $695,000 from February 1, 1970, through January 31, 1971, to examine, investigate, and make a complete study of any and all matters pertaining to the jurisdiction of the Committee on Labor and Public Welfare including all matters relating to education; health, labor relations, labor safety, wages and hours, and migratory labor conditions; manpower training and utilization; poverty, railroad retirement; and veterans education, health, and readjustment to civilian life.

The additional funds which would be authorized by Senate Resolution 476 are requested by the Committee on Labor and Public Welfare to enable it (1) to meet the costs of the salary increase granted by Public Law 91–231, approved April 15, 1970, and (2) to accommodate additional hearings and oversight investigations not contemplated prior to the announcement of the extended session.

STATUE OF THE LATE SENATOR E. L. BARTLETT

The concurrent resolution (S. Con. Res. 2) authorizing acceptance for the National Statuary Hall collection of a statue of the late Senator E. L. Bartlett presented by the State of Alaska, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That the statue of the late Senator E. L. Bartlett, presented by the State of Alaska for the National Statuary Hall collection, is accepted in the name of the United States, and that the thanks of the Congress be tendered to the State for the contribution of the statue of one of its most eminent personages, illustrious for his distinguished civic services.

SEC. 2. The State of Alaska is hereby authorized to place temporarily in the rotunda of the Capitol the statue of the late Senator E. L. Bartlett referred to in section 1 of this concurrent resolution, and to hold ceremonies in the rotunda on said occasion. The Architect of the Capitol is hereby authorized to make the necessary arrangements therefor.

SEC. 3. (a) The proceedings in the rotunda of the Capitol at the presentation by the State of Alaska of the statue of the late Senator E. L. Bartlett for the National Statuary Hall collection, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such document shall be prepared under the direction of the Joint Committee on Printing.

(b) There shall be printed five thousand additional copies of such document which shall be bound in such style as the Joint Committee on Printing shall direct, of which one hundred and three copies shall be for the use of the Senate and three thousand copies shall be for the use of the Members of the Senate of the State of Alaska, and four hundred and thirty-nine copies shall be for the use of the House of Representatives, and one thousand four hundred and fifty-eight copies shall be for the use of the Member of the House of Representatives from the State of Alaska.

SEC. 4. A copy of this concurrent resolution, suitably engrossed and duly authenticated, shall be transmitted to the Governor of Alaska.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1381), explaining the purposes of the concurrent resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF SENATE CONCURRENT RESOLUTION 2

The first section would provide that the statue of the late Senator E. L. Bartlett, presented by the State of Alaska for the National Statuary Hall collection, be accepted in the name of the United States, and that the appreciation of the Congress be expressed to the State for the contribution of a statue of one of its most eminent personages, illustrious for his distinguished civic services.

Section 2 would authorize the State of Alaska to place temporarily in the rotunda of the Capitol the statue of the later Senator E. L. Bartlett referred to above and to hold ceremonies in the rotunda on said occasion. The Architect of the Capitol would be authorized to make the necessary arrangements therefor.

Section 3 would provide that the proceedings held in the rotunda of the Capitol be printed, together with appropriate illustrations and other pertinent matter, as a Senate document. The copy for such document would be prepared under the direction of the Joint Committee on Printing. There would be printed 5,000 additional copies of such document, which would be bound in such style as the Joint Committee on Printing shall direct, of which 103 copies would be for the use of the Senate (one per Member), 3,000 copies would be for the use of the Members of the Senate from the State of Alaska (1,500 each), 439 copies would be for the use of the House of Representatives (one per Member), and 1,458 copies would be for the use of the Member of the House of Representatives from the State of Alaska.

Section 4 would provide that a copy of this concurrent resolution, suitably engrossed and duly authenticated, be transmitted to the Governor of Alaska.

Mr. MANSFIELD. Mr. President, I am delighted that this signal honor is being accorded to a former colleague of ours, a man who was more responsible than any other person for achieving statehood for Alaska, a man who is deserving of this honor.

May I say, speaking personally, that I am delighted my long time friend and former colleague, the late Senator E. L. "Bob" Bartlett will have a statue placed in Statuary Hall among the other great pioneers and achievers of this Nation.

HEARINGS ON SCHOOL PRAYER

The concurrent resolution (H. Con. Res. 183), to provide for the printing of 1,000 additional copies of school prayer hearings, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1382), explaining the purposes of the concurrent resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 183 would provide that there be printed for the use of the House Committee on the Judiciary, 1,000 additional copies each of parts 1, 2, and 3 of the hearings entitled "Proposed Amendments to the Constitution Relating to Prayers and Bible Reading in the Public

Schools," hearings before the Committee on the Judiciary, House of Representatives, held during the Eighty-eighth Congress, second session.

The printing-cost estimate is as follows:

Printing-cost estimate

Part 1, 1,000 copies	$5,105.77
Part 2, 1,000 copies	4,625.43
Part 3, 1,000 copies	5,656.88
Total estimated cost, H. Con. Res. 183	15,388.08

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished senior Senator from New York (Mr. JAVITS) for not to exceed 30 minutes.

THE U.S. PRESENCE IN EUROPE

Mr. JAVITS. Mr. President, the purpose of my speaking this morning is to report on the 16th Annual Conference of the North Atlantic Assembly, on which I serve as Chairman of the Political Committee.

The matters transpiring now between the United States and its NATO allies are so critical that I believe Senators will be interested in the developments as I saw them at The Hague and in what I believe it means in terms of the relationship between Europe and the United States.

I was able to obtain a clearer understanding of the views and concerns of our parliamentary colleagues from the nations allied with us in NATO, except for Greece, which was not represented and has no parliament.

Also, I briefly visited Paris and London just before the Hague meeting, and I had the opportunity to confer with our negotiators at the Paris peace talks.

Mr. President, I find that three major subjects are of dominant concern on both sides of the Atlantic. They are: First, the continuing presence of U.S. forces in Germany at about the present levels; second, the progress and implication of the Ostpolitick—or "eastern policy"—of the Brandt government in Bonn which includes, as well, relations of Western Europe with the East; and third, the whole network of negotiations concerning trade and economic relationships among the western nations—most specifically the negotiations to expand the European Economic Community—EEC—to include Britain and the other applicant nations.

While these three issues may appear to be quite separate and distinct, I believe that they are closely interrelated. For, they bear upon the central issue of United States-Western European relations—the future of NATO and specifically the outreach of our security requirements generally.

Basic decisions on all three hang in the balance and will be decided, in my judgment, primarily on the basis of the conclusions reached in Europe about the new course which the United States is now setting for itself for the post-Vietnam period—and on the basis of the conclusions reached in the United States about the new course Western Europe is setting for itself—now that the glacial configuration of postwar Europe is beginning to change.

It is my impression that a new awareness is taking shape in Europe regarding the importance to European security of the U.S. conventional military presence there, as well as a new awareness that the status quo is not acceptable to the United States. Europe is perhaps appraising whether the United States is all that big and all that important now that Europe has found some economic competence, too. I feel that I know the answer and that the answer is positive. We are that big and that important, but Europe may still have to find it out in new terms. I see a great moment of truth looming—really the big crisis of the post-World War II Western World.

I do not find that this new awareness of the importance to Europe of the U.S. military presence and the concurrent new awareness of the inevitability of change in the status quo to have been as yet galvanized into an effective European opinion offering realistic alternatives.

The first efforts, under German leadership, to organize an institutionalized system of "burden-sharing" to relieve the financial and balance-of-payments costs to the United States of our forces in Europe have produced meager and disappointing results. A hopeful trend is perceptible, but the kind of concrete actions by our European allies needed by the friends of NATO in the United States to insure that they can hold the line against precipitous U.S. troop withdrawals has not yet materialized. I think there is still an insufficient sense of urgency on this score in Europe.

Further, I think there is general agreement on both sides of the Atlantic that the time has come for a rejuvenated and more unified Western Europe to assume a much larger share of the responsibility for its security. The question is whether the mood for retrenchment in the United States will move that much faster than the movement in Europe for unity and self-reliance in security matters. The Defense Ministers of NATO—meeting this week in Europe, beginning on Thursday—are going to have a lot to do with deciding this question.

The specter haunting Europe—particularly Germany—is one of being left prematurely naked, in a military sense, before the awesome military might of the Soviet Union as a result of swift and deep U.S. troop withdrawals. The fear is that in such an event there would be a swift unraveling of NATO; and that into this power vacuum the Soviet Union would move—not in the crude sense of military attack and occupation—but of intervening in the negotiations now going on regarding Europe's future shape and relationship with the United States.

It is feared that the Soviet Union would use suspicion, threats, pressures, and inducements to divide the nations of Europe before their own new institutions have taken effective shape and by stages to impose a Finland-type of dependent neutrality on Western Europe.

I believe that the fears I have just described in Europe are justified and present an equal danger to the security and future of the United States; and I believe that these very concerns are—or should be—shared at the highest levels of the administration—the White House, the State Department, and the Pentagon. Perhaps they are too little understood and considered in the country, but this is understandable too, for we have heard the cry of "wolf" too many times before to respond automatically.

While I feel there must be a greater American understanding of legitimate European concerns on the question of troop levels there and security, I feel strongly that a greater European understanding of American misgivings and concerns is needed also. And, I believe that the developing crisis in the Mediterranean and Mideast—precipitated by the bold Soviet thrust to outflank NATO—offers an opportunity to provide the decisive test for implementing this new European understanding of U.S. problems in the years just ahead. Unless there is solidarity between the North American and the European partners of NATO in meeting the Soviet challenge in the Mideast and Mediterranean, there may arise serious questions that NATO has a meaningful and viable future even as a military alliance. It has stood the test of European disenchantment with Vietnam but it may not be able to stand the same test as to the Middle East.

Thus far the United States has received very little support and assistance in meeting the direct challenge posed by the Soviet drive for hegemony in the eastern and southern littoral areas of the Mediterranean basin. The Soviet complicity in the cheating on the Suez standstill and ceasefire shows the high risk the U.S.S.R. is willing to take in the Middle East. If this continues to be the case, I think there will be a psychological reaction in the United States which could hasten and deepen the possibility of heavy withdrawal of U.S. forces in Europe.

On the basis of my experience at The Hague in the North Atlantic Assembly meeting, I feel that there has been a perceptible increase in European awareness of the danger and the implications of Soviet policy and actions in the Mediterranean and Mideast—as well as a greater European sense of responsibility for and stake in the security of the Mediterranean and Mideast. But is it enough in time and weight? That is the question.

This year, the North Atlantic Assembly unanimously adopted two proposals which I offered to deal with the situation in a tangible way. In its major resolution, which will be presented to the North Atlantic Council, the Assembly recommended the establishment of a NATO Standing Naval Force in the Mediterranean to demonstrate in a tangible way the solidarity of the European members of NATO with the United States and the efforts of the U.S. 6th Fleet to preserve Western security interests in the Mediterranean. If implemented by NATO, I think such an action could have a significant political and psychological impact on the nations adjacent to the Mediterranean—and on the U.S.S.R.

The second proposal I made, which was adopted by the Assembly, urges the North Atlantic Council to announce its insistence that peace and security in the Mideast be an item on the agenda of any proposed European Security Conference which is being promoted by the Soviet Union and its Warsaw Pact allies. In my judgment, the inclusion—at Western insistence—of peace and security in the Mideast as an integral agenda item on an East-West conference on European security would indicate a fuller appreciation by our European allies in NATO of the indivisible relationship between the security of Western Europe and current Soviet military and geopolitical actions in the Mideast. This in itself could have a sobering and salutory impact on the Mideast situation—where the Kremlin now appears to calculate that it has an open field for maneuver and for threatening and subverting European security, while Western Europe stands idly by.

Closely related to the question of U.S. troop levels in Germany, and to the interrelationship between European and Mideast security, is the Ostpolitick of the Brandt government in the Federal Republic of Germany. There is general recognition—and one which I share personally—that Ostpolitick is a bold and imaginative initiative which could bear enormous fruits in terms of reducing East-West tensions and normalizing the situation in a still divided Europe. Certainly, the integrity and high motives of Chancellor Brandt are unquestionable. Nonetheless, there is an inevitable undercurrent of doubt and uneasiness—even among Chancellor Brandt's most devoted well wishers—concerning the potentially adverse results of Ostpolitick; which could gravely jeopardize Western and United States vital security interests.

It is essential, in my judgment, to bear in mind that Chancellor Brand's "eastern policy" is also the Kremlin's "western policy." The Soviet Government obviously is as pleased with the results of Ostpolitick negotiations completed so far as is the Brandt government. The Soviet objective in the Ostpolitick negotiations, of course, is to advance its foreign policy goals—which in Europe include the dissolution of NATO, the removal of U.S. influence and military presence, and the imposition of Soviet dominance over the economy and politics of Western Europe.

It is in this framework that Chancellor Brandt must conduct all his Ostpolitick negotiations with the Union of Soviet Socialist Republics, Poland and its other Warsaw pact allies. And for this reason, we can appreciate the absolutely crucial interplay of attitudes and conclusions regarding each other's mood and intentions, among the NATO partners on the two sides of the Atlantic. If U.S. actions convince the Federal Republic of Germany, and other European nations, that the United States is indeed, pulling out of Europe, then the unraveling of NATO could soon follow and we could expect Ostpolitick soon to take on a new coloration—that of seeking "accommodation" with the U.S.S.R., perforce, essentially on terms set by the U.S.S.R. Equally, if we in the United States gain the impression that Europe has lost its allegiance to the NATO cause, and is engaged esentially in an exercise of accommodation to its own nationalistic advantage for the short term and excluding vital U.S. interests, then we may well be inclined to take compensating actions of short-term interests, perhaps through withdrawal to a more isolationist and protectionist "fortress America"—which would be self-defeating in the long run.

This is an extreme possibility which I do not think is likely to happen. Basically, I have faith that the free peoples of the West can and will stick together and hold their own, and that the Ostpolitick negotiations will succeed in advancing the security of all of Europe, and in hastening the evolution toward cooperation and peace of the Communist societies of the U.S.S.R. and East Europe. Nonetheless, the outcome hangs in the balance.

The third strand of this interwoven nexus is the negotiations now going on regarding the expansion of the European Economic Community. It is this which must be the base of a unified Europe, to which if Germany adheres. The potential dangers of Ostpolitick will be avoided and its advantages realized if Western Europe continues to progress toward unification. These negotiations, clearly, involve much more than mere bargaining over conditions of entry. The future shape of Europe—and its future posture toward the United States—economically and politically—is the fundamental underlying question. Here again, there is an interrelationship with the security issue and the issue of East-West negotiations. The new British Government has made a symbolic gesture in its decision to leave a token number of its forces in Malaysia-Singapore—"East of Suez"—thus perhaps preshadowing that a unified Europe will do more to aid in the strategic responsibility which we thought we share the Western strategic burden outside of Europe—now exclusively on our shoulders.

In this field, East-West negotiations and security questions especially, the interplay of mood and conclusion as to intent on both sides of the Atlantic will have a profound impact on the overall result. If the United States concludes that Europe is evolving into a basically closed and protectionist political-economic entity, indifferent to U.S. interests, then protectionist, isolationist and "retaliatory-minded" forces in the United States could gain the upper hand and push through the very measures most feared in Europe—ones likely to touch off a bruising and destructive trade war—and thereby jeopardize aspirations for peace and prosperity—not only on the two sides of the North Atlantic, but also in the poorer "third world" which needs aid and trade with the industrialized West.

I hope very much the interrelationship of the trade issues with the other issues of security and East-West negotiations is kept in mind during the historic debate about to begin in the Senate on the Trade Act of 1970. In my judgment, this bill is the most significant—and potentially dangerous—piece of foreign affairs legislation of recent years.

Today we have very interesting and potentially important news with respect to the Trade Act of 1970, which I shall comment on in a moment. To be kept in mind are the negotiations in Europe regarding conditions on which the United Kingdom and other Western European nations will be admitted to the Common Market, especially conditions affecting British imports of agriculture and food. The additional barriers being erected or capable of being erected by the Common Market particularly as they relate to our agricultural exports could embitter seriously the relationship between European countries in the Common Market and the United States.

This is a very dangerous and serious point which I do not believe received the recognition in Europe that it should. In our country the peril is equally great in that enactment of a really rigid quota bill would involve, in my judgment, a trade war with Europe and Japan which would place in utmost jeopardy the close economic and political ties which have developed over the last 25 years to the enormous benefit of all of us. Such legislation would tend to put the world on a footing of trade war as against trade peace. These are the dangers.

I was pleased to see some of the liberalizing modifications of the trade bill introduced by the Committee on Finance yesterday which begins to show, especially in the elimination of the autonomousness of fixing quotas in many products such as shoes, the danger we would have faced if we had gone all the way with the trade bill that came from the other body. It is my hope that when the absent Finance Committee members are polled that the shoe quota provisions will be permanently struck; as it is my hope that successful textile negotiations with the Japanese will eliminate the need for legislated textile quotas.

In conclusion, I see cautious grounds for optimism because I believe that the opportunity for constructive change and growth is now at hand in a way that is unique in this century and I believe that the good sense of our Nation—and that of our allies will prevail. We are heading into a most dangerous and portentous period of trial which will demand the very highest and strongest within us.

Western Europe needs to make some overture right now toward us in the matter of U.S. troops, and trade, which I have described. The four areas most immediately at hand which would carry the most weight are:

First. A maximum effort by Western Europe in meeting its commitments to the NATO forces levels and infrastructure requirements.

Second. More suitable arrangements for dealing with dollar defense costs of the United States in Europe on a burden-sharing basis.

Third. Demonstrated concern for security problems outside the geographical area of Europe through joining in the provision of a NATO standing naval force in the Mediterranean and cranking into the agenda for the European Security Conference the question of peace in the Mideast; and

Fourth. More accelerated progress toward the unification of Europe, specifically through the admittance of Britain

and the other EFTA applicants to the European Economic Community; and political progress in the establishment of Atlantic institutions, including expanded consultation at the ministerial level and close cooperation in the fields of education and technology.

It is my judgment that if Western Europe, the United States, and Canada move along these lines, the result will be a greatly strengthened Atlantic community; with a capability for receiving and absorbing most constructively a detente with the East; a more stable world economic situation; and major progress in closing the gap between the developed and developing nations.

In this connection, Mr. President, since the distinguished majority leader (Mr. MANSFIELD) is now present, I would like to say a word to him about his famous and much discussed resolution about U.S. troop withdrawals from Europe. I know there is a deep feeling on this question. I think he has shown extraordinary statesmanship and an attitude of willingness to listen and to be guided not only by what he thought but also by what others whom he respects thought to be in the best interests of our Nation, and not try, as he could as majority leader, for immediate consideration of the resolution. He, of course, has the privilege to do that at any time.

I would like to report to him the esteem in which he is held, and which has increased, in Europe from an understanding of the motivation of the highest character which has dictated his staying his own hand in reference to a matter in which he has deep convictions. I think it is only fair that the distinguished majority leader should know of the feeling on the part of so many European statesmen and parliamentarians with whom I had the opportunity to speak.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. I appreciate those kind remarks, but I think, in all candor, I should state that the period of postponement, the period of flexibility, to allow the administration to arrive at some sort of agreement by means of which the Western European members of NATO would share more of the burden has about come to an end. On the basis of statements by the Secretary of Defense on yesterday, it appears that the June 30 deadline, which had been the administration's termination point, as I understood, up to this time, has now been obviated. If the press reports relative to the Defense Secretary's statement are correct, I think notice should be served that this matter will be renewed, if not in this session—I would not forgo that possibility—certainly in the next session, because I think—and the Senator and I have discussed this subject many times, although we are in disagreement on some points—that 525,000 U.S. military personnel and dependents, more than a quarter of a century after the end of the Second World War, are too much of a burden to bear.

According to the figures of the distinguished Senator from Illinois (Mr. PERCY), which have not been disproved to my knowledge, it takes $14 billion out of the defense budget to maintain the personnel and installations we have in Western Europe. It would appear to me, not only as a matter of economics, but, more important, as a matter of principle, that it is time that the countries of Western Europe, all of which have been rehabilitated, some of which have been reconstructed, and all of which are in better shape financially than we are, without our internal problems, should undertake a greater share in support of their own defense.

As the Senator knows, I have never advocated an abrupt withdrawal or drawn-down. I advocate such a withdrawal being on a graduated basis, so that our allies will not be caught "off base." I think the time is long overdue. I do not subscribe to the allegations of some of our own authorities that the situation in Western Europe at the present time is "razor thin" as far as the defenses of the West are concerned. Certainly that does not apply to our own people in Europe.

I think it is about time that a change of scene occurred, and I think it can be done with our strict adherence to NATO and all it means. I believe in NATO devoutly, but I do not believe in the continuation there of 525,000 of our military and dependents, costing $14 billion out of the defense budget, causing a partial drain on our gold reserves and balance of payments, to continue ad infinitum into the indefinite future.

Mr. JAVITS. I am very grateful to the Senator for speaking with his customary candor. He and I disagree only on some points. I think my own speech makes that clear.

Mr. MANSFIELD. That is correct.

Mr. JAVITS. I must say his attitude is absolutely an essential ingredient if this matter is to be resolved even in accordance with my idea and that of others who think like me. I would hope the Senator would wish to throw into the balance Secretary Laird's assertion, which, generally speaking, would seem to indicate a posture much like that which we have had up to now until the end of the fiscal year 1971–72. This would, as the Senator knows, represent 1 year's extension of what we had understood to be the situation at present. I would hope the Senator would also wish to throw into the balance the result of the Defense Minister's meeting and the NATO Council, which will open Thursday. I think this is a critical factor.

I think the whole world will have profited, whether one agrees or disagrees with the resolution of the distinguished majority leader, from the fact that he saw this situation "coming up the pike" early, and had the feeling that it had to be resolved in the interest of our country. That is what I meant before when I referred to the attitude of the representatives of Western Europe.

Mr. MANSFIELD. May I say I appreciate the point which the distinguished Senator has reemphasized, because I noted it in the course of his speech to the Senate today.

Mr. JAVITS. I thank my colleague.

Mr. President, I want to make one point about the $14 billion. I think the Senator from Illinois (Mr. PERCY) has served us well in his marshaling and analysis of these facts. I think, however, we must not assume that the $14 billion represents an expense which we can save altogether or even in significant part even if we pulled entirely out of Europe. I know the Senator understands that. The balance-of-payments drain is another matter.

Mr. MANSFIELD. Absolutely; the Senator is correct. I did not mean to imply that interpretation. All I intended to do was state a fact which, to my knowledge, has not been denied by anyone in authority, and which has been repeatedly stated on the floor of the Senate over the past several years.

Mr. JAVITS. Yes; it is a fact that it is an order of magnitude. If we had forces here in being, ready to be transported, we would have to ascertain what that means in terms of money. Perhaps it would not mean $14 billion. But the present U.S. NATO posture does represent that magnitude of resource commitment, including manpower commitment. That we must deal more effectively with it than we have is something that will be accepted on both sides of the Atlantic. But I do believe that vital national interests of the United States are involved in what is at stake in terms of the future of Western Europe.

Mr. MANSFIELD. I agree with the Senator, and may I say it would be my hope that we would recognize the fact that while by no means would all of the $14 billion be saved, because we would have to spend a good part of it elsewhere in this country, it is an ironic situation when, a quarter of a century after the second World War, we still have such a tremendous establishment in Western Europe.

May I say, further, that the present administration should be given its due share of credit, because there has been a draw-down—not as much as some of us would like to see, but, in effect, there has been a steady reduction of U.S. forces in Europe, which I think has been overlooked in the general picture, but which is an established fact nevertheless.

Mr. JAVITS. I would say, to make clear what I was trying to report—and it is a report on what I have evaluated and observed of what has gone on there—is that the justification for maintaining any establishment there is the avoidance of World War III. That question must constantly be tested in that crucible. That is what I was trying to analyze in my speech. I see grave dangers in a Europe which turns inward both economically and politically, instead of recognizing its problems, which are just as worldwide as ours, and that unless it shares those problems, we are not avoiding the problem; on the contrary, we are blundering right into it.

Mr. MANSFIELD. If the Senator will yield, may I say that Europe is also turning outward as far as its economic situation is concerned. The countries of Western Europe are seeking trade pacts with the countries of Central Europe, the so-called socialist countries, with the Soviet Union, and even with China. The Senator may recall that 2 or 3 years ago

there was a consortium of sorts composed of Western European nations, including West Germany, Belgium, and one or two others, under which an agreement was entered into to build a $150 million steel rolling mill in China. These outward-looking economic facets have been opened from time to time. So there is that factor to consider.

The odd thing is that whenever anyone talks seriously about a U.S. troop reduction, all of a sudden a crisis emerges which was not apparent the day before, and the situation assumes kaleidoscopic proportions. So I think it is about time that both of us faced up to reality, and did what we could in accord with our resources, because it is too much of a burden. I have stressed the economic factor as far as this Nation is concerned. The distinguished Senator from New York has defined that in its true terms, but I say again it is a matter of principle primarily, not a matter of withdrawing from NATO.

The ACTING PRESIDENT pro tempore. The time of the Senator from New York has expired.

Mr. JAVITS. I ask unanimous consent for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASE. Mr. President, will the Senator yield?

Mr. JAVITS. If the Senator from New Jersey will permit me, I should like to continue the colloquy with the Senator from Montana to make one further point. We meant exactly the same thing, when I said they are turning inward and he said they are turning outward, for this reason: They are turning physically outward to China and to Southeastern Europe. They now even have bilateral and multilateral arrangements with countries in Africa. But they are turning inward in the sense that these are exclusivists arrangements, not on the basis on which the whole postwar rehabilitation of the world has been built, to wit, the most favored nation basis. I see this as a very regressive approach by Europe, which has gotten it in terrible trouble before and may again.

Mr. MANSFIELD. Mr. President, may I say it is my belief that the NATO countries are becoming, in fact, more isolationist—a charge which has been leveled at those of us who advocate, not a total withdrawal, but a drawdown in our installations and bases all over the world, and a recognition of the fact that we have only so much in the way of manpower and resources, that we cannot police the world, that the American people do not desire it, and I do not think any administration would like it.

But it appears to me that we are all too often tied to policies of the past, that were good a decade, two decades, or 25 years ago. The world has changed, and we have to change with it. And may I say in conclusion that it would be my intention not only to try to do something through a sense of the Senate resolution, but I think the time has arrived to go beyond that, and to introduce an appropriate type of legislation to an authorization bill or an appropriation bill at the appropriate time.

Mr. JAVITS. I thank my colleague very much. This is notice which the world should have, and I am glad that I have been the instrument, though unwittingly, to bring it to the fore.

Mr. MANSFIELD. The catalyst.

Mr. JAVITS. I thank the Senator.

I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, the Senator from New York has produced, on this occasion as on many other occasions, a most useful speech.

If I may for just a moment digress to a personal observation, I have to say, as a member of this year's North Atlantic Assembly and of its Political Committee, of which the Senator from New York was chairman, that I was enormously proud of the job that he did as head of that committee, not only in formal ways but in substantive ways. I cannot imagine anyone who could have created, from the somewhat negative material at hand, a more useful end product. His two resolutions demonstrated his well-known ability to make bricks without straw.

The Senator's two resolutions are useful and important, and his introduction of them required a keen knowledge of important aspects of our alliance and our relations with the countries of Western Europe which some would prefer to forget.

In regard to the position of the Senator from Montana, the majority leader, I think the Senator from New York has rightly noted its importance, particularly at this time. I do not think anyone ought to have illusions about the extent to which America is going to act on the matter of troops in Europe. The position of the Senator from Montana, represents the outer limit of what the broad range of American opinion will support in the way of carrying peoples who are not willing to do their fare share.

It will be very unfortunate if the message from the Senator from New York and the Senator from Montana does not get through to the NATO ministers at their meeting this week, since there is a clear limit beyond which the United States cannot or will not go in supporting people who will not support themselves. In a sense, the same principle is involved here as in South Vietnam. I am most pleased that the Senator in his speech has cut through the usual wall of rhetoric and has avoided the kinds of pious statements that they done so much to cloud thinking on this matter. He deserves enormous credit for yet another example of what a man of his ability can do in dealing with difficult situations. I again wish to say I am proud to have been associated with the Senator from New York during his outstanding service.

Mr. JAVITS. I thank my colleague. One of the joys of serving here is that we take turns in being in what the Senator calls a subordinate capacity. I have sat at the Senator's feet in connection with congressional reorganization, congressional ethics, and foreign policy matters for years. I think it is one of the most creative aspects of our working life, which is dedicated to the public interest as we see it, that we learn how to be, at one and the same time, acolytes and evangelists.

I thank the Senator very much for his remarks.

Mr. President, I yield the floor.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Senate will proceed to the transaction of routine morning business, with speeches therein limited to 3 minutes.

Is there morning business to be transacted at this time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after the disposition of unobjected-to items on the calendar and disposition of the reading of the Journal on tomorrow, the distinguished senior Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on November 30, 1970, the Acting President pro tempore (Mr. HOLLINGS) signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 6951. An act to enact the Interstate Agreement on Detainers into law; and

H.R. 15216. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 19000. An act to amend the act of April 24, 1961, authorizing the use of judgment funds of the Nez Perce Tribe (Rept. No. 91–1383).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

H.R. 380. An act to repeal section 7 of the act of August 9, 1946 (60 Stat. 968) (Rept. No. 91–1384).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 4547. A bill to provide for regulation of public exposure to sonic booms, and for other purposes (Rept. No. 91–1385).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

H.J. Res. 1077. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association (Rept. No. 91–1386).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of nominations was submitted:

Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

Ralph E. Kennedy, of California, to be a member of the National Labor Relations Board; and

David H. Stowe, of Maryland, to be a member of the National Mediation Board.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. DOLE:

S. 4548. A bill to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library; to the Committee on Agriculture and Forestry.

(The remarks of Mr. DOLE when he introduced the bill appear below under the appropriate heading.)

By Mr. MATHIAS:

S. 4549. A bill for the relief of Aida E. Kash; to the Committee on the Judiciary.

By Mr. GORE:

S. 4550. A bill to amend title 38 of the United States Code so as to make presumptions relating to certain diseases applicable to veterans who served during the period between the end of World War II and the beginning of the Korean conflict; to the Committee on Finance.

S. 4548—INTRODUCTION OF A BILL TO AUTHORIZE THE SECRETARY OF AGRICULTURE TO RECEIVE GIFTS FOR THE BENEFIT OF THE NATIONAL AGRICULTURAL LIBRARY

Mr. DOLE. Mr. President, it has been observed that the National Agricultural Library does not enjoy the same privilege of receiving gifts as other national libraries.

Since potential donors exist who have indicated their desire to seek a suitable repository for their gifts in this library, I introduce today a bill which will provide the Secretary of Agriculture authority to receive such gifts for the benefit of the National Agricultural Library.

In its new building at Beltsville, Md., the library contains more than 1 million volumes and is the largest collection of literature and other materials pertaining to agriculture and related sciences. Through cooperation with the Nation's land-grant colleges, the library is maintaining the most current agricultural information.

The same proposed legislation is now awaiting action by the House of Representatives after favorable recommendation by the House Committee on Agriculture. The bill has the full support of the Department of Agriculture, and the Office of Management and Budget has indicated it has no objection.

The PRESIDING OFFICER (Mr. HUGHES). The bill will be received and appropriately referred.

The bill (S. 4548) to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library, introduced by Mr. DOLE, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 1090

Mr. JAVITS. Mr. President, I submit, for appropriate reference, an amendment to H.R. 17550, the act passed by the House and referred to the Commitee on Finance, which amends the Social Security Act to, among other things, increase benefits and raise the earnings base. My amendment would provide that employers having pension plans under which payments are correlated with social security benefits would have the allowable amount of their deductions under the Internal Revenue Code for private pension contributions reduced in cases where increases in such benefits result in a deduction of the benefits paid by the pension plan to retired employees.

Last year the Congress voted a substantial increase in social security benefits. At that time, I was quite troubled by the complaints that had been received from retired persons indicating that the retirement benefits they were receiving from private pension plans were being completely or partially watered down in consequence of the increased amount of social security benefits they were entitled to receive. Since that time, these complaints have continued to multiply and, frankly, I am appalled that the result of voting social secruity increases has little or no practical benefits for these retired persons.

The total number of pension plans that continue to engage in this offsetting practice is apparently not very great. In 1966, for example, it was estimated in hearings before the Subcommittee on Fiscal Policy of the Joint Economic Committee that—

Social Security deduction provisions are constantly being eliminated from pension plans. In 1957 the Bureau of Labor Statistics showed that 30 percent of the non-contributory plans in the periodic study of 100 selected pension plans—contained Social Security "offset" provisions; by 1961 this figure had dwindled to 18 percent, according to BLS. In the Bureau of National Affairs survey published in January (of 1966), it was noted that for manufacturing industries, only, less than 10 percent of all union negotiated pension plans made any kind of Social Security deduction.

An examination of the latest available data in plans published in the Bureau of Labor Statistics digest of collectively bargained plans appears to indicate that less than 5 percent of these plans make social security deductions; however, it is known that the percentage may be somewhat higher in nonnegotiated plans. In any event, some of the plans that do have such provisions are quite substantial, covering thousands of employees.

Mr. President, I ask unanimous consent that there be printed in the RECORD at the end of my statement the text of my amendment, and the types of offset provisions from the pension plans of certain major companies.

This practice of offsetting social security increases by reducing private pension benefits, although permissible under current law, is particularly deplorable in inflationary times, such as those we are currently experiencing, since it effectively takes from the retiree of the very money he needs to cope with the rising cost in living. When social security increases are voted by Congress, the idea is to give all of that money to the pensioners. The idea is certainly not to provide corporations with the justification for reducing their contributions to private pension plans by cutting back on the benefits required to be paid out by the plan. The only way that we can preclude social security increases from being converted into a windfall at the expense of the pensioner is to have some penalty on those who insist on engaging in this practice.

For this reason, the amendment I propose would disallow employer tax deductions for contributions to a pension plan by the amount he saves as a result of reducing his employees' pensions.

It seems to me that this is the most practical and feasible method of discouraging a practice which negates any good that is accomplished by voting social security increases. I earnestly hope that this amendment will receive every consideration by the Committee on Finance.

The PRESIDING OFFICER (Mr. PERCY). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment and article will be printed in the RECORD.

The amendment (No. 1090) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 1090

At an appropriate place, insert the following new section:

"PRIVATE PENSION BENEFITS THAT DECREASE BY REASON OF SOCIAL SECURITY INCREASES

"SEC.—(a) Section 404 of the Internal Revenue Code of 1954 (relating to deduction for contributions of an employer to an employees' trust or annuity plan, et cetera) is amended by adding at the end thereof the following new subsection:

"'(g) PENSION, ET CETERA, PLANS CORRELATED WITH OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS.—If contributions are paid by an employer to a stock bonus, pension, profit-sharing or annuity plan designed to provide benefits upon retirement, and, the amount of the benefit payment or payments to such individual under the plan for any period is reduced, in whole or in part, by reason of an increase in the amount of the monthly insurance benefits which are payable to such individual for such period

under title II of the Social Security Act, then the total amount deductible under this section with respect to contributions made by the employer to the plan for the taxable year in which occurs the period described in this section shall, under regulations of the Secretary or his delegate, be reduced by an amount (which shall not be in excess of the total of the amount otherwise so deductible) equal to the next decrease in payments to all individuals under the plan by reason of such increase during such taxable year.'

"(b) The amendment made by this section shall apply with respect to taxable years of employers contributing to such stock bonus, pension, profit sharing or annuity plans beginning on or after the date of enactment of this Act."

The material, presented by Mr. JAVITS, is as follows:

I. PENSION PLAN FOR RETIREMENT FOR AGE

III C. Deduction for Governmental Benefits:

The gross benefit determined under Paragraphs (A) or (B) of this Section shall be reduced by the amount of each and every payment or benefit for which provision is made under any law, statute or ordinance, of the State of New York or the United States, by reason of old age benefits or pension, occupational disability, unemployment insurance (except in cases of retirement under Paragraphs (A) or (B) of Section II) and non-occupational disability, or any type of social security as to which such employee may be or become eligible, irrespective of whether such benefit becomes unavailable by reason of any act or failure to act on the part of the employee, provided that:

(1) Deductions on account of Federal Old Age Benefits which are available to a retired employee between the ages of sixty-two (62) and sixty-five (65) on a reduced basis, shall be made only if such retired employee takes such early benefit.

(2) The deductions on account of Federal old age benefits or pensions shall be only one-quarter (¼) of the amount of the Primary or Disability Social Security amount as is or may become available to a retired employee whose retirement becomes effective on or after January 1, 1958, and shall not include the deduction of any amounts payable to or for the benefit of his wife or dependent children; and

(3) Pension payments by Federal, State or municipal governments for service under those governments shall not be deducted hereunder.

II. RETIREMENT PLAN

Social security

Social Security benefits for which you are eligible will provide retirement income over and above benefits paid to you by this plan. However, if the primary Social Security insurance amount is increased over that level provided by the law, as in effect on December 1, 1962, and prior to your normal retirement date, early retirement, total and permanent disability or termination of employment, then one-half of the increase will be deducted from your benefit paid by the Retirement Plan.

Corresponding plan provision

4.8. *Increase in Social Security Benefits.* If the primary insurance amount (or the amount corresponding thereto) under the Federal Social Security Act is increased over the primary insurance amount under such Act as in force on December 1, 1962, prior to the Normal Retirement Date, Early Retirement, total and permanent disability, or termination of employment for any other reason, of an Employee, then the amount of any benefit payable to him under this Plan (other than a benefit elected under the Original Plan) is reduced by one-half of the amount of any such increase. Such reduction commences upon retirement in case of any Participant who retires on or after his Normal Retirement date, at age 65 in the case of a Terminated Participant, and concurrently with the payment of such primary insurance amount (but no later than age 65) in the case of a Participant who receives disability or Early Retirement benefits. If a lump sum or optional benefit is payable under the Plan, the amount of the reduction is determined actuarially. The term "primary insurance amount" as used in this Section means the amount of primary old age insurance benefit payment and disability payment which a Participant would, on proper application and without engaging in disqualifying employment, be entitled to receive for his own account (without regard to any benefits payable in respect of his dependents) upon retirement or disability under the Federal Social Security Act, or any Federal legislation supplementing or incorporating such Act or the benefits provided therein.

III. PLAN

Provision applicable to noncontributory retirement annuity plan

B. Old Age Insurance Offset:

In this section one's old age insurance offset is 1½% of the old age insurance benefit to which he would be entitled (when he acquires the matured right to the Non-contributory Retirement Annuity) if:

(a) He were fully insured;

(b) His age at that time was his entitlement age (true age if older) and

(c) His average monthly wage were based on:

(1) His wages while an affiliated employee, and

(2) The maximum wages used to determine a primary insurance amount for other time, multiplied by his years of retirement service, but no more than 33⅓.

IV. PENSION PLAN

16. For employees retiring on or after January 15, 1965, the Company shall pay $100.00 per month excluding any Social Security payment. For employees retiring on or after January 15, 1966, the Company shall pay $125.00 per month excluding Social Security. The eligibility for this pension shall be 65 years of age and twenty years of service.

AMENDMENT OF FEDERAL TRADE COMMISSION ACT TO PROVIDE INCREASED PROTECTION FOR CONSUMERS—AMENDMENT

AMENDMENT NO. 1091

Mr. HOLLINGS (for himself, Mr. ALLEN, Mr. COTTON, Mr. HRUSKA, Mr. FANNIN, Mr. MATHIAS, Mr. PROUTY, and Mr. SCOTT) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 3201) to amend the Federal Trade Commission Act to provide increased protection for consumers, and for other purposes, which was ordered to lie on the table and to be printed.

NOTICE OF HEARING ON NOMINATIONS IN THE JUDICIARY

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Mississippi (Mr. EASTLAND), who is necessarily absent, I ask unanimous consent to have printed in the RECORD a notice of hearing on nominations in the Judiciary.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, December 8, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Hubert I. Teitelbaum, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania, vice Wallace S. Gourley, retired.

Harry W. Wellford, of Tennessee, to be a U.S. district judge for the western district of Tennessee; a new position created by Public Law 91-272, approved June 2, 1970.

Donald R. Ross, of Nebraska, to be a U.S. circuit judge for the Eighth Circuit, vice Harry A. Blackmun, elevated.

Franklin T. Dupree, Jr., of North Carolina, to be a U.S. district judge for the eastern district of North Carolina; a new position created by Public Law 91-272, approved June 2, 1970.

James H. Gorbey, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania; a new position created by Public Law 91-272, approved June 2, 1970.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Hawaii (Mr. FONG).

ADDITIONAL STATEMENTS OF SENATORS

THE U.S.S. "ELMER MONTGOMERY"

Mr. MANSFIELD. Mr. President, on November 21, 1970, a new ship joined the fleet—the U.S.S. *Elmer Montgomery* was christened.

Elmer Montgomery was an extraordinarily brave marine, a fine young American, and an outstanding Montanan who gave his life in the call of his country. We are proud that Elmer Montgomery has been honored again by his country. He exemplified the finest qualities of his generation and could well be a model for today's young. Then, as now, it is the youth who are called to make the greatest sacrifice for their country.

Elmer Montgomery left behind three very wonderful sisters who have served his memory well in their own exemplary lives. There is Mrs. Dan D. Baldwin, of Mundelein, Ill., and Mrs. Dan Weber and Mrs. Alice Kison, both of Kalispell, Mont. I know the pride they must feel for this additional honor paid their outstanding brother. It is one that is so richly deserved.

It was with regret that I was unable to attend the christening because I had planned to do so. However, an accident to my wife prevented me from being in attendance so that I could pay my respects to my fellow Montanan. I do so today before the Senate of the United States, and I know that this respect represents the feelings of the people of Montana and the Nation.

At the christening ceremony, a longtime friend, Assistant Secretary of Defense James D. Hittle, who knew and served with Elmer Montgomery during World War II, delivered the address. It recalls the personality and character of Elmer Montgomery in a moving and poignant way. I ask unanimous consent that

the address be printed in the RECORD for the benefit of the Senate.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE JAMES D. HITTLE

Congressman Hébert, Mrs. Weber, honored guests, ladies and gentlemen. Good morning. It is a great personal pleasure for me to be with you at the happy occasion of tribute to Elmer Montgomery in whose honor this ship is named. Congressman Hébert is with us because he is a great friend of the Navy and is always proud of the accomplishments of the people of Louisiana who are building this fine ship. On behalf of the Department of the Navy, I wish to thank you and your wife for joining us.

As small as the world has grown, the seas are still basic to our security—and sustenance. We must still depend on them. Strength at sea is still part of the framework on which American Defense is structured. It is the largest element of our terrain.

The Soviet Union recognizes this. After centuries of frustrating efforts Russia is now well established on the open seas. A modern, highly-mobile fleet of fast new helicopter carriers, cruisers, destroyers, and large seagoing fast patrol boats—all missile armed—cruise much farther than the Baltic, Mediterranean, Arabian, and Red Seas. They show themselves in bold formations on every open body of water of the earth. I am sure you are all familiar with the recent presence of Soviet ships in the Caribbean. Some three hundred and fifty Soviet submarines are available for employment for any ocean of the globe.

Russia is no longer tied to the land mass of Europe and Asia. Now, with long range missiles, a first class army, and a powerful air force, the Soviet Union has a mobile worldwide capability. But seapower is not a sum total of the number of weapons, aircraft, and landing forces a nation can float. Seapower requires a depth of logistics measured in merchant tonnage.

Right now, the Soviet Union is engaged in an effort to achieve naval parity with the United States. However, the competition between our merchant fleet has been going on since the end of World War II. A few weeks ago, President Nixon signed into law a bill passed by the Congress for a billion dollar merchant ship construction program, with 300 ships to be built over a ten-year period.

The well-balanced seapower of Russia—in both a combat navy and an efficient merchant marine—gives the Soviet Union a new depth in foreign policy. This depth can be consummated not only in offensive force, but as a blockade as well.

To date the new naval strength of the Soviet Union has not been employed directly in any armed contest. Yet, it has combined with the Soviet's massive land army in Europe, their world-wide nuclear capability, and their air force, to become a basic element of Soviet power.

I think the purpose of Soviet seapower is clearly defined in the world of the 1970's. That purpose is force—force to achieve ambitions and carry out policies in the spread of communist control in the overall struggle.

The Soviet move to sea with modern ships and modern equipment is of vital concern to this country in view of our maritime orientation and our dependence upon freedom of the high seas.

This ship, the USS Elmer Montgomery (DE–1082) and her sister ships of the Joseph Hewes Escort Ship Class are part of the Navy's modernization program that will provide sea power to meet and successfully cope with a greater variety of threats than have ever been faced in the world's oceans.

The Elmer Montgomery is a proud addition to the United States Fleet. A product of the best shipbuilding, she has an overall length of 438 feet, a beam of 46 feet and nine inches. She will displace 3,963 tons and have a draft of 24 feet and nine inches. The ship is designed to accommodate 17 officers and 228 men in the most modern conditions of shipboard habitability. Her armament includes an Anti-submarine (ASROC) systems, one five-inch 54 calibre gun, and four torpedo tubes in two twin mounts. Space has been created so that a self-defense guided missile system can be installed later. This ship will carry the latest, most sophisticated electronic equipment.

Elmer Montgomery is designed especially for locating and destroying enemy submarines. Because of her swift and lethal capabilities, this ship can operate as a unit of a hunter-killer group; as a screen for amphibious or underway replenishment forces; continental defense by patroling along coastal waters for missile firing submarines; or escorting military convoys. Like the destroyer, the escort ship has a wide variety of capabilities adaptable to many types of missions.

Today's ceremony, the launching of a ship is a tradition. It marks the moment that the land-bound ship escapes to her natural element. This ceremony, ancient in origin, gives us the occasion to express our thanks and appreciation to those who have labored to build this ship. As well, it gives us the opportunity to invest her with our own best hopes and to remember the man whose name she will carry proudly in service to this country.

I had the great personal fortune of knowing Elmer Montgomery.

We first met on Guam in later 1944 during the final phases of that campaign. I had been ordered to take over the G–4 logistics job for the 3rd Marine Division. We needed a clerk-typist. Sgt. Elmer Montgomery reported.

After Guam was secured attention shifted to the invasion of Iwo Jima. Work piled high and the hours were long in that little quonset hut office, but when Elmer did have a moment, I noticed he would lean his chair against the wall and pull a small, white leather-covered Bible from the hip pocket of his fatigues. It had a zipper around the edge that he would carefully loosen.

Wherever the Bible fell open in his hand, he would begin to read—and find serenity.

The other NCOs had trouble figuring Elmer, but they liked him. He was quiet and a bit withdrawn, but he was no "loner." He could chuckle at a bawdy joke and join in the bull sessions, though he winced at some of the more earthy profanity.

I remember one evening when we were working late. He went to the NCO Club and returned with a couple of cokes. They were a tonic on a steamy tropical night and we sat and chatted at my desk.

Elmer's glance fell on a stack of books.

"I see you have a copy of Omar Khayyam's Rubaiyat," he said. "It's one of my favorites."

The book was a gift from my wife. I explained that it offered a mental change of pace.

"What's your favorite verse?" I asked.

"I sometimes think that never blows so red,
"The rose as where some buried Caesar bled."

He had it perfect.

In February we sailed for Iwo Jima.

After several days of fierce fighting, division staff sections were ordered to provide replacements for badly mauled front-line units. I had to provide two. It's not a pleasant job to pick men trained in support tasks to combat. I selected the two I thought could best be spared from my supply operation.

I was just about to send the names to the division adjutant when my executive officer, Major Malcolm Beyer (later a brigadier general) popped into my dugout.

Sgt. Montgomery wanted to see me.

The sergeant saluted and informed me he had heard about the call for reinforcements.

"You're not one of them," I told him, thinking it would put his mind at ease.

"That's what I want to talk to you about, Colonel," he said, "I want to go forward."

I explained that I considered him essential to our supply mission and for the first time he argued. He wasn't loud, but he was firm.

"I'll never feel right if I don't go up when I'm needed," he said. "I'm needed now."

"I'm older than most of these kids. I've had a lot of experience looking after myself while hunting back home in Montana. I can look after them up forward."

I realized he wouldn't take "No" for an answer.

I never saw Elmer again.

A Marine from his frontline unit told me the story.

The platoon commander had been killed and Elmer was assigned under a staff sergeant, as assistant platoon commander.

The order came to attack.

The patched-up platoon moved across a slight rise and into a small saucer-shaped area where it was pinned down by a carefully camouflaged Japanese machinegun. If they stayed, they would soon be blasted apart by mortars.

Elmer crawled and rolled within yelling distance of the staff sergeant.

The Marine who told me the story paused, pulled on his cigarette and pressed a bandage on his arm tighter against his own wound.

Sgt. Montgomery yelled, "When I draw the fire, roll the platoon back over the rise," he said.

"And while the platoon commander was saying 'no,' Sgt. Montgomery stood up and firing his rifle from his hip, walked into the machinegun.

"We're here because he drew the fire long enough for us to slide back over that rise."

They never found Elmer. A few minutes after his platoon reached safety, our artillery laid down a barrage on the machinegun emplacement. The big shells churned the ground and everything on it mercilessly.

He and his little white, leather-covered Bible became, forever, part of the hallowed ground of Iwo Jima.

I suppose memories fade and maybe Sgt. Montgomery's decoration for bravery is almost forgotten, but whenever I think back to all the brave men I have been privileged to know, Elmer heads the list.

And whenever my eye falls on a copy of the Rubaiyat, I can't help but believe that if a rose were ever to bloom where Elmer fell, it would be more red than any "Where some buried Caesar bled."

And so we can learn a lesson from the character and sacrifice of the man whose name this ship bears.

Today it is the fad—the fashion—the thing—for many, too many who should know better, to disparage, to ridicule those who wear the uniform of the U.S. Armed Forces.

And so—to those who ridicule and disparage the military uniform, I pose this question—this challenge: I ask them, these self-appointed moralists, to reflect on this question. Do you serve your God, your country, your fellow man, as well as this quiet, God-fearing, patriotic and self-sacrificing Marine Sergeant from Montana?

I doubt that their answer will ever be yes.

For Elmer Montgomery, in emulating his Hero, demonstrated the inherent truth of the Savior's words: "Greater love hath no man than this, that he lay down his life for his brother."

Today's ceremony is not a sad remembrance of Elmer Montgomery, who gave his life so that his buddies would live. It is a joyful opportunity to preserve Elmer Montgomery's legacy with a ship bearing his name to insure the future security of this great

country Elmer Montgomery chose to defend. We are joined by three of Elmer Montgomery's sisters and their families: Mrs. Alice Kison, Mrs. Dan Baldwin, and Mrs. Daniel Weber, who is the sponsor and will christen this fine ship.

I would like to thank the employees of the Avondale Shipyard and others who are working on the ship for the dedication and effort that have resulted in this occasion. You have made a vital contribution to our national security and you have paid homage to an exceptional man. I am proud to be with you.

I join Mrs. Weber, and all of you, in wishing the USS *Elmer Montgomery* (DE–1082) wherever she may go, a fair wind, and a following sea.

AN INFAMOUS VIOLATION OF HUMAN RIGHTS

Mr. ALLOTT. Mr. President, according to shocking reports that have been appearing in the press during the last few days, this Nation has recently been a party to an infamous violation of human rights.

The full facts of the matter are not clear; someone, somewhere in this Government had better make them clear, with dispatch.

What does seem clear is that 1 week ago today officers of the U.S. Coast Guard, acting on directions the origins of which are not clear, cooperated with the Soviet Union in enslaving a free man.

Sometime last Monday afternoon a Lithuanian seaman, known only as Simas, made a 10-foot jump from the Soviet vessel on which he worked as a radio operator. That 10-foot jump was a leap to freedom. It carried him onto the deck of a U.S. Coast Guard cutter that was alongside the Soviet vessel.

Tragically, Simas's freedom was short-lived. One would have thought—as Simas obviously did think—that nothing could be safer than leaping into the arms of the U.S. military. But then something happened. At this point it is useful to cite the front page story from yesterday's New York Times:

> About 10 hours later, after a flurry of ship-to-shore radio consultations, the seaman was forcibly returned to the fishing ship by Soviet crewmen who had boarded the American vessel with the permission of the Coast Guard. The man, according to eyewitness accounts, was severely beaten by the Russians while the American seamen looked on.
>
> "Simas pleaded with (the Americans) to let him stay," a civilian who was aboard the cutter and witnessed the beating, said yesterday. He added:
>
> "He was crying help and was on his knees praying and begging them to save his life. But the captain said he was just following orders."

According to the eyewitness, the Soviet sailors bound Simas "hand and foot and beat him until he was unconscious."

Mr. President, imagine the scene. A Soviet boarding party is using the deck of a U.S. cutter to beat a man who had mistakenly placed his faith—his life and liberty—in American hands.

The New York Times report raises some questions:

First. Just who gave the captain what orders which he was obeying by allowing the Soviet sailors to use his vessel for the sort of police-state chores one assumes they normally perform in dungeons.

Second. Who was talking to whom during those 10 hours of ship-to-shore radio consultations? The State Department was involved, but it is not clear how.

Third. What bargain did we strike over poor Simas' life? The Soviet Union got a slave back; we got a loathsome deed written into our national history. What else? What possible reason did we have for betraying Simas?

One report has it that the reason for our violation of basic human rights has something to do with negotiations we are having with the Soviet Union about fish.

Fish. Pray tell: What kind of fish? What kind of fish is more precious than a man's freedom? What kind of fish is so precious that we will violate our Nation's most precious principles in order to negotiate about it with Russian slave masters?

Anyway, whoever is responsible for this trade should tell us just who gave it the power to trade human beings for fish?

This act certainly appears to be a violation of article 33 of the Geneva protocol governing political asylum.

But it also violates something much more important and precious.

It violates the spirit of the United States. Although they have been forgotten by whoever engineered this slave deal, there are some important American words inscribed on the Statue of Liberty, which guards the port through which so many persons from the old world have entered the freedom of the new world. The words, written by Emma Lazarus, are these:

> Give me your tired, your poor,
> Your huddled masses yearning to breathe free,
> The wretched refuse of your teeming shore,
> Send these, the homeless, tempest-tossed, to me:
> I lift my lamp beside the golden door.

The relevance of these words is clear. No man who escapes from a police state should ever be forced to return to the murderous hands of the police from whom he fled.

Mr. President, it is possible that some deep thinker from the State Department or elsewhere, has been chiseling added stanzas into the verse on the base of the Statue of Liberty. But if the words still say just what they have always said, they say nothing about sending only those poor whose yearnings to breathe free will not inconvenience U.S.-Soviet relations.

If negotiations about fish have once again involved the United States in the slave trade, then I am a modern-day abolitionist.

I am for abolishing all negotiations with the Soviet slavemasters until we feel composed enough to participate without collaborating with Soviet indecencies.

Mr. President, we should make no mistake about it. It is hard to have any dealing with barbarous totalitarian regimes without compromising our basic principles. And nothing—not fish, not parchment agreements, nothing—is worth that.

For Simas, life is virtually over. He will never have another try for freedom. He will not even enjoy the scant comforts of life as a normal Soviet slave. Thanks to a cold calculated act by the U.S. Government, he is consigned to the darkest regions of Soviet tyranny.

Mr. President, I urge that all the responsible powers of this Government, including the Senate and including the responsible leadership in the State Department, cooperate in getting to the bottom of this matter, and in getting the culprits responsible for this ruinous deed.

Mr. President, so that all Senators can familiarize themselves with the outlines of this story, I ask unanimous consent that the article published in Sunday's New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RUSSIANS SEIZE DEFECTOR ABOARD COAST GUARD SHIP

(By Robert D. McFadden)

At 2 P.M. last Monday, as the mother ship of a Soviet fishing fleet and a United States Coast Guard cutter rocked in the swells a mile off Martha's Vineyard, a Lithuanian seaman made a dramatic leap for political asylum.

The seaman, a radio operator known here only as Simas, hurled himself across a 10-foot gap from the Soviet vessel, the Sovietskaja Litva, and onto the deck of the cutter Vigilant.

About 10 hours later, after a flurry of ship-to-shore radio consultations, the seaman was forcibly returned to the fishing ship by Soviet crewmen who had boarded the American vessel with the permission of the Coast Guard. The man, according to eyewitness accounts, was severely beaten by the Russians while the American crewmen looked on.

DEMONSTRATIONS HELD

"Simas pleaded with [the Americans] to let him stay," a civilian who was aboard the cutter and witnessed the beating said yesterday. He added:

"He was crying 'help' and was on his knees praying and begging them to save his life. But the captain said he was just following orders."

The incident has led to a series of demonstrations here and in other cities, produced conflicting statements by the Coast Guard and the State Department, and raised questions over a possible United States violation of the Geneva Convention protocol on political asylum.

About 100 demonstrators gathered in Times Square yesterday to protest what they called the denial of political asylum to the seaman and the violation by the United States of his human rights under the protocol, to which the United States is a signatory.

The peaceful, two-hour demonstration here, which included picketing and angry speeches, was one of a number of protests staged yesterday and Friday in Boston, Philadelphia, Cleveland and Chicago by Americans of Lithuanian, Estonian and Latvian ancestry over the incident at sea.

The demonstrators, many of them wearing black armbands, carried signs reading "Is State Department trading fish for human lives?" and "Russians and Coast Guard kill brave Lithuanian sailor."

The two ships had met in Vineyard Sound, in American territorial waters, for a conference on fishing off the Atlantic coast, a subject of continuing Soviet-American controversy.

A spokesman for the State Department yesterday acknowledged that the seaman had been forcibly returned to the 300-foot Soviet ship by crewmen who were allowed aboard the American cutter, a 200-foot-long vessel.

The spokesman said the incident constituted an apparent violation of Article 33 of the Geneva protocol, which governs political

asylum, but he added that the State Department had not learned of the case until after the defector had been returned, and thus could take no action.

This was contradicted yesterday, however, by a spokesman for the First Coast Guard District in Boston, which had jurisdiction over the cutter in the authorized but unusual conference with the Russians.

The Coast Guard spokesman said that the decision to return the defector was ordered by the First District commander, Rear Adm. W. B. Ellis, but that both the State Department and the Coast Guard commandant in Washington had been apprised of the situation "early in the afternoon of the 23d," the day the incident took place.

DISCUSSIONS GOING ON

The spokesman said that "the decision to return the crewman was made in consideration of delicate international discussions which were being carried on regarding fishing problems." He added: "Their progress could have been endangered by any other course of action."

Admiral Ellis was reported yesterday to be recuperating from surgery and could not be reached for comment.

The meeting of ships during which the attempted defection took place was arranged at Soviet suggestion, according to the State Department, to take up the problem of "overharvesting" the yellow-tail flounder along the North Atlantic coast.

The Russians had suggested that the matter could be dealt with "on the scene," the State Department spokesman added, and thus the Soviet factory ship was invited into United States territorial waters for the meeting, which took place about a mile west of Gay Head on the western tip of Martha's Vineyard.

SESSIONS CALLED CORDIAL

In addition to representatives of the Interior Department's Bureau of Fisheries, principals in the meeting at sea included representatives of fishing interests in New Bedford, Mass., including Robert Brieze, president of the New Bedford Seafood Products Association, and John Burt, an official of the New Bedford Fishermens Union.

The spokesman for the State Department, which authorized the meeting, described it as an 'informal get-together" aboard the Soviet ship, "mainly for the benefit of regional people and fishermen from New Bedford." He added that the sessions were cordial and that there had been "a lot of visiting back and forth" between the Soviet ship and the Coast Guard cutter.

The ships were linked with hawsers and fenders were put over the side to prevent damage to their hulls at about 10:30 that morning. Mr. Brieze, Mr. Burt and the Goverrnment officials rode breeches buoys across to the Soviet ship. The conference took place in the Russian captain's quarters, according to Mr. Brieze.

OFFICER IS APPROACHED

Shortly before 2 P.M., Mr. Brieze said, the Lithuanian quietly approached one of the Vigilant's officers and told of his plan to defect. No action was taken on the information.

Ten minutes later the seaman leaped across the space between the ships and tumbled onto the deck of the cutter. He carried various papers, letters, his wife's photograph and his passport, all of which were taken by the Coast Guardsmen, Mr. Brieze said when reached by telephone yesterday at his home in New Bedford.

"He is known to have two children," Mr. Brieze said. "He speaks English, German, Russian and Spanish as well as Lithuanian. All the communication with the Americans was in English."

Mr. Brieze said that when the Russian learned of the defection, they asked permission to speak to Simas. A flurry of radio communications followed between the ship and the First Coast Guard District in Boston, which says it notified the Coast Guard commandant in Washington. The commandant, in turn, notified the State Department, according to the First District spokesman.

NO OVERT ACT MADE

The Americans aboard the Soviet ship returned to the cutter at about 3:30 P.M., according to Mr. Brieze, and no attempt was made by the Russians to detain them.

Several hours later, after nightfall, the cutter's commander, Capt. Ralph E. Eustis, received Admiral Ellis's order to return the Lithuanian, and four Russian seamen were granted permission to come aboard to take him back.

"Simas pleaded with [the Americans] to let him stay," Mr. Brieze said. "He was crying 'help,' and was on his knees praying and begging them to save his life. But the captain said he was just following orders."

The Russians seized Simas just outside Captain Eustis's quarters aboard the cutter, Mr. Brieze said, and "beat him all up." Bloody from the beatings, in which the Americans did not interfere, Mr. Brieze said, Simas nevertheless broke free and ran up on deck.

In the darkness, it was believed that Simas had jumped overboard. Actually, he had hidden himself in the cutter's recesses, Mr. Brieze said.

BEATEN UNCONSCIOUS

Though the Russian seamen were still aboard, Captain Eustis drew the cutter away from the Soviet ship. Later, at about 11:30 P.M., the Russians found Simas and, according to Mr. Brieze, bound him hand and foot and kicked and beat him until he was unconscious."

The Russians, at their own request, were then lowered with their prisoner and two American seamen in one of the cutter's lifeboats and returned to the Soviet ship, Mr. Brieze said.

"During all this time, not a single American sailor or civilian went to Simas' aid, even though all said what they had seen was against their grain," Mr. Brieze added.

The State Department spokesman who was asked about the incident yesterday said that, had the department been apprised of the case in time, it probably would have asked the Coast Guard to handle it differently.

The United States policy, the spokesman said, was to grant asylum to persons from Communist-bloc countries "who manage to make it into our hands."

GOVERNMENT ASSAILED

Romas Kezys, chairman of the Ad Hoc Lithuanian-American Action Committee, which was formed last week to protest the handling of the incident, said the demonstrations had been organized after repeated appeals for information by telephone and telegram had been ignored by the State Department.

"We wish to draw public attention to this outrageous decision," he said.

The Baltic states of Lithuania, Latvia and Estonia have been part of the Soviet Union since 1940, when they were annexed, except for a time during World War II.

FORCIBLE RETURN OF LITHUANIAN REFUGEE TO SOVIET UNION

Mr. KENNEDY. Mr. President, I wish to comment on the incident involving the forcible return of the Lithuanian refugee who sought asylum aboard the Coast Guard cutter *Vigilant*.

If press reports are correct, the incident obviously raises some serious questions involving our Government's responsibility under the United Nations convention and protocol relating to the status of refugees, and also to our national commitment to the right of asylum—so long a part of our country's tradition and history.

From early reports, it seems that in an incredible 10-hour period on November 23, our Government compromised our Nation's 200-year history of supporting the right of refugees. For in that period our Government permitted the captain of the Coast Guard cutter to have Soviet sailors come aboard, drag a defector from his hiding place, manhandle him in the presence of American personnel, and then transport him, in one of the cutter's own lifeboats, back to the Soviet vessel.

From all appearances the incident is another sad example of the low priority officials of our Government attach to humanitarian questions—whether it be the fate of one Lithuanian seaman desperately reaching out for freedom, or the lives of hundreds of thousands of East Pakistanis crying out for help. In each case it seems that a combination of official lethargy and confusion has allowed people to suffer unnecessarily, and against our best traditions and capabilities and interests.

Mr. President, just a week ago, members of my staff first made inquiries at the Department of State regarding the incident of the Lithuanian seaman. Regrettably, no answers were forthcoming. So I commend the President for demanding a complete investigation, and I hope that he will make the findings public at an early date. It was to this end that, as chairman of the Judiciary Subcommittee on Refugees, I wrote to the Secretary of State yesterday.

I ask unanimous consent that the text of this letter and other background information be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., November 30, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: As Chairman of the Judiciary Subcommittee on Refugees, I am deeply concerned over the press reports of the handling and forcible return of the Lithuanian refugee who sought asylum on November 23rd aboard the U.S. Coast Guard cutter "Vigilant". Given the conflicting information related in the press, it seems imperative that an official explanation of this incident should be made public as soon as possible. Apart from what appears to be a violation of our country's traditional commitment to the right of asylum, I am particularly concerned over the implications the incident has vis-a-vis our commitments under the United Nations Convention and Protocol Relating to the Status of Refugees. I would hope that a full acount of the circumstances and actions relating to the decision to return the Lithuanian seaman to the Soviet vessel can be made available to the Subcommittee at an early date.

Many thanks and best wishes.

Sincerely,

EDWARD M. KENNEDY,
Chairman, Subcommittee on Refugees.

TEXT OF TELEGRAM TO SENATOR KENNEDY FROM SADRUDDIN AGA KHAN, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

As a result of the Simas incident of which I am sure you are aware, I sent today the following cable to Secretary Rogers:

"I have the honor to refer to reports of news media concerning Soviet seaman of Lithuanian origin called Mr. Simas.

"According to these reports, Mr. Simas hurled himself off the Soviet vessel, Sovietskaja Litva, and onto the deck of the United States cutter 'Vigilant'. His reported purpose in so doing was to seek asylum in the United States. The new media state that, despite his request and entreaties, Mr. Simas was forcibly returned to the Soviet vessel. The alleged incident was reported to have occured Monday, the 23rd of November, 1970.

"If indeed there is truth in these reports, and there has been no indication to the contrary, I feel I must convey my deepest concern. The alleged 'refoulement' would be contrary to Article 33 of the 1951 convention relating to the status of refugees and to the 1967 protocol on this subject.

"In the past, my office has noted with gratification the unswerving importance that United States always accorded the principle of 'non-refoulement'. Your government championed the sancity of this concept in repeated sessions of my executive committee, and most recently, through Senator Pell's strong statement to the Third Committee of the United Nations General Assembly, when activities of my office were debated. News reports of the present incident, therefore, cannot but cause greatest dismay.

"Under the circumstances and in view of the responsibilities entrusted me under Article 8 of the statute of my office, I would appreciate being informed of the details of the reported incident and in what manner the decision was taken. Such information would also accord with the purpose of Article II of the 1967 protocol, whereby state parties undertake to cooperate with my office in its fundamental duty of supervising application of provisions of the protocol. I need hardly add that my office remains available at all times to assist meaningfully in the implementation of this instrument.

"Highest consideration."

I am sure you share my deep anxiety regarding this matter. Kindest regards.

REFUGEE AGENCIES DEPLORE RETURN OF SOVIET SEAMAN

The Migration and Refugee Service of the United States Catholic Conference was joined today by its co-religionist groups in expressing its outrage over the forcible removal of a defecting soviet sailor from the U.S. Coast Guard cutter "Vigilant" with the permission of its American officers.

The Service and the other agencies have sent a telegram to the President of the United States protesting this rash action. An action which John E. McCarthy, the Services' director, described as "a serious blot to the essential worth this nation and its people have always placed on the dignity of the individual." "It is an incident," he said, "which destroys our belief that all people are entitled to those inalienable rights for which this country was created and it indicates perilous times for the degree of our humanitarianism, especially for those high moral and spiritual principles of our founding fathers,—to whom individual freedom and human dignity were the most important elements of a free nation."

The telegram read:

"The officers of the Committee on Migration and Refugee Affairs of the American Council of Voluntary Agencies for Foreign Service wish to express concern and, indeed shock and dismay at the report of the role of American officers aboard a U.S. Coast Guard Cutter in the forceable return of a defecting Soviet seaman of Lithuanian nationality.

As reported, the incident constitutes a contradiction of the long standing American tradition of granting of political asylum, as well as a violation of the United Nations Convention relating to the Status of Refugees and the 1967 protocol to that document both of which have been acceded to by the United States.

We understand that the full facts concerning the alleged circumstances have not yet been revealed and urge that a thorough inquiry be undertaken in order to ascertain exactly what took place, through what reasoning determinations were made, and by whose authortiy instructions were issued.

However, there are vital considerations implicit in the alleged incident which extend far beyond the question at hand. They involve the principles of political asylum and the role and the credibility of the United States as a leader of the free world, as well as a direct contradiction of the extent and substance of all U.S. legislation dealing with refugees over the past quarter of a century.

We urge that regardless of the results of the investigation into this particular incident, the Administration make a clear statement reaffirming both the traditional American position with regard to political asylum and the relevant treaty commitments of the United States. Only such action can clearly indicate America's position to the American people and the world at large.

We further urge that necessary steps be taken to insure that U.S. policy is carried out in this regard.

Knowing of your sympathy for the plight of refugees, we would appreciate receiving reassurance from you on this vital issue."

COPY OF TELEGRAM SENT TO CLEMENT J. SOBOTKA, ACTING SPECIAL ASSISTANT TO THE SECRETARY FOR REFUGEE AND MIGRATION AFFAIRS, DEPARTMENT OF STATE, NOVEMBER 30, 1970

The incident aboard the United States Coast Guard cutter Vigilant reported in the press on November 29 in which a Lithuanian refugee who had sought asylum was forceably and brutally seized by Soviet Naval personnel, allegedly with the consent of American officers, is a clear violation of United States treaty commitments under the 1967 protocol to the United Nations convention relating to the status of refugees. We urge that an official public explanation of the incident should be made, and that public assurance be given that the officers concerned have been disciplined.

We believe that a full explanation of the United States treaty commitment in regard to political asylum should be become part of official training manuals of all such responsible officers.

The right of asylum is a basic and inalienable part of American tradition. Because this is so, our fidelity to the terms of the United Nations convention must be exemplary and uneqivocable.

R. NORRIS WILSON,
Chairman,
U.S. Committee on Refugees.

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[From the Washington Post, Nov. 31, 1970]

NIXON ORDERS PROMPT INQUIRY INTO FORCED RETURN OF DEFECTOR

(By Marilyn Berger)

President Nixon, deeply concerned about an apparent error in judgment, yesterday ordered a "full and immediate investigation" of last week's denial of political asylum to a Lithuanian sailor by a Coast Guard cutter.

Press Secretary Ronald L. Ziegler said a full report was due Wednesday on the handling of an attempted defection by a sailor who jumped from a Russian fishing vessel to the Coast Guard cutter Vigilant and was forcibly returned.

"It appears that the situation was very poorly handled," Ziegler said, "and there appears to have been an error in judgment."

The report is to come from the Secretaries of Transportation and State, Ziegler said. "Appropriate action will be taken," he added.

Officials in both departments were seeking answers as to why the sailor was pulled kicking and bloodied off the cutter after he had made clear his wish to remain with both his fists and with his prayers.

Ziegler said the President became aware of the incident, which took place off Martha's Vineyard a week ago yesterday, through weekend news reports.

The Coast Guard, meanwhile, announced that the would-be defector had been returned after the master of the Soviet ship alleged that the sailor had stolen $2,000 from the ship's fund.

The story of the attempted defection and the response by Americans—from the sailors and officers on the Vigilant to officers in the Coast Guard and State Department officials—indicates that decisions were made almost exclusively without consultation with the government's policy-makers or with experts on Soviet-American relations.

As pieced together from officials in the Coast Guard, the State Department and the White House, as well as from reports of eyewitnesses, this is what happened:

About 10:30 a.m. on Nov. 23, the Coast Guard cutter Vigilant and a Soviet fishing vessel, the Sovietskaja Litva, met off Martha's Vineyard in American territorial waters. The rendezvous was arranged to allow informal discussions of fishing matters, particularly the "overharvesting" of the yellowtail flounder.

At 2:30 p.m. that day, Edward L. Killham, Jr., head of the Soviet Affairs desk at the State Department, received a telephone call from Coast Guard headquarters in Washington.

He was told that a Russian seaman had indicated to Coast Guard personnel that he wanted to defect. State Department Press Officer Robert McCloskey said yesterday that Killham told the Coast Guard that the United States did not want to encourage a defection and that there might be a provocation involved.

The Coast Guard caller was asked to keep the State Department informed, McCloskey said.

At 3:30 p.m. Killham received another call. No defection had actually been attempted, the Coast Guard caller said.

The would-be-defector on the Russian ship, an English-speaking radio operator known only as Simas, had apparently made his intention known to Coast Guard officers who had boarded the fishing vessel for the talks.

In addition to the officers, representatives of three fishing organizations in New Bedford and of the Interior Department's Bureau of Fisheries were on the Russian vessel. Among these persons was Robert Brieze, president of the New Bedford Seafood Products Association, a Latvian who left his native land in his own tugboat when the Russians occupied his country.

Brieze said that Simas apparently jumped on board the Coast Guard cutter and hid while the officials were holding discussions in the quarters of the Russian captain.

"The discussions were very good," Brieze said in a telephone interview from New Bedford. "We had a good luncheon and then we discussed . . . fishing, especially our yellow-tail problems."

During the discussions, Brieze said, the captain of the Vigilant, Ralph E. Eustis, was called out and left the Russian ship. When the discussions ended, Brieze said, the Americans invited 10 Russians on board the cutter. By 4:30 p.m., Brieze said, all but three, two Russians and their interpreter, returned to their own ship. By 5 p.m., Brieze said he and his companions learned from a Coast Guardsman there was a defector on board.

There ensued what Brieze described as "all kinds of telephone calls between Coast Guard headquarters in Boston and the Vigilant." At one point Brieze said Capt. Eustis told the Russians that they could ask the defector whether he wanted to return to his ship.

"I saw the Russians go out of the captain's quarters," Brieze said. "Then they returned and told the captain that Simas didn't want to leave." Brieze said he was not present when the Russians questioned the defector.

According to State Department spokesman McCloskey, the duty officer was informed at 7:45 p.m. that "a defection had in fact occurred and that the seaman had been returned to his ship and the ship was being escorted out of U.S. territorial waters."

But Brieze said that a nightfall, while the cutter was still in rendezvous with the Russian ship, Capt. Eustis told the Russians, through his American interpreter, that if the defecter was not prepared to return they would have to leave without him for the Vigilant was about to go back to port.

It was at that point, Brieze said, that one of the Russians handed Eustis a piece of paper and at the same time asked for permission to call the Soviet Embassy from the cutter.

Brieze said he did not know if the call went through. Soviet Ambassador Anatoliy Dobrynin said yesterday there had been no contact with the Embassy.

Again according to Brieze, at about 11 p.m. Eustis said he had received orders from the First District commander that he was to return the defector "by force if he did not want to go on his own."

This was more than three hours after the State Department duty officer was informed that the defection had been attempted and that the sailor had been returned to his ship.

Brieze said the captain told the Russians that he could use the American crew or permit Soviet crewmen to take Simas off the Vigilant. Coast Guardsmen who told Simas he would have to leave told Brieze and others on the cutter that Simas was on his knees praying not to be returned. Brieze said the Russians then went out to get Simas.

They soon returned, Brieze said, and informed the captain that they needed more help. Capt. Eustis, according to Brieze, told them they could bring over two more men from the Russian ship. Brieze said the Russians protested that this was not enough and Eustis finally allowed them to bring three men to supplement the three already on board.

"We could hear Simas crying for help," Brieze said. "The Russians started beating him and we could hear him crying 'Help, help, help.'" Simas apparently tried to hide again but the Russians, Brieze said, found him and captured him. He was tied in a blanket and rope and placed in a lifeboat that American crewmen helped row over to the Soviet ship.

No one in the State Department or the Coast Guard can explain the discrepancy in time between the 7:45 p.m. call to the State Department and the forcible return near midnight.

In the department, meanwhile, it was learned that only Killham knew of the incident until early the next day. It was not until Tuseday that a deputy assistant secretary of state learned of the incident. He then informed the Assistant Secretary for European Affairs who in turn informed Under Secretary U. Alexis Johnson.

The Coast Guard Commandant, Adm. Chester R. Bender, announced yesterday that the decision to return the defector was made by the First Coast Guard District Commander in Boston, Rear Adm. William B. Ellis.

According to a Coast Guard release issued in Boston Nov. 25, Eustis had been told to inform the master of the Soviet vessel about the defector and to return the individual only upon receipt of a formal request.

REQUEST IS MADE

The release said that the formal request was made and "the man was subsequently forcibly returned to the mother ship at approximately midnight by members of its crew who were permitted to come aboard and take the man into custody."

"We naturally and deeply regret that this incident occurred," State Department spokesman McCloskey said yesterday. The chronology of the incident provided by the State Department indicates that the department was never given an opportunity to advise the Coast Guard on what action it should properly take.

Adm. Bender said that no specific advice had been received from the State Department or Coast Guard Headquarters. "While it is not yet clearly established whether or not he took the proper action, I believe it to be understood how he would make this decision on the existing circumstances," the statement said.

The commandant noted that the Soviet ship had been invited into U.S. territorial waters for a "friendly discussion" and that the master of the Russian ship had alleged that the would-be defector had stolen $2,000.

Bender said that it was his "desire and expectation" that the State Department will provide specific instructions on what to do in such cases. "I do not approve of the use of force on a Coast Guard ship by personnel of another nation," the commandant said, "but do recognize that considerable force was required as the defector was resisting strongly."

In addition to the investigation ordered by Mr. Nixon, Rep. Hastings Keith (R-Mass.) and the Latvian Press Society, among others, have called for a congressional hearing.

AN AMERICAN PARADOX

Mr. HATFIELD. Mr. President, history reveals the character of the United States in manifold ways, both bad and good; at times violent, arrogant and egotistical; occasionally conscience-ridden, humanitarian, and forward-looking. These characteristics and others have appeared throughout our 200-year experience as a nation, and sometimes simultaneously in a seemingly contradictory manner. We are in an age dominated by science and technology. We, in our democratic tradition, have aspired to attaining the greatest good for the greatest number which has necessitated rational discussion and compromise—separating the issue from the emotionality behind it while trying to maintain a delicate balance between them. Yet, as has often happened, our means become our ends and we lose sight of our original goals. Such is the case today and it is reflected by various attitudes prevalent within our country as well as in our national policies. This balance has been lost. The values which have produced this country's finest hours and on which our society was founded have become clouded.

Mr. President, I have faith in the American people's resilience and our basic sense of freedom and judgment, yet the pendulum has swung away from that which we have held so dear. In the New York Times of November 29, 1970, James Reston speaks poignantly to the issues I have raised today. In my view, it is one of the most perceptive, contemporary analyses of the current paradox within our country. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FORGOTTEN FACTOR

(By James Reston)

WASHINGTON.—The mind of modern man seems to be stunned these days by facts that he feels are beyond his understanding or control. Millions of us watch football on Sunday afternoons and suffer with any maimed monster hobbling to the sidelines, but somehow the most appalling human tragedies and pointless miseries slip beyond our comprehension.

We do not know whether 150,000 individuals or 500,000 have lost their lives in the cyclone at the mouth of the Ganges in Pakistan during these last few days. The tickers have been stuttering in disbelief all week, but whatever the number, it is probably the worst human disaster since the Indonesian massacres or even since the atom bombing of Hiroshima, and somehow it gets beyond our grasp.

This cannot be explained by saying that man has become less sensitive to human suffering. Despite all the agonies of the modern world, there is undoubtedly more respect for individual life and thought, more pity for human distress and more of a sense of social justice today than ever before.

Nor can it be explained by saying that Pakistan is far away and that there is little we can do to avoid or relieve the unpredictable convulsions of nature. For we see much the same insensitivity to avoidable and highly publicized human suffering in Vietnam and even in Appalachia.

The facts of poverty and even hunger in America are well-publicized. The students and the blacks are protesting against the known facts, and a lot of people are protesting against the protesters, but somehow the point does not get through.

The facts are clear as well in the Vietnam war. The Pentagon says one of our reconnaissance planes was shot down over North Vietnam and that we retaliated with a raid by over 200 bombers, but the contrast between the punishment and the crime, and the *meaning* of such an attack on human life is somehow lost even on many of the most thoughtful minds.

So there is a puzzling paradox: A decent,

fair-minded, well-informed people somehow do not act upon, and often do not even think about, the information they have, not because they are wicked or pitiless, but because they do not *feel* what they know, or if they do, think they are helpless to do anything about it.

Thus, even when we have over 4.3-million people unemployed, and the Congress refuses to accept President Nixon's Family Assistance Plan on the ground that we cannot afford it Secretary of Defense Laird announces that the military budget must go up next year, and very few people even notice the paradox.

Archibald MacLeish helped explain the paradox long ago in an essay on "Poetry and Journalism." The trouble was, he thought, in the divorce between *knowing* and *feeling*. The journalists gave us the facts but did not make us *feel* them, and the woefully inadequate reporting of the Pakistan tragedy illustrates his point.

"We do not feel our knowledge," he said. "Nothing could better illustrate the flaw at the heart of our civilization. . . . Knowledge without feeling is not knowledge and can lead only to public irresponsibility and indifference, and conceivably to ruin. . . . When the fact is dissociated from the feel of the fact in the minds of an entire people—in the common mind of a civilization—that people, that civilization, is in danger."

And yet, even this analysis of the problem does not give us the solution. For we are not likely to get at the heart of this dilemma unless we wonder whether we have forgotten the central fact of our religious heritage, namely, that every life is sacred and inviolable—not only the lives of our fellow countrymen but of all members of the human family.

Walter Lippmann emphasized the point in his philosophic writings many years ago.

"What is left of our civilization," he wrote, back in 1940, "will not be maintained, what has been wrecked will not be restored, by imagining that some new political gadget can be invented, some new political formula improvised which will save it. Our civilization can be maintained and restored only by remembering and rediscovering the truths, and by reestablishing the virtuous habits on which it was founded. There is no use looking into the blank future for some new and fancy revelation of what man needs in order to live.

"The revelation has been made. By it man conquered the jungle about him and the barbarian within him. The rudimentary principles of work and sacrifice and duty—and the * * * criteria of truth, justice, and righteousness—and the grace of love and charity—are the things which have made man free. Men can keep this freedom and reconquer it only by these means. These are the terms stipulated in the nature of things for the salvation of men on this earth, and only in this profound, this stern, and this tested wisdom shall we find once more the light and the courage we need."

MIDDLE-AGED AND OLDER WORKERS EMPLOYMENT AMENDMENT NEEDED NOW—SENATOR RANDOLPH URGES FAVORABLE CONFERENCE ACTION

Mr. RANDOLPH. Mr. President, last month's grim unemployment statistics clearly underscore the need for enactment of comprehensive manpower legislation during this session of Congress.

Today, approximately 4.7 million persons have lost their jobs, nearly 2 million more than in January 1969.

Workers of all ages are feeling the impact of our mounting unemployment problems. But older workers and their families have been especially hard hit.

Many are discovering that they have lost more than their jobs. Thousands have also lost their pensions.

Inflationary pressures—the most rampant in nearly 20 years—have added to their pressing problems.

In October there were 1 million unemployed persons 45 and older, nearly 400,000 more than in January 1969. This represents a 67-percent increase in the last 21 months.

Once unemployed, these mature workers run the greatest risk of long-term joblessness. In October persons 45 and older constituted 44 percent of the very long-term unemployed, 27 weeks or longer. From January 1969 to October 1970, their numbers have grown from 48,000 to 101,000—an astounding 106-percent jump. During this period, their long-term unemployment—15 weeks or longer—has nearly doubled, increasing from 115,000 to 218,000.

In spite of this critical need, older workers are still underrepresented in existing manpower programs.

The recently passed Employment and Training Opportunities Act, S. 3867, has a number of categorical programs for certain target groups—such as older workers, Indians, migrant workers, and Spanish-speaking minorities.

One such measure is my middle-aged and older workers employment amendment, which is also cosponsored by the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Massachusetts (Mr. KENNEDY). This proposal—enthusiastically endorsed by the National Council of Senior Citizens, National Council on the Aging, National Retired Teachers Association—American Association of Retired Persons, and National Farmers Union—would authorize training counseling and special supportive services directed at the unique and growing employment problems of middle-aged and older workers.

Nearly 2 weeks ago the House of Representatives passed a comprehensive manpower bill, H.R. 19519. However, the House measure does not include the provisions for mid-career services for individuals 45 and older.

Older persons will, of course, be covered under the comprehensive manpower services and public service employment provisions in the House and Senate bills.

But under present employment and training programs, the emphasis has been on youth. Too often older persons have been overlooked or ignored. Without specific statutory direction, the prospects for effective employment assistance for the seasoned worker are not encouraging.

Despite the urgent employment needs of middle-aged and older persons, the United States still does not have a clear-cut, effective policy for maximum utilization of individuals now regarded as older workers.

The price the Nation pays for this inaction is a growing dependency ratio of nonworkers to workers.

Much can be gained through a national effort to raise the productive capacity and to provide new employment opportunities, as well as related manpower services, for persons 45 and older.

Today House and Senate conferees hold their first conference to resolve the differences in both manpower bills.

A fact sheet, prepared by the Senate Committee on Aging, provides additional compelling arguments for inclusion of the middle-aged and older workers amendment in the conference bill.

Mr. President, I ask unanimous consent that the fact sheet be printed in the RECORD.

There being no objection, the fact sheet ordered to be printed in the RECORD, as follows:

WHY THE MIDDLE-AGED AND OLDER WORKERS EMPLOYMENT AMENDMENT IS NEEDED NOW

As persons move into the 45 plus age category, several discernible trends become evident:

Joblessness increases;
Duration of unemployment rises sharply;
Labor force participation declines; and
Poverty increases.

1 MILLION UNEMPLOYED

In October there were nearly 1 million persons 45 and older who had lost their jobs. Unemployment has increased by 67 percent for mature workers since January 1969.

LABOR FORCE "DROP-OUTS"

Moreover, these statistics only represent the tip of the iceberg because the unemployment figures do not include the labor force "drop-outs"—those who have given up the active search for employment. As of October 1970, there were more than 8 million males 45 and older who had withdrawn from the work force, too often unwillingly. Another 20 million women in this age category were also not in the labor force. Assuming that just 30 percent of these men (a conservative estimate) and 10 percent of these mature women wanted and needed employment, this would mean that the "real" unemployment for persons 45 and older would be approaching 5.4 million—about 700,000 more than the total unemployment in the United States now.

If current labor force participation trends continue, 1 out of every 6 men in the 55 to 64 age category will no longer be in the work force by the time he reaches his 64th birthday. Ten years ago this ratio was 1 out of 8.

LONG-TERM UNEMPLOYMENT

While the unemployment rate is higher for the Nation's youth, persons 45 and older comprise a disproportionately high percentage of the very long-term unemployment (27 weeks or longer). In October they constituted 44 percent of the total. And from January 1969 to October 1970, their numbers have grown from 48,000 to 101,000—a 106 percent increase.

During this same period, their long-term unemployment (15 weeks or longer) has nearly doubled, increasing from 115,000 to 218,000.

POVERTY

In 1969, 6.8 million persons 55 and older fell below the poverty line. More disturbing, their aggregate numbers in poverty actually increased by 100,000 since 1968. In sharp contrast, the number of younger persons in poverty declined by 1.2 million.

In 1969, 28 percent of all persons in poverty—about 3 out of 10—were 55 or older. Ten years ago they comprised only 24 percent of the poverty population.

UNDERREPRESENTED IN TRAINING PROGRAM

Under present training and employment programs, the emphasis has been on youth. Too often the older person has been left out in the cold. For example, among individuals participating in manpower programs in 1968, approximately 64 percent were 21 or younger and only 4 percent were 55 or older.

DEATH OF LILLIAN M. TOBEY

Mr. McINTYRE. Mr. President, the widow of a distinguished U.S. Senator from New Hampshire passed away last Friday, and I find it fitting to memorialize her today.

Lillian M. Tobey, a native of Atlanta, Ga., who married the late Senator Charles Tobey in 1952, was a gracious and courageous personality in her own right. Those who knew her personally, or knew of the depth of her devotion to worthy causes, will miss her as a source of inspiration.

Though her marriage to the late Senator was to last only 11 months, terminated by his untimely death, Mrs. Tobey chose not to retreat from public issues in her widowhood.

Instead, she fought on, still lending her physical presence and moral conviction to the cause of civil rights, for instance, until well into her seventh decade.

Sunday's Washington Post published Mrs. Tobey's obituary, noting her longtime chairmanship of the Senate Ladies unit of the Red Cross; detailing how she registered black voters in Virginia in the early and mid 1960's; and how she joined the second Selma, Ala., march in 1965 with Dr. Martin Luther King.

As a particularly appropriate salute to this grand and gallant lady, I should like the RECORD to include the following paragraph from Mrs. Tobey's obituary:

During a tense moment of the (Selma) march, when a Selma policeman stood near her swinging a nightstick, Mrs. Tobey, combining her Southern charm with New England wit, said: "It is wonderful how Selma chooses the handsomest men to be on their police force," friends recalled yesterday. The policeman lowered the nightstick, and smiled, they said.

AMERICAN UNIVERSITY OF BEIRUT

Mr. HATFIELD. Mr. President, almost a year ago it was my pleasure to visit the American University of Beirut during a personal information-gathering visit to the Middle East. At that time I spoke with university administration officials, faculty, and students, and also toured various campus facilities.

I was impressed with the work being carried on in various areas—in the medical and natural sciences, the humanities and the arts, the social sciences and agriculture, in engineering and architecture. It was pointed out to me that about 80 percent of the university's living alumni are presently working in their home areas of origin as leaders in their professions. Their contributions in various fields have been immense.

The new medical center at the American University of Beirut was of particular interest. It includes a 440-bed teaching hospital fully accredited by the American Hospital Association and provides the most modern facilities in the Middle East for advanced training, research, and patient care. I spoke with medical center personnel, many of whom had training in hospitals in our country. They told me of visitations by outstanding American doctors who had helped in various programs at the center.

The American University of Beirut, a 105-year-old institution, has over 4,000 students in attendance from 63 countries around the world. With the normal stresses of 1970 academic life compounded by the particularly emotional complexities of Middle East events, it is small wonder that there has been some unrest on this campus in recent years. But to say the campus is a training ground for revolutionaries is to exaggerate the current situation, in my opinion. I believe the majority of the American University of Beirut personnel are pursuing constructive academic roles.

I am including with this statement various documents having to do with current activities at the American University of Beirut. These include articles, letter, and editorials from both university personnel and American writers, and also documentation about past accomplishments at the university.

I am not unmindful that the American University of Beirut receives sizable monetary support from the United States. I believe that there are today, as there have been in the past, important benefits to our Nation by support of this institution, not only in academic pursuits but also in the unique opportunity for young people from all over the world to learn firsthand about American contributions to the cause of peace and to the relief of human suffering through scientific advancements.

Mr. President, I ask unanimous consent that the statements be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AMERICAN UNIVERSITY OF BEIRUT,
New York, N.Y., November 2, 1970.

Mr. JOHN GREEN,
Editor, the Canton Repository,
Canton, Ohio

DEAR MR. GREEN: Your October 8 editorial is a discouraging sequel to the misrepresentations of purpose and fact about the American University of Beirut already published in the October 5 issue of *Newsweek* and telecast on the October 6 NBC network program *First Tuesday*. To my knowledge, there never before has been a case where a university was held responsible for the activities of its alumni. Why AUB should be singled out for such responsibility by a leading weekly news magazine, a leading national television network, and by responsible newspapers such as yours, is difficult to understand.

In the final paragraph of your editorial, you recommend that the United States "face facts and cut off any further aid to this type of an institution, regardless of its academic performance in the past." Such a suggestion is upsetting, not only because it calls for the end of vital financial support, but because it ignores totally the full facts of AVB's present academic performance as well as detailed plans for further enrichment and broadening of the academic program. It ignores the fact the AUB is a leader in the Middle East in the fields of the medical and natural sciences, the humanities and the arts, the social sciences and agriculture, and in engineering and architecture. It ignores the fact that eighty percent of AUB's living alumni are working in their regions of origin as leaders in their professions. It ignores the fact of recent contributions to the well-being of man through the research activities of AUB scientists: the development of Laubina, Najah wheat, and of Fycrete. It ignores the fact that AUB's new medical center (including a 440-bed teaching hospital fully accredited by the American Hospital Association) provides modern facilities for advanced training, research, and patient care. It ignores the fact that AUB's four thousand member student body comes from sixty-three countries.

AUB is proud of its 105 year history. AUB is proud of the fact of its role in providing an American-type university education of unequalled quality in the Middle East. AUB agrees that the United States should face facts. AUB receives support from the United States because of these facts. And it is the totality of these facts that assures AUB of continued financial help from the United States.

Sincerely,

ROBERT W. CRAWFORD,
Vice President.

[From the Canton Repository, Canton, Ohio, October 8, 1970]

CUT OFF FUNDS

The American University in Beirut (AUB) has long been noted as the source of professional talent in the Mideast. Now it can claim a questionable distinction. It would appear to be the primary source of leadership for the hijackers and guerrillas.

The chief of the ultra-radical Popular Front for the Liberation of Palestine graduated from this university. The number two man, Dr. Wadia Haddad, and the alleged mastermind of last month's hijackings, was a fellow student at AUB. Leila Khaled, the terrorist who pulled off one hijacking and was captured while attempting another, studied at the Amreican University in Beirut.

Despite this dubious record the United States continues to pour funds into Beirut to support AUB. Last year the U.S. Agency for International Development provided AUB with $10 million in operating and building funds.

With campus politics today tied directly to the Palestine guerrilla movement, it is about time for the United States to face facts and cut off any further aid to this type of an institution, regardless of its academic performance in the past.

[From the New York Times, Nov. 12, 1970]

DEALING WITH ARAB HIJACKERS

TO THE EDITOR: The multiple hijackings are over, the planes destroyed, ransoms paid, and hostages freed. What are the obvious lessons?

The British were generous to the girl air pirate who attempted to hijack an El Al plane. The plane was not scheduled to land in London. Why did they not make her stay on the plane and continue her flight? They permitted her to enter Britain and were rewarded for their generosity with Arab gratiture. A B.O.A.C. jet was hijacked and destroyed and the passengers held as hostages.

In Switzerland, Greece and Germany, Arab terrorists are free to commit crimes including murdering Greek children. Trials and convictions are irrelevant. Convicted criminals are freed when their gangster friends hijack another plane. In the understandable anxiety over safety of hostages, justice and punishment for criminals are forgotten

Why not extradite such criminals immediately to Israel for just and humane punishment? With no ransom to pay, Europeans would then be immune to backmail

Americans have been hit hardest by air piracy Yet the United States Government does nothing against air pirates and proposes additional taxes on American travelers to finance new security measures American travelers and taxpayers are penalized for the failure of the United States Government to control air privacy. Victims are punished and criminals are rewarded

The United States Government is responsible for the freedom of Americans to travel everywhere. The Arab terrorists and their

supporters should pay for destroyed aircraft and new security procedures.

The Popular Front for the Liberation of Palestine operates legally with government support in many Arab countries. Let these governments and their nationals pay for damages and expenses caused by air piracy, rather than the American taxpayer. Hitting them in their pocketbooks may bring them to their senses.

Nationals of such countries should be charged $100 for entry visas. Students from these countries should not be subsidized by American taxpayers and should pay their full share of the cost of running a university, rather than a symbolic tuition fee.

American government funds should not support organizations in Arab countries which train terrorists, like the so-called refugee camps and the American University in Beirut, which proudly admit over American television that terrorists are trained there. The funds could be diverted to reimburse T.W.A. and Pan Am for their losses in destroyed aircraft.

Support for genuine humanitarian and educational purposes should not be stopped. *Bona fide* Arab students should not be penalized if they sign an oath that they do not support terrorist activities. But the American Government should know what it is doing, and should not use taxpayers' money to subsidize terrorism and air piracy.

HARRY J. LIPKIN,
Rehovoth, Israel, Nov. 4, 1970.

[From the New York Times, Nov. 18, 1970]

TERRORIST CHARGE DENIED

TO THE EDITOR: Prof. Harry Lipkin's letter (Nov. 12) from Rehovoth, Israel, must not pass unanswered. He suffers the fallacy of so many well-meaning individuals throughout the world—the fallacy of accepting as fact that which is not true, simply because it is emotionally appealing.

In his last two paragraphs, Professor Lipkin is wrong in his assumptions about the American University of Beirut. Obviously, he has accepted as fact the misrepresentation of A.U.B.'s purpose disseminated recently by some sectors of the media (e.g., Newsweek and N.B.C. Television). His words echo similar statements and recommendations made editorially by an Ohio newspaper. He states that A.U.B. trains terrorists and "proudly admits over American television that terrorists are trained there." This is completely false. On behalf of the university, I deny it categorically.

A.U.B. does not train terrorists. A.U.B. trains leaders in the medical and agricultural sciences, the humanities and social sciences, the hard sciences and the fine arts, and in engineering and architecture. A.U.B. does not train students for any sort of particular political or warlike activity.

As is true of any university or institution of higher learning anywhere in the world—including the Weizmann Institute of Science where Professor Lipkin is now teaching—A.U.B.'s student body, faculty and administration are individuals. Individuals develop differently in attitude and in degree of participation in society. But no university anywhere is, or should be, responsible for the individual activities or personal thoughts of its alumni or former students.

It is my profound hope that Professor Lipkin's lack of understanding of the American University of Beirut, as expressed in his letter, will be replaced by discrimination between fact and emotional fiction.

ROBERT W. CRAWFORD,
Vice President, American University of Beirut, New York, Nov. 13, 1970.

[From Newsweek, Oct. 5, 1970]

GUERRILLA U.

For the better part of a century, the American University in Beirut has been supplying Mideastern countries with a steady stream of presidents, prime ministers, ambassadors, doctors, lawyers and businessmen. To that imposing list of profesisonal elites can now be added two striking new categories: aerial hijackers and guerrillas.

Dr. George Habbash, chief of the ultra-radical Popular Front for the Liberation of Palestine, graduated from AUB at the top of his medical class twenty years ago. One of his fellow students was Dr. Wadia Haddad, the PFLP's No. 2 man and the reputed mastermind of last month's skyjackings. Leila Khaled, the 24-year-old terrorist who helped pull off one hijacking last year and was captured while attempting another last month, studied at AUB after attending the American Girls School in Sidon. And countless other students and former students at the picture-postcard campus overlooking the Mediterranean leave the university with a sophisticated grounding in Arab nationalist politics that helps carry them into the Palestinian guerrilla movement.

AUB, in fact, has long played an important role in Arab thought. A book by the university's distinguished professor of history Constantine Zurayk, "Arab Consciousness and Nationalism," was read clandestinely in schools throughout th Arab world during the last years of the British and French mandates. And in sharp contrast to other universities in the Middle East, most of which are state-controlled, AUB has always encouraged academic freedom. "The process of education," AUB vice president Robert Crawford told Newsweek's Madlyn Millimet last week, "consists of teaching people to question the society in which we live."

In that, AUB has been eminently successful. Although the school has tried to limit political activity on campus, it can contain young Arab firebrands no more easily than a U.S. institution can curb radical provocateurs. Like U.S. universities, AUB expects its intellectual training to exert a steadying influence on its young graduates. "The university has been very careful to stay outside the political arena," insists an official of the U.S. Agency for International Development, which provided AUB with $10 million in operating and building funds last year. "But individuals have not."

Commando: Politics at AUB today is tied directly to the Palestine guerrilla movement. Many students belong to one of the guerrilla groups, mainly the PFLP or Al Fatah, and often spend their summers and weekends in commando training camps. Some students have even been accused of stealing chemicals from university laboratories to use in making explosives. Most of the recruiting for rebel organizations takes place at a student hangout called Fiesal's Restaurant, which faces AUB's main gate. There, students and former students sit around arguing politics endlessly over cup after cup of Turkish coffee, while guerrilla scouts quietly scrutinize the talkers in search of future leaders.

The guerrillas win sympathy, too, from a hard core of U.S. leftist students enrolled at AUB, who spread anti-U.S. doctrine among the locals and help organize pro-commando demonstrations. Last spring, some American students greeted Assistant Secretary of State Joseph Sisco with a big "Sisco Go Home" sign and pelted the U.S. Embassy with rocks. Equally vociferous, in their own way, are several U.S. faculty members, who have formed a pressure group called Americans for Justice in the Middle East and bombard the White House, Congress and U.S. publications with cables and letters arguing the Palestinian cause.

Chicken: Still, most of the university's 4,000 students (about 75 per cent from Arab countries) choose AUB not out of political motives but simply because it is the best university in the Arab world. Founded by missionaries in 1866 (but now nonsectarian), AUB offers a broad undergraduate curriculum and sixteen doctoral programs, including agriculture, public health and medicine. In the early 1950s, concerned that it was educating mostly the sons and daughters of the Arab rich, the university instituted a concerted scholarship program that now offers financial assistance to 51 per cent of its students. And AUB is also responsible for impressive research achievements. AUB scientists created a strain of dry-land wheat and may double production in the water-starved Middle East, perfected a glass-fiber material to replace expensive steel reinforcement in concrete buildings and developed the hopelessly stringy Lebanese chicken into a bird tender enough to carry a $30 million-a-year poultry industry.

The aggressive young men and women who spring from AUB appear torn between admiration for their American-style education and distrust of the country that offers it. "Of course we reject American foreign policy and the capitalist mentality of most Americans," an AUB student who doubles as a guerrilla group leader said recently. "But we have also learned to respect a culture that gives even rebels the right to think and say what they want. If there should ever be a Palestinian state run by us, it would be anti-imperialist, anti-Washington and anti-bourgeois. But I don't believe that it would truly be anti-American."

[From Newsweek, Oct. 19, 1970]

EDUCATION AND ACTIVISTS

While much of the article on the American University of Beirut (Education, Oct. 5) includes correct factual and positive interpretive information, some other parts, such as the title "Guerrilla U." and the pictures of Miss Khaled and Dr. Habbash, leave the reader with the distinct impression that AUB is devoted primarily to the training of those who disrupt society. This is not true.

The American University of Beirut, during its 105 years of existence, has provided a university education to thousands of Middle Easterners who have become leaders in all areas of life. As is true of any university, there are those among its alumni who have called attention to themselves by dramatic actions that are considered newsworthy at that given moment in history. As a result of the tragic events associated with the recent history of the Arab world, including the creation of hundreds of thousands of new Palestinian refugees, a number of AUB graduates—among others—chose to pursue the correction of what they believe to be a basic injustice. This choice does not mean that AUB trained them for such a role. AUB trained them in their chosen academic fields—in the medical and agricultural sciences, in the humanities, social sciences, the arts, engineering, and in architecture. In the United States, those who seek radical change (e.g., the new leftist, the member of the radical right, or the black militant) are not identified as specific products of any particular university. Nor is it assumed that an activist of any special persuasion is an activist because of the education he received at an identified institution of higher learning. Why should AUB be considered differently?

ROBERT W. CRAWFORD,
Vice President, American University of Beirut, New York City.

NBC NEWS PRESENTS: FIRST TUESDAY, OCTOBER 6, 1970

SANDOR VANOCUR. Good evening. This is the First Tuesday in October. and I'm Sandor Vanocur. We'll be back with a report on Arab students at American University in Beirut, Lebanon. The university is supported largely by American funds. It's become such a breeding ground for Arab revolutionaries

and terrorists that it's becoming known as Guerrilla U.

Never before have so many Americans been drawn so close, emotionally and physically, to the Middle Eastern caldron. We are intricately connected to the Middle East in obvious ways, and in other ways not so obvious. Jetliner hijackings, the blowing up of aircraft, holding Americans as hostages, obviously all this hits close to home.

It probably is not so well known that American interests are involved in the nurturing of Arab leaders, including Palestinian guerrillas and terrorists. American University in Beirut, Lebanon is a political greenhouse. Extracurricular activity among students there extends to guerrilla recruitment and training.

The university was founded by Americans, chartered in New York State, it gets money from the United States Government, from some of the best known American foundations, and from large American corporations, especially oil companies.

A number of students from the school come to the United States on scholarships provided in many cases by American institutions. These Arab students hold to the emotional and philosophical thought which links them to events in the Middle East, where other more militant Arab students take active roles in the growing guerrilla movements.

These are future Arab commandoes; they are 6 to 12 years old, and their rifles hold live ammunition.

(Shouts by trainees.)

For these children the future of the Arab world does not rest with the graying politicians who sit in palaces and executive mansions. They look to leadership to a younger breed, to militant and hardheaded Arab college students.

For many years the American University in Beirut has been a spawning ground for Arab leaders and activists, such as Dr. George Habash, the popular front leader, and hijacker Lila Colette. It is today a pipeline to the Palestinian guerrilla movement.

MAN. Our greatest problem here is that of the students who come from originally the Palestine area. and who over the years, of course, have felt that theirs is a special problem, and they feel that they would like to regain the territory in which they were living.

Naturally the problem is a political one. The university feels that every student has a right to express his views and to do whatever he can do to influence others into accepting his views.

WOMAN. We really still appreciate studying, and most of the revolutionaries go to the universities at the same time and all try to cope with their studies. Maybe they leave for some years and they come back. We have to recruit personnel or we have to use the manpower resources that we have for the revolution, for the good of the revolution.

So each year the revolution is gaining new masses, whether from the Palestinians or Arabs or all the—

VANOCUR. Students from the campus oppose Jordan's King Hussein as well as Israel and the United States.

(Student protest noise—chants and clapping.)

The Jordanian Embassy. School officials make little attempt to prevent this type of protest, even when the United States is the target. When rocks were thrown at the American Embassy, campus officials said it was necessary to allow students to express their feelings.

(Arab language over PA system.)

Politics and warfare are followed avidly by students in Beirut.

RADIO VOICE. The Palestinian leader, Yasir Arafat, Commander-in-Chief—

VANOCUR. Their counterparts in the United States, other Arab students, are just as eager to keep in touch with the Middle Eastern developments. Social clubs on campuses are used to acquaint non-Arabs with the Arab points of view.

One estimate is that there are ten thousand Arab students in this country. Many are Palestinians. Many came directly from the American University in Beirut.

And with their politics intact they have blended into American college life.

MAN. The Arab are pictured in the frame of desert, the camel, the veal(?). These things do not exist anymore. Our societies have undergone a lot of changes. Some of the people were astonished that an Arab would look like this, just as an American would look. Probably they have expected me to come to M.I.T. riding my camel everyday.

After getting my doctorate—doctoral thesis finished, I'm planning to stay for one year in a factory, in a nuclear firm in the States to get practical experience. Then I think by then somewhere in the Arab world nuclear energy would be needed. We have increased demand on energy, and I hope by then I will be able to put the knowledge that I have learned here into useful applications somewhere in the Arab world.

WOMAN. We cannot forget that there is a war; we cannot forget that there is something called the Palestinian revolution, and we don't want to forget it now.

MAN. The Palestinians are definitely the underdogs; they are definitely the oppressed people.

WOMAN. I think that the Palestinian revolution is not just a Palestinian revolution. I think it is the avant garde of an Arab revolution.

MAN. Our conception of Palestine is not a piece of land or a farm or a house. It's the concept of a home. And this is the main motivation for the young Palestinians to go back to Palestine.

MAN. I would like to see the Jews, the Arabs, the Christians all live happily, but not under those circumstances where you are forced to get out of your country; you are forced to get out of your home, and yet there is nobody recognizing your rights.

MAN. Maybe I'm not the sort of person to go around hijacking planes, but perhaps I have other different aims in life. But perhaps I can understand the feeling of this person who has been living in an awful place for the past twenty years. I mean he's lost everything. He's lost his house; he's lost his land. There's nothing more to lose.

MAN. What I don't understand is why is so hijacking such a big thing in the news. It seems to be much more in the news than wiping out whole villages.

MAN. The Arab guerrilla, the latest happening, the hijacking and other things, they are not killers. They are trying to waken those people in the world.

WOMAN. When we go back home it is going back to a country that is involved in a war. Every day there is something going on.

MAN. In despair, like men clutching at straws, they find themselves through expressing their will to have manifest destiny, an identity of their own; and in so doing, it seems to me at least that the label of freedom fighter is fairly justified.

WOMAN. It's going to be a long, long, long struggle.

(Children training shouts.)

VANOCUR. The militancy of Arab youth is echoed by preteen boys and girls, led by a cadre of Arab students who in turn are educated by American teachers in American schools.

(Arab voices in training.)

There is nothing playful about the group of children. This camp is said to be in a front line area. The loaded guns are carried at all times. Children bivouac, take turns at guard duty, and are instructed by the college students to fight if the outpost is ever attacked.

WOMAN. The students know that our way is very long; they know that maybe our children will go back to Palestine.

VANOCUR. Attorney General John Mitchell has said that federal law enforcement agencies are keeping Arab students and other Arab nationals under surveillance in the United States. Mitchell said that foreign nationals are frequently kept under surveillance. However, in the case of the Arabs, one reason for the surveillance seems to be based on government fears that Palestinian guerrilla groups might use Arab nationals to bring the Middle East conflict to the United States.

COPY OF CABLE SENT BY PRESIDENT KIRKWOOD TO MR. JULIAN GOODMAN, PRESIDENT, NATIONAL BROADCASTING CO., OCTOBER 14, 1970

"In name of American University of Beirut aye protest strongly reporting in October six first Tuesday report by Sandor Vanocur. Image created equates university purpose and activities with training terrorists and sponsoring guerrilla activities. This absolutely untrue. Purpose of AUB is to provide American type education to peoples of Middle East leading to their constructive participation as leaders of society. Your program an insult to all graduates as well as to current students faculty administration and trustees. Among AUB graduates are present Prime Minister Lebanon, Jordan, four members new Lebanese Cabinet, many members diplomatic missions to United Nations as well as secretariat staff, immediate past president International Association of Universities, former President of General Assembly Charles Malik who led White House prayer at request President Nixon, president and board chairman Middle East Airlines plus other leaders business, education, communications media. AUB as institution is non-political. As is true all universities in world we do not control or advocate policies followed by individual graduates. Request NBC rectify misrepresentation of AUB role with documentary program showing scope our undergraduate and graduate programs in medicine, agriculture, engineering, as well as humanities, social sciences, arts and sciences."

NBC NEWS
THIRTY ROCKEFELLER PLAZA,
New York, N.Y., October 21, 1970.

DR. SAMUEL B. KIRKWOOD,
President,
American University of Beirut,
Beirut, Lebanon

DEAR DR. KIRKWOOD: Your cable to Mr. Goodman has been passed on to me as a matter pertaining to NBC News.

I am sorry the reports transmitted to you about the treatment of your University during a film about the relationship between Palestine students and Arab guerillas led you to conclude your University had been misrepresented.

The subject, of course, was not the American University of Beirut, nor did it pretend to be, and the association of the activities of some of the students with the administration as policies of the school was no more valid in your case than in the case of the Massachusetts Institute of Technology, Oklahoma State University, or any other of several institutions of higher learning shown because Arab students sympathetic to Palestinian activities, or participating in them, are students there.

We did not, as your cable said, equate "university purpose with training terrorists and sponsoring guerilla activities" any more in your case than in the others. In the case of the American University of Beirut we did show a member of the faculty Dean Najamy, stating, as your cable also states, that the University does not presume to control political views and activities of students.

The very purpose of using the word "extracurricular" in the introduction was to make

clear that whatever activities we showed of your students was not under the aegis of the University. There were other such instances in the script of the report itself.

You may or may not remember that what may have been the first, and what to my mind was certainly the best, American television network treatment of the development of laubina and its use and its promise was John Chancellor's NBC News report on November 28, 1967. It would have been unthinkable to introduce that report or somehow associate with it the information that the Americans University of Beirut is also where many young Palestinians study and some of them are recruited while physically there (although not *by* the University) for guerilla activities or to guerilla sympathies.

The activities of undergraduate and graduate students at many universities and many others around the world are often in the news these days, sometimes in ways large numbers of people find objectionable. But although the suggestion keeps recurring, I would find it difficult to accompany each such news report, or any of the subsequent reports outlining new developments and often some background, with the more positives and often more important achievements of each such university, its illustrious graduates, its contributions to knowledge and progress.

Otherwise, it seems to me upon review, as it seemed to me at the time, that the subject itself is definitely a valid one, the role of students, very often th best students, in Palestinian guerilla activities, a general area certainly of current concern at the time the report was presented. It was not the subject of your cable but it may be of interest to you that we have received some criticism from viewers that the treatment was too sympathetic to the guerilla movement.

I hope some of the points I have raised in this letter will serve to allay somewhat your concern about how the American University of Beirut fared in the program. I appreciate the concern and once again assure you it was not our intent to distort your University's purposes, nor do I feel this was done.

Very sincerely yours,

REUVEN FRANK.

AMERICAN UNIVERSITY OF BEIRUT, REPUBLIC OF LEBANON

BEIRUT.—A five-man international team of nutritionists at American University of Beirut has successfully developed and tested a protein-rich diet supplement to help defeat starvation among infants and pre-school children in North Africa, the Middle East, India, and Pakistan.

The total cost of Laubina, as the new supplement is named, would be three and one-half cents per child daily, according to Dr. James W. Cowan, team spokesman.

Dr. Cowan, Assistant Dean of AUB's Faculty of Agriculture, said that wholly palatable Laubina has proved its effectiveness in deterring and curing protein calorie malnutrition through six years of testing and is now ready for commercial manufacture.

The international team of Lebanese, Jordanian, British and American doctors and nutritionists from AUB's Faculties of Agriculture and Medical Sciences developed Laubina from such native products as the chick pea, boiled wheat and dried skimmed milk. The chick pea is a common dietary ingredient in all Middle Eastern countries, North Africa, India and Pakistan.

Laubina in its final form is a fine powder which can be used as a sole food or diet supplement, providing four calories per gram to users. It may be suspended in a bottle for nipple feeding or made into a paste for spoon feeding, like Pablum. Laubina may also be sprinkled into thin soup or on vegetable dishes of lower protein value. It can be mixed with citrus juices or on fresh fruits for Vitamin C. Laubina could also conceivably be made into a breakfast food.

"Laubina is better than any native cereals because it has a higher amount of protein and better protein balance," said Dr. Cowan. "Three and one-half cents per day would furnish a child's total protein requirement and one-half his calories. Two feedings with 100 grams of Laubina each day plus two other meals from any source covers a child's complete calorie requirement. Two hundred grams of Laubina equals the protein in a half-pound of steak or a quart of milk."

Team members included Dr. Cowan, AUB's Assistant Professor of Nutrition when the first batch of Laubina was mixed in 1963; Lebanese doctor Raja Y. Asfour, a pediatrician who named Laubina after Lebanon and the American University of Beirut; Jordanian food technologist R. I. Tannous; and British professors Donald S. McLaren, a medical doctor and research professor of clinical nutrition, and Dr. Peter Pellet, AUB nutritionist.

They stressed that while development of Laubina marked a major breakthrough in the effective uses of sources of protein to combat malnutrition and starvation, its greatest impact would be achieved through a far-reaching educational campaign in the countries concerned. Improvement of local diet then becomes an integral part of a nation's total social and economic reform program.

AUB's research into protein calorie malnutrition began in 1961. Dr. W. H. Sebrell, Director of Columbia University's Institute of Nutrition Sciences obtained a National Institute of Health grant and AUB's assistance in developing a protein-rich infant food mixture suitable for use in the Middle East. The United Nations International Children's Emergency Fund provided the equipment which made the program possible.

American University of Beirut has requested copyright privileges from the U.S. Public Health Service through Dr. Sebrell.

FOUR-MONTH TESTS SAVE MIDEAST BABIES

During a series of four-month tests begun in 1963, Lebanese and Jordanian children suffering from severe protein deficiency were saved by Laubina. In just four months the babies, who had been near death when brought to the doctors, were restored to full and vigorous health, plump and bright-eyed. They enjoyed eating it, too.

Part of the present testing includes a psychological unit under Dr. McLaren's direction aimed at determining the relationship between protein calorie malnutrition and mental retardation. No definitive conclusions have been made by the unit thus far.

"Laubina attacks the twin problems of starvation and misinformation on how to restore health," Dr. Cowan said. "Local parents, especially among the poor, spend their limited income on protein foods for the father. Many mothers just don't understand how to provide necessary proteins from foods available to save the children from the chronic malnutrition and, many times, death which plagues the area."

The nutritionist, a native of Beaver Falls, Pennsylvania, said that children whose lives were saved by Laubina had similar family and nutritional backgrounds.

"The child was weaned early from the breast. The mother then put the child on a diluted formula mixture. Diarrhea developed and the food was withdrawn to stop it. The child began a slow deterioration into death because the parents did not understand what was needed to restore health. Laubina stopped the diarrhea in one or two days without the use of antibiotics. It furnished the necessary protein for the starving children and in four months turned them into healthy, active babies," he said.

Middle East nutritionists are quite concerned about the starvation threat here. Annual population growth is 2.9 per cent, but food production is a mere 1.8 per cent per year. The Food and Agriculture Organization of the United Nations estimates that the Middle East must treble its food production and increase the output of animal products by seven times to achieve a reasonably adequate diet by the year 2000.

The rapidly fading world supply of protein and the slow growth of food production in the Middle East have stymied the desired growth rate, however, and the grim spectre of malnutrition haunts the area.

TWO PLUS TWO EQUALS FIVE

Laubina's effectiveness in restoring health has given rise to a favorite formula around AUB: "Two plus two equals five." This means that the chick pea and wheat proteins complement each other so perfectly in the mixture that the sum of the two is greater than the total of the components if eaten at different meals.

"Most Americans are used to meat, eggs and milk as their sources of protein," the 37 year-old professor said. "Few even consider that vegetable mixtures available in abundance throughout the Middle East, India and Pakistan offer an equally nutritional protein supply. Common American foods are simply too expensive or are not available for people out here."

Nutritionists in Latin American have developed Incaparina, a vegetable protein mixture now in commercial production. Highly successful in curbing malnutrition and starvation, Incaparina is a totally different type of cereal-legume mixture based on native corn to match the diet pattern of the area's people.

"The best thing about Laubina is that any Middle East, Indian or Pakistani mother can make it in her kitchen or at the family brazier for the baby's food because wheat and chick peas are commonly found in the home," he said.

"We are firmly in the diet pattern of the area's people and can use the products which they grow and consume regularly," he continued.

"Laubina has performed well not only in the laboratory," he said, "but was also acclaimed highly acceptable by mothers in a two-year field trial conducted by Dr. Raja Asfour through the Out-Patient Department of the American University of Beirut hospital."

LAUBINA: AMERICAN UNIVERSITY OF BEIRUT REPUBLIC OF LEBANON

1. What is Laubina?

A powdered mixture of boiled wheat and chick pea with added vitamins, minerals and a small amount of dried skim milk.

2. What is the purpose of Laubina?

It was developed especially for feeding infants; its protein approaches the quality of milk but the product is much less expensive than milk.

3. Is it a sole food or a supplement?

It was developed as a food supplement with the idea that 100 grams per day would give the child most of his protein and calorie requirements.

4. How is Laubina fed?

It is re-constituted by adding water (or milk); it forms a porridge-like paste which can be fed by spoon. In certain clinical tests, Laubina has been effectively fed by bottles; excess water is added to form a suspension which will pass through a nipple.

5. What were the reasons for the development of Laubina?

a) Protein malnutrition in children is prevalent in the Middle East because good quality protein food such as meat, milk and eggs are expensive and in short supply.

b) Thus Laubina was developed as an inexpensive yet good quality protein food derived from plant rather than expensive animal sources.

6. Why were chick pea and wheat chosen as the basic ingredients?

Four main reasons:

a) The proteins of wheat and chick pea complement each other; the resultant prod-

uct is more nutritious than either one eaten alone.

b) Both wheat and chick pea are produced in the Middle East and are prevalent in the dietary patterns of the area. Thus, no real cultural change is needed for the introduction of the food.

c) It is known that wheat and chick pea are found in most homes in the Middle East, even the poorest. Thus, if the family could not afford to buy such a product, the mother could be instructed to make it in the home for her child.

d) When mixed in the proper proportions, Laubina is well tolerated by even small infants. This is not true for other cereal-legume mixtures which cause gas and intestinal upset.

7. What is the history of Laubina?

a) In 1961, Dr. Henry Sebrell, Director of the Institute of Nutrition Sciences of Columbia University, obtained a research grant from NIH. One of the objectives of this project was to develop a high protein vegetable food mixtures suitable for feeding infants in the Middle East.

b) Pilot work was conducted in 1962 and 1963 under the director of Drs. Zakaria Sabry, Raja Asfour and James E. Campbell. During the early stages, many different mixtures were tried and the final Laubina mixture as used now was established in early 1964.

c) Dr. Sabry left AUB in 1964 and the work was carried on by Drs. D. S. McLaren, James W. Cowan, Raja Tannous and Raja Asfour. This group tested the mixture extensively both in laboratory animals and in malnourished children.

d) Dr. Peter Pellett joined the team in 1965 and directed feeding trials and further studies on improving preparation procedures.

8. When will Laubina be produced commercially?

Maybe never. But it is hoped now that a commercial food processing company will begin to manufacture and promote Laubina.

9. If Laubina is never produced commercially, does this mean that all the research was wasted and the project is a failure?

Absolutely not, for through a proper education program mothers can be taught to produce Laubina in their own homes and instructed on proper feeding practices for their children.

One of the most serious problems today among the poor in the Middle East is the misuse of proprietary baby foods. These products are expensive and the mother, in an attempt to make them go further, dilutes the food with resulting poor health in the child. The weakened child falls prey to infections such as diarrhea at which time the mother withdraws all food and the baby slowly starves.

With an inexpensive product such as Laubina, or with the knowledge of making it at home, the mother will be encouraged to feed her child better, thus avoiding the chain of events which lead to marasmus and, in all too many instances, to death.

AMERICAN UNIVERSITY OF BEIRUT OPENS NEW MEDICAL ERA IN THE MIDDLE EAST

BEIRUT.—New buildings, new medical education programs and the new concept of total health for the Middle East highlighted the official opening of the American University Hospital and medical center here on June 26th.

Financed by the US Agency for International Development at a cost of $20 million, the modern double-building includes a 440-bed teaching hospital, medical research laboratories, private doctors' offices and an out-patient department capable of treating up to 100,000 people per year. His Excellency Rashid Karami, Prime Minister of Lebanon, and His Excellency Habib Moutran, Minister of Health, presided over the opening of the new center, the first of four modern structures which will comprise the planned medical complex. Three other buildings valued at $9 million and slated for completion in 1974 will include a Basic Medical Sciences Building now under construction near Van Dyck Hall; a 100,000-volume Medical Library; and a Post-Graduate Medical Education Building.

TOTAL HEALTH CONCEPT

The bright, new center emphasizes AUB's dedication to a completely different concept of medical care—that of total health for the peoples of the Middle East. That concept will be reinforced by novel interdisciplinary medical education programs and regional service activities by AUB to carry out a long-standing dream of area medical leaders.

"Health may be considered in three classes," said Dr. Samuel B. Kirkwood, President of AUB. "Curative health is the treatment of illness after it occurs. Preventive health is the attack on factors which contribute to the cause of disease, such as garbage in the streets or mosquitoes in swamps. Productive health, or total health, is the creation of physiological mechanisms which free the human environment of health hazards. The society's total promotion of the best nutrition for all citizens is an example of the total health concept in action. So is the addition of a physician to a state's accident board to recommend methods of preventing traffic accidents, a leading cause of illness and death in many countries.

"The new medical center will help the countries of the Middle East meet their health needs through co-operation between AUB and the new national medical schools. We will emphasize exchanges of faculty, consulting services, graduate fellowships for training and research and regional seminars. AUB is introducing new interdisciplinary graduate degree programs in nutrition, population studies, community health, biophysics, development administration, and the social sciences. We are also establishing a centralized program for the training of para-medical personnel in an Institute of Health Sciences Training to assist doctors, public health leaders, nursing supervisors and pharmacists who serve in the region's health ministries and agencies," Dr. Kirkwood continued.

A test of the total health approach to regional problems is already underway in the new center. On July 6, thirty-five participants from 14 countries convened here for the first regional training conference on food and nutrition. Sponsored by UNICEF, the UN's Food and Agricultural Organization, the World Health Organization, the government of Lebanon and the American University of Beirut, this unique two-month conference is designed to give delegates a first-hand look at nutrition and food problems as they exist in the home, the food preparation and processing plants, in hospitals and in research units. Conference members are from the ministries of Health, Education, Agriculture and Planning of Afghanistan, Cyprus, Iran, Iraq, Jordan, Lebanon, Pakistan, Saudi Arabia, Somalia, South Yemen, the Sudan, Syria, Tunisia, and the United Arab Republic. Their first-hand look at field problems will be reinforced with seminars, demonstrations and discussions by AUB professors and United Nations specialists. The primary aim of the conference is to train government officials in food and nutrition problems so they will be able to carry out concrete programs to help the 50 per cent of the world's peoples who lack adequate protein for a healthy and productive life and the 16 per cent of the worlds peoples who are underfed by any standards.

The best plans are worthless, however, without the research which is the cornerstone of all medical advances in any region of the world. Lack of research money continues to be the new medical center's primary headache.

"The new medical center is designed for increased research and services. But we must cut back on our research in such areas as open heart surgery and the special diseases of this region such as arteriosclerosis and coronary illness if additional funds are not received. We have budgeted from $1 million to $3 million in research for the new center and we must raise that amount in ten years from private sources, industry or the foundations," said Dr. Kirkwood.

"We had planned on expanding our research activities in area disease and health problems, but we are now in difficulty on that score. We relied heavily on the post-World War II National Institutes of Health grants which are drying up. Private sources of money for research have this far not been available to this university. An example of AUB's special problem is the 75 per cent cut in funds for nutrition research. Some of this research led to the development of Laubina, a protein-rich, palatable, inexpensive diet supplement which is now under study by one potential manufacturer. The reduction in funds comes at a time when we were making major progress studying and attacking the malnutrition problems of our region," he said.

"Surgery needs money for research, too," said Dr. Timothy Harrison, Chairman of AUB's Department of Surgery. "Lack of money is holding back the first kidney transplant in the Arab World. We would like to study the effects of different types of operations on the circulation of blood in the heart and lungs. Another common Middle Eastern problem which needs intensive research is the presence of stones in the urinary tract. We would want to make an up-to-date study of the endocrine functions which are essential to the proper functioning of the human body, including the regulation of blood pressure and the excretion of salt by the body. We can begin research in these areas of human life when we have the money."

MEDICAL CENTER FACILITIES

The continuing need for research money in no way hampers the daily operations of this region's most up-to-date medical center, however. Rising twelve floors above ground level and towering over the hospital which it replaces, the new medical center offers the most comprehensive, modern facilities for teaching and patient care to be found anywhere in this region. Even long-time staff physicians and surgeons are impressed with the spacious, well-lighted and brightly-decorated facilities.

Modern equipment now available includes ten operating suites in the hospital basement, two more in the emergency rooms and four delivery suites on the seventh floor, which is devoted to obstetrics and gynecology patients; a six-bed coronary care unit unique to this area; a cardiac catheterization unit to diagnose heart lesions for open heart surgery; a twenty-bed intensive care unit; cobalt therapy for treatment of cancer; and a comprehensive X-ray system which takes pictures at various levels of the human body and processes the plates in 90 seconds.

Phase I of the new medical center, which includes research laboratories, private offices and the out-patient department, commenced its activities in October 1968. The Departments of Anesthesiology, Clinical Pathology, Internal Medicine, Obstetrics & Gynecology, Ophthalmology, Otolaryngology (Ear, Nose & Throat), Pathology, Pediatrics, Roentgenology, Surgery and the Nutrition Laboratory took residence in the U-shaped part of the structure as work commenced on the hospital, known as Phase II.

FAMED OUT-PATIENT DEPARTMENT

Hundreds of thousands of Middle Easterners, whether plain folk, businessmen, political leaders or kings, have known the Ameri-

can University Hospital best through scores of years for its out-patient department, which this year treated 68,000 people for the simplest as well as the most difficult of diseases. Patients pay what they can afford for these medical services; but the overwhelming majority cannot afford more than $1 to $5. Some of the unique services available to the afflicted include the Marie Azeez el Khoury Eye Clinic, where 4000 people were treated last year for cases as simple as medication of a sty to the complex surgery required in a corneal autograft or transplant; the Speech and Hearing Center, where 3,356 people received medical care to improve or restore hearing; and the prosthetics-orthotics center, where rehabilitation of cripples is carried out.

PATIENT CARE

The American University Hospital staff is more than 98 per cent Middle Eastern in origin and all but a few of the doctors are American-trained and American board certified. The roster comprises 134 full-time and part-time doctors; 70 resident physicians; 36 interns; 144 nurses; 20 practical nurses; and 60 AUH volunteers, female members of the AUB community who assist in the non-medical aspects of nursing service.

The existing hospital service of 240 beds will be in use immediately, according to Dr. Craig Lichtenwalner, Dean of the Faculties of Medical Sciences. The remaining 200 beds will be occupied over the next twelve months as the hospital staff is trained in the use of new facilities. AUB will continue throughout that time to seek the nurses required to serve the full 440-bed capacity.

Rooms are in use on seven floors of the new hospital, according to Mr. David Egee, Director of American University Hospital. There are 62 private rooms with one bed each; semi-private rooms with 39 beds; and 139 beds in wards. Charges for service vary according to the patient's ability to pay and include daily rates ranging from a low of $3.75 (12 Leb. pounds) to the largest suites, which cost $33.84 (110 Leb. pounds) daily. Sixty per cent of the beds now occupied are being used by patients who can pay only the lowest and second-lowest rate, which is $6.10 (20 Leb. pounds) per day.

IMPROVED REGIONAL MEDICAL SERVICES

Whatever may be said of the new facilities and services of the American University Hospital and medical center, the fact remains that most people in this region do not have nearby the kind of medical care required for comprehensive medical care. One aspect of AUB's drive to improve health services is its cooperation with the Government of Lebanon in the development and operation of the Sidon Government Hospital, one hour's drive south of Beirut.

"Medicine in Lebanon is not the AUB medical center," said Dr. R. Sulayman, a second-year resident in pediatrics. "To acquaint doctors with the actual medical problems of this country and region, AUB sends each resident to the Sidon Government Hospital from two to four months in one of his residency years. Interns spent at least one and one-half months during their year at AUB studying and working in the AUB-Sidon project."

"We have developed a relationship between the Sidon Government Hospital and the AUB Medical School which is beneficial to all concerned," said Dr. Riad Tabbara, Chairman of AUB's Department of Internal Medicine and co-ordinator with the Lebanese Government on the Sidon Government Hospital project. "AUB provides residents, interns and consultants to support the physicians there who are appointed by the Government of Lebanon. This increases the academic standing of the Sidon Government Hospital and, we hope, will bring that standing to the university level. On the other hand, we want our residents and interns to learn what medicine is really like outside this brand new medical center. In Sidon they get first-hand ideas of the difficult problems faced by the people of the area and they learn something about functioning successfully in less-than-ideal conditions. We emphasize what valuable service they are performing for their country and hope that they may be motivated to reside permanently in the Lebanese south and other developing areas of this region."

AUB and the Lebanese Government established their medical relationship at the Sidon Government Hospital in 1960. The Ministry of Health formalized that status in 1969.

"We send one resident doctor each in Surgery, Medicine, Pediatrics and Obstetrics & Gynecology—usually second and third year residents—to Sidon every Tuesday afternoon for the medical rounds. The group is usually accompanied by one or two AUB medical faculty members. If help is needed in an unusual operation, this medical center supplies it. Telephone links are always available when required," he said.

"We want the Sidon Government Hospital to be the base hospital for southern Lebanon so that people there can save money, time and effort by obtaining basic local medical care rather than coming to Beirut for treatment. We also hope to spread public health practices throughout all the villages of the South, with Sidon Government Hospital playing a key role in the new attention being given this area," said Dr. Tabbara.

PATRIOTS IN TROUBLE

Mr. PROXMIRE. Mr. President, today's Wall Street Journal contains on its editorial page an article written by Jerry Landauer on what happens to civil servants who try to save money. In particular, he writes on the cases of Gordon Rule and A. Ernest Fitzgerald, both of whom exposed waste and attempted to save money for the taxpayers. In the case of Gordon Rule, he was denied promotions and honors accorded to others. In the case of Ernest Fitzgerald, he was denounced, lied about, spied upon, and finally fired. But both are genuine American heroes who should be honored rather than snubbed.

As I have written elsewhere,

What the Pentagon seems intent on proving is that it has no place for anyone determined to cut costs and stop military waste. The firing of A. E. Fitzgerald will discourage every free spirit who works for the government.

It mocks the original intent of the Civil Service system by making it a protection system for the time-servers. The Pentagon action portends a Kafkaesque bureaucracy composed of those who combine lethargy with servility in a feudalistic system.

Political democracy cannot function in that atmosphere. Report From Wasteland, p. XV.

I ask unanimous consent that the excellent article by Mr. Landauer, an article which is also noteworthy for its factual accuracy, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PITY HIM WHO TELLS OF COST OVERRUNS

(By Jerry Landauer)

WASHINGTON—On April 26, 1951, an earnest young Republican from California rose in the Senate chamber to denounce the Truman Administration for harassing witnesses testifying before Congressional committees. "It is essential to the security of the nation that every witness have complete freedom from reprisal when he is given an opportunity to tell what he knows," the Senator declared.

After his brief speech the Senator proposed a tough amendment to existing witness-protection laws. His amendment, co-sponsored by such eminent lawmakers as Sen. Robert A. Taft of Ohio, would have provided extraordinary penalties: Up to five years in jail for any Government official convicted of retaliating against any subordinate who had appeared before Congress within the previous year. The mere demotion of any testifying employe was to be considered prima-facie evidence of the boss' guilt.

The young Senator who made this drastic proposal was Richard M. Nixon. He and other Republicans were denouncing Mr. Truman's sacking of such troublesome dissenters as Adm. Louis E. Denfeld, leader of the famous "admiral's revolt" against Air Force plans to hog much of the defense budget by building a costly B36 bomber fleet. As Senator Nixon said, Congressional hearings are futile if witnesses representing the Executive Branch must all speak as docile "yes men" for Administration policies.

PENTAGON TO THE RESCUE

Now that he's the commander-in-chief, Mr. Nixon naturally wants his Administration to speak in cadence. Neither he nor any other Chief Executive will for long allow subordinates to challenge him publicly on issues of global strategy. Yet Senator Nixon's sentiments are worth recalling today, because President Nixon's Justice Department refuses to apply the witness protection statutes even to clear cases of reprisal against civil servants who have done no more than follow the Nixon principle of 1951.

Nowadays top-level wrath is directed not so much against military men arguing about allocation of defense dollars but against civilians protesting the Pentagon practice of rescuing big contractors from the consequences of what is delicately called "cost growth." Indeed, even "to participate in discovering cost overruns is a very hazardous occupation," says Rep. Daniel Flood (D., Pa.), a senior member of the House Defense Appropriations subcommittee.

The worst overrun in recent years involves F111 warplanes built for the Air Force and the Navy by General Dynamics Corp. Despite the expenditure of $5 billion more than initial estimates for all models of the swivel wing plane, General Dynamics couldn't produce a satisfactory Navy model; among other things, five performance specifications weren't met. Yet after issuing stop-work orders for the too-fat Navy F111B in 1968, the Pentagon quietly decided against trying to cancel the contract for default.

This go-easy decision has never been explained; it appears, however, that in addition to doubting that they could legally terminate the contract, the policymakers feared the financial effect on General Dynamics. Whatever the reason, the decision infuriated Gordon W. Rule, a ranking civilian working at headquarters of the Naval Material Command. Though the reason for default may be debatable, he wrote in a sharply worded memo to procurement policymakers, the fact of it is all too vivid; hence it was the Government's plain duty to sue for default and make the company try to prove that it wasn't responsible.

"Some will complain and wring their hands about our being unfair to the contractor, etc.," Mr. Rule wrote. "I reject these protestations because the proper test to apply is what's fair to the taxpayer. General Dynamics signed a contract, they guaranteed certain performance, they failed to live up to their contract and they should not be paid one cent more than they could receive under a default termination unless the Armed Service Board of Contract Appeals decides they are entitled to more."

Mr. Rule's superiors didn't relish this advice. Censors stamped his memo "For Official Use Only" because Congressional critics might use it to embarrass the brass. Later, four members of a special team appointed to negotiate another particularly difficult contract were all promoted and a military member received the Legion of Merit. Somhow, though, the promoters overlooked Gordon Rule, the team captain.

A. Ernest Fitzgerald, former deputy for management systems in the Air Force, was another valued Pentagon employe—until he followed the concept that a witness should tell Congress what he knows. Specifically, Mr. Fitzgerald testified about cost overruns being incurred by Lockheed Aircraft Corp. in building a fleet of C5A cargo-carrying jets. Though his testimony was accurate ("Mr. Fitzgerald's position on the C5A has been correct," Defense Secretary Melvin Laird concedes), the Air Force reacted as if enemy planes had appeared on the radar screens.

Just a year before, the Air Force had cited Mr. Fitzgerald for "exceptional initiative . . . remarkable insight . . . and outstanding leadership on improving cost analysis capability." But once he stepped up to the witness table of Sen. William Proxmire's Economy in Government subcommittee, the bureaucrats promptly cut him off from cost information about major weapons systems, putting him to work instead on mess halls and bowling alleys.

Next they revoked his job protection (a unique "computer error" had given him civil service tenure by "mistake," they explained) and then the Office of Special Investigations opened an "inquiry file." According to Air Force Secretary Robert Seamans, the investigators were merely keeping track of "newspaper clippings, summaries of meetings and so forth," assertedly just to document Mr. Fitzgerald's new status as a public personality.

Finally, the bureaucrats slyly abolished his job, purportedly as part of an economy move. (On the same day, however, a $107-a-day consultant arrived to take over part of the job.)

Taken together, the indications of reprisal seem so persuasive that the Justice Department presumably had no choice but to investigate possible violations of the law that Senator Nixon once sought to invoke on behalf of the Navy's rebellious admirals; the statute makes it a crime for anyone to "injure any witness in his person or property on account of his having attended (a Congressional) proceeding, inquiry or investigation." Nearly a year ago, in December 1969, the department promised to give the Fitzgerald case "priority treatment." But so far G-men haven't found time even to interview the victim.

A MATTER OF TIMING

This reluctance to act points up the significance of Mr. Fitzgerald's dismissal. He wasn't sacked merely for testifying about C5A cost overruns; what really brought the bureaucratic furies crashing down was his timing. For just as he was appearing before the Proxmire panel, the Pentagon was preparing an artful exercise to rescue hard-pressed Lockheed.

Essentially, the C5A contract called for two production phases: Run A for 58 planes and Run B for 57 more. To protect the company against catastrophic loss, the contract contained an intricate formula increasing the price of all 115 planes if costs of producing the first 58 exceeded a predetermined ceiling. But the repricing could be triggered only by Government exercise of an option to buy Run B. As costs kept climbing, Lockheed's hope of salvation depended on purchase of the optional Run B.

"Most contractors have been able to get bailed out through change orders and other procedures when they get into trouble," Deputy Defense Secretary David Packard has explained. "This particular contract was structured so Lockheed could do that."

As the Feb. 1, 1969, option deadline approached, both sides started covering up. The contractor wasn't candid with its Pentagon customer and the customer wasn't candid with Congress.

The cautious General Accounting Office, Congress' fiscal watchdog, has found that the Air Force "could reasonably have predicted as early as December 1967 that actual costs would exceed the ceiling price"; by that date, among other things, Lockheed had incurred 10 million more labor hours than originally planned. Yet in March 1968 an assistant defense secretary predicted to Congress that the costs wouldn't exceed the ceiling. In June, "by direction of higher headquarters," indications of overruns disappeared from internal Air Force cost reports and a briefing paper suggested that costs be allocated in a way to "avoid the appearance of excess profit on Run B aircraft."

Lockheed kept its cost profile similarly low. One Air Force report, dated April 1968, speaks of the contractor's attempt to "limit USAF visibility on costs." As reasons for secretiveness, the report cities "stock-market impact" and "production Run B decision." Had Lockheed admitted its severe cash crisis, according to Lt. Gen. Otto J. Glasser, deputy chief of staff for research and development, "we never would have exercised an option for any of the aircraft in Run B."

Yet if the Pentagon wasn't entirely aware of Lockheed's cash problems, it surely knew all about the C5A's. In October 1968 an official estimate placed Run A costs at $2,436,000,000, or $1 billion above target. This means $600 million extra for repriced Run B planes if the option was exercised. But procurement policymakers stopped cost analyst Fitzgerald from preparing a statement for the Proxmire hearings. They also refused to provide cost projections to the General Accounting Office until Jan. 14, 1969, barely 48 hours before announcing an order for Run B.

AN AMBIGUOUS CONTRACT

At that point something particularly noteworthy occurred. In exercising the option the Pentagon unmistakably stated that it wanted only 23 more C5A's. But ranking civilian officials deliberately let stand an ambiguity in contract language that lets Lockheed contend—with some justification—that the Government is legally obliged to pay for all 57 planes, even if it wants only 23. Because of the effect of the repricing formula, a resolution of this ambiguity in Lockheed's favor could cost the Government as much as $500 million.

And there the matter stands as of today. Now the lame-duck session of Congress seems set to vote Lockheed a $200 million contingency Fund, to keep production going while negotiators seek to settle the option dispute, and $200 million more may be budgeted in the next fiscal year. "We're in the same boat with them," Gen. Glasser says, referring to Air Force needs for the giant jets, "so we're bailing *us* out, if that's the word to use."

Meanwhile, boat-rocking Ernest Fitzgerald still waits for a hearing to fight his dismissal, and Gordon Rule still waits for his promotion. What has happened to them is not lost on Government employes who might be tempted to risk retribution for the sake of saving some tax dollars—or to uphold Senator Nixon's principle that public servants should tell Congress what they know.

COMMERCE TODAY—A NEW MAGAZINE

Mr. BAKER. Mr. President, the Department of Commerce recently started publishing a new magazine, Commerce Today. I call attention to this new publication because, in my judgment, it represents a new era of communication between the Department and public and related interests.

While Commerce Today is new in title, format, and content, it is a continuation of publications distributed by the U.S. Government since 1880. The first was Reports from the Consuls of the United States, and all have been devoted to international trade exclusively. The first publication was by the Department of State, and I assume State continued until the Department of Commerce was established by Congress as a separate Department in 1913—from 1903 to 1913 it was the Department of Labor and Commerce.

In 1913, when Commerce became a separate Department, it was then published by the new Department and continued that way through the years under the titles of Commerce Reports, Foreign Commerce Weekly, and Foreign Commerce, to list a few. International Commerce was the title of the last publication. All had in common the fact that they were devoted exclusively to international commerce.

Commerce Today reports coming development from the 20 different agencies of the Commerce Department—technology, the business services, economic development, and international trade, too.

The launching of Commerce Today is another step in the Department's "continuing effort," as Secretary Stans puts it, to improve communications with the press, the businessman, those engaged in commerce, the scientist, the educators, and the general public, to take in the whole spectrum of the department.

The new magazine is filled with information, it is well written, and the makeup is excellent. I recommend it as a means of keeping in touch with the Department.

I also take this opportunity to commend the editor of Commerce Today for the excellent magazine that is being published under his direction. Dick Evans, the editor, is from Knoxville, Tenn. Mr. Evans is a former managing editor of the Knoxville Journal, was with the Associated Press, and was a professor in journalism at University of Tennessee.

The Department is fortunate to have a man with Mr. Evans' experience and ability and his selection to direct this new undertaking for the Department and the country.

SENATE SUBCOMMITTEE ON MONOPOLY INVESTIGATION OF PROCUREMENT OF DARVON BY THE DEPARTMENT OF DEFENSE

Mr. PROXMIRE. Mr. President, in the past few years much has been said in Congress about economy in Government. As the size of the Federal Government has increased, and its expenditures have mushroomed correspondingly, the possibility of waste in the use of public moneys has grown to alarming proportions.

It is my belief that one of our most important duties as elected Representa-

tives is that of insuring that economy and efficiency in Government is raised to the highest possible level. An excellent example of this very necessary "watchdog" role of the Senate was provided in August of this year, when the Subcommittee on Monopoly of the Senate Select Committee on Small Business conducted hearings into the drug procurement practices of the Federal Government.

These hearings, presided over by my fellow Senator from Wisconsin (Mr. NELSON), revealed the possibility that millions of the taxpayers' dollars are currently being wasted through widespread purchasing of high-priced drugs which have no more healing power than other vastly cheaper types of medication.

The specific case dealt with in Senator NELSON's hearings was that of the purchase by the Department of Defense of propoxyphene hydrochloride, commonly known by its brand name, Darvon. This drug has recently come under fire by such groups as the American Medical Association, whose August Journal reported that Darvon, "is not superior to codeine or aspirin in terms of analgesic effect." As Senator NELSON pointed out to the Department of Defense witnesses appearing before the subcommittee on August 17, the Pentagon, in the case of Darvon alone, could have saved almost $4.2 million by buying equivalent doses of aspirin. Whether this case is an isolated example, or whether it is a part of a larger picture, its existence should certainly be a cause for concern and further investigation.

In the November issue of the Progressive the findings of these hearings before the Subcommittee on Monopoly were detailed in an excellent article entitled "Praise the Lord and Pass the Propoxyphene Hydrochloride," by Erwin Kroll. I commend this article for the reading of all concerned about economy in Government and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRAISE THE LORD AND PASS THE PROXYPHENE HYDROCHLORIDE

(By Erwin Knoll)

Americans are a pill-swallowing people. They take pills for what ails them and for what bugs them. They take pills to prevent conception and to promote fertility. They take pills to relax and to go to sleep. They take pills to wake up and to stay alert. They take pills that make them sick and pills that make no sense. They take pills to counteract the effects of other pills.

Because of their proclivity for pill taking, Americans have made the pharmaceutical field the most profitable manufacturing industry in the United States. According to a recent study by the Federal Trade Commission, the nation's twelve largest drug companies earn average annual profits after taxes of 18.8 per cent on stockholders' investment. Five pharmaceutical firms—with profits averaging at twenty per cent or higher—are among the nation's sixteen most profitable corporations.

In recent years the profit picture of one of these big five—Eli Lilly and Company—has been substantially enhanced by sales of propoxyphene hydrochloride, a painkiller produced and marketed by Lilly under the brand name Darvon. Since 1967 or so, Darvon has been the most frequently prescribed drug in the United States. The Apollo astronauts carried Darvon to the moon last year in their medical kits. The Department of Defense which buys more than $100 million worth of drugs a year, spent $4.3 million for Darvon in fiscal year 1969.

The Medical Letter is published by Drug and Therapeutic Information, Inc., a nonprofit organization devoted exclusively to providing physicians with an independent, objective evaluation of new drugs. This authoritative drug-rating publication reported early this year that there is no evidence to "establish the superiority of 65-mg. doses of propoxyphene to two tablets of either aspirin or APC (aspirin-phenacetin-caffeine)." In 32-mg. doses, *The Medical Letter* added, Darvon "has consistently proven inferior to aspirin." In August, the *Journal* of the American Medical Association reported that Darvon "is not superior to codeine or aspirin in terms of analgesic effect."

Medical scientists of the National Research Council have investigated Darvon in the course of their massive review of all medicines marketed since 1938—a review required by the Kefauver-Harris Drug Act. Their findings—not yet officially made public by the Food and Drug Administration—include the observation that large doses of Darvon are "not always" more effective than administration of a placebo—a dummy pill. In small doses, the NRC panel found, Darvon "has often been found indistinguishable from placebo."

"Well, why use Darvon?" Senator Gaylord Nelson, the Wisconsin Democrat, recently asked medical officers of the Department of Defense. Nelson, whose Subcommittee on Monopoly of the Senate Select Committee on Small Business provides the only continuous Congressional oversight of the huge pharmaceutical industry, has been looking into the Government's drug procurement practices. Federal purchases—or Federally assisted State and local purchases—account for more than $1.6 billion in drug sales every year.

In the case of Darvon alone, Nelson suggested when Defense witnesses appeared before his Subcommittee on August 17, the Pentagon could have saved almost $4.2 million by buying equivalent doses of aspirin. The Defense Supply Agency, which buys drugs at the lowest wholesale rates, paid an average of $12.72 for 500 units of Darvon. The Pentagon's price for aspirin is thirty-five cents per 500.

Since there are well-established, effective analgesics, why, Nelson asked, are military doctors permitted to prescribe a much costlier product? The answer, as Nelson probably intended, told more about the general state of American medical care than about the Pentagon's procurement system. The witness was Captain L. M. Fox, chief of medicine at the National Naval Medical Center in Bethesda, Maryland.

"Well, Senator," Captain Fox said, "the armed forces do not practice a brand of medicine that is any different from civilian medicine. Most of our doctors are civilians who come in and spend a few years—two, usually—and then go out, and our turnover rate is very high, as you know. We are just part of the civilian medical community, and I do not think we can try to enforce standards that are not being enforced in the civilian practice."

A week earlier, when Nelson had put a similar question about Darvon to medical officials of the Veterans Administration, Dr. Benjamin B. Wells, the VA's deputy chief medical examiner, had replied: "I think Darvon can be equated to a certain amount of aspirin or a visit from the chaplain. But . . . we are in an area of incomplete control."

Government agencies, Nelson repeatedly suggested, are in a far better position than other drug consumers to insist on "rational" prescribing and to ban the use of heavily promoted drugs that are costlier, less effective, or more hazardous than alternatives of proven efficacy.

"How are we ever going to accomplish the objective of higher standards for the profession in terms of rational prescribing unless we require that the young people who come into medical practice in your jurisdiction or the Veterans Administration be required to prescribe rationally?" Nelson asked the Pentagon witnesses. If a physician insists on prescribing drugs found wanting by the best medical experts, he added, "I do not think he ought to be practicing medicine."

"When I went into the Army they did not allow me any of my idiosyncrasies for very long," Nelson said.

But the military witnesses indicated they take a benign view of civilian idiosyncrasies where medical practice is concerned. Said Rear Admiral H. S. Etter, chairman of the Defense Medical Material Board:

"As you well know, the military medical services are all having a desperate time keeping enough qualified physicians in the hard core of the services to practice medicine, and as a result we try to do everything we can to make service life just as attractive and professionally rewarding to them as we possibly can . . . When young doctors come into the service, one of the first things that can really tee them off is when the old man or skipper says, 'You cannot prescribe that drug.' "

"Well," Nelson responded, "that is like saying we will let him practice bad medicine because we do not want to lose him."

The case of Darvon is by no means unique. In the interests of making service life "attractive and professionally rewarding," the Pentagon permits its doctors to prescribe millions of dollars worth of costly drugs where cheaper (or better) alternatives are available. Some examples culled from the Nelson Subcommittee's files:

The Defense Department spent $238,383 in 1968 for Fiorinal, a painkiller composed of APC and butalbital. According to *The Medical Letter*, "it has never been convincingly shown that the combination of aspirin, phenacetin, and caffeine, as in Fiorinal, has greater analgesic effectiveness than aspirin alone." The price for an equivalent amount of aspirin would have been $19,504.

(Colonel J. P. Fairchild, deputy commander of Walter Reed General Hospital in Washington, told Nelson he was "personally concerned" about the inclusion of Fiorinal in the hospital's drug formulary. "I would not like to see it in there. I would like to see it not in there," he testified. "However, when the young doctors come out of their schools from other parts of the country, they have been using a drug, Fiorinal. They want to continue to practice as they have practiced where they came from.")

Another analgesic, Zactirin (ethoheptazine citrate and aspirin) accounted for Pentagon purchases totaling $472,131 in 1968–1969. According to the National Research Council, Zactirin is "possibly effective" as an analgesic—but only because it contains aspirin. The comparable cost for aspirin is $22,467.

Two widely used tranquilizers, Librium and Valium (chlordiazepoxide and diazepam) were purchased by the Pentagon in amounts totaling more than $6.1 million in 1968–69. *The Medical Letter* has reported that both drugs "are effective sedatives but . . . it is still not clear that they have any important advantage over barbiturates." A common barbiturate, phenobarbital, costs fifty cents per thousand, whereas the Defense Department paid $43.50 per thousand for Librium and $53 per thousand for Valium, Nelson pointed out. The use of phenobarbital would have resulted in a saving of $5.9 million.

The Pentagon spent $4.3 million for an antihistamine called Ornade "for use in the treatment of upper respiratory infections." The National Research Council has found that Ornade may be useful in the treatment of allergic rhinitis, but *not* in the treatment of upper respiratory infections. According to the NRC report, "several carefully controlled studies, in which different antihistamines were tried, disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds."

("We brought Ornade up before our Board several months ago," Colonel Farirchild told Nelson, "and just because of the extra expense we felt this was a drug we could perhaps do without and use something else instead. And we asked all our chiefs to justify the continued use in our formulary of Ornade, and those who were for it were in the majority. So we had to continue the use of Ornade.")

Last year, the Task Force on Prescription Drugs of the Department of Health, Education and Welfare defined seven types of "irrational" prescribing:

One—The use of drugs without demonstrated efficacy.

Two—The use of drugs with an inherent hazard not justified by the seriousness of the illness being treated.

Three—The use of drugs in excessive amounts, or for excessive periods of time, or inadequate amounts for inadequate periods.

Four—The use of costly, duplicative, or "me-too" products when an equally effective but less expensive drug is available.

Five—The use of costly combination products when equally effective but less expensive drugs are available individually.

Six—The simultaneous use of two or more drugs without appropriate consideration of their possible interaction.

Seven—The multiple prescribing of drugs which may be useless, cumulative, interactive, or needlessly expensive.

Almost every form of irrational prescribing may be found in the practice of military medicine, Nelson pointed out. "I just keep coming back to this question," he told his Pentagon witnesses. "How can we have rational prescribing in this country at all if the military cannot achieve where they are in total control of what should be purchased and what should be prescribed, and where they can call upon the best expertise in the United States to help them make the judgment?"

But Admiral Etter replied: "You just cannot dictate to doctors summarily how they are going to practice medicine. It just does not work. They are not that breed of cat. As Dr. Fox pointed out, these that we have here are a cross-section of civilian physicians, and as long as they want to do these things, they are doing these things in their own way, we have to go along with them up to an extent." Pass the pain killer please. Aspirin will do.

HANOI'S PAWNS

Mr. DOLE. Mr. President, an article published in Newsweek for November 30, 1970, aptly describes our American prisoners of war as "Hanoi's Pawns."

Three American POW's have been held captive more than 6 years and 75 have been held for more than 5 years.

The Communists' description of the treatment our POW's are receiving differs markedly from the situation as described by the few POW's who have been freed or escaped from North Vietnam.

The Newsweek article compares the two versions of treatment and notes that it seems "highly improbable" that American prisoners of war "are gamboling under the North Vietnamese sun."

Newsweek is right.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HANOI'S PAWNS: THE U.S. PRISONERS OF WAR

Somewhere in a Hanoi suburb, a shady park surrounded by one-story houses opens its gates to us. In the middle of the lawn, weeping willows stoop over a pond with water lilies. Where are we? One only needs to look to the right to know. In a courtyard, big husky fellows, bareheaded and tanned, leap around a basketball court. These are some of the American pilots captured in North Vietnam.—A French Communist reporter

The North Vietnamese use torture but not on a regular basis. It would at least break the routine if they'd come in and punch you around every so often. But the Vietnamese are crueler and subtler than that. They simply put you away, leave you there and let you rot.—A former American POW freed by North Vietnam

That American prisoners of war are gamboling under the North Vietnamese sun seems highly improbable. But whether they are still really mistreated in Hanoi's jails, no one outside North Vietnam can know for sure. And it is this cruel uncertainty that will be at the heart of the anguish felt by the families of the U.S. POW's as they sit down this week for Thanksgiving dinner. It is the fifth Thanksgiving since Hanoi began capturing American fighting men on a significant scale, and according to Pentagon officials the North Vietnamese now hold an estimated total of 378 American prisoners.[1] Some 1,100 other Americans are listed as missing in action in Southeast Asia, and many of them may be in the hands of the North Vietnamese as well. But no one really knows that for sure either, for throughout the course of the war, Hanoi has consistently refused to give out a complete list of names of the men whom it holds captive.

In recent months, the names on Hanoi's list have taken on more than humanitarian significance. For with the U.S. steadily withdrawing its ground forces from South Vietnam, many fear that the POW's may be left stranded behind. Apparently to allay such worries, the Nixon Administration has itself brought the POW issue to the fore, unleashing a high-powered publicity campaign designed to expose the plight of the prisoners. Not to be outflanked on the propaganda front, the North Vietnamese have begun shepherding sympathtic left-wing journalists through Hanoi prisons, trying to put the best face on their role as captors.

For all the public-relations efforts, the picture of life in the prison camps remains as murky as ever. Few independent observers have managed to get close to the prisons; not a single official of the International Red Cross, for example, has been allowed to investigate the POW situation. Letters from POW's are infrequent and censored. And only nine American prisoners have so far been freed by North Vietnam and have told their side of the story.

One who has spoken out is Air Force Col. Norris Overly Jr., a 41-year-old pilot whose B-57 Canberra was shot down Sept. 11, 1967, about 60 miles north of the demilitarized zone. According to Overly, who was released five months after his capture, American fliers downed in North Vietnam suffer brutality almost from the moment they are on North Vietnamese soil. Marched from village to village on the way to Hanoi, Overly was a constant target for angry peasants. "People hit me, they kicked me, they urinated on me, they spit at me," he recalled in a recent speech on behalf of "Tell It to Hanoi," a campaign organized by prisoners' families seeking a complete list of POW's. "The people I feared most were the women, the children and the old people. Little children in particular. They would pick up rocks and come up to you and bash you in the face."

BEATEN

It is, of course, more than two years since Overly was released by the North Vietnamese. But his recollections of his captivity are still chilling. Once a prisoner arrived in Hanoi, Overly recounted, he underwent intensive interrogation. During this period, prisoners were often beaten, bound with ropes and kept for days without sleep. Eventually they were moved into another part of the compound, where they began the grindingly dull routine of POW life. Usually two men occupied a 10- by 6-foot cell equipped with plankboard beds. Every other day, the "criminals"—as they were forced to call themselves—were permitted to take a five-minute bath. Guards doled out two meals a day—usually watery soup (sometimes with a sliver of pork fat), a loaf of heavy bread and a pitcher of hot water.

About once a month, on a cell-by-cell basis, prisoners were taken to a central reading room where they were allowed to peruse selected clippings from the American press. Heavy emphasis was given to dispatches detailing riots, anti-war protests, civil disturbances and any other symptoms of social turmoil in the U.S. "The whole theme is to make the prisoner feel his country is in an uproar 24 hours a day," Overly told Newsweek's Thomas DeFrank. "They try to make you feel that you're a forgotten man, that your country is going down the drain and nobody gives a damn about you."

DIALOGUE

Compounding their feeling of physical and psychological isolation was the fact that the prisoners were kept rigidly separated. There was no activity, says Overly, that brought members of one cell into contact with those of another. Even when the inmates were called together for special propaganda meetings, a sheet was hung from the ceiling between prisoners, and guards were stationed at intervals to prevent communication. "It is safe to assume," says Overly, "that there are some guys who have talked to only one other prisoner in six years." And as might be expected, that dialogue soon wears thin. "You know every family secret of your cellmate," Overly says. "You know every movie he's ever seen, every book he's read. You talk about sex, politics, everything you can think of. But you finally always run out of things to say."

Overly's view of prison life in Hanoi is, not surprisingly, vigorously contradicted by the North Vietnamese. In the latest Hanoi-authorized version of life in the camps. Theo Ronco, writing in the French Communist Party publication L'Humanite, described one prison in terms suitable for a boys' summer camp—complete with outings and team sports. "Their rooms are whitewashed and well-ventilated," wrote Ronco. "They have an occupancy based on their size, with three to five beds, each having a straw mat, a mosquito netting and blankets . . . On the day of our visit, the menu for lunch included a thick soup, followed by ground meat with cabbage. For dessert, there were fruits: persimmons or oranges. In addition, there were 300 to 400 grams of bread."

[1] Of those, three have been POW's for more than six years and some 75—including Maj. James H. Kasler, Comdr. James Bond Stockdale, Lt. Comdr. Raymond Arthur Vohden and Lt. Col. James Robinson Risner—have been held for more than five years.

PROOF

As a committed ideologue, Ronco's idyllic portrayal is highly suspect. And with North Vietnam's steadfast refusal to honor the guarantees of the 1949 Geneva Convention on POW treatment (Hanoi claims the convention is not applicable to U.S. "war criminals"), the burden of proof of humane treatment rests squarely on Hanoi. But one observer who has visited Hanoi recently finds the U.S. interpretation somewhat questionable as well. For while accepting the fact that the POW's are surely under psychological pressures, this source believes that the rations and treatment—however bad they may seem by U.S. standards—are probably similar to those received by North Vietnamese troops.

Whatever the truth, the POW issue has taken on added significance at the Paris bargaining table. In the wake of the Administration's publicity campaign, some optimistic U.S. officials believe that Hanoi is squirming under the pressure of public opinion. "We've finally got them on trial in the court of world opinion," explains one Pentagon official, "and they're afraid the verdict is starting to go against them." Other observers, however, speculate that the publicity has in fact strengthened the enemy's position. "The prisoners are the single weakest point in our negotiating position," says one U.S. diplomat. "We want those men back and Hanoi knows it."

GESTURES

Concrete evidence that Hanoi has begun to appreciate the growing importance of U.S. prisoners as a diplomatic bargaining counter came early this fall, when the Communists unveiled their new peace proposal in Paris. Upgrading the prisoner issue to a major point, the Communists announced that in exchange for a U.S. pledge to withdraw all its troops from Vietnam by June 30, 1971, "discussion of release of captured military men" would begin immediately. At the same time, the North Vietnamese and Viet Cong delegations in Paris began exhibiting a subtle change in attitude toward the relatives of POW's—suddenly responding to their desperate inquiries with courteous, if indefinite, promises to release more information about the prisoners. And in Hanoi, there have been indications that the POW's lot is improving. The diet for inmates is reportedly more substantial than in the past—and there has been a dramatic increase in the mail received from the prisoners. Early this month, too, Hanoi announced that the prisoners would be allowed to receive bigger Christmas parcels this year.

All in all, these gestures have been relatively easy for the North Vietnamese to make and they seem to have been dictated more by a desire for bargaining advantages than by any fundamental rethinking of the POW issue. And that, of course, bodes ill for the stranded POW's. For if it was ever in doubt in the past, it has now become painfully obvious that the fate of the prisoners is inextricably linked to ultimate settlement of the war itself. And that, as of Thanksgiving week 1970, still seems a very distant project.

UTILITIES HOUSING ACTIVITIES

Mr. MAGNUSON. Mr. President, the housing bill (S. 4368) passed by the Senate last month contains a section which would amend the Public Utility Holding Company Act to make it clear that the Securities and Exchange Commission has the authority to permit holding company utilities to engage in low and moderate-income housing projects in their own communities. I am especially pleased by the Senate's action since the provision was incorporated from a bill which I introduced—S. 4272. I hope the House will agree to the amendment.

As I said upon introducing S. 4272, I believe it is extremely important that we encourage utilities in this country to play an active role in making our Nation's cities more livable and viable. The utilities have both the qualifications to undertake such projects and the self-interest of their own companies to induce them to make the necessary investment and provide the required leadership. They are accustomed to close regulation and supervision, they have the managerial talent, they have the ability to raise the required capital, and they have positions of influence and respectability within their own service areas. In a sense, they must insure that the communities they serve will be strong and successful since, in effect, they are locked into those areas—they cannot pack up their facilities and go to another area.

At the annual meeting of the National Association of Regulatory Utility Commissioners held in Las Vegas, Nev., earlier this month, a panel discussion was devoted to the subject of the role of utilities in meeting the Nation's housing needs. One of the participants in the panel was Lee C. White, former Chairman of the Federal Power Commission, who participated as head of the Utilities Housing Council, a nonprofit organization of telephone, electric and gas utilities dedicated to assist in achieving the Nation's housing goals. Mr. White's statement provides a clear, concise summary of both the benefits of the utilities' activities in the field of housing and the impediments, real and potential, that must be eliminated. I ask unanimous consent that Mr. White's statement and panel discussion, published in the New York Times of November 22, 1970, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 22, 1970]

UTILITIES ENTER HOUSING FIELD TO PROTECT THEIR MARKETS IN DECAYING AREAS OF CITIES

(By Anthony Ripley)

LAS VEGAS, NEV., November 20.—Electric, natural gas and telephone companies, encouraged by the Federal Government, have taken their first strong steps into the housing field.

Some of these publicly regulated monopolies have entered the field for profit and some have made nonprofit arrangements, but most say they are acting to protect their markets in the decaying older sections of America's cities.

The emphasis has thus far been on building low-income and moderate-income housing on urban renewal land in the core cities or blighted suburbs. Among the areas are the Elwood Village project of low-income housing in Detroit, sponsored by Michigan Consolidated Gas Company, and similar projects in Rome and Troy, N.Y., sponsored by the Niagara Mohawk Power Company.

Other projects have included remodeling dilapidated houses and planning homes for the elderly.

But some power companies have sought to build fresh markets by participating in the development of "new towns" where entire cities are created on vacant land.

A 2-YEAR EFFORT

One utility, according to the Department of Housing and Urban Development, has gone even further. The Florida Gas Company, in addition to its role as a developer and sponsor of housing, has created a subsidiary, Contemporary Building Systems, Inc., that will manufacture modular housing systems.

The move into housing has been quietly gathering momentum for the last two years. So far, utilities have remodeled 2,800 units of housing and have built or are finishing construction of 669 new units, with more than 1,000 additional planned, according to Federal figures. Two "new towns" are also being planned.

Eleven major utility companies, including the American Telephone and Telegraph Company, the General Telephone and Electronics Corporation, the Consolidated Edison Company of New York and the Southern California Gas Company, agreed last summer to form a nonprofit promotional group called the Utilities Housing Council.

FEDERAL BACKING CITED

Lee C. White, former chairman of the Federal Power Commission who is now a lawyer in Washington, is spokesman for the council. At a national convention of state utility regulators in Last Vegas this week, Mr. White said that building low-income and moderate-income housing had support in all areas of the Federal Government.

G. Richard Dunnells, special assistant to the Under Secretary of Housing and Urban Development, also addressed the convention of the National Association of Regulatory Utility Commissioners. He said that utilities had an "enormously high" stake in remaking the rundown sections of American cities and were "particularly well-equipped to handle the problem."

He said that the department had specifically set aside $1 million to encourage utility effort.

There are, however, at least two major, intertwined problems facing the utilities in the housing field. One involves profits. The other is exemplified by the difficulties of the Penn Central Railroad.

LIMITATION ON OPERATIONS

Utilities are regulated by public service commissions in most of the 50 states and by Federal laws and regulating boards. In the nineteen-twenties, speculators built empires in utility holding companies and diversified them into such unrelated fields as motion picture theaters, colleges and experimental orchards. Some of these empires collapsed dramatically in the nineteen-thirties. Because of this experience, most states have strictly limited utilities to providing service.

However, the trend toward merger and diversification in modern business has touched federally regulated companies. The recent filing for bankruptcy by Penn Central, which had heavily diversified into nonrailroad businesses, raised anew all the old questions of how far afield a government-regulated monopoly business should be allowed to go.

SAYS NEED IS GREAT

Mr. White, the council head, said that the matter should be carefully examined by state utility commissions and might require drawing specific lines as to what outside activities were reasonable and what were unreasonable.

"So far as I am concerned," he said, "the need for low- and moderate-income housing is so great and the supervision by all governmental levels is so comprehensive that these housing programs should, if they are sound, be received sympathetically by regulatory bodies."

Such diversification also brings with it a chance to increase profits. Utilities which are often limited to 6 to 8 per cent profits by government rules, can earn as much as 15 to 20 per cent in outside housing ventures if

permitted by state public service commissions.

Ralph T. McElvenny, president of Michigan Consolidated, who also spoke at the convention here, made it clear that, if utilities were barred from taking advantage of higher profits, many would lose interest in developing badly needed housing.

Michigan Consolidated, a wholly owned subsidiary of the American Natural Gas Company, has other problems, too. It is prohibited by the Holding Company Act of 1935 from entering into outside business ventures.

The Securities and Exchange Commission, charged with enforcing the act, at first allowed Michigan Consolidated to go into the housing field, then reversed itself. The Mississippi Power and Light Company, a subsidiary of Middle South Utilities, also found itself barred by the S.E.C. and sold its outside holding in Jackson, Miss.

Hugh F. Owens, a member of the commission, said that the agency supported amending the act specifically to allow holding companies to develop low-income and moderate-income housing within their service areas.

"In my own mind," Mr. Owens said, "it certainly was in the ordinary course of business for Michigan Consolidated to protect its present market for gas in Detroit and, hopefully, to expand that market. A very direct way of accomplishing that end was to assist in the creation of new housing which could utilize gas power."

THE ROLE OF UTILITIES IN MEETING THE NATION'S HOUSING NEEDS

(Remarks by Lee C. White, Utilities Housing Council)

At the outset, I would like to commend NARUC for including in the Convention program this panel discussion on the role of utilities in meeting the Nation's housing needs. It represents, I believe, both the increasing awareness of the business community to social problems and the widening range of issues faced by regulatory bodies. Hopefully, the discussion will be informative, will provide interest, and will result in increased efforts by utilities to assist in meeting one of the Nation's most pressing needs: adequate housing for low- and moderate-income families.

In view of the identity of the other members of the panel, it is not necessary for me to devote much time to the details of the various housing programs available to utilities for sponsorship; to a description of the special capabilities of utilities to participate in these programs effectively; to the strong support and encouragement provided by the administrations of both President Johnson and President Nixon; to the range of benefits that the individual utilities may receive as a result of such participation; and to the step-by-step process that any interested utility should pursue in making its own decision. Rather, I shall discuss some of the policy issues and problems, including those that are regulatory in nature.

Utilities Housing Council

First, however, a few words about the Utilities Housing Council which I represent here, would be appropriate. Eleven utilities—including telephone, gas, and electric—joined together last summer to establish a non-governmental, non-profit organization to stimulate and promote the interest of utilities in housing projects and to assist utilities in their efforts in this regard. Some of the member utilities have already successfully completed projects in their service areas; others have not yet decided whether they should engage in such projects, but I believe such a decision will be more soundly based if they have available to them the best possible information and analysis.

The Council has worked closely with the Department of Housing and Urban Development and other government agencies to resolve any problems in connection with utility participation in housing programs and to serve as a conduit for the exchange of information and experience between utilities and government policymakers.

THE PUBLIC UTILITY HOLDING COMPANY ACT

Since Commissioner Owens will undoubtedly discuss the subject extensively, I would like to note only briefly that there has been some misunderstanding of the SEC's rulings in the three cases in which it disapproved applications for permission by holding company utilities to participate in housing programs. As I read the Commission's decisions, it has not said that utilities *should* not engage in such projects, but rather that under the existing law, they *could* not. Any doubt that this is the correct interpretation vanishes by virtue of the fact that the SEC has formally and unanimously indicated that it has no objection to the Holding Company Act's being amended to make it clear that the Commission does have such authority—a view that two of the five members of the Commission hold with regard to the existing statutory language.

The reason this is significant is that unfortunately some utility executives, including many whose companies are not subject to the Holding Company Act, have been deterred from even considering housing projects on the mistaken premise that the Federal Government has a divided view on whether utilities should be encouraged to enter these fields. I hope that the effort to amend the law will be successful for two reasons: first, to enable the utilities that are in Holding Companies to participate, and second, to make it clear to all utilities that both the Executive and Legislative branches of the Federal Government support the concept of utility participation in helping meet the Nation's housing needs.

STATE REGULATORY ACTIONS

Obviously, the attitude of state regulatory agencies toward these programs is of great significance. Thus far, there has been only a trickle of applications to state bodies, but if utilities are to assume a vigorous and energetic role—an objective that the Federal Government and many outside experts in the housing field believe is essential—the decisions of state commissions will be critical. And, quite candidly, utility requests for permission to engage in housing projects, which I hope will become a flood, will come at a difficult time. Capital needs for utility plants are enormous—$350 billion for the electric utility industry alone in the next 20 years; the Penn-Central bankruptcy has focused public and governmental attention on non-utility activities by regulated companies; questions about the quality of service by utilities have never been greater. But as legitimate as these issues may be and as deserving of evaluation as they are, the great need for housing in this Nation and the universally acknowledged capability of utilities to do the job must also be weighed. There will, of course, be different factual and background situations surrounding the various applications and each will be weighed on its own merits.

The first state commission to have focused squarely on the question is the New York Public Service Commission, which last August approved the application of the New York State Electric and Gas Company to invest a million dollars of its funds to finance low- and moderate-income housing and redevelopment area commercial facilities. The Commission, in granting approval, adopted the opinion of the hearing examiner which had focused on a number of questions which I assume other state commissioners will want to examine in acting on similar applications.

The need for the particular project and its character—Although the need across the country for housing for low- and moderate-income families is enormous, it makes sense for a regulatory body to satisfy itself that there is a real and identified community need that the utility is planning to meet. Additionally, it makes sense, where a commission under its statute must approve any investment of utility funds, for it to have a fair description of the proposed undertaking, including the financial aspects.

The prudence of the investment in terms of the ability of the applicant to meet its utility responsibilities—The New York examiner recognized the capital investment requirements that utilities, including New York State Electric and Gas, face in the years ahead and found that the requested $1 million investment, in light of the applicant's total assets of over $700 million and its annual net income of $28 million, would not impair its ability to render satisfactory gas and electric service and to finance future utility investment.

The diversion of management attention and energy—Similarly the examiner found that, on this ground, the applicant would not impair its ability to provide adequate utility service.

The inclusion of the investment in the rate base—In this connection, the examiner noted that under the New York Commission's regulations, the housing investment would be excluded from the rate base and attendant expenses would be excluded from the utility expense accounts. Obviously, this is a matter that should be examined at the outset and in all likelihood will be controlled by state statute, by commission regulations, or prior decisions.

In addition to the action of the New York Commission, in June of this year the Illinois Commerce Commission approved the request of Northern Illinois Gas Company to invest $100,000 in the National Housing Partnership. Under the authority of the Housing and Urban Development Act of 1968, the National Corporation for Housing Partnerships was established—President Johnson appointed the incorporators and President Nixon reappointed them. The purpose of the organization is to raise private capital to be used as development seed money and for equity investment in housing for low- and moderate-income families. The capital of the Partnership will be combined with that of other investors to supply the equity necessary to secure 90 percent government-insured mortgages. Industry throughout the country was asked to invest in the National Housing Partnership and $42 million has been invested in the first partnership formed under the Housing Act of 1968.

In addition, there is presently pending before the Illinois Commission an application by Commonwealth Edison Company to participate in one of the local limited housing partnerships created with the assistance and financial participation by the National Housing Partnership. The purpose of the limited partnership is to develop, construct, maintain and operate a low- and moderate-income rental housing project of approximately 164 units together with related facilities in the City of Chicago.

A few additional projects have been undertaken by utilities, but under such circumstances that approval by state regulatory bodies was not required. There are, however, a number of utilities that are seriously contemplating such projects and it is fair to assume, therefore, that the number of applications for state commission approval will increase considerably in the months and years ahead.

POLICY QUESTIONS REGARDING UTILITIES PARTICIPATION IN HOUSING PROJECTS

Despite the absence of any significant opposition on the part of government officials, including members of Congress and state

regulators, the press, or any other quarter, some questions have been raised that are both legitimate and worthy of consideration.

First has been the suggestion, referred to earlier, that this is no time for utilities to be engaging in non-utility activities when service problems are perhaps at a peak. In balancing the ability of a utility to perform a highly useful and desirable service in the communities it serves, it is proper to ensure that its financial and management resources are not so heavily burdened as to impair the utility's primary obligation to its customers. In my view, almost every utility in this country should be capable of engaging in some projects without detracting from its ability to provide satisfactory utility service.

Doubts have been expressed as to whether a utility with a monopolistic position in its service area would not use its housing projects to compete unfairly with alternative energy sources, thereby, in effect, adding improperly to their natural monopoly position. This is obviated, at least in those programs that are federally subsidized, by the Federal Housing Authority regulations which would prohibit, for example, an electric utility from building all-electric homes, if the cost differentials for particular services would bar the use of that particular energy source for any non-utility sponsor of an FHA-subsidized project. Moreover, there is no suspension or grant of immunity from the antitrust laws for utilities, or for that matter, any other housing sponsor—simply because a housing project is undertaken. This point was recently made in a speech by a member of the Antitrust Division of the Department of Justice. In my view, it would be shortsighted to prohibit a highly desirable program on the ground that the potential for some abuses might exist. Rather, we should make every effort to prevent abuses, or, where this is impossible, to detect them and insist on remedial action.

Another question that has been raised is whether it is appropriate for a utility whose profits are limited to a statutory or regulated level in the range of perhaps 6 to 8 percent to engage in a housing project where the rate of return on the investment would exceed that level, perhaps as high as 15 or 20 percent. These figures rest on a statutorily limited return of 6 percent on equity, but assume the ability of the sponsor to take advantage of Federal tax incentives. My response to that question—which is limited to the type of undertaking under discussion here this morning, namely, providing of housing, for low- and moderate-income families—is that a utility which engages in these programs should have no preference or no burden different from other sponsors. In the Tax Reform Act of 1969, the Congress singled out the tax shelter relating to housing for low- and moderate-income families for preferential treatment—thus, it now has the most favorable accelerated depreciation, recapture and re-investment treatment of any type of construction. Clearly the Legislative and Executive branches intended that these tax incentives induce businesses to participate as housing sponsors—it is equally clear that if utilities, unlike other businesses, are denied the benefits of the Federal tax statutes, they could not afford to take the risks their housing investments would entail. It makes sense, therefore—indeed, it is essential—that regulatory bodies permit utilities to take advantage of these tax inducements in ruling on applications for approval to enter housing undertakings and in the accounting treatment of those undertakings.

Probably the most fundamental question of all, in light of the sharply increased public attention generated by the Penn-Central bankruptcy, is the participation by regulated utilities in any non-utility activities. This issue warrants close attention; and, in my view, it would be appropriate, desirable and constructive for NARUC to establish a committee to study the broad range of problems involved. This could be done in cooperation with Federal regulatory agencies and perhaps in conjunction with some foundation or other type of institution which has no operating responsibilities. The issue should be examined—and promptly. In the interim, regulatory bodies would be well advised to give cautious and detailed review to proposals for non-utility activities submitted to them for approval. It may well be that some line-drawing would be required, that is, some activities would be permitted and others barred. So far as I am concerned, the need for low- and moderate-income housing is so great, and the supervision by all governmental levels is so comprehensive that these housing programs should, if they are sound, be received sympathetically by regulatory bodies.

CONCLUSION

In a general sense, the public attitude about regulatory bodies has been that they are involved in relatively prosaic undertakings somewhat on the fringes of the public policy issues that swirl in our states and across the country. A glance at the agenda for this meeting of NARUC, cataloging the very difficult and very significant spectrum of problems and issues facing the Nation's regulatory agencies quickly dispels that view. With waves of rate increases that are before you and more coming; with the likelihood of energy shortages becoming deeper, more widespread, and chronic; with serious service questions at an unprecedented level, you have a mighty full load to bear—and without trying to palm myself off as a clairvoyant, I can predict you will continue to have great difficulty in securing much-needed increases in appropriations to do your jobs.

Even taking this pile of gloom into account, I remain optimistic that the Nation's regulatory bodies will be positive and constructive in their response to the requests of utilities to play leadership roles in the communities they serve. A country of our size and diversity is constantly facing change—it is not only that today's problems are here with us and therefore demanding our attention, but, in fact, they appear to be so fundamental and enormous as to pose serious threats to our ways of life. We all must do more and act now—and that includes our Nation's utilities.

KING FAMILY TESTIMONIAL

Mr. PEARSON. Mr. President, the terrible tragedy of the crash of the airplane carrying the Wichita State University football team, university officials, and friends in the Colorado Mountains on October 2, 1970, was visited upon many families. One of those was the Ray King family of Hesston, Kans. Mr. King, an active booster of the Wichita State Shockers, and his wife, Yvonne, were killed in that crash. They were survived by their seven children.

The eldest of the King children, Lynne, has recently written a moving and eloquent testimonial couched in the spirit of Thanksgiving. It is a tribute to Mr. and Mrs. King, who were able to instill in their children a powerful sense of family unity and a deep personal strength, reinforced by an abiding Christian faith. It is a tribute to the children who have shown a remarkable resilience and who have faced up to life and carried on in the wake of this incomprehensible tragedy. It is a tribute to the many relatives and friends who have been so generous of their time and love. It is, indeed, a tribute to the human spirit, to its tenderness and its strength.

Mr. President because this testimonial has a meaning for all of us I want to call it to the attention of Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the testimonial was ordered to be printed in the RECORD, as follows:

O GIVE THANKS UNTO THE LORD FOR—

Time. We are very glad for the short time we had with our parents, although it seems I was just really beginning to understand in depth what made them the wonderful Christians they were. Time heals all wounds, and as a family we have found that in times of tragedy the wounds aren't quite as deep and heal faster as a result of our belief in God.

Honorary contributions to the mission fund. Due to the active role Dad and Mom played in missions and vice versa, the entire family felt that a memorial set up for missions would be a living tribute to our parents. The response has been overwhelming. A specific project for the Oriental Missionary Society will soon be chosen for which the memorial funds will be designated.

Administration of affairs. The funeral was a moving sight with attendance reaching 2000. Richard Capin, OMS; Dennis Kinlaw, Asbury College President and Ford Philpot, The Story, Inc., in turn spoke inspiring words delving deep into each person's mind and heart. The matter of guardians has gone through court naming Clifford King and Mrs. Leroy King (Lois). The will, which has been probated, sufficiently provides for us. We children will be together in our present home.

Now. We are very fortunate to have Charles and Rebecca Ratzlaff temporarily staying with us until Rebecca has her baby in March. Please continue to pray with us that God will lead us to a couple who would lovingly be brought up by seven children (or vice versa).

Kin. Although circumstances were such to cause grief and sorrow, it was wonderful to see all Dad's and Mother's immediate families as well as other relatives and friends. The morning previous to the funeral there was a memorial service in our beautiful new United Methodist Church which Daddy so dedicatedly helped nurture and build into existence. Many relatives attended, revitalized by the celebration of eternal life rather than a meditation on death, led by Uncles Rev. Charles Turkington and Rev. Elton Jones.

Siblings. At the top of my ten most wanted list is to have the rest of my sisters and brothers instilled with the faith my parents helped me attain. But to let you know what an example and influence my parents' lives were in the few years they were with the three youngest, here is a prayer Lisa gave at bedtime devotions the night before the funeral. "Dear God, we're sorry Daddy and Mommy had to die, but we know you needed them up in heaven. And while they're gone You're here to watch over us—and Lynnee to. Amen." I don't think that needs any explanation.

Growing children. The kids have been beautiful to say the least. Social activities and school continue at their normal pace, if not faster. Gary has a role in the junior play being presented this weekend. Teri, 13, is at the stage where the opposite sex becomes a necessary evil and I'm suddenly confronted with familiar situations of eighth grade for me. Ha! Ha! Lori has learned to crochet and finds Girl Scouting fun. Lisa lives for Brownies on Tuesday

afternoons and reads anything she can get hold of. Juli—well, you have to see, to believe. I wear out watching her. She's learning to read in first grade. Dina attends nursery school Tuesday and Thursday mornings and is shoveling in knowledge as fast as it comes her way. It's quite an experience going to parent-teacher conferences, Halloween parties, and attending Brownie mother-daughter day, but I thoroughly enjoy it.

Intercession. Words can't express our appreciation for all of your cards, prayers, and other expressions you've bestowed on us this far. We hope you continue to pray for us and for the requests mentioned.

Visitors. Though life won't ever be the same without Dad and Mom, we try our best to keep the routine situation alive. And that means we want all of you to continue to visit us. It was never home unless we had visitors in one day and out the next. We hope this happy hectic home wedges into your travelogue whenever you're out our way.

Inheritance. No inheritance of tangible items would be of any real importance if it wasn't for the Christian inheritance our parents passed on to us. This gives us the wisdom to realize of what little value anything is after we've left this world.

Near future. My near future includes rings and things—such as wedding bells and a very handsome young man. I am engaged to Larry Knott, son of Robert, grandson of Kenneth, who are all from rural Hesston. Larry and I have dated for four years. After two years of college he enlisted (four years) in the United States Air Force and is presently an airman stationed at Sheppard Air Force Base in Wichita Falls, Texas. Larry is in the Accounting and Finance Specialist Division of Technical School and will be permanently based toward the end of February. Plans include marriage on March 29, 1971. (My parents wedding anniversary).

Government. The picture enclosed was to be for Daddy's campaign for his third term in the Kansas House of Representatives. During the middle of October all the committeemen and committeewomen of the 89th Legislative District of Kansas met to nominate and elect a Representative to complete Dad's unexpired term and run for that office in the November election. Harold Dyck, present mayor of Hesston, was nominated and elected. Due to hard work, enthusiasm and dedication, he was elected on November 3 as our Republican Representative of the 89th District. As a personal friend of Dad and our family, I know his capabilities will serve us well.

Through all tragedies and through this year and the new one to come, let's all try harder to live the spirit of Thanksgiving.

He is good: for His mercy endureth forever. Psalm 107: 1.

For Gary, Teri, Lori, Lisa, Juli and Dina.

LYNNE KING.

BRINGING HOPE TO THE POW

Mr. DOLE. Mr. President, in the New York Daily News of Monday, November 30, Ray Cromley, a Washington correspondent for Newspaper Enterprise Association and a former POW, writes of his experience.

I believe that because of his personal experience, Mr. Cromley is in a better position to assess the recent POW raid at Son Tay than some of the critics who quickly denounced the effort as a total failure. The raid was a success from the standpoint of demonstrating American concern and it will, in my opinion, provide hope and encouragement to the hundreds of Americans imprisoned in Indochina by the enemy.

I ask unanimous consent to have printed in the RECORD the article by Mr. Cromley, preceded by an explanation of why the article was written.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Nov. 30, 1970]

WHY RAY CROMLEY WROTE THIS

Ray Cromley, who is Washington correspondent for the news syndicate, Newspaper Enterprise Assn., was a correspondent for the Wall Street Journal in Tokyo on the day of the Pearl Harbor attack. On that day he was arrested and held in Nishi Sugamo Prison in Tokyo.

He was tried, convicted of "sending information to the United States which could be used against the national defense of Japan" and sentenced to 1½ years in prison. An exchange of prisoners was arranged between the United States and Japan in July, 1943. He was moved into Sumire Concentration Camp about one week before exchange and was brought home—to New York—along with other exchangees on the SS Gripsholm in September, 1942.

Mr. Cromley grew so thin in prison that he couldn't keep his pants up, but after transfer to concentration camp he was fed well and ate eight meals a day to prepare himself for the trip home. When he enlisted in the U.S. Army eight months after his return home he had to sign a weight waiver in order to be accepted.

In the aftermath of the daring attempt to rescue U.S. prisoners of the North Vietnamese at the Son Tay prison camp near Hanoi, Mr. Cromley has been reflecting upon his experiences as a war prisoner and trying to put himself in the place of the men now held by the North Vietnamese. He describes his feelings in this article.

BRINGING HOPE TO THE HEART OF THE POW

I was a prisoner of the enemy in war. For six months of solitary confinement. In a Japanese prison in World War II.

Perhaps, then, I can describe in some small way how the American prisoners of war now in North Vietnam feel after this attempt at their rescue. I don't know, of course. I can only think back 28 years to my own feelings.

I remember two things quite vividly from that time:

The Doolittle raid of April, 1942, and the visit of the Swiss Government representative after I'd spent about five and a half months in solitary.

(During the war the neutral Swiss Government represented U.S. interests in Tokyo).

I remember these two things strongly even today because they brought hope to the heart of one prisoner, who, thru no one's fault, had had no sign from his government and his country during the months of imprisonment.

It did not matter that the Doolittle raiders had not come to free those of us who were in prison, but were over Tokyo for an entirely different purpose. You could look out the barred window and see the American fliers were there. For hours afterward you could relive this flight by watching the rising smoke and by listening to the excited conversations of the guards. You could feel and hear and know yourself that something was being done—and in a way you could feel that it was being done for you. You were part of it.

Then the other incident. When the Swiss came, I cried. I cried because I said to myself "my country cares!" I said it again and again in happy agonizing gulps. In the months of holding in during daily questioning by teams of guards and of sitting, eating, sleeping in my cell, I had not realized how alone I had come to feel myself.

The freedom in my soul and in my voice was not the thought of rescue or release (pleasant as release would be) that mattered so much as the thought that my country cared enough for me—for us—that the Swiss should come to see each of us individually even for a few minutes and should be attempting, whether successfully or not, to do something for us.

I still remember the room in which the Swiss representative and I sat. I remember the expression on his face and the way his lips moved when he talked.

He asked me a few questions and we talked a little, the normal things men say to each other. He did not promise me anything. It was not yet clear then whether negotiations for an exchange of prisoners would be successful. But I walked back down that prison hall with music singing in my heart as loud, as strong, as powerful and as triumphant as the sound of a gigantic choir in a cathedral—as if heaven had opened wide.

I was a man and an American and nothing could defeat my soul.

I have never seen that Swiss again. But he will remain my friend until the day I die.

It is hoped that men require when they are prisoners of war. And a belief that their country cares. And their wives and children.

With these a man can endure all things. Sickness, loneliness, beatings, death.

WEEK OF DECEMBER 10 IS OBVIOUS TIME FOR CONSIDERATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, on December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights. The 22d anniversary of the declaration, referred to as Human Rights Day is fast approaching. Twenty-two years ago, by accepting this Universal Declaration, the family of nations acted to affirm their faith "in the fundamental human rights" which are necessary for a tolerable life. This declaration is a standard by which all nations can measure their success in guaranteeing the basic human rights of their citizens.

Corresponding with the declaration, the United Nations has produced other great human rights documents, among them the Genocide Convention which is now before us.

We in the Senate thus have a unique opportunity to honor our commitment to the Universal Declaration of Human Rights, as well as to the Genocide Convention. By ratifying the Genocide Convention during the week of December 10, we would reaffirm our commitment to both the Universal Declaration of Human Rights and the Genocide Convention. It is my conviction that we should not let this unique opportunity pass without Senate action on this important human rights document. I hope that we can follow the leadership given us by the Committee on Foreign Relations in this area.

TAOS INDIAN PUEBLO

Mr. BROOKE. Mr. President, the return of the sacred Blue Lake to the Indians of the Taos Pueblo will soon be

considered and voted on by the Senate. I am convinced that this land must be returned to its rightful owners, who will preserve it in perpetuity for future generations as a sacred shrine and pure natural resource.

Earlier this year, Mr. Leonard Garment, Special Consultant to the President, delivered a message to the people of the Taos Pueblo on behalf of the President. I was impressed with his words and believe they merit the attention of the American people. I ask unanimous consent that the complete text of his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS AT THE JUSTICE DAY CEREMONY OF THE TAOS PUEBLO, N. MEX., JULY 25, 1970

Two and a half weeks ago, the tribal council of the Tao Pueblo were guests of the President and the Vice President in the White House.

Yesterday we had the great privilege of visiting the sacred tabernacle at Blue Lake and enjoying the untouched beauties of the lands surrounding it. We thank you for the concern and care with which you conducted us on this wonderful journey. It was an impressive, beautiful, and deeply moving experience for all of us.

Today, it is fitting that we come as guests to your house, the home of the Taos Pueblo.

We are here today to acknowledge with gratitude this ceremony of respect to the President and Vice President of the United States.

But we are also here in an act of recognition that it is not only the Federal Government in Washington that has something to give. We are here to recognize, with deep respect, how much the Indian people can contribute to the restoration of the spirit of the entire Nation.

Increasingly in recent years, and most dramatically in the past year, we have, as a nation, become deeply concerned with the pollution of our water and air, the misuse of the land, the commercialization of our open spaces. We have begun to sense the link between these concerns and the deep divisions in the spiritual life of the nation. We have come to see that there is a relationship between the unthinking exploitation of nature and the indifference of one human being to the suffering of another. We have started to understand the lines of an English poet which warn us to "Clear the air! Clear the sky! Wash the mind! Wash the brain and wash the soul!"

As these ideas—so central to Indian philosophy for so long—have begun to take hold, interest in dealing with the historic injustices to the Indian people have also been aided and strengthened. Out of all this—and out of the years of work of dedicated men and women of different political faiths—came the President's historic message of July 8.

If this is a time of hope for progress it is equally a time for vigilance in pressing these issues and in sustaining momentum by identifying what the President's Indian message says to all Americans.

For the Indians are too few in number, and too weak in political power, to go the course alone. They need the aroused conscience of millions of other Americans—Black, Brown and White—in support of their cause, if the legislation we propose is to become a reality.

As a nation, we have, at least since the thirties, recognized the right of self-government and political self-realization for the Indian nations. We have acknowledged that the Indian nations should be able to establish their own form of government and determine their own destiny. But while we have recognized that right by statute and treaty, we have not honored our word, because our promises were not rooted in full respect for Indian culture, Indian religion, and the Indian spiritual heritage. Recognition of political sovereignty and of territorial integrity was eroded because it did not go hand in hand with respect for what is really central: the right to religious and cultural self-determination.

Now we have proclaimed that there must be a new day for the Indian—a new policy and a new commitment. But government policies are all too easily discarded unless they stem from a genuinely-felt commitment.

If there is truly to be a new day in Indian affairs, if there is to be a true break with the past, then it will stem from respect for the Indian dream, from a willingness to pay tribute ungrudgingly, without being patronizing, without qualifying phrases, and without condescension to the richness of the history, culture, religion and heritage of the Indian people.

That is why the President in his July 8th message and the President and the Vice President in their meeting in the Cabinet Room on July 8th singled out the Taos Pueblo claim to Blue Lake as one to be dealt with specifically and immediately. It is not because the Taos people are the only Indian nation that has suffered injustice or deprivation. This Administration has committed itself to affording to all Indians self-determination in running their affairs, in managing their own programs, in operating their own programs, in operating their own schools and in developing their own economic life. But with one exception, all these proposals are of a general nature. The one place where the President's message ceased to be general—and dealt with a particular problem and a particular Indian people—was in connection with the Taos Pueblo claim to Blue Lake. And that is symbolic of the spirit of the message and the new policy the President undertook to articulate.

In the long struggle to regain title to Blue Lake the Taos Pueblo have symbolized the dream of all Indian peoples.

In their rejection of money as the claims award they have stated to all America that a vision and a religious tradition so unique as this cannot be compensated for by money.

In their longstanding faith that somehow, someday, justice would be done, they have affirmed by their patience their belief that this nation was capable of responding—not to threats, not to pressure—but to a simple claim upon the national conscience.

They have said they believe the United States is capable of honoring its word, righting injustice, and keeping its pledge simply because it is the right, the honorable, and the just thing to do.

You have my word that this Administration will do its utmost to see that the legislation restoring these lands to you in trust is passed. This can be one tangible and symbolic test of this nation's spiritual commitment to justice and to respect for diversity.

I make no promises beyond saying we will do our best. But I have belief in the American people and in their commitment to do justice. And I think it is right that the question should be put to the nation and to the Congress in terms of the Indian claim to spiritual, religious and cultural freedom.

Other ceremonial canes have been presented to the Taos Pueblo people—by Charles the Fifth in recognition of their right to self-government, by Abraham Lincoln in recognition of their political integrity. The cane we present today should be taken to symbolize the Taos Pueblo's right to religious and cultural self-determination.

A genuine respect for diversity is the key to the restoration of a sense of national unity.

Once again, the first Americans, the Indian people, have given—and given something far more precious than land. They have given this nation the opportunity to reaffirm its fundamental values, to make good on its commitments, and to rededicate itself to a very old dream—the dream of justice and equality and brotherhood for all our peoples.

VIRGINIANS' EFFORT ON BEHALF OF POW-MIA'S

Mr. SPONG. Mr. President, a number of recent events have rightfully focused attention on the plight of some 1,500 U.S. servicemen believed held as prisoners of war in Southeast Asia.

Whatever our disagreements over policy in Asia might be, we must remain united in our efforts to assist these men and their families. We must make every effort to see that the captors of these men abide by the Geneva Convention and that they treat those they hold humanely.

Consequently, I am pleased to report to the Senate on the activities of the Virginia division of the National League of Families of American Prisoners and Missing in Southeast Asia. On October 22, at the opening of the league's State headquarters at Virginia Beach, the decision was made to send a delegation of Virginians to Paris with petitions on behalf of prisoners of war and those missing in action. Petitions with more than 170,000 signatures and more than 25,000 letters were gathered in the Tidewater area and delivered on November 18 to Mai Van Bo, North Vietnam's delegate general in Paris. The delivery was made by Mayor Roy B. Martin, Jr., of Norfolk; Mayor Donald H. Rhodes of Virginia Beach; Metropolitan Editor Edwin H. Brandt, Jr., of the Virginian-Pilot; and Vice President William Mitchell of the Old Dominion University student body. In addition to their 50-minute meeting with Mr. Bo, which marked the first time the North Vietnamese had met with private citizens since April 1970, the group also met with chief U.S. negotiator, David K. Bruce.

In making the trip, the group sought a complete list of those men held, humane treatment for the prisoners, release of the sick and wounded, and inspection of the prisoner-of-war camps by an impartial inspection team.

The petitions which were prepared and the trip which was made are representative of a concern at the grassroots level in our country for those men who are held and a desire to mobilize individual efforts in support of them.

I am proud of this project undertaken by Virginians. I commend those involved. The North Vietnamese should understand the effort as an expression of the true concern of the American people.

I ask unanimous consent that the text of the statement issued upon the group's return be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY DELEGATION OF VIRGINIANS UPON THEIR RETURN FROM DELIVERING POW-MIA PETITIONS TO PARIS

The delegation is back home after what is considered a remarkably successful trip.

We were able to present to one of the major leaders of the North Vietnamese in Paris, the signatures of more than 170,000 people of the Norfolk-Virginia Beach area, executed on behalf of the wives and families of American Prisoners of War and those Missing in Action.

Mr. Mai Van Bo, Delegate General of the North Vietnamese Consular Staff in France, accepted the signed petitions, and in addition, discussed the POW-MIA situation with our group for nearly an hour.

The major points discussed included the release by the North Vietnamese of a complete list of those held, humane treatment for the prisoners, release of the sick and wounded, and neutral inspection of the Prisoner of War camps. In addition to presenting a list of all Norfolk and Virginia Beach men who are either Prisoners of War or Missing in Action, we also asked specific questions about the men on the list who are listed as Missing in Action but are believed to be captured.

While we cannot report immediate, specific results, we nonetheless, regard our trip as overwhelmingly successful.

We were fortunate, with the help of several excellent people in Paris, in overcoming many frustrating difficulties and in being able to meet with Mr. Mai Van Bo, who talked reasonably with us, and with only a couple of exceptions, generally spared us the North Vietnamese propaganda line on the POW-MIA question. We were the first group below the level of the U.S. Congress to be thus allowed a visit in many months, a breakthrough in itself.

Also, we were able to present the signatures, an expression which observers say has a strong effect and we were able to transmit, we believe with some considerable effect, the feeling of the people of Tidewater Virginia for the U.S. captives, some of whom have been imprisoned for more than five years.

Already, the tide of public opinion has loosened somewhat the grip of the North Vietnamese on their captives, and we are assured that our mission is one more positive step toward a successful settlement.

TYPHOID VACCINE BREAKTHROUGH

Mr. MATHIAS. Mr. President, I have spoken often in the past of the great benefits to the Nation's health which can be derived from the talented research staff and facilities at Fort Detrick in Frederick County, Md. My statements are dwarfed, however, by the direct impact of the work being carried on there. It has recently been announced that Morton Reitman, Ph. D., of the medical sciences laboratories at Fort Detrick has developed the first live typhoid vaccine. Testing carried out by the research staff at the University of Maryland, using human volunteer subjects, has demonstrated the great effectiveness of this wholly new approach to typhoid immunization. I can not overemphasize the magnitude of this breakthrough. I hope that the significance of Dr. Reitman's work will underscore the vast potential of the staff and facilities at Fort Detrick to make far-reaching contributions to our national health.

I thank Senators for their approval of the amendment to the Labor-Health, Education, and Welfare appropriations bill which will allow the vital research at the fort to continue. Let us hope that this investment in the Nation's health will be favorably considered in conference.

I ask unanimous consent that the text of the typhoid vaccine announcement be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

FORT DETRICK NEWS RELEASE

FORT DETRICK, FREDERICK, MD.—It has been reported in the Nov. 9, 1970 issue of the Medical News Section of the Journal of the American Medical Association that the combined efforts and talents of a Fort Detrick microbiologist and an MD from the University of Maryland School of Medicine, have produced a new and very promising typhoid vaccine.

Six years of joint research and experimentation by Morton Reitman, PhD, a principal investigator in the Medical Sciences Laboratories, U.S. Army Biological Defense Research Center, Fort Detrick, and Richard B. Hornick, MD, director, Division of Infectious Diseases at Maryland, have resulted in the development of the first oral live typhoid vaccine to show real promise.

Dr. Reitman actually began working with the typhoid vaccine in 1952 when he first isolated and developed the vaccine strain. In 1963 Dr. Reitman presented the vaccine to the University of Maryland School of Medicine and recommended it be tested in man.

Dr. Hornick, and Dr. Herbert L. DuPont, a staff member, have reported on the efficacy of the vaccine at the Tenth Interscience Conference on Antimicrobial Agents and Chemotherapy in Chicago. They administered orally the living streptomycin-dependent typhoid bacterium vaccine to 30 healthy adult male inmates who volunteered for the test from the Maryland House of Correction at Jessup. A month and a half after the original 30 volunteers received the oral vaccine, they were exposed, along with 26 additional volunteers who had not been given the vaccine, to an infective dose of virulent typhoid bacilli.

This initial test was successful. Of the 30 who were vaccinated 25, or 83%, were protected against a typhoid dose that produced illness in 50% of the 26 non-vaccinated men.

Because the results from the first experimental test were so favorable the scientists feel that the vaccine should be employed in field trials to evaluate its effectiveness against naturally acquired typhoid fever.

They are now working to determine: What is the best number of doses? How much vaccine should each dose contain? What is the best interval between doses? When these questions are answered it is hoped that a living vaccine for typhoid fever will be available for use in man that will provide superior protection to the chemically-killed vaccines that have been used for the past 70 years.

Dr. Reitman is the son of Mr. Harry Reitman of 27 N. Dover Ave., Atlantic City, N.J. Dr. Reitman and his wife and two children live on Grant Place in Frederick.

He graduated from Transylvania College in 1941 with a bachelor of arts degree in biology and chemistry, from the University of Kentucky in 1950 with a master of science degree in bacteriology and from George Washington University in 1955 with a doctor of philosophy degree in microbiology.

Dr. Reitman is a lieutenant colonel in the U.S. Air Force Reserves and is a member of the American Society for Microbiology, Research Society of America and Sigma Xi. His bibliography contains over 30 publications.

TIME REPORTS ON OUR PRISONERS OF WAR

Mr. DOLE. Mr. President, Time magazine for December 7, 1970, contains an article which recounts the events surrounding the raid on the American prisoner-of-war compound at Son Tay and poignantly describes the agony of those who wait at home for word of their loved ones who are prisoners of war or are missing in action.

"Acting to Aid the Forgotten Men" describes the many attempts by the Nixon administration and the State Department to win the release of our prisoners and the loneliness and uncertainty of the wives and families who wait.

Such reporting in a national news magazine can only help to increase public understanding of the magnitude of the problem and the intransigence of North Vietnam.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ACTING TO AID THE FORGOTTEN MEN

For two years no bombs had fallen in the Red River Valley in North Viet Nam, and only occasionally had the sirens disrupted Hanoi's nights when unarmed U.S. reconnaissance flights triggered radar shields. Suddenly, in the early morning hours, radar screens all over North Viet Nam blossomed in menacing blips. Across communications nets flashed word that waves of U.S. planes were bombing heavily south of the 19th parallel: north of the DMZ, east of the Laotian border. That had happened before in the interim since the bombing halt—five times, in fact. But this was something far more.

Scores of fighter-bombers were weaving back and forth across North Viet Nam north of the 19th parallel in what appeared to be bewildering bombing patterns. Flares were drifting down to illuminate the vulnerable ships and docks of Haiphong harbor. As North Viet Nam's air-defense commanders opened up with cannon and missilery, MIGS scrambled into action all across the country, and South China also went into a state of advanced military readiness. To many North Vietnamese, it looked as if the U.S. were invading their country. It was 2 a.m. when allied monitors in South Viet Nam heard the top-priority emergency transmission crackling from Hanoi: "There's a landing! There's a landing!"

Landing, yes; invasion, no—although the confusion and panic engendered by the illusion of invasion was precisely the aim of the U.S. planners. In one of the most daring and meticulously rehearsed operations of the long war, a fleet of U.S. helicopters was skimming into North Viet Nam at treetrop level, slipping through the narrow "windows" or gaps in Hanoi's radar system frantically preoccupied with the fighter-bombers high in the Vietnamese sky. Aboard the choppers were about 40 Green Beret and Ranger troops led by Colonel Arthur ("The Bull") Simons, 52, a near-legendary veteran of World War II, Laos and Viet Nam. He is considered by many to be quite simply the finest derring-do combat commander in the U.S. Army. Like the 20 or so Air Force specialists manning the helicopters, all the raiders had been volunteers for a mission unknown, one with only a fifty-fifty chance of success; for many on board the choppers, it had been enough to know that The Bull was in charge.

ON THE MINUTE

Their target was a scant 20 nautical miles from the center of Hanoi: Son Tay, an American prisoner-of-war compound. As the tiny fleet scuttled into North Viet Nam, National Security Adviser Henry Kissinger followed its progress at the Pentagon. The radio monitors in Washington were only two minutes behind the actual events. When the choppers passed their first checkpoint, they

were seven minutes ahead of schedule. Kissinger made a quiet joke to a high-ranking officer about the plan's being off. Just wait, Kissinger was told. By the time the squadron passed the last checkpoint, it was only a minute ahead; the raiders came down on Son Tay, guns blazing, right on the dot. Incredibly, they had not been detected by the North Vietnamese until one minute before touchdown.

All but one of the helicopters were HH–53s, giant ships able to fly at almost 200 m.p.h. carrying 38 fully armed infantrymen and refueling in mid-air. The exception was a single HH–3 chopper, in which rode The Bull and his initial assault squad. The smaller craft came down inside the cramped camp yard; as its rotor tips whacked into the trees, the pilot deliberately crash-landed it in the middle of the compound. Simons probably wanted to waste no time under fire while positioning for a landing. The other choppers landed outside the compound. There was a smattering of ground fire as the troops came in. The soldiers expected to meet as many as 100 guards, but there were only an estimated half a dozen. Colonel Simons found himself five yards from one North Vietnamese, who, he reported wrly, seemed very surprised to see him.

Unhappily, the Americans were surprised as well. There were no American prisoners to be found. For some 50 minutes, the soldiers dashed from building to building, breaking locks and searching the abandoned cells. Though U.S. fighter-bombers rocketed and strafed nearby antiaircraft batteries and troop areas to prevent a North Vietnamese reaction force from reaching Son Tay, some North Vietnamese reinforcements did arrive. One American was slightly wounded by an AK–47 automatic-rifle burst. Another broke his foot in the crash landing of the HH–3 helicopter, which was blown up before the Americans left. There were no other casualties; there was only an awful sense of dismay. All the courage, the long training, the perfectly executed mission, had come to naught. Said First Lieut. George Petrie, one of the raiders: "When we realized that there was no one in the compound, I had the most horrible feeling of my life."

INVITATION TO THE DANCE

The raid had its genesis a year ago, when President Nixon received a group of 26 wives of prisoners at the White House. His staff found Nixon clearly affected by the meeting; it imparted a human dimension to the problem that Nixon had not felt before. Some of the women, he said, had been separated from their husbands for nearly five years, but they showed no bitterness and did not demand an end to the war at any price. Nixon asked Secretary of State William Rogers, Secretary of Defense Melvin Laird and Kissinger to get to work on a two-track approach to the problem of the P.O.W.'s. He wanted increased diplomatic pressure on Hanoi; one White House aide says that since then hardly a week has gone by that there has not been some new move to get the P.O.W.'s freed. None has worked.

At the same time, Nixon asked the military for some unconventional rescue ideas. Contingency plans for commando search-and-rescue missions into North Viet Nam already existed, and a number of similar raids had been carried out in enemy-held areas of South Viet Nam over the years. (Significantly, none of them had ever found a single live prisoner either, but the omen was discounted.) Eventually, Laird told the President that his intelligence people had recommended a P.O.W. camp at Son Tay as a likely target for search and rescue. Nixon was enthusiastic. On August 11 he gave a go-ahead for planning the operation without actually authorizing the mission. The Pentagon assigned Brigadier General LeRoy Manor, head of air commandos at Eglin Air Force Base, Fla., and Colonel Simmons, an ex-Green Beret then stationed at Fort Bragg, N.C., to lead what became known as Joint Contingency Task Group Ivory Coast.

With some 100 carefully chosen Army and Air Force volunteers, most of them Viet Nam veterans, Manor and Simons set up a secret training center at Eglin. "It was sort of by invitation only," says an Army officer. "The invitation didn't indicate when the dance would be over, but it did mention that it would be dangerous." A full-size mock-up of the Son Tay camp was built in the vastness of Eglin's preserve, based on intelligence from travelers and diplomats who had heard about the camp in Hanoi, and aerial reconnaissance. It was put up each night and taken down each morning to preserve security. There were other security precautions as well. The training, which began Aug. 20 and continued for 2½ months, included 150 nighttime practice assaults on the camp. It was, said Lieut. Petrie, "very meticulous, very long and very arduous."

On Oct. 7, President Nixon proposed "the immediate and unconditional release of all prisoners of war held by both sides." (Laird said last week that Saigon holds 35,000 P.O.W.'s to the enemy's 3,000.) When that got no response, the U.S. turned again to the Ivory Coast alternative. Weather and moonlight conditions looked good for an assault either at the end of October or at the end of November. The weather worsened, so the October date was scratched. After a National Security Council meeting on Nov. 5, Laird stayed behind and told Nixon that it was time for a decision if the raid was to be held that month. On Nov. 11—Veterans Day, renamed "Prisoners of War Day" this year by presidential proclamation—Nixon assembled Rogers, Laird, Kissinger and Admiral Thomas Moorer, chairman of the Joint Chiefs of Staff. Moorer reviewed the plans. The hazards were clear. The slow, low-flying, vulnerable helicopters could be detected and shot down. There might be more enemy units defending Son Tay than the 100 men that the raiders expected. Finally, the P.O.W.'s might have been moved; this was considered the least likely possibility. Nixon wanted to go ahead. "If you get 50 men out, it is worth it," said one of his advisers. "No," the President replied, "if you get five, it is worth it."

SCATHED SECRETARY

The raid coincided with the bombing strikes south of the 19th parallel in retaliation for the loss of a U.S. RF–4 reconnaissance plane over North Viet Nam on Nov. 13. Those bombings were justified on the grounds that Hanoi had violated the "understanding" Washington claims it reached when Lyndon Johnson called a halt to bombing North Viet Nam on Nov. 1, 1968. (The U.S. insists that under the terms of the understanding it has the right to overfly North Viet Nam with unarmed reconnaissance aircraft. Hanoi denies that it agreed to such an arrangement.)

Planes would also be needed to create a diversion over central North Viet Nam, where Son Tay was located. Most of those sorties would drop flares or noise devices that go off like strings of giant firecrackers, creating much noise but capable of no damage. Some, however, would have to neutralize soldiers and planes close to Son Tay with hard stuff—actions sure to bring violent protests from Hanoi and probably from the U.S. peace movement. There seemed no other resort to protect the raiders during the hour they would need to extricate the prisoners. The risk was grave, and Kissinger had one last session with the President. When Kissinger started to speculate as to how many of the helicopters might get out, Nixon cut him off: "That's bad luck. Don't speculate."

The raiders set off from Nakhon Phanom, a search-and-rescue base in Thailand. They approached their objective overland across Laos and mountainous inland North Viet Nam, a route that avoided the enemy's heaviest radar and antiaircraft defenses. When they returned empty-handed, Nixon telephoned both Laird and Moorer. He had no regrets, he said; it had been a good plan, the right thing to do. If nothing else, the raid had clearly embarrassed Hanoi by pointing up the holes in the North Vietnamese air defenses.

If the raiders came through virtually unscathed, Laird was not so lucky when he appeared before the Senate Foreign Relations Committee early last week. The hearing room resounded when he told Chairman William Fulbright: "The intelligence in this mission was excellent." It was—but only up to the crucial point of whether or not prisoners were still at Son Tay. "Obviously the raid wasn't successful because of faulty intelligence," said Vice President Spiro Agnew from Palm Springs where he was golfing. Laird's only explanation was feeble: "We have not been able to develop a camera that sees through the roofs of buildings." The Pentagon insists that since prisoners are exercised only rarely in the open, there is simply no way to tell when they have been moved. One former senior Washington official found the intelligence failure unbelievable. Reconnaissance by satellite as well as by manned and drone aircraft can pick up vehicles, road activity, defense positions and many other telltale clues as to whether or not a camp is occupied. If, as Laird suggested, intelligence cannot function any better than it did at Son Tay, disturbing questions arise about the thousands of targets bombed by the U.S., North and South, throughout the war. The raiders found waist-deep grass around the compound; from the evidence, General Manor concluded that Son Tay had been abandoned for several weeks.

The operation raised other questions: Was the raid directed at more than P.O.W. rescue? There was some speculation that, beyond the stated aim, the mission was meant to signal U.S. toughness toward Hanoi. There were also some fears that the President or his advisers means to step up the air war against the North, in hopes of still somehow achieving military victory. There was no evidence of this. But the raid unquestionably did serve notice that the U.S., while winding down the war, was still prepared to go to extraordinary lengths to keep Hanoi off balance.

Why was the raid launched now? New York *Post* Columnist Pete Hamill sarcastically suggested that it might have been staged in order to get the Son Tay prisoners home for display at the White House on Thanksgiving. There may be a modicum of truth in that, but a major factor in President Nixon's mind was his recent conclusion—supported by Pentagon doctors and specialists consulted by the Administration—that lengthy confinement under difficult conditions has cost the lives of a number of American prisoners in both North and South Viet Nam. A recent list had marked as dead six Americans whose fates had not been known for certain. That report was sent from Hanoi on Nov. 6 to Mrs. Cora Weiss, co-chairman of the anti-war Committee of Liaison with Families of Servicemen Detained in North Viet Nam. Mrs. Weiss has given Washington the names of 22 such Americans in all. None of the information she has received from Hanoi indicates whether the men died in captivity or earlier, when their aircraft were knocked down, and she bitterly complained last week that the Government had twisted her report to justify the raid. The Administration, however, says that it has proof that some of the men did die in P.O.W. camps; in two of

the six cases on the Nov. 6 list, for example, the Pentagon has photographs and recordings of the men made after they were captured. If they are now dead, they must have died in captivity.

How many prisoners could have come out? The U.S. estimated that anywhere from 15 to 70 P.O.W.s would be found at Son Tay, and there was plenty of space in the HH–53 helicopters for them. (In a pinch, as many as 60 people can be squeezed inside an HH–53.) The U.S. knows definitely that 339 Americans are in North Vietnamese hands; about 400 others are listed as missing in action in North Viet Nam.

What if the P.O.W.s had been there? One former P.O.W., Specialist Four Coy Tinsley, said that he felt that if there had been prisoners at Son Tay, the guards "would probably have annihilated them and moved out." The Ivory Coast planners obviously felt that surprise would stun the enemy. "They never had time to get together," Lt. Petrie said. "They never expected an American force to come blooping down on them." Had the prisoners been there, though, there would have been many more guards—and their rifles could have damaged the American helicopters seriously. Indeed, some critics of the operation think that had the prisoners been there, disaster would have ensued, that none of the raiders would have come back.

The startling raid on Son Tay is the culmination of mounting concern over the American P.O.W.s, much of it stimulated by the men's families. At first, following a service tradition reinforced by official advice, the wives kept quiet. The Johnson Administration put Ambassador Averell Harriman discreetly to work exploring diplomatic avenues toward winning release of the prisoners. Nothing came of it, and in the controversy over the bombing the prisoners seemed almost forgotten. In 1968, when demonstrations were the mode, no one took a second look at a tiny group of P.O.W. wives with their little hand-lettered placards forlornly picketing the State Department's main entrance.

Then the wives began to organize in earnest, increasing political pressure on Washington, rousing the press and public to the plight of the prisoners. Early in his Administration, Richard Nixon pronounced earlier efforts to win the prisoners' release "not good enough." Nixon directed his top officials to speak out on the subject at every opportunity. Civic groups, city councils and state legislatures started deluging Washington with resolutions and petitions. H. Ross Perot, a Texas computer multimillionaire, began a well-publicized campaign last year to get Christmas packages through to the P.O.W.s and even arranged for a planeload of wives to go to Paris for meetings with the North Vietnamese that produced few tangible results. The President sent Former Astronaut Frank Borman on a 25-day round-the-world tour in the prisoners' behalf last summer.

WOODEN KNIFE

Never before have Americans been fighting for so long. Two of the P.O.W.s have been gone for more than six years: Air Force Captain Floyd Thompson, lost in South Viet Nam on March 26, 1964, and Navy Lieut. Everett Alvarez Jr., captured on Aug. 5 of the same year. Some 300 have been missing or in captivity for over four years. The men have subsisted on a meager diet of rice, squash and pork fat; medical care has sometimes been adequate, sometimes not.

Dispassionate accounts of the treatment of American P.O.W.s by Hanoi are understandably hard to come by. While Lieut. Frishman spoke of torture and malnutrition, a correspondent for Rome's Communist daily *L'Unità* last month published interviews with four P.O.W.s and pronounced their condition fair to good. One of them was Everett Alvarez, who, *L'Unità* said, found the medical care sufficient and the food much better "lately." Alvarez's mother in Santa Clara, Calif., has poignant words for the feelings of the P.O.W. families: "There is an old Spanish saying that there is nothing worse than a wooden knife. It does not cut but keeps wearing away at the same old spot."

The relatives of the missing and imprisoned have a particularly difficult life because of the nature of the Viet Nam War. Where, in another kind of conflict, their men would be heroes, now antiwar groups in their own land denounce the cause for which the men were fighting in language like that used by the enemy. Crank telephone calls interrupt whatever tranquillity they can find. President Nixon has pronounced himself pleased with their patience, but their patience is wearing thin. Increasingly, some of the wives complain that the U.S. Government is not doing enough. Some of them have been driven to espouse the offer put forward by the Viet Cong's Mme. Nguyen Thi Binh in Paris last September: that talks on releasing the prisoners would begin when the U.S. agreed to withdrawal within a set period. Says Mrs. Frankie Ford of Orange Park, Fla.: "If it is true that they will not be released until the U.S. gets out, then why don't they set a date and get out now? This war cannot be successful. Why should one more man die on the battlefield or in the prisons?"

There is an extra cruelty, an extra reason to despair for those whose men are identified by the Pentagon as missing in action. North Viet Nam has yet to release a complete list of the Americans it holds captive, so in some cases the family has not known for three or four years whether son, husband or father is still alive. Timothy Bodden has been missing since June 1967. Says his mother, Mrs. Dorothy Bodden of Downers Grove, Ill.: "Even after 3½ years, I still find myself losing control and breaking down. There is an answer to what's happened to him, but you just don't know what it is."

For Hanoi not to make known the names of its P.O.W.s is a violation of the Geneva Convention, which North Viet Nam signed in 1957—with the reservation that it would not abide by the convention in the case of anyone it deemed a war criminal. Hanoi, in effect, has tried to apply the principles of the Nuremberg trials to U.S. captives; to the Communists, the Americans are not prisoners of war in the Geneva sense, but war criminals.

TEARS IN THE POST OFFICE

The U.S. and South Viet Nam have not always adhered scrupulously to the Geneva Convention, notably those provisions that bar torturing prisoners of war. But the U.S. charges North Viet Nam with massive violations. Not only does Hanoi refuse to list its prisoners, but also the North Vietnamese bar the International Committee of the Red Cross from free access to P.O.W.s. Under Article 13, "prisoners of war must at all times be humanely treated." Instead, Former Astronaut Borman told Congress, the average P.O.W. has lost 45 to 60 lbs., and in some cases the men have been "beaten, dragged through villages, and tortured." U.S. peace groups that have traveled to Hanoi, however, claim that conditions in the camps are at least adequate.

The convention also calls for a minimum of two letters and four cards to be allowed in to each man every month. Some letters are getting through to the P.O.W.s now, and sometimes there are replies, squeezed into six short lines on a standard North Vietnamese official form. Those letters can change lives, as one did for Mrs. Carol North of Wellfleet, Mass., whose husband, Ken, was shot down in an Air Force F–105 near Hanoi. She had not heard from him for 3½ years, though she and her four daughters wrote to him regularly. Then last April there was an excited telephone call from the Wellfleet postmaster. In her mailbox was a small white envelope postmarked Hanoi. The letter was brief and bland, but it was enough. She burst into tears. So did the postmaster and everyone else in the post office. "We all stood there with tears running down our faces," she recalls.

Mrs. North is New England coordinator of the National League of Families of American Prisoners and Missing in Southeast Asia. Her organization is the one approved by most of the wives and families who share her burden. They tend to be suspicious of Cora Weiss's Liaison Committee in New York. They are resentful of the fact that Hanoi has plainly chosen to deal with antiwar organizations and leaders like David Dellinger and Rennie Davis, who have succeeded in opening lines of communication between the P.O.W.s and their families. By the time the U.S. stopped bombing North Viet Nam regularly in November 1968, only about 100 letters had reached families in the U.S. In the past year, Cora Weiss's Liaison Committee has received and relayed more than 2,600 letters from P.O.W.s. "I don't understand how Americans can cooperate with the enemy," says Mrs. Charlotte Christian of Virginia Beach, Va., "but you can't bite the hand that feeds you."

The National League, by contrast, has yet to make much progress with Hanoi. The league women work out of a small fourth-floor office donated by the Reserve Officers Association on Washington's Capitol Hill. With growing success, they have pressed their cause on editors and television producers. Senators and Representatives. Mrs. Bobby Vinson, whose husband has been missing since April 1969, is national coordinator; she has made three futile trips to Paris to see the North Vietnamese negotiators. The league has offered to build and equip a hospital for the North Vietnamese in exchange for freedom for the P.O.W.'s. "But no luck," Mrs. Vinson sighs. "No luck at all."

Last week's Army-Navy game was dedicated to the P.O.W.'s; there Mrs. Vinson was presented with sacks of letters from Americans to representatives of North Viet Nam. It was all in aid of the league's campaign to deliver 100 tons of mail—some 32 million pieces—to Xuan Thuy, chief North Vietnamese negotiator in Paris, by Christmas. The Teamsters have offered to truck the mail from Washington to New York at their own expense; in New York, longshoremen have volunteered to load the mail free on ships bound for France. A similar campaign to dramatize the treatment of the prisoners is sponsored by the San Diego-based Concern for Prisoners of War, Inc. One of Concern's leaders is Joseph McCain, a former newspaper reporter, whose brother is a P.O.W., and whose father is Admiral John McCain, U.S. Pacific Forces commander. McCain's group in collecting signatures on petitions to Hanoi that he reckons will be five miles long (at 187,000 signatures to the mile). "We're gonna go to the Eiffel Tower," McCain promises, "and unroll the petitions right down the Champs-Elysees."

THAT WOMAN IN PUYALLUP

With a combination of frustration and wry human, many of the wives and families try anything they can think of to get word from Hanoi about their missing relatives. In Puyallup, Wash., Mrs. Emma Hagerman douses her daily letters to Hanoi's chargé de'affaires in Moscow with cheap cologne. She has had no word about her husband, shot down in November 1967, and she thinks her scented missives just might get attention. "Even if he doesn't open the letters," she says, "he will know they're from that woman in Puyallup again."

Virginia Nasmyth, 21, a San Diego State College senior, made three trips to Paris to

try to learn something about her brother John Jr. ("Spike"), an Air Force captain first listed as missing in September 1966. Once, in a sexy outfit, she bearded Xuan Oanh, an aide to Xuan Thuy. "Oanh was cordial but evasive," she reports. "I don't think he'd ever seen any American girls in miniskirts." Just over a year ago, the Nasmyths heard that Spike was alive. Their penchant for attention-getting persists. They have spent $2,000 for 100 billboard posters calling for the release of P.O.W.s.

Since 1966, Frank Sieverts, a special assistant to the Under Secretary of State, has been laboring full time to free the Viet Nam P.O.W.s. Sieverts, 37, has become a kind of unofficial counselor to the wives and mothers. "The telephone rings all the time," he says. "In the holiday season, it is especially bad. Wives call up asking me what to say to their children, how to explain that they don't know where their husbands are, whether they are dead or alive, when all the other kids have their fathers."

The U.S. has approached a number of third countries, asking them to intercede with Hanoi on the P.O.W.'s behalf; among them are Sweden and the U.S.S.R. Sweden, which has diplomatic relations with Hanoi, has made cautious overtures, but has shied away from accepting a role as a neutral site for the internment of P.O.W.'s, which the U.S. would like it to do under a Geneva Convention provision. The Communist countries generally express sympathy but contend that the U.S. must work the problem out directly with the North Vietnamese. Since December 1968, the Soviet Union has served as a conveyor belt for packages to North Viet Nam. Parcels are sent directly to Moscow. From there they are flown in sealed bags on Soviet planes through China to Hanoi.

All of this public and private activity was beginning to surface long before the Son Tay raid, but Son Tay brought the whole effort into the open. "After this, I believe that nothing is impossible," says Mrs. Kevin McManus, secretary-treasurer of the National League. "It's a tremendous boost. People do care now." Many wives take the Son Tay raid as an overdue sign of concern on the part of the U.S. Government; they also feel that it will buoy the morale of their imprisoned husbands. No one, however, is quite sure just how the prisoners will find out about the raid, for Hanoi has not specifically mentioned the rescue mission.

DIPLOMACY OR FORCE?

Some in Washington believe that the Son Tay raid left the U.S. worse off than it was before. With Hanoi surely tightening the defenses of the P.O.W. camps, further rescue attempts will be vastly more difficult—but President Nixon has already hinted that he has just that in mind. At his Thanksgiving dinner for injured servicemen, speaking to Marine Sergeant George Lowry, the President likened the situation to a football game. "Sometimes you have to take them by surprise," he said "You run a play and it fails. Then you turn around and call the same play again because they aren't expecting it."

Nixon's resort to force, and his threat to use it again, may well have set back the prospects for a peaceful exchange. The Administration has said that if the Paris negotiations continue to drag on without a settlement, it will simply keep on with Vietnamization. Many of the prisoners' wives are well aware that with the American troops out of South Viet Nam, there would be little bargaining leverage left to secure the release of American P.O.W.s still held by the Viet Cong or by the North Vietnamese. "It's a problem," admits one top Administration official. "We have 35,000 of theirs, but they may not care."

TAOS PUEBLO INDIAN CLAIMS

Mr. PERCY. Mr. President, the Senate will take up tomorrow the consideration of H.R. 471, as amended by the Senate Committee on Interior and Insular Affairs, to settle certain claims of the Taos Pueblo Indians. I join the distinguished Senator from Michigan (Mr. GRIFFIN) and the distinguished Senator from Oklahoma (Mr. HARRIS) in urging that the Senate accept amendment No. 1083, which is the language of H.R. 471 as originally passed by the House. I believe that the House bill is a more equitable and desirable proposal.

The Senate committee substitute and the House-passed bill differ in several important aspects. The most significant issues are that of trust title to the sacred Blue Lake lands and the proposed creation of the special Rio Lucero watershed.

Under a law passed in 1933, the Taos Pueblo Indians have exclusive use of some 32,000 acres for a period of 50 years with provisions for renewal of this permit. In 1965, however, the Indian Claims Commission held that the Pueblo had established title to 130,000 acres of land which had been taken by the United States in 1906 and later incoporated in a national forest. The Commission sought to settle this claim; however, having only powers to award cash settlements, the Commission could not satisfy the Pueblo claim of title to the Blue Lake lands.

The permit arrangement has proved unsatisfactory for several reasons. The Taos Pueblo consider the sacred Blue Lake area theirs, and there is a growing feeling of insecurity and uneasiness over the fact that their rights to this area could be taken away. In addition, Forest Service control and supervision of the Pueblo lands have not proved satisfactory from either the Department's or the tribe's point of view. Both the Department of the Interior and the Department of Agriculture have clearly indicated that a more acceptable arrangement should be made.

The House-passed bill resolves this issue by conferring specific land title in trust to the Taos Pueblo and stipulates that the Interior Department shall have final control. This is acceptable to the Pueblo Indians and the Interior Department.

The argument has been raised that to confer specific title of land to an Indian tribe will set an undesirable precedent for other Indian claims. However, as pointed out in the Interior Department's report to the committee, such may not be the case. The Department feels that each claim should be evaluated on its own merits. The report further states that—

> We do not consider this proposal as setting a precedent for favorable action on similar requests that might be made. We do believe that the special relationships between the Taos Pueblo Indians and the particular land warrants favorable consideration of the proposal, as an exception to the general rule.

Furthermore, the Department has pointed out that this claim by the Taos Pueblo is the only instance in which "land claimed by a tribe has been continuously used and occupied by the claimant and that no other tribe has a claim pending solely for religious and traditional use."

The committee substitute deletes the trust provisions of H.R. 471, and states that the Pueblo may have "exclusive use" of the 48,000 acres in question. Of particular objection is the provision in the substitute which provides for the automatic termination of Indian exclusive right without notice, hearing, or requirements of due process should the Federal Government determine that the tribe has not complied to the fullest extent with the provisions of the legislation. I believe that this is a serious shortcoming of the bill and that it does not exhibit an enlightened attitude in our policies toward American Indians. We must be certain to fully insure the civil and religious rights of the Taos Pueblo.

The other major issue has been that of water rights. The House-passed bill provides that—

> Nothing in this section shall impair any vested water rights.

The substitute guarantees in section 4(b) that the water rights of the Indians shall not be altered by this act; however, it proposes the creation of the special Rio Lucero watershed which has been objectionable to the Taos Pueblo. Appearing before the Indian Affairs Subcommittee, the tribe's representatives testified that for over 700 years the Taos Pueblo have used the Rio Pueblo and Rio Lucero watersheds and that the area has been preserved completely. The watershed areas have been labeled a "wild" area by the Forest Service.

Because the lives and central core of the Pueblo religion are dependent on the lands and water, it is reasonable to maintain that their conservation practices will continue to keep the watershed in excellent condition without the supervision of the Forest Service. As provided in the House bill, however, the Interior Department would have authority to continuously monitor the conservation needs of the area.

Having already settled the question of rightful claim of the Taos Pueblo to the lands, the remaining controversy appears to be over whether the Indians shall have the fullest degree of privacy and self-determination to practice their religion and maintain their tribal identity and customs. The Pueblo feel that this is their right, and it is an argument which they have waged relentlessly for over 64 years.

I stated in an earlier speech that the passage of H.R. 471 would symbolize a reasonable and equitable step in revising our policies to the Indians of this country. I continue to believe that the claim of the Taos Pueblo is just and that our settlement must be also.

This administration has given its enthusiastic support to the proposal passed by the House and has outlined a broad plan for revision of our entire Indian program. I look forward to the Senate's consideration of future reform legislation and urge its support now of H.R. 471 as passed by the House. It can be

the beginning of a new and realistic approach to Indian problems and needs.

LEAVE OF ABSENCE

Mr. McCLELLAN. Mr. President, I regret to announce that because of a death in my family I am compelled to be absent from the Senate for the remainder of today and for tomorrow.

SILENCE FROM CRITICS ON ENEMY ACTIVITY

Mr. DOLE. Mr. President, almost daily, some Members of Congress take issue with America's role in the war in South Vietnam. Many are quick to criticize any activity carried on by American forces there, but unfortunately, much of the criticism is made without all the facts. On the other hand, most critics have not mentioned activities of the enemy, even when they involved attacks on population centers, terrorism, and sabotage.

The tragic conflict in Indochina should be ended at the earliest possible time, and President Nixon has, thus far, been successful in his efforts to wind down the war he inherited. His task is made more difficult by the critics who fault this administration for "protective reaction" air strikes and even criticize administration efforts to rescue American prisoners of war.

It is well to point out that the enemy has been very active in the past 4 months. To illustrate better, I ask unanimous consent to have printed in the RECORD a general compilation of enemy activity from August 1970 through November 21, 1970.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Enemy activity—Weekly average

Ground attacks on population centers:	
August 1970	8
September 1970	6
October 1970	5
November 1970	3
Incidents of terrorism and sabotage:	
August 1970	420
September 1970	411
October 1970	327
November 1970	263
Attacks by fire (20 or more rounds):	
August 1970	36
September 1970	21
October 1970	22
November 1970	9
Ground attacks on other than population centers:	
August 1970	38
September 1970	32
October 1970	24
November 1970	23

NOTE.—Figures for November 1970, are for first 3 weeks only.

FOOD STAMP APPROPRIATIONS

Mr. McGOVERN. Mr. President, now that Congress has completed action on the farm bill, conferees will soon be meeting on agriculture appropriations for this fiscal year. I am particularly concerned about the appropriation for food stamps which is part of the overall agriculture appropriation bill.

The administration's budget request for food stamps this year is $1.25 billion. The House, following the administration's lead, appropriated $1.25. I felt this figure far from adequate and led a successful fight, with the assistance of Senator BROOKE on the other side of the aisle, to have the Senate appropriate $1.75 billion. The Senate had previously authorized $2 billion for food stamps this fiscal year.

The conferees must determine which of the two figures—$1.25 or $1.75—is adequate to fund the food stamp program, or what figure in between would be adequate.

I have recently done a careful analysis of food stamp program costs for this year. I have concluded that the program clearly requires the $1.75 billion appropriated by the Senate. The most conservative estimate of cost of the program this year is $1.65 billion. The figure of $1.65 billion is based on an estimated modest 3 percent monthly increase in participation for the remainder of the year. It does not permit for any unusual circumstances, such as continuing economic difficulties with rising unemployment which would cause participation to rise more quickly. A 1-percent rise in unemployment could add 1 million persons to the food stamp rolls at a monthly cost of about $15 million. This would easily bring the cost of the program up to $1.75 billion. Given the uncertainty of the economy, I believe this is clearly a case where we can and should provide possible protection for some of our citizens who may be in need of food assistance.

For these reasons, I believe the Senate conferees must stand firm for the full $1.75 billion that the Senate appropriated. I strongly urge them to do so. I am convinced that anything less than $1.65 billion will lead to the program being bankrupt before the end of the fiscal year. That is the least our conferees should bring back to the Senate.

I have attached a table on food stamp costs for this year which I hope will be helpful to the conferees and which may be of interest to other Senators interested in this matter. I ask unanimous consent that the table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Food stamp program cost—fiscal year 1971 (July 1970—June 1971)

Monthly participation:	*Bonus cost*
July, 6.9 million	$98,098,155
August 7.2 million	102,901,845
September 8.2 million	116,000,000
October,[1] 8.5 million	[2] 123,250,000
November,[1] 8.8 million	[2] 127,600,000
December,[1] 9.1 million	[2] 131,950,000
January,[1] 9.4 million	[2] 136,300,000
February,[1] 9.7 million	[2] 140,650,000
March,[1] 10 million	[2] 145,000,000
April,[1] 10.3 million	[2] 149,350,000
May,[1] 10.6 million	[2] 153,700,000
June,[1] 10.9 million	[2] 158,050,000
Total	1,582,850,000

Additional monthly increase of $62,500 based on geographical expansion of the program. From October through June, total bonus cost of $7,252,000. New total, $1,590,102,000.

Additional administrative cost of $60 million.[3] Final total, $1,650,102,000.

[1] Estimated 3% monthly increase.

[2] Estimated per person bonus cost of $14.50 per month.

[3] USDA estimate.

ALARMING TREND OF AGRICULTURAL PRICES

Mr. TALMADGE. Mr. President, yesterday the Department of Agriculture released the latest figures on agricultural prices. These figures demonstrate an alarming trend. They point out that the Nation's farmers are suffering from depression conditions.

While the prices of nearly everything our farmers must buy have gone up, prices for products the farmers sell have gone down. During the month ending November 15, the Nation's farmers experienced a downturn in prices for hogs, beef cattle, and corn.

As a result of dropping prices and skyrocketing expenses, our farmers are today experiencing the lowest farm parity ratio in 37 years. The Department of Agriculture release points out that today's farmers are receiving only 68 percent of parity for their products—68 percent of a fair price. This is the lowest figure since 1933, the depth of the great depression.

Today's Wall Street Journal has an interesting article about the squeeze on farmers. Mr. President, I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SQUEEZE ON FARMERS GROWS AS PARITY RATIO HITS NEW 37-YEAR LOW

WASHINGTON.—Inflation-recession pressures continued to pinch farmers in the month ended Nov. 15, with the farm parity ratio at a new 37-year low of 68.

The parity figure, calculated by the Agriculture Department, is a frequently cited indicator of how well farmers are doing in relation to the rest of the economy. It stood at 70 in October and 75 in mid-November 1969. Both the November and October 1970 levels represented the lowest parity reading since the 67 recorded in December 1933.

The "adjusted" parity ratio, which the department developed to reflect Federal subsidy payments to farmers, also took a two-point drop in the month ended Nov. 15, hitting a new low of 73. This was down from 81 in mid-November a year ago. A monthly reconstruction of the adjusted ratio back to the 1930s isn't available but 1970 seems certain to register the lowest yearly average since 1933, when it equaled only 66.

During the month ended Nov. 15, lower prices for hogs, beef-cattle and corn lowered the index of prices received by farmers to 270, a decline of 1.5% from a month earlier and down 4% from November 1969. Higher prices for eggs, milk and tomatoes partially offset the drop.

At the same time, the index of prices paid by farmers for commodities and services, including interest, taxes and wage rates, advanced to a new record of 395, one point above the previous record established in October. The latest level was 17 points above a year earlier.

The parity ratio is derived from a formula that relates prices received to prices paid and measures them both against a 1910–14 base, considered an especially good period in U.S.

agriculture. The latest parity figure theoretically means that farmers had 68% of their 1910-14 buying power.

Prices received by farmers for their principal crops compare as follows:

	Nov. 1970	Oct. 1970	Nov. 1969
Wheat, per bu	1.45	1.43	1.29
Rye, per bu	.992	.985	.990
Rice, rough, per cwt	5.19	5.20	5.00
Oats, per bu	.632	.613	.578
Corn, per bu	1.29	1.34	1.07
Barley, per bu	.946	.925	.881
Sorghum grain, per cwt	2.02	2.02	1.94
Hay, baled, per ton	24.40	23.90	23.50
Cotton, per lb	.2209	.2283	.2135
Cottonseed, per ton	56.50	56.00	42.30
Soybeans, per bu	2.86	2.77	2.30
Peanuts, per lb	.124	.132	.123
Flaxseed, per bu	2.32	2.31	2.61
Potatoes, per cwt	1.85	1.89	1.83
Hogs, per cwt	15.40	18.00	25.00
Beef cattle, per cwt	25.20	26.50	24.90
Calves, per cwt	33.00	34.10	31.30
Sheep, per cwt	7.16	7.18	7.84
Lambs, per cwt	25.20	26.00	27.30
Butterfat, per lb	.710	.708	.699
Milk, wholesale, per cwt	6.08	6.02	5.92
Chickens, live, per lb	.877	.077	.107
Turkeys, live, per lb	.220	.220	.238
Eggs, per doz	.364	.332	.492
Wool, per lb	.333	.339	.386

Mr. TALMADGE. Mr. President, the national news media is fond of pointing out the subsidies received by American agriculture. However, they devote little attention to the fact that farm prices have remained relatively steady over the years while prices of nearly everything else have multiplied. They fail to point out that the agricultural subsidies are primarily subsidies to the consumers, because if many American farmers did not have some Government subsidy, they would go completley broke and would be unable to continue to furnish the American consumers the best quality food in the world at bargain prices.

An increase of one-tenth of 1 percent in the unemployment rate, or an increase of one-tenth of 1 percent in the consumer price index immediately hits the headlines of the national news media. However, little attention is given to the fact that the Nations farmers have been hurt most cruelly by the runaway inflation of our economy. Few people realize that our farmers are already experiencing conditions comparable to those of the great depression.

THE TRADE ACT OF 1970

Mr. HATFIELD. Mr. President, I have spoken before in opposition to the restrictive import quota bill. I do have sympathy for the textile and shoe manufacturers whose businesses have suffered as a result of increased imports. I would hope effective proposals could be made to assist industries and workers where damage is shown. I do not believe, however, that erecting firm quotas in all areas is the best way to cope with this problem.

I call attention to a fine editorial in the November 23, 1970, Wall Street Journal, in which the bill is discussed. I ask unanimous consent that the editorial appear at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 23, 1970]

THE WORKERS BE DAMNED

In the heyday of mercantilism in the 18th century, businessmen were at least frank about their aim. They sought to enrich themselves, and none of them claimed to be improving the lot of their workers. In fact, as one English observer put it at the time:

"Everyone but an idiot knows that the lower classes must be kept poor or they will never be industrious; I do not mean that the poor of England are to be kept like the poor of *France* but, the state of the country considered, they must (like all mankind) be in poverty or they will not work."

So the businessmen sought, and got, the help of governments in monopolizing domestic markets, keeping out competing foreign goods. The system didn't work out quite the way the merchants intended, but at least none of them tried to claim that it would be the salvation of workingmen.

Today's mercantilists, those who support the trade bill passed by the House last week, are not nearly so candid. Times have changed, and even idiots know they won't sway Congressional votes by arguing for poverty. Thus the trade bill, which would curb imports of textiles and shoes and open the door to similar restrictions on many other products, is portrayed as a savior of American jobs.

The propagandists have been pretty successful, too. Besides winning the battle in one house of Congress, they have gained the support of organized labor. It's a strange spectacle. London's laborers, two centuries ago, certainly did not endorse their own destination.

Modern protectionists like to stress that in the 19th and early 20th centuries America and its people prospered mightily behind a high tariff wall. That's true enough, but to then conclude that a similar policy now is the the way of wisdom requires a misreading of history.

To begin with, the prosperity of the high-tariff period was anything but universal. While manufacturers benefited to some extent from their limited monopoly, farmers and other raw-materials producers, who sought to sell abroad, suffered for it. Protectionists always seem to think they can shield their own domestic market without other nations shielding theirs; it has never worked that way and it never will.

The manufacturers, moreover, weren't overly generous in passing along their monopoly benefits to their own workers. There would have been even more labor friction than there was if the nation had not been expanding so rapidly, both in size and population. Discontented workers in the cities pushed west to seek their fortunes, and immigrants poured in from Europe to take their places at the looms.

For the manufacturers themselves, the nation's size helped to offset the effects of international trade restriction. The U.S. was a vast and growing free trade area, and industries that cut themselves off from European markets easily offset the loss by finding new markets in Missouri and California.

Despite its seeming prosperity, the U.S. was a debtor in its relations with the rest of the world. The U.S. was not a world leader in finance, technology or much of anything else. Who can say what this nation might have achieved if, earlier in its development, it had benefited from freer competition with the rest of the world?

However that may be, anyone can see what has happened in the past four decades as the U.S. led the way toward a steady reduction of commercial barriers among nations. The nation has achieved an affluence unparalleled in history. And so have its people.

Freer international competition has numerous advantages. It promotes warmer political relations; trade wars in the past only too often turned into the shooting kind. Freer competition obviously leads to lower prices for consumers—definitely including workers—making it possible for more people to share more abundantly in the world's goods.

Most important of all, free competition promotes the most efficient use of a nation's capital and the labor of its people. If some industries require a great deal of low-wage labor and only limited amounts of capital, those industries should chiefly operate in nations where wages are low and capital is limited. That's the case with parts of the textile industry.

To argue that all of the U.S. textile industry should nonetheless be sheltered from foreign competition is not really in the interests of its workers, either in the present or future. Uneconomic segments of the industry will be preserved, at least for a while, and workers' wages will remain low and their job security perilous. Yet the "protection" will discourage many of them from seeking better opportunities elsewhere.

Change is already under way in the industry, as some companies broaden lines and develop new products. Other companies and workers are moving into more promising pursuits. But a world swing back to trade protectionism, of the sort that the pending bill would surely bring, will reduce the opportunities that workers will find elsewhere as markets contract within national borders.

The Administration has already offered proposals to cushion change for workers in industries losing sales to imports, and these make more sense than import quotas. The economy's freedom to change, after all, is the fundamental reason why American workers now enjoy the highest living standard in the world.

Any change, however, can be discomforting, and some companies in the textile and other industries would simply rather not bother. For themselves they see an illusion of monopoly benefits. And the workers? The workers be damned.

Mr. HATFIELD. Mr. President, the effects of the bill go beyond the narrow scope often championed by the bill's defenders.

In my earlier speech, I raised what I consider to be a real fear—that foreign governments will retaliate against American exports. At that time, I stressed that potential impact on agricultural exports. Today, I would like to call to the attention of my colleagues the potential impact of the bill on the highly skilled, highly sophisticated segments of our economy.

Tektronix is Oregon's largest single site employer. The president of Tektronix, Mr. Howard Vollum, expressed the sentiments of his company very well in a recent letter to me. I would surmise that Mr. Vollum's sentiments could be repeated by businessmen in other areas.

I ask unanimous consent that Mr. Vollum's letter appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TEKTRONIX, INC.,
Beaverton, Oreg., November 12, 1970.

Hon. MARK O. HATFIELD,
Old Senate Office Building,
Washington, D.C.

DEAR MARK: Our annual sales outside the United States are approximately $60,000,000, which amounts to 40% of our total business. Our products involve sophisticated electronic equipment which is one of the priority in-

dustries named by the Department of Commerce whose trade performance can be expected to contribute favorably to the U.S. balance of trade. We understand that Congress accepts a favorable balance of payments as a national goal.

Because of our participation in and long-term commitment to international trade, we are seriously concerned about the Trade Act of 1970.

We consider the Act is a major piece of legislation in changing the direction of our country's course in international trade. As such, we believe it should be evaluated on its own merits. It should not be affiliated with unrelated legislation which eliminates any possibility for us and our elected representatives to effectively react to such an important legislative proposal.

We oppose the Trade Act itself for we believe it is an expression of a U.S. trend to protectionism and away from the free trade concept. We believe it will stimulate retaliation. If this does in fact occur, we in the sophisticated electronics business feel particularly vulnerable since the U.S. does have a technological lead in this area, and countries abroad, logically, want to protect their markets for their own growing industries as they strive to catch up. (E.G., computer business in Japan). Not only can retaliation be in the area of trade and tariffs, but many countries, we believe, would retaliate in the areas of investment, fiscal policy and politics, thereby bypassing trade negotiations, treaties and GATT.

Increasing protectionism and tariffs abroad will force U.S. industry to overcome these obstacles by transferring more manufacturing to overseas locations which, in some cases, could be negatively reflected in U.S. labor statistics. Our company operates three manufacturing locations outside the United States and is affiliated in a fourth, but all of our manufacturing would take place in the United States were it not for tariffs and trade barriers. (On the other hand, the DISC proposal, which we favor, would encourage retention of manufacturing in the U.S. and stimulate increased exports).

In summary, we urge you to use your influence to separate the Trade Bill from other legislation and consider it alone and on its own merits. Also, we urge you to vote against its enactment.

Sincerely,

TEKTRONIX, INC.,
HOWARD VOLLUM, *President.*

Mr. HATFIELD. Mr. President, the newspapers in Oregon that have carried editorials commenting on the bill all have opposed it. When I speak out against the bill, as I have in the past, it is because I know it would hurt Oregon, and also hurt the entire country in its results. I ask unanimous consent that a sampling of Oregon newspaper editorials appear at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Capital Journal, Nov. 25, 1970]

FOREIGN TRADE BILL UNWISE

Ever since we learned a lesson during the depression of the 1930s, the United States has championed relatively free world trade.

Today, the U.S. is the world's leading trader, with exports this year of nearly $43 billion and imports of about $40 billion.

But the U.S. may change directions toward more restrictive trade, and cause similar moves throughout the world. This threat is posed by the foreign trade bill recently approval 215 to 165 by the U.S. House of Representatives.

This bill would impose new quotas on the importing of foreign textiles and shoes. Imports would be limited next year to the 1967–69 level, after which they could increase no more than five per cent in each of the next five years. Another provision of the bill would permit other industries to qualify for quota protection from imports by demonstrating damage from foreign competition under a complex formula. Such protection could be thwarted only by a presidential declaration that it was contrary to the national interest.

This bill started largely as a means of protecting the textile industry from Japanese competition. President Nixon voiced support of something along this line when he was rallying Southern support in 1968. Then New England and the shoe industry jumped aboard as a full partner, and other industries seeking similar protection lobbied the general formula through the House.

The sponsors talk about one effect of such legislation, the protection of U.S. textile and shoe manufacturers and hundreds of thousands of their employes from foreign competition. Another presumed result, one the opponents stress, is the fact that this will drive costs upward for American consumers.

Meanwhile, there's danger that such legislation will cause retaliation by other nations. Nations which export textiles and shoes to the U.S. naturally will resent such quotas. They can be expected to counter with restrictions upon U.S. exports to their countries. Japan and its textile industry will be hardest hit, but various European nations also have voiced concern about such trade restrictions. Some observers fear such U.S. action would touch off an international trade war of ominous proportions.

Oregon could suffer from this more than most other states. About one-third of the valley's grass seed is exported, and about one-sixth of all Oregon agricultural production goes abroad. Oregon exported about 160 million bushels of wheat alone this year, much of it to Japan. So an attack upon Japanese textile imports could result in local damage.

We have some sympathy for industries and workmen who are damaged by foreign competition. There are times when public funds should be used to help Americans adapt over a limited period to new economic conditions. But we think Americans have more to lose than to gain by restricting foreign trade with import quotas or high tariffs. Our consumers are better served by the competition, and in the long run all of us profit from more world trade, not less of it.

So we hope the Senate rejects that restrictive foreign trade bill, and that the U.S. continues to encourage the widest possible exchange of goods and services across international boundaries.

[From the Oregon Statesman, Salem, Oreg., Nov. 12, 1970]

IMPORT QUOTAS ENDANGER OREGON

Oregon, hard hit economically by the slump in the housing industry, will suffer an even more disastrous economic blow if the Trade Import Quota Bill is approved by Congress.

The legislation is aimed to protect U.S. textile and other industries against a flood of imports, mainly from Japan. U.S. negotiations asking Japan to accept a voluntary limitation on textile exports to this country have collapsed. If the import quota bill passes and Japan retaliates with quotas and tariffs on imports from the U.S., it won't be the textile-producing state which will be hurt. It will be Oregon.

Oregon exports 80 percent of the wheat which this nation sends to Japan. Japan is the biggest foreign purchaser of Oregon logs and lumber. Most of our seed crop goes abroad. Already crippled economically by domestic economic policy, this state would be hardest hit by a protectionist foreign economic policy.

Sen. Mark Hatfield says:

"Agricultural exports, such as wheat, would be a prime target, both by Japan and in Europe. Almost 16 percent of Oregon agricultural crop sales are export sales."

The United States has been a leader in developing free trade markets. To violate this policy with restrictions on textile and other imports would not only be harmful to Oregon in the short run, if Japan retaliates, but harmful to the nation as a whole in the long run. It is in the interests of the U.S., a major exporting nation, to keep the channels of free trade unclogged.

Other nations also stand ready to retaliate if the import quotas are approved. The Manchester Guardian reports:

"The European Economic Community is prepared "to safeguard its trade interests" if the United States Congress passes the protectionist trade bill . . . The council also expressed its fear that the bill may lead to a trade war . . ."

There is a real danger the textile import quotas will be approved by Congress even though they have not been requested by the Nixon Administration. They have been added as a rider to the Social Security Bill in the Senate. Both Sen. Hatfield and Sen Robert Packwood are pledged to dislodge and defeat the quota provision.

If they remain within the shelter of the popular Social Security rate increase legislation, however, they could slip through the Senate.

When the House reconvenes this next week, the Trade Bill, which has been approved by the Ways and Means Committee with the import quotas intact, is expected to be the first major item of business.

With the economic distress of unemployment in the textile-producing areas, there is certain to be tremendous pressure to approve them. Oregon's already-crippled economy is almost certain to be caught in the backlash if they are enacted.

[From the East Oregonian]

CHILLING THOUGHT

Sen. Mark Hatfield this week spoke of something which deeply concerns Oregon growers of wheat. He said, after a discussion with three members of the Japanese Diet (legislature), that should the U.S. Congress enact a tough quota bill the Japanese government might retaliate by limiting imports of U.S. agricultural products.

Oregon produces 80 per cent of the U.S. wheat exported to Japan. It is a market that has developed over a long period of time through the vigorous efforts of Oregon wheat growers and with their dollars. To say that loss of that market would be a severe blow to Oregon wheat growers is a gross understatement. A very high percentage of the wheat grown in this region goes into the export market. Without that market it would be necessary to drastically reduce production of wheat here.

This may not occur. The Japanese are playing their hand carefully in this game. Reduction of textile exports is a very serious matter for them. They are doing everything possible to get the Congress to reconsider. If they are not successful it does not necessarily follow that they will retaliate against U.S. agriculture. But the possibility that they might sends a chill through this region.

[From the Bend (Oreg.) Bulletin, Aug. 4, 1970]

ASK HIM THE QUESTION

Your Congressman will be around this fall, asking you to send him to Washington for another two years. That's when voters are expected to ask the Congressman what he's done for them lately.

If Congress continues on the path established by the House Ways and Means Committee (to which the Congressman from this district belongs) that question might be an embarrassing one. For the main thing the Congressman and his fellows seem to be intent on doing is to raise prices for goods consumers buy.

They do so two ways. One is to spend more money than the government expects to have to spend. That means the government must print some extra money. In its simplest term that's inflation, which erodes your income and raises the cost of things you buy.

The Ways and Means Committee has another joker up its sleeve. It voted recently to require import quotas on foreign oil. That keeps the price of gasoline up. It already has voted to require higher tariffs on such things as shoes and clothing.

The United States is a big importer of foreign-made shoes and clothing. The small dollar amounts which come from the big Paris fashion houses don't make much difference. But large quantities of low-priced goods come from Japan, from Europe, and to some extent from Central America. Putting a high tariff on them will raise their prices, and make American goods of equal quality competitive in price.

That's economic protectionism. It may help the worker in the protected industry; it usually helps his boss more. It means the worker will pay higher prices on many things, not just on the items he makes.

So, when your Congressman comes around this fall you can quite properly ask him what he's done for you lately. He should have a hard time answering you.

Mr. HATFIELD. Mr. President, I wish to call attention to the adverse impact that enactment of the bill could have on the port activities of Portland. My years as Governor of Oregon and since then as Senator have involved me intimately with the activities of our port.

I requested information on the port activity as an example of the seriousness of the problems that enactment of the bill could produce.

I ask unanimous consent that the letter from Mr. Keith L. Hansen, general manager of the Port of Portland, appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PORTLAND PUBLIC DOCKS,
Portland, Oreg., November 27, 1970.

Hon. MARK O. HATFIELD,
Senator of Oregon,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: The Commission of Public Docks shares your deep concern over proposed legislation which would place serious restrictions on foreign trade through import quotas.

You are well aware of the substantial volume of foreign ocean commerce that passes through Portland. In 1969 our foreign exports were 3.7 million tons and foreign imports were 1.7 million. We have experienced growths in recent years from three to five percent in tonnage movements. Any factors which adversely affect these movements have a direct relationship upon the economy of our city and state.

Every ton of general cargo that moves through the harbor generates $25 in direct revenue. Grain cargoes generate $13 in revenues, ores generate $11.

During 1969, through Portland was exported almost 2.4 million tons of wheat. More than a million tons of ores were received here. General cargo in and out totaled around two million tons.

Totally, these commodity classes generated more than $82 million in revenues to the economy. This is a substantial impact and is indicative of the vital force of our port activity on the welfare of Portland and Oregon economy.

More than 15,000 persons depend directly and indirectly upon this port's activity for their livelihood. It is estimated that the direct and indirect payrolls involved total some $150 million annually. Some 17,000 additional jobs are linked to the port because of the export of manufactured goods or the import of materials for manufacturing processes.

On December 12, Portland will receive the first scheduled vessel of the Japanese container consortium commencing sailings every 20 days to Portland. This is the culmination of a long campaign to obtain for Portland its rightful place in the rank of major seaports. Restrictive measures that would place this hard-won victory in jeopardy are to be deplored. Enactment of the bill would have other serious implications on the growth of future shipping through this harbor.

Heavy private and public investments in harbor facilities and in ancillary services will be endangered.

The Commission of Public Docks of the City of Portland joins your opposition to this bill.

THE COMMISSION OF PUBLIC DOCKS,
KEITH L. HANSEN, *General Manager.*

THREAT OF TRADE BILL TO FARMERS

Mr. MONDALE. Mr. President, on a number of occasions, I have called attention to the great threat posed by the pending trade bill to the Nation's $6.6 billion in agricultural exports.

My own State of Minnesota is a $275.6 million exporter of agricultural products, and this agricultural community is deeply concerned over the impending threat of protectionism and economic isolationism which is reflecting in the trade bill now attached to social security.

I invite the attention of Senators to two excellent editorials published in the Farmer, edited by Mr. Robert G. Rupp, and appearing on August 1 and October 3 of this year. I ask unanimous consent that the two editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

LET US GET GOING

If farmers weren't already aware they have lost most of their political clout, the current farm program situation should make that very clear. As this was written, the House was rushing through an extension to delay the wheat referendum until next fall. By the time this is read, (1) date of the referendum will have been set back to Oct. 15, (2) a farm bill may have been passed, making eventual voting unnecessary, (3) the 1965 farm program may have been extended for another year, indicating complete deadlock on a new plan.

The referendum could be made to work, but it would take willingness by farmers to vote for marketing quotas and over-production penalties, and determination by the administration to maintain or improve farm income. But the House has now gotten itself off the hook, temporarily, by voting in the extension. A farm act could even be passed in the two weeks between writing and reading this, but that won't likely happen that fast either, now. Well over a year of hearings hadn't gotten a bill ever out of committee, let alone expose it to the full Congress, where farm representation is more diluted and the climate less friendly.

The long incubation period does point up two things, that not only are differences sharp between agricultural segments but that the urban vote must be wooed carefully for successful passage of any farm proposal. The recent scramble for more time adds accent to the precarious position in which agricultural legislation currently finds itself.

Despite these pitfalls, time has run out. Some kind of farm program should be brought out. Southern wheat growers start seeding this month. Even Upper Midwest winter wheat goes into the ground before October, if a vote on the referendum should eventually come to pass. (Voting the last time—on the 1963 referendum—was in May.) And all farmers, whatever their cropping programs, need time to interpret and digest any new farm act. Let's get one hammered out.

AG EXPORTS THREATENED

Soybeans are big business, second only to corn in dollar return to U.S. farmers. They're this nation's No. 1 agricultural export, with a total value of over $1.4 billion this year. But future sales are being threatened.

Retaliatory action by some of our best agricultural customers—Japan, Europe and South America—will likely be taken against the U.S. if legislation currently pending is enacted to protect domestic cotton and industry interests (see Washington News, page 5). The problem centers on a bill by Rep. Wilbur Mills, D-Ark. Already approved by the House Ways and Means Committee, of which he is chairman, the Mills bill would put quotas on textiles, apparel and footwear, which are export products of some of our major farm commodities purchasers. If they are to buy from us, they must sell to us. If we restrict imports, they will retaliate.

About 40% of our soybean crop has been going overseas in recent years, with a record 50%-plus headed that way this marketing year, if clamps aren't put on. But a 5-to-8% reduction in soybean demand could drop prices by 25¢ to 50¢ a bushel, warns Chet Randolph, executive vice president of the American Soybean Association.

Wheat sales, too, would be hurt. Brazil has already hinted she will seek wheat from other sources if we enact restrictive trade legislation. So might Japan, which, as with soybeans, is our best buyer. "We ship nearly two million metric tons of wheat to Japan each year, much of it from the hard wheat areas of South Dakota," points out Dean Parsons, chairman of the South Dakota Wheat Commission. "If we attempt to protect a small, inefficient part of our economy at the risk of losing our vital agricultural markets, we are not using good judgment."

Ambassador Carl Gilbert, special U.S. representative for trade negotiations, told farm magazine editors the same thing in Washington earlier this summer: "If we hit the foreigner, he will surely be tempted to hit back where it hurts us most. Agriculture, with its vital and vulnerable export interests, will very probably have to pay a disproportionate share of the cost of any measure that might be taken to restrict trade."

Chet Randolph of ASA puts it even more direct: "Farmers need to react immediately to offset the protectionist pressure from certain industries and labor groups." The Mills bill is H.R. 16920.

AG TRADE GAMBLE

The U.S. has just hailed Japan as its first $1-billion-a-year purchaser of American agricultural products. It has also suggested, in a speech by Ag secretary Hardin last month, that Japan remove import duties from U.S. soybeans to make future sales even better.

In complete contradiction to that effort at freer trade, legislation now in Congress would slap quota controls on our own imports of textiles, shoes and oil.

Japan isn't the only nation from which we buy apparel and footwear, but she is one. If we restrict her opportunity to sell to us, she will retaliate. That could jeopardize the 25% increase in soybean sales predicted for next year. And maybe more. We sold Japan 95 million bushels of beans, six million tons of feed grains and two metric tons of wheat last year, plus cotton, hides, tobacco and tallow. It could also gamble with similar sales to other nations, which also need to sell if they are to buy.

There's another, even greater danger. Passage of the Trade Act of 1970 (see THE FARMER page 6, Aug. 1 for an earlier editorial) would open the door to "protection" of other U.S. industries. International trade wars could result, with consequences so grave several thousand economists from across the U.S. last month asked Congress not to pass the Trade Act.

Such legislation, the economists said in Washington on Sept. 18, would force foreign countries to reduce purchases and raise tariffs. It would cause prices to go up in this country and reduce the real income of Americans. "Import controls would be an unproductive and irresponsible answer to the problem of foreign competition," the economists said in their 4,000-signature petition. "There are serious adjustments at home and cause for irritation abroad. But the right answer does not lie in triggering a trade war. We urge, instead, a realistic foreign and domestic policy aimed at getting all countries to cooperate in furthering expansion rather than contraction of foreign trade, and at finding durable answers to the adjustment problems of U.S. industries and workers."

About one bushel in four of U.S.-produced crops now goes to overseas markets—16% of all our farm exports went to Japan alone last year. America's agricultral efficiency, know-how and high production capacity can make farmers the big winner in freer world trade. But farmers will be the big loser if legislation is enacted from which a trade war develops.

COMPETITIVE POSITION OF U.S. INDUSTRIES—A STATEMENT BY STUART PERKINS

Mr. WILLIAMS of New Jersey. Mr. President, on Monday of this week the U.S. Tariff Commission conducted public hearings concerning the competitive position of U.S. industries. Testifying at those sessions was Mr. Stuart Perkins, president of Volkswagen of America, located at Englewood Cliffs, N.J. His company is the exclusive importer of Volkswagen, Porsche, and Audi automobiles in the United States and is a wholly owned subsidiary of Volkswagenwerk, West Germany.

We are all aware of the public debate now taking place concerning the problem of foreign trade and its impact in this country. I think that Mr. Perkins' statement before the Tariff Commission provides an interesting and helpful contribution to this continuing dialog.

I ask unanimous consent that the remarks of Mr. Perkins be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY STUART PERKINS

Mr. Chairman, members of the Commission: I am Stuart Perkins, president of Volkswagen of America, Englewood Cliffs, New Jersey, the exclusive authorized importer of Volkswagen, Porsche and Audi automobiles in the United States. Volkswagen of America is a wholly-owned subsidiary of Volkswagenwerk, West Germany, and is responsible for the importation, sales and service of Volkswagen, Porsche and Audi automobiles in the United States.

Our best-known product, the Volkswagen, has become in 20 years the world's most exported automobile. It is sold in virtually every country in the Free World, so we understandably have strong feelings about the value of free international competition. As you would imagine, we are for the continued expansion of trade among nations.

This position is held equally strongly by our parent company, not only in its export markets, but also in Germany where imported cars from many nations are currently enjoying 25% of the new-car market—about double the percentage of imported-car sales in the United States.

The United States market has been a major factor in our company's growth. We have prospered in this free competitive atmosphere and in doing so have brought benefits to many Americans. There are about four million Americans who own our products. There are over 1,300 American business concerns, employing 43,000 Americans, who are part of our nationwide sales and service organization. These American-owned companies have invested more than $350 million in land, buildings and equipment to operate their businesses. The annual payrolls of these companies total in excess of $318 million.

But these statistics represent only a part of the positive contribution we make to the American economy. Not included are millions of dollars in taxes paid to state and local communities, as well as to the federal government in import duties and excise taxes. It does not include the millions spent by our organization each year for the services and products required to keep such a national organization functioning efficiently.

Nor are these expenditures limited to the American organization. Just last week our Research Center in Germany signed a contract with an American company for computers worth $14 million.

Our parent company continues to buy such American material and components as aluminum, magnesium, steel, tires, glass, headlamps and spark plugs for use in production of vehicles. We will soon be getting 200,000 steering wheels a year from a Detroit company under the terms of a contract signed a few months ago.

One New Jersey company ships side and rear windows to Germany to be installed in 20,000 Volkswagens a month and returned to America. Our expanding business with this glass producer has required it to build a second plant, this one in Ohio, to supply windshield glass. Volkswagen's purchases earned that company an "E" flag presented by the U.S. Department of Commerce for its part in expanding American exports.

In addition, Volkswagen of America is spending $22 million a year for replacement parts and accessories produced by American suppliers and sold by our American dealers. We build and install air conditioners here, providing employment for additional hundreds.

These figures do not include other direct expenditures for merchandising needs. Together with our dealer organization we spend about $33 million a year in the United States for advertising, for catalogs and brochures, for auto show displays and similar activities. We publish several magazines and produce films in America, all providing employment that would not exist except for our presence in this market.

Our products have made possible the phenomenal growth of the dune buggy and camper industry in this country. More than 50 American companies are producing dune buggies or dune buggy components based on the Volkswagen chassis. Such national firms as Sears Roebuck and J. C. Penney are selling VW-based dune buggy kits under their own labels, so popular have these recreational vehicles become. It is estimated that more than 80,000 dune buggies are in use in the United States, combining the Volkswagen chassis with bodies, seats, wheels and other components that are produced by American companies. There are several consumer magazines and trade magazines in this specialized field, so rapid has been its growth. Total American employment in this brand-new industry is estimated at over 2,000 persons with an annual volume of business of $100 million.

Thousands of stevedores and truckers are aware of the benefits of international competition as they move Volkswagens from ships to dealerships all over this country.

These figures I have been listing are only those for Volkswagen. To see them in proper proportion, you must multiply them by two, since we represent only one half of the total imported-car activity in the United States.

Such statistics do not tell the whole story. The purchase of Volkswagens by Americans makes it possible for Germans to buy American exports.

In the 20 years since 1950, Germans have spent $8.1 billion more for American goods than Americans have spent for German goods. In all but two of these 20 years, the United States has had a strongly favorable trade balance with Germany. Volkswagen sales in this country account for one-third of all the dollars West Germany earns by trade. Those dollars, plus billions more, return here in payment for products ranging from Levis to 747's. Lufthansa, the German airline, has spent $750 million on American equipment since 1954, to cite only one example.

This year, through September, Germans spent $2.4 billion for American goods compared with $2.2 billion Americans spent for German goods, including Volkswagens. This U.S. trade advantage is even more impressive when you realize that Germany has less than half the total population we have in the U.S. The average German spends more than twice as much per year for American goods as the average American spends for German goods. Not a bad bargain, I would say. To the American, of course, Volkswagens are visible so he can see the results of U.S. import business. He cannot see the vast number of American products in the homes and shops of Germany which result from U.S. exports.

Impressive though they are, I don't believe these facts are the most powerful argument for free international competition. There are others, stronger and more persuasive.

Except for the presence of the imported automobile in the American market, there would be no small domestic car for sale today. Expect for imports, there would be no Pinto, no Gremlin, no Vega. Except for imports, the American car buyer would have no choice except to buy a larger and more expensive car.

Thus imports have helped all car buyers—not merely those who buy imported cars. The man who buys a Pinto has been helped by the presence of Volkswagen and Opel. But even more than that, the man who buys a Chevrolet, a Buick or, indeed, even a Cadillac, has benefitted from the price and design competition of the imported car.

The competition has helped keep automobile prices from increasing to the same degree as other items. Indeed, the automobile buyer can buy a domestic car today for about the same price he was paying ten

years ago. The cheapest American Motors car in 1959 cost $1,835, today it is $1,899. The cheapest Ford in 1959 had a price tag of $2,132, today it is $1,919. The cheapest Chevrolet in 1959 had a retail price of $2,160, today it is $2,091.

How did this price stability happen in a period of generally rising prices? Much of the credit must be given to the strong price competition provided by imports. The domestic companies were forced to stay competitive and they did. And the American public gets the benefit.

The President has asked that "a broad survey of the competitiveness of particular industries" be conducted by this Commission. Volkswagen, as the largest automobile producer outside the United States and a company that faces strong American competition in virtually every country, can say emphatically that the American industry does compete. It is the toughest competition we face, not only here but in most countries of the world. The American-owned companies in Germany, for example, have been increasing their share of the market for the past ten years. Opel, the General Motors Company, had 20% of the German new-car market for the first half of this year. Volkswagen had 22%.

Americans are competitive, but as always, competition is needed to bring out these competitive skills. And here in the United States, prior to the import successes, the industry had ignored the low-price end of the new-car market. Three of the four American companies now realize that the low-price end of the market is the fastest growing segment and they are now in it, with new products highly competitive in design and price.

Prior to this year, however, the four American companies had been producing vehicles larger and more expensive than many in the car-buying public wanted. They were so alike in concept, in engineering and in appearance that they could hardly be identified by make. The consumer who wanted something different in appearance, in size and in price, was forced to turn to imports where the variety of designs, engines, sizes and styling was nearly as broad as the oceans these cars cross to get here. And that import competition forced the domestics to innovate. Some innovations domestics have adopted are torsion-bar suspension, bucket seats, four-on-the-floor, disc brakes, sun roofs, heated back windows and overhead camshafts, as well as the basic overall small-car concept itself.

In the statements before this Commission, there have been many references to the unfair competition of low-wage labor. We hear that sometimes in the automobile industry. But labor is only one of the costs of production. Robert Stevenson, head of Ford International, stated recently that the cost of labor is no longer important. Here is what he said:

"U.S. hourly wages are often double those of other countries, but this is no longer as important as it used to be, inasmuch as labor costs have a lesser bearing on the cost of a vehicle. There are no more than 9 or 10 hours of manual labor left in the assembly of an automobile. If you add up all the elements of a car, from tires to engine, glass, seats, etc. (without counting raw material), the total number of working hours embodied in a car is between 65 and 70. Hourly wages don't make the difference any more between manufacturers in different countries. The difference lies in techniques and in production volume."

The cost of a product includes labor, raw material, energy costs, land costs and distribution costs. Some countries, like the U.S., have low raw material costs, low energy costs, low land costs and, thanks to continental markets, low distribution costs. The United States has the highest hourly labor costs in the world. In countries with much lower wages, the other costs in the product are usually much higher than ours. In certain nations, the only natural resource they have is low-cost labor.

The only way some countries can get enough volume to compete with American mass production is by exporting. Volkswagen, for example, could not produce as competitively if its volume was restricted to what it could sell in Germany. The sheer size of the American mass market gives our domestic industries a major advantage because it provides the volume base that lowers unit costs.

We, at Volkswagen, know from our own experience that low wages alone do not mean lower costs or lower prices. We produce cars in Brazil and in Mexico. In Brazil virtually 100% of the Volkswagen is made locally, in Mexico it is about 65%. In each case, the wage rate is lower than the wages paid in our German factories. But if we were to buy these cars from Mexico or Brazil and ship them here, the cost would be greater than for those cars built in Europe. The reason: higher unit costs resulting from less automation and less productivity.

We hear increasingly of quotas, voluntary and otherwise; of market-sharing arrangements so industries can be comfortable, content with a certain share of the pie. This is so opposite to the American concept of free competition that I am amazed to hear it from free enterprisers. That is the old, 19th century cartel system all over again. I thought we had long ago made that illegal and had demonstrated that it was not in the best interests of the consumer.

The U.S. auto industry has never asked for such a comfortable arrangement. American manufacturers are too international and too competitive for that. The Detroit companies are the major producers of most of the automobiles of the Free World. The entire American automotive industry which includes suppliers of automotive parts and accessories, enjoys a very healthy export business. According to the U.S. Chamber of Commerce, exports of American automotive products were $4.1 billion in 1969, a 120% increase over 1965.

Although the American domestic auto industry's share of total world production has dropped from 75% to 35% since 1955, our industry is still, by far, the major producer of the world's automobiles because it produces in many countries.

In West Germany, where Volkswagen competes with them, the American companies own two of the top four auto producers and rank second and third in sales, making Volkswagen's life anything but comfortable.

In England, American companies own three of the top four auto producers and rank second, third and fourth in sales.

In France, they own one of the top four. In Australia, they own three of the top four and in Argentina, South Africa, Mexico and Canada, Americans own substantial parts of the industry.

So it is clear that Americans do compete, and most vigorously, in the world market place—Volkswagen knows that very well. But if a wall is built around this country, a quota wall or a tariff wall, American industry will no longer be forced to compete and it will soon lose its ability to compete. America cannot afford to lose its competitive edge—an edge that stays sharp only when it is used.

We Americans are the most successful trading nation in the world even though exports total only 4% of our Gross National Product. This percentage must go up if we are to continue to prosper. It will not go up if we withdraw. International trade now provides jobs for over 4 million Americans. We must not jeopardize these jobs. We must increase them.

But we must not protect our domestic industries so that they forget how to compete. In the coming years, we will increasingly need world trade to maintain our high standard of living. World trade is growing at a faster rate than U.S. domestic trade. If we don't remain competitive, the markets of the world will soon be taken over by those nations that do.

To be sure there are, and will be, producers and workers who are hurt by competition, domestic and imported. But that has always been the case as certain factories and certain companies fail to keep up with progress. New England textile workers were dislocated by the move of the industry south, but nobody tried to stop the move by law. The Government should put its effort into assisting those workers who are hurt by competition, not in penalizing the public by quotas or tariff walls which raise prices to all.

Volkswagen has prospered in the free competitive markets of the world. So have American companies and companies from many other nations. World trade is not merely dividing up a fixed amount of pie. It is a process that increases the size of the pie by providing consumers greater values at lower prices. We urge the Tariff Commission to do all it can to enable this enlarging process to continue in the years ahead.

On behalf of Volkswagen of America and Volkswagenwerk, I thank the Commission for this opportunity to state our company position on this most critical question, the Competitive Position of U.S. Industries.

TRANS-ALASKA PIPELINE

Mr. JACKSON. Mr. President, last month the Seattle Times published an article by Stanton H. Patty describing an interesting exchange of correspondence between the Senator from Alaska (Mr. GRAVEL) and members of the sixth grade at the Rushmore School in Dayton, Ohio. The subject of this exchange is the controversial trans-Alaska pipeline. I believe that Members of Congress will be interested in this correspondence, so I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

BUSY SENATOR TAKES TIME TO EASE FEARS OF CHILDREN IN OHIO

Many Alaskans are angry over what they consider to be "interference" by outsiders in the trans-Alaska pipeline controversy. They feel that this "interference" has helped delay the start of the Alyeska pipeline from the North Slope.

But, like it or not, the pipeline is a national issue. It is news.

The sad thing is that many pipeline opponents know little about Alaska, the deep affection Alaskans have for their state, their determination to protect it from ruin, the social and economic needs of Alaska's natives, the nation's crucial need for Alaska oil and natural gas.

Perhaps the emotion-laced controversy was put in focus recently by the correspondence of a United States senator from Alaska and sixth-graders at the Rushmore School in Dayton, Ohio.

The pupils voted unanimously against construction of the pipeline. Then they wrote their views individually to Senator Mike Gravel.

There was genuine concern in the sixth-graders' letters. But it was evident they had not heard Alaska's side of the story. Neither did they appear to be informed on the unprecedented environmental-protection measures already undertaken in Alaska by the petroleum industry or America's oil pinch brought on by troubles in the Middle East.

Samples:

Camilla Miller—"I don't think this should be done. This would destroy Alaska's wilderness and ruin the landscape. . ."

Cathy English—"If the United States can afford the war it can afford to buy oil from other countries . . ."

Tammy Nicholson—"I don't think it should be built because of all the things you would ruin and all the animals you would kill . . ."

Eric Naul—"If it breaks, half of Alaska will be destroyed . . ."

Jane Lee—"Alaska's beautiful wilderness might be destroyed. And it could not be replaced at any cost . . ."

Teresa Fryman—"There are 31 children in our class and we all voted no. So did our teacher . . ."

A Senator receives a lot of mail. Mike Gravel could have tossed the youngsters' letters in the wastebasket. But he didn't. He took time to reply to that class in Ohio. This is what he wrote:

"The problems arising from the proposal to construct a large diameter pipeline across Alaska are serious, as you noted in your letter. The problems affect Alaska's wilderness and affect Alaska's people.

"I have never met a fellow-Alaskan who does not love our great land as much as I do. We Alaskans have been in the eye of the storm that has been brewing over the pipeline issue. A heated pipeline across hundreds of miles of permafrost demands an entire new standard of construction techniques . . . not necessarily unattainable.

"On the other hand, Americans in affluent areas of the United States have no idea of the dimensions of rural poverty and living hardships that Alaskans must pay to live in the land they love.

"This land is intimate to their survival, their livelihood and their happiness. It gives them food, water and freedom. It yields minerals, fish and furs—but not much, not enough for them (all) to have television, telephones and stores.

"Justice will be found somewhere between the feeling you get when you hear a hungry native child cry and the call of a wild wolf. Justice will be found somewhere between the benefits which will accrue to Alaskans from oil royalties and between the fear of spoiling the Alaskan environment.

"Let me assure you that we will not be so hasty as to destroy our environment; nor will we be shortsighted enough to deter an orderly development of our few resources.

"Thank you for writing. I am sure that someday you will be fortunate enough to visit Alaska. When you do, I am just as sure that it will still be the greatest land in America. And I hope that when you do, Alaskans will be enjoying the amenities that are taken so much for granted elsewhere."

Gravel's calm and balanced reply deserves a "Bravo" from all concerned

And it might be interesting to see the results of another vote now in that sixth-grade class at the Rushmore School

A FARMWORKER DIES OF HEART FAILURE DUE TO MALNUTRITION

Mr. MONDALE. Mr. President, I did not know Jose Garcia personally. He was a citizen of Mexico who resided in the city of Mercedes in the Rio Grande Valley of Texas. He was a farmworker.

I do know, however, that the plight of the migrant and seasonal farmworker in this country is a well-documented national tragedy.

Additional documentation, for those still in doubt, is an official State of Texas certificate of death recorded in Hidalgo County, Tex., that shows that Mr. Garcia died on September 20, 1970, of heart failure due to malnutrition. A letter to me from an attorney in Texas confirmed that there was insufficient food in the house for Mr. Garcia, his 55-year-old widow, and his children.

I do know also, Mr. President, that the moral conscience of the Nation must be continually awakened to the tragedy of the farmworker. If we continue to ignore this tragedy, if we do not act on our commitment to make the American dream work, there will be a great price to pay. We cannot continue to obfuscate the problem and not place the blame where it belongs. Farmworkers and others, are needlessly dying of malnutrition in the United States of America in 1970.

I ask unanimous consent that a copy of the certificate of death be printed in the RECORD.

There being no objection, the certificate was ordered to be printed in the RECORD, as follows:

STATE OF TEXAS—CERTIFICATE OF DEATH

1. Place of death:
a. County: Hidalgo.
b. City or town (if outside city limits, give precinct no.): Weslaco.
c. Length of stay in 1 b.: DOA.
d. Name of (if not hospital, give street address) hospital or institution: Knapp Memorial Methodist Hosp.
e. Is place of death inside city limits? Yes.
2. Usual residence (where deceased lived. If institution: residence before admission):
a. State: Texas.
b. County: Hidalgo.
c. City or town (if outside city limits, give precinct no.): Mercedes.
d. Street address (if rural, give location): Rt. 2, Box 175–P.
e. Is residence inside city limits? No.
f. Is residence on a farm? Yes.
3. Name of decreased (type or print):
(a) First: Joe.
(c) Last: Garcia.
4. Date of death: September 20, 1970.
5. Sex: Male.
6. Color or race: White.
7. Married.
8. Date of birth: Aug. 11, 1901.
9. Age (in years last birthday): 69.
10a. Usual occupation (give kind of work done during most of working life, even if retired): Laborer.
10b. Kind of business or industry: Agriculture.
11. Birthplace (State or foreign country): Mexico.
12. Citizen of what country? Mexico.
13. Father's name: Luis Garcia.
14. Mother's maiden name: Jesusa Guerrero.
15. Was deceased ever in U.S. Armed Forces? No.
16. Social Security No.: [redacted].
17. Informant: Amalia Garcia.
18. Cause of death [enter only one cause per line for (a), (b), and (c).]
Part 1. Death was caused by:
Immediate cause: (a): Heart failure.
Conditions, if any, which gave rise to above cause (a), stating the underlying cause last: Due to (b): Malnutrition.
19. Was an autopsy performed? No.
21. I hereby certify that I attended the deceased from July, 1969 to Sept. 1970 and last saw the deceased alive on Sept. 20, 1970. Death occurred at 9:10 p.m. on the date stated above, and to the best of my knowledge, from the causes stated.
22a. Signature: G. Caballero, M.D.
22b. Address: Mercedes, Tex.
22c. Date signed: Sept. 21, 1970.
23a. Burial, cremation, removal (specify): Burial.
23b. Date: Sept. 21, 1970.
23c. Name of Cemetery or crematory: Catholic Cemetery.
23d. Location: Mercedes, Texas.
24. Funeral director's signature: George A. Garcia 6322.
25a. Registrar's file no: 5772.
25b. Date rec'd by local registrar: 9–23–70.
25c. Registrar's signature:
MABEL R. FISTER, *Registrar.*
VULLA ZUNEZA,
By: Texas Department of Health,
Bureau of Vital Statistics.

FRED FRAY

Mr. CANNON. Mr. President, an old friend of mine and longtime close friend to the Senate has passed away. I speak of Fred Fray, whom every Senator knew, who was noted for his long and devoted service as the Senate's Chief Doorkeeper. Fred died while we were in adjournment last month, and his absence from the Senate floor will be felt for some time by his friends on Capitol Hill.

He was a great contributor to the welfare and progress of the State of Nevada as well as a special fixture here in the Senate. Fred was involved in labor reform, business, and city government before he joined the staff of the senior Senator from Nevada, ALAN BIBLE, 13 years ago. Fred was also an active campaigner. He was preparing to return to Nevada to work for the Democratic candidates just before he suffered a heart attack.

It was with a sense of great loss that those of us who knew him and were closely associated with him, who liked him, who valued his friendship, felt when we received the news. Fred Fray was a very good official of the Senate. He served us with courtesy, grace, and dignity. I know that he will be missed by all Members of the Senate. I join my colleagues Senators MANSFIELD and BIBLE in extending the sympathy of the Senate to Fred's two sons, Richard, and Fred, Jr.

THE LITHUANIAN DEFECTOR

Mr. GURNEY. Mr. President, in his war memoirs, Winston Churchill recounted an anecdote from the period immediately following the fall of France in 1940 which bears retelling.

There was a grave concern in 1940 that the French Fleet based at Toulon in the Mediterranean would fall into the hands of the Nazis. The United Kingdom was not of course at war with the Vichy Government of General Pétain but everybody realized, I think, that Pétain and Laval were Nazi puppets. The British, then alone in the war with Germany, hoped to neutralize the French Fleet and keep it out of German hands. The issue came to a head when, without warning, several French capital ships set sail for Gibraltar.

The admiral commanding the British squadron at Gibraltar cabled the Admiralty for instructions: Should he allow the ships to pass through Gibraltar and possibly fall into German hands or should he intercept them? If they resisted, should he fire on them?

The cable was never answered by the Admiralty and the British commander allowed the ships to steam through Gibraltar unmolested.

When the inevitable storm of criticism broke out in Parliament, the British commander defended himself on the grounds that he had asked for instructions and they had not come.

The British commander was summarily removed from his command with the cryptic statement from the Admiralty that a British commander in the field who could not, on his own initiative, decide that that squadron of French ships presumptively on their way to the enemy should be intercepted did not deserve to retain a position of responsibility in the British Navy.

This incident comes to mind when we consider last week's events off Martha's Vineyard.

A Lithuanian sailor on a Soviet craft identified as Simas had told crew members of the American Coast Guard ship *Vigilant* of his desire to defect. He did just that: He jumped on board the *Vigilant* while it was moored at Martha's Vineyard. And here the story becomes confused: After several hours of discussion with the officers of the Soviet vessel our Coast Guard apparently allowed the defector to be pulled kicking and screaming back to the Soviet vessel.

The article in today's Times says the means of escape was crucial:

> The admiral also said the sailor had reduced his chances of receiving sanctuary by leaping from the Soviet ship directly onto the Coast Guard cutter rather than into the water as he had originally indicated he would. The commandant said there were standing arrangements and there would have been little question of providing sanctuary if the man had been rescued from the water.
>
> Under the circumstances, the admiral said, the commander of the first Coast Guard District felt that it was reasonable and proper that we not permit our ship to be used as a means of defection and that the man should be returned.
>
> He said Rear Adm. W. B. Ellis, the District commander, had made the decision on his own authority without specific instructions or guidance from the State Department.

The role of the State Department in this incident is also unclear. The Times story resumes:

> The State Department spokesman, Robert J. McCloskey, said that if the Department had been fully informed of the circumstances, "the incident would have developed differently."
>
> "He said the department's Soviet desk received three calls from the Coast Guard on Monday—one saying it had a 'potential defection case,' a second saying that the defection had not materialized, and a third reporting that the case had been resolved by the return of the seaman to his vessel."
>
> In answer to the first call, Mr. McCloskey said, an officer on the Soviet desk advised the Coast Guard that "we would not want to encourage defection and that a provocation might be involved." Mr. McCloskey noted that the United States had been embarrassed in the past by apparent defectors who later decided to return.
>
> The spokesman conceded that the standing instructions for receiving would-be defectors were vague, particularly in cases at sea. As a general rule, he said, any United States official approached by a potential defector is instructed to check with higher authority.

Mr. President, while the Coast Guard and especially the commander of the Coast Guard vessel may well argue that there were unclear orders and vague policy guidelines, I have to say that what was done here leaves a great deal to be desired at the least and was totally inacceptable at most. One would not think that a commander of an American vessel would need to seek specific instructions in a case like this. One would expect him to act on the spot on his own initiative to grant asylum without consultation with the Soviet ship's officers, the local Coast Guard District, or the Department of State.

Moreover, it is inconceivable and unacceptable for a U.S. Coast Guard vessel, an auxiliary naval vessel if you will, to permit Communist sailors to roam and search his vessel at will. This was indeed a sad day in the history of the U.S. Coast Guard.

Mr. President, I applaud the decision of President Nixon to require a full report of this tragic incident. It is too late to help this unfortunate Lithuanian sailor, but hopefully out of this incident will come some general policy guidelines for future incidents of this sort.

OIL POLICIES AND THE PUBLIC INTEREST

Mr. HANSEN. Mr. President, the fashionable thing for Federal officials to do these days is to be involved in an energy study aimed at the issuance of an energy report that is designed to solve the Nation's energy crisis.

On the basis of the plethora of energy studies that are currently in progress in the executive offices, departments, and agencies, and in the various committees of the Congress, it can be safely stated that if governmental reports discovered and produced oil and gas, the shortage of energy fuels projected for the 1970's would quickly vanish. Unfortunately, the solution to the problem of meeting our energy fuels requirements is not that simple. Adequate supplies of energy fuels cannot be decreed by governmental edict; there is no spigot that can be turned on and off by the governmental regulator to meet our energy requirements.

This is not to suggest, however, that the numerous studies of the Nation's energy picture must necessarily be empty or meaningless undertakings. The truth of the matter is that if these studies result in recommendations leading to the adoption of governmental policies that are more conducive to the investment and risk-taking necessary to the finding of new supplies of energy fuels, then these studies will have well served a compelling public interest. The prospect that more enlightened policies would encourage the search for new fuel supplies is particularly credible in the case of oil and gas.

It cannot be gainsaid that to a major extent past and present policies of the Federal Government affecting petroleum have led to the already existing natural gas shortage and to the threatened shortage of oil. Federal authorities have imposed on the petroleum industry a regulatory climate that ignores economic reality. Federal officials have chosen to disregard or disbelieve the factual representations offered for the public record by petroleum industry spokesmen on issues affecting the industry. Last year tax policies were adopted that sharply increased the tax burden of the petroleum industry although the industry was already paying more than its fair share in taxes. Because of the 3-to-10-year timespan that is essentially involved in finding a new oil or gas field and then developing that field to the production stage, the past is prologue with respect to petroleum supplies in the sense that past governmental policies directly affect the present and future availability of adequate supplies.

Mr. President, even the severest critics of the incentives designed to encourage the search for oil and gas acknowledge the importance of petroleum to our national security and to our economic progress. It is generally conceded that America's military strength must be based on preeminent industrial capacity. It is recognized that petroleum supplies almost 75 percent of our Nation's energy requirements and that high energy consumption is an integral factor in the United States having the highest per capita income of any nation in the world. These considerations involving the importance of a healthy domestic petroleum industry make the current conditions to be found in the industry a matter of serious concern to every citizen.

Recent studies issued by the Chase Manhattan Bank and by the First National City Bank clearly indicate the difficulties facing the petroleum industry in raising capital to finance the expansion necessary to meet the petroleum demand projected for the decade of the 1970's.

The Chase Manhattan Bank study entitled the "1969 Annual Financial Analysis of a Group of Petroleum Companies" is based on data of 27 petroleum companies. This study notes that the free world's accumulated petroleum needs in the 1970's are expected to exceed 200 billion barrels—more than twice as much as in the 1960's. This growth in demand will need to be more than matched by progressively higher capital and exploration expenditures. During the 1960's the industry spent nearly $150 billion to discover, produce, and deliver petroleum products to markets. It is estimated that more than $300 billion will be required for these purposes during the 1970's. The statistics contained in the Chase study do not provide much assurance that these vast capital sums will be available. For example, the study shows that despite a 7.9-percent increase in revenues by the group in 1969 and 1968, net income fell 1.6 percent. On domestic operations the rate of return declined from 12.2 percent in 1968 to 11.0 percent in 1969, and this rate of return was significantly below the average return of 11.7 percent reported for all manufacturing companies. The report also indicated a decided shift in the group's sources of capital funds. In 1959 cash earnings represented 91.3 percent of the source of funds; the comparable figure for 1969 was 76.4.

The First National City Bank's Energy Memo for July 1970 covers data from 37 oil companies. The results of the First National study compare closely with the Chase study. The First National data indicate that even with an increase in gross revenues from $66.1 billion in 1968 to $71.5 billion in 1969, net profits remained the same—$6.2 billion. The study revealed that capital outlays, despite inflation and increased costs, remained almost the same in 1969 as in 1968—$11.3 billion and $11.2 billion respectively.

Mr. President, a recent major development in governmental policy that adversely affected the oil and gas industry was the enactment of the Tax Reform Act of 1969. Among other detrimental tax changes included in the legislation were a substantial reduction in percentage depletion as an incentive to search for oil and gas, the imposition of a minimum tax on certain items of so-called preference income, and the repeal of the investment credit. The combined impact of these tax changes has the effect of creating a major increase in the tax burden borne by the petroleum industry.

To ascertain the magnitude of this increased tax burden, a group of 38 petroleum companies under the auspices of the tax committees of the American Petroleum Institute and the Mid-Continent Oil & Gas Association submitted data to Price Waterhouse & Co. to measure the impact certain changes in the Tax Reform Act of 1969 would have had if the changes had been applicable to the calendar year 1968. The changes dealt with related to the reduction in percentage depletion, the tax treatment of sales of production payments, the minimum tax provisions applicable to certain preference income, and the repeal of the investment credit.

The group participating in the study produced nearly 2.2 billion barrels of crude oil and natural gas liquids within the United States in 1968, or 56 percent of the total U.S. production. The results of the analysis by Price Waterhouse & Co. indicate the following effects:

Percentage Depletion—If the 1969 Act had been in effect with respect to calendar year 1968, the depletion loss sustained by the 38 reporting companies from the reduction in the statutory rate and the change in the tax treatment of production payments would have been $419.5 million. This loss of depletion would have produced a tax increase of $201.4 million. The effective rate of percentage depletion would have been reduced from 26.16 percent to 20.73 percent for the 38 companies.

Minimum Tax—The application of the minimum tax provisions of the 1969 Act to 1968 data produced additional tax of $92.1 million, of which $84.5 million was attributable to the inclusion of percentage depletion as a preference item. Therefore, the minimum tax would have the effect of further reducing the effective depletion rate for the group by 2.22 percentage points to an effective rate of 18.51 percent.

Investment Credit—The average annual amount of the investment credit which was allowable in the years 1962–68 for the 38 companies was $118 million.

Therefore, if the 1969 act had been applicable to calendar year 1968, the total tax effect of the foregoing enumerated three items would have represented an additional annual tax cost to the 38 companies of $411.5 million.

The imputed total effect on the petroleum industry based upon the 1968 data furnished by the 38 companies is as follows: The tax cost to the industry of the depletion and production payment provisions is $341.6 million. The tax cost of the minimum tax is $156.3 million. The tax cost of the repeal of the investment credit is about $160 million. The total imputed industry effect for the depletion, production payment, minimum tax, and investment credit provisions is approximately $658 million. These data showing the total industry tax cost on the basis of the 38-company data have been derived by grossing up from the 56 percent of production covered in the survey to 95 percent of U.S. production on the assumption that perhaps 5 percent of production is owned by governmental or other nontaxable entities.

Mr. President, I would emphasize again the fact that these tax impact figures are based on an application of certain provisions of the Tax Reform Act of 1969 to 1968 tax returns. The study was made for the purpose of obtaining promptly some measure of the effect of the 1969 act on the petroleum industry. Similar data applicable to taxable year 1969 is not now available but it can be said that to the extent that production in the latter year is higher or that prices for crude oil and natural gas are higher, the tax cost of the depletion and production payment changes will be greater in 1969. Likewise, if the pattern of industry growth and capital expenditures continues as it has in the past, the cost of the repeal of the investment credit, when fully effective, will be appreciably greater than the average for the years 1962–68 reflected in the survey.

Mr. President, as a part of my remarks I will include a copy of the Price Waterhouse survey which consists of, first, a transmittal letter addressed to the tax committees' memberships of the American Petroleum Institute and the Mid-Continental Oil and Gas Association; second, a table of summary data compiled by Price Waterhouse & Co.; third, notes to the table of summary data; and fourth, a list of the 38 companies participating in the survey.

Mr. President, the energy crisis of today was created in substantial part by the uninformed or hostile governmental policies of the past. As we seek now to formulate the policies that will affect the future, it behooves us to avoid repeating our past mistakes. America's energy capacity is the key to its productivity. Without an adequate supply of energy fuels our Nation's economic progress will be no more. On the basis of fact and experience two propositions are incontrovertible: First, a strong domestic oil and gas industry is essential to our security and advancement. Second, to achieve a strong domestic industry, it is imperative that governmental policies recognize and reflect economic realities.

Mr. President, I ask unanimous consent that the Price Waterhouse survey be printed in the RECORD.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

PRICE WATERHOUSE & Co.,
Houston, Tex., May 27, 1970.

To members of API Corporate Tax Committee and Mid-Continent Oil & Gas Association, Executive Tax Committee:

In accordance with your instructions, we have prepared the accompanying statement of summary data from information furnished directly to us on a confidential basis by the 38 companies listed in Appendix A. The information furnished by each company, which was based upon the tax return year 1968, was prepared on the basis of instructions issued by you, and has been summarized in conformity with those instructions.

Since we have not made any audit tests or other verification of the information submitted to us, we are unable to express an opinion on the information presented.

Yours very truly,
PRICE WATERHOUSE & Co.

Summary data for 38 companies listed in appendix A[1]

NET U.S. PRODUCTION OF COMPANIES INCLUDED IN SURVEY

	Tax return year 1968 (in thousands)
Oil and natural gas liquids (barrels)	2,173,148
Natural gas (MCF)	10,867,945

EFFECT OF CERTAIN ASPECTS OF THE TAX REFORM ACT OF 1969

Gross income for depletion—U.S production only:	
Actual per returns	$7,891,216
Revised to eliminate the effect of current and prior years carved-out production payments	$7,935,507
Increase in depletable income	$44,291
Allowable depletion—U.S. production only:	
Actual per returns	$2,064,307
At new rates and adjusted to eliminate the effect of current and prior years current carved-out production payments	$1,644,779
Reduction in allowable depletion	$419,528
Additional U.S. tax from reduction of Foreign Tax Credit attributable to foreign mineral income	$785
Minimum tax for tax preferences:	
Items of tax preference:	
Allowable U.S. and applicable foreign depletion in excess of adjusted basis	$1,497,621
Other	$135,359
Total items of tax preference	$1,632,980
Deductions for regular U.S. income tax ($710,341,000) and effect of statutory exclusion of $30,000 per company[2]	$711,601
Amount for minimum tax for tax preferences	$921,379
Minimum tax for tax preferences	$92,142
Average allowable investment tax credit per year for years 1962 through 1968	$117,976

[1] To maximize coverage of the total petroleum industry, the instructions requested that each participant submit combined information for the group with which it is

Companies included in summary data for 38 companies

American Petrofina, Incorporated.
Apco Oil Corporation.
Ashland Oil & Refining.
Atlantic Richfield Company (includes Sinclair Oil Corporation).
Cities Service Company.
Continental Oil Company.
El Paso Natural Gas Company.
Freeport Sulphur Company.
General American Oil Company of Texas.
General Crude Oil Company.
Getty Oil Company (excludes Skelly Oil Company which is reported separately).
Gulf Oil Corporation.
Hunt Oil Company, et al.
Kerr-McGee Corporation.
Kewanee Oil Company.
Marathon Oil Company.
Mobil Oil Corporation.
Monsanto Company.
Murphy Oil Corporation.
Pennzoil United, Inc.
Phillips Petroleum Company.
Quintana Petroleum Corporation.
Shell Oil Company.
Signal Oil and Gas Company.
Skelly Oil Company.
Southern Natural Gas Company.
Standard Oil Company of California.
Standard Oil Company (Indiana).
Standard Oil Company (New Jersey).
The Standard Oil Company (Ohio).
Sun Oil Company.
Sunray DX Oil Company.
The Superior Oil Company.
Tenneco, Inc.
Texaco, Inc.
Texas Eastern Transmission Corporation.
Texas Pacific Oil Company, Inc.
Union Oil Company of California.

affiliated even though some or all the individual or corporate taxpayers in that group file separate federal income tax returns. Some participants that are not generally referred to as integrated oil companies reported information only for their oil and gas operations.

[2] Participants were instructed to report regular income tax ($710,341,000 deducted from items of tax preference) based upon the 1968 U.S. tax for all foreign and domestic operations, recalculated under Tax Reform Act changes, including: Section 901(e), the use of a 48% rate for ordinary income and a 30% rate for capital gains, without reduction for Investment Tax Credit, without surcharge, and without any net operating loss deduction.

INTEGRATED EDUCATION—NORTH AND WEST SCHOOL SYSTEMS

Mr. MONDALE. Mr. President, efforts on the part of local school districts throughout the country to establish quality integrated schools have produced many notable success stories. All too often, however, publicity is given to those which are sometimes fueled with emotionalism and articulated through the use of code words like "busing" and "neighborhood schools," rather than to the progress toward quality integrated education that has been made in many areas.

President Nixon has proposed that the Federal Government spend $1.5 billion over the next 2 years primarily to aid school districts which are compelled under title VI of the Civil Rights Act of 1964 or under court order to desegregate their school districts. I believe it is important to assist the desegregation process. I also believe, however, that if the Federal Government is to spend $1.5 billion it should do so as part of a declared national policy commitment to quality integrated education, whether that be achieved as a result of enforcement of the 14th amendment or voluntarily. I think this money should be used as an incentive to aid the establishment of integrated schools which provide quality education throughout the country—North, South, East, and West. Congress should revise the administration's emergency desegregation bill so that school districts will be helped to establish and maintain quality integrated schools within their districts and integrated educational parks which can draw students from a number of school districts within a metropolitan area. In this way, we can demonstrate to each community not only that quality integrated education works, but that it can be the best means of achieving equal educational opportunity for all our school children, be they white, black, Spanish speaking, Indian, advantaged, or disadvantaged.

Mr. President, one of the most thoughtful, thorough and comprehensive reports on the efforts of Northern and Western school systems to achieve quality integrated education was recently contained in the Minneapolis Tribune in a series of seven articles by Richard P. Kleeman. Mr. Kleeman visited 10 school systems in six States: Pasadena, Berkeley, and Riverside, Calif.; South Holland and Evanston, Ill.; Ferndale and Pontiac, Mich.; Union Township, N.J.; Denver, Colo.; and Gary, Ind. These 10 communities have not all yet succeeded in their efforts to achieve quality integrated education. But those that have, such as Evanston, Berkeley, and Riverside, have been successful because, as an editorial in the Minneapolis Tribune following Mr. Kleeman's series points out, "Leadership is the key to progress." I would only add to that observation, by quoting from two California citizens mentioned in Mr. Kleeman's articles:

Mrs. Louise Parker, a school bus driver in Berkeley:

> The kids? They do fine on the bus. They play and have fun. It's just the adults that don't like it—I think it's the idea of something new. But what we really should worry about is whether our kids are getting a better education.

And Dr. Joseph Engholm, a member of the Pasadena School Board:

> We just haven't learned to live together, and there's only one way we're going to learn—by starting our children out together in pre-school and kindergarten.

Mr. President, I ask unanimous consent that a series of seven articles entitled "Schools and Race: Dilemma Outside Dixie," published in the Minneapolis Tribune from October 25 through 31, 1970, and an editorial entitled "The Future for Integrated Education," published in the Minneapolis Tribune of November 3, 1970, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SOME SCHOOLS MOVE, OTHERS DIG IN

(By Richard P. Kleeman)

She waited until the last of the 30 youngsters, most of them white, had been safely deposited on their home corners.

Then, as she guided the big yellow school bus down the hilly streets of Berkeley, Calif., to pick up another load, Mrs. Louise Parker—black, miniskirted and well-spoken—talked over her shoulder:

"The kids? They do fine on the bus. They play and have fun. It's just the adults that don't like it—I think it's the idea of something new. But what we really should worry about is whether our kids are getting better education."

Four hundred miles to the south, Dr. Joseph Engholm, 68, Iowa-born dentist and a lifelong Republican—who narrowly survived a recall election intended to remove him from the Pasadena school board—told a visitor:

"When I ran for the board in 1965, I definitely felt there were other ways of integrating—that changing housing patterns was the way to do it, without additional busing.

"I was wrong.

"We just haven't learned to live together, and there's only one way we're going to learn—by starting our children out together in preschool and kindergarten."

In a tiny, overheated office at the Evanston, Ill., Human Relations Commission, Ben Williams, its 34-year-old, Afro-wearing secretary, spoke out:

"Integration means nothing to me—I see no model for it. Blacks want to talk about blackness, and integration implies a kind of grayness.

"We don't talk about integration now—we just talk about being educated. I don't care who my kid sits next to in school—I just want to know, is he getting the tools that will allow him to negotiate his way in this society?"

These are some of the voices a reporter hears as he crosses the country looking into the vexing problem of racial imbalance and isolation in schools outside the desegregating South. There is yet another kind of voice:

"I believe firmly that forced racial balance is immoral, that it won't work and that it is at heart a racist philosophy to assume that a black school must be bad becase it's black."

Henry Marcheschi, the self-made industrialist who led the effort to unseat the pro-integration majority on the Pasadena school board, went on:

"The real need—and the only answer—is to address ourselves not to cultural deficiencies but to cultural differences, to find an education that's relevant to them and capitalizes on them—and to get the minority more involved in educating their own children."

Thus a growing national dilemma becomes a bit more sharply defined: Once we have done away with the South's separate-by-law (de jure) black and white schools, how are we to deal with the separate-by-neighborhood (de facto) degregated schools of the North and West?

It's a question haunting Seattle and Harrisburg and Gary and, of course Minneapolis and St. Paul. It seems to be one that stumps New York and Chicago and Los Angeles and Washington, D.C.

"Why do you call it de facto segregation? What makes you think there is such a thing?" a one-time Chicago federal prosecutor asked.

SOME CLAIM ALL SEGREGATION IS DE JURE

True, a federal civil rights official in Washington—a holdover from the previous administration—calls de facto segregation "sheer myth—wherever it exists it can be traced to some official action at some time in the past."

But his official boss, Secretary Elliot Richardson of the Department of Health, Education and Welfare (HEW), does not hold to that view. Nor, more significantly, does President Nixon.

In his landmark March 24 statement on school desegregation, the President said:

"In the case of genuine de facto segregation (that is, where housing patterns produce substantially all-Negro or all-white schools and where this racial separation has not been caused by deliberate official action, school authorities are not constitutionally required to take any positive steps to correct the imbalance."

The President went on to say that school officials "may, if they so choose, take steps beyond the constitutional minimums to diminish racial separation."

But Sen. Walter Mondale, D-Minn., chairman of the Senate's Select Committee on Equal Educational Opportunity, bitterly summed up the 10,000 word presidential statement in five words: "Do as little as possible." Mondale later conducted hearings intended to discredit the administration position and to support the concept of "quality integrated education" for both North and South.

In visits to 10 small and medium-sized school systems in a half-dozen states, some were found to be deeply involved and using many creative devices to diminish racial separation. Others are refusing to move until forced to do so.

Some schools have desegregated of their own volition and/or at least as a result of internal pressures—but some have acted under compulsion from the federal government or the courts.

For, despite Mr. Nixon's attempt to dismiss them with a phrase ("Whatever a few lower courts might have held to the contrary . . ."), a sizable number of courts and federal examiners are not ready to accept the President's espousal of the neighborhood school, or his antagonism to "compulsory busing of pupils beyond normal geographic school zones."

JUDGES MAINTAIN PRESSURE FOR INTEGRATION

One of the earliest and most-cited of these rulings was handed down in 1968 by U.S. District Judge Julius J. Hoffman, whose conduct of the Chicago Seven trial aroused such high emotions among some.

Judge Hoffman rejected the claim of the South Holland suburban school district, southwest of Chicago, that its all-black schools resulted from de facto housing segregation, declaring:

"An 'ostensibly neutral' school-attendance zone policy which may be educationally justifiable in circumstances of some school districts is impermissible where it represents a policy by school authorities of building the effects of residential segregation into the school system."

Judge Hoffman's decision was upheld by the 7th U.S. Circuit Court of Appeals and has not been acted upon by the U.S. Supreme Court.

Federal Judge Damon Keith of Detroit, Mich., also turned a deaf ear to the claim of the Pontiac, Mich., school board that its segregation was de facto and therefore the board had no constitutional duty "to undo that which it has not caused."

By its location of new schools, its drawing of school attendance boundaries and its assignment of teachers, the Pontiac board—despite its longstanding declaration of support for racial integration—"assured the progression" of segregated residential patterns instead of "taking affirmative steps to counteract" them, Judge Keith held in February.

"The Pontiac board cannot use the neighborhood school concept as a disguise for the furtherance or perpetuation of racial discrimination when they participated in the segregated policy," the judge ruled in ordering Pontiac to end what he termed de jure segregation. His decision is before the 6th U.S. Circuit Court of Appeals.

In ordering the Pasadena school board to desegregate, just a few weeks before the Pontiac decision, U.S. District Judge Manuel Real skirted the labels "de jure" and "de facto."

"INTEGRATION PROVIDES EDUCATIONAL BENEFITS"

He held, in a case prosecuted for the federal government by Minneapolis attorney Charles Quaintance, that "racial integration provides positive educational benefits" in preparing children to live in a multiracial society.

In the Southern California city, he declared, devotion to a neighborhood-school policy resulted in increasing racial imbalance and "the same is true of the policy against crosstown busing."

Judge Real ordered all Pasadena schools to desegregate by September 1970 so that there would be none "with a majority of any minority students."

Some hint of how bitterly these decisions were received in the affected communities can be seen from the fact that South Holland tried unsuccessfully to have Judge Hoffman's ruling overturned, in part because of the judge's allegedly biased conduct of the trial.

A whispering campaign in Pontiac has kept alive stories of the long association of Judge Keith, who is black, with the National Association for the Advancement of Colored People (NAACP), although the judge himself openly called attention to this in opening the trial. In Pasadena, some of Judge Real's critics spread the word that his own children attend parochial schools.

Most recently, in a noncourt ruling that may wind up in federal court, an HEW examiner decided that Ferndale, Mich., must forfeit its federal school aid because 44 years ago the school board established a neighborhood school in all-black Royal Oak township.

Since 1926 the board has kept the school all-black and its faculty largely so. This constitutes de jure segregation in violation of the 1964 Civil Rights Act, according to examiner Horace Robbins.

Last month Robbins charged the Ferndale board with following the "separate but equal" doctrine outlawed by the Supreme Court in its landmark 1954 school desegregation decision. He found "a certain irony" in the fact that a neighborhood school was so steadfastly maintained that it became overcrowded while nearby schools had room to spare.

SUPREME COURT MUST SETTLE BASIC ISSUES

If these rulings—and others taking different positions—indicate anything, it is a need for ultimate resolution by the Supreme Court of basic questions like these: Does a child have a constitutional right to attend a neighborhood school? Must there be racial balance in every school—or can some be all-black or all-white if they reflect their neighborhoods? Is crosstown busing legitimate if designed solely to achieve racial balance?

There is hope that at least some of these questions will be resolved by the Supreme Court, which heard three days of arguments earlier this month on six major cases. Although they arose in the South, the cases raise national questions as basic as those ruled upon in the court's original decision of 1954.

Meanwhile, however, some school districts have not waited to desegregate, because the courts or their community consciences would not allow them to wait.

In the latest available figures, now two years old, HEW reported that, of 8.7 million minority students in U.S. elementary and secondary schools, 4.4 million were in 32 Northern and Western states. More than half of these—61 percent—went to schools that in 1968–69 were 50 percent or more minority, and one of every five non-Southern minority youngsters was in a 99 percent (or more) black school.

From visits to view the success—or lack of it—of desegregation efforts outside the South, a few tentative conclusions emerge:

Desegregation—and the ultimate further step of full racial integration—work best when a community moves on its own volition and least well when imposed on a divided or foot-dragging community.

Wherever desegregation works, a few outstanding individuals, black and white, led the community initially, eventually extending their spirit to the schools and community at large.

Integration is costly, and not merely because of the busing that often accompanies it. Many creative and innovative approaches and devices are being used to successfully integrate schools. In other integrated schools, blacks, whites and browns merely pass through the same portals.

Smaller cities with smaller minority populations have an easier time desegregating. Some cities with vast concentrations of blacks, such as Washington, probably can never desegregate successfully, at least not without involving the white suburbs. There has, however, been some success with dividing medium-sized cities into attendance subzones which can be successfully desegregated.

Blacks have little difficulty in sensing when a school desegregation effort is half-hearted, and black voices are speaking out not only for full equality of education but also for full participation in the decisions that shape it.

DID INTEGRATION ZEAL COST A JOB?

(By Richard P. Kleeman)

EVANSTON, ILL.—Gregory Coffin isn't here any more, but you don't talk long about Evanston's school integration without hearing his name.

From 1966 until last spring, Coffin was the superintendent who carried out—although he didn't devise—Evanston's thoroughgoing school desegregation.

The computer-designed plan had been adopted by the school board, just before Coffin arrived, at the urgent recommendation of a biracial citizens' advisory committee.

For all its reputation as a university town and wealthy conservative community of church and institutional headquarters, this North Shore Chicago suburb has a surprisingly mixed population.

It includes a concentrated black community that forms about 12 percent of the school district population of 95,000—but it provides nearly one-quarter of its grade school pupils. (Under Illinois' scheme of overlapping school districts, the system Coffin headed governs only Evanston and Skokie schools from kindergarten through eighth grade.)

But Coffin was fired. First he was given a year's notice, by 4-to-3 school board vote, that his contract would not be renewed.

Then, after a bitterly contested school board election in which three Coffin opponents won in a record voter turnout, the superintendent—brother of Yale's outspoken antiwar chaplain, William Sloane Coffin, Jr.—departed last June.

The questions that nagged this visitor to this aristocratic-looking town of tree-lined streets are: Was Coffin's discharge due to his aggressive pursuit of integration—and has the program suffered since he left?

The first question elicits contradictory answers.

But, after talking with Joe Hill, the sure-footed black who is Coffin's interim replacement and doesn't want the job permanently ("I know when I'm well off"), and after viewing some creative programs Coffin left behind, the visitor must conclude that Evanston's integration effort has not slowed—at least, not yet.

It appears, furthermore, that a militant black community, with a seemingly welcome assist from white liberals, will not tolerate a slowdown without protest.

(Even under the budget cuts he has to make this year, Hill points out, Evanston offers many extras other schools don't have—and will spend a generous $1,200 per pupil this year.)

From Boston, Mass., where he now heads a department at Northeastern University and is writing a book on race and education, Coffin contends that his firing was ordained by a "high-handed" school board turned increasingly conservative in two elections.

"In integration, we were going too fast for the controlling interests in town. They wanted to hold back the clock, but if you maintain the status quo in that kind of situation you go backward," Coffin said.

His personal "abrasiveness" initially was used to explain his discharge. A housewife among his followers conceded that "he just tore his community apart—there are still neighbors who don't speak."

But Coffin calls the abrasiveness charge "just campaign rhetoric," and the current school board chairman, attorney Franklin C. Gagen, said the catch-phrase masked "a fundamental lack of trust and mutual respect between the board and administration."

Gagen cited a 57-page report by the board majority, accusing Coffin of failure to keep the board informed, making last-minute recommendations, "untrustworthiness," financial mismanagement and failure to improve educational quality.

REPORTS DIFFER ON INTEGRATION PROGRESS

"His departure has not had one bit of adverse effect on our school district's commitment to the integration program," Gagen said. The board majority pledged "allout war" against segregation in its report on Coffin.

But the dean of the Northwestern University School of Education, Dr. B. J. Chandler, termed the board majority apology for firing Coffin "a nit-picking, illogical, partly after-the-fact, propagandistic, self-righteous, self-serving diatribe."

Ben Williams, black secretary of Evanston's human relations commission, saw Coffin as "brought here to do a job—at a time when blacks were interested in integration.

"He had the good sense to see that it was not just moving bodies, but that it had to involve the curriculum, teachers, the administration—everything," Williams said.

Although, after initial racial friction, the choice of Coffin's successor now is in the hands of two consultants—one white, one black—one loyal Coffin supporter gives the board "a slim chance to get a guy who understands what integration is all about—not many educators do."

This Northwestern University professor, who asked to remain anonymous, said Coffin was fired for the wrong reasons: His real "crime" was jolting the Evanston school system out of a smug self-satisfaction.

Mrs. Betty Papangelis, one of the defeated pro-Coffin school board candidates, begins to see "little signs" of slow erosion of integration.

"It satisfies most Evanston conservatives," she said, "that there are black children in every school.

"But the real issue here is between people who want to move on and take certain risks without being assured of results—as against those who are afraid and timid and anxious about black-white relationships.

"We may lose a little," added Mrs. Papangelis, white and married to a Chicago high school teacher, "but we won't lose a lot because we plan to remain active. We may be slowed down—but we won't be put down."

Evanston's black community staged a two-day boycott of schools and white businesses after the April school board election. From Ron Scot Lee, 27, an active black caucus member who directs the local antipoverty agency, came the prediction of another attempt to alter the school board at next year's elections.

"If that doesn't succeed," Lee said, "we'll become more militant as a community—and start asking for fundamental changes."

PLAN IS SIMPLE, BUT COMPLEX TO RUN

As Supt. Joe Hill tells it, Evanston's desegregation plan is simple to describe but complex to run.

In a school district of about nine square miles—with Lake Michigan its eastern boundary—blacks are concentrated in the central city by longstanding "gentleman's agreement" housing restrictions.

Around the edges of the black residential district school attendance zones were redrawn to jut into the central area. Black youngsters, where possible, walk out to integrated schools.

With children from the periphery of the black district thus accommodated, those from the central black community are bused out to five of the least-crowded schools around the edges of Evanston and Skokie, a largely white community also in the school district.

"We bused a lot of kids," Coffin acknowledged: The result is a black enrollment of 15 to 35 percent at each of Evanston's 21 schools.

One formerly all-black school, left vacant by the busing plan, became an experimental laboratory school that last year was renamed after the late Rev. Dr. Martin Luther King Jr.

"I think we've had almost no broken windows since our name was changed," reports Corinne Schumacher, the attractive young white principal who heads this unusual school.

Parents all over Evanston apply to enter their children in Miss Schumacher's lab school and, except for blacks who walk in from the immediate neighborhood and for anyone who can't afford it, they pay $50 a year for the extra transportation.

What they get is an enormously innovative, ungraded school, with blacks making up 30 percent of its 630-pupil enrollment, more than one-quarter of its 29 teachers and all five of its teacher-helpers.

"At the beginning we were a handmaiden of desegregation," Miss Schumacher tells the visitor, "but by now I hope we've come into our own as a lab school.

"We're supposed to be a change agent for the rest of the school system,'" she said.

First things to change at the laboratory school were all the traditional school organizational patterns: Grades and classes have been replaced by ungraded, multi-age grouping under "collegial" teacher-teams with all members equal.

The school is divided into six "regular teams," each including youngsters from three age groups plus four teachers—for mathematics, language arts, social science and science. The teams have names like Wildcats, Camaros, Road Runners and Cougars (hallway greeting between principal and teacher: "Hi Cougars!"—"Hi Principal!").

There's a special teacher-team for drama, art, music and physical education.

Because youngsters are regrouped frequently according to their interests and abilities, there are, according to Miss Schumacher, 16 different places where an 8-year-old might be at any given time.

Sometimes grouping depends on how well a teacher and pupil get along. "The first step to individualization of education is a love-match between child and teacher," Miss Schumacher said.

For the first time in her experience, which covers 13 years of teaching plus four as a principal, Miss Schumacher finds parents asking to have their youngsters retained in the school an extra year. (Evanston youngsters attend elementary school through fifth grade and middle school for grades 6 through 8, but since the school is ungraded, there is no stigma of "repeating" a grade.)

At another school, College Hill in Skokie, Principal Edward Pate seems to be succeeding in getting a white community to accept a black principal and a school where 100 black children are bused in to join 220 whites.

Pate, too, has worked with his largely white staff to devise an ungraded, "continuous progress" curriculum aimed at tailoring each youngster's schooling to his individual needs.

One double-sized room at College Hill is called the "Center for Individualized Instruction." Under an experienced teacher, it is there to help teachers and youngsters—singly or by classes—by providing books, films, records or games to meet a particular school problem or interest.

Pate, 34, who graduated from an all-black college in his native North Carolina and has a University of Chicago master's degree, uses the lunchroom, the school bus and the after-school activity program to bring black and white pupils together casually.

Like Miss Schumacher, and others in Evanston's interracial school administration, he reported virtually no racial incidents at school. His major loss to thievery last year, he said, was a couple of chess boards.

UNIVERSITY AIDED TWO CITIES' INTEGRATION

(By Richard P. Kleeman)

BERKELEY, CALIF.—It's more than coincidental that at Berkeley and Riverside, two cities where public schools have been integrated successfully without outside pressure, there are University of California campuses.

The schools derive "both pleasures and pains" from the university's thoroughly politicized main campus, reports Supt. Richard L. Foster, 52. A Reading, Minn., native and Macalester College graduate, Foster has headed Berkeley's public schools since March 1969.

"Any university controversy hits our schools within 30 seconds," he said, but the occasional "pain" is more than offset by the "pleasure" of freely drawing on university faculty, students and facilities for support of the full-scale integration program Berkeley began two years ago.

"Actually, we're delighted the university is here—it's a great asset and its enlightening effect is one of the things that enabled us to move," Foster said.

Berkeley's "move"—involving curriculum change, teacher retraining and community preparation for an extensive cross-busing program—transformed a system that once had some 95-percent black schools into one where all schools roughly reflect the community racial mix; 48-percent white, 45-percent black and 7-percent Mexican- and Oriental-American.

Berkeley claims to be the nation's first city of more than 100,000 population with a "significant" minority population to desegregate voluntarily.

Riverside, 400 miles to the south, has had integrated schools a year longer than Berkeley, but its population is 80-percent white, 13-percent Mexican-American and just 7-percent black.

In Riverside, a sun-baked, palm-studded inland city of 137,000, the university (U.C.-Riverside), March Air Force Base and the citrus industry provide the major sources of employment.

"The presence of the university has been a big help to us," says Jesse Wall, 37, an impressive, Mississippi-born, California-raised black. His school title of "director of tran-

sitional education" makes the key role he played in bringing peaceable integration to Riverside when he was a high school business subjects teacher and president of the local chapter of the National Association For The Advancement of Colored People (NAACP).

"The university professors became actively involved in our crisis and were able to provide research evidence that helped temper the feelings of some of the radical Anglos (whites)," Wall recalled.

In another major role for the university's Riverside branch, an associate professor of sociology, Dr. Jane Mercer, is directing what may be the nation's most extensive before-and-after research on effects of Riverside's integration. Of her work, more later.

If Berkeley and Riverside illustrate, the value of a nearby university for desegregation, they offer proof also of two other essentials:

Painstaking community preparation plus the presence at the right time of a few key leaders who refuse to be intimidated.

(Riverside, it must be said, also demonstrates how a single, even unfortunate incident can accelerate desegregation: there it was the 1965 burning of all-black Lowell School.

(Unquestionably a case of arson—although the firebug never was caught—the fire, preceded as it was by community discussion of possible integration plans, resulted first in emergency busing of some 200 black youngsters to other schools. A year later, two all-black schools were closed, and in 1967 the predominantly Mexican school was shut—and Riverside's one-way busing of minority youngsters throughout the city was in full swing—in a community that once had bused only white children to preserve segregation.)

In Berkeley, although desegregation discussions had gone on since 1958, with an increasingly liberal school board pressed by the local NAACP and other community groups, one man is credited with implementing the "Berkeley plan"—Dr. Neil V. Sullivan.

Hired in 1964 to bring about desegregation, Sullivan quit voluntarily—to become Massachusetts education commissioner—on the first day of full integration in 1968. (Massachusetts today has the nation's first state school racial imbalance law.)

Described by a black former associate as "a dynamic tablepounder who never lets anyone talk him out of an idea," Sullivan, according to this ex-associate, "made beautiful things happen"—and took no backward steps in moving the community toward integration.

"I'd have hated to have him on the other side," his one-time coworker observed.

Recently Sullivan told the U.S. Senate Committee on Equal Educational Opportunity, "The Berkeley plan was acceptable to all not only because it was fair to all but because all segments of the community participated in its development.

"Our goal," he said, "was not simply integrated education but quality integrated education. To this end all parties—students, teachers, administrators and citizen groups ranging from conservative elements to black militants—cooperatively designed both logistics and curriculum."

Unlike Riverside's one-way busing of blacks and Mexicans to once-white schools—"That is not Berkeley's way," a school system fact sheet says, somewhat snootily—Berkeley's grade school busing is a two-way proposition.

Four "attendance zones" have been set up across what is essentially a triple-decked community: The "Hills," the wealthy, largely white university and professional area; the "foothills," a middle-class integrated area, and the "flats," the all-minority district.

Each attendance zone includes one large intermediate school for grades 4 through 6, fed by several primaries, kindergarten through grade 3.

The net result of computerized school assignments for racial balance is that some 3,500 of the town's 8,600 grade schoolers are bused—generally primary-school blacks from the flats up to once-white hill schools, and intermediate-school hill youngsters down into black and mixed neighborhoods. (Berkeley's junior and senior high schools were integrated well before 1968).

"The only thing that's not quite equal in our program is that the youngest black children move while the youngest white youngsters remain in their neighborhoods," said Dr. Kathryne Favors, black director of the schools' office of human relations.

But she, like Foster, reports "absolutely no complaints: many parents see the convenience of busing—just putting their kids on a corner. That's the way mine get to school."

Although busing costs Berkeley $250,000 a year—some $180,000 more than before integration—half is state-reimbursed.

"I don't get any more questions about whether we should bus or not," Foster told this reporter. "The only question I get now is 'Can we continue to improve?'—and that's a legitimate question."

To that end, the school board (described to me by a black as "one black, three Jewish people and one white lady") is testing a number of techniques. The board is convinced that middle-class white youngsters are in no way hampered by integration—but still finds poor blacks lagging behind wealthier schoolmates in school achievement.

"Now that we no longer deal with overt racism, we're trying to test for subtle racism," Foster said. "Are there teachers who expect less of blacks?"

Also under board study: a longer school year for some, after-school tutoring, identifying teachers, who "make it" with slow pupils and using them as models for others—all designed to implement a board goal of one full year's progress for every child every year.

How seriously the administration takes integration is evident from a memorandum to principals in which Dr. Ravors claims some school staff members still act like "crushers of dreams and mutilators of minds."

The memorandum called on principals to remove such people from contact with students "unless you can find ample evidence that they can treat all children with respect."

Foster terms "blatantly untrue" the claim of integration foes elsewhere that Berkeley has suffered "white flight": since integration, the white school population has dropped about 2 percent and black risen about 1 percent, he said.

Down south in Riverside, credit for desegregation—which all hands say probably could not be achieved from scratch in today's more difficult racial climate—probably belongs equally to Wall, a black; to Arthur Littleworth, the thoughtful attorney who heads the school board, and to Ray Berry, prematurely white-haired educator who, first as assistant superintendent and then as top man has made integration work.

"The absolutely vital point—one where many school districts make a mistake—is not to try to sell integration," Berry said.

"That's not our business and it's no longer salable.

"What we have to talk about is the education of every child and doing whatever that calls for. The community, I believe, understands this. When you follow that philosophy, there are thousands of decisions that have to be made to adapt the educational program to it."

Wall—admitting he is "sometimes too militant for the mild and too mild for the militant"—finds his position in the black community not undesirable: "In the shakeup," he said, "I get to be my own man."

The single factor perhaps most responsible for Riverside's acceptance of integration, according to Wall, was its lines of communication: "You can talk to anybody you want here—without hostility."

In 1963, Littleworth became the first community leader to agree to serve on a human relations council Wall was organizing and the black teacher and the obviously prosperous white Republican attorney began a continuing dialogue on the education of minority children.

Slowly the school board moved, first toward "compensatory" education for poverty-area schools, then toward partial desegregation and—only after the rioting in the Watts area of nearby Los Angeles and the Lowell school fire—on to full integration.

"I was frankly shaken at the total lack of faith of minority people in white government," Littleworth said. (The five-member school board, which perpetuates itself by filling vacancies by appointment between elections, still is all-white.)

"I thought that, in developing our plan, we could help restore that faith."

Littleworth faced plenty of opposition, including the charge that the board planned special treatment for minorities.

"Sure, it was that—but we have special treatment for special problems throughout the school system—for athletes, for shop majors, for the gifted and handicapped," he said, in an interview at his well-appointed law office.

"Our board just felt we were on the right track and we went ahead." The board was helped, Littleworth acknowledges, by the city's "manageable" numbers of blacks and Mexicans, by the age of the schools to be closed and the plans for replacing them and "partly by luck—our circumstances were right."

Although some in the community were skeptical and antagonistic, the dominant attitude was "give it a try and see what happens."

"All the fears people had just didn't materialize," the board chairman added.

"There are thousands of Riversides all over the nation where problems are similar," he went on. "First, though, you have to be willing to recognize that schools have a responsibility to do something about racial minority problems.

"If you're committed to that, there are few communities that couldn't do something, even though what Riverside did might not be the answer everywhere.

"Of course, there are 10,000 ways to sabotage a program like this if you don't want it to work—but we saw that we ought to go into it with good education in mind and we work at that all the time.

"I don't say you can't have good all-black or all-Mexican schools—but in our situation in 1965, we could not have had as good education in segregated as in integrated schools."

TWO WAYS TO INTEGRATION

(By Richard P. Kleeman)

"I hear you've been hanging around the school," the black sergeant said to me, after he and another black policeman had parked their patrol wagons so as to block my car.

This as Royal Oak Township, a black enclave in the Ferndale School District just outside Detroit, Mich. A white face there is so rare that my merely observing all-black Grant School from a parked car one early morning caused me to be challenged, first by the school's black principal and then by the two policemen.

Hundreds of miles to the east, in suburban-sprawl, light-industrial Union Township, N.J., Fred Stahuber, the frank, plain-talking school superintendent, explained why he insisted on having more than one black child in every desegregated classroom:

"Black isolation is no good," he said. "I went through that myself—I was the only

German in my four-room school right after World War I, and I was beaten up every day—they called me a 'Heinie'."

These two widely separated, middle-class communities have something in common: In December 1968, the U.S. Department of Health, Education and Welfare (HEW), despairing of quick desegregation in big Northern cities, took on Ferndale and Union.

Those communities, plus a handful of others of comparable size, North and West, were told they were violating the 1964 Civil Rights Act and must desegregate or forfeit federal school aid.

Union—amid threats of violence, boycott and white exodus but with its school board unanimously backing Stauhuber's recommendation to comply—desegrated.

Ferndale, its board contending that establishment of Grant School in 1926 to serve Royal Oak Township was beyond its control and consistent with neighborhood schools practices, resisted.

After lengthy hearings before a HEW examiner, who ruled against the school board last month, Ferndale's resistance still continues.

UNION TOWNSHIP, N.J.

The $185,000 in federal funds that this community near Newark airport stood to lose was "not that much, really" in a $10-million budget, Stahuber said, "but I believe in integrated education."

His board—eight whites and the one black accountant—went along. "The board didn't break," Stahuber recalled. "If it had, it would have been the ball game."

After numerous, often heated community discussions ("we wanted the whole town to be involved in the decision") Union's novel plan emerged from a meeting of some 40 community leaders.

Stahuber swears that although the novel plan—converting the all-black school into a central facility for all Union's sixth graders—was among nine under board study, it also was suggested from the floor at that meeting by a white PTA member.

"Nobody will ever believe it, but we didn't plant that man there," the superintendent said.

Under the plan, now in its second year, black youngsters from the low- and middle-income Vauxhall area—which HEW contends an earlier school board had deliberately zoned for segregated school—are bused to six outlying schools for kindergarten through grade 5. All sixth graders are bused (or, in the case of neighborhood blacks, walk) to the "Central Six."

Thus all the district elementary schools reflect the community ratio of blacks—11 percent. This proportion is maintained at two junior high schools by "feeding" them out of schools that youngsters attend for fifth grade.

The number of buses owned and bus-miles traveled were doubled, but not all of that can be traced to desegregation, Stahuber said. The new plan coincided with a decision to bus more pupils in general, and with first operation under a state law requiring public schools to bus parochial and private school students.

Stahuber believes a "Central Six" makes educational sense because it helps prepare sixth graders to leave their neighborhoods for junior high school. At the same time, the school can concentrate at one building special sixth grade staff and programs in counseling, athletics and extracurricular activities, he said.

If Union's "Central Six" is succeeding, Stahuber and many in the community credit it to Principal Martin Zwillman, a genial, unflappable educator who somewhat resembles Don Rickles.

"It sounds strange," said Zwillman, who also headed the school when it was an all-black elementary, "but things have gone so well here that it's frightening."

Youngsters "love riding the school bus," he observed, "because they have a ball and see new parts of town—but it's a little sad at 2:30 to see the black kids standing at the curb waving good-bye to white kids going home to their neighborhoods."

CHILDREN GET ALONG WELL

Far from experiencing racial troubles, one teacher told me, "the children are intrigued with each other—perhaps a little too friendly for getting the work done."

A white mother, Mrs. Alfred Liotta, who lives across town and headed Zwillman's PTA last year, said she once had been "definitely opposed to busing kids all over town."

"I still feel the home school is best, but I suppose this will work out," she said, adding, "Some still may have some reservations, but as long as the decision is made, we might as well accept it.

"Racially, I have no objections whatever—many of my friends are Negroes."

A black mother, Mrs. Ralph Hightower, noted that "blacks are bearing the larger part of the (busing) burden." Some parents were willing to retain their all-black neighborhood school, she reported, "but when they look at the entire picture, people realize that what they should be interested in is their children's education, and the majority anticipate that in the long run this is the better thing for the children."

Both Stahuber and Zwillman got awards for the first year under integration—the superintendent's from the Black Student Coalition and Zwillman's from his more than 600 students.

Proudly Stahuber displays a letter from a white mother who wrote "as a parent who was quite upset at the prospect of my son traveling by bus to the other side of town."

But, under a "well-qualified faculty" headed by a "dynamic principal loved and respected by children and teachers alike," this mother wrote, "what could have been a disaster turned out to be a wonderful learning experience."

As I prepared to leave Union, Stahuber said, "I'm not going to sit here and tell you that 53,000 people of Union Township are just overjoyed that they've done a christian-like deed.

"I'm still called a nigger lover by some. But I have to assume that down deep people accept this for more than just a board mandate—and feel that it's right and good."

FERNDALE, MICH.

Ironically, more than half of the $265,000 federal aid that this school system just outside Detroit stands to lose by refusing to desegregate Grant School has been used at that all-black school—to make classes smaller and add teacher-helpers.

Ferndale's state aid of nearly $3 million also is imperiled under Michigan laws, should the final federal decision go against the school board.

The board based its refusal to obey HEW's order on the claim that it was not responsible for the segregated nature of the Grant neighborhood and did not act in a racially discriminatory manner in maintaining Grant as a neighborhood school.

HEW hearing examiner Horace Robbins, however, found that Grant "is and was a de jure segregated school" and that board policy for 44 years "has been consistently one of segregating the Negro children residing in the Grant area."

An official reply stated: "The board recognizes that de facto segregation exists at Grant School. It further recognizes that real educational problems exist at Grant School."

This referred to the finding, some years ago, that three-fourths of Grant's 325 black youngsters were reading two years or more below grade level. The board launched an intensive "compensatory" program, directing extra federal funds into Grant.

Results so far have been "minimal," according to a school spokesman, and other possibilities—even a "project prime" to work with parents of one-year-olds—are being considered.

Ferndale operates desegregated, 10 percent black junior and senior high schools, but its nine other elementaries are largely white neighborhood schools. Busing is nonexistent except for the handicapped.

SEVERAL WAYS TO INTEGRATE

Although the board has recognized that Grant could be desegregated in several ways, none of these plans has been adopted.

"I think there are those in the black community reasonably satisfied with Grant's location," Dr. Ward Peterson, school board chairman, said.

One black spokesman, Ernest Wilson, chairman of the Committee for Equal Opportunity in Education, seemed both to confirm and contradict this:

"Our prime concern is quality education at Grant—not whether the school is desegregated. But it seems the only way we're going to get quality education here is to desegregate.

"There must be something wrong with this school, because if it had quality education, whites would have no objection to their kids going there—and they do object."

Merely redrawing a boundary with another school a half-mile away would desegregate Grant, Wilson pointed out.

Ferndale's ultimate appeal within HEW—before going into court—is to Secretary Elliot Richardson, who takes the Nixon administration position that segregation caused by neighborhood racial patterns does not, under the Constitution, require correction.

HEW examiner Robbins specifically avoided ruling that the all-black neighborhood surrounding Grant automatically makes it a de jure segregated school. Such a decision Robbins intimated, is better left to the courts.

PONTIAC APPEALS COURT RULING

Some 15 miles north of Ferndale, there is resistance to desegregation in Pontiac, Mich., where it was ordered by a federal court in a case started by the local NAACP. The court order is not yet in force, because it is being appealed, but the school administration is ready with a far-reaching desegregation plan—although the school board dislikes it and never has officially adopted it.

In this city of 85,000, where three large General Motors plants plus affiliated industries normally dominate a now-strikebound job picture, the federal court found de jure school segregation. Despite announced good intentions, the board did not try to counteract residential segregation in locating new schools, Judge Damon Keith held.

Furthermore, in a theme running through many recent desegregation decisions, the judge said that "historically black teachers have been and continue to be assigned to black schools and white teachers assigned to white schools.

"Segregation of faculties alone is sufficient for a finding that discrimination as to race has occurred and that the board is guilty of de jure segregation," Judge Keith held.

Under the plan administrators designed for this school system of 25,000 students, 31 percent of them black, high school boundaries would be shifted to more nearly equalize the races at Central, 48 percent black, and Northern, 15 percent. Junior highs would be desegregated by creating single-grade schools.

Kindergarteners would attend neighborhood schools, but each grade school would combine a kindergarten with two other grades—first and second, third and fourth, or fifth and sixth. Thus youngsters would be in a neighborhood school for kindergarten plus two of their six elementary years, and be bused out for four years.

Two-thirds of students in grades 1 through 9 would be bused, according to William J. Lacy, assistant superintendent, and the schools would need 70 more buses than the 35 now operated.

A divisive school board election last spring changed a board that stood 4-to-3 against the busing plan to a 5-to-2 majority, with both minority members black.

While Pontiac awaits final word from the courts, all has not been quiet. Rock-throwing racial clashes erupted three times early this month at downtown Central high. Four white youths and one black were shot—with one white seriously injured—and three youths, two blacks, and a Mexican-American, were arrested.

After being closed for three days, overcrowded Central High was reopened under a "closed campus" order forbidding students to leave the locked building during the day.

In racially divided Pontiac, according to late reports, tension remains high.

BUSING DISPUTE IS PARALYZING: INTEGRATION IS FALTERING IN DENVER

(By Richard P. Kleeman)

"If there weren't some glimmer of hope, I'd be out there with a Molotov cocktail—and I don't have one."

This was no black revolutionary talking, but George L. Brown Jr., 45, 16-year Colorado state legislator, now director of the Urban Coalition in metropolitan Denver, Colo., and an announced candidate for mayor next year.

A Kansan who has lived in Denver for 20 years, Brown, a one-time newspaperman, characterized the situation in Denver's reluctantly desegregating schools as "chaos" and added:

"I've given up any ideas that we can reach our goals by appealing to folks' goodwill—we've just got to devise better ways to appeal to their selfish interests."

Last summer a white Denver attorney and civil rights activist told Sen. Walter Mondale's Committee on Equal Educational Opportunity:

"If we cannot find positive solutions in Denver—if we can't end racial segregation in housing and education—then I don't think we can do it anywhere."

Richard E. Young, who said that in Washington, repeated it to me in his Denver office:

"With proper leadership from our board of education, I'm convinced our schools could not only be integrated but education could be improved five-fold," Young said. "But we're getting just the opposite: the school board is not leading, educational quality is running downhill and we're becoming mediocre in everything we do.

"The board majority is so tied up on the busing issue that anything that gets done in our schools will be done by the federal district court—and I don't think the court should be running our schools."

For that conclusion, integrationist Young would win agreement from many an otherwise-disagreeing Denverite, and perhaps from anyone who has seen this city of 525,000—resembling Minneapolis in size and reputation for progressiveness—tear itself apart over court-ordered desegregation.

For plainly, despite long-range notes of hope sounded by Sen. Brown, who is black, and Young, Denver—where racial incidents have forced two schools to close temporarily and to keep police on hand when open—is not "making it."

"Ours is not the most enviable situation in the world," says Howard L. Johnson, 62, a 40-year employee of the Denver school system who was elevated to superintendent this fall just in time to preside over the first of three annual steps toward desegregation ordered by U.S. District Judge William E. Doyle.

Seemingly well-intentioned, but at this stage of his career hardly ready to push his school board beyond forced acceptance of the court mandate, Johnson finds his community "definitely polarized" and evidencing "definite feelings of antagonism" toward Judge Doyle's order.

It is a complex order, principally affecting 17 heavily minority schools in a system of 96,000 youngsters—65 percent white, 20 percent Spanish-American and 15 percent black. By 1972, Judge Doyle ordered, no school should have less than 50 percent white ("Anglos").

When I visited Denver, there had been one racial flare-up and a brief closing of George Washington High School, a college-oriented senior high in a largely white, middle-class east-side area. The school had become overcrowded with the addition of some 250 black students, bused in, not too willingly, from Eastern, their neighborhood school.

Since then violence has erupted again—reportedly over the presence of undercover policemen seeking narcotics—and the school, closed for a week, was scheduled to reopen this week on split sessions intended to reduce congestion.

Although Johnson insisted that, once the court order became final in June, "we tried as concerted a drive as possible" to prepare the George Washington students, faculty and community for desegregation, others criticize the schools for not having done more, sooner.

The first incident at George Washington, the Denver Post said editorially, was far from representing a failure of forced integration.

"There was no integration there of any kind—there is only desegregation, bringing together in one place people of unlike backgrounds."

Other Post articles, on both editorial and news pages, pointed to the lengthy city-wide preparation for integration at Berkeley, Calif. In contrast, one writer noted, even after the court's intent became clear last March, Denver principals were left to initiate preparatory human relations programs on their own.

Attorney William Berge, the school board's conservative chairman, called busing-in of blacks to George Washington unprecedented—in that Denver had not previously bused high school students—and unfair—in that it disrupted students' school, club and athletic affiliations.

At least the changes should have affected only entering 10th graders, Berge said, adding, "but I don't believe you can only get an education if you attend a school where the percentage of your race is the same as it is in the community. If you want, you can get as good an education (without that)—if facilities are equal."

On the day I visited George Washington—early enough to see the arrival of a half-dozen uniformed policemen, kept available but out of sight—there was little evidence of informal mixing between the school's 2,700 Anglos and 300 blacks.

Principal Jack C. Beardshear mentioned the unwillingness of many blacks to be at his school, but said the first racial flareup "was one of those things that could have been averted."

"We had to implement desegregation on short notice and the result was frustration and alienation," he said. "We could have had a better setting for them to come into."

The first closing was used for intimate, small-group, student-faculty discussions. Plans were announced to add black teachers (the school had only two among 130 at first) and more "ethnic" literature in the library.

Said Beardshear, a 25-year veteran of Denver schools:

"Schools have always been the place where great social problems are worked out and this is just a change in society. Schools somehow have to change with it—we don't quite know how, but we must and we know there's no sense in looking over our shoulder and telling how things used to be.

"I think we can build something positive out of all this. If we can't, I don't know where I'll go to work next."

Highly critical of the lack of preparation at the school, however, was the woman who brought Denver's desegregation crisis to a head 18 months ago—Mrs Rachel Noel, the stately, deep-voiced professor of black studies and sociology who is the school board's only black and only woman member.

Charging administrators with "doing nothing" after the judge's march order—because they thought an appeals court might suspend it—Mrs Noel asked: "Why couldn't they go ahead and act—rather than react?

"Everyone knew what needed to be done at GW—there was nothing so new about it.

"They needed human relations training for teachers, black history resources in the library, counselors not just college-oriented, planning in every aspect of the curriculum—even down to the kind of food served in the lunchroom".

Mrs Noel does not plan to seek reelection next spring. "I dont' think I could get re-elected," she says after one six-year term.

It was after her three desegregation resolutions were adopted last year by a 5-to-2 board vote that Denver underwent a searing election campaign that saw two who voted with her snowed under by two men claiming they favored voluntary—not forced—desegregation.

Immediately after that election had converted the board to 4-to-3 opposition to Mrs. Noel's proposals, the new majority rescinded them. It was this overt action—promptly challenged by eight parents represented by a corps of volunteer attorneys, including Denver's largest law firm—that Judge Doyle quickly branded as "de jure" segregation.

He first ordered the Noel resolutions reinstated and then, in March after a lengthy trial, found Denver's minority schools unequal and thus in violation of the 14th (equal protection) Amendment to the U.S. Constitution.

Last May, after hearing testimony from such experts as Johns Hopkins' Dr. James Coleman, Doyle concluded that "improvement in the quality of education in the minority schools can only be brought about by a program of desegregation and integration."

Although the judge expressed hope that mandatory busing would be "avoided to the extent possible," this is the ruling under which Denver currently chafes.

Depth of community feeling on the issue is clear. Mrs. Allegra Saunders, who voted with Mrs. Noel with some reservations, not only lost her school board seat on account of it but also was unseated, in a Democratic primary, from the state Senate. "They" spread the (false) rumor that she and her husband had sold their home to Negroes, she told me.

The school issue also may affect Tuesday's congressional election—Craig Barnes, 34, who unseated Rep Byron Rogers, a 20-year veteran, in Denver's Democratic primary, was one of the attorneys—termed "professional do-gooders" by school board President Berge—who helped prosecute the lawsuit.

His underdog Republican opponent, after initially saying he would avoid the issue, has taken to calling busing "the worst kind of racism"—and may have cut into Barnes' early lead.

In another, far smaller community, South Holland, just outside Chicago, Ill., court-ordered desegregation is in its third, grudging year in a community described by its school superintendent as "mad as hell."

Since 1968, South Holland schools report losing about 1,000—or about one-third—of their students. Although the exodus seems to have slowed, most of the departed are white and each represents a loss in state aid of $350 to the schools' deficit-plagued budget.

"For an American who is devoted to his country or wants to believe in the intelligence and goodwill of its citizens, it is very painful to contemplate and difficult to understand the continued resistance to school desegregation."

In these terms wrote U.S. District Judge Julius J. Hoffman, 75, in finally ordering the South Holland elementary school district desegregated last year.

But, understandable or not, the school district—which once had all-black schools in the across-the-tracks black community of Phoenix—continues to resist even as desegregation goes on.

"The trouble with a case like this is that when blacks and whites fight each other, they forget about education and kids and get so angry they just don't care," Dr. Thomas Van Dam, superintendent since 1968, said.

His words were the ironic corollary of what I was told later in desegregated Riverside, Calif.—that only by stressing quality education, not race-mixing, could integration succeed.

Van Dam, a one-time Chicago principal, recounted the steps he is taking to implement desegregation, but did not spare criticism of Hoffman's order or his conduct of the trial. The superintendent also scorned the idea of "using our schools to solve a social problem—one that Congress doesn't have the guts to face itself."

Under the final court order, the schools were desegregated by busing youngsters (through fifth grade) to white schools outside of Phoenix and converting the two once-black schools there into a center for all sixth, seventh and eighth graders.

Van Dam claimed Hoffman adopted a U.S. Health, Education, and Welfare Department plan arrived at after "superficial study." The fact that the plan transports all black youngsters from the poorest Phoenix area to the same white school "shows real intelligence," Van Dam declared sarcastically.

Busing costs, he reported, are up from $14,000 to $61,000 a year. With two school funds showing deficits and depending on borrowing against future collections, "we're going to be bankrupt within a year if we don't get a raise in taxes," the superintendent said.

Such a raise has been rejected three times by local voters since 1968, however, and Van Dam currently is trying to latch onto federal funds newly made available to desegregating schools by the Nixon administration.

Although he has pared his administrative staff, Van Dam says he tries to keep his schools attractive by maintaining a superior program and experimenting with new curriculum ideas, including minority history. Still, the wide ability-spread in some classrooms, he maintains, "creates chaos."

He commends the community's black and white residents for avoiding violent confrontations—so far.

Although his 2,000 students are 38 percent black this year—up from 30 a year ago—Van Dam believes that now "we may have stopped the flight of white kids."

Because he still hopes the Supreme Court will rule on South Holland's case, Van Dam declined to permit visits to his schools.

The lone black school board member, Pershing Broome, a teacher in a neighboring high school, said he supports South Holland's appeal to the Supreme Court because "I want to see this settled by the highest authority."

BOARD HAD FAILED TO CARRY OUT ITS INTEGRATION PLANS

(By Richard P. Kleeman)

PASADENA, CALIF.—"I'd kinda liked to have done it just because it was the right thing to do."

Pasadena's school superintendent, Dr. Ralph W. Hornbeck, was talking about the sweeping integration that has taken place this year in the schools of this fabled southern California city.

"My own feeling is that we could have done a smoother job without the court decision—and avoided the recall and all this dissension," Hornbeck, 43, said.

But Pasadena didn't have that luxury: The "Pasadena Plan"—which Hornbeck likes to call "superior education in an integrated setting" but critics call "forced crosstown busing"—was initiated, after a long-pending lawsuit, under federal court order.

And the three-member school board majority that voted for the plan—and against appealing Judge Manuel Real's decision last January—have just survived a bitter recall election by narrow margins, none greater than 3½ percent.

Best known for the Rose Bowl, Cal Tech and the jet propulsion laboratory—and for being a luxury bedroom and shopping community on the fringe of Los Angeles, this city of 125,000 can hardly live up to its press notices.

"Most of what people know about Pasadena is a stereotype that no longer exists," said Hornbeck, a Los Angeles native and 18-year veteran of the Pasadena schools, which he has headed since 1968. (Because it includes some smaller communities, the school district population is close to 200,000.)

"People who think of us as a sunny vacation town are often surprised to find that 25 percent of Pasadenans live on a poverty income and that our schools are 34 percent black, wtih another 12 percent Mexican—and Oriental-American," Hornbeck told me.

DIVIDING LINE DOWN THE MIDDLE

How well this mixed population shares this city of palm trees, sleek shops and close-cropped lawns was told, with pardonable oversimplification, by the 17-year-old president of the Pasadena high school student body:

"There's a kind of dividing line down the middle—one side white and the other black," said Kam Kuwata, a leader in the student campaign to defeat the recall.

"It's a sad thing," Kuwata went on, "almost two separate communities, and to bridge that gap we just have to get people together. The Pasadena Plan is the only way Pasadena can survive as a community."

Lest it be thought that Kuwata exaggerated Pasadena's racial separatism, consider what Charles Quaintance, now a Minneapolis attorney, told Sen. Walter Mondale's Committee on Equal Educational Opportunity last September.

Quaintance, who as a U.S. Justice Department civil rights lawyer prosecuted the case against Pasadena, pointed out that before integration, 85 percent of the city's black youngsters attended eight grade schools, while 90 percent of the whites went to 21 others.

Five elementary schools never had had a black teacher, and last year there were, in fact, only four black instructors "east of the racial divide"—where there never had been a black principal, Quantance reported.

One teacher's personnel file carried the notation "doesn't like Negroes" . . . when one black teacher-applicant appeared for a job interview, a receptionist told her, "maids apply downstairs."

Against this long-established atmosphere of separatism, three families—one black, two white—launched a lawsuit in 1967. It was intended to force the board to implement a modest plan calculated to lessen crowding at Pasadena high school, while preserving some racial balance at increasingly black Muir high.

PLAINTIFF PLEASED WITH LAWSUIT

"Best thing we ever did," Mrs. James Spangler, one of the white plaintiffs said to me, of the lawsuit. They filed, she said, because she and her stockbroker husband, wearied of seeing neighbors flee their Altadena neighborhood as schools became increasingly black, told themselves, "Dammit, they're not going to move."

(A statistician at that time calculated that Pasadena whites could become a minority within three years.)

It was this lawsuit, subsequently moved from state to federal court, that the Justice Department, under Attorney General Ramsey Clark in the Democratic Lyndon Johnson administration, joined in late 1968. The federal suit, charging the school board with deliberate acts of segregation, was the first federal desegregation prosecution on the West Coast.

By the time the suit came to trial early this year, the school board had become pro-integration by 3-to-2 margin and Albert C. Lowe, Jr., a 44-year-old furniture dealer of Chinese ancestry, had become the board's first non-white member—and its president.

Nevertheless, the all-Republican board (which has since appointed a black member, also Republican) continued to contest the government suit:

"We all believed in working out our problems without a government mandate," Lowe explained. "It was the old story—local problems, local solutions—so we tried to negotiate a settlement for two years more to eliminate the existing patterns of segregation."

But, Lowe reported, they found Judge Real and "the government" (Quaintance) "adamant about the timetable."

The board wanted the time, Lowe said, to "sell the rationale" of the benefits of desegregation and to work with the community in evolving a solution, probably starting desegregation at the high school and moving gradually into the grade schools.

Judge Real ruled last January, holding that "racial integration provides positive educational benefits" and that the board had failed to carry out its announced integration plans.

BOARD DECIDED NOT TO APPEAL

He ordered that by September "there shall be no school in the district with a majority of any minority students"—and the board decided, 3-to-2, against appealing the decision.

The reasons, Lowe said, were "legal and pragmatic": having already spent $65,000 in legal fees alone and an estimated total of $200,000 in fighting the lawsuit, the board was advised that appealing could bring neither an immediate stay nor much prospect of reversal. Furthermore, other schools already were appealing similar issues to the Supreme Court.

The board's refusal to appeal, however, was one reason that some 23,000 Pasadenans signed recall petitions to turn out Lowe and the two who voted with him. After that election was narrowly decided two weeks ago in favor of retaining the board trio, Lowe's first post-election comment was:

"The first thing we have to do is put this community back together."

The board still might have avoided the devisive recall—that saw an unprecedented citizen effort on both sides, with most civic groups backing the school board—if it had gone beyond Judge Real's order, Lowe believes. The order largely affected nine majority-black schools and would have left most grade schools with a white minority.

"We decided this was educationally unsound and racially unstable," Lowe said, in obvious reference to the prospect of further "white flight."

"We recognized that this was a community challenge and there ought to be a total community effort to meet it."

RETAINS NEIGHBORHOOD CONCEPT

If the Pasadena plan does not preserve the cherished neighborhood school, it does retain the neighborhood concept, Supt. Hornback pointed out.

Grade schools are divided into kindergarten-third grade "primaries" and grade four-to-six "elementaries." Children stay close to home neighborhoods for half of their elementary years and travel to another school—along with their neighborhood friends—for the other half.

CHANGE PRODUCES EDUCATIONAL ADVANTAGES

Once at school, however, neighborhood cliques are split up into integrated classes.

"We think that children staying together is more important than how far they go to school," Hornbeck told me.

There are educational advantages to the arrangement, which permits more specialization at each type of school, he said. There also are advantages in the new shift of ninth graders from junior to senior high schools, relieving overcrowded junior highs and making more courses available to high school freshmen, Hornbeck believes.

Although the plan has brought every Pasadena school within 5 percent of the community racial pattern—and no school has more than 40-percent minority enrollment—"it would be a good plan if it had nothing to do with ethnic balance," Hornbeck maintains.

But to critic Henry Marcheschi, a leader in the unsuccessful recall move in which the three incumbents were challenged on a complex ballot by a total of 14 candidates, the issue is "whether forced racial balance is indeed the answer to the best educational opportunity for our children."

"There's no doubt we can integrate our society," Marcheschi said, "but if we do it by force, we will do it only by totalitarianism."

The million-dollar busing costs—which Hornbeck readily admits result from transporting 15,000 instead of 3,000 students—"may be negligible compared to the social costs," Marcheschi claimed. Cub and Boy Scout, Brownie, Campfire Girl and church groups have reported difficulty in organizing afterschool programs because "kids average an hour a day on school buses," he said.

Hornbeck vigorously denies critics' claims that busing is financed through deficit spending ("Our budget is completely balanced") and denies also that white enrollment has dropped significantly this year.

SLIGHT DROP IN ATTENDANCE NOTED

Total attendance of 29,200 is about 1 percent below predictions, with the white percentage down and black up a couple of percentage points. Both shifts are scarcely more than normal, the superintendent said, estimating that "we may have lost about 200 Anglo (white) students" on account of integration.

SCHOOLS: CHILDREN TAKE BUSING IN STRIDE

(By Richard P. Kleeman)

"Of course I came from a small town in Minnesota, so busing was nothing new to me."

This, from Mrs. Matt Wadleigh, the parent-volunteer who greeted me at Longfellow School, in a black section of Berkeley, Calif.

Pat Wadleigh is a 1946 University of Minnesota graduate and daughter of Ben Gimmestad, retired publisher of the Dawson Sentinel.

"I suppose I wasn't eager to have my kids bused—I liked the idea that they could walk to school," she said.

"But now the advantages so outweigh the disadvantages that I'm delighted—and this school is specially exciting."

The Wadleigh twins, Lief and Mette, 10, are among about 450 white youngsters bused from Berkeley's upper-income Hills area to Longfellow, a "Flatlands" school of more than 1,000 youngsters, integrated, like all Berkeley schools, since 1968.

Longfellow is headed by the city's youngest principal, Richard Hunter, 31, a soft-spoken, Afro-wearing Nebraska-born black. He believes in involving parents of all races, along with students and teachers, in the many activities that seem to keep his school in constant ferment.

While Mrs. Wadleigh coordinates Longfellow's volunteer tutoring plan, her bus-riding fifth graders, she reports, have acquired a new, broader outlook: "They learned that people are people regardless of background—they find some they like and some they don't—but it's based on personality, not color."

If Mrs. Wadleigh finds busing not so bad, the former Minnesotan who heads Berkeley's schools comes down hard on those who make it their reason for opposing desegregation:

"Busing is not the issue—it's a mode of transportation," Dr. Richard L. Foster said. "The issue has to do with the willingness of white, middle-class parents to permit, or encourage, their kids to go to school with black kids.

"We ought to stop talking about busing and lay it right where it is—racism. Busing just gives people a socially acceptable excuse for not facing themselves.

In Denver, Colo., a few days earlier, Mrs. Rachel Noel, the one black on the school board, told me, "I don't say 'busing' any more—I say 'transportation.'

"After all, we don't have to be wedded to buses—some day we might be talking about monorails."

The California Legislature has passed a law similar to one that Alderman Mark Anderson proposes for Minneapolis—barring racial-balance busing of youngsters without their parents' consent.

But schoolmen with whom I talked were undismayed at this law, not yet in force because of a court challenge.

Buses are merely a convenience furnished free by the schools, I was told often, and parents who choose not to use them must find ways to get their youngsters to assigned schools.

But the school administration's right to assign a child to a particular school has not been successfully challenged, these educators always emphasized, and it probably won't be unless the Supreme Court says that a child has a constitutional right to attend his neighborhood school.

I rode school buses in Berkeley and Evanston, Ill., and watched them unload in several other communities. In neither place did I see youngsters, black or white, taking the ride—as long as a half hour—in any but a matter-of-fact fashion.

On Mrs. Louise Parker's Berkeley Bus, where riders were mostly white, I listened while two fifth graders, one black and one white, made a date to toss a football around later that afternoon.

It was on that bus, too, that John, a taciturn fifth grader, put me down as only a 10-year-old can. How did he like the bus? I asked, "Fine." Why did he like it? "Because I live too far from school to walk."

In Evanston, I saw the bus used as a tool of integration.

"We used to have a unique situation here," Edward C. Pate, the black principal of College Hill School, told me. "There was one Evanston bus—all black—and one Skokie bus—all white.

"I redrew the bus routes so now any child can ride either bus—both go through both communities. That lets friends ride together and uses the bus to help make integration work instead of to bring about segregation."

When I rode Mrs. Josephine Taylor's bus—where youngsters chose seats with obvious disregard of color—I saw the effect of the change. Still, white youngsters got off first in all-white Skokie, and by the time the bus crossed the "great divide," a sanitation canal, into Evanston, its riders were all black.

In Riverside, Calif., integrated schools are under detailed, before-and-after scrutiny in a research study headed by Prof. Jane Mercer of the Riverside Branch of the University of California.

Among first reports from more than 500 parent interviews was an appraisal of attitudes toward busing after three years of it:

"Over-all," the report says, "about one-fourth of the parents reported problems resulting from busing, both in 1967 and 1969. Seventy-five percent reported no additional problems. There was little difference between the responses of parents of younger and older children."

In 1967 and 1969, the report showed, busing appeared to generate special problems least for white parents and most for Mexican-Americans, with blacks somewhere in between.

If one school system makes the bus an integrating device, others that I visited use a great variety of other innovations, or plan to do so, to assist desegregation.

In Pontiac, Mich., where desegregation has been delayed by appeal of a court order, construction is under way on a $6-million downtown "human resources center."

Nicknamed "Child City," this mammoth structure on a 14-acre urban-renewal site will be basically an "educational park." It will replace at least two and possibly four aging core-city schools, half predominantly white and half heavily black, and will provide learning space for about 1,400 youngsters.

The center also will house pre-school, collegiate and adult-education facilities; special quarters for teaching the handicapped; citywide health, welfare and recreation services and a theater, restaurant and gymnasium.

Scheduled for at least partial opening next September, the center is unique because it is the first joint school-community facility to receive federal aid—$1.2 million from the U.S. Department of Housing and Urban Development.

In Denver, Colo., the Metro Denver Urban Coalition, as a pilot project that will be expanded if it works, will establish "advocate committees" at 20 schools.

Formed of interested citizens who know a school and its surrounding community, the specially trained committee will give parents or children an "advocate" to turn to if they believe that they have been unfairly treated at school. Advocates will also be available to aid those who are merely unaware of procedures in Denver's school system, which is reluctantly desegregating.

At another Longfellow School, in the poorest area of Riverside, Calif., Principal David Tew, working with parents and teachers, has developed the LASER program—"Learning Achievement Through Saturated Educational Resources."

Supt. Ray Berry believes that Tew, 39, white, who heads a school that is 23 percent black and 30 percent Mexican, may have hit upon "the big step forward that takes us to a new plateau."

In three subjects considered of key importance—language arts, mathematics and, somewhat surprisingly, physical education—Tew's faculty has developed sets of step-by-step, "bite-size" learning goals.

In Tew's "spiral curriculum," these goals are of increasing difficulty. Teachers assess each pupil's individual needs, group together those with the same problems and thus can report each child's progress to his parents in a new and supposedly more understandable way.

In Gary, Ind., the nation's first experiment with turning an entire school over to a private educational contractor on a "no progress-no payment" basis is under way at all-black Banneker School.

Although this contract with Behavioral Research Laboratories (BRL) of New York, N.Y., and Palo Alto, Calif., was supposed to make Banneker so attractive that white par-

ents would send their children there, it failed to do so. The 700 Banneker pupils in the project are all black or "Latin," according to Supt. Gordon L. McAndrew.

Gary, a steel-milling town known for its black mayor, Richard Hatcher, is 60 percent black, 10 percent Latin and 30 percent white.

McAndrew, who has desegrated his faculty, has not attempted to do the same with students. "We would need massive two-way busing to do it effectively and neither the black nor the white community wants it," said McAndrew, 44, a North Carolina educator, who is highly regarded by other members of his profession.

The "performance contract" with BRL nearly caused a strike by Gary's 2,100 union teachers, who contended that it constituted a multiple violation of their contract. They called off their strike at the last minute.

Most of the educators I interviewed told me it is too early to judge long-range effects of desegregation on youngsters' schoolwork and attitudes.

Supt. Fred Stahuber, in Union, N.J., said that preliminary studies showed "much higher" attendance by blacks bused under the desegregation plan, plus some evidence that they were doing better on achievement tests. "At least," he said, "it's not going the other way."

"Principals tell me the attitude of black youngsters is beginning to change—they are more positively oriented toward schools and less aggressive," Stahuber said. So far, he noted, integration has had "no negative effect in any way, shape or form on white kids."

Critics of Pasadena, Calif., integration claim that Berkeley's integrated schools have suffered a drop in reading scores. But, Berkeley Supt. Foster said that scores continue to rise—although white youngsters progress faster than blacks. The school board has taken a number of actions (previously reported in this series) in an effort to counteract this, Foster said.

Just coming out of the computers are the results of perhaps the most extensive study of the effects of integration—Prof. Mercer's three-year research on 1,776 Riverside youngsters. The study examines about 120 different items reported by the students and their parents, classmates and teachers.

So far, Dr. Mercer will say only that one year is too soon to observe significant change after integration. However, she says that after three years, "They're not standing still—changes are taking place."

If my visits to a sampling of schools in a half-dozen states provide a mixed picture of what is going on in desegregation, the future is doubly uncertain, since it depends so heavily on what the Supreme Court will say about purportedly de facto racial isolation.

Certainly this survey has shown that Northern and Western schools can make desegregation work if they want it to. The survey also has shown, as a Denver attorney put it, that "when you have a majority of school board members who really want integration to fail, it's an easy thing to bring about."

Federal civil-rights enforcers—in both the departments of justice and health, education and welfare—cite the tremendously difficult and time-consuming work of proving that what may look like chance segregation actually results from some official act, perhaps long past, and therefore is subject to federal intervention.

The cost of maintaining segregation was mentioned by Neil Sullivan, the man who desegregated Berkeley schools and who now is Massachusetts education commissioner.

He told Minnesota Sen. Walter Mondale's Committee on Equal Educational Opportunity last summer that school boards like those in Los Angeles and Denver "expend untold sums of money and effort in the courts to justify their refusal to provide equal educational opportunity.

"I have served as witness in both cases and assure you that thousands of children in these two cities would be receiving better education today if monies spent by these boards in fighting school desegregation had been directed instead to implementing it," Sullivan said.

Perhaps the most telling observation about integration was made by U.S. District Judge William E. Doyle in Denver.

"There is no assurance," he said last May, when he ordered Denver's desegregation, "that the program here prescribed will fully succeed.

"It's success will depend in large part on the effort which is expended—and on the spirit in which that endeavor is carried out."

THE FUTURE FOR INTEGRATED EDUCATION

In school integration as in most other controversial social issues, leadership is the key to progress, and lack of leadership leaves a vacuum for an onrush of reaction. This seems to be the single most important finding in the "Schools and Race" series last week by Richard P. Kleeman of The Tribune's Washington Bureau. Leadership helped achieve successful integration in Berkeley, Riverside and Evanston. Lack of leadership or outright resistance is adding to problems in Denver, Pontiac and Ferndale.

Most public officials today are either seeking to avoid the issue or trying to capitalize on public fears. At the national level, President Nixon campaigns for the neighborhood school in a veiled thrust against integration. Yet, Mr. Nixon's own school desegregation statement of last March cited research showing that integration improves the quality of education. At the local level, Minneapolis Alderman Mark Anderson seeks state legislation to outlaw mandatory busing for racial balance. Anderson talks of desegrated housing as a means of gaining a better racial mix in the schools. Yet, Anderson voted against the city's open-housing ordinance in 1967.

Even the most ardent integrationists have to admit that such a political climate makes school integration difficult to achieve under any circumstances. It is not surprising, then, that few northern cities, large or small, have been doing much to correct racial imbalance these days except under court orders. The few cities that have integrated their schools voluntarily are mostly university towns, and they did so earlier when the climate was more favorable.

The ultimate fate of northern-style school segregation, therefore, seems to lie with the U.S. Supreme Court, which is expected to rule on the issue next year. Whatever the court's ruling, however, we do not think educators and citizens in Minneapolis or elsewhere should give up the effort to achieve truly open schools. Kleeman's series and other studies indicate that a fully integrated school system works to the benefit of students of all races. While some parents fear school integration, all parents favor quality education, and true quality cannot be attained in a segregated educational system.

AMERICAN PRISONERS IN NORTH VIETNAM—A CHRISTMAS REMINDER

Mr. GURNEY. Mr. President, at the present time there are 461 American's POW's and 1,105 American MIA's in Vietnam. They are suffering untold torture and inhumanity daily. I deplore this humiliation of our men, the suffering of their families and the anguish to our country.

As we once again enter the holiday season of Christmas, I think it only proper that we take time from our daily routine to remember these individuals. It has been brought to my attention that the Orlando Sentinel recently published an article describing a project which a Mr. Malcolm Breeze of Orlando initiated. Mr. Breeze, himself an ex-POW of World War II, who started the State Chapter of American Ex-Prisoners of War, Inc., is attempting to bring attention to the tragic POW problem. He is asking newspapers across the Nation to carry the following familiar phrase with a timely addition:

There are —— shopping days to Christmas. It has been more than —— days since the first American prisoner in Southeast Asia has been shopping.

I ask unanimous consent that the article be printed in today's RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FORMER POW TRYING TO RALLY PUBLIC OPINION

"Here is the crux of the whole thing."

With these words, Malcolm Breeze produced a yellowed, faded postcard. It was 25 years old and had been sent from Krems, Austria, to Cincinnati, Ohio.

The postcard informed Breeze's family that he had safely parachuted from his burning plane and was in enemy hands.

"A prisoner of war," Breeze said, "worries more about his family back home more than you can possibly imagine."

Breeze's imprisonment during World War Two was very different from that of prisoners of war today in North Vietnam. Few messages are being sent by these men. Little news is available about them.

EX-POW GROUP

Breeze was one of 10 Floridians who last March started the state chapter of American Ex-Prisoners of War, Inc. The retired Air Force master sergeant, who lives at 1511 Iowa Place, Orlando, is secretary-treasurer of the organization.

One of the goals of the association—which has about 6,000 members nationally, Breeze believes—is to help obtain more humane treatment for American POWs in North Vietnam.

"The Vietnamese don't believe we care about these prisoners," Breeze said. "We have to get people interested in this problem, to devote a little of their time to it."

"Public opinion," he says, "has been found repeatedly to be the only thing that will have any effect on the North Vietnamese."

Breeze said his treatment as a prisoner of the Germans during World War II in Krems, Austria, was much better than that of Americans now being held in North Vietnam.

XMAS REMINDER

One of Breeze's attempts to bring public attention to this POW problem is through that familiar message, printed in newspapers across the United States, which reads: "There are —— shopping days to Christmas."

Breeze is trying to convince newspapers to add this statement to the Christmas shopping day reminder:

"It has been more than —— days since the first American prisoner in Southeast Asia has been shopping."

Breeze explained some Americans have been held prisoners for over six years.

"Letter writing to Hanoi can be very effective," Breeze says. "The North Vietnamese are sensitive about their image.

"Our organization is trying to help, by making people aware of what is happening."

UNFOUNDED CHARGES

Mr. HANSEN. Mr. President, I have become increasingly disturbed by the unfounded charges some of our Democratic colleagues have been making about the actions and policies of the administration. One expects our political opponents to take the administration to task when there is just cause, but recently there has been a series of charges leveled against the President which are patently untrue. Those who make such charges are either ignorant of the facts or have chosen to ignore those facts.

Last week one Senator raised a great hue and cry over the fact that the United States had not used any of its helicopters stationed in Vietnam to aid the relief effort in East Pakistan. He suggested that the administration's commitment to aid the disaster relief effort was "suspect" for its failure to use these particular helicopters.

Those of us who have bothered to check into the facts of this situation have learned that there was nothing suspect in the administration's actions. The option of using helicopters from Vietnam was carefully considered and rejected for the very good reason that 2 days of valuable time could be saved by using helicopters shipped from the United States.

Further, it was learned that the Pakistan Government did not want more helicopters at the present time because they could not be effectively used and more deliveries would only complicate a difficult situation. This fact was confirmed by our own mission in East Pakistan.

I should emphasize that these facts were not deep and dark secrets. The Government officials who are working on the relief effort understandably are not anxious to be made to look foolish by the Congress. Any Member of Congress or any member of his staff could have established the true facts of the situation with a simple phone call.

I do not know whether that phone call was made and then ignored or whether it was never made at all. In either case, the result was the same. That segment of the administration which is working hard to provide relief to East Pakistan was unfairly maligned. Once again, the Defense Department was made to look like a bunch of bumbling idiots. I think they deserve an apology.

OVER 1,300 CITIZENS FROM 10 STATES CALL FOR A BIG THICKET NATIONAL PARK OF 200,000 ACRES

Mr. YARBOROUGH. Mr. President, within the last 72 hours, I have received 15 petitions calling for the establishment of a Big Thicket National Park of some 200,000 acres. These petitions which represent the combined voice of over 1,300 citizens from 10 States will be added to the thousands of other letters, petitions, and telegrams of like support that I have received in the last few months concerning the establishment of a Big Thicket National Park. With this kind of broad-based geographical support, I am sure that it will only be a short time before we finally turn back the army of bulldozers and buzzsaws that devour over 50 acres of this precious wilderness daily.

Mr. President, I ask unanimous consent that these 15 petitions together with the names of the signers be printed in the RECORD.

There being no objection, the petitions were ordered to be printed in the RECORD, as follows:

PETITION

We the undersigned believe and wish that 200,000 acres of the wilderness and virgin forest area described commonly as the Big Thicket be set aside and reserved and preserved as a national park and that these acres be adjoining each other and that as a wilderness area these 200,000 acres be designated as the Big Thicket and that the Big Thicket as a national park be preserved and protected by the laws which govern the protection of other national parks as set aside by acts of the Congress of the United States of America.

PARTIAL LIST OF SIGNATURES

FROM KOUNTZE, TEX.

Archer Fullinghin and 45 others.

FROM PENN STATE UNIVERSITY

Constance Rose and 30 others.

FROM DENTON, TEX.

Pat Anderson and 19 others.

FROM CALIFORNIA

Shirley Solomon and three others.

FROM STILLWATER, OKLA.

James Russell and 59 others.

FROM AUSTIN PEAY STATE UNIVERSITY, TENNESSEE

James Burt and 63 others.

FROM RICE UNIVERSITY

Martha G. Tyler and 26 others.

FROM THE BAHOU ROUGE SIERRA CLUB

Howard E. Bond and 106 others.

FROM EAST LANSING, MICH.

James M. Harner and 43 others.

FROM PRINCETON, N.J.

Mrs. James F. Graves and 56 others.

FROM OAK RIDGE, TENN.

Jim Botts and 20 others.

FROM MEMPHIS, TENN.

Vincent Sheppard and 549 others.

FROM CARSON CITY, NEV.

Irving L. Pressman and 16 others.

FROM COMMERCE, TEX.

John Chambers and 178 others.

MISUSE OF FOOD STAMPS BY STRIKING WORKERS

Mr. FANNIN. Mr. President, a very costly strike was settled recently when the United Auto Workers Union accepted a new contract with General Motors. It was an unfortunate episode at a time when we already face tremendous economic problems.

The big loser in a major strike is the public—the consuming and taxpaying public. There is inconvenience and ultimately higher prices.

Since the public is the ultimate loser, it is doubly unfair that the public should be expected to help subsidize striking workers.

Union members who go on strike do so by their own volition. They should be prepared to face the hardships and make the sacrifices.

There is absolutely no justification for giving food stamps to striking workmen.

The Senator from South Carolina (Mr. THURMOND) has introduced a bill that would prohibit the misuse of food stamps to support workers involved in a labor dispute.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial supporting the legislation proposed by the distinguished senior senator from South Carolina.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Columbia (S.C.) Record, Nov. 25, 1970]

THURMOND'S RIGHT ON FOOD STAMPS

Senator Strom Thurmond is surely right in his bill which would amend the 1964 Food Stamp Act to make those voluntarily engaged in labor disputes ineligible to participate in Federal food stamp programs. The general public has a right not to be required to carry the financial burden of a private dispute between management and organized labor.

Denying food stamps to a man involuntarily out of work, or to working men whose total family salaries fall below prescribed levels, is quite a different thing. These diligent men and women are trying to be productive members of American society by the pouring sweat of their brows. To compare these courageous and unfortunate people with strikers is odious. To ask the American people to pick up the tab for the laborers of the United Automobile Workers who chose to stop working is an unbearable and unspeakable burden.

When General Motors' employees deliberately chose to walk off their jobs in the worst strike of the decade, for the wrong reasons at the most perilous time in our recent economic history, the damage to all Americans was catastrophic enough.

The two months' strike slashed the gross national product by $1 billion, added to the inflationary spiral of the economy and will add extra dollars to the cost of many items, not just automobiles.

When both Presidents Kennedy and Johnson followed the dictates of the Keynesian economists in allowing a "little inflation" as a good thing for the economy, they banked on voluntary wage restraints when the "little inflation" began to grow like Topsy. This fundamental error in human behavior has always been the major flaw in the lovely theory. The General Motors workers are not content with a mere hourly wage of around $4. They want more, more, more now; they'll want more, more, more in the future.

An uncomfortable truth of modern American society is that big, organized labor—under the direction of iron-fisted bosses—possesses incalculable political and economic power. Too much. The political clout of labor in Congress probably is more than sufficient to kill Senator Thurmond's sensible legislation.

That power does not detract, one iota, from the correctness of Thurmond's position. "This action by the strikers amounted to a terrible economic crime perpetrated on the American taxpayers who, through his taxes, was actually forced to contribute his hard-earned dollars to the purchase of food stamps for those individuals who refused to work."

The Thurmond amendment would be a small corrective, indeed, but an essential protection of the public and those worthy recipients of food stamps.

PORTUGUESE INDEPENDENCE DAY

Mr. KENNEDY. Mr. President, throughout history Portugal has produced valiant people whose destinies were caught up in the pursuit of challenge, of freedom, and of happiness. Early explorers who reached beyond the scope of continental Europe were Portuguese. It was Henry the navigator who drew together the resources of the kingdom to send skilled geographers and navigators on a series of expeditions that eventually led Portugal to the wealth of India and the New World.

Under Spanish rule for the early years of the 17th century, Portuguese patriots rebelled in 1634 to reassert the free spirit and independence of the Portuguese people. John, Duke of Braganza, led a successful nationalist revolution on December 1, 1640, against the Spanish rule. It is this holiday in commemoration of the defeat of Spanish troops and consequent independence of their former homeland that Portuguese and Portuguese Americans celebrate on December 1. It is to this day and to these people that I pay tribute.

It was only natural that the sons of the explorers and heirs to the pioneer initiative would find their way to the shores of the New World. The waves of Portuguese immigrants who passed through Boston Harbor to seek new homes had many reasons for coming to America. Some were political refugees. Some sought religious freedom. Others sought a land where poverty and hunger would no longer be a reality, and still others came because they thought their future would be brighter in this land.

They entered the factories and the mills and smelters of a nation exploding into the industrial world. They mined its coal, stoked its fires, and constructed its factories and buildings. They became the sources of its strength.

Portuguese settlers were especially attracted to the whaling industry of New England, and the fishing industries of California and Rhode Island. By 1920, the Portuguese stock in the United States totaled 106,000 of whom two-thirds lived in New England cities: in Boston, Cambridge, Providence, Fall River, Lowell, and New Bedford. Today there are over 95,000 people of Portuguese extraction in Massachusetts alone.

Now, however, with the passage of time, our laws have come to place large obstacles in the path of those who seek to come to America to add their talents to our Nation's wealth.

Only recently, have we begun to reverse this trend and bring our laws into consonance with our heritage. The Immigration Act of 1965, which I sponsored, was a victory for justice and equality. It banished the discriminatory national origins quota system, and replaced it with a new system based on fairness for the people of all nations. New priorities were established to help families to be reunited with one another. As a result, over the last 5 years alone, nearly 6,600 Portuguese citizens have joined relations living in Massachusetts.

They have joined with the Portuguese Americans who came before them to add their special talent and vigor to this Nation. They set adrift their artistic gifts and traditions in the mainstream of American life. The outstanding musician and band leader John Philip Sousa, former conductor of the U.S. Marine Band, was an American of Portuguese descent. George Hard de Silva, a man of Portuguese background, became one of America's greatest songwriters, motion-picture makers and music producers. Such superlative achievements have helped to enrich the wonderful versatility of our own American heritage.

In the light of their exciting history and valuable contributions to the United States, I take pride and pleasure in paying tribute to all Americans of Portuguese descent on this anniversary occasion.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CONSUMER PROTECTION ORGANIZATION ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 4459) to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Protection Agency in order to protect and serve the interests of consumers, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the amendments submitted by the Committee on Commerce be agreed to en bloc and that the bill as amended be regarded as original text for the purpose of amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and it is so ordered.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. RIBICOFF. Mr. President, I know that the Senator from Michigan has some amendments. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

Mr. HART. Mr. President, I appreciate the opportunity again to make some suggestions with respect to modifications of the bill.

As I indicated at the close of business last night, I would hope that we could consider a series of suggestions which, in my view, would further improve the bill. I have had a discussion with the floor manager of the bill, the distinguished Senator from Connecticut (Mr. RIBICOFF), under whose leadership we have come this far. It is our feeling that we ought to proceed, first, to a consideration of two amendments, Nos. 1088 and 1089. I therefore call up Amendment No. 1088 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 35, line 6, after the period, it is proposed to insert the following:

"(12) Contain safeguards to insure that the agency designated or created by the State will effectively represent the consumer."

Mr. HART. Mr. President, there has been a recurrent struggle over the use of Federal funds by State and local agencies to achieve a Federal objective. On the one hand, there is a Federal reluctance to permit the expenditure of Federal funds without reasonable certainty that the Federal objective will be attained. On the other hand, there is a major red-tape bottleneck in attempting to obtain funds so that a State or local unit of Government can participate in the Federal program. In some areas there is a very real fear that divesting a maximum amount of Federal control to State and local governments in a federally financed project will result in killing off the project. The current dispute over the administration of the OEO legal assistance program is a case in point. In many areas OEO legal services attorneys have taken actions in defense of the poor which have pinched some nerves of powerful local interests who in turn have sought to undermine the effectiveness of the program by decentralization of control.

The creation of consumer protection agencies at the local level may reasonably be expected to generate the same amount of pressure for stilling the independence of the local agency.

At this juncture in the evolution of the bill, I would not propose restructuring the provisions making local grants possible. Instead, I propose an amendment which would add an additional requirement to a State proposal to designate or create a State consumer protection agency. Under this amendment, the director—before making a grant to a State agency—must be assured that the State agency is able to represent the consumer effectively. This amendment would insure that the State agency expending Federal funds would be what it is purported to be—a consumer agency free of direct or indirect adverse controls and the more subtle type of controls Federal agencies experience with industry advisory boards.

Mr. President, for those reasons I hope that the Senate agrees to the amendment.

Mr. RIBICOFF. Mr. President, while the pending amendment is satisfactory to me, the ranking minority member of the committee, the Senator from New York (Mr. JAVITS) is on his way to the Senate Chamber, and I would prefer to defer my acceptance of the amendment until I have had a chance to consult with the Senator from New York.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HART. Mr. President, I ask unanimous consent that Mrs. Dorothy Parker of the Senate Judiciary Committee staff be permitted on the floor during the consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that Mr. Wager of the subcommittee staff be permitted on the floor of the Senate during the consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, having looked over amendment No. 1088, on behalf of the committee we have no objection to accepting it.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am pleased to yield.

Mr. JAVITS. Mr. President, I join the Senator in that. I think in writing the bill we had this in mind. We made a generic provision. The amendment of the Senator from Michigan would make the generic provision, which we assumed would include this, specific. I see no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

AMENDMENT NO. 1089

Mr. HART. Mr. President, I call up my amendment No. 1089.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 44, line 12, insert the following language after the period:

"Nothing in this Act shall be construed by any court or agency as affecting the discretion of any court or agency to permit any person or group or class of persons to initiate, intervene, or otherwise participate in any court or agency proceedings."

Mr. HART. Mr. President, I have no doubt that the committee and the sponsors would not intend by the passage of the bill that is pending to foreclose the opportunity for a court or for an agency to exercise its discretion with respect to the admission to the proceeding of a consumer or a consumer agency. But the savings clause, section 404(c) is intended to preserve the rights of consumers and consumer groups to participate in Federal agency and court proceedings. Yet, the clause is predicated on the "rights" of consumers to participate which may be construed as preserving consumer participation only where that is permitted as a matter of legal right. In a large class of cases consumers do not participate as a matter of right, but only because the court or agency in its discretion permits consumer or consumer group intervention. As the public has become more aware of the effects of agency and court actions and powers upon consumers, there has been a welcome and growing responsiveness by these bodies to permit participation in the discretion of the agency or court.

This amendment will make clear that the creation of this agency and the provisions of this bill are not intended to cut off participation by court or agency discretion, nor are they to be interpreted as a ground for halting this healthy trend toward wider individual participation. Certainly, no one in this body would favor foreclosing participation by consumers to the relatively narrow class of cases where participation is recognized as a matter of legal right. To make the intent of Congress clear on this point, I offer this clarifying amendment.

Mr. RIBICOFF. Mr. President, we do believe that we have already covered in the bill the situation to which the amendment of the Senator from Michigan is addressed. We believe it is redundant, but we have no objection, and are willing to accept the amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. JAVITS. Mr. President, I believe the amendment is redundant. If it is added to the text of the bill, it will, however, give the Senate conferees a choice of language, and in conference, we can have a better look at the language of the bill as compared with the language of the Senator's amendment.

Bearing in mind his point on the use of the word "rights" in line 10, page 44, whatever we do, I hope it will come out as one item, rather than two items as it is now.

I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1089) of the Senator from Michigan.

The amendment was agreed to.

AMENDMENT NO. 1087

Mr. HART. I call up my amendment No. 1087, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 28, line 10, insert the following after the period:

"The Consumer Protection Agency shall prepare an annual request for appropriations each fiscal year after 1973. The request shall be presented simultaneously to the Office of Management and Budget and the appropriate committees of Congress on or before February of each year by the Board of Directors."

On page 28, line 20, following the period insert the following:

"The Consumer Protection Agency, in consultation with the representatives of recipients of of grants under this section, shall prepare an annual request for appropriations each fiscal year after 1973. The request shall be presented simultaneously to the Office of Management and Budget and the appropriate committees of Congress on or before February 1 of each year by the Board of Directors."

The PRESIDING OFFICER. The amendment of the Senator from Michigan has two sections. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. HART. I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I ask that the amendment be modified by striking, in the two places where they appear, the five words "by the Board of Directors."

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. HART. Mr. President, this amendment again is an effort to increase the measure of independence which will apply to the agency we are in the process of creating. The amendment is intended to make clear that the agency makes its own requests for appropriations without filtering the requests through the Office of Budget and Management. Control of the pursestrings on this agency should be in the hands of Congress to a very full degree, and the independence of this agency to inform Congress of its budget needs should not filter through an executive branch office.

The first section of this amendment makes it clear, with respect to requests for support of the agency at the Federal level, that this shall be the case, and the second section makes clear the agency's direct power to request appropriations for State, local, and private nonprofit activities.

The Office of Budget and Management would still have a measurable voice in coordinating the agency's budget with those of other agencies, but I suggest that Congress receive a copy of the agency's budget before the executive branch has subjected the budget proposal to paring. In this manner, the independence of the agency can be reconciled with whatever need there may be for budgetary symmetry, and Congress retains its constitutional control of the pursestrings.

Mr. RIBICOFF. Mr. President, on behalf of the committee, I have to oppose this amendment. The distinguished Senator from Michigan seeks to make an exception for this agency which no other agency of the Government has. Certainly

the President is entitled, through the Office of Management and Budget, to have all budget requests reviewed and studied, especially at times such as these, when there has to be budgetary restraint.

I see no reason why this agency should not have to go through the same procedures as all other agencies of the Government. It should be kept in mind that budget requests go before the Appropriations Committee. The Appropriations Committee will have a chance to study the needs, and I am sure that as in the past, if there is a feeling in Congress that the Office of Management and Budget has cut more than necessary, the committee would not hesitate to increase a request that comes up from downtown.

So, on behalf of the committee, I announce that we oppose amendment 1087.

Mr. JAVITS. Mr. President, with the manager of the bill, the Senator from Connecticut (Mr. RIBICOFF) I oppose this amendment, for the reason—and I think we might just as well have it out right now, as we begin to consider those Hart amendments which we feel we must oppose on this side—that this bill is one of very delicate balance. It is a matter of first impression. Let us not depreciate, Mr. President, the importance of this measure. A great struggle has been fought between the administration and the majority here in Congress as to whether or not to have an agency at all. The administration is very strongly against it; and, on the whole, I think the disposition of Senators is to be against a new agency.

Members of the minority have gone for the new agency concept, really, on the same basis that we have supported the new environmental agency: because it is a new issue of a very major character, which we feel is a product of the times—a really basic, legitimate, indigenous product of the times, which the people have a right to demand because they feel that way.

There has been difficulties as great with consumers' rights and treating consumers fairly, as there has been with dealing with the ecology. Both matters are very similar. So we are responding to what I deeply feel, and I think other members of the minority feel, is a real public feeling. The Senator from Connecticut and I have no secrets from each other; he knows how dubious I was about this concept, and how I had to be persuaded and other members of the minority, including the Senator from Illinois (Mr. PERCY) had to be persuaded.

We were persuaded, which is a great tribute to the Senator from Connecticut, but we were only persuaded because of the fact that there was a very fine balance struck, with an agency which we feel the public really wanted and had a right to, and with the fact that it should not be a vexatious monster troubling everyone, including every other Government department.

I think we have struck a very delicate balance in the respective aspects of the bill. For example, Senator HART's amendment raises one of those aspects, as the Senator from Connecticut (Mr. RIBICOFF) has said.

With its money requests, the agency is subject to the budgetary implications of the department of the White House which deals with that matter and with the Appropriations Committee.

On the other hand, the director and deputy director have set terms of 4 years each, coterminus with that of the President, each of them subject to the advice and consent of the Senate. This gives them a certain durability and independence of the same type that we introduced, for example, with the general counsel for the NLRB, for exactly the same reason.

We have given certain rights to this agency, with respect to the proceedings of other Government agencies, which are quite unusual. It does not stand in those agencies as an applicant or a petitioner. It stands as of right, as an agency of government, with the express duty, as if it were a district attorney, to speak for the consumers' interest.

In my judgment, the balance would be seriously disturbed by adopting this amendment, which, it has been noted, would be unique, sui generis, not the case in any other agency.

I think we can easily throw this whole thing out of kilter the minute we start along that road and alienate the basic support we now have and a certain confidence in the fact that the bill is fairly balanced—that it is a new and untried concept which worries some people in this country, but is appealing to others in this country. I hope the Senate will not allow this balance to be disturbed by this amendment, which would open that door and begin that process.

Mr. RIBICOFF. Mr. President, I would confirm what the Senator from New York has stated.

In all candor, there was a very long, protracted struggle to bring out a consumer agency bill, an agency of independence and authority, that could work in behalf of all the consumers in this country.

I want to pay tribute to the members of our committee on both sides of the aisle—their sincerity and their dedication—as a result of their efforts we come out with a consumer bill that is meaningful and will protect all the legitimate interests of both the producers and the consumers in this Nation. After a great deal of hard work, we were able to come up with this bill, which has had broad bipartisan support of most of the members of the committee in almost all its aspects.

Then, of course, this bill was referred to the Committee on Commerce. There, again, it was very carefully examined; and I want to pay tribute to Senator MAGNUSON and Senator COTTON for their dedication. The Commerce Committee further tightened and strengthened the bill.

Even as late as last night, there was a question as to whether the administration would accept it. There was a question whether the concept of an independent agency would be adopted or whether we would have a struggle on the floor of the Senate. After consultation with all the Members involved on both sides of the aisle, it was agreed that we would continue with the concept of the bill and the independent agency, and not retreat to the administration proposal.

As a consequence, and out of a sense of fairness of the way the legislative process is achieved, I feel honor bound to stay with this bill, which all of us have worked so hard to achieve.

I do not think that any other Member of this body has been more dedicated or has worked as hard on matters of the consumers as has the distinguished Senator from Michigan. However, I do believe that the committee has a good bill, a bill that was hammered out over a period of many, many months, and, consequently, I, too, oppose the amendment now offered by the Senator from Michigan and will feel constrained to object to other amendments that he will offer on the floor.

Mr. HART. Mr. President, I have listened with interest to the statement just made by the manager of the bill. I had hoped that we could make the explicit provision that is contained in the pending amendment.

I would like to see us break precedent. Indeed, I wish we did this with the Comptroller General, himself. I would like to see Congress shed itself of the restraint of the other branch in the activity of its own Comptroller General. I would like to see this consumer agency explicitly authorized to move without the filtering process of the Bureau of the Budget affecting it.

But, given the opposition voiced by the able manager of the bill and the distinguished ranking minority member, the Senator from New York, I know perfectly well what will happen if this comes to a vote. I think it might be a disservice for the Senate to reject the amendment formally; because the Senator from Connecticut has reminded us that the Committee on Commerce, in its consideration of this suggestion, concluded that it ought not be aided explicitly, but felt that, since the agency is given the authority to bring to the attention of Congress problems that affect the consumer, the agency, in accordance with that authority, could take issue with the budget actions when those budget actions substantially affect the interests of the consumer.

I think that with this legislative history the point has been made with sufficient clarity, and I would hope that this agency, if it comes into being and finds that the interests of the American consumer are being killed off in the back room of an office, the door over which says "the Budget Bureau," it will come in here and tell us. We would expect nothing less than that.

So I withdraw the amendment.

Mr. RIBICOFF. Mr. President, in the Senate we have many watchdogs who are concerned with the problems of the consumer, and none of them is shy in making known to other Senators or the American people his views when he believes the consumers are being in any way treated unfairly.

I am confident that, once this agency comes into existence, if there is any attempt to shortchange it by the executive

branch, we will have opportunities, in the authorization and appropriation process, to make sure that this agency has the funds it needs to carry on its duties to protect the consumers of this country.

I thank the Senator from Michigan for his understanding of my position.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MOSS. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read as follows:

On page 43, following line 20, insert the following new subsection:

"(e) Nothing in this Act shall be construed to modify the application of section 552 of title 5 of the United States Code; and nothing in this section shall be construed as a specific exemption from disclosure under paragraph (3) of subsection (b) of section 552 of title 5 of the United States Code."

Mr. MOSS. Mr. President, this amendment clarifies the application of the so-called Freedom of Information Act to the Consumer Protection Agency. The Freedom of Information Act applies to every other Federal department and regulatory agency and, therefore, should apply to the Consumer Protection Agency. There is possible confusion between the relationship of the information disclosure provisions in the bill and the operation of the Freedom of Information Act. This amendment will eliminate that confusion. The amendment also states that the information disclosure procedures set forth in the bill do not expand the present restrictions on disclosure in the Freedom of Information Act.

This section follows immediately after the trade secrets section of the bill, which is necessary to protect manufacturers and producers of products from disclosing trade secrets. Nevertheless, that shall not be construed, if this amendment is agreed to, to the detriment of the disclosure required of all Federal Government agencies.

Mr. RIBICOFF. Mr. President, the Senator from Utah has made a good point. There is no intention to prevent disclosure of matters provided for in the Freedom of Information Act.

I have discussed this with the ranking minority member and, on behalf of the committee, I agree to accept the amendment.

Mr. JAVITS. Mr. President, I should like to ask the sponsor of the bill this question: Is it intended by this amendment to diminish substantively the impact of the provisions of section 403, in which this amendment becomes a part?

Mr. MOSS. No. It is not so intended. It is merely because it was felt perhaps the wording of the previous section might cause confusion as to whether the Freedom of Information Act was suspended. So far as the agency is concerned, we make it clear that it is not so suspended, and that is the only purpose of the amendment.

Mr. JAVITS. Do the proponents see any inconsistency between the duties of the Government departments under the section of the United States Code that the Senator refers to and section 403 of this act?

Mr. MOSS. I really think there is no inconsistency. My amendment is one of clarification and not an attempt either to expand or to contract what the present law is.

Mr. JAVITS. I thank the Senator from Utah. With that explanation, which we may have to test out in conference if we find anything wrong with it, I have no objection.

Mr. ERVIN. Mr. President, will the Senator yield so that I may propound a question to the Senator from Utah?

Mr. RIBICOFF. I yield.

Mr. ERVIN. May I ask the distinguished Senator from Utah, if I correctly understand that his amendment now pending, would make it certain this act shall not affect the provisions of the Freedom of Information Act?

Mr. MOSS. That is correct. The general statutes would apply in all of the departments, and this amendment is to make certain that it applies to this new agency, if it is created, the same as it would to the other established departments and agencies.

Mr. ERVIN. In other words, the amendment of the Senator from Utah would make certain that the matters which are to be divulged to the public under the Freedom of Information Act shall continue to be subject to disclosure, and the matters prohibited from being disclosed by the Freedom of Information Act would remain subject to their restriction against disclosure?

Mr. MOSS. That is precisely the intent.

Mr. ERVIN. I thank the Senator from Utah. I had prepared a somewhat similar amendment covering exactly the same ground. I believe that the amendment of the Senator from Utah accomplishes the same objective I had in mind.

Mr. MOSS. I thank the Senator from North Carolina. Knowing of his interest and great work in defending the freedom of information principle, I am pleased to know that his mind runs along the same lines as mine in this regard and has considered a similar amendment. I am glad to have his approval and support.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The question is on agreeing to the amendment of the Senator from Utah.

The amendment was agreed to.

Mr. ERVIN. Mr. President, I send to the desk an amendment and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 18, line 13, strike out the word "removed" and insert in lieu thereof the following: "included in any such listing".

Mr. ERVIN. Mr. President, before coming specifically to this amendment, I should like to make some statements relating to the bill generally.

I am one of the few Members of the Senate who are disturbed by the bill. It seems to me that, as a nation, the American people suffer under a great delusion; namely, when anything wrong occurs, Congress should pass a bill. It makes no difference how many laws we already have on the statute books of the Nation or upon the statute books in the 50 States regulating the same matter, or how efficacious those existing laws of the Nation and the States may be, Congress should proceed to pass a new law.

Mr. President, I must confess that legislative proposals of a particular nature come into vogue just like miniskirts do or maxicoats do. Today we have in vogue a rather insatiable demand for legislation to protect consumers. We proceed on the theory that consumers are rather helpless people, although they not only constitute a majority of the people of the United States, but constitute all of the people of the United States. Still the theory is advocated that consumers need the protection of the Federal Government because many people, even though they be consumers themselves, who offer goods or services to the American people spend their major energies devising new ways to cheat the consumers, upon whose goodwill their prosperity depends.

Mr. President, I appreciate the fine work which has been done on this bill by the distinguished Senator from Connecticut (Mr. RIBICOFF), by the distinguished Senator from New York (Mr. JAVITS), by the distinguished Senator from Washington (Mr. MAGNUSON) and by other Members of the Senate. They have done the best possible job in bringing forth a bill of this nature. But, I am wondering whether the bill will not do more harm to the economy than it will do good.

Mr. President, I have a number of other observations I wish to make in regard to the bill, but the distinguished Senator from New York (Mr. JAVITS) intimated to me in a private conversation that it might be the managers of the bill would not be averse to accepting this particular amendment.

This particular amendment relates to the dissemination of information by the new consumer agency. As set forth on pages 16, 17, and 18 of the bill, the provisions embrace within their coverage section 204, elaborating upon the power of the agency to receive consumer complaints and to engage in dissemination of information based upon such consumer complaints.

Lines 12 and 13 of subsection (e) of section 204 in its present form reads as follows:

Names of complainants shall be removed if they so request.

As the Senator from North Carolina construes that provision, it would provide that the agency will not disclose the names of particular complainants if those particular complainants request that their names not be disclosed.

My amendment would change this provision to read as follows:

Names of complainants shall be included in any such list if they so request.

In other words, my amendment would make the provision mean exactly the opposite of what it now means. It would, in effect, provide that the names of complainants who make specific complaints

will not be disclosed by the agency unless those complainants so requested.

Mr. RIBICOFF. Mr. President, I believe that the amendment of the Senator from North Carolina improves the bill and accentuates the positive instead of the negative.

Mr. President, as far as I am concerned, I am more than willing to accept the amendment of the Senator from North Carolina.

Mr. ERVIN. Mr. President, I thank my able friend, the Senator from Connecticut. I trust that the Senate will agree to the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

AMENDMENT NO. 1085

Mr. HART. Mr. President, I call up amendment No. 1085 and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment ordered to be printed in the RECORD, reads as follows:

On page 9, line 12, delete the word "executive," insert a comma after the word "agencies" and add the word "Congress."

On page 11, line 13, after the word "request" insert a comma and add the words "file complaints."

On page 11, line 15, strike the word "executive" and insert the words "or any Federal court" after the word "agency".

On page 11, line 18, strike the words "the provisions of this section" and insert the words "the rules or regulations governing practice and procedure before the Federal agency, the Congress, or court."

On page 11, line 20, strike the word "not."

On page 12, lines 9–25; page 13, lines 1–25; page 14, lines 1–25; page 15, lines 1–25; and page 16, lines 1–4, strike the language included within the above pages and lines and insert the following:

"(c) The agency shall have standing as a party in equity in any proceeding under subsections (a) and (b), including the right to intervene and all rights to appeal as may be provided by law."

On page 16, line 5, delete "(e)" and insert "(d)".

Mr. HART. Mr. President, I modify the amendment as printed to provide that on the last line, line 14, of page 2 of the amendment rather than having it read: "On page 16, line 5, delete '(e)' and insert '(d)'," it will read: "On page 16, line 5, delete '(h)' and insert '(d)'."

The ACTING PRESIDENT pro tempore. The amendment is modified as requested by the Senator from Michigan.

Mr. HART. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HART. Mr. President, the purpose of the amendment is to clarify the agency's power so that it can most effectively represent the consumer before the courts, Federal agencies, and Congress.

The first part of the amendment removes the limitation of appearing before Federal executive agencies and would describe the function of the agency as empowered to appear before any Federal agency. Let us not kid ourselves. The bill as reported restricts the agency to move in matters that are before an executive agency.

I suggest that we strike the limitation that it be an executive agency only and provide that it can move to all agencies.

In addition, the agency should be free to speak to Congress without filtering its viewpoint on consumer matters through executive branch agencies with their advisory committees.

I suggest that there is no reason why Congress should not receive relevant consumer information from a consumer protection agency which is independent.

Section 203 of the bill is a jungle of jurisdictional restrictions upon the authority of the agency. The further we plow through this matter the more we become lost and confused. It is a veritable jungle of jurisdictional restrictions upon the authority of the agency. The restrictions upon when the agency may act, on what issues, and under what circumstances virtually assure that the agency will be wrapped in redtape and will devote considerable effort to nitpicking over the redtape.

The basic thrust of my amendment to section 203 is to give the agency standing as a party in equity and to file complaints before Federal agencies and courts under four conditions:

First, the matter is within the responsibility of the agency or court;

Second, the matter substantially affects the interest of consumers;

Third, the agency's participation is in accordance with the agency or court rules and regulations governing practice and procedures; and

Fourth, the agency seeks equitable relief.

All the jurisdictional limitations and restrictions from subsection (c) on page 12 to subsection (h) on page 16 would be deleted. A new subsection (c) giving the agency standing and rights of appeal as a party in equity is inserted.

The amendment deletes long, complex, and confusing jurisdictional limitations and in straightforward language gives the agency power to effectively represent consumers by vesting it with the ultimate authority to sue for equitable relief.

I think we are all aware of the sensitivity and precisely what the reach and sweep of the powers of this agency shall be.

If we agree to the amendment, there would be little doubt that we can in honesty say that we have armed this agency with broad power and given it a basis upon which it may act, direct, and order that the voice of the consumer's concern in this country be heard in every Federal agency, not just executive agency, and before the courts where the court rules of procedure would otherwise permit.

I think it would be a sound addition. Indeed, I think that this, or some modification of this, is essential if we are in fact to advertise this as an agency armed sufficiently to improve the plight of the consumer in the marketplace today.

Mr. President, I hope very much that the Senate will agree to this expansion of authority and clarification of jurisdiction.

ORDER OF BUSINESS

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. RIBICOFF. Mr. President, before the Senator proceeds, will he yield to me so that I may propound a unanimous-consent request?

Mr. MAGNUSON. I yield.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the committees of the Senate be permitted to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSUMER PROTECTION ORGANIZATION ACT OF 1970

The Senate continued with the consideration of the bill (S. 4459) to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Protection Agency in order to protect and serve the interests of consumers, and for other purposes.

Mr. MAGNUSON. Mr. President, I understand the pending business is the Hart amendment. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MAGNUSON. Mr. President, I send to the desk a substitute.

The ACTING PRESIDENT pro tempore. The substitute amendment will be stated.

The assistant legislative clerk proceeded to read the proposed substitute amendment.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The Parliamentarian advises the Chair that this is not drafted as a proper substitute.

Mr. MAGNUSON. I submit it as a perfecting amendment.

The ACTING PRESIDENT pro tempore. If properly drafted it could be offered as a perfecting amendment, and the amendment will be received, and the Senator's request for suspension of the reading is ordered.

The perfecting amendment is as follows:

On page 11, lines 13 through 18, delete subsection (a) and add the following in lieu thereof:

"(a)(1) The Director may request or petition for the initiation of any proceeding within the responsibility and authority of any Federal executive agency concerning any substantive or procedural matter which substantially affects the interests of consumers.

"(2) If any Federal executive agency declines to initiate any requested or petitioned for proceeding described in paragraph (1) of this section it shall timely make public in a current and concise statement its reasons therefor.

"(3) If any Federal executive agency declines to initiate any general policymaking or rulemaking proceeding requested or petitioned for, the Director may, after reviewing the reasons therefor, submit the issue to the President who shall by order published in the Federal Register decide whether the proceeding shall be commenced.

"(4) Proceedings requested or petitioned for having been initiated, the Director shall participate in accordance with the provisions of this section."

Mr. HART. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The parliamentary inquiry will be stated.

Mr. HART. Would the amendment now offered as a perfecting amendment be voted on first?

The ACTING PRESIDENT pro tempore. Yes, it would.

Mr. JAVITS. Mr. President, another parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. JAVITS. If voted on and carried, then it perfects the text of the bill, but it does not prevent the amendment of the Senator from Michigan from being voted up or down. Is that correct?

The ACTING PRESIDENT pro tempore. It is a perfecting amendment to the amendment of the Senator from Michigan. If voted on and agreed to, the amendment of the Senator from Michigan would be perfected.

Mr. JAVITS. Then the amendment of the Senator from Michigan as perfected would come up for a second vote. Is that correct?

The ACTING PRESIDENT pro tempore. Yes.

Mr. JAVITS. That is what I wanted to make clear. I thank the Chair.

Mr. MAGNUSON. Mr. President, we originally had an amendment, which I technically considered to be a substitute for the amendment of the Senator from Michigan. It relates substantially to this matter. If the Director of this new agency should request the initiation of any proceeding within the responsibility and authority of any Federal executive agency, like the FTC or some other agency, concerning any substantive or procedural matter which substantially affects the interests of consumers, and if any Federal executive agency declines to initiate any requested or petitioned-for proceeding described in paragraph (1), and if any Federal executive agency declines to initiate any general policymaking or rulemaking procedure requested, the original amendment suggested might have to go to court.

But we have thought that, because of the time element involved, we have so amended the original proposal to provide that, the procedure requested or petitioned for having been initiated, the Director shall proceed in accordance with the provisions of this section, but, in reviewing the reasons therefor, instead of going to court, he shall submit the issue to the President, who shall, by order published in the Federal Register, decide whether such proceeding shall be commenced.

It does not delve into the merits of the proceedings. It leaves some authority in the agency to say the proceedings shall go ahead if there is a conflict or difference between the Director and any executive agency. That is what the amendment does.

Mr. RIBICOFF. Mr. President, I strongly oppose the amendment offered by the Senator from Michigan (Mr. HART), and, after consultation with my colleague the Senator from New York (Mr. JAVITS), I support the perfecting amendment offered by the Senator from Washington (Mr. MAGNUSON).

The amendment of the Senator from Michigan would make this agency the super law enforcement agency of the Nation. That was not intended. We did not give the agency the right to sue, because it is not to be a law enforcement agency and we did not want to make it superior to every other agency of the Government so that it would assume primary jurisdiction over the responsibilities of other agencies of the Government.

I think the Senator from Michigan has made a valuable contribution in what he has proposed, because it is important that the agency have some right to review the failure of another agency to act on matters of general policy.

It was the suggestion of the Senator from New York, who, as usual, is full of very practical ideas, that in the event of a conflict between the Consumer Protection Agency and another agency of the Government, the matter be referred to the President for decision.

It could be said that this puts the President on the spot, but the President should be on the spot in any circumstances in which there is a conflict between two agencies of the Government. I believe this puts these matters into public view and places the burden on the shoulders of the President, where it belongs.

The Hart proposal is complex. It would cause great conflicts throughout the Government. I could not approve the Hart proposal because it was intended right along that this agency should not have priority over all other agencies of the Government.

Mr. JAVITS. Mr. President, I feel exactly as does my colleague. I made this suggestion to the Senator from Washington (Mr. MAGNUSON). I am glad he accepted it. It gives pari passu jurisdiction equally to the Consumer Protection Agency and to any other agency relative to matters which are unresolved.

There is one thing I want to be sure of. On it hinges the whole balance of the bill, including the balance which was introduced by the Commerce Committee's concurrence—on which matter I consulted the ranking Republican member (Mr. CORTON) before agreeing. We wish to be very clear that, having given this agency pari passu jurisdiction, it does not evade the conduct we have insisted on in the bill, and that the director of this agency cannot initiate or compel directors of other agencies to act or interfere with proceedings in the jurisdiction of the other agencies; but if the President so orders, since he is the boss, what he says goes.

I would not want the Senate to think this amendment is without force. We have raised the level of the Consumer Protection Agency by locking it into this kind of pari passu stance.

In order to avoid conflict, it is necessary to tie up one loose end. It will not mean a change in language. Will the Senator from Washington agree with me?

Section 203(e), which appears on page 15, provides that upon petition by a substantial number of citizens, the Consumer Protection Agency may be moved into action.

I want to be sure we understand that the practice of referring to the President, if the two agencies are deadlocked, should be dealt with in respect of section 203(a), where the volition is on the part of the Director of the Consumer Protection Agency to refer, and not to 203(e), where he may be moved into action by petition of citizens.

Mr. HART. Mr. President——

Mr. JAVITS. I still have the floor. I asked a question of the Senator from Connecticut and the Senator from Washington.

Mr. HART. I beg the Senator's pardon.

Mr. JAVITS. I want to be sure we have a complete understanding.

Mr. RIBICOFF. Mr. President, I think we understand one another. As far as I am concerned, I am in agreement with the Senator from New York. I think the Senator from Washington goes along with this understanding.

Mr. MAGNUSON. Yes.

Mr. JAVITS. The Senator does. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. HART and Mr. MAGNUSON addressed the Chair.

Mr. HART. Mr. President, who has the floor?

The ACTING PRESIDENT pro tempore. The Senator from Michigan has the floor.

Mr. MAGNUSON. Mr. President, will the Senator yield to me?

Mr. HART. I yield.

Mr. MAGNUSON. There is a technical legislative problem here. The Parliamentarian suggests that the matter that was sent to the desk is not legislatively a substitute, nor is it a perfecting amendment, but that it can be brought up immediately after the vote on the Hart

amendment as a separate amendment. Therefore, I ask unanimous consent——

Mr. JAVITS. Mr. President, before the Senator does that, why do we not suggest to the Senator from Michigan—I think he wishes to accommodate us all—that he momentarily withdraw his amendment, and let the Senator's amendment be acted on? Then at least he has a stop loss, and he may go forward if he wishes.

Mr. HART. Mr. President, I shall be glad to withdraw amendment No. 1085 momentarily, to permit the Senator from Washington to offer his amendment.

The ACTING PRESIDENT pro tempore. Without objection, the amendment of the Senator from Michigan is temporarily laid aside, to permit the Senator from Washington to submit his amendment as a new amendment, not a perfecting or a substitute amendment. Without objection, the amendment becomes the pending business.

Mr. MAGNUSON. I thank the Chair.

Mr. RIBICOFF. Mr. President, on behalf of the committee, I accept the amendment offered by the Senator from Washington (Mr. MAGNUSON).

Mr. JAVITS. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. The Chair had recognized the Senator from Michigan, and he has the floor.

Mr. HART. The Senator from Michigan is glad to permit the Senator from New York to support the amendment; I am sure that is what he wishes to do.

Mr. JAVITS. The Senator is correct.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan has the floor.

Mr. HART. Did the Senator from Washington wish to make a comment at this point?

Mr. MAGNUSON. No, I have no more to say about it.

Mr. HART. Mr. President, the suggestion has been made that, when a substantial consumer interest is identified by this agency as requiring another Federal agency, such as, to pick one out of the blue, the Federal Power Commission, the Federal Aviation Agency, or you name it, to act, and that agency says "No," we ought to let it go to the President and let the President resolve the dispute, requiring the President to explain why he supports the agency in question or the Consumer Protection Agency.

As the discussion has indicated, my feeling is that it would be much more desirable and more in the interests of the American consumer to permit its representatives who say that a substantial consumer interest requires the action to go to court, and let the courts decide whether the Federal Power Commission or the Interstate Commerce Commission is correct in rejecting the proposition that a substantial consumer interest is present. I think that is much preferable to the suggestion that is now before us that the President make the decision.

The Senator from Connecticut says that this has the advantage—or disadvantage if you will—of putting the President on the spot. I suggest that the fellow who would really be on the spot if we agree to this amendment is whoever is supposed to run the Consumer Protection Agency, because that fellow is appointed by the President, and we are asking him, then, to put the President on the spot.

I suggest if there were anything that would take the steam out of an aggressive Consumer Protection Agency Director, it would be to tell him, "If you really want to rock the boat, go ahead, but why do you not pick the easy ones, and leave the tough ones for discussion and review, but do not push it?"

This is my oversimplified and perhaps somewhat harsh evaluation of the proposal. Here is the director of the Consumer Protection Agency, appointed by the President, and, unless we change it, whose term runs concurrently with the President's, being told, "If the Federal Power Commission disagrees with you, the only thing that you can do, if you think there is a substantial consumer interest involved, is put the White House on the spot."

There is a breed of Americans who would be willing to do that. It would be great if we could provide that the Consumer Protection Agency Director shall always come from that breed. But there is another breed of American who senses his first obligation to be not so much to the consumers of America, but to the President who appointed him, and with whose term he is in stride.

I say do not put that kind of heat on the Consumer Protection director. Let the court, to whom he is not beholden, make the decision. When there is a head-to-head conflict between the interests of some Federal agency, whose prime concern is the healthy economy of whatever particular economic segment it regulates, and the officer whom we are creating and will advertise as the voice of the American consumer, let him go to court.

This does not make him a super law enforcement agent. It does give him an opportunity to play the role we claim we are assigning him—the role of voicing a major consumer interest. I would hope very much that we will not agree to the amendment, in which case I would then offer the amendment which I temporarily withdrew, which will give the agency an opportunity to have a court resolve the dispute between the agency regulating some economic interest and the agency that we shall say represents the consumers of the country.

Mr. RIBICOFF. Mr. President, in reply to the distinguished Senator from Michigan, I point out that if we had a super-cautious director of the Consumer Protection Agency, he would be just as reluctant to put the administration on the spot by going to court, as he would be to refer the matter to the President of the United States, because in either case, it would be in the public domain and a matter of public controversy.

Mr. HART. Mr. President, will the Senator yield at that point?

Mr. RIBICOFF. I am pleased to yield to the Senator from Michigan.

Mr. HART. Who would be making the decision, the court or the President?

Mr. RIBICOFF. Frankly, I would rather put the President on the spot than the courts, because if we started a court proceeding in a dispute between two agencies as to whether one should or should not act, and we spin it out over 2 or 3 years, then we would be spending all that time without a decision, when we should have a decision. And believe me, the press of this country and the consumers will not sit by and allow the President to take his time for 1, 2, or 3 years to make a decision. The controversies that would arise in the whole consumer field would be public controversies.

This Nation has become consumer-minded. With men like Mr. Nader and others who have brought to the public attention the great problems that affect the consumer in each and every field; and with the interest in the consumer we have in this body, with many Senators who are vitally interested in the problems of the consumer—and there are no two greater than the Senator from Michigan (Mr. HART) and the chairman of the Committee on Commerce, the Senator from Washington (Mr. MAGNUSON)—the problems of the consumer are front page news day in and day out.

I am anticipating that whoever receives the job of Director will be a person who will be constantly on the spot, put there by 210 million Americans, and I have no fear that the consumers' interests would be swept under the rug because the President would not be confronted. He will be confronted, because the public will make him decide these cases.

I think that the proposal of the Senator from Washington is much preferable, and I do believe it will get faster and more definitive results, than the proposal of the Senator from Michigan (Mr. HART).

Mr. JAVITS. Mr. President, I would not wish to restate any argument made which has been very validly made by Senator RIBICOFF and Senator MAGNUSON in opposition to the position taken by the Senator from Michigan, but I would like to add this point.

Assuming that the authority is given for which Senator HART contends, is it not really throwing all these cases out of court unless a body of statute law is written which is going to give the court the criteria upon which to judge? How is a court going to judge between the Department of the Interior and the Director of the Consumer Protection Agency on a matter which may affect some problem of consumer use—let us say of recreation facilities—unless we give it criteria? The only criteria they have now in the bill is that it is in the best interests of consumers. I cannot conceive of a court considering that a criterion in which it can come to judgment between two Government departments.

In addition, the final point is the spectacle of two Government departments of the United States litigating in the courts of the United States, which is only another branch of Government no different from our branch or the branch of the President.

Try as we may, we have seen that in the NLRB, in the Civil Rights Division of the Attorney General's Office, when appropriating money which the Executive will not spend, he cannot be stripped of his power over Government agencies in the Executive authority, any more than our power can be allowed to be stripped away.

This is properly, as Senator RIBICOFF has said, a White House function, and we have locked it in by requiring decision on the highest level, by order which is made public, and it seems to me that we have done everything anyone can call on us to do.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MAGNUSON. I thought in the beginning that perhaps the court procedure might be the best way to do it. But I know how long it can take in court to make these decisions. I think that public opinion on a given matter would create an atmosphere for a President to make a decision much quicker than by putting it in courts.

Second, if the court decided that the proceedings should continue, it would have to get into the merits.

Mr. JAVITS. Of course, it would.

Mr. MAGNUSON. It would have to determine a little of the merits. Therefore, the judge would be prejudging the whole matter, and this would be an awkward situation.

I think we are making great progress. I appreciate what the Senator from Michigan has had to say. We have been together, all Senators I see in the Chamber, particularly in the Committee on Commerce and Senator RIBICOFF's committee, moving forward on these consumer matters. We are making a great step forward here, I think. People are aware of the fact that there is going to be some interest and that they are going to have some voice. Sometimes, a voice in court is stilled too long because of the long procedures.

I suppose that the Senator from New York, the Senator from Connecticut, the the Senator from Michigan, the Senator from North Carolina, and I know that if one really wants to do so, it can be held up a long, long time.

Mr. JAVITS. It certainly can.

Mr. MAGNUSON. But the President does not have much time to wait, whoever he may be. He has to reflect—at least, I hope he will reflect—public opinion in these matters; and I think this is a good basis for it.

Mr. JAVITS. I thank the Senator.

I hope very much the Senate will adopt this amendment.

Mr. HART. Mr. President, my concern is not so much that a court would move slowly in resolving a conflict between the agencies and that a President could resolve it quickly. My concern is that it will be a rare breed of Director of the Consumer Protection Agency who will move to compel his President, his appointing authority, to be put on the kind of spot that this would put him on. It is what will not be done if this amendment is adopted that concerns the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question now recurs on the amendment of the Senator from Michigan, which has already been read.

Mr. HART. Mr. President, the Senator from Michigan knows perfectly well what would happen to the amendment that was pending earlier. For all practical purposes, it has been resolved by the disposition just made of the amendment offered by the Senator from Washington. So I shall withdraw that amendment.

The ACTING PRESIDENT pro tempore. The amendment is withdrawn.

AMENDMENT NO. 1086

Mr. HART. Mr. President, I send to the desk amendment No. 1086 and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 20, line 9, insert the following sentence after the period: "Notwithstanding title 31, United States Code, section 18(b), any investigation, survey, or research undertaken pursuant to this section may be done without consultation or approval of the Office of Management and Budget or any other executive branch agency."

Mr. HART. Mr. President, here, again, is an amendment offered in the belief that it will add to the independence of the Consumer Protection Agency. For effective operation, there will be occasions when the Consumer Protection Agency must assemble information from the marketplace. This amendment would remove the restriction that would attach to the Consumer Protection Agency in the soliciting of this information.

The limitation that I seek to remove by the amendment is the approval of the Office of Management and Budget, formerly known as the Bureau of the Budget. Under existing law, to conduct an economic survey, the surveys and the questionnaires, the factfinding tools, have to be approved prior to distribution by the Office of Management and Budget.

The experience is that—we just talked about delay—incredible delay, as a very minimum, can be imposed on an effort such as this in the Budget Bureau because the Budget Bureau has the practice of referring questionnaires to industry committees for their reaction, for their suggestion—sometimes, one thinks, for their concurrence.

One good example—it was developed by the able Senator from Montana (Mr. METCALF) in a series of hearings—is that there has been a delay of some 7 years resulting from the Industry Advisory Committee and Bureau of the Budget discussion of the effort to get an inventory of industrial water waste sources. This effort was begun in 1963, and the effort finally collapsed because the Budget Bureau, along with the industry advisory group, simply was unwilling to permit the inquiries to be cleared for submission to the probable industrial water polluters.

It surrendered finally, and a small sample, with replies on a voluntary basis, with assurance that any information developed would not be used in terms of identifying the source, was the resolution of that 7-year effort to inventory industrial waste.

It would be totally inconsistent with the concept of independence for this consumer agency to have its research function and its survey efforts subject to this kind of industry review and Budget Bureau control. I offer the amendment to make clear the congressional intent that the agency shall not be subject to such inconsistent control. This, Mr. President, may appear as a rather peripheral and relatively unimportant proposal. In terms of the long-term effectiveness of the Consumer Protection Agency, I suggest that it is a rather essential, strengthening amendment. I would hope very much that the Senate will agree, in order that we can say, if the agency is created, that when it seeks to identify substantial consumer interests it is not going to have to get the lead of a committee group established by that segment of the economy which, in the opinion of the Consumer Protection Agency, may be creating a substantial consumer disservice.

(At this point Mr. HUGHES took the chair as Presiding Officer.)

Mr. METCALF. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield.

Mr. METCALF. I was pleased, while acting as Presiding Officer, to hear the Senator from Michigan refer to some of the material which had been brought out in the hearings on advisory commissions. Some of the advisory commissions have completely stifled the information process by which Congress operates. Others, as the distinguished Senator from Michigan has pointed out, have delayed that process for years and years and, finally, only made them on a voluntary basis instead of a mandatory basis.

These matters cannot be left up to the Bureau of the Budget or some other agency. Matters of consumer interest must be acted upon promptly and immediately. Many arguments made on behalf of the previous amendment were that there would be delay in the courts and there would be an opportunity for long, drawn-out hearings. These things cannot happen, because it would completely destroy the whole effect of a consumer bill.

I thank the Senator from Michigan.

Mr. HART. I apppreciate very much the support voiced by the distinguished Senator from Montana.

Mr. President, I hope that the Senate will agree to the amendment.

Mr. RIBICOFF. Mr. President, I regret that I have to oppose the amendment by the distinguished Senator from Michigan (Mr. HART). What he seeks is a different policy for this agency concerning surveys than that prevailing in other departments and agencies of the Government.

The Federal Reports Act, 5 U.S.C. 139, specifically provides the method to be used in questionnaires and the gathering of information. This bill is consistent with that law. The Senator asks a good question: "Should the Director of the Office of Management and Budget be allowed to sit on all these questionnaires and refuse to give permission or to approve the type and form of questionnaire or survey?"

However, this is a new measure. I have great hope that the agency will have some bite, that it will be successful, and that it will have the support of the American people, whoever may be the President at any given time.

With the committees of Congress "watchdogging" this agency performing their oversight function, I have confidence that the Director of Office of Management and Budget will not refuse legitimate requests of the agency as it seeks to gather information for carrying on the functions we are giving it today. Consequently, Mr. President, I will have to oppose the amendment.

Mr. JAVITS. Mr. President, I must oppose the amendment, as does the manager of the bill. He has just stated our reasons. I have one additional point to make.

As I said before, we had, on the one hand, to give the people the services of the vital Consumer Protection Agency and, on the other hand, to see that we were not overwhelmed by the fears of American business in dealing with such an agency and, in this case, compounded by the fears of other Government departments.

It seems to me that we have done our utmost to bring about an evenhanded response in both situations. I see, again, that this is in line with the philosophy of the Senator from Michigan (Mr. HART). He wants a type of super Government agency for consumers which will, in a sense, have a level over and above all other Government agencies within the executive department. It is our judgment—certainly my judgment and that of the Senator from Connecticut (Mr. RIBICOFF), which he has expressed as the manager of the bill—that the adoption of the pending amendment would be the surest way to kill that accommodation of forces which has resulted in our breaking through now with what looks like a monumental historic achievement—that is, the establishment of a Consumer Protection Agency with powers and authority and personnel adequate to do an effective job for the consumer.

I do not think we should load this bill down with aspects which will contribute to the very concerns which can mount an opposition—which the bill cannot stand.

I hope very much, therefore, that we will turn down this particular amendment.

Mr. HART. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, we are prepared to vote.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUGHES). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess until the hour of 1:45 p.m., at which time a brief quorum call be had and then the vote on the pending amendment.

Mr. HART. Mr. President, I would hope to be able to make a 1-minute explanation of the amendment when we resume. I wish that the majority leader would anticipate that. If we come back into session at 1:45 p.m., we could vote at 2 p.m.

Mr. MANSFIELD. Mr. President, I withhold that request, but at the conclusion of the remarks of the distinguished Senator from Arkansas, I will renew the request with the additional proviso that there be a 2-minute limitation, the time to be equally divided between the manager of the bill and the sponsor of the amendment after a brief quorum call.

THE ENFORCEMENT OF SCHOOL DESEGREGATION AND ELIMINATION OF DISCRIMINATION

Mr. McCLELLAN. Mr. President, yesterday the senior Senator from Connecticut (Mr. RIBICOFF) introduced a bill, S. 4545, entitled "The Urban Educational Improvement Act of 1970."

Among its purposes and findings are:

(d) The general welfare of this Nation requires the elimination of racial separation in public schools wherever and how it occurs; and

(e) This Nation must therefore commit its moral strength and financial resources to the achievement of this goal.

Without committing myself to support of this measure and without announcing my agreement in full with all of its implications and objectives, I do wish to commend again the distinguished senior Senator from Connecticut for his continuing efforts to eliminate the discriminatory practices of our Government in the enforcement of school desegregation, particularly with respect to different sections of our country.

The senior Senator from Connecticut, in discussing the merits of the bill which he introduced yesterday, stated:

If we are to end the racial turmoil tearing this Nation apart, we must be willing to attack segregation in the North with a will equal to that we demand of the South.

The will of the Government to attack segregation in the North has been woefully lacking in the past. Ninety-nine percent of its visible or effective efforts have been directed to the South. Therefore, I know the senior Senator from Connecticut is in good faith and his motivations are most honorable and commendable in recognizing the hypocrisy that has so long prevailed in this field. He is now aggressively fighting for fairness, justice, and equality between all races, all States, and all sections of the Nation on this issue that has caused the racial turmoil to which he refers as "tearing this Nation apart."

I do believe, however, that the logical place for our Government to begin implementing such a new policy in the North is in the central cities. It should first undertake the task of eliminating the blatant discrimination against blacks and Spanish Americans in these cities before a wider, suburban effort can reasonably be undertaken. If the central cities, the core, is rotten, integration efforts in the suburbs must be doomed to failure. In previous remarks I have detailed problems existing in Chicago, Detroit, and Boston. Last week in hearings before the Select Committee on Equal Educational Opportunity, held at the request of the senior Senator from New York, we learned of intolerable discrimination against Puerto Ricans and, to a lesser extent, against blacks in the city of New York. According to testimony at the hearings the public school population of New York City is 39 percent white, 27 percent Puerto Rican, and 34 percent black. New York has 55,000 teachers of which only 350 are Puerto Rican; New York has 1,000 guidance counselors of which only 10 are Puerto Rican; New York has 1,700 assistant principals and only 10 are Puerto Rican. There are no Puerto Rican permanent principals in the New York school system. I wish for the Members of this body to contrast these statistics with the requirements being made of the South by the Federal courts, which are:

The District shall assign staff . . . so that the ratio of Negro to white teachers in each school and the ratio of other staff in each are substantially the same as if such ratio is to the teachers and other staff, respectively, in the entire school system. . . . No staff vacancy may be filled through recruitment of a person of a race, color, or national origin different from that of the individual dismissed or demoted until each displaced staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so. Singleton v. Jackson Municipal Separate School District, 419 F2d 1211 (5th Cir. 1969).

Mr. President, I submit that that rule cannot be applied, it is not being applied, and it will not be applied to States like New York; but it is applied in the South where officials by the hundreds are sent in to bring about enforcement. Duplicity, hypocrisy, and impracticality are all bundled into one. Obviously there is no possibility of fulfilling the first of these requirements in the New York City schools as there are not enough Puerto Rican teachers so that one could be assigned to each school. Certainly it is impossible with regard to staff as there are only 10 Puerto Rican guidance counselors, 10 assistant principals, and zero permanent principals.

Mr. President, how could it be enforced in New York? It is impossible, it is not practical, and obviously it will take years to develop the qualifications of people to fulfill such a requirement. However, it is apparent that no such effort is being made.

The blame for much of this situation has been placed upon the board of examiners of New York City. The board of examiners is not singled out, however, as the entire New York City educational-political system is accused of "cronyism, political patronage, corruption, and the spoils system." It would be an awful thing to me if someone talking about the South used that terminology, but it is being used now in connection with New York by New York citizens. This accusation was made of "individual members of the New York City Board of Education, the administration at 110 Livingston Street—and a number of education-establishment organizations. The author of this accusation was Luis Mercado, a nonpermanent principal at P.S. 75 Manhattan. According to Mr. Mercado, the equal employment and opportunity section of the 1964 Civil Rights Act has not been enforced in New York City. He further charges the New York City Board of Education and the board of examiners of blatantly discriminating against Puerto Ricans.

I emphasize that these are things I am taking from testimony by witnesses who came by request before a congressional committee. This is not my statement.

Mr. President, the committee also learned last week that Boston does not confine its discrimination and prejudice to black people. It is equally oppressive to Puerto Ricans. According to Armando Martinez, there is a 90 percent dropout rate among Puerto Rican children in the Boston schools. Enforcement of the truancy laws in Boston against Spanish-speaking children is virtually impossible as the Boston school system has no truant officers who can speak Spanish. Out of 5,800 teachers in the Boston schools there are two Puerto Ricans. Out of an estimated 3,200 pre-school Puerto Rican children only 62 have been able to attend pre-school programs. With a Puerto Rican student population of about 7,800 in the city of Boston, only four graduated from Boston schools in a 4-year period. However, things are looking up in the Cradle of Liberty. In this year alone Boston graduated seven Puerto Rican students—four from parochial schools and three from public schools. Mr. Martinez, an articulate and intelligent witness, was in a mentally retarded class in Pawtucket, R.I., until the age of 13. He is now in the process of obtaining his doctorate from Harvard. Obviously Northern classification systems leave something to be desired.

Mr. President, it is for the reasons outlined above that I think that, without commenting on the wisdom of the proposals contained in the bill, it is premature. The Senator from Connecticut is to be applauded for his continuing efforts to end a racial isolation which he believes to be morally wrong and detrimental to our Nation. I entirely agree with him that if segregation is wrong in the South it is equally wrong in the North.

I pause for a moment to suggest that Senators search the RECORD for the past 10 years. Ninety-nine utterances of every 100 about civil rights and discrimination have been made against the South and not against any other section of the country. Much of it has come from representatives from areas where discrimination exists as I have described here and as described by the witnesses from those areas who have testified before this select committee.

I applaud the efforts of the Senator from Connecticut toward nationwide enforcement. I do believe that this bill would have much more force and effect if it were to require Northern cities to eliminate discrimination to the extent it has been eliminated in the South before attacking the larger question. Elimination of discrimination is a necessary precondition to ending racial isolation. It is the ending of discrimination in the North which must be the initial object of any such legislation as that introduced by the Senator from Connecticut. Then the large cities in the North will be in a position to remove the manmade artificial barriers to integration behind which they have for so long hidden while condemning the South. I believe it is essential that we do as Senator RIBICOFF believes we must, that we treat the problem of racial and ethnic isolation on a national basis and end the sectional discrimination which has divided our country.

RECESS

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the Senate stand in recess until 1:45 p.m.

There being no objection, at 1:31 p.m., the Senate took a recess until 1:45 p.m.

At the expiration of the recess the Senate reassembled when called to order by the presiding officer (Mr. HUGHES).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1181) to provide for potato and tomato promotion programs, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 4418) to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, with amendments, in which it requested the concurrence of the Senate; that the House insisted upon its amendments to the bill and asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FALLON, Mr. KLUCZYNSKI, Mr. WRIGHT, Mr. EDMONDSON, Mr. CRAMER, Mr. HARSHA, and Mr. CLEVELAND were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H.R. 16443) to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 16443) to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government was read twice by its title and referred to the Committee on Government Operations.

CONSUMER PROTECTION ORGANIZATION ACT OF 1970

The Senate continued with the consideration of the bill (S. 4459) to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Protection Agency in order to protect and serve the interests of consumers, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following a quorum call, there be a period of 2 minutes, to be equally divided, on the Hart amendment, the time to be controlled by the able Senator from Michigan (Mr. HART) and the able Senator from Connecticut (Mr. RIBICOFF), after which the vote on the amendment offered by the Senator from Michigan will occur.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut has 1 minute, and the Senator from Michigan has 1 minute.

Mr. HART. Mr. President, each of us reserved this minute in order that we would have a full Chamber to explain very briefly the proposal.

In short, I suggest, through this amendment, that we not tie the hands, in a very practical sense, of the new Consumer Protection Agency by requiring that before it can undertaken review or research or direct inquiries to the marketplace, it get the approval of the Bureau of the Budget. Unhappily, the Bureau of the Budget, through whom, unless we adopt this amendment, must be referred for clearance any inquiry, any direct approach through the mail, to segments of the industry, turns to the industry and says, "What do you think about it?" Not surprisingly, there have been many, many delays in the effort to get the inquiry through. I hope we will not do this to this new Agency.

Mr. RIBICOFF. Mr. President, what we have done in this bill is to continue with the uniform policy that now prevails throughout the Government in the gathering of information and research and surveys by requiring that the form be cleared with the Office of Management and Budget. I see no reason why there should be an absolute exception for this agency at this time.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. RIBICOFF. I yield.

Mr. ERVIN. Do I correctly understand that the bill in its present form retains the general requirement respecting the submission of questionnaires and the approval of those questionnaires by the Bureau of the Budget?

Mr. RIBICOFF. The Senator's understanding is correct. That is what is in the bill at the present time, and that is what the Senator from Michigan seeks to delete.

Mr. ERVIN. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) would would vote "yea."

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Iowa (Mr. MILLER) is detained on official business.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Iowa (Mr. MILLER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 24, nays 51, as follows:

[No. 403 Leg.]

YEAS—24

Burdick	Jackson	Muskie
Cranston	Kennedy	Nelson
Fulbright	Magnuson	Pastore
Goodell	Mansfield	Proxmire
Harris	McGee	Stevenson
Hart	Metcalf	Williams, N.J.
Hollings	Mondale	Yarborough
Hughes	Moss	Young, Ohio

NAYS—51

Aiken	Ellender	Murphy
Allen	Ervin	Packwood
Allott	Fannin	Pearson
Anderson	Fong	Percy
Baker	Griffin	Prouty
Bible	Gurney	Randolph
Boggs	Hansen	Ribicoff
Brooke	Hatfield	Saxbe
Byrd, Va.	Holland	Schweiker
Byrd, W. Va.	Hruska	Scott
Cannon	Javits	Smith
Case	Jordan, N.C.	Sparkman
Cook	Jordan, Idaho	Spong
Cooper	Long	Symington
Cotton	Mathias	Talmadge
Curtis	McClellan	Williams, Del.
Dole	McIntyre	Young, N. Dak.

NOT VOTING—25

Bayh	Gore	Pell
Bellmon	Gravel	Russell
Bennett	Hartke	Stennis
Church	Inouye	Stevens
Dodd	McCarthy	Thurmond
Dominick	McGovern	Tower
Eagleton	Miller	Tydings
Eastland	Montoya	
Goldwater	Mundt	

So Mr. HART's amendment (No. 1086) was rejected.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1084

Mr. HART. Mr. President, I call up amendment No. 1084 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, ordered to be printed in the RECORD, reads as follows:

On page 8, strike section 201, lines 1–25; on page 9, strike lines 1–8, and substitute the following:

SEC. 201. (a) There is established as an independent agency an agency to be known as the Consumer Protection Agency.

(b) The Agency shall be headed by a nine-member Board of Directors, three of whom shall be appointed by the President in such manner as to stagger their terms for two, four, and six years, respectively; three of whom shall be appointed by the Speaker of the House of Representatives in such manner as to stagger their terms for two, four, and six years, respectively; and three of whom shall be appointed by the majority leader of the Senate in such manner as to stagger their terms for two, four, and six years, respectively. Subsequent appointments shall be for six-year terms and shall be made by the office making the original appointment. Vacancies shall be filled by the office making the original appointment for the remainder of the term vacated. The Board of Directors may elect a Chairman and such other officers of the Board as they may deem appropriate and adopt rules, regulations, and bylaws for the orderly carrying on of business and for carrying out the purposes of this Act.

(c) Members of the Board shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(d) The Board of Directors, by majority vote, shall appoint a Director and Deputy Director who shall head the Agency and serve at the will of the Board and under such rules and regulations as the Board may prescribe. The Director shall nominate, by and with the consent of the Board, a Consumer Counsel for the Agency, who shall be chief legal officer of the Agency, and shall perform such duties as the Director may prescribe and shall be Acting Director during the absence or disability, or in the event of vacancies in the offices, of the Director and Deputy Director.

(e) The Director, by and with the consent of the Board of Directors, is authorized to appoint within the Agency not to exceed five Assistant Directors.

Mr. HART. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, would the Senator consider a time limitation on his amendment?

Mr. HART. Indeed, yes. I have remarks that will not extend beyond 10 minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of one-half hour on the pending amendment, the time to be equally divided between the manager of the bill and the sponsor of the amendment.

Mr. JAVITS. Mr. President, reserving the right to object, can there be a limitation of 10 minutes on any amendment to the amendment?

Mr. MANSFIELD. Mr. President, I modify my request to that extent.

The PRESIDING OFFICER. Is there objection to the unanimous-conquest request as modified? The Chair hears none, and it is so ordered.

Mr. HART. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. HART. Mr. President, it has been said yesterday and earlier today that the effort we are undertaking is in a sense historic. First, of course, we are considering establishing under the provisions of

S. 4459 the first Government agency charged with looking out for consumers' interests with that precise assignment.

But more importantly, we are establishing a very unique agency. Its mandate is perhaps more broad—and more general—than any agency or department now existing. While it does have some specific assignments, such as to handle consumer complaints and to conduct economic surveys, the major—and toughest—assignment is to be an advocate for the consumer.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. CASE). The Senate will be in order and throughout the discussion the Chamber will be quiet. Otherwise, those persons not having business in the Chamber or not authorized to be in the Chamber will be asked to leave.

Mr. HART. Mr. President, to do this we are asking this agency to keep tabs on the operations of all other Government agencies and when actions by any seem to be affecting the consumer interests to make the consumers' voice heard.

It would be the consumers' man in Washington which many of us have long thought needed and desirable.

It is the uniqueness of this function which I think calls for a unique approach in establishing the agency.

As reported by the committees, S. 4459 now follows a rather traditional path and establishes the agency as an executive agency.

There is comfort in tradition, but I question today if the traditional approach is the one that will best do the job for the consumer.

Remember, we are charging the CPA with—on occasion—doing battle with executive agencies and departments. Under the structure as established in the bill before us, we then are asking brother to fight brother, with father, the President, overseeing the dispute.

It seems to me that what we often may get is a less than enthusiastic contest under the restrictions built into the structure of this bill.

Therefore, I propose that we break with tradition in the form of this Agency—just as we are breaking with tradition in considering establishing it.

Recognizing that any government agency must be responsible to one branch of government—the administration or Congress—I propose that we make the CPA more an arm of Congress and less an arm of the President.

I would do this both by changing the organizational chart and providing that the CPA reports directly to the Congress. The advantage, I feel, is to put the control—since there must be some—of this agency in the hands of the directly elected representatives of consumers and in the full view of the public.

My amendment (No. 1084) would have the CPA administered by a nine-man Board of Directors. Three of them would be named by the President and three each by the majority leader in each House of Congress.

This board, in turn, would name the two top operating officers of the CPA who would fill the other major positions with the approval of the board.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. HART. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HART. Mr. President, briefly stated my amendment would delete the present section 201 and insert a new section to accomplish this. Section 201 (a): The amended version would make the Agency an "independent Agency," rather than an "independent Agency in the executive branch of Government." Section 201(b). The amended version creates a Board of Directors comprised of nine members. The Board would be appointed by the President, the Speaker of the House, and the majority leader of the Senate. Each would appoint three Board members, one to serve 2 years, one to serve 4 years, and one to serve 6 years. Replacements of a retiring Board member for 6-year terms would be done by the person holding the office which made the original appointment. The amendment would vest power in the Board to make policy for the agency.

Section 201(c). The proposed amendment would provide for per diem compensation and daily rate compensation for Board members while actually serving on agency business.

Section 201(d) gives the Board authority to appoint a Director and a Deputy Director to serve at the will of the Board. The Director is given authority to appoint a General Counsel, subject to Board approval, and provides for succession in the event of a temporary absence in the post of Director and Deputy Director.

Section 201(e) gives the Director authority to appoint up to five Assistant Directors with the consent of the Board.

Mr. President, the bill as reported by committee represents—of course—many compromises. This is the name of the game in passing legislation. Faced with the question of no bill or this bill—supporters of stronger legislation traditionally take what they can get in hopes of coming back in later years and strengthening the measure.

While I think it will be some time—perhaps 5 to 10 years—before we can make meaningful improvements in this legislation once it has cleared the Congress, I do agree that the day will come in future Congresses where, if they have the desire, improvements can be made.

But most would agree with me, I am confident, that altering the organizational chart of such an agency is not likely to be one of those possible changes.

That is why I ask my colleagues to consider seriously at this moment which is the more desirable: A Presidential agency or a congressional agency when we are attempting to provide the best and most effective service for consumers.

I believe strongly in the approach of my amendment and hope it will be adopted by this body.

Mr. RIBICOFF. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. RIBICOFF. Mr. President, the proposal of the Senator from Michigan is unprecedented, as far as I know, in any agency of the Federal Government. Not only would the Senator's proposal take away the President's power of nomination, but also the Senate's power of confirmation. I believe this power of confirmation in this type agency is important for an agency of this kind.

The agency is established and organized in much the same manner as the Federal Power Commission, the Home Loan Bank Board, the Federal Trade Commission, and the Equal Opportunity Commission. The Director and the Deputy Director are appointed for a fixed term of 4 years. Since they will be performing quasi-judicial responsibilities, they may be removed only for inefficiency, neglect, or malfeasance. Accordingly, they will have as much independence as the members of other independent agencies. Nicholas Johnson, of the Federal Communications Commission; Philip Elman, of the Federal Trade Commission, and others have shown that presidentially appointed members of the regulatory agencies can take an independent viewpoint.

In the case of an agency that has a mandate as broad as this Agency, I am unwilling to say that we should assume beforehand the Agency will fail in its mission. I do not think this Agency will fail. I think the Director who is confirmed by the Senate will be sufficiently tough-minded and independent to carry out the Agency's responsibilities and protect the consumer.

As I said earlier, we have reached the stage in this country where Federal consumer activities are constantly under the microscope. Not only are there so many of us in this body concerned with problems of the consumer, but we have developed in this country a body of independent men free from government, acting privately, who place the problems of the consumer under close scrutiny. Men like Ralph Nader and others have come to the forefront in their battles to protect the rights of the consumer. I cannot imagine this body would sit by and allow the Director to shirk his responsibilities.

When we look at the experience of the President's special advisers on consumer affairs, Mrs. Virginia Knauer and Miss Betty Furness, we see that both of those eminent ladies did not hesitate to take on various agencies of the Government, even though the heads of those agencies were men appointed by the President. The head of the CPA will do no less.

I believe that to adopt the Hart amendment, we would be introducing something entirely new in our Government—a hydraheaded ministry—three men appointed by the President, three by the majority leader, and three by the Speaker of the House.

I am not so sure that the majority leader or the Speaker of the House would want this obligation. The Agency is still part of the executive branch, and the

President should have the right to appoint, with the confirmation in the Senate.

I hope the Senate will reject the Hart amendment.

Mr. JAVITS. Mr. President, will the Senator yield me 3 minutes?

Mr. RIBICOFF. I yield 3 minutes to the Senator from New York

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, I am also opposed to this amendment because it takes the concept of the autonomous corporation and makes it into a "corporate state." That is really what we would be doing here if we adopted the idea of the Senator from Michigan (Mr. HART).

The protection of consumers is not a business; it is a governmental function. People like myself have pleaded for an autonomous corporation involving overseas private investment—which the Senate authorized—or in reference to poverty activities, when we are trying to put poor people into the business stream. When a business function like Comsat, the Communications Satellite Corporation, and others, are involved, then a Government-owned corporation makes sense. But when a strict Government function is being performed, why, we may as well talk about autonomy so it is not under the control of the President and have the Department of Labor incorporated. That is practically what is being sought by this amendment.

Second, if we made it an autonomous corporation, we would be creating a type of super ombudsman. Perhaps one day we will want to move that far, but certainly we should not do it in a consumer protection bill.

Because the concept is not adapted to the agency we are seeking to create, and because of the arguments advanced by the manager of the bill, I think the Senate should reject the amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. RIBICOFF. Mr. President, I yield back my remaining time.

Mr. HART. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Michigan (Mr. HART). The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) would vote "yea."

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 10, nays 69, as follows:

[No. 404 Leg.]

YEAS—10

Hart	Mondale	Proxmire
Hughes	Moss	Yarborough
McGee	Muskie	
Metcalf	Nelson	

NAYS—69

Aiken	Fulbright	McIntyre
Allen	Goodell	Miller
Allott	Gore	Murphy
Anderson	Griffin	Packwood
Baker	Gurney	Pastore
Bible	Hansen	Pearson
Boggs	Harris	Percy
Brooke	Hatfield	Prouty
Burdick	Holland	Randolph
Byrd, Va.	Hollings	Ribicoff
Byrd, W. Va.	Hruska	Saxbe
Cannon	Inouye	Schweiker
Case	Jackson	Scott
Cook	Javits	Smith
Cooper	Jordan, N.C.	Sparkman
Cotton	Jordan, Idaho	Spong
Cranston	Kennedy	Stevenson
Curtis	Long	Symington
Dole	Magnuson	Talmadge
Ellender	Mansfield	Williams, N.J.
Ervin	Mathias	Williams, Del.
Fannin	McClellan	Young, N. Dak.
Fong	McGovern	Young, Ohio

NOT VOTING—21

Bayh	Eastland	Pell
Bellmon	Goldwater	Russell
Bennett	Gravel	Stennis
Church	Hartke	Stevens
Dodd	McCarthy	Thurmond
Dominick	Montoya	Tower
Eagleton	Mundt	Tydings

So Mr. HART's amendment (No. 1084) was rejected.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

Mr. ERVIN. Mr. President, I ask unanimous consent that the reading of the amendment be omitted, because I can explain it very simply.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN's amendment is as follows:

On page 28, line 14, beginning with the first comma strike out through the word "organization" in line 15 and insert in lieu thereof the following: "and local public agencies".

On page 30, lines 4 and 5, strike out ", and nonprofit private organizations".

On page 33, line 4, strike out "and private nonprofit organizations".

On page 33, line 10, strike out "and nonprofit private organizations".

On page 33, lines 21 and 22, strike out "or nonprofit agencies or organizations".

On page 35, lines 11 and 12, strike out "or nonprofit private organizations".

On page 36, line 22, strike out "and private nonprofit organizations".

On page 37, line 2, beginning with the word "and" strike out through the word "year" on line 3.

On page 38, line 6, strike out "or organization".

On page 38, lines 9 and 10, strike out "or organization".

Mr. ERVIN. This bill would provide for the making of grants to State consumer agencies, to local agencies, and to private nonprofit organizations. My amendment would merely strike from the bill the provisions which authorize the making of grants to private, nonprofit organizations.

I respectfully submit that it is inconsistent with the fundamental purposes of our Government for the Federal Government to make grants of money to private organizations, even though they be nonprofit organizations, to carry on what, in effect, is legislative and legal warfare against the policies of the States.

The best nutshell description of our system of government was given by Chief Justice Salmon P. Chase in the famous case of Texas against White. He said that the Constitution in all of its provisions looks to an indestructible Union composed of indestructible States.

I respectfully submit that it is not only unwise but also unconstitutional for the Federal Government to make funds available to private organizations, whether they be profitmaking or nonprofitmaking bodies to carry on what may properly be designated as legislative and legal warfare against the policies of a State government.

This bill provides in section 304, on page 30, as follows:

The Director is authorized to make grants to pay the Federal share of the cost of consumer protection programs, which may include the following—

(1) the establishment or strengthening of a Consumer Protection Agency which, in the case of the establishment of such an agency, shall be located in such department or agency of the State as the chief executive or the legislature of the State determines.

I respectfully submit that, unless the Federal Government wants to take charge of the policies of the various States in an area of our economic and political life which affects all the people

of this Nation, it should confine itself to assisting States and not engaging in legislative or legal warfare against them.

In this bill is a provision I do not seek to strike, which authorizes the director of the Consumer Protection Agency to make grants of Federal funds to local governmental bodies. The States themselves can take care of that situation as they see fit, in respect of grants to local political subdivisions of the States. This is so because these political subdivisions are agencies of the States and have no powers except those which the States confer upon them.

This is a very broad bill. This bill provides for these grants to these nonprofit private organizations, and in that respect it should be designated, among other things, as a bill to promote the economic welfare of ambulance-chasing lawyers. It provides expressly that these nonprofit private organizations can apply for grants under section 307 of the bill, which appears on page 35. It provides that they shall "set forth a program under which the funds provided under this title will be expended for the purposes described in section 304 of this title."

Section 304 provides that the director may make grants for the representation of consumer interests before administrative and regulatory agencies, courts, and legislative groups, except where the Agency is already representing such interests. In other words, under that provision of this bill, read in the light of the section which relates to grants to nonprofit private organizations, the Federal Government can actually make grants to private nonprofit organizations to lobby before State legislatures. I respectfully submit that it is not a proper function or a wise function of the Federal Government to subsidize private organizations, whether conducted for profit or nonprofit, to lobby before State legislatures.

I further submit that under the section I have just read to the Senate, the Federal Government could make grants to private nonprofit organizations to appear before regulatory agencies of the States and tell those regulatory agencies of the States how they should discharge their functions in protecting the consumers. I respectfully submit that that is not a proper or a wise function to confer upon the Consumer Protection Agency. I do not think it is any business of the Federal Government to undertake, either directly or indirectly, through private individuals subsidized by the Federal Government, to tell the State regulatory bodies how they should discharge their functions.

Furthermore, under the section I have just read, section (5) of section 304, on pages 31 and 32, the Federal Government would be empowered to make grants to private nonprofit organizations to carry on litigation in any case in which they deem that such litigation might protect the interests of consumers. Under this power, private organizations and private lawyers could be financed by the Federal Government and could go into court to prosecute actions in the State courts, even against the agencies of the State government itself and against the attorney general of the State. I submit that that is not a proper function. This is a very broad bill.

Another thing in this connection is found in the section which relates to grants to private nonprofit organizations. They can submit a plan, and the director can make grants to them for cooperation and coordination with State and local legal services programs and other consumer-oriented programs carried out under the Economic Opportunity Act of 1964.

Mr. President, we are now expending millions of dollars of taxpayers' money to compensate lawyers who are operating under the aegis of the Economic Opportunity Act of 1964, and this is a duplication of that effort. I believe in protection of consumers' rights in a proper fashion.

Some time ago, the Internal Revenue Service made a proposal to remove the tax exemption from contributions to what we call public interest law firms. I protested that proposed regulation and communicated my disapproval of it to the Internal Revenue Service. At that time, I issued a press release stating my position in respect to that matter. I ask unanimous consent that the text of this press release be printed at this point in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

ERVIN CALLS IRS PROPOSAL TAX ON FIRST AMENDMENT

WASHINGTON, D.C., Oct. 29, 1970.—Senator Sam J. Ervin, Jr. (D-N.C.) today attacked the Internal Revenue Service proposal to tax charitable organizations which engage in litigation on behalf of the public interest as amounting to "a tax on the First Amendment."

In a letter to IRS Commissioner Thrower, Ervin, who is Chairman of the Constitutional Rights Subcommittee, said that "the right of access to the courts is a fundamental constitutional right of every American citizen. This is axiomatic, for without the ability to enforce rights guaranteed by the Constitution, by statute, or by common law, those rights are meaningless. That the IRS proposes to penalize court enforcement of rights amounts to a condemnation of the legal process itself," Ervin contended.

"By withdrawing tax exemption from otherwise exempt organizations because they seek redress in the courts, the Service is striking at the heart of one of the most effective, traditional, and basic of American freedoms. In effect, the IRS is imposing a tax on the exercise of the First Amendment right."

Ervin also objected to a suggestion that the IRS would decide for itself which public interests were sufficiently "worthy" to receive a tax exemption.

"This is an assertion by the IRS of the power to impose its views of what is in the public interest, a power to decide which of competing views of public policy is entitled to expression. The First Amendment bars government from impeding the presentation of views with which it does not agree. For the IRS to withhold exemptions from organizations it disagrees with would be an unconstitutional censorship of free expression," he said.

Ervin took issue with the fact that the IRS had made its announcement by means of a press release and had suspended tax exemptions without notice or hearing. "Due process and proper administrative procedure require that all affected parties be given an opportunity to be heard before any action is taken which will directly affect their right to retain tax exemptions. It also requires that when and if such action is taken, the agency include a full exposition of the legal and factual basis for the action," he wrote.

(Excerpts from Ervin's letter to Commissioner Thrower follow:)

DEAR COMMISSIONER THROWER: I am writing to you with respect to an announcement on October 9 that the Internal Revenue Service was suspending the tax exemption of certain charitable organizations involved in litigation pending completion of a study of tax exemptions for so-called public interest law firms. This issue, and the procedures employed by the Service so far in respect to it raise a number of serious questions involving individual rights and administrative due process.

A fundamental constitutional right of each citizen is the right of access to the courts. This is axiomatic, for without the ability to enforce rights granted by the Constitution, statute, or common law, those rights are meaningless as a practical matter. In *NAACP* v. *Button*, 371 U.S. 415, the Supreme Court held that litigation which assists any person to obtain legal redress for infringement of his constitutionally guaranteed or other rights is a mode of expression protected by the First and Fourteenth Amendments.

The proposed denial of tax exemption to organizations which pursue their activities through litigation would, if adopted, be direct governmental intrusion in and limitation upon legal advocacy. The fact that the Service proposes to "penalize" court enforcement of rights amounts to a condemnation of the legal process itself. By withdrawing tax exemption from otherwise exempt organizations because they seek redress in the courts, the Service is striking at the heart of one of the most effective, traditional, and basic of American freedoms. In effect, the IRS is imposing a tax on the exercise of a First Amendment right.

The October 9 announcement suggests that the IRS is concerned about the vagueness of the definition of "public interest," and especially the fact that charitable organizations applying for exemptions define for themselves the "public interest" they will serve. It suggests that the IRS is considering reviewing the goals of the organizations, and making its own determinations of whether the rights sought to be served are sufficiently worthy or beneficial so as to warrant an exemption.

This is an assertion by the IRS of the power to impose its views of what is in the public interest, a power to decide which of competing views of public policy is entitled to expression. The government should do all within its power to encourage the fullest expression of all viewpoints on issues of public concern both as a legitimate outlet for the expression of varying political viewpoints and to enable courts, in our adversary system, to reach their decision on the basis of the fullest presentation of all relevant considerations. This is more than merely an attribute of "good government." The First Amendment bars government from impeding the presentation of views with which it does not agree. For the IRS to withhold exemptions from organizations it disagrees with would be an unconstitutional censorship of free expression.

In the October 9 News Release the IRS has attempted to define what in its view would be one legitimate object of litigation. The release states that litigation on behalf of traditionally recognized objects of charity

such as the poor would clearly be permissible. There is neither a statutory nor a constitutional basis for this distinction.

The IRS cannot restrict tax exemption to litigation for only one kind of charity defined in its regulations. To say that citizens who join together to pursue litigation for nonbusiness, nonpersonal reasons may not deduct their litigation expenses unless they are poor or seek to aid the poor, is a denial of the equal protection of the laws. While government may assist poor litigants by providing them with attorneys, as has been done under the Criminal Justice Act and the Office of Economic Opportunity, it may not deny other citizens who pursue other public interests, as opposed to private or business purposes, the same tax benefits as those it would grant the poor.

In addition to my serious reservations about the constitutionality of the proposed action I am also very concerned about the procedures which the IRS has followed in this matter. It strikes me as highly improper to use a press release to change the tax status of many existing organizations and to suspend the issuance of exemptions to new organizations of the same kind. Due process and proper administrative procedure require that all affected parties be given an opportunity to be heard before any action is taken which will directly affect their right to retain tax exemptions. It also requires that when and if such action is taken, the agency include a full exposition of the legal and factual basis for the action.

Because of the shortness of time before the results of your 60-day study are due, and the imminence of hearings in the Senate, I would appreciate your responding at the earliest possible time.

Thank you for your cooperation. With all kind wishes, I am

Sincerely yours,

SAM J. ERVIN, Jr.
Chairman.

Mr. ERVIN. I am in favor of allowing public interest law firms to receive contributions free from Federal taxes to protect the public interest of the people of the United States and the public interest of consumers. But I do not favor having the Federal Government subsidize private law firms or private nonprofit organizations to engage in such activities. I submit that it is contrary to our fundamental system of government. I contend that it is unwise.

I contend, further, that this bill would be very much improved if we provided, as this amendment would in effect provide, that all the grants to be made under this bill shall be made to a State consumer agency operating in accordance with the wishes of the State or to the political subdivisions of States where the State law permits them to receive such grants.

When it undertakes to finance those who seek to thwart the laws of States or who seek to dictate to the States how they should legislate in this area, I believe the Federal Government is embarking, in effect, upon the destruction of the States.

I sincerely hope that the Senate will improve the bill by adopting my amendment.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, I yield the floor for the time being.

Mr. RIBICOFF. Mr. President, under the amendment offered by the Senator from North Carolina (Mr. ERVIN), private nonprofit organizations would receive no funds whatever. They would be deleted. We must recognize that nonprofit organizations throughout the country are increasingly in the forefront of consumer protection efforts and perform an important public service and serve the public interest. It is appropriate, we believe, that they have access along with local agencies to the funds to be granted by the Agency. These organizations, the committee feels, fulfill a public purpose. It is not inappropriate for them to receive a small sum of money. As a matter of fact, for the first year the funds for the entire Nation amount to only $1 million. While amounts of the funds are small, the principle is important. I believe that we should encourage a policy of public action on public issues by private nonprofit organizations. No Government agency, Federal, State, or local, could possibly cope with all the problems facing the consumers on every front. There is an important role for these groups. We believe that the amendment of the Senator from North Carolina should be rejected and that section 305 as it relates to private, nonprofit organizations should remain in the bill.

Mr. MOSS. Mr. President, I invite my colleagues to focus their attention for a moment upon title III of the Consumer Protection Organization Act of 1970.

Consumer protection is not the sole responsibility of the Federal Government. States, local governments, and private organizations have an important role to play. Many violations of consumer rights are local in nature and may best be handled at that level. The Federal Government should encourage other governmental and private units to remedy these violations whenever possible.

Unfortunately, however, many State and local agencies lack the authority and funds to do a proper job. Title II establishes a grant program designed to assist State, local, and private nonprofit organizations with the funds they need to improve their work.

PLANNING GRANTS

To encourage States and localities to prepare and adopt comprehensive consumer protection plans covering their respective jurisdictions, the Director is authorized to make grants to any State or local public agency to assist in preparing or revising such plan.

The Director is authorized to make grants to any State and local public agencies, and nonprofit private organizations to assist them in meeting the cost of planning any project or program or demonstration thereof for which a grant may be made under the provisions of this title.

The Director may require as a condition to any grants under this title within any State or locality that comprehensive consumer protection planning be undertaken and that, where he deems it appropriate, a comprehensive plan or plans be prepared within a reasonable period.

GRANTS FOR CONSUMER PROTECTION PROGRAMS

The Director is authorized to make grants to pay the Federal share of the cost of consumer protection programs, which may include the following:

First, the establishment or strengthening of a Consumer Protection Agency which, in the case of the establishment of such an agency shall be located in such department or agency of the State as the chief executives or the legislature of the State determines;

Second, the establishment, operation, and expansion of programs to license, or otherwise regulate, household appliance repairmen, motor vehicle repairmen, and home improvement contractors in order to provide improved consumer protection, including protection against:

False advertising;

Failure to perform the work or service as advertised;

Performing unnecessary and unrequested work or services;

Failure to perform work or services as represented to the consumer and for which the consumer was billed;

Third, the establishment, operation, and expansion of program requiring credit reporting agencies to adopt reasonable procedures for meeting the needs of commerce for credit information in a manner which is fair and equitable to the individual;

Fourth, the establishment and expansion of consumer education programs with particular emphasis upon projects which give promise of assisting persons who reside in urban areas of high concentration of unemployed or low-income individuals and the encouragement of the introduction of consumer education courses in public school curriculums;

Fifth, representation of consumer interests before administrative and regulatory agencies, courts and legislative groups, except where the agency already is representing such interests;

Sixth, the establishment or expansion of consumer complaint centers;

Seventh, provision of counseling to consumers;

Eighth, enforcement of laws to protect the interests of consumers, including laws prohibiting fraud, deceptive practices, and unfair practices against consumers, and laws concerning monopolies and restraint of trade;

Ninth, study of State laws and regulations, and the laws and regulations of units of general local government, relating to the interests of consumers, and recommendation of improvements in such laws and regulations;

Tenth, research, studies, and analyses of consumer matters;

Eleventh, the conduct of research, counseling, and educational projects concerning the nutritional value of food; and

Twelfth, such other activities as may bear a direct and material relationship to the interests of consumers.

CONSUMER PROTECTION IN UTAH

I am pleased to report to the Senate that consumer protection is moving forward on a number of fronts in Utah. The 1969 general session of the Utah Legislature passed five consumer bills including the Uniform Consumers Credit Code. In connection with the latter law, Gov. Calvin L. Rampton has created a Consumer Credit Advisory Council and

appointed the very capable Mrs. Richard P. Barnes as chairman.

Recently, our State attorney general created a Division of Consumer Protection operating out of his office and appointed one of his assistants, Harry E. McCoy II, to head it. While the division is underfinanced and understaffed at present it can be the nucleus for an important phase of consumer protection in Utah if the proper prerequisites for growth and development are supplied. A grant of funds to this division as provided under title III of the Consumer Protection Organization Acts would speed its development and help insure its success in providing consumer protection at the State level.

Mr. President, I oppose the amendment of the Senator from North Carolina. It seems to me that it strikes at the heart of one of the great advances being made in the bill.

Having been a chairman of the Consumer Subcommittee now for some period of time, I have been working in this area and recognize how important it is to involve not only States and State agencies in this consumer protection area but also to get the support and help of private nonprofit organizations.

I would point out that there are in existence now several private nonprofit organizations which can do effective work.

The Major Appliances Consumer Action Panel is one example. The National Association of Better Business Bureaus is another example. The American Arbitration Association is another one.

I also want to pay special tribute to another newly formed organization in Utah dedicated to consumer protection and education, and point out how their efforts can be greatly enhanced by a grant of funds as provided under title III of this bill.

This group known as Utah Consumer Action Panel, or UCAP, was organized primarily under the dynamic leadership of Dean Virginia Cutler of Brigham Young University in Provo, Utah.

She has brought together a talented group of over 100 people from throughout the State who have banded together to promote consumer interests. These people include college and public schoolteachers and administrators, Home Demonstration agents, economists, lawyers, dietitians, news media consumer reporters, community leaders, representatives of various organizations and homemakers.

In addition to numerous smaller meetings, the group has held two statewide conferences. The first conference last February focused upon consumer issues of national interest. Among those attending the conference from the national scene was Betty Furness, who gave a major address on "The Consumer Game." Esther Peterson also spoke to the conference by telephone and I was pleased to be invited and gave an oversight of pending and proposed consumer legislation.

The second conference held just last October dealt primarily with consumer protection in Utah. Representatives of the various State regulatory agencies discussed the efforts of their departments to protect consumers and Mr. Harry E. McCoy, Assistant Attorney General for Consumer Protection, outlined the activities of the newly created Division of Consumer Protection within the Attorney General's office. Dr. Irmagene N. Holloway, former Assistant for Consumer Education, Office of Product Safety, Food, and Drug Administration, HEW, and currently safety consultant for Owens-Corning Fiberglas, gave the keynote speech on "Home Hazards and Consumer Protection."

Members of UCAP have organized into a number of committees so as to give specialized attention to various consumer problems and promote consumer education.

They are certainly to be congratulated for their tireless efforts which they have had to finance largely from their own pockets.

The efforts of private nonprofit organizations such as UCAP would certainly be enhanced by the infusion of a grant of funds as provided under title III of the Consumer Protection Organization Act. Favorable action on this bill will immeasurably strengthen consumer protection at the State and local level and reduce the efforts required at the national level. I am sure that what is happening in Utah can be duplicated in other States and the funds provided by title III of the bill will go a long way to insure such success at the State and local level.

For that reason, I would think that any prohibition of funds to private nonprofit organizations now, to be given on a grant basis, under the scrutiny, supervision, and approval of the director of the agency would detract from the thrust of the bill. Certainly I would oppose strongly the elimination of any part of title III.

Mr. ERVIN. Mr. President, I commend the organizations of which the distinguished Senator from Utah (Mr. Moss) has just spoken. They are organizations in the finest sense of Americanism. They are composed of groups of people who accept as fact that liberty requires them to take responsibility for their own lives. They are doing effective work, as the Senator from Utah says, and they are doing it with private, charitable contributions, not with Government moneys.

Mr. President, there is an old adage, the truth of which no rational man will dispute, "Whose bread I eat, his songs I sing."

Mr. President, we should do something to encourage these private nonprofit organizations which depend upon funds from charitable-minded persons, and upon their own exertions, those who have the independence and liberty of action which recipients of money from the Federal Government do not have.

This bill would be destructive of the best work of organizations like those cited by the distinguished Senator from Utah (Mr. Moss). To provide those organizations with Federal funds would be to say, "Since you eat Federal bread, you must sing the Federal director's songs."

Mr. President, let us not make mendicants of these private nonprofit organizations, as this bill attempts to do. Let them operate not as agencies of the Federal Government but as private nonprofit organizations. Let us not have the Federal Government, as I say, subsidize economic, legislative, and legal warfare against the States of the Union.

The people of the States who send Senators and Representatives to Congress have enough intelligence to operate their own affairs as individuals or as nonprofit organizations without dictation from the Federal Government.

One of the queer things I cannot comprehend is that so many Senators and Representatives come to Washington and immediately reach the conclusion that the people who sent them here do not have enough sense or enough interest to manage their own affairs but have to operate as subsidized agents of the Federal Government.

I appeal to the Senate to adopt my amendment and not make these private charitable organizations, which are now doing such effective work, obedient and subservient to the Federal Government, especially the director.

Mr. JAVITS. Mr. President, this particular title of the bill is my own. I introduced the original legislation to provide for consumer protection grants to public agencies. I had in mind especially my own work as Attorney General of the State of New York, and of course, that of my successor, the present attorney general of the State of New York, Louis Lefkowitz who has been exemplary in this field. He has a fantastic reputation precisely for his work on consumer protection. The provision which the Senator from North Carolina in his amendment seeks to reach nonprofit organizations. It came about because of the testimony we had in hearings and the feeling that the nonprofit agencies ought to be included for two purposes—first, to supplement the work that could be done in individual States, and second, to be available in the event a State fell down or did not submit a plan or its plan did not work out satisfactorily.

It will be noted that section 305, which is the operative part of this particular proposition on page 33, referring to the funds which will be available, reads as follows:

> Not to exceed 15 percentum of such funds shall be available for grants to local public agencies and private nonprofit organizations for consumer protection programs not included in State plans.

That would then indicate that this is not a public-State plan operating.

The next sentence deals with the situation that exists until a State has submitted a plan or, if the State fails to carry out a plan. Then the director may make grants directly to local public agencies and nonprofit private organizations.

I point out that when a State does so, the State may completely preempt the field. That is why I found myself in agreement with this benefit which was grafted on to the fundamental title which I authored and felt very deeply about. I am glad that the Senator from

North Carolina feels so deeply about it that he does not want the nonprofit private organizations in it at all.

My rationale in agreeing to this addition was that if there was an area of consumer protection excluded from State plans—for instance in a very small town or in a rural area, perhaps coterminus with some farm marketing area that had no consumer protection plans—I could see no reason why the nonprofits could not fit in there.

Second, if the State is slow in putting in a plan, as many States may be, or if a State merely attempts to block a local or nonprofit private agency by putting in a comprehensive plan and by half-heartedly carrying out its plan of operation, the nonprofit and local public agencies ought to be admitted.

Next, and very importantly, this is not a mandate. The director may or may not use this 15 percent for this purpose. The language of the law states that "not to exceed 15 percent of such funds shall be available."

Further down where we deal with the power of the State to put in a plan or to operate its plan well, the operative language is that the director may make grants. So, we have complete jurisdiction.

Finally, it says 50–50 matching. This is not strictly a grant program without matching.

I feel that the mover of the amendment, the Senator from North Carolina, is obviously very interested in States' rights as well as State opportunities. I think, however, that the scheme of legislation does not mandate any grants to nonprofit agencies nor even require them in the contingencies set forth in the bill itself. It is only if the State has no plan or if the State falls down in the plan or is slow in submitting a plan. Considering the State has the complete opportunity to block out any other grants to public agencies within its own area of jurisdiction or to nonprofits by moving promptly with a major plan and covering the whole field, it seems to me that the permissiveness we have introduced by way of the cost sharing formula and other requirements as to what a nonprofit or local public agency must contain, the scheme of legislation holds together.

If it will be of any assistance—and I think that perhaps it will be—I would like to ask the manager of the bill whether in his view, as in mine, we are not, as it were, extending an invitation mandating nonprofit agencies to come in or in any way limiting the jurisdiction of the director of this agency—but we are trying to provide for the following contingencies:

First, if a State is slow in submitting a plan;

Second, if the coverage of the plan does not include areas which the director thinks should be covered; and

Third, if a State falls down in the plan, either in whole or in any area.

In those instances, we wish to give the director the opportunity to use the nonprofit or State agencies.

Mr. RIBICOFF. Mr. President, the Senator from New York has stated the situation correctly. We were contemplating a situation where there would not be coverage throughout the country, or where a State were slow in formulating a plan or if a State agency did not exist. There is no reason why people living in those areas should be denied the benefits of consumer protection by private, nonprofit organizations.

I assume that the director himself is not going to give these grants to any fly-by-night organization, but will only supply them to organizations with strong, local support.

Mr. JAVITS. Mr. President, there might be some who fear that the whole 15 percent would be turned over to Nader's raiders or some who have the desire and feeling that this is a matter of local administration.

What we are trying to do is to provide for regional and indigenously local opportunities of this character.

That is the way I feel. I wonder if the manager of the bill would make that clear.

Mr. RIBICOFF. Mr. President, what we have in mind is that these nonprofit organizations will be local or statewide. I do not contemplate that national organizations will receive Federal funds.

Mr. JAVITS. Mr. President, I thank the Senator. That certainly ties it down for any director. I am hopeful that on those grounds the Senate may see fit to agree to maintain what the Senator from Connecticut and I have emphasized to be the very delicate balance of this bill.

Mr. ERVIN. Mr. President, at the top of page 33, section 305 of the bill, it says:

> Not to exceed 15 per centum of such funds—

That is the funds allocated for grants in section 302—

> shall be available for grants to local public agencies and private nonprofit organizations for consumer protection programs not included in State plans.

So these funds are not for organizations where the State fails to take action, but they are available directly from the Federal Government.

In other words, the Federal Government, in effect, reserves the right under this provision to make plans of its own as to 15 percent of this money.

I respectfully submit that for reasons of policy, for reasons of wisdom, and for reasons of constitutional law, the Senate should agree to my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from North Carolina (Mr. ERVIN). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I also announce that the Senator from Arkansas (Mr. MCCLELLAN) is absent because of a death in his family.

I further announce that, if present and voting, the Senator from Arkansas (Mr. MCCLELLAN) would vote "yea."

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from Texas would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 26, nays 53, as follows:

[No. 405 Leg.]

YEAS—26

Allen	Ellender	Hruska
Allott	Ervin	Jordan, N.C.
Anderson	Fannin	Jordan, Idaho
Baker	Gore	Long
Byrd, Va.	Griffin	Sparkman
Cook	Gurney	Talmadge
Cooper	Hansen	Williams, Del.
Curtis	Holland	Young, N. Dak.
Dole	Hollings	

NAYS—53

Aiken	Jackson	Pastore
Bible	Javits	Pearson
Boggs	Kennedy	Percy
Brooke	Magnuson	Prouty
Burdick	Mansfield	Proxmire
Byrd, W. Va.	Mathias	Randolph
Cannon	McCarthy	Ribicoff
Case	McGee	Saxbe
Cotton	McGovern	Schweiker
Cranston	McIntyre	Scott
Fong	Metcalf	Smith
Fulbright	Miller	Spong
Goodell	Mondale	Stevenson
Harris	Moss	Symington
Hart	Murphy	Williams, N.J.
Hatfield	Muskie	Yarborough
Hughes	Nelson	Young, Ohio
Inouye	Packwood	

NOT VOTING—21

Bayh	Eastland	Pell
Bellmon	Goldwater	Russell
Bennett	Gravel	Stennis
Church	Hartke	Stevens
Dodd	McClellan	Thurmond
Dominick	Montoya	Tower
Eagleton	Mundt	Tydings

So Mr. ERVIN's amendment was rejected.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2224) to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 8470) for the relief of Capt. Jackie D. Burgess.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 14213) to amend sections 5580 and 5581 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 18515) making appropriations for the Department of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FLOOD, Mr. NATCHER, Mr. SMITH of Iowa, Mr. HULL, Mr. CASEY, Mr. MAHON, Mr. MICHEL, Mr. SHRIVER, Mrs. REID of Illinois, and Mr. BOW were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 1403) to provide an additional temporary extension of the Federal Housing Administration's insurance authority, and it was signed by the Acting President pro tempore (Mr. ALLEN).

CONSUMER PROTECTION ORGANIZATION ACT OF 1970

The Senate continued with the consideration of the bill (S. 4459) to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Protection Agency, in order to protect and serve the interests of consumers, and for other purposes.

Mr. ERVIN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. ERVIN. Mr. President, I ask unanimous consent that the amendment be printed in the RECORD at this point, and that further reading be omitted, and that I be permitted to explain it very briefly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN's amendment is as follows:

On page 32, beginning with line 23, strike out down through line 12 on page 33, and insert in lieu thereof the following:

"DIRECT FUNDING

"SEC. 305. Funds allocated pursuant to the first sentence of section 302 shall be available for grants to States which have adopted State plans in accordance with section 306 of this title. Until a State has submitted a State plan and the Director has approved such a plan, or upon the failure of the State to carry out such a plan according to the terms and conditions specified in such plan, as approved, the Director may make grants in amounts not to exceed 15 per centum of such funds directly to local public agencies for consumer protection programs within such State for the purposes set forth in section 304 of this title. Upon the failure of the State or of the local public agencies to carry out an approved plan, the Director may make grants in amounts not to exceed 15 per centum of such funds to nonprofit private organizations within such State for the purposes set forth in section 304 of this title."

Mr. ERVIN. Mr. President, the effect of the amendment would be simply this: It would provide that all of the funds allocated as grants under section 304 would be, in the first instance, allocated to the States, and that none of them could be allocated to local subdivisions or to nonprofit organizations unless the State failed to submit a plan which met with the director's approval, or the State failed to carry out the terms of a plan which had been submitted to the director and approved by him, in which event 15 percent of the funds could be allocated to local subdivisions of government or to nonprofit organizations.

I am willing to base my case for this amendment on that statement, and consent to a voice vote.

Mr. RIBICOFF. Mr. President, the basic objection to this amendment is the same as for the prior amendment: We believe there is a basic role for private, nonprofit organizations. This proposal would restrict them to a great extent, and I oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment was rejected.

Mr. MOSS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 20, line 9, insert the following sentence after the period. "Any investigation, survey, or research project undertaken pursuant to this section and which has been referred to the Office of Management and Budget, shall be acted upon within 90 days by the Office of Management and Budget, and appropriate notice be given to the Director of the agency."

Mr. MOSS. Mr. President, I shall be very brief. I think the purpose of the amendment is perfectly clear on its face. This is simply a requirement that when an investigation, survey, or research project has been referred to the Office of Management and Budget, there shall be action taken on it within 90 days, and the consumer agency informed of what the action is.

We had some debate earlier on this subject, and concern was expressed that perhaps matters might become buried on referral, and therefore we would not be able to get action in the agency. This rather simple amendment simply says the Office of Management and Budget has to act within 90 days. It does not say how they act; they can reject it or approve it, but something must be done within 90 days.

I think that is perfectly reasonable, and therefore I would hope the amendment could be accepted by the manager of the bill.

Mr. RIBICOFF. Mr. President, the amendment offered by the Senator from Utah is very appealing, and I feel that the Office of Management and Budget should not sit on any questionnaire, but, to be frank with the Senate, this bill was arrived at after many months of negotiation with the executive branch and the Republican and Democratic members of the Committee on Government Operations and the Committee on Commerce. We tried to draft a bill which would be a good bill and a fair bill, and a bill that could have the overwhelming support, not only of the committees, but of the Members of this body.

Under the circumstances, I am constrained to oppose the amendment, to live up to my agreement with the members of the Committee, who have worked so hard on the bill to try to put it across. We have resisted many changes from the White House itself that would have been basic changes in this bill. The Republican members of the Committee on Commerce and the Committee on Government Operations also resisted such requests.

We tried to get a balanced bill and a good bill, and I believe we have achieved such a bill.

Under the circumstances, while I find that there is much to recommend the proposal of the Senator from Utah, I cannot accept it and I must oppose his proposal.

Mr. JAVITS. Mr. President, I think that the Senator from Connecticut has certainly stated a very honorable and accurate position. The reason why this does disturb the balance of the bill—and I am sorry to sound so hackneyed about it, but this is what it is all about—is as follows: We have tried to avoid carving this Agency out as a special one apart from government, one that would have super power over other agencies. We dealt with that with respect to the amendment of the Senator from Washington (Mr. MAGNUSON). This is very much the same type of proposal. The fact is that, with respect to other agencies, the Office of Management and Budget is not similarly restricted in terms of time. This amendment would so restrict it with respect to this Agency, and therefore, if

we acted affirmatively on this amendment, this Agency would be carved out as a special case.

I point out that the basic provision we are talking about is coordination of Federal reporting services, which is the subject of section 139 of title 5 of the United States Code. I ask unanimous consent that that section be printed in the RECORD at this point.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

COORDINATION OF FEDERAL REPORTING SERVICES

§ 139. Declaration of Congressional policy.

It is declared to be the policy of the Congress that information which may be needed by the various Federal agencies should be obtained with a minimum burden upon business enterprises (especially small business enterprises) and other persons required to furnish such information, and at a minimum cost to the Government, that all unnecessary duplication of efforts in obtaining such information through the use of reports, questionnaires, and other such methods should be eliminated as rapidly as practicable; and that information collected and tabulated by any Federal agency should insofar as is expedient be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public. (Dec. 24, 1942, ch. 811. § 2, 56 Stat. 1078.)

SHORT TITLE

Section 1 of act Dec. 24, 1942, provided that: "This Act [which enacted sections 139–139f of this title] may be cited as the 'Federal Reports Act of 1942'."

APPROPRIATIONS

Section 9 of act Dec. 24, 1942, provided: "There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act (sections 139–139f of this title)."

§ 139a. Collection of information.

(a) Duties of Director of the Bureau of the Budget.—With a view to carrying out the policy of sections 139–139f of this title, the Director of the Bureau of the Budget (hereinafter referred to as the "Director") is directed from time to time (1) to investigate the needs of the various Federal agencies for information from business enterprises, from other persons, and from other Federal agencies; (2) to investigate the methods used by such agencies in obtaining such information; and (3) to coordinate as rapidly as possible the information-collecting services of all such agencies with a view to reducing the cost to the Government of obtaining such information and minimizing the burden upon business enterprises and other persons, and utilizing, as far as practicable, the continuing organization, files of information and existing facilities of the established Federal departments and independent agencies.

(b) Designation of central collection agency.—If, after any such investigation, the Director is of the opinion that the needs of two or more Federal agencies for information from business enterprises and other persons will be adequately served by a single collecting agency, he shall fix a time and place for a hearing at which the agencies concerned and any other interested persons shall have an opportunity to present their views. After such hearing, the Director may issue an order designating a collecting agency to obtain such information for any two or more of the agencies concerned, and prescribing (with reference to the collection of such information) the duties and functions of the collecting agency so designated and the Federal agencies for which it is to act as agent. Any such order may be modified from time to time by the Director as circumstances may require, but no such modifications shall be made except after investigation and hearing as hereinbefore provided.

(c) Independent collection by an agency as prohibited.—While any such order or modified order is in effect, no Federal agency covered by such order shall obtain for itself any information which it is the duty of the collecting agency designated by such order to obtain.

(d) Determination for necessity of information; hearing.—Upon the request of any party having a substantial interest, or upon his own motion, the Director is authorized within his discretion to make a determination as to whether or not the collection of any information by any Federal agency is necessary for the proper performance of the functions of such agency or for any other proper purpose. Before making any such determination, the Director may, within his discretion, give to such agency and to other interested persons an adequate opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines the collection of such information by such agency is unnecessary, either because it is not needed for the proper performance of the functions of such agency or because it can be obtained from another Federal agency or for any other reason, such agency shall not thereafter engage in the collection of such information.

(e) Cooperation of agencies in making information available.—For the purposes of sections 139–139f of this title, the Director is authorized to require any Federal agency to make available to any other Federal agency any information which it has obtained from any person after December 24, 1942, and all such agencies are directed to cooperate to the fullest practicable extent at all times in making such information available to other such agencies: *Provided*, That the provisions of sections 139–139f of this title shall not apply to the obtaining or releasing of information by the Internal Revenue Service, the Comptroller of the Currency, the Bureau of the Public Debt, the Bureau of Accounts, and the Division of Foreign Funds Control of the Treasury Department: *Provided further*, That the provisions of sections 139–139f of this title shall not apply to the obtaining by any Federal bank supervisory agency of reports and information from banks as provided or authorized by law and in the proper performance of such agency's functions in its supervisory capacity. (Dec. 24, 1942, ch. 811, § 3, 56 Stat. 1078.)

CHANGE OF NAME

The official title of the Bureau of Internal Revenue was changed to the Internal Revenue Service by Treas. Dept. Order 150–29, eff. July 9, 1953.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in note under section 241 of this title. The Internal Revenue Service, the Bureau of the Public Debt, the Bureau of Accounts, and the Division of Foreign Funds Control, referred to in subsection (e) of this section, are all units within the Treasury Department, and the Comptroller of the Currency, also referred to in that subsection, is an officer of such Department, but the Plan excepted, from the transfer, any function vested by law in the Comptroller of the Currency.

§ 139b. Unlawful disclosure of information; penalties; release of information to other agencies.

(a) In the event that any information obtained in confidence by a Federal agency is released by that agency to another Federal agency, all the provisions of law (including penalties) which relate to the unlawful disclosure of any such information shall apply to the officers and employees of the agency to which such information is released to the same extent and in the same manner as such provisions apply to the officers and employees of the agency which originally obtained such information; and the officers and employees of the agency to which the information is released shall in addition be subject to the same provisions of law (including penalties) relating to the unlawful disclosure of such information as if the information had been collected directly by such agency.

(b) Information obtained by a Federal agency from any person or persons may, pursuant to sections 139—139f of this title, be released to any other Federal agency only if (1) the information shall be released in the form of statistical totals or summaries; or (2) the information as supplied by persons to a Federal agency shall not, at the time of collection, have been declared by that agency or by any superior authority to be confidential; or (3) the persons supplying the information shall consent to the release of it to a second agency by the agency to which the information was originally supplied; or (4) the Federal agency to which another Federal agency shall release the information has authority to collect the information itself and such authority is supported by legal provision for criminal penalties against persons failing to supply such information. (Dec. 24, 1942, ch. 811, § 4, 56 Stat. 1079.)

§ 139c. Plans or forms for collecting information; submission to Director; approval.

No Federal agency shall conduct or sponsor the collection of information, upon identical items, from ten to—so in original—more persons (other than Federal employees considered as such) unless, in advance of adoption or revision of any plans or forms to be used in such collection,

(a) The agency shall have submitted to the Director such plans or forms, together with copies of such pertinent regulations and other related materials as the Director shall specify; and

(b) The Director shall have stated that he does not disapprove the proposed collection of information. (Dec. 24, 1942, ch. 811. § 5, 56 Stat. 1079.)

§ 139d. Rules and regulations.

The Director is authorized to make such rules and regulations as may be necessary to carry out the provisions of sections 139—139f of this title. (Dec. 24, 1942, ch. 811, § 6, 56 Stat. 1079.)

§ 139e. Definitions.

As used in sections 139—139f of this title—

(a) The term "Federal agency" means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government; but such terms shall not include the General Accounting Office nor the governments of the District of Columbia and of the Territories and possessions of the United States, and the various subdivisions of such governments.

(b) The term "person" means any individual, partnership, association, corporation, business trust, or legal representative, any organized group of persons, any State or Territorial government or branch thereof, or any political subdivision of any State or Territory or any branch of any such political subdivision.

(c) The term "information" means facts obtained or solicited by the use of written report forms, application forms, schedules, questionnaires, or other similar methods calling either (1) for answers to identical questions from ten or more persons other than[1] agencies, instrumentalities, or employees of the United States or (2) for answers to questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest. (Dec. 24, 1942, ch. 811, § 7, 56 Stat. 1079.)

CROSS REFERENCES

Definition of Federal agency in connection with printing of the Federal Register, see section 304 of Title 44, Public Printing and Documents.

§ 139f. Penalty for failure to furnish information.

Any person failing to furnish information required by any such agency shall be subject to such penalties as are specifically prescribed by law, and no other penalty shall be imposed either by way of fine or imprisonment or by the withdrawal or denial of any right, privilege, priority, allotment, or immunity, except when the right, privilege, priority, allotment, or immunity, is legally conditioned on facts which would be revealed by the information requested. (Dec. 24, 1942, ch. 811, § 8, 56 Stat. 1080.)

Mr. JAVITS. That section says:

It is declared to be the policy of the Congress that information which may be needed by the various Federal agencies should be obtained with a minimum burden upon business enterprises (especially small business enterprises) and other persons required to furnish such information, and at a minimum cost to the Government, that all unnecessary duplication of efforts in obtaining such information through the use of reports, questionnaires, and other such methods should be eliminated as rapidly as practicable; and that information collected and tabulated by any Federal agency should insofar as is expedient be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

Then there are various duties which are assigned thereafter with respect to this matter.

So it is not because the Senator from Connecticut and I have a profound feeling that the Senator from Utah is trying to do anything that he should not do, or anything like that, but solely because we are trying to work out a bill which establishes a new agency and to keep, as far as we humanly can, the consistency of that agency with the agency structure of the Government.

The Senator knows, to be very realistic about it, that by the exercise of authority of congressional committees, including any upon which he himself serves, practically any committee around here can reach any department or any director that it wants to. By the utilization of the Senate floor and by our own political influence no matter who is President, we can obtain pretty active redress, especially against someone who is making a decision.

I believe it is unnecessary to make this a unique proposition, which this amendment, if adopted, would make it; so I hope very much that the Senate will go along with the manager of the bill and me, who are trying very hard to accomplish this great reform which the country, I feel, needs and wants, and at the same time not put people in fear of it because we are carving out this agency for unique treatment in respect of normal agency procedures.

For that reason, I hope the amendment will be rejected.

Mr. COTTON. Mr. President, I just want to take 2 minutes in regard to this amendment. Reference has been made several times during this debate to an agreement between members of the Committee on Commerce and members of the Committee on Government Operations. I just want to clarify that statement. It has been repeated so often that someone might think there was some deal here or something sub rosa. Such is not the case.

This bill was reported originally by the Committee on Government Operations and was referred to the Committee on Commerce, which has jurisdiction over several parts of the bill.

Frankly, the form in which the bill first came to us was deemed unacceptable to the administration. It was framed in rather broad terms in the name of the "consumer"—a magical word which we all appreciate. Nevertheless, it did what this Senator would term some rather objectionable things.

In the Committee on Commerce, with the able assistance of both the majority and minority staffs, the bill was examined carefully. I compliment our Commerce Committee chairman, Senator MAGNUSON, and my colleagues on both sides of that committee, of which the distinguished Senator from Utah (Mr. Moss) and the distinguished Senator from Michigan (Mr. HART) are members, for the thorough consideration given this measure. As a result of our deliberations, we adopted more than 30 amendments.

In the opinion of the Senator from New Hampshire, those amendments removed 95 percent of the bill's objectionable features. These features were objectionable because they would have created a superagency that could have invaded and could have curtailed the powers left the President of the United States.

The Senator from Utah (Mr. Moss), I have no doubt, presents the pending amendment in good faith. It is not a catastrophic amendment, by any means. Yet, it has a certain significance, which I want to discuss.

In the opinion of this Senator, one of the principal shortcomings in S. 4459 as referred to our committee was that the Agency could obligate the United States for money without regard to section 529 of title 31, United States Code. That section provides that agencies and the departments of Government cannot obligate funds and contract obligations and debts unless those funds have been appropriated by Congress. Therefore, this proposed Agency could have bypassed Congress and its Appropriation Committees. This was remedied by striking out the reference to the section in the United States Code and by putting in the words "subject to appropriation acts." This Agency, as every other agency, must now go to Congress for its appropriation, which is as it should be.

We went further. The original bill also would have allowed this Agency to transfer funds to other Federal agencies at the will of its Director. We accordingly curtailed this provision which would have permitted the unhindered and unhampered transfer of funds. That is one other respect in which this bill was carefully revised by our Committee on Commerce.

I do want to commend the distinguished Senator from Connecticut (Mr. RIBICOFF), the distinguished Senator from New York (Mr. JAVITS), and the distinguished Senator from Illinois (Mr. PERCY), who now occupies the chair, concerning their efforts on this bill.

These Senators were more anxious to get a bill which was reasonable, sensible, and logical. I am sure they did not wish to simply pass something that either would be vetoed or would not go through both Houses. This would be self-defeating. Accordingly, they very reasonably sat down with Senator MAGNUSON and myself and others, went over these Commerce Committee amendments, and agreed to accept them all. I express my appreciation—and I know that I express the appreciation of many members of our committee—for their willingness to follow the legislative process by trying to come up with something constructive for which every Member of the Senate can vote. Therefore, if there was any agreement or any deal, it was simply a commendable legislative working relationship between our committees. I personally think the resulting revisions were constructive and contributed to making it a better bill.

The administration is not entirely satisfied. Let me make that point perfectly clear. A couple of things in this bill still are objectionable. But I would hope our Commerce Committee amendments may serve to make the bill more acceptable.

If there was any agreement, then it was between some of us on the Commerce Committee—I do not undertake to speak for all my colleagues—and the managers of the bill. Certain of us did agree that if we could keep the bill in its present form, or nearly so, then in view of earlier careful consideration we would try to resist floor amendments either to expand its scope as the able Senator from Michigan (Mr. HART) sought to do, or perhaps to limit it as the very able Senator from North Carolina (Mr. ERVIN) desired to do.

We do not say that no "i's" should be dotted or "t's" crossed. But, we do think that on balance we have a reasonable, safe, and effective bill.

The pending amendment is practically the same as amendment No. 1086, submitted by the Senator from Michigan (Mr. HART), which the Senate has already rejected. Also, it represents an entering wedge. There are two ways, and only two ways, in which the budget and the expenditures of the United States can be controlled. One is by Congress and its appropriations committees; the other, by the President through the Office of Management and Budget. As for the first—the Congress—I, for one, am not very happy that under both President Johnson and under President Nixon

[1] So in original.

we have been adopting resolutions directing the President to cut the budget. It is our job to cut the budget. That is one way we in Congress can regain control of the expenditures in this country.

As for the second way, the President must be able to do so without impairment through the Bureau of the Budget, now called the Office of Management and Budget. It is the successor of the old Bureau of the Budget by virtue of reorganization.

There is nothing terribly wrong about this amendment, except it would be an entering wedge to encroach upon the President's powers. It would curtail and say to the Office of Management and Budget, "We give you 90 days to act on anything that this particular agency desires and if you do not, we will go ahead without you."

Personally, I feel very strongly that when we start to try to tie the hands of the President, even by a rather mild beginning such as this, through limitations on the Office of Management and Budget to control the budget, then it is similar to the situation when we start to bypass the Appropriations Committees of the Congress. We are entering upon dangerous ground.

For these reasons, Mr. President, I feel very strongly that the Senate should reject the pending amendment.

Mr. MOSS. Mr. President, it seems to me that the Senator from New Hampshire has said it well when he said that the Office of Management and Budget is the same old Bureau of the Budget with which we have been dealing for a long time now. It also seems to me that the Senate, having decided, indeed, that the Director of the Consumer Council must submit a request to the Budget Bureau when he wants to make a research project, or survey, or an investigation into a consumer matter, that he should be able to count on getting an answer.

My goodness, 90 days is a quarter of a year. Surely the Budget Bureau would have time to make a report and say yes or no. That is all my amendment is in substance. In 90 days the Bureau of the Budget would come back with an answer.

Rather than finding this to be an opening wedge or some kind of sinister plot, I sort of wish that we had this time requirement as a general proposition because we know we ask for many things from the Budget Bureau without getting a definitive answer.

Mr. President, I believe that adoption of my amendment would improve this legislation. We are trying to get a consumer agency to make its investigations and surveys on consumer problems; therefore, it should be able to make them and not have them smothered or left to die in another part of the Government which is, in this case, the Budget Bureau.

I would think that 90 days is certainly an adequate time.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. PERCY). The question is on agreeing to the amendment of the Senator from Utah (Mr. Moss).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I also announce that the Senator from Arkansas (Mr. MCCLELLAN) is absent because of a death in his family.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 28, nays 49, as follows:

[No. 406 Leg.]

YEAS—28

Burdick	Jackson	Pastore
Cranston	Kennedy	Proxmire
Fulbright	Magnuson	Stevenson
Goodell	Mansfield	Symington
Gore	McGovern	Tydings
Harris	Metcalf	Williams, N.J.
Hart	Mondale	Yarborough
Hollings	Moss	Young, Ohio
Hughes	Muskie	
Inouye	Nelson	

NAYS—49

Aiken	Ellender	Packwood
Allen	Ervin	Pearson
Allott	Fannin	Percy
Anderson	Fong	Prouty
Baker	Griffin	Randolph
Bible	Gurney	Ribicoff
Boggs	Hansen	Saxbe
Brooke	Hatfield	Schweiker
Byrd, Va.	Holland	Scott
Byrd, W. Va.	Hruska	Smith
Cannon	Javits	Sparkman
Case	Jordan, N.C.	Spong
Cook	Jordan, Idaho	Talmadge
Cooper	Mathias	Williams, Del.
Cotton	McIntyre	Young, N. Dak.
Curtis	Miller	
Dole	Murphy	

NOT VOTING—23

Bayh	Goldwater	Mundt
Bellmon	Gravel	Pell
Bennett	Hartke	Russell
Church	Long	Stennis
Dodd	McCarthy	Stevens
Dominick	McClellan	Thurmond
Eagleton	McGee	Tower
Eastland	Montoya	

So Mr. Moss' amendment was rejected.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. RIBICOFF. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, there can be no doubt that the time has come for more effective protection of the American consumer.

The original relationship between buyer and seller has been dramatically altered. Once, the owner of a business was the man behind the counter. He could advise the customer on price and quality, and he knew that in his advice his reputation and often a friendship were at stake.

But the marketplace has greatly changed since those days. The consumer is now faced with a multitude of products, developed to meet the increasingly complex needs of the consumer. Often, these products cannot be judged by appearances, and the buyer has no one to inform him of its features, safety, or performance potential.

With our society becoming more impersonal, and with rapidly developing technology, industrialization, and specialization, the American consumer has gradually lost the power of his dollar vote. Sophisticated advertising and merchandising techniques, including motivational research, have effectively rendered him more and more helpless in the marketplace.

And the belief that consumers are taken advantage of primarily by fly-by-night operators is pure mythology.

It is becoming clear that America's blue-chip corporations must share the guilt for producing shoddy merchandise and hazardous products.

An example is the area of automobile safety. Americans had to wait more than 50 years before legislation was enacted to protect them from murderous defective parts in automobiles, by establishing recall procedures. Here the manufacturers are some of the largest and most respected companies in the United States. As in the case of environmental pollution, it is difficult to isolate villains in our vast, interrelated economic system.

No reputable company wants to produce inferior merchandise, but through oversight of some kind or other, it happens. No company wants to destroy the quality of the world in which we live, but through oversight, it happens.

Since the consumer no longer has effective controls over this kind of oversight, he needs a type of protection that our society, under its present organization, is not prepared to give him.

With the concept in mind that society has a responsibility toward the con-

sumer, I introduced a bill almost 2 years ago to create a single, coordinating Department of Consumer Affairs in the executive branch of the Government.

The legislation, S. 860, was studied by the Committee on Government Operations, and along with at least eight other bills, formed a basis for the consumer protection bill now pending, S. 4459.

A major provision of my bill, unifying policy and programs for consumer protection within a single coordinated body, is a feature of the present bill.

A single agency is vital because much of the existing consumer legislation is being administered by old-line Government agencies which have not been responsible to the best interests of consumers. Many of the existing regulatory agencies are too often burdened with controversies between regulated competitors, and complaints raised by the ordinary taxpayer end up with the lowest priority.

Over the years, the main responsibility of many agencies has become the negotiation of differences between the businesses and industries that they regulate with the consumer's interests rarely, if ever, represented.

The pending legislation, as was proposed in my bill, would enable the consumer protection body to speak out in matters before the various regulatory agencies that do in fact affect the American consumer.

As in the consumer department bill, section 203 of S. 4459 provides that the agency will represent consumer interests before the Federal agencies and before the courts.

Unfortunately, proposals for product testing, under an Institute for Consumer Research, were not included in the new legislation, as it was reported out of the Commerce Committee.

The consumer protection bill which has resulted from diligent efforts extending at least as far back as Senator KEFAUVER'S work in 1959 is an attempt to provide the consumer with a more effective voice in the marketplace. It is a result of many compromises during its legislative history, and it is probably imperfect from the standpoint of the consumer, the businessman and the legislator.

In its present form, some major weaknesses of the bill are that the proposed Consumer Protection Agency will be overly dependent on the Administration, which is under pressure from industry and nonconsumer oriented interest groups, and that its powers in the court are too limited.

Senator PHILIP HART has presented a package of amendments addressed to these particular problems. The first, No. 1084, would allow the top officials of the agency to be appointed by the President and the majority leaders of both Houses of Congress. None of the terms would be coterminus with that of the President.

Another amendment would remove the Agency from the executive control exercised through the Bureau of Management and Budget and allow its budget request to come directly to Congress.

A third provision would give the Agency standing under law, enabling it to initiate lawsuits on behalf of the consumer.

The provisions of the six amendments would add teeth to the consumer legislation, enabling it to better represent the individual consumer. Senator HART'S proposals would significantly strengthen this legislation, and I urge my colleagues to join me in voting for their passage.

Mr. MATHIAS. Mr. President, the American marketplace has changed dramatically over the past few decades. There was a time when consumers frequently purchased goods and services from individual proprietors with whom they were personally acquainted. One knew that a quart of milk was fresh because he knew the farmer, if not the cow herself. One knew that a malfunction in a handicraft product would be promptly and adequately remedied because he had grown up and gone to school with the blacksmith or carpenter who made and sold it.

But the marketplace is becoming less personal, a trend which is not likely to be reversed. The steer born in the Southwest goes to a feedlot in the Corn Belt and becomes a carcass in Chicago before it is sold on a meat counter on the Atlantic coast. Within a few years, for example, it is predicted that food will be purchased in warehouse-like facilities where prices will be "read" by optical scanners and charges will be computed automatically. Not even the vestigial remainder of the old general storekeeper—the cashier or carryout clerk—may remain to deal with the customer. Childhood friendship as a means of securing satisfactory services has been supplanted by legalistic warranties incomprehensible to the layman. Determining a product's freshness often requires cryptographic skill likewise beyond the reach of most buyers. And who has not thought of studying Fortran so he can converse with the computers necessitated by the magnitude of present-day credit operations?

The cornerstone of a free market economy is the informed choice of the individual consumer. The Malthusian mushrooming of marketplace complexity threatens, however, to displace that principle. Adam Smith's "invisible hand" now subsumes an amalgamation of decisions by consumers who are often overwhelmed by confusing and conflicting claims. Rational choice by the buyer has become incredibly difficult. We should not force a householder to use a slide rule to make elementary comparison of prices per unit.

Government has, of course, taken some steps to ameliorate these problems. Thirty-eight States have some form of consumer affairs office. There are at least 34 Federal departments and agencies administering major consumer programs. Not surprisingly, coordination of these efforts has too often been lacking. And the agencies which make crucial decisions affecting consumers tend to hear only one voice on a consistent basis, that of the enterprises they regulate.

It is far from time, Mr. President, to replace the maxim caveat emptor with caveat venditor. Nor is it appropriate to merely curse the changing times. The American consumer today probably gets higher quality, lower priced, and more accurately labeled goods and services than any other in the world. But we have documentation from one of our colleagues of consumer losses through various kinds of deceptive practices totaling nearly $200 billion a year. The vast majority of American businesses operate fairly and honestly. They and the 200 million American consumers deserve a marketplace cleansed of the unscrupulous and the overreaching. Unless action is taken promptly to deal with the unethical few and to assist the vast ethical majority in American business, the festering resentment of consumer unhappiness will redound to the detriment of us all.

Consumer-oriented reforms have been initiated by individual concerns and trade organizations with vision ranging beyond today's profit-and-loss statement But it is time for the Federal Government to act decisively in concert with this enlightened point of view. As a member of the Government Operations Committee, I have been privileged to participate in the shaping of the pending order of business, the Consumer Protection Organization Act of 1970.

Reported unanimously by that committee, the bill would create a top-level Council of Consumer Advisers to the President. This three-man body would oversee and coordinate the consumer programs of the entire Federal Government. The Council would confer on consumer affairs the visibility and policy consistency it so richly deserves.

The bill would also create an independent Consumer Protection Agency, the Director of which would be a member of the Council of Consumer Advisers. The Agency would be vested with an essential advocacy function, representing the consumer interest where appropriate before Federal regulatory agencies and courts. It would receive and analyze individual consumer complaints and serve as a consumer-supplier liaison to encourage informal settlement of differences. The Agency would disseminate data necessary for wise purchasing decisions and would produce a Federal Consumer Register to serve as a basic, understandable consumer information text. It would conduct research and investigations to highlight the problems facing business and consumers and to suggest means for their solution.

Finally, the Agency would be empowered to administer a grant-in-aid program for State, local, and nonprofit private consumer protection programs.

The Consumer Protection Organization Act is the product of months of exhaustive committee hearings, debate, and consultation. It is designed to achieve this goal without undue interference with the legitimate and world-envied practices of almost all American businesses. And it is necessary to conform our marketplace to changing times and to forestall a massive consumer revolution which may otherwise force alteration of that marketplace beyond reason or recognition.

Mr. HARRIS. Mr. President, as a member of the Government Operations Committee and one who strongly believes

in the need for the establishment of a Federal agency to protect and serve as an advocate in the interests of American consumers, I am pleased to support S. 4459, the consumer protection bill. I commend the distinguished Senator from Connecticut (Mr. RIBICOFF) and members of his subcommittee for the very fine job which they did in drafting most of the bill we have before us today.

As has been stated by several of my colleagues on the committee, at least nine bills dealing with consumer protection were introduced in the Senate during the 91st Congress. Generally, these bills expressed, unequivocally, the need for coordination of consumer programs; representation in the interests of consumers; consumer information programs; and Federal assistance to State and local organizations working in the area of consumer protection.

Concerning the latter point, I might add that the committee determined that no Federal consumer protection program alone could adequately serve the needs of consumers and businessmen. As a result provisions were made for the funding of consumer programs at the State and local levels. Under the present bill governmental agencies and nonprofit private agencies would be eligible for funds on a participating basis by submitting their own plans—a prerequisite to receiving Federal funds. I am glad to see this provision in the bill for several reasons. First, it recognizes and establishes the fact that consumer protection is not and should not be the responsibility of the Federal Government alone. Second, it encourages action on the part of State and local governments and private nonprofit agencies and organizations. This is as it should be and I support the concept wholeheartedly.

Under title I of the bill a Council of Consumer Advisers would be created. The Council would be small and consist of three members, one of whom would be the director of the Consumer Protection Agency—CPA. All three members of the Council will be appointed by the President and would have the general responsibility of assisting the President in formulating policy.

Title II contains, perhaps, one of the more important provisions of the bill as it establishes the CPA and establishes the staff for the agency. The director will be appointed by the President with the advice and consent of the Senate. He would serve a 4-year term coterminous with the President. The President is also authorized to appoint five assistant directors of the CPA.

As I understand the bill, the CPA would not have regulatory or enforcement powers. Its mandate would be to represent consumer interests before Federal agencies and the courts; refer consumer complaints to appropriate agencies such as the Justice Department and the FTC; publish and disseminate information for consumers; conduct economic surveys and research; and provide financial assistance to State and local organizations. The CPA would also develop and promote consumer education programs and work with business in the promulgation and implementation of consumer protection activities.

Most importantly the Agency would function as an advocate in behalf of consumers. However, I had hoped that the agencies would have been permitted to initiate suits in the courts. This power is not granted the CPA as provided in S. 4459. This would have been a far more useful function and would, in my judgment, have minimized inevitable delays involved in the process of initiating suits in the courts.

On this matter, compromises were made as was true in other sections of the bill. As presently provided, however, I do not believe that the limitations placed on the Agency are restrictive enough to seriously impair the effectiveness of the CPA and the consumer interests which it will serve to protect.

Finally, Mr. President, let me say that the bill intends that the CPA be established as a reasonably independent agency, but not separated from the Government in its entirety. If the Agency is to serve effectively as an advocate of the consumer interests it must not be hamstrung by politics and other factors. Yet the committee sought not to create a supergovernmental agency. As I stated earlier, all of the major staff members will be appointed by the President with the advice and consent of the Senate. I might add that although the CPA may fall short of the proposals advanced in other bills introduced on this subject it was, nonetheless, agreed to by many proponents of consumer protection including Ralph Nader one of the foremost crusaders in this area.

Without question the interests of consumers have been neglected. Every day thousands of complaints are made about false and misleading products—some of which just recently were exposed and banned from the public market; many products do not function properly and repair services are inadequate. The distinguished senior Senator from Michigan (Mr. HART) reported that consumers are defrauded and cheated out of approximately $200 billion each year. This is incredible. The bill we have before us will do much to correct these scandalous and totally unacceptable conditions faced by millions of American consumers. Accordingly, I urge Senators to support the pending bill.

CONSUMERS NEED PROTECTION BY LAW

Mr. YARBOROUGH. Mr. President, I am pleased to support S. 4459 to establish a Council of Consumer Advisers in the Executive Office of the President and an independent Consumer Protection Agency. This bill gives formal legislative recognition to the principle that the buyer in the marketplace has a right to expect that the products he purchases will be of the highest quality and the highest standards of safety. It insures that this fundamental right will be protected by an official in the Executive Office of the President and by a permanent executive agency.

At present, consumer rights are protected by many agencies of Government and by a member of the President's personal staff who has no status in law.

I believe that the approach emphasized in this bill is far superior. It will create a single agency whose prime function is to protect consumer rights. This agency will have no other role and accordingly there will be no chance for conflicts of interest between buyers and sellers to develop within the agency.

In addition, the President's consumer adviser will be given permanent status in law. The functions, powers, and duties of this office will be clearly delineated. It cannot be eliminated nor its functions limited by the whim of a Chief Executive whose supporters' interests are not those of the American consumer.

For many years, we have abandoned the old concept of caveat emptor—"let the buyer beware." Instead, we have accepted the principle that the seller has an obligation not to cheat those to whom he sells by offering shoddy or unsafe merchandise. This bill will give substance to our good intentions. I urge its adoption.

Mr. ERVIN. Mr. President, I trust that I will not detain the Senate long. However, I do want the RECORD to show why I am going to vote against the bill on final passage.

The objectives of the bill are set forth in section 202 which is found on pages 9 through 11.

The section provides:

SEC. 202. It shall be the function of the Agency to—

(1) represent the interests of consumers in proceedings before Federal executive agencies and Federal courts in accordance with section 203 of this Act;

(2) make grants to States, localities, and nonprofit private organizations to encourage and assist consumer protection programs in accordance with title III of this Act in order to prevent consumer frauds.

Then, in subsection (8) it provides:

(8) after consultation with the United States Office of Education, encourage the adoption or expansion of consumer education programs at all education levels, including consumer adult education projects, and consumer counseling services and provide technical assistance to public agencies and private nonprofit organizations for such programs;

I do not wish to comment in detail upon the function of the Agency as set forth in subsection (8) but this is one of those few times where Congress undertakes to expressly provide that the Federal Government shall undertake to interfere with public education by encouragement in setting the curriculums for the public schools of this country. That is counter to the proper function of the Federal Government.

To return to subsection (1), I would like to call to the attention of the Senate that subsection (1) of section 202 is implemented by section 203, which appears on pages 11 through 16 of the bill. In the interest of time, I ask unanimous consent that section 203 of the bill be printed in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

REPRESENTATION OF CONSUMER INTERESTS BEFORE FEDERAL AGENCIES AND IN FEDERAL COURTS

SEC. 203. (a) The Director may request or petition for the initiation of any proceeding within the responsibility and authority of any Federal executive agency concerning any

matter which substantially affects the interests of consumers, but participation in such proceedings once initiated shall be in accordance with the provisions of this section.

(b) Whenever there is pending before any Federal executive agency any matter or proceeding not involving the internal operations of such agency, and the Director finds that the determination of such matter or proceeding is likely to affect substantially the interests of consumers within the United States, the Director shall be entitled as a matter of right to intervene, with respect to any issue affecting the interest of consumers, within the time limits specified in the rules and regulations of such agency, in such matter or proceeding as a party to represent the interests of consumers. Upon any such intervention, the Director shall present to such agency, in conformity with the rules of practice and procedure thereof, such evidence, briefs, and argument as he shall determine to be necessary for the effective protection of the interests of such consumers.

(c) Whenever—

(1) there is pending before any Federal executive agency any matter or proceeding, or

(2) there is pending before any court of the United States any matter or proceeding to which the United States or any Federal executive agency is a party, other than a proceeding to which subsection (d) is applicable,

and the Director finds the determination of such matter or proceeding is likely to affect substantially the interests of consumers within the United States, the Director upon his own motion, or upon written request made by the officer or employee of the United States or of such agency who is charged with the duty of presenting the case for the Federal executive agency in the matter or proceeding, may transmit to such officer or employee all evidence and information in the possession of the Agency relevant to that matter or proceeding, and whenever the Director takes a position on any consumer issue in whole or in substantial part adverse to or different from that of the Federal executive agency, he may, in the discretion of the Federal executive agency or the court, appear as amicus curiae and present written or oral argument to such agency or court on such issue.

(d) (1) Whenever—

(A) the Director finds that a final action of a Federal executive agency has or is likely to have a substantial adverse effect upon interests of consumers within the United States or of any group or class of such consumers and takes a position on any consumer issue in whole or in substantial part adverse to or different from that of the Federal executive agency;

(B) the Agency was an intervenor in such an action; and

(C) a right of review is otherwise accorded by law, the Director shall be entitled as a matter of right to bring a proceeding in the appropriate court of the United States to review such an action with respect to any such issue in order to represent the interests of consumers within the United States generally or any group or class of such consumers.

(2) Whenever—

(A) the Director finds that a final action of a Federal executive agency has or is likely to have a substantial adverse effect upon the interests of consumers within the United States or any group or class of such consumers and takes a position on any consumer issue in whole or in substantial part adverse to or different from that of the Federal executive agency;

(B) there is pending before any court of the United States any matter or proceeding involving the review of such an action; and

(C) the Agency was an intervenor in such action, the Director shall be entitled as a matter of right to intervene in such matter or proceedings with respect to any such issue as a party to represent the interests of consumers within the United States or of any group or class of such consumers.

(3) Whenever—

(A) the Director finds that a final action of a Federal executive agency has or is likely to have a substantial adverse effect upon the interests of consumers within the United States or of any group or class of such consumers, and takes a position on any issue in whole or in substantial part adverse to or different from that of the Federal executive agency; and

(B) the Agency was not an intervenor in any such action,

the Director may, at the discretion of the court, intervene as plaintiff or defendant or appear as amicus curiae in any proceeding brought to review such action with respect to any such issue in order to represent the interests of consumers within the United States or any group or class of such consumers.

(e) Under such regulations as he may prescribe, the Director may petition to initiate proceedings, seek leave to intervene or appear pursuant to subsection (b) (c), or (d) of this section, whichever is applicable, in any Federal executive agency proceeding upon a petition by a substantial number of citizens of the United States stating a cause of national significance requesting that he do so. Within sixty days after the receipt of the petition the Director shall notify the principal sponsors of the petition with respect to the action which he has taken. If the Director determines not to seek leave to intervene or appear the answer required by the preceding sentence shall include a clear and concise statement of his reasons therefor.

(f) Findings of the Director under subsections (b) (c), and (d) of this section shall be made in the exercise of his reasonable discretion, shall be in writing, and shall be available to the public.

(g) An officer or an employee of the Agency designated by the Director, for the purpose of this section, shall be entitled to enter an appearance before any Federal executive agency for the purpose of representing the Director in any proceeding pursuant to this section without compliance with any requirement for admission to practice before such agency.

(h) The Director is authorized, in any Federal executive agency proceeding to which he is a party, to request that Federal executive agency to issue on his behalf such orders, as authorized by the statutory authority of such agency, for the copying of documents, papers and records, summoning of witnesses, production of books and papers, and submission of information in writing as is relevant to the subject matter of the proceeding. The Federal executive agency to which such a request is made shall issue such discovery orders requested by the Director unless the Federal executive agency determines that the request for discovery is not relevant to the matter at issue, or is unnecessarily burdensome, or is not authorized by the agency's statutory powers.

Mr. ERVIN. Mr. President, in short, this section undertakes to establish a Consumer Agency to regulate the regulators. In other words, Congress created the Federal Communications Commission to regulate communications; it created the Interstate Commerce Commission to regulate railroads and bus lines; it created the Federal Trade Commission to regulate deceit and falsehood in advertising and the like, and to insure fair trade practices. It created a number of other agencies in the executive branch of Government to discharge specified functions of regulation.

Section 203 provides, in effect, that the newly created Agency has a right to tell all of the executive agencies of the Federal Government how it thinks they should discharge their functions. It gives this new Agency the right to interfere in every proceeding pending before any Federal regulatory body and to undertake to persuade the Commission that it should adopt policies contrary to those of the Commission. It provides that the new Agency can interfere in any lawsuit in any Federal court to which the Federal Government is a party, if it thinks that lawsuit affects any consumer interest of a substantial nature. It provides that when agencies set up by Congress to regulate specific areas of activity make a ruling, it can go to the courts and have that ruling reviewed.

In other words, we have a situation in which the taxpayer is going to have to finance both sides of a case in many instances. We have a situation where the right hand of the Federal Government can go before the regulatory bodies or the courts where the United States is a party and undertake to tell the left hand what to do. In other words, we have a regulator of the regulators. Mr. President, we will have chaos in the agencies, all in the name of the consumers. That, to my mind, is inconsistent with sound government at the Federal level.

Now, I wish to address myself to how subsection 2 of section 202 is to be implemented. This section provides:

It shall be the function of the agency to . . . (2) make grants to States, localities, and nonprofit private organizations to encourage and assist consumer protection programs in accordance with title III of this act in order to prevent consumer frauds.

This function is to be carried out in the manner set out in section 304, which is set forth on pages 30 through 33, and in section 307, which is set forth on pages 35 through 36. In the interest of time, I ask unanimous consent that section 304 and section 307 be printed in the RECORD.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

GRANTS FOR CONSUMER PROTECTION PROGRAMS

SEC. 304. The Director is authorized to make grants to pay the Federal share of the cost of consumer protection programs, which may include the following—

(1) the establishment or strengthening of a Consumer Protection Agency which, in the case of the establishment of such an agency, shall be located in such department or agency of the States as the chief executive or the legislature of the State determines;

(2) the establishment, operation, and expansion of programs to license, or otherwise regulate, household appliance repairmen, motor vehicle repairmen, and home improvement contractors in order to provide improved consumer protection, including protection against—

(A) false advertising;

(B) failure to peform the work or service as advertised;

(C) performing unnecessary and unrequested work or services;

(D) failure to perform work or services as represented to the consumer and for which the consumer was billed;

(3) the establishment, operation, and ex-

pansion of programs requiring credit reporting agencies to adopt reasonable procedures for meeting the needs of commerce for credit information in a manner which is fair and equitable to the individual;

(4) the establishment and expansion of consumer education programs, with particular emphasis upon projects which give promise of assisting persons who reside in urban areas of high concentration of unemployed or low-income individuals and the encouragement of the introduction of consumer education courses in public school curriculums;

(5) representation of consumer interests before administrative and regulatory agencies, courts and legislative groups, except where the Agency already is representing such interests;

(6) the establishment or expansion of consumer complaint centers;

(7) provision of counseling to consumers;

(8) enforcement of laws to protect the interests of consumers, including laws prohibiting fraud, deceptive practices, and unfair practices against consumers, and laws concerning monopolies and restraints of trade;

(9) study of State laws and regulations, and the laws and regulations of units of general local government, relating to the interests of consumers, and recommendation of improvements in such laws and regulations;

(10) research, studies, and analyses of consumer matters;

(11) the conduct of research, counseling, and educational projects concerning the nutritional value of food; and

(12) such other activities as may bear a direct and material relationship to the interests of consumers.

RECIPIENTS OF GRANTS

SEC. 305. Eighty-five per centum of the funds allocated pursuant to the first sentence of section 302 shall be available for grants to States which have adopted State plans in accordance with section 306 of this title. Not to exceed 15 per centum of such funds shall be available for grants to local public agencies and private nonprofit organizations for consumer protection programs not included in State plans. Until a State has submitted a State plan and the Director has approved such a plan, or upon the failure of the State to carry out such a plan according to the terms and conditions specified in such plan, as approved, the Director may make grants directly to local public agencies and nonprofit private organizations for consumer protection programs within such State for the purposes set forth in section 304 of this title.

APPLICATIONS

SEC. 307. (a) Any local public agency or nonprofit private organization desiring to receive a grant under this title shall submit an application at such times, in such manner and containing or accompanied by such information as the Director may prescribe. Such applications shall—

(1) set forth a program under which funds provided under this title will be expended for the purposes described in section 304 of this title;

(2) provide for the proper and efficient administration of such application;

(3) provide adequate assurances that the remaining cost of such application will be paid from funds derived from a source other than this title;

(4) provide, whenever appropriate, for cooperation and coordination with State and local legal services programs and other consumer oriented programs carried out by community action agencies under the Economic Opportunity Act of 1964;

(5) provide, whenever appropriate, for cooperation and coordination with local offices of the Federal Trade Commission and any Consumer Protection Coordination Committees or Consumer Advisory Boards established under the Commission's aegis;

(6) provide that reports on programs receiving assistance shall be made in such form and containing such information as the Director may reasonably require;

(7) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement of and accurate accounting of funds received under this title.

(b) The Director shall approve any applications and modifications thereof which comply with subsection (a).

Mr. ERVIN. Mr. President, there can be no doubt that under the system of government created by the Constitution of the United States certain functions were allocated to the Federal Government and certain other functions were reserved to the governments of the States. Among those functions reserved to the States was the function, the power, and the duty of regulating contracts between consumers and producers and between consumers and suppliers of services.

This bill has been carefully drawn, and I wish to commend its draftsmen on the care which they have exercised. It does not undertake directly to let the Federal Government assume and exercise the powers of the States in this field. It apparently recognizes that these duties in protection of the rights of consumers against producers are powers reserved to the States, so it undertakes to make grants to the States to induce the States to change their laws in these respects so as to fit the notions of the Federal Government and the director.

Mr. President, through the use of money the governments of the various States which have been ordained through the Constitution can be changed or disregarded. There is no doubt about that. The Scriptures tell us that money is the root of all evil. We know governmental people have to have money and so we have a bill here which is calculated, and I assert designed, to persuade the States to accept Federal money to influence their actions and thus to adopt, not the views of the States, but the views of the Federal administrator as to what the laws of the States ought to be.

We have a provision here which states that the Federal Government, in effect, concerns itself with the question throughout the United States as to whether automobile mechanics should be licensed, as to whether plumbers should be licensed, and as to whether plasterers should be licensed; and whether or not the plumber does his plumbing correctly or the plasterer puts the plaster on the wall correctly, or whether the carpenter drives his nail correctly. It seems to me that the Federal Government under the Constitution has more important things assigned to it.

Under this bill the Federal Government indirectly gets itself into every controversy between an automobile mechanic and a customer as to whether the mechanic has repaired a muffler correctly, whether the painter put the paint on the walls correctly, whether the plasterer put the plaster on the walls correctly, or whether the carpenter has done his work correctly.

Also it indirectly attempts to influence the curriculums in the public schools.

In addition, it provides if the States will not do as the Federal Government thinks they should do, the director can give money to the local subdivisions of government to thwart the policies of the States so far as the activities of the subdivisions of government can thwart those policies.

Then, it provides they can make grants to ambulance-chasing lawyers to bring litigation in the courts at the expense of the taxpayers for any conceivable subject were there is a contract between a consumer—and that includes everybody in the United States—and a provider of goods and services. Under this bill the taxpayers of the United States can be charged with the responsibility through their taxes of financing malpractice suits against doctors, malpractice suits against surgeons, controversies between an automobile owner and a mechanic, controversies between a carpenter and a person who contracted for the repair of a home.

I think the Federal Government has more important things to do than that. I think these matters should be left to the States. There are plenty of laws on the statute books of the 50 States. Every court in those States is open to anyone who wants to protect the rights of consumers. In every township there is a local justice of the peace to do that. There are State courts to do that. There are State supreme courts to do that. And there are Federal courts to do that.

This measure puts the Federal Government directly into every transaction relating to goods or services consummated or contracted for anywhere in the United States of America. It proceeds on the idea that we must let the Government do for the people what the people ought to do for themselves. It is premised on the idea that the people of the United States cannot manage their own affairs without Government supervision. It proceeds on the idea that the people of the United States shall no longer be required to recognize their responsibility for the activities of their lives as one of the attributes of liberty.

I know there are good motivations behind the effort to have the bill adopted. Those who advocate the bill are actuated by the desire to act for the good of the people. But I remind the Senate that the Parliament of England was concerned with the good of the people and it wanted to rid them of their responsibility, and by so doing England was reduced from one of the great empires of the world, whose ships sailed the seven seas, to an impotent nation of this earth. I feel this act will be the same thing as those acts of the British Parliament.

This bill is being pushed in the name of the consumer, but I can never forget that when the guillotine was about to behead a famous French lady during the French Revolution, she exclaimed, "O Liberty, how many crimes are committed in thy name." I want to say,

"O Consumers, what crimes we are about to commit in your name."

If we adopt this bill, which is calculated to permit the Federal Government to inject itself into all transactions in the United States, big and small, relating to furnishing goods or services the Senate should realize that every journey to a forbidden or unwise end begins with a single step. If it approves the bill, the Senate will not only be taking a single step to an end forbidden by the Constitution—namely, control by the Federal Government of many of the State functions—but will be taking many steps in that direction.

I give these reasons for my opposition to the bill on final passage. It is not the easy thing to do. This is a politically popular bill. I stood on the floor of the Senate when another politically popular bill came before the Senate which contained the no-knock provision, and I predicted that we were going to have dire consequences. The first fruits of that bill became manifest a few days ago in Arizona, when narcotic agents for the Federal Government undertook to enter, without knocking, an apartment house, and the person in the apartment house, as he had a right to do, fired at the officers. The officers fired back. As a result, one of the occupants of the apartment was killed, and so was one of the officers of the United States.

We had better give long consideration to this bill before we act on it.

Mr. METCALF. Mr. President, I had not intended to talk about the bill except that the very eloquent and impassioned remarks of the Senator from North Carolina compel me to object to the statement he made.

Mr. President, a consumer should have a right to be represented in court. A consumer should have a right to be represented before the regulatory agencies. That is what the bill provides—the right of a consumer of electricity, a consumer of drugs, a consumer of the other articles that are in trade, to be represented before the regulatory agencies or the courts. The corporations have a right to appear, and they do appear.

If the ideas of the Senator from North Carolina were put into effect, there would be only one person to appear, and that is the rich person, the corporation. The consumer who is overcharged only $1 on his bill—and there are thousands of them—the consumer who is overcharged only a couple of dollars on his drug bills—but there are thousands of them—would not have a right to appear.

These decisions are going to be made in the courts of the United States. There will be an appearance either before the court or the regulatory agencies by the consumers as well as the corporations. Why should these questions not be thrashed out as fully and as completely and in as great detail as possible?

The Senator from North Carolina and I have argued about this matter in committee. I have some bills in committee that would provide for more consumer representation.

I do not want to take too much of the time of the Senate at this time, but I do want to object to the concept that we cannot have class suits, that the consumer cannot come in and be represented in the courts or before the regulatory agencies or before the other agencies created by Congress.

With all due deference to all the objections made by the Senator from North Carolina, I just want to say that there is a basic principle involved that a man should have a lawyer and he should have a right to go into court and he should have a right to be represented. That is all the bill provides. There is no barratry here. There is no Federal subsidy of suits. There is only a provision that, for example, a man who purchases electric power or purchases natural gas or purchases drugs shall have an opportunity to band with his fellow consumers and go before a regulatory agency or a court and have his case heard and have competent lawyers represent him. That is all that is involved.

Mr. ERVIN. Mr. President, just in reply to my good friend from Montana, I would say he is arguing the class action consumer bill. This is the bill establishing a Consumer Protection Agency.

I would say that in every township in the United States there is a justice of the peace who can handle small suits and a man does not need any lawyer. I can also say that there are hundreds of thousands of lawyers in the United States looking for clients to represent. I do not know of any case in which a man who has a just cause cannot be represented by a lawyer in the United States. I have appeared for many poor people. Most lawyers do

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I also announce that the Senator from Arkansas (Mr. MCCLELLAN) is absent because of a death in his family.

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA), the Senator from Alaska (Mr. GRAVEL), and the Senator from Idaho (Mr. CHURCH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. HATFIELD), is detained on official business.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from South Carolina (Mr. THURMOND), the Senator from Oregon (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 74, nays 4, as follows:

[No. 407 Leg.]

YEAS—74

Aiken	Hansen	Nelson
Allott	Harris	Packwood
Anderson	Hart	Pastore
Baker	Hollings	Pearson
Bible	Hruska	Percy
Boggs	Hughes	Prouty
Brooke	Inouye	Proxmire
Burdick	Jackson	Randolph
Byrd, Va.	Javits	Ribicoff
Byrd, W. Va.	Jordan, N.C.	Saxbe
Cannon	Jordan, Idaho	Schweiker
Case	Kennedy	Scott
Cook	Long	Smith
Cooper	Magnuson	Sparkman
Cotton	Mansfield	Spong
Cranston	Mathias	Stevenson
Curtis	McGee	Symington
Dole	McGovern	Talmadge
Fannin	McIntyre	Tydings
Fong	Metcalf	Williams, N.J.
Fulbright	Miller	Williams, Del.
Goodell	Mondale	Yarborough
Gore	Moss	Young, N. Dak.
Griffin	Murphy	Young, Ohio
Gurney	Muskie	

NAYS—4

Allen	Ervin	Holland
Ellender		

NOT VOTING—22

Bayh	Goldwater	Pell
Bellmon	Gravel	Russell
Bennett	Hartke	Stennis
Church	Hatfield	Stevens
Dodd	McCarthy	Thurmond
Dominick	McClellan	Tower
Eagleton	Montoya	
Eastland	Mundt	

So the bill (S. 4459) was passed, as follows:

S. 4459

An act to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Protection Agency in order to protect and serve the interests of consumers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Protection Organization Act of 1970".

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of the Federal Government to protect and serve the interests of the people of the United States as consumers of goods and services which are made available to them through commerce or which affect commerce by establishing a Council of Consumer Advisers and an independent Consumer Protection Agency in order to facilitate the coordination of Federal programs and activities affecting consumers, to insure adequate representation of the interests of consumers in administrative and judicial proceedings, to provide information to consumers generally, to provide financial assistance to State and local consumer frauds and consumer protection programs, and to insure

that the interests of consumers are considered by the Federal Government.

TITLE I—COUNCIL OF CONSUMER ADVISERS

CONSUMER REPORT OF THE PRESIDENT

SEC. 101. (a) The President shall transmit to the Congress not later than March 1 of each year a report to be known as the Consumer Report, setting forth (1) the effectiveness of Federal programs and activities designed to carry out the policy declared in section 2, with particular emphasis upon the manner in which such programs and activities adequately protect the interests of consumers in the United States; (2) a review of such other programs and activities as the Council determines are of unique or national significance and suggesting areas most in need of attention; (3) a review of State, local, and private programs which are designed to carry out the policy set forth in section 2 and are assisted by the Federal Government, including an assessment of the success of such programs in protecting the interests of consumers; (4) an evaluation of the degree of cooperation and coordination among the departments and agencies of the Federal Government engaged in carrying out programs or conducting activities designed to implement the policy declared in section 2; and (5) a program for remedying deficiencies in exicting programs and activities designed to implement such policy together with such recommendations for additional legislation as he deems necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the Consumer Report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 2.

(c) The Consumer Report, and all supplementary reports transmitted under subsection (b) of this section, shall, when transmitted to Congress, be referred to the appropriate committees of the Congress, including the Committee on Government Operations and the Committee on Commerce of the Senate and the Committee on Government Operations and the Committee on Interstate and Foreign Commerce of the House of Representatives.

COUNCIL OF CONSUMER ADVISERS TO THE PRESIDENT

SEC. 102. (a) There is created in the Executive Office of the President a Council of Consumer Advisers. The Council shall be composed of—

(1) the Director of the Consumer Protection Agency; and

(2) two persons appointed by the President, by and with the advice and consent of the Senate, who by reason of their training, experience, and attainments are exceptionally qualified to appraise programs and activities of the Government in the light of the policy declared in section 2, and to formulate and recommend programs to carry out that policy.

No member of the Council who is otherwise an officer or employee of the United States shall receive additional compensation for service as a member of the Council. The President shall designate one member to serve as Chairman of the Council.

(b)(1) The Chairman of the Council is authorized to employ, and fix the compensation of such specialists and other experts as may be necessary for the carrying out of its functions under this title without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and is authorized, subject to such provisions, to employ such other officers and employees as may be necessary for carrying out its functions under this Act, and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

(2) The Chairman of the Council shall act on behalf of the Council in all executive and administrative matters.

(c) It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Consumer Report;

(2) to gather timely and authoritative information and statistical data concerning programs designed to carry out the policy declared in section 2, both current and prospective, to analyze and interpret such information and data in the light of the policy declared in section 2 and to compile and submit to the President studies relating to such programs;

(3) to assist the President in coordinating the programs and activities of all Federal executive agencies relating to the interests of consumers in order to avoid waste, duplication, and inconsistencies;

(4) to advise the President in establishing priorities, and when necessary, with the approval of the President, to resolve conflicts between Federal executive agencies engaged in such programs or activities;

(5) to conduct investigations, studies, surveys, research, and analyses relating to the protection of the interests of the consumer;

(6) to develop and recommend to the President national policies to foster and promote the protection of the interests of consumers, including recommendations relating to the most effective way to allocate Federal responsibilities and the level of government—Federal, State, or local—best suited to carry out programs and activities relating to the interests of consumers;

(7) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation to carry out the policy declared in section 2 as the President may request.

(d) Whenever the Chairman of the Council determines that information or data developed pursuant to subsection (c) of this section should be made available to the States and localities he shall so advise the President and recommend that he be authorized to make arrangements for the timely dissemination of such information and data to such States and localities as he deems appropriate.

(e) The Council shall make an annual report to the President in February of each year.

(f) In exercising its powers, functions, and duties under this Act—

(1) the Council may constitute such advisory committees and may consult with such consumers, representatives of industry, agriculture, labor, State and local governments, and other groups, organizations, and individuals as it deems advisable;

(2) the Council shall, to the fullest extent possible, use the services, facilities, and information, including statistical information, of other Government agencies as well as of private research agencies, in order that duplication of effort and expense may be avoided.

COMPENSATION OF MEMBERS OF THE COUNCIL

SEC. 103. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(20) Chairman, Council of Consumer Advisers."

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Members, Council of Consumer Advisers."

AUTHORIZATION OF APPROPRIATIONS

SEC. 104. There are authorized to be appropriated to carry out the provisions of this title such sums as may be necessary.

TITLE II—CONSUMER PROTECTION AGENCY

ESTABLISHMENT

SEC. 201. (a) There is established as an independent agency within the executive branch of the Government an agency to be known as the Consumer Protection Agency.

(b) The Agency shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate for a term of four years. There shall be in the Agency a Deputy Director who shall be appointed by the President by and with the advice and consent of the Senate for a term of four years. The Director and the Deputy Director, in the event of a vacancy, shall be appointed for the remainder of the term for which his predecessor was appointed. The Deputy Director shall perform such functions as the Director may prescribe and shall be the Acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director. Notwithstanding the provisions of this subsection the terms of the Director and the Deputy Director first taking office shall terminate on January 20, 1973. Upon the expiration of his term, the Director shall continue to serve until his successor has been appointed and has qualified.

(c) There shall be in the Agency a Consumer Counsel who shall be appointed by the President, by and with the advice and consent of the Senate. The Consumer Counsel shall be the chief legal officer of the Agency, and shall perform such duties as the Director may prescribe and shall be Acting Director during the absence or disability, or in the event of vacancies in the offices, of the Director and the Deputy Director.

(d) The President by and with the advice and consent of the Senate is authorized to appoint within the Agency not to exceed five Assistant Directors.

FUNCTIONS OF THE AGENCY

SEC. 202. It shall be the function of the Agency to—

(1) represent the interests of consumers in proceedings before Federal executive agencies and Federal courts in accordance with section 203 of this Act;

(2) make grants to States, localities, and nonprofit private organizations to encourage and assist consumer protection programs in accordance with title III of this Act in order to prevent consumer frauds;

(3) receive and evaluate complaints from consumers and refer complaints to the appropriate Federal executive agency and State and local agency and take such other action as authorized by section 204 of this Act;

(4) conduct, support, assist, and coordinate research and economic investigations and surveys in accordance with section 205 of this Act;

(5) publish a Federal Consumer Register which shall set forth the times, places, and subject matters of major rulemaking proceedings by Federal regulatory agencies, civil actions and other useful information of national significance which relate to the protection of consumer interests, stated in language which is readily understood by consumers generally;

(6) disseminate information of importance to consumers, including information concerning consumer items which the Government purchases for its own use, in the most efficacious manner possible, especially through the publication and distribution of

periodicals and other printed material which can be readily understood by consumers generally;

(7) cooperate with and encourage private enterprise in the promotion and protection of consumer interests;

(8) after consultation with the United States Office of Education, encourage the adoption or expansion of consumer education programs at all education levels, including consumer adult education projects, and consumer counseling services and provide technical assistance to public agencies and private nonprofit organizations for such programs;

(9) submit a report to the President and to the Congress at least once each year on the activities and programs of the Agency together with such recommendations including legislative recommendations as the Agency deems appropriate.

REPRESENTATION OF CONSUMER INTERESTS BEFORE FEDERAL AGENCIES AND IN FEDERAL COURTS

SEC. 203. (a) (1) The Director may request or petition for the initiation of any proceeding within the responsibility and authority of any Federal executive agency concerning any substantive or procedural matter which substantially affects the interests of consumers.

(2) If any Federal executive agency declines to initiate any requested or petitioned for proceeding described in paragraph (1) of this section it shall timely make public in a current and concise statement its reasons therefor.

(3) If any Federal executive agency declines to initiate any general policymaking or rulemaking proceeding requested or petitioned for, the Director may, after reviewing the reasons therefor, submit the issue to the President who shall by order published in the Federal Register decide whether the proceeding shall be commenced.

(4) Proceedings requested or petitioned for having been initiated, the Director shall participate in accordance with the provisions of this section.

(b) Whenever there is pending before any Federal executive agency any matter or proceeding not involving the internal operations of such agency, and the Director finds that the determination of such matter or proceeding is likely to affect substantially the interests of consumers within the United States, the Director shall be entitled as a matter of right to intervene, with respect to any issue affecting the interest of consumers, within the time limits specified in the rules and regulations of such agency, in such matter or proceeding as a party to represent the interests of consumers. Upon any such intervention, the Director shall present to such agency, in conformity with the rules of practice and procedure thereof, such evidence, briefs, and argument as he shall determine to be necessary for the effective protection of the interests of such consumers.

(c) Whenever—

(1) there is pending before any Federal executive agency any matter or proceeding, or

(2) there is pending before any court of the United States any matter or proceeding to which the United States or any Federal executive agency is a party, other than a proceeding to which subsection (d) is applicable,

and the Director finds the determination of such matter or proceeding is likely to affect substantially the interests of consumers within the United States, the Director upon his own motion, or upon written request made by the officer or employee of the United States or of such agency who is charged with the duty of presenting the case for the Federal executive agency in the matter or proceeding, may transmit to such officer or employee all evidence and information in the possession of the Agency relevant to that matter or proceeding, and whenever the Director takes a position on any consumer issue in whole or in substantial part adverse to or different from that of the Federal executive agency, he may, in the discretion of the Federal executive agency or the court, appear as amicus curiae and present written or oral argument to such agency or court on such issue.

(d) (1) Whenever—

(A) the Director finds that a final action of a Federal executive agency has or is likely to have a substantial adverse effect upon interests of consumers within the United States or of any group or class of such consumers and takes a position on any consumer issue in whole or in substantial part adverse to or different from that of the Federal executive agency;

(B) the Agency was an intervenor in such an action; and

(C) a right of review is otherwise accorded by law, the Director shall be entitled as a matter of right to bring a proceeding in the appropriate court of the United States to review such an action with respect to any such issue in order to represent the interests of consumers within the United States generally or any group or class of such consumers.

(2) Whenever—

(A) the Director finds that a final action of a Federal executive agency has or is likely to have a substantial adverse effect upon the interests of consumers within the United States or any group or class of such consumers and takes a position on any consumer issue in whole or in substantial part adverse to or different from that of the Federal executive agency;

(B) there is pending before any court of the United States any matter or proceeding involving the review of such an action; and

(C) the Agency was an intervenor in such action, the Director shall be entitled as a matter of right to intervene in such matter or proceeding with respect to any such issue as a party to represent the interests of consumers within the United States or of any group or class of such consumers.

(3) Whenever—

(A) the Director finds that a final action of a Federal executive agency has or is likely to have a substantial adverse effect upon the interests of consumers within the United States or of any group or class of such consumers, and takes a position on any issue in whole or in substantial part adverse to or different from that of the Federal executive agency; and

(B) the Agency was not an intervenor in any such action,

the Director may, at the discretion of the court, intervene as plaintiff or defendant or appear as amicus curiae in any proceeding brought to review such action with respect to any such issue in order to represent the interests of consumers within the United States or any group or class of such consumers.

(e) Under such regulations as he may prescribe, the Director may petition to initiate proceedings, seek leave to intervene or appear pursuant to subsection (b), (c), or (d) of this section, whichever is applicable, in any Federal executive agency proceeding upon a petition by a substantial number of citizens of the United States stating a cause of national significance requesting that he do so. Within sixty days after the receipt of the petition the Director shall notify the principal sponsors of the petition with respect to the action which he has taken. If the Director determines not to seek leave to intervene or appear the answer required by the preceding sentence shall include a clear and concise statement of his reasons therefor.

(f) Findings of the Director under subsections (b), (c), and (d) of this section shall be made in the exercise of his reasonable discretion, shall be in writing, and shall be available to the public.

(g) An officer or an employee of the Agency designated by the Director, for the purpose of this section, shall be entitled to enter an appearance before any Federal executive agency for the purpose of representing the Director in any proceeding pursuant to this section without compliance with any requirement for admission to practice before such agency.

(h) The Director is authorized, in any Federal executive agency proceeding to which he is a party, to request that Federal executive agency to issue on his behalf such orders, as authorized by the statutory authority of such agency, for the copying of documents, papers and records, summoning of witnesses, production of books and papers, and submission of information in writing as is relevant to the subect matter of the proceeding. The Federal executive agency to which such a request is made shall issue such discovery orders requested by the Director unless the Federal executive agency determines that the request for discovery is not relevant to the matter at issue, or is unnecessarily burdensome, or is not authorized by the agency's statutory powers.

CONSUMER COMPLAINTS

SEC. 204. (a) Whenever the Agency receives from any person any complaint or other information disclosing a possible violation of (1) any law of the United States, (2) any rule or order of any Federal executive agency, or (3) any judgment, decree, or order of any court of the United States, concerning consumer interests, the Director shall transmit such complaint or other information received by the Agency not later than sixty days after receiving such complaint or other information to the Federal executive agency charged with the duty of enforcing such law, rule, order, judgment, or decree, for appropriate action.

(b) Whenever the Agency receives complaints or other information disclosing any commercial or trade practice which it deems detrimental to the interests of consumers within the United States, and which is not included within the category specified in subsection (a) of this section, the Director shall transmit such complaint or other information not later than sixty days after receiving such complaint or other information to the Federal, State, or local agency whose regulatory or other authority provides the most effective means to act upon them.

(c) Whenever practicable the Agency shall ascertain the nature and extent of action taken with regard to complaints and other information transmitted under subsections (a) and (b) of this section.

(d) Not later than sixty days after the receipt of any complaint signed and in writing, the Agency shall notify any producer, distributor, retailer or supplier of goods named or readily identifiable in each complaint received under this section of such complaint. The Agency shall notify any producer, distributor, retailer, or supplier of goods and services named or identified in any other complaint or information received or developed by the Agency of the matter complained of unless the Director determines there is a more effective means of remedying such matter.

(e) The Agency shall maintain for convenient public inspection and copying a current listing and brief summary of all consumer complaints signed and in writing received by it pursuant to this title. The complaints shall be arranged in meaningful and useful categories together with annotations of actions taken by the agency or person to whom any such complaint has been referred and the response of and actions taken by the person complained against. Names of

complainants shall be included in any such listing if they so request. The Director shall carry out the provisions of this subsection not later than one hundred and twenty days after the receipt of any complaint, or promptly after the date on which the Agency receives a response from the person complained against, but in no event shall such complaint be made available to the public until the party complained against has had sixty days to comment on such complaint. The Director shall not include in the listing and brief summary required by this subsection any complaint which has been satisfied during the sixty-day period provided in the previous sentence, the evidence of such satisfaction having been provided to the Director.

ECONOMIC SURVEYS AND RESEARCH

SEC. 205. (a) The Director is authorized to—

(1) conduct economic research, investigations, conferences, and surveys concerning the needs, interests, and problems of consumers, including the execution of Federal laws for the protection of consumer interests,

(2) analyze and disseminate to the public information obtained or developed under this section.

(b) In carrying out the provisions of this section, the Director may recommend to other Federal agencies the conduct of research pertaining to the interests of consumers by such other agencies and obtain from any such agency a report on the action taken with respect to a recommendation under this subsection.

(c) Unless the Director determines that an economic survey or other research or investigation is essential to the performance of the functions of the Agency under this Act, no such survey, research or investigation which is substantially a duplication of any current or recent survey, research or investigation conducted by any other Federal agency shall be conducted under this section.

(d)(1) In carrying out provisions of this section the Director is authorized to require any persons, by general or specific order setting forth with particularity the consumer interest involved and the purposes for which the information is sought, to file with the Agency a report, or answers in writing to specific questions, relevant to the functions of the Agency. Any such reports or answers shall be made under oath, or otherwise as the Director may prescribe, and shall be filed with the Agency within such resonable period as the Director may prescribe, unless additional time be granted in any case by the Director.

(2) Any district court of the United States within the jurisdiction of which the subject of an inquiry authorized by this section is found, or has its principal place of business, may upon petition by the Director, in the case of refusal to obey a valid order of the Director issued under this subsection, issue an order requiring compliance therewith, and any failure to obey an order of the court may be punished by the court as a contempt thereof.

(e) No compilation or summary of complaints that are signed and in writing shall be published under this section until sixty days after the date of receipt by the Agency of the most recent complaint contained therein.

ADMINISTRATION

SEC. 206. (a) The Director is authorized, in carrying out his functions under this Act, to—

(1) appoint and fix the compensation of personnel of the Agency;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act;

(4) promulgate such rules, regulations, and procedures as may be necessary to carry out the functions vested in him or in the Agency, and delegate authority for the performance of any function to any officer or employee of the United States under his direction and supervision;

(5) utilize, with their consent, the services, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(7) adopt an official seal, which shall be judicially noticed;

(8) request such information, data, and reports from any Federal agency as the Director may from time to time require and as may be produced consistent with other law; and with the approval of the President convene meetings of the heads of those Federal agencies, or their designated representatives, on programs affecting consumers;

(9) arrange with the heads of other Federal agencies for the performance of any of his functions under this title with or without reimbursement and, with the approval of the President, delegate and authorize the redelegation of any of his powers under this title;

(10) establish such regional offices as the Director determines to be necessary to serve more adequately the interests of consumers;

(11) accept unconditional gifts or donations of services, money or property, real, personal, or mixed, tangible or intangible;

(12) subject to appropriation Acts, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(13) transfer funds made available under this Act to facilities of other Federal, State, local and private agencies and instrumentalities as reimbursement for utilization of their services, personnel, and information as authorized in paragraph (5) and appropriations Acts; and

(14) designate representatives to serve or assist on such committees as the Director may determine to be necessary to maintain effective liaison with Federal executive agencies and with State and local agencies carrying out programs and activities related to the protection of the economic interests of consumers.

(b) Upon request made by the Director each Federal executive agency is authorized to make its services, personnel, facilities and information (including suggestions, estimates and statistics) available to the greatest practicable extent consistent with other laws to the Agency in the performance of its functions with or without reimbursement.

(c) Attorneys in all proceedings under section 203 of this Act, except proceedings before the Supreme Court, shall be under the supervision of the Director of the Agency. Before bringing any action in a court or taking an appeal in any court pursuant to section 203 of this Act the Director of the Agency shall notify the Attorney General or his designee.

(d) Each member of a committee appointed pursuant to paragraph (3) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence and necessary expenses incurred in the performance of their duties.

COMPENSATION OF THE DIRECTOR, THE DEPUTY DIRECTOR, THE CONSUMER COUNSEL AND THE ASSISTANT DIRECTORS

SEC. 207. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(57) Director, Consumer Protection Agency."

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Deputy Director, Consumer Protection Agency."

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(130) Consumer Counsel, Consumer Protection Agency."

"(131) Assistant Directors, Consumer Protection Agency (5)".

AUTHORIZATION OF APPROPRIATIONS

SEC. 208. There are authorized to be appropriated to carry out the provisions of this title $10,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $25,000,000 for the fiscal year ending June 30, 1973.

TITLE III—CONSUMER PROTECTION GRANTS

AUTHORIZATION

SEC. 301. For the purpose of assisting States, localities, and nonprofit private organizations to establish or strengthen consumer protection programs under this title, there is authorized to be appropriated $7,500,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $25,000,000 for the fiscal year ending June 30, 1973.

ALLOCATION OF FUNDS

SEC. 302. (a)(1) From funds appropriated pursuant to this title for any fiscal year the Director shall allocate 80 per centum among the States for the purposes specified in section 304 of this title, as follows: Each State, other than possessions of the United States, having an approved plan shall be allocated $50,000, each possession having an approved plan shall be allocated $20,000, and the remainder of such 80 per centum shall be made available among the States according to their respective populations. The remaining 20 per centum of such funds for any fiscal year shall be allocated among the States for planning grants pursuant to section 303, as the Director may determine.

(2) For the purposes of this subsection the term "possessions of the United States" means the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(b) The amount of funds available to any State under subsection (a) for any fiscal year which the Director determines will not be required for such fiscal year shall be available for reallocation from time to time, on such dates during such year as the Director may fix, to other States, to the extent the Director estimates such State, or local public agency or nonprofit private organization within such State, needs and will be able to use such amount being reallocated.

PLANNING GRANTS

SEC. 303. (a) In order to encourage States and localities to prepare and adopt comprehensive consumer protection plans covering their respective jurisdictions, the Director

is authorized to make grants to any State or local public agency to assist in preparing or revising such plan.

(b) The Director is authorized to make grants to any State and local public agencies, and nonprofit private organizations to assist them in meeting the cost of planning any project or program or demonstration thereof for which a grant may be made under the provisions of this title.

(c) The Director may require as a condition to any grants under this title within any State or locality that comprehensive consumer protection planning be undertaken and that, where he deems it appropriate, a comprehensive plan or plans be prepared within a reasonable period.

(d) No such grant may exceed 75 per centum of the cost of the planning with respect to which such grant is made.

GRANTS FOR CONSUMER PROTECTION PROGRAMS

SEC. 304. The Director is authorized to make grants to pay the Federal share of the cost of consumer protection programs, which may include the following—

(1) the establishment or strengthening of a consumer protection agency which, in the case of the establishment of such an agency, shall be located in such department or agency of the State as the chief executive or the legislature of the State determines;

(2) the establishment, operation, and expansion of programs to license, or otherwise regulate, household appliance repairmen, motor vehicle repairmen, and home improvement contractors in order to provide improved consumer protection, including protection against—

(A) false advertising;

(B) failure to perform the work or service as advertised;

(C) performing unnecessary and unrequested work or services;

(D) failure to perform work or services as represented to the consumer and for which the consumer was billed;

(3) the establishment, operation, and expansion of programs requiring credit reporting agencies to adopt reasonable procedures for meeting the needs of commerce for credit information in a manner which is fair and equitable to the individual;

(4) the establishment and expansion of consumer education programs, with particular emphasis upon projects which give promise of assisting persons who reside in urban areas of high concentration of unemployed or low-income individuals and the encouragement of the introduction of consumer education courses in public school curriculums;

(5) representation of consumer interests before administrative and regulatory agencies, courts and legislative groups, except where the Agency already is representing such interests;

(6) the establishment or expansion of consumer complaint centers;

(7) provision of counseling to consumers;

(8) enforcement of laws to protect the interests of consumers, including laws prohibiting fraud, deceptive practices, and unfair practices against consumers, and laws concerning monopolies and restraints of trade;

(9) study of State laws and regulations, and the laws and regulations of units of general local government, relating to the interests of consumers, and recommendation of improvements in such laws and regulations;

(10) research, studies, and analyses of consumer matters;

(11) the conduct of research, counseling, and educational projects concerning the nutritional value of food; and

(12) such other activities as may bear a direct and material relationship to the interests of consumers.

RECIPIENTS OF GRANTS

SEC. 305. Eighty-five per centum of the funds allocated pursuant to the first sentence of section 302 shall be available for grants to States which have adopted State plans in accordance with section 306 of this title. Not to exceed 15 per centum of such funds shall be available for grants to local public agencies and private nonprofit organizations for consumer protection programs not included in State plans. Until a State has submitted a State plan and the Director has approved such a plan, or upon the failure of the State to carry out such a plan according to the terms and conditions specified in such plan, as approved, the Director may make grants directly to local public agencies and nonprofit private organizations for consumer protection programs within such State for the purposes set forth in section 304 of this title.

STATE PLANS

SEC. 306. (a) Any State desiring to participate in the grant program under this title shall designate or create an appropriate State agency for the purpose of this section and submit through such State agency, a State plan which shall—

(1) set forth a program under which funds provide under this title will be expended by the State directly or through grants to local public agencies or nonprofit agencies and organizations for the purposes described in section 304 of this title;

(2) provide for the proper and efficient administration of such plan and programs set forth in the plan;

(3) provide adequate assurances that the remaining cost of such plan and programs will be paid from funds derived from a source other than Federal funds;

(4) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant other Federal, or non-Federal, funds available for the purposes set forth in section 304 of this title;

(5) take into account the needs of units of general local government in the State;

(6) provide for effective use of existing resources and improvement of existing programs;

(7) provide for cooperation and coordination with State and local legal services programs and other consumer oriented programs carried out under the Economic Opportunity Act of 1964;

(8) provide, whenever appropriate, for cooperation and coordination with local offices of the Federal Trade Commission and any Consumer Protection Coordination Committees or Consumer Advisory Boards established under the Commission's aegis;

(9) provide that reports on programs receiving assistance shall be made in such form and containing such information as the Director may reasonably require;

(10) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement of and accurate accounting of funds received under this title;

(11) contain such other terms and conditions as the Director may prescribe to assure the effectiveness of the programs assisted under this title; and

(12) contain safeguards to insure that the agency designated or created by the State will effectively represent the consumer.

(b) The Director shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

APPLICATIONS

SEC. 307. (a) Any local public agency or nonprofit private organization desiring to receive a grant under this title shall submit an application, at such times, in such manner and containing or accompanied by such information as the Director may prescribe. Such applications shall—

(1) set forth a program under which funds provided under this title will be expended for the purposes described in section 304 of this title;

(2) provide for the proper and efficient administration of such application;

(3) provide adequate assurances that the remaining cost of such application will be paid from funds derived from a source other than this title;

(4) provide, whenever appropriate, for cooperation and coordination with State and local legal services programs and other consumer oriented programs carried out under the Economic Opportunity Act of 1964;

(5) provide, whenever appropriate, for cooperation and coordination with local offices of the Federal Trade Commission and any Consumer Protection Coordination Committees or Consumer Advisory Boards established under the Commission's aegis;

(6) provide that reports on programs receiving assistance shall be made in such form and containing such information as the Director may reasonably require;

(7) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement of and accurate accounting of funds received under this title.

(b) The Director shall approve any applications and modifications thereof which comply with subsection (a).

PAYMENTS

SEC. 308. (a) From the amounts allotted to each State under section 302, the Director shall pay to each State which has a plan approved under section 306(b) and to each local public agency and private nonprofit organization which has an application approved under section 307(b) an amount equal to the Federal share of the amount needed for the purposes set forth in such plan or application.

(b) For the purposes of subsection (a), the Federal share for each State and local public agency shall be 50 per centum for each fiscal year and for each nonprofit private organization 50 per centum for each fiscal year.

(c) Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(d) Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to plant, equipment or services.

WITHHOLDING

SEC. 309. (a) Whenever the Director, after reasonable notice and opportunity for hearing to the grantee under this Act, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of section 306;

(2) the application has been so changed that it no longer complies with the provisions of section 307; or

(3) in the administration of the plan or application there is a failure to comply substantially with any such provision,

the Director shall notify any such grantee that no further payments will be made under this Act (or in his discretion, that further payments will be limited to programs or portions of the State plan or application not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made under this Act (or payment shall be limited to programs or portions of the State plan or application not affected by such failure).

(b) An agency or organization dissatisfied with a final action of the Director under section 306, section 307, or subsection (a) of

this section may appeal to the United States court of appeals for the circuit in which the agency or organization is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director or any officer designated by him for that purpose. The Director thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm the action of the Director or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Director may modify or set aside his order. The findings of the Director as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Director to take further evidence, and the Director may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Director shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Director's action.

RECORDS AND AUDITS

SEC. 310. (a) Each recipient of assistance under this Act shall keep such records as the Director shall prescribe, including records which fully disclose the amount and disposition of such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used and the portion of the total cost supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Director and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this title.

TITLE IV—GENERAL PROVISIONS

DEFINITIONS

SEC. 401. As used in this Act—

(1) "Agency" mean the Consumer Protection Agency;

(2) "commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State, and such term includes foreign commerce;

(3) "Council" means the Council of Consumer Advisers;

(4) "Director" means the Director of the Consumer Protection Agency;

(5) "Federal executive agency" means any department, agency, or independent establishment in the executive branch of the Government; including any agency described in section 551 of title 5, United States Code, and any wholly owned Government corporation;

(6) "consumer" means any person who is offered or supplied goods or services for personal, family, or household purposes;

(7) "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands, Guam, American Samoa; and the Trust Territory of the Pacific Islands except as provided in section 302(a) of this Act.

CONSIDERATION OF THE CONSUMER INTEREST IN FEDERAL AGENCY DETERMINATIONS

SEC. 402. Every Federal executive agency in taking any action of a nature which can reasonably be construed as substantially affecting the interests of consumers within the United States of products and services, including, but not limited to, (1) the prommulgation of rules, regulations, or guidelines, (2) the formulation of written policy decisions, or (3) the issuance of orders, decrees, studies, reports, or standards, shall, in taking such action, give due consideration to the valid interests of consumers. When, in the normal course of its operations, the agency concerned makes public a statement with respect to such action, it shall indicate in such public statement the manner of its consideration of consumer interests.

INFORMATION DISCLOSURE

SEC. 403. (a) Subject to the provisions of this section, the Director shall disclose to the public so much of the information he obtains under this Act as he determines will assist in carrying out the purposes of this Act. The Director may not disclose trade secrets or information which includes formulas, processes, plans or patterns of manufacture, research, methods of doing business, costs, names of customers or other competitive information otherwise unavailable to the general public except to other Government officials and to authorized committees of Congress and except, where such disclosures are necessary to assure protection of the interests of consumers and such disclosures do not unreasonably prejudice the interests of those owning or lawfully possessing such information, (1) in a judicial proceeding if ordered by a court, (2) in a proceeding in which he appears pursuant to this Act, or (3) in carrying out his survey, research, and information dissemination function in cases involving extraordinary health and safety hazards or extraordinary economic harm. Before disclosing such protected information in a court or in an agency proceeding or in carrying out the survey, research, and information dissemination functions, the Director shall give fifteen days' notice to the owner or lawful possessor of such information.

(b) No information shall be disclosed if that information is inaccurate, misleading, or is not reasonably complete. Before disseminating any information which may injure the reputation or good will of a person or company (or its products or services) or which may disclose product names or otherwise may permit identification of a product or service with a person or company, the Director shall notify the person or company of the information to be disclosed, and shall afford an opportunity for comment, unless extraordinary health and safety hazards dictate otherwise.

(c) In disseminating any information under the provisions of this Act which discloses product names, the Director shall take such action as may be necessary to assure that any disclosure or dissemination of such information includes a statement making it clear that products of a competitive nature are not included and that there is no intent to rate one product as better than another product, to imply that certain products are superior in quality to any other products, or that one product is a better buy than any other product.

(d) In any case in which information is disclosed or disseminated under this Act and is subsequently found to be inaccurate, the Director shall take such action as is necessary to assure a full retraction of the inaccurate information together with a statement of the new data in a manner similar to the initial disclosure or dissemination of such information.

(e) Nothing in this Act shall be construed to modify the application of section 552 of title 5 of the United States Code; and nothing in this section shall be construed as a specific exemption from disclosure under paragraph (3) of subsection (b) of section 552 of title 5 of the United States Code.

SAVINGS PROVISION

SEC. 404. (a) Nothing contained in this Act shall be construed to alter, modify, or repeal any other provision of law, or to prevent or impair the administration or the enforcement of any other provision of law, or to affect the duty of the Administrator of General Services to represent the interests of the Federal Government as a consumer pursuant to section 201(a)(4) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)(4)).

(b) Nothing contained in this Act shall be construed as relieving any Federal executive agency of any responsibility to protect and promote the interests of consumers in the United States.

(c) Nothing contained in this Act shall be construed to limit the rights of any person or group or class of persons to initiate, intervene, or otherwise participate in any court or Federal executive agency proceeding.

(d) Nothing in this Act shall be construed by any court or agency as affecting the discretion of any court or agency to permit any person or group or class of persons to initiate, intervene, or otherwise participate in any court or agency proceeding.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the bill as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, on balance, the measure just passed could be labeled one of the most important proposals ever considered in behalf of the American consumer. The lion's share of praise for this achievement goes to two Senators. Certainly our thanks must go to the distinguished Senator from Connecticut (Mr. RIBICOFF); and equally to be praised is the distinguished Senator from Washington (Mr. MAGNUSON). We are indebted to them for their tireless efforts on behalf of the American consumer. This joint expertise in this field is unsurpassed, and their devotion to the task of seeing that the public gets a fair shake from its government and all agencies of government in consumer matters is well known. The entire Senate is indebted to Senator RIBICOFF and Senator MAGNUSON for such outstanding leadership in steering this proposal through the Senate.

Joining them in pressing for the efficient disposition of this far-reaching consumer proposal were the distinguished Senators from New York (Mr. JAVITS) and New Hampshire (Mr. COTTON). They, too, are well known for their strong advocacy in behalf of measures that will assure all citizens of fundamental protections. In urging their sincere and strong views on this measure, their

support was indispensable to the Senate's overwhelming approval.

To be commended also for their contributions to the high caliber of the discussion are the Senator from Michigan (Mr. HART), the Senator from North Carolina (Mr. ERVIN), the Senator from Utah (Mr. Moss), and the many others who offered their own perceptive views. Together they engendered a quality of consideration that assured full and thorough regard for the many features of this proposal.

Mr. RIBICOFF. Mr. President, I want to take this opportunity to pay tribute to the entire membership of the Committee on Government Operations and the Subcommittee on Executive Reorganization for their long and patient efforts in behalf of this bill.

Tribute especially should be paid to the senior Senator from New York (Mr. JAVITS), the ranking minority member, who worked so hard and carefully and thoughtfully with me throughout and to the Senator from Illinois (Mr. PERCY), who now presides over the Senate.

I would be remiss if I did not pay tribute to Mr. Robert Wager of my staff and of the committee and Mr. Dennison Young, of the staff of Senator JAVITS, whose loyalty and hard work throughout made passage of this bill possible. Over many months they provided valuable assistance in drafting this bill. I appreciate their efforts.

The cooperation of the Committee on Commerce was absolutely essential. It was required that this bill, under the procedures of the Senate, be referred to the Committee on Commerce. Under the leadership of Senator MAGNUSON and Senator COTTON, we had the utmost cooperation. They worked hard on the bill. They had a number of amendments which, in my opinion, improved the bill. I want to take this opportunity to pay special tribute to all those involved in making the passage of this measure possible.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. JAVITS. First, I should like to join in everything Senator RIBICOFF has said.

Second, I should mention the names of the staff, minority and majority, of the Committee on Commerce: Art Pankopf, Mike Pertschuk, and Lynn Sutcliffe. They also helped in this matter, and we are very grateful to them, and the entire Senate should be grateful to them.

Finally, I wish to say that I think my colleague has done superbly. He had a deep feeling about an agency, but he certainly was willing to work it out with deference to the views of many of us. It is a very fitting crown of success to a very difficult job and one which I feel has great promise for the country. I believe that he, as I, will feel that we have an obligation.

I am sure the Senator from Illinois, who is presiding, would join us in that—to exercise our vigilance, to be sure that our design and our intention that this should be an agency for the protection of consumers, not an agency for the vexation of American business, should be carried through.

I think it is going to be very important that we remain alert to our "child," as it were, as it becomes law, to see that it really performs in a positive and constructive way.

I am gratified to have been associated with Senator RIBICOFF, with whom I have been associated in many, many things, especially in this matter, which I regard as an historic milestone in the activities of our economy; because, as I have said all my life, this is a consumer's economy rather than a capitalistic system, and this signalizes that situation.

(At this point, Mr. SPONG assumed the chair.)

Mr. PERCY. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. PERCY. I have enjoyed working very much, indeed, the past year with the distinguished Senator from Connecticut, who has managed this bill and who has been a stanch defender of the rights of consumers from the first day we started talking about this legislation.

He thoroughly understands the need. He has helped guide us over some rough periods where I know, for one, that I had certain doubts as to whether setting up another agency or a bureaucracy was the right way to do it. I tenaciously clung to the idea that the prestige and power of the presidency should not be lost in this effort, that we should not stand in the way, so we evolved the concept of a council and tied the two together to have the chairman of the council heading the agency. So that this classification process is in the spirit of bipartisanship. We have striven to find the best and most effective means to protect the consumers of America. And they need protecting, which the evidence shows, by the fact that in surveys taken of $750 billion of consumer expenditures, in the case of $200 billion of that $750 billion, many questions arise as to whether the customer actually received value.

Mr. President, I fully respect the rights and the comments the Senator from North Carolina (Mr. ERVIN), made with respect to States' rights. I believe in States' rights. But we cannot sit on them. We have to do something about them. This legislation will enable us to strengthen consumer protection in this area more than it was before.

The distinguished Senator from Montana has pointed out in testimony before committees the power that the producer has many times, and the lack of resources available to the consumer. Many States take in huge revenues as a result of the charges made by, say, utility companies, but a pittance is appropriated by State legislatures to protect consumers. Too many times we have had direct testimony that State legislatures were under the control of the producers and the utilities who were trying to suppress the interests of consumers many times.

The direct testimony we had was evidence of the fact that we did need assistance and protection in this field.

Lastly, may I say that even though all of the amendments of the Senator from Michigan (Mr. HART) were not accepted, he has been a great defender and protecter of the consumer as long as I have ever know him. I was happy that we saw fit to accept some of his amendments in the spirit that he was trying to accomplish, which has been, for the most part, I hope, embodied in the bill. We respect him for standing up and fighting for what he believes in. We are working toward the same objective. We may have different means of bringing that about, but certainly the distinguished leadership of the Senator from Connecticut (Mr. RIBICOFF) who has managed this bill has enabled us to put together a bill in the best interests of the consumers of this country and I am very proud to have worked with him and to support him.

Mr. RIBICOFF. I thank the distinguished Senator from Illinois.

Mr. HART. Mr. President, I thank the distinguished Senator from Illinois for his kind remarks.

Mr. President, I congratulate Senators RIBICOFF, COTTON, MAGNUSON, PERCY, and other Senators who have over a long period of time given of their talents and energies to the climax we see today in passage of this bill.

Clearly the desire on the part of all who participated was to produce an effective voice for the consumers of this country in the form of a Consumer Protection Agency.

As my separate views indicated when the bill came out of the Committee on Commerce, I had grave reservations, not about the sincerity of purpose but the effectiveness of the product.

I am compelled to voice again what amounts only to a hope and not a conviction, that the product which has now passed the Senate will prove to be sound. Certainly, after the debate and some of the modifications that resulted from the amendments, I am not prepared and was not prepared on the rollcall to convert my reservations into a vote of no.

There are useful devices contained in the bill. I certainly was not prepared, given the overwhelming attitude of this body, to assign to myself a wisdom beyond the majority. I join the majority in supporting the bill as passed.

I have indicated the areas of my concern and I hope, with the passage of time, that I will be proved to be 100 percent wrong. I know that, with the passage of time and the experience accumulated as a result of it, some of the concerns I have and which other Senators have voiced will prove to have been at least genuinely based and that all of us will join in what then must be a renewed effort to improve the bill.

Certainly, Mr. President, the commitment in this bill to fund in substantial sums consumer education in consumer protection agencies across the country, not just governmental, is a significant forward step. I repeat, it is a significant forward step. It has been discussed almost as an incidental feature of the bill. Over the long haul, it may very well be taken as it has been with the law enforcement assistance administration bill, the kind of bill in which the Senator from Connecticut (Mr. RIBICOFF) can

take the greatest pride. I congratulate him.

Mr. President, certainly I would be remiss if I did not thank two staff members of the Antitrust and Monopoly Subcommittee for their thoughtful and penetrating suggestions in the development of amendments to this bill. Prof. John Flynn and Mrs. Patricia Barrio have contributed substantially to the background and development of much of the debate on this bill. I am glad to have the opportunity, on the record, to express my appreciation and high regard.

Mr. RIBICOFF. I thank the Senator.

PRESIDENT LUIS ECHEVERRIA ALVAREZ OF MEXICO

Mr. MANSFIELD. Mr. President, while the Senate was busily engaged in debate this morning, an event of singular importance was taking place far to the south in Mexico City. There, at 11 o'clock local time, the red, white, and green sash of the Mexican Presidency was transferred from incumbent Gustavo Diaz Ordaz to newly elected Luis Echeverria Alvarez. This peaceful transfer of power, accomplished amidst great fanfare and popular acclaim, launches Mexico into a new decade.

The exemplary transition of power should alone command the attention of a world which still knows too much strife and instability. But Mexicans have demonstrated too many times in this century the firmness of their conviction that power be institutionalized, and that freedom be carefully guarded. So, our attention is drawn to the promise which the Echeverria administration holds for the future of Mexico.

President Echeverria wasted little time in drawing the outlines of that promise. In his earliest remarks as President, he pledged his administration to continued reforms in agriculture, expansion of education, and the creation of at least 100,000 new jobs each year to keep pace with the growing economy.

As a young man of 48, President Echeverria typifies the dynamism of today's modern Mexico. And as a Mexican, he typifies the timeless warmth and humanity which has characterized his people throughout their history. It is a good combination and augurs well for one of my favorite countries. I speak as one man, but I am sure my sentiments are echoed in the Senate and in this Nation when I extend to President Echeverria, his family, and his nation our sincerest congratulations and best wishes.

May I say, Mr. President, that one of the finest statements I have ever read concerning a chief of state is the following. This is what the President-elect said some days ago:

> I shall be on the side of the needy, the poor, and the humble, because the others know how to defend themselves.

Mr. JAVITS. Mr. President, I want to add to what the majority leader, the Senator from Montana (Mr. MANSFIELD) has said about President Echeverria. The President very graciously invited my wife and myself to come to the inauguration today. We could not do so, for obvious reasons. I was engaged with Senator RIBICOFF actively in connection with the Consumer Protection Agency bill.

I feel that President Echeverria is a remarkable chief executive. I know him well. It will mark again a most auspicious chapter in the life and development of the people of Mexico, who have stepped across the threshold of development through the remarkable presidencies which have occurred there in the last quarter of a century and of which President Echeverria is in the very highest and finest tradition.

ORDER FOR RECOGNITION OF SENATOR MILLER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the able Senator from Ohio (Mr. YOUNG), the distinguished Senator from Iowa (Mr. MILLER) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

PUEBLO DE TAOS INDIANS CULTURAL AND CEREMONIAL SHRINE PROTECTION ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1356, H.R. 471.

The PRESIDING OFFICER (Mr. SPONG). The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 471) to amend section 4 of the act of May 31, 1944 (48 Stat. 108).

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That (a) this Act may be cited as the "Pueblo de Taos Indians Cultural and Ceremonial Shrine Protection Act of 1970".

(b) Congress hereby finds that the Rio Pueblo de Taos watershed and certain related areas with the Carson National Forest have been used since time immemorial for religious and other purposes by the Pueblo de Taos Indians in New Mexico, that the Indians have continued to use substantially all of such lands for such purposes after the national forest was first established and such lands have been specially managed to accommodate such uses, that Congress in 1933 specifically recognized the dependence of the Indians on a portion of such lands and provided the Indians certain rights and privileges relating to their use, that such lands have not been administered as other national forest lands have been administered, in that the use of the area has been limited, that the tribe has been adjudged to have had "Indian title" to these specific lands, and in view of the unique religious significance attached to the land that there is a need to resolve the controversy regarding the Blue Lake watershed by providing assurances to the Pueblo de Taos Indians that the rights and privileges specifically provided by section 4 of the Act of May 31, 1933 (48 Stat. 108), and enjoyed by them with full recognition by the Government for more than thirty years shall be protected.

SEC. 2. Section 4 of the Act of May 31, 1933 (48 Stat. 108), providing for the protection of the watershed within the Carson National Forest for the Pueblo de Taos Indians in New Mexico is amended to read as follows:

"SEC. 4. (a) For the purpose of protecting the watersheds of the Rio Lucero and of the Rio de Pueblo de Taos and the interests and welfare of the tribe of Indians known as the Pueblo de Taos of New Mexico, the Secretary of Agriculture is hereby authorized and directed to segregate the following-described lands, which thereafter shall not be subject to entry under the land laws of the United States, and to thereafter administer the said lands for the exclusive use and benefit of the said tribe, which administration shall continue for so long as the provisions of this Act are complied with and the continued protection of the watershed is required by public interest:

"Beginning at the southeast corner of the Tenorio tract on the north boundary of the Taos Pueblo grant in section 22, township 26 north, range 13 east;

"thence northwesterly and northeasterly along the east boundary of the Tenorio tract to the point where it intersects the boundary of the Lucero de Godoi or Antonio Martinez Grant;

"thence following the boundary of the Lucero de Godoi Grant northeasterly, southeasterly and northerly to station 76 on the east boundary of the survey of the Lucero de Godoi Grant according to the March 1894 survey by United States Deputy John H. Walker as approved by the United States Surveyor's Office, Santa Fe, New Mexico, on November 23, 1894;

"thence east 0.85 mile along the south boundary of the Wheeler Peak Wilderness, according to the description dated July 1, 1965, and reported to Congress pursuant to section 3(a)(1) of the Wilderness Act (Public Law 88-577);

"thence northeast approximately 0.25 mile to the top of an unnamed peak (which is approximately 0.38 mile southeasterly from Lew Wallace Peak);

"thence northwesterly 1.63 miles along the ridgetop through Lew Wallace Peak to Old Mike Peak;

"thence easterly and northeasterly along the ridgetop of the divide between the Red River and the Rio Pueblo de Taos to station numbered 109 of said 1894 survey, at the juncture of the divide with the west boundary of the Beaubien and Miranda Grant, New Mexico (commonly known as the Maxwell Grant), according to the official resurvey of said grant executed during July and August 1923 by United States Surveyor Glen Haste and approved by the General Land Office, Washington, District of Columbia, on April 28, 1926;

"thence southeasterly, southwesterly, and southerly along the west boundary of the Maxwell grant to the north line of unsurveyed section 33, township 26 north, range 15 east;

"thence southerly to the north boundary of fractional township 25 north, range 15 east;

"thence southerly and southwesterly through sections 4, 9, 8, and 7, township 25 north, range 15 east to the southwest corner of said section 7;

"thence westerly along the divide between the Rio Pueblo de Taos and Rio Fernando de Taos to the east boundary of the Taos Pueblo grant;

"thence north to the northeast corner of the Taos Pueblo grant;

"thence west to the point of beginning; containing approximately 48,000 acres, more or less.

"(b) These lands shall be administered by the Secretary of Agriculture in accordance with the provisions of this section and, except to the extent provided for in subsection (c) of this section, shall be maintained as a wilderness as defined in section 2(a) of the Act of September 3, 1964 (78 Stat. 890), but in no event shall any activity involving the location and production of minerals be permitted. The Secretary of Agriculture shall be responsible, pursuant to such regulations as he shall establish, for the establishment and maintenance of conservation measures for such lands, including, without limitation, protection of forests from fire, disease, insects, or trespass; prevention or elimination of erosion, damaging land use, or stream pollution; and maintenance of streamflow and sanitary conditions.

"(c) The lands described in subsection (a) of this section shall, except to the extent provided in subsection (d) or hereafter provided by Congress, be available for the exclusive use by the Pueblo de Taos Indians in New Mexico. Such lands shall be used by such Indians for traditional purposes only, such as religious ceremonials, hunting and fishing, a source of water, forage for their domestic livestock, and wood, timber, and other natural resources for their personal use; except that all such uses shall be subject to such regulations for conservation purposes as the Secretary of Agriculture may prescribe pursuant to subsection (b) of this section.

"(d) Lessees of permittees of lands described in subsection (a) which were not included in the lands described in this section as it existed immediately prior to the date of the enactment of the Pueblo de Taos Indians Cultural and Ceremonial Shrine Protection Act shall be given the opportunity to renew their leases or permits under rules and regulations of the Secretary of Agriculture to the same extent and in the same manner that such leases or permits could have been renewed if the Pueblo de Taos Indians Cultural and Ceremonial Shrine Protection Act had not been enacted."

SEC. 3. The Indian Claims Commission shall determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat, 1049, 1050), the extent to which the provisions of the amendment made by this Act should be considered when determining any setoff against any claim of the Pueblo de Taos Indians of New Mexico against the United States.

SEC. 4. (a) To carry out the purposes of this Act, the Secretary of Agriculture is hereby directed to establish a Special Rio Pueblo de Taos-Rio Lucero Watershed ranger district embracing the 48,000 acres described herein and such other land needed to protect this watershed, and to provide special regulations for the protection of the area. To the extent possible, this ranger district shall be manned by qualified members of the Pueblo de Taos Indian Tribe.

(b) Nothing in this Act shall impair any vested water right.

Mr. METCALF. Mr. President, yesterday I presented to the Senate a statement detailing my position and that of the Senator from New Mexico (Mr. ANDERSON) in support of the report of the Committee on Interior and Insular Affairs, No. 1345, on H.R. 471, the Taos Pueblo bill, now the pending business.

Mr. President, my statement appears on pages 39139 through 39142 of the CONGRESSIONAL RECORD of yesterday.

There is only one issue which will be presented, as I understand it, by an amendment to be offered by the Senator from Oklahoma (Mr. HARRIS), as to whether we should pass the Senate bill or pass the House bill without amendment.

As I understand it, there will be no vote on the bill tonight but that the very distinguished and able Senator from South Dakota (Mr. MCGOVERN), who is the chairman of the Indian Affairs Subcommittee, will make a speech on this matter, as will the Senator from Oklahoma (Mr. HARRIS).

Therefore, I feel that there need be no formal presentation other than the presentation that was made, so far as the Senator from New Mexico (Mr. ANDERSON) and I were concerned, in the statement placed in the RECORD last night.

In this connection, Mr. President, I ask unanimous consent to have printed in the RECORD a telegram from the Citizens Committee on Natural Resources in opposition to the bill, and an excerpt from the National Wildlife Federation newsletter dated November 27, 1970, from Thomas L. Kimball, executive director.

There being no objection, the telegram and excerpt were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
November 30, 1970.

Senator LEE METCALF,
Washington, D.C.

While sympathetic to desires of Taos Indians for exclusive use of Blue Lake area, Carson National Forest, granting title to land would set dangerous precedent for opening national parks, wildlife refuges, other public lands to similar claims. Objective of Indians suitably met by proposed Senate Interior Committee amendment, which also safeguards all public interests, in opinion of these major conservation groups: Wildlife Management Institute, National Wildlife Federation, Trout Unlimited, Sierra Club, Izaak Walton League of America, American Forestry Association.

SPENCER M. SMITH,
Secretary,
Citizens Committee on Natural Resources.

SENATE SOON MAY ACT ON FEDERAL LAND GIVEAWAY

The Senate soon may act, possibly as early as next week, on a proposal which could open the door to wholesale giveaways of Federal lands to Indian tribes. In fact, some veteran Capitol Hill observers believe that many national parks, wildlife refuges, and public lands can be opened to land claims as a result of the precedent which would be established if action on the Senate floor overturns recommendations of the Senate Committee on Interior and Insular Affairs.

On 11/16/70, the Senate Interior Committee filed its report (Senate Report 91–1345) upon H.R. 471 and recommended passage, with amendments (Report No. 36, page 392). The committee said the purpose of the House-passed bill is to give full and final protection to the rights and privileges provided by section 4 of the Act of May 31, 1933, to the Pueblo de Taos Indians "with respect to the Rio Pueblo de Taos watershed and certain related areas within the Carson National Forest." The bill would cover 48,000 acres, including the shrine of the Pueblo known as Blue Lake located 25 miles northeast of the Pueblo. As amended, H.R. 471 would protect the Pueblo's use of Blue Lake and its environs by eliminating the permit arrangement through which the tribe now utilizes the area and directing the Secretary of Agriculture to administer the entire 48,000-acre area for the exclusive use and benefit of the tribe. It would be the first time that exclusive use of this type has been granted for religious purposes.

The Senate Committee said it "strongly disagrees" with the conclusion of those who say that transfer of Blue Lake to the Pueblo de Taos Tribe, either directly or in trust, would not create an undesirable precedent. "Several witnesses who appeared at the hearings on S. 750 and H.R. 471 described a number of areas within national forests and national parks which have special religious significance for Indian tribes," the Committee says. "Congressional consideration and action relating to the Pueblo de Taos Indians already has served to encourage other tribes to press their claims to Federal lands in lieu of the cash compensation to which they are or might be entitled. A formal grant of national forest or other public lands to one Indian tribe will clearly stand as an example for others to seek to follow, regardless of language in legislative proceedings intended to limit the scope of an action."

The Committee amendment is designed to fully protect existing rights and concerns of the Pueblo de Taos Indians without setting an unwise precedent by transferring actual title to national forest lands. As passed by the House, H.R. 471 would declare that the 48,000 acres would be held in trust for the Pueblo de Taos. Under terms of the Committee substitute, the lands would continue to be national forest lands but the Secretary of Agriculture would be directed to administer the area for the exclusive use and benefit of the tribe. In fact, the Secretary would establish the area as a special ranger district to be staffed to the extent possible with qualified members of the Pueblo de Taos Tribe.

Some members of the Senate are expected to try to amend the Committee's proposal to substitute the House-passed bill.

Mr. METCALF. Mr. President, after the amendment is offered, and after my very able and distinguished colleagues have presented their case, I shall elaborate on the facts presented in the telegram and the newsletter.

Mr. HARRIS. Mr. President, as I understand it, the pending business will be the committee amendment in the nature of a substitute.

For myself and Senators GRIFFIN, BROOKE, CRANSTON, MCGOVERN, and PERCY, I rise in opposition to the committee amendment.

Mr. President, I will have more to say on this matter tomorrow when the particular issues are joined. However, I want to make some opening remarks on this very serious subject.

Senators who are on opposing sides of this matter are all honorable men who happen to differ on this issue. But I believe that the cause of justice will be served by rejecting the committee amendment and thereafter agreeing to the bill first presented to us which was passed by the House of Representatives.

Mr. President, the issue before us today affects directly about 1,800 people, not a large number. But the importance of our decision cannot be measured by the numbers of people involved. An injustice has been done to a group of people by our Government. We recognize, we admit the injustice. Will we rectify it? That is the question we must answer today.

Support for the Taos Indians in their struggle to reclaim Blue Lake and the surrounding land has spread far beyond

the Taos Pueblo. Millions await our decision.

Mr. President, may I say at this point that if the committee bill, a new bill altogether, is agreed to by the Senate, then the matter will have to go to conference. There is grave question as to whether that bill or any bill could thereafter emerge from the conference in time for adoption this year. Therefore, unless we adopt the House bill, I think it is very likely that the Taos Pueblo Indians will have to start this long battle all over again next year.

Mr. President, I think that is an important reason why we ought to adopt the House bill without change, speed the bill on without conference, send it to the President for signature. The President will sign it because he is one of the more ardent supporters in this land of the Taos Pueblo position.

"The Indian capitol of the world is in Blue Lake." These words were spoken by Governor Querino Romero of the Taos Pueblo in his testimony before the Subcommittee on Indian Affairs in July of this year.

That is figuratively true today. Indians throughout the United States have supported and are supporting the Taos Pueblo. Justice for the Taos Indians will have great symbolism for all Indians. Justice for the Taos Indians will mean that Congress really has begun to declare a century of wrongs suffered by Indians enough, that it recognizes the unique worth of American Indian culture and American Indian heritage.

But support for the Taos Pueblo is not confined to the Indian community. It is to the credit of our country that so many of our people deplore the past and support the Taos Indians in their struggle to secure their claim to these sacred lands.

However, it is the Taos Indians who will be the main winners or losers. For they must live with our decision. A delegation from the Taos Pueblo testified before the subcommittee in July.

Mr. President, at this time I want to pay particular tribute to the distinguished Senator from South Dakota (Mr. McGOVERN), chairman of the Subcommittee on Indian Affairs. He is one of the cosponsors of the position which I rise to support at this time.

In a powerful and moving statement, the delegation from the Taos Pueblo Indians testifying before the subcommittee which the Senator from South Dakota heads, said:

> Like Job in the Biblical story, our people have patiently endured great hardship and deprivation fighting to save the religious heritage embodied in this holy land. In this fight we are also struggling to preserve the identity of our people as a tribe, to preserve our Indian way of life, and to obtain restitution of land wrongfully taken from us.

It is accepted without argument that Blue Lake and surrounding lands were wrongfully taken from the Taos Indians in 1906. Return of the area has been consistently recommended by the Department of the Interior since 1912, and in 1965 the Indian Claims Commission found that the Taos Indians had established "Indian title" to 130,000 acres of land, including the 48,000 acres described in H.R. 471.

By virtue of the act of May 31, 1933, the Taos Indians have had the use of approximately 32,450 acres of the land for 50 years with provisions for renewal.

Why is the present permit arrangement unacceptable? First, it has not been practically satisfactory. Conflicts have occurred over the years with the Forest Service, with tourists, and with others. Beyond the practical problems is the principle of right, of law, of justice. The Taos Indians have consistently demanded that the rights of the Pueblo to the lands, which they consider to be sacred and essential for the proper conduct of many of their religious ceremonies, be finally recognized. Governor Romero so well worded the frustrations of years of struggle when he said to the subcommittee:

> Do you feel a continuous struggle, a continuous torture by the law justice?
>
> Do you think that is the principle that is set forth in this country?
>
> What I want to do now is for you to consider this. We want to end this struggle that you and I have been having. We want to end this feeling, a useless fight between the white brothers and the Indian brothers.

The House of Representatives, in passing H.R. 471, reached an equitable settlement of the claim of the Taos Pueblo. The Taos Pueblo and Indians and Indian leaders throughout the United States approved H.R. 471. President Nixon called for the immediate enactment of the legislation.

However, unfortunately the Senate Committee on Interior and Insular Affairs did not agree, substantially modified H.R. 471, and reported a bill unacceptable to the Taos Indians. The distinguished junior Senator from Michigan (Mr. GRIFFIN) and I, along with the others whom I have named, also found the action of the Senate committee to be unacceptable and therefore have offered the pending amendment which restores the House language to H.R. 471, the same action which would be accomplished by rejection of the pending committee amendment in the nature of a substitute.

The House bill, and the amendment we are offering, gives "trust title" to the Taos Indians of 48,000 of the 130,000 acres the Indian Claims Commission determined belonged to them. The use of the acreage by the Taos Indians under the House version would be for traditional purposes—religious ceremonies, hunting, fishing, and so forth—and except for such use "shall remain forever wild and shall be maintained as wilderness."

Mr. President, I call particular attention to that provision in the House bill because, as has been noted earlier in the telegram introduced into the Record by the distinguished Senator from Montana (Mr. METCALF), there is some objection to the House bill—unfortunately, and I think very mistakenly—by certain groups interested in wildlife and in conservation. Mr. President, I find that terribly ironic since the American Indian is the original and best practitioner of the proper conservation of the human environment.

The American Indian has been wronged by the use and the misuse of his land, water, and natural resources.

It is not the American Indian who has been guilty of the pollution of our environment and of the destruction of the great natural resources of this country.

It is not the American Indian who caused the Cuyahoga River in Ohio, for example, to become a fire hazard.

It was not the American Indian who cut down the great forests, and destroyed so much of the natural wilderness of this country.

I find it to be a terribly unfortunate and mistaken action, therefore, that any organization would raise the issue of conservation of natural resources as wilderness or of the flora or fauna of this area as an objection to the bill when the question is whether we shall return in its natural state, protected for all time as a wilderness, the land of the American Indians involved, whose land it really is.

It is important to understand the difference between our amendment and the Senate committee substitute, or between the House bill and the Senate substitute. Under the Senate committee substitute the "lands would continue to be national forest lands, but the Secretary of Agriculture would be directed to administer the area for the exclusive use and benefit of the tribe." The Taos Indians believe that "exclusive use" is nothing more than the "permit" arrangement that they presently have and that to give them anything less than "trust title" is to treat them unfairly. I agree.

Originally, the concept of "title" to lands was alien to many if not most American Indians. Traditionally, they believe that ownership of land by a particular person or tribe was not possible; the land belonged to all the people. However, settlement of this country forced many American Indians to change their thinking. They were moved about the country and their best lands were taken. As lands given to them in exchange for other lands became valuable, they were usually taken also. "Title" to land gained significance for the American Indians, and they learned in the white man's world that "permit" or "exclusive use" and "title" are not synonymous.

To continue the present arrangement, which, basically, the Senate committee substitute does, would make a mockery of the continuous and heroic efforts made by the Taos Pueblo for the past half century to get their land back. Gilbert Suazo, president, Youth of Taos Pueblo, in his testimony before the Subcommittee on Indian Affairs said:

> We have seen our grandfathers and fathers gallantly and tirelessly carry this struggle for our people.
>
> In the past years, we the younger generation of Taos Pueblo, have been silently involved in this Blue Lake struggle with the feeling of conviction that our non-Indian brothers would understand the obvious fact that this has always been our tribal land, and that after necessary formalities, our land would be legally returned to us.

The Indians do not consider a continuation of the present "permit" arrangement to be a legal return of the land. Neither is "exclusive use," in their view.

The Taos Indians will not consider the Blue Lake and the other sacred lands to have been "legally returned" to them until the Taos Pueblo has trust title to the 48,000 acres. It is then, and only then, that the struggle of the Taos Pueblo will be ended.

It is important to note that if by some unfortunate action of the Senate, and eventually of the conferees, and then through the adoption of the conference report, the Senate committee substitute is all that is finally enacted into law, I believe I am quite safe in predicting that this long stuggle will continue and that the representatives of the Taos Pueblo will be back here next session and succeeding sessions until at last the provisions of H.R. 471 have been enacted into law. So by passage of the Senate committee substitute we will have settled nothing; the historic fights will go on.

The Senate committee substitute is also unfair to the Taos Pueblo because it continues the Forest Service supervision of the Indian's use of the lands. The pending amendment, and the House version of the bill, provides for such supervisory jurisdiction over these sacred lands to be transferred to the Department of the Interior, which the Indians consider to be far preferable. In fact, the Departments of Agriculture and Interior have agreed with the Taos Indians that supervision of the lands by the Forest Service has not been an acceptable solution to the problems of all concerned.

Indian lands are generally held in trust by the Department of the Interior for the Indian or the tribe involved. If the Senate Committee substitute is agreed to these Indian lands will be a part of a national forest and will be supervised by the Department of Agriculture. Not only is this highly unusual, but it is a bad policy. I think Leonard Garment, special assistant to President Nixon, was absolutely correct when in a letter dated October 5, 1970, to the distinguished senior Senator from Colorado (Mr. ALLOTT), he said:

> The purpose of this letter is to emphasize to you and other distinguished Senators on the Interior Committee that the newly proposed substitute itself continues an undesirable precedent, i.e., statutorily carving out pieces of a National Forest for "exclusive use." National Forests, like National Parks, are explicitly "National" and for the benefit and use of all. To sequester the use of a section of such lands, by statute, yet still call it a *"National Forest"* seems to be an inconsistency, compounded by the fact that the result is misleading to the public.
>
> The clear way to assure "exclusive use" of a piece of land is to confer title upon the users. This is what H.R. 471 does and the President hopes you and your colleagues will support it tomorrow morning.

Both policy and justice favor giving "trust title" to the 48,000 acres to the Taos Indians.

Another significant difference in the House bill and the Senate Committee substitute. This clause could result in a termination of the use-rights of the Taos Indians in the event of a breach of the conditions of use. The termination could occur without notice or without a hearing, and in effect the "exclusive use" right of the Taos Indians amounts to a "determinable" interest. This provision, along with provisions in the substitute giving the Forest Service the responsibility of protecting watersheds and other related responsibilities, further reduces the nature of the claim the Taos Pueblo would have to their sacred lands under the Senate Committee substitute.

Why did the Senate Committee choose "exclusive use" as it is called "trust title?" Why supervision by the Department of Agriculture rather than the Department of the Interior? The Report of the Senate Committee clearly provides the answer. The report contains the following language:

> It is, therefore, the opinion of the committee that the House bill, H.R. 471, would set a dangerous precedent and would be the basis for claims to land by many tribes; and that these claims should not be satisfied by invasion upon the public estate.

The evidence relating to the claim of the Taos Pueblo does not support the argument that doing justice to them would establish any precedent.

The Department of the Interior has recognized that the claim of the Taos Pueblo is unique—

> We think this is a unique situation . . . it is where they go to worship and when we refer to a church in Christianity that is the way we feel they view this land.

Likewise, the uniqueness of the claim of the Taos Pueblo has been recognized by the Department of Agriculture.

Former Secretary of the Interior, Stewart L. Udall, in his testimony before the Senate Subcommittee on Indian Affairs, observed that during his 8-years term as Secretary, no other tribe presented a case similar to the Taos Pueblo. He said:

> I have come to believe that the Taos Pueblo have a very special and very singular relationship that can be distinguished from any other.

John J. Bodine, Professor at American University, commented on the uniqueness of the Taos Pueblo claim in a letter to the distinguished junior Senator from Montana (Mr. METCALF) and said:

> Its uniqueness is not the fact that they have asked for this land since 1906 nor does it relate to the existence of shrines of other Indian religious systems which are valid and deserving of protection. The Taos claim is unique because if Blue Lake and the surrounding lands are not returned to the tribe it will effectively destroy Taos culture. No other Indian tribe can make that claim, because no other Indian group today relies to the same degree on shrines in a restricted area for the continuation of its religion. Only Taos depends upon the undisturbed existence of its shrines which happen to be confined in the area of Blue Lake. This is what must be explained.

President Nixon recognized the special circumstances surrounding the claim of the Taos when in his message to Congress on Indian Affairs he said:

> The restoration of the Blue Lake lands to the Taos Pueblo is an issue of unique and critical importance to Indians throughout the country.

If the Senate gives credence to the precedence argument, it will be admitting that while others can weigh the facts and recognize what is a unique situation, the Senate does not have that ability. The evidence in regard to the Taos Pueblo claim is overwhelming. The Senate should do its duty in this unique case.

What the Senate must decide is the claim of the Taos Pueblo. Not the past, present, or future claim of other Indians.

If the Senate wishes to dwell on precedence, then it should be reminded of the precedence for destroying the culture, heritage, religion, and pride of the American Indian—precedence for this is plentiful. Let us now set a precedent for justice in the individual and unique case of the Taos Pueblo.

Mr. GRIFFIN. Mr. President, will the Senator yield for just a moment?

Mr. HARRIS. I am glad to yield to the distinguished Senator from Michigan, for whose support on this important issue I am very grateful.

Mr. GRIFFIN. I thank the Senator. I shall have a more complete statement to make tomorrow during the debate, but I want to associate myself with the very excellent statement just made by the distinguished Senator from Oklahoma, and to reiterate what he has already said—that President Nixon strongly supports the amendment which the Senator from Oklahoma and the junior Senator from Michigan will be cosponsoring tomorrow and considers this measure, which will be offered, a very important part of his program, as was outlined in his message to Congress on Indian affairs earlier.

I shall do everything I can from this side of the aisle to make sure that the substitute amendment to be offered will be agreed to. I hope the Senate in its wisdom will adopt the amendment.

Mr. HARRIS. I thank the distinguished Senator from Michigan.

I now yield to the distinguished chairman of the Subcommittee on Indian Affairs, whose steadfast help in this matter has been vital in getting it to this point and who, I am pleased to say, is a cosponsor of the position I have just expressed.

Mr. McGOVERN. Mr. President, I want to thank the Senator from Oklahoma.

I want to begin by commending the Senator from Oklahoma for presenting what I believe to be an entirely compelling and unanswerable argument in support of the amendment that he, the Senator from Michigan (Mr. GRIFFIN), and other Senators are offering with reference to the claims of the Taos Pueblo Indians.

It has been my privilege to serve as a member of the Indian Affairs Subcommittee for the past 8 years, and to act as chairman of the subcommittee for the past 2 years, and I want to say in all candor that I cannot recall any other Indian claim that was so clearly in the interest of justice as this claim being pressed by the Taos Pueblo Indians.

I had the privilege during the Thanksgiving break of visiting Taos, New Mexico, where my daughter is a resident. While I was there I called on Governor Romero and Secretary Paul Beral, who had worked so hard for so many years on behalf of this very important claim.

No one can talk to those 2 very distinguished Indian leaders without being convinced both of the depth of their character and their sincerity and the respect in which they are held by Indians and non-Indians alike.

In the few days that I was in Taos, I did not find a single informed or thoughtful person, Indian or non-Indian, who did not fully support the claims of the Taos Pueblo Indians on this very important matter.

Mr. President, what is involved here is far more than simply a legal claim, important as that is. What really is involved here is a deeply spiritual and religious matter, which goes right to the heart of freedom of religion and freedom of conscience in our country, because the Blue Lake area which is in dispute, and which has been in dispute for so many years, is regarded as the most sacred of all places by the Indian people, and particularly the Taos Pueblo Indians.

There is a great story in the New Testament that, so far as I know, describes the one instance in which the great teacher from Nazareth demonstrated anger and a certain amount of violence, and that was when he drove the money changers out of the temple. Nothing less than that same issue is involved in the matter that is before the Senate now.

The Taos Pueblo regard the Blue Lake area as a cathedral. It is their place of worship. For any government agency, as the Forest Service has done—and I am not criticizing the Forest Service as such, because it was given that authority—to invade this religious shrine in the way it has been invaded and disrupted is, in my judgment, an incredible violation of the respect that we have under our system of government for freedom of conscience and religion. I think this issue, on that ground, is almost beyond debate and dispute.

I do want to say that, because of the long dispute I have had with the senior Senator from New Mexico, who feels differently about this issue than I do, and also because of my role as chairman of the Indian Affairs Subcommittee, I have tried to keep an open mind on this question until the time came when the roll was called in the Interior and Insular Affairs Committee; but at that point it seemed to me that the issue was so clear that I could no longer postpone a judgment, and I have reached an irrevocable decision that we owe to the Taos Pueblo Indians, we owe to our own sense of respect for the Constitution and our concept of the separation of church and State and our concept of freedom of religious expression, the request that is contained in the measure offered by the Senator from Oklahoma, myself, and other Senators as contained in the bill already passed by the House of Representatives.

In that connection, Mr. President, we should keep in mind that the present form of H.R. 471, which is the language of the proposal of the Senator from Oklahoma (Mr. HARRIS), passed the House of Representatives on three different occasions. On two different times the Indian Affairs Subcommittee held hearings on this matter, first in 1966 and later on July 9 and July 10 of this year, when testimony was taken both on the House bill and the Senate verison, S. 750.

We also ought to understand that everyone recognizes the right of the Taos Pueblo Indians to title to the 48,000 acres in question, which is part of the Kit Carson National Forest. The Indians' claim is clear on that. It is judicially determined that the area has been used continually by the Taos since the 14th century until it was wrongfully taken away from them without compensation in 1906.

The question we are debating here is whether the Taos Indians should be given money, monetary compensation, as in other cases, reestablish title to the aboriginal tribal land, or have the land in trust.

There is a question of whether we are setting a precedent here that other Indians tribes might press, but anyone who will take the time to look into the hearing record, the record made by the Interior Department, I am convinced, will realize that this is a unique case. It is the only instance I know of where a case is made for land to be given to the Indians that will be used for religious purposes only.

It is on that basis that I very strongly advocate the claim of the Taos Pueblo Indians.

Mr. President, I shall have more to say on this subject tomorrow. There are a number of supporting materials that I shall ask to have printed in the RECORD, including the following:

First, a brief summary stating the reasons for enactment of H.R. 471.

Second, a brief excerpt from the message of President Nixon of July 8.

Third, the statement of the Taos Pueblo delegation before the Subcommittee on Indian Affairs of the Senate on July 9, 1970.

Fourth, the text of H.R. 471.

Fifth, a brief analysis that compares S. 750 with the pending House bill, setting forth the objections that have been raised to the Senate version of the bill.

Sixth, and finally, a series of editorials from newspapers in various parts of the country, supporting the claims of the Taos Pueblo.

I shall read just a portion of one of those editorials, from the St. Louis Post-Dispatch of July 14, 1970, entitled "The Taos Pueblo Claim." It reads as follows:

The Indians claim that the return of Blue Lake and its watershed is essential to their way of life. In the Taos Pueblo form of government, religion forms the basis of civil government and officials are selected by religious leaders. The exercise of religious worship, in turn, is dependent on the land around Blue Lake. To compare the cultural importance of Blue Lake to the Taos Pueblo with the economic returns on a few timber leases is absurd. The Indians have a right to this land.

Mr. President, I ask unanimous consent that the materials to which I have referred be printed in the RECORD at this point.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

REASONS FOR ENACTMENT OF H.R. 471

1. Justice Requires Passage of H.R. 471.

President Nixon has urged Congress to restore the 48,000 acre sacred Blue Lake lands to the Taos Pueblo Indians of Northern New Mexico, to be used by the Indians for religious and traditional purposes only. The Indian Claims Commission has judicially determined that this area, used and occupied continuously by the Taos since the 14th Century, was wrongfully taken from them without compensation in 1906. Now in the Carson National Forest under Forest Service jurisdiction, the Blue Lake lands are considered by the Taos as the source of all life—a natural cathedral containing the holy places and altars of their ancient religion which remains the central force of their culture.

While the Indians have continued to use the area for religious and traditional purposes, their religion, which prohibits interference with the natural condition of the land, has been subjected to grave disturbance by activities of the Forest Service, including stocking of fish, dynamiting of a lake, and construction of trails and other facilities for tourists. Entry by unauthorized persons and Forest Service personnel onto the sacred lands has resulted in disruption of religious ceremonies which, under the tenets of the Taos faith, must not be observed by outsiders. In view of the Forest Service's announced desire to harvest mature timber, manipulate the ground cover, and otherwise disrupt the natural state of the area in the name of water shed management, the Taos has grave reason to fear further substantial desecration of their sacred lands.

Conveyance of the land to the Taos in trust as provided in H.R. 471, is the only way to insure that the area will remain forever wild and that Taos religion and cultural life will be protected and sustained. Moreover, as President Nixon noted in his historic message to Congress of July 8, 1970, the passage of H.R. 471 "would stand as an important symbol of this government's responsiveness to the just grievances of the American Indians."

2. Passage of H.R. 471 Would Not Set a Legislative Precedent.

It has been asserted that justice cannot be done for the Taos Pueblo because other tribes might then seek similar legislation. The Department of Agriculture, which had opposed the measure because it feared that it might be used as a precedent, recently advised the Senate Interior Committee that certain amendments to H.R. 471 recommended by the Department, and agreed to by the Taos Pueblo, "conclusively establish the uniqueness of this situation to keep it from being used as a precedent." The Department of the Interior has also recognized that this is the only instance where a tribe is making a claim for land that it has continuously used and occupied, after deprivation of title, and where the land, once restored, would not be subject to commercial development but could only be used for traditional and religious purposes.

PRESIDENT NIXON'S MESSAGE TO CONGRESS OF JULY 8, 1970

RESTORING THE SACRED LANDS NEAR BLUE LAKE

No government policy toward Indians can be fully effective unless there is a relationship of trust and confidence between the Federal government and the Indian people. Such a relationship cannot be completed overnight—it is inevitably the product of a long series of words and actions. But we can contribute significantly to such a relationship by responding to just grievances which are especially important to the Indian people.

One such grievance concerns the sacred

Indian lands at and near Blue Lake in New Mexico. From the fourteenth century, the Taos Pueblo Indians use these areas for religious and tribal purposes. In 1906, however, the United States Government appropriated these lands for the creation of a national forest. According to a recent determination of the Indian Claims Commission, the government "took said lands from petitioner without compensation."

For 64 years, the Taos Pueblo has been trying to regain possession of this sacred lake and watershed area in order to preserve it in its natural condition and limit its non-Indian use. The Taos Indians consider such action essential to the protection and expression of their religious faith.

The restoration of the Blue Lake lands to the Taos Pueblo Indians is an issue of unique and critical importance to Indians throughout the country. I therefore take this opportunity wholeheartedly to endorse legislation which would restore 48,000 acres of sacred land to the Taos Pueblo people, with the statutory promise that they would be able to use these lands for traditional purposes and that except for such uses the lands would remain forever wild.

With the addition of some perfecting amendments, legislation now pending in the Congress would properly achieve this goal. That legislation (H.R. 471) should promptly be amended and enacted. Such action would stand as an important symbol of this government's responsiveness to the just grievances of the American Indians.

RICHARD NIXON.

STATEMENT OF TAOS PUEBLO DELEGATION

Mr. Chairman, it has been many years and several congresses since we first came before this subcommittee to appeal for the return of our sacred Blue Lake lands. Our spirits were lifted yesterday as we heard the President of the United States endorse H.R. 471. Like Job in the Biblical story, our people have patiently endured great hardship and deprivation fighting to save the religious heritage embodied in this holy land. In this fight we are also struggling to preserve the identity of our people as a tribe, to preserve our Indian way of life, and to obtain restitution of land wrongfully taken from us.

We are poor village people, and it has been hard for us to bear the costs of this long struggle for justice over the years since 1906 when the federal government first took the land and put it in the national forest. Even the young children of our village have contributed their pennies to bring our representatives to Washington time and again.

Apart from the financial hardship, we have had to contend with the irreverent curiosity and even mockery that this distasteful, prolonged public conflict has engendered among some white men—such as the threat reported by one of our tribal members in 1968 of a stranger who had declared that he would force his way with a gun into our ceremonies at Blue Lake. That man did not carry out his threat; perhaps because we responded by posting guards to protect our people and the sanctity of their worship. But the incident typifies how difficult it is for everyone—non-Indians as well as Indians—to tolerate the present permit system under which the sacred land is treated on the one hand as an Indian special-use area, on the other as a public multiple-use area.

We ask you to resolve this inherent conflict once and for all by returning the sacred area to our stewardship for religious and traditional use, and by doing so to extend to our people the Constitutional right of all Americans to religious freedom and self-determination.

Of the two bills now pending before this committee, H.R. 471 and S. 750, the Senate bill, S. 750, makes a mockery in every important respect of the religious and cultural needs of our Indian people. What does it do? We testify in good faith that our religious needs require the entire watershed to be maintained intact as an ecological unit, as is provided by H.R. 471; in direct repudiation of our simple request, S. 750 breaks this natural unit into four separate and distinct pieces for the benefit of others; one piece, a tiny island of 1,640 acres around Blue Lake, would be earmarked for our exclusive use; a second piece, about 3,000 acres surrounding that island, is added to the Wheeler Peak Wilderness and opened to the public without restriction; the third piece, 34,500 acres mainly in the existing Permit Area, is made available for logging and other Forest Service uses with minor Indian use; and the fourth piece of approximately 8,000 acres is opened for logging and multiple use by the Forest Service and the public, with no provision whatever for our Indian needs.

Then we plead for protection of our religious privacy—as it is guaranteed by H.R. 471—so that our religion and strength will not be destroyed as those of other tribes have been; the response to this plea under S. 750 is to take away 4,600 acres from the Special Permit Area and convert 3,000 of those acres into a corridor around Blue Lake for free and unimpeded public access through the Wheeler Peak Wilderness Area into the remaining areas of the watershed. Under those conditions it would be impossible to preserve our sacred area from public intrusions under S. 750.

Again, we assert the profound belief of our people that the trees and all life and the earth itself within the watershed are comparable to human life and must not be cut or injured, but must be protected by wilderness status as is provided by H.R. 471. What does S. 750 do about this? S. 750 gives the Secretary of Agriculture discretion to harvest timber in 34,500 acres (including most of the watershed), to "manipulate vegetation" and fence off pastures in the interest of "water yield," and entirely excludes the 8,000 acres of critical drainage only one-half mile from the Rio Pueblo de Taos from any protection whatever against such desecration.

We ask this committee to reject S. 750 as the very opposite of the principles of religious freedom and self-determination upon which this nation was founded.

H.R. 471, on the other hand, would uphold those principles by placing the sacred area under the jurisdiction of the Interior Department in trust for Taos Pueblo—the normal arrangement for Indian lands—and by requiring that it be maintained forever in wilderness status in accordance with the most fundamental tenets of our religion. The wasteful conflicts and confusion as between the purposes of the Forest Service and the real needs of Taos Pueblo would be ended without harming any other interests.

The three amendments proposed by the Administration, for the purpose of clarifying that our case is unique, and not a precedent for every tribe, preventing the location or production of minerals, and deleting provisions for the purchase of existing grazing permits, are acceptable to us. They do not affect the essential provisions of the bill, which grant us trust title to the full 48,000 acre sanctuary, incuding the watershed of the Rio Puebo de Taos, to be preserved forever as a wilderness defined by law under the jurisdiction of the Secretary of the Interior.

The documented history behind H.R. 471 was set forth in the Memorandum filed with this subcommittee in September, 1968, and we ask that it be included again in the record of these hearings as a part of our official statement. We want to answer here briefly some of the questions that have been raised in connection with the legislation.

1. *Record of Conflict.* Repeated conflicts between our religious beliefs and practices and cultural needs, on the one hand, and Forest Service policies and practices, on the other hand, have occurred under the existing system: from the grazing permits first issued by the Forest Service to non-Indians in 1918 through direct attacks on our religious and educational practices during the 1920's, through unilateral issuance of entry permits to pleasure-seekers, artificial stocking of Blue Lake and other lakes and streams, dynamiting to kill excess fish, construction of trails to attract campers, construction and maintenance of a Forest Service administrative cabin at Blue Lake (finally destroyed in 1969), a logging trespass, and the continued threat of ecological disruptions in the interest of timber production, "water yield," or "watershed management." In addition to the record of those conflicts, which is set forth at length in the Memorandum, we refer to the testimony of Mr. Greeley of the Forest Service at the 1968 hearings (pp. 83–86) regarding the Forest Service's desire to harvest mature timber, to manipulate the ground cover, and to increase recreational use of the watershed.

We believe that the testimony at this hearing of Dr. Myra Ellen Jenkins, a leading historian of the Southwest, will amply corroborate the record of repeated conflicts that have continued to occur under Forest Service jurisdiction.

The actual destructive effect of logging operations within the watershed—even by sustained-yield methods under Forest Service controls—does not have to be imagined. Timber is now being cut under a contract let and supervised by the Forest Service in Capulin Canyon, part of the Carson National Forest which borders on the south boundary of the Blue Lake area. The natural growth in the canyon has already been devastated, precious springs destroyed, and streams polluted, as the photographs we are submitting clearly show. In contrast, the beauty of our sacred land lying just over the ridge to the north is shown by a single photograph which is also submitted herewith.

Mr. Chairman, we invite you and the committee members to inspect these photographs. We would be happy to answer any questions at this time or at the end of our statement.

2. *Religious Use and Interferences.* The entire watershed is permeated with holy places and shrines used regularly by our Indian people; there is no place that does not have religious significance to us. Each of the peaks or valleys or lakes, springs, and streams has a time in our religious calendar when homage in one form or another must be given, or plants that we have studied and used for centuries gathered, or rituals performed. Our religious leaders and societies go regularly to perform these duties in accordance with this yearly calendar throughout the area. They also supervise, for a period of 18 months, the preparation of our sons for manhood at various places throughout the sacred area.

In addition to the actual and threatened interference with our religious practices by disruptions of the natural condition of the watershed cited above, there have been continued and repeated interferences with those practices by non-Indian Forest Service employees and sportsmen. These include Forest Service trail-builders or construction workers from adjacent areas, and pleasure-seekers who treat the land as a public part of the national forest. They have been found camping and fishing at Blue Lake and at other places in the sacred area; they have been encountered at places where rituals were to be performed, and on the route to such places.

Tribal officers for the past six years have reported a total of twelve unauthorized entries by Forest Service personnel into the special-use area through Indian land without following the agreed-upon procedure of

checking in with the War Chief's office. None of those unauthorized entries involved a forest fire or other emergency.

Our religious leaders are not policemen; they cannot and should not be expected to perform police functions by conducting interrogations on the spot, or making precise records associated with their private ceremonies. They have, as the Memorandum abundantly shows, repeatedly complained of the interferences described above.

3. *Conservation and Water Rights.* Taos Pueblo has used and occupied the watersheds of the Rio Pueblo and Rio Lucero for 700 years or more. We have always practiced conservation of those watersheds; they yield clear water today because of our long-standing care. Today it is more important than ever that the natural condition of those watersheds be preserved as the source of pure water in those streams. Our life depends upon that water even more than does the welfare of the non-Indians downstream because we obtain our drinking water directly from the Rio Pueblo. For these reasons we want the protections of H.R. 471, which require the Secretary of the Interior to "be responsible for the establishment and maintenance of conservation measures for these lands, including without limitation, protection of forests from fire, disease, insects or trespass, prevention or elimination of erosion, damaging land use, or stream pollution, and maintenance of stream flow and sanitary conditions."

We also want the protection of wilderness status for the watershed, which will prevent destruction of the natural values of that area more effectively than the present system. The Wilderness Society has inspected the area and has reported that it is suitable for wilderness status. Indeed, the Forest Service itself has repeatedly testified that the watershed is presently a "wild" area.

We have always accommodated our need for the waters of the Rio Pueblo and Rio Lucero to the needs of non-Indians downstream. The methods of allocating those waters, which have been in force between our Pueblo and the non-Indian users downstream since 1893, have operated fairly for Indian and non-Indian users. Recently a complaint was made by non-Indians concerning the flow of the Rio Lucero; an investigation was promptly made by tribal and BIA officials; the investigation disclosed no infringement of non-Indian water rights. We want to add to the record of these hearings the reports of the BIA officials regarding that investigation.

The record shows that we have cooperated with our non-Indian neighbors, and are seeking ways to improve the effectiveness of cooperation with them; furthermore, Taos Pueblo fully endorses the provisions of H.R. 471, which expressly protects existing methods of allocating water, stating that nothing in the bill shall "impair any vested water right."

4. *Existing Grazing permits.* The grazing permits which the Forest Service has issued for areas along the east side of the watershed are protected from termination by Section (c) of H.R. 471. As indicated above, we have no objection to the deletion of lines 13 through 24 on page 5 of the Union Calendar print, which authorize purchase of the ex' 'n permits.

5. *Precedent Issue.* It has been asserted that justice cannot be done for Taos Pueblo because other tribes might then seek similar legislation. The Interior Department has pointed out, however, that this is the only instance in which land claimed by a tribe has been continuously used and occupied by the claimant, and that no other tribe has a claim pending solely for religious and traditional use.

The Chief Counsel of the Indian Claims Commission has stated in a letter submitted herewith that to his knowledge "this is the only petition filed before the Commission wherein the plaintiff tribe has requested the return of a portion of the land in trust rather than a money judgment."

A list of prior legislation submitted in the record of the 1968 Senate hearing (pp. 74–75) includes two statutes enacted by Congress which turned over large tracts of Government land to tribes in New Mexico: Public Law 81–226, which transferred 612,000 acres to seven New Mexico Pueblos and a Navajo group, and Public Law 84–926, which transferred 41,212 acres to Zia Pueblo and 36,352 acres to Jemez Pueblo. Those statutes involved land for economic use, not religious use as in our case, and would therefore be far more likely to serve as precedents than H.R. 471.

SUMMARY

Under S. 750 our use of the watershed would be disrupted and our religious life destroyed. No longer could we congregate with privacy at holy places; they would be opened to recreationalists and other interlopers. No longer could we gather important plants in sacred precincts; they would be destroyed by commercial timbering, "vegetative manipulation," increased grazing, or other ecological disruptions. No longer could we use the pure water of Blue Lake and the Rio Pueblo; it would be polluted by timber operations, clear-cutting of the Engelmann spruce forests, and removal of vegetation to improve "water yield."

H.R. 471, by providing for a trust title to the entire watershed and insuring that the area will remain "forever wild" as a wilderness defined by law, guarantees that our religious and culture life will be protected and sustained.

All Indians yearn for Congress' recognition of the right to preserve their cultures, their religion, their tribal governments, and pride in their heritage. We want to take our rightful place in American society as Indians. Enactment of H.R. 471 would signal a new policy that will henceforth support Indian efforts to sustain their culture, their religions, and their tribal governments. Thus, H.R. 471 poses issues that are national in scope and touch Indians everywhere. We urge you to proclaim such a policy by recommending enactment of H.R. 471.

The past and the future of our Indian heritage is in your hands.

TEXT OF H.R. 471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act of May 31, 1933 (48 Stat. 108), providing for the protection of the watershed within the Carson National Forest for the Pueblo de Taos Indians in New Mexico, be and hereby is amended to read as follows:

"SEC. 4. (a) That, for the purpose of safeguarding the interests and welfare of the tribe of Indians known as the Pueblo de Taos of New Mexico, the following described lands and improvements thereon, upon which said Indians depend and have depended since time immemorial for water supply, forage for their domestic livestock, wood and timber for their personal use, and as the scene of certain religious ceremonials, are hereby declared to be held by the United States in trust for the Pueblo de Taos:

"Beginning at the southeast corner of the Tenorio tract on the north boundary of the Taos Pueblo grant in section 22, township 26 north, range 13 east;

"thence northwesterly and northeasterly along the east boundary of the Tenorio tract to the point where it intersects the boundary of the Lucero de Godol or Antonio Martinez Grant;

"thence following the boundary of the Lucero de Godol Grant northeasterly, southeasterly and northerly to station 70 on the east boundary of the survey of the Lucero de Godol Grant according to the March 1894 survey by United Sates Deputy Surveyor John H. Walker as approved by the United States Surveyor's Office, Santa Fe, New Mexico, on November 23, 1894;

"thence east 0.85 mile long the south boundary of the Wheeler Peak Wilderness, according to the description dated July 1, 1965, and reported to Congress pursuant to section 3(a)(1) of the Wilderness Act (Public Law 88–577);

"thence northeast approximately 0.25 mile to the top of an unnamed peak (which is approximately 0.38 mile southeasterly from Lew Wallace Peak);

"thence northwesterly 1.63 miles along the ridgetop through Lew Wallace Peak to Old Mike Peak;

"thence easterly and northeasterly along the ridgetop of the divide between the Red River and the Rio Pueblo de Taos to station numbered 109 of said 1894 survey, at the juncture of the divide with the west boundary of the Beaubien and Miranda Grant, New Mexico (commonly known as the Maxwell Grant, according to the official resurvey of said grant executed during July and August 1923 by United States Surveyor Glen Haste and approved by the General Land Office, Washington, District of Columbia, on April 28, 1926;

"thence southeasterly, southwesterly, and southerly along the west boundary of the Maxwell grant to the north line of unsurveyed section 33, township 26 north, range 15 east;

"thence southerly to the north boundary of fractional township 25 north, range 15 east;

"thence southerly and southwesterly through sections 4, 9, 8, and 7, township 25 north, range 15 east to the southwest corner of said section 7;

"thence westerly along the divide between the Rio Pueblo de Taos and Rio Fernandez de Taos to the east boundary of the Taos Pueblo grant;

"thence north to the northeast corner of the Taos Pueblo grant.

"(b) The lands held in trust pursuant to this section shall be a part of the Pueblo de Taos Reservation, and shall be administered under the laws and regulations applicable to other trust Indian lands: *Provided,* That the Pueblo de Taos Indians shall use the lands for traditional purposes only, such as religious ceremonials, hunting and fishing, a source of water, forage for their domestic livestock, and wood, timber, and other natural resources for their personal use, all subject to such regulations or conservation purposes as the Secretary of the Interior may prescribe. Except for such uses, the lands shall remain forever wild and shall be maintained as a wilderness as defined in section 2(c) of the Act of September 3, 1964 (78 Stat. 390). With the consent of the tribe, but not otherwise, nonmembers of the tribe may be permitted to enter the lands for purposes compatible with their preservation as a wilderness. The Secretary of the Interior shall be responsible for the establishment and maintenance of conservation measures for these lands, including, without limitation, protection of forests from fire, disease, insects or trespass; prevention or elimination of erosion, damaging land use, or stream pollution; and maintenance of streamflow and sanitary conditions; and the Secretary is authorized to contract with the Secretary of Agriculture for any services or materials deemed necessary to institute or carry out any of such measures.

"(c) Lessees or permittees of lands described in subsection (a) which are not included in the lands described in the Act of May 31, 1933, shall be given the opportunity to renew their leases or permits under rules and regulations of the Secretary of the Interior to the same extent and in the same

manner that such leases or permits could have been renewed if this Act had not been enacted; but the Pueblo de Taos may obtain the relinquishment of any or all of such leases or permits from the lessees or permittees under such terms and conditions as may be mutually agreeable. The Secretary of the Interior is authorized to disburse, from the tribal funds in the Treasury of the United States to the credit of said tribe, so much thereof as may be necessary to pay for such relinquishments and for the purchase of any rights or improvements on said lands owned by non-Indians.

"(d) The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1049, 1050), the extent to which the value of the interest in land conveyed by this Act should be credited to the United States or should be set off against any claim of the Taos Indians against the United States.

AMENDMENTS PASSED BY THE HOUSE

Page 4, line 2, strike out "Fernandez" and insert "Fernando".

Page 4, line 5, strike out "grant" and insert "grant;".

Page 4, between lines 5 and 6, insert a new paragraph as follows:

"thence west to the part of beginning; containing approximately 48,000 acres, more or less".

Page 4, line 14, strike out "or" and insert "for".

Page 5, line 21, after the period insert a new sentence as follows: "The authority to pay for the relinquishment of a permit pursuant to this subsection shall not be regarded as a recognition of any property right of the permittee in the land or its resources".

Page 6, line 4, strike out "States." and insert "States".

Page 6, after line 4, insert a new subsection (e) as follows:

"(c) Nothing in this section shall impair any vested water right."

OBJECTIONS TO S. 750 WITH COMPARISON OF BLUE LAKE BILLS IN THE 91ST CONGRESS

S. 750 would amend Section 4 of the Act of May 31, 1933, to add approximately 4,600 acres to the Wheeler Peak Wilderness, it would set aside approximately 1,640 acres within that wilderness area for the exclusive use of the Taos Indians, and it would expand the existing permit area to include 34,500 acres. It omits the area outside the existing permit along the eastern boundary of the Rio Pueblo de Taos watershed.

H.R. 471, on the other hand, provides that the entire 48,000 acre tract (including the easterly portion of the Rio Pueblo de Taos watershed) shall remain forever wild, and shall be maintained as a wilderness which the Taos Indians may use for their traditional purposes only, such as religious ceremonies, hunting and fishing, a source of water, forage for their domestic livestock, and wood, timber and other natural resources for their sole use, subject to regulations prescribed for conservation purposes by the Secretary of the Interior. A comparison of the provisions of S. 750 and H.R. 471 follows this memorandum.

S. 750 is highly objectionable in two primary respects: it fails to recognize that the Taos Indians in fact need the entire 48,000 acres (including the eastern section of the Rio Pueblo de Taos watershed) for their religious and ceremonial purposes; and it fails to preserve the entire 48,000 acres as a wilderness area. S. 750 is based upon the false assumption that the Indians need only a small area around Blue Lake for their religious purposes, and it excludes almost 90% of the watershed from wilderness status. Thus, S. 750 invites the development of commercial timber operations within the Indians' religious sanctuary, and it expressly directs the Secretary of Agriculture to manage the watershed in a manner that would undoubtedly interfere with the natural ecology. This is provided in Section 3(c) of S. 750 which reads as follows:

"Through extension and improvement of the forest and other vegetative cover in the permit area the Secretary shall manage the area in accordance with accepted watershed management principles so as to provide optimum quantities and quality of water from the area for the benefit of the Pueblo de Taos Indians and others depending on the Rio Pueblo de Taos and Rio Lucero for water.

Not only is manipulation of the natural vegetation unnecessary, but disturbance of the natural ecology of the watershed will disrupt the Indians traditional religious practices.

If Congress recognizes the Indians religious needs, it should meet those needs fully. S. 750 would recognize the Indians' need to use the land in the practice of their religion, but it would deprive them of the right to undisturbed use of most of the area they require. They would be relegated as it were, to the last row of pews in their "church."

If a wilderness area is desirable in the watershed of the Rio Pueblo de Taos, the wilderness should encompass the entire watershed and not be limited to a small area around Wheeler Peak. Apparently, the reason S. 750 limits the wilderness area is to open the way to commercial timber operations and manipulations of the ecology under the guise of "watershed management." Those practices are not warranted as conservation measures, and they will surely destroy the religion of the Taos Indians.

The return of Blue Lake area to the Taos Pueblo, as provided in H.R. 471, has become an issue of national importance to Indian tribes throughout the country. Enactment of H.R. 471 would signal to them a new national policy which recognizes and supports the tribal cultures and religions of Indians everywhere. Enactment of S. 750, on the other hand, would be understood by Indians as an attempt to destroy Indian cultures and religion. S. 750 should be rejected.

COMPARISON OF BLUE LAKE BILLS IN THE 91ST CONGRESS

LAND OWNERSHIP AND PURPOSE

H.R. 471: The 48,000-acre area would be held as a single unit by the Government in trust for Taos Pueblo for traditional and religious uses only. No economic benefit would accrue to the tribe.

S. 750: All of the land would continue to be held by the Government as a part of the Carson National Forest. The Rio Pueblo watershed would be subdivided into units for various purposes, permitting the Indians exclusive religious use of only 1,640 acres. An additional 34,500 acres would be subject to a modified version of the Indians' present special-use permit.

GOVERNMENT LIABILITY

H.R. 471: Under the Indian Claims Commission judgment that the land was unjustly seized and that the tribe has never been compensated, the Government is liable for compensation. H.R. 471 would satisfy this judgment by returning the land itself, thereby saving the Government the cost of a money award.

S. 750 would not satisfy the judgment against the Government. Under that judgment, the value of the tribe's special-use permit since 1940 will be deducted from the award for lands in the Town of Taos, regardless of whether the Blue Lake Area is returned to the tribe or not. Under S. 750, the Government would still be liable for the full value of the Blue Lake Area.

RESPONSIBILITY FOR CONSERVATION

H.R. 471: The Government would continue to be responsible for conservation of the area. Jurisdiction would be transferred from the Agriculture Department to Interior. The land would then automatically come under an existing inter-agency agreement providing for Forest Service cooperation in fighting fires on Indian lands, and a similar arrangement for controlling insect infestations. In addition, H.R. 471 explicitly authorizes a contract between the agencies for these purposes.

S. 750: The Department of Agriculture would have unilateral responsibility for conservation measures.

PRESERVATION OF WILDERNESS

H.R. 471: The entire 48,000-acre area would be preserved as a wilderness, as the Indians have preserved it from time immemorial.

S. 750: Only 4,600 acres would be preserved as a wilderness by incorporation in the Wheeler Peak Wilderness area.

CONSERVATION PRACTICES

H.R. 471: Conservation practices would be limited to those appropriate to a wilderness area. These would include preservation of the natural beauty of the land and purity of the water supply, as well as fire and infestation control.

S. 750: The Forest Service would be authorized to apply controversial measures to increase water yields in all but the 4,600-acre wilderness section of the watershed. These measures, advocated in public hearings by the Forest Service, include logging, fencing off pasture units and "vegetative manipulation." The application of these measures in other Southwestern watersheds has raised an outcry among conservationists against resultant defacement of the landscape and silting of water supplies which, among other things, adversely affects downstream fishing.

COMMERCIAL LOGGING

H.R. 471: No commercial logging permitted.

S. 750: As indicated above, logging would be permitted at discretion of the Forest Service in all but 4,600 acres. In portions of the Rio Pueblo de Taos watershed where commercial logging has already been proposed by the Forest Service, Engleman spruce predominates. Engleman spruce is always clear-cut in checkerboarded blocks of 20 acres, to prevent wind damage. The result is devastating to the landscape.

PRESENT GRAZING PERMITS

H.R. 471: Existing non-Indian grazing permits in the east side of the watershed would continue in effect. The tribe would be authorized to purchase relinquishment of the permits *only by mutual agreement* with the permittees.

S. 750: Permits would continue at discretion of the Forest Service.

PUBLIC ENTRY AND RELIGIOUS PRIVACY

H.R. 471: Public entry for purposes compatible with wilderness preservation may be permitted with the consent of the tribe. This would allow the tribe to protect its religious privacy. Religious activities occur throughout the area, where young men receive their training and religious societies go to perform sacred obligations year-round. The presence of outsiders prevents the performance of these rites, and therefore privacy is essential.

S. 750: The present permit system would continue on 34,500 acres, allowing issuance of permits to non-Indians only if approved by the tribe. Of the 4,600 acres added to the Wheeler Peak Wilderness area, 3,000 acres surrounding the exclusive religious-use area in the heart of the sacred land would be open to the public. This would make it impossible to control intrusion by outsiders upon the private religious activities of the Indians. Logging and "vegetative manipulation" would destroy the natural values essential to the Indians' religion. The total effect of S. 750 would be to desanctify most of the area and destroy the Indians' religion.

CONFLICTS OF INTEREST

H.R. 471 would end repeated conflicts and misunderstandings between the Forest Service and the tribe over needs and rights of the Indians as opposed to the multiple-use policies of the Forest Service. It would relieve the Forest Service of the burden of administering sacred Indian land as a natural resource for conflicting purposes.

S. 750 would continue and intensify the problems and conflicts inherent in the permit system.

RECENT NEWSPAPER EDITORIALS SUPPORTING H.R. 471

[From the New York Times, July 15, 1970]

JUSTICE FOR THE FIRST AMERICANS

When Europeans first arrived on this continent and spread into its interior, they found a people whose ancestors had come from Asia 25,000 years earlier and had long since mastered the North American environment as hunters, agriculturists, or fishermen. The various Indian tribes boasted complex cultures and religious systems, technologies adequate to their need, and proud traditions.

However, those first generations of Europeans saw the Indians only as inferior beings to be conquered and destroyed so that the continent could be exploited for the benefit of the newcomers and their descendants. Today, this long era of brutal conquest is ancient history; most of the continent belongs to the heirs of the victors; and the majority of remaining Indians live in abject poverty, "the most deprived and most isolated minority group in our nation," as President Nixon termed them the other day in presenting his constructive new Indian program.

The conquest cannot be reversed, but the Indians can be helped to lift themselves from poverty, to improve their education and health, and corporately—tribe by tribe, band by band—to be masters of their own future destinies so they can retain or discard their ancient cultural heritage as they wish. These essentially are the goals of the Nixon program.

Part of the task ahead is to scrap the mistakes of the past. The policy adopted in 1953 of trying to "terminate" the Federal Government's responsibility for the Indians was an error. Most tribes—composed mainly of poverty-stricken and culturally disorganized individuals—are not ready for full independence, and will not be ready in the presently foreseeable future. As we noted at the time, the termination policy was premature and could only worsen Indian conditions.

If the Federal trusteeship must remain, it must not be—as too often in the past—a stifling paternalism that imposes upon the Indians policies and courses of action reflecting non-Indians' preferences. Much wiser is the new course the President has recommended, a course that gives the Indian communities self-respect and some power over Federal programs affecting their lives.

There should be no illusion, however, that the nation's overdue debt to the First Americans can be discharged quickly or cheaply. So great are the needs of the Indian communities after centuries of neglect or worse, that the increased sums the President has asked Congress to appropriate are only the first small downpayments on the multi-billion dollar expenditures that will be required in the decades ahead.

Of particular symbolic importance is the President's endorsement of the return of the Blue Lake and its 48,000-acre watershed in New Mexico to the Taos Pueblo tribe for which the area has special sacred significance. Only the ignorance or the indifference which has so often and disgracefully marked Washington's past Indian policies accounts for the unfortunate decision in 1906 to remove that land from control of its proper owners. The House has twice passed a bill to rectify this historic injustice, and it is shameful that Senator Clinton P. Anderson and his allies in the Senate are blocking the bill in that chamber. The compassion that marks Mr. Nixon's attitude in this case makes all the more bewildering the fact that his message ignores the land claims of Indians and other natives in Alaska.

But the new Nixon program as a whole gives great hope—if followed up by action and sufficient funds—that a new era may at last be opening for the American Indian.

[From the Washington Star, July 10, 1970]

NEW ERA FOR INDIANS

A square deal for the American Indians seems finally to be taking shape. President Nixon deserves commendation for his substantive and forceful message of July 8, telling the Congress it is time "for a new era in which the Indian future is determined by Indian acts and Indian decisions."

Mr. Nixon's statement on Wednesday, which was delivered at a White House meeting with Indian leaders, proclaimed a sharp departure in federal policy. He has agreed to the Indians' demands that they be given operational control of many federally financed programs which aid them, and that government assistance be continued. Mr. Nixon went beyond that, advocating an enlargement of expenditures, and he endorsed a pending House resolution that would return to a New Mexico tribe 48,000 acres of sacred land. Denouncing the "centuries of injustice" endured by the Indians, he proposed some solid programs to bolster the livelihood, health, education and pride of the "first Americans." Aid is envisioned not only for tribes on reservations, but for the hundreds of thousands of Indians in poor urban areas.

Indians are heartened by this support for removal of what they perceive as the blight of paternalism—the ordering of their affairs by federal officials and field workers. They feel that lack of self-determination has eroded Indian pride. Also, they had feared a scaledown of government aid, since Interior Secretary Hickel a year ago said that they were too dependent on federal upkeep and would have to "cut the cord." With their problems of poverty, health, isolation and conflict with the dominant society, that is unthinkable to them. So the President's reassurances were a great relief.

No doubt their victory at the White House was due in large measure to a rising militancy among young Indians and a deepening grimness among older ones. Last October, Hickel was almost booed off the stage when he addressed the National Congress of American Indians at Albuquerque, and of course there are those war whoops at Alcatraz. But Vice President Agnew also spoke at the Albuquerque meeting and indicated that something new was in the wind. "It is important to remember," he said, "that federal support of Indian services is to a great extent legally due the Indian community. These are not services offered at the pleasure of the government, but solemn obligations. . . ."

Congress should adopt Mr. Nixon's proposals, giving fresh hope to these abused citizens who carry a peculiar burden of history.

[From the New York Post, July 10, 1970]

DAYLIGHT FOR AMERICAN INDIAN?

The Nixon Administration, faulted with good cause for its faint-hearted response to the needs and aspirations of black Americans, has reacted with praiseworthy boldness and conviction to the long-unheeded grievances of the nation's Indians. Cynics may observe that this is safer political ground; it is nevertheless full-scale, ungrudging recognition of inhumanities too long ignored.

In a message to Congress Wednesday, Mr. Nixon deplored "centuries of injustice" toward Indians, proposed meaningful reforms of the justly resented policy of "termination" of national responsibility for the Indians' dilemma, threw his support behind legislation returning 48,000 acres of sacred land in New Mexico to the Taos Pueblo tribe and pledged to seek more money for programs benefiting the Indian.

Sen. Harris (D–Okla.), the former Democratic National Committee chairman who is the Capital's leading spokesman on Indian affairs, hailed Nixon's message as "forward-looking and progressive." That spirit of bipartisan support should greet the President's proposals in Congress.

[From the Washington Post, July 13, 1970]

A NEW FUTURE FOR INDIANS?

Because the world of the some 600,000 American Indians is filled with so much suffering and frustration, President Nixon's message to Congress could not and did not try to describe it. Instead, the President succinctly deplored a history of white "aggression, broken agreements, intermittent remorse and prolonged failure" in relations with Indians, and went on to make a series of broad and rectifying proposals.

The new policy would allow Indians, for once, to run their own lives free of outside paternalism and pressure. Specifically, the legislation would let any tribe or group of tribes vote to assume all or part of the federal programs that affect them locally. As more and more young Indians become impatient with the slow pace of social change, as prompted from Washington, local control has become a must. In line with this is the President's idea that Indian communities should run their own schools where possible. The Navajo Community College in Many Farms, Ariz., is the best example of Indian controlled education. Future federal funds for the college, which the President did not talk about, will be decided on shortly by a congressional appropriations conference committee.

Other recommendations that can only improve matters include more money for Indian social programs, a new post in the Interior Department that would put Indian affairs in the hands of an assistant secretary, a repudiation of the dreaded termination policy that lets the government, not the Indians, decide when the trustee relationship should end. To show that his words are accompanied by action, the President endorsed the controversial proposal—already passed by the House—that would return 48,000 acres of land near Blue Lake, New Mexico, to the Taos-Pueblo Indians, property the U.S. government now admits it stole in 1906. Land has perhaps more meaning to the Indians than anything else, and the current efforts of Sen. Clinton Anderson and other members of the Senate Interior Subcommittee on Indian Affairs to block this bill should be defeated.

The Indians know that too many white Americans still view them as a conquered people—prisoners of war, really—for a White House message to have an immediate effect on the nation's attitude toward them. Moreover, Indians have had their hopes raised over the years by top-level recommendations made one day—and forgotten the next. But Mr. Nixon's admirable message could make a difference this time around because the Indians themselves are now a little more vocal and active in demanding their rights and more and more white Americans have joined their struggle in a serious way.

[From the Chicago Tribune, July 11, 1970]

HOPE FOR INDIANS?

In a special message to Congress, President Nixon called for "a new era" in which

"the Indian future is determined by Indian acts and Indian decisions." If only earlier Presidents like Andrew Jackson and others had thought that way, the Indians could have been spared much suffering and degradation, and the national honor some of its deepest stains.

The Indian problem is as tough as it is in part because Indian culture is far less individualistic than the culture prevalent in the United States. American Indians have strong ties to the ancestral land and a lively sense of being part of tribal life. They do not shift residence as readily as most Americans do, and the form of property ownership natural to them is collective rather than personal.

Until the 20th century, the best treatment the United States government was prepared to give the Indians was to shove them into reservations [so apparently worthless that whites did not much want them] and subject them to an oppressive and ungenerous paternalism. Generations of life under these conditions bred into most Indians a despair as profound as their distrust of the forked tongues of palefaces.

At last, the government and the Indians' few disinterested white friends and the Indians themselves share the conviction that Indians need and should have considerably autonomy without loss of tribal life. Not long ago the federal government adopted a policy of "termination"—which meant liquidating tribal assets in a one-time distribution to individuals on the tribal lists. This was hard on Indians as well as on the timber market, which was staggered when even one whole reservation went on sale at one time. Now President Nixon wisely proposes a middle course between termination and arbitrary control over reservation Indians.

Giving tangible implementation to the new policy of considering Indians' wishes and values, the President recommended restoring a tract of national forest land to the Taos Pueblo tribe for which it has great religious value. We hope that Congress will respect wise Presidential leadership in Indian affairs. It has in the past gone along only too willingly with deplorable executive policies for our Indian minority.

[From the Philadelphia Inquirer, June 21, 1970]

INDIANS MAKE THEIR STAND

The Taos Pueblo Indians are hopeful that their long struggle to regain at least a good part of the land taken from them in 1906 will end successfully this year.

Much of the success of their efforts could depend on a hearing before the U.S. Senate Indian Affairs subcommittee on July 9 in Washington, D.C. For the occasion, the 90-year-old spiritual leader of the tribe, Juan de Jesus Romero, is expected to make his first airplane trip in order to testify.

Romero and his people contend that 130,000 acres of their land was taken from them in 1906 for the Carson National Forest. They insist that at least 48,000 acres of it be returned, including the Blue Lake area, which has religious significance for the tribe.

Actually, the Taos have been occupying the land for centuries. After the U.S. Government took it over for parklands, the tribesmen were told they could use it, with restrictions.

According to a congressional act, which went into effect in 1940, the Indians have a permit to use the land for 50 years. But the Indians feel they shouldn't need any permits to occupy their own land.

The U.S. Indian Claims Commission agrees with the tribe's claim. It stated in 1965 that the tribal lands were taken "without payment or compensation." It said the Taos should be paid for the 130,000 acres at 1906 value, which isn't much of a bargain.

The Taos, however, want title to the land, not the money.

A bill passed by the U.S. House of Representatives last September will give the Indians the 48,000 acres they want.

But the bill is being blocked in the Senate mainly because of the opposition to it by Senator Clinton P. Anderson (D., N.M.). He has a companion bill which would set aside 4000 acres of wilderness for the Indians. The tribe rejects the Senate measure.

Senate sympathy has been mounting on the side of the Taos. And when the hearing comes up next month in Washington, Anderson may end up feeling like the last of the Indian fighters.

[From the St. Louis Post-Dispatch, July 14, 1970]

THE TAOS PUEBLO CLAIM

Most Americans doubtless would be outraged if the Federal Government adopted a policy that resulted in chopping up furniture in all the churches for firewood and turning the sanctuaries into bowling alleys. Yet this in essence is what the Government has done in the case of Blue Lake in New Mexico, a small body of water with a 48,000-acre watershed that has been sacred to the Taos Pueblo Indians for 800 years. The Indians consider Blue Lake the source of all life and the retreat of souls after death.

In 1906, the lake and watershed were taken from the Indians and were made part of the Carson National Forest. Fish have been stocked in sacred lakes and streams, facilities for outdoorsmen have been built near shrines and forest lands have been leased to timbering interests. "These acts," says Interior Secretary Hickel, "had the same meaning to the Indians as vandalizing a church would have to the Christian community."

For the past two years, the House has passed a bill that would return the 48,000 acres to the Indians, who have refused the cash compensation the Government has offered for the land. The bill now is before a subcommittee of the Senate Interior Committee and it has the warm endorsement of President Nixon. It also has, however, the opposition of the Forest Service, which is reluctant to give up timber leasing, and its ally, Senator Anderson of New Mexico who has been successful in blocking the legislation. The Senator has introduced his own bill that would set aside 1640 acres around Blue Lake for the exclusive use of Indians.

The Indians claim that the return of Blue Lake and its watershed is essential to their way of life. In the Taos Pueblo form of government, religion forms the basis of civil government and officials are selected by religious leaders. The exercise of religious worship, in turn, is dependent on the land around Blue Lake. To compare the cultural importance of Blue Lake to the Taos Pueblo with the economic returns on a few timber leases is absurd. The Indians have a right to this land.

[From the Minneapolis (Minn.) Tribune, Aug. 23, 1970]

INDIAN LAND IS SYMBOL, BUT OF WHAT?

In his Indian affairs message to Congress six weeks ago, President Nixon proclaimed a "new commitment" to the American Indian. The President cited one specific injustice when he called for "prompt" return to the New Mexico Taos Indians of the "Blue Lake" land seized from them for a national forest in 1906. "Such an action would stand as an important symbol of this government's responsiveness to the just grievances of American Indians," said the President.

A month ago, Mr. Nixon's special assistant, Leonard Garment, went to New Mexico and told the tribe, "You have my word that this administration will do its utmost to see that this legislation restoring these lands to you is passed."

The Senate Interior Committee's subcommittee on Indian affairs has yet to schedule a vote on the Taos claim, although it was heard July 8. The subcommittee chaired by Sen. McGovern of South Dakota, has twice in past years killed House-passed bills restoring the tribal lands, both times by failing to vote.

The problem is that Sen. Anderson of New Mexico opposes the bill. He is senior member of the Interior Committee and of McGovern's subcommittee. The Indians believe that Anderson wants the land retained because it contains valuable timber and water. "Anderson and the Taos are anything but fast friends," says one Indian affairs expert, adding, "The senator is the real hangup." Anderson wants to grant the Indians use (but not possession) of only 1,640 acres.

The Blue Lake is sacred to the Indians. They believe it essential to gain back 48,000 acres to achieve religious privacy and to assure that commercial activities cease in the area. The request is reasonable. The tribe has occupied the land for 600 years. In 1965, the U.S. Indian Claims Commission ruled that 130,000 acres rightfully belong to the Taos. They refused compensation and are requesting only the smaller area, which they consider essential to their religious freedom.

The administration is not working actively to advance the bill, according to several persons connected with the matter in Washington. McGovern, though privately for the bill, has let it die twice in deference to Anderson, who is said to be "negotiating" with the tribe.

So far, the Blue Lake case is not symbolic of, as Mr. Nixon put it, "the government's responsiveness to just grievances." Rather it symbolizes that the administration is more interested in rhetoric than promises and that the Senate and its Interior Committee are perfectly willing to sacrifice justice to the desires of one powerful senior senator.

[From the Albuquerque Tribune, Oct. 16, 1970]

ANDERSON RUNS INTO STRONG OPPOSITION ON TAOS INDIAN BILL

(By Seth Kantor)

WASHINGTON.—A possible candidate for the presidency in 1972, Sen. George S. McGovern D-S.D., is not buying the compromise Sen. Clinton P. Anderson, D-N.M., has worked out for the Taos Indians.

Losing McGovern is a blow to Anderson, since McGovern not only is a leader among Senate liberals but he is Chairman of the Indian Affairs Subcommittee, where the Taos argument has been waged.

The Anderson compromise, product of the parent Interior and Insular Affairs Committee, heads into the Senate chamber for a showdown debate when Congress comes back next month from its election-time break.

Sen. Henry M. Jackson, D-Wash., Interior chairman, is likely to prosecute the case for a compromise for Anderson, who no longer can handle a vigorous or prolonged debate on the Senate floor.

Half the Democrats and half the Republicans on the McGovern subcommittee are against the bill Anderson—also a member of that subcommittee—has produced.

Besides McGovern, subcommittee members Quentin N. Burdick, D-N.D., and Mike Gravel, D-Alaska, are against Anderson on this one.

So are Republicans Clifford P. Hansen, Wyo., and Henry Bellmon, Okla.

So is President Nixon. So are Interior Secretary Walter J. Hickel and his Democratic predecessor Steward L. Udall.

McGovern is the key to the opposition, since senators pay a lot of attention to the views of chairmen who have jurisdiction over the legislation at hand.

But Sen. Fred R. Harris, D-Okla., will front the fight on the floor to shoot down the Anderson compromise. Harris is backing a more liberal House version of the bill—which is what the Taos Indians and the Nixon administration are after, too.

Harris is planning to circulate a "Dear-Colleague" letter among Senate members, seeking majority support for his battle against compromise, when Senate business resumes in mid-November.

Members of the New Mexico GOP hierarchy are urging the White House to pencil in a stop in the Land of Enchantment between now and Election Day, Nov. 3, for President Nixon.

The President will be in Dallas on Oct. 28 to boost the Senate candidacy of George Bush.

Even a brief stopover next-door in New Mexico after that by Nixon could be a significant boost to the campaigns of Anderson, Carter and Pete Domenici in their quest for the Senate and governorship.

No word—not even privately—from the White House yet on The Man's Southwest schedule.

Fabian Chavez Jr., the Democrat running for Congress against Rep. Manuel Lujan, Jr., R-N.M., is getting the endorsement of the powerful New Mexico Education Association.

Lujan has voted against major education-funding legislation.

But indications are that rank-and-file school teachers in the state's first district are not withholding support from Lujan, on grounds that he advocates economizing in general.

The situation is similar to organized labor—where unions these days formally endorse liberals while the blue-collar workers go vote for conservatives.

Rep. Ed F. Foreman, R-N.M., starts a day-and-night political stumping of his district tomorrow, carrying him over a path hundreds of miles long, until election day. Polls show him well ahead.

"However, it is that 'poll' taken on Tuesday, Nov. 3, with which we are presently concerned," said Foreman.

Mr. KENNEDY. Mr. President, I ask unanimous consent to be added as a cosponsor of the amendment (No. 1083) of the Senator from Oklahoma (Mr. HARRIS) to H.R. 471.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I wish to join in commending the distinguished Senator from Oklahoma and the distinguished Senator from Michigan, along with other cosponsors of this proposal, for the leadership that they have shown in this matter. It has been a long and difficult battle, I know, and they have never failed in their determination, their concern, or their commitment to the cause of justice for the Taos Pueblo. Here on the eve of what I am hopeful and confident will be a final, just settlement of the Taos Pueblo claim for return of Blue Lake, I think it is appropriate to commend the Senator from Oklahoma and the other supporters of the amendment for their consistent and persistent effort in the cause of justice for the Taos Pueblo.

I also commend President Nixon and the administration for the position which they have taken on this matter. I think they have shown an independent concern and a sense of justice and commitment on this question, which strongly and permanently affects the Taos Pueblo Indians.

Mr. President, Taos Pueblo is hopeful that the Senate's action today will end its long struggle to regain the sacred Blue Lake area taken from it 64 years ago. A year ago I had the opportunity to talk with the Governor and Council from Taos, who explained to me in moving words the importance of having their sacred lands returned in trust to them. These people are of one mind. They are not tempted by monetary compensation. They are not interested in commercial development of the land. They are not lured by talk privileges, licenses, or permits. They are unwilling to compromise. And in the matter of religious freedom and integrity of the Taos Indians, they should not be compromised.

Almost 10 years ago the Governor of the Pueblo addressed an audience in New York City. He said:

Blue Lake is the most important of all our shrines because it is a part of our life, it is our Indian church.

And he continued:

You have beautiful statues, beautiful figures of representative scenes which we now worship, you and I together. We don't have the beautiful structures and we don't have the gold temples in this lake, but we have a sign of the living God to whom we pray—the living trees, the evergreen and spruce, and the beautiful flowers, and the lake itself. . . . .

Before the Indian Affairs Subcommittee last June the Taos Governor reemphasized both the nature and the magnitude of the issue:

In this fight we are . . . struggling to preserve the identity of our people as a tribe, to preserve our Indian way of life, and to obtain restitution of land wrongfully taken from us.

Mr. President, I do not think that it is necessary for me to review here the history of the Pueblo's struggle to regain Blue Lake. The hearings contain extensive documentation on this point. Nor will I attempt a dissertation supporting the legal rights of the Pueblo to the Blue Lake area. The Indian Claims Commission in 1965 set any unsettled disputes to rest when it held that the sacred Blue Lake area belonged to Taos Pueblo and that "the United States extinguished Indian title to said lands without payment of compensation."

Ordinarily this would have put the entire issue at rest, for following the usual affirmation of title to lands wrongfully taken by the Federal Government, the Claims Commission usually proceeds to a determination of the compensation to be afforded the Indians involved. The Taos Indians, however, would have nothing of that.

Taos Pueblo will only accept return of the land; the Commission can only, under its statutory authority, award money. Thus it is up to Congress to settle the matter.

The basic argument in opposition to the House bill—which would return Blue Lake in trust to the Pueblo—is that such action would set an unfortunate precedent. This argument, I fear, has already diverted our attention from the real issues involved in this bill. In effect, supporters of the Senate substitute bill are saying—and the bill specifically finds: That the Taos had legal title to the land; that the land was wrongfully taken; that the land is an integral part of the native religion and that the Indians are sincere in their religious attachment to the land. The Senate substitute, in addition, does not alleviate the interference with or pressures on the Taos Indian in the observance of their religious ceremonies. But, say supporters of the substitute, the amendment might set a bad precedent.

Let us stop for a moment and, as we consider the amendment to the Senate substitute, ask ourselves:

Does it afford fullest protection to the free exercise of religion by Taos Pueblo?

Is the public's interest in maintaining the area as a wilderness free from commercial exploitation fully protected?

Is the amendments a more just and fair way of our dealing with Taos Pueblo?

Mr. President, is it not time that we stop congratulating ourselves on how generous and understanding we are when we pay no heed to the needs and wishes of the Indian people?

There are those who are saying that if this bill passes, every hill and lake will be sacred sanctuary to nearby Indians and every totem pole a religious shrine to neighboring Eskimos. This is not only crass and offensive to the native population of this country; it is particularly demeaning to the Taos Pueblo.

I for one have more confidence in the Congress of the United States. I sincerely believe that this body is fully capable of determining whether a bill sets some sanctimonious and unbreakable precedent. I am confident that we can look at a claim, can analyze the hearings and report, can weigh the debate, and can decide on the merits of the individual claim. We do it daily on special claims and immigration bills. And we certainly do it on major pieces of legislation.

To vote against the amendment to the Senate substitute bill for fear of setting a precedent that may be blindly followed later is to abdicate our function and responsibility to look at each bill on its own merits, important in and of itself. I for one am not willing to accept this position.

Certainly the Agriculture and Interior Departments consider the Taos claim to be unique. The President of the United States does not see this as a precedent. The Indian Claims Commission has found no other situation comparable to Taos Blue Lake. Anthropologists can find no claims, like that of Taos, based on continuous and uninterrupted use of

lands for strictly religious purposes. Even the Interior Committee chairman, the Senator from Washington, who has great expertise and extensive experience in Indian legislative matters, observed that the Senate substitute does not "represent a precedent for future cases."

If we are to be concerned with precedent, let us be equally concerned with the precedent that would be set by the Senate substitute bill. The White House has strongly indicated that it considers that bill to be an undesirable precedent in statutorily carving out pieces of a National Forest for "exclusive use." To set apart a section of such lands, by statute, yet to call it a "National Forest," is not only inconsistent but is misleading to the public. More importantly, it is unworkable in terms of full protection of Taos religious practices.

Mr. President, last summer, members of Taos Pueblo appeared at the Senate hearings on H.R. 471. I was impressed and moved by their testimony. Govenor Romero told the Indian Affairs Subcommittee:

Deed that 43,000 acres of land back to us. The U.S. Government is not going to be hurt. Taos Pueblo is not going to hurt the U.S. Government. It is going to be preserved just the way as it has been taken away from the Indian by the United States before 1906.

You believe in wilderness status. This land is going to be kept under wilderness status. It is going to be kept that way. As long as this good sun is going to give us light, it is our responsibility in our Indian way to carry on this principle of religious practice.

Can the Senate ask for more than that? Even the Forest Service has not and cannot make such a strong and unqualified commitment to the people of this country. And so I ask my colleagues the same questions that the Taos council secretary asked in the hearings:

Are we going to play the game or are we going to establish here with honesty? Which way are we going to go from here on out?

Let us be honest with ourselves. Let us be fair. Let us deal justly with the Taos Indians. We should support this amendment.

Mr. HARRIS. Mr. President, I commend the distinguished Senator from Massachusetts (Mr. KENNEDY) for his very eloquent statement and for his cosponsorship of the Taos Pueblo position. Particularly, Mr. President, do I find very impressive the statements of the distinguished Senator from Massachusetts in regard to the question of whether H.R. 471, as passed by the House of Representatives, would establish a precedent. I ask unanimous consent to have printed at this point in the RECORD a paper which has been prepared, entitled "Reasons Why H.R. 471 Would Not Set a Legislative Precedent."

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

REASONS WHY H.R. 471 WOULD NOT SET A LEGISLATIVE PRECEDENT

1. Taos Pueblo's claim to the Blue Lake Area is unique:

(a) No other tribe has a claim of over sixty years standing to a distinct area of land continuously used and occupied by the tribe for religious purposes after deprivation of title.

(b) This is the only instance of a claim for land which, once restored, would not be subject to commercial development.

(c) In the words of the anthropologist Dr. John J. Bodine:

"The Taos claim is unique because if Blue Lake and the surrounding lands are not returned to the tribe it will effectively destroy Taos culture. *No other Indian tribe can make that claim,* because no other Indian group today relies to the same degree on shrines in a restricted area for continuance of its religion." (Emphasis added.)

Claims of other tribes for land with no special religious significance or where—as in most cases—the land has been conveyed to third parties and completely inapposite. The Departments of Interior and Agriculture agree on the unique nature of the Taos claim.

(d) Taos Pueblo is not seeking return of other lands to which the Indian Claims Commission ruled the tribe held aboriginal title (a balance of 82,000 acres).

2. If any "precedent" were created by H.R. 471's restoration of title to the Pueblo, the Interior Committee substitute bill's creation of a sequestered special district within the national forest for exclusive use would set a much less desirable precedent.

3. It is cleaner and less inimical to the public interest to transfer land to be used exclusively by the Taos Indians out of the National Forests. Maintaining the fiction that exclusive-use land is a public National Forest resource serves neither the best interests of the Indians nor of the United States.

4. If it is objectionable to convey title to a tribe in lieu of cash, because other tribes may seek similar treatment, it is no less objectionable to give a tribe exclusive use to part of a National Forest. If other tribes were to want the same kind of restricted trust title granted to Taos Pueblo under H.R. 471, it follows that they would also want the same kind of exclusive use rights created by the Committee version. The Committee seems to have anticipated this point by stating in its report that its version "deals only with the specific fact situation presented by the Pueblo de Taos claim" and that it "does not, however, represent a precedent for future cases." The same disclaimers apply equally well to the House version.

5. In point of fact, because of the unique nature of the Pueblo's claim and the unique use to which it wishes to put the land, no precedent would be created by either restoring limited title to the Pueblo (as provided in H.R. 471) or providing for its exclusive use of the sacred lands (as provided in the Committee version).

6. The fact that Congress here is called upon to make a single exception to the general rule that Indian claims are to be paid in money rather than land does not require a wholesale abandonment of that general principle, unless Indians are to be treated differently from other citizens.

7. Congress transfers public land to Indian tribes in every session as routine transactions.

Mr. HARRIS. Mr. President, I want to point out that if Senators will read the communication from certain wildlife and conservation groups placed in the RECORD by the distinguished Senator from Montana (Mr. METCALF), they will find that the objections to the Taos position by those organizations is based upon the fear that, as they say in the communication, this bill will create a "dangerous precedent."

The cosponsors of the Taos position, the Senator from Michigan, the Senator from South Dakota, the Senator from Massachusetts, and myself, have just demolished that argument. We have made a clear legislative history here, on the part of those of us who support the Taos position, that indeed no legislative precedent will be set by the passage of H.R. 471 as passed by the House of Representatives. Therefore, I think it will be evident to Senators—and I trust to these organizations when they have read this RECORD—that their objections are no longer valid and that their fears are not justified. I am certain that they and Senators will be reassured by the legislative history that has been made here tonight: no precedent will be set by granting justice in this individual case.

Mr. McGOVERN. Mr. President, I ask unanimous consent to have printed in the RECORD, in addition to the material I already asked to be printed in the RECORD, a list of some of the principal groups that are supporting the claims of the Taos Pueblo. Those groups include the Association of American Indians; the AIO Action Council, headed by Mrs. Fred Harris, the wife of the distinguished Senator from Oklahoma; the Wilderness Society of Washington; the American Civil Liberties Union; all individual Indian tribes across the country; the National Congress of American Indians; President Nixon; the Department of the Interior; the former Secretary of the Interior, Mr. Udall; the more recent Secretary of the Interior, Mr. Hickel; all major church groups in the United States, as well as major newspapers to which I have referred.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SUPPORTERS OF HOUSE-PASSED BILL

Major newspapers.
All major church groups.
Former Secretary Udall.
Nixon Administration.
National Congress of American Indians.
All individual Indian tribes.
ACLU.
Wilderness Society, Washington, D.C.
AIO Action Council (Mrs. Fred Harris).
Association of American Indians.

ORDER FOR RECOGNITION OF SENATOR HARTKE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, at the conclusion of the remarks by the able Senator from Iowa (Mr. MILLER), the distinguished Senator from Indiana (Mr. HARTKE) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 56 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, December 2, 1970, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, December 1, 1970*

The House met at 12 o'clock noon.

Rev. James A. Langley, executive secretary of the District of Columbia Baptist Convention, Washington, D.C., offered the following prayer:

Father, when uncounted thousands are swept to death by natural catastrophes, and hunger and pestilence blight human lives, when many live under tyranny, and hatred and violence stalk the earth, help us to brother our fellowman after the example of the Saviour of men.

On the threshold of Advent, we rejoice that Thou hast come into our world as one of us, sharing our pain, brokenness, and distress. God is with us. Therefore there is light and hope and assurance of peace.

May we also incarnate the Divine Spirit to bring freedom and wholeness to humanity. Guide us to use Thy resources to bless mankind in order that men may know the reality and love of God.

We pray in the Redeemer's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 17867. An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17867) entitled "An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McGEE, Mr. ELLENDER, Mr. HOLLAND, Mr. MONTOYA, Mr. FONG, Mr. PEARSON, and Mr. YOUNG of North Dakota to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2193) entitled "An act to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes," agrees to the conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. PELL, Mr. NELSON, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, Mr. JAVITS, Mr. PROUTY, Mr. SAXBE, Mr. SCHWEIKER, and Mr. DOMINICK to be the conferees on the part of the Senate.

The message announced that the Vice President, pursuant to Public Law 70–770, appointed Mr. METCALF to the Migratory Bird Conservation Commission in lieu of Mr. TYDINGS, resigned.

ASYLUM—A TWO-WAY STREET

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, how we can ever hope to be known as the land of the brave and the home of the free while cravenly returning to Communist brutality a human being who seeks asylum in America is beyond me. The incident involving Soviet Seaman Kruse reflects an apparent absence of instruction as to policy in such contingencies.

I say "apparent absence of instruction" because I am loath to believe that either our State Department or the Coast Guard would designate the return to living terror as standard operating procedure for persons who chose to risk their lives in preference for this country at the expense of home, family, and ethnic ties. The House Armed Services Committee should investigate and report to the House concerning the facts of this case without delay.

Asylum is a two-way street. If there are Soviet citizens who want to defect to the United States and are not Trojan horses in disguise, they should be received by us. If there are Americans who wish to defect to the Soviet Union we should say goodby and good riddance.

In such instances in addition to automatic loss of U.S. citizenship there should be provided by law that the property of such former U.S. citizens that remain in the United States or is subject to its jurisdiction should be distributed as if they were dead—for dead they are, inside—and dead we are, if we fail to keep a beacon light flying in America for the Kruses of tomorrow.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

DR. ANTHONY S. MASTRIAN

The Clerk called the bill (H.R. 15760) for the relief of Dr. Anthony S. Mastrian.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ATKINSON, HASERICK & CO., INC.

The Clerk called the bill (H.R. 10534) for the relief of Atkinson, Haserick & Co., Inc.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CLAUDE G. HANSEN

The Clerk called the bill (H.R. 13807) for the relief of Claude G. Hansen.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JOHN R. GOSNELL

The Clerk called the bill (H.R. 13469) for the relief of John R. Gosnell.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan (Mr. BROWN)?

There was no objection.

GEORGE F. MILLS

The Clerk called the bill (H.R. 15415) for the relief of George F. Mills.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri (Mr. HALL)?

There was no objection.

REFERENCE OF H.R. 1390 TO THE CHIEF COMMISSIONER OF THE COURT OF CLAIMS

The Clerk called House Resolution 108, referring H.R. 1390 to the Chief Commissioner of the Court of Claims.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan (Mr. BROWN)?

There was no objection.

THOMAS J. BECK

The Clerk called the bill (H.R. 4982) for the relief of Thomas J. Beck.

There being no objection, the Clerk read the bill as follows:

H.R. 4982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to

Thomas J. Beck of Arlington, Virginia, the sum of $734.96 in full settlement of all his claims against the United States for reimbursement of certain travel and relocation expenses incurred at the time of his transfer of duty stations in 1967 from Tuscaloosa, Alabama, to Washington, District of Columbia, while an employee of the United States Naval Air Systems Command.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6: Strike "$734.96" and insert "$479.96".

Page 1, line 11: After "Command" strike the period and add "and the said Thomas J. Beck is hereby relieved of all claims of the United States against him in connection with reimbursement for amounts advanced him for that travel."

Page 2, line 2: Strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIA DE CONCEICAO BOTELHO PEREIRA

The Clerk read the bill (H.R. 12990) for the relief of Maria de Conceicao Botelho Pereira.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa (Mr. GROSS)?

There was no objection.

DRAGO MIKLAUSIC

The Clerk called the bill (H.R. 1508) for the relief of Drago Miklausic.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MATYAS HUNYADI

The Clerk called the bill (H.R. 3436) for the relief of Matyas Hunyadi.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

A. HUGHLETT MASON

The Clerk called the bill (H.R. 5017) for the relief of A. Hughlett Mason.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan (Mr. BROWN)?

There was no objection.

ROGER STANLEY, AND THE SUCCESSOR PARTNERSHIP, ROGER STANLEY AND HAL IRWIN, DOING BUSINESS AS THE ROGER STANLEY ORCHESTRA

The Clerk called the bill (H.R. 5943) for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri (Mr. HALL)?

There was no objection.

CHARLES ZONARS

The Clerk called the bill (H.R. 7955) for the relief of Charles Zonars.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa (Mr. GROSS)?

There was no objection.

DAVID Z. GLASSMAN

The Clerk called the bill (H.R. 13805) for the relief of David Z. Glassman.

There being no objection, the Clerk read the bill as follows:

H.R. 13805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated the sum of $178.80 to David Z. Glassman of Brooklyn, New York, in full settlement of his claims against the Government for excess social security contributions due to the fact that he was employed by two employers and made contributions to both the social security fund and to the Railroad Retirement Fund and his claim for refund was not filed in time due to misleading information received from the Railroad Retirement Board which led him to believe that the contributions withheld in this manner were correct. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARCOS ROJOS RODRIGUEZ

The Clerk called the bill (S. 1187) for the relief of Marcos Rojos Rodriguez.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 2514) for the relief of Arline Loader and Maurice Loader.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa (Mr. GROSS)?

There was no objection.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the concurrent resolution (S. Con. Res. 79) favoring the suspension of deportation of certain aliens.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the concurrent resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan (Mr. BROWN)?

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2302) for the relief of Mrs. Rose Thomas.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PHILIP C. RILEY AND DONALD F. LANE

The Clerk called the bill (H.R. 11676) for the relief of Philip C. Riley and Donald F. Lane.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ROBERT L. STEVENSON

The Clerk called the bill (H.R. 15864) for the relief of Robert L. Stevenson.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARION OWEN

The Clerk called the bill (H.R. 15865) for the relief of Marion Owen.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM E. CARROLL

The Clerk called the bill (H.R. 16276) for the relief of William E. Carroll.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARLO BIANCHI & CO., INC.

The Clerk called the bill (H.R. 17853) for the relief of Carlo Bianchi & Co., Inc.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

JAMES E. MILLER

The Clerk called the bill (S. 878) for the relief of James E. Miller.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RUTH V. HAWLEY, MARVIN E. KRELL, ALAINE E. BENIC, AND GERALD L. THAYER

The Clerk called the bill (H.R. 14703) for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WARREN BEARCLOUD, PERRY PRETTY PAINT, AGATHA HORSE CHIEF HOUSE, MARIE PRETTY PAINT WALLACE, AND PERA PRETTY PAINT NOT AFRAID

The Clerk called the bill (H.R. 15805) for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, and Pera Pretty Paint Not Afraid.

There being no objection, the Clerk read the bill as follows:

H.R. 15805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, and Pera Pretty Paint Not Afraid, of Hardin, Montana, the sum of $34,598.62 representing the share, as heirs of Woman On The Top Of The Mountain, Crow allottee numbered 1087, of $34,598.62 representing their share, as heirs of Woman were ommitted from the estate of the said Woman On The Top Of The Mountain through error in the administration of her estate by the Office of the Examiner of Inheritance, Bureau of Indian Affairs, Department of the Interior, after her death intestate on April 27, 1948. Such sum shall be paid in equal shares to such persons and shall be in full satisfaction of any and all of the claims of such persons arising out of the administration of the estate of the said Woman On The Top Of The Mountain.

With the following committee amendments:

Page 1, line 6: After "Marie Pretty Paint Wallace," insert "Nancy Paint Littlelight,".

Page 1, line 8: Strike "$34,598.62" and insert "$41,518.34".

Page 1, line 8: Strike "the" and insert "their".

Page 1, line 10: Strike "of $34,598.62 representing their share, as heirs of Woman" and insert "of rents and proceeds from the sale of certain lands which".

Page 2, line 1: Strike "ommitted" and insert "omitted".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, Nancy Paint Littlelight, and Pera Pretty Paint Not Afraid."

A motion to reconsider was laid on the table.

IRENE SADOWSKA SULLIVAN

The Clerk called the bill (S. 1785) for the relief of Irene Sadowska Sullivan.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SALE OF PASSENGER VESSEL "ATLANTIC"

The Clerk called the bill (H.R. 16498) to permit the sale of the passenger vessel *"Atlantic"* to an alien, and for other purposes.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. That concludes the call of the Private Calendar.

RELIEF OF CAPT. JACKIE D. BURGESS

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8470) for the relief of Capt. Jackie D. Burgess, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 13, strike out "subscription" and insert "section".

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 18515, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 18515), making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1971, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. FLOOD, NATCHER, SMITH of Iowa, HULL, CASEY, MAHON, MICHEL, SHRIVER, Mrs. REID of Illinois, and Mr. BOW.

RELATING TO COMPENSATION OF CLERKS TO OFFICIAL REPORTERS OF DEBATES

Mr. WAGGONNER. Mr. Speaker by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1639) on the resolution (H. Res. 1241) relating to the compensation of the Clerks to the Official Reporters of Debates, and ask for immeditate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES 1241

Resolved, That (a) until otherwise provided by law and effective the first day of the month which begins on or after the date of adoption of this resolution, the rate of basic compensation of—

(1) the clerk to the Official Reporters of Debates shall be $6,160 per annum;

(2) the number one assistant clerk to the Official Reporters of Debates shall be $4,505 per annum; and

(3) the number two assistant clerk to the Official Reporters of Debates shall be $4,005 per annum.

(b) Until otherwise provided by law, such amounts as may be necessary to carry out subsection (a) of this resolution shall be paid out of the contingent fund of the House of Representatives.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding. I wonder if some

statement is not in order as to the necessity, this late in the session, of this type of resolution? I would be particularly interested in knowing, Mr. Speaker, if this is—or is not—a continuation of the spiraling of the wage-price increase that we have all indulged in in the executive branch and the judicial branch and certainly here in these legislative halls, by some strange contrivance or arrangement, even without a vote; that could be directly construed as raising our own salaries. I would also inquire as to exactly what totals this involves.

For example, Mr. Speaker, I am advised that there are only three people involved and that they are among our most deserving, but that there is a peculiar statutory situation which requires that their positions and salaries be handled in this way.

My final question would be, why are they not included with the general pay raises that go on among the functionaries of this body?

Mr. WAGGONNER. Mr. Speaker, the gentleman is exactly right. A statement should be made which explains fully to the Members what is taking place here.

First of all, it is correct that a resolution is required for these men ever to achieve an adjustment in basic pay—and after the first of the year, we will depart because of what we have done in the Reorganization Act from reporting base salaries to a system wherein we deal only with gross salaries. There is a statutory provision that certain employees of the House must, to get pay raises which involve not just a raise, but a reclassification of their positions, which this truly, in effect, is, we must have the approval of the House. There are only a few of these employees who fall into this category, because the Committee on House Administration has the authority for a number of other employees in the various departments of the House to establish salaries and to place into effect pay raises or decreases—but we have not had anything of that sort for a while—if in their wisdom the Members decide that this should be done.

We are dealing in this particular instance, because of the statutory requirement, with the three clerks to the Reporters of Debates, the three men who sit at the front desk in the House Chamber and the men who really, as the gentleman has so aptly put it, do so much of the work. These are the men who put together the CONGRESSIONAL RECORD. They sit there day in and day out, and they have a very meticulous and tedious task. They do a very excellent job of it.

It was the feeling of the Committee on House Administration that the salaries paid these men, who do so much work, were not in line with the salaries paid a number of other employees in the House and that they were deserving of a reclassification. The reclassification calls for a dollar increase in total of $5,103.10 per year for these three men. We found out that we have floor employees, so to speak, and others who were making far more money than these men who were doing a very delicate and tedious job, and we simply thought these three men were deserving of a reclassification of their jobs, and it is necessary that the House approve it. That is the reason we present House Resolution 1241 for the approval of the House today.

Mr. HALL. Mr. Speaker, I appreciate the explanation by the distinguished gentleman from Louisiana.

Did it occur to the Committee on House Administration, which brings this resolution out as privileged, to reclassify all the other functionaries of the House down to the proper level, instead of raising these people up to a deserving relative level?

Mr. WAGGONNER. Yes. This was considered, but I believe the gentleman realizes the magnitude of such a task.

Mr. HALL. Mr. Speaker, I have one further inquiry of the distinguished ranking majority member of the Subcommittee on Accounts of the Committee on House Administration.

Do I correctly understand that not only will the gross salaries be shown, in connection with the reorganization bill of the Congress, but also that the statutory provision which finds them handled differently from all other employees will be changed on recommendation of the committee?

Mr. WAGGONNER. It is not my understanding that the method in the future of handling the salaries of these few people will be changed. I do not understand that at all. They will still be handled, unless Congress acts otherwise, as is presently the case and as is the situation today.

Mr. HALL. That, of course, would be on recommendation of the gentleman's committee, after studying the job descriptions and reclassification procedures and the relative salaries?

Mr. WAGGONNER. The gentleman is correct. It could be done.

Mr. HALL. I would certainly recommend in connection with the pay of the Congress and its employees, that we further consider equity among all of our employees when reorganized in the 92d Congress.

Mr. Speaker, I have on many occasions in the past objected to these spirals of increases among ourselves as well as our help. That fact is well known on this floor. I will not object at this particular time because of the equity involved and the Herculean service rendered by these people who, as the gentleman from Louisiana says have a tedious job, but one which they certainly execute well and with dedication.

I again thank the gentleman for his explanation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL MEMBERS OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14213) to amend sections 5580 and 5581 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 9, strike out "and" where it appears the first time.

Page 1, line 9, strike out "Senate and" and insert "Senate,".

Page 1, line 10, strike out "Representatives; together with" and insert "Representatives, and".

Page 2, line 2, strike out "Washington; and the" and insert "Washington, and".

Page 2, line 2, strike out "other".

Page 2, line 3, after "seven" insert "of whom".

Page 2, line 9, after "and" insert "the".

Page 2, lines 10 and 11, strike out "Senate and House of Representatives" and insert "Congress".

Page 2, after line 16, insert:

"(d) The second sentence of section 5582 of the Revised Statutes (20 U.S.C. 44) is amended to read as follows: 'The board shall also elect three of their own body as an executive committee, and shall fix the time for the regular meetings of the board: and, on application of any three of the regents to the secretary of the institution, it shall be his duty to appoint a special meeting of the Board of Regents, of which he shall give notice, by letter, to each of the members; and, at any meeting of the board, eight shall constitute a quorum to do business.' "

Amend the title so as to read: "An Act to amend sections 5580, 5581, and 5582 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution and to increase the number of members constituting a quorum."

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I correctly understand that the Senate amendments are germane to the bill?

Mr. THOMPSON of New Jersey. Yes, they are, I will say to my friend from Iowa. In the House passage of the bill we would enlarge the citizen regents of the Smithsonian Institution by three. We overlooked increasing the size of the quorum of the regents. That is the Senate amendment.

Mr. GROSS. It is not the plan to put an individual by the name of Hirschorn—I cannot thing of the first name—on the Board of Regents; is it?

Mr. THOMPSON of New Jersey. Not by this gentleman.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

THE PRESIDENT'S POPULARITY

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, it has been easy for the second-guessers in

both parties to point to the recent elections and draw from them the conclusion that the President should not have joined in the political campaigns.

As it turns out, however, the people of America do not share this view.

The latest Gallup poll, taken after the election and released Sunday, discloses that the President's popularity remains virtually unchanged from mid-October at 57 percent.

Whatever other conclusions can be drawn from the results of the election, one that cannot be drawn is the canard that the President should not have campaigned.

The American people judge their leaders in a number of contexts and for a number of qualities. They have never rejected leadership, loyalty, or a man who fights for the things and people he believes in.

I believe Sunday's Gallup poll makes this perfectly clear.

GALLUP POLL CONFOUNDS PRESIDENT'S CRITICS

(Mrs. REID of Illinois asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. REID of Illinois. Mr. Speaker, I would like to call the attention of my colleagues to the newest Gallup poll, which appeared in Sunday's Washington Post. I am sure it will confound the critics of the President and especially those who have been critical of his campaign efforts on behalf of Republicans.

The poll shows the President's popularity holding at a very steady 57 percent, down only one point from last October.

This, of course, is well within the margin for statistical error. It means that the American people saw nothing wrong with the President campaigning.

It means, in fact, that they continue to approve of his overall performance of his efforts to wind down the war and of the job he is doing in coping with inflation.

Mr. Speaker, without question, the new Gallup poll should give the President's unthinking critics pause for reflection.

PROVIDING FOR CONSIDERATION OF H.R. 19333, SECURITIES INVESTOR PROTECTION ACT OF 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1266 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1266

Resolved, That, upon the adoption of this resolution, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Massachusetts is recognized for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, House Resolution 1266 provides an open rule with 1 hour of general debate for consideration of H.R. 19333, Securities Investor Protection Act of 1970. The resolution also makes it in order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of H.R. 19333 is to provide protection for investors if the broker-dealer with whom they are doing business encounters financial troubles. The legislation mandates a general upgrading of financial responsibility requirements of brokers and dealers to eliminate, to the maximum extent possible, the risks which lead to customer loss.

A nonprofit, membership corporation—Securities Investor Protection Corporation—would be created which would not be an agency of the U.S. Government. Membership would consist of all brokers and dealers registered under section 15(b) of the Securities Exchange Act and all persons who are members of a national securities exchange, except that persons whose business as a broker or dealer consists exclusively of the distribution of mutual funds or variable annuities would not be included in membership. A seven-member Board of Directors would conduct the affairs of the Corporation.

Within 120 days after enactment of the bill, the Corporation would have a fund aggregating not less than $75 million—$10 million in cash and $65 million in a confirmed line of credit from banks.

The sum of $150 million, or more, would be set as the projected fund size.

After 3 years the fund may not include more than $50 million in confirmed lines of credit from banks and, once the fund aggregates $150 million, the Corporation would be obliged to phase out of the fund all confirmed lines of credit, and the Corporation would be required to endeavor to impose assessments in such a manner that the aggregate assessment payable by its members would be not less than one-fourth of 1 percent of aggregate gross revenues from the securities business. Assessments would be maintained at that level until the fund aggregates $150 million in cash.

The Corporation would be authorized to borrow from private capital markets and up to $1 billion indirectly from the U.S. Treasury.

If it is determined by the Corporation that any of its members has failed or is in danger of failing to meet its obligations to customers, or that one or more certain conditions exist, it would apply for a decree adjudicating that the member's customers are in need of protection. The conditions specified are: insolvency, or inability to meet obligations as they mature; the member has committed an act of bankruptcy; the member is subject to a proceeding in which a receiver, trustee, or liquidator has been appointed; the member is not in compliance with applicable requirements of law with respect to financial responsibilities of broker-dealers or hypothecation of customer securities; the member is unable to make such computations as may be necessary to establish compliance with financial responsibility or hypothecation rules.

After adjudication, a court-appointed trustee would carry out the liquidation, meeting the requirements set forth in the legislation.

Mr. Speaker, I urge the adoption of House Resolution 1266 in order that the legislation may be considered.

Mr. Speaker, I now yield to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the statement just made by my colleague, the gentleman from Massachusetts (Mr. O'NEILL), and hasten to point out that the administration supports this bill. I wish to commend the committee for bringing it out.

The purpose of the bill is to provide financial protection to customers of broker-dealers in securities who incur financial difficulties. This is done by creating a fund to advance money to such customers during the process of liquidation and by generally providing for more stringent financial responsibility requirements for firms and dealers in the investment business generally.

Many, if not most, customers of investment dealers leave their funds and stocks in the hands of their broker as a matter of convenience. In such instances, although the funds or stocks are owned by the customers and must be immediately surrendered to them upon demand, the broker-dealer often uses such funds and stocks in the operation of his business. This is proper, but unfortunately, in some instances where the firm has run into financial difficulty and been forced into bankruptcy the customers either have to wait a long time to get their property returned to them or, in some cases have lost part or all of their assets left with their bankrupt broker-dealer.

The New York Stock Exchange has recognized this problem, and in 1964 set up a voluntary trust fund to protect customers of firms in financial trouble. However, recent problems in the industry, affecting a number of firms have depleted the fund. Only recently a major disaster was only narrowly averted when Good-

body & Co., the fifth largest investment house, had to close its doors. Some system of customer protection which will fully protect all customers is clearly necessary. The bill seeks to provide such a permanent protective system.

The bill will create, immediately, a reserve fund which will provide protection to customers of broker-dealers similar to the previous fund created by the Exchange but with several important additions. It will be mandatory and permanent and will continue to grow to a total of $150,000,000.

The bill creates the Securities Investor Protection Corporation. It's membership would be all brokers and dealers registered under the Securities and Exchange Act. All members would be assessed by the Corporation immediately to create a $10,000,000 cash fund. At the same time and on a temporary basis a line of credit would be established in the amount of $65,000,000, thus creating a $75,000,000 reserve fund for customer protection.

Assessments of all member brokers and dealers would be based on one-half of 1 percent of such members business in 1969. Assessments would continue on an annual basis until a cash reserve fund of $150,000,000 is achieved, at which time all credit lines would be phased out. If at any future time, the reserve fund fell below $150,000,000 in cash, assessments would be made to restore the fund to that level. In order to fully protect the public, the Securities and Exchange Commission may require a larger reserve cash fund, and further assessments, if in the judgment of the Commission it is necessary. It will also be possible for the Corporation to borrow from the U.S. Treasury, up to $1,000,000,000, if the Securities and Exchange determined such action was necessary to protect customers.

The purpose of the reserve fund is to reimburse customers of financially troubled brokers and dealers. Whenever the Securities Investor Protection Corporation determines that one of its members is, or is about to become bankrupt, insolvent, or otherwise unable to meet its financial responsibilities, it will seek a court order bringing the provisions of the bill into effect. A court-appointed trustee would be appointed and the Corporation would advance him sums from its reserve fund which the trustee would use to pay the claims of customers, up to $50,000 per customer. Subject to this limitation each customer would receive 100 percent of what he is entitled to. Customers would receive their money as rapidly as possible as a first order of business.

The trustee, at the same time, would handle the liquidation of the bankrupt investment firm.

The Securities Investor Corporation would be governed by a seven-member Board of Directors chosen as follows: two members by the New York Stock Exchange, one by the American Stock Exchange, one by joint action of the several other stock exchanges, one by the National Association of Securities Dealers, and two, who shall represent the public interest, by the President. If the Corporation shall borrow any funds from the U.S. Treasury, the President shall be entitled to appoint two additional members who shall serve as long as the loan is outstanding. Members will serve 4-year terms and shall elect the Chairman from among themselves for a 1-year term.

The bill gives to the Securities and Exchange Commission continuing oversight and rulemaking authority over the affairs of the Corporation to insure that the public interest is served.

The bill is supported by the administration as evidenced by letters from the Securities and Exchange Commission and the Treasury Department. There are no minority views.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2224, INVESTMENT COMPANY AMENDMENTS ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 2224) to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Nov. 25, 1970.)

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in September of this year the House passed H.R. 17333, a bill to amend the Investment Company Act of 1940, and then substituted its provisions for the Senate passed bill, S. 2224.

The conference report which is before us today contains the recommendations of the conferees to resolve the differences between those two measures. While there are a number of differences between the versions, the principal areas of difference are the following:

The Senate bill would have modified the existing exemption for oil and gas funds in the Investment Company Act, and this modification would have resulted in the inclusion of many existing oil and gas funds in the regulatory pattern of the act. Because of representations made by the industry involved and the Securities and Exchange Commission, the House determined not to make any change in the existing exemption but to call upon industry representatives and the SEC to recommend a new statutory pattern to provide investors with the needed protections in this area. It is our understanding that the SEC and industry representatives have already begun working toward that end. Accordingly, the conference substitute does not make a change in the existing exemption, and it is the expressed understanding of the conferees that the Commission and the industry will, within 18 months, have a recommendation before the Congress on this matter.

The Senate bill had specifically authorized banks to create and operate commingled agency accounts. The House version did not specifically provide for those accounts, but it did state that, if no other provisions of State or Federal law prohibited the operation of such accounts, they could be operated subject to certain terms. I am pleased to report that the conference substitute contains no provision on these matters and therefore leaves these questions dependent upon interpretations of existing Federal law and upon administrative action by the respective governmental agencies involved.

With respect to the front-end load on periodic payment plans, the House and Senate versions both provided that the existing practice of withholding 50 percent of the first year's payments toward the total sales charges could be continued; however, a required refund period was established. The refund provisions in the two versions were similar except for the duration of the refund period. The House provided for a 1-year refund period; and the Senate for a 3-year period. The conference substitute provides for an 18-month refund period.

Both the Senate and the House versions contained important provisions for testing the level of management fees. The provisions were similar except for the insertion in the House version of a requirement that the plaintiff shareholder in an action for a breach of fiduciary duty be a bona fide security holder acting in good faith and justifiable cause and that he bear the burden of proving his case by clear and convincing evidence. Because of the uncertainty and confusion which these additions might have created, the conference substitute provides simply that the plaintiff shareholder in such actions be a security holder and bear the burden of proof.

All of the managers on the part of the House have signed the conference report. I firmly believe that the conference substitute is a fair and equitable accommodation between the House and Senate versions. The Investment Company Act has not been significantly amended since its enactment over three decades ago. The conference report contains the many significant other improvements which will be incorporated into the act by these amendments. I urge favorable action on the conference report.

I should also like to indicate two technical corrections which should be made

in the statement of the managers on the
tence should be inserted after line 17 on
part of the House. The following sen-
page 30 of the conference report:

The conference agreement follows the House version.

Also, on page 30 in lines 19 and 28, section 32(a) should be changed to read, section 36(a).

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Speaker, I think there are seven substantial parts of this conference report that ought to be called to the attention of the House.

One of the most important of these was the question of how much the sales load should be. This conference report limits the funds to 1½ percent of the sales load, beginning January 1, 1971.

This is a little more like the Senate than the House version, but the cutoff date is ours.

Second, the bills differed on how the sales load should be determined only as to the language assuring industry a chance to make a reasonable return. The Senate language was adopted, but the import of both was the same.

The House language does allow the SEC to give some break to small companies in this regard, and that was included in the conference version, which we think is a distinct improvement.

Third, all language concerning banks was excluded, and the matter was left to the present law and pending lawsuits. And may I say there is pending at the present time a lawsuit which will determine the outcome of whether or not banks may operate mutual funds under present law. Since there was a decision already pending that we should leave this to the courts, and not mandatorily include banks within this legislation.

Fourth, front-end load plans posed the problem for the conferees in regard to redemption of shares. Many questions have been asked on the floor about that, and I have been contacted by many of my colleagues with reference to front-end load, and this was one of the most thoroughly debated matters, may I say, in the subcommittee and the full committee, before we arrived at a decision, and before we brought the bill to the floor of the House.

In this conference there is a difference between 3 years and repayment of all over 15 percent of the Commission, and 1 year and 20 percent was a compromise to provide that a customer may withdraw from his mutual fund plan up to 18 months and receive back all payments over 15 percent of the total. The contractual plan sponsors did not particularly care for this agreement, but we believe it was the best compromise we could get.

Fifth, both bills charged the fund managers with duties as fiduciaries. Both expect a person challenging his performance to be a security holder, and uphold the burden of proof. The House version went somewhat further to rule out interference by persons, essentially outsiders, by adding descriptive language such as a "bona fide security holder," and requiring "clear and convincing" evidence. The conference accepted the simpler Senate language. This of course is one of the big differences between the House and Senate bills. If we are willing to rely on the general fairness and the ability of our courts, this should be adequate protection to fund managers and security holders as well.

Sixth, performance fees are extra fees given to fund managers who bring in better than usual returns.

Both bills recognize that while performance fees may be an incentive, they should not be a one-way street and decreases in fees are in order when performance slips.

The differences are somewhat complicated, but in the opinion of the House conferees, this compromise was as fair a one as we could get.

Seventh, there was a question in the subcommittee as to whether or not oil and gas funds should be included. The conferees accepted that with some report language in the same vein as the language included in the original committee report exhorting the industry to work out a proposed statute with the SEC for the Congress to consider.

I would assume that that would come before our committee at a later date. At least I think that is a reasonable expectation.

Mr. Speaker, those are the important differences in this compromise that we arrived at between the House and the Senate conferees, and I believe considering everything that they were about as good as we could expect to get.

There are still some differences because this was a very hotly contested bill in the subcommittee, and it was only after weeks and months of consideration that we were even able to get it out of the subcommittee and up to the committee. But we finally did get it up and over here and got it to the other body.

I believe this is a matter in which there has been a great deal of public interest involved and even though everybody may not agree with all of the compromises that have been made with the other body—I believe we did the best we could. For that reason, I recommend the passage of the conference report.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman from Illinois (Mr. SPRINGER) for his remarks.

I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. WAGGONNER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 372]

Abbitt	Fallon	Nedzi
Adair	Farbstein	O'Hara
Alexander	Fascell	O'Konski
Ashley	Ford,	Ottinger
Aspinall	William D.	Pelly
Berry	Foreman	Pike
Blanton	Frelinghuysen	Pollock
Blatnik	Gallagher	Powell
Bolling	Gilbert	Pryor, Ark.
Brock	Green, Oreg.	Purcell
Brown, Calif.	Halpern	Rees
Burton, Utah	Hanna	Reifel
Button	Holifield	Reuss
Cabell	Jarman	Rivers
Carney	Johnson, Pa.	Robison
Chamberlain	Karth	Saylor
Chisholm	Kazen	Scheuer
Clark	King	Shriver
Clay	Kuykendall	Sikes
Collins, Tex.	Landrum	Sullivan
Corman	Long, La.	Teague, Calif.
Cramer	Lujan	Tunney
Davis, Ga.	McKneally	Waldie
de la Garza	Madden	Watson
Dennis	Mailliard	Weicker
Dickinson	Mann	Whalley
Diggs	Meskill	Wiggins
Dorn	Minish	Wilson, Bob
Dowdy	Moorhead	Wold
Downing	Morton	Wright
Edwards, La.	Murphy, N.Y.	Wyatt

The SPEAKER pro tempore (Mr. BOLAND). On this rollcall, 341 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SECURITIES INVESTOR PROTECTION ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19333, with Mr. CHARLES H. WILSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, this is a bill that we consider very important to America. It is designed to provide greater protection for customers of broker-dealers by creating a Securities Investors Protective Corp., a nonprofit, membership corporation which would not be an agency or establishment of the U.S. Government.

Membership in the corporation would consist of all broker-dealers registered under the Securities Exchange Act of 1934 and all persons who are members of a national securities exchange.

The recent extended decline in the securities market has focused attention on problems which occur when a broker-dealer encounters financial difficulties which result in the closing and liquidation of the firm. In this circumstance, the investor sometimes has a hard time getting his money back. Sometimes he does not get it. Sometimes he does not get it all.

In view of the condition of our market today, as chairman of the Committee on Interstate and Foreign Commerce, I would like to state at the opening that I propose to have the committee make a complete study of the securities market and exchanges in the coming session of the Congress.

Mr. Chairman, I would like to emphasize at the outset of this discussion that the proposed legislation is designed to protect customers, the more than 26 million Americans who have invested part of their savings in shares of American corporations. The bill is not designed to protect or to save Wall Street or any broker or dealer or any stock exchange, because they go into business with their eyes open. But this is intended to protect the consumers and those who invest. It would protect them by requiring the new Securities Investor Protection Corporation to establish a fund into which assessments imposed upon members of the securities business would be paid. The fund would be used to protect the public customers in the event of financial insolvencies of broker-dealers, with a limitation of $50,000 for each investor on the market. The initial fund would be $75 million raised by a one-time assessment of one-eighth of 1 percent of the gross revenues on all members of the corporation, and by confirmed lines of credit which have been negotiated by representatives of the industry with private lending institutions. The bill would require assessments of one-half of 1 percent of gross revenues to be levied until the fund has been built up to $150 million.

I should say at the start that $3 million would be paid into the fund by the broker-dealers themselves out of the trust fund they have, and the $7 million raised by the assessment of one-eighth of 1 percent. The other $65 million would be raised by lines of credit from banks. Then the assessments would go to one-half of 1 percent until the fund is built up to $150 million.

The lines of credit would then be phased out until there is a cash fund of $150 million, and then the Corporation can raise or lower the assessment as needs be to keep the fund at this level.

The bill then further provides that, in cases of emergency, they may borrow $1 billion indirectly from the U.S. Treasury. But I might say this, that the Directors of the Corporation are made up of five men from the exchanges and two from the public. If they have to borrow from the Federal Government, then the President has to appoint four more public members to make a majority of public members on the Board before any borrowing can be made.

The Corporation must satisfy the Federal Government that they have a plan under which repayment will be made and that plan will have to satisfy the SEC, the Treasury, and the Federal Government before any lending is done.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. If this bill is designed to protect Mr. and Mrs. John Q. Public in their investments and dealings in the stock market, why are there only two public members on this Board of seven to administer SIPC, the Securities Investment Protection Corporation?

Mr. STAGGERS. I might answer the gentleman in this way: It is only to use the money that has been raised by the industry themselves. They are only using their own money that they have all paid in.

Mr. GROSS. Let me ask the gentleman this question, if he will yield further. Where in the world do you suppose the stockbrokers are going to get the money that you call "their money"? They are going to increase their cost of doing business and take it out of the pockets of Mr. and Mrs. John Q. Public. This business about using their own money just does not add up.

Mr. STAGGERS. The gentleman does not understand, because before they can increase any payments from John Q. Public, as you call him, they have to get approval from the SEC. This is regulated.

Mr. GROSS. If the gentleman will yield further, the Members of the House are called upon here today to pass upon this bill and not something that may be worked out in the dim and distant future, and, for the life of me, I do not understand why, and I hope someone will explain, why there are only two public members on this Corporation Board of seven members that is designed to protect the investing public.

Mr. STAGGERS. I would say this to the gentleman from Iowa, that this is a regulated and self-regulated industry. We are not trying to take over that industry. We are trying, with two public members appointed by the President, to keep an eye on what is going on and to see what is going on regularly and to have them report back to the SEC, which is the public agency. The SEC is the representative of the public, appointed by the President to serve in this agency and to oversee all the broker-dealers of the land. This is just an added oversight which we are providing for in this bill.

Mr. GROSS. If this is a self-regulating industry what in the world are we doing with this legislation here today and why have a Securities and Exchange Commission insofar as the SEC's interest in the broker-dealer phase of the stock market?

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, I think if all these assumptions of the gentleman from Iowa were true, I would be inclined to agree with him. As long as public funds are not used—in other words, the assessments are individually upon the members who take part—then they are in the majority. It is possible under this bill that they can borrow from the Treasury. At that point, the President then appoints four, which then makes the public in the majority. So when public funds are used, then the Government itself, representing the public, are in the majority and have a majority on the Commission and can regulate, as the gentleman from Iowa has in mind.

It is not assumed they will borrow money from the Federal Government, but the minute they do, then the makeup of the Commission changes.

Mr. GROSS. Mr. Chairman, will the gentleman yield so I may ask a question? I will be brief.

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. But all the financing will eventually come out of the public pocket. There will be added costs, and the gentleman well knows it.

Mr. SPRINGER. Let me say this. We are hoping that this industry can regulate itself. We have noted in many instances that the attempts at self-regulation have been very good. We could point to many instances where the National Association of Securities Dealers has done a good job. In fact, sometimes they wanted to go beyond what the Congress or this committee or the SEC proposed, so I do not say they are not responsible. I just say there are certain firms which are not strong. For the simple reason that we do have a mortality rate when we have what I would term a recession in the stock market, something had to be done about it. So they would like to regulate themselves by assessing themselves. But if they do come to the Federal Government for that purpose, then there must be four new members appointed, which does guard our funds. I will explain this further when I get a chance.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I, too, am concerned, as is the gentleman from Iowa, that there is an insufficient representation on the part of the public. In the first stages of this matter, there are five members, all professionals, who are familiar with the stock exchange and we have only two members of the public. There is a vast public interest over and beyond the second stage, where Government may be called upon to lend up to a billion dollars. There are some 30 million investors in securities in this country.

Most of those tradings with reference to those securities go through these exchanges. If that is not the public interest, I do not know what is the public interest.

The stock exchange is under extreme criticism now because of its conduct. It has been conducting itself like a private club and not in the public interest. It is high time that direction was focused upon the stock exchange to see to it that it is no longer conducted as members of a private club but that the public interest also must be considered.

When we have this group of only seven directors, only two of whom are

members of the public and five of whom are members of the industry, determining the operations of this corporation, and when we also remember that everybody is embraced in this picture—the good, the bad, the indifferent, the solvent and the insolvent—then we can realize there must be something more than merely two members of the public as against five members of the stock exchange, even in the first instance.

Mr. STAGGERS. I thank the gentleman for his comment.

I do want to say this in reply: Since 1963 the broker-dealers have set up a trust fund of their own. In that fund they have acquired $55 million. They have been able to take care of practically every broker-dealer who has failed.

We are in a depression now, and we have been in a time when things looked bad on the stock market. They are beginning to pick up now. We are hopeful they will come out all right.

It is our duty as representatives of the public to do what we can now, and not to let something happen which would frighten America and hurt everybody.

That is the reason why this legislation is brought here.

The reason why five members of the industry and two from the public are provided for is that this is going to be their money and there is strong oversight by the SEC.

I stated when I started, and I will state this two or three times, that the committee is making an indepth study of the structure of the regulatory pattern in the Securities Markets. If we have to take over, this Government will take over, but I do not believe we need to do so. I believe that with private initiative, under the direction of the SEC, we can continue at least close to the present structure.

The bill provides that the corporation may borrow up to $1 billion indirectly from the U.S. Treasury. Such loans would be technically effected through the Securities and Exchange Commission and could be granted only after the Commission had made necessary statutory findings. Your committee has set the Treasury borrowing authority at $1 billion as a figure unlikely to be required in any situation except one of extreme financial stress. However, for protection of the type contemplated by this bill, provisions for the most extreme situation, no matter how remote, must be made.

Another significant feature of the bill is the procedures it establishes for the prompt and orderly liquidation of member broker-dealers when required. Subject to specified conditions, the bill provides that liquidation proceedings be conducted in accordance with, and as though they were being conducted under, certain prescribed provisions of the Bankruptcy Act.

The creation and establishment of a fund to protect public customers in these circumstances is really only an interim step. A long-range solution to the problems confronting the industry today will be found in the ultimate raising of the general financial and capital condition of the brokerage firms. H.R. 19333 deals with this matter by clarifying the rulemaking authority of the Securities and Exchange Commission with respect to the financial responsibility and related practices of brokers and dealers. In addition, the bill would give the Commission substantial oversight authority over the operations of the proposed corporation. The Commission would have authority to disapprove the initial bylaws in whole or in part. Further it would have the power, by rule or regulation, to require the adoption, amendment, or recission of any bylaw of the corporation whenever adopted. It is the expectation of your committee that the Commission and the self-regulatory organizations involved will be alert and vigorous in the exercise of the authority granted to them by this bill. Only with strength from these organizations can this legislation see its fullest effectiveness.

During our committee deliberations on this bill, much has come to our attention which raises substantial questions about the effectiveness of the regulatory structure of the securities industry with particular attention upon the effectiveness of self-regulation in this industry. We all recognize that the securities business has gone through a period of strain because of a declining market and its attendant factors. However, the events of the recent past have raised substantial questions about the ability of the regulatory system, as it is presently structured, to anticipate and deal effectively with the stresses. Understandably, many are disturbed and perplexed that the present situation on Wall Street has occurred under the existing system of statutory regulation.

It is evident to me that a thorough study and evaluation must be made of the role of self-regulation in the securities industry—including the question of the coordination between self-regulation and the regulatory role of the Securities and Exchange Commission. It is also evident to me that such a study must be undertaken by the elected representatives of the American people. Accordingly, as chairman of the Interstate and Foreign Commerce Committee, I propose that very early in the 92d Congress the Committee on Interstate and Foreign Commerce undertake such a careful study and evaluation. The study must be thorough and it must be comprehensive. In order for future Congresses to legislate effectively in this area, it is necessary that we now examine whether or not the regulatory system, which was created in the 1930's and refined in the 1940's, 1950's, and 1960's, is adequate to meet the challenges of the 1970's and beyond.

Mr. Chairman, H.R. 19333 has the unanimous support of your committee, the Securities and Exchange Commission, the Department of the Treasury, and the Joint Securities Industry Task Force. The bill will not only protect public customers of brokerage firms and reenforce investor confidence in our Nation's securities markets, but it will also mandate a general upgrading of financial responsibility requirements of brokers and dealers. I urge favorable action on H.R. 19333.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I would rather not yield right now; I will in a few minutes. I should like to have the other side use a little time.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I know the questions that have been asked by many Members of this body. What is being done about the so-called failures of the various brokerage houses around the country? There have been two or three major ones and eight or nine others.

One company, Goodbody & Co., has combined with Merrill Lynch. It is my understanding that all investors will be paid in full, that there will be no losses. That is my understanding as of this time.

However, we did have at least two large failures, and we also had some smaller failures, inland and away from Wall Street.

Now, why did we get to that kind of a position today? Simply because there has been no regulation, no regulation of funds with regard to investor protection. There has been no adequate regulation of how customers' funds may be used. There is and was no segregation of your money if you deposited it with a broker or dealer. The broker, or many of them, and it is pretty hard to find out exactly what happened, in most cases had their customers' money put into one account. Everybody's funds were merged in one account. Of course, accounts were kept separate on the books, but the money was merged. The cost of the operation was taken out of that. I think this and the lack of business, combined with declining stock values, caused the collapse of these two companies which sort of triggered the necessity that we felt existed for this kind of legislation.

May I repeat again that it was brought about because when you took money down to a brokerage house he amalgamated these funds all into one fund and paid his expenses therefrom. The result of that was about what you would envision when you invest in a bank. I take it if the same situation had occurred in a bank, and the bank failed, you would be in exactly the same position there that you are here.

Now, what did we try to do to remedy this situation insofar as the public was concerned? By the public I mean the individual investor. What have we done under this legislation to remedy this situation?

First of all, we created what I would like to term the FDIC of the securities investors. The theory of FDIC, which is the Federal Deposit Insurance Corporation, which governs most banks in this country, is to create a fund to reimburse depositors of defunct banks. The temper of this legislation and the intent of this legislation, however, is exactly the same. What do we do? This resembles FDIC in that we formed a corporation. The funds in this corporation will come from brokers and exchange members by assessment.

Second, five of the seven-man Board of Directors is appointed by the members putting up the money. So you have five

of the seven appointed by the people who put up the money. The other two members are appointed by the President.

The distinguished gentleman from Iowa (Mr. GROSS) raised a question, as did the distinguished chairman of the Judiciary Committee, here a few moments ago. The committee had the feeling that as long as they had their funds involved in this in the form of an assessment they ought to be able to regulate and should regulate themselves.

Now let me say this: They do not form this corporation and operate independently. The rules and limitations on the operation of this are laid down by the Securities and Exchange Commission. I do not want somebody to think that here is a corporation which is operating out in the open air without any kind of supervision at all. And, it will have to operate within those rules as they are laid down by the SEC. So, you do have a Government body and authority created by this Congress, and an arm of the Committee on Interstate and Foreign Commerce, which we created in the SEC. Our committee had jurisdiction of this problem entirely on its own and we gave part of that jurisdiction to the SEC.

Now, we did realize that when this corporation found it necessary to go to the Treasury to borrow money, if it was necessary to go and borrow money, at that point the public interest was so great and there was of necessity Government funds involved and the President then appoints four more members, giving the public a majority on this board.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I shall yield to the distinguished gentleman from New York in just a moment after I have completed my preliminary thoughts.

Now, what happens if you invest your money through a brokerage firm, what happens if it fails? That is what you want to know. You do not come running to the exchange to see about getting your money back, or you do not go and ask the company with which you invested for it. You come directly to this corporation just like you would do with reference to a bank under the FDIC. You make your application directly to the corporation which is formed. The fund is made up of assessments against the various investor houses, and you get up to $50,000. It is my recollection that under the operations of the FDIC you are insured, I believe, up to $20,000. It may be more than that but I think that is what it has been for some time. You are insured up to a definite amount but not beyond that. Under this bill you are insured up to $50,000.

Mr. CELLER. Now, Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. Yes, I yield to the distinguished chairman of the Committee on the Judiciary.

Mr. CELLER. I do not think it is fair to make the comparison between the setup as contained in this bill and the operation of the FDIC.

In the case of the FDIC ab initio everyone is not admitted into the scheme. Under this bill everyone, the good, and the bad, and the indifferent are embraced under its protection. No questions are asked. Under the FDIC there are regulations which determine whether a bank or a savings institution is qualified to become a member of the FDIC. There are examiners who periodically examine their books. There is nothing like this contained in this bill. Therefore, the analogy which the gentleman from Illinois has drawn is not perfect. When you have a situation where everyone comes in, whether they are bankrupt or insolvent or whether they are vicious, or saints, or sinners, I think the public certainly ought to have the strongest kind of representation. In the Senate bill they do provide for a situation where the public members far outweigh the professional members because of what I have indicated just now. I do not see why that should not be done here. I am going to vote for the bill. I am in favor of the principle of the bill. We do not pass a bill like this because it is barely possible that we will have some catastrophic failure on Wall Street because of a panic. I am for the bill, but I do think there ought to be more public members on this board of directors in the first stage particularly when there is $1 billion of the public's money involved. In the first stage you have thousands of investors involved and that is a public interest. When you consider that two members of the stock exchange—their presidents—complain bitterly about the operations of the members of those exchanges, speaking of all sorts of gadgets and maneuvers, all kinds of irregularities and skullduggery that existed between the customer and the broker, then you must give consideration to the fact that the public is properly represented in order to see that there is no repetition of these irregularities.

Mr. SPRINGER. I thank the distinguished gentleman from New York for his comments, although I may not agree with the gentleman in what he says. But, nevertheless, I respect him.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I will yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Why must we have this authority ahead of time to borrow $1 billion from the U.S. Treasury, and then it is conditioned upon the fact that the corporation has really failed?

You see, the way this bill is set, the provision for the borrowing from the U.S. Treasury comes into effect only after failure in the private sector, and then the public interest takes place.

This would be the first time that I know of that on such an indefinite occasion there has been authority by this House and the Congress to borrow $1 billion from the U.S. Treasury, increasing the debt, under circumstances that we cannot tell at this time what they might be. Why not put that off until later?

Mr. SPRINGER. May I say to the distinguished gentleman from Pennsylvania that in order to assure, this should be covered very similarly to the FDIC. The gentleman has mentioned $1 billion. That is not the way the bill reads. It says up to $1 billion. I do not anticipate there will be any borrowing of that nature.

But may I say in reply to the distinguished gentleman from Pennsylvania that the bill provides additional assessments to make that up, and that must be done under the statute so that there is no question of borrowing without assurances to the Treasury that it will be repaid.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from California.

Mr. MOSS. Is it not a fact that, rather than an evidence of failure, we are merely providing a means of cushioning, to prevent failure in the event there should be a collapse of one or two major houses, but not exceeding the size of the fund plus the private line of credit, and give access to the Treasury line of credit precisely as was provided in the original FDIC?

Mr. SPRINGER. I think the gentleman has explained it. There are—I do not know how many houses on Wall Street, and if you have two failures, that is enough—but the reason you have FDIC was that you had literally hundreds of banks all over the country fail. We have not had too many failures in this industry, and we are trying to prevent that from happening. It is too bad that we have had two, that is enough, but of the hundreds of investment houses that we have we have only had two major failures. What would have happened if we had had 50 such failures? Everybody would have been outraged. What we are trying to do in this bill is to bring further responsibility into the industry itself, and they have been willing to accept this responsibility, and by forming this corporation and assessing themselves they are trying to meet the responsibility, as we see it. But we are leaving them under the supervision of the Securities and Exchange Commission to be sure by the regulations of the Commission that they carry out exactly what the intent is under this bill so that we get some results.

Now, if it came to the point where we had, as the gentleman from California has mentioned, a whole group of failures, they certainly would probably go the Treasury with this, but there would have to be assessments, just like under the FDIC. It is true that under one provision of this, if there are no failures over a period of years you would accumulate a lot of money, and they may lower the assessment. I think that is reasonable. But I think you will see a lot closer supervision by the industry itself of this matter by virtue of the fact that we are coming up with this kind of legislation than you would have had had we ignored it.

Mr. FULTON of Pennsylvania. Mr. Chairman, if the gentleman will yield for one more question——

Mr. SPRINGER. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. If this is so similar to the FDIC in policy and administration, but in an allied field, why establish a new separate agency? Why not have the FDIC broaden its powers and do it?

There is one thing I do not understand,

and that is that when people own stock, and it might be in a street name, but nevertheless the ownership is clearly in the individual investor or the customer of the brokerage house, how is it that those people cannct get their stock right back, and quickly? What is the trouble now?

Mr. SPRINGER. The mere bookkeeping alone—and I am talking about before the computer system—there were delays of from 30 days to 3 or 4 months, merely from the paperwork involved but questionable practices have aggravated the situation.

Now, they have been trying to remedy that by coming up with a computer system that would make this more rapid.

The criticism of the gentleman is valid, may I say.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. MOSS. Mr. Chairman, I think we reached a trading level on the combined exhanges of about 25 to 30 million shares a day several years in advance of any projected studies. This load did, indeed, overtax the abilities of the brokerage houses to effect a transfer. There is still far too much lag and, as the gentleman knows, the committee has indicated its very strong concern and its insistence that this matter be overcome; and progress is being made. It is not cured and problems will continue for some time. But we are keeping a very close oversight on the activities both of the SEC and the exchanges.

Mr. SPRINGER. Mr. Chairman, may I state two other points and then I will be finished.

We will have assessments by this corporation to maintain a fund that we think will be liquid enough to meet all of its responsibilities, but routine assessments will take into account various other factors including business practices of the brokers themselves. That is very very important.

This fund may be built up to $150 million or even more if the SEC under its jurisdiction sees so fit to do. This would be an assessment of one-half of 1 percent of the gross revenue—one-half of 1 percent of the gross revenue. Of this amount only $50 million may be credit and that must be gradually phased out.

Assessments may drop, but they must go up when the fund dwindles so there is no chance of the fund going down altogether.

I think we put in here this borrowing from the Federal Government only on the theory that if we had an unusual situation arise, then of course we would, like the FDIC, come to the Federal Government for assistance. But may I say again, when they borrow from the Federal Government, then the assessments must go up. That arrangement must be made with the Treasury and it must be satisfactory with the Treasury, that the assessments and other charges must be sufficient to repay whatever is borrowed.

Those are, I think, the essential parts. But I do want to give to the House how we got to this situation where we are on December 1, 1970, and why we arrived at this situation and, third, what we are attempting to do about it.

There may be disagreement here as to whether or not we are doing exactly the right thing. Some of these questions have been quite intelligent—some of the suggestions that have been made, I think, perhaps have been good. But I think the subcommittee wrestled with this thing for weeks and for 2 or 3 months before they finally worked out something here that they thought was responsible and that we could bring over here to the House and that you could see fit to pass.

Personally, I am inclined to believe that the subcommittee did a good job. We certainly had no trouble and no disagreement on it so far as the committee is concerned.

But this situation in 1970 is the situation we had to meet. Perhaps it should have been done a long time ago. But I guess like everything in American life, it takes a few failures before you finally measure up to the responsibilities that the Government has in this great broad field. When we had bank failures in the 1930's, I remember I lost money in two banks and how happy I was to see when you had a Federal Deposit Insurance Corporation at least to guarantee your money, to whatever the figure was, around $10,000.

I think we are attempting in a way to do the same thing in this bill that we did then.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. GROSS. Does this bill provide that there be an examination of the soundness of a brokerage firm before they come under this corporation?

Mr. SPRINGER. Yes; we have left this to the regulation of the Securities and Exchange Commission. May I say to the distinguished gentleman from Iowa, you cannot have a bill of this nature without leaving with the Securities and Exchange Commission its own power to put into effect rules pursuant to this—and that is what we expect them to do.

Mr. GROSS. Yes, but the gentleman is well acquainted with the fact that before a bank can become a member of the FDIC, it must stand a searching investigation by the FDIC as to soundness. I find no such provision in the legislation which would create this proposed corporation.

Mr. SPRINGER. I think if you go back to the beginning, you will find that was probably done under a rule. I do not know all the intricacies involved. There may be several things that ought to be done. But I think we can rely on the Securities and Exchange Commission to put this into effect right.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. SPRINGER. I yield to the gentleman from Iowa.

Mr. GROSS. We are in the condition in which we now find ourselves because of the failure, somewhere along the line, of the Securities and Exchange Commission to make these brokerage firms walk the chalk line.

Mr. SPRINGER. The gentleman is mistaken there.

Mr. GROSS. No; I am not mistaken.

Mr. SPRINGER. May I say they did not have this authority. This is one of the problems we have faced, and this bill is an effort to try to do something about it. The SEC did not have that authority.

Mr. GROSS. Instead of creating a corporation with two public members and five members of the brokerage industry who would control this corporation, instead of doing this, why do we not try giving the Securities and Exchange Commission the necessary authority and see to it that they enforce it?

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from California.

Mr. MOSS. On page 94, section 15(c)(3) we do in this bill considerably expand the authority of the Securities and Exchange Commission to maintain supervision and exercise regulation over these phases of the business of the broker-dealers and of the security houses in this Nation.

Mr. KEITH. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Massachusetts.

Mr. KEITH. I refer to the report, which our colleague from Iowa read so thoroughly. One pages 13 and 14 the following statement appears:

> Because of these events the Commission is of the opinion that its authority to adopt rules dealing with free credit balances and segregation of securities has been made somewhat uncertain. To the extent that that has been a problem, the reported bill remedies it by making it clear that the Commission has authority to promulgate rules with respect to the financial responsibility and related business practices of broker-dealers including, but not limited to, the acceptance of custody and use of customers' securities, and the carrying and use of customers' deposits or credit balances. In addition, the amendment to section 15(c)(3) would give the Commission such rulemaking power over both the exchange and the over-the-counter communities. Now that the matter has been clarified, your committee directs and expects the Commission to be alert and strong in this area. This will, of course, require similar alertness and strength from the self-regulatory organizations, and if that is not forthcoming, the Commission and, if necessary, the Congress, will have to insure it.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. Mr. Chairman, may I ask how much time I have consumed?

The CHAIRMAN. The gentleman has consumed 24 minutes.

Mr. SPRINGER. Mr. Chairman, I am sorry to say that I cannot yield to the gentleman. I have only 6 minutes remaining. I yield that to the distinguished gentleman from Massachusetts, the ranking minority member of the subcommittee.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts for 6 minutes.

Mr. KEITH. I thank the gentleman.

Mr. Chairman, the gentlemen from Iowa and New York have raised ques-

tions that must be in the minds of the public as well as in the minds of Members of Congress. I addressed myself to those questions earlier when I commented from the report.

I believe it is safe to say that there have been abuses of the authority that has been granted by the SEC insofar as the use of free credit balances is concerned. The SEC may have been lax upon occasion in not insisting upon more strict enforcement of their rules and more frequent audits of the practices of the broker-dealer firms. This whole subject has received very exhaustive treatment in the press in recent weeks and months, and your committee is very cognizant of what has been going on and has reminded the SEC of its responsibilities in these matters.

We are taking an essential step today to further restore the confidence of the public in the exchanges and in the SEC. That confidence is necessary so that we may continue to have the capital that is necessary for the business and commerce and industry of America to function effectively. The Nation can have renewed confidence because of the attention we are giving to this problem here today and to other problems that underlie it and which also lie ahead of us.

The question perhaps of the consolidation of the New York Stock Exchange and the American Exchange into one is an instance. There is the question of the Commission rate structure and the cleaning of house in other bailiwicks of the exchanges.

The committee, under the chairmanship of the gentleman from West Virginia (Mr. STAGGERS), has held, over the years, rather exhaustive hearings on this whole subject of the Commission's authority. We anticipate more in the coming Congress. Is that not so, I ask the chairman?

Mr. STAGGERS. That is so. I stated it twice and I intend to do so again, that our committee, either the full committee or the subcommittee, will hold exhaustive hearings on what is going on, and, if remedies are needed, they will be proposed.

If the gentleman will yield further, we have made many proposals in this that give the SEC broad powers to correct that which we know is wrong. If after other exhaustive studies we find some other things that should be done, that will be brought before the Congress.

Mr. KEITH. I know the committee has done a good job in exercising oversight. We have, on several occasions, held such hearings, and they have been very effective. They led to the Securities Act Amendments of 1964, which modernized the exchange patterns under the original act. We improved the full-disclosure pattern, and we strengthened the regulatory pattern over the securities brokers and dealers and we required for the first time that professionals in these markets meet adequate standards of training and experience. More recently we have authorized the institutional investor study, tightened regulation of tender offers and takeover bids, and passed the Mutual Fund Reform Act of 1970.

I think the public attention that has been given to the current problems is entirely healthy and we should show the public by the enactment of this legislation that we are doing the best we can to make the securities markets honest, efficient, and frank with respect to their activities. All of this is in the public interest. And so, Mr. Chairman, I ask my colleagues to support this legislation. It will increase the public's confidence in the operations of the marketplace, and accordingly improve the economy of the entire Nation.

Mr. STAGGERS. Mr. Chairman, I yield 7 minutes to the gentleman from California (Mr. Moss) the chairman of the subcommittee which first reported the bill.

Mr. MOSS. Mr. Chairman, I would like first to state than I know of no way that a committee could undertake more exhaustively to examine the subject and to afford opportunity for hearing the views of every segment of the industry and of the public than the Subcommittee on Commerce and Finance has done during the past approximately 20 months.

We have gone through three bills during the course of evolving something which would meet a need anticipated by the Securities and Exchange Commission many years ago, because the commission did in 1941 and 1956 and 1959 ask additional authority from the Congress, but the Congress did not see fit to give it.

The authority they sought was in the areas which have probably caused the major problems we now are trying to cure here today.

The bill before us today has been enthusiastically endorsed by a very broad spectrum of public and private interests. The White House and the Treasury Department are solidly behind it, the Securities and Exchange Commission backs it without reservation, and the major securities industry organizations including the special industry task force on broker-dealer insurance have strongly urged that the bill be enacted into law.

I add to these, of course, my own personal endorsement and, I believe, that of all the members of the Subcommittee on Commerce and Finance on both sides of the aisle. I would like to thank my subcommittee colleagues for the active role they have taken in helping to fashion this important piece of legislation. A true spirit of bipartisanship has prevailed throughout our deliberations.

I regret that it has taken a period of extreme crisis in the securities industry to bring forth the wide range of industry and Government support we now have for this bill but I hope we can all learn something from this experience. I think that if we had had a broker-dealer insurance law a year and a half ago at the inception of the industry's financial crisis, the mere fact of the existence of such a scheme would have gone a long way toward cushioning the effects of that crisis. All too often, in my opinion, we legislate only in response to crisis rather than attempting to anticipate problems and provide workable solutions in advance. The Congress is not unique in this shortcoming, however.

As recently as 8 months ago the concept of broker-dealer insurance was opposed by major elements of the securities industry and the Securities and Exchange Commission was mute on the subject as well. Chairman Budge of the SEC was, I believe, one of the first to recognize the importance of broker-dealer insurance and we owe a great deal to his tireless efforts on behalf of the proposal. It was largely through his good offices and the insistence of the Subcommittee on Commerce and Finance that we were able to get the industry together with the Government and come forth with an alternative proposal to the bill that Senator MUSKIE and I introduced in the summer of 1969.

The bill before us today follows closely the basic framework of the agreement reached between the industry task force and the SEC last summer but there are, I believe, a number of important improvements that have been made by the committee. The result is a bill that truly reflects the best thinking of the industry, the Commission, and the committee as well and enjoys the support of all.

The constant and overriding concern of the committee, of course, has been to provide the maximum protection possible for the Treasury funds that are obligated by the terms of this bill as a standby line of credit. Our great problem has been providing this protection in a manner that is still consistent with a viable insurance scheme. I believe that, with the addition of two amendments that I will later propose, we have achieved an equitable solution to this problem. These amendments were necessitated by events that took place after the committee had already reported out the bill and they enjoy the unanimous support of members of the subcommittee.

It has been loosely stated in the press and elsewhere that this bill is a bail out of the securities industry. I want to express my strongest disagreement with that statement. The bill would in no way operate to the direct financial benefit of securities firms or their partners and officers. The bill protects the public investor. Its benefits run directly to the public and only indirectly, through the restoration of investor confidence to the industry itself.

There has been a great deal of discussion about the nature and makeup of the board of directors. It was a matter very carefully and very thoughtfully explored in the subcommittee. I believe in the device we have decided to employ—what I call the convertible board of directors. While public funds are being employed, it is a publicly controlled board, and while only private funds are being employed it is a privately controlled board with public representation upon it.

Finally, we have been concerned all along with the problem of providing protection to the customers of firms that

might fail before enactment of the bill into law. We early anticipated this possibility but we have specifically declined to make the bill retroactive in its operation. The bill is prospective from the date of its enactment.

The failure, in recent months, of the First Devonshire Corp., Plohn & Co., and Robinson & Co. has received a great deal of attention from the press and from the committee because the New York Stock Exchange has declined to make available from its trust fund moneys to protect the customers of these three firms.

The committee has been in close consultation with the officers of the New York Stock Exchange—with its president, Mr. Haack, with the chairman of its board of governors and with the vice chairman of its board of governors—and we have received firm and unequivocal assurances that they will recommend to the board of governors that they take every action within their power to protect the customers of these three firms against loss.

We fully expect that that commitment to the committee will be met by the officers of the New York Stock Exchange and by its board of governors. We are prepared to move rather promptly to enact additional legislation if that becomes necessary because we would regard failure to move as a serious breach of faith with the committee and with the Congress.

Although the worst of the securities industry's crisis seems to be in the past, I would again caution my colleagues, as I cautioned them at the time of the passage of the mutual fund bill in September, not to think that this bill will solve all of the problems of the securities industry for all time. This bill is useful and necessary and it is good legislation. I look forward, however, to a wide-ranging examination of the structure of the entire industry in the next Congress. I anticipate that there are many problems that still remain, problems that may well require a significant updating of our major securities laws, which are now almost 30 years old and have scarcely been amended in the interim. I had hoped we would have significant guidance in this respect when the SEC completes its current study of institutional impact on the securities markets and submits it to the Congress on January 1—but in candor I must confess to a sense of disquiet over the value of that study—at least based on rumors now coming to my attention; but with or without it the job must be done.

Mr. Chairman, at this time I yield to the distinguished gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, I rise in support of this long overdue bill. I do believe the committee should be commended for bringing the bill out at this time.

I should like to ask the gentleman this question: Since this bill provides for insurance coverage for funds left with a broker, the question has been raised as to the possibility of interest payments on such deposits. I am told that some firms have a reinvestment credit which amounts to a payment for the use of the customer's funds.

Am I correct that under this bill it is not intended that this new insurance be used to foster a new form of savings account? Is it not our purpose to protect the public against loss from insolvency rather than permit a type of deposit that might compete with banks, savings and loan associations and credit unions?

Mr. MOSS. Let me say to the gentlemen, this bill adds in no manner to, nor does it in any manner diminish, the present authority of broker dealers to handle free credit balances. It has no effect whatsoever upon that. That will be a subject for the rule making by the Commission.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

I am very interested, in behalf of the customers of First Devonshire Corp., many of whom reside in my congressional district in Illinois, in this subject. Do I correctly understand that from assurances received from officers of the New York Stock Exchange the gentleman regards this as a firm commitment that these customers will be indemnified against loss?

Mr. MOSS. The commitment is that they will go to the board of governors and urge that the board make use of every power it has to protect the customers of these firms against loss.

Mr. McCLORY. I thank the gentleman.

Mr. MOSS. As I said earlier, Mr. Chairman, we are reacting today to a crisis. I believe this illustrates the need for the committees of the Congress to maintain far closer oversight and to act in anticipation of problems which can be seen down the road several years in the future.

Frequently when we discuss legislation in committee and on the floor of this House we are asked "Where is the demand for it?" Well, you always have demand when you have crisis. We need more planning to meet problems, to anticipate them, and to see that they do not unnecessarily jolt the economy of this country.

The great significance of this legislation is the role that it will play in the restoration of confidence in the security markets of this Nation. The survival of those markets is of vital importance to the survival of our system of free enterprise. We cannot, however, leave such things entirely in the hands of industries that expect they will always be able to step forward and say, "This is what we need to take care of this problem in the future."

Our role is to anticipate such problems and we have not, in my judgment, exercised it as fully as we should. I assure you that to the extent that I have the power, in the future we are going to look more carefully as we move along at the practices of all of the persons who engage in this important business.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Chairman, I urge the passage of H.R. 19333, which represents a balanced judgment reached by the House Interstate and Foreign Commerce Committee to provide greater protection to small investors in the securities market. Our committee has, I believe, prepared legislation that meets a current and future need in the establishment of the Securities Investor Protection Corporation.

The New York Stock Exchange has maintained that no public customer has suffered losses because of the insolvency of a member firm. Such a record has been possible because of the "trust fund" established by the exchange to advance money to liquidators or receivers or broker-dealers in liquidation.

Recent declines in the market have seen difficulties develop where losses by investors have occurred and their interests have not been protected.

The stock exchange regulations and the requirements of the Securities and Exchange Commission assure many safeguards for the investor. However, they have proved insufficient to prevent losses as a result of financial mismanagement by a broker-dealer or the insolvency of such a firm.

This legislation would establish a nonprofit, membership corporation whose members would consist of all brokers and dealers registered under the Securities Exchange Act. Contributions by the members would create a fund to protect customers when a broker-dealer fails to meet his financial obligations. No Federal funds would be involved in this fund.

I believe this legislation will restore some of the public confidence in the investment market which has been disturbed by recent events and that it will also strengthen the financial responsibilities of broker-dealers in the securities market.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I served on the subcommittee in which this bill was drafted. I must be frank to say that I am as concerned about the public interest as my friend from Iowa, Mr. GROSS, who I think is one of the finest guardians of that interest in the House, and as my good friend from New York, the chairman of the Committee on the Judiciary, who has brought up some questions here.

I believe the questions that have been raised have been answered in this act. Originally the act included a provision for subordinated loans to the brokers themselves. If that provision had remained, I would go with my esteemed colleague from New York and favor a public board from the beginning but that provision was stricken out. There is nothing in this bill that provides the use of funds for any other purpose than to pay back the customers of the broker dealers

and not the folks who are running those companies.

Furthermore, the bill includes surveillance by the SEC with respect to the board's rules. No rule may be adopted without approval of the SEC, and the self-regulatory organizations are subject to investigation by extended authority in the SEC under the provisions of this act. The SEC is then permitted to go into courts and obtain injunctions if any violation of its rules and regulations or the provisions of this act occurs.

But the most important thing of all is the triggering device. Let me emphasize this as strongly as I can. If you set up a board in the beginning to protect the public interest, who do you get on it? Persons who are not of much consequence. They are persons upon whom the President wants to confer an honor. You put a number of persons on the board and you expect them to watch the public interest.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ECKHARDT. On the other hand, what we have done in this act is to provide that the board may be enlarged by four members at a time when public attention is directed toward the board, because public funds are to flow in through loans from the Treasury. This will give an enlargement that can really change the decisionmaking power in the board. Unless you have an industry-dominated board in the beginning, with a relatively small number and a margin of as many as four to add, you really do not sufficiently change the tenor of the board.

I think the triggering device is an excellent method of protecting the public interest, far better than attempting to anticipate by appointing persons of no particular stature prior to the events which cause dipping into public funds.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think we have discussed the bill rather thoroughly. The subcommittee held extensive hearings. Certainly, it took a long time in its mark-up in executive session. When it got through it unanimously reported this bill to the full committee. When it was brought to the full committee, the full committee unanimously reported it to this House.

Mr. Chairman, this is not a bill that was reported in a hurry. There was long and careful consideration given to it. Many other alternatives were studied. After we were through with all the study, this is the bill that we brought to the House with every recommendation that it pass in this form.

I know that there is probably going to be an objection made to the effect that the Senate is going to pass a bill somewhat different. Well, they might do it.

I cannot say what will ultimately happen, but that will have to be a matter to be resolved in conference. In other words, these differences will have to be ironed out in conference.

Mr. Chairman, the Committee on Interstate and Foreign Commerce, not only the subcommittee, but the full committee, has agreed that this is the best bill they could bring to the floor and were unanimous on this bill.

We do have two subcommittee amendments that we want to offer.

Again, I want to recommend passage because I have every confidence in the subcommittee and in the full committee and their judgment.

So, Mr. Chairman, I recommend to the House the passage of this bill with the two amendments to be offered by the subcommittee.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. BOLAND. Mr. Chairman, I rise in support of this legislation to protect the small investor. When brokerage houses fail—and, in the threadbare economy of today's Wall Street, they fail often—the small investor is the principal victim. A veritable labyrinth of litigation awaits him should he seek redress in the courts. Indeed, he is lucky to recover a fraction of his losses in most cases.

The bill now before us would create a Securities Investor Protection Corp., eventually funded at $150 million, to allow the small investor recovery of up to $50,000 of his losses when his brokerage house fails. The bill, still further, would give the SIPC authority to seek courtroom redress if any member firm fails to meet its obligations to its customers.

A nonprofit corporation whose membership would consist of all registered brokers and all members of the national securities exchanges, the SIPC would protect the small investor and encourage new confidence in the stock market among such investors.

This is a good bill, Mr. Chairman, and I urge its immediate passage.

Mr. BROOMFIELD. Mr. Chairman, in the past 2 years the stock market has steadily declined from the record levels of the mid-1960's. While oversized profits, dividends and volumes have largely been left behind, several of the procedures adopted by the securities industry to cope with the unprecedented activity of that boom remain. Amidst the general bearishness of the 1968–70 period these procedures, once so vital to the continued strength of the brokerage houses, have revealed a more dangerous side: they threaten now to undermine the entire industry—investor and broker alike.

The major problem involves the use by brokerage houses of customer credits and securities. When investors build up funds from the sale of their securities, they frequently leave them on deposit with their brokers. Although the customer may withdraw his balance on demand, the funds are usually left with the brokerage houses as a convenience, in anticipation of future purchases. Like a bank's investment of customer deposits, the house is free to use this cash for its own purposes. The same applies to securities which the investor leaves with the house for safekeeping or to securities which have been only partially paid for—those held on margin. These, too, can be traded, loaned or used as collateral on loans. They are freely transferable, enabling brokers to fill customers' orders promptly and easily but also creating the risk of incorrect transfer.

These have long been standard practices within the industry, but with the massive expansion of the mid-1960's they grew to unmanageable proportions. The Nation's largest brokerage, for example, holds $18 billion in customer credit, yet can claim corporate assets of only $1.8 billion. Should that firm suddenly file for bankruptcy, the cash and securities it holds in custody for its investors can be claimed by its own creditors. When a company's assets cannot cover its liabilities, its customer's funds may be used to pay off debts—and there is no guarantee that these customers will be reimbursed. This problem was not so critical in the happy times of the mid-1960's when the industry flourished along with everyone else. Now, however, the probability of brokerage firms failing is much higher.

Most of the country's large exchanges have taken steps to prevent them. In 1964 the New York Stock Exchange created a $25 million trust fund to meet claims arising from broken dealer insolvencies. Already, however, they have had to augment this with another $30 million from their building fund. This year, with the collapse of 10 member firms and the imminent failure of two more, there exists a real possibility that the trust fund will be exhausted. If the public is to retain confidence in the securities industry and if individual customers are to be guaranteed their cash or securities credits, a larger trust fund must be created for the entire industry, not just for one exchange.

The Securities Investor Protection Act of 1970 would establish a private, nonprofit industry insurance fund backed by $1 billion in U.S. Treasury credit to protect investors from brokerage house insolvencies. The basic fund would be financed by assessments of the member brokerage firms. Initial assessments would be 0.125 percent until the fund amounts to $150 million, when assessments will drop to 0.25 percent. The customers of member brokerage houses would be guaranteed a return up to $50,000 on their cash or securities credit. The fund would be administered by the Securities Investor Protection Corporation, which in turn will be governed by a five-man Board composed of three Government officials—the SEC Chairman, Treasury Secretary, and Federal Reserve Board Chairman—and two industry representatives. It will remain under the control of the Securities and Exchange Commission.

Mr. Chairman, the Interstate and Foreign Commerce Committee has met the problem of brokerage house failures head-on. It has produced a bill which almost everyone concerned has supported enthusiastically: the broker, the individual investor, the exchanges, even the Government agree on the need for this measure. I do not think it can be postponed any longer. This bill deserves immediate passage.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in strong support of H.R. 19333, the Securities Investor Protection Act of 1970. This legislation would create a Federal Broker-Dealer Insurance Corp. which would protect investors from loss

because of the failure of broker-dealer firms. It would also grant protection to all public customers of broker-dealers and stock clearing corporations through the use of a fund which could be used to recover losses in the event of the financial insolvency of these brokers. There would be a limitation of $50,000 for each customer.

There have been some who have said that this bill was designed to serve only the interests of Wall Street. Mr. Speaker, this is not the case. H.R. 19333 is a vehicle that speaks to the important concerns of the entire securities industry. This bill is just as important to the small investor in Chicago as it is to the small investor in New York. This legislation will afford those thousands of small investors across the country the needed protection that they presently do not have. I wish to congratulate my colleagues on the Commerce Committee, in particular Chairman STAGGERS and Subcommittee Chairman Moss, for their excellent work which brought forth this very necessary bill.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 19333, the Securities Investor Protection Act of 1970. The purpose of this legislation, put quite simply, is to provide adequate protection for the investor in the event that his broker-dealer encounters financial difficulties. Protection would be provided in the form of a special fund to be derived from assessments on all brokers and dealers registered under the Security Exchange Act of 1934 and all persons who are members of a national securities exchange. Assessments would be made and the fund would be administered by a newly formed nonprofit, nongovernmental Securities Investor Protection Corp.—SIPC. Under the provisions of this bill, SIPC would assess $10 million in cash from its members within 120 days of enactment. Another $65 million in credit would make for an initial aggregate reserve fund of $75 million. Eventually the fund will grow to $150 million in cash and will be maintained at that level.

Assessments on member brokers and dealers would be based on one-eighth of 1 percent of gross revenues from the securities business during 1969. On the basis of this formula it is estimated that the initial assessment will net approximately $7 million, while another $3 million will accrue to the fund in the form of transfers from other trust funds.

The bill specifies criteria under which SIPC will operate in determining whether one of its members has failed or is in danger of doing so. At that point SIPC would apply to a court of competent jurisdiction for a decree adjudicating that the customers of the member in question are entitled to the protective relief provided in this legislation. Following adjudication, the court would appoint a trustee for the purpose of liquidating the business of the member. SIPC would then advance to the trustee the funds necessary for making prompt payment of the customers' claims, not to exceed $50,000 for any one customer. The important aspect of this provision is the prompt payment feature which avoids the lengthy delay which might otherwise result if customers had to wait until the completion of the liquidation proceeding.

Mr. Chairman, I am happy and proud to support this legislation because it will provide the investor with the type of security and protection necessary. You will recall that President Nixon supported this concept in his address to the Nation on economic policy and productivity in June of this year. The bill is especially timely and crucial at this juncture given the financial problems plaguing the securities industry in recent months. I am convinced that this legislation will help to restore confidence in the economy. I therefore urge my colleagues to join with me in supporting this measure.

Mr. VANIK. Mr. Chairman, although this legislation is essential in order to provide a greater degree of security for the investor, I regret that this legislation includes coverage for all registered dealers. It is like issuing a policy of health insurance without an examination. Although most dealers are men of integrity and responsibility, some effort should have been made to qualify covered dealers and to exclude those who deserve exclusion by either prior conduct or other lack of qualification.

It seems to me that the laws relating to the handling of securities should provide for a complete segregation in escrow of the funds paid to a dealer by the purchaser of a security. These funds should be sequestered and held in escrow and perhaps under bond to insure that they are not used by the securities dealer as security for his own debt or for the purchase of securities other than those desired by the purchaser who advanced the purchase money.

It is my hope that this legislation will be accompanied by more detailed legislation outlining the responsibility and insuring the integrity of the security dealer who is provided the benefits of this legislation.

Mr. RARICK. Mr. Chairman, as I understand it, three security investment brokers have gone under, supposedly because of mismanagement, with threatened loss to their stock customers, and we in Congress are being asked to intervene in the business community by passing H.R. 19333 to establish a Securities Investor Protection Corporation to protect stock investors.

One wonders why the Securities Exchange Commission—SEC—has tolerated the commingling of customer trust funds with the moneys of the broker, dealer, and banker so as to allow such incidents to occur. Certainly it seems that if these brokers defrauded their customers they would be criminally liable. Yet, nothing has been said about criminal proceedings nor of any such intended actions to be used as a deterrent to mismanagement of trust funds by other stock brokers, dealers, and bankers.

The only concern appears to be who will dominate on the Corporation Board. In retaining five members from the security exchange business, as against two from the general public, we appear to be establishing the Corporation as a private club, dominated by people from the same sector who, it is urged, we are trying to protect the investing public from. In many respects, this creation bears the control earmarks of another Federal Reserve type operation, and since the Federal Reserve controls credit and the money market, it will now be able to invade the private investment market.

This bill is clearly special interest legislation. The taxpayers are again being called upon to make good although not all taxpayers are stock investors.

The comparison of the new SIPC to the FIDC is meritorious but there is a considerable variation between the assurance of $50,000 per investor under this act and the right of the SEC under section 3 to make loans to the SIPC whenever it appears that the Corporation does not have sufficient funds to pay any incurred liabilities.

Most unique is the authority granted in section 3(h) to authorize the SEC to issue to the Secretary of the Treasury notes or other obligations not to exceed $1 billion for use as a public debt transaction in obtaining funds for loans to the SIPC. No matter how laudable in intent this is creating more credit and is inflationary.

Nowhere in the bill is there any requirement or provision for policing the real cause of the problem, that is, the fleecing of investors by commingling private and trust funds.

We have been led to believe this bill is the answer to the problem, but I dare to suggest it will prove to be nothing more than a subterfuge under which investment brokers, dealers, and bankers will be able to now manipulate taxpayers dollars to cover up their own shortages and mismanagement. It appears to me that this is just another means of establishing Federal control over private enterprise.

I do not feel that this is good legislation and plan to cast my people's vote against it.

Mr. BIAGGI. Mr. Chairman, H.R. 19333, the Securities Investors Protection Act of 1970 will help secure the small investor from financial disaster due to the failure of an investment house.

The bill itself is an excellent example of Government working with industry for the benefit of all concerned. With a corporation as the vehicle for protection—similar to the Federal Deposit Insurance Corporation for bank depositors—public and private interests will join together to protect the customers of registered brokers and dealers and members of national securities exchanges.

The funds for the corporation will come entirely from the industry with standby credit available from the Federal Government. Representatives of the public will serve on the board of directors as well as representatives from the Wall Street firms.

The recent collapse of several Wall Street investment firms clearly emphasizes the urgent need for this legislation. In the recent cases, other firms on the Street were able to take up the obligations of the financially ruined dealers.

But the public has no assurance that this will continue.

The SIPC is designed to meet the contingency where a collapsed firm is unable to meet its obligations. Then, just like savings depositors, investors' assets will be protected. The customer would receive 100 percent of what he was entitled to subject only to a limit of $50,000 per customer.

This essential step today will help instill greater confidence in the exchanges. Such confidence is necessary if we are to continue to have the capital that is fundamental to the sound operations of the commerce and industry of this Nation.

Mr. SPRINGER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 19333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE; TABLE OF CONTENTS.—This Act, with the following table of contents, may be cited as the "Securities Investor Protection Act of 1970".

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(e) Advertising.
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(b) SECTION HEADINGS.—Headings for sections and subsections, and the table of contents, are included only for convenience, and shall be given no legal effect.

SEC. 2. APPLICATION OF SECURITIES EXCHANGE ACT OF 1934.

Except as otherwise provided in this Act, the provisions of the Securities Exchange Act of 1934 (15 U.S.C., sec. 78a and fol.; hereinafter referred to as the "1934 Act") apply as if this Act constituted an amendment to, and was included as a section of, such Act.

SEC. 3. SECURITIES INVESTOR PROTECTION CORPORATION.

(a) CREATION.—There is hereby established a body corporate to be known as "Securities Investor Protection Corporation" (hereafter in this Act referred to as "SIPC"). SIPC shall be a nonprofit corporation and shall have succession until dissolved by act of the Congress. SIPC shall—

(1) not be an agency or establishment of the United States Government;

(2) be a membership corporation the members of which shall be—

(A) all persons registered as brokers or dealers under section 15(b) of the 1934 Act, and

(B) all persons who are members of a national securities exchange,

other than persons whose business as a broker or dealer consists exclusively of (i) the distribution of shares of registered open end investment companies or unit investment trusts, (ii) the sale of variable annuities, (iii) the business of insurance, or (iv) the business of rendering investment advisory services to one or more registered open end investment companies or insurance company separate accounts; and

(3) except as otherwise provided in this Act, be subject to, and have all the powers conferred upon a nonprofit corporation by, the District of Columbia Non-profit Corporation Act (D.C. Code, sec. 29–1001 and fol.).

(b) POWERS.—In addition to the powers granted to SIPC elsewhere in this Act, SIPC shall have the power—

(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel, in any court, State or Federal;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) subject to the provisions of this Act, to adopt, amend, and repeal, by its Board of Directors, bylaws and rules relating to the conduct of its business and the exercise of all other rights and powers granted to it by this Act;

(4) to conduct its business (including the carrying on of operations and the maintenance of offices) and to exercise all other rights and powers granted to it by this Act in any State or other jurisdiction without regard to any qualification, licensing, or other statute in such State or other jurisdiction;

(5) to lease, purchase, accept gifts or donations of or otherwise acquire, to own, hold, improve, use, or otherwise deal in or with, and to sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of, any property, real, personal or mixed, or any interest therein, wherever situated;

(6) subject to the provisions of subsection (c), to elect or appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof;

(7) to enter into contracts, to execute instruments, to incur liabilities, and to do any and all other acts and things as may be necessary or incidental to the conduct of its business and the exercise of all other rights and powers granted to SIPC by this Act; and

(8) by bylaw, to establish its fiscal year.

(c) BOARD OF DIRECTORS.—

(1) FUNCTIONS.—SIPC shall have a Board of Directors which, subject to the provisions of this Act, shall determine the policies which shall govern the operations of SIPC.

(2) NUMBER AND APPOINTMENT.—

(A) SEVEN-MEMBER BOARD.—Except as provided in subparagraph (B), SIPC shall have a Board of Directors consisting of seven persons as follows:

(i) Two members shall be appointed by the President from the general public.

(ii) Two members shall be appointed by the governing body of the national securities exchange having the highest dollar volume of trading.

(iii) One member shall be appointed by the governing body of the national securities exchange ranking second in dollar volume of trading.

(iv) One member shall be appointed by the national securities association registered pursuant to subsection (b) of section 15A of the 1934 Act (or, if there is more than one such association, by the association having the greatest number of members).

(v) One member shall be appointed by the national securities exchanges other than those referred to in clauses (ii) and (iii). Such member shall be appointed by means of a majority vote in an election (held in such manner as the Commission may prescribe) in which the governing body of each such exchange shall have one vote.

(B) ELEVEN-MEMBER BOARD DURING SEC LOAN PERIOD.—During any SEC loan period (as defined in subparagraph (C)), the Board shall consist of seven members appointed in accordance with subparagraph (A) and four additional members appointed by the President.

(C) SEC LOAN PERIOD.—For purposes of this paragraph, the term "SEC loan period" means a period beginning on the day following the date on which SIPC applies for a loan under section 4(g) and ending on the earlier of the date on which such application is withdrawn by SIPC or the last day on which any portion of a loan under such section 4(g) is outstanding.

(3) TERMS.—

(A) Except as provided in subparagraphs (B), (C), and (D), each director shall be appointed for a term of four years.

(B) Of the directors first appointed under paragraph (2)(A)—

(i) one shall hold office for a term expiring on December 31, 1971,

(ii) two shall hold office for a term expiring on December 31, 1972,

(iii) two shall hold office for a term expiring on December 31, 1973, and

(iv) two shall hold office for a term expiring on December 31, 1974,

as designated by the President at the time they take office. Such designation shall be made in a manner which will assure that no two persons appointed under the authority of the same clause of paragraph (2)(A) shall have terms which expire simultaneously.

(C) A vacancy in the Board shall be filled in the same manner as the original appointment was made. Any director appointed to fill a vacancy occurring prior to the expira-

tion of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A director may serve after the expiration of his term until his successor has taken office (subject to subparagraph (D)).

(D) The terms of all additional members appointed under paragraph (2)(B) shall terminate at the expiration of the SEC loan period.

(4) COMPENSATION, ETC.—All matters relating to compensation of directors and the determination of dollar volume of trading on exchanges shall be as provided in the bylaws of SIPC.

(5) CHAIRMAN.—The Chairman of the Board of Directors shall be elected by the Board of Directors from among its members, and shall serve for a term of one year, except that the term of the Chairman first elected shall expire on a date established by the bylaws of SIPC (but not later than January 31, 1972). The number of consecutive terms for which any person may serve as Chairman shall not exceed two terms (exclusive of any unexpired portion of a term for which his predecessor was elected).

(d) MEETINGS OF BOARD.—The Board of Directors shall meet at the call of its Chairman, or as otherwise provided by the bylaws of SIPC.

(e) BYLAWS.—

(1) As soon as practicable but not later than forty-five days after the date of enactment of this Act, the Board of Directors shall adopt initial bylaws and rules relating to the conduct of the business of SIPC and the exercise of the rights and powers granted to it by this Act, and shall file a copy thereof with the Commission. Thereafter, the Board of Directors may alter, supplement, or repeal any existing bylaw or rule and may adopt additional bylaws and rules, and in each such case shall file a copy thereof with the Commission.

(2) Each such initial bylaw or rule, alteration, supplement, or repeal, and additional bylaw or rule shall take effect upon the thirtieth day (or such later date as SIPC may designate) after the filing of the copy thereof with the Commission or upon such earlier date as the Commission may determine, unless the Commission shall, by notice to SIPC setting forth the reasons therefor, disapprove the same, in whole or in part, as being contrary to the public interest or contrary to the purposes of this Act.

(3) The Commission may, by such rules or regulations as it determines to be necessary or appropriate in the public interest or to effectuate the purposes of this Act, require the adoption, amendment, alteration of, supplement to or rescission of any bylaw or rule by SIPC, whenever adopted.

SEC. 4. SIPC FUND.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF FUND.—SIPC shall establish a "SIPC Fund" (hereinafter in this Act referred to as the "fund"). All amounts received by SIPC (other than amounts paid directly to any lender pursuant to any pledge securing a borrowing by SIPC) shall be deposited in the fund, and all expenditures made by SIPC shall be made out of the fund.

(2) BALANCE OF THE FUND.—The balance of the fund at any time shall consist of the aggregate at such time of the following items:

(A) Cash on hand or on deposit.

(B) Amounts invested in United States Government or agency securities.

(C) Confirmed lines of credit.

(3) CONFIRMED LINES OF CREDIT.—For purposes of this section, the amount of confirmed lines of credit as of any time is the aggregate amount which SIPC at such time has the right to borrow from banks and other financial institutions under confirmed lines of credit or other written agreements which provide that moneys so borrowed are to be repayable by SIPC not less than one year from the time of such borrowings (including, for purposes of determining when such moneys are repayable, all rights of extension, refunding, or renewal at the election of SIPC).

(b) INITIAL REQUIRED BALANCE FOR FUND.—Within one hundred and twenty days from the date of enactment of this Act, the balance of the fund shall aggregate not less than $75,000,000, less any amounts expended from the fund within that period.

(c) ASSESSMENTS.—

(1) INITIAL ASSESSMENTS.—Each member of SIPC shall pay to SIPC, or the collection agent for SIPC specified in section 9(a), on or before the one hundred and twentieth day following the date of enactment of this Act, an assessment equal to one-eighth of 1 per centum of the gross revenues from the securities business of such member during the calendar year 1969, or if the Commission shall determine that, for purposes of assessment pursuant to this paragraph, a lesser percentage of gross revenues from the securities business is appropriate for any class or classes of members (taking into account relevant factors, including but not limited to types of business done and nature of securities sold), such lesser percentages as the Commission, by rule or regulation, shall establish for such class or classes, but in no event less than one-sixteenth of 1 per centum for any such class. In no event shall any assessment upon a member pursuant to this paragraph be less than $250.

(2) GENERAL ASSESSMENT AUTHORITY.—SIPC shall, by bylaw or rule, impose upon its members such assessments as, after consultation with self-regulatory organizations, SIPC may deem necessary and appropriate to establish and maintain the fund and to repay any borrowings by SIPC. Any assessments so made shall be in comformity with contractual obligations made by SIPC in connection with any borrowing incurred by SIPC. Subject to paragraph (3) and subsection (d)(1)(A), any such assessment upon the members, or any one or more classes thereof, may, in whole or in part, be based upon or measured by (A) the amount of their gross revenues from the securities business, or (B) all or any of the following factors: the amount or composition of their gross revenues from the securities business, the number or dollar volume of transactions effected by them, the number of customer accounts maintained by them or the amounts of cash and securities in such accounts, their net capital, the nature of their activities (whether in the securities business or otherwise) and the consequent risks, or other relevant factors.

(3) LIMITATIONS.—Notwithstanding any other provision of this Act—

(A) no assessment shall be made upon a member otherwise than pursuant to paragraph (1) or (2) of this subsection,

(B) no assessments shall be made pursuant to paragraph (2) of this subsection upon a member which require payments during any twelve-month period which exceed in the aggregate one-half of 1 per centum of such member's gross revenues from the securities business for such period,

(C) no assessment shall include any charge based upon the member's activities (i) in the distribution of shares of registered open end investment companies or unit investment trusts, (ii) in the sale of variable annuities, (iii) in the business of insurance, or (iv) in the business of rendering investment advisory services to one or more registered open end investment companies or insurance company separate accounts, and

(D) no assessment shall include any charge based upon the activities in the capacity of agent for the Federal Reserve Board in the distribution of bonds, bills or notes of the United States Treasury by any member formally recognized as a reporting dealer by the Federal Reserve Board.

(d) REQUIREMENTS RESPECTING ASSESSMENTS AND LINES OF CREDIT.—

(1) ASSESSMENTS.—

(A) ½ OF 1 PERCENT ASSESSMENT.—SIPC shall impose upon each of its members an assessment at a rate of one-half of 1 per centum per annum of the gross revenues from the securities business of such member—

(i) until the balance of the fund aggregates not less than $150,000,000 (or such greater amount as the Commission may determine in the public interest),

(ii) during any period when there is outstanding borrowing by SIPC pursuant to subsection (f) or subsection (g) of this section, and

(iii) whenever the balance of the fund (exclusive of confirmed lines of credit) is below $100,000,000.

(B) ¼ OF 1 PERCENT ASSESSMENT.—During any period during which—

(i) the balance of the fund (exclusive of confirmed lines of credit) aggregates less than $150,000,000 (or such greater amount as the Commission has determined under paragraph (2)(B)), or

(ii) SIPC is required under paragraph (2)(B) to phase out of the fund all confirmed lines of credit,

SIPC shall endeavor to make assessments in such a manner that the aggregate assessments payable by its members during such period shall not be less than one-fourth of 1 per centum per annum of the aggregate gross revenues from the securities business for such members during such period.

(2) LINES OF CREDIT.—

(A) $50,000,000 LIMIT AFTER 1973.—After December 31, 1973, confirmed lines of credit shall not constitute more than $50,000,000 of the balance of the fund.

(B) PHASEOUT REQUIREMENT.—When the balance of the fund aggregates $150,000,000 (or such greater amount as the Commission may determine in the public interest) SIPC shall phase out of the fund all confirmed lines of credit.

(e) PRIOR TRUSTS; OVERPAYMENTS AND UNDERPAYMENTS.—

(1) PRIOR TRUSTS.—There may be contributed and transferred at any time to SIPC any funds held by any trust established by a self-regulatory organization prior to January 1, 1970, and the amounts so contributed and transferred shall be applied, as may be determined by SIPC with approval of the Commission, as a reduction in the amounts payable pursuant to assessments made or to be made by SIPC upon members of such self-regulatory organization pursuant to subsection (c)(2). No such reduction shall be made at any time when there is outstanding any borrowing by SIPC pursuant to subsection (g) of this section or any borrowings under confirmed lines of credit.

(2) OVERPAYMENTS.—To the extent that any payment by a member exceeds the maximum rate permitted by subsection (c) of this section, the excess shall not be recoverable except against future payments by such member in accordance with a bylaw or rule of SIPC.

(3) UNDERPAYMENTS.—If a member fails to pay when due all or any part of an assessment made upon such member, the unpaid portion thereof shall bear interest at such rate as may be determined by SIPC by bylaw or rule.

(f) BORROWING AUTHORITY.—SIPC shall have the power to borrow moneys and to evidence such borrowed moneys by the issuance of bonds, notes, or other evidences of indebtedness, all upon such terms and conditions as the Board of Directors may determine in the case of a borrowing other than pursuant to subsection (g) of this section, or as may be prescribed by the Commission in the case of a borrowing pursuant to subsection (g). The interest payable on a borrowing pursuant to subsection (g)

shall be equal to the interest payable on the related notes or other obligations issued by the Commission to the Secretary of the Treasury. To secure the payment of the principal of, and interest and premium, if any, on, all bonds, notes, or other evidences of indebtedness so issued, SIPC may make agreements with respect to the amount of future assessments to be made upon members and may pledge all or any part of the assets of SIPC and of the assessments made or to be made upon members. Any such pledge of future assessments shall (subject to any prior pledge) be valid and binding from the time that it is made, and the assessments so pledged and thereafter received by SIPC, or any examining authority as collection agent for SIPC, shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of such pledge shall be valid and binding against all parties having claims of any kind against SIPC or such collection agent whether pursuant to this Act, in tort, contract or otherwise, irrespective of whether such parties have notice thereof. During any period when a borrowing by SIPC pursuant to subsection (g) of this section is outstanding, no pledge of any assessment upon a member to secure any bonds, notes, or other evidences of indebtedness issued other than pursuant to subsection (g) of this section shall be effective as to the excess of the payments under the assessment on such member during any twelve-month period over one-fourth of 1 per centum of such member's gross revenues from the securities business for such period. Neither the instrument by which a pledge is authorized or created, nor any statement or other document relative thereto, need be filed or recorded in any State or other jurisdiction. The Commission may by rule or regulation provide for the filing of any instrument by which a pledge or borrowing is authorized or created, but the failure to make or any defect in any such filing shall not affect the validity of such pledge or borrowing.

(g) SEC LOANS TO SIPC.—In the event that the fund is or may reasonably appear to be insufficient for the purposes of this Act, the Commission is authorized to make loans to SIPC. No such loan may be made unless the four additional members of the Board of Directors of SIPC have been appointed under section 3(c)(2)(B). At the time of application for, and as a condition to, any such loan, SIPC shall file with the Commission a statement with respect to the anticipated use of the proceeds of the loan. If the Commission determines that such loan is necessary for the protection of customers of brokers or dealers and the maintenance of confidence in the United States securities markets and that SIPC has submitted a plan which provides as reasonable an assurance of prompt repayment as may be feasible under the circumstances, then the Commission shall so certify to the Secretary of the Treasury, and issue notes or other obligations to the Secretary of the Treasury pursuant to subsection (h). If the Commission determines that the amount or time for payment of the assessments pursuant to such plan would not satisfactorily provide for the repayment of such loan, it may, by rules and regulations, impose upon the purchasers of equity securities in transactions on national securities exchanges and in the over-the-counter markets a transaction fee in such amount as at any time or from time to time it may determine to be appropriate, but not exceeding one-fiftieth of 1 per centum of the purchase price of the securities. No such fee shall be imposed on a transaction (as defined by rules or regulations of the Commission) of less than $5,000. For the purposes of the next preceding sentence, (A) the fee shall be based upon the total dollar amount of each purchase; (B) the fee shall not apply to any purchase on a national securities exchange or in an over-the-counter market by or for the account of a broker or dealer registered under section 15(b) of the 1934 Act or a member of a national securities exchange unless such purchase is for an investment account of such broker, dealer, or member (and for this purpose any transfer from a trading account to an investment account shall be deemed a purchase at fair market value); and (C) the Commission by rules and regulations may exempt any transaction in the over-the-counter markets in order to provide for the assessment of fees on purchasers in transactions in those markets on a basis comparable to the assessment of fees on purchasers in transactions on national securities exchanges. Such fee shall be collected by the broker or dealer effecting the transaction for or with the purchaser and shall be paid to SIPC in the same manner as assessments imposed pursuant to subsection (c).

(h) SEC NOTES ISSUED TO TREASURY.—To enable the Commission to make loans under subsection (g), the Commission is authorized to issue to the Secretary of the Treasury notes or other obligations in an aggregate amount of not to exceed $1,000,000,000, in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury may reduce the interest rate if he determines such reduction to be in the national interest. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(i) "GROSS REVENUES" DEFINED.—

(1) IN GENERAL.—For purposes of this Act, the term "gross revenues from the securities business" means the sum of (but without duplication):

(A) commissions earned in connection with transactions in securities effected for customers as agent (net of commissions paid to other brokers and dealers in connection with such transactions, and excluding any commission earned, in the capacity of agent for the Federal Reserve Board, in connection with the distribution of bonds, bills, or notes of the United States Treasury by any member formally recognized as a reporting dealer by the Federal Reserve Board) and markups in respect of purchases or sales of securities as principal,

(B) charges for executing or clearing transactions in securities for other brokers and dealers,

(C) the net realized gain, if any, from principal transactions in securities in trading accounts,

(D) the net profit, if any, from the management of or participation in the underwriting or distribution of securities,

(E) interest earned on customers' securities accounts,

(F) fees for investment advisory services (except when rendered to one or more registered open end investment companies or insurance company separate accounts) or account supervision in respect of securities,

(G) fees for the solicitation of proxies with respect to, or tenders or exchanges of, securities,

(H) income from service charges or other surcharges in respect of securities,

(I) except as otherwise provided by rule or regulation of the Commission, dividends and interest received on securities in investment accounts of the broker or dealer,

(J) fees in connection with put, call, and other option transactions in securities, and

(K) fees and other income for all other investment banking services.

Such term does not include revenues received by a broker or dealer in connection with the distribution of shares of a registered open end investment company or unit investment trust or revenues derived by a broker or dealer from the sale of variable annuities or from the conduct of the business of insurance.

(2) SECURITIES.—For purposes of paragraph (1), the term "securities" does not include any interests in real estate or oil, gas, or other mineral right unless such interests or rights have been registered under the Securities Act of 1933.

(3) CONSOLIDATED GROUP.—Except as otherwise provided by SIPC by bylaw or rule, gross revenues from the securities business of a broker or dealer shall be computed on a consolidated basis for such broker or dealer and all its subsidiaries, and the operations of a broker or dealer shall include those of any business to which such broker or dealer has succeeded.

(4) MEANING OF TERMS NOT DEFINED.—SIPC may by bylaw or rule define all terms used in this subsection insofar as such definitions are not inconsistent with the provisions of this subsection.

SEC. 5. PROTECTION OF CUSTOMERS.

(a) DETERMINATION OF NEED OF PROTECTION.—

(1) NOTICE TO SIPC.—If the Commission or any self-regulatory organization is aware of facts which lead it to believe that any broker or dealer subject to its regulation is in or is approaching financial difficulty, it shall immediately notify SIPC, and, if such notification is by a self-regulatory organization, the Commission.

(2) ACTION BY SIPC.—If SIPC determines that any member has failed or is in danger of failing to meet its obligations to customers and that there exists one or more of the conditions specified in subsection (b)(1)(A), SIPC, upon notice to such member, may apply to any court of competent jurisdiction specified in section 27 or 21(e) of the 1934 Act for a decree adjudicating that customers of such member are in need of the protection provided by this Act.

(3) EFFECT OF OTHER PENDING ACTIONS.—An application under paragraph (2)—

(A) with the consent of the Commission, may be combined with any action brought by the Commission including an action by it for a temporary receiver pending an appointment of a trustee under subsection (b)(3), and

(B) may be filed notwithstanding the pendency in the same or any other court of any bankruptcy, mortgage foreclosure, or equity receivership proceeding or any proceeding to reorganize, conserve, or liquidate such member or its property, or any proceeding to enforce a lien against property of such member.

(b) COURT ACTION.—

(1) ISSUANCE OF DECREE.—

(A) FINDINGS BY COURT.—A court to which application is made pursuant to subsection (a)(2) shall grant the application and issue a decree adjudicating that customers of the member named in the application are in need of protection under this Act if it finds that such member—

(i) is insolvent within the meaning of section 1(19) of the Bankruptcy Act, or is unable to meet its obligations as they mature, or

(ii) has committed an act of bankruptcy within the meaning of section 3 of the Bankruptcy Act, or

(iii) is the subject of a proceeding pending any court or before any agency of the United States or any State in which a receiver, trustee, or liquidator for such member has been appointed, or

(iv) is not in compliance with applicable requirements under the 1934 Act or rules or regulations of the Commission or any self-regulatory organization with respect to financial responsibility or hypothecation of customers' securities, or

(v) is unable to make such computations as may be necessary to establish compliance with such financial responsibility or hypothecation rules or regulations.

(B) UNCONTESTED, ETC., APPLICATIONS.—If within three business days after the filing of an application pursuant to subsection (a)(2), or such other period as the court may order, the debtor shall consent to or fail to contest such application or shall fail to show facts sufficient to controvert any material allegation of such application, the court shall forthwith grant the application and issue a decree adjudicating that customers of the member named in the application are in need of protection under this Act.

(2) EXCLUSIVE JURISDICTION OVER DEBTOR.—Upon the filing of an application pursuant to subsection (a)(2), the court to which application is made shall have exclusive jurisdiction of the debtor involved and its property wherever located with the powers, to the extent consistent with the purposes of this Act, of a court of bankruptcy and of a court in a proceeding under chapter X of the Bankruptcy Act. Pending an adjudication under paragraph (1) such court shall stay, and upon appointment by it of a trustee as provided in paragraph (3) such court shall continue the stay of, any pending bankruptcy, mortgage foreclosure, equity receivership, or other proceeding to reorganize, conserve, or liquidate the debtor or its property and any other suit against any receiver, conservator, or trustee of the debtor or its property. Pending such adjudication and upon the appointment by it of such trustee, the court may stay any proceeding to enforce a lien against property of the debtor or any other suit against the debtor. Pending such adjudication, such court may appoint a temporary receiver.

(3) APPOINTMENT OF TRUSTEE.—If the court grants an application and makes an adjudication under paragraph (1), the court shall forthwith appoint as trustee for the liquidation of the business of the debtor in accordance with section 6, and as attorney for such trustee, such persons as SIPC shall specify. No person shall be appointed as such trustee or attorney if such person is not "disinterested" within the meaning of section 158 of the Bankruptcy Act.

(4) DEBTOR AND FILING DATE DEFINED.—For purposes of this Act—

(A) DEBTOR.—The term "debtor" means a member of SIPC in respect of whom an application has been filed pursuant to subsection (a)(2).

(B) FILING DATE.—The term "filing date" means the date on which an application with respect to any debtor is filed under subsection (a)(2); except that if—

(i) a petition was filed before such date by or against the debtor under the Bankruptcy Act, or

(ii) the debtor is the subject of a proceeding pending in any court or before any agency of the United States or any State in which a receiver, trustee, or liquidator for such debtor was appointed which proceeding was commenced before the date on which such application was filed,

then the term "filing date" means the date on which such petition was filed or such proceeding commenced.

(c) SEC PARTICIPATION IN PROCEEDINGS.—The Commission may, on its own motion, file notice of its appearance in any proceedings under this Act and may thereafter participate as a party.

SEC. 6. LIQUIDATION PROCEEDINGS.

(a) GENERAL FUNCTIONS OF TRUSTEE.—In any proceeding in which a trustee has been appointed under section 5(b)(3) to liquidate the business of the debtor (hereafter in this section referred to as "liquidation proceeding"), the trustee shall:

(1) as promptly as practicable after his appointment, in accordance with the provisions of this section—

(A) return specifically identifiable property to the customers of the debtor entitled thereto;

(B) distribute the single and separate fund, and (in advance thereof or concurrently therewith) pay to customers moneys advanced by SIPC, as provided in subsection (f);

(2) operate the business of the debtor to complete those contractual commitments of the debtor relating to transactions in securities which were made in the ordinary course of the debtor's business and which were outstanding on the filing date—

(A) in which a customer had an interest, except those commitments the completion of which the Commission shall have determined by rule or regulation not to be in the public interest; or

(B) in which a customer did not have an interest, to the extent that the Commission shall, by rule or regulation, have determined the completion of such commitments to be in the public interest;

(3) enforce rights of subrogation as provided in this Act; and

(4) liquidate the business of the debtor.

For purposes of paragraph (2) of this subsection but not for any other purpose of this Act, (i) the term "customer" means any person other than a broker or dealer, and (ii) a customer shall be deemed to have had an interest in a transaction if a broker participating in the transaction was acting as agent for a customer, or if a dealer participating in the transaction held a customer's order which was to be executed as a part or result of the transaction.

(b) RULES APPLICABLE TO LIQUIDATION PROCEEDINGS.—For purposes of any liquidation proceeding:

(1) DEFINITIONS.—Terms used or defined in section 60e of the Bankruptcy Act shall have the same meanings as in that Act, except—

(A) the term "stockbroker", as used in section 60e of the Bankruptcy Act, shall mean the debtor, and

(B) the term "customer" shall include also persons with whom the debtor deals as principal or agent and any person who has deposited cash with the debtor for the purpose of purchasing securities, but shall not include any person to the extent that such person has a claim for property which by contract, agreement, or understanding, or by operation of law, is part of the capital of the debtor or is subordinated to the claims of creditors of the debtor.

(2) RIGHTS OF CUSTOMERS AND SUBROGEES.—Customers and their subrogees shall have all rights to reclaim specifically identifiable property, and all other rights and priorities, provided for in said section 60e, and shall have the additional rights provided by this Act.

(3) COMPLETION OF OPEN CONTRACTUAL COMMITMENTS.—All property held, recoverable, or receivable by or for the account of the debtor (except for cash or securities specifically identifiable as the property of particular customers), and all property in the single and separate fund, shall be available to complete open contractual commitments pursuant to this section. Securities purchased or cash received by the trustee upon the completion of any such commitment shall constitute specifically identifiable property of a customer to the extent that such commitment was completed with property which constituted specifically identifiable property of such customer on the filing date, or was paid or delivered by such customer to the debtor or the trustee after the filing date.

(4) DISTRIBUTION OF SINGLE AND SEPARATE FUND.—In, or for the purpose of, distributing the single and separate fund—

(A) all property other than cash shall be valued as of the close of business on the filing date,

(B) there shall be repaid to SIPC, in priority to all other claims payable from such single and separate fund, the amount of all advances made by SIPC to the trustee to permit the completion of open contractual commitments as provided in this section.

(C) there shall be paid from such single and separate fund all costs and expenses specified in clauses (1) and (2) of sections 64a of the Bankruptcy Act, except as otherwise ordered by the court, and any moneys advanced by SIPC for such costs and expenses shall be recouped as such, and

(D) to the greatest extent considered practicable by the trustee, the trustee shall deliver in payment of claims of customers for their net equities based upon securities held in their accounts on the filing date, securities of the same class and series of an issuer ratably up to the respective amounts which were held in such accounts.

(5) SPECIFIC IDENTIFICATION OF PROPERTY.—In determining whether particular customers are able to identify specifically their property, whether property remained in its identical form in the debtor's possession, or whether such property or any substitutes therefor have been allocated to or physically set aside for such customers, and remained so allocated or set aside, it shall be sufficient on the filing date:

(A) securities are segregated individually, or in bulk for customers collectively;

(B) in the case of securities held for the account of the debtor as part of any central certificate service of any clearing corporation or any similar depositary—

(i) the records of the debtor show or there is otherwise established to the satisfaction of the trustee that all or a specified part of the securities held by such clearing corporation or other similar depositary are held for specified customers, or for customers collectively, and

(ii) such records of the debtor also show or there is otherwise established to the satisfaction of the trustee the identities of the particular customers entitled to receive specified numbers or units of such securities so held for customers collectively; or

(C) such property is held for the account of customers of the debtor in such other manner as the Commission, for the protection of customers and other creditors on a fair and equitable basis, by rule or regulation shall have determined to be sufficiently identifiable as the property of such customers.

If there is any shortage in securities of the same class and series of an issuer so segregated in the bulk or otherwise held for customers pursuant to the preceding subparagraphs, as compared to the aggregate rights of particular customers to receive securities of such class and series, the respective interests of such customers in such securities of such class and series shall be prorated, without prejudice, however, to the satisfaction of any claim for deficiencies as otherwise provided in this section.

(c) APPLICATION OF BANKRUPTCY ACT IN PROCEEDINGS AND TO TRUSTEE.—

(1) TRUSTEE POWERS.—A trustee appointed pursuant to this Act shall be vested with the

same powers and title with respect to the debtor and the property of the debtor, and the same rights to avoid preferences, as a trustee in bankruptcy and a trustee under chapter X of the Bankruptcy Act have with respect to a bankrupt and a chapter X debtor: *Provided*, That the trustee shall have the right—

(A) with the approval of SIPC to hire and fix the compensation of all personnel (including officers and employees of the debtor and of its examining authority) and other persons (including but not limited to accountants) that are deemed necessary to liquidate the business of the debtor and for the other purposes of a liquidation proceeding, and

(B) to operate the business of the debtor in order to complete open contractual commitments as provided in subsection (a)(2), and no approval of the court shall be required therefor.

(2) TRUSTEE DUTIES.—Except as inconsistent with the provisions of this Act or otherwise ordered by the court, a trustee appointed pursuant to this Act shall be subject to the same duties as a trustee appointed under section 44 of the Bankruptcy Act; except that a trustee appointed pursuant to this Act may, but shall have no duty to, reduce to money any securities in the estate of the debtor.

(3) APPLICATION OF BANKRUPTCY ACT.—Except as inconsistent with the provisions of this Act and except that in no event shall a plan of reorganization be formulated, liquidation proceedings shall be conducted in accordance with, and as though they were being conducted under, the provisions of chapter X and such of the provisions of chapter I to VII inclusive, of the Bankruptcy Act as section 102 of chapter X would make applicable if an order of the court had been entered directing that bankruptcy be proceeded with pursuant to the provisions of such chapters I to VII, inclusive; except that the court may, for such period as may be appropriate, stay enforcement of, but shall not abrogate, the rights provided in section 68 of the Bankruptcy Act and the right to enforce a valid, nonpreferential lien against property of the debtor. For purposes of applying the Bankruptcy Act in carrying out this section, any reference in the Bankruptcy Act to the date of commencement of proceedings under the Bankruptcy Act shall be deemed to be a reference to the filing date (as defined in section 5(b)(4)(B)).

(d) NOTICE.—Promptly after his appointment, the trustee shall cause notice of the commencement of proceedings under this section to be published in accordance with a designation of the court, made in accordance with the requirements of section 28 of the Bankruptcy Act and at the same time shall cause to be mailed a copy of such notice to each of the customers of the debtor as their addresses shall appear from the debtor's books and records. Except as the trustee may otherwise permit, claims for specifically identifiable property (other than securities registered in the name of the claimant or segregated for him in his individual name) or claims payable from property in the single and separate fund or payable with moneys advanced by SIPC, shall not be paid other than from the general estate of the debtor unless filed within such period of time (not exceeding sixty days after such publication) as may be fixed by the court, and no claim shall be allowed after the time specified in section 57 of the Bankruptcy Act. Subject to the foregoing, and without limiting the powers and duties of the trustee to discharge promptly obligations as specified in this section, the court may make appropriate provision for proof and enforcement of all claims against the debtor including those of any subrogee.

(e) SIPC ADVANCES TO TRUSTEE.—

(1) ADVANCES FOR CUSTOMERS CLAIMS.—In order to provide for prompt payment and satisfaction of the net equities of customers of debtor, SIPC shall advance to the trustee such moneys as may be required to pay or otherwise satisfy claims in full of each customer, but not to exceed $50,000 for such customer *Provided*, That:

(A) a customer who holds accounts with the debtor in separate capacities shall be deemed to be a different customer in each capacity;

(B) no such advance shall be made by SIPC to the trustee to pay or otherwise satisfy, directly or indirectly, any claims of any customer who is a general partner, officer, or director of the debtor, the beneficial owner of 5 per centum or more of any class of equity security of the debtor (other than a nonconvertible stock having fixed preferential dividend and liquidation rights) or limited partner with a participation of 5 per centum or more in the net assets or net profits of the debtor;

(C) no such advance shall be made by SIPC to the trustee to pay or otherwise satisfy claims of any customer who is a broker or dealer or bank other than to the extent that it shall be established to the satisfaction of the trustee, from the books and records of the debtor or from the books and records of a broker or dealer or bank or otherwise, that claims of such broker or dealer or bank against the debtor arise out of transactions for customers of such broker or dealer or bank, in which event, each such customer of such broker or dealer or bank shall be deemed a separate customer of the debtor; and

(D) to the extent that moneys are advanced by SIPC to the trustee to pay the claims of customers, SIPC shall be subrogated to the claims of such customers with the rights and priorities above provided in this subsection.

(2) TRUSTEE EXPENSES.—SIPC may advance to the trustee such moneys as may be required to effectuate subsection (c)(1)(A). SIPC shall advance to the trustee such moneys as (with those available pursuant to subsection (b)(3)) may be required to effectuate subsection (c)(1)(B).

(f) PAYMENTS TO CUSTOMERS.—It shall be the due of the trustee to discharge promptly, in accordance with the provisions of this section, all obligations of the debtor to each of its customers relating to, or net equities based upon, securities or cash by the delivery of securities or the effecting of payments to such customers (subject to subsection (e)(1), to the extent that such payments are made out of advances from SIPC under such subsection) insofar as such obligations are ascertainable from the books and records of the debtor or are otherwise established to the satisfaction of the trustee, whether or not such customer shall have filed formal proof of such claim. For that purpose the court among other things shall—

(1) in respect of claims relating to securities or cash, authorize the trustee to make payment out of moneys made available to the trustee by SIPC notwithstanding the fact that there shall not have been any showing or determination that there are sufficient funds of the debtor available to make such payment; and

(2) in respect of claims relating to, or net equities based upon, securities of a class and series of an issuer, which are ascertainable from the books and records of the debtor or are otherwise established to the satisfaction of the trustee, authorize the trustee to deliver securities of such class and series if and to the extent available to satisfy such claims in whole or pro rata in part.

Any payment or delivery of property pursuant to this subsection may be conditioned upon the trustee requiring claimants to execute in a form to be determined by the trustee, appropriate receipts, supporting affidavits, and assignments, but shall be without prejudice to the right of any claimant to file formal proof of claim within the period specified in subsection (d) for any balance of securities or cash to which he may deem himself entitled.

(g) FORMAL PROOF OF CLAIM.—The provisions of this section permitting discharge of obligations of the debtor to pay cash or to deliver securities without formal proof of claim shall not apply to any person "associated" with the debtor as defined in section 3(a)(18) of the 1934 Act, to any beneficial owner of 5 per centum or more of the voting stock of the debtor, or to any member of the immediate family of any of the foregoing.

(h) REPORTS BY TRUSTEE TO COURT.—All reports to the court by a trustee in any liquidation proceeding (other than reports required to be filed pursuant to section 167(3) of the Bankruptcy Act) shall be in such form and detail as, having due regard to the requirements of section 17 of the 1934 Act and the rules and regulations thereunder and the magnitude of items and transactions involved in connection with the operations of a broker or dealer, the Commission shall determine, by rules and regulations to present fairly the results of such proceeding as at the dates or for the periods covered by such reports.

(i) EFFECT OF ACT ON CLAIMS.—Except as otherwise provided in this section, nothing in this Act shall limit the right of any person to establish by formal proof such claims as such person may have to payment, or to delivery of specific securities, without resort to moneys advanced by SIPC to the trustee.

SEC. 7. SEC FUNCTIONS.

(a) ADMINISTRATIVE PROCEDURE.—Determinations of the Commission, for purposes of making rules or regulations pursuant to section 3(e) and section 9(f) shall be after appropriate notice and opportunity for a hearing, and for submission of views of interested persons, in accordance with the rulemaking procedures specified in section 553 of title 5, United States Code, but the holding of a hearing shall not prevent adoption of any such rule or regulation upon expiration of the notice period specified in subsection (d) of such section and shall not be required to be on a record within the meaning of subchapter II of chapter 5 of such title.

(b) ENFORCEMENT OF ACTIONS.—In the event of the refusal of SIPC to commit its funds or otherwise to act for the protection of customers of any member of SIPC, the Commission may apply to the district court of the United States in which the principal office of SIPC is located for an order requiring SIPC to discharge its obligations under this Act and for such other relief as the court may deem appropriate to carry out the purposes of this Act.

(c) EXAMINATIONS AND REPORTS.—

(1) EXAMINATION OF SIPC, ETC.—The Commission may make such examinations and inspections of SIPC and require SIPC to furnish it with such reports and records or copies thereof as the Commission may consider necessary or appropriate in the public interest or to effectuate the purposes of this Act.

(2) REPORTS FROM SIPC.—As soon as practicable after the close of each fiscal year, SIPC shall submit to the Commission a written report relative to the conduct of its business, and the exercise of the other rights and powers granted by this Act, during such fiscal year. Such report shall include financial statements setting forth the financial position of SIPC at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year. The financial statements so

included shall be examined by an independent public accountant or firm of independent public accountants, selected by SIPC and satisfactory to the Commission, and shall be accompanied by the report thereon of such accountant or firm. The Commission shall transmit such report to the President and the Congress with such comment thereon as the Commission may deem appropriate.

(d) FINANCIAL RESPONSIBILITY.—Section 15(c)(3) of the Securities Exchange Act of 1934 is amended to read as follows:

"(3) No broker or dealer shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors to provide safeguards with respect to the financial responsibility and related practices of brokers and dealers."

SEC. 8. EXAMINING AUTHORITY FUNCTIONS.

Each member of SIPC shall file with such member's examining authority such information (including reports of, and information with respect to, the gross revenues from the securities business of such member, including the composition thereof, transactions in securities effected by such member, and other information with respect to such member's activities, whether in the securities business or otherwise, including customer accounts maintained, net capital employed, and activities conducted) as SIPC may determine to be necessary or appropriate for the purpose of making assessments under section 4. The examining authority shall file with SIPC all or such part of such information (and such compilations and analyses thereof) as SIPC, by bylaw or rule, shall prescribe. No application, report, or document filed pursuant to this section shall be deemed to be filed pursuant to section 18 if the 1934 Act.

SEC. 9. FUNCTIONS OF SELF-REGULATORY ORGANIZATIONS.

(a) COLLECTING AGENT.—Each self-regulatory organization shall act as collection agent for SIPC to collect the assessments payable by all members of SIPC for whom such self-regulatory organization is the examining authority, and members of SIPC who are not members of any self-regulatory organization shall make payment direct to SIPC. An examining authority shall be obligated to remit to SIPC assessments made under section 4 only to the extent that payments of such assessments are received by such examining authority.

(b) IMMUNITY.—No self-regulatory organization shall have any liability to any person for any action taken or omitted in good faith pursuant to section 5(a)(1).

(c) INSPECTIONS.—The self-regulatory organization of which a member of SIPC is a member shall inspect or examine such member for compliance with applicable financial responsibility rules, except that if a member of SIPC is a member of more than one self-regulatory organization, SIPC shall designate one of such self-regulatory organizations to inspect or examine such member of SIPC for compliance with applicable financial responsibility rules. Such self-regulatory organization shall be selected by SIPC on the basis of regulatory procedures employed, availability of staff, convenience of location, and such other factors as SIPC may consider appropriate for the protection of customers of its members.

(d) REPORTS.—There shall be filed with SIPC by the self-regulatory organizations such reports of inspections or examinations of the members of SIPC (or copies thereof) as may be designated by SIPC by bylaw or rule.

(e) CONSULTATION.—SIPC shall consult and cooperate with the self-regulatory organizations toward the end:

(1) that there may be developed and carried into effect procedures reasonably designed to detect approaching financial difficulty upon the part of any member of SIPC;

(2) that, as nearly as may be practicable, examinations to ascertain whether members of SIPC are in compliance with applicable financial responsibility rules will be conducted by the self-regulatory organizations under appropriate standards (both as to method and scope) and reports of such examinations will, where appropriate, be standard in form; and

(3) that, as frequently as may be practicable under the circumstances, each member of SIPC will file financial information with, and be examined by, the self-regulatory organization which is the examining authority for such member.

(f) FINANCIAL CONDITION OF MEMBERS.—Notwithstanding the limitations contained in sections 15A and 19 of the 1934 Act and without limiting its powers under those or other sections of the 1934 Act, the Commission may by such rules or regulations as it determines to be necessary or appropriate in the public interest and to effectuate the purposes of this Act—

(1) require any self-regulatory organization to adopt any specified alteration of or supplement to its rules, practices, and procedures with respect to the frequency and scope of inspections and examinations relating to the financial condition of members of such self-regulatory organization and the selection and qualification of examiners;

(2) require any self-regulatory organization to furnish SIPC and the Commission with reports and records or copies thereof relating to the financial condition of members of such self-regulatory organization; and

(3) require any self-regulatory organization to inspect or examine any members of such self-regulatory organization in relation to the financial condition of such members. In the case of a broker or dealer who is a member of more than one self-regulatory organization the Commission, to the extent practicable, shall avoid requiring duplication of examinations, inspections, and reports.

SEC. 10. PROHIBITED ACTS.

(a) FAILURE TO PAY ASSESSMENT, ETC.—If a member of SIPC shall fail to file any report or information required pursuant to this Act, or shall fail to pay when due all or any part of an assessment made upon such member pursuant to this Act, and such failure shall not have been cured, by the filing of such report or information or by the making of such payment, together with interest thereon, within five days after receipt by such member of written notice of such failure given by or on behalf of SIPC, it shall be unlawful for such member, unless specifically authorized by the Commission, to engage in business as a broker or dealer. If such member denies that he owes all or any part of the amount specified in such notice, he may after payment of the full amount so specified commence an action against SIPC in the appropriate United States district court to recover the amount he denies owing.

(b) ENGAGING IN BUSINESS AFTER APPOINTMENT OF TRUSTEE.—It shall be unlawful for any broker or dealer for whom a trustee has been appointed pursuant to this Act to engage thereafter in business as a broker or dealer, unless the Commission otherwise determines in the public interest. The Commission may by order bar or suspend for any period, any officer, director, general partner, owner of 10 per centum or more of the voting securities, or controlling person of any broker or dealer for whom a trustee has been appointed pursuant to this Act from being or becoming associated with a broker or dealer, if after appropriate notice and opportunity for hearing, the Commission shall determine such bar or suspension to be in the public interest.

(c) EMBEZZLEMENT, ETC., OF ASSETS OF SIPC.—Whoever steals, unlawfully abstracts, unlawfully and willfully converts to his own use or to the use of another, or embezzles any of the moneys, securities, or other assets of SIPC shall be fined not more than $50,000 or imprisoned not more than five years or both.

SEC. 11. MISCELLANEOUS PROVISIONS.

(a) PUBLIC INSPECTION OF REPORTS.—Any notice, report, or other document filed with SIPC pursuant to this Act shall be available for public inspection unless SIPC or the Commission shall determine that disclosure thereof is not in the public interest. Nothing herein shall act to deny documents or information to the Congress of the United States or the committees of either House having jurisdiction over financial institutions, securities regulations, or related matters under the rules of each body. Nor shall the Commission be denied any document or information which the Commission, in its judgment, needs.

(b) APPLICATION OF ACT TO FOREIGN MEMBERS.—Except as otherwise provided by rule or regulation of the Commission, if the head office of a member is located, and the member's principal business is conducted, outside the United States, the provisions of this Act shall apply to such member only in respect of the business of such member conducted in the United States.

(c) LIABILITY OF MEMBERS OF SIPC.—Except for such assessments as may be made upon such member pursuant to the provisions of section 4, no member of SIPC shall have any liability under this Act as a member of SIPC for, or in connection with, any act or omission of any other broker or dealer whether in connection with the conduct of the business or affairs of such broker or dealer or otherwise and, without limiting the generality of the foregoing, no member shall have any liability for or in respect of any indebtedness or other liability of SIPC.

(d) LIABILITY OF SIPC AND DIRECTORS.—Neither SIPC nor any of its Directors shall have any liability to any person for any action taken or omitted in good faith under or in connection with any matter contemplated by this Act.

(e) ADVERTISING.—SIPC shall by bylaw or rule prescribe the manner in which a member of SIPC may display any sign or signs (or include in any advertisement a statement) relating to the protection to customers and their accounts, or any other protections, afforded under this Act. No member may display any such sign, or include in an advertisement any such statement, except in accordance with such bylaws and rules.

(f) SIPC EXEMPT FROM TAXATION.—SIPC, its property, its franchise, capital, reserves, surplus, and its income, shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority, except that any real property and any tangible personal property (other than cash and securities) of SIPC shall be subject to State and local taxation to the same extent according to its value as other real and tangible personal property is taxed. Assessments made upon a member of SIPC shall constitute ordinary and necessary expenses in carrying on the business of such member for the purpose of section 162(a) of the Internal Revenue Code of 1954. The contribution and transfer to SIPC of funds or securities held by any trust established by a national securities exchange prior to January 1, 1970, for the purpose of providing assistance to customers of members of such exchange, shall not result in any taxable gain to such trust or give rise to any taxable income to any member of SIPC under any provision of the Internal Revenue Code of 1954, nor shall such contribution or transfer

or any reduction in assessments made pursuant to this Act, in any way affect the status, as ordinary and necessary expenses under section 162(a) of the Internal Revenue Code of 1954, of any contributions made to such trust by such exchange at any time prior to such transfer. Upon dissolution of SIPC, none of its net assets shall inure to the benefit of any of its members.

(g) SECTION 20(a) OF 1934 ACT NOT TO APPLY.—The provisions of subsection (a) of section 20 of the 1934 Act shall not apply to any liability under or in connection with this Act.

SEC. 12. DEFINITIONS.

For purposes of this Act:

(1) SELF-REGULATORY ORGANIZATION.—The term "self-regulatory organization" means a national securities exchange or a national securities association registered pursuant to subsection (b) of section 15A of the 1934 Act.

(2) FINANCIAL RESPONSIBILITY RULES.—The term "financial responsibility rules" means the rules and regulations pertaining to financial responsibility and related practices which are applicable to a broker or dealer, as prescribed by the Commission under subsection (c)(3) of section 15 of the 1934 Act or prescribed by a national securities exchange.

(3) EXAMINING AUTHORITY.—The term "examining authority" means, with respect to any member of SIPC, the self-regulatory organization which inspects or examines such member of SIPC or the Commission if such member of SIPC is not a member of any self-regulatory organization.

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. MOSS

Mr. MOSS. Mr. Chairman, I offer an amendment.

This is an amendment offered on behalf of and at the direction of the subcommittee.

The Clerk read as follows:

Amendment offered by Mr. Moss: Page 57, strike out lines 15 through 22, and insert in lieu thereof the following:

"(v) One member shall be appointed by the governing bodies of the national securities exchanges ranking third and fourth in dollar volume of trading in securities. The power to make such appointment shall alternate each term (in such manner as the Commission shall by regulation prescribe) between the governing bodies of such exchanges."

Mr. MOSS. Mr. Chairman, this would have the practical effect of leaving the fourth member on the Board of Directors selected from the stock exchanges as being selected by the Pacific Coast Exchange and the Midwest Exchange.

As the language in the bill now reads, it leaves the selection to all other exchanges which would be a total of eight, included in this eight—or ten—would be the Chicago Board of Trade, which is held to be an exchange, and the Salt Lake Exchange, which deals primarily with mining shares when, as a matter of fact, the bulk of the business, 3.6 percent, is done by Pacific, and 2.7 percent by Midwest. This is felt to be more equitable. It gives representation somewhat commensurate with the representation accorded to the American Stock Exchange and the New York Stock Exchange.

Mr. Chairman, I urge adoption of the amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I would ask the gentleman from California whether this does change the combined number?

Mr. MOSS. This does not in any manner change the combined number, nor the makeup of both public and industry members on the Board.

SUBSTITUTE AMENDMENT OFFERED BY MR. GROSS FOR THE AMENDMENT OFFERED BY MR. MOSS

Mr. GROSS. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from California (Mr. Moss).

The Clerk read as follows:

Substitute amendment offered by Mr. GROSS for the amendment offered by Mr. Moss: On page 56, strike all of lines 24 and 25, and on page 57, strike all of lines 1 through 22, and insert the following:

"(i) Five members shall be appointed by the President from the general public.

"(ii) One member shall be appointed by the governing body of the national securities exchange having the highest dollar volume of trading.

"(iii) One member shall be appointed by the governing body of the national securities exchange ranking second in dollar volume of trading."

Mr. GROSS. Mr. Chairman, this amendment is very simple. It simply would change the balance of power on the directors in this corporation from two public members to five public members, and would give the New York Stock Exchange one member, and the American Stock Exchange one member.

I am sure that the public members could be chosen with a view to and could very well take care of the interests of the smaller exchanges.

Mr. Chairman, there is no reason in the world, if this legislation is designed to protect the public, and I am not sure of that—there is no reason at all why the public members should not constitute the majority on this board of directors.

Mr. Chairman, as I started to say, I am not at all sure this legislation ought to be on the floor today. We have heard from the chairman of the full committee, the gentleman from West Virginia (Mr. STAGGERS) and from the gentleman California (Mr. Moss) and I believe I recall the gentleman from Illinois (Mr. SPRINGER) saying that they plan early next year to go into in-depth studies of the operation of the various exchanges and brokerage houses, and so on and so forth. If this is true this legislation could very well be put on the shelf and await the in-depth study and recommendations that could be made.

Obviously there is something wrong, and in my opinion this bill will not cure it.

This is the age-old story in the House of Representatives and in Congress: if you have a problem just throw some money at it one way or another, and it will go away. This problem will not go away by throwing money at it.

It will cost the public money, because the assessment that will be made on the part of the corporation will be charged to public investors. And before we get through, there will be a line of credit, I am sure, of a billion dollars made available by the Government.

I do not know of anything in this bill that prohibits the broker-dealers from using the money or the securities of their clients to finance their operations, at least in part

Is there any prohibition I ask the sponsors of this bill—is there any provision in the bill that prohibits the brokers from doing exactly what they have been doing in the past and which has been so wrong, using the money or the securities of their clients to do business on the stock exchange.

Mr. MOSS. There is nothing in this bill that prohibits it per se. But there is section 15(c)(3) which vests in the Commission the power that they have long sought, the power that they have requested from this Congress since 1940, which permits them to make rules and regulations to control these practices and, if they so desire, to prohibit that kind of activity.

Mr. GROSS. The gentleman says: "if they so desire to do it." But why do we not make it mandatory and prohibit them in this legislation from using the money or the securities of their clients? This, I think, you will find when it is finally shaken out, is one of the real evils.

Mr. MOSS. Mr. Chairman, will the gentelman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. MOSS. I believe there is one brokerage house that has not used the credit balance of its customers nor used the power to hypothecate the shares of its customers—and only one.

This is a practice going back for as long as we have had a securities industry. I think the immediate impact of adopting the policy that is advocated by the gentleman might be very disastrous in its reach at this moment.

Mr. GROSS. At what moment does the gentleman think that kind of practice ought to be stopped? At what time in history does the gentleman think it ought to be stopped?

Mr. MOSS. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Of course, I yield to the gentleman.

Mr. MOSS. Just as promptly as we can and just as promptly as the SEC supervision shows that it can be done without a disastrous impact upon this industry. In the meantime this insurance which is to my knowledge opposed by no single element in our economy is the interim measure which would create the greatest stability in the markets at this time.

Mr. GROSS. Mr. Chairman, I urge the adoption of my amendment.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as I said before, I support this bill. It is a salutary bill. It is a bill that is eminently necessary. Without it there may be some very serious repercussions in the financial world. But

that does not mean I have to take every provision of the bill. I think the bill has one or two flaws and it is our duty—it is my duty—to point them out.

The difficulty is, as I see it, and which to my mind is as irritating as a hangnail, is the fact that there is an insufficient number of public members on this Board. We have heard it said that the money involved in the first stage is the money of the broker—the result of assessments of the brokers. That is true—but that is only half of the story. There is great public interest involved in this matter. There are 30 million investors in securities, most of which pass through the hands of the members of the various exchanges. If that fact is not of public interest I do not know what is of public interest.

What has happened heretofore? There have been great derelictions on the part of the members of the New York Stock Exchange and other exchanges. They have conducted their operations as a private club. "What is good for the New York Stock Exchange members," paraphrasing the language of Charlie Wilson of General Motors, "was good for the country." Well, it has not been good for the country. The results we know of. Some concerns have gone into bankruptcy.

It is time to call a halt. The responsible members of the New York Stock Exchange want to call a halt. It is time the exchange cleansed its Augean stables. To change the simile, the boil has been lanced and lots of bad stuff is coming out. But not enough. We do not know how many more firms may be approaching bankruptcy. We do not know how many more are teetering on the brink or how many may be insolvent. We are not told.

This is very strange. The members of the exchange and the boards of governors of the two exchanges are unusually silent. They do not tell us. And the very committee, which I commend because of their bringing forth this bill, does not know the exact state of facts. No more does the SEC know. And the Securities and Exchange Commission should have known long since about these operations. But the SEC has been most apathetic. Self-regulation has not worked.

Until the New York Stock Exchange and the American Exchange put their houses in order, there will be no recreation of confidence in those exchanges.

Listen to those gentlemen on the high degree of importance involved in these exchanges:

At the beginning of 1970 New York Stock Exchange members held approximately $3 billion of customers' free balances, funds withdrawable on demand. These free credit balances are used by member firms to maintain positions in securities, to finance margin purchases of other customers, and for other general purposes.

It is estimated that the total of cash and securities held in the custody of brokers for the accounts of customers is approximately $50 billion. These assets, in many cases, can be reached by creditors of brokerage firms where adequate segregation practices have not been followed.

There was no segregation. And when the brokerage houses got into trouble, the creditors seized the securities and the moneys that belonged to the customers.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. CELLER was allowed to proceed for 5 additional minutes.)

Mr. CELLER. The President of the New York Stock Exchange, Mr. Hoack, speaks, and this is his exact language:

Intrigues and machinations, blatant gimmickry, all sorts of dodges and ploys between brokers and their customers to avoid proper regulation and control.

Ralph Saul, president of the American Exchange, speaks of the "exchange's "flimsy capital structure."

Brokerage houses use their customers' money freely to conduct business, really to speculate, with no segregation. They use also their capital reserves, supposed to protect customers' assets against loss, for their own speculation. Thus two heads of the exchanges, the American and the New York Stock Exchanges, show exactly what the practices are of many of these brokers.

I want to say this. I do not want to bring an indictment against all brokers and all brokerage houses, because of the derelictions of the few. It is these bad ones that taint the atmosphere and create these bad impressions. We have to have criminal laws not for the good people, but against the bad people. We must forfend against bad operators. Therefore, we must be sure that the laws we pass will be effective.

We hear tell much about the SEC, as far as the law is concerned—that law has been more honored in the breach than in the observance. We seem to have lost confidence in the SEC, and when we say the SEC will do this and that, I wonder what indeed the SEC has been doing all this while. If the SEC had been doing its duty, we would not have had this sorry state of affairs. Therefore, because of the machinations and the intrigues of these brokers, I want more public members on this board.

There is more involved here than the money. There are 30 million investors who have their money riding here. They must have protection against these intrigues, against these maneuverings of some of these brokers, and I think we will get some protection if we have the substitute amendment offered by the gentleman from Iowa. I intended to offer a similar amendment, but he beat me to the punch. I welcome it, of course. I am siding with the gentleman. I do not always agree with him, but certainly I am in agreement with him now. If we do not have more public directors, it would be very much like setting a cat to watch a bird in a cage.

We just cannot have implicit faith in many of these brokerage houses in New York because of our sorry experiences with them. I want to forfend all these excesses and all these difficulties. What is wrong with having more public members? Why should we not have more public members, since this is a public corporation?

Mr. MOSS. Mr. Chairman, if the gentleman will yield, when has the appointment of a public member ever guaranteed that the member would be primarily concerned with the public interest?

Mr. CELLER. I think he would be more likely to be concerned than the selfish person who has a self-interest, who has an ax to grind, who wants to protect himself and his fellows. I think it is far better to have a public director than to have a director who has a financial interest in the proceedings.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, the gentleman said that the public member would have a greater interest in this than the man on the stock exchange. I disagree with the gentleman wholeheartedly. The men who pay the money into the fund are going to watch over that fund. They will be people who know what they are doing. They will say to others, "You will not take any more money." It takes a crook to catch a crook. If they have somebody who does not know what is going on, the wool will be pulled over his eyes. And we must remember, it is their money. Let us let them watch over it.

Mr. CELLER. Mr. Chairman, I am afraid I cannot be as naive as the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I am not as naive as the gentleman from New York about these matters.

Mr. CELLER. While the gentleman from West Virginia may trust them, there are some members of the New York Stock Exchange that I do not like to trust.

Mr. MOSS. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, the easiest thing in the world is to step into the well of the House and level an indictment against the securities industry, particularly at this moment when it is caught in a rather tight squeeze. Of course, if we look for the reasons for the difficulties of the industry, it is easy to point the finger at the Securities and Exchange Commission and say, "You gentlemen are responsible because you have not done your job."

But let us look a little beyond that. The Securities and Exchange Commission is an arm of this Congress. It has on numerous occasions asked for more authority and more power than the Congress has been willing to give it. Had we given it at the time it was requested, and had we permitted them to exercise it, I doubt if we would have the problems here as serious as they are at this moment.

I happen to believe that the committee showed a great deal of care and a great deal of responsibility in fashioning a rather unique Board of Directors. I believe it is a better Board of Directors than the substitute would create, because we have representatives of the exchanges, of the National Association of Security Dealers, which is a quasi-government agency, already engaged in the regulation of the licensing of security dealers, and then we have two public members.

If there is any inducement in the in-

dustry to holding down the rate of assessment it is through the prudent administration of the affairs of the Security Investor Protection Corporation, or SIPC.

If there is any worthiness in the old carrot and the stick principle, I believe we have it here. The carrot is this board of directors which remains a private board unless and until it has to utilize the line of credit to the Treasury.

In the banking industry, under the Federal Deposit Insurance Corporation, they have not had to utilize that line of credit into the Treasury. They have it on a much larger scale than it is available here to the securities industry.

I should like to see them not have to utilize it. I should like to see them be able to keep the rate of assessment down, once they build their fund up to the anticipated $150 million.

Notwithstanding the dire forecasts of my distinguished friend the gentleman from New York (Mr. CELLER)—I confess the greatest admiration for him—I do not see all this danger lurking in the background. I believe we have seen much of the jolt. I am not saying all of the problems are cured. We will have some more problems before we work our way out of this. It took us a long time to get in, and it will take some time to get out. We should make a start.

I do not believe there is a magic in making five public members, who may be well informed, interested or disinterested, and only two others, one from the New York Exchange and one from the American Exchange—no interest outside of New York. I do not believe this is going to make it that much different, in the effectiveness of this Corporation.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I am happy to yield to my friend from Iowa.

Mr. GROSS. Would the gentleman be able to put any kind of a dollar value on the losses of the three brokerage houses now in trouble?

Mr. MOSS. I believe it is around $4.5 million.

Mr. GROSS. Each?

Mr. MOSS. No; total. That is what we are talking about, $4.5 million total in the three.

As I indicated in my earlier remarks, it looks as though Robinson & Co. is going to come out all right, and Plohn & Co. does not look as if it will have to call upon the fund to bail it out. First Devonshire apparently has the bulk of the exposed risk here which would be protected.

I cited the assurances received from the president of the exchange and the chairman and vice chairman of the board of governors.

Mr. GROSS. That is without any help from this bill?

Mr. MOSS. This is not anticipated as bailing out those firms or their customers. That would be outside the scope of this bill. This bill does not cover retroactively.

(By unanimous consent, at the request of Mr. GROSS, Mr. MOSS was allowed to proceed for 5 additional minutes.)

Mr. GROSS. I believe it was in the New York Times that I read the other day that the brokers are awaiting the passage of this legislation in order to clear up this matter, and I think the gentleman is overly optimistic when he puts a price tag of $4.5 million on it.

Mr. MOSS. I assure you I am not overly optimistic in placing the price tag, in response to the gentleman's question, at $4.5 million. As a matter of fact, I am extremely accurate.

But the fact that they are waiting hopefully for this legislation or are expecting it is not something unique. I might say to the gentleman that everyone from the President of the United States down who is familiar with the problems of this industry is almost prayerfully awaiting the passage of this legislation.

The gentleman in the well joins in that group which seeks passage of it, because I feel it important to reinstill confidence in this industry. I think that confidence will have an overall impact and a favorable impact upon the economy of this country. I am greatly concerned over having a healthy economy in this country. I want a good climate for investment in this country. I want to see our security markets able to produce the new capital that is required for the development of this country. All these things are essential. I think, as I said before, it took us a long time to get here, and it will take us some time to work our way out.

Mr. Chairman, I urge that the substitute amendment not be adopted, that it be rejected, and that the amendment offered on behalf of the subcommittee be adopted.

Mr. SPRINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am glad that a few words were expressed here by the gentleman from California on this floor in response to the statement that there was a large number of failures involved reaching into the millions or hundreds of millions of dollars.

I think the gentleman from California very well and very ably stated here it was really minimal. You have a $200 or $300 million industry, I assume, and you have losses of $4 to $6 million. You may say to us why do we come in here with this little matter, then. We are coming now ahead of time so that if we ever have this kind of situation again, the public confidence in it will be such that they know that when they turn their money over to an investment house they will be able to recover up to $50,000. We do not have the problem, really, on top of us. What we are trying to prevent is a major problem which might occur if you had a real recession or a depression.

Our distinguished chairman, the gentleman from West Virginia, put his finger on it as to what we are attempting to do by putting these people on the board. It is designed to have people there who will actively be putting a lot of money in this themselves and naturally will want to regulate it to be sure it works. We are putting the incentive in this in the people who are going to contribute the money. If they come to us then and ask for Federal funds, then that is an entirely different game. At that point the Federal Government ought to have a say-so about what the makeup of the board is.

This was one of the things that was debated in the subcommittee. This was the makeup of the committee and what should be the incentive in the public interest. We felt that until public funds were necessary the incentive of the people in the industry themselves to do a good job would be sufficient, just as we have had under the National Association of Security Dealers who have made many recommendations to the Securities and Exchange Commission in the public interest in order to be sure that the public confidence in the securities themselves was assured long before the incidence, we will say, of a lack of confidence ever became evident.

And, the National Association of Securities Dealers have made some excellent recommendations which I say are in the public interest. This has not been a thing which has run wild. The fact of the matter is I think what the gentleman from New York said about Mr. Ira Haupt the other day one cannot apply all those broad words to all of them, but the fact was that there were some undesirable things going on. How are you going to have any industry that is not going to have some of what the gentleman referred to.

However, Mr. Chairman, this is a very small number of people. By the use of incentives we want to provide a means by which these people will put their money into it, that they regulate themselves, and we felt that the incentive was the best way to do it. Whenever they do not do that and come to us for help and assistance, then I think the public policy should shift.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman keeps saying, and others on the committee as well—that this is their money, the broker-dealer's money that will be put into this so-called insurance fund by way of assessments.

Is the gentleman saying to the House that the brokerage firms will not increase the cost to the public in business with them in order to get the money to put into the fund?

Mr. SPRINGER. I yield to my distinguished chairman for a response to the gentleman's question.

Mr. STAGGERS. I would like to say a word in response to that question. Of course, when you buy stock, you are going to have to pay for it.

Mr. GROSS. Oh, well, I know that.

Mr. STAGGERS. If you do that the cost is there and you pay it. We do not have any taxes on America at all, only the man who wants to buy stock, and he has to pay for it. That ought to be fair, should it not?

Mr. GROSS. If the gentleman from Illinois will yield further, that is like saying you can either take it or leave it. But that is not answering the question. I am asking whether the brokerage firms are going to increase the cost to the public of doing business with them to pay for protection they ought to get from all brokers without cost.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from California.

Mr. MOSS. I think it is quite obvious that whenever you increase the cost of business, the business is going to have to charge rates which will reimburse them.

Mr. GROSS. Yes, that is right.

Mr. MOSS. We have the Federal Deposit Insurance Corporation and the banks pay a fee for coverage and they certainly include that in the cost of doing business.

Mr. GROSS. Sure they do.

Mr. MOSS. And, at the present time operating a completely voluntary system which has existed since back in 1963, the New York Stock Exchange has levied assessments upon its members and has created a fund of about $55 or $56 million. Of course, this is reflected in increased cost of doing business. It is a fact of life that you cannot increase the cost of doing business without having to increase the cost of service or the commodity for sale.

There is no way I know of whereby that can be avoided.

Mr. GROSS. Of course; the public is going to pay.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, I would like to address myself first primarily to those on this side of the aisle, although I have no objection to those on the other side of the aisle hearing it.

If one assumes that because a person is called a public member that he will protect the public, one makes an entirely false assumption. If "Chauncey Giltedge" is appointed to the board, who is an old retired broker, and four of his friends of the same group are appointed, you do not have more protection of the public interest than if you had active members of the exchange. You have less.

The only way you can protect the public interest in this case is to create incentives within the provisions of this bill for those who have the responsibility to use the funds correctly, and if they do not use the funds correctly, they lose control over the funds. That is the genius of this triggering device.

The board goes from seven members to 11 members. The majority swings from a 2-to-5 division, two public and five industry members, to six public and five industry members. You put enough new people on the board to change its direction. Now, that is in the public interest.

Now, if you will pardon me, may I address myself primarily to the other side of the aisle:

These provisions in the bill with respect to the membership of the Board have a sensitive relationship to the amount of assessment. Now, we have an assessment here that has a flexibility from a half percent to 1 percent in the beginning. Now, do you want persons who may be overly concerned about appearances of doing right—do you want them to have the authority to run that assessment up to 1 percent? Is it not important that you protect the interest of the investor, and the cost to the investor, by keeping the assessment low?

I agree with the gentleman from Iowa that the investor pays the bill, and I think it is important, therefore, that the fraternity of broker-dealers, with the interest in selling the stock competitively against other investments, have some control in keeping that figure low.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I wonder what makes the gentleman think that a public member on a board of directors is going to go out and stick the knife into his fellows, the common, ordinary garden variety of citizen in this country by increasing the cost of their doing business with a corporation?

Mr. ECKHARDT. If the gentleman will permit me to answer that question, I will say that I do not assume that the public member is necessarily in that boat, but I am sure that the person who has to sell the stock is going to try to make the total cost of the stock as low as possible so that it is competitive with any other investment. And I am not at all sure that a person without much knowledge of the stock market is not going to be stampeded to increase this from half a percent to 1 percent immediately, as we give that flexibility in this bill, as amended by the amendments recommended by the committee.

Mr. GROSS. I think the gentleman used as his horrible example Chauncey Giltedge?

Mr. ECKHARDT. I said Giltedge.

Mr. GROSS. Who, he said, is a retired broker. As such, he is going to know all about this business, is he not?

Mr. ECKHARDT. I do not know whether he knows anything about the present economy.

Mr. GROSS. Well, certainly he is not exactly naive, unskilled, and inexperienced.

Mr. ECKHARDT. He may know more about his private club than he does about the investment business at this time.

Mr. GROSS. Well, you could go both ways on that.

Mr. ECKHARDT. Therefore, I submit to this Committee at this time that this is a much more delicate sort of thing than can be taken care of by an ad hoc amendment on this floor. It relates to the pressure in favor of protecting our public interest, it relates also to the protection of the investing fraternity themselves, and if they do not protect themselves properly they trigger a device by which a majority of the public members control the large fund of money that is involved here.

I cannot see any reason why the members of that board are going to act against the public interst if it is also against their interest, and if they act against theirs and the public interest they lose control.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. SPRINGER, and by unanimous consent, Mr. ECKHARDT was allowed to proceed for 5 additional minutes.)

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the distinguished ranking minority member of the committee.

Mr. SPRINGER. The incentive in this, as it was explained by the subcommittee to the full committee, is that if you have these five members of, as you say, of the investment company group, and up to $150 milllion, they are going to do everything they can to keep from having to borrow from the Federal Government for this one single reason: the minute they borrow from the Federal Government this bill provides automatically that the Treasury must raise the rates. Is that not true?

Mr. ECKHARDT. That is exactly true.

Mr. SPRINGER. And what they are going to fight for is to keep out of having to borrow anything from the Federal Government for that very reason, because it triggers the mechanism that then goes into effect, and they lose control over their own destiny. Am I right?

Mr. ECKHARDT. That is exactly right.

Mr. SPRINGER. That is exactly the situation you have.

Mr. ECKHARDT. If the gentleman will permit, I might answer further, it is precisely as if a corporation which might become unable to conduct its own business efficiently, would have to merge with another. The board of directors of the first corporation would be so diluted by the directors of the second corporation that they would lose control. There could be no greater incentive for the first corporation to operate efficiently to make the program work and thus avoid the merger. That is precisely the type of incentive that we have written into this bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. GROSS. Mr. Chairman, I think the gentleman will have to admit that there will be no more and probably less incentive for the five public members to increase the cost either to themselves or to other ordinary citizens.

The gentleman called my amendment an ad hoc amendment, and derided it as being something that was brought out of thin air. The gentleman from Texas was guilty yesterday of offering an ad hoc amendment—producing it out of thin air.

Is there something wrong with amending a bill, in the opinion of the gentleman from Texas?

Mr. ECKHARDT. There is nothing wrong. I thank the gentleman for joining me on my ad hoc amendment yesterday. But I think I am just as correct today as I was yesterday.

Mr. KEITH. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. KEITH. Mr. Chairman, I think the record should show that only a few firms have conducted themselves in a way that has necessitated this legislation. There are many firms to my knowledge which have conducted their operations on a

reasonable and sound basis. Their accounts are in good shape. Some of them have been so well managed that they are able to give bonuses to their employees because of the soundness and efficiency of their operations. It is from this group that the securities and stock exchanges will be taking their membership for this board of directors. They are going to nominate as directors, instead of Chauncey Giltedge, they will select Henry Hard Head. These are the types who would not want to run their operations well and then be assessed to pay for those who run their firms poorly. The standards for broker dealer firms will be much higher and the public interest will be better served, in my opinion, because the exchange will nominate competent men of good character.

Mr. ECKHARDT. I agree.

Mr. Chairman, I suggest that the vote should be to vote down the substitute and vote for the amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield for a question.

Mr. ECKHARDT. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, am I to understand, from this provision as it is contained in the House bill, that once the additional four Directors have been appointed and once it has been necessary to borrow funds from the U.S. Treasury—once these additional four Directors have been appointed by the President that they will continue to serve and, therefore, serve as a majority on the Board until this loan from the Treasury has been repaid or retired?

Mr. ECKHARDT. That is exactly correct. It is very important that they do so because they must administer the functions which recoup the funds during that period of time.

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman will yield further, I certainly want to rise in support of the committee bill and in opposition to the amendment.

As one who admittedly does not have the expertise of those on the committee, it seems to me the committee ought to be commended for the manner in which they have fashioned this bill which I think contains a very ingenious provision and a provision that is certainly calculated to serve the public interest and to guarantee against the very possibility that has been raised by some of those who have sponsored this amendment; that is, against the possibility that somehow the public interest is going to be ignored in the administration of the affairs of the SIPC—the Securities Investor Protection Corporation.

It seems to me by the triggering provision that you have made ample provision that this will not happen and that the public interest will be protected.

Mr. Chairman, I certainly congratulate the committee on the terms of the bill that they have reported to the House.

Mr. ECKHARDT. I thank the distinguished gentleman from Illinois (Mr. ANDERSON).

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Iowa (Mr. GROSS) for the amendment offered by the gentleman from California (Mr. Moss).

The question was taken; and on a division (demanded by Mr. GROSS), there were—ayes 16, noes 27.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MOSS

Mr. MOSS. Mr. Chairman, I offer an amendment on behalf of the subcommittee which initially considered this bill.

The Clerk read as follows:

Amendment offered by Mr. Moss: On page 64, line 18, strike out "one-half of";

On page 65, line 14, insert before "SIPC" the following: "Subject to subsection (c)(3),"; and

On page 65, line 16, insert "not less than" before "one-half".

Mr. MOSS. Mr. Chairman, events in the securities industry since the time of the subcommittee's action in reporting H.R. 19333 to the full committee, seemed to dictate that the Subcommittee on Commerce and Finance meet again to discuss the impact of those events on this legislation. Accordingly, the subcommittee met on November 17, 1970, and agreed to offer and support this amendment. It is designed to provide for the quickest buildup of the SIPC fund which is feasible under the circumstances. The sooner the fund totals $150 million, the better will be the protection and cushion which will be provided by the fund.

This amendment would raise the one-half of 1 percent ceiling on assessments which is presently contained in the provisions of H.R. 19333 and would increase it to 1 percent. However, the amendment does not increase the mandatory assessment which must be levied by SIPC during the periods of buildup of the fund, and this mandatory assessment would remain at not less than one-half of 1 percent. What the subcommittee's amendment does do, however, is to make it possible, when feasible, for the Board of Directors to go as high as 1 percent in the assessment rate.

The subcommittee's decision on this matter was a very conscious and deliberate one. Since it is quite possible that an assessment greater than one-half of 1 percnt might not always be practicable, the subcommittee did not believe that the Congress should mandate an assessment above one-half of 1 percent. However, it did believe that Congress should provide the flexibility of going above one-half of 1 percent when feasible.

There have been some very good times in the securities business; just as there have been some times of substantial financial strain. When good times occur, the interests of the Wall Street community, as well as the public interest, may well dictate that an assessment of more than one-half of 1 percent be levied. For example, had SIPC been in being during the past 5 years, the industry interest and the public interest would have been well served had a higher assessment been levied during the good years of 1966 and 1967. That would have provided a very nice cushion for the poorer years of 1969 and 1970. This is the situation to which this amendment speaks.

The subcommittee wants its intent to be very clear. By raising the ceiling on assessments, the subcommittee does not intend to require the Board of Directors to impose such assessments without regard to what the industry can properly afford. An assessment which is so high that it will put substantial numbers of broker-dealers out of business will not further the goals of this legislation. Clearly, the Board of Directors, in setting the assessment level must be keenly aware of the financial condition of its members. When that condition can economically accept an assessment of more than one-half of 1 percent, the Board of Directors might well be advised to impose it, if it is needed for the proper buildup and maintenance of the fund.

These determinations will be very difficult ones and will require intimate knowledge of not only the potential need of the SIPC fund, but also of the economic condition of the members of SIPC. It seems most appropriate to leave these determinations to the Board of Directors which will have substantial industry expertise to guide it in these determinations. Of course, the oversight provided by the SEC will be a necessary and helpful ingredient in reaching these determinations of the appropriate assessment level.

Mr. KEITH. Mr. Chairman, I rise to advise the Committee that we do not oppose the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Moss).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Section 7, SEC functions, is amended by adding a new subsection 7(e) on page 95, after line 9, as follows:

"(e) SEGREGATION OF CUSTOMER PROPERTY.—The Commission shall conduct an investigation into the practices of all persons that become members of SIPC and shall ascertain the extent to which property that belongs to customers is used by such members in the conduct of such members' business. In such investigation the Commission shall determine whether SIPC members adequately segregate customer property, including free credit balances and securities, from property owned by such members. The Commission shall report findings and recommendations to the Congress in this investigation no later than 6 months after the date of enactment of this Act.

Mr. CELLER. Mr. Chairman, this is a very simple amendment. All it does is direct the SEC to make an inquiry concerning segregation of customers' funds. The diffculty now perplexing the public, the New York Stock Exchange, and the American Stock Exchange members is the question of customer fund segregation. Shall the securities that the broker has be segregated from his own property, or shall he be permitted to use those securities for the purpose of speculating, or to obtain loans from banks? Shall he be permitted to commingle his own funds with the moneys that he has for customers' accounts? He receives dividends on

various types of stocks, which he holds for the customers. He sells various bonds and securities, and he holds those moneys for the customer, but he commingles them. The question is: Shall he have the right or shall he not to commingle them? Many firms have commingled over the years, as the gentleman from California has indicated. Some of the exchange houses in New York commingle moneys but do not commingle stocks or bonds. I can name a number of the firms who refuse to commingle their moneys, as well as their stocks, and they are the most solvent on the street. It is those concerns that have done the commingling, who have failed to segregate, who have got into the most trouble.

Whether that is good or bad, or whether custom has hardened into that which is a reality and must continue, is, I think, a matter that should be checked by the SEC and the Congress should be advised by the SEC exactly what should be done under the circumstances. This amendment demands that the SEC do just that and report back to us within a period of 6 months.

Mr. MOSS. Mr. Chairman, it is with a great deal of regret that I rise in opposition to this amendment offered by the distinguished chairman of the Judiciary Committee, the gentleman from New York.

I also oppose commingling of clients' funds with the funds of the broker dealers, and I oppose the hypothecating of stock and the utilization of the proceeds for the speculation of the broker dealers.

But I do not believe that this amendment is going to do anything except to impose an additional burden upon an agency which at this time is not adequately staffed to perform the necessary duties imposed upon it by law.

I indicated in discussions with the gentleman that I would urge early in the 92d Congress that this be a study undertaken by the Committee on Interstate and Foreign Commerce itself. I believe it is important that we know all the facts that would be sought here.

Let me show what happens when we mandate studies and we do not do it realistically. We authorized an institutional investors impact study over 2 years ago, and we have spent somewhere around a million dollars on it. I had hoped that we could look forward to receiving it in June of this year, but we had to extend the time to December 30. I did not want to go to December 30. I wanted to extend the time only to September 30, but the Commission said:

> We must have until the end of the year, but at that time you will have your study and it will be available with findings and recommendations.

I hear very disquieting rumors—well-founded rumors—that we will be lucky if we get the study in its raw form for publication and that we probably will not get conclusions or recommendations for several months after the first of the year.

What sense does it make to impose upon a Commission already overburdened and delinquent in a study which is of the utmost importance to the committee and to the Congress the additional duties contemplated by this amendment?

I believe Congress ought to start making some of its own studies. We know what we need. We can better direct the staff to get the material for us. We can act on it in a more timely fashion.

For that reason, and not because of any ideological differences, just from the practical standpoint of what can and cannot be done, I strongly urge that the amendment be rejected.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from New York.

Mr. CELLER. May I ask the gentleman if it is his desire to offer a resolution to set up a special committee for inquiry concerning this matter.

Mr. MOSS. That certainly is within the realm of possibility. As I stated to the gentleman in discussing this with him, I wanted to discuss it with the chairman of the full committee, who has given his assurance twice today that he intends immediately upon the opening of the 92d Congress to launch this kind of a study.

Mr. CELLER. May I ask a further question. This involves questions not only appertaining to the Committee on Interstate and Foreign Commerce but also involving antitrust laws with reference to the operations of these various exchanges. The courts, the SEC, and the Department of Justice have been concerned with various antitrust matters concerning stock exchanges. If there is to be consideration of such a special committee, I wonder whether it might be appropriate that it contain members of the gentleman's committee, the Committee on Interstate and Foreign Commerce, as well as members of the Judiciary Committee, of which I am chairman.

Mr. MOSS. I believe such an approach of cooperation certainly merits the most careful exploration and discussion. I suggest it is a matter which the gentleman from New York should discuss with the gentleman from West Virginia.

I know that the gentleman from West Virginia is at all times cooperative and seeks to make the work of the committee and subcommittees meaningful. I think it is important in this instance that the work be meaningful and it produce all of the facts so that we can legislate intelligently not only in the Committee on the Judiciary and the Committee on Interstate and Foreign Commerce but there are certainly some ramifications here which would touch on the work on the Committee on Banking and Currency. There needs to be a comprehensive study made.

Mr. CELLER. Mr. Chairman, I just want to ask the gentleman from West Virginia whether or not he would consider the suggestion I made that a special committee to be composed of members of both committees go into this matter.

Mr. STAGGERS. Will the gentleman yield?

Mr. CELLER. I am glad to yield to the chairman.

Mr. STAGGERS. I think the gentleman from New York has never found me to be unreasonable about any suggestion he has ever made to me. I have always tried not to infringe upon any other committee of the House with any jurisdiction we have.

I would say this: After consultation with the subcommittee and the full committee, we will be glad to consider it, because I do not set myself up as a czar.

As I said here, my intentions are to have our committee study this thing thoroughly and extensively and report back.

Certainly we will cooperate with the Judiciary Committee in any capacity in any field in which they have an interest. We certainly will do that. I think we can do it by discussion amongst us. If you have an interest in the field, all right. If you do not, then we will do what we feel we should do. Certainly the gentleman has the right through his committee to conduct any investigation he wants to into any field in which he has jurisdiction. I am willing to cooperate. I will not say that I will set up any special or select committee until we have had a chance to go into it thoroughly.

Mr. CELLER. I do not say you should set up a committee. A resolution could go to the Committee on Rules to set up a committee.

Mr. STAGGERS. I would say in response to the gentleman that if any resolution is presented, I would be willing to talk it over with my committee, but I want my committee to be agreeable with whatever is done.

Mr. GROSS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we have just had two excellent examples of how to run around the barn and say not too much of anything.

The gentleman from New York (Mr. CELLER) has offered an excellent amendment to this bill, but he said he would withdraw the amendment if he could have assurance that a special House committee would be set up to investigate the subject matter. The chairman of the full Committee on Interstate and Foreign Commerce said he was perfectly willing to take his suggestion under consideration. The gentleman from California (Mr. Moss) agrees in effect with the intent of the amendment offered by the gentleman from New York. He is opposed to brokers abusing the use of their clients' money hypothecating and so on and so forth. But, still, he speaks of mañana; let us do something tomorrow.

I am a little surprised at this great protagonist of the right to know and the right to justice.

The gentleman is on the right track but he wants to postpone until tomorrow or some day in the future doing what the gentleman's amendment would do, and that is to say to the brokers that they must segregate these funds; they must not use clients' funds to finance their operations.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course I yield to the gentleman from California.

Mr. MOSS. The gentleman from Iowa puts words into the mouth of the gentleman from California which the gentleman from California never uttered.

If the gentleman from Iowa had listened with care he would have learned

that I opposed the amendment because it imposed additional duties upon an agency which is already short handed and is already at least 6 months delinquent in giving us the results of a study which was ordered 2 years ago.

Mr. GROSS. What I said was that the gentleman from California agreed with the portent of the gentleman's amendment, but wants to postpone doing anything about it now.

It is like the mother admonishing her daughters when they wanted to go swimming. She told them to "hang your clothes on a hickory limb but don't go near the water." It is the old, old story, put off until tomorrow what you can do today.

Mr. MOSS. Mr. Chairman, if the gentleman will yield further, if the gentleman from Iowa will read the amendment which has been offered by the gentleman from New York, the gentleman will find it does not say, "You shall not." It says, "The Commission shall study——"

Mr. GROSS. All right.

Mr. MOSS. I say the Commission is already overburdened with duties it cannot now perform.

Mr. GROSS. And report within 6 months——

Mr. MOSS. Report what?

Mr. GROSS. Why should they not make a study of it and report within 6 months?

Mr. MOSS. What would they report?

Mr. GROSS. Their findings as to what was being done with investors' money and securities. That is what he is saying. Let us not go back into this business of mañana, put off until tomorrow what you ought to do today.

Mr. Chairman, I yield back the balance of my time.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

If the gentleman from Iowa will give me his attention, I would like to respond to the gentleman on the question of why I did not give a definite answer to the proposal which was made by the gentleman from New York (Mr. CELLER). I have not consulted with the gentleman from Illinois (Mr. SPRINGER), and I try to do this on matters of this nature. That is one reason we have some comity on the committee. I want to at least advise with the members of the committee as to certain agreements we make. As a result of that, usually when we come to the floor with most of our bills, they come to the floor unanimously.

I have never said that this committee would do certain things, without consulting with the members of the committee, except within the realm of matters which are decisions to be made by the chairman of the committee. I have said as much as I can say to the gentleman from New York. We are going to make a study. I have made it just as clear as possible that this committee is going to make an extensive study, an indepth study, and that we would cooperate with the gentleman in any way we can. I do not know what I can say further.

Mr. GROSS. Well, will the gentleman yield?

Mr. STAGGERS. Not at this time, because I have some other things to say about the bill.

Mr. Chairman, in regard to the practices, we have set forth in the bill authority for the SEC to make rules and regulations on the commingling of the funds and the using of these securities as collateral. We have said we would give them that in this bill. This is the first time we have done that clearly and unequivocally. We think they will use it wisely. We hope they will, because we are certainly going to be watching to see that they do. Also, in respect to the study, there are two main points involved with reference to the amendment. One is the fact that the SEC will make the study.

Now, I respect the SEC. I think they are honorable men. Somebody has said here that they do not do this or that. There have been some aspersions cast upon the members and broker-dealers. I know some men who are broker-dealers whose character would stand with that of any Member of the House in honesty and integrity. In fact, most of them I know are honest and good men. I would say also that there are people who cast aspersions on the Members of the House of Representatives and say that they are crooks, they are thieves, and they misuse the Government funds. I have heard it everywhere. I say they are wrong, too. The Members of the House of Representatives are good men. I do not know of any of them who are crooks.

This condemning of people is very bad, and it is wrong. I know the SEC will do their job. I know the broker-dealers will try to do theirs, and they are going to have the oversight of the SEC at all times.

President Nixon has advised that this bill should be passed. I can read from a letter from the Department of the Treasury concerning their concern in this field. On June 17, 1970, President Nixon, in his address to the Nation on the economic policy and productivity, specifically endorsed the concept of insurance protection for investors in securites, and the Department of the Treasury has endorsed it.

I know the gentleman from New York (Mr. CELLER) in all good faith has proposed an amendment which I would not call frivolous, because I know that he is not that type of man. I believe he is sincere in what he is saying, but most of those things are taken care of in this bill.

The Committee on Interstate and Foreign Commerce and its subcommittee have studied this for long hours and have considered all proposals. In their wisdom they have come up with the present bill. And when they presented it to the full committee it was discussed at some length, and the full committee unanimously said it was a good bill and should be reported to the floor of the House of Representatives.

Mr. GROSS Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I think the criticism that the gentleman from New York and I have concerning this bill is that it does not go nearly far enough; that if you are going to open up this subject you ought to do many things that you are not doing.

The gentleman says his committee is going into an indepth study of this whole situation early next year. Why not put this bobtailed bill on the shelf until next year, until you make this study?

Mr. STAGGERS. This is not a bobtailed bill.

Mr. GROSS. If you do, then I am sure you will have a bill that I can support.

Mr. STAGGERS. It is not a bobtailed bill, and I resent the gentleman saying so. I resent it because of the fact that good men in the House have studied this, and have brought to the floor a bill that I think is a good bill. The full Committee on Interstate and Foreign Commerce felt the same way. I resent these attacks on the committee and on the integrity of the committee. We have brought a bill to the House that I think is a good bill, and should be passed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEITH. Mr. Chairman, I rise in opposition to the amendment, and I move to strike the requisite number of words.

Mr. Chairman, the lead clause in the proposed amendment says that the commission shall conduct an investigation into the practices of all persons who become members of the SIPC, and so forth.

Obviously such a proposal is unnecessary, and altogether too personal in its implications. I would say that in my view it could be the first step in a witch hunt.

I would like to say further I agree completely with the response of the chairman of the Committee on Interstate and Foreign Commerce to the suggestion of our colleague, the gentleman from New York, that we set up a joint committee to look into this particular problem. Obviously the chairman could not do that without coming to the full committee, and consulting its membership, both the minority and majority members. Further I do not agree with my colleague, the gentleman from Iowa. It was his opinion that the chairman is derelict in his duty because he does not accede to that request on the spot.

It is that kind of considered judgment that makes this committee the responsible and responsive committee that it is, and I am proud of our chairman because of his refusal to accede to the request in question.

I think that the report and the legislative history of the bill show that the SEC has wide powers and tremendous responsibilities, and can attend to the problems presented by the gentleman from Iowa.

We share his interest in these matters, and I feel certain the SEC will, under this legislation, have the necessary authority so that it may move in these areas and eliminate the abuses that have, in effect, caused this whole question to come to the forefront at this time. And the triggering device that we have is such that the assessments will be smaller rather than larger because of the pres-

ence on the board of representatives of the exchanges who will be fighting for the pocketbooks of the brokerage firms.

This bill has been very carefully thought out and it is one of which the committee is proud. I believe that the Congress can share in that pride.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I yield to the gentleman.

Mr. ECKHARDT. I know of the gentleman's tremendous interest in this field and also know that he is interested in some things that I am interested in. I think these matters really are bipartisan, and that is such questions as the committee looked into, as an equitable level of contribution by categories of broker-dealers based on the generation of risk; the question of closing of licensed broker-dealers who never have free floating balances and who never have hypothecated investors funds and perhaps some relief with respect to the assessment and other questions going to practices within the market.

Now I do not understand that they studied to reach these matters, of your committee, as I understand, is continually interested in these subjects. Do you find that same general viewpoint on the other side of the aisle?

Mr. KEITH. We certainly do and, as you will recall, in the hearings we questioned witnesses who were testifying on this legislation in a way that indicated our feeling the assessments should be appropriate to the risk involved. They admitted to the validity of that principle. There is sufficient authority within this legislation to enable those in charge of the operation to levy an assessment that reflects the risk and to categorize that risk in the public interest.

Mr. CAREY. Mr. Chairman, I move to strike out the last word and rise in support of the gentleman's amendment.

Mr. Chairman, I rise very briefly for the purpose of returning to the thrust and the point of the gentleman's amendment.

I share in none of the criticism and I endorse none of the criticisms that have been directed toward this great committee which has brought forth a good bill here. I intend to support the bill in all its particulars.

But, Mr. Chairman, just as strongly and strenuously I advocate that we give due consideration to the amendment offered by the gentleman from New York for the following reasons.

The first is that investors in the great city of New York and throughout the world in the great centers of finance—have undergone a great shock recently and the practices that we have seen in the market have caused great apprehension among investors, particularly among people who have placed their life savings in the market.

The gentleman from New York has pointed to what I must term a heinous practice—the commingling of private funds with broker-dealer funds. Although we know that it is not a prevalent practice among great institutions, if it is acknowledged to be a practice which has come to the attention of the public—then I think we should move with all haste and cast the spotlight of official public attention on the practices. There is no other or better way to do this—especially if this Congress should go into recess than to charge the appropriate Federal agency with the conduct of the preliminary investigation.

As I understand the gentleman's amendment, he calls for a report within 6 months. During the preparation of this report, I would suppose, from my knowledge of this great committee, that it will continue its concurrent jurisdiction and it will continue to spotlight the practices which it deems might need remediation.

There is nothing wrong with having the Securities and Exchange Commission going ahead and conducting the study within its jurisdiction over the next 6-month period and if the committee be not satisfied—if the committee be in no way content with the production of that study either in terms of it being laggardly or ill-equipped, they, the committee, can move in and along in their own jurisdictional avenue.

Mr. MOSS. Mr. Chairman, will the distinguished gentleman yield?

Mr. CAREY. I yield to the distinguished gentleman.

Mr. MOSS. I would like again to emphasize the fact that in all realism the Commission does not have the staff to make the study. That is a cold, hard fact. They are now 6 months delinquent in supplying a study which was ordered by the committee 2 years ago. A great part of that is due to a lack of adequate staff to complete the work. The Commission has suffered chronically from a lack of staff.

Mr. CAREY. Then I think the gentleman is pointing up the fact that we have a very important Commission charged with the conduct of a high regulatory responsibility, to look after the people's funds invested in great public corporations, and the Commission lacks the staff to continue doing so. I have never known a Federal body charged with a responsibility by Congress that was in any way slow or reluctant to come forward and ask the Congress for the funds it needs to conduct such a study. If the responsibility were placed upon their shoulders—and I base this statement on my meager experience—if you give the responsibility to the Securities and Exchange Commission, they will be at the doors of Congress within 24 hours asking for the necessary funds to get the staff to conduct the study. Where would the committee get the staff to carry on the proposed expeditionary function except from among the very same people knowledgeable in this field?

The only difference is that if the amendment is adopted, the study will go forward promptly, without delay, and the public will be reassured. In my experience in investigative work, once you announce a study, once you announce that you are on the trail of a practice, the practice has a way of abating very quickly, because those who are following this practice will be quick to suspend it, and that will be a great gain for the investor.

Mr. MOSS. Mr. Chairman, will the gentleman yield further?

Mr. CAREY. I am glad to yield to the gentleman from California.

Mr. MOSS. In the first place, by the time the Commission would get action from the Congress and get the needed funds, we would probably see the 6 months already gone.

Second, the Committee on Interstate and Foreign Commerce has already some of the groundwork under way in this kind of study. It can best be done by the Committee on Interstate and Foreign Commerce. It will be more meaningful. There is no use in mandating this very difficult, complex and manpower-demanding assignment upon an overburdened Commission at this time, and the work would be duplicative.

Mr. CAREY. I am pleased to hear the gentleman inform us that the committee has undertaken an additional study in this direction. I think this is clear notice to those who are engaged in this practice that they are under the clear and, shall I say, probing eye of Congress right now.

Mr. MOSS. If the gentleman will yield further, I would say the Chairman of the full committee, the distinguished gentleman from West Virginia, has the industry very much alert to the fact that there are many lines of inquiry going on at this time. We do not operate only when we come to the floor of the House. It is a continuing oversight.

Mr. CAREY. I realize that, but in view of my great respect and regard for the great dean of the House, who is very knowledgeable on affairs of this kind because of his close identification with the protection of public moneys, I would only hope that we could get this study going by an official body and make that official body live up to its responsibility. If it is understaffed, why has not the Securities and Exchange Commission, which is supposed to inspire public confidence and assure public confidence, done something about it?

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. STAGGERS, and by unanimous consent, Mr. CAREY was allowed to proceed for 2 additional minutes.)

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. CAREY. I yield to the chairman of the committee.

Mr. STAGGERS. I would like to respond to the gentleman in relation to his remarks about an investigation of the New York Stock Exchange. One of the most knowledgeable men I know of outside of the exchange, who has a lot to do with the subject, has been incapacitated, but he has gone into some of the investigation work and we have assembled a lot of it at the present time. That work has been done by a special investigating committee, and it will be turned over to the legislative committee, the one that has to make the laws when the proper time comes.

Mr. CAREY. I thank the chairman for that observation.

Mr. STAGGERS. This will continue with the subcommittee which has jurisdiction over the legislation.

Mr. CAREY. I thank the chairman for that observation.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CAREY. I yield to the gentleman from Iowa.

Mr. GROSS. We have been told by members of the committee this afternoon that the soundness of brokerage firms will be ascertained by the Securities and Exchange Commission before they come under this new corporation which is being set up.

I wonder where the Securities and Exchange Commission is going to get the money to go into an investigation of the soundness of these firms?

Mr. CAREY. I am not prepared to answer that, but I yield to the gentleman from California for that purpose.

Mr. MOSS. Mr. Chairman, the gentleman from Iowa states we have not said the Securities and Exchange Commission would ascertain the condition in advance of coverage by the members under the proposed Insurance Protection Coporation.

On the contrary, what we have said is that there is a continuing surveillance by the SEC over the financial conditions of firms that are not members of exchanges. But under the law the auditing of firms who are members of the exchanges is being done by the exchanges. It has been for many years. The New York Stock Exchange audits its member firms as a delegate agency of the Securities and Exchange Commission.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. CELLER).

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 16, noes 25.

Mr. CELLER. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. McCLORY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, early during general debate, I made inquiry of the gentleman from California with respect to assurances which have been received from the officers of the New York Stock Exchange with regard to indemnifying the customers of First Devonshire Corp. as well as Robinson Co. and Charles Plohn & Co., and I am satisfied from the gentleman's response that there is a firm commitment.

I do want to emphasize, however, that we have been speaking here today about public responsibility of the exchanges. I have been reading statements and speeches in the press made by the president of the New York Stock Exchange. However, I believe that unless this measure was before the House today, together with the pressures it imposes on the New York Stock Exchange, there would not be that sense of responsibility which has been evidenced recently. Therefore, I want to emphasize again and express the hope that this firm commitment will be fulfilled and the customers of First Devonshire, many of whom reside in my district, and many of whom reside in the Chicago area, will be treated fairly and equitably, commensurate with the way customers of Goodbody & Co. and 10 member firms of the New York Stock Exchange have been treated.

When the system was set up in 1964 to guarantee against losses of member firms, it was indicated that there would be such broad protection. However, I must say that when it comes to providing the protection, and indemnification from the private trust fund that has been established, there is a sharp denial that any such guarantee exists at the present time. Instead it is represented by the manager of the New York Stock Exchange that the application of these trust funds is in the sole and exclusive discretion of the trustees. Now that is not quite consistent with the public commitment that is being made at the present time to assure indemnification of these customers.

Again I want to express the hope that the indemnification will be promptly fulfilled and that there will not be a need for any additional coercive legislation or other steps at a later session in order to see that the commitment is fulfilled.

Mr. Chairman, this legislation—H.R. 19333—being a bill to provide greater protection to customers of registered brokers and dealers of national securities exchanges is long overdue.

I commend the committee on its response to an urgent need and hope that prompt action will be taken to establish the Securities Investor Protection Corporation which is authorized by this measure.

However, it is not sufficient for the exchanges and brokerage concerns to back this measure and to omit relief for customers of three concerns which are members of the New York Stock Exchange whose customers are without relief under this bill.

The hearings before the Interstate and Foreign Commerce Committee establish that the officers of the New York Stock Exchange undertook to protect the customers of their members following the collapse of Ira Haupt & Co. in 1963.

The trust fund to protect customers was set up in 1964 as a private effort to meet losses such as those which have occurred recently. Indeed, the absorption of Goodbody & Co. by Merrill Lynch, Pierce, Fenner & Smith, involved approximately 225,000 customers. The stock exchange trust fund has provided assurance that none of these customers will sustain a loss. In addition, the customers of 10 firms are to be protected by the trustees of the New York Stock Exchange trust fund. There remain three firms, First Devonshire Corp., Charles Plohn & Co., and Robinson Co.—all of whom include members of the New York Stock Exchange—but whom the stock exchange trustees have refused to indemnify so far.

My primary concern with the customers of First Devonshire Corp. with offices in Chicago results from the fact that many of its 6,000 customers are my constituents in the 12th Congressional District of Illinois.

Mr. Chairman, I ask quite frankly and directly: Why would the officials of the New York Stock Exchange discriminate against First Devonshire Corp., Plohn, and Robinson?

I cannot believe that a responsible agency which expects to maintain the confidence and trust of the American people can earn such a position of honor and prestige if it elects to discriminate against three relatively small concerns while providing support to a large and powerful company such as Goodbody.

The discrimination is most glaring when we consider that the customers of First Devonshire Corp., as well as Plohn and Robinson, through fees and commissions, contributed to the trust fund which is now to be employed to benefit only the customers of other financially distressed firms.

Mr. Chairman, it is my understanding that assurances have been offered to the effect that customers of First Devonshire, Plohn, and Robinson would be protected following the enactment of this legislation. However, those assurances, as I interpret them, are not unequivocal and definite. Or there assurances constitute a commitment or a guarantee that these customers will be treated fairly and equitably in the same manner as the customers of Goodbody and the 10 other firms? It has been represented today on this floor that such a firm commitment has been received.

Mr. Chairman, it would seem to me that if the officers and governors of the New York Stock Exchange were determined to fulfill the public responsibility which they claim that guarantees would be in the record now to reassure this committee and the customers whose interests we seek to protect.

Mr. Chairman, I am not sure at this point whether an amendment would be appropriate to indemnify the customers of the omitted brokerage firms. If this could be accomplished, I would offer such an amendment.

At any rate, if the officers of the New York Stock Exchange are indeed in good faith there is every opportunity to provide unqualified assurance on the floor of the House that customers of member firms will be protected and indemnified in the same way in which the 10 firms whose customers have already received such guarantees. I interpret the statement of my colleague from California (Mr. Moss) to contain a firm commitment to indemnify the customers of First Devonshire by the New York Stock Exchange.

Mr. Chairman, in pleading today for the customers of First Devonshire Corp. for whom I have a direct interest, I am urging not only equity but justice.

I commend individuals such as my constituent, Alvin B. Epstein, former manager of the First Devonshire Corp., who is seeking to protect customers of the firm which he formerly represented, and others—who are seeking to help achieve the results the House and the New York Stock Exchange have within their power to provide.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from California.

Mr. MOSS. As the gentleman knows, I initiated the contact with the president

of the New York Stock Exchange and the representatives of its board of governors because of my concern over the failure of the exchange to undertake the same guarantees to the customers of Robinson & Co., First Devonshire, and Plohn & Co., as they have to the previous failing groups and as they were then committing themselves in the case of Goodbody.

When we go back into the House I will ask unanimous consent to insert in the RECORD the last communication I directed to the president of the New York Stock Exchange.

The letter follows:

WASHINGTON, D.C.,
November 18, 1970.

Mr. ROBERT H. HAACK
President, New York Stock Exchange,
New York, N.Y.

DEAR MR. HAACK: I am writing to you on the subject of the protection of customers of First Devonshire Corporation, Charles Plohn and Company, and Robinson and Co., Incorporated. I am concerned by some accounts I have been receiving about the communications which took place between you and our committee counsel on this subject over the past few days. It is my understanding that you told our committee counsel that you had discussed this matter with certain other high Exchange officials and that you would urge and recommend that the New York Stock Exchange provide protection to the customers of these firms. It is my further understanding that you stated that this was done "in the hope and expectation that the SIPC bill would be passed."

I transmitted that information to the Subcommittee on Commerce and Finance when it met yesterday morning in special session to discuss the future progress of the SIPC legislation. On the basis of that information, the subcommittee took certain actions which have since been reported.

I have today read various press accounts which might tend to indicate that the New York Stock Exchange position is conditioned upon passage of the SIPC legislation. I trust that I am correct that, even your clarifying statement, is not intended to be so limited. We all are expecting, and therefore assuming, that the SIPC legislation will become law in this session of Congress. However, in the event that that should not occur, I conclude that the reasons behind your stated position would still lead you to the conclusion that the Exchange should provide protection to these customers. For example, the committee's views (expressed in its report on this bill and mentioned by you in your clarifying statement) would seem to apply whether or not SIPC is or is not in existence.

In conclusion, I wish to reaffirm to you my hope that the Congress will enact legislation on this matter in the very near future. If that occurs, I am expecting the New York Stock Exchange to provide the protection discussed above. If the legislation is not passed, I would still expect the New York Stock Exchange to provide the protection discussed because, in my judgment, the reasons set forth in the committee report for doing so would remain unchanged.

Sincerely yours,

JOHN E. MOSS,
Chairman, Subcommittee on Commerce and Finance.

I assure the gentleman that I will watch personally very closely the actions of the officers of the exchange to make certain they accord totally with the commitment given. If they do not I will be prepared to make appropriate recommendations to the subcommittee.

Mr. McCLORY. I appreciate the statement by the gentleman, and I compliment the gentleman on his tenacity in seeing that the good faith promises of the representatives of the New York Stock Exchange are fulfilled.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CHARLES H. WILSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of National Securities Exchanges, pursuant to House Resolution 1266, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 359, nays 3, answered "present" 1, not voting 71, as follows:

[Roll No. 373]

YEAS—359

Abernethy	Biester	Bush
Adams	Bingham	Byrne, Pa.
Addabbo	Blackburn	Byrnes, Wis.
Albert	Blanton	Caffery
Alexander	Boggs	Camp
Anderson, Calif.	Boland	Carey
	Bow	Carney
Anderson, Ill.	Brademas	Carter
Anderson, Tenn.	Brasco	Casey
	Bray	Cederberg
Andrews, Ala.	Brinkley	Celler
Andrews, N. Dak.	Brock	Chamberlain
	Brooks	Chappell
Annunzio	Broomfield	Chisholm
Ashbrook	Brotzman	Clancy
Ashley	Brown, Calif.	Clark
Ayres	Brown, Mich.	Clausen, Don H.
Baring	Brown, Ohio	
Barrett	Broyhill, N.C.	Clawson, Del
Beall, Md.	Broyhill, Va.	Clay
Belcher	Buchanan	Cleveland
Bell, Calif.	Burke, Fla.	Cohelan
Bennett	Burke, Mass.	Collier
Betts	Burleson, Tex.	Colmer
Bevill	Burlison, Mo.	Conable
Biaggi	Burton, Calif.	Conte
Conyers	Hunt	Quillen
Corbett	Hutchinson	Railsback
Corman	Ichord	Randall
Coughlin	Jacobs	Reid, Ill.
Cowger	Jarman	Reid, N.Y.
Crane	Johnson, Calif.	Rhodes
Culver	Jonas	Riegle
Daddario	Jones, Ala.	Roberts
Daniel, Va.	Jones, N.C.	Rodino
Daniels, N.J.	Jones, Tenn.	Roe
Davis, Wis.	Karth	Rogers, Colo.
Delaney	Kastenmeier	Rogers, Fla.
Dellenback	Kee	Rooney, N.Y.
Denney	Keith	Rooney, Pa.
Dent	Kleppe	Rosenthal
Derwinski	Kluczynski	Rostenkowski
Devine	Koch	Roth
Diggs	Kuykendall	Roudebush
Dingell	Kyl	Rousselot
Donohue	Kyros	Roybal
Dulski	Landgrebe	Ruppe
Duncan	Langen	Ruth
Dwyer	Latta	Ryan
Eckhardt	Leggett	St Germain
Edmondson	Lennon	Sandman
Edwards, Ala.	Lloyd	Satterfield
Edwards, Calif.	Long, Md.	Schadeberg
Edwards, La.	Lowenstein	Scherle
Eilberg	Lukens	Scheuer
Erlenborn	McCarthy	Schmitz
Esch	McClory	Schneebeli
Eshleman	McCloskey	Schwengel
Evans, Colo.	McCulloch	Scott
Evins, Tenn.	McDade	Sebelius
Fallon	McDonald, Mich.	Shipley
Feighan		Sisk
Findley	McEwen	Skubitz
Fish	McFall	Slack
Fisher	McMillan	Smith, Calif.
Flood	Macdonald, Mass.	Smith, Iowa
Flowers		Smith, N.Y.
Flynt	MacGregor	Snyder
Foley	Mahon	Springer
Ford, Gerald R.	Marsh	Stafford
Ford, William D.	Martin	Staggers
	Mathias	Stanton
Forsythe	Matsunaga	Steed
Fountain	May	Steele
Fraser	Mayne	Steiger, Ariz.
Frey	Meeds	Steiger, Wis.
Friedel	Melcher	Stephens
Fulton, Pa.	Michel	Stokes
Fulton, Tenn.	Mikva	Stubblefield
Fuqua	Miller, Calif.	Stuckey
Galifianakis	Miller, Ohio	Symington
Gallagher	Mills	Taft
Garmatz	Minish	Talcott
Gaydos	Mink	Taylor
Gettys	Minshall	Teague, Calif.
Giaimo	Mize	Teague, Tex.
Gibbons	Mizell	Thompson, Ga.
Goldwater	Mollohan	Thompson, N.J.
Gonzalez	Monagan	Thomson, Wis.
Goodling	Moorhead	Tiernan
Gray	Morgan	Udall
Green, Pa.	Morse	Ullman
Griffin	Mosher	Van Deerlin
Griffiths	Moss	Vander Jagt
Grover	Murphy, Ill.	Vanik
Gubser	Murphy, N.Y.	Vigorito
Gude	Myers	Waggonner
Hagan	Natcher	Wampler
Haley	Nelsen	Ware
Hall	Nichols	Watts
Halpern	Nix	Weicker
Hamilton	Obey	Whalen
Hammer-schmidt	O'Hara	White
	Olsen	Whitehurst
Hanley	O'Neal, Ga.	Whitten
Hansen, Idaho	O'Neill, Mass.	Widnall
Hansen, Wash.	Patman	Williams
Harrington	Patten	Wilson, Charles H.
Harsha	Pelly	
Harvey	Pepper	Winn
Hastings	Perkins	Wolff
Hathaway	Pettis	Wydler
Hawkins	Philbin	Wylie
Hays	Pike	Wyman
Hébert	Pirnie	Yates
Hechler, W. Va.	Poage	Yatron
Helstoski	Podell	Young
Henderson	Poff	Zablocki
Hogan	Pollock	Zion
Horton	Preyer, N.C.	Zwach
Hosmer	Price, Ill.	
Howard	Price, Tex.	
Hull	Pucinski	
Hungate	Quie	

NAYS—3

Gross	Hicks	Rarick

ANSWERED "PRESENT"—1

Heckler, Mass.

NOT VOTING—71

Abbitt	Frelinghuysen	Powell
Adair	Gilbert	Pryor, Ark.
Arends	Green, Oreg.	Purcell
Aspinall	Hanna	Rees
Berry	Holifield	Reifel
Blatnik	Johnson, Pa.	Reuss
Bolling	Kazen	Rivers
Burton, Utah	King	Robison
Button	Landrum	Saylor
Cabell	Long, La.	Shriver
Collins, Ill.	Lujan	Sikes
Collins, Tex.	McClure	Stratton
Cramer	McKneally	Sullivan
Cunningham	Madden	Tunney
Davis, Ga.	Mailliard	Waldie
de la Garza	Mann	Watson
Dennis	Meskill	Whalley
Dickinson	Montgomery	Wiggins
Dorn	Morton	Wilson, Bob
Dowdy	Nedzi	Wold
Downing	O'Konski	Wright
Farbstein	Ottinger	Wyatt
Fascell	Passman	
Foreman	Pickle	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Pickle with Mr. Adair.
Mr. Reuss with Mr. Lujan.
Mr. Passman with Mr. Reifel.
Mr. Montgomery with Mr. Cramer.
Mr. Long of Louisiana with Mr. Shriver.
Mrs. Sullivan with Mr. Dickinson.
Mr. Holifield with Mr. Whalley.
Mr. Abbitt with Mr. Wyatt.
Mr. Blatnik with Mr. Mailliard.
Mr. Cabell with Mr. Johnson of Pennsylvania.
Mr. Madden with Mr. Arends.
Mr. Wright with Mr. Morton.
Mr. Fascell with Mr. Burton of Utah.
Mr. Purcell with Mr. Dennis.
Mr. Pryor of Arkansas with Mr. Frelinghuysen.
Mr. Hanna with Mr. Saylor.
Mr. Sikes with Mr. Berry.
Mr. Rivers with Mr. McClure.
Mr. Landrum with Mr. King.
Mr. Aspinall with Mr. Robison.
Mr. Davis of Georgia with Mr. Watson.
Mr. Downing with Mr. Foreman.
Mr. Dorn with Mr. Bob Wilson.
Mr. Nedzi with Mr. O'Konski.
Mr. Casey with Mr. Collins of Texas.
Mr. Stratton with Mr. Button.
Mrs. Green of Oregon with Mr. Wiggins.
Mr. Mann with Mr. McKneally.
Mr. Dowdy with Mr. Cunningham.
Mr. Waldie with Mr. Wold.
Mr. de la Garza with Mr. Meskill.
Mr. Gilbert with Mr. Rees.
Mr. Tunney with Mr. Collins of Illinois.
Mr. Farbstein with Mr. Ottinger.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE A REPORT ON S. 1079

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight to file a report on the bill (S. 1079) consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ASSISTANCE FOR PROFESSIONAL AND TECHNICAL TRAINING IN THE FIELD OF FAMILY MEDICINE

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1268 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1268

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19599) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The gentleman from Tennessee is recognized for 1 hour.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. ANDERSON), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1268 provides an open rule with 1 hour of general debate for consideration of H.R. 19599 to provide assistance for professional and technical training in the field of family medicine.

The purpose of H.R. 19599 is to establish training programs at medical schools and teaching hospitals for the training of medical students to serve as family physicians, and for the training of auxiliary personnel to aid in the practice of family medicine. The number of general practitioners has been steadily declining in recent years and the purpose of this bill is to attempt to halt this trend.

Grants would be provided to public and nonprofit medical schools for construction of appropriate facilities, special training programs in the area of family medicine, and financial assistance in the form of scholarships, fellowships, or stipends to needy students.

Authorizations include $50 million for fiscal year 1971, $75 million for fiscal year 1972, and $100 million for fiscal year 1973 and each of the next 2 succeeding fiscal years.

An Advisory Council on Family Medicine would be appointed, consisting of 12 members, to advise and assist the Secretary of Health, Education, and Welfare in the administration of the act.

The bill was reported unanimously by the Committee on Interstate and Foreign Commerce and there was no controversy in the Committee on Rules. Similar legislation has already been passed by the other body.

Mr. Speaker, I urge the adoption of House Resolution 1268 in order that the bill H.R. 19599 may be considered.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I want to express my firm support for this bill to provide assistance for professional and technical training in the field of family medicine. This bill is of particular significance, I believe, because it attempts to deal with the shortage within the doctor shortage. We continually hear that this country is suffering an acute deficiency of physicians, that we need to double the size of the graduating classes of our medical schools, and that it would take almost 50,000 doctors immediately to compensate for our current deficit. But what is less often recognized is that these aggregate figures, disturbing as they are, obscure the even more fundamental problem of poor distribution of general practitioners among the doctors that we do have.

Let me cite a few revealing statistics. In 1931 over 75 percent of the physicians in this country were engaged in general or family practice; by 1949 less than 50 percent were engaged in that type of practice; and today the figure is at a phenomenal low of 20 percent, and still dropping because less than 15 percent of recent medical school graduates have indicated an intention of going into primary health care practice. To put this another way, in 1931 there was one primary-care physician for every 1,000 persons in the Nation; today there is scarcely one primary-care physician for every 3,000 persons.

By pointing to this massive shift away from family practice into the specialties, I am not attempting to suggest that specialization is bad or undesirable, nor that all our problems would be solved if we could just bring back the old country doctor. Clearly the Nation has benefited greatly from the growing specialism and sophisticated research in the medical care field; but it is my contention that it could benefit even more if we had an adequate primary-care system to provide "entry points" for individuals into the health care system. An adequate system of primary health care could provide the kind of preventive and diagnostic care that we now so often lack, and would permit us to make more effective use of our specialty-care resources.

This is the point where our medical schools are failing to do the job adequately. Of 100 medical schools in the Nation, only nine have full-time departments of family medicine. Given this lack of training programs it is little wonder that we are suffering such an acute shortage of family doctors.

Yet, it is interesting to note that another 15 medical schools have family medicine departments in the planning stage and 20 other schools are conducting feasibility studies. The real roadblock to getting these family medicine

training programs underway at the moment is the lack of funds.

And that is just the point of the bill before us today. By providing $50 million in the first year and eventually $100 a year to aid the development and operation of departments of family medicine, I believe that we could get many of these proposed programs out of the blueprint stage, and into operation and the production of the large numbers of family doctors desperately needed by our society today. For this reason I would urge all my colleagues to give this bill their full support.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19599) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19599, with Mr. BOLAND in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, this bill would establish a program for the training of medical students to serve as family physicians. The number of persons serving as general practitioners has been steadily declining in recent years, and this bill is intended to reverse this trend.

Our Subcommittee on Public Health and Welfare held 3 days of hearings on legislation in this area, and as a result, introduced this bill as a clean bill. The full committee was unanimous in ordering the bill reported.

The bill would provide for the establishment of training programs at medical schools and teaching hospitals for the training of medical students to serve as family physicians, and would also provide for the training of auxiliary personnel to aid in the practice of family medicine.

Family medicine is a new specialty recently created to describe physicians formerly referred to as general practitioners. The family physician is intended to be the primary contact of persons suffering from illness, with the family physician referring patients to specialists in cases where a specialist's services are needed. For over 20 years now the number of persons serving in this specialty has been steadily declining, primarily as a result of medical school graduates seeking specialty training after their graduation. Until very recently, the number of medical students going into practice as family physicians has been steadily declining, with, in some cases, as few as 5 percent of the graduates of particular schools going into this specialty and the other 95 percent specializing in other areas of medical practice. In the past couple of years, a substantial number of medical students have expressed interest in becoming family physicians, and we believe that this bill will encourage this trend, and provide larger numbers of physicians for general care of patients, as contrasted with specialists.

Although the reported bill will not increase the number of graduates of medical schools, we feel that its enactment will make a significant contribution to solving one of the more difficult aspects of our present shortage of physicians. By providing a larger number of persons available for care of all patients, the bill should lead to better availability of medical services through providing more persons available for the furnishing of primary care, who can then refer cases to other specialists.

The bill would provide for the making of grants to medical schools to operate, as an integral part of their medical education program, separate and distinct departments devoted to providing teaching and instruction in all phases of family practice. This would include provisions for continuing legislation. The bill would also authorize grants for construction of such facilities as may be appropriate for training in the field of family medicine, and would also cover the cost of special programs for allied health professionals designed to aid physicians in providing primary care. In addition, the bill would authorize grants to cover part of the costs of special training programs to teach and train medical personnel to head departments of family medicine in medical schools, or authorize to teach in this specialty.

The bill aslo provides for grants to teaching hospitals to cover special training programs for interns and residents in the field of family medicine, as well as programs for practicing physicians, and would cover grants for construction costs of appropriate facilities.

The bill would also authorize financial assistance to interns, residents, or other medical personnel who are receiving training in the field of family medicine, and would provide for covering part of the costs of special training programs for allied health professionals at these schools.

The bill authorizes $425 million over a 5-year period to cover costs of the program. During the hearings, it was estimated that these amounts would lead to the training of approximately 1,580 physicians annually.

The Subcommittee on Public Health and Welfare held 3 days of hearings on this bill, and the committee was unanimous in ordering the reported bill to the House. We, therefore, recommend its passage by the House.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I shall be happy to yield to the gentleman from Iowa.

Mr. GROSS. I assure the gentleman from West Virginia that I will not have too many questions concerning this bill and shall not take the time that I did on the other bill as proposed by the gentleman.

What is there to hold this family doctor or general practitioner in an area where he can serve the general public?

Mr. STAGGERS. Well, this was one of the problems that the committee came up against. However, the bill does not deal with that problem directly. We can only say this: that we will be able to turn out more family doctors and we hope they will go to and remain in the local communities, and that we will get a fair dispersal of them across the Nation.

Mr. GROSS. In other words, all we have is the hope that he will remain a family doctor and provide medical service to communities that need it.

Mr. STAGGERS. I would like to say to the gentleman from Iowa that I would like to yield to my distinguished colleague from Kentucky who is a family doctor, to answer more fully the questions of the gentleman from Iowa.

Mr. CARTER. I thank the distinguished chairman.

After 3 years of training there will be those who will wish to engage in family practice. It is thought that by virtue of this particular training they will enter this field and will not leave it. It is quite true that they are needed in many, many sections of the United States, rural areas and also in our city areas. I trust that this answers the gentleman's question.

Mr. Chairman, the purpose of this bill is to revise the trend away from family medicine, or general practitioners, which has been established over recent years. The proposed methods to do this include:

Medical schools will operate a separate department to provide teaching and instruction, including continuing education in all phases of family practice. They will be authorized to construct necessary facilities and to operate or participate in special training programs for paramedical personnel in the field of family medicine.

Also to operate or participate in special training programs to teach and train personnel to head these departments.

And to provide grants to public and nonprofit hospitals which provide training programs for medical students, interns, or residents, and to operate special professional training programs, including continuing education in the field of family medicine.

To construct necessary facilities and to provide financial assistance in the form of stipends, scholarships, fellowships, to personnel who are in need, and who are participants in this specialty field, and who plan to specialize their work in the field of family medicine.

To operate or participate in special

training programs for paramedical personnel in the field of family medicine.

Most medical schools or hospitals do not have such programs. Fifteen at the present time have begun to establish these programs, and 20 have them under consideration.

Of the funds to be appropriated, not more than $5 million may be utilized for planning and development grants.

The cost in the first year will be $50 million; the second year $75 million; and in the third year $100 million.

I want to say that I feel the vast majority of the Members of this body realize that we have a great shortage of family physicians throughout our country, and that there is a great need for them. This is one way by which we may supply them.

I feel that this bill does not call for a great outlay of money. I feel that the need for family physicians is great. Therefore I strongly urge the passage of this bill.

Mr. JARMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. ROONEY).

Mr. ROONEY of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, each of us has heard time and again the sorry statistics which substantiate the critical shortage of doctors in America. We know, too —many of us from personal experiences in our own congressional districts—how the short supply of doctors, nationwide, has been made more critical in rural America by the migration of medical manpower to urban areas.

The shortage has been with us a good, long time. Yet, there is no relief in sight because students of medicine are being attracted into specialty fields, and because medical schools have not been able, on their own, to expand training programs in the field of family practice.

We have before us today a measure which is not the cure-all, I am sure. But it is a beginning. By its passage today, this Chamber will be telling the medical profession that we are prepared to join with our medical schools, and hospitals and health professionals to overcome the critical manpower gap that now thwarts their best efforts to raise the quality of health care in America.

This is a beginning because the bill is aimed at combating the problem at the only place it can be combated—at the medical school where training programs and facilities must be expanded if we are to prepare more students to assume the roles of family physicians.

This bill authorizes the expenditure of $225 million over the first 3 years of its operation to carry out its objectives.

In capsule, the objectives are to upgrade family practice to departmental level in public and private nonprofit medical schools, to aid the construction of facilities needed to operate these departments of family medicine, and to assist with the establishment of special training programs for paramedical personnel in the family medicine field.

Public and private nonprofit hospitals, which share in the training of medical students, interns, and residents, will be aided to operate special training programs in the field of family medicine, and to construct the facilities necessary to carry out such programs.

Further, it offers help in providing financial assistance, in the form of scholarships, fellowships or stipends, to interns, residents, and other medical personnel who participate in the specialty training in family medicine these hospitals will provide.

Applications for grants will be reviewed by an advisory council on family medicine consisting of practicing physicians, teaching physicians, representatives of the general public, and a representative of the student doctors, themselves. Only upon recommendation of this council and approval of the secretary will grants be made under this legislation, and then only in accordance with the guidelines which have been spelled out in the bill.

As Dr. Roger Egeberg, the Assistant Secretary of the Department of Health, Education, and Welfare, said some months ago, there is an urgent need for family doctors who can treat some 90 percent of the illnesses that afflict our population and which do not necessarily require the attention of a specialist.

The family doctor, with his intimate knowledge of the medical history of a family unit, is in a unique position to diagnose symptoms which warrant referral to a specialist, while he himself attends to the myriad of ailments which require professional attention and treatment. His role is absolutely vital to the success of quality health care delivery in America. He serves in large measure as the early detection system for symptoms of developing serious afflictions and ailments.

The specialist simply cannot survive in the small community and has no choice except to base his specialized practice in or near an urban center. The generalist—the family physician—is in too short supply to serve the thousands of communities across the country that are without the services of a doctor.

The ever-declining number of family physicians has caused a critical weakness in our Nation's health care delivery system that must be repaired now.

What makes the family doctor so unique and so vital is his broad-based training to prepare him for his front line role in health care delivery. He is trained broadly in internal medicine and preventive medicine, in pediatrics and obstetrics, in psychiatry and gynecology. In the community, he often is called upon to do even more. He frequently is called upon by his family of patients for guidance and counseling, for consolation and reassurance.

I wish it were possible at this moment for each of my colleagues to meet one such family physician at this moment. Ever since I first introduced legislation to combat the shortage of family physicians nearly 2 years ago members of my staff and I have come to know a man who epitomizes the family physician. I speak of Dr. Amos Johnson, a small-town family physician from Garland, N.C., and a past president of the American Academy of Family Physicians.

To speak with this man but briefly is to understand the importance of favorable action on the bill before us today.

Some 60 or more Members of this Chamber, from both sides of the aisle, joined me in introducing this legislation and urging it along to the point of floor consideration today.

It is my hope this Chamber will show its common determination to make quality health care a reality in America by joining in support of this measure—a bill that represents but one step, one very important step.

Mr. CARTER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Chairman, I rise in support of H.R. 19599. At a time when this Nation faces a critical medical manpower shortage, this bill is offered as an honest attempt to stimulate interest and support in the field of family medicine. The bill will provide financial assistance to medical schools and hospitals to develop programs in the field of family practice and encourage medical students and personnel to enter family medicine.

Family medicine is a new name for that part of the medical profession once referred to as general practice. The number of general practitioners or family doctors has declined in recent years as a result of a phenomenal rush in the medical profession to specialized fields. It has been estimated that in 1967 one out of every five doctors was engaged in family practice compared to three out of four doctors in 1931. Today's preoccupation with specialization presents obvious problems of proper distribution of physician manpower and has created a serious hardship on many middle- and low-income families which have been dependent on a family physician for their medical care needs. This bill is meant to help reverse this trend by encouraging medical students to take up family practice. The incentive—the inducement—must come through the medical schools and that is the thrust of the assistance provided in this bill.

There is a critical physician shortage, especially family doctors, in the 10th Congressional District of Ohio. Many of the doctors presently in practice are nearing retirement and no one is coming in to replace them. Most of the physicians are overworked. One county—Vinton—has one doctor to serve the whole county. Several other counties face a similar dilemma and are desperate to find a medical school graduate who will locate in a rural area and serve the entire needs of a community.

I firmly believe that we must commit ourselves to assist hospitals and medical schools in providing the necessary medical care that the American public deserves and is demanding. This bill is an important part of this commitment. General practitioners are the backbone and lifeline for medical care in rural areas like southeastern Ohio. That is why this bill is important to Ohio's 10th District and why I am giving it my full support.

Mr. CARTER. Mr. Chairman, I have no requests for time on this side.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may require to the

gentleman from North Carolina (Mr. PREYER).

Mr. PREYER of North Carolina. Mr. Chairman, the quality of medical care in the United States is excellent but the distribution and delivery of this excellent medical care is poor. Our medicine does more and more for fewer and fewer. Urban centers, with their medical specialists, provide the best medical care in the world, but there are many rural areas and smaller communities which have no medical services at all, or have very limited services.

Even in areas where there are good medical services, there is usually a great shortage of general practitioners, or family doctors. A few years ago, 50 percent of all doctors were general practitioners; today the figure is 20 percent. This means that access to primary medical care is unduly limited. A patient needs someone to identify with, someone who is his doctor, someone he can call and say, "Doc, what do I do about my son's drug problem." It is not helpful to call a specialist at 11 p.m., and be told, "Sorry, that's not my field." We need to emphasize preventive medicine—which means emphasizing the family doctor or general practitioner—rather than simply curative medicine—which means the specialist. The purpose of the family doctor is to be responsible for the good health of an entire family, to prevent their being sick rather than curing them after they get sick. Since there is such a shortage of family doctors, or general practitioners today, the emergency room of our hospitals often serve as the first place where a patient has access to primary medical care.

Furthermore, the average person can not afford to miss a day's work, or pay the cost of a baby sitter, to drive some distance to a central hospital for a minor ailment. This means that we must distribute medical services more widely.

I am proud to be a cosponsor of two bills which will help meet this problem. One bill is the family medicine bill, before the House today. The other is the Emergency Health Personnel Act of 1970 which today was reported out of the Public Health Subcommittee of the House and will come to the House floor shortly.

The family medicine bill attempts to remedy the great shortage of family doctors by emphasizing family practice, giving it emphasis and stimulating more young doctors to enter this field of practice. It would make "family practice" a specialty in medical schools in its own right, thus giving it status with the other specialties, and provide funds for training them.

The shortage of family doctors is double that of any other medical specialty. In the past, only 15 percent of the graduates of medical schools have been going into family practice. This bill attempts to increase the supply of family medicine practitioners to meet that need by allocating funds for training family medical personnel in hospitals.

The Emergency Health Personnel Act of 1970 deals with the problem of maldistribution of health services. It authorizes the Public Health Service to assign health personnel to practice in areas where there are critical medical manpower shortages. This generally means rural areas, where often no medical services are available, smaller communities, and ghetto areas. The medical personnel would be assigned for a period of 2 years, with the option of renewal for a longer period. It is contemplated that this would have great appeal for younger doctors and young medical personnel such as medics from Vietnam who will volunteer to join the Public Health Service for 2 years. Such personnel would only be sent to areas which request this help.

This bill also contains provisions for loans on favorable terms to medical personnel as an incentive to practice in these areas.

We must be realistic and recognize that this bill is not a final solution to the problem. But it is the only innovative program brought forward to date to help solve the problem where no medical services are available. The alternatives have not worked—financial inducements, foreign medical graduates, and so forth. A hopeful sign is the enthusiasm of the young medical students for the program. A few years ago most young medical students were interested only in research. Now they want to participate in a direct service to the people in a way that is relevant to improving the quality of life in the United States. Our medical science breakthroughs are not getting down to the people in the form of practical health care. "Medicine is for man," and our young people have shown a concern for human beings.

Furthermore, the bill will give new impetus and enthusiasm to the Public Health Service. It will make it an exciting service to join and will help revive its flagging morale.

The House version of this bill differs from the Senate version in that it is not limited only to "poverty" areas. We find the shortage exists in many areas which could not be so described. For example, Caswell County in the Sixth District has a critical medical manpower shortage but the county would not come under a "poverty" designation.

I urge the passage of both of these bills. The public will be the beneficiary.

As the old Arab proverb has it, "he who has health has hope, and he who has hope has everything."

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Florida (Mr. ROGERS), a member of the subcommittee, such time as he may require.

Mr. ROGERS of Florida. Mr. Chairman, I too rise in support of this bill.

It is a very needed piece of legislation. Also, Mr. Chairman, I would like to commend the gentleman from Pennsylvania (Mr. ROONEY) and Dr. Amos Johnson who has been mentioned previously and who has done an outstanding job in presenting to the Congress the need for this legislation.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may require to the gentleman from Alabama (Mr. BEVILL).

Mr. BEVILL. Mr. Chairman, I rise in support of H.R. 19599, which will provide assistance for training physicians in the field of family medicine.

It is estimated that this country's shortage of doctors is 50,000 at this time, and even though medical schools are increasing enrollments, the demand for physicians' services is increasing faster than our ability to meet them.

And while there is a shortage of doctors in every section of the country, the problem is even worse in our rural areas. In recent years, there has been a drastic decline of the number of doctors in rural America. Young doctors are not replacing general practitioners in sufficient numbers to meet increasing health care needs. It is estimated that only 15 percent of today's medical school graduates will enter general practice. Of those who do, only a few will go to the rural areas where the need is greatest.

This legislation we are considering today is designed to reverse the trend toward specialization in the medical profession. The purpose of this bill is to attempt to halt this trend and possibly reverse it by encouraging medical students to take up the practice of family medicine.

Recruitment of family physicians has not kept pace with attrition. Many communities in Alabama are without the services of a doctor at this time. The latest figures show that each Alabama doctor must provide patient care for an average of 1,300 people, while the average doctor in the United States must provide care for 765 people.

Specialization in the field of medicine has made it possible for us to make major breakthroughs in modern medical science and enormous improvements in patient care. But what is most needed at this time in our history are general practitioners who are able to provide their patients with total health care.

I am confident that this bill, H.R. 19599 will be a major step toward improving health care in America, and I am pleased to give it my wholehearted support.

Thank you.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may require to the gentleman from Maine (Mr. KYROS).

Mr. KYROS. Mr. Chairman, I rise in support of this legislation. It has been my pleasure to serve on the Subcommittee on Public Health and Welfare which has considered assistance for training in the field of family medicine. I am particularly interested in the benefits of the proposal under discussion which would accrue to my own State of Maine, one of five States with no medical school of its own.

In Maine, fewer than one third of our 1,000 practicing physicians are family doctors. Nationally, only one out of five doctors is a family doctor. Most disturbing to me is the current trend of specialization: only 15 percent of our medical school graduates are currently going into family medicine. The small rural towns of Maine provide ample demand for a family doctor, but not enough demand to support a specialist. This legislation would encourage practice of additional family doctors in Maine by providing funds to establish departments of family medicine in our medical schools, by providing funds to hospitals to set up special family medicine training programs for

interns and residents, and by establishing scholarships for needy medical school students and interns who will pursue a career in the field of family medicine.

Specialized medicine tends to be curative medicine which treats an already established disease. Family medicine is preventive medicine. This bill today goes a long way to restoring the role of the family doctor in our health care system.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may require to the chairman of the subcommittee that reported out the pending bill, the gentleman from Oklahoma (Mr. JARMAN).

Mr. JARMAN. Mr. Chairman, much is heard today about the need for larger numbers of physicians to help meet the needs of the American people for adequate health care. But even as we are able to make a significant increase in our physician supply, large numbers alone will not be enough. We need more physicians who are prepared to meet differing health needs. In particular, we need more doctors to serve as family physicians.

In recent years, the number of general practitioners has steadily declined as a result of increased specialization in the medical profession that has come about because of new medical knowledge and technology. This very growth of specialization, however, has intensified the need for physicians who can provide continuing care to a particular individual and his family. The new specialty of family medicine has been recently approved by the medical profession as a means for helping assure to the individual comprehensive care, including preventive, diagnostic, therapeutic, rehabilitative, and health maintenance services.

Nor can physicians who are specialists in family medicine make their full contribution without assistance from other appropriately trained personnel in the field of family medicine. These will include nurses and other existing types of personnel given special preparation, as well as new types of health workers trained to assist physicians in providing continuing care to individuals and families.

At the present time, the Federal Government provides general support for medical education under the health professions educational assistance program. Federal aid for the training of certain specialists is available under various programs to accomplish particular health missions such as the strengthening of medical research or the improvement of care of specified diseases or disabling conditions. There are general programs of support for allied health training. But there is no program targeted toward increasing the supply of well-trained physicians and other personnel in the field of family medicine.

H.R. 19599 as reported favorably by the Committee on Interstate and Foreign Commerce would provide for a program of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and to encourage and promote the training of medical and other personnel in the field of family medicine. These grants would help pay the costs of operating teaching programs, including faculty salaries and other teaching costs. They could be used to assist in constructing facilities appropriate to carry out family practice training, whether in the medical school or hospital or as a separate outpatient or similar facility.

Stipends for medical students, interns, and residents who are participating in family practice training programs and who intend to specialize or work in the field of family practice would be authorized. Because specialty training in family medicine is not provided exclusively at the initial, graduate, or immediate postgraduate levels of training of physicians, H.R. 19599 would also authorize support of short courses and other forms of continuing education for physicians who are already in practice.

H.R. 19599 authorizes appropriations of $50 million for fiscal year 1971, $75 million for fiscal year 1972, and $100 million for fiscal year 1973 to carry out the purposes of the legislation. These sums are large, but with them it is estimated that there could be established new departments of family practice in some 75 schools of medicine and osteopathy and new family practice training programs in some 300 hospitals. If we are to affect significantly the growing needs of the people of this country for continuity of medical care while we maintain and increase the numbers of physicians in existing specialties—whose services are also required for good health care—a program of this magnitude is required.

I urge enactment of H.R. 19599.

Mr. SEBELIUS. Mr. Chairman, I appreciate this opportunity to express my support for H.R. 19599, the Family Practice Medicine Act of 1970.

As many have mentioned, there is an urgent need for this legislation. The number of general practitioners has been steadily declining in recent years as a result of increased specialization in the medical profession.

Specialization is also depriving rural areas of doctors. Fewer than 18 percent of today's medical school graduates choose general practice. In 1940, the figure was 75 percent. We must provide adequate incentive for students to study family medicine.

We have a real medical crisis in our rural areas: in my district of western Kansas this crisis is already apparent.

Today, many communities in my district cannot effectively utilize existing hospitals and medical care facilities due to the lack of general practitioners. This has also created an enormous burden on the available practitioners in our rural and small-town areas who provide effective service around the clock in rural and small-town America.

No one in western Kansas needs to be told we have an acute doctor shortage or less than adequate health care. My office is in constant touch with communities who are actively campaigning and even competing for family doctors. This bill will be a first step in getting more family doctors to rural and smalltown America.

I think this legislation authorizing grants to medical schools and hospitals to assist in establishing special departments and programs in the field of family medicine could be a major breakthrough in our efforts to halt and reverse the steady decline in the number of general practitioners.

For too long now medical schools have been spending a disproportionate amount of energy and funds on research and ignoring peoples' needs. This legislation will provide new emphasis on the stethoscope rather than the microscope. It emphasizes the medical needs of our people and should be enacted.

Mr. PICKLE. Mr. Chairman, in the past several years, we in the Commerce Committee have had the increasing shortage of medical personnel in this country repeatedly brought to our attention. As the population has continued to grow, this shortage has begun to reach crisis proportions, and this is a fact which I think most of us realize.

The problem comes in deciding how best to combat this shortage. I would submit to you today that the family practice bill attacks a critical gap in our medical services and would be an efficient and effective way of helping to counteract the medical personnel shortage.

This legislation has widespread support in both the House and the Senate. My colleague, Hon. FRED ROONEY of Pennsylvania, introduced this legislation in the House and I joined in cosponsoring this much-needed legislation. Senator YARBOROUGH introduced similar legislation in the Senate.

The family practitioner is in a unique position to consider and to treat persons in the context of their family and surroundings. He is in a position to spot abnormalities which might lead to early diagnosis of more critical illnesses. Perhaps most important, he is in the best position to emphasize preventive health.

Moreover, we must remember that it is the rural poor, the ghetto dweller, the elderly, the migrant, who are the people who have suffered most by the decline of the family doctor for they lack the means and the family tradition of looking for the kind of medical care they need. In many cases, the emergency rooms of our hospitals have been forced to play the role of general practitioner—but by the time a poor family arrives on the steps of a hospital, corrective measures are almost bound to cost a lot more than if a family doctor had been able to get treatment to them earlier.

Due to the mushrooming of medical knowledge and technology, the trend in our medical schools is to move into specialized fields. Today about 80 percent of the graduates from medical school go on to specialized training. Meanwhile, the percentage of medical personnel engaged in general practice has actually declined.

The family practice bill provides a comprehensive approach to developing a new specialty—family medicine. It will aid schools and hospitals in the training of family doctors. It goes further and encourages the training of paramedical personnel which will be of invaluable service in our rural, ghetto, and remote areas. These medical people will be able to assist in spreading the use of preventive medicines and in getting people who

need attention and the available medical services together. The bill goes on to establish a 12-man advisory council in the Department of Health, Education, and Welfare to assist in the administration of funds allocated in this law and in the furtherance of the practice of family medicine.

I submit to you that this is a sound bill, and a needed bill. I urge that it be enacted.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in support of the measure introduced by my good friend and colleague, Congressman FRED ROONEY of Pennsylvania. I know that Congressman ROONEY has worked diligently on this proposal and I certainly believe that this measure deserves our wholehearted support. This bill, which provides assistance for professional and technical training in the field of family medicine, will go a long way toward closing the gap between potential and performance in the area of general health care.

For, despite our advanced technology and our massive expenditures in this area, statistics show that Americans presently receive poorer care and die sooner than do the citizens of most of the other industrialized countries of the world.

For, despite our breakthroughs and our successful experimentation with cures for apparently uncurable diseases, we are falling further behind in the general care of our people. I feel that this bill will help establish a firm base from which we can rebuild the role of the general practitioner in family medicine.

I hope my colleagues in the House will give Mr. ROONEY's bill the same near-unanimous support that it received in the Senate.

Mr. DULSKI. Mr. Chairman, the bill before us deals with a problem which, I believe it is fair to say, has reached into practically every home in the past few years.

The problem, in short, is the virtual passing from the scene of the so-called family doctor or as the profession knows him: the general practitioner—GP.

Only 40 years ago, at the time of the historic stock market collapse, three out of four of all practicing physicians in our Nation were general practitioners.

Today, I am told that less than one in five, less than 20 percent, of practicing physicians are general practitioners. The other physicians are specialists in surgery, pathology, radiology, internal medicine, psychiatry, pediatrics, and so forth.

Those specialists are vitally needed in today's sophisticated and rapidly growing field of medicine.

But the need is no less for family doctors—physicians who can provide general medical care for the entire family, from childhood to old age.

It is true that some medical schools are finally beginning to recognize the need for training family doctors. But the supply is only a drop in the bucket as compared with the need.

The family doctor needs to be trained in particular in preventive medicine, taking into account the family makeup and surroundings.

A second function is to advise families whom to consult when it is apparent the illness requires the counsel of a specialist—the average family does not understand the medical specialist and needs the advice of a close family friend, the family doctor.

I introduced legislation last February (H.R. 15880) which is essentially the same as the bill reported from the Interstate and Foreign Commerce Committee and now pending before the House.

This is a good bill. It may not be a cure-all and I do not want to give the impression that enactment into law is going to result in family doctor shingles popping up all around the country overnight.

It is going to take time to train these family doctors. Indeed, it is going to take time for the medical schools to get ready and staffed to teach the increased number of family doctors.

The pending bill, like my bill, would authorize the appropriation of $50 million for the fiscal year beginning next July 1, another $75 million for the following fiscal year, and then $100 million for each of the next 3 fiscal years.

These appropriations would be for the purpose of making grants to medical schools and hospitals to establish departments and programs in the field of family practice and to encourage the training of medical and paramedical personnel in the field of family medicine.

I commend the Committee on Interstate and Foreign Commerce for its dilligence in considering promptly this important matter. Its report to the House makes very clear the necessity for the recommended approach. I refer in particular to the requirement of participating schools that they have or be in the process of establishing a separate and coequal department of family medicine.

There also is need for the advisory council to assist in dealing with policy issues without, at the same time, giving the council such a dominant role that it can be more obstructive than constructive.

Mr. Chairman, I urge the strong support of the House for H.R. 19599. It is one way we can help put the family doctor back into our Nation's family life.

Mr. MATSUNAGA. Mr. Chairman, no longer are the American people startled by talk about a crisis in health care. Almost everyone recognizes that a crisis exists at almost every point in the health care delivery system.

But we must not allow our senses to become so dulled that we do not seize an opportunity to act positively to deal with a particular aspect of this critical situation. Today, Mr. Chairman, we have such an opportunity.

One of the most visible symptoms of the seriousness of the difficulty is the shortage, not merely of doctors, but specifically of family doctors—the general practitioner. Even with the severely limited supply of physicians, if, as was the case in 1931, 84 percent of the physicians became family doctors, hundreds of thousands of Americans would immediately enjoy improved health care. But no longer do 84 percent deal directly with the general health problems of their patients; that figure has declined steadily until, in 1967, only 20 percent of the doctors in private practice were general practitioners.

In my own State of Hawaii, I am informed that without exception every family doctor is overworked. And although family practitioners comprise only about one-fourth of the total number of physicians, at least one-half of the requests received by the Hawaii Medical Society for physicians to practice in Hawaii are for family doctors.

The same situation is true throughout this country. No one is really to be blamed for this situation. The complexity of modern medicine practically dictated the increasing specialization that has drained doctors from the practice of family medicine.

But in the process of devising increasingly sophisticated remedies for increasingly sophisticated maladies, we have, to an alarming degree, eliminated the family doctor.

Our Nation cannot afford the loss: not because of some romantic notion of the kindly family doctor, but because of the central role of the family physician in the country's health care delivery system. Family doctors provide the traditional point of entry into the system, capable of dealing personally with an estimated 85 percent of the illnesses encountered. They can evaluate the need for more specialized treatment. They can assume responsibility for the family's continuous and comprehensive health care needs. Unable to find a family doctor with whom to plan a preventive health strategy, hundreds of thousands, perhaps millions, of American families receive their health care on a crisis-to-crisis basis. Their family doctor becomes, in effect, the crowded emergency room of an overburdened hospital. The result: poorer health for the family, and a needlessly heavier strain on our critically short health care resources.

Mr. Chairman, the enactment of H.R. 19599 can begin to deal with this intolerable situation. While the measure is not as generous as a very similar bill which I cosponsored, it provides for a healthy beginning in the funding of programs at medical schools and hospitals for the training of physicians and paraprofessional personnel in the field of family medicine.

I urge the passage of H.R. 19599.

Mr. GALIFIANAKIS. Mr. Chairman, I rise to support of H.R. 19599, the bill to provide assistance for professional and technical training in the field of family medicine.

This bill should go far toward remedying the shortage of physicians which we face today—a shortage which is already estimated at 50,000 and is certain to grow.

But if we cannot find a way to disperse the new physicians produced under this bill, I fear that our efforts will be in vain. It is essential, if we are to reverse the misallocation of health care in America, that we encourage these physicians to practice in our medically deprived areas rather than in the suburbs or affluent city areas.

Mr. Chairman, last summer I introduced a bill, H.R. 18689, to encourage

physicians, dentists, and other health specialists to practice in these areas. At present, more than 150 Members have joined me as cosponsors of this bill.

I urge the House to give this bill serious consideration in the next Congress. Without it, or a similar bill to distribute physicians through the population, we will produce more doctors without improving health care.

Mr. DERWINSKI. Mr. Chairman, as a cosponsor of H.R. 16359 which was superseded by H.R. 19599, I welcome this opportunity to support this legislation here on the floor of the House.

For too long the problems of family medical practice and the related shortage of physicians has been discussed in a manner of complacency. I feel that we now have enough evidence to warrant action on this legislation which would establish new programs in the field of family medicine by amending the Public Health Service Act to provide grants for the establishment of departments and programs in the field of family practice.

With the obvious growing population, an increased need for medical doctors is recognized. While we have acted with initiative in furthering research, surgery, and treatment of all types of diseases, we must not overlook the ever-increasing need for skilled personnel. Certainly family doctors and or general practitioners are a key to an effective national health service.

Therefore, Mr. Chairman, I am pleased to lend my support to this measure and hope the other body will act expeditiously and pass it before Congress adjourns.

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of H.R 19599, a bill which I am cosponsoring with several distinguished colleagues, which amends the Public Health Service Act to establish a grant program to assist medical schools and hospitals in establishing special departments of family medicine for medical and paramedical students.

Although the trend toward specialization in medical practice and in medical school curriculums has brought our Nation great advances in medical technology and treatment of impairments to man, there is a tendency for recently graduating physicians to choose to specialize rather than to go into general practice.

There is a great need for the general practitioner, especially in those rural and urban areas which have a severe shortage of doctors. There are many counties in our Nation which do not have any doctors. A general practitioner is well trained for the task of giving general diagnosis and treatment to the patient. If he thinks a specialist is needed to assist him in the treatment or diagnosis of the patient, the patient is sent to that specialist. Medical schools should be encouraged to revitalize their programs for the training of general practitioners and to make certain that these programs are an important part of the medical educational process.

There is no doubt that our Nation is becoming more and more specialized in its approach toward medical education. In 1931, three out of four doctors were general practitioners. Today, only 15 percent of our medical school graduates are choosing to go into family practice.

I think that we need specialization and increased medical technology so that we may continue our progress. But I also think that the general practitioner's approach to primary health care delivery, which emphasizes a diagnosis of the general health condition of the patient, is needed to give quality health care to the people.

Therefore, I urge my colleagues to join with me in supporting this important legislation.

Mr. PRICE of Illinois. Mr. Chairman, for many years the general practitioner was the nucleus of the practice of medicine in the United States. He provided his patients and their families with personal and continuous health care from prevention to rehabilitation. As a family physician, he kept in close contact with the needs of his patients.

In recent years, the number of family physicians has declined. More and more frequently, the medical student decides to specialize. As a result, there is an acute shortage of physicians, especially in the small communities.

To overcome this deficiency, the field of family practice should be made a specialty. This can be accomplished by providing medical schools and hospitals with the necessary assistance to initiate special training programs, construct appropriate facilities, and provide scholarships and stipends.

If the pressure now existing for comprehensive and continuous health care is to be alleviated, it is imperative that Congress take steps now. Funds must be provided for the establishment of comprehensive training programs. I, therefore, urge the passage of this bill.

Mr. MAYNE. Mr. Chairman, I rise in support of the pending bill, H.R. 19599. This legislation amends the Public Health Service Act to provide for grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, formerly referred to as general practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine.

This important legislation is aimed at alleviating the great shortage of family practitioners among the medical doctors of the United States. In 1931, three out of four physicians were general practitioners or family doctors. In recent years, the number of general practitioners has steadily declined as a result of increased specialization in the medical profession and downgrading of family practice. Today, only one in five physicians is a family doctor; 134 counties in the United States do not have a single medical doctor. This bill's purpose is to attempt to halt this trend and possibly reverse it, by encouraging medical schools and hospitals to establish departments of family practice and by encouraging medical students to take up family medicine for their professional careers.

I have long been deeply concerned with the steadily decreasing number of doctors serving the smaller cities and towns in my own State of Iowa. Many of these communities are experiencing great difficulty in attracting new physicians to carry on family practices when the veteran practitioners who have served the communities so well find it necessary to withdraw from practice. The increasing difficulty of obtaining health services is one of the most urgent problems confronting our towns and indeed all rural America. Families tend to move away from a community, contributing to the population loss encountered in many small towns and rural areas in this last census, when health services including family doctors become unavailable. Community leaders throughout Iowa fully realize this, and have displayed great ingenuity in commendable efforts to attract health personnel to settle in their respective communities.

It has been estimated roughly 40 percent of Iowa's physicians are still engaged in general or family practice. But this does not tell the whole story, for the number of general or family practitioners in Iowa is in a precipitous decline.

Not a day goes by without some Iowa physician engaged in family practice discontinuing that practice because of illness, death, or long-postponed retirement. Many of the communities served by these family doctors are unable to find replacements. While the total number of non-Federal physicians in Iowa has remained relatively stable—2,810 in 1963, 3,889 in 1967, and 2,878 in 1968, according to American Medical Association studies—the number of family doctors in Iowa has rapidly decline—from a total of 1,160 in 1963 to 1,071 in 1967, and to only 897 general practitioners engaged in patient care in Iowa in 1968. Iowa's doctor population is increasingly concentrated in the State's major cities.

The Iowa General Assembly, the Governor, the University of Iowa Medical School and the Iowa State Medical Society have been engaged in a cooperative effort to increase the number of students being trained in the medical school at Iowa City. However, many of these graduates continue to be attracted to specialized branches of medicine in Iowa or elsewhere, and are lost as far as the family practice needs of Iowa are concerned.

The Iowa Medical School has already taken the initiative in instituting a crash program in family medicine, with the active support of the Iowa State Medical Society and with widespread participation of general practitioners and specialists alike throughout the State. The medical school has established a department of family medicine and is about to engage the services of a leading practitioner, widely recognized for his outstanding ability and expertise in family medicine, as the head of this new department. Instructional facilities are being set up for this new department of Oakdale, Iowa, where a rural-oriented family practice clinic is planned; but much of the program of the department will be carried out in satellite clinics throughout Iowa.

The Iowa's Medical School's Department of Family Medicine will have a larger faculty than any other depart-

ment of the school. Its staff will include many practicing family physicians, on a part-time basis.

While State funds have been made available to finance this new department for the initial 6 months, the school urgently needs and is well prepared to utilize the assistance which H.R. 19599 will provide, to help it carry forward its family medicine training programs in the future.

As an alumnus of the University of Iowa, I am indeed proud that its college of medicine has shown such outstanding leadership in establishing a department of family medicine. Only nine other medical schools throughout the United States have begun to establish such departments. Far more are needed. The present bill will provide funds assisting in the implementation of such departments of family medicine and encouraging additional medical schools to engage in this very worthwhile program of concentration on family practice.

In the meantime, the shortage of general or family practitioners inflicts an extra hardship on family doctors currently practicing in small towns, rural areas, and even some urban areas seriously short of health professions personnel. Many of these family doctors are working heroically, straining their endurance and stamina to the very limits, often far beyond normal retirement age.

Mr. Chairman, it is not my intention in any way to derogate the great contribution being made by many dedicated doctors who have achieved expertise in various areas of specialized medicine. However, the attention of the public has too often been focused on the specialist, with the equally great contributions of general practitioners throughout the United States being sadly neglected. This bill provides belated but deserved recognition of the importance of family practice through its incentive to medical schools to establish departments of family medicine and through its encouragement to medical students to enter family practice. I sincerely hope that all Members of the House will enthusiastically support this very worthy bill.

Mr. ZWACH. Mr. Chairman, I am most happy to support H.R. 19599, assistance for professional and technical training in the field of family medicine. It is similar to a bill I introduced on October 16, 1969.

One of the great needs in countryside America is for more doctors and medical and health facilities.

In many localities, we see a doctor overworking himself day and night trying to care for an area which should be administered by two or more medical men.

Some few communities have succeeded in attracting doctors from other countries, but this source is very limited.

This bill would provide for the establishment of training programs at medical schools and teaching hospitals for the training of medical students to serve as family physicians and for the training of auxiliary personnel to aid in the practice of family medicine.

One of my aims in Congress is to encourage the rebuilding of countryside America as an aid to curing the ills of the cities.

Vital to that rebuilding program are adequate health facilities. I believe this legislation is a big step in that direction.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 19599

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That part D of title VII of the Public Health Service Act is amended to read as follows:

"PART D—GRANTS TO PROVIDE PROFESSIONAL AND TECHNICAL TRAINING IN THE FIELD OF FAMILY MEDICINE

"DECLARATION OF PURPOSE

"SEC. 761. It is the purpose of this part to provide for the making of grants to assist—

"(a) public and private nonprofit medical schools—

"(1) to operate, as an integral part of their medical education program, separate and distinct departments devoted to providing teaching and instruction in all phases of family practice;

"(2) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a medical school or as separate outpatient or similar facility;

"(3) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine; and

"(4) to operate, or participate in, special training programs to teach and train medical personnel to head departments of family practice or otherwise teach family practice in medical schools.

"(b) public and private nonprofit hospitals which provide training programs for medical students, interns, or residents—

"(1) to operate, as an integral part of their medical training programs, special professional training programs in the field of family medicine for medical students, interns, or residents;

"(2) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a hospital or as a separate outpatient or similar facility;

"(3) to provide financial assistance (in the form of scholarships, fellowships, or stipends) to interns, residents, or other medical personnel who are in need thereof, who are participants in a program of such hospital which provides special training (accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education) in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

"(4) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 762. (a) For the purpose of making grants to carry out the purposes of this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1971, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for the purpose for which appropriated until the close of the fiscal year which immediately follows such year.

"GRANTS BY SECRETARY

"SEC. 763. (a) From the sums appropriated pursuant to section 762, the Secretary is authorized to make grants, in accordance with the provisions of this part, to carry out the purposes of section 761.

"(b) No grant shall be made under this part unless an application therefor has been submitted to, and approval by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall have prescribed by regulations which have been promulgated by him and published in the Federal Register not later than six months after the date of enactment of this part.

"(c) Grants under this part shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this part.

"(d) In the case of any application for a grant any part of which is to be used for major construction or remodeling of any facility, the Secretary shall not approve the part of the grant which is to be so used unless the recipient of such grant enters into appropriate arrangements with the Secretary which will equitably protect the financial interests of the United States in the event such facility ceases to be used for the purpose for which such grant or part thereof was made prior to the expiration of the twenty-year period which commences on the date such construction or remodeling is completed.

"(e) Grants made under this part shall be used only for the purpose for which made and may be paid in advance or by way of reimbursement, and in such installments as the Secretary may determine.

"ELIGIBILITY FOR GRANTS

"SEC. 764. (a) In order for any medical school to be eligible for a grant under this part, such school—

"(1) must be a public or other nonprofit school of medicine; and

"(2) must be accredited as a school of medicine by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirements of this clause (2) shall be deemed to be satisfied, if (A) in the case of a school of medicine which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

"(b) In order for any hospital to be eligible for a grant under this part, such hospital—

"(1) must be a public or private nonprofit hospital; and

"(2) must conduct or be prepared to conduct in connection with its other activities (whether or not as an affiliate of a school of medicine) one or more programs of medical training for medical students, interns, or residents, which is accredited by a recognized body or bodies, approved for such purpose by the Commissioner of Education.

"APPROVAL OF GRANTS

"SEC. 765. (a) A grant under this part may be made only if the application thereof is recommended for approval by the Advisory Council on Family Medicine and is approved by the Secretary upon his determination that—

"(1) the applicant meets the eligibility requirements set forth in section 764;

"(2) the applicant has complied with the requirements of section 763;

"(3) the grant is to be used for one or more of the purposes set forth in section 761;

"(4) it contains such information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this part;

"(5) it provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require (pursuant to regulations which shall have been promulgated by him and published in the Federal Register) to assure proper disbursement of and accounting for all Federal funds paid to the applicant under this part; and

"(6) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 65 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines;

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of family practice by a recognized body approved by the Commission of Education; or

"(2) a hospital to establish or operate a special program for medical students, interns, or residents in the field of family medicine unless the Secretary is satisfied that such program will, in terms of the type of training provided, be designed to prepare participants therein to meet the standards established for specialists in the field of family medicine by a recognized body approved by the Commissioner of Education.

"(c) The Secretary shall not approve any grant under this part unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"PLANNING GRANTS

"SEC. 766. (a) For the purpose of assisting medical schools and hospitals (referred to in section 761) to plan projects for the purpose of carrying out one or more of the purposes set forth in such section, the Secretary is authorized for any fiscal year (prior to the fiscal year which ends June 30, 1975) to make planning grants in such amounts and subject to such conditions as the Secretary may determine to be proper to carry out the purposes of this section.

"(b) From the amounts appropriated in any fiscal year (prior to the fiscal year ending June 30, 1975) pursuant to section 762(a), the Secretary may utilize such amounts as he deems necessary (but not in excess of $5,000,000 for any fiscal year) to make the planning grants authorized by subsection (a).

"ADVISORY COUNCIL ON FAMILY MEDICINE

"SEC. 767. (a) The Secretary shall appoint an Advisory Council on Family Medicine (hereinafter in this section referred to as the 'Council'). The Council shall consist of twelve members, four of whom shall be physicians engaged in the practice of family medicine, four of whom shall be physicians engaged in the teaching of family medicine, three of whom shall be representatives of the general public, and one of whom shall, at the time of his appointment, be an intern in family medicine. Members of the Council shall be individuals who are not otherwise in the regular full-time employ of the United States.

"(b) (1) Except as provided in paragraph (2), each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year, after the date of appointment.

"(2) The member of the Council appointed as an intern in family medicine shall serve for one year.

"(3) A member of the Council shall not be eligible to serve continuously for more than two terms.

"(c) Members of the Council shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service, employed intermittently.

"(d) The Council shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this title. The Council shall consider all applications for grants under this part and shall make recommendations to the Secretary with respect to approval of applications for grants under this part.

"DEFINITIONS

"SEC. 768. For purposes of this part—

"(1) the term 'nonprofit' as applied to any hospital or school of medicine means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(2) the term 'family medicine' means those certain principles and techniques and that certain body of medical, scientific, administrative, and other knowledge and training, which especially equip and prepare a physician to engage in the practice of family medicine;

"(3) the term 'practice of family medicine' and the term 'practice', when used in connection with the term 'family medicine', mean the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance; and

"(4) the term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, including architects' fees, but excluding the cost of acquisition of land or offsite improvements."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: On page 4, lines 1 and 2, strike out ", and for each of the next two succeeding fiscal years"

On page 9, lines 21 and 25, strike out "1975" and insert in lieu thereof "1973".

Mr. STAGGERS. Mr. Chairman, this amendment makes this a 3-year bill instead of a 5-year bill. This was a mistake in the reporting of the bill. We usually authorize programs for 3 years, and this amendment conforms to that policy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The amendment was agreed to.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. SMITH of Iowa. Mr. Chairman, while I am not opposed to this bill, I do not think it does much in particular, because other legislation covers most of what is covered in this bill.

As a member of the Subcommittee on Appropriations for Health, Education, and Welfare I have felt somewhat frustrated for 2 or 3 years because we just do not seem to be able to get right down to the nub of the question and secure the delivery of more medical services in this country. Everybody is looking for some easy gimmick, and there just are no easy answers.

We have had the heads of medical schools before our committee, and we would say to them, "If we gave you all the money you could use, how many additional doctors could you train?" And they would say, "Perhaps by 1975—10 percent more."

We cannot solve the medical-delivery problems in this country with regard to the quantity of medical services solely by training more doctors. There is not the capacity to do it that way.

The only way we can secure adequate medical services is to have more paramedical personnel and change the laws of 50 States so they can be used more fully. The danger that I see in this kind of legislation is that because everybody wants to do something to improve medical services, if we do not watch out, we

tend to take some little bill that really does not do too much and assume that with it we have solved the problem, and therefore can go to sleep for 10 more years. And we just cannot do it that way.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I am glad to yield to the gentleman from Kentucky.

Mr. CARTER. If the gentleman read the bill carefully—and I am sure he has—he has seen the provision for the training of paramedical personnel in the bill.

Mr. SMITH of Iowa. We already have such provisions in other bills for the training of paramedical personnel, but we need to change the laws of 50 States so that they can be more fully utilized.

Mr. CARTER. I do not believe that is necessary. If they are trained, they can certainly be helpful anywhere. I see no reason why they could not be helpful.

Mr. SMITH of Iowa. State laws do not permit it. The gentleman is a doctor, and he knows that, in his own State of Kentucky, there are severe limitations on their use.

Mr. CARTER. The term "paramedical personnel" includes many different types of personnel. It does not include only a man who would substitute for a physician. It includes technicians and other helpers. Those are the people we rely upon very greatly.

Mr. SMITH of Iowa. But as long as we have as many limitations in State laws as we have, a doctor cannot reserve enough of his own highly skilled services for work others should not do, and, until he can be the ultimate supervisor but have more services performed by others, we are not going to have the quantity of medical services we need in this country.

Mr. CARTER. I can see the gentleman's point. I would hope that a physician could have many helpers. But if people were licensed to do the work of physician without the physician's supervision, the quality of the work would certainly be lowered to unacceptable standards.

Mr. SMITH of Iowa. I did not say without his supervision. It is with his supervision at the proper point. State laws require doctors to do things that a highly skilled doctor does not need to do. They are now providing services at Duke University and in the State of Washington under a special program through a special setup, and so we know such a program using more bachelors of medicine, nurse practitioners, and other paramedical personnel can increase delivery of high quality medical services.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to my colleague from Iowa.

Mr. GROSS. I thought this was a bill to train and to provide family doctors, not technicians.

Mr. SMITH of Iowa. There are some of both in it. Another thing I want to bring up is the provision for an advisory committee. I notice that paramedical personnel are not represented on that committee in any way, shape, or form. These are the people who have been left out of full consideration for too long. The help we can get from them has not been fully utilized. It seems to me the advisory committee should include paramedical personnel.

The point I really want to make—and I shall vote for the bill, though I do not think it really does very much—is that I think it would be bad if Members look at a bill like this as the solution of our problem, when it does not even make a dent in it.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Chairman, I want to say, of course, this is not going to solve the problem. The purpose is to try to encourage more physicians to be concerned with giving primary care, giving the first care, and to encourage them to go into this field where they will deal with more people, rather than to go into specialization where they will treat only a certain portion of the population. This is the intent of the legislation, and it will be helpful, but it does not solve the problem by any means.

The allied health professions provision is to try to bring in more help and this is tied in with this bill as well, because we are going to have to use more allied personnel and we will have to have more of them in the future.

The administration has not asked and this Congress has not given the necessary funds for this type of help. This is what we look to the gentleman from Iowa for, to get us more such funds.

Mr. SMITH of Iowa. If we gave them $10 million more in funds, it would not do the job under existing laws and circumstances.

Mr. ROGERS of Florida. I would question that.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PRICE of Illinois) having resumed the chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 19599) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, pursuant to House Resolution 1268, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROONEY of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 346, nays 2, not voting 86, as follows:

[Roll No. 374]

YEAS—346

Abernethy
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashbrook
Ashley
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carey
Carney
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Wis.
Delaney
Denney
Dent
Derwinski
Devine
Diggs
Dingell
Donohue
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kee
Keith
Kleppe
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lukens
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McFall
McMillan
Macdonald, Mass.
MacGregor
Mahon
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols

Nix	Rooney, Pa.	Stuckey
Obey	Rosenthal	Symington
O'Hara	Rostenkowski	Taft
Olsen	Roth	Talcott
O'Neal, Ga.	Roudebush	Taylor
O'Neill, Mass.	Rousselot	Teague, Calif.
Passman	Roybal	Thompson, Ga.
Patman	Ruppe	Thompson, N.J.
Patten	Ruth	Thomson, Wis.
Pelly	Ryan	Tiernan
Pepper	St Germain	Udall
Perkins	Sandman	Ullman
Pettis	Satterfield	Van Deerlin
Philbin	Schadeberg	Vander Jagt
Pike	Scherle	Vanik
Pirnie	Scheuer	Vigorito
Poage	Schmitz	Waggonner
Podell	Schneebeli	Wampler
Poff	Schwengel	Ware
Pollock	Scott	Watts
Preyer, N.C.	Sebelius	Weicker
Price, Ill.	Shipley	Whalen
Price, Tex.	Sisk	White
Pucinski	Skubitz	Whitehurst
Quie	Slack	Widnall
Quillen	Smith, Calif.	Williams
Railsback	Smith, Iowa	Wilson, Charles H.
Randall	Smith, N.Y.	Winn
Rarick	Snyder	Wolff
Reid, Ill.	Stafford	Wydler
Reid, N.Y.	Staggers	Wylie
Rhodes	Stanton	Wyman
Riegle	Steed	Yates
Roberts	Steele	Yatron
Rodino	Steiger, Ariz.	Young
Roe	Steiger, Wis.	Zablocki
Rogers, Colo.	Stephens	Zion
Rogers, Fla.	Stokes	Zwach
Rooney, N.Y.	Stubblefield	

NAYS—2

Dellenback	McCloskey

NOT VOTING—86

Abbitt	Fascell	O'Konski
Adair	Foreman	Ottinger
Alexander	Frelinghuysen	Pickle
Anderson, Calif.	Gilbert	Powell
Arends	Goldwater	Pryor, Ark.
Aspinall	Green, Oreg.	Purcell
Baring	Green, Pa.	Rees
Berry	Hanna	Reifel
Blatnik	Hansen, Wash.	Reuss
Bolling	Holifield	Rivers
Broomfield	Johnson, Pa.	Robison
Button	Kazen	Saylor
Cabell	King	Shriver
Collins, Ill.	Kuykendall	Sikes
Collins, Tex.	Landrum	Springer
Cramer	Langen	Stratton
Cunningham	Long, La.	Sullivan
Davis, Ga.	Lujan	Teague, Tex.
de la Garza	McClure	Tunney
Dennis	McEwen	Waldie
Dickinson	McKneally	Watson
Dorn	Madden	Whalley
Dowdy	Mailliard	Whitten
Downing	Mann	Wiggins
Edmondson	Meskill	Wilson, Bob
Evins, Tenn.	Miller, Calif.	Wold
Fallon	Montgomery	Wright
Farbstein	Morton	Wyatt
	Nedzi	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Pickle with Mr. Adair.
Mr. Reuss with Mr. Lujan.
Mr. Madden with Mr. Reifel.
Mr. Long of Louisiana with Mr. Cramer.
Mr. Holifield with Mr. Arends.
Mr. Abbitt with Mr. Shriver.
Mr. Blatnik with Mr. Dickinson.
Mr. Cabell with Mr. Whalley.
Mr. Wright with Mr. Wyatt.
Mr. Fascell with Mr. Mailliard.
Mr. Purcell with Mr. Johnson of Pennsylvania.
Mr. Hanna with Mr. McEwen.
Mr. Sikes with Mr. Morton.
Mr. Rivers with Mr. Kuykendall.
Mr. Landrum with Mr. Dennis.
Mr. Aspinall with Mr. Frelinghuysen.
Mr. Davis of Georgia with Mr. Saylor.
Mr. Nedzi with Mr. Berry.
Mr. Stratton with Mr. McClure.
Mrs. Green of Oregon with Mr. King.
Mr. Mann with Mr. Robison.
Mr. Dowdy with Mr. Watson.
Mr. Waldie with Mr. Foreman.
Mr. de la Garza with Mr. Bob Wilson.
Mr. Green of Pennsylvania with Mr. O'Konski.
Mr. Gilbert with Mr. Collins of Texas.
Mr. Tunney with Mr. Button.
Mr. Farbstein with Mr. Wiggins.
Mr. Alexander with Mr. McKneally.
Mr. Miller of California with Mr. Cunningham.
Mr. Evins of Tennessee with Mr. Wold.
Mr. Collins of Illinois with Mr. Meskill.
Mr. Whitten with Mr. Broomfield.
Mr. Edmondson with Mr. Goldwater.
Mr. Fallon with Mr. Springer.
Mr. Pryor of Arkansas with Mr. Langen.
Mr. Anderson of California with Mr. Kazen.
Mr. Montgomery with Mr. Rees.
Mrs. Hansen of Washington with Mrs. Sullivan.
Mr. Teague of Texas with Mr. Baring.
Mr. Dorn with Mr. Downing.
Mr. Ottinger with Mr. Powell.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FAMILY MEDICINE

SEC. 101. Part D of title VII of the Public Health Service Act is amended to read as follows:

"PART D—GRANTS TO PROVIDE PROFESSIONAL AND TECHNICAL TRAINING IN THE FIELD OF FAMILY MEDICINE

"DECLARATION OF PURPOSE

"SEC. 761. It is the purpose of this part to provide for the making of grants to assist—

"(a) public and private nonprofit medical schools—

"(1) to operate, as an integral part of their medical education program, separate and distinct departments devoted to providing teaching and instruction (including continuing education) in all phases of family practice;

"(2) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a medical school or as separate outpatient or similar facility;

"(3) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine; and

"(4) to operate, or participate in, special training programs to teach and train medical personnel to head departments of family practice or otherwise teach family practice in medical schools.

"(b) public and private nonprofit hospitals which provide training programs for medical students, interns, or residents—

"(1) to operate, as an integral part of their medical training programs, special professional training programs (including continuing education) in the field of family medicine for medical students, interns, residents, or practicing physicians;

"(2) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a hospital or as a separate outpatient or similar facility;

"(3) to provide financial assistance (in the form of scholarships, fellowships, or stipends to interns, residents, or other medical personnel who are in need thereof, who are participants in a program of such hospital which provides special training (accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

"(4) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 762. (a) For the purpose of making grants to carry out the purposes of this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1971, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for the purpose for which appropriated until the close of the fiscal year which immediately follows such year.

"GRANTS BY SECRETARY

"SEC. 763. (a) From the sums appropriated pursuant to section 762, the Secretary is authorized to make grants, in accordance with the provisions of this part, to carry out the purposes of section 761.

"(b) No grant shall be made under this part unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall have prescribed by regulations which have been promulgated by him and published in the Federal Register not later than six months after the date of enactment of this part.

"(c) Grants under this part shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this part.

"(d) In the case of any application for a grant any part of which is to be used for major construction or remodeling of any facility, the Secretary shall not approve the part of the grant which is to be so used unless the recipient of such grants enters into appropriate arrangements with the Secretary which will equitably protect the financial interests of the United States in the event such facility ceases to be used for the purpose for which such grant or part thereof was made prior to the expiration of the ten-year period which commences on the date such construction or remodeling is completed.

"(e) Grants made under this part shall be used only for the purpose for which made and may be paid in advance or by way of reimbursement, and in such installments as the Secretary may determine.

"ELIGIBILITY FOR GRANTS

"SEC. 764. (a) In order for any medical school to be eligible for a grant under this part, such school—

"(1) must be a public or other nonprofit school of medicine; and

"(2) must be accredited as a school of medicine by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirement of this clause (2) shall be deemed to be satisfied if, (A) in the case of a school of medicine which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

"(b) In order for any hospital to be eligible for a grant under this part, such hospital—

"(1) must be a public or private nonprofit hospital; and

"(2) must conduct or be prepared to conduct in connection with its other activities (whether or not as an affiliate of a school of medicine) one or more programs of medical training for medical students, interns, or residents, which is accredited by a recognized body or bodies, approved for such purpose by the Commissioner of Education.

"APPROVAL OF GRANTS

"SEC. 765. (a) The Secretary, upon the recommendation of the Council, is authorized to make grants under this part upon the determination that—

"(1) the applicant meets the eligibility requirements set forth in section 764;

"(2) the applicant has complied with the requirements of section 763;

"(3) the grant is to be used for one or more of the purposes set forth in section 761;

"(4) it contains such information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this part;

"(5) it provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require (pursuant to regulations which shall have been promulgated by him and published in the Federal Register) to assure proper disbursement of and accounting for all Federal funds paid to the applicant under this part; and

"(6) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 65 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines;

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of family practice by a recognized body approved by the Commissioner of Education; or

"(2) a hospital to establish or operate a special program for medical students, interns, or residents in the field of family medicine unless the Secretary is satisfied that such program will, in terms of the type of training provided, be designed to prepare participants therein to meet the standards established for specialists in the field of family medicine by a recognized body approved by the Commissioner of Education.

"(c) The Secretary shall not approve any grant under this part unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"PLANNING AND DEVELOPMENTAL GRANTS

"SEC. 766. (a) For the purpose of assisting medical schools and hospitals (referred to in section 761) to plan or develop programs or projects for the purpose of carrying out one or more of the pruposes set forth in such section, the Secretary is authorized for any fiscal year (prior to the fiscal year which ends June 30, 1975) to make planning and developmental grants in such amounts and subject to such conditions as the Secretary may determine to be proper to carry out the purposes of this section.

"(b) From the amounts appropriated for any fiscal year (prior to the fiscal year ending June 30, 1975) pursuant to section 762 (a), the Secretary may utilize such amounts as he deems necessary (but not in excess of $10,000,000 for any fiscal year) to make the planning and developmental grants authorized by subsection (a).

"ADVISORY COUNCIL ON FAMILY MEDICINE

"SEC. 767. (a) The Secretary shall appoint an Advisory Council on Family Medicine (hereinafter in this section referred to as the 'Council'). The Council shall consist of twelve members, four of whom shall be physicians engaged in the practice of family medicine, four of whom shall be physicians engaged in the teaching of family medicine, and four of whom shall be representatives of the general public. Members of the Council shall be individuals who are not otherwise in the regular full-time employ of the United States.

"(b) Each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year, after the date of appointment. A member shall not be eligible to serve continuously for more than two terms.

"(c) Members of the Council shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for the persons in Government service employed intermittently.

"(d) The Council shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this title. The Council shall consider all applications for grants under this part and shall make recommendations to the Secretary with respect to approval of applications for and of the amounts of grants under this part.

"DEFINITIONS

"SEC. 768. For purposes of this part—

"(1) the term 'nonprofit' as applied to any hospital or school of medicine, means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(2) the term 'family medicine' means those certain principles and techniques and that certain body of medical, scientific, administrative, and other knowledge and training, which especially equip and prepare a physician to engage in the practice of family medicine;

"(3) the term 'practice of family medicine' and the term 'practice', when used in connection with the term 'family medicine', mean the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance; and

"(4) the term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, including architects' fees, but excluding the cost of acquisition of land or offsite improvements."

TITLE II—MALNUTRITION

SEC. 201. Part A of title III of the Public Health Service Act is amended by adding at the end thereof the following new section:

"SEC. 310c. (a) In order to reduce the incidence of malnutrition in the United States, to advance medical knowledge in the causes and effects of malnutrition, and to encourage and facilitate the provision of early detection and effective treatment of malnutrition and the conditions which result therefrom, the Secretary is authorized, out of the funds available for carrying out the purposes of this section, to:

"(1) make grants-in-aid to and enter into contracts with medical schools, appropriate graduate schools, and nursing schools to assist such schools in establishing courses dealing with malnutrition, its causes and effects, means for its early detection, and effective treatment of malnutrition and conditions resulting therefrom;

"(2) make grants-in-aid and enter into contracts with universities, medical schools, hospitals, laboratories and other public or private institutions, and individuals and groups of individuals for research into malnutrition, its causes and effects, means for its detection, and into the effective treatment of malnutrition and conditions resulting therefrom;

"(3) establish special projects designed to provide to students of courses in malnutrition practical training and experience in the field of malnutrition; and

"(4) provide fellowships and otherwise financially assist students to encourage and enable them to pursue studies and engage in activities in poverty areas relating to malnutrition.

"(b) In selecting schools and institutions to carry out the purposes referred to in paragraphs (1) and (2) of subsection (a), priority shall be accorded to those schools

and institutions which are located in poverty areas.

"(c) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated $32,000,000 for the fiscal year commencing with the fiscal year ending June 30, 1971, and for each of the next four fiscal years thereafter."

TITLE III—NATIONAL INFORMATION AND RESOURCE CENTER FOR THE HANDICAPPED

SEC. 301. (a) (1) There is hereby established within the Department of Health, Education, and Welfare, a National Information and Resource Center for the Handicapped (hereinafter referred to as the "Center").

(2) The Center shall have a Director and such other personnel as may be necessary to enable the Center to carry out its duties and functions under this section.

(b) (1) It shall be the duty and function of the Center to collect, review, organize, publish, and disseminate (through publications, conferences, workshops, or technical consultation) information and data related to the particular problems caused by handicapping conditions, including information describing measures which are or may be employed for meeting or overcoming such problems, with a view to assisting individuals who are handicapped, and organizations and persons interested in the welfare of the handicapped, in meeting problems which are peculiar to, or are made more difficult for, individuals who are handicapped.

(2) The information and data with respect to which the Center shall carry out its duties and functions under paragraph (1) shall include (but not be limited to) information and data with respect to the following—

(A) medical and rehabilitation facilities and services;

(B) day care and other programs for young children;

(C) education;

(D) vocational training;

(E) employment;

(F) transportation;

(G) architecture and housing (including household appliances and equipment);

(H) recreation; and

(I) public or private programs established for, or which may be used in, solving problems of the handicapped.

(c) (1) The Secretary shall make available to the Center all information and data, within the Department of Health, Education, and Welfare, which may be useful in carrying out the duties and functions of the Center.

(2) Each other department or agency of the Federal Government is authorized to make available to the Secretary, for use by the Center, any information or data which the Secretary may request for such use.

(3) The Secretary of Health, Education, and Welfare shall to the maximum extent feasible enter into arrangements whereby State and other public and private agencies and institutions having information or data which is useful to the Center in carrying out its duties and functions will make such information and data available for use by the Center.

(d) There is authorized to be appropriated for carrying out the purposes of this section for the fiscal year ending June 30, 1971, the sum of $300,000, and for each fiscal year thereafter such sums as may be necessary.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of S. 3418 and insert in lieu thereof the provisions contained in H.R. 19599, as passed, as follows:

That part D of title VII of the Public Health Service Act is amended to read as follows:

"PART D—GRANTS TO PROVIDE PROFESSIONAL AND TECHNICAL TRAINING IN THE FIELD OF FAMILY MEDICINE

"DECLARATION OF PURPOSE

"SEC. 761. It is the purpose of this part to provide for the making of grants to assist—

"(a) public and private nonprofit medical schools—

"(1) to operate, as an integral part of their medical education program, separate and distinct departments devoted to providing teaching and instruction in all phases of family practice;

"(2) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a medical school or as separate outpatient or similar facility;

"(3) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine; and

"(4) to operate, or participate in, special training programs to teach and train medical personnel to head departments of family practice or otherwise teach family practice in medical schools.

"(b) public and private nonprofit hospitals which provide training programs for medical students, interns, or residents—

"(1) to operate, as an integral part of their medical training programs, special professional training programs in the field of family medicine for medical students, interns, or residents;

"(2) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a hospital or as a separate outpatient or similar facility;

"(3) to provide financial assistance (in the form of scholarships, fellowships, or stipends) to interns, residents, or other medical personnel who are in need thereof, who are participants in a program of such hospital which provides special training (accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education) in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

"(4) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine.

"AUTHORIZATION OF APPROPRIATIONS

SEC. 762. (a) For the purpose of making grants to carry out the purposes of this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1971, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 3, 1973.

"(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for the purpose for which appropriated until the close of the fiscal year which immediately follows such year.

"GRANTS BY SECRETARY

"SEC. 763. (a) From the sums appropriated pursuant to section 762, the Secretary is authorized to make grants, in accordance with the provisions of this part, to carry out the purposes of section 761.

"(b) No grant shall be made under this part unless an application therefor has been submitted to, approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall have prescribed by regulations which have been promulgated by him and published in the Federal Register not later than six months after the date of enactment of this part.

"(c) Grants under this part shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this part.

"(d) In the case of any application for a grant any part of which is to be used for major construction or remodeling of any facility, the Secretary shall not approve the part of the grant which is to be so used unless the recipient of such grant enters into appropriate arrangements with the Secretary which will equitably protect the financial interests of the United States in the event such facility ceases to be used for the purpose for which such grant or part thereof was made prior to the expiration of the twenty-year period which commences on the date such construction or remodeling is completed.

"(e) Grants made under this part shall be used only for the purpose for which made and may be paid in advance or by way of reimbursement, and in such installments as the Secretary may determine.

"ELIGIBILITY FOR GRANTS

"SEC. 764. (a) In order for any medical school to be eligible for a grant under this part, such school—

"(1) must be a public or other nonprofit school of medicine; and

"(2) must be accredited as a school of medicine by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirements of this clause (2) shall be deemed to be satisfied, if (A) in the case of a school of medicine which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

"(b) In order for any hospital to be eligible for a grant under this part, such hospital—

"(1) must be a public or private nonprofit hospital; and

"(2) must conduct or be prepared to conduct in connection with its other activities (whether or not as an affiliate of a school of medicine) one or more programs of medical training for medical students, interns, or residents, which is accredited by a recognized body or bodies, approved for such purpose by the Commissioner of Education.

"APPROVAL OF GRANTS

"SEC. 765. (a) A grant under this part may be made only if the application thereof is recommended for approval by the Advisory Council on Family Medicine and is approved by the Secretary upon his determination that—

"(1) the applicant meets the eligibility requirements set forth in section 764;

"(2) the applicant has complied with the requirements of section 763;

"(3) the grant is to be used for one or more of the purposes set forth in section 761;

"(4) it contains such information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this part;

"(5) it provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require (pursuant to regulations which shall have been promulgated by him and published in the Federal Register) to assure proper disbursement of and ac-

counting for all Federal funds paid to the applicant under this part; and

"(6) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 65 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a sparate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines;

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of family practice by a recognized body approved by the Commissioner of Education; or

"(2) a hospital to establish or operate a special program for medical students, interns, or residents in the field of family medicine unless the Secretary is satisfied that such program will, in terms of the type of training provided, be designed to prepare participants therein to meet the standards established for specialists in the field of family medicine by a recognized body approved by the Commissioner of Education.

"(c) The Secretary shall not approve any grant under this part unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"PLANNING GRANTS

"SEC. 766. (a) For the purpose of assisting medical schools and hospitals (referred to in section 761) to plan projects for the purpose of carrying out one or more of the purposes set forth in such section, the Secretary is authorized for any fiscal year (prior to the fiscal year which ends June 30, 1973) to make planning grants in such amounts and subject to such conditions as the Secretary may determine to be proper to carry out the purposes of this section.

"(b) From the amounts appropriated in any fiscal year (prior to the fiscal year ending June 30, 1973) pursuant to section 762 (a), the Secretary may utilize such amounts as he deems necessary (but not in excess of $5,000,000 for any fiscal year) to make the planning grants authorized by subsection (a).

"ADVISORY COUNCIL ON FAMILY MEDICINE

"SEC. 767. (a) The Secretary shall appoint an Advisory Council on Family Medicine (hereinafter in this section referred to as the 'Council'). The Council shall consist of twelve members, four of whom shall be physicians engaged in the practice of family medicine, four of whom shall be physicians engaged in the teaching of family medicine, three of whom shall be representatives of the general public, and one of whom shall, at the time of his appointment, be an intern in family medicine. Members of the Council shall be individuals who are not otherwise in the regular full-time employ of the United States.

"(b)(1) Except as provided in paragraph (2), each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year, after the date of appointment.

"(2) The member of the Council appointed as an intern in family medicine shall serve for one year.

"(3) A member of the Council shall not be eligible to serve continuously for more than two terms.

"(c) Members of the Council shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service, employed intermittently.

"(d) The Council shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this title. The Council shall consider all applications for grants under this part and shall make recommendations to the Secretary with respect to approval of applications for grants under this part.

"DEFINITIONS

"SEC. 768. For purposes of this part—

"(1) the term 'nonprofit' as applied to any hospital or school of medicine means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(2) the term 'family medicine' means those certain principles and techniques and that certain body of medical, scientific, administrative, and other knowledge and training, which especially equip and prepare a physician to engage in the practice of family medicine;

"(3) the term 'practice of family medicine' and the term 'practice', when used in connection with the term 'family medicine', mean the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance; and

"(4) the term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, including architects' fees, but excluding the cost of acquisition of land or offsite improvements."

The SPEAKER pro tempore (Mr. VANIK). The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 19599) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the two bills just passed.

The SPEAKER pro tempore (Mr. VANIK). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ELI LILLY INSTALLS NEW SYSTEM FOR INDUSTRIAL WASTE CONTROL

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, many industries throughout the United States are working towards eliminating pollution to the air and the water. They are making effort to keep our ecology healthy. Eli Lilly & Co., a Hoosier company, has recently constructed a new fermentation and biochemical plant near Clinton, Ind., in the congressional district that I have the honor of representing. Eli Lilly has gone to great financial outlay and time to do the best that is now technically available to control the pollution from this facility. Environmental Science and Technology in its November 1970 edition, printed this article about this operation in Indiana. I am happy to share this with my colleagues:

WASTE CONTROL HIGHLIGHTS PLANT DESIGN

Under construction among the endless corn fields of western Indiana is an industrial plant that is putting into practice the much talked-about principles of recycling, reuse, and conservation of natural resources. Although not yet fully on stream, this plant promises to be a shining example of enlightened industrial waste control, and it is likely to be closely watched in future months by those who want to see if what looks good on paper works out as well in practice.

The plant is a new $50 million fermentation and biochemical facility owned by Eli Lilly & Co. (Indianapolis, Ind.) and situated near Clinton, Ind., on the west bank of the Wabash River. Company officials estimated that at least $8 million of the plant's capital cost can be directly or indirectly attributed to the environmental control measures incorporated into its design. When in full operation later this year, the plant will reuse over 90% of its total water requirements. Even so, the plant will discharge 4000 g.p.m. of water to the Wabash, but that ef-

fluent will be of a quality well within the limits set by Indiana authorities, says Lilly. Indeed, the water would be of good enough quality to supply a drinking water treatment plant.

PLANT DESIGN

Eli Lilly & Co. is a large manufacturer of chemical and biochemical products for medicinal and agricultural use. When the time came for the company to enlarge its fermenting and biochemical manufacturing capacity (already on-going in several U.S. and foreign locations), it chose Clinton as a site because of its proximity to corporate headquarters (Indianapolis) and to its large manufacturing facilities at Tippecanoe Laboratories (Lafayette, Ind.). While the plant location decision was a logical one, and the sort of decision regularly made by large manufacturing concerns, another decision Lilly made was highly unusual: The Clinton plant would be designed, from the very beginning, to provide maximum environmental control. Not content with such broad, even if unprecedented, generalities, corporate management in early 1969 made some specific stipulations regarding waste control at Clinton:

No wastes *of any descr'ption* would leave the site.

No organic wastes would be buried either on or off the site (on-site burial of inert inorganic wastes after incineration was permitted, and will be practiced).

Solvents and process chemicals would be recovered, even if the recovery proved uneconomical.

Recycling of water and use of cooling towers would be maximized.

Effluents discharged to the Wabash would not increase river temperature "by any measurable amount" and would otherwise conform to, or be better than, the most stringent requirements of Indiana regulations.

Deep-well disposal of any wastes would not be used.

If possible, conventional biological treatment would be avoided.

Of all these stipulations, none flies in the face of traditional plant design more than the last one. As many ES&T readers are aware, biological treatment is usually first choice for industrial waste waters as well as for domestic sewage, and the idea of any alternative is regarded as almost revolutionary by diehard sanitation engineers.

Faced with such a formidable set of guidelines, the Lilly engineering staff prospered where lesser men might have given up the ghost. "It was a real challenge," recalls Robert H. Ells II, manager of plant engineering at Clinton, "but it has been 1¾ years of adventure." Although Ells is confident that the plant will work well, there inevitably are skeptics. In view of the innovative nature of the plant Ells and his colleagues have come up with, the skepticism is understandable but hopefully ill-founded.

There are several innovative keys that characterize the plant's environmental control system, according to Ells:

Design of processes to eliminate wastes. For example, complete recycling of the water contained in a high-BOD stream associated with fermentation broth from which the "activity" (the desired product, for instance an antibiotic) has been removed.

Concentration of wastes where possible.

Segregation of wastes at the source. Different waste streams are not mixed; each is treated in the most appropriate way.

Reduction of hydraulic loads on the waste plants through rigorous water conservation—no flow drains are present in several areas in the plant, dilute waste waters are reused, and faucets are self-closing.

A robot monitor records the quality of all water discharged to the river.

The plant's 75 acres are divided into five distinct areas: central services area, with offices, utilities, laboratories, and cafeteria; fermentation area; purification area; chemicals manufacturing area; and waste treatment area. Each uses water in some way.

WASTE STREAMS

Water supply to the plant comes from three wells located on the plant site. Water withdrawn from a closed-top reservoir supplied from the wells is used for several purposes: for drinking and other domestic purposes; as boiler feedwater makeup; as process cooling water; as makeup to the purification and fermentation area process cooling water systems to supplement recycled water; for use (when deionized) for process purposes in the purification and chemical manufacturing areas, and for sprinklers. "Wastes" which need treatment before discharge or which can be recycled for use are:

Spent fermentation broth. The desired product (antibiotic) is separated from the broth in a special purification process about which Lilly is not saying much, except that it is the subject of a pending patent. What the company does say is that the process can remove from the broth, in addition to the antibiotic, 35 tons per day of mycelia (solid material), a product that contains less than 1% water and that can be sold as a high-protein animal feed supplement. Other equally important units in the purification area (also covered by a veil of secrecy) are capable of extracting impurities from the water so that it can be recycled for cooling. What is, in other fermentation plants, a difficult-to-dispose-of, high-BOD stream, is in Clinton handled without need for a biological treatment plant.

Plant trash and rubbish. Although Clinton is in a sparsely populated rural region, and ample land is available for landfilling, trash at the plant site will be incinerated in a Bartlett-Snow (Cleveland, Ohio) incinerator. Ashes from the incinerator (about 600 lb./day) will be buried on the site in accordance with good sanitary landfill practice.

Concentrated chemical wastes. These are produced in the chemicals and purification areas. Plant engineering manager Ells classifies them as primary or secondary—primary wastes are autogenous (that is, they are capable of supporting combustion), whereas secondary wastes are not. Both types of wastes will be burned together in a thermal oxidizer (incinerator) designed by John Zink Co. (Tulsa, Okla.). There will be two such oxidizers; both are equipped with adjustable venturi scrubbers to trap particulate matter before stack discharge. Also to be burned in a thermal oxidizer are:

Dilute chemical wastes. These are predominantly the bottom product of solvent stripping columns in the chemicals area and certain unrecoverable streams, such as acetic acid and hydrogen peroxide waste.

Watery process waste. "Watery" wastes are those that contain no components more volatile than water. At the Clinton plant they arise primarily from the fermentation area—e.g., equipment washings, innoculation media used to test sterility, foam-overs. Although these wastes could, in theory, be treated by straightforward evaporation, in practice this is made difficult by the 4% solids (dissolved and suspended organics and inorganics) the wastes contain. Scaling of heat transfer surfaces presented some difficulties which have subsequently been resolved by a multiple-effect evaporator designed and constructed under the direction of Carver-Greenfield Corp. (East Hanover, N.J.).

Sanitary waste. When the Clinton plant is in full operation, over 350 people will be working there, and there will be a cafeteria in addition to the usual amenities. Lilly felt that sanitary wastes so generated would best be treated by a package unit supplied by Smith & Loveless (Lenexa, Kan.). The unit is of the activated-sludge type.

Process cooling waters. Three cooling water systems are used at Clinton. The water warmed after heat transfer in cooling equipment in the chemicals area is discharged directly to the "clear water" effluent stream. This water represents about half of that discharged by the plant (6 million gallons per day) and is heated perhaps 25°F. above its initial temperature (60°F. year-round well water). The fermenter cooling system uses water that is recycled through cooling towers. The multiple-effect evaporator system also uses cooling towers. Periodically, the towers are blown down to purge any accumulated impurities.

Other aqueous streams. Air is continuously supplied to the fermenting tanks to supply the aerobic reactions, and the exit air is water scrubbed to remove odors. This scrubbed water is recycled and eventually purged to the watery waste system. The water used to recharge ion-exchange resins, after pH adjustment, and the water used to scrub incinerator exhaust gases are discharged to the clear water system.

MONITORING

Effluents from all treatment units will be monitored continuously at a central building. In addition, a robot monitor will check the quality of the combined effluent stream (clear water discharge stream) before it runs into the Wabash. Quality data (for pH, dissolved chloride, temperature, and so on) will be supplied to the Indiana Stream Pollution Control Board. Lilly estimates that no more than 2500 lb. BOD per day will enter the river, and that the 6 million g.p.d. discharged will represent no more than 0.1% of the mean river flow at the point of discharge.

AIR QUALITY

No air pollution problems are anticipated at the Clinton plant. The steam-generating boilers are fired with natural gas, with fuel oil as backup in case of a shortage in gas supply. Stack plumes were invisible the day ES&T visited the plant. Motors driving water-chilling units are also natural-gas fired. Scrubbing of fermenter exit air and the use of negative pressure in tankage and equipment holds down the odor problems usually associated with biochemical manufacture. ES&T perceived odors, but they were not unpleasant (the plant was running at one-third capacity at the time). The thermal oxidizer units are fitted with scrubbers as is the trash incinerator.

PROSPECTS

In short, this new Eli Lilly plant seems likely to be the harbinger of many such plants, both within the biochemical industry and elsewhere. Although total recycle will not be achieved, that ideal will be much more closely approached than in most existing plants.

What is most encouraging about the Lilly design is that economic factors were not the sole criteria for its acceptability. For instance, the trash incinerator (a $200,000 item) could have been dispensed with and the trash taken away by a local contractor, surely a less expensive proposition. The Carver-Greenfield unit alone cost over $1 million, but Ells reports that Lilly management did not quibble over price. When told that the unit was needed to treat watery process wastes, Ells recalls that management simply said, "Do it!" It is clear that rarely have waste control engineers had so much backing from those who hold the purse strings.

The crunch will come, of course, when the plant is in full operation. If there are start-up troubles—and Ells feels that some are inevitable—there will undoubtedly be nervous moments and some wishing that pilot development time could have been longer before scale-up was required. But if this plant eventually pans out as expected, there is every reason to expect the rest of industry to follow suit.

THE GOLDEN DOOR IS TARNISHED

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, 87 years ago, Emma Lazarus wrote a poem that was to represent freedom and opportunity for millions. Soon carved on the base of the Statue of Liberty it began, "Give me your tired, your poor." It ended with, "I lift my lamp beside the golden door."

These words were written when America was viewed as a haven for the socially, economically and politically oppressed of other countries. Millions of individuals took advantage of what this country had to offer and left their homes to seek a new life. Yet, in the light of recent events, we must ask whether these words and the philosophy behind them have any meaning today.

I am speaking specifically of the Coast Guard cutter *Vigilant's* refusal to grant political asylum to a Lithuanian sailor who made a valorous attempt to gain his freedom. He boarded the *Vigilant*, but was then dragged off under the watchful and silent eye of the American captain and crew to be butchered and quartered, Soviet style. In other words, it appears that American sanction was given to this dishonorable political act.

The incident raises many questions, some of which we are as yet unable to answer. We do not know as yet who was responsible for the actual discharge of the orders that denied the sailor asylum. The incident does, however, show an apparent need for a stronger definition of America's position in such events.

There is, of course, a basic humanitarian character in offering a grant of asylum to an individual who seeks it. But there is also a legal aspect to it. The United States signed and ratified the Geneva protocol agreement in 1967. That agreement provides the legal basis for American action regarding such refugees. It has provisions safeguarding the well-being of those who have had to flee their homes because of persecution for their race, religion, nationality, membership of a particular social group or political opinion.

Article 33 of that agreement takes liberty and life as the criteria for granting asylum and prohibits the expulsion of the return of refugees to territories where their lives or their freedom would be threatened.

The events that have thus far been revealed in this case seem to indicate that America may have directly violated these protocol agreements. If the treatment given the Lithuanian sailor by the other Russian crewmembers is any indication of the punishment that is yet in store for him, then it appears that American action was a violation of both basic humanitarian principles as well as the signed international agreement. The eventual fate and well-being of the Lithuanian sailor is now, of course, in serious doubt.

We can now expect that the actions aboard the *Vigilant* will be investigated thoroughly. Yet the determination of responsibility for this particular incident should not overshadow the larger issue with which this country must deal. As signers of the Geneva protocol and as a country that has traditionally welcomed and protected individuals seeking asylum, we must make sure that the issues and principles involved are understood by those who will be in a position to enforce them.

For the future, the decision of who is granted asylum cannot be left to chance: rather, there must be careful contingency planning. Otherwise another such incident may occur again.

The range of responses and the complexity of the issues involved can make such planning difficult. Yet if the image of the United States as a "golden door" is to have some basis in reality, we must insure that requests for political asylum in this country be accorded a fair hearing; we must insure that the individual be able to make his case and his reasons known and that this country not close its door to such requests. The dignity of the individual and the principles that this country should represent require no less.

TESTIMONY BY HON. BOB CASEY, ON UTILIZATION OF CAPABILITIES OF NASA AND AEROSPACE INDUSTRY IN THE ENVIRONMENTAL FIELD

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, some of us have expressed a great deal of concern for our Government's oversight in failing to fully utilize the great capabilities of NASA and the aerospace industry in the environmental field.

My friend and colleague, Representative BOB CASEY, of Texas, testified to this great undeveloped potential when he appeared before the Government Operations Subcommittee on Conservation and Natural Resources. His is an excellent statement, which I believe should be brought to the attention of our colleagues in both Houses, and to American people.

My colleague, whose district includes NASA's Manned Spacecraft Center near Houston, is fully familiar with the aerospace industry and its contributions to our space effort. I not only commend him for his statement, but also my distinguished friend, Representative HENRY REUSS, chairman of the subcommittee, for holding these important hearings on the role of the aerospace and defense firms in solving problems of environmental control.

The statement follows:

STATEMENT OF REPRESENTATIVE BOB CASEY BEFORE THE SUBCOMMITTEE ON CONSERVATION AND NATURAL RESOURCES COMMITTEE ON GOVERNMENT OPERATIONS

Mr. Chairman and Members of the Subcommittee: I am grateful for the opportunity of appearing before you as a witness in these very important—and very timely—hearings. I can think of no greater problem, no more irritating national itch, than the one you are looking into here: the roll our great new technologies can play in relieving some of the pollution crises that dominate so much of our thinking today.

I have come to speak, not as an expert in ecology or on the interaction of man with his environment, but as a concerned citizen with some experience in aerospace industry's capabilities. I have watched with awe, as I am sure you all have, the technological triumphs of the space age: the conception and creation and operation of the great space ships that explore the whole environment of man, the depths of the solar system within which our world floats, alone, blue, beautiful, teeming with life—and beset by many difficulties of our own making.

I shared with you and with a quarter of a billion others that great victory over the unknown—the first steps of man upon the moon. That triumph was not one of technology alone; it was one of national will as well. We have proven, to ourselves and to the world, that we can select and surmount incredible challenges, that we have the brain power and the courage to do the very difficult—and to do it very well. We know how to harness the best talents in government, in our schools and universities, in industry and business to get a job done. We understand teamwork, teamwork on the scale of Apollo which organized and managed nearly 400,000 people at its peak and which met its specifications in time, money, and performance. It was a massive pulling together of human energies, both physical and intellectual. The world has not seen its like before.

The question you are addressing here, it seems to me, is: "Will the world see its like again—but this time aimed at cleaning up our garbage dumps, sweetening our waters, purifying our air, and making green again our hillsides, forests, fields, and shores?"

I believe we will, but only if we go about it right.

As I see it, we have got to make some fundamental distinctions. We must understand the difference, for example, between a cosmetic and a real solution. A fence of pine trees in front of a junk yard does wonders for the sensibilities of the citizens that drive, walk, or ride before it; but does hiding the mess cure it? Or, worse yet, does hiding the mess contribute to its continued existence? There is something about the stark, visible honesty of filth and garbage that leads to personal action—local social, political, action—to have it changed. A cosmetic cover, while most agreeable, does little to unleash those forces of human will, indignation, and pride which we all know to be so effective—if marshalled, when and if aroused.

Real solutions are even more difficult. Take the simple problem of energy. We are today, I am told, facing a real crisis in energy sources. Over the next few years, we will have to triple our electrical power generation capability in order to keep up with demand. That demand, by the way, is not expected to be the result of simple population expansion. No; it is going to be the result of our society's ever-increasing demand for machine power to replace human muscle, human time, human wear and tear. This is the mark of a technological society, afterall; machines free men and women from drudgery, from dulling labor, and provide that glimpse of freedom called leisure. But energy for public consumption today comes basically in two forms: the conventional, fossil-fuel generator and the still exotic nuclear power plant.

How should we, whether voter or legislator, pick between the two? Certainly, there are rivers still undammed that could alleviate the problem—but at what expense to the picture we all have of free-flowing streams of clear water over clean rocks. And even if every creek and gully had a hydroelectric plant built in, we would still be far short of what we will need in the year 2000.

So we are going to have to make tradeoffs between the various bad things we will have to do to our environment just to be ourselves, a modern, science-based technological society. A nuclear power plant may be smog- and

soot-free, but it sure can heat up the stream or lake it sits beside. What then happens to the plants and animals that, up to now, have lived there in equilibrium? I'm not sure we know—or have readily at hand the means for knowing.

Take the other extreme: build coal-burning power plants throughout the land wherever the shortages demand; let the railroad drive its steel and gravel strips across the countryside to bring in fuel; let the mines work to produce the coal and despoil the countryside, whether in Pennsylvania or West Virginia or in Wales or Germany. Let the smoke of the power plant befoul the air—with what unknown, unmeasured consequences for the present, let alone the future, generations in this land.

Energy is a basic problem in the America of today and tomorrow, but only one. What about beer cans on the roadside—or bottles that have to be disposed of too? What is the economically viable equivalent to DDT—now being banned throughout the U.S.—that has no subtle dangers of its own? What are the realistic alternates to detergents, whose phosphate residues today kill our bass ponds and make our rivers foam where they should run sparkling clear? What really can be done about oil spills, inshore or off, without strangling the very commerce that provides us all a standard of living second to none and a quality of life envied by all?

I have touched, in broadcast fashion, on some of the many pollution elements that beset our fair land, air, and waters. There are others, however, to which we have become so accustomed that we care little about the search for action-oriented solutions. In agriculture alone, we lose some $4 billion each year because of common weeds infesting our fields—a form of pollution all too common, all too normal, to become part of today's great debate. And tree diseases and bugs: they cost us some 9 billion board feet of timber per year. And forest fires average nearly half a billion dollars in timber destruction each season, not counting the cost to the land itself of increased erosion to communities that lose homes, water sheds, windbreaks, and the beauty of growing trees.

I guess what I'm trying to do here is to underline the difference between a fad and a real problem. Recently, the words "ecology", "environment", "pollution" have become popular—but largely as alternatives to such good, sound words as, "work", "progress", or "accomplishment". Ecology has been around as long as the planet itself has—and we are part of it, not something outside trying to look in. Man is one of many species on earth, one of the powerful forces for change, like the weather or the movement of continents. I don't think we are seriously trying to return our continent to the state it enjoyed in 1600, where tall forests literally held sway over every yard between the oceans and the great plains. I don't think we want to give up the kind of life that has to have its Pittsburghs, its Los Angeles, its Chicagos, its Houstons in order to create the wealth and opportunity we now enjoy. I don't believe we want to stifle enterprise, public or private, simply to legislate an incomplete, short-term, non-economic cosmetic solution to the symptom of a problem.

So what are we trying to do? We are trying to find workable long-range answers to real, long-range problems. We are seeking only a part of the answers in technology, for the fundamental answers here lie in the field of social and political and legal process. Pollution, as a problem, is in itself only a symptom of a society grown a little too big for its britches. What we've got to deal with are the basics of civilization as we have come to know it: power, food, shelter, water, land use, transportation and communications, productivity, and conservation, management, or replenishment of natural resources.

Technology, and the science upon which it is based, have a great role to play here—but they are not the whole answer. Let me illustrate with a recent example. In August of 1969, the Gulf Coast was hit by a pretty bad storm, Hurricane Camille. We had winds hitting 200 miles per hour and tides flooding 20 feet above normal. We lost a major part of several towns along the Mississippi coast—but the death toll was surprisingly low in comparison to the severity of the storm. Don't forget, this is the storm that put ocean-going ships into the middle of downtown. The Weather Bureau says that 50,000 people would have died except for the early warning, the storm tracking, and the ability to get evacuation started before the hurricane hit. All of that comes down to technology—much of it space technology—harnessed in the service of mankind. It was the ESSA and NASA satellites that first saw and pinpointed the storm, and it was the computers and communications facilities that worked up the predictions early enough to give the authorities time to act, moving people out and making provision for their survival.

This is a real contrast to last week's disaster in the Bay of Bengal, where the storm was predicted all right but the system of information and action was inadequate to make use of the information in time.

Science and technology are not enough to avert disasters or solve environmental problems—there must be human action in an organized way directed to a given, understood end. That kind of action is usually based on information, or understanding of the direct and indirect results of what is to be done.

Now it seems to me that this is the area most overlooked in the current press to do something about pollution. We are horrified by the symptoms of the disease, as it were, and try to treat them piecemeal without stepping back and looking at the whole, at the interactions of all the pieces. Long-lasting, beneficial solutions are going to have to be pretty fundamental if they are not simply going to result in greater problems for the next generation to cope with. This, of course, is one of the characteristics of technology if not very thoughtfully applied: in solving one problem it creates another. The automobile gives us nearly total freedom of personal movement—but the cost is high, in atmospheric pollution, in concrete spreading over the landscape, in traffic deaths, in congestion. The answer is obviously *not* the immediate banning of the automobile; think of the social and economic consequences of such an action! There are many much more subtle interactions, however, whose full span we do not or cannot see and understand. As Dr. Phil Handler, President of the National Academy of Sciences, pointed out at Houston last month, the substitutes for DDT are turning out to be more dangerous to man directly than the chemical they replace—and we don't even know as much about the eventual impact on the ecology.

We must begin, I believe, by looking upon our environment as a whole, a whole that includes man and his works as a part thereof. We must learn to measure all the significant parameters of that environment, not just for the sake of science, but for the sake of understanding how the pieces fit together and how the change in our element affects all the others. We have to develop mathematical models that put together related phenomena and predict what is going to happen. Weather forecasting is just an example of this kind of modelling; if we measure what is going on throughout the atmosphere around the globe, if we combine properly the power of the computer with our global weather satellite capabilities, we will be able to predict accurately what will happen to the climate many days in advance.

Once a model of this kind exists, it can be used to measure not just what is going to happen if everything is left alone but what may happen if certain of the factors are altered or manipulated. This kind of simulation will let us see the effect of different strategies, will show us what the various tradeoffs are among a related family of decisions. As you know, this technique of tradeoff analysis is well-developed in the aerospace business in its application to hardware; it has been called the "systems approach" and is fundamental to the success of our major technological enterprises in civil and military programs. What we need to do is to expand that technique to encompass ourselves and our physical environment. Only when we begin to see beyond the ends of noses, only when we can balance the long and short-term effects of any given set of policies or decisions, will we be able to say we are managing the dynamics of our future.

Developing these kinds of environment models is difficult, to say the least. But it is being worked on today and makes up a significant part of the national space program right now. Let me cite a few examples. I have mentioned the weather satellites earlier: today, they are capable of measuring temperatures all the way from the surface of the ocean to the top of the atmosphere; they can trace the movement of clouds and derive therefrom the velocity of winds; they can measure the moisture content of the air. We are beginning to be able to put these kinds of observations together with other space measurements of the sun and the heat balance of the world to understand this great energy mechanism we call weather. A long range international program, the Global Atmospheric Research Program, has as its goal the development of such a worldwide weather model—and it can only be done with the help of space systems.

There is another example, much closer to home, of the power of modelling the natural environment. Last year, Operation Foresight was put into effect to minimize the disastrous effects of spring floods in the upper midwest. This called for combining the resources of many different institutions and organizations—the Corps of Engineers, the Department of Agriculture, the Red Cross—but the key was the prediction of the snow pack melting and runoff. And these predictions were made possible by remote sensing from spacecraft and aircraft as well as direct on-the-ground measurements. Because we were able to begin defensive measures early enough, because we could predict the amount of water we would have to handle and the rate at which it would come, we were in pretty good shape when the spring came. More than $200 million worth of damage was prevented by knowing what was likely to happen and being able to act intelligently in response to that knowledge.

Let me jump from the real and immediate examples to some of the potentials we have in the future. Take the so-called solid earth. In fact, we are learning that the earth is as dynamic in its own way as is the atmosphere around it. Continents are on the move, great sheets of rock are being pushed into each other as a result of the recently discovered sea floor spreading. Our geodetic satellite programs are mapping these movements and leading us to an understanding of what they meant and, quite literally, where will they take us. But in relation to the subject at hand, this kind of understanding has great importance. Today, we use the oceans as sewers, pouring in all matter of poison, garbage, and junk ranging from left-over nuclear wastes to the familiar nitrogen and phosphate. We don't know the circulation patterns well enough to tell what happens to these now—or what may happen in the future. We haven't modelled our oceans well enough to know what their carrying capacities are, or what their biological balances should be. But we are beginning to do so—and again it is taking the global coverage

capabilities of satellites to provide the information. One intriguing waste disposal mechanism has been recently suggested, based on our new knowledge of ocean floor spreading and moving continents. If we could model these motions accurately enough, we could find the places where the great sheets of slowly moving rock slipped one under another, diving down into the mantle of the earth. This would be the place to put our wastes, where they would be then carried into and incorporated with the molten materials on which the continents float. We do not yet know how to do this, but this may be a long-range answer to the kind of disposal problem we have just had with poison gasses and which we will continue to have with radioactive materials. But before we can know whether or not it provides a solution, we must do much more research and develop a more complete understanding of the physics of our planet. The space program is working in this direction both in NASA and in other institutions, including the aerospace industry.

An interesting point came to light recently relative to ocean pollution from oil: A recent Gulf Coast oil well leak was looked at from a NASA earth resources airplane flying out of Houston to see what could be learned about measuring this kind of problem. By using different kinds of sensors, it turned out that the thin layer of oil was easily distinguishable from the water even when, on the surface, there appeared to be no oil present. This technique was so successful I understand the Coast Guard is incorporating it into its operation oil spill monitoring program. Of course, today we are mostly limited to aircraft, with their short range and limited fields of view. Soon, however, we may be able to count on satellites that can monitor whole oceans, reporting on natural and man-made oil spills in time to permit remedial—or preventive—action. Again, the technology of aerospace is only part of the solution—it permits detection and measurement and location of a problem, but it takes people to take the necessary action to contain or repair the damage.

These same techniques, first in aircraft and then in spacecraft, are being explored for application to a whole series of real, down-to-earth problems. NASA has brought together other Departments and agencies in their Earth Resources Program to see what can be done with remote sensing from space, using the various approaches of photography, radar, radiometry, and spectrometry. This field is still experimental, of course, but the promise for the future is already apparent.

It looks as though we can spot the onset of crop diseases from orbiting sensors even before the farmer on the ground can notice the change—and we can see the extent of damage much more clearly in the large overview we get from space than by piecing together little jigsaw puzzle elements from ground reports. Add to this capability rapid communications and long range agricultural planning and we have an ability to react quickly and effectively. Airborne and spaceborne sensors have already proven their useful ability to spot and monitor remote forest fires even though they are not yet visible; coupled with quick reaction firefighting systems, this capability can help reduce the half-billion dollar annual loss of lumber. Geological exploration from space has already been shown to be useful; the big picture lets us see and relate features too large to recognize on or near the surface of the ground. I have already mentioned one aspect of hydrology—flood predictions—but there are many others, such as mapping the flow of sediments from rivers, monitoring visible water pollution, charting currents, even distinguishing the boundaries between salt and fresh water where they meet in bays and estuaries. The import element here is that this can be done not just once but repetitively from space, so that we can get a picture of the changes that come with time, with the seasons, with the intrusion of human activities. We are beginning to experiment with the possibility of identifying and measuring air pollution constituents and sources from space; coupled with an understanding of the weather systems which transport airborne pollutants, this may lead to rapid, early pinpointing of problem areas on a global scale.

I believe it is in such areas that aerospace technology will have a major permanent role to play in combating the environmental crises over the next decade. The ingenuity and dedication already exhibited in the conduct of our national space programs leaves little doubt that, if the problem can be defined in technological terms, it can be successfully solved. I am personally convinced that our space program will lead the way in bringing these approaches to bear on the health of our environment. But I am likewise convinced that we must maintain the right perspective on both the problems we seek to solve and the means we look to for solutions.

We need a more profound and complete understanding of the phenomena we wish to manage or control; we must not overlook the scientific research necessary to that understanding. We will certainly need space systems to measure, monitor, detect, and map the dynamics of our earth and seas. We must press to model our environment so as to know what we are doing to it and what can be done about it. Science and technology can provide the basis for rational, long range decisions taken for the long term benefit of all our citizens.

But this same perspective suggests we must be careful to distinguish between the tools we have to apply to a problem and the answer to the problem itself. I believe it is wrong to rely upon technology alone to combat the crisis of the environment, just as I am certain it would be wrong to ignore the tools technology can provide. The real test of our ability to continue to live upon the globe, upon Space Ship Earth, lies in ourselves. The crisis is more social than technical; it is more a question of balancing the many self-interests involved, and less one of finding breakthroughs or panaceas. Societal, economic, and political forces dominate in this battle for a better quality of life; we must work just as hard—if not harder—in these arenas as in the field of the hard sciences, of engineering, of systems approaches. And we must work these two together. Before selecting a technical solution, let us be sure we understand the impact it will have, both the benefits and the costs; let us be sure we know who will pay those costs, whether our generation or another, and whether they are warranted. And before selecting a legislative or social policy, let us be certain we haven't overlooked the powerful new tools that science and technology has placed in our hands.

Mr. Chairman, I am most encouraged by the work of this Subcommittee; I think it is a step we have to take and that properly guided it can take us in the right direction. I deeply appreciate the opportunity of sharing with you and the other distinguished members some of my own thoughts on the subject, some of my own enthusiasms as well as my concerns. Thank you, Mr. Chairman.

LOOKING AT THE REDUCED CRIME RATE IN THE DISTRICT OF COLUMBIA

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, during the past few months encouraging reports have been released indicating that the District of Columbia, long a city with one of the highest crime rates in the Nation, has begun to reap the rewards of its efforts to reduce crime. The comparative crime statistics for the last few months show the following decrease from statistics for corresponding months a year ago:

	Percent
July	13
August	19
September	25
October	20

With these dramatic declines in crime, I think it is extremely important to take time to analyze these statistics to see what has changed over the past months to cause such excellent results. Many of my colleagues here have begun to point to those supposed friends of the policeman embodied in the District of Columbia Crime Act, preventive detention, and no-knock, as critical factors in Washington's recent victories over crime. Unfortunately, it is necessary for me to point out that the District of Columbia Crime Act does not take effect until January 1971. What, reductions in crime rates without preventive detention and no-knock authority? Absolutely correct. Here is why.

The District of Columbia Police force annual report released August 12, attributes the downturn in crime in part to the all-out police recruitment drive begun earlier in the year. During this intense campaign, the report says, about 12,000 men were contacted, including many college students who had completed special studies in law enforcement. The recruitment drive, also aimed at increasing the number of minority group officers, resulted in a police force, as of July 1, of 4,600 men which was more than one-third nonwhite.

A week later, referring to the 13 percent drop in the July 1970 figures, as compared to the July 1969 figures, Mayor Walter Washington attributed the decline to primarily two major locally developed programs: a greatly expanded Police Department, and a massive narcotics addiction treatment program.

The Mayor said:

These two initiatives, both of them aimed at reduction of street crime, have just begun to exert their full impact. . . . It is clear to us that the action taken thus far, with more police on the streets, and fewer narcotic addicts on the streets needing money to support expensive narcotics habits, has begun to pay off in lower crime rates. . . . the whole criminal justice system must be reformed and made to perform effectively.

Also in August, Police Chief Jerry Wilson attributed July's encouraging crime statistics to various factors, placing emphasis on the 800 additional men on the street durng the summer months while, as was reported in the newspapers, he "cautiously sidestepped specific predictions of the possible effects of the District of Columbia Crime Act."—Washington Post, August 19, 1970.

In September and October, Police Chief Wilson, commenting on the decreases in crime for those months, pointed again to an increased police presence on the

streets—with the District of Columbia force now enlarged to 5,100 officers—more aggressive prosecution by the U.S. Attorney's office, and reforms in the city's juvenile court procedures. In addition, he emphasized the success of an incentive program that had been secretly in effect for 3 months, in which cash awards of up to $250 were being given policemen showing extraordinary initiative in solving crimes. Even the Washington Star, while pointing out that Washington now had the highest police-population ratio of any city in the United States, praised "more effective organization, more vigorous prosecutions and the new narcotics program"; and Mr. Nixon, during his visit to police headquarters in October, placed special emphasis on the fact that the latest decrease in the District of Columbia crime statistics had come even before the new District of Columbia Crime Act had been put into effect. Justice, he said, must be both swift and fair.

I have gone through these statistics month-by-month to point out that in fact, great strides have been made in the fight against crime in this city without the aid of ill-advised measures such as no-knock and preventive detention. Never in any of his monthly press conferences did Police Chief Wilson make reference to his looking forward to, or the need for, these new repressive law enforcement techniques. As I pointed out above, he in fact sidestepped the issue when questioned about it. Unfortunately, the President still believes that the crime rate will decrease even faster when the District of Columbia crime package becomes effective. I urge us all not to let our heads be turned by the President's mistaken hopes. The District of Columbia has shown the Nation that crime can be combated with constructive reform measures that are not based on Government mistrust of its own citizens, which in turn, leads to citizen mistrust of Government.

Let me summarize what was emphasized on three separate occasions by Mr. Wilson as the contributing factors in the 8-month reduction in crime:

First. An expanded police force with more visible patrols on the streets, giving Washington the highest police-population ratio of any city.

Second. A recruitment drive resulting in a sharp increase in the number of minority group officers and resulting in contact of college students who had completed special studies in law enforcement.

Third. More effective police force organization.

Fourth. More vigorous prosecution by the U.S. attorney's office.

Fifth. Improved morale of the police force due partially to the offering of incentives.

Sixth. Reforms in the juvenile courts.

Seventh. A new narcotics program.

For the future we can look to more sweeping court reorganization under the good parts of the District of Columbia Crime Act. For the first time in years, the District of Columbia local courts will have the manpower to handle promptly all cases the police and prosecutors can bring them.

This then, is how crime should be met. Here is the proof. Now these efforts must be made on the Federal level. We have begun with a strong narcotic rehabilitation program to take addicts off the streets and return them as useful and productive members of society. But, in addition, we must have well-trained, organized police forces, sufficiently staffed court systems that will give a man his right to a speedy trial, enlightened penal systems that will treat a prisoner as a human being and not make hardened criminals out of those who would have been one-time offenders, and finally, gun control measures. On November 11 of this year, the day after another New York City policeman was killed by a gun in the line of duty, Police Commissioner Patrick Murphy called for strong handgun control on "a national scale" to help the police control crime. He and Chicago Police Chief James Conlisk are not the only police commissioners supporting such action.

The District of Columbia is moving in the right direction. It is fighting crime through constructive means that have produced results. We can profit by Washington's example.

POW FAMILIES PRAISE RESCUE ATTEMPT

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, in a press conference last week in their Washington, D.C., headquarters, the national leaders of the National League of Families of American Prisoners and Missing in Southeast Asia praised the recent POW rescue attempt.

In a related article, George Lardner, Jr., of the Washington Post writes about the reactions, both positive and negative, of some of the wives and mothers of these servicemen.

Not only my colleagues, but also all Americans should know of the feelings of those families directly affected by the raid, and I therefore insert Mr. Lardner's article "POW Families Praise Rescue Attempt" in the RECORD:

POW FAMILIES PRAISE RESCUE ATTEMPT

(By George Lardner, Jr.)

"I was completely heartsick over it," said Mrs. Vernon Alford, "but for the simple reason that there was no one there."

"I've been screaming with sheer joy," said Mrs. Howard J. Hill. "The only thing that disturbed me was that lousy Sen. Fulbright calling it an invasion. Ha! He should be in one of those camps."

Like many other mothers and wives of servicemen swallowed up by the war in Southeast Asia, the two women had little but praise yesterday for the bold U.S. rescue attempt at a prisoner-of-war camp near Hanoi over the weekend.

They were stunned that it should be attempted, delightful that it had been and disappointed only that the camp proved empty.

Mrs. Alford, from Pasadena, Tex., last heard from her son, Terry, 23, three weeks before the Army helicopter he piloted was reported missing, on Nov. 4, 1969, some 15 miles outside of Nhatrang.

Mrs. Hill, who lives in Alexandria, has been more fortunate. Air Force Capt. Howard J. Hill was shot down over North Vietnam in Dec. 1967. For nine months, his wife had no word of him. But, then, released prisoners passed the news that he was a prisoner, and since spring, Mrs. Hill has had six letters from him.

The thought of reprisals by the North Vietnamese against the prisoners seemed not to bother most of the women, though for widely differing reasons.

"What else can they do to our men other than kill them?" asked Mrs. Alford, who would be delighted simply to hear that her son is a captive. "For some of these men, this would be a great blessing. They've done everything they can to break them down. Time is running out for all of them—mentally, physically, emotionally."

Mrs. Hill said she had no apprehensions on that score at all. "If anything, I think Hanoi will afford them better treatment," she said. "If the helicopters had brought out men in terrible condition, some maybe on the verge of death, how would that have looked for North Vietnam?"

There were, as might be expected, dissenting views. Mrs. Valerie Kushner, of Danville, Va., said she thought the raid a "political move" by the Nixon administration, empty of any solid, lasting commitment to secure the release of American men in captivity. It was the timing, she said, that upset her the most.

"They've known for many years those men are dying," said Mrs. Kushner, whose husband, an Army doctor, has been reported by some to be a prisoner somewhere in South Vietnam. "I think it's very unusual that they finally decided to make the raid at the same time they were violating North Vietnamese territory with those massive air raids. I think Sen. Fulbright was right in saying it was a provocative act. And it wiped the bombing raids right out of the headlines. I think they were exploiting the anguish of the men and their families, using the (prison camp) raid to try to justify a military act."

The mother of the American prisoner held the longest. Navy Lt. (j.g.) Everett Alvarez, Jr., was also unhappy.

"You can call me a big dove," said Mrs. Sally Alvarez of Santa Clara, Calif., whose son was shot down Aug. 5, 1964, during Gulf of Tonkin reprisal raids. "I am behind McGovern, Church and all of them."

All the women belong to the 2,500-member National League of Families of American Prisoners and Missing in Southeast Asia, whose national leaders praised the rescue effort yesterday in a press conference at their headquarters on Capitol Hill.

Mrs. Bobby G. Vinson, national coordinator of the league, said the families would "surely be heartened by this new evidence of concern on the part of the administration. Despite the failure of the rescue mission, it was daring and courageous in concept and execution, and we owe a debt of gratitude to those volunteers who were willing to risk their own lives in trying to aid our husbands and sons."

Flanking Mrs. Vinson at the press conference were two other women whose eyes were brimming with tears before it was done.

One of them, Mrs. Wilmer Grubb of Colonial Heights, Va., said she was told just this month that her husband, an Air Force major "whose capture was announced by the North Vietnamese" more than three years ago, is now dead.

Bitterly, Mrs. Grubb said she got the report by way of the Committee for Liaison, a New York-based antiwar group in contact with the North Vietnamese.

Evidently, it was the committee's report, announced at a press conference in New York Nov. 13, that served as the basis for Secretary of Defense Melvin Laird's recommendation to go ahead with the raid.

Laird has said he approved the move on the basis of "new information that we re-

ceived this month that some of our men were dying in prisoner-of-war camps."

Though most of the women said they would be happy to see the administration give it another try, few saw much hope for another raid on a North Vietnamese detention camp. As Mrs. Vinson put it, "I think the surprise element will be gone."

Afterwards, Mrs. Kushner, one of a dozen POW wives from Virginia who flew to Washington yesterday aboard a plane provided by Gov. Linwood Holton, said she still fears that efforts to secure the prisoners' freedom will die out in the pressure to settle the war.

She said Secretary of Defense Laird met in July, 1969, with some POW wives and told them there would be no substantial withdrawal of troops until the POW issue is settled.

One of her companions, Mrs. A. J. Palenscar of Virginia Beach, said she, too, thought the administration could do more. Her husband, a Navy pilot, has been "lost" since 1967.

"I think the raid was a good idea," she said. "And I feel the administration had to go ahead with the troop withdrawals. They were caught between a rock and a hard place: Hanoi's intransigence and American public opinion. But they can come down a lot harder than they have on the prisoner issue. . . . The President should make more efforts."

Mrs. Kushner reminded her of the abortive efforts made to get them to see President Nixon yesterday afternoon. "Linwood Holton tried to get us an audience three times today," Mrs. Kushner said. "He worked and worked to get us in, but he couldn't arrange it."

HEARINGS SCHEDULED BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PRICE of Illinois. Mr. Speaker, the Committee on Standards of Official Conduct today completed the first series of Members' testimony on the subject of the raising, reporting, and use of political campaign contributions.

Any Members desiring to be heard, who have not already done so, should notify the committee promptly as further hearings are scheduled for next Tuesday and Wednesday, December 8 and 9.

Upon having heard testimony or receiving statements from all the Members who wish to do so, the committee will then hear from interested members of the public who feel they might make a contribution to the committee's study in this vital area.

The hearings are in response to House Resolution 1031, adopted some weeks ago, which directed the Committee on Standards of Official Conduct—which I have the honor to chair—to conduct studies of lobbying activities and campaign finances and report our recommendations at the earliest practicable date.

The two subjects, while interrelated, are being treated separately by the committee, as you may know. We conducted a series of hearings on lobbying activities last month and are in the process of drafting recommendations in that area.

The committee expects to report to the House before the end of the 91st Congress.

PERSONAL ANNOUNCEMENT

Mr. EDMONDSON. Mr. Speaker, on rollcall No. 374, which just took place on H.R. 19599, I was called to my office on an urgent matter and unavoidably missed the rollcall. Had I been present my vote would have been "yea."

THE LATE HONORABLE WILLIAM L. DAWSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PRICE) is recognized for 60 minutes.

Mr. PRICE of Illinois. Mr. Speaker, the mark of a man can be measured in several ways, but none so exacting as the respect he holds among his colleagues. Today, we honor a man who was held in the highest respect by every man and woman who had the privilege of serving with him in the House. I speak of the Honorable WILLIAM LEVI DAWSON who represented the First District of Illinois from January 1943, until his death on November 9.

Respected by North and South, black and white, young and old, Congressman DAWSON epitomized the strength of character that John Kennedy portrayed in his book "Profiles of Courage." BILL DAWSON, the grandson of a slave, compiled a distinguished academic career as a magna cum laude graduate of Fisk University and a student of law at Kent College and Northwestern University. From 1933 to 1939 he served on the Chicago City Council. In 1942 he was elected to Congress and in 1949 became chairman of the House Committee on Expenditures in the Executive Departments, subsequently renamed the Government Operations Committee in 1952. He also served on the House Committee on the District of Columbia.

A man of character, a man of principle, BILL DAWSON was a national figure, not because he was the first black chairman of a major committee; not because President Kennedy offered him the opportunity to become the first black Cabinet Member; and not because he was the first black Vice Chairman of the Democratic National Committee. He was a national figure because he put the loyalty of his country foremost in his public career.

Few men in public life have had as distinguished a career as BILL DAWSON, in terms of recognition, honors and tributes. More importantly, few men have attained the place in history BILL DAWSON achieved because of his tireless and ofttimes unacknowledged efforts to reconcile democratic rhetoric with reality.

In 1951 when the House was considering the University Military Training Act, efforts were made to circumvent President Truman's Executive order desegregating the Armed Forces. BILL DAWSON and I worked together to defeat a section of that bill which would have negated the Presidential order. That day, Friday, April 13, 1951, BILL DAWSON stood in the well of the House in support of the Price amendment to eliminate that section and delivered one of the most stirring and passionate appeals for racial justice I have ever heard. Those who served in the House at that time will never forget his immortal words:

> Give me the test that you would apply to make anyone a full-fledged American and by the living God, if it means death itself, I will pay it. But, give it to me. Why should this body go on record at a time when we are fighting a world war to brand a section of its citizenry as second class?

BILL DAWSON had served his country in World War I. He had taken the test. Although above the draft age he went because, as he said:

> I believed then as I believe now that it was the duty of every citizen when the welfare of the nation in which he claims citizenship is at stake, to rally to the call and to give his life, if need be, for the preservation of that nation.

That is what BILL DAWSON worked for all his life, the preservation of the Nation. His outlook was national although he had experienced the bitter fruits of racial injustice. Sustaining a severe war injury to his left shoulder BILL DAWSON carried shrapnel in him the rest of his days. As he recounted:

> I cannot raise this left arm any higher than the shoulder unless I lift it with the other hand. That would have been a good joint if hospitalization had been available, and I had not been a Negro American.

Few men in this Chamber have given as much of themselves to a nation which at times has denied the rightful place to all our people.

Today, I eulogize BILL DAWSON out of a profound sense of respect and admiration. As a colleague of his, I am deeply saddened by his passing. But I am comforted by the memories I hold of this man who was working for racial justice long before civil rights became a burning issue. This man was a man of vision who believed that there was one America for all its people. Here was a man who literally gave his life in pursuit of the American dream.

To his widow, Mrs. Nellie Dawson, his son, William, and daughter, Barbara Ann, and the other family members, Mrs. Price and I extend our heartfelt sympathies.

Mr. Speaker, at this point in the RECORD, I would like to include a copy of the memorable speech Congressman DAWSON delivered on April 13, 1951. I think my colleagues will agree this represents an article of faith of a man who believed deeply in his country. Also, I would like to include a copy of the program of the funeral service held on Thursday, November 12, 1970, at the Progressive Baptist Church, 3658 South Wentworth, Chicago, Ill. The items follow:

SEGREGATION IN THE ARMED FORCES

Mr. DAWSON. Mr. Chairman, I was born in the South. I lived there all during the days of my young manhood. When World War I broke out I was above the draft age. I did not have to go, but I believed then as I believe now that it was the duty of every citizen, when the welfare of the nation in which he claims citizenship is at stake, to rally to the call and to give his life, if need be, for the preservation of that nation.

I went to war. I was commissioned WILLIAM L. DAWSON, first lieutenant of infantry. I led Americans in battle—black Americans. This mark you see here on my forehead is the result of German mustard gas. This left shoulder of mine is today a slip joint. I cannot raise this left arm any higher than the shoulder unless I lift it with the other hand. That would have been a good joint if hospitalization had been available, and I had not been a Negro American. I served in a segregated outfit as a citizen trying to save this country.

How long, how long, my conferees and gentlemen from the South, will you divide us Americans on account of color? Give me the test that you would apply to make anyone a full-fledged American, and by the living God, if it means death itself, I will pay it. But, give it to me. Why should this body go on record at a time when we are fighting a world war to brand a section of its citizenry as second class?

I have sat in the well of this House and I have seen you gentlemen from the South, and rightly so, stand up and applaud members of other races, nonwhite races, who were darker than I am. I have seen you applaud them, yet you will take me, a citizen of the United States, of your own flesh and blood, and brand me with second-class citizenship.

If there is one place in America where there should not be segregation, that place is in the armed services, among those who fight for this country. Oh, I know how some of you feel, but there is but one God and there is but one race of men all made in the image of God. I did not make myself black any more than you made yourselves white, and God did not curse me when he made me black any more than he cursed you when he made you white. I would give up this life of mine to preserve this country and every American in it, white or black. Deny to me today, if you will all that American citizenship stands for, I will still fight to preserve our Nation knowing that someday under the Constitution of the United States all of these restrictions will be removed, and that we will move forward before the world as one people, American people, joined in a democracy which shall set the pattern for all the world.

I say to you who claim to love America, in this hour of its stress that the greatest argument the Soviet Union is using among the black peoples of this world to turn them against you is your treatment of me and Americans like me.

No, I do not believe this body means to go off on this tangent, and I believe you who come from the South, if you would look back a little bit, would never, never again take a step to handicap any one of God's children for what they are. I believe that the South is big enough for all of us to live in together in peace and in happiness if we can but have understanding; but we cannot have understanding if you array one against another because of color.

I hope you will vote for the Price amendment.

OBSEQUIES

(William Levi Dawson, 1886–70, Progressive Baptist Church, Thursday, November 12, 1970—11:00 A.M., 3658 South Wentworth Avenue, Chicago, Ill.)

OBITUARY

William Levi Dawson was born in Albany, Georgia, April 26, 1886, the second son of Rebecca Kendrick Dawson and Levi Dawson. The young William worked from earliest childhood, helping both mother and father with the younger children.

While still working, now as a waiter on the railroad, Dawson entered Fisk University in Nashville, Tennessee. Here he participated fully in academic and extra-curricular activities. Captain of the debating and the football team he became a member of Alpha Phi Alpha fraternity, graduating in 1909 with Baccalaureate degree, Magna Cum Laude.

In 1917, as a volunteer to the Officers Training Program, Dawson was commissioned a First Lieutenant in the 365th Regiment of the 92nd Infantry Division. He carried shrapnel in his body all of his life as a result of wounds received in battle. He was also the victim of a German gas attack.

His experiences on the battlefront caused him to make a pledge to the men who were killed while under his command that his life would be devoted to insuring that their deaths had not been in vain.

In 1933 he was elected to the City Council from the 2nd Ward and on November 3, 1942, William L. Dawson was elected to the United States Congress to represent the First Congressional District. He took his seat in the 78th Congress and has served with great distinction in every Congress since that time.

William L. Dawson was without peer, giving a breadth and dimension to black political leadership that had not been known in American history.

Chairman of the powerful House Committee on Government Operations; Vice Chairman of the Democratic National Committee; Vice Chairman of the Democratic Cook County Central Committee and the organizer of the most effective political organization operated by blacks in the history of the United States. Bill Dawson was gifted from his birth, as a leader.

The sincere and effective leader never flaunts the power vested in him. Perhaps it is because he knows that the greatest of power comes as a Divine gift. The event that occurs today is just symbolic of one's brief passage through this life. Our gifted leader loved the people, and we all know that Divine Love always has and always will meet every human need.

Surviving: His widow, Mrs. Nellie Brown Dawson, his son William Levi and his daughter Barbara Ann, nieces, nephews and a host of other relatives and friends.

ORDER OF SERVICE

Presiding, Reverend Frederick P. Wall.
Processional.
Organ Prelude.
Reading of the Scriptures:
Old Testament, Reverend E. R. Williams.
New Testament, Reverend Paul Turner.
Invocation, Reverend Retha Brown.
Musical Selection, Choir.
Remarks:
Hon. Richard J. Daley.
Hon. Chet Holifield.
Hon. Charles Diggs.
Hon. Edith S. Sampson.
John S. Sengstacke.
Denton J. Brooks, Jr.
Hon. William H. Harvey.
Hon. Fred J. Smith.
William P. Fitzgerald.
Musical Selection, Choir.
Reverend Archibald J. Carey, Jr.
Reverend Trudie Trimm.
Reverend Clarence H. Cobbs.
Acknowledgments.
Solo, Miss Mahalia Jackson.
Eulogy, Reverend Corneal A. Davis.
Closing Prayer, Bishop Louis H. Ford.
Recessional.
Funeral Director In Charge, Ernest A. Griffin.

Maurice G. McIntosh, F.D. and Ethel Dawn Griffin, F.D., Assistant Directors.

ACTIVE PALLBEARERS

Jerry Brown, John H. Grayson, James Harris, Joseph Jefferson, James Kemp, Estanislao Miranda, Sylvester Patterson, and Frank Price.

HONORARY PALLBEARERS

Julian Black, William J. Barnett, Lausayle Brown, Hon. Lewis A. H. Caldwell, Hon. Virgil Calvert, Hon. Kenneth E. Campbell, Hon. James Y. Carter, James Cole, Robert N. Colin, and Hon. George W. Collins.

Dr. Homer Cooper, Hon. James D. Crosson, Hon. P. J. Cullerton, Bertel W. Daigre, Com. Harry Deas, Lawrence P. Davis, Col. Steve G. Davis, Hon. George Dunee, Hon. Wilson Frost, and Truman K. Gibson, Sr.

Truman K. Gibson, Jr., Hon. Quentin Goodwin, Com. Robert Harness, George S. Harris, Hon. Augustus Hawkins, Hon. Claude Holman, Hon. Frank O. Horne, Thomas E. Hunter, Hon. Lyndon B. Johnson, and Hon. Mark Jones.

Dr. Percy Julian, Hon. Sidney A. Jones, Jr., Mr. Theodore A. Jones, Harry F. Kelly, Arthur B. Knight, Hon. Kenneth E. Wilson, Hon. Walter E. Washington, and Hon. Adlai E. Stevenson.

Dr. T. K. Lawless, Robert Landrum, Lt. Col. Benote Lee, Hon. George Leighton, Walter Lowe.

Louis Martin, Hon. John McCormack, Hon. Ralph Metcalfe, Robert H. Miller, and Dr. Booker T. McGraw.

William R. Ming, Jr., Clarence Mitchell, Booker T. Money, Daniel Monroe, Leon Motts, Hon. James A. Nabritt, Hugh Osbourne, Hon. James Parsons, Aaron Payne, and Hon. Maurice Pompey.

Albert S. Porter, Moses Profitt, Hon. Joseph Robicheaux, Hon. William H. Robinson, Hon. John Rogers, Hon. William Shannon, Dr. H. Reginald Smith, Dr. Albert Spaulding, and James E. Stamps.

Hon. Earl Strayhorn, Cornelius Swader, Charles Travick, Hon. Harry S. Truman, Earl Square Washington, and Charles Wesley.

SECOND WARD, DEMOCRATIC ORGANIZATION, OFFICIALS AND CAPTAINS

President, Corneal A. Davis.
Vice President, William P. Fitzgerald.
Organization Secretary, Mrs. Mildred Casey.
Corresponding Secretary, Dr. Albert Graves.
Treasurer, Acting Committeeman William H. Harvey.
Sergeant At Arms, Sylvester Patterson.
Committeewoman, Mrs. Fred J. Smith.

SECOND WARD REGULAR PRECINCT CAPTAINS

Joseph Turner, Albivory Corley, Sylvester Paterson, Roosevelt Henderson, Bernard Hinton, James Elam, Dorothy Green, Jess Roberson, Fred Fratto, Henry Davis, Oscar Bausley, Leon Albritton, and Robert White.

Bernice Collins, Ernest Wilson, John Battle, Harold Thompson, Earl Thomas, Ronald Miller, Theresa Boykins, Mary Ann Newman, George Jones, Jr., Wilton Moore, Fred J. Smith, Willie Wells, and Lester Barber.

William R. Harris, Henry Smith, Corneal A. Davis, William Barnett, Chester Henderson, Leon Albritton, Jr., John W. Rogers, Lula Webb, Nellie Jones, Michael Johnson, William Winfrey, Edward Vasser, and Clifford Stark.

Ralph Goren, Edward J. Reed, Mattie Walker, Edison A. Love, Curtis Jones, Melvin Barrett, Edna Clark Taylor, Cortez Taylor, Linda Lewis, Jerry Brown, Robert Crawford, Henry Howard, and Maxine Dogan.

STAFF—COMMITTEE ON GOVERNMENT OPERATIONS, WASHINGTON, D.C.

Mrs. Christine Davis, James Lanigan, Quin Romney, John Dodson, Elmer Henderson, Herbert Roback, Phil Carlson, Louis Freed, Mrs. Norma Williams, and Lawrence Redmond.

Personal Physician, Ellis D. Johnson, M.D.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the distinguished Speaker of the House.

Mr. McCORMACK. Mr. Speaker, for many years our late beloved friend, Congressman BILL DAWSON, served with great distinction in this body, representing the people of his district, his State, and our country with dedication, courage and with great ability.

Mr. Speaker, I think the gentleman from Illinois (Mr. PRICE) has well summed up in eloquent words the spirit and the life of BILL DAWSON when he said, "He literally gave his life in pursuit of the American dream."

Congressman BILL DAWSON was one of my dear and valued friends.

It happened that during the Republican-controlled Congress prior to his being elected as chairman of the Committee on Government Operations that I served on the Committee on Government Operations as a member of the Democratic minority. The following Congress, as a result of the action of the people at the polls, the Democratic Party again took control of the House of Representatives. I came back as the majority leader. At that time I was the ranking member on the Democratic side of the Committee on Government Operations. Under the custom and practice—not rule but custom and practice—of the Democratic caucus I would have become chairman of the committee. But, coming back as majority leader that thought never entered my mind. It was a particular source of pleasure to me at that time to step aside so that BILL DAWSON became the first American Negro to be chairman of a committee in the Congress of the United States.

In addition to stepping aside, I stayed on the committee to serve under him as chairman and with him as chairman and to symbolize for whatever my service on the committee might be, an example for others to follow. In those days the ecumenical spirit was not as strong as it is today. I served on that committee until I was elected Speaker and my service on that committee was not only because of the reasons I stated, but more so because of the deep friendship and the profound respect that I had for Congressman BILL DAWSON, not only as a great American and an outstanding legislator, but as one of the finest human beings that I have ever met.

BILL DAWSON was not only a great man, but a good man. I know of no finer characterization that anyone can give to another, or could give to me, than that I am great and good. And I might say that if I could not be both, and I had the election of one or the other, I would elect being good than great, but BILL DAWSON was both great and good.

His service, when he was in good health, as chairman of the committee, was outstanding. His conduct on bills of his committee on the floor of the House was masterful. He was one of the most eloquent speakers that I ever listened to. And when BILL DAWSON was well and took the floor, the House was given a treat not only in logic, in soundness of expression, but in eloquence of expression, beauty of thought and word.

Those of us who are here today grieve the passing of BILL DAWSON. Those who saw him—and I can see him now—during the years when he was not feeling well, know that he still carried on his duties. He was always on the floor of the House, both during general debate and while the House itself was in session. He set an example for all of the Members to follow, and many of us were inspired by BILL DAWSON, the man, BILL DAWSON, the American, and BILL DAWSON, the legislator.

So, Mr. Speaker, I join with my friend, the gentleman from Illinois, and the other members of the Illinois delegation on both sides of the aisle, in expressing my deep grief at the passing of this great man. His memory, because of the contributions he made while a Member of this body, will always be a part of the history of the House of Representatives.

I extend to his loved ones my deep sympathy in their great loss and sorrow.

Mr. PRICE of Illinois. Mr. Speaker, I yield to the gentleman from Oklahoma, our distinguished majority leader (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I first want to thank the distinguished and beloved dean of the Illinois delegation for giving our colleagues an opportunity to pay tribute to our late and beloved colleague, BILL DAWSON. I want to join in the beautiful sentiments which he and our great Speaker have expressed about this extraordinary man.

Of all the people I have known I have never known a man possessed of a kinder, nobler, sweeter character than BILL DAWSON. He spoke and acted from a depth of conviction and from a reserve of strength acquired by only a few rare human beings. I remember so well when I first came to the House, that BILL usually took his seat where the gentleman from California (Mr. VAN DEERLIN), is sitting now, and next to him sat Tom O'Brien, also a late beloved colleague of the Illinois delegation; these two men seldom took the floor, but there was more power in their silence than there was in the eloquence in the Chamber of the House of Representatives. These were outstanding men who came to us from the great city of Chicago, both of whom made their memorable records.

BILL DAWSON, too, made his mark in the House and placed his stamp on much landmark legislation. He will be remembered as much for the kind of man he was as for the great things he accomplished, first and foremost, as the gentleman has said, he was an American who was proud to be an American.

In his younger days in some areas of his life BILL DAWSON was made strongly aware of the disadvantages that the people suffered who happened to be of his own color. Yet he never apologized, never excused or resented. He operated out of the highest personal ideals and motives. He had steadfast confidence in himself and his country.

I remember an occasion when I was a young member of the Congressional Democratic Campaign Committee and we were talking about the coming elections. BILL DAWSON got up and made the best speech that was made. He said:

> You know there is a lot that unites us in this country and there is a lot we can do to unite America—and this is the way to bring victory to the polls for our party or for any other party.

He expressed that thought much more eloquently than I can remember or repeat, but I offer it as typical of BILL DAWSON's constructive turn of mind. He was always a man of wisdom—always a man of judgment—always a man of common sense—always a legislator devoted to his country and to mankind. He was a distinguished American politician, an eminent committee chairman, elected to office year after year by overwhelming majorities.

His family and his community furnished us one of the finest Representatives of my day and generation. May I through these remarks express to his widow and to his children the deep sympathy that Mrs. Albert and I have for them and the abiding respect and love that we will always have for their late and beloved husband and father.

Mr. PRICE of Illinois. Mr. Speaker, I yield to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Speaker, I thank the gentleman for yielding. I feel very privileged to join in paying final tribute to our late colleague, BILL DAWSON.

It was, of course, also my privilege to know him during a large part of his lifetime and to recognize that he had a long, full and successful life. I was privileged too when I first came to the House of Representatives in 1962 to be named to the House Committee on Government Operations on which he served as chairman and to enjoy the advantage of his leadership, friendship, and his consideration and cooperation in helping me to make my first years in the House of Representatives interesting, fruitful and productive.

Also I want to mention quite personally, and quite frankly, that Congressman BILL DAWSON and I had a very intimate religious affiliation and affinity. I know the depth of the religious and spiritual faith which guided BILL DAWSON in his thought and in his work as well as that of his wife, Nellie.

For all the things he contributed to his community, to his State and to his country and for all of the love which he demonstrated and bestowed on all of us who served with him—for all of his many contributions to his people and to mankind, I want to pay respect, honor, and tribute and join with the gentleman from Illinois in his eulogy which he has expressed so eloquently on behalf of all the Members of the House today.

Mr. PRICE of Illinois. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, I would like to join with the distinguished gentleman from Illinois, with the distinguished Speaker of the House of Representatives, and the distinguished majority leader and all the other Members who have expressed or will express their deep regret and feeling of loss at the passing of one of the great Members of this House.

I, too, came here a good many years ago when the problems separating us were even more difficult than they seem to be today. I immediately got to know BILL DAWSON. He was a tower of strength. He was a man who sought to unite people and to bring them together, and if there was a gap, to brige the gap. He did a great deal in promoting race relations all over this country. He frequently came to my city some years ago where he was honored and revered by both the white and the black communities. He would come there and make fine campaign statements on behalf of the Democratic Party. He was a partisan, yes, but he was first an American.

I saw him develop the great Committee on Government Operations. He was

a chairman who was willing to assume full responsibility, but at the same time take into his confidence the members of his committee through the operation of a very fine subcommittee. So I join with all the others who have expressed their regret and their sadness at the passing of a great citizen of your distinguished city and a great Member of this body.

Mr. PRICE of Illinois. Mr. Chairman, I yield to the gentleman from Connecticut (Mr. MONAGAN).

Mr. MONAGAN. Mr. Speaker, once more the House sits in grief: Time relentlessly takes its toll. Yet seldom is the wound upon this body so deep as that inflicted by the recent passing of our colleague, WILLIAM L. DAWSON.

We have lost not just a respected and admired friend, but also the singular genius of mind and character which inspired the noble person of BILL DAWSON. Destiny's own man, he reshaped his times. All Americans, whatever their origin, are the better for his work.

We here knew him well as an able, dedicated, Member of the House who acted and voted as a friend of the people in the best tradition of the Democratic Party he proudly served and led. Some of us also were privileged to know him as the chairman of a great standing committee of the House, the Committee on Government Operations.

I have always felt deeply grateful to our late chairman for his confidence, when, early in my service, he designated me as chairman of the Special Subcommittee on Donable Property, with oversight of the program through which our Federal surplus property can be donated to schools, hospitals, and civil defense units in all the States. In 1969, Chairman DAWSON appointed me to head the Special Studies Subcommittee, which he himself had chaired in the previous Congress. Part of the work of my present subcommittee is to continue oversight of the donable property program. Chairman DAWSON's sustained support of this special aspect of our committee's work is typical of his devotion to programs aimed at the good of our people at the local level.

BILL DAWSON's service as chairman of the Committee on Government Operations covered nearly 20 years. It was distinguished by fairness, graciousness, and sound judgment. He was a consummate composer of differences, with a keen instinct for the right as well as the possible. His direction of our large and active committee inspired confidence, not controversy.

Fanfare and flamboyance were foreign to him. It was always his desire that the committee speak to the House and to the world through its official reports.

Yet BILL DAWSON's service as a Member of the House and a committee chairman was simply part of a larger service to his fellow men. Service to others was the style and the goal of his life. He never wavered from this, and it kept his great reservoir of moral courage always full.

In fulfillment of his life's goal, he trained and disciplined himself superbly. A soldier and then a lawyer, he sought out positions of responsibility and leadership. He astutely conceived a grand design for carrying his desire to serve to fullest fruition. It was to bring the political process to his people so they might more fairly share in the obligations and benefits of citizenship. In doing so, he also placed himself at their disposal for nearly three decades to meet their needs and espouse their aspirations as their elected representative within the political system.

How well he achieved this grand design is part of modern history and needs no elaboration here. We know that through his help, darkness has lifted from his community and the sunlight of political participation has penetrated to quicken its citizenry, so long held beneath the shadow of prejudice and indifference.

Among his earthly allegiances, love for his country stood at the pinnacle with love for his people. A compassionate and sensitive man, he would, in reflective moments, speak movingly of his hopes and ideals. The pride he justly felt in his race, he would sometimes express through the voices of the Negro poets of America. Their works were near at hand wherever he was throughout most of his life.

Picture in your minds for a few moments our departed comrade as an officer of the American Expeditionary Force standing in the trenches of France. In his hand he is holding a book of poems. Let us now read, and try to feel with him some of the words of immortal James Weldon Johnson from the poem "Fifty Years":

FIFTY YEARS

Full well I know the hour when hope
Sinks dead, and round us everywhere
Hangs stifling darkness, and we grope
With hands uplifted in despair.

Courage! Look out, beyond, and see
The far horizon's beckoning span!
Faith in your God-known destiny!
We are a part of some great plan.

Because the tongues of Garrison
And Phillips now are cold in death,
Think you their work can be undone?
Or quenched the fires lit by their breath?

Think you that John Brown's spirit stops?
That Lovejoy was but idly slain?
Or do you think those precious drops
From Lincoln's heart were shed in vain?

That for which millions prayed and sighed,
That for which tens of thousands fought,
For which so many freely died,
God cannot let it come to naught.

Mr. Speaker, may we always remember and be guided by the example of this great American, our beloved colleague, WILLIAM L. DAWSON.

Mr. PRICE of Illinois. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Speaker, I want to associate myself with the remarks and the tribute of the gentleman from Illinois (Mr. PRICE) about our friend, the late WILLIAM L. DAWSON, who was chairman of the Committee on Government Operations for nearly 18 years. For almost 16 of those years, I served with him as chairman of one of the committee's subcommittees, and came to know him as a personal friend.

BILL DAWSON was the first member of his race to become chairman of a House committee, and he did so at a time when competency and quality had to stand out above racial barriers. That achievement is and will undoubtedly continue to be recorded in our history books. History should also record that BILL DAWSON was a great chairman of a great committee. I am satisfied that he was highly respected by every member of his committee down through the years. He was one whose accomplishments all of us admire and respect.

BILL DAWSON believed strongly that the Government of the United States belongs to the people. He felt that the people are entitled to the best possible performance from those entrusted with the immense power of government and that the people are also entitled to a full accounting of that performance.

Under BILL DAWSON's leadership, the Committee on Government Operations was responsible through the years for saving hundreds of millions of dollars through the elimination of inefficiency, duplication, and waste in Government programs. Even more important, the committee's work has made an invaluable contribution by improving efficiency in the administration of vitally important Federal programs which were enacted by Congress to serve and protect the public.

BILL DAWSON was a stanch Democrat, a one hundred percent one, who served with distinction for many years as vice chairman of the Democratic National Committee. But he did not let partisan considerations interfere in the work of his committee or in his personal relationships with his colleagues. He was an extremely, warmhearted and friendly person, proud of his heritage and very proud to be an American. He had great faith in the future of his race and his country.

BILL DAWSON was especially proud of his committee and its great accomplishments under his leadership. He was unfailingly considerate, generous and helpful to all those serving under his leadership, Democrats and Republicans alike. I am proud of my service with him and under his leadership. He was also a sympathetic and understanding person and a responsible humanitarian.

BILL DAWSON was one of the outstanding congressional leaders of our time, and he was an eloquent, effective and responsible spokesman for his people. But he did not limit his concern and his dedication to any one group. Throughout his long and distinguished career, BILL DAWSON unselfishly devoted his efforts to improving public services and to the advancement of all of his fellow citizens.

He was also a man of great courage and conviction. I doubt that many people outside of his congressional district were mindful of the physical adversity under which he labored. And yet, in spite of it, and physical pain he moved about with great vigor and no complaints.

BILL DAWSON has left behind a great legacy and a great record of public service, one which reflects credit not only upon himself and his family, his race and people of the congressional district he so ably represented for so long, but also upon his State and Nation. He will be greatly missed in this body, especially by those of us who served with him on the Government Operations Committee. My

deepest sympathy goes out Mrs. Dawson and other members of the Dawson family.

Mr. PRICE of Illinois. Mr. Speaker, I yield to the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Speaker, it was not my privilege to serve on the committee with our late colleague, WILLIAM L. DAWSON, but it was my privilege to know him for a number of years and to count him among my firends. I had a great admiration of BILL DAWSON, as other Members of this body had. I not only respected him—we all respected him—but I also admired him because of his characteristics which have been so ably portrayed this afternoon.

He was a great American. He was an ornament to this House and one whom all the Members who knew him regarded as a great and outstanding Member.

Mr. Speaker, I could add nothing to the fine words that have been said except my own testimony of my own personal friendship and my own sympathy for the members of his family.

Mr. GERALD R. FORD. Mr. Speaker, Representative WILLIAM DAWSON, of Illinois, has left a glorious record as a longtime Member of the House of Representatives.

Before coming to Washington BILL DAWSON had an enviable record in the city of Chicago. During his esteemed career in the House of Representatives BILL DAWSON became recognized as an outstanding legislator. His superb service culminated as chairman of the Committee on Government Operations.

I was honored to call BILL DAWSON my friend. We in the House have lost not only a friend but an able legislator who contributed much to make America a better place for all.

I extend to his family my deepest condolences. I regret I was not able to attend those services where his many friends paid their final tribute to a great American.

Mr. BURKE of Massachusetts. Mr. Speaker, I take this opportunity to join with the Honorable Speaker of the House, JOHN W. MCCORMACK, our esteemed majority leader, CARL ALBERT, and the dean of the Illinois congressional delegation, the Honorable MELVIN PRICE in paying respect to a great American the late and beloved Congressman WILLIAM DAWSON of Illinois.

During my 12 years in this Congress I had the opportunity to observe his great and devoted service to our country. BILL DAWSON was respected by all Members of Congress. His steady, well-balanced efforts on behalf of his fellow man earned for him the continued support of the people of his congressional district and he was returned to Congress year after year by a grateful electorate.

BILL DAWSON was a man of courage, determination and with a farsighted view of the problems facing our Nation.

He was a pioneer, he was one of God's great noblemen.

My sympathy goes out to his loved ones at this time of sorrow.

Mr. MONAGAN. Mr. Speaker, after the passing of our colleague, WILLIAM L. DAWSON, a lengthy and informative account of his career was written by Mr. Simeon Booker, Washington bureau chief of Jet magazine. The article, entitled: "Nation Mourns Dawson's Death as Capitol Flag Flies Half-Mast" appears in the November 26, 1970, issue. It describes the many facets of this splendid public servant, our late colleague, and I include portions of it in the RECORD at this point:

NATION MOURNS DAWSON'S DEATH AS CAPITOL FLAG FLIES HALF-MAST

(By Simeon Booker)

The American flag rippled at half-mast against the steel-gray skies above the U.S. Capitol in Washington, D.C. For the first time, Congress honored one of its own deceased Black members—84-year-old WILLIAM LEVI DAWSON of Chicago, the House of Representatives' most aged member and the first Black chairman of a major congressional committee (the House Committee on Government Operations). Rep. DAWSON died of pneumonia in Chicago's Veterans Research Hospital.

For 28 years, "BILL" DAWSON commuted to the nation's capital, first as the House's only Black member during the pre-civil rights days, then as the first champion of voting rights legislation and a confidant of President Harry S. Truman, and later as an aging warrior heading a committee overseeing the spending of millions of U.S. dollars.

In more than a quarter of a century, DAWSON changed little. He never sought headlines, never held press conferences, never issued information releases and never jumped in the front row of the civil rights movement. "I'm a politician," he told colleagues. "It's not always the people getting headlines who count. Sometimes you get things done quietly because you've got the right contacts and the right kind of political pressure."

The record of what DAWSON did during his long legislative career probably will be limited to what has already been published—his courageous House speech on nondiscrimination in the Armed Services, his early efforts to influence Blacks to vote in the South and, later, his behind-the-scene aid on voting legislation, his toppling of Mayor Martin Kennelly in the Chicago mayor's race in 1955, his refusal of the Postmaster General post in the Administration of the late President John F. Kennedy and his gallant personal battle against the infirmities of age while trying to hold together his powerful South Side operation—the most effective political machine ever put together by a Black or white man. For the last few years, DAWSON was a man rarely seen in public—except at the important functions of his Chicago political organization.

"He was sick but his mind was razor sharp," said an aide. "He was always shrewd. He realized what was happening, and quietly he tried to stave off a complete collapse of the work of a lifetime—his vote-getting machinery." With newspapers speculating about the future of his team—and its ability to elect candidates—in a growing civil rights-minded community, DAWSON handpicked Cong.-elect Ralph H. Metcalfe as his successor and began to shift responsibilities. For the present, the operation is ship shape—not likely to sink. But one point is clear—no one will wield the power of the man who gave former clerk Richard J. Daley the boost he needed to become Chicago's mayor and the most powerful politician in the Midwest.

The growing number of Black mayors of major cities—except in Chicago where DAWSON's machine became part of a citywide effort—was a political reality DAWSON envisioned years ago. Described as a "master politician," DAWSON believed—and proved it—that Blacks in low-income areas could be mobilized into a hearty vote task force. There were difficulties. Many residents were new arrivals from the South where the balloting was a luxury or a denied opportunity. There was the abnormal degree of vice and corruption. There was the problem of poverty and welfare.

DAWSON's political thrust encompassed these factors with programs specifically designed to woo and encourage these major groupings, from eligibility for welfare to Thanksgiving baskets, from municipal jobs based on ability to rack up votes as a precinct captain to nomination for high office because of loyalty and financial support. DAWSON was an early foe of permissiveness. His discipline was hard and cold. No one contradicted him. None defied him. The penalty was exclusion and sentence as an outcast. Sometimes his actions veered on ruthlessness, but DAWSON felt that it was necessary to "run an efficient organization."

Chicago's South Side was DAWSON's fiefdom—and no one successfully invaded this area for any reason without a personal approval from "The Man." Even the late Nobel Peace Prize winner Rev. Dr. Martin Luther King Jr. found his slum program running into trouble because of DAWSON's decree. A friend said that "King couldn't make it in Chicago when his program aroused DAWSON organization suspicion that it could become a threat to his political survival."

From his Chicago base, DAWSON became an absolute national power during the Truman years, perhaps, the only time he maintained rigid control over national Democrats. As vice chairman of the Democratic National Committee, he personally approved Blacks for high office, from Judge William Hastie to housing aide Dr. Robert C. Weaver. President Truman counted on DAWSON for advice, counsel and his ability to "control Blacks."

During this period, Dawson experienced his first disagreements with civil rights groups and with Harlem's Rep. Adam Clayton Powell Jr., who bitterly assailed Mrs. Truman as "the last lady of the land" when she accepted a Daughters of the American Revolution (DAR) invitation. The DAR refused to allow Blacks to use its Constitution Hall. Dawson was outraged at Powell's conduct.

He was never identified with economic or civil rights forces. But always he voted for such measures and quietly lined up support in the corridors. His real strength lay in his ability to negotiate with powerful Southern members, some committee chairmen. He liked to tell about his early encounters with Dixie lawmakers. He would approach them and say, "Hello." At first his greetings were ignored. Then after a few encounters, the Southerners would speak, then talk to him. Many times, he would trade favors, getting Southerners to absent themselves from the chamber so as not to oppose legislation. On the other hand, Dawson was one of the early contributors to civil rights forces in the South. He would contribute money but would ask that no mention be made of his gift.

JFK ALSO OWED DAWSON

The 1960 election of President John F. Kennedy, perhaps, was the turning point in Dawson's career. Dawson's help in Chicago voting gave the Kennedys a big lift. The President-elect wanted to show his thanks. JFK put out the word that Dawson was being considered for the Postmaster General post, a first (for Blacks) and a key political role.

Finally, Dawson acknowledged that he "would not give up thousands of votes for a single vote" in turning down the Cabinet post.

The increase in the number of Black congressmen also diluted Dawson's power. The Albany, Ga., native who worked his way through Fisk University and the Kent Law School was a hero for a generation that had suffered through segregation and seen Dawson rise to the occasion.

THE DAWSON SPEECH THAT BEAT BIASED BILL

Attacking the Winstead Amendment which favored segregation in the armed forces, Congressman Dawson's impassioned plea on April 12, 1951, so moved lawmakers that some white Southerners joined in to send the amendment to defeat by a 178 to 126 vote. The excerpted speech:

"How long, how long, my conferees and gentlemen from the South will you divide us Americans on account of color? Give me the test that you would apply to make anyone a full-fledged American, and by the living God, if it means death itself. I will pay it. But give it to me. Why should this body go on record at a time when we are fighting a world war to brand a section of its citizenry as second class? I have sat in the well of the House and I have seen you gentlemen from the South, and rightly so, applaud members of other races—nonwhite races—who were darker than I am. I have seen you applaud them, yet you will take me, a citizen of the United States, of your own flesh and blood, and brand me with second-class citizenship.

"If there is one place in America where there would not be segregation, that place is in the armed services, among those who fight for this country. Oh, I know how some of you feel; but there is but one God and there is but one race—all made in the image of God. I did not make myself Black any more than you made yourself white, and God did not curse me when He made me Black any more than He cursed you when He made you white. I would give up this life of mine to preserve this country, and every American in it, white or Black. Deny to me today, if you will, all that American citizenship stands for, I will still fight to preserve our nation knowing that some day—under the Constitution of the United States—all of these restrictions will be removed, and that we will move forward before the world as one people—American people—joined in a democracy which shall set the pattern for all the world.

"I say to you who claim to love America, in this hour of its stress, that the greatest argument the Soviet Union is using among the Black peoples of this world—to turn them against you—is your treatment of me, and Americans like me. No, I do not believe this body means to go off on this tangent . . .

WORDS OF WISDOM FROM A MASTER POLITICIAN

On the GOP's 1948 slogan: "It's time for a change," because the Demorcats have been in power too long: "How long is too long when a thing is good?"

On his devotion to politics: "Politics with me is a full-time business. It is not a hobby to be worked on in leisure hours, but it's a job—a full-time job that pays off only if a man is willing to apply the energy, start from scratch and profit by his experiences."

On Blacks voting: "We have the numbers. We are the largest ethnic minority in America today, but we must be made to understand the power of the vote. The unfortunate thing about it is that the Negro, who was forced to come up under a system of slavery, was successfully brainwashed politically. Our right of ballot has been paid for in blood."

On the charge by the opposition that everybody hates him: "Nobody loves me but the people."

On his philosophy of life: "Don't get mad. Get smart!"

On strategy applied through the ballot: "You're getting powerful when you have something they both need. If you have the vote they will make a beaten path to your door."

On tact: "If you learn to handle the men, the right ones—all men for that matter—you can get what you want."

On money and politics: "I never took a penny from anybody. If you take money you become obligated. It puts you in the position of owing a favor. I've done favors for many people . . . So that always placed me in the position of being owed a favor. Those favors add up to votes."

On gambling: "If anybody is to profit out of gambling in the Negro community it should be the Negro. It is purely an economic question. I want the money my people earn to stay in the community."

On being called 'Uncle Tom': "How is it that after fighting all my life for the rights of my people, I suddenly awaken in the September of life to find myself being vilified and abused, and those who know me well and what I have stood for are accusing me of being against civil rights . . . Name calling and playing the grandstands is not the way to get things done here on Capitol Hill."

Mr. HOLIFIELD. Mr. Speaker, WILLIAM LEVI DAWSON, late chairman of the Committee on Government Operations of the House of Representatives, vice chairman of the Democratic National Committee, Representative in Congress from the First District of Illinois for 28 years and committee chairman for 20 years, was generally recognized as one of the most influential political figures in the United States in recent years. His influence in the highest councils of the Nation was enormous; his strength among the voters in his district and in his home city of Chicago was overwhelming. He dedicated his life to promoting the welfare, the strength and the dignity of his people and of his Nation, both of which he fervently loved. His career reflected his own ability and drive as well as the opportunities afforded by the American tradition.

Born in Albany, Ga., on April 26, 1886, 23 years after President Lincoln signed the Emancipation Proclamation and less than 21 years after the 13th amendment abolished slavery in the United States, WILLIAM L. DAWSON was the grandson of a slave. Fortunately, his father Levi Dawson, and his mother, Rebecca, realized the value of a good education and were determined to do all that they could to see that their children received such an education.

Working his way through school, DAWSON attended Albany, Ga., Normal School in 1905 and graduated from Fisk University, magna cum laude in 1909. With 50 cents in his pocket, he arrived in Chicago in 1912, determined to make his way and to continue his education.

In 1915, at the age of 29, he entered Kent College of Law in Chicago. Even though he was over the draft age, he interrupted his studies in 1917 to volunteer for military service. He was sent to Officers' Training School at Fort Des Moines, Iowa, where he was commissioned as a second lieutenant. Subsequently, he was promoted to first lieutenant.

In February 1918, he was assigned to Company E of the 365th Infantry and embarked for France. Immediately landing at Brest the company went to the Vosges Mountains under the command of Colonel Caldwell. After a few weeks of training behind the lines, Lieutenant Dawson's outfit engaged the Germans in the Meuse-Argonne, Marbach and Pont-à-Mousson sections.

During the campaign, Congressman DAWSON was gassed and wounded.

Peace declared, the veteran returned to America in 1918 and was honorably discharged in June. He resumed his law studies at Northwestern University and enjoyed the distinction of being admitted to the bar while still a student. He began the practice of law the following year.

In 1922, he met and married Miss Nellie Brown of Washington, D.C., daughter of the late Reverend Father Thomas Brown, then rector of St. Luke's Church in that city. To that union two children were born, William L., Jr., and Barbara Anne.

After having practiced law successfully for several years, Congressman DAWSON entered active politics in 1928 with an unsuccessful race for Congress. He became Republican State central committeeman for the First Congressional District of Illinois—which is the district he represented. In 1933 he was elected alderman from his ward and held the position until 1939.

During this period of national economic crisis, he came to realize that of the two parties, the policies and programs of the Democratic Party were keyed much more closely to the needs and aspirations of his people. Always a realist, the improvement of the physical well-being of his Negro constituents has constantly been a matter of major concern to the Congressman.

Having decided on the change, he became Democratic committeeman from the Second Ward in 1939, a position he held proudly. In 1942, he ran for Congress and won by less than 3,000 votes. In later elections his margin became overwhelming. In 1966, for example, he received 91,119 votes to his opponent's 34,421.

In 1948, he was elected vice chairman of the Democratic National Committee, the first Negro to hold this position, and thereafter he was very active in the national affairs of the party and in shaping party policy. He led successful campaigns to register Negro voters and to persuade Negroes to run for office. In 1948 his fundraising drive among Negroes played a key part in the Truman victory. In 1960, he seconded the nomination of the vice-presidential candidate, Lyndon B. Johnson. After the 1960 election, President-elect Kennedy announced that he had offered Congressman DAWSON an appointment as Postmaster General, but that he had decided to remain in the legislative branch of the Government.

In 1949, the House of Representatives chose Congressman DAWSON to be chairman of the Committee on Expenditures in the Executive Departments—subsequently the name was changed to Committee on Government Operations. Excluding a 2-year break in 1953–54, he held that chairmanship for 20 years.

Early in the morning of November 9, 1970, our beloved chairman passed away quietly in his sleep at the Veterans' Research Hospital in Chicago. At the age of 84, he had been ill for some time, but thankfully his last days were comfortable and he departed this life in peaceful calm.

A memorial service was held at the Progressive Baptist Church in Chicago

on November 12. Many of BILL DAWSON's friends spoke of his achievements and of his character.

I was impressed by the central and unfailing themes that ran through the various remarks. Those were his selfless devotion to his country and to his people; the real genius of his political leadership; and the gentle but firm nature of his character.

BILL DAWSON told his friends: "Don't get mad—get smart." He taught his people in Chicago and throughout the Nation how to use the established political machinery. His efforts as Congressman and as vice chairman of the Democratic National Committee paved the way for the thousands of Negro office holders and the millions of Negro voters we have today—and paved the way for the great breakthrough in civil rights which has occurred since the Second World War.

BILL DAWSON taught his friends to love, not to hate. He told them:

I can hate no man because of his color or his race—and if anyone hates me, well, let him take it up with God, because God made me what I am.

We, his colleagues here in Congress, loved and respected BILL DAWSON as perhaps no other man. In the many years we have known him we never heard him say a harsh or mean word about any other Member; and even more remarkable, we have never heard any Member speak a harsh or mean word about him.

During his 20 years as chairman of the Committee on Government Operations and its predecessor Committee on Expenditures, he led it from a position of relative obscurity to its present status of one of the most important committees of the House. During his chairmanship two major departments were created and many reorganizations were made in the executive branch, including the creation of the present Government of the District of Columbia. All of these were under the committee's jurisdiction. The committee also has taken the lead in bringing about improvements in agency auditing and accounting systems, in the availability of Government information, in consumer protection and in the field of intergovernmental relations.

Economy and efficiency were Mr. DAWSON's watchwords—and in the 90th Congress and first session of the 91st, for example, the committee brought out or contributed to saving the taxpayers over $4 billion.

Another BILL DAWSON's characteristics was his generosity toward younger members of the committee. Many times he designated them to chair special subcommittees or inquiries into important matters or to introduce and manage important legislation. He never used the committee for his own benefit or aggrandizement. He devoted his life and his energies to helping others—in his district, in his State, and throughout the Nation.

Mr. Speaker, I have lost a fine friend and a great colleague. I served with BILL DAWSON in Congress and on the Government Operations and its predecessor committee for 28 years. I can say without the slightest doubt that he had the love and respect of every Member I have known. His unfailing consideration and courtesy—and his devotion to his fellow man—had no boundaries of race, religion, or party. He knew that we must all rise or fail together, and he worked to make our Nation a better place for all free men.

Mr. Speaker, I place in the RECORD one of Mr. DAWSON's many profound statements. It was made on April 12, 1951, when he successfully opposed an amendment to the bill extending the draft which would have legalized racial segregation in the armed services:

THE 1951 AMENDMENTS TO THE UNIVERSAL MILITARY TRAINING AND SERVICE ACT

The House in Committee of the Whole House on the State of the Union had under consideration the bill (S. 1) to provide for the common defense and security of the United States and to permit the more effective utilization of manpower resources of the United States by authorizing universal military training and service, and for other purposes.

Mr. DAWSON. Mr. Chairman, I was born in the South. I lived there all during the days of my young manhood. When World War I broke out I was above the draft age. I did not have to go, but I believed then as I believe now that it was the duty of every citizen, when the welfare of the nation in which he claims citizenship is at stake, to rally to the call and to give his life, if need be, for the preservation of that nation.

I went to war. I was commissioned WILLIAM L. DAWSON, first lieutenant of infantry. I led Americans in battle—black Americans. This mark you see here on my forehead is the result of German mustard gas. This left shoulder of mine is today a slip joint. I cannot raise this left arm any higher than the shoulder unless I lift it with the other hand. That would have been a good joint, hospitalization would have been available, if I had not been a Negro American. I served in a segregated outfit as a citizen trying to save this country. How long, how long, my conferees and gentlemen from the South, will you divide us Americans on account of color? Give me the test that you would apply to make anyone a full-fledged American, and by the living God, if it means death itself, I will pay it. But, give it to me. Why should this body go on record at a time when we are fighting a world war to brand a section of its citizenry as second class? I have sat in the well of this House and I have seen you gentlemen from the South, and rightly so, stand up and applaud members of other races, nonwhite races, who were darker than I am. I have seen you applaud them, yet you will take me, a citizen of the United States, of your own flesh and blood, and brand me with secondclass citizenship. If there is one place in America where there should not be segregation, that place is in the armed services, among those who fight for this country. Oh, I know how some of you feel, but there is but one God and there is but one race of men all made in the image of God. I did not make myself black any more than you made yourselves white, and God did not curse me when he made me black any more than he cursed you when he made you white. I would give up this life of mine to preserve this country and every American in it, white or black. Deny to me today, if you will, all that American citizenship stands for. I will still fight to preserve our Nation knowing that someday under the Constitution of the United States all of these restrictions will be removed, and that we will move forward before the world as one people, American people, joined in a democracy which shall set the pattern for all the world.

I say to you who claim to love America, in this hour of its stress that the greatest argument the Soviet Union is using among the black peoples of this world to turn them against you is your treatment of me and Americans like me.

No; I do not believe this body means to go off on this tangent, and I believe you who come from the South, if you would look back a little bit, would never, never again take a step to handicap any one of God's children for what they are. I believe that the South is big enough for all of us to live in together in peace and in happiness if we can but have understanding; but we cannot have understanding if you array one against another because of color.

I hope you will vote for the Price amendment.

Mr. DIGGS. Mr. Speaker, 16 years ago, the tower of political strength and experience known as BILL DAWSON came to Detroit at a critical point in the campaign of a young State senator who aspired to become the first black congressman from Michigan, and from a district that was 65 percent white. He renewed our confidence and quickened our steps on the road to victory.

As I stand here today, 16 years and 12 black congressmen later, I am reminded of the countless ways in which he has contributed to my own personal growth and enlightenment. He has infused my blood with his quiet strength, his vision, his pragmatism and above all, his genuine devotion to improving life for the neglected.

The era covered by his singular service has witnessed some of the most significant developments in the history of black people and BILL DAWSON has been constructively identified with many of its highlights but not always with due credit. Let me list a few: The rise of black political consciousness in the North—the pioneering of black voter education in the South—the recognition of the political rights of women—the importance of forging alliances with other groups for the common good—the decolonization of our Nation's Capital—the desegregation of our Armed Forces—the acceptance of black political talent in appointive positons at all levels—the development of black independence, and financial responsibility in the political process. These facts should be a source of pride and consolation to his grieving family and friends.

Only a tiny handful of men have influenced the implacable forces of our time. To this small circle of the truly great, BILL DAWSON belongs. Consulted by presidents, and the respected confidant of other high-ranking officials, vilified by demogogs, resistant to discouragement and disillusionment, he demonstrates to our younger rebels that age and flamboyant style are not necessarily relevant in measuring the quality of leadership, that patience with persistence, discipline with determination, temperance with toughness, and humility with honor also can be useful revolutionary tools.

For these reasons and volumes more, we pay homage to him today. Finally, however, this occasion serves more than the purpose of according "our chairman" the memorial tribute he has earned—for he has already been to the

mountaintop. It serves a further purpose—to bequeath me his legacy as the new vice chairman for minorities of the Democratic National Committee, to bequeath to his distinguished successor Ralph Metcalfe his legacy of service to the first Congressional District of Illinois and to bequeath to us all of his fathomless capacity for integrity, dedication, and faith in a system of government which despite its acknowledged imperfections, still remains the standard of the world.

Thank you, BILL. Goodby and God bless you, Mr. Chairman.

Mr. KLUCZYNSKI. Mr. Speaker, all of us are greatly saddened by the death of our friend and colleague, the late Representative WILLIAM L. DAWSON. The oldest Member of Congress, his career reflected a lifetime of service, courage, leadership, and selfless dedication.

When he was first elected in 1942, Representative DAWSON was the only Negro Member of Congress. Later, he became the first Negro to chair a committee in the House of Representatives. But WILLIAM DAWSON earned the respect and admiration of all who knew him first as a fine man and an outstanding Congressman, and only second as a member of a minority group. In 1960 he turned down the chance to become the first Negro member of the Cabinet when President-elect John F. Kennedy asked him to serve as Postmaster General, feeling he could be more effective by remaining in Congress as a committee chairman. I believe this was a superb example of the self-sacrifice and integrity which characterized his political career.

Representative DAWSON's constituents demonstrated their pride and respect for him by returning him to Congress with majorities of over 80 percent in each election. He earned it, not just by his leadership as their Representative but as a leader for all the people of this Nation. His career will stand as a shining model of patriotism and courageous leadership, as an outstanding chairman of the House Government Operations Committee, as a member of the House District Committee, and as vice chairman of the Democratic Party.

I join my colleagues in mourning the tragic loss of this great man and dedicated public servant. He will be sorely missed by those of us who knew him and worked with him, particularly the Illinois delegation, by the constituents he served so ably for so many years, by all the friends and admirers who grieved with his family during the painful months of his last, long illness. To his bereaved widow and children, Mrs. Kluczynski and I extend our heartfelt sympathy and sorrow.

Mr. GALLAGHER. Mr. Speaker, as a member of the Committee on Government Operations, I feel a special sense of loss and sadness today as the House pays richly deserved tribute to the memory of WILLIAM DAWSON. During my years of service under his inspired and gracious leadership, he never once departed from high standards of courtesy and integrity. His chairmanship of our committee was a model of evenhanded justice and openhanded generosity, especially to the younger members of the committee. Personally, I am of course very grateful to BILL DAWSON for permitting me to bring my concerns over many dehumanizing aspects of modern life into the national arena through the Special Subcommittee on Invasion of Privacy and certainly much of the wide public knowledge of these crucial issues is a direct result of his wisdom and foresight.

But, Mr. Speaker, in a far deeper sense every American has cause to be grateful to the gentleman from Illinois, the Honorable WILLIAM L. DAWSON. He was the first member of his race to assume the chairmanship of a major committee and the distinguished record of the Committee on Government Operations is a living testimony to the reality of the American dream of equality and brotherhood. It is especially relevant at this time of discord and disillusion on the part of so many of our fellow citizens to remember the career of WILLIAM DAWSON and to be instructed by it.

Mr. Speaker, America has lost a noble servant, the House has lost an effective Member, and I have lost a dear friend. BILL DAWSON will be remembered and revered by all who knew him and his courage and inspiration will bring hope to all who follow him in these Chambers.

Mr. MICHEL. Mr. Speaker, the recent passing of the Honorable WILLIAM L. DAWSON marks the third time during this 91st Congress that a member of our Illinois delegation has been taken from us. Previously we were all saddened by the death of our colleague, Dan Ronan, and of course, the death of Senator Everett M. Dirksen was a blow not only to our State but to the entire country as well.

Congressman DAWSON was a neighbor of mine in the Rayburn Building for the past 3 years but I had the privilege of knowing him and working with him for many years before that and found him to be a man of strong character, most able, conscientious and hard working—an outstanding man in all respects.

He was certainly not one of the more vocal members of this body but instead worked very quietly and efficiently for what he believed and for what he considered to be in the best interests of the country. He received his share of criticism from some quarters for his "low-key" style of fulfilling his duties as a Member of Congress but BILL DAWSON held no rancor or hatred of those who would criticize—indeed his efforts gave strength to a philosophy expressed in his own words—"to prove with effective leadership that God didn't handicap me by making me black."

What a message there is in those words for that small minority of militant young black men around the country who never seem to miss an opportunity to damn this country and all of its institutions.

To say that we regret his passing is an understatement. Our State of Illinois will miss him greatly. He came from little people. He shared their vicissitudes, their struggle. He overcame his own humble surroundings by maintaining a belief in himself and his cause. The lessons he learned from his humble background carried through later on in life and helped to prepare him for the position of leadership in the House of Representatives which he was to achieve.

His life should stand as an example to all of the black youth of our country. His life presents a striking example of the opportunities that await those young people who have the initiative to seek and the fortitude to persevere, no matter the odds and no matter the station in life from which they rise. They should know, as did Congressman DAWSON, that the door is open to those who choose to venture.

BILL worked his way through college and then on to law school. After serving in World War I, where he was wounded, he returned to Chicago, entered politics, and in 1942 was elected to the Congress, remaining in office until his death.

I know that Mrs. Dawson and other surviving relatives and friends take great consolation in the knowledge that their loved one played a very important part during his lifetime of public service in writing the history of our great country.

I shall miss him very much and extend to his family the profound sympathy of Mrs. Michel and myself in their great loss and sorrow.

Mrs. DWYER. Mr. Speaker, in adding my voice to the many who pay tribute to our distinguished colleague, WILLIAM LEVI DAWSON, I also mourn the loss of an old and valued friend. For almost 14 years I served with him on the Committee on Government Operations. During that entire period he was chairman of the committee and since 1965 I have been the ranking minority member.

From the very beginning I was impressed by the gentle dignity and grace with which he presided over our convocations—a dignity and a grace which I came to realize were but manifestations of an inner faith and strength that freed him from the shackles of doubt and insecurity. He was calm because he felt no need to justify his relevancy. Knowing that there was much to be done, he reached for power only to serve more effectively. Having realized it, he exercised it with such absence of ostentation that the full dimensions of his effectiveness may never be known.

If he appeared to be above the battle, it was because he fought without heeding the wounds. He knew discrimination but there was no evidence of any bitter residue in his heart. He had a keen sense of responsibility not only to his own people, but to the committee, to the Congress, and, indeed to all Americans. While I have observed that he was preeminently loyal to his own commitments, I have also observed that, in the realm of politics, where he served as a member of the majority, that the breadth of his awareness was such that it took into account the minority as well—its point of view, its needs, and its obligations to the people it represents. Mine will always be a proud and warm memory of achievements shared with him.

But it is the personal separation, the absence of a friend, that I shall feel most keenly. Our association was the sum total of many personal encounters, each one invested with dignity, mutual respect, good intentions, and good faith. He always showed my preferences and requests great consideration and fulfilled

them when he could. The fairness and kindness he always showed me will never be forgotten and I am sure that I speak for all of the minority members of the committee when I say that the personal component of our relationship with our late chairman has been a cherished experience for us all.

Mr. Speaker, to Mr. DAWSON's widow, Mrs. Nellie Brown Dawson, his son, William Levi, and his daughter, Barbara Ann, I extend my sympathy as one of his many friends who share with them a deep sense of loss.

Mr. BROOKS. Mr. Speaker, by the noblest standards of any age, WILLIAM L. DAWSON truly met the tests of his time. A gallant and gracious man, he dedicated his life to the service of people—all the people of this Nation, and freedom-loving people everywhere.

For those who had the honor to know him personally, his passing is an even greater loss. He was a delicate blend of power, strength, gentleness, and compassion that brought warmth and encouragement to those about him.

"BILL" DAWSON was a real fighter, a man of tremendous energies. On many crucial and controversial issues, he worked quietly without the fanfare of personal publicity and often without any credit, but with extreme effectiveness in seeking solutions reflecting the best interests of this Nation.

From the time I entered Congress some 18 years ago, I had the pleasure of serving with him on the Government Operations Committee. His service as chairman of this important committee will stand as a landmark of fairness and understanding to the Members who served with him.

He was my friend. And, I join with others who knew him and with the Nation generally in mourning his death.

Mr. FINDLEY. Mr. Speaker, it is with sadness that I join my colleagues in mourning the death of WILLIAM DAWSON.

I had the opportunity to serve on the Government Operations Committee for the past 2 years, and to view first hand the accomplishments and contributions which can be attributed to WILLIAM DAWSON's chairmanship of that committee since his being named to the position in 1949. Although the past few years have found him in ill health, the foundation of leadership he established has served as an inspiration for the many important proposals which have been reported by that committee in the 91st Congress.

Although offered a Cabinet post by the late President Kennedy, Mr. DAWSON preferred instead to remain in the House to continue to represent the people of the First District of Illinois. During his 28-year tenure in the Congress, he served his State and Nation well. I admired his forthrightness and integrity in following through on his decision to get the job done, whatever the task may be. This I am sure was due to his long struggle which took him from humble beginnings as the grandson of a slave, to graduating magna cum laude from Fisk University, and the ultimate honor of chairmanship of a powerful House committee.

BILL DAWSON will be very much missed by his colleagues, and my heartfelt sympathy is extended to his family in their loss.

Mr. JONES of Alabama. I join with my colleagues in paying tribute to Hon. WILLIAM L. DAWSON.

As a member of the House Government Operations Committee of which he was chairman, I knew of his interest and concern for the problems of water pollution and improvement of the quality of life in all parts of the Nation. He was always anxious to support meaningful efforts which held promise for advance, great or small.

Chairman DAWSON had a keen appreciation for economy and efficiency in Government and he inspired and lead his committee's examination and exposure of ineffective practices regardless of which party occupies the Executive Office.

His long record of service and the overwhelming majorities by which he was returned term after term testify to the considerable and detailed attention he paid to his constituents and their problems. Yet, he was never parochial in his view of great national problems which came to him for a decision.

He served his country with unusual distinction through his endeavors in this House.

He achieved great heights in his devoted efforts for betterment of his area, his country, and his fellow man.

His wife and family have my sincere sympathy in their great loss.

Mr. FASCELL. Mr. Speaker, I consider it a privilege to honor the memory of our distinguished colleague and committee chairman, WILLIAM DAWSON. His outstanding contributions to our Nation were not confined to more than a quarter century of service in this Chamber; rather, WILLIAM DAWSON's whole life stands forever as a monument to dedication, integrity, and leadership.

This quietly effective man overcame obstacles which would have conquered lesser men. Espousing moderation when others cried for revenge, he once remarked:

> The Negro is the best politician. He has seen and felt too much to be fooled.

From the frontlines of Europe in World War I to the second ward and city council of the great city of Chicago, WILLIAM DAWSON exhibited gifted leadership all too rarely seen in these critical times.

Those members who were privileged to serve on the Government Operations Committee under his chairmanship will particularly miss the benefit of his expertise and counsel. I know how much his leadership has meant to me over the past 16 years as a member of his committee. The simple dignity of this religious man impressed us all. We were lucky to have him with us.

WILLIAM DAWSON became a confidant of Presidents, but never lost the view from the city streets. He was respected in this Chamber as few have been before him for his honesty and courage. We cannot replace him but his example of leadership and achievement will honor his memory by inspiring millions.

Mr. Speaker, I join with our colleagues in mourning the passing of this able man, this trusted friend. And to Congressman DAWSON's family I express my deepest sympathy.

Mr. ROSTENKOWSKI. Mr. Speaker, the passing away of BILL DAWSON is a tremendous loss, not only to the people of the district he so devotedly served, but to the country as a whole. Very few men have contributed so much in their lifetime as to have truly changed our times; but, BILL DAWSON was one such man.

I could mention the many "firsts" that BILL DAWSON achieved in the 28 years that he served in this body, but they are known to us all. In fact, they are really not that important to me because I know that they never really concerned BILL that much. BILL's "first" was being a man. And, that he always was—a good man—a good, strong man. It is sad that more people did not have the opportunity to really get to know BILL DAWSON. For, underneath that quiet facade, was a complex and determined, yet thoughtful, man, who constantly strove to move ahead. He worked hard for his people and he served them well.

I am glad that I had the chance to get close to the real BILL DAWSON, to get to know the man, to get to know his hopes and his dreams. I only wish that in carrying on the work of this man, we can be half as dedicated and half as determined as he was. For, if we are, we will accomplish a great deal.

The man's final rites were indeed a tribute to the way he had lived. BILL DAWSON was laid to rest in a ceremony truly fitting of the man. It was humble, yet proud. It was simple, yet powerful. Its participants were from all walks of life, yet all were united by the strength of friendship. Friendship with a man whose actions had truly defined the meaning of the word. At this service, John H. Sengstacke, editor of the Chicago Daily Defender, delivered a very moving eulogy to his friend, BILL DAWSON. I would like to insert his words here, at the end of my remarks, for I feel that they go far toward expressing what a lot of us feel today:

REMARKS BY JOHN H. SENGSTACKE

I would rather have remained silent on this sad occasion and mourn quietly the loss of a great and true friend. For sorrows are often better borne in personal silence than in the emotional outburst of the spoken word. But there are duties higher than personal inclinations. And I humbly bow to the requirement of this moment.

This is one of the saddest moments in my life. Congressman Dawson was my friend when I needed one. I shall never forget during my fight for control of the Defender in the early forties when I had to leave the city on a crucial matter, Bill Dawson insisted that I go and agreed to stay in my office all night until I returned the next morning. This he did.

I suppose many of you here could give similar testimony. There is no doubting the fact that as Representative of the First Congressional District, William L. Dawson did more good, more favors for more people than any other man that I know in public life.

He went beyond the boundaries of his constituency, outside the geography of his district and ward to help those who came to him when the burden was too heavy for them to bear alone. It is inspiring to know that

politics can produce public servants such as he proved himself to be. I am saying something that most of you already know that William Dawson had a great soul. He served this community beyond appraisal. No one was ever too small, too poor for him to see, to talk with and to help in distress. And though he had reached the pinnacle of power in a job where brickbats usually outnumber thanks, he never lost the common touch. He had the humility of an Old Testament prophet and held steadfastly to those simple yet fundamental Christian virtues of Love, Faith and Charity. He had deep religious convictions which kept him cheerful through stress and storm. He believed that the American people possessed the enduring qualities that transmute darkness into light, despair into hope, sorrow into joy. He did not believe that we are at the bedside of a nation in death agony.

Twenty-eight years is a long time to serve in Congress. But as the shadows lengthened over his years, Dawson's confidence, his hopes and dreams were undimmed. The confidence he had was—that with advancing knowledge, toil will grow less exacting; that fear, hatred, pain and tears may subside.

Allow me this observation: We live in a world that often distorts truth; a world whose memory is inordinately short. Thus, it is that men and women after having rendered their services to humanity and civilization are often quickly forgotten.

Congressman Dawson's life and work won him a place in American history that will stand for all time.

Mr. MIKVA. Mr. Speaker, BILL DAWSON was never known as an oppressive man; he was never considered overbearing. Recently, his voice was not one of the loudest on the floor of the House. Yet, with the passing of BILL DAWSON, one of the institutions of this body and a dedicated fighter for his people is gone.

Though by today's standards he was not considered a militant, what never should be forgotten is that BILL DAWSON was an outspoken voice in the House when he arrived in Washington as the only black Representative in 1942. In what may have been his finest hours in public life, in 1942 he actively opposed the poll tax and during the Korean war, openly pointed to the necessity of integration in the Armed Forces.

Usually preferring to operate on a personal level, BILL often said that his mission was to win friends for his race and understanding for black grievances. His political philosophy was one geared to enable him to rise within the American political system, for he believed that blacks would pull themselves up in American society only after they became politically powerful. His life exemplified this belief. He was a man who worked within this system of Government and rose to be one of the controlling forces in it.

In Chicago, where he easily won reelection to each of his 14 terms, he fought to open more job opportunities for blacks and won more recognition for blacks within the Chicago Democratic Party. The door to his district office was always open to any who needed help—the same people who for years had been disregarded. There are more black judges, legislators, and other officials because of BILL DAWSON's efforts.

To the people in his district and State of Illinois, his loss is a great one, for he was a dedicated public servant who did all he could to solve the most important domestic problem facing us all.

Mr. ANNUNZIO. Mr. Speaker, the death of Congressman DAWSON has brought great sadness and a sense of loss to all of us. His colleagues on the Illinois delegation; his constituents, whose loyalty returned him to Congress with 80 percent majorities in each election since the first in 1942; his friends and admirers in Washington and in Illinois; those of us who knew him and worked with him here in the House of Representatives—all of us will miss him greatly. The passing of someone with whom you have worked and shared the burdens and sense of accomplishment of daily legislative endeavor toward common goals always comes as a tragic shock, and I think this is especially so in the case of our late friend, WILLIAM DAWSON.

BILL's life stands as a stirring testimony to the fulfillment of America's promise to all our citizens, rich and poor, from every race and creed and walk of life. He worked his way through college and law school, never losing sight of his true goal.

He used to say:

I wanted to prove through effective leadership that God didn't handicap me by making me black.

Few men have held with such dedication to a lifelong purpose. His success is measured in the respect, admiration, loyalty, and affection of all who knew him, and the outstanding contribution he made during his life as a public servant toward community leadership, constructive legislation, and better understanding and communication between the races.

BILL served in the Congress of the United States for 13 terms and was a member of the House District Committee as well as chairman of the powerful Government Operations Committee. During his distinguished career, he had served as Illinois State Central Committeeman, alderman, and committeeman of the second ward, secretary of the Democratic Congressional Committee, vice chairman of the Democratic National Committee, and vice chairman of the Cook County Central Committee.

It is a profound loss to our country when a fine man and an outstanding public servant like WILLIAM DAWSON passes away. But in his lifetime he set an example of devotion to public service and leadership which inspired those around him to finer efforts and others, perhaps, to follow in his path. Our country can truly take pride in the kind of citizenship that he demonstrated, for it was in the tradition that has made this the greatest nation in the world.

We remember BILL as a man of quiet dignity and granite integrity—a man respected and loved by all who knew him. He moved among us as one with whom we could always communicate, even as he championed the cause of the victims of poverty, ignorance, and injustice. By his example he gave new dignity and fresh hope to millions of our fellow Americans, black and white alike. To some degree, our whole Nation and people will remember and take heart from the message of his life.

Mrs. Annunzio joins me in extending to his widow, Mrs. Nellie B. Dawson, his daughter, Mrs. Barbara Morgan, and his son, William L. Dawson, Jr., our personal and deepest sympathies on the loss of their beloved husband and father.

Mr. SHIPLEY. Mr. Speaker, I join my colleagues in paying tribute to our departed colleague, the late Honorable WILLIAM L. DAWSON.

WILLIAM DAWSON was an able, articulate, and dedicated public servant. He served this House, the people of Illinois, and the Nation honorably and he will be missed by all of us who knew and worked with him.

WILLIAM DAWSON was a distinguished and capable legislator and a great American. His faith in the ideals upon which this country is based was always evident by his word and deed. We are all appreciative of the fine contribution he made to the development and preservation of America.

I extend my deepest sympathy to his family.

Mr. FRIEDEL. Mr. Speaker, I rise to join in the tribute we pay to our beloved and distinguished colleague, the late WILLIAM L. DAWSON, who passed away on November 9, 1970.

Our late colleague, who so ably served his Illinois district, and our Nation, made himself admired by all who had the privilege to know him. He was truly a great and good man and one who could very well be a model for his race. Democrats, Republicans, white and black—all acknowledged his ability and dedication to what is best for our Nation. To him, the fact that he was a Negro was merely incidental to that he was a man, an interested citizen, a law-trained professional, a patriot who saw active combat duty as a soldier, a lawgiver, and a genuinely distinguished Member of the Congress of the United States for almost 28 years. At the time of his passing, he was chairman of the important Government Operations Committee of the House of Representatives and a member of the House District Committee.

In recognition of the many talents he possessed and as an acknowledgment of his outstanding ability, President-elect John F. Kennedy asked him to become a member of the Cabinet and fill the Office of Postmaster General in 1960. He, however, declined this tempting offer and decided to forgo that great honor and remain in the Congress, where he felt he could serve his constituents, State, and Nation better. Because of his inate qualities of leadership, he was made vice chairman of the Democratic Party.

To the approximately 18 million, or about 11 percent of our fellow American citizens who are black, I can say they never had a more fit or proper representative of their race to be a Member of the Congress. They have reason to be proud, as we have been, to be privileged to have a true gentleman—the late WILLIAM L. DAWSON to be our beloved colleague.

We shall always remember him and cherish his memory for throughout his career, he maintained that his aim was "to prove with effective leadership that God did not handicap me by making me black." We shall miss him very much.

I join you, Mr. Speaker, and our colleagues in extending our heartfelt sympathy to his grieving family and devoted friends.

Mr. REID of New York. Mr. Speaker, I join my colleagues in expressing my deep sorrow at the passing of the distinguished chairman of the Government Operations Committee, the Honorable WILLIAM DAWSON. Chairman DAWSON took an unfailing interest in the committee and in all its members, on both sides of the aisle. His courtesy and thoughtfulness to all his colleagues and his close working relationship with the White House over the years will be long remembered by those of us who were privileged to serve with him. Chairman DAWSON's friendly smile brightened many a day, and the constituents he represented so faithfully have lost a stanch friend.

Mrs. Reid joins me in extending our sympathy to Mrs. Dawson and the family.

Mr. HORTON. Mr. Speaker, throughout his life, WILLIAM DAWSON shunned the easy way. As a young man, he worked as a bellboy in order to attend Fisk University. In 1912, when black Americans rarely considered professional occupations, he was studying law at Chicago-Kent and Northwestern. He served in Europe in World War I and was wounded. And then, he returned to Chicago to work for the betterment of his community. He began working full time for the people in 1939, first as a city committeeman and then, in 1942, as Congressman from the First District of Illinois. Over 30 years of service to the people is an impressive record.

I want to assert that Congressman DAWSON was as true a representative of all his constituents, black and white, and as effective a representative as Congress has to offer.

During his tenure of service, BILL became the first black chairman of a congressional committee. He rejected the opportunity to become the first black cabinet member, saying that he could be more effective in Congress.

I served closely with BILL DAWSON for years—as a member of the Government Operations Committee under his chairmanship, on the District of Columbia Committee where we both served, and in the full House. Through his years in Congress, BILL fought for his humanitarian ideals—for the abolition of the poll tax, against racially separate facilities, for progressive legislation for the needy all over the United States. He worked relentlessly for improvements of all types in the District of Columbia and throughout the country.

He believed, however, as all true representatives must, that his first duty was to Chicago—to the people who consistently chose him to represent their views in Washington. He felt that color was neither a barrier nor an aid. He was primarily a Congressman, and a good one.

I will personally miss BILL DAWSON, as I am sure all of my colleagues in the House will. We knew that he would not be with us for the 92d Congress, at his own wish, but such a man would be an asset to the country in any endeavor. My sincerest sympathy is extended especially to his wife, Nellie; his son and daughter; and all of his constituents and friends in Chicago.

BILL was an outstanding Congressman and an even better man, and he will not be forgotten. It was my privilege and honor to have served with him in the Congress.

Mr. CRANE. Mr. Speaker, with the death of Congressman WILLIAM L. DAWSON the sun sets on a man whose life was highlighted by great personal achievement. WILLIAM L. DAWSON, who served 14 terms in Congress, has had many tributes paid him both in life and in death. Adding my voice to these many, I feel that his life stands as an affirmation of the worth of the time-honored American principle of freedom, which permits a man through his own industry to direct his life toward the heights he chooses.

A native Georgian, born in poverty, WILLIAM L. DAWSON rose to a position of leadership in the House of Representatives, and at the time of his death he was one of the most powerful Negro political leaders in the country. WILLIAM L. DAWSON attained prominence through his diligent toil. As a young man he worked as a railroad waiter. Valuing education, he attended Fisk University, graduating magna cum laude.

Although WILLIAM L. DAWSON gained salience within the ranks of the Democratic Party, he began his political career in Chicago in the party of Lincoln. Therefore, I feel it is fitting to pay tribute to our departed colleague by recalling the words of Abraham Lincoln on the death of another great man:

His labor, his name, his memory and example, are all that is left us—his example, vertifying the great truth, that "he that humbleth himself, shall be exalted" teaching, that to serve one's country with a singleness of purpose, gives assurance of that country's gratitude, secures its best honors, and makes "a dying bed, soft as downy pillows are."

Mr. YATES. Mr. Speaker, I join my colleagues in mourning the death of my friend, Congressman WILLIAM L. DAWSON. He was an able Congressman, one who carried the respect and affection of every Member of the House. A friend of Presidents, he nevertheless retained his common touch. He was particularly close to Harry S Truman for whose candidacy in 1948 he travelled the length and breadth of this country. President Truman acknowledged that BILL DAWSON's efforts were a key factor in his victory.

I remember especially his eloquence, his great ability to inspire and move his audiences. There have been many speeches in this House of Representatives by the greatest men of our time, but none was greater nor more meaningful than the one made by Congressman DAWSON in April 1951. He spoke only a few minutes but he shook the House. I described that unforgettable moment in a newsletter I wrote to my constituents at the time. This is what I wrote:

LETTER NO. 78

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 14, 1951.

DEAR FRIEND: For sheer drama and deep emotional impact, there have been few moments in the House of Representatives to compare with that created by the speech made last Wednesday by Congressman William L. Dawson of Chicago. The House had been debating the new Selective Service and UMT bill for over a week and had reached for consideration the provision sponsored by Congressman Winstead, of Mississippi, to give all inductees the right to decide, on the basis of race, in which unit of the armed service they wished to serve. Congressman Melvin Price, of Illinois, had submitted an amendment to strike the Winstead provision from the bill and there had been much debate on it when Dawson asked for recognition and was given the floor. Dawson, who is the first Negro to be chairman of a major legislative committee of the House of Representatives, walked slowly to the microphone and began to speak very gently:

"Mr. Chairman, I was born in the South. I lived there all during the days of my young manhood. When World War I broke out I was above the draft age. I did not have to go, but I believed then as I believe now that it was the duty of every citizen, when the welfare of the nation in which he claims citizenship is at stake, to rally to the call and to give his life, if need be, for the preservation of that nation.

"I went to war. I was commissioned William L. Dawson, first lieutenant of infantry. I led Americans in battle—black Americans. This mark you see here on my forehead is the result of German mustard gas. This left shoulder of mine is today a slip joint. I cannot raise this left arm any higher than the shoulder unless I lift it with the other hand. That would have been a good joint, hospitalization would have been available, if I had not been a Negro American. I served in a segregated outfit as a citizen trying to save this country. How long, how long, my conferees and gentlemen from the South, will you divide us Americans on account of color? Give me the test that you would apply to make anyone a full-fledged American, and by the living God, if it means death itself, I will pay it. But, give it to me. Why should this body go on record at a time when we are fighting a world war to brand a section of its citizenry as second class?

"I have sat in the well of this House, and I have seen you gentlemen from the South, and rightly so, stand up and applaud members of other races, nonwhite races, who were darker than I am. I have seen you applaud them, yet you will take me, a citizen of the United States, of your own flesh and blood, and brand me with second-class citizenship. If there is one place in America where there should not be segregation, that place is in the armed services, among those who fight for this country. Oh, I know how some of you feel, but there is but one God and there is but one race of men all made in the image of God. I did not make myself black any more than you made yourselves white, and God did not curse me when He made me black any more than He cursed you when He made you white. I would give up this life of mine to preserve this country and every American in it, white or black. Deny to me today, if you will, all that American citizenship stands for, I will still fight to preserve our Nation knowing that someday under the Constitution of the United States all of these restrictions will be removed, and that we will move forward before the world as one people, American people, joined in a democracy which shall set the pattern for all the world.

"I say to you who claim to love America, in this hour of its stress that the greatest argument the Soviet Union is using among the black peoples of this world to turn them against you is your treatment of me and Americans like me.

"No, I do not believe this body means to go off on this tangent, and I believe you who come from the South, if you would look back a little bit, would never, never again take a step to handicap any one of God's children for what they are. I believe that the South

is big enough for all of us to live in together in peace and in happiness if we can but have understanding; but we cannot have understanding if you array one against another because of color."

The impression made by the speech was electrifying. Only the representatives from the deep South refused to support the Price amendment and it carried by a large majority.

Sincerely,

SIDNEY R. YATES,
Member of Congress.

Congressman WILLIAM L. DAWSON was a unique individual, possessing many talents and capabilities. He made his mark in Congress and in history, a mark that will not be erased.

Mr. GRAY. Mr. Speaker, when we rise to pay tribute to a man who has given so much to his country and community, it is indeed difficult to express in detail our feelings.

Sixteen years ago, when I first came to Congress, I found BILL DAWSON to be a real source of strength to me as a freshman Congressman. His direct, no-nonsense approach to Government and problems impressed me indelibly. Through the ensuing years, I developed a friendship and admiration for BILL DAWSON which will remain with me all my life.

When I traveled to Chicago for the funeral services for my dear friend, I heard over and over again eulogies from people of all walks of life that made me even more proud to have known and been associated with BILL DAWSON. From precinct workers to Presidents, BILL DAWSON was loved and respected by all who knew him. His service as chairman of the House Committee on Government Operations was a great indication of how a man can rise from a poverty level in Georgia to become a great national leader.

Although BILL had reached the age of sunset in one's life, his services to his country will be sorely missed and I shall miss him personally.

I want to join my colleagues in the Illinois delegation and other Members of Congress in expressing deepest sympathy to the members of the Dawson family.

Mr. ERLENBORN. Mr. Speaker, when I came to Congress, 6 years ago, I was assigned to the Government Operations Committee, even though I asked for a different committee assignment. I was disappointed at the time, but my disappointment did not last for long.

From the beginning, I was treated courteously and well by Chairman WILLIAM DAWSON. I was impressed by the dignity of his demeanor and by the efficiency of the staff people with whom he had surrounded himself. I observed that he had an ability to get things done without fanfare and without bruising the feelings of his opposition.

There was a civility, a courtliness, a gentlemanliness about BILL DAWSON which made him an extraordinary man. I extend my condolences to his family. He will be missed in public as well as in private life.

Mr. MURPHY of Illinois. Mr. Speaker, I want to join with my colleagues in paying my respects to the late WILLIAM LEVI DAWSON, who represented the First District of Illinois in the U.S. House of Representatives since 1943.

It was with much sadness that I learned of his passing inasmuch as we were intimate friends, having served together in the Chicago City Council as well as the U.S. House of Representatives. We also served together as members of the Cook County Democratic Central Committee for many years and as delegates to Democratic National Conventions.

Mr. DAWSON compiled an outstanding record in Congress as the chairman for many years of the House Government Operations Committee, one of the most important committees in the House. The city of Chicago, the State of Illinois, and the Nation have suffered a great loss by the death of this great American.

Mrs. Murphy joins me in extending condolences to his family in their hour of grief.

Mr. ANDERSON of California. Mr. Speaker, while the people of the First District of Illinois have lost an able Representative, the people of the United States have lost an effective leader and statesman.

WILLIAM L. DAWSON, who passed away November 9, began his service to his country during World War I as an officer in the 365th Infantry. His concern for the rights of individuals led him to seek public office and in 1942 he was elected to the House of Representatives, where he served until his death.

I was fortunate to know Congressman DAWSON as a leader in the Democratic Party and as a leader in the House of Representatives. I first met him in the early 1950's when he came to California as the vice chairman of the Democratic National Committee. At the time, I was the State chairman of the California Democratic Committee and it was my privilege to introduce Congressman DAWSON to our fine State and to its people. I was impressed by his warmth, his integrity, and his empathy for his fellow man. Coming to Congress in January 1969, I was pleased—but not surprised—to find that his colleagues, who had worked alongside of him for many years, held him in such great esteem and respect.

WILLIAM DAWSON was a credit to his country, to the U.S. Congress, and to his family. He will be missed, and his legacy will remain with us for many years.

Mr. COLLIER. Mr. Speaker, I want to join my fellow members in paying tribute to the memory of our late colleague, WILLIAM L. DAWSON, who served in this body for almost three decades. During these years of war and peace, he rose to a position of leadership as chairman of the Committee on Government Operations.

He represented his city, State, and Nation with great distinction in the Congress of the United States, just as he had previously served his country as a soldier during the First World War. Though he was privileged to participate in the counsels of the mighty, he never lost the common touch.

Mr. Speaker, I had the deepest respect for Congressman DAWSON as an outstanding American and consider it a great privilege to have been able to serve with him in the House of Representatives.

Mr. DERWINSKI. Mr. Speaker, although there is little more that can be said or that I can add to the comments here today by other Members, I wish to join in the tributes being paid to our late colleague, BILL DAWSON.

He was a man who was thoroughly dedicated to serving his people and was motivated by a totally sincere interest in the welfare of his constituents.

As he neared retirement, BILL DAWSON looked back at a tremendously effective career during which he established a well-deserved reputation for legislative effectiveness, political leadership but most of all, true service to his fellow man. We who served with him as friends and colleagues appreciated his personality and depth of character.

Unfortunately, BILL DAWSON did not have the opportunity to enjoy retirement but he did live a full and effective life.

Mrs. Derwinski joins me in extending our deepest sympathy to his wife, Nellie, their son and daughter.

Mr. ZABLOCKI. Mr. Speaker, I wish to join my colleagues in expressing sorrow at the death of Representative WILLIAM DAWSON. His passing on November 9 was a sad loss, not only for his family but also for the constituents, community, and country he served so faithfully.

It was my privilege to serve with BILL DAWSON these many years in the House. He was the kind of man whose dedication to his country was of primary concern to him. His untiring service to his district will always be remembered.

Congressman DAWSON was an industrious man, always eager to confront a problem and work tirelessly until it was solved. His work as chairman of the Government Operations Committee stands as a tribute to his able leadership and selfless dedication to this Nation.

Guiding him in all his efforts was the welfare of his constituents, the security of his country, and the happiness of his family. With his passing each of us has lost a friend and an able colleague. We mourn his death and extend our heartfelt sympathies to his family, constituents, and friends.

Mr. REUSS. Mr. Speaker, our former colleague, the late WILLIAM LEVI DAWSON, was a man whose career in the service of his country was marked by uncommon achievement.

As the Representative from Illinois' First Congressional District, Mr. DAWSON served longer in the House than any other black Representative—28 years.

During his nearly three decades in Washington, Mr. DAWSON rose to the chairmanship of the House Committee on Government Operations, a post he filled for 21 years. He was the first Negro chairman of a major congressional committee.

Mr. DAWSON was born in Albany, Ga., in 1886—the grandson of a slave. He graduated from Fiske University in Nashville, Tenn., magna cum laude, in 1909.

After winning a first lieutenant's commission in World War I, Mr. DAWSON entered politics in Chicago, and entered the House at the beginning of the 78th Congress in 1943.

All of us who have served with the late WILLIAM LEVI DAWSON are richer for

the experience. His personal kindliness, his dedication, his patriotism I shall always remember.

Mr. Speaker, I am honored to pay tribute to WILLIAM LEVI DAWSON. We shall all sorely miss our former colleague.

Mr. BROWN of Ohio. Mr. Speaker, I first had the opportunity to meet Mr. DAWSON in my family home in Blanchester, Ohio, where he came for the funeral in 1965 of his good friend and colleague and my father and predecessor in the Congress. Our next meeting was in Washington following my own election to Congress a few months later when I was assigned to the Committee on Government Operations which he chaired.

I learned then that Mr. DAWSON had made the trip to Ohio for his friend's funeral in spite of his own discomfort as a result of ill health but that he did so out of fondness and respect. My predecessor had been the ranking Republican on the Government Operations Committee for much of the time that Mr. DAWSON served as its chairman and they were good friends, respectful adversaries and collaborating colleagues at one and the same time. Together they accomplished much through that distinguished committee for the good of the American system of government and the taxpayers who support it.

My own service with Mr. DAWSON—and he was always that to me—was a pleasant and rewarding experience. While age and illness had dimmed the strength that had brought the greatness to flower, the ability, the integrity, the graciousness, and the honesty was still there. It was those fine qualities and many others which had won him the respect and affection of colleagues and constituents, advocates, and adversaries, and people of all political persuasions, races, and stations.

His contribution was great in many arenas, but in none more than in the progress of his race in the political and economic processes of our Nation. This leadership and his other fine qualities were the subject of the funeral I was privileged to attend for this outstanding public servant.

He was a Moses who took the rod and led his people out of Egypt. He gave them precept and brought them to the mountain overlooking Canaan. He showed them the way.

In the moving funeral services for our late, beloved colleague, WILLIAM L. DAWSON, one knew in head and heart that the text which the inspired eulogist, Rev. Corneal A. Davis, took from IV Exodus, 17, was the right one. There the Lord said to Moses:

And you shall take in your hand this rod, with which you shall do the signs.

What was this rod in the hand of BILL DAWSON? It was the mighty power and authority of the spirit, governed by a multitude of divine virtues. It can be perceived through the words of those who came that sorrowful November 12 to the Progressive Baptist Church in Chicago and delivered, with their fond farewells, a testimony to his goodness and greatness. Hear a few of these words now:

Bill shall always be remembered in the halls of Congress, in the City Council, and in our Democratic organization as a great leader. His was a greatness embraced in people. He loved people and he led in the positive constructive program for his people. (Mayor Richard J. Daley)

He blazed a trail for others. He set the tone of his Congressional Committee. With ability, unfailing courtesy, kindness, and nobility of character, he had the respect and friendship of every Member. He did not raise his voice in anger or bitterness and spoke no unkind words toward his colleagues—and this was reciprocated. He was the confidant and friend of Presidents. As the poet said, "He walked with kings, but never lost the common touch." (Chet Holifield, M.C.)

He was a tower of political experience and strength. He brought black political consciousness to the Nation. He had patience with persistence, temperance with toughness, humility with honor. He was imbued with fathomless capacity, integrity, dedication, and faith. It was also a faith in the Government which, despite its imperfections, still remains the standard of the world. (Charles Diggs, Jr., M.C.)

There never was any fanfare. He was unassuming, practical, and realistic. He viewed part of something as better than all of nothing. He opened the door to Negro women. (Judge Edith Simpson)

He had a great soul. He did more good, more favors, for more people than any man I know. It is inspiring that politics could produce public servants like him. He had the humility of an Old Testament prophet and held fast to the fundamental virtues. He had faith. He did not believe we were at the bedside of a Nation in death agony. His life and work won him a place in American history that will stand for all time. (John H. Sengstackle, Publisher, Chicago Daily Defender)

He did not clamor for headlines, but black men can step proudly and speak loudly in the North and in the South because of him. He showed that the system can allow opportunity to all. We have received a new thrust of patriotism for his sake. (Denton Brooks, Jr., Director, Human Resources, Chicago)

He was a Moses in the black political arena. His greatest virtue was his selflessness. He was proud to be black. He dedicated himself to showing the way to get for black people what they were entitled to. He said we must do it through politics. He was an inspiration to the blacks in the South. He was a man of God and believed God put each of us here for a purpose. In the few spare moments he found for himself, it was often the Bible that he took into his hands. Like the hymn he loved, he urged us to "Walk Together, Children, and Don't Get Weary." (William H. Harvey, Cook County Commissioner)

Some may have thought him too retiring and humble. But, once having reached a decision, he would follow through to the end without fear or favor. None surpassed him in the test for true greatness, which is measured by the question 'How does he regard others less fortunate than himself?' What made him great in politics was his readiness to serve. He had brains, ability and a dogged determination. This passed to his precinct captains with his call: "But bring in that precinct." He was the greatest, the fairest political leader this race of mine has yet produced. We would ask of him only this, "Point out the way and then get out of the way." (Fred Jefferson Smith, State Senator)

He had rules. He knew that politics was a business. He said, "If you render service 365 days a year, they'll be with you at the time." "Keep your commitment," he said, "and stick together. There'll be a great camp meeting in the Promised Land." (William P. Fitzgerald, Precinct Captain)

He was an architect who could draft and an engineer who could execute. His head and shoulders were in the clouds, but his feet were implanted on the ground of the people. Even in his last days, he conceived and talked about one more great project. His passing is the close of an era. The world is better for this: That one man covered with scars still strove to reach the unreachable stars. (Reverend Archibald James Carey, Jr.)

In him were honesty, charm, unlimited energy. And great was the loyalty he evoked. (Reverend Trudie Trimm)

A good man's steps are ordered by the Lord. His faith and the healing power of the divine spirit did indeed see him through in time of desperate illness. And so he could say to us all "Keep on keeping on!" (Reverend Clarence H. Cobbs)

He used the ways of God. After a meeting of the political organization, some would say: "I feel like I've been to church." Like Moses, he took the rod. He began to succeed and he called out, in the name of the Lord, "Let my people go." He had a deep religious philosophy. He loved his fellow man. "If any man hates me," he would say, "Let him take it up with the Lord." He set the pace. He got his people on the voter registration books. Yes, he set the pace and today nearly 1,800 black officials hold elected public office. (Reverend Corneal A. Davis)

Let us take the ribbons from the center pews. Let all who are here, the young as well as the old, come and be seated anywhere. In his lifetime all were dignitaries. There was no separation. He gave a heritage to his people. There can be no greater gift, for a race without heritage is a race without hope. (Reverend Frederick P. Walls, Presiding Minister)

And so these words of tribute flowed from the emotions and the intellect of the speakers. Each was powerful and eloquent in his own way. And underscoring it all was the great soul of Miss Mahalia Jackson in the exalted art of her hymn, "You Have To Walk That Lonely Path by Yourself."

To what these people have said let the words of Paul Lawrence Dunbar, whom he loved, be added:

When all is done, and my last word is said,
And ye who loved me murmur, "He is dead,"
Let no one weep for fear that I should know,
And sorrow too that ye should sorrow so.

When all is done, say not my day is o'er,
And that thro' night I seek a dimmer shore:
Say rather that my morn has just begun,—
I greet the dawn and not a setting sun,
When all is done.

Mr. DULSKI. Mr. Speaker, I join my colleagues in expressing my deep sorrow at the passing of a gentleman and friend, WILLIAM L. DAWSON.

BILL DAWSON was a distinguished and respected Member of this body, serving well his Nation, his city, and his State over the years. For nearly 18 years he capably chaired the Committee on Government Operations, the first member of his race to become chairman of a House committee.

A college graduate with honors, BILL DAWSON first was elected to Congress in 1942 early in World War II—and rapidly gained the esteem and respect of his colleagues.

His love was this House—he turned down an offer by the late President John F. Kennedy to become the first member of his race to be named to a President's Cabinet. He also had the distinction of being the first of his race to become vice chairman of the Democratic National Committee.

BILL DAWSON was a man of vision—one who saw and believed that there is one America for all its people.

He was a forceful advocate, as senior Members of this House can well attest. He was conscientious in his devotion to duty in the House, even in his later days when his health was failing. It was his own decision to retire at the end of this Congress because of his health.

Mr. Speaker, BILL DAWSON will not be with us in these waning days of the 91st Congress, but his memory lingers on in all our hearts.

My sincere sympathy goes out to his widow and his family in their great loss.

Mr. COLLINS of Illinois. Mr. Speaker, I rise to join my colleagues in expressing my sympathy in the passing of the late Congressman WILLIAM L. DAWSON.

It has been my good fortune to observe Mr. DAWSON'S distinguished political career for many years. First, as an observer, later, as an acquaintance, and a friend.

He exemplified a man of great courage, wisdom, compassion, and understanding of his fellowman. Among his many contributions to the people of America was his organizing a voter registration drive throughout the South, which in turn brought about the election of many black people.

Being an ardent worker in his district, he implemented many community programs such as religious, civic, recreation, and so forth, because his philosophy was that a public official should participate in all positive endeavors in community life.

Being the senior statesman that he was, I have borrowed from Mr. DAWSON'S book of practical politics many times. His warm personality won the love of many people. One of his famous sayings in which he will always be remembered by is "Don't get mad, get smart."

He will be sorrily missed in behalf of all the people of the Sixth Congressional District which I have the honor to represent.

My wife, Mrs. Collins, my son, Kevin, and I extend our deepest sympathy to the bereaved family. The name of WILLIAM L. DAWSON will live on in the minds and hearts of the people forever.

Mr. SPRINGER. Mr. Speaker, I thank the gentleman of Illinois for providing this opportunity for us to join in tribute to the memory of a great Illinoisan and a great American, the Honorable WILLIAM L. DAWSON, Representative in Congress for more than a quarter of a century from the First District of Illinois.

When BILL DAWSON first came to Congress he was the only black Member of this body. With rare political acumen, he quietly and effectively worked to improve the status of black people not only in his own district on Chicago's teeming South Side but also throughout the United States.

BILL DAWSON did more to assure passage of civil rights legislation than some of those who got the publicity for it. That was the way he worked. He was interested only in getting the job done. He cared little if others captured the headlines.

It should be emphasized, however, that BILL DAWSON will not be remembered solely for his dedication to the cause of racial justice. He also will go down in the annals of the House of Representatives as one of the great committee chairmen of our time. For almost 20 years he presided with wisdom and skill over the deliberations of the Committee on Expenditures in the Executive Department. Although I never served on that committee, my friends on both sides of the aisle who were privileged to serve under BILL DAWSON'S leadership have always spoken well of his qualities of judgment and his fairness.

With BILL DAWSON'S passing, I believe that we, and those who follow us, can draw inspiration from his great career. Mrs. Springer and I extend our deepest sympathy to his family.

Mr. WYDLER. Mr. Speaker, I served in Congress as a member of the Government Operations Committee, which was chaired by the late WILLIAM DAWSON. He was a good and kindly man, who loved the Congress and the committee which he headed. Although he was not a member of the party to which I belong, I found that he would put the interest of our country above that of party in matters affecting the public good. His service in Congress was a credit to our Nation and we will miss him.

Mr. SIKES. Mr. Speaker, I am honored to join with my colleagues in paying special tribute to our esteemed friend and distinguished colleague, the late WILLIAM L. DAWSON, who passed away on November 9. He was a warm and genuine human being who spent much of his life in the service of his fellow man and his country. Few who have come to Congress have been privileged to enjoy the degree of respect and appreciation which was accorded to Congressman DAWSON by Members on both sides of the aisle, and few in public life have been so highly regarded by people of all walks of life.

As we pause to honor the memory of the gentleman who so ably represented the First Congressional District of Illinois for 28 years in this Chamber, it is well to recall the accomplishments of this very able legislator, for they were many and the caliber of his accomplishments was outstanding.

Representative DAWSON was chairman of the Government Operations Committee. His contribution to this important committee's work was outstanding, and of an enduring quality which will not be forgotten. He served with exceptional dedication as a member of the House District Committee.

I was proud to enjoy his friendship through the many years which we spent here together. It is highly appropriate that we now honor his memory and I join my colleagues in extending deepest sympathy to Congressman DAWSON'S family and in assuring them he will long remain in our thoughts and prayers.

Mr. BUCHANAN. Mr. Speaker, it is with fondness and great respect that I join with my colleagues in the Congress in paying tribute to the late WILLIAM L. DAWSON. Congressman DAWSON presided over the House Government Operations Committee as its chairman for almost 20 years. I feel particularly privileged in having had the opportunity of working with this distinguished public servant on that committee.

WILLIAM DAWSON'S long career in the U.S. House of Representatives was marked by dedicated work and able leadership on behalf of his country as well as his own constituents from the First District of Illinois. He will also be remembered well for his commendable and untiring efforts on behalf of our Nation's black citizens.

The Congress and the Nation has felt a great loss with the passing of WILLIAM DAWSON, but he shall long be remembered in our thoughts and prayers.

Mr. RANDALL. Mr. Speaker, it was with great regret that it was not possible to be present on the floor Tuesday evening, December 1, to participate in the eulogy of our departed colleague, Congressman BILL DAWSON.

In my years here as a fellow Member, I regarded him first as my friend, then as a counselor upon whom I could always depend for good advice, and finally as the distinguished Chairman of the House Government Operations Committee, on which it is my privilege to serve as a member.

Mr. Speaker, our late colleague was respected not only by those from the area in which he lived, but by the entire country. He was respected not only by his black colleagues but by every one of his white colleagues. The reason he enjoyed such great respect was that he served the people of his district, his State and his country from 1943 until he departed this life on November 9, 1970, with dedication and outstanding ability. He was honored to become the first man of his race to be chairman of a major committee of the House of Representatives. He was offered the post of a Cabinet Member by President Kennedy. At one time he was the vice chairman of the Democratic National Committee. He had a distinguished and enviable public career. Few men have received the honors and tributes that were his.

One of the greatest privileges of my time here in Congress was to serve as a member of the House Government Operations Committee headed by our late colleague as chairman. He was a good chairman. He was a fair chairman. In our meetings of the full committee, everyone who asked to be recognized was certain to be given the privilege of recognition without being gavelled down, overlooked or ignored as sometimes happens here on Capitol Hill.

One of the greatest experiences in my time here in Congress has been those instances in which I sat beside him on the floor of the House to engage in leisurely conversation. We talked of some of the happenings when he first became a Member and also some of the trials and tribulations of his early years as a political leader in the city of Chicago. I learned then that he was one who was not afraid to be called a politician. He regarded politics not as a hobby to be worked on in leisure hours, but a full time job in which if one is to become successful, he must be willing to apply all of his energies every day of the year.

Some of the words of wisdom that I learned in my conversations with him included the admonition that it never paid to get mad no matter how impatient and how irritated one may become. Instead,

he argued that the way to get what you want was not through loss of temper but a constant application of tact.

Mr. DAWSON's conduct of his life proved that what he said in our conversations as we sat together on the floor, he meant. He practiced the principles he said he believed in. He was not a flamboyant person. He was a gracious man and even appeared to be retiring. But as a former soldier and later as a lawyer, he proved he was not afraid to fight. I am convinced he understood well the legislative process and the fact that it is the art of the possible. While he never ran from a fight, he was a resolver of differences between colleagues. He believed that all of the reports issued by his House Committee on Government Operations should reflect moderation rather than any possible suggestion of extremism.

In my own mind I am convinced that the House Committee on Government Operations under the leadership of our late Chairman BILL DAWSON has been responsible for the saving of millions of dollars through the elimination of inefficiency, duplication, and waste in Government programs. It was a high honor for me to be a member of that committee under his leadership.

BILL DAWSON leaves behind a great legacy. He will be greatly missed in this body. He is gone, but because of the contributions he made while a Member of this body, he will always retain a prominent place in the history of the House of Representatives. My sympathy goes to Mrs. Dawson and the members of the Dawson family.

Mr. NIX. Mr. Speaker, we mourn the passing of a great American, our dear friend and long-time colleague, WILLIAM LEVI DAWSON of Illinois.

Congressman DAWSON's long and brilliant career of public service is of historic proportions. He was first elected to the House of Representatives in 1942, at that time the only Negro serving in this great body. He was the first Negro chairman of a major congressional committee—the Committee on Government Operations—in which capacity he has served so ably over the years.

BILL DAWSON was born in April 1886, in Albany, Ga. He attended public schools and was graduated from Albany Normal School in 1905 and from Fish University in 1909. During World War I, he served overseas as a first lieutenant with the 367th Infantry with distinction, and was gased and wounded. Having moved to Chicago prior to the war, he attended Kent College of Law and was graduated from Northwestern University Law School. He was admitted to the bar in 1920 and began the practice of law in Chicago. During the 1930's, BILL DAWSON was elected as an alderman and became one of Chicago's outstanding political leaders before his subsequent election to Congress.

Mr. Speaker, BILL DAWSON was an effective legislator and responsible spokesman for his constituency and for Negro Americans throughout the country. He helped create more job opportunities for Negroes, he fought against unjust racial discrimination in employment, housing, and access to public facilities. He pioneered the initial fights for repeal of the poll tax as a prerequisite for voting. He sparked the fight for integration of our Armed Forces.

BILL DAWSON did not seek headlines nor did he seek personal glory for his many legislative accomplishments. Quietly, efficiently, and using his great personal persuasion, he was able to make highly significant contributions for the well-being of all Americans—regardless of their color, economic position, or other superficial considerations.

Mr. Speaker, we will all miss our friend in the difficult times ahead. We can all take a lesson from the dedicated example he has set for service in this body.

I extend to his widow, Nellie, his son, William, Jr., and his daughter, Barbara, my heartfelt sympathy for their loss—which is ours and the Nation's as well.

Mr. PUCINSKI. Mr. Speaker, recently this House of Representatives suffered an irreplacable loss. BILL DAWSON, a Member of this body for almost three decades, has bequeathed to all of us the strength and conviction of a man of principle who enjoyed his career as Representative of Illinois First District.

BILL DAWSON arrived in Washington as a freshman Congressman in 1943, at the height of hostilities in World War II. He set to work quietly and effectively to make his service to the people of his district, his State, and his Nation an example to his colleagues.

He was a friend of five American Presidents.

As one of the principal architects of civil-rights legislation enacted by Congress in the past 20 years, his name is revered by all those who know the depth of his integrity and commitment to equal opportunity for all Americans. He was not one to make speeches, but often I noticed how Congressmen from both sides of the aisle would seek him out quietly as he sat on the floor, asking his advice on a particular piece of legislation.

BILL DAWSON was without question one of the greatest forces for social progress in this century. Many today eagerly claim credit for ideas that were his, for legislation that he initiated, and for the hard work that resulted in the significant laws of our time.

We will miss his quiet friendship, his honor, his belief in the possible. He was a wise man who carried his years and his seniority with patience and gentle humor. This House of Representatives has lost a giant and each of us has lost a good and remarkable friend.

Contemporary chroniclers were unable to comprehend the enormity of BILL DAWSON's contribution to his fellow man. We shall leave to historians of the future the task of placing into proper perspective the work of the giant in man's struggle for freedom, equality, and dignity. Mrs. Pucinski joins me in expressing our condolences to the family of WILLIAM DAWSON. May he rest in peace.

Mr. ROONEY of New York. Mr. Speaker, for a period of 27 years in the House of Representatives the Honorable WILLIAM L. DAWSON represented the people of the First Congressional District of Illinois and the hopes of millions of other Americans.

The grandson of a slave, BILL DAWSON compiled an outstanding record in college and law school and served 6 years on the Chicago City Council. When he came to Congress in 1943 he was already very much aware of the horrendous problems facing urban communities. In the House of Representatives BILL DAWSON won friendship and respect and became a nationally known figure—not because he was the first black man to be made chairman of a major House committee but because of his beliefs, integrity, and determination to make America a better place for all Americans. He was a fighter for racial justice and equality long before those issues became popular. He knew from firsthand, bitter experience what prejudice meant. BILL DAWSON served his country his whole life; in the Army, in his community, and in the House of Representatives. The House is a better place for his long presence. We owe him much. And we will miss him. To his wife, daughter, and son and family I offer my deepest sympathy in their great loss.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late WILLIAM L. DAWSON.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EFFECT OF THE RECENTLY ENACTED RAIL PASSENGER ACT AND DESIGNATION OF BASIC SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 60 minutes.

Mr. ADAMS. Mr. Speaker, I have taken this time and requested this special order this afternoon so that Members of the House will have an opportunity to discuss the effect of the recently enacted Rail Passenger Act and specifically the designation of the basic system which was accomplished by Secretary of Transportation Volpe and released yesterday.

I have asked that the charts that were used at the briefing by Secretary Volpe yesterday for Members of the House be made available to all Members, and the charts are present on the floor today. These charts indicate not only the end points of the 16 basic city pair system that has been designated by the Secretary, but they also indicate the options which are available as routes under this system.

I might point out that in the act this is of considerable importance to the Members of the House, because under section 201 the Secretary is required first to identify the end points of the system and then to identify all routes under which service may be provided. This is important to the Members of the House in contacting their constituents, because they have 30 days from yesterday within which to comment on whether or not they believe that system is adequate and to make specific recommendations to the Secre-

tary of Transportation as to how the system should be changed if they believe it should be changed.

The Secretary then has 30 days within which to act on these recommendations and he must file in writing whether or not he is going to accept the recommendations or reject them, and, if he is going to reject them, the reasons for his rejection.

I want to emphasize to the Members of the House and particularly to be certain it is in the RECORD that this is not a panacea which has been created.

For nearly a year Congress has wrestled with the problem of whether or not there will be any passenger service at all in the United States. There have been recommendations by a number of people that the railroad passenger system be allowed to go out of existence. We have rejected this in the Congress. In particular, the Members of the House Committee on Interstate and Foreign Commerce and of the Senate Committee on Commerce have worked for many, many months—and a number of them are present on the floor today and will make some specific comments about this—and have chosen to create a COM SAT type corporation that will take over and run the railroad passenger system of the United States.

Pursuant to the direction of the Congress of the United States—and the statute signed by the President—the Secretary yesterday did designate a basic system. To my left is the designation which has been made by the Secretary of Transportation, presented in chart form.

Within 30 days the ICC, the State commissions, railway labor, and the railroad industry have an opportunity to comment on this system. Individual Members of the Congress, I know, will be commenting on it, and others have indicated they wish to have their comments made in writing. Later during this special order I will see that those comments are placed in the RECORD.

The corporation prior to May 1 of next year will be offering a contract to each railroad operating intercity passenger trains. If they accept the contract, it will allow those railroads to discontinue any passenger service which they are presently operating.

Upon entering into the contract, the railroad will be allowed to discontinue the passenger trains by giving 30 days notice under section 13(a) of the Interstate Commerce Act, and will also be entering into a contract with this corporation to run certain passenger service.

This approach is a final, very hard compromise as to how to maintain some form of national rail passenger system.

I have some basic questions about this system, but I do want to recognize the fact of the difficult work that has gone into this by Members of Congress, by Members of the House who have spent hours and weeks and months—some on the committee; some not on the committee—trying to preserve some form of passenger system.

My basic problem with the system as it has been designated—and I will be making recommendations to my State commission, as I hope some other Members will be to theirs—is that there appear to be two gaps in the system.

The first is between New Orleans and Los Angeles. In other words, there is no connection across the south of the United States, which in the past there has been.

The second is that there is no connection north and south along the west coast, basically from Canada to San Diego.

I know other Members will be commenting on this, and I certainly hope that the State commissions will comment on it and in specific fashion; for example, asking "Is a roadbed available?" or "What are the cost factors involved?" or "Do we have a response from the Secretary of Transportation as to why these two particular gaps are there?"

I have read the articles in the press. There appears in the Evening Star for today an article which indicates that certain portions of this system were eliminated by the Bureau of the Budget or by recommendation from White House aides. I believe that we as Members of Congress should inquire about how the system exists and whether we believe certain parts should be restored, so that we know if a portion has been omitted why it has been omitted.

Another shortcoming—and I know this will interest some of our friends in the Northeast, particularly in what has been referred to sometimes as the tennis racket which exists between New York, Providence, Boston, and Springfield, in other words, the alternative routes that exist in this area—is knowledge of what type of service is contemplated and knowledge of some of the factors that went into this designation. It is very difficult conscientiously to evaluate this preliminary system when we do not have all of the cost factors involved before us. The Secretary of Transportation in a briefing indicated a basic decision had been made that no route would be continued if it were to show a loss of more than $1 million per year. That is the only designation we have had with regard to the cost of maintaining service.

Just one final point and then I want to recognize other Members for their comments and any questions they would like to ask.

I want to make it perfectly clear that if any area is not designated or is not within the system, a State or regional agency can demand a train be kept in service by the national corporation. However, that group must pay a minimum of two-thirds of any loss that is incurred. This should be made amply clear to the regions and agencies involved so that if a designation does not take place, then there is still this alternative. I think during the next 60 days we should all be working very hard on this system to make it work.

Mr. Speaker, I would close by saying that during the next decade I think it is going to be a job for all of the Members of Congress, for members of the administration, for members of the industry, and for the public to see to it that we maintain these corridors throughout the United States. I think our increasing urbanization and developments along this line make it vital for a mass ground transportation system to be preserved for the future.

Now, Mr. Speaker, I yield to the gentleman from Rhode Island, one of the authors of the bill and who is on the committee (Mr. TIERNAN).

Mr. TIERNAN. First of all, Mr. Speaker, I thank the gentleman for yielding to me.

I want to take this opportunity to congratulate him for bringing this matter to the attention of Members of the House by having this special order tonight. Certainly he deserves a great deal of credit for hard work.

This has not been an easy piece of legislation. As you have clearly indicated to the Members here today, it will require their attention in the next 30-day period because, as you have indicated, there have been some difficult considerations involved.

I have not had an opportunity to study the complex report of the Secretary. My understanding is that the gentleman from Washington will request through the chairman of the appropriate committee that possibly the Secretary of Transportation appear before some committee of the Congress so that we might have a fuller opportunity to have this revealed to us. For example, some of the basic considerations that are set forth in the bill as to whether or not these considerations were met and which elements were considered in designating the basic route. The point with regard to some fiscal considerations as they enter into the final basic system as designated by the Secretary should certainly be considered by the Members of the House. Also, as you have indicated, I think this should be emphasized with regard to the period of time that is set forth in the bill. There will be no appeal from the final determination by the Secretary, which leaves the Members without any recourse except, as you have indicated, the possibility of requests from a region or a State or a group of States to have some service undertaken by other national corporations. There they would have to pay two-thirds of any of the loss that is incurred in that service, as you have said. So I think in the next 30 days all of the Members present here and those who are not present should certainly, first of all, make their own views clear to the Secretary or through the committee if the committee will have the Secretary appear before it.

Also, I think we should indicate to the utilities commissions in our States the fact that they certainly should be in a position to set forth the facts and statistics that would substantiate a position that we would want to take with respect to the basic plan.

Mr. Speaker, I agree with the gentleman from Washington. It seems clear that the system leaves out any north-south route in the Far West along the Pacific coast and also along the southern part of our country. I think those areas, without having the map before me, clearly stand out as possible considerations for change in the basic system. I think this is the time to do it.

I think through the possibility of having meetings with the Secretary of Transportation and with the appropriate committees something can be done in that area.

I want to again take this opportunity to congratulate the gentleman from Washington for his work and his efforts to see that we do have continuing passenger service, because this is a serious problem and we are going to have more trouble before we are out of the woods in my personal opinion. I think the gentleman deserves a great deal of credit for having taken the time to bring this to the attention of Members of the House.

I would like to comment briefly on the preliminary report on the basic national rail passenger system. I am withholding any detailed comments until I have had a chance to study some of the motives behind parts of this report.

Let me first say that once again the emphasis is on long-haul service, rather than on the economically viable urban corridor service. For example, one designated route is from Chicago to San Francisco and one is from Chicago to Los Angeles. And yet, there is no provision for north-south service anywhere on the west coast. I believe we must have an explanation from Secretary Volpe for this very questionable decision.

The Rail Passenger Service Act, as passed by the Congress, set guidelines to be considered in formulating the new system. Included in these guidelines were the consideration of the "unique characteristics and advantages of rail service as compared to other modes of transportation," and the "potential profitability of the service." I, for one, will have to be shown how these two guidelines were considered in the designation of several of the long-haul routes.

Let me close by urging the President to choose carefully the three or more incorporators who will set up the corporation. These individuals must not be considered for partisan reasons or for their image. They must genuinely believe in the necessity for modern rail passenger service, for only with men dedicated to a modern and efficient rail passenger system can the corporation succeed.

Mr. ADAMS. I thank the gentleman from Rhode Island for his contribution.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Texas.

Mr. POAGE. I, too, want to thank the gentleman from Washington for bringing this matter to our attention. I think the gentleman has rendered a service in bringing this to our attention at a date early enough so that possibly something can be done about it.

Mr. Speaker, I think the gentleman from Washington has well stated the glaring omissions, and there are doubtless others, but I do agree that those two routes of service along the west coast and along the southern part of the United States certainly should be included.

Mr. Speaker, I think I could offer a suggestion and would like to offer a suggestion as to service along the southern portion of the United States without burdensome increased cost. The maps that have been presented, of course, are not finalized. I do not know whether the service that is suggested from Chicago to Houston will actually follow the route of the Texas Chief which is still running and is in operation today over the Santa Fe line, or whether it will run as one of these suggestions indicates, by St. Louis and directly to Houston, omitting the Dallas-Fort Worth complex. I do not live in the Dallas-Fort Worth complex, but I think certainly there should be service there. There is rail service today to Fort Worth. There is none to Dallas. If the Texas Chief continues to run on the Santa Fe, all that would be necessary to provide an east-west service would be to extend the service from Temple, Tex. to Clovis, N. Mex., a distance of about 350 miles. I say this because we have the Chief running from Temple over into Houston at the present time. You have the Chief—not the Texas Chief—running from Chicago to Los Angeles through Clovis. Instead of having to run a train 1,800 miles from Houston to Los Angeles, you could run a train only about 350 miles and bridge that gap. I point out the fact that those who have been doing the planning have overlooked the fact of what is actually in existence today. I think we should take into consideration the existing operations in order to make this as cheap as we can. I certainly agree there should be an operation across there.

I want to suggest another operation that seems to me to be essential, and I think it should be in the RECORD. The Mexican National Railroads run a good train from Mexico to Nuevo Laredo across the river from Laredo, Tex. There is at the present time no connection between the Mexican railroads and the U.S. railroads. It seems to me very clear that there should be. And by running an operation again from Temple south through Austin, San Antonio down to Laredo, which is a distance of about 200 miles, we could connect the Mexican National Railroad system with the U.S. railroad system, which seems to me to be quite important, and I think it should be done.

I do not want to suggest putting a great, long and expensive operation into the system, but I do think that it is important that we consider some of these relatively short links that could give the effect of through traffic over long distances. This is especially true because the Mexican railroads are still hauling a lot of people, and they are still giving good service. They are giving better service than they ever did, probably. People from my area go down to Mexico and ride the trains because they are running good trains down there, and they provide a good service and a scenic route with attractive diner and sleeping car arrangements.

So, Mr. Speaker, I appreciate the opportunity to at least call attention to the fact that with some relatively short additions in the southwest we could at least take care of two of what seem to me to be glaring inefficiencies in the system.

I appreciate the gentleman from Washington bringing this matter up before us, and giving us the opportunity of presenting these suggestions now.

Mr. ADAMS. I thank the gentleman from Texas for his contribution. I think it was particularly helpful. I hope that the Texas Commission and others will see that these things are placed in a form that we can present to the Secretary, because they would create those links.

I yield now to the gentleman from Massachusetts (Mr. BURKE) who has long been an advocate of saving our passenger trains, and is one of those who started all of us on this journey some 2 years ago.

Mr. BURKE of Massachusetts. Mr. Speaker, I want to commend the distinguished gentleman from Washington for bringing this matter to our attention, and I wish to associate myself with his remarks, and also the remarks of the gentleman from Rhode Island (Mr. TIERNAN).

I believe that this is the first step that has been taken to really try to solve the problem of our railroad passenger service.

It seems almost impossible that we have achieved the destruction of our railroad passenger service, and that this has taken place in this Nation during the past 50 years. We can put a man on the moon, but we cannot run trains from Boston to Washington in a short period of time.

I have watched the operation of the Metroliners from Washington to New York and, despite the technical difficulties, it is quite apparent that fast, clean passenger service will be patronized by the public.

On the east coast of the United States from Boston to Washington you have one of the busiest corridors in the world for travel. The airports are glutted with passengers, buses are overloaded, the turnpikes are glutted with traffic, and it seems to me that the time is here now for the building and rebuilding of the roadbeds, and the establishment of safe, clean, fast passenger trains, particularly for this part of the country, because it is vitally needed.

These routes that have been outlined here on the charts, as recommended by the Secretary of Transportation, are the initial steps. This Nation of ours cannot allow itself to continue on in its present trend. Nations like Japan and Canada and France, and other countries, have already proven that fast train service will be subscribed to by the people, and will be supported.

For too long the railroad companies of this Nation have done everything possible to keep passengers from riding the trains.

I think of the conditions up in Boston when you take a Federal train down to Washington on a Sunday evening. You call up about 9 o'clock at night to find out if you can get a reservation—and they cannot give you an answer.

On the train you cannot get a cup of coffee on Sunday night, neither can you get a sandwich. You can buy a beverage and possibly a can of peanuts. When you

get up in the morning and go to the dining car, the only thing you can get is a cup of coffee possibly and a piece of toast.

This is over an 8½-hour ride. If the train is delayed—you might be delayed up to 9 or 10 hours. But there is no opportunity to even get a breakfast.

Now what the railroads have done, and they have done it in a very devious way, is they have made it practically impossible to get on a passenger train. You call over here to Union Station and ask for a reservation on that Metroliner and you get all kinds of answers. You are lucky if you ever get on the train. I remember the chairman of the Committee on Ways and Means was going up to New York—and it was not until they found out who he was that he was able to get on the train.

These are the things that are happening. It is time for America to wake up. We cannot have these asphalt highways and cement highways all over the Nation. They are putting them overhead and underhead and around circles and in cloverleafs. Why we have more highways coming into Washington here—and just take a look at your traffic problems and take a look at the pollution that is caused by the vehicles—by the diesel motors that are spewing out their poisons into the air.

Railroad transportation and mass transportation will relieve that problem and will take a lot of these cars off the roads. It will give a fellow a chance to get on the train at Boston and within a period of 5½ hours arrive down here in Washington. We can do it. This Nation has the capability to do it because they put a man on the moon. If we can put a man on the moon, certainly we can establish a railroad transportation system that will reflect the great glory and ability of this Nation. Therefore, Mr. Speaker, I want to commend the gentleman from Washington (Mr. ADAMS) and the gentleman from Rhode Island (Mr. TIERNAN) for the work they have done. There are some gaps in this program—there is no doubt about it. But it is an initial step. It is a step we have to take and we cannot wait too much longer. So I want to praise both of these men and the other members of the Committee on Interstate and Foreign Commerce for their foresighted views on this matter and for their efforts in trying to solve a real problem.

Mr. ADAMS. I thank the gentleman from Massachusetts for his remarks.

I yield to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. I thank the gentleman for yielding. I wish to compliment the gentleman for taking this special order and on his leadership in behalf of a passenger service program for our Nation. I think the fact that this legislation has been passed and a preliminary system has been devised is a demonstration of the kind of cooperation that can be possible between Members on both sides of the aisle, and with leadership such as we have had from the Secretary of Transportation, Mr. Volpe. I know that the young man who serves in his office, who served formerly as my administrative assistant, Donald Deuster, is one who has promoted this legislation with the general public as well as among Members of the House and the other body. I certainly wish to support many of the things which were alluded to by the gentleman from Massachusetts, and particularly to suggest that this offers an opportunity to America to relieve the overcrowded highways, to help relieve the threats to the environment, and to serve all Americans, which, of course, it can do.

Being a Representative from the State of Illinois, and noting on this map that Chicago, in the preliminary designation of points in the basic system, serves as the hub for the system, I cannot help but feel the extreme importance which this legislation is to my State and to the people in the great Midwest who, of course, serve as a sort of crossroads for transportation of this type. I wish to indicate my willingness to support, through further legislative actions and through all of the support that I can provide from my office, all those steps that need to be taken in order further to carry this program to a full fruition.

I thank the gentleman for yielding.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from California, a member of the committee, whose good humor and assistance during consideration of the bill made it all possible. I remember particularly his comments on the connections between the city of San Diego, which he so ably represents, and Los Angeles. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Speaker, the designation of a proposed national passenger rail system yesterday by Secretary Volpe was an important first step toward achieving a balanced transportation system.

As a westerner, though, I am disappointed with the priorities assigned by Mr. Volpe for the preservation and improvement of our fast disappearing passenger service.

A glance at the map of the terminal cities in the preliminary network unveiled by the Secretary shows truly wide open spaces in our great American Southwest.

In fact, of the 14 cities designated as end points in the basic system, only four—Seattle, San Francisco, Los Angeles, and Houston—lie west of the Mississippi.

I cannot quarrel with the logic in trying to assure the continuation of adequate passenger rail service in densely populated corridors of the eastern seaboard.

But I do feel the Department of Transportation is overlooking an obvious point: Our population growth is occurring primarily in the West, as amply demonstrated by final census figures which were also released yesterday.

Take the matter of north-south routes. None is recommended for the Pacific coast. Yet no fewer than five north-south lines have been proposed to traverse the eastern portion of our country. To let this conspicuous imbalance go unchallenged would be to neglect our responsibility to the future.

As a San Diegan, moreover, I am naturally concerned over the complete omission of my city—14th largest in the Nation—from the basic plan.

For decades, it seems, Federal transportation planners have fallen into the trap of considering San Diego a suburb of Los Angeles. We have had to fight for everything that has been allocated to us in ocean, air, and highway routes. Now it appears we shall have to battle for passenger rail service to which we feel entitled as a self-sustaining metropolis of considerable economic importance.

To start, San Diego is not a bedroom of Los Angeles. It is instead a standard metropolitan statistical area with 1.4 million people, virtually all of whom work as well as live there.

And while many parts of the Far West are just beginning to realize their potential for population growth, congestion of people and the means of moving them about is already a harsh fact of life in the 128-mile corridor extending from San Diego to Los Angeles.

Today, 99 percent of travel in this corridor is by car, bus, and plane. We do have rail service of a sort, but it is woefully inadequate: three train runs a day between San Diego and Los Angeles each taking nearly 3 hours.

People love their cars in southern California and they use them; fully 88 percent of the 37 million trips a year along the corridor are by private automobile.

But if we expect the highways to continue to bear the primary intercity transportation burden, the future is indeed forbidding. Traffic along Interstate 5, the main highway between Los Angeles and San Diego, has been increasing at the rate of 8 percent a year, more than three times the population growth rate. Our planners point out that unless alternate modes of transportation are developed, Interstate 5 will be "consistently overburdened" along its 133-mile San Diego-Los Angeles segment before this decade is over.

Some 6 percent of the travelers between the two cities are now taking the plane, but here again, projections offer scant comfort for the future.

In a recent 2-year period, from 1966 to 1968, the annual number of San Diego-Los Angeles air passengers shot up by 29 percent, a rate of increase that if sustained would cause commercial air traffic to double every 5 years. It can be assumed that many of these passengers fly because they are fed up fighting traffic on the freeways. But the airways themselves could become dangerously overburdened as a result.

Today, more than 10 million people reside in the three counties—San Diego, Orange, and Los Angeles—comprising the San Diego-Los Angeles corridor. That's one of every 20 persons in the United States. Surely, demography alone should justify inclusion of this area in any viable national passenger rail sys-

tem, as the southern anchor of a north-south line joining the Pacific States.

Secretary Volpe has always shown himself to be a reasonable and fair-minded man. He made clear yesterday that the routes suggested in his preliminary report are subject to revision before he makes his final determination on January 28.

Mr. Speaker, I earnestly hope Mr. Volpe can be persuaded to recommend the necessary westward extensions to make this a truly national system.

The gentleman from Illinois has referred to Chicago's peculiar role as a hub of all or many of these routes. Of course, that took no brilliance in planning, inasmuch as the present major roads feed in and out of Chicago. I would direct the gentleman's attention to the fact that at one time Buffalo, N.Y., occupied this unique position in American railroading. Buffalo no longer occupies that position because, rightly, the westward tilt of the late 19th century and the early 20th century has brought Chicago into the role of being the principal railroad point in the United States.

But I would call attention to the increasing population of my native State, which is going to enrich this body in the next Congress with five additional Members. I do hope when they arrive they will not find that the railroad passenger traffic of the future has been so set in cement that it is too late to do anything about it. I know the gentleman is going to be as concerned as I about connecting his great city in the extreme Northwest of the United States with my city in the extreme Southwest of the United States. We have had some shoddy reductions in the passenger service between those points, and I think it is up to the Federal Government through legislation such as this to make sure that adequate service is restored and maintained.

I would point out, I hope without being parochial, that one American in 20 lives in the corridor that lies south of Los Angeles in southern California. It is perfectly apparent from the map that this one-twentieth of our population has been completely ignored in the tentative route service. We have got to have some kind of railroad service, because 40 million persons a year traverse this route between San Diego and Los Angeles. About 88 percent of them go by auto, about 12 percent by air, and the projections of air service are that this demand will be doubled every 5 years.

This presents a clear and immediate problem of safety, with the clogging of the skies and highways. We have got to get those people out of the air, and we have got to get as many people as possible off the highways, and we can do it with fast passenger rail service. The present time for that route is close to three hours. Something has to be done. This is a good beginning. I do not think we should be too hard on the Secretary of Transportation at this stage, but let us keep the pressure on him very closely for the next 8 weeks.

Mr. Speaker, I thank the gentleman for yielding.

Mr. ADAMS. Mr. Speaker, I yield to the gentleman from Texas (Mr. ECKHARDT), a member of our committee. I want to express my appreciation to him for the work he has done on this during the past few years.

Mr. ECKHARDT. Mr. Speaker, I thank the gentleman in the well, who, I can remember, was fighting for this matter at a time when it seemed like a nostalgic dream. It seems now like the real initiation of a program that may change the history of transportation in the United States.

There is no man in the House who deserves more credit both for his intelligent analytical approach to this problem and also for his insistence that something be done about it, through a long period of time during which it seemed at times hopeless.

Also, I wish to recognize the work of the Department of Transportation. I think it is a good step forward. I do not want to see it overloaded. I would like to see transportation revitalized in America beyond simply the hope of having my community served, but I do think aside from the question of regional interest, the statement of the gentleman from California was extremely telling with respect to population trends.

Across that southern corridor, across the traditional southern corridor, we have three of the large States which have actually grown in the most marked way—Florida, which will receive, because of its proportionate population growth, three additional Congressmen, and Texas with one, and California with five. Therefore, it is easy to note that the southern corridor should not be neglected if we are considering the development of the country.

The route across the southern portion of the United States has been traditional, and I can only believe that such a traditional route must have a reasonable technological basis.

I have been most impressed by the statement by my colleague from Texas, the distinguished chairman of the Committee on Agriculture, with respect to the route to which he referred. It must be said that the Santa Fe, of all the railroads in our area, has maintained perhaps more active passenger transportation over long routes than others. This is a consideration I believe should be given attention.

This development is most noteworthy, I believe.

Again I want to recognize the contribution of the gentleman from Washington, who has given us the opportunity to make these statements.

Mr. ADAMS. I thank the gentleman from Texas.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Massachusetts, a member of the Appropriations Committee, who has been deeply involved with a great deal of interest in transportation, and who has contributed much to it. I appreciate his being here today to give us the benefit of his views on this matter.

Mr. BOLAND. I thank the gentleman from Washington for his very kind remarks.

With respect to the Subcommittee on Appropriations for the Department of Transportation, the funds which will come up, I presume in a supplemental, for the $40 million to get Railpax off the ground, I am sure will be overwhelmingly voted for not only by the subcommittee but also by the committee and by the Congress itself.

I do want to join the gentleman from California, the gentleman from Texas, and others who have complimented the work the gentleman from Washington has put into this effort. It has been a tremendous job, and he has given a great deal of his great ability and time and expertise to this matter.

A moment ago I believe my friend from California (Mr. VAN DEERLIN) indicated we ought not to be too hard on Secretary Volpe. As a matter of fact, I believe that all of us—indeed, including the gentleman from California—would applaud the efforts of the Secretary in this area. All of us recall that many months ago when Railpax was sent up as a trial balloon it was promptly shot down by the Interstate Commerce Commission and some in the administration, but not the Secretary himself. It was a plan being advanced rather cautiously at that time, and a plan which almost died aborning, but it did take fruit.

Today we do have a basic system which might very well save passenger service throughout the United States. This is a beginning, as I am sure the gentleman from Washington has said.

I attended the briefing which the gentleman attended yesterday morning, given by the Secretary and by the Department of Transportation. Those of us who were at the conference came away with the belief that this is indeed a giant step forward in the preservation of passenger service in the United States. It is, as I am sure the gentleman has explained to the House, a basic system which can be built upon, and which I am sure will be built upon in the years to come.

I am delighted the gentleman from Washington (Mr. ADAMS) has taken this time for the purpose of explaining in detail what the system is, what it is now doing, what it hopes to do, and what we can accomplish by adopting the system as it was recommended by the Department and as it will be expanded by the Corporation itself in the years to come.

I appreciate the gentleman's taking this special order to permit the Members of the entire House to know precisely what the system entails. I am sure as we get to know it better we will make improvements. Comments will flow in for the next 30 days to the Department, and action will be taken by the Department after that 30-day period, when all of the Directors and the Corporation itself are finally established.

I believe we will be able to look back to the day this bill passed the House and

say to the Committee on Interstate and Foreign Commerce that they did a good job. We can applaud the Department of Transportation and Secretary Volpe for his leadership in this area, and I am sure we can commend the gentleman from Washington for his foresight and leadership and for the great interest he has taken in this particular problem.

Mr. ADAMS. I thank the gentleman from Massachusetts.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Speaker, I think the Department of Transportation has done a mammoth job in preparing, during the past 30 days, its preliminary outline for a basic national rail transportation network for passengers. I believe there have been some significant omissions, and inevitably there will be some changes which the Department of Transportation will want to make after the next 30-day period of study provided under the Rail Passenger Service Act of 1970.

Specifically, I have called upon the Department of Transportation, the Interstate Commerce Commission, and the Texas Railroad Commission to recommend the inclusion of the route eastward from El Paso to Houston and New Orleans in the basic transportation system.

This is one of the most historic railroad routes on the continent and the Interstate Commerce Commission has turned down previous efforts of the railroads to abandon it.

I am sure there will be many other efforts to retain long established passenger service in other parts of the Nation, and I hope members of this body will make their wishes known during the next 30 days.

Thank you.

Mr. ADAMS. I thank the gentleman from Texas.

At this time I would like to pay my compliments to the chairman of the Subcommittee on Transportation and Aeronautics, the honorable gentleman from Maryland, SAMUEL FRIEDEL, for his contribution and for what he did in seeing that this bill moved forward.

Mr. KUYKENDALL. Mr. Speaker, those of us on the Interstate and Foreign Commerce Committee who have worked long and tedious hours on this legislation did so with one thought in mind: That something had to be done to save the railroad passenger service. We have known for years that highway and airport expansion cannot keep pace with the growing numbers of intercity travelers. While significant improvements are being made in our highway and airway systems, it is clear that they cannot be relied upon exclusively for future intercity travel needs. Expansion of highways and airports is limited by considerations of land use, noise and air pollution, and other environmental problems. Without minimizing the enormous contributions that the automobile and the airplane have made to intercity travel, it has become clear in the last few years that they cannot do it alone.

The need to rescue rail passenger service is obvious. This service has declined so severely in amount and quality in the past several years that it could very well have disappeared entirely if appropriate action had not been taken immediately.

In the last 10 years the number of intercity passenger trains has fallen from 1,500 to fewer than 400. Accompanying the overall decline in passenger service has been a generally marked deterioration in quality.

Deficits from passenger operations have imposed a serious financial burden on the Nation's railroads, affecting their ability to provide high-quality freight service. The rail passenger deficit has swollen from $9 million in 1963 to about $200 million in 1969.

Improved and revitalized rail passenger service can make a major contribution to better intercity transportation. This is especially true as we look to the future, when increased population and additional travel will impose serious congestion problems in the Nation's heavily congested corridors.

By the end of this decade it has been estimated that more than half of the U.S. population—which will total about 230 million in 1980—will be located in three major corridor complexes: one in the Northeast, another in California, and the third in broad bands across the Midwest.

Much of the movement provided by commercial modes within these corridors today is provided by air transportation, but air traffic forecasts indicate that the principal air terminals at such places as New York, Washington, Boston, and Chicago will soon become so badly congested that it will be desirable, perhaps essential, to divert some air travelers to high-quality rail service. At present, for example, approximately 25 percent of those who use the crowded airports in New York, 40 percent in Washington, and almost 60 percent in Boston travel to other points in the northeast. If a sizable proportion of this traffic is shifted to passenger trains, air congestion would be alleviated considerably.

The success of the Department of Transportation's rail passenger demonstration programs in the northeast corridor is positive proof that good, clean and efficient service will attract travelers. The metroliner between New York and Washington carried close to 1 million passengers in fiscal year 1970. More than 100,000 travelers are using the service each month. On the turbotrains, ridership has also been impressive with over 105,000 passengers from its inception in April of 1969 through June of 1970.

The objectives of the new Rail Passenger Corporation are to create a viable, businesslike enterprise that will be dedicated exclusively to the improvement and operation of high-quality rail passenger service. Its management hopefully will be unburdened with traditional rail managerial attitudes and approaches and should therefore be able to bring about the greatly needed changes in operations and marketing. There is no reason why rail service cannot be sold to the American public just as effectively as air transportation has been in the last 10 years.

The experts believe that the new corporation can reach the break-even point within 3 years and prove to be profitable soon thereafter. In the beginning, it is expected that the unavoidable investment and start-up expenses would cause the corporation to incur a deficit. However, this deficit is not expected to present a serious financial problem, due to the corporation's initial capitalization through participation of the railroads and the Federal Government.

The preliminary designation yesterday of the basic route system shows excellent planning and good judgment in setting up a system that will reach some 105 million people. It is hoped that the corporation will be able to expand upon these routes so that eventually rail service will be more convenient, easily accessible and more economical than ever before.

Mr. PICKLE. Mr. Speaker, it is a bit early to offer a clear-cut analysis of the national rail passenger system proposed by the Department of Transportation. A massive nationwide system such as this takes time to digest.

In the committee, we recognized this time lag and created the mechanism for the various parties to be heard. During the next 30 days, for example, the various groups—ICC, State railroad commissions, railroad management, and labor—have the opportunity to make themselves heard before the Secretary of the Department of Transportation.

Following the ICC review procedure, the Secretary of Transportation then has an additional 30 days to amend his initial recommendations and then give us his "reasons why" his decisions were made.

From this point, we go into the machinery whereby railroads choose whether to participate in the corporation.

Mr. Speaker, this is a fragile beginning, but it is a beginning. The semipublic corporation to run the passenger service is a hybrid born out of compromise.

It is not quite nationalization.

It is not quite free enterprise.

And it is not the complete solution. But the concept is sound. Admittedly, this is little more than a holding action. By designating even this rudimentary national passenger system, we have arrested the certain, slow death of the railroad passenger train.

We have not, however, treated the symptoms that have caused the American traveling public to abandon the train in favor of the automobile, bus, and airplane. This we must do.

Throughout the long hearings in both the subcommittee and the full committee, I have endorsed the plan for this corporation to keep a passenger system running. I continue to support the plan. And, generally speaking, the preliminary recommendations by Secretary Volpe are good. But there are some gaping holes in both the proposed network and the equipment.

Chicago, for example, has become the railhead for the Nation. Obviously, the Windy City is the hub for America's railroads, but our purpose in designating a national system is to move intercity traffic by rail. I find it discomforting that 10 of the 16 proposed routes begin, or end or cross through Chicago.

This is done at the expense of the Southwest and the Far West coast.

I insist that the Department of Transportation rethink their initial suggestions to include the existing east coast to west coast transcontinental service through the southern half of the Nation. As you know, there is a train running now that crosses the continent in this fashion—beginning with Southern Railroad's depot in New York, through Washington and Atlanta and on to New Orleans.

From New Orleans, the Southern Pacific picks up the run through Beaumont, Houston, San Antonio, and El Paso on to California. This is a vital link and should be included in the basic system proposed by the Secretary. This error of omission must be corrected. Apparently the railroads concerned feel like this particular run merits some special attention—they just reinstituted sleeper service on the existing passenger run and upgraded dining accommodations.

On the same subject of considering additions to the national system, a quick look at the map illustrates quickly the need for some north-south passenger service in the growing population corridor that is California. It is shortsighted to deny this method of transportation to one of the more densely populated sectors of the country and I urge the Secretary to consider this addition also.

Plus, I am certain that closer examination of the Department of Transportation recommendations will point to the need for improved high-speed inter-city service, such as the Metroliner from Washington to New York. Certainly, we need to give the "all-aboard" to similar runs in other areas of population concentration.

Wisely, the Secretary left the door open to some modification of his basic suggestions. Certainly, within the next 30 days, we will consider fresh evidence pointing to the need to additions to the initial recommendations. I hope that the Department of Transportation is flexible enough to give these forthcoming suggestions full consideration.

This holding action of ours, for example, does not give adequate consideration to new methods of moving people by rail. I ask that the Department of Transportation immediately incorporate such plans which would include the possibility for tracked air cushion vehicles, high-speed trains, linear induction engines and perhaps even pneumatic tubes. I still smart from the elimination of the extra $15 million from this bill which I tried to earmark for high-speed ground transportation when this measure was approved in October. I still reject the argument that "this was not in the budget." The Department of Transportation must have the courage to ask for larger sums for these demonstration projects.

Not only do we need this high speed back in the budget, but we also need some dreamers who can develop transportation modes we have not even yet considered.

Going a step further, Mr. Speaker, ultimately the proposed national system will remain a skeleton with little muscle until such time as the Department of Transportation can integrate this rail system into a fully developed, balanced national transportation plan.

Consider the legislation we have passed in recent months: the airport and airways bill, mass transportation in urban areas, extension of the Interstate Highway Act and now the rail passenger service. Until these and other transportation bills, such as the containerization or intermodal bill, are pencil-whipped into a completely integrated approach—until such time as we can truly look at the Nation either through a computer or a crystal ball, each of these major legislative accomplishments are limited.

Although each of these bills represents a giant step, we will have no clear-cut direction until the Department of Transportation can plug every transportation system into a national approach. I urge the Secretary to accelerate his endeavors in this vital area. Until we can provide the plain, ordinary people dependable transportation just across town to conduct their shopping, much less across the Nation to conduct their business, until then—we will continue to choke with congestion, pollution and even ghettos. An easy ride across the city means a lot for the urban poor.

Meanwhile, I do find some comfort in these tenuous steps to progress. Perhaps we have, indeed, saved the passenger train from going the way of the passenger pigeon.

Now, I need to find a way to move Chicago to Texas in order to get adequate rail transportation.

Mr. GONZALEZ. Mr. Speaker, if there is any one thing that should be clear to us, it is that our cities are strangling. The cities of this country have a massive problem of circulation. We are finding it increasingly difficult to move from city to city, or within cities.

In the present day, to get from one city to another, Americans have a choice generally to go either by airplane or over the road, either by bus or car. A few who are determined and hardy are able to find a passenger train. But probably better than 99 percent of intercity travel in this country today is by highway or air.

Both highways and airways have limited capacity to carry people or freight. In the more densely populated areas of our country we have a situation where both highways and airways are saturated and can hardly be expected to accommodate anything like the level of demand that will exist in the future—for they already serve all too inadequately today, despite the frequent and costly efforts that we make to improve and upgrade airports and highways.

So we are left with rail transportation. There are only about 370 railroad passenger trains left in the country today. Railroads are asking that fully a hundred of these be discontinued. On those that remain, service is slow, and even at that is so unreliable as to be a joke. Cars are old and ill-maintained, and the ride is uncomfortable because there are few or no amenities offered, and the railroads have allowed their track and roadbed to fall far below the level of maintenance required for fast, safe and comfortable passenger service.

Now we are discovering that our cities are suffering from a case of poor circulation, and that it is vital to the Nation's interest to revive railroad passenger service. This is not an effort that must be made merely to save a relic from the past; we do not need to preserve railroad passenger service merely because it would be sad to lose it. We simply must preserve, maintain and upgrade this service because it is absolutely essential and vital to the healthy and orderly flow of commerce through this great and complex land.

This will not be an easy undertaking. It is not a project to be tackled by the faint of heart or the man of anemic will or ambition. It is a task of gargantuan proportions, requiring brave and bold men, supported by a Congress that is equally brave and bold.

The tool we have for saving the railroad passenger service is pitifully small.

The National Rail Passenger Service Corp. is charged with taking over and running passenger trains. To do this, we have endowed it with a promise of a pittance of money. We have given it authority to take over railway passenger service, and save it if it can, kill it if it must.

The system that is envisioned by Secretary Volpe might enable a few trains to survive; but its first effect will not be to help railway passenger service to survive; instead trains by the hundred will simply disappear. There will be no railway connection from Detroit to New Orleans, and none from New Orleans to Dallas, or from San Antonio to anywhere. There will no longer be trains servicing the Southwest; the Sunset Limited, the Zephyrs, and all the rest of the great Western trains will be just a memory.

I believe that it is a mistake not to start out with the premise that this country's great cities—all of them, not just some of them—must have railway passenger service. But the first act of the Secretary of Transportation is to propose a system that does not even offer that as a hope, let alone a promise. I think that this is a mistake.

I understand why perhaps it might be necessary to say "tomorrow, perhaps." But to simply remain mute is to say nothing can be done, either by Railpax or any other entity—to provide this service.

Railpax will have little enough to do its task with. It will inherit a few old cars from the railroads, try to serve a few cities, and see if it can survive. It will have $40 million to provide service with, if it can, plus maybe another $300 million in loans, if the money can be raised.

Measured against the size of the task, that is a laughable amount.

Japan has the finest high-speed rail line in the world in its Tokyo-Osaka Express. That line cost not 40 million, not a hundred million, but one and a third billion dollars. Railpax cannot hope to do more than limp along with a few trains, given the resources that Congress has only promised—and promised on a "perhaps" at that.

Why will it cost so much?

For one thing, it is simply not possible on most U.S. rail lines today to offer a fast, comfortable, and safe ride. Even if we had decent railway cars, which we generally do not, the railroad track and roadbeds are now maintained only for freight traffic. Freight moves slowly, and it does not have to move comfortably, and so tracks and roadbeds that we have today are for the most part both uncomfortable and would be very much unsafe for high speed passenger service. While we have given Railpax the authority to operate trains in passenger service, we have not answered the riddle of who will provide the safe and comfortable tracks and roadbeds that alone will make those trains competitive with other forms of transportation. Neither are our statutes clear on how this would be financed.

There will be problems with labor agreements, and problems with who decides who has what right-of-way, when passenger needs conflict with the freight service that railroad companies will retain. Who pays what bills, and who owns the terminals, and under what conditions? These are matters that will take time, patience, and money to resolve.

So we are launching a brave experiment in salvaging railroad passenger service.

I believe that we need to have a bolder vision, a higher ambition.

I think the administration should have proposed a comprehensive plan, and requested a realistic budget to work with. As it is, Railpax may get an appropriation of $40 million. We spend that much on highway construction in a single day. I hardly see how Railpax can live up to its promise. We should endow it with muscle, and demand the comprehensive network that we are not getting from the administration.

It would be too bad if we allowed the railways in the West and Southwest, and through the heartland of America to fall into the same disarray, disrepair, and disrepute as have the railroads of the east coast.

I do not think it is too late to solve the problem. But we surely have no time to waste, because Railpax will be the executioner of a good 80 percent of that pitifully small railway passenger service we now have—and then it will see what can be done about saving the rest. I doubt seriously that it can do even that. We had better examine the doctor before he kills the poor patient, who God knows, is sick enough already.

Mr. PELLY. Mr. Speaker, it is most appropriate to discuss in the House today, as my colleague from the State of Washington has been doing, the preliminary rail passenger system.

I have read with keen interest the report of Secretary John A. Volpe for creation of a basic rail-passenger system as authorized by the recent legislation passed by Congress. I supported this bill because it seemed to me in the national interest to prevent abandonment of intercity rail passenger service. This great Nation of more than 200 million people cannot depend alone on air and bus service.

The new rail system, as proposed by Secretary Volpe, with 16 different rail passenger routes in my view is a barebones plan. I do not quarrel with the city-pair end points suggested by the Secretary, but to be successful, I think there should be a feeder system into each end point. To take my own city of Seattle, I would hope that the system connect with Canada at Vancouver and to the south with Portland, Oreg., and California points such as San Francisco. Likewise, I would have hoped on the Atlantic seaboard the system would link with Montreal. On the south, I would have hoped for a New Orleans to Los Angeles route and in the West a San Francisco to Los Angeles route.

These additional routes, it seems to me would increase passenger travel by process of circulation. Perhaps, the plan to expand the system in accordance with need would include feeder lines to increase flow of traffic between the various so-called city-pair end points over which the scheduled passenger trains will operate.

In line with improving service, I would hope there will be through sleeping car service so passengers from Los Angeles, San Francisco, and Seattle could remain in their cars at Chicago and travel on to New York.

However, as pointed out by the Secretary, his report is limited in order to give freedom of management to the new corporation which it should have.

Meanwhile, let us not forget that this Nation faces a nationwide railroad strike and that on December 19, 1970, this Nation may be suddenly thrown into a complete traffic snarl.

What concerns me is that heretofore when Congress enacted legislation such as President Johnson's mediation to finality, the railroad unions, although they opposed such a law, respected it. Now, the president of the Railway Clerks has publicly stated he doubts that his membership would observe any such law, passed by Congress. I believe he said he would go to jail rather than obey a law to outlaw a strike.

If this happens, then we are wasting our time setting up a Rail Passenger Service Corporation. In such an event, seizure by the Government or nationalization of our railroads must follow. This Nation cannot stand a railroad strike and fines and jail sentences will not solve anything.

So, shortly, the United States may take another step, this time a giant step toward socialization in ending a taxpaying private transportation industry.

Right now, I think Congress should postpone consideration of the Volpe report and instead begin planning on possible temporary or permanent nationalization.

Personally, I think the employees of the railroads would be better off under free enterprise, but now we must consider first the interest of the Nation and not the interests of individual citizens.

This is a sad plight and difficult decision, but what to do about a nationwide transportation tieup must be decided.

Mr. ROBISON. Mr. Speaker, I have been called away from my duties here in the House of Representatives by a death in my family; and, therefore, it is impossible for me to be here today in person to participate in this special order on railway passenger service. The gentleman from Washington (Mr. ADAMS) has been considerate enough to include these remarks in the RECORD, and I thank him for that kindness.

Mr. Speaker, repeating a statement which I made on this floor in 1969 would seem appropriate, because the conditions of which I spoke came to pass—the discontinuance of passenger service in my district—and because we now stand at the crossroads with our new Rail Passenger Corporation which could revitalize such service. On that earlier occasion, I noted:

> In an earlier, more rustic—and probably happier—time, one of the supposed pleasures of small town life was going down to the station to watch the train come in.
>
> I do not know where it is going to happen, nor exactly when, but one day soon, unless we do something about it, the residents of some town here in our land will have the doubtful privilege of going down to the depot and watching America's last remaining passenger train come in.

Indeed, such has already occurred in my congressional district which formerly had numerous passenger trains daily stopping at each of our three major cities—Ithaca, Binghamton, and Elmira. We in the southern tier of New York have seen the last passenger train come and go.

And yet, Mr. Speaker, I do not want my remarks to take on the appearance of pessimism, for my district and many others have been granted a possible reprive by the creation by Congress of the new Rail Passenger Corporation scheduled to come into being on May 1, 1971. That Corporation, together with the announcement yesterday of Secretary Volpe, offer the hope that the heretofore dwindling passenger rail service—both as to the quantity of routes and the quality of the service—may be rejuvenated. Certainly, as our population grows, as our highways become more crowded, as our airports become more congested, and as mass transit takes on new significance, passenger rail service—rather than a product of a former age—becomes a new hope for solving our future transportation problems.

As Secretary Volpe disclosed yesterday, one of the routes which DOT feels ought to be retained by the new Rail Passenger Corporation is that service between Buf-

falo and New York City. Although it is my understanding that the exact route or routes of that service remain to be determined by the Corporation, I cannot help but note—perhaps with nostalgia—that the route indicated on the map distributed by DOT roughly approximates that of the Erie-Lackawanna Railroad, which route passes through my district in the southern tier of New York. It is my hope that the Corporation, when it comes to choosing the particular route to furnish the service between Buffalo and New York City, will choose a route which restores service to the southern tier.

I have fought a long but fruitless fight in attempting to retain passenger service for my constituents—not out of nostalgia but because that service was necessary and it becomes increasingly important with each passing year. I carried that fight to all levels of management and government, but to no avail. Today there is no passenger service for the residents of my district. It was decided by the railroads and subsequently approved by the Interstate Commerce Commission that passenger service was neither profitable to the railroad nor needed by the residents—and today our passenger terminals stand empty, vestiges of a former age.

I do not quarrel with the financial finding. Indeed, perhaps the Erie-Lackawanna Railroad was losing money on that particular passenger route; but is it possible that a portion of that loss—or perhaps all of it—came as the direct result of the degradation of the service offered? And today, due to these "factual findings," residents of the 33d Congressional District are reliant on the air passenger service provided by Mohawk Airlines, the only major airline which services that district, as their only means of rapid mass transit. Unfortunately, Mohawk is currently embroiled in a strike and service has been discontinued to our three commercial airports, leaving the residents of the area dependent entirely on automobile and bus transportation in the winter months when such travel is most dangerous and least dependable.

In choosing a route between Buffalo and New York City, I sincerely encourage the Corporation to carefully consider the needs of the southern tier and those factors weighing in favor of that route servicing our area. The route through the southern tier offers the shortest mileage of any of the other possible routes and, therefore, would be the fastest route.

In short, Mr. Speaker, there may be other routes that could be chosen between Buffalo and New York City, there may be other routes which might be more profitable to the railroads, but there is no route which is more necessary than that through the southern tier of New York. I would encourage the Corporation to select a route which will service that need, and I would hope that our plea for service will be heard. Perhaps one day in the not too distant future, the residents of Ithaca, Binghamton, and Elmira will go down to their respective train stations to see the first train coming in to pick up passengers. I shall await that day with much anticipation.

Mr. McCLORY. Mr. Speaker, it is most encouraging that the Nixon administration and, particularly, the vibrant and forward-looking Secretary of Transportation, John Volpe, have recognized the need to preserve rail passenger service for the American people.

In pursuance of the legislation which was passed recently by this Congress, it is now planned to provide passenger service by the newly authorized, semipublic railroad corporation to serve the needs of 85 percent of the urban population.

Mr. Speaker, as a Representative from the State of Illinois, it is both logical and encouraging to note that Chicago will serve as the hub of the proposed passenger service program. Mr. Speaker, I am confident that the retention of rail passenger service and its improvement will benefit every citizen of the Nation. Certainly, it will be of particular benefit to all Americans who travel on our overcrowded highways. The proposed new passenger service system should reduce threats to the human environment and should give safe, convenient, and comfortable transportation to our mobile population.

Mr. Speaker, this is but another example of the successful handling of a pressing domestic issue. I commend my colleagues in the House and in the other body for supporting this administration-sponsored program which is moving rapidly to fruition. I am pleased to join my colleague from the State of Washington (Mr. ADAMS) and the others who are taking part in this special order. Mr. Speaker, I regard these remarks today as a commitment to future legislative support of the reasonable needs of the new, proposed transportation system.

Mr. WOLFF. Mr. Speaker, I want, at the outset, to congratulate and thank the gentleman from Washington (Mr. ADAMS) for the leadership position he has taken on the matter of rail passenger service. He is performing a valuable service and doing it quite well in focusing greatly needed attention on the plight of this Nation's railroads.

I chose to participate today because there are some points that I think should be made. While I do not profess to original authorship, I do think these points are quite important and know that they are of special interest to my constituents, tens of thousands of whom commute daily to and from Manhattan on the Long Island Railroad.

Specifically, I am concerned about the quality of safety and service standards on commuter railroads. I am also concerned about the responsibility of government in ensuring the continuation of commuter rail services.

You know, Mr. Speaker, how very often the Members talk about air pollution and the danger of automobile exhausts. These problems are especially acute in the New York metropolitan area where people and autos are in great density. We also know how many people commute to and from their jobs over distances of 20, 30, and even as much as 50 miles.

The question we must ask ourselves is whether we want the hundreds of thousands of commuters in the New York area, and their counterparts in all our great metropolitan areas, to travel to and from work in private autos, bearing in mind the fact that often this means only one or two people to a car spewing forth great amounts of pollution. Obviously this is not a desirable situation. Obviously we should offer an alternative to commuting by private auto.

And what is that alternative? Clean, safe, quick, affordable rail service is the best alternative available to us. It is desirable for many reasons not the least of which is the way in which such rail service will reduce the number of private autos polluting the air in our great metropolitan regions.

I realize I have gotten a bit away from the specific concern of the gentleman from Washington. But I do believe that commuter rail service is as deserving of our attention as intercity rail service. The motivations may be slightly different but the need and urgency are the same.

It is imperative that as the Federal Government has moved to save intercity rail transportation and give it new life that we have a fresh initiative to restoring proper commuter rail service in this country. This may require new thinking about funding, new ideas utilizing certain technological advances, perhaps even associating commuter lines with intercity lines. But it must be done and this is why I have joined the gentleman from Washington today in his discussion of the Rail Passenger Service Act.

Mr. FRIEDEL. Mr. Speaker, I welcome this very important opportunity to participate today in the special order called to discuss and perhaps more fully explain to all the Members of the House the significance of the historic Rail Passenger Service Act of 1970. As the Members know, last month both the House and the Senate passed this important landmark legislation and we were all pleased that President Nixon signed this bill into law.

As a member who has enjoyed the high privilege of chairing the distinguished Subcommittee on Transportation and Aeronautics of the Interstate and Foreign Commerce Committee under the magnificent leadership of my friend and able colleague, the Honorable HARLEY O. STAGGERS, of West Virginia, it gives me a special pleasure to be able to contribute today to this important discussion.

The Subcommittee on Transportation and Aeronautics has for the past 3 or 4 years been laboring diligently to produce legislation in the field of rail passenger service. As all the Members know, this has been a particularly thorny problem in our otherwise generally successful transportation picture in the United States. At the outset today I want to pay high praise to all the members of the subcommittee for their diligent and valiant efforts in producing this legislation

which can go so far in improving our transportation system in the United States. Without the effort and contributions of all the members of the subcommittee, I am sure we would not have produced this landmark program.

As all the Members of the House well know, the railroad industry in our country is the keystone of our transportation system. The American railroads have played and will continue to play a major role in the historic development of our great country. The forging of steel rails across our country in the 1800's largely contributed to the development of the Midwest and the vast areas of the Far West. Every American schoolchild learns of the importance of the railroad industry in the important development of our country. With the advent of the 20th century and the increase in technological know-how in all forms of transportation, the use of the railroad as a means of passenger transportation had by the middle part of this century begun to fall into a state of disarray. By 1970 the Nation was faced with the immediate threat of the complete curtailment of all rail passenger service throughout the country. In 1929, there were some 20,000 passenger trains in the United States—by 1946 some 9,000 of these had disappeared. In the last 24 years so many had been canceled or discontinued that today there are less than 400 passenger trains operating currently within the United States and of this number over 100 are currently pending discontinuance in proceedings before the Interstate Commerce Commission. In 1969, the railroad passenger deficit of the American railroads in the United States was approximately $200 million. These were the considerations that the subcommittee and later the full committee groped with in developing the legislation which was successfully passed and signed into law last month.

The program that we have now established would create the National Railroad Passenger Corporation, a private corporation which would not be an agency of the Government. It would be a corporation somewhat similar to that created to manage the international telecommunications satellite or Comsat Corporation. The Corporation will be directed by a 15-member Board of Directors, eight appointed by the President with the advice and consent of the Senate. Three members elected by the common stockholders and the remaining four Directors elected by the preferred stockholders. The Corporation would be authorized to operate or contract for the operation of inter-city rail passenger trains. Each railroad company operating such passenger trains would be given the opportunity to contract to perform that service after May 1, 1971. If these companies entered into such a contract, the company would then be fully relieved of any responsibility to offer such passenger service itself over its existing routes.

Upon entering into such a contract the Corporation will assume the responsibility for, and will operate, most likely a portion of the railroad passenger service previously offered by the contracting railroad.

The Secretary of Transportation under this act, has, as of yesterday, submitted a preliminary report to the Congress, setting forth recommendations for a national basic railroad passenger system. The Interstate Commerce Commission, State and public utility commissions, railroads, and labor, now have 30 days to submit their comments on the Secretary's preliminary report and the Secretary will submit his final report in another 30 days to 90 days after enactment of the legislation. Once the Secretary has fulfilled the statutory requirements for designating the basic system, there can be no further changes to the system, and the Corporation will operate under contract with individual railroads, the passenger service to be conducted over the basic system. This is scheduled for May 1, 1971.

Individual railroads who enter into contracts with the Corporation will, in consideration for their participation, be relieved of the responsibility of providing passenger train service. The individual railroads will be required to pay to the Corporation sums computed on a formula basis. Three formulas have been provided and payment would be based on the formula most favorable to each particular contracting railroad. Sums paid to the Corporation could be paid in cash, equipment, or providing future service. The choice is to be at the option of the Corporation. The contracting railroads in return will receive common stock of the Corporation equal in par value to the payment that they have made under the various formulas to the Corporation.

We are particularly proud of the feature that was put into the legislation to give the railroads a choice of three ways to participate, depending on their own corporate situations. The first option would be for an individual railroad to contribute 50 percent of the fully distributed passenger deficit of that railroad for calendar year 1969. The second option would be for the railroad to contribute 100 percent of the avoidable losses it suffered from all its intercity passenger service operated by the railroad during calendar year 1969. The third method by which the railroads can participate is for the railroad to contribute 200 percent of the avoidable loss of intercity passenger service operated by it over routes between points within the basic system during calendar year 1969. These of course are technical aspects of the legislation but do, in my judgment, preserve the idea of choice for the railroads in coming into the national system. And again, I want to emphasize that these payments can be made at the option of the Corporation either in cash, equipment, or future service and that the individual contracting railroad will receive capital stock in the Corporation in return for its contribution.

The program that we have established further provides for a 5-year moratorium on all passenger train discontinuances by any railroad which will not have entered into contracts with the Corporation. This in a sense was a subtle inducement to all railroads to participate in the Corporation scheme.

The Corporation, in addition to the basic system designated by the Secretary, may add additional passenger service when it believes this to be desirable and any part of the basic system may be discontinued by the Corporation anytime after July 1, 1973, if the Corporation finds that that passenger service is no longer necessary.

As I said earlier, our railroad passenger industry had sunk into a complete state of chaos. Major railroads which provide a substantial portion of our passenger service in this country had gone bankrupt and several others were threatened with bankruptcy as a result of continuing huge losses derived from failing railroad passenger business. We thus provided within this program a provision for the Secretary to authorize loans or guarantees of up to $200 million to individual railroads for the purpose of assisting them in performing the purposes of the National Railroad Passenger Service Act.

In conclusion, Mr. Speaker, the Rail Passenger Service Act of 1970 represents a significant landmark in the transportation history of our country. Your committee of the House labored diligently and long over the various alternatives that were proposed during the last 3 years in order to bring some order out of chaos within our national rail passenger service in this country. We think that the act presents the best approach that we could come up with. It joins all segments of this vital industry together with the Government in running a rail passenger service for our Nation.

Rail passenger service in the United States can be improved and can be made enjoyable, pleasant, and overall efficient. Service by rail has been proven over and over to be the most inexpensive and economical and efficient way to move large bodies of people. Certainly within the megalopolis area of the Northeast in our country, we must have high-speed ground transportation. The beginnings that we have made with the Metroliner have proved the rightness of this course. Our railroad passenger service throughout the country has gone down because we have not kept pace with the times. By enacting this program we have taken the first step in the national commitment to find an answer to our surface transportation problem. Realistic projections of the travel needs of the United States in the next 20 years reveal that somewhere along that period the capacity of our airlines and autos to handle the movement of people, will be woefully inadequate. We must have a form of rail passenger service. The act which we passed last month and which is now on the books, will go a long way in making the proper beginning for all of us to work out for future generations the movement of people within the United States.

GENERAL LEAVE TO EXTEND

Mr. ADAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

INDEPENDENT OFFICES APPROPRIATIONS, FISCAL YEAR 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 30 minutes.

Mr. PRICE of Texas. Mr. Speaker, I commend my colleagues on passing H.R. 19830, the Independent Offices and Housing and Urban Development Appropriations bill, 1971.

Earlier this year President Nixon vetoed this bill because Congress tacked on an additional $540 million for the Department of Housing and Urban Development and other items above and beyond White House budget recommendations. I supported the President in this matter because I believe it takes austerity to curb the inflationary trends besetting us that were inherited from previous administrations. It is for this reason that I was pleased to note that the House Appropriations Committee recommended Independent Offices Appropriations bill that totals $300 million less than the bill vetoed by the President.

I also support the action taken by the House Appropriations Committee, and passed by the House, concerning the fiscal year 1971 appropriations for the National Aeronautics and Space Administration. The House held the line on the previous House/Senate action recommending to the President that $3,268,675,000 be appropriated for aeronautics and space for fiscal year 1971. This represents a cut of $64,325,000 below the original NASA request and the minimum level at which our Nation's space activities can be carried on. At the same time, however, I must emphasize that to go below this level would jeopardize our position of preeminence in space.

In my view, despite the many other demands upon our national resources, we must maintain the vitality of our national technological effort born of the last decade particularly in our aeronautics and space endeavors. To do otherwise would place our Nation's position of leadership in space in jeopardy, further dissipate the superior aerospace team built up over the past decade, and relegate this Nation to a second-rate role in the world scientific and technological community.

Last March, President Nixon made some very cogent comments concerning our space program:

Over the last decade, the principal goal of our Nation's space program has been the Moon. By the end of that decade men from our planet had traveled to the moon on four occasions and twice they had walked on its surface. With these unforgettable experiences, we have gained a new perspective of ourselves and our world.

I believe these accomplishments should help us gain a new perspective of our space program as well. Having completed that long stride into the future which has been our objective for the past decade, we must now define new goals which make sense for the Seventies. We must build on the successes of the past, always reaching out for new achievements. But we must also recognize that many critical problems here on this planet make high priority demands on our attention and our resources. By no means should we allow our space program to stagnate. But—with the entire future and the entire universe before us—we should not try to do everything at once. Our approach to space must continue to be bold—but it must also be balanced.

We must see our space effort, then, not only as an adventure of today but also as an investment in tomorrow. We did not go to the moon merely for the sport of it. To be sure, those undertakings have provided an exciting adventure for all mankind and we are proud that it was our Nation that met this challenge. But the most important thing about man's first footsteps on the Moon is what they promise for the future.

As we enter a new deecade, we are conscious of the fact that man is also entering a new historic era. For the first time, he has reached beyond his planet; for the rest of time, we will think of ourselves as men *from* the planet Earth. It is my hope that as we go forward with our space program, we can plan and work in a way which makes us proud *both* of the planet from which we come *and* of our ability to travel beyond it.

Mr. Speaker, the past decade of space technological development has been one of learning. It was a period during which this Nation accepted awesome commitments in the race to conquer space. Despite many uncertainties and some disappointing starts a decade of impressive progress and spectacular success has resulted. Programs such as Explorer, Surveyor and Lunar Orbiter have provided data on such physical phenomena as the Earth's magnetosphere and solar winds, have shown the way to the Moon, mapped its surface, and have made other contributions to meeting our Apollo goals.

The practicality of earth observation satellite systems such as the presently operating Tiros and Nimbus may eventually improve the quality of life on earth. Our advanced technology in this area has reached the point where we can have reasonable confidence in future planned programs such as water resources management, identification of pollutants, detection of diseased crops, and locations of mineral deposits. A better understanding of the movement of earth masses and ice floes, will also be obtained.

Pioneering work on global communications via satellite through such programs as ECHO, Early Bird, Relay, Telstar, and Intelsat have been completed. Comsat Corporation is a good example. Advanced application technology satellites and data relay satellites hold much promise for the future of achieving a degree of worldwide space communication with attendant benefits pointing toward improved air and sea navigation and traffic surveillance.

Additionally, the Mercury, Gemini, and Apollo programs proved that men could survive and operate in space, land on, do useful work, and return with important scientific data from the moon.

Our technology achievements gained through exploration of the peaceful uses of space has been a tremendous stride forward in an even larger sense. Our feeling of national pride and international prestige has increased immeasurably. The space program has provided hundreds of thousands of technological jobs and supported millions of people in many skills throughout the entire Nation, and has contributed billions of dollars to the national economy in almost every segment of commerce and industry. It has stimulated and produced great numbers of engineers, scientists, and technicians. And it has created a unique research and development capability which is in fact a major national resource.

The space program has also provided considerable leverage to all segments of nonaerospace industries through demands for advances in the "state of the art" of such devices as miniaturized electronics, extended-life batteries, and more sensitive and accurate atmospheric sensors and detectors. The $8 billion a year computer industry has been catalyzed through constant demands for increases in capacity, speed, and flexibility with the result that practically every direct-access commercial computer system in the world today is American, reflecting the stimulus provided by those needs.

Conversely, nonaerospace industries have been provided access to the technology developed and demonstrated on space programs. For example, the superinsulation created for satellites is now being tested for use on Alaskan oil pipelines to prevent disturbances to the ecology of that area. Fiber reinforced plastics originally conceived for reentry vehicles are now being applied to aircraft structures. Sensors developed at the General Electric Space Center detect with equal facility deadly leaded paint on tenement walls, blood flow in the heart, and tumors in the eye. Large-scale computer modeling of whole industrial complexes, such as electric utilities plants, systems, and processes has benefited from aerospace techniques.

Mr. Speaker, I strongly believe this Nation must also covet its position of world leadership in space technology. In this regard, the Russian space program appears to be designed more for the long pull despite a liberal sprinkling of failures. Mr. George M. Low, Acting Administrator of NASA, succinctly focuses the relative trends in U.S.S.R. and U.S. space capabilities in the following:

Our launch rate has been steadily decreasing, while theirs is increasing. The accompanying chart will illustrate this graphically.

In 1970, so far, the USSR has placed 74 payloads into space, while the United States has had 31.

Russia has seldom missed a launch window in the exploration of Venus and Mars; our planetary program has many gaps.

Soviet commentators have implied that the USSR has plans to return samples and use self-propelled vehicles on our neighboring planets; we have no such plans.

The Soviets have a systematic continuing manned space flight program. Soyuz 9, an 18-day mission and the longest manned flight to date, was their latest step.

They have demonstrated a capability, with their Zond spacecraft, for manned circumlunar flight, and could soon conduct such a flight.

The Soyuz and Zond programs could also lead to a manned earth orbital space station. The Soviets have stated that they expect to fly a space station before we do.

It has been reported that the Soviets are developing a booster in the giant Saturn V class; we have suspended production of ours. With such a booster, they would then be able to have permanent space bases in earth orbit, a manned outpost on the moon, or an automated planetary sample return capability.

We are rapidly losing the capability that made us first. On NASA programs alone, total employment has decreased from 420,000 in 1966 to a level of 160,000 now. Engineers and scientists are leaving the field by the thousands; young men are no longer going into these fields, because the future is uncertain. When the need again arises to rebuild our aerospace industry, to meet military requirements, or to meet a desire to move forward more rapidly in the exploration of space, we may no longer have the ability to do so.

Soviet research and development is estimated to be significantly greater than that of the United States—and growing at a rate of at least ten percent per year; United States research and development has leveled and is dropping.

EARTH ORBITAL, LUNAR AND PLANETARY PAYLOADS, UNITED STATES AND U.S.S.R., CALENDAR YEAR 1970, AS OF NOV. 19, 1970

Month	United States	U.S.S.R.
January	3	5
February	2	3
March	3	5
April	7	16
May	2	2
June	2	9
July	2	3
August	4	8
September	3	6
October	1	14
November	2	3
Total	31	74

Source: Satellite situation report.

Mr. Speaker, Mr. Low's statements are put in perspective when it is realized that despite what other social and military problems the Soviets have, they are currently spending at least 2 percent of their gross national product on their space program. Compare this to the less than 0.05 percent of the United States is now spending. The conclusion is obvious, unless we reverse present trends in the U.S. space program, this Nation must be prepared to surrender its lead in the space race to the Communists.

Since 1959, this Nation has taken the lead in space through the successful development of scientific, exploratory and applications spacecraft. Our investment in these programs had bolstered the economy, improved the quality of life of our people, increased our sense of national prestige and contributed to our national security. We can now capitalize on these benefits through continued growth of our capability toward more accurate long-range weather forecasts, improved worldwide communications and a better understanding of the earth—its interior, its surface, its resources and its protective atmosphere.

The times are such, however, that our Nation's ability to realize the full benefit of its investment in space and to maintain the resources which have brought us to these thresholds is now in jeopardy. We are faced with diminishing budgets for space and potential loss of technological leadership and international prestige.

In this regard, the newest and most difficult problems facing us at this point are social rather than technical; namely, maintaining public belief in and support of the national space effort.

As a member of the House Science and Astronautics Committee, the NASA Oversight Subcommittee, and the Manned Space Flight Subcommittee, I would submit that to relegate our Nation's space program to a lower priority would be tantamount to discarding a tremendous national capability that is essential to the economic salvation of this country. This is not to say our space effort should be afforded the highest of priorities to the detriment of poverty, housing, environment, education and other important programs. But we must be careful to assure our technological progress is not blocked by an emotional determination that space is not important to the improvement of life on earth and the well-being of mankind. Space is being used and can be used further for the benefit of mankind here on earth.

I believe we must move forward in space and in aeronautics. We are witnessing the further decline of the most tremendous technological team ever fielded in the history of man. Our magnificent aerospace team, composed of scientists, engineers and technicians from the government-industry-university complex, is being rapidly dissipated. Reaching a peak of 420,000 people engaged in aerospace activities in 1965, the number of personnel engaged in our space endeavor will drop to an estimated 143,000 by the end of this fiscal year. Where will these highly skilled people go? They have either joined the ranks of the unemployed, or they have sought other and less rewarding fields of endeavor.

We must not permit further degradation of our space and aeronautics effort. The vitality of our aerospace program must be continued not only to preserve our position of national prestige or our economic posture—but "for the benefit of all mankind."

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the world leader in the production of pig-iron and ferro alloys. The 1967 production was 7,214,000 metric tons compared to 6,802,000 for the U.S.S.R. and 4,954,000 for Japan.

PANAMA CANAL: NASSER TYPE TAKEOVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD), is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, during recent months the press of the United States has been strangely silent about Panama Canal matters. In contrast, the newspapers of Panama have been very active and have reported that President Nixon has expressed willingness to resume diplomatic talks on the status of the Canal Zone. Most significantly there have been veiled published threats in the Panama media of a Nasser-type takeover of the canal unless a new treaty is negotiated.

Some of the recent stories in Isthmian papers seem slanted for the purpose of goading Panamanian citizens, employees of the Panama Canal into supporting the demand of the Panama Government for sovereignty over the Canal Zone. If ordered not to report for work by their government, Panamanian citizens would have to obey and thus cause a slowdown in certain canal activities where they outnumber U.S. citizens. But, Mr. Speaker, I can assure the Congress that they could not interrupt transit operations and the commerce of the world would not be affected. Why? Because we have loyal North Americans in security positions, such as pilots, tugmasters, and lock operators.

In this connection, it will be recalled that during the Red-led Panamanian mob attacks on the Canal Zone in January 1964, when the U.S. Army under the command of Gen. Andrew P. O'Meara was required to protect the lives of our citizens there and the canal traffic moved on regular schedules close to the combat area without interruption and won the admiration of the shipping using the canal.

As regards the major modernization of the Panama Canal, for which bills will be reintroduced in the 92d Congress, I have learned that Panama Canal employees, both U.S. and non-U.S. citizens, support such modernization. They will be heard from at the appropriate time.

Returning to the matter of a Nasser-type takeover of the canal, I would invite special attention to a front page newsstory. This story goes into some detail as to the relative capabilities of U.S. and Panamanian forces on the Isthmus and the techniques for the proposed takeover.

While the indicated article reads like a bedtime story, absurd in the extreme, it might nevertheless serve to inspire the revolutionary Government of Panama to embark on such a venture. To say the least, our Armed Forces on the Isthmus should be prepared to meet any eventuality with adequate force; and if that strength is deemed insufficient it should be promptly augmented.

Under the assumption that such a takeover may be attempted, we can be sure that Soviet power would immediately support it with the threat of nuclear missiles to force the United States to accept the situation thus presented with a complete takeover of the canal itself by the Soviets. The lessons to be learned from that Asiatic imperialism in the subjugation of its satellite countries in Europe, and in Cuba, Bolivia, Peru, and Chile in the Western Hemisphere, clearly forecast what would happen to Panama should favorable conditions for its conquest develop.

The great fault and weakness of our own position covering this overall state of affairs arise chiefly from the fact that our national administrations have been weak in dealing realistically with the problems involved. The inevitable choice is not between the United States and Panama but between the United States and Soviet power.

In connection with the recent treaty negotiations with Panama, our negotiators have never approached the subject in a forthright or direct manner but have accepted as valid every argument for surrender of the Canal Zone ignoring the fact that the dream of Panamanian possession of the canal would result only in the complete Communist subjugation of Panama as well as Soviet control of the canal. Nor have our negotiators told the Panamanian negotiators that article IV, section 3, clause 2 of the U.S. Constitution vests the power to dispose of territory and other property of the United States in the Congress—House and Senate—and not in the treaty power—President and Senate—and that any agreement for such disposal is subject to the enactment of legislation by the Congress, which involves concurrence by the House.

Finally, Mr. Speaker, I would like to stress that I am not, and never have been, an enemy of Panama or its people. I am, indeed, a friend of both and have long wished, and yet wish, that demagogs in that country, acting from selfish motives, may be spared the inevitable destruction that would follow a Soviet takeover.

In order that the Congress and the Nation at large may be informed concerning recent trends in Isthmian thinking in the premises, I include in the RECORD the article as part of my remarks:

U.S. WIRE SERVICE WRITER, "GUERRILLA EXPERT" OFFERS WEIRD PLAN TO CAPTURE ZONE

(By Lionel Crane)

PANAMA CITY.—Could Panama's strongman, Brig. Gen. Omar Torrijos, grab the Panama Canal like the late Egyptian President Gamal Abdel Nasser seized the Suez Canal?

The answer is a possible "yes" if you take into account the size and power of the Panamanian National Guard—the only military force in the nation—and the current tensions between the United States and Panama.

Admittedly, such an idea appears inconceivable in these days of comparatively amicable relations between the two countries, but such a bold bid to take what most Panamanians claim rightfully belongs to them could become more attractive if, for example, negotiations to replace the 1903 treaty, under which the United States presently controls the Panama Canal Zone, were to break down.

Admittedly, too, the experience might be traumatic, especially economically, for Panama, but doubtless monetary and technical as well as moral support would be swiftly forthcoming from the other side of the Iron Curtain as well as elsewhere in Latin America where the practice of tweaking the American eagle's tail feathers has become increasingly popular.

Slightly more than a brigade-sized force of U.S. Army troops—equipped with armored personnel carriers, tracked 40mm antiaircraft guns, mortars, artillery and a score or so of helicopters—is stationed in the Canal Zone.

The U.S. Air Force has half a dozen jets suitable for close ground support as well as training plus like numbers of C–123 and C–130 transports.

The Navy boasts a single landing ship, tank (LST). Hawk antiaircraft missiles guard the approaches to the 50-mile-long strategic waterway.

Apart from maneuvers and occasional alerts, usually for practice, much of the time is spent in training, generally on a Monday through Friday basis. There is plenty of leave and ample recreational facilities, both in the Canal Zone and in neighboring Panama. It is no hardship station for the armed forces.

Unlike the borders between most sovereign states, the border between the Canal Zone and the Republic of Panama is unmarked. There are no customs or immigration stations. Residents of both areas pass freely back and forth, afoot or in automobiles. In some places, only the different color of the uniform of the policeman on the corner distinguishes one side from the other.

On the Panama side, the 6,000-man National Guard has modern automatic infantry weapons, some heavy machine guns, recoilless rifles, some outmoded artillery, ample light and heavy trucks, but no armored personnel carriers, antiaircraft guns or mortars.

Its air strength consists of four helicopters, four spotter planes and four C–47 transports. Its sea forces, at least until 1971, are a few launches. But these would be sufficient, with the Palestine guerrillas for an example.

It requires little imagination to envisage a carefully orchestrated Panamanian campaign of words against the United States' intransigence in the treaty negotiations, designed to drum up sympathy for Panama's cause abroad, particularly in Latin America.

Perhaps the Panamanian negotiators would be recalled "for consultations." Relations between the two countries would chill.

Although Latins are not overly skillful at keeping a secret, Panama's National Guard officers seem to have the ability. Witness the swift, bloodless coup by which Torrijos and his fellow conspirator, Col. Boris Martinez, ousted constitutional President Arnulfo Arias on the night of Oct. 11, 1968. American intelligence was caught equally unprepared by the bloody, anti-American riots along the Canal one border in January 1964.

Possibly in the guise of maneuvers akin to recent exercises 25 miles east of Panama City, the National Guard could muster between 3,000 and 4,000 combat-trained troops by paring its forces throughout the rest of the country to the bone. The majority could be gathered near this capital city, the balance near Colon, at the other end of the Canal, ostensibly as the opposing force in the mythical maneuvers.

The National Guard's G–2 intelligence section could have pinpointed and assigned the initial objectives in the civilian communities within half a dozen miles of the border—the police stations at Balboa and Cristobal, the telephone exchanges, the Panama Canal Administration Building at Balboa Heights, the residences of top officials, the power stations, even Canal Zone policemen on their regular patrols.

In some Saturday morning's predawn darkness, dozens of National Guard utility trucks, each laden with eight to ten armed guardsmen, could fan out into the Canal Zone to seize the civilian objectives.

At the same time, other heavier National Guard trucks, which still bear a remarkable resemblance to the U.S. Army trucks they once were, could be approaching the gates of U.S. military bases in the zone.

Misled, gate guards could be silenced before they could sound the alarm. Swiftly, with most of the bases asleep, armories, vehicles parks, ammunition dumps, helicopters, planes, headquarters buildings would be secured, with little or no resistance. Barracks could be searched, their occupants warned to remain indoors. A prime target would be the Canal Zone's only radio station SCN (Southern Command Network), operated by the armed forces at Ft. Clayton.

At the same time, the Panamanian troops could seize the locks, only lightly guarded by revolver-armed patrolmen, and the nerve centers of the Canal, the marine traffic control offices at Balboa and Cristobal.

Depending on the Panamanian strategy, ships in the waterway would be permitted to complete their transits or the waterway be closed immediately, with ships anchored along its length. Explosives could be placed ready to blow up the locks.

Dawn could find a Canal Zone almost entirely controlled by the Panama National Guard. Residents, as they woke, could be warned, possibly through SCN Radio by its new operators, to remain indoors. The warnings could be reinforced by firing from sandbagged machine gun posts located at strategic intersections.

Meanwhile, on the other side of the border, the government-controlled press, radio and television, dutifully jubilant, could be informing the Panamanian people that Torrijos had assumed control of the Panama Canal Zone.

The populace, with Panamanians working for the Canal, who comprise 80 per cent of the work force, could be warned to stay out of the Canal Zone until Torrijos decided the next move. Retired and former National Guardsmen could be recalled to bolster the strength of the force, strained to the limit by its occupation of the Canal Zone.

Presumably the United States would think twice before attempting to mount a counter-invasion, especially with thousands of its troops and civilians held as hostages against just such a move. World opinion, particularly in a Europe which has not forgotten the United States' role when the British, French and Israelis attempted to seize the Suez Canal, would be against it.

With ships of many nations forced to divert to the longer Cape Horn or Cape of Good Hope routes, there would be heavy pressure for an early settlement of the disputes between the two nations.

And Panama would be in a strong bargaining position. Alternatively, Torrijos might elect to follow Nasser's example to finality and operate the Canal himself.

Training marine traffic controllers, locks operators and pilots might take time, with only smaller ships traveling the waterway at first, but it would not be impossible, as Nasser proved.

Whatever the possible outcomes—and there are several—it is the kind of nightmare that no American resident of the Canal Zone would like to wake up to.

NEW BILL TO PROTECT ATLANTIC NORTH AMERICAN SALMON

(Mr. PELLY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PELLY. Mr. Speaker, conservation of fishery resources should invite the cooperation and active participation of all nations who look to the sea for their food and livelihood of their fishermen. In this connection, a national commission to protect the once disappearing halibut in the North Pacific Ocean was created. Similar commissions have been established by treaty with many other countries to protect fishery stocks in various parts of the world.

Unfortunately, there seems to be no means other than voluntary agreement to compel one nation to protect fish that originate in the waters of another nation—the Atlantic salmon is a good case in point.

For example, Danish fishing interests have discovered that Atlantic salmon congregate off Greenland and as a result of their taking large stocks of these American fish our Atlantic streams are suffering from diminished supply.

In order to encourage Denmark and other nations to protect Atlantic salmon either on the high seas or in their own coastal fishing zones, I am introducing legislation providing for the Secretary of Commerce to notify the Secretary of the Treasury where our American stocks of fish are endangered by overfishing by foreign fishermen. Whereupon the Secretary of the Treasury would ban agriculture and other food products of such nation from being imported into the United States.

This obviously is a harsh measure, but whenever any such nation finds its exports to the United States threatened they can negotiate a conservation treaty which is in their own interest, and likewise in the interest of the United States. In the case of the Atlantic salmon, already, due to overfishing, the harvest of salmon off Greenland is diminishing. So it is apparent in this case that Denmark and the United States have a common interest in restoring this fishery.

Mr. Speaker, I am introducing this bill at this time in order to give the various departments of the Government time to study this legislation. Meanwhile, the chairman of the House Fish and Wildlife Conservation Subcommittee, Mr. DINGELL, has assured me of his interest and early next session he plans to have committee hearings on this matter which is so vital to the fishing and recreation industry of the North American coast.

INTEREST RATE REDUCTIONS FOR ALL BUT 204,500,000 MEMBERS OF THE U.S. POPULATION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, this morning's newspapers carried headlines about another one-fourth of 1 percent decrease in the discount rate charged member banks of the Federal Reserve System.

These headlines follow other headlines heralding various reductions in the prime interest rate. All of us welcome these decreases in interest charges despite the timid, hesitant, manner in which they are being initiated. Unfortunately, all of the headlines and front-page stories have been concentrating on two very limited interest rates—the discount rate and the prime rate. The discount rate now stands at 5½ percent. This is the rate, of course, which is available to commercial banks who borrow at the Federal Reserve's discount window. The discount window, under present Federal Reserve policies, is not available to the general public, only to the banks. The other rate which the front-page stories have discussed is the rate charged a handful of large corporations—the very best and most affluent customers of the commercial banks.

The headlines and the lengthy news stories have been talking about interest rates which probably affect slightly more than zero percent of the U.S. population. There are approximately 204,500,000 people who do not have access to the discount window or the prime lending rate. Perhaps soon we will have a news-story and headlines which will give us some idea of what this segment of the population can expect in the way of interest charges on their homes, automobiles, college loans, and the like. Buried deep on the financial pages is evidence that the consumer—despite the wonderful headlines—is not receiving much benefit from the interest rate reductions.

In a story filed by the United Press International, the Washington Post reports in its financial section—not on the front page—that—

> Interest rates charged for conventional mortgages for the purchase of new homes, increased slightly in October . . .

So while the discount rate and the prime rate have been going down, many home mortgages have been going up. The average interest rate on a new home mortgage stands at about 8.5 percent. And in the case of FHA-insured mortgages, the consumer must pay another one-half percent for mandatory insurance. Therefore, the homebuyer is paying anywhere from 1½ to 2 percentage points more than the big corporations and 3 to 3½ percent more than the banks are paying at the Federal Reserve discount window. Other consumer interest charges remain extremely high. Automobile loans, student loans, farm loans are at, or near, alltime highs.

Mr. Speaker, it is time for the commercial banks to start passing on these interest rate reductions to the consumer, the small businessman, and the millions of others who do not have the benefit of a prime borrower status. At the moment, these prime rate reductions appear to be serving more as a public relations gimmick for the commercial banking industry than as a benefit to the economy.

Certainly, the prime interest rate reductions are needed but it is an absurdity for the banks and the Federal Government to allow the other interest rate charges to remain at their present level. Time after time, I have urged Secretary of Housing and Urban Development George Romney to lead the way by reducing the ceilings on FHA and VA insured mortgages. Other Members of Congress have joined me in these requests to the Secretary, but the response has been nil.

More importantly, the President of the United States has vast powers through which he could require the banks to pass on interest savings to the consumer. With the prime rate and the discount rate being reduced, this would be an ideal time for the President to activate Public Law 91–151—the credit control law passed almost a year ago by the Congress. This law gives the President, operating through the Federal Reserve, the power to control all aspects of credit, including interest rates, down payments, maturities, and similar facets of credit transactions. In short, credit controls could be employed to make certain that the consumer, the small businessman, the farmer, and other creditworthy members of the population get interest rate reductions, along with the much-heralded "prime" borrowers.

Mr. Speaker, again let me say that it is happy news to learn that both the commercial banks and the big corporations have received reductions in their interest charges. These are glad tidings, for these wealthy members of the economy, and all I am asking is that some of these great and bountiful benefits be passed on to the consumer.

The reductions in the prime lending rates are an admission by the banking system that they are enjoying some of the fattest profits in history, that they have available loan funds, and that their costs are sharply reduced. So there is no reason why the President should hesitate to require the banking system to pass these interest rate reductions down to the people.

Unfortunately, it does take some vigorous nudging to get the banks to reduce interest rates across the board.

Last Tuesday's Daily Bond Buyer carried a quote from a major banker which illustrates the great reluctance of the commercial banks to reduce interest charges. The Daily Bond Buyer asked Gaylord A. Freeman, chairman of the First National Bank of Chicago, if he planned to follow the prime rate reductions announced by New York banks, and he replied:

> (Yes) But I will be unhappy to have to do so. As a manager employed by stockholders to run a business, I don't like to reduce our prices and hence our profits, and I am not at all convinced that it is in the national interest to do so.

Mr. Freeman is, of course, a recognized leader in the banking industry. Faced with this kind of attitude, it is obvious that voluntary rate reductions to the consumer, the homebuyer, and like customers, will be very slow in coming without a nudge from the President and his most trusted economic advisers.

KEEP SHOE QUOTA PROTECTION IN TRADE BILL

(Mr. WYMAN asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, I am truly aghast that the Finance Committee of the other body should have voted to delete shoes from the trade bill we passed in this House the other day. Of all the industries in this Nation, perhaps the one most critically hurt by rising floods of foreign imports is the shoe industry. Its profit margin is so thin it is perilously near to break even. Many shoe employers are keeping going by the skin of their teeth realizing that thousands of earnest men and women of senior years are dependent on the wages they earn in their shoe factories—workers that cannot be satisfactorily retrained for other employment at their age and with their years with shoes.

The argument that if shoes are left in the bill other industries will be invited under the tent, simply does not follow. This was a shoe and textile bill to start out with. It was at the recommendation of many of us in the Congress including myself, that the shoe industry and the textile industry joined forces to get the votes to enact a bill providing for a reasonably balanced projectible flow of imports into the United States in future years. It is tragic that the Members of the other body cannot understand the critical need here—or appreciate the fact that any country executing voluntary agreements with the United States to provide for orderly flow of imports in the future takes itself out from under the provisions of this legislation by its own terms.

We need the trade bill to get the meaningful commitments from foreign importing nations on a voluntary basis. Without its leverage there just is not the basis to obtain their signatures on the dotted line, for the profit motive is strong and the temptation to penetrate the lucrative U.S. market compelling. Failure to enact the trade bill with shoes in it at this time will be an open invitation to foreign importing nations to step up their imports still further. This was more than 32 percent of the domestic market last year. It is a virtual ticket to bankruptcy for dozens of shoe companies and tens of thousands of shoe workers. It is tragic that the vote to strip shoes from the trade bill should have been eight to six in the Finance Committee with three members of the Democratic Party absent. If we do not have a trade bill with shoes in it it will be because the Democratically controlled Congress took it out.

Let me repeat some illustrative figures that emphasize the urgent situation of the American shoe industry at this hour:

In 1950, foreign shoe imports accounted for 1.2 percent of the American market. By 1960, this figure had risen to 4.3 percent. This year, however, foreign shoe imports have captured a whopping 32.1 percent of our domestic market. Between 1965 and 1967, the industry suffered eight net closings. The period from 1968 to the present has witnessed 90 net closings, increasing the number of unemployed shoeworkers to 26,300. During 1970, in New England 17 shoe manufacturing plants have closed down, laying off 3,630 employees. Five factories with 1,200 jobs were lost to New Hampshire alone. It is significant to note that while overall unemployment in the United States this past July was 5 percent, those areas with concentrations of shoe factories sustained unemployment rates of up to 10 percent.

Let us look at the reason for this situation. The average hourly wage, including fringe benefits, for American shoeworkers is $2.78. Italy, Japan, Spain, and Taiwan have comparable rates of $1.06, $0.70, $0.59, and $0.22, respectively. With labor costs representing 30 to 40 percent of the total cost of a pair of shoes, I believe it is evident that without reasonable regulation of imports, labor-intensive industries such as the shoe industry will not be able to keep their heads above water.

If we in Congress do not do something about this and do it now, those who are in the industry are going to be forced to manufacture abroad if they want to compete in world markets. If they do manufacture abroad, it means that people are going to have jobs abroad and they are not going to have jobs in the United States. Many of the thousands who will lose their jobs are too senior to be capable of job retraining. I do not think as their Representatives in the Congress of the United States we ought to stand for that.

For reasons which no longer exist, over many years of foreign aid we have built up productive capabilities in these foreign countries by gifts of taxpayers dollars. These nations are now able to manufacture products whose end price is cheaper than we can produce them, and by our reciprocal trade programs we have opened up our market to these products. When the cost is thousands of American jobs, I just do not think this is right.

Mr. Speaker, by passing the trade bill Congress is not going to guarantee prices or subsidize inefficiency in domestic production. What is involved in this legislation is a balancing process—balancing the desire for free trade with the demonstrated need of domestic industry for reasonable protection. The need for protection is great and I sincerely hope a majority of Members of the other body will pass the trade bill without substantial amendment so the President can sign it and then turn to importing nations and say "The Congress has spoken. It is now up to you to make a meaningful voluntary arrangement with respect to your future imports into the United States in shoes and textiles, or the quota limitations provided in the bill will take effect.

The President needs this assist from Congress.

THE 16TH ANNUAL SESSION OF THE NORTH ATLANTIC ASSEMBLY

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, last month I had the honor and privilege of participating in the 16th annual session of the North Atlantic Assembly which met in The Hague, November 6–11.

I went as an alternate member with the House of Representatives delegation headed by our colleague WAYNE L. HAYS, who has been chairman of all such official House groups ever since the assembly was first established as the NATO Parliamentarian's Conference back in 1955.

It was a most interesting and informative experience. While the North Atlantic Assembly has no statutory powers, it has the important function of serving as a platform for discussions at the parliamentary level between delegates from all 15 NATO countries. At these annual sessions Members of the Congress have the unique opportunity of working with their counterparts from the NATO legislative bodies to strive for closer understanding and cooperation in seeking solutions to our many mutual problems, including economic, environmental, and especially those of pollution.

Because of his recognized ability, WAYNE HAYS was elected president of the Assembly in the second year of its existence, in 1956. Since then he has served as the American member of the important Standing Committee of the Assembly, and with such distinction that he was again honored by election to the presidency for the 1970 term. He is the only American elected to this high position. Anyone who attends a session of the North Atlantic Assembly soon learns why our colleague WAYNE HAYS has served twice as president. He has the affection, admiration, and highest esteem of all the NATO representatives who have previously served with him and he soon gains the esteem and friendship of the new delegates.

WAYNE'S debating skill, his deep knowledge and understanding of international problems, together with his sense of fairness and impartiality as a presiding officer have brought credit to him and to our country and to our own legislative body.

WAYNE HAYS has demonstrated peerless qualities of statesmanship and leadership as our chief representative at the North Atlantic Assembly and I am indeed proud to have served with him. We all owe him our appreciation for a difficult job well done through his years of service at sessions of the Assembly and for his productive efforts to strengthen the NATO alliance and maintain the peace.

OUTRAGEOUS HANDLING OF LITHUANIAN DEFECTOR'S CASE BY COAST GUARD

(Mr. ROONEY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, every American, and especially those of us who are identified with the U.S. Government, must hang our heads in shame today over the manner in which asylum was denied a Lithuanian seaman who escaped a life of slavery on a Soviet fishing vessel.

I doubt if there exists a single instance in our Nation's history which approaches the inhuman and undemocratic act of our Coast Guard officers in not only refusing to grant the escaping seaman's

plea for asylum on an American ship, anchored in American waters off the coast of Massachusetts, but to use an American lifeboat to send back the sorely beaten escapee to his Red captors.

What a travesty of simple justice and what a mockery of our long-established policy of opening our doors to the world's oppressed and enslaved peoples were these acts of the officers of the U.S. Coast Guard cutter *Vigilant*.

What can the people of the enslaved nations of the world—the people who have long looked to America for help and sympathy—think of this Nation today? What will they think of the lily-livered excuse of our Coast Guard that because of "the delicate international discussions which were being carried on regarding fishing problems," the Soviet slavemasters were allowed to board the U.S. Coast Guard cutter *Vigilant*, to brutally beat the escapee and forcefully remove him to their ship?

Mr. Speaker, shamed and chagrined as we all are, we must move at once to see that such a sorry performance will not be repeated. We cannot give back the precious freedom which the Lithuanian seaman coveted and had attained for such a brief moment. We cannot rectify the gross error in judgment made by supposedly competent American officials, but we can do something to see that adequate measures are taken to preclude a recurrence of such a shameful performance.

I urge this body to insist on an immediate and full investigation of this incident by the appropriate committees of the House for calling to account those responsible for this atrocious episode.

It should be made crystal clear to every official of this Government, to every American citizen, and to the people of the world that this country still extends its arms in welcome to those who flee oppression and seek freedom and sanctuary in this land.

I wish it were possible to send a message of deep regret and apology to this hapless Lithuanian seaman. I would like him to know and find perhaps some solace in the fact that although he personally was denied help and freedom, the circumstances surrounding his defection and return to the Communists have stirred the people of this Nation to see that never again will such a tragic error be made.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HUNT) to revise and extend their remarks and include extraneous matter:)

Mr. PRICE of Texas, for 30 minutes, today.

Mr. ANDERSON of Illinois, for 60 minutes, on December 2, 1970.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. ADAMS), to revise and extend their remarks and to include extraneous matter to:)

Mr. FLOOD, today, for 15 minutes.

Mr. ANDERSON of Tennessee, on December 8, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ABERNETHY and to include extraneous matter.

Mr. MOSS, to revise and extend his remarks made in Committee of the Whole today.

Mr. MOSS, to include a letter to the chairman of the New York Stock Exchange with his remarks made today in the Committee of the Whole on H.R. 19333.

Mr. PRICE of Illinois and to include extraneous matter with remarks made under his special order.

(The following Members (at the request of Mr. HUNT) and to include extraneous matter:)

Mr. SPRINGER.
Mr. ZWACH.
Mr. WYMAN in two instances.
Mrs. REID of Illinois.
Mr. ARENDS.
Mr. LUKENS.
Mr. LANDGREBE.
Mr. MILLER of Ohio in two instances.
Mr. SCHMITZ in four instances.
Mr. ASHBROOK in two instances.
Mr. DON H. CLAUSEN.
Mr. HARVEY.
Mr. MICHEL.
Mr. BRAY in two instances.
Mr. WHITEHURST.

(The following Members (at the request of Mr. ADAMS), and to include extraneous matter:)

Mr. BOLAND in three instances.
Mr PUCINSKI in 10 instances.
Mr. THOMPSON of New Jersey in two instances.
Mr. PHILBIN in five instances.
Mr. DINGELL.
Mr. JACOBS in three instances.
Mr. BRASCO.
Mr. RARICK in three instances.
Mr. RODINO.
Mr. ST GERMAIN.
Mr. REES in two instances.
Mr. BENNETT in two instances.
Mr. KLUCZYNSKI.
Mr. FOUNTAIN.
Mr. KARTH in two instances.
Mr. WOLFF in five instances.
Mr. HAGAN in two instances.

ENROLLED JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 1403. Joint resolution to provide an additional temporary extension of the Federal Housing Administration's insurance authority.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 6951. An act to enact the Interstate Agreement on Detainers into law;

H.R. 15216. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes; and

House Joint Resolution 1403. A joint resolution to provide an additional temporary extension of the Federal Housing Administration's insurance authority.

ADJOURNMENT

Mr. ADAMS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 2, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2581. A letter from the Secretary of Agriculture and the Secretary of Housing and Urban Development, transmitting a report on assistance furnished to nonmetropolitan planning districts by the two Departments, pursuant to section 901(c) of the Agricultural Act of 1970; to the Committee on Agriculture.

2582. A letter from the Acting Secretary of Agriculture, transmitting a report on efforts of the Department of Agriculture to provide information and technical assistance to small communities and less populated areas in regard to rural development during fiscal year 1970, pursuant to section 901(d) of the Agriculture Act of 1970; to the Committee on Agriculture.

2583. A letter from the Associate Commissioner, Bureau of Educational Personnel Development, Office of Education, Department of Health, Education, and Welfare, transmitting a copy of his annual report entitled "The Education Professions, 1969–70," pursuant to Public Law 90–35; to the Committee on Education and Labor.

2584. A letter from the national adjutant-paymaster, Marine Corps League, transmitting the annual report of the audit of the league for the period ended July 31, 1970, and a copy of the minutes of the organization's 1969 national convention, pursuant to Public Law 88–504; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAGGONNER: Committee on House Administration. House Resolution 1241. A resolution relating to the compensation of the clerks to the Official Reporters of Debates (Rept. No. 91–1639). Ordered to be printed.

Mr. POAGE: Committee on Agriculture. H.R. 17582. A bill to amend the peanut marketing quota provisions to make permanent certain provisions thereunder (Rept. No. 91–1640). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19567. A bill to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968; with amendments (Rept. No. 91–1641). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. S. 2162. An act to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes; with an amendment (Rept. No. 91–1642). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. S. 1079. An act consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes (Rept. No. 91–1643). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SANDMAN: Committee on the Judiciary. H.R. 11895. A bill for the relief of William R. Karsteter; with amendments (Rept. No. 91–1637). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 14235. A bill for the relief of Capt. Claire E. Brou; with amendments (Rept. No. 91–1638). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr BROYHILL of North Carolina:

H.R. 19883. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans for rural community centers and fire and rescue facilities, and for other purposes; to the Committee on Agriculture

By Mr. KASTENMEIER:

H.R. 19884. A bill to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began on March 18, 1970; to the Committee on the Judiciary.

By Mr McMILLAN (for himself and Mr FUQUA):

H.R. 19885. A bill to provide additional revenue for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr PELLY:

H.R. 19886 A bill to amend the act of August 27, 1954 (commonly known as the Fishermen's Protective Act) to conserve and protect Atlantic salmon of North American origin; to the Committee on Merchant Marine and Fisheries.

By Mr SKUBITZ (for himself, Mr. SEBELIUS, and Mr. WINN):

H.R 19887. A bill to amend the Public Health Service Act to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STUBBLEFIELD:

H.R. 19888. A bill to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act; and for other purposes; to the Committee on Agriculture.

By Mr. FOLEY (for himself and Mr. QUIE):

H.R. 19889. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mr. KUYKENDALL (for himself, Mr. BLANTON, Mr. JONES of Tennessee, Mr. FULTON of Tennessee, Mr. FALLON, Mr. BLATNIK, Mr. JONES of Alabama, Mr. KLUCZYNSKI, Mr. WRIGHT, Mr. GRAY, Mr. CLARK, Mr. EDMONDSON, Mr. JOHNSON of California, Mr. DORN, Mr. HENDERSON, Mr. OLSEN, Mr. ROBERTS, Mr. MCCARTHY, Mr. KEE, Mr. HOWARD, Mr. ANDERSON of California, Mr. CAFFERY, Mr. ROE, Mr. CRAMER, and Mr. HARSHA):

H.R. 19890. A bill to name a Federal building in Memphis, Tenn., for the late Clifford Davis; to the Committee on Public Works.

By Mr. KUYKENDALL (for himself, Mr. GROVER, Mr. CLEVELAND, Mr. DON H. CLAUSEN, Mr. MCEWEN, Mr. DUNCAN, Mr. SCHWENGEL, Mr. DENNEY, Mr. MCDONALD of Michigan, Mr. HAMMERSCHMIDT, Mr. BROCK, and Mr. ANDERSON of Tennessee):

H.R. 19891. A bill to name a Federal building in Memphis, Tenn., for the late Clifford Davis; to the Committee on Public Works.

By Mr. PEPPER:

H.R. 19892. A bill to declare a portion of the Oleta River in Dade County, Fla., nonnavigable; to the Committee on Interstate and Foreign Commerce.

By Mr. ARENDS:

H. Con. Res. 789. Concurrent resolution to provide for the printing of the prayers offered by the Chaplain as a House document; to the Committee on House Administration.

By Mr. FINDLEY (for himself and Mr. CHAMBERLAIN):

H. Res. 1289. A resolution; support for efforts to rescue American prisoners of war incarcerated in North Vietnam; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK:

H.R. 19893. A bill for the relief of Laszlo Toth and his wife, Maria Toth; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 19894. A bill for the relief of Charles A. Pfleiderer; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 19895. A bill for the relief of Mrs. Doi thi Thuong Nga; to the Committee on the Judiciary.

H.R. 19896. A bill for the relief of Duc Mau Nguyen and his wife, Hein Thi Ngo Nguyen; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 19897. A bill for the relief of the Howrey Lumber Co.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

642. The SPEAKER presented a petition of the Iowa Democrat House Caucus, relative to the supersonic transport; to the Committee on Appropriations.

EXTENSIONS OF REMARKS

THE SON TAY MISSION—A RAY OF HOPE

HON. CLIFFORD P. HANSEN

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Tuesday, December 1, 1970

Mr. HANSEN. Mr. President, in the judgment of many Americans, the major success of the Son Tay mission was not in showing the enemy that such a mission could be conducted in their home territory, but in giving a ray of hope to all Americans held prisoner that there will be no rest among their fellow Americans until those held prisoner are brought to safety.

The brave volunteers who participated in the mission showed their comrades in arms held captive that efforts will continue to secure their release, regardless of risk. I am proud, indeed, that one of the volunteers in the Son Tay raid is from Lander, Wyo., Sgt. Franklin D. Roe. I am confident that Sergeant Roe volunteered because he is one of the millions of Americans who realize how much it can mean to those Americans held prisoner to know that their country has not forgotten them.

An article by Ray Cromley, himself a prisoner of the Japanese during World War II, published in the Washington Daily News November 30, does much to describe what the Son Tay raid has, in my opinion, done for the morale of American men who have been held by the enemy for as long as 5 years.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY RAY CROMLEY WROTE THIS

Ray Cromley, who is Washington correspondent for the news syndicate, Newspaper Enterprise Assn., was a correspondent for the Wall Street Journal in Tokyo on the day of the Pearl Harbor attack. On that day he was arrested and held in Nishi Sugamo Prison, in Tokyo.

He was tried, convicted of "sending information to the United States which could be used against the national defense of Japan" and sentenced to 1½ years in prison. An exchange of prisoners was arranged between the United States and Japan in July, 1943. He was moved into Sumire Concentration Camp about one week before exchange and was brought home—to New York—along with other exchangees on the SS Gripsholm in September, 1942.

Mr. Cromley grew so thin in prison that he couldn't keep his pants up, but after

transfer to concentration camp he was fed well and ate eight meals a day to prepare himself for the trip home. When he enlisted in the U.S. Army eight months after his return home he had to sign a weight waiver in order to be accepted.

In the aftermath of the daring attempt to rescue U.S. prisoners of the North Vietnamese at the Son Tay prison camp near Hanoi, Mr. Cromley has been reflecting upon his experiences as a war prisoner and trying to put himself in the place of the men now held by the North Vietnamese. He describes his feeling in this article.

BRINGING HOPE TO THE HEART OF THE POW

I was a prisoner of the enemy in war. For six months of solitary confinement. In a Japanese prison in World War II.

Perhaps, then, I can describe in some small way how the American prisoners of war now in North Vietnam feel after this attempt at their rescue. I don't know of course. I can only think back 28 years to my own feelings. I remember two things quite vividly from that time:

The Doolittle raid of April, 1942, and the visit of the Swiss Government representative after I'd spent about five and a half months in solitary.

(During the war the neutral Swiss Government represented U.S. interests in Tokyo).

I remember these two things strongly even today because they brought hope to the heart of one prisoner, who, thru no one's fault, had had no sign from his government and his country during the months of imprisonment.

It did not matter that the Doolittle raiders had not come to free those of us who were in prison, but were over Tokyo for an entirely different purpose. You could look out the barred window and see the American fliers were there. For hours afterward you could relive this flight by watching the rising smoke and by listening to the excited conversations of the guards. You could feel and hear and know yourself that something was being done—and in a way you could feel that it was being done for you. You were part of it.

Then the other incident. When the Swiss came, I cried. I cried because I said to myself "my country cares!" I said it again and again in happy agonizing gulps. In the months of holding in during daily questioning by teams of guards and of sitting, eating, sleeping in my cell, I had not realized how alone I had come to feel myself.

The freedom in my soul and in my voice was not the thought of rescue or release (pleasant as release would be) that mattered so much as the thought that my country cared enough for me—for us—that the Swiss should come to see each of us individually even for a few minutes and should be attempting, whether successfully or not, to do something for us.

I still remember the room in which the Swiss representative and I sat. I remember the expression on his face and the way his lips moved when he talked.

He asked me a few questions and we talked a little, the normal things men say to each other. He did not promise me anything. It was not yet clear then whether negotiations for an exchange of prisoners would be successful. But I walked down that prison hall with music singing in my heart as loud, as strong, as powerful and as triumphant as the sound of a gigantic choir in a cathedral—as if heaven had opened wide.

I was a man and an American and nothing could defeat my soul.

I have never seen that Swiss again. But he will remain my friend until the day I die.

It is hope that men require when they are prisoners of war. And a belief that their country cares. And their wives and children. With these a man can endure all things. Sickness, loneliness, beatings, death.

FEDERAL PROGRAMS' INFLUENCE ON THE QUALITY OF EDUCATION IN MINNESOTA

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. KARTH. Mr. Speaker, all too often in our concern about the "bigger picture" of Federal programs we in Washington tend to lose sight of the very real personal impact of Federal support of education.

Edwin E. Cain, Federal Programs Coordinator for the Minnesota Department of Education, has most thoughtfully written to me advising me of a few specific achievements which he believes are significant. I would like to share his observations with my colleagues and others interested in the progress which is being made under these Federal programs. Mr. Cain's letter follows:

STATE OF MINNESOTA,
DEPARTMENT OF EDUCATION,
St. Paul, Minn., November 20, 1970.

The Honorable JOSEPH E. KARTH,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN KARTH: Programs enacted by the U.S. Congress supporting education and youth development have greatly influenced the quality of education in Minnesota. We in Minnesota are proud of you and our other Representatives and Senators who have provided national leadership in addressing the problems of the schools in a very complicated social structure.

An attempt to describe the total impact of your efforts would be impossible; however, I would like to mention a few incidents that would never have taken place without Federal support for education.

Mentally retarded youngsters who are confined in an isolated existence are now able to dress themselves and go to the corner drugstore for a coke.

A young man was graduated from junior high school as an honor student, who, five years ago, was tested and diagnosed as mentally retarded.

One hundred young men and women received vocational training last year, and only one has not been successfully employed in a position that utilized their newly learned skills. The one has returned for additional training. All of these young people are deaf. Eighty-five percent of the St. Paul Vocational School faculty and hundreds of normally hearing students have taken communications courses on their own time in order to provide an opportunity and a setting where the deaf students could learn and socialize with other students.

Four years ago, three of every four Indian children entering Minnesota schools would never graduate. Although it was expected that years would be required to remedy this horrendous situation, we are seeing this trend being reversed after only two years. Hundreds of Indian adults were back in school last year, in the evenings, many with their children who are receiving special help. Families are studying their culture and heritage together, regaining the pride and the confidence which has characterized the Chippewa and Sioux Nations.

Children who were dull, unresponsive, and achieving substantially below grade level, have become bright, aggressive, competent students after free breakfast and lunch programs were provided.

Local schools have increased spending for library and audio-visual materials by 75% since ESEA Title II emphasized these needs. (This does not include Federal dollars for this purpose.) College and University teacher preparation programs have been revised. New State legislation has been enacted to "dovetail" with Federal laws in adult education, Indian education, modern technology, teacher training, human rights, and many others. A state-wide program is underway in street safety and driver education involving four higher education institutions, five demonstration schools, hundreds of instructors and thousands of students. The reward for some of these students will be the opportunity to live to be an adult.

Every school district in Minnesota has been aided by Federal education programs. Every citizen of the State has received the benefits of these efforts either directly or indirectly.

The demands being made on our schools are tremendous. The scope of the education process is growing larger each year. Although we believe the progress is significant, the job ahead is monumental. Drug abuse education, delinquency problems, occupational orientation and training for the 80% who do not graduate from college, human rights issues and many others face those of us in education in the '70's.

Your continued support is vital, and your assistance is essential if we are to equip the children and youth of today to cope with the problems and utilize the opportunities of tomorrow.

During the past Congressional session we have encouraged school administrators and educators to write to their Congressman and Senators to make their concerns known. Perhaps we have been lax in not encouraging more two-way communication. Our school people need to be more aware of your efforts in Federal education programs. I am enclosing a list of names and addresses of schools and superintendents in your district. We hope this will assist you in making your constituency more cognizent of the fine things you and your colleagues are doing for the children and youth of our great nation.

Thank you very much.

Cordially yours,

EDWIN E. CAIN,
Federal Programs Coordinator.

NELSONVILLE SETS THE EXAMPLE

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. MILLER of Ohio. Mr. Speaker, in the wake of the race for public office inevitably comes the campaign leftovers which blot our roadways and detract from the natural beauty of the countryside. The problem of poster pollution is, of course, most prevalent in the months prior to election day, and unless positive steps are taken to remove these materials from the telephone poles and trees after the big event, they continue to stare at motorists, season after season, until the elements eventually pull them from their bearings. Fortunately, a group of young citizens in the 10th Congressional District of Ohio did not wait for the weather to assume the task of removing signs

around their hometown. The junior class of Nelsonville-York High School, Nelsonville, Ohio, recently held a campaign of their own. Their purpose was to remove the many political posters in and around the Nelsonville area and I must say, they accomplished their mission in outstanding fashion.

On the Saturday after the election, this class, under the guidance of their adviser, Mr. Bruce Rogers, traveled more than 260 miles and collected over 2,000 political posters. In a time when the trend is to blatently condemn all young people for the criminal acts of a few, and when the state of our surroundings is rapidly reaching a crisis level, it is heartening to call congressional attention to these young people who, instead of complaining from the wings, are at front stage, center, doing their part to keep America green and clean. I know that my colleagues in the House of Representatives join me in extending our sincere thanks for their efforts and challenging others to follow suit.

THE POW RAID

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mrs. REID of Illinois. Mr. Speaker, the Washington Evening Star has written a very perceptive editorial on the recent raid on North Vietnam's Son Tay prisoner-of-war camp and concludes that it failed not through any lack of gallantry on the part of the brave men who risked their lives but because the prisoners had been moved.

I think the Star's views on this rescue attempt, and particularly on the hindsight aspects, will be of value to all my colleagues:

THE POW RAID

The only unfortunate thing about the rescue attempt on North Vietnam's Son Tay POW camp is that it failed. And it failed not through any lack of gallantry on the part of the brave men who risked their lives in an effort to free their comrades but because the prisoners had been moved.

Since hindsight is 20–20, it is possible to fault those who ordered and planned the abortive mission, particularly in terms of their intelligence-gathering proficiency. It is rational to suggest that, had the prisoners and their guards been present, there might have been heavy casualties among both the POWs and the Army-Air Force rescue team. It is possible, if one is so disposed, to attribute all sorts of base motives to the President, the Secretary of Defense and others involved in the Son Tay episode.

We are not so disposed. We are not prepared to believe that the mission was mounted either as a sop to the families of the POWs or as a mechanism to disarm critics of the American air raids last weekend south of the 19th parallel. In our view, the attempt was made simply because it was thought there was a good prospect of success.

The question whether the mission would have failed even had it succeeded—because it would have resulted in so many casualties—depends on a great many imponderables. Not the least of these is the attitude of the POWs and their families. The very few American prisoners who have returned from North Vietnamese captivity have testified with their bodies as to the conditions of that imprisonment. We feel, although we cannot prove it, that the vast majority of the prisoners and their families, had they been consulted, would have approved the Son Tay raid in the full knowledge of the heavy risk involved.

The suggestion that the one-hour foray into North Vietnam will in some way prejudice the chances of a negotiated peace is nonsense. The North Vietnamese will negotiate seriously only when and if they come to the conclusion that they stand to gain more through a negotiated peace than through a protracted guerrilla war. To date, there is not a scintilla of evidence to suggest that Hanoi has any interest in the Paris peace talks other than as a propaganda forum.

The notion that the North Vietnamese may retaliate against the helpless American hostages in their hands unfortunately may have some substance to it. Secretary Laird stated yesterday, perhaps unwisely, that the United States will hold "the leaders of North Vietnam personally responsible" for any reprisals against the POWs. Laird may lack the power so to do, but Hanoi should at least be aware that all civilized men will hold it accountable for the treatment of its hostages.

To sum up: We lack sufficient information to make a judgment on the wisdom of the raid, we deplore any effort to make political capital one way or another out of it, we applaud the courage of the men who implemented it and our hearts and prayers go out—particularly at this season—to the POWs and their families who would have had so much to be thankful for had it been successful.

OPERATION HEADSTART: THE CONCERN OF ONE GENERATION FOR THE NEXT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. JACOBS. Mr. Speaker, the U.S. Government will expend this year less than two-tenths of 1 percent of its operating budget on pre-school training for educationally disadvantaged children.

The Office of Economic Opportunity has requested $339 million for operation Headstart for fiscal year 1971, less than half the tax dollars requested by the administration to bail out a mismanaged railroad that retires its executives on hundreds of thousands of dollars a year.

The following appeared in a recent issue of the Wall Street Journal:

From a study entitled "Two Worlds of Childhood, United States and U.S.S.R.," Russell Sage Foundation, New York, 1970:

How can we judge the work of a society? On what basis can we predict how well a nation will survive and prosper? Many indices could be used for this purpose, among them the gross national product, the birth rate, crime statistics, mental health data, etc.—We propose yet another criteria: The concern of one generation for the next. If the children and the youth of a nation are afforded opportunity to develop their capacities to the fullest, if they are given the knowledge to understand the world and the wisdom to change it, then the prospects for the future are bright. In contrast, a society which neglects its children, however well it may function in other respects, risks eventual disorganization and demise.

A YOUNG DOCTOR'S STATEMENT ON ABORTION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. SCHMITZ. Mr. Speaker, now that the related subjects of population control, birth prevention, and abortions are rapidly becoming a major concern of this House, I would urge all my colleagues to give special, thoughtful consideration to a young doctor's eloquent statement on this subject which was recently brought to my attention. First printed in the Lawrence, Mass., Eagle-Tribune of September 8, 1970, and since widely reprinted, its author is Dr. Henry G. Armitage, Jr., a resident of North Andover, Mass., who maintains his office in Lawrence. He is a graduate of Notre Dame University and Tufts University. A native of Haverhill, Mass., he is the son of a physician. He wrote this essay, he says, not as a physician and surgeon but as a concerned private citizen. I can assure my colleagues that he speaks for many who feel as deeply about this matter as he feels, but lack his gift of words.

The article follows:

ABORTION—"THE DOVE AT THE WINDOW"

(By Henry G. Armitage Jr., M.D.)

Coming from the Andrew Wyeth exhibition at the Boston Museum, one realizes again how it is possible to believe that, in the long run, it is the artist—the poet and the dreamer, and not merely rational man, who will have the last word with us. Known as a realist, for want of a better word, Mr. Wyeth at his best reveals, beneath the surfaces of commonplace things "worn smooth with usage," a timeless, interior world of order, natural harmony and quiet breathing. It is a world in which there is a single tension, sometimes perplexed, of hushed expectation, as if, for a moment, all waiting creation is cocking its head to listen to an intimation of the ineffable.

I turned a corner outside the museum and surprised a grinning boy, not above twelve, in sardonic play holding the edge of a straight razor against the throat of his friend; and his eyes mocked me with the symbolism of the gesture. Was this reality and is what is seen in the paintings illusion; or is it the other way 'round?

Two paintings alone are disquieting. Both show a killed deer hanging outside a farmhouse.

Unaccountably, one keeps remembering another, not especially distinguished, almost fragmentary painting which shows a part of the interior of a dilapidated, abandoned church in which pigeons have made their roost. Close to the ceiling, by a window, flutters a dove. It is not in the vacant church that reality is to be found. It is in the dove at the window.

ABORTION ISSUE

At the present time, in the state of New York, a woman may go to a doctor and ask for an abortion and, barring lateness of arrival or not being pregnant, or choosing a contrary physician or hospital, she shall have it. This is so because she lives in a country where what she is demanding is being established as a right as, in successive states, the abortion laws are being declared unconstitutional. The trend began in the Supreme Court of California and came east when the American Civil Liberties Union brought suit in Federal Court in New York City. State medical societies and the American Medical

Association have voted abortion essentially to be a matter for a woman to determine with her physician. A not unimaginable suit in Supreme Court, aimed at voiding the abortion law in all states where abortion is prohibited now, would remove the question from the legislative arena and the reach of public opinion, thus federalizing the whole abortion issue. The Pentagon has authorized abortion of military personnel and dependents at installations in states where abortion is prohibited.

Where abortion has been legalized, if a woman is eligible for benefits. Medicaid will pay the bill. At the present time, there is nothing to indicate that what was first argued as a private right may not soon become a public duty and end, perhaps, as a compulsory obligation. Writers already have pointed out how a welfare worker might pressure a recipient toward an abortion with the implication of curtailment of benefits.

So, it seems that, weary as we may be with the fatigue of supporting freedom, we have now to contend with the notion that corporate humanity is about to turn over the custodianship of its life energy to the state. I submit that while we go on worshiping the national idols we are being bewildered by the national bureaucracy. Conditioned by a full ten years of concern about population, we are experiencing a shift in emphasis away from programs for the care of the unwell toward others for the limitation of the well. Dr. Lee DuBridge, until recently Science Adviser to President Nixon, has advocated fixing United States population at 250 million, world population at six billion and achievement of zero population growth by the year 2000. From United Nations, where we have never been noted for modesty, he has been endorsed soundly by Gen. William Draper, our representative to the U.N. Populations Commission. Gen. Draper adds that five or six billion "should be quite enough for everyone." One can almost hear all those little people chanting "Yankee imperialist, go home!"

LEGISLATIVE PLANS

Sen. Robert Packwood has advocated limitation of tax exemption to two children in a family, has stated that, if voluntary controls do not work, we may have to resort to mandatory controls; and he has been supported by Sen. Barry Goldwater. Dr. Alan Gutt-macher, president of the Planned Parenthood Federation of America, one of the plaintiffs in the New York suit, has said: "Each country will have to decide its own form of coercion. At present the means available are compulsory sterilization and compulsory abortion. Perhaps someday a way of enforcing compulsory birth control will be feasible." He acknowledges that, "in a democracy, introducing compulsory measures or incentive awards to control fertility would admittedly present awesome difficulties." Presumably, in a non-democracy, it does not.

While "His Truth is marching on" abortion is becoming the law of the land. Sixteen states have adopted abortion-on-demand laws; and five are awaiting U.S. Supreme Court interpretation of the constitutionality of their therapeutic abortion statutes. While millions of citizens are going to, coming from, saving for, paying off at their shopping centers, in a never-ending litany of getting, "His terrible, swift sword" is being bent into a curette; and the 91st Congress of the United States has before it more than forty legal proposals dealing with the limitation of life, before and after conception.

Not without comment shall it come to pass that a state, so fretful for the preservation of the praying mantis but holding an unborn baby to be of no account, can send a spark of immortality swinging out into limbo and conspire with citizen and physician to turn a fragile, living object of simple innocence and complex wonder into a pathetic pulp and to consign it by rude and peremptory passages to the furnace or sewer—unknown, unwanted, undefended, without benefit of clergy.

Not without comment shall it be made falsely to seem that the fertile adornment of our race can be deluded into the notion that she is a mere portress of unwanted luggage or be by blandishment seduced into believing that she has dominion over life not her own. Nor shall it be accounted a virtue to exploit the natural fallibilities and weaknesses of troubled women and girls.

Not without comment shall it be made falsely to appear that any political procurer who takes it into his head can, with impunity and every probability of success, dangle a coin before a profession whose members were pledging "I will not give a woman a pessary to produce an abortion" before the birth of Christ.

Not without comment shall it be that the poor, the weak and the helpless of this land, whose only vice is they are so many, shall, for a mess of pottage and a ballot, yield over to the state their privacy, their dignity and their liberty to increase. Is it to be here, among these, where the grapes of wrath are stored, that society is to wield its own terrible swift sword? Out where the harbor of New York begins, there is a big statue which proudly proclaims to Europe:

Give me your tired, your poor,
Your huddled masses yearning to be free
The wretched refuse of your teeming shore
Send these, the homeless, tempest-tossed, to me:
I lift my lamp beside the golden door.

The golden door to what? A charnel-house? Were we only putting them on, after all; and is that what we are to teach to our children?

NEW YORK HAS 110,000 ABORTIONS

It has been estimated that 50,000 abortions will occur in New York City in the first year of the program; and guesses for the entire state range from 110,000 to 500,000. When viewed on a mass scale like this, abortion becomes a great deal more than a quarrel over the moral issues of isolated cases—more even, perhaps than another lonesome stand by the Judeo-Christian ethic, truncheoning with the yeomen of a pluralistic society. At this level of intensity, it is a social phenomenon of profound significance for every citizen, an ultimate imperative which, whether we like it or not, is forcing us to a moral plebiscite that will determine for the indefinite future the spiritual cast of our people as a nation and as a world force.

What I am discussing is not a state of disease nor some surgical stunt but the deliberate interruption and destruction of a natural process, an act of rape against the internal environment of man. Supporters of the idea argue that it is necessary in order to avoid the diseases of over-population. The question seems to be whether we shall succumb to over-population with our morals more or less intact or to spiritual suicide with our population balanced.

Neither the simplistic canticles of English Common Law nor the nonsensical cadenzas of American Uncommon Law are adequate to this question. If there was little need in the past to defend what once must have seemed self-evident—namely, that an agent of the principle of life is entitled to life—this is no longer the case. Gradually, the state is removing a line once drawn at the outlet of the womb and is, in effect, at one and the same time, bringing what has been ruled to be outside the compass of the law under the effect of the decisions of the law while failing to make provision for a right of defense. Either an unborn infant is a human being or it is not; or there is a reasonable doubt that it may be. Either an unborn infant is beyond the scope of the law and immune from any decision which would affect its natural state of existence or it is under the law and entitled to a defense of that existence. We do that much for seagulls, flamingos and whooping cranes.

COURT RULING

The Supreme Court has ruled that a young man may be exempted from military service by virtue of moral convictions developed as a result of "readings in the fields of history and sociology" and that he need no longer claim status as a conscientious objector solely on the basis of religious training and belief. Particularly in light of so relaxed a view of military exemption. I question most seriously whether it is just, good or wise, to oblige a citizen to contribute health and welfare taxes, which he can think of only as blood money, to pay for birth control practices which he believes to be immoral and for abortions which he believes are murder, based on his moral convictions or his religious training and beliefs. And I think that every citizen must ask whether onto the piled-up rubbish of the national merchandise culture are to be strewn the shells of the littered hopes and the broken promises of a false and fallen republic.

It has been said often enough to amount to an aphorism that morality cannot be legislated; but there is something out of plumb about a society carrying a motto "In God We Trust" in its pocket and portraying that what is legislated is neither moral nor immoral and that what is not legislated, to that extent, simply doesn't exist at all. Inherited from an age of right and wrong, the motto is out of place in an era of right and non-right; and it is likely to remain so, barring some upsurge of the spirit which, at this time, is nowhere to be seen.

In the pressures of an expanding population within a shrinking environment are to be found the origins of all the dissonances which are vibrating our membranous society. Man out of tune with his environment is disoriented. Man out of tune with himself is demented. Man out of tune with both has been destroyed. Only an uncorrupted spirit, operating through an inflexible will, fastens us to a little apex between animal and robot. In the entire human epoch, no crisis has made a greater demand upon our will and spirit and perhaps never have they seemed less able to respond. That is our great sin—that we see, that we suffer and that we do not act.

OBSERVABLE FACT

What is to be said about the population problem? There is one observable fact. The population is increasing. The rest is hypothesis and speculation. Since we are observing a first-of-its-kind phenomenon, something which has never happened before, who is a population expert? You, I, our neighbor? In the entire existence of the human race to date, we are still only somewhere on the first curve of one cycle of which no man on earth knows the shape. Nor does any man know that it is not merely the first cycle of many yet to come. It would be outside the range of probability, in a universe otherwise so rigorously governed by laws that there should be none governing the ebb and flow of human existence. That we have not discovered one only testifies that we are early travelers on the curve. That we should set about changing the shape of the curve is as presumptuous as that we should undertake to change the orbit of the earth.

In the present circumstance, the first duty of the scientific community is to observe and record, with absolute detachment, total objectivity and scrupulous accuracy, what happens next. I submit that it is not its first duty to proclaim a disease of which no one has ever heard and, without verifying that it exists, rashly to undertake an arbitrary, empirical, radical, artificial and unnatural form of treatment—all, I might add, without the consent of the patient or a license from the granting authority, who happen to be one and the same, to wit, corporate humanity. In

this matter, I fear, part of the scientific community and an agonizing proportion of my own profession are forgetting the cardinal principle of treatment—"First do no harm."

That most rational of scientists, Rene Dubos, writes at length, in Reason Awake, of the need for an informed body of scholars capable of critical evaluation of science and of translating the evaluation into language that society can understand. He warns that "Freedom can be maintained only if citizens understand the intellectual basis of scientific expertise sufficiently well to differentiate between persuasion and manipulation by experts" and that "A society that blindly accepts the decisions of experts is a sick society on its way to death."

WILLED FUTURE

In a chapter entitled Willed Future, Dr. Dubos writes of the risks and shortcomings of forecasting, which, "for reasons that are not clear and in any case are not justified by actual performance," "now enjoys the dignity of an academic profession." He comments at length on the comparatively undeveloped nature of the behavorial and social sciences and the difficulties and dangers inherent in trying to adapt the constitutive principles or the concepts and methods of the natural sciences to the social sciences. He points out the need for the behavioral and social sciences "to go through a phase of slowly accruing a core of concrete facts relevant to the mind and society before they can arrive at meaningful abstract formulations of their problems." He concludes, "When this stage has been reached they may re-examine their relation to natural sciences and perhaps become partly anchored on physiology, ecology and other biological sciences." He refers to the contrast between the problems of physical sciences, involving usually one or two variables at a time, with those of rudimentary social sciences dealing with the enormously intricate complex of variables of human society. I would like to cite as a single example (my own, not Dr. Dubos') that the failure of social scientists to take into account a relatively simple perturbation—that some citizens believe that many of these babies ought to be baptised—could result in serious and lasting social divisions—a consequence which no alert and loyal American citizen, consciously or subconsciously, would ever desire. A social force, or any system of bureaucracy, which can, with reckless insensitivity, ride roughshod over this consideration, merits the searching attention of every soberminded citizen.

Members of a played-out demi-culture endlessly repeating our last lines, we are missing an opportunity to realize an undreamed-of renaissance. We are dying "inch by inch in play at little games." We are missing the ultimate question on earth of our era—how to expand our environment. Given the spirit and the will, we are capable of unimagined prodigies. Given the imagination and creative thinking, one could doubt that we have enough workers to accomplish what we are capable of achieving. We can bring about a massive re-ordering of our priorities. With coordinated high-level planning and a systems approach we can re-create and recycle our industries, our commerce and our transportation. We can make earth, we can make forests and streams, we can even make one environment above another, if we have to. Through austerities, economies and sacrifices we can develop a natural population in harmony with a natural environment and feel joy again, in an act of gratitude to our past and of generosity to our future. Sooner that we should die trying than that we should try dying.

OPPOSITION TO ABORTION

Like population control in general, abortion is a slovenly short-order, a retreat from thesis to anti-thesis, an assertion that it is for the good of mankind to stop up the well-spring of mankind. But an abortion is never a commonplace. For the world holds no heartbreak like the death of innocence. Whenever and wherever it occurs, we all suffer another loss from the little that sustains us and holds us together. Not alone because I believe it is murder do I oppose abortion. Not alone because it is a frustration of nature, because it is a degradation of humanity, because it violates that innate respect for life of my profession do I oppose abortion. I oppose abortion also because I believe that, in the sophisticated barbarism of a nation destroying its offspring, can be sensed the stirrings of despair in a people who are lost and disoriented in a disputative, speculative, innovative wilderness. I oppose abortion because it is fulness emptied, innocence defiled, song unfinished, beauty discarded, dream cloven, hope unsprung. It is the deer, hanged by the neck beside the house of man. It is the razor against the throat of the dove at the window.

I pay homage to those thousands of innocent souls, so rudely deflected from an earth which they shall never inherit. Not for nothing, once before, did a great Church number first among its saints other slaughtered innocents, unreasoning and unblessed, who died for a God whose name they had never heard. Flowers of martyrs, it called them. It may yet be that we are going to have a Second Spring of new flowers of martyrs, terribly to awaken us before there can be only madness and blackness.

Now, in this time of the Big Flinch, a carnival has come to the Republic. Drawn on by the pied-pipers of peace, the populace is thronging to see the show. The summer soldier and the sunshine patriot tootle the flute and pound the drum and the publican gapes in awe. In the midway, the prophets of parturition and pleasure are huckstering for the souls of mothers and daughters. The academician and the journalist have come down from Olympus, the clergyman has come up from Bethlehem, the social scientist has come out of the classroom—and all have gone into the marketplace to barter for the minds of men and boys. At the animal show, bright and charming children thrust sticks through the bars to goad the captive, bewildered servants of the law. Along the sideshow, transmuted in the flickering light of a flaming republic, the bureaucrat displays his contortions and a magician makes a whole baby disappear in the air. Buy a souvenir! Three monkeys set all in a row. Hear nothing, see nothing, say nothing.

It is late and the din rises. In the gathering darkness of a bemused evening, one barely hears the faint echo "freedom" come back from the surrounding hills—dark hills, where a stealthy bear watches and silently waits. For he sees what we do not yet know—that, in our absence, housebreakers are robbing us of everything that we own, of virtue, honor, integrity, trust, innocence, truth, beauty, justice and liberty.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

WALTER S. KOBUS HONORED FOR BLOOD DONATIONS

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks in the RECORD, I include therein a tribute to my valued friend, Walter S. Kobus, formerly of Clinton, Mass., who has unselfishly and gladly donated over 20 gallons of blood since 1932.

His generosity and patriotism are indeed worthy of recognition, and I would like to extend my heartiest congratulations, esteem, and best wishes to Mr. Kobus and his family, and am pleased to insert the following articles in the RECORD concerning his many contributions to mankind:

[From the Clinton (Mass.) Item, May 18, 1968]

CABBAGES AND KINGS

(By Bill Coulter)

Hats off this week to a former Clintonian who was the honored guest at the 54th annual meeting of the Metropolitan Atlanta (Ga.) Chapter of the American Red Cross. He is Walter S. Kobus, son of Mrs. Suzanna and the late Peter Kobus. He was honored for donating a total of 119 pints of blood to the Red Cross. This contribution is the largest amount contributed by any individual in the city of Atlanta, Georgia—or for that matter—the whole state of Georgia. His mother, who will be 95 years old this July, is believed to be the oldest citizen of Polish descent in town. His sister is Mrs. Gladys Chrostowski of 84 Berlin Street, an active blood donor.

Mr. Kobus now lives with his wife in Atlanta where he has made his home since his retirement from the U.S. Army after 29 years of consecutive service. He has been an archivist assistant with the Federal Record Center since 1959.

He thinks everybody should give blood to the Red Cross. He was first tapped for the life-sustaining fluid in 1932 when he was a young medical corpsman, and has given ever since.

His most dramatic donation was his first one. In 1932, he and 54 Army buddies donated blood to his weeks-old son who was critically ill in a Massachusetts hospital. The infant subsequently died, but the generosity of the 55 men prompted the entire detachment at Fort Banks (Mass.) to volunteer for blood donations.

Asked if he eats special foods, he replied, "My stomach is my own. Only my blood goes to other people. I don't particularly like spinach anyway."

His personal philosophy was summed up when he said, "Not everybody can give money to help others, but almost everybody can give blood."

[From the Atlanta (Ga.) Journal, May 8, 1968]

BLOOD DONATION'S FOR ALL, PIONEER IN PROGRAM SAYS

(By Linda Bolt)

Who puts the red in Red Cross?

Blood donors, of course, those unselfish people who year after year give the miracle of life so the blood needs of a community may be met.

This year marks the 20th anniversary of the Atlanta Regional Red Cross blood pro-

gram. Atlanta had an active program during World War II and disbanded this operation at the close of the war. In 1948, a civilian, peacetime Red Cross Blood Program was established and doors to the 81 Walton St. Center were opened for donations. This became the first such center opened by Red Cross in the South, the second in the United States.

The first donor, Robert Shea, was in Atlanta for the 20th anniversary commemoration. He remembers filling a bottle as a doctor and a nurse stood by.

"No, I wasn't nervous . . . but they were shaking."

A negative donor, Mr. Shea had been giving blood since 1943, the first recipient being his wife. Mr. Shea, currently vice president of American National Red Cross in Washington, has continued to give his blood regularly, because "I've seen what it can do."

The present Atlanta Blood Center is at 848 Peachtree St., having relocated in 1951. Some 70 hospitals within a 39-county vicinity rely heavily on Red Cross Center and bloodmobile donations. And the stars of this real-life drama are donors of some 71,000–73,000 units of blood per year in the Atlanta area alone.

Another pioneer donor, Walter S. Kobus, an archivist assistant with the Federal Record Center since 1959, thinks "everybody should give blood."

He was first tapped for the life-sustaining fluid in 1932 as a young medical corpsman, but he can't remember how many units he gave during the subsequent 11 years. According to Red Cross records, he has an amazing 119 pints to his credit since 1943.

His most dramatic donation and certainly his most memorable one was the first one. In 1932, he and 54 Army buddies donated blood to his weeks-old son who was critically ill in a Massachusetts hospital. The infant subsequently died, but the generosity of 55 men prompted the entire detachment at Ft. Banks, Mass., to volunteer for blood donations.

Asked if he eats special foods, he replied, "My stomach is my own. Only my blood goes to other people. I don't particularly like spinach anyway."

His personal philosophy was perhaps summed up when he mused, "Not everybody can give money to help others, but almost everybody can give blood." (The normal human adult has approximately 12–13 pints of blood in his body, according to Red Cross information.)

Mr. Kobus' three sisters and two sons have been active donors.

G. L. Ferguson, group supervisor in engineering administration for the Lockheed-Georgia Corp., has logged up a noteworthy 106 pints of donated blood since 1943.

"I just felt this was something I could do that would help others and certainly wouldn't hurt me any," he said.

He concurs with Mr. Kobus: donating blood through a Red Cross program is the best insurance he could give his family. After the 16th pint, the donor is presented a card stating he and his immediate family are entitled to receive free blood when needed, for a lifetime.

Jim C. Adams, 26-year veteran lineman for Georgia Power Co., first donated blood at the old Walton Street center.

There's been such a heavy call for blood in the last few years that Mr. Adams wouldn't think of ceasing his donations. He proudly claims he's "just two pints away from the 100 mark" and a Georgia Power supervisor said, "We're awfully proud of Jim."

Last year, he was chairman of Georgia Power's Central District Blood Program and the A positive donor is always pleased to recruit more volunteers.

Under a new liberalization of Red Cross' national regulations, donors may now continue giving blood until their 61st birthday, according to Medical Director Dr. Shirley Rivers.

There is apparently little doubt in the minds of these three men, and the myriad of unselfish donors like them, they'll continue giving until the absolute cutoff date.

[From the Fort McPherson (Ga.) Lucky Times, Nov. 13, 1964]

GEORGIA'S FIRST: RETIRED CWO KOBUS GETS 10-GALLON DONOR'S AWARD

CWO-4 Walter S. Kobus, retired, stationed at Fort McPherson, with the I.G. Section as administrative chief until his retirement on September 30, 1957, was awarded the 10 gallon Blood Donors Award by the Atlanta Chapter, American Red Cross.

The award (the highest available) is a Silver Key Chain with Plaque, which has a gold droplet of blood with a Red Cross in its center, and red numerals 10 below. The reverse side has the words: "The American Red Cross Blood Program 10 Gallon Blood Donor."

This award is the first ever presented to an individual in Georgia.

In 1959, CWO Kobus was awarded the eight gallon award for his donations in excess of eight gallons. Again in 1963, CWO Kobus, was presented a Certificate of Commendation by Regional Director, Region 4, General Services Administration, for his contribution in excess of eight gallons.

CWO Kobus, is employed as an assistant archivist, Federal Record Center, East Point. He served at Fort McPherson from July 1949 to May 1952, and again from July 1956 until his retirement in September 1957. He has served in both European and Asiatic Theatres and at numerous posts in the United States.

He resides with his wife Olanda C., and son Allen S., at 2257 Barge Rd.

To date what can be proven is that donor has donated seventeen gallons and three pints. Donor has donated over twenty gallons.

[From the Clinton Daily Item, Oct. 31, 1964]

FORMER CLINTON RESIDENT CITED AS BLOOD DONOR

Walter S. Kobus of Atlanta, Ga., formerly of this town, was recently presented the Ten Gallon Donors' Award for donating in excess of ten gallons of blood in behalf of the American Red Cross, Atlanta Chapter.

The award is the highest now available and consists of a silver key chain with a gold droplet of blood inscribed with the numeral 10. The reverse side reads. American Red Cross Blood Program 10 gallon blood donor.

Mr. Kobus is the son of Mrs. Suzanne Kobus of 254 Green Street and a brother of Mrs. Gladys Chrostowski of 84 Berlin Street.

Mr. Kobus was honored in 1959, by being the first in the Atlanta area to donate in excess of eight gallons of blood. At the time this was the highest award. Again in 1963 he was commended by the Regional Director. Region Four, for his participation in the Blood Donors Program.

JET—GARY'S TRAGI-COMEDY OF ERRORS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. LANDGREBE. Mr. Speaker, a pair of stories recently published in the Gary, Ind., Post-Tribune has brought an alarming situation to the public eye. These stories, written by Post-Tribune staff reporter Tom Knightly, describe a comedy of errors in a project called JET.

JET is an acronym for Journeyman Employment Training; it was a project formed with the ostensible purpose of training minority race construction workers and obtaining employment for them. This worthy idea was sold last February to the Department of Labor and was rewarded with a $300,000 grant.

The only problem was that nobody in Gary, outside of a few well-paid JET employees, knew about the program. Now, with less than a month to run, the project has maybe benefited one minority construction worker.

If it were not for the fact the $300,000 of hard-earned taxpayers' money was squandered on JET, the whole chronicle of events would be funny. But the outright waste of public funds at a time when Federal spending must be brought under control turns the comedy into tragedy.

We learn in the Post-Tribune articles that the Labor Department has at last locked the barn door after a minimum of $70,000 of the "horse" is long gone. The Department has taken the first action that any bureaucracy takes when a project is in trouble; it has changed the project's name—thus giving it new respectability, for some reason or another. The discredited JET has now become MET—for Minority Employment and Training—and we have been promised a revamping, reorganization, and revitalization of the entire program. But with less than a month to run on the grant, there is no reason for the taxpayers to be optimistic.

I applaud the fact that the Department of Labor did at last cotton to the fact that JET was a tax-eating boondoggle. But it strikes me that the Department's action was rather late in the day.

The most alarming thing about the JET affair is not the loss of $300,000 in a single, worthless project in Gary, but the conditions that led to the loss. When the award was made, there were apparently no controls or guidelines to prevent such a fiasco. This indicates to me that perhaps there is a whole fleet of JET's taxiing around this Nation, with very few ever getting off the ground.

How many potential millions of tax dollars are going down the drain in similar boondoggles in other American communities? How many Diamond Jim freeloaders have dressed up a money-grubbing racket in the robes of minority employment, or any of a hundred other equally worthy ideas, ranging from cleaner environment to safer streets? How many good-hearted but ineffective projects, cloaked with good intentions, are wasting our tax dollars and increasing our national debt?

And now that the JET fiasco has come to light, has the Labor Department learned from its mistake? Has the Department taken steps to examine other funded projects across the country or to prevent future JET's?

And has the Department passed on its bitter lesson to other agencies—such as HEW or OEO—which dole out millions

of Federal tax dollars, so that these agencies can also take corrective and preventive action?

Mr. Speaker, this is a time when fiscal responsibility is essential to national survival. Our bureaucracies must take steps to insure that our limited fiscal resources are wisely spent and that when we spend a dollar on any project—no matter how lofty of purpose—that we get a dollar's worth for every dollar expended.

Today, I have written a letter to the Secretary of Labor, the Honorable James D. Hodgson, asking him the questions I have posed here. I hope that he will reply with firm evidence that the measures I have outlined are being taken, not only in the Department of Labor, but also in the entire Federal bureaucratic establishment.

Mr. Speaker, I insert Mr. Knightly's two articles, together with a third short news article on the subject, at this point in the RECORD:

[From the Gary (Ind.) Post-Tribune, Nov. 5, 1970]

MINORITY PLAN HERE PLACES JUST ONE ON JOB

(By Tom Knightly)

A $300,000 federal program to train minorities for construction journeymen's jobs has less than a month to run, and so far only one trainee has been placed on a job.

With the Dec. 1 expiration date for the federal contract fast approaching, the government has stepped in to do something about the program known as JET (Journeyman Employment Training).

What the U.S. Department of Labor has apparently done is to overhaul the program, place it in the hands of a new administrative committee and give it a new name, MET (Minority Employment and Training).

How JET was able to operate without the government intervening earlier provides an interesting case study of the functioning and supervision of anti-poverty programs.

Questions immediately arise.

Some of these concerning JET and applicable to other social welfare programs are:

Who monitors the spending of funds and evaluates the programs to determine if the money is being spent for useful purposes?

Are there built-in safeguards to guarantee the programs are run efficiently without waste or unnecessary personnel?

Who is held accountable for the spending of public funds?

Is there any auditing or accounting to show what funds are disbursed, what the money is spent for and what the expenditures have accomplished?

Finally, are there periodic reports against which the program can be evaluated, showing the number of trainees, how many are placed in jobs, how long persons placed stay on the job and whether they come back for more training?

Often criticism of such programs is considered racism. But government auditors might have raised an eyebrow about the JET program had they delved earlier into the operation.

Now seems to be rather late, considering that vast amounts have been spent and most of it used to take care of administration and overhead.

The reason Jet never got off the ground could be explained as having to do with declining construction work in the area and several strikes by construction trades.

But there were other factors, not the least of which was conflicts between union and contractor groups over control of the journeymen's training and placement.

The two sides appeared unable to get together on how to run the program and there was confusion over who the Department of Labor had authorized to be in charge.

The existence of two separate contracts, both purporting to be the ones under which JET was established and funded, also added to the confusion.

The situation was resolved only just recently when an announcement was made that the Department of Labor had approved replacement of JET with MET.

Harold P. Hagberg, an electrical union business manager and a founder of both JET and MET, made the disclosure from the witness stand during a trial in Hammon Superior Court.

Hagberg was testifying as a witness for an electrical company in its suit against the Gary School Board, which denied a contract to the company because it didn't have any black employes.

In his court appearance last Monday, Hagberg said JET, the one program in Gary designed to steer minorities into skilled journeymen's jobs, has to be disbanded.

He said the government won't finance JET any more because of what he called the involvement of Inter-City Contractors Service Inc., a black contractor group.

Inter-City was the prime contractor with the Northwest Indiana Building and Construction Trades Council under the $300,000 Department of Labor grant.

JET was then set up by representatives of the contractor and union groups as the organization for carrying out the training and recruitment of skilled Negro journeymen.

However, it was discovered that in seeking the contract grant from the Department of Labor, the applicants had submitted a document known as the urban housing and Model Cities agreement for Northwest Indiana.

The agreement, also known as the Gary plan for minority employment, had been drawn up between craft unions and contractor associations.

The purpose was to provide jobs for minorities in urban housing and Model Cities projects outside the realm of private housing and other commercial construction.

Members of contractor associations apparently had no knowledge of the plan to establish JET until the contract was approved by the Department of Labor.

Because the jobs for minorities program was used as the basis for getting the contract, the contractors were in effect a party to the agreement.

At least this is the way they saw it and quickly said they were in the dark as to what was going on.

Furthermore, the contractors weren't sure they wanted a role in JET. The contract provided that three contractor representatives be members of the JET executive board.

Meanwhile, training facilities and administrative offices for JET were opened in a building rented at 1200 Broadway and remodeled for that purpose.

A year's lease at $600 a month was signed with the Charles Lazerwitz Management Co.

The first year's rent of $7,200 was paid in advance.

Sam Spitale, president of the Northwest Indiana Building and Construction Trades Council, became training director.

Leonard Haile, formerly with the Manpower Development Training Program in Gary, was hired as project director.

Spitale and Haile are each being paid $16,500 a year, plus fringe benefits.

Some 20 others were placed on the payroll, including school teachers as instructors and counselors.

It was the start of expenditures for a program that was destined from the start to go nowhere.

[From the Gary (Ind.) Post-Tribune, Nov. 6, 1970]

CONFUSION FOULS JET PROGRAM SINCE BEGINNING

(By Tom Knightly)

Confusion has existed in the program known as JET (Journeyman Employment Training) since its formation about a year ago.

The feeling finally came to the surface this week during testimony in Lake Superior Court over an affirmative action suit, the very thing JET was designed to avert.

Joe Torres, a Gary School board member, while on the stand, said that more than likely, "It'll be investigated and prosecuted."

Torres' flat avowal gives substance to the foreboding that has surrounded the loosely operated program from its inception.

JET was hailed as a major breakthrough in efforts to place the minorities in skilled construction trades when it was incorporated last November.

It received a $300,000 subsidy from the Department of Labor and was touted as having the backing of union and construction industry officials as well as leaders in the black community.

This at least was the widely accepted belief.

There is now considerable evidence to show that these sectors—the union, contractors and community—were never briefed or consulted.

It is also evident that JET lacked enough clear thinking and planning before the government went ahead and funded the program.

As examples:

Members firms of the white contractors association were unaware that the program was being established even though it was the outgrowth of the association's Model Cities Labor Agreement (the Gary Plan).

Various unions affiliated with the Northwest Indiana Building and Construction Trades Council didn't know about it either and the Council was the one that supposedly applied for the federal grant.

The Gary Urban League, which conducts an apprenticeship training program in cooperation with the building and construction trades council wasn't involved in any way.

Very few people were involved in the planning of the program which was done at meetings in Washington with a consultant firm.

Soon afterward the consultant firm that drew up the contract for JET was dropped by the U.S. Department of Labor and another firm was retained to handle manpower development programs.

The new consultant, MacArthur Associates, reviewed the JET contract and ordered immediate revisions.

One situation that was ordered rectified was the absence of any representation from white contractors on the program's directorship.

As originally conceived and approved by the Department of Labor, JET was administered by a six-man board of directors.

Three of the directors were black contractors, who were associated together in Inter-City Contractors Service, Inc., and three were officials of the building and construction trades council.

Inter-City and the council officials had initially applied for and received the grant to conduct a journeymen's recruitment program among skilled minority craftsmen.

In making the application they submitted as the "clincher" the Urban Housing and Model Cities Agreement for Northwestern Indiana, an affirmative action plan for minority employment.

That agreement between the council and white contractor associations provided for a ratio of one minority trainee for every four

craftsmen on Model Cities and urban renewal construction.

Just prior to making the grant application, the council and Inter-City had signed a union representation pact making the affiliated craft unions bargaining agent for the company's employes.

The Allied Workers Union, a predominantly Negro independent labor organization, previously represented the employes.

Inter-City, an amalgamation of various Negro construction companies in Gary, received a $735,000 grant from the Labor Department in January, 1969 "for providing employment and training to disadvantaged persons."

The new JET program, which was separately funded, was an extension of this but it also included the AFL-CIO craft union council as part of the administration.

In its re-evaluation of the Labor Department contract MacArthur associates pointed out that the white contractor associations should have an equal voice in administering the program.

The consultant also ordered a cutback in the number of staff personnel hired for JET in Gary.

Some payroll checks issued to staff members were returned by the banks for insufficient funds. There was criticism that too many were on the payroll in the first place since no one seemed to be getting processed through the program.

Much of the financial difficulties were traced to seemingly innocent bookkeeping errors.

But it was part parcel of a turbulent state of affairs that was aggravated even further when the shakeup took place and the white contractor representatives were installed as having equal voice in administering the program.

Things never really got straightened out after that.

Now the Labor Department has now stepped in and is scrapping the JET program in favor of a new one called MET (Manpower Employment Training).

Whatever is left of the original $300,000 grant is to be applied to MET.

Leonard Haile, $16,500-a-year project director of JET, reported recently that some $70,000 of the sum has been spent and that at most one minority journeyman has been placed.

Haile, a Negro, has been sharing top administrative powers in JET with Sam Spitale, the white president of the building and construction trades council.

Spitale has the title of training director, which also pays $16,500 a year.

[From the Gary (Ind.) Post-Tribune, Nov. 5, 1970]

NO MINORITIES PLACED—JET HEAD

HAMMOND.—The $16,500-a-year director of the Journeyman Employment and Training (JET) program said under oath here Wednesday that JET hasn't placed any minority person on a job since it was set up by a $293,100 federal grant last February.

Leonard Haile, a witness for the Gary School Board in a suit involving the $3.9 million Pulaski Junior High School expansion, admitted the allegation under cross-examination.

"There were so many roadblocks along the way," he said, answering questions of Bernard M. Mamet, lawyer for Continental Electric of Gary, plaintiff in the suit against the school board.

"Things were always looking up, but they never materialized," said Haile, adding that $70,000 of the grant has already been spent.

Haile testified that 150 persons applied for the program, which seeks to involve more minorities in the construction trades by putting them on jobs with contractors and training them while on the job.

JET, with an office at 1200 Broadway, is being disbanded, but Haile said he had "no official information" of this.

Responding to Mamet, he said he was still on the payroll. But he didn't answer when Mamet asked him:

"What have you done for the money you have received? If no one was ever placed, why do you continue on the job?"

Haile was introduced as a defense witness by Attorney Julian Allen, who asked him questions that led to his description of the JET program.

Haile said the program sought out minority race persons with experience in a construction trade, but who had difficulty becoming members of the trade unions.

Generally, such persons were too old—over 30—to be admitted into apprenticeship programs, Haile said.

Haile told the court there were 12 to 15 applicants for electrical on-the-job training, but their applications are still on file.

JET was involved in the trial in connection with Continental Electric's contention it has sought minority employes through various programs, including JET and Operation Outreach, which seeks young men to be trained as building trades apprentices.

AGRICULTURAL PRODUCERS SUFFERING A SEVERE ECONOMIC HANDICAP

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. ZWACH. Mr. Speaker, we all know our agricultural producers are suffering a severe economic handicap, yet they are the most efficient of all industries.

They are twice as efficient as nonagricultural industries. Their productivity in the 1960's increased 6 percent a year while output per man-hour in nonagricultural industry increased only 3 percent a year.

One farmworker produces food, fiber, and other farm commodities for himself and 44 others.

The farmer spends $38 billion for goods and services to produce crops and livestock and $12 billion a year for food, clothing, drugs, furniture, appliances, and other products.

Yet the farmer paid only $1.9 billion in income tax, about 12 percent of his total earnings. Industry would have paid over 1,000 percent more taxes based on profits on an investment of the same size as the farmer's and for labor and management.

Our producers are in the lowest income tax bracket in the United States.

This is proof enough in itself of the tragic financial situation that exists in U.S. agriculture.

Every fact and figure on record substantiates the fact that the American farmer is subsidizing the living expenses of every consumer in the entire United States.

Mr. Speaker, with your permission, I would like to insert the foregoing, which was taken from Frank LeRoux's "1961 to 1970, The Farmer's Worst Nine Years," in the CONGRESSIONAL RECORD so it may be shared by my colleagues:

THE FUEL PROBLEM IN NEW ENGLAND

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. BOLAND. Mr. Speaker, I have spoken here many times about the stranglehold that the domestic oil industry has on the New England marketplace for petroleum products. Facing virtually no competition from foreign imports, the domestic industry can raise its prices without fear of losing the New England consumer's patronage. Fuel oil prices—prices for the residual oil used by institutions and the No. 2 oil used by homeowners—are running a staggering 60 percent over the prices a year ago. A critical shortage of fuel oil, moreover, now looms before New England just as winter approaches.

The situation is bleak, Mr. Speaker, and it threatens to grow ever bleaker. The domestic oil industry is acquiring coal companies at an alarming rate, gaining more and more control over this country's resources in fossil fuel. The electric power industry—an industry that burns enormous amounts of coal and oil in generating electricity—may soon be at the mercy of the Southwest's oil barons. It is no secret that electricity costs in New England are among the highest in the country. These costs, like oil costs, are exacting an enormous financial toll from consumers in the northeast.

A. J. Wagner, board chairman of the Tennessee Valley Authority, has called for an investigation into the oil industry's rapid acquisition of coal companies. Warning that the oil industry is moving toward a virtual monopoly on fossil fuels, Mr. Wagner points out that—

The public needs to understand the consequences and is entitled to a full disclosure of all the factors involved.

I agree, Mr. Speaker.

New England's past experience with the domestic oil industry makes the prospect of a fossil fuel monopoly a very chilling one indeed.

The following excerpts from the American Public Power Association's Weekly Newsletter discuss Mr. Wagner's warning and the soaring cost of fossil fuel:

TVA BOARD CHAIRMAN AGAIN CALLS FOR PROBE OF OIL FIRMS' ACQUISITION OF COAL COMPANIES

Tennessee Valley Authority board chairman A. J. Wagner has again called for a "thorough investigation into the acquisition of coal companies by oil companies and whether this change of ownership has also brought an unreasonable change of pricing policy detrimental to the public interest."

Mr. Wagner—noting that TVA's coal supply shortage is still very serious and could become critical rapidly with a major interruption of deliveries—asserted that "the consequences of a continuing rise in fuel prices and consequently, in electric power costs, are obvious and far-reaching nationally as well as in the Tennessee Valley."

Addressing a meeting of the Tennessee Valley Chapter of the American Ordnance Association in Huntsville, Ala., Nov. 17, the TVA chairman said that "raw fuel is one of what (trustbusting lawyer) Thurman Arnold

called the 'bottlenecks of business'—those essential single commodities that can exercise controlling influence on many phases of the business economy and upon the entire national welfare."

Mr. Wagner warned that "when the control of such a basic resource—coal, gas, oil, uranium—moves toward the hands of a relatively few, the public needs to understand the consequences and is entitled to a full disclosure of all the factors involved."

He responded to a claim by the National Coal Association (NCA) that TVA's request for an investigation of the turnover of coal companies to oil firms was a "red herring," noting that an NCA official opined recently that there will be adequate supplies of fuel this winter (a claim disputed by the Federal Power Commission) "at what the energy industry may call a fair price."

"TVA agrees," Mr. Wagner said, "that the price of coal should include not only the cost of mining but the cost of safety requirements for the workers and the cost of strip mine reclamation as well as a fair return. But we are not satisfied that legitimate cost increases in these categories warrant the near doubling of coal prices in the last two years with the steepest part of the rise occurring within the past nine months."

He pointed out that the average cost of coal received at TVA plants was 20 cents per million Btu for the past fiscal year and that the staff had estimated average fuel expense at 26 cents a million Btu for the current fiscal year. But coal contract awards recently let by the TVA Board, he said, will cost the Authority 35 to 40 cents per million Btu—"or almost double the average cost for all coal received last year."

MUNICIPAL ELECTRIC SYTEMS CONTINUE TO FACE CRUCIAL PROBLEMS ON FUEL, HIGH PRICES

Serious shortages in the supplies of fuel they require for power generation and steady increases in the prices they are asked to pay for essential coal, oil and gas continue to plague many municipal electric utilities in widespread areas of the country.

Reports filed with APPA by local publicly owned systems in all regions of the Nation indicate that among the most critical situations are those confronting Los Angeles Department of Water and Power, with a winter fuel oil requirement of 8.2 million barrels and an anticipated deficit of 1.8-million bbl.; the Glendale, Calif., Public Service Department, which reports a 206% increase in the price of low sulfur oil since Jan. 1, depleted supplies for winter of as much as 200,000 bbl. and a 10% price increase and curtailment of gas; a 275% price increase in oil for the Braintree, Mass., Electric Light Department; a 137% increase in oil costs and a shortage at the Freeport, N.Y., Municipal Light Plant; and a 103% price rise in oil for the South Carolina Public Service Authority at Moncks Corner, S.C.

Los Angeles DWP problems are compounded by a delay in the operation of the Mohave Steam Plant in Nevada, a gas curtailment 45 days ahead of schedule, and lower than anticipated rainfall in the Pacific Northwest, which compelled a withdrawal of the Bonneville Power Administration agreement to sell excess energy and required the agency to stipulate that the capacity charge for power from BPA must now be paid in energy instead of cash, as originally contemplated.

DWP earlier estimated it would be 2.7-million barrels short of residual fuel oil this winter but arranged to purchase the power equivalent of 1.2-million bbl. from Pacific Gas & Electric and Nevada Power; and is negotiating for the equivalent of 100,000 bbl. from the Salt River Project in Phoenix, Ariz. Los Angeles officials also are seeking temporary relaxation of stringent pollution control regulations that impose an 0.5% ceiling on the sulfur content of oil.

Reports filed by municipal electric systems at APPA's request on fuel supply, availability and prices—which continue to show sharp increases—reflect these examples of trends in various sections of the country:

Holyoke, Mass., Gas & Electric Department: 60% increase in oil prices.

Norwich, Conn., Department of Public Utilities: 95% increase in oil prices.

Vineland, N.J. Electric Utility: 60% increase in coal prices since Jan. 1, with deterioration in quality and an 84% increase in oil prices with no prospects of obtaining required supply after Dec. 31.

Henderson, Ky., Municipal Power & Light: 60% increase in coal prices, with mine breakdowns and inadequate supply for peak periods.

Columbus, Ohio, Division of Electricity: 63% increase in coal prices.

Hamilton, Ohio, Department of Public Utilities: 42% increase in coal prices.

Luverne, Minn., Municipal Utilities: 47% increase in oil prices.

BROADCASTER'S HEADACHE: THE FCC

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. LUKENS. Mr. Speaker, in this world of ours today, radio and television broadcasters find themselves walking a tightrope. Assuming that they are fair to all is no easy task, especially in an election year. Campaign staffs monitor the stations on a daily basis as the news director's log every minute of coverage, political, and nonpolitical. I happen to know, for example, that the news director of WHIO–TV in Dayton, Ohio, logged each minute of air time that every political candidate received on his station. In our State many stations decided not to offer free time to political candidates. To do so would mean offering free time to the third-, fourth-, and fifth-party candidates, and this they could not fit into their schedules. On top of this there are many cases where one of the candidates could not make a scheduled taping and still demanded free time. All of these are problems which face the modern-day broadcaster: The headaches of his profession.

Last August the Federal Communications Commission muddied the water a little more when they handed down a decision which granted the Democrats equal time to rebut President Nixon's Vietnam reports to the Nation. Ideally, the FCC could have used this case to give guidelines to the national networks and local broadcasters. Instead, it rejected the argument that any political party, in or out of power, should have a continuing right to access of the media to balance the administration's viewpoint. At the same time it ordered the three national TV networks to give prime time coverage to an appropriate spokesman who differed with the President's views. These two actions go in opposite directions and leave the broadcaster with no clear road on which to drive.

I think it is time for the FCC to clarify the guidelines by which the broadcasters must live. It is hard enough for radio and television station managers and news directors to stay within the fairness doctrine, but it is asking for the impossible when the FCC does not clarify its own rules and regulations.

DR. BARNABY C. KEENEY AWARDED THE JAFFEE MEDAL

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, one of the most satisfying occurrences of my tenure in the House was the opportunity to sponsor the legislation which led to creation of the National Foundation on the Arts and Humanities. An even greater satisfaction was the opportunity to come to know and become friendly with the first Director of the National Endowment for the Humanities, Dr. Barnaby C. Keeney. Although Dr. Keeney has left the Endowment, those who have come to esteem his friendship are delighted that he has chosen to remain in Washington as the new director of the Consortium of Universities. Quite recently, Dr. Keeney was selected by the triennial council of Phi Beta Kappa to be the first recipient of the Jaffee Medal, symoblic of the newly established Jaffee Award for service to the humanities. The citation which was read upon presentation of the award is, it seems to me, a most fitting assessment of Dr. Keeney's preeminent qualifications as a scholar, academician, public servant, and gentleman. I think it entirely proper to bring this citation to the attention of Dr. Keeney's many admirers in the Congress. It reads as follows:

CITATION FOR AWARDING THE JAFFEE MEDAL

On the occasion of the XXIXth Triennial Council of QBK, it is an honor to announce the establishment of the Jaffee Award for services to the Humanities. The donor and the officers of the Senate were deeply sensible of the importance of making the first presentation of this award to one whose qualifications were so far above dispute as to make him the sole and unanimous choice.

It was natural to select an historian who would appreciate the distinction of establishing a worthy line of descent for his successors. Equally clearly, our choice fell upon a man whose "dearest action" was at one time "in the tented field" whence his own "feats of broil and battle" furnished both gloss and glamor to the historian's task. These are, however, but antecedent stages, to some extent enhanced by myth and distance, though amply documented in citations of impeccable provenance. In 1955 he assumed the presidency of Brown University, one of the oldest in America, to which he brought the incisiveness in administration and breadth of understanding which characterize the true humanist.

When the development of national interest in the humanities called for definition and the invention of enabling structures, he gave leadership to the drafting of the plans. At the invitation of the national administration he was then called upon to direct the first National Endowment for the Humanities, an

agency unique in our history and therefore watched with peculiar attention by friends and foes alike. With that earthy common sense and that unerring capacity to get to the issue and close with it, he established an organization responsive and yet innovative, which began to demonstrate that the national interest could be served not only by science but by the humanities as well. Among other achievements was the aid given to Phi Beta Kappa in establishing the National Humanities Faculty. On the completion of his term in office he leaves to his successor a secure foundation for continued activity and a level of achievement which can only be equalled but not surpassed.

As a young historian he studied that extraordinary judicial concept, judgment by peers. Better than most others, he can appreciate today the full flavor of this award, a judgment by peers, *judicium parium*, made for his service to a nation which knew how to bestow upon him a purple heart for achievements in battle, but which must look to an ancient order of scholars to speak for the country in applauding his merits in peace and his distinction in raising the quality of our common life.

QBK confers with respect and high esteem the first Jaffe medal for distinguished service to the Humanities on Barnaby Conrad Keeney.

ABUSE OF THE AIRPORT AND AIRWAYS FUND

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. PICKLE. Mr. Speaker, I am deeply concerned over reports that some $250 million in funds designated for the new airport and airway development trust fund has been diverted to cover general administrative expenses in the Federal Aviation Agency.

This is deception.

Along with several other members of the House Interstate Commerce Committee, I have asked the Comptroller General of the United States for a written statement on the legality and the propriety of the administration's actions.

In the report on the airport and airways bill, the Commerce Committee stated that the purpose in creating the trust fund was to insure that the user taxes provided for in this legislation are to be expended for the improvement and maintenance of the airways systems. The legislative language setting up the fund clearly states this money can only be used to pay for Department of Transportation administrative expenses which are actually attributable to the improvement or maintenance of the airport systems.

To my thinking, at least some of the FAA expenses being paid for with trust fund money do not come within the limited language of the act.

It appears that the administration may be attempting to use money that was intended to build more and safer airports, to help balance a deficit budget.

Although the Congress authorized the obligating of $280 million in fiscal year 1971 to develop the airports and airways the Department of Transportation is only obligating $100 million. This fact combined with the large amount of trust fund money that is being used to cover administrative expenses certainly make it appear that the adminstration is simply ignoring the intent of Congress in passing the airport bill.

I have requested Chairman STAGGERS of the House Commerce Committee to hold hearings on this problem. I am pleased to note that hearings are scheduled for Thursday, December 3 when John Sheaffer the FAA Director and John Reed of the National Safety Board will appear. Perhaps they can explain the priorities which are being placed on the trust fund by the administration.

TRIBUTE TO A FINE ORGANIZATION OF YOUNG PEOPLE

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, every day we read and hear stories about the wrongdoings of young people, but unfortunately, very little about the good done by them.

I recently received a copy of a letter written by a constituent of mine, explaining some problems he had faced and how a group of young men helped him out in his time of need.

So that my colleagues may once again be reminded that the youth of today are not all involved in demonstrations and the like, I am placing in the RECORD at this point the story of how a group of DeMolays assisted my constituent, Mr. Mel Laybourn of Sonoma, Calif.:

SONOMA, CALIF.,
November 26, 1970.

Congressman DON CLAUSEN,
House of Representatives,
Washington, D.C.

SIR: After five trips to the hospital this year, thought that perhaps I had better see what could be done, to say things in the way of thanks, for those who have helped during the period especially since March.

It only goes to show you, that some people still put their hearts where their hands are. Strangely enough I've seen this not only among the Masonic Youth Groups, but also among young people in general for either people who have shown them some respect & confidence and/or who they know are in need of assistance or a helping hand.

Mine is not an isolated case, so why can't we hear more "Good News" instead of all the destructive actions of the more militant groups.

Sincerely and Fraternally

MEL LAYBOURN.

SANOMA, CALIF.

DEAR EDITOR: Like to hear good stories about DeMolay's unsung activities?

I have been disabled for several months with a bad back, and while hospitalized recently my wife had to move to a new house.

To cut it all short, 15 DeMolay's, local and some from as far as 125 miles way, showed up and by the time I was released from the hospital, I came home to a new house all straightened away.

Furthermore, with my movements still rather restricted, having to use a cane and being unable to negotiate stairs, I have had to defer attendance at DeMolay functions. Now word reaches me, that if I want to attend the DeMolays will carry me up any stairs!

I proudly wear the "Hats Off" award from the Redwood Empire Division, but with humble thanks—my hat is off to all of them this time.

Who says the younger generation has gone to hell! Examples like this could do a lot to bring back the ideas of community action like "Barn Raisings."

MEL LAYBOURN.

IMPORTANT STATEMENTS REGARDING OUR DEFENSE POSTURE

HON. THOMAS G. ABERNETHY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. ABERNETHY. Mr. Speaker, I submit for printing in the Appendix of the RECORD a copy of a Liberty Lowdown, a report issued by Liberty Lobby for November 1970. The report contains important statements regarding our defense posture, which are worthy of the consideration of all Americans. The report follows:

THE SOVIET THREAT

Back in 1967, Liberty Lobby issued the first edition of *Robert Strange McNamara*, a special report on L.B.J.'s "Secretary of Disarmament," and warned that "if America is to survive, McNamara Must Be Fired now!" McNamara was moved to the World Bank, but not until after incalculable damage had already been done to America's defense posture.

Just 30 years ago this month, Rep. L. Mendel Rivers (D-S.C.) was first elected to the seat he has held ever since. As long time chairman of the Armed Services Committee, he is recognized as one of the leading experts on military affairs. Recently he addressed the House with frankly unprecedented "concern for the future of this Nation." His chilling indictment of the "dissident voices in our Nation that would destroy the very fabric of our society" and the "deterioration of our military capability vis-a-vis the Soviet Union" appears in the CONGRESSIONAL RECORD (Sept. 28, 1970, pp. 33898-33908), and has been reprinted as House Armed Services Commitee No. 91-79, available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, for 20c a copy. Only a few excerpts can be given here, but even this condensation is enough to prompt patriots everywhere to demand removal of the last vestiges of McNamaraism, and substitution therefor of a "national determination to survive":

"The final measure of our ability to survive as a nation in a hostile world will not be how well we have managed our domestic resources and domestic programs, but whether or not we have avoided and frustrated the forces of evil which would draw us into the crucible of war with the Soviet Union. If we fail in that endeavor, we will have failed in everything. It is this circumstance which demands that we maintain a level of strategic and conventional military capability that will insure against any misunderstanding by the leaders in the Kremlin of our intentions to survive. . . .

"LEADING SEA POWER

"The Soviet Union is now one of the world's two leading sea powers—and possi-

bly the leading power. When Admiral Gorshkoy assumed command of the Navy in 1956, it was largely a water-borne adjunct of the ground forces. Today, it is a well-balanced modern force which is as equally at home on the high seas as it is in coastal waters.

"Soviet naval units now frequent waters which only a few years ago were considered the private preserve of Western naval forces. It was only in 1964 that the Soviet Navy began continuous deployments in the Mediterranean; now, since the Arab-Israeli war of 1967, a flotilla of nuclear submarines and missile-armed surface ships has been continuously operating there. . . .

"WORLD" GREATEST SUBMARINE FORCE

"The greatest Soviet naval strength is in its submarine force—the largest ever created in the history of the world. The fleet presently has approximately 350 submarines, 80 of which are nuclear powered. The new Soviet Polaris-type submarine can fire 16 ballistic missiles to a range of at least 1,300 miles; at least 13 units of this class are already operational, and these units are being produced at the rate of 8 to 10 each year. They are testing a new submarine ballistic missile estimated to have a range of 3,000 miles. This missile will probably be back fitted into the existing Soviet submarine fleet.

"At the present rate of construction, the Soviet fleet of these Y-class ballistic missile submarines will surpass the U.S. fleet of 41 Polaris submarines by 1973 or 1974. . . .

"In evaluating the Soviet submarine fleet, it must be remembered that the German submarine fleet which almost won the battle of the Atlantic included only 57 diesel submarines in the early months of World War II. . . .

"It is this chilling fact that has compelled the Committee on Armed Services to insist that we go forward immediately on the construction of the new nuclear-powered 688-class submarines which we hope will be able to cope with this significant and deadly Soviet capability. However, regardless of how rapidly we proceed on the construction of this new class of submarines, it will be years before they become operational in significant numbers, and in the meantime Soviet technology will undoubtedly strive to maximize this almost unbridgeable gap in our defensive response to this Soviet submarine threat.

"This existing and ever-widening gap in our defensive capability to meet the Soviet submarine threat is simply a current reflection of the past unwillingness of defense budgeteers to provide for a modern Navy. . . .

"The surface naval vessels of the United States are, as compared to the Soviet Union, if anything, in worse condition than those of the undersea fleet. No purpose would be served in attempting to detail these deficiencies except to point out that the Comptroller General of the United States recently submitted a secret report to the President of the United States and the Congress on the impaired combat readiness of the Navy's Atlantic and 6th Fleets. . . .

"Without revealing information which would give aid and comfort to the Soviet Union, I also feel compelled to tell this House that not very long ago I was told that the combat condition of our cruisers and destroyers in the Atlantic Fleet was so bad, both from a material breakdown and personnel shortage viewpoint, that more than half of them were in a condition that would have seriously affected their combat capability. As a matter of fact, some of these ships could not have engaged in any kind of naval confrontation.

"I cannot overemphasize the seriousness of this situation. Yet, I know that there are people in the Congress of the United States who will say 'so what?' I can only warn the Members of this House that we are on the brink of disaster and I have never before been so concerned in all the years I have served in the Congress of the United States.

"We must, therefore, acknowledge the fact that our naval vessels are today simply not capable of discharging their wartime mission requirements if called upon to do so. I believe these facts are as close to proof positive as I can make available to the American people that if we are not already a second-rate naval power, we are perilously close to becoming so. I need not emphasize that in a war with the Soviet Union there will be little solace in being in second place. . . .

"NUCLEAR CAPABILITY

"Do not be misled into believing we can make up for this frightening loss of naval superiority by relying upon a superior strategic nuclear capability, vis-a-vis the Soviet Union. Since 1965 the Soviet Union has engaged in a major effort to change the balance of power in this area of military capability. In that period it has more than tripled its inventory of strategic offensive nuclear weapon launchers from about 500 to 1,700, including some 200 nuclear heavy bombers in both. In the same period, the United States has made no increase in its established level of 1,710 strategic nuclear missile launchers, and has reduced its heavy bomber strength from 780 to less than 600.

"In 1965, the Soviets had none of the monster SS–9 missiles operational. Today, the U.S.S.R. has more than 200 SS–9's operational, with an ultimate total of approximately 300 when current construction effort is completed. . . .

"AIR CAPABILITY

"Up to the present time, the Atlantic and Pacific Oceans have served to protect us from foreign attack. Today these very same oceans afford the Russians a ready means of surreptitiously bringing their missile launching submarines close to our cities from whence they can launch a deadly attack.

"Our tactical air capability, when compared to the Soviet capability, also raises serious questions as to our ability to cope with the Soviet Union in a conventional confrontation. For example, since 1954 the Soviets have designed and produced 18 new types of fighter planes—13 of these models we have actually photographed in flight. In the same time frame, the United States has not produced a single new air superiority fighter, and actually we have not had one on order until this year.

"SUMMARY

"Now let me summarize for a moment. I have outlined to you that our former 5-to-1 margin in nuclear strategic weapons has in a few short years vanished. The Soviet Union now has a nuclear strategic weapon capability in excess of ours, and this superiority will continue to increase if we do not take dramatic action to stem the tide. We can no longer look upon our threat of nuclear war as a satisfactory deterrent to aggression with conventional arms as we could in the two decades past. From here on if we threaten nuclear war in response to aggression, we risk our own destruction."

Mr. Rivers' address has been hailed as "one of the year's major pronouncements on the condition of our national security." Rep. Don H. Clausen (R-Calif.) concluded, "The only question remaining is whether or not the American people are sufficiently informed and concerned to demand that the Congress act immediately to bridge the gap before it is too late."

TRIBUTE TO THE LATE DR. JAMES J. KENNEDY

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. HARVEY. Mr. Speaker, residents of the Washington metropolitan area were stunned this past weekend to learn of the tragic death of one of their most distinguished citizens, Dr. James J. Kennedy, of Bethesda, Md.

Jim Kennedy's passing is a deep personal loss to me, for he was not only my personal dentist and that of my family, but he was a close personal friend and a former resident of Saginaw, Mich., the largest city in my district, where he was born 49 years ago. He was a graduate of the University of Michigan and Northwestern University Dental School, receiving his DDS degree in 1945 and a master of science degree in 1949.

But it was at the National Institutes of Health here in Washington that Dr. Kennedy first made his mark. He did some of the very early work on the use of the electron microscope in the histological study of human teeth. Soon after commencing his tour of duty at the National Institute of Dental Research, he was appointed chief of the clinical investigations branch of the then new clinical center of the National Institutes of Health.

In addition to his administrative duties, he continued his research interests. Because of his background in biophyscis, he was intrigued with the known principle of tooth cutting by means of ultrasonics utilized by dentists in the mid fifties.

He joined with several others in the country in voicing opinions that the developing human tooth could be harmed by cutting with such a physical tool. In collaboration with a researcher from the Naval Dental Institute, he conducted a comprehensive study comparing the conventional rotary cutting tool with the ultrasonic device. The study published in the Journal of the American Dental Association in February 1958 proved conclusively that damage to the tooth of the experimental animal did occur and a determination was made and adopted that the instrument was potentially harmful for human use.

In the years that have followed his service at the National Institute of Dental Research, Jim Kennedy practiced his profession in Bethesda, Md. His easy-going personality helped remove the "fear of a visit to the dentist" for thousands of people whom he served in that time. He was indeed an eloquent spokesman for the American College of Dentists and the entire dental profession.

Mr. Speaker, Jim Kennedy will be sadly missed by his wife, Julienne, his sons, James and Michael, and his daughters, Julie Ann, and Susie, all of whom he worshiped. He will be missed also, however, by a host of friends in Saginaw, Mich., who held him in such high esteem; by those with whom he worked so dili-

gently at the National Institute of Dental Research here in Washington; and, finally, by the thousands of patients who never hesitated to call him at odd hours and who were the recipients of his devotion and dedication to his profession.

My wife, June, and I extend heartfelt sympathy to his wife, Julie, and to his children in their great loss.

INVESTIGATE KRUSE DEFECTION

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. WYMAN. Mr. Speaker, the extent of public concern over the attempted defection to the United States and U.S. return to the Communists of Soviet Seaman Simas Kruse is reflected in the following editorial from the Manchester, N.H., Union-Leader of December 1, 1970. The House Armed Services Committee would be well advised to investigate this incident without delay, under oath and with careful cross examination.

Those responsible for U.S. policy—if there was such—calling for return of defectors in such circumstances, ought to be removed. If the decision did not reflect standard operating procedures but was that of the local commanding officer he should be removed from command forthwith.

The editorial follows:

"ILL FARES THE LAND . . ."

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, tempest-tossed to me;
I lift my lamp beside the golden door.

* * * * *

The stench of spiritual decay hangs heavy over the shameful episode in which a Lithuanian sailor was denied the asylum promised in Emma Lazarus' immortal words inscribed on the base of the Statue of Liberty.

Surely, Simas Gruze, the 30-year-old seaman who jumped to the deck of the Coast Guard cutter "Vigilant" last week and begged "Please, God, help me!", was truly representative of the world's "huddled masses yearning to breathe free." But officials of the U.S. Coast Guard, apparently acting on orders of the State Department, slammed the "golden door" in the face of this brave young man's bid for freedom and at the same time rolled a stone on the heart of every victim of Communist enslavement who looks to America for help.

We view the entire spectacle with shame: Not only was the young sailor denied political asylum, on explicit orders from Rear Admiral R. B. Ellis, commander of the U.S. Coast Guard's First District, but also three Russians were permitted to board the American ship, beat the Lithuanian seaman until he was unconscious, tie him up as if he were an animal and drag him back to their ship—the entire brutal episode witnessed by maritime personnel and civilians who stood by and did nothing.

If ever there was a time for disobedience to an immoral order, this was it! Not all the Communists, fags and cowards in the State Department combined, nor all of their influence in the halls of Congress, could have brought about the punishment of any man who had defied such an unprincipled directive, particularly one that was based on the craven contention that the seaman's defection would have damaged international discussions on "fishing problems." (The State Department's euphemism for Russian raids on U.S. fishing grounds).

To say that a thorough congressional investigation of this betrayal of the nation's honor is in order is to state the obvious. Hopefully, the U.S. government will now take some dramatic official action to rekindle the flame of liberty which these craven State Department and Coast Guard officials have snuffed out.

But of far more serious consequence, we believe, is the relatively mild reaction of the American people to this shameful affair. To be sure, more than 500 Americans of Baltic descent attended last Saturday's protest rally on Boston Common and witnessed the burning of a coffin labeled, "Human Rights, Killed by Admiral Ellis."

But that's just the point! Where were the rest of us? What indication has there been that the American people fully realize that when that one Lithuanian seaman lost his tenuous grasp on freedom, the freedom of all citizens of the Free World was diminished?

If this incident does not move the masses of the American people to vigorous protest, then—in truth—we will have forfeited all right to the freedom for which Simas Gruze sacrificed his life

Oliver Goldsmith penned two centuries ago the dramatic warning that every American of the 20th Century should heed:

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay . . ."

A TRIBUTE TO NEW YORK'S ALPHABETLAND

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. BRASCO. Mr. Speaker, traditionalists hold that a child's formal education begins at the age of 5 or 6 with kindergarten or the first grade. But this concept of when an education should begin is rapidly becoming obsolete.

Indeed, in recent years, educators have made a number of major discoveries about childhood intelligence, most notably that two-thirds of all growth in human intelligence occurs between the ages of 2 and 6.

Moreover, for many years, it was axiomatic that a child's intelligence was fixed at birth. This no longer has credence; a youngster's capacity to learn can be altered considerably. Equally significant, a child's IQ can be raised as much as 30 points with proper training, so that near-genius levels are not unattainable.

In order to raise a child's level of intelligence, however, the learning process must begin well before he begins his formal education. It must be emphasized that there is a substantial body of opinion that holds that the age of 6 may be too late.

Educators agree that language is the most important key to intelligence. When a child does not have language training early in life he will inevitably be unable to communicate properly with his peers and with his teachers when he starts school. The sad consequence: poor performance in the classroom situation.

Clearly, these facts dramatize the urgent need for programs that will serve to cultivate intelligence in the preschool child. The time is long past when mundane activities are adequate for these youngsters. "Day care," if it is to be truly effective, can no longer be a synonym for "baby sitting." Bold new approaches are essential if we are to expand the educational horizons of our children.

Alphabetland in New York is giving vivid and dramatic expression to the belief that preschool youngsters can indeed make significant progress in improving their intelligence before they enter the classroom.

The programs offered by Alphabetland were developed by a panel of recognized authorities in the field of education over a period of 4 years. Considerable field testing and experimentation and validation took place before Alphabetland accepted its first preschool pupil.

This educational day care center introduces children to problem solving and reasoning; they receive instruction in reading and in number identification and devote a considerable portion of their time to music and art appreciation. They are able to have fun with programed learning equipment and even video tape recorders and computers.

Recently, WABC–TV visited Alphabetland. The following is a brief excerpt from that broadcast:

EXCERPT FROM BROADCAST BY WABC–TV

TOM DUNN. "The preschoolers here at Alphabetland in West Hempstead are learning reading, shapes, numbers and other basic skills which will benefit them all their lives. The director of the center is Mrs. Maxine Solomon."

Mrs. MAXINE SOLOMON. "Alphabetland's unique philosophy is that children at a very young age are capable of a great amount of learning. Also their reading readiness and numbers readiness is important for today's highly geared educational program that children will come in contact with later on."

A child who has a pre-school learning will continue to learn and also his I.Q. can be increased. The social aspect of living together in a group is very important for young children. Also for many children this is their first separation from the familiar, from their parents and from mommy, which is a big step in the direction of maturing.

Mr. Speaker. Never before in our nation's history has there been as much concern over educational programs and the application of new methods that will give our young people the opportunity to realize their full potential.

Educators in increasing numbers are becoming convinced that it is unwise to wait until a child enters school before he is introduced to the learning process.

Rather, a love of learning should be instilled in a youngster in his pre-school years. This is why I would like to commend Alphabetland for its leadership and for its dedicated efforts in adding the important and valuable dimension of learning to the traditional concept of day care.

TRAGEDY OF THE RED SALMON

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. SPRINGER. Mr. Speaker, I am a great watcher of TV. On Tuesday, November 24 at 7:30 to 8:30 p.m , the ABC

television network produced a great program of wide public interest called "Tragedy of the Red Salmon." On November 18, H. V. Williams, chairman of the boards and president of the Hartford Insurance Group, Hartford, Conn., wrote me a letter advising me that such a program was to be sponsored by their company and shown on November 24. I enclose that letter herewith and my reply to Mr. Williams as of November 25.

It simply amazes me that more companies do not seek out good areas of public interest, information, and amusement which have hardly touched television. The Hartford Insurance Group has done a good piece of work in sponsoring this show. In addition they are working with Scholastic Magazine to bring it to the attention of more than 450,000 elementary and high school teachers across the Nation. It is a show worth seeing by children 6 years old or of high school age. The letters follow:

THE HARTFORD INSURANCE GROUP,
Hartford, Conn., November 18, 1970.

DEAR CONGRESSMAN: Knowing of your interest in ecology and the environment, we thought you would like to see the enclosed review of "Tragedy Of The Red Salmon," an unusual television special to be sponsored by The Hartford Insurance Group on the ABC Television Network, November 24 from 7:30 to 8:30 p.m.

Filmed by Captain Jacques Cousteau and his research organization, this unique program takes viewers underwater to follow the Alaskan red salmon's heroic struggle to return to the fresh water streams of its birthplace where it spawns and almost immediately dies. Watching this underwater odyssey at close range involves the viewer in the hazards of nature and provides a truly fresh view of the salmon's life processes and, interestingly, its implications for the aging process in man.

This film should be a vital link in helping young people gain a better understanding of nature, and we are working with Scholastic Magazine to bring it to the attention of more than 450,000 elementary and high school teachers across the nation.

We think you will find this to be an interesting program and hope that you will be able to see it on November 24.

Sincerely,

H. V. WILLIAMS.

NOVEMBER 30, 1970.

Mr. H. V. WILLIAMS,
Chairman of the Boards and President,
The Hartford Insurance Group,
Hartford, Conn.

DEAR MR. WILLIAMS: I have your letter of November 18 with reference to your show "Tragedy of the Red Salmon."

I saw it Tuesday night and it was unusually good. If your company wants to do something good for America, you should certainly sponsor more programs of great public interest such as this one. I also saw the David Frost show one half hour later on which appeared Jacques Cousteau, and two short clips from your show occurred. From this, I think you can see that your show received another audience. At least, it benefited with the appearance of Jacques Cousteau on the David Frost show.

I am on the Committee legislating matters having to do with TV and radio. There has never been a need, I feel, as today for real responsible TV shows. By this, I mean genuine entertainment that can be enjoyed by all of the family.

I am simply appalled at the lack of great cultural shows which could be sponsored by companies like yourself. The local theater, ballet and good music including symphonies simply have hardly been touched by TV.

Congratulations to you on a good program and you are deserving of public commendation. I am taking the liberty of inserting your letter in the CONGRESSIONAL RECORD together with my reply to you.

Sincerely,

WILLIAM L. SPRINGER.

ANTI-JEWISH ACTIVITY IN THE SOVIET UNION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. WHITEHURST. Mr. Speaker, recently, Mr. Paul Grob, cantor of the Gomley Chesed Synagogue in Portsmouth, Va., contacted me about the anti-Jewish activity which has been occurring in the Soviet Union. Mr. Speaker, news of this has appeared from time to time in our press, but I think that my colleagues would be interested in knowing some of the particulars. Therefore, I would like to insert in the RECORD a fact sheet prepared by Mr. Moshe Decter, director, Jewish Minorities Research of Hadassah. It is clear that the Soviet Government is pursuing anti-Semitic tactics all to familiar to those of us who remember what happened in Nazi Germany during the 1930's:

MOSHE DECTER, DIRECTOR, JEWISH MINORITIES RESEARCH

November 20 is the date set for the trial of thirty-one Soviet Jews, held incommunicado since their arrests within the past five months—in Leningrad, Riga, Kishinev and Tbilisi. They face the imminent prospect of trials that can lead to life imprisonment, and even the death penalty.

Substantial circumstantial evidence, filtered out to the outside world by close relatives and friends, leaves no reasonable doubt that, regardless of the legal specifications that may be brought at the trials, the thrust will be anti-Jewish.

In the context of recent Soviet policy, it is clear that the immediate purpose of the arrests and trials is to crack down on the many Jews who persist in an overt struggle to leave the USSR for Israel in order to maintain their Jewish identity. The long-range objective is to crush the renascent Jewish national consciousness of scores of thousands of Soviet Jews.

All the available information leads inexorably to the conclusion that a high-level policy decision was made last spring to undertake a nationally coordinated, concerted KGB (secret police) action, employing entrapment and provocation and involving large-scale searches and seizures, confiscation of printed matter, interrogations and, ultimately, forced confessions that can be used as incriminating evidence in public trials.

THE KNOWN FACTS

At 8:30 A.M. on June 15, 1970, nine Riga Jews were apprehended at Leningrad's Smolny Airport as they were walking from the terminal to an airplane. That afternoon, *Vecherny Leningrad,* the main afternoon paper, carried a brief announcement of the action, indicating that the arrestees had planned to hijack the plane out of the country. The same item appeared the next day in *Leningradskaya Pravda,* the main morning newspaper.

The Soviet press, as a matter of policy, rarely publishes crime news. When it does, it is not until long after the event. The fact that these papers carried this report within less than twenty-four hours suggests that they were alerted in advance.

That the Jews were arrested while walking on the tarmac is a sure sign of the KGB's advance information and planning.

The probability of a meticulously coordinated police provocation is enhanced even further by virtually simultaneous actions that day.

At about the same hour of the arrests at Smolny Airport, eight Leningrad Jews were arrested in a wide variety of places: at work in the city; at home in the city or in the suburbs; on assignment some distance from the city; on vacation as far away as Odessa.

Later that same day, searches were carried out in dozens of homes in Moscow, Leningrad, Riga and Kharkov; scores of people were detained for questioning and then released. Since June there have been more arrests—in Tbilisi, Kishinev, Riga and again in Leningrad, bringing the number of Jewish political prisoners to thirty-one.

The Man in Charge of the Leningrad case, involving at least the prisoners from Riga and Leningrad itself, is the chief city prosecutor, S. Ye. Soloviov, well known to the Jews there as an anti-Semite.

In 1961 he served as a judge in the city's criminal court and as such presided over two notorious trials involving Jews. In one case he handed down a series of death sentences for alleged economic crimes to a group of Jews. In another, he sentenced Leningrad synagogue leaders, including an 84-year old, to lengthy prison terms on charges of subversion, which actually reflected their determined efforts in behalf of Jewish religious observances and their active contacts with synagogue leaders in other cities.

These arrests and the forthcoming trials must be understood within the context of official Soviet policy as reflected in the massive winter propaganda campaign during January-March 1970, against Israel. What began as a concerted nationwide chorus of condemnation of Israeli policies swiftly degenerated into a hysterical anti-Jewish campaign. Articles, editorials, pamphlets, letters to the editor, caricatures, publications in the thousands all over the country, assumed an anti-Semitic tone and character.

This campaign was an expanded, intensified version of the by-now common Soviet line that views Judaism as the ideological progenitor of Zionism, and Zionism as the equivalent of Nazism the whole amalgam being a key element in the doctrine of "International Zionism" as the Jewish ally and servant of Western imperialism—an updated and refurbished adaptation of the Tsarist "Protocols of the Elders of Zion."

A number of Jews, both prominent and obscure, were pressed into service in this campaign, to proclaim their undying loyalty, reiterate official apologetics about Soviet Jewry, sign attacks on Israel and world Jewry, and brand as betrayal the desire to leave for Israel. The crescendo was reached at a press conference in Moscow by fifty-two prominent Jews on March 4.

What must have shocked the authorities, however, was the instantaneous reaction of dozens of Soviet Jews, as individuals and in groups, in Moscow, Leningrad, Riga and elsewhere, repudiating the assertions of the "housebroken" Jews and their right to speak for all of Soviet Jewry. It was very likely in reaction to this unprecedented audacity that the regime decided to turn the screw.

Of course, the authorities have been aware for some time of the growing frustration and resentment of many Soviet Jews at the discrimination they face in higher education and employment, the anti-Jewish propa-

ganda, the hostility they and their children frequently encounter in the streets, at school or at work, and, not least, at the deprivation of their cultural rights, foreclosing the possibility of perpetuating their heritage and maintaining their group identity.

Furious with official anti-Semitism and inspired by the spiritual self-regeneration which Israel represents to them, a rising generation of young Soviet Jews rejects this situation as intolerable. Tens of thousands have applied for exit permits to emigrate to Israel. With few exceptions, their applications have been turned down time and again.

Several hundred of the more daring have circulated appeals and open letters addressed to the Soviet leadership, to the UN Human Rights Commission, to Secretary General U Thant, the International Red Cross, President Nixon, Israel Premier Golda Meir—in effect, to the public opinion and conscience of the world. Such letters have been written by individuals and by groups in every major Soviet center.

This wholly unanticipated upsurge of pride and national consciousness has manifestly so upset the regime that it has resorted to severely repressive measures. The striving for Jewish National identity has begun to be treated like something criminal or anti-social, with procedures of intimidation used against many who applied for exit permits: interrogation by the KGB; expulsion from the Party; suspension from university; discharge from employment; general social hostility at work.

In order better to understand what may happen in the course of the forthcoming trials it must be borne in mind that there are basically two separate groups involved in what may be called the Leningrad case—the dozen Riga Jews arrested at the Leningrad airport, and the ten residents of Leningrad proper.

We know precious little about their fate. No indictment has been issued. The prisoners have been kept incommunicado. Relatives, friends and even potential defense counsel have been forbidden to visit them. They have evidently been under intensive interrogation. But we have no precise idea of how they will be charged. And it is only possible to speculate on the circumstances in which they will be tried and the penalties they are likely to incur.

About the Riga group, relatives and friends living abroad but in the closest feasible contact at home believe that the Riga Jews were entrapped by an informer planted in their midst. Privy to their passionate desire to emigrate to Israel and their repeatedly frustrated applications for exit permits, this informer gained their confidence by posing as a pilot offering to fly them out of the country in the airplane he claimed he was normally scheduled to pilot on a routine domestic flight.

About the Leningrad group, we have just learned in a letter from the wives, mothers and sisters of eight of them that police interrogators informed the women that the prisoners have confessed to anti-Soviet activity and attempted hijacking of a plane. The women make it clear that they believe these were forced confessions.

Conspiracy to hijack an airplane falls under the category of treason and is subject to the death penalty. Even knowledge of such a plan and failure to report it can be subsumed under a charge of anti-Soviet activity and entail life imprisonment. Attempted hijacking can be treated as a plot to damage or steal State property and may also entail the death penalty.

Forced confessions raise the ominous spectre of show trials. Such staged trials, using forced confessions as decisive evidence are, tragically no innovation in Soviet law and public life, even though they have been in disuse in the last few years. This sad tradition goes back to the early 1920s and culminates, of course, in Stalin's notorious Great Purges of 1936–40.

Directly relevant to our present concern is the case of Boris Kochubiyevsky, the first of the Soviet Jewish political prisoners—a 33-year-old electronics engineer of Kiev, in the Ukraine. Kochubiyevsky was arrested in December 1968, tried and sentenced to three years of forced labor for "anti-Soviet slander" at a trial in May 1969. His slander consisted of a public defense of Israel in June 1967, his assertion in September 1968 that Babi Yar, the ravine outside Kiev where the Nazis slaughtered scores of thousands of Jews in 1941, was a tragedy for the Jewish people, and his statements, in a letter to the Soviet leadership in November 1968, that it is impossible for him to live as a Jew in the USSR since there are no Jewish educational, cultural or communal institutions there—and consequently he wants to go to Israel.

The accusations against Kochubiyevsky were in essence identical with the regime's real grievances against its present Jewish prisoners. His trial is a harbinger of gloom for the trials to come.

The Kochubiyevsky Case is documented in *Khronika*, the consistently reliable "Chronicle of Current Events" disseminated by the Soviet democratic underground, which brings segments of the trial transcript as well as reports by persons present at the trial. (All the documentation is available from the Conference on the Status of Soviet Jews, 16 East 85th Street, New York, New York 10028.) In brief, the following picture emerges:

Some prosecution witnesses were provocateurs; several repudiated the testimony they gave at the preliminary hearings; one admitted to having given his testimony while drunk; others said they testified under pressure from the KGB interrogators.

The general public was kept out of this "public" trial; friends and even relatives were not permitted inside the court room. At the same time, the KGB packed the court room with its own members, as well as with members of the "public" who were mobilized and instructed to act hostile to the defense. Witnesses were sent out of court immediately after their testimony, which is against Soviet legal procedures. The judge acted more like the prosecutor than the prosecutor himself, allowing himself to indulge in remarks that were hostile to the defense in both tone and substance and generally permitting anti-Semitic and hooligan behavior in his court. And the defense counsel assumed the role of assistant prosecutor, not only accepting the basic validity of the charges against his client but actually indicating his disbelief of Kochubiyevsky's own defense.

If this be a precedent, as well it might, it augurs ill for the Jewish prisoners of conscience.

It is, of course, entirely conceivable that the Soviet authorities will attempt to underplay or perhaps even avoid in any direct way the essentially anti-Jewish character of this case. Very likely apprehensive about an outcry of protest in the outside world over a mass anti-Jewish trial *a la* Kochubiyevsky, they may skillfully seek to divert attention—through emphasis on forced confessions—to the narrow legal question of a hijacking plot. And this would serve them especially well at a period when much of the civilized world has just gone through a period of shock and disgust with airplane hijackings.

But regardless of how the trial is conducted and how Soviet propaganda handles it, the focus simply cannot be shifted away from the irreducible fact that people are on trial for their convictions, that Jews are being persecuted as Jews. They had no desire to criticize, attack, change, subvert or overthrow the Soviet system. On the contrary, their only desire was to leave that system alone—in fact, to leave it altogether, to exercise their elementary human right to leave the country and settle in Israel, which they regard as their ancestral homeland.

All the materials confiscated from all those interrogated and arrested all over the country demonstrate conclusively that this is a Jewish case. Hebrew grammars, Jewish history books, open letters of appeal for help to leave for Israel, postal cards from Israel, Jewish encyclopedias. In short, as some of them and their relatives have written: Everything with the words "Jew," "Jewish," "Judaism" was confiscated.

Within days after the June 15 KGB action, a young Leningrad Jew, Viktor Boguslavsky, wrote an impassioned letter to the Soviet Prosecutor-General, Rudenko, pleading the innocence of his arrested friends. He wrote:

"A lively interest in the fate of one's people and love for one's people cannot be considered an offense. Their only crime was that they were born Jews and they sought to remain Jews."

In July, Viktor Boguslavsky was arrested.

POW TRY SHOWED HEART

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. MICHEL. Mr. Speaker, an editorial appearing in the November 27, 1970, edition of the Peoria Journal Star places our recent effort to free American prisoners of war in North Vietnam in a very proper perspective and I include the editorial in the RECORD at this point:

POW TRY SHOWED HEART

The bold raid of American volunteer forces deep into North Vietnam in an effort to rescue U.S. war prisoners is one of those things that seems to demand comment.

Yet, what is there to say, really? Except we wish it had worked!

Had it succeeded there could be no conceivable response or discussion save thanksgiving. It was a complete success in terms of the smoothness of the operation in effectively doing precisely what they planned to execute. It was a failure in that the prisoners had been moved and were not available.

Hence, it was neither an operation that got into big trouble—nor one that accomplished the intended result. It was just a perfect dress rehearsal.

Such is the risk, inevitably involved in any attempt.

When it doesn't get results, this opens a crack for the critics to discuss strangely enough, not the failure, but the motives, wisdom, and all involved in originating the attempt at all.

None of those kinds of questions would have been spoken, however, had those people been present and a large batch of U.S. prisoners rescued.

We would be busy welcoming them home—and hearing some truths about North Vietnam, first-hand.

So, it seems to us a little cheap to criticize anything but the understandable failure of our intelligence. The only trouble with that operation, if we are honest about it, is that it didn't work—this time.

The rest is political invention, and rather dirty ideological infighting.

What some people fear the most is being proven wrong and that inspires their criticism and their fears of operations like this.

Originally, folks based the whole peace movement and peace propaganda pitch on the premise that the U.S. were the aggressors and the North Vietnamese were not, that peace did not exist because we "didn't want peace", and that if we would just stop the incessant bombardment of North Vietnam and be willing to negotiate—the whole problem would be solved.

That was done. Lyndon Johnson not only quit as president, but stopped the bombing and initiated negotiations for negotiations in March of 1968. Two and half years ago! Half a dozen chief negotiators of both parties ago. Two administrations involved. Half a dozen proposals and surrenders of position back!

And the magic formula has produced no step toward peace by North Vietnam.

Fulbright and company want us all to forget the position they took then. They have shifted their positions to the ragged edge of total surrender as the only way, now, to continue to pretend that the failure to achieve peace is the fault of the administration and not, simply, the fact that their claims of three years back were completely false.

The system for this, largely, is to attack "motives." Motives, of course, are largely unprovable. No man knows what is in the heart of another. You can make any claims you want there, if you are sufficiently unscrupulous, and all anybody can do is deny it.

The one thing that should be recognized is the growing practice of critics to skip over the merits or otherwise of Nixon's actions—and simply insist that his secret reasons are evil!

There is no defense against such a propaganda technique.

Which, of course, makes it the most vicious political smear tactic possible. It pretends to read a man's heart, and if he is the other side—to read it every time as the heart of evil.

Anybody can make such an interpretation, anytime, about anybody else—but the practice is more revealing of the nature of he who uses it than it is of the person attacked by such means.

The presumption of an evil motive, when the true purpose is buried within a man's soul and beyond proof, is an unfair and evil practice, especially when used to avoid a fair debate on the facts.

It lay at the heart of the "McCarthy era," and it lies at the heart of the present drumfire of hate interpretations of everything and every effort of this administration.

As for the prisoners, the situation is pretty simple.

Loyalty is a two-way street. The nation that abandons men who have taken great risks and suffered greatly in carrying out its orders not only has lost its soul, but casts away the loyalty of its defenders—and thus becomes defenseless.

These men deserve every effort on their behalf.

A nation of 200,000,000 people with immense power that deserts them is not worth saving, and would not be able to save itself from the pressures others will gleefully apply in future.

Duty ought to come before self-interest—if claims of conscience are to have any real meaning. We need to do our duty.

Given a solid chance at a rescue of these prisoners, with a surplus of volunteers ready, able and willing to do the job as has been proven, we ought to make the effort.

Anything else is completely unworthy.

The price of being unworthy comes high and is paid in both spiritual and material collapse.

C. L. DANCEY.

THE GUT ISSUES ON PUBLIC LANDS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. DINGELL. Mr. Speaker, the January issue of American Forests carried a most cogent editorial with regard to our public lands. So that my colleagues may have an opportunity to see this editorial, I include it at this point in the RECORD:

THE GUT ISSUES ON PUBLIC LANDS

Now that the report of the Public Land Law Review Commission is out, maybe we can get down to business. For four years now, we have heard politicians and bureaucrats sidestep public land law reform with the excuse—"let's wait for the report of the Public Land Law Review Commission". We have waited long enough. Now let's do something!

The report itself, entitled "One Third of the Nation's Land," is 342 pages long, containing some 387 recommendations. It will take years of study and debate plus legislative maneuvering to implement even half of these recommendations, but there are a few *gut issues* we should get at right now. The key to public land management and law can be summarized in a few brief actions and policy declarations contained in a resolution passed recently by the International Association of Game, Fish and Conservation Commissioners. If we can get positive action on these, the rest will follow in good order, but let's not waste any more time. Almost without exception, conservationists would agree on the following:

1. Public lands should serve the needs of *all* people. They should not be dedicated to any "dominant" commodity use.

2. The total acreage of public lands now held in trust for the benefit and use of the people should not be diminished.

3. The management of public lands should not be unduly weighted toward "maximum economic efficiency".

4. Public domain lands should be covered by a permanent organic act based upon the multiple use-sustained yield doctrines.

5. The Mining Law of 1872 should be repealed and all exploration and extraction of minerals and oil from public lands be placed under a mineral leasing system.

6. There shoud be no special funding or separate corporation procedures for timber sales or for timber production on the National Forests or the public domain. If earmarked funds are provided, they should be for all uses and public benefits.

7. Grazing permittees on public lands should pay a fair market value for grazing privileges and federal authorities should return immediately to the fee increase schedule designed to achieve this goal.

Certainly there are other important recommendations in the Public Land Law Reform Commission report and some of the above were not even included, but these are seven of the major issues that conservationists are most concerned about. The proposed merger of the Forest Service with the Department of the Interior into a new Department of National Resources raises very serious questions and is certain to be a point of major controversy. There may be merit in a totally new Department of Natural Resources, including the Forest Service among many other resource agencies, but little if anything is to be gained by merely merging forestry with Interior.

Another major reform in public land law must deal with payments in-lieu-of taxes at the state and local levels. This, too, is a very complicated and far-reaching problem. By focusing only on a few key issues, I did not want to create the impression that these are the only major public land law problems.

But, conservationists who have served so faithfully over the years as watchdogs of the public lands continue to stress these points: public lands belong to all the people and they should best serve the needs of their owners. This includes wise commodity use because the public needs the resources from public lands, but these uses should not be dominant. They must fit into a total multiple use plan with equal emphasis on all uses and values, particularly esthetic and recreational.

Generally, the area of lands now in public ownership should be retained. This does not rule out limited sales in the public interest or justified exchanges of public lands for legitimate purposes, but the days of public land disposal should be over. We cannot afford the prevailing philosophy in some western areas that most public lands should be in private ownership.

The Public Land Law Review report places undue emphasis on "maximum economic efficiency." There is no quarrel with this as a business objective on private lands or as a goal for managing the sale of products from public lands. But, public use and benefit should be the guiding principle on public lands, not maximum economic efficiency.

Too long has the Bureau of Land Management been considered a disposal agency or at best a temporary management agency. The public domain is just as vital to the future welfare of this nation as the National Forests or the National Parks. This should be recognized by an organic act giving BLM permanent multiple use-sustained yield responsibilities.

Abuses under the archaic Mining Law of 1872 are so widespread as to constitute a national disgrace. The first order of business of the new Congress should be its repeal and enactment of new laws which would direct public land agencies to manage and control all mineral exploration and extraction under a mineral leasing system.

The Timber Supply Bill of 1970 was defeated because conservationists feared its emphasis on timber sales and timber production over other multiple use values. There is nothing wrong with managing some public lands for maximum timber production, but no special fund or corporate procedure should be set up for this purpose alone. Any such earmarked money for National Forests should be to enhance all uses and public benefits.

And, finally, as a matter of principle, those who use the public lands for personal gain should pay a fair price for that use. It was proven beyond a doubt that some grazing fees were far below values received. Why should the owners of these lands, you and I, subsidize private profits from public lands?

This is only a start, but if we could achieve just these few public land objectives it would constitute a great victory for conservation. It won't happen, however, unless *you* make it happen.

THE ACCOMPLISHMENTS AND VALUE OF THE SENIOR AIDES PROGRAM IN PROVIDENCE, R.I.

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. ST GERMAIN. Mr. Speaker, I am pleased that the recently passed manpower bill, H.R. 19519, recognizes the

value and use of community service employment for the older worker and allows for more ongoing development of this concept.

This type of program has been particularly successful and worthwhile in the State of Rhode Island. The educational climate and the community spirit in the Providence area has been bolstered by the Senior AIDES project directed by Dr. Mary C. Mulvey with the adult education department. The senior citizens in this demonstration project, with admirable dedication, have provided part-time, salaried services to many areas of need throughout the community. They have motivated the young in fighting dropout problems; provided care, supervision and training services to retarded children; counseled and tutored adults in adult training programs; and, have assisted the service agencies in a variety of administrative tasks.

Community interest and support of this project has been evident, which further verifies the need for such services through the largely untapped resources older workers are capable of rendering. In fact, the State Department of Education has provided cost-free scholarships to several AIDES programed for service as teacher aides.

The humanitarian value of these services cannot be overemphasized.

CONGRESSMAN REES ANNOUNCES RESULTS OF 1970 CONGRESSIONAL QUESTIONNAIRE

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. REES. Mr. Speaker, this year—as I have for the past 5 years—I sent to my constituents in California's 26th Congressional District my annual congressional questionnaire. And, as before, the response has been gratifying.

More than 15,000 citizens were sufficiently concerned about the great issues facing this Nation to take the time and effort to complete and return this in-depth poll. I thank them for doing so, and I assure them that their views will weigh greatly with me as I cast my votes on the important issues before the House this year and in the next session of the Congress.

I might add that while the views expressed in this poll represent those of constituents in only a single congressional district, I would imagine that those views are fairly representative of the views of people throughout the United States.

There are certain aspects of the poll results which I would like to call to the particular attention of the Members of this House.

The most overwhelming unanimity of attitude dealt with those questions concerning the operations of the Congress itself. More than three-quarters of the respondents called for an end to the seniority system as the sole basis for advancement in Congress.

By wide margins, the respondents similarly called for full financial disclosure by all candidates for public office and for absolute limits on campaign spending.

Vietnam remained a topic of great public concern, with the majority favoring either an immediate withdrawal of all U.S. troops from Vietnam or withdrawal according to a precise timetable.

The voters expressed strong support for U.S. military assistance to Israel and favored, by a large margin, the encouragement of direct peace talks between Israel and the Arab nations as against a peace dictated by the big powers.

On basic domestic issues, the voters expressed strong support for efforts to force the auto companies to produce pollution-free cars, and equally strong support for Federal funding of grants to local governments for pollution control and for development of adequate rapid transit systems.

By wide margins, the respondents—both black and white—expressed opposition to school busing to achieve racial balance and support for the concept of neighborhood schools.

By a 2-to-1 margin, the voters called for mandatory price, wage, and credit controls in an effort to slow down inflation.

And they called for a further cutback in Defense spending as the best means of controlling inflationary trends resulting from excessive Federal budgets.

Knowing that my colleagues in the Congress will be interested in the detailed response of my constituents to these and other vital issues, I include here the tabulated results of the poll:

RESULTS OF 1970 QUESTIONNAIRE BY CONGRESSMAN THOMAS M. REES

CONGRESSIONAL REFORM

For the past three years I have been actively engaged in sponsoring legislation to reform and update Congress. How do you feel about the several reform proposals listed below?

1. Seniority—The sole basis for advancement in Congress is the length of time a member has been in Congress. As a result, the average age of committee chairmen is about 70. Are you in favor of keeping this system of determining the leadership of Congress?

Yes	13.5%
No	82.4%

2. Financial disclosure—Should all office holders and all candidates for public office be required to make full public disclosure of these assets?

Yes	71.3%
No	24.9%

3. Financing political campaigns—Currently the laws dealing with reporting campaign spending and fund raising are very weak. Would you favor:

a. Absolute limits on what could be spent on any candidate's behalf?

Yes	72.0%
No	15.7%

b. Full public disclosure of campaign contributions made to every political committee or candidate?

Yes	83.8%
No	5.2%

c. Financing of political campaigns by the government with tight regulations on spending?

Yes	34.5%
No	42.4%

4. Committee hearings—Presently most congressional committee hearings are closed to the public. Would you favor a law to open these hearings to the public and the press (except for those hearings dealing with national security)?

Yes	76.1%
No	15.7%

FOREIGN POLICY

5. Vietnam—Here are four different plans the United States could follow in dealing with the war in Vietnam. Which one do you prefer?

a. Withdraw all troops from Vietnam immediately	26.4%
b. Withdraw all troops by the end of 1970	32.9%
c. Withdraw all troops, but take as many years to do this as are needed to turn the war over to the South Vietnamese	30.7%
d. Send more troops to Vietnam and step up the fighting	5.3%

6. The Middle East—In view of the mounting tensions in the Middle East between Arab nations and Israel, what do you think our U.S. policy should be?

a. Encourage direct peace talks between Israel and the Arab countries	72.5%
b. Rely on peace dictated by the Big Four countries: the U.S., France, the Soviet Union, and Great Britain	7.0%
c. The U.S. should stay out of the entire controversy	16.4%

7. Middle East Arms Shipments—Which alternative do you prefer?

a. The U.S. should refuse to send arms to either Israel or the Arab nations	23.7%
b. The U.S. should provide only nonmilitary aid to Israel	7.0%
c. The U.S. should sell to Israel sophisticated military equipment, such as the Phantom Jet, which Israel believes is necessary for her defense	58.0%

8. Foreign Commitments—Would you favor a congressional resolution requiring the President to obtain the approval of Congress before United States troops are committed to fight in foreign countries?

a. Yes	68.6%
b. No	21.1%

DOMESTIC ISSUES

9. Crime—As you undoubtedly know, crime rates are rising rapidly. A number of causes for this increase have been suggested. Please rate the possible causes listed below in what you feel is their proper order of importance, from 1 to 8.

a. Poverty, urban decay, ghetto conditions	32.8%
b. Lenient judicial decisions	14.5%
c. Not enough police	1.0%
d. Lack of jobs	3.6%
e. Increased use of drugs and narcotics	7.1%
f. Inadequate court facilities and too few judges	0.9%
g. Lack of proper values among the young	5.0%
h. Lack of parental discipline	16.9%

10. School Integration—A recent Los Angeles Superior Court directed that all schools in the Los Angeles City School system be integrated to reflect the racial composition of the district. What are your feelings?

a. At present the quality of education is uniform throughout the Los Angeles School District regardless of the income level or racial composition of any specific area.

Yes	22.6%
No	59.2%

b. Busing a child away from his neighborhood school would be detrimental to the learning process.

Yes	61.0%
No	24.3%

c. Busing to achieve racial balance is

needed to guarantee an adequate education for all children.

Yes ---------- 18.0%
No ---------- 64.9%

11. Education—If your child is in a public school, how do you evaluate the quality of education he is now receiving?

a. Good ---------- 12.2%
b. Average ---------- 21.4%
c. Below average ---------- 15.2%

12. Our Environment—1970 is the year that the American people have become seriously concerned about the quality of their environment. What are your thoughts?

a. Air pollution experts claim that the internal combustion engine is the last uncontrolled source of air pollution, at least in Southern California. Would you favor a law allowing only smog-free motor vehicles to be sold in California even if this would result in the banning of the internal combustion engine?

Yes ---------- 66.0%
No ---------- 21.3%

b. Would you favor a tax to be levied on individuals, businesses, or government entities in relation to the amount of pollution they cause?

Yes ---------- 73.3%
No ---------- 16.4%

c. Should federal grants to local governments for pollution control, sewage treatment plants, and open space and parks be greatly expanded?

Yes ---------- 77.0%
No ---------- 12.0%

d. Do you believe that adequate rapid transit is needed in order to keep the automobile from dominating our environment?

Yes ---------- 81.1%
No ---------- 10.7%

13. Inflation—Inflation has been the number one economic problem this past year. Economists differ greatly on solutions; some even differ on whether we have inflation, a recession, or both. What are your thoughts regarding a solution?

a. The administration should continue its actions in cutting the federal budget, reducing federal programs, and generally slowing down the economy with monetary restraints.

Yes ---------- 48.0%
No ---------- 31.8%

b. There should be mandatory controls on prices, wages, and credit.

Yes ---------- 56.4%
No ---------- 27.0%

14. The Federal Budget—Assuming that present inflationary pressures require restraint in federal spending, if you were required to make the choice as to where the budget should be cut, which areas would you select? (Figures in parentheses indicate the percentage of the 1970 budget allocated to each function).

a. Defense (44%) ---------- 51.5%
b. Social Security (21.8%) ---------- 2.8%
c. Health and welfare, including medicare, health research, food stamps (4.8%) ---------- 3.8%
d. Commerce and transportation, including highways, airports, postal service, business assistance (4.4%) ---------- 3.8%
e. Veterans benefits (4.2%) ---------- 1.4%
f. Education and manpower (3.9%) 1.5%
g. Agriculture (3%) ---------- 5.4%
h. International affairs, including foreign aid, Peace Corps, and Department of State (2.3%) ---------- 11.3%
i. Space (2.3%) ---------- 10.4%
j. General government, including law enforcement, civil rights, Congress, and the court (1.6%) ---------- 1.0%
k. Community development and housing (1.3%) ---------- 1.2%
l. Natural resources, including pollution control, recreation, flood control, and conservation (1%) -- 0.8%

LAND OF THE FREE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. CRANE. Mr. Speaker, the total barbarity involved in the case of a Lithuanian sailor seeking asylum who was bound over to Soviet captors by the U.S. Coast Guard within U.S. coastal waters necessitates an investigation of the actions of all those involved in this indefensible act. If the reports available at this time are correct, the varied and contradictory statements by the individuals and agencies involved make it quite clear that the stain of this gallant man's blood aboard the U.S. Coast Guard cutter *Vigilant* resulted from the misdeeds of Americans acting as officials of this Government.

There are apparently several facets to this case, any one of which should spark congressional and Presidential concern. First, there is the question of communications or the apparent lack of adequate communications between those responsible for our seamen's complicity in this crime. Second, we have to consider the crime itself. For surely the forced repatriation of this unfortunate individual, a man known only as Simas, represents a violation of established American procedure as well as international law under article 33 of the Geneva protocol, and is as indefensible as is the Soviet policy of a captive citizenry unable to emigrate. Third, there is the question of the U.S. Coast Guard's sanctioning aliens to use force abroad a U.S. ship within the territorial waters of this country. These three points indicate specific aspects of a case which is appalling to me in its entirety.

The thought that a man would jump to freedom aboard a U.S. ship within American territorial jurisdiction, ask for asylum, and seek the protection of this country is understandable. What is incomprehensible is the fact that at some point between the State Department and the Coast Guard command, the decision was made to return forcibly this individual to the Russian ship. What then followed was that the commander of the Coast Guard cutter *Vigilant* invited additional Russian personnel aboard the American vessel, where they set upon the struggling defector, attempting to beat him into submission. While Americans apparently stood by, the Lithuanian managed to fight off his captors and hide aboard the *Vigilant*. The roaming gang of Russians later found him and, according to one eyewitness account then beat him senseless. The Russian captors and their prey, bloodied and trussed hand and foot, were then lowered into an American lifeboat, manned by an American crew, which transported them back to the Russian vessel—some 10 hours after Simas made what he thought was a leap to freedom.

It is seldom I find myself in agreement with an editorial from the New York Times, but in this instance I stand with them in condemning this despicable act and in calling for bringing to account those responsible for the actions of November 23, 1970.

The New York Times editorial follows:

LAND OF THE FREE

The forcible removal of a defecting Soviet sailor from a United States Coast Guard cutter with the cooperation of its American officers is surely one of the most disgraceful incidents ever to occur on a ship flying the American flag. It flouts the American tradition of granting political asylum and it may constitute a violation of the Geneva convention on refugees.

The seaman, Lithuanian in origin, sought refuge on the Coast Guard cutter Vigilant while it was negotiating with a Soviet fishing vessel in American waters off Martha's Vineyard. In brief, what then happened over a ten-hour period was that the captain of the Vigilant permitted Soviet sailors to come aboard the cutter, drag the defector from his hiding place, beat him senseless in the presence of American observers and finally transport him, in one of the American ship's lifeboats, back to the Soviet vessel.

An "explanation" offered by a Coast Guard spokesman was almost as bizarre as the incident itself. He said the decision to return the Lithuanian was made "in consideration of delicate international discussions which were being carried on regarding fishing problems." These talks, he said, "could have been endangered by any other course of action." To the Coast Guard, in short, the nation's obligations to those who fish for yellow-tail flounder exceed any obligation owed to human being seeking safety and freedom on an American ship.

The real explanation is surely craven stupidity in high places, possibly accompanied by lethargy. The damage is done; it now is impossible to save the Lithuanian who believed, with the weight of history and tradition on his side, that he would be safe once he had jumped to an American vessel. What is imperative now is to take action to insure against any repetition of this incredible train of events.

This nation has expended tens of thousands of lives and hundreds of billions of dollars to resist Communist tyranny. Defectors from totalitarian rule have been warmly welcomed from many parts of the world. Refugees have repeatedly undertaken hazardous flights to an assured safe haven in the United States.

The Administration should call all those responsible in this episode swiftly to account and a prompt investigation by the Congress might be valuable as a deterrent against any repetition—ever—of the affair of the Vigilant.

MOST PEOPLE SUPPORT PRESIDENT'S EFFORTS

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. ARENDS. Mr. Speaker, the Gallup poll which was published over this past weekend shows that President Nixon's popularity remains at a steady 57 percent. One of the chief reasons mentioned by respondents who supported the President is that he is doing his best in a tough job, and I think this points up an outstanding characteristic of this President.

President Nixon is a hard worker and he is totally committed to the service of America. This fact is evidently understood by a solid majority of American citizens, but it bears repeating for those who may have missed the point.

Whether he is in Washington, or Key Biscayne, or San Clemente, or any other part of this country, President Nixon is committing all that is in him to improve the condition of life in America. He is understood to feel deeply that our country has a real chance to live up to the expectations of our Founding Fathers by its 200th anniversary celebration in 1976.

I think we can all be grateful that we have elected such a man as our President and it is good to know that most of our people support his efforts.

AMENDMENTS TO HOUSING BILL TO ASSIST MILITARY FAMILIES

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. BENNETT. Mr. Speaker, tomorrow I plan to offer amendments to H.R. 19436, the Housing and Urban Development Act of 1970. These amendments would enable the families of our servicemen to obtain more housing, which they desperately need; and do this through the use of housing programs administered by the Department of Housing and Urban Development.

Taken together, my amendments are similar in intent to H.R. 18361, which was introduced on July 8, 1970, by my colleague from Florida (Mr. SIKES), and by the gentleman from Michigan (Mr. CEDERBERG).

The wording of my amendments has been changed from the language contained in H.R. 18361 in order to conform to the suggestions of the Department of Housing and Urban Development and the Department of Defense. These amendments also have received the approval of the Office of Management and Budget. I include in my statement letters to the chairman of the Committee on Banking and Currency from these Departments. The approval of the Office of Management and Budget is included in each, as follows:

THE SECRETARY OF HOUSING
AND URBAN DEVELOPMENT,
October 2, 1970.

Subject: H.R. 18361, 91st Congress (Sikes, et al.).

HON. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your letter of July 21, requesting the views of this Department with respect to H.R. 18361, a bill "To authorize the Secretary of Housing and Urban Development to encourage and approve action by public housing agencies and owners of rental housing who participate in special assistance programs of the Department of Housing and Urban Development to accord special treatment to military personnel serving on active duty with the Armed Forces to assure that Government action in the form of periodic reassignment does not deprive them of the benefits of such programs."

The bill would authorize the Department to approve actions by local public housing agencies or other owners of federally assisted rental housing to set aside units of lower income housing for exclusive or preferential occupancy by military personnel serving on active duty who satisfy the income requirements of tenant eligibility.

This Department is sympathetic to the objectives of H.R. 18361.

Although servicemen and their families generally have access to the Department's rental and rental subsidy housing programs, a problem sometimes exists because of the frequency with which military personnel may be reassigned from place to place. Even where a particular housing project meets the necessary feasibility standards and is constructed at a location where it would ordinarily be expected that it would at least in part serve servicemen and their families, and even though it may in fact substantially serve those families in the beginning, servicemen subsequently assigned to duty in the area may find that they have a much lower priority for securing units than local residents whose names may already be on the project waiting lists.

Under these circumstances, it is not unreasonable to consider that the military families, simply because they are always subject to government-directed reassignment, are at an unwarranted disadvantage in obtaining housing that would otherwise be available to them on the basis of income and need. Any such disadvantage under the general housing programs of this Department is all the more unfortunate from the standpoint of the lower grade individuals and families affected since they are ineligible for on-base family housing, which is generally limited to the higher grade "career" personnel.

With respect to specific features of the bill, we do not favor the setting aside of units in subsidized projects in such a way that they could be held vacant awaiting military tenants when there are other applicants in need of housing. We also do not believe that any new statutory provision is necessary in the case of the public housing program, since section 10(g)(2) of the United States Housing Act of 1937 already requires local housing authorities to give due consideration to their responsibilities to applicants who are servicemen. Finally, we believe that for legislation along the lines of H.R. 18361 to be most effective, it should probably include an amendment to title I of the Housing and Urban Development Act of 1965 which would add military families being reassigned to the categories of low income qualified tenants with respect to whom rent supplement payments can be made.

A proposed revision of the substance of the bill which would incorporate the above comments and other technical improvements is enclosed. If H.R. 18361 were modified to include the changes reflected in this revision, we think it might prove a useful tool for expanding housing opportunities for lower income servicemen and we would, accordingly, favor its enactment.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

(Signed) RICHARD C. VAN DUSEN,
(for George Romney).

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
October 1, 1970.

HON. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, Housing of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of Defense on H.R. 18361, 91st Congress, a bill "To authorize the Secretary of Housing and Urban Development to encourage and approve action by public housing agencies and owners of rental housing who participate in special assistance programs of the Department of Housing and Urban Development to accord special treatment to military personnel serving on active duty with the Armed Forces to assure that Government action in the form of periodic reassignment does not deprive them of the benefits of such programs."

H.R. 18361 would permit the Secretary of Housing and Urban Development to approve actions taken to set aside all or part of lower-income housing projects for exclusive or preferential occupancy by military families. This authority would be applicable to projects of public housing agencies or private owners of rental housing participating in any Federal program to increase the availability of housing for lower-income families, including those authorized by the United States Housing Act of 1937, Section 221(d)(3) and Section 236 of the National Housing Act, and title I of the Housing and Urban Development Act of 1968.

Legislation along these lines would materially assist the efforts of the Department of Defense to provide adequate housing for military families and we strongly support its objectives. Housing assets on military installations are limited in number, and can only meet a portion of the housing requirements of military families. It is therefore necessary to place primary reliance on private housing to meet military needs. Unfortunately military personnel are at an inherent disadvantage in competing for private housing. Unlike their civilian counterparts, who tend to remain in a given area for a longer period of time, military personnel are transferred every two or three years. They therefore need rental rather than sales housing; and in the vicinity of most major military installations rental housing is in relatively short supply, especially at rents which lower-pay-grade enlisted men and junior officers can afford.

Special assistance rental projects developed under the auspices of the Department of Housing and Urban Development could greatly assist in meeting the housing needs of military families. Unfortunately, currently applicable statutes do not now specifically authorize the development of projects which can be reserved for military occupancy on a continuing basis. Even with regard to those projects which are developed based in part on the need of military families and which may initially be occupied by military families, there is a strong likelihood that such projects will ultimately be filled with eligible non-military tenants, owing to the transient nature of military service. The relatively stable civilian applicants would acquire seniority on project waiting lists and occupy units vacated by military personnel as they were transferred. In the long run new military applicants would be so low on the waiting lists that they might never be assigned to housing units.

In the absence of specific legislative authority it may prove possible to obviate this problem, to some extent, through informal arrangements with project sponsors; but such arrangements may be uncertain remedies, even though the Department of Defense has received encouragement and support from Housing and Urban Development officials, who are willing to do everything possible under existing law.

To help meet the family housing needs of military personnel we strongly support the objectives of H.R. 18361. We would however defer to the Department of Housing and Urban Development as to the most appropriate legislative language to accomplish those ob-

jectives. We understand that the Department of Housing and Urban Development has proposed substitute language in their report to your Committee on H.R. 18361 with which this Department concurs. The Department of Defense further recommends the inclusion of this provision in H.R. 19436, the proposed "Housing and Urban Development Act of 1970" which, we understand, is about to be reported by your Committee.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

J. FRED BUZHARDT.

One of the major reasons why military families have not shared equally in Department of Housing and Urban Development housing programs is set out in the letters from the Department of Housing and Urban Development and the Department of Defense, which appear above. Military families must be reassigned with greater frequency than movements among civilians; and, as a result, they are at a tremendous disadvantage in competing with civilians for scarce housing on a first-come, first-served basis. The amendments I will offer tomorrow would allow military families to be considered for priority of assignment in certain housing programs to counteract the inequity which a first-come, first-served method of operation now works upon them.

I include for the RECORD the language of the amendments which I will offer, together with a brief explanation of each of them:

FIRST AMENDMENT OFFERED BY MR. BENNETT

Page 55, line 2, strike out "SEC. 203." and insert "SEC. 203. (a)" and after line 7 insert:

(b) Section 101(c)(2) of such Act is amended by (1) striking out the word "or" between paragraphs (D) and (E), (2) striking out the period at the end of paragraph (E) and inserting in lieu thereof "; or", and (3) adding after paragraph (E) the following:

"(F) a family whose head, or spouse, is a member of the Armed Forces of the United States who is serving on active duty."

(c) Paragraph (B) of section 101(e)(1) of such Act is amended by striking out the period and inserting in lieu thereof the following: "or is a member of the Armed Forces of the United States serving on active duty.".

This would amend the definition of a "qualified tenant" under the rent supplements program to assure that it includes military families whose income is below the maximum amount established for occupancy of public housing dwellings in the area. It would also require the Secretary of Housing and Urban Development to inform owners of such housing, upon their request, of the active duty status and eligibility of military families for such housing.

This amendment would specifically include military families which are being reassigned, in the categories of low-income qualified tenants with respect to whom rent supplement payments can be made under the existing law.

The second amendment that I will offer is as follows:

SECOND AMENDMENT OFFERED BY MR. BENNETT

Page 117, after line 19, insert:

(M) Whenever he shall determine that, because of location or other considerations, any rental housing project assisted under title II of the National Housing Act or title I of the Housing and Urban Development Act of 1965 could ordinarily be expected to serve the family housing needs of lower income military personnel serving on active duty, the Secretary is authorized to provide for or approve such preference or priority of occupancy of such project by such military personnel as he shall determine is appropriate to assure that the project will serve their needs on a continuing basis notwithstanding the frequency with which individual members of such personnel may be transferred or reassigned to new duty stations.

This amendment assures that the Secretary of Housing and Urban Development is authorized to provide military families preference or priority of occupancy of rental housing projects assisted under title II of the National Housing Act. The principal program affected by this language would be the section 236 program. However, benefits would also accrue under other programs such as section 221(d)(3).

This language would also allow the Secretary to accord military families preference of occupancy under the rent supplements program of title I of the Housing and Urban Development Act of 1965.

Whereas the first amendment proposed to title II of H.R. 19436 will enable military families to be considered in the eligible category for rent supplements, the second amendment to title IX of H.R. 19436 would enable the Secretary to accord military families sufficient priority of occupancy to overcome the existing inability of military personnel to participate fully in these programs as a result of their necessary reassignments.

Further note that the Secretary of Housing and Urban Development, in his report on H.R. 18361, states that he does not believe "that any new statutory provision is necessary in the case of the public housing program, since section 10(g)(2) of the U.S. Housing Act of 1937 already requires local housing authorities to give due consideration to their responsibilities to applicants who are servicemen." Therefore, I will offer no amendment to the U.S. Housing Act of 1937, which established the public housing program.

NEED FOR ADDITIONAL HOUSING FOR MILITARY FAMILIES

I am intimately acquainted with the need for adequate housing for military families, both from the statements and comments of the top managers—military and civilian—of the Department of Defense and from my own observations concerning the need in the Jacksonville, Fla., area. I know that the Secretary of Defense, the Assistant Secretary of Defense—Installations and Logistics—the Secretary of the Navy, the Assistant Secretary of the Navy—Installations and Logistics—and the various service witnesses testifying before the Congress on the military construction and family housing programs have stressed repeatedly the need for housing for the military.

Without adequate housing for military families, the hope of ever attaining an all-volunteer military force is very dim. Without vast improvements in housing for military families, the current inability to retain highly trained and highly capable personnel in the military services will undoubtedly worsen.

Based upon a planned total armed force of 2.6 million men, about 275,000 enlisted families would have the low incomes meeting the prescribed limits for special assistance housing made applicable to them by the above amendments. If present housing laws were to remain unchanged few military families could actually use the special assistance housing provided by existing laws and the bill before us. The Department of Defense estimates that at the present time only about 18,000 enlisted families are currently enjoying the benefits of such housing while 275,000 need it. This Department of Defense estimate is based on a survey of selected installations in the United States.

TESTIMONIES AT HEARING ON BOXING

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. WOLFF. Mr. Speaker, yesterday I included in the RECORD several testimonies of witnesses who participated in the recent informal congressional hearing which my distinguished colleague (Mr. BIAGGI) and I held on the future of boxing. Today, I would like to include additional testimonies obtained at this hearing:

STATEMENT BY MR. MURRY WORONER, PRESIDENT OF COMPUTER SPORTS, INC., WORONER FILMS, INC., WORONER PRODUCTIONS, INC., AND BEN-SCOTT RECORDING INC., ALL OF MIAMI, FLA.

Congressman Wolff, Gentlemen, first let me say that it is an honor to be invited to make my views known to you, concerning the state of boxing, and the need of a Federal Boxing Commission.

In our research, which covered a period of three (3) years, for the development of our Computerized Heavyweight, and Middleweight Tournaments, and the recently released match between Cassius Clay and Rocky Marciano, I personally interviewed most of the living Heavyweight Champions, and most of the living Middleweight Champions. In addition I spent hundreds of hours talking with Referees, Boxing Publishers, Seconds, Trainers and Historians.

One fact kept repeating itself. Time and again I was told of rigged contests, ranging from as far back as the great Jess Willard, and Jack Kearns Junior, both telling me about the loaded gloves that Dempsey wore in his title match with Willard, to Angelo Dundee telling me about having to force Clay to continue his fight with Sonny Liston in Miami, when Clay wanted to quit, and Liston quitting with his bruised arm in the next round.

Jim Bishop, one of our country's leading Journalists, telling me that he sat at ringside in Maine, and watched as the so-called mystery punch dropped Liston in the first round. That from his position, Bishop could clearly see that Liston was not only not unconscious, but carefully keeping tabs on the Referee's count. To quote Mr. Bishop exactly, I called him just before preparing this statement and received his authorization to use the quote, and had him repeat it exactly.

His words were, "I was broadcasting the fight for Mutual. I was standing directly at the ring apron. In the first round Clay backing away, flicked a light right which landed on Liston's cheek. Liston looked at him, completely unhurt (even at my age I could have taken that punch), then Liston collapsed, fell on his face with his head turned toward me. My face was less than eighteen (18) inches away from his. I could see clearly his eyes were open, and blinking. He was absolutely unhurt. He could not hear the count, and Walcott had moved to the far side of the ring to find the timekeeper. Liston turned over, looking for where the hell the Referee was. When Walcott counted ten, Liston bounded to his feet, unhurt. It was an obvious fake. No man could spring up like that at the ten count, if he were knocked out".

In addition, Gentlemen, I heard from the fighters of repeatedly being cheated by Managers and Promoters. Sugar Ray Robinson told me of having to count the occupied seats in the house to be sure they would not cheat him on his share of the gate.

Boxing is as controlled today as it ever was. Our own experiences in attempting to set up a three man round-robin between Clay, Ellis and Frazier would bear it out.

We had no problem obtaining a valid license for such a fight. The law in Florida gives each city the privilege of appointing a Boxing Commission. We went to our City Council and asked that such a Commission be appointed. It was, we applied to that Commission for a license as a Promoter, it was granted. We applied for a license for Clay and Frazier. It was granted. If we had applied for the license for Ellis, it too would have been granted.

We then negotiated a deal with Frazier, Clay and Ellis, and since then have found that without Madison Square Garden, Tennis Unlimited, Mike Malitz and Teddy Brenner somehow being involved, there simply cannot be a major fight in this country today.

For example, Mr. Robert Arum an attorney of New York City, was the negotiating representative of Cassius Clay. Immediately after agreeing to the terms of our offer, and advising us that the deal was set, he showed up in Tampa, Florida with Mr. Malitz, to attempt to obtain a license for that city. He then tried Orlando, he then tried Atlanta, he then tried Toronto. All failed. Then ultimately, Mr. Malitz prominently in the forefront, the fight between Clay and Quarry took place in Atlanta.

It is my belief that boxing today has remained firmly in control of the same single group in an unending chain from the days of Mike Jacobs, through Mr. Norris, and ultimately today into the hands of Mr. Brenner, Mr. Malitz and Madison Square Garden.

However, ignoring this control from the top down, control through the fear on the part of Managers and Promoters around the country, as well as Trainers, that if you don't play the game by the Garden rules, you don't get to play for the big chips at all.

Another situation exists that cries out for a Federal Boxing Commission. That situation lies with the inept, incompetent, unqualified and in fact, blatantly politically appointed Boxing Commissions around the country. Boxers are licensed, matches authorized, Trainers, Managers and Promoters function in virtually uncontrolled atmospheres.

This should be stopped. There are qualified men of integrity, to whom this responsibility should be delegated. It should not be possible for a fighter to be barred in one State and permitted to fight in another, as now occurs.

Who is the World Boxing Association? The World Boxing Council? Why are the rankings of the leading fighters left to a magazine?

Mr. Nat Fleischer, the Publisher of Ring Magazine and a fine gentleman, who offered us much cooperation while we were producing our computer matches, and his staff, publish what many people accept as the Bible of boxing. For months after the WBA elimination tournament, Ring continued to list Cassius Clay as Champion. Frazier (then recognized in New York and three other States as Champion) as a primary contender for the title, and Jimmy Ellis the then WBA Champion, as another contender for the title.

Boxing is in my opinion the purest form of sport. All other competitive sports are imitations of man to man combat. Two golfers are trying to each prove his superiority over the other. The same applies to two tennis players, or to two teams of players in football, baseball, or any other sport. But only one gets down to the basics of combat. One man, trying to prove his physical superiority over another by actual battle.

When a pair of fighters are well matched, in a fight honestly fought, and well refereed, when a competent ring Physician is present, then boxing is great. It is inexcusable that so frequently mismatches, frauds, and disgusting fiascos occur in the ring.

We can't blame it on the greedy Managers, we know what they are. We can't blame it on lousy Trainers, or thieving Promoters. because we know what they are. We can't even blame it on the poor caliber of fighter who is overmatched, and does a poor job, but takes his lumps while doing it. We must blame it on the people really responsible, the individual Boxing Commissions, either State or City, which permit this kind of thing to happen.

No matter what the publicity flacks might say, those who really know boxing, knew without question, that short of a tank job, there was no way Jerry Quarry could go with Clay. Not off his performance with Frazier and Ellis. Yet the fight was made, and people actually believed that Quarry could take Clay. No more than I could take Clay, Ellis, Liston or Frazier.

I as one individual who has had considerable contact with the leading professional boxers of the past and present, can relay to you that I believe these men deserve the protection that a Federal Commission can give them. Many of them, having earned millions of dollars wind up with nothing. I cite to you the recent benefit for Ezzard Charles in Chicago, Beau Jack shining shoes in the Fountainbleau Hotel on Miami Beach, the great Joe Louis virtually living on the largess of his friends, and the list could go on and on.

But again forgetting the ones who made the millions and wound up with nothing. What of those fighters who never made it. Never got the chance because they wouldn't give away fifty, sixty or seventy percent of themselves? What of those who received nothing from boxing but a battered body and brain? These poor souls desperately need your help. Unfortunately, most of them don't even know they do need it.

There are no unemployment insurance plans for pugs. There are no medical protections built into the purses, but there should be.

I believe that a Federal Boxing Commission could and should take from the top of all license fees, a portion to be used to establish retirement and health care benefits for fighters. Portions of the gate, TV income, and closed circuit income on all fights should be contributed to this same welfare fund. Not as a charity, but as something paid for with the blood of the men who enter the squared circle.

As Jack Sharkey put it. "There are a hell of a lot of people around you in training camp, and between fights when you're a Champion. But after the instructions are given, and your seconds leave the ring, and there's nobody there but you, the other guy, the Referee and those hot lights, man, that's the loneliest place in the world."

A Federal Boxing Commission can, I believe, make it a little less lonely. The fighters for the first time will know that someone gives a damn about them as human beings, rather than as money making machines.

STATEMENT OF BILL EBEL—SPORTS EDITOR OF NEW ENGLAND'S POST-GAZETTE

To cure the ills of professional boxing the first step is to go to the source of the trouble-State Boxing Commissions.

Two States, Maine and Massachusetts have men on the Boxing Commission, who have been connected with boxing all their life. That is why there is more pro boxing in the small State of Maine than New York State, that was once the Mecca of Boxing.

What is wrong with New York Boxing is the Boxing Commission. At one time, to be issued a trainer's (second's) license or managers license, who had to have experience in boxing. No more.

Another rule New York State has is that a boxer who loses or is knocked out a number of times in a row, the Commission suspends his license. Why punish the fighter??? Go to the real source of the fighter's plight. Suspend the license of the manager who books his fighters over their head time after time. Isn't prevention better than cure. Certainly a manager who has fighter defeated time after time, either he just has no knowledge of boxing or he doesn't care of the welfare of his fighter.

And the closed-shop at the boxing department of Madison Square Garden, in the matchmaking is another ill of boxing. Certainly managers have their fighter on each boxing show at the Garden again and again.

In Maine, the head of the Boxing Commission, Duncan McDonald, has been a fighter, manager, trainer and promoter, before being the Boxing Commissioner. He has been in boxing nearly 60-years.

The three-man chairmanship of the Massachusetts Boxing Commission, all have been fighters, Tom McNeeley, Manny Aronis and Edward Urbec. McNeeley fought Floyd Patterson for the world's heavyweight title in 1961, then served as boxing referee before being a boxing commissioner. Manny Aronis fought, then was boxing promoter and trainer for 35 years before being named to the Boxing Commission. Edward Urbec was a top National AAU boxing champion, leading New England referee, now besides being a boxing commission is on the AAU National Boxing Committee, all three of these capable men, bleed one time or other, in the ring.

Over fifty percent of the licensed managers and seconds in New York are not knowledged enough to be holding a license where the life of a boy is in his hands. And every time a fighter steps into a ring he puts his life on the line. Would New York State issue a drivers' license so easy?

STATEMENT OF LEW ESKIN—EDITOR OF BOXING ILLUSTRATED

I am a firm believer in the need for a National Boxing Commissioner because there are three important areas where state and local control break down. However, I must state in the most emphatic terms that to replace many political hacks with one big political hack will accomplish nothing. The man chosen to be National Commissioner must be a boxing person—one who has not only the knowledge but the feeling for the sport; without this there will be nothing.

I speak of the three areas where local control breaks down. They are:

1. Enforcement of contracts and suspensions.

2. Establishment of championships committees and regulations of titles and title bouts.

3. Protection of the public, fighters and promoters.

Let us look into the first area. Most commissions, unfortunately, are under the thumb of the dominant promoter in their area. Often they act not in the best interests of boxing or the public, but the best interests of the promoter. This leads to ignoring medical and contractual suspensions from other commissions and can also work in reverse. They often suspend a fighter because he fails to go along with an unjust contract fostered on him by a promoter.

One set of rules should be set and followed by all—too often rules are bent or even broken to suit the situation.

While I firmly believe that state, sectional, regional and national championships can be a boon to boxing, too often commissions give their sanction too freely without thoroughly checking the qualifications of the men nominated for these fights. When it comes to World Championships it is even worse. Right now with the World Boxing Association and the World Boxing Council we have dual champions in the flyweight, featherweight, Jr. lightweight and Jr. welterweight classes, plus one group recognizing the true lightweight champion and other listing the title as vacant.

To show you the real hypocrisy of it, the two Jr. lightweight champions are both Japanese and Japan belongs to the W.B.A., and doesn't belong to the W.B.C. directly, but does belong to the Orient Federation, which is a member of the W.B.C.

Here in the states things are just as bad. New York has always claimed they could not belong to any organization, yet there is nothing in the law or rules of the New York Commission preventing their joining.

Within the past year they ignored a suspension put out by California on both Jerry Quarry and Mac Foster allowing them to box in Madison Square Garden, but then after Commissioner Dooley had been a guest of the W.B.C. convention in Spain he went along with California, a W.B.C. member, on the lifting of Ismael Laguna's lightweight title, because Laguna failed to fulfill a return bout contract, which is illegal according to New York rules. This is the most recent example of commissions bowing to special interest groups.

A commission should protect the public from being taken in, from inferior fights, and should protect the fighter from being overmatched and underpaid by not having the proper physical and medical attention, before, during and after a fight. They must protect the promoter because after all he is the one who invests his money, by seeing that contracts are lived up to, but they must protect every promoter equally, whether he is one of a large corporation that runs weekly fights or a small one that runs occasional fights.

A commission should be impartial in its judgments. A commission also must protect the public, the fighters and the promoter by making sure that the officials they appoint are honest and competent. Too often the only qualification for becoming an official of the Boxing Commission is to know the right politician, and this political influence also plays an important part in the assignment of officials to the contests.

These are only a small sampling of the ills of boxing that can be cured by a National Commission, but while they are not the eye catchers that make headlines about "Fixed Fights" and gangsters in the sport, they are the gut issues of the boxing business and the ones that have done more to harm boxing than any others.

STATEMENT OF EDWARD LASSMAN—CHAIRMAN, BOXING COMMISSION OF THE CITY OF MIAMI BEACH

CONGRESSMAN WOLFF: I am honored by the invitation extended to me to appear before you and your colleagues on November 9th in the Federal Building, New York City. Regretfully time and distance will not allow me to appear in person.

On March 30th, 1964, I appeared before the Anti-Trust Monopoly Committee, Hon. Philip A. Hart, Chairman, for the purpose of proposing the enactment of Federal legislation to supervise the business of boxing.

The late Senator Kefauver saw the need for a National Commission to eliminate the monopolistic elements as well as other defects and initiated the Bill #1182 but its passage failed.

On or about the year 1967, the House of Representatives approved Federal control by a vote of 499 to 2 but the law died in the Senate House Committee.

Boxing is now controlled by the World Boxing Association. I presided over this Association in 1963–64, and am presently serving as an Executive Committee member elected by the State and Country Commissioners from around the world.

The W.B.A., now in its 52nd year, is a voluntary association. Incorporated in the state of Rhode Island and organized by legally appointed Boxing Commissioners from their respective states in the U.S., the Provinces of Canada, the Far East and South America and its purpose is to obtain a greater efficiency and conformity in the supervision of professional and amateur boxing on all levels as a universal sport and also as a builder of character and body.

It is a voluntary organization in every sense of the word. If a state does not choose to affiliate with the W.B.A. or observe its rules, they do not have to and we cannot legally force them to.

The main reason behind these facts is very simple. There is no legal basis in our Federal laws permitting any group or association to supervise boxing. The lack of Federal legislation puts boxing on a very shaky tight rope to say the least, especially since the boxing rules of the W.B.A. do not supercede state autonomy and therefore uniformity and control become impossible.

There is a special concern with the situation in the heavyweight division because of the powerful impact of Closed Circuit Television and Tel-Star and it is not impractical to envision a gate of $10 million. The champion and his manager are virtually dictators of the most important segment in the field of boxing and it is now one of the largest single events in the history of sports.

The W.B.A. is constantly bringing undesirable situations to the attention of the Commissioners in their respective states for their action. Unfortunately, only the tool of suspension is used and this becomes effective only if the courts will take notice of the same or if the promoters adhere, and there is no Federal law to back any conformity.

To summarize, Federal legislation is not only required but it is necessary in order for boxing to continue as a major sport. I fervently hope you are embarked on some action to control the sport of boxing in the U.S. to create uniformity-pension funds, payment of taxes, etc. If properly organized by professionals in the supervision of boxing it can be a self-sustaining body through the payment of licenses and other sources of revenue.

STATEMENT OF STEPHEN B. ACUNTO, PRESIDENT OF THE AMERICAN ASSOCIATION FOR THE IMPROVEMENT OF BOXING, INC.

For many years, Gentlemen, I have strongly supported any effort that has been made by Congress to establish a National Boxing Commission. My first effort to support the aforesaid type of Commission is recorded in the Congressional Hearings referred to as: S. Res. 52 on S. 1474, Page 1545, Numbers of the Kefauver Hearings held May 31, June 1, June 2, 1961, when the Bill was introduced to curb monopolistic control of professional boxing, to establish within the Department of Justice the office of the National Boxing Commission and for other purposes.

In July, 1965, I accompanied Rocky Marciano when he attended a Hearing before the Committee on Interstate and Foreign Commerce to discuss the merits of the "Harris Bill," a bill to establish a National Boxing Commission. I am in accord with the prepared statements appearing on the record of these hearings, Serial No. 89–18, Page 62. This "Harris Bill" was passed by the House, but unfortunately died in the Senate. Thus, I am here, today, to reiterate my views concerning the urgent need for legislation to establish a National Boxing Commission.

I have worked at the various phases of boxing for the past 30 years, having been an official with the New York State Athletic Commission, as a boxing judge, and a referee with the National Intercollegiate Boxing Coaches Association. I am presently the Director of Boxing at both the White Plains Y.M.C.A. and at the Purchase Community House.

I am here not only in my individual capacity, but also as President of the American Association for the Improvement of Boxing, Inc. This is an organization which was founded, among others, by the late great Rocky Marciano, with whom I had the privilege of working during the last 5 years prior to his death. The American Association for the Improvement of Boxing, Inc. was formed to foster the improvement of the sport of boxing and to elevate boxing to the same prestigious level enjoyed by other major sports in America, both in professional and amateur ranks.

Boxing deserves and desperately needs the guidance and leadership of a strong and permanent National Boxing Commission within the Department of Justice if it is to survive.

The past record of performance of the states has shown an inability to establish interstate procedures in boxing, and, thereby, weakening the sport. It is our recommendation that only a National Boxing Commission could insure the needed uniformity of operation, such as exists in other sports.

The specific purpose of the National Boxing Commission would be to synchronize everything pertaining to boxing, such as: scoring systems, revocation of licenses, suspensions, medical examinations, protection of the fighters through maximum safety measures, rating of fighters, contracts, championship bouts, and the like.

It's my fond hope that such a commission, which I have been advocating since 1961, will finally come to fruition.

EXTRACTS FROM REPORT OF THE ILLINOIS CRIME INVESTIGATING COMMISSION ON SDS AND RELATED MATTERS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. ASHBROOK. Mr. Speaker, in October 1969, the city of Chicago witnessed 4 days of violence perpetrated by the SDS and its followers in protest of the trial of the defendants in the Chicago Conspiracy Trial which resulted from the disruptions at the 1968 Democratic National Convention. The Illinois State Senate requested the Illinois Crime Investigating Commission to make an investigation of the violence in Chicago which occurred in October 1969, resulting in a monumental 759-

page report which deals with the SDS and other matters. Due to its size, copies of the report were hard to come by, but fortunately the Senate Internal Security Subcommittee has made this report a part of its hearings on "Extent of Subversion in the 'New Left'," and copies can be purchased from the Government Printing Office at $2 per copy.

The report was further publicized in the November 13, 1970, issue of "U.S.A.," the very useful newsletter published by Alice Widener, whose efforts since September 1965, have been devoted to exposing the new left. Indicative of the worth of "U.S.A." is its impressive list of subscribers which include various universities, the National War College Library, the two service academies at West Point and Annapolis and a host of companies well known in the business and industry fields.

The following extract from "U.S.A." deals primarily with those contributors who came forth to supply bail money for persons arrested during the October 1969 disruption. Also included is a provocative column by Miss Widener addressed "To Youth" which has been the subject of many requests by clergymen, school superintendents, university administrators, civic associations, radio broadcasters, and newspaper editors.

The extract follows:

INTRODUCTION: PART I

Throughout our nation, poor people charged with petty offenses languish for months in jail for lack of bail money while awaiting trial. But revolutionary radicals charged with misdemeanors and felonies get bail money with greatest of ease, and thereafter have no financial difficulty in traveling from campus to campus, community to community, and country to country while awaiting trial.

Again and again, law-abiding Americans ask about the arrested revolutionary radicals, "Where do they get the money?"

Recently, a part of the answer came to light in the testimony of Charles Siragusa, director of the Illinois Crime Investigating Commission, and of Ronald L. Brooks, agent, before the Internal Security Subcommittee of the Senate Committee on the Judiciary. Their testimony prefaced presentation to the Senate Subcommittee of the Illinois Crime Investigating Commission Report on Students for a Democratic Society and related matters.

The EDITORS,
U.S.A. Magazine.

STATEMENT BY CHARLES SIRAGUSA, DIRECTOR, ILLINOIS CRIME INVESTIGATING COMMISSION

In October 1969, the Illinois State Senate requested the Illinois Crime Investigating Commission to conduct an investigation of the street riots that occurred in Chicago earlier that month. . . . It was immediately apparent to us that the riots were planned and perpetrated almost exclusively by the Students for a Democratic Society. Acting upon this discovery, the crime commission adopted its own resolution which directed me and my staff to examine not only the riots but also the SDS and related matters.

Perhaps our most significant contribution pertains to the documents we obtained from an apartment at 4943 North Winthrop Avenue, Chicago, vacated in October 1969 by Bernardine Dohrn, Gerald Long, and other high ranking members of the SDS Weatherman faction. They reveal the violent nature of the SDS Weathermen, their connection with foreign Communist authorities, and a dangerous dedication toward armed revolution.

We concluded that the SDS represents both an immediate and a long-range threat to the internal security of this country. Under its new Weatherman leadership the SDS had evolved into an organization which has risen beyond revolution to the level of anarchy.

Well calculated guerrilla warfare has become an integral part of the SDS strategy. Workshops on explosives and sabotage have been common since 1968. It is our belief that the recent bombings across the country are the first manifestation of the new Weatherman doctrine of anarchy.

A danger of SDS to America lies in the fact that it is a Marxist-Leninist organization. It uses the terminologies and epithets which have been used by revolutionary Communists for the past 60 years. . . .

We believe that the SDS rampage in Chicago last October was the first manifestation of the insurrection tactics which were later openly advocated at the December 1969 Flint, Mich., war council. There is every indication that the use of bombings and sabotage will continue to accelerate. The March 1970 explosion in a Greenwich Village town house in New York City would tend to confirm this future policy of increased destruction. Further evidence is supplied by the recent discovery of a "bomb factory" on Chicago's North Side.

On the whole, the Students for a Democratic Society seem to be in a process of going "underground" in order to accomplish its new aims of anarchy and sabotage. The fact that the SDS national office in Chicago has been closed and not replaced indicates that the organization has elected to cease overt intercourse with other political groups. The more moderate SDS members have gravitated to other political organizations, chiefly the New Mobilization Committee to End the War in Vietnam and the Young Socialist Alliance.[1] Reliable information has been received that the SDS has frozen its membership and is in the process of establishing new covert headquarters in either Madison, Wis., or Cambridge, Mass. It has now purposefully established relationships with the Black Panthers, the Young Lords organization, and other militant groups. Acting in concert, it is their goal to increase the tempo of revolution in the United States. Although the SDS seems to be fading as a conventional national political organization, its numerous satellite protégés are carrying the "movement" forward.

The SDS more than any other militant group has made it a practice to create ostensibly new groups for the purpose of widening its influence. Most of these new organizations are led by persons who have some association with the SDS.

Even more alarming than SDS' penchant for creating alliances and satellite groups is the fact that its leaders are in constant communication with Communist regimes in Cuba, North Vietnam, and the National Liberation Front (Viet Cong) in South Vietnam.[2]

Report on the SDS Riots, October 8–11, 1969, Chicago, Ill., Prepared by the Illinois Crime Investigating Commission, April 1970.

The significance of what transpired in the City of Chicago from October 8–11, 1969 is only now being realized. It is believed that the earliest plans for the rampage were formulated in Cleveland, Ohio, during . . . the Fourth of July week-end, 1969. . . .

The original plan called for a Chicago demonstration on September 25, 1969 to coincide with the start of the Conspiracy trial. This action was recommended by a steering committee which included two of the defendants in the trial: Rennie Davis and David Dellinger. Included also, were Sidney Lens and Maxwell Primack, both of Chicago.

In time, plans for the action were taken over solely by the Students for a Democratic Society. The demonstrations were then postponed to October 8, 1969, and expanded to include four days of protest . . . "four days of rage" . . .

(The four days cost the State of Illinois losses of more than $183,000 in property damage and personal injuries. Seventy-three Chicago policemen were injured, of whom 15 were compelled to take sick leave lasting from 4 to 30 days.)

BAIL BONDS

Of the 284 persons arrested during the October 8–11, 1969 riots, a total of 23 individuals were not required to post bail bonds. . . . For the other 261 defendants an aggregate of $2,345,750 bail bonds were originally set at the time of their arrests, requiring a total of $234,575 for bail bond fees.

Most of the defendants were charged with misdemeanors and their bail bonds were not increased. However, other defendants were subsequently charged with felonies after their indictment by the Cook County Grand Jury. Their bonds were increased by $557,525, requiring additional fees of $55,752.50.

The total bail bonds, therefore, amounted to $2,903,275, requiring total bond fees of $290,327.50.

The People's Law Committee, at 2156 North Halsted Street, Chicago, had the responsibility for coordinating efforts to obtain bail bond money for the 284 persons arrested . . . Members of the Students for a Democratic Society . . . assisted attorneys assigned to the People's Law Committee in this bond effort. The attorneys advised the jailed defendants to write to their relatives and friends to telegraph money orders to the People's Law Committee. The National (SDS) Office also communicated with SDS chapters throughout the country for contributions to the general bond fund.

The recipients of these messages were told to send the telegraphic money orders . . . to the attention of Neil Burnbaum (also known as Birnbaum), age 24 . . ., Valerie Hotz, age 19 . . .; and Jolie Chain. . . .

Hotz was herself arrested during the October riots in Chicago. Burnbaum and Chain were not arrested.

Burnbaum is originally from the SDS chapter in Cambridge, Mass. He was arrested in that city on May 27, 1967. He was also arrested in October 15, 1967 in Laredo, Texas, for unlawfully intimidating another of freely entering premises.

We established that someone in the National SDS office was in charge of advising the arrested persons in need of money for bail bonds to contact their relatives and friends to send Western Union money orders to Burnbaum, Hotz and Chain. We obtained copies of a total of 78 such money orders . . . totaling $19,892.30, dated from October 9 to 19, 1969. This represented sufficient bail bond fees to write $198,929.30 in bonds. We presume, therefore, that the balance of $214,582.07 necessary to write the remaining $2,145,820.70 . . . was not sent to Neil Burnbaum or his two associates via Western Union but was furnished in some other manner. We surmise that the SDS National Office probably circularized their chapters and regional offices, and their regular contributors mailing list, soliciting monies for bail bonds.

A total of 64 separate telegrams were sent to Burnbaum for a total of $15,868.30 in bail bond fees. Seven telegrams were sent to Valerie Hotz . . .; seven . . . to Joey [Jolie] Chain. . . .

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[1] Editor's note: See "Trotskyism in America Today" by Ronald F. Lawrence, *U.S.A.*, Vol. XVII, Sept. 11–18, 1970, Nos. 4 & 5.

[2] Editor's note: Also in Algeria, Hungary, Czechoslovakia, East Germany, and Latin America.

In most instances, the telegraphic money orders indicated the name of the person for whom the money was to be given for purposes of bail bonds. . . . A total of 24 money orders were sent to Burnbaum without indicating any recipients' names. . . .

On the following pages we have reprinted all relevant data concerning bond money and telegrams delivered to the arrestees.

(*U.S.A.* EDITORS' NOTE: It should be remembered that the arrestees were not "peace" demonstrators or non-violent dissenters; the arrestees were conducting protests in support of the seven defendants in the Chicago Conspiracy Trial of alleged inciters to riot during the 1968 Democratic National Convention in Chicago. Space limitations prevent *U.S.A.'s* publication of the complete fine print text of the Illinois Crime Commission Report (as released by the Senate Internal Security Subcommittee) of the bail money orders and the descriptions of the senders' activities. *U.S.A.* has excerpted those Crime Commission listings which involve persons previously mentioned in *U.S.A. Magazine* in our articles concerning Students for a Democratic Society, the Socialist Scholars Conferences, and other radical Leftist organizations since September 1965, and also involve persons connected with radical organizations previously referred to in *U.S.A. Magazine*.)

October 9, 1969

From Max Shain, Ann Arbor, Michigan: "Two hundred fifty from Max Shain for Karen Daenzer for bail." "Another two hundred fifty from Max Shain balance bail bond for Karen Daenzer."

Max Shain . . . Ann Arbor, associate Professor of Medical Care Organization at the University of Michigan. He is known to have been involved in demonstrations in the Ann Arbor area involving claims of violations of civil rights.

From Alan Oberman, Washington, D.C. "Two hundred fifty from Alan Oberman for Mark Dinsmore. Don't get shot. All our love."

October 10, 1969

From Judith Bissell, Seattle, Washington. "Five hundred from Judith Bissell for Connie Messich."

Judith Emily Bissell, age 25 . . . She and her husband, Silas Trim Bissell are known members of the SDS Weatherman faction. Both of them were arrested on November 14, 1969 during the Moratorium Day demonstration violence in Seattle. They were also arrested on January 18, 1970 while setting a firebomb under the U.S. Air Force ROTC Building on the University of Washington campus.

From Harry Tomashevsky, New York City. "Two hundred from Harry Tomashevsky for Robert Tomashevsky."

From Harris Saltzberg, New York City. "Fifty from Harris Saltzberg for Robert Tomashevsky."

(*U.S.A. Editors' Note:* See *U.S.A. Magazine*, "Subcellar Student Subversion" issue of March 1, 1968.)

From Arthur Waskow, Washington, D.C. "Five hundred from Arthur Waskow. Free Cathy. Huey, etc. Love CES."

Arthur Waskow is the director of the Institute for Policy Studies . . . Washington, D.C. On June 30, 1969, Sergeant Joseph P. Grubisic, Chicago Police Department, testified before U.S. Senator John McClellan's Permanent Sub-Committee on Investigations, inquiring into the riots during the Democratic National Convention . . . that Waskow was a speaker for the Radical Education Project, a phase of SDS activities. . . .

A co-director of the Institute of Policy Studies is one Richard J. Barnet. In November 1969 he and William Meyers from the Lawyers' Committee on American Policy Toward Vietnam attended Hanoi rallies to criticize "U.S. aggression," according to broadcasts from North Vietnam.

From Paul Reitman, Lynwood, New York. "One hundred from Paul Reitman for Robert Tomashevsky bail." From Georgann Stewart, Brooklyn, New York. "Fifty from Georgann Stewart for Robert Tomashevsky."

October 11, 1969

From Jacob Hornstein, Brookline, Mass. "Five hundred from Jacob Hornstein."

From Robert Hirshfield, Berkeley, Cal. "Five hundred from Robert Hirschfield for Joan Hirschfield; contact sender."

His name appears on a November 21, 1967 University of California at Berkeley list of registered student organizations as being a member of the Campus West Coast Committee for Democracy in Greece.

From George Bennett, Seattle, Wash. "Five hundred from George Bennett for Margaret Bennett."

From Samuel Hackman, Forest Hills, N.Y. "Three hundred from Samuel Hackman for Shelly Hackman."

From Robert Real, Akron, Ohio. "From Robert Real for Dave Kent. Call parents immediately."

Robert Real, Stowe, Ohio, has two sons, David Real and Mark Real. Both sons use the alias of Kent and are both active in SDS affairs.

October 12, 1969

From Marion Klapper, Jamaica, N.Y. "One hundred fifty from Marion Klapper. Bail fund receipt."

Marion Foley Klapper . . . was known to be a member of the Committee for a Sane Nuclear Policy in 1967. She is also known to have been associated with the Fifth Avenue Vietnam Peace Parade Committee. . . . From Joan Buck, Lebanon, Penn. "Five hundred from Joan Buck for Judith Molinaro."

From Rose Shandling, Hempstead, N.Y. "Five hundred from Rose Shandling for M. Shandling."

October 13, 1969

From Susie Rosenberg, New York City. "Fifty from Susie Rosenberg, Stephanie Noland, Laura Furman, for Ken Schlosser."

A Susie "Sue" Rosenberg took part in an SDS-sponsored building occupation near Columbia University on May 17, 1968. She was also a member of City College of New York Chapter of the [Communist] W.E.B. DuBois Club, and Congress of Racial Equality (CORE).

From Abe Jaffe, Monticello, N.Y. "One thousand five hundred from Abe Jaffe for bond of Naomi Jaffe."

From Anonymous, New York, N.Y. "Five hundred from Anonymous for bail for Ken Schlosser."

October 14, 1969

From H. Benenson, New York City. "Eight hundred from H. Benenson."

A Reverend Harold Benenson, 1095 Park Avenue, Manhattan, was arrested at Columbia University on April 30, 1968, while taking part in an SDS-sponsored student strike. He was charged with criminal trespass and resisting arrest.

From Jim Sessions, Cambridge, Mass. "One hundred from Jim Sessions for bail fund."

Reverend James S. Sessions . . . member of the United Campus Ministry, Massachusetts Institute of Technology. Alleged chaplain of the SDS chapter on campus.

From Carol Hoppe, Milwaukee, Wisconsin. "Nine hundred sixty from Carol Hoppe for John Fuerst." "Two hundred eighty from Carol Hoppe for Judy Cohen."

Carol Ann Hoppe, age 21 . . . Milwaukee, Wis. In September 1969 she became associated with SDS weatherman in the Milwaukee area. Prior to the Chicago riots of October 8–11, 1969, Hoppe was observed distributing leaflets in Milwaukee announcing plans for those riots. In fact, Hoppe went to Chicago together with John Fuerst, age 25, and Judy Cohen, age 24. However, Hoppe was not arrested, whereas Fuerst and Cohen were.

Following the riots, Fuerst and Cohen gained their release by furnishing their bail bonds. They then returned to Milwaukee where they teamed up with Hoppe and other SDS Weatherman members in soliciting money from sympathizers at various universities for the purpose of obtaining bond and fine moneys for other Chicago defendants. It appears that the money orders, one for $960 and the other for $280 (dated October 16, 1969) represented the results of those solicitations.

From Paul Rothstein, Corvallis, Oregon. "One hundred forty from Paul Rothstein for Carlton Olson. Bail if needed."

Paul Rothstein, age 22, was himself arrested in Chicago on October 11, 1969. Apparently he made bail first, returned to Corvallis and then forwarded money for the bail bond of Carlton A. Olson who had also been arrested on October 11, 1969.

Rothstein was arrested by the Corvallis Police Department on July 24, 1969, for trespassing when he became involved in a campus sit-in. He went to trial, was convicted, and fined $50; he appealed his conviction.

Rothstein lived somewhere on the East Coast before his arrival in Corvallis. By his own admission he was previously involved in Wisconsin when some U.S. Selective Service records were destroyed. Rothstein is unemployed but travels from coast to coast. His source of funds is unknown, but he is possibly subsidized by the Students for a Democratic Society.

From Gladys P. Edelman, New York, N.Y. "One thousand from Gladys P. Edelman for B. Burlingham."

October 15, 1969

From Dorothy Schlosser, Great Neck, N.Y. "Five hundred from Dorothy Schlosser for Ken Schlosser. Additional bail money for Ken."

From A. Kopkind, Washington, D.C. "Fifty from A. Kopkind for Roberta Smith."

(U.S.A. Editors' Note: On October 13, 1968, the *New York Times* reported: "The first issue of *Mayday*, a four-page weekly tabloid oriented toward muckraking and radical politics was published in Washington, Friday, under the editorship of three nationally known journalists. The editors are Andrew Kopkind, James Ridgeway, former reporters for the *New Republic*, and Robert Sherrill, correspondent for *The Nation*. . . .")

October 17, 1969

From Vernon K. Dibble, Middletown, Conn. "One hundred fifty from Vernon K. Dibble for Harvey Blume."

(U.S.A. Editors' Note: In September 1965, Vernon K. Dibble said at the First Annual Conference of Socialist Scholars that American society must be broken up in order to bring it under the control of radicals.)

INTRODUCTION: PART II

A most interesting section of the encyclopedic Illinois Crime Investigating Commission Report on the SDS and related matters concerned the Institute for Policy Studies in Washington, D.C. and the Louis M. Rabinowitz Foundation (Delaware, 1944).

Both Arthur Waskow, director of the Institute for Policy Studies, and Victor Rabinowitz, president and director of the Louis M. Rabinowitz Foundation, are Leftist radicals whose activities have been frequently mentioned in *U.S.A. Magazine*, the former in connection with the National Conference for New Politics (see *U.S.A.*, September 2, 1966) and the latter in connection with the Socialist Scholars Conferences and also with the position paper "Towards a Socialist Strategy for the United States" of June 1970.

THE EDITORS,
U.S.A. Magazine.

Illinois Crime Investigating Commission:

There are groups and foundations located beyond Illinois that are directly or indirectly contributing money to the SDS. . . .

Institute for Policy Studies

Under the section "Bail Bonds" of this report, mention was made of the Western Union money order for $500 sent by Arthur Waskow on October 10, 1969 to Neil Burnbaum, who was in charge of coordinating efforts to receive bail bond and legal fees for the 284 persons arrested during the Chicago riots of October 8–11, 1969.

. . . We obtained a schedule of grants made by the Institute during the fiscal year ended September 30, 1968, indicating that some grants were made to SDS members. . . .

Charlotte Weeks, Cleveland, Ohio	$850
James Weeks, Cleveland, Ohio	900
John McAuliff, New York, N.Y.	750
Michael Spiegel, Washington, D.C.	50
Christopher Jencks, Harvard University, Cambridge, Mass	5,200
Ramparts Magazine	2,200

Louis M. Rabinowitz Foundation, Inc.

This foundation came to our attention when we found among the papers left behind in the [Chicago] apartment vacated by Bernardine Dohrn [on FBI most wanted list; fugitive from U.S. justice now alleged to be in Algeria], Gerald Long and other SDS leaders . . . a letter dated February 12, 1969, signed by Dennis James, Executive Secretary, National Lawyers Guild . . . The president of the Guild is Victor Rabinowitz, also president of the Louis M. Rabinowitz Foundation Inc. . . .

We do not know the contributions made by this foundation for the years 1968 and 1969 or for the first few months of 1970. However, we do have a list of contributions made in 1967 and 1966 as follows: . . .

James Aronson, New York	$3,000
Richard J. Barnet, IPS	1,500

(This is the Institute of Policy Studies in Washington, D.C. of which Barnet is co-director. . . . In November 1969, Barnet . . . visited North Vietnam . . .)

Brooklyn Heights Youth Center, Brooklyn, N.Y.	500
Norman Birnbaum, New York	1,625
Donald I. Barnett, Iowa City, Iowa	2,500
Cedric Belpage, Cuernavaca, Mexico	3,000
Lillian Boehm Foundation, New York	1,333
Judith Coburn, IPS	5,000

(She is on the staff of the Institute for Policy Studies.)

Bernard Conal, LaJolla, Calif.	3,000
Clergy and Laymen Concerned About Vietnam, New York	1,500

(U.S.A. EDITOR'S NOTE: See "Lunch With the Leftist 'In' Crowd," *U.S.A. Magazine*, August 2, 1968, concerning Rev. William Sloane Coffin, Jr., chaplain of Yale, host of Clergy and Laymen Concerned About Vietnam luncheon for American Documentary Films, distributor for pro-Communist films, including Black Panther films and tapes.)

Columbia Survey of Human Rights Laws, New York	500
Frank Donner, New York City	500
Horace P. Davis, Jamaica Plains, N.Y.	1,900
Foreign Policy Roundtable, Inc., St. Louis	3,600
Harvey Goldberg, Madison, Wis.	5,000
Harvin E. Gettleman, New York City	1,800
Jill Hamburg, Hoboken, N.J.	300

(U.S.A. EDITORS' NOTE: Jill Hamburg is the author of "Towards a Socialist Strategy for the United States" June 1970.)

Hashomer Hatzair, Inc., New York City	500
Len Holt, Washington, D.C.	2,000

The February 12, 1969 circular letter . . . on the letterhead of the National Lawyers Guild indicates that Len Holt is the vice president of the Guild for the Berkeley, Calif., branch. His name appears as one of 24 individuals nominated for election to the Steering Committee to Implement the Demands of James Foreman's Black Manifesto.

Donald Jelinek, Selma, Ala	5,000
Clinton Jencks, Denver, Colo	5,750
Ivan Kovacs, Bronx, N.Y.	1,000
John Katz, New York	1,500
Gaylord LeRoy, Philadelphia, Pa	2,000
Walter Lowenfels, New Jersey	1,500
Debbie Louis, Venice, Calif	2,300
Law Students Civil Rights Research Council, New York	2,000
Floyd McKissick, New York City	2,500
Julian Mayfield, New York City	3,000
Jack Minnis, New Orleans, La	1,500

(U.S.A. EDITOR'S NOTE: The foregoing list furnishes readers with an idea of the scope of the Louis M. Rabinowitz Foundation grants, which are too numerous to reproduce here. Following are a few of the more significant grants as listed by the Illinois Crime Investigating Commission.)

Mario Savio, Berkeley, Cal	1,500
Regents of the University of California, Los Angeles	2,000
University of Wisconsin	2,500
John Gerassi, New York City	5,000
Sylvester Leaks, New York City	3,000

(U.S.A. EDITOR'S NOTE: See *U.S.A. Magazine*, September, 1965 article on First Annual Conference of Socialist Scholars at which Sylvester Leaks, of the Harlem Writers Guild, feature writer for *Muhammad Speaks* and biographer of Malcolm X, said, "First of all, I'm not non-violent. . . . I believe we've got to tear the system down, *now*." Mr. Leaks said he believes the black *lumpenproletariat* "should go to war now" and the slogan they need is, "Burn, Baby, Burn!")

Socialist Scholars Conference, New York City	2,000
Ronald Radosh, New York City	1,000

(U.S.A. EDITOR'S NOTE: Ronald Radosh is a Socialist Scholar.)

Nancy and Todd Gitlin (SDS), Chicago	4,000

Todd Gitlin is a key member of the SDS National Office. In October 1963, he signed a manifesto written at Princeton University by a group which named itself "The Ad Hoc Committee on Triple Revolution." . . . This Ad Hoc Committee was a study group sponsored by the Fund for the Republic of Santa Barbara, Cal., which is also known as the Center for the Study of Democratic Institutions. . . .

William Mandel, Berkley, Cal	2,000
Jerry Stoll (re: film "Days of Protest") San Francisco	700
James Petras, Berkeley, Cal	2,000
Morris U. Schappes, New York City	1,000
James Forman (1963)	22,945

EPILOGUE

(By Alice Widener)

The Illinois Crime Investigating Commission Report on the SDS and related matters contains a photographic reproduction of the diary which SDS Weatherman leader Bernardine Dohrn left behind in a Chicago apartment when she fled from justice. Miss Dohrn's diary entry for February 10, 1968 is "SDS regional."

This confirms my reporting on her presence at the SDS regional meeting in Weinstein Hall subcellar at New York University, February 10–11, 1968, a meeting at which I was the only reporter present and at which plans were made for violence on our campuses in April of that year.

Early in March 1968, after *U.S.A. Magazine* and *Barron's* had published my report on the SDS meeting, N.Y.U. Chancellor Allan M. Cartter took no action against SDS, and Vice Chancellor Harold B. Whiteman told the press, "The lady was over-reacting and hadn't been around students and didn't know how they talked."

My article named SDS members Bob Tomashevsky and Naomi Jaffe. Both are listed in the Illinois Report as having been arrested during the Chicago riots in October 1969.

In March 1968, Vice Chancellor Whiteman said that the SDS subcellar regional conference at N.Y.U. was "not very significant compared to what else is going on around the country and the world."

Today, every federal and state criminal investigating agency in our nation recognizes the SDS meeting at New York University in February 1968 as an event of major significance in the radical revolutionary movement, which has cost so many lives and wreaked such destruction on our campuses and in our communities.

TO YOUTH

(NOTE.—From everywhere across our nation, U.S.A. Magazine has received inquiries about and requests for reprints of the following newspaper column by Alice Widener, which was released October 15, 1970.

(We have received requests for copies from clergymen (who read it to their congregations), from school superintendents, university administrators, civic associations, radio broadcasters and newspaper editors. In response to these requests, we are pleased to publish the column with blanket permission to all readers to reproduce it with full credit and no alteration of text.

(Allan Courtney, distinguished radio commentator of Station WIOD, Miami, Florida, invited Mrs. Widener to broadcast the column on his show. Public response was so great that Mr. Courtney re-broadcast the tape. Station WIOD has the tape-recording.)

NEW YORK CITY, *October 15, 1970.*

DEAR YOUNG FRIENDS: Many of you are part of what is currently described in our country as a "youth culture" and "drug culture." A main aspect of your culture is "moral-sexual rebellion" conducted according to "situation ethics."

I want to ask you a question: What are your children—the next generation—going to be like?

One thing sure: You are going to be the begetters of the next generation. Will your children have two eyes and ears where they ought to be? Two arms, two hands and ten fingers? Will your children be mentally normal? Will they see, hear and speak, or will many of them be blind or deaf or dumb?

Despite all the criticism you voice of your parents' and grandparents' generations, there is a fact you cannot deny: Most of you are physically and mentally normal. Have you ever thought what a blessing from your parents that is, or do you just take your bodies and minds for granted and never give a moment's thought to how you got them?

It is human, of course, to look on temporary situations as permanent (and a very great error!), but there is a time factor in life which you cannot avoid: Most of you will grow older.

What will be your condition when you do? To the females among you, I should like to address these questions: After you have lived on the pill since the age of 13, have had several abortions, a dose of venereal disease, smoked marijuana and taken LSD and perhaps heroin, what will be your physical and sexual condition at 25, 30, 35, 45? Will your reproductive organs be intact or removed? When you have your first child, how will you feel if it is deformed or mentally defective? How well will you "cope" with a hysterectomy at 27 or 31? How will you feel when you are an old hag at 38?

To the males among you, I ask this: After years of unlimited fornication, a dose or two of VD and prolonged periods of neglected personal hygiene, will you be potent or impotent at 42, 54, 60? Will you be a broken-down neurotic when you go through the

male climacteric? How will you feel at 27 or 29 if your newborn baby has a stump for a leg or no fingers on one hand, or such a retarded mind that it can't learn to sit up by itself?

A great many of you, both male and female, are sincerely interested in protecting our environment from pollution. Are you interested in protecting your own body environment from it? How about your own personal mental and emotional environment? Are you willing to live your future life without romance, tenderness, poetry and delicacy in sex? Is it going to be exactly the same to you as going to the toilet or blowing your nose or vomiting?

This month, Dr. Vincent DePaul Lynch of St. John's University presented the results of his genetic studies of the effects of marijuana smoking on rats. The studies show the use of marijuana can have "very serious consequences for human reproduction" and can produce "serious genetic defects."

Dr. William F. Genera, associate professor of pharmacology at Medical College of Georgia has found "a dangerous potential" in marijuana smoking for the human fetus.

Throughout the world, physicians have warned that use of LSD affects human chromosomes and can deform the offspring of LSD users.

Perhaps, my friends, many of you will retort: "But I'm concerned with now!" Yet now is already past by the time you have spoken the word. Moreover, your own human instinct for self-preservation gives the lie to your "now," because whether you admit it or not, most of you expect a future.

It includes a generation that you yourselves will produce.

Permit me to suggest that you look at yourself and ask yourself if someday your child—the product of your own flesh and blood—will be as you are. I hope so, I really do, for your sake. Because if you hold in your arms an infant boy or girl afflicted with abnormalities wantonly caused by you, you will find it very, very tough to justify what you call your "culture."

With every good wish,

Sincerely,

ALICE WIDENER, *U.S.A.*

POLLUTION BY FLUORIDE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. RARICK. Mr. Speaker, an interesting court decision is reported in Oregon where a jury has found an aluminum company guilty of willful fluoride trespass and awarded substantial damages. In the case, it seems that fruits and trees owned by the plaintiff were damaged because of fluoride.

This case may well establish an exemplary precedent in the pollution issue by punishing polluters under the existing laws.

If fluoride can be accumulated in excessive concentrations in fruits and vegetables, the day may not be far off when bottlers of liquid beverages and packers of fruits and vegetables will be forced to use of nonfluoridated water in preparing their products. For if the packers and bottlers do not get the message now, eventually the consumers will. And a new field of litigation will blossom out overnight.

Mr. Speaker, I include several related news clippings:

[From the Hood River News, Hood River, Oreg.]

HARVEY LOSES FLUORIDE CASE

Jurors in Hood River circuit court brought back a verdict last Wednesday night which found Harvey Aluminum company's The Dalles aluminum reduction plant guilty of willful fluoride trespass and awarded triple damages of $485,000 to The Dalles orchardist Wilson J. Meyer and his wife Mary Ann.

The verdict, brought back by a jury of ten women and two men after a little less than 10 hours' deliberation, ended a case which stretched through 13 days of court hearings and which was first filed in the 1960's.

Exactly $161,459.85 in damages was awarded to the Meyers; the suit had asked for more than $200,000 in damages to the plaintiffs' fruit trees and crops. The jury awarded $83,129.70 for loss of market, fruit and crop damage to the Meyers' cherry crops of 1960 through 1969; $14,109.52 for lost apricot crops in 1964 through 1967 and in 1969; $62,-920.63 for peaches from 1962 to 1967. Twelve hundred dollars were also awarded for prospective profits from apricot production lost because of trees removed because of fluoride. The final damages will be trebled because the jury found the harm to be willful, therefore the $485,000 figure.

"This is a landmark case for the whole state of Oregon," Lamar Tooze, Jr., of Portland, one of the plaintiff's attorneys said, referring to the fact that it is the first time an individual has fought a large company for willful pollution damage and won.

Several other similar cases are pending against Harvey. The Meyer-Harvey case, which was the first to come to trial, was first filed in Multnomah county, then moved to The Dalles. Judge J. R. Campbell of Canyon City signed an order the first week of October ordering the change of venue to Hood River.

At the same time Campbell signed the change of venue order, he signed an order denying the introduction of punitive damages for Harvey as a case factor. The amended complaint, if it had been included, would have asked for $825,000 in punitive damages for the aluminum company.

Circuit court judge Walter Wells of Pendleton presided over the court.

[From the Times-Star (Alameda, Calif.) Oct. 27, 1970]

NEW EXAMPLES ADD URGENCY TO NADER'S WARNINGS

In an exclusive story last spring, the Times-Star reported the press conference in which Ralph Nader lowered the boom on the federal government for ignoring the mounting problems of "total fluoride ingestion."

The nation's most articulate consumer's advocate asserted. ". . . The urgent consideration is how much fluoride people are taking into their bodies from fluoride air pollution, from soil, water, products processed in water containing fluoride, from pharmaceuticals, pesticides, herbicides, etc. . . ."

Since that warning, a frightening barrage of new evidence supporting these fears has been released—the latest a scandal which has just broken across the Bay.

A Menlo Park laboratory has analyzed San Jose-grown raspberries and found them to contain 54 parts per million of fluoride—nearly eight times as much as the so-called "safe" tolerance level of 7 ppm set by the U.S. Food and Drug Administration, as well as the California Department of Public Health.

Most of the contamination was exterior residue, apparently from a fluoridated pesticide such as cryolite. Other tests were made to determine if the fluoride would wash off.

The berries were carefully soaked, then washed with deionized water—a more potent solvent than tap water normally used by housewives and commercial cooks.

Now this is what the laboratory test revealed: After the soaking, only 28.2 ppm fluoride was eliminated. Still remaining on the berries was 25.8 ppm fluoride—which by simple arithmetic figures out to 380 per cent more than the permissible "safe" level.

We charge the Food and Drug Administration, the Nixon Administration, the California Department of Public Health, the California Department of Agriculture, and those who dictate policy and operation—the Reagan Administration—with grave dereliction of duty for not demanding reduction of this fluoride contamination to 7 ppm, the "permissible" level. We further charge these agencies of government with gross neglect in failing to publish periodic warnings to consumers in order that the innocent users of such farm produce be informed and instructed as to the vital necessity of properly cleansing the edibles. It is not too much to ask that these instructions and warnings be prominently placed upon containers in which the produce is marketed.

It is sad but true that few if any housewives would take the time to soak produce for a long period—and admittedly, extended soaking destroys texture of some foods such as berries, and robs it of nutrients.

With the knowledge that berries from at least some California ranches do contain vast amounts of the poison, fluoride, it is possible, perhaps even likely, that most mothers would devote more time to thoroughly washing the produce, even though probably not using deionized water. And the chances are that without this specialized high-potency solvent, the fluoride remaining will be higher than the 25.8 ppm found in the sample tested.

President Nixon and Governor Reagan should not be deceived into believing that food is the only source of excessive fluoride. The Bay Area Air Pollution Control District at long last is recognizing this contaminant, among others, in our air and the staff has been instructed by the board of directors to study the possibility of limiting fluoride emissions from industrial sources.

From important and responsible other quarters have come reports such as these:

Environmental Science and Technology (Aug. 1970) reported: "Fluorine is toxic (as an air pollutant) at concentrations of 0.5 parts per billion—acts as a cumulative poison (and is a) potential danger to animals or even human beings."

Journal of Occupational Medicine (June, 1969), lists fluoride among "the atmospheric pollutants of current major concern."

Wall Street Journal (Aug. 8, 1970): "Federal Water Quality Survey found the (contaminant) fluoride in hazardous amounts in tap water samples."

Medical World News (Sept. 18, 1970) reporting on the same survey: "43 per cent of the systems using well sources exceeded the Drinking Water Safety Limit for fluoride."

Wall Street Journal (Oct. 5, 1970) warned of the hazards of "fluoroalkane gases used to propel aerosol dispensers (by patients) with asthma, housewives and others who use pressurized aerosol dispensers many times a day . . ."

Wall Street Journal reported the death of two patients from a widely-used anesthetic containing fluoride and suggested the fluoride is particularly hazardous to obese persons and patients with impaired kidney function.

Stanford Workshop on Air Pollution (Summer, 1970): "Fluorides, in both gaseous and particulate forms, can cause serious problems, even in extremely low concentrations (a few parts per billion.) The problem (fluoride pollution) is complicated by the existence of other environment sources of

fluoride, most notably fluoridated drinking water at 1-pp million, and certain foods."

These examples of recent evidence accentuate the urgency, and they are "only the tip of the iceberg." Fluorides proliferate almost daily in air, food, water, soil, pharmaceuticals, insecticides, pesticides, anesthetics, toothpaste, aerosol bombs, pollution from some 50 different types of industries.

If Mr. Nixon and Mr. Reagan fail to heed the combined warnings of eminent scientists, such as the 12 Nobel Prize laureates, who oppose fluoridation of public water supplies, the failure will count as one of the blackest marks against both men, and their administrations.

BUSINESS SUPPORT FOR THE CONSUMER

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mrs. DWYER. Mr. Speaker, on Monday, November 30, a press conference was held in support of H.R. 18214, the Consumer Protection Act of 1970. This bipartisan legislation which I have cosponsored will significantly aid the consuming public in its fight against inflation and would give consumers a voice and an advocate in affairs affecting them. The only businessman to publicly support this legislation at the press conference was Mr. Edward P. Reavey, Jr., vice president and general manager of the Consumer Products Division of Motorola, Inc. I would like, therefore, to commend Mr. Reavey for his statesmanship in supporting this bill through public endorsement in the glaring lights of television cameras and before considerable numbers of members of the press. This is, indeed, the type of response that we hope to secure from other enlightened businessmen and Mr. Reavey is to be commended for his leadership position in the business community on behalf of this cause. I would, therefore, like to include the contents of Mr. Reavey's remarks in the RECORD at this time:

STATEMENT OF EDWARD P. REAVEY, JR., IN SUPPORT OF H.R. 18214

It is an honor to be here this afternoon with Congresswoman Dwyer, Congressman Rosenthal, and distinguished members of the consumerism community.

I want to give my strong personal endorsement to the Rosenthal-Dwyer bill, House of Representatives 18214, which, if enacted, would establish a much needed consumer protection agency and a counterpart in the executive branch.

I fully support passage of this measure. I consider this the "magna charta" of consumerism. It is the single, most important bill to appear on the consumerism front.

I feel that this bill is in the best interest of business because it should negate the need for a proliferation of consumer bills. With its passage, business will be able to anticipate the consumer's needs more effectively and start acting instead of reacting.

The bill is also in the best interest of the consumer because, for the first time, the consumer will be adequately represented. The consumer will have an advocate, an agency whose assigned mission will be the protection of his interests, and safety.

I have long been an advocate of consumerism. This is a forceful movement that is not just a fad. Consumerism is a genuine cause and the time has come for business leaders to become more aware and more involved if equity and effectiveness are to result from the movement.

The consumer protection agency would provide a common ground for business, government and consumer groups. The consumer needs an advocate in the government and an organized approach to consumer affairs.

I have found support for such an agency from the young people in my talks on college campuses. I have found it among consumers in my visits to their homes throughout the United States. And I have found support by the really enlightened businessman.

American industry can learn to serve the consumer even better through this agency. Government, in turn, can learn from industry through the interchange of ideas between these groups.

My associates at the Consumer Products Division of Motorola support this legislation wholeheartedly. We look forward to working with the proposed agency.

Business should welcome the increased opportunity which this agency will provide. It creates an impetus to serve the consumer better.

I have recently returned from a visit to Europe where I went to study the consumer movement. I noted that the consumer is well served in Denmark and the United Kingdom where business, government and consumer groups are working cooperatively. Consumerism does not appear to be working as well in Sweden where there seems to be more polarization between consumer groups. I believe they, too, will have to form a single agency in order to be effective.

The bill which I am endorsing provides adequate representation for the consumer and all parties involved.

It is a good bill, a fair bill. Consumer programs have suffered too long from an absence of coordination and an overview which the new agency should provide.

It will be valuable to business, and to the people of America. The deeper wants and needs of the consumer will be spotlighted and business will be able to more adequately serve those needs.

Again, I fully support this legislation.

COMMUNISTS INFORM MIA WIFE OF HUSBAND'S DEATH IN CAPTIVITY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. SCHMITZ. Mr. Speaker, at this point in the RECORD I would like to include a statement made by Mrs. Wilmer N. Grubb following her notification by unofficial North Vietnamese ambassador Cora Weiss that her husband, Air Force Major Wilmer N. Grubb, had died in a Communist prison camp.

I hope that Mrs. Grubb has taken heart at the recent real effort which the U.S. Government made to free our imprisoned men. There is no need for her to expend her own funds on international lawyers while the United States has a superb Armed Force. There is a need, however, for the deployment of these Armed Forces in a manner designed to forestall the further brutal treatment of American prisoners of war. There is a need for a swift military victory.

There is a risk in seeking military victory. It is not the risk of general war. Mr. Henry Kissinger has assured us that the danger of a general war arising is not a danger connected with anything we might do in Southeast Asia. The main danger we face in seeking military victory is, to my mind, the possibility of some of the Members of the other body of Congress coming down with a severe case of raw throat. This contingency must not be overlooked. I suggest that we take up a collection to cover the cost of throat lozenges and press on to victory.

The statement of Mrs. Grubb taken from the Richmond News Leader of November 18, 1970, as well as an editorial comment from the News Leader of the same day follow:

COMMUNISTS INFORM MIA WIFE OF HUSBAND'S DEATH IN CAPTIVITY

Thursday afternoon an Air Force representative called me. He said, "Mrs. Grubb we have some bad news. Cora Weiss from the Committee of Liaison has just returned from Hanoi with the names of six men who have died in captivity . . . Your husband is one of the six." Cora Weiss was to have a press conference on Friday with details of her trip. Only then would she release written information concerning the death of my husband to the State Department. She held the press conference . . . but, as of today, she still has not produced any written evidence, and I am left dangling at the whim of the enemy.

Can you imagine the suspense and horror of the past three days of waiting? It has been torture so subtle that the mental destruction of myself and my family will not reflect on Hanoi with the vocal outrage that it deserves—but rather, Hanoi confidently expects that the news will be passed over with a few kind words—and then—forgotten.

Don't let that happen!

Newk, my husband, was called to Vietnam, thousands of miles away, to fight the creeping cancer of modern-day communism. Now, five years later, I am notified of his death by a highly organized and financed Communist organization right here in our own United States.

You must comprehend the significance of this ludicrous situation. When other families and I must depend on this communistic source as the only source of information from and about our captive men—then we, too, are prisoners of a foreign government. If you and I allow this unofficial death notice to pass unchallenged, we will forsake the sacrifice of every American in the Vietnam conflict.

During the months of lonely waiting—and these late tearful days of anguish—I have made a decision. This decision must have your understanding—and your support.

This is my decision: I will not accept notification of my husband's death until it is submitted according to the articles of the Geneva Convention. The Geneva Convention was written to protect all captives—Hanoi has never adhered to this Convention, or any humane convention. Propaganda photographs portray the fact that my husband appeared in excellent condition after his capture. If he is dead, then it is my moral—my legal right—to know all the circumstances of his death. Here is how you can help. I need lawyers knowledgeable both in national and international law. I need funds to pay the many expenses of possible legal proceedings, but most of all I need your moral support to strengthen me and my family in the coming months. I am determined to put aside my grief, to dry my tears, to turn from bitterness and self-pity and begin a journey—a mission to force all countries to recognize and adhere to the Geneva Convention, which will ultimately benefit 1,600 missing men.

Forsake my husband? I will not. Let us, instead, make this effort a tribute to a gal-

lant hero—my beloved husband. America, I need you—and you are my America. I am depending on you.

[From the Richmond News Leader, Nov. 18, 1970]

MAJOR WILMER GRUBB

We never met Air Force Major Wilmer Grubb of Petersburg, who became a prisoner of the North Vietnamese on January 26, 1966. But we did have the pleasure of meeting his wife [interview, November 11]—a courageous woman of whom Major Grubb should have been, and surely was, deeply proud. On Monday Mrs. Grubb showed her abiding courage once more: She announced that pro-Communist sources have informed the Defense Department that her husband has died in captivity [see her statement below], and that she will seek "notification of [her] husband's death . . . according to the articles of the Geneva Convention."

Major Grubb volunteered for duty in Vietnam. Now he is dead, a victim of Satanic executioners. And his wife is alone: To her and to her four sons, Wilmer Grubb will be but a fortifying example and a receding memory. Major Grubb died at the hands of an enemy that doles out news about its prisoners in dribbles and drabs. The North Vietnamese contend that they will release all American POWs when every American has left South Vietnam. Yet even that is dubious consolation. For the families of these men must live with the knowledge that when the Korean War concluded, the North Koreans failed to account for 389 Americans known to be prisoners. Now—nearly 20 years later—the families of those prisoners of an earlier war against an Asian Communist foe have heard not a word about their men.

If anything ever was calculated to move us as a nation, to incense us, is it not this—the indignities and the humiliations that our men suffer in Communist cages and cells? The North Vietnamese toy with us and perversely tease us; they use their American prisoners as priceless assets in this anguishing war of nerves. We will win this war—rather, we will conclude this war—only when an aroused population has made American POWs a crushing North Vietnamese liability. But the record of recent history suggests that that day will not come soon.

And what did Major Grubb think about as he lay dying? Did he wonder about the abject weakness of a nation that will not retrieve its prisoners? Did he wonder whether his presence in Vietnam had done any good—any good at all—given the ingratitude of so many in the United States? Indeed, did he wonder whether his imminent death would be but a prelude, a foretaste, of what is in store for his beloved nation? It is too much, too much, the way this good man was treated. Weep for him. And ponder what perhaps were his anguished thoughts as he approached his first glimpse of eternity.

HOUSE OF REPRESENTATIVES—*Wednesday, December 2, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Restore unto me the joy of Thy salvation and uphold me with Thy free spirit.—Psalms 51: 12.

"We pray for this great land of ours
Founded by men who put their trust in Thee;
Help us again to find the mighty powers
Of truth and faith and hope, to set us free.
Inspire our leaders, give us grace to find
The people who can steer the ship of state
In troubled waters, men who are not blind
Through pettiness, self-interest or hate.
And may we pledge, as statesmen long ago,
Our sacred honor, lives and fortunes, too,
To keep our country free—for well we know
That freedom only comes through serving Thee."

In the spirit of the Master of Men we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 4302. An act to amend title 28 of the United States Code, section 753, to authorize payment by the United States of fees charged by court reporters for furnishing certain transcripts in proceedings under the Criminal Justice Act;

H.R. 9677. An act to amend section 1866 of title 28, United States Code, prescribing the manner in which summonses for jury duty may be served;

H.R. 14714. An act to amend authority of the Secretary of the Interior under the act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes;

H.R. 17272. An act for the relief of certain employees of the Department of Defense; and

H. Con. Res. 183. Concurrent resolution to provide for the printing of 1,000 additional copies of school prayer hearings.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12979. An act to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 2. Concurrent resolution authorizing acceptance for the National Statuary Collection of a statue of the late Senator E. L. Bartlett, presented by the State of Alaska.

MILLS TRADE BILL

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DORN. Mr. Speaker, the trade negotiations with Japan carried on by the White House have become ridiculous. Every move in the House or Senate toward fair trade legislation has prompted an announcement—with flourish and fanfare—of a new round of negotiations. All last year, when fair trade legislation was first introduced, negotiations were announced in Tokyo, Washington, and elsewhere. Then, as the Mills trade bill progressed in the Ways and Means Committee, the Rules Committee, and on the House floor, negotiations were again announced and foreign concessions awaited.

Mr. Speaker, these are stalling tactics. They have become so repetitious as to be absurd. Time is limited, so let the Congress proceed with this urgently needed trade legislation. I again remind the American people that the Mills trade bill is a liberal trade bill which takes into consideration the realities of present-day world trade.

I commend the Finance Committee of the other body for proceeding with this timely legislation which is in the interest of fair trade. And I remind our people that this bill first provides for negotiations with Japan or any other country. It will certainly not be too late after passage of the Mills trade bill to negotiate with our trading partners.

In spite of distortions, misleading propaganda, and repeated announcements of negotiations, this legislation is making progress, and I predict it will become law.

HON. WILLIAM DAWSON

(Mr. BIAGGI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, the passing of our dear colleague from Illinois, Mr. Dawson is truly a mournful occasion. His record of service and position as chairman of the Government Operations Committee has long been a shining example of dedication to a country that permits all citizens to accede to high office.

As a Representative from a major urban center, he was keenly aware of the problems that faced this country when he first came to this body in the early days of World War II. At that time this Nation was in great turmoil and for the blacks of America that turmoil has yet to cease.

During his long years of service, Bill Dawson remained a shining light to those who because of the color of their skin were denied certain rights and privileges in some parts of this country.

During the difficult years of legislative battles over the 1964 and 1965 Civil Rights Act, Bill Dawson was there to see that equal rights were made available to all. And after passage of this monumental legislation, he was there to see that its provisions were enforced.

Now that racial equality is becoming engrained in the fabric of the Nation, he can rest in peace knowing his years of effort have not been wasted. He will always be remembered as a man who fought not just for the rights of his constituents in the First District of Illinois, but for the rights of all Americans regardless of race, creed, or national origin. May his memory be strong in the hearts of those who have yet to share in the many blessings of this land. May his courage give strength to those who will take up the standard he so valiantly carried.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORTS ON H.R. 19877, THE OMNIBUS RIVERS AND HARBORS ACT, AND S. 1, THE UNIFORM LAND ACQUISITION ACT, UNTIL MIDNIGHT DECEMBER 3

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight, Thursday, December 3, to file reports on H.R. 19877, the Omnibus Rivers and Harbors Act and on S. 1, the Uniform Land Acquisition Act.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. GARMATZ. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 375]

Abbitt	Fish	Pickle
Adair	Foley	Pollock
Addabbo	Foreman	Powell
Ashley	Frelinghuysen	Pryor, Ark.
Aspinall	Gallagher	Purcell
Baring	Gilbert	Reifel
Berry	Green, Oreg.	Reuss
Biester	Hanna	Robison
Blatnik	Hébert	Rooney, N.Y.
Bolling	Henderson	Rosenthal
Brock	Jarman	Roudebush
Burton, Utah	Johnson, Pa.	Sandman
Button	Kazen	Satterfield
Byrne, Pa.	King	Saylor
Cabell	Kuykendall	Scheuer
Carney	Landrum	Shriver
Chisholm	Long, La.	Stokes
Clay	Lowenstein	Sullivan
Collins, Ill.	Lujan	Tunney
Collins, Tex.	McClure	Waldie
Cramer	McKneally	Watson
Daddario	Mailliard	Weicker
de la Garza	May	Whalley
Dennis	Meskill	Wiggins
Dowdy	Minshall	Wold
Eckhardt	Morse	Wright
Fallon	Morton	Wyatt
Farbstein	O'Konski	
Fascell	Ottinger	

The SPEAKER. On this rollcall 348 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE LATE HONORABLE RICHARD F. HARLESS

(Mr. RHODES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, it is my sad duty to inform the House of the death of the Honorable Richard F. Harless, who was a Member of the House of Representatives for three consecutive terms, starting in 1943.

During his tenure in the House of Representatives Dick Harless was a member of the Committee on Interstate and Foreign Commerce. He was also one who worked very hard for a firm commitment from the Department of the Interior to support the central Arizona project, which of course has since become authorized, and we now hope will soon be in the process of construction.

Mr. Harless also played an instrumental role in passage of the $40 million Wellton-Mohawk irrigation project in Yuma, Ariz. This was in 1943.

Mr. Speaker, I believe one of Mr. Harless' more noteworthy accomplishments had to do with his abilities as a lawyer, although it occurred during the time he was a Member of the House of Representatives, when he won the right, by trying a lawsuit, for Arizona Indians to vote. He came back from Washington, argued this case before the Arizona Supreme Court, and was successful.

In 1936, Mr. Harless was appointed assistant city attorney in Phoenix, and the following year he was appointed assistant attorney general of Arizona. He was elected Maricopa County attorney in 1938 and 1940.

During his third term in Congress Mr. Harless was very active in establishing aviation facilities and creating international air treaties.

After his political career was ended, Mr. Harless resumed his practice of law quite successfully. He was also a tireless and dedicated civic leader, who will be missed by his community.

Dick Harless is survived by his wife, Meredith, and by a son, Glen.

I am sure that all of the Members of the House, and particularly those who served with Mr. Harless, join Mrs. Rhodes and me in sending our condolences and our expressions of sorrow to Mrs. Harless and to Glen Harless.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I was saddened to hear of the death of our colleague, the late Honorable Richard F. Harless. I knew him well, and I wish to join in the tribute which our distinguished colleague, the gentleman from Arizona (Mr. RHODES) is paying to him and to his public service, and the quality of his work here in the House of Representatives.

He was a fine person, a very distinguished legislator, and a great American.

Mrs. Albert and I join in extending our sympathies to his family.

DERWINSKI CALLS FOR END OF BUCKPASSING ON ASYLUM INCIDENT

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, an end of the buckpassing routine between Coast Guard authorities and the State Department in the incident of the Lithuanian seaman who sought asylum on the Coast Guard *Vigilant* but was forcibly returned to his ship by the Communists with the acquiescence of U.S. personnel is in order.

It is my opinion that this incident gives the Soviet Union a tremendous propaganda weapon. Therefore, the culprits in this case, whether in the Coast Guard or the State Department, must be ascertained. Their participation should be reviewed in light of regulations and orders now in effect and prompt action lodged against them.

I have contacted the White House and State Department on this subject, called for a strong reaffirmation of the U.S. policy of granting political asylum to escapees from Communist-dominated areas.

It is obvious from this incident that personnel in all departments and agencies that might, under any circumstances, be involved in a situation such as this be at all times aware of our national policy of granting political asylum to individuals or groups fleeing Communist tyranny.

This incident also dramatizes the oppressive life under which captives of communism must live. The would-be escapee, a Lithuanian seaman, typifies the non-Russian captive within the Soviet empire. Even though the handling of this incident was deplorable, further attention is properly being focused on conditions within the U.S.S.R. that causes thousands of people to seek asylum in the free world each year.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. Hydrochloric acid is used in large quantities in many industrial processes. The United States is by far the world's largest producer of hydrochloric acid. 1968 production was 1,574,200 metric tons for the United States compared to 473,600 for West Germany, second ranked.

PROVIDING FOR DISTRICT COURT TO BE HELD AT WESTBURY, N.Y.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 18126) to amend title 28 of the United States Code to provide for holding district court for the eastern

district of New York at Westbury, N.Y., with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 1, after line 6, insert:

"SEC. 2. That the last sentence of section 104(b)(4) of title 28 of the United States Code is amended to read as follows:

" 'Court for the southern division shall be held at Biloxi and Gulfport.'

"SEC. 3. That the last sentence of section 104(b)(3) of title 28, United States Code, is amended to read as follows:

" 'Court for the western division shall be held at Natchez and Vicksburg: *Provided*, That court shall be held at Natchez if suitable quarters and accommodations are furnished at no cost to the United States.'

"SEC. 4. That section 100 of title 28, United States Code, is amended to read as follows:

" '§ 100. Maryland

" 'Maryland constitutes one judicial district.

" 'Court shall be held at Baltimore, Cumberland, Denton, and at a suitable site in Prince Georges County not more than five miles from the boundary of Montgomery and Prince Georges Counties.' "

The SPEAKER. Is there objection to the request of the gentleman from New York (Mr. CELLER)?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR FURTHER EXPENSES FOR STUDIES, INVESTIGATIONS AND INQUIRIES AUTHORIZED BY HOUSE RESOLUTION 192

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 1644) on the resolution (H. Res. 1239) to provide funds for the further expenses for the studies, investigations, and inquiries authorized by House Resolution 192, and ask for immediate consideration of the resolution.

The Clerk read the resolution as follows:

H. RES. 1239

Resolved, That the further expenses for the studies, investigations, and inquiries authorized by H. Res. 192, incurred by the Committee on Science and Astronautics, acting as a whole or as a duly authorized subcommittee, not to exceed $15,000, including expenditures for employment, travel, and subsistence of attorneys, experts, and consultants (including personnel of the Library of Congress performing services on reimbursable detail) and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Science and Astronautics shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I reserve the right to object in order to ask the gentleman a question concerning this resolution. Is the $15,000 in addition to appropriations already made to the committee and, if so, why another $15,000 to the committee.

Mr. HAYS. The answer to the gentleman's question is that it is an addition to what they already had. They have had more hearings and more investigations than were expected and they came before the subcommittee and asked for an additional $15,000. In the opinion of the subcommittee, it was justified and it was reported to the full committee unanimously. An explanation was given to them and they unanimously reported it out.

Mr. GROSS. I note that there is a travel provision in the resolution. Would the $15,000 be for the purpose of traveling?

Mr. HAYS. No, it is my understanding there has already been some traveling done and this is the end. I cannot envision any committee doing any traveling between now and the new Congress because their money really runs out on the 3d of January. They cannot do any traveling between the 3d of January and before we get back unless they use their own money. They cannot use any appropriated funds.

Mr. GROSS. But what about travel between now and January 3d?

Mr. HAYS. I cannot envision traveling anywhere except home for Christmas. But Members have to be here to keep a quorum here.

Mr. GROSS. I thank the gentleman.

The SPEAKER. Is there objection to request of the gentleman from Ohio (Mr. HAYS)?

There was no objection.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING EXPENDITURES INCURRED BY THE SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES TO BE PAID FROM THE CONTINGENT FUND OF THE HOUSE

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–1465) on the resolution (H. Res. 1262) authorizing expenditures incurred by the Special Committee To Investigate Campaign Expenditures to be paid from the contingent fund of the House, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1262

Resolved, That the expenses of conducting the investigation authorized by H. Res. 1062, Ninety-first Congress, incurred by the Special Committee To Investigate Campaign Expenditures, 1970, acting as a whole or by subcommittee, not to exceed an additional $15,000, including expenditures for employment of experts, special counsel, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by said committee, signed by the chairman of the committee, and approved by the Committee on House Administration.

SEC. 2. The official stenographers to committees may be used at all hearings held in the District of Columbia if not otherwise engaged.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING ADDITIONAL FUNDS FOR THE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–1646), on the resolution (H. Res. 1274) providing additional funds for the Committee on the District of Columbia, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1274

Resolved, That, effective January 3, 1969, the further expenses of the studies and investigations to be conducted pursuant to H. Res. 76 by the Committee on the District of Columbia, acting as a whole or by subcommittee, not to exceed an additional $10,000, including expenditures for the employment of investigators, attorneys, and experts, and clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized and signed by the chairman of such committee and approved by the Committee on House Administration.

SEC. 2. The chairman, with the consent of the head of the department or agency concerned, is authorized and empowered to utilize the reimbursable services, information, facilities, and personnel of any other departments or agencies of the Government.

SEC. 3. The official committee reporters may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

SEC. 4. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on the District of Columbia shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 5. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TELEPHONE, TELEGRAPH, AND RADIOTELEGRAPH ALLOWANCES OF MEMBERS, HOUSE OF REPRESENTATIVES, AND RESIDENT COMMISSIONER, PUERTO RICO

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Report No. 91–1647) on the resolution (H. Res. 1270) relating to telephone, telegraph, and radiotelegraph allowances of Members of the House of Representatives and the Resident Commissioner from Puerto Rico, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1270

Resolved, That, until otherwise provided by law, effective on the date of adoption of this resolution, for the purposes of subsection (b) of House Resolution 901, Eighty-ninth Congress, as enacted into permanent law by the Supplemental Appropriation Act, 1967 (80 Stat. 1064; Public Law 89–697; 2 U.S.C. 46g), relating to telephone, telegraph, and radiotelegraph allowances of Members of the House of Representatives and the Resident Commissioner from Puerto Rico—

(1) the words "seventy thousand", wherever occurring therein, shall be held and considered to read "eighty thousand";

(2) the words "one hundred and forty thousand", wherever occurring therein, shall be held and considered to read "one hundred and sixty thousand"; and

(3) the words "Eighty-ninth Congress" shall be held and considered to read "Ninety-first Congress".

The contingent fund of the House of Representatives is made available to carry out the purposes of this resolution.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. Mr. Speaker, I think I shall point out that there was opposition in the committee on this resolution by those who felt that at a time when we are trying to control inflation, we ought to hold down our expenses. I thought it would be well for the House to know that this resolution was not passed by unanimous consent.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Ohio yield?

Mr. HAYS. I am glad to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I was consulted late this morning about the prospective action of the committee in reference to House Resolution 1270 and House Resolution 1276, that latter, I presume, will be brought up subsequently. I do have grave reservations about the desirability of considering both of matters at the present time. I do support those who in the committee this morning raised the questions which I think are perfectly legitimate and proper. It seems to me that rather than take action on them now, it would be far wiser to let the new Congress in its wisdom pass judgment on the need and necessity for these particular proposals in 1971 and subsequent.

Mr. HAYS. Mr. Speaker, I would like to say to the gentleman, by way of explanation, that there were three resolutions before the committee. The committee, upon my motion, decided not to act on the postal resolution because we thought it would be advisable to wait until the new postal organization decides what the increased postage rates should be.

Let me say to the gentleman on the telephone amounts, this Member has plenty of telephone allowance left, a surplus, as a matter of fact. Some Members do not. I have made a study of this to a small degree. I find that the closer the Member's district is to Washington—and this is not ironclad, but it is a general rule—the more people call him and the more he must use the allowance. If he only calls Winchester, Va., it is a minute, the same as if he called to Los Angeles, Calif. I find that some of the Members from close-by districts have used up their money. This is not an exorbitant amount of increase. It is only 10,000 units, but it boils down to 2,500 minutes on the long-distance telephone, or divided by 12, it is 200 units a month, which divided again, is 50 or 60 calls more than he gets now. A great many of us are not using this and are turning it back. I think it would balance out. I think the additional cost to the Government will be really insignificant. I thought, to help those Members who are in trouble and especially in the districts where their phones are used more than they are, perhaps, in my district or in the gentleman's district, that I would go along with it. I think we ought to pass it. I think it is a minimum amount.

On the next resolution, I will discuss that when it comes up.

I will yield further if the gentleman wishes me to.

Mr. GERALD R. FORD. Mr. Speaker, I think it is premature because I think in the main this particular benefit will be for the benefit of the next Congress. In the meantime we would have an opportunity to make a deeper study into the need and the necessity.

On the other hand, I believe Members should have fully adequate resources to give excellent service to their constituents. I think that is of utmost importance. I am just concerned about the timing and the adequacy of the justification at this time.

Mr. HAYS. I am not being political when I say this, because I made the same comment when my own party was in power. The thing that irks me is that any bureaucrat downtown of any rank whatever can pick up the phone and call any place he wants to and talk as long as he wants to with no restriction. The Congress of the United States is the only place in the Federal Government where we limit it. The Supreme Court does not have it, and the executive does not have it. The Congress is the only place where we voluntarily try to limit ourselves and control the use of the phone.

I think this is a modest increase. I, for one, as I say, am not in need of it, but I will defend it. I am handling the bill on the floor, and I am willing to take whatever flack comes from that, because I think it is obviously justified in view of the way we treat the bureaucracy and the fact that we do have a limitation and strictly adhere to it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, there is a way to get at the bureaucrats downtown, and that is through the purse, through the appropriation bills. If they are abusing the use of the telephone system that is the way to get at it. But that hardly justifies an increase insofar as Members of Congress are concerned. I believe this increase is unjustified.

Mr. HAYS. I am sorry the gentleman feels that way. I think if he studied it in depth, he might feel a little different.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 187, nays 164, not voting 83, as follows:

[Roll No. 376]

YEAS—187

Adams	Chamberlain	Friedel
Albert	Chappell	Fulton, Pa.
Alexander	Chisholm	Fulton, Tenn.
Anderson, Tenn.	Clark	Fuqua
	Clay	Garmatz
Annunzio	Cohelan	Gettys
Ashley	Collins, Ill.	Giaimo
Ayres	Conyers	Gibbons
Barrett	Corman	Gonzalez
Bell, Calif.	Culver	Gray
Blaggi	Cunningham	Green, Pa.
Bingham	Daniels, N.J.	Griffiths
Boggs	Davis, Ga.	Gubser
Boland	Delaney	Hagan
Brademas	Dent	Halpern
Brasco	Derwinski	Hamilton
Brinkley	Dingell	Hanley
Brock	Donohue	Hansen, Idaho
Brooks	Eckhardt	Harrington
Brown, Calif.	Edmondson	Hathaway
Broyhill, Va.	Edwards, Calif.	Hawkins
Burke, Mass.	Edwards, La.	Hays
Burleson, Tex.	Eilberg	Hechler, W. Va.
Burlison, Mo.	Feighan	Heckler, Mass.
Burton, Calif.	Findley	Helstoski
Caffery	Flood	Henderson
Carey	Flynt	Hicks
Carney	Foley	Holifield
Carter	Ford, William D.	Horton
Casey	Fraser	Howard
Celler		Hungate

Ichord	Morse	Rooney, Pa.
Jarman	Moss	Rosenthal
Johnson, Calif.	Murphy, Ill.	Rostenkowski
Karth	Murphy, N.Y.	Roybal
Kastenmeier	Nedzi	Ruppe
Kee	Nix	Ryan
Keith	Obey	St Germain
Kluczynski	O'Hara	Scheuer
Koch	Olsen	Shipley
Leggett	O'Neal, Ga.	Sikes
Lennon	O'Neill, Mass.	Sisk
Long, Md.	Ottinger	Slack
Lukens	Passman	Smith, Iowa
McCarthy	Patman	Staggers
McCulloch	Patten	Steed
McDonald, Mich.	Pepper	Stephens
	Perkins	Stokes
McEwen	Philbin	Stuckey
McFall	Podell	Teague, Calif.
McMillan	Pollock	Teague, Tex.
Macdonald, Mass.	Preyer, N.C.	Thompson, N.J.
	Price, Ill.	Tiernan
Madden	Pryor, Ark.	Udall
Matsunaga	Pucinski	Ullman
Meeds	Rees	Vanik
Mikva	Reid, N.Y.	Waggonner
Miller, Calif.	Reuss	Watts
Mills	Rivers	Williams
Minish	Roberts	Wolff
Mink	Rodino	Wydler
Mollohan	Roe	Yates
Moorhead	Rogers, Colo.	Young
Morgan	Rooney, N.Y.	

NAYS—164

Abernethy	Ford, Gerald R.	Pirnie
Anderson, Calif.	Forsythe	Poage
	Fountain	Poff
Anderson, Ill.	Frey	Price, Tex.
Andrews, N. Dak.	Galifianakis	Quie
	Gaydos	Quillen
Arends	Goldwater	Railsback
Ashbrook	Goodling	Randall
Beall, Md.	Griffin	Rarick
Belcher	Gross	Reid, Ill.
Bennett	Grover	Rogers, Fla.
Betts	Gude	Roth
Blackburn	Haley	Roudebush
Bow	Hall	Rousselot
Bray	Hammer-schmidt	Ruth
		Satterfield
Broomfield	Harsha	Schadeberg
Brotzman	Harvey	Scherle
Brown, Mich.	Hastings	Schmitz
Brown, Ohio	Hosmer	Schneebeli
Broyhill, N.C.	Hull	Schwengel
Buchanan	Hunt	Scott
Burke, Fla.	Hutchinson	Sebelius
Bush	Jacobs	Skubitz
Byrnes, Wis.	Jonas	Smith, Calif.
Cabell	Jones, N.C.	Smith, N.Y.
Camp	Jones, Tenn.	Snyder
Cederberg	Kleppe	Springer
Clancy	Kyl	Stafford
Clausen, Don H.	Kyros	Stanton
	Landgrebe	Steele
Clawson, Del	Latta	Steiger, Wis.
Cleveland	Lloyd	Stratton
Collier	Lowenstein	Stubblefield
Colmer	McClory	Taft
Conable	McCloskey	Talcott
Conte	McDade	Taylor
Corbett	MacGregor	Thompson, Ga.
Coughlin	Mahon	Thomson, Wis.
Cowger	Mann	Van Deerlin
Crane	Marsh	Vigorito
Daniel, Va.	Martin	Wampler
Davis, Wis.	Mathias	Ware
Dellenback	Mayne	Weicker
Denney	Miller, Ohio	Whalen
Devine	Minshall	White
Dorn	Mizell	Whitehurst
Downing	Monagan	Whitten
Dulski	Montgomery	Widnall
Duncan	Mosher	Winn
Dwyer	Myers	Wylie
Edwards, Ala.	Natcher	Wyman
Erlenborn	Nelsen	Yatron
Esch	Pelly	Zablocki
Eshleman	Pettis	Zion
Evans, Colo.	Pike	Zwach
Fisher		

NOT VOTING—83

Abbitt	Blanton	de la Garza
Adair	Blatnik	Dennis
Addabbo	Bolling	Dickinson
Andrews, Ala.	Burton, Utah	Diggs
Aspinall	Button	Dowdy
Baring	Byrne, Pa.	Evins, Tenn.
Berry	Collins, Tex.	Fallon
Bevill	Cramer	Farbstein
Biester	Daddario	Fascell
Fish	Lujan	Sandman
Flowers	McClure	Saylor
Foreman	McKneally	Shriver
Frelinghuysen	Mailliard	Steiger, Ariz.
Gallagher	May	Sullivan
Gilbert	Melcher	Symington
Green, Oreg.	Meskill	Tunney
Hanna	Michel	Vander Jagt
Hansen, Wash.	Mize	Waldie
Hébert	Morton	Watson
Hogan	Nichols	Whalley
Johnson, Pa.	O'Konski	Wiggins
Jones, Ala.	Pickle	Wilson, Bob
Kazen	Powell	Wilson, Charles H.
King	Purcell	
Kuykendall	Reifel	Wold
Landrum	Rhodes	Wright
Langen	Riegle	Wyatt
Long, La.	Robison	

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

STATIONERY ALLOWANCE FOR MEMBERS, HOUSE OF REPRESENTATIVES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 97–1648) on the resolution (H. Res. 1276) relating to the stationery allowance for Members of the U.S. House of Representatives, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1276

Resolved, That, until otherwise provided by law, in addition to any amounts authorized by law, there shall be paid from the contingent fund of the House of Representatives an additional allowance for stationery of $500. Such payment shall be made to each Member and the Resident Commissioner from Puerto Rico.

SEC. 2. The contingent fund of the House of Representatives is made available to carry out the purposes of this resolution.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. Mr. Speaker, I just want to point out that there were minority members on the committee who opposed this resolution for the same reasons we opposed the one just voted, so the same argument against this bill can be made for this resolution. They are confirmed by our leader, that is all I have to say on the question.

Mr. HAYS. Mr. Speaker, I should like to point out for the benefit of the Members that there was opposition to this, but not as much as there was on the telephone allowance. I do not know why.

It seems to me that the resolution is justified, in the fact that stationery costs have gone up. Every Member of Congress is serving more people, with very few exceptions, than he was serving 2, 4, or 6 years ago. As a matter of fact, according to the new census figures, each district will have roughly 50,000 to 60,000 more constituents than now.

Again I do not have any wish to be political, but I read in the paper that the cost downtown for the White House alone has almost doubled.

This is a very modest increase. It is about what has been allowed in additional costs of stationery. I believe the resolution should be agreed to.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Pennsylvania.

AMENDMENT OFFERED BY MR. DENT

Mr. DENT. Mr. Speaker, I offer an amendment.

Mr. HAYS. Mr. Speaker, I yield to the gentleman for the purpose of offering an amendment.

The Clerk read as follows:

Amendment offered by Mr. DENT: On line 4, after the figure "$500." insert "upon request."

The amendment was agreed to.

The SPEAKER. The question is on the resolution, as amended.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KYL. Mr. Speaker, on that I demand the yeas and nays.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. Under the rules of the House are the yeas and nays in order on amendments to such a resolution?

The SPEAKER. The amendment has been agreed to. The question is on the resolution, as amended.

Mr. HAYS. Mr. Speaker, I had promised to yield to the gentleman from Illinois (Mr. DERWINSKI) before we voted, and I hope the Speaker will permit me to keep that promise.

The SPEAKER. Without objection, the action taken subsequent to the amendment being agreed to will be vacated.

There was no objection.

The SPEAKER. The gentleman from Ohio yields to the gentleman from Illinois.

Mr. DERWINSKI. I thank the gentleman from Ohio.

Mr. Speaker, I noted there was earlier reference to the fact that this resolution accidentally has become a majority and minority issue. I do not believe the line should be drawn quite that way. I personally believe the gentleman from Ohio made a sound argument for the previous resolution, and that he was quite logical in presenting this resolution. The amendment offered by the gentleman from Pennsylvania, I believe, is sound.

At the risk of losing my standing in the minority, I supported the previous resolution and I intend to support this one.

Mr. HAYS. I thank the gentleman from Illinois.

Mr. Speaker, I yield to the gentleman from Pennsylvania briefly.

Mr. DENT. Mr. Speaker, in order that the Members may know what we are voting on, I offered an amendment. The amendment is a very logical way in which to handle such delicate matters that come before the House.

I have just offered an amendment

which makes it possible to take care of Members in the group who happen to live in the kind of district where they have to expend more money than other Members, because of the manner in which their district is made up.

As an example, I have to reach my constituents with reports and letters. I do not have a big cosmopolitan city. I represent a lot of little rural communities.

All we are saying is that this money, the $500 additional, is not available to any Member of Congress unless he requests it. Those who do not want it do not need to take it.

Mr. HAYS. Mr. Speaker, what this really does is make it available to those Members who want it and those who say they need it. Those who do not want it, and do not need it, do not have to take it. It is a very salutary amendment. I think the resolution ought to be passed without any further discussion.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

Mr. KYL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF "HEARINGS RELATING TO VARIOUS BILLS TO REPEAL THE EMERGENCY DETENTION ACT OF 1950"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–1649) on the concurrent resolution (H. Con. Res. 788) authorizing the printing of additional copies of "Hearings Relating to Various Bills To Repeal the Emergency Detention Act of 1950," 91st Congress, second session, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. Con. Res. 788

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Internal Security two thousand additional copies of the publication entitled "Hearings Relating to Various Bills To Repeal the Emergency Detention Act of 1950," Ninety-first Congress, second session.

With the following committee amendment:

On page 1, line 3, strike out "two" and insert in lieu thereof "three".

The committee amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TO PROVIDE FOR THE PRINTING OF THE PRAYERS OFFERED BY THE CHAPLAIN AS A HOUSE DOCUMENT

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–1650) on the concurrent resolution (H. Con. Res. 789) to provide for the printing of the prayers offered by the Chaplain as a House document, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. Con. Res. 789

Resolved by the House of Representatives (the Senate concurring), That the prayers offered by the Chaplain, the Reverend Edward Gardiner Latch, D.D., L.H.D., at the opening of the daily sessions of the House of Representatives of the United States during the Eighty-ninth, Ninetieth, and Ninety-first Congresses, be printed, with appropriate illustration, as a House document, and that one thousand additional copies be printed and bound for the use of the House of Representatives, to be distributed by the Chaplain of the House of Representatives.

With the following committee amendment:

On page 1, line 7, strike out "one" and insert in lieu thereof "three".

Mr. HALL. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. DENT. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding. I have heard the Clerk read this resolution, and I want it clearly understood that I have not the slightest objection to the printing of the Chaplain's prayers because I would covet one myself and especially today's, but I would ask if copies of this resolution are available and if copies of the previous resolution which was agreed to are available to the Members of the House? I was not able to find a copy, nor hear the last resolution, and now I am not able to find a copy of this resolution.

I just wonder if this is harbinger of things to come during the remainder of this session?

Mr. DENT. By way of explanation, I might say that this concurrent resolution was introduced by the gentleman from Illinois (Mr. Arends) on yesterday and we had to work on it today because I doubt that we will be able to have another full committee meeting before the adjournment of the Congress. I have cleared this with the gentleman from Illinois (Mr. Arends), and at the request of many Members like the gentleman himself, who said he would like to have a copy of these prayers, we amended the resolution to make available 3,000 extra copies, increasing it from 1,000 to 3,000, with the understanding that there will be available to Members at least as many as 2,000 copies.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I appreciate the gentleman's explanation and the modus operandi, but I do think some statement is in order to the Members. Does the same general principle apply to the last privileged resolution that we accepted by unanimous consent?

Mr. DENT. Yes. I am always ready to explain what is in them, but I cannot be responsible for having them printed between the time committee action is taken in the committee as it was taken today and the time when the House meets at 12 o'clock.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILIGED REPORTS

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore (Mr. Price of Illinois). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

THE HOUSING AND URBAN DEVELOPMENT ACT OF 1970

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1271 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1271

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19436) to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 3, Rule XIII and clause 4, Rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. Price of Illinois). The gentleman from Tennessee (Mr. Anderson) is recognized for 1 hour.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. Martin) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1271 provides an open rule with 2 hours of general debate for consideration of H.R. 19436, the Housing and Urban Development Act of 1970. The resolution further provides that the bill shall be read for

amendment by titles instead of by sections and that all points of order are waived for failure to comply with the provisions of clause 3, rule XIII—the Ramseyer rule—and clause 4, rule XXI—appropriation in a legislative bill.

The purpose of this bill is to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes.

The legislation would create a Council on Urban Growth to develop a national urban growth policy and advise the President on urban growth problems; establish a Community Development Corporation within HUD to administer a new and expanded program of financial assistance for the development of new communities; provide additional sites for housing, employment, and public facilities by permitting urban renewal projects to involve land or space which, although not "slum or blighted," is economically underutilized or occupied by natural hazards; and provide grants under the open space land program to acquire land to be withheld from development in order to help shape economic and desirable patterns of urban growth.

The Community Development Corporation would provide planning and financial assistance to public and private new community developments; both public and private developers would receive guarantees of their obligations for land acquisition and development. In the case of public developers. guarantees would be made only where their borrowing was not tax exempt; in such cases, the Corporation would provide grant assistance to make up the difference between the market interest rate on the obligation—with the guarantee—and the probable tax-exempt rate; in addition, both public and private developers would receive loans to cover their interest payments for up to 15 years, as needed, until land sales are sufficient in volume to permit repayment without assistance.

The aggregate amount of guarantees would be limited to 650 million; loans to cover interest costs during the early years of projects would be limited to $240 million; and an additional $168 million would be authorized for supplemental grants in connection with federally assisted public facilities through fiscal year 1973.

Mr. Speaker, I urge the adoption of House Resolution 1271 in order that H.R. 19436 may be considered.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Tennessee. I am glad to yield to the gentleman.

Mr. KYL. Mr. Speaker, the gentleman says that points of order have been waived, in one instance as to the Ramseyer rule and in the second as to the rule prohibiting appropriations in an authorizing bill.

Will the gentleman answer this three-part question?

First, how much money is appropriated—for what purpose is it appropriated—and, third, why do we use this process instead of utilizing the normal legislative process?

Mr. ANDERSON of Tennessee. Insofar as the sum provided, I would ask the gentleman to address that question to the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. BARRETT) who brought the legislation forward.

Mr. BARRETT. The sum of the bill totals $7 billion over a 3-year period.

Mr. KYL. Mr. Speaker, will the gentleman yield further?

Mr. ANDERSON of Tennessee. I yield to the gentleman.

Mr. KYL. Is the gentleman from Pennsylvania saying that we are appropriating, in an authorizing bill, $7 billion, and that this appropriation will extend through three Congresses.

Mr. BARRETT. I am not saying that. I am saying it is entirely up to House as to what they decide. I am answering the question the gentleman is asking as to the amount or the total sum that is in the bill. The total sum authorized in the bill is $7 billion.

Mr. KYL. Will the gentleman from Tennessee permit the gentleman from Pennsylvania to clarify this?

Is all of this $7 billion being appropriated here being appropriated through an unusual process under which we must waive rules?

Mr. BARRETT. When it is authorized, it will be appropriated through the usual and proper procedures for appropriations.

Mr. KYL. Why then do we need to waive rules if it is going to go through the regular process?

Mr. BARRETT. The waiver in the rule is done on the basis of the regular and usual process. It is customary that all points of order be waived. We have precedents for this being done and it has been done.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Tennessee. I yield.

Mr. JONAS. I have asked the gentleman to yield so that I may respond to the question of the gentleman from Iowa.

I cannot quite agree with my friend, the gentleman from Pennsylvania, that all of the funds authorized in this bill will go through the appropriation process.

One of the objections I have to the bill is that there is a lot of backdoor spending which does not go through the appropriation process so efforts will be made to amend the bill to require that all appropriations and all expenditures go through the regular appropriation process.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Tennessee. I am glad to yield to the gentleman from Pennsylvania.

Mr. BARRETT. As I have pointed out, there is one section of the bill with relation to Treasury borrowing that contains a practice that has gone on since 1938, and it is also traditional in that category.

Since the gentleman has brought up the subject, I also wish to make the point that there may be some effort made today, in the form of an amendment, to put the Public Housing money through the appropriation processes. I do not object to that if the effort would be held until another time. But I would object to the offer of such an amendment at this time. I think in the next Congress we could agree to hold hearings on the question. I do not know what damage might be done and how the public housing program might be distorted if such action were taken at this time.

In the next Congress, we can sit together and work that out sensibly across the table, and we could warn and admonish everybody in the public housing program that this might happen.

Mr. JONAS. May I say to the gentleman from Pennsylvania that I do not refer to public housing. My reference to backdoor spending refers to the financing of activities of the new corporation which would be created under title I. The financing of that new corporation would be made by the use of Treasury borrowings, which would completely bypass the appropriation process.

Mr. BARRETT. If the gentleman would look further down in the bill, he would find that the administration is recommending research without authorization, which would again be backdoor spending.

Mr. JONAS. May I say I do not care who recommends it. I am not in favor of the appropriation process being abdicated and I am not in favor of backdoor spending or bypassing the regular committees of the House that are set up to supervise the spending programs of the Federal Government.

Mr. BARRETT. I am not opposed to your suggestion.

The SPEAKER pro tempore. The gentleman from Nebraska is recognized for 1 hour.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. MARTIN. Mr. Speaker, House Resolution 1271 provides for 2 hours of debate on H.R. 19436, the Housing and Urban Development Act of 1970. As has been explained, points of order are waived against the bill because of the transfer of funds from one department to another in the bill. Also the Ramseyer rule has not been fully complied with. It is attempted to be complied with in the report, but there are numerous errors of printing in the report, and as a consequence, the Committee on Rules has waived points of order against errors made in the printing of the report.

The Housing and Urban Development Act of 1970 extends authorizations on present programs, and comes up with two major, completely new, programs—the Community Development Corporation to provide both planning and financial assistance to the developers of new communities, and second a completely new program of direct Federal insurance for some property owners. Total authorizations contained in the bill are $7,788,000,000.

Only one program needs an extension of its authorization at the present time, and that is the FHA authority to insure mortgages. This expired October 1, has been extended twice by resolution to December 1, and could easily be extended by resolution to July 1, 1971, and eliminate the need for consideration of this bill in this Congress.

Title I of the bill establishes a new corporation—the Community Development Corporation—which will provide both planning and financial assistance to both private and public developers of new communities.

The Corporation would be authorized to pledge the full faith and credit of the United States to the payment of bonds and other obligations issued to finance land acquisition and land development—which would include both public facilities, such as schools and hospitals, but not the construction of residential, commercial, or industrial buildings—by eligible new community developers. For private developers, the guarantees could run up to 80 percent of land value, and up to 90 percent of the cost of land improvements.

The bill sets a ceiling on the aggregate amount of guarantees at $650 million. Investment loans are authorized to $240 million, with an additional $168 million authorized for supplemental grants for federally assisted public facilities through fiscal 1973.

The bill also creates a Counsel on Urban Growth in the Executive Office of the President. The President has not asked for this, and has this year himself restructured his office to create the Domestic Counsel. Congress should not tell the President who may advise him, and how he is to structure his own Office.

The homeownership program—section 235—and rental assistance program—section 236—are extended to October 1, 1973. Existing authorizations for each program would be increased from $125 million to $150 million beginning with fiscal year 1971, from $170 million to $200 million beginning with fiscal year 1972, and an additional $225 million for 1973 and $250 million for 1974. I will have more to say on these programs later on.

The authorization for the urban renewal program, however, is the champion of them all, as the increase for fiscal year 1972 is $3 billion. This, in the face of projected deficit sof from $12 to $15 billion for the current fiscal year, and probably continuing deficits in fiscal year 1972—this $3 billion increase for urban renewal in the face of these deficits will simply contribute further to inflation and is fiscally unsound.

Funding for public housing is increased by $150 million for 1971, $275 million for 1972, $300 million for 1973, and $350 million for fiscal 1974.

The bill, for the first time, creates a program of direct Federal insurance for property owners located in high risk areas where riots and demonstrations have taken place and the insurance rates have increased considerably. The insurance business has always been regulated at the State level, and handled by private enterprise. This puts the Federal Government, for the first time, into direct competition with and partially supplants private enterprise. This could be the first step toward future expanded activity of the Federal Government in the field of insurance—a field which has been regulated exclusively by the States. This is a very dangerous precedent to set.

In questioning the gentleman from Pennsylvania (Mr. MOORHEAD) in the Rules Committee as to the estimated cost of this program, none was given, or was there any idea as to the total number of applicants for this insurance.

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. Mr. Speaker, as I stated in the Rules Committee, the intention would be to make the premiums sufficient so that there would be no cost to the taxpayer, just as there has been no cost in the riot reinsurance program. Actually, a fund has been built up.

Mr. MARTIN. I believe the gentleman would say that they would be based on the rates and the amount of losses on these policies, and so there are no definite figures as to how many would apply and what cost there would be to the U.S. Treasury.

Mr. MOORHEAD. The intention is that there would be no cost.

Mr. MARTIN. I understand the intention. We have that in many programs, but it does not always work out that way.

Mr. MOORHEAD. I would say in the riot insurance here has been no cost to the taxpayers. A fund of $65 million has been built up.

Mr. BLACKBURN. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Georgia.

Mr. BLACKBURN. Mr. Speaker, does the gentleman in the well think if the writing of this type of insurance would be so lucrative, there would be no need for the Federal Government to write this insurance in the first place?

Mr. MARTIN. That is exactly correct, because private enterprise would take care of the need, since demand would be there and the profit motive would be there for the insurance companies to benefit.

Mr. BLACKBURN. Would the gentleman not agree it is only fair to assume it is anticipated there would be losses under this program over and above the premiums on the cost of administration, and it is anticipated in the bill that the losses would be paid by the taxpayer out of the appropriations process?

Mr. MARTIN. That is correct.

It is interesting to note that immediately after this bill was reported out of the Banking and Currency Committee that the chairman immediately appointed three panels to check into various phases of the current operation of HUD programs. It was stated by the chairman of the subcommittee, Mr. BARRETT of Pennsylvania, in testifying before the Committee on Rules, that there was preliminary evidence that a major scandal was developing in the operation of the 235 housing program. This is the program where the taxpayers subsidize practically all of the interest on the purchase of a new home or already built home. Preliminary investigation has disclosed that "fast buck" real estate operators have purchased rundown residences in the cities that were in deplorable condition for $4,000 to $5,000, done a brief facelifting, and resold them to people who qualified for a 235 loan for from $12,000 to $15,000.

I have also had it called to my attention, Mr. Speaker, that women receiving ADC benefits have qualified and been sold residences under the 235 program and make the payments on those residences out of the ADC and welfare payments that they receive. That is how far this 235 program has gone afield from the original intent of the Congress.

It seems to me that the committee is getting the cart before the horse—that the investigation of improper practices should have been done before the legislation was reported out of committee rather than after.

In construction of low-cost housing for the elderly, the present law provides that the contract may be let in one of two ways—the "conventional" method which provides that an architect be hired by the local housing authority, draw up plans and specifications, advertise for bids, and the bid then going to the lowest responsible bidder. The other method is the so-called "turnkey" method, which provides that a developer will come in and bid, but with each developer figuring the cost of the project based on different plans and different specifications. This leaves room for the manipulation of who receives the contract. It appears that a major scandal could develop in the operation of this program. Let me give you an illustration:

One project received bids, under the turnkey method, with the lowest bid in the amount of $348,100. The second bid was $380,000. The low bidder was told that he did not include everything in his bid which the second bidder had included, although the low bidder met all of the specifications of the local housing authority except for a multiple TV antenna. He was told to add the cost of 14 items which were not included. This brought his bid up to $365,275. He is a completely responsible builder. The second lowest bidder was then allowed to reduce his bid from the $380,000 to $365,275 and the Chicago regional office approved the awarding of this contract to the second lowest bidder. An investigation is currently going on concerning this project which has not as yet been formally approved by the Director of the program here in Washington.

In a GAO investigation which I requested approximately a year and a half ago, one architect had done 38 percent of all the turnkey projects in his State. I have been furnished the name of another individual who seems to have a monopoly on the turnkey projects in another State. Since the turnkey method really eliminates competitive bidding, it opens the door to awarding the contract by negotiation, and favoritism can be involved. The Committee on Banking and

Currency should have checked into this long ago and should eliminate from the law the turnkey method of awarding these contracts.

At the discretion of the Secretary, funds for housing are allocated among seven different housing programs. Two of these programs, of course, include the conventional and turnkey method of construction of low-cost housing for the elderly. Many towns in Nebraska and other States specifically wanted to go the conventional method where the contract is awarded to the lowest responsible bidder, with all bids figured from the same plans and specifications, but have been told that they would have to wait from a year to 2 years if they went the conventional method for lack of funds. It was then suggested by HUD officials that if they would go the turnkey method that there were plenty of funds available, and they could get approval much sooner. This arbitrary allocation of the funds by the Secretary of HUD should be stopped.

Housing starts for October increased 11 percent from October 1969, to 1,550,000 new units for the year. Urban residential vacancy rates are near a 12-year low at present, and as a result building economists predict a 15- to 20-percent increase in new construction in 1971.

Last week the Federal Home Loan Bank Corporation added $1 billion to the mortgage housing market. Yesterday, both the FHA and VA announced reductions in interest rates from 8½ percent to 8 percent. These things will do more to stimulate construction of new homes in the country than all of the housing bills put together.

Only one program in this entire bill has expired, and that is the FHA authority to guarantee loans. This expired October 1, and has been extended twice by 30-day resolutions by the Congress. This could easily be extended to June 30, 1971, so that the FHA could continue its insuring authority. The balance of this bill could then be postponed as far as this Congress is concerned, and the Banking and Currency Committee could go back to work early next year and report out a new housing bill which would benefit from the results of the three current investigations being conducted by the committee.

This procedure I recommend to the House.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLACKBURN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms wil notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 344, nays 22, not voting 68, as follows:

[Roll No. 377]

YEAS—344

Adams	Edmondson	McDade
Addabbo	Edwards, Ala.	McDonald,
Albert	Edwards, Calif.	Mich.
Anderson,	Edwards, La.	McEwen
Calif.	Eilberg	McFall
Anderson, Ill.	Erlenborn	McKneally
Anderson,	Esch	Macdonald,
Tenn.	Eshleman	Mass.
Andrews, Ala.	Evans, Colo.	MacGregor
Andrews,	Evins, Tenn.	Madden
N. Dak.	Feighan	Mahon
Annunzio	Findley	Mann
Arends	Fisher	Marsh
Ashley	Flood	Mathias
Ayres	Flowers	Matsunaga
Barrett	Flynt	Mayne
Beall, Md.	Ford, Gerald R.	Meeds
Belcher	Ford,	Melcher
Bell, Calif.	William D.	Michel
Bennett	Forsythe	Mikva
Betts	Fountain	Miller, Calif.
Bevill	Fraser	Miller, Ohio
Biaggi	Frey	Mills
Bingham	Friedel	Minish
Blanton	Fulton, Pa.	Mink
Boggs	Fulton, Tenn.	Minshall
Boland	Fuqua	Mizell
Brademas	Galifianakis	Mollohan
Brasco	Garmatz	Monagan
Bray	Gaydos	Montgomery
Brinkley	Gettys	Moorhead
Brock	Giaimo	Morgan
Brooks	Gibbons	Morse
Broomfield	Gonzalez	Mosher
Brotzman	Goodling	Moss
Brown, Calif.	Gray	Murphy, Ill.
Brown, Mich.	Green, Pa.	Murphy, N.Y.
Brown, Ohio	Griffin	Myers
Broyhill, N.C.	Griffiths	Natcher
Broyhill, Va.	Grover	Nedzi
Buchanan	Gubser	Nelsen
Burke, Fla.	Gude	Nichols
Burke, Mass.	Hagan	Nix
Burleson, Tex.	Haley	Obey
Burlison, Mo.	Halpern	O'Hara
Burton, Calif.	Hamilton	Olsen
Bush	Hammer-	O'Neal, Ga.
Byrne, Pa.	schmidt	O'Neill, Mass.
Byrnes, Wis.	Hanley	Passman
Cabell	Hansen, Idaho	Patman
Caffery	Hansen, Wash.	Patten
Carey	Harrington	Pelly
Carney	Harsha	Pepper
Carter	Harvey	Perkins
Casey	Hastings	Pettis
Cederberg	Hathaway	Philbin
Chamberlain	Hawkins	Pike
Chappell	Hays	Pirnie
Chisholm	Hébert	Poage
Clancy	Hechler, W. Va.	Podell
Clark	Heckler, Mass.	Poff
Clausen,	Helstoski	Pollock
Don H.	Henderson	Preyer, N.C.
Clay	Hicks	Price, Ill.
Cleveland	Hogan	Price, Tex.
Cohelan	Holifield	Pryor, Ark.
Collier	Horton	Pucinski
Collins, Ill.	Hosmer	Quie
Colmer	Howard	Railsback
Conable	Hull	Randall
Conte	Hungate	Rarick
Conyers	Ichord	Rees
Corbett	Jacobs	Reid, Ill.
Corman	Jarman	Reid, N.Y.
Coughlin	Jones, Ala.	Reuss
Cowger	Jones, N.C.	Rhodes
Culver	Jones, Tenn.	Riegle
Cunningham	Karth	Rivers
Daniel, Va.	Kastenmeier	Roberts
Daniels, N.J.	Kee	Rodino
Davis, Ga.	Keith	Roe
Davis, Wis.	Kleppe	Rogers, Colo.
Delaney	Kluczynski	Rogers, Fla.
Dellenback	Koch	Rooney, N.Y.
Dent	Kyl	Rooney, Pa.
Derwinski	Kyros	Rosenthal
Devine	Langen	Rostenkowski
Dickinson	Latta	Roth
Diggs	Leggett	Roudebush
Dingell	Lennon	Roybal
Donohue	Lloyd	Ruppe
Dorn	Long, Md.	Ruth
Downing	Lowenstein	Ryan
Dulski	Lukens	St Germain
Duncan	McCarthy	Satterfield
Dwyer	McCloskey	Scherle
Eckhardt	McCulloch	Scheuer
Schneebeli	Stratton	Watts
Scott	Stubblefield	Whalen
Sebelius	Stuckey	White
Shipley	Symington	Whitehurst
Sikes	Taft	Widnall
Sisk	Taylor	Williams
Skubitz	Teague, Calif.	Wilson, Bob
Slack	Teague, Tex.	Winn
Smith, Iowa	Thompson, Ga.	Wolff
Smith, N.Y.	Thompson, N.J.	Wydler
Snyder	Thomson, Wis.	Wylie
Springer	Tiernan	Wyman
Stafford	Udall	Yates
Staggers	Ullman	Yatron
Stanton	Van Deerlin	Young
Steed	Vander Jagt	Whitten
Steele	Vanik	Zablocki
Steiger, Ariz.	Vigorito	Zion
Steiger, Wis.	Waggonner	Zwach
Stephens	Wampler	
Stokes	Ware	

NAYS—22

Abernethy	Gross	Quillen
Alexander	Hall	Rousselot
Ashbrook	Hunt	Schadeberg
Blackburn	Hutchinson	Schmitz
Camp	Jonas	Smith, Calif.
Clawson, Del	Landgrebe	Talcott
Crane	McMillan	
Denney	Martin	

NOT VOTING—68

Abbitt	Foreman	Ottinger
Adair	Frelinghuysen	Pickle
Aspinall	Gallagher	Powell
Baring	Gilbert	Purcell
Berry	Goldwater	Reifel
Biester	Green, Oreg.	Robison
Blatnik	Hanna	Sandman
Bolling	Johnson, Calif.	Saylor
Bow	Johnson, Pa.	Schwengel
Burton, Utah	Kazen	Shriver
Button	King	Sullivan
Celler	Kuykendall	Tunney
Collins, Tex.	Landrum	Waldie
Cramer	Long, La.	Watson
Daddario	Lujan	Weicker
de la Garza	McClory	Whalley
Dennis	McClure	Wiggins
Dowdy	Mailliard	Wilson,
Fallon	May	Charles H.
Farbstein	Meskill	Wold
Fascell	Mize	Wright
Fish	Morton	Wyatt
Foley	O'Konski	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mrs. Sullivan with Mr. Bow.

Mr. Johnson of California with Mr. Robison.

Mr. Aspinall with Mr. Johnson of Pennsylvania.

Mr. Celler with Mr. Frelinghuysen.

Mr. Pickle with Mr. Burton of Utah.

Mrs. Green of Oregon with Mr. Fish.

Mr. Purcell with Mr. King.

Mr. Hanna with Mr. Goldwater.

Mr. Daddario with Mr. Lujan.

Mr. Blatnik with Mr. Adair.

Mr. Long of Louisiana with Mr. Foreman.

Mr. Charles H. Wilson with Mr. Mailliard.

Mr. Wright with Mr. Berry.

Mr. Gallagher with Mr. Button.

Mr. Fascell with Mr. Kuykendall.

Mr. Foley with Mr. Biester.

Mr. de la Garza with Mr. Collins of Texas.

Mr. Baring with Mr. Cramer.

Mr. Abbitt with Mr. Dennis.

Mr. Landrum with Mr. McClure.

Mr. Kazen with Mr. McClory.

Mr. Tunney with Mrs. May.

Mr. Waldie with Mr. Meskill.

Mr. Ottinger with Mr. Mize.

Mr. Fallon with Mr. Morton.

Mr. Dowdy with Mr. O'Konski.

Mr. Gilbert with Mr. Reifel.

Mr. Weicker with Mr. Sandman.

Mr. Watson with Mr. Saylor.

Mr. Farbstein with Mr. Schwengel.

Mr. Wiggins with Mr. Shriver.

Mr. Wyatt with Mr. Smith of New York.

Mr. Whalley with Mr. Wold.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. BARRETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19436) to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19436, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. BARRETT) will be recognized for 1 hour, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, I yield myself such time as I may consume.

(Mr. PATMAN (at the request of Mr. BARRETT) was granted permission to extend his remarks at this point in the RECORD.)

Mr. PATMAN. Mr. Chairman, H.R. 19436, the Housing and Urban Development Act of 1970, represents the Congress response in aiding this country to achieve the housing goals of providing 26 million units of housing over the next 10 years. This bill was reported out of the Committee on Banking and Currency by a vote of 24 to 4, and represents a bipartisan effort of meeting the housing needs of this Nation. We all know that the high-interest tight-money policy of the present administration has almost brought the housing industry to a halt. This fruitless policy has cut off mortgage credit market from the middle-income families of the United States, has driven up the costs of operating Federal Government housing subsidy programs, and has made it more difficult for our local communities around the country from financing their efforts at dealing with the critical urban problems that this Nation is faced with today. We have not tried to provide all the assistance in this bill that many groups have testified that they so urgently need. We realize that our resources are limited, due mostly to high-interest rates and tight money. But, I believe that in reporting out this bill, the Committee on Banking and Currency has taken some major steps in dealing with the critical problems facing this country in providing urgently needed housing for the urban, suburban, and rural development needs.

H.R. 19436 is the product of over a year and a half's work by the Committee on Banking and Currency. It provides for two new programs: First, a new urban growth and new community development program and second, a new program of Federal crime and property insurance for urban areas when private insurance rates are beyond reasonable levels for homeowners and small businessmen. The bill would also authorize $7 billion over a 4-year period for the Federal Government's housing and urban development programs. This authorization figure, although it appears very large, represents as your committee's attempt to meet our housing goals, which we, the Congress, established 2 years ago. We all know that we have fallen way behind in the goals that we set for ourselves in 1968, and this bill barely attempts to keep up with our housing goals.

URBAN GROWTH AND NEW COMMUNITY DEVELOPMENT

Title I of the bill would create a council on urban growth in the executive office of the President. This council would consist of the Secretary of Housing and Urban Development and three members appointed by the President. This council would develop a national urban growth policy and advise the President on difficult problems of planning for orderly urban growth. We believe that such a Presidential-appointed council with a high degree of visibility and influence is the most effective mechanism available to insure a continuing concern with the many problems involved in encouraging reasonable and orderly growth policy, particularly the task of evaluating overall Federal efforts which have impact on that growth. This title would also establish a community development corporation within the Department of Housing and Urban Development to administer a new program of financial assistance for the development of new communities. One-hundred-percent guarantees of obligations for land acquisition and development would be available to public developers, and up to 80 percent of land value and 90 percent for improvements would be available for private developers to cover interest payments for up to 15 years. The aggregate amount would be limited to $240 million and an additional $168 million would be available for supplemental grants for federally assisted public facilities through 1973.

This new far-reaching program will go a long way at providing the assistance that is needed in order to promote the development of new cities and new communities all over this country. I would like to take this opportunity to congratulate the distinguished Member from Ohio (Mr. ASHLEY), for his long and hard work at developing this innovative and far-sighted program.

MORTGAGE CREDIT

Title II of H.R. 19436 would extend all of the Federal Housing Administration's programs to October 1, 1971, except for sections 235 and 236, and rent supplements would be extended to October 1, 1973. We have authorized over a 4-year period $530 million each for sections 235 and 236 programs, and $235 million for rent supplements. This title would also authorize the use of dormitory-type housing—shared facilities housing—under the 236 rental housing program and the rent supplement program.

There is also a provision in this title which would permit section 236 rental assistance payments for rental or cooperative housing projects financed under a State or local program, even if they were started before the passage of the 1968 Housing Act. This provision seeks to aid those States who have taken the initiative in providing housing assistance for their citizens.

There is a provision in this title which would amend section 242 of the National Housing Act to increase from $25 million to $50 million, the maximum insurable mortgage amount covering a hospital.

A very important section of this title, I believe, is the provision which would direct moneys that are in the various insurance and reserve funds relating to the FHA mortgage insurance operations that are not needed for current operations be invested to the maximum extent feasible in bonds or other obligations, the proceeds of which will be used to support directly the residential mortgage market. We have already taken action here in the House on a similar bill which would make use of the reserve funds of the veterans life insurance program to be invested in VA mortgages.

URBAN RENEWAL AND HOUSING ASSISTANCE

Title III of the bill would increase the amount of grant funds available for urban renewal and other activities by $3 billion for fiscal year 1972 and would also reserve not less than 35 percent of the funds available for renewal activities in fiscal year 1972 for the neighborhood development program.

This title would also increase the authorization for annual contribution contracts under the public housing program by a $150 million upon enactment, by $75 million for fiscal year 1972, $300 million for fiscal year 1973, and $350 million for fiscal year 1974. There are no funds at the present time available for the public housing annual contribution contracts. I have been receiving inquiries from many members regarding the need for this additional $150 million for the current fiscal year.

There is a provision in this title that would require at least 30 percent public housing units with funds authorized by this bill and subsequent bills shall be units in private dwellings leased under the section 23 leased housing program. This important provision was offered by the gentleman from New Jersey (Mr. WIDNALL) and has my strong support.

Finally, this title would authorize the Secretary of Housing and Urban Development to provide financial assistance for dormitory-type housing—shared facilities housing—under the public housing program.

MODEL CITIES AND METROPOLITAN DEVELOPMENT

This title would authorize an additional $500 million in grant authority for the model cities program for fiscal year 1972. To date, some 150 cities have been selected for model cities assistance, and this authorization seeks to provide them the assistance that was promised in the 1966 Housing Act. There is also

additional authorizations for the comprehensive planning program—$30 million—the basic water and sewer facilities program—$500 million—and the neighborhood facilities program—$50 million—for fiscal year 1972.

CONSOLIDATION OF OPEN-SPACE LAND PROGRAMS

This title would rewrite title VII of the Housing Act of 1961 to consolidate and improve the HUD programs that assist in the acquisition of open-space land, urban beautification, and historic preservation. This provision was proposed by the administration.

RESEARCH AND TECHNOLOGY

This title would consolidate and improve the numerous HUD authorities which establish research and demonstration programs. This provision would substitute a single general authorization for many of these separate, confusing, and frequently overlapping authorities. This title was recommended by the administration.

URBAN PROPERTY INSURANCE AND CRIME INSURANCE

This provision, which resulted from the outstanding work of the gentleman from Illinois (Mr. ANNUNZIO) provides for the direct Federal writing of all essential property insurance if first, at the determination of the Secretary, no basic property insurance is available, or two, if the premium rates of basic property insurance exceeds the State manual rate by 175 percent, the Secretary of Housing and Urban Development will be authorized to write essential property insurance directly. This coverage would be limited to $25 thousand on a single-family structure, and a million dollars on manufacturing and commercial structures. Colleges and universities would be eligible for this direct Federal writing of basic property insurance.

Another provision of this title would set up within the Federal Insurance Administration in HUD an office of review and compliance in order to assure that the operation of this new program and the operation of the State FAIR plans are operating in compliance with the provisions of this new title.

RURAL HOUSING

This title would liberalize the provisions of title V of the Housing Act of 1949 to make more effective the Farmers Home Administration program to provide housing for domestic farm labor by increasing the amount of grant under the section 516 program from 66⅔ percent to 90 percent of total cost development.

This title would also raise the dollar limitations on special loans for minor improvements under the section 504 program. This provision would increase $1,500 to $2,500 the amount of loans that can be made for home improvements. This limit may be raised to $3,500 where the repairs are needed to bring the dwelling up to acceptable levels of living.

There is a provision in this title that would raise the maximum size of the rural rental housing loans from $300 thousand to $500 thousand.

Finally, this title would authorize the Farmers Home Administration to make its programs available to those towns with populations up to 10,000, an increase over the present population limit of 5,500.

MISCELLANEOUS

This title contains numerous miscellaneous amendments to the bill. A provision is included that would authorize the Secretary of Housing and Urban Development to provide, or to guarantee any bid payment or performance bond applied for, by, or on behalf of a construction contractor. The Secretary would be authorized to make an appropriate charge for such a guarantee, and establish the terms and conditions in connection with this program.

This provision attempts to aid the new, small, or minority owned contracting firms in the construction industry by providing them with required surety bonds.

This title also contains a provision to consolidate the various HUD programs dealing with the advice and assistance with respect to housing for low-income families, and place these programs under a single statutory heading.

A number of savings and loan amendments are included in this title. Among them is a provision to give the Federal Home Loan Bank Board the same regulatory and supervisory power and functions with respect to savings and loan associations doing business in the District of Columbia, as it presently has with respect to Federal savings and loan associations.

Another provision would increase from 15 percent to 20 percent of assets the amount that a Federal savings and loan association may invest in multiple family housing, and would also increase from 1 year to 5 years the maturity on advances which the Federal Home Loan Banks advance to member savings and loan associations. Another important savings and loan provision is the one sponsored by the distinguished gentlewoman from Missouri (Mrs. SULLIVAN) which provides general authority for the Federal Home Loan Bank Board to regulate the situations in which conflict of interest most frequently appear, or are likely to appear. The regulatory provisions under this section is limited, however, in that it applies only to the relationships and transactions specially referred to in the provision.

Mr. Chairman, this is a big and complex bill, and is the Committee on Banking and Currency's actions to continue to meet our national housing goals. It is a good strong bill which embraces considerable foresight on the problems that we as a nation will experience in the coming decade. I urge the passage of this bill.

Mr. BARRETT. Mr. Chairman, H.R. 19436, the Housing and Urban Development Act of 1970 is a major piece of legislation. It would authorize a significant new community development program and a vehicle for developing and carrying out a national urban growth policy; necessary extensions and additional funding authorizations for existing Department of Housing and Urban Development—HUD—programs; and an important new program of direct Federal writing of essential property insurance, including insurance against the risks of crime, where the private insurance industry cannot meet the needs of homeowners and small businessmen.

As usual, this legislation is a product of meaningful compromise and cooperation by Members on both sides of the aisle. The ranking minority member of the Subcommittee on Housing, Mr. WIDNALL of New Jersey, has again taken a major leadership role in the development of the bill. He has been ably assisted by several of his party's members on the subcommittee. I commend Mr. WIDNALL and his colleagues for their constructive efforts in bringing this legislation to the floor.

On the majority side, Mr. ASHLEY of Ohio, Mr. MOORHEAD of Pennsylvania, and Mr. STEPHENS of Georgia played key roles in the development of the legislation. As Members know, title I of the bill, which contains provisions dealing with urban growth and new community development, is essentially a product of Mr. ASHLEY's Ad Hoc Subcommittee on Urban Growth which conducted nearly 2 years of hearings in this important area. Of course, the recommendations of that subcommittee have been modified through the legislative process; however, the provisions of title I, passed in substantially the same form by the Senate, stand as solid evidence of the outstanding work of Mr. ASHLEY and his ad hoc subcommittee.

Mr. MOORHEAD is responsible for two important provisions of the bill: namely, those dealing with the financing of dormitory-type housing under the susbidized housing programs and the provisions dealing with the availability of surety bonds for minority contractors. Mr. STEPHENS contributed importantly to the provisions dealing with improving and strengthening the rural housing program.

I wish to commend, also, Mr. PATMAN, the distinguished chairman of the House Banking and Currency Committee, for his prompt action in facilitating the adoption of the legislation by the full committee and for his general leadership role in developing a strong national commitment to our housing and urban development programs. In addition, many Members will join in applauding the efforts of Mr. ANNUNZIO of Illinois, who has led in the effort to provide the Nation's homeowners and small businessmen with adequate insurance protection against the risk of crime and other hazards to property in our urban areas.

MAJOR PROVISIONS OF THE BILL

TITLE I—URBAN GROWTH AND NEW COMMUNITY DEVELOPMENT

Title I of the bill would create a Council on Urban Growth to develop a national urban growth policy and to advise the President on urban growth probems. This council, which would consist of three members to be appointed by the President with Senate approval, has

become a matter of substantial controversy. The administration and the Senate bill take the view that the Congress should not attempt to organize the President's household; that there is already a proliferation of Presidentially appointed councils and commissions; and that, accordingly, the Congress should simply authorize the President to develop an urban growth policy and permit him to call on various elements within his Executive Office to carry out that responsibility.

This dispute was resolved by the committee only after full and knowledgeable debate, and the provisions of the committee bill were sustained by a 2-to-1 margin. I strongly believe that the committee position is the correct one. A Presidentially appointed council will have greater influence and impact throughout the executive branch. Like the Council on Environmental Quality, which was established by the Congress in the face of similar administration protests, such a council would assure a continuing concern with the multifaceted problems involved in encouraging more rational and orderly growth. It could carry out more effectively the crucially important task of evaluating overall Federal efforts which have an impact on that growth. And furthermore, it would be able to concentrate its efforts in this important sphere without utilizing both time and staff on other areas of executive branch activity.

The argument that has been drawn concerning the multidiscipline nature of the Council on Environmental Quality, as opposed to the relatively narrow focus of urban growth and development, is a misleading one. Establishment of an Urban Growth Council does not require that the Council's activities overlap in any way those of other units in the executive branch. The committee fully expects the Council to make use of data concerning population projections, economic analyses, and development policies which are developed by other executive branch units. The Council should concentrate its efforts on analyses of those Federal, State, and local actions which have produced our disorderly and inefficient development and make recommendations for action in these areas.

I urge Members of the House to support the committee position. The Urban Growth Council is needed, and needed now, if the country is to avoid countless repetitions of the horrors of existing development policies.

Title I would also establish a Community Development Corporation—within HUD—to administer a new and expanded program of assistance for the development of new communities. This Corporation would provide planning and financial assistance to publicly sponsored and private new community developments. Both public and private developers would receive Federal guarantees of their obligations for land acquisition and development—100 percent guarantees for public developers and up to 80 percent of land value and 90 percent of improvements for private developers. In the case of public developers, guarantees would be made only where their borrowing was not tax exempt; in such cases the Corporation would provide grant assistance to make up the difference between the market interest rate on the obligation—with the benefit of the guarantee—and the probable tax exempt rate. In addition, both public and private developers would receive loans to cover their interest payments for up to 15 years, as needed, until land sales are sufficient in volume to permit repayment without assistance.

I wish to stress several important points concerning these provisions. The Federal Government has had a new community development program since 1966, when a modest mortgage insurance program was adopted in the 1966 housing legislation. That program failed to offer adequate financial incentives to private new community developers, and the lack of activity under the 1966 provisions resulted in a new and expanded program in 1968. The 1968 Housing Act established a program of Federal guarantees of the borrowings of private developers, and it was hoped that this new type of financing would encourage and stimulate a solid impetus toward the development of a national new town program.

The 1968 act simply has not worked. Private developers need more than adequate long-term financing; they need financing which is geared to the intricate cash flow problems that characterize large scale new town undertakings. Expenditures for land acquisition and development are extraordinarily heavy during the early years of projects and little or no cash is received from the sale of improved building lots. As a result, developers are simply unable to meet annual debt service requirements in these early years. To solve this basic financing problem, the committee bill authorizes the Community Development Corporation to make direct loans to developers to cover the interest due on their guaranteed obligations for a period of up to 15 years until land sales—for homebuilding and the construction of commercial facilities—are sufficient in volume to permit repayment without such assistance. Repayment of these HUD loans to the Corporation would be deferred until the development was well advanced and the land marketing program was providing an adequate cash flow to the developer. The loans would, of course, be repaid with interest. We have every reason to believe that this new form of assistance will enable us finally to launch an effective new community program.

Title I also provides a dual approach for the development of needed public facilities such as schools, hospitals, water and sewer facilities, and airport facilities. The developer would have the option of financing these facilities through guaranteed private financing, or through the supplemental grant provisions contained in the 1968 Act and greatly expanded in this bill. From funds appropriated to HUD, grants of up to 20 percent of total development cost could be made to the public body providing a facility under any of 14 Federally assisted infrastructure programs. The total Federal contribution with respect to any one facility could not exceed 80 percent of cost. In all likelihood, developers would first attempt to finance needed public facilities through the Federal grant programs, which generally provide half to two-thirds of the funds needed for development. However, where those grant funds are unavailable due to exhaustion of appropriations or inadequate authorizations, the developer would be free to finance those facilities through guaranteed obligations.

These provisions are crucial to the successful development of a new community. Many new communities initiated throughout the country have floundered because of the lack of financing—either through Federal grants or in the private capital markets—for public facilities, without which private development is virtually impossible. These provisions provide a flexible approach which should facilitate the construction of needed public facilities.

Title I also makes an important change in the operation of the urban renewal program, the principal tool for rebuilding and reshaping our cities. Under existing law, in order for a city to undertake an urban renewal project in a particular area, it must make a finding that the land involved is slum and blighted within the meaning of title I of the 1949 Housing Act. However, in recent years, cities have been stymied by this requirement since many areas within their boundaries are in desperate need of redevelopment even though the land does not qualify technically as slum and blighted land.

The bill would make eligible for urban renewal treatment land which is vacant or economically underutilized and which could be developed for housing and other uses—including schools, hospitals, parks, or other public facilities—which are associated with housing for low- and moderate-income families. These provisions would enable cities to obtain additional badly needed sites for low- and moderate-income projects without the necessity to bulldoze existing structures, a process which often produces massive problems of relocation. These provisions would enable all cities to undertake developments similar to the National Training School site development in Washington, D.C., where hundreds of acres of city land have been made available for an impressive new town-in-town project. They would also make possible a greater number of job opportunities quickly in connection with renewal projects by avoiding the long delays which have characterized renewal in our major cities.

Finally, this title would provide HUD grants to State and local public bodies to cover up to 75 percent of the cost of acquiring interests in undeveloped or predominately undeveloped land which, if withheld from commercial, industrial and residential development, would significantly help in guiding desirable patterns of urban growth. This new grant program would be part of the open space land program under which land is now acquired for recreational and park facilities. These provisions are again extremely important since they would enable States and cities to take an active role in guiding development in a constructive manner.

TITLE II—MORTGAGE CREDIT

Title II would extend all FHA programs to October 1, 1971, except for the three principal housing subsidy programs: the section 235 homeownership assistance program, the section 236 rental assistance program, and the rent supplement program. These programs would be extended to October 1, 1973, with the following increases in authorization:

PROGRAM

[In millions]

	Fiscal year—			
	1971	1972	1973	1974
Sec. 235	[1] 25	[2] 30	225	250
Sec. 236	[1] 25	[2] 30	225	250
Rent supplements		80	85	90

[1] $125,000,000 authorized by existing law.
[2] $170,000,000 authorized by existing law.

The administration bill (H.R. 16643) contained open-end authorizations for these programs, rather than any specific dollar amounts. On April 27, I asked Housing and Urban Development Secretary Romney to indicate to me the funding authorizations needed for fiscal years 1972, 1973, and 1974 for the four housing subsidy programs in order to assure that the national housing goals could be met with respect to units for low- and moderate-income families. Secretary Romney responded on May 12 with the following figures:

PROGRAM

[In millions]

	Fiscal year—		
	1972	1973	1974
Sec. 235		200	200
Sec. 236		200	225
Rent supplement		57	75
Public housing	220	240	300

He indicated, however, that "no provision was made in the estimate for inflation, changes in other economic conditions, or administration priorities," and that "it was assumed that the Congress, in extending the authorizing legislation for the Department's programs, would at the same time reenact all unappropriated authorizations."

Accordingly, the committee has increased the Secretary's recommendations modestly to take into account expected inflation over the next 3 fiscal years. The committee believes that these amounts are absolutely essential in order to enable these programs to continue serving low- and moderate-income families at a time when increased construction, land, and financing costs are placing heavy burdens on our national housing effort.

Title II would also provide for the development of dormitory-type housing projects under the section 236 and rent supplement programs in order to serve a critical and unmet need for a special kind of housing to accommodate displaced low-income single persons under 62 years of age. Because they are primarily designed to assist families, the elderly, and the handicapped, existing Federal housing programs do not adequately serve this single population. This program can serve a vital function as a relocation resource in connection with numerous central city urban renewal projects. In many cities, redevelopment officials are finding that numerous single nonelderly individuals are unable to find adequate housing containing facilities for common dining halls, kitchens, and other shared facilities. Often these individuals prefer not to live in self-contained apartment units since they are unaccustomed to cooking their own meals. They would prefer to eat in common dining halls. Structures with such common facilities would have the effect of reducing per-unit costs, and thereby meet the needs of such individuals economically and efficiently.

The bill also permits HUD to increase the per-unit cost ceilings under its subsidized multifamily programs—sections 221(d)(3), 236, and rent supplements—by up to 20 percent where necessary to meet increased construction costs. As members know, the record inflation of the past 2 years continues to jeopardize the successful completion of many projects designed to serve low- and moderate-income families. However, the committee recognizes that construction costs fluctuate greatly from area to area, and that local cost factors require flexibility in administration by the Department. The committee provision contains that flexibility: the Secretary is authorized to increase cost limitations in those areas where the existing limitations threaten the completion of multifamily projects. The committee intends that the Secretary exercise this discretion with the utmost care and establish limits which meet with as great precision as possible the specific requirements of each housing market area. Increases should be allowed only to the extent that they are absolutely essential to the continued development of projects in the particular housing market area. Similar authority is provided the Secretary in title III of this bill for the public housing program.

Title II also contains two important provisions dealing with the section 235 homeownership assistance program. First, it would permit up to 30 percent of section 235 payments to be used for existing housing, thus continuing the provisions of existing law through fiscal year 1974. The committee urges the use of this authority by the Secretary with the utmost caution. Widespread reports of the poor quality of existing homes being subsidized under this authority threaten the continuation of the section 235 program. The abuses found by committee staff and reports of abuses throughout the country are being carefully investigated by the committee. Much stricter inspection procedures are absolutely essential if this program is to serve its objectives; FHA personnel need to be constantly urged to understand that this program serves a vital social purpose which is betrayed when inadequate inspections of the quality of homes result in an utter lack of confidence in the ability of government to help low-income homeowners effectively.

Second, the bill would prohibit the use of section 235 funds to help finance housing for families which are eligible for FHA section 203(b) unsubsidized mortgages which do not exceed the median mortgage insured by FHA under the 203(b) program during the most recent 3-month period. This administrative control is needed to prevent the use of subsidy funds where they are not really required because of the availability of adequate housing in a price range that can be afforded by a family whose income is within the limits prescribed by section 235 and who is able to meet the required mortgage payments without a subsidy.

TITLE III—URBAN RENEWAL AND HOUSING ASSISTANCE PROGRAMS

Title III of the bill would authorize an additional $3 billion for urban renewal grants for fiscal year 1972, and would continue a provision of existing law which reserves not less than 35 percent of funds available for renewal activities in fiscal year 1972 for neighborhood development programs.

This additional authorization is needed in communities of all sizes across the Nation which have pending applications for urban renewal funds. At the start of fiscal year 1971, the backlog of unfunded applications totaled more than $3 billion, and new applications were coming in at a rate of approximately $200 million per month. The inordinately long waiting periods now confronting hundreds of communities applying for renewal funds raise important questions concerning the Congress' commitment to renewing and rebuilding our urban areas. The delays of 1, 2, and even 3 years before applications can be approved by HUD result in a general lack of faith in Government promises and, in a practical way, produce havoc with local budgeting and financing plans. For example, a city which applies for renewal funds in January 1971, and as part of its financing plan intends to construct a school as part of its local one-third share, will in all likelihood be required to wait more than 3 years before adequate funds are available to permit approval of its application. Since the urban renewal law provides that, in order to receive credit for its school expenditures, the construction of the school building must commence within 3 years of the approval of the renewal application, this city is likely to lose that credit and be forced to raise the needed matching funds from other sources. This situation is all too common in the renewal program and members annually submit special legislative provisions to the committee to waive the 3-year rule for their cities.

The answer to this problem is not the passage of special legislation waiving essentially sound provisions of law. The answer is an adequately funded urban renewal program which satisfies legitimate urban needs without producing the haphazard and unfair results inevitable in an underfunded program.

Title III increases the authorization for annual contribution contracts under the public housing program by $150 million upon enactment, by $275 million in fiscal year 1972, by $300 million in fiscal year 1973, and by $350 million in fiscal year 1974. The public housing program has come to a virtual halt in communities throughout the country. Existing authorization has been completely reserved and no new applications are being acted on

by HUD. The $150 million additional authorization for fiscal year 1971 will enable the Department to resume processing applications and meet the severe housing needs of our lowest income citizens.

The bill would also require that at least 30 percent of public housing units placed under contract with funds authorized by the bill—and subsequent acts—shall be units in private dwellings leased under the section 23 program. In inflationary periods, when land, construction, and financing costs are heaviest, the section 23 leasing program can provide a useful tool for obtaining quickly an adequate number of units for low-income families. Since its inception in 1965, many public housing authorities have made excellent use of this program while facing increasing difficulty in locating adequate sites for conventional construction projects. Requiring at least 30 percent of all public housing units to be provided through the leasing program will assure that units for low-income families will continue to be provided in communities which cannot, for a variety of reasons, proceed with conventional construction projects.

However, as pointed out in connection with the use of existing housing under the section 235 program, the committee would caution the Secretary to use this authority carefully. Not all communities face problems of obtaining adequate sites. The leasing program should be used primarily in areas with relatively high vacancy rates and in which new construction is unlikely to take place in sufficient volume. There is still a need for increasing the housing stock for low- and moderate-income families through conventional construction and the Turnkey method.

TITLE IV—MODEL CITIES AND METROPOLITAN DEVELOPMENT PROGRAMS

Title IV provides additional authorizations for fiscal year 1972 for the model cities program—$500 million—the comprehensive urban planning program—$30 million—the water and sewer facilities program—$500 million—and the neighborhood facilities program—$50 million. Together with available unused authorizations which would be extended by the bill, the additional amounts would enable these programs to operate at moderately increased program levels. The funds are badly needed to keep pace with the increasing number of applications for aid flowing into HUD.

The provision of an additional $500 million for the model cities program is made with full recognition of the availability of approximately $835 million in unused authorization for this program. Although the program has been extremely slow in starting—due both to local organizational and planning problems and changing and often uncertain HUD guidelines and emphases—as of September 1970, more than two-thirds of the cities involved in the program had initiated their first or second action years, and more were nearing completion of the planning phase. It is likely that during fiscal year 1972 nearly all 150 cities will be embarked on action programs, and, accordingly, the demand for supplemental grant funds will far exceed present levels. The availability of approximately $1.3 billion for supplemental grant funds in fiscal year 1972 will permit the administration maximum flexibility in meeting the needs of the 150 model cities.

TITLE V—CONSOLIDATION OF OPEN-SPACE LAND PROGRAMS

Title V would consolidate and improve the administration of three important HUD programs which assist localities in the acquisition of open-space land, urban beautification, and historic preservation. It woud rewrite title VII of the 1961 Housing Act to combine four separate but related grant programs into one basic grant authority with a single grant formula and consistent program requirements. Under the consolidated program, grants would be available to States and local public bodies to help finance: first, the acquisition of title to, or other interest in, open-space land in urban areas, and second, the development of open-space or other land in urban areas for open-space uses.

Although the rewrite of the open-space land programs is essentially a technical and administrative consolidation, there would be two substantive changes in existing law. First, the consolidated title would remove the present limitation of assistance to the acquisition of "permanent" interests in open-space land. This would permit localities to acquire leases or other less-than-permanent interests for shorter periods of time which are often more appropriate for intended open-space uses. Acquisition of less-than-permanent interests would in many cases be far more economical as well. Second, the consolidated title would remove the present restriction which limits grants for the development of open-space land to lands acquired with HUD open-space land grant assistance. Removal of this restriction would provide greater flexibility to localities to serve their open-space needs.

The consolidation of the open-space land programs, together with the consolidation of HUD's research and technology authorities—in title VI of the bill—represent first steps in the committee's efforts to simplify and improve the operation of all HUD programs. These consolidations were recommended by the administration and only slightly modified by the committee. The administration is to be commended for its efforts and urged to suggest further such improvements.

TITLE VI—RESEARCH AND TECHNOLOGY

Title VI would consolidate and improve, in essentially the same manner as the previous title, a wide variety of separate research authorizations enacted since 1948. In their place it would substitute a single, general authorization under which the HUD Secretary would be authorized and directed to "undertake such programs of research, studies, testing, and demonstrations relating to the mission and programs of the Department as he determines to be necessary and appropriate."

This extremely broad and flexible research authority should enable the Department to design and implement a truly comprehensive research program into all facets of housing and urban problems. Testimony before the committee by administration witnesses continually calls attention to the lack of up-to-date data and information relating to the Nation's housing needs and resources and urban development trends. Accordingly, I would urge the Department to avoid unduly concentrating its research efforts on major "hardware" programs, at the expense of badly needed "software" research into housing data, statistics, and program analyses.

TITLE VII—THE URBAN PROPERTY PROTECTION AND REINSURANCE AMENDMENTS

Title VII would greatly strengthen the existing HUD program which provides fair access to insurance requirements—FAIR—for urban residents, and expands HUD's activity to include the direct writing of standard lines of property insurance where private insurance is available only at unreasonable premium rates. These amendments are the result of three subcommittee hearings—in Washington, D.C., and Chicago—on the operation and effectiveness of the 1968 urban property protection and reinsurance program, which the committee believes has not provided the adequate insurance coverage intended by the Congress.

HUD would be authorized to offer standard lines of property insurance—including insurance against the risks of crime—whenever the Secretary determines that a serious unavailability problem exists which is not being satisfactorily resolved. It provides for direct Federal writing if insurance rates in the private market exceed 175 percent of the applicable manual rate established by the State insurance regulatory body. HUD would establish rates for its insurance at less than 175 percent of the manual rate, with coverage limited to $25,000 on single-family structures and $1 million on manufacturing or commercial structures. Of course, no Federal policy could be written if HUD determines that the property is uninsurable, or if the State insurance commissioner can justify the prevailing higher rates.

Title VII would also, first, require that FAIR plans offer burglary and theft insurance, vandalism and malicious mischief insurance, and coverage during construction and rehabilitation; second, authorize HUD to reinsure losses during construction or rehabilitation in the same manner as now provided for riot and civil disorder losses; and third, eliminate the present requirement that States share in payment of excess riot losses incurred by HUD. These and other minor amendments would greatly strengthen the present FAIR plan program.

TITLE VIII—RURAL HOUSING

Title VIII would make various amendments to title V of the Housing Act of 1949, the law governing the rural housing programs administered by the Farmers Home Administration—FmHA.

First, it would liberalize the existing housing program for domestic farm labor by increasing the amount of grants for domestic farm labor housing projects

from two-thirds to 90 percent of project cost; making nonprofit organizations of farmworkers eligible for such grants; and making loans and grants available to cover the purchase of household furnishings. Second, it would increase from $1,500 to $2,500 the amount of loans for minor household improvements, with a further limit of $3,500 in the case of major water supply or plumbing facilities. Third, it would increase from $300,000 to $500,000 the limit on loans for rental housing.

And fourth, the title would authorize the FmHA to make rural housing loans in towns with populations of up to 10,000, rather than the 5,500 population limit in existing law. This provision was contained in the 1969 housing bill passed by the House, but was deleted in conference. At that time, the conferees directed the Secretaries of Housing and Urban Development and Agriculture to make recommendations to the Congress with respect to the jurisdictional areas of the Housing and Urban Development, Federal Housing Administration, and the FmHA; however, no recommendations have been made. Consequently, the committee bill provides authority for the FmHA to make housing credit services available in rural areas and towns which are rural in character and have populations of less than 10,000. The committee believes this additional authority for FmHA will help meet the credit needs of many essentially rural towns which are not effectively served by the Federal Housing Administration.

TITLE IX—MISCELLANEOUS

Title IX contains a number of important provisions designed to improve the operation and effectiveness of various programs and authorities, including a series of amendments dealing with savings and loan associations.

Section 901 would clarify the payment of certain amounts owed by the Federal National Mortgage Association—FNMA—to the Secretary of the Treasury arising out of the reorganization of FNMA in 1968. This provision, agreed to by FNMA's Board of Directors and officials of the Treasury Department, will result in a payment by FNMA of $68 million to the Treasury. These funds are in a special status account in the Treasury, and will be released upon the joint order of the Secretaries of the Treasury and Federal National Mortgage Association upon enactment of this provision.

Section 902 would authorize the Housing and Urban Development Secretary, whenever any such action is appropriate and would further the purposes of the Small Business Act for section 3 of the 1968 Housing Act, to provide or guarantee performance bonds applied for by or on behalf of small business construction contractors. HUD would be authorized to make appropriate charges for the guarantees and establish other terms and conditions, such as the beneficiaries of the guarantee, methods of payment, and coverage of the guarantee. This new program would be financed through a national surety bond fund and Treasury borrowing authority available under title XII of the National Housing Act—the Urban Property Protection and Reinsurance program. In addition, it would authorize appropriations of up to $3 million annually for 3 years to be used by HUD for providing technical assistance to small business contractors.

Section 903 would consolidate several existing authorities under which HUD now provides advice and technical assistance with respect to housing for lower income families. It would place three programs—section 235(e) and 237(e) homeownership counseling services and public housing tenant services grants—under the section 106 program of seed money loans to nonprofit sponsors of Federal housing projects. It would also extend the tenant services grant program to organizations of tenants in public housing projects and nonprofit, cooperative, and limited dividend housing sponsors sponsoring Federally assisted housing projects. This broad authority will enable the Secretary to establish a comprehensive program of technical assistance for cooperative, nonprofit, and limited dividend organizations which are increasingly carrying the burden of sponsoring housing projects for lower income families.

The committee bill continues the tenant services program despite the action of the House Committee on Appropriations, which for the third year has refused to appropriate funds for these grants. The Appropriations Committee takes the position that adequate authority exists under present statutory authorizations to make provision for these services in low-rent public housing projects. We believe, however, that the authority for tenant services grants should be continued until HUD clearly indicates it will provide funds to local authorities through the regular annual contribution contracts and in a manner which will produce the efficient delivery of such services by authorities.

Sections 909 and 913 would amend existing law relating to savings and loan associations by first, permitting associations to invest up to 20 percent, rather than 15 percent, of their assets in multifamily housing; second, permitting advances by the Federal Home Loan Bank Board to individual savings and loans to have maturities of up to 5 years, rather than 1 year; third, providing general authority to the Federal Home Loan Bank Board to regulate specific situations in which conflicts of interest most frequently appear or are likely to appear; fourth, providing criminal penalties for making false statements or reports in connection with loans made by savings and loan associations; and fifth, permitting unpledged deposits in Federal home loan banks to be included in meeting the liquidity requirements of individual savings and loan associations.

CONCLUSION

Mr. Chairman, the bill is obviously very comprehensive, and in some cases controversial. This is, of course, the usual situation. Housing bills go to the heart of renewing our cities, filling our people's housing needs, and enabling our cities to provide basic public facilities.

The comprehensiveness and cost of housing bills places a great burden on the Housing Subcommittee, the Banking Committee, and the entire Congress. In this connection, I wish to inform the House that the Housing Subcommittee has embarked on a major review, analysis, and evaluation of all housing and urban development legislation in order to enable the Congress to legislate more effectively in this critical area. This review and evaluation will take several months of intensive effort by subcommittee members. However, I expect the effort to yield important insights into the operation and effectiveness of our programs and to provide a basis for a more orderly process of urban legislation.

The following material explains the scope and purposes of the panels and outlines the subject matter of each panel:

[Press release of House of Representatives, Subcommittee on Housing of the Committee on Banking and Currency, Oct. 13, 1970]

HOUSING SUBCOMMITTEE APPOINTS PANELS TO STRENGTHEN HOUSING AND URBAN DEVELOPMENT PROGRAMS

Congressmen William A. Barrett, Chairman of the House Subcommittee on Housing, and William B. Widnall, the Subcommittee's ranking minority member, announced today the formation of three panels of Subcommittee members to (1) conduct a full-scale review and analysis of Federal housing and urban development programs and (2) make recommendations for legislation to strengthen and expand these programs. The panels will begin reviewing the scope and effectiveness of existing programs after the Congressional recess ends on November 16, and then will conduct field trips during which panel members will discuss housing and urban development problems with local governmental officials, homeowners and tenants, builders and developers, and other interested parties. The panels, which will consist of five members each, are as follows—

Panel I, concerned with the production of housing, will be chaired by Mrs. Leonor K. Sullivan (D-Mo.). It will consider problems of producing housing and the methods by which the supply of all housing, and particularly low-cost housing, can be increased. The panel will include the following Subcommittee Members: Mr. Fernand J. St Germain (D-R.I.). Mr. Henry S. Reuss (D-Wis.), Mr. Seymour Halpern (R-N.Y.), and Mr. Benjamin B. Blackburn (R-Ga.).

Panel II, concerned with the demand for housing, will be chaired by Mr. Thomas L. Ashley (D-Ohio). It will focus on the demand for housing and will consider various aspects of sharing housing costs, different methods by which public assistance can be made available to families who cannot afford decent housing, and alternative means of more effectively relating Federal subsidies to housing needs. The panel will include Mr. Robert G. Stephens, Jr. (D-Ga.), Mr. Henry B. Gonzalez (D-Tex.), Mrs. Florence P. Dwyer (R-N.J.), and Mr. J. William Stanton (R-Ohio).

Panel III, concerned with the development and environmental aspects of existing HUD programs, will be chaired by Mr. William S. Moorhead (D-Pa.). It will focus on overall urban development problems, particularly as they relate to the environment and to the creation of a national urban growth policy, and consider new approaches to overall metropolitan development problems, methods of improving the administrative capacity and financial resources of State and local governments, and alternative methods of delivering Federal program assistance. The panel will include Mr. Ashley, Mr. Reuss, Mr. Garry Brown (R-Mich.), and Mr. Blackburn.

REVIEW AND EVALUATION OF HOUSING AND URBAN DEVELOPMENT PROGRAMS BY SPECIAL SUBCOMMITTEE PANELS

PANEL I. THE PRODUCTION OF HOUSING

A. Housing Needs—Review and Evaluation of National Housing Goals:
(1) The Existing Stock—
(a) Number
(b) Characteristics (size, type, etc.)
(c) Condition
(d) Location
(e) Costs (rents and sales prices)
(f) Removal from Stock (by urban renewal, highway construction, other public and private uses)
(g) Patterns and Trends ("filtering down," co-ops versus rental, etc.)
(2) Current Housing Production—Conventional—
(a) Factory-Built, Industrialized, and Modular
(b) Mobile Homes
(c) Sales and Rental
(d) Location and Land
(3) Current Housing Production—Government Assisted—
(a) Federal—Subsidized (HUD, VA, FmHA, etc.)—Unsubsidized (including HUD, VA, FmHA, etc.)
(b) State and Local
(c) Others
(4) Rehabilitation—
(a) Conventional
(b) Subsidized
(c) Special Efforts
(d) Incentives and Constraints
(5) Performance—
(a) By Need
(b) By National Goals
(c) By Comparison to Other Developed Nations
(d) By Other Projections and Standards (i.e., percentages of GNP)
(6) Projections—
(a) Next year, five years, decade
(7) Resources and Restraints—
(a) Land
(b) Manpower
(c) Finance
(d) Materials
(e) Technology
(f) Processing
(g) Other

B. Producing Housing—Review and Evaluation of Existing Federal Housing Laws and Programs:
(1) Who Builds?
(a) Private Builders and Developers
(b) Limited-Dividends
(c) Non-Profits
(d) Co-ops
(e) Government
(f) Large Corporate Enterprises
(g) Others
(2) How Do They Build (A)?
(a) Manpower
(b) Organization of the Industry
(c) Technique and technology
—Conventional
—Pre-fabricated
—Factory Built
(3) How Do They Build (B)?
(a) How much Does It Cost?—Materials—Labor—Land—Financing—Processing
(b) How Are They Regulated?—Mortgage and Cost Limits—Minimum Property, Design, and Construction Standards—Cost Certification—Davis-Bacon—Amenities—Workable Programs—Local Controls (zoning, building code, and other requirements)—Processing
(4) Where Do They Build?
(a) By Area (SMSA central city core, central city, suburbs, small towns, rural nonfarm areas, farm areas)
(b) Availability and Costs of Land
(c) Zoning and Building Code Restraints
(5) Why Do They Build?
(a) Development Profit—Land—Fees—Allowances—Equity (Sales)
(b) Cash Flow
—Distributions
—Operating Fees
(c) Tax Savings
—Interest
—Taxes
—Depreciation
(d) Residuals
—Sales
—Refinancing
—Non-Profit
—Taxes
(e) Yields
(6) Who is the User?
(a) User Needs (income, race, family size, amenities, welfare, etc.)
(b) Operations and Management

C. Increasing Housing Production:
(1) Production Objectives—National Housing Goals—
(a) How Many Units Should be Produced?—Next Decade—Next Five Years—Next Year
(b) What Kinds of Units Should Be Produced?
—Single-family
—Multi-family
—Combinations
—Others
(c) Where Should They Be Located?
—City
—Core
—Suburb
—Rural
(d) How Should They Be Held?
—Rental
—Home Ownership
—Other
(e) How Many Units Should Be Subsidized?—Houses versus People—Income Limits versus Needs
(f) What Kind of Construction Methods Should Be Used—Conventional—Industrialized—Mobile Homes
(g) What Emphasis Should Be Given to Rehabilitation?
(h) Who Should Build These Units?—Organization of the Industry—Private Developers—Limited Dividends—Non-Profits—Co-ops—Government (Federal, State, Local)—Large Corporate Enterprises—Others
(2) What Should the Federal Government's Responsibility Be?
(a) To Answer These Questions
(b) To Help Achieve These Objectives
(3) Range of Government Actions—
(a) Provide Adequate Financing
(b) Reduce Costs—Land Program—Expand and Improve Work Force—Improve Construction Technology—Alter Financing and Processing Methods
(c) Assure the Availability of Adequate Sites—Land for Low and Moderate Income Units—Land for Traditional Housing Needs
(d) Additional Incentive for Private Participation in Federal Programs—Increase Limited-Dividend Return—Tax Incentive—Fees and Allowances—Cost Certification—Davis-Bacon—Mortgage Amounts
(e) Improve Administration of Federal Programs—Housing and Urban Development Act of 1970—Consolidation—Uniformity—Procedure
(f) Other

D. Criteria for Evaluating Federal Housing Production Initiatives:
(1) Goal To Be Achieved
(2) Program Specifications
(3) Priority of Effort
(4) Administrative Load
(5) Operating Efficiency
(6) Comparative Cost of Program Initiative

E. Recommendations:

PANEL II—THE DEMAND FOR HOUSING

A. The Present Subsidy—Review of Existing Federal Laws and Programs:
(1) Characteristics of the Existing Assistance Formula—
(a) To Get Housing Built—The Supply Oriented Subsidy—Project Subsidies Tied to Project, Specific Unit, Family—Production Subsidies To Promote New Construction and Rehabilitation
(b) To Lower Cost of Occupancy of New Units—Methods Used—Interest Support—Principal Support—Other Operating Support—Need—Allowances for the Purchase or Rental of Standard Housing
(2) Administration of Current Subsidy Devices—
(a) Techniques—Interest Payments—(Sections 235-236)—Principal Payments—Direct Payments—(Rent Certificates, Rent Supplements)—Public Housing Formula—Loans—(Rehabilitation)—Special Grants and Devices (the Piggy-Back Subsidy)—Taxes—Others
(b) Controls Over the Recipients of Assistance—Income Limits—Income Certifications—Preferences—Rent-Income Ratios—Asset Limitations—Occupancy Rules—Eligibility Rules—Exemptions and Deductions—Others
(c) Operations—How the Subsidy Is Allocated—HUD Central and Local—Public Housing Authorities—Other Local Administration
(3) Beneficiaries of Current Subsidy Devices—
(a) Rich
(b) Middle
(c) Moderate
(d) Poor
(e) Very Poor
(f) Families or Individuals
(g) Elderly
(h) Handicapped
(i) Displaced
(j) Others
(4) Costs of Current Subsidy Devices—
(a) Authorizations
(b) Appropriations
(c) Indirect—Federal Taxes—Local Taxes—Other
(d) Administration
(e) Other Local Costs
(f) Aggregate Costs
(g) Costs on a per unit basis

B. The Future Subsidy—Improvements in the Existing Subsidy and/or Introduction of a New Subsidy:
(1) Who Needs Assistance To Afford Standard Housing?
(a) How Much Income Should a Family Devote to Housing?
(b) Should Aid Relate to Financial Capacity?
(c) How Many Families Should Be Assisted?
(2) The Nature of the Subsidy—
(a) What is the Goal of the Subsidy?
Houses and Production—Should it Stimulate Production Through its Attachment to Dwelling Units?
People and Income—Should it be Tied to Family Need and Should All Those With Need Receive Assistance?
(b) Who Should Receive the Subsidy?
What Should be the Coverage of Subsidy Programs?
Should All Those Eligible Receive Assistance?
How Much Subsidy Should be Paid to Upper- and Middle-Income Families?
(c) What Should Receive the Subsidy?
New Units
Rental Units
Owned Units
Existing Units
Rehabilitated Units
(d) What Should Be the Extent of the Subsidy?
How Deep Should the Subsidy Be?
When Should the Subsidy Stop?
(3) What Other Objectives Besides Decent Shelter Should the Subsidy Seek to Achieve?
(a) Avoid Concentration by Income and Race
(b) Stimulate Individual Choice

(c) Stress Quality, Design, and Style
(d) Facilitate Administration
(e) Provide Social Services
(4) How Should the Subsidy Be Administered?
(a) Who Should Pay the Subsidy?
Federal
State
Local
Combination
(b) How Should It Be Paid?
Federal
State
Local
Combination
(c) What Kinds of Standards Should Be Used?
Income
Eligibility
Assets
Others
(5) At What Cost?
(a) Costs—Direct—Indirect
(b) Priority
C. Related Programs:
(1) How Should Other Government Programs Relate to the Housing Subsidy?
(a) The Physical Environment—Urban Renewal and Model Cities—New Communities—Physical Facilities Programs (water and sewer facilities, open space, etc.)
(b) Overall Community Development—Tenant Involvement (tenant councils, management and maintenance, planning and construction
Housing Counseling Services
(c) Open Communities
(d) Welfare and Income Maintenance
(e) Social Services—Operation of Related Labor, Health, Welfare, and Education Programs
D. Recommendations:

PANEL III—A SUITABLE LIVING ENVIRONMENT

A. Metropolitan Development—Review of Existing Federal Laws and Programs:
(1) Central City Development—
(a) Urban Renewal—Planning—Action
(b) Model Cities—Planning—Action
(c) Interim Assistance for Blighted Areas—Planning—Action
(d) Neighborhood Facilities
(e) Demolition Grants
(f) Code Enforcement
(g) Urban Beautification and Improvement
(h) Historic Preservation
(i) Urban Property Insurance
(j) Urban Parks
(2) Metropolitan, Suburban and Rural Town Development—
(a) Public Facilities Loans
(b) Open Space Land
(c) Water and Sewer Facilities
(d) Parks and Recreation
(e) Advance Land Acquisition
(f) Land Development
(g) New Communities
(h) Small Town Services
(i) Flood Insurance
(j) Community Development Training
(3) The Planning Imbroglio—
(a) Comprehensive Planning Assistance—The Section 701 Family
(b) Urban Renewal—Community Renewal Programs—General Neighborhood Renewal Plans—Surveys and Planning—Neighborhood Development Programs
(c) Model Cities
(d) Public Works Planning
(e) Planned Areawide Development
(f) Urban Mass Transportation Planning
(g) Social Planning
(h) Others
(4) Relationship to Other Federal Programs—
(a) Transportation
(b) Interior
(c) Health, Education, and Welfare
(d) Economic Opportunity
(e) Labor
(f) Small Business
(g) Other
B. Towards a National Urban Growth Policy:
(1) Urban Growth and New Communities—the Housing and Urban Development Act of 1970
(a) Unfinished Business
(2) What Are the Objectives of National Urban Growth Policy?
(a) Choice and Balance in the Development of Human and Physical Resources in Urban Areas
(b) Continued Economic Strength in Urban Areas
(c) Balanced Migration and Physical Growth
(d) Comprehensive Treatment of Unemployment and Poverty
(e) Open Communities
(f) Strengthened Capacity of Government to Contribute to Coherent Urban Growth.
(g) Coordination of Administration of Federal Programs
(3) How Should the Federal Government Define and Implement this Policy?
(a) Domestic Council and the Executive Office of the President
(b) HUD—Organization of Department (1965–1970)—Convener Responsibility
C. The Next Steps in Achieving a Policy:
(1) Resolving Fiscal Disparities and the Multi-Jurisdictional Metropolitan Problem
(a) Need to Encourage Jurisdictions Within Metropolitan Areas to Develop Institutions Which Can Resolve These Questions—Metro Area Political Process in the Inner and Outer City—Metro Area Organization, i.e., City/State/County/Town/Satellite/Suburb/Country—Comprehensive Metropolitan Planning—Proposals, i.e., Federal Incentives for Metropolitan and Regional Administration
(b) Need to Equate Service and Development Requirements With Available Fiscal and Administrative Resources—Planning Assistance at Federal, State, and Local Levels—Development Assistance at Federal, State, and Local Levels—Proposals, i.e., Community Development Bank, Planning Assistance, Federal Incentives
(2) The HUD Delivery System—Rationalizing the Categorical Grant Program
(a) Alternative Methods of Delivering Federal Assistance for Comprehensive Metro Development and for Resolving Problems of Physical Environment
(b) Alternative Subsidy Devices for Aiding Development at Different Government Levels
(c) The Post-Audit or Performance Approach
(d) Proposals (Consolidation, Block Grants, Administrative Decentralization, Others)
(3) Improving Administrative Capacity of State and Local Governments
(a) Federal Incentives for Shifting Administrative Responsibility for Areawide Functions to Larger Governmental Units
(b) Shifting Certain Fiscal Burdens to State or Federal Government (Welfare, Education, Others)
(c) Shifting Methods of Raising Revenue—Among Government Levels (State, County, Local)—Among Various Tax Methods (Property, Sales, Income, Other)
(d) Professionalism — Pay — Education — Continuing Training
D. Recommendations:

Mr. BARRETT. Mr. Chairman, at this time I yield 10 minutes to the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Chairman, I want to take just a few minutes to talk about title I of the bill before us, particularly since it has been the subject of correspondence to all of us, and because in my view that correspondence has misrepresented the purpose and the effect of this title.

It was earlier this year, Mr. Chairman, in January, to be exact, that the President in his state of the Union message called for the development of a national urban growth policy, and for increased Federal assistance to new community development. The reason why President Nixon addressed himself to these areas has since become clear. His statements since his state of the Union message have made clear that he recognizes that perpetuation of the current disorderly patterns of urban growth will only compound the chaos that describes our cities today, and in calling for enlarged new community legislation I think that it is quite clear that the President recognized that the steps taken in previous legislation passed in 1966 and 1968 has fallen far short of the kind of assistance necessary for the promotion and development of new towns in the United States.

Although the President called for positive steps with respect to urban growth policy and new community development, no specific message or messages were forthcoming from the White House nor were there any specific legislative recommendations to back up what he called for in his state of the Union message.

The Department of Housing and Urban Development, however, did prepare draft legislation in many respects strikingly similar to title I that is in the bill today and even more strikingly similar to the title I which will result when an amendment is offered and, I think, adopted, by the gentleman from Georgia (Mr. STEPHENS).

This draft legislation was, it is understood, circulated throughout the administration. It was not forwarded to the Congress. However, technical assistance from HUD was supplied, and I say was supplied graciously with great cooperation and great assistance. In all truth it is implicit in title I of the bill before us today.

I personally met with Secretary Romney on different occasions to discuss the specifics of the emerging title I. The assistance from the gentleman from New Jersey particularly, and other members of the minority on the housing subcommittee, and on the ad hoc subcommittee on urban growth and the full banking committee, has been tremendous.

There has been all but complete agreement on the thrust that title I takes on the necessity, as recognized by the President himself, for an urban growth strategy to help establish guidelines for present and current growth in the United States and for new community development that will offer alternatives to the guidelines, the blight and the desecration of our land, air, and water resources.

I think it is worthy of noting, Mr. Chairman, that title I has won very widespread support from both the public and private interest groups and organizations, from the League of Cities, the Conference of Mayors, the Conference of

Governors, the National Association of County Officials, the American Institute of Planners, the National Association of Housing and Urban Officials and, as I indicated, from a whole host of private new town developers and from corporations entertaining a future interest in new town development.

I want to be perfectly candid with respect to some of the areas of dispute that have been discussed and very largely compromised to the satisfaction of the Department of Housing and Urban Development and with the minority, particularly, Mr. WIDNALL.

The issue with respect to the development of a national urban growth policy that caused difference was the question of the kind of mechanism that could best begin to suggest to the President and to the Congress the specific components of an overall growth strategy.

I have felt very keenly that the best mechanism to achieve this kind of strategy would be a council akin to the Environmental Quality Council, appointed by the President, but enjoying somewhat independent status, and certainly not simply an in-house, coordinating unit, such as is suggested by the President's Domestic Affairs Council.

There has been some considerable insistence upon the part of those who take a different view that in point of fact the President's Domestic Affairs Council is exactly the kind of unit that can begin to spell out or make recommendations for national growth policy. It was with very considerable reluctance that I acceded to the request directly from the Secretary, Secretary Romney, and from the gentleman from New Jersey (Mr. WIDNALL)—and it was really the latter that caused me to change my position in this respect.

So part A of title I now conforms to the administration position, at least as set forth in their draft legislation, and as articulated by Secretary Romney in his discussions with me.

Part B of title I is the part that provides for new community development through a community development corporation established in and under the Department of Housing and Urban Development, and again my original intent and purpose was to have an independent corporation outside of HUD to achieve this purpose. The Secretary asked that I consider putting it within the jurisdiction of the Department, and this ultimately was agreed upon.

I am going to describe the other principal areas where there has been disagreement and that, not surprisingly, is with respect to the costs of title I. It was my original idea that the best approach to helping assist in the financing of the new community development would be through direct loans to new community developers. The administration again made it clear that this would not be considered favorably by the administration, that the budget impact would in years to come prove excessive.

They much preferred reliance on the Federal guaranteeing of bonds and other obligations used to raise money for land acquisition and development in connection with new communities, and again, Mr. Chairman, this is what we find in the bill. We do not find direct loans for this purpose. We find the form of financing that specifically was suggested by Secretary Romney and others in the administration.

Both in consideration of the rule and the remarks by the gentleman from Pennsylvania, the specific forms of assistance have been generally outlined, and I will not repeat them. I would think it helpful simply to mention that extensive hearings covering 2 years have made it clear to all that failure of the 1966 and 1968 new communities legislation was for the reason that the early year costs are impossible to amortize with the very limited cash flow resulting from limited sales during the early years of new community development. It has been quite clear from the host of witnesses, the literally hundreds of witnesses who have testified, that some kind of interim assistance is necessary during the early years of development of a new community, and this is where the thrust of the assistance under title I is directed.

It has been suggested that there is much that is complex and much that is new in title I. I dispute that, Mr. Chairman. There is nothing all that extraordinary or all that complex about a title that addresses itself to a legislative effort that we have been pursuing for 4 years. It has been suggested that the complexity is such that we would be better advised to wait until next year, when more time can be put into the subject.

I take the view, Mr. Chairman, that it is possible for the House to legislate as competently in December as in May. And I take the view, too, Mr. Chairman, that if we were to defer this until next year, which is what we will do if that is the will of this body, we will still be faced with a rule calling for 2 hours of general debate, followed by a reading of the bill for amendment, and the Members will know no more and no less than they know on the floor this afternoon.

Let me close then, Mr. Chairman, by saying that the President of the United States has called for a national urban growth policy and for increased assistance for new community development. Title I simply carries out what the President requested in his state of the Union message. The administration has been heard both in this body and in the other.

Mr. Chairman, I urge adoption of the measure before us.

The CHAIRMAN. The Chair now recognizes the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. I thank the Chair.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased we are now obtaining some action on a housing bill for this year. I personally am in opposition to the committee bill which is under consideration, as presently written. I am not unsympathetic to the thrust of the bill, particularly the controversial titles I and VII. I object to the present form and also to the amounts that are included in the bill. I can predict with certainty the fate of that bill if we accept it in its entirety. It certainly will not become law; neither will the excessive amounts that Congress would have seen fit to authorize.

I want first to compliment our distinguished colleague from Pennsylvania (Mr. BARRETT) for the time, effort, and dedication he has shown in bringing this bill to the House. He has worked for months on this bill with very intelligent effort and has done everything he could to try to bring together ideas offered from many people, from many Members of the House, to bring us something we could consider as a legislative body. He has shown every consideration for the other members of the committee and the Members of the House in the preparation of this bill.

I joined the gentleman in seeking from the Rules Committee permission to bring this bill before the House despite the fact that I had and retain strong reservations with regard to certain provisions of the bill, H.R. 19436. I do believe, however, that we should pass in this session of Congress a housing bill, a good bill of substance.

My reservations and my objections to the bill before us are detailed in the minority views to be found on pages 181–189 of House Report No. 91–1556. I do not believe they need retelling to the Members. They have been available for close to 2 months.

If these reservations and objections can be overcome, I personally believe we can pass a bill which can be enacted into law, and that is certainly my objective and I feel the objective of the majority of the Members of the House.

That is why I chose not to associate myself with H.R. 19851, introduced by our distinguished colleague the gentleman from Michigan (Mr. BROWN) which also has the endorsement of the Secretary of Housing and Urban Development. This is a sudden bill, unconsidered by the Committee on Banking and Currency and its Housing Subcommittee. It is a minimal bill—in some ways more and in some ways less than the committee bill, but mostly less. It avoids the main thrust of the committee bill with the vague promise that these other matters can be considered perhaps next year. It is hardly the work of the House of Representatives.

I personally am willing to wait until next year.

Our colleague, the very distinguished gentleman from Ohio (Mr. ASHLEY), with whom I have differed on approach on a number of things that were his ideas in connection with the bill, has made a very, very substantial contribution to the bill which is before us. Title I of this measure is essentially his title, his idea, the result of his dedication and effort, and the hearings that were conducted by an ad hoc committee of which he was chairman through the months.

Incidentally, I should like to tell the House that that ad hoc committee had some of the finest witnesses before it I have ever heard as a Member of the House. They were unusual witnesses. They were representative of some very different points of view. They brought

new ideas and creative ideas into an area which is extremely important to all of us in the United States.

I think we should all be appreciative of the efforts of the gentleman from Ohio. He has worked at length and with dedicated effort. I thank him for the considerations he has extended to me and to the minority and their views. His efforts of the past year should bear fruit today.

Close to half of the entire bill is the product of efforts of the gentleman from Ohio. Behind it lies better than a year's hearings, and I feel great consideration was given to the development of the new concept.

As to the amounts authorized in this bill, I feel they are not only too large but also unmanageable. For that reason I have worked to develop a substitute for the consideration of the House that would bring the amounts more in line with what we could swallow, usefully use, and promote the progress of better housing in America.

At the present time there is a great drive on to obtain additional funding for 235 FHA financed housing. Let me warn the House against too great generosity in this area. The distinguished chairman of the Committee on Banking and Currency, the gentleman from Texas (Mr. PATMAN) has, with the backing of the entire committee, called for an investigation of the way that 235 funds are being used throughout the country. It may surprise the House to learn that the 235 program, intended mainly to subsidize new construction, has turned over 51 percent of its commitments, according to a recent survey, to the purpose of existing housing. I have seen some of the first results of the chairman's investigation conducted by staff members from both the majority and minority. The results are shocking. The 235 subsidy funds have in many cases gone to the purchase of slum housing. The National Association of Real Estate Boards in their recent convention warned us by resolution of this possibility. I am sure that the House in its authorizations and appropriations never intended 235 funds should be advanced to a lot of speculators for their quick profits. For years I have advocated to the House the oversight function be more widely exercised. I think we are coming to that conclusion, and none too soon.

With this in mind, I am supporting a substitute bill that will be offered by the gentleman from Georgia (Mr. STEPHENS). With the limited time before us in this session, I think we have a very good opportunity to pass a good bill and a much improved one over that now before us and a much more acceptable bill. To that and I solicit the cooperation and assistance of the House. I will speak at greater length when we get into the consideration of the bill itself.

I do believe it is necessary to have a housing bill this year. I think we can work out a sensible bill on the floor of the House that will have substantial agreement of the Members on both sides of the aisle. I urge your earnest consideration of what will be offered to you during the debate on this bill.

Mr. Chairman, I now yield 10 minutes to the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Chairman, I want to thank the gentleman from New Jersey for yielding to me so I can give a few observations about the bill that we now find before us.

I would, first, like to make several rather broad observations and then make some specific points about an amendment which I will propose when the bill comes up for reading for amendment.

First, Mr. Chairman, the bill which is before us would involve a statutory authorization in excess of $7 billion. Now, we know from communications from the White House that the President could not tolerate authorizations of that figure in view of the budgetary restrictions that we are living under today. We know that.

Further, we know that there are provisions in the bill as it is now written that seriously would undermine some of the private sectors of our economy. I have particular reference to the provisions in the bill that now exist that would authorize the Federal Government for the first time to go into the business of writing insurance.

Now, I recognize the fact that there are problems in some areas of our country, and particularly in the high crime areas, where private insurers are not able to write policies under existing regulations and premium rates a person must pay for protection in the form of insurance. This has created a hardship. We called for testimony, however, from the Department of Housing and Urban Development and we were advised that the States themselves and the private insurers themselves are working out solutions to the problem of providing reasonable coverage for high crime and high loss areas. So, why should we suddenly thrust the Federal Government into the business of writing insurance in direct competition with the private insurers?

Mr. Chairman, I am afraid the precedent would be a devastating precedent, because once one man begins receiving the benefits of a direct Federal subsidy for loss of property in high crime areas and high loss areas, then, his neighbor across the street is going to say, "Why can't I get the same benefit?" Before long we will all be getting one of these great free rides with the Federal Government picking up the bill, and we know who pays the bills of the Federal Government, the taxpayers who pick up the losses.

Mr. Chairman, the general experience has been that any time a governmental agency does something that a private agency can perform, the Government agency does it less efficiently, with more redtape, and at far greater administrative expense than if the private sector did it when confronted with the same problem.

But, let me make one other observation, and that is why I voted against the rule on this bill. We on the committee who voted this bill out know that the bill in its present form cannot pass the House and it cannot stand muster as far as the President is concerned. We know that and, so, what do we find ourselves faced with today? We find some members of the committee have gotten together and have drawn up a bill which they feel will satisfy everyone. Let me ask the Members of this body just how orderly is the legislative process when the committee which brings a bill onto the floor is unable among its own membership to muster sufficient force to ask other Members of this body to vote for that bill in good conscience. It means that the bill is in such very poor condition that the majority of the membership of the committee cannot ask the Members of this body to vote for the bill. But, what happens when legislation is drafted in the Committee of the Whole? We find a few members of the committee have gotten together and drawn up a bill that they think will satisfy everyone. Well, Mr. Chairman, it will not. We as members of the committee are placed in a very awkward position when we find ourselves faced with substitute measures in the last minutes of a rump session of Congress and the members of the Committee of the Whole House on the State of the Union do not have before them at this minute such bill to read section by section with their own eyes and know just exactly what it is we are discussing.

Mr. Chairman, I do not mean this as a criticism of those who attempted to draw up a compromise measure, not at all. I admire them for their courage. But I do say the legislative process is very much in jeopardy when we adopt that procedure time after time. I might say further that it is a rather dismal truism for reference to any committee to have to follow and resort to those procedures.

Now, Mr. Chairman, the particular provision in the bill that I intend to attack is the one which would put the Federal Government for the first time in the business of the direct writing of insurance.

I have heard some people say, "Well, we set a precedent for that when we started writing flood-loss insurance." No, we did not set the precedent for the direct writing by a Federal agency—quite the contrary. Under the flood insurance program we utilized existing insurers and we required the existing insurers to pay a portion of every loss. In this way we use the mechanism of the private insurers for the purpose of writing the policies, for adjusting the claims, for processing the problems that come up in the process of handling losses.

What this bill would do is require a Federal agency to write the insurance itself. There are no limitations in the bill as to what the premiums would be, or any requirements that they meet the cost of writing the insurance; in fact, quite to the contrary, the bill says that whatever losses occur by reason of failure of the premiums to pay the losses, the taxpayers will pick that up out of the appropriation process.

Those of you who are concerned about our fiscal plight—and I can assure you just how valid those concerns are—these concerns cannot be demonstrated if we pass open-ended measures without any limitation on the loss that we can ask the taxpayers of this country to pick up.

Gentlemen, there are many fine provi-

sions in this bill. I can say that there are several provisions that I myself contributed to the bill which I think would materially assist the urban areas of this country in meeting their needs in the coming years but, Mr. Chairman, I am faced with the question of how that which is unacceptable could promote that which is desirable. At this late stage, and at this late date in this session of this Congress, the best course to take from my viewpoint would have to be that we have no major legislation now, but just continue the Department of Housing and Urban Development in its present operations, and come back after the first of the year when we can proceed in a more orderly fashion with a matter which deals with the scope and the size of the Housing and Urban Development Act.

Mr. Chairman, I yield back the balance of my time.

Mr. BARRETT. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BRASCO).

Mr. BRASCO. Mr. Chairman, I rise in support of H.R. 19436, the critically needed Housing and Urban Development Act of 1970.

This bill is the result of a year and a half of work by the Committee on Banking and Currency and more particularly the industrious and farsighted contributions of the gentleman from Illinois (Mr. ANNUNZIO) and the gentleman from Ohio (Mr. ASHLEY).

The gentleman of Illinois (Mr. ANNUNZIO) contributed the property insurance provision of title VII and the gentleman from Ohio (Mr. ASHLEY) the urban growth communities program of title I.

Further, I wish to commend the chairman of the committee, the gentleman from Texas (Mr. PATMAN), and the chairman of the Subcommittee on Housing, the gentleman from Pennsylvania (Mr. BARRETT) for this comprehensive piece of legislation.

Title I would provide for the development of a national urban growth policy, and would also authorize a new and greatly expanded program of Federal assistance for new community development. This provision would grant a Council on Urban Growth to develop a national urban growth policy and advise the President on urban growth problems. This provision would also authorize a community development corporation to provide planning and financial assistance to public and private new community developments.

Title II of the bill is a very important provision of H.R. 19436, since it authorizes the greatly needed funds for the housing subsidy programs. It would authorize over a 3-year period greatly increased authorizations for the 235 homeownership program and the 236 rental housing program. The 236 program has proved to be one of the most vital programs in my home city of New York in providing a great need for new housing units. The authorizations for these two programs in this bill would be $585 million for 235 and $585 million for 236. Every penny of these funds are vitally needed.

Title III would authorize an additional $3 billion for urban renewal grants for fiscal year 1972. We need all of these urban renewal funds if we are to aid in revitalizing our central cities. This provision would increase the annual contributions for the public housing program beginning in the current fiscal year by providing an additional $150 million. As of this date, the public housing program is out of money. We would authorize an additional $275 million for fiscal year 1972, $300 million for fiscal year 1973, and $350 million for fiscal year 1974.

Title IV would authorize an additional $500 million for the model cities supplemental grants and also $500 million for the water and sewer facilities program. Again, the model cities program has proved to be a vital Federal program for many of our cities, and I applaud the committee's action in providing an additional $500 million.

The urban property insurance program, as I stated earlier, is one of the most important provisions in this bill, because it provides for small homeowners and small businessmen an adequate access to property insurance at reasonable rates. If the private insurance industry cannot provide these reasonable rates then this bill authorizes the Federal Government to directly write all lines of property insurance and crime insurance at rates that may not exceed 175 percent of the State manual rates. We also in this bill expand the existing Farmers Home Administration program for domestic farm laborers, and I take this opportunity to congratulate the distinguished gentleman from California, my colleague, JOHN TUNNEY, the Senator-elect, for his contribution of this provision.

The final title of the bill contains miscellaneous amendments which would consolidate the Department of Housing and Urban Development programs for advice and assistance for low-income families, and would authorize the Department of Housing and Urban Development to provide or guarantee performance bonds for small construction contractors, and would authorize the increase of the amount a savings and loan association may invest in multifamily housing.

My friends, I am deeply concerned about some of the observations that have been made on the floor of the House this afternoon which indicate to me that we indeed cannot pass this piece of legislation, but what we must have is some kind of a substitute.

The first portion of this bill that people seem to indicate is quite controversial is something that I believe is very desperately needed in this country, and that is some planning for our cities, which the gentleman from Ohio (Mr. ASHLEY), has sponsored in title I, and who has conducted hearings for more than a year, as testified to on the floor of this House.

And who came before the committee? Experts from all over the country, and every one of them agreed that it was good.

The second portion is something that was just commented upon a moment ago, and that is the business of getting the Federal Government in the insurance area.

Mr. Chairman, I represent a district in Brooklyn, and it seems to me to be the height of hypocrisy when we develop all kinds of programs to encourage people in my district as well as districts all over the country to enter into business, and then enact financial programs to assist them in the small business areas, then we pull the rug out from underneath them when they cannot get insurance to protect their investment.

You and I know that one burglary can wipe out the entire investment of a man who goes into a small business.

The insurance companies are not concerned about this. They are very grateful for the premiums as long as they do not have to pay out on claims, and that is what the problem has been.

You know something? It is rather strange to me, my friends, when the gentleman from Illinois (Mr. ANNUNZIO) puts in a great amount of work to resolve this problem to provide reasonable insurance rates to the small property owners and to the small business owners, and it is said that we cannot afford to do it or that it is not good policy—I think that is the best policy for the American people. I defy any one of my colleagues to tell me that the people in their congressional districts with similar circumstances would not welcome and appreciate this piece of legislation with open arms.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the distinguished gentleman.

Mr. ANNUNZIO. Mr. Chairman, I appreciate my colleague, the gentleman from New York, yielding.

Mr. Chairman, I compliment the gentleman for his fine statement. I would like to ask the gentleman a question.

Those people in New York, who are not able to buy insurance like people in all of the large cities and small cities in America—are they taxpayers?

Mr. BRASCO. They certainly are.

Mr. ANNUNZIO. It is the obligation and the responsibility of our Government to protect the taxpayers of this country so that the Federal Government can receive revenues from these taxpayers and not run the deficits that we are running in the Federal budget?

Mr. BRASCO. I certainly do think that is our prime responsibility.

Mr. ANNUNZIO. I thank the gentleman.

Mr. BRASCO. Then, finally, Mr. Chairman, it is said to be objectionable that this bill authorizes $7 billion. You know that is a rather interesting observation. This is a 4-year program. There are some 50 States in this Nation that draw upon this money and I would like to know how many cities in each State. When you find out what you are giving to rebuild our cities and to do something about housing in this Nation with $7 billion over 4 years, you find we are doing absolutely nothing unless we pass this bill as

reported by the Banking and Currency Committee.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, I thank the gentleman from New Jersey (Mr. WIDNALL) for yielding.

Mr. Chairman, what we are talking of today is not whether or not we agree on the needs, the goals and the objectives in the area of housing and urban development. What we are differing about today is how is the best way to meet these needs, these goals and these objectives.

As many of you know, all of you I hope, and it has been alluded to here in the well of the House already—two of my colleagues and I have circulated a letter to the membership of the House requesting support of a substitute housing bill.

Now, is the intent of this substitute a negative intent? Certainly not.

We find that there are certain objections to the committee bill and it would probably be best to use the words of the Secretary of Housing and Urban Development, Secretary Romney, in explaining the position or the posture of those of us who will be supporting the substitute and in explaining why the substitute rather than the committee bill should be adopted.

In a letter to me dated December 1, 1970, the Secretary stated as follows:

DEAR MR. BROWN: This responds to your request for my views on H.R. 19851, the substitute Housing and Urban Development bill which you and Representatives Johnson and Williams of Pennsylvania introduced, and on the analysis of pending legislation in this field which you made available to your colleagues in the House.

I agree with your analysis. It seems to me that the national interest would be served at this time by the enactment of legislation along the lines of H.R. 19851. The bill would extend, adequately fund, and improve existing housing and urban development programs. Its enactment would permit the programs to go forward without loss of momentum, thereby giving the Congress an opportunity, early in the next session, to consider with care the far-reaching proposals contained in H.R. 19436 as reported to the House by Chairman Patman.

As you know, the Administration's legislative program for 1970 sought to consolidate, simplify and rationalize the many separate and overlapping housing programs that have come into being over the past 33 years. While this objective was generally accepted, it is not reflected in H.R. 19436, the Committee bill. Instead, the bill incorporates other major provisions which are novel, complex and controversial.

The Administration hopes to work in close cooperation with the Congress to devise, as soon as possible, sound solutions to the urgent problems of urban growth and development. I believe that the enactment of the Brown substitute would advance this work while the enactment of the Committee bill would set it back. My reasons for this conclusion follow.

AUTHORIZATIONS

H.R. 19851 would provide extensions and authorizations to permit all HUD programs to continue without loss of momentum until the next Congress has had the opportunity to carry out the planned re-examination of the programs. The basic FHA Insurance authority is extended to July 1, 1971. Additional authorizations would be provided for:

Public Housing Annual Contributions: Section 3 of your bill would increase the authorizations for public housing annual contribution contracts by $220 million on July 1, 1971. This is a $50 million increase over the 1971 level, thereby allowing for increased program costs and subsidies. The Committee bill would provide $275 million additional authority for fiscal 1972 and would also provide $150 million in fiscal 1971, $300 million in fiscal 1973 and $350 million in fiscal 1974.

College Housing Debt Service Grants: Section 4 of your bill would increase the college housing debt service grant authorization by $15 million on July 1, 1971, whereas H.R. 19436 would increase this authorization by only $12 million. The higher figure is warranted by recent increases in financing and construction costs.

Open Space Land Grants: Section 5 would authorize $90 million for this purpose for fiscal 1972 which is the same as H.R. 19436.

Comprehensive Planning Grants: Section 6 would authorize $100 million additional authority for comprehensive planning grants for fiscal 1972, whereas H.R. 19436 would authorize only $30 million additional. The higher figure would permit an expansion of this important program to reflect increased interest in various forms of planning by many localities.

Neighborhood Facility Grants: Section 7 would authorize a $20 million increase in this program for fiscal 1972 which, along with estimated unused authorization of $26 million, would permit it to continue in fiscal 1972 at more than its current $40 million annual level. H.R. 19436 would authorize a $50 million increase in place of the $20 million increase.

Model Cities Grants: Section 9 would extend unused authorizations (estimated at $837.5 million) for grants under this program, thereby permitting the program to continue at its current $575 million level, or higher. H.R. 19436 would extend the additional authorization and add $500 million of authorization for fiscal 1972 which cannot be effectively utilized.

Then the Secretary goes on to point out where he differs with the committee bill. He says:

Among the provisions of the Committee bill which I believe to be especially undesirable are the following:

Urban Renewal Grants. The bill would increase the urban renewal grant authorization for fiscal 1972 by $3 billion. Your bill provides for no such increase. It is now estimated that at the end of fiscal 1971, about $1.2 billion will still be available for the program. Along with the other excessive authorizations, this section is especially inappropriate at a time when we are seeking to reestablish fiscal responsibility.

White House Council on Urban Growth. The bill would establish in the Executive Office of the President a statutory Council on Urban Growth. Its functions would overlap those of the President's recently-established Domestic Council. In effect, the bill would reorganize the White House just as the major reorganization initiated this year by the President and approved by the Congress is being implemented.

New Communities. The Committee bill would authorize a greatly expanded new communities program, with important implications for long resource allocation. It would do so before White House studies are completed concerning national growth policies and their relationship to national programs and policies with respect to population, urban development and redevelopment, and the natural environment.

In addition, the new communities title as drafted contains a number of undesirable provisions. It provides for a direct Federal program for the development of new communities on federally-owned lands, with funds to be provided by the Congress. This is a task that can best be done by private enterprise in partnership with State and local governments.

It would also authorize direct Federal payments, for periods of as long as three years, of ordinary municipal expenses incurred by new communities. The provision is inappropriate in view of the many other aids that would be given to new communities. It would be discriminatory against older communities which are already faced with serious financial difficulties.

The Secretary continues and criticizes the new property insurance program, saying:

Title VII of the Committee bill would establish a new program of direct Federal property insurance whose cost and impact on the existing system of private insurance and State regulation are certain to be extensive. The program would unwisely bring the Federal Government into competition with the private property insurance industry with respect to a broad range of coverage, not limited to losses from crime, at a time when the States and private industry are attempting to resolve the problem.

Additional Federal action in the field should supplement, rather than supplant, actions that would be taken by the insurance industry and the States.

I believe that the enactment of your substitute bill, H.R. 19851, would best serve the immediate needs of the nation allowing us to continue to move forward in developing long range improvements in our programs.

Signed George Romney, Secretary.

Now let me recap what the substitute will do. First of all, all FHA insuring authority is continued to July 1, 1971.

All existing HUD programs are continued under existing authorizations, many of which have not even been utilized on a current basis.

Additional authorization through fiscal year 1972 is provided for those programs which have exhausted existing authorizations.

Certain other desirable and noncontroversial sections which are already in the commitee bill are included. These include a section which extends the expiration date, until July 1, 1971, of the Secretary's discretionary authority to use up to 30 percent of section 235 contract funds for existing housing to July 1, 1974.

Another section removes requirements that sellers of mortgages to FNMA buy FNMA stock equal to at least 1 percent of mortgage amount. FNMA with HUD approval is to set the level of stock purchase.

Another section—901 of the committee bill—settles the amount of remaining payments owed Treasury by FNMA in connection with its partition in 1968.

One other section of my substitute authorizes early closeout of urban renewal projects, which provision is included in sections 310 and 311 of the committee bill, and another section of the substitute increases the maximum amount of grants the Secretary of Agriculture may make to improve farm housing from $1,500 to $2,500, or $3,500 in cases of im-

provements involving plumbing facilities. That is in section 803(a) of the committee bill.

Another section—909 of the committee bill—increases the percent of assets savings and loan associations may invest in multifamily housing from 15 to 20 percent. Another section extends allowable maturity of Federal home loan bank advances to member associations from 1 to 5 years, which is in section 910 of the committee bill.

Now what is the cost comparison between the two bills? There is a cost of $7.7 billion for the committee bill and $695 million for the substitute.

Is the substitute bill an end in and of itself? No; it is an adequate vehicle which provides for continuation of programs until the housing bill contemplated for early next year by both the administration and the committee chairman can be enacted.

Does the gentleman from Pennsylvania, the chairman of the Housing Subcommittee, or do even the majority members of the committee think this is the time for such comprehensive legislation?

Let me, in answer to that question, read from the committee report, which, of course, the majority members and the chairman have signed. This is from page 4 of the report, which says:

> The committee bill does not include the major revisions of the FHA and public housing programs recommended by the administration. These comprehensive and far-reaching proposals could not be adequately examined in the brief period available to the committee during a year when two other major bills—the Urban Mass Transportation Act of 1970 and the Emergency Home Finance Act of 1970—occupied much of the committee's attention and effort.

Let me suggest that if there was not time for consideration of a well-worked-over administration bill, how can we justify supporting a bill, several sections of which were adopted in a few minutes of the final markup session of the committee with little or no effective discussion, with little or no opportunity for discussion.

I would like to ask the chairman of the Subcommittee on Housing whether or not he proposes to report to the House for consideration a housing bill early next year? I am sure he does intend to do that. In fact, to that end he has already appointed three panels to examine into every aspect of the problem. These panels will report back early next year so that we can come up with a comprehensive housing bill that will have received the deliberation a problem of this nature and magnitude deserves.

Is it not also true that there is an investigation going on of the section 235 program at least and other programs that the Banking and Currency Committee has ordered and is conducting?

Is it not also true at least it is alleged, that a major scandal in this program may result from this investigation?

I say to the Members of the House, how can we, in our right minds, pass legislation which increases authorizations and extends for 2 additional years programs which are so suspect, or even as some have suggested, even scandalous?

I hope, when the time comes, Members will support the substitute I shall offer.

Mr. BARRETT. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, again, I come before the House on the issue of the need to study the question of national development from an overall viewpoint. On September 23, and again on Tuesday of last week, I urged an end to the narrow limits within which we have confined our attack on this problem.

On both occasions, I proposed the establishment of a Select Committee on National Development as a vehicle for achieving this goal.

My concern is with a failure of the present programs to deal comprehensively with overall problems of housing and development facing this Nation.

The bill before us today, the Housing and Urban Development Act of 1970, is a fresh example of the narrowness of scope with which all too many of us view this problem. Its opening section is titled "Urban Growth and New Community Development."

It is obvious to builders of most anything that you cannot have a sound development with a weak foundation. The foundation of this Nation has, since its founding, been rooted in rural areas and small towns. Yet, we persist in concentrating almost all our efforts on the forest of problems caused by overexpansion of our major cities and metropolitan areas. It seems, that too many of us are ignoring the truth that many members of the struggling, undereducated, unskilled, or semiskilled masses which cause us so much concern in the cities are refugees from rural areas and small towns.

They have been forced to come to the cities in search of a new beginning.

The move has been made necessary by the advance of agricultural technology which has eliminated many of their jobs and the inability of their home areas to develop new job opportunities for them.

And, even when the smaller towns have an opportunity to lure new industries and new businesses into their area, they are hampered by the lack of housing for the welcome influx of new workers. There are also the budget-breaking problems of providing the needed public services for the new citizens and economic development.

Unless we can stem the flow of rural and smalltown residents into our cities, we cannot cure their ills of poor housing, crowded schools, overstrained budgets, and floundering governmental institutions.

And, we cannot put an end to the migration unless we alleviate its cause. We must take a broader look at the problems. We must provide the developmental and redevelopmental assistance rural areas and small- and medium-sized municipalities are in critical need of.

It is not my intention to deny the need of extensive aid to metropolitan governments. The crisis in this area is undeniable. Nor, is it my intention to deny the need for the development of new communities. Urban development must be decentralized in order to insure the continuing operation of big city and metropolitan governments.

It is my intention, though, to plead with you to take the blinders off. Try looking at the forest as well as the trees. The existing rural communities, small- and middle-sized towns, provide an ideal nucleus around which to begin the community development vital to this Nation's well-being in the years to come.

Let us put an end to the split vision with which we have been viewing rural and urban problems. Let us, at last, take a comprehensive look at the needs of all this Nation's people. Let us get to the work of developing a national growth policy—not an urban growth policy—not a rural growth policy—but, a national growth policy.

Mr. BARRETT. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Chairman, I thank the chairman of the committee, the gentleman from Pennsylvania (Mr. BARRETT).

Mr. Chairman, first, let me wholeheartedly endorse the legislation before this body, for I think it is a good piece of legislation and one that will go a long way toward helping the housing industry in our country. However, I want to speak particularly to title VII, the Urban Property Protection and Reinsurance Amendments of 1970, which has become known as the Annunzio bill.

Basically, title VII would provide direct crime insurance coverage from the Federal Government to homeowners and small businessmen. The Government would step into the picture only when private industry charged more than 175 percent of the manual rate for such coverage. The premium for such policies will be 175 percent of the manual rate. No policy will be written if the Secretary of Housing and Urban Development determines that the property is uninsurable, or if the State commissioner can justify the excessive rate. In addition, the policy will not be written unless the homeowner or businessman meets minimum standards to be established by the Secretary. The so-called FAIR plans established in the 1967 housing bill are continued. However, we include, in addition to fire and extended coverage, vandalism and malicious mischief, and burglary and theft in the FAIR plan. As you can imagine, these lines of insurance are most important to inner-city property owners.

Other much-needed reforms contained in the bill are:

First. Eliminates discrimination in brokers' and agents' commissions. This will encourage brokers and agents to sell the FAIR plan insurance.

Second. Provides Federal guarantees for performance bonds for small business construction contractors and subcontractors. For over a year, black contractors have complained about their inability to engage in so-called black entrepreneurship programs because they cannot get performance bonds.

Third. Provides for reinsurance of losses which occur during the construc-

tion or rehabilitation of habitational property. Many homes and apartments being constructed or rehabilitated even under our Federal programs are uninsured during the building or remodeling period. By offering the same kind of insurance against such losses that is now provided for riot losses, these properties will be insured during the crucial construction stage.

Fourth. Eliminates State sharing in riot loss payments. Present law provides that the States must pay up to 5 percent of the total property premiums written in the State toward riot losses. Many States have been very reluctant to assume this obligation since they do not have the money. Yet, unless the State enacts legislation providing for this State share, the insurance companies in that State are ineligible for riot reinsurance. One of the purposes of this State share was to encourage the States to take measures to eliminate riots and civil disorders. Experience has taught us the expense of such endeavors far outweighs the advantages to be gained.

Fifth. Provides for an Office of Review and Compliance in HUD to be operated under the supervision of the Office of the Federal Insurance Administrator. At present, the Federal Insurance Administrator has virtually no policing powers over the operation of the program. The only way he hears about complaints or inadequacies comes through letters from Congressmen or the innercity property owners. The Insurance Administrator should have the authority to check on the operation of these programs and take such steps as may be necessary to make them more effective.

These are the more salient substantive provisions of the bill. It does not provide for any new financing. The direct Federal insurance program will hopefully be paid for through the premiums collected. In the event losses exceed premiums, then the bill authorizes the Secretary to draw on the same funds which have already been made available for the payment of riot losses.

Now I would like to take a few minutes to discuss title 7, and I think that perhaps the newspapers in recent days have quite dramatically emphasized the problem to which title 7 speaks. In short, it is impossible for small businessmen in our major cities to obtain crime insurance and in many instances it is impossible for them to obtain fire insurance.

Title 7 would allow the Federal Government, through HUD, to write crime insurance and other essential property insurance in any area, be it the inner city, residential or rural, where the rate charged for the insurance was 175 percent above the normal rate for such insurance.

Now, I realize that putting the Government in the insurance business immediately raises eyebrows, but let me make it clear, and I have found no one who has been able to dispute this fact, that unless the Government writes this insurance, we will have no more small businesses in the downtown portion of our major cities, particularly the inner cities. In every major city, small businesses are closing their doors by the hundreds, and every time one of the small businesses folds, we have lost another source of tax revenue.

It has further been argued that by providing such crime insurance, we do nothing to solve the crime problem, and I would be the first to agree with that premise. However, why should the small businessman have to shoulder all of the burden because too few people are willing to do something about crime. I do not want to go into the psychological reasons for the crime increase nor do I wish to attempt to affix the blame for the problem. We have heard a great deal about who is responsible for controlling crime. I do know one thing though. It is not the small businessman who is responsible for the crime rise; it is not the small businessman who can crack down on the increase of crime; but it is the small businessman who is paying for the effects of criminal acts. If ever there were an innocent victim of crime, it is the small businessman of our country.

If we fail to pass this bill, we are saying to small businessmen that we expect you to suffer the financial losses because too little is being done to prevent crime.

The insurance industry has steadfastly refused to come to grips with this problem or take any action to provide insurance. Therefore, I see no reason why the Government should not get into the picture. It cannot be argued that it is not proper for the Government to get into the insurance business since the Government is already probably the biggest insurer in the country. We insure banks, savings and loans, crops, and we insure against floods, and yesterday the committee voted overwhelmingly to put the Government in the business of insuring savings in credit unions. The insurance industry, which argues against Government involvement in insurance, at the same time is seeking legislation that would have the Government insure insurance companies against losses.

Mr. George Bernstein, the Federal Administrator of Insurance, has formulated the plan under which the States would do something about the crime insurance situation or they would lose their coverage under the FAIR plan. The basic flaw with this is that every State that has been questioned about the Bernstein plan has stated that it could not support it and the insurance industry is not in support of the Bernstein plan. In addition, the Bernstein plan would have a year delay in its effectiveness, and I do not feel that we, as a Congress, can tell the small businessman that he will have to go without insurance for another year. The problem is in our hands. The insurance industry has placed it there, and the small businessmen of America are looking at this body today to see if we, as responsible legislators, will take the lead in making certain that small business in our great cities will be able to purchase insurance at a reasonable rate.

Mr. Chairman, at first glance a 175-percent rate for crime insurance may seem like a great amount, but, as I am certain you have found out in your hearings, rates for crime insurance that are 500 and 600 percent above manual are not uncommon.

Within a few weeks, the House of Representatives will have an opportunity to vote on the crime insurance package while, at the same time, the Senate is considering legislation that contains many of the features of my bill with two major exceptions. My legislation would allow the Government to write not only crime insurance on a direct basis, but basic property coverage if such coverage is not available within the 175-percent range. In addition, my bill would go into effect immediately. The Senate bill does not provide for basic property coverage and has a year delay in its effective date.

Mr. Chairman, we cannot wait another year, nor can we ask the small businessmen of America to wait for another year. Each day that we delay in granting relief to small business sees another group of small businessmen close their doors.

Quite clearly, Mr. Chairman, something must be done if small business is to survive in our major cities. I do not come here as a prophet of doom or gloom, but I do feel quite certain that unless crime insurance, at reasonable costs, is made available to small businessmen, the time is not too far off when there will be no small businesses in our inner cities. The trend has already begun and it is time now to take action.

I first began work on this problem in 1967, when I introduced the Small Business Protection Act to provide for a study to determine the best ways that small businessmen could protect themselves from criminal acts.

I do not contend that the study is the solution to the crime problem but rather that it does set out areas of investigation where a majority of efforts should be concentrated in solving the problem. I am unhappy that the study devotes too much space to the statistical side of crime against small business and not enough space in telling the small businessman how to safeguard his property from hoodlums and vandals.

Mr. Chairman, when I introduced my crime study bill in 1967, I did so in hopes that it would cause the insurance industry to do something about making crime insurance available to small businessmen. When I introduced the study bill, a member of my staff received a telephone call from an insurance executive inquiring whether the bill contained any provision for a direct program of Government insurance. The insurance executive was told that the bill did not contain such a provision but that if insurance was not made available that my next step would be in that area. The insurance executive assured my staff member that would not be necessary since the insurance industry was ready to come to grips with the problem and to find ways to help the small businessman.

That was more than 3 years ago, Mr. Chairman, and we still have not seen any progress on the part of the insurance companies.

Mr. Chairman, recently the Depart-

ment of Housing and Urban Development published its long-awaited study on "The Availability of Crime Insurance and Surety Bonds in Urban Areas." The Annunzio bill provides a workable solution to the problem of crime insurance in our urban areas, while the plans put forth by the Federal Insurance Administrator represent nothing more than protracted delays in solving the problem.

For instance, the plan put forth by the Federal Insurance Administrator would require the States to make crime insurance available at reasonable rates in urban areas by August of 1971. If this was not done, the Insurance Administrator would withdraw the Federal riot reinsurance coverage in those States. I do not feel that this will solve the problem and, of course, it will not guarantee that crime insurance will be made available since States may be willing to do without riot reinsurance, particularly if we have gone through a long period without any major riots in our cities.

The Insurance Administrator suggests that following this, he could order that crime insurance be made available under the so-called FAIR plans, a suggestion that I made in 1968 as an amendment to the Urban Property Insurance Act. However, in an earlier part of his report, the Insurance Administrator suggests that the inclusion of crime insurance in FAIR plans is not the answer. If crime insurance can be offered within the FAIR plans in those States which do not comply with the 1-year edict of the Federal Insurance Administrator, why is it that such coverage cannot be made available immediately. In short, if such a method of providing coverage is a good idea at one time, it is a good idea at all times, or, if it is a bad idea at one time, it is always a bad idea.

Mr. Chairman, if I felt the suggestions made by the Federal Insurance Administrator would provide meaningful solutions to helping people obtain crime insurance, I would endorse the report wholeheartedly, but in the language of our current younger generation, the report is "a cop out." It does nothing more than buy time for the insurance industry in the hope that those of us who want to provide solutions to the problem will back off and shift our attentions to some other area.

It has been suggested that my bill will cost the Government money. I do not accept this premise, but even if Government funds are expended on the program, think of the money that is lost in tax revenues to city, county, State, and Federal governments each time a small businessman goes out of business because he cannot obtain insurance.

Mr. Chairman, in April of last year, Congressman MOORHEAD and I conducted hearings on the insurance problem here in Chicago. We were amazed at what we uncovered. Huge areas of the city were redlined by the insurance industry and denied insurance coverage. Homeowners had their insurance policies dumped into the FAIR plan, where their premiums were sometimes as high as 5 and 6 percent of what they formerly had been paying. In other cases, hundreds of homeowners had their insurance policies canceled for no apparent reason. I am certain that your subcommittee has found that many of these practices still exist.

In conclusion, Mr. Chairman, let me point out that unless a program of direct Federal insurance, such as that contained in my bill, is enacted, the insurance problems will only worsen and that the ghost towns that are tourist attractions in the West may well have a new rival in the inner cities of America.

Mr. BARRETT. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. I thank the gentleman from Pennsylvania (Mr. BARRETT) for this privilege, Mr. Chairman.

Mr. Chairman, the Housing and Urban Development Act of 1970, which this body has under consideration, contains the seeds for expanded housing development in our urban centers. Moreover, if adequately funded, the provisions of this bill will provide relief from the already exorbitant rents for thousands of middle-income Americans.

Several particular provisions of the bill will have a direct effect on the housing and rent crisis in New York City. The 1968 act excluded many cooperative housing projects financed by State or local assistance programs such as the New York State Mitchell-Lama program.

Provisions to correct this deficiency have been written into both the committee bill and the substitute bill now before us. As I have often said during this Congress, to exclude housing developments, such as Co-op City in the Bronx, which will eventually be the largest such development in the world, could not be tolerated if we are to really alleviate the housing scarcity and halt the spiralling maintenance costs now experienced by our large city cooperatives. I am pleased that this Congress has been fit to help these people.

Beyond this however, adequate funding of sections 235 and 236 of the housing act is essential if the benefits envisioned by Congress are to reach all those eligible and are truly to solve the housing crisis.

What exactly do the benefits of this act mean in terms of dollars and cents to the individual cooperator? Whenever, through Federal assistance, the interest rate goes down 1 percent the rent per room per month goes down $4. This means that if for example Co-op City were to receive sufficient assistance to reduce its mortgages financing costs from the approximately 5 percent it now pays to 1 percent, the cost of a two-bedroom apartment would be reduced by $64 per month.

That is a lot of money to a family earning a moderate income in New York City.

Moreover, the provisions would benefit new projects, many of which will be abandoned without some assistance to hold down the rents. The fact is, there is not that great a demand for apartments if you have to earn over $20,000 to afford one.

Whether or not the intent of Congress to help ease the housing crisis for the thousands of middle-income Americans is carried out, however, hinges on adequate funding. During the current fiscal year demand for such assistance from eligible projects in New York City was $58 million. Yet, only about $3 million was allotted. Hardly enough.

It is my hope—and my intention—that with the substitute bill being only an interim measure, next year's bill will greatly increase the funding under sections 235 and 236. The law is only a lot of talk as it now stands. This measure could be a big help in holding down rents for the vast majority of those Americans who are crying for such assistance, but they are cut off because the money is not there.

Moreover, the lack of housing in our urban centers will grow more acute as time passes. It will be too late to spend the money when people are out in the streets for lack of shelter.

Although I have backed the compromise measure extending the programs for 1 year, I will not just extend the bill again next year. We must have adequate funding and I sincerely hope that the intervening months will enlighten a sufficient number of my colleagues so that a truly helpful measure will emerge from the next Congress.

Mr. BARRETT. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, I rise in support of H.R. 19436 and commend the committee for bringing this bill to the floor.

In the Housing Act of 1949, the Congress made a ringing and impressive statement of our national housing policy:

> The Congress hereby declares that the general welfare and security of the Nation and the health and living standards of its people require housing production and related community development sufficient to remedy the serious housing shortage, the elimination of substandard and other inadequate housing through the clearance of slums and blighted areas, and the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family, thus contributing to the development and redevelopment of communities and to the advancement of the growth, wealth, and security of the Nation.

In the Housing and Urban Development Act of 1968, the Congress affirmed the national goal set forth in the Housing Act of 1949 of "a decent home and a suitable living environment for every American family" and found:

> This goal has not been fully realized for many of the Nation's lower income families; that is a matter of grave national concern; and that there exist in the public and private sectors of the economy the resources and capabilities necessary to the full realization of this goal.

The Congress further quantified this goal by projecting the construction or rehabilitation of 26 million housing units, 6 million of which would be for low- and moderate-income families, within the ensuing 10 years.

Thus far, we have fallen grievously short of meeting with performance the glowing rhetoric. Total production in the

last fiscal year amounted to only about 1,850,000 units—and this total included a large number of mobile homes, for which no allowance had been made in the initial housing production schedule presented in the President's First Annual Report on National Housing Goals last year.

So, in the President's Second Annual Report on National Housing Goals, issued on April 1 of this year, the President stated:

Housing production has declined sharply in the past year, and over the last 4 years has been more than 1 million units short of the volume needed to keep pace with the Nation's growing population and replace inevitable losses of dwellings. Insufficient progress has been made in replacing or rehabilitating some 6 million substandard units. Too many other units continue to be allowed to slip into disrepair.

The situation is dire. New York City, and other metropolitan areas across the country, are facing the worst housing shortage since World War II, and the prospects for alleviation of this crisis remain dim.

The bill before us today, H.R. 19436—the Housing and Urban Development Act of 1970—offers substantial hope for the basic steps which must be taken to revive the housing industry, and for bringing decent housing within the reach of all Americans. The essentiality of these steps is highlighted by the administration's economic policies, which have contributed so much to the malaise gripping this industry, and to the exorbitant interest rates and other costs which in turn have caused housing costs to skyrocket.

There are several aspects by virtue of which H.R. 19436 is particularly significant. It provides, in title I, for the development of a national urban growth policy. The same title authorizes a new and greatly expanded program of Federal assistance for new community development.

Several other titles of H.R. 19436 embody key perfecting amendments to existing law. In some instances, these amendments create new approaches—such as section 204's assistance for dormitory housing. In other instances, existing provisions of the law are refined so as to make them more workable and more beneficial.

Finally, authorizations for essential housing and renewal programs are significantly expanded—a necessary step which must be followed by a far greater receptivity on the part of the Appropriations Committee and the Congress to greatly increased allocations of money for these programs.

I am particularly pleased that my bill, H.R. 49—companion bill H.R. 4308—has been adopted by the Committee on Banking and Currency as section 209 of the Housing and Urban Development Act of 1970. However, I think the committee would agree that further work will remain for the Congress, even after this bill is passed, and I hope that other bills which I have introduced to comprise a comprehensive package of housing legislation will be subsequently favorably considered by the committee.

I look forward to the conclusions of the panels established by the Subcommittee on Housing to conduct a full-scale analysis of existing housing programs and of the needs for additional legislation, such as that which I discussed with the subcommittee in my testimony, prior to the creation of these panels.

SECTION 236

Clearly one of the most important Federal programs for the bringing of decent housing to moderate-income families in urban areas is the section 236 rental assistance program, created by the Housing and Urban Development Act of 1968.

This program is the prime subsidy vehicle available to the largely apartment dwelling populations of the cities. It is therefore particularly important to analyze the impact of H.R. 19436 on the program.

Section 209 embodies my bill, H.R. 49—companion bill H.R. 4308—for which I testified before the Subcommittee on Housing of the Committee on Banking and Currency on June 3. Accompanying me was a panel from Manhattan's West Side, including State Senator Manfred Ohrenstein, and the New York State Commissioner of Housing and Community Renewal, Charles J. Urstadt.

Section 209 makes State and locally financed limited profit housing projects—such as those constructed under the State and city Mitchell-Lama program in New York—which were built prior to December, 1968, eligible for section 236 rental assistance, as well as for rent supplements. Thus far, only projects built or rehabilitated subsequent to enactment of the Housing and Urban Development Act of 1968 were eligible—this a consequence of an earlier amendment of mine incorporated into that act.

The need for this expansion of section 236's parameters is particularly important. As I stated earlier, section 236 is absolutely vital for the bringing of decent rental housing to lower-income families in urban areas. Its use in tandem with State and locally financed limited-profit programs—such as that in New York—has been particularly beneficial. Similar programs exist in several States, including Connecticut, Delaware, Illinois, Massachusetts, Michigan, New Jersey, Pennsylvania, and West Virginia. I think Commissioner Urstadt's testimony, when he appeared before the Subcommittee on Housing on June 3, aptly states the matter:

We heartily endorse Congressman Ryan's proposal that the 236 program be extended to completed projects built under State or local programs. In New York State, for example, the Mitchell-Lama program makes available long-term, low-interest mortgages to regulated housing companies who agree to limit the profit on their equity investment, the development costs, architectural and legal fees, and the rentals they may charge. The regulations are enforced either by the State commissioner of Housing and Community Renewal or by the supervising municipal agency, depending upon the source of financing.

In addition, municipalities are authorized to grant real estate tax abatement of up to all but 10 percent of the shelter rent of the project. Financing of construction of these projects is made available through the sale by the city or the State housing finance agency of temporary bond anticipation notes. Often, however, when these temporary notes, which may have been sold at 5 percent, are replaced with permanent financing, at more than 7 percent, the impact on the rents or carrying charges is extreme. Each percentage point of interest translates into approximately $4.50 per room per month.

Thus, on a typical four and one-half-room apartment, the total rent increase attributable to the financing costs alone may be for as high as $40 per month. Extending the 236 program to these projects could ease the burden of this increase for these tenants and we strongly urge any action which can retain the original nature of these State and local programs in serving middle income families.

Some discussion of the Mitchell-Lama program should be helpful in demonstrating the need for legislation making section 236 rental assistance subsidies more readily workable in conjunction with this program. I should stress that I use the Mitchell-Lama program as an example—similar difficulties face the similar programs in other States.

As of April 1, 1970, there were 87 city Mitchell-Lama developments, comprising 173 buildings, and totaling 32,383 dwelling units. In construction as of that date were 19 developments, comprising 36 buildings with 7,233 dwelling units. Those projects which had been approved by the New York City Board of Estimate as of June 1, 1970, and which were pending contracting amounted to 12, comprising 60 buildings and 4,610 dwelling units. In the planning stage were 35 developments, comprising 73 buildings and 15,723 dwelling units.

The State Mitchell-Lama program has also provided significant housing in New York City. In the city, there are 51 completed State projects, with a total of 57,128 apartments. An additional 10 projects are under construction which will provide 20,246 apartments. Eight more State projects for New York City are in the planning stage, and when completed, these will add 9,271 apartments.

Outside of New York City, 24 State Mitchell-Lama projects have been completed, comprising 3,635 apartments. Another eight are under construction, and will provide 1,194 apartments. Finally, four projects are in the planning stage, and they account for 468 apartments.

Unfortunately, circumstances largely beyond the control of all but the Federal Government have very seriously damaged the Mitchell-Lama program. Money has become so tight, interest rates so high, and construction costs so great that the effectiveness of the program—to provide low-interest mortgage money for housing—has been seriously impaired as the rate of interest that must be paid on municipal bonds has increased.

New York City's recent long-term bonds, for example, went for 7.4 percent.

In 1957, the program was providing 3-percent money, building housing for $25 per room a month, and serving incomes of $5,000 to $10,000. Today, it is 7½-percent money to 7¾-percent money, projected room rentals of as high as $80 per month, and incomes of $11,000 to $20,000 which are served. And these enormous rents already reflect the impact of

an 80-percent tax abatement program and often a land writedown.

Clearly, there is a very real, very serious problem. The most important single housing program for middle-income families in New York City is facing the most dire difficulties. Rentals are increasing enormously, and in most instances, these increases are imposing an unacceptable burden upon tenants who, often subsisting on fixed incomes, cannot meet the additional expense.

Two years ago the Housing and Urban Development Act of 1968 incorporated my bill to make State and locally financed limited-profit middle-income housing programs, such as Mitchell-Lama, eligible for section 236 interest subsidies and rent supplements. This was an important step forward.

However, already existing developments were not covered. Yet, clearly, this assistance is necessary, since many Mitchell-Lamas are still under temporary financing. To provide this assistance, which would apply to all Mitchell-Lama-type programs—in Connecticut, Illinois, Massachusetts, Michigan, New Jersey, New York, and Pennsylvania—I introduced H.R. 49 on the first day of the 91st Congress. I subsequently introduced this bill, H.R. 4308, with the following 11 cosponsors: Messrs. BIAGGI, CONYERS, FARBSTEIN, GAYDOS, HALPERN, HELSTOSKI, JOELSON, KOCH, MCCARTHY, NIX, and ROSENTHAL.

The aim of the bill was to allow existing housing projects to apply for the relief they need to keep rents, carrying charges, and interest rates within the reach of the middle-income residents whom the projects are designed to serve. It does little good to construct new projects if facilities already in existence cannot maintain costs that are commensurate with the means of their tenants. And in light of the exorbitant interest rates that now exist, these costs are reaching such heights that in some way they must be stemmed.

An important advantage of this proposal is that it would cost the Federal Government less to subsidize the interest rate on a Mitchell-Lama housing project down to 1 percent than to subsidize a privately financed project down to an interest rate of 1 percent. This is because interest rates for the Mitchell-Lama program are already at levels which are lower than the regular market rate. Since the State does not finance the interest rate—but simply offers a below-market interest return to the holders of its bonds—the Federal subsidy would not constitute a second subsidy. I should note, also, that subsidization down to 1 percent is of course the optimum, but, as section 236 is written, subsidization could be down to 3 or 2 percent and the relief afforded would still be significant and welcome.

I should also like to quote from a response I offered to a question asked by the distinguished chairman of the Subcommittee on Housing when I appeared before his subcommittee on June 3, as this response also details the need for H.R. 49:

H.R. 49 would solve the problems of a significant number of Mitchell-Lama tenants and co-operators facing drastic rent-carrying charge increases by making pre-1968 projects eligible for interest subsidies and rent supplements. At present, many Mitchell-Lama dwelling units are under temporary financing. When they do go into permanent financing—and the maximum period for which they can remain under temporary financing is 7 years—the high interest rates of todays money market will come into full play. Let me give you an example.

The generally accepted rule of thumb proven out by numerous analyses, is that for every percentage point of interest, there is an increase in rents-carrying charges of $4.50 per room per month. Now, four and five and six years ago, Mitchell-Lama projects were coming in at 3.5 and 4 percent interest rates. To this would be added 0.5 percent for service charges. Today, the total is up to 7.7 percent—that means, 7.2 percent interest and 0.5 percent service charge. So, this represents an increase from 3.2 to 3.7 points. Figuring that each point of interest raises rents by $4.50 per room per month, this means rent-carrying charge increases of from $14.40 to $16.65 per room month. A family of two living in a four-room, one-bedroom apartment would therefore face, when its building goes into permanent financing, an increase ranging from $57.60 up to $66.60 per month.

I don't think I have to make any comment. The figures speak for themselves—shocking!

Now, as for the number of units that are presently under temporary financing, there are the following:

Units of State Mitchell-Lamas in New York City in 10 projects	2,588
Units of State Mitchell-Lamas outside New York City in 4 projects	853
Units of City Mitchell-Lamas in 52 projects	20,208

While not all of the city Mitchell-Lamas will experience a rent-carrying charge increase when they go into permanent financing because of contractual provisions in the original instruments of financing, some of them will, as will all of the State units. And, if they are forced to go into permanent financing in an interest market comparable to that which exists today, the effect will be devastating. The rent-carrying charge increase will literally drive the tenants and cooperators out of their apartments.

But, permanent financing is not the only peril. Currently, temporary financing is achieved through the issuance of bond anticipation notes. As interest rates increase, the money the city must pay to sell these notes becomes more costly and in turn the added costs are passed on to the tenants-cooperators. So, we hear people like Warren Holder and Edna Luftig describing their rental increases, and we read news stories such as that in the April edition of the New York Daily News with the headline "Whopping Raises Hit Middle-Income Housing Tenants," with the lead sentence:

"From vast Co-Op City in the Bronx to Manhattan's West Side, tenants in the city's middle-income developments are being socked with sharp increases in rent, in some cases less than a year after moving in, * * *"

So, passage of H.R. 49 is urgently needed in order that these buildings will be eligible for section 236 interest subsidies.

It is H.R. 49 which is incorporated as section 209 of the Housing and Urban Development Act of 1970. Needless to say, I appreciate this action by the subcommittee and full committee in adopting my bill. I know that my distinguished colleague from New York (Mr. HALPERN), who is a cosponsor of the bill, and my distinguished colleagues, the gentleman from Ohio (Mr. ASHLEY), the gentleman from Pennsylvania (Mr. MOORHEAD), and the gentleman from Texas (Mr. GONZALEZ), as well as the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. BARTLETT), and the other members of the subcommittee, are particularly concerned with the plight of New York City residents, as well as tenants across the country facing enormous rental increases.

Another very important provision of H.R. 19436 which affects the section 236 program is section 205, which would permit the Secretary of Housing and Urban Development to raise per unit cost limits. The Secretary in addition to his existing authority, is granted further authority to raise the limits by up to 20 percent in areas where he finds this necessary to meet increased construction costs.

In simple terms, this means that the section 236 program is made far more workable for New York City and other metropolitan areas, where construction costs are particularly high. For example, between 1957 and 1970, per room construction costs for city-financed Mitchell-Lama rental projects, which are eligible for section 236 assistance by virtue of my amendment adopted in 1968 and my amendment embodied in section 209 of this bill, experienced a per unit construction cost increase of 138 percent, from $2,870 in 1957 to $6,831 in 1970.

In light of the prime importance of the section 236 program to New York City and New York State, the necessity for enhancing the workability of the program is urgent. Again, the subcommittee and full committee are to be commended for their sensitivity in responding to our urgings and our depiction of the massive housing crisis facing New York City.

Finally, H.R. 19436 provides, in section 211, for the inclusion of certain costs in section 236 projects. Again, this is an important provision for Mitchell-Lama projects; it authorizes the Secretary of Housing and Urban Development, in computing the amount of rental assistance payments, to treat fees and charges imposed on mortgagors participating in State or locally financed mortgage lending programs to be treated in the same manner as FHA-charged mortgage insurance premiums. And section 215 of the bill amends section 236 to authorize the use of available facilities in section 236 rental or cooperative housing projects for classroom purposes where public schools are overcrowded, due in part to the project.

H.R. 19436 also provides for the extension of the section 236 program until October 1, 1973, as well as for urgently needed increased authorizations. Section 202 of the bill before us today increases the aggregate amount of contracts that the Secretary of Housing and Urban Development may enter into under the section 236 program by $25 million as of July 1, 1970, by $30 million as of July 1, 1971, by $225 million as of July 1, 1972, and by $250 million as of July 1, 1973.

The need for funds for this essential program are urgent, and these increased authorizations reflect that need. New York City alone, as of July 2, 1970, reports a need for $41,332,000 in section 236 funds. This figure does not even in-

clude the projects being developed in New York City by the New York State Housing Finance Agency or the New York State Division of Housing and Community Renewal. If New York City were to receive the funds to cover this needed total, in fiscal year 1971 alone 23,995 dwelling units would be produced.

Needless to say, New York City has not in fact received adequate funds—nor has any other large city. The Congress has failed to appropriate sufficient funds, and the administration has failed to request sufficient funds.

Thus, the fact is that as of October 7, 1970, the total of section 236 funds which have been distributed by the New York City FHA Regional Office amounts to only $19,903,515. In this fiscal year, from July 1, 1970 to October 7, 1970, $6,353,618 of that $19 million overall total were distributed.

State and local Mitchell-Lamas received $5,068,020 of the overall total, and only $363,191 in this fiscal year through October 7.

Yet, the backlog of requests for section 236 funds as of October 30 reported by the New York City FHA Regional Office amounted to $22 million, of which $20 million is needed just for Mitchell-Lama projects in New York City.

Hopefully, the increases in authorizations embodied in H.R. 19436 will serve as a spur to increased actual funding, as well.

DORMITORY-TYPE HOUSING

Another key provision of the bill before us authorizes the Secretary of Housing and Urban Development to provide assistance for dormitory-type housing under the section 236 and rent supplement programs. In brief, section 204 of H.R. 19436 aims at the problems of SRO dwellings, for example, single-room occupancy housing. I know that our distinguished colleague from Pennsylvania (Mr. MOORHEAD) deserves particular credit for this provision.

The problem of SRO's is a critical one in New York City, where the Planetarium Neighborhood Council, of which Mr. John Kowal is chairman and Mrs. Jeanne Miles is chairman of the housing committee, has been particularly active. This problem, of particular concern in my own congressional district, is concisely described in an August 1969 report, entitled "A Program for Tenants in Single Room Occupancy (SRO) and for Their New York City Neighbors":

New York City, particularly the West Side of Manhattan, has a problem population of single "roomers" housed in what are sometimes called slum hotels. Many of these roomers' lives are deteriorated by severe physical or emotional problems, by excessive use of alcohol and drugs, by advanced age, and by the condition of their housing . . .

These citizens live in buildings technically classified as single room occupancy facilities—SRO—and in SRO-type buildings, such as hotels, rooming houses and lodging houses. It has been estimated that there are approximately 100,000 units of SRO and SRO-type housing in New York City. Of these, 20,000 to 25,000 are on the West Side of Manhattan, between 72d and 110th Streets. Of the West Side units, 14,500 of them are in buildings classified as SRO; 15,500 to 20,500 are in SRO-type buildings. This concentration of SRO facilities and people led someone to describe the West Side as the "rooming house center of Manhattan."

The SRO problem has been long in the making. In the forties, faced with a critical housing shortage, conversion of buildings from class A self-contained apartments to single rooms with shared facilities was frequently permitted and even encouraged by the city. Large apartments were hastily and shoddily subdivided into six to eight single rooms, usually lined up off a railroad hallway. Bathrooms and kitchens were shared. From the very outset, the units thus created afforded a minimum of living amenities. Over the years these facilities have sunk into disrepair. Overuse and deferred maintenance have taken their toll with the result that they now provide a poor environment for a very needy segment of the city's population.

I should also like to quote from an article by Kitty Hanson which appeared in the May 18, 1970, issue of the New York Daily News. Entitled "All the Lonely People," this article movingly describes the plight of SRO dwellers:

It is morning. They waken on stale, used mattresses to the smell of stale, used air and the sound of silence. Outside, a spring sun filters through the New York City smog, lighting but not warming the brick and stone of the austere West Side block where they live. The city roared to life hours ago, but inside their gloomy walls, they fumble slowly into awareness. No time clock waits for them.

In solitary silence they rise and dress. In solitary silence, they leave their rooms and lock their doors and venture into another empty day, unnoted, unknown and often unfed.

"They" are the rooming house poor, the most deprived of all the forgotten men and women who live in New York's hidden City of Furnished Rooms: population, approximately 100,000; principal industry, survival.

These are the people who live in the poor hotels, the rooming houses, the SROs (single-room-occupancy buildings) which are serving the city of New York as the 20th century version of the 18th century poorhouse. Inside, they provide a marginal subsistence for their occupants; outside, a festering source of blight for entire neighborhoods.

Here you will find the elderly and the eccentric, the widows and widowers, the divorced and separated and never-marrieds. Here are alcoholics and addicts and prostitutes; and quiet working people who labor at low-skill, low-pay jobs and mind their own business and like it that way. Here are college students—and the mildly retarded. And here are the physically and mentally ill—not ill enough to merit a hospital bed or the wards of a state institution, not well enough to function in the world outside their furnished rooms.

Rundown relics of a better day, these "private poorhouses" are pockets of blight in neighborhoods of the affluent, the middle class and the making-it. The buildings themselves are an offense to the eye; the loiterers, the drunks, the petty criminals a danger to children; the shouts, the noise and sporadic outbursts of violence a threat to peace of mind and a good night's sleep.

To the average citizen, the SRO is a place to leave, but for thousands of New Yorkers it is the only place in which they can continue to live.

Thus far, Federal low- and moderate-income housing programs have been chiefly aimed at assisting families and the elderly or handicapped. The low-income, single person under 62 years of age has to a large extent been ignored. Particularly today, when the demand for housing grossly exceeds the supply, and living costs continue to soar while the administration pursues misplaced economic policies and ignores the tools which could be employed to halt inflation, the needs of this population group are increasingly critical.

The program authorized by section 204 of H.R. 19436 would channel assistance through the rent supplement and section 236 programs to provide dormitory-type rental housing. Up to 10 percent of the total amount of interest reduction payments contracted for under appropriations for the section 236 program, and for the rent supplement program, would be available for the dormitory-type projects.

I must express my reservations about the approach envisioned by the committee report, House Report No. 91–1556, which at page 12 stresses "maximum feasible use" of community kitchens, common dining areas, and other shared facilities. Communal facilities are not really the answer to the needs and wants of SRO residents, the language of the committee report notwithstanding.

RENT SUPPLEMENTS

As I have noted, section 209 of the Housing and Urban Development Act of 1970 embodies my bill, H.R. 49—companion bill H.R. 4308—which makes State and locally financed limited-profit projects—such as Mitchell-Lamas—eligible for rent supplements. This is a significant step which broadens the provision in existing law—which included my 1968 amendment—making post-1968 Mitchell-Lamas eligible for rent supplements.

In addition, H.R. 19436 extends the rent supplement program to October 1, 1973, and it increases the aggregate amount of contracts that the Secretary may enter into to make rent supplement payments by $80 million on July 1, 1971, by $85 million on July 1, 1972, and by $90 million on July 1, 1973.

The dormitory-type housing program authorized by the bill before us today is also involved with the rent supplement program, inasmuch as section 204 provides that rent supplements may be used for dormitory-type rental projects.

The rent supplement program has been one of those programs with particular potential for benefiting low-income families who desperately need decent housing, yet cannot afford it, which has been a stepchild of the Congress. Only a few of us have fought for it, and it has never received more than minimal appropriations. Hopefully the increased authorizations embodied in H.R. 19436 will rouse the Congress henceforth adequately to fund this program.

URBAN RENEWAL

Section 301 of H.R. 19436, the Housing and Urban Development Act of 1970, increases the amount of grant funds available for urban renewal by $3 billion as of

this fiscal year. The section also reserves not less than 35 percent of the funds available for renewal activities in fiscal year 1972 for neighborhood development programs.

The urban renewal program has, in large part, been successful. Serious flaws have been revealed, such as the failure to adequately provide for the individuals and families displaced by renewal programs. These flaws cannot be countenanced, and corrective action must be taken. But, these flaws do not dispute the basic concept—it is the implementation which must be remediated.

One reflection of the concern which some of us have voiced regarding these flaws is seen in the statistics comparing low- and moderate-income housing construction on renewal sites in the 16 fiscal years preceding June 30, 1966, and the 3 fiscal years since. During this latter 3-year period, the number of new low- and moderate-income units started on renewal sites was virtually equal to the total of all such units during the preceding 16 years. During this 3-year period, two-thirds of all new units started on renewal land were for low- and moderate-income use, compared to only 40 percent of total renewal housing starts during the preceding years.

Granted, the problem is still a severe one. But it is improving, and we will continue to press for truly adequate and beneficial relocation, as well as for adequate construction of housing on renewal sites.

The value of the urban renewal program is well known. As I said last week, when the Independent Offices and the Department of Housing and Urban Development appropriations bill for fiscal year 1971—H.R. 19830—was before the House:

> In money terms alone, and this seems to be the language which the Administration likes to play with, the values added by redevelopment of renewal sites have resulted in a 240 per cent increase in assessed value of taxable land and a corresponding increase in tax revenues. . . .
>
> In human terms, of course, urban renewal is a program which is intended to accomplish what its very name states—the renewal of urban areas, the environment in which more than one-half of this country's population lives.

And on June 25, also, I detailed some of the benefits of the urban renewal program:

> Since 1949, over 1,000 communities—in all 50 States—have participated or are participating in the urban renewal program. Over half of these communities have a population below 25,000; and over $8.2 billion has been approved in Federal grants to assist the over 1,000 participants.
>
> Under the urban renewal program over a quarter of a million new or rehabilitated housing units have already been started or completed, 53 per cent of which are low- and moderate-income housing. When all redevelopment in programs approved through June 30, 1969, is completed, it will have generated nearly 1.3 million housing units, of which 66 per cent are low and moderate income.
>
> Urban renewal activity has generated about 500,000 permanent jobs. When present planned redevelopment is complete, over 2.2 million jobs will have been generated. Approximately $5.30 of local private and public investment has been generated for each urban renewal dollar. The assessed tax valuation of land and improvements has increased an average of 240 per cent in completed renewal projects, thereby expanding the local tax base.

What is needed now, in addition to perfecting legislation and adequate funding of other programs—such as section 236—which enable housing reconstruction, is sufficient funds for the urban renewal program itself. The October issue of the Journal of Housing reports that localities have applications in the pipeline for renewal grants in a total of $3.7 billion. As the article in the Journal, entitled "Urban Renewal—In Review; In Prospect" states:

> That is more than three times the amount of federal grant funds presently in prospect for this fiscal year.

The needs of New York alone are enormous. On July 8, when the conference report on the vetoed appropriation bill which was the predecessor of H.R. 19830 was being considered, I detailed some of these:

> Allow me to point to the needs in New York State for a moment. There are currently 204 projects involving a grant reservation of $1.08 billion in the State; 86 cities have pending or proposed applications amounting to $356.5 million. New York City alone currently has four unfunded urban renewal projects pending.

I commend the Subcommittee on Housing and the full Committee on Banking and Currency on providing for an increased authorization of $3 billion. The need is clearly demonstrable; the benefits are clearly apprehensible. Only the will to provide sufficient funds has been lacking. At least now, a respectable authorization figure will exist.

PUBLIC HOUSING

Title III of H.R. 19436, the Housing and Urban Development Act of 1970, contains particularly important provisions concerning public housing. Section 302 increases the authorizations for annual contribution contracts under the public housing program: for fiscal year 1971, the bill as reported out of committee, increases the authorization by $150 million. The increase is $275 million for fiscal year 1972, $300 million for fiscal year 1973, and $350 million for fiscal year 1974.

The crisis in public housing extends across the country, and the lack of funds is the basis of this crisis. For this reason, section 302 is particularly crucial. A recent publication of the Urban Institute, entitled "Operating Costs in Public Housing—A Financial Crisis," and written by Frank de Leeuw, details the problem:

> Public housing costs have been rising rapidly in recent years, and rental income has been running well below operating costs for many local housing authorities, the agencies that manage federally supported public housing. With federal government payments restricted until late 1969 to capital costs (and small supplementary payments for the elderly and a few other groups), the result has been a rapid growth in operating deficits. "Crisis" is not too strong a word to describe the situation.

The central finding of the de Leeuw study is that—

> Price and wage inflation is the major cause of increased operating costs in public housing.

And Mr. de Leeuw's findings lead to the conclusion:

> The gap between costs and rents almost certainly will continue to emerge and grow for many local housing authorities in the near future, certainly so long as prices and wages continue.

In other words, the deficits being experienced by public housing authorities across the country are not, as some would have it, the products of mismanagement, but rather, they are the result of the economic situation which grips this country.

This need for funds was highlighted only a few days ago, when Simeon Golar, chairman of the New York City Housing Authority, disclosed that services and maintenance at public housing projects were being sharply curtailed because of lack of money. Mr. Golar was reported as estimating, in a New York Times story of November 20, that the authority's deficit would come to almost $20 million by the end of the year, and he was quoted as stating:

> I would assume that by the end of next year, in the federally assisted program, for instance, we will have virtually depleted our reserves, and really won't be able to cover our next payroll at some point in time.

He also pointed out while there are nearly 500,000 people seeking accommodations in public housing, fiscal shortages threatened new construction.

Thus, the increased authorizations provided in section 302 are essential.

Section 308 is also very important, especially to New York City. This provision permits the Secretary of Housing and Urban Development, in areas where he finds it necessary in order to meet increased construction costs, to increase by up to 20 percent the public housing per dwelling unit cost limits in existing law. In light of the tremendous increase in such costs in New York City, as well as other metropolitan areas, this provision is key.

SECTION 23 LEASING PROGRAM

Two provisions of the Housing and Urban Development Act of 1970 concern the section 23 leasing program. These are sections 303 and 304. The section 23 program, embodied in the Housing and Urban Development Act of 1965 as an amendment to the U.S. Housing Act of 1937, provides for the leasing of private housing units at current private market rental levels by local public housing agencies and the subsequent subleasing of these units to public housing tenants at lower rents.

Major credit for the section 23 program is due our distinguished colleague from New Jersey (Mr. WIDNALL), and section 303 of the bill before us today is in large part the result of his concern for this program. This section provides that at least 30 percent of the dwelling units for which annual contribution contracts for public housing are entered into shall be section 23 units. Section 304 extends the maximum term of the contracts between local public housing agencies and

housing owners, in the implementation of the section 23 program.

The particular importance of this program to New York City is well detailed in a report issued by the Citizens Budget Commission, Inc., headed by John M. Leavens, in July of this year. As the report concludes:

> There are few programs in the housing field which work. Most fall far short of expectations and fail to match the rhetoric which heralded their arrival. The Section 23 program is one of the few programs that really works.

As of July 1970, 16,380 units had been leased to public housing tenants in the northeastern region. Over 1,700 units had been leased under section 23 in New York City; leasing, in fact, accounted for 18.1 percent of the 3,373 units of public housing which were provided under various housing programs in New York City in 1969.

Under section 23, the New York City Housing Authority leases units on the private market at rentals averaging $32.90 per room per month, and then subleases them to public housing tenants at a rate averaging $17.50 per room per month. The rent differential is subsidized by the Department of Housing and Urban Development, which contracts with the housing authority.

Unfortunately, despite my protestations and those of others of my colleagues, the administration undertook this year a severe cutback of the section 23 program. Consequently, section 303, requiring that at least 30 percent of the units for which public housing contracts are entered into must be section 23 units, was necessary to force the administration to support a valuable program.

Section 303 removes the administrative discretion that the Department of Housing and Urban Development has abused, and forces an adequate allocation of funds to the section 23 program. And this is necessary, for as the Commission report states:

> The section 23 program can quickly provide needed housing in New York City in a way that no other program can match. The need to expand the public leasing program is hampered by lack of Federal funds.

One caveat must be entered. The commitment to adequate allocation of funds to the section 23 leasing program carries with it the concomitant necessity to assure that the public housing program is sufficiently funded, since it is public housing funds which are employed for the leasing program. A diversion of funds to the section 23 program, to the detriment of the regular public housing program, cannot be sanctioned. This is added warrant, therefore, for the increased authorizations for public housing contract contributions provided by section 302 of the Housing and Urban Development Act of 1970.

SECTION 235

The provisions of the section 235 homeownership assistance program are amended by several provisions of H.R. 19436. Generally, this program is not too useful in New York City, which is characterized by such a large proportion of apartment units. However, one provision of the Housing and Urban Development Act, as it applies to section 235, does have particular relevance. This is section 210, which would permit homeownership assistance payments to be made on behalf of lower income members of cooperative housing projects financed with aid under a State or local program. Thus, Mitchell-Lama cooperatives will be eligible for assistance.

Unfortunately, section 210 only makes eligible projects constructed or rehabilitated after the enactment of H.R. 19436—much the same situation as that existing under section 236 with regard to rental assistance payments which my bill, H.R. 49, embodied in section 209 of the bill before us today, remedies. However, this initial step is a commendable and needed one.

Section 201 of H.R. 19436 extends the section 235 program through October 1, 1973. Thereby, the future of this program for the next few years is assured. Section 202 concerns authorizations. This provides that the aggregate amount of contracts that the Secretary may enter into to make homeownership assistance payments is increased by $25 million as of July 1, 1970, by $30 million for fiscal year 1972, by $225 million for fiscal year 1973, and by $250 million for fiscal year 1974.

MODEL CITIES

Section 401 of H.R. 19436, the Housing and Urban Development Act of 1970, authorizes an additional $500 million in grant authority for model cites for fiscal year 1972. Again, we see a worthwhile program which has been shortchanged in its funding. While New York City has been a major recipient of model cities funds, the need for funding continues.

MINORITY ENTERPRISE

Each housing program works, either directly or indirectly, to provide jobs. Housing production and rehabilitation creates jobs. The provision of decent housing encourages people to remain in the urban environment, and thereby jobs are generated through increased services and goods which are required. And, because, a significant percentage of urban residents are members of minority groups, our encouragement of the development of housing necessarily redounds to their benefit, as it does to the benefit of all Americans.

Section 902 of the Housing and Urban Development Act of 1970 takes a significant step by addressing another aspect of the problem of minority group individuals—the inability of small business contractors, many of whom are such individuals—to obtain surety bonds. This situation not only impedes the opportunities of those individuals already in the construction business, but it also very severely precludes their entrance into this industry. Thus, only 2,000 out of 870,000 general and specialty contractors are black. This represents only two-tenths of 1 per cent—a level of participation in the housing industry which is far, far too low.

Section 902 authorizes the Secretary of Housing and Urban Development to provide or guarantee any bid, payment, or performance bond applied for by or on behalf of a construction contractor or subcontractor to enable such concern to furnish such bond in connection with any construction contract.

I am gratified to see the Committee on Banking and Currency at work in this area, particularly inasmuch as I have introduced legislation directed at this problem, as to which I testified before the Subcommittee on Housing on June 3 of this year. My bill, H.R. 13735, would permit the Small Business Administration to provide a Federal guarantee of certain types of construction—including bid bonds, payment bonds, and performance bonds. While the approaches are somewhat different, both I and the committee obviously have the same aim—alleviation of a problem which I discussed on September 24, 1969, when I explained the legislation I had introduced:

> Without performance bonds, it is virtually impossible to get construction work. In Harlem, for example, black contractors are unable to work in the community because they cannot convince surety companies to provide them with performance or payment bonds.

WATER AND SEWER FACILITIES

Section 403 of the Housing and Urban Development Act of 1970 authorizes, beginning in the next fiscal year, additional grant authority of $500 million for basic water and sewer facilities, and $50 million for neighborhood facilities. This authorization, like the expanded authorizations for the other programs which I have discussed, is urgently needed.

NATIONAL URBAN GROWTH POLICY

Title I of the Housing and Urban Development Act of 1970 provides for urban growth and new community development. This major provision is in large part due to the work of our distinguished colleague from Ohio (Mr. ASHLEY). It constitutes significant recognition of the haphazard patterns of urban growth which in the past have characterized the development of our cities, and response to the large part this past and present polyglot growth plays today in the blight and decay which afflict our metropolitan areas.

In addition, title I aims at fostering the development of new communities, possessed of the benefits of rational planning. The title also aims at the creation of major well-balanced additions to existing communities, and the renewal of innercity areas. For example, part C of title I would make eligible for urban renewal grants the acquisition by local public agencies of vacant or inappropriately used land or space which could be developed for housing and other uses, including schools, parks, and hospitals.

Title I constitutes a major breakthrough in trying to order the formation and rehabilitation of the environment in which more than half of our population lives. Rational growth is the only alternative we have to the decay of our urban centers, and we cannot reject that alternative.

URBAN PROPERTY PROTECTION AND INSURANCE

I am particularly pleased to note the inclusion in the Housing and Urban Development Act of 1970 of H.R. 14043, the urban property protection and reinsurance amendments. This bill, of

which I am a cosponsor and of which our distinguished colleague, the gentleman from Illinois (Mr. ANNUNZIO) is the chief sponsor, is directed at improving the urban property protection and reinsurance program which was first instituted under the Housing and Urban Development Act of 1968.

The premise for this program stems from a recommendation of the President's Commission on Civil Disorder, which was concerned with the fact that the disorders that occurred in many of our cities from 1964 through 1968 had caused the insurance industry to either withdraw its basic property insurance from many of our large cities or to increase the premiums to excessive rates.

The 1968 legislation proved to be deficient in some respects. Title VII is aimed at correcting the deficiencies. I commend the subcommittee and the full committee for their inclusion of this title, which is recognition of the plight of many small businessmen and residents of our major cities.

AGENDA FOR THE FUTURE

While the Housing and Urban Development Act of 1970 is an important piece of legislation, sensitive to many of the housing needs of the Nation, I think it safe to say that, even following its enactment into law, there still will be much left to do. One aspect of the agenda for the future is executive commitment—this is essential, since administration of legislation is so crucial in determining the effect it will have. Another aspect of this agenda for the future is the enactment of additional legislation. And in this regard, I should like to discuss some of the legislation which I have introduced and upon which I urge the subcommittee to act. I know that in part it has already done so by setting up panels to analyze existing programs and to assess the need for additional legislation, and I look forward to the reports of these panels.

When I appeared before the Subcommittee on Housing to testify on June 3, there were two other bills—in addition to H.R. 49, which has been incorporated in section 209 of the bill before us today—which I particularly stressed. Both of these bills—H.R. 14435 and H.R. 17885—amend section 236. H.R. 14435 reduces the rent-income ratios for section 236 and rent supplements from 25 percent down to 20 percent. This bill was adopted on the floor last year when I offered it as an amendment to the Housing and Urban Development Act of 1969. Unfortunately, it was deleted in the Senate-House conference. H.R. 17885 substitutes administrative flexibility for the rigid income eligibility requirements of section 236.

While under the section 235 homeownership program, the owner of a private home has to pay only 20 percent of his income and, in addition, he receives a tax deduction on the interest payments that he makes, the section 236 renter not only has to pay 25 percent of his income as rent, but he also receives no tax deduction. The inequity is apparent and itself justifies—even apart from the difficult financial burden imposed on renters and cooperators paying carrying charges—adoption of H.R. 14435.

Let me explain the current costs of Mitchell-Lamas apartments—which are ostensibly constructed for middle-income families—and that will give some picture of the burden currently being borne. Rent carrying charges are now as high as $48 per room per month. Projects are now in the process of construction with contemplated rent-carrying charges in the middle $60's. And the New York City Board of Estimates has recently approved $80 per room per month.

Now, in figuring what this means in terms of rents per apartment, the following standards have been set. An efficiency apartment is deemed to equal a three-room apartment if it has a balcony, and a 2½-room apartment if it does not. So, an elderly widow living in an efficiency apartment is today facing rents as high as $144 per month, or $1,728 a year. This clearly is an enormous chunk of money for a retired person, seeking to subsist on social security, and perhaps limited savings.

A one-bedroom apartment is computed as comprising four rooms; a two-bedroom apartment comprises five rooms; and a 3-bedroom apartment is figured at 6½ rooms.

With a section 236 subsidy, rental-carrying charges planned to run in the $60's could be reduced to the $30's if the subsidy were down to a 1-percent interest rate. Of course, subsidization down to 3 percent or 2 percent would be of significant aid, as well, although not as great.

Actually, there are not that many families in Mitchell-Lamas now paying more than that 20 percent of their income for rent, so passage of H.R. 14435 would not represent opening the door to a tremendous depletion of section 236 funds just for these families. It has been estimated that there are only 7,200 families and individuals in city Mitchell-Lamas paying in excess of 20 percent of their income for rent.

Finally, I would stress that the benefits of H.R. 14435 really are in no way limited to New York, but would apply across the country to all those families and individuals who do not currently qualify for a section 236 subsidy or the rent supplement program, yet who are paying in excess of 20 percent of their income for rent.

H.R. 17885 also should be passed. Currently, section 236 sets income eligibility limits for all but 20 percent of the families in a subsidized building at 135 percent of the maximum income limits for public housing in the area, or 90 percent of the limits set for section 221(d)(3) housing. Actually, in New York City, the 135 percent of public housing limits formula and the 90 percent of section 221(d)(3) formula come out quite close.

The simple fact of the matter is that these eligibility limitations are too stringent. There are many families for whom section 236 subsidization is necessary, yet whose incomes exceed the present statutory limits. H.R. 17885 rectifies this problem by abolishing the percentage limits now in the law, and substituting in their stead the administrative discretion of the Secretary of the Department of Housing and Urban Development to set income limits taking into account the housing costs of the area in which the project receiving subsidization is located.

Obviously, the extremely high costs in metropolitan areas will persuade the Secretary to set income limits sufficiently high to meet the needs of those families who, while possessed of income apparently sufficient in amount, actually cannot pay the rentals which follow upon these high costs.

Let me give an example. Under the present adjusted annual maximum income limits for Section 236 subsidized housing, a single person can only have a maximum income of $5,835. So, if a widow has an annual income of $6,000, she is ineligible for section 236 subsidy. Yet, if she is living in an efficiency apartment at the current rates in some buildings of $48 per room per month, she is paying $1,728 a year for rent, or 28.8 percent of her income. And if she is not yet living in a Mitchell-Lama unit, and moves into one of the units being constructed which run at $65 per room per month, she will be paying $2,340 a year. This amounts to 39 percent of her income. Simply incredible.

So, H.R. 17885, removing the current income limits and allowing the Secretary of Housing and Urban Development to set limits in light of local costs, is really essential.

By this approach, middle-income families and individuals whose incomes exceed the present eligibility limits, yet who cannot afford conventional housing, would be made eligible.

In addition to H.R. 14435 and H.R. 17885, I have also introduced several other bills which I believe to be particularly important.

A. PUBLIC HOUSING

H.R. 601 would amend the Housing Act of 1937 to remove the existing 15 per centum limit on the amount of assistance which may be provided thereunder for low-rent public housing in any one State. Public housing should be built where the need is greatest and not on the basis of an artificial quota system which has the untoward result of smaller nonrural areas receiving a disproportionate share of public housing units.

H.R. 602 would remove the existing dollar limit on the amount of annual contributions which may be contracted for by the Department of Housing and Urban Development. This bill would also serve to insure that the program is based on the demand and need for the program rather than a statutory contract authority limitation. With so many of our low-income people living in substandard housing and with inadequate funding by the Congress of the complementary rent supplement program, it is essential that the public housing program be utilized in relation to the need and demand for low-income housing.

H.R. 604 would amend the Housing Act of 1937 to provide that a tenant in a low-rent public housing project may not be evicted without a public hearing. H.R. 604 is consistent with the American ideals of justice and asks only that a public hearing be given to a tenant regarding his proposed eviction, that the decision of

the local public housing agency be based on the record of the hearing, and that such decision be subject to judicial review in the courts. It is hardly necessary to state that it is only fair that public housing tenants be accorded the same standards of justice that exist for those more fortunate.

B. RENT SUPPLEMENT PROGRAM

I have introduced a bill, H.R. 608, to amend section 101 of the 1965 HUD Act to provide increased rent supplement payments in the case of tenants with larger families. The bill causes the annual payments which a tenant makes on his house to reflect the size of his family by providing that the portion of his income which is taken into account in determining his rent supplement is reduced by $200 for each member of his family—other than himself and his spouse—who has no income. H.R. 608 would help to alleviate the situation under which the rent supplement program presently operates, which does not adequately take into consideration large income families, especially in our larger metropolitan areas.

C. URBAN RENEWAL

We know from 20 years' experience that most of the land that has been utilized for the urban renewal program was originally occupied by low- and moderate-income housing. We also know from 20 years' experience that the urban renewal program has not been sufficiently responsive to the needs for housing of the poor and near-poor.

To insure that the urban renewal program does not continue to operate oblivious to the housing needs and gaps facing this country, I have introduced H.R. 597, to amend title I of the Housing Act of 1949 to prohibit the construction of luxury housing in the redevelopment of urban renewal areas. My bill would go beyond the requirements set forth in the Housing and Urban Development Act of 1969. The 1969 act amended section 105 of the Housing Act of 1949 to provide that if any urban renewal project receiving Federal recognition after enactment of the 1968 act included the demolition or removal of any residential structures, there must be provided, by construction or rehabilitation, standard housing units for occupancy by low- and moderate-income families at least equal in number to the number of units occupied by such families and which were demolished and removed.

H.R. 597 would insure that all of the housing built on renewal sites be low- and moderate-income in nature. This Congress and this country are being self-contradictory if on the one hand they state—as they did in the 1968 HUD Act—that we must achieve the goal of 6 million units of low- and moderate-income housing in the next decade, and then on the other hand, allow the renewal program to be utilized for the construction of luxury housing which can be provided through the private marketplace and which, furthermore, is not a critical need at this point in our history.

RELOCATION

One of the most often critized aspects of the urban renewal program has been its relocation procedures. Seven bills—H.R. 597, 598, 599, 600, 609, 10266, and 10651—which I have introduced would substantially improve these procedures and insure that relocation is carried out in the future on a fair, just, and humane basis. Too often in the past renewal administrators have allowed the poor and displaced to bear an unnecessary and unwarranted share of the costs—both human and financial.

H.R. 598 would amend title I of the Housing Act of 1949 to require the establishment of more effective procedures for the relocation of individuals, families, and business concerns from the area of urban renewal projects. The major provisions of this bill would: First, insure that no property on an urban renewal site was disposed of until relocation and replacement sites of standard housing had been completed; second, relocation would be carried out by the local public housing agency without contracting their relocation to private agencies, institutions, or organizations.

In far too many cases, a local public agency does not have adequate standard housing available for displacees, but will move such persons out regardless. The tendency has been for public agencies to view relocation as a "ground-cleaning operation," rather than as an essential and important part of the total renewal operation—that is, to both renew and to provide adequate housing. Local agencies have for too long failed to realize that relocation is a component in the national housing policy for adequate housing for every American family. H.R. 598 also would require local public agencies to undertake relocation rather than some less responsive or detached private organization undertaking such a contract for profit.

H.R. 599 would amend title I of the Housing Act of 1969 to provide that individuals, families, and business concerns shall have a priority of opportunity to relocate in the renewal project area after its redevelopment. Generally, renewal has meant the displacement of the poor and near-poor by upper-middle and upper-income groups. As I stated earlier, a basic intent of the Housing Act of 1949 was the provision of low- and moderate-income housing through the redevelopment of land sites. The 1968 Housing and Urban Development Act reaffirmed our efforts to provide decent and safe housing for these income groups. H.R. 599 would insure that those displaced by renewal have priority of opportunity to return and relocate in the renewal area after redevelopment. This is a companion bill to H.R. 597, which would require only moderate- and low-income housing on renewal sites. These two bills together would insure that we make steady progress toward the national housing goal of 6 million new and rehabilitated low- and moderate-income housing units over the next 10 years.

H.R. 600 would amend title I of the Housing Act of 1949 to provide more adequate relocation payments for individuals, families, and business concerns displaced from urban renewal areas. The important provision of H.R. 600 is that the provision of losses and expenses to tenants and business concerns be equal to actual losses rather than a statutory payment limitation, as exists now. Tenants should be paid an amount equal to the difference for 1 year between original rent and rent paid for accommodations at the replacement site. Small business concerns could include an amount equal to their loss of profit for the first year after relocation; also, they could, after reasonable efforts to obtain a suitable replacement site failed, include an amount equal to the fair and reasonable market value of their trade or business unless they are offered a priority of opportunity in connection with the development project.

The present method of relocation payments unjustly penalizes the poor and small businessmen who find that inadequate payments drive them into either overcrowded and substandard housing or bankruptcy and foreclosures. The primary policy objective of relocation should be to make it possible for a family or a business to move into decent homes and business sites with a minimum of sacrifice on their part.

H.R. 609 is also related to relocation, but to relocation as it is applied to all Federal and federally aided programs. This bill would amend title I of the Housing Act of 1949 to provide more adequate relocation payments to extend the requirement of such payments to persons displaced under all Federal and federally aided programs and to establish in the Department of Housing and Urban Development a central relocation agency which will actually make relocation payments and provide assistance to displaced persons in obtaining them.

These seven bills dealing with relocation would ensure fair, just, and humane relocation procedures. They would strengthen the capacities of local agencies to deal with relocation problems and would provide those displaced with the resources to improve their homes and living environment.

D. COOPERATIVE HOUSING

A cooperative is a consumer enterprise owned and operated by its members on a nonprofit basis. It offers a rather unique form of homeownership that could not only benefit middle-income groups but also lower-income as well.

Cooperative housing offers many benefits, including income tax deductions for the tenants' share of local taxes and interest on the mortgage; building up equity; little or no losses from vacancies and collection difficulties; and cheaper maintenance costs.

I have introduced two bills, H.R. 51—the Cooperative Rehabilitation Housing Act—and H.R. 596, to deal with cooperative housing. The Cooperative Rehabilitation Housing Act would provide Federal assistance to enable tenants of multifamily housing in low- and moderate-income urban areas, organized as cooperatives, to acquire and rehabilitate

such housing. This act would further the opportunities for homeownership similar to the provision for section 235 homeownership for lower-income families programs authorized in the 1968 Housing and Urban Development Act.

This act would enable local groups to rid the slums of absentee landlords who have failed to keep up their properties while at the same time charging exorbitant rentals. As the act states:

It is the purpose of this Act, by providing Federal financial and other assistance, to enable the occupants of multi-family housing in low- and moderate-income urban areas to acquire and rehabilitate the structures in which they live.

This bill provides a low-interest, revolving fund for acquisition and rehabilitation. It enables tenants to negotiate a sale directly with a private owner or to acquire the dwelling from a municipality. There are also incentives for municipalities to acquire, through condemnation, or otherwise, dwellings which are in repeated violation of local building codes or health codes, for the purpose of eventually transferring them to resident cooperatives.

H.R. 51 also has a provision for a technical assistance service in HUD to facilitate the organization and management of such cooperatives.

H.R. 51 is also important because it proposes a direct loan fund. I have long held the belief that direct loans are insufficiently utilized in Federal housing programs. The success of New York's Mitchell-Lama law demonstrates that direct loan programs are able to meet the needs of low- and moderate-income housing.

H.R. 596 would amend title II of the National Housing Act to provide Federal Housing Administration mortgage insurance for individuals purchasing dwelling units in cooperative housing projects in the same way that such insurance is provided for individuals purchasing other single-family residences. This bill would heighten the probability of low-income public housing occupants and middle-income persons becoming homeowners. Through long-term, low-interest loans insured by FHA, cooperative apartments could be made available, thus promoting the concept of homeownership.

OTHER HOUSING PROPOSALS

H.R. 605 would amend the Internal Revenue Code of 1954 to require the owner of an apartment building or other multifamily structure to establish and utilize a repair, replacement, and maintenance reserve as a condition of the allowance of a depreciation deduction with respect to such a structure. This bill is designed to take the profit out of the slums. As it exists now, slumlords can fail adequately to maintain their properties while still receiving a depreciation allowance for that property. The owner wins on both ends; the tenants pay exorbitant rents for unsuitable structures and the Government gives him an allowance. H.R. 605 would also require demonstration by the taxpayer that the reserve fund is being used for the intended purpose. In this way, landlords will be discouraged from making a profit by permitting the deterioration of homes in which low-income people must live.

The availability of space for construction in our crowded cities lessens daily. H.R. 12462, which I cosponsored, would ease the scarcity of space by making possible the construction of low- and moderate-income housing, of the type covered by a mortgage insured under section 221(d)(3) of the National Housing Act, or low-rent housing assisted under the U.S. Housing Act of 1937, in the airspace over any public building of the Federal Government. The administrator of General Services is authorized to transfer such airspace without consideration whenever he determines that it is not needed to carry out a governmental function. Thus, the airspace over post offices, which often are structures with few stories, could be utilized to provide much needed housing.

H.R. 607 broadens the opportunities under the Housing Act of 1937 for occupants of dwelling units in low-rent housing projects to purchase such units. The Housing and Urban Development Act of 1968, section 205, states that tenants can purchase public housing units only if "the property to be acquired is sufficiently separable from other property retained by the public housing agency to make it suitable." H.R. 607 would also permit purchase for "the disposition of all or part of the project to, and the operation and management by, a nonprofit cooperative housing corporation or trust formed by occupants of the project." Thus, H.R. 607 would make it possible for all or part of a public housing project to be converted to a nonprofit cooperative housing corporation or trust fund formed by occupants of the project.

CONCLUSION

Any realistic discussion of housing legislation must include some discussion of the administration of the laws which Congress passes. Innovative, effective legislation has been enacted into law. Rational, dynamic programs exist on the statute books. But without executive commitment to implement these programs, little can be accomplished.

And this is only one part of the practical considerations. A major factor in the production of decent housing is the state of the economy. Again, unless the executive undertakes to engender and nurture a sound economy in the appropriate manner, good housing legislation falls victim to deleterious external circumstances.

Both in implementation of Federal housing programs, and in management of the economy, the administration has impeded the effective implementation of the laws which have been enacted.

Two examples of maladministration of existing law should suffice. One concerns the section 23 program. The administration undertook a serious curtailment of this program. Yet, putting aside those local organizations which have attested to the efficacy of the leasing program, we need only look to the report of the President's own Task Force on Low Income Housing, which said the following about the section 23 program in its May, 1970 report, entitled "Toward Better Housing For Low Income Families."

The Task Force has a favorable impression of recent programs which make use of leased housing facilities (Section 23 leased housing programs). These programs have flexibility, provide for private development and ownership, include opportunities for homeownership, and have been concentrated largely on properties that remain on community tax rolls.

The consequence of the administration's hostility to the section 23 program is seen in section 303 of the Housing and Urban Development Act of 1970. This requires that at least 30 percent of annual public housing contributions be employed for section 23 units. Legislative force is being exerted, because this appears to be the only way to effect full implementation of the section 23 program.

The other example of administrative hostility to public law was demonstrated this year by the implementation of the so-called Brooke amendment, which was incorporated in section 213 of the Housing and Urban Development Act of 1969. This was aimed at providing additional funds for local public housing authorities so that they would neither have to raise rentals nor sacrifice needed services. The regulations issued by he Department of Housing and Urban Development clearly demonstrated a posture of antipathy toward this amendment by their restrictive language and by the bars they erected to a straightforward—not to mention generous—interpretation of legislative intent.

The consequence has been that the Senate, in the version of the Housing and Urban Development Act which it passed on September 23—S. 4368—included new provisions which will require that the intent of the Brooke amendment is realized.

Then there is the matter of the economy. The administration's policies have engendered exorbitant interest rates. These have in turn been passed on to the public by means of high interest mortgages, and excessive rentals caused by the high rates.

Thus, the administration has failed to help us meet the promises of the legislation which we have passed, and which past Presidents have signed into law.

Certainly, the distinguished members of the Subcommittee on Housing, chaired by our eminent colleague from Pennsylvania (Mr. BARRETT), and of the full Committee on Banking and Currency, chaired by our distinguished colleague from Texas (Mr. PATMAN), deserve our commendation. The Housing and Urban Development Act of 1970 is a sensitive, responsible piece of legislation. So, too, is the past housing legislation which they have produced. But we must continue to insist upon similarly sensitive, responsible implementation of this legislation.

This is not to say that reasonable men cannot differ. Nor is it to say that the Department of Housing and Urban Development has not performed well in implementing some programs. But it is to say that the successive promises made over the years to all Americans that they will have the opportunity to live in decent housing, in a decent environment, must be kept.

Mr. WIDNALL. Mr. Chairman, I yield

5 minutes to the gentleman from New York (Mr. HALPERN).

Mr. HALPERN. Mr. Chairman, as one of the sponsors of the Housing and Urban Development Act of 1970, I should like to say why I believe this is a good measure and one which should be enacted by this body.

Before that I wish to commend the chairman of the subcommittee, the distinguished gentleman from Pennsylvania (Mr. BARRETT), and I wish to compliment our ranking minority member, the able gentleman from New Jersey (Mr. WIDNALL), for their time-consuming work and persistent dedication to getting decent and adequate housing moving in this country of ours. Likewise, I wish to commend the committee for bringing this bill to the floor.

First, it is a future-looking bill which, for the first time, puts the Federal Government in a position of planning for tomorrow's housing needs and expansions. We have long needed a national urban growth policy to prevent the unplanned extensions of cities into new areas. This bill provides for the development of such a policy.

As I fly to and from my district each week, I pass over the urban corridor in which the greatest megalopolis ever seen in this country is expanding at a fabulous rate. Title I of our bill will permit this expansion to be accomplished in an intelligent manner, rather than the helter-skelter fashion that exists in many areas.

The way title I would work—in addition to simply creating an intelligent policy and providing needed planning—is to provide grants under an open space land program which could be used to buy up land that could be withheld from immediate development in order to control the urban growth patterns in various areas. I would also permit urban renewal to go into areas that are economically underutilized or have natural hazards, thus permitting these projects to go into other than simply slum or blighted areas as they do now. Also, this section authorizes a new and expanded program of financial assistance for developing new communities. Other grants and guarantees are made available for private and public developers who undertake projects that are consistent with orderly growth policies.

The second major goal of this housing bill is to raise the monetary authorizations of the various housing programs. As I look at the effect that inflation and spiraling costs have had on New York City in general and on my Queens district, in particular, these raised authorizations seem modest. Frankly, if we are going to come even close to our announced housing goals for the decade of the seventies, these raised authorizations are essential. Especially vital for New York City and other metropolitan areas are the provisions that raise the per unit cost limitations by 20 percent in the subsidized multifamily programs of FHA and raise by 20 percent the public housing per dwelling unit cost limits where necessary to meet increased construction costs. In these programs, the city of New York—and, I am sure, other cities in the country, as well as areas which have been hard hit by inflationary pressures—has been forced to dip into its own capital funds in order to make the programs go at all. These raised ceilings will permit the programs to work in these areas without this added hardship. I think we should point out that these raised ceilings are not automatic; they will apply only in areas where construction costs and interest rates have risen so high that a discretionary raise is necessary.

Two provisions in title II, which I sponsored and consider to be most important, are directed to the cooperative projects for moderate-income families and, especially, to those projects that were sponsored or underwritten by States or municipalities. One of the provisions would give eligibility to those projects which were completed prior to the 1968 Housing and Urban Development Act, and the other would expand the eligibility of these projects to participate in Federal housing programs. Both are vital to this very important housing component, and I would like you all to support these provisions.

Another key provision of this bill is the crime insurance title, introduced by my colleague from Illinois (Mr. ANNUNZIO). This would permit the direct Federal writing of essential property insurance by HUD, including crime lines, if insurance rates in the prevailing private market are larger than 175 percent of the manual rates. It limits coverage on private homes to $25,000 and on industry and commercial enterprises to $1 million. I am sure that many of you, like myself, have received letters from constituents telling how they have paid premiums on their insurance policies and, after 20 years of paying, they get a letter from their carrier telling them their insurance is canceled. This is happening all too often in my own district and, I am sure, in many others. It is a much needed program and, while I think the Federal Government should not step in if private industry or if the State or municipality is taking effective steps to insure adequate coverage for everyone, we should enact a backup measure that can be used when no other program is effective or available.

There are other important measures in this bill. I do not claim this bill is the "be all and end all" in housing legislation. You may be aware that we in the Housing Subcommittee are taking a fresh look at all of the housing legislation, and the administration is doing the same thing. We will probably return in the next session with a far-reaching housing act that will clarify and modify many of the existing laws. What I am asking today is that you enact all of these measures which are so vitally needed now—let us not wait for the big debate of next year.

Mr. BRASCO. Mr. Chairman, will the gentleman yield to me?

Mr. HALPERN. I will be very pleased to yield to the gentleman.

Mr. BRASCO. I just wanted to comment that I am very happy and proud to serve on the Banking and Currency Committee with you. I am not a member of the Housing Subcommittee, but I have watched the deliberations of that committee very closely. I want to take this opportunity to commend you personally for the great job you did on that subcommittee in developing programs which were vital to the urban centers, particularly the great State and city of New York which we represent.

Mr. HALPERN. I, in turn, would like to thank the gentleman for his valuable contributions to this bill.

I would also like to thank the gentleman sitting to his right, our distinguished and able colleague from New York (Mr. RYAN) for the very valuable contributions he has made to this legislation through his appearances before our subcommittee and for the amendments he recommended. They are highly commendable. They are vitally necessary, particularly for our city of New York, and I certain trust that they will prevail.

Mr. RYAN. Will the gentleman yield?

Mr. HALPERN. I am happy to yield to the gentleman.

Mr. RYAN. Let me say how much I appreciate the gentleman's kind remarks, and let me reciprocate by saying how much his service on the committee is valued by the people of his district and the people of the city and State of New York.

Mr. HALPERN. I thank the gentleman.

Mr. BARRETT. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. MINISH).

(Mr. MINISH asked and was given permission to revise and extend his remarks.)

Mr. MINISH. Mr. Chairman, I rise in support of the Housing and Urban Development Act of 1970. This omnibus housing measure would provide for the development of a national urban growth strategy, authorize an expanded program of new community development, extend and improve existing housing programs, and establish a significant new program of Federal property insurance where such insurance is unavailable at reasonable rates.

The bill would create a Council on Urban Growth in the Executive Office of the President to develop a national urban growth policy and advise the President on urban growth problems. It would also establish a Community Development Corporation within HUD to oversee assistance for the development of new communities.

Under title II, all FHA programs are extended to October 1, 1971, with the exception of section 235, homeownership; section 236, rental and rent supplements, which would be extended to October 1, 1973.

Title II, section 215, contains an amendment which I offered in committee to meet the problem of overcrowded schools in urban areas. The amendment provides that the Secretary of Housing and Urban Development may permit the use of available federally subsidized housing for classroom purposes when he finds that public schools in a community are overcrowded due in part to the attendance at such schools by residents of the subsidized project.

The need for this provision in the

housing law came to my attention earlier this year when a group of tenants in a federally subsidized apartment building in Newark, N.J., supported by the mayor, the board of education, and the city's housing authority, petitioned HUD for permission to use a small number of vacant apartments as classrooms in order to alleviate overcrowding in their schools.

Despite clear flexibility in the present law, HUD officials protested that, while they were sympathetic, they could not act without specific congressional authorization for classrooms in subsidized buildings. Section 215, which has already been approved by the Senate, contains the necessary authorization.

H.R. 19436 extends and increases the authorization for a number of valuable programs: $3 billion is allotted to urban renewal for fiscal year 1972—a barely inadequate amount in view of the fact that Secretary Romney himself has stated that there is a $3 billion backlog of applications for urban renewal money. An additional $500 million is authorized for water and sewer facilities grants. Presently, there are $5 billion worth of pending requests for these funds.

The legislation increases fiscal 1972 model cities authorization by $500 million. Model cities constitutes one of the most promising programs ever developed to assist blight-ridden urban centers. As originally conceived the program called for a comprehensive approach—a total attack—on the myriad problems which have adversely affected the quality of life in American cities. Unfortunately, due in large part to inadequate funding, model cities has yet to fulfill the great expectations which accompanied its enactment in 1966. We must halt the practice of underfunding this worthwhile program.

Title VII incorporates legislation which I have cosponsored to permit direct Federal writing of essential property insurance if insurance rates in the private market exceed reasonable limits.

Mr. Chairman, legislation of this type deserves top priority if we are to rebuild and revitalize American cities. I urge passage of the Housing and Urban Development Act of 1970.

Mr. ST GERMAIN. Mr. Chairman, I rise in support of H.R. 19436, the Housing and Urban Development Act of 1970. I believe the bill is essential if we are to continue the attack on housing and urban development problems to which the Congress has committed itself.

I would like to bring to the attention of the House one important matter. There are widespread reports that many beneficiaries of section 235 homeownership assistance payments are, in fact, earning more income than the amount certified by lenders to the FHA. The reason for this is that until recently HUD required certification of income by the lender only every 2 years—this despite my objections at the committee hearings. In many cases, family income rises significantly within that period. However, the increase need not be reported by either the section 235 occupants or the lender.

Any decrease in income immediately results in an increase in the subsidy.

This is a serious problem and one that should concern the Congress, the Department of Housing and Urban Development, lenders, and section 235 occupants alike. Abuses relating to the amount of income being earned by a family result in less subsidy funds for other families which need housing. Furthermore, these abuses greatly reduce public acceptance of the program which is intended to benefit hard-working families who simply cannot afford adequate housing without subsidy.

On Wednesday, November 25, FHA Secretary Gulledge announced a substantial change in the present policy dealing with recertification of a family's income in the section 235 program. He stated that FHA has developed new procedures which will require annual recertification of income and also interim reporting of changes in employment and family composition.

These changes, I hope, will substantially meet the problem to which I have called attention and which has concerned me since the program was adopted. I commend the Department for this policy change and specifically urge that interim reporting of changes in employment and income be sufficiently frequent to effect a prompt reduction of subsidy for families which experience a rise in income over, perhaps, a 6-month period.

I believe such policies and procedures will put a stop to these abuses, so that this program may continue to serve needy families and at the same time retain the confidence of the public.

If these policies do not result in the proper administration of this subsidy program, I shall in next year's housing bill offer an amendment that will put the burden on the borrower who is receiving the subsidy. The amendment will be very specific and state that the failure of the borrower to report an increase in income that persists for a 6-month period will in effect be considered a default and the mortgage will then be subject to foreclosure.

There are too many deserving families waiting in line for the few section 235 homes available. The least that can be expected of those who receive such a mortgage is that they be honest in their payments and not receive a subsidy in excess of that to which they are entitled.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 19436, the Housing and Urban Development Act of 1970. There are many important provisions therein which will help to fill the disastrous housing shortage.

I particularly support the section which will make State and city Mitchell-Lama projects constructed prior to 1968 eligible for section 236 rental assistance for rent supplements. This section embraces many provisions of legislation which I was happy to have cosponsored.

For the information of my colleagues I submit a telegram from our former colleague and now mayor of the city of New York, the Honorable John V. Lindsay:

I respectfully urge your support for the 1970 Housing and Urban Development bill, which is vital to New York City's housing. Any diluted alternative measure would be seriously damaging to our city. Crucial items include increased authorizations for the current fiscal year for section 236 and public housing. Bill also authorizes retention for fiscal year 1972 for urban renewal, model cities, and rent supplement. Also essential to the maintenance of housing production in New York City and other high cost areas is the 20 percent increase in FHA subsidized and public housing mortgage and construction cost limits contained in the House committee bill.

Kind regards,

JOHN V. LINDSAY,
Mayor.

Mr. BINGHAM. Mr. Chairman, the Committee on Banking and Currency in the House has done an excellent job in evaluating and responding to our national housing needs. The Housing and Urban Development Act of 1970, H.R. 19436, currently before the House is an excellent bill. It contains many new and promising provisions—programs for the development of urban growth policies and new communities; badly needed authorizations for urban renewal, housing assistance, and model cities; and a new program of urban property insurance to better protect city dwellers against crime and vandalism. I want to congratulate the committee for bringing this excellent bill to the floor, and to indicate my strong and enthusiastic support for this legislation.

It is especially noteworthy that the Committee on Banking and Currency in this legislation has finally approved a provision that will make publicly assisted housing built between 1960 and 1968, such as the Mitchell-Lama projects in New York, eligible for Federal help under the rent supplement and rental assistance programs.

I have long urged and supported such a provision. In December 1968, as the senior Democratic member of the New York congressional delegation on the Banking and Currency Committee which has responsibility for all housing legislation, I noted the plight of Mitchell-Lama residents and announced my plans to introduce legislation to help rescue them from rising costs by making Federal rental assistance available. I introduced that legislation—H.R. 402—on the opening day of this Congress in January 1969, along with other members of the New York delegation.

In July 1969, at my invitation, a number of community leaders came to Washington to join me in testifying before the House Banking and Currency Committee in support of H.R. 402 and similar bills. That group included then-New York State Assemblymen Benjamin Altman, now New York City Commissioner of Rent and Housing Maintenance; Robert Abrams, now Bronx borough president; Mr. Jerome Belson, director of housing for the Amalgamated Meat Cutters and Butcher Workmen of North America; Mr. Jack Braunstein, legislative director of the Council of Limited Profit Mutual Housing Companies; and Mr. Harold Ostroff, executive vice president of the United Housing Foundation.

The need to bring existing Mitchell-Lama-type housing under Federal rent

supplement and rental assistance programs is even more acute now than it was in 1968 when we began this legislative effort and I strongly urge the House to endorse this provision of the Housing and Urban Development Act of 1970. Housing costs have skyrocketed to the point where what was once low- and middle-income housing has become housing which only high-income families can afford. Net rents for city-financed Mitchell-Lama units have increased 167 percent since 1957, much of that increase in the last 2 years.

Per room costs have increased by $4,855—149 percent. As a result, this housing has become less and less accessible to low-income families, and families who occupy these projects have had to strain and sacrifice severely to meet the costs and retain their apartments. Increasingly, Mitchell-Lama projects built between 1960 and 1968 have become affordable only by families with relatively high incomes.

To deny Mitchell-Lama projects the benefits of Federal rental assistance programs, in effect, penalizes New York and New Yorkers for their initiative and foresight in developing creative programs to provide housing for low- and middle-income families nearly 10 years before the Federal Government took action to meet that need. Furthermore, our Federal housing programs must do more than expand the supply of low- and middle-income housing. They must also assure that the low- and middle-income housing we have built remains fully available to low- and middle-income families.

The provision contained in this legislation providing rental assistance and rent supplements to existing Mitchell-Lama projects will undoubtedly do much to relieve the financial pressures on residents of these projects. But current law provides strict maximum limits on total income for families in eligible projects to receive rental assistance. As a result of the rising costs I have described, and the generally high rents in the New York area, the incomes of many Mitchell-Lama families now exceed these limits, and section 209 of this legislation making existing Mitchell-Lama projects eligible for rental assistance would be much more helpful and applicable to New Yorkers if it were accompanied by a change in these income limits. I intend, at the appropriate time, to offer an amendment which would remove the present rigid family income limits, and give the Secretary of Housing and Urban Development authority to set limits based on local needs, giving preference, as before, to families with incomes within the lowest practicable limits. I proposed such a change in my bill, H.R. 6469, which I also recommended to the committee in my 1969 testimony and which was cosponsored by 11 other members of the New York delegation. Without this additional provision, the provision now in this bill will have a disappointingly limited impact on behalf of hard-pressed low- and middle-income families in New York. I respectfully urge my colleagues in the House to give this amendment careful and favorable consideration.

Mr. PRICE of Illinois. Mr. Chairman, the unavailability of crime insurance at reasonable rates remains a hinderance to the small businessman. As cosponsor of previous legislation, that would provide Government-sponsored small business crime insurance, I am gratified to have included in the Housing and Urban Development Act of 1970 provisions for a Federal reinsurance program.

We have waited long enough to correct the insurance problems that trouble the small businessman. Private insurance companies have shown they are not going to initiate crime insurance programs providing affordable rates. It remains our responsibility to agree to a program of Federal reinsurance.

I have for some time maintained contact with the Illinois Insurance Commissioner concerning policy cancellations in my area. The situation for many months has deteriorated—insurance companies are simply more and more unwilling to offer affordable rates on crime insurance to the small businessman.

The difficulty of acquiring crime insurance at reasonable rates or at all hits hardest those businesses in the inner cities, where insurance is most needed. The average small businessman obviously cannot afford to pay double or triple insurance premiums; and when he does have a policy, he is often unwilling to report minor crime damages for fear the insurance company will cancel his policy. In my district, this situation has resulted in portions of the inner city business district completely closing down—some business moving elsewhere and others totally failing. This obviously intensifies conditions in slum areas. I am hopeful that a Federal reinsurance program, initiated immediately, can alleviate the pressures on these businesses.

It must be realized that this legislation does not require the Federal Government to write insurance on all property. In the first place, there would be direct Federal writing only if the private rates were excessive. Second, if a property is deemed uninsurable, no insurance need be written. The Federal Government, therefore, is not expected to wastefully expend money.

Without a Federal reinsurance program, there can be no financing of new businesses in inner cities and many of these businesses still in those areas will be forced to close down.

I trust that the necessity for such a Federal program as this is clear. I urge that the Housing and Urban Development Act of 1970 be passed with the inclusion of this program.

Mr. BARRETT. Mr. Chairman, I have no further requests for time.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

Mr. GIAIMO. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Forty Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 378]

Abbitt	Evins, Tenn.	Nedzi
Adair	Fallon	Nichols
Aspinall	Farbstein	O'Konski
Baring	Fascell	Ottinger
Bell, Calif.	Feighan	Patman
Berry	Fish	Pickle
Blatnik	Foreman	Podell
Boland	Frelinghuysen	Powell
Bolling	Gilbert	Price, Tex.
Brock	Gray	Purcell
Burton, Utah	Green, Oreg.	Reid, N.Y.
Bush	Hanna	Reifel
Button	Harsha	Rivers
Carey	Hawkins	Robison
Celler	Hébert	Rooney, Pa.
Chamberlain	Jacobs	Roudebush
Chappell	Kastenmeier	Satterfield
Chisholm	Kazen	Saylor
Clark	King	Schadeberg
Clausen, Don H.	Kuykendall	Scheuer
Clay	Landrum	Shriver
Cohelan	Leggett	Slack
Collins, Ill.	Long, La.	Steiger, Ariz.
Collins, Tex.	Lujan	Stokes
Conyers	McClure	Sullivan
Corbett	McKneally	Thompson, N.J.
Corman	MacGregor	Tiernan
Cramer	Mailliard	Tunney
Cunningham	Marsh	Waldie
Daddario	Mathias	Watson
de la Garza	May	Whalley
Denney	Mayne	Wiggins
Dennis	Meskill	Wilson, Bob
Dent	Mikva	Wilson, Charles H.
Diggs	Mink	Wold
Dowdy	Morton	Wright
Esch	Murphy, Ill.	Wyatt
	Murphy, N.Y.	

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MOSS) having assumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 19436, and finding itself without a quorum, he had directed the roll to be called, when 321 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the bill by title.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Urban Development Act of 1970."

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. STEPHENS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. STEPHENS:

That this Act may be cited as the "Housing and Urban Development Act of 1970".

TITLE I—URBAN GROWTH AND NEW COMMUNITY DEVELOPMENT

SHORT TITLE AND STATEMENT OF PURPOSE

SEC. 100. (a) This title may be cited as the "Urban Growth and New Community Development Act of 1970".

(b) It is the policy of the Congress and the purpose of this title to provide for the development of a national urban growth policy and to encourage the rational, orderly, efficient, and economic growth, development, and redevelopment of our States, metropolitan areas, cities, counties, towns,

and communities in predominantly rural areas which demonstrate a special potential for accelerated growth; to encourage the prudent use and conservation of our natural resources; and to encourage and support development which will assure our communities of adequate tax bases, community services, job opportunities, and well-balanced neighborhoods in socially, economically, and physically attractive living environments.

PART A—DEVELOPMENT OF A NATIONAL URBAN GROWTH POLICY

FINDINGS AND DECLARATION OF POLICY

SEC. 101. (a) The Congress finds that the rapid growth of urban population and uneven expansion of urban development in the United States, together with a decline in farm population, slower growth in rural areas, and migration to the cities, has created an imbalance between the Nation's needs and resources and seriously threatens our physical environment, and that the economic and socal development of the Nation, the proper conservation of our natural resouces, and the achievement of satisfactory living standards depend upon the sound, orderly, and more balanced development of all areas of the Nation.

(b) The Congress further finds that Federal programs affect the location of population, economic growth, and the character of urban development; that such programs frequently conflict and result in undesirable and costly patterns of urban development which adversely affect the environment and wastefully use our natural resources; and that existing and future programs must be interrelated and coordinated within a system of orderly development and established priorities consistent with a national urban growth policy.

(c) To promote the general welfare and properly apply the resources of the Federal Government in strengthening the economic and social health of all areas of the Nation and more adequately protect the physical environment and conserve natural resources, the Congress declares that the Federal Government, consistent with the responsibilities of State and local government and the private sector, must assume responsibility for the development of a national urban growth policy which shall incorporate social, economic, and other appropriate factors. Such policy shall serve as a guide in making specific decisions at the national level which affect the pattern of urban growth and shall provide a framework for development of interstate, State, and local growth and stabilization policy.

(d) The Congress further declares that the national urban growth policy should—

(1) favor patterns of urbanization and economic development and stabilization which offer a range of alternative locations and encourage the wise and balanced use of physical and human resources in metropolitan and urban regions as well as in smaller urban places which have a potential for accelerated growth;

(2) foster the continued economic strength of all parts of the United States, including central cities, suburbs, smaller communities, local neighborhoods, and rural areas;

(3) help reverse trends of migration and physical growth which reinforce disparities among States, regions, and cities;

(4) treat comprehensively the problems of poverty and employment (including the erosion of tax bases, and the need for better community services and job opportunities) which are associated with disorderly urbanization and rural decline;

(5) develop means to encourage good housing for all Americans without regard to race or creed;

(6) define the role of the Federal Government in revitalizing existing communities and encouraging planned, large-scale urban and new community development;

(7) strengthen the capacity of general governmental institutions to contribute to balanced urban growth and stabilization; and

(8) facilitate increased coordination in the administration of Federal programs so as to encourage desirable patterns of urban growth and stabilization, the prudent use of natural resources, and the protection of the physical environment.

URBAN GROWTH REPORT

SEC. 102. (a) In order to assist in the development of a national urban growth policy, the President shall utilize an identified and adequately organized and staffed unit of the Domestic Council, and the capacity of the departments and agencies within the executive branch, to collect, analyze, and evaluate such statistics, data, and other information (including demographic, economic, social, land use, environmental, and governmental information) as will enable him to transmit to the Congress, during the month of February in every even-numbered year beginning with 1972, a Report on Urban Growth for the preceding two calendar years which shall include—

(1) information and statistics describing characteristics of urban growth and stabilization and identifying significant trends and developments;

(2) a summary of significant problems facing the United States as a result of urban growth trends and developments;

(3) an evaluation of the progress and effectiveness of Federal efforts designed to meet such problems and to carry out the national urban growth policy;

(4) an assessment of the policies and structure of existing and proposed interstate planning and developments affecting such policy;

(5) a review of State, local, and private policies, plans, and programs relevant to such policy;

(6) current and foreseeable needs in the areas served by policies, plans, and programs designed to carry out such policy, and the steps being taken to meet such needs; and

(7) recommendations for programs and policies for carrying out such policy, including such legislation and administrative actions as may be deemed necessary and desirable.

(b) The President may transmit from time to time to the Congress supplementary reports on urban growth which shall include such supplementary and revised recommendations as may be appropriate.

(c) To assist in the preparation of the Report on Urban Growth and any supplementary reports, the President may establish an advisory board, or seek the advice from time to time of temporary advisory boards, the members of whom shall be drawn from among private citizens familiar with the problems of urban growth and from among Federal officials, Governors of States, mayors, county officials, members of State and local legislative bodies, and others qualified to assist in the preparation of such reports.

PART B—DEVELOPMENT OF NEW COMMUNITIES

FINDINGS AND PURPOSES

SEC. 120. (a) The Congress finds that the Nation is likely to experience during the remaining years of this century a population increase of about 75 million persons.

(b) The Congress further finds that continuation of established patterns of urban development, together with the anticipated increase in population, will result in—

(1) inefficient and wasteful use of land resources which are of national economic and environmental importance;

(2) destruction of irreplaceable natural and recreational resources and increasing pollution of air and water;

(3) diminished opportunity for the private home building industry to operate at its highest potential capacity in providing good housing needed to serve the expanding population and to replace substandard housing;

(4) costly and inefficient public facilities and services at all levels of government;

(5) unduly limited options for many of our people as to where they may live, and the types of housing and environment in which they may live;

(6) failure to make the most economic use of present and potential resources of many of the Nation's smaller cities and towns, including those in rural and economically depressed areas, and decreasing employment and business opportunities for their residents;

(7) further lessening of employment and business opportunities for the residents of central cities and of the ability of such cities to retain a tax base adequate to support vital services for all their citizens, particularly the poor and disadvantaged;

(8) further separation of people within metropolitan areas by income and by race;

(9) further increases in the distances between the places where people live and where they work and find recreation; and

(10) increased cost and decreased effectiveness of public and private facilities for urban transportation.

(c) The Congress further finds that better patterns of urban development and revitalization are essential to accommodate future population growth; to prevent further deterioration of the Nation's physical and social environment; and to make positive contributions to improving the overall quality of life within the Nation.

(d) The Congress further finds that the national welfare requires the encouragement of well-planned, diversified, and economically sound new communities, including significant additions to existing communities, as one of several essential elements of a consistent national program for bettering patterns of development and renewal.

(e) The Congress further finds that desirable new community development on a significant national scale has been prevented by difficulties (1) in obtaining adequate financing at moderate cost, for enterprises which involve large initial capital investment, with extensive periods before investment can be returned and irregular patterns of return, (2) in the timely assembly of sufficiently large sites in economically favorable locations at reasonable cost, and (3) in making necessary arrangements, among all private and public organizations involved, for providing site and related improvements (including streets, sewer and water facilities, and other public and community facilities) in a timely and coordinated manner.

(f) (1) It is therefore the purpose of this part to provide private developers and State and local public bodies and agencies (including regional and metropolitan public bodies and agencies) with financial and other assistance necessary for encouraging the orderly development of well-planned, diversified, and economically sound new communities, including significant additions to existing communities; to strengthen the capacity of State and local governments to deal with local problems; to preserve and enhance both the natural and the urban environment; to increase for all persons, particularly members of minority groups, the available choices of locations for living and working, thereby providing a more just economic and social environment; to encourage the fullest utilization of the economic potential of older central cities, smaller towns, and rural communities; to assist in the efficient production of a steady supply of residential, commercial, and industrial building sites at reasonable cost; to increase the capability of all segments of the homebuild-

ing industry, including both small and large producers, to utilize improved technology in producing the large volume of well-designed and reasonably priced housing needed to accommodate population growth; to help create neighborhoods designed for easier access between the places where people live and the places where they work and find recreation; and to encourage desirable innovation in meeting domestic problems, whether physical, economic, or social.

(2) It is also the purpose of this part to improve the organizational capacity of the Federal Government to carry out programs of assistance for the development of new communities and the revitalization of the Nation's urban areas.

SUBPART 1—DEVELOPMENT ASSISTANCE

GENERAL AUTHORITY FOR ASSISTANCE

SEC. 121. (a) The Community Development Corporation established by subpart 2 of this part (referred to hereinafter as the "Corporation") shall carry out the purposes set forth in section 120 by extending assistance as hereinafter provided to eligible new community developers for planning and carrying out new community development programs in accordance with this part.

(b) No assistance shall be provided under this subpart with respect to any new community development program unless the Corporation has determined that the new community or other development proposed under the program—

(1) will include, to the extent appropriate taking into consideration the size and nature of the development, most, if not all, of the basic activities generally associated with a city or town—housing, commerce, industry, and recreation—combined in a balanced and harmonious whole creating an attractive environment in which to live, work, and shop,

(2) will have a favorable impact on the development, growth, and stabilization of the area in which it is located,

(3) will be designed for the fullest possible range of individuals and families of different compositions and incomes and will be open to members of all national and racial groups,

(4) will contain an adequate range of sale and rental housing for people of all incomes, ages, and family composition, including a substantial amount of housing which is designed for people of low or moderate income and which is located in proper relation to schools, shopping, and neighborhood facilities in order to minimize segregation by income levels and social groups, and

(5) is planned in such a way as to be responsive to the needs of present and future residents.

NEW COMMUNITY DEVELOPMENT PROGRAMS

SEC. 122. (a) A new community development program is eligible for assistance under this part only if the Corporation determines that the program (or the new community it contemplates)—

(1) will provide an alternative to disorderly urban growth, helping preserve or enhance desirable aspects of the natural and urban environment or so improving general and economic conditions in established communities as to help reverse migration from existing cities or rural areas;

(2) will be economically feasible in terms of economic base or potential for economic growth;

(3) will contribute to the welfare of the entire area which will be substantially affected by the program and of which the land to be developed is a part;

(4) is consistent with comprehensive planning, physical and social, determined by the Corporation to provide an adequate basis for evaluating the new community development program in relation to other plans (including State, local, and private plans) and activities involving area population, housing and development trends, and transportation, water, sewerage, open space, recreation, and other relevant facilities;

(5) has received all governmental reviews and approvals required by State or local law, or by the Corporation;

(6) will contribute to good living conditions in the community, with such community being characterized by well-balanced and diversified land use patterns and including or being served by adequate public, community, and commercial facilities (including facilities needed for education, health and social services, recreation, and transportation) deemed satisfactory by the Corporation;

(7) makes substantial provision for housing within the means of persons of low and moderate income, with such housing constituting an appropriate proportion of the community's housing supply; and

(8) will make significant use of advances in design and technology with respect to land utilization, materials, and methods of construction, and with respect to the provision of community facilities and services.

(b) A new community development program approved for assistance under this part shall be undertaken by an eligible new community developer approved by the Corporation on the basis of financial, technical, and administrative ability which demonstrates capacity to carry out the program with reasonable assurance of its completion.

SPECIAL PLANNING AND TECHNICAL ASSISTANCE

SEC. 123. (a) The Corporation is authorized to make grants to, and to contract with, eligible new community developers to provide financial assistance, not to exceed 75 per centum of the costs involved, for planning new community development programs, including planning work which the Corporation determines will have special value in assuring that such programs will be fully responsive to social and environmental problems related to the public purposes of new community development or will adequately provide for, or encourage the use of, new or advanced technology in support of program objectives.

(b) The Corporation shall provide planning assistance under subsection (a) only with respect to new community development programs which have been approved, or are being actively considered for approval, having met such initial feasibility criteria as the Corporation may have prescribed. Such assistance shall be subject to such terms and conditions, which may include provision for repayment where appropriate, as the Corporation may prescribe.

(c) The Corporation is authorized to provide, either directly or by contract or other arrangements, technical assistance to eligible new community developers or State and local public bodies and agencies to assist them in connection with planning and carrying out new community development programs.

(d) There are hereby authorized to be appropriated for activities under this section not to exceed $5,000,000, which limit shall be increased by $5,000,000 on July 1, 1971. Any amount appropriated pursuant to this section shall remain available until expended.

FINANCIAL ASSISTANCE FOR APPROVED NEW COMMUNITY DEVELOPMENT PROGRAMS

SEC. 124. (a) (1) The Corporation is authorized to guarantee, and enter into commitments to guarantee, the bonds, debentures, notes, and other obligations issued by or on behalf of new community developers for the purpose of financing real property acquisition and land development and to compensate for the use of real property or the removal of liens or encumbrances on such property, pursuant to the new community development programs approved by the Corporation. The Corporation may make such guarantees and enter into such commitments upon such terms and conditions as it may prescribe consistent with the limitations and conditions contained in section 127: *Provided*, That no obligation of any new community developer shall be guaranteed under this subsection if the income from such obligation is exempt from Federal taxation.

(2) The full faith and credit of the United States is pledged to the payment of all guarantees made under this subsection with respect to principal, interest, and any redemption premiums. Any such guarantee made by the Corporation shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligation.

(3) The outstanding bonds, debentures, notes or other obligations guaranteed under this subsection with respect to a single new community development program shall involve a principal obligation in an amount (A) in the case of a public new community developer, not exceeding 100 per centum of the sum of the Corporation's estimate of the value of the real property before development and its estimate of the actual cost of the land development, or (B) in the case of a private new community developer, not exceeding the sum of 80 per centum of the Corporation's estimate of the value of the real property before development and 90 per centum of its estimate of the actual cost of the land development.

(4) The outstanding principal obligations guaranteed under this subsection with respect to a single new community development program shall at no time exceed $50,000,000.

(5) The aggregate of the outstanding principal obligations guaranteed under this subsection shall at no time exceed $650,000,000.

(b) The Corporation is authorized to make grants to a public new community developer the obligations of which are guaranteed under this subsection (a) in amounts estimated by it not to exceed the difference between the interest paid on such obligations and the interest on similar obligations the income from which is exempt from Federal taxation.

(c) (1) The Corporation is authorized subject to the limitations and conditions contained in section 127 to make, and enter into agreements to make, loans to, or on behalf of, new community developers for the purpose of assisting them to make interest payments on indebtedness incurred by them to finance new community development programs approved by the Corporation. Loans under this subsection shall be in amounts which do not exceed the amount of interest the Corporation estimates is payable on indebtedness attributable to land acquisition or land development, and shall be made only with respect to interest payments on indebtedness outstanding during an initial development period not exceeding fifteen years which the Corporation estimates to be prior to the time when land marketing activity is of sufficient volume to permit continued development under the new community development program without the benefit of further loans under this subsection.

(2) The Corporation shall require that loans under this subsection shall be repaid, with interest and on terms and conditions satisfactory to it, commencing at such time as development progress and marketing under the new community development program permit such repayment, but in any case not later than fifteen years after the date the loan is made. Interest on such a loan shall be payable at an annual rate which the Secretary of the Treasury shall specify as applicable to the six-month perod, ending either June 30 or December 31, during which the contract for the loan is entered into, which rate for each such six-month period shall be determined by the Secretary of the Treasury by estimating the average

yield to maturity price to the beginning of such period on all outstanding marketable obligations of the United States having a maturity date three or more years from the time the estimate is made, plus one-eighth of 1 per centum per annum.

(3) The principal amount of the loans outstanding at any time under this subsection with respect to a single new community development program shall not exceed $20,000,000.

(4) The aggregate principal amount of the loans outstanding under this subsection shall at no time exceed $240,000,000.

(d) No assistance shall be provided under this subpart to any new community developer (or public body) after June 30, 1975, unless adequate planning of the kind assisted under section 701(j) of the Housing Act of 1954, covering the area for which the assistance is proposed, has been initiated and is being carried out to the satisfaction of the Corporation.

PUBLIC SERVICE GRANTS

SEC. 125. (a) In addition to providing assistance under the preceding section, the Corporation may make public service grants (in such amounts and on such terms and conditions as it deems appropriate) to a public new community developer or to the State or local public body having responsibility for providing the services involved to cover the cost of providing during an initial period (not exceeding three years) essential public services (including educational, health, and safety services) which the Corporation deems necessary adequately to serve the needs of the residents of the development prior to completion of permanent arrangements for the provision of such services.

(b) There is authorized to be appropriated not to exceed $5,000,000 for the fiscal year ending June 30, 1971, and for each of the next two fiscal years, to carry out the purposes of subsection (a). Any amounts appropriated pursuant to this subsection shall remain available until expended, and any amounts authorized for any fiscal year under this subsection but not appropriated may be appropriated for any succeeding fiscal year ending on or before June 30, 1973.

SUPPLEMENTARY GRANTS FOR PUBLIC FACILITIES

SEC. 126. (a) The Corporation is authorized to make supplementary grants to any State or local public body or agency carrying out a new community assistance project, as defined in subsection (c), if the Corporation determines that such project is necessary or desirable for carrying out a new community development program. In no case shall any grant under this section exceed 20 per centum of the cost of the new community assistance project for which the grant is made; and in no case shall the total Federal contributions to the cost of such project be more than 80 per centum.

(b) In carrying out its authority under this section, the Corporation shall, with respect to any new community assistance project assisted by grants administered by a Federal department or agency, consult with such department or agency concerning the project; and it shall, for the purpose of subsection (a), accept the certification of such department or agency as to the cost of such project.

(c) A new community assistance project is a project assisted by grants under section 3 of the Urban Mass Transportation Act of 1964; section 120(a) of title 23, United States Code; section 19 of the Airport and Airway Development Act of 1970; title VI of the Public Health Service Act; title II of the Library Services and Construction Act; section 5 of the Land and Water Conservation Fund Act of 1965; title VII of the Housing Act of 1961; section 703 of the Housing and Urban Development Act of 1965; section 702 of the Housing and Urban Development Act of 1965; section 8 of the Federal Water Pollution Control Act; section 306(a)(2) of the Consolidated Farmers Home Administration Act; section 103 of the Higher Education Facilities Act of 1963; section 104 of the Higher Education Facilities Act of 1963; or section 101(a)(1) of the Public Works and Economic Development Act of 1965 in the case of a project of a type eligible for assistance under any of the other provisions of law listed in this subsection.

(d) There are authorized to be appropriated for supplementary grants under this section not to exceed $36,000,000 for the fiscal year ending June 30, 1971, not to exceed $66,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, and such sums as may be necessary thereafter. Any amount so appropriated shall remain available until expended, and any amounts authorized for any fiscal year ending on or before June 30, 1972, but not appropriated may be appropriated for any succeeding fiscal year ending on or before June 30, 1973. In addition, the amounts authorized to be appropriated for grants under section 412 of the Housing and Urban Development Act of 1968 and the amounts appropriated thereunder shall be available for carrying out this section and shall remain available until appropriated and expended.

LIMITATIONS ON GUARANTEES AND LOANS

SEC. 127. (a) No guarantee or loan shall be made under this part unless the corporation has determined that the new community development program involved represents an acceptable financial risk to the United States, taking into consideration (1) the financial and security interests of the United States, including the manner in which the developer proposes to schedule and provide non-Federal financing for land acquisition, land development, marketing, and any other improvements and physical operations which may be required in connection with the program, and (2) the public purposes of this part and the special problems involved in financing new communities, including (A) the large amount of initial capital required to finance sound new communities, (B) the extended period before initial returns can be expected, and (C) the irregular pattern of cash returns characteristic of this type of development.

(b) The Corporation shall take such steps as it considers reasonable to assure that bonds, debentures, notes, and other obligations which are guaranteed, or for which loans are made, under this part, will—

(1) be issued to investors approved by, or meeting requirements prescribed by, the Corporation, or if an offering to the public is contemplated, be underwritten upon terms and conditions approved by the Corporation;

(2) bear interest at a rate satisfactory to the Corporation;

(3) contain or be subject to repayment, maturity, and other provisions satisfactory to the Corporation; and

(4) contain or be subject to "provisions with respect to the protection of the security interests of the United States, including any provisions deemed appropriate by the Corporation relating to subrogation, liens and releases of liens, payment of taxes, cost certification procedures, escrow or trusteeship requirements, or other matters.

FEES AND CHARGES

SEC. 128. The Corporation is authorized to establish and collect fees for guarantees under this part, and may make such charges in connection with guarantees, loans, and technical and other assistance under this part as it considers reasonable for the analysis of applications, appraisals, inspections, and other activities related to such assistance. On or before March 1, 1973, the Corporation shall make a report to the Congress concerning the fees and charges for guarantees under this part that it estimates will be adequate to provide income sufficient for a self-supporting guarantee program and concerning the relationship of other charges to costs incurred under this part.

ENCOURAGEMENT OF SMALL BUILDERS

SEC. 129. The Corporation shall adopt such requirements as it deems necessary to assure that new community assistance under this part will (1) help maintain a diversified local homebuilding industry; (2) increase the capability of all segments of the homebuilding industry, including both small and large producers, to participate, through an increased supply of building sites at reasonable costs and through improved technology, in producing the needed large volume of well-designed, inexpensive housing; and (3) encourage broad participation by the homebuilding industry, particularly small builders.

NEW COMMUNITY DEMONSTRATION PROJECTS

SEC. 130. Upon specific authorization by the President and under applicable Federal law respecting the use of federally owned lands, the Corporation, utilizing funds made available for the purpose by the Congress, is authorized to plan and carry out large-scale projects demonstrating the development of new communities, which shall be designed to contribute to the achievement of the purposes of this part and serve as models for new community developments which could feasibly be carried out by other public and private developers.

MISCELLANEOUS PROVISIONS

SEC. 131. (a) All laborers and mechanics employed by contractors or subcontractors in work assisted under section 124 shall be paid wages at rates not less than those pervailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). No assistance shall be extended under section 124 for any community growth and development program without first obtaining adequate assurance that these labor standards will be maintained upon he construction work involved in such work. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

(b) Nothing in this part shall be construed to exempt any real property that may be acquired and held by the Corporation as a result of the exercise of lein or subrogation rights under this subpart from real property taxation to the same extent, according to its value, as other real property is taxed.

(c) If real property acquired for the purpose of carrying out a new community development program assisted under this part is determined by the Corporation, pursuant to regulations prescribed by it, to have been acquired as a result of the exercise or possible exercise of powers of eminent domain under State law, and if displacement occurs as a result of such acquisition, the Corporation shall require the developer to make relocation payments to displaced individuals, families, business concerns, and nonprofit organizations, in accordance with regulations prescribed by the Secretary to assure that the payments provided are the same as those provided under subsections (b), (c), and (e) of section 114 of the Housing Act of 1949 with respect to projects assisted under title I of such Act: *Provided*, That this subsection shall not apply with respect to such a displacement if the Secretary determines that equivalent relocation payments are available under any other law.

(d) Insofar as they relate to any guarantee, loan, or grant made under this subpart,

the financial transactions of recipients of such assistance may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

(e) The consent of the Congress is hereby given to any two or more States to enter into agreements or contracts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in carrying out or implementing any of the purposes of objectives of this subpart, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.

JOINT FUNDING

SEC. 132. Funds made available under any Federal assistance program for projects or activities approved as part of, or pursuant to, a new community development program may be used jointly with funds made available for such projects or activities under any other Federal assistance program, subject to regulations prescribed by the President. Such regulations may include provisions for common technical or administrative requirements where varying or conflicting provisions of law would otherwise apply, for establishing joint management funds and common non-Federal shares, and for special agreements, or delegations of authority, among different Federal agencies in connection with the supervision or administration of assistance. Such regulations shall in any case include appropriate criteria and procedures to assure that any special authorities conferred, which are not otherwise provided for by law, shall be employed only as necessary to promote effective and efficient administration and in a manner consistent with the protection of the Federal interest and program purposes or statutory requirements of a substantive nature. For purposes of this section, the term "Federal assistance program" shall have the same meaning as under the Intergovernmental Cooperation Act of 1968.

DEFINITIONS

SEC. 133. As used in this subpart—

(1) the term "new community development program" means a program which is intended to result in a newly built community or a significant addition to an existing community, and which may include the establishment of one or more wholly new communities, satellite cites, or new-towns-in-town, the development or redevelopment of existing communities having a special potential for accelerated growth;

(2) the term "new community developer" means a public new community developer or a private new community developer;

(3) the term "public new community developer" means any State or local public body or agency (including a body or agency created by or under the laws of two or more States) having authority to act as developer in carrying out one or more new community development programs;

(4) the term "private new community developer" means any private entity organized in a form satisfactory to the Corporation for carrying out one or more new community development programs;

(5) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of any of the foregoing;

(6) the term "land development" means the process of clearing and grading land, making, installing, or constructing water lines and water supply installations, sewer lines and sewage disposal installations, steam, gas, and electric lines and installations, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether on or off the site, which the Corporation deems necessary or desirable to prepare land for residential, commercial, industrial, or other uses, or to provide facilities for public or common use. The term "land development" shall include construction of public facilities, but shall not include construction of any other building unless it (A) is needed in connection with a water supply or sewage disposal installation or a steam, gas, or electric line or installation, or (B) is to be owned and maintained by residents of the new community under joint or cooperative arrangements approved by the Secretary;

(7) the term "actual cost" means the costs (exclusive of rebates or discounts) incurred by a new community developer in carrying out the land development assisted under this Act. These costs may include amounts paid for labor, materials, construction contracts, land planning, engineers' and architect's fees, surveys, taxes and interest during development, organizational and legal expenses, such allocation of general overhead expenses as are acceptable to the Corporation, and other items of expense incidental to development which may be approved by the Corporation. If the Corporation determines that there is an identity of interest between the developer and a contractor, there may be included as a part of actual cost an allowance for the contractor's profit or risk in an amount deemed reasonable by the Corporation;

(8) the term "Secretary" means the Secretary of Housing and Urban Development; and

(9) the term "Corporation" means the Community Development Corporation established under subpart 2.

TECHNICAL AND CONFORMING PROVISIONS

SEC. 133. (a) No bonds, debentures, notes, or other obligations shall be guaranteed under title IV of the Housing and Urban Development Act of 1968 after the effective date of this part except pursuant to a commitment to guarantee or project approval made before that date: *Provided*, That a new community developer whose new community development project has, as of the effective date of this part, been approved by the Corporation under title IV shall be eligible with respect to obligations thereafter issued by him for guarantee assistance as authorized either by title IV or by this part, and such guarantee, assistance may be given without any further determination by the Corporation under section 121(b), 122(a), or 127: *Provided further*, That if the Corporation finds that an applicant for title IV assistance has submitted complete financial and internal development plans and related materials pursuant to section 404 of such title IV, or major elements of such plans or materials, the Corporation may accept such plans and materials or major elements, respectively, as fully or partially satisfying the requirement under this part for the submission of a new community development program: *And provided further*, That all receipts, funds or other assets and all liabilities of the revolving fund established pursuant to section 407 of the Housing and Urban Development Act of 1968 (including liabilities arising under guarantees made pursuant to such title IV and this section) shall become and be assets and liabilities of the revolving fund established pursuant to this part, as if such assets and liabilities had been received or incurred pursuant to this part, and shall be paid over, held and accounted for accordingly.

(b) Section 202(b)(4) of the Housing Amendments of 1955 is amended by inserting before the period at the end thereof "or under part B of the Urban Growth and New Community Development Act of 1970".

(c) The first paragraph of section 24 of the Federal Reserve Act is amended by inserting before the period at the end of the fourth sentence thereof the following: "or under part B of the Urban Growth and New Community Development Act of 1970".

(d) The twelfth paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended by inserting in the last sentence immediately after "under title IV of the Housing and Urban Development Act of 1968" the following: "or under part B of the Urban Growth and New Community Development Act of 1970".

(e) Section 701 of the Housing Act of 1954 is amended—

(1) by striking out "approved" in subsection (a) (4), and inserting before the semicolon at the end thereof the following: "or under part B of the Urban Growth and New Community Development Act of 1970";

(2) by inserting in subsection (b) after "(2) areas described in" the following: "subsection (a) (4) and"; and

(3) by striking out "No" at the beginning of the third sentence of subsection (b) and inserting in lieu thereof "Except for planning for areas described in subsection (a) (4), no".

SUBPART 2—COMMUNITY DEVELOPMENT CORPORATION

CREATION OF CORPORATION

SEC. 141. (a) There is hereby created a body corporate to be known as the Community Development Corporation, which shall be in the Department of Housing and Urban Development. The Corporation shall be an instrumentality of the United States and shall have succession until dissolved by Act of Congress. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue, to be a resident thereof; but agencies or offices may be established by the Corporation in such other places as it may deem necessary or appropriate in the conduct of its business.

(b) All of the powers and duties of the Corporation shall be vested in its Board of Directors, under the direction of which the Corporation shall be administered and which shall have power to adopt, amend, and repeal bylaws governing the performance of the powers and duties granted to or imposed upon the Corporation by law.

BOARD OF DIRECTORS

SEC. 142. (a) The Corporation shall have a Board of Directors (hereinafter referred to as the "Board") which shall consist of five members as follows:

(1) the Secretary of Housing and Urban Development, ex officio, who shall be Chairman of the Board;

(2) one person who shall be appointed by the President by and with the advice and consent of the Senate, who shall be the General Manager of the Corporation and shall serve at the pleasure of the President and until his successor has been appointed and has qualified, and who shall receive compensation at the rate provided for positions at level IV of the Executive Schedule (5 U.S.C. 5315); and

(3) three persons who shall be appointed by the Secretary of Housing and Urban Development and who shall serve at the pleasure of the Secretary and until their successors have been appointed and have qualified: *Provided*, That not more than one such person shall be selected from among officers or employees of the Department of Housing and Urban Development.

Members of the Board who are regular full-time officers or employees of the Federal Government shall receive no additional compensation for their services as Board members. Other members shall receive for their services, as members, the per diem equivalent to the rate for level IV of the Federal Executive Salary Schedule under section 5315 of title 5 of the United States Code when en-

gaged in the performance of their duties. Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title for persons in the Government service employed intermittently.

(b) The Board shall meet at the call of its Chairman, who shall require it to meet not less often than monthly.

MANAGEMENT OF CORPORATION

SEC. 143. The management and administration of the Corporation shall be vested in the General Manager of the Corporation, who shall act under the Board's general direction.

FINANCING OF CORPORATION'S ACTIVITIES

SEC. 144. (a) (1) To carry out its functions under this part, the Corporation is authorized and directed to establish a revolving fund which shall be used for (A) the timely payment of any liabilities incurred as the result of guarantees made under section 124 (a); (B) making grants and loans authorized under section 124 (b) and (c); (C) payment of obligations issued to the Secretary of the Treasury under subsection (b) of this section; and (D) any other program expenditures, including administrative and nonadministration expenses.

(2) The revolving fund shall be comprised of (A) receipts from fees and charges; (B) recoveries under security, subrogation, and other rights; (C) repayments, interest income, and any other receipts obtained in connection with guarantees or loans made under this part; (D) proceeds of the obligations issued to the Secretary of the Treasury pursuant to subsection (b) of this section; and (E) such sums, which are hereby authorized to be appropriated, as may be required for the payment of the obligations issued to the Secretary of the Treasury, for the payment of grants to new community developers under section 123(b), and for other purposes under this part.

(b) The Corporation may issue obligations to the Secretary of the Treasury in an amount sufficient to enable the Corporation to carry out the functions authorized by this part. The obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation issued under this subsection, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under such Act are extended to include purchases of the Corporation's obligations hereunder.

(c) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real and other property by the United States, the Corporation shall have power, for the protection of the interests of the revolving fund authorized under this section, to pay out of such fund all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by him as a result of recoveries under security, subrogation, and other rights.

GENERAL POWERS OF THE CORPORATION

SEC. 145. (a) The Corporation (subject to its bylaws) shall have power—

(1) to adopt, alter, and use a corporate seal, which shall be judicially noted;

(2) to enter into and perform contracts, leases, cooperative agreements, or other transactions, on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or the Commonwealth of Puerto Rico, or with any political subdivision thereof, or with any person, firm, association, or corporation;

(3) to execute all instruments necessary or appropriate in the exercise of any of its powers;

(4) in its corporate name, to sue and to be sued, and to complain and to defend, in any court of competent jurisdiction, State or Federal, but no attachment, injunction, or other similar process, mesne or final, shall be issued against the property of the Corporation or against the Corporation with respect to its property;

(5) to conduct its business without regard to any qualification or similar statute in any State of the United States, including the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(6) to lease, purchase, or acquire any property, real, personal, or mixed, or any interest therein, to hold, rent, complete, maintain, modernize, renovate, improve, use, administer, operate, and otherwise deal with such property, and to sell, for cash or credit, lease, or otherwise dispose of the same, at such time, in such manner, and to such extent as the Corporation may deem necessary or appropriate;

(7) to provide by contract, whether before or after any default, for the extinguishment, upon default, of any redemption, equitable, legal, or other right, title, or interest of a new community developer in any mortgage, deed, trust, or other instrument held by or on behalf of the Corporation for the protection of the security interests of the United States;

(8) to foreclose on any property or commence any action to protect or enforce any right conferred upon it by law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which it has provided assistance pursuant to this part, and to pursue to final collection by way of compromise or otherwise all claims acquired by it in connection with any security, subrogation, or other rights obtained by it in administering this part;

(9) to prescribe, repeal, and amend or modify rules, regulations, or requirements governing the manner in which its general business may be conducted;

(10) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of its purposes; and

(11) to do all things which are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

(b) Except as may be otherwise provided in this part, in the Government Corporation Control Act, or in other laws specifically applicable to Government corporations, the Corporation shall determine the necessity for and the character and amount of its obligations and expenditures and the manner in which they shall be incurred, allowed, paid, and accounted for.

(c) The Corporation, including its franchise, capital, reserves, surplus, mortgages or other security holdings, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority; except that any real property of the Corporation acquired as a result of the exercise of lien or subrogation rights under this part shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

(d) The Board shall have power to select and appoint or employ such officers, attorneys, employees, and agents of the Corporation, to vest them with such powers and duties, and to fix and to cause the Corporation to pay such compensation to them for their services, as it may determine, subject to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. With the consent of any Government corporation or Federal Reserve bank, or of any board, commission, independent establishment, or executive department of the Government, the Corporation may avail itself on a reimbursable basis of the use of information, services, facilities, officers, and employees thereof, including any field service thereof, in carrying out the provisions of this part.

(e) The Federal Reserve banks are authorized and directed to act as depositaries, custodians, and fiscal agents for the Corporation, for its own account or as fiduciary, and such banks shall be reimbursed for such services in such manner as may be agreed upon; and the Corporation may itself act in such capacities, for its own account or as fiduciary, and for the account of others.

(f) Moneys of the Corporation not currently needed for the purpose of this part shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed thereby, or in obligations, participations, or other instruments which are lawful investments for fiduciary, trust, or public funds.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 146. (a) The financial transactions of the Corporation shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporation transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

(b) The expenses of any audit performed under this section shall be borne out of appropriations to the General Accounting Office, and appropriations in such sums as may be necessary for this purpose are authorized. The Corporation shall reimburse the General Accounting Office for the full cost of such audit as billed therefor by the Comptroller General, and the General Accounting Office shall deposit the sums so reimbursed into the Treasury as miscellaneous receipts.

(c) A report of each such audit for a fiscal year shall be made by the Comptroller General to the President and to the Congress not later than six months following the close of such fiscal year.

ANNUAL REPORT

SEC. 147. The Corporation shall, as soon as practicable after the end of each calendar year, prepare a report of its operations and activities which shall be included as a part of the annual report submitted by the Secretary of Housing and Urban Development for such year under section 8 of the Department of Housing and Urban Development Act.

PART C—DEVELOPMENT OF INNER CITY AREAS

PURPOSE

SEC. 151. It is the purpose of this part to provide our cities, which urgently need to augment their inventories of housing (particularly housing for low and moderate income families) and to find sites for essential public facilities and additional sources of employment but have virtually no vacant land upon which to build, with a program which will make possible the more rational use of urban land and space that is currently occupied by industrial or commercial uses

which though not physically blighted are functionally obsolete or uneconomic, or of land and space that is not usable in its present state because of natural hazards or inadequate development, so that in appropriate cases major rebuilding projects (including new towns in town) may be undertaken without major residential clearance activities and with minimal displacement.

AMENDMENTS TO TITLE I OF THE HOUSING ACT OF 1949

SEC. 152. (a) The proviso in section 103(a)(1) of the Housing Act of 1949 is amended by inserting after "open land" the following: "except for land within the purview of section 110(c)(1)(v) and".

(b) Section 110(c)(1) of such Act is amended—

(1) by inserting before the first proviso the following: ", or (v) land or space which (A) is vacant, unused, underused, or inappropriately used (including infrequently used rail yards and rail storage facilities, and excessive or vacated railroad rights-of-way; air rights over streets, expressways, railroads, waterways, and similar locations; and land which is occupied by functionally obsolete nonresidential buildings or is used for low-utility purposes or is covered by shallow water or is subject to periodic flooding or consists of unused or underused slips or dock areas or other waterfront property); and (B) the Secretary determines may be developed (at a cost reasonably related to the public purpose to be served) without major residential clearance activities, and with full consideration to the preservation of beneficial features of the urban, and natural environment, for such uses as are consistent with emphasis on housing for low- and moderate-income families, including the provision of schools, hospitals, parks, and other essential public facilities, and, where appropriate, all uses associated with new-towns-in-town or similar large-scale undertakings related to inner city needs, including concentrated sources of employment"; and

(2) by striking out "clauses (iii) and (iv)" and inserting in lieu thereof "clauses (iii), (iv), and (v)".

(c) Section 110(c)(7) of such Act is amended to read as follows:

"(7) Construction of foundations and platforms necessary for the development of air rights sites in accordance with the provisions of clause (iv) or (v) of paragraph (1)".

PART D—DEVELOPMENT OF RATIONAL URBAN GROWTH PATTERNS

STATE AND REGIONAL PLANNING

SEC. 161. Section 701 of the Housing Act of 1954 is amended by adding at the end thereof the following new subsection:

"(j) In carrying out the provisions of this section relating to planning for States, regions, or other multijurisdictional areas whose development has significance for purposes of national growth and urban development objectives, the Secretary shall encourage the formulation of plans and programs which will include the studies, criteria, standards, and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth should take place within such States, regions, or areas. Such plans and programs shall take account of the availability of and need for conserving land and other irreplaceable natural resources; of projected changes in size, movement, and composition of population; of the necessity for expanding housing and employment opportunities; of the opportunities, requirements, and possible locations for new communities and large-scale projects for expanding or revitalizing existing communities; and of the need for methods of achieving modernization, simplification, and improvements in governmental structures, systems, and procedures related to growth objectives. If the Secretary determines that activities otherwise eligible for assistance under this section are necessary to the development or implementation of such plans and programs, he may make grants in support of such activities to any governmental agency or organization of public officials which he determines is capable of carrying out the planning work involved in an effective and efficient manner and may make such grants in an amount equal to not more than 75 per centum of the cost of such activities."

OPEN LAND TO GUIDE URBAN GROWTH

SEC. 162. Title VII of the Housing Act of 1961 (as amended by section 501 of this Act) is amended by redesignating section 708 as section 709, and by inserting after section 707 the following new section:

"ACQUISITION OF INTERESTS TO GUIDE URBAN DEVELOPMENT

"SEC. 708. In order to encourage the acquisition of interests in undeveloped or predominantly undeveloped land which, if withheld from commercial, industrial, and residential development, would have special significance in helping to shape economic and desirable patterns of urban growth (including growth outside of existing urban areas which is directly related to the development of new communities or the expansion and revitalization of existing communities), the Secretary may make grants to State and local public bodies for the acquisition of such interests in an amount not to exceed 75 per centum of the cost of such acquisition. In the case of any interests acquired pursuant to this section, the Secretary may approve the subsequent conversion or disposition of the land involved without regard to other requirements of this title but subject to such terms and conditions as he determines to be equitable and appropriate with respect to the control of future use and the application or sharing of the proceeds or value realized upon sale or disposition."

TITLE II—MORTGAGE CREDIT

EXTENSION OF PROGRAMS

SEC. 201. (a) Section 2(a) of the National Housing Act is amended by striking out "January 1, 1971" in the first sentence and inserting in lieu thereof "October 1, 1972".

(b) Section 217 of such Act is amended by striking out "January 1, 1971" and inserting in lieu thereof "October 1, 1972".

(c) Section 221(f) of such Act is amended by striking out "January 1, 1971" in the fifth sentence and inserting in lieu thereof "October 1, 1972".

(d) Section 235(m) of such Act is amended by striking out "October 1, 1971" and inserting in lieu thereof "October 1, 1972".

(e) Section 236(n) of such Act is amended by striking out "October 1, 1971" and inserting in lieu thereof "October 1, 1972".

(f) Section 809(f) of such Act is amended by striking out "January 1, 1971" in the second sentence and inserting in lieu thereof "October 1, 1972".

(g) Section 810(k) of such Act is amended by striking out "January 1, 1971" in the second sentence and inserting in lieu thereof "October 1, 1972".

(h) Section 1002(a) of such Act is amended by striking out "January 1, 1971" in the second sentence and inserting in lieu thereof "October 1, 1972".

(i) Section 1101(a) of such Act is amended by striking out "January 1, 1971" in the second sentence and inserting in lieu thereof "October 1, 1972".

AUTHORIZATION FOR ASSISTANCE PAYMENTS UNDER SECTIONS 235 AND 236

SEC. 202. (a) The second sentence of section 235(h)(1) of the National Housing Act is amended by striking out "by $125,000,000 on July 1, 1970, and by $170,000,000 on July 1, 1971" and inserting in lieu thereof "by $150,000,000 on July 1, 1970, and by $185,000,000 on July 1, 1971".

(b) The second sentence of section 236(i)(1) of such Act is amended by striking out "by $125,000,000 on July 1, 1970, and by $170,000,000 on July 1, 1971" and inserting in lieu thereof "by $150,000,000 on July 1, 1970, and by $185,000,000 on July 1, 1971".

RENT SUPPLEMENT PAYMENTS

SEC. 203. Section 101(a) of the Housing and Urban Development Act of 1965 is amended by striking out "and by $100,000,000 on July 1, 1970" and inserting in lieu thereof "by $100,000,000 on July 1, 1970, and by $40,000,000 on July 1, 1971".

USE OF EXISTING HOUSING UNDER SECTION 235 PROGRAM

SEC. 204. Section 235(h)(3)(B) of the National Housing Act is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972".

MORTGAGE INSURANCE UNDER SECTION 235(i) FOR REHABILITATION OF DUPLEXES

SEC. 205. Section 235(i)(3)(A) of the National Housing Act is amended by striking out "if the dwelling is purchased with the assistance of a nonprofit organization and is" and inserting lieu thereof "and which is".

ASSISTANCE UNDER SECTION 235 PROGRAM FOR COOPERATIVE PROJECTS FINANCED UNDER CERTAIN STATE OR LOCAL PROGRAMS

SEC. 206. Section 235(b)(2) of the National Housing Act is amended by inserting "(A)" after "the cooperative association of which the family is a member shall operate", and by inserting before the period at the end thereof the following: "; or (B) a housing project which is financed under a State or local program providing assistance through loans, loan insurance, or tax abatements, and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section".

INCLUSION OF CERTAIN COSTS IN SECTION 236 PROJECTS

SEC. 207. Section 236(b) of the National Housing Act is amended by adding at the end thereof the following new sentence: "The term 'mortgage insurance premium', when used in this section in relation to a project financed by a loan under a State or local program, means such fees and charges, approved by the Secretary, as are payable by the mortgagor to the State or local agency mortgagee to meet reserve requirements and administrative expenses of such agency."

MAXIMUM AMOUNT OF FHA-INSURED HOSPITAL MORTGAGE

SEC. 208. Section 242(d)(2) of the National Housing Act is amended by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000".

MORTGAGE INSURANCE FOR PROPRIETARY HOSPITALS

SEC. 209. (a) Section 242(b)(1)(C) of the National Housing Act is amended to read as follows:

"(C) which is a proprietary facility, or facility of a private nonprofit corporation or association, licensed or regulated by the State (or, if there is no State law providing for such licensing or regulation by the State, by the municipality or other political subdivision in which the facility is located); and".

(b) The heading of section 242 of such Act is amended by striking out "NONPROFIT".

(c) The sixth sentence of section 212(a) of such Act is amended by striking out "or association" and inserting in lieu thereof ", association, or other organization".

FHA SUPPLEMENTAL LOANS FOR MULTIFAMILY PROJECTS

SEC. 210. Section 241 of the National Housing Act is amended—

(1) by inserting "or covered by a mortgage held by the Secretary" immediately after "this Act" in the first sentence of subsection (a);

(2) by striking out the proviso in subsection (a) and inserting in lieu thereof the following: ": *Provided*, That a loan involving a nursing home or a group practice facility may also be made for the purpose of financing equipment to be used in the operation of such nursing home or facility";

(3) by inserting "or an amount acceptable to the Secretary" before the semicolon at the end of subsection (b)(1); and

(4) by inserting "or pursuant to which the original mortgage covering the project or facility was insured" before "; and" at the end of subsection (b)(5).

USE OF CERTAIN HOUSING FACILITIES UNDER SECTION 221 AND SECTION 236 FOR CLASSROOM PURPOSES

SEC. 211. (a) Section 221(f) of the National Housing Act is amended by adding at the end of the second paragraph the following new sentence: "In any case in which it is determined in accordance with regulations of the Secretary that facilities which could appropriately be used for classroom purposes are available in any such property or project and that public schools in the community are overcrowded due in part to the attendance at such schools of residents of the property or project, such facilities may be used for such purposes to the extent permitted in such regulations (without being subject to any of the requirements of the proviso in section 220(d)(3)(B)(iv) except the requirement that the project be predominantly residential)."

(b) Section 236(j)(5) of such Act is amended by adding at the end thereof (after and below subparagraph (C)) the following new sentence: "In any case in which it is determined in accordance with regulations of the Secretary that facilities which could appropriately be used for classroom purposes are available in any such property or project and that public schools in the community are overcrowded due in part to the attendance at such schools of residents of the property or project, such facilities may be used for such purposes to the extent permitted in such regulations (without being subject to any of the requirements of the first proviso in subparagraph (A) except the requirement that the project be predominantly residential)."

FHA REHABILITATION STANDARDS FOR HOUSING IN URBAN RENEWAL AREAS

SEC. 212. Title V of the National Housing Act is amended by adding at the end thereof the following new section:

"FHA REHABILITATION STANDARDS FOR HOUSING IN URBAN RENEWAL AREAS

SEC. 524. In determining whether properties should be approved by the Secretary prior to rehabilitation and covered by mortgages insured under title II of this Act, the Secretary shall apply uniform property standards as between properties located outside urban renewal areas and those located within urban renewal areas."

INVESTMENT OF FHA RESERVE FUNDS

SEC. 213. (a) Section 206 of the National Housing Act is amended by inserting before the period at the end of the first sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

(b) Section 213(o) of such Act is amended by inserting before the period at the end of the second sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

(c) Section 236(g) of such Act is amended by inserting before the period at the end of the third sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

(d) Section 238(b) of such Act is amended by inserting before the period at the end of the sixth sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

(e) Section 519(c) of such Act is amended by inserting before the period at the end of the first sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

ASSISTANCE FOR DORMITORY-TYPE HOUSING UNDER THE SECTION 236 AND RENT SUPPLEMENT PROGRAMS

SEC. 214. (a)(1) Section 221(d)(3)(ii) of the National Housing Act (as amended by section 205 of this Act) is amended by inserting before "; and" at the end thereof the following: ": *Provided further*, That with respect to a dormitory-type rental property or project the Secretary may waive the foregoing dollar amount limitations contained in this clause and prescribe in lieu thereof comparable dollar limitations which reflect the cost of providing, in an economical manner and without the use of elaborate design or materials, dwelling units which share common facilities".

(2) Section 221(f) of such Act is amended—

(A) by adding at the end of the first paragraph the following new sentence: "A property or project covered by a mortgage insured under the provisions of subsection (d)(3) may, with the approval of the Secretary, be a dormitory-type rental property or project to be occupied by displaced, elderly, or handicapped persons which may contain community kitchens, common dining areas, and other shared facilities.";

(B) by inserting "or who is a displaced person," immediately after "Housing Act of 1959," in the fifth sentence of the second paragraph; and

(C) by striking out "the terms 'displaced family' and 'displaced families' shall mean a family or families" in the third paragraph and inserting in lieu thereof "the terms 'displaced family', 'displaced families', and 'displaced person' shall mean a family or families, or a person,".

(b)(1) Section 236(j)(5)(C) of such Act is amended—

(A) by striking out "for use as a rental project" and inserting in lieu thereof "for use as (i) a rental project"; and

(B) by inserting before the period at the end thereof the following: "; or (ii) a dormitory-type rental project to be occupied by displaced, elderly, or handicapped person".

(2) Section 236(i) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) Not more than 10 per centum of the total amount of interest reduction payments authorized to be contracted to be made pursuant to appropriation Acts as provided in paragraph (1) after the date of the enactment of the Housing and Urban Development Act of 1970 shall be contracted to be made with respect to dormitory-type rental projects described in clause (ii) of subsection (j)(5)(C)."

(c) Section 101(b) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following new sentence: "Nothing in this section shall be construed as preventing payments to a housing owner with respect to a dormitory-type rental property or project to be occupied by low-income displaced, elderly, or handicapped persons which may contain community kitchens, common dining areas, and other shared facilities; but of the total amounts of contracts to make annual payments approved in appropriation Acts pursuant to subsection (a) after the date of the enactment of the Housing and Urban Development Act of 1970, not more than 10 per centum in the aggregate shall be made with respect to property designed to provide dormitory-type rental accommodations."

INCREASES IN FHA MORTGAGE CEILINGS UNDER SUBSIDIZED MULTIFAMILY HOUSING PROGRAMS TO MEET CONSTRUCTION COSTS

SEC. 215. Section 221(d)(3)(ii) of the National Housing Act is amended by striking out "; and except that the Secretary may, by regulation, increase any of the foregoing dollar amount limitations contained in this clause" and inserting in lieu thereof the following: ": *Provided*, That the Secretary may, in his discretion, increase any of the foregoing dollar amount limitations contained in this clause by not to exceed 20 per centum in any geographical area where he finds it necessary in order to meet increased construction costs: *And provided further*, That the Secretary may, by regulation, further increase any of the foregoing dollar amount limitations contained in this clause (including such limitations as increased under the preceding proviso)".

LIMITATION ON ELIGIBILITY FOR SECTION 235 ASSISTANCE PAYMENTS

SEC. 216. Section 235(h) of the National Housing Act is amended by adding at the end thereof the following new paragraph:

"(4) Notwithstanding any other provision of this section, no assistance payment shall be contracted to be made under this section on behalf of any family which is eligible under section 203(b) for insurance of a mortgage in an amount equal to or exceeding 100 per centum of the median mortgage insured under such section 203(b) in the area where the property is located during the most recent three-month period for which information is available, if the Secretary finds that there is available in such area, within that price range, adequate housing which meets the standards applicable to new or rehabilitated housing with respect to which assistance payments may be made under this section."

ASSISTANCE UNDER SECTION 236 AND RENT SUPPLEMENT PROGRAMS FOR EXISTING PROJECTS FINANCED UNDER CERTAIN STATE OR LOCAL PROGRAMS

SEC. 217. (a) Section 236(b) of the National Housing Act is amended by striking out "which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section" and inserting in lieu thereof the following: "which may involve either new or existing construction and which is approved for receiving the benefits of this section".

(b) The second sentence of section 101(b) of the Housing and Urban Development Act of 1965 is amended by striking out "which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section" and inserting in lieu thereof the following: "which may involve either new or existing construction and which is approved for receiving the benefits of this section".

TITLE III—URBAN RENEWAL AND HOUSING ASSISTANCE PROGRAMS

URBAN RENEWAL GRANT AUTHORITY

SEC. 301. Section 103(b) of the Housing Act of 1949 is amended—

(1) by striking out "and by $1,700,000,000 on July 1, 1970" in the first sentence and inserting in lieu thereof "by $1,700,000,000 on July 1, 1970, and by $1,500,000,000 on July 1, 1971"; and

(2) by striking out "beginning July 1, 1969, and July 1, 1970" in the second sentence and inserting in lieu thereof "commencing after June 30, 1969, and ending prior to July 1, 1974".

PUBLIC HOUSING ANNUAL CONTRIBUTIONS

SEC. 302. The first sentence of section 10 (e) of the United States Housing Act of 1937 is amended by striking out "and $170,000,000 on July 1, 1970" and inserting in lieu thereof "$320,000,000 on July 1, 1970, and $175,000,000 on July 1, 1971".

USE OF PUBLIC HOUSING CONTRACT AUTHORITY FOR LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS

SEC. 303. The first sentence of section 10 (c) of the United States Housing Act of 1937 is amended by striking out *"Provided further"* and inserting in lieu thereof *"Provided further,* That of the total number of dwelling units for which contracts for annual contributions are entered into in any fiscal year pursuant to the new authority granted under section 302 of the Housing and Urban Development Act of 1970 or under any law subsequently enacted, at least 30 per centum shall be units of low-rent housing in private accommodations provided under section 23: *And provided further".*

TERM AND RENEWAL OF CONTRACTS FOR LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS

SEC. 304. The last sentence of section 23 (d) of the United States Housing Act of 1937 is amended—

(1) by striking out "not less than twelve months nor more than sixty months" and inserting in lieu thereof "not less than twelve months nor more than one hundred and twenty months"; and

(2) by inserting before the period at the end thereof the following: ": *Provided,* That no renewal of such a contract shall result in a total term exceeding one hundred and eighty months".

AUTHORIZATION FOR COLLEGE HOUSING DEBT SERVICE GRANTS

SEC. 305. Section 401(f)(2) of the Housing Act of 1950 is amended by inserting before the period at the end thereof the following: ", and by $12,000,000 on July 1, 1971".

DORMITORY-TYPE PUBLIC HOUSING

SEC. 306. Section 2(1) of the United States Housing Act of 1937 is amended by inserting after the first sentence in the first paragraph the following new sentence: "Such term includes structures or parts thereof which satisfy the requirements of the preceding sentence and are designed to provide dormitory-type dwelling accommodations for displaced, elderly, or handicapped persons of low income, and which may contain community kitchens, common dining areas, and other shared facilities."

EXPENSES IN CONNECTION WITH THE SALE OF SURPLUS FEDERAL LANDS TO LOCAL URBAN RENEWAL AGENCIES

SEC. 307. The last sentence of section 108 of the Housing Act of 1949 is amended by inserting "net" immediately before "proceeds".

EARLY CLOSEOUT OF URBAN RENEWAL PROJECTS

SEC. 308. (a) Section 106(i) of the Housing Act of 1949 is amended to read as follows:

"(i) Upon determination of the Secretary that the local public agency does not expect to be able in the reasonably near future, due to circumstances beyond its control, to dispose of urban renewal project land acquired in accordance with the urban renewal plan and that all other project activities are completed except local grant-in-aid activities designated in the third proviso to section 110(d) under the conditions specified therein, the urban renewal project may be deemed completed, net project cost may be computed, and the capital grant paid. To facilitate these actions, the Secretary may pay to the local public agency a grant, in addition to the capital grant otherwise payable, equal to one-third (or one-fourth in the case of projects funded on the three-fourths capital grant basis) of the estimated disposition proceeds of such land as accepted by the Secretary. No local grant-in-aid shall be required on account of this additional grant. The approval of the Secretary shall be obtained prior to the disposition of such land by the local public agency and net proceeds realized from the disposition of such land after project closeout shall be paid to the Secretary by the local public agency."

(b) Section 110(f) of such Act is amended by striking out "or for subsequent disposition or retention as provided under section 106(i)".

RELEASE FROM CERTAIN PROJECT OBLIGATIONS

SEC. 309. Notwithstanding any other provision of this Act or title I of the Housing Act of 1949, as amended, the Secretary of Housing and Urban Development is authorized and directed to release the City of Stanton, Texas, and the Urban Renewal Agency of the City of Stanton, Texas, from the obligations of their agreement with the Department of Housing and Urban Development entered into in connection with the closeout of projects numbered Tex. R-45 and Tex. R-81 and to close out those projects, effective as of the original date of closeout, on the basis of the authority granted under section 311 of this Act.

INCLUSION OF CERTAIN EXPENDITURES BY COLLEGE, UNIVERSITY, OR HOSPITAL AS LOCAL GRANTS-IN-AID

SEC. 310. The second sentence of section 112(b) of the Housing Act of 1949 is amended by striking out the comma immediately after the parenthetical clause and inserting in lieu thereof "within", and by inserting ", such period" after "preceding sentence".

SOLID WASTE DISPOSAL SYSTEM DEMONSTRATION PROJECTS UNDER URBAN RENEWAL AND NEW COMMUNITY DEVELOPMENT PROGRAMS

SEC. 311. (a)(1) Section 103 of the Housing Act of 1949 is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of this title, the Secretary is authorized to encourage the development of solid waste disposal facilities referred to in section 110(c)(3) by paying to the local public agency a grant, in addition to the capital grant otherwise payable, not to exceed one-third (or one-fourth in the case of projects funded on a three-fourths capital grant basis) of that portion of the net project cost which the Secretary determines is allocable to such facilities. No local grant-in-aid shall be required on account of this additional grant."

(2) Section 110(c) of such Act is amended—

(A) by inserting in paragraph (3) after "playgrounds," the following: "such solid waste disposal facilities as the Secretary approves as being of benefit to the redevelopment of the project area and as having value for demonstration purposes,"; and

(B) by inserting in the second unnumbered paragraph following paragraph (10), immediately after "with respect to", the following: "solid waste disposal facilities and".

(b)(1) The hearing of section 412 of the Housing and Urban Development Act of 1968 is amended to read as follows:

"SUPPLEMENTARY AND DEMONSTRATION GRANTS"

(2) Section 412(b) of such Act is amended by striking out "this section" and inserting in lieu thereof "subsection (a)".

(3) Section 412 of such Act is further amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) The Secretary is authorized to make grants to States and local public bodies and agencies for the development of solid waste disposal facilities which he determines (1) are necessary or desirable for carrying out a new community development project approved for assistance under section 403 and (2) have value for demonstration purposes. In no case shall such grants exceed the total cost of developing such facility."

INCREASES IN PUBLIC HOUSING ROOM COST LIMITATIONS TO MEET CONSTRUCTION COST

SEC. 312. The first sentence of section 15(5) of the United States Housing Act of 1937 is amended by inserting before the period at the end thereof the following: *"Provided further,* That the Secretary may, in his discretion, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 20 per centum in any geographical area where he finds it necessary in order to meet increased construction costs".

TITLE IV—MODEL CITIES AND METROPOLITAN DEVELOPMENT PROGRAMS

AUTHORIZATION FOR MODEL CITIES PROGRAM

SEC. 401. (a) Section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by striking out "and" the third time it appears; and

(2) by inserting before the period at the end thereof the following: ", and not to exceed $250,000,000 for the fiscal year ending June 30, 1972".

(b) Section 111(c) of such Act is amended by striking out "1971" and inserting in lieu thereof "1972".

AUTHORIZATION FOR COMPREHENSIVE PLANNING GRANTS

SEC. 402. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "and not to exceed $390,000,000 prior to July 1, 1971" and inserting in lieu thereof "and not to exceed $420,000,000 prior to July 1, 1972".

COMMUNITY FACILITIES GRANTS

SEC. 403. (a) Section 708(a) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following new sentence: " In addition, there is authorized to be appropriated for the fiscal year commencing July 1, 1971, not to exceed $50,000,000 for grants under section 703.

(b) Section 708(b) of such Act is amended by striking out "1971" and inserting in lieu thereof "1972".

EXTENSION OF URBAN INFORMATION AND TECHNICAL ASSISTANCE SERVICES AUTHORIZATION

SEC. 404. Section 906 of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972".

TITLE V—CONSOLIDATION OF OPEN-SPACE LAND PROGRAMS

SEC. 501. Title VII of the Housing Act of 1961 is amended to read as follows:

"TITLE VII—OPEN-SPACE LAND

"FINDINGS AND PURPOSE

"SEC. 701. (a) The Congress finds that the rapid expansion of the Nation's urban areas and the rapid growth of population within such areas has resulted in severe problems of urban and suburban living for the pre-

ponderant majority of the Nation's present and future population, including the lack of valuable open-space land for recreational and other purposes.

"(b) The Congress further finds that there is a need for the additional provision of parks and other open-space land in the built-up portions of urban areas especially in low income neighborhoods and communities and a need for greater and better neighborhoods and communities and a need for greater and better coordinated State and local efforts to make available and improve open-space land throughout entire urban areas.

"(c) The Congress further finds that there is a need for timely action to preserve and restore areas, sites, and structures of historic or architectural value in order that these remaining evidences of our history and heritage shall not be lost or destroyed through the expansion and development of the Nation's urban areas.

"(d) It is the purpose of this title to help curb urban sprawl and prevent the spread of urban blight and deterioration, to encourage more economic and desirable urban development, to assist in preserving areas and properties of historic or architectural value, and to help provide necessary recreational, conservation, and scenic areas by assisting State and local public bodies in taking prompt action to (1) provide, preserve, and develop open-space land in a manner consistent with the planned long-range development of the Nation's urban areas, (2) acquire, improve, and restore areas, sites, and structures of historic or architectural value, and (3) develop and improve open space and other public urban land, in accordance with programs to encourage and coordinate local public and private efforts toward this end.

"GRANTS FOR ACQUISITION AND FOR DEVELOPMENT OF OPEN-SPACE LAND

"SEC. 702. (a) The Secretary is authorized to make grants to States and local public bodies to help finance (1) the acquisition of title to, or other interests in, open-space land in urban areas and (2) the development of open-space or other land in urban areas for open-space uses. The amount of any such grant shall not exceed 50 per centum of the eligible project cost, as approved by the Secretary, of such acquisition or development. Not more than 50 per centum of the non-Federal share of such eligible project cost may, to the extent authorized in regulations established by the Secretary, be made up by donations of land or materials.

"(b) No grants under this title shall be made to (1) defray ordinary State or local governmental expenses, (2) help finance the acquisition by a public body of land located outside the urban area for which it exercises (or participates in the exercise of) responsibilities consistent with the purpose of this title, (3) acquire and clear developed land in built-up urban areas unless the local governing body determines that adequate open-space land cannot be effectively provided through the use of existing undeveloped land, or (4) provide assistance for historic and architectural preservation purposes, except for districts, sites, buildings, and structures which the Secretary of the Interior determines meets the criteria used in establishing the National Register.

"(c) The Secretary may set such further terms and conditions for assistance under this title as he determines to be desirable.

"(d) The Secretary shall consult the Secretary of the Interior on the general policies to be followed in reviewing applications for grants under this title. To assist the Secretary in such review, the Secretary of the Interior shall furnish him (1) appropriate information on the status of national and statewide recreation and historic preservation planning as it affects the areas to be assisted with such grants, and (2) the current listing of any districts, sites, buildings, and structures, significant in American history, architecture, archeology, and culture which may be contained in a National Register maintained by the Secretary of the Interior pursuant to other provisions of law. The Secretary shall provide current information to the Secretary of the Interior from time to time on significant program developments.

"(e) The Secretary may provide such technical assistance to States and local public bodies as may be required to effectively carry out activities under this section.

"PLANNING REQUIREMENTS

"SEC. 703. The Secretary shall make grants under section 702 only if he finds that such assistance is needed for carrying out a unified or officially coordinated program, meeting criteria established by him, for the provision and development of open-space land which is a part of, or is consistent with, the comprehensively planned development of the urban area.

"CONVERSIONS TO OTHER USES

"SEC. 704. No open-space land for the acquisition of which a grant has been made under section 702 shall be converted to uses not originally approved by the Secretary without his prior approval. Prior approval will be granted only upon satisfactory compliance with regulations established by the Secretary. Such regulations shall require findings that (1) there is adequate assurance of the substitution of other open-space land of as nearly as feasible equivalent usefulness, location, and fair market value at the time of the conversion; (2) the conversion and substitution are needed for orderly growth and development; and (3) the proposed uses of the converted and substituted land are in accord with the then applicable comprehensive plan for the urban area, meeting criteria established by the Secretary.

"CONVERSIONS OF LAND INVOLVING HISTORIC OR ARCHITECTURAL PURPOSES

"SEC. 705. No open-space land involving historic or architectural purposes for which assistance has been granted under this title shall be converted to use for any other purpose without the prior approval of the Secretary of the Interior.

"LABOR STANDARDS

"SEC. 706. (a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with th assistance of grants under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary shall not approve any such grant without first obtaining adequate assurance that these labor standards will be maintained upon the construction work.

"(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z-15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

"AUTHORIZATION

"SEC. 707. There are authorized to be appropriated for purposes of making grants under this title not to exceed $550,000,000 prior to July 1, 1972. Any amounts appropriated under this section shall remain available until expended.

"DEFINITIONS

"SEC. 708. As used in this title—

"(1) The term 'open-space land' means any land located in an urban area which has value for (A) park and recreational purposes, (B) conservation of land and other natural resources, or (C) historic, architectural, or scenic purposes.

"(2) The term 'urban area' means any area which is urban in character, including those surrounding areas which, in the judgment of the Secretary, form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities.

"(3) The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and Indian tribes, bands, groups, and nations including Alaska Indians, Aleuts, and Eskimos, of the United States.

"(4) The term 'open-space uses' means any use of open-space land for (A) park and recreational purposes, (B) conservation of land and other natural resources, or (C) historic, architectural or scenic purposes."

TITLE VI—RESEARCH AND TECHNOLOGY

RESEARCH AND DEMONSTRATIONS

SEC. 601. The Secretary of Housing and Urban Development is authorized and directed to undertake such programs of research, studies, testing, and demonstration relating to the mission and programs of the Department as he determines to be necessary and appropriate. In order to carry out activities under this section there are authorized to be appropriated such sums as may be necessary. All funds so appropriated shall remain available until expended unless specifically limited.

GENERAL PROVISIONS

SEC. 602. (a) The Secretary shall require, to the greatest extent feasible, the employment of new and improved technologies, techniques, materials, and methods in housing construction, rehabilitation, and maintenance under programs administered by him, and shall encourage and promote the acceptance and application of such advanced technologies, techniques, materials, and methods by all segments of the housing industry, communities, industries engaged in urban development activities, and the general public. To the extent feasible, in connection with the construction, major rehabilitation, or maintenance of any housing assisted under section 601, the Secretary shall assure that there is no restraint by contract, building code, zoning ordinance, or practice against the employment of new or improved technologies, techniques, materials, and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance, and therefore stimulate expanded production of housing, except where such restraint is necesary to insure safe and healthful working and living conditions. The Secretary may, in carrying out activities under section 601, waive such provisions of the United States Housing Act of 1937, the Housing Act of 1949, and other Acts administered by him, as impede acceptance and application of new or improved technologies, techniques, materials, and methods, and may utilize the provisions of the National Housing Act for any of the purposes of that section.

(b) To encourage large-scale experimentation in the use of new technologies, techniques, materials, and methods, with a view toward the ultimate mass production of housing and related facilities the Secretary shall, wherever feasible, conduct programs under section 601 in which qualified organizations, public and private, will submit plans for development and production of housing and related facilities using such new advances on Federal land which has

been made available or acquired by the Secretary for purpose of this subsection or on other land where (1) local building regulations permit such experimental construction or (2) necessary variances from building regulations can be granted. The Secretary may utilize the funds and authority available to him under the provisions of section 601 to assist in the implementation of plans which he approves.

(c) Notwithstanding any other provision of law, the Secretary is authorized, in connection with projects under this title, to acquire, use, and dispose of any land and other property required for the project as he deems necessary. Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, any land which is excess property within the meaning of such Act and which is determined by the Secretary to be suitable in furtherance of the purposes of subsection (b) may be transferred to the Secretary upon his request.

(d) In order to effectively carry out his activities under section 601 the Secretary is authorized to provide such advice and technical assistance as may be required and to pay for the cost of writing and publishing reports on activities and undertakings financed under section 601, as well as reports on similar activities and undertakings, not so financed, which are of significant value in furthering the purposes of that section. He may disseminate (without regard to the provisions of section 3204 of title 39, United States Code (or section 4154 of such title with respect to any period before the effective date of such section 3204 as provided in section 15(a) of the Postal Reorganization Act) any reports, data, or information acquired or held under this title, including related data and information otherwise available to the Secretary through the operation of the programs and activities of the Department of Housing and Urban Development, in such form as he shall determine to be most useful to departments, establishments, and agencies of Federal, State, and local government, to industry, and to the general public.

(e) The Secretary is authorized to carry out the functions authorized in section 601 either directly or, without regard to section 3709 of the Revised Statutes, by contract or by grant. Advance and progress payments may be made under such contracts or grants without regard to the provisions of section 3648 of the Revised Statutes and such contracts or grants may be made for work to continue for not more than four years from the date thereof.

(f) In carrying out activities under section 601 the Secretary shall utilize, to the fullest extent feasible, the available facilities of other Federal departments and agencies, and shall consult with, and make recommendations to, such departments and agencies. The Secretary may enter into working agreements with such departments and agencies and contract or make grants on their behalf or have such departments and agencies contract or make grants on his behalf. The Secretary is authorized to make or accept reimbursement for the cost of such activities. The Secretary is further authorized to undertake activities under this title under cooperative agreements with industry and labor, agencies of State or local governments, educational institutions, and other organizations. He may enter into contracts with and receive funds from such agencies, institutions, and organizations, and may exercise any of the other powers vested in him by section 502(c) of the Housing Act of 1948.

(g) The Secretary is authorized to request and receive such information or data as he deems appropriate from private individuals and organizations, and from public agencies. Any such information or data shall be used only for the purposes for which it is supplied, and no publication shall be made by the Secretary whereby the information or data furnished by any particular person or establishment can be identified, except with the consent of such person or establishment.

REPEAL OF EXISTING RESEARCH AUTHORITIES

SEC. 603. Effective July 1, 1971, the following provisions of law are hereby repealed, except for contracts, commitments, reservations, or other obligations entered into pursuant to such provisions prior to that date:

(1) title III of the Housing Act of 1948;
(2) section 314 of the Housing Act of 1954;
(3) section 602 of the Housing Act of 1956;
(4) section 207 of the Housing Act of 1961;
(5) section 301 of the Housing and Urban Development Act of 1965; and
(6) sections 1010 and 1011 of the Demonstration Cities and Metropolitan Development Act of 1966.

TITLE VII—CRIME INSURANCE

FINDINGS AND PURPOSE

SEC. 701. Section 1102(b) of the Housing and Urban Development Act of 1968 is amended by striking out "and" immediately before "(2)", and by inserting before the period at the end thereof the following: "; and (3) provide direct insurance through the facilities of the Federal Government in the case of properties for which statewide programs and the Federal reinsurance program either do not make cime insurance available or offer such insurance to property owners only at prohibitive cost".

AMENDMENTS TO TITLE XII OF THE NATIONAL HOUSING ACT

SEC. 702. (a) Section 1201 of the National Housing Act is amended to read as follows:

"PROGRAM AUTHORITY

"SEC. 1201. (a) The Secretary is authorized to establish and carry out the programs provided for in parts A, B, C, and D of this title.

"(b)(1) The powers of the Secretary under this title shall terminate on April 30, 1975, except to the extent necessary—

"(A) to continue reinsurance and direct insurance in accordance with the provisions of sections 1223(b) and 1231(c) until April 30, 1978;

"(B) to process, verify, and pay claims for reinsured losses and directly insured losses and perform other necessary functions in connection therewith; and

"(C) to complete the liquidation and termination of the reinsurance and direct insurance programs.

"(2) On April 30, 1978, or as soon thereafter as possible, the Secretary shall submit to the Congress, for its approval, a plan for the liquidation and termination of the reinsurance and direct insurance programs."

(b) Section 1203(a) of such Act is amended by redesignating paragraphs (1) through (13) as paragraphs (4) through (16), respectively, and by inserting immediately after and below "the term—" the following new paragraphs:

"(1) 'affordable rate' means such premium rate as the Secretary determines would permit the purchase of a specific type of insurance coverage by a reasonably prudent person in similar circumstances with due regard to the costs and benefits involved;

"(2) 'crime insurance' means insurance against losses resulting from robbery, burglary, larceny, and similar crimes, and may include broad form personal theft insurance, mercantile open stock insurance, mercantile robbery and mercantile safe burglary insurance, storekeepers burglary and robbery insurance, office burglary and robbery insurance, and may include business interruption insurance as the Secretary may designate; the term does not include automobile insurance or losses resulting from embezzlement;

"(3) 'directly insured losses' means losses on direct insurance claims and all direct expenses incurred in connection therewith, including but not limited to expenses for processing, verifying, and paying such losses;".

(c) Section 1221(a)(2) of such Act is amended by striking out "section 1203(a)(10)" each place it appears and inserting in lieu thereof "section 1203(a)(13)".

(d) Title XII of such Act is amended by redesignating part C and sections 1231 through 1241 as part D and sections 1241 through 1251, respectively, and by inserting after part B the following new part:

"PART C—FEDERAL INSURANCE AGAINST BURGLARY AND THEFT

"REVIEW AND PROGRAM AUTHORITY

"The Secretary shall review the market availability situation in each of the several States to determine whether crime insurance is available at affordable rates either through the normal insurance market or through a suitable program adopted under State law.

"(b) Upon determining pursuant to subsection (a) that a critical market availability situation for crime insurance exists in any State and has not been met through appropriate State action, the Secretary is authorized to make crime insurance available at affordable rates within such State through the facilities of the Federal Government. Such insurance shall be provided upon such terms and conditions, and subject to such deductibles and other restrictions and limitations, as the Secretary deems appropriate, but no such insurance shall be made available to a property which the Secretary determines to be uninsurable or to a property with respect to which reasonable protective measures to prevent loss, consistent with standards established by the Secretary, have not been adopted.

"(c) Notwithstanding any other provision of this title, direct insurance may be continued for the term of the policies written prior to the date of termination of the Secretary's direct insurance authority under this part, for as long as the insured pays the required direct insurance premiums; except that direct insurance under this part for any risk shall be terminated after notice whenever the Secretary determines that the standard lines of crime insurance otherwise have become available to such property at affordable rates.

"USE OF EXISTED FACILITIES AND SERVICE

"SEC. 1232. In carrying out his responsibilities under this part, the Secretary may utilize—

"(1) insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States,

"(2) officers and employees of the Department of Housing and Urban Development, and such other officers and employees of any executive agency (as defined in section 105 of title 5 of the United States Code) as the Secretary and the head of any such agency may from time to time agree upon, on a reimbursement or other basis, or

"(3) both the alternatives specified in paragraphs (1) and (2), or any combination thereof.

"ESTABLISHMENT OF AFFORDABLE RATES

"SEC. 1233. In estimating the affordable rates for the various crime insurance coverages offered from time to time under this part, the Secretary shall consult with appropriate State insurance authorities and other knowledgeable persons and is authorized to take into consideration the nature and degree of the risks involved, the protective devices employed, the extent of anticipated losses, the prevailing rates for similar coverages in adjacent or comparable areas and territories, the economic impor-

tance of the various individual coverages and the type of property involved, and the relative abilities of the particular classes and types of insureds to pay the full estimated costs of such coverages. Nothing in this section shall be construed to prohibit or require either the adoption of uniform national rates or the periodic modification of currently estimated affordable rates for any particular line or subline of coverage, class, State, territory, or risk on the basis of additional information or actual loss experience.

"REPORTS ON OPERATIONS

"SEC. 1234. The Secretary shall include in his reports to the Congress on the program authorized by this title full and complete information on his operations and activities under this part, together with such recommendations with respect thereto as he may deem appropriate."

(e) Section 1222(a) of such Act is amended by striking out "section 1233" and inserting in lieu thereof "section 1243".

(f) Section 1244(c) of such Act (as redesignated by subsection (d) of this section) is amended by striking out "section 1232" and inserting in lieu thereof "section 1242".

(g) Section 1241(a) of such Act (as so redesignated) is amended by inserting "or direct insurance" after "reinsurance", and by inserting "or property owners" after "insurers".

(h) Section 1241(b) of such Act (as so redesignated) is amended by inserting "or direct insurance" after "reinsurance".

(i) Section 1242 (a) of such Act (as so redesignated) is amended—

(1) by striking out "the reinsurance program" and inserting in lieu thereof "the reinsurance and direct insurance programs";

(2) by inserting "or direct insurance" after "reinsurance" in paragraphs (1), (2), and (4);

(3) by inserting "or property owner" after "any insurer" where it first appears in paragraph (4); and

(4) by inserting "or directly insured" after "reinsured" in paragraph (4).

(j) Section 1243 of such Act (as so redesignated) is amended—

(1) by inserting "and direct insurance" after "reinsurance" in subsection (a)(1) and each place it appears in subsection (b)(1);

(2) by striking out "part B" in subsection (b)(1) and inserting in lieu thereof "parts B and C"; and

(3) by redesignating clauses (4) and (5) of subsection (b) as clauses (5) and (6), and inserting after clause (3) a new clause as follows:

"(4) such amounts which are hereby authorized to be appropriated as may be necessary from time to time to reimburse the fund for losses and expenses (including administrative expenses) incurred in carrying out the program authorized under part C;".

(k) Section 1244(a) of such Act (as so redesignated) is amended by striking out "Any insurer or pool acquiring reinsurance" and inserting in lieu thereof "Any insurer, pool, or property owner acquiring reinsurance or direct insurance".

(l) Section 1244(c) of such Act (as so redesignated) is amended by inserting "or direct insurance" after "reinsurance".

AGENTS' AND BROKERS' COMMISSIONS

SEC. 703. Section 1211(b) of the National Housing Act is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(11) commissions paid to agents, brokers, and producers for or with respect to policies written under the plan shall not be less than the prevailing rate being paid in the same territory for or with respect to other policies of the same type which are not written under the plan, as determined and certified to the Secretary by the State insurance authority."

REVIEW OF STATEWIDE PLANS

SEC. 704. Title XII of the National Housing Act is amended by inserting after section 1214 a new section as follows:

"OFFICE OF REVIEW AND COMPLIANCE

"SEC. 1215. The Secretary, through an Office of Review and Compliance under the Federal Insurance Administrator, shall periodically review each plan under this part and the methods and practices by which such plan is being actually carried out in the areas and communities where it is intended to operate, in order to assure that such plan is effectively making essential property insurance readily available in such areas and communities and is otherwise carrying out the purposes of this title, and in order to identify any aspects of the operation or administration of such plan which may require revision, modification, or other action to carry out such purposes."

CONFORMING AMENDMENT

SEC. 705. Clause (2) of the first sentence of section 520(b) of the National Housing Act is amended by inserting "and directly insured" after "reinsured" wherever it appears.

TITLE VIII—RURAL HOUSING

ASSISTANCE TO NONPROFIT ORGANIZATIONS OF FARMWORKERS

SEC. 801. (a) That part of subsection (a) of section 514 of the Housing Act of 1949 which precedes the first numbered paragraph is amended to read as follows:

"(a) The Secretary is authorized to insure and make commitments to insure loans made by lenders other than the United States to the owner of any farm or any association of farmers for the purpose of providing housing and related facilities for domestic farm labor employed on a farm or farms within the community; or to any State or political subdivision thereof, or any broad-based public or private nonprofit organization incorporated within the State, or any non-profit organization of farmworkers incorporated within the State for the purpose of providing housing and related facilities for domestic farm labor any place within the State where a need exists. All such loans shall be made in accordance with terms and conditions substantially identical with those specified in section 502, except that—".

(b) Section 514(f)(1) of such Act is amended by striking out the semicolon and inserting in lieu thereof the following: "and, in the case of housing for migrant labor, household furnishings;".

(c) Section 516 of such Act is amended—

(1) by striking out that part of subsection (a) which precedes the first numbered paragraph and inserting in lieu thereof the following:

"(a) Upon the application of any State or political subdivision thereof, or any broad-based public or private nonprofit organization incorporated within the State, or any nonprofit organization of farmworkers incorporated within the State, the Secretary is authorized to provide financial assistance for the provision of low-rent housing and related facilities (which may be located any place within the State) for domestic farm labor, if he finds that—";

(2) by striking out "one-third" in subsection (a) (2) and inserting in lieu thereof "10 per centum";

(3) by inserting after "thereof" in subsection (a) (3) the following: ", and, whenever feasible, such housing and facilities shall be durable and suitable for year around occupancy or use"; and

(4) by striking out "two-thirds" in subsection (b) and inserting in lieu thereof "90 per centum".

RURAL HOUSING LOANS ON NONFARM LEASEHOLDS

SEC. 802. Section 501(b)(2) of the Housing Act of 1949 is amended by striking out "this title, the terms 'owner', 'farm', and 'mortgage' shall be deemed to include, respectively, the lessee of, the land included in" and inserting in lieu thereof the following: "sections 502 and 504, the terms 'owner' and 'mortgage' shall be deemed to include, respectively, the lessee of".

MISCELLANEOUS FARM HOUSING AMENDMENTS

SEC. 803. (a) The second sentence of section 504(a) of the Housing Act of 1949 is amended by striking out "in excess of $1,500" and inserting in lieu thereof "in excess of $2,500, or in excess of such larger amount not exceeding $3,500 as the Secretary determines to be necessary in the case of repairs or improvements involving water supply, septic tanks, or bathroom or kitchen plumbing facilities".

(b) Section 508(b) of such Act is amended by striking out "shall" wherever it appears in the first and second sentences and inserting in lieu thereof "may".

(c) Section 515(b)(1) of such Act is amended by striking out "$300,000" and inserting in lieu thereof "may".

(d) Section 517(j)(3) of such Act is amended by inserting after "collections" the following: "or necessary to obtain credit reports on applicants or borrowers".

(e) Section 520 of such Act is amended by striking out "5,500" and inserting in lieu thereof "10,000".

TITLE IX—MISCELLANEOUS

LIABILITY OF FNMA TO UNITED STATES

SEC. 901. (a) In accordance with the provisions of section 303(a) of the National Housing Act concerning payment of a prescribed part of the general surplus and reserves of the corporation, the Federal National Mortgage Association shall pay to the Secretary of the Treasury $52,386,117.

(b) In accordance with the provisions of section 309(c) of the National Housing Act as it existed prior to September 1, 1968, the Federal National Mortgage Association shall pay to the Secretary of the Treasury the remaining income tax equivalent of $16,479,604, plus interest (1) on $2,977,442 at the rate of 6 per centum from September 16, 1967, until the date of payment; (2) on $13,442,424 at the rate of 6 per centum from September 16, 1968, until the date of payment; and (3) on $59,738 at 6 per centum from November 16, 1968, until the date of payment.

(c) The receipt by the Secretary of the Treasury of the amounts required to be paid by subsections (a) and (b) of this section shall constitute a full and final settlement of all matters affected by such subsections. The United States shall be made a party defendant in any case against any person who is, has been, or may be a director, officer, employee, or agent of the Federal National Mortgage Association because of any action taken pursuant to subsection (a) or (b) of this section, and any judgment awarded the Federal National Mortgage Association shall be paid in the same manner as a judgment against the United States.

(d) Section 302(a) of the National Housing Act, as amended, is further amended by adding at the end thereof the following new paragraph:

"(3) The partition transaction effected pursuant to the foregoing paragraph constitutes a reorganization within the meaning of section 368(a)(1)(E) of the Internal Revenue Code of 1954; and for the purposes of such Code, no gain or loss is recognized by the previously existing body corporate by reason of the petition, and the basis and holding period of the assets of the

corporation immediately following such partition are the same as the basis and holding period of such assets immediately prior to such partition."

(e) Section 810(a) of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following sentence: "For the purposes of the Internal Revenue Code of 1954, no gain or loss is recognized by the holders of such stock on such change, and the basis and holding period of such stock in the hands of the stockholders immediately after such change are the same as the basis and holding period of such stock in their hands immediately prior to such change."

SURETY BONDS FOR SMALL BUSINESS CONTRACTORS

SEC. 902. (a) The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary"), whenever he deems such action to be appropriate and in furtherance of the purposes of the Small Business Act or section 3 of the Housing and Urban Development Act of 1968, and upon such terms and conditions as he may prescribe, is authorized to provide or to guarantee any bid, payment, or performance bond applied for by or on behalf of a construction contractor or subcontractor to enable such concern to furnish such bond in connection with any construction contract.

(b) The Secretary is authorized to enter into such contracts, establish such premium rates, impose such limitations, and issue such regulations as may be necessary to carry out the purposes of this section. Such contracts may provide for financial participation or servicing by qualified surety companies or other financial institutions.

(c) Funds received by the Secretary under the authority of this section shall be deposited in a National Surety Bond Fund which he shall establish, and shall be available for the purposes of this section without fiscal year limitation.

(d) Section 520(b) of the National Housing Act (as amended by section 704 of this Act) is amended—

(1) by striking out "reinsured and directly insured losses under title XII of this Act" and inserting in lieu thereof the following: "reinsured and directly insured losses under title XII of this Act and for construction bond losses under section 902 of the Housing and Urban Development Act of 1970"; and

(2) by striking out "reinsured and directly insured losses under title XII" in the proviso and inserting in lieu thereof the following: "reinsured and directly insured losses under title XII of this Act and construction bond losses under section 902 of the Housing and Urban Development Act of 1970".

(e)(1) The Secretary is authorized to take such steps and carry out such activities as he determines to be necessary or desirable to provide, either directly or by contract or other arrangement, technical assistance to any contractor or subcontractor for whom a bid, payment, or performance bond is provided or guaranteed under this section in connection with any construction contract, in order to assist such contractor or subcontractor in obtaining or carrying out such contract.

(2) There are authorized to be appropriated for each of the first three fiscal years ending after the date of the enactment of this Act such sums, not to exceed $3,000,000, as may be necessary to enable the Secretary to carry out his functions under paragraph (1).

(f) The Secretary shall take such action as may be necessary to ensure that all laborers and mechanics employed by any contractor or subcontractor for whom a bond is provided or guaranteed under this section in connection with any construction contract (not including a contract for the construction of a dwelling or project covered by a mortgage insured under the National Housing Act unless the Davis-Bacon Act is applicable to such construction by reason of section 212 of such Act) shall be paid wages at rates not less than those prevailing upon similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a–276a–5). No bond shall be provided or guaranteed under this section for any contractor or subcontractor in connection with any such construction contract without first obtaining adequate assurance that these labor standards will be maintained upon the work involved in the contract. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

ADVICE AND ASSISTANCE WITH RESPECT TO HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES

SEC. 903. (a) Section 106 of the Housing and Urban Development Act of 1968 is amended to read as follows:

"ADVICE AND ASSISTANCE WITH RESPECT TO HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES

"SEC. 106. (a) The Secretary is authorized to provide or contract with public or private organizations to provide (1) information, advice, and technical assistance with respect to the construction, rehabilitation, and operation of housing for low- and moderate-income families and individuals and (2) budget, debt management, self-help, and related counseling services to low- and moderate-income families to enable them to better achieve and afford adequate housing and meet the responsibilities by homeownership. Without limiting such authority assistance by the Secretary may include—

"(1) the assembly, correlation, publication, and dissemination of information with respect to the construction, rehabilitation, and operation of low- and moderate-income housing;

"(2) the provision of advice and technical assistance to public bodies or to nonprofit or cooperative organizations with respect to the construction, rehabilitation, and operation of low- and moderate-income housing—including assistance with respect to self-help and mutual self-help programs;

"(3) counseling on household management, budgeting, money management, child care, and similar matters which would assist low- and moderate-income families receiving, and applicants for, assistance under the United States Housing Act of 1937 or the National Housing Act in improving their living conditions and housing and homeownership opportunities.

"(b)(1) The Secretary is authorized to make loans to nonprofit and cooperative organizations for the necessary expenses, prior to construction, in planning, and obtaining financing for, the rehabilitation or construction of housing for low- and moderate-income families and individuals under any federally assisted program. Such loans shall be made without interest and shall not exceed 80 percentum of the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing prior to the availability of financing, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site acquisition, application and mortgage commitment fees, and construction loan fees and discounts. The Secretary shall require repayment of loans made under this subsection, under such terms and conditions as he may require, upon completion of the project or sooner, and may cancel any part or all of a loan if he determines that it cannot be recovered from the proceeds of any permanent loan made to finance the rehabilitation or construction of the housing.

"(2) The Secretary shall determine prior to the making of any loan that the nonprofit or cooperative organization meets such requirements with respect to financial responsibility and stability as he may prescribe.

"(3) There are authorized to be appropriated for the purposes of this subsection not to exceed $7,500,000 for the fiscal year ending June 30, 1969, and not to exceed $10,000,000 for the fiscal year ending June 30, 1970. Any amounts so appropriated shall remain available until expended, and any amounts authorized for any fiscal year under this paragraph but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1972.

"(4) All funds appropriated for the purposes of this subsection shall be deposited in a fund which shall be known as the Low- and Moderate-Income Housing Sponsor Fund and which shall be available without fiscal year limitation and be administered by the Secretary as a revolving fund for carrying out the purposes of this subsection. Sums received in repayment of loans made under this subsection shall be deposited into such fund.

"(c) The Secretary is further authorized to enter into contracts to make grants to (1) public housing agencies or low-income housing tenant organizations in projects assisted under the United States Housing Act of 1937, (2) nonprofit, cooperative, and limited dividend housing organizations or low- or moderate-income tenant organizations in projects assisted under the National Housing Act for the purpose of assisting, where necessary, in the financing of tenant programs and services for families living in such projects. In making such contracts and grants, the Secretary shall give preference to programs providing for the maximum feasible participation of the tenants in the development and operation of such tenant programs and services. For purposes of this subsection, the term 'tenant programs and services' includes the following programs and services: the development and maintenance of tenant organizations which participate in the management of low- or moderate-income housing projects; the training of tenants to manage and operate such projects and the utilization of their services in project management and operation; counseling on household management, housekeeping, budgeting, money management, child care, and similar matters; advice as to resources for job training and placement, education, welfare, health, and other community services; services which are directly related to meeting tenant needs and providing a wholesome living environment; and referral to appropriate agencies when necessary for the provision of such services. To the maximum extent available and appropriate, existing public and private agencies in the community shall be used for the provision of such services. There are authorized to be appropriated for the purposes of this subsection not to exceed $15,000,000 for the fiscal year ending June 30, 1969, and not to exceed $30,000,000 for the fiscal year ending June 30, 1970. Any amounts so appropriated shall remain available until expended, and any amounts authorized for any fiscal year under this subsection but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1972.

"(d) As used in this section, the term 'nonprofit or cooperative organization' includes organizations which the Secretary deems are qualified to sponsor or provide services for nonprofit or cooperative projects."

(b) Section 15(10) of the United States Housing Act of 1937 is repealed. Any amounts

heretofore appropriated under the fifth sentence of such section 15(10) shall be considered for purposes of section 106(c) of the Housing and Urban Development Act of 1968 (as amended by subsection (a) of this section) to have been appropriated under the fifth sentence of such section 106(c).

TRAINING IN HOUSING MANAGEMENT

SEC. 904. Section 803 of the Housing Act of 1964 is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) a new subsection as follows:

"(b) Grants may be made under subsection (a) to support (1) the training of persons, especially persons of low income, in acquiring the skills needed in the management of housing for low- and moderate-income persons, and (2) research and the dissemination of information with respect to the problems involved in the management of housing for low- and moderate-income persons."

GENERAL ADMINISTRATIVE POWERS OF THE SECRETARY

SEC. 905. Section 7 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsections:

"(h) In carrying out his functions, powers, and duties and except as such authority is otherwise expressly provided in any other Act administered by the Secretary, such financial transactions of the Secretary as the making of loans or grants (and vouchers approved by the Secretary in connection with such financial transactions) shall be final and conclusive upon all officers of the Government. Funds made available to the Secretary pursuant to any provision of law for such financial transactions shall be deposited in a checking account or accounts with the Treasurer of the United States. Such funds and any receipts and assets obtained or held by the Secretary in connection with such financial transactions shall be available, in such amounts as may from year to year be authorized by the Congress, for the administrative expenses of the Secretary in connection with such financial transactions. Notwithstanding the provisions of any other law, the Secretary may, with the approval of the Comptroller General, consolidate into one or more accounts for banking and checking purposes all cash obtained or held in connection with such financial transactions, including amounts appropriated, from whatever source derived.

"(i) In carrying out his functions, powers, and duties and except as such authority is otherwise expressly provided in any other Act administered by the Secretary, the Secretary is authorized to:

"(1) foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a loan or grant. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property: *Provided*, That any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property: *Provided further*, That section 3709 of the Revised Statutes shall not apply to any contract for services or supplies on account of any property so acquired or owned if the amount of such contract does not exceed $2,500;

"(2) enter into agreements to pay annual sums in lieu of taxes to any State or local taxing authority with respect to any real property so acquired or owned;

"(3) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix;

"(4) obtain insurance against loss in connection with property and other assets held;

"(5) consent to the modification, with respect to the rate of interest, time of payment of any installment of principal or interest, security, or any other term of any contract or agreement to which he is a party or which has been transferred to him; and

"(6) include in any contract or instrument such other covenants, conditions, or provisions as he may deem necessary.

"(j) Notwithstanding any other provision of law, in carrying out his functions, powers, and duties the Secretary is authorized to establish fees and charges, chargeable against program beneficiaries and project participants, which shall be adequate to cover over the long run, costs of inspection, project review and financing service, audit by Federal or federally authorized auditors and other beneficial rights, privileges, licenses, and services. Such fees and charges heretofore or hereafter collected shall be considered nonadministrative and shall remain available for operating expenses of the Department in providing similar services on a consolidated basis.

"(k)(1) The Secretary is authorized to accept and utilize voluntary and uncompensated services and accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary. Property accepted pursuant to this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

"(2) For the purpose of Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for use of the United States.

"(3) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in paragraph (1). Income accruing from such securities and from any other property held by the Secretary pursuant to paragraph (1) shall be deposited to the credit of the fund and shall be disbursed upon order of the Secretary.

"(l) The Secretary is authorized to appoint, without regard to the civil service laws, such advisory committees as shall be appropriate for the purpose of consultation with and advice to the Department in performance of its functions. Members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under subsection (e) of this section, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently."

EQUITY SKIMMING

SEC. 906. Whoever, with intent to defraud, willfully engages in a pattern or practice of—

(1) purchasing one- to four-family dwellings which are subject to a loan in default at time of purchase or in default within one year subsequent to the purchase and the loan is secured by a mortgage or deed of trust insured or held by the Secretary of Housing and Urban Development or guaranteed by the Veterans' Administration, or the loan is made by the Veterans' Administration,

(2) failing to make payments under the mortgage or deed of trust as the payments become due, and

(3) applying or authorizing the application of rents from such dwellings for his own use,

shall be fined not more than $5,000 or imprisoned not more than three years, or both. This section shall apply to a purchaser of such a dwelling, or a beneficial owner under any business organization or trust purchasing such dwelling, or to an officer, director, or agent of any such purchaser. Nothing in this section shall apply to the purchaser of only one such dwelling.

PURCHASE OF FNMA STOCK

SEC. 907. Section 303(b) of the National Housing Act is amended—

(1) by striking out "shall accumulate" and inserting in lieu thereof "may accumulate";

(2) by striking out "and other";

(3) by striking out "nor less than 1 per centum"; and

(4) by inserting "with the approval of the Secretary of Housing and Urban Development" immediately after "as determined from time to time by the corporation".

INCREASED FEES FOR CONSULTANT SERVICES

SEC. 908. Section 7(e) of the Department of Housing and Urban Development Act is amended by striking out everything after the word "rates" and inserting in lieu thereof the following: "for individuals not to exceed the per diem equivalent to the highest rate for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code."

REGULATION OF SAVINGS AND LOAN ASSOCIATIONS IN THE DISTRICT OF COLUMBIA

SEC. 909. The Home Owners' Loan Act of 1933 is amended by adding immediately after section 7 the following new section:

"SEC. 8. (a) Without regard to any provision of law other than this section, and without limitation on any other power or function now or hereafter vested in or exercisable by the Federal Home Loan Bank Board by or under this Act or otherwise, the Board shall, with respect to all incorporated or unincorporated building, building or loan, building and loan, or homestead associations, and similar institutions, of or transacting or doing business in the District of Columbia, or maintaining any office in the District of Columbia (other than Federal savings and loan associations), have the same powers and functions as to examination, operation, and regulation as are now or hereafter vested in or exercisable by it with respect to Federal savings and loan associations by or under section 5 of this Act or otherwise, and all of the provisions of subsection (d) of section 5 of this Act as now or hereafter in force shall be applicable with respect to such associations or institutions.

"(b) Any such association or institution incorporated under the laws of, or organized in, the District of Columbia shall have in addition to any existing statutory authority such statutory authority as is from time to time vested in Federal savings and loan associations.

"(c) Charters, certificates of incorporation, articles of incorporation, constitutions, bylaws, or other organic documents of associations or institutions referred to in subsection (b) of this section may, without regard to anything contained therein or otherwise, hereafter be amended in such manner and to such extent and upon such vote or votes if any as the Federal Home Loan Bank

Board may by regulation or otherwise provide.

"(d) Nothing herein shall cause, or permit the Federal Home Loan Bank Board to cause, District of Columbia associations to be or become Federal savings and loan associations, or require the Board to impose on District of Columbia associations the same regulations as are imposed on Federal savings and loan associations."

SAVINGS AND LOAN INVESTMENTS IN MULTIFAMILY HOUSING

SEC. 910. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by striking out "15" in the first sentence and inserting in lieu thereof "20".

MATURITY OF CERTAIN HOME LOAN BANK ADVANCES TO SAVINGS AND LOAN ASSOCIATIONS

SEC. 911. Section 11(g) of the Federal Home Loan Bank Act is amended by striking out "one year" each place it appears and inserting in lieu thereof "five years".

HOME LOAN BANK BOARD REGULATION IN CONFLICT OF INTEREST AND RELATED SITUATIONS

SEC. 912. Section 17 of the Federal Home Loan Bank Act is amended by adding at the end thereof the following new subsection:

"(c) (1) The Federal Home Loan Bank Board (hereinafter referred to as the Board) is directed, to such extent as it may deem necessary or appropriate in the public interest or for the protection of members, investors, or borrowers, or the Federal Savings and Loan Insurance Corporation, to regulate relationships, including without limitation on the generality of the foregoing business, financial, or other transactions, between—

"(A) a member and another member;

"(B) a member or an affiliated person of such member or of another member and an investor in or borrower from any such member or another member;

"(C) a member and an affiliated person of such member or of another member;

"(D) a member or an affiliated person of a member, or an investor in or borrower from a member or an affiliated person, and a person from or through which services are or may be rendered (i) to such member or another member, (ii) to an affiliated person of such member or of another member, except where no member is involved and all affiliated persons involved are individuals, or (iii) to an investor in or borrower from a member or an affiliated person of a member; or

"(E) an affiliated person of a member and an affiliated person of such member or of another member, where the relationship involves or may involve any relationship described in subparagraphs (A) through (D) above.

"(2) The authority conferred by paragraph (1) of this subsection shall include authority to regulate with respect to the providing, under circumstances set forth in subparagraph (D) of such paragraph, of appraisal or valuation services or other services, including, without limitation by or on the foregoing, standards and requirements with respect to such services and with respect to qualifications for and conduct of persons providing or eligible to provide such services. In or in connection with the exercise of authority under this paragraph the Board is authorized to make provision for registers or rosters of eligible persons and for involuntary or other removal of persons therefrom.

"(3) In or in connection with the exercise of any function vested in or exercisable by the Board under this Act or otherwise, the Board (which term as used in this paragraph includes the Federal Savings and Loan Insurance Corporation) is authorized (A) to act through any corporate or other agency or instrumentality of the United States and utilize services, facilities, and personnel thereof, and any such agency or instrumentality is authorized to provide the same as requested by the Board, (B) to make payment therefor, and (C) to impose and collect fees and charges for the provision by the Board of services, facilities, or personnel to any person, and for purposes of this subsection the references in the last two sentences of subsection (b) of section 5B as now in effect to penalties shall be deemed to be references to such fees and charges. Any such payment or collection may be in advance or by reimbursement or otherwise.

"(4) As used in this subsection—

"(A) the term 'affiliated person' means—

"(i) a director, officer, employee, or controlling person of a member, or an attorney regularly serving, or a member or associate of a firm regularly serving, a member in the capacity of attorney-at-law;

"(ii) a member of the immediate family of any individual referred to in clause (i) above;

"(iii) a partnership in which any individual referred to in clause (i) or (ii) above is a general or limited partner;

"(iv) a corporation in which stock carrying 10 per centum or more of the voting rights is directly or indirectly owned or controlled by any one or more of the persons referred to in (i) through (iii) above, either alone or in concert; or

"(v) any person or class of persons with respect to which there is outstanding a determination by the Board by regulation or otherwise that it is necessary or appropriate in the public interest or for the protection of members, investors, or borrowers or the Federal Savings and Loan Insurance Corporation that such person or class be treated as an affiliated person, but the term 'affiliated person' as used in this subsection and the term 'controlling person' as so used shall not include any person or class of persons with respect to which there is outstanding a determination by the Board by regulation or otherwise that the exclusion of such person or class from the meaning of the term 'affiliated person' or the term 'controlling person' as so used is not inconsistent with the protection aforesaid and is necessary or appropriate in the public interest;

"(B) the term 'controlling person' means any person who, alone or in concert with another or others, directly or indirectly has the right to vote, whether by stock ownership or control, proxy holding, or otherwise, or any combination thereof, more than 25 per centum of the voting rights in a corporation;

"(C) the term 'firm' includes, without limitation on its generality, artificial persons and groups or organizations of persons;

"(D) the terms 'investor' and 'borrower' respectively include prospective investors and prospective borrowers;

"(E) the term 'member' includes any institution any of the deposits, shares, or accounts of which have any insurance by the Federal Savings and Loan Insurance Corporation and, to such extent and only to such extent as the Board may provide, includes the Federal Home Loan Mortgage Corporation;

"(F) the term 'person' includes, without limitation on its generality, individuals and artificial persons and groups or organizations of persons;

"(G) the term 'regulate' or any derivative thereof includes prohibition; and

"(H) the term 'services' includes, without limitation on its generality, appraisal or valuation services, legal services, title services, title insurance, hazard insurance, credit insurance, and other insurance, settlement services, escrow services, and trustee services.

"(5) The provisions of subsection (f) of section 5A and of subsections (b) and (c) of section 5B, all as now in effect, are extended to include this subsection, and for purposes of this sentence the references in said subsections to those sections shall include this subsection, the references in said subsection (f) to provisions of the National Housing Act shall be deemed to be references to those provisions as now in effect, and the references in said subsections (b) and (c) to institutions and nonmember institutions shall include affiliated persons. In implementing or carrying out provisions of this subsection the Board may make classifications on the basis of the nature, characteristics, or location of members or affiliated persons or of investors therein or borrowers therefrom or on such other basis or bases as the Board may deem desirable in the public interest."

CRIMINAL PENALTY FOR FRAUD OR FALSE STATEMENTS TO INFLUENCE FSLIC-INSURED INSTITUTION

SEC. 913. Section 1014 of title 18 of the United States Code is amended by striking out "or a Federal credit union" and inserting in lieu thereof "a Federal credit union, or any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation".

UNPLEDGED DEPOSITS IN FEDERAL HOME LOAN BANK

SEC. 914. The provision numbered (2) in the first sentence of subsection (b) of section 5A of the Federal Home Loan Bank Act (12 U.S.C. 1425a) is amended to read as follows: "(2) unpledged deposits in a Federal Home Loan Bank or in a State bank performing similar functions and in operation on February 6, 1970, and to such extent as the Board may approve for the purposes of this section, time and savings deposits in commercial banks, and".

INFORMATION AND ADVICE TO NONPROFIT PROJECT SPONSORS

SEC. 915. Section 4 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsection:

"(d) There shall be in the Department an Assistant to the Secretary, designated by the Secretary, who shall be responsible for providing information and advice to nonprofit organizations desiring to sponsor housing projects assisted under programs administered by the Department."

ANNUAL REPORT ON PROGRAM ADMINISTRATION AND MANAGEMENT

SEC. 916. Section 5 of the Housing and Urban Development Act of 1968 is amended by striking out "in the calendar year 1969 and in the calendar year 1970" and inserting in lieu thereof "in each calendar year".

FINANCIAL INSTITUTIONS SUPERVISORY ACT OF 1966

SEC. 917. Title IV of the Financial Institutions Supervisory Act of 1966 (80 Stat. 1056) is repealed.

INTERSTATE LAND SALES FULL DISCLOSURE ACT

SEC. 918. Section 1406(5) of the Interstate Land Sales Full Disclosure Act is amended by inserting after the first comma the following: "the existence of any unusual conditions relating to noise or safety which affect the subdivision and are known to the developer,".

Mr. WIDNALL (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment in the nature of a substitute be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. BLACKBURN. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from New Jersey, Is it true that this bill was only printed up last night or this morning—the bill that is being offered as a substitute?

Mr. WIDNALL. Mr. Chairman, if the gentleman will yield, with respect to the substitute that is being offered by the gentleman from Georgia (Mr. STEPHENS) that is true.

Mr. BLACKBURN. Is it not true that the Members of this body have not had an opportunity to read the bill that we are going to be considering as a substitute for the measure on the floor?

Mr. WIDNALL. The members of our committee have had full opportunity to go into and weigh and judge the matter that is contained in the substitute. It is not new matter, and it involves essentially changes in the amount of authorization, and also cuts out some of the things that are in the bill that is before us under the House committee bill today.

Mr. BLACKBURN. Mr. Chairman, inasmuch as I do not have before me at this time a copy of the bill, I will object to the suspending of the reading of the amendment offered in the nature of a substitute by the gentleman from Georgia (Mr. STEPHENS).

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk proceeded to read the amendment in the nature of a substitute.

Mr. WIDNALL (during the reading). Mr. Chairman, I would like to renew my request that further reading of the amendment in the nature of a substitute be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. KEITH. Mr. Chairman, reserving the right to object, I have been shown a brief summary of the provisions of the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS), which would be very helpful for those in attendance today if they could have a copy of it. I am very much interested in this program, and a lot hinges on it.

If there were more copies of this brief summary around that the Members might have, I would withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. KEITH. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk proceeded to read the amendment in the nature of a substitute.

Mr. WIDNALL (during the reading.) Mr. Chairman, I would like again to renew my request that further reading of the amendment in the nature of a substitute be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The gentleman from Georgia (Mr. STEPHENS) is recognized in support of his amendment.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I am glad to yield to the gentleman.

Mr. BARRETT. Mr. Chairman, I want to say we have had the opportunity to go over your substitute, and we are 100 percent in favor of your substitute.

I want to say also that I would be opposed to the Brown amendment 100 percent. I just want to point that out.

I do not think we ought to hold the Members here until late evening. I think by taking your substitute that we could expeditiously work this thing out. I do hope Members will cooperate.

Mr. STEPHENS. I thank the gentleman.

Mr. Chairman, I thought I had gotten up to offer an amendment, but I was not sure that I would ever have a chance to get around to it because this bill is 132 pages and if we had to read it all, we might be here until the day after tomorrow.

However, I would point out to you that the substitute I have offered is a compromise. It is a compromise by many interested people who have worked diligently and hard to try to get together on something that will be a housing bill of which we all will be proud.

In recent weeks there has been a great deal of controversy about certain provisions of the committee bill. These have centered around three particular points.

The first was the establishment of an urban growth council in the Executive Office of the President. That was in title I of the bill.

The second was the authorization of the large sum of money—$7 billion for all of the HUD programs.

The third controversial subject has been the authority for HUD to write essential property, fire, and crime insurance in urban areas.

The items that I have mentioned are the main items of controversy. I believe they have been sufficiently serious to jeopardize the enactment of any meaningful bill this year unless we can arrive at some compromise.

In order to avoid further delay on a housing bill, I am offering this substitute which I believe will be acceptable to all sides.

The main points are as follows as far as this compromise is concerned.

The substitute deletes the Urban Growth Council. Instead it directs the President, and this is a quote—

To utilize, identify and adequately organize a staff unit of the domestic council to assist in the development and urban growth.

Congressman ASHLEY has done a great job on this title. The substitute keeps intact the "new town" concept but removes the objectionable features that some of the Members had.

Second, the substitute would reduce the cost of the bill from approximately $7 billion to $2.8 billion. The actual figure of reduction is $4,196,350,000. But you will find that the substitute funds all the HUD programs for the fiscal year 1972.

The substitute is also, I will point out to you, over $1 billion lower than the bill passed by the other body.

The third compromise has been to delete the provision dealing with fire and property insurance and provide only for HUD crime insurance except for eliminating a date postponing action 1 year. This conforms to what the Senate has already passed.

Congressman FRANK ANNUNZIO has been the moving force on that feature of the bill and the substitute is substantially his original proposal.

The fourth item of this substitute is this. The substitute contains other provisions of the committee bill which are either not in serious dispute or which are fully agreed to by all parties. In other words, we have the committee bill that everybody has had for 2 months, except for the changes I am pointing out to you.

There are some parts that I do not really like about this bill, but when a compromise bill is being considered, it becomes necessary for everybody to give a little bit. A skeleton substitute has been proposed. It is in truth nothing but a skeleton. There is no meat on the proposal. If we pass a skeleton bill, we shall merely be postponing action upon many of the housing proposals that need to be taken care of now.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(On request of Mr. BARRETT, and by unanimous consent, Mr. STEPHENS was allowed to proceed for 5 additional minutes.)

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I am glad to yield to the gentleman from Pennsylvania.

Mr. BARRETT. Is it not true that the amendment offered by the gentleman from Georgia would cut the amount authorized and recommended in the bill by the committee from $7 to $2.8 billion?

Mr. STEPHENS. That is correct.

Mr. BARRETT. In other words, the gentleman's substitute would save $4,196,350,000?

Mr. STEPHENS. That is correct. As I have said, the bill is a compromise by Members on both sides of the aisle, and I believe it is a very workable compromise. It will not leave us with the possible criticism that we have dodged or postponed action when action needs to be taken. As Members will recall, some of the proposals are for the current fiscal year, and we are almost half way through the year. So I believe we cannot postpone action any further or wait until the skeleton of this barebones bill that also will be offered has had meat put on it. I believe we have arrived at a workable compromise between those who have worked diligently on this bill in the Banking and Currency Committee, the whole committee and staff and the Subcommittee on Housing itself.

Mr. Chairman, recognizing that this is a compromise, I urge the House to give its full support to the substitute bill.

PARLIAMENTARY INQUIRY

Mr. JONAS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry, if the gentleman from Georgia will yield for that purpose.

Mr. STEPHENS. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I have three amendments which I intend to of-

fer to the Stephens amendment in the nature of a substitute. Am I correct in understanding that I can offer them at any time while the second substitute is pending as well as when the Stephens amendment in the nature of a substitute is pending?

There will be another substitute offered, and I do not want to preclude my right to offer amendments to the Stephens proposal.

The CHAIRMAN. The Chair informs the gentleman from North Carolina that as soon as the gentleman from Georgia (Mr. STEPHENS), completes his statement, the amendments of the gentleman from North Carolina would be in order.

Mr. STEPHENS. Mr. Chairman, in conclusion, I urge the committee to recognize, as I have said, that this is a compromise, and if we are going to have any action, this is the kind that we need to take.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I am glad to yield to the gentleman from Nebraska.

Mr. MARTIN. In the committee bill I believe $3 billion was authorized for the urban renewal program in the fiscal year 1972. What is that figure in the gentleman's substitute bill?

Mr. STEPHENS. It is $1,500 million.

Mr. MARTIN. You cut it by 50 percent?

Mr. STEPHENS. That is correct.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Do I correctly understand that quicker than a snap of your finger, you propose to cut $4 billion out of this bill?

Mr. STEPHENS. It was not quite a snap of the finger. There was a lot of work that went into it.

Mr. GROSS. This is about the fastest foot work I have seen yet on the House floor. I do not know that I am opposed to the cut, but it is unbelievable, that the chairman of the subcommittee, Mr. BARRETT, would get up instantly and accept a $4 billion cut in his bill, a cut offered right out of thin air. This beats anything I have ever seen in the House.

Mr. STEPHENS. I yield back the balance of my time.

Mr. WIDNALL. Mr. Chairman, I rise to support the proposal of the gentleman from Georgia. I believe that an effort to reach a compromise version of the housing bill is the most realistic approach that can be entertained at this late date, and I have continuously worked toward such a compromise.

I have not supported that version of a housing bill which was reported by the Banking and Currency Committee, nor could I support the position taken by some Members of this House that we ought to be content with the other extreme, no housing legislation at all during 1970.

Rather what I am on record for is responsible, constructive housing legislation. Such legislation I feel is embodied in the proposal which has just been made by the gentleman from Georgia.

This proposal seems to me to contain most of the positive elements from the committee reported bill and to eliminate most of the objectionable items. H.R. 19436, the committee bill, contained program authorizations through fiscal year 1974. This compromise bill does not go beyond fiscal year 1972.

The price tag on the compromise bill is $2,800,000, while the committee bill totaled in excess of $7 billion. This large reduction can be achieved without sacrificing any commitment to those programs which are vital to our Nation's housing needs. These authorization levels are responsive to present demand for Federal housing funds especially when seen in the light of today's budgetary realities.

Looking now to substantive improvements which the compromise bill has made over the committee bill, title I of both bills deals with the creation of new legislation in the area of urban growth and new community development.

As I mentioned earlier this title is essentially the product of long and arduous labor by Congressman ASHLEY. The compromise offered has deleted the language dealing with the creation of an Urban Growth Council within the Office of the President. Also deleted is the Advisory Board which would have assisted the Council.

I am grateful to the gentleman from Ohio (Mr. ASHLEY) because only through his cooperation could this compromise bill have become a reality.

The deletion of the Urban Growth Council gives the President the opportunity to continue his efforts to make the Executive Office the central point from which overall guidance and direction emerge with regard to domestic policy. This year has seen the creation of the Domestic Council and the Office of Management and Budget within the White House.

The involuntary imposition of an Urban Growth Council on the President would now undermine his previous success in condensing and streamlining the capacity of the Executive to deal with domestic problems in a comprehensive manner.

For these reasons I support the manner in which the substitute of this gentleman from Georgia deals with title I.

The other major point of controversy which the gentleman's substitute has so commendably dealt with is title VII, the crime insurance provisions. H.R. 19436 would require the States to impose crime insurance as one of the basic lines of insurance, under the FAIR plans in operation, since the enactment of the Urban Property Protection and Reinsurance program in 1968.

This requirement would jeopardize the existence of some State FAIR plans, by making participation for many insurors a less attractive proposition.

The substitute proposal recognizes that insurance is traditionally a matter for State regulation. Accordingly, the gentleman's substitute would afford each State, where a major crime insurance problem exists, an opportunity during its next legislative session to solve the problem at the State level, through appropriate action involving pooling arrangements or other plans, through which all insurable risks are able to obtain adequate amounts of burglary or theft insurance.

I urge the adoption of this compromise offer. It represents a conscientious effort by Members from both sides of the aisle, dealing in a responsible manner to try to produce a good housing bill—a bill that can pass the House and a bill which can be signed into law.

AMENDMENT OFFERED BY MR. BRASCO TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. BRASCO. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BRASCO to the amendment in the nature of a substitute offered by Mr. STEPHENS: At page 106, line 11, strike all that follows down through page 111, line 25, and substitute in lieu thereof the following language:

"SEC. 913. Section 17 of the Federal Home Loan Bank Act (12 USC § 1437) is amended by adding at the end thereof the following new subsection:

"'(c) The Federal Home Loan Bank Board (hereinafter referred to as the Board) is directed, to such extent as it may deem necessary and appropriate to maintain the safety and soundness of any member institution in the conduct of such member institution's business, or for the protection of the Federal Savings and Loan Insurance Corporation, to regulate or prohibit any director, officer, employee of, or attorney or appraiser for, or any other person occupying a fiduciary relationship with, any member institution from engaging or participating in any business or financial transaction conducted on behalf of or involving any such member or other financial institution which would result in a conflict of his own personal financial interests with those of the member institution which he serves, including the authority to use its supervisory agents to examine any member institution with respect to those conflict of interest situations which are not specifically limited or prohibited by regulation and to take appropriate action, when circumstances so warrant, to prevent, circumscribe, or eliminate such situations.'"

Mr. BRASCO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read, and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BLACKBURN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk proceeded to read the amendment.

Mr. BLACKBURN. Mr. Chairman, I withdraw my objection to the request of the gentleman from New York.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BRASCO. Mr. Chairman, my amendment would substitute language for the language of the so-called Sullivan amendment contained in section 913 of the Stephens substitute, on page 106 beginning with line 11.

Before I begin to explain my amendment, I certainly want to take this op-

portunity to pay great tribute to the gentlewoman from Missouri, the Honorable LEONOR K. SULLIVAN, with whom I have had the honor to serve on the Committee on Banking and Currency and more specifically in this instance the honor to serve as a member of the Ad Hoc Subcommittee on Home Financing Practices and Procedures, which the gentlewoman chaired.

This ad hoc subcommittee held hearings over several months. The hearings brought to light many nefarious activities which had been and perhaps still are going on concerning the few "bad apples" in the savings and loan association industry. Further, the hearings indicated that these "bad apples" had taken unfair advantage of people's savings in savings and loan associations to the extent that they were making speculative loans the benefits of which accrued to insiders, with the detriment, of course, falling on the unsuspecting home purchaser.

As a result, Mr. Chairman, of the recent inquiry made by this ad hoc subcommittee the gentlewoman from Missouri (Mrs. SULLIVAN) proposed an amendment, which is the amendment in question, section 913 of the Stephens substitute. It is basically directed at ferreting out conflicts of interest in the savings and loan association industry so that we can put a handle on this unfair practice and get the situation back to normal.

I hasten to add that I certainly join with the gentlewoman from Missouri (Mrs. SULLIVAN) as indeed do all the other members of the ad hoc subcommittee, in seeking this same resolution of the problem; namely, cutting out conflicts of interest in this area.

When this language was drafted it was generally assumed it would do the job in question. However, I am informed at this time that the language does have very broad implications—broad insofar as they may exceed the legitimate purpose of prohibiting conflict of interest situations within the savings and loan industry. For example, the language now contained in section 913 would allow the Home Loan Bank Board to inquire into transactions between a board member of a savings and loan institution and another individual, said transaction having absolutely nothing to do with the board member's activity as a member of a savings and loan institution.

To illustrate more specifically, existing language could be construed to allow the Home Loan Bank Board to secure all books, papers, documents, and records involving transactions between a savings and loan director of a board who happens to be a retail merchant besides, and his relationship as a retail merchant with a supplier of goods to his retail establishment without bringing into pay his activities as a board member at all.

Mr. Chairman, I do not believe that it was the author's intent or my intent to give to the Home Loan Bank Board this broad authority. My amendment would do, I believe, exactly what we on the ad hoc subcommittee wanted to do, what Mrs. SULLIVAN wants to do, and what I understand the full committee wants to do, that is, very simply give to the Federal Home Loan Bank Board, the authority to prohibit any director, officer, employee or attorney or appraiser from engaging in or participating in any business or financial transaction conducted on behalf of a savings and loan association which would result in a conflict of interest.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. HOLIFIELD, Mr. BRASCO was allowed to proceed for 5 additional minutes.)

Mr. BRASCO. As I indicated, Mr. Chairman, I believe this amendment, if enacted, would accomplish these purposes.

I direct the attention of the Members to section 913 on page 106 of the Stephens substitute or in the original bill, page 121, section 911. I would ask them to take a very brief look at that section in terms of its definitions, its broad implications, and the fact that I believe it is not as concise or as intelligible as the language in my amendment, which I believe is concise and simplified and which does exactly what the committee intended it to do.

Mr. DERWINSKI. Will the gentleman yield for a question?

Mr. BRASCO. I certainly do.

Mr. DERWINSKI. May I say in the process of asking the question that I think the gentleman has a very sound amendment and I support it wholeheartedly.

Would the gentleman permit me to say that in effect what he does also is to have the Congress spell out more distinctly the intention of Congress for the officials and agencies to interpret. In effect he has a more precise and workable amendment than the existing language.

Mr. BRASCO. Yes. I tried to indicate that when I indicated I believed that the language as it now exists is too broad and too vague.

Mr. DERWINSKI. I believe the gentleman has a sound amendment and I urge its adoption.

Mr. HOLIFIELD. Will the gentleman yield?

Mr. BRASCO. I certainly do yield.

Mr. HOLIFIELD. I have tried to understand this. I am accustomed to reading bills, and I tried to understand section 911 in the original bill. I tried to get others to explain it to me, also, but I could not get an explanation that made it clear in my mind. I think the gentleman's language clarifies it. It put the responsibility on the Home Loan Bank Board to make the necessary rules and regulations.

I say this with some knowledge, because I was chairman of the subcommittee that investigated the Home Loan Bank Board several years ago, and I served on another committee that the gentleman from California (Mr. Moss) was chairman of. One thing we found out was that the Home Loan Bank Board at that time was far beyond its statutory authority and got into matters which were extraneous and completely without any relationship to the regulatory powers that were given to it. I will say under the present administrator, as far as I know, I have had no complaints from the savings and loan people or other people in my district in respect to the present savings and loan administrator of the Home Loan Bank Board.

I commend the gentleman for his amendment and state that I intend to support it.

Mr. BRASCO. I thank the gentleman.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I shall be happy to yield to the distinguished gentleman from New Jersey.

Mr. WIDNALL. I think this is a very fine amendment. I certainly hope it will be approved by the committee. I believe the minority approves what the gentleman is trying to do. The situation badly needed clarification and it will do exactly the job that was intended in the first place.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the distinguished chairman of the subcommittee.

Mr. BARRETT. I would certainly like to be for the amendment, but I do think that the distinguished gentlewoman from Missouri (Mrs. SULLIVAN) has put an awful lot of work into this section 913 and deserves our support. I have not read any language as yet that in my opinion provides better conflict-of-interest protection.

It seems as though the other side here is for it. However, I certainly would like to see this offered at another time when we can analyze it more clearly.

Mr. BRASCO. I do not wish to put words in the mouth of the gentleman, but I think the gentleman from California (Mr. HOLIFIELD) said he could not analyze the present language in the bill very clearly. I understood him to say that the language in my amendment was much more concise and understanding.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from California.

Mr. HOLIFIELD. That was the intent I had in mind.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BRASCO) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment to the amendment in the nature of a substitute was agreed to.

SUBSTITUTE AMENDMENT OFFERED BY MR. BROWN OF MICHIGAN FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. BROWN of Michigan. Mr. Chairman, I offer a substitute amendment for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Michigan as a substitute for the amendment in the nature of a substitute offered by Mr. STEPHENS: Strike out all after the enacting clause of H.R. 19436 and insert the following:

That this Act may be cited as the "Housing and Urban Development Act of 1970".

EXTENSION OF FEDERAL HOUSING ADMINISTRATION PROGRAMS

SEC. 2. (a) Section 2(a) of the National Housing Act is amended by striking out "De-

cember 1, 1970" in the first sentence and inserting in lieu thereof "July 1, 1971".

(b) Section 217 of such Act is amended by striking out "December 1, 1970" and inserting in lieu thereof "July 1, 1971".

(c) Section 221(f) of such Act is amended by striking out "December 1, 1970" in the fifth sentence and inserting in lieu thereof "July 1, 1971".

(d) Section 809(f) of such Act is amended by striking out "December 1, 1970" in the second sentence and inserting in lieu thereof "July 1, 1971".

(e) Section 810 (k) of such Act is amended by striking out "December 1, 1970" in the second sentence and inserting in lieu thereof "July 1, 1971".

(f) Section 1002(a) of such Act is amended by striking out "December 1, 1970" in the second sentence and inserting in lieu thereof "July 1, 1971".

(g) Section 1101(a) of such Act is amended by striking out "December 1, 1970" in the second sentence and inserting in lieu thereof "July 1, 1971".

PUBLIC HOUSING ANNUAL CONTRIBUTIONS

SEC. 3. The first sentence of section 10(e) of the United States Housing Act of 1937 is amended by striking out "and $170,000,000 on July 1, 1970" and inserting in lieu thereof "$170,000,000 on July 1, 1970, and $220,000,000 on July 1, 1971".

AUTHORIZATION FOR COLLEGE HOUSING DEBT SERVICE GRANTS

SEC. 4. Section 401(f)(2) of the Housing Act of 1950 is amended by inserting before the period at the end thereof the following: ", and by $15,000,000 on July 1, 1971".

AUTHORIZATION FOR OPEN-SPACE LAND GRANTS

SEC. 5. Section 702(b) of the Housing Act of 1961 is amended by striking out "and not to exceed $460,000,000 prior to July 1, 1971" and inserting in lieu thereof "and not to exceed $550,000,000 prior to July 1, 1972".

AUTHORIZATION FOR COMPREHENSIVE PLANNING GRANTS

SEC. 6. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "and not to exceed $390,000,000 prior to July 1, 1971" and inserting in lieu thereof "and not to exceed $490,000,000 prior to July 1, 1972".

NEIGHBORHOOD FACILITIES GRANTS

SEC. 7. Section 708(a) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following: "In addition there is authorized to be appropriated for grants under section 703 not to exceed $20,000,000 for the fiscal year commencing July 1, 1971."

NEW COMMUNITY LAND DEVELOPMENT

SEC. 8. (a) Section 407(d) of the Housing and Urban Development Act of 1968 is amended by striking out $250,000,000" and inserting in lieu thereof "$500,000,000".

(b) Section 412(d) of such Act is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972".

EXTENSION OF MODEL CITIES AUTHORIZATION

SEC. 9. Section 111(c) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out "1971" and inserting in lieu thereof "1972".

USE OF EXISTING HOUSING UNDER SECTION 235 PROGRAM

SEC. 10. Section 235(h)(3)(B) of the National Housing Act is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1974".

FUNDS FOR FEDERAL NATIONAL MORTGAGE ASSOCIATION CAPITAL SURPLUS ACCOUNT

SEC. 11. The first sentence of section 303(b) of the National Housing Act is amended—

(1) by striking out "shall accumulate" and inserting in lieu thereof "may accumulate";

(2) by striking out "and other";

(3) by striking out "nor less than 1 per centum"; and

(4) by inserting "with the approval of the Secretary of Housing and Urban Development" immediately after "determined from time to time by the corporation".

LIABILITY OF FEDERAL NATIONAL MORTGAGE ASSOCIATION TO UNITED STATES

SEC. 12. (a) In accordance with the provisions of section 303(a) of the National Housing Act relating to payment of a prescribed part of the general surplus and reserves of the corporation, the Federal National Mortgage Association shall pay to the Secretary of the Treasury the sum of $52,386,117.

(b) In accordance with the provisions of section 309(c) of the National Housing Act as it existed prior to September 1, 1968, the Federal National Mortgage Association shall pay to the Secretary of the Treasury the remaining income tax equivalent of $16,479,064, plus interest (1) on $2,977,442 at the rate of 6 per centum from September 16, 1967, until the date of payment; (2) on $13,442,424 at the rate of 6 per centum from September 16, 1968, until the date of payment; and (3) on $59,738 at 6 per centum from November 16, 1968, until the date of payment.

(c) The receipt by the Secretary of the Treasury of the amounts required to be paid by subsections (a) and (b) of this section shall constitute a full and final settlement of all matters affected by such subsections. The United States shall be made a party defendant in any case against any person because of any action taken by him while serving as a director, officer, employee, or agent of the Federal National Mortgage Association pursuant to subsection (a) or (b) of this section, and any judgment awarded the Federal National Mortgage Association in such action shall be paid in the same manner as a judgment against the United States.

(d) Section 302(a) of the National Housing Act is amended by adding at the end thereof the following new paragraph:

"(3) The partition transaction effected pursuant to the foregoing paragraph constitutes a reorganization within the meaning of section 368(a)(1)(E) of the Internal Revenue Code of 1954; and for the purposes of such Code, no gain or loss is recognized by the previously existing body corporate by reason of the partition, and the basis and holding period of the assets of the corporation immediately following such partition are the same as the basis and holding period of such assets immediately prior to such partition."

(e) Section 810(a) of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following sentence: "For the purposes of the Internal Revenue Code of 1954, no gain or loss is recognized by the holders of such stock on such change, and the basis and holding period of such stock in the hands of the stockholders immediately after such change are the same as the basis and holding period of such stock in their hands immediately prior to such change."

EARLY CLOSEOUT OF URBAN RENEWAL PROJECTS

SEC. 13. (a) Section 106(i) of the Housing Act of 1949 is amended to read as follows:

"(i) Upon determination of the Secretary that the local public agency does not expect to be able in the reasonably near future, due to circumstances beyond its control, to dispose of urban renewal project land acquired in accordance with the urban renewal plan and that all other project activities are completed except local grant-in-aid activities designated in the third proviso to section 110 (d) under the conditions specified therein, the urban renewal project may be deemed completed, net project cost may be computed, and the capital grant paid. To facilitate these actions, the Secretary may pay to the local public agency a grant, in addition to the capital grant otherwise payable, equal to one-third (or one-fourth in the case of projects funded on the three-fourths capital grant basis) of the estimated disposition proceeds of such land as accepted by the Secretary. No local grant-in-aid shall be required on account of this additional grant. The approval of the Secretary shall be obtained prior to the disposition of such land by the local public agency and net proceeds realized from the disposition of such land after project closeout shall be paid to the Secretary by the local public agency."

(b) Section 110(f) of such Act is amended by striking out "or for subsequent disposition or retention as provided under section 106(i)".

(c) Notwithstanding any other provision of this Act or title I of the Housing Act of 1949, as amended, the Secretary of Housing and Urban Development is authorized and directed to release the city of Stanton, Texas, and the urban renewal agency of the city of Stanton, Texas, from the obligations of their agreement with the Department of Housing and Urban Development entered into in connection with the closeout of projects numbered Tex. R–45 and Tex. R–81 and to close out those projects, effective as of the original date of closeout, on the basis of the authority granted under this section.

AMOUNT OF LOANS AND GRANTS FOR MINOR IMPROVEMENTS TO FARM HOUSING

SEC. 14. The second sentence of section 504(a) of the Housing Act of 1949 is amended by striking out "in excess of $1,500" and inserting in lieu thereof "in excess of $2,500, or in excess of such larger amount not exceeding $3,500 as the Secretary determines to be necessary in the case of repairs or improvements involving water supply, septic tank, or bathroom or kitchen plumbing facilities".

SAVINGS AND LOAN INVESTMENTS IN MULTIFAMILY HOUSING

SEC. 15. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by striking out "15" in the first sentence and inserting in lieu thereof "20".

MATURITY OF CERTAIN HOME LOAN BANK ADVANCES TO SAVINGS AND LOAN ASSOCIATIONS

SEC. 16. Section 11(g) of the Federal Home Loan Bank Act is amended by striking out "one year" each place it appears and inserting in lieu thereof "five years".

USE OF PUBLIC HOUSING CONTRACT AUTHORITY FOR LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS

SEC. 17. The first sentence of section 10(e) of the United States Housing Act of 1937 is amended by striking out *"Provided further"* and inserting in lieu thereof *"provided further,* That up to 30 per centum of the total number of dwelling units for which contracts for annual contributions are entered into in any fiscal year pursuant to the new authority granted under section 3 of the Housing and Urban Development Act of 1970 or under any law subsequently enacted may be units of low-rent housing in private accommodations provided under section 23: *And provided further".*

TERM AND RENEWAL OF CONTRACTS FOR LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS

SEC. 18. The last sentence of section 23(d) of the United States Housing Act of 1937 is amended—

(1) by striking out "not less than twelve months nor more than sixty months" and inserting in lieu thereof "not less than twelve months nor more than one hundred and twenty months"; and

(2) by inserting before the period at the end thereof the following: ": *Provided*, That no renewal of such a contract shall result in a total term exceeding one hundred and eighty months or two hundred and forty months if the Secretary finds that a longer term is necessary to obtain financing".

Mr. BLACKBURN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. BLACKBURN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BLACKBURN. Mr. Chairman, the gentleman from Michigan offers his amendment to the substitute at this point. Is the substitute on the floor at the present time open for amendment?

The CHAIRMAN. The Chair would like to inform the gentleman from Georgia that the gentleman from Georgia (Mr. STEPHENS) offered an amendment in the nature of a substitute to the bill.

The gentleman from Michigan (Mr. BROWN) is recognized for 5 minutes in support of his substitute.

Mr. BROWN of Michigan. I thank you, Mr. Chairman.

Mr. Chairman, to my colleagues in the House I would redirect their attention to previous speakers who have referred to the substitute which I am now offering as a barebones or skeleton proposal. At the outset let me say that it is not a barebones nor a skeleton proposal, but rather it continues all existing HUD programs, in several cases increases the authorizations applicable to the programs, it contains the vital FHA insuring authority to July 1, 1971, and incorporates certain miscellaneous sections that are in the committee bill and which are not controversial.

What the substitute I have offered does, and I discussed this so much in the general debate that I will not further belabor you with that discussion now, but what it does is to permit us to proceed in an orderly fashion to continue the programs at adequate funding levels so that next year we can come in and have all the time necessary to consider and deliberate over a comprehensive housing and urban development bill that incorporates not just come hasty, last-minute thinking on the part of some committee members, but will incorporate the study and the great deliberations, et cetera, which have gone on in the administration in all the areas which are included, or substantially all the areas which are included in the committee bill and in the substitute proposed by the gentleman from Georgia (Mr. STEPHENS).

Now, do we need more time? Do we need more time to consider this legislation? The best answer to that question, my colleagues, is in the committee report where a majority of the members of this committee said:

The committee bill does not include the major revisions of the FHA and public housing programs recommended by the administration. These comprehensive and far-reaching proposals could not be adequately examined in the brief period available to the committee during a year when two other major bills—the Urban Mass Transportation Act of 1970 and the Emergency Home Finance Act of 1970—occupied much of the committee's attention and effort.

What the majority of this committee has said is that it did not have time to consider the well-thought-out and worked-out provisions in the legislative proposal that was submitted by the administration this last spring, but it did have time to bring to the floor of the House today for your consideration what amounts to five different bills, and expects you to be able to reconcile and to feel that you are knowledgeable enough to act upon these four or five different bills.

Let me also point out to my colleagues that at the very time the majority of the committee is asking us to act upon either the committee bill or the substitute offered by the gentleman from Georgia, there have been three panels formed, appointed by the gentleman from Pennsylvania, the chairman of the Subcommittee on Housing, Mr. BARRETT, to go into and to study in depth the very problems and program administration that he is asking you to legislate on today.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I will yield to the gentleman in just a minute.

In addition, both the proposal offered by the gentleman from Georgia and the committee bill propose to increase authorizations in sections of the housing bill that are this very day the subject of a very in-depth investigation, and it is alleged that the results of that investigation, which I guess the chairman of the committee is sitting on temporarily, will be almost scandalous, and yet in both proposals they are suggesting that you add more money to those programs and extend them for an additional 2 years—although I recognize that the proposal offered by the gentleman from Georgia (Mr. STEPHENS) does not do it for an additional 2 years.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I will yield to the gentleman from Georgia in just one moment.

The very fact that you have another substitute offered by a very respected, esteemed and knowledgeable member of the committee, the gentleman from Georgia—which is supported by the ranking member on the minority side and which cuts out millions of dollars and does away with a lot of the unsatisfactory and objectionable features in the committee bill, is solid proof of the desirability of my substitute and the undesirability of the committee bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACKBURN. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BROWN of Michigan. The very fact that there has been this coalition developed and that it has moved away from the committee bill position very close to the position I have described to you and that I have informed you of over the last 3, 4, or 5 days—the very fact that they are moving in this direction is great proof of the validity of the substitute which I am now asking you to adopt.

I do not know about the rest of you, but in the course of my campaign recently I had students, members of the academic community, businessmen, labor, and almost everybody criticise the administration of Government programs from food stamps to housing.

Now then, if there is one thing that this Congress needs to do—if there is one thing that is of the greatest priority, it is to make sure that the programs we legislate do accomplish goals commensurate with their promises and their costs. We cannot spend the time to improve programs and propery review and exercise the oversight function—we cannot do that with respect to existing programs if we come in here every day and every month and every year and adopt programs upon programs and layer upon layer of administration without improving the administration and effectiveness of any of them.

I would ask the gentleman, the chairman of the subcommittee, if he cares to answer—does he not intend to come in with a comprehensive housing bill early next year in accordance with the panels that he has appointed?

Mr. BARRETT. I am not quite sure, and I think the gentleman is just as informed on that as I am, but the chairman of the Housing Subcommittee appointed three panels and when we include the material that is necessary to write a bill, it may be next year or it may be the year after—I am not too sure.

Mr. BROWN of Michigan. If the gentleman would adopt my substitute, I guarantee him I would be willing to take the responsibility to make sure we have a housing bill early next year if he is willing to take that responsibility.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield so that I can answer the gentleman?

Mr. BROWN of Michigan. I yield to the gentleman.

Mr. STEPHENS. My answer to the gentleman's question about whether or not we have one housing bill, a comprehensive housing bill, I would reply that we have a comprehensive housing bill now and that we not wait until next year.

Mr. BROWN of Michigan. May I answer the gentleman right there—did not the gentleman sign the majority views on this bill and did he not say, as I just repeated—

The committee bill does not include the major revisions of the FHA and public housing programs recommended by the administration. These comprehensive and far-reaching proposals could not be adequately examined in the brief period available to the

committee during a year when two other major bills—the Urban Mass Transportation Act of 1970 and the Emergency Home Finance Act of 1970—occupied much of the committee's attention and effort.

Are those not the words of the gentleman from Georgia?

Mr. STEPHENS. No, no. I may have signed that but I did not put them in there.

I would answer by saying this. I am not saying we could not have had a comprehensive bill in the future, but we have one here now, whether it has all the administration proposals in it or not.

Let me ask the gentleman one other question.

Mr. BROWN of Michigan. Before we get into another area, I would say to the gentleman from Georgia, I think the general format of his statement is correct, but he used the wrong word. We do not have a comprehensive housing bill before us today—we have a conglomerate.

Mr. STEPHENS. Let me ask the gentleman this question.

In your bill, as I understand it, you have no provisions for the Farmers Home Administration except for one provision. We have all seven in my proposal and in the original bill. You have taken out everything in your bill insofar as the Farmers Home Administration is concerned.

Then is it not also true that you have also put in there, in your bill a comprehensive planning grant proposal which raises what my bill has and what the committee has from $30 to $100 million for metropolitan planning. Is that not just changing the priorities rather than changing any expenses?

Mr. BROWN of Michigan. That is true. I have said in the course of my statement that there are several areas in which we have increased an authorization where it seemed to be most desirable and most needed at the present time. But once again we end up with a bill that constitutes an additional authorization above existing authorization in the amount of $695 million as compared to the committee bill of approximately $7.7 billion and your proposal of somewhere around $3 billion-plus.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield at that point?

Mr. BROWN of Michigan. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I was about to ask the gentleman to review the figures that he just stated a moment ago. I think it ought to be clarified. What is the cost estimate of the bill that has been offered by the gentleman from Michigan as a substitute?

Mr. BROWN of Michigan. Six hundred and ninety-five million dollars.

Mr. GERALD R. FORD. And what is the cost figure on the bill offered as an amendment in the nature of a substitute by the gentleman from Georgia (Mr. STEPHENS)?

Mr. BROWN of Michigan. My best estimate is that it would be in excess of $3 billion.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I am not trying to misrepresent it; I am not sure.

Mr. STEPHENS. My substitute would authorize $2,819 million. It is less than the amount authorized in the Senate bill; it is almost $5 billion less than the amount in the House bill.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BARRETT. Mr. Chairman, I rise to strongly oppose the motion of the gentleman from Michigan. It is hard to believe that a respected member of the Housing Subcommittee would allow more than half a year to go by before even notifying his colleagues that he intended to offer a motion which would undo all their work.

The gentleman took an active part in 2 weeks of subcommittee hearings in early June. He sat through several days of subcommittee and full committee executive sessions. He never offered a single motion to reduce the dollar amounts in this bill, although all amendments were fully debated and voted on. He certainly never indicated that at this late stage he would offer a "barebones bill" as a substitute for a housing bill on which there has been so much cooperation, compromise, and agreement.

The House should remember three important things on this motion—first, the gentleman's substitute provides no funds for the public housing program until July 1, 1971, when that program has stopped because of a lack of funds. The committee bill would provide an immediate $150 million for the public housing program, so that housing authorities can build units which are now held up because of that lack of funds. Our subcommittee has received more telephone calls from Members of Congress—in both parties—about the lack of funds for public housing than about any other issue during this year. The gentleman's motion does not make funds available for this program for another 7 months.

It cannot help our localities meet their housing problems.

Second, the gentleman's substitute provides no funds for the sections 235 and 236 programs, which are the basic low-income housing programs. Funds for these programs are completely depleted, even in the gentleman's own district. The substitute does not ask for additional funds for the coming fiscal year, which begins in just 7 months. This will cause great confusion among homebuilders, lenders, and nonprofit groups who will not know what plans are in store for these programs in fiscal year 1972. The committee bill keeps these programs so that we can meet our bipartisan housing goals.

Third, the substitute completely nullifies the efforts of Mr. ASHLEY and Mr. WIDNALL in designing a workable new community development program. The President himself called for the development of such a program in his state of the Union message. The Housing Subcommittee approved this new program by a unanimous vote of 13 to 0. The full Banking and Currency Committee approved this new program by a vote of 24 to 4 after a full and fair debate. The gentleman's substitute would make all these efforts meaningless.

The new community bill was not developed overnight. There have been hearings over a 2-year period by two subcommittees. It has been fully and fairly considered and passed almost in identical fashion by the Senate.

Mr. Chairman, I strongly urge all Members to defeat the substitute of the gentleman from Michigan. The housing bill before you is a workable and effective compromise of many opposing viewpoints. It deserves your support.

I oppose the amendment offered by the gentleman from Michigan and ask for an immediate vote on it so we can continue with our consideration of the Stephens amendment in the nature of a substitute.

AMENDMENT OFFERED BY MR. BLACKBURN TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. BROWN OF MICHIGAN

Mr. BLACKBURN. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACKBURN to the substitute amendment offered by Mr. BROWN of Michigan for the amendment in the nature of a substitute offered by Mr. STEPHENS:

Page 11, after line 14, insert the following new section:

"WATER AND SEWER GRANT APPLICATIONS

"SEC. 20. Section 702 of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following new subsection:

"'(e) In evaluating preliminary applications for grants under this section, in determining whether any such application should advance to the potential project list, and in determining whether any project under this section should receive approval, housing considerations and housing concerns shall not be taken into account.'"

The CHAIRMAN. The gentleman from Georgia is recognized in support of his amendment.

Mr. BARRETT. Mr. Chairman, will the gentleman yield? I wish to make a unanimous-consent request.

Mr. BLACKBURN. I am happy to yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, excluding the gentleman's time, I ask unanimous consent that all debate on the Stephens amendment in the nature of a substitute and all amendments thereto close at 6 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BLACKBURN. I object.

The CHAIRMAN. Objection is heard. The gentleman from Georgia is recognized.

Mr. BLACKBURN. Mr. Chairman, the purpose of my amendment is to clarify the legislative authority under which the Department of Housing and Urban Development is presently considering sewer and water grants. Under the legislation establishing the sewer and water grant program the Congress gave certain administrative authority to the Department of Housing and Urban Development

to determine those areas in which Federal aid is most desperately needed.

Now we find that the Department of Housing and Urban Development has developed a program of evaluating these water and sewer grants which has very little relationship to the actual needs of the area or the potential needs of the area. To the contrary, HUD has insisted that the local communities accept low-cost public housing as the price they must pay if they are to get water and sewer grants.

Gentlemen, we did not authorize the Department of Housing and Urban Development to attach these conditions onto the granting of grants to the local communities. The purpose of my amendment is to clarify the legislative authority, so that HUD will know it does not have the authority to administer the present point program which they are attempting to implement.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I think that is an amendment on the wrong amendment, but I would like to support the amendment offered by the gentleman from Georgia. I believe it comes at the wrong point.

Mr. BLACKBURN. I do not think so. I think this will work.

AMENDMENT OFFERED BY MR. TEAGUE OF TEXAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. TEAGUE of Texas. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

PARLIAMENTARY INQUIRY

Mr. BLACKBURN. Mr. Chairman, a parliamentary inquiry. Am I to understand the gentleman from Texas is offering an amendment to the Stephens substitute amendment?

The CHAIRMAN. To the Stephens amendment in the nature of a substitute. That is correct.

Mr. BLACKBURN. So the amendment I have offered is still pending?

The CHAIRMAN. The gentleman is correct. It is in order for the gentleman from Texas to offer an amendment to the Stephens amendment, which is in the nature of a substitute.

The Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. TEAGUE of Texas to the amendment in the nature of a substitute offered by Mr. STEPHENS: At the end of title II of the amendment, page 55, after line 13, add the following new section:

"LAND DEVELOPMENT PLANNING

"SEC. 218. Section 1003(b)(3) of the National Housing Act is amended to read as follows:

"'(3) if there is a comprehensive plan which covers the area in which the land is situated or there is comprehensive planning being carried on for such area, and such comprehensive plan or comprehensive planning meets criteria established by the Secretary, is consistent with such plan or planning.'"

Mr. BARRETT (during the reading). Mr. Chairman, I ask unanimous consent to dispense with further reading of the amendment and that it be printed in the RECORD. I would like to say we are very much in agreement with this amendment. We have no objection to it.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, I am familiar with the amendment offered by the gentleman from Texas.

I believe that if the Brown of Michigan substitute amendment is defeated, we would support this.

Mr. TEAGUE of Texas. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

Mr. GERALD R. FORD. Mr. Chairman, reserving the right to object, I have heard the amendment read. The language which I heard does not seem to explain the purpose of the amendment. Would the gentleman, rather than extending his remarks, take a few minutes and explain the purpose of the amendment.

Mr. TEAGUE of Texas. Mr. Chairman, this amendment is a simple clarifying amendment to title X. As the original title was interpreted, there have been only about 35 projects under this title. This clarifies it to where, if an area does not have a comprehensive plan, the Secretary can determine whether or not what they are doing will make a comprehensive plan. It is simply a clarifying amendment to title X.

Mr. GERALD R. FORD. I must admit I am still somewhat in the dark as to how it clarifies title X. What is the problem that requires this language?

Mr. TEAGUE of Texas. Today they are not approving projects under title X unless there is a comprehensive plan in the area. Very few cities and counties in the United States have such a comprehensive plan. Therefore, the program has just accomplished nothing. I understand there have been 35 projects since this originally passed about 5 years ago.

My amendment would contain the requirement that land development under title X be consistent with a comprehensive plan if such a plan exists, but under my amendment use of title X would not be precluded simply because there is no comprehensive plan for a city or county or area of jurisdiction unless it is approved by the Secretary.

Mr. GERALD R. FORD. In other words, we can have this kind of project in an area where there is no comprehensive plan in effect, provided the Secretary of Housing and Urban Development specifically approves it?

Mr. TEAGUE of Texas. That is correct.

Mr. GERALD R. FORD. Was this provision in the original committee bill?

Mr. TEAGUE of Texas. I do not believe it was.

Mr. GERALD R. FORD. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the request of the gentleman from Texas to revise and extend is ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Chairman, title X, Mortgage Insurance for Land Development, was enacted in the Housing and Urban Development Act of 1965, Public Law 89–117, approved on August 10, 1965. It was the purpose of title X to provide a basis for the Federal Housing Administration to insure financing for land development.

The legislative history of the act indicates that a program such as the one established by title X was needed to provide for more orderly land development and more sensible land use. Title X provided a mechanism whereby a developer could obtain FHA insurance on financing to develop a large tract of land with improvements such as water supply installations, sewer lines, sewerage disposal installations, electric service, roads, streets, curbs, gutters and sidewalks and drainage facilities. The legislative history of this provision indicates that it was intended to provide a basis for better land use. In the past, land developers, because of high financing costs, had been forced to develop small tracts of land without any overall planning or coordinated land planning. Apparently title X has not achieved the purpose intended by Congress since less than 40 projects have been approved in the last 5 years.

The difficulty seems to be interpretation being placed on section 1003 relating to the use of comprehensive land planning. Over the years, I have been contacted by a good many builders and developers who were exploring the possibility of using title X, and to date, no builder or developer in my congressional district, or in the Dallas-Fort Worth area, has been successful in gaining approval of a title X project because the Department of Housing and Urban Development has said there must be a comprehensive plan being carried out in the county or jurisdictional area. There are 257 counties in Texas and I understand that there has been one title X project approved in Harris County in the entire history of the program. I do not believe that Congress intended that title X could be used only where the county or city where the proposed land development is situated has developed a comprehensive land plan. Most of these counties and cities have the usual regulatory control of land use such as zoning requirements, requirements for water and sewer facilities, design of streets and other such requirements. Very few counties had financing for or have seen the wisdom of drawing up a hypothetical comprehensive land use program, particularly when most local jurisdictions cannot enforce all aspects of comprehensive land use.

Under the interpretation being made by the Department of Housing and Urban Development the benefits of title X are denied where a comprehensive land plan is not in existence. My amendment would clarify this situation. It would rewrite section 1003(b)(3) so that the subparagraph requires that comprehensive land

planning be observed if there is a comprehensive land plan, but that the use of title X would not be precluded in an area where there was not a comprehensive land plan. It seems foolish to me that we should deny the benefit of orderly planning on large undeveloped tracts simply because there has not been a hypothetical land use plan created for the entire county or city where the project may be situated. My amendment will provide a basis for a revision of the regulations to permit use of title X as I understand was originally contemplated by the Congress.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I would like to say to the gentleman, I can agree with what the gentleman has said, and I would be glad to accept his amendment to my substitute.

Mr. TEAGUE of Texas. Mr. Chairman, I thank the gentleman from Georgia.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. TEAGUE) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. BARRETT. Mr. Chairman, again I should like to see if we can get a better understanding as to time. Therefore, I ask unanimous consent that all debate on the Stephens amendment in the nature of a substitute and all amendments thereto close at 6:30 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BLACKBURN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BLACKBURN. Mr. Chairman, reserving the right to object, instead, could the gentleman make his request apply only to the Brown of Michigan substitute amendment, so that if it should fail we could go back to the Stephens amendment in the nature of a substitute?

Mr. BARRETT. Yes, Mr. Chairman, I think we could ask that all amendments to the Brown of Michigan substitute amendment close at 6 o'clock. I ask unanimous consent to do that.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. JONAS. Mr. Chairman, reserving the right to object, may I ask the gentleman from Pennsylvania to restate his last request?

Mr. BARRETT. Mr. Chairman, I ask unanimous consent that all debate on the Brown of Michigan substitute amendment and all amendments thereto close at 6 o'clock. Then we would go on to the Stephens amendment in the nature of a substitute.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. JONAS. Mr. Chairman, reserving the right to object, we have the Brown of Michigan substitute amendment pending, undisposed of. There has intervened another amendment to the Stephens amendment in the nature of a substitute.

The CHAIRMAN. The gentleman is correct.

Mr. JONAS. I do not see how we can cut off debate on the Brown of Michigan substitute amendment and restrict all debate to the Brown of Michigan substitute amendment, under the gentleman's proposal.

Mr. BARRETT. I will say to the gentleman, that is discretionary, and a gentleman can offer an amendment.

Mr. CEDERBERG. Mr. Chairman, further reserving the right to object, I should like to ask the chairman of the subcommittee, in view of the situation here, and the time being a quarter to 6, if it might not be in order if the Committee should rise and we can get back to this tomorrow, when we can do it in a little more orderly manner.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GERALD R. FORD. Mr. Chairman, reserving the right to object, let me say I believe if we can agree on a time for a vote on the Brown of Michigan substitute amendment, whether it is 6 o'clock or 10 minutes after 6, and if we can dispose of the Brown substitute amendment, then I believe we ought to have some understanding that we would quit and finish the remainder of the bill tomorrow. I understand there are at least 10 amendments to the Stephens amendment in the nature of a substitute that will be offered and debated and voted on if the Brown of Michigan substitute amendment fails.

Mr. BARRETT. I would agree with the gentleman that we should consider it. I know the gentleman desires to go home, as do all other Members. I believe as many Members are just as desirous of finishing the bill. If we go back to consideration of the Stephens amendment in the nature of a substitute, and there are a great number of amendments we cannot handle in adequate time, I would agree then, but I do believe we ought to work on both the amendments up until 6:30, at least, and then decide on what time the Committee should rise.

Mr. GERALD R. FORD. I believe it is appropriate to set a time for consideration of the Brown of Michigan substitute amendment. I have no objection to that. I just forewarn the gentleman from Pennsylvania he is going to see a number of amendments offered to the Stephens amendment in the nature of a substitute if the Brown of Michigan substitute amendment loses. So I am optimistic that the gentleman will use good judgment and decide to finish the bill tomorrow.

Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BROWN of Michigan. Mr. Chairman, reserving the right to object——

Mr. ASHBROOK. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. ASHBROOK. Mr. Chairman, I withdraw my point of order.

Mr. BARRETT. Mr. Chairman, if I may, I would like to change the time to give them adequate time. Mr. Chairman, I ask unanimous consent that all debate on the Brown of Michigan substitute amendment and all amendments thereto close at 10 minutes after 6 and afterward the Committee will rise.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BLACKBURN) to the substitute amendment offered by the gentleman from Michigan (Mr. BROWN).

The amendment to the substitute amendment was agreed to.

The CHAIRMAN. The Chair now recognizes the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN. Mr. Chairman, I would like to call the attention of the Members of the House to the fact that the Stephens substitute seems to be very similar to the old rabbit in the hat trick; now you see it and now you do not.

As I understood his presentation of his substitute, he stated that only authorizations through fiscal year 1972 were included. I would like to call attention to the fact that the committee bill authorizes money through fiscal years 1973 and 1974. In other words, most of his cuts have been because he eliminated the authorizations for fiscal years 1973 and 1974.

Is that not correct, Mr. STEPHENS?

Mr. STEPHENS. The gentleman is correct.

AMENDMENT OFFERED BY MR. SIKES TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. BROWN OF MICHIGAN

Mr. SIKES. Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. SIKES to the substitute amendment offered by Mr. BROWN of Michigan for the amendment in the nature of a substitute offered by Mr. STEPHENS:

At the end of the substitute, add the following new section:

"SEC. 21. (a) Section 101(c)(2) of the Housing and Urban Development Act of 1965 is amended by (1) striking out the word "or" between paragraphs (D) and (E), (2) striking out the period at the end of paragraph (E) and inserting in lieu thereof '; or', and (3) adding after paragraph (E) the following:

"'(F) a family whose head, or spouse, is a member of the Armed Forces of the United States who is serving on active duty.'

"(b) Paragraph (B) of section 101(e)(1) of such Act is amended by striking out the period and inserting in lieu thereof the following: 'or is a member of the Armed Forces of the United States serving on active duty.'

"(c) Section 7 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsection:

"'(H) Whenever he shall determine that, because of location or other considerations, any rental housing project assisted under title II of the National Housing Act or title I of the Housing and Urban Development Act of 1965 could ordinarily be expected to serve the family housing needs of lower income military personnel serving on active duty, the Secretary is authorized to provide for or approve such preference or priority of occupancy of such project by such military personnel as he shall determine is appropriate to assure that the project will serve their needs on a continuing basis notwithstanding the frequency with which individual members of such personnel may be transferred or reassigned to new duty stations.'

PARLIAMENTARY INQUIRY

Mr. REES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from California will state his parliamentary inquiry.

Mr. REES. If the Brown substitute is not agreed to by this House, would not the gentleman from Florida's amendment still be germane to the Stephens amendment which is pending before us?

The CHAIRMAN. If the Committee rejects the Brown substitute the amendment could then be offered to the Stephens amendment in the nature of a substitute.

Mr. SIKES. Mr. Chairman, I propose to add an amendment to the Brown substitute. I will offer the same amendment, at the appropriate time, to the Stephens amendment. My amendment would specify that low income military families be considered in the eligible category for rent supplements. It would also assure that the Secretary of Housing and Urban Development can provide military families priority of occupancy under the rent supplements program and the rental housing projects assisted under title II of the National Housing Act.

Mr. Chairman, I think all of us recognize the very serious problem confronting military families in the lower pay grades. They have extremely distressing problems, particularly in finding housing. My amendment would give them an improved opportunity to participate in these programs. The amendment will make the military services more attractive as a career, and it is a matter of simple justice to deserving people in uniform.

Mr. Chairman, I have cleared this amendment with members of the committee on both sides of the aisle, the distinguished chairman of the committee from Pennsylvania, the distinguished gentleman from Georgia (Mr. STEPHENS), the distinguished gentleman from New Jersey (Mr. WIDNALL) and the distinguished gentleman from Michigan (Mr. BROWN). I feel that it is badly needed and I trust it will be approved.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Missouri.

(By unanimous consent, Mr. HUNGATE yielded the balance of his time to Mr. SIKES.)

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Georgia.

Mr. STEPHENS. I would like to say to the gentleman from Florida that I would accept the gentleman's amendment on my proposal. I hope that when the Brown amendment is defeated the gentleman will have an opportunity to put it on my amendment.

Mr. SIKES. I am most appreciative to my good friend and I intend to offer it at the appropriate time to his amendment.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the distinguished gentleman from Michigan.

Mr. BROWN of Michigan. I have no objection to the gentleman's amendment. I think it would be better on the substitute than on the Stephens substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Chairman, I rise in support of the Sikes amendment. The gentleman from Florida and I have a keen interest in this matter. He serves as chairman of the Subcommittee on Military Construction and I serve as the ranking member. We are aware of the problems that will be taken care of by this amendment, and we are grateful to the committee for its consideration.

My chief observation with regard to this amendment is that it is long overdue.

Many of the housing programs to which it applies have been on the books for years. They are already benefiting substantial numbers of Americans. Yet Americans who wear the uniform of their country, who are eligible for benefits on the basis of their incomes, and who badly need rental housing because of their necessarily frequent reassignments have been systematically denied the benefits of these HUD programs.

I do not believe that it is anyone's intention to deny low-income servicemen and their families the benefits of these programs. I certainly hope it is not.

I think that it is a problem that has been overlooked and not understood, because it results from the way things work rather than the way they ought to work. When the problems which are brought about because of waiting lists and reassignments are pointed out, they are not hard to understand, but I know I was not fully aware of these problems until last year. Surely this is a situation which needs to be corrected immediately.

Another point I would like to stress is what the lack of adequate housing is doing to the retention rate in the military services. Secretary of the Navy Chafee made a special presentation before the Military Construction Subcommittee. I would like to quote from his remarks.

Secretary CHAFEE. Thank you very much, Mr. Chairman.

The reason I am here is to address myself to what has been stated as far as the importance of the family housing progam is concerned.

I will confine my remarks to the Navy because that is what I am most familiar with, but I am sure what I say pertains to the other Services as well.

My concern in this stems from the retention problem which we discussed previously. . . . To briefly review the problems we are having in retention—as far as the enlisted men go—4 years ago we were retaining 24 percent at the end of their first enlistment. Last year it dropped to 16 percent. Now it is down to around 10 or 12 percent.

With the officers, it is just as bad. With respect to pilots, our goal is 55 percent retention at the end of their mandatory period of service. Instead of 55 percent, a year ago we got 31 percent; and this year we think we are going to get 26 percent.

On surface officers, our goal is 40 percent; and we are getting between 14 and 19 percent. On submarine, nuclear-trained officers, as you know, we had that very severe problem a year ago when we had to put through a bonus. Whereas 4 years ago we were keeping 75 percent of them, now we are keeping 36 percent.

In view of this experience, we have naturally spent a lot of time attempting to determine what causes our retention difficulties. There are a variety of factors. I won't suggest to you today, Mr. Chairman, that everything is going to be perfect if we get better family housing. Unquestionably, however, housing is one of the three princial factors. The others are long periods of separation from the family; and overall pay.

Some of these things we cannot do anything about. The separation from the family, in these periods of long deployment, is something we cannot do anything about. The overall pay is a factor that is beyond Navy control. That has such long-range consequences to the Federal budget that it is on a higher level—not only with the DOD, but with the Bureau of the Budget and in other areas.

With family housing, though, we can really make a step forward.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, I rise in support of the Sikes amendment.

The amendments which the gentleman from Florida (Mr. SIKES) has offered today, if enacted into law, will represent an important step forward in helping to attract and retain the type of people we need to have in the military service of our country.

We need to attract and keep in our Armed Forces the solid, responsible, capable people—the family men. Yet Secretary Chafee and others have testified that it is just such people who are leaving the services in droves. I know this from my own observations. Why? One of the chief reasons is the type and quality of housing in which their families are forced to live. This housing situation has grown considerably worse in the past few years, and the retention problem has grown right along with it.

There has been a great deal of talk about all-volunteer Armed Forces. The report by the President's panel stressed the necessity for making the services more attractive to junior officers and enlisted men. Yet these are the very people who receive the least satisfactory housing under the present order of things. The plight of the "ineligible" enlisted man is possibly the most serious.

I serve on both the Military Construction Subcommittee and the Independent Offices and Housing and Urban Development Subcommittee of the Committee on Appropriations. I feel that military personnel endure some of the worst housing conditions of any group of people in the

United States today. The situation in Rhode Island, to which the gentleman from Florida made reference, in which military families were living in tents to enable them to live together is but one example. In my own district, I have personally observed a sailor and his young family living in their automobile.

Next only to the proper education of their children, servicemen's families desire adequate housing. Comfortable housing is essential to the proper performance of duties as well as morale.

These amendments will also, I believe, help to reverse the unfortunate tendency toward isolation of the military, which we see in our society today.

The military are possibly more segregated and ghettoized than any other group in terms of their housing. I think that this is an unhealthy, unsocial situation. I think we should encourage military families to live in the local community so that they keep in touch with their civilian counterparts. But you can not do this if you can not rent housing in the community. And you can not compete for scarce housing on the pay of a military man, particularly if you are systematically excluded from low-rent housing projects.

At present he is not eligible for military family housing. He is reassigned too frequently to have any hope of benefiting from HUD-supported housing even though he is clearly eligible for and badly in need of such housing. These amendments would help to correct this situation.

I urge their adoption.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. McFALL).

Mr. McFALL. Mr. Chairman, as a member of the Military Construction Subcommittee of the Committee on Appropriations, I have been deeply distressed each year to hear, during the course of our hearings on military construction requirements, of the desperate and worsening plight of our military members in seeking to obtain housing for their families. There are portions of these needs that can and are being met by direct military construction, but budget constraints and sound national policy dictate that we must rely on the civilian economy to provide the great bulk of family housing for military members as we do for all other citizens of this great Nation. This primary reliance upon the civilian economy to provide housing for dependents of military members is a sensible and prudent policy that should be fostered and advanced whenever and wherever it is practical to do so.

The proposed amendments are designed to help meet this objective and will serve this purpose. They will make it possible for our servicemen to share in the specified assistance housing programs of the Department of Housing and Urban Development on a continuing and practical basis, which they cannot now do because of their frequent changes of duty station in the interest of national defense. Their stay at any location is simply not long enough to await and obtain assignment to this Government-assisted housing in competition with permanent local residents. I am sure it was not, and is not, the intent of the Congress that the benefits and relief afforded to lower income families by these HUD assistance programs be unavailable to families of our servicemen who satisfy the income requirements for participation in such programs. Nevertheless, this is happening now as an unavoidable consequence of Government-directed reassignment of duty stations.

The proposed amendments will correct this unfortunate situation by authorizing the Secretary of Housing and Urban Development to give military families such preference of assignment to assisted housing as he considers appropriate to assure the continuing availability of such assisted housing units to military families upon transfer of military occupants to new duty stations.

The amendments will particularly and especially assist enlisted men in the lower pay grades with families who are least able to find and afford housing in the private economy. All of us are aware of the spiraling increases in construction and operating costs that are escalating rents to levels beyond the reach of lower income families. This situation is intensified by the great housing shortages which beset our metropolitan centers and smaller urban communities. The assistance housing programs of the Department of Housing and Urban Development are expressly designed to produce housing in the current economic climate for lower and moderate income families. I believe it can safely be projected that these HUD assistance housing programs will produce the only large quantities of new low-rent housing in our national economy in the years immediately ahead. It is therefore a matter of great significance and of great importance to our military families in the lower income brackets that they share effectively in these programs.

It is most fortunate that the Secretary of Housing and Urban Development and the Secretary of Defense are in agreement on adoption of the proposed amendments to the bill under consideration, H.R. 19436. I most earnestly and sincerely solicit your support in this endeavor.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I rise in support of the Sikes amendment. I think this is critically needed in the military areas with the curtailment of military constructed housing. Certainly, we need to build adequate housing for our desperately needy military families. I think this is a great program at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. SIKES) to the substitute amendment offered by the gentleman from Michigan (Mr. BROWN), for the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment to the substitute amendment was agreed to.

The CHAIRMAN. Are there further amendments to the Brown of Michigan substitute amendment?

If not, the Chair now recognizes the gentleman from California (Mr. REES).

Mr. REES. Mr. Chairman, I would like to speak in opposition to the Brown amendment. Here is the Stephens amendment and here is the Brown bill. The difference is about 1 year of committee work. The Banking Subcommittee on Housing spent a great deal of time on this bill. We have a lot of new concepts such as new communities. I think it would be a tragedy to take a year of the committee's work and dump it on the floor as proposed in the Brown amendment.

I ask for a "no" vote on the amendment offered by the gentleman from Michigan (Mr. BROWN).

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. As I understand it, the Stephens substitute amendment only emerged this morning, so how could the committee have spent so much time on it, if they never reported it as a committee substitute?

Mr. REES. The answer is that the Stephens substitute is basically the original committee bill.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, what we are talking about here today is housing, and we have set a goal for ourselves for a certain number of housing starts annually in order to meet the need of the American people, and we have just got to face up to the fact that we have failed dismally.

The present bill and the Stephens substitute amendment do very little to correct this condition. We are simply piling program on program. We have programs like the rent supplement program where we have committed money for 40 years. We have section 236——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GROSS yielded his time to Mr. WILLIAMS.)

Mr. WILLIAMS. I thank the gentleman for yielding me his time.

Mr. Chairman, we have section 236, where again we are committing money for periods of 30 years or longer. The very fact that the chairman of the subcommittee has appointed three panels to report back on how to solve our problem in meeting adequate housing shows that the present bill and the Stephens substitute are inadequate.

So, Mr. Chairman, I urge the adoption of the amendment offered by the gentleman from Michigan (Mr. BROWN).

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the Brown of Michigan substitute.

(By unanimous consent, Mr. ROUSSELOT yielded his time to Mr. BROWN of Michigan.)

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANNUNZIO).

(By unanimous consent, Mr. ANNUNZIO yielded his time to Mr. ASHLEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHLEY).

(By unanimous consent, Mr. SISK, Mr. RYAN, Mr. MIKVA, and Mr. PEPPER yielded their time to Mr. ASHLEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Chairman, there are very significant and substantial differences between the amendment offered by the gentleman from Georgia (Mr. STEPHENS) and the amendment offered by the gentleman from Michigan (Mr. BROWN). I am opposed to the amendment offered by the gentleman from Michigan (Mr. BROWN) because it contains no authorizations for section 235 housing, for section 236 housing, for rent supplements, for urban renewal, or for new communities. Time does not permit me to express my views on the importance of the authority for these programs that is contained in the Stephens substitute. At an appropriate time I would like the gentleman from Michigan (Mr. BROWN) to explain how it can be that title I, which is contained in the Stephens substitute, was deleted from his.

Title I calls for the development of a national urban growth policy and for increased assistance to the new community development. Both of these parts comprise title I. One of the subjects to which his President—he is the President of all of us—but his President in particular addressed himself to his state of the Union message earlier this year. He said we need a national urban growth policy. He said we need additional assistance for community development.

For 2 years the committees and the subcommittees of the House of Representatives, and the Committee on Banking and Currency have been directing themselves to these precise areas. This is no recent development. This is nothing that has emerged in the last 3 days. This title has been worked out with the cooperation and assistance of the Department of Housing and Urban Development.

Let the gentleman answer. What has happened to the promise of the President made in January—and his position and that of the Housing and Urban Development Department today—what happened to title I that they were so interested in that they helped to conceive and to perfect? What has happened that it is not included in the gentleman's amendment?

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield so that I may respond?

Mr. ASHLEY. Please do.

Mr. BROWN of Michigan. It is very obvious that the gentleman missed my remarks earlier when I said that much of the provision for the new communities was added and really the gentleman in the well deserves an awful lot of credit for a lot of it came from the administration.

May I, in turn, ask the gentleman in the well if his proposal as originally introduced as a separate bill was so wonderful—how come you have conceded and practically decimated its real provisions by saying that you would support the Stephens proposal.

Mr. ASHLEY. If those provisions had been decimated and if the title today reflects the thinking of the administration, then why does it not have the administration's support? Why has the gentleman deleted it from his title?

Mr. BROWN of Michigan. The gentleman knows very well that there are some irreconcilable differences between his proposals and what the administration has worked on.

Mr. ASHLEY. What has the administration been working on? We have a presidential commitment and, yet, there has been no message from the White House and no proposed legislation, and hence the development of title I—not by the gentleman in the well but by many Members on both sides of the aisle.

Mr. BROWN of Michigan. But the gentleman will agree that basically his proposal was an attempt to somewhat anticipate the administration's proposal. Would the gentleman not say that that is correct?

Mr. ASHLEY. No. On the contrary.

Mr. BROWN of Michigan. Is that not correct?

Mr. ASHLEY. No; this has been going on for 2 years.

Mr. BROWN of Michigan. Would not the gentleman say that this is correct that his ad hoc committee on urban growth is still holding hearings and we have to get further information.

Mr. ASHLEY. We have been for 2 years. So that we can come up with a better proposal.

Mr. BROWN of Michigan. Yes, and you can come up with it early next spring, hopefully.

Mr. ASHLEY. All right, early next spring.

The CHAIRMAN. The gentleman from Wisconsin (Mr. REUSS) is recognized for three-quarters of a minute.

Mr. REUSS. Mr. Chairman, let me make this issue crystal clear—the Stephens substitute is a good substitute. Please do not substitute the Brown substitute for the Stephens substitute.

Let us vote.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. GIAIMO) for three-quarters of a minute.

Mr. GIAIMO. Mr. Chairman, as one who serves on the appropriations subcommittee that is charged with the responsibility of appropriating for HUD, I must object to the method in which we are handling today this very serious and complicated bill dealing with housing.

We have been waiting for months and months to take up this matter. Now this legislation, which is characterized as comprehensive housing legislation by the gentleman from Georgia, is being rushed through this house, and we are being given three-quarters of a minute to discuss the many major items facing us.

If, in fact, this is comprehensive legislation, there should be no time limitation, and we should not have to complete this very serious debate tonight. We should know much more about the differences between the Stephens substitute and the Brown substitute, and we should take our time and be deliberate in acting upon this legislation.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Chairman, I just want to add my endorsement to the observations made by the gentleman from Connecticut. Those of you who were here during the general debate will recall that I made the observation at the time that the committee itself was so divided on this bill that at the last minute the committee submitted a substitute prepared by a very few members. The average member of the committee did not have an opportunity to have any voice in the drawing up of the Stephens substitute.

If we want to operate in an orderly fashion, let us adopt the Brown amendment and keep the Department of Housing and Urban Development in business for the next 6 months, and then let us come back and attempt to understand what we are legislating on. At least we should get the committee together on this matter.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, the gentleman from Connecticut and the gentleman from Georgia have already together made the speech I planned to make. I have served for many years on the subcommittee of the Appropriations Committee which has handled the funds for this department, and I certainly concur in the views expressed by my friend from Connecticut that what we need is some real organization of the various programs instead of a continuous superimposition of additional program on top of program. I do not think we can accomplish it at 5 minutes after 6 on an afternoon, and I personally object to this kind of procedure.

(By unanimous consent, Mr. COLLIER and Mr. GERALD R. FORD yielded their time to Mr. BROWN of Michigan.)

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Chairman, I would like to point out that all the provisions in the Stephens substitute are in the committee bill. They were reported on October 5 to the House, and they have been available to every Member. There are no surprises. The only modifications would cut back the money authorized.

With respect to what has been done about cutting back, for the fiscal year 1972 we would cut back $15 million in section 235 of title II and $15 million in section 236 of title II and $40 million in rent supplements under that same title.

As I pointed out to the gentleman from Nebraska (Mr. MARTIN) we would cut out $1,500,000,000 in urban renewal, $100 million in public housing, and $250 million in model cities, and we would knock out $500 million in water and sewer facilities. That is in 1972, not 1973,

and not 1974. I urge that the Brown amendment be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, the gentlemen who have preceded me in the well have made it abundantly clear, I think, that this is no time to be acting upon the comprehensive piece of legislation that is being proposed in either the committee bill or in the Stephens substitute.

Neither the Stephens substitute nor the committee bill constitutes one piece of legislation. It amounts to H.R. 16643, H.R. 16647, H.R. 17845, and H.R. 13666, which are all separate bills considered in the markup session of the Committee on Banking and Currency and were combined into this so-called comprehensive housing and urban development legislation.

My fellow Members, the people of this Nation are tired, dead tired, of having us sit here in these hallowed halls and pass legislation which constitutes promises of betterment and ends up being a bunch of programs that just do not work, and the Congress does not take the time to review and to determine the productiveness of those programs and the efficiency of their administration.

The Congress does not take the time to review, to determine the productiveness of the programs and the efficiency of the administration of them. Instead of doing that the Congress in another year proposes another housing bill, and we have more programs and more layers of administration and less housing.

I would digress for a minute and commend the gentleman from Ohio (Mr. ASHLEY) who has done a great deal of work. I served on his Ad Hoc Committee on Urban Growth, and know much is being learned about our urban problems, but I say to Members of this House, we are not going to do anything that will better the lot of the people of this Nation, be it in housing or urban development, if we continue to pass programs that have irreconcilable differences with the administration that is required to implement and administer those programs.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from North Carolina.

Mr. JONAS. Is it not true that the gentleman's very committee has under investigation now complaints about two of these programs, and the investigation is not completed?

Mr. BROWN of Michigan. The gentleman is absolutely right, and I would wager—if it is permissible in the well—that shortly, if this bill is reported out and passed, whether we adopt the Brown substitute or not, we will have the announcement of some results of such investigation, and it is ridiculous for the House to give its endorsement, even additional approval, to these programs as though the cloud over them did not exist.

The CHAIRMAN. The Chair now recognizes the gentleman from Pennsylvania (Mr. BARRETT) to close the debate.

Mr. BARRETT. Mr. Chairman, I just want to say that the gentleman who just left the well would desire to stand still in the well. He does not want to progress. If he were telling the people that truth here today, he would say there is no money in 235 or 236, and neither is there any money for the supplemental programs, nor is there any money available for the public housing program. He knows he had an opportunity when we were in the committee and voted out this bill. It was voted out of our subcommittee unanimously and he was on the subcommittee. He was on the Banking and Currency Committee. In the full committee when we voted this out, the vote was 24 to 4. The gentleman found fit then to pass it. He did not vote against it. Why do we not be honest? Why do we not do something for the people of our Nation?

The CHAIRMAN. The question is on the substitute amendment, as amended, offered by the gentleman from Michigan (Mr. BROWN) for the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

Mr. BROWN of Michigan. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. BROWN of Michigan and Mr. BARRETT.

The committee divided, and the tellers reported that there were—ayes 94, noes 101.

So the substitute amendment, as amended, for the amendment in the nature of a substitute was rejected.

Mr. BARRETT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair (Mr. NATCHER) Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 19436) to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill H.R. 19436.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CRUDE OIL PRICE INCREASE

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BOLAND. Mr. Speaker, I want to take this opportunity to once again appeal for the consumers of Massachusetts and New England against the recent exhorbitant crude oil price increase of 25 cents a barrel.

This price hike, coming on top of a 15 cents a barrel price rise in 1969, has zoomed the cost of oil by 40 cents a barrel, from $2.95 to $3.35 in less than 2 years.

As one of the New England Members of Congress who has opposed oil import quotas since they were fallaciously imposed in 1959 under the euphemism of "national security," I urged this administration to undertake an investigation of the recent crude oil price increase and make a sweeping investigation of the entire oil import quota system.

In my statement of November 16, CONGRESSIONAL RECORD, page 37352, I applauded the administration for ordering an investigation by the Office of Emergency Preparedness and the Council of Economic Advisers. I warned, however, that this investigation should not be perfunctory, but sweeping enough to produce solid recommendations to force down the cost of oil. I urge, as I have done for the last decade, that oil import quotas be liberalized to force down the cost of oil to the domestic consumer.

Mr. Speaker, guidelines for the current investigation by the White House Office of Emergency Preparedness and the Council of Economic Advisers should not be difficult and complicated. I recommend that the guidelines be drawn from the profound and revealing commentary in the Washington Post today by the eminent economic columnist, Bernard D. Nossiter, entitled "Looking Into the Price of Oil."

Mr. Nossiter said, in effect, what we in New England have been saying for years—that if the Government is serious about forcing down the price of crude oil it can do so by cutting through its own redtape and artificial regulations that have been a barrier to the free importation of oil from foreign sources.

Mr. Speaker, I include Mr. Nossiter's article in my remarks at this point:

LOOKING INTO THE PRICE OF OIL

(By Bernard D. Nossiter)

There is something irresistibly comic about the Nixon administration's new inquiry into increased oil prices. In effect, the government is solemnly asking itself whether curbs on the supply of a commodity have something to do with raising its price.

To motorists who have just been hit with a penny-a-gallon increase on gasoline the question may not seem so funny. But at least they can supply the answer that the White House Office of Emergency Preparedness and its Council of Economic Advisers are now professing to seek. Car owners have learned, like home owners who heat with oil, that, yes, the price of a product is determined by the point where effective supply meets effective demand.

The interesting thing about oil is that effective supply is cut off by an elaborate mechanism run by the government. Thus, if the government's inquiry into "the reasons for and consequences of the (oil price) increase" were serious—and knowledgeable authorities within the bureaucracy doubt that it is—that very same government could increase the supply and reduce prices by a

few, simple strokes of Mr. Nixon's pen. The failure to do so will, it is estimated, leave consumers with an increase in their energy bills of about $1.5 billion.

Here is how the game is played:

Each month, the Interior Department's Bureau of Mines "forecasts" the demand for oil. The agency estimates how much oil will be consumed at the prevailing level of prices.

To make sure that this price level is maintained, regulatory agencies in the big oil producing states—chiefly Texas, Louisiana and Oklahoma—fix the amount that each well can produce. The regulatory agencies understand the first lesson in economics and thereby make sure that supply is tailored to support the desired price.

Back in the depression days, when this arrangement was threatened by producers whom circumstances drove to free enterprise, the federal government conveniently assured the authority of the state agencies. The Connally Hot Oil Act (named not for a recent Texas governor close to the industry but for a late Texas senator) prohibited the shipment from one state to another of oil produced in excess of the state limits.

This system helped increase the price of oil with considerable success until the 1950s. Then, imports of low-cost oil produced by the big companies in Venezuela and Saudi Arabia threatened to make life easier for the consumers. So President Eisenhower, urged on by the Johnson-Rayburn Texas leadership in Congress, imposed quotas on foreign oil. He proclaimed an absolute limit on the oil that could be brought in, thereby once again restraining effective supply.

In recent months some new forces have been at work and they lie behind the companies' bold and successful bid to jack up prices another 25 cents a barrel.

The new Libyan government has cut back production in its fields, chiefly to get higher prices from its American concessionaires. Guerrillas have broken a big pipeline in Syria and it remains unrepaired. Thus, to meet Europe's demand for oil, the companies have had to scramble around for tankers to carry oil from the Middle East around Africa. Most tankers are either owned by or under long term charter to the big concerns. Perhaps only 10 per cent of the tonnage is available at any one time for "spot" or immediate charter. In economic parlance this is a "thin" market and a small increase in tanker demand shoots up prices.

The sharp rise in "spot" tanker rates has had its effect here. Oil imported under the quotas on "spot" rather than long term charters has become terribly expensive. The cost of production, of course, hasn't changed. But the price of transporting the cheap oil has. The government's quotas allow daily imports of about 1.3 million barrels. But the temporary rise in tanker rates has left about 250,000 barrels of the quota unused. It is this "shortage" that lifts the price.

The shortage could be erased in a few weeks if the White House were so minded. There is plenty of oil in Canada and enough spare pipeline capacity, according to the experts, to bring in 200,000 more barrels a day. Thus, the President could raise the current quota on Canadian oil to fill the gap. Indeed, he could go even further and suspend the whole quota program. Some experts think that a strict reading of the law would require Mr. Nixon to do just that. They argue that Congress gave the President authority to fix quotas ostensibly to preserve "national security," that he has determined that "national security" is precisely preserved by imports of 1.3 million barrels; that imports are less than this and that, therefore, "national security" can be restored only by scrapping the quotas and permitting imports to rise back nearer to the "national security" level.

Apart from Canadian oil, another 200,000 or so barrels a day can be found in the wells producing under federal lease off Louisiana and Texas. The Interior Department, traditionally a close ally of the industry, has decreed that these wells must produce no more than the Texas and Louisiana regulatory authorities allow. But the Justice Department has ruled that this is no more than Interior's whim. If Mr. Nixon calls the Interior Secretary on the telephone, supply from the federal offshore wells could be freed.

If the quotas were junked or suspended and the offshore wells emancipated from the government-imposed limits, it is likely that not only would the 25 cent increase be rolled back but the price of oil would come down even further. The two moves would add about 4 per cent to the oil available east of the Rockies—the area of shortage—and the added supply would meet demand, just as the textbooks say, at a lower price.

Indeed, just these steps have been urged by Sen. William Proxmire (D-Wis.) in a letter to Paul McCracken, chairman of the President's Council of Economic Advisers. Proxmire is head of the Joint Economic Committee whose staff presumably has a working knowledge of the first lesson in elementary economic texts.

There is still one more simple thing Mr. Nixon could do. The law permits him to suspend the Connally Hot Oil Act whenever he thinks it is a "burden" on commerce. To be sure, experts doubt that there are many believers in free enterprise in oil left in Texas or Louisiana. Anyway, their oil must flow through pipelines controlled by the big concerns. Finally, any maverick that did exceed the state production limits would probably run into hostile court orders granted to the oil-conscious governors of Texas and Louisiana.

But suspension of the act would spotlight the fact that the states are holding back nearly one million barrels daily in the name of conservation but in fact to preserve the price.

Officials close to the new administration inquiry doubt that the President will do any of these things. Oil producers have built up with care their network of controls to fix prices and regard the removal of any as a threat to their profits.

The inquiry itself is being run by Elmer Bennett, an assistant to the director of the Office of Emergency Preparedness. He is a former under secretary of Interior from the Eisenhower regime who then worked for tightening the new program cutting down imports. As far as can be determined, his current inquiry is something less than rigorous. He has not sent out questionnaires demanding data on prices, costs, supply and profits. Instead he has simply sent companies announcing increases a mild letter. It invites them to submit "pertinent information on gasoline and crude markets, any other factors which led to your pricing decisions, and any analysis you care to provide of the relationship to accomplishing the national security objectives . . ."

When the big companies get around to replying, they are expected to say that higher prices are a good thing (like oil depletion allowances, import quotas, treating foreign royalties as taxes) because they encourage the search for new sources of supply.

Oil specialists in government today fall into two classes. The optimists think that the mere fact that the White House has raised a question will persuade the powers in the industry—notably the Standard Oil Co. of New Jersey—to beat a prudent retreat and withdraw some of the increase. The pessimists think that nothing like this will happen, that the inquiry will perversely wind up exploiting the current rise in "spot" tanker rates and proclaim that cutting off imported supplies has no effect on domestic prices.

TVA POWER CONSUMERS HANG ON WHILE ADMINISTRATION CONTINUES ITS NEGLECT

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, the Tennessee Valley Authority announced this morning that it will not have to ask for another power rate increase next quarter despite a continuing price squeeze in the purchase of coal.

The Authority quarterly reviews its rate structure to determine whether rates, based on the cost of producing power, should be raised, lowered, or continued.

This morning the TVA announced that despite inflationary coal prices, present rates, which were increased 23 percent just 2 months ago, can be continued without the necessity for a further increase because of a slight break the Authority has experienced in interest rates. This news, while it may be somewhat of a relief, is not really good news. It is actually rather distressing news to learn that there has been no break in the price of coal even though it has become somewhat more available. The TVA says now that it has about a 20-day supply on hand whereas 2 months ago the supply was down to 4 or 5 days at some of its powerplants.

The administration is largely to blame for the continuation of the price escalation in power fuel. Despite the evidence of monopoly in this field as documented in the Senate and in House hearings recently held by Chairman JOE L. EVINS of the Select Committee on Small Business, the Justice Department has given no indication that it intends to investigate this matter, let alone file antimonopoly charges.

This should come as no surpise. The one Cabinet member who has been most active and effective in protecting consumer interests and prosecuting violators of consumer rights has just been fired. Meanwhile it is rumored that the official in the Department of Justice who has the responsibility for recommending antimonopoly litigation may soon be out of a job because he has been too efficient or he may quit because his superiors refuse to permit prosecution.

Spokesmen for the administration, furthermore, plainly stated their position before Chairman EVINS' committee during the hearings. That position was the administration is content to let the power fuel suppliers extract the highest price the market will bear. Since there is a monopoly in power fuel the producers pretty well control the market and the public is gouged.

Fortunately, the season to date has been mild and has not strained TVA or other power utility production capacity. But the cold will come. Meanwhile, the possibility of a rail strike in the very near future threatens to wipe out coal supplies on hand and the ability of power producers to bring fuel to their plants later this month when the winter's cold can be expected to set in.

Mr. Speaker, it is perfectly legitimate in politics as in life to safeguard your friends against exploitation. It is not legitimate to permit your friends to exploit others. But that is happening to the American power consumer today and, judging from the administration's disdain for any positive action which might bring relief, can be expected to continue in the future. This is not the first time the administration has misjudged the mood or the concern of the people and probably will not be the last.

BLOCKBUSTING

(Mr. NIX asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NIX. Mr. Speaker, Mr. John Altieri, a member of the executive board of the Georgetown Law Journal and an outstanding student at the law school, is the author of a note on the unscrupulous practice of "Blockbusting."

This practice consists of selling homes to Negroes at inflated price after having conducted scare and race hate campaigns among white residents who sell their homes at depressed prices. In many cases the homes sold to Negroes cost so much that single family homes must be turned into multifamily dwellings.

The article points out that the Fair Housing Act of 1968, under section 3604 (e) enables the Justice Department, private individuals, and the Department of Housing and Urban Renewal to take action against this practice. Local governments have also taken action aimed at taking away the licenses of unscrupulous real estate brokers who engage in this practice.

At this time I include this article in the RECORD today. It is a helpful article and I predict an outstanding future for Mr. Altieri.

The article follows:

BLOCKBUSTING

Blockbusting is the practice of inducing white homeowners to sell their homes by instilling in them the fear of a complete racial turnover in their neighborhood.[1] Numerous private and governmental assaults on blockbusting practices have been initiated, with limited success. This Note will outline the blockbuster's methods and examine the various remedies available to his victims, both black and white, with particular focus on the Federal Fair Housing Act of 1968.[2] Suggested approaches toward eliminating this pattern of exploitation will be advanced.

In the classic blockbusting pattern, homes are purchased at panic depressed prices by the speculator and resold at inflated rates to Negroes who have limited access to the Housing market.[3] Both white seller and black purchaser lose in the exchange: the former by selling in an artificially unfavorable market, the latter by paying an exorbitant sum for the "privilege" of unconsciously abetting segregation in housing. In addition, blockbusting results in social harm through the fears engendered in white homeowners and the Negroes' resentment of the white exodus which follows the arrival of blacks in the neighborhood. The blockbuster utilizes techniques of direct personal contact with the white homeowner. By means of telephone and door-to-door solicitation, he forecasts an influx of blacks and a resulting deterioration of schools and increase in crime.[4] Many homeowners may initially resist these scare tactics, but the appearance of large "for sale" and "sold" signs and large numbers of prospective Negro purchasers often confirms their latent fears; such signs and reports of sale to Negro buyers may be fabricated or exaggerated by the blockbuster.[5] Further pressure may be applied in the form of advice that property values are dropping rapidly and that every day's delay is costly. The speculator then offers quick cash to clinch the deal.[6] When this scenario is repeated a sufficient number of times to induce a neighborhoodwide panic, an all white or lightly integrated area rapidly becomes all black or even ghettoized.

The modern blockbuster has apparently refined these traditional techniques.[7] Possibly influenced by high interest rates, he does not specialize in purchasing homes for resale at great price differentials.[8] Instead, he serves as an agent in panic sales from white owners to black buyers and profits from the numerous commissions attendant to transforming a neighborhood.[9] In lieu of blunt statements that Negroes are "taking over the neighborhood," he makes subtle references to changing neighborhoods, to the expansion of neighboring ghettoes, to his personal fear of crime in the area, and to the increasing difficulty of finding purchasers for homes in the neighborhood.[10] Mass solicitation of sellers through mail and personal contact remains part of this brand of panic peddling.[11]

NON-FEDERAL ATTEMPTS TO CURTAIL BLOCKBUSTING

Neighborhood associations have been formed to resist the assaults of these panic peddlers.[12] They encourage neighborhood stabilization and can be particularly effective when they have black members who can urge potential Negro purchasers not to upset the racial balance.[13] These organizations are limited, however, to an educational and persuasive function; they cannot compel the cooperation of realtors, nor can they effectively control their own members.[14]

Since membership in real estate associations is not a prerequisite to a real estate broker's business, attempts at self-policy by the real estate industry have been clearly ineffective. Furthermore, association sanctions are not even an effective deterrent to members.[15] The continued prevalence of blockbusting activity indicates that most ethical proscriptions have been ignored by unscrupulous practitioners. The remainder of the industry, unable to effectively sanction the wrongdoers, has been content to point to pious policy statements as evidence of their goodwill.[16]

State and local governments have attacked blockbusting by enacting both criminal and noncriminal regulations in varying degrees of scope and specificity.[17] Some localities have forbidden only those misrepresentations fraudulently made for the purposes of inducing sales or obtaining listings.[18] Others have specified those representations which constitute blockbusting. These include references to (1) the decline in property values; (2) the changing racial, religious, or ethnic composition of a neighborhood; (3) an increase in criminal activity; and (4) the decline in the quality of education.[19] Local ordinances have been passed to eliminate one of the blockbuster's major weapons by regulating the size and location of "for sale" signs so as to limit their capacity to induce panic.[20] "Sold" signs have also been made unlawful in certain areas,[21] presumably since the danger of the damage which they may cause far outweighs their advertising worth to the real estate agency displaying them.[22] Finally, some municipalities have prohibited door-to-door solicitation except by real estate agents who have been granted a permit.[23]

State licensing agencies also have been empowered to issue regulations and to sanction violations by suspension or revocation of licenses.[24] Speculators acting for themselves, however, may not need to be licensed, and thus may escape the effect of such regulations.[25] The effectiveness of licensing commissions is questionable, since at least a number of them are staffed by members of the real estate industry who may tend to be overly sympathetic toward their colleagues.[26] Agencies with personnel who are independent of the real estate industry are better suited for such supervision, but even they have been ineffective, largely because the administrative process is cumbersome and requires initiation by the homeowner who has little to gain from a license suspension.[27] Having either successfully resisted, or fallen victim to, a blockbusting effort, a homeowner has scant motivation to pursue a complaint through the bureaucratic process.

A number of state and local governments have authorized human relations commissions to investigate blockbusting complaints,[28] but several common weaknesses hamper their effectiveness: (1) their procedures are fraught with delays, a crucial shortcoming since they possess no restraining powers; (2) many commissions cannot initiate their own investigations, but act only on citizen complaints; (3) remedial relief is limited to conciliation of complaints, since these bodies have no enforcement powers; (4) citizens, particularly minority group members, have hesitated to seek the assistance of rights commissions because they have little confidence in their effectiveness.[29]

Several attempts have been made at direct prohibition by criminal sanction.[30] While the deterrent effect of these prohibitions may be significant, few cases of succesful prosecution under these statutes or ordinances have been reported.[31] This is probably due to the difficulty of establishing beyond a reasonable doubt the requisite criminal intent, and the recognized hesitation of local prosecutors to prosecute white collar criminals.[32]

FEDERAL REGULATION

In *Jones v. Alfred H. Mayer, Co.*,[33] the Supreme Court set the cornerstone for federal regulation of blockbusting, although the case primarily involved the authority of Congress to prevent strictly private discrimination in housing.[34] Basing its decision on the thirteenth amendment, which gives Congress the power to legislate to end slavery,[35] and the Civil Rights Act of 1866, which provides that Negroes should have the same rights as whites to buy, lease and sell real property and thus prohibits refusal to sell to Negroes,[36] the Court in *Jones v. Alfred H. Mayer, Co.* held that housing discrimination is a badge of slavery and therefore upheld the prohibition of such a practice.[37] Encouraged by this approval of congressional regulation of private discriminatory activity, a group of Negro plaintiffs brought the first federal antiblockbusting suit, *Contract Buyers League v. F & F Investment*,[38] under the same 1866 Act. They alleged that a blockbusting speculator had violated the Act by charging them higher prices than he would have charged whites in a normal market,[39] this price was seen as a source of great profit to the blockbuster who had exploited the system of de facto segregation which he and other realtors had helped to create. The court held that this price discrimination deprived the Negroes of the same rights as whites to buy real estate and that damages in the amount of the price differential could be awarded.[40]

Although a significant advance, relief under the 1866 Act is insufficient for several reasons. In practice, due to the court's focus on price differentials and the Civil Rights Act, it operates only to relieve Negro victims of a successful blockbusting scheme rather than to prevent the evil in its incipiency.

Footnotes at end of article.

White homeowners, who are also victims of blockbusting,[41] enjoy no relief under the 1866 Act.[42] Modern blockbusting also need not always involve price discrimination.[43] The blockbuster may sell at a nondiscriminatory price and profit only from his commission.[44] More significantly, the social and indirect economic harm to Negroes is not limited to, or calculable in, price differentials. It has been established that segregated housing results in many disadvantages to Negro residents. Governmental services in black neighborhoods are often inferior, police and fire protection are inadequate, de facto segregated schools provide inferior educational opportunity, and sanitation services are often neglected which in turn can cause disinterest in neighborhood maintenance.[45] Good neighborhoods are maintained by informal community understanding and social controls. Since blockbusting causes rapid transition and the newcomers are not an organized group, deterioration can occur before community concern can develop and create effective social control.[46]

The most significant attack on blockbusting thus far is section 3604(e) of the Fair Housing Act of 1968, which enables homeowners, both white and Negro, to stop blockbusting in its incipiency.[47] Under section 3604(e) it is unlawful: "For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin." [48] The forbidden representations do not have to be false to be actionable,[49] nor do they have to be limited to direct references to Negroes. Indirect references to a "changing neighborhood," to undesirables, and to fear of a rising crime rate have also been found to violate the Act.[50]

Under section 3604(e), three avenues are provided for relieving violations: (1) conciliation through the Department of Housing and Urban Development; [51] (2) private suits brought by aggrieved individuals; [52] and, (3) suits brought by the Justice Department.[53] The effectiveness of this three-pronged attack is hampered by the less than ideal enforcement machinery of the Act. The blockbusting prohibition was added as a floor amendment to the Fair Housing Act of 1968, an antidiscrimination law; [54] as a result, the same application administration and enforcement provisions designed solely for protection against discrimination in housing apply to the entire act. This raises difficulties in the interpretation and enforcement of the specific blockbusting prohibition, since the motives, methods, and identity of the blockbuster differ from those of the discriminator. For example, single family dwellings without federal financing, when sold or rented by an owner, are generally exempted from the coverage of the Act.[55] This exemption, obviously tailored to the antidiscrimination provisions, presents a problem where the blockbuster acts as a speculator rather than as an agent. In this situation the dwelling is sold *by the owner* to the speculator-dealer, arguably triggering the exemption.[56] Yet, it is precisely the single family dwelling owner whom the blockbusting provision seeks to protect.[57] The court in *United States v. Mintzes* [58] resolved this question by holding that the exemption would not apply, since the homes were not being sold or rented until after the dealer had violated the act by attempting to induce the sale.[59] Further complications have grown from a legislative compromise which resulted in the deletion of the enforcement powers of the Department of Housing and Urban Development [HUD],[60] an analysis of the mechanism of the blockbusting provisions will demonstrate that this has had a far more deleterious effect upon the blockbusting section than upon the antidiscrimination provisions.

As one alternative, an aggrieved individual may file a complaint with HUD. Under the Act, HUD is empowered to hear arguments by both parties and to attempt to educate them and conciliate their dispute.[61] This procedure is unlikely to result in adequate relief for the block-busting victim, since HUD is given no enforcement power under the Act,[62] being limited to seeking voluntary compliance. While noncoercive persuasion may be effective in discrimination cases, it is unlikely to halt blockbusting.[63] It is improbable that one who knowingly violates the law for profit will be dissuaded by moralizations unaccompanied by the threat of economic or criminal sanction.

An individual who files a formal blockbusting complaint with HUD may later file suit under section 3610(d) if HUD cannot obtain relief for him.[64] However, the individual who has bypassed HUD and has filed suit directly under section 3612 may have distinct procedural and substantive advantages. One who complains to HUD and files a suit under section 3610(d) faces at least a 30-day statutory delay.[65] This time period may be crucial since HUD's power to issue temporary restraining orders also was withdrawn from the bill in the legislative compromise;[66] this hiatus allows a blockbuster to wreck havoc for thirty days. The provisions under section 3612 for expedition of proceedings, appointment of counsel, and granting of fees and costs do not apply to suits brought following complaints to HUD under section 3610.[67]

There is a further discrepancy between the relief which can be obtained by first invoking HUD procedures and that which is available by individual suit alone. Under section 3612(c), a court may grant "any permanent or temporary injunction, temporary restraining order, or other order and . . . actual damages and not more than $1,000 punitive damages . . . ." [68] Under section 3610(d) a court can only "enjoin the respondent from engaging in such practices or order such affirmative action as may be appropriate." [69] Unless "appropriate affirmative action" is given a broad interpretation,[70] the relief available to an individual who does not first complain to HUD is clearly greater. A further disadvantage of filing a complaint with HUD is that, once such complaint is filed, the federal courts cannot hear a subsequent suit if there is a substantially equivalent state remedy available.[71] The same limitation does not apply to suits brought by an individual who has not first complained to HUD or to suits brought by the Justice Department.[72] The inefficacy of conciliation, the delay in reaching the courts, the unavailability of preliminary restraint, the lesser relief available under section 3610(d), and the possibility of being barred from the federal courts all militate against filing a complaint with HUD.

Although it may provide a more effective remedy, suit under section 3612 by an individual who bypasses HUD is far from ideal. Such an individual plaintiff is still faced with the expenses of protracted litigation. Although the Act provides that a court may appoint attorneys for financially distressed plaintiffs, and may allow recovery of attorney's fees by prevailing plaintiffs where justice requires, application of these provisions is left to the court's discretion.[73] Since indigency is apparently the standard used to determine need for such assistance,[74] and since blockbusting complainants are either potential or present homeowners, plaintiffs who are financially able enough to enjoy such status are unlikely to be able to invoke this provision.

Specific monetary damages have not been awarded in the case of the blockbuster who has been apprehended before he has made a sale,[75] and individual plaintiffs are unlikely to make a significant recovery even if their house has been sold by the blockbuster.[76] While an individual should be able to recover damages if an unfair selling price resulted from violation of the Act,[77] because of the unique character of real estate, one cannot easily prove that the fair market value of the sold property is different from the price paid in the transaction.[78] Unable to determine the proper quantum, courts may be hesitant in granting recovery. There may be some chance for recovery if the panic peddler has speculated and has promptly resold at a great price differential.[79] Even so, the problem arises of determining how the unjust profit should be divided between the Negro buyer and the white seller.[80]

The difficulty in calculating actual damages could be ameliorated by a strong punitive damage provision. Under section 3612 (c), however, punitive damages are limited to $1,000.[81] Such an amount may be significant in the case of the discriminator who seeks no profit, but it will not suffice to deter a blockbuster or compensate an injured homeowner. The blockbuster is likely to view this amount as a small overhead expense in a highly profitable financial endeavor. Since damage awards inadequately prevent the social harm precipitated by blockbusting, and since courts will tend to be cautious in awarding damages, effective injunctive relief is essential. Such relief is immediate and can halt the blockbuster before he does his damage. An injunction against him can apply to his blockbusting activity generally; it is not limited to the plaintiff's neighborhood.[82] This serves to protect those potential victims, both black and white, who have not yet come into contact with the blockbuster. Although such broad injunctive relief is presently available to individuals,[83] it has not proven effective. As a practical matter, private parties will have neither the interest nor the resources to properly oversee compliance with such an injunction.[84]

In addition to the procedures by HUD and individual suits under section 3613, the Attorney General may seek an injunction against blockbusting practices.[85] The Department of Justice has far greater resources than individual litigants to oversee compliance with injunctive relief. Unlike the individual homeowner who will probably lose interest after the blockbuster has left his neighborhood, the Department of Justice has a continuing responsibility to the general public to continue supervision of blockbusters' activities. In view of the superior enforcement resources of this branch against the inhibiting cost of private litigation, blockbusting victims should be encouraged to refer their complaints to the Attorney General. There are two considerations which limit the Attorney General's entry into such suits. One lies in a statutory requirement that the Attorney General have "reasonable cause to believe that any person or group of persons is engaged in a *pattern or practice* of resistance to the full enjoyment of any of the rights granted by this subchapter and [that] such denial raises an issue of general public importance. . . ." [86] The showing of a "pattern or practice" is required to eliminate isolated or accidental occurrences from the Department's jurisdiction.[87] Courts have not established a minimum number of incidents necessary to establish a "pattern or practice," [88] but have left the decision instead to the discretion of the trial judge. For blockbusting to be profitable, however, numerous sales and repeated representations to individual homeowners will likely be needed.[89] Since such a method of operation can hardly be considered isolated or accidental, the "pattern or practice" requirement does not impose a significant limitation upon the Attorney General's authority to intervene. A more significant consideration is the practical limitation of manpower, since the Housing Division of the Department of Justice has a limited staff.[90]

Footnotes at end of article.

CONSTITUTIONALITY OF THE FEDERAL BLOCKBUSTING LAW

Congressional authority for the Fair Housing Act of 1968[91] which incorporates the blockbusting provision,[92] has been sustained under the thirteenth amendment.[93] When applied specifically to the blockbusting provision, however, this jurisdictional approach becomes much more difficult to articulate.

Aside from its clear prohibition of slavery, the thirteenth amendment has been interpreted to mean that Congress can legislate to prevent the "badges and incidents" of slavery.[94] The opinion in *Jones v. Alfred H. Mayer, Co.*, dictated that housing discrimination in the form of a refusal to sell to a Negro is clearly a badge of slavery.[95] The difficulty is that the *Jones* Court indicated that application of the Fair Housing Act of 1968 cannot be justified by the thirteenth amendment in some cases.[96] For example, the proscription by the Act of religious and national discrimination rests more logically on the commerce clause or the fourteenth amendment. The problem of blockbusting, however, was specifically excluded from the court's inquiry.[97] Lower courts have thus been left with the task of isolating the badges and incidents of slavery in blockbusting cases.

When an action is brought by Negroes to recover for discriminatory prices charged by a blockbuster, there is no problem in bringing such an action within the purview of the thirteenth amendment.[98] It is more difficult, however, to identify the relics of slavery when a white plaintiff seeks to enjoin blockbusting representations. The difficulty becomes acute when the blockbuster acts as an agent and does not seek to charge potential Negro purchasers exorbitant prices. Faced with such a situation, the court in *Brown v. State Realty*[99] did not examine the application of the Act to the facts of the case but rather focused upon the legislative policy behind passage of the Act: "to provide fair housing within constitutional limitations."[100] The court stated that the enabling clause of the thirteenth amendment justifies congressional attempts to achieve this goal.[101] The burden was then placed on those challenging the law to show that the blockbusting statute was not a rational means of effecting this national policy.[102] Determining that blockbusting constituted a "fundamental element in the perpetuation of segregated neighborhoods [and] racial ghettoes . . . ," the court found its prohibition a rational means of providing fair housing.[103]

This finding was adopted without hesistation in *United States* v. *Mintzes* despite the fact that no Negroes were involved in that case.[104] A real estate agent had attempted to frighten white families into signing a listing contract authorizing the agent to sell at a specific price. The realtor had then presented a contract of sale, not with Negro families, but rather with a corporate developer who wished to purchase the assembled properties in order to construct an apartment building.[105] The court did not elaborate on how these practices perpetuate segregated neighborhoods or deprive Negroes of fair housing. It logically might have reasoned that increased racial tensions and hostility caused by panic peddling[106] would result in further disadvantage and discrimination against Negro community. Such a rationale is needed if one is to argue that the activity forbidden in this particular case operates against the policy aims of the thirteenth amendment. In choosing to pursue this complex, and not fully articulated, line of reasoning to posit federal blockbusting regulations on the thirteenth amendment, the courts have rejected the intent of Congress to rely on the commerce clause.[107]

Under the commerce clause, Congress has the power to legislate to prevent both national and local obstructions to interstate commerce.[108] In hearings prior to the passage of the Fair Housing Act, evidence was offered to demonstrate that the housing industry was involved in and had an effect upon interstate commerce.[109] The two cases which have arisen to date under section 3604(e), however, have rejected the commerce clause argument. In *Brown v. State Realty*, the court found no evidence "that the activities proscribed herein [blockbusting] are in interstate commerce."[110] Such a finding is not necessary, since the illegal act or activity need not be per se interstate commerce. The Supreme Court has already recognized that it is only necessary to show that the regulated business is involved in, or has an impact upon, interstate commerce.[111] This is exemplified in the area of discrimination in public accommodations where the question has not been whether a given refusal of service involved interstate commerce but whether the regulated business involved or affected interstate commerce.[112] In *United States v. Mintzes*, however, the court refused, under the facts of that case, to sustain the constitutionality of the blockbusting provision on the basis of the commerce clause.[113] Since no houses had actually been sold,[114] no impact could be shown. If the court insists upon a showing that the housing in question has an impact on interstate commerce, then, arguably, plaintiff should be allowed to make a theoretical demonstration of such a possible impact by presenting data to show that a substantial percentage of relocating families from the blockbuster's target area move to another state.[115] Further evidence could be presented as to the percentage of the broker's clients who have moved from out of state. This evidence would provide a rational basis for concluding that the blockbuster has an appreciable impact upon interstate commerce. Although the government did not submit such theoretical evidence in *Mintzes*, it has been persuasive in other cases under the commerce clause.[116] Future plaintiffs in blockbusting cases should present this line of evidence to avoid a precedential series of rejections of the commerce clause argument, and thereby preserve an alternative justification should conservative courts more strictly interpret the thirteenth amendment.[117]

Another potential source of Congressional authority for the passage of section 3604(e) is the fourteenth amendment,[118] which enables Congress to take appropriate steps to assure equal protection of the laws.[119] It has been demonstrated that Negro inhabitants of segregated neighborhoods often do not receive equal education, sanitation, police, and other governmental services.[120] Since blockbusting perpetuates such segregation, the blockbusting provision is an appropriate means of ending this mode of denial of equal protection. Historically, the denial of equal protection must result from state action;[121] even under the most expansive judicial definitions of state action,[122] blockbusting does not meet this requirement. Six justices in *United States* v. *Guest*,[123] however, have rejected the state action requirement.[124] Unfortunately, the lower courts have embraced the two member opinion of the Court which adhered to the state action limitation.[125]

A CONSTITUTIONAL OBJECTION

Insofar as the federal blockbusting law proscribes certain representations,[126] it limits the exercise of free speech. Therefore, it may be possible to argue that section 3604(e) violates the first amendment.[127] The Supreme Court had held, however, that the first amendment protection is not absolute and that speech in a commercial context can be regulated.[128] Since section 3604(c) requires that the illegal representations be "for profit," such utterances fall within the commercial exception.[129]

Complications arise when representations regarding the racial composition of a neighborhood are elicited by questions posed by the homeowners themselves. Lower courts have failed to agree whether the homeowners' questions automatically take the broker's reply out of the commercial context and therefore beyond the purview of the statute.[130] The court in *Mintzes* excluded testimony of representations made in "honest answers to questions put by an owner of a dwelling."[131] The answers to these questions were viewed as being outside the commercial context and therefore protected by the first amendment.[132] In *Brown* v. *State Realty*, however, it was held that an agent must "refrain absolutely from any such representations" even though "contact with the agents was initiated . . . and the subject of Negro purchasers was . . . first raised by the property owners. . . ."[133] It appears that in *Brown* the court viewed the entire relationship between the agent and potential seller as being "in a commercial context." Thus, any statements made by the agent to the prospective seller could be regulated by Congress without infringing upon the first amendment right of freedom of speech.[134] A court can still exclude the answers if it finds that they were not intended to induce the sale. The realtor's intent can probably best be determined by considering whether he has made similar, unsolicited representations to other potential sellers in the neighborhood.[135]

CONCLUSION AND PROPOSALS

The Fair Housing Act has been effective in halting particular instances of blockbusting. Unfortunately, this piecemeal success may not serve as a sufficient determent to a nationwide practice.[136] HUD, which has the manpower and administrative expertise to deal with the problem nationally, lacks the necessary enforcement powers. Because damage awards, both compensatory and punitive, are limited, and independent litigation is costly, the threat of private suit does little to curb nationwide blockbusting. Finally, the Housing Division of the Justice Department, with its limited manpower, cannot be expected to bear the entire burden of combating these practices.

The Act should be amended, and its administration refashioned, to confront problems which are unique to blockbusting. The most needed change is the restoration, in blockbusting cases, of injunctive powers to HUD. Because of its proximity to the housing industry and greater manpower resources, HUD is most likely to become aware of blockbusting occurrences. Coupling this awareness of, and sensitivity to, the problem with the ability to grant relief would provide opportunity for a more effective attack on these practices. The injunctive power was deleted from HUD in order to protect individual homeowners from having the sale of their homes delayed by administrative hearings on discrimination charges.[137] In blockbusting cases, the injunction would not operate against a homeowner but against the profiteering realtor or specultator who would not be severely handicapped in any legitimate activities by the injunction. The restoration of the injunctive power to HUD, therefore, is the only way to carry forward the stated Congressional intent that HUD should be the principal administrator of the Act.[138]

Punitive damage provisions should be amended to eliminate the dollar limit and thereby provide deterrence against potential violators as well as to encourage private parties to litigate against blockbusters. For similar reasons, courts should also be more generous in their actual damage awards.

Another suggestion to increase the deterrent effect of the Act is to make violation a criminal offense. The possibility of a jail term is far more inhibiting than the prospect of a civil restraining order. A criminal sanction, however, requires that guilt be established beyond a reasonable doubt. The subtlety of blockbusting practices would make such a showing difficult and successful prosecution

Footnotes at end of article.

rare. Furthermore, if violations were criminally punishable, a civil action would be handicapped since defendants could refuse to testify in civil actions on the grounds that such testimony could be used later in a criminal proceeding.[139]

In light of the deficiencies in the federal law and the nature of blockbusting itself, the need for control by state and local government becomes clear. "[B]eing nearer the scene, they are more likely to detect the practice and may be better situated to devise an approach to their special problems."[140] Localities should empower human rights commissions to investigate panic peddling on their own initiative. These commissions should also have the authority to issue restraining orders and to file complaints with state licensing agencies.

Since the prospect of suspension or revocation of a real estate broker's license is a strong deterrent to a practicing realtor, effective antiblockbusting legislation should include strict supervision by licensing agencies.[141] These agencies should be managed by persons independent of the industry. Actions brought by these agencies should be self-initiating rather than dependent upon citizen complaints. In addition, if state licensing agencies would make it a practice to initiate sanctions whenever a federal complaint is filed, then the federal law would be supplemented by a state deterrent.[142]

The most effective antiblockbusting technique would be the passage of antisolicitation laws which would eliminate the contact with homeowners that is necessary for successful blockbusting. These laws would prohibit door-to-door attempts to contact homeowners who have not previously indicated a desire to sell. Permits could be obtained by legitimate realtors to carry on solicitation that involved no blockbusting activity.[143]

Improvements in the federal enforcement machinery and more comprehensive local legislation can increase the prospect of ending blockbusting. The most certain means of ending the practice, however, is to achieve genuine open housing. The achievement of racially integrated neighborhoods will destroy the blockbuster's economic and psychological weapons.

FOOTNOTES

[1] *See, e.g.*, Contract Buyers League v. F & F Investment, 300 F. Supp. 210, 214 (N.D. Ill. 1969); Summer v. Township of Teaneck, 53 N.J. 548, 551, 251 A.2d 761, 762–63 (1969); *Hearings on S.1358, S.2114, and S.2280 Before the Subcomm. on Housing and Urban Affairs of the Senate Comm. on Banking and Currency*, 90th Cong., 1st Sess. 21 (1967) [hereinafter cited as *1967 Hearings*]; CONGRESSIONAL RECORD, vol. 112, pt. 14, p. 18177 (remarks of Congressman Bingham). Blockbusting has also been referred to as "panic peddling." Chicago Real Estate Bd. v. City of Chicago, 36 Ill. 2d 530, 533–34, 224 N.E.2d 793, 797 (1967).

[2] 42 U.S.C. §§ 3601–19, 3631 (Supp. IV, 1969). Thus far only two cases have been decided under the Blockbusting provision. United States v. Mintzes, 304 F. Supp. 1305 (D.Md. 1969); Brown v. State Realty, 304 F. Supp. 1236 (N.D. Ga. 1969).

[3] *See, e.g.*, Contract Buyers League v. F & F Investment, 300 F. Supp. 210, 214 (N.D. Ill. 1969); Summer v. Township of Teaneck, 53 N.J. 548, 551, 251 A.2d 761, 762–63 (1969); NEW YORK CITY COMM'N ON HUMAN RIGHTS, REPORT ON BLOCKBUSTING (1963); *1967 Hearings* 21. A dramatic exposé brought the practice into the national limelight in 1962. Vitchek, *Confessions of a Blockbuster*, SATURDAY EVENING POST, July 14, 1962, at 58.

[4] *See* CONGRESSIONAL RECORD, vol. 112, pt. 14, p. 18177 (remarks of Rep. Bingham); *1967 Hearings* 438.

[5] *See* Brown v. State Realty, 304 F.Supp. 1236, 1238 (N.D. Ga. 1969).

[6] *See* NEW YORK CITY COMM'N ON HUMAN RIGHTS, *supra* note 3, at 4; *1967 Hearings* 438.

[7] *Compare* Contract Buyers League v. F & F Investment, 300 F. Supp. 210 (N.D. Ill. 1969) *with* United States v. Mintzes, 304 F. Supp. 1305 (D. Md. 1969) *and* Brown v. State Realty, 304 F. Supp. 1236 (N.D. Ga. 1969).

[8] Increased housing opportunities for Negroes and the tight money market have made speculation less profitable. Higher interest rates are costly to the dealer and the increasing supply of housing that is open to Negroes has lowered the prices that can be extracted from them. Antiblockbusting legislation has also influenced blockbusters to substitute subtle approaches for some of their more flagrant techniques. Interview with Alexander Ross, Deputy Chief of the Housing Division, Department of Justice, in Washington, D.C., Jan. 20, 1970.

[9] *See* Brown v. State Realty, 304 F. Supp. 1236, 1238, 1241 (N.D. Ga. 1969).

[10] *See* United States v. Mintzes, 304 F. Supp. 1305, 1311 (D. Md. 1969); NEWSWEEK, Dec. 1, 1969, at 55.

[11] *See* Summer v. Township of Teaneck, 53 N.J. 548, 551, 251 A.2d 761, 763 (1969); UNITED STATES COMM'N ON CIVIL RIGHTS, CIVIL RIGHTS U.S.A., HOUSING IN WASHINGTON, D.C. 13 (1962); NEWSWEEK, Dec. 1, 1969, at 55.

[12] In the Washington Metropolitan Area, the following groups concern themselves with fighting discriminatory practices, including blockbusting: Northern Virginia Fair Housing, Suburban Maryland Fair Housing, and Neighbors Inc. *See* Pearl & Terner, *Fair Housing Laws: Halfway Mark*, 54 GEO. L.J. 156, 171 (1965). If people could be convinced that their fears about property devaluation are the vehicle for blockbusting and therefore self-fulfilling, a major victory over the blockbuster would be won. Studies have shown that integration of a neighborhood rarely results in lower property values. *See, e.g.*, L. LAURENTI, PROPERTY VALUES AND RACE: STUDIES IN SEVEN CITIES 47 (1961); *1967 Hearings* 88–89.

[13] *See* UNITED STATES COMM'N ON CIVIL RIGHTS, *supra* note 11, at 13; NEWSWEEK, Dec. 1, 1969, at 55.

[14] *See* Keefe v. Organization for a Better Austin, 115 Ill. App. 2d 236, 253 N.E.2d 76 (1969), *cert. granted*, 399 U.S. 904 (1970). In this case, the court held that the organization could not compel a blockbuster to sign a fair practices agreement. A corollary problem is that such organizations frequently cannot control their members. If a homeowner panics, his neighbors cannot stop him from selling. Any prior agreement to that effect would amount to a restrictive covenant.

[15] Since membership is voluntary and not essential, the threat of expulsion is not an effective deterrent. *See* R. HELPER, RACIAL POLICIES AND PRACTICES OF REAL ESTATE BROKERS 24, 187–90 (1969). A realtor himself stated that he believed that the real estate boards could not adequately sanction wrongdoers and therefore advocated the passage of the Fair Housing Act. *1967 Hearings* 399.

[16] *See* Statements of Alan L. Emler, Chairman, Subcommittee on Civil Rights Legislation; Realtors' Washington Committee of the National Association of Real Estate Boards; and John C. Williamson, Legislative Counsel, National Association of Real Estate Boards, in *1967 Hearings* 351, 354.

[17] Some statutes prohibit blockbusting directly by criminal sanction. *See, e.g.*, MD. ANN. CODE art. 56, § 230A (1957); OHIO REV. CODE ANN. § 4112.02(11)(9) (1969); WIS. STAT. ANN. § 101.60(2m) (Supp. 1969). Others have empowered state licensing commissions to revoke or suspend real estate brokers' licenses for blockbusting. *See* N.Y. EXEC. LAW § 296(3) (McKinney Supp. 1969). Regulation of door to door solicitation is another way in which blockbusting has been attacked. *See* Summer v. Township of Teaneck, 53 N.J. 548, 251 A.2d 761 (1969). For a chart displaying the scope of fair housing laws, including blockbusting in municipalities in the 50 states, see *1967 Hearings* 69–72. *See also* 12 RACE REL. L. RPTR. 1630 (1967) (local ordinances regulating blockbusting).

[18] *See, e.g.*, MASS. GEN. LAWS ANN. ch. 112, § 87AAA (Supp. 1970); VT. STAT. ANN. tit. 26, § 2295 (1967).

[19] *See e.g.*, MD. ANN. CODE art. 56, § 230A (1957); OHIO REV. CODE ANN. § 4112.02(H)(9) (1969); WIS. STAT. ANN. § 101.60(2m) (Supp. 1969).

[20] Detroit, Michigan, Ordinance 753–F, *reprinted in* 7 RACE REL. L. RPTR. 1250 (1962); Teaneck, New Jersey, Ordinance 1157, Oct. 16, 1962, *reprinted in* 7 RACE REL. L. RPTR. 1262 (1962).

[21] Detroit, Michigan, Ordinance 753–F, *reprinted in* 7 RACE REL. L. RPTR. 1260 (1962).

[22] *See* PHILADELPHIA COMM'N ON HUMAN RIGHTS, HOW TO COPE WITH REAL ESTATE PRESSURE TACTICS (Copy on file at the Geo. L.J.).

[23] *See* Summer v. Township of Teaneck, 53 N.J. 548, 251 A.2d 761 (1969). Some courts, however, have narrowly limited the municipalities rights to refuse permits. *See* Mogolefsky v. Schoem, 50 N.J. 588, 236 A.2d 874 (1967). The constitutionality of antisolicitation regulations has been upheld by the Supreme Court. *See* Breard v. Alexandria, 341 U.S. 622 (1951).

[24] *See, e.g.*, CONN. GEN. STAT. ANN. §§ 20–320(11), –328 (1969); D.C. CODE ANN. § 45–1403 (1967); N.Y. EXEC. LAW § 296(3) (McKinney Supp. 1969).

[25] *See* CONN. GEN. STAT. ANN. §§ 20–311, –312 (1969).

[26] For an example of judicial mistrust of state licensing commissions, see Summer v. Township of Teaneck, 53 N.J. 548, 557, 251 A.2d 761, 766 (1969).

[27] *See* Witherspoon, *Civil Rights Policy in the Federal System: Proposals for a Better Use of Administrative Process*, 74 YALE L.J. 1171, 1191 (1965). Professor Witherspoon has suggested three reasons for lack of complaints to human relations commissions which seem to be equally applicable in the case of real estate licensing commissions: (1) lack of knowledge of existence and facilities of state commissions; (2) lack of confidence in such agencies; and (3) the general aloofness of statewide commissions. *Id.*

[28] *See* Pearl & Terner, *supra* note 12, at 158–60; 8 RACE REL. L. RPTR. 1208 (1963) (Chicago Commission on Human Relations). For an example of a complaint filed by such a commission, see Patner v. Williams, Chicago Comm'n on Human Relations, Complaint No. 65 FHO–78–155, *reprinted in* 11 RACE REL. L. RPTR. 1032 (1966). Hearings were held which established a violation of the Chicago ordinance, but the only action taken was a recommendation that the offending real estate broker cease and desist the conduct in violation.

[29] *See* Witherspoon, *supra* note 27, at 1191–93.

[30] *See* MD. ANN. CODE art. 56, § 230A (1968); OHIO REV. CODE. §§ 4112.02(H)(9), 4112.99 (1969).

[31] *But see* Summer v. Township of Teaneck, 53 N.J. 548, 251 A.2d 761 (1969).

[32] *See* PRESIDENT'S COMM'N ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, THE CHALLENGE OF CRIME IN A FREE SOCIETY 47–49 (1967).

[33] 392 U.S. 409 (1968). Although the *Jones v. Mayer* argument has been used by the courts as the principal constitutional justification for the Fair Housing Act of 1968, the case was decided on June 17, 1968, a few weeks subsequent to the passage of the Act on April 11, 1968. Congress has intended the commerce clause as the constitutional basis of the Act. *See* notes 108–17 *infra* and accompanying text.

[34] 392 U.S. at 437–39.

[35] U.S. CONST. amend. XIII, § 2.

[36] 42 U.S.C. § 1982 (1964).

[37] 392 U.S. at 443.

[38] 300 F. Supp. 210 (N.D. Ill. 1969).

[39] *Id.* at 213.

[40] *Id.* at 216.

[41] Some may question the wisdom of relieving whites who are harmed only by

their own prejudices and ignorance. It is, however, often impossible to distinguish those whites who are victimized by their neighbors' fears rather than their own. Furthermore, even though white bias is essential to blockbusting, effective relief to whites will act as a further deterrent to the blockbuster. Without such relief he may be forced to flee to an all-white neighborhood or remain in an all-black neighborhood, neither of which is socially or economically desirable. Finally, granting relief even to the most bigoted white homeowner benefits the Negroes because it makes the practice unrewarding to the panic peddler.

[42] While an argument could be made for extending relief under the 1866 Act to whites, it certainly would be stretching congressional intent. This is apparently the position of the Justice Department. "Mr. Leonard [Assistant Attorney General] said that the law would apparently not help the former white homeowners . . . to recover damages from the speculators since the Civil Rights Act of 1866 applies only to Negroes." N.Y. Times, Mar. 29, 1969, at 23, col. 6.

[43] *See* notes 7–9 *supra* and accompanying text.

[44] *See* Brown v. State Realty, 304 F. Supp. 1236, 1238 (N.D. Ga. 1969).

[45] *See* COMMISSION ON RACE AND HOUSING, WHERE SHALL WE LIVE? 1–5 (1958).

[46] *Id.* at 35–42.

[47] In practice it is likely that blockbusting suits will be brought largely by white homeowners and Negroes will benefit only indirectly by the Act.

[48] 42 U.S.C. § 3604(e) (Supp. IV, 1969).

[49] *See* United States v. Mintzes, 304 F. Supp. 1305, 1309 (D. Md. 1969).

[50] *See id.*

[51] 42 U.S.C. §§ 3608–3611 (Supp. IV, 1969).

[52] *Id.* § 3612.

[53] *Id.* § 3613.

[54] 42 U.S.C. §§ 3601–19, 3631 (Supp. IV, 1969). The amendment, submitted by Congressman Bingham, was added to H.R. 14765 (1966), but the bill was defeated in the Senate. The 1968 Fair Housing Act incorporated most of the provisions of the defeated H.R. 14765 including the blockbusting amendment.

[55] *Id.* § 3603(b)(1).

[56] When the blockbuster acts as an agent, the house is sold by him to the third party although he never holds title. The blockbuster as speculator-dealer, on the other hand, buys the house himself and then resells it. The sale from the owner to the blockbuster, then, qualifies as a sale by an owner.

[57] Department of Justice, Press Release, Feb. 6, 1970.

[58] 304 F. Supp. 1305 (D. Md. 1969).

[59] 304 F. Supp. at 1309.

[60] S. 1358, § 11, 90th Cong., 1st Sess. (1967), provided HUD with the power to issue temporary restraining orders and cease and desist orders. The Dirksen amendment to the bill removed those powers from HUD, CONGRESSIONAL RECORD, vol. 114, pt. 4, pp. 4570–4573. *See* Dubofsky, *Fair Housing: A Legislative History and Perspective*, 8 WASHBURN L.J. 149, 163 (1969).

[61] See note 60 *supra* and accompanying text.

[62] The person who refuses to sell or rent to a Negro may be unaware that his refusal is illegal. Since he is probably motivated by social rather than economic reasons the threat of the embarrassment and cost of a suit may convince him to cooperate with HUD. On the other hand, the blockbuster knows his conduct is illegal and intends to reap large financial gains from it. Furthermore, instead of being embarrassed by a suit he may welcome the publicity. If he is generally known as a blockbuster his mere presence in a neighborhood may cause the same panic selling he previously caused by illegal representations. Thus, the blockbuster, with much profit to gain and little reputation to lose by facing suit, is less likely to cooperate with HUD. *See* United States v. Mintzes, 304 F. Supp. 1305, 1314 (D. Md. 1969).

[63] 42 U.S.C. § 3610(d) (Supp. IV, 1969).

[65] *Id.* The Secretary of the Department of Housing and Urban Development will investigate a complaint and attempt to obtain reconciliation. He must inform the complainant within 30 days as to the action he intends to take. *Id.* § 3610(a). He may also refer a complaint to state or local agencies which have substantially equivalent remedies. *Id.* § 3610(c). During this time the complainant is barred from instituting his own action. *Id.* § 3610(d).

[66] *See* note 60 *supra.*

[67] 42 U.S.C. §§ 3608–11 (Supp. IV, 1969).

[68] *Id.* § 3612(c). The first damage award under this provision was $750. Brown v. State Realty, N.D. Ga., Civ. No. 12,943 (Mar. 2, 1970).

[69] *Id.* § 3610(d).

[70] Such a broad interpretation is unlikely since it can be argued that Congress would not have separated the relief provisions if it had wished them to be identical.

[71] 42 U.S.C. § 3601(d) (Supp. IV, 1969).

[72] *Id.* §§ 3612, 3613. There was some question as to whether direct access to the federal courts is allowed under section 3612, but the wording of the statute gives no indication that direct access was not intended. *Id.* § 3612. *See* Note, *Discrimination in Employment and in Housing: Private Enforcement Provisions of the Civil Rights Acts of 1964 and 1968*, 82 HARV. L. REV. 834, 855–56 (1969).

[73] 42 U.S.C. § 3612(b), (c) (Supp. IV, 1969).

[74] Aid is limited to when a "plaintiff in the opinion of the court is not financially able to assume said attorney's fees." *Id.* § 3612(c). The legislative history of the provision indicates that only indigent plaintiffs were considered financially unable. *See* CONGRESSIONAL RECORD, vol. 114, pt. 5, p. 5514 (remarks of Senator Mondale).

[75] *See* Brown v. State Realty, 304 F. Supp. 1236, 1238 (N.D. Ga. 1969).

[76] *See id.*

[77] *See id.*

[78] *Cf.* Zipser, *Zoning Classification and Eminent Domain*, 1 URBAN LAWYER 84, 90 (1969).

[79] *Cf.* Contract Buyers League v. F & F Investment, 300 F. Supp. 210 (N.D. Ill. 1969).

[80] For example, when a speculator purchases property for $20,000 and soon afterwards sell for $30,000, it is not necessary to know the fair market value to realize that there is $10,000 in damages. It is necessary, however, to know the fair market value to allocate the damages between the buyer and seller.

[81] 42 U.S.C. § 3612(c) (Supp. IV, 1969). It is unclear whether this punitive damage provision applies to suits brought after a complaint to HUD has been made under section 3610(d) which provides: "[t]he court may, subject to the provisions of section 3612 of this title, enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate." The provisions of section 3612 apparently referred to are those delaying federal court action while HUD or a state agency is attempting to settle the complaint and protecting an innocent bona fide purchaser from displacement. If punitive damages are to be allowed under section 3610, it will be as "appropriate affirmative action." The $1,000 limit would not apply and this could allow the courts to remedy the lack of incentive for private individuals to sue through HUD.

[82] Brown v. State Realty, Civil No. 12943 (N.D. Ga., filed Sept. 2, 1969) (permanent injunction).

[83] See *id.*

[84] Proper supervision by an individual would be costly, requiring continued retention of counsel and active surveillance of the realtor's activities in other neighborhoods.

[85] 42 U.S.C. § 3613 (Supp. IV, 1969).

[86] *Id.* (emphasis added).

[87] *See* United States v. Mintzes, 304 F. Supp. 1305, 1314 (D. Md. 1969), *citing* United States v. Mayton, 335 F.2d 153, 159 (5th Cir. 1964). The *Mayton* decision also dealt with a statutory pattern or practice requirement, and it should govern in that case since an analysis of the legislative history reveals that no contradictory interpretation was intended by Congress.

[88] "The number of incidents necessary to show a pattern or practice depends on the nature of the right protected and the nature of the ordinary violations of such right." 304 F. Supp. at 1314.

[89] Thus, the very nature of ordinary blockbusting violations usually constitutes a pattern or practice. Isolated incidents can exist where an agent with a single client, desirous of a particular home, attempts to scare the homeowner into selling by making prohibited representations.

[90] The Housing Division, however, has filed six of the first seven complaints for violations of 3604(e). *See* United States v. Mintzes, 304 F. Supp. 1305 (D. Md. 1969); United States v. Bob Lawrence Realty, Inc., Civil No. 13568 (N.D. Ga., filed Feb. 6, 1970); United States v. Mitchell, Civil No. 13467 (N.D. Ga., filed Feb. 6, 1970); United States v. Arco, Inc., Civil No. C7029 (W.D. Tenn., filed Feb. 6, 1970); United States v. Stewart, Civil No. CA–3–3589A (N.D. Tex., filed Jan. 15, 1970); United States v. Weisner, Civil No. C–229–615–69 (M.D.N.C., filed Nov. 5, 1969).

[91] 42 U.S.C. §§ 3601–19, 3631 (Supp. IV, 1969).

[92] *Id.* § 3604(e).

[93] Brown v. State Realty, 304 F. Supp. 1236, 1240 (N.D. Ga. 1969); United States v. Mintzes, 304 F. Supp. 1305, 1312–13 (D. Md. 1969). "Neither slavery nor involuntary servitude . . . shall exist within the United States. . . . [and] Congress shall have the power to enforce this article by appropriate legislation," U.S. CONST. amend. XIII.

[94] Civil Rights Cases, 109 U.S. 3, 20 (1883).

[95] 392 U.S. 409, 439 (1968).

[96] Id. at 413.

[97] *Id.* While the language of the opinion does not specifically include "blockbusting," footnote 8 of the opinion cites to the blockbusting provision of the Fair Housing Act.

[98] *See* Contract Buyers League v. F & F Investment, 300 F. Supp. 210 (N.D. Ill. 1969).

[99] 304 F. Supp. 1235, 1238 (N.D. Ga. 1969).

[100] *Id.* at 1240, *quoting* 42 U.S.C. § 3601 (Supp. IV, 1969).

[101] 304 F. Supp. at 1240.

[102] *Id.*

[103] *Id.*

[104] 304 F. Supp. 1305, 1313 (D. Md. 1969).

[105] *Id.* at 1310.

[106] *See* Summer v. Township of Teaneck, 53 N.J. 548, 551, 251 A.2d 761, 763 (1969).

[107] *See generally 1967 Hearings.*

[108] U.S. CONST. art. I, § 8. *See, e.g.*, Katzenbach v. McClung, 379 U.S 294, 302 (1964); Heart of Atlanta Motel v. United States, 379 U.S. 241, 258 (1964); United States v. Wrightwood Dairy Co., 315 U.S. 110, 119 (1942).

[109] *See, e.g., 1967 Hearings* 13–14, 256–59.

[110] 304 F. Supp. at 1239.

[111] *See, e.g.*, Katzenbach v. McClung, 379 U.S. 294, 302–03 (1964); Heart of Atlanta Motel v. United States, 379 U.S. 241, 258 (1964); Wickard v. Fillburn, 317 U.S. 111, 124–25 (1942).

[112] *See* Katzenbach v. McClung, 379 U.S. 294, 302 (1964); Heart of Atlanta Motel v. United States, 379 U.S. 241, 258 (1964).

[113] 304 F. Supp. at 1312.

[114] *Id.* at 1314 n.5.

[115] *See 1967 Hearings* 13–14.

[116] *See* Katzenbach v. McClung, 379 U.S. 294, 296 (1964); Heart of Atlanta Motel v. United States, 379 U.S. 241, 242 (1964).

[117] Such a strict interpretation may be a likelihood since the blockbusting provision directly protects whites. Negroes are only indirectly protected from moving into an area which will become ghettoized. They are not forced into these neighborhoods by blockbusting but rather resort to the blockbuster because of segregation in other neighborhoods. A conservative court might reason

that the antidiscrimination provisions are sufficient to protect the Negroes and therefore refuse to justify the blockbusting provision on the basis of the thirteenth amendment.

[118] *See 1967 Hearings* 8–13, 260–64.

[119] U.S. CONST. amend. XIV, § 5.

[120] *See* notes 45–46 *supra* and accompanying text.

[121] *See e.g.*, United States v. Williams, 341 U.S. 70, 92 (1951) (Douglas, J., dissenting); Hodges v. United States, 203 U.S. 1, 14 (1906); Civil Rights Cases, 109 U.S. 3, 11 (1883).

[122] *See, e.g.*, United States v. Price, 383 U.S. 787 (1966); Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961); Shelly v. Kraemer, 334 U.S. 1. (1947).

[123] 383 U.S. 745 (1966). *Guest* involved an appeal from the dismissal of an indictment for violation of 18 U.S.C. § 241 which provides "if two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States. . . . " The question was raised whether the fourteenth amendment equal protection clause protects citizens against action by individuals or state action only.

[124] The opinion of the court written by Justice Stewart found that the state action requirement was satisfied by the allegations of the complaint. Justices Clark, Black and Fortas in a concurring opinion found state action present in *Guest*, but stated that there should no longer be a requirement of state action. Justices Brennan, Warren and Douglas in a separate concurrence rejected the state action requirement. Justice Harlan dissented and urged maintenance of the state action requirement. 383 U.S. 745 (1966).

[125] United States v. Mintzes, 304 F. Supp. 1305, 1312 (D. Md. 1969); Brown v. State Realty, 304 F. Supp. 1236 1239 (N.D. Ga. 1969).

[126] *See* note 48 *supra* and accompanying text.

[127] *Cf.* United States v. Mintzes, 304 F. Supp. 1305, 1312 (D. Md. 1969).

[128] *See* Breard v. Alexandria, 341 U.S. 622, 642–45 (1951) (first amendment protection unavailable to door-to-door solicitor of magazine subscriptions); Valentine v. Chrestensen, 316 U.S. 52, 54 (1942) (commercial pamphlets not protected by inclusion of social policy statement); Halstead v. SEC, 86 U.S. App. D.C. 360–61, 182 F. 2d 660, 668–69 (1950) (distinguishing the market place of ideas from that of affairs).

[129] The Act's application is not limited to successful blockbusting by the "for profit" requirement, but rather the statute "equates any attempt to induce a person to sell . . . with a successful attempt to do so." Brown v. State Realty, 304 F. Supp. 1236, 1241 (N.D. Ga. 1969).

[130] *Compare* Brown v. State Realty, 304 F. Supp. 1236, 1240 (N.D. Ga. 1969) *with* United States v. Mintzes, 304 F. Supp. 1305, 1312 (D. Md. 1969). Advising prospective purchasers of the present racial composition of a neighborhood has been held not to violate a blockbusting regulation. Abel v. Lomenzo, 18 N.Y. 2d 621, 219 N.E.2d 287, 267 N.Y.S.2d 265 (1966).

[131] 304 F. Supp. at 1312.

[132] *Id.*

[133] 304 F. Supp. at 1241.

[134] *See* notes at 127–28 *supra*.

[135] This test would have allowed admission of the answers in *Mintzes* because the court had determined that the Mintzes had intended to blockbust the neighborhood and had made illegal representations to several other owners. This is a far more realistic approach than labelling an answer innocent political or social commentary. *See* notes 130–31 *supra* and accompanying text.

[136] The high potential profits outweigh the slim chance of significant sanction under current law.

[137] *See* CONGRESSIONAL RECORD, vol. 114, pt. 4, pp. 4570–4573.

[138] 42 U.S.C. § 3608 (Supp. IV, 1969).

[139] *See* Lees v. United States, 150 U.S. 476, 480–81 (1893); United States v. Goodner, 35 F. Supp. 286, 290 (D. Colo. 1940). In a pending blockbusting suit, a defendant has refused to testify on these grounds. *See* United States v. Weisner, Civ. No. C–229–615–69 (M.D.N.C., filed Nov. 5, 1969) (Memorandum of Defendant Tulbert in support of motion to deny the right to take the deposition of Defendant Tulbert).

[140] *See* Summer v. Township of Teaneck, 53 N.J. 548, 553, 251 A.2d 761, 764 (1969).

[141] The licensing laws should also be refined so that all brokers dealing with any significant number of houses must be licensed. Thus, those blockbusting speculators not yet covered by blockbusting laws would be included.

[142] Shortly after the *Mintzes* decision, the Maryland Real Estate Commission revoked the license of the Mintzes firm. Washington Post, Jan. 20, 1970, § C, at 1, col. 5.

[143] Such an exception for honest brokers must be made since they solicit door to door as a legitimate method of stimulating business. *See* Mogolefsky Schoem, 50 N.J. 588, 590, 236 A. 2d 874, 876 (1967); Wall Street Journal, Feb. 19, 1969, at 1, col. 1.

A MATTER AFFECTING THE PRIVILEGES OF THE HOUSE

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. ICHORD) is recognized for 60 minutes.

Mr. ICHORD. Mr. Speaker, I have reserved time for the purpose of discussing a matter most seriously affecting the privileges of the House. As the Members know on October 28 during the recent recess of the House, a single judge, the Honorable Gerhard A. Gesell of the U.S. District Court for the District of Columbia, undertook to enjoin permanently the printing and public dissemination of a report duly made by a standing committee of the House. The report, House Report No. 91–1607, titled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities,' which is the subject of the court's injunction, was a report of the House Committee on Internal Security which I filed with the House on October 14, pursuant to House rule XI.

On October 14, I advised the House of the inception of the proceedings which led to this unprecedented result. It was also on that day that the House recessed until November 16. Following the return of the House, and for its information, I placed in the CONGRESSIONAL RECORD the whole of the proceedings in this case from their inception to the date of the return of the House. See CONGRESSIONAL RECORD, November 17, 1970 on page 37799. On the same day in a letter addressed to all Members of the House, I advised the Members of my plan to reserve a special order for the purpose of discussing the ominous implications of the court's order.

With only one exception in the constitutional history of this Nation, has any judge or court of the United States hitherto attempted to enjoin the printing and public dissemination of a report or document of a committee of Congress. Judge Wilkin, likewise a judge of the U.S. District Court for the District of Columbia, made that effort in May of 1956. He issued a temporary restraining order to prevent the printing and distribution of a Senate document issued by the Senate Subcommittee on Internal Security. The order was promptly struck down by a three-judge court. I should add, however, that this absence of precedent would not appear to reflect any lack of diligence on the part of enterprising litigants or their counsel, but is rather to be attributed to the fact that any such restraint upon the legislative process appears so palpably wrong.

It is plain to see that this action of Judge Gesell, restraining the printing and public dissemination of a report duly made to the House, directly affects every committee of the House and every Member of the House. If the court may undertake to inquire into the speech of the Committee on Internal Security, to censor and enjoin that speech, then it must follow that the court may similarly inquire into, censor, and enjoin the printing and publication of the speech of every committee of the Congress. It may go even further. Since the speech of a committee is essentially the collective speech of individual Members, the court may a fortiori similarly censor and enjoin the printing and publication of speech in the House of individual Members of the Congress. The result, of course, is to restrain communication within the House, and to restrain communication between the House and the public, and between the Members and their constituents.

Mr. Speaker, the fact is equally plain that any such restraint is a direct encroachment upon the legislative powers and impairs the legislative process. The separation of powers is a fundamental principle of a free society. It is a principle incorporated in that time-honored pact by which we are united. All legislative powers have been vested exclusively in the Senate and House by the express provisions of article I, section 1, of the Constitution. Moreover, in committing the legislative function to the Congress in such general terms, the Constitution also grants to Congress certain specific, implementing, or subsidiary powers essential to the exercise of this function.

Such implementing powers include, but are not limited to, the authority vested in each House to determine the rules of its proceedings—article I, section 5, clause 2. It was pursuant to this power that the House promulgated its rule XI which creates the standing committees of the House and which, in turn, form the authority and basis upon which the Committee on Internal Security made its report to the House. It was pursuant to this power that the House enacted its rule XIII requiring the reference and printing of reports of committees. Article I, section 5, clause 3, of the Constitution requires the House to maintain a journal and to publish its proceedings. It is pursuant to this authority and the general legislative powers of the House to give effect to its rulemaking powers that the House—together with the Senate—enacted the provisions of title 44, United States Code, section 101 and those that follow to provide for the printing and public dissemination of its reports.

These are powers which by the text of

the Constitution are committed to the House. These powers have been separated from the powers conferred on the judicial branch. They are indeed denied to the judicial branch. While courts concededly have the power to construe the Constitution, we cannot concede that they can, under the guise of construction, arrogate to themselves powers which they do not possess, or that they possess a jurisdiction to invade the powers of a coordinate branch. This is particularly true where, as in the instance of the speech and debate clause, this separation of power in an especially delicate area is clearly defined by terms of the U.S. Constitution expressly denying to the courts a jurisdiction to intrude. Article I, section 6, clause 1, of the Constitution provides "for any speech or debate in either House—the Senators and Representatives—shall not be questioned in any other place."

This provision of the Constitution, granting the privilege of legislators to be free from arrest or civil process for what they do or say in legislative proceedings, was a reflection of political principles already firmly established in England and in the colonies prior to the adoption of the Constitution. *Tenny* v. *Brandhove*, 341 U.S. 367 (1951); *United States* v. *Johnson*, 383 U.S. 169 (1966). It has its origin in the parliamentary struggles of the 16th and 17th centuries. The English Bill of Rights, wrested from the Crown and written into the statutes of England in 1689, declared in unequivocal language "that the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament."

Three State constitutions adopted before the Federal Constitution specifically protected the privilege. The Maryland Declaration of Rights of 1776 provided "that freedom of speech, and debates or proceedings, in the legislature, ought not to be impeached in any other court or judicature." The Massachusetts Constitution of 1780 provided "the freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action, or complaint, in any other court or place whatsoever." The reason for the privilege was well summarized by James Wilson, an influential member of the Committee of Detail which was responsible for the provision in the Federal Constitution:

> In order to enable and encourage a representative of the public to discharge his public trust with firmness and success, it is indispensably necessary, that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of every one, however powerful, to whom the exercise of the liberty may occasion offence. (See *Tenney* v. *Brandhove*, supra, page 373.)

I think it is evident from a review of the proceedings that this action of the judicial branch by which it imposed restraints upon the publication of a committee report materially intrudes upon the legislative prerogatives of the House and violates the freedom of speech accorded to Members of the House by the express terms of the speech and debate clause of the U.S. Constitution. We are therefore necessarily involved in a confrontation with the judiciary of a nature and magnitude which has extremely ominous implications. Although it is most unfortunate that this unseeming conflict has arisen, particularly when we seek to dispose of many pressing legislative matters as this Congress draws to a close, it would appear to be a grave delinquency on our part should we not seek to resolve issues so directly affecting the integrity of our constitutional processes.

Since the record of the proceedings has already been made available to you, I shall not review it in unnecessary detail. It was at a meeting of the full committee on October 7, 1970, a quorum being in attendance and voting, that the report in issue was approved. In some way unknown to me, a copy of the galley sheets of the proposed report, an executive document of the committee which had not yet been publicly released by it or filed with the House, came into the possession of Lawrence Speiser, director of the Washington, D.C., office of the American Civil Liberties Union.

On the forenoon of October 13—1 day before the filing of the report and the recess of the House—Lawrence Speiser filed in the U.S. District Court for the District of Columbia a complaint subscribed and verified by him allegedly on behalf of Nat Hentoff, 25 Fifth Avenue, New York, N.Y., John Doe, and Richard Roe against the members of the Committee on Internal Security, Donald G. Sanders, its chief counsel, the Superintendent of Documents, and the Public Printer. Filed as a class action on behalf of persons identified in the report as the recipients of specified sums as speakers' fees or honoraria for engagements on campuses, the complaint alleged that in identifying and characterizing them as persons associated with revolutionary groups, the committee had no legislative purpose but was being carried out by the defendants with the purpose and effect of first, deterring colleges and universities from permitting plaintiffs to appear on their campuses as speakers, on the basis of the false assertion that such activities by these colleges and campuses financies and thereby promoted the radical, revolutionary movement; and second, punishing plaintiffs for their views by exposing them to the harassment normally associated with blacklisting. They asked the court to grant the following declaratory and injunctive relief: First, that the court declare that the actions of the defendant committee members in preparing and seeking to publish the report to be unconstitutional; and, second, that the court enjoin the defendants from filing, printing, publishing, or disseminating the report and from disclosing any material or information contained in it.

This complaint, thus filed on October 13, was not served upon the defendants until the following day. Nevertheless, without service of notice on the defendants, Lawrence Speiser, acting for the American Civil Liberties Union and the plaintiffs named, applied to Judge Gerhard A. Gesell for an immediate hearing on the complaint with a view toward obtaining a temporary restraining order pending hearing on application for a preliminary or permanent injunction. Acting on Mr. Speiser's application, Judge Gesell set the matter for hearing at 2 p.m. that same day. At that time the court was specifically reminded by amici of the failure of plaintiffs to accord appropriate notice to the defendant parties in interest, as required by rule 65 of the Federal Rules of Procedure. This suggestion went unheeded.

I have previously commented upon this aspect of the proceeding and I do not want to make a point today of the fact that the court moved with unseeming haste in violation of its own rule. It does not appear that the court's view of the case or its final action would in any way have been altered by an appearance of the defendants in this initial hearing. This fact seems clear in light of the final order entered by the court on October 28 after notice and argument.

Having before it a complaint in which there was no allegation remotely suggesting that the action of the committee was not authorized by the House; a complaint which asked the court to intrude upon the processes of a coordinate branch of the Government; a complaint which on its face squarely invaded the constitutional privileges of the Members of the House not to be questioned in any other place for any speech in the House, the court on October 13 should have summarily dismissed the complaint. Instead, without notice, or the taking of evidence, the court proceeded ex parte to adjudicate the application, and granted the plaintiffs' application for a temporary restraining order—which was formally filed on October 14—enjoining all of the defendants and their agents, servants, employees, and attorneys—excepting only the individually named Members of Congress—from seeking to print, publish, or distribute as a part of the proposed report any list of names of individuals who have had speaking engagements at colleges and universities. It was ordered that this restraint should continue until determination of the plaintiffs' motion for a preliminary injunction and fixed October 23 for the time of hearing on that motion.

In entering its temporary restraining order, the court took the position that there was a question in the case whether the report was pursuant to a valid legislative purpose. Since the plaintiffs had allegedly stated a claim which, in the opinion of the court, raised a Federal question, the subject matter of which was within the jurisdiction of the court, the court concluded that it should permit all of the interested parties full opportunity to be heard, pending which it would restrain the printing, publishing, and distributing of the report, except as to the extent to which the named Members of Congress may do so. With respect to this, I would add that if the court had given the defendants the notice that was due them, or had postponed the consideration of the matter for at least a few hours or until the following morning, to appraise the defendants of the application, he would have been able fully to inform himself both as to the facts and law upon this important subject.

Having before it the complaint, and a copy of the committee report, it was a

patent absurdity to suggest that there was a question in the case whether the report of the committee was made pursuant to a valid legislative purpose. Both documents clearly put the court on notice that what was involved in this case was a question of pure speech—the speech of Members in the House. On this question all inquiry into purpose—legislative or otherwise—is precluded. Under the speech and debate clause, this speech is solely a matter for regulation by the House. See Jefferson's "Manual," House Document No. 402, 90th Congress, second session, page 131.

This is not a case where Congress is seeking, by the use of subpoena process, to compel the speech of others outside the House. Such cases have raised the first amendment problem and provide the basis for the line of cases in which the question of legislative purpose was considered, but then only for the purpose of determining the authority of the committee or House to compel the speech of others.

But even assuming that there was a question whether the report was made pursuant to a valid legislative purpose, the court had ample facts before it on the basis of which it could reach no other conclusion than that such a purpose must be presumed. I should, therefore, elaborate briefly on this point, for it is quite obvious that as a basis for both its temporary restraining order of October 13 and its subsequent permanent injunction of October 28, the court took the position that this fact did not appear.

As I have said, the report in this case was made pursuant to House rule XI, which explicitly defines the legislative purposes and the powers and duties of standing committees of the House. By the mandate of that rule, all proposed legislation, messages, petitions, memorials, and other matters on the subject of "Communist and other subversive activities affecting the internal security of the United States are referred to the Committee on Internal Security." The committee is also mandated to make investigations from time to time of the extent, character, objectives, and activities within the United States of organizations and assisting organizations, their members, agents, and affiliates, which seek to overthrow or alter our form of government by unlawful means, or which incite or employ acts of violence to obstruct the execution of Federal law, and all other questions relating to the foregoing, including the administration and the execution of the laws of the United States, "that would aid the Congress or any committee of the House in any necessary remedial legislation." The committee is required to report to the House the results of any such investigation, together with such recommendations as it deems advisable.

While I have thus briefly summarized this rule of the House, it is the practice of the committee to set forth its pertinent provisions in full in all reports and documents issued by the committee. Indeed, a copy of the rule was made a part of the report which Judge Gesell had before him. The legislative purpose is expressly avowed on the face of the House resolution, together with a specification of the subject of inquiry mandated to the committee for that legislative purpose. It is a matter of settled law that where a legislative purpose is thus expressly avowed and the committee inquiry is within the scope of the authorized subject matter, a legislative purpose must be presumed. This was precisely the point ruled in *McGrain* v. *Daugherty*, 273 U.S. 135, 174–180 (1950). Even in cases where a legislative purpose is not thus expressly avowed in the resolution of the parent body, if the subject of inquiry embraces a subject upon which the Congress may legislate, the committee's legislative purpose must likewise be presumed. This was the ruling in the case of *In Re Chapman*, 166 U.S. 661, 669–70 (1897). Moreover, that the subject matter of House Résolution XI is one upon which legislation may be had, and consequently inquiry made, is now indisputable. See, for example, *Barenblatt* v. *United States*, 360 U.S. 109 (1958); *Uphaus* v. *Wyman*, 360 U.S. 72 (1959); and *Barsky* v. *United States*, 167 F. 2d 241, cert. denied, 68 S. Ct. 1511 (1948).

These cases and a long line of decisions also teach that if the legislative purpose of the parent body is thus being served by its committee, the motives of the committee cannot be questioned or its legislative purpose impugned, even where it appears that the inquiry was for other or mixed purposes, legislative and otherwise. *Watkins* v. *United States*, 354 U.S. 178, at 200 (1957); *Barenblatt* v. *United States*, 360 U.S. 109, at 132; *Wilkinson* v. *United States*, 365 U.S. 399, at 412 (1961). These indeed were first amendment cases, involving the compulsion of speech of others.

Nevertheless, Judge Gesell endeavored to dissect the report and to censor its language. He says, "No purpose or contemplated legislation is mentioned." But it has been expressly ruled by the District of Columbia Circuit that the power of inquiry is not limited to the scope or content of contemplated legislation, and none need be mentioned. *Barsky* v. *United States, supra*, at page 245. It is not necessary that the House or the committee should declare in advance what it meditated doing when the investigation was concluded. *In Re Chapman*, supra, at page 670. He then takes an isolated statement in the report in which there was an appeal to college administrators, alumni, and parents. But it has been expressly ruled that, although action other than contemplated legislation is suggested by the proceedings, this fact does not invalidate the proceedings. *McGrain* v. *Daugherty*, supra, at page 180. Yet, in the face of these precedents to the contrary, Judge Gesell took the position that he was "inescapably" impelled to the conclusion that the committee was pursuing no legislative purpose in making its report.

On the contrary, let me make clear that this committee has, since its inception on February 18, 1969, pursued none other than a legislative purpose. This must be obvious in the light of the great demands imposed on the Congress for legislative action to cope with the activities or revolutionary violence which are racking our Nation. Countless bills on this subject have been introduced in the House and referred to various committees, including the Committee on Internal Security. The solution of such legislative problems require the most painstaking and thorough understanding of all aspects of the subject, and necessitates inquiry into the extent, character, and objectives, the organizational forms, financing, and other facts with respect to those organizations and individuals engaged in revolutionary activities, or giving assistance to them. Recently we have given much attention to such organizations as the Students for a Democratic Society, the New Mobilization Committee To End the War in Vietnam, the Black Panther Party, and supporting organizations.

An important and relevant question, as I have noted in the report, is the source and means of financing of such activities. It has been indicated in the many published accounts, and repeatedly in the testimony of the Director of the Federal Bureau of Investigation before the House Subcommittee on Appropriations, that the leadership of such revolutionary organizations, and persons assisting them, have derived substantial funds from speaking engagements at colleges and universities, and even secondary schools. Indeed, William Kunstler, a director of the American Civil Liberties Union and highly publicized counsel for persons in the leadership of the revolutionary movement, recently told newsmen quite candidly, "We raise most of the money for our movement through speaking engagements."

With the authorization and approval of the committee, and at my direction, the committee staff conducted a survey on this subject. It made what we believed to be a representative sampling of 179 institutions of the some 2,500 colleges and universities throughout the Nation. In the conduct of this survey, the committee agreed that it should refrain so far as possible from compulsory intrusion into the administration of the college and university system, and would not utilize its authority of compulsory process to obtain the information it sought. Accordingly, the voluntary cooperation of college and university administrators was sought through a letter requesting that they furnish the committee with information about honorariums paid to guest speakers, other than academicians and lecturers who appeared in connection with courses of instruction. Emphasis was placed on voluntary participation of the institution in all committee references to this project.

In thus undertaking this project, the committee recognized from the outset that there were certain unavoidable circumstances which would undoubtedly diminish the value of the committee's survey and subsequent analysis of the information received, but nevertheless concluded that the report would have some utility in providing the committee and the House with relevant information on a limited, but important aspect of the subject of revolutionary violence. I might add that the commit-

tee had no illusions as to the earth-shaking importance of this report. I think it sufficient to say at this time that we had the substantial cooperation of a large number of the institutions upon whom request had been made. We believed that the report prepared on this subject contained information of significance to our legislative function and was a matter of public interest as well. On October 7 we agreed to make our report to the House.

Now, Mr. Speaker, this brings us to the point where I previously left off. Having agreed to afford opportunity to a member to prepare a dissenting view, it was my plan to file the report with the House on the afternoon of October 14. Meanwhile, on October 13, the complaint was filed in this case and an order restraining its printing and dissemination was obtained.

This temporary restraining order, together with a copy of the complaint, to which I have already referred, was then served upon the defendants by the U.S. marshal on the forenoon of October 14. Since by the terms of the order I was specifically excepted from its restraint, it did not in any way operate to affect my duties as chairman to file the committee report with the House, as required by the rules of the House. The report was accordingly filed and duly referred to the Union Calendar. On the other hand, the Public Printer and Superintendent of Documents were clearly within the restraints of the order. By the rules of the House, all committee reports are delivered to the Clerk for printing. The Public Printer and the Superintendent of Documents are required by an act of Congress, and by order of the House, to print and disseminate the reports of committees to those entitled to receive them. Thus, the Public Printer and Superintendent of Documents were obviously on the proverbial horns of a dilemma.

In view of the fact that the House had recessed on October 14 for the general election, there was an obvious problem of communicating with and among interested parties. Entertaining some hope that the court, after full hearing and opportunity for review of the facts and law, would inescapably reach the conclusion that it was without jurisdiction to intrude upon the freedom of speech of Members of Congress, it was agreed after consultation with several members of the committee, other Members of Congress, and general counsel for the Public Printer and Superintendent of Documents, that appearances should be entered in the action and a motion filed in support of a dismissal of the complaint.

The Department of Justice was then requested to act on our behalf and ultimately appearances were entered by the Department for all defendants with the exception of one member of the committee who chose not to appear. On October 20, motions to dismiss the action were filed on behalf of the defendants, together with supporting affidavits and memorandum of law by which the court was apprised of the facts with respect to the issuance and filing of the report, as well as points of applicable law.

On October 23, 1970, Judge Gesell heard argument of the parties on plaintiffs' motion for a preliminary injunction and defendants' motion to dismiss. At argument he was fully apprised of the facts surrounding the issuance of the report. Moreover, his attention was explicitly directed to two precedents of his own circuit by which he was presumably bound and, if followed, would seem clearly to leave open to him only one path to pursue; namely, a summary dismissal of the complaint: *Methodist Federation for Social Action* v. *Eastland*, 141 F. Supp. 729 (D.C.C. 1956), decided by a statutory three-judge court in which two judges of the Court of Appeals had sat with the district judge in deciding the issue; and secondly, *Hearst* v. *Black*, 87 F. 2d 68 (1956), a decision of the U.S. Court of Appeals for the District of Columbia.

In Methodist Federation, the plaintiff in May of 1956 brought suit against members of the Senate Subcommittee on Internal Security, the Public Printer, and the Superintendent of Documents, to restrain the publication and distribution of a pamphlet entitled "The Communist Party of the United States—What It is—How It Works—A Handbook For Americans." The pamphlet was issued by the Senate Subcommittee on Internal Security, and by concurrent resolution was ordered to be printed as a Senate document, to include a printing of 75,000 additional copies for the use of that committee. The plaintiff alleged that the pamphlet contained a false and defamatory statement charging that the plaintiff was a Communist-front, that the charge was made without a hearing, and caused irreparable injury. It was further alleged that the concurrent resolution abridged the plaintiff's rights of free speech, assembly, press, and religion, deprived it of liberty and property without due process of law, and amounted to a bill of attainder.

No appearance was entered in the case by the defendant members of the Senate subcommittee. On the basis of the complaint, Judge Wilkin in the district court issued a temporary restraining order against the Public Printer and the Superintendent of Documents, as did Judge Gesell in the case before us. Judge Wilkin then asked for the appointment of a three-judge court which was duly ordered, and two distinguished judges of the Court of Appeals, Edgerton and Prettyman, sat with him. The complaint was dismissed, Judge Wilkin dissenting. In the opinion for the court, delivered by Judge Edgerton, the court ruled that by express provision of the Constitution, article I, section 6, Members of Congress "for any speech or debate in either House shall not be questioned in any other place."

It would—

He said—

be paradoxical if members could be questioned in any other place for statements in a document which both houses have ordered published.

Holding that a judgment for the plaintiff would hence invade the constitutional separation of powers, it was thus unnecessary, he said, to consider the claim whether an injunction would violate the first amendment. The court concluded with these particularly pertinent remarks:

The premise that courts may refuse to enforce legislation they think unconstitutional does not support the conclusion that they may censor congressional language they think libelous. We have no more authority to prevent Congress, or a committee or public officer acting at the express direction of Congress, from publishing a document than to prevent them from publishing the *Congressional Record*. If it unfortunately happens that a document which Congress has ordered published contains statements that are erroneous and defamatory, and are made without allowing the persons affected an opportunity to be heard, this adds nothing to our authority. Only Congress can deal with such a problem.

The constitutional history called to our attention includes no instance in which an English court has attempted to restrain Parliament, or an American court to restrain Congress, from publishing any statement. This history therefore tends to confirm our view.

I should point out, indeed, that no case has been called to my attention, nor has my research revealed, any decision in the history of this country, or that of England since the Bill of Rights was wrested from the Crown in 1689, where any injunction has been sustained against the printing and publishing of a committee report of the Congress or of the British Parliament. On the other hand, I have found a precedent in England in which this was attempted, at least indirectly, and the attempt was repulsed. This was *Rex* v. *Wright*, 8 T.R. 292, decided in the year 1799.

In Rex against Wright an application was made to the court for the granting of a criminal information for libel against a private bookseller for printing and publishing a report of a committee of the House of Commons. This report contained a paragraph titled, "Attempts to Assemble a Convention of the People in England," which reflected on the character of certain individuals and by which it was made to appear that their views were of a nature completely hostile to the existing Government and Constitution of the Kingdom, and went directly to the subversion of established authority. This report, made to the House, was entered on its journals, and the House ordered it printed by the official printer. Mr. Wright undertook privately to print and publish the document, and it was for this act that he was cited. The application was denied.

In denying this application, Lord Kenyon, chief justice, said it was impossible for the court to admit that a report of the proceedings of either of the Houses of Parliament is libel. The report in question, he said, was a proceeding by one branch of the legislature and the judges could not, therefore, inquire into it. This reasoning was fully approved by the Court of Queen's Bench which had occasion to apply it in *Wason* v. *Walter*, 4 Q.B. 73 decided in 1868, a civil suit for libel. The defendant was charged with printing a faithful report in a public newspaper of a debate in the House of Lords which had the effect of defaming a barrister, who had been referred to in the debate as making false statements for the purpose of deceiving an Election Committee of the House of Commons. The court held that the publication was

privileged on the same principle as an accurate report of proceedings in a court of justice is privilged. The advantage of the publicity to the community at large, said the court, outweighs any private injury resulting from the publication. The court concluded:

> There is nothing unlawful in publishing reports of parliamentary proceedings. Practically, such publication is sanctioned by Parliament; it is essential to the working of our parliamentary system, and to the welfare of the Nation.

Returning now to the District of Columbia Circuit: In Hearst, a Senate committee, authorized to investigate lobbying activities, obtained copies of telegrams pertinent to its inquiry which the Federal Communications Commission made available to it and which the Commission concededly had unlawfully obtained under subpena from telegraph companies and passed to the Senate committee. The plaintiff sought to restrain the committee from keeping the messages or making any use of them, or disclosing their contents. It was held that a court of equity had no authority to do any of these things. In dismissing the complaint, the Court of Appeals said:

> The Constitution has lodged the legislative power exclusively in the Congress. If a court could say to the Congress that it could use or could not use information in its possession, the independence of the Legislature would be destroyed, and the constitutional separation of the powers of Government invaded.

With these precedents and history before him, Judge Gesell nevertheless, and much to our surprise, made his adjudication to the contrary. On October 28, 1970, he entered a final order enjoining the Public Printer and the Superintendent of Documents from printing and distributing the committee report aforesaid, or any portion, restatement, or facsimile thereof, with the exception of a "normal" publication or distribution of the full text of the report in the CONGRESSIONAL RECORD, without special reprinting or excerpting of any portion, and further declared any other publication of the report at public expense to be illegal.

One may then inquire on what basis Judge Gesell should independently conclude that he possessed and should exercise a power of enjoining speech in the House and the publication by the House of its proceedings, an action without precedent in the history of the United States and even of England?

We must thus look to Judge Gesell's opinion of October 28. As we approach it, Mr. Speaker, assuredly we do so with some expectation that we shall find in it a clear and compelling statement of constitutional authority or public need to justify a departure from over 300 years of precedent and history. What we find, on the contrary, is a statement of unsupportable assumptions as the bases for premises he advances which are neither wholly related to, nor logically connected with, each other or with his conclusion. Indeed, I have found it difficult to follow his tortured, obscure, and disjointed reasoning.

Initially he rejects the holding in Methodist Federation, and totally ignores Hearst. In rejecting the former, he sought to do so on two grounds. His first argument was that the plaintiffs' claim in Methodist Federation was founded on an alleged libel in the document, and not on an abridgment of first amendment freedoms. This distinction is a palpable misrepresentation of the facts. As noted above in my recital of the facts, the complaint in Methodist Federation specifically raised the first amendment issue in the allegation therein contained that the concurrent resolution abridged the plaintiffs' right of free speech, assembly, and press. However, in view of the specific commitment to Members of Congress under the speech and debate clause, article I, section 6, the court took the position that it was unnecessary to consider whether an injunction would violate the First Amendment as well as the prerogatives of Congress. Moreover, if the plaintiffs in Hentoff were not allegedly defamed, then what was the basis of their claimed injury?

The second ground alleged by Judge Gesell as a basis for rejecting Methodist Federation was that the decision had been "in effect overruled" by a later decision of the Supreme Court in *Powell* v. *McCormack*, 395 U.S. 486, 1969, in which, he said, the Supreme Court state:

> That House employees are acting pursuant to express orders of the House does not bar judicial review of the constitutionality of the underlying legislative decision. 395 U.S. at p. 504.

Now of course it is necessary for a court to distinguish a precedent by which it would otherwise be bound, if it dares to avoid the impact of that precedent. But surely no one can fail to apprehend the utter unreality of the distinction which he seeks to make. The court in Methodist Federation did not dismiss the complaint against the Public Printer or Superintendent of Documents on the ground that judicial review was barred. There is nothing in the case which remotely suggests it. On the contrary, the court in Methodist Federation dismissed the complaint against the defendant Members of Congress for lack of jurisdiction, but dismissed the complaint against the Public Printer and the Superintendent of Documents "for failure to state a claim on which relief can be granted," a result not at all inconsistent with Powell.

Moreover, while there are some questions involved which are common to both cases, the courts ultimately had different issues to resolve. Methodist Federation dealt with a question of pure speech in the House, and whether that speech could be enjoined in light of the speech and debate clause. In Powell, the court was not called upon to determine whether it might enjoin the public dissemination of speech in the House in relation to the speech and debate clause—article I, section 6—nor indeed was it called upon to determine whether it might grant coercive—that is, injunctive relief—at all. The question before the Supreme Court was whether it could declare the rights of Powell, that is, grant him only "declaratory" relief, with respect to the action of the House in excluding a Member under the provision of article I, section 5.

The court in Powell thus had before it the basic and ultimate issue whether Powell was improperly denied membership in the House. In Methodist Federation, the ultimate issue was whether Members could be enjoined from speaking in the House. In determining these issues, the court in both cases had to decide three subsidiary questions: First, whether the court had jurisdiction over the subject matter; second, whether the court had jurisdiction of the parties defendant, or whether the defendants were immune from suit; and third, whether the claim was, in the semantics of the courts, "justiciable." In Powell, the speech and debate clause was in the case only on the second question. In Methodist Federation, the speech and debate clause was involved in the determination of the second and third question. Now let us see what the court decided in Powell with respect to these subsidiary questions in contrast with the result in Methodist Federation.

First, as to the question of jurisdiction of the subject matter. It is clear that in both cases the courts maintained that they had jurisdiction of the subject matter. Undoubtedly district courts are invested with jurisdiction in all civil actions where the matter in controversy arises under the Constitution. In Methodist Federation, the plaintiff claims a violation of first amendment rights. In Powell, the claim was made that he was wrongfully excluded in violation of article I, section 5 of the Constitution. We therefore, see no difference on this point.

We now pass to the second question, as to jurisdiction of the parties. In both cases the actions were filed against Members of Congress together with employees of the Congress. In both cases the action was dismissed against the parties-defendant who were Members of Congress. In Methodist Federation the action was dismissed as to the Members of Congress on the stated ground of the express provision of the speech and debate cause that Members of Congress shall not be questioned in any other place. The court said that in view of this provision it would be "paradoxical" if Members could be questioned in the courts. In Powell, the defendant Members of Congress were likewise dismissed on the basis of the speech and debate clause, and the court did so because of the broad construction given to the speech and debate clause in a series of cases holding that this clause insulates the Members from being required to defend themselves, not merely with respect to pure speech or words actually spoken in debate, but to "things generally done in a session of the House by one of its Members in relation to the business before it," citing on this point particularly *Kilbourn* v. *Thompson*, 103 U.S. 168 (1880). Thus in both cases jurisdiction against congressional employees was assumed, and the claims of the plaintiffs judicially reviewed.

This brings us then to the third question of justiciability. On this phase, while declaratory relief was granted against the congressional employees in

Powell, the injunctive relief sought against them in Methodist Federation was denied. The court in Powell said that two determinations must be made to resolve the question of justiciability: First, whether the claim presented and the relief sought are of the type in which the court can "mold effective relief," or in other words admits of judicial resolution; and second, whether the issue presented is a "political question," that is, a question which is not justiciable in Federal court because of the separation of powers provided by the Constitution. In Methodist Federation, the plaintiff sought injunctive relief, but in Powell sought only declaratory relief, and in the latter case the Court did not resolve the issue of whether coercive relief could be granted. On the political question, whether separation of powers barred relief of any kind, the courts reached different results, and did so because of the difference in the basic issues before the court.

In determining the "political question," the court in Powell, citing *Baker* v. *Carr*, 369 U.S. 186 (1962), said that this question involved a determination whether there was "a textually demonstrable constitutional commitment of the issue" to the House. The court concluded that the "textual commitment" under article I, section 5, has demonstrated that in judging the qualifications of its members to be seated, Congress is limited to the standing qualifications prescribed in the Constitution. On the other hand, in Methodist Federation with respect to a distinct and separate provision of the Constitution, article I, section 6, the speech and debate clause, the court dedetermined that no relief could be granted to restrain Congress from speaking because the courts were by the express terms of that provision denied the power to grant any relief and that therefore the separation of powers—the political question—barred the granting of relief. The court therefore implied that it indeed found "a textually demonstrable commitment of the issue" to the House. Although differing in result, the two cases are, of course, clearly consistent with each other in principle.

We must thus conclude that since Powell had no occasion to decide the "political question" issue under the speech and debate clause, the holding in Methodist Federation still stands as a precedent, unreversed by the Supreme Court, and not "in effect" overruled by Powell as Judge Gesell suggests.

But the court's confusion does not stop at this point. After thus passing over Methodist Federation, he then proceeds to make certain curious assumptions in an attempt to justify his restraints on the printing and public dissemination of the Committee report.

His first major assumption is that nothing in the Constitution or the cases suggests that a committee report is a necessary adjunct to speech or debate in Congress. This assumption requires close examination. I would place emphasis on his use of the word "necessary." Please note that he does not say that a committee report is not speech or debate, and he does not say that a committee report is not within the protection of the speech and debate clause of the U.S. Constitution. Obviously this he could not say in the face of clear pronouncements to the contrary in prior decisions of the Supreme Court by which he is bound. See *Kilbourn* v. *Thompson*, 103 U.S. 168, 204 (1880), and Powell against McCormack, supra, at 506. What he says is that a committee report is not a "necessary adjunct" to speech or debate, just as one might say that the eating of meat and potatoes is not a "necessary adjunct" to the maintenance of life. He says, in short, that the speech of Congress may be exercised by means other than a committee report. Of course with that much and only so much may we agree, although it would seem clear to me that to preclude a committee from communicating with the House by other than the present reporting system would be a matter of no little inconvenience to the House.

On the other hand, if Judge Gesell is suggesting that because a committee report is not a necessary adjunct to speech and debate the court may, therefore, prohibit the House from exercising its speech by means of a committee report, that conclusion does not follow from, nor is it justified by, his major premise. We do not concede his claim. Whether speech or debate is to be exercised through a committee report is not a question of necessity. It is a question whether that is a determination confided by the Constitution to the House. It is plain that Judge Gesell would settle this question by claiming that for one reason or another the court has the power of making this determination. And he cites no pertinent authority in support of this conclusion. This is not unexpected, for he is clearly running against the irresistible current of history and authority.

Instead, he cites a number of irrelevant cases, involving not the speech of Members of Congress in relation to the speech and debate clause, but the compulsion by Congress of the speech of others in relation to the first amendment, citing *Bates* v. *City of Little Rock*, 361 U.S. 516 (1960); *West Virginia Board of Education* v. *Barnett*, 319 U.S. 624 (1943); together with the dissents in *Abrams* v. *United States*, 250 U.S. 616 (1919) and in *Barenblatt* v. *United States*, 360 U.S. 109, 147–59 (1959). In Bates, custodians of the records of local branches of the NAACP were convicted for refusing to furnish city officials with lists of the names of the members of the local branches of the association. In West Virginia Board of Education, a State statute made it compulsory for children in the public schools to salute the flag and pledge allegiance. In Abrams, the defendants were convicted of a violation of the Espionage Act for circulating statements allegedly in violation of the act. In Barenblatt, a conviction was sustained for refusal to testify as a witness before the House. Why Judge Gesell should cite a dissent in this case, when by that decision, and many others, the Supreme Court has ruled that even speech may be compelled by the Congress over first amendment claims, makes no sense to me.

Now, Mr. Speaker, let us turn to consider the effect of Judge Gesell's order with respect to the processes of the House. The effect of the order was, of course, to suppress all publication of the report. The only publication authorized by the order was what the court referred to as a "subsequent normal publication or distribution of the CONGRESSIONAL RECORD." With the House in recess, no publication could be made in the CONGRESSIONAL RECORD. On the other hand, if the House were in session, it is not the rule of the House or its practice to print the full text of committee reports in the CONGRESSIONAL RECORD. Nor are committee reports published in full text in the House Journal. Committee reports are published separately, as a matter of convenience of distribution and to avoid duplication of printing. However, although only the Public Printer and the Superintendent of Documents were enjoined from printing or distributing any copy of the report, it was not feasible that members of the committee would attempt to have the report privately printed, or even prepared, printed, and disseminated by members of the committee staff, in view of the fact that in its declaratory order the court pronounced any publication of said report at public expense, other than in the CONGRESSIONAL RECORD aforesaid, to be illegal.

The order thus runs afoul not only of the speech and debate clause, but other constitutional inhibitions. Article I, section 5, clause 3 of the Constitution requires that "each House shall keep a Journal of its proceedings, and from time to time publish same." In practice the House maintains both a Journal and the CONGRESSIONAL RECORD. It is said that the Journal and not the CONGRESSIONAL RECORD is the official record of the proceedings of the House. See Rules of the House of Representatives, House Document No. 402, 90th Congress, second session, annotation, page 26. Yet the full text of committee reports is printed in neither. Committee reports are printed separately, but a reference to the titles and subject thereof are entered both on the Journal and printed in the RECORD. Rule XIII, paragraph 2, of the House.

The distinction between the Journal and the CONGRESSIONAL RECORD is likewise made in the act of Congress regulating public printing and documents. Title 44, United States Code, section 701 authorizes on order of either House of Congress a separate printing of "a document or report." It fixes the number and distribution of the printing, reprinting, and distribution of such documents and reports for the use of the Congress and to meet public requirements. Section 713 authorizes the printing of the Journals of the Senate and of the House in specified numbers and regulates their distribution. Chapter 9—44 United States Code 901 et seq.—authorizes and regulates the printing and distribution of the CONGRESSIONAL RECORD to specified persons and Government agencies, foreign legations, and newspaper correspondents without charge, and to all members of the general public on subscription at a fixed rate.

What, then, is a "normal" distribution of the CONGRESSIONAL RECORD, as that term is used in the court's order? How

does Judge Gesell resolve the constitutional question of barring publication of a proceeding which, by the terms of article I, section 5, clause 3, the House is required to publish? We find no answer to the former question, but Judge Gesell endeavors to answer the latter.

He takes note that article I, section 5, clause 3, of the Constitution provides "each House shall keep a journal of its proceedings, and from time to time publish same." Evidently recognizing this constitutional provision as a mandate to publish the proceedings of the House—a committee report filed with the House being presumably a proceeding in the House—he concedes that some publication of the report cannot be enjoined. What he says is that this mandate is fulfilled by a "normal" printing of the CONGRESSIONAL RECORD, and hence the publication in the CONGRESSIONAL RECORD, cannot be enjoined. He says, however, that any additional printing of a committee report for "wider publication and sale" allegedly stands on a "different footing." He concludes that nothing in the Constitution compels more than a distribution in the CONGRESSIONAL RECORD for printing and distribution to Members of Congress, and second, that its printing and distribution beyond that is not necessary to give effect to the freedom of Congress to speak and debate on the floor of the House.

These assumptions must be fully examined, for they likewise demonstrate the confusion in this judge's mind. Article I, section 5, clause 3, which authorizes—and presumably, in the use of the word "shall," directs—the House to keep a journal of its proceedings and to publish the same is, of course, a positive mandate to the House to do something—indeed, to publish its proceedings. To publish means to bring before the public, and the power to publish necessarily includes, quite to the contrary to what Judge Gesell maintains, the power to make a widespread dissemination; that is, a dissemination to the public. This conventional meaning of the term is likewise supported by the history of the provision. With respect to the adoption of this provision, the Journal of Proceedings of the Constitutional Convention discloses the following debate in the Committee of Detail:

ELLSWORTH. As the clause is objectionable in so many shapes, it may as well be struck out altogether. The legislature will not fail to publish their proceedings from time to time. The people will call for it if it should be improperly omitted.

WILSON. Thought the expunging of the clause would be very improper. The people have a right to know what their agents are doing or have done, and it should not be in the option of the legislature to conceal their proceedings. Besides, as this is a clause in the existing Confederation, the not retaining it would furnish the adversaries of the reform with a pretext by which weak and suspicious minds may be easily misled.

The provision was adopted. See "Drafting the Federal Constitution, A Rearrangement of Madison's Notes, etc.," by Arthur Taylor Prescott, Louisiana State University Press, 1941, at page 429.

If, then, to "publish" means to disseminate to the public, on what authority does the court conclude that the report can be disseminated only to some portion of the public and not to others? While admittedly the printing of 1,000 copies of a report is, of course, a different thing from printing 10,000 copies, it is only a difference of quantity, but not of constitutional authority. It is also a difference in result as to whether the constitutional mandate of article I, section 5, clause 3, is effectively carried out.

Now, Mr. Speaker, I have for present purposes concluded my discussion of Judge Gesell's opinion and action. It should be evident that what we are witnessing is an unprecedented and notorious encroachment upon the constitutional powers and privileges of the House and of its Members. This blatant assault upon the rulemaking powers of the House, upon the authority of the House to publish its proceedings, and upon that most imperative and high privilege of speech in the House, all of which are accorded to the House and its Members by express terms of the Constitution, cannot pass unnoticed. This clearly affects the integrity of the proceedings of the House and rights of its Members and, as such, is clearly a question of privilege. See House rule IX.

It was long ago noted by Madison in Federalist No. 48 that—

It will not be denied that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it. After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judiciary, the next and most difficult task is to provide some practical security for each, against the invasions of the others. What this security ought to be is the great problem to be solved.

It is evident that in the nature of our constitutional structure it cannot be maintained that the House is conclusively bound in all cases and in all matters by the judgment of any coordinate branch. While the court is certainly entrusted generally as the arbiter of questions arising under the Constitution, it is likewise clear that in matters fundamental to the existence and function of a coordinate branch we are not in all instances to be concluded by the judgment of the court. It was asked by the author of Federalist No. 51:

To what expediency, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution?

It is apparent that there has been no wholly satisfactory answer to this question. While it was hoped that the interior structure of the Government be so contrived that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places, it was evident, he said, that each department should have "a will of its own."

Ultimately there must be cases, as the case before us, in which on natural principles of self-preservation the House must make its own judgment. How otherwise is it to preserve itself? Moreover, as in the instant case, where a court clearly disregards the precedents of its own branch and, in the system of appellate review, accords us no prompt relief, are we not obliged to take such measures as may be discreet and necessary to exert that authority which is so essential to the preservation of our structure of government in a system of liberty? Are we not at least accorded the powers of self-help allowed to street demonstrators? See *Wyatt T. Walker* v. *City of Birmingham*, 388 U.S. 307 (1967).

It is a point of importance that we have applied to the Court of Appeals on October 30 for an expedited review of the action of Judge Gesell. This was denied us. Meanwhile the proceedings of the House on the committee's report must await the leisure and perhaps indifference of the appellate branch. How long is the business of the House to be delayed? One may only speculate as to when our appeal will be finally and favorably disposed of. Matters of this sort have frequently been in the courts for years awaiting final result. I suggest that this cannot be tolerated.

We have, Mr. Speaker, a precious heritage in the Constitution, and in this House which it established. We have received this heritage in trust, for our temporary use. We have no power of disposal or alienation. It must pass unimpaired to succeeding generations. We are bound in duty and honor to protect and preserve it against all who would trespass upon and in any wise diminish it.

I have, of course, advised the Members of proposals I am contemplating on a question of privilege. I thought it necessary and important to have an expression of views and the judgment of the Members on the likely course we should pursue, and that is the purpose of the time I have this day reserved.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Speaker, I compliment my colleague from Missouri for bringing this to the attention of the House.

I would hope that the explanation provided by the gentleman from Missouri (Mr. ICHORD) in reference to the decision made by the judge will provide the necessary tools for this House to operate without any restrictions or handicaps as far as committee responsibilities are concerned.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, I, too, would like to commend the gentleman from Missouri, the very able chairman of the Internal Security Committee, for attacking this problem head on. It appears to me that Judge Gesell is in obvious and perhaps arrogant violation of the separation of powers between the judiciary and the legislative branches of Government. I think this is the only way to meet this very serious problem. Again I commend the gentleman for meeting it head on.

Mr. ICHORD. Mr. Speaker, I thank the gentleman from Ohio.

Mr. Speaker, I reiterate my statement that when we examine what has happened in these proceedings, every Mem-

ber of Congress had better be quite concerned about what is going to happen in the future, regardless of his particular philosophical persuasion. Today it is a nonelected judge of one philosophical persuasion making the decision, tomorrow it is a judge of the opposite persuasion handing down the decision. Today it is one committee, tomorrow it is another committee. Such action can only lead to a tyranny of nonelected judges.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from New Jersey.

Mr. HUNT. I thank the gentleman from Missouri for yielding.

I take this opportunity to commend the gentleman for his fortitude and for the clarity with which he has approached this tremendous problem. It has long been said, and it will always be said, that the Congress of the United States is the mouthpiece for its people.

If we should come to the point that one man—a one-man court—may suppress that voice, then we shall have gone a little too far.

In my humble estimation the courts have interfered repeatedly with the due processes and rights of the Congress, and we can no longer stand by to see a continued erosion of the powers of Congress. Let the courts stay in the courts and let the Congress handle its particular methods of dealing with the people, for the people, because this is a democracy. No one should be muzzled in this war.

If it comes down to the point that the national security may be in jeopardy, or can possibly be in jeopardy, or one scintilla of evidence exists whereby we are suppressing information the American public should know, then I say to you, Mr. Chairman, you should reveal this on the floor of the House and it should be made a matter of public record.

Once again I commend the gentleman for his fortitude. I want him to know he is not fighting a lone battle. He has many supporters who are with him all the way, and we intend to stay with him until the finish.

Mr. ICHORD. Let me say to the gentleman from New Jersey that I do believe it is advisable to avoid a head-on collision between the judiciary and the Congress if at all possible. I have given a great deal of thought as to how the Congress should proceed in this matter. This is the reason why I circulated the letter to the Members of the House, and why I have instructed the staff of the House Committee on Internal Security to prepare a new report.

That report has been circulated to the Members of the House Committee on Internal Security. If the House Committee on Internal Security reports a new report on the same subject to this House, I intend to hold the report at that time, and at the time I introduce the report into the House for printing I intend to introduce a privileged resolution which will order the Government Printer to print this report; and all persons will be enjoined from interfering with the printing of the report.

I would further state that it is my intention before calling this matter up to circulate a copy of the report to all the Members of the House, including a copy of the privileged resolution, because this decision, I will say again to the gentleman from New Jersey, if permitted to stand, can only lead to the tyranny of the Judiciary. If a committee of Congress abuses the speech and debate clause that is for the electorate to correct, not nonelected judges.

Mr. HUNT. I thank the gentleman from Missouri for his explanation. I most thoroughly agree with him. I am quite sure when this matter finally comes to an ultimate clarification the rights of the Congress to speak up on behalf of the American people shall be upheld once more.

I am most certain the gentleman is on the right track, and many of his colleagues in the House believe the same as he does and will substantiate and assist him all along the line.

Mr. ICHORD. I thank the gentleman for his contribution.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. I, too, would like to commend the gentleman for the diligence he has shown in bringing this before the House. Quite frankly, I know of nothing, in the short 4 years I have been in the House, which has concerned me more than this particular matter.

It concerns me because I see in this the possibility of a precedent of tremendous proportions being established. I feel that this House cannot acquiesce. This House does have the authority to interpret the Constitution of the United States. Granted the courts also have this authority, but no where in the Constitution of the United States is there exclusive authority granted to the judiciary to interpret what the Constitution means. Particularly this is true where there is a conflict between the coequal branches of Government. I feel that we as a body can in no way allow the judiciary to place their interpretation on the free speech clause or on the rights and powers of the Congress where there is a conflict between these two branches. We must insist on our position. Should we not insist on our position, frankly, I feel that the entire American system of government will be the loser.

I commend the gentleman from Missouri. I do have some concern about presenting a new resolution or a new report unless this report is identical with the one rejected. I state this because it concerns me that this could be interpreted by some as acquiescing to the court's action, and then the court would simply state, "Well, our position prevailed. This is a precedent for future cases involving other committees of the Congress. The new report entered was not enjoined because it was a different report." That concerns me.

Mr. ICHORD. I agree with the gentleman from Georgia that it is seemingly unfair to permit a coequal power in our form of government, which is the aggressor in this case, to decide the respective powers of coequal branches of Government. I cannot predict the work of the House Committee on Internal Security. I am chairman of that committee, but that will depend upon the work of the House Committee on Internal Security. I will point out that Judge Gesell in his final injunction, did not enjoin me from putting the report in the CONGRESSIONAL RECORD. As a matter of fact, the CONGRESSIONAL RECORD was specifically exempted in his order. But I have not put the report in the CONGRESSIONAL RECORD for many reasons. I think I would be bowing to the authority of the court if I so did, and I would not do that without permission of the House of Representatives. Second, the rules on printing prohibit the printing of a committee report in the RECORD. Judge Gesell in his decision seemed to be quite confused about records of the House of Representatives. He seemed to think that the CONGRESSIONAL RECORD was the same as the Journal. It is not. They are two completely different things. The Constitution of the United States in article I does require the House of Representatives to keep a Journal of its proceedings. However, it is not the practice of the House of Representatives to print committee reports in full in the Journal. They merely print them by title.

The mandate of the Constitution to keep a record of its proceedings is carried out by the printing of the committee reports separately.

The CONGRESSIONAL RECORD, of course, is not the Journal. So, the House would have to change its own rule prohibiting the printing before I would be permitted to carry out even what Judge Gesell held was permissible in his decision.

Mr. THOMPSON of Georgia. I certainly thank the gentleman for the explanation. If I may say this, as one Member of the legislative body of this Government, I certainly do not acquiesce, I certainly do not concede, that the judiciary has the exclusive power to interpret the Constitution, particularly where we as legislators of the United States are involved. I think we also have this power. But it is certainly true, because of the peculiar organization of the legislative branch of the Government, as opposed to the judicial branch of Government, that one individual acting by himself in the judiciary may at times appear to be able to assert a position which certainly may not be concurred in by the other members of the judiciary. In the legislative branch we often need to get a majority of all of those in order to have the position of an individual legislator maintained. So, there is a peculiar distinction, because of the organization of our legislative branch. And, of course, that is true of our judicial branch which may appear at this time to give one individual in the judicial branch an advantage over an individual in the legislative branch. But we are coequal and I certanly do not acquiesce in any position that the judicial branch of the Government has exclusive authority to interpret the Constitution where a conflict between the coequal branches is concerned.

Mr. ICHORD. I thank the gentleman from Georgia for his contribution.

Mr. Speaker, I would be happy to yield

to any other Member if he wishes to participate in this discussion.

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I am glad to yield to the gentleman from California.

(Mr. EDWARDS of California asked and was given permission to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, I thank the chairman of the committee for yielding to me and I too, with him, regret that this confrontation has taken place between the legislative branch and the judiciary.

Mr. ICHORD. May I say to the gentleman from California, if I may interrupt the gentleman at that point, I think I am familiar with the philosophy of the gentleman from California and we differ on many matters, but I do respect his opinions. I think, however, that when I submit this matter to the House of Representatives it will probably pose a very difficult question for the gentleman.

Mr. EDWARDS of California. I shall not anticipate what my actions would be, nor do I anticipate, Mr. Speaker, what the actions of the Supreme Court or the court of appeals will be in this matter. It is very possible that the judge could be overruled.

Mr. ICHORD. The gentleman brings up another reason why I intend to proceed as I announced. This does involve a matter of separation of powers, and in view of that I asked the court of appeals, through my attorneys, for an expedited hearing in the Court of Appeals of the District of Columbia. That expedition was denied, and this is an added reason why it is my intention to take the action which I have announced.

Mr. EDWARDS of California. That would certainly be very wise.

Since the gentleman from Missouri brought up the matter of the Constitution, I think it should be pointed out that in Judge Gesell's decision that—and I have not seen this report, but I think I probably know what it is—it is not the regular kind of report for legislative purposes that are available to Members before a vote; this apparently is one of the reports issued by the gentleman's committee that is disseminated throughout the country, perhaps through mailing lists. I note the gentleman ordered 6,000 copies of this report.

Mr. ICHORD. If I may comment on that——

Mr. EDWARDS of California. If the gentleman will permit me to finish my sentence—in other words, it is not the usual type of a legisative report. This is the type of report that is issued by the gentleman's committee. There are scores of them. Is that not correct, on different groups in the United States?

Mr. ICHORD. I would say that this report does differ from the reports of other congressional committees. As a matter of fact, the gentleman well knows that most if not all committee reports are prepared by the staff members of the various committees, and this report was also prepared by the staff of the House Committee on Internal Security. However, there is one difference in the procedure and that is under the rule of the Committee on Internal Security because of the nature of the work of the committee, we have a rule which requires that the report be available to the members of the committee 3 days before it is acted upon. So it does differ from the reports of other committees of the House in that the membership of the committee did have this report before them at the time it was reported to the House, and as I indicated before there was one dissenting vote.

Mr. EDWARDS of California. This court found that this report is a blacklist of college speakers, and that it does, the court found, impinge on the first amendment right of these speakers.

Mr. THOMPSON of Georgia. Would the gentleman yield?

Mr. ICHORD. In just a moment.

Mr. EDWARDS of California. And that this blacklist was issued for the purposes of exposure with no legislative purpose by the committee in mind. And the court pointed out, and I quote the decision: "apparently with the hope and expectation that college officials, alumni, and parents would bring social and economic pressures upon the institutions that had permitted these speeches in order to ostracize the speakers and stultify further campus discussion."

Now, the gentleman knows that I am very much concerned about some of the activities of the gentleman's committee, and I have been for 8 years.

It seems to me—although I have not seen a copy of this particular document, since it has not been published yet—it could have been put in the CONGRESSIONAL RECORD had the gentleman chosen, and as the gentleman knows the judge pointed this out, that at any time it could be put in the CONGRESSIONAL RECORD, and the gentleman could make speeches about it. Anything could be done. The only thing that had to do with the injunction was that the report——

Mr. ICHORD. The gentleman is quite correct in one respect; there was no injunction against me as a Member of Congress for disseminating the report, and there is no injunction against my having the report printed at private expense; the extent of the injunction was to prohibit the printing at Government expense.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I intend to reply more thoroughly and fully to the gentleman from California, but I yield to the gentleman from Georgia at this time.

Mr. THOMPSON of Georgia. I would like to inject this at this point because I feel the RECORD may be being built on something which is not the case. It is a usual practice of committees of Congress to print reports which are intended for general distribution. The Committee on Government Operations does this quite frequently and quite frequently thousands of reports are printed when they are matters of unusual interest to the public.

I would like to submit that by the Committee on Internal Security making available more copies of the report than only to the Members of Congress is not an unusual procedure so far as other committees of the Congress are concerned. I am certain, if the gentleman would like, we can have the Public Printer provide us with figures on the reports that have been printed and the numbers and the record will conclusively show that this is a usual and customary practice on certain reports which are of general interest that many more be printed than are needed solely for dissemination within the House of Representatives itself and they are indeed sent to interested parties throughout the United States.

Mr. ICHORD. In further answer to the gentleman from California, I would like to point out that the House would have to reject its own rule prohibiting the printing of committee reports in full in the CONGRESSIONAL RECORD before that can be done. There is such a rule. Also, I did not make any request for a printing of any copies other than the usual number of copies.

But let me further state to the gentleman from California that I totally reject the contention of Judge Gesell and perhaps his contention, even though he stated that he has not read the report, that this is a blacklist of speakers or that this was intended to discourage universities and college campuses from bringing these particular speakers upon the campuses.

I would point out to the gentleman from California that I am aware of his feelings in regard to the House Committee on Internal Security. At the first part of this session, he voted against the establishment of the House Committee on Internal Security. I must confess I cannot understand the rationale of his reasoning. I think most of the opponents of the establishment of the House Committee on Internal Security did agree that the language of the mandate of the House Committee on Internal Security which was proposed and adopted was certainly more unambiguous, much clearer than the mandate of the House Committee on Un-American Activities.

As I understood the debate and the argument, and I do not wish to put words in the mouth of the gentleman from California—that his idea was to vote against the establishment of the House Committee on Internal Security because the opposition would eventually have the chance to abolish the House Committee on Un-American Activities. This, to me, is very esoteric reasoning indeed.

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman.

Mr. EDWARDS of California. Mr. Speaker, I suggest that the reason why a number voted against the change of name and a change of rules was our fear that exactly what has happened is happening—this unnecessary confrontation with the courts and the Committee on Internal Security issuing an obviously—even though I have not seen it—but I do know the chairman is going to order it to be corrected—so there must be something that disturbs the chairman about the report.

Mr. ICHORD. Let me say to the gentleman from California that this new draft of the report—and the gentleman is familiar with the legislative process—has been submitted to the members of the committee for their consideration.

Mr. EDWARDS of California. Why is there a new draft? You have sent one draft to the Public Printer.

Mr. ICHORD. I have stated heretofore that I did not believe that it would be desirable to have a direct confrontation with the court on this issue. I think the gentleman from California will concur, regardless of his feelings on this particular report. I do feel it necessary to proceed in this way because this new report could well be considered a restatement and would also be subject to the injunction. The original report is in litigation and that litigation can proceed.

May I further say to the gentleman that this report was prepared by the staff committee. I am not saying that the language of the report was perfect. I am not saying that it did not need improvement. I think we can state that about nearly all, if not all, the committee reports that emerge from all committees. They are not perfect documents. They are the creatures of the human mind. I do think that the language of the report can be improved. But I reject the contention that the House Committee on Internal Security, having the mandate which it does have over subversive activities—subversive activity being defined in the mandate as that action which would overthrow this Government by force, violence, and unlawful means—does not have the right and the authority to look into the financing of revolutionary activity within this country.

As a matter of fact, when the committee was first established, I asked the committee to authorize an investigation into revolutionary activity within the country, and I submit to the gentleman from California that the committee does have the authority, and not only the authority, but it has a duty under that mandate to ascertain the numbers of such revolutionary organizations. It has the duty to ascertain, if it can, the objectives of such organizations. It has the duty to ascertain the financing of such organizations.

I think that in this respect the gentleman will have to concede that we do have considerable revolutionary, violent activity throughout the Nation. As a matter of fact, in recent testimony before the permanent Subcommittee on Investigations of the Committee on Government Operations of the Senate, a representative of the Treasury Department testified to these figures, and I bring them to the attention of the House. He testified that for a scant 15-month period, January 1969, to April 1970, this country suffered a total of 4,330 bombings, an additional 1,475 attempted bombings, and a reported 45,129 threatened bombings. Of the 4,330 actual bombings, 3,335 were incendiary in nature and 975 were explosives. Of the total number of bombings, attempts, and threats reported in number 39,934, 64 percent were of unknown attribution, and of the 36 percent in which there is an estimate of attribution, 56 are attributed to campus disturbances—56 percent—14 percent white extremists, and 19 percent black extremists.

In the reported periods these bombings were responsible for the deaths of 43 people and $21.8 million worth of property damage.

I would also point out to the gentleman from California that in the new report I intend to have figures of another study having been made by a department of the Government which will show the damages to Federal and non-Federal property at institutions having ROTC facilities. This, I think, might surprise the gentleman from California.

Now, to contend that the U.S. Government, which is in many instances furnishing large sums of money, does not have jurisdiction in this matter, I submit to the gentleman is not a valid contention.

Mr. EDWARDS of California. The gentleman brings up the matter of the terrible number of bombings in the United States. The gentleman knows I am a member of the House Judiciary Committee that has recently written and enacted a very strong law on that subject. I support the bill and will support it in the future.

Mr. ICHORD. Let me say to the gentleman that in this matter of internal security and particularly attacking the problems which the House Committee on Internal Security has the duty of attacking, and also the House Committee on the Judiciary, there is considerable overlapping of jurisdiction. It is not a very easy matter to legislate within this field. Often we come up against the rights and the privileges and the guarantees of the first amendment, which we both do hold sacred and should as citizens of this great Republic. It is often difficult to draft measures which are constitutional. It is even more difficult to draft measures that will be effective. I would say to the gentleman from California that I do not believe that all the organizations that have been responsible for some of this activity were working closely together, they would have the ability at this point in history to overthrow our Government; but I do think they have the ability to so stultify this Nation, this free society of ours, that we will not be able to muster the will and the unity to solve the many difficult problems we have.

I fear they do have the capacity to cause the gentleman and me to be deprived of our own liberties and freedoms. Already we have witnessed measures proposed and some have been passed which will have this effect. I think the gentleman from California is just as concerned as I am about many of these proposals that have been made in the Congress in an effort to solve our problems in this area.

It is true that the Federal Government can move into the field of keeping the peace in every city and town of the Nation but it is vain and perhaps dangerous to enact a law if it is not enforced. To enforce such laws we would have to establish a national police force, and if that is done, we will have lost a great deal of what this country is all about.

Mr. Speaker, I thank my colleagues for their participation in the discussion at this late hour.

QUESTION OF SEPARATION OF POWERS

(Mr. SCHERLE asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. SCHERLE. Mr. Speaker, the issue before us is simple. It is the question of the separation of powers between the legislative, judicial, and executive branches of Government. To be even more specific, it is the question of whether the judiciary may infringe upon the power of Congress.

A Federal judge has—in unprecedented action—established himself as a censor to the Congress and thus, in effect, to the people of this country.

U.S. District Judge Gerhard Gesell has in essence told Congress that it cannot, through its House Committee on Internal Security, issue a report to the people of the United States on a matter of vital concern to their interests. This is not a matter of his jurisdiction. In short it is none of his business.

The rights and duties of the three branches of Government were spelled out with great clarity by the Founding Fathers of this Nation. It was one of their foremost concerns in drafting the Constitution because they knew from bitter experience as colonists under King George the Third of England the tragic results from the subjugation of one branch of government to another.

By issuing an order to the Public Printer and Superintendent of Public Documents permanently restraining further dissemination of what has come to be known as the "College Honoraria Survey," Judge Gesell is in clear violation of the speech and debate clause of the U.S. Constitution, the cornerstone of our democracy.

Yet this judge seeks to censor Congress. He sets himself up as a committee of one—an appointed and a non-elected committee at that—to tell Congress what it may or may not do.

Even if this report in question were without factual basis, if it were in fact fiction, Judge Gesell under our Constitution would have no right whatsoever to interfere with its publication.

But that is far from the case. The report was carefully and painstakingly researched and written by people who are experts in the field of subversion. It was closely scrutinized by the members of the House Committee on Internal Security prior to their decision to issue it to the Congress and to the American public.

It identifies more than 60 persons dedicated to changing our form of government, by force if necessary, who spoke to students and faculty members on college campuses, and it tells how much money they earned through these speaking engagements.

Some of them are household words, synonyms for revolution. To name just a few: Elaine Brown, Stokeley Carmichael, Angela Davis, Tom Hayden, Jerry and Nancy Rubin, and Abbie Hoffman. Others included are just as well known and some are not but all share a dislike and disrespect for our present form of government.

Thus we have the spectacle of a Federal district judge saying that the Stoke-

ley Carmichaels and Jerry Rubins of this world have the right to preach riot and revolution—for money—on our college campuses but a congressional committee does not have the right to identify them.

Mr. Speaker, under the House Committee on Internal Security's mandate it is not only the committee's right but its duty to submit reports on various people, so that Congress may be aware of their activities and, if necessary, write legislation concerning their involvement.

It is also the committee's right—and duty—to report on their activities for purely informational purposes.

Judge Gesell maintains in his opinion that the committee seeks to infringe on the first amendment rights of those named. That is nonsense. Nowhere in the report is it suggested that they do not have the right to speak or even that they should not. It simply names them and reveals how much they earned.

I fail to see why Judge Gesell and the American Civil Liberties Union want to shield those named from public knowledge. Most of them are proud of what they are or represent. One would think that they would be most eager to be thus identified.

But that is beside the point, Mr. Speaker. The point is, that Judge Gesell does not have the constitutional right to diminish the power of this great and venerable House.

We must not, Mr. Speaker, through laxity or inaction permit this matter to rest unchallenged. We must not let this judge establish himself or any other judge as a censor to this House or this Congress.

The eyes of history are upon us, Mr. Speaker. We cannot let history depict us as weak and ineffectual men in times that require strength and vigor to maintain our very existence.

Recently, a landmark decision was handed down by a Federal judge which threatens the investigative prerogatives of congressional committees. If upheld by the Court of Appeals, it could hamstring the effectiveness of congressional investigations and severely curtail the right of the people to know.

U.S. District Court Judge Gerhard Gesell issued a permanent injunction barring official Government publication or distribution of a report by the House Internal Security Committee listing the names and political affiliations of certain radical campus speakers. The judge reasoned that the report served no direct legislative purpose and concluded that its primary intent was to inhibit the free speech of the persons named. As such, he argued, it represents an unwarranted extension of congressional powers to the point of infringing upon the rights of individuals. In addition, he warned, the committee's action bordered dangerously on Government meddling with academic freedom.

In actuality, the committee's objective was to determine whether or not fees paid to campus speakers amounted to a significant source of financing for revolutionary groups. William Kunstler, lawyer for the "Chicago Seven," has publicly stated that speaking engagements are the prime means of financing such causes. Consequently the committee determined to investigate the truth of his claim. A survey was taken in which close to a hundred colleges participated voluntarily.

The survey revealed that most of our campuses are exposing students—wherever the administration of the institution is directly involved—to a wide-ranging variety of speakers. Where student organizations autonomously sponsor the speakers, radical leftist orators predominated. Frequently in these cases, the amount of the speaker's fee is unknown because the college administration requires no accounting for the expenditure of separate student funds. From those records which are available, however, one can infer that the amounts involved are considerable.

The committee concluded that the campus speaking circuit is a lucrative source of funds for the promoters of disorderly and revolutionary activity among students. Moreover, such speaking appearances are not only revenue-producing but afford a forum for expanding the radicalization process. In consequence, the committee believed that the American public had the right to know the extent to which campus speaking engagements promote the cause of revolution. In particular, it wished to alert college administrators to the implications involved in allowing such speakers to appear on their campuses.

Contrary to the opinion of some misinformed wizards, the ruling of the court did not apply, and was never intended to apply, to Members of Congress. The courts have no jurisdiction over official public statements made by Congressmen. A Congressman would be fully within his legal rights in publishing the list. The court's intention appears to be to limit the access of congressional committees to channels of public communication. Thus the Government Printing Office was enjoined from publishing the committee's report. This decision, while it may not effectively silence members of the committee, therefore, could be the beginning of a precedent-setting trend to restrict the investigative functions of Congress to the narrowest possible interpretation and to limit the people's right to know the results of congressional investigations conducted on their behalf. The Court of Appeals should reverse this dangerous and unconstitutional decision. Under our form of government, the three branches are equal. The judiciary should not trample the rights of Congress.

CAMPAIGN FINANCE REFORM BILL

The SPEAKER pro tempore (Mr. ADAMS). Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 60 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, I am today introducing a comprehensive campaign finance reform bill; a measure which I believe offers some concrete means for remedying the numerous deficiencies of our present system. I would like to begin by suggesting what appear to me to be some of the high priority areas for reform of campaign finance, and then briefly to summarize the ways in which my bill attempts to deal with these problems.

The first and most obvious problem is the skyrocketing cost of conducting a political campaign. The following figures help to underscore the rapid escalation of the cost of running for public office in the United States: In 1952 total spending for political candidates at all levels amounted to $140 million; by 1960 the figure was $175 million; by 1964 it was $200 million; and the cost of the 1968 election has been estimated at nearly $300 million. This means that in the last 20 years the costs of political campaigns have increased over 100 percent, and in the last 4 years almost 50 percent. One does not have to be a mathematical wizard to understand that if these trends continue, by 1985 we will be talking about multibillion-dollar campaigns. The American people are now well aware of this problem. A recent Gallup poll indicates that a full 80 percent of those questioned favor a clear and fair limit on runaway campaign spending.

A second and related problem is that these huge sums simply cannot be raised on the basis of numerous small contributions by voters of average means. Instead, it is becoming increasingly necessary for candidates for major public offices to rely on large individual or group contributors.

In every presidential year since 1952, except for one, the Democratic National Committees have relied on contributions of over $500 for upwards of 60 percent of their funds. In the same period in every year except one, the Republican National Committees have depended on donations of more than $500 for over half of their campaign funds. And in congressional races, especially for the House, the tendency to depend on a few substantial contributors has become even greater.

In our present system the only alternative to dependence on large contributors is reliance on personal, or family wealth. Yet, the profoundly disquieting spectacle of candidates spending millions of dollars of their own funds to win primary and general elections from New York to Arizona during the last campaign reminds us that this is no option at all. For the essence of our democratic system is access to public office by any citizen of average means who can gain the confidence and support of his fellow citizens. We would have to admit, I believe, that this ideal is reflected only dimly by the electoral process in our Nation today.

A third glaring deficiency of our campaign finance system concerns the runaway cost and deteriorating quality of political advertising on the electronic media. In 1956, $9 million was expended by all candidates on radio and TV advertising; this figure rose to $25 million in 1964, and to over $40 million in 1968—an astounding increase of almost 350 per cent in a little over a decade. For presidential campaigns the rate of increase in media expenditures has been even more startling. In 1956, presidential candidates spent $4.6 million for radio and TV; by 1968, the figure had climbed to $20.4 million.

This increase of almost 400 percent for media spending in presidential campaigns helps us to understand why the total costs of presidential campaigns have increased from about 19 cents per vote in 1952 to 29 cents in 1960 and to over 60 cents in 1968. It also indicates that no attempt to get overall campaign spending under control would be meaningful without some emphasis on reduction of expenditures for political broadcasting.

If these huge amounts of money were being spent for informative and enlightening political programing, they might be easier to justify. But the sad fact is that the 10-, 20-, or 30-second spot has come to dominate political advertising on radio and TV. Between 1964 and 1968 spending for political broadcasting in the form of bloc programing remained stable at about $5 million. But expenditures for spot advertising jumped over 100 percent in that period from $10 to $20 million. In 1968, almost 75 percent of funds expended for TV broadcasting were devoted to spot commercials and some informed observers predict that this may rise to 85 or 90 percent when the returns from the 1970 elections are calculated.

Not only do these spot commercials devalue the currency of political discourse, but they are also a most inefficient and irrational way of utilizing scarce resources. One of our colleagues from the State of Texas reported to a Senate committee holding hearings on campaign finance that he once bought a one-half hour program bloc on about half of Texas' 50 TV stations for $12,000. Yet, to purchase the same amount of time on these stations in the form of short spot announcements would have cost over $300,000. In 1968 a presidential candidate could have purchased time for a 1 minute spot commercial from one of the networks for about $50,000. However, a half hour bloc of program time would have cost only about $80,000. This means that for approximately the same amount of money a candidate could have either bought enough time to thoughtfully discuss his position on a number of important issues facing the Nation or he could have used a carefully produced tape showing him running along the beach, striding up the Capitol stairway or chatting with an important Government official.

When we consider the growing complexities of issues like the environment, military spending, fiscal and monetary policy, health care, and housing that will confront the Nation in the coming decade, it becomes clear that our elections must play a more educative and informative role than they have in the past. Yet unless something is done about what one news commentator has called the slick political commercials now polluting the airwaves, it is likely that emotionalism, simplification of issues, and empty rhetoric will carry the day.

A fourth major problem area in our election process concerns the inadequate and gap-filled system of reporting campaign contributions and expenditures contained in the 1925 Corrupt Practices Act. For instance, in one 1970 senatorial race the two major party candidates spent an estimated $5 million, yet neither acknowledged spending a single cent in reports to the Secretary of the Senate. And in another well-publicized Senate race, a candidate estimated to have spent almost $2.5 million on media advertising alone reported no campaign expenditures.

The legal sieve which permits this kind of evasion and circumvention is, in my view, worse than no law at all. For it merely perpetuates and inflames the cynicism and suspicion of large segments of the American public. If we are to restore the faith and trust in our political system that will be a vital prerequisite to solving the problems that confront us today, a most important first step will be to open campaign giving and receiving to the full light of public scrutiny.

There are, no doubt, other aspects of the process by which we finance our political campaigns that could be singled out for special attention; but I want now to turn to my own proposals for reform.

I have attempted to develop a comprehensive campaign reform bill for two major reasons: First, I think there was no small amount of validity in the President's contention that the political broadcasting bill he vetoed was a half loaf that may have raised as many problems as it solved and that it was proincumbent and discriminated against the broadcast media. Second, I have sought to develop a comprehensive measure because too frequently efforts at campaign finance reform seize upon a single objective, for instance lowering the costs of campaigning or providing public subsidies, and then merely fashion a mechanism for carrying out that narrow objective. Thus other important values or objectives may be sacrificed in the process of maximizing the original aim.

For example, the 1966 presidential campaign finance law gave clear expression to the limited goal of public subsidies for increasingly expensive political campaigns, but by making payments directly from the Treasury to the national party committee, it greatly diminished the dependence of our political parties on individual contributors, and thereby undermined an equally important objective of campaign finance reform: Namely, encouraging wider participation and giving by all classes of citizens.

Much the same kind of deficiency plagued the political broadcasting bill. By placing a sharp ceiling on expenditures for campaign advertising, the bill probably would have encouraged the final takeover of political broadcasting by spot commercials. For with sharply reduced amounts of dollars to spend candidates would have attempted to get maximum exposure through repeated, short spot commercials.

Similarly, if one were to place a ceiling on the total amount of money a candidate could spend in a campaign, but do nothing about the size of contributions he might receive, the candidate would find it even easier than at present to secure funds from a small number of large contributors; yet in doing so the value of widening the base of campaign contributions would be undermined.

These examples suggest that in fashioning any truly comprehensive campaign finance measure a number of objectives need to be kept in view, and an attempt must be made to balance the several complementary objectives that true reform ought to include.

These objectives, which I have tried to write into this bill, include the following:

First, substantially lowering the total cost of political campaigns;

Second, reversing the current dependence of many candidates on a few large contributors or personal sources of wealth;

Third, increasing public support for and subsidization of certain costs of Federal election campaigns;

Fourth. Encouraging wider grassroots participation in the electoral process through small contributions and active solicitation by political parties and candidates;

Fifth, providing for public reporting and ready public access to all financial aspects of campaigns for Federal office;

Sixth, providing strong incentives for a stable two-party political system, and strengthening political parties, vis-a-vis special interest groups, in the electoral process;

Seventh, elevating political discourse and encouraging more adequate consideration of the issues during election campaigns, especially in the use of electronic media;

Eighth, equalizing, to some extent, the conditions of electoral competition between incumbents and challengers; and

Ninth, reducing public cynicism and suspicion of the electoral process.

Title I of the bill I am introducing today sets the framework for obtaining these objectives by thoroughly rewriting and reformulating the Corrupt Practices Act of 1925. This example of legislative miscarriage, I need not remind this body, is one of the most thoroughly disreputable laws on our books today. It fails miserably in its function of regulating campaign finance and informing the public of the source of political contributions and expenditures. It contains at least four major loopholes:

First, it does not include primaries, but in many parts of the country the primary is for all practical purposes the final election;

Second, Its reporting and expenditure limitation provisions do not include intrastate committees or candidate's committees organized in the District of Columbia, thus providing an easy means of evading the requirements of the law;

Third. It includes unrealistically low ceilings on candidates expenditures, which only further exacerbate the practice of circumvention and evasion through the proliferation of committees allegedly organized without the "knowledge and consent" of the candidates;

Fourth. It does not provide for an adequate central depository and administrative agency for processing and preserving data reported by candidates, and for checking on violations of the law and reporting them to the Attorney General.

I have attempted to close some of these

gaps by first, providing a new definition of the term "election" to insure that election activities in both general and primary elections and caucuses and conventions, are bound by the requirements of the act.

Second, the bill provides new definitions of three basic types of committees so as to make it nearly impossible for a committee to be formed that is not covered by the provisions of the Corrupt Practices Act. Under the new provisions of the law the term "national political committee" will be used to designate only political committees making expenditures of over $1,000 in support of two or more candidates in two or more States. The term "State political committee" will be used to designate intrastate committees supporting two or more candidates. And the term "candidate's committee" will be used to designate any political committee expending more than $100 and organized for the specific purpose of supporting a particular candidate for Federal office.

Third, the bill provides that all political committees shall observe certain requirements of organizational form, including having an official treasurer obligated to perform certain minimum reporting duties specified in the bill; and also provides that all political committees shall register with the Registry of Election Finance 10 days after formation, specifying such information as the name and address of the organization and its officers, the candidate or party being supported, names of affiliated organizations, and the place at which funds are to be deposited.

Fourth, the bill establishes a Registry of Election Finance in the General Accounting Office designed to provide a professional, full-time agency to collect, process, and analyze reports by candidates and committees and to monitor the law to detect violations. The bill also provides that no candidate's committee may collect or spend more than $100 a year in behalf of a candidate without his written authorization, and that no national or State political committee may make direct expenditures in excess of $500 without the candidate's prior authorization. Finally, the bill provides for the filing of reports each June and September 20, and on the 30th and 10th days before each election, and on December 31 by each candidate, candidate's committee and State and national political committees. These reports must include an itemization of each expenditure over $50 and each contribution of more than $10.

I believe that these new definitions and requirements for reporting make it feasible to provide ceilings on total spending by candidates and on the amount individual contributors may give to any one candidate. For clearly without tight definitions and reporting procedures and an agency equipped with modern information processing devices, spending ceilings are unenforceable and an invitation to disrespect and circumvention of the law. Believing that this bill does contain a workable system for tracing and accounting for most contributions and expenditures, I have provided for ceilings on total spending which include all expenditures by candidates and candidate's committees as well as authorized expenditures by State and national political committees, as follows:

First, candidates for the office of President and Vice President may spend an amount equal to 10 cents a vote cast for that office in the last previous election, in both the primary and general elections.

Second, candidates for the Senate and House may spend 20 and 30 cents, respectively, in both the primary and general election campaigns.

The bill also limits contributions by any individual to $5,000 to candidates for President, $2,500 to candidates for the Senate and $1,000 to candidates for the House. A further provision places a ceiling on the amount any national or State political committee may contribute to a candidate or candidate's committee with the exception that these ceilings do not apply to the official national party committee and congressional campaign committees of the major parties, or to State subdivisions of these party committees. The aim of this exemption is to encourage giving to political parties which are broad, mass-based organizations rather than narrow special-interest oriented political committees.

A second title of the bill provides a 50-percent tax credit for political contributions aggregating up to $50 in any calendar year. A justified criticism of proposals to place a ceiling on the amount that any contributor may give to candidates is that they provide no way of replacing the great reduction in funds that would result. I believe that this provision for a tax credit substantially answers this criticism. It is designed both to make the average citizen more willing to give and political parties and candidates more willing to actively solicit. In the typical election campaign only 10 to 13 percent of eligible voters make political contributions of any kind. Yet, the campaign finance expert, Herbert Alexander, once calculated that between 25 and 35 percent would be willing to do so if encouraged by a tax incentive and if actively solicited by a candidate or political party. If this kind of increased participation in election finance actually results from the tax incentive provision of the bill, we will both have answered a strong criticism against placing ceilings on individual contributions and have furthered the laudable aim of broadening the base of campaign finance.

The third title of my bill deals most directly with that aspect of political campaign finance directly covered by the bill vetoed by President Nixon: The use and cost of political broadcasting on the electronic media. As I stated earlier, I believe one of the most unfortunate and even tragic aspects of the election campaign process in the United States is that almost by inadvertence we have transformed a medium rich in potential for elevating and invigorating political discourse into a forum for packaging and selling candidates like soap or cereal. On the final evening of the campaign I took the opportunity to stay at home with my family and was frankly horrified by the barrage of 10- and 30-second political commercials that emanated from my television set; and in all fairness I would be forced to include my own in that criticism. We simply must begin to devise forums for thoughtful, intelligent presentation of the issues to the voters, and the way to do that, I believe, is to encourage candidates to use the medium of television for 15- or 30-minute programs on the issues rather than generally uninformative, sometimes misleading and often banal spot advertisements.

In order to accomplish this end I have tried to give legislative expression to the concept of "Voter's Time" proposed by the Twentieth Century Fund Commission. Voter's Time is a designation for blocks of TV program time to be provided to candidates for Federal office and to be paid for out of funds from the General Treasury.

Under my bill, candidates of major parties for the Presidency would receive six half-hour blocks in the 35 days preceding a general election, candidates for the Senate would receive three half-hour blocks and three 15-minute blocks and candidates for the House would receive two half hour blocks and three 15-minute blocks. The bill also provides a formula for distributing lesser amounts of time for qualifying minor party candidates.

The bill stipulates that all blocks shall be sold at the lowest commercial rate, made available during prime time and aired simultaneously by all stations in the jurisdiction. The only qualification on the way candidates may use Voter's Time is that it involves substantial live appearance by the candidate and employs formats intended to promote substantive political discussion and give the audience insight into the views, abilities and personal qualities of the candidates.

I believe that this time for serious political programing will allow any candidate sufficient public exposure and opportunity to present his views in a thorough and meaningful way to the voting public. Therefore, I have included a severe limitation of 1 cent per vote on the amount of money any candidate may spend to purchase additional commercial time. When you consider that the 180 minutes of voter's time provided presidential candidates by this bill would have cost a candidate $12 million to purchase in the form of 60-second spots during the 1968 elections, it seems clear that we are not unduly limiting any candidate's access to the public airwaves.

Unfortunately, I have found it impossible to arrive at a suitable formula for distributing voter's time equitably and fairly in primary elections. In primaries, especially during presidential years, there may be two, three, or four times the number of candidates involved in a general election, as well as varying degrees of seriousness among the contestants. To provide time for all the candidates would literally require preemption of the airwaves during prime time for the entire period before an election, Yet, to attempt to contrive a formula to distinguish between serious and nonserious or major and minor candidates would inevitably be arbitrary. Moreover,

it might be wise to limit this rather novel proposal to the more stable and uniform general election campaigns during the first few years of operation. It would be unwise, I believe, to risk initial public disapproval of such a promising concept because of the uncertainties and difficulties of applying it in primary campaigns. If in time it proves viable, and as we gain experience with voter's time in general election campaigns, it will always be possible to extend the concept to primaries.

For the present I have included in the bill a stipulation that no candidate may spend more than 3 cents a vote for broadcast time in primary elections as a means of holding down costs. Hopefully, the experience with voter's time in general election campaigns will encourage candidates to purchase larger time blocks in the primaries.

The final title of the bill is designed very explicitly to deal with a major point made by the President in vetoing the political broadcasting bill: the built-in advantages of office that accrue to incumbents during political campaigns. I believe it to be entirely proper that every major candidate for Federal office have the opportunity to put into the hands of the registered voters in his district at least one concise and reasoned statement of his views on the issues. Yet, in some large States this costs well over $300,000 in state-wide races, making it impossible or inefficient to do so by those who must use the mails.

I have attempted to partially eliminate this constraint by providing for the establishment of a special campaign frank to be available to House and Senate candidates in the 35-day period before both general and primary election campaigns. This would include two pieces of mail for every registered voter in the district for major party candidates in the general election and one piece for any minor party candidate that filed a petition with the Registry of Election Finance bearing the signature of 5 percent of the registered voters in his district. During a primary election campaign two pieces of mail for every registered voter would be allotted to candidates filing petitions bearing the signatures of 5 percent of the registered voters in the jurisdiction, and one piece of mail for candidates filing petitions bearing the signatures of 3 percent of the voters.

Taken together, I believe the provisions of these four titles offer considerable hope for an equitable system of campaign finance that will command the confidence of the great majority of the American people. Most of the provisions of these titles, of course, are not really original and have been proposed in one form or another more than once during the past 10 years. I have merely tried to combine them in a comprehensive package that promotes several desirable objectives. While it is perhaps unusual to introduce such a major piece of legislation in the closing days of a Congress, it is clear to me that the American people are overwhelmingly in favor of thorough reform of political campaign finance, and that the postelection concern with this problem is likely to be dissipated and obscured by new issues and preoccupations if concrete legislation is not offered before the 92d Congress convenes.

RELIEF HELP FOR VICTIMS OF PERUVIAN EARTHQUAKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the Senator from Massachusetts (Mr. KENNEDY), in a speech the other day called U.S. relief help for the victims of the Peruvian earthquake "a fiasco."

These are words hardly calcuated to bring us together or instill confidence, either here in the United States or abroad.

In any event, the gentleman from Massachusetts did not back up his language with facts. He had none.

However, I do.

Let us look at this so-called fiasco.

All told, the nations of the world and independent groups contributed $43,040,490 for Peruvian relief. Of this sum, the U.S. Government donated $16,441,000, and total American aid, public and private, came to $26,741,000.

That is a lot of fiasco, especially when you consider that the dollar figures do not include contributions of manpower, either private or public.

More than 50 private American organizations contributed. I do not believe the Senator from Massachusetts was involved.

For his edification, I should like to include an editorial from the Lima, Peru, newspaper, Ultima Hora:

> The disaster of May 31, which resulted in misery and pain for thousands of Peruvians, moved the entire world. Among the massive assistance received from abroad is worthwhile noting the very significant and valuable contribution of the United States.
>
> There has been and there continues to be serious concern on the part of the Administration of the North American Government . . . the White House sent out a call to the American people to come to our assistance. The President himself appointed ex-Cabinet Minister Robert Finch as the Presidential Coordinator for the assistance operations.

NURSERY SCHOOLS START MOLDING SOCIALIST MAN

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from Louisiana (Mr. RARICK) for 10 minutes.

Mr. RARICK. Mr. Speaker, "nursery schools start molding socialist man," captions a recent story by a Canadian correspondent following his visit to Communist China.

From all reports, the success of communism in perpetuating its system for tomorrow is by indoctrination of young people today which requires state full control over youth including separation from their parents.

This method of early youth training is routine in all Communist countries, as well as the system in National Socialist Germany under Hitler's iron hand. It has never been accepted as a traditional education program in the United States.

Yet, our people who are quick to perceive the evils of thought control by state domination of youth in other countries have difficulty in grasping the direct correlation with what is taking place in the public schools in the United States.

Preschool-age training has been an announced goal by HEW and is being advanced under Headstart programs. In federally funded and supervised educational programs, more emphasis is being placed upon thought control than thought development by the injection of divergent activities such as sex education, sensitivity training, minority culture exposures, and other new so-called progressive programs. The individuals presently at the helm of the national education movement continually issue directives in order to diminish parental guidance and interference. More and more emphasis is placed on complete separation of the child from his home and parents, sought to be justified as in the best interest of the state.

While we have no way of knowing what happens to parents behind the Iron Curtain who may protest to their infant children being trained as Communists—they are probably taken out and shot, or found insane and committed to a mental institution—there is developing a national pattern for precedent in handling American parents who are objecting to their children's minds becoming state owned.

In Minnesota, parents objecting to curriculum deficiency feel duty bound for the protection of their children to remove them from school, feeling that they are better off being denied a formal education than to be molded as Socialist zombies.

In the State of New York, the Gerald Graceys objected to the new Socialist curriculum and took their children out of the public schools. Within the month the parents were summoned into court where a judge ordered six of the nine Gracey children removed from the home and placed in foster homes where speculation has it that they were forced to return to school against the parental wishes.

In the State of Oklahoma, the parents of Ray York, a 14-year-old schoolboy in Oklahoma City, were found guilty of criminal contempt by a Federal judge for refusing to comply with the court's order that the child be bused out of the neighborhood to attend another school to achieve racial balance. The original sentence of 30 days and $1,000 per parent was reduced by an appellate court to $250 for Mr. York and $500 for Mrs. York.

Thus, in the United States educational experimenters are pursuing a destructive course by using our schools to mold the socialist man just as has already been accomplished in Communist countries. But in the United States we find God-fearing parents refusing to surrender their children to the dictates of the Government.

If anyone doubts that there are still Americans left who are able to preserve our heritage, who value the stewardship as a parent, what further proof is needed

than the courage and dedication of the Yorks, the Graceys, and the Minnesota family?

Mr. Speaker, I ask that several news clippings and letters I have referred to in my speech be made a part of my remarks:

[From the Washington Post, Nov. 26, 1970]

NURSERY SCHOOLS START MOLDING SOCIALIST MAN

(By Norman Webster)

PEKING.—The children were 5½ to 6 years old and they were lovely. They sat attentively at pint-sized desks as the teacher led them through their numbers.

First she used an apparatus with colored beads and they counted in unison as she moved the beads. Then came some arithmetic.

The teacher put 10 airplane cutouts on a board. "The United States imperialists have sent 10 planes to bomb Vietnam," she said.

She brought out a toy automatic rifle, took aim and fired. The weapon made a splendid ratatattat sound. She took down nine planes.

"Our heroic Vietnamese brothers have shot down nine planes. How many are left?"

Several children put up their hands. A little boy in front was chosen. He answered correctly and was congratulated.

A harder problem: If eight students in the countryside helping the peasants with the harvest are joined by nine more, how many students are helping the peasants? A girl at the back gave the answer. She had little braids bound with bright ribbons.

The girl and her classmates are the children of workers at the Peking-Number Three Textile Mill. In China's cities a majority of mothers with young children hold steady jobs, and the community provides facilities for their families.

Not all working parents send their children. They may prefer to leave them at home with an elderly relative, if there is one. But very many do use the communal nurseries.

Both day care and week care are available. Children who stay for the week are 3 or older. They go home for part of Saturday and all day Sunday. This arrangement is especially convenient for a mother working a night shift.

The two factories I have visited in China—the textile mill in Peking and a sewing machine factory in Canton—had facilities for the young children of working parents. They looked good, and the children seemed well cared for.

As in most other areas of Chinese life, the political element loomed large. Molding of the new socialist man begins right after the toddler stage in China.

In Canton the youngest children were in cribs in a noisy nursery attended by white-garbed ladies. Some babies come the day their mothers return to work after their 56-day maternity leave. The mothers get an hour off each shift to nurse them until they are approximately a year old.

And there was entertainment. Children at both the textile mill and sewing machine factory supplied it for their visitors.

In the former, a group of 6- to 7-year-olds seized pikes and rifles and recited Chairman Mao's May 20 statement: "People of the world, unite and defeat the U.S. aggressors and all their running dogs." Then they did a dance while singing that the Indochinese peoples had taken up arms and were marching forward together.

As a teacher plunked away at the piano, they went on to sing cheerfully that political power grows out of the barrel of a gun. Then came a skit celebrating the launching of China's satellite.

At the sewing machine factory little girls waving yellow and pink paper flowers sang "The East Is Red," ending with the shout: "Long live Chairman Mao! Long Live the Communist Party of China!" The ritual verbal beating was administered to Liu Shao-chi.

Then a group of 5-year-olds informed us that the Chinese people, armed with Mao Tse-tung Thought, were invincible. Should they dare to attack China, U.S. imperialism and (Soviet) social-imperialism would be soundly thrashed—indeed, completely wiped out.

Then the finale. "What I sing are Chairman Mao's quotations," rang out the piping voices.

November 27, 1970.

Subject: Minneapolis Public Education.
Representative JOHN RARICK,
Washington, D.C.

DEAR MR. RARICK:

To Whom It May Concern:

We moved to Minneapolis in the first of January 1970. Upon registering the children in school, we ran into various problems with the curriculum. The schools here are 'way behind. Every thing that was offered, in the traditional subjects at least, our children had already studied. From early January, until we removed the children in May, they reviewed material they had already studied. The counselor in junior high found it difficult to place the oldest boy, as he had taken everything that was scheduled, and more. From January 5 to May 18 was a complete waste of time; no additional education.

Traditional education in the Minneapolis Public Schools is—shall we say, "obsolete", "old-fashioned"—"out of order". It seems it isn't necessary, in this day and age, to know how to read, write, or spell; and correct grammar went out with the spinning wheel.

Within ten days of our registering the children (my wife had spoken to the teachers, individually, and told them our children were not to have sex education in any form) we were already engaged in swapping irate notes with one of the teachers, and the principle at Lyndale school, about a film that had been shown in one of the classes, and the "spontaneous" discussion that followed the film. We became aware that the film had been shown, and the "discussion" had occurred, when our daughter began relating, in detail, all about the mating of animals—at the breakfast table. We sent a note to school saying, among other things, that our children were to view absolutely no more "visual aids"—and we plainly stated our reasons.

With a few minor exceptions, as far as we knew, our children's education went along smoothly until early April, when the teachers took their "Spring vacation". Incidently, I wonder what this little episode taught the children in the modern "total child" concept? On the last day before the teachers took this "leave of absence", our daughter brought home a note from school saying, in part, "—teachers have begun, or will begin teaching a unit on Health," and, Human growth and maturation and the effects of drug abuse will be included in this unit."

When the teachers were out, this subject was pretty much a dead issue; but as soon as school was in session again, I went to see Mr. Corwall, to make certain that my children would not take this course. He sent me to Mr. Indehar, who assured me "If you don't want your children to have an aspect of sex education, —they will be removed from any class in which it is happening." Just a few days later, my wife visited the school, on another matter altogether, and witnessed a session of a "Minority History" (otherwise known as "Minority Culture") class. We later learned that this had been the highly-touted "task-force" class. The history class serves only to create friction between the negro and the white children, and between these children and their parents. One suspects, after attending one session, that this friction is the very purpose.

Another day, one of the kids brought home a thinly-disguised Psychology test titled, "What do you think?" We had previously told the kids how to recognize these tests, and not to fill them out, but to bring them home. The schools have no business either administering these tests or using the data acquired in any way; nor do they have either the authority or the facilities to function as self-styled psychoanalysts.

Pollution studies in each of the younger children's classes, while ostensibly included in the course of studies for the very worthy purpose of preventing the coming generation from suffocating in its own waste, invariably include a few paragraphs near the end, warning of a possible "population explosion" or of "people pollution." Incidentally, scientists disagree on the extent, or even the validity, of the claims of the pollution propagandists, but the propaganda goes on and on. . . . This continual harping on a population explosion (which will, or will not occur, depending on which "expert" you choose to believe) is intended to condition our children's minds to accept mandatory birth control within their lifetimes.

The "Human Relations" course is obviously the Elementary School equivalent of the adult (but more honestly titled) sensitivity training which is being forced upon the teachers. It is aimed at producing lower moral standards in the students. Its purpose is to produce a "change" by realigning loyalties away from family, home, church, and even nationality. Abusive and gutter language is condoned, and even prized as "an honest expression of true feelings." After brutal criticism of one's home, family, friends, religion, attitudes, beliefs, and ideas, one is apt to doubt that he has any values worth keeping or defending. Personal values, convictions, and morality are sacrificed to those of the group; individual intellect is subjugated to the group's emotions; individual security, to group security. Young children, since they are usually very naive, sincere, and impressionable, are particularly vulnerable to these series—intended to achieve a drug-like reaction, or a conditioned response to catch-phrases—to "depersonalize," and anyone who tries to be an individual will be looked upon as odd, reactionary, or antigroup.

To us, any parent or educator who submits himself, or his children, willingly or otherwise, to sensitivity training is not fit to teach our children.

Two of our children were supposed to have returned their "autobiography" to class as part of their regular assignments. This particular thing is only one of a number of snoop techniques currently used in the public schools system (along with psychology tests and the various facets of sensitivity training) to invade the last vestige of any pretense to the right of family privacy. Clearly, this is in direct violation of the fourth amendment to the United States Constitution.

From our contact with junior high school students in Minneapolis, we have observed that their attitudes are overwhelmingly collectivist in quality; by the time the student is this age, his mind is far down the path of collectivist subversion. The traditional subjects, Reading, Writing, Mathematics, English, Science, History, Geography, Spelling, and Hygiene (notice that I did not include "Social Studies") must take a backseat to the "total child concept" of education, major points of which, most of this letter describes. Those pushing for these are invariably members of the collectivist "far left". We will not allow these people and their concepts to deprive us or our children, of our independence, or our rights to think, choose, and do for ourselves.

Dr. Kennedy, and other professional educators, claim that we are depriving our children of an education, and we answer, "What education?"

"Family Life" belongs to the parents; Sex education belongs to the parents; Guiding the children's minds in the "right direction" belongs to the parents; "Human Relations" belongs to the parents; the right to privacy belongs to the individual members of the family. For the reasons we have stated, we took our children out of school May 18, 1970 and have no intention of sending them back, as long as the school system insists on thus violating our rights.

It's sad and pathetic that so many parents are so ill-informed as to what is really happening to their children. Some may be genuinely convinced that the school system is doing exactly the right thing; but we feel that when most parents become aware of the true situation, they will have no choice but to do as we have done: remove their children from the school system, and prevail, en masse, upon the school board, to get back to education, and upon their state legislators, individually, to protect our privacy from the psyche-snoopers.

* * * * *

The preceding letter was sent to our Superintendent of Schools by myself and my husband.

The too long arm of the law, the Judiciary reaching out to usurp the powers of the Legislative branch of the U.S. Government, is nowhere as evident as in the field of so-called civil rights, specifically in the area of desegregation and "racial balance." The public educational system is being destroyed by busing and the subjects they are pushing, and which flouts the will of Congress as expressed in the Civil Rights Act of 1964. Concerned parents, are up in arms figuratively to prevent the use of their children as instruments of social change, pawns in the revolution.

A CONCERNED PARENT

PONY-U, INC.,
Parents of New York United Inc.,
Clarence, N.Y.

GRACEY FAMILY IN THE DESPERATE PLIGHT

The Gerald Gracey family of Mexico, New York are fighting for the right to keep their own children. Their desperate plight has called forth widespread response from all parts of the country.

A local Reporting Committee for PONY-U Inc., Parents of New York United, talked with Mrs. Gracey on October 27th, in her Mexico home.

They reviewed the following events of the case with her:

Early in September the Graceys took their children out of the Mexico Public Schools. The parents objected to teachings which they contend are against their religious tenets. They are devout Roman Catholics.

Mrs. Gracey secured school desks and necessary teaching equipment. She has since that time taught them herself, keeping a five hour instructional day during the school week.

On September 28, Mr. Gracey was summoned to appear in Oswego Family Court, for a hearing. He had not been able to secure the services of a lawyer, although he had called the Pulaski Legal Aid Bureau, and several attorneys in private practice. The presiding Judge, Donald Comstock failed to provide him with a lawyer. He ordered a welfare agent to enter the Gracey household, and investigate their family life.

The agent reported back to Judge Comstock that the children were "receiving excellent care", and "sound moral teachings."

On October 14, Mr. Gracey appeared in court again, in answer to a summons. He still did not have a lawyer. He got no response of help or service from lawyers he contacted. Judge Comstock did not give him court-appointed counsel, but did assign a Mr. Robert Hurlbutt as guardian of the Gracey children. The judge ordered the removal of six of the nine children from their home.

On October 19, two Sheriff's Deputies, and two matrons took the children to three foster homes. The Graceys did not know where their children were for better than two days!

Through an appeal to a priest outside their own parish, United Press and Associated Press were alerted, and the story out over the nation. Calls and letters from all parts of the country brought expressions of shock and sympathy to the Graceys. Some people have offered financial assistance.

A New York attorney, Mr. James McKenna has agreed to represent the Graceys.

Mr. McKenna brought a show cause order to Judge Comstock, who had the children returned to their parents on October 25th. But they are still under the guardianship of the court appointed lawyer, Mr. Hurlbutt.

Following the release of the Gracey children, Judge Comstock received two phone calls, threatening to bomb his house. According to the Syracuse Post-Standard, State Police evacuated the Comstock residence, but no such attack materialized. Speculation runs high on what connection this has with the case. Was it a move to get people to sympathize with the judge?

When the Graceys go to court to fight for their natural right to keep their own children, they will be fighting for all of us. They will be defending the sanctity of our most basic national group—the Family. The main issue will be: whether or not the State Education Department can gain the power to seize and remove children from their parents, on grounds that some kind of educational requirements are to be fulfilled this way.

Please bear in mind, that if a few cases could be decided quietly, in small courts, in favor of school systems having this power, a precedent would be established. Then you and I and all other citizens would be placed in real and immediate danger of losing our children, on the decision of a school agency.

We also interviewed Mr. Elvin Pierce, Supervising Principal of the Mexico Schools. He indicated to us, in person, that this will be a test case, whether or not parental objections and Constitutional rights can be overridden by the State Education Department may be decided here.

He also stated that "for some time, five or six years", there "had been talk" of taking children away from their homes, "to put them in distant schools,"

One type of school program which takes children to distant locations is the education park. There is such a plan for the Syracuse area. There is also one for the Buffalo area, called "Project 1990", headed by Dr. Lamatie of SUNYAB.

Education parks are large schools where thousands of children would be concentrated, for long periods of time, totally isolated from the community and family.

This type of program could not be put into effect, unless parents are stripped of their rights to care for their children at home, to raise them in their own traditions and religion, and to guide them in their social life.

Within the fortress of the family the rights of individuals are established and preserved. From birth to death family structure provides the individual with his name and security in society. All our countrymen enjoy legal rights and responsibilities as "family members" and as potential family originators. When the walls of the family fall, so will die law and rights in our country. So will die all strength to support our free way of life. Search and seizure with permanent disappearance of citizens could occur.

I appeal to you and your friends to help these besieged citizens. Mr. Gracey is a Korean War Veteran, and a member of the V.F.W. He is a millwright, employed by Alcan Aluminum.

A preliminary hearing is scheduled for November 13 in Oswego Family Court. The court battle may be long and costly. The importance of its outcome to all of us cannot be overestimated.

Please make contributions payable to: PONY-U, Inc. Parents of New York United Legal Fund for Gracey Family, Box 20, Clarence, New York 14031.

[From the Daily Oklahoman, Jan. 20, 1970]

MOM MAPS PLANS—RAY WON'T GO BACK TO TAFT

(By Ron Fulkerson)

While 14-year-old Ray York sat in federal custody Monday, his parents began mapping new plans for his education and for a school boundary battle they say they will take to the U.S. Supreme Court.

The York boy was taken in custody by a deputy federal marshal outside Taft Junior High in accordance with an order by U.S. Dist. Judge Luther Bohanon.

The boy has been attending Taft since the start of school, although under the school system's integration plan, approved by Bohanon, his residence at 2608 NW 44 is in the Harding Junior High attendance district.

Bohanon last week ordered the boy's parents, Mr. and Mrs. Raymond York, to stop sending him to Taft and send him to Harding if he remains in public schools, and ordered marshals to keep him in custody during school hours if he attempted to enter Taft or its grounds.

Late Monday, Mrs. York describing herself as "tired after a hectic day," said she had no plans to continue attempting to keep Ray in Taft.

"We won't be back Tuesday," she said. "The point has been made. I don't intend to subject Ray to this any more. From now on, they can deal with me."

The housewife said she'll "wait and see" if she is to be jailed or otherwise penalized for refusing to comply with Bohanon's order. "I don't know what the judge will do," she said.

Mrs. York said her family next will go to the courts to resolve the matter of whether Ray's forced transfer to Harding violates the Yorks' civil rights or is in violation of the 1964 Civil Rights Act.

She said donations to aid in the court fight "are still coming in. We don't have nearly enough yet to finance the appeals, but as far as I'm concerned, the case will definitely go to court."

Meanwhile, Ray spent the day at the federal building with marshals he described as "nice."

The boy said the officers "took me through their building, showed me how they operate and what the other officers do."

Ray, an above average student, said he felt the marshals took him in custody only because they were forced to.

"I knew they were going to do it sooner or later," the boy said. "I knew they were ordered to do it, and it was what they had to do or lose their jobs. So I don't hold anything against them for it."

Mrs. York said late Monday the family is debating whether to enroll Ray in a private school or arrange for private tutors to train him.

In any case, the boy will never attend Harding, she said.

"We don't know what we're going to do, yet," the mother said, "Ray has to have an education."

She said the family has had an offer from an elementary school principal to tutor the boy, and this is being considered.

Ray was taken in custody Monday by U.S. Deputy Marshal Richard F. Moerck. "Son, you'll have to go with me," the deputy told the boy as he and his father approached the school.

A crowd of supporters nearby chanted, "What's he charged with? What's the boy charged with?" as the marshal and Ray walked away.

The marshal's office said Ray had not been arrested, that he was merely taken into custody. Asked the difference, a spokesman said, "Technically, there isn't any."

"I'd like to scream, I'd like to cry," Mrs. York said as Moerck led her son away.

YORK CASE

[From the Dan Smoot Report, vol. 16, No. 48, Nov. 30, 1970]

Last school year, Ray York, a 14-year-old boy in Oklahoma City, refused to leave the public school in his neighborhood and be bused (for "racial balance") to another school. The school board brought suit in federal court against the boy's parents. On January 19, 1970, Ray was arrested for trying to attend his neighborhood school. On January 23, federal judge Luther Bohanon held Ray's parents in criminal contempt of the court's order to keep Ray away from his neighborhood school. Judge Bohanon sentenced Mr. and Mrs. York to 30 days in jail and $1000 fine each.

The Yorks put Ray in a private school, and appealed their case. Their lawyer is General Clyde Watts, who represents them without fee. Concerned citizens all over the United States (mostly subscribers to this *Report*) contributed enough to a York Defense Fund to finance the costs.

While the case was pending in the U.S. Court of Appeals at Denver, Judge Bohanon discovered that, in sentencing Mr. and Mrs. York, *he* had violated federal law (18 U.S.C. Sect. 401), which provides that a federal court may punish criminal contempt "by fine or imprisonment," but not by both. Judge Bohanon eliminated the jail sentences.

On July 29, 1970, the appellate court, relying on an unidentified (and non-existent) constitutional provision, held that the federal judge did have authority to enforce the school board's ruling, and that the Yorks should have obeyed the court's order even if it were invalid. The appellate court said, however, that the school board should not have taken the York case into federal court; and it concluded that the $1000 fines against Mr. and Mrs. York constituted "harsh and excessive" penalties. While affirming that the Yorks were guilty of criminal contempt, the appellate court reduced their fines: Mr. York's to $250; Mrs. York's to $500.

The Yorks have appealed to the U.S. Supreme Court. Meanwhile, the complications of "racial balance" have caused another reshuffling of Oklahoma City school districts. Schools in Ray York's neighborhood are once again in his district. The boy is now attending public school in his own neighborhood, which is what a U.S. Marshal arrested him for trying to do on January 19.

Speaking for myself, and on behalf of the York family, I express deep appreciation to all who contributed to the York Defense Fund.

SECRETARY ROMNEY MAKES A DECISION

(Mr. PATMAN asked and was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, yesterday, the Secretary of Housing and Urban Development, George Romney—after a protracted delay—finally decided to lower the ceiling on interest rates on FHA and VA home mortgages.

The Secretary lowered the rate one-half of 1 percent, leaving the effective FHA interest rate at 8½ percent including the mandatory one-half percent for insurance. Unfortunately, the Secretary delayed many months too long in making this decision. The need for a reduction in the FHA–VA rate has been obvious and there has been no satisfactory explanation for the atrociously slow decision-making process at HUD.

An earlier lowering of the ceiling by HUD would have stimulated the entire housing market and would have forced conventional interest rates down more rapidly. Like the commercial banking industry, the Secretary of Housing and Urban Development has one speed for imposing higher interest ceilings and another when the rates are brought down.

The Nixon administration had been in office only 5 days when Mr. Romney raised the interest rate on FHA mortgages from 6¾ to 7½ percent—plus one-half of a percent for insurance. The Secretary showed no hesitancy and in fact this was his first act and decision in his new position. Not satisfied with this ceiling, the Secretary of Housing and Urban Development issued an order on December 30, 1969, raising the rate a full percentage point to 8½ percent plus one-half percent for insurance.

Mr. Romney ignored repeated pleas from Members of Congress to take a look at the interest rate picture and to lower the FHA–VA ceilings.

Mr. Speaker, I include in the RECORD at this point a telegram which three members of the House Banking and Currency Committee sent to Secretary Romney on October 23 and a letter which I sent the Secretary on November 23:

OCTOBER 23, 1970.

HON. GEORGE ROMNEY,
Secretary, Housing and Urban Development, Washington, D.C.:

As you know, many Democratic Members of the Congress disagreed strongly with the two increases which you imposed on the FHA and VA interest rate during first year as Secretary of the Department of Housing and Urban Development. We feel these increases were serious mistakes which helped to lock in high interest rates for all types of home mortgages.

FHA and VA interest rates stood at 6¾ per cent when the Nixon Administration took office and today, under orders signed by you, these rates have risen to 8½ per cent. In the case of FHA mortgages, there is another ½ per cent for insurance, leaving the homeowner saddled with a 9 percent rate, contrary to your claims, the interest rate increases did not eliminate the onerous discount points on mortgages.

We urge you to reconsider your earlier actions and take steps to lower these rates substantially. The prime lending rate now charged by the commercial banks is 7½ per cent and we do not feel the Federal Government should be insuring home mortgages at a higher rate. Certainly the homeowner deserves the same break in the cost of money as the big corporations.

Mr. Secretary, many of us in the Congress have long sought lower interest rates, particularly for home mortgages. We urge you to act without delay to roll back your recent interest rate increases. Such action would do much to revive housing production which today stands at less than half of the nation's need.

WRIGHT PATMAN,
WILLIAM A. BARRETT,
LEONOR K. SULLIVAN.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 23, 1970.

HON. GEORGE ROMNEY,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: As I am sure you noticed, the commercial banks have announced another reduction in the prime lending rate. This rate now stands at 7% and is two percentage points below the effective interest rate charged the consumer on FHA home mortgages.

Since you took office, less than two years ago, you have signed orders raising the FHA–VA interest rate twice. It is now far out of line with other interest rates and it is important that you act quickly and vigorously to lower this rate in line with other reductions in interest charges.

On October 23, along with my colleagues on the House Banking and Currency Committee, Mr. Barrett of Pennsylvania and Mrs. Sullivan of Missouri, I wired you urging an immediate reduction in the FHA–VA interest rates. Today, I re-urge this reduction to at least a level equal to the prime rate being paid by the big corporations.

As you know, Mr. Secretary, your authority to maintain FHA–VA interest rates above the statutory 6% level is temporary. This power expires next October and your present reluctance to lower the FHA–VA rate will undoubtedly be taken into consideration when we look at this temporary authority in the 92nd Congress.

Mr. Secretary, I am puzzled and deeply concerned by your failure to act to help the nation's homebuyers. If there is any reason to keep the FHA–VA interest rate at its present high level—far above commercial lending rates—I hope that you will inform the Banking and Currency Committee immediately. None of us here are aware of an economic rationale for this large discrepancy between home mortgage rates and the lending rates being paid by corporations and other prime customers.

Sincerely,

WRIGHT PATMAN.

Mr. Speaker, the Secretary of Housing and Urban Development is able to manipulate these interest rates above the statutory 6 percent under temporary authority granted him by the Congress. The granting of this power has been a controversial matter in the Congress and many of us have been quite reluctant to continue the authority. This temporary authority expires next October and I hope that we will take a careful and long look at Secretary Romney's use of this power. The evidence at hand indicates that the Secretary has difficulty administering this authority when interest rates are coming down.

Mr. Speaker, the homebuilding industry is still in a deep depression and we need bold steps by the officials who administer housing programs and such things as FHA interest rate ceilings. Only bold steps will cure the massive ills of the housing industry.

The first 2 years of the Nixon administration have been marked by cautious, timid, and backward-looking approaches on all housing programs. Attempts by the Congress to spur housing construction have been met by negative outbursts from the administration. At this moment, the Congress is struggling with an appropriations bill designed to repair the damage to the housing industry left by President Nixon's veto of all funds from the Department of Housing and Urban Development in August.

Secretary Romney may well be a captive of this reactionary, Republican, policy toward housing but I urge him to strike out on his own and to set a bolder course. I urge him to move more rapidly in lowering the ceilings on FHA and VA interest rates and to take a more constructive view toward housing programs put forth by the Congress.

In urging Secretary Romney to take a bolder course, I do not underestimate his troubles in an administration that apparently has no qualms about removing independent-minded Cabinet officers. I am sure that the recent personnel actions have sent a shiver through all of the bureaucracy, but I hope this fact does not deter the Secretary of Housing and Urban Development from doing what is right on housing programs.

SAFETY IN THE COAL MINES

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, on November 20, 1968, the Nation was shocked by the terrible disaster at the Consolidation Coal Co.'s No. 9 mine at Farmington, W. Va., which took the lives of 78 coal miners.

Two years later, on November 20, 1970, the Morgantown, W. Va., Post saluted the Consolidation Coal Co.'s Christopher Division mines which swept first, second, and third place in the 1969–70 contest for the safest deep mines in northern West Virginia employing more than 150 men.

I join the Morgantown Post in congratulating the Christopher mines on this safety record and hope that other coal mines throughout the country will emulate Christopher division in this respect.

Despite this fine safety record of Christopher mines and the high promise of the Federal Coal Mine Health and Safety Act of 1969, more coal miners are getting gassed, crushed, and burned to death since the safety provisions of this landmark legislation went into effect April 1, 1970. Since then, 141 coal miners have gone to their deaths while on the job as compared with 126 miners being killed in the same April–November period of 1969. We have had dozens of "Little Farmingtons" since November 20, 1968, with the death toll of coal miners mounting to an unbelievable 414—or more than five times the number killed at Farmington. Christopher division's safety record shows that this mass killing can be stopped since not a single fatality was recorded in the Christopher division mines during the 1969–70 safety contest period. I include in the RECORD the following article from the November 20, 1970, Morgantown Post:

AMAZING, UNPRECEDENTED RECORD OF MINE SAFETY

We've noted several times in the past few years that perhaps the Humphrey Mine of Christopher Coal Company near Morgantown is about the safest place around in which to work. The accident figures over the years bear out this fact.

Now, we've received the report on the latest statistics, and they show that all Christopher mines, not just Humphrey, are safe places to work.

The figures were made public at the annual Safety Day of the Central West Virginia Coal Mining Institute.

They show that three Christopher mines placed first, second and third in the 1969–70 contest for the safest mine operations among deep mines employing over 150 men.

This amazing, unprecedented sweep of top honors in this category was made by Humphrey No. 7 Mine, which placed first, Osage No. 3 Mine, second, and Pursglove No. 15, third.

The three mines—part of the Christopher division of Consolidation Coal Company, mined a total of 7,022,235 tons during the 12 months ending June 30 this year, without a single fatality in amassing this impressive safety record.

Further dramatic evidence of the Christopher safety program lies in the fact that in the 1,998,576 man-hours expended in producing this tonnage, for the entire period there were only nine lost-time accidents.

This resulted in an average frequency rate per million man-hours of only 5.13.

Humphrey Mine produced 3,106,580 tons of coal during the period, with 956,488 man-hours labor involved. There were no fatalities and but three lost-time accidents. This resulted in an accident frequency rate of 3.13.

The Osage operation mined 2,485,605 tons of coal, requiring 650,552 man-hours. There were no fatalities but three lost-time accidents resulted in a frequency-rating of 4.61.

Likewise the Pursglove mine earned a frequency rating of 7.66 as a consequence of expending 391,536 man-hours, with but three lost-time accidents and no fatalities as it produced 1,430,050 tons during the year-long contest.

The contest ran from July 1, 1969, through July 30, 1970, and was supervised in its entirety by personnel of the West Virginia Department of Mines, at Charleston.

Each mining operation's safety program was judged on the basis of monthly reports submitted to the state mines department each month during the period.

These reports disclosed month by month how many men were employed, recorded details involving accidents whether or not a fatality occurred, and whether any accident was sufficiently severe to result in loss of time from work of employees. In addition figures were recorded to show the amount of coal produced.

The mines entered in the contest were those situated in the northern District I of the state—the 29 northernmost counties in which mining operations were periodically inspected by state mine inspectors.

The figures are indicative of careful planning and good safety programs by Christopher and Consol, but more than that, they attest to the high caliber and the attentiveness to safety rules on the part of the miners.

People, not mines, cause accidents, and the men of Christopher are setting a wonderful example for the rest of the industry. They are showing that it can be done.

MR. CHARLES OVERBY LEAVES THE CAPITOL PRESS CORPS

(Mr. FULTON of Tennessee asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. FULTON of Tennessee. Mr. Speaker, Mr. Charles Overby, currently the assistant manager of the Nashville Banner's Washington Bureau, will be leaving the Capitol Hill press corps next week to assume duties as the Banner's chief political writer.

In his new position Mr. Overby will succeed Mr. Ken Morrell who has been elevated, after many years of careful and indepth political reporting for the Banner, to the position of executive editor.

Mr. Overby is a young man but possesses a keen mind and a sharp instinct for political writing founded in a broad range of experience.

He spent most of last fall covering the elections in Tennessee. Prior to that he has covered the activities of President Nixon and Vice President AGNEW.

He also has worked closely with the Tennessee delegation and I have always found him to be a newspaperman of the highest integrity, ability, and fairness.

Mr. Speaker, Mr. Overby will be missed here on the Hill but Washington's loss will be a gain for the readers of the Nashville Banner, of which I am most loyal.

We will miss him but wish him well and every success in his new capacity.

MR. JAMES G. STAHLMAN RECEIVES AMERICANISM AWARD

(Mr. FULTON of Tennessee asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. FULTON of Tennessee. Mr. Speaker, Mr. James G. Stahlman, publisher of the Nashville Banner, recently was awarded a Presidential citation for his contributions to Americanism from the Andrew Jackson Chapter 385 of the National Sojourners Association.

The award specifically centered on the June 13, 1970, Flag Day edition of the Nashville Banner which featured a full front page tribute to our flag entitled, "Old Glory Speaks," by the late Amos F. Hurley.

Our colleagues will recall this very appropriate tribute in Mr. Stahlman's newspaper for I was privileged to provide each with a copy of the edition of June 13.

This is just one of many, many citations which Mr. Stahlman as an individual or as publisher of the Nashville Banner has received for his work and the fine job done by the Banner in promoting our flag, Nation, and patriotism among our citizens.

I commend the Andrew Jackson Chapter of the National Sojourners Association for their decision to honor Mr. Stahlman and the Nashville Banner. The decision was most appropriate and the honor most deserved.

OUR FAILURE TO GRANT ASYLUM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the Coast Guard's return of the Lithuanian sailor to the Soviet fishing boat on September 23 is critical for two reasons. Foremost, is the immediate tragedy that a man was refused sanctuary and allowed to be brutally dragged from an American ship while her captain and crew looked on. Historically, the United States has offered to the politically oppressed people of this world the opportunity of freedom and sanctuary. It is outrageous and un-

merciful that not only did we fail to meet this traditional promise, but that our own citizens actually assisted in the return of the refugee to the Soviet boat.

It is monstrous that the Coast Guard should indicate that their judgment was affected by a concern over how granting asylum to seaman Simas might adversely affect their fishing conference. The American people now are rightfully asking whether fish have become more important than a man's freedom and life, as well as our country's honor.

The second aspect of this tragedy are the questions raised over how well our Government can be equipped to handle crises that it fumbles in the face of an international incident as simple as a man's jumping ship.

Does not the State Department and Coast Guard have contingency plans? This incident cannot help but remind us of the capture of the *Pueblo* by the North Koreans after Commander Bucher had been sent to sea lacking sufficient contingency plans and then was unable to obtain assistance in his moment of need.

The President reportedly is disturbed that his Office was not informed of the attempted defection—and indeed he should be. But, it seems to me that the fact that he was not informed of the incident while it was in the making—or immediately after—is a reflection on the personal relationship he has with the rest of the Government and the isolation he has imposed upon himself. This is really part of the same Presidential inaccessibility that former Secretary Hickel found himself victim of.

The State Department claims that if it had been fully informed the "incident would have developed differently." The Department seems to find some refuge in this statement, but it should be asked why it was not fully informed. The State Department was notified at least 6 hours before the Lithuanian sailor was finally dragged from the Coast Guard cutter that the *Vigilant* had "a potential defection case." This was not an instance in which only a few minutes were available and a quick decision had to be made. Why did not the State Department begin to work on this at 2:30 in the afternoon when first notified, instead of simply requesting that it be "kept informed"? Is not part of the State Department's responsibility getting the information it needs?

Indeed there was "an error in judgment," as White House Press Secretary Zeigler said. But I would suggest that a number of persons are responsible for this terrible error. And in the coming weeks during the investigation ordered by the President of this incident, care must be taken not simply to find someone on whom to place the blame, but to fully assess the nature of the error so that steps can be taken to prevent another such blunder.

I hope that consideration will be given to how future defections to our territories, missions, or ships can be handled. Certainly the State Department should not leave a case to be resolved by the Coast Guard. The responsibility for deciding whether a man is given asylum or is sent back to his country to die is not one that should be given to a captain of a ship.

I believe that asylum should be given to political defectors with very rare exception. At least, any decision to return a defector should be made only after careful study and consideration, and a return should be processed only through our diplomatic channels. If we make it public policy that anyone who jumps aboard an American ship will be brought back to our shores and that his return can be obtained only through the Department of State, then the chances of another *Vigilant* mistake and even of a defection's escalating into an incident will be reduced.

The New York Times of today had an excellent editorial on this subject which I insert for printing in the RECORD at this time:

THE RIGHT OF ASYLUM

The United States Coast Guard sinks into ever-deeper waters as it tries to explain its incredible cooperation with Soviet seamen in their forcible return of a defecting Lithuanian to his fishing vessel off Martha's Vineyard. The commandant now says the hapless defector would have had a better chance of receiving sanctuary if he had leaped from his ship into the water rather than directly onto the Coast Guard cutter Vigilant.

This unbelievable comment is matched only by the simultaneous excuse that the defector was accused by the Russians of stealing ship's funds—as though such an unproved charge would have automatically forfeited his right to asylum. These explanations are as ludicrous as the Coast Guard's initial excuse that to have given asylum would have imperiled "delicate" discussions with the Soviets over the take of yellow-tail flounder.

"There appears to have been an error in judgment," says White House Press Secretary Ronald Ziegler in the understatement of the year. It was more than an error in judgment, more than an individual tragedy. It was almost certainly a violation of Article 33 of the Geneva Convention on Refugees of which this country is a signatory.

President Nixon promises "appropriate action" on the basis of a report he will receive today from Secretary of State Rogers and Secretary of Transportation Volpe, who is nominally in charge of the Coast Guard. Whatever action the President takes will have to be based on the probability that international law, and the certainty that American honor and tradition, have been shamelessly violated.

RESPONSIVE TO PUBLIC NEED IS GOAL CONGRESS SET

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, responsive to public need is a goal we in the Congress set for ourselves. It is a goal that Government, corporations, industry, and labor try to achieve.

The bigness of many of institutions, public and private, has been an inhibiting factor in trying t be truly responsive to the needs and wants of the individual.

This has led many of us to the conclusion that decentralization of power, both public and rivate, is a desirable goal. Further concentration of power diminishes the chances of reaching our goal.

That is why, Mr. Speaker, an article in the Wall Street Journal on Tuesday, November 3, 1970, is disturbing to me.

The story begins:

A system that was set up by Congress to supplement the farm loan activities of banks, insurance companies, and other private lenders seems on its way to becoming the dominant institution in the field, a role nobody envisioned for it.

The system referred to in the story is the Farm Credit Administration.

My concern is that future credit needs of our agriculture community be met. I have no ax to grind. I am not waging any campaign.

But it seems clear to me that the reason for the growth of the FCA is the advantages the Congress has given it. These advantages, immunity from State usury laws, and the 12 Federal land banks' immunity from income tax, and working an undue hardship on the rural, independent banks. These institutions play a crucial role now in meeting the credit needs of our agriculture community.

The farm credit system threatens to become a monopoly disguised as a farmer-owned cooperative.

The System is answerable only to Congress. If Congress does not revise the System's unfair competitive privileges, it will be contributing to the demise of one of the last bulwarks of human-sized, decentralized business organization—the independent, community bank.

Congress has long considered the preservation of the independent bank essential to our competitive economic system.

When Congress was debating the Bank Holding Company Act of 1956, a House of Representatives report put the matter this way:

Independent banks, by their willingness to bear substantial local risks, have accelerated the economic development of the United States. Most of our leading companies were once small, and got started because local banks had confidence in the ability of the founders. Ideas and ability are to be found everywhere. And who is so likely to recognize them as the local banker who has the power to act on his intimate knowledge, and who will benefit his bank and his community by developing a substantial customer and employer.

From House Report No. 609, 84th Congress, first session, May 20, 1955, House Miscellaneous Reports, volume 3, we read:

Your committee should like to reemphasize the fact that this is the only country left where most communities are served by home-owned and home-managed banks which are aware of and responsive to the needs of the people of their areas. Our independent banking system has been a vital factor in the development of the United States. Like yeast cells in a loaf of bread, each working in its immediate area, our banks scattered throughout the country have cooperated to produce the greatest and most general economic development the world has known.

Yet despite our national intent to preserve independent banking, we now can see the Farm Credit System apparently nibbling away at rural bank deposits.

It has been my experience to note that the independent bank welcomes competition, if it is equal and fair. Our country banks today offer a wide range of banking

services. At the same time, they provide the kind of personal service that makes the individual feel like a person rather than a number.

The record of banks in non-real-estate farm credit during the last 10 years is good. Bank credit increased from $4,161 million in 1959 to $6,652 million in 1964 and finally to $9,720 million in 1969, an increase of 134 percent for 10 years, 46 percent for 5 years, and 5 percent for 1 year.

This is evidence that the people in rural comunities have great confidence in the independent banks of America.

PCA's—a part of the Farm Credit System—have also shown an excellent growth.

What does this prove?

Simply that the PCA's and the banks have competed vigorously in the past.

The future, however, seems to offer something else. Unlike the banks, the Farm Credit System is not bound by usury ceilings or legal loan limits. Neither are they taxed on the same basis. They are not limited because of capital deficit areas or State boundaries.

The System now appears to be capitalizing on this unfair competitive advantage in an ambitious new farm lending program. Congress should make sure that the Farm Credit System competes on the same basis as banks.

Let us note how this came about.

The Cooperative Farm Credit System was designed by the Federal Government to serve the total credit needs of the farmer. It began with the Federal land banks in 1917 to provide real estate mortgage loans to farmers. The Federal Intermediate Credit Bank came along in 1923, followed by the Production Credit Associations and Bank for Cooperatives in 1933.

It has been a venture in which, under the leadership of the Federal Government, farmers joined together to solve their own credit problems, and it has grown into one of the largest credit systems in the Nation.

Because the credit needs of our complex agriculture are changing so rapidly, the Federal Farm Credit Board in 1969 turned to a panel of farm leaders for advice. It appointed a 27-man blue ribbon committee to study agriculture's credit needs today and in the seventies and to advise the Board on how the Cooperative Farm Credit System could meet the needs most effectively.

The Commission first formulated the following general objectives for the system:

Recognizing that a prosperous, productive agriculture is essential to a free nation, it is the objective of the farmer owned, Cooperative Farm Credit System to improve the income and well-being of American farmers and ranchers by furnishing adequate and constructive credit and closely related services to them, their cooperatives, and selected farm related businesses necessary to efficient farm operations.

To promote this stated objective the panel set 11 major goals that it felt the Farm Credit System should accomplish.

Many of the recommendations of the Commission are no different than policies any aggressive agricultural bank requires or considers.

However, these recommendations constitute a highly ambitious program, and will take many billions of dollars to finance.

The Farm Credit System is naturally concerned with the problem of raising money for this expansion. And that is where, according to the leaders in private banks, the first big anticompetitive wallop was delivered. This seems to put the Farm Credit System in direct competition with the rural bank for its savings dollar.

It must be remembered that the total investable funds in any given area are like fish in a pond. The fishermen may be banks, PCA's, savings and loan associations, insurance companies, credit unions, loan companies, mutual funds, or a host of other institutions that deal in credit and investments.

Regardless of the number or the size of the fishermen, the number of fish in the pond remains the same. The Farm Credit System would not increase the amount of investable funds in the area—it would simply shift control of these funds.

In the past the Farm Credit System has not fished in the local pond. Instead, it has raised its needed funds through tapping the major money markets with the sale of large denomination bonds.

During the last year it lowered its standards and started selling bonds in multiples of $5,000 to the smaller investor, which tended to put it in competition with the banks for the medium-to-large savings customers.

Now the Farm Credit System is offering local rural customers bonds in denominations of $1,000 due in 5 years at current market rates, which is more than banks are allowed to pay by law.

Where does this leave the rural, independent banks in their fight for funds to finance agriculture? They will have a hard time winning with the rules rigged against them.

Another unfair competitive move noted by competent observers is the Farm Credit System's goal of providing farmers with one-stop comprehensive credit service, with numerous modifications in the organizational structure of the System. Included in the recommendations are improved intraagency coordination and joint housing and common management for both the Federal Land Banks and the PCA's. This will preclude the country banks from continuing their historic alliance with the FLB System, which has been of benefit to the farm community since 1916.

The emphasis in this FCS report on a unified and cohesive Federal organization is most alarming from the standpoint of financial concentration.

Congress, in its wisdom, decided early in our history that one set of banking laws just would not be practical in the midst of so much diversity. Each State was considered best qualified to judge the type of banking structure that suited its people and its economy.

This pattern is fixed in the National Bank Act—12 United States Code 36c—which says in effect that national banks in each State may branch only to the extent permitted to State banks under State law.

Such emphasis on State control of banking has helped preserve our independent banking system. But what will happen to the independent, rural banks if their deposits are drained off by the sale of $1,000 Farm Credit System bonds at rates higher than banks are allowed to pay?

Some might claim that the bonds will make a relatively small dent in the independent bank's share of rural deposits. This is irrelevant, considering all the competitive pressures with which the independent bank now has to deal. As the court put it in United States against Brown Shoe Co.:

We can only eat an apple a bite at a time. The end result of consumption is the same whether it be done by quarters, halves, three-quarters, or the whole, and is finally determined by our appetites. A nibbler can soon consume the whole with a bite here and a bite there. So, whether we nibble delicately, or gobble ravenously, the end result is, or can be, the same. (179 F. Supp. at 740 (E.D. Mo. 1959)).

As deposits flow away, the independent bank in the rural community will not have the funds to fight the increased competition. So weakened, the independent bank will be unable to compete and the federally protected Farm Credit System will divide up the spoils.

Before we let this happen, we might do well to consider the following description of the dangers of banking concentration, as described in a report from the U.S. House of Representatives:

Your committee believes that the destruction of the American unit banking system, resulting in the further concentration of credit facilities, would have revolutionary effects upon our free-enterprise system. Ultimately, monopolistic control of credit would entirely remold our fundamental political and social institutions. (House Report No. 609, *supra*).

Let us restore fair competition to the rural credit field—before it is too late.

The material referred to follows:

THE EVER-GROWING FARM CREDIT SYSTEM

(By John A. Prestbo)

A system that was set up by Congress to supplement the farm loan activities of banks, insurance companies and other private lenders seems on its way to becoming the dominant institution in the field, a role nobody envisioned for it.

The organization in question is the Farm Credit System, a group of lending units of which the oldest, the Federal Land Bank System, was established in 1916. Other parts of the system were added in 1923 and 1933, but the purpose was essentially the same for each: To provide the credit that farmers needed but couldn't get at reasonable terms elsewhere because they were too far away from urban money-lending centers or because falling commodity prices made them bad risks.

In the past few years of tight money and high interest rates, however, the Farm Credit System has gone beyond that. In 20 states where the interest that private lenders can charge is limited by usury laws, the FCS—unencumbered by such restrictions—has emerged as the major institutional source of

farm credit. The situation is so severe in some areas, including such major agricultural states as Minnesota, Kentucky and North Carolina, that some insurance companies have either closed their loan offices or pared their staffs to one or two men.

Moreover, the system is planning to broaden its lending activities beyond its present narrow sphere of the farmstead and farmers' cooperatives. An advisory committee earlier this year urged that the FCS assist in financing non-farm rural homes, rural community needs and rural cooperative utility systems. The panel also suggested that the system begin making loans to farm-related industries, such as custom-combining concerns.

Proposed legislation needed to broaden the FCS' scope will be submitted to Congress early next year, says E. A. Jaenke, governor of the Farm Credit Administration, the Federal agency that supervises the system.

Not surprisingly, these developments seem legitimate and laudatory to the people who defend the Farm Credit System, and to those who run it. "We're like a public utility that's got to keep going no matter what," says Fred Gilmore, deputy governor of the FCA. "Our responsibility is to furnish a consistent supply of credit to agriculture, in good times or bad, regardless if there is anybody else around to lend money or not."

FCA CONTENTIONS

He and other FCA officials contend that this mission entitles the Farm Credit System to certain privileges that other lenders don't have. They also contend that private firms are voluntarily abandoning farm loans in favor of more profitable investments in companies, high-rise urban buildings, shopping centers and the like.

But officials of some private lenders don't see things that way. "The truth is that we are being pushed out of the field by the Farm Credit System—and the long-term loser will be the farmer," asserts Damian J. Hogan, vice president of farm and ranch mortgages for Metropolitan Life Insurance Co.

"We've given loans to farmers who were turned down by others—probably including FCS—and they have gone on to become very successful; there have been those that we've turned down who have made it with loans from our competitors. That's what lending competition has meant to farmers."

Mr. Hogan notes that total farm debt is expected to double to about $120 billion by 1980 as farmers increasingly seek funds for expansion and modernization. "I believe it will require the active participation of at least all the lenders currently in the field if that demand for credit is to be met," he says. "The way it is now, the lenders who are being forced to leave probably won't return."

The FCA's own figures show that the Farm Credit System's share of the farm loan market in the last five years grew at twice the rate of the previous five. In 1959, the system held 17% of the nation's agricultural debt; five years later its share was up 2 percentage points to nearly 19%. In 1969, the system had gained 4 points more, making its total share 23%. Some analysts think that the system's share could go up to 25% this year alone and that it will continue to increase in the years ahead.

BIG GAINS IN FCS LOANS

The national figures don't show the tremendous gains in FCS loans in states whose usury levels are below the going rate for money. There, the system this year accounts for as much as 75% of the agricultural loans made by institutional lenders. (Normally, about 40% of farmer's credit is extended by individuals and firms that sell land, equipment and supplies on the installment plan.)

The Farm Credit System consists of three main parts. The Federal Land Banks handle mostly long-term loans secured by mortgages on real estate. The other two parts deal with short-term operating loans and loans to farmers' cooperatives. Unlike the Federal Housing Administration, which guarantees home loans made through banks and savings and loans, the Farm Credit System has its own network of 1,100 local outlets for farm loans.

When a farmer borrows from an FCS unit, a small portion of his loan goes to buy stock in the part of the system that is extending him credit. Thus, the system actually is a giant cooperative that is owned by the farmers that borrow from it. All the Federal Government money that was pumped into the system was paid back by 1968. The system's banks sell bonds and debentures to investors to raise the money that they lend to farmers. These securities aren't guaranteed by the Government, but they sell at prices close to those of U.S. Treasury bonds because investors assume that Congress would make good on them if the system ever got into trouble.

Despite these trappings of independence from the Government the system clings to a couple of advantages that Uncle Sam provided in the early days. No part of the system is subject to any state's usury laws. And the 12 Federal Land Banks don't have to pay income taxes, so they can do business more cheaply than can private firms. (Other parts of the FCS do have to pay income taxes.)

Critics say that these advantages constitute unfair competition and are the main reasons that the system is taking a bigger and bigger share of the farm loan field. "We think they should have to play the same ball game by the same rules as the rest of us," says Derl I. Derr, an agricultural specialist with the American Bankers Association.

"Suppose the Land Banks were subject to state usury laws," counters Lewis Davis, an official of the Federal Land Bank in Louisville. "We'd lose money. We've sold bonds recently for 8.55%—could we turn around and loan it out at 7%? Our competitors get their money much cheaper—4% to 5% on bank deposits, and even less on some life insurance policies—so they could loan at 7%."

RIDICULOUS AND ABSURD

Ridiculous, the critics answer. "Even though farm loans are highly rated as far as risk is concerned, it's absurd to think that we'd subsidize loans to farmers," says Ed Rutter, vice president of Prudential Insurance Co. of America.

Mr. Davis defends the above-usury rates that the FCS charges by pointing out: "At least we are providing credit to farmers whereas they otherwise might not be able to get it at all."

True, the critics say, but only at the expense of future farm loan competition. "It's a matter of the immediate welfare of those few farmers now obtaining loans from the Land Banks at usurious rates, as against the long-term welfare of practically all farmers who in the future will need an abundance of credit from all the sources that can be mustered," says Mr. Hogan.

The private lenders want equal footing with the FCS, which is not as simple a solution as it looks. It's probably unrealistic to expect 20 or more states to exempt private lenders from usury statues when making farm loans. On the other hand, making the FCS subject to usury laws undoubtedly would mean that many farmers would be unable to get loans.

The resulting agricultural credit crunch likely would be temporary, ending when farmers convinced their state legislators that they needed relief. Most states' usury laws already are riddled with exceptions, indicating that credit squeezes have been felt and solved before.

Still, even a short credit crunch wouldn't be entirely painless. Moreover, putting the FCS within the purview of state usury laws or making the Land Banks pay income taxes aren't moves that are certain to restore private lenders to their former vigor in the farm loan market. It may turn out that farmers prefer the FCS, which will end up dominant after all.

What's more important than these considerations, though, is that full and equal competition be restored to the farm loan market. There's growing sentiment that as farms and farmers become increasingly bigger and more businesslike, they should be less and less assisted by the Government. Similarly, a Farm Credit Sytem that has proven itself to be healthy and vigorous no longer needs special privileges.

INDEPENDENT BANKERS ASSOCIATION OF AMERICA FACT PAPER AND COMMENT ON LENDING PRACTICES OF FEDERAL LENDING AGENCIES

The Independent Bankers Association of America, at a recent meeting of its Executive Council in Detroit, directed its Agriculture-Rural America Committee, to seek ways and means to halt an invasion into the rural savings and investment field by government lending agencies, who pay rates of return much higher than commercial banks are permitted to pay.

Specifically, certain new investment bonds, sold to investors and savers by the Farm Credit Administration in minimum denomination of $1,000, paying 6½ percent interest, and due in five years, are directly competitive with bank savings interest returns, which are limited to 5½ percent under Regulation Q. Bonds sold by the FCA in November pay 6 percent.

The IBAA agriculture group, in conferences here in Washington, have advised Treasury, Federal Reserve Board, FDIC, FHA, and Farm Credit System officials that this Federal lending program places rural banks at an unfair competitive disadvantage.

The FCA, PCAs and Federal Land Banks are permitted by law to offer higher interest rates than banks can pay on savings. The IBAA holds that this adverse interest competition, offered by Federal lending agencies compared with interest rates legally paid by banks on savings, results in a drainoff and withdrawal of rural bank savings deposits. Further, that liberality of redemption provisions, with little penalty after 60 days and no penalty after one year, makes them virtual demand deposits.

The specific facts on the Farm Credit System practices follow in summary:

The Farm Credit System, whose present status dates back to basic Federal Farm Loan Act legislation enacted in 1916, and operating currently through the PCAs and the FLBs, publicly indicates its intent to corner the entire farm credit field.

To promote this, a blue ribbon committee, named in 1969 to study the credit needs of agriculture, returned these five major recommendations:

1. Expand lending activities to include all farmers, full and part time.

2. Expand lending activities into the agribusiness field.

3. Expand into credit related services, such as credit life insurance, consultant and management services, computer bookkeeping, and the like.

4. Move toward a one-stop comprehensive credit service by combining the PCAs and FLBs under one roof, with common management.

5. Invade the rural savings field by selling new investment bonds to small savers, with minimum $1000 denomination, five-year term, and liberal redemption provisions almost matching demand deposits.

Bankers welcome fair competition for farm credit and its related services. Bankers have

the tools and the know how to meet increased competition. Bankers are concerned over unfair competition with Federal lending agencies that enjoy non-tax status or favored tax sheltered status in competing with banks.

For example, Federal Land Banks pay no tax, of any type, which is worth ¾ percent in today's money market. They are likewise not subject to state usury laws, so can charge going market interest rates, which banks and insurance companies cannot in many cases, under state usury statutes.

We believe that since these agencies are now owned by their members, they should be subject to the same lending rules as banks and insurance companies. Similarly, PCAs are not subject to state usury laws, and have like competitive advantage over banks. They, too, should be subject to the same lending laws and statutes. In these favored circumstances, these Federal agency investment offerings result in actual documented withdrawals from community banks, and the potential is most alarming.

In summary, because these Federal lending agencies have special, favored tax shelters and lack of compliance with state usury laws, community banks cannot compete for savings in many areas. Further, issuance of these special savings bonds at rates and terms that banks cannot equal will cause savings to flow out of banks, decreasing lending funds at a time when agriculture loan demand is increasing.

IBAA conclusions are that FLB should be subject to taxes, FLBs and PCAs should be subject to usury laws, the FCS should withdraw its unfair special investment bonds yielding more interest than banks can pay, and the FCS should not issue joint bonds or debentures of any type under a $10,000 denomination. The FCS is responsible to Congress only, and the IBAA places this problem, wherein a favored Federal lending structure provides unfair Federal competition with the private tax paying sector, with the Congress for study, and in its wisdom, for corrective legislative solution as required.

Members of an IBAA committee group, consulting with officials of the supervisory agencies, and with members of Congress, on the competitive problem, includes H. L. Gerhart, Jr., Newman Grove, Neb., IBAA Second Vice President; Don F. Kirchner, Riverside, Iowa, Agriculture committee chairman; R. L. Walton, Bushnell, Illinois, subcommittee chairman and Lee M. Stenehjem, Watford City, N.D., IBAA past president.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PICKLE (at the request of Mr. WOLFF), for December 2 through December 7, 1970, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MURPHY of New York, for 60 minutes, on Wednesday, December 16.

(The following Members (at the request of Mrs. HECKLER of Massachusetts) and to revise and extend their remarks and include extraneous matter:)

Mr. MCCLOSKEY, for 60 minutes, on December 8.

Mr. EDWARDS of Alabama, for 5 minutes, today.

(The following Members (at the request of Mr. COLLINS of Illinois) and to revise and extend their remarks and include extraneous matter:)

Mr. RARICK, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN, and to include extraneous material.

(The following Members (at the request of Mrs. HECKLER of Massachusetts) and to include extraneous matter:)

Mr. KLEPPE.

Mr. BELCHER.

Mr. MORSE.

Mr. TEAGUE of California.

Mr. BEALL of Maryland.

Mr. SCHMITZ in three instances.

Mr. RHODES.

Mr. WYMAN in two instances.

Mr. TAFT.

Mr. GROSS.

Mr. ZWACH in two instances.

Mr. MCEWEN in three instances.

Mr. DAVIS of Wisconsin.

Mr. MCKNEALLY.

Mr. HOSMER in two instances.

(The following Members (at the request of Mr. COLLINS of Illinois) and to include extraneous matter:)

Mr. FRASER.

Mr. GALIFIANAKIS in two instances.

Mr. BARING in two instances.

Mr. RARICK in two instances.

Mr. EVINS of Tennessee in four instances.

Mr. COLMER in two instances.

Mr. WOLFF in six instances.

Mr. COHELAN in three instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. VANIK.

Mr. FRIEDEL in two instances.

Mr. BLANTON in two instances.

Mr. BRASCO in two instances.

Mr. ROONEY of Pennsylvania in two instances.

Mr. TIERNAN.

Mr. MILLER of California in five instances.

Mr. ZABLOCKI.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the table, referred as follows:

S. Con. Res. 2. Concurrent resolution authorizing acceptance for the National Statuary Collection of a statue of the late Senator E. L. Bartlett, presented by the State of Alaska, to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4302. An act to amend title 28 of the United States Code, section 753, to authorize payment by the United States of fees charged by court reporters for furnishing certain transcripts in proceedings under the Criminal Justice Act;

H.R. 8470. An act for the relief of Capt. Jackie D. Burgess;

H.R. 9677. An act to amend section 1866 of title 28, United States Code, prescribing the manner in which summonses for jury duty may be served;

H.R. 14714. An act to amend authority of the Secretary of the Interior under the Act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes; and

H.R. 17272. An act for the relief of certain employees of the Department of Defense.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2224. An act to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 4302. An act to amend title 28 of the United States Code, section 753, to authorize payment by the United States of fees charged by court reporters for furnishing certain transcripts in proceedings under the Criminal Justice Act;

H.R. 8470. An act for the relief of Capt. Jackie D. Burgess;

H.R. 9677. An act to amend section 1866 of title 28, United States Code, prescribing the manner in which summonses for jury duty may be served;

H.R. 14714. An act to amend authority of the Secretary of the Interior under the Act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes; and

H.R. 17272. An act for the relief of certain employees of the Department of Defense.

ADJOURNMENT

Mr. COLLINS of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 25 minutes p.m.) the House adjourned until tomorrow, Thursday, December 3, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2585. A letter from the Attorney General, transmitting a report on identical bidding in advertised public procurement, pursuant to section 7 of Executive Order 10936; to the Committee on the Judiciary.

2586. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports

concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2587. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2588. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

2589. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2590. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2591. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 2, 1970, submitting a report, together with accompanying papers and illustrations, on Portugues and Bucana Rivers, P.R., in response to items in section 4 of the Flood Control Act of August 18, 1941 (H. Doc. No. 91–422); referred to the Committee on Public Works and ordered to be printed with an illustration.

2592. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 2, 1969, submitting a report, together with accompanying papers and illustrations, on First Creek, Tenn., requested by a resolution of the Committee on Public Works, House of Representatives, adopted March 15, 1949; referred to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Resolution 1239. A resolution to provide funds for the further expenses for the studies, investigations, and inquiries authorized by House Resolution 192 (Rept. No. 91–1644). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 1262. A resolution authorizing expenditures incurred by the Special Committee To Investigate Campaign Expenditures to be paid from the contingent fund of the House (Rept. No. 91–1645). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 1274. A resolution providing additional funds for the Committee on the District of Columbia (Rept. No. 91–1646). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 1270. A resolution relating to telephone, telegraph, and radio telegraph allowances of Members of the House of Representatives and the Resident Commissioner from Puerto Rico (Rept. No. 91–1647). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 1276. A resolution relating to the stationery allowance for Members of the U.S. House of Representatives; with an amendment (Rept. No. 91–1648). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 788. Concurrent resolution authorizing the printing of additional copies of "Hearings Relating to Various Bills To Repeal the Emergency Detention Act of 1950," 91st Congress, second session; with an amendment (Rept. No. 91–1649). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 789. Concurrent resolution to provide for the printing of the prayers offered by the Chaplain as a House document; with an amendment (Rept. No. 91–1650). Ordered to be printed.

Mr. POAGE: Committee on Agriculture. H.R. 19846. A bill to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets; with amendments (Rept. No. 91–1651). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG: Committee on Rules. House Resolution 1290. A resolution providing for the consideration of S. 3070. An act to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest (Rept. No. 91–1652). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 1291. A resolution providing for the consideration of H.R. 18582. A bill to amend the Food Stamp Act of 1964, as amended (Rept. No. 91–1653). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. S. 336. An act to amend section 3(b) of the Securities Act of 1933 to permit the exemption of security issues, not exceeding $500,000 in aggregate amount, from the provisions of such act (Rept. No. 91–1654). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. S. 3431. An act to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors; with amendments (Rept. No. 91–1655). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. S. 1. An act to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; with an amendment (Rept. No. 91–1656). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PERKINS:

H.R. 19898. A bill to extend for 3 additional years the authorization of appropriations contained in the Economic Opportunity Act of 1964; to the Committee on Education and Labor.

By Mr. CHAMBERLAIN (for himself, Mr. GERALD R. FORD, Mr. CEDERBERG, Mr. BROOMFIELD, Mr. HARVEY, Mr. HUTCHINSON, Mr. VANDER JAGT, Mr. BROWN of Michigan, Mr. ESCH, Mr. MCDONALD of Michigan, Mr. RIEGLE, and Mr. RUPPE):

H.R. 19899. A bill to amend the Federal Aviation Act of 1958 to require that any air carrier proposing to discontinue any air transportation to or from any point named in its certificate must give notice thereof at least 60 days in advance of the proposed discontinuance, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN:

H.R. 19900. A bill to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return; to the Committee on Ways and Means.

By Mr. GRIFFIN:

H.R. 19901. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. QUIE, Mr. ANDERSON of Illinois, Mr. ANDERSON of Tennessee, Mr. BIESTER, Mr. FRASER, Mr. O'NEILL of Massachusetts, Mr. ROBISON, Mr. SMITH of Iowa, and Mr. STEIGER of Wisconsin):

H.R. 19902. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mr. QUIE:

H.R. 19903. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON of Illinois (for himself, Mr. LATTA, Mr. COUGHLIN, Mr. ESHLEMAN, Mr. FULTON of Pennsylvania, Mr. GROVER, Mr. GUDE, Mr. HOSMER, Mr. KEITH, Mr. LLOYD, Mr. MCCLORY, Mr. MOSHER, Mr. PELLY, Mr. SCHWENGEL, Mr. SEBELIUS, Mr. STAFFORD, Mr. TALCOTT, Mr. WYLIE, Mr. ZWACH):

H.R. 19904. A bill to revise and supersede the Federal Corrupt Practices Act, and for other purposes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 19905. A bill for the relief of Salvatore and Catherine Spatola and minor children Natale, Rosalia, and Francisco Spatola; to the Committee on the Judiciary.

By Mr. COLLINS of Illinois:

H.R. 19906. A bill for the relief of Veronica Serraino; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

643. The SPEAKER presented a petition of the United Macedonians of North America, Toronto, Canada, relative to citizenship; to the Committee on the Judiciary.

SENATE—*Wednesday, December 2, 1970*

The Senate met at 10 a.m. and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our fathers and our God, guide by Thy spirit the President, his counselors, and all who carry heavy responsibilities in the executive, legislative, and judicial branches of this Government, all those in the diplomatic and armed services and especially all those on missions of mercy. Attend all who labor in places of difficulty and danger, supporting and strengthening them by a vivid awareness of Thy presence.

Now come upon us who labor in this Chamber with Thy renewing power. Make us sensitive to human need and keep us ever dedicated to the welfare of the whole Nation. Help us to love and care for people not in mass or as problems but as persons created in Thy image. Spare us, O Lord, from undue discouragement or excessive fatigue. Keep us at our tasks, husbanding our energies, applying our best wisdom, ever striving for the better world that is yet to be.

We pray in the name of Him who went about doing good. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 2, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. BURDICK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, December 1, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order granted to the distinguished Senator from Ohio (Mr. YOUNG) be transferred from today to tomorrow, so that at the conclusion of the disposition of the Journal and the unobjected-to items on the calendar tomorrow, the Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

NATIONAL LABOR RELATIONS BOARD

The assistant legislative clerk read the nomination of Ralph E. Kennedy, of California, to be a member of the National Labor Relations Board.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NATIONAL MEDIATION BOARD

The assistant legislative clerk read the nomination of David H. Stowe, of Maryland, to be a member of the National Mediation Board.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, pending the arrival of the distinguished Senator from Iowa (Mr. MILLER), I ask unanimous consent that there be a period for the transaction of routine morning business with a time limitation of 3 minutes therein.

Mr. SCOTT. Mr. President, I have no objection. I may add that the distinguished majority leader said to me this morning that there may be a hiatus, and I suggested that if there is, we pass it and send it over to the other body. [Laughter.]

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Indiana (Mr. HARTKE) today, the period for the transaction of routine morning business be resumed under the same stipulation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Iowa is recognized for 20 minutes.

SST APPROPRIATION

Mr. MILLER. Mr. President, the proposal to appropriate $290 million to continue the SST prototype program comes to the Senate floor as a bipartisan recommendation of the Senate Appropriations Committee.

The committee report is most unsatisfactory on this point. The hearings record contains 539 pages of detailed testimony and documentation. There is what might be called expert testimony on both sides of the controversial aspects of this program. One would have hoped that the report would have presented an analysis of the arguments and the conclusions of the committee thereon. Indeed, one would have expected some minority views setting forth the analysis and conclusions of those members who disagree with the report on this item.

Instead, all we find is the assertion that "the committee states unequivocally that it is not willing to buy aviation leadership at further costs to our environment."

Interestingly, the report notes that last year, in providing funds for the program, the committee urged the Secretary of Transportation to develop legislation to protect the public against the sonic boom; and it expresses regrets that instead of pressing for such legislation, the Secretary has chosen to seek an agency rule to deal with the matter. Accordingly,

the committee emphasized its view that a rule which is subject to arbitrary change is no substitute for a law passed by Congress and that public concern on overland flights can be allayed by the Department promptly supporting legislation now pending on the subject or submitting a bill of its own.

The report reiterates that because of the magnitude of the funds required to develop the SST, the technical risk associated with it, and the long period between investment and potential profit, financial support by the Federal Government—with cost sharing, of course, by the manufacturers and airlines—is indicated.

The net of all this is that the committee has failed to face up to the fact that public opinion has slowly but surely been rising in opposition to the SST itself because of some hard questions which have not been satisfactorily answered or, at least, in opposition to the priority in spending $290 million—on top of $708 million previously appropriated—at a time when a serious budget deficit of $14 billion is requiring reductions in areas of greater concern and immediate need. For example, in the recently passed HEW appropriation bill, the Senate provided a substantial increase in the funds for medical schools. However, we were told that even this increase will be far short of the needs if we are to move forward with maximum speed in overcoming the current shortage of 50,000 medical doctors in our country.

The budget deficit of $14 billion staring us in the face for the present fiscal year will, on the basis of previous deficit years, produce four times that amount in inflation—about equally divided between increases in the cost of living and erosion of the purchasing power of bank accounts, savings accounts, life insurance and pension fund reserves, and bonds. If this is to be prevented, those in control of the Congress must take action to either increase taxes or legislate revenue raising measures of some kind on the one hand, or, on the other, reduce spending, or do some of both.

THE NOISE PROBLEM

The proponents of the SST point out that the approach and departure phases of the SST will produce less noise in the community than the jet transports in use today. This is all to the good.

However, without acoustical correction, the SST would produce excessive noise during its runup and takeoff phase. On this point, the proponents state that they recognize the need to further reduce the airport sideline noise, and give assurance that research is underway to this end.

This is an extremely difficult problem, because such research as has been done indicates that engine thrust is reduced below acceptable levels when the noise factor is reduced to satisfactory levels. It is true that some 8 years remain before the SST would enter commercial service, so that time for considerably more research and engineering is available. However, I have not seen persuasive evidence that this is a feasible undertaking.

ECONOMICS

The proponents make a very impressive argument regarding the impact on our economy of success of the SST program. They project a direct labor force of 50,000 skilled jobs with potential application throughout the United States. Taking into account a multiplier effect, they project a total of 150,000 jobs involved in the SST program over the next 15 years. They do not say necessarily that there will be a total loss of this number of jobs if the SST does not go forward, because some other programs can naturally come along which would open up this number of jobs. However, due to cutbacks in defense and space expenditures, there has been a drop of 12½ percent in similar or related employment over the past year—a loss of 168,000 jobs. Moving ahead on the SST program would naturally help offset some of this loss and avoid hardship to the workers and families affected. But this surely is not the only answer that can be programed to utilize the skills of these workers. As the chairman of the Council of Economic Advisers said, page 1326 of hearings record:

> It should be stated, incidentally, that continuing the SST should not be supported as a means to assure reasonably full employment.

A successful SST program would be helpful to our balance of payments. It is true that the program would have an adverse effect on our balance of payments because of expanded tourist expenditures overseas. However, taking into account the overseas sale of SST aircraft plus replacement engines and spare parts, fairly reliable estimates place the net favorable impact per year on our balance of payments at from $2.5 to $4 billion from 1979 to 1990.

All of these statistics rest on certain assumptions, however. One is that the SST program will be "successful"—that is, achieve its technological objectives within reasonable time parameters and result in total sales of 500 aircraft. Another is that the British-French Concorde program will be "successful," so that our failure to meet this competition will result in a "loss" to our economy represented by the job and balance of payments pluses to which I have referred.

These assumptions are by no means certain of being borne out. Indeed, the proponents are quite honest in stating:

> One thing is clear in the balance of payments area: it is extremely difficult to predict with much precision future developments of the major nations and aircraft companies of the world.

The United Kingdom and France have spent over one and a half billion dollars on the Concorde program, but the prototype has encountered many difficulties, some of which are by no means certain of being surmounted—any more than the SST is certain of surmounting its problems.

The SST is designed to carry from 260 to 298 passengers in comfortable conditions comparable to the present jumbo jets, but with a speed of some three times that of the jumbos which would reduce nonstop long-range trip times by about 50 percent on the average. Whether the 1970 estimate of $37 million per aircraft will escalate to $50 million by 1978 is uncertain, but lessons from history would indicate the likelihood of this happening. And whether, with a $50 million per aircraft cost, there would, in fact, be operating revenues for the airlines of twice that of the jumbo jets is also uncertain. There is an assumption that passengers would prefer to use the SST, flying at an altitude of 65,000 feet instead of 35,000 feet with present jet service, for the sake of saving 2 hours by supersonic speed on a transatlantic flight, for example. Realization that flight at this altitude would run risks not present in subsonic jet service could have a great deterrent effect on demand. The Working Panel on Environmental and Sociological Impact of the President's SST Ad Hoc Review Committee noted that at cruise altitudes for the SST, ozone is present in concentrations which would be highly toxic to passengers if allowed to enter the plane; and that should cabin pressure fail, all aboard would lose consciousness within 15 seconds. Gunfire during an attempted hijacking could bring on a catastrophe which would not occur at lower altitudes.

ENVIRONMENTAL QUESTIONS

In addition to the noise problem, questions have been raised by concerned scientists and citizens over the impact of water vapor upon upper atmospheric ozone content from a fleet of 500 SST's which might cause an imbalance of ultraviolet ray exposure at the world's surface; the impact of water vapor on cloud formations with possible changes in weather or earth surface temperature; and the impact on the atmosphere from the injections of carbon dioxide, nitrous oxide, sulphur dioxide, and particulates.

It is fair to say there is no hard evidence of a likelihood that an SST fleet would cause significant adverse effects suggested by these questions. However, the proponents honestly state that the desired degree of certainty about these matters has not been attained; that research aimed at resolving these uncertainties will go forward, so that before SST production is initiated beyond the prototype stage there will be sufficient data to make a final determination of whether or not environmental degradation will result from SST fleet operations; and impressive councils of scientists have been named to carry on the required research.

Nevertheless, while Under Secretary of Interior, the Honorable Russell Train, presently Chairman of the Council on Environmental Quality, said:

> We consider the environmental disadvantages to be of extreme significance. . . . We believe that the probable adverse environmental impact of the SST is such that the

program should not be pursued in the absence of overwhelming evidence of positive advantages.

What Mr. Train had to say reflects my judgment on this matter; namely, that we should not go forward on the prototype program until we have much stronger evidence of the positive advantages and much stronger evidence to negate the potential disadvantages. Granted that the prototype program would not, by itself, cause any harmful effects to the environment and recognizing the assurance that the uncertainties would be satisfactorily cleared up before production of an SST fleet, I am persuaded that we need to focus more attention on research needed to provide the evidence to which I have referred before spending more money on the SST prototype program at a time when those in control of Congress have put our Federal Government in a terribly serious budget deficit position, with the hardships from inflation and high interest rates this will bring upon the people of our country.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Indiana is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. HARTKE. I yield.

ORDER FOR RECOGNITION OF SENATOR McCARTHY AND SENATOR PERCY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the remarks by the able Senator from Indiana (Mr. HARTKE) and the distinguished Senator from Minnesota (Mr. McCARTHY) be recognized for not to exceed 15 minutes, and that upon the conclusion of his remarks, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the Senator for yielding.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized for 30 minutes.

THE NEED FOR WELFARE REFORM

Mr. HARTKE. Mr. President, the Congress has had before it during the past year a proposal for general welfare reform offered by the administration and referred to as the family assistance program.

It is my intention to bring a version of this bill to the floor of the Senate for a vote, offering it as an amendment to a bill which will allow the merits of this program to be considered.

Various attempts to bring this crucial legislation to the floor of the Senate have failed to date. Currently, a group of Senators is preparing yet another version of the program in an attempt to win approval during this session.

I support this move and sincerely hope that it will succeed.

However, should this effort fail to win majority support, I intend to introduce an amendment substantially like the bill passed overwhelmingly by the other body.

There are three points with respect to the merits of this proposed legislation which I would like to call attention to today.

First, and most obviously, is the matter of cost versus benefits. In few areas of public management has the relationship between what society desires to achieve and the method used to meet that objective been so badly conceived and so long neglected. It is certainly past time to consider reform in this area which is conceived along modern delivery system lines, using commonsense and modern management techniques to achieve a desired result.

Second, the concept of America as a society of opportunity is totally without substance for those children raised in bondage under a welfare system that precludes self-fulfillment, discourages self-consciousness, and demeans self-pride.

Third, to a degree that has largely been ignored in debate of this proposal so far, State government as a viable element of the federal system is at stake in the passage of this measure. Failure to meet the pressures of welfare costs with substantial reform has accelerated the collapse of State government.

Mr. President, I have just obtained figures for the past year which have not been released before, which allow us to compare the costs of the largest element of the present welfare system. These figures dramatically demonstrate the need for rapid and bold action in the area of welfare reform.

These statistics cover the Aid to Families With Dependent Children program. Between August of 1969 and August of this year, the costs of this program rose at a national average of 28.3 percent.

This rate of increase alone would be shocking enough, yet it is even more alarming to note the breadth of cost increases under the current system. In 1968, only 16 States showed increases during the year of 20 percent or more in total costs for AFDC benefits.

In the past year, 40 States, instead of the 16, showed increases of 20 percent or more.

The AFDC programs during the past year saw an increase in participation of more than 1.7 million people—reaching a new high of 8,371,957 Americans receiving benefits from this program.

According to estimates of HEW, which they regard as conservative, the number of people participating in AFDC programs by 1975 will be 12,328,000—or nearly three times the number of people receiving benefits in 1965.

Nearly one-fourth of the new additions to AFDC recipients during the past year were recorded in California where 401,623 persons were added to the AFDC welfare rolls. This increase in participation gave that State a rise in AFDC costs of 34.9 percent during the year.

My own State of Indiana recorded cost increases of 53.2 percent. In Texas, the cost increases measured an astronomical 67.6 percent.

In 1965, the State costs of the AFDC programs totaled $956 million. This past year, they totaled $1,850 million. According to HEW estimates, the 1975 costs, under the current program, will cost the States $3,759 million. This means that the cost to States of this one welfare program has been more than doubling every 5 years.

With the permission of the Senate, Mr. President, I would like to submit for the RECORD two tables which have been compiled from data furnished me by HEW, the first showing the AFDC cost increase percentages by State, the second showing the costs and number of AFDC participants for the Nation as a whole from 1965 through 1967. The figures used from 1970 on are, of course, projections based on HEW estimates.

I ask that they be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibits 1 and 2.)

Mr. HARTKE. Speaking to the first point that I made earlier, we scarcely need more positive evidence that the cost versus benefits efficiency of the present system are staggeringly inadequate.

For it we assume that one of the benefits to be derived from any public assistance program is to see recipients gradually move on from that assistance to full or partial productivity, then we must conclude that the present system is a gross failure.

Failure in this area not only deprives people of the material benefits of economic self-sufficiently, it creates a climate in which crime can flourish, in which hopelessness and despair grow like a cancer, and in which the larger society is perceived as the enemy of the disadvantaged aged. To the taxpayer shouldering the cost of this burden, we offer for his money broken lives, instead of productive, taxpaying fellow citizens.

And instead of seeing public welfare gradually subside as a percentage of the total population, we see it skyrocket completely out of proportion, each year taking a larger and larger slice of the tax dollar—therefore a larger and larger slice out of the paychecks of Americans everywhere.

In the words of the National Advisory Commission on Civil Disorders:

> The failures of the system alienate the taxpayers who support it, the social workers who administer it and the poor who depend on it.

I believe it is clear today that before we consider what this new legislation offers, we must understand that we are being asked by the people who get welfare and the people who pay for welfare to repeal a failure—an economic failure and a social failure.

The measure I will bring to the floor deals with these inadequacies and for the first time offers to the problem of public assistance the opportunity for the ad-

vancement of human self-fulfillment and the eventual proportional reduction of its cost.

Moral or human values aside, it makes good economic sense to structure a public assistance program so that recipients are allowed to become productive. And we are getting to the place financially as a nation that we simply must face the welfare issue on a sound fiscal basis. Either we will meet our obligation to repeal the failure and implement a program to move citizens toward productivity, or we as a nation will face a solvency problem.

It is incumbent upon us to move quickly to open the door of opportunity to those currently imprisoned by our welfare system.

The third point I mentioned earlier was the crisis facing the fiscal solvency of our member States.

I am firmly convinced that we face a collapse of statehood as a viable partner in the federal system without early and immediate relief from the confines of a welfare system that fails to achieve its stated objective and drags us blindly toward outrageous increases in participants and costs.

The figures I have presented here today adequately make the case of the desperate circumstances most States find themselves in.

Trapped by Federal legislation which sets the pattern for most public assistance programs, and trapped by antiquated revenue sources to fund their total State budgets, States simply cannot keep up with the demand for services and remain solvent.

Failure to act now on genuine welfare reform which relieves the States from this furious and futile treadmill will result first of all in crippling further the power and influence of State government to respond locally to local problems. Second, it will result in higher property taxes across this land.

Much of the criticism of the family assistance program has been centered around the idea that it simply does not go far enough.

Let me simply say that if Congress had waited for a $3-an-hour minimum wage bill to appear on this floor before approving the concept of the minimum wage, our Nation would have suffered immeasurably, both in terms of human development and in terms of total economic productivity.

The facts are clear. Substantive reform in this area must be forthcoming. And by substantive reform, I mean a reevaluation of benefits in terms of cost and the building of a foundation which frees people to seek the limits of their ability within a society that extends the fullest possible opportunity.

The reasons I have advanced in support of the family assistance program are reasons of extreme urgency. The longer we allow a system of national failure to continue to create a culture of personal failure, the larger the costs of redeeming ourselves will become.

While I am in the position of agreeing with the administration, let me go one step further. I agree with the administration's opinion that if a welfare reform bill is not passed in this session of Congress, then one will not be passed for another 4 years.

To me, and to my State faced with a rise in welfare costs of 53.2 percent in the last 12 months, and already facing the highest property taxes in history, it is far preferable to pass a bill which makes the move toward a conceptual change in the public assistance program, than to stand around waiting 4 more years for a bill that might offer slightly more benefits.

The family assistance program as passed by the House may be unfinished business. It may require in actual practice several changes and revisions.

But the business of public assistance, begun in 1935 with the original Social Security Act, is certainly unfinished business today.

The family assistance program may not embody the ultimate program I believe the American people are capable of achieving for their own benefit. But it lays a foundation on solid economic and moral ground for tomorrow's endeavors.

The fact that our democracy is always unfinished business is a part of its glory; for in our individual and collective efforts to make it succeed for all people, we chart the blueprint of our future, and measure our worth as citizens.

EXHIBIT 1

TABLE 1.—*Percentage increase in the total cost of aid to families with dependent children, by State, totaling Federal, State, and local contributions from August 1969 to August 1970*

Alabama	30.7
Alaska	20.9
Arizona	25.3
Arkansas	33.9
California	34.9
Colorado	36.2
Connecticut	17.6
Delaware	24.0
District of Columbia	44.3
Florida	30.8
Georgia	36.2
Guam	31.5
Hawaii	25.6
Idaho	34.9
Illinois	24.4
Indiana	53 2
Iowa	20.4
Kansas	27.3
Kentucky	7.9
Louisiana	27.5
Maine	49.2
Maryland	22.8
Massachusetts	25.1
Michigan	39.6
Minnesota	33.0
Mississippi	14.5
Missouri	26.8
Montana	36.7
Nebraska	25.7
Nevada	46.7
New Hampshire	41.5
New Jersey	49.7
New Mexico	23.4
New York	18.4
North Carolina	20.9
North Dakota	11.9
Ohio	22.8
Oklahoma	10.1
Oregon	46.5
Pennsylvania	31.0
Puerto Rico	20.4
Rhode Island	16.6
South Carolina	47.9
South Dakota	18.5
Tennessee	38.0
Texas	67.6
Utah	20.2
Vermont	15.8
Virgin Islands	17.2
Virginia	40.3
Washington	51.1
West Virginia	23.6
Wisconsin	.8
Wyoming	34.1

Source: Department of Health, Education, and Welfare.

AFDC: PAYMENTS TO RECIPIENTS AND AVERAGE MONTHLY NUMBER OF RECIPIENTS

[1965-70 actual; 1971-76 projected]

Fiscal year	Expenditures (in millions)		Average monthly number of recipients
	Total	Federal	
Actual:			
1965	$1,727	$965	4,237,000
1966	1,859	1,031	4,395,000
1967	2,065	1,170	4,714,000
1968	2,542	1,404	5,349,000
1969	3,189	1,717	6,154,000
1970[1]	4,115	2,265	7,429,000
Projected:			
1971	4,912	2,704	8,835,000
1972	5,826	3,208	10,000,000
1973	6,686	3,681	10,904,000
1974	7,531	4,145	11,674,000
1975	8,364	4,605	12,328,000
1976	9,163	5,046	12,874,000

[1] Partially estimated.

Source: Department of Health, Education, and Welfare.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I be recognized, without prejudice to the rights of the able Senator from Minnesota (Mr. MCCARTHY), under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXPLANATION OF SENATOR MCCLELLAN'S NOT VOTING YESTERDAY, DECEMBER 1, 1970

Mr. BYRD of West Virginia. Mr. President, I wish to announce that the able Senator from Arkansas (Mr. MCCLELLAN) was compelled to be absent from the Senate yesterday because of a death in his family. I ask that the RECORD show that this reason for Mr. MCCLELLAN'S absence is why he did not vote on the following: The amendment offered by the Senator from North Carolina (Mr. ERVIN), No. 405 Legislative, shown on page 39311 of the RECORD; the amendment offered by the Senator from Utah (Mr. Moss), No. 406 Legislative, shown on page 39315 of the RECORD; and the final passage of the Consumer Protection Organization Act of 1970, the rollcall vote being No. 407 Legislative, shown on page 39320 of the RECORD. All of these votes occurred yesterday.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a

quorum call may be requested, without prejudice to the rights of the able Senator from Minnesota (Mr. McCARTHY), under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCARTHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Pursuant to the previous order, the Senator from Minnesota is recognized for 15 minutes.

THE ADMINISTRATION'S WELFARE PROGRAM

Mr. McCARTHY. Mr. President, concern for the poor runs as a significant theme throughout the history of civilization.

The forms of response to the needs of the poor and the motives for the response have varied. In some cases, certain classes of persons or groups have been almost wholly excluded from concern—those of another nation, caste, race, or religion—but no society or civilization has shown total and complete indifference.

The care of the poor among the Jewish people is recorded in the Old Testament as of high priority and importance. In chapter 15 of the Book of Deuteronomy, the measure of responsibility is defined in these words:

> If one of your kinsmen in any community is in need in the land which the Lord, your God, has given you, you shall not harden your heart nor close your hand to him in his need. Instead you shall open your hand to him and freely lend him enough to meet his need.

And in the same chapter:

> Since the Lord, your God, has given you, you shall not harden your heart nor close your hand to him in his need. Instead you shall open your hand to him and freely lend him enough to meet his need.

And in the same chapter:

> Since the Lord, your God, will bless you abundantly in the land he will give you to occupy as your heritage, there should be no one of you in need.

Response to the needs of the poor was considered a personal religious responsibility in medieval Christianity. Concern for the poor and service in their need was a mark of perfection and of love. The giving of alms was a religious act, not merely an act of human compassion or one demanded by reasoned concern for justice. The adoption of poverty voluntarily was considered as a step toward holiness, and begging achieved some respectability.

Poverty was accepted also as deserving of organized attention. The care of those in need—physical and intellectual as well as spiritual—was a special function of some of the religious orders of the times. It was perhaps inevitable that voluntary agencies could not adequately care for all of the needs, and quite certain that with the development of the modern democratic state that other public bodies would assume a share of responsibility. The process was accelerated, of course, by the suppression of monasteries and by confiscation of religious properties. In England this action was followed soon by the passage of the first "poor laws" in the reign of Elizabeth I.

The attitude toward the poor and toward poverty gradually changed. Poverty came to be looked upon increasingly as a mark of personal defect or as a punishment for faults, known or unknown, published or unpublished.

In the 19th century, an extreme position was stated by Herbert Spencer:

> Pervading all nature we may see at work a stern discipline, which is a little cruel that it may be very kind. . . . The poverty of the incapable, the distresses that come upon the imprudent, the starvation of the idle, and those shoulderings aside of the weak by the strong . . . are the decrees of a large, far-seeing benevolence. . . . Similarly, we must call spurious philanthropists, who to prevent a present misery, would entail greater misery upon future generation. All defenders of a poor-law must be classed among them. . . . Blind to the fact that under the natural order of things society is constantly excreting its unhealthy, imbecile, slow, vacillating, faithless members, these unthinking, though well-meaning, men advocate an interference which not only stops the purifying process but even increases the vitiation.

This point of view underlies the administration's family assistance program.

Mr. President, the Finance Committee, over the last year and a half, has had this legislation under consideration. Recently, the Finance Committee rejected that proposed legislation and excluded it from at least immediate consideration by the Senate.

The family assistance program has been hailed by the administration and by some of its supporters as the most revolutionary and progressive welfare reform of the century, if not in history. I think it important that the record be kept straight as to just how revolutionary this particular program in fact is.

The first question that should be asked is, What does it do to alleviate physical poverty itself?—leaving out all questions of the rights of the people on welfare and questions of their dignity and the more serious problem of poverty in the midst of plenty, a condition which does afflict this country. It does not do very much to alleviate physical poverty.

Computations based on a Bureau of Labor Statistics study show that a family of four needs $5,500 to live at an adequate level. This is the minimum needed for adequate housing, food, and clothing.

The Social Security Administration estimates that a family of four needs $3,800 to subsist at a poverty level. But by the Government's own admission, this is not a reasonable measure of basic money needs. In one case, it is $5,500, in the other it is $3,800.

The floor contained in the administration bill, $1,600 for a family of four, is not enough for subsistence let alone an adequate standard of living. In fact, it comes to roughly less than one-half of what is considered necessary for subsistence, and roughly one-fourth of what is needed for an adequate standard of living.

The administration bill will increase the income of 10 percent of those now on welfare, and it will reduce the income of 90 percent of those who are now on welfare, because it contains no safeguard that welfare benefits under the bill will not be less than they are under present law. Failure to require States to protect persons already receiving AFDC from a reduction in benefits could mean the termination or reduction of welfare payments to about 2 million recipients.

Although, on its face, the administration bill appears to maintain income levels, in fact, it defines the level of present benefits in such a way as to exclude many benefits that families on welfare now receive. States are required by the bill to supplement the Federal floor up to the level of present benefits, which sounds all right, but the bill then defines present benefits in a way that grossly underestimates their actual value.

Under the administration plan, the level of present benefits is determined on the basis of payments made to a family with no income. The Senate Finance Committee, after examining the method of computation in the administration bill, has concluded that in 22 States its application would reduce or cut off welfare payments to most of the families that have earned income. This would affect adversely over 450,000 families now on welfare.

In addition, many States supplement present benefits with special grants, made on an irregular basis to cover emergency needs as they arise. Although the benefits vary from State to State, grants are made for such necessities as clothing and furniture, special assistance to pregnant women, infants, and diabetics, and for other emergency requirements. Special grants achieve a better use of limited welfare resources by distributing some payments according to need. But the administration bill makes no mention of these and does not take them into account in the determination of payment levels based on present law and, in fact, makes no reference to them at all.

Under present law, 23 States and Washington, D.C., pay benefits to families with unemployed fathers. As of January 1970, 90,000 such families in those States were receiving payments in excess of $1,600. The administration plan allows such families the basic $1,600 benefit but effectively prohibits them from receiving any more. Thus, in these 23 States and Washington, D.C., the family with an unemployed father will be worse off under the administration plan than under present law.

The family assistance plan has been widely praised for providing a minimum income floor—$1,600, which is really a subbasic level. Few people realize that it also sets forth a maximum benefit ceiling for Federal matching purposes. This is more significant and really more effective. Benefits would be cut off at a level determined by reference to the pov-

erty level stated in the bill; thus, families are effectively prohibited from receiving payments in an amount above the poverty level. Two States, New York and New Jersey, already pay benefits at a level above the poverty line. By establishing a ceiling, the administration plan would reduce benefits for over 1,450,000 persons in these two States alone. Moreover, it would effectively prohibit other States from any future increase in benefits above the poverty line. This is the effect of the bill with reference to physical poverty itself.

What will the program do for community and family stability? Again, the answer is disappointing.

When the President announced the plan 16 months ago, he criticized the present welfare system for encouraging family breakups. He said:

> The present system creates an incentive for deserting . . . the children are denied the authority, the discipline, and the love that comes with having a father in the home. This is wrong . . . Any system which encourages a man to desert his family, rather than to stay with his family, is wrong and indefensible.

Yet the administration plan perpetuates this wrong and adds another. Along with creating the incentive to drive the father out of the family, it would also drive the mother out of the house. That is scarcely an improvement.

By lowering the benefits for families with unemployed fathers, in 23 States and Washington, D.C., the administration bill would pay these families less than is paid to a family with no father at all. In other words, a family with an unemployed father would receive higher benefits if the father disappeared. Thus, in 23 States and Washington, D.C., the administration plan would create financial incentive for family breakup.

More serious as a blow to family life is the forced-work requirement when it is applied to mothers in families without a father. All mothers without preschool children would be subject to forced-work requirements. Such mothers would be required to accept whatever job is available or suffer a severe reduction in benefits. In effect, the mother with young children—6, 7, or 8 years old—will be forced to take work rather than devote herself to her family. The work could be in institutions or industries that require an evening or all-night shift. If her 6 and 7 year-old children attend school from 9 a.m. to 3 p.m. and the mother had to work from 3 p.m. to 11 p.m. she would have no time at all with her children. The forced separation of children from mothers, or mothers from the home, in an arbitrary, sweeping ruling of this kind is scarcely conducive to a stable and improved family life.

What does the plan do for the self-respect of the people on welfare? Again, the answer is: Very little. The forced-work program is a major feature of the administration plan. In fact, the program was referred to in the recent campaign as "not a welfare program but a work-fare program."

What does this program do to the person who must either accept available jobs or suffer a drastic reduction in benefits? Today, when an employer is not covered by minimum-wage laws, he is forced by the market to pay a subsistence wage. If he pays less, it is difficult for him to get anyone to work for him. But under the administration plan, he could offer as low a wage as he wanted and still be assured a continual supply of cheap labor. He need only inform the local welfare office that jobs are available; the poor must then work for him no matter what he pays or lose their benefits. This, it seems to me, encourages practices which even the free market by itself would not allow. It is a modern version of the debtor's prison—without walls.

The forced-work program, as now written in the bill, will encourage the proliferation of jobs that pay a substandard wage. By enabling employers to pay substandard wages, it will depress wages for all men who work at the lower end of the salary scale. By assuring employers a cheap labor supply, it will interfere with the efforts of workers to organize for higher wages. Welfare reform should not be used to subsidize industries that pay less than an adequate wage. The forced-work program will force recipients into employment of substandard wages. This is a formula for continued dependence on welfare rather than genuine economic independence. The way to encourage real self-support is through the creation of jobs that enable men to maintain a decent standard of living on the basis of an income which they themselves have earned. If welfare reform is to truly encourage economic independence, no one should be forced to take a job that pays substandard wages.

The data assembled by Anthony Downs in a report for the Committee for Economic Development, entitled "Who Are the Urban Poor?" make clear the inadequacy and, in many cases, the irrelevance of the Nixon administration family assistance proposals. A program that is supposed to eliminate poverty, as President Nixon has frequently put it, by moving the poor "off the welfare rolls and onto the payrolls," fails in its very conception because it has inaccurately defined the problem.

Most significant is the report's conclusion that nearly half—about 47 percent—of the urban poor have no chance of becoming economically self-sustaining. They include those in households headed by first, the elderly—18.3 percent; second, disabled males under 65—4.5 percent; third, females under 65 with children—23.7 percent.

The Downs report refutes the image, held by many Americans, that the poor are largely a bunch of shiftless ne'er-do-wells who are too lazy to work. It points out that only one-eighth of all metropolitan area poor are in households headed by a nondisabled man under 65 who is either unemployed or underemployed. In terms of unrelated individuals rather than family units, the shiftless or lazy would, of course, account for an even smaller fraction of the urban poor.

Who, then, are the urban poor?

The largest group, 42.2 percent, is made up of children under 18. The second largest group is over 65—18.3 percent. The third largest group is composed of adults in households headed by a female under 65—17.6 percent. In 1968, half of the urban poor lived in families headed by a female.

The fourth largest group—11.9 percent—is made up of adults in families headed by a regularly employed man who earns a very low income. If one included the children in such families and the female-headed households where the mother works regularly but earns little, it can be seen that the poverty of approximately one-third of the urban poor is the result of low earnings, rather than unemployment, underemployment, or inability to work caused by disability or old age.

Most significant is the conclusion, based on the figures above, that about 47 percent of the urban poor are in households that cannot be expected to become economically self-sustaining at any time in the future.

In addition, the report concludes that urban poor children—42.2 percent—find that—

> The poverty in which they lived is likely to afflict them in such a way as to reduce their future income, income-earning capabilities, and
>
> Although poverty is technically defined as having a very low annual income, for many people it is also a chronic state of failure, disability, dependency, defeat, and inability to share in most of American society's major material and spiritual benefits. Their continuance in this deprived state is reinforced by many institutional arrangements in our society, including those supposedly designed to aid them.

The Downs report notes that there has been little change in income distribution in the United States in the last 20 years. Whereas from 1938 to 1947, equality increased significantly, since 1947 the lowest fifth of all families have received a nearly constant share of the total aggregate income: In 1947, 5.0 percent; in 1950, 4.5 percent; in 1968, 5.7 percent. The highest fifth of American families received in those years respectively: 43 percent; 42.6 percent; and 40.6 percent.

Some income redistribution is occurring but not enough. Transfer payments—social security benefits, welfare, veterans' benefits, unemployment compensation, and so forth—have helped but not very much. Of 10.8 million households in the United States that were poor before transfer payments, 4.7 million were lifted above the poverty line by transfers, but 6.1 million remained in poverty even after receiving such transfers.

The report estimates that the "poverty gap"—based on the Social Security Administration definition of poverty as income less than three times the necessary expenditure for a minimum diet—"could be largely eliminated in the United States with only a modest change in the distribution of incomes." In 1968, the gap was estimated at $9.85 billion, an amount considerably smaller than the annual increase in Federal income tax receipts expected in the near future even without a tax increase. This annual increase in revenue will be the result of the interaction of economic growth and inflation

with the progressive Federal rate structure. Thus, if only a small part of that fiscal dividend were devoted to lifting the poor out of poverty in the next few years by means of larger transfer payments, the poverty gap could be done away with, even without a tax increase. The Downs report estimates that—

> Such a redistribution could be accomplished if each non-poor household was willing to sacrifice about one-half of its expected annual gain in income.

This seems so small a price to pay, particularly when measured against the results of poverty: For example, the inadequate diets in 63 percent of families with incomes below $3,000, diets which may inhibit the growth of the brain, particularly in young children, not only retarding their mental capacities, but affecting their ability to escape from poverty when they grow up.

Further, the cultural and psychological atmosphere in many poor households affects the child's sense of security and belonging, and he may then become less able to profit from school, falling further and further behind and often dropping out. The mother in a poor family is likely to be able to devote less time and attention to her child because she may have more children—as do poor families on the average—because she may have to work, and because she may be less familiar with child-rearing techniques than are wealthier mothers who regularly consult doctors.

In the case of poor families headed by nondisabled but unemployed males under 65, unemployment is clearly the major cause of poverty. Some of these male heads of families undoubtedly are unemployed because they lack a marketable skill or because of lack of basic willingness to work hard. These deficiencies, in turn, are often the results of prior conditions of poverty suffered during the childhood. Poverty inhibits the development of employment skills and tends to perpetuate itself by reducing employment opportunities.

Among the employed, the problem is a little less severe, but still grave. At the minimum wage of $1.60 per hour, the income of a man who worked a 40-hour week for 52 weeks of the year would be $3,328, an income that will put a family of four below the poverty level. And many men who work a full year are paid less than this minimum wage. It is estimated that at least 10 million jobs in the United States are paying less than the current Federal minimum wage.

Moreover, many social institutions tend to increase or emphasize dependency, exploit the poor, create obstacles to opportunity. Among the examples cited by the Downs report are:

The urban poor often pay more for their food and staples, mainly because they tend to shop in small local stores.

The urban poor pay much higher prices and interest rates for credit merchandise.

The urban poor pay more, or only a little less, for much poorer quality housing, with poorer services and neighborhood amenities. In addition, the urban poor have fewer opportunities to improve their own homes because few lenders will provide mortgages for purchase or improvement of housing in low-income areas even if the borrower has good credit.

The urban poor benefit much less than do the more wealthy from Government subsidies, for example, housing subsidies, the largest of which is the income-tax deduction for property tax and interest paid by homeowners.

Urban renewal benefits real estate developers and high-income renters, but displaces the poor without adequate compensation, forcing them into already overcrowded housing, often at higher rents.

Highways are often deliberately routed through poor neighborhoods, until 1968, without adequate compensation for those displaced.

New jobs are being created largely in the suburbs far from the central city areas; the poor are handicapped in getting to such jobs by lack of adequate transportation. Further, movement of such jobs to suburban areas is encouraged by the same highway construction that imposes unfair costs on low-income neighborhoods.

The next question with reference to the program is whether or not it would provide for more efficient administration. There is no reason to believe that it would. First of all, much of the criticism of the social worker is unwarranted. Much of the criticism of welfare departments of States is unjustified. At best, if this program were to be carried through, it would provide a Federal bureaucracy in place of a State bureaucracy.

This underscores a point made by Charles Reich in an article entitled "The Greening of America," in the New Yorker magazine of September 26, 1970. Problems of the poor, Reich says—and I agree—are compounded by the principles of administration and of the hierarchy of "public welfare," which, he says:

> Offers an example of the administrative model of society. The object of public welfare should be to protect people from the hazards of forces in an industrial society that are beyond their control and from the other hazards of life against which neither family nor local community any longer offers help—to provide every person with a minimum standard of security, well-being, and dignity. With the introduction of administration as the means for carrying out public welfare, the emphasis shifts to regulation of exactly who is qualified for welfare, how much is allotted, how it is spent, whether rules are being followed. A large apparatus is developed for checking up, for keeping records, for making and enforcing rules, for punishing infractions. Some of this may save money, but the saving is minimized by the costs of administration. Some of this may also serve the purpose of punishing the poor for not working, even though many are unable to work. But the "accomplishments" of administration are almost secondary; after a while, what it does ceases to have an outside reference and it acquires a life of its own.

The latest word is that the administration, continuing its year-long desperate efforts to appease first the conservative critics and then the liberal critics, is now ready to include some 50 additional amendments, few of which will have any significant effect on the deficiencies of the current proposals.

The most progressive and realistic provision of the bill is that of providing income supplements for some working poor now ineligible to receive them.

Even with the desirable changes—increasing the number of working poor eligible for welfare, shifting the primary fiscal burden to the Federal Government—we would still have essentially the same old system, and the same problem: not enough money, not enough freedom.

Supporters of the bill have admitted all these defects. They argue that the bill should be passed now in order to establish the principle in the hope that at some time in the future the income floor will be raised to a decent level. They seem to assume that the Congress will not in the future be willing to establish the principle but that it might breathe life into a dead principle if the principle is already stated. In the meantime, let the poor eat and wear principle.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCARTHY. Mr. President, I ask unanimous consent that I be permitted to continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCARTHY. Mr. President, I think that those of us who have been in Congress for 20 years know the background of this matter.

In 1945 the Full Employment Act was adopted. That act established the principle that we should have full employment in this country. The adoption of the principle has really not had the effect of our taking action to provide full employment.

In 1949 we established the principle that every American had a right to decent housing. If anything, the housing in this country is worse some 20 years later, even though we adopted the principle in 1949.

We have adopted the principle that every American should have a proper and becoming education. The adoption of that principle has had little discernible effect upon the programs we have enacted and financed toward accomplishing that objective.

Here we are called upon to enact a program which would have the effect of reducing the income of 90 percent of the people currently on welfare.

Mr. President, it seems more reasonable to me to assume that a Congress willing to raise the floor to a decent level would be as willing to adopt a principle to go with the reality. In fact, the passage of the administration bill is more likely than not to create complacency and reduce pressures for full and substantial reform. The core of reform is an adequate income level, not a statement of principle. The passage of a bill containing worthwhile reform may be less likely if the administration bill passes in its present form.

Only greatly improved and enlarged public assistance programs, combined with adequate child care facilities for mothers of older children who wish to work, can hope to alleviate the now hopeless lot of these families. Income assistance, in whatever form, should be under

simpler and less degrading adminstration.

In the long run, a basic change in philosophy and in the system that now freezes the urban poor in their poverty is the only way to attack urban poverty effectively.

If this bill is to be passed, it should be amended in several major respects. Even as amended it would not be revolutionary.

First. There should be assurance that the interests of families now on welfare will not suffer. Payments under the new law must be at least equal to the level of present payments.

Second. It should include the value of special grants in computing present benefit levels. If special grants are not taken into account, many persons and families will be worse off under the new program.

Third. Provisions of the bill which encourage disintegration of the family should be changed. Otherwise, the family assistance plan may become a family destruction plan.

Fourth. The forced-work provision should be transformed into an incentive program that offers a decent job at a living wage. No one should be forced to take a job that pays less than an adequate income.

Fifth. Genuine welfare reform should establish adequate income as a national goal rather than set poverty income as the uppermost limits for benefits. The poverty line ceiling on benefits should be eliminated from the bill.

Sixth. The constitutional rights of all Americans must be guaranteed to poor people.

There are two governments in America, writes Charles Reich in the article already cited: One under the Constitution and one which is not under the Constitution. I think that he has oversimplified and that there are, in fact, some three or four different systems of law, social organizations, family, and economic institutions in this century.

The way in which the Constitution and the Bill of Rights—the general laws of the country—have been suspended or qualified in their application to the poor is one of the scandals of America—a scandal that should be ended. Certainly we should attempt to make some progress toward ending it.

Adequate family income should be recognized as a basic civil right for Americans. Real reform of the welfare program will come when we not only recognize this right of every American to a decent standard of living, but commit our Nation to securing that right for all.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. HARRIS. Mr. President, I am pleased to join in the excellent statement that the distinguished Senator from Minnesota, my fellow member of the Finance Committee, has just made about the family assistance plan and the need for real welfare reform in this country.

Yesterday morning Daniel Patrick Moynihan, White House counselor, and Under Secretary of Health, Education, and Welfare, John Veneman, came to my office.

They came and wanted to know whether there was a chance to work out a real reform bill. I at that time gave them a written list of the minimal requirements that I thought any real welfare program to be passed by the Senate ought to meet. That list was pretty much covered in the statement the distinguished Senator from Minnesota made today.

I agree with what has been said here. It is imperative that we have not just the principle but also the reality, and that reality and the principle should begin together. It is not too late for real reform in this country, which is so desperately needed. If the administration will come forward and agree to go with the kind of bill the Senator from Minnesota has outlined and the kind of bill which I have outlined in the material I furnished to these representatives of the administration, I believe we could do the right thing in this country, really reform this system and do it without hurting anyone, but by helping everyone, including all of us who are citizens of this country.

I thank the Senator for the leadership he has given in this matter.

Mr. McCARTHY. I thank the Senator from Oklahoma. I am hopeful we can come to a positive program, such as he has discussed and recommended to the administration, and that it will be accomplished before the end of this session of Congress.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois (Mr. PERCY) is recognized for not to exceed 20 minutes.

THE SUPERSONIC TRANSPORT

Mr. PERCY. Mr. President, today I wish to address myself to various aspects of the Government's role in financing the development of the supersonic transport.

First, however, I suggest putting the SST into historical perspective. When the House Committee on Science and Astronautics considered the SST back in 1960, and recommended its development, our national attitude toward technological progress was very different from what it is now. In 1960 we were only 3 years past sputnik, and all over the country we had been working to make science a priority concern. Largely in reaction to the Soviets having put a satellite in orbit, we agonizingly reexamined our schools to find out why children were not growing up to be more scientifically literate. We developed new science courses for the schools, and we put more money into college-level science teaching, and more money into science research. We accelerated the space program, and established the man on the moon goal, which we recently attained.

In the early sixties we glorified the entire range of technological achievements typified by the space program. It was not surprising that the SST was given the go-ahead, because it was regarded as another potentially elegant American technological achievement—in the same class with satellites and moon rockets. When President Kennedy in 1963 asked the Congress to approve the project, he said that the SST would "demonstrate the technological accomplishments which can be achieved under a democratic, free enterprise system," and that the SST would "advance the frontiers of technical knowledge."

At that time these goals seemed reasonable. By 1970, however, we have accomplished great technological feats and reaped appropriate credit. In comparison with putting men on the moon, the SST is small potatoes, and everybody knows it. For several years the U.S. Air Force has had in routine operation, a fleet of supersonic—mach 3—SR–71 reconnaissance aircraft which fly higher and faster than the designs of the SST. But we are still grappling with an SST program. Although much money has been spent on the program, we now have an advantage in our decisionmaking, because much more is known about the type of aircraft that will result from the program, about its environmental effects and its economic prospects. We are also not making decisions in the emotional, science-at-any-cost atmosphere of the early 1960's. We are trying to weigh the costs of the SST, in dollars and in environmental degradation, against the benefits claimed for the program. It would be well, therefore, for us to focus on some of the financial implications of the SST development program.

THE FEDERAL ROLE IN FINANCING DEVELOPMENT

In the SST program the Government has undertaken to finance the development of a private civil aircraft, which is to be sold in a competitive open market. How well does the program stand up to the criteria of private capitalism? Ordinarily, a business concern looks for a market, and then builds the product to fill that demand. The free enterprise system has a built-in system of incentives that keep the entrepreneur aware, every step of the way, of the risks he is taking, and in the most realistic terms, aware of the market outlook for his product. If he has a product that looks like a poor seller, he will have difficulty raising the capital to produce it, because a commitment to a poor or risky product denies investors the chance to invest in a more certain and more profitable one. He commits his limited resources to a product whose success he can reasonably predict, not one whose success depends on a chain of tenuous assumptions and involves unduly high risks.

In the case of the SST, the Government assumed both roles—entrepreneur and investor. As William Magruder, director of SST development, has stated in hearings before the Appropriations Committee, the Government initiated the project and took it to the corporations on a contract basis. The project thus became a sure thing for the companies that are building the SST; they do not have to worry about the risk,

or about the alternatives to which they could apply their time and money. If they do what they agreed to do under the contract, they get paid. However, there are no performance guarantees. Thus, for the life of the prototype program, the contractors need not concern themselves about the market for their product. They have a guaranteed market, consisting of the Government. They chip in 10 percent of the costs, and the Government pays the rest.

LACK OF INCENTIVES FOR SUCCESS

Because of this, the usual incentives that make a business venture constantly adjust itself to the market outlook are absent. This accounts for what appears to be a lack of concern with the SST engine, which Aviation Economist George Eads termed "a marginal performer." Lack of the market incentive makes it possible for SST proponents to promise noise-reduction devices, because they can ignore the outcome Dr. Eads cited—that the engines "cannot bear the weight or thrust penalties that would be imposed in order to conform to any reasonable noise standards." Engines large enough to produce the required takeoff thrust and support noise suppressors would penalize the aircraft unacceptably in payload and range.

This is only one symptom of the general problem—that a Government R. & D. program is not a trustworthy place to build an airplane that has to survive the market test. Our history with military aircraft bears this out. As long as the military purpose of a plane was more important than its costs, Government R. & D. worked fairly well. But only one American military plane had even modest success in commercial aviation—the Boeing Stratocruiser. The rest could not compete because the high costs made them unfeasible for commercial service. For instance, Lockheed went to the expense of having the C–141 cargo aircraft certificated by the FAA for commercial service, but none has been sold for that purpose. Other aircraft developed for commercial service, such as the DC–6 and the Boeing 707, had military predecessors. But Government-funded development has not been a source of viable commercial planes.

I would like to interject here that I have discussed the matter with officials of the Department of Defense, and various officials in the Air Force and the other services to see whether or not there is any military need for the SST. If it is commercially feasible for us to fly passengers or cargo at that rate of speed, the military, certainly, which never holds back on its requirements or needs, might have a comparable use. There is simply no possibility that the military will underwrite a penny of this cost. There is no military use. They cannot afford the low ratio of payload to high cost to move men and materials any place in the world to wage war or for the purposes of defense.

I maintain if it is not worth it to the Pentagon, it is hardly feasible to the commercial airlines which now have an 80 percent debt ratio and can hardly afford purchases of the 747 much less the SST.

We are not talking only about the costs of development. We are talking about the cost of underwriting preproduction and production. The deeper we get into this quicksand, the more difficult it will be to extract ourselves.

I would like to say to my colleagues that if at any point they wish to interject their comments or questions, I have no objection to being interrupted in my statement.

UNCRITICAL MANAGEMENT

Can we substitute a careful Government watchdog function for these market incentives? Apparently not, to judge from the vigor with which the Department of Transportation has assumed the advocate's role in the SST matter. Ordinarily, we might expect the Department to carefully scrutinize this program. Instead, we find that the scrutiny is mainly concentrated on responses to those aspects of the SST that have become public issues. The fact that the SST was going to be so noisy that airport operators might ban it somehow escaped the attention of the Department of Transportation until a few weeks ago, when it decided the subject needed further study and announced a multimillion-dollar research program.

Another symptom of the preference for advocacy rather than critical analysis was the 1966 feasibility study of the SST program, done by the Federal Aviation Administration. The frequently cited prediction that 500 SST's could be sold comes from that report, and it was based on the assumption by the FAA that passengers value the time saved on an SST flight at one and a half times their earnings per hour. When the Institute for Defense Analyses studied the SST market for the FAA and offered a prediction that, at $40 million apiece, only 366 SST's would be sold by 1990, the FAA was not satisfied.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. PERCY. I am delighted to yield to my distinguished colleague from Wisconsin, who has been a pioneer in the fight for righting national priorities, and for this reason, has consistently opposed the SST. In fact, he had "religion" long before I did. I voted for it last year, and consider that vote the biggest mistake in judgment I have ever made on the floor of the Senate.

Mr. PROXMIRE. I want to say to the Senator from Illinois that a principal reason why we have a good chance to stop the SST now is that now we have his advocacy not only on the floor but especially off the floor. He is as persuasive a Senator as any I have known in the 13 years I have been here.

The Institute for Defense Analyses assumes that, from their data, perhaps only 366 SST's would be sold by 1990. I might point out to the Senator from Illinois that Dr. Walgreen, an eminent economist, working for the Defense Department made a similar study. He made similar assumptions, and concluded that only 139 SST's would be sold if the SST were confined to flights over water and not allowed to fly over land.

On that finding, if 139 SST's were sold, a very interesting situation would develop:

No. 1, the Government would lose virtually all of its money. It would lose virtually the entire amount of $1.3 billion it put into the program.

No. 2, the aircraft manufacturers and the airlines would make about $500 million out of this program.

So that if it works out in the way that Professor Walgreen, who is an expert in this area and who studied it very carefully, has estimated it might work out, the Federal Government loses everything, but the manufacturers and the airlines makes money out of it.

So this is really a heads-I-win, tails-you-lose proposition. Uncle Sap, Uncle Sugar, is going into this with the taxpayers' money with everything to lose and nothing to gain. There is no way to come out of it even.

Even if this were a smashing success and 500 or more SST's were sold, the Federal Government would get back between 4½ and 6 percent on its money, but it has to pay more than that in interest in order to borrow the money to finance the program. So there is no way the taxpayer can gain, unless we assume it is good for people to get cancer of the skin, which some scientific experts said only yesterday could occur from the SST fallout overhead. Unless we say that that fallout was good for the taxpayers, who will never fly overseas, or do so very rarely, I do not see how he can come out even.

So I think the Senator from Illinois has raised an excellent point in bringing these figures to our attention and trying to determine what will be the economic consequences of the SST sales in the marketplace.

Mr. PERCY. I would like to respond with some new information, which I do not have in my speech, but which I think I should reveal to the distinguished Senator from Wisconsin; but I would like first to yield to my distinguished colleague from Kentucky (Mr. COOK), who also has forthrightly stepped up to the mark on this issue and has looked it squarely in the face. I think he is the one who said the SST is nothing but a west coast WPA project—a statement which forthrightly expresses his particular viewpoint. I am happy to yield to my distinguished colleague.

Mr. COOK. Mr. President, I would like to add to this colloquy and refer to the statement made by the distinguished Senator from Wisconson. The Senator does not really believe the Federal Government is going to get its money back even if it builds 339, does he? I say this because the House Appropriations Committee was advised by the Department of Transportation that the cost increase for this project has increased by $76 million during the past year. Some people have tried to convince me to vote for the SST on the theory that the Government is going to get its money back. I think we are being very foolish if we think the U.S. Government is going to get a return on its money on a project that private bankers and financial lending institutions believe is a money loser.

Mr. PROXMIRE. Mr. President, if the Senator will permit me to comment on that, because that is an excellent point, I overlooked in my response to the Senator from Illinois, the fact that there can be overruns, and big ones. We get overruns any time we get into big technology problems. This is not a question of using simple metals. There is involved in this U.S. SST a brand new metal, brushed titanium honeycomb, an exotic metal, not used before. So when we get into these new materials, overruns are common.

The Government, as the Senator from Kentucky has pointed out, has not a chance to get its money back.

Mr. PERCY. Mr. President, may I respond to both of my colleagues on that particular point? I took it on myself to speak on the Concorde program not only in this country, but in England, to the best experts I could find.

Mr. McGruder has the responsibility of selling this program to the Congress and to the country for the administration. He came to my office and I said:

I would like to offer this proposition to you. Let us forget all the environmental factors for a moment—factors which I do not think we can forget except in theory—and get down to dollars and cents. Let us assume I would be willing to put in a piece of legislation to make the airlines and the aircraft manufacturers and everyone else absolutely whole on this project. I would be willing to sponsor legislation that would free them from any obligation to pay the Government back a penny of the money it has already spent. In fact, I would not only free the airlines of the $700 million obligation for funds the Government has already put in, but another $100 million in addition. I would be willing to sweeten the pot and put in another $100 million so that the airlines would have $1 billion even, if you get the Government out of this program, so we can make a rational decision on the basis of whether or not it is economical to go ahead with the SST project and whether the economic opportunities are such as to make it worth while, even if you have to pull it out of landing at Los Angeles and New York.

On the basis of this proposition, I asked Mr. McGruder:

Would the aircraft companies and banks pick up the remaining balance of $300 million, freeing them to put up their own money for the purpose of developing an economically viable project?

I have already gone to some banks and airlines and suggested this.

Mr. McGruder reported back that he had contacted investment companies and there was absolutely no interest expressed on the part of any banking or investment firm, regardless of how large a consortium might be involved, in putting one single penny of private interest money into this project, even with the incentive that they would be free from obligation to pay this money back.

I simply ask now, if the airlines and the manufacturers and the banks will not finance it, why then stick the customer—the taxpayer—with these enormous costs in order that a businessman might save a couple of hours, two or three times a year, when he flies to London, especially when that same businessman often cannot in less than 3 hours commuting time get from his home to work and back every single working day of the week?

Now, to me, that just does not make any sense whatsoever but a lot of things in Government do not make sense. What we are trying to do is make sense out of these programs on the Senate floor through a rational analysis of prospects for payback for the country, for the taxpayers, and for the public generally—not for a very small specific group who might stand to benefit somewhat by the SST.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. COOK. Mr. President, I would like to add one more thing, if I may. Let us suppose the Federal Government does realize a small return on its money. Are we going to figure into this project the costs that the Federal Government is going to have to pay to develop local airports along the east coast and west coast of the United States in preparation for this aircraft? Are we going to have to pay local communities for the sound abatement equipment that will be necessary, if we can convince them to adapt their local facilities for the utilization of these aircraft? If we are going to have to pay for those things—and obviously we are—should not these costs also be included in the total amount that the Federal Government must expend on this questionable project? Or will these other development costs come before the Senate in another appropriation bill?

In order to determine whether the project is profitable, I think we must look at the whole ledger. If we are going to look at it like a business proposition in order to determine what amount of money will be returned, then we must take into account all the airport modifications that will have to be made.

There is one other question that should be raised. Were any Federal funds of any kind put into the 747 program? I think the answer is no. They knew it was an economically viable aircraft, and thus the free-enterprise system put its money and talents into it. They did not ask for a dime of public money.

Mr. GOLDWATER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. PERCY. I ask unanimous consent to proceed for 10 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROXMIRE. Will the Senator from Illinois yield to me to respond very quickly to the Senator from Kentucky?

Mr. PERCY. I yield.

Mr. PROXMIRE. The Senator from Kentucky raises again a highly important point: That the real costs are not simply the costs involved in expenditures by Boeing or by the Federal Government. Professor Moss at MIT has pointed out another significant cost. He argues that because of the fantastic noise within 2 or 3 miles of the airport, the so-called sideline noise—and he is a brilliant sonar engineer—every home within 15 miles of Kennedy Airport—which is hundreds of thousands of homes—within 9 miles of O'Hare Airport in Chicago, and within 9 miles of the airports of Los Angeles and San Francisco, would have to be soundproofed, at a cost of $6,000 each. Would the Federal Government have to pay for that?

Mr. COOK. We would be asked to.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to my distinguished colleague from Arizona, who is an aviator of great note himself, and we value and welcome his comments.

Mr. GOLDWATER. I have been interested to listen to the Senator's comments this morning, and to the half-truths and untruths that have emanated from some so-called scientists. I have become convinced that we have some scientists and economists in this country who can be more easily prostituted than some girls on Saturday night.

The Federal Government has built canals; we built the waterway down the east coast of Florida. We build ships, highways, and airports. I do not see anything new about the Federal Government being in the transportation business. I think it was just yesterday, when I was in Mexico City, I read where Secretary Volpe had announced a new quasi-public railroad system.

So where do we draw the line? We are trying to keep 50,000 people employed. I think it would cost far more than $290 million to keep those people on the unemployed rolls—more than it will cost to keep them working.

Again I ask my friend from Illinois, what is different about building an airplane from what this Government has been building, ever since it became a government, for transportation?

Mr. PERCY. I shall be happy to reply. If I may quote from a well-known book, "The Conscience of a Conservative," there is a growing tendency on the part of the Federal Government to get into more and more and more fields, and we do have to start drawing the line.

I would certainly say we ought to draw the line where it makes no sense whatsoever, on any basis, to go into a program—particularly when that program stands to benefit only the top 1 or 2 percent of the population. That ought to be a clear-cut case where we can draw the line. If a proposal is merely going to benefit either the high-income people who can afford to go around the world, or businessmen who have expense accounts and can afford to get to London or wherever they are going regardless of cost, then I think we ought to draw the line there, and tell them that they ought to have what commercial aviation can provide to them.

But when the Federal Government goes into and subsidizes such programs, and leaves the low-income people in my city of Chicago; for example, without adequate transportation because a transit system is going broke with a $25-million loss this year, and increases every year or two in rates for mass transit force the low-income people completely out of access to mass transit, I would say the priorities are entirely out of line and we ought to try to find a way to help the

lower income people, rather than cater to a very small fringe group at the top.

And as I ask, even for that group, what sense does it make to try to save them a few hours at such a cost? I have just come from a trip that took me all over Africa and Europe, and I could not figure out at all where the SST would have benefited me on the long flights I took, from Helsinki to Addis Ababa in Ethiopia, and Nigeria, and all the way up to London. What time could I have saved? They could not have made those flights nonstop, because their range is so short. They could not have gone over land areas; they would have had to go out to sea. I do not know whether the city of London would have even let the plane land.

With that kind of rationale facing me, I cannot possibly see why the Federal Government or the Federal Treasury should invest in such a program. It really astounds me that an outspoken and articulate conservative could argue that as long as the Federal Government is in all these other things, why not let them get into this other element?

Let them get into everything, then. I just cannot see the sense of it.

Mr. GOLDWATER. If the Senator will yield further, it makes sense to me, for one good reason. I do not say that the airlines need this airplane today or tomorrow.

Mr. PERCY. If they had it, it would break them.

Mr. GOLDWATER. Maybe not even in 1980. But some day, some airline in this country, in answer to competition which will develop overseas, will ask somebody for an SST, and we will not have it.

The only industry in which this country leads the world is the aircraft industry. The Senator wonders why a conservative like myself would see sense to this proposition. I see a return on it. I do not see returns from some of the investments we have made, in canals and highways, and so on; but I think in this case, whether we are talking about the supersonic transport or what, the fallout will be of tremendous value to this country, just as from the $28 billion we have spent on space. The fallout from this program, I am sure, will be, as I have stated before, more than $28 billion within the next 5 years.

Either we are going to have this airplane or someone else is going to have it. I imagine the same arguments were made when Henry Ford started to make automobiles. I imagine the same arguments were made about the subways, and about trolley cars. Here we are looking at something the world is going to have, whether we vote for it in the Senate or not. The world someday will have SST. Not today, not tomorrow, but it is coming, just as sure as we stand here arguing about it.

I understand thoroughly the Senator's objection to this. I respect it. I know that he has tremendous background in the fields that can give him the answers to this. But I have to say that I think we are going to make a tremendous mistake, and I think everyone in this Chamber will live to regret having denied this country continued leadership in the one industry in which we still retain leadership.

Mr. PERCY. I should like to respond, because again I appreciate very much the distinguished Senator from Arizona's comments.

I think the use of the term "fallout" is probably correct in this case. My own analysis would be that the $27 billion figure cited would be our deficit, not our gain. There is no possibility, by anyone's estimate, that in the next 5 years we would gain a cent on this project. There would be nothing but cost.

The Concorde, for France and England, stands as a paramount example of the hole you can dig for yourself. They have $1,800,000,000 in that hole now, and they still do not know what to do about this project. They said they would make a decision in the next 2 weeks. I think I know what they are going to do. I am guessing that they will decide to delay that decision for another 6 months and put a few new parts in, to save face. There is no possibility that that plane can ever pay off for them. If they sell any, they will sell every one at a loss. It will be a C–5A contract all over again.

The statement that the aircraft industry is the only industry in which we have preeminence is factually incorrect. I point to the computer industry. We have something like a thousand times the number of computers that any other country has. We are absolutely dominant in that field.

Mr. GOLDWATER. We no longer lead in the manufacture of computers or radios or television. I am talking about an industry in which we lead.

Mr. PERCY. I would say that the computer industry is dominated by the American market, and every country in the world knows it.

My good friend is one of the most distinguished photographers in America today. I envy the beautiful work he has done. I would say to him that I do not think we take second place to any one in the photographic industry. There is a little company in Rochester, N.Y. that has a little box, and it seems to dominate the world.

Another industry is the machine tool industry. I could take all afternoon just to list the U.S. industries which dominate world markets.

The PRESIDING OFFICER (Mr. SAXBE). The time of the Senator has expired.

Mr. PERCY. Mr. President, I ask unanimous consent to continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. None of those industries, none of those companies, ever came to their position of preeminence through Federal money. Only one industry in this Nation has really resorted to the use of Federal money, and it is the sickest industry in America—the agriculture industry. It is sick precisely because it became dependent upon governmental intervention to control production, rather than relying on the marketplace.

My good friend from Arizona would simply say, "Well, as long as we have helped another industry, maybe agriculture, then let's help the aviation industry.

I would say that the preeminence of American aviation would be endangered by the heavy hand of Government going in and taking resources and technical people and time and energy and saying, "Do this, regardless of its economic consequence; do this, regardless of whether there is a market for it." The Government seems determined to create a market, and the deeper we get, the harder it is going to be to get out, as my distinguished friend well knows.

Mr. GOLDWATER. I agree that the aviation industry is in sick condition. I do not say this is going to pull it out. I merely say that this is a technological advancement that is going to be made, whether we like it or not, and I would like to see my country do it.

The Senator raised the question of financing this by private means. Does he realize that the entire worth of Boeing—their factories, their land, and everything they own—is only about half of what they need to build this aircraft?

Again, we are going to have this; somebody in this world is going to have it. I agree that the Concorde is not the answer. But they have done it. They have flown it at above mach 1 and a little above mach 2. They have made a step forward that we have not. Although we have flown aircraft faster than that, it is not the transport type.

I feel that this is a necessity. Despite what the Senator from Wisconsin has said about not paying back, I think it will pay back. I think the fallout alone will have this result. I will mention just one, and I will be through—the machining of titanium. This is something we knew nothing about 6 or 7 years ago, until Lockheed got into the supersonic business with their F–11 and their SR–71. It used to cost almost $200 to make one small 4-inch hinge. Now these can be made for under $5. This is a fallout. Titanium is a metal of the future, as the Senator from Illinois well knows. It is a metal we have always wanted to use, but we have not been able to machine it. Now we can. There is a fallout.

I understand the Senator's position. I do not think I have changed it one bit, and he certainly has not changed mine, but I respect his feeling on this matter.

Mr. PERCY. I again appreciate the comments of my distinguished colleague.

I would dislike having it appear that I would stand in the way of technological progress. I am a trustee of Cal Tech and the University of Chicago, and in industry I have tried to stay in the forefront of what is right and proper for us to go ahead with. But I also have had to sit there asking the hard question and rendering the difficult judgment: Does it make sense?

I read the other day that we are technically capable of building an automobile that will go 600 miles an hour. I ask the question: Is it possible to put it on the highway? I think we should reduce speeds on the highway, rather than increase them, because we have not learned how to do it without society's paying too high a price.

Certainly, in the Potomac one can run motorboats up and down at 50 miles an hour; but when I go out, a sign indicates 6 miles an hour is the limit.

The city of New York and the city of Los Angeles have said, "We are not going to let these airplanes land here." Why would we start to build an airplane and put billions of dollars into it when our two principal cities on the two coasts have said already they will not let it land?

We enunciated a policy the other day that no plane can fly supersonically over the United States. Do we think that we are going to be the only country to do that? If this plane is put into the air, every country will ban it. We will have our prize. We will be the prize, biggest polluters in the world, and I think that is a reputation the United States can well afford to give up.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. I ask unanimous consent to continue for an additional 10 minutes, unless the majority leader feels that I should put my remarks in the RECORD. I have not finished my own speech.

Mr. MANSFIELD. This debate has been most interesting. We are going to get to this matter full tilt tomorrow. Would the Senator set a definite limit, so that we can get back to the morning business? Ten or fifteen minutes?

Mr. PERCY. I think 10 minutes, definitely, finally, and firmly. I would be happy to put my own comments in the RECORD containing the eloquent prose that I labored all night to put together, and yield a part of that 10 minutes to my distinguished colleague who has even more eloquent and deep feelings on this subject.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be extended 15 minutes.

Mr. PERCY. The generosity of the majority leader overwhelms me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. And that the unfinished business be laid before the Senate at the end of the 15 minutes.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. COOK. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. COOK. I merely want to say to the Senator from Illinois that it was interesting that the Senator from Arizona raised the question of what the Secretary of Transportation said in regard to the new national rail passenger system.

The rail system in the United States now has a bankrupt Penn Central, a bankrupt Lackawanna, a bankrupt Central Railroad of New Jersey, a bankrupt New York, New Haven and Hartford, and a discontinued Central Railroad of Tennessee. Now, all of a sudden we are getting into the transportation business.

The Interstate Commerce Commission has the duty to regulate the rail system in the United States and now that same system is bankrupt. Furthermore, we are not doing a thing about it.

I say to the distinguished Senator from Illinois that once we decide to finance this project we might set up an agency that is going to run the aircraft industry, and perhaps we will do the same with the aircraft industry that the ICC has done with the railroad industry.

Mr. GOLDWATER. It may come to this.

Mr. COOK. We have a Railroad that is totally federally owned. It is the Alaska Railroad. It has been in existence since the early 1920's. It is completely federally owned. The ICC, which regulates it, will not even allow it to be regulated to the extent that it can make sufficient money to pay back the Federal Government what it puts into it every year. The Railroad has never made a profit since it has been in existence.

Mr. GOLDWATER. The other day, the distinguished majority leader asked us to sign a letter to the ICC, asking for relief for the railroads. My answer to him was to go along, for the reasoning I have for the SST.

The railroads are not going to back it. I do not care who gets behind it. What we need is a new transportation system. I am thinking of 400- to 600-mile-an-hour pneumatic tubes or monorails. It pains me to see large cities such as Chicago, Los Angeles, and New York still running taxis and buses, when we do not have any experimentation going on. This could be a fallout from the SST, if we could get the people of this country to thinking of improving things instead of trying to make things work that have not worked in 50 years and never will work. If the Federal Government takes them over and tries to run them, they will run them into the ground faster than anything I know.

Mr. PERCY. Rather than have a fallout, I think it would be better to take those 20,000 to 50,000 people working on this project and assign them to real problems that demand immediate solutions, such as rapid transit, such as the recent proposal offered by the Secretary of Transportation to cut off any train service between Washington and the second largest city in this country, Chicago, to "improve transportation"; he said there would not be any new funds for 2 years. The investment of the Federal Government would then be $40 million to improve the transportation system in order to reach 85 percent of the people in the United States. The SST is the sort of program where the priorities are absolutely cockeyed. If we can find, this year, $290 million to put into the SST program, we should be able to find, this year, enough money to put into our mass transportation system.

As I comment on that, I would like to express deep appreciation to my colleagues for keeping this battle—a battle of the facts—devoid of ideology.

I do not think that there is a liberal or a conservative position on this matter. It is one of pragmatism, of national priorities. It is a matter of putting first things first.

I am delighted to be joined by my colleague on my right, the distinguished Senator from Idaho (Mr. JORDAN). He serves on the Joint Economic Committee which has studied the SST project. As a confirmed and enlightened conservative, he came to the conclusion that this would be a bad investment for the taxpayers of the United States to make.

My distinguished colleague from Virginia (Mr. BYRD), a conservative who has always been fiscally sound in his outlook, who does his best to see that the taxpayers' dollars are squeezed to the greatest extent possible so as to get the most out of them, has come out squarely against the SST. We have a lineup on both sides of the aisle, of conservatives and certainly of progressives and liberals, who are not about to stand in the way of progress, and who like to see things moving ahead.

Again I would like to commend the able leadership of the distinguished chairman of the Joint Economic Committee, who has provided the Senate with a greater understanding of this subject because of his penetrating analysis. He has been largely responsible for the momentum the program has gained.

Mr. President, now, in the few minutes remaining to me, I should like to complete my prepared remarks, picking up where I mentioned that the Institute for Defense Analysis studied the SST market for the FAA and offered a prediction that, at $40 million apiece, only 366 SST's would be sold by 1990, a prediction which left the FAA unsatisfied. The FAA threw out the passenger preference function the consultants had used in their calculations—a figure indicating that passengers value traveltime at the same dollar value as their earnings per hour. FAA asked the airlines for their estimate of this function, and the airlines responded with a rough estimate that passengers valued traveltime at twice their earnings per hour. The FAA's report states:

> It is evident from comments received from the airlines that the consultants' estimate is probably based on inadequate data.

The FAA then split the differences, and, using a figure of 1.5, came up with the optimistic assumption that 500 SST's could be sold. A later detailed study showed, however, that business travelers value their air traveltime at 0.4 times the hourly family income, and that pleasure travelers value theirs at zero. Since approximately 80 percent of transatlantic air travel is pleasure travel, this throws more serious doubt on the 500-plane market.

The same undemanding attitude of the Department of Transportation is shown by the fact that the prototypes we are being asked to buy are not really very much like the production models already designed. For example, the prototype would be 57 tons lighter in weight than the production specifications and would have many parts made of aluminum, instead of the titanium to be used in production models. As a result, the test flights will not be indicative of the true operating characteristics that will make or break the SST as a commercial airplane.

Mr. President, let me interject here that I have just been handed a story off the news ticker, which reads in part:

> Trans-World Airlines announced 170 more pilots were being laid off, bringing to 570 the number of pilots laid off since April.

Mr. President, I ask unanimous consent to have the full news release from the news ticker printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

KANSAS CITY.—Trans World Airlines announced 170 more pilots were being laid off, bringing to 570 the number of pilots laid off since April.

This was in addition to 2,000 of the airlines' ground employes who were laid off last month.

Ninety of the pilots will be laid off Dec. 30 and 80 on March 1, the Airline Pilots Association local was told. TWA maintains its training and overall facilities in Kansas City. About 30 pilots here will be affected by the latest furlough.

Capt. Hollis Martin, chairman of the Pilots' Union local, said word of the new layoffs came as no surprise.

Company officials, in a letter to employes recently, said sacrifices would be required of all employes and that it would be necessary "to reduce the number of people on our payroll."

Charles C. Tillinghast Jr., chairman of the board, and F. C. Wiser, president, said in the letter the airline is "in a real fight to survive."

Mr. PERCY. Mr. President, with the trouble the airlines are having in financing the airplanes they have in a highly commercial viable market, how are we ever going to finance the operations?

NEED FOR GOVERNMENT CAPITAL

The only justification cited by SST proponents for massive Federal appropriations is the lack of private capital. Mr. Magruder testified in hearings before the Appropriations Committee that—

The size of the financial burden exceeds the capabilities of any single or joint private U.S. industrial aerospace concern.

This is true enough. But in a venture of this magnitude a business concern never relies on its own capital: It borrows the money. So it is immaterial whether the aircraft companies have the money. Funds are available to underwrite good business ventures. The automobile industry, for example, is able every year to get the $500 million needed to finance its model changes.

Mr. President, may I ask how much time remains to me?

The PRESIDING OFFICER (Mr. STEVENSON). Seven minutes remain to the Senator from Illinois.

Mr. PERCY. I thank the Chair.

Mr. President, the real reason for this reliance on Government capital may be found in the 1966 feasibility report, which concluded:

The financial requirements of the program are many times as large as any past commercial aircraft development, and are beyond the financial capability of private industry and the normal credit channels, especially for a program characterized by such high risk.

I think it is clearly the high risk, which DOT did not mention in its testimony this year, that is at the heart of the matter. If the SST were as sure an investment as the DOT witnesses would like us to believe, then private capital would be available.

Since there are many risks involved, many known disadvantages and limited benefits to be gained, the Government should take its money elsewhere, to some of the programs which unquestionably are needed now.

PRODUCTION FINANCING

Quite aside from the development phase of the SST program, it is not clear that private investors will finance the production phase, which is where the repayment of Government funds is supposed to begin. If private financing does not materialize, the Government would have a choice between dropping the program and forgetting the more than $1.7 billion spent on development, or spending more money to get production under way.

The intention of DOT is clear enough—to secure private capital for production. However, Mr. Magruder testified on August 27 that no financing plan will be available until June 30, 1972. That, of course, is of little help to us in making a decision in the fall of 1970. The witness did not volunteer that the due date of the required financing plan has been slipped repeatedly by the Government from the original contract date of mid-1968.

The 1966 feasibility report, which was so certain of success on other aspects of the SST, expressed some uncertainty on production financing. "The engine manufacturer," the study concluded, "could develop the necessary financial support." But the airplane manufacturer—Boeing—was another story. Even then Boeing was at work on the financial plan, which is now not to be available until 1972. After surveying the possible sources of financing, the feasibility report concluded:

In any event, one solution, which would cover all or any part of this financing deficiency, is feasible: The Government could act as a guarantor of the funds required.

I serve as a member of the Subcommittee on Economy in Government of the Joint Economic Committee. In May 1970 we convened hearings on Federal transportation expenditures. One of the witnesses was the Under Secretary of Transportation, James Beggs. Asked by Chairman PROXMIRE whether the Government would get involved in the production financing, Mr. Beggs replied:

Mr. Chairman, I am on record, as I think Mr. Yates stated, in the Appropriations Committee with the statement that while I was of the opinion that private financing would be available, if it were not at that time and if felt that we had a successful SST program on our hands—that is, a successful transport after the prototype testing—and it required some government guaranteed loans, then I would think that we would so recommend.

And how much would that cost? The minimum estimate is in the FAA feasibility report, which cited a financing requirement of $1.064 billion for Boeing's part of the operation. Mr. Beggs told the subcommittee $1 billion would be needed. Other witnesses thought $5 to $7 billion would be involved.

One airline executive said that if 500 planes need to be produced to break even on the project, then an estimated investment of $50 million in each plane would require $20 to $25 billion total financing by an industry that already has an 80 percent debt to total capital ratio. His summation of the prospects: "Impossible."

And let us remember recent history. After financing both development and production of the VC–10 and Super VC–10, Great Britain exported only seven of the airplanes—two to Ghana Airways and five to East Africa Airways. When you start bypassing the built-in incentives of the market economy, you have to expect trouble in getting into the market.

ENVIRONMENTAL COSTS

In addition to the economic costs, we must consider the substantial environmental costs of the SST program, which do not enter the economic calculations directly.

The noise produced by the SST on takeoff would add to the problems of the already beleaguered airport operators, and inflict major new annoyances and health hazards on families near airports.

Lawrence Moss, an engineer who spoke on behalf of the Sierra Club before the Appropriations Committee, said that at an airport having 100 SST takeoffs per day, the noise exposure index would exceed 30 as far as 9 miles away from the airport. More recently, Mr. Moss has published calculations and maps showing very large areas of New York, San Francisco, Los Angeles, Seattle, Boston, Honolulu, and Anchorage with noise exposure index above 30, as a consequence of the estimated number of SST operations from those cities. The Department of Transportation recommends that for noise exposure greater than 30, "new, single-dwelling construction should generally be avoided." Schools, hospitals, churches, theaters, and auditoriums are stated to be incompatible with this noise level.

These figures are independent of the "sideline noise" and "community noise" figures that have been in dispute. The President's Council on Environmental Quality also told the Subcommittee on Economy in Government that the noise problem was serious and had not yet been solved. DOT, to be sure, belatedly launched a study and appointed an advisory board on noise, but it is clearly far from overcoming the problem.

The sonic boom has not yet been adequately dealt with by the Department of Transportation. It has proposed a Federal aviation regulation to ban civil aircraft sonic booms, except for those necessary for aircraft development. But it has failed to respond to the Senate Appropriations Committee's year-old request for draft legislation to ban the sonic boom. This can only lend credence to fears that if the SST were to enter commercial service, the FAA would alter the regulation to permit overland supersonic flights.

Testimony by the Council on Environmental Quality raised the possibility of climatic change as a result of high-altitude exhaust emissions by a fleet of SST's. This possibility was later substantiated by a MIT study of critical invironmental problems. Recently, Myron Tribus, Assistant Secretary of Commerce and head of an advisory committee to the Office of Supersonic Transport Development, attempted to allay con-

cern about such an outcome. However, his statement failed to address the basic finding of the MIT group—that stratospheric smog, consisting of both gases and particles, would be created that would raise the stratosphere's temperature by 6 to 7 degrees. The MIT group, comprising some of our Nation's leading scientists in this field, did not know what the surface effect might be. Yet, the SST prototype program cannot and need not help us on this point, because scientists can test the atmospheric hypotheses using balloons, high-altitude U–2 aircraft and military supersonics. I think we should know the effects on the atmosphere before we commit ourselves further.

A further environmental problem concerns the excessive fuel consumption of the SST—according to one account, twice the fuel per passenger-mile of a 747. At a time when fuel is being depleted very rapidly, it would be ill advised to initiate a mode of transportation that will waste fuel at this rate.

STOP FUNDING THE SST

The environmental and economic implications of the SST program add up to one conclusion: It is time to stop Federal funding of the SST.

We have so many social and environmental programs that are underfunded that I do not think we can justify, to ourselves or to the American people, further expenditures on the SST program. At best, the SST will not produce the benefits claimed for it. At worst, it will require a commitment of $3 billion or $4 billion more in tax dollars needed elsewhere, and result in environmental degradation and the waste of natural resources. I strongly urge that the SST program be terminated.

Before closing, I should like to bring to the attention of my colleagues a thoughtful memorandum on the SST program prepared by James H. Douglas, who was Secretary of the Air Force and Deputy Secretary of Defense in the Eisenhower administration. In my view, Mr. Douglas' credentials for commenting on the SST are beyond serious question. I ask unanimous consent to have his memorandum printed in the RECORD; as well as an article written by Jack Mabley, entitled "O'Hare Should Ban the SST's" published in Chicago today, of October 21, 1970, be printed in the RECORD; that an article prepared by the coalition against the SST; an article prepared by the municipal finance study group, graduate school of public affairs of the State University of New York; an article from the New York Times of Sunday, May 31, 1970, entitled "SST: Arguments Louder Than Sonic Boom"; an article from the Wall Street Journal of Wednesday, September 9, 1970, written by Albert R. Karr, entitled, "For the SST, a Case of Oversell?"; an article from the Wall Street Journal of September 24, 1970, by Allen L. Otten, entitled "Peculiar Priorities"; an article published in the New York Times of Sunday, November 8, 1970, entitled, "Concorde: Some Call It 'Truly Rapacious' "; an article from the Daily News of September 25, 1970, written by Milt Freudenheim, entitled, "$2 Million a Week—Supersonic Concorde Plane Deep In Red"; an article from the Chicago Sun-Times, of Sunday, September 27, 1970, written by William Hines, entitled, "European SST's Troubles May Bear on U.S. Version"; and an editorial from the Chicago Today, of September 10, 1970, entitled, 'Hard Sell on the SST" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FUNDING THE SUPERSONIC TRANSPORT PROTOTYPES

(By James H. Douglas)

Congress is presently faced with the Administration's recommendation to appropriate $290 million to continue the SST program, including the construction of two supersonic transport prototypes by Boeing.

Today one reads in the press and hears on television that we must go ahead with building the Boeing SST prototypes as:

1. Not to do so will result in our losing preeminence in building advanced aircraft;

2. Not to do so will result in the airlines of the world buying the British-French Concorde or the Russian airplane which is similar to the Concorde; and

3. Not to do so will result in loss of our export market in air transport aircraft and a serious adverse effect on our balance of payments.

It seems to be assumed that if we are willing to spend the money a satisfactory supersonic transport will be built, and that if we do not push ahead with Boeing the airlines of the world will be flying the Concorde. The natural enthusiasm of air frame and engine contractors and subcontractors, associations of commerce, and many members of Congress for a program bound up with national prestige seems to obscure several basic considerations:

1. It is generally agreed that the sonic boom of supersonic transports now planned or being flown will require a prohibition against their flying across the continental United States or other inhabited areas at supersonic speeds.

2. The Concorde and the Russian SST require the use of after-burner for takeoff, and this raises the noise level on takeoff far above anything tolerated at present and well above an acceptable level. It seems probable that FAA and airport authorities may not permit these aircraft to use our airports unless their noise problem is solved, and solution of this problem is not just around the corner.

3. The international and domestic airlines are staggering under the burden of acquiring and operating a new generation of immense jet aircraft. The economic problems of this task should preclude any early production of an American SST for the limited use that is presently foreseen for such an aircraft. Industry needs and economics, and not Government promotion, should determine when to undertake construction of SST prototypes.

O'HARE SHOULD BAN THE SST's

Those shaded areas on the map are called bang zones. They represent areas of Illinois which would be whacked by sonic booms if the supersonic transport plane flies normal passenger traffic over the United States.

Each bang zone is some 50 miles wide. A typical person living in a bang zone would be boomed 20 times a day and 10 times at night.

The impact of the booms would be double that of booms inflicted on Chicago and Oklahoma City in tests in the last six years. The Oklahoma tests resulted in 4,700 claims for damage and payment of $123,061 in damage to homes and buildings. [They don't pay for damage to nerves.]

Chicago doesn't do too badly on this map, but what it doesn't show is the noise of SST's landing or taking off. The takeoff noise is said to equal that of about 10 of today's jets, all roaring at once.

Both Los Angeles and New York are saying they won't even let the SSTs land at their airports. Chicago should do the same about O'Hare. SST traffic in and out of O'Hare would make the present jet traffic sound like mosquitoes buzzing.

THE SST: UNNEEDED, UNWANTED AIRPLANE

The Department of Transportation, in a paper entitled "Need for the U.S. Supersonic Transport," attempts to argue that the SST would have no environmental impact, and that the national interest requires the project. The DOT paper is notably lacking supportive data or citations of expert testimony from scientists, economists and other independent observers. By contrast, the case for stopping the SST subsidy has been amply supported by specialists in the relevant disciplines, as will be shown below.

Leadership.—DOT claims that the SST is needed because if we don't build it, the French, British and Russians will take over the airplane market with their own SSTs. This argument assumes that the U.S. Government is powerless to influence the overall use of SSTs in world aviation. Quite the opposite is true. The Panel on Balance of Payments and International Relations (part of the President's SST review committee in 1969) said: "U.S. noise standards could conceivably bar the Concorde [the British-French SST] from access to the principal U.S. airports, which would undoubtedly doom the Concorde project." Furthermore, the Concorde shows signs of being economically inviable regardless of U.S. noise standards, according to Mary Goldring, aviation writer of The Economist. This was also the observation of members of the Presidents' review committee.

Balance of payments.—The SST is expected to hurt our balance of payments, not help it, according to members of the President's SST review committee. On the basis of the most realistic assumptions, the committee's Balance of Payments panel predicted "an adverse impact of speed-induced travel on the U.S. travel account considerably greater than the estimated beneficial impact of supersonic aircraft sales on the U.S. aircraft account."

Jobs.—The notion that the SST is significant in providing jobs has been dismissed by the Department of Labor. Assistant Secretary Arnold R. Weber said last year: "the net employment increase from SST production would likely be negligible and would occur in the professional and technical categories where shortages already exist. The project would have practically no employment benefits for the disadvantaged hard-core unemployed with low skill levels."

Competition.—The "race" with the Concorde and TU–144 is illusory. No orders have yet been placed for the Concorde. (Some airlines have made deposits to reserve "delivery positions," but the money is refundable.) As for DOT's notion of Russian competition: it is hardly plausible that any free-world country would depend on the Soviet Union for its passenger planes.

Cost.—The cost data illustrate the spending problems the SST project is getting us into. A year ago DOT claimed the prototype program would cost $1.3 billion; now it's $1.4 billion. And there is already a $76 million overrun, even before entering the more costly prototype phase.

Royalties.—The government is unlikely to get its money back, let alone make a profit. In reassuring us that the government share would be repaid when 300 SSTs are sold, DOT fails to mention that a study by the Institute for Defense Analyses predicted sales

of as few as 279 planes; economist John Walgreen, who assisted Defense Secretary McNamara in a review of the SST in the Johnson administration, made even less optimistic predictions. Another danger signal is that DOT's optimistic market figures keep declining—DOT's own Office of Economics and Systems Analysis predicted sales not of 500, but of only 420. Moreover, all these figures assume that private capital would be available for production of the planes, an assumption that even Boeing Co. executives have begun to question. Even if there were a billion-dollar profit, which DOT hopes will accrue by 1992, it would be wiped out by inflation at the current rate.

Noise.—DOT virtually admits that sideline noise is a major problem of the SST, but seems unwilling to deal realistically with the consequences. The federal government's top environmental authority, the Council on Environmental Quality, confirmed this in more outspoken terms. Chairman Russell E. Train said: "the SST would be three to four times louder than current FAA sideline noise standards and four to five times louder than the 747." DOT's notion of confining the SST to runways not adjacent to populated areas would eliminate use of most existing airports. The result could only be more airport construction, farther out, hence adding to the ground travel time of passengers, which would wipe out the slim time advantage of flying on an SST. DOT has never solved the noise problem; a careful reading of DOT's comments confirms this.

Climate.—The "alarmist allegations" DOT refers to are the comments of the White House Council on Environmental Quality. Chairman Russell E. Train and member Gordon J. F. MacDonald testified in detail on the possible consequences of high-altitude pollution caused by the SST. They appeared before the Joint Economic Committee on May 12, 1970, citing unpredictable changes in climate and in ultraviolet radiation as results of a fleet of SSTs. DOT's attempt to refute this consists of citing a National Research Council study done five years ago. Every meteorologist who has examined the question since then has concluded that this is a serious problem. The U.S. can avoid the problem by stopping its SST program and by using national influence to prevent other nations from flying SSTs.

Sonic boom.—DOT's claim that the SST's sonic booms would be "greatly reduced below the sonic booms with which the public is familiar" is simply untrue. The sonic boom of an SST would have an overpressure of 2.1 to 3.5 pounds per square foot (psf). In 1964 extended boom tests in Oklahoma City, with overpressures averaging only 1.3 psf drew a strong reaction from residents there; 27 percent of those polled said they could never learn to live with the boom.

Environment.—The environmental problems of the SST which DOT so handily dismisses have become a national concern. Some of the national organizations which have taken a stand against the SST for environmental reason are:

Citizens Committee on Natural Resources
Consumer Federation of America
Environmental Action
Friends of the Earth
International Longshoremen's & Warehousemen's Union
Izaak Walton League of America
National Audubon Society
National Parks Association
National Wildlife Federation
Sierra Club
The Wilderness Society
United Auto Workers

Progress.—The "products of the progress of mankind" are a mixed bag. Pollution is one; knowing we need not live with pollution is another. Concerning the SST, progress may consist of recognizing a bad bargain, and making a decision against it.

THE FINANCE AND ENVIRONMENTAL EFFECTS OF THE SST

(A Proposal Prepared by the Municipal Finance Study Group Graduate School of Public Affairs, State University of New York at Albany*)

Developments in recent months have suggested that the move to rapidly develop a domestic version of the supersonic transport (SST) may have less urgency at present, and the time may be propitious to re-evaluate the implications of the SST in a broader perspective.

After reaching a peak in 1967, domestic airline profits fell 48.3% in 1968, another 23.3% in 1969, and were negative in the first half of 1970. The decline in earnings reflects a large increase in capacity, without commensurate gains in traffic, and has been accelerated by inflationary cost pressures, labor difficulties, greater competition, and air congestion.

The financial plight of international airlines is even more severe. The net earnings of Pan American Airlines peaked out in 1966 and have been negative since 1968. Trans World Airlines has recently announced that it will have "no available income" to make any interest payment next year on its 6½% subordinated income debentures due June 1, 1978. In light of recent cost estimates for supersonic transports,[1] and given the high cost of insurance on new air transports,[2] the international airlines may not be strong enough financially to risk [3] procuring the 300 or so Concordes that will be necessary to make the British-French SST economically viable. Scrubbing of the British-French SST for either technical or financial reasons would undermine the argument that the U.S. must proceed with its own SST to protect our balance of payments—an argument that has already been rejected by 16 prominent economists, including such notables as Paul Samuelson, Milton Friedman, James Tobin, Walter Heller and Kenneth Galbraith.

Hendrick Houthakker of the President's Council of Economic Advisers has suggested that our own SST could become a "dead duck" if the protectionist trade bill which is now before Congress is passed in anything like its present form.[4]

In addition to the financial requirements of the SST for both producers and airlines, there remain several important environmental issues that need further study. On the one hand, the problem of the sonic boom has not been fully met, and if current solutions prevail, the restriction of SST flights to international over-water flights will further restrict the market for these aircraft.

It is sometimes assumed that an SST will save travel time. This may be true from airport, but it is not clear that existing facilities will be adequate to service the SST, and as many travelers will testify, airport to destination is often as time consuming as actual flight time. Since supersonic aircraft are expected to consume more fuel per passenger than comparable subsonic jets, there arises a question as to the adequacy of existing reserves of fossil fuel. Each person who flies from New York to Europe in a supersonic jet in this century may in effect be forcing someone else—perhaps his grandchild— to travel by boat. His savings will amount to two or three hours. The grandchild who goes by water will loose the better part of a week in extra travel time.

The inefficient use of fossil fuels at very high altitudes is of particular concern to atmospheric scientists since a build up of carbon dioxide, water vapor, ice crystals, and particles in the upper atmosphere might have large and unpredictable effects upon the weather. Since a better understanding of these effects and the financial and natural resource impact of the SST is essential for proper decision making it would seem highly desirable to study this innovation from an interdisciplinary point of view.

This University, with its international reputation in cloud physics, its several new and innovative programs in public and private finance, and its broad concern for natural resources and environmental problems would seem unusually well suited to undertake such a study. We propose that representatives of the School of Business Administration, the Department of Economics, the Graduate School of Public Affairs, and the Atmospheric Science Research Center meet soon to inventory available resources and draft a research proposal.

[From the New York Times, May 31, 1970]

SST: ARGUMENTS LOUDER THAN SONIC BOOM

WASHINGTON.—For the first time in the long history of the Government's supersonic transport project, taxpayers' hostility, scientists' anxiety and industry's skepticism about the airliner combined last week to make continuation of the program a close political question in the House.

The 176–163 vote to raise another $290 million for test-model development was a dramatic shift from the automatic appropriations of past years. For the moment at least, the SST survives as a prime symbol of technology's momentum, and of Congress' reluctance to abandon a once-hopeful investment. Yet the narrowness of the vote was also a signal that the SST could be stopped altogether in the Senate this summer.

In deference to the environmental worries that have always provided the most convenient weapons against the plane, the Federal Aviation Administration formulated a rule earlier this year barring supersonic flight and its thunderous boom over populated land.

The F.A.A. balks at the pressure to enact such a restriction as law, and many persons wonder whether the agency will hold the line if the rich transcontinental routes prove vital to the SST market. "Someday they will tell us," Representative Sidney R. Yates, a Chicago Democrat, predicted last week, "that 'the sonic boom is the sound of progress.' "

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* The Municipal Finance Study Group is supported from grants and other contributions received from the Ford Foundation and the State University of New York. This proposal was prepared by the senior members of the study group and is not the responsibility of the sponsoring institutions.

[1] One current estimate suggests that each Concorde will cost $32 million, or more than 3 times the cost of the Boeing 707, and 50% more than the cost of the Boeing 747. In addition, the capacity of the SST (128 passengers) relative to the much greater capacity of the 747 (over 300 passengers) raises additional issues on the price structure needed to make the SST economically viable to the airlines. See: *Wall Street Journal*, Nov. 9, 1970, p. 1. See also, "The SST: Sitting Duck for Budget Cutters," *Business Week*, June 6, 1970, pp. 58–59.

[2] Currently, insurance premiums on the Boeing 747 are running about 250% greater than premiums on conventional jets. Additionally the required coverage is much greater due to the added costs of the aircraft and the added capacity. This has raised questions as to the adequacy of the existing framework for insuring these risks as noted in "Jumbo Insurance for the Jumbo Jets," *Business Week*, January 17, 1970, pp. 36–37.

[3] Nejeeb Halaby, President of Pan American World Airways has told the *Financial Times* that a small group of airlines should be allowed to fly the Concorde in passenger service before it goes into quantity production. He said the airline industry has to be careful about so complex and expensive a plane. See the *New York Times*, November 5, 1970, p. 86.

[4] *Ibid.*

OTHER PROBLEMS

In the new SST debate, however, the sonic boom is the least of the environmental issues.

Noise is still a problem, particularly the irreducible "sideline" noise of the SST on the takeoff runway—the equivalent, according to one White House scientist, of 50 jumbo jets taking off together, though the F.A.A. says it will be only *four* times as annoying as the sound of subsonic takeoffs.

F.A.A. Administrator John H. Shaffer, ever ready with the slogans of aerospace salesmanship, says that the SST's steep, fast takeoff—"like a homesick angel"—will reduce over-all community noise. Mr. Yates responds angrily that the airliner's "infernal racket" will make it practically unusable.

The greater environmental peril is a new form of atmosphere pollution. SST's, flying up to 70,000 feet above sea-level, will deposit large quantities of water vapor and waste gases into the nearly windless upper air, which cannot purge itself of pollutants. This warning comes from Russell E. Train, chairman of the White House Council on Environmental Quality.

A fleet of 500 SST's, Mr. Train told the Senate two weeks ago, would soon increase the upper air's water content by 50 to 100 per cent, and "could lead in a few years to a sun-shielding cloud cover with serious consequences on climate."

The Department of Transportation scorns Mr. Train's suspicions and his appeal for radical expansion of research on the point.

Even in this "year of the environment" the more effective arguments against the SST may be based in economics.

When President Kennedy initiated the SST development program in 1963, he pledged that the Government's investment would "in no event" be allowed to exceed $750 million. The new House appropriation, however, puts the Government commitment to date over $1 billion, and it will take at least $300 million in additional public funds to complete two SST prototypes by 1973.

The SST sprouted its first cost "overrun" this year, a "trifling" $76 million. More worrisome is the evidence that even after the prototypes are built and tested, the SST may still be too risky a venture to raise the $2 billion to start production from private investors.

The Boeing Company's vice president in charge of the SST program commented recently that "under the current situation it's hard to see how we can get that kind of money up."

Until the SST, the Government had never helped finance any commercial plane. President Kennedy promised that SST funding would end with the development phase. But the Transportation Department is now recommending Government-guaranteed loans for SST production if private capital is not forthcoming.

The central question in the Senate debate will be: who really wants an SST? For all the abuse that SST critics heap on the jet set, there has been no audible clamor from either playboys or businessmen for a * * *.

[From the Wall Street Journal, Sept. 9, 1970]

FOR THE SST, A CASE OF OVERSELL?

(By Albert R. Karr)

WASHINGTON.—The SST is coming in on a wing, a prayer and one huge burst of hot air.

At least that's how it looks to critics of the giant supersonic transport. For years, they have contended—unsuccessfully—that the Government is overselling the giant aircraft. But they hadn't seen anything until this year.

Now, as the crucial Senate vote nears on the Nixon Administration's $290 million proposal to continue SST prototype development, SST critics are being countered with a blizzard of arguments. Spearheaded by William Magruder, a former test pilot and Lockheed executive, the Administration's SST sales team is coming up with responses to growing criticism of the plane from scientists, economists, members of Congress and others.

For example:

—How about reports that airlines aren't eager to buy the SST, assuming it does reach the market stage? Not true, says Mr. Magruder, producing a bundle of letters from airline chiefs, all urging Congress to push on with the program.

—What about that testimony last year and again last spring from the Treasury and Labor Departments, among other agencies within the Government, that the SST would hurt the U.S. balance of payments while easing U.S. unemployment very little? After some five months of missionary work by Mr. Magruder, the same agencies now have little bad to say. Critical reports within the Government are kept quiet if possible, ridiculed if not.

—And what about the widespread concern that the SST poses a potential environmental hazard? Critics have no cause for worry, Mr. Magruder replies; in fact, this aircraft will spur so much environmental research that, on balance, it will protect the environment. But in case critics remain worried, let's study their worries—while getting on with those two prototypes, fast. And if the prototypes develop some serious flaw (environmental or otherwise), then no commercial planes will be built.

Furthermore, Mr. Magruder and other SST backers say, the SST will "bring the world closer together," promoting international understanding, and boost the U.S. economy, generating tax dollars to combat this country's social problems. "If we default on the SST, then the (social) problems of the 1980s" will be even worse, Mr. Magruder has warned.

Mr. Magruder, in short, is using a very hard sell. This is understandable, because the SST has become one of the most prominent targets in the debate on national priorities. So far the SST has survived its challenges; it's the alternate uses for Federal money that have suffered.

Government financing of the SST (if the Nixon proposal passes, it will mark another step toward an eventual total of $1.3 billion; critics contend it will rise even higher) is advocated in the name of technology, while medical and other scientific research is crimped in the name of economy. In the Transportation Department itself, the SST goes full speed ahead, while auto safety work remains underfunded. And the rise in mass transit spending under the Administration's new transit-aid program is kept painfully slow, on inflation-fighting grounds.

EXAMINING THE ARGUMENTS

Mr. Magruder's performance is disarming, and has left even some SST foes impressed if unconvinced. But these arguments, impressive in the aggregate, are much less impressive when examined individually.

Take, for example, the question of whether the airlines really want the SST. Despite Mr. Magruder's bundle of letters, there has been considerable evidence for some time that the airlines wouldn't be all that eager to buy production models—though they don't object to the Government's paying out more for development. Airline officials express doubts privately, some industry sources report, and in talks with Federal officials the airline men are said to have implied as much.

In past years, responding to pleas from the Federal Aviation Administration that they show Congress that the SST would sell, the airlines took $22 million in options on the plane and paid $59 million for development—so-called "earnest money." Sen. Clifford P. Case, the New Jersey Republican, likens this process to a man's being asked repeatedly to assure his wife that he loves her. In recent Senate subcommittee hearings, Sen. Case questioned Stuart G. Tipton, president of the Air Transport Association, the airline trade group, on whether the carriers would like to be asked again, "if you love her"—that is, to put up more cash.

Mr. Tipton replied, "The answer has to be different"; putting up more "earnest money" would be a financial hardship. "I would hope the Government wouldn't do that (ask for more)," he said.

Mr. Magruder's persuasiveness within the Administration has been equally impressive. Earlier, several agencies were largely negative about the aircraft. Now, says Mr. Magruder, "None of these people are in disagreement with my position on the program." In fact, he was able to deliver a bundle of pro-SST documents from 15 departments and other agencies to the Senate subcommittee.

The Treasury Department, for example, reversed its earlier position that the SST would hurt the U.S. balance-of-payments position by inducing more people to travel and spend dollars abroad. With a viable British-French supersonic Concorde coming into being, the Treasury now argues, the key question becomes competition in selling SST aircraft in the world market. (Mr. Magruder himself argues that the SST would *add* more than $50 billion to U.S. payments income in the 1978–1990 period, a big increase over a recent Transportation Department estimate of a $10 billion plus.)

The Labor Department, which had been saying that the SST offered little hope of important job benefits, now says there will be a lot of job pluses. The Council on Environmental Quality, whose members had warned of possible dire SST danger, now dwell more on the fact that the two prototypes won't do any harm.

A high Cabinet official suggests, however, that the real reason for the dramatic turnarounds in agency opinion intra-Administration pressure. "The Administration favors the SST," he says, "therefore, all parts of the Administration favor the SST." The official isn't impressed by estimates from Mr. Magruder and others of the SST's potential economic benefit to the U.S. "None of those studies are any damn good," he says flatly.

Meanwhile, the Administration's treatment of reports unfavorable to the SST is illustrative. One such report came from an interdepartmental team that surveyed the program at President Nixon's request early last year. Their unfavorable report stayed secret—until it was unearthed by Rep. Henry Reuss, a Wisconsin Democrat and SST foe. Only then did SST backers begin talking about the report—roundly criticizing it and the officials who wrote it.

Another report understood to be critical, drawn up by a group of scientific consultants to the White House, has never seen the light of day. The Administration refuses to make it public. However, the group's chairman, Richard L. Garwin, an IBM physicist, who has worked on a number of Government aircraft and defense projects, has openly attacked the SST as too noisy and econmically wasteful.

THE ENVIRONMENTAL ISSUE

Despite strong Administration attempts to play down the issue, the question of the SST's impact on the environment has become perhaps the strongest argument of SST opponents.

Among the possible dangers, opponents say, is a substantial increase in the water vapor content of the stratosphere. This, in turn, could lead to climatic changes and higher ground temperatures. Another environmental side effect could be a sharp rise in hydrocarbons and other pollutants in the stratosphere. Still another danger, a reduction of ozone there, could have either of two effects: A dangerous increase in ultraviolet radiation to the earth, or temperature reductions on the earth's surface.

SST supporters have conflicting responses to these objections. They contend that studies have already answered the environmental questions, in favor of the SST. But at other times, supporters agree more research is necessary, which they say is another good reason to build those prototypes. They'll help provide some answers.

Critics doubt seriously that the prototypes will do much to answer the environmental questions. They also wonder if those answers will come before the nation commits itself to commercial production. Supporters aren't terribly encouraging in this regard. The answers, says Sen. Warren Magnuson, the Washington Democrat who is one of the SST's most fervent backers, will take a "long, long time."

Supporters are similarly unreassuring about another argument of SST opponents—that the plane will generate ear-shattering noise. Richard L. Garwin, an IBM physicist, says that when the big plane takes off, it will sound like 50 existing jets. Promoters say this is technically true in terms of raw decibel measurement, but because of the way the human ear actually perceives noise, the sound will be "only" as bad as three or four jets. Anyway, proponents say, by 1978 (when commercial planes conceivably could be flying) new airports will have been built out in the country—away from population centers. A good example of this, says Mr. Magruder, is the projected new airport at Palmdale, Calif., which is to begin serving the Los Angeles area in 1977.

This argument, however, contradicts another argument of the supporters: That the SST won't require expensive modification of existing airport systems. And even if the nation did decide to build new airports out in the country, many doubt it could be done.

A spokesman for the Airport Operators Council International, Inc., an association of airport managers, cites growing public resistance to airport noise and pollution. The SST will require a "phenomenal amount of land," he says, land that is almost impossible to come by. Declares J. Donald Reilly, executive vice president of the council, if new airports are the answer "the SST project might just as well be stopped." And unlike Mr. Magruder, Mr. Reilly doesn't see the Palmdale, Calif., airport as an answer to the SST problem—in fact, he names it as one place where the SST probably will be banned as too noisy.

THE NOISE PROBLEM

SST proponents also say they hope to drastically reduce the noise caused by the SST, by 1978, to which opponents reply that this will be technically almost impossible. They note that in the past, when commercial planes couldn't achieve noise-reduction targets, they were allowed exemptions from noise rules.

Meanwhile, although the Government has promised to ban SST flights over land because of the sonic boom the flights will produce, SST promoters occasionally indicate they don't regard the ban as permanent. Mr. Magruder, for example, says confining flights to over water merely represents thinking "for the moment."

Anyway, supporters say, when people think of sonic booms they unfortunately tend to think of the kind caused by military planes stunt flying at 500 feet. The SST would cruise at 65,000 feet. But critics note that in 1964 the FAA performed extensive tests on public reaction to sonic booms. The agency repeatedly sent military jets over Oklahoma City at levels ranging from 21,000 to 50,000 feet. The flights caused a torrent of public complaints and a number of law suits and produced an average "overpressure" at ground level of about 1.3 pounds per square foot. According to Boeing Co., prime contractor for the SST, the SST's overpressure would be 2.3 pounds per square foot.

So go the various arguments for the fastest commercial aircraft this country has yet contemplated. Considering them, one cannot help wondering: If it's necessary to push the arguments for building the plane this hard, isn't something the matter with the whole idea?

PECULIAR PRIORITIES

WASHINGTON.—Sometimes it's a little hard to understand the thinking of the Nixon Administration.

It wants desperately to hold down Government spending and, in traditional Republican fashion, to minimize Government involvement in private industry. It constantly proclaims its commitment to rearranging national priorities, to cutting back military and similar "wasteful" spending and to putting more Federal funds into domestic social programs. It insists it wants to establish better rapport with the thoughtful students and professors and other social issue activists.

Yet it continues to push—to push ever more strongly, in fact—Government-subsidized development of the supersonic transport plane. This commits mammoth outlays of taxpayer dollars, pushes Uncle Sam deeply into private business, devotes to the benefit of a rather small group money urgently needed for broader social programs or to reduce the Federal deficit, and horribly frustrates the students and other environmentalists.

It's probably too late to dissuade the Administration, but a new impressive batch of anti-SST testimonials is at hand, this time from 16 leading economists, ranging from the conservative Milton Friedman to the very liberal John Kenneth Galbraith. They aren't yakking, either, about sonic boom and noise levels and air pollution; instead, as they were asked to do by Sen. Fulbright (D., Ark.), who solicited their views, they are zeroing in on the economics of the project.

They are saying, and in no uncertain terms, that the Administration's favorite arguments for the SST—the need to help industry undertake a technological task too big for private financing, and the risk of substantial unemployment and damage to the U.S. balance-of-payments position if the SST is junked—are pure hogwash.

Of the 16 economists, only Yale Professor Henry Wallich comes down for the SST. The French supersonic Concorde is going to be built anyhow, he argues, and so the U.S. must hang in there for competitive reasons. Even he concedes, however, that the actual construction should be delayed until the industry knows more about the technology, and that only development work should go forward now.

One after another, though, the other 15 economists argue that if the SST is such a great idea, the aerospace industry can do the job with private financing—and that the very need for Government funds underlines the riskiness of the venture. "If the SST is worth building, the market will make it in Boeing's interest to build without a subsidy," Professor Friedman asserts. "If a subsidy is needed, the SST should not be built."

"The logic of the free enterprise system," says Princeton Professor W. J. Baumol, "is that a new product is worth producing if its potential demand is sufficient to cover its costs and provide an attractive return to the capital invested in it. When private investors are convinced that there will be sufficient demand for the item, capital will pour in to take advantage of the profit opportunities and Government funding then is simply unnecessary. The SST has clearly failed this market test."

Declares Harvard transportation expert Merton J. Peck: "The SST advocates have chosen the wrong forum; they should be pressing their case with investors rather than with Congressmen." Boeing keeps promising ultimate high returns on the Government's investment, he notes, but "the high returns are subject to very high risk—so much so that the investment community is not interested. We ought to insist that Congressmen be just as tough-minded with our tax dollars as investors are with their own."

The economists concede there are numerous exceptions to this market test doctrine, with Federal dollars going into uneconomical projects, but say these usually are to fill broad social needs—housing or food for the poor, health service for rural areas, low-cost loans for students. In contrast, they argue, the SST would primarily benefit businessmen, tourists and other trans-oceanic travelers well able to pay their own way.

Abandoning the SST now would lead to heavy unemployment, Administration men contend. Replies Harvard Professor Kenneth Arrow, an expert on technology: "It seems to be assumed that if the SST program is dropped, nothing else will happen. But surely the productive and inventive skills to be invested in the SST program are available for other purposes, and wherever they are used they will help to create jobs." Without going outside the aerospace field, he suggests, development of cheaper, easily maintained transport planes and vertical take-off and landing planes would be a move useful outlet for research and development.

"Any way that the U.S. Government or anyone else spends a billion dollars on goods will make a billion dollars worth of jobs," states MIT Professor Paul Samuelson.

The balance-of-payments argument, asserts Professor Friedman, "is a complete red herring, as is obvious if you reverse the question and ask whether, if somehow our balance of payments were to move toward a large surplus, Boeing would then urge that the SST project be dropped." Asserts Princeton's Professor Baumol: "Actually, the SST is not apt to make much difference to our balance of payments one way or another. However, if it does have any effect, it is likely to aggravate the problem marginally. By adding to the Federal budget, it will make for higher prices in the United States and so will make it harder to sell our products abroad."

MIT Professor C. P. Kindleberger, one of the nation's top foreign-exchange experts, sums up: "I do not know what the effect of the SST would be on the balance of payments, and I do not care. There will doubtless be positive effects in expanding airplane sales, and negative effects in encouraging tourist expenditures abroad by Americans, but the SST . . . is either a good thing or a bad thing in itself, and the balance of payments should adjust to a decision made on these grounds, not the other way around. Let me suggest the analogy of Prohibition or Repeal. These actions had balance-of-payments impacts, but to cite them for or against Prohibition or Repeal is a meretricious debater's device of appealing to unknown fears or worries."

[From the New York Times, Nov. 8, 1970]

CONCORDE: SOME CALL IT "TRULY RAPACIOUS"

LONDON.—Concorde, the Anglo-French entry in the supersonic airliner stakes, passed a technical milestone last week. Model 001, the French-assembled prototype, reached a speed of mach 2, twice the speed of sound. At a height of 52,000 feet it flew at 1,300 miles an hour, its intended design speed. At that speed it could fly from London to New York in about 3 hours.

For all those committed to the Concorde project—engineers, aircraft executives, officials, air buffs—it was great news. Sir George Edwards, managing director of the British Aircraft Corporation, said happily:

"We have now demonstrated that the aircraft can fly at its cruising speed, and it strengthens the confidence which we have in the airplane's ability to carry out the tasks it was designed to do."

ECONOMIC GLOOM

But against Concorde's technical achievement must be balanced growing economic gloom about the project. A series of hard-headed appraisals from within the airline industry over the last few weeks must make anyone doubt whether the plane will ever operate commercially.

The president of Trans World Airlines, F. C. Wiser, said last weekend that capital and operating costs of Concorde would be "too high" for profitable operation. With its small capacity of 120 passengers, he said, the plane would have to carry a fare 30 or 40 per cent above present first-class trans-Atlantic levels to pay the airlines.

Ross Stainton, deputy managing director of the British Overseas Airways Corporation, warned that Concorde would put "a heavy demand on limited investment funds" of the airlines, "with as yet no certainty of increased return."

Then last week, Najeeb Halaby, president of Pan American World Airways, suggested a trial period for Concorde. His idea was that several airlines try carrying passengers in six production-model Concordes that are already on the way. They will follow the two prototypes now flying and two more pre-production models. Mr. Halaby said the British and French Governments "should not commit themselves to build any more until the Governments and the airlines have enough confidence that Concorde is right."

PROSPECTIVE BUYERS

T.W.A., B.O.A.C. and Pan Am are the major prospective customers for Concorde, having placed options of eight each on the first 24 production models. But those are only options. No airline has yet placed a firm order.

The financial concern of the airlines is no surprise. One Concorde is scheduled to sell for about $25-million, and that includes little of the vast development cost. Development of the plane alone, without any commercial production, is now estimated at $2-billion. And that estimate has seemed to rise by hundreds of millions every year or two.

The development money comes from the two Governments, meaning the public. Even Concorde boosters concede that there is no chance of recouping more than about a third of this cost, even if the plane is a commercial success. Not surprisingly, public doubts about the project are mounting.

The cost to the British taxpayer is now running at $158-million a year. By a nice irony, that happens to be the exact amount that the new Conservative Government says it will save by the much-advertised cuts and charges it has just decided to impose on health and welfare services.

At that cost, the Guardian said in a recent editorial, "Concorde is the truly rapacious pensioner. It ought to be stopped before its rapacity gets even worse."

But as in all such great enterprises, there is a momentum difficult to halt by mere financial argument. That indefinable, national "prestige," is all wrapped up in Concorde.

The hope advanced by the builders and official backers of the plane is that, after all the development costs are swallowed, as many as 200 Concordes can be built and sold at a fat profit—and gain for the balance of payments—over actual production costs. That will naturally depend again on the cost analysis made by the airlines, who have stockholders and cannot be so profligate as governments.

Then there is the hope that, whatever the pocketbook pain of Concorde to the two Governments, Britain and France will benefit from technological "spin-off." Britain's new minister of trade and industry, John Davies, has virtually written off in public the possibility of any measurable economic benefit, saying that justification for going on must lie with the chance of spin-off benefits in new techniques and materials and processes for industry. That notion is necessarily a somewhat intangible one.

The promoters say it must be built to show that Europeans can for once beat American technology. At the same time, the industrial and political backers of an American supersonic transport say their SST must be built to compete with Concorde.

The Russians are developing their own SST, so close to the British-French design in appearance that it is known here as the Konkorki. The boosters of Concorde and the American SST like to argue that the Soviet plane will have a competitive edge unless we build ours, but there does not seem to be much to that view: No major Western airline has ever used Russian planes, and the chance of that happening is close to zero.

Another difficulty about cancellation of Concorde is that a contract commits Britain and France to the project. Britain, in fact, would have dropped out in 1964 if the Labor Government had not been warned that France might collect damages in an international lawsuit.

Doubts have more recently been raised about the supposed legal obligation, but there is still the question of good relations. Some British officials fear that cancellation of Concorde might put a blight on Britain's chances of entry into the Common Market.

But budgetary pressure may outweigh the other factors in the end. And in Britain, at least, there are many scientists and others concerned about the environmental risks of supersonic commercial aircraft—appalling noise, possible damage to the earth's cloud cover.

No wise man would put much down on the proposition that the Concorde will ever fly the Atlantic in regular service.

SUPERSONIC CONCORDE PLANE DEEP IN RED

(By Milt Freudenheim)

PARIS.—The $2.5 billion supersonic Concorde airliner has turned out to be a money trap with no escape chute for Britain and France.

Suggestions that one or both countries might scuttle the program, which costs over $2 million a week and employs 50,000 people, are getting a lot of play these days in Paris and London.

But nobody in either government has the nerve to admit that the $1.8 billion spent to date was probably a waste of the taxpayers' francs and shillings, an official close to the project said privately.

Both French and British versions of the Concorde are flying this month in preparations for crucial tests on sustaining speeds twice the speed of sound for long periods.

French engineers report the Concorde is eating about 3 per cent more fuel than expected, a vital statistic that could reduce the passenger payload and drive away airline customers.

Seven U.S. airlines have taken more than half the 74 options to buy Concordes. But the makers admit they must sell 250 planes to break even.

With a probable passenger capacity of fewer than 115—the builders say 128—a Concorde ticket may cost triple the price of an economy seat on its chief rival, the Boeing 747 jumbo jets.

For the extra money, Concorde passengers will cross the Atlantic between Paris and New York in 2½ hours instead of 6 hours on the jumbos.

Airlines fear that they will have to give up first-class passengers on the 747s to find customers for the Concordes. The jumbos, many of which belong to banks and are leased to airlines, are years away from being paid for.

British Prime Minister Edward Heath would like to cancel the Concorde as an economy measure, according to some London reports. His predecessor, Harold Wilson, wanted to cancel in 1964, but couldn't because of legal commitments to the French. The commitments have expired.

But British cancellation is hardly possible unless the French agree, and high government sources in Paris say France intends to build the Concorde.

This is substantiated by recent visitors to Toulouse, where France has work in progress on no fewer than six Concordes.

An independent British decision to ditch the Concorde undoubtedly would kill off Britain's chances of getting into the European Common Market. In revenge France could sabotage British entry for the third time.

Lacking the economy and roomy comfort of slower jets, the Concorde's one asset is speed. The noise of sonic booms may restrict its usefulness over land. Beyond that it is a symbol of Europe's rivalry with the United States and Soviet Union for scientific prestige.

The Russians were the first to have a supersonic transport in the air, but so far no non-Communist country has bid to buy the Tupolev 144. American plans to build an SST faster and bigger than the Concorde are embroiled in congressional controversy, although 122 have been optioned.

How Britain and France will win prestige by flying a plane that runs on red ink is unanswered. With money tight, the airlines may decide to cut back their options and buy only one or two Concordes each, except for the French and British national airlines, which have options on eight apiece.

Another way out for Paris and London would be to slow down the development timetable, hoping to produce a more economical plane. But development delays already have doubled the costs.

The two countries plan to spend another $780 million on the Concorde, in addition to the $1.8 billion already spent.

As one official in Paris admitted, "That's pretty expensive prestige."

[From the Chicago Sun-Times, Sept. 27, 1970]

EUROPEAN SST'S TROUBLES MAY BEAR ON U.S. VERSION

(By William Hines)

WASHINGTON.—While proponents of the supersonic transport program have been emphasizing the factor of foreign competition to justify going ahead with the SST, the free world's only other superfast airplane has been running into serious trouble at home.

The result may be that the Anglo-French Concorde superjet will never reach the production stage. If this happens, the United States may find its headlong dash into the supersonic age to be a race with only one entry.

This would not necessarily guarantee success for the multibillion-dollar venture undertaken by Boeing Co. and General Electric Co. with backing from the U.S. Treasury. Indeed, it might guarantee the project's failure.

If the European SST is washed out partly because of unacceptably high noise levels, the likelihood of a bigger and even noisier American SST being welcome at European airports goes glimmering. Without landing rights at London, Paris, Frankfurt, Rome and Copenhagen—Europe's five biggest air terminals—the SST simply could not cut the financial mustard.

SEEK $290 MILLION IN SENATE

As the U.S. SST program headed toward a crucial vote on its future, expected in the Senate this week, its backers have relied

with increasing frequency on two arguments in support of a $290 million prototype development appropriation.

One of these arguments is "balance of payments." The other is "aeronautical superiority." The first says that if the United States doesn't build its SST, American-flag airlines will have to buy the Concorde. The second asserts that if Europe produces the fastest airplane, carriers all over the free world will buy their whole line of commercial aircraft—subsonic as well as supersonic—from European sources and the American industry will suffer.

But while these arguments have been advanced in this country, a rising tide of trouble has threatened to engulf the Concorde, two prototype models of which are already flying in Britain and France.

Two problems, one chronic and one acute, beset the 1,400-m.p.h. European plane at a crucial point in its development cycle:

(1) Rising costs are forcing the two governments backing the airplane to take another look at the desirability of going ahead with what at best may be only a marginally justified venture. This is the chronic problem, which several years ago was so serious that the British tried without success to drop out of the joint venture with Gen. Charles de Gaulle's France.

(2) A quirk of the weather earlier this month forced the British Concorde prototype to land at London's busy Heathrow Airport with noise that outraged Londoners. This is the acute problem, which Britishers now see would become permanent if the airplane goes into regular operation.

[From Chicago Today, Sept. 10, 1970]

HARD SELL ON THE SST

In a recent press release, the Air Transport Association quoted its president, Stuart G. Tipton, as saying that it is in the national interest to continue developing a good supersonic transport plane. Tipton's comments were contained in a letter to William Magruder, a former test pilot now in charge of selling the Senate on continued government backing of the SST.

We assume that Tipton wrote the letter to help Magruder refute arguments by SST critics that the airlines—which Tipton's organization represents—are not eager to buy the SST, even if it reaches the production stage. In the portion of his letter quoted by the ATA, Tipton doesn't mention who will foot the bill. In fact, both the airlines and Magruder want the public to continue paying—far beyond the $700 million it already has paid.

This is one of the latest steps in the hard sell being conducted by the administration for sinking still more money into development of an aircraft that will produce intolerable noise, possibly damage the environment in other ways, and prove an unjustifiably bad investment for the government.

Just how bad an investment the SST is can be inferred from the fact that private financing is not available. In other words, it isn't an attractive property to those who know how to make money. This is of particular concern to a subcommittee of the Joint Economic Committee, which prepared a report on the project. The final cost of the development may reach more than $3 billion, or about twice the figure currently advertised by the administration. "There is little prospect," concludes the report, "that the government will earn a reasonable rate of return . . . it is entirely possible that the government will recover none of this investment."

If the environmental and design problems of the SST can be surmounted as its supporters claim, fine. If that happens, private investors will be more than happy to back it. So there is no reason for the taxpayers to continue paying for it, now or ever.

Mr. PERCY. Mr. President, I thank the distinguished Senator from Wisconsin as well as the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I appreciate the generosity of the distinguished senior Senator from Illinois. As always, it was a pleasure to listen to him.

ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period of not to exceed 30 minutes for the transaction of routine morning business, with a 3-minute limitation on statements made therein, and that thereafter the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SUPERSONIC TRANSPORT PLANE

Mr. PROXMIRE. Mr. President, in the morning hour I again extend my warmest commendations to the distinguished senior Senator from Illinois who has just made such a superlative statement on the SST. I have heard many other speeches on the SST. This is certainly one of the best.

It is highly significant that the senior Senator from Illinois (Mr. PERCY), who is very well qualified on matters of finance and has been such a success himself in the business world, should speak against the SST.

Mr. President, the Congress had a similar temptation to subsidize commercial aircraft construction some years ago when former Senator Monroney presented a proposal which passed the Senate but failed in the House and was killed at that time. That measure would have provided for a subsidy for research and development of subsonic jet planes.

It was said at that time that if we did not go ahead with the subsidy, other countries would subsidize the manufacture of their planes and would be far ahead of us if we refused to go ahead and left it to the private market. But as I say the Congress killed the subsidy.

The private market took it from there, and the result? America is now supreme in the world in the field of aviation, as has been asserted many times this morning. We produce 80 percent of the commercial aircraft, especially the unsubsidized subsonic jet aircraft, in the world. We do that because we have not had the heavy hand of bureaucracy and subsidization which destroys discipline in the marketplace. We depend entirely upon free enterprise, and it works very well. We should continue to follow that policy and vote "no" on the SST subsidy tomorrow.

DOWNWIND FROM THE SST

Mr. PROXMIRE. Mr. President, I commend to the Senate the excellent editorial on the SST that appeared in today's New York Times. The editorial considers a number of the arguments that have been advanced in the SST's behalf, and disposes of them simply and convincingly.

Of the argument that the sonic boom from the SST will cause only 2.5 pounds of overpressure, the Times notes that the sonic booms emitted during the test flights over Oklahoma City a few years back amounted to only 1.3 to 1.7 pounds of pressure. Those flights produced an outcry from Oklahoma City residents, compelling the Air Force to abandon the flights. And the damage claims resulting from the repeated sonic booms are still being pressed today.

Incidentally, we had the same experience in Milwaukee, Wis., where the Air Force also engaged in such flights. My office was swamped with complaints and the damage was very considerable.

SST proponents have consistently attempted to downplay the SST's environmental impact. But no matter how hard they try, this just is not going to go away. For example, they tell us that the SST will emit fewer pollutants than other forms of transportation, including subsonic jets. This simply is not true. The FAA was finally compelled to admit this during House appropriations hearings earlier this year. The following chart, showing emissions by an SST, a 707, and a 747 during a New York to Paris flight was supplied for the RECORD by DOT Under Secretary James Beggs:

Combustion product	707	747	SST
CO_2	361,000	785,000	960,000
H_2O	144,000	313,000	382,000
CO	4,900	10,600	13,000
NO	(1)	(1)	2,000

[1] Negligible.

So in fact the SST emits more pollutants, not less, than the planes that are in use today.

The Times editorial points out why it is totally invalid to compare SST pollution with a cloudburst, or with other modes of transportation.

Mr. President, I ask unanimous consent that the editorial entitled "Downwind from the SST" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DOWNWIND FROM THE SST

As the Senate nears its critical vote on the money for the supersonic transport, its advocates are making desperate efforts to assure approval.

With charming lack of humility, William M. Magruder, former test pilot who heads the Administration's lobbying effort for the SST, has published a paper accusing the nation's leading economists of a "basic lack of comprehension" of the airline industry. Professor Paul Samuelson may have won the Nobel Prize in economics and his anti-SST colleagues may stand at the peak of their profession but Mr. Magruder, no economist himself, calmly asserts that he knows more about the economics of aviation than they do. Perhaps a man who has flown through the sound barrier thinks nothing of shooting down a gaggle of economists, but earthbound laymen can only marvel at his disdain for mere expert knowledge

James J. Harford, executive secretary of the American Institute of Aeronautics, writing on the Op-Ed page of this newspaper on Tuesday, offered some equally breathtaking assertions.

"Let's just assume that everyone agrees that the plane will give us a smooth ride at 60,000 feet where there's neither jumpy air nor traffic," he wrote. It is an assumption no one should make because air traffic controllers report that the SR–71, a military reconnaissance plane, has already encountered severe "clear air turbulence" at that altitude.

Mr. Harford asserts that the SST will cause only 2.5 pounds of "overpressure." But the Federal Government tactfully stopped sonic boom tests over Oklahoma City because overpressure of only 1.3 to 1.7 pounds provoked such painful noise levels. It is perfectly true that the SST will climb faster than the existing jumbo jets, but the harsh fact remains that while climbing from zero to 1,500 feet, the SST will make ear-shattering noise louder than anything today's jets produce. No solution is in sight. If any reputable scientist could offer hope of such a solution, the Department of Transportation would be heavily publicizing him. Instead, it is trying to hush-hush the problem because it cannot quiet the engine.

As for the ecological danger to the stratosphere, Mr. Harford and other SST advocates blithely compare the plane's effects to those of cloudbursts. But cloudbursts do not put water vapor into the stratosphere. The SST will. Because the consequences are incalculable, the scientific community is worried, and rightly so.

Regardless of the water vapor argument, the SST like all other jets is a major polluter. A fleet of 500 SST's will produce vast quantities of nitrogen oxide.

The SST cannot plausibly be advocated on the grounds that it is more "productive" than the jumbo jet or that it will hold down passenger fares. If either argument were valid, the airlines would be rushing to buy it rather than running away from it. In fact, the SST would cost at least twice as much as the 747 and would consume twice as much fuel while carrying only two-thirds as many passengers. It could only be commercially viable if passengers were willing to pay a stiff surcharge for flying in it.

Senator Magnuson of Washington has readied the final sales gimmick. He has a bill to forbid the SST from flying over land. But laws can always be repealed or revised. This one surely would be if experience showed that the SST could not make money if it only flew at top speed when over water.

The best way to prevent pollution, noise, waste and ecological danger is to kill the SST before it ever flies. Senators have to turn aside from political expediency and vote to save the environment.

PRESIDENTIAL HOUR

Mr. DOLE. Mr. President, after much consideration and considerable observation, both visual and oral, I have concluded that the Senate of the United States would be justified in making a change in its rules, effective at the beginning of the 92d Congress.

Mr. President, I urge that all the Members of the Senate, in recognition of the laudable ambitions of some of our Members, set aside during each day we are in session a special period not to exceed 1 hour. That period, preferably to follow immediately at the close of the morning hour, would be known aptly as the "Presidential hour."

As I visualize it, the Presidential hour would be reserved for four groups of Senators: First, those Senators who think they are President; second, those Senators who think they should have been President; third, those Senators who think they want to be President; and fourth, those Senators who are ready to settle for being Vice President.

Mr. President, there are several advantages to my proposal, and they should be weighed carefully.

First of all, such an hour should effectively separate the campaign rhetoric from the serious debate.

Second, it would identify for the Members, the press, and the public which of the Senators has or has had higher ambitions.

Third, it would lend credibility—perhaps incredibility—to what these Presidential aspirants have to say.

I might add, Mr. President, that such an hour, while it would benefit primarily Democrats for the next 2 years, would, after President Nixon's reelection, be of equal benefit to some of my colleagues on this side of the aisle.

In any event, Mr. President, I urge my colleagues to give this proposal consideration.

CHARTER AIRCRAFT ACCIDENTS

Mr. DOLE. Mr. President, during the last month three tragic airline crashes have claimed 152 lives. These deaths have left each of us saddened, and we share in the sorrow of the friends and loved ones.

But the question now is, "What precautions can we take to best minimize injuries and loss of lives from such accidents in the future?"

The most obvious answer may appear to be appropriate additional money for aircraft accident prevention. And, this may be a partial answer. Since May of 1967, the National Transportation Safety Board has had the responsibility of determining the cause of all civil aviation accidents. Over the 2½ years, the Board has done an excellent job in investigating accidents, and in doing so has accumulated substantial information. Indeed, by this year the Board has advanced to the point where with an increase of resources of manpower, it has felt it could place a greater emphasis on correlating its existing data with a view to pinpointing corrections in patterns hazardous to air safety. However, the Senate Appropriations Committee, following House action, denied the request of the Board for additional personnel and $30,000 for consultant services to implement this opportunity. I regret the committee found it necessary to make that decision.

But additional money would be only a partial solution in accident prevention, not an answer in itself. Of greater importance are the rules and regulations of airline operations and their enforcement.

The many questions raised following the tragic crash on October 2 of a chartered plane carrying members of the Wichita State football team illustrates the point.

Secretary of Transportation Volpe has appointed his Assistant Secretary for Safety and Consumer Affairs, Adm. Willard Smith, to conduct a broad study of chartered aircraft services. At the NTSB hearing on the aircraft accident involving the Wichita State football team, I proposed that the Congress review FAA and CAB practices and procedures to determine if additional legislation is necessary. At this time, I reiterate that proposal. The Congress should determine if we must have new legislation to insure that safe and dependable air charter service is available throughout the country.

At present, it is often difficult for colleges and universities without large travel budgets to arrange standard charter flights. Furthermore, reliable charter companies may not be within a reasonable distance of the school. As a result, these schools are left in the position of relying on nonscheduled companies that many only technically comply with FAA regulations. In light of this, Congress should determine if existing FAA standards are sufficient to prevent evasion or violation of safety regulations and if the FAA has sufficient resources to implemeet these standards as to: First, mechanical condition of aircraft being chartered; second, the right to charter; third, pilot qualification and flight crew capability; and fourth, flight planning.

In addition, the regulatory philosophy applied to charter airline operations should be examined. Requiring only minimum compliance with safety regulations places a charter passenger at a disadvantage in comparison to those using regular commercial service. A fare-paying passenger should be covered under an equivalent level of safety, whatever his mode of transportation.

The accidents at Huntington, W. Va., and Anchorage, Alaska, will probably raise additional questions which only an in-depth investigation will reveal. I urge the appropriate Senate committees to act on these questions early next session.

AMENDMENT OF SECTION 303(b) OF INTERSTATE COMMERCE ACT

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 8298.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MAGNUSON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. MAGNUSON, Mr.

HARTKE, Mr. HOLLINGS, Mr. PROUTY, and Mr. BAKER conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 18126) to amend title 28 of the United States Code to provide for holding district court for the eastern district of New York at Westbury, N.Y.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 4982. An act for the relief of Thomas J. Beck;

H.R. 13805. An act for the relief of David Z. Glassman;

H.R. 15805. An act for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, Nancy Paint Littlelight, and Pera Pretty Paint Not Afraid; and

H.J. Res. 1411. Joint resolution correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. BURDICK):

S. 2224. An act to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes;

H.R. 4302. An act to amend title 28 of the United States Code, section 753 to authorize payment by the United States of fees charged by court reporters for furnishing certain transcripts in proceedings under the Criminal Justice Act;

H.R. 8470. An act for the relief of Captain Jackie D. Burgess;

H.R. 9677. An act to amend section 1866 of title 28, United States Code, prescribing the manner in which summonses for jury duty may be served;

H.R. 14714. An act to amend authority of the Secretary of the Interior under the Act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes; and

H.R. 17272. An act for the relief of certain employees of the Department of Defense.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 4982. An act for the relief of Thomas J. Beck;

H.R. 13805. An act for the relief of David Z. Glassman; and

H.R. 15805. An act for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, Nancy Paint Littlelight, and Pera Pretty Paint Not Afraid; to the Committee on the Judiciary.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BURDICK) laid before the Senate the following letters, which were referred as indicated:

PROGRESS REPORT ON RURAL DEVELOPMENT

A letter from the Acting Secretary of Agriculture, transmitting, pursuant to law, a report reflecting the efforts of the Department to provide information and technical assistance to small communities and less populated areas in regard to rural development during fiscal year 1970 (with an accompanying report); to the Committee on Agriculture and Forestry.

PROGRESS REPORT ON ASSISTANCE TO NONMETROPOLITAN PLANNING DISTRICTS

A letter from the Secretary of Agriculture and the Secretary of Housing and Urban Development, transmitting, a progress report on assistance furnished to nonmetropolitan planning districts by the two Departments (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF THE WORK OF THE NATIONAL PARK FOUNDATION

A letter from the Secretary, National Park Foundation, transmitting, pursuant to law, a report of the work of the Foundation (with an accompanying report); to the Committee on Interior and Insular Affairs.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

THIRD AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT ON THE EDUCATION PROFESSIONS

A letter from the Associate Commissioner, Office of Education, Bureau of Educational Personnel Development, Department of Health, Education, and Welfare, transmitting, pursuant to law, a report on the state of the education profession, the needs for educational personnel, and the trends and plans concerning the future complexion of programs and allocation of funds for training purposes (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 3328. An act to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation (Rept. No. 91–1387).

By Mr. PASTORE, from the Committee on Appropriations, without amendment:

H.R. 19830. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1388).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 1160. An act to amend the act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park (Rept. No. 91–1389); and

H.R. 13934. An act to amend the act of September 21, 1959 (73 Stat. 590), to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes (Rept. No. 91–1390).

By Mr. SPARKMAN, from the Committee on Foreign Relations, without additional amendment:

H.R. 15728. An act to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes (Rept. No. 91–1391).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. BYRD of West Virginia (for Mr. RANDOLPH), from the Committee on Public Works:

Col. James C. Donovan, Corps of Engineers, to be a member of the California Debris Commission; and

William D. Ruckelshaus, of Indiana, to be Administrator of the Environmental Protection Agency.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. EAGLETON:

S. 4551. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology; to the Committee on Labor and Public Welfare.

(The remarks of Mr. EAGLETON when he introduced the bill appear below under the appropriate heading.)

By Mr. MONDALE:

S. 4552. A bill for the relief of Mr. and Mrs. Harold R. Harter, senior; and

S. 4553. A bill for the relief of John R. Cochrane; to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 4554. A bill for the relief of Gaetano Reale, Elisabetta Reale, Rosanna Reale, Dario Reale, Valerio Reale; and

S. 4555. A bill for the relief of Antonio Gargano, Giovanna Gargano, Francesco Gargano, Anita Gargano; to the Committee on the Judiciary.

By Mr. CASE:

S. 4556. A bill to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within 60 days after the execution thereof; to the Committee on Foreign Relations.

(The remarks of Mr. CASE when he introduced the bill appear below under the appropriate heading.)

S. 4551—INTRODUCTION OF A BILL TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL INSTITUTE OF GERONTOLOGY

Mr. EAGLETON. Mr. President, I know of no area of medical research so neglected as that relating to aging. Today, about 10 percent of our population—20,000,000 Americans—are over 65 years of age. Within the next 30 years an additional 45 to 50 million Americans will have passed their 65th birthday and this group will represent an even greater proportion of the population.

Yet the share of the NIH budget devoted to research in aging is incredibly small. Last year, out of a total NIH research budget of $975,267,000, only $7.4 million went for research specifically designed to alleviate the problems of our elderly citizens.

This allocation of resources is not only inequitable, it is shortsighted. Persons over 65 account for an inordinately large share of the total health care expenses in the United States; by some estimates, as much as two-thirds of our total expenditures for health care are attributable to the treatment of the aged. This tremendous expenditure of funds for the care of the aged is ironic when, according to recognized medical authorities, the chemistry of aging and degenerative diseases has reached the point where a major breakthrough could be made.

Research in this area is presently conducted under the auspices of the National Institute of Child Health and Human Development—an anomaly in name and in operation.

For these reasons, I am today introducing legislation to create a National Institute of Gerontology as a part of the National Institutes of Health.

The work done by such an institute would have a very substantial effect on the quality of life of the aged. It could lead to an extension of the healthy middle years of life. The contribution each individual might make to society would be increased. And by improving our knowledge of the aging process, we can hope to develop a greater proficiency in preventive medicine for the diseases of the aged, thus reducing the annual cost of health care now attributable to treatment of the aged.

The ACTING PRESIDENT pro tempore (Mr. BURDICK). The bill will be received and appropriately referred.

The bill (S. 4551) to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology, introduced by Mr. EAGLETON, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 4556—INTRODUCTION OF A BILL REQUIRING THE TRANSMITTAL OF ALL EXECUTIVE AGREEMENTS TO THE CONGRESS WITHIN 60 DAYS OF THEIR EXECUTION

Mr. CASE. Mr. President, 14 years ago, then Republican minority leader Senator William F. Knowland introduced a bill requiring all U.S. international agreements other than treaties to be transmitted to the Senate within 60 days of their execution.

Unopposed by the Eisenhower administration, twice reported favorably by the Foreign Relations Committee under the chairmanship of the late Senator Walter F. George, passed by the Senate without objection in July 1956, it never was acted upon by the House.

Today I am reintroducing this bill and broadening its application to include the House of Representatives and the House Foreign Affairs Committee.

Had this legislation enabling legislative oversight of Executive agreements been enacted, I believe that much of the acrimony which since has surrounded the disclosure of commitments made under Executive agreements never would have developed.

To the extent that knowledge of their terms would have provided an independent legislative check upon the obligations assumed by the executive branch in our gradual involvement in Southeast Asia, the U.S. role in this war might have been moderated or at least have been better understood in the Congress. Had this legislation been passed in 1956, the phrase "credibility gap" might never have entered the language.

Recent experience, the findings of the Symington Subcommittee on National Commitments, the questions that refuse to go away regarding the commitments of the United States in Southeast Asia, all manifest increasing concern over the extent and terms of U.S. obligations to foreign countries.

In practical terms, a Senate not even advised of commitments which fall short of what the executive branch pleases to denominate a treaty cannot adequately fulfill its advise-and-consent responsibilities under the Constitution.

In an age of instant communications and U.S. military deployment abroad in the eye of potential conflict, all nontreaty commitments which can commit or involve this country in possible hostilities must be examined before they are triggered by events. Failing such prior examination, the U.S. Senate—as increasingly has been the case since World War II—is reduced to post mortem reviews of accomplished facts.

And this atrophy of the Senate's role has occurred despite the fact that disclosure of international agreements on an annual basis already is established in law. Section 112a of title I of the United States Code presently requires the Secretary of State to compile and publish all international agreements other than treaties concluded by the United States during each calendar year.

Far from having been the cause of controversy, this section of the United States Code was enacted in 1950 as an outgrowth of an administrative reorganization affecting the responsibility for the publication of these documents. This absence of substantive debate or challenge also characterized the two preceding occasions—1935 and 1938—when the dissemination of executive agreements was provided for by the Congress as routine administrative legislation.

Although the provision of section 112a on its face is all inclusive, the position of the executive branch has been to withhold from publication those agreements which it has considered sensitive as affecting security considerations. As a consequence, the Senate has not had access to such agreements.

In recognition of the sensitivity of some of these agreements, the amendment which I am introducing, therefore, further provides that if an executive agreement is one whose immediate disclosure would prejudice the national security, then it is to be transmitted to the Committee on Foreign Relations and the Committee on Foreign Affairs under an injunction of secrecy removable only by the President.

I would hope that this long-needed amendment will be received in the constructive spirit which marked its original reception, for the problems of the 1950's in many ways parallel those of today.

Then the issue of Presidential versus congressional powers found its expression in the senatorial debate surrounding a number of proposals made by the then Senator from Ohio, John Bricker. Fearful that actions by the President without reference to the Congress would impinge upon the rights of citizens and States, supporters of the Bricker proposals would have given Congress unprecedented powers to restrict the President.

In that time of trying circumstances and harsh demands, the Knowland amendment was offered and supported as a proposal enabling the Senate better to exercise its Constitutional responsibilities in the foreign policy field and as an alternative to Senator Bricker's proposed restrictions upon the powers of the Presidency.

I believe that this amendment can

serve a similar moderating and constructive function today and provide an effective alternative to the threat of neo-isolationism.

What is necessary is an appreciation by the Congress and Executive alike that this country is not governable in the absence of the full exercise of respective constitutional powers on the part of each branch.

In the 1950's that appreciation was reflected in the Eisenhower administration's original decision to accept the Knowland amendment.

When the Knowland amendment first was being considered by the Foreign Relations Committee in 1954, the State Department actively cooperated with the committee in drafting a bill which would be mutually acceptable. In letters which I shall make available for the record, it is even shown that the section of the amendment providing for the transmittal of classified agreements to the committee originated as a Department of State suggestion.

I deeply hope that we can recapture that spirit of cooperation, for it is essential if each branch is to fulfill its Constitutional responsibilities.

In 1954, former Senator Homer Ferguson of the Foreign Relations Committee summed up the obligation of the Congress and its relation to the Knowland amendment with a simple and clear eloquence:

I think that this is a responsibility that the United States Senate and this committee must assume.

If under the present law, (executive agreements are) to be the supreme law of the land, then, being a government of law and not of men, we ought to have them filed here in the Senate. If they are secret, they ought to be in this committee, so that this committee could act, if they desire to act, to protect the rights of citizens.

Mr. President, I ask unanimous consent that the bill, Foreign Relations Committee Report No. 2340, dated August 7, 1954, Foreign Relations Committee Report No. 2416, dated July 5, 1956, and two State Department letters dated March 16, 1954, and March 7, 1955, be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred; and, without objection, the bill, reports, and letters will be printed in the RECORD.

The bill (S. 4556) to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within 60 days after the execution thereof, introduced by Mr. CASE, was received, read twice by its title, referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

S. 4556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 1, United States Code, is amended by inserting after section 112a the following new section:

"§ 112b. United States international agreements; transmission to Congress

"The Secretary of State shall transmit to the Congress the text of any international agreement, other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President."

SEC. 2. The analysis of chapter 2 of title 1, United States Code, is amended by inserting immediately between items 112a and 113 the following:

"112b. United States international agreements transmission to Congress."

The material, presented by Mr. CASE, is as follows:

[Report No. 2340, Aug. 5, 1954]

REQUIRING INTERNATIONAL AGREEMENTS OTHER THAN TREATIES TO BE TRANSMITTED TO THE SENATE WITHIN 60 DAYS AFTER EXECUTION THEREOF

The Committee on Foreign Relations, having had under consideration S. 3067, requiring international agreements other than treaties to be transmitted to the Senate within 30 days from the execution thereof, reports the bill with an amendment, and recommends its approval.

MAIN PURPOSE OF THE BILL

As introduced by Senator Ferguson (for himself and Senator Knowland) on March 3, 1954, the bill would have amended title I of the United States Code by inserting a new section (sec. 112b), requiring the Secretary of State to transmit to the Senate the text of any international agreement to which the United States is a party, within 30 days after it has been signed, proclaimed, or finally executed with the requisite formalities. The bill then directed the President of the Senate to refer the agreement to the appropriate committee of the Senate or joint committee of the Senate and House of Representatives.

At the present time, section 112a of title I of the United States Code requires the Secretary of State to compile and publish, beginning with January 1, 1950, a compilation entitled "United States Treaties and International Agreements," containing all treaties to which the United States is a party, that have been proclaimed during each calendar year, along with international agreements other than treaties concluded by the United States during each calendar year. S. 3067 would broaden this publicity provision, by requiring the texts of agreements other than treaties (often loosely designated as "executive agreements") to be brought to the attention of the Senate within the much shorter interval of 30 days. As reported by the committee this period has been increased to 60 days, and certain other modifications which are discussed below, have been introduced into the bill.

BACKGROUND OF THE MEASURE

During the past few years many Members of the Senate have manifested concern as to the scope and function of executive agreements in the conduct of the foreign relations of the United States. Under the Constitution treaties are submitted to the Senate for its approval and are given careful examination by the Foreign Relations Committee and the Members of the Senate generally. Since World War II the executive branch has worked closely with the committee in concluding most of the important treaties which have been entered into by the United States.

The situation has been far less satisfactory with respect to executive agreements. Many of these have an important bearing upon our foreign policy. Since they are not submitted for the approval of the Senate, however, considerable time may elapse after their conclusion before they are called to the attention of the Senate. This creates unfortunate gaps in the flow of information between the legislative and executive branches of our Government.

The present bill ensures that the Senate will be kept regularly informed concerning the subject matter of agreements finalized by Executive action alone. The senate thereby will be in a position not only to ascertain the nature and extent of the rights and obligations provided for under instruments other than formal treaties, but to establish to its own satisfaction the relationship between such agreements and the laws of the United States on the one hand, and their impact upon our foreign policy upon the other. In the former case, it will then be open to Congress to take corrective action, so far as our domestic law is concerned, by the enactment of appropriate legislation where that might be necessary. In other words, by insisting upon adequate and reasonable prompt publicity concerning the scope of inernational agreements other than treaties, Congress will be better equipped than it now is to perform its proper functions in the field of foreign relations.

COMMITTEE ACTION

Prior to a number of meetings which were held (May 5, July 23, and 26) by a subcommittee appointed to consider the bill (composed of Senator Smith (New Jersey), chairman, and Senators Wiley, Hickenlooper, Ferguson, George, Green, Fulbright, and Mansfield), the committee had been informed by Assistant Secretary of State Thruston B. Morton that S. 3067 was objectionable to the Department in its original form, for two main reasons. First, the 30-day period for transmission of the finalized agreement to the Senate was too short, purely as an administrative matter, in view of the time ordinarily consumed in completing exchanges of views and in perfecting the final authentic draft where long distances are involved. This suggestion was adopted by the subcommittee, the period of 60 days being substituted for the time originally set in the bill.

Second, according to the Department, there are a number of agreements which, for security reasons, are highly classified, and which the Department believed should not, in the national interest, be made available to the general public or deposited in the insecurely protected files of Congress as a whole. For this reason, the subcommittee voted, on July 26, 1954, to amend the bill so as to provide that—"any such agreement, the immediate public disclosure of which would in the opinion of the President of the United States be prejudicial to the national security of the United States shall not be transmitted to the Senate as in this section provided; but shall be transmitted to the Committee on Foreign Relations under an appropriate injunction of secrecy to be removed only upon due notice from the President."

As a consequence of this amendment, every international agreement other than a treaty is to be transmitted to the Senate within 60 days from the date that it comes into force; but if such agreement is one whose immediate disclosure would prejudice the national security of this country, then it will be transmited to the Committee on Foreign Relations. The committee will undertake appropriate steps for its safeguarding, and, after considering its terms, may take whatever action it deems proper under the circumstances.

With the changes indicated above, along with certain other minor alterations of the text, the committee without objection agreed

to report the bill to the Senate on August 6, 1954.

COMMITTEE RECOMMENDATION

The members of the committee believe that this bill will provide the basis for keeping the Senate duly informed on a variety of matters dealt with by executive agreements which had hitherto escaped its attention. At the same time it will insure a closer degree of liaison between the Executive and Congress throughout the entire range of the treaty process. Finally, it is believed that this measure will necessarily produce a salutary restraining effect on the conclusion of such agreements as may have been, in the past, productive of criticism, furnishing to the Senate the means whereby corrective legislative action may be taken if necessary.

For these reasons, the committee recommends that the present bill be promptly enacted with the amendments described in this report.

[REPORT NO. 2416, July 3, 1956]

REQUIRING INTERNATIONAL AGREEMENTS OTHER THAN TREATIES TO BE TRANSMITTED TO THE SENATE WITHIN 60 DAYS AFTER EXECUTION THEREOF

The Committee on Foreign Relations, having had under consideration S. 147, requiring international agreements other than treaties to be transmitted to the Senate within 30 days from the execution thereof, reports the bill with an amendment, and recommends its approval.

MAIN PURPOSE OF THE BILL

As introduced by Senator Knowland on January 6, 1955, the bill would have amended title I of the United States Code by inserting a new section (sec. 112b), requiring the Secretary of State to transmit to the Senate the text of any international agreement other than a treaty to which the United States is a party, within 30 days after it has been signed, proclaimed, or finally executed with the requisite formalities. The bill, then directed the President of the Senate to refer the agreements to the appropriate committee of the Senate or joint committee of the Senate and House of Representatives.

At the present time, section 112a of title I of the United States Code requires the Secretary of State to compile and publish, beginning with January 1, 1950, a compilation entitled "United States Treaties and International Agreements," containing all treaties to which the United States is a party, that have been proclaimed during each calendar year, along with international agreements other than treaties concluded by the United States during each calendar year. S. 147 would broaden this publicity provision, by requiring the texts of agreements other than treaties (often loosely designated as "executive agreements") to be brought to the attention of the Senate within the much shorter interval of 30 days. As reported by the committee, this period has been increased to 60 days, and certain other modifications which are discussed below, have been introduced into the bill.

BACKGROUND OF THE MEASURE

During the past few years many Members of the Senate have manifested concern as to the scope and function of executive agreements in the conduct of the foreign relations of the United States. Under the Constitution treaties are submitted to the Senate for its approval and are given careful examination by the Foreign Relations Committee and the Members of the Senate generally. Since World War II the executive branch has worked closely with the committee in concluding most of the important treaties which have been entered into by the United States.

The situation has been far less satisfactory with respect to executive agreements. Many of these have an important bearing upon our foreign policy. Since they are not submitted for the approval of the Senate, however, considerable time may elapse after their conclusion before they are called to the attention of the Senate. This creates unfortunate gaps in the flow of information between the legislative and executive branches of our Government.

The present bill insures that the Senate will be kept regularly informed concerning the subject matter of agreements finalized by Executive action alone. The Senate thereby will be in a position not only to ascertain the nature and extent of the rights and obligations provided for under instruments other than formal treaties, but to establish to its own satisfaction the relationship between such agreements and the laws of the United States on the one hand, and their impact upon our foreign policy upon the other. In the former case, it will then be open to Congress to take corrective action, so far as our domestic law is concerned, by the enactment of appropriate legislation where that might be necessary. In other words, by insisting upon adequate and reasonably prompt publicity concerning the scope of international agreements other than treaties, Congress will be better equipped than it now is to perform its proper functions in the field of foreign relations.

COMMITTEE ACTION

S. 147 is identical with S. 3067 which had been introduced on March 3, 1954, during the 83d Congress. When the earlier bill was considered at meetings held for that purpose (on May 5, July 23, and July 26) by a special subcommittee (consisting of Senator Smith (New Jersey), chairman, and Senators Wiley, Hickenlooper, Ferguson, George, Green, Fulbright, and Mansfield), the committee had been informed by the Department of State that S. 3067 was objectionable, in its original form, for two main reasons. First, the 30-day period for transmission of the finalized agreement to the Senate was too short, purely as an administrative matter, in view of the time ordinarily consumed in completing exchanges of views and in perfecting the final, authentic draft where long distances are involved. This suggestion was adopted by the subcommittee, the period of 60 days being substituted for the time originally set in the bill.

Second, according to the Department, there are a number of agreements which, for security reasons, are highly classified, and which the Department believed should not, in the national interest, be made available to the general public or deposited in the insecurely protected files of Congress as a whole.

These objections to the measure were reaffirmed, with respect to S. 147, in a letter to the committee from Assistant Secretary of State Thruston B. Morton, dated March 7, 1955. Accordingly, the committee voted on July 3, 1956, to amend the bill, as it had the earlier measure, so as to provide that—

Any such agreement, the immediate public disclosure of which would in the opinion of the President of the United States be prejudicial to the national security of the United States shall not be transmitted to the Senate as in this section provided; but shall be transmitted to the Committee on Foreign Relations under an appropriate injunction of secrecy to be removed only upon due notice from the President.

As a consequence of this amendment, every international agreement other than a treaty is to be transmitted to the Senate within 60 days from the date that it comes into force; but if such agreement is one whose immediate disclosure would prejudice the national security of this country, then it will be transmitted to the Committee on Foreign Relations. The committee will undertake appropriate steps for its safeguarding, and, after considering its terms, may take whatever action it deems proper under the circumstances.

With the changes indicated above, along with certain other minor alterations of the text, the committee without objection agreed to report the bill to the Senate on July 3, 1956.

COMMITTEE RECOMMENDATION

The members of the committee believe that this bill will provide the basis for keeping the Senate duly informed on a variety of matters dealt with by executive agreements which had hitherto escaped its attention. At the same time it will insure a closer degree of liaison between the Executive and Congress throughout the entire range of the treaty process. Finally, it is believed that this measure will necessarily produce a salutary restraining effect on the conclusion of such agreements as may have been, in the past, productive of criticism, furnishing to the Senate the means whereby corrective legislative action may be taken if necessary.

For these reasons, the committee recommends that the present bill be promptly enacted with the amendments described in this report.

DEPARTMENT OF STATE,
Washington, March 16, 1954.

Hon. ALEXANDER WILEY,
Chairman, Committee on Foreign Relations, U.S. Senate.

MY DEAR SENATOR WILEY: With your letter of March 4, 1954 you enclosed a copy of S. 3067, "To require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Senate within thirty days after the execution thereof." You requested a report by the Department in regard to that measure.

The Department would be glad to supply the Senate with copies of all such agreements. However, the thirty-day period envisaged by the proposed bill would present certain difficulties because of purely mechanical problems. Much of the time between the negotiation of an agreement and the availability of its text for distribution is consumed in the procurement of the papers constituting the agreement. Most of the agreements are negotiated abroad and the receipt of the originals or appropriately certified copies, as the case may be, must be awaited before the process of printing can be started. Even when transmission of these documents is expedited by the post, delays are occasioned in many instances by infrequent pouch service. Moreover, an interchange of correspondence is often necessitated to rectify errors, omissions, and other deficiencies. For these reasons, it would be advisable to provide for a somewhat longer period within which such agreements should be furnished.

Because of the urgency of this matter, time has not permitted the clearance of this report by the Bureau of the Budget, but a copy is being furnished that agency.

Sincerely yours,

THRUSTON B. MORTON,
Assistant Secretary
(For the Secretary of State).

MARCH 7, 1955.

Hon. WALTER F. GEORGE,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR SENATOR GEORGE: With your letter of February 2, 1955 you enclosed a copy of S. 147, "To require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Senate within thirty days after the execution thereof." You requested the Department's views on that measure.

The Department would be glad to supply the Senate with copies of such international agreements. However, there are certain difficulties of a purely administrative nature in connection with the thirty-day time limit proposed in the bill. These were outlined in the Department's letter of March 16, 1954

to the Chairman of the Committee on Foreign Relations in response to a request for its views with respect to S. 3067 of the 83d Congress, which, as introduced March 3, 1954, was identical with the bill presently under consideration.

In its letter of March 16, the Department, after expressing willingness to furnish copies of the agreements, stated:

"However, the thirty-day period envisaged by the proposed bill would present certain difficulties because of purely mechanical problems. Much of the time between the negotiation of an agreement and the availability of its text for distribution is consumed in the procurement of the papers constituting the agreement. Most of the agreements are negotiated abroad and the receipt of the originals or appropriately certified copies, as the case may be, must be awaited before the process of printing can be started. Even when transmission of these documents is expedited by the post, delays are occasioned in many instances by infrequent pouch service. Moreover, an interchange of correspondence is often necessitated to rectify errors, omissions, and other deficiencies. For these reasons, it would be advisable to provide for a somewhat longer period within which such agreements should be furnished."

On the same date the Department pointed out to the Chairman of the Committee that there would undoubtedly be certain agreements, especially in the military field, of a highly classified nature and that the maintenance of their classification would be vital to the security of the United States.

After consideration of these factors and further consultation with the Department, the Committee reported the bill to the Senate on August 7, 1954 with certain amendments. Enclosed for your convenience is a copy of S. 3067 as reported on that date, together with a copy of Senate Report No. 2340 which accompanied it.

The Department recommends that, if legislation of this nature is considered desirable, S. 147 be amended so as to conform to the amendments made in S. 3067 by the Senate Committee on Foreign Relations of the 83d Congress.

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely yours,

THRUSTON B. MORTON,
Assistant Secretary.
(For the Secretary of State)

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 486

At the request of the Senator from Kansas (Mr. DOLE), the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of Senate Resolution 486, relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 2, 1970, he presented to the President of the United States the enrolled bill (S. 2224) to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes.

AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1971—AMENDMENT

AMENDMENT NO. 1092

Mr. HATFIELD (for himself, Mr. AIKEN, and Mr. KENNEDY) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 4542) to amend the Foreign Assistance Act of 1971, which was referred to the Committee on Foreign Relations and ordered to be printed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1971—AMENDMENTS

AMENDMENT NO. 1093

Mr. HART. Mr. President, I propose that we make a very modest increase in the appropriation for the National Highway Safety Bureau. My recommendation is for an additional 10 cents each for the 107 million motor vehicles for which the Bureau has highway safety responsibility. The appropriation as it is reported represents approximately 40 cents per vehicle. Adding the extra 10 cents per vehicle, or $10.7 million, would bring the Safety Bureau's appropriation up to $58.3 million—that is only about three times as much as we are spending on highway beautification.

The effect of House action on the fiscal year 1971 contract budget request was to allow only $29 million of the amended $40.1 million requested. The Senate appeal was for $6.5 million. Some of the significant cuts made by the House include a reduction in the tire standards program of $3,030,000. Even with the Senate approval of the appeal, this vital program is short $2,430,000. The House cut of $880,000, with Senate restoration, leaves the used vehicle safety program only $1.62 million—and this minimal amount must be applied to all programs affecting the 107 million used vehicles on our roads.

The Senate Committee on Appropriations has wisely recommended an appropriation of $47,601,000, an increase of $7,166,000 over the House bill and $5,474,000 under the budget request. The increase provides an additional $6,500,000 for the Bureau's contract program. However, even with the full restoration requested by the Department of Transportation, the appropriation does not provide funds and personnel to begin to take action to reduce the annual $14 billion cost of auto accidents to the American public.

The committee in its report expresses concern for the lack of action by the Department of Transportation for the annual $1 billion loss in cargo thefts. I want to emphasize there is another area of obvious lack of action.

I hope that all will agree that the increase in appropriations to 50 cents per vehicle would go to a worthy cause. Just look at the statistics:

Fresh ones are the more than 600 killed over this Thanksgiving holiday weekend. In recent years, this has been the most disasterous of our holidays for traffic fatalities—running just under 1,000—960—in 1968 and 840 in 1969.

Between 1950 and 1969, motor vehicle accidents caused 850 thousand deaths, more than 30 million injuries, and the economic loss exceeded $135 billion. During the same period there were almost 20 million nonfatal accidents and 203 million property damaging accidents.

Statistics similar to these moved Congress in 1966 to enact the Motor Vehicle and Highway Safety Acts—and the establishment of the National Highway Safety Bureau.

The need for renewed interest in this effort is emphasized by the recent report of the Department of Transportation pointing out that auto insurance is a major problem to millions of consumers both as policyholders and claimants. The present system of compensation is not protecting auto accident victims and their dependents from economic catastrophe. Therefore, we must make funds and personnel available to the National Highway Safety Bureau to lessen the risks of injury and death to occupants of motor vehicles and pedestrians involved in traffic accidents; to develop motor vehicles which are less susceptible to damage in accidents occurring at normal operating speeds; and to develop a uniform grading system for tires.

The responsibility of the Bureau—under the law—was impressive. It was to establish standards that would assure motorists of safe cars coming off the assembly line. It was to set up standards—and an inspection program to assure cars in use were safe. It was to assure consumers that rhyme and reason would be brought into trying to decide which size and make of tire they should use on their cars. In short, it was to be a coordinated partnership between the Federal effort and the various State programs to reduce the deaths, injuries, and economic losses caused by accidents on our streets and highways.

With that mandate, it is a safe assumption that citizens expected they could sleep a little better at night because the National Highway Safety Bureau was on guard.

There is a hooker.

Adequate funds and personnel have never been appropriated for this Bureau.

President Nixon—despite an announced desire to cut Federal spending in the face of inflation did this year propose an increase of $23 million—and 254 people for fiscal 1971.

This increase would have brought the agency up to the strength it was supposed to have in 1968.

But, even this meager appropriation has been cut by the House. Some of the cuts included: $180,000 from the used vehicle safety standards. This would leave us virtually coasting along on applying safety standards—albeit in a limited way—only to the new cars produced since 1966.

That in a limited way is what we have been doing so far. And, this, of course, means that less than one-third of the entire vehicle population of 107 million motor vehicles adhere to the safety standards. We must reach the other 70-or-so million.

That safety standards are needed for all cars, I think, is demonstrated by the

recall statistics. Of the 44 million new foreign and domestic cars put on the American roads under these standards, 15 million have been recalled to correct safety defects. And there is considerable concern that the 15 million is too low—that other cars with unsafe features should have—but have not—been recalled.

Hearings before the Senate Antitrust and Monopoly Subcommittee produced testimony on one study which showed that 92.9 percent of all vehicles 5 years or older had major safety related defects.

Yet the House has cut the inspection technology program by $700,000, the vehicle factors for traffic safety by $200,000 and allowed the repair technology programs only two-tenths of a cent per vehicle or $200,000.

Mr. President, we are currently producing almost three times as many cars yearly as babies. Almost 10 million new cars hit the roads in this country yearly. If we are to have hope that those cars are as safe—and stay as safe—as humanly possible, and are reasonably economical to build, own, and operate, then surely we can spend 50 cents each to guarantee that. To permit this, for the able Senator from Wisconsin (Mr. NELSON) and the able Senator from Indiana (Mr. HARTKE), I submit in amendment, and ask unanimous consent that it be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. GOLDWATER). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 1093) is as follows:

AMENDMENT NO. 1093

On page 13, line 18, strike out "$47,601,000" and insert in lieu thereof "$58,301,000".

On page 13, line 20, before the period insert a comma and the following: "of which not less than $10,700,000 shall be available for research and programs designated to (1) lessen the risks of injury and death to occupants of motor vehicles and pedestrians involved in traffic accidents, (2) develop motor vehicles which are less susceptible to damage in traffic accidents occurring at normal operating speeds, and (3) develop a uniform quality grading system for tires, and for the payment of a staff of 50 persons in excess of present personnel engaged in carrying out these activities, to remain available until June 30, 1972, as authorized by Public Law 563 and Public Law 564".

ADDITIONAL STATEMENTS OF SENATORS

THE RISE IN RESIDUAL FUEL OIL PRICES

Mr. KENNEDY. Mr. President, yesterday the Council of Economic Advisers issued its "Second Inflation Alert." Commenting on fuels and energy, the Council underscored the startling rise in residual fuel oil prices of recent months and the crude oil and gasoline price increases announced by the major oil companies last month. The Council pointed out that these increases were rather unusual since stocks of most petroleum products are somewhat higher than a year ago and "the normal market tendency is, of course, for these heavy stocks to weaken prices." The Council went on to say that—

> Through direct actions to curtail production, however, these normal market pressures were not allowed to prevail. Apparently, in response to the high level of inventories, the Texas Railroad Commission has cut back the level of production allowable in the State of Texas for December.

In brief, Mr. President, the Council has found that petroleum price increases have contributed strongly to the inflationary pressures of recent months and that artificial market controls have supported and encouraged these price increases.

In this morning's Washington Post Mr. Bernard Nossiter, in a perceptive article entitled "Looking Into the Price of Oil," demonstrates that the oil import program is an even more severe form of market control—and a greater contributor to inflation. This is, of course, what the Cabinet Task Force on Oil Import Control found earlier this year; it is the conclusion of leading economists of all persuasions.

Mr. Nossiter describes how Federal Government controls over the level of oil imports, plus the State regulatory controls over the level of crude oil production, create artificial shortages and hence higher prices for petrolum products.

Mr. President, the conclusion to be drawn from the "Alert" of the Council of Economic Advisers and from Mr. Nossiter's article are clear and simple: High petroleum prices are the result of Government controls; and those controls and the inflationary pressure which they exert in our economy are the responsibility of one man—the President of the United States.

The oil import control system is under the direct control of the President. With the stroke of a pen, he can raise or lower import levels and raise or lower the level of petroleum prices.

The effectiveness of State controls over crude oil production is a result of a Federal statute—the so-called Connally "Hot Oil" Act. The President has the authority, again by the stroke of a pen, to suspend that act.

Mr. Nossiter puts it another way:

> There is something irresistibly comic about the Nixon Administration's new inquiry into increased oil prices. In effect, the government is solemnly asking itself whether curbs on the supply of a commodity have something to do with raising its price.

I think it is time they stopped playing games. If we in this country are serious about fighting inflation, if this administration is serious about fighting inflation, if the President is serious about fighting inflation, then something can be done and it can be done immediately.

If he is not serious, if he is merely playing games with the American people, if he is trying to fool us with a lot of rhetoric and reports, then let us be perfectly clear about it. I think it is about time the President acted. Congress has given him the authority to stop the inflationary spiral in petroleum prices. He could act today.

He can start listening to the cries for help from consumers across our Nation who are tired of paying more and more to run their cars and heat their homes. The American people are tired of seeing the oil companies make more money while their own paychecks are continuously erroded.

I need not detain the Senate to elaborate on the steps the President can take immediately, and will mention only a few.

First, remove all controls on imports from Canada;

Second, decontrol imports of residual fuel oil into the Middle West;

Third, decontrol home heating oil imports into the East Coast;

Fourth, remove controls on imports of crude oil and other products from Western Hemisphere sources such as Venezuela;

Fifth, increase imports of crude oil and products from countries in other parts of the world;

Sixth, remove Federal lands from State production controls.

Seventh, suspend the Connally "Hot Oil" Act.

It is time to stop talking and start acting. I call upon the President to exercise his leadership and authority in the fight against inflation. As I pointed out he can do so now—this week—by acting to roll back the prices for critical products such as crude oil, residual oil, heating oil, and gasoline.

If he refuses to act, if he hides behind more reports and more studies, I think we can draw a very simple and stark conclusion. The voice of big oil speaks louder than the voice of the people in Washington. It is time the people know the truth about inflation, and who causes it.

Mr. President, I ask unanimous consent that the section of the "Second Inflation Alert" dealing with fuel and energy and the article from the Washington Post of December 2, entitled "Looking Into the Price of Oil," be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From Second Inflation Alert]

FUEL AND ENERGY

Prices of residual fuel oil and bituminous coal have risen further since the first Inflation Alert, although there are signs that the market is reaching equilibrium. The price of residual oil with maximum 1 percent sulfur content was quoted at $4.10 per barrel as of November 12, as against $3.25 the week of August 5, an increase of over 25 percent in three months. The price of bituminous coal rose 10 percent in October alone. Electric power rates at wholesale rose 1.8 percent in October, on top of their 1.7 percent increase in the third quarter, largely because of higher fuel costs. Over the period July to October about one-quarter of the total increase in the Wholesale Price Index was accounted for by the fuel and power component.

On November 11 a major oil company announced an increase in the price of crude oil of 25 cents per barrel, raising its posted price from $3.10 to $3.35. The following day the Director of the Office of Emergency Preparedness announced that there would be a Government investigation of this price increase, as required by existing regulations. This investigation will ascertain whether the

price increase was necessary to meet the national security objectives of the oil import program. Since then numerous firms have followed with similar increases. Gasoline prices at the wholesale level have also been raised. In the week ending November 17 the national average price of major-brand regular gasoline (excluding taxes) was 25.66¢ per gallon, up nearly 16 percent from the previous week. Since the retail gasoline market is highly competitive, this price increase may not hold.

These price increases come when petroleum inventories are at a level higher than is normal for this time of year. On November 6, stocks of crude oil in the region east of the Rockies were 4.7 million barrels, or 1.7 percent, greater than a year ago, and stocks in the State of Texas were about 9.7 million barrels (9.8 percent) higher than a year earlier. Stocks of motor gasoline, jet fuel, kerosene and distillate fuel oil were also higher than a year ago. The normal market tendency is, of course, for these heavy stocks to weaken prices. Through direct actions to curtail production, however, these normal market pressures were not allowed to prevail. Apparently in response to the high level of inventories, the Texas Railroad Commission has cut back the levels of production allowable in the State of Texas for December. This action would have the effect of reducing the supply of crude oil, thus relieving the downward pressure on price that high inventories normally create, and supporting the price increase. The reduction in the allowable reflected, the contention by one major oil company that its inventories were too large, yet this company was among those that posted an increase in the price of crude. The Louisiana Department of Conservation maintained its allowable factor for December at 75 percent, which would keep production well below capacity.

LOOKING INTO THE PRICE OF OIL

(By Bernard D. Nossiter)

There is something irresistibly comic about the Nixon administration's new inquiry into increased oil prices. In effect, the government is solemnly asking itself whether curbs on the supply of a commodity have something to do with raising its price.

To motorists who have just been hit with a penny-a-gallon increase in gasoline the question may not seem so funny. But at least they can supply the answer that the White House Office of Emergency Preparedness and its Council of Economic Advisers are now professing to seek. Car owners have learned, like home owners who heat with oil, that, yes, the price of a product is determined by the point where effective supply meets effective demand.

The interesting thing about oil is that effective supply is cut off by an elaborate mechanism run by the government. Thus, if the government's inquiry into "the reasons for and consequences of the (oil price) increase" were serious—and knowledgeable authorities within the bureaucracy doubt that it is—that very same government could increase the supply and reduce prices by a few, simple strokes of Mr. Nixon's pen. The failure to do so will, it is estimated, leave consumers with an increase in their energy bills of about $1.5 billion.

Here is how the game is played:

Each month, the Interior Department's Bureau of Mines "forecasts" the demand for oil. The agency estimates how much oil will be consumed at the prevailing level of prices.

To make sure that this price level is maintained, regulatory agencies in the big oil producing states—chiefly Texas, Louisiana and Oklahoma—fix the amount that each well can produce. The regulatory agencies understand the first lesson in economics and thereby make sure that supply is tailored to support the desired price.

Back in the depression days, when this arrangement was threatened by producers whom circumstances drove to free enterprise, the federal government conveniently assured the authority of the state agencies. The Connally Hot Oil Act (named not for a recent Texas governor close to the industry but for a late Texas senator) prohibited the shipment from one state to another of oil produced in excess of the state limits.

This system helped increase the price of oil with considerable success until the 1950s. Then, imports of low-cost oil produced by the big companies in Venezuela and Saudi Arabia threatened to make life easier for consumers. So President Eisenhower, urged on by the Johnson-Rayburn Texas leadership in Congress, imposed quotas on foreign oil. He proclaimed an absolute limit on the oil that could be brought in, thereby once again restraining effective supply.

In recent months some new forces have been at work and they lie behind the companies' bold and successful bid to jack up prices another 25 cents a barrel.

The new Libyan government has cut back production in its fields, chiefly to get higher prices from its American concessionaires. Guerrillas have broken a big pipeline in Syria and it remains unrepaired. Thus, to meet Europe's demand for oil, the companies have had to scramble around for tankers to carry oil from the Middle East around Africa. Most tankers are either owned by or under long term charter to the big concerns. Perhaps only 10 per cent of the tonnage is available at any one time for "spot" or immediate charter. In economic parlance, this is a "thin" market and a small increase in tanker demand shoots up prices.

The sharp rise in "spot" tanker rates has had its effect here. Oil imported under the quotas on "spot" rather than long term charters has become terribly expensive. The cost of production, of course, hasn't changed. But the price of transporting the cheap oil has. The government's quotas allow daily imports of about 1.3 million barrels. But the temporary rise in tanker rates has left about 250,000 barrels of the quota unused. It is this "shortage" that lifts the price.

The shortage could be erased in a few weeks if the White House were so minded. There is plenty of oil in Canada and enough spare pipeline capacity, according to the experts, to bring in 200,000 more barrels a days. Thus, the President could raise the current quota on Canadian oil to fill the gap. Indeed, he could go even further and suspend the whole quota program. Some experts think that a strict reading of the law would require Mr. Nixon to do just that. They argue that Congress gave the President authority to fix quotas ostensibly to preserve "national security;" that he has determined that "national security" is precisely preserved by imports of 1.3 million barrels; that imports are less than this and that, therefore, "national security" can be restored only by scrapping the quotas and permitting imports to rise back nearer to the "national security" level.

Apart from Canadian oil, another 200,000 or so barrels a day can be found in the wells producing under federal lease off Louisiana and Texas. The Interior Department, traditionally a close ally of the industry, has decreed that these wells must produce no more than the Texas and Louisiana regulatory authorities allow. But the Justice Department has ruled that this is no more than Interior's whim. If Mr. Nixon calls the Interior Secretary on the telephone, supply from the federal offshore wells could be freed.

If the quotas were junked or suspended and the offshore wells emancipated from the government-imposed limits, it is likely that not only would the 25 cent increase be rolled back but the price of oil would come down even further. The two moves would and about 4 per cent to the oil available east of the Rockies—the area of shortage—and the added supply would meet demand, just as the textbooks say, at a lower price.

Indeed, just these steps have been urged by Sen. William Proxmire (D-Wis.) in a letter to Paul McCracken, chairman of the President's Council of Economic Advisers. Proxmire is head of the Joint Economic Committee whose staff presumably has a working knowledge of the first lesson in elementary economic texts.

There is still one more simple thing Mr. Nixon could do. The law permits him to suspend the Connally Hot Oil Act whenever he thinks it is a "burden" on commerce. To be sure, experts doubt that there are many believers in free enterprise in oil left in Texas or Louisiana. Anyway, there oil must flow through pipelines controlled by the big concerns. Finally, any maverick that did exceed the state production limits would probably run into hostile court orders granted to the oil-conscious governors of Texas and Louisiana.

But suspension of the act would spotlight the fact that the states are holding back nearly one million barrels daily in the name of conservation but in fact to preserve the price.

Officials close to the new administration inquiry doubt that the President will do any of these things. Oil producers have built up with care their network of controls to fix prices and regard the removal of any as a threat to their profits.

The inquiry itself is being run by Elmer Bennett, an assistant to the director of the Office of Emergency Preparedness. He is a former under secretary of Interior from the Eisenhower regime who then worked for tightening the new program cutting down imports. As far as can be determined, his current inquiry is something less than rigorous. He has not sent out questionnaires demanding data on prices, costs, supply and profits. Instead he has simply sent companies announcing increases a mild letter. It invites them to submit "pertinent information on gasoline and crude markets, any other factors which led to your pricing decisions, and any analysis you care to provide of the relationship to accomplishing the national security objectives . . ."

When the big companies get around to replying, they are expected to say that higher prices are a good thing (like oil depletion allowances, import quotas, treating foreign royalties as taxes) because they encourage the search for new sources of supply.

Oil specialists in government today fall into two classes. The optimists think that the mere fact that the White House has raised a question will persuade the powers in the industry—notably the Standard Oil Co. of New Jersey—to beat a prudent retreat and withdraw some of the increase. The pessimists think that nothing like this will happen, that the inquiry will perversely wind up exploiting the current rise in "spot" tanker rates and proclaim that cutting off imported supplies has no effect on domestic prices.

NOBEL PRIZE FOR PEACE AWARDED TO DR. NORMAN E. BORLAUG

Mr. MILLER. Mr. President, Americans in general and Iowans in particular were honored last month to have one of our native sons awarded the 1970 Nobel Prize for Peace.

The Peace Prize was awarded to Dr. Norman E. Borlaug, who was reared on an 80-acre farm near Cresco, in northeast Iowa. Dr. Borlaug has been a major force in the green revolution, a revolution not of guns and bullets but one of

peaceful promotion of more and better grains to feed the hungry of the world.

This prize honors both the man and a simple grain—and farmers everywhere as well. Dr. Borlaug credits his success to his farm upbringing and he is proud to be labeled a product of our American farming system.

Too little recognition is given the American farmer who has and is contributing so much to this Nation and to the world. Our farmers too frequently are blamed for every price rise in our grocery stores although they are, in fact, sharing very little, if at all, in that increase. It is too often forgotten that the consumers of our Nation have long benefited from the highest quality, lowest cost food and fiber of any nation in the world.

I think it is about time that our farmers receive the recognition they so richly deserve.

For this reason, I was pleased to see an editorial in the December issue of Farm Journal calling attention to some of the accomplishments of the American farmer. I wholeheartedly endorse the Journal's suggestion that the American farmer deserves an international peace and freedom award for his outstanding accomplishments.

I ask unanimous consent that that editorial, entitled "An Award for You," and an article about Dr. Borlaug from the same issue, entitled "The Wheat Breeder Who Won the Peace Prize," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN AWARD FOR YOU

You and other American farmers can take pride in that Nobel Peace Prize that went to Dr. Norman E. Borlaug, former Iowa farm boy (see article, page 16).

Borlaug received the award for developing high-yielding wheats that have dramatically increased the food supply in countries such as Mexico, India and Pakistan. Due largely to his efforts, his Rockefeller team-mates and the native farmers themselves, India and other countries have been snatched from the brink of starvation.

This is a major contribution to peace—not just peace between countries—but to the peace within a country that comes from having adequate food. If the children and the poor have food, this adds immeasurably to the peaceful stability within a nation.

Borlaug credits his farm upbringing for his success and for having fired his personal mission to help other farmers around the world. "The thing that has meant the most to me is my early experience on a small farm of fewer than 100 acres in northeast Iowa," he tells FARM JOURNAL.

We applaud the decision to give the world's most distinguished peace award to a representative of agriculture—and we're proud to claim Dr. Borlaug as a product of our American farming system and farm community.

We think, too, that all American farmers merit more recognition for what they have done. We believe that you, and every other American farmer and farm family, deserve an appropriate International Peace and Freedom award for these outstanding accomplishments:

For producing the wheat and other food that warded off starvation in India and Pakistan through two years of disastrous crop failures—thus holding the line until Borlaug's new wheats could fill the breach.

For coming to the aid of the free, democratic world in two World Wars and for supplying the food to help our erstwhile enemies regain their feet with dignity and independence, exacting neither territory nor compensation in return.

For taking to new farming ideas with a zeal that is a source of amazement to foreign farm representatives who come here to study the phenomenon and endeavor to transplant it to other lands.

For sharing your farming know-how with one another—and with the world—in an unselfish manner.

For contributing your sons and daughters, your own talents, money and spirit to the Peace Corps, CROP, People-to-People programs and numerous private volunteer groups that help farmers overseas.

For helping develop and run our Land-Grant Universities and Agricultural Extension Services—which are models worldwide for disseminating practical information and developing new agricultural techniques.

For contributing, through heavy exports of low-priced food, more than your share to the U.S. balance-of-payments; thus giving the dollar an integrity it could not otherwise achieve as a world-wide currency which expedites trade and peaceful interchange between nations.

For demonstrating that private property, individual ownership and free markets are unequalled as a means of encouraging production for the satisfaction of man's needs and wants.

For "keeping your cool" when others, with no more provocation, have vowed to dismantle with force democratic institutions designed, through generations of experience, for peaceful change.

For burnishing the democratic reputation of this nation by continuing to make local government work in thousands of townships, counties, school districts and other local government institutions.

For living with Nature, respecting it, and preserving the environment now and for future generations in a manner that is becoming fashionable in other circles.

For increasing your productivity and output faster than any other major economic group—thus cooling the forces of inflation in this nation and contributing to the economic stability of the world.

For supplying the rural countryside with a stabilizing bedrock of social values that has a steadying, healthy influence on the nation during a period of wrenching social upheaval.

For participating in volunteer farm organizations, putting up your own money and running your organizations from the grass-roots in a strong demonstration of self-help.

For providing bountiful food at the lowest relative cost and smallest farm labor force anywhere, thus supplying the foundation that makes this nation a bastion of economic strength capable of aiding distressed people in other lands.

For being advocates of freedom for mankind and for upholding dignity of man.

THE WHEAT BREEDER WHO WON THE PEACE PRIZE

(By Carroll P. Streeter)

You'd like "Norm" Borlaug, as everybody calls him. He was raised on an 80-acre farm in northeast Iowa where his Norweigian family had to scramble for a living. He milked his dad's few scrawny cows before school (and to this day, doesn't like dairy cows—or the water buffaloes of India, either).

His vo-ag teacher was also assistant wrestling coach and got Norm to go to the University of Minnesota to try for the wrestling team there. Norm—slim of hips, quick, always carrying the bout to his adversary—became a Big Ten winner in the 145-lb. class.

He is a wrestler yet, taking on his 23-year-old son (who can now throw him. Norm is 56). He still carries his maroon wrestling tights in his suitcase. He was the only one who stayed warm one night when a party of us visited a spring wheat station in the Himalaya mountains of northern India.

Because he believes in teaching boys how to compete, he organized Little League baseball and leagues for older boys in Mexico City and still coaches a team. "Sports teach boys how to win, how to lose and get up and try again, and how never to quit," he says. And he believes in this for scientists, too.

Borlaug got his bachelor's degree in forestry (his Ph. D. in plant pathology) and for three years was a practicing forester. When he travels around the world today, he pays almost as much attention to the trees as to the wheat.

In 1944 Borlaug went to Mexico as the Rockefeller Foundation wheat man. He has been headquartered there ever since, and for the last five years has been director of the wheat program of CIMMYT, the international agency for the improvement of wheat and corn around the world. CIMMYT is jointly supported by the Rockefeller and Ford Foundations as well as our State Department's Agency for International Development.

The tale of how the "green revolution" happened in the irrigated plains of northern India and in Pakistan—the feat which was largely the basis for the Nobel Prize—reads almost like a detective story.

It really began in 1946 when S. C. Salmon, a scientist assigned to General Douglas MacArthur's Occupation Army in Japan, noticed some curious dwarf wheat—the so-called Norins. When he came back to the United States, he brought seed of five kinds with him.

As reported in the July 1969 FARM JOURNAL, Orville A. Vogel, USDA–ARS scientist stationed at Washington State University, used some of these to produce the famous semi-dwarf wheats of the Pacific Northwest, one of which, *Gaines*, has yielded 216 bu. per acre—a world record.

Borlaug got some of Salmon's and Vogel's shorty wheats, but when he tried to grow them near Mexico City, he lost them to rust. Didn't harvest a thing!

Fortunately, he had saved a few kernels of each, which he took to his test plots at Obregon on the west coast of Mexico. There they grew and "we crossed them with everything we had," he says. After several years and thousands of other crosses, Borlaug's team of scientists got semi-dwarf wheats that would grow well in India and West Pakistan.

Then came the break that Borlaug and his coworkers had been hoping for. In 1965 the governments of India and Pakistan, impressed by the new shorty wheats, sent orders to Mexico for 200 and 250 tons of seed, respectively. Borlaug hustled to round it up—the last ship that could reach India in time for the sowing season was already waiting in the Los Angeles harbor.

All went well until the trucks reached Los Angeles. There they were held up for two days by the riots in Watts. When they finally got through, the wheat couldn't be put on ship because three words were misspelled in the letter of credit.

"To hell with that!" Borlaug shouted into the telephone. "Get it on board and I'll straighten that out somehow." The wheat was hurried onto the ship and it promptly sailed out of the harbor.

While the cargo was in mid-ocean, war broke out between India and Pakistan so the seed was put on separate ships at Singapore, bound for Bombay and Karachi. When planted, it made only half a crop because the trip had damaged the seeds and germination was poor.

Even so, it was far better than anything India had ever seen, so next year the Indian government took a colossal gamble and or-

dered 18,000 tons more of the Mexican wheat—largest seed order ever placed anywhere in the world up to that time.

The Indian plant breeders, agronomists and farmers have taken it from there. In place of the 10 to 12 bu. an acre that Indian farmers were getting less than 10 years ago, yields in northern India now average 60 to 70 and sometimes reach 100 bu. an acre. Which, for spring wheat, is going some.

The semi-dwarf wheats are also revolutionizing wheat farming in other countries—West Pakistan, Nepal, Afghanistan, Iran, Turkey, Tunisia and Morocco. Some shorty wheats from Mexico have come north into parts of the southwestern United States.

But developing new varieties, which gets all the publicity, may not be the most important thing Borlaug and his associates have done. He is proudest of the wheat specialists from around the world he has helped train. Every year, the Foundation brings 20 to 30 young scientists to CIMMYT for a seven-month "crash course" in not only how to breed and select wheat, but how to grow it. Many of the top agronomists in the underdeveloped countries of the world are alumni of Borlaug's training program.

"We deliberately put these fellows through hard, dirty work in the field and keep them out there in 100-degree heat," he explains. "In the first place, that's where they'll learn something. In the second place, we want to toughen them up. They'll have to be tough to survive back home."

Wearing a faded little blue cap, which he must have had for years, he gets out and sweats with them. He believes, literally, in sweat, and he doesn't call it perspiration. "Plants will talk to you if you'll listen," he says, "but they won't shout. You'll never hear them if you stay in an air-conditioned office."

Air-conditioning "damned paper work," bureaucrats and "scientists who want to play everything safe" are four of the things in this world which he scorns most. And it's hard to say in what order he would put them.

When the Rockefeller Foundation's New York office once prodded him for an overdue report, he shot back: "What do you want, paper work or bread?"

As for bureaucrats, he thinks little ones are bad enough. Some do useful work, but many just keep things from getting done.

Concerning scientists: "Too many," he thinks, "especially in the agricultural colleges," are afraid to risk their reputations and chances for promotion by recommending something new. "It's safer to write another paper for a scientific journal." (On the other hand, he thinks there are some mighty good ones. "You can do a lot where there isn't too much ivy on the walls and too much moss on the people.")

"We've got to try for big breakthroughs," he declares. "Farmers in under-developed countries won't pay attention to a 15% gain in yield. You've got to give them 100%. Maybe 200%." (In India, the shorty wheats, together with fertilizers, gave them 700%.)

"In the race between food and exploding population it's late in the game. At the moment we have a time-out. Agricultural scientists have bought these countries maybe 10 to 20 years' time. In the face of what's happening to population, that's only a few seconds."

When Borlaug received the Nobel Prize, he was surprised and, of course, pleased. It carried with it world-wide honor and $78,000. But he isn't stopping to bask in it.

Norm Borlaug is impatient. He knows well enough that the much-heralded "green revolution," while it has staved off the threat of mass starvation in India for the present, is largely confined to the irrigated parts of the country, and to only one-fourth of India's farmers. Three-fourths must farm on whatever rain may fall. What he is trying to tell the world is that we should push forward on a crash basis. Not just for calories, but for protein.

IS PUBLIC OFFICE ONLY FOR THE WEALTHY?

Mr. SYMINGTON. Mr. President, a thoughtful and constructive editorial entitled "A Veto Stands," published in the St. Louis Post-Dispatch of Sunday, November 29, will be of interest to every Senator, regardless of party; therefore I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A VETO STANDS

President Nixon vetoed the bill to limit television and radio broadcasting expenditures by political candidates more than two weeks before the Nov. 3 elections. Between his veto and the balloting, the need for the legislation became even clearer than before, as last-minute TV blitzes were tried all over the country.

So it is a bit difficult to understand the failure of the Senate to override the veto even though a vote of two-thirds of Senators present was required. It is mildly encouraging that the vote fell only four short of the necessary majority—58 to override and 34 to sustain. Mr. Nixon said he vetoed the bill because it discriminated against radio and television; he promised to co-operate in writing legislation covering a wider field.

The vetoed bill may not have been perfect, but it did strike at a situation that gives candidates with heavy financial backing a decided advantage. Television is so potent a sales medium that a person who can dominate it in the closing days of a campaign has an excellent chance of selling himself to the voters; a candidate without funds is out of luck. It just so happens that Republicans generally have more money to spend than Democrats, which accounts for Mr. Nixon's partisan veto.

We doubt whether partisanship can be avoided in this issue, but more than that is involved. A Gallup survey shows that eight in 10 Americans favor a law limiting the amount that can be spent by or for a candidate. The danger is that public office will fall to a wealthy elite, with all that would mean to democracy.

The bill Mr. Nixon vetoed would have been effective for the 1972 elections and we think Senators, particularly Republicans, now have an obligation to pass a strong bill in time to apply to the presidential elections two years hence. A way must be found to stop what could amount to the purchase of political office.

DOWNWARD TREND IN U.S. AIRCRAFT INDUSTRY

Mr. GOLDWATER. Mr. President, I am deeply concerned about the recent downward trend in the Nation's aircraft industry. We have led the world for many years in building superior aircraft for military, commercial, and general aviation. The great strength of this important industry is now being dissipated. The world-leading aircraft industry—that struggled through the depression years—that came of age during World War II—that gave birth to the jet age during the 1950's—that fostered the remarkable, the fantastic achievements in the space age of the sixties—is now faced with military cutbacks, space program curtailment, and slowdown of commercial aircraft orders. Employment has dropped nearly 15 percent in the last 2 years.

Now, with the aircraft industry facing difficult times ahead, there are some who would destroy the most important advancement in commercial aviation since the introduction of jet airliners. I am speaking of the SST, a program that was carefully planned, that has proceeded with due consideration and caution every step of the way. It has been reviewed and approved by three Presidents, 24 congressional committees, and numerous House and Senate debates since 1961. It has passed these tests with flying colors each time. I see no new reasons to stop at this time and surrender to the critics of this vital program. It would be incomprehensible to me to throw away all the good work that has been done for the sake of some bad reasons that opponents of the program have been promoting.

I have studied the SST program carefully. I have reviewed the pros and cons. I have listened to the unsubstantiated theories, the half-truths, the distortions of facts by some critics who appear to be carried away by emotions. In this year of the environment there have been many scare stories expounded, calculated to frighten the masses. Stories of permanent overcasts, of new ice ages, of destroying the protective layer of ozone in the stratosphere so that life on earth would cease. Or of stampeding cattle, shattering windows, interrupting the love life of minks. I am certain that these preposterous fabrications will not happen. However, some of these charges, ridiculous as they may seem, have caused undue concern by the unsuspecting public.

One charge, more mundane but perhaps less understood, is that the Government has no business paying for a program that will benefit the airlines. Opponents say that if the SST is as good as the proponents claim, then why does not the commercial community pay for its development? They innocently ask, why should the taxpayers foot the bill for an airplane that "very few people will ever use?" Let me answer these questions. There are some very sound, substantial answers.

First, the Government has a proper charter to foster advancements in transportation. The Government has been doing this since the early years of our country. We built canals, coastal waterways, railroads, ships, highways and the most advanced, safest airways and airport systems in the world, largely with Government backing. I cannot understand why suddenly opponents of the SST single out this important program to criticize Government support; in fact, managers of urban transportation, STOL, air cushion vehicles, and other new developments in transportation are observing the lessons learned by the SST managers. They see a number of features that may be applicable to future systems.

For instance, the cost of developing a highly technical, sophisticated system

may be too great for one company to handle. This is the case of the SST. The development costs, $1.6 billion total for the Government and industry shares, are twice the size of the total plant assets of the Boeing Co. The risks involved in building the first prototype of a new concept are just too great for any one company to absorb. The French and British recognized this fact with the fully government funded the Concorde program. In this case, it took the combined strength of two countries to promote their supersonic transport. For future transportation systems other than the SST, even with the great free enterprise system of our country, the Government will probably have to step in and help to absorb the risks and the costs of the initial development of major advancements.

Another reason for Government assistance in financing the SST is the long dry spell between expenditure of funds for development to the time of recoupment on production sales. The SST represents an 18-year program from its start in 1960 to the time when airlines will be flying passengers from New York to Paris in 2½ hours. Stockholders do not want to wait that long to see a return on their investments. So the Government must help to finance the development of a nationally important program, and under the terms of the contract the Government will be paid back its investment plus interest when production models are sold.

This brings me to my second point: that is, why taxpayers should foot the bill for an airplane that "very few people will ever use." Let me first correct one misapprehension. Traffic forecasts indicate that as many people will be flying in SST's in 1985 as are flying in the total flights of the whole free world's airliners today. That amounts to 40 million people, which in my estimation is a lot more than a few. Further, the people who do not fly in SST's will also benefit from them indirectly. All Americans will benefit from having a strong aircraft industry, an industry whose product is among the very top export commodities of the country. Last year we exported $2.9 billion more aircraft and aircraft equipment than we imported. This healthy trade balance helps everyone. And the SST is the focal point of the future commercial aircraft product line. It will be the pace setter. If we falter on the SST, rest assured other portions of the aircraft industry will suffer. Last year we imported $1.4 billion more in foreign automobiles than we exported. We must not let this happen to our aircraft industry. We must not give up to the Europeans by defaulting on the SST program.

I shall make one more point on why the Government is involved in the SST program. It is really quite simple. The Government has been involved in most of the significant air transportation advancements. Since World War II the DC–6 and the Constellation were brought along as the result of military procurement programs. The Boeing 707 was developed after the Air Force spent about $2 billion on the B–52. The lessons learned from the KC–135, the subsystems, advanced materials, highly efficient swept wing, control systems—many other military sponsored developments directly assisted the development of jet airliners. Even the 747 development was assisted by the work done by Boeing while competing for the C–5 program.

Now it appears that commercial and military aircraft are following somewhat different approaches and surely the military will gain from the SST developments. But the point still remains: most commercial aircraft advancements have been assisted by Government funding. It follows that it is perfectly proper for the Government to support the SST. In fact, I am convinced that it is vital to the Government to have this important program go forward.

We must continue to keep our strong leadership in world aviation, and the SST is a keystone of the future.

MILITARY INTELLIGENCE

Mr. KENNEDY. Mr. President, the apparently ludicrous and paranoid feeling on the part of young Americans that they are being watched, "tapped," and followed by Government investigators may not be as far fetched as we like to think. Last night, the NBC television show, "First Tuesday," documented a shameful and shocking pattern of investigation and intrigue by U.S. military intelligence agents that flagrantly violates our heritage as a free people.

Military agents in unmarked cars dressed as plainclothesmen reporting the progress of the funeral cortege for the late Dr. Martin Luther King, Jr., in April 1968.

Military intelligence agents urged to infiltrate antiwar organizations, peace protests and other groups legitimately seeking to express their dissent with their Government's Vietnam policy.

Military intelligence agents scanning photos of rallies, memorial services, and other expressions of dissent and then labeling and cataloging all recognizable participants for files whose end use remains highly questionable.

Military intelligence agents urged to use money, liquor or marijuana where necessary to promote the free flow of information concerning names, plans and activities of the antiwar movement during the counter-inaugural in January 1969.

Military intelligence agents taking down the license numbers of all cars that ferried people or food to the gathering place at the tomb of Martin Luther King Jr., in Atlanta, Ga., where marchers stopped briefly in 1968 during the Poor Peoples Campaign.

These actions allegedly ordered by the Department of Defense, paid for by that Department and ultimately by the American taxpayer would appear to contradict the traditional exclusion of the military from our internal political affairs.

Thousands of files, microfilm, electronic walkie-talkies—all of the paraphernalia spies usually employ against an enemy—have been and continue to be used by our Government in what can only be seen as a dangerous threat to American civil liberties.

I want to commend NBC, Sander Vanocur, Tom Pettit, and the other reporters and staff who prepared the segment of "First Tuesday," outlining publicly for this Nation the extent of the military intrusion into our normal lives. I hope that the hearings we are planning in the Constitutional Rights Subcommittee under the chairmanship of the distinguished Senator from North Carolina will produce legislation to strictly limit these military forays into civilian political life.

There can be no free expression, no free association when these restraints are raised against citizens who would speak their point of view. The continued existence of those files at Fort Holabird and the microfilm copies of those files—files on thousands of individuals, whose names and faces are cataloged because they may have had the audacity to walk in a protest march, to sign a petition or to attend a rally—remains like the sword of Damocles hanging over this Nation's civil liberties.

Mr. President, although many of us were aware of the existence of this activity through news stories that appeared at the beginning of the year, and through the work of the Senator from North Carolina (Mr. ERVIN) I believe the "First Tuesday" television show last night for the first time outlines the extent of the military invasion into the privacy of the American citizen. I look forward to the hearings planned by Senator ERVIN to offer the basis for immediate corrective legislation.

Additional information regarding these activities has been reported today in the Washington Evening Star. I ask unanimous consent that the article entitled "Military Agents Used at 1968 Convention" be printed in the RECORD.

The article as well as the television show states that electronic surveillance was carried out during the course of these military operations. I have requested the Secretary of Defense to furnish information concerning when, and under what authority such activities were conducted. I ask unanimous consent that my letter to the Secretary be printed in the RECORD.

Perhaps the most serious allegation of the article refers to the presence and roles of military intelligence agents during the national political conventions in 1968. The threat to our democratic system contained in the involvement of military intelligence agents in the democratic political process must be clearly understood. I hope that our upcoming hearings will fully explore the entire decisionmaking process that prompted the military to send undercover agents to carry out intelligence activities during national political conventions, peaceful protests, and civil rights events.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Dec. 2, 1970]

MILITARY AGENTS USED AT 1968 CONVENTIONS

(By Jared Stout)

Plainclothes military intelligence agents played a questionable—and still secret—surveillance role at the 1968 national conventions that brought them in close contact

with the process of nominating presidential candidates.

An investigation of the Pentagon's little-known but extensive watch kept on civilian dissidents has determined:

A unit of the top-secret Army Security Agency (ASA), normally assigned only to national security communications and foreign electronic surveillance, was deployed in Chicago during the strife-ridden Democratic meeting. The unit reportedly eavesdropped on political headquarters, including that of Sen. Eugene J. McCarthy, D-Minn., as well as protesters.

MINGLED ON FLOORS

Agents of Army, Navy and Air Force military intelligence units mingled on the floors of both the Democratic convention and the Republican convention in Miami Beach with unsuspecting delegates. Their mission was to help the Secret Service guard presidential candidates. But in the opinion of former Atty. Gen. Ramsey Clark, this was a "very unwise use" of military agents in two exclusively civilian political arenas.

Convention leaders and such party officials as the then national chairmen, Democrat John M. Bailey and the GOP's Ray C. Bliss, were never informed of the presence of military agents in their midst. Nor were they made aware of the extent and purpose of the ASA's electronic surveillance activities.

DETAILED REPORTS

Although the secret service denied the military agents were given any orders to spy, each intelligence unit filed detailed reports on what their agents had seen and heard during both conventions. These reports, according to former intelligence analysts, included the identities of persons deemed worthy of watching.

Ramsey Clark, Joseph A. Califano, who was then a top assistant of President Johnson, and Clark M. Clifford, secretary of defense at that time, all said they knew of no orders sending the ASA unit to Chicago.

Under a June 30, 1955, executive order, Clark was required to approve all federal electronic surveillance. But Clark said he gave no such approval to any federal agency, including the military, and turned down repeated requests from the FBI.

EXPLANATION BARRED

How the ASA was sent to Chicago and what plainclothes Pentagon agents did other than guard candidates presently is hidden behind official refusals of the Secret Service and the Department of Defense to go back into security operations at the convention.

One explanation of the Pentagon's sensitivity is the already documented extraordinary use of military agents to keep track of political dissenters. The Army, for example, assigned 1,000 intelligence agents starting in 1965 to this domestic role without informing its civilian bosses.

Indeed, former Defense Secretary Clifford was among those who said recently "I didn't know anything about that." One of Clifford's top Army deputies, who asked not to be identified, said he was unaware of the Army's domestic intelligence apparatus until the fall of 1968.

FIRED OFF MEMO

This deputy, when he did learn of it, said he fired off a memo to his uniformed subordinates saying, "If we're in the domestic intelligence business, we shouldn't be. Get out of it."

The Army's widespread surveillance of civilians—and similar watches by Navy and Air Force units—was under way when the conventions met. This activity was curtailed after the Army's computerized dossier of political dissenters was disclosed publicly in January.

The dossiers included high-ranking retired military officers and elected officials opposed to the Vietnam war.

Currently, the extent of domestic intelligence relating to radical politics and crime are under investigation by Sen. J. Ervin, D-N.C., and his Constitutional Rights subcommittee.

HEARINGS SCHEDULED

The military and the Secret Service are both expected to be called to account for their intelligence operations at subcommittee hearings scheduled for early 1971. Ervin's concern is the impact of these practices on individual privacy, politics and lawful dissent.

As for Pentagon activities, Ervin has said that under this nation's laws and the tradition of democratic rule, "there is no place in our society for the military to keep watch on civilians."

As for the Secret Service, Ervin is concerned the presidential protectors may have overstepped their congressional mandate to also guard presidential candidates by drawing too heavily on military intelligence.

SECRET SERVICE REQUEST

Secret Service spokesman John W. Warner said agents were borrowed from the military because the service had been handed the job of protecting presidential candidates after the June 5, 1968, assassination of Sen. Robert F. Kennedy—and didn't have enough men of its own. The Secret Service at that time had 500 agents.

Acknowledging the Secret Service deployed military agents on the floor at Chicago and Miami Beach, Warner said, "Their presence related only to the security of candidates. They were under our control and filed no 'intelligence' reports to us."

Warner said the borrowed agents had no time to "even take notes if they wanted to. They had their hands full with the security job."

PENTAGON-BASED AGENTS

But Warner could not explain, for example, the Chicago floor duties of three Pentagon-based agents of the Army's Counter-Intelligence Analysis Division (CIAD), one of whom sat near the Illinois delegations unknown even to convention chairman Rep. Carl Albert, D-Okla.

It was learned none of the CIAD men were assigned to candidate security. Their presence was outside the narrow authority Warner cited to justify the military role on the floor. They appeared to have been functioning as observers, but it could not be determined for whom.

The CIAD men could not be connected, for example, with either the 113th Military Intelligence Group (MIG), whose members did candidate security work, or the 5th Military Intelligence Detachment from Ft. Carson, Colo.

DATA FOR TROOPS

The detachment provided data for federal troops on riot stand-by outside Chicago who were from the Carson-based 5th Mechanized Infantry Division.

Warner's explanation also did not cover the assignments of agents like Richard Schaller, a naval intelligence analyst who testified in November 1969 at the "Chicago Seven" trial.

He tape-recorded protest speeches in Chicago's Grant and Lincoln parks during the convention and filed reports on what he observed.

Schaller said he had Secret Service orders to report on the activities of any group or person who may constitute a threat to a candidate. His reports, which were "not required" according to Warner, including the names of protesters and protest groups, Schaller said.

SHARING SYSTEM

There were other conflicts with Warner's description of the military role on the matter of reporting requirements. Since December 1965, the Defense Department and Secret Service have been systematically sharing intelligence related to presidential protection and whatever military agents saw would have been available to the Secret Service.

Moreover, reports filed by agents like Schaller were available to Secret Service, other federal and local law enforcement agencies through the command post they shared in the basement of the international amphitheatre where the Democrats met in Chicago.

In Miami Beach, a similar sharing of intelligence data was organized. Included in the military complement there was the 111th Military Intelligence Group (MIG) whose members worked convention posts until they were sent into nearby Liberty City, Fla. when racial violence flared.

"WE DON'T KNOW"

Warner flatly denied any knowledge of eavesdropping by anyone. He insisted the ASA "did not assist us" in Chicago where, as in Miami Beach, the Secret Service checked candidate headquarters and rooms to assure they were not rigged for illicit eavesdropping.

"We don't know anything about that," Warner said when asked about the ASA presence. Army spokesman Lt. Col. Harry A. Heath said only, "We cannot identify any such activity or unit." Both men refused to discuss details of their operation or ASA involvement any further.

"Hell no, we don't disclose such information to anyone on the outside," Warner said when asked why party leaders weren't told of the military agents among the delegates. He said this protected the integrity of his agency's security plans.

REFERRED TO PENTAGON

Warner declined to answer all questions about the numbers of military agents or the nature of the uints from which they came. He referred the inquiries to the Pentagon. "You'll just have to ask them about those things," he said.

But the Pentagon refused requests to interview the chief lawyer and intelligence chief of the Army, Air Force and Navy. Col. Heath said for the Army general counsel, Robert A. Jordan, for example: "Mr. Jordan does not wish to grant an interview on this subject at this time."

As for Major Gen. Joseph A. McChristian, assistant chief of staff for Army intelligence, Heath said, "We're trying to keep Gen. McChristian out of the interview business these days." He gave no further explanation of the general's unavailability.

NO OFFICIAL ANSWER

The refusals left without the official answer the questions surrounding the scope of military surveillance at both conventions, and under whose authority the Army security agency was operating in the Chicago area.

The ASA is a separate Army command that reports directly to the service's civilian headquarters. Its prime function is the gathering of foreign intelligence by electronic means for the National Security Agency (NSA) and maintaining the security of the Army's worldwide communications network.

The unexplained presence of the ASA in Chicago was first disclosed by SP. 4 Ronald E. Weber. Until September 1969, when he deserted to Canada, he was a visual aids clerk in the secret confines of the ASA's Arlington, Va., headquarters.

Weber's job involved preparing maps and charts for secret briefings and he told newsmen in July that, weeks before the Chicago convention, the ASA planned to move a reconnaissance company from Texas to Chicago.

The company was in place and listening a week before the convention, Weber said. The electronics men were operating from storefronts, rooms and were touring the city in unmarked vans to do the job, he said.

According to Weber, the unit's electronics experts were "listening all day and all night" to radio frequencies, police radio, "certain telephone communications" and short-wave radio bands. Their hope was to learn the plans of protesters.

When trouble started in Chicago, Weber said the ASA experts "received and threw back to us in Washington read-outs on what was going on." As he stood duty in the ASA war room, one Chicago message in particular caught Weber's eye.

"One report was actually a read-out correlation of these different reports as to a by-play between some of Sen. McCarthy's workers, and actually an intercept recorded message to Senator McCarthy himself," Weber said.

Sen. McCarthy, when queried about this, said he was unaware of an intercept, but, "we just sort of assumed it (eavesdropping) was going on."

Weber said the intercepted messages concerned medical aid for protesters who, during the Chicago turmoil, used the McCarthy hotel rooms for a makeshift aid station. The rooms were checked and declared free of listening devices by Secret Service, McCarthy said.

Weber said the intercepted messages, including the McCarthy report and others, were classified by the ASA and "became compartmented," jargon for a top-security classification that makes a document available only to persons on a list accompanying it.

None of the flood of material Weber said he saw coming in from ASA in Chicago ever went back for use by riot-ready troops there, which added further to the mystery of why it was gathered. It all went to the Pentagon, he said. "I never saw it again."

Weber's placement of the ASA in Chicago was confirmed by two other sources, first by one of his former supervisors and then by a former Secret Service agent familiar with the Chicago convention security. Neither man would permit the use of his name.

The supervisor said the ASA was there but declined to elaborate on its role. "That's classified and I could get 10 years and $20,000 if I talked," he said. But he said Weber had both access to the reports he cited and was accurate in his recollections.

SOURCE UNKNOWN

The former Secret Service man knew nothing of Weber personally. But he insisted Weber's version of ASA's role was incorrect. The ex-agent said, "The ASA was there (in Chicago) to help the Secret Service protect against the use of electronic surveillance against candidates."

The agent did not know who had given the order sending ASA to Chicago, or what authority had been used. But he believed his former superiors had, despite denials, asked for and received the aid of ASA expertise. "The service has used their experts for some time," he said.

But neither this agent nor a fellow investigator from another branch of the Treasury Department could say whether the ASA activities were a part of other governmental eaves-dropping in Chicago, which they said was "common knowledge to many of us."

DECEMBER 2, 1970.

Hon. MELVIN LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: Last night the "First Tuesday" reported military intelligence investigations carried on over the past several years into a variety of anti-war and civil rights activities. I am concerned about the threats to the rights of American citizens to engage in peaceful protest as guaranteed by the Constitution.

I would particularly appreciate learning if the intelligence units of the Army, Navy or Air Force carried out any electronic surveillance during the course of these intelligence activities. If such surveillance was used, I would appreciate knowing when and under what authority. Was the Attorney General ever informed of such activities?

I also would appreciate learning if the military intelligence units had access to information obtained through electronic surveillance by other government agencies.

Thank you for your attention.

Sincerely,

EDWARD M. KENNEDY.

THE SON TAY PRISONERS-OF-WAR RAID

Mr. GURNEY. Mr. President, I have been very much distressed by the wave of criticism that has followed the disclosure of attempts by our Government to recover and release American prisoners of war held in captivity by the North Vietnamese. I speak of criticism in the press, in our committees, and in this Chamber.

The Washington Post editorialized about the Son Tay mission:

> Contrary to a statement by Secretary Laird, the raid at Son Tay may not even be the first attempt that failed. It is, however, the first attempt to turn a failure into an attribute, to argue that such a fiasco somehow demonstrates at last that the country cares about its prisoners, and to suggest that there is something unique about this administration's concern . . .

Well, there are several things to be said about this, and the first is, of course, that the Nixon administration has nothing—and perhaps somewhat less than nothing—to show for its display of concern.

That is a very harsh criticism and, in my judgment, it is a very unfair criticism.

The raid was not a "fiasco." There was nothing comical or laughable about it. It was not a joke, as some of the members of the audience at the Foreign Relations Committee perceived it. To my way of thinking, it was a bold courageous strike. It was executed with precision, verve, and daring. Since the summer, volunteers have been specially trained for this mission at Eglin Air Force Base, in Florida, and at other bases around the country, the camp at Son Tay was only about 23 miles west of Hanoi. The force came undetected through one of the most sophisticated radar protective systems in existence, and came unscathed through an area as heavily protected by antiaircraft missiles as any spot on the face of the earth. The men landed, attacked the installation, and pulled out without losing a man.

To be sure, the mission was abortive: the American POW's we expected to free at Son Tay had been moved. We found the site deserted. We did not gain what we had hoped to gain: the release of our men.

The mission was far from being a "fiasco," as the Washington Post would have us believe. The attempt to rescue our men was fully justified. We should have done it. It was not a "hairbrained scheme" or a "John Wayne" scenario: it was a rational and a brave effort to do a good thing—effect the release of some of our prisoners of war.

Throughout this long and tragic war, we have continually listened to the advice and heeded the counsel of the domestic critics of the war.

We were told that if only we ceased the bombing of North Vietnam, peace would follow as day follows night. Beginning in March 1968, we ceased the bombing of the north. Peace has not come.

We were told that if only we could get the South Vietnamese to agree to meet with North Vietnam and the National Liberation Front—NLF—and Vietcong, peace would come. South Vietnam has agreed. Peace has not come.

We were told that if only formal negotiations could be started, peace would follow. We have been engaged in formal negotiation with the North Vietnamese and the NLF in Paris for more than 2 years. Peace, as we know, has not come.

We were told that if we could get agreement for free elections in South Vietnam, where the NLF could participate, peace would immediately follow. We have such an offer on the table at Paris, and peace has not come.

As the American participation in the fighting in Vietnam has diminished, the demands of the critics of the war have escalated.

One by one, the demands of the critics of the war have been met, and at each stage the North Vietnamese have remained intransigent. Each new concession by the South Vietnamese and by our Government has been rebuffed by Hanoi. The promises of the critics of the war have proven all too hollow. And now we have the ultimate demand: Complete and immediate unilateral withdrawal by the United States. On this, the domestic critics and the government of Hanoi seem to be agreed.

Mr. President, I think I understand the frustration and the irritation of the American people with this tragic war. What I do not understand is the notion advanced by large segments of the American intellectual community and by the domestic critics of the war, in and out of the Senate, that the fault for the continuation of the war rests entirely and exclusively with the United States. The fault does not lie with the United States. The responsibility for the continuation of the war rests with Hanoi. We have made, over a period of years, enormous concessions—first to bring Hanoi to the bargaining table and then in our attempts to get Hanoi off center. Our hope was to encourage meaningful negotiations. We can all agree that the Paris talks have been anything but meaningful. They are in fact a quagmire into which we have voluntarily proceeded.

Recognizing that the North Vietnamese have stalled these talks and intend in all probability to continue to stall, the administration has sought by the Vietnamization process and by troop withdrawals to extricate American men from the fighting in Vietnam. Given the situation as it exists, I support that course. But, again, I repeat that I reject the notion that America is to blame for the continuation of the war. We are not. We are trying to end it.

We have listened to the critics of the war, and they have misled us. What they so glibly promised has not come to pass. The critics have proven to be very bad

critics, very poor prophets. I would be the first to own up to the blunders we as a nation committed in Southeast Asia—they have been many and they have been serious. The critics of the war have no such humility. When their proposals for ending the war have successively proved to be wrong, they have not acknowledged error. Instead, they have pressed ahead, urging greater and greater concessions, retreat after retreat, all the while proclaiming their own infallibility. They are wrong, Mr. President; they have demonstrated again and again the weakness of their prophetic powers. And now they seek to ridicule and poke fun at the most recent attempt to rescue our own men.

Since the war began, we have recovered only nine of the Americans taken prisoner. God only knows how many Americans are in Hanoi's hands. We have, as Secretary Laird mentioned in his testimony yesterday, offered to exchange more than 35,000 Vietcong and North Vietnamese prisoners in our custody for the approximately 3,000 American and South Vietnamese prisoners we think are being held by Hanoi. It is as Secretary Laird said, a fair and honorable offer. It was been rebuffed as we all know. Is it sinful or stupid to try to effect the release of some of these captives as we did at Son Tay? Of course it is not.

As Secretary Laird said yesterday:

> If this country is willing to abandon its men to death and captivity, we have truly lost our national morality.

That is not a pietistic piece of nonsense: That is a simple and elementary truth. This mission, taken in its entirety, owning up to its risks, its failure, its implications, deserves our praise, not our scorn.

TIMOTHY BLECK

Mr. EAGLETON. Mr. President, I wish to pay tribute to Timothy Bleck, a fine person and a good friend, who died unexpectedly on November 14, 1970.

It is always a tragedy when a good man dies, for something worthwhile has been taken from the world. But the death of Tim Bleck was doubly tragic because he was only 30 years old, and the high promise of his future, which was quite obvious to all who knew him, will never be fulfilled.

It is also tragic that his three children, who are quite young, will never have the opportunity of knowing their father as they grow up, for he was bright, and kind, and generous, and above all he was genuine.

Tim cared, and the fact that he did was evident in his work. He had been a Washington correspondent for the St. Louis Post-Dispatch for nearly 2 years before his death. He worked before that for the Post-Dispatch in St. Louis, and before that for newspapers in Ohio. His fields were civil rights and the peace movement.

Human rights, peace, and life—these were the things he was most concerned with, not only professionally but also personally. His sensitivity gave to his stories an added meaning and dimension. He could reveal our often woeful shortcomings in delivering the promises of this Land of Promise in a way that made you cry out for change, and he could write about the hopeful developments in a way that made you feel proud no matter how gloomy your day had been otherwise.

His death was a terrible shock. While we all knew he had hepatitis, we had all thought he was going to get well. It is such a shame, such a waste that he did not. He was rising with well-deserved speed in the journalism profession. He would have made his mark, for he had much to offer. His death is a loss not only to his family and friends, but to all of us in this body, whose work he sometimes covered, as well.

PROBLEMS CONFRONTING COPPER INDUSTRY

Mr. GOLDWATER. Mr. President, recently George Munroe, president of Phelps Dodge Corp., whose large mines are in Arizona, made an excellent address to the Arizona Bankers Association outlining some of the problems that he sees confronting the copper industry.

Arizona produces 52 percent of the copper produced in America, so naturally we have a great interest in what happens to this industry at all times.

Because I think his remarks are pertinent and to the point and would be of interest, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY GEORGE B. MUNROE

Ladies and Gentlemen: I'm going to talk to you this morning about the outlook for copper over the next several years—a subject which obviously is of interest to me and to Phelps Dodge Corporation. By virtue of Arizona's pre-eminence as a copper producing state, it is also a subect of considerable importance to Arizona.

Everyone here today, I'm sure, is aware that copper is a major industry in Arizona Let me give you just a few figures. In 1969, Arizona mines produced a little over 800,000 tons of copper, which was more than half of all the copper mined in this country, and 15% of the total production of the non-Communist world. Not only does no other state in the union come close to Arizona in copper mining, but Arizona's 1969 production was not equaled by any other country in the free world. Zambia and Chile, both very important sources of copper, may receive more attention from both the copper marketing fraternity and the financial world, but the proper ranking of copper producing states in 1969 is: Arizona—first; Zambia—second; Chile—third.

Arizona's top ranking will be challenged over the next few years. Chile has a major effort under way to expand her production and, if all these projects come in on schedule, very shortly Chile will squeeze by Arizona to become number one. Whether Chile can in fact achieve this remains to be seen; Arizona's production is also growing, and it is hard to judge what impact Chile's new Marxist government may have on its projected copper expansion.

The contributions that copper mining makes to the Arizona economy are massive. The mines are big consumers of equipment, fuel and supplies, and last year they spent over $137,000,000 in Arizona for such items. They also contribute large tax revenues to the State, cities, counties and school districts—more than $44,000,000 in 1969.

Mining is a capital-intensive, rather than a labor-intensive, industry. Even so, Arizona's copper industry provides direct employment for nearly 20,000 people, and aggregate wages, salaries and fringe benefits paid to Arizona copper employees last year amounted to nearly $200,000,000.

As for capital expenditures by Arizona mines, here are a few examples: the cost of developing the new Duval Sierrita mine, which began production this year, was in excess of $160,000,000; during the same period, Anaconda brought in its Twin Buttes property at a cost of some $200,000,000. We anticipate that Phelps Dodge's new Metcalf mine, now under development near Morenci, will cost in excess of $150,000,000. And the expansion of Magma's San Manuel mine currently under way has been announced as costing at least $200,000,000.

What this all adds up to is that Arizona is important to copper, copper is important to Arizona, and the outlook for copper should thus be of interest to us all. I will discuss this in terms of where copper stands today, what the near-term prospects are, and finally the longer range outlook.

As many of you are aware, copper has been in a state of short supply on a world-wide basis for almost all of the past seven years. But perhaps some of you have forgotten that this seven year shortage followed on the heels of seven years of rather lean business for the copper industry, with an excess of supply and with most of the world's mines operating on a curtailed basis. The recent shortage was caused by sharply increased civilian and military demands for copper in the middle 1960's, and by adverse effects on production resulting from political disturbances and strikes abroad and, particularly, by the long strikes which shut down virtually all domestic copper production for more than eight months in 1967–1968. We estimate that almost one million tons of production were lost because of the U.S. strikes.

From 1965 to 1970, dislocations in the copper market were also caused by the fact that, during that period, most of the newly mined copper produced in this country was sold at prices substantially lower than the prices at which copper from other sources—scrap, imports and some domestic mine production—was sold. This gap in prices—which at times was as large as 25–30¢ a pound—was primarily caused by a decision of the Federal Administration in 1965 to exert sufficient pressure on certain domestic producers to prevent them from keeping their prices in a reasonable relationship with other copper prices.

Both of these problems of the late '60's—a short supply of copper and an artificially distorted pricing situation—have now disappeared. During 1969 the copper price charged by the major domestic producers rose steadily from 42¢ a pound, and reached a high of 60¢ in April of this year. At that time the London Metal Exchange price, which sets the price of foreign-mined copper, and the merchants' price in this country, were in the 79–80¢ range. Since then these outside market prices have dropped sharply, and are about 50¢ a pound today. Reflecting this decline, the U.S. producers' price was reduced to 56¢ late in October.

It seems clear that, barring further major interruptions of production, the long copper shortage is over. This has resulted in part from a steadily increasing growth of productive capacity throughout the world, and in part from the general business slowdown in this country and the slowing of economic growth rates in some European countries and Japan. As an illustration of the increase in capacity, the total capacity of all domestic mines which stood roughly at 1,390,000 tons of copper at the start of 1964, today is nearly

1,850,000 tons. The proportionate increase abroad has been considerably greater.

As a result the outlook for copper users as we start the decade of the 1970's is good. The prospect is for ample availability, as projects for the opening of new mines and the expansion of existing ones reach the production stage. Because of the long lead time involved in bringing in new mines—three to five years or more—we already have a pretty good handle on probable increases in productive capacity over the next four years, and it appears that free world mine capacity will grow during that period at an average annual rate of 7%. This is considerably higher than the historical average growth rate of productive capacity. It is also higher than the historical rate of increase in consumption, which in the post-World War II era has averaged about 4½% a year.

We anticipate that the demand for copper will continue to grow at approximately this historical rate—I suppose because we're always inclined to assume that what has happened will continue to happen until there is some evidence of change. Of course the long period of short supply and high prices has given impetus to efforts to substitute other materials for copper, but substitution has been occurring more or less constantly for years and nevertheless copper usage has continued to grow.

For copper producers and those affected by the success of copper producers, the story is a little different. If production should increase at a 7% rate over the next several years, and consumption at 4½%, a growing excess of supply over demand would develop. A projection based on past consumption trends (and 1970 is not likely to be up to that trend) would indicate that by 1974 anticipated free world production—after allowing for "normal" losses due to strikes, political disturbances and accidents—would exceed projected consumption by some 12%. While that should not be an unmanageable excess—perhaps no more than is desirable to assure consumers of the adequacy of supplies—I don't think any of us knows how the problem will be met under current circumstances. In past times of surplus, as I indicated earlier, production was cut back at many of the world's mines, including most of the important foreign mines. Today the marketing and production policies of many of the important foreign mines are being set by foreign governments and how they will react I think no one knows.

Aside from this threat of overcapacity, what are our problems? Perhaps I ought to mention at least two, both of which could affect our production estimates in an important way. (1) As you may know, labor contracts at most of the domestic mines expire in mid-1971. It is too soon to know whether another strike is likely at that time. Even though it would be a tragedy for all concerned we certainly cannot rule out such a strike—although it is true that long strikes have not usually occurred in successive negotiations.

(2) The second problem which can't be factored into our calculations is the possibility of substantial reduction of domestic copper production which can result if air quality laws require copper smelters to achieve emissions controls beyond what is technically and economically feasible. This is a difficult problem; let me take a few minutes to outline it for you, in terms of Phelps Dodge smelters and Arizona law—I don't think the situation is substantially different in any other copper area of the country.

Almost all copper mined in Arizona—or elsewhere—must be smelted during its transition from ore to a commercially-saleable product. Although probably every major copper company, including Phelps Dodge, has research programs looking for ways to replace smelting, it does not appear likely to me that any alternatives we may come up with will be ready for large scale use for at least the next several years.

Smelting is a process for separating copper from other materials in the ore. A principal component of most copper ore mined in Arizona is sulfur, and it is separated from copper during smelting by converting it into sulfur oxide gases. It is these sulphur oxides that are the root of our trouble. Since smelting was invented, these oxides have been disposed of by allowing them to escape into the atmosphere.

Arizona law, put into effect this last summer, requires smelters to remove 90% of all sulfur contained in the smelter feed, and permits each smelter which doesn't meet that standard to operate on a year to year basis for no more than the next four years, provided that it has a program under way to bring it into compliance by the end of the period.

I'm not going to reopen here the issue of whether 90% sulfur removal is necessary or reasonable—we feel that it is not, but it's the law now, and Phelps Dodge is going to make every effort to comply. I think the same is true as to the other copper smelting companies in the state. But I have to tell you that 90% sulfur removal is a very difficult target, especially for copper smelters treating the volume and type of materials that Arizona smelters treat.

In brief, here is what Phelps Dodge is doing. We're making our start at Ajo, where we are constructing two plants. One will make sulfuric acid from the sulfur oxide gases. The other is somewhat experimental. It involves a process which I don't think has ever before been used at a copper smelter (although it has been used on a limited scale with other types of ore), but by which we hope to overcome what has always been one of the major problems in sulfur recovery—the fact that the emissions from the reverberatory side of the smelter are so dilute in their content as to frustrate attempts to recover the sulfur. This plant is designed to remove those sulfur oxides by absorption, and upgrade them for feeding to the acid plant or to a plant to make elemental sulfur. It is essential that a process for recovering elemental sulfur be developed, because surveys indicate that if Arizona smelters all convert their sulfur oxides to sulfuric acid, we'll be making much more than we can even give away. That is why Phelps Dodge is participating in two elemental sulfur research projects, one of which, a joint program with American Smelting and Refining Company, is in the pilot plant stage.

In the meantime, the Ajo acid plant and absorption plant are being built. We estimate their cost, including related particulate removal facilities, at $25,000,000. At our other two smelters—at Morenci and Douglas—our compliance programs will be much more costly, and may involve modifications of the smelting process itself. At these smelters we're now doing the design work and installation of improved smoke-collecting equipment and installing additional electrostatic precipitators to capture virtually all particulate matter from the smoke. When this is done, we'll be ready to take a look at the Ajo plant results, our elemental sulfur recovery research projects, and whatever anyone else may come up with that looks better—this is an area of great research activity—and put in the process and equipment that promise to do the best job.

The cost of the Phelps Dodge smoke abatement program is going to be very large—probably more than $100,000,000 over the next several years (in addition to nearly $50,000,000 already spent or appropriated), and it's going to require more money than the company can generate internally.

Now I would like to comment briefly on the outlook for the longer term—say to the end of the century. As to demand, there is nothing ahead that we now see that would impair copper's role as a raw material of basic importance to economic development. Projections for refined copper demand in this country alone in the year 2000 range from a low of 6,000,000 tons to a high of 7,800,000 tons. The low estimate is nearly three times the current domestic consumption level.

It is true that projections such as these assume an ever-increasing population. But even if we were to have zero population growth, I would expect to see a continuing substantial growth in the need for copper. There are many citizens of our country living far below a reasonable level of comfort, and copper—because of its importance in a wide variety of basic products—is a vital material for improving their living standards. When one considers the needs of the rest of the world, of course, it is clear that demand for copper abroad will increase at an even greater rate than domestic demand.

Fortunately, there is enough copper available for development to satisfy any foreseeable future demand—assuming a price high enough to justify development. Of course, the mere existence of the ore bodies does not assure that the needed copper will be forthcoming. The development of ore reserves involves very large, and ever increasing, amounts of capital, which in itself, in these days of tight and expensive money, operates as a limiting factor to some extent. In addition, some of the deposits involve major technological problems. However, given the demand and a satisfactory price level, it is safe to assume that the necessary capital and technological resources will be forthcoming. The remaining impediment to expansion of the world supply of copper lies largely outside the control of producing companies, namely, the role of government.

The impact of governmental policies on the copper producing industry has grown tremendously in recent years. Nationalization of mines in the Congo, Zambia and Chile are the most obvious example. It remains to be seen what effect these nationalization actions will have on the future output of copper in those areas. I think we can safely assume that it will not result in any reduction of the historic production rates in those countries. For example, production in the Congo in 1960, the year it became independent, was 333,000 tons. In succeeding years, even when fighting was raging in the Katanga copper belt, production never dropped more than 10% below that level. In 1967, when the mines were nationalized, production was 354,000 tons, and last year it was 400,000 tons—20% higher than in 1960. On the other hand, it may well be true that production has expanded at a slower rate under nationalization than would have been the case otherwise—although this cannot be proven with certainty.

The mining policies of Peru, the fourth largest copper producer among the underdeveloped countries, are currently undergoing rapid changes and have not yet stabilized. I would not try to speculate on where they will end up, nor what the effect will be on development of the copper producing potential of that country. A firming of policy in the direction indicated by recent statements and actions of the Peruvian government could greatly retard the development of these resources.

But it is not only in the underdeveloped countries that governmental policy will have a major bearing on the development of new copper mines. Almost all of the deposits planned for development in Canada, and by which she is expected to pass Zambia to become the world's third largest copper producer, are quite low grade deposits. Their development will depend in large measure on future Canadian and provincial legislation relating to taxation, requirements for processing and sale in Canada, etc. If some of the provisions

which have been proposed are enacted, it is likely that development of properties of this type will be inhibited.

Finally, in our own country, governmental action also will have an important bearing on the development of future copper supplies. This includes such things as access to the public domain for exploration, taxation and other matters, as well as the important factor already mentioned—what sort of restrictions may be placed on the industry in the environmental area.

At present, U. S. government activities that affect the mining industry suffer from lack of direction and can often work at cross-purposes. This is by no means unique to our industry, but it is a matter for concern when the lack of a clear policy and approach involves the raw materials on which, ultimately, the rest of the economy is based. In contrast, the governments of Japan and Germany, our major industrial rivals despite their weaker domestic raw materials positions, have developed and are implementing policies to assure they will have what they need to meet future requirements. For example, a number of the new mines in Canada, as well as in many other parts of the world, are being developed with Japanese money, and the copper will be produced for Japanese use.

Our own government policies may be changing for the better. A bill to establish a national minerals policy in support of the development of minerals resources has passed both houses of Congress and, if differences between the two bills can be worked out, may be adopted. Moreover, Secretary of Commerce Stans recently announced that President Nixon has authorized creating a new National Industrial Materials Commission, to be managed jointly by the Departments of Interior and Commerce. The Commission will analyze our needs and supplies of minerals through the end of the 20th century, and I am hopeful that a constructive government policy will result from the Commission's study.

In summation, then, the future of the copper industry looks reasonably good, despite a few clouds on the horizon. There is little doubt that this useful metal will be needed in growing quantities in the years to come, and I believe very strongly in the power of effective demand to evoke the supplies necessary to satisfy it. It does appear, however, that future governmental policies in the various countries where copper is found will exert a large influence on where the new mines which will be needed in the future will be developed.

As for Arizona: Chile may, or may not, pass us as the world's largest producing state, but I believe that, assuming a continued favorable climate for the massive capital investments needed for modern mining development, Arizona will continue to be a very major factor in the copper world, for at least as far into the future as I dare to look, and, hopefully, for very much longer than that.

Thank you.

A POLLUTION-FREE ENVIRONMENT IS THE RIGHT OF ALL MEN

Mr. PROXMIRE. Mr. President, I have spoken consistently before this body for the cause of the basic rights of man. I am hopeful that we will soon take the necessary action to ratify the Genocide Convention, which the Senate Foreign Relations Committee recently reported to the floor.

However, today, I should like to address my comments to another basic issue confronting America this week.

This issue is the very future of our environment.

Every man, woman, and child is entitled to an environment that is clear of air, water, and other forms of pollution. All of us are aware of the steps that have been taken in recent years to curb pollution. These must continue, as the battle to protect our environment has not been won.

Continued development of the SST would represent a setback for these efforts. Until the conflicting evidence concerning the effects of this plane on the environment are resolved, we should not take the risk of further endangering the right of every man to a clean, pollution-free environment. To do so would be an infringement on the basic right of every man, woman, and child to live and work in a clean atmosphere.

Thus, I urge the Senate to delete the appropriation for the SST from the appropriation bill of the Department of Transportation. Such action by the Senate would uphold the basic right of all men to live in a pollution-free environment.

Such action on the SST, coupled with ratification of the Genocide Convention, would show the entire world that our ultimate concern is that all mankind should be guaranteed certain basic rights, including the right to live in a clean environment and freedom from the fear of the crime of genocide.

THE PRESIDENT'S WELFARE REFORM PACKAGE

Mr. PEARSON. Mr. President, as we near the end of this session of Congress, it is apparent that many important bills will not become law. From the tide of proposed legislation only a few measures will trickle through the sifting process of sponsorship, hearings, agency comments, committee executive sessions, floor debate, House-Senate conference, approval of conference report, Presidential signature, and, in the case of a veto, congressional override.

Among the bills which may not be approved are the President's welfare reform package, legislation dealing with consumer protection, drug control, foreign trade, and many other important matters including S. 1575, the Regulation of Trade in Drugs Act, known as the Hart bill.

Mr. President, critics have accused several Senators of conspiring to forestall the passage of S. 1575 by refusing to attend executive sessions of the Committee on Commerce if the bill were placed on the agenda. I wish to assure the Senate that no such "boycott" has ever been suggested to me in my 8 years in the Senate.

Further, I wish to make the record clear. For that reason I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter of reply that I have sent to Mr. John L. Rose, editor of the Journal of Kansas Pharmacy.

Mr. President, I remain convinced that the pharmacists of my State prefer to work in a spirit of cooperation and fair-mindedness. They are persuaded only by fact. It is in that spirit that I submit the letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 20, 1970.

Mr. JOHN L. ROSE,
Editor, Journal of Kansas Pharmacy,
Topeka, Kans.

DEAR MR. ROSE: Your recent editorial attacked me on the grounds that I allegedly joined other Republican Members of the Senate Commerce Committee in some sort of mysterious conspiracy which refused to attend Committee meetings unless S. 1575 (the Hart Bill) were removed from the agenda.

Your charge is absolutely, unequivocally false.

In my eight years in the United States Senate, no Member, Republican or Democrat, has ever urged me to boycott a committee meeting.

Moreover, my study of Commerce Committee records indicates that S. 1575 has never been on the Committee Executive Session agenda—or even on an tentative agenda since its referral to the Committee on March 17, 1969.

You charge that Republican Members, by their absence, have killed this legislation. Not only would such behavior be instantly noticed in the public media, but such strategy simply would not work. Because Democratic Senators enjoy 11 to 8 majority on the Commerce Committee, they may favorably report out any bill they wish, whether a single Republican is present or not, since 11 Senators constitute a quorum enabling the Committee to do business.

S. 1575 is not dead, despite your obituary. It may well be considered before this Congress adjourns. It likely will be reintroduced in the next Congress—as would have been necessary even if it had passed the Senate because this bill has not progressed in the House of Representatives. Indeed, no hearings have been held, or even scheduled, in the appropriate House committee during this Congress.

For myself, I have supported this legislation and will continue to do so, subject to my concern for the need to accommodate the problems of sparsely populated areas of Kansas and the naticn where the nearest pharmacy may be many miles from a country doctor and his patients.

My interest in this bill is shown by the fact that I attended both days of hearings on this legislation June 16 and 17, 1970.

My attendance at Commerce Committee meetings, as the record indicates, is one of the best of any member of either Party. And, since I am informed that every other Republican Committee Member was similarly editorially attacked in hs home state, I must add that only rarely during the last two months preceding the recent elections has the Committee been able to obtain a quorum because of the chronic absences of six campaigning Democratic Senators, including Senator Hart. Only two Republican Members, if we must be partisan, were campaigning for reelection.

You charge that, after a recent phone call to my office, it became obvious to you that no one here had read the bill. Unfortunately, Mr. Rose, your call was misdirected to a man who had joined my staff only two weeks before and who was not only unfamiliar with legislation, but was handling press matters. My representative on the Commerce Committee staff and I have, however, read and studied this bill, as well as statements, memoranda and arguments dealing with it.

To the point, Mr. Rose, let me tell you what has really happened: (1) every Republican Senator on the Commerce Committee was recently attacked in print by pharmacy spokesmen in his home state; (2) this orchestrated assault occurred just before the recent elections. This is no mere coincidence.

With the experience of several years in the Senate, it is clear to me that you and your counterparts in other states have relied on the word of a Washington lobbyist who, perhaps because of the frustration that this bill has not won Congressional approval, was inclined to stretch the facts so as to reflect favorably on his presumably hard work and expense account.

In summary, these pressure tactics endanger reasonable legislation—now and for the future. S. 1575, the Regulation of Trade and Drugs Act—even though I have received more mail in opposition than in support of it—is a just cause which has my support.

Only the unfairness, the distortion of fact and the bitter rhetoric of you and your Association, all too common on the political scene today, can permanently seal the doom of S. 1575.

Your consideration of the facts is personally appreciated.

Very truly yours,

JAMES B. PEARSON,
U.S. Senator.

FEDERAL-STATE PARTNERSHIP IN REGULATION OF AIR CARRIERS

Mr. CANNON. Mr. President, recently Robert T. Murphy, a member of the Civil Aeronautics Board, and incidentally a former Senate aide, addressed the 82d Annual Convention of the National Association of Regulatory Utility Commissioners in Las Vegas, Nev.

His subject was: "What Kind of Federal-State Partnership Should We Have in the Regulation of Air Carriers?" He pointed out that the key word was "partnership" and that the existing relationship was working out very well.

His address is important and interesting, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE ROBERT T. MURPHY

It is an honor for me to appear in the company of distinguished speakers who are addressing you from this rostrum during the four days of your Eighty-second Annual Convention. From the program, it is apparent that your able legal and administrative duo, Rodgers and Kreeger, have succeeded once again in structuring a notable agenda of provocative regulatory topics.

In view of the short time available, let me turn promptly to the subject that I have been assigned to discuss. The question is, "What Kind of Federal-State Partnership Should We Have in the Regulation of Air Carriers?" After touching on the nature of our relationship I propose to treat briefly the one area in which some problems have arisen.

The key word is "partnership." At the outset I would like to make clear that while there may be major policy disagreements and jurisdictional conflicts between state and Federal regulatory agencies in other fields, I believe that the conflicts between the Civil Aeronautics Board and state aviation regulatory commissions are minimal. I am proud to say that there is, in fact, a true working partnership between you and us in the regulation of the air carriers. This smooth-working relationship is the result of two things; first, the wisdom on the part of those who drafted our respective statutes and second, mutual understanding and forebearance on the part of the people who administer those statutes.

In the course of my participation in 40 separate international route negotiations between the United States and 21 different nations during the past nine years, one thing has impressed me most strongly. That is the comparative genius of our system of air carrier regulation. In Europe and elsewhere in the world, many small nations are required to struggle and bargain painstakingly among themselves each time before air services can be inaugurated to connect points in their respective territories. No central authority exists to determine if the public interest requires a service and whether it should be authorized. All commercial rights must be separately negotiated. Here in the United States, however, there are no such local barriers to the free movement of commercial aircraft back and forth across our vast land. No artificial protection or local preferences are granted by any particular city or state to the airlines based in that city or state to the detriment of the general public and the air transport system as a whole. This great air travel market with its integrated route system and the air transport industry which effectively serves it is the envy of the world.

One can only marvel at the wisdom of the Founding Fathers of this country who had the foresight to invest the constitutional responsibility for the regulation of interstate commerce in the Federal Government—specifically in the Congress of the United States. It is almost as though they foresaw the airplane and its ability to operate in complete disregard of state boundaries and as if they knew that a single body would be needed in the public interest to prevent local barriers from restraining its free movement.

Although Congress has delegated responsibility to the Civil Aeronautics Board for the economic regulation of our carriers in interstate air transportation, as that term is defined in the Federal Aviation Act of 1958, the states and state regulatory commissions are by no means excluded from the process. As an arm of Congress, our agency is extremely sensitive and responsive to the views and wishes of state and civic bodies across the country. When you speak we listen and you speak to us loud and clear through the competent and knowledgeable counsel whom you send to Washington to participate in our proceedings. When these men appear before our examiners with their batteries of statistics and experts and at oral argument before the Board, you can be assured that they are most persuasive and effective. My four associates on the Board and I give the most serious consideration to their expressions of the will of the states, the aeronautical commissions and the cities. We recognize them as experts on the singular needs of their areas for service and on the impact of various rate actions, carrier mergers, and other types of economic action upon their communities.

But the dialogue between the Board and the states is not narrowly confined to formal proceedings alone. The Board has established another effective and articulate avenue of communicating with the civic bodies. I am referring to our Office of Community and Congressional Relations under the able direction of John Dregge. In my view, Colonel Dregge has served a most important public purpose in his constant visits to and informal communications with the local communities as a spokesman for the Board. He has been a most effective intermediary between our agency and the states. I am sure that many of you in aviation know from practical experience of his unique ability to bring the thinking of the Board and the communities together, eliminate disagreements and promote mutual understanding and accord.

Probably the chief area today for cooperation between the Civil Aeronautics Board and the state regulatory commissions is the maintenance of service to small communities, particularly by the local service carriers.

We recognize, of course, the responsibilities for air service within your states which your legislatures have imposed on you, and we can readily appreciate the concern which you feel over the impact of various actions by our Board which appear to countenance a decline in air transportation within your states. I have had several occasions in the past year to discuss this matter before other groups and I would like to dwell briefly on this important subject before turning the rostrum over for questions.

As many of you know, the local service airlines of this country, the Mohawks, the Ozarks, the Frontiers and others, hold certificates from the Board which were granted to them primarily to enable them to serve smaller communities across the nation. The Board is authorized to pay these airlines such subsidy from the Federal Treasury as is needed under "honest, economical and efficient management" to enable them to provide the necessary service. In the beginning they were able to serve all the cities on their routes but as modern jet aircraft became available in the 1960's, the local service carriers like the major trunks began to re-equip. Their expenses rose and even with the subsidy we paid them, they have become increasingly unable to efficiently serve some of the small communities with the new larger equipment.

Many steps are being taken in the Board and by the carriers themselves to meet these service deficiencies and enable the carriers to provide adequate service to your smaller communities. An increase in the Federal subsidy, of course, is one method and the Board is actively pursuing that avenue within its staff and with the Congress. We have told the Congress, after an intensive reappraisal, that $58 million in subsidy will be required for the current fiscal year to enable the local service carriers to serve their cities adequate instead of the $30 million originally requested. That appropriation bill is still pending.

Other steps, such as route strengthening and fare increases, have also been taken by the Board. But one of the most important and exciting vistas being explored by the Board, the airlines and many communities, is the program of substitution of third level commuter airlines for the services of scheduled certificated airlines at smaller traffic points.

In the past three or four years we have approved nearly 50 such arrangements. They take several forms. A common method, however, is for a certificated carrier to enter an agreement with a commuter airline under which the commuter is to provide a certain number of flights per day between specific points with small aircraft, generally Beech 99's or the DeHavilland Twin Otter. The certificated carrier agrees to provide reservation, ticketing and other services for the taxi operator and in some cases underwrites the operation of the commuter line on a minimum guarantee basis. In some cases, the commuter uses the certificated carrier's name and colors. In exchange, the Board allows the certificated carrier to suspend the service in the markets involved.

The Board has found these arrangements to be in the public interest and most of the cities at which they are in effect appear to be reasonably satisfied with the service they are receiving. From the Board's point of view, the suspensions allow the certificated airlines to reduce its subsidy need and the cities get more frequent and better timed schedules from the commuter carriers than they received from the certificated carriers. I can appreciate the difficulties your cities experience at first and the statesmanship it requires on your part and theirs to accept a carrier operating small two-engine aircraft at an airport where a great deal of money may have been spent by the community for runways and terminals. I call on you, however, to recognize as we in Washington must rec-

ognize, the inexorable laws of economics and to persuade, in appropriate cases, the citizens of your cities and states that programs such as this are useful and advantageous to them. I believe it will be apparent to many smaller communities that these commuter operators are their best ticket of admission and nexus to the whole vast air transport network.

I have no intention to suggest that the commuter carrier substitutions, as we now know, are the salvation or the only answer to declining service at small traffic points anywhere. Rather, what seems to be emerging from our experience is a conclusion that there is no single answer to the problem of declining service which can be applied in every market individually. We must attempt to tailor a solution fitted to the service problems of that particular market. But we need your cooperation and that of many communities across the country. With that, combined with the innovation and boldness of the certificated carriers and the commuter air carriers, I think we can solve this problem of declining service to small communities to the mutual satisfaction of all of us.

I wish to express to NARUC my particular appreciation for your current efforts in cooperation with the Board. Those of you who are not aware should know that NARUC, through its Washington offices, has been participating actively in the various phases of the massive Domestic Passenger Fare Investigation which is now underway before the Civil Aeronautics Board in Washington. The comments of your organization have been most helpful and enlightening to our hearing examiners assigned to these cases. I welcome your participation and I can assure you that the Board will give NARUC's comments the most serious consideration when this difficult and important proceeding reaches us for decision.

In conclusion, let me say that all of us should be aware of the special burdens facing the airlines today as they struggle to maintain and improve their service to the nation. The litany of these problems at times seems endless—the slowed growth of air traffic, declining load factors, increased costs of labor, money and material, strikes, hijackings, increased travel taxes and a host of others. One thing is certain however; these problems will be overcome as they have been in the past. With all of the challenges confronting the air carriers and whatever else may be said of the wisdom of past decisions by the airlines to purchase new equipment, one thing is clear. And that is, in the high demand markets the public will be served and served well. Whatever other nationwide public service industries may do, the air transport industry can truly promise the American traveler that there will be no "brown-outs" or shortages of airline capacity in the United States this winter or next summer or next year. Problems we have in great abundance—but the American consumer relying on this industry will find it ready, willing and able to fly him whenever and wherever he wants to go.

INAUGURAL MESSAGE OF PRESIDENT LUIS ECHEVERRIA, OF MEXICO

Mr. GOLDWATER. Mr. President, on December 1, 1970, it was my distinct pleasure and honor to have been a guest of the Mexican Government at the inauguration of Luis Echeverria as President of that great and wonderful country to the south of us. Having been born on the Mexican border and having lived my life there, I have naturally held an interest in Mexico that far exceeds that of a person not having been so close to that country.

Mexico has had an unusually long and successful line of presidents who have truly brought meaning to the revolutionary idea that started Mexico going many years ago. I think that President Echeverria will bring to that country something entirely new in the line of presidents. He is a young man, being 47 years of age, and he has surrounded himself with outstanding young leaders from all walks of life in Mexico. I was particularly impressed with his inaugural address. It was to the point. He did not mince words. I think the people of Mexico and the people of the United States—in fact, the people of the world—have a very clear idea of the direction Mexico will continue to take under his leadership.

We in the United States are extremely fortunate to be surrounded by two wonderful neighbors—Canada on the north and Mexico on the south; and in particular, we who have lived on the border are grateful for the association with that frontier of the Republic of Mexico. From them has come much of the culture and way of life that we live in the Southwest. But more important, from them have come some of the finest people that we call citizens of the United States.

Mr. President, because I was so impressed with the speech of President Echeverria and because I feel that my colleagues in Congress should have the opportunity of reading what this fine leader had to say, I ask unanimous consent that his message to the nation be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

MESSAGE TO THE NATION

(By Luis Echeverria)

After a century and a half of independence and having undergone six decades of change. Mexico must strengthen its democratic institutions, economically and socially. Such is the path indicated by the Constitution of 1917. Determined to follow this path I assume the responsibility, from the office of the President, of coordinating the efforts of my fellow countrymen.

The needs and hopes of the nation present a challenge to the Mexicans of today. Our Revolution has assured individual liberty, internal peace, uninterrupted growth, and our capacity for self-determination. And yet, grave lacks and injustices still prevail that could endanger our achievements; overconcentration of income and the marginal position of large groups threaten the harmonious continuity of our development.

We cannot expect institutional equilibrium and the expansion of wealth alone to solve our problems. It would be denying the best of our heritage if we were to encourage the conservative trends that have developed out of a long period of stability. To reject conformity and accelerate overall growth, on the other hand, is to preserve the strength of the Revolution.

Everywhere in the country, at all social levels, I have heard the expression of a resolute will to progress. I have held frank dialogue with my fellow countrymen. They have told me what they need, what they look forward to, and what they are ready to do. They know how I think and my readiness to serve them. The time for action is at hand, I shall faithfully carry out the duty with which I have been charged.

The vote is a pact between the citizens and those who govern. In the elections of July, I was given a mandate by the people to be firm in my resolution never to permit power to be the ally of laxness or exploitation. My countrymen, on their part, have taken on the obligation to work hard in our great common task because they are men of honor and vision, as well as patriots.

No act of mine will go against national unity, nor shall I allow the system of freedoms guaranteed in our Constitution to be infringed. But, I shall spare no effort to eradicate inequities, fight against abuse, and foster the rational and just utilization of the national patrimony.

Our basic philosophy is true solidarity among Mexicans. We want internal peace to be the fruit of the dynamic energy of the constructive forces of the nation and not merely a precarious adjustment to routines, interests, and sterile selfishness. We will work together for the benefit of all because union without justice is bondage.

The Mexican Revolution will accelerate its pace. While we have eliminated long-standing structural inequalities, others have arisen in the last decades that are, however, circumstantial and should be transitory. The program to be fulfilled will continue in force until the very poorest have attained an adequate standard of living, providing a driving impulse for the people and their productive effort for the rest of this century.

Being a revolutionary means accepting permanent responsibility and rising above pursuit of profit, ambition for power, and destructive impulses. Today's revolutionary is the upright public servant, the loyal soldier, and the honest leader; the industrious farmer and worker; the teacher, the scientist, the artist, and the student, unselfishly devoted to their tasks. He is the entrepreneur who is a nationalist and, at the same time, has social vision. He is not, however, the impostor and dreamer of revolutions . . . the anarchist. the provocateur, the turncoat impelled by forces and interests alien to us, that we Mexicans well know. We will be doing more than carrying out a government program . . . we will be putting a program of the people into effect. In a democracy like ours, those who govern reflect the historical moment.

Their authority is no more than a sum total of aspirations, wills, and efforts. It is the obligation of those of us in leadership to act as the vanguard, but the nation's tasks are a common responsibility. We shall act under the mandate of national sovereignty and we shall go as far as the people want us to.

Mexico has been living an extended period of creative peace. Our system has strengthened the country's independence and won broad public agreement which enables us to take important decisions. If our development strategy must be modified in order to fulfill Constitutional mandates, we shall not hesitate to do so.

The provision against re-election is one of the wisest and most fruitful decisions of the Mexican political system. It permits us to keep pace with history because it allows for the renewal of ideas and of men while remaining faithful to principle. Every six years, we have an opportunity to analyze results, set new goals, adjust the course if necessary, and give attention to the legitimate expectations of change that have arisen in our community.

Mexico is confronted today by problems whose nature and magnitude were impossible to foresee at the start of the century. Its population has grown threefold since the end of the Revolution. The reforms that have been carried out, have caused the country to take on new features. The ancient backwardness of many regions exists side by side with the latest manifestations of industrial life. Our problems grow more acute

each year as a consequence of the unrelenting demand for jobs, schools, and better living standards.

Our population will reach the figure of almost seventy million by the end of this decade and within twenty years, very likely, one hundred million. We are fighting a battle against time. The image of the kind of country we want and can be, when the century comes to a close, must be projected so that, starting now, we may undertake the qualitative reforms our organization requires.

On various occasions, I have stated that population growth is not a threat but rather a challenge that puts our creative potential to the test. We will not accept the coercive intervention of authority in areas that fall within the sphere of personal human freedom. We reject false solutions used as alibis for defeatist attitudes or to camouflage indecision when serious problems arise which we would have to face and solve, in any case.

It is not true that economic growth and redistribution of income must inevitably become a dilemma. Those who maintain that we must grow first in order to distribute afterwards are either mistaken or lying out of self-interest. It is true, however, that employment and productivity should be increased more rapidly. To accomplish this, it is indispensable to expand the domestic market and share income more equitably. At the same time, human effort must be more productive. It is likewise necessary to distribute . . . distribute education, technology, and welfare.

We shall go on promoting the capitalization of the country in order to attain a self-sustaining course as soon as possible. Abundant labor, natural wealth as yet unexploited, and the internal market we are expanding, offer a broad field for savings and the entrepreneurial spirit.

To be able to progress with our own resources calls for the participation of all sectors of the population and, particularly, those in a more favored position. Waste, inefficiency, and the unnecessary outflow of foreign exchange limit investment and retard growth.

In Mexico, we do not accept that the means of production should be managed entirely by public agencies; at the same time, we have outgrown the theories that would leave promotion of the economy entirely to private efforts. Experience has taught us that growth of capital alone is not sufficient if we are unable to apply it properly. Investment must be channeled to where it is most needed: to agriculture, to infrastructure, for the purchase of capital goods, and labor intensive enterprises.

We shall encourage internal savings, including those which go into private institutions and government organizations. The mixed-economy system established by the Constitution assumes that public investment is strong enough to direct the course of development. Free enterprise can be productive only if the government has sufficient funds to coordinate the attainment of basic national goods.

While at present many countries are undergoing serious crises, in Mexico the peso has remained firm for the last sixteen years. The basis for our monetary stability is political stability and the work of our people. We shall maintain the soundness of our currency and freedom of exchange. We shall fight inflationary pressures which are wasteful and reduce the living standards of the low-income groups.

The effect of increases in the cost of living upon the broad mass of the population, is severe. The true cause of this phenomenon is not due to rising wages, for even though these increase money in circulation, they also promote a higher level of production. Inflationary pressures are brought about both by scarce supply of goods and speculation. It is to the general interest to counteract these factors.

Foreign investment should not displace Mexican capital but complement it through association when this is considered useful. Mexican capital, in any case, should direct such association with discernment, dignity and patriotism, and use this capital to modernize its plants. Accordingly, we will accept, preferably, investors from different countries who, under the guidance of Mexicans, wish to establish new industries, and contribute to the promotion of the continuous development of technology and the manufacture of articles for export to all markets including their own.

The Mexican businessmen who sell salvageable or still-flourishing enterprises only nullify the efforts of their predecessors as well as their own. They squander the heritage of their children, and betray their inability to train them to be executives destined to replace them when they tire or lose the will to fight.

It is vital to expand exports in order to be in a position to finance without commitments the purchase of technology and machinery not yet produced in Mexico. Furthermore, it is only through our export income that we will be able to offset the loss of foreign exchange caused by the outflow of dividends, interest payments, and the cost of the technology needed for continuous development. We must also promote export of raw materials, as well as, manufactured goods keeping in mind that, in the long run, it is only through a substantial increase in the sale of industrial products that we will be able to balance our trade deficit.

We shall continue our efforts to obtain fairer terms of trade, particularly, between countries united by geography and mutual friendship; nevertheless, we shall explore new markets throughout the world. At the same time, we will have to require a more general application of a system of standards to encourage the manufacture of articles that will be competitive abroad in quality and price. Those entrepreneurs who are unable to meet higher standards will be displaced from the world market.

The large-scale substitution of imports has frequently forced us to produce goods in rudimentary installations. We now face a stage of development in which innovation and efficiency must regulate industrial activity. We must adapt thoroughly to modern requirements by improving our creative capacity and not by the slavish imitation of practices alien to us. Instead of confusing our consumers with useless habits and swamping them with superfluous goods, let us abolish outmoded methods and adopt more advanced industrial and commercial procedures.

We shall continue revising the government's system of protections of manufactures. We must help industry modernize and contribute to the development of other sectors; but never in such a way that it will subsidize inefficiency.

Technological progress is today the best ally of the Mexican Revolution. If there is no widespread use of technology, profits are made through the use of an abundant supply of unskilled labor which is poorly paid. That is why high costs coexisting with low wages is one of the characteristics of underdevelopment. On the other hand, when productivity is properly directed, it becomes possible to obtain a large output and distribute it more equitably.

Respect for the rights of labor is taken for granted under a free enterprise system. We will ensure that the provisions of the Federal Labor Law are fully obeyed; that labor-management relations develop harmoniously; that union autonomy and the right to strike are guaranteed; that the regulations on minimum wages and profit sharing are complied with; and, not a single worker's rights will be violated by taking advantage of his ignorance and weakness.

We must create over half a million jobs a year but we will not do this at the cost of human dignity. Poverty makes it necessary for many of our countrymen to accept unfair working conditions. It is our duty to join our efforts to those of the unions and modern entrepreneurs, in order to prevent work from being performed outside the framework of the law. Basically, we must trust the freedom of thought and responsible militancy of every worker for the defense of his rights.

Models of development, based on the accumulation of capital and the exploitation of labor or those which suppress freedom as the highest value and individual initiative as the dynamic force of progress, are considered unacceptable in Mexico. We want to advance rapidly but without infringing any of the aspects of our ideology, such as unrestricted respect for individual rights and the use of public power for achieving general well-being.

We will take the greatest care in order to ensure that institutional loans do not exceed our foreseeable capacity to pay. We will increase Mexico's financial prestige abroad because it is an invaluable asset obtained through the efforts of an entire generation.

Population growth and its ever-increasing needs require the constant increase of public expenditure and a greater flexibility of the tax structure. We shall correct the flaws and shortcomings of our tax collection systems in order to make them more efficient and permit a greater expansion of government investment in basic infrastructure. We must bear in mind that the people will be impoverished if economic expansion is not accompanied by a proportional increase in employment and the people's ability to produce and consume.

To the Executive Branch, to govern is to distribute fairly the fruit of our increased effort so that the most prosperous regions and sectors of the country contribute to the development of the most backward ones. By so doing, we do not intend to replace personal responsibility and, much less, to foster indolence. We shall put into effect the principle of equal opportunity, in order to provide everybody with the chance to prosper through his own work.

Mexico must continue to build a modern society. To accomplish this goal, it counts on the educational effort. Our fellow countrymen have faith in schools. With the deep conviction of those who—aware of their own limitations—believe in the new generation and know that mankind progresses through culture, they entrust them with the future of their children. We shall work toward this cause which represents the moral force of the country.

It was through its teachers that the nation found its way to freedom. Through the early teachings of Miguel Hidalgo, the humble learned to win their bread and their independence. The liberal educators were unquestionably the ones who forged the victory of the Reform. During the Revolution, the teacher was the promoter and interpreter of the people's struggle. Nothing that Mexico has achieved so far can be explained without reference to the educational work of its governments.

In our time, the efficiency of education is being challenged in all countries. A static education may give rise to discord and regression. Let us make every classroom a dynamic agent of social charge, scientific progress, and economic development, so that they will constitute the bulwark of our sovereignty and the source of constructive patriotism. May the schools give rise to the nation we desire.

True educational reform calls for a deep and constant revision of the objectives, concepts, and techniques on which teaching is

based. We must be wary of spectacular changes and arbitrary decisions. The reform we shall promote will not come about through bureaucratic imposition. It will arise out of every classroom based on creation, truth, and dialogue.

The educator must receive support in his social, intellectual, and moral responsibilities so that his conduct and devotion to his work will be a living image of the principles he teaches. His calling must be tempered through study so that he may fire the imagination of the student whose questions may be an anticipation of tomorrow's truths. Educational reform, then, is in large measure self-criticism by the members of the teaching profession.

The student should develop his aptitudes for creative action at all stages of his education. It is essential that the farmer learn to transform his environment, to incorporate himself into the contemporary economy. Industry must be in close contact with the schools to help make them more productive. We should also stimulate parent-teacher cooperation and reduce the gap between the school and reality.

The values that we profess in the classroom are often denied within the community. It would be useless to support the educator's work if we did not also turn the communication media into extracurricular teaching instruments that influence public thought; if we do not demand a change in moral attitudes from all sectors and if we, on our part, are not ready to prove to the new generations that our principles are worthy and that we support them firmly.

Our times are conditioned by scientific and technological advance. Many regions are poor despite their wealth of raw materials because they lack the know-how and capital required to process them. The purchase of patents and the payment of royalties is too expensive for poorly developed economies. Scientific colonialism deepens the differences between countries and maintains systems of international domination.

A nation is not able to develop to its fullest if it must depend exclusively upon foreign knowledge, nor can it determine its own future as long as external factors are capable of arresting or distorting its process of development. And so, the old adage that "knowledge shall make you free" takes on new force.

Let us apply on a large scale more rational methods of production of goods and services: in agriculture and livestock industry, in the extractive activities, in manufacturing, administration, and trade. Let us seek out the techniques necessary for the acceleration of our progress wherever they are to be found. Let us increase our own scientific knowledge in order to determine their true value, to adopt them to our requirements, and, above all, to innovate for ourselves.

The advancement of science will be one of the primary goals of the government of Mexico. We shall supply the universities and technical institutes with the means to keep knowledge in step with the times. We shall maintain absolute respect for their autonomy because without freedom of thought there can be no intellectual creativeness. We shall seek their cooperation in a program ranging from basic teaching to scientific dissemination and the training of research workers who guarantee our independence.

Looking only at the overall figures, one might think that we have surmounted underdevelopment. But, when we regard the reality that surrounds us we have reason to be deeply concerned. A large percentage of the population lacks housing, water, food, clothing, and adequate medical care.

We have reduced the mortality rate and increased life expectancy; but we have not always managed to create the favorable conditions that enable life to develop satisfactorily. Hunger is the most serious problem that a large number of our fellow countrymen face. Let us produce more food and get it to the poor man's table. Let us put an end to unhealthy conditions and promote the physical and mental well-being of all Mexicans.

The basic requirements for an acceptable standard of living are lacking in many thousands of villages; but, at the same time, excessive urban concentration produces dangerous deformations. We are confronted by such problems as chronic underemployment, nervous tension, and environmental pollution which we will attack without delay. But, these can be solved effectively only through the decentralization of economic activity

I repeat that every Mexican deserves a decent place in which to live. Unfortunately, the majority of rural dwellings reflect abject poverty. Excessive agglomerations of population result in the crowding of men, women, and children under improvised shelters in "poverty belts" and "lost cities." To translate into reality the right of every family to an adequate home is a task that calls for persevering action. Through incentives to individual effort, we shall foster the improvement of small communities and urban development by adopting cheaper systems of construction and increasing investment in low-cost housing.

Social security is one of the most powerful instruments for the redistribution of wealth and promotion of health. Medical care has been made available to working-class families in the course of the last twenty-odd years. Yet, barely one-fourth of the population enjoys its benefits. These advantages should not be restricted exclusively to the wage-earning-sectors.

We shall gradually extend the services of social security to the countryside and to the neediest urban levels, to the middle classes, and self-employed workers. Through planning and the bold implementation of policies we shall initiate a program, under which, at least half of our fellow countrymen will be covered by social security before the end of this decade.

Through the Independence, we gained the sovereignty of our nation and equality among Mexicans. Racial prejudice is nonexistent in our country. We are a *mestizo* people with a *mestizo* culture. We are proud of the two great sources of our nationality. Every Mexican, whatever his ethnic origin, is our brother.

The backwardness and isolation of some Indian groups is a characteristic of underdevelopment. As long as we do not incorporate them into the progress of the community, they will remain strangers in their own land. We must give them roads, education, technology and with entire honesty provide them, with the incentives that will convince them to participate in the general effort.

In the first decade of this century, we were still a semi-feudal country. In order to break down the traditional isolation, it was necessary to overcome geographical barriers: to build highways, create hydraulic systems, extend electric power networks; establish air lines, bring telecommunication to all parts. The physical unity of Mexico was basically created in only fifty years and we are now, for the first time, giving the nation a structurel life.

We shall prevent the continued concentration of the benefits of civilization in a few zones. It is urgent to reorganize our economic world: to create poles of growth where natural wealth and human resources are awaiting infrastructure. We shall accelerate our efforts to develop the countryside in order to meet rural aspirations. Public works must always be planned for the benefit of social interest and never for that of private individuals or small groups, whatever their apparent or temporary political and economic influence may be.

We are concerned with the deficiencies of certain means of communication. It is inaccurate to say that the railroad is obsolete. We are going to renew and modernize our railway network in order to make it a profitable method of transportation and an efficient instrument for the decentralization of economic activities. We shall expand our merchant fleet and improve port facilities. This requires public and private investment, as well as administrative coordination.

One of the profound motives of the Revolution and the origin of present-day Mexico was to reconquer the land for the people. Nevertheless, thousands of farmers still live under difficult conditions.

The *ejido*, communal property, and the genuine small holding are basic institutions. To respect and make them productive is to foster peace and prosperity in the countryside.

Agrarian redistribution has not ended. Legally and physically, lands are still available for this purpose. I reaffirm my solemn commitment: I will not rest a single day of my administration from the task of promoting the improvement of the farmers and the countryside.

We shall continue to incorporate as many acres as possible into cultivation. Colonization means a rational distribution of population. We shall go to those regions that are promising, overcoming ancestral resistances and avoiding the mistakes of the past. Every population center should have the necessary means to transform its work into the comforts of life.

The proper use of water and the ready availability of credit are vital to agriculture. We shall put to use whatever methods prove practical to increase irrigated areas and improve their distribution. We shall direct a greater volume of financial resources to the countryside and administrate them with honesty. We will encourage private banking to participate more fully while seeking to make our farmers better credit risks from year to year.

The *minifundio*, or smallest land holding, as a form of productive unit, is contrary to the nature of the *ejido* system. We shall strengthen the *ejido* to transform it into an active component of democracy and make it highly productive. We shall establish effective rural enterprises by grouping these land holdings and through cooperative work, wherever the farmers so desire and it is possible.

Through teaching and the intensive application of technology, we shall force farming out of its traditional passiveness since it is urgent to surpass the single-crop stage: to abandon unproductive habits and practices that impoverish the land, strictly establish crop rotation, and substitute low-yield crops by other more profitable ones.

We shall promote the economic capacity and the willingness of the farmers to make full use of machinery and equipment, improved seed, fertilizers, and pesticides. We shall modify distribution methods in such a way that our people, who work the land and consume its products, are the ones who obtain the advantages of the joint effort we are going to undertake.

By tradition and for geographical reasons, we are a livestock-raising country. We shall devote special attention to these activities and provide the producers with adequate guarantees. The progress of our livestock industry will supply our people with more nourishing food, foster many rural industries, improve external trade, and increase the profits of the rural population.

Low rural employment compels us to diversify crops, to process raw materials to a much greater extent, and to establish handicrafts and manufactures which give addi-

tional work to the individual and improve his standard of living.

We shall redouble our age-old and arduous struggle against nature. There are untapped resources in the mountains and subsoil, in the seas and rivers, which we shall utilize with the boldness of a young nation that has faith in its destiny.

Far from converting the forests into wastelands, let us make the deserts more productive. Many arid zones can be incorporated into our agricultural economy. Our still extensive forests require careful and intensive exploitation. Greed, like poverty, depletes our forest wealth and threatens the ecological balance. Let us learn to respect the forests, to make them grow, and use them for the benefit of man.

The government, fishing cooperatives, and the private sectors must face the problems of extracting, storing, and distributing fishing products through a coordinated program. Although our coastline is over 10,000 kilometers long, for centuries, we have utilized only a small part of the wealth of the sea.

The resources of the subsoil are not renewable. Their irrational exploitation jeopardizes the future of the country. Mining, which was an enticement for our colonial domination must now contribute to our economic independence. It is not enough for Mexicans to purchase shares in foreign companies. It is also necessary to improve the operation of the mines for the benefit of the country, continue exploration, apply better methods, and process the products so that the participation of mining in foreign trade does not decline.

The struggle for our oil arose out of the will to attain autonomy and made it possible to undertake industrial development. Today, the strength and prestige of all the enterprises administered by the people through the state depend, in large measure, upon the efficiency of the oil industry. We shall increase technological research in order to produce at lower cost and multiply the uses of oil. We shall intensify as well the exploration of the continental shelf and other zones of our territory.

Petrochemicals is the industrial sector that grows most rapidly. It has permitted the mastering of advanced technologies, offers vast possibilities for new products, and is a decisive factor in the improvement of agriculture. We must develop this industry at a faster rate by encouraging private initiative, as well as, the aspects that the government deems necessary to safeguard the national interest.

The electric power industry has doubled its capacity in less than ten years and integrated its services under the effective control of the nation. We shall continue the electrification of the country as the point of departure for a power policy which would contribute to the decentralization of industry and bring the benefits of progress to the countryside.

Income from tourism partially offsets our foreign trade deficit. This activity which developed on its own for a long time is now a highly specialized business. Neither the appeal of our ancient cultures nor the beauty of our landscapes can compensate for the deficiencies in services. We shall channel more funds into the infrastructure of tourism and encourage the improvement of its facilities.

Tourism is a source of human exchange and international understanding. We are likewise interested that it provide the stimulus for Mexicans to travel the roads of the country more often, and show them to their children. Furthermore, we are alarmed by the fact that the expenditures of nationals abroad are increasing more rapidly than those of foreign tourists in Mexico. Nothing can justify the wasteful or extravagant spending, often in bad taste, by which some of them parade abroad the flaws of our income distribution.

Mexico has a clear awareness of its history and its position in the world. We achieved independence when the collapse of modern colonialism was barely beginning. We suffered the political and economic ambitions of the great powers for over a century. In times now past, we underwent injustices, lack of understanding, and violence. Now, we demand respect for our independence and, for all countries, we wish justice and peace.

In foreign policy, the banners of the Mexican Revolution will be kept well aloft and we will maintain its principles intact: juridical equality among nations, nonintervention, and the self-determination of peoples.

We shall strengthen our ties of cooperation and brotherhood with the nations of the Indian-Latin community of the American continent. Not only do we share common historical experiences, traditions, and cultural similarities but, principally, the will to reclaim our resources in order to guarantee our sovereignty and attain freedom through development.

A new era, more aggressive and mature at the same time, is beginning for our nations. This is evident in the identity of purpose with which we act and in the dynamic drive to transform anachronistic structures within our countries and in our foreign relations.

Latin American integration calls not only for the union of our markets but also for that of our productive potential. We must create large-scale economies that will make the most complex industries profitable and competitive in the world markets. We shall propose the establishment of multinational enterprises that will integrate the initiative of our investors, utilize the raw materials of various countries, and take advantage of the most advanced techniques and institutional sources of international credit. At the same time, we shall also propose the creation of multinational Latin American research centers.

The path a country chooses to follow is worthy of respect. Our own Revolution was not imported nor have we tried to export it. Countries that seek to impose their solutions on others violate the basic principles of the international community. What is more, they divert resources that could contribute to the well-being and freedom of their own people. Mexico will go on, firmly rejecting all interference in its internal affairs, under whatever ideological label it may be disguised.

We are not a walled country. Our borders are open to human, economic, and cultural communication. We wish to strengthen our existing relations with the United States and Guatemala, on a basis of mutual respect, spirit of fair play, and real understanding between our peoples. The nation may be certain that my administration is setting out with the intention of maintaining harmony and goodwill.

Mexico is receptive to all intellectual, scientific, and economic currents that contribute to man's development. We will broaden our relations with the countries beyond the two oceans, strengthen those we have had for some time with the European nations, and seek more effective formulas for trade with the countries of Asia, Africa, and Oceania. We shall diversify our foreign policy with positive promotions which foster our development. If the peace we desire is to be equitable and lasting, it must be based on the endeavour of each country to attain prosperity.

Honorable members of Congress: At the end of my political campaign, I made a statement I would like to repeat now, that during the last six years Mexico has had at its helm a man unusually gifted in public service whose stern character and unshakable patriotism will set him down in history alongside the great founders of our nation: Gustavo Diaz Ordaz.

The magnitude of public works, the impetus given to land distribution, and the defense of the rights of labor carried out by the government during the last administration constitute decisive advances in the institutional transformation of Mexico.

President Diaz Ordaz reaffirmed the essential principles upon which our political organization rests: he prevented public order from being destroyed and freedom from being writen off in its name. He maintained the authority of the state above interests and passions and vigorously extended the nation's sovereignty.

Thanks to the consistency of his work as chief executive and the skill with which he guided our public life, the country today embarks upon a new stage of its administration with internal peace, civic enthusiasm, confidence and optimism.

With deep conviction I have sworn loyalty to the Political Constitution of the Republic. The Charter by which we are governed represents the culmination of a long struggle by the people and is their best instrument to build their future. It transformed a political movement into a just social and economic program. Under the Constitution we will attain goals that justify prolonged sacrifices.

To those who had the extraordinary vision to be able to see into Mexico's future; to those who understood the historical process and accurately laid out the juridical framework for peace, order, freedom, independence, and progress of future generations; to the venerated Constitutent Deputies of 1917, I again pay homage of gratitude, respect, and admiration.

The continuity of institutions depends upon the men who unceasingly remodel them. Historical awareness is fortified by critical awareness. We are very far from having reached a definitive stage in our evolution and we are willing to change everything that delays the advent of a more democratic society.

We have left behind the times when political activity was the seed of conflict and violence. The electoral campaign leading up to the change in the legislative and executive branches was an example of patriotic responsibility and interest. Instead of arousing discord, it established closer union among Mexicans.

The misfortunes we deplore were not caused by lack of understanding or hate, but by full devotion to the service of the country. I pay heartfelt tribute to the Mexican newspapermen who lost their lives, in a lamentable accident, in the line of duty.

We shall insist that our electoral processes be improved, that political parties and ideological activity be strengthened; that civic conscience be more alert and always truthfully informed; that the citizens be more demanding with the government they have constituted. We could not improve the operation of the government if we did not also improve all the forms of our common existence, since political society can only grow adequately from a sound base.

Freedom must be guaranteed by the government; the people build democracy each passing day. I shall ensure respect for the dignity of the Mexican people, in particular, of the poorest of them, who frequently suffer the affront of arbitrariness, the servitude of exploitation, and the blight of poverty.

For us, it is necessary that the general consciousness mature through self criticism. Let us objectively examine our own conduct and consider whether we are making a useful contribution to society. Let us radically change some of the patterns of thinking we inherited from past centuries.

Let us eradicate venality, suspicion, and lies, wherever they exist. Let us perpetually

maintain mutual respect and human solidarity. Let us turn our offices, our *ejidos*, our unions, our cooperatives, our associations, and our companies into classrooms for the practice of good citizenship. So that day-to-day relations shall always be in accordance with the ideals we profess.

The educational function of our families and their moral and progressive convictions are fundamental for society. The home must increase its cohesion and spiritual force at present. A family without understanding, without dialogue, is an anachronism that distorts civic life at its very foundations. The responsibility of parents in this area is more serious than that of teachers or those who govern.

Women have more than proven their capacity to enrich the cultural, economic, and political life of the country. They have demonstrated their understanding of the real problems of society and have contributed actively to their solution. We shall encourage the full exercise of their creative powers. Within a few years, women will have achieved full equality with men, in rights, duties, and opportunities, in the various areas of national life.

The youth of our country are introduced at an early age to productive activity and responsibility. Their creative potential contributes to social change. The government of the Republic shares their just ambitions to advance, and counts on their energy to transform Mexico. We shall encourage greater opportunities for the new generations in education and jobs. We shall stimulate their aware and positive participation in political activity within the party or current of thought that best suits their aspirations.

The creators of the Constitution wished to encourage the formation of democratic centers that would prevent new concentrations of power and wealth; that would be models of self-government and active promoters of progress. Therefore it is impossible to conceive of a strong nation that is composed of weak municipalities. We shall foster the smallest entities of our political society because therein lies our road to true greatness.

We shall work toward the establishment of satisfactory living conditions throughout the country and at the same time, we shall establish units of coexistence within the big cities, in order to promote cooperation, prevent waste of time and effort, expedite the administration of justice, and place authority at the service of the people.

Our system is more than a legal formula, it constitutes the deep-rooted structure of the nation. I will never forget what I observed and the lacks I found on my lengthy tour of the country. I realized that the unmistakeable regional characteristics that are growing more marked with time are being fused in the great national task. This reinforced my conviction that, to be faithful to my mandate, I must promote the development of all the federal territory.

The balance of powers guarantees the democratic exercise of authority. The will to cooperate and absolute respect for the sphere of action of the legislative and judicial branches has been, and will be, the invariable norm of the executive branch. The ideology of the constitutional system and the aspirations of the Mexican community are the elements that unify us.

The armed forces of the republic are an essential part of our democratic system. The great advances of our history are due to the victories of the people on the field of battle. Our armed citizens overthrew the interests and social structures that opposed progress and with unshakable loyalty safeguarded the independence of the country, internal peace, and the existence of law.

The armed forces of land, sea and air are an expression of the people. They share in their desire for justice, love the liberty for which their elders fought, resolutely practice social solidarity, and are a symbol of patriotism. They deserve the respect, affection, and gratitude of the nation.

Fellow citizens: I come to the presidency of the republic without resentments and with no undue ambitions or desires to satisfy personal interests or those of any group. I am incapable of simulation, I believe in the doctrine of the Mexican Revolution, and I have been trained in the discipline of public office. I consider that the man in authority is committed, more than anyone else, to carry out his task with complete integrity, never blemishing his investiture with abuse of power or relinquishment of principles.

Public office and business are incompatible occupations. The government official who uses the property or authority with which he has been entrusted for his own benefit is betraying his country. He who does not devote himself to public duties to the very limit of his capacity and strength, is defrauding the people. The tasks of the nation call for the elimination of misconduct in the exercise of duty, perfecting organization, and improving the efficiency of authority at all levels.

I will not interrupt the dialogue I have begun with my people. I will continue visiting the various regions of the republic, particularly, those requiring most attention and encouragement. I will listen to my fellow countrymen and continue to speak the truth to them. I will govern by virtue of the inspiration and energy of the citizens. On each day of my term of office, we shall renew the pact of agreement and understanding established through the vote.

The Mexican people were never daunted by the grave challenges of history. On this day, I call upon them to reaffirm the staunchness of their principles; to live to the full the rich philosophy of the Constitution of 1917.

Let us resume the constant task of past generations with fresh energy. Let us move upward towards the future we wish for Mexico. Let us give our national alliance new life. Let us move ever forward, untiringly and unswervingly, in our progress.

EULOGY OF MISS CROUCH TO JUDGE HAYES

Mr. JORDAN of North Carolina. Mr. President, a little more than a month ago North Carolina lost a very distinguished citizen and one of its most eminent jurists with the death of Federal Judge Johnson J. Hayes, of North Wilkesboro.

Judge Hayes was a man of deep conviction and a sense of history as well as a keen knowledge of the law and his passing marked the end of a memorable era in that mountain area of which he was so much a part and loved so well.

A few days ago there came to my attention a eulogy to his memory, written by Miss Lettie Crouch, of Mayodan, providing an insight into the nature of this outstanding man. I wish to share her thoughts about him with the Senate.

I ask unanimous consent that the text of her article, published in the North Wilkesboro Journal-Patriot, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUDGE HAYES SAT ON THREE BENCHES

(By Lettie E. Crouch)

Once a judge came to Salem College and spoke to the students, during a chapel service, of his work. Grave and unsmiling, he told of lying many a night on a sleepless pillow wrestling with the serious decision he must make in the court room on the morrow.

A Wilkes lawyer who taught a Men's Bible class once told me that he considered the lawyer's work more important than the preacher's. I pondered his words and decided he was partly wrong. The preacher more often sways the heart, while the lawyer appeals to the head. The heart and the head are vital integral parts of man. Man's conduct is the result of these inseparable factors.

Judge Johnson J. Hayes, age 84, was called October 22, 1970, to appear before the Supreme Judge of the Universe. When the Death Angel come with heart-break suddenness, he was walking with a friend among the thousand hills that rise in the "Original County of Wilkes." He was observing his herd of cattle grazing peacefully on the hillside.

In young manhood, Judge Hayes, following the dictates of his head and the pull of his heart, resolved to study law. To this study he dedicated his mental powers. Years passed. Came the day when he sat as judge in Wilkes County Court House, Greensboro, Richmond, New York, Detroit. The newspaper headlines of several states reported the decisions of Federal Judge Johnson J. Hayes.

The Salem teacher told her English class about the Mayflower Award given annually for the best book written by a North Carolina author or an out-of-state author writing on a North Carolina theme.

North Carolina "Culture Week" December 1962, was in session at Hotel Sir Walter in Raleigh. Friday night, time for the Mayflower Award, came. To the Sir Walter also came Judge Johnson J. Hayes. He had written a large thick book of 577 pages, a history book entitled "The Land of Wilkes".

For months that grew into years Judge Hayes had been sitting on the History Bench. He had been copying old courthouse records, reading old letters, newspapers, studying maps, the Bible for records of births, marriages, deaths, collecting pictures of Wilkes leaders, visiting old buildings copying the roster of Wilkes Confederate soldiers. The history has such detailed records as Reason Bell, appointed 1841, one of three committeemen of a public school. Reason's nephew, a Spanish American War veteran, W. R. Bell, now living in Mayodan, received a letter from President Nixon on his 98th birthday. At one time Boomer School, on six acres of land, did not have a typewriter, but had one piano. Clingman School had two pianos, year 1958. Wilkes Schools had 42 adding machines, 371 teachers.

To my disappointment the Wilkes book did not receive the Mayflower Award. Who knows? With a dozen books pleading "Give me the Cup," the besieged judges may have tossed a coin to settle their dilemma, and given the word to the reporter impatient to report the news to the Saturday morning paper.

As for me I treasure the autographed book having the names of my great grandparents, great uncles, and names of my dear mother's classmates at Trap Hill Academy who made splendid records as American patriots.

At Hotel Sir Walter I asked Judge Hayes his stand on capital punishment. He did not go into the pros and cons of crime deterrent. He was forthright and said he did not think capital punishment should be abolished for four crimes, arson, murder, rape, treason. Then he turned from me to give his attention to someone else waiting to speak with him.

About the Church Bench, the third of Judge Hayes' trinity of benches. My teacher friends and cousins have attended Wilkesboro Baptist Church and listened to Judge Hayes teach Sunday School Bible.

There I attended a meeting of Wilkes County Historical Society over which the Honorable T. E. Story presided. That night Miss Ruth Linney was appointed to help select historic Wilkes Sites.

Judge Hayes quotes Dr. Paschal, professor of Greek at Wake Forest, as saying a noted Baptist minister visited Mulberry Fields Meeting House 1771, or 1772, site of the Meeting House now covered by the town of Wilkesboro.

Jurist, Historian, Bible Teacher. Of his character and service for human uplift, let the poets, who have more eloquence than I, speak. "An honest man's the noblest work of God".

"An upright judge, a learned judge!"
Hear the peerless young lawyer, Portia:
"The quality of mercy is not strained,
It droppeth as a gentle dew from heaven.
And earthly power doth them show likest God's
When mercy seasons justice."

Finally, the book Judge Johnson J. Hayes read and studied all his life, the Bible:

Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sin.

INCREASE IN WEST EUROPEAN CONTRIBUTION TO NATO INADEQUATE

Mr. PEARSON. Mr. President, the announcement that the Western European nations have agreed to increase their contribution to NATO defense costs is being hailed by some as a victory for U.S. policy. But in actual fact it is a defeat.

The European NATO partners have apparently decided to increase their spending by a total of about $950 million over the next 5 years, or about $190 million a year. The fact that they have agreed to increase their contribution is not without significance. But when compared with the increases they are capable of making and should be making the pledge being officially announced in NATO today turns out to be mere tokenism.

Mr. President, the Western European nations have never carried their fair share of the NATO defense cost burden. This was realistic and acceptable in the early years when their economies were weak. But today when their economies are strong and prosperous and when the demands on the U.S. budget are so enormous, this continued shirking of their responsibility is becoming increasingly intolerable.

For several years, now, our NATO partners have known of the growing resentment in this country over the fact that we have had to bear such a disproportionate share of NATO costs and yet they now, after long and supposedly serious study, come up with a figure which is only a fraction of what their increased contribution should be.

Mr. President, we maintain over 300,000 U.S. troops in Europe. The total allocation of the Defense budget is $14 billion a year including both troops in Europe and backup contingents stationed here. The total annual budgetary operating costs of U.S. forces in Europe are around $3 billion. Of this about $1.5 to $1.8 billion is a balance of payments loss to the United States.

The United States spends about 9 percent of its GNP on defense. The European members of NATO spend only about 4 percent. They could and should be spending more.

To help offset our budget costs and reduce our balance of payments losses the Europeans should increase their spending by at least $1 billion a year. The pledge of $190 million per year is only about one fifth of that figure. It is disappointingly low. It is inadequate.

THE FACTS ON SHOE IMPORTS ARE STILL SHOCKING

Mr. McINTYRE. Mr. President, the facts we are able to obtain on shoe imports continue to be shocking.

The number of shoes imported is fast approaching 50 percent of the domestic need for shoes. It is predicted that unless we do something about shoe imports, they will take more than 50 percent of the market by 1975.

This means jobs are taken from American workers.

This means businesses will fail.

This means our economy will suffer.

It is expected that more than 85,000 job opportunities for American workers will be lost to shoe imports this year.

By the year 1975 it is expected that more than 175,000 job opportunities will be lost unless we do something now.

I do not believe we can afford this to continue in our Nation which is already so sorely beset by unemployment.

I know that many argue that cutting back on shoe imports will increase the cost of shoes to the consumer.

Mr. President, I have just had made available to me the results of a study which indicates that if limits had been placed on shoe imports in 1969 such as we propose in the trade bill the retail prices of shoes would have increased a matter of only six-tenths of 1 percent since that time.

I do not want to see prices go up in a period of inflation. But, if you compare such a price rise with increases taking place for so many other products I think it is a small price to pay for saving the jobs of thousands and thousands of American workers and the future existence of dozens of American businesses.

Mr. President, we need to keep the facts before us.

We need to realize just exactly what is happening to the domestic shoe industry because of imports.

I ask unanimous consent to have printed in the RECORD some up-to-date facts and figures which are important to keep before us if we are to make the right decision on the trade bill which I hope will be before the Senate soon.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

FACT SHEET ON FOOTWEAR

1. Shoe imports are increasing at an alarming rate, while exports are insignificant.

Year	Imports		Exports	
	Pairs	F.o.b. value	Pairs	F.o.b. value
1955	7,810,000	$13,571,000	4,639,532	$14,362,113
1960	26,617,000	53,257,000	3,244,316	9,399,731
1965	87,632,000	118,478,000	2,491,038	7,829,566
1968	175,438,000	328,543,000	2,883,444	8,127,790
1969	195,480,000	429,506,000	2,324,147	8,180,700
1970 estimated	237,000,000	558,000,000	2,100,000	8,600,006

2. Footwear penetration:

PERCENT OF TOTAL MARKET SUPPLY

1966	13.0
1967	17.7
1968	21.5
1969	25.4
1970 [1]	29.5
1975 [1]	50.0

[1] Estimate. All other data from U.S. Department of Commerce

3. The U.S. footwear industry has projected footwear imports for 1975 to reach 470 million pairs. This would be 50% of an estimated consumption of 940 million pairs which is to say that by 1975 imports will be equivalent to 100% of an estimated domestic production of 472 million pairs.

4. The imbalance in footwear trade is caused mainly by the wide wage differential existing between the U.S. footwear industry and those in foreign countries. Average hourly labor costs for 1970 including fringe benefits are estimated as follows: U.S., $2.90; Italy, 1.25; Japan, 80¢; Spain, 65¢; Taiwan, 23¢; and South Korea 14¢.

5. A common misconception in the footwear industry is that inexpensive imports help curb inflation. This is a complete distortion of the facts. Imports make up less than four per cent of GNP and have increased as fast as domestic product prices. If quotas had been in effect in 1969, wholesale footwear prices would have increased only 1.3 percent. Retail prices: 0.6 percent. This constitutes a very small hike when compared to price jumps of other goods and services.

6. Several thousand footwear and supplier factories in 42 states employ more than 350,000 people. In many cities and towns, footwear plants are the main source of community income. Footwear imports mean a growing loss of job opportunities in the U.S. footwear manufacturing industry. In 1969, 76,250 job opportunities were lost because of footwear imports. In 1970, imports are expected to eliminate 87,800 job opportunities; and by 1975, they could mean a loss of 169,200 opportunities in footwear manufacturing. Between August 1969 and August 1970, there was a net drop of over 9,000 workers in the shoe manufacturing industry.

7. The U.S. footwear manufacturing industry employs many workers from groups where unemployment is greatest. With a decline in domestic production and employment as imports grow, the industry will offer no opportunities for jobs as critical unemployment problems mount.

Mr. McINTYRE. Mr. President, may I conclude by expressing my appreciation to those members of the Senate Finance Committee who yesterday stood up to pressures from the administration and others who seem to care little about the plight of the shoe workers and refused to let a cruel blow be dealt to these Americans by dropping the shoe section out of the trade bill. Many American shoe workers slept a little easier last night.

SST IMPORTANCE TO INDUSTRY AND ECONOMY

Mr. TOWER. Mr. President, I have the greatest respect for professional training, professional expertise, and professional advice. Few of us are expert enough to be familiar with all the fundamentals, all the relationships, and all the details in any single field of professional knowledge. Probably none of us can call ourselves experts in all the disciplines which are required to understand and to reach a sound decision on the U.S. SST program. So we seek the advice of experts, and we should consider their advice and conclusions most carefully.

But we should consider the advice from each discipline carefully in the light of that discipline alone. We should ask ourselves whether the advice from one discipline is being used in applications outside its breadth of expertise. Indeed, we should also be most careful in determining whether the opinion from one professional discipline has been unduly influenced by information or misinformation from another discipline.

It seems to me that most of our problem in understanding the SST program is that we are getting much advice from various experts which is strongly colored by misinformation about other disciplines. We see environmentalists who say that the SST is economically infeasible. We hear from technical critics, who say that private enterprise should undertake the entire financing burden. We have been asked to consider the opinion of 15 economists who were solicited, largely through telephone and informal notes, by an environmental group called the Coalition Against the SST.

Now these economists are all capable of giving us expert, valuable advice in their own areas of experience and in the absence of misinformation. But it turns out that nine of this group assumed, or indicated that they believed, the program to be a Federal Government subsidy. We do not know how many, if any, understand that the United States is competing with foreign SST programs completely subsidized by Britain, France, and the Soviet Union. But 12 of the 15 economists indicated by their response that they did not understand there is an international effort by Europeans to revise the trend whereby the United States provides 85 percent of the world's civil aircraft.

Nor do we know if these economists are aware that the U.S. Government will be repaid its entire investment in this program through royalties at the sale of the 500 aircraft, yielding an additional billion dollars to our treasury? Since 10 of the economists assumed or indicated that the SST was an environmental hazard, could they have gone on to consider the effect of a successful SST program on the U.S. economy?

Could they have recognized, then, that beyond the $2.2 billion direct royalty return on loans, there would be a $6.2 billion return of Federal and local taxes? Or did they consider the effect of $10 billion in exports on the economy; or the effects of 150,000 jobs in the United States?

Rather than relying on expert economists who obviously do not have all the facts, or who have been supplied with misleading facts, I would prefer to rely on some hard facts which require no particular expert interpretation.

Exports are important to this country, to maintain a stable dollar, to maintain credit abroad, to permit foreign purchase, foreign travel, foreign aid, as well as to provide a healthy domestic economy. If we want a high standard of living in this country, we must sell products which use highly skilled labor and which can compete with foreign products. We have been losing out in this game over the last few years and there are not too many products left that we can sell competitively.

We have lost out on steel, shipbuilding, and movies, and, in 1969, for the first time, we imported more dollars in automobiles than we shipped abroad. In other manufactured consumer goods, we were almost $4 billion in the red during 1969. In 1968 and 1969 we dropped into the red on food and beverages for the first time in 10 years. When we consider all the fuel, raw materials, and supplies we must import, it takes little expertise to appreciate our need for selling exports abroad.

Our aerospace industry provides one of our most lucrative exports, and it certainly provides sales for much of our highest-skilled talent. Without the assistance of expert interpretation, we are beginning to learn by direct, rueful experience here in this country that unemployed aerospace specialists are not easily hired into an unfavorable labor market. Those of us with unemployed aerospace workers at home are beginning to experience this effect on general unemployment and on general loss of tax revenue. It takes no expert to choose between a healthy, thriving aerospace industry abroad and a healthy, thriving aerospace industry in the United States.

I understand that a number of the more liberal members from both parties, Republicans and Democrats alike, have returned to this session with a strong determination to get the economy of this country rolling. They are resolved to stimulate our economy, to establish more jobs where they are needed, to move decisively and promptly in this direction. Our SST program provides the first opportunity for this type of action. We must start our SST rolling now to meet the foreign competition, to reinforce one of our more valuable and sensitive industries, and to get our higher skilled talent off the welfare rolls and back onto the tax rolls.

Mr. President, I believe I and many of the Members of this body qualify as experts on the value of the SST because we have heard more of the facts than have the experts whose advice we have sought. Having had these facts as well as this expert advice, I can only conclude that: Our U.S. aircraft industry can produce a competitive SST only with Government assistance; the industry requires an SST to meet subsidized foreign competition; a healthy U.S. international and domestic economy is strongly dependent on a healthy U.S. aerospace industry.

Mr. President, for those who are concerned about the state of our economy, the state of our employment, and the state of our aerospace industry, I think the best opportunity for constructive action is to proceed with our own U.S. SST program while we still have the possibility of meeting this foreign economic threat.

VOLUNTARY PRICE AND WAGE GUIDELINES

Mr. MOSS. Mr. President, during the recent political campaign, I repeatedly called for the administration to adopt voluntary price and wage guidelines as a necessary step toward curbing inflation.

I am delighted now to see that the Deseret News has editorially called for the same move. The final paragraph of the editorial sums up my position exactly by saying:

> Without voluntary guidelines, there may be no effective way to control inflation except mandatory wage and price controls, which would impair the efficiency and freedom of the economy. The choice should be clear.

I ask unanimous consent that the entire editorial, published November 24, 1970, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TO HELP SLOW INFLATION, TRY PRICE GUIDELINES

The national administration is not yet prepared to call for voluntary wage-price guidelines to help slow inflation.

That's the word out of Washington as the President's Council of Economic Advisers prepares to issue this week its second anti-inflation alert pinpointing some of the latest major sources of price rises.

It's too bad the administration isn't prepared to escalate the war on inflation. It's too bad because, judging from the election returns, Americans aren't satisfied that the steps taken so far against inflation have been as effective as they should be; because it's an unavoidable fact of life that inflation can be curbed only if wages and prices increase no more than productivity does, as contemplated by the guidelines; and because voluntary guidelines have worked before in keeping the economy from overheating.

"Just as many motorists will not automatically follow sensible ways of driving unless there are some traffic rules or signs, business firms and unions cannot be expected to exercise needed price and wage restraint without some indication that others will be asked to do the same in the context of some sort of ground rules that spell out the public interest."

This point was made only today by the Research and Policy Committee of the Committee for Economic Development as it voiced a strong plea for a return of voluntary wage-price guidelines along with some sensible recommendations for implementing the guidelines.

The fact-finding functions of the new "Inflation Alert" system should in appropriate cases be used, the committee urged, to highlight important prospective wage and price developments rather than being solely directed at decisions that have already been taken.

The President's new National Commission on Productivity should be assigned the task of developing broad norms of appropriate

non-inflationary wage and price behavior that would give some guidance to business and labor groups which may be affected by Inflation Alerts.

The commission should be authorized to publicize reports on instances of wage and price behavior by individual unions or companies that deviate substantially from the established norms.

There's no getting around the fact that when one union wins an exorbitant contract settlement, other unions feel compelled to seek similar benefits via similar tactics . . . that there's a sharp limit to the higher wages and fringe benefits that industry can grant without passing the higher costs along to the consumer . . . and that inflation alerts ought to be issued not just for labor and management but also for government at all levels, since government spending contributes to inflation in a big way.

By no stretch of the imagination does this mean labor must forget about getting ahead economically. America's productivity is increasing all the time, permitting wages to advance accordingly. Only when wages and prices increase faster than productivity do they become inflationary—and then nobody really gains.

Without voluntary guidelines, there may be no effective way to control inflation except mandatory wage and price controls, which would impair the efficiency and freedom of the economy. The choice should be clear.

THE AGRICULTURAL ACT OF 1970

Mr. DOLE. Mr. President, now that the farm bill is passed, it might be well to answer some of the charges made on the Senate floor. It would be well to correct some of the distortions presented in consideration of approval of the conference report on H.R. 18546, the Agricultural Act of 1970.

DISCRETIONARY POWER

Several Senators repeated claims that the new bill gives the Secretary of Agriculture "broad discretionary powers." I would call to your attention that the present legislation allows the Secretary to establish the loan level for commodities at any level he sees fit. The new bill placed a minimum loan on each commodity, $1.25 per bushel for wheat, $1 per bushel for corn. In the case of cotton the minimum loan provisions are comparable under both acts. Is this discretionary power?

Furthermore, the set-aside provisions of the new bill are limited for both wheat and cotton far more than the present legislation.

FEED GRAIN PARITY

Another assertion was, "feed grains producers will lose millions in the next 3 years by lowering mandatory support levels from 75 to 70 percent." Not true. At present, 75 percent of parity would be only $1.34, while the bill guarantees $1.35 per bushel. Also the present payment limit is 65 percent and the new bill raises this to 70 percent.

DOMESTIC ALLOTMENT

Another assertion: "The domestic allotment—on wheat—would evidently be fixed at 535 million bushels and not allowed to go up." The 535-million-bushel figure is the minimum domestic allotment. For years confusion has surrounded the difference between total allotments and the domestic portion on which support payments are made. The 535 million bushel minimum level is the same as the current domestic consumpton and provides assurance the present level of payments will be maintained.

DROP IN INCOME

Another assertion: Farm income will drop $1.25 billion in the next 3 years as a result of this legislation.

Without powers of looking into the future, this statement will have to be confirmed or refuted by history. However, the intent of the conferees who approved the report was to provide income protection to the farmers—that is to maintain farm payments at the present level and give the producer an opportunity to plant more acres of a crop that will make him the most money and increase his income.

The assertion was made under the assumption the Secretary of Agriculture will be totally negligent in following the guidelines set out repeatedly in the bill. In the bill, when the Secretary is provided certain discretionary powers, these powers are qualified by restrictive direction such as: "The need for an adequate carryover, to maintain reasonable and stable supplies and prices—and to meet a national emergency." Under such qualifications how can any Members of the Senate assume the Secretary of Agriculture will do anything but administer the program in accordance with these directions. Certainly, mistakes can be made. In recent years the Secretary of Agriculture has made errors under the discretionary authorities granted him. Wheat, cotton, and rice growers are well aware of how changes can invalidate the judgment that goes into any projection.

PUT SOME LIFE IN THE COUNTRY

Now let us examine some of the alleged "strategy" the administration used in creating and passing the farm bill.

Nothing could be further from the truth. This is truly a bipartisan bill. In addition to Secretary Hardin and his staff, the bipartisan Agriculture Committees of both Houses are equally responsible for its content.

President Nixon is deeply concerned about the future of rural America. As he said in his Executive Order 11493:

> A viable rural America would offer an opportunity for farmer and other rural residents to share in the economic growth of the country.

President Nixon wants to put "new life" in the country. The administration wants to improve rural America by increasing the income of the farmers—by improving the living conditions of all rural residents.

For many years the rural population of this Nation has been dwindling from over 6 million in the 1930's to less than 3 million today. The administration is concerned that these people have been forced to leave the farm to make a living. These people migrated to the urban centers and to the industrial complexes where our social problems exist today.

Rural America offers the space for the future growth of this Nation. Too many rural communities are ghost towns today, and hopefully, we will be able to put some life into these communities so the persons living there will have adequate employment, health facilities, protection, housing, communication, and recreation in an unpolluted environment.

Title IX of the farm bill provides some guidelines and requires some reports by governmental agencies that will furnish good foundation for future rural development legislation. I was proud to join the distinguished junior senator from Georgia (Mr. TALMADGE) in cosponsoring this title to the bill in the Senate Agriculture Committee. I join him in the hope this provision of the bill will be helpful in expanding the importance of rural America and thereby assist in maintaining the small farm operations existing there.

Early in the next session of Congress the President will send a major message to the Senate with suggestions on how to further improve this rural viability. It will deal with the environment and development of rural America.

FARM PROGRAM OR NOT

The Agricultural Act of 1970 is not a panacea for the crisis facing American agriculture. I said on the floor of the Senate the day we considered the original bill that it is not perfect. Then, during the discussion of the conference report, I stated that it is not merely a question of whether this bill is good enough—for I acknowledge it has weaknesses—but it is a question of whether we have a farm program. Some of those opposing the measure would have been hard pressed had they been successful in rejecting the conference report when their alternative bill could not be approved by the urban dominated House of Representatives. The farmer would have paid for their rhetoric. Their distorted projections based on false assumptions placed the whole farm program in jeopardy.

The Department of Agriculture has made projections on what we may expect from this legislation. I do not hold up these projections as any more accurate than those we could have predicted for the outcome of the Agricultural Acts of 1958 and 1965. Generally, however, these projections do indicate that our farmers can expect at least the same income they had the past year, and they have some new options which may improve their income. The Department of Agriculture feels this bill is better than either alternative we would have faced had the report been voted down.

It seems logical that we should take advantage of the many months of work by the Agriculture Committees of both Houses and the Department of Agriculture, allow the Department to administer the proposed plan, and let history write the conclusion and comparison.

FEWER FARMS

Let us compare the number of farmers who stayed on the farms during the past 12 years under the acts of 1958 and 1965. According to statistical reporting service figures, the number of farms declined steadily from 4,105,000 to 2,895,000 farms between the years 1959 to 1970. This is a drop of 29.5 percent—nearly one-third of our farm population. Since neither the Benson plan nor the Freeman

plan were successful in maintaining our farm communities, it seems reasonable that we should afford this new legislation—after nearly 2 years of work by both Houses of Congress and the Department of Agriculture—an opportunity to succeed.

Agriculture is the largest and most important industry in the State of Kansas. Furthermore, as a member of the Senate Agriculture and Forestry Committee, I have an obligation to all the farmers of this Nation. While I recognize the possible improvements that could have been made, the distinguished chairman of the Senate Agriculture Committee commented that—

On wheat, corn and other feed grain provisions of the conference report, I think the farmer will fare better.[1]

I would add that I hope the projection of the Secretary of Agriculture is correct that cotton producers will also enjoy improved income.

Every Member of the Senate represents a considerable agricultural constituency. These producers are the backbone of this Nation. They provide the best food in the world—at the best prices in the world—for the best people of the world. To make them face further indecision at this time and to face return to the unacceptable program of the Agricultural Act of 1958, would have been a disservice.

Such alternatives were the reason the majority of the Senate approved the conference report. The approval testifies to our faith in the Department of Agriculture to administer the program to the advantage of the farmers of this Nation.

REACTION OF FOREIGN GOVERNMENTS TO PROPOSED TRADE LEGISLATION

Mr. JAVITS. Mr. President, I have received from the State Department's Assistant Secretary for Congressional Relations, David M. Abshire, a collection of notes and public statements on the reaction of foreign governments to the proposed trade legislation now under consideration in Congress. I ask unanimous consent that Mr. Abshire's transmittal letter and the summary of the reactions of foreign governments be placed in the RECORD at this point.

Mr. President, on November 30 the Committee on Finance issued a press release outlining the actions that the committee had taken in regard to the Trade Act of 1970. The committee announced that the Trade Act will be reported to the Senate floor as an amendment to the Social Security Act, a development that I find most regrettable. The press release from the Finance Committee details the changes made in the House-passed trade bill and I was interested to note that the Finance Committee has added meat quota provisions as well as addressed the question of the United States-Canadian automobile agreement which is now under discussion in Ottawa by representatives of both Governments.

[1] CONGRESSIONAL RECORD—NOV. 19, Page 38101.

It is my view that the meat quota provisions of the bill could well insure a rise in the price of beef in this country. The increase in the cost of beef would continue to outpace the rise in the cost of living even more—as has been the case since the more limited quota provisions have been in effect. Also, these new provisions will tend further to strain our economic relations with the beef exporting nations of Central America as well as with Australia and New Zealand. Concerning the past price increases affecting beef in the period of time limited quotas have been in effect I refer to the letter Governor Rockefeller sent to President Nixon on this subject which I inserted in the RECORD on August 28, 1970.

Questions must also be raised concerning the legislation proposed by the Finance Committee which would affect the United States-Canadian automobile agreement. At this time I would suggest that there are even broader issues involved such as those affecting the energy requirements of the United States. I ask unanimous consent that the article on this subject published in Business Week of November 28 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SUMMARY OF FOREIGN GOVERNMENT NOTES AND STATEMENTS ON PROPOSED U.S. TRADE LEGISLATION

CANADA

In a note delivered to the Department of State on November 6, 1970 the Canadian Government "noted with concern that the trade legislation now being considered by the United States Congress contains a number of proposals which both directly and indirectly could have serious adverse implications for Canada, further adding that "In the view of the Canadian authorities, such legislation, if enacted, would have an unfortunate effect on the direct flow of trade between our two countries. Even more importantly, it would not only threaten to deprive the United States of its traditional positive role in the general move towards freer trade, but could adversely affect the willingness of other nations to continue their own efforts towards liberalization."

LATIN AMERICA

On November 3, 1970 Latin American members of the Special Committee for Consultation and Cooperation of the Inter-American Economic and Social Council adopted a resolution reflecting their concern that "protectionist tendencies" in the United States (a) run counter to United States commitments within the inter-American framework, (b) would contradict joint United States-Latin American efforts to reduce tariff and non-tariff barriers, and to establish a general preference system, and (c) would give rise to reprisals by other developed countries, provoking a drastic reduction in world trade which would injure Latin America's capacity for development "with unquestionable negative effects on their economic, social and political situation."

EUROPEAN ECONOMIC COMMUNITY

The Council of the European Economic Community adopted a declaration on October 27 regarding the Mills Bill stating that "the adoption of protectionist measures by an important industrialized country, contrary to the principles which govern international trade, could unleash a cumulative process of trade restrictions". The declaration added that the Community "is ready to take the measures necessary to protect its interest should they be endangered".

UNITED KINGDOM

In a speech in London on October 21, John Davies, new British Secretary of State for Trade and Industry warned of serious repercussions throughout world trade if the Mills Bill were passed. The press quoted him as stating "We must all be concerned with the trade bill now before the United States Congress. The Bill marks a decisive swing away from the liberal trade policy which the United States has upheld for 35 years and which has given the world the benefit of United States leadership in progress towards freer trade".

EUROPEAN ECONOMIC COMMUNITY

Commissioner Dahrendorf in a press conference on October 16 stated "what is called a trade war will probably be an escalation of protective measures in many countries of the world which would lead to a very serious disruption of the free interchange, not only of commodities, but also of capital. It seems to me—and this is not just a personal feeling—that if U.S. legislation as it stands today is passed it might easily have this result."

UNITED KINGDOM

An aide memoire left at the State Department on October 15 noted that the Mills Bill contains provisions that "must be a source of grave concern to all the major trading nations of the world." It charged that if such criteria were to be generally adopted by other countries, either in self-defense or under internal pressures," the sound development of world trade would be directly threatened and there could be grave risks of a trade war."

SPAIN

Spanish Foreign Minister Lopez Bravo in an October 13 speech to the United States-Spanish Chamber of Commerce in New York strongly criticized what he termed protectionist measures under consideration in the United States. He drew attention to the widening Spanish trade deficit with the United States and warned that Spain would take counter-measures against United States restrictions on Spanish exports.

GERMANY

The German Ambassador handed a note to the Secretary of State on September 13 stating that the Mills bill, if adopted, would (a) endanger the legal foundations of world trade, (b) release a world-wide protectionist chain reaction and (c) jeopardize the economic growth of all countries depending on world trade including the under-developed countries.

SPAIN

A Spanish note verbale handed to our Embassy in Madrid on September 30 stated that the Spanish Government felt it must reiterate its preoccupations with regard to the Mills Bill, adding that if quotas were applied "the export of Spanish footwear to the United States which constitutes the largest single part of our sales in the North American market, would be reduced by forty percent."

EUROPEAN ECONOMIC COMMUNITY

The EEC issued a press release on September 29 stating that the Council had heard a report from Commissioner Dahrendorf on the pending United States trade legislation. The Council "agreed to follow attentively the development of the situation which it considers to be very serious. The Community, furthermore, will not fail to assert its rights, if necessary."

DENMARK

The Danish Ambassador in a speech delivered in St. Louis on September 29 in referring to the Mills Bill noted that "introduction of new import quotas by the United

States would lead to great disadvantages on both sides of the Atlantic Ocean." He added that while refraining from prophecy he would wish however "to point out that in our interdependent world such severe import restricting measures not only would cause direct damage to the export interests of other nations, but would also trigger off a chain reaction of serious consequences to the commercial interests of all nations."

MEXICO

Mexican President Diaz Ordaz on September 3, during a dinner in his honor in California, told his host President Nixon and a group of distinguished guests that "there is true alarm in the countries of the hemisphere because in the United States of America protectionist tendencies seem to be gaining strength. Should they prevail," he added "there will be a tremendous blow to the economy of the rest of the continent." He declared that although the United States might gain some small advantage "the improvement would not only be minor but temporary, and that protectionism would turn against the United States in a very short time."

ITALY

Italian Foreign Trade Minister Zagari told the press August 1 that a step back to protectionism would mark the "beginning of the end of American world economic and political leadership."

LATIN AMERICA

OAS Secretary-General Galo Plaza announced July 23 that "the protectionist policy on trade in various areas of the world and especially now in the United States, has become a matter of grave concern to Latin America." He added that such a protectionist policy would carry unfavorable consequences for inter-American relations and the prosperity and stability of the Continent He said also that it was "inconceivable" such a course should be followed precisely at the time the U.S. is engaged in serious discussions with the Latin American countries to improve trade relations.

SPAIN

A Spanish Embassy note delivered to the State Department July 17, 1970 states that "Any limitation on Spanish exports of textiles (wool and man-made fibers) to the U.S. will necessarily be opposed by the Spanish Government and by those Spanish industries interested in developing Spain's trade with the U.S."

CANADA

A Canadian *aide memoire* handed to the State Department July 13 notes that restrictive legislation would seem almost certain to have serious repercussions, not only in terms of reactions by other countries, but even more important, by making it difficult for the United States to exert positive and constructive influence on events at one of the most critical junctures in post-war trade relations.

AUSTRALIA

Australia in an aide memoire given the State Department on June 16 registered "its profound concern" over restrictive measures contemplated in the Mills Bill."

EUROPEAN COMMUNITY

In a note of June 12 delivered to our Mission in Brussels, the EC stated that "In any case, the Community finds itself obliged to draw attention to the fact that if the U.S. were to limit in any way its imports in one or several of its entire industrial sectors, it could be led to ensure the protection of its rights and interests. The Community would regret such a development which would be in contradiction to the process of trade liberalization of the past 20 years."

KOREA

The Korean Embassy in an *aide memoire* left at the State Department on June 9 said its Government was "most seriously concerned" with the adverse impact that restrictive legislation would have on Korean economic development and on relations between Korea and the United States.

SWITZERLAND

The Swiss Ambassador on November 12, 1970 handed a note to the Deputy Under Secretary of State in which he expressed his Government's concern regarding "some of the amendments which have been made to the pending foreign trade bill, and the harmful consequences they would have for the world-wide exchange of goods and services." The note expressed concern with regard to the "new definition of the escape clause . . . and the requirement of import quotas for a great variety of textiles and leather footwear" as they might affect Swiss exports; but stressed the hope that the U.S. Government: "will not weaken the liberal trade policy it has successfully pursued for several decades . . . [but rather] . . . take . . . a vigorous new initiative to lead the major trading nations to a further expansion of world trade." On the same day the Swiss Government announced in Bern the delivery of the note, conveying its substance in a press release.

FINLAND

The Finnish Embassy, in a *pro memoria* left at the State Department on November 13, 1970, stated the Finnish Government's "fear of the consequences for international trade in general if the Bill, with quota and other restrictions as it has today, should be enacted." The concern of the Finnish Government regarding the impact of the Bill on Finnish exports of mink skins and textile articles was also noted.

SWEDEN

In a memorandum left at the State Department November 13, 1970, the Swedish Embassy referred to the possibility of countermeasures, stating that "the prospect of a trade war is an alarming one from the point of view of the development of the world economy. It is especially the smaller nations, heavily dependent on foreign trade, that would suffer the most." The Swedish Government also noted the importance of exports of textiles, footwear, and mink skins to the Swedish economy.

DENMARK

The Danish Embassy, in a *pro memoria* left at the State Department on November 13, 1970, stated that enactment of certain provisions of the Trade Bill "cannot but create the impression that the United States is actually withdrawing from its previous position as a firm advocator of freer world trade. This in turn may endanger all that has been accomplished since World War II through international trade cooperation." The Embassy specifically criticized the quota and "trigger" provisions of the bill.

JAPAN

The Japanese Ambassador on November 16, 1970 called on the Under Secretary of State for Political Affairs, and left an *aide memoire*, in which the Japanese Government expressed its view that the trade bill, if enacted, would "have serious adverse effects on both the cause of free trade as well as the future trade relations between Japan and the United States." Finding the quota and escape clause relief provisions "most undesirable," the Japanese Government "reserves its right to take necessary measures to safeguard its interests in accordance with the accepted international rules, if its interests should be impaired. . . ." The note added that "such unilateral actions on the part of the United States may have unfavorable consequences upon the over-all relationship between the two nations . . . which is a cornerstone for the stability and prosperity of Asia."

NORWAY

On November 17, 1970 the Norwegian Foreign Minister, Mr. Stray, called on the Deputy Under Secretary of State and left a *pro memoria* expressing his Government's fears regarding the trade bill's consequences for world trade. The note also called attention to the impact the restrictions on imports of mink skins might have on Norway.

TOUGH BARGAINING WITH CANADA ON THE PACT

Hard bargaining is also expected to mark the U.S.-Canada trade meetings in Ottawa this week.

The hottest topic concerning the Washington team headed by Secretary of State William P. Rogers and the Canadian delegation led by Prime Minister Pierre Trudeau will be autos and auto parts, which accounted for 20% of the $14-billion Canadian exports racked up in the first 10 months of 1970.

The talks will revolve around the U.S. desire to drop certain "transitional safeguards" that are part of a 1965 pact that established free trade in autos between the two countries.

But the pact guaranteed Canadian a share of the North American car market and provided for increased Detroit investment in the Canadian auto industry.

Canada has benefited so greatly from the five-year-old agreement that it may, for the first time, run a surplus this year in its auto trade with the U.S. The big reason is that American auto companies are making a lot of their popular small cars in Canadian plants.

WHY OTTAWA WON'T BEND

Some auto executives suggest that the pact be replaced with more general guidelines that would meet U.S. requirements on balance of payments, without badly damaging Canada's share of production and sales.

But growing nationalistic fear in Canada of U.S. economic domination makes such a change politically hazardous. Ottawa will not want to appear to be bending to U.S. demands.

Any changes that might remove the guarantees would make Canada's auto industry more of a slave to fluctuations in the marketplace, and this would be unpopular with the country's unemployment rate running at 6.6%.

Canadians also fear the small car fad could fade, reducting the trade surplus their industry now enjoys. This is critical just now since Canada's boom in exports is slowing down.

Detroit executives believe that Canadian fears over the loss of "safeguards" are exaggerated. They point out that the auto companies have sunk more than $1-billion into plant and equipment in Canada over the life of the pact. As a result, they claim, the Canadian industry is now too strong to be hurt badly by the removal of the guarantee.

TRUDEAU'S TRUMP: A VITAL PIPELINE

Whether they are right or not, Trudeau seems to hold the trump card that insures the survival of the safeguards—at least for this round of talks.

The U.S. is suffering a shortage of natural gas, and Canada can help fill the gap. The Washington team is expected to push for early approval of the trans-Canadian pipeline to get Alaskan and Canadian natural gas to the American consumer. Trudeau's price may be the retention of the safeguards for the Canadian auto industry.

THE CONTROL OF AIR POLLUTION IN JACKSONVILLE, FLA.

Mr. GURNEY. Mr. President, in an era of increasing concern over the problems of pollution of our environment, I think it is noteworthy that some communities have stopped talking about the problem and started doing something about it.

I ask unanimous consent to have printed in the RECORD a brief narrative about the way the city of Jacksonville, Fla., is tackling this important problem.

The article outlines the extent of the problem, the unique local approach or enforcement, monitoring, and surveillance.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIR POLLUTION CONTROL, JACKSONVILLE CITY HEALTH DEPARTMENT

HISTORICAL BACKGROUND

Air pollution is a topic of increasing concern to the citizens of our country. Air pollution in the United States is a problem not only because it contends against elemental wants for health, food, and clothing, but also because it contends against acquired wants for a congenial environment to meet esthetic and psychological needs.

The city first became aware of its air pollution problem in 1948 when nylon stockings and blouses disintegrated while being worn in downtown Jacksonville. The blame was placed on the combustion of high sulfur residual fuel oil. In 1961 severe vegetation damage occurred in the residential areas on both sides of the St. Johns river. Damage was so severe that after a two week pilot study, the U.S. Public Health Service recommended that an air pollution control program be started. However, public interest in starting air pollution control lagged until another vegetation kill in 1964. During 1964–1965 a survey was taken under supervision of the University of Florida. This survey was under the direction of the Air Improvement Committee of Jacksonville, Inc. The committee financed the survey by equal contributions of $50,000 from the City of Jacksonville, Duval County, and local industry. The University of Florida developed an air pollution program during this survey which was taken over by the county, when in 1965, the state legislature established the Duval Air Improvement Authority. This agency adopted laws, rules and regulations for the survey and control of air pollution in Duval County. The rules adopted by the Duval Air Improvement Authority set limits on visible and particulate emissions. Any smoke density equal to or greater than #2 on the Ringelmann scale on black smoke or of an opacity of 40% or greater on white or colored smoke is in violation. The rules also set limits on the weight of particulate matter such as flyash, soot, and emitted dust from industrial processes. Operational procedures and guide lines for enforcing pollution standards were also set up by the rules and regulations.

With Consolidation, this agency became an activity in the Public Health Division of the City of Jacksonville.

POLLUTANTS

A Jacksonville's main pollutant problems are suspended particulates, sulfur oxides, hydrogen sulfide, nitrogen oxides and hydrocarbons. Particulates and oxidants dangerously diminish visibility, impair athletic performance, cut out sunshine, bring on rain clouds, and fog. Sulfur oxides emitted into the air accelerate the decay of honored works of art and statuary and cause corrosion. Emissions from automotive combustion injure trees on the street.

Suspended particulates are small particles resulting from incomplete combustion, industrial processes and even automobile traffic. Small dust, soot, and other suspended particulates are released from factory stacks, burning of trash, (especially old tires and oil materials), cars, storage areas and many other sources. Both dustfall, and suspended particulates contribute to soiling and act as agents to help corrosion. Dust fall results from large particles that are too heavy to remain suspended in the air.

Sulfur oxides, resulting mainly from the burning of petroleum fuels, contribute to high corrosion rates and damage to vegetation and fabrics. The best means of controlling sulfur dioxide (SO_2) is to use fuels with low sulfur content. The City Council has set limits on the sulfur content to residual fuel oils burned in the city to be 1% by October 1, 1970. This is expected to reduce the sulfur dioxide concentration in the city.

The hydrogen sulfide comes from our water aeration systems causing paint damage and odor nuisances. Hydrogen sulfide is removed from water by aeration to improve the taste, which releases this noxious gas to the air. The concentrations released are too low to be health hazards although they may cause corrosion and tarnishing of silver.

Some odorous organic compounds, as produced by paper mills, are easily detected by the human nose even in the smallest amount and therefore are an odor problem even if not a cause of physical damage or health hazard.

SOURCES OF POLLUTION

Some of the major sources of pollutants in Jacksonville are:

1—electric power generating stations.
2—transportation.
3—pulp and paper mills.
4—asphalt batching plants.
5—organic chemical plants.
6—waste incineration.
7—and other industrial processes.

Every human activity results in some emission of pollutants into the atmosphere.

METEOROLOGY

Atmospheric conditions in the Jacksonville area play an important part in the severity of air pollution. The major weather factor causing high levels of pollution and decreased visibility lies in the frequency of inversions. An inversion occurs when a layer of warmer air exists above a cooler air layer. These air layers trap air pollutants and allow them to concentrate close to the earth. Inversions occur almost nightly in Jacksonville.

Often pollutants which are trapped by the inversions undergo a photochemical change because of the plentiful supply of sun light and moisture. One example of this is the changing of sulfur dioxide from combustion into sulphuric acid. Another example is the formation of photochemical smog from nitrogen oxides and hydrocarbons.

THE AIR POLLUTION CONTROL PROGRAM

The City Health Department has a staff of specialists to monitor and control air pollution problems. Until a recent Federal grant the staff of the air pollution control department consisted of seven employees; the director, two engineers, three technicians and one secretary. The grant made it possible to have seven additional employees and to greatly expand the program. The $60,000 Federal grant has increased the staff by two air pollution specialists, four engineering technicians, and one clerk typist.

The department of Air Pollution Control now has three main sections: Ambient Air monitoring and sampling, source sampling and emissions, and enforcement. One of the functions of the department is: maintaining, recording and analyzing the results of three monitoring systems. One such system is the dynamic network which records nitrogen oxides, sulfur oxides and suspended particulates.

In the dynamic network the nitrogen oxides and sulfur oxides from the atmosphere are drawn through impingers and dissolved in liquids color sensitive to those gases. The samples are then analyzed with a spectrophotometer to determine pollutant concentration in parts per million (ppm).

The suspended particulates in the air are collected by high volume air samplers. The sampler consists of a shelter, a filter to collect the particles and an air pump to draw the air through the filter. The filters used are 8 inch by 10 inch glass fiber filter webs. These filters will trap 100% of particles as small as 0.3 microns. These air-borne particles technically known as aerosols can cause rapid soiling and are inhaled into the lungs. Sulfur dioxide absorbed on aerosol particles is oxidized and hydolyzed to sulfuric acid which is highly corrosive to metals and fabrics and human lungs. Due to their small size, aerosols have extremely high surface areas. This surface area is an important site for photochemical reactions involving hydrocarbons, oxidants such as nitrogen dioxide and ozone, and a condensation nuclei for fog formation.

Another sampling system is the static network, consisting of twenty-nine dustfall stations which collect particulate fallout or dustfall for analysis. The particulate matter is collected as dustfall in open containers for a period of one month. A small amount of water in the containers helps to hold the particulate matter. Copper sulfate in the water prevents the growth of algae. The samples are then analyzed for soluble particulate, insoluble particulate and total weight.

The laboratory maintains continuous monitoring stations which constantly record the sulfur oxides, temperature, pressure, wind direction and velocity and other important information 24 hours a day. This system is in the process of being expanded to sample nitrogen oxides, oxidants, hydrocarbons and carbon monoxide.

The department has the capability of sending a team of specialists out to sample individual industrial emissions sources. Sampling probes are put into smoke stacks and exhausts to draw out a portion of the waste gas stream. The sample is then measured and analyzed. This results in a definite analysis and record of the amount and type of the pollutants coming from each plant.

Air pollution inspectors cover pollution sources, make inspections, answer complaints and enforce regulations on smoke emissions. An enforcement section of three will strengthen the enforcement of air pollution laws and regulations. Primarily, they will patrol areas of the city looking for visible smoke violations and determine if stack sampling is necessary. Seventeen citations were issued for air pollution violations and sixteen corrections obtained prior to the end of 1969. One case on visible emissions has been prosecuted in court. Air pollution violations can be taken to court or brought to a hearing in front of the Air Pollution Control Board.

The department approves plans for the control of air pollution sources. Since 1967, 34 control devices have been approved and installed or are under construction by different plants.

Another duty of the APCD is performing an emission inventory to determine location, quantity and types of air pollutants and pollution sources. Personnel are also available to give lectures to interested classes and organizations.

HOW TO FILE A COMPLAINT

If you think a violation of Air Pollution rules has occurred call the Air Pollution Control Department at 764–7587 and report the incident. It is very important that the incident is reported immediately. Evidence can disappear with the first wind. Also the

violation must be recorded by qualified air pollution personnel before legal action can be taken. Rules and regulations are available from the Air Pollution Control Department, 59th and Evergreen, Jacksonville, Florida 32202.

THE NIXONOMICS OF THE FUEL CRISIS

Mr. EAGLETON. Mr. President, the credibility gap in the Nixon administration's economic policies widened dramatically yesterday with the issuance by the President's Council of Economic Advisers of the second inflation alert.

One of the most remarkable aspects of the second inflation alert was the condemnation of crude oil and gasoline price increases announced recently by major oil companies.

Mr. President, last September 29 the Nixon administration loudly and clearly invited the oil and fuel companies to raise the prices that American consumers pay for fuel. That invitation was issued by the Chairman of the Council of Economic Advisers and the Director of the Office of Emergency Preparedness in a joint statement entitled "The Fuel Situation for the Winter of 1970–71." Listen to the introduction to the invitation:

> Basically, we rely upon the proven adaptability of the American economic system which must respond to the present and prospective demands for fuel by converting to the production of what is most needed and its delivery where it is most needed.

And now the invitation itself in the next sentence:

> The increased national requirements (for fuels) *and the changes in the price structure* that arise from them, provide a powerful incentive to the adjustment of supply, which is in fact already taking place.

The administration's seemingly inconsistent and conflicting actions on September 29, 1970, in inviting price increases for fuels, in announcing an investigation—which seems to be proceeding at a desultory pace—of those increases once they had occurred, and in condemning the price increases yesterday can only be taken as evidence of startling disingenuousness approaching irresponsibility.

I would commend to the administration's attention an article by Bernard Nossiter, published on the editorial page of today's Washington Post. Mr. Nossiter's article serves the dual function of acquainting the administration as well as the American consumer with some of the fundamental aspects of this most important subject. I ask unanimous consent that it be included in the RECORD at the conclusion of my remarks.

Mr. President, the Nixon administration's unwillingness—or inability—to speak candidly and with one voice to all Americans about its fuel policies and to act to protect the interests of American fuel users will not be lightly disregarded by American consumers.

If swift and responsible leadership on our increasingly serious fuels problems it not forthcoming soon from the administration, it will bear a heavy responsibility for shortages of fuels in the coming years and for fuel prices that may double within the next 5 years.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOOKING INTO THE PRICE OF OIL

(By Bernard D. Nossiter)

There is something irresistibly comic about the Nixon administration's new inquiry into increased oil prices. In effect, the government is solemnly asking itself whether curbs on the supply of a commodity have something to do with raising its price.

To motorists who have just been hit with a penny-a-gallon increase in gasoline the question may not seem so funny. But at least they can supply the answer that the White House Office of Emergency Preparedness and its Council of Economic Advisers are now professing to seek. Car owners have learned, like home owners who heat with oil, that, yes, the price of a product is determined by the point where effective supply meets effective demand.

The interesting thing about oil is that effective supply is cut off by an elaborate mechanism run by the government. Thus, if the government's inquiry into "the reasons for and consequences of the (oil price) increase" were serious—and knowledgeable authorities within the bureaucracy doubt that it is—that very same government could increase the supply and reduce prices by a few, simple strokes of Mr. Nixon's pen. The failure to do so will, it is estimated, leave consumers with an increase in their energy bills of about $1.5 billion.

Here is how the game is played:

Each month, the Interior Department's Bureau of Mines "forecasts" the demand for oil. The agency estimates how much oil will be consumed at the prevailing level of prices.

To make sure that this price level is maintained, regulatory agencies in the big oil producing states—chiefly Texas, Louisiana and Oklahoma—fix the amount that each well can produce. The regulatory agencies understand the first lesson in economics and thereby make sure that supply is tailored to support the desired price.

Back in the depression days, when this arrangement was threatened by producers whom circumstances drove to free enterprise, the federal government conveniently assured the authority of the state agencies. The Connally Hot Oil Act (named not for a recent Texas governor close to the industry but for a late Texas senator) prohibited the shipment from one state to another of oil produced in excess of the state limits.

This system helped increase the price of oil with considerable success until the 1950s. Then, imports of low-cost oil produced by the big companies in Venezuela and Saudi Arabia threatened to make life easier for consumers. So President Eisenhower, urged on by the Johnson-Rayburn Texas leadership in Congress, imposed quotas on foreign oil. He proclaimed an absolute limit on the oil that could be brought in, thereby once again restraining effective supply.

In recent months some new forces have been at work and they lie behind the companies' bold and successful bid to jack up prices another 25 cents a barrel.

The new Libyan government has cut back production in its fields, chiefly to get higher prices from its American concessionaries. Guerrillas have broken a big pipeline in Syria and it remains unrepaired. Thus to meet Europe's demand for oil, the companies have had to scramble around for tankers to carry oil from the Middle East around Africa. Most tankers are either owned by or under long term charter to the big concerns. Perhaps only 10 per cent of the tonnage is available at any one time for "spot" or immediate charter. In economic parlance, this is a "thin" market and a small increase in tanker demand shoots up prices.

The sharp rise in "spot" tanker rates has had its effect here. Oil imported under the quotas on "spot" rather than long term charters has become terribly expensive. The cost of production, of course, hasn't changed. But the price of transporting the cheap oil has. The government's quotas allow daily imports of about 1.3 million barrels. But the temporary rise in tanker rates has left about 250,000 barrels of the quota unused. It is this "shortage" that lifts the price.

The shortage could be erased in a few weeks if the White House were so minded. There is plenty of oil in Canada and enough spare pipeline capacity, according to the experts to bring in 200,000 more barrels a day. Thus, the President could raise the current quota on Canadian oil to fill the gap. Indeed, he could go even further and suspend the whole quota program. Some experts think that a strict reading of the law would require Mr. Nixon to do just that. They argue that Congress gave the President authority to fix quotas ostensibly to preserve "national security;" that he has determined that "national security" is precisely preserved by imports of 1.3 million barrels; that imports are less than this and that, therefore, "national security" can be restored only by scrapping the quotas and permitting imports to rise back nearer to the "national security" level.

Apart from Canadian oil, another 200,000 or so barrels a day can be found in the wells producing under federal lease off Louisiana and Texas. The Interior Department, traditionally a close ally of the industry, has decreed that these wells must produce no more than the Texas and Louisiana regulatory authorities allow. But the Justice Department has ruled that this is no more than Interior's whim. If Mr. Nixon calls the Interior Secretary on the telephone, supply from the federal offshore wells could be freed.

If the quotas were junked or suspended and the offshore wells emanicipated from the government-imposed limits, it is likely that not only would the 25 cent increase be rolled back but the price of oil would come down even further. The two moves would add about 4 per cent to the oil available east of the Rockies—the area of shortage—and the added supply would meet demand, just as the textbooks say, at a lower price.

Indeed, just these steps have been urged by Sen. William Proxmire (D-Wis.) in a letter to Paul McCracken, chairman of the President's Council of Economic Advisers. Proxmire is head of the Joint Economic Committee whose staff presumably has a working knowledge of the first lesson in elementary economic texts.

There is still one more simple thing Mr. Nixon could do. The law permits him to suspend the Connally Hot Oil Act whenever he thinks it is a "burden" on commerce. To be sure, experts doubt that there are many believers in free enterprise in oil left in Texas or Louisiana. Anyway, their oil must flow through pipelines controlled by the big concerns. Finally, any maverick that did exceed the state production limits would probably run into hostile court orders granted to the oil-conscious governors of Texas and Louisiana.

But suspension of the act would spotlight the fact that the states are holding back nearly one million barrels daily in the name of conservation but in fact to preserve the price.

Officials close to the new administration inquiry doubt that the President will do any of these things. Oil producers have built up with care their network of controls to fix prices and regard the removal of any as a threat to their profits.

The inquiry itself is being run by Elmer Bennett, an assistant to the director of the Office of Emergency Preparedness. He is a

former under secretary of Interior from the Eisenhower regime who then worked for tightening the new program cutting down imports. As far as can be determined, his current inquiry is something less than rigorous. He has not sent out questionnaires demanding data on prices, costs, supply and profits. Instead he has simply sent companies announcing increases a mild letter. It invites them to submit "pertinent information on gasoline and crude markets, any other factors which led to your pricing decisions, and any analysis you care to provide of the relationship to accomplishing the national security objectives . . ."

When the big companies get around to replying, they are expected to say that higher prices are a good thing (like oil depletion allowances, import quotas, treating foreign royalties as taxes) because they encourage the search for new sources of supply.

Oil specialists in government today fall into two classes. The optimists think that the mere fact that the White House has raised a question will persuade the powers in the industry—notably the Standard Oil Co. of New Jersey—to beat a prudent retreat and withdraw some of the increase. The pessimists think that nothing like this will happen, that the inquiry will perversely wind up exploiting the current rise in "spot" tanker rates and proclaim that cutting off imported supplies has no effect on domestic prices.

U.S. AID FOR PAKISTAN: PROMPT AND COMPLETE

Mr. GRIFFIN. Mr. President, from all indications, the cyclone that struck the coastline of East Pakistan on November 12 and 13 has created one of the greatest natural disasters in modern history. Despite the firm commitment of the Nixon administration to provide all possible aid, there has been some criticism of this Government's role in the relief effort. I do not know whether this criticism is motivated by genuine ignorance about what the administration is doing or if it is just partisan politics. In either case, the record should be made clear.

First, it has been charged that the U.S. Government failed to appreciate the magnitude of the disaster and to respond adequately to the needs of the survivors. The record, which I will ask to have inserted later, indicates that this is simply not true. Just as soon as the magnitude of the disaster began to clearly emerge on November 14 the administration took immediate action to help meet in full the relief requirements of the Government of Pakistan.

The Pakistanis themselves have said they deeply appreciate all that has been done which has gone way beyond what they would have expected. Food, medicine, clothing, and other relief supplies for the victims of the cyclone will continue to be sent as it is judged by the Government of Pakistan that they are needed. The administration has also received the gratuitous advice that helicopters be moved from Vietnam to East Pakistan to assist in the airlifting of relief supplies into the disaster area.

Such a move was taken fully into consideration when it was initially determined that such air lift support was needed. It was determined that helicopters could be moved more quickly from the United States than from the field in Vietnam. Eight large cargo helicopters were airlifted by U.S. military aircraft from the United States to East Pakistan and made operational over the disaster area within 2 to 3 days of the request for them. It would have taken at least a day or two longer to remove the same helicopters from the battlefield in Vietnam, service them, take them apart for shipment and load them on to aircraft bound for East Pakistan.

Fortunately, the Department of Defense was in a position to meet the Pakistani requests in full. Two additional smaller AID contracted helicopters were flown down from Nepal to East Pakistan. Fifty motor launches were also airlifted from the United States to assist in distributing relief supplies.

The Pakistanis have determined that they now have enough helicopters and other transportation to move adequate relief supplies into the disaster area. This is an international effort with a total of 34 helicopters involved and many more boats.

The United States has responsibility for distribution to the hard-hit middle offshore islands and northern areas. Through November 29 some 493 relief sorties had been flown for 263.7 hours, delivering 385,535 pounds of relief supplies. Our helicopters currently are averaging some 70 sorties a day while delivering 65,000 to 75,000 pounds and these figures should increase.

Our mission in East Pakistan reports that the present helicopter and boat capacity is adequate for the immediate needs of getting food directly into the hands of the survivors to stave off starvation until the regular Pakistan distribution system can function, which should take at least 3 more weeks. In the meantime, the administration is prepared to supply immediately whatever additional transportation may be necessary.

Finally, it has been asked why the U.S. Government has not dispatched medical personnel specialized in communicable diseases to help prevent their spread.

Army medical units were placed on alert for immediate airlift to Pakistan as soon after the disaster as possible. The Pakistanis, however, have informed us that they do not need them. The United States also sent a two-man team into the disaster area to evaluate the medical situation. They also concluded that there was at present no need for U.S. medical personnel.

It should be clearly understood that the administration is prepared to send whatever medical assistance is necessary when and if the need develops.

Mr. President, there is no doubt that the reaction of this administration to the disaster in East Pakistan has been prompt and complete. We have met every request of the Pakistan Government and stand ready to help wherever we can. Those who suggest otherwise are misleading the American public.

We should be proud of our Government's role in the relief effort and to detail the scope of our aid I ask unanimous consent that the following chronological list of the administration's reaction to the disaster in East Pakistan be inserted into the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

U.S. RELIEF EFFORT IN EAST PAKISTAN

NOVEMBER 14

The U.S. mission authorized U.S. voluntary agencies in East Pakistan to draw immediately on U.S. Government Food for Peace commodities and AID resources on the ground.

NOVEMBER 15

President Nixon sent to President Yahya a message of sympathy and an offer of help.

NOVEMBER 17

Announcement of the creation of a high-level inter-departmental Working Group on East Pakistan Disaster Relief, chaired by Maurice J. Williams, Deputy Administrator of AID.

President Nixon directed the Working Group to initially provide assistance up to $10 million through PL–480 and other programs for the immediate Relief of East Pakistan. (So far $6.4 million has been drawn down to pay for wheat to be shipped to Pakistan and $2 million has been allocated from contingency funds to the Worldwide Disaster Relief Account for expenditure in the U.S. and for reimbursement to the Department of Defense for East Pakistan relief operation.) More funds will be made available if required. In addition, the U.S. Government stands ready to release, in Pakistani currency, a substantial part of the $4.7 million worth of foreign currencies it has left from the worldwide fund for emergency uses overseas (legislatively limited to $5 million). Finally, AID has begun negotiations with the Government of Pakistan on reconstruction projects in the disaster area which could amount to about $21 million worth of U.S.-owned Pakistani rupees.

Initial emergency air shipment of 10,080 AID-financed blankets and 1,000 tents dispatched to Pakistan. This shipment arrived in Dacca November 19.

50,000 tons of wheat authorized for early shipment to East Pakistan to replenish stocks being drawn down.

Ambassador Farland donated $52,000 in local currency from his emergency funds.

The first request for four helicopters was received in Washington at noon.

NOVEMBER 18

Three military C–141 cargo planes carrying four large Huey helicopters and crews left the U.S. in mid-day, within 27 hours of receipt of the request.

NOVEMBER 19

Daily during the period November 19–25, chartered freight flights left for Dacca. The total is eleven (including 1 described on November 17 and 2 on November 21). These shipments included over 250 tons of immediately edible high-calorie survival biscuits plus considerable quantities of canned fruit and meat, vaccines and other supplies donated by voluntary agencies.

NOVEMBER 20

The first four U.S. helicopters arrived (75 hours after request) and became operational within 12 hours.

Two smaller Bell helicopters were sent from the U.S. Aid Mission in Nepal.

NOVEMBER 21

Three military cargo planes carrying four more large Huey helicopters and crews sent to Pakistan. These departed the U.S. within 8 hours of receipt of the request from Pakistan.

Two commercial planes departed carrying a total of 50 16-foot motor boats provided by the U.S. Army.

NOVEMBER 23

The 4 additional U.S. helicopters shipped November 21 became operational, about 48 hours after departure from the U.S.

By November 30, almost 500 tons of relief supplies had been shipped. Relief experts on the scene reported that the total force of 38 helicopters, Pakistani C–130 aircraft and boats was sufficient to meet emergency needs until regular food distribution channels could be reestablished. U.S. military medical teams had been alerted, but relief experts reported that sufficient medical personnel are in the disaster area.

NOVEMBER 26

White House announces the formation of a citizens Pakistan Relief Committee to channel aid to the survivors of the disaster with Mrs. Nixon to serve as Honorary Chairman.

NOVEMBER 28

A scheduled Boeing 747 demonstration flight left New York for Pakistan carrying free of charge some 40,000 pounds of relief supplies, including 2.25 million water purification tablets purchased by AID from the Defense Supply Agency.

Following is a list of U.S. relief shipments to East Pakistan made since the disaster struck:

Nov. 17: A planeload of 10,000 cotton blankets and 1,000 tents.

Nov. 18: Three military cargo planes carrying four large Huey helicopters and crews.

Nov. 20: A planeload of survival biscuits and 30,000 plastic water bottles.

Nov. 20: A planeload of 90,000 pounds of corned beef, apple sauce and survival biscuits donated by CARE and the Office of Defense.

Nov. 20: A planeload of 90,000 pounds of civil defense survival biscuits.

Nov. 21: A planeload of civil defense survival biscuits.

Nov. 21: A plane carrying a total of 50 16-foot motor boats provided by the U.S. Army and through commercial purchase by AID.

Nov. 22: A planeload of 90,000 pounds of civil defense survival biscuits.

Nov. 22: A planeload of 90,000 pounds of civil defense survival biscuits and additional corned beef and applesauce donated by CARE.

Nov. 23: A planeload of civil defense survival biscuits and 460 pounds of typhoid vaccine donated by Catholic Relief Services.

Nov. 24: A planeload of civil defense survival biscuits and 30,000 plastic water bottles purchased by AID.

Nov. 28: A scheduled Boeing 747 demonstration flight left New York for Pakistan carrying free of charge some 40,000 pounds of relief supplies, including 2.25 million water purification tablets purchased by AID from the Defense Supply Agency.

CHANGES FOR ELDERLY IN NEW TAX FORMS

Mr. WILLIAMS of New Jersey. Mr. President, last April the Senate Committee on Aging held a far-reaching hearing on income tax overpayments by the elderly.

Expert witnesses were in virtually unanimous agreement that large numbers of older persons pay more in taxes than required by law. Many make errors because of complexities in the tax law or intricacies in computing their returns. Others are simply unaware of certain legitimate deductions.

At the hearing, we heard much compelling testimony on the shortcomings of the 1969 tax form. We also heard several concrete recommendations for simplifying the tax return.

Shortly after the hearing, representatives from the Senate Committee on Aging and senior citizens organizations met with officials at the Internal Revenue Service to discuss ways for improving the tax form.

This meeting—called by Internal Revenue Commissioner Randolph Thrower—helped provide a dialog for an exchange of ideas. And I wish to compliment the Commissioner for his diligent efforts in attempting to simplify tax preparation for the elderly.

Several recommendations urged by the Committee on Aging, I am pleased to say, have been incorporated in the new 1970 tax forms and the packet of instructions.

Such measures can help to simplify tax preparation for the elderly. Other recommendations will help to protect the aged from overpaying their taxes. Since a substantial percentage of older Americans live on limited fixed incomes, they can ill afford to make these costly errors.

These changes will not, of course, solve all the complex problems involved in preparing a tax return. But, they can be an important step forward in making our tax system more readily understandable and workable.

SIMPLIFYING RETIREMENT INCOME CREDIT SCHEDULE

Particularly significant for elderly taxpayers is the simplification of the retirement income credit schedule. For example, the 1970 schedule will have approximately 30 percent fewer computations than required on the 1969 return.

Moreover, the number of schedule transfers for computing the 15-percent credit will be reduced significantly.

COMPUTATION OF TAX AND CREDIT

Even more important, older Americans can elect to have the IRS compute their tax and retirement income credit. To make such an election, elderly taxpayers would be required to:

Have income not exceeding $20,000, consisting only of wages, dividends, interest, pensions, and annuities;

Take the standard deduction;

List exempt pensions, such as social security benefits and railroad retirement annuities, and earned income from wages; and

Tabulate their qualifying retirement income, their taxable pensions, annuities, rents, interest, and dividends.

This should be especially helpful for many bewildered individuals with little or no knowledge about our complex tax laws.

NO INSTRUCTIONS ON BACK OF RETURNS

In addition, instructions will no longer be on the back of the 1970 returns. This change is welcome and badly needed.

Many taxpayers wish to reread their instructions after filing their returns to make absolutely certain that they have claimed all legitimate credits and deductions.

Previously when a taxpayer filed his tax form, he had no future reference point if he wanted to check his instructions again or if he discovered that he had made a mistake.

NEW LINE REFERENCES

Schedule A—the worksheet for taxpayers electing to itemize their allowable deductions—has also been improved. For instance, the schedule A for 1970 has specific line references for common deductions frequently overlooked by taxpayers. Some of these items include hearing aids, dentures, eyeglasses, and transportation for medical purposes.

The listing of these items—as well as other commonly ignored expenditures—can alert taxpayers to deductions which could conceivably save hundreds of dollars.

COMMITTEE ON AGING REPORT

In the very near future the Committee on Aging will issue a comprehensive report on "Income Tax Overpayments by the Elderly."

Several recommendations that were to have been made in the committee's forthcoming report have already been incorporated in the 1970 tax form package.

A section of tax relief provisions in the Tax Reform Act—measures which can result in substantial tax savings—will also be included in the report.

Moreover, the report will list several common deductions frequently overlooked by taxpayers when they prepare their returns.

In addition, it will provide information for filing amended returns to obtain refunds for allowable deductions not originally claimed at the time of filing.

With this information made available to older Americans and the implementation of the recommendations in the committee's report, substantial progress can be made in protecting the elderly from overpaying their taxes.

TRADE RELATIONSHIPS THROUGHOUT THE WORLD—ADDRESS BY SECRETARY OF COMMERCE STANS

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD an address by Secretary of Commerce Stans before the British-American Chamber of Commerce in New York City on December 1, 1970.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE MAURICE H. STANS

Today we come together at a time when trade relationships throughout the world are very much in a process of change, and so there are some uncertainties about the future.

CHANGED CONDITIONS

The principal change that has occurred from our standpoint in the United States is the fact that we are no longer the dominant trading nation of the free world as we were for a time after World War II.

Other nations have grown rich and productive and competitive and strong, and this is a condition we welcome. Yankee traders have always been at their best in competition, providing the rules of the game are fair and equal for all involved, and we certainly prefer to live and do business in a world where prosperity and economic strength are expanding.

From the British viewpoint this is also a time of historic change. Britain stands on the brink of membership in the Common Market

at a time when the Market is expanding into one of the major trading blocs of the world.

So Britain, like the U.S., is entering a new competitive atmosphere—and today I would like to address myself to three fundamental points about these changing conditions in which all of us have a mutual interest.

First I would like to look briefly at our own trade policies, and reaffirm the direction in which we are heading. Then I would like to discuss the trade bill now pending in the Congress, and our mutual interests in it. Finally, I will offer a few observations on the Common Market, and on Britain's new relationship with it.

FREER TRADE

President Nixon has repeatedly made it clear that the United States is committed to the pursuit of freer trade.

The trade legislation he submitted to the Congress last year was pointed strongly in that direction. Among other things it asked for the repeal of ASP, for authority to negotiate limited tariff reductions, and for improved ways of dealing at home with the problems of industries affected by imports. In addition, all of the actions that have been taken by the Executive Branch in these past two years have had the effect of encouraging greater two-way trade among nations.

For example:

We have invited other major nations to join us in a concerted effort to reduce or eliminate nontariff barriers.

We have offered specific trade expansion help to the nations of Latin America, and we are seeking to extend tariff preferences to most of the developing countries.

We have significantly liberalized our trade list with Eastern Europe, and are still continuing to do so.

We are taking every possible step to achieve a more secure climate for foreign investments throughout the world.

And we have also launched a major export expansion effort of our own, which has had very encouraging results. Our exports have grown remarkably from the low point of two years ago.

PROBLEMS AND IMPEDIMENTS

Nevertheless, our problems are far from resolved. Some of those who engage in superficial analysis of our international trade position have stated that the resurgence of our favorable balance of trade has met all of our needs. This is completely fallacious.

For one thing, the balance of trade has not come back to a surplus anywhere near an acceptable level. Our balance of payments continues to run at a severe deficit. In the annual exchange of American dollars with other countries, the other countries are still coming out far ahead.

For another, we are concerned over many conditions and impediments that have developed in international trade in recent years.

We are all aware, for example, of the many non-tariff barriers that have risen over the past decade or less. Our trading position, very frankly, has been jeopardized by the maze of rules, regulations, tax discriminations, import restrictions, export subsidies, preferential trading agreements and investment restraints which have confronted us increasingly around the world.

We are also concerned that some of our major trading partners continue to do business in violation of the rules of the GATT.

Finally, we are concerned about some of the consequences of all these conditions. Notwithstanding the rise in our exports overall, we do have a deficit of imports over exports in many crucial items of trade, even some of our surplus categories are facing vigorous new competition; and it is a fact that in a growing number of American industries, large and small, plants are closing and increasing numbers of jobs are being transferred to other countries.

PROTECTIONISM VERSUS FREE TRADE

So we are faced both with a commitment to freer trade, and with conditions which impede it.

Our trade policy must reconcile the two.

This is not a simple matter of choosing between "protectionism" on the one hand and "free trade" on the other. We know that classic protectionism is self-destructive and has no place in the 20th century. We also know that absolute free trade is a myth which does not exist anywhere in the world.

The London Times stated recently, for example, that "European and Japanese protectionism (is) more comprehensive than anything . . . found in the United States." It stated that "Japanese industry and Common Market agriculture are the most heavily protected in the developed world."

We have to agree.

RECIPROCAL POLICIES

In view of these conditions, we are trying to develop trade policies which are realistic, in light of conditions that prevail. We are determined that our policies take into account the attitudes of others, and at the same time reflect our own best interest.

In short, we are seeking the achievement of freer trade through fairer trade.

We believe the key word in this effort is reciprocity. We ask for nothing more than fair and equitable trading conditions, and we pledge reciprocal trading opportunities in return.

Toward this end:

We want to achieve the fair and reciprocal application of all of the rules of the GATT.

We want to redouble our efforts to bring down non-tariff barriers, everywhere in the world.

We want to achieve better means at home for business and labor to adjust to the impact of sudden trade changes, so that new barriers will not be erected to international commerce.

And finally, while we are reasserting our own national self-interest in trade we must also make it clear to other countries that we stand willing to achieve harmonization of their views and ours in every way possible to improve the flow of trade between us.

Each of these we can support with honor and with confidence—and we hope each will have the respect of the other nations of the world with which we do business.

TRADE BILL

Having said that much about the framework of our trade policy, let me turn to the more specific matter of the trade legislation which is now pending in the Congress.

We are fully aware of the concerns in Europe over the possible effects of the Trade Act of 1970. Notwithstanding anything you may have read in the press, no one in a responsible position here believes you are indifferent to it.

Your concerns—and those of our mutual trading partners—deserve to be discussed, and I welcome this opportunity to do so.

May I begin by reviewing some pertinent history, and then offer some reassurances.

TEXTILES

First, as you recall the Nixon Administration did not seek the broad scope of restrictive possibilities which are now in the bill.

We did seek, instead, only the means to moderate the disruptive rate of growing imports affecting a single industry—the U.S. textile industry—which accounts for one person out of every eight employed in American manufacturing.

We did so reluctantly, but in the belief that it was absolutely necessary.

Regardless of statistics that have been provided by others, the hard fact is that jobs are being lost in the American textile industry at an increasing rate, almost in direct ratio to rising imports. Since January 1969, 113,000 U.S. textile jobs have disappeared. Over the same two years, according to Dun & Bradstreet, more than 400 firms have closed; others are on reduced time.

Behind this lies the fact that we are the only major unrestricted market in the world for man-made fiber textiles and wool. We do not have restrictive agreements on the flow of these products, such as those which already exist between Japan and a number of other nations, including Great Britain.

As the world approached over-capacity in synthetic textile production, the American market approached the saturation point, and severe damage to our domestic industry has set in. The rapidity of increase in imports became a tidal wave, and the industry had neither time nor means to adjust to it.

I believe, without any doubt, that every nation in Western Europe, if confronted with a similar trend in a domestic industry of comparable importance, would have taken steps to protect that industry.

LONG-TERM ARRANGEMENT

Our first step was to seek an international agreement to cover the world's growing trade in synthetic fibre textiles, similar to the Long-Term Arrangement on Cotton Textiles to which all of us are parties.

The success of the LTA may be measured by the fact that it has twice been renewed, most recently just a few months ago.

Every exporting country which has participated in the LTA has been able to share in the continuing growth of the American market for cotton textiles.

GATT AGREEMENT

Under the new international agreement which we sought, all participating countries would have been able to share in the continuing growth of the American market for synthetic textiles and wool.

We sought to achieve such an agreement through the GATT, but we did not succeed. Ironically, on November 23 a report in the Washington Post stated that if the so-called Mills Bill is passed, "the Common Market is likely either to propose multi-lateral talks in GATT, or negotiate bilaterally with her trade partners, to control textile exports."

We wish this thought had prevailed many months ago.

HEATED RHETORIC

In the wake of our own failure to achieve either multilateral or bilateral agreements on the subject, the Congressional process began.

As we all know, it has generated a great deal of heated rhetoric. One of your own British trade spokesmen said recently that discussion of the bill has been "too damn polite for too damn long."

Open threats of retaliation are being made.

We believe the time has come to cool the rhetoric.

We recognize that a certain amount of it is designed to generate Congressional fears, and contribute to the defeat of the bill.

But inflammatory terms such as "trade war" and "retaliation" tend to over-simplify very complex problems, and today's problems cannot be approached effectively from these antagonistic positions.

This does not mean that we do not take Europe's threats of retaliation seriously. We do. But we should all realize that no country is invulnerable to the retaliation process—and none will gain by it.

REASSURANCE

The most fundamental point to realize about this bill is the fact that on every major issue it delegates responsibility to the President to act. This being so, the concern should not be with the law itself, but with the way it will be administered if it becomes law.

With all the melodramatic scare talk that has centered around the bill, the broad pow-

ers it would give to the President to assure fair and freer trade have been largely overlooked. Yet the expanded role of the President is the most significant single fact of the bill.

The President has tremendous discretion to avoid quotas under the textile and shoe provisions of the bill, and under the revised escape clause procedures of the bill.

If the bill becomes law, I give you this assurance:

The same Administration which did not seek it in its present form will not administer it in such a way as to provoke an international trade war.

I am not here in defense of the legislation as it stands. Instead, I am an advocate of the Administration's trade legislation as it was introduced some months ago together with quotas for textiles and DISC. But if the bill as it passed the House of Representatives becomes the law of the land, it will be administered with wisdom and restraint, in full view of the President's firm commitment to fair and freer trade.

REACTION

Recognizing all of the options and the safeguards which are built into the bill, we cannot help but wonder if some of our friends in Europe might not have over-reacted to the Trade Act of 1970. We wonder if they might not have conjured more of a danger than is really there—for the fact is that if the Mills Bill becomes law world trade will continue to expand.

We have no intention of closing our borders, and so we do not expect to see the spectre of massive retaliation. Other nations will continue to want to buy goods and services from us, just as much as we want to sell them.

We have no wish to close our markets, anymore than any other nation wants them closed—for others want to share in all that we offer as the greatest export market on earth.

In short, we do not believe that anyone will provoke a trade war, or retaliate against retaliation, or launch a new age of economic isolationism.

Our commitment to freer trade under more reciprocal conditions will be met.

DISAGREEMENTS

We hope that our trading partners in other parts of the world—principally the Common Market in Europe, and Japan in the Far East—will make a similar commitment to freer trade through fair, equal, reciprocal practices and policies.

Unfortunately, we feel at the moment that in some ways the Common Market does not share such a commitment. We look upon its agricultural policies, its border taxes, its preferential trading agreements and several other practices as being discriminatory against the United States, and not in the best interests of friendship or freer trade.

In particular we feel that enlarging the E. E. C. through preferential arrangements rather than full membership is a distortion of the original concept, and is contrary to the world's interest in better trade relations and freer trade.

We look to Great Britain hopefully to serve as a possible harmonizing factor on this matter. We are anxious, on a continuing basis, to resolve issues of this kind before they can become major problems which will split the world into hostile trading blocs.

We are not quite certain this desire exists on the European side. Over the past few months, in fact, we have wondered if some of the intensified European criticism which has been directed at the Mills Bill might not have been designed deliberately to divert attention from some of our complaints against the Common Market.

COMMON MARKET

But notwithstanding those complaints, the United States strongly reaffirms its support of the Common Market. We believe the inclusion of Great Britain and other members of the Outer Seven will be to the world's benefit, and this growing economic union in Europe could lay the groundwork for generations of political stability and peace.

Some of this enlargement inevitably may damage some aspects of U.S. trade. But we are prepared to adjust, where there is also a willingness to adjust on the other side, matched by an equal commitment to fairness.

We recognize that Britain's interest is basically with Europe and the Common Market. But we also recognize and greatly value Britain's traditional ties with the United States, and we hope the full-fledged British membership in the Common Market will serve to bring us all closer together.

CONCLUSION

Without doubt we live at the most exciting economic time in history. Never before has so much of the world tried to develop or achieve a better life at a single time, and never before has so much of the developed world had such great productivity, technology and resources.

For its part, the United States seeks nothing more in this continuing process than new and expanded partnerships, fair rules and competitive equality, all in a spirit of reciprocity among nations.

Fortune Magazine recently noted that business everywhere is outgrowing national boundaries. Trade and investment have shown their great capacity to rise above other barriers to friendship and to hold men together in common interest.

We pledge ourselves to pursue policies with all the nations of the earth which will contribute to that bond. Mutual economic progress, we believe, has become man's greatest hope to tie together all the nations of this earth, in abundance and in peace.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PUEBLO DE TAOS INDIANS CULTURAL AND CEREMONIAL SHRINE PROTECTION ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The assistant legislative clerk read as follows:

A bill (H.R. 471) to amend sec. 4 of the act of May 31, 1944 (48 Stat. 108).

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. STEVENSON). The Senator will state it.

Mr. METCALF. Mr. President, on my desk is an amendment to H.R. 471 intended to be proposed by the distinguished Senator from Oklahoma and his colleagues.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. METCALF. The amendment is identical to the bill that was stricken out by the Senate committee, and the Senate committee has a substitute before us.

My parliamentary inquiry is: Is it in order to vote for the amendment proposed by the Senator from Oklahoma or the amendment of the committee, and which would be the first measure to be voted upon?

The PRESIDING OFFICER. If the amendment of the Senator from Oklahoma is identical to the House language, the amendment would not be in order. The question would come on whether the Senate committee language should be substituted for the House language.

Mr. METCALF. I thank the Presiding Officer.

I direct this statement to the attention of the Senator from Oklahoma, who is in the Chamber, and I suggest that unless there are perfecting amendments or other minor amendments, the whole question on this bill is going to be voted up or down on the committee amendment and it will be not in order to submit an amendment after the committee amendment is voted upon.

The PRESIDING OFFICER. Once the committee amendment in the nature of a substitute is agreed to, floor amendments would not be in order except by unanimous consent.

Mr. METCALF. I thank the Presiding Officer.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. JACKSON. Mr. President, legislation dealing with the desire of the Pueblo de Taos Indians to gain title to lands within the Carson National Forest in New Mexico has been pending before the Congress for a number of years. After long and careful hearings in the 89th, 90th, and 91st Congress, H.R. 471, as amended and as reported by the Senate Interior and Insular Affairs Committee, is now before the Senate.

It is my view, and it is the view of a majority of the members of the committee that the committee amendment to H.R. 471 provides a fair, reasonable, and workable solution to this long standing controversy. The committee amendment protects the Taos Pueblo Indians religious shrines and ceremonial areas and, at the same time protects the general public interest in maintaining the Carson National Forest in public ownership. More important, as reported by the committee the bill does not reverse the important and long standing congressional policy of money compensation

rather than payment in land which was established in 1946 when Congress adopted the Indian Claims Commission Act. If the committee's position is not sustained by the Senate and if an amendment is adopted to transfer title to land it is my view that a precedent will have been established which will result in a host of claims by many other Indian tribes to lands within the Nation's national forests, parks, monuments, and recreation areas.

ISSUES PRESENTED BY H.R. 471

The problems presented by H.R. 471 are difficult and complex. They will not yield to slogans and simple answers. The solution proposed by the committee required a careful balancing of a great many conflicting desires and interests in the uses to be made of the land within the Carson National Forest. It also required a careful balancing and a sensitive appreciation of the many national issues which are of concern and which in important respects are involved in the Senate's action on H.R. 471. These issues include:

First. The legitimate desire of Indian communities to be legally safe and secure and free from interference in the use of Federal lands which are of unique historical, cultural, and ceremonial significance to their members;

Second. The protection of the rights of other members of the public who may have legal interests in the same lands claimed by an Indian community;

Third. Avoiding any Federal action which abridges in any manner the Constitution's first amendment ban which provides that "Congress shall make no law respecting an establishment of religion";

Fourth. The public interest in maintaining the high management principles established for national parks, forests, monuments, and recreation areas, and insuring that these areas remain open and accessible to all Americans;

Fifth. The need for conservation management programs which will continue to insure that all Federal lands are free from the ravages of fires, erosion, and pollution; and

Sixth. The necessity of avoiding the establishment of a policy, a system, or a precedent which could result in great portions of the Nation's national parks and recreation areas being closed to the general public or being commercially developed at some future date.

All of these issues are of great importance and require careful consideration. I want to discuss two of them at some length: First, the need for a uniform national policy to deal with cases of this nature; and second, the precedent which adoption of the House-passed bill could establish.

NEED FOR A NATIONAL POLICY

The Taos-Blue Lake controversy has made clear that there is a need for a national policy for preserving and protecting areas which are of unique cultural and ceremonial significance to American Indian communities. At present, there is no declared congressional policy and no system of policy implementation which allows Indian people to maintain their traditional heritage and traditional practices on federally owned lands which have special cultural or ceremonial significance.

In the past, the practice has been to deal with the desires of particular Indian communities on a case-by-case basis. In some cases administrative action has provided temporary solutions. In others, congressional action has been required. In far too many cases, however, the legitimate desires and expectations of Indian communities to use Federal lands for traditional cultural and ceremonial uses have simply been ignored or have been frustrated by management practices which are incompatible with the uses the Indian community has customarily made of the land.

On October 13, 1970, I introduced legislation, S. 4469, the National Indian Cultural and Ceremonial Shrine Act," which would establish a uniform procedure whereby all recognized Indian tribes would have an opportunity to petition the Secretary of the Interior and request him to recommend to the Congress the establishment of a national Indian shrine for their use and benefit. The procedure is fair and just to all concerned parties and insures that their views will be considered and that their interests will be protected.

H.R. 417 as reported by the Interior Committee is not inconsistent with the measure I have proposed to establish a uniform national policy on problems of this nature. The bill as recommended by the committee deals only with the specific fact situation presented by the Pueblo de Taos claim. It represents an effort to provide a final settlement to a longstanding conflict over the use and administration of the lands in question. It does not, however, represent a precedent for future cases or an expression of national policy on the handling of religious, sacred, or ceremonial land claims which have been or which may be advanced by other Indian communities. In ordering H.R. 471 reported to the Senate the committee has made clear that it was reserving a decision on the national issues presented by sacred and ceremonial land claims until there was an adequate opportunity to develop a comprehensive policy which would allow the fulfillment of the legitimate aspirations of particular Indian communities and, at the same time, protect the rights of the public in the administration and management of the country's national parks, forests, monuments, and public lands.

It is my hope, Mr. President, that the Senate will approve the bill as reported by the committee and allow an opportunity for an early and rational consideration of legislation to establish a uniform national policy early in the 92d Congress.

PRECEDENT

I am gravely concerned, as are other members of the committee and the leaders of national conservation organizations that the adoption of language providing for a grant of title to lands within the Carson National Forest to the Pueblo de Taos will set a precedent which will have the effect of opening all lands within the national parks, forests, monuments, and recreation areas to land claims by Indian tribes all across the Nation.

In my view, many people who are sympathetic to the contentions advanced by the Pueblo de Taos Indians have allowed their concern for this specific case to overshadow and obscure the larger public policy issues which are involved. The Senate and the Congress have a responsibility in connection with any action dealing with the public lands to consider not only the interests of specific claimants, but also to consider the interest of the public in the future management of lands which belong to all of the American people.

It has been said by some that the Pueblo de Taos case is a "special" case; that it is distinguishable from other situations; and that it will not establish a precedent for granting park and forest lands to other Indian tribes and communities. This contention does not square with the facts.

I am aware of a number of specific cases involving land claims for religious and ceremonial use by other Indian tribes which cannot be distinguished from the Pueblo de Taos case. These cases involve claims by the Hopi Tribe to the Coconino National Forest; claims by the Cochito Pueblo to the Santa Fe National Forest and the Bandelier National Monument; claims by the Santa Clara Pueblo to the Santa Fe National Forest; claims by the San Juan Pueblo to the Carson and Santa Fe National Forests; claims by the Nambe Pueblo to the Santa Fe National Forest; claims by the Zuni Indians to the Cibola National Forest; claims by the Mescalaro Apaches to the Lincoln National Forest; and claims by the Jemez Pueblo to the Jemez Forest Preserve.

In addition, there are many other claims which are based, at least in part, on grounds other than religious and ceremonial use which will be influenced by the action the Senate and the Congress take on H.R. 471. These include the claim of the Yakima Tribe in my State to 22,000 acres of the land in the Gifford Pinchot National Forest; 11,000 acres of the land claimed is within the Mount Adams National Wilderness Area. The claim of the Yakima Tribe is based on a surveyor's error and has substantial merit.

Other claims which were discussed in the committee's hearing records involve the claim of the Warm Springs Reservation in Oregon to part of the Mount Hood National Forest; and the claims of the Flathead, Crow, and Blackfeet Tribes in Montana to the Bighorn National Monument, Yellowstone River, and Glacier National Park. For every claim which has already been made to date, it is my view, that there will be ten more within a matter of days if the Congress enacts a Pueblo de Taos bill granting title to lands within the Carson National Forest.

In short, Mr. President, H.R. 471 as passed by the House of Representatives creates more problems than it solves. That is why I cannot support it and why the Interior Committee has recommended an amendment in the nature of a substitute. The bill reported by the committee will preserve this area, protect it

from any desecration, and meet all of the legitimate requirements of the Taos Indian tribe. Most important, I do not see that the Senate bill will set a precedent which will create additional problems for future sessions of Congress.

It has been difficult to deal with this problem because of a lack of understanding by the press and many others of the history, the facts, the legal situation, and the problems that would arise if title to the lands in question is transferred to the Pueblo de Taos Indians. Many articles and public utterances have been published which say the Taos Tribe had title to the Blue Lake area and the Government confiscated the land. It has also been contended that:

> The only sound way to assure the continued survival of the Taos religion and culture is to restore the title to the lands to the Indians.

The first contention is simply not true. As to the second contention, I do not know how Congress can restore title when the Indians never had title to this tract of land.

The Indian Claims Commission has not ruled that they had title, speaking in the legal sense. The Commission ruled that the Indians had "aboriginal use" or what has come to be commonly referred to as "Indian title." These phrases simply mean that the tribe traditionally roamed, hunted, and fished over this area. This was true with all Indian tribes however, and the terms do not denote legal ownership. Indian tribes generally had aboriginal or Indian title to the areas over which they traditionally hunted and fished and from which they obtained their subsistence. There is, therefore, a great difference between "legal title" and aboriginal or Indian title.

Failure to understand or recognize these distinctions has been one of the main obstacles to achieving a clear understanding of what is involved in this legislation. If the House position is accepted, and if the Taos Indians are entitled to receive a trust title to this land, then why would not every other tribe in the United States have the same right to seek trust title to the lands over which they roamed? Other tribes have a like claim. How can we say to one tribe, "We will give the Taos Indians the land they claim," but say to other tribes, "You must accept a cash payment" as provided in the Indian Claims Commission Act? There is no doubt in my mind that if a bill is passed giving trust title to the Taos Indians, the Congress will be besieged by requests from other tribes for like treatment. I think this may be particularly true of the other 18 pueblos in New Mexico, each of which received four-league square grants for their reservations but who also roamed over large areas outside the reservation. As a matter of fact, I am informed that some of the tribal officials from other pueblos have already discussed this with Senator ANDERSON and his staff.

To insure that Members of the Senate will appreciate the magnitude and the ramifications of the pending legislation I want to quote from the committee hearing record on this matter in the 90th Congress:

> Senator HATFIELD. So this question of land in lieu of money has been before us for some time and we are not only setting a precedent with Indians relating to Indian practices but we must deal with the type of claims that will relate to the future Indian Claims Commission.
>
> Let me remind you the Seminole Indians have a claim in that their aboriginal title has been recognized. What could we do to prevent them coming in and asking for a section of the Everglades National Park in lieu of money?
>
> If you study their history you will find their ancestral lands were sacred to them long before the first Spaniard set foot in St. Augustine.
>
> I believe we can go back and resurrect claims of Indians based on religion that are now part of our national parks, part of our national forests. That is why the Secretary of Agriculture's letter dated September 18 takes great exception to our position and represents a view that this does set a very questionable precedent in history, in his view.

A similar view was expressed by Kenneth B. Pomeroy, chief forester of the American Forestry Association:

> Mr. POMEROY. Compensation should not be made by "payment in kind." Paying a debt with publicly owned land abridges the rights of all other citizens in property held by the United States. If such a procedure is applied to other situations, it could have unexpected consequences.
>
> For example, the Indian Claims Commission has recognized the right of the Seminole Indians to about two-thirds of the State of Florida. A preliminary estimate has placed the value of the Seminole claim at $34,000,000. Would the Congress consider settlement of their claim by giving the Seminoles the Everglades National Park? or the Ocala National Forest? or Eglin Field Air Force Base? or the Okeefeenoke National Wildlife Refuge?
>
> I think the Congress was fully aware of the dangers inherent in "payment in kind" when it enacted legislation to establish the Indian Claims Commission. At that time the Congress specified that Indians claims will be paid in money.

CONCLUSION

I and the members of the Senate Interior Committee are not trying to contend that the Federal Government has always been right in its treatment of Indians; but if the Taos Indians' claims to certain lands were wrongly extinguished in 1906, the Congress has done the same to every other American Indian tribe. Therefore, if we are to reverse past policy in the Taos case, the other Indian tribes of this Nation have every right to expect the Government to reconsider their claims.

It is my view that the Senate Interior Committee's amendment in the nature of a substitute should be accepted by the Senate and that efforts should be undertaken to establish a national and a uniform policy on questions of this nature early in the 92d Congress. I have proposed S. 4469 as a first effort to define the parameters of a national policy for Federal recognition and continued protection of publicly owned lands which are of unique cultural and ceremonial significance to recognized Indian tribes. I am open to and welcome other suggestions dealing with this specific problem.

Mr. President, in connection with the remarks I have made concerning the impact of the language of the House passed bill as a precedent affecting our national parks, wilderness areas, national monuments, and national forests, I think every Member of the Senate should know that the conservation organizations of this country are unanimously opposed to the House passed bill. They fear what I fear—that we are establishing a precedent here which will involve, perhaps require land settlements in all Indian claims cases. It will mean, in many instances, a situation, if the House version passes, where we in the Senate will be confronted with many efforts to move into our national forests, national parks, and wilderness areas.

The able and distinguished Senator from Montana (Mr. METCALF) put in the RECORD yesterday a telegram and other statements from conservation organizations opposing the pending legislation as approved by the House, and, of course, supporting the version adopted by the committee.

Here are the organizations: Wildlife Management Institute, National Wildlife Federation, Trout Unlimited, Sierra Club, Izaak Walton League of America, American Forestry Association. The telegram is signed by Spencer M. Smith, secretary of the Citizens Committee on Natural Resources.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. JACKSON. May I finish? Then I shall be glad to yield.

Mr. HARRIS. It is on that very point. The Senator said the Sierra Club supported the bill. I believe that is a mistake, and I think he would like to be corrected at this time.

Mr. JACKSON. They are opposing the House version of the bill.

Mr. HARRIS. If the Senator will yield further, I would like to read the telegram I received today. The telegram is addressed to me:

> Imperative you know the Sierra Club has not endorsed Senator Anderson's substitute bill which I personally oppose regarding Taos Indian Blue Lake Wilderness. Sierra Club has taken no stand on this issue. Similar messages were sent this morning to JACKSON, KENNEDY, and MCGOVERN.
>
> ELLIOTT PORTER,
> *Director, Sierra Club.*

Mr. METCALF. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. METCALF. I put the telegram in the RECORD. The telegram is signed by Mr. Spencer Smith, and enumerates the major conservation groups as outlined by the Senator from Washington, including the Sierra Club, the Izaak Walton League, and the American Forestry Association.

Mr. HARRIS. Mr. President, if the Senator will yield, that is exactly the point. Somebody else sent that telegram.

Mr. METCALF. Perhaps somebody else sent the telegram the Senator read.

Mr. HARRIS. Mr. Elliott Porter called my office last night, and followed it up with the telegram this morning.

Mr. JACKSON. Mr. Elliott Porter is simply on the board of directors of the Sierra Club. I met with the Sierra Club's

representative earlier. The club made clear its opposition to the House-passed bill. I think they probably are opposed to any legislation, but they are specifically opposed to the version that the Senator from Oklahoma is supporting, which is the House substitute language.

Mr. HARRIS. Mr. President, if the Senator will yield, what difference does it make to the Senator's argument, then, if they are opposed to his bill as well, if they are opposed to the Senate version? I am not sure that is the case, but if they are opposed to either bill, how does that bolster the Senator's argument?

Mr. JACKSON. Mr. President, the Sierra Club has not notified me that they are opposed to the so-called Anderson version. They have made it very clear, however, that they are opposed to the House-passed version, which the Senator from Oklahoma supports.

The reason they oppose it is that they know that if the House-passed version is approved, then we are going to have to face a long series of claims on the part of various Indian groups for an adjudication of their claims—not by payment of money, which the Indian Claims Commission Act specifically provides—but by specific performance, turning over title to land, which will invade our national parks, national monuments, national forests, and the other areas that the conservationists have fought for so long.

Mr. HARRIS. Mr. President, will the Senator yield right there?

Mr. JACKSON. Yes.

Mr. HARRIS. The Senator says that we would set a precedent by passing the House-passed bill because we would be compensating the just claim of this tribe not by money.

But if there is a question of setting a precedent, does not the Senator's position do so equally? It does not compensate in money; it gives what is called exclusive use of a national forest. That is the first such precedent I have ever heard of.

Mr. JACKSON. I would point out that the significant difference, of course, is that the Anderson version leaves the administration of the lands in question under the Forest Service, so that other matters—conservation, fire protection, and so forth will be properly considered. This is our concern.

Does the Senator feel that where Indian claims exist involving wilderness areas, and so on, the tribe involved should come in and get title to those lands?

Mr. HARRIS. Mr. President, we made clear in the RECORD last night—the Senator was not here, but it is available to him—how this argument of a precedent being set by the House-passed bill is utterly demolished.

It is utterly demolished because there is no other claim such as this existing, despite, with all due respect, what the Senator has said, because I do not believe the Senator can point to any other such lands, where there has been, over a long period of time, 30 years or more, exclusive use by an Indian tribe of what is claimed to be a religious shrine.

But the argument is further demolished, Mr. President, because when we pass, as I hope we will, the House-passed bill, the Senator's committee will not be abolished. The Committee on Interior and Insular Affairs will continue to be there, and will continue to make free will judgments on each individual case. Senators will not be hamstrung; they can still decide justice in each individual case. I do not know of any oath I am taking as to future Indian claims that may come up, and neither is the Senator from Washington.

The Senator's claim of precedents being set is further demolished by the realization, which I hope we will all come to, that justice must be done in the case before us. Let us do justice in the case before us, and then, as individual cases come up later, do justice in those cases.

Lastly, I would say to the Senator, in answer to his question, that what is really a dangerous precedent about to be set here would be if we passed the bill the Senator is advocating, carving out what will continue to be called a national forest, and taking out of public use altogether, a certain area, and granting exclusive use of that area to someone other than the public. That is the dangerous precedent involved, and I would ask the Senator to respond on that point.

Mr. JACKSON. Well, Mr. President, what we have done here is to achieve what the Indians have been doing, by irrevocable permit. We have provided for a guarantee by law of the right of the Indians to use this area for a religious shrine.

If we follow the House substitute, as the Senator from Oklahoma is proposing, of course, we would take the land out from under the Forest Service, and turn it over to the Bureau of Indian Affairs. I do not think the Bureau of Indian Affairs is in a position to adequately protect the proper conservation interests in the area.

I simply want to reiterate, Mr. President, and make it very clear—and the Senator from Montana (Mr. METCALF), who followed this matter very closely in the testimony before our committee, I am sure will agree—that the conservation organizations feel very strongly about this, and with good reason. We cannot dismiss the fact that we will have a series of requests for invasions and intrusions into areas that are of historical interest, areas that are of great recreation value conservation interest. I mentioned a situation in the State of Washington, my own State, where we have a beautiful wilderness area which the Yakima Indian tribe has made a claim to, and in the State of Montana, where they want part of a national forest.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. JACKSON. I yield to my friend from Montana.

Mr. METCALF. The whole question involved here is, is it not, a transfer from the Forest Service to the Bureau of Indian Affairs?

Mr. JACKSON. The Senator is correct.

Mr. METCALF. And the agency in America that is most notorious for its incompetence in the management of lands is the Bureau of Indian Affairs; and the best agency in America in management of the public lands and watersheds under public control in the Forest Service.

The only significant difference—and I ask for the attention of the Senator from Oklahoma—between the Senate bill and the House bill is that we give to the Department of the Interior—and the Secretary of the Interior, whoever he may be—control of this land, instead of giving it to the Department of Agriculture, which has managed this land so well and so competently over the years.

Mr. JACKSON. Mr. President, may I also add that I do not know what the Indians really want, beyond what Senator ANDERSON has proposed in his substitute. It will take care of all of their cultural and religious interests in the area. But the idea of conveying title in trust, of course, opens the door for similar requests from other Indian groups in the United States.

Mr. HARRIS. Mr. President, will the Senator yield at that point?

Mr. METCALF. Just a moment. Will the Senator wait a moment?

Mr. HARRIS. The Senator asked for my attention.

Mr. METCALF. Just a minute. It will open the door to similar requests for transfer in trust from national parks, wilderness areas, national monuments, and all these things that we thought were secure for the benefit, in the public interest, of all the people.

Mr. JACKSON. The Senator is correct. And right at that point, Mr. President, I ask unanimous consent to have printed in the RECORD, from the report of the hearings held by the committee on S. 750 and H.R. 471, the information contained on pages 218 and 219 of the hearings record which sets forth other known Indian religious interests in national forest lands. I ask unanimous consent that those specific areas, as identified on pages 218 and 219, be set out in the RECORD, at this point.

There being no objection, the excerpt from the hearing record was ordered to be printed in the RECORD, as follows:

OTHER KNOWN INDIAN RELIGIOUS INTERESTS IN NATIONAL FOREST LANDS

The Cochiti Pueblo, in June of 1968, requested the Bureau of Land Management to transfer several thousand acres (approx. 24,000) of the La Majada Grant to the Pueblo for administration in connection with the Cochiti reservoir. The La Majada Grant is an LU project administered by the Santa Fe National Forest. The reasons for the request were that the land was needed for the development of a new city in connection with the reservoir, and as access from their present Pueblo to the Bandelier National Monument, where people from the Pueblo go each year in connection with religious ceremonies. The Indians also have shrines on Tetilla Peak within the LU project, but not within the area requested. If a precedent were established for transferring lands with religious significance, these Indians would undoubtedly apply for an additional area.

The San Juan Pueblo attempted to acquire title to a large acreage near their Pueblo through Federal legislation. Their intent was published June 6, 1966 in the Santa Fe New Mexican as a feature item. The tract included the National Forest land adjoining

the north boundary of the Santa Clara Indian Reservation, plus land around the City of Espanola. The claim was based on a use for centuries "for religious ceremonies, and for fuel and vigas."

The Santa Clara Pueblo filed a claim before the Indian Claims Commission labeled Docket No. 356, on August 11, 1951. Under this claim the Pueblo is requesting 30,000 acres of National Forest and AEC lands in the vicinity of Chicoma, Ciara, and Caballo Peaks, which they purportedly used for centuries and which have religious and ceremonial significance.

The Havasupai Tribe requested 180,000 acres within the Kaibab National Forest, the Grand Canyon National Park, and the Grand Canyon National Monument. The request was recognized by House Resolution No. 19072, introduced July 30, 1968, by Congressman Steiger. The request was based on their long use of the area and the need to improve the Tribe's financial resources.

The Fort Apache Indians, through Bureau of Indian Affairs officials, have indicated that they believe the boundary between the Sitgreaves National Forest and their Reservation to be erroneously located. They contend that the boundary should have been on the drainage line which would entitle them to approximately 11,600 acres of National Forest land.

The Mescalero Apaches have indicated for a number of years a desire to acquire the Ruidoso Creek drainage on the Lincoln National Forest. In 1963, they acquired the improvements for the ski area on Sierra Blanca. This could have been an opening wedge. In 1968, they requested Senator Anderson to introduce legislation to transfer this area to them.

The Sandia Indians have shrines on the Sandia Mountains. There is no evidence of the size of the area or amount of use.

The Nambe Pueblo has filed a claim before the Indian Claims Commission labeled Docket No. 358 covering a large area within the Santa Fe National Forest, much of which is within the Pecos Wilderness Area. They have identified Lake Tamoyoge Okwinge (Sandy Lake), Lake Kate Okwinge (Lake Katherine) and 16 other religious shrines which are important ceremonial grounds. These shrines are supposed to bring good luck in hunting and other endeavor. They are visited regularly and cornmeal strewn over them at the time of secret religious rites.

The Hopi Indians consider the San Francisco Peaks within the Coconino National Forest as sacred area which are the homes of their Kachina gods. A portion of their ceremonies in the area involve the changing of the tribal government from summer to winter. The gods are supposed to come from the mountain to the Hopi villages in the spring and return to the mountain in the fall. The size of the area involved in the ritual is not known.

The Navajo Indians have numerous sacred areas surrounding their reservation. Mount Taylor on the Cibola National Forest, Blanca Peak on private land in southern Colorado, San Francisco Peaks on the Coconino National Forest, Hesperus Peak on the San Juan National Forest, Huerfano Mountain on public domain and private land, Gobernador Knob on public domain, and Hosta Butte on public domain, are all considered to be sacred mountains. El Cabezon and the lava flows south of Grants on public domain and private land, the San Juan River on private land, Oak Creek Canyon on the Coconino National Forest, and Sunset Crater in the National Monument are also sacred places. The acreage in each site and the use are not known. However, the "Mountain Chant" and numerous other myths involve the seven sacred mountains. The Navajo forebears supposedly sprung from a lake in the midst of these mountains.

The Jemez Pueblo believe that Redondo Peak on the Baca Location No. 1, Pajarito Peak on the Espirtu Santo Grant, and Church Canyon on the Santa Fe National Forest contain religious shrines. The amount of area and use are not known.

The Yavapai-Apache Indians have requested additional lands in the vicinity of Camp Verde on the Coconino National Forest, and Payson on the Tonto National Forest. These requests appear to be on the basis of aborigine use. They contend that the Yavapai Tribe occupied much of central Arizona in prehistoric times. They were moved to the San Carlos Reservation in the late 1800's where they lived with the Apaches for a time. However, they were discontented and were moved to the Ft. McDowell Reservation on the Verde River from which two bands moved up the Verde River to the Camp Verde and Payson areas. The Bureau of Indian Affairs acquired privately owned land at Camp Verde for the use of that band, but the Payson band more or less "squatted" on the National Forest with no authority for their occupancy.

Mr. HARRIS. Mr. President, will the Senator yield on that point?

Mr. JACKSON. I yield.

Mr. HARRIS. May I first say that the question was, "What do the Indians want?" That is rather clear, and it is documented over the last 60 years. They want title to this land, title that will be held in trust by the Department of the Interior. I think Indians have learned rather well from us non-Indians that "title" is an important word.

The Senator asks: Are we not doing about what the Indians want, anyway? Mr. President, if there is no difference, why not do it the way the Indians want? That is my question.

I ask one other question, in reference to the list which the Senator from Washington——

Mr. METCALF. Mr. President, will the Senator yield?

Mr. HARRIS. I should like to ask one other question in regard to the list that the Senator put into the RECORD about other similar claims.

Each of those is clearly distinguishable from this. But if the Senator thinks they are not, does the Senator intend to say to the Senate that if we adopt the House bill, he will no longer be a free agent and will somehow be required to vote favorably on all these other claims?

Mr. JACKSON. I will take the last question first. In conscience, one Indian tribe cannot be treated differently from another. If we take that position and try to say that a certain case is special and unique and different, then I think we are engaging in a gross injustice to Indians generally.

I happen to be the author of the Indian Claims Commission Act. I have been interested in providing justice to American Indians for a long time. For years—since the founding of this Republic—an Indian tribe, an Indian, could not come into court and advocate a just claim against the Government. It took the Indian Claims Commission Act to be able to do that.

Prior to adoption of the Claims Commission Act we had to pass a special bill to provide jurisdiction in the court of claims. I was the author of the Claims Commission Act, and I have followed this matter closely. We made a fundamental decision in 1946 that we were not going to settle past wrongs by simply handing out land. If we adopt a new policy of handling out land as a means of final settlement, we are going to raise serious questions about the whole land title situation in the United States.

Mr. HARRIS. Is not the Senator here advocating the violation of his rule, himself?

Mr. JACKSON. No. We are giving the Pueblo de Taos Indians in effect, a guaranteed use in connection with a right they have been performing over the years.

Mr. HARRIS. Rather than money.

Mr. JACKSON. No. The Indians do not want the money.

Mr. HARRIS. Exactly.

Mr. JACKSON. I understand that. On the other hand, we are recognizing that they have been using this land in part. They obviously are not using all 48,000 acres at all times. This is physically impossible. But we recognize that this is a historical and cultural and religious shrine.

I introduced a bill—I spoke with the able ranking minority member of the committee, the Senator from Colorado (Mr. ALLOTT) about this, and the Interior Committee will go into it later—which would recognize the existence of the right of Indians to be protected in those areas that are being utilized for religious, historical, and unique purposes. I think this is fair. But to turn around and go to the other extreme and grant title in trust, we are really going to create some serious problems.

Mr. HARRIS. I thought the Senator said there is no difference between the two.

Mr. JACKSON. There is a vast difference. If title is granted the lands can be open to logging, lumbering, mining, and to purposes that are totally inconsistent with the recreation and conservation programs of this country. That is why the conservation organizations are against it.

Yesterday the able Senator from Montana put a telegram in the RECORD. This is what it said:

> While sympathetic to desires of Taos Indians for exclusive use of Blue Lake area, Carson National Forest, granting title to land would set dangerous precedent for opening national parks, wildlife refuges, other public lands to similar claims. Objective of Indians suitably met by proposed Senate Interior Committee amendment, which also safeguards all public interests, in opinion of these major conservation groups: Wildlife Management Institute, National Wildlife Federation, Trout Unlimited, Sierra Club, Izaak Walton League of America, American Forestry Association.
>
> SPENCER M. SMITH,
> *Secretary, Citizens' Committee on Natural Resources.*

This is the nub of the issue, as I see it. I think it is important that we not establish a precedent here that is going to haunt us in connection with the requests by Indian tribes that I have already placed in the RECORD, which are pending and have been pending for some time, for the same kind of special legislative treatment. That is the conveyance of title.

I think this poses some serious problems about which every conservationist is going to have to think long and hard.

Mr. METCALF. Mr. President, will the Senator yield on that point?

Mr. JACKSON. I yield.

Mr. METCALF. I am going to talk on that point now, because I should like the Senator to yield to the Senator from Arizona.

The same is true in the State of Montana. The Flathead Tribe has a mistaken survey, and they have come in, and the Federal Government has admitted that there is a mistake in the survey. They want a part of the national forest. That bill has been held up in committee. The Flathead Tribe, the Yakima Tribe, and other tribes certainly are entitled to the return of their land a great deal more than the Taos Indian Tribe. The only thing is that we have said that we will try to do "justice"—and I am putting that word in quotation marks in deference to the Senator from Oklahoma—to the Indians by the Indian Claims Commission Act, whereby we compensate them for the land that has been taken either justly or unjustly. We treat every Indian tribe exactly the same. We treat the Taos Indians exactly the same as we treat Yakimas, the Flatheads, the Blackfeet, and all the others.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. METCALF. Yes. The Senator has the floor.

Mr. JACKSON. I just want to clarify a point.

The Senator from Oklahoma mentioned the fact that there is no money compensation. I think it should be pointed out that in the committee amendment, the right to use the land is to be an offset against their claim which is now pending before the Indian Claims Commission. So that this will be a factor in the final adjudication of the claim.

I want the record to be clear on that.

Mr. METCALF. I think the Senator from Arizona is seeking an opportunity to speak.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. GOLDWATER. The Senator does not have to yield, because, as I told him, I cannot support his approach.

I think we are overlooking one important thing here. This will not establish a precedent.

Frankly, I have to say, coming from a State that has 27½ percent of its land in Indian reservation and contains approximately 40 percent of all the Indians in the country, that I have often thought it would be a good idea some day to give them title to their lands and put them on the tax rolls and let them live like the rest. But that is beside the point.

I think we can control this, because what these Indians are asking for—and I have not heard this mentioned—is the use of land that we would say is religious land. It would be the same as our asking for a piece of land on which to build a church. I recall once getting a piece of land in Oak Creek Canyon, Ariz., for that purpose. There is a beautiful church built on it now.

On page 218 of the hearings, I note some of the uses the Indians have asked for. There is the Havasupai Tribe which has been pushed down into the Grand Canyon. They had lands on top of the south rim of Grand Canyon. It is not for a religious purpose so that if the committee did not want to get into this, they would not have to. There is no religious purpose attached to it.

The Fort Apache Indians have another argument about the boundary being falsely laid between their reservation and the Sitgreaves National Forest.

The Hopi Indians' religion—that is, the Pueblo Indians, like the Taos—is very similar. Land is part of their religion.

For example, the Hopis believe that the Kachinas, their gods, actually live on the San Francsco Peaks, and that during the solstice, the Kachinas come down from the peaks and go into the different pueblos.

The are not asking—I know this—for any part of the San Francisco Peaks. But this is religion to them, that the Kachinas go running through the trees and medicine men actually go there and sit beneath the trees and they can see the different Kachinas going by and then the medicine men come back to the village and duplicate them.

The Navajos' religion is built on mythology and legend. Their sacred places are in the mountains and large rock formations. They are just as sacred to them as anything in our religions is to us.

So, it is not a question of being fearful about precedent being established. We can control that.

When Indian tribes, such as the Taos, ask for this lake, they do so because hundreds of years ago, in 1200 or 1300, Indians came to live there. The lake has been a part of their religion ever since.

We make the argument about the Navajos using peyote, which is dope. Well, they will say to us, "You Christians use wine in your religious ceremonies. We use peyote." They might also say to us, "You go and worship in a church which you have built. We go and worship on a mountain. We go and worship by a lake. We go and worship on a rock." All that has meaning to the Indians. All of these rocks, mountains, streams, and lakes, we have out there, they all have some definite religious meaning.

The Hopi Indians will not allow any exporation for oil, or even water, on their lands, because the Masao is their god of the land, and they do not want people sticking holes in their god Masao. If anyone asks them for the name of a god of a certain piece of land, they can tell him without surveying it or having any map.

Mr. President, I would be hopeful that my colleagues would vote today for these Indians. I do not see it as any precedent even though, as I said earlier, I would not object to it being a precedent because I believe that one of these days we should turn the lands over to the Indians in title.

This is merely a religious request.

I can understand the feelings of the Indian tribes, having lived among them all my life, especially their interest in acquiring certain pieces of property, even though it might mean going into a national park. If we yield to the Havasupai request we would have to take a small piece from the Grand Canyon National Park. I do not see any reason why any tribe, unless it does have a religious interest in the Glacier National Park—and I have never heard of it—would want that land except for religious purposes.

Again I suggest to the able chairman that we can certainly control this by stating that no land will be given in fee title, that no land will be given or even allowed to be used, if that is the case, unless they are wrapped up in some religious meaning to the Indians.

We have to remember, maybe, one or two other things, that the Spanish kings recognized the rights of the Indian tribes to certain of the lands. I believe that the Treaty of Guadalupe Hidalgo, which was signed in 1848, the treaty between the United States and Mexico, recognized the historic position of the Indians on these lands.

Some of the lands have been expanded. The historic Navajo Reservation was very small, contained in Canon de Chelly. Now it is spread out over 16 million acres. Much of the western part of that Navajo Reservation has no religious significance at all to the tribe.

Thus, I hope that Senators will take a look at this the way I think it should be looked at, as to what the Indians desire, and what I would like to see them get; namely, their rights to these religious lands, just as we have the right to go to the church of our choice. They should have the same rights, even though their religions, I must say, are completely different to ours.

The Hopi Indians have over 250 different gods. The Navajos, I do not know how many they worship, but mostly in legend and mythology.

Let me mention just one example. In the Canon de Chelly, which is a national monument, there is a rock called the Spider Rock. The Navajos who live there have never asked for this rock. We have never had any problem about it. I do not believe they would ever ask for it.

There is a legend about the Spider Woman, that she taught them how to weave and she taught them at the Spider Rock. The Spider Woman became a god to the Navajos. The Navajos are good weavers to this day, but they never weave a perfect rug. They always leave a little hole so that the Spider Woman can go through.

That is one example. I could give hundreds more, all over Arizona, New Mexico, southern Utah, and parts of southern Colorado, that has tremendous religious significance. The Indians look upon that area as we look upon Jerusalem. The Taos look to the Blue Lake. The Navajos look to the mountains, the Hopis to the San Francisco Peaks.

Now, Mr. President, I thank the Senator from Washington for yielding to me.

Mr. JACKSON. Mr. President, may I respond briefly.

I want to compliment the Senator from Arizona for a very fine statement. We all want to do justice to the Nation's Indian people and to see to it that their historical practices are protected. I would

be the last to dispute that right. I fully support that objective.

I think the problem here is how we achieve this objective. I mentioned in my opening remarks that on October 13, 1970, I introduced S. 4469, the National Indian Cultural and Ceremonial Shrine Act of 1970.

This bill would establish a uniform procedure whereby all recognized Indian tribes would have the opportunity to petition the Secretary of the Interior and request him to recommend to Congress the establishment of a national Indian shrine for their use and benefit.

Mr. President, let me read from the declaration of policy in the proposed legislation:

> There is hereby established a "national system of Indian cultural and ceremonial shrines," all units of which shall be designated, preserved, and managed in accordance with the provisions of this Act. National Indian cultural and ceremonial shrines shall be designated by Congress as "Indian shrine areas" and shall be preserved and administered for the use of recognized Indian tribes in such manner as will afford full protection for the natural condition of the designated lands and afford the members of the tribe an opportunity to maintain their traditional practices and their cultural and ceremonial heritage.

Mr. President, my plea is that we adopt a uniform policy such as is contained in S. 4469. I must say that the proposal of the Senator from New Mexico (Mr. ANDERSON) is in keeping, on a singular basis, as it applies to the Taos, with the policy statement I have just read from in S. 4469.

I reiterate to my good friend from Arizona that I think we are all in accord here as to the need to protect the historic religious practices of the American Indians. What I am worried about is transfer of title means that uses can be made beyond what we are talking about; namely, religious practices, and the preservation of their cultural aspects in areas which are important and most significant to specific tribes. This is my point.

Mr. GOLDWATER. Mr. President, I think that the Senator's point is very well taken. I know of his proposed legislation. I certainly hope that it comes to the floor. I think that we ought to enact it. But in the meantime I feel that the legislation that will be proposed by the Senator from Oklahoma will better answer this problem than the step we are taking today. We are not really saying to these people, "This is your shrine. You use it." We are saying that they can continue to use it as they have in the past without being molested.

To me, it is like someone telling me, "You can continue to go to your church, but it is no longer your church."

Mr. JACKSON. I would say that obviously we cannot compensate in dollars for the taking away of the land area that is in fact—if it is a fact—a part of a religious practice or a ceremony.

There would be no way to compensate for that, because that is a practice that is tied to a specific area of land and no other.

That is why I think there is validity here in doing what the Senator from New Mexico (Mr. ANDERSON) has proposed.

Mr. President, I yield the floor.

Mr. ALLOTT. Mr. President, I have been extremely interested in the colloquy which has just occurred. Of course, I am sure that no Member of the Senate is as knowledgeable over all of Indian history and Indian lore as the distinguished Senator from Arizona (Mr. GOLDWATER). We all recognize this.

The position of the committee in this matter was not arrived at easily, nor without a great deal of soul searching and analysis. It was arrived at only after consideration of not only what has occurred in the past, but also consideration of where we are going in the future with this particular subject matter.

Mr. President, I rise in support of the committee substitute for the House-passed version of H.R. 471. I have considered this question carefully and have come to the conclusion that the House passed version of H.R. 471 creates a dangerous and undesirable precedent—the granting of lands in lieu of money to pay judgments against the United States.

The claim, which this legislation is designed to settle, resulted from the inclusion of the land in question in the Carson National Forest in 1906. The Indians claimed that they had traditionally roamed this area and therefore had aboriginal Indian title to the tract.

The area consists of the high mountain watershed known as the Blue Lake and Rio Pueblo drainage area. The Indians claim that Blue Lake is the source of their water, and Blue Lake, the surrounding peaks, together with the streams flowing from the area, are sacred. They claim that they worship at these shrines; that their religion is secret, and to reveal the times, places, and modes of worship would desecrate their religion and destroy its power.

In the early days of the Spanish explorers, the Spanish people settled in the area to the south of the Taos Pueblo and the Spanish settlement of Taos was established. Rio Pueblo and adjoining Rio Lucero furnished water for domestic and agricultural purposes for both the Spanish and the Indians.

When the original Taos Pueblo reservation of about 17,000 acres was granted to the Indians, it was later found that some of the Spanish settlers and the village of Taos were on land granted to the Indians. While the land grant was made by the Spanish Crown, under the Treaty of Guadalupe Hidalgo, the U.S. Government assumed sovereignty over all of the vast regions of the Southwest, and President Lincoln confirmed a grant of 17,360 acres to the Tao Pueblo in 1864. This was a tract of four square leagues surrounding the Pueblo, but it did not include the Blue Lake area or any of the land included in H.R. 471.

The land taken by the Spanish settlers and the village of Taos was about 900 acres. Congress determined that the only way to settle the matter was to pay the Indians in cash for the reservation lands taken by the Spanish settlers since they were there in good faith, not knowing they had settled on Indian land. In 1924 Congress passed an act which established the Pueblo Lands Board. The Board found that the value of the land taken by the Spanish settlers and the village of Taos was $458,520.61, for about 900 acres. The Indians were paid $160,835.94 for lands outside the village of Taos. This left a balance of $297,684.67 owing to the Indians for lands within the village of Taos.

It is significant to note that the lands subject to this legislation either the House version or the committee version are not the same lands for which the Pueblo Land Board had awarded entitlement to compensation. The fourth sentence of the first full paragraph on page 3 of the committee report, No. 91–1345, on this legislation deserves reiteration:

> . . . In hearings before the board, the Pueblo had offered to waive the cash payment if the board would agree to give them the Rio Pueblo watershed, including Blue Lake.

Subsequent reviews of the claims by the Indian Affairs Committees of the House and Senate in the late 1920's and early 1930's revealed that the Indians refused the cash payment for the balance of the award $297,684.67, and demanded instead a patent to 50,000 acres of land surrounding Blue Lake and the Rio Pueblo watershed. Consequently, it would appear that the delinquency in payment was not the fault of the Federal Government, and this is a very important item to consider in this argument.

After long deliberation, the 73d Congress adopted Public Law 28, which granted to the Indians a 50-year use permit, for approximately 31,000 acres in the Rio Pueblo area, including Blue Lake. The permit is renewable for so long as the land is needed by the Indians for the purposes set forth, including religious ceremonies. The law restricted use by outsiders, admittance being granted only by special permission, with the concurrence of the tribal authorities. It was believed that this settled the problem because it segregated the land "for the personal use and benefit of said tribe of Indians," protected their religious secrecy, and at the same time protected the watershed.

If the Congress acts to grant other lands in lieu of cash payment for lands taken, as the House version of H.R. 471 would do, where will it stop? Will judgments for land taken from "Tribe X" in Colorado be satisfied by a grant of land in Wyoming or vice versa? Will other tribes who have settled their claims demand that their claims be reopened on the theory that they were not afforded an opportunity to select lands in lieu of accepting monetary compensation?

As the committee report points out on page 6: "We know there have been filed before the Indian Claims Commission claims for nearly 90 percent of all of the land in the United States." The Senate must consider carefully the long-term consequences of granting title to large blocks of land to Indian claimants in lieu of money. As the distinguished chairman of the committee pointed out, Congress made this decision, it seems to me, clearly and unequivocally when it passed the Indian Claims Commission Act.

Earlier this year the Senate passed a measure to legislatively settle the claims of the Alaska Natives. The bulk of the settlement was embodied in the money payments—$1 billion. The Alaska Natives have laid claim to between two-

thirds and three-fourths of the entire State of Alaska. Senators must ask themselves what effect adoption of the House version of H.R. 471 will have upon the proposed settlement in Alaska.

The Secretary of the Interior in his testimony before the committee expressed his belief that the granting of trust title for these national forest lands to the Taos Tribe would not set a precedent. Former Secretary Udall expressed a similar belief. But do the Indians believe it is not a precedent. From an Associated Press wire story, published in the Oregonian on September 13, 1970, the following paragraph is quoted:

At an Indian convention here Friday, Yakima tribal chairman Robert Jim said, "If President Nixon means what he said in his Indian policy speech of August 8 in which he asked Congress to restore the Blue Lake to the Taos Pueblo Indians, he will simply order the secretary of agriculture to return Tract D to the Department of Interior and the Indians under the Bureau of Indian Affairs." (Note: Mr. Jim was probably referring to President Nixon's Message to Congress of July 8, 1970.)

I might say there is ample other precedent for this. Referring to the hearings, I find a letter from a Chippewa Indian at Eastern Washington State College, Cheney, Wash., which appears on page 305 of the hearings. The letter states:

EASTERN WASHINGTON STATE COLLEGE,
Cheney, Wash., March 16, 1970.

Hon. Senator HENRY M. JACKSON,
Washington State Senator,
State Capitol Building,
Olympia, Wash.

HON. SENATOR HENRY M. JACKSON: Concerning the House Bill H.R. 471, I urge your support for the passage of this bill in the Senate.

I believe, this bill is of major importance, not only to the Taos Pueblo Indians, but to all Indians of America. For in the long run, this bill will affect all Indians by setting a precedent for other Indian groups to follow.

Since I am a Chippewa Indian, I am very interested in all of my people. I can only conclude that this bill must be resolved in favor of the Taos Pueblo Indians.

Sincerely,

ROBERT PARISIEN.

So there is no question that what we are doing here is concerning ourselves with a precedent and reversing a policy established by the Congress, and to a great extent accomplished, under the Indian Claims Commission.

Without in any way attempting to pass upon the Yakima claim it would appear that Mr. Robert Jim, tribal chairman of the Yakima Tribe, considers the Taos matter a precedent. There are other expressions of belief that adoption of H.R. 471 as passed by the House will set "a precedent for other Indian groups to follow."

It has been said that all Indians are watching developments with regard to this legislation. I am confident that this is true. If, as I have pointed out, they are viewing the action of Congress with the expectation of creating a precedent, what will be the nature of the next demand for lands? Will it be for cultural purposes, economic purposes, hunting or religion? I believe that we can expect an avalanche of such demands, and they will not be restricted to "uniquely significant religious lands."

Mr. President, no member of the committee wishes to in any way interfere with or impede the practice of the Taos religion, whatever it may be. Although their religion is secret, and we only have their word that privacy is necessary and these lands are essential, the committee was willing to expand the area subject to use of the Taos by approximately 17,000 acres.

The terms of the rights to the use of the whole 48,000 acres were tightened and are not based upon a permit. The rights of the Taos Indians would be vested in law. Under the committee bill the Indians will receive essentially everything they would receive under the House bill, except title. In my view, the committee bill satisfies all of the Taos Indian's demands, protects their religious shrines, grants indefinite tenure, and preserves the land for their exclusive use without creating a dangerous precedent.

Mr. President, it should be recognized that this is not a partisan issue. H.R. 471 was introduced in the House of Representatives by Mr. HALEY, the second ranking Democrat on the House Interior Committee. The substitute, reported by the Senate Interior Committee, was proposed by the senior Democrat on the Committee, the senior Senator from New Mexico (Mr. ANDERSON), who was formerly the chairman of the full committee.

The administration has been split on the issue. The May 15, 1969, report of the Department of Agriculture opposed the enactment of H.R. 471, and according to that report, the Bureau of the Budget also opposed the House bill. However, in his message on the American Indians of July 8, 1970, the President recommended the enactment of H.R. 471 with certain amendments. The amendments were set forth in the July 8, 1970, report of the Department of Agriculture. None of those amendments are included in the House-passed version of H.R. 471, since they were not proposed until 10 months after the House had passed the bill.

There is no question concerning the expertise and experience of the distinguished and able House Interior Committee, but the fact remains that a majority of your committee, whose combined experience in Indian matters may be calculated in centuries, adopted the susbtitute proposed by the senior Senator from New Mexico, which is the situs of the controversy, and whose own experience in Indian matters extends far beyond the nearly 22 years he has served on the Senate Interior Committee.

Mr. President, at his point, I believe it is appropriate to quote the three concluding paragraphs of Senator ANDERSON'S statement before the Senate Interior Committee:

It is often stated that the Blue Lake claim is unique among all Indian tribes, that no other tribe has claimed land for religious purposes as the Taos Indians have. Therefore, it is asserted, no precedent would be set if the 48,000 acres of land provided for in H.R. 471 were transferred to the Taos Pueblo. I submit that many other tribes have based their land claims on religious importance. As a matter of fact, the Nambe claim, Indian Claims Commission docket No. 358, was quite similar to the Taos claim. In addition to a large quantity of land, this tribe claimed two sacred lakes lying in the National Forest, Lake Katherine and Sandy Lake. Several springs are mentioned as shrines in the Santa Clara Claim, Indian Claims Commission docket No. 355. Acknowledged scholars point out that every Pueblo tribe along the Rio Grande has shrines comparable in importance to Blue Lake. Members of the Navajo Tribe worship on Mount Taylor and Navajo Mountain. The Cochitis worship at locations within the Bandelier National Monument. The Santa Claras have religious shrines on Tschicoma Peak. The Hopis have shrines on the San Francisco peaks. I have been told that the Sandia Indians attach religious significance to the entire Sandia Mountain Range. These are just a few examples. Needless to say, these tribes would all like to obtain legal title to these lands. One can only speculate as to the number of claims throughout the United States based upon religion which will arise if H.R. 471 is passed by Congress.

Let me assert once again that I am in complete sympathy with the desire of the Pueblo to make certain its shrines will be protected. That is why I have introduced legislation a number of times and that is why I appear today to discuss these proposals and to declare my willingness to reach an agreement on this legislation.

It is my hope that Congress can agree to settle the issue on its true merits, rather than on a generalized desire to do something for the Indians. The Taos Indians can continue to receive the protection for their religious shrine that they rightfully deserve—without a disturbing precedent with national implications being established. Protection of the Blue Lake shrine is not incompatible with judicious treatment of the other major issues involved—land and water management and precedents governing the public domain. A solution is possible which will attain goals and that is what I hope we will achieve.

Mr. President, it is my sincere belief that the formula contained in the committee bill does achieve both goals. It does provide protection for the religious shrine of the Taos Indians, and it avoids the establishment of a disturbing precedent with national implications. I urge the Senate to adopt the amendments of the Committee on Interior and Insular Affairs.

After many, many hearings, after I would say literally days of discussion in the committee devoted to this matter, the great majority of the committee is of a mind that this is the fairest way to deal with the matter without doing an injustice to the tribe and without creating a precedent which, in my opinion, would plague us for many, many years to come. Make no mistake about it, if we adopt the House bill, it will, indeed, be considered a precedent.

I ask unanimous consent that various news clippings and data be printed in the RECORD at the conclusion of my remarks, regarding other religious and ceremonial Indian uses of public lands.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the San Francisco (Calif.) Chronicle, Oct. 27, 1970]

INDIANS TOLD TO LEAVE U.S. LAND

BURNEY, SHASTA COUNTY.—The Pit River Indian tribe has been given notice to leave

an "occupied" section of Shasta-Trinity National Forest.

The United States Forest Service notified the Indians to break camp on a corner of the national forest near the intersection of Highways 299 and 89.

U.S. Attorney Duane Keyes said in Sacramento that some action would be taken against the band of some 100 camping Indians by the end of this week unless they leave the area.

The Indians moved into the area October 5, as trials began in Burney of 49 members of the tribe arrested on charges of trespassing on Pacific Gas and Electric Company property near here last June.

The Pit River tribe claims that 3.5 million acres of this rugged timbered land was stolen from them by the U.S. government in 1853.

The "occupations" have been an open effort to force the question of ownership of the land into court where the Indians could argue their claim against Federal ownership of the land and a much-disputed financial settlement offered the Indians in 1964 when the government conceded the land was taken from them "without compensation."

The Indians have set up a metal Quonset-hut dwelling on the national park site, and, according to authorities, have been chopping down trees—a Federal offense—to build more structures.

Tribal Chairman Mickey Gemmill said about 100 Indians currently on the land would submit to arrest without resistance.

The case would then go before a U.S. commissioner and, the Indians hope, into Federal court where they could argue their claim.

Ten persons, including Gemmill, have already been convicted of trespassing by a Burney Justice Court jury, but that case dealt with trespassing in PG&E land.

SHASTA DISPUTE—INDIANS, DEPUTIES IN BATTLE

BURNEY, SHASTA COUNTY.—Indians armed with tree branches battled toe-to-toe with club-swinging sheriff's deputies near here yesterday morning as authorities moved to evict the Indians from an "occupied" section of Shasta-Trinity National Forest.

One Indian, Gordon Montgomery, 57, of Redding, was hospitalized with a head injury after the brief battle.

Twenty four persons were arrested, including six who were charged with felony assault on a police officer. Seventeen others were taken to Susanville to appear before United States Commissioner Scott Kirby on charges of resisting, obstructing or interfering with Federal officers. Two of those arrested were also charged with illegally cutting timber on a Federal reserve.

FORCE

The unexpected fighting broke out as a force of about 30 Shasta county sheriff's officers backed up by nine Federal marshals and nearly 50 Forest Service employees, moved onto an Indian campsite on the forest preserve at the intersection of Highways 299 and 89.

Club-swinging on both sides suddenly erupted when a marshal attempted to prevent an Indian identified as Ross Montgomery from cutting down a pine tree with a power saw.

Some of the nearly 100 Indians at the site rushed to Montgomery's aid. It was unclear who swung the first blow.

DRIVE

Pit River Indans and their sympathizers occupied the small corner of Shasta-Trinity National Forest October 5 as part of a drive begun last June to dramatize their ancestral claim to 3.5 million acres of this timber country they say was stolen from them by the Federal government in 1853.

The Indians had set up a quonset hut dwelling and, to get timber to build another structure, had begun felling some of the huge Ponderosa pine trees standing about their campsite.

Last week, authorities notified the Indians they would have until 6 p.m. Monday to remove the quonset hut and leave the area or face arrest.

TEST

It had been understood on both sides that the Indians were, in fact, inviting arrest in an effort to get their claim to the land before a Federal court.

Monday night, a group of Forest Rangers met with the Indians at the campsite in an effort to arrange an amicable truce.

The meeting had elements of a pow-wow in a "B" western. The conferees—including Mickey Gemmill, chairman of the Pit River Indian Tribal Council—met around a large campfire while ceremonial drums throbbed nearby and occasional warwhoops pierced the night.

"I can tell you it was kind of a nervous thing," said Forest Service Information Officer Gerald W. Gauze.

ARRESTS

Gauze said the Forest Service asked for help from Federal marshals and sheriff's deputies after the pow-wow failed to convince the Indians to tear down the metal quonset hut and leave the land.

The hut was later torn down and removed by the Park Rangers.

Gemmill, who has led his tribe in the occupation of a PG&E campsite in June as well as this latest effort, was among those arrested, as was John Hurst, a reporter for the Redding Record-Searchlight newspaper.

Assistant U.S. Attorney William Chubb said those persons arrested on Federal charges would appear before Commissioner Kirby in Susanville today.

HOPI TRIBE

Nature of Religious Use.

Location of Shrine or Ceremonial Land—San Francisco Peaks—Coconino National Forest, Arizona.

Exact location on the peaks is not known.

Ceremonies Conducted—

At least part of the ceremonies is for the purpose of changing the tribal government from summer to winter.

The mystic theme is the coming of the Kachina Gods from the mountain to the Hopi villages in the spring and returning to the San Francisco Peaks in the fall.

Frequency—Twice each year—spring and fall.

Historic or Recent—The custom is ancient.

Secret or Open—Secret.

Forest Service Recognition—The Forest Service recognizes the use of the San Francisco Peaks for ceremonial use by the Hopi and Navajo tribes has made some adjustment in management to accommodate them. (See statement below).

Impact on National Forest Management—Spring use of the San Francisco Peaks by the Hopi Tribe has conflicted in some years with the severe fire season when closure orders are necessary. When this occurs, special entrance permits have been issued to the Indians so they can conduct their ceremonies. Otherwise, there have been no conflicts of use to our knowledge.

If the San Francisco Peaks area were taken from the National Forest System, the impact would be rather severe on several segments of the public. The inner basin is the watershed from which comes the water supply for Flagstaff. The area is also a potential ski site—one of the best in the Southwest. The area contains a large volume of commercial timber, prime wildlife and recreation habitat and furnishes forage for livestock.

Claims—There are no known claims before the Indian Claims Commission.

NAVAJO TRIBE

Nature of Religious Use.

Location of Shrine or Ceremonial Land—Mt. Taylor—Cibola National Forest;

Blanca Peak—Not believed to be on the National Forest;

San Francisco Peak—Coconino National Forest;

Hesperus Peak—San Juan National Forest, R–2;

Huerfano Mountain—BLM or private land;

Gobernador Knob—BLM land;

Hosta Butte—BLM land.

In addition to these seven sacred mountains, the Navajo considers El Cabezon and the lava flows south of Grants, New Mexico, as sacred places. Neither of these is on the National Forest. The San Juan River, Oak Creek Canyon on the Coconino National Forest, and Sunset Crater National Monument, National Park Service, are also sacred places.

Ceremonies Conducted—Mt. Taylor figures prominently in a 9-day religious ceremonial known as the "Mountain Chant" which is based on the myth of the Desily Neyani. This is one of numerous myths involving seven sacred mountains named above. From a lake in the midst of these sacred mountains, the Navajo forebears supposedly sprung.

Frequency—Annually.

Historic or Recent—The ceremonies stem far back into history.

Secret or Open—Part of the ceremonies are secret and part are open to the public.

Forest Service Recognition—

The Forest Service respects the religious ceremonies of the Indians. There has been no apparent conflict between the religious needs of the Indian and National Forest administrators. Should any develop, they could be, we believe, accommodated under our system of multiple use management.

On the other hand, if the sacred areas involved in the Navajo ceremonials were taken from the National Forest System, much valuable timber, recreation, water, wildlife and range land would be denied the public.

Impact on National Forest Management—None under present conditions.

Claims—There are no known claims before the Indian Claims Commission.

COCHITI PUEBLO TRIBE

Nature of Religious Use.

Location of Shrines or Ceremonial Lands.—Stone lions and "Caves of the Ancestors", Bandelier National Monument, and possibly on Tetilla Peak—La Majada Grant—Santa Fe National Forest.

Ceremonies Conducted—A chosen man "goes to an appointed place in the mountains, where he plants sticks at marked spots, a forked and a straight one. Keeping his mind and his thoughts free from all mundane thoughts, he waits there, for days, if necessary, praying incessantly. In time, the shadow of the straight stick will fall exactly on the crotch of the other. Then he knows that the sun has come to the point, and he returns to the village. The equinox is thus established and the summer people take over."

Frequency—Annually.

Historic or Recent—Historical.

Secret or Open—Very secret.

Forest Service Attitude and Recognition and Impact on National Forest Management—

There has been no known impact on National Forest administration or National Forest land. However, very recently, the use of the religious sites in the Bandelier National Monument was cited as one of the reasons why a portion of the La Majada Grant, lying between Cochiti Pueblo and the Monument, should be transferred from the National Forests to the Indians. The Cochiti Tribe apparently want to tie their reservation to the ceremonial lands they use.

The loss of this land to the Cochiti Tribe

would seriously affect one National Forest grazing allotment.

Claims—To our knowledge, there are no claims before the Indian Claims Commission.

U.S. GOVERNMENT MEMORANDUM

To: The Record.
From: Wm. D. Hurst, Regional Forester.
Subject: Land Transfers.

The afternoon of June 10, Dean Cutler, Ranger Clarence Rice, and I met with representatives from the Bureau of Land Management and the Bureau of Indian Affairs to discuss the possibility of a land exchange with the Bureau of Land Management which would make available to the Department of Interior land adjacent to the reservoir which will be formed by the Cochiti Dam. The Department of Interior would then make this land available to the Cochiti Tribe.

Mr. Jim Anderson, State Director of BLM, along with Warren Gray and Michael Solan, represented the Bureau of Land Management. Messrs. Walter Olson, Ken Payton, Doug Shannon and Melvin Helander represented the Bureau of Indian Affairs. Maps were presented showing the National Forest land desired by the Cochiti people. It appeared to us that the amount requested is excessive to meet the expressd recreational needs of the Cochiti Tribe. Ranger Rice explaind the complication which would develop in transferring this land from its present National Forest status. All of it is now being used by local livestock operators, all of whom are Spanish Americans, that depend heavily upon this area for their grazing resource. Inclusion of the bench land above the river bed would be particularly damaging to the livestock operators.

It was agreed that the Bureau of Indian Affairs representatives will discuss this matter in more detail with officials of the Cochiti Pueblo in the light of our June 10 discussion. Following this, we will again meet to consider their needs. Mr. Walter Olson will contact State Director Jim Anderson to arrange a meeting at an appropriate time.

Ranger Rice agreed to furnish Mr. Olson with a map and a list of livestock permittees involved and the number of stock that operate on the lands desired by the Cochiti Tribe.

No effort was made to select Bureau of Land Management lands which might be used in the proposed exchange. This aspect of the case will be explored as we learn more precisely the desires of the Cochiti people.

WM. D. HURST.

SANTA CLARA TRIBE

Nature of Religious Use.

Location of Shrine or Ceremonial Lands—The Governor of the Pueblo has indicated that religious shrines are located on Tischicoma, which is on the Santa Fe National Forest and Caballo Mountain, which is on the boundary of the Santa Clara Indian Reservation and Atomic Energy Commission withdrawal, which is currently being considered for return to the National Forest System.

Ceremonies Conducted—The nature of the ceremonies, if they are conducted, is not known.

Frequency—The frequency of the ceremonies is not known.

Historic or Recent—Presumed to be historic, but record of duration is not known.

Secret or Open—Secret.

Forest Service Recognition—Apparently the Forest Service has, until now, not known of the ceremonies. If they do take place, they could undoubtedly be conducted on National Forest land without conflict.

Impact on National Forest Management—None under present conditions. If the ceremonial areas and land adjacent to them (30,000 acres requested in exchange for a road right of way across their reservation) were taken for the Indians, the National Forest would be dissected into unmanageable units and highly productive timber (from 2,200 bd. ft. to 12,800 bd. ft. per acre on the Tishicoma and 3,600 bd. ft. per acre on the Guaje), grazing, wildlife, water, and recreation would be lost to the public. (Twenty local livestock operators depend heavily upon the forage on this land for their livestock.)

Claims—The Governor of the Santa Clara Pueblo gave Supervisor Latimore a copy of their claim before the Indian Claims Commission. This is labeled Docket No. 356, dated August 11, 1951. The claim is based upon aboriginal use.

SAN JUAN PUEBLO TRIBE

Nature of Religious Use.

Location of Shrine or Ceremonial Land—According to a newspaper article, Santa Fe New Mexican, dated June 12, 1966, the tribe claims parts of the Bartolome Sanchez Grant, private land: parts of the Santa Cruz Grant, private land: the Sebastian Martin Grant, East ⅓ on the Carson National Forest. The remainder of this Grant is administered by BLM.

Clara Peak, Santa Fe National Forest.

Ceremonies Conducted—The nature of the ceremonies, if indeed they are conducted, is not known.

Frequency—Unknown.

Historic or Recent—Unknown, but these are undoubtedly historic ceremonies associated with the pueblo.

Secret or Open—If conducted, they are secret.

Forest Service Recognition—Approximately 38,000 acres of National Forest land is involved in the above described claims. There is no history, however, of conflict with the Forest Service and the Pueblo Indians in the use of these lands. There is no reason why this relationship should not continue.

Impact on National Forest Management—None; The lands involved or purported to be claimed by the San Juan Pueblo contain many resources used by the public. They should be retained in public ownership and managed for the public's benefit.

Claims—There have been no known claims filed with the Indian Claims Commission.

An article in the New Mexican (published in Santa Fe) of June 12, 1966, the San Juan Pueblo announced their intention to try, through Federal legislation, to acquire title to the Sebastian Martin Grant, which is now National Forest land, to National Forest land south of the San Juan Pueblo and north of the Santa Clara Pueblo, around and adjacent to Clara Peak, and parts of the Bartolome Sanchez and Santa Cruz Grant. The legislation will be supported by the purported use of these lands for religious ceremonial purposes, for grazing, and as a source of wood for firewood and vigas.

There was also a newspaper article that denied any intention to try through Federal legislation to acquire title to lands mentioned above.

NAMBE PUEBLO TRIBE

Nature of Religious Use.

Location of Shrine or Ceremonial Land—Lake Tamayoge Okwinge (Sandy Lake)—Santa Fe National Forest.

Lake Kate Okwinge (Lake Katherine)—Santa Fe National Forest.

The Pueblo also identified for the Indian Claims Commission 16 other religious shrines—in most cases, piles of sacred stones dotted throughout their claimed area.

Ceremonies Conducted—The shrines are thought to bring good luck in hunting or other endeavors and were regularly visited and strewn with corn meal at the time of the secret religious rites. Although native religious practices have, to a large extent, died out at Nambe, these shrines are still maintained.

Frequency—not known. Apparently not as regularly now as in the past.

Historic or Recent—Historic.

Secret or Open—Secret.

Forest Service Recognition—Forest Service has not known of the religious rites or the shrines. We will, however, now respect them as being meaningful to the Nambe Indians.

Impacts upon National Forest Management—None apparent. Some shrines are within the Pecos Wilderness. This Wilderness undoubtedly gives additional protection to the shrines.

Claims—Docket No. 358, Pueblo of Nambe before the Indian Claims Commission.

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9. Native religion was very much alive at Nambe Pueblo from 1848 to the first decade of this century. Ceremonials were held as late as the 1930's. In the native religion of Nambe Pueblo, specific ceremonials must be performed at designated spots or shrines. A shrine cannot be moved. The area of aboriginal occupancy is thus dotted with religious shrines which were frequently visited by members of the Pueblo of Nambe for ceremonial purposes.

The most important shrines are the sacred lakes of Tamayoge Okwinge (Sandy Lake) and Kate Okwinge (Lake Katherine). Initiation and healing ceremonies were held there and it was believed that the supernaturals inhabited these sacred lakes. Petitioner identified 16 other religious shrines, in most cases piles of sacred stones, dotted throughout the claimed area. These were thought to bring good luck in hunting or other endeavors and were regularly visited, and strewn with corn meal, at the time of secret religious rites. Although native religious practices have to a large extent died out at Nambe, these shrines are still maintained.

10. The Nambe people, like other Pueblo Indians, were farmers long before the Spaniards came to New Mexico. According to an 1890 report, the Nambe Indians farmed 300 acres. Most of this land was in the granted area, but some land was farmed outside the grant, in the area above and just below Nambe Falls, and along the Rio en Medio. There the Indians raised beans, corn and pumpkins, as well as melons and tobacco.

JEMEZ PUEBLO TRIBE

Nature of Religious Use.

Location of Shrines or Ceremonial Lands—

Redondo Peak (not on National Forest land).

Pajarito Peak (Not on National Forest land).

Church Canyon (National Forest land).

Ceremonies Conducted—Nature of ceremonies is not known.

Frequency—annually.

Historic or Recent—Historic.

Secret or Open—Secret.

Forest Service Attitude or Recognition—There is no apparent conflict between the ceremonies and National Forest activities. Should any develop in Church Canyon, the religious needs of the Indians could undoubtedly be accommodated.

Impacts on National Forest Management—None.

Claims—There are no known claims before the Indian Claims Commission.

ZIA PUEBLO TRIBE

Nature of Religious Use.

Location of Shrine or Ceremonial Land—The Zia Pueblo Indians apparently have sacred mountains similar to the legends of the Navajo tribe, although we have no definite name for them. The legend names them by the tree supposedly on the top. The north is Spruce; west is Pine; south, Gambles Oak; east, Aspen, with the Zenith, Cedar and Nadir, Pungens Oak.

The Zia tribe came from two "mothers" out of the middle of the mountains.

Ceremonies Conducted—The Cloud people society supposedly occupies the mountain and takes the water from springs and sprinkles it as rain over the land. There are many other ceremonies, including the hunt ritual which is 13 days long.

Frequency—Apparently annually.

Historic or Recent—Historic.

Secret or Open—Undoubtedly secret.

Forest Service Recognition—Since the locations of the ceremonies are not known, the Forest Service has had no association with them. If the locations are on National Forest land, the needs of the Indians can be accommodated.

Impact on National Forest Management—None.

Claims—There are no claims before the Indian Claims Commission to our knowledge.

Mr. METCALF. Mr. President, probably more than any other Senator, I have participated in hearings that have been held on this bill over three Congresses. It has been my privilege and my duty to act as chairman at some of those hearings. Sometimes I was the only Senator present while the hearings were being held. I approached these hearings completely objectively.

Mr. President, I ask for the yeas and nays on the committee amendment.

The yeas and nays were ordered.

Mr. METCALF. As I said, I approached this problem with complete objectivity. I tried to extend to it my interest and my concern for the Indians as well as my interest and concern for the public interest.

On page 298 of the hearings appears a letter from Mr. Bodine, who is an associate professor of anthropology at American University. I wish to read the first paragraph of that letter:

DEAR SENATOR METCALF: I attended the July 9, 1970 committee hearings on the Taos Pueblo Indian Blue Lake claim and became thoroughly frustrated by the inability and/or unwillingness of the witnesses called on behalf of the Taos, including the Taos Indian delegation, to answer successfully the question which you repeatedly put to them, namely, what makes the Taos claim to 48,000 acres of land including Blue Lake singular or unique. It is in answer to this crucial question that I direct myself, for I feel that if it is not answered satisfactorily the Taos will not succeed in their efforts.

Mr. President, we have gone beyond the scope of the hearings, and we have included every single sanctuary, every shrine, every religious site, including Blue Lake itself, in the bill. The amendment suggested by the Senator from Oklahoma and the description of the land contained in the bill are identical. Every single area that the Taos Indians could identify or that the committee could find has been included in the bill.

The only difference is that the Senate bill provides that we shall keep it under the control of the Department of Agriculture for the exclusive use of the Taos Tribe for their religious operations and ceremonies.

The Senator from Oklahoma asked what the difference is between having it under the Department of Agriculture and the Department of the Interior. All I will say to my colleagues is that the Bureau of Indian Affairs has been notorious for its inability to manage the Indians' lands. The agency that has managed this important watershed and other public lands has been the Forest Service.

The conservation groups of America are concerned because they feel an invasion of the wilderness areas or national forests or any similar areas, if not managed for the public interest, will be detrimental not only to the Indians themselves but to the people of America.

I want to emphasize the fact that just because this land is still in the public domain, still under the control of Uncle Sam, makes it no different from land that has gone into private interests. In fact, it is more important to consider some of these lands which are in national parks or national monuments or wilderness areas or national forests as possessions of all the people of America.

If we want to talk about justice to the Indians, the Senator from Colorado has suggested that the Indians could claim more than 90 percent of the land of America. We have the Indian Claims Commission to compensate them for unjustified takings using monetary payments. We cannot go into the city of Tulsa, and we cannot go into the city of Boston, or Plymouth, or areas in Montana, and give back land that people own, in which they have acquired an interest over 100 years, and give it back.

For more than 60 years this land has been a national forest. Before that it was in the public domain. Some suggestion has been made that it was in Spanish title. That is irrelevant. The fact is that the land has been in the public domain for almost a century, and now important rights have accrued to Spanish-American interests downstream, who depend on this as an important watershed, and to non-Indian people downstream who look on this area as an important watershed and water source for crops and water systems in towns.

Just because land belongs to the Federal Government, whether it be a national park or monument, is no reason why it should be treated differently.

In the hearings we carefully analyzed the bill. We have tried to do justice to the Taos Tribe. We have recognized their religious preferences. We have recognized that they have important sanctuaries and shrines. But we also have said that there are other interests and concerns involved. We have tried to do the same thing for the Taos that we have done for every other tribe. We have suggested to them that they can go into the Indian Claims Commission and get a monetary settlement, but they cannot take away some of the rights that have accrued over the centuries. This has been a part of the public domain and a part of the lands of the United States.

When we talk about justice, we have leaned over backward to recognize a culture and a religious system that has been difficult even to learn about.

We have given the benefit of the doubt in every instance to the members of the Taos Tribe, and there is not a single bit of difference between the bill that was passed in the House and the bill recommended in the Senate, as far as the description of the lands is concerned, Blue Lake and the other shrines and sanctuaries. The only difference is that this is going to continue to be controlled as a wilderness area, with exclusive use for the tribe, instead of passed into trust status under the Secretary of the Interior.

I prefer, until we have a whole new look at this religious situation under the bill introduced by the Senator from Washington (Mr. JACKSON), that we continue the present situation, and pass the substitute bill that the Senator from New Mexico has introduced.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. GOLDWATER. Mr. President, I thank the distinguished chairman for referring to Dr. Bodine's letter, but I wish he had read the entire thing.

Mr. METCALF. I have read the entire letter, as the Senator knows.

Mr. GOLDWATER. I know; but I mean for the RECORD.

Mr. METCALF. Well, let us have the whole letter put in the RECORD.

Mr. GOLDWATER. I ask unanimous consent that the entire letter of Dr. Bodine be printed in the RECORD, mainly because, when he was having his doctoral examination, he was asked:

If you had complete power over the Taos and wished to destroy their culture what would you do?

I understand he has lived with them since his birth in 1934. Upon being asked that question, he states:

I replied unhesitatingly that I would destroy Blue Lake.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN UNIVERSITY,
COLLEGE OF ARTS AND SCIENCES,
DEPARTMENT OF ANTHROPOLOGY,
Washington, D.C., July 10, 1970.

HON. LEE METCALF,
Senate of the United States,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR METCALF: I attended the July 9, 1970 committee hearings on the Taos Pueblo Indian Blue Lake claim and became thoroughly frustrated by the inability and/or unwillingness of the witnesses called on behalf of the Taos, including the Taos Indian delegation, to answer successfully the question which you repeatedly put to them, namely, what makes the Taos claim to 48,000 acres of land including Blue Lake singular or unique. It is in answer to this crucial question that I direct myself, for I feel that if it is not answered satisfactorily the Taos will not succeed in their efforts.

Perhaps I should begin by telling you that I hold the Ph. D. in anthropology and my special interest is the culture of the Taos. My doctoral dissertation dealt with the culture contact problems of the Taos Indians and in it I thoroughly researched the history of the Taos claim to the Blue Lake area. That is indeed history now and the long, stormy battle is only indirectly related to the question at hand. It need not be repeated, except that it does document the fact that the Taos have fought unrelentingly to secure title to this land since 1906. As was brought out on July 9 no other Indian tribe has consistently claimed land for religious purposes. This you know and fully appreciate. But in my opinion this alone does not make the Taos case unique, for as you rightly observed every other Indian

tribe could conceivably make the same claim, if after the fact. Whether others will or not, e.g., Nambe, Santa Clara, the Navaho, or the Blackfeet of your own state etc., does not destroy the fact that the Taos claim is unique.

Its uniqueness is not the fact that they have asked for this land since 1906 nor does it relate to the existence of shrines of other Indian religious systems which are valid and deserving of protection. The Taos claim is unique because if Blue Lake and the surrounding lands are not returned to the tribe it will effectively destroy Taos culture. No other Indian tribe can make that claim, because no other Indian group today relies to the same degree on shrines in a restricted area for the continuance of its religion. Only Taos depends upon the undisturbed existence of its shrines which happen to be confined in the area of Blue Lake. This is what must be explained. I am willing to do so even though I realize that I am divulging information which could damage me professionally, but which no Taos Indian could possibly divulge. Unless the structure of Taos religion is bared, then there is little basis for understanding why an exception should be made for them. There is no reason to understand why the area could not continue to be protected and administered by the United States Forest Service. While there have been violations of the permit agreement of 1933 by parties on both sides, as I have documented in my dissertation, those misunderstandings and violations, e.g., the stocking of fish in Blue Lake by the New Mexico Game and Fish Commission, are minor compared to the basic issue which the Taos have tried to convey albeit unsuccessfully at this point.

Why are the Taos so reluctant to inform you or anyone else of their religion? They speak only in generalities and plead emotionally for justice. There are two reasons. The first was externally caused and is well known. Past persecutions and discriminations against their religion caused it to go underground so to speak so that it became axiomatic that if a Taos Indian revealed anything about the esoteric parts of his religion he would be a traitor to himself and to his people. But the second reason is more important and it is internal. The fact is that no Taos Indian knows everything with respect to the proper functioning of his religion. Not even the 90 year old man who stood before you at the hearings could tell you, because his role is singular and special. He has his duties to perform just as each other religious leader. His ritual knowledge is known only to him and to his successor. Taos religion is like a mosaic composed of bits and pieces of knowledge with each part known only to a restricted number of individuals. For Taos religion to survive however each part of the whole must function properly and do its share, otherwise imbalance will occur and, as they fervently believe, disaster will ensue. Their culture will be destroyed. If an individual's religious duties are not properly performed and transmitted to his successor, which is done in absolute secrecy, then the religion cannot function. No one can take up the standard and carry on without this smooth transition of knowledge from the old priest to the younger. This is why the Taos say in council meetings on even purely secular matters, "We must move evenly together."

Now what has this to do with Blue Lake and the 48,000 acres which surround it. As you know Blue Lake is only one of many shrines in the area, albeit the most important since it is the focus for the spiritual strength of the whole tribe. The Taos have not made it clear that those other shrines are as necessary. To do so would be to reveal too much and if revealed would cripple their faith. As far as I know, the Forest Service has never invaded the privacy of the Taos People when they go as a tribe to Blue Lake in August. But their presence in the area at other times of the year is as threatening. The priests of the various religious societies at Taos must go into the area in question and to Blue Lake time after time during the year. They go alone or in small groups to perform the special rituals with which they have been charged and to train their successors. Outsiders, including Forest Service personnel, constitute a great threat to the proper performance of these duties. Their very presence even if they observe nothing, is contaminating. It constitutes a serious invasion of religious privacy and as the Taos have explained any alteration or destruction of the ecology of the area has the potential of eliminating properties of the environment that are crucial to correct ritual performance e.g., only certain plants can be used in specific rituals. If they are destroyed or if natural springs are polluted with the rubbish or even the polluting presence of non Indians then the ritual may be ineffective and all will suffer.

The Taos recognize the need to have the assistance of outsiders in time of crisis be it forest fire or whatever, but they cannot tolerate the continued existence and swelling increase of outside visitors into this land. Each year skiing interests, hikers, horseback riders and all manner of persons involve themselves for the development of this area. Patiently the Taos have usually met their demands in the past, but the situation is becoming more critical each year and in my opinion they rightfully feel that the only way they can continue as a people, who have so masterfully protected and preserved their culture, is to gain as complete control over the land as possible. They will not improperly administer this land for to do so would be to destroy the very purpose of ownership nor will they be niggardly in granting access when they are convinced that no harm will come to those features of the environment which must be preserved.

I made a very bold statement when I said that if these lands are not returned Taos culture would be destroyed. I was asked by my doctoral examining committee in 1966 the following question: If you had complete power over the Taos and wished to destroy their culture what would you do? I replied unhesitatingly that I would destroy Blue Lake. The question may sound facetious and the answer absurd. But neither is ridiculous. You pointed out at the hearings that when property is taken from an individual according to our custom he is compensated for his loss with a cash settlement. And so we have properly settled most Indian claims. Let us suppose that we decided to confiscate all the property owned by the Roman Catholic Church in the United States and properly compensated them for it. Would Catholicism cease to exist? Obviously not. As most religions are capable of doing, they could erect churches elsewhere. Even more to the point is that Navaho Mountain is sacred to the Navaho, just as peaks in Glacier are sacred to the Blackfeet, but their entire religion does not depend on those particular shines and therefore they differ from the Taos case. All of Taos religion is dependent on Blue Lake and its associated shrines in the 48,000 acres in question. They have no other "church" nor any possibility of constructing one. Therefore monetary compensation for Blue Lake is out of the question. It provides them with no alternative whatsoever. There is only one Blue Lake just as there is only one Mecca.

The Taos Indians who attended the hearings on July 9 are leaders of their people in both secular and religious matters solely because they were properly initiated and trained as little boys at Blue Lake. They are "made people" and therefore they are the proper cadre from which leadership can be recruited. If little boys are not trained in the mountains today, then there will be no legitimate leaders of the Taos tribe tomorrow and this will lead to the dissolution of their government. What emanates from the ritual at Blue Lake and elsewhere in the mountains permeates every aspect of Taos culture and reaches every Indian in the tribe, initiated or not. I did not wish to infuse my statement with emotionalism, but I feel that this matter for all its complexities and in spite of all its ramifications is very simple. Are we to strain ourselves once more by striking down yet another Indian society just as we have seen to the demise of so many in the past? Will Taos Indians continue to reside in their Pueblo if Blue Lake is not given to them? The answer is naturally yes, but we will see the further dissolution and eventual destruction of their culture. They will become as so many other Indians, including the shattered remnants of the cultures of the Plains, disillusioned and effectively on their way to extinction. They will become a people clinging desperately to values which are no longer clear.

Finally I would like to add that I do not consider myself to be any kind of irrational and overly emotional activist for "the Indian cause." My professional credentials as an anthropologist are wedded to a lifetime of living with the Taos Indians. Since my birth in 1934 I have been going back to Taos, even though I was raised in the white world. I lived with them long before I decided to become an anthropologist and I have carefully maintained silence about their religion because I never wished to betray the confidence and trust they have extended to me. I know that the Taos required that I speak out, in spite of the consequences. I stand ready to help in any way I can.

Respectfully yours,

JOHN J. BODINE, *Associate Professor.*

Mr. GOLDWATER. I do not wish to imply by using that statement that anything contained in the legislation we are now discussing would do this. But the Senator from New Mexico (Mr. ANDERSON), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), and I, and all the rest of us westerners, know that as we try to protect this land, people want to destroy it. I have often said the surest way to destroy beauty in this country is to make it a wilderness area, and let all the people from all over the United States come in and leave their whiskey bottles, beer cans, dead fish, and whatnot.

I am afraid that if we continue the present jurisdiction over Blue Lake, that will happen there. It has happened before, and it is going to happen again.

I disagree—and I have mentioned this before—with the idea that this would be precedent-setting. To begin with, I know of no other protected shrine as of the moment. The Senator mentioned Navaho Mountain. This is on the Navaho Reservation. The San Francisco peaks, the sacred mountains of the Hopi, are a protected area because of their being in a national forest. Mount Taylor in New Mexico is another protected area.

Mr. METCALF. It is a completely analogous situation to the one here. It, too, is in a national forest, and so is Blue Lake.

Mr. GOLDWATER. I realize that. But we have to consider something that I do not even like to bring up on this floor, because I might be misunderstood. But who had this land in the first place?

Mr. METCALF. Well, who had the city of Phoenix in the first place? Who had Boston in the first place? Who had Tuc-

son? Who had 90 percent of the land in the United States?

Mr. GOLDWATER. There has been a big argument about that. I might say that former Senator Watkins told me one day, when he was on the Indian Claims Commission, that there is not enough money in the United States to pay all the Indian Claims, if the decisions all happened to be in favor of the Indians.

Mr. METCALF. Why should we not give Phoenix back to the Indians?

Mr. GOLDWATER. There are some days we might be willing to do that.

Mr. METCALF. I think it is a pretty good idea.

Mr. GOLDWATER. If we do not succeed in getting water from California, we will have to do it some day. But I just point out, who had this first? The Indians were on these lands thousands of years ago. The oldest continuously occupied site in the United States is the village of Oraibi, a Hopi village in my State. We argue whether they have been there two or three thousand years. Yet we try to tell them what they can do with land they were using long before the Pilgrim fathers ever thought of leaving England and coming over here.

By the way, I saw something funny the other day: A cartoon of the *Mayflower* with a sign reading, "England: Love It or Leave It." That might apply to some extent to us.

I think we have to learn that we are talking about a piece of property where the Indians have worshipped since probably the year 1200—long before the Spaniards came, long before the Mexicans came, long before the first black man, Estevan, ever came to what is now Arizona and New Mexico—long before all the non-Indians came. I think we have to consider these things, whether we like to or not.

This is one reason I mentioned earlier to the Senator from Washington that I have never been opposed to giving the Indians title to their land. Get them on the tax rolls; let them build developments on it. Let them do the work.

Mr. METCALF. They are not going to get title to this land. The Secretary of the Interior is going to get title.

Mr. GOLDWATER. I know that. I would go even farther than what is proposed. I would have no objection at all to giving them title to this 48,000 acres, and letting them take care of it.

Mr. METCALF. They do not want to pay taxes on the land.

Mr. GOLDWATER. I know they do not want to pay taxes, but I think some day we are going to have to let them pay taxes, whether they like it or not.

But I just want to point out that we are dealing here with something absolutely unique. I do not think it would establish a precedent, because the committee can require proof of religious aspects of the land, and I do not think that is difficult to prove. I do not believe anyone could put anything over on the Indian committees of either House; and I am sure the precedent that is worried about would not be established, because the requirements could be set.

Mr. METCALF. I am very pleased that the Senator has called attention to Mr. Bodine's statement. I think that Professor Bodine made the most important and the most eloquent argument in behalf of this bill contained in this entire hearing record; and that is the reason that I had it incorporated in the record after he sent me this letter.

Certainly we are trying to do just exactly what he suggested: protect these shrines and sanctuaries. Of course, it is too late—100 years too late, or 200 years too late—to take care of the equities that the Senator from Arizona is talking about. Of course the Indians were here, and that is why we established the Indian Claims Commission. That is why we did something no other government has ever done: We said, "All right, this land was unjustly and unlawfully taken from you, and we are going to give you an opportunity to come into court, to come into a special court and prove your claim."

We have had awards all over America. But if this bill passes, lawyers for these Indians will go back and the Indian tribes will say to them, "Well, you did not tell us we could get land; you just said we had to settle for a monetary claim." And so all these matters will—and justly should—be opened up for consideration, and it will be a very difficult decision to make, and will cost, as the Senator from Arizona has suggested, probably more money than we have spent on the Vietnam war to handle all the claims.

This is an equitable settlement. It protects every single religious sanctuary and shrine that the Taos Indians have. At the same time, the settlement protects an important and vital watershed that is essential to the people downstream. And it does not set an undesirable precedent.

We also recognize the importance of a special tribal culture, and the importance of the practice of a religion that is specifically and uniquely American. I urge the passage of Senator ANDERSON's bill.

Mr. HARRIS. Mr. President, all of the Senators who have been involved in this debate are honorable and sincere men, and each feels that he is doing the right thing so far as the Indians involved are concerned.

The question is not who likes Indians best. I often think, however, the American Indians might be better off if we liked them a little less and respected their rights a little more. The question is whether or not we or they are going to make the decision about what is good for the Indians in this case.

The distinguished Senator from Washington and other Senators who have spoken here against the Taos Pueblo position and against the House-passed version of this bill have said at one time that it makes very little difference which of these bill passes, so far as the rights of the Indians are concerned. Well, why do we not let them, then, decide which they want? If it makes very little difference which version is adopted, why do we not adopt the Indian version one time? I think that is the question.

Then the question is raised that the concept of title does not make all that much difference. There was a time when many, if not most, American Indian tribes cared very little for the idea of title. They found it alien to their way of life, because land was not something which could be owned and held individually. But they learned better, because of their dealings with the rest of us. Over the years, as their land has been taken and they have been pushed to other land and then often, if that land became attractive, pushed even out of that, the American Indians have learned from the rest of us that the word "title" means something. They learned it from us.

They know that "exclusive use," which is the term used in the Senate committee bill, is not the same as title. It is not the same as title, and they are quite right in recognizing that that is not.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. HARRIS. I am pleased to yield to the distinguished Senator from Minnesota.

Mr. MONDALE. Do I correctly understand the proposed legislation recommended by the Committee on the Interior to offer "exclusive use" to the tribes involved, subject to termination without notice? Is that a provision, or do I not understand correctly?

Mr. HARRIS. The Senator's understanding is correct. I think the proposed legislation allows for exclusive use to be terminated.

Therein, Mr. President, lies the principal objection to this bill by the Taos Pueblo Indians—not about the notice, but about the termination. There is a difference in exclusive use and title, and they know that exclusive use can be changed; and this matter will not have been settled at all.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. METCALF. The trust also could be terminated. Is that not correct?

Mr. HARRIS. The Senator from Montana is technically correct but practically incorrect.

Mr. METCALF. The trust can be terminated just as easily and just as quickly and under the same procedure that the exclusive use can, and that is by an act of Congress.

Mr. HARRIS. It certainly could not be. Once the title had been held to be in the Indians, but held in trust by the Secretary of the Interior, that would be an unconstitutional and unlawful taking without just compensation.

Mr. METCALF. No. The Senator from Oklahoma is experienced enough in Indian law to know that these trust titles can be terminated by an act of Congress.

Mr. HARRIS. May I respond to the Senator from Montana? The Senator from Washington said earlier, "We are trying to work out a final settlement in this case, and that is why we recommended this bill. We want to finally settle it." I think I am safe in saying that this bill will not settle it. I think I am safe in saying that these Indians, who have come here year after year after

year, trying to get title to this land in trust for themselves, would be back here again next year.

The Senator from Montana knows that once the title to this land had at long last been given to the Taos Pueblo——

Mr. METCALF. In fee.

Mr. HARRIS. That would be all of it, and no Congress would ever or could ever take that away.

Mr. METCALF. In fee.

Mr. HARRIS. In trust. The Senator knows that, and it seems to me that he is raising an irrelevant argument.

Mr. METCALF. Would the Senator permit me to put into the RECORD at this time a résumé of the Forest Services' operation to accommodate the Taos Indians? It is appropriate at this time.

Mr. HARRIS. I have no objection.

Mr. METCALF. Mr. President, I ask unanimous consent to have the résumé printed at this point in the RECORD.

There being no objection, the résumé was ordered to be printed in the RECORD, as follows:

RÉSUMÉ OF FOREST SERVICE ATTEMPTS TO ACCOMMODATE TAOS INDIANS

It has been suggested that a résumé be prepared of the actions taken by the Forest Service to accommodate the Taos Indians. They are listed as follows:

1. At the time of the establishment of the National Forest in 1906, the area was included at the request of the Indians to hold it from private land claims, inasmuch as they could not prove ownership before the Private Land Claims Commission.

2. In 1927, a cooperative agreement was signed between the U.S. Department of Agriculture and the Taos Pueblo to conserve and protect the water supply for the benefit of the Taos Pueblo. This agreement covered 31,000 acres of the Rio Pueblo.

3. In 1928, the Forest Service agreed to report favorably on legislation which would authorize a withdrawal of some 30,000 acres. This withdrawal covered all of the lands within the Rio Pueblo de Taos which belonged to the United States.

4. In 1936, the area withdrawn from mineral entry was expanded to 37,000 acres and included the Bonito and Witt Park areas which were outside of the special use area.

5. In 1939, the area used by Taos Pueblo was segregated from entry by Secretarial order.

6. The special-use permit issued to the Indians in 1940 accorded the Indians privileges over and above those set forth in the Act of 1933 in that it provided for the Indians to concur in issuing permits to non-Indians to enter the area and tied up the timber resources for the sole benefit of the Indians.

7. In 1949, the Indians complained about overuse at Blue Lake and the Forest Supervisor agreed to limit camping there to one night. At this same time, the Forest Supervisor advised the Indians that they were overstocking their range at approximately the rate of 1,000 animal months per year. They conceded that they were overstocking their range, but no commitments were made.

8. On September 8, 1950, the Forest Service wrote the BIA offering to include within the area grazed by Taos Pueblo cattle, the land known as the Tenorio Tract which was acquired in the Will Ed Harris exchange.

9. About 1950, the Forest Service obtained agreement from the State Game and Fish Department to stop stocking Blue Lake with fish, in order to make it less attractive to non-Indians. This was done at the request of the Pueblo Governor.

10. In 1952, the Forest Service consummated a land exchange with the State of New Mexico which placed the La Junta Canyon drainage in the ownership of the United States, thus making it possible to better protect this watershed in the long run, even though there were outstanding timber cutting rights which would continue for several years. This cutting and the camp conditions were the subject of a complaint from the Indians in 1956. We could offer little assistance except advise them to contact the State Health Service which apparently was done.

11. Also in 1956, the Pueblo Council complained of a road to be built to Blue Lake. The Forest Service advised them that there were no plans for such a road and it would not be permitted.

12. At a meeting with the Indian Council on October 25, 1956, an itemized accomplishment report was presented to the Indians and received their approval.

The summary is as follows:

(1) The sheep driveway up the Rio Lucero has been abandoned for eight years thus relieving grazing on the Indian free-use allotment.

(2) With the acquisition of the Leroux Grant, sheep grazing and trespass from this area was eliminated.

(3) All trespass by cattle, horses, and sheep has been eliminated.

(4) Overgrazing of the Blue Lake Basin has been eliminated and recovery is remarkable.

(5) The Forest Service employees have systematically cleaned up the public and Indian campgrounds in the vicinity of Blue Lake for approximately ten years.

(6) The State lands in La Junta Canyon were acquired.

(7) Camping permits at Blue Lake were limited to one night per visit. The Indians attempted to limit the use to the Blue Lake area to 20 non-Indians, annually. This was not agreed to. It was agreed, however, that no individual permits would be issued and groups of 5 to 20 people would be supervised. It was further agreed that publicity would emphasize the benefits to the Indians and not the scenery.

13. On January 21, 1963, the Carson National Forest Supervisor wrote the Indians that he was closing Blue Lake to all fishing and occupancy, including Taos Pueblo Indians, except for their ceremonial use. This was done to overcome protests by the Indians that their sacred rights were being violated.

14. In late 1967, the State Highway Department applied for a permit to examine routes for Highway 84 from Taos to Eagle Nest. One of the routes proposed for examination was up the Rio Pueblo. Supervisor Seaman met with the Highway Department officials and was able to convince them that it would not be in the best interest to plan roads in this area.

15. In April 1969, Forest Supervisor Hassell rescinded the Taos District Ranger's authority to issue Entry Permits to the Taos Indian Special Use Permit area. This action was taken so that the Supervisor would have the opportunity to review each application for entry and further insure protection of religious privacy for the Indians.

16. On April 22, 1969, Supervisor Hassell presented a cooperative agreement to Taos Pueblo Governor Sandoval. The purpose of this agreement was an attempt to work with Governor Sandoval and the Council to achieve a better working relationship and improved management of the Taos Pueblo Special Use Area. This agreement was not approved by the Governor and Council.

17. In March 1969, Ranger Freeman proposed a cooperative agreement to War Chief Ben Marquez for reconstruction of the fence on Capulin ridge, which is the south boundary of the Taos Pueblo Special Use Permit area. The purpose of this fence would be to help prevent unauthorized entry and to prevent drift of Indian livestock to surrounding lands. This agreement has been approved by the Indians and construction is underway.

18. Early in August 1969, the Forest Service, in response to an earlier request by the Taos Pueblo Indians, demolished and removed the Forest Service cabin and latrine near Blue Lake, rolled and removed the wire corral and restored and reseeded the area.

Directional signs in the general area containing references and mileages to Blue Lake were also removed at this time.

19. In December 1969, at a public meeting concerning the proposed Continental Divide Trail (Sangre de Chisto Loop), Forest Supervisor Hassell said he would recommend that the proposed trail be moved onto private land and farther away from Pueblo de Taos watershed. This recommendation was made and accepted by the Continental Divide Trail Study Committee. Taos Pueblo Governor Romero wrote Supervisor Hassell saying, "We are gratified that you have this understanding of our Indian ways of life and that you appreciate our need to protect our religious practices from intrusion from outsiders."

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. HARRIS. I yield to the Senator from Minnesota.

Mr. MONDALE. Do I correctly understand that the Senator from Oklahoma responded to my question by saying that the pending measure recommended by the Committee on the Interior would not grant title to the tribes but would grant something less than title, called an exclusive use?

Mr. HARRIS. The Senator is correct.

Mr. MONDALE. But that exclusive use could be terminated by the Forest Service without any further act of Congress. Is my understanding correct in that?

Mr. HARRIS. Under the House bill, which the Taos Pueblo Indians support, there is no termination provision. Under the bill recommended by the Senate Committee, there is automatic termination, without due process, for violation of "provisions of this act," which, I might point out to the Senator and to the Senate, is worse than what they have had; because they have had, under the law, no termination for a 50-year statutory period, under the statutory permit which they had had first issued in 1940 and which was renewable in 50-year periods.

Mr. MONDALE. Mr. President, will the Senator yield further?

Mr. HARRIS. I yield.

Mr. MONDALE. It has been some time since I have practiced law. But if the Senator from Oklahoma were representing a client who brought in a deed which extended to him an exclusive use, subject to termination at any time without notice, what would he recommend that the client pay for that right?

Mr. HARRIS. I think it would be a right of rather dubious value, not really a right at all.

Mr. MONDALE. The proposal which the Senator from Oklahoma makes, as I understand it, would grant title to these tribes, but that title would be in trusteeship?

Mr. HARRIS. Yes.

Mr. MONDALE. Under the direction of the Secretary of the Interior?

Mr. HARRIS. The Senator is correct. That is the usual situation for Indian lands, that the title would be held in trust by the Secretary of the Interior. This bill, on the other hand, sets up a very unusual and, it seems to me, dangerous precedent, to have Indian lands held not by the Secretary of the Interior but, in the every unusual case that the Senate committee bill recommends, held by the Secretary of Agriculture. It would continue to be so-called national forest, but then this piece would be carved out for what is called exclusive use of these tribes.

Mr. MONDALE. If the amendment offered by the Senator from Oklahoma is adopted, the tribes would have title to this property. Is that correct?

Mr. HARRIS. That is correct. And that title would be held in trust for them by the Secretary of the Interior.

Mr. MONDALE. Could the Secretary of the Interior terminate title on his own?

Mr. HARRIS. He could not.

Mr. MONDALE. It is this version which the tribes have asked to adopt into law?

Mr. HARRIS. That is correct.

Mr. MONDALE. In essence, the action of the House of Representatives is the action which those most directly concerned, the tribes, wish the Senate to take.

Mr. HARRIS. The Senator is correct.

Mr. MONDALE. Mr. President, will the Senator yield further?

Mr. HARRIS. I yield.

Mr. MONDALE. I am not acquainted with the details of this proposal, and I have great respect for those who disagree with my position; but I intend to vote with the Senator from Oklahoma on his proposal, for these reasons: First, I think more is being given by way of property rights; second, this is what those most directly concerned, the Indians, want, and, as the Senator from Arizona has pointed out, we are simply restoring some of that which we took from them—without compensation, I assume—years ago; and, finally, I believe that running through our whole relationship with the American Indian has been the strange, paternalistic tendency which somehow assumes that Indians are incapable of running their own lives and that they must be treated in a guardian-ward status.

I think that many times this approach is taken in good faith. But I believe that if anything has resulted in the tragedy of the lives of the American Indians—and it can only be called tragic—it has been that through the education programs we have tried to make good white men out of them, educating them with white teachers and with the English language and with no respect for their culture, no textbooks or curriculum that teaches them pride and confidence in themselves.

In the management of their lands, we have done the same. We have permitted them to use but not own the land—under control, once again, of the white man.

This runs, it seems to me, throughout this tragic and failure-ridden history of the Nation's policy with respect to the American Indian. It has been thought up with no principle and has been, I think, a cruel and unutterably, unfair failure. In my opinion, if there is one thing we must do to change this policy, it is to start assuming and accepting the fact that the Indians are human beings and Americans, having the same rights, the same opportunities, and the same need for pride in themselves, their culture, and their background as anybody else. That is why I am pleased to support the amendment offered by the Senator from Oklahoma.

Mr. HARRIS. I thank the distinguished Senator from Minnesota. No other man in this country or in the Senate has done more to right the centuries of wrongs done to the American Indians.

While I am on my feet, I wish to take this opportunity to commend the distinguished Senator from Arizona (Mr. GOLDWATER), who now occupies the chair, for what I know were not written statements on his part, the two statements he made earlier, but were purely out of his own thoughts on related matters. I thought they were excellent statements. On them alone, I think the case could be submitted.

I shall continue in regard to the issues that have been raised by those who support the Senate committee bill. First, I want to reiterate what I said earlier in answer to a statement or a question by the distinguished Senator from Montana (Mr. METCALF).

The Senator from Washington (Mr. JACKSON) in his opening statement on the bill earlier today said:

> It represents—
>
> Meaning the Senate commiittee bill—
>
> an effort to provide a final settlement to a long standing conflict over the use and administration of the lands in question.

That, in my judgment, will not prove to be true. The Indians of the Taos Pueblo have watched this age-old battle. They have more than once been able to convince the House of Representatives of the validity of their position. I think this is the first time they have come as far as they have today. In my judgment, I do not believe that, all of a sudden, at long last, when they are offered something less, in my judgment, than what they think is right, they are suddenly going to abandon this fight. I believe that the Senate position will not be a final settlement, should it be adopted. I think we will have this controversy all over again. I think these Indians will proceed with what has been their heroic effort over the years to have these sacred lands returned to them, with title held by the Secretary of the Interior, as the House bill provides.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. HARRIS. I am pleased to yield.

Mr. MONDALE. I was on the Senate floor during the earlier colloquy which involved the question whether, if we should restore title to these tribes, a precedent would be created which would cause other Indians to come in and ask for rights to be granted to them under similar circumstances or circumstances involving the same principle. This mystifies me a little. If the Indians have a just claim in this case, is it the opinion of the Senator from Oklahoma that such a claim should be denied on the possible ground that another Indian tribe might come in with a just claim or with an unjust claim? Is that an equitable basis for denying a just claim?

Mr. HARRIS. The Senator from Minnesota has put his finger on the nub of the spurious, in my judgment, precedent issue. If the Taos Pueblo have a just claim, it ought to set a precedent for justice. It seems to me, as I said last night, that we have set plenty of precedents for injustice. So, in an individual and unique case let us set a principle for justice.

In the other cases that have been alluded to, I think we can show that there is a difference in substance. But if those Indians can come before the Committee on Interior and Insular Affairs, as they did in the Taos Pueblo case, and show that their case is just, what is wrong with setting a precedent that we will come down on the side of justice? I agree with the Senator from Minnesota. The question I want to address, because it really turns out to be the only argument in this case, is the issue of setting a legislative precedent.

Earlier, some allusion was made to the question of conservation. I said last night, and I repeat now, that it seems to me it is extremely ironic for anyone to raise the question of conservation of the environment against the American Indian, who is the original ecologist. It was not the American Indian who cut down the timber, or destroyed the countryside, or polluted the air and water, or wasted the natural resources. I would further point out, Mr. President, that the House bill provides that this land shall continue to be wilderness land. The issue of conservation, therefore, is obviously not involved. The question of precedents has been raised, and that is one that Senators should examine.

Mr. GRIFFIN. Mr. President, will the Senator yield briefly on the subject of conservation, before he moves to the issue involving the question whether there is a precedent?

Mr. HARRIS. I yield.

Mr. GRIFFIN. I bring this up as a matter of setting the record straight. On Monday, November 30, the distinguished Senator from Montana (Mr. METCALF) placed in the RECORD a statement, a part of which, bears rather directly on the question whether conservation will be practiced under this bill as passed by the House. At one point, the statement inserted in the RECORD by the junior Senator from Montana, reads:

> I think we have justifiable basis for putting some conditions into this Act. I have before me a copy of the Albuquerque Journal of November 15, 1970, with a full-page article entitled, "Taos Pueblo Seeks Return of Sacred Tribal Lands."

This statement appears on page 39142 of the RECORD of November 30. Later, referring to that newspaper article, the statement reads:

> The Tribal officials deny they want the Blue Lake area for economic reasons.

That, of course, raises the question whether the Taos Pueblo wants this land for religious reasons or for economic reasons. The statement then continues, referring to the article in the Albuquerque Journal of November 15:

It is stated that the tribe realized $50,000 in 1969 from hunting, fishing and camping permits. Where was this hunting, fishing, and camping done? The reservation is relatively small. Do they intend to expand this operation if they get Blue Lake and use it commercially?

Of course, those would appear to be legitimate questions, particularly in light of the article published November 15 in the Albuquerque Journal.

However, I know the Senator from Montana would want some additional information called to his attention. On the very next day, the same newspaper, the Albuquerque Journal, published another article which admitted an error in the article of November 15. I do not know; perhaps I may be repeating information provided earlier in the debate.

Mr. METCALF. Mr. President, will the Senator from Michigan place the entire article in the RECORD?

Mr. GRIFFIN. I shall. The article of November 16 reads, in part:

The Pueblo of Taos does not sell hunting, fishing, or camping permits to non-Indians, contrary to a statement in a Journal article on Taos Pueblo November 15.

The article quotes Walter Olson, Bureau of Indian Affairs area director and then adds: "A Bureau of Indian Affairs Fact Book for 1969 listed Taos as having received $50,000 for such permits, but Olson said that was in error. 'You can see it was our mistake,' Olson said."

I ask unanimous consent that the article from which I have read be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PUEBLO OF TAOS SELLS NO PERMITS TO NON-INDIANS

TAOS PUEBLO.—The Pueblo of Taos does not sell hunting, fishing or camping permits to non-Indians, contrary to a statement in a Journal article on Taos Pueblo Nov. 15.

"Taos does not sell fishing, hunting or camping permits of any kind," said Walter Olson, Bureau of Indian Affairs area director.

A BIA factbook for 1969 listed Taos as having received $50,000 for such permits, but Olson said that was in error.

"You can say it was our mistake," Olson said.

Taos is one of the most conservative of pueblos in regard to tribal lands. They permit no leasing of lands for any use, according to Council Secretary Paul J. Bernal.

Mr. METCALF. Mr. President, where did they get the $50,000?

Mr. GRIFFIN. I am not able to answer the question.

Mr. METCALF. I do not know either.

Mr. GRIFFIN. I do not know that they received $50,000. However, the article published on the 15th was obviously not correct.

Mr. METCALF. Mr. President, I am delighted to have that information. All I did was quote from an article published in a New Mexico newspaper. However, if the Senator from Oklahoma is suggesting that this bill is going to be a perennial bill with us, we will find out about the $50,000 in the next year before the committee.

Mr. HARRIS. Mr. President, I thank the distinguished Senator from Michigan, a cosponsor of the amendment. I am grateful for the statement he made which will be, I think, very helpful.

Mr. President, I address myself again to this precedent issue, which is really the only one before the Senate.

The first and most important thing to know about that argument is exactly the point raised by the distinguished Senator from Minnesota (Mr. MONDALE).

Mr. President, I will not go into that again except to say that if we determine that the House-passed bill affords justice in this individual case, why, then, it is no argument against our position to say that it may set a precedent. Perhaps it will set a good precedent. We can decide each individual case. We can do that. We can decide additional cases on their individual merits.

As I said earlier, no one is going to bind himself on any additional claims by agreeing to pass the Taos Pueblo position. With respect to some of those who say that there are other cases like the Taos Pueblo case, I am willing to bet that when those cases come up, if they are not cases where the applicants are right—as I think they are in this case—the very ones now talking about precedents will be fighting those cases strongly.

Nothing will prevent them or any of the other Members of the 100-Member Senate from exercising their own free will and judgment in every case which comes before the committee or the Senate in the future.

The Taos Pueblo's claim to the Blue Lake area is unique. If, however, there are found to be other cases like it or nearly like it, we should do whatever is just in those individual cases. But the Taos Pueblo case is actually unique.

No other tribe has a claim of over 60 years standing to a distinct area of land continuously used and occupied by the tribe for religious purposes after deprivation of title.

Reference was made earlier by some to the case of the Yakima Indians and the Flathead Indians. In those cases, the Indians are not asking for the land back for religious purposes only. Nor are those cases in which the Indians have had exclusive use of that land in the past for religious purposes. Those cases are not like this case.

The Taos Pueblo case is a claim for land which, once restored, would not be subject to commercial development.

In the words of the anthropologist, Dr. John J. Bodine:

The Taos claim is unique because if Blue Lake and the surrounding lands are not returned to the tribe it will effectively destroy Taos culture. *No other Indian tribe can make that claim,* because no other Indian group today relies to the same degree on shrines in a restricted area for continuance of its religion.

Claims of other tribes for land with no special religious significance or where—as in most cases—the land has been conveyed to third parties are completely inapposite. The Departments of the Interior and Agriculture agree on the unique nature of the Taos claim.

Former Secretary of the Interior Udall and a whole host of other witnesses have testified that the Taos Pueblo are not seeking the return of the other lands—and I think this is very important—to which the Indian Claims Commission has ruled the tribe held aboriginal title, a balance of 82,000 acres in addition to the 48,000 acres which they are asking to have returned to them.

If any "precedent" were created by H.R. 471's restoration of title to the Pueblo, the Interior Committee substitute bill's creation of a sequestered special district within the national forest for exclusive use would set a much less desirable but equally strong precedent. I do not know of anything like that in the history of land where public land title is involved.

It is cleaner and less inimical to the public interest to transfer land to be used exclusively by the Taos Indians out of the national forests. Maintaining the fiction and exclusive-use land is a public national forest resource serves neither the best interests of the Indians nor of the United States.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. HARRIS. Mr. President, I am glad to yield to the Senator from Montana.

Mr. METCALF. Mr. President, the very act that the Senator is amending, section 4 of the act of May 31, 1933 (48 Stat. 108) did exactly what we are trying to do here except for broadening the provisions and the number of acres provided for. In 1933 we did exactly what the committee is trying to do right now.

Mr. HARRIS. And that is what I am fighting. It is that long history of doing the wrong things that I am against. I want to do the right thing for once.

Mr. METCALF. Mr. President, the Senator says that this is a new act. It is exactly what we tried in 1933. This is just an expansion of the act. We cannot have it both ways.

The Senator wants to repeal it. I can understand the Senator's desire to repeal the act of 1933. But we are following the precedent set by Congress more than 30 years ago.

Mr. HARRIS. Mr. President, the Senator used the word "precedent." His position would make it possible for additional tribes to come in here and say, "We want to follow the Metcalf precedent. We want to carve out of national forest, lands that have been set aside for public use, tracts of land for our exclusive use. We want them given back to us as the Senator from Montana (Mr. METCALF) said could be done in the Taos Pueblo case."

Mr. President, whatever the Senator from Montana finds is right, I know that he will do. I will support the Senator in any just claim.

Mr. President, if the Senator thinks the claim of the Yakima Indians is just, he ought to be here advocating it, whether this bill passes or not.

The PRESIDING OFFICER (Mr. GOLDWATER). The Chair wishes to remind visitors in the galleries that they

are guests of the Senate and we would appreciate quiet.

The Senator may proceed.

Mr. HARRIS. Mr. President, a precedent would not be set by this bill nearly so much as the precedent that would be set and deepened and made more of a precedent under the argument of the distinguished Senator from Montana, under the bill which is recommended by the Senate committee, not under the bill recommended by the Taos Pueblo which I support. If it is objectionable to convey title to a tribe in lieu of cash, because other tribes may seek similar treatment, certainly it is no less objectionable to give a tribe exclusive use to part of a National Forest and then go on and call it a national forest.

The Senate committee seems to have anticipated this point by stating in its report that its version "deals only with the specific fact situation presented by the Pueblo Taos claim," and that it "does not represent a precedent for future cases."

If the Senate committee version can be said not to be a precedent because of a statement placed in the bill, we, ourselves, have done that and more in the record. Every single supporter of the Taos Pueblo position who has spoken has stated in this Chamber in debate last night and today that our position will constitute no precedent. Legislative history has clearly been established and that seems stronger than a statement along that line in the Senate committee version of the bill.

The same disclaimers here by those of us who favor the Taos position apply at least equally well as do those in the Senate committee bill.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. ANDERSON. What would be the legislative history here? I believe the Senator referred to the year 1300.

Mr. HARRIS. I believe the distinguished Senator from Arizona said he thought that probably the Taos people occupied the land in about 1200, certainly, he said, before the Spanish, Mexicans, and others came.

Mr. ANDERSON. When was the transfer made to the Federal Government?

Mr. HARRIS. In 1906. That has been held to be the original unlawful or unjust taking.

Mr. ANDERSON. What about the Treaty of Guadalupe Hidalgo?

Mr. HARRIS. What about it?

Mr. ANDERSON. It gave title to the Federal Government. The Taos had 4 square leagues, or 17,000 acres. That is all that was ever given to them.

Mr. HARRIS. The Senator does not dispute the holding of the Indian Claims Commission that the Taos Pueblo have aboriginal or Indian title not only to 48,000 acres but an additional 80,000 acres or so, as well, does he?

Mr. ANDERSON. There is no argument about that. What happened in this 1864 period?

Mr. HARRIS. As far as I am concerned I would be pleased to have the Senator relate that history. What is important is that the Senator recognizes, I recognize, and everybody that I know recognizes the Taos Indians have a valid claim to this 48,000 acres. The Senator and the committee want to give title back in another way than I think is proper.

Mr. ANDERSON. I want to know how they have title. They talk about restoring title. Title cannot be restored.

Can the Senator show one instance where the Taos government was ever authorized to take this land?

Mr. HARRIS. I honor the distinguished Senator from Washington, the distinguished Senator from New Mexico, and other Senators who set up the Indian Claims Commission. That was a great step forward. I want to uphold the ruling of the Indian Claims Commission in regard to the rights of the Taos Pueblo to this land.

Mr. ANDERSON. The Indian Claims Commission did not do that. The tribe sued for money and not for land.

Mr. HARRIS. The Senator does not maintain that the Taos Pueblo would accept money rather than land now, does he?

Mr. ANDERSON. I only say they sued for money and not for land.

Mr. HARRIS. There are additional acres involved in the Indian Claims Commission other than the 48,000 acres, but I am sure the Senator agrees that the Taos Pueblo steadfastly maintained that compensation in money will not be compensation at all because they maintain, and I think rightly, that this land has intrinsic value which cannot be compensated for in money.

Mr. ANDERSON. Every piece of land in the country is subject to that claim. I say they sued for money. I do not know how they can now get something else.

Mr. HARRIS. If the Senator feels that way about it, I cannot see why he would support even the Senate committee position.

Mr. ANDERSON. Has the Indian Claims Commission said they are entitled to something more?

Mr. HARRIS. The Senate is the important body. We are the ones who have now to say. It is not what someone else says. It is what we say.

Mr. ANDERSON. So the Senator wants to avoid the history of this matter.

Mr. HARRIS. I do not want to avoid the history. I have invited the Senator to relate it or put it in the RECORD. I do not see that it is involved in the question before the Senate today.

Mr. ANDERSON. I wish to say that by their testimony the Taos Tribe has admitted the Apaches also use this land for hunting and fishing.

Why does the Senator feature the Taos Indians and eliminate the others?

Mr. HARRIS. Does the Senator maintain they should not have exclusive use of the land? How can the Senator say on the one hand they should have exclusive use of it but not if it is held in trust by the Secretary of the Interior?

If the Senator's argument is right not even the committee bill should be passed.

Mr. ANDERSON. The committee bill is in compliance with what has been decided. They got a money judgment.

Mr. HARRIS. I have discussed this matter with the distinguished Senator from New Mexico a good many times. He and I disagree on the facts. This is an issue that we must submit to the Senate.

Before I continue, in that regard, I want to say that the distinguished Senator from New Mexico has a long and distinguished record, one which is rightly regarded with great admiration by many of us who have been in this body a lesser time, not only in the field of Indian affairs but in other fields, as well. I am sorry that he and I disagree not only on the factual situation and the historical justification, but also on the proper outcome of this measure. But this is not a matter of personalities or of which side should be approved as far as Senators are concerned; this is a matter of justice for the Indian people, justice they have sought for many years.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD an editorial entitled "Correcting An Ancient Indian Grievance," published in the Washington Post today, and an editorial entitled "Blue Lake To Taos," which was published today in the New York Times.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

CORRECTING AN ANCIENT INDIAN GRIEVANCE

A test of the government's sincerity in its dealings with the Indians will come before the Senate today when it votes on the return of Blue Lake to the Taos tribe. In his special message to Congress last July, the President outlined a policy of respect for Indian traditions, customs, beliefs and way of life. Under this concept, Indians are to be allowed to live their lives in their own way in accord with their own values. In principle the new policy stands out in striking contrast to the paternalism, the neglect and broken promises of the past.

But will the Senate translate the policy into something more than mere words? The immediate question is one of returning to a group of the original Americans 48,000 acres of land including Blue Lake in New Mexico. The lake is sacred to the Indians. Long before the white man came it was their place of worship—a tribal shrine. The land was admittedly taken from the Indians in 1906 in crass disregard of their rights and their tribal culture. So the question of its restoration rightly becomes an acid test of the policy of respecting the Indians' rights and allowing them the cultural freedom that other ethnic groups in the country enjoy.

The House has passed a bill that would give the Taos Pueblo title to the land, but the Senate Interior Committee, under pressure from Sen. Clinton Anderson, reported out a bill that would merely permit the Indians to use the land. From their viewpoint, that would amount to continued denial of their sacred heritage. It would be a white man's expedient instead of rectification of a wrong in terms that the Indians themselves understand. The Indian Claims Commission has acknowledged that the government took the land for a national forest without compensation. Of course the tribe does not want compensation but the actual land and lake essential to its sacred rites.

Congress ought to recognize this grievance and return the land without any "ifs," "ands" or "buts." By adopting the Griffin-Harris amendment, the Senate can set the matter right.

BLUE LAKE TO TAOS

The Senate can act today to right an old wrong. It is expected to vote on whether or not to restore to the Taos tribe of the Pueblo

Indians their title to a 48,000-acre tract high in the Sangre de Cristo Mountains of New Mexico, a sanctuary nearly two centuries before Columbus first crossed the Atlantic.

The Senate bill as it stands would give the tribe exclusive use of the area, but title would remain in the hands of the Forest Service, where it was misguidedly placed by President Theodore Roosevelt and Gifford Pinchot back in 1906 as part of the Carson National Forest. The key vote will be on a bipartisan amendment to substitute, in effect, the version passed by the House last year. This would return the land to the tribe outright, providing only that it should be reserved for religious and tribal uses and forever barred to commercial exploitation.

The difference between the two measures is subtle but of great importance. Pressing for the House bill, President Nixon sounded the right note when he observed that "no Government policy toward Indians can be fully effective unless there is a relationship of trust and confidence."

Senatorial friends of the Forest Service at first sought to combine religious use of Blue Lake and other shrines with the principle of multiple use elsewhere in the area. When that failed, they argued precedent: Indian claims are traditionally paid off with money, not land. But clearly that is not an appropriate approach here. The Taos Pueblos have been fighting for 64 years to get back their sanctuary, not to sell it—or even to enjoy its use by courtesy of the Forest Service.

The Senate now has a rare chance to do justice and perhaps to start the country back on the long road toward regaining the trust of the first Americans.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. ANDERSON. Mr. President, I want to say that this legislation started a good many years ago. I think it could be said that the present bill was started by the Senator from New Mexico. But the point of difference was that the Taos and their friends tried to get more than I thought they should have.

I kept worrying about the fact that the Senator from Oklahoma said something about lands being restored to the Indians. The Taos Indians never had title and it cannot be restored.

Mr. HARRIS. May I say again that there is no question in my mind that the distinguished Senator from New Mexico is quite sincere in the position he takes and I am equally sincere in my difference of opinion with him, which I regret.

I will just say, lastly, in regard to the matter of precedence, that Congress transfers public land to Indian tribes in every session as a routine transaction. So, in that respect at least, this would not be an unusual act for us to take, but it is unusual in that we are recognizing that this claim can be paid only in land. I think all sides recognize that. There is no question about it. We have all decided, both in the committee bill and the House bill, that we have to give land. The only question is who holds title, whether it be the Secretary of the Interior in trust, or the Secretary of Agriculture. In the Senate bill it would be the Secretary of Agriculture. In the House bill it would be the Secretary of the Interior.

It has been said that it does not make any difference. If it does not make any difference, let us do it the way the Indians themselves want it done. On the other hand, it is argued by the same Senators that it makes a lot of difference and that a precedent would be set. I agree with their first argument, that there is not much difference as far as precedent is concerned. We ought to do what the Indians want, to do justice in this case, and in the future let us take up individual cases as they arise.

Mr. METCALF. Mr. President, during the course of the debate, when the Senator from Oklahoma had the floor, he participated in a colloquy with the Senator from Minnesota on the question of exclusive use. At this time I wish to read into the RECORD that portion of the proposed bill relative to exclusive use:

For the purpose of protecting the watersheds—

And I will say to the Senator from Oklahoma this is why the conservation organizations are concerned about the bill—

"SEC. 4. (a) For the purpose of protecting the watersheds of the Rio Lucero and of the Rio de Pueblo de Taos and the interests and welfare of the tribe of Indians known as the Pueblo de Taos of New Mexico, the Secretary of Agriculture is hereby authorized and directed to segregate the following-described lands, which thereafter shall not be subject to entry under the land laws of the United States, and to thereafter administer the said lands for the exclusive use and benefit of the said tribe, which administration shall continue for so long as the provisions of this Act are complied with and the continued protection of the watershed is required by public interest:

So the purpose is twofold: One, the protection of the watershed; and, two, the interest in and the concern for the welfare of the Taos Tribe. The committee very carefully drew this bill to provide for that. Both of those purposes are provided for in the bill, and only one is provided for in the House bill.

Let us assume the Senator from Oklahoma is correct, and we provide for the interest and welfare of the tribe. We are not providing for the continued protection of the watershed in the public interest.

Mr. ALLOTT. Mr. President, will the Senator yield for a question, and perhaps a comment?

Mr. METCALF. I yield.

Mr. ALLOTT. The question has been raised directly here this afternoon that the Secretary of the Interior or the Secretary of Agriculture could terminate the right which is given by this bill. I, of course, have worked on this matter with the Senator from Montana for a long time.

If that is true, it would have to come under section 4(a), which the Senator from Montana just read. Is that correct?

Mr. METCALF. That is correct.

Mr. ALLOTT. I would like to make this part of the legislative record clear, because, in my opinion, at least as a man who once had practiced law for a considerable number of years, no Secretary could terminate the right which is created by the committee amendment. Does the Senator agree with that?

Mr. METCALF. I completely agree. There would be an entry into the court if there were an arbitrary termination by any Secretary for reasons not set forth in the bill. Otherwise it would require an act of Congress. It would be either way.

Mr. ALLOTT. Of course, we can never entirely keep human beings from being foolish.

Mr. METCALF. The Secretary of the Interior or the Secretary of Agriculture could be arbitrary—

Mr. ALLOTT. Attempt to be.

Mr. METCALF. Yes.

Mr. ALLOTT. But I want to make the legislative record clear that the only change in the status that could be made would be by an act of Congress itself.

Mr. METCALF. By an act of Congress; that is correct.

Mr. ALLOTT. I appreciate the Senator's remarks.

I would also like to go into one other matter, to explore a facet of this problem very briefly. This land was taken as a national forest in 1906, I believe, by President Theodore Roosevelt.

Mr. METCALF. It was taken out of the public domain. Previous to that it was still property of the United States, in the public domain, but it was incorporated into a national forest in 1906.

Mr. ALLOTT. In this respect the Indians are in no different situation than people, who have written to me, and I know have written to the Senator from Montana, and I know have written to every Western Senator, who have had land taken by the Interior Department or the Agriculture Department for incorporation into a national forest, incorporation into a park, or incorporation into a national monument—they receive compensation for land taken in each instance in dollars.

Mr. METCALF. That is correct, and that is appropriate. Indians aside, we have had great controversies about whether or not we are going to give lumbermen the right to log off some other part of the public domain if land was taken from them for a forest or a water fowl refuge or a park.

Mr. ALLOTT. The point I want to make with respect to this situation is that each American citizen is left to his recourse under the law, which is a recourse to apply for damages. So in this respect the Indians are getting in the bill far more protection than I could claim or that the Senator from Montana could claim as a member of a church if the Government decided that the land upon which the church was erected was needed for a public purpose. All we could claim was compensation for damages. Is that correct?

Mr. METCALF. That is right. We have recognized in the bill, as Mr. Bodine has suggested, that there is a special attachment to the land as far as the Indians are concerned. Therefore, we have given them a special and exclusive use. But if the Senator's church or my church or the church on the corner were taken for a highway, a park, a national forest, or a wildlife refuge, we would be compensated in money, and money alone.

The PRESIDING OFFICER. The question is on adoption of the committee amendment.

Mr. HARRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ANDERSON. Mr. President, I appreciate very much the courtesy of the Senator from Oklahoma. The Senator from Oklahoma presented his views.

Mr. President, we have before us the Senate committee version of H.R. 471, providing protection to the religious shrine known as Blue Lake in northern New Mexico. I support the legislation before us and urge that it be given favorable consideration.

First, I will explain very briefly what the bill does as presently written, then I will go into a brief but essential analysis of the claim and the need for this legislation.

The bill increases the amount of land in the Taos Indians' use permit to the full 48,000 acres sought by the tribe, segregates this area from the Carson National Forest for the exclusive use of the Taos Indians, creates a new ranger district manned exclusively by rangers who are Taos Indians to answer the Indians' assertion that the Forest Service has been insensitive to their religious needs, assures the tribe complete control over not only the religious area, but the entire watershed, insures that wise conservation practices will be maintained, and meets the objections of environmental and conservation organizations by not deeding away segments of national forest land.

H.R. 471 as now written is a genuine and valid compromise which will give full and lasting protection to the Taos religious shrines without establishing an undesirable precedent affecting lands throughout the United States.

The Blue Lake issue is an extremely complicated one which is not subject to easy condensation. It is the failure to recognize the complicated nature of the Blue Lake issue, I believe, that has led to much of the controversy surrounding the claim and that has prevented its earlier settlement.

In a sense, the Blue Lake claim has become a symbol of the plight of the American Indian, and thus has attracted adherents who are well-meaning but who are not fully conversant with the real issues involved.

The Taos Indians migrated to their present location in the period between A.D. 1300 and 1325. When the Spanish Crown assumed sovereignty over the area, it provided that the Indians were to have land traditionally used for farming, grazing, and other subsistence purposes. The King of Spain granted to various pueblos four leagues square or about 17,400 acres each. But the Taos Pueblo did not get confirmation of its four leagues square of land until 1864 when President Lincoln signed the grant. The Taos grant covered an area of approximately 17,400 acres surrounding the center of the Taos Pueblo. It did not include Blue Lake or any part of the 48,000-acre tract in H.R. 471. According to the law governing this area while under Spanish rule, as embodied in the Recompilacion, the Spanish law book, the land outside all of these Indian grants, though still roamed and used for hunting purposes, was to have the status of free and disencumbered land. I quote the following from the Recompilacion, book 4, title XII, where land grants are discussed:

> The rest of the land shall remain free and disencumbered to be granted and disposed of according to our will.

I might add that it was from this free and disencumbered land that the Spanish crown made its Spanish land grants throughout the Southwest. Hundreds of Spanish land grants had been made when the Government of Mexico obtained sovereignty over the Southwest in the early eighteen hundreds. The Mexican Government continued to make grants out of the free and disencumbered lands until the United States obtained sovereignty in 1848. Because of its mountainous and remote location, most of the Blue Lake area remained as free and disencumbered land under the flags of both Spain and Mexico.

When the United States assumed sovereignty under the Treaty of Guadalupe Hidalgo in 1848, it recognized all of the legitimate Spanish and Indian land grants in the Southwest. The rest of the land, including most of the Blue Lake area which therefore had been known as free and disencumbered land, became public domain. For over half a century, the United States administered the Blue Lake area as public domain. In 1906 the area was included in a National Forest and it has remained in that status to this day.

The Indian tribes of the Southwest have always used the land surrounding their pueblos for fishing, wood and water, and other traditional purposes. The Taos Pueblo originally subsisted off of approximately 300,000 acres of land in northern New Mexico. The U.S. Government has always recognized this use by the Indian tribes and it has come to be known by the confusing and inappropriate name of "aboriginal title." This is not an interest comparable to what we know as "title." It simply amounts to legal recognition that a given tribe at one time subsisted off of a certain area of land. Unfortunately, the failure by many to understand the distinction between aboriginal title and fee simple title as we know it in its ordinary legal sense has caused most of the confusion and misinformation surrounding the Blue Lake case.

Because of the many hundreds of millions of acres of lands all over the United States claimed under "aboriginal title" by the various Indian tribes, the Indian Claims Commission was created. Indian tribes were given the right to file claims before the Indian Claims Commission for settlement of their claims under aboriginal title. In processing a claim the Commission determines the size of the area upon which the Indian tribe at one time subsisted and makes its ruling. The particular Indian tribe then receives a cash settlement—not the land—based on the value per acre of the land when the United States took possession of the area.

The Taos Pueblo filed an aboriginal claim for 300,000 acres of land—including the Blue Lake area—before the Indian Claims Commission. In a 1965 ruling, the Commission found that the Taos Pueblo had aboriginal title to, and therefore should be granted cash compensation for, 130,000 acres of land—including the Blue Lake area. The next step will be for the Indian Claims Commission to determine the value of this acreage. When it does so, the Commission's recommendation will be sent to Congress for action. This is the procedure that has been followed by all other Indian tribes in the lower 48 States, and this is the procedure that must be followed in the Taos case. We cannot make a cash settlement and then make an additional settlement for land. Nor is there any realistic way to make a settlement for the land alone. The Indian Claims Commission has estimated that aboriginal title claims for land have been filed for 90 percent of all of the land in the continental United States. Needless to say, many, if not all, of the tribes which still have unsettled claims pending before the Commission would like to receive land instead of a cash settlement for their claims. If the Taos Tribe is granted an entire watershed, a landmark precedent will be set. There is no way to avoid this fact. I have no doubt that some tribes would even argue that those claims which have been fully settled by the Indian Claims Commission should be reconsidered because of such a precedent.

Now let us return to the particular case at hand. When the Taos Indians filed their claim before the Indian Claims Commission, they claimed more than 300,000 acres of land. However, because of the ruling in the case of *Pueblo de Cochiti* v. *United States*, 7 Indian Claims Commission 422 (1959), Indians have always been prohibited from claiming any of the Spanish land grants. For this reason, the Claims Commission by law was forced to reduce the 300,000-acre claim by eliminating the areas embraced by eight patented Spanish land grants. This resulted in the Taos claim being adjudicated at 130,000 acres—including the Blue Lake area.

It should be noted that the 48,000 acres provided for in the House bill would have to be reduced because of the same provision. H.R. 471 includes approximately 7,126 acres of the Antione Leroux grant.

The Taos Indians in 1933 were granted a 50-year permit by Congress—Public Law 73–28—for the Blue Lake area in lieu of a cash settlement for a different and unrelated claim. Under this permit, no one can go into the area without written permission from Taos Pueblo officials. Thus, the Taos Indians already have exclusive use of the Blue Lake area. They are in control. They could not have greater control if they owned the land outright.

It is often stated that the Blue Lake claim is unique among all Indian tribes, that no other tribe has claimed land for religious purposes as the Taos Indians have. Therefore, it is asserted, no precedent would be set if the 48,000 acres of land provided for in H.R. 471 were transferred to the Taos Pueblo. I submit that many other tribes have based their land

claims on religious importance. I will submit a list of these tribes for inclusion in the RECORD at the end of this statement. One can only speculate as to the number of claims throughout the United States based upon religion which will arise if the House bill were to be passed by Congress.

It is my hope that Congress can agree to settle the issue on its true merits rather than on a generalized desire to "do something" for the Indians. With the present legislation the Taos Indians can continue to receive the protection for their religious shrine that they rightfully deserve—without a disturbing precedent with national implications being established. Protection of the Blue Lake shrine is not incompatible with judicious treatment of the other major issues involved—land and water management and precedents governing the public domain. A solution is possible which will attain both goals and that is the opportunity that we have with the legislation before us today.

Additional land claims of Indian tribes: The Nambe claim, Indian Claims Commission docket No. 358, was quite similar to the Taos claim. In addition to a large quantity of land, this tribe claimed two sacred lakes lying in the National Forest, Lake Katherine and Sandy Lake. Several springs are mentioned as shrines in the Santa Clara Claim, Indian Claims Commission docket No. 355. Acknowledged scholars point out that every Pueblo tribe along the Rio Grande has shrines comparable in importance to Blue Lake. Members of the Navajo Tribe worship on Mount Taylor and Navajo Mountain. The Cochitis worship at locations within the Bandelier National Monument. The Santa Claras have religious shrines on Tschicoma Peak. The Hopis have shrines on the San Francisco peaks. I have been told that the Sandia Indians attach religious significance to the entire Sandia Mountain Range.

Mr. President, the only title the Taos Pueblo could have is the original title that was granted by the Treaty of Guadalupe Hidalgo, or the grant by the Spanish Crown, which said that the land shall remain free. That has been the trouble with most of the Spanish Crown claims, very frankly, because that is where the original rights were.

In the newspapers of only a few days ago, there is a picture of Alcatraz—"The Rock."

Certainly no New Mexico Indian would be entitled to claim any interest in that land. In fact, no Indian at all should have any valid claim, because that land belongs to the Federal Government, and it never has passed the title. But here is Alcatraz, a year after the invasion of the Indian tribes. They are there; it is not guesswork, they are there.

And what the Senator from Montana has stated is true: with this precedent, all a man has to do is go back to his own tribe and suggest some sort of legislation to obtain title.

Mr. President, we have spent some $400 million so far in settlement of Indian claims. That will all be completely thrown away if the House bill is passed.

The PRESIDING OFFICER (Mr. GOLDWATER). The question is on agreeing to the committee amendment.

Mr. HARRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I spoke yesterday on the measure (H.R. 471) that has been pending, and gave some of my own strong views on this matter. I did so after consulting with a number of representatives of the Indian community that we have in Chicago.

We have a very large resident group of Indians there, who are deeply concerned not only about problems affecting themselves personally and directly in urban areas, but also problems affecting Indians living in other areas of the country.

Today I should like to speak on another aspect of the issue and relate it back to the program enunciated by the President, and to indicate why I am not only supporting this bill because of my own deep convictions about the rightness of it but also because I support it because it will enable the President and the administration to fulfill a program that it had outlined heretofore. I think that the importance of the issue is really a weather vane for a new Indian policy and that this is a several step program.

Mr. President, several of our colleagues may be asking: Why is this issue important? Why should the Senate amend its own Interior Committee bill?

I believe it is important to go back to the original version of this bill on the merits alone—merits which my distinguished colleagues are pointing out in our discussion. There is, however, an importance beyond the merits, a significance wider than a single tribe in a single State.

Restoration of trust title for the Blue Lake lands to the Taos Pueblo people will signal something else to all America, Indian and non-Indian alike. It will say that this Congress and this Government mean a new beginning for the American Indian. A beginning of respect in substance, not just form. For decades we non-Indian Americans have saluted the forms of Indian life: feathers and dances, paint and spears. We have praised Indian art and retold Indian stories. But now we must turn a corner—not saluting the forms the less, but respecting the substance the more.

The American Indians residing in large numbers in Chicago feel very strongly about this. When I visited their community in uptown Chicago recently, they pointed out to me: No, we have not marched on city hall, we have not had riots, we have believed in the due process of law, and we have believed in the democratic process being responsive to the needs and hopes and promises and aspirations of our people. But we need to see more action, we need to see the system work, we need to see some responsiveness, and we need to have our faith restored that the process of justice will prevail in the legislative chambers.

We must now say to American Indian tribes and communities:

Your religious practices are equally sacred with ours.

Your local governmental functions should be in your own hands, as ours are, in our counties and cities.

Federal officials who help you shall be no longer your masters but your servants as they are for us.

These are new doctrines. This is a new start.

I am proud to point out that President Nixon has himself signaled the turning of this corner. In his historic message of July 8, 1970, the President described nine specific steps he hopes the Congress will take as a new beginning for Indians:

1. Termination is morally and legally unacceptable . . . because the mere threat of termination tends to discourage greater self-sufficiency among Indian groups.

2. We must reject the suffocating pattern of paternalism and empower a tribe or group of tribes or any other Indian community to take over the control or operation of Federally-funded and administered programs in the Department of Health, Education and Welfare and the Department of the Interior whenever the tribal council or comparable community governing group votes to do so.

3. Every Indian community wishing to do so should be able to control its own Indian schools, and with respect to non-Indian schools to which Indian children must go, the special federal funds for this purpose should be channelled directly to Indian tribes and communities to give Indians the ability to help shape the schools which their children attend.

4. The President proposed a new Indian Financing Act to broaden the existing Revolving Loan Fund from $25 million to $75 million and to provide additional incentives in the form of loan guarantees, loan insurance and interest subsidies to encourage *private* lenders to loan more money for Indian economic projects.

5. An additional $10 million is to be allocated in this fiscal year to Indian health programs.

6. Some seven urban Indian service centers will be strengthened to reach out and bring existing public services to the thousands of urban Indians lost in the anonymity of the city, often cut off from family and friends.

7. An Indian Trust Counsel Authority should be created to assure independent legal representation for the Indians' natural resource rights.

8. A new, additional Assistant Secretary of the Interior should be established for Indian and Territorial Affairs.

These are the first eight points in the President's landmark message. Some have already been taken up by the Senate Interior Committee, although the most thorough consideration of the President's legislative proposals will be given by the 92d Congress. Almost all of the proposals are the outgrowth of recommendations made many times by Indian groups themselves. Additional consultations are being and will be conducted in order to insure that the views of Indian tribes and communities are fully taken into account before the reform legislation is reintroduced in the new Congress.

These eight points represent a wholly new approach to the sustance of Indian

problems. The President's ninth point is the matter now before this body, and I would like to quote it in its entirety.

No government policy toward Indians can be fully effective unless there is a relationship of trust and confidence between the federal government and the Indian people. Such a relationship cannot be completed overnight; it is inevitably the product of a long series of words and actions. But we can contribute significantly to such a relationship by responding to just grievances which are especially important to the Indian people.

One such grievance concerns the sacred Indian lands at and near Blue Lake in New Mexico. From the fourteenth century, the Taos Pueblo Indians used this area for religious and tribal purposes. In 1906, however, the United States government appropriated these lands for the creation of a national forest. According to a recent determination of the Indian Claims Commission, the government took said lands from petitioner without compensation.

For 64 years the Taos Pueblo has been trying to regain possession of this sacred lake and watershed area in order to preserve it in its natural condition and limit its non-Indian use. The Taos Indians consider such action essential to the protection and expression of their religious faith.

The restoration of the Blue Lake lands to the Taos Pueblo Indians is an issue of unique and critical importance to Indians throughout the country. I therefore take this opportunity wholeheartedly to endorse legislation which would restore 48,000 acres of sacred land to the Taos Pueblo people, with the statutory promise that they would be able to use these lands for traditional purposes and that except for such uses the lands remain forever wild.

Our past Indian policies of subordination and paternalism are now just as outdated as the conquest policies of the ancient past. We must establish a new policy for American Indians: a policy of self-determination.

Today we begin to write a new slate, in a new time. We should restore trust title to the Blue Lake lands because it is morally right to do so, but we should take this action also because of what it will become. It will become a signal to the future, a sign that this Congress considers Indians not only as first Americans, but as equal Americans, whose institutions and beliefs are to have the same independence and respect which we non-Indians share for our own.

Mr. President, I am really very humble, when the present occupant of the chair, the Senator from Arizona (Mr. GOLDWATER) has spent a lifetime in finding ways to restore the faith of the Indians in this great democratic process. He has been a friend and protector long before I even developed an interest in the subject.

I have been extremely negligent in overlooking the feelings and hopes and aspirations of a constituency of my own. I have related myself to their problems as problems in their new State, the State of Illinois. I have tried to help them with their problems of housing and mass transportation, the problems they face of employment and job skills, and so forth, and relate them to their new experience and, for some of them, a strange urban area which to many of them seems almost a jungle, in the harshness with which it deals with life. But they have come there because of the conditions in which they found themselves in their native lands.

Therefore, I feel that I am arriving late on the scene, but I hope to make up for it with the intensity of my interest in the problem now. I am delighted to add my voice, for what it may be worth, to right something that I feel is wrong and also to help the President fulfill a program to which he has pledged himself and for which the administration is fighting valiantly at this time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GOLDWATER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

The question is on agreeing to the committee amendment in the nature of a substitute.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. JORDAN of Idaho (after having voted in the affirmative). On this vote I have a pair with my colleague (Mr. CHURCH). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. COTTON (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Kentucky (Mr. COOPER). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. SPARKMAN (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Arkansas (Mr. FULBRIGHT). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia (when his name was called). On this vote I have a pair with the distinguished Senator from New Mexico (Mr. MONTOYA). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. STEVENS (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Oregon (Mr. PACKWOOD). If he were present and voting he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from Maryland (Mr. TYDINGS) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Kentucky (Mr. COOPER) are absent because of death in their respective families.

The Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. DOMINICK) would vote "yea."

The respective pairs of the Senator from Kentucky (Mr. COOPER) and that of the Senator from Oregon (Mr. PACKWOOD) have been previously announced.

The result was announced—yeas 21, nays 56, as follows:

[No. 408 Leg.]

YEAS—21

Allen	Ervin	Magnuson
Allott	Fannin	Metcalf
Anderson	Hansen	Stennis
Bennett	Hruska	Talmadge
Bible	Jackson	Thurmond
Byrd, Va.	Jordan, N.C.	Williams, Del.
Ellender	Long	Young, N. Dak.

NAYS—56

Aiken	Hart	Muskie
Baker	Hartke	Nelson
Boggs	Hatfield	Pastore
Brooke	Holland	Pearson
Burdick	Hollings	Percy
Cannon	Hughes	Prouty
Case	Inouye	Proxmire
Cook	Javits	Randolph
Cranston	Kennedy	Ribicoff
Curtis	Mansfield	Schweiker
Dole	Mathias	Scott
Eagleton	McCarthy	Smith
Fong	McGee	Spong
Goldwater	McGovern	Stevenson
Goodell	McIntyre	Symington
Gore	Miller	Tower
Griffin	Mondale	Williams, N.J.
Gurney	Moss	Young, Ohio
Harris	Murphy	

PRESENT AND ANNOUNCING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Jordan of Idaho, for.
Cotton, for.
Sparkman, for.
Byrd of West Virginia, for.
Stevens, for.

NOT VOTING—18

Bayh	Eastland	Packwood
Bellmon	Fulbright	Pell
Church	Gravel	Russell
Cooper	McClellan	Saxbe
Dodd	Montoya	Tydings
Dominick	Mundt	Yarborough

So the committee amendment in the nature of a substitute was rejected.

Mr. DOLE. Mr. President, H.R. 471, as amended, which has been reported by the Senate Committee on Interior and Insular Affairs is claimed by its proponents to protect the sacred areas described by the Taos Pueblo Indians and to protect the ecology of the area by keeping the land in a wilderness status. The bill reported out by the committee does not do this and it is unsatisfactory to the Taos Indians and to the administration. Pres-

ident Nixon, in his Indian message of July 8, 1970, said:

> No government policy toward Indians can be fully effective unless there is a relationship of trust and confidence between the Federal government and the Indian people. Such a relationship cannot be completed overnight; it is inevitably the product of a long series of words and actions. But we can contribute significantly to such a relationship by responding to just grievances which are especially important to the Indian people.
>
> One such grievance concerns the sacred Indian lands at and near Blue Lake in New Mexico.

The President went on to urge prompt enactment of H.R. 471 as it originally came out of the House of Representatives.

The unamended version of H.R. 471 seeks to right a wrong that was done to the people of Taos Pueblo in 1906 when 48,000 acres in the Blue Lake area, in addition to other lands, were taken from them by the United States.

The Taos Indians have occupied their present pueblo since the year 1400. Being a sedentary people, they have continually used and occupied a well-defined area around the pueblo for hunting, gathering, grazing, and farming; however, the latter occupation has been relied upon less because of the 7,000 foot elevation and the 100-day growing season. These people value above all things their Indian culture, their Indian religion, and their traditional way of life.

On February 2, 1848, when the United States acquired sovereignty over New Mexico by the Treaty of Guadalupe Hidalgo, the Taos Indians owned all of the lands which they then used and occupied exclusively.

In 1906 the United States took 130,000 acres of the Taos Indians' land for inclusion in the Carson National Forest. The taking was by Executive order of the President. The Indians were not consulted, they were not paid, and they did not agree to the taking. The 48,000 acres in the original H.R. 471 is included in the 130,000 acres.

The primary plea of the Taos Indians is that their religious privacy be protected as it would be by H.R. 471. They assert the profound belief that the trees and all life and the earth itself within the watershed are comparable to human life and must not be cut or injured, but must be protected by wilderness status as is provided by H.R. 471. Under the provisions of the Wilderness Act the Federal Government has set aside nearly 11 million acres with an additional 4.4 million acres being considered for inclusion by the Forest Service. Giving title to the 48,000 acres to the Taos Indians would support this commendable trend and would at the same time indicate the respect of the white man and his government for the venerable and precious heritage of the Indian people. The Indians do not seek return of the total 130,000 acres which were taken from them but only the 48,000 containing the sacred land necessary for the life of their religion.

Arguments have been made that the conservation of the land and the water rights of downstream users would be jeopardized. The Taos people have used and occupied the watersheds of the Rio Pueblo and Rio Lucero for 700 years or more. They have always practiced conservation of those watersheds; they yield clear water today because of their long-standing care. The Indians feel that today it is more important than ever that the natural conditions of those watersheds be preserved as the source of pure water in those streams. The life of the Pueblo Indians depends upon that source of water even more than does the welfare of the non-Indians downstream because they obtain their drinking water directly from the Rio Pueblo. For these reasons, the Taos people want the protections of H.R. 471, which require the Secretary of the Interior to "be responsible for the establishment and maintenance of conservation measures for these lands, including without limitation, protection of forests from fire, disease, insects or trespass, prevention or elimination of erosion, damaging land use, or stream pollution, and maintenance of stream flow and sanitary conditions."

The Indians of Taos Pueblo have always accommodated their need for the waters of the Rio Pueblo and the Rio Lucero to the needs of non-Indians downstream. The methods of allocating those waters, which have been in force between Taos Pueblo and the non-Indian users downstream since 1893, have operated fairly for Indian and non-Indian users. The Taos delegation in a statement before the Subcommittee on Indian Affairs of the Senate Committee on Interior and Insular Affairs on July 9, 1970, said:

> A complaint was made by non-Indians concerning the flow of the Rio Lucero; and investigation was made by tribal and Bureau of Indian Affairs officials; the investigation disclosed no infringement of non-Indian water rights. The record shows that we have cooperated with our non-Indian neighbors, and are seeking ways to improve the effectiveness of cooperation with them." Furthermore, Taos Pueblo fully endorses the provisions of H.R. 471, which expressly protects existing methods of allocating water, stating that nothing in the bill shall ". . . impair any vested water rights."

Mr. President, the question of equity is on the side of the Indian in this matter before us and for that reason I fully support passage of the original H.R. 471.

Mr. CRANSTON. Mr. President, I strongly support, and am a cosponsor of, an amendment to H.R. 471, as reported by the Senate Committee on Interior and Insular Affairs. This amendment, of which Senators HARRIS and GRIFFIN are the principal sponsors, would substitute the original House-passed bill for the bill recently reported by the Senate committee by a split vote.

Basically, the issue is whether or not to grant "Indian title" for the sacred Blue Lake lands. The House bill would restore to the Taos Pueblo of New Mexico trust title to these lands. The Senate committee bill would not. Instead, it would grant an undefined right to "exclusive use" of the area, which would remain under Forest Service supervision. I am convinced that to deny the Taos Pueblo title to these lands constitutes not only a denial of justice, but also seriously jeopardizes their right to pursue their religion and culture, which are dependent on the Blue Lake and its associated shrines in the 48,000 acres in question.

In 1965, the Indian Claims Commission determined that the Taos Indians had established "Indian title" to 130,000 acres of land in northern New Mexico, including the 48,000 acres described in H.R. 471, and that this land was wrongfully taken from the Taos without compensation in 1906. The Taos have consistently refused monetary compensation. Monetary compensation is entirely out of the question in this case. All of the Taos religion and culture is dependent on the 48,000 acres of sacred land. They have no other church or shrine and no possibility of constructing either. Only restoration of the land itself can redress its wrongful taking.

It has been asserted that granting trust title to these lands would set a legislative precedent and other tribes might then seek similar legislation. Several groups and organizations interested in conservation and wildlife preservation have voiced their objections to these provisions on the grounds that taking land out of a national forest and granting it to a specific group constitutes a very dangerous precedent. I am not convinced that this is the case. Especially because the Blue Lake question is unique and unparalleled in the history of Indian-U.S. Government relations, I doubt that it could be construed as a precedent of danger to the future of national forest or national parklands.

The Department of the Interior has pointed out that this is the only instance of a tribal claim for land continuously used and occupied by the tribe after deprivation of title, and the only instance of a tribal claim for land, which once restored, would not be subject to commercial development but would be restricted to traditional and religious uses. Except for such uses, the land would remain forever wild. The Taos Pueblo's continuous possession and religious use of the 48,000 acres is clearly unique. Restoration of trust title is appropriate to meet the needs of the Taos Pueblo and will not establish a legislative precedent nor harm the public interest.

The Taos Pueblo unalterably opposes the substitute bill reported by the Senate committee. This substitute simply fails to correct the fundamental problem inherent in the present permit system—that of Forest Service control of the religious sanctuary of the Taos people. Forest Service supervision is provided by the committee bill despite what I understand to be the preference of the Department of Agriculture that jurisdiction over these lands be transferred to the Interior Department. I might also point out that the multiple use policies applicable to the Carson National Forest are incompatible with the religious uses of the land.

In addition, the committee bill provides for an undefined right to "exclusive use" of the 48,000 acres in question, yet also provides for the automatic termination of Indian exclusive use rights if the provisions of the act are not complied with. However, the provisions are

vague and uncertain, and at the very least would intensify the present conflicts between the Taos Pueblo and the Forest Service.

I would also like to point out, in reference to the arguments about precedent setting, what Leonard Garment said in an October 5, 1970, letter to Senator ALLOTT:

> The newly-proposed substitute itself continues an undesirable precedent, i.e., statutorily carving out pieces of a National Defense for "exclusive use."
>
> To sequester the use of a section of such lands, by statute, yet still call it a *National* Forest seems to be an inconsistency, compounded by the fact that the result is misleading to the public.

It seems rather obvious that the substitute bill is but a continuation of the present unacceptable permit system. It does not offer the security which the Taos Pueblo has sought for so many years and it threatens to jeopardize rather than insure the privacy of their religious practices.

It has become rather fashionable to discuss the plight of American Indians, who have suffered countless injustices at the hands of their white brothers generally, and the U.S. Government in particular. Such discussion inevitably turns to the need for positive action to rectify this unfortunate past relationship. Regrettably little concrete action has accompanied this rhetoric.

I believe that restoration of trust title to the sacred Blue Lake lands to the Taos Pueblo Indians can mark a significant break with past policies and can go far toward building new trust and confidence between American Indians and the U.S. Government. I, therefore, respectfully urge that the House version of H.R. 471 be passed without further delay.

Mr. GRIFFIN. Mr. President, in his historic message of July 8, 1970, on Indian affairs, President Nixon outlined a number of proposals designed to change the direction of our Indian policies. He specifically cited enactment of H.R. 471, the Taos-Blue Lake legislation passed by the House as an important and symbolic step toward development of a new relationship of trust and confidence between Indians and the Federal Government.

H.R. 471 was passed by the House of Representatives on September 9, 1969. A similar bill was passed by the House during the 90th Congress.

The purpose of this legislation is to convey trust title to the Pueblo de Taos Indians in New Mexico of approximately 48,000 acres of land they have used since the 14th century—land which the United States took from the Indians in 1906 without payment of any compensation. Under the House passed bill, use of the land would be restricted to religious and traditional purposes.

Except for these restricted uses the land will remain forever wild. Under the language of this amendment, the land shall be maintained as a wilderness as defined in section 2(c) of the act of September 3, 1964 (78 Stat. 890)—a protection these lands have heretofore not enjoyed.

Mr. Michael Nadel, assistant executive director and editor of the Wilderness Society, in a statement before the Interior Committee, endorsed H.R. 471 and expressed the view of his organization that the Indians will comply with the Wilderness provisions. He testified that:

> We have this faith by virtue of the intensity of the Indian in his respect for nature, and the inseparability of nature from his religious and cultural beliefs.

The 48,000 acres would be a part of the Pueblo de Taos Reservation, and would be governed under the laws and regulations applicable to other trust Indian lands administered by the Department of the Interior.

Under the present arrangement, the Indians have used 32,000 acres of the land under Forest Service permits dating back to 1940. The Taos have never been satisfied with the arrangement, and it has been the source of continuous controversy and conflict. During the Senate Interior hearings, the Department of Agriculture agreed that Forest Service supervision has not been satisfactory.

For nearly 70 years the Taos have patiently pleaded with the Federal Government to restore the sacred Blue Lake lands, considered by the Indians as a source of all its life, a natural cathedral containing holy places of their ancient religion which remains the central force of their cultural life. But they have never been able to regain their land, and they have only been allowed use of the wilderness area under a Forest Service permit.

The Senate committee bill, reported by a divided vote, would deny the Indians restoration of title and would merely confirm an uncertain right to use the area under continued Forest Service supervision. The committee bill is not satisfactory to the Taos or to the administration.

According to the Indian Claims Commission, in a decision of September 8, 1965, the Taos had clearly established Indian title to an estimated 130,000 acres by aboriginal use since the 14th century, and the U.S. Government had extinguished Indian title to the land without payment by adding the land to the Carson—formerly Taos—National Forest in 1906. The Commission directed that the Indians be paid the value of the 130,000 acres at that time. The value has not been determined. The judgment would be reduced accordingly if the Taos receive trust title to the 48,000 acres within the tract.

The religious significance of this particular land to the Taos Indians is best described in the Indian Claims Commission findings of fact:

> One of the precepts of Pueblo philosophy and religion is that a way of life was established in the beginning by Mother Nature and the Pueblo's forefathers, and that things should be done as they were in the past.
>
> The native religion of the Taos Indians is to this day very much involved with the daily life of the people. This religion does now and has for centuries tied them closely to the land. The land and the people "are so closely tied together that it is what might be technically called a symbiotic relationship—the people, by their prayers and their religious function, keep the land producing; and the land keeps the people."
>
> Starting with the northernmost part of the eastern claim area, the most important site identified on petitioner's Exhibit No. 84(a) is Blue Lake. This is the most sacred shrine of the Taos Indians. It is claimed to be their church. In August every year the entire adult population of Taos Pueblo goes to Blue Lake for ancient religious ceremonies which have continued uninterrupted for centuries. On the first day a ceremony is held in the Canyon of the Taos River, east of the Pueblo. Then on the second day, the Indians go to the Blue Lake and there hold ceremonies during the day and night.

Since the Taos lost title to the area in 1906, some commercial timber harvesting has occurred. A sacred lake was dynamited. A cabin was constructed a few hundred yards from their most sacred shrine. These acts had the same meaning to these particular Indians as the vandalizing of a church would have in a Christian community.

Of course, none of these acts were permitted with the knowledge that they violated the religion of the Taos people.

The Indians have also been under more pressure from the Forest Service from time to time to agree to more permits from sportsmen and other non-Indians to use the lands.

As Congressman SAYLOR stated on the floor of the House on June 18, 1968:

> The need for privacy to practice their religion is at the center of the conflict between the Pueblo de Taos Indians and the Forest Service. In the early days when the Forest Service emphasis was on preservation of the resource, the conflicts were few. In recent years, however, when greater emphasis has been placed on multiple use and on recreational use, the Indian use and the Indian values have been placed in jeopardy. It is the intrusion into the area by non-Indians, principally interested in camping and recreation, that causes the trouble. The presence of the non-Indians threatens destruction of the Indian religious life.

Congressman WAYNE ASPINALL, chairman of the House Interior and Insular Affairs Committee, has expressed similar views.

Although the Taos religion-culture is largely secret, it is clear that it depends for its continuance on the undisturbed existence of the shrines. No other tribe can make that claim. As anthropologist John J. Bodine of the American University stated in his letter dated July 10, 1970, included in the appendix to the Senate hearings:

> If Blue Lake and the surrounding lands are not returned to the Tribes, it will effectively destroy the Taos culture.
>
> All of Taos religion is dependent on the Blue Lake and its associated shrines in the 48,000 acres in question. They have no other "church" nor any possibility of constructing one. Therefore, monetary compensation for Blue Lake is out of the question. It provides them with no alternative whatsoever. There is only one Blue Lake just as there is only one Mecca.

Cathedrals, mosques, and temples are generally respected as structures of sanctity and significance because they are important in the religious lives of men and women. What the Indians of Pueblo de Taos are asking is that equal consideration—no more and no less—be extended to the shrine where they have performed their religious obligations for at least as long as the famed cathedrals of Europe have been in use.

Mr. Bodine's observations are fortified by the testimony of the Taos Pueblo del-

egation before the Senate Interior Committee. I invite my colleagues to examine that testimony, which begins on page 105 of the hearings.

From the standpoint of the merits of the claim, the Indian Claims Commission judicially determined in 1965 that the lands were wrongfully taken from the Taos in 1906. Nevertheless, the Indians have rejected monetary payment. In so doing, they have stated to all America that a culture and a religious tradition so unique cannot be compensated for by dollars and cents.

It has been argued that justice cannot be done for the Taos Indians by granting them trust title to the Blue Lake lands because this would set a legislative precedent and other tribes might seek similar relief.

The struggle of Taos de Pueblo for its sacred Blue Lake area is unprecedented in the history and experience of American Indians. As the Department of the Interior pointed out during the Senate hearings this is the only instance of a tribal claim for land continuously used and occupied by the tribe after deprivation of title, and the only instance of a claim for land, which once restored, would not be subject to commercial development, but could be used only for traditional and religious purposes.

The view of the Interior Department that this legislation would not set a legislative precedent is also held by former Interior Secretary Stewart Udall, who in testifying on H.R. 471 before the Senate Interior Committee, stated that—

> In the eight years I was Secretary there was no other tribe that came and presented any case to me; there was nothing that ever came to my attention of this kind . . . based in a paramount way on religious reason and religious argument.

Secretary Udall went on to say:

> I have come to believe that the Taos de Pueblo have a very special and very singular relationship that can be distinguished from any other.

In a letter to the Interior Committee dated July 8, 1970, former Secretary Hickel made these observations concerning this issue:

> H.R. 471 is not unique in proposing the grant of federally owned land to an Indian tribe. In almost every session Congress considers many similar bills. Several of these bills have been enacted. There is a difference in this bill in that here the Indians are entitled to be paid for the land, and in the view of the tribe no money payment can adequately compensate for this land. There has been some feeling that if the Pueblo Taos Indians are given this land a precedent will be set whereby other Indian tribes will seek the return to them of the land to which they are determined by the Indian Claims Commission to have had Indian title. We do not think this is necessarily the case. In a great many of the cases the land for which tribes are being compensated is not in the proximity of their present holdings. Moreover, a few of the tribes have expressed a desire to have such land returned to them. We view the question of whether Indian tribes are to be given money payment or their land returned as one that will have to be decided on the merits of each case.

The distinguished chairman of the Interior Committee, in referring to the committee-approved substitute bill in a floor speech on October 13, 1970, stated:

> It should, however, be recognized that H.R. 471, as reported by the Interior Committee deals only with the specific fact situation presented by the Pueblo de Taos claim. It represents an effort to provide a final settlement to a long-standing conflict over the use and administration of the lands in question. It does not, however, represent a precedent for future cases or an expression of national policy on the handling of religious, sacred, or ceremonial land claims which have been or which may be advanced by other Indian communities. In ordering H.R. 471 reported to the Senate the committee has made clear that it was reserving a decision on the national issues presented by sacred and ceremonial land claims until there was an adequate opportunity to develop a comprehensive policy.

Senator JACKSON's observation that the legislation applies only to the specific Taos problems and does not represent a precedent holds true whether the solution is restoration of title or provision for continued use by the Taos people.

I certainly endorse Senator JACKSON's desire to move toward the development of a comprehensive policy on the issues presented by sacred and ceremonial land claims, and commend him for his leadership in introducing S. 4469, which could be a first effort toward a national policy for recognition of continued protection of sacred tribal places.

Considerable national attention has been focused recently on the problems and plight of the American Indians, and with justification. As President Nixon said in his recent message to Congress on Indians on July 8, 1970:

> This condition is the heritage of centuries of injustice. From the time of their first contact with European settlers, the American Indians have been oppressed and brutalized, deprived of their ancestral lands, and denied the opportunity to control their own destiny.

This legislation is the first of the President's recommendations in the field of Indian affairs to reach the floor of the Senate. By the enactment of this legislation, we will be according justice and demonstrating commitment to a group of Americans who have been neglected in many respects for too long.

In the Taos' efforts to regain their lands, we can perceive in Indians everywhere a rebirth of pride in their race and culture. This new era of human dignity promises to enrich American society as a whole.

There should be no further pressure on the tribes to dismantle their governments, to abandon their cultures, and to cease in practicing their ancient religions.

President Nixon called for such a policy in his statement to the National Congress of American Indians on September 27, 1968, stating:

> We must recognize that American society can allow many different cultures to flourish in harmony, and we must provide an opportunity for those Indians wishing to do so to lead a useful and prosperous life in an Indian environment . . . the Indian people have long responded to deprivation and hardship by seeking to utilize the processes of orderly change. We must seek to demonstrate to them all that our society is responsive to their patient pleas and help them to live among us in prosperity, dignity and honor.

Normally, bills involving Indian land claims in other States do not generate mail from my constituents. However, this legislation has been endorsed by the Michigan Indian Commission, United Tribes of Michigan, Michigan Council of Churches, Indian constituents, and non-Indian constituents.

Because of the uniqueness of this particular Indian land claim; because the Taos Indians without question had established Indian title to a much larger area; because of the singular close religious significance which this land has to the daily lives of the Taos people; and because enactment of this bill would go far toward restoring Indian trust and confidence in the Federal Government, I strongly urge enactment of this legislation in the form as passed by the House.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 471) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The question is on final passage. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. ALLOTT. Mr. President, I shall not take long nor detain the Senate long, but I deem this vote of such importance that I want to make my position very clear. Despite the fact this is a bill which has been endorsed by my administration, I feel very strongly that is a bad bill and that it sets a precedent which the Senate will live to regret. I will go so far as to say that if this bill passes today, there is no Member of the Senate, who will not wish 100 times he had not voted for it because of the precedent it sets. I am also ever mindful of the great knowledge that the senior Senator from New Mexico has in this area, and I am mindful of his long knowledge and long study of this subject. The junior Senator from Arizona probably is the only other man in the Senate who has comparable knowledge, and that knowledge is also very great.

I am mindful of the knowledge and the position of the Senator from New Mexico when I announce that I oppose the passage of this measure because I think the Senate had worked out in its committee amendment, which has been rejected and rejected by a sizable vote, a justifiable and equitable settlement of this matter. I believe we should have adopted it, and we could have thus set a precedent for dealing with other problems in the future. There is no policy now for dealing with these problems in the future and we will see a plague of similar bills before the Senate and before the House in the future which there will be little opportunity to avoid on the basis of this precedent, even though it is said it is not a precedent.

For these reasons I will vote against the bill and I hope that all Senators who are mindful of the precedent that this is setting will also vote against it.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Arkansas (Mr. FULBRIGHT) would each vote "yea".

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Kentucky (Mr. COOPER) are absent because of death in their respective families.

The Senator from Colorado (Mr. DOMINICK), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Oregon (Mr. PACKWOOD) would each vote "yea".

The result was announced—yeas 70, nays 12, as follows:

[No. 409 Leg.]

YEAS—70

Aiken	Hart	Percy
Allen	Hartke	Prouty
Baker	Holland	Proxmire
Boggs	Hollings	Randolph
Brooke	Hruska	Ribicoff
Burdick	Hughes	Russell
Byrd, Va.	Inouye	Schweiker
Byrd, W. Va.	Javits	Scott
Cannon	Jordan, N.C.	Smith
Case	Kennedy	Sparkman
Cook	Long	Spong
Cotton	Mansfield	Stennis
Cranston	Mathias	Stevens
Curtis	McGee	Stevenson
Dole	McGovern	Symington
Eagleton	McIntyre	Talmadge
Ervin	Miller	Tower
Fong	Mondale	Tydings
Goldwater	Moss	Williams, N.J.
Goodell	Murphy	Williams, Del.
Gore	Muskie	Young, N. Dak.
Griffin	Nelson	Young, Ohio
Gurney	Pastore	
Harris	Pearson	

NAYS—12

Allott	Ellender	Jordan, Idaho
Anderson	Fannin	Magnuson
Bennett	Hansen	Metcalf
Bible	Jackson	Thurmond

NOT VOTING—18

Bayh	Eastland	Montoya
Bellmon	Fulbright	Mundt
Church	Gravel	Packwood
Cooper	Hatfield	Pell
Dodd	McCarthy	Saxbe
Dominick	McClellan	Yarborough

So the bill (H.R. 471) was passed.

Mr. HARRIS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MONDALE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, The Senate's disposition of this proposal today is to be commended. It was done so efficiently and with full regard for the views of all.

It must be said that my colleague from Montana (Mr. METCALF) urged the committee's position on this measure with the great skill and ability that have characterized and distinguished his public service. That the position urged by the committee did not prevail is no reflection on the quality of his advocacy or that of the distinguished senior Senator from New Mexico (Mr. ANDERSON), or of the distinguished Senator from Washington (Mr. JACKSON), the able chairman of the committee.

As in so many cases, the issue here was far from an easy one to decide. The committee itself was closely divided and the position of the House of Representatives—that advocated by the distinguished Senator from Oklahoma (Mr. HARRIS)—ultimately prevailed. I nevertheless commend Senator METCALF, Senator ANDERSON, and Senator JACKSON. They urged their position strongly and with the greatest sincerity.

The same may be said for the distinguished senior Senator from Oklahoma (Mr. HARRIS), the distinguished senior Senator from Massachusetts (Mr. KENNEDY), the distinguished Senator from Michigan (Mr. GRIFFIN), and the many others who urged the position that ultimately prevailed. And once again, may I say that the Senate as a whole is to be commended for disposing of this measure expeditiously and with full regard for the views of every member.

CORRECTION OF CERTAIN PRINTING AND CLERICAL ERRORS IN THE LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. METCALF. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1411.

The PRESIDING OFFICER (Mr. SCHWEIKER) laid before the Senate House Joint Resolution 1411, correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970, which was read twice by its title.

Mr. METCALF. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. METCALF. Mr. President, this is merely a joint resolution to correct printing and clerical errors. There are no substantial changes. However, since it came over from the House, another error has been found, and I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

At the end of the joint resolution, add the following new paragraph:

"(6) The last sentence of section 134(c) of the Legislative Reorganization Act of 1946, as amended by section 117(a) of the Legislative Reorganization Act of 1970, is amended by striking out 'paragraph 5' and inserting in lieu thereof 'paragraph 7'."

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. SCOTT. I understand all these matters have been cleared with the Senator from Delaware (Mr. BOGGS). Is that correct?

Mr. METCALF. With the Senator from Delaware and, in the absence of the distinguished majority leader, with the Senator from Michigan. These are simply clerical errors and enumerations.

Mr. SCOTT. I understand, there is no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the joint resolution.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 1411) was read the third time, and passed.

FEDERAL-AID HIGHWAY ACT OF 1970

Mr. RANDOLPH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 4418.

The PRESIDING OFFICER (Mr. SCHWEIKER) laid before the Senate the amendments of the House of Representatives to the bill (S. 4418) to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes," which were to strike out all after the enacting clause, and insert:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1970".

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "and the additional sum of $2,225,000,000 for the fiscal year ending June 30, 1974" and inserting in lieu thereof the following: "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1977, and the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1978".

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1972, and June 30, 1973, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, House Document Numbered 91-317.

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 104. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "eighteen years" and inserting in lieu thereof "twenty-two years" and by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1978".

(b)(1) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking out "1974" each place it appears and inserting in lieu thereof at each such place "1978".

(2) Such section 104(b)(5) is further amended by striking out the two sentences preceding the last sentence and inserting in lieu thereof the following: "The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives on April 20, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, and June 30, 1973. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1972. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, and June 30, 1975. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1974. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1976, and June 30, 1977. The Secretary shall make a final revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1976. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal year ending June 30, 1978."

HIGHWAY AUTHORIZATIONS

SEC. 105. For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas, out of the Highway Trust Fund, $1,100,000,000 for the fiscal year ending June 30, 1972, and $1,100,000,000 for the fiscal year ending June 30, 1973. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on the Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(2) For the Federal-aid primary system and the Federal-aid secondary system, exclusive of their extensions in urban areas, out of the Highway Trust Fund, $125,000,000 for the fiscal year ending June 30, 1972, and $125,000,000 for the fiscal year ending June 30, 1973, such sums to be in addition to the sums authorized in paragraph (1) of this subsection. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 60 per centum for projects on the Federal-aid primary highway system; and

(B) 40 per centum for projects on the Federal-aid secondary system.

(3) For the Federal-aid urban system, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973.

(4) For traffic operation projects in urban areas as authorized in section 135 of title 23, United States Code, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973.

(5) For forest highways, $33,000,000 for the fiscal year ending June 30, 1972, and $33,000,000 for the fiscal year ending June 30, 1973.

(6) For public lands highways, $16,000,000 for the fiscal year ending June 30, 1972, and $16,000,000 for the fiscal year ending June 30, 1973.

(7) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1972, and $170,000,000 for the fiscal year ending June 30, 1973.

(8) For public lands development roads and trails, $5,000,000 for the fiscal year ending June 30, 1972, and $5,000,000 for the fiscal year ending June 30, 1973.

(9) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973.

(10) For parkways, $11,000,000 for the fiscal year ending June 30, 1972, and $11,000,000 for the fiscal year ending June 30, 1973, and $25,000,000 for construction of the Palisades Parkway in the District of Columbia, and $65,000,000 for reconstructing to six lanes the section of the Baltimore-Washington Parkway under the jurisdiction of the Secretary of the Interior to the standards for the National System of Interstate and Defense Highways.

(11) For Indian reservation roads and bridges, $30,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973.

(12) Nothing in this section shall be construed to authorize the appropriations of any sums to carry out sections 131, 136, 319(b) or chapter 4 of title 23, United States Code.

(13) In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1972, and June 30, 1973, there is authorized to be appropriated out of the Highway Trust Fund not to exceed $55,000,000 for each such fiscal year for such System. Such authorization shall be apportioned to each of the States receiving apportionments under section 103 of this Act of less than one-half of 1 per centum for each such fiscal year, so as to insure that each such State will receive for each such fiscal year an amount equal to one-half of 1 per centum of the total apportionment for each such fiscal year under section 103 of this Act.

FEDERAL-AID URBAN SYSTEM

SEC. 106. (a) Subsection (a) of section 101 of title 23, United States Code, is amended as follows:

(1) After the definition of the term "Secretary" add the following new paragraph:

"The term 'urbanized area' means an area so designated by the Bureau of the Census."

(2) After the definition of the term "Federal-aid secondary system" add the following new paragraph:

"The term 'Federal-aid urban system' means the Federal-aid highway system described in section (d) of section 103 of this title."

(3) The definition of the term "Interstate System" is amended to read as follows:

"The term 'Interstate System' means the National System of Interstate and Defense Highways described in subsection (e) of section 103 of this title."

(b)(1) Subsections (d) and (e) of section 103 of title 23, United States Code, are relettered (e) and (f), respectively, including all references thereto, and section 103 is further amended by adding immediately after subsection (c) the following subsection (d):

"(d) The Federal-aid urban system shall be established in each urbanized area. The system shall be so located as to serve the major centers of activity, the highest traffic volume corridors, and the longest trips within such area, and shall be selected from those routes included in the mileage figures for the urban principal arterial system as set forth in the '1970 National Highway Needs Report Supplement' other than routes on the Interstate System. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system shall connect with another route on a Federal-aid system. The establishment of the system and the selection of the routes shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title. Routes on the Federal-aid urban system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (f) of this section. The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be inconsistent with this subsection."

(2) Relettered subsection (f) of section 103 of title 23, United States Code, is amended by inserting after "the Federal-aid secondary system," the following: "the Federal-aid urban system,".

(c)(1) Section 104 of title 23, United States Code, is amended by adding at the end thereof the following:

"(f) Not to exceed 50 per centum of the amounts apportioned in accordance with paragraph (3) of subsection (b) of this section may be expended for projects on the Federal-aid urban system."

(2) Subsection (b) of section 104 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(6) For the Federal-aid urban system:

"In the ratio which the population in urbanized areas, or parts thereof, in each State bears to the total population in such urbanized areas, or parts thereof, in all the States as shown by the latest available Federal census."

(d) Subsections (d) and (e) of section 105 of title 23, United States Code, are relettered (e) and (f), respectively, including all references thereto, and section 105 is further amended by adding immediately after subsection (c) a new subsection (d):

"(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the State highway department and the appropriate local road officials in cooperation with each other."

(e) Subsection (b) of section 106 of title 23, United States Code, is amended to read as follows:

"(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on (1) the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, and (2) the Federal-aid urban system, shall be determined by the State highway department and the appropriate local road officials in cooperation with each other."

(f) Subsection (a) of section 120 of title 23, United States Code, is amended by striking out "and the Federal-aid secondary system" and inserting in lieu thereof a comma and the following: "the Federal-aid secondary system, and the Federal-aid urban system".

(g) Subsection (b) of section 135 of title 23, United States Code, is amended by inserting after "urban areas" the following: "and on the Federal-aid urban system".

PROHIBITION OF IMPOUNDMENT OF APPORTIONMENTS AND DIVERSION OF FUNDS

SEC. 107. Subsections (c) and (d) of section 101 of title 23, United States Code, are amended to read as follows:

"(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

"(d) No funds authorized to be appropriated from the Highway Trust Fund shall be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless funds for such expenditure are identified and included as a line item in an appropriation Act and are to meet obligations of the United States heretofore or hereafter incurred under this title attributable to the construction of Federal-aid highways or highway planning, research, or development."

INCREASED FEDERAL SHARE

SEC. 108. (a) Section 120 of title 23, United States Code, is amended by striking out "50 per centum" each place it appears and inserting in lieu thereof at each such place the following: "70 per centum".

(b) The amendments made by subsection (a) of this section shall take effect with respect to authorizations for appropriations for fiscal years beginning after June 30, 1973.

EMERGENCY RELIEF

SEC. 109. The first sentence of subsection (a) of section 125 of title 23, United States Code, is amended to read as follows: "An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120, for (1) the repair or reconstruction of highways, roads, and trails which he shall find have suffered serious damage as the result of (A) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (B) catastrophic failures from any cause, in any part of the United States, and (2) the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State after December 31, 1967, because of imminent danger of collapse due to structural deficiencies or physical deterioration."

TRAINING PROGRAMS

SEC. 110. Section 140 of title 23, United States Code, is amended by inserting "(a)" immediately before "Prior" and by adding at the end thereof the following new subsection:

"(b) (1) For the purpose of providing for the continuation of training programs during seasonal shutdowns of highway construction work, sums apportioned in accordance with section 104 of this title shall be available to finance the Federal share of those portions of the costs of apprenticeship, skill improvement, or other upgrading programs, which the Secretary determines are (A) in compliance with the requirements of this section, (B) conducted during periods of the year when highway construction cannot reasonably proceed because of climatic conditions, and (C) supplementary to on-the-job training conducted during the construction season.

"(2) The Federal share payable on account of any portion of any training program under this subsection shall be that provided in section 120 of this title."

URBAN HIGHWAY PUBLIC TRANSPORTATION

SEC. 111. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 142. Urban highway public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles on highways, other than on rails, for the transportation of passengers (hereinafter in this section referred to as 'buses') within urbanized areas so as to increase the traffic capacity of the Federal-aid systems, sums apportioned in accordance with paragraphs (3), (5), and (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects for the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers.

"(b) The establishment of routes and schedules of such public mass transportation systems shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall deemed to be a highway project, and, except as provided in subsection (d) of this section, the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section shall be approved unless—

"(1) such project (A) will avoid the construction of a highway project under this title which increases automobile traffic capacity, (B) will provide a capacity for the movement of persons at least equal to that which would be provided by the avoided highway project, and (C) will not exceed in the amount of the Federal share, the Federal share of the cost of the avoided highway project; or

"(2) no other feasible or prudent highway project can provide the additional capacity for the movement of persons by motor vehicles on highways (other than on rails) provided by this project.

"(e) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"142. Urban highway public transportation."

VIRGIN ISLANDS HIGHWAY PROGRAM

SEC. 112. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 215. Virgin Islands highway program

"(a) Recognizing the mutual benefits that will accrue to the Virgin Islands and to the United States from the improvement of highways in the Virgin Islands, the Secretary is authorized out of funds specifically authorized to carry out this section to assist the Virgin Islands in a program for the construction and improvement of a system of arterial highways designated by the Governor of the Virgin Islands and approved by the Secretary. No Federal financial assistance shall be granted under this subsection unless the Virgin Islands, at a minimum, matches the Federal contribution.

"(b) In order to establish a long-range highway development program, the Secretary is authorized to provide technical assistance to the Virgin Islands for the establishment of an appropriate governmental agency of the Virgin Islands to administer on a continuing basis highway planning, design, construction, and maintenance operations, the development of a system of arterial and collector highways, and the establishment of advance acquisition of right-of-way and relocation assistance programs.

"(c) No part of the appropriations authorized under this section shall be available for obligation or expenditure in the Virgin Islands until the Governor of the Virgin Islands enters into an agreement with the Secretary providing that the government of the Virgin Islands (1) will design and construct a system of arterial and collector highways, built in accordance with highway standards approved by the Secretary; (2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons on any portion of the highways constructed under the provisions of this section; (3) will provide for the maintenance of such highways after completion in a condition to adequately serve the needs of present and future traffic; (4) will implement standards for traffic operations and uniform traffic control devices which are approved by the Secretary.

"(d) (1) Three per centum of the sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section shall be available for expenditure by the Virgin Islands only for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research and development, necessary in connection with the planning, design, and maintenance of the highway system, and the regulation and taxation of their use.

"(2) In addition to the percentage provided in paragraph (1) of this subsection, not to exceed 2 per centum of sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section may be expended upon request of the Virgin Islands and with the approval of the Secretary for the purposes enumerated in paragraph (1) of this subsection.

"(e) None of the funds authorized to be appropriated for carrying out this section shall be obligated or expended in the Virgin Islands for maintenance of the highway system.

"(f) The provisions of chapters 1 and 5 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section."

(b) The analysis of chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following:

"215. Virgin Islands highway program."

(c) There are hereby authorized to be appropriated for carrying out subsection (a) of section 215 of title 23, United States Code, out of any money in the Treasury not otherwise appropriated, not to exceed $2,000,000 for the fiscal year ending June 30, 1971, not to exceed $2,000,000 for the fiscal year ending June 30, 1972, not to exceed $2,000,000 for the fiscal year ending June 30, 1973.

(d) Sums authorized to be appropriated to carry out this section for the fiscal year ending June 30, 1971, shall be available for obligation immediately upon enactment of this section in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code. Sums authorized to be appropriated for the fiscal year ending June 30, 1972, and the fiscal year ending June 30, 1973, shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

DARIEN GAP HIGHWAY

SEC. 113. (a) Chapter 2 of title 23, United States Code, is further amended by adding at the end thereof the following new section:

"§ 216. Darien Gap Highway

"(a) The United States shall cooperate with the Government of the Republic of Panama and with the Government of Colombia in the construction of approximately two hundred and fifty miles of highway in such countries in the location known as the 'Darien Gap' to connect the Inter-American Highway authorized by section 212 of this title with the Pan American Highway System of South America. Such highway shall be known as the 'Darien Gap Highway.' Funds authorized by this section shall be obligated and expended subject to the same terms, conditions, and requirements with respect to the Darien Gap Highway as are funds authorized for the Inter-American Highway by subsection (a) of section 212 of this title.

"(b) The construction authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the Republic of Panama and Colombia as may be required to carry out the purposes of this section shall be conducted through, or authorized by, the Department of State.

"(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway survey or construction heretofore or hereafter undertaken in Panama or Colombia, other than the expenditures authorized by the provision of this section.

"(d) Appropriations made pursuant to any authorization for the Darien Gap Highway shall be available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Darien Gap Highway program.

"(e) For the purposes of this section the term 'construction' does not include any costs of rights-of-way, relocation assistance, or the elimination of hazards of railway grade crossings."

(b) The analysis of chapter 2 of title 23, United States Code, is hereby amended by adding at the end thereof the following:

"216. Darien Gap Highway."

(c) There is hereby authorized to be appropriated not to exceed $100,000,000, to remain available until expended to enable the Secretary of Transportation to carry out section 216 of title 23, United States Code.

ADMINISTRATION

SEC. 114. (a) Subsection (a) of section 303 of title 23, United States Code, is amended to read as follows:

"(a)(1) In addition to the Administrator of the Federal Highway Administration authorized by section 3(e) of the Department of Transportation Act, there shall be a Deputy Federal Highway Administrator appointed by the President by and with the advice and consent of the Senate. The Deputy Federal Highway Administrator shall perform such duties as the Federal Highway Administrator shall prescribe. There shall also be an Assistant Federal Highway Administrator who shall be the chief engineer of the Administration and shall be appointed, with the approval of the President, by the Secretary of Transportation under the classified civil service and who shall perform such functions, powers, and duties as the Federal Highway Administrator shall prescribe.

"(2) The Administrator of the Federal Highway Administration shall be compensated at the annual rate of basic pay of level II of the Executive Schedule in section 5313 of title 5, United States Code. The Deputy Federal Highway Administrator shall be compensated at the annual rate of basic pay of level IV of the Executive Schedule in section 5315 of title 5, United States Code. The Assistant Federal Highway Administrator shall be compensated at the annual rate of basic pay of level V of the Executive Schedule in section 5316 of title 5, United States Code."

(b) All provisions of law enacted before the date of enactment of this Act which are inconsistent with the amendment made by subsection (a) of this section are hereby repealed to the extent of such inconsistency.

(c) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of Public Roads to act as Deputy Administrator of the Federal Highway Administration created by the amendment made by subsection (a) of this section until the first Deputy Administrator is appointed in accordance with such amendment. The President may authorize any person acting as Deputy Administrator in accordance with this subsection to receive compensation at the rate authorized for the Office of Deputy Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

TRAINING AND RESEARCH FELLOWSHIPS

SEC. 115. (a) Chapter 3 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 321. National Highway Institute

"(a) The Secretary is authorized and directed to establish and operate in the Federal Highway Administration a National Highway Institute hereafter referred to as the 'Institute'. The Institute shall develop and administer, in cooperation with the State highway departments, training programs of instruction for Federal Highway Administration and State and local highway department employees engaged or to be engaged in Federal-aid highway work. Such programs may include, but not be limited to, courses in modern developments, techniques, and procedures, relating to highway planning, environmental factors, acquisition of rights-of-way, engineering, construction, maintenance, contract administration, and inspection. The Secretary shall administer all authority vested in him by this title or by any other provision of law for the development and conduct of educational and training programs relating to highways through the Institute. The Secretary is authorized to acquire, by lease, purchase, construction, reconstruction, or otherwise such buildings, facilities, and equipment as may be necessary for the Institute. Sums authorized to be deducted for administrative purposes by subsection (a) of section 104 of this title shall be available for carrying out this subsection.

"(b) Not to exceed one-half of 1 per centum of all funds apportioned for any fiscal year beginning after June 30, 1970, to any State under paragraphs (1), (2), (3), and (6) of section 104(b) of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 70 per centum of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

"(c) Education and training of Federal, State, and local highway employees authorized by this section may be provided by the Secretary, or, in the case where such education and training is to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions, and individuals."

(b) The analysis of chapter 3 of title 23 of the United States Code is amended by adding at the end thereof:

"321. National Highway Institute."

(c) Section 307(a) of title 23 of the United States Code is amended by inserting immediately after the period at the end of the third sentence thereof the following new sentence: "The Secretary is also authorized, acting independently or in cooperation with other Federal departments, agencies, or instrumentalities, to make grants for research fellowships for any purpose for which research is otherwise authorized by this section."

BRIDGES ON FEDERAL DAMS

SEC. 116. (a) Section 320(d) of title 23 of the United States Code is amended by striking out "$13,000,000" and inserting in lieu thereof "$16,761,000".

(b) All sums appropriated under authority of the increased authorization of $3,761,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across Markland Dam on the Ohio River near Markland, Indiana, and Warsaw, Kentucky. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the States of Kentucky and Indiana.

CONSTRUCTION OF REPLACEMENT HOUSING

SEC. 117. (a) Sections 510 and 511 of title 23, United States Code including all references thereto are hereby renumbered as sections 511 and 512 respectively.

(b) Chapter 5 of title 23, United States Code, is amended by inserting immediately after section 509 the following new section:

"§510. Construction of replacement housing

"(a) The Secretary may approve as a part of the cost of construction of any project on any Federal-aid system the cost of (A) constructing new housing, (B) acquiring existing housing, (C) rehabilitating existing housing, and (D) relocating existing housing, as replacement housing for individuals and families where a proposed project on the Federal-aid system cannot proceed to actual construction because replacement housing is not available and cannot otherwise be made available as required by section 502 of this title. For the purposes of this subsection the term 'housing' includes all appurtenances thereto.

"(b) State highway departments shall, wherever practicable, utilize the services of State or local governmental housing agencies in carrying out this section."

(c) The analysis of chapter 5 of title 28, United States Code, is amended by adding after

"509. Relocation assistance programs on Federal highway projects."

the following:

"510. Construction of replacement housing."

(d) The definition of the term "construction" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, and acquisition, and rehabilitation, relocation, and construction of replacement housing."

BRIDGE ALTERATION PROGRESS PAYMENTS

SEC. 118. Section 7 of the Act of June 21, 1940 (54 Stat. 497), as amended (33 U.S.C. 517) is amended as follows:

(1) In the first sentence strike all after "Following" to and including "Chief of Engineers" and insert in lieu thereof "service of the order requiring alteration of the bridge, the Secretary of Transportation".

(2) In the second sentence insert "of Transportation" between "Secretary" and "may".

(3) In the third sentence strike out the last word and insert in lieu thereof "Transportation".

ALASKA HIGHWAY

SEC. 119. (a) The President, acting through the Secretaries of State and Transportation, is authorized to undertake negotiations with the Government of Canada for the purpose of entering into a suitable agreement authorizing paving and reconstructing the Alaska Highway from Dawson Creek, Canada (including a connecting highway to Haines, Alaska), to the Alaska border, including, but not limited to, necessary highway realinement.

(b) The President shall report to Congress not later than one year after the date of enactment of this section the results of his negotiations under this section.

EFFECTIVE DATE OF RELOCATION PROVISIONS

SEC. 120. Section 37 of the Federal-Aid Highway Act of 1968 is amended to read as follows:

"EFFECTIVE DATE

"SEC. 37. (a) Except as otherwise provided in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment, except that until July 1, 1970, sections 502, 505, 506, 507, and 508 of title 23, United States Code, as added by this Act, shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. Except as otherwise provided in subsection (b) of this section, after July 1, 1970, such sections shall be completely applicable to all States. Section 133 of title 23, United States Code, shall not apply to any State if sections 502, 505, 506, 507, and 508 of title 23, United States Code, are applicable in that State, and effective July 1, 1970, such section 133 is repealed, except as otherwise provided in subsection (b) of this section.

"(b) In the case of any State (1) which is required to amend its constitution to comply with sections 502, 505, 506, 507, and 508 of title 23, United States Code, and (2) which cannot submit the required constitutional amendment for ratification prior to July 1, 1970, the date of July 1, 1970, contained in subsection (a) of this section shall be extended to July 1, 1972."

FUTURE FEDERAL-AID HIGHWAY PROGRAM

SEC. 121. (a) The Secretary of Transportation shall develop and include in the report to Congress required to be submitted in January 1972, by section 3 of the Act of August 28, 1965 (79 Stat. 578; Public Law 89–139), specific recommendations for the functional realinement of the Federal-aid systems. These recommendations shall be based on the functional classification study made in cooperation with the State highway departments and local governments as required by the Federal-Aid Highway Act of 1968 and submitted to the Congress in 1970, and the functional classification study now underway of the Federal-aid systems in 1990.

(b) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall also make recommendations to the Congress for a continuing Federal-aid highway program for the period 1976 to 1990. The needs estimates to be used in developing such programs shall be in conformance with the functional classification studies referred to in subsection (a) of this section and the recommendations for the functional realinement required by such subsection.

(c) The recommendations required by subsections (a) and (b) of this section shall be determined on the basis of studies now being conducted by the Secretary in cooperation with the State highway departments and local governments, and, in urban areas of more than fifty thousand population, utilizing the cooperative continuing comprehensive transportation planning process conducted in accordance with section 134 of title 23, United States Code. The highway needs estimates prepared by the States in connection with this report to Congress shall be submitted to Congress by the Secretary, together with his recommendations.

(d) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall report to Congress the Federal-aid urban system as designated, and the cost of its construction.

HIGHWAY BEAUTIFICATION AUTHORIZATIONS

SEC. 122. (a) Section 131(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $2,000,000 for the fiscal year ending June 30, 1970, not to exceed $27,000,000 for the fiscal year ending June 30, 1971, and not to exceed $20,500,000 for the fiscal year ending June 30, 1972. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(b) Section 136(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $3,000,000 for the fiscal year ending June 30, 1970, not to exceed $2,000,000 for the fiscal year ending June 30, 1971, and not to exceed $2,000,000 for the fiscal year ending June 30, 1972. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(c) Subsection (g) of section 6 of the Federal-Aid Highway Act of 1968 is amended by striking out "and" immediately before "$1,250,000" and by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "$1,500,000 for the fiscal year ending June 30, 1971, and $1,500,000 for the fiscal year ending June 30, 1972."

HIGHWAY BEAUTIFICATION COMMISSION

SEC. 123. (a) There is hereby established a commission to be known as the Commission on Highway Beautification, hereinafter referred to as the "Commission".

(b) The Commission shall be comprised of thirteen members as follows:

(1) two majority and two minority members of the Senate Committee on Public Works to be appointed by the President of the Senate;

(2) two majority and two minority members of the House Committee on Public Works to be appointed by the Speaker of the House of Representatives;

(3) four persons to be appointed by the President of the United States from among persons who are not officers or employees of the United States; and

(4) one person, elected by majority vote of the other twelve, who shall be the Chairman of the Commission.

(c) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Seven members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) Members of the Commission who are not Members of Congress or officers or employees in the executive branch shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

(h) The Commission shall (1) study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system; (2) review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such

highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards; (3) compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within the foreseeable future, and (4) recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in the judgment of the Commission, best serve the public interest.

(i) The Commission shall, not later than one year after enactment of this section submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

(j) The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the control of outdoor advertising and of junkyards to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section.

(k) In carrying out its duties the Commission shall seek the advice of various groups interested in the problems relating to the control of outdoor advertising and junkyards including, but not limited to, State and local governments, public and private organizations working in the fields of environmental protection and conservation, communications media, commercial advertising interests, industry, education, and labor.

(l) The Commission or, on authorization of the Commission, any committee of two or more members may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

(m) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this section and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman.

(n) There are hereby authorized to be appropriated such sums, but not more than $800,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended.

(o) The Commission is authorized to appoint and fix the compensation of a staff director, and such additional personnel as may be necessary to enable it to carry out its functions. The Director and personnel may be appointed without regard to provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege. In no event shall the staff director or any other employee receive as compensation an amount in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed $100 per diem for individuals.

(p) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this section to carry out such of its duties as the Commission determines can best be carried out in that manner.

ELIMINATION OF SEGMENTS OF INTERSTATE SYSTEM NOT TO BE CONSTRUCTED

SEC. 124. Section 103 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The Secretary, on December 31, 1973, shall remove from designation as a part of the Interstate System every segment of such System for which a State has not established a schedule for the expenditure of funds for completion of construction of such segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met. Nothing in the preceding sentence shall be construed to prohibit the substitution prior to December 31, 1973, of alternative segments of the Interstate System which will meet the requirements of this title."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 125. Subsection (b) of section 135 of title 23, United States Code, is amended by striking out ", if such project" and all that follows down through and including the period at the end of such subsection and inserting in lieu thereof a period and the following: If such project is located in an urban area of more than fifty thousand population, such project shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title."

AUTHORITY FOR DEMONSTRATION PROJECTS

SEC. 126. Subsection (c)(3) of section 307 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "including demonstration projects in connection with such purposes."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 127. (a) Chapter 1 of title 23, United States Code, is further amended by adding after section 142 thereof a new section as follows:

"§ 143. Economic growth center development highways

"(a) In order to demonstrate the role the highways can play to promote the desirable development of the Nation's natural resources, to revitalize and diversify the economy of rural areas and smaller communities, to enhance and disperse industrial growth, to encourage more balanced population patterns, to check, and, where possible, to reverse current migratory trends from rural areas and smaller communities, and to improve living conditions and the quality of the environment, the Secretary is authorized to make grants for demonstration projects for the construction, reconstruction, and improvement of development highways to serve and promote the development of economic growth centers, and surrounding areas, and for planning, surveys, and investigations in connection therewith.

"(b) Each Governor may transmit to the Secretary his recommendations for (1) the selection of economic growth centers within the State, (2) priorities for the construction of development highways to serve such centers, and (3) such other information as may be required by the Secretary, for his consideration in approving the selection of economic growth centers for demonstration projects.

"(c) Upon the application of the State highway department of any State in which an economic growth center approved by the Secretary as eligible for a demonstration project is located, the Secretary is authorized, to pay up to 100 per centum of the cost of engineering and economic surveys or other investigations necessary for the planning and design of development highways needed to provide appropriate access to such growth center, including airport facilities which may be established to serve it, in order to carry out the purposes of this section.

"(d) Except as otherwise provided in this section, all of the provisions of this title applicable to Federal-aid primary highways except those which the Secretary determines are inconsistent with this section shall apply to development highways and to funds authorized to carry out this section. For the purposes of sections 105, 106, and 118 of this title, funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized. In approving projects under this section, the Secretary shall give preference to those areas offering the most potential for future economic growth. No State shall receive in any fiscal year more than 15 per centum of the funds authorized to carry out this section for such fiscal year. Each development highway which is not already on a Federal-aid system shall be added to the appropriate system.

"(e) The Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall not exceed 70 per centum of the cost of such project.

"(f) No project shall be approved by the Secretary under this section until he has determined that such project will promote the aims and purposes set forth in subsection (a) of this section and that the economic growth center to be benefited will meet such criteria as he deems necessary, including, but not limited to, the following: (1) growth centers shall be geographically and economically capable of contributing significantly to the development of the area, and (2) growth centers shall have a population not in excess of one hundred thousand according to the latest available Federal census.

"(g) There is authorized to be appropriated out of the Highway Trust Fund not to exceed $100,000,000 for the fiscal year ending June 30, 1972, and not to exceed $100,000,000 for the fiscal year ending June 30, 1973."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"143. Economic growth center development highways."

FEDERAL SHARE OF ENGINEERING COSTS

SEC. 128. Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) At the request of any State, the Secretary may from time to time enter into agreements with such State to reimburse the State for the Federal share of the costs of preliminary and construction engineering at an agreed percentage of actual construction costs for each project, in lieu of the actual engineering costs for such project. The Secretary shall annually review each such agreement to insure that such percentage reasonably represents the engineering costs actually incurred by such State."

DISTRICT OF COLUMBIA

SEC. 129. (a) In the case of those routes on the Interstate System in the District of Columbia authorized for construction by subsection (a) of section 23 of the Federal-Aid Highway Act of 1968 and required to be restudied by subsection (c) of such section, the government of the District of Columbia shall commence work not later than thirty days after the date of enactment of this Act on the following projects as authorized in subsection (a) of such section 23:

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I-295 (section C4.1 to C6),

(2) North Central and Northeast Freeways, I-95 (section C7 to C13) and I-70S (section C1 to C2).

(b) The authorization for the project for the South Leg of the Inner Loop contained in section 23 of the Federal-Aid Highway Act of 1968 is hereby repealed and the route of the South Leg project is hereby removed from designation as a part of the Interstate System. Such removal shall be deemed to be a withdrawal from approval for the purposes of section 103(d)(2) of title 23, United States Code.

(c) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I-66 to point C7 on I-95, as designated in the "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

TOLL ROADS

SEC. 130. Subsection (b) of section 129 of title 23, United States Code, is amended by inserting "(1)" immediately after "(b)" and by adding at the end thereof the following:

"(2) It is the sense of Congress that (A) with respect to a toll road on the Interstate System any vehicle using such road should not be required to stop more than twice for the purpose of collection of tolls in connection with any one continuous intrastate trip on such highway and (B) with respect to toll roads on the Interstate System which connect at State boundaries that such States should enter into such agreements as may be necessary to provide for common facilities for the collection of tolls at or in the vicinity of such boundary connection in order that vehicles using such roads will be required to make but one stop at such connection for the collection of tolls."

INDIAN RESERVATION ROADS AND BRIDGES

SEC. 131. The definition of the term "Indian reservation roads and bridges" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government on which Indians reside whom the Secretary of the Interior has determined to be eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

RICHMOND-PETERSBURG TURNPIKE

SEC. 132. The Secretary of Transportation is authorized to amend any agreement heretofore entered into under the provisions of section 129(d) of title 23, United States Code, in order to permit the continuation of tolls on the existing Richmond-Petersburg Turnpike to finance the construction within the existing termini of such turnpike of two lanes thereon in addition to the lanes in existence on the date of enactment of this section necessary to meet traffic and highway safety requirements. Any amended agreement entered into for such purposes shall provide assurances that the existing turnpike (including the additional lanes) shall become free to the public upon the collection of tolls sufficient to liquidate all constructon costs, and the costs of maintenance, operation, and debt service during the period of toll collections to liquidate construction costs, but in no event shall tolls be collected after date of maturity of those bonds outstanding on the date of enactment of this section issued for construction of such turnpike having the latest maturity date.

AIRPORT ACCESS

SEC. 133. Section 105 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments shall give consideration to projects providing direct and convenient public access to public airports, and in approving such programs the Secretary shall give consideration to such projects."

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1970".

HIGHWAY SAFETY

SEC. 202. (a) Section 201 of the Highway Safety Act of 1966 (80 Stat. 735) is amended to read as follows:

"SEC. 201. (a) There is hereby established within the Department of Transportation a National Highway Traffic Safety Administration (hereafter in this section referred to as the 'Administration'). The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the annual rate of basic pay of level III of the Executive Schedule in section 5314 of title 5, United States Code. There shall be a Deputy Administratior of the National Highway Traffic Safety Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the annual rate of basic pay of level V of the Executive Schedule in section 5316 of title 5, United States Code. The Administrator shall perform such duties as are delegated to him by the Secretary. On highway matters the Administrator shall consult with the Federal Highway Administrator.

"(b)(1) The Secretary shall carry out through the Federal Highway Administration those provisions of the Highway Safety Act of 1966 (including chapter 4 of title 23, United States Code) for highway safety programs, research, and development relating to uniform standards which the Secretary is authorized to promulgate pertaining to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety.

"(2) The Secretary shall carry out, through the Administration, those provisions of such Act (including chapter 4 of title 23, United States Code) for highway safety programs, research and development relating to all other uniform standards which the Secretary is authorized to promulgate.

"(c) The Secretary is authorized to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) through the Administration and Administrator authorized by this section.

"(d) All provisions of law enacted before the date of enactment of the Highway Safety Act of 1970 which are inconsistent with this section as amended by such Act of 1970 are hereby repealed to the extent of such inconsistency."

(b) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of the National Highway Safety Bureau to act as Administrator of the National Highway Traffic Safety Administration created by the amendment made by subsection (a) of this section until the first Administrator is appointed in accordance with such amendment. The President may authorize any person serving as Acting Administrator in accordance with this subsection to receive compensation at the rate authorized for the office of Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

(c) Subsection (c) of section 402 of title 23, United States Code, is amended by striking out beginning in the second sentence thereof "as Congress, by law enacted hereafter," and all that follows down through and including the period at the end of the third sentence thereof and inserting in lieu thereof the following: "75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a 'public road' means any road under the jurisdiction of and maintained by a public authority and open to public travel."

(d) The first sentence of subsection (d) of section 402 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a common and the following: "and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section without regard to whether such expenditures were actually made in connection with such project."

(e) Section 402 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Except in the case of those State safety program elements with respect to which uniform standards have been promulgated by the Secretary before December 31, 1970, the Secretary shall not promulgate any other uniform safety standards under this section unless specifically authorized to do so by a statute enacted after the date of enactment of this subsection."

(f) The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 3, 1973.

(2) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, for each of the fiscal years ending June 30, 1972, and June 30, 1973, out of the Highway Trust Fund for projects, or portions of projects, pertaining to the Federal-aid systems, $15,000,000, and out of any money in the Treasury not otherwise appropriated, $15,000,000.

(3) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Admin-

istration, $30,000,000 for the fiscal year ending June 30, 1972, and $45,000,000 for fiscal year ending June 30, 1973.

(4) For carrying out section 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, $10,000,000 for the fiscal year ending June 30, 1972, and $10,000,000 for the fiscal year ending June 30, 1973.

(5) Paragraph (10) of section 5 of the Federal-Aid Highway Act of 1968 (relating to authorizations for carrying out section 402 of title 23, United States Code), is hereby repealed.

DEMONSTRATION PROJECTS

SEC. 203. Section 403 of title 23, United States Code, is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof at each such place "this subsection" and by adding at the end thereof the following new subsection:

"(b) In addition to demonstration projects authorized by subsection (a) of this section, in order to demonstrate methods for increasing the safety of travel on the Federal-aid systems, the Secretary, in cooperation with the Governors of the affected States, shall undertake (1) demonstration projects for alcohol safety action programs including related multidisciplinary crash investigation teams, and (2) demonstration projects relating to enforcement of motor vehicle and traffic laws. Not more than one demonstration project under each of the preceding clauses shall be undertaken in any one State and all such projects shall be completed by June 30, 1974. The Secretary not later than June 30, of the years 1971, 1972, and 1973, shall submit to Congress a progress report on such projects, including his recommendations with respect thereto, and not later than July 31, 1974, the final report on such projects, including his recommendations with respect thereto. There is authorized to be appropriated for the four fiscal year period ending June 30, 1974, out of the Highway Trust Fund to carry out alcohol safety action programs under clause (1) of this subsection not to exceed $171,600,000, for multidisciplinary crash investigation teams under such clause (1) not to exceed $35,200,000, and to carry out enforcement projects under clause (2) of this subsection not to exceed $75,000,000."

HIGHWAY SAFETY PROGRAMS

SEC. 204. (a) Section 402(b)(1)(A) of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "through a State highway safety agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program."

(b) The amendment made by subsection (a) of this section shall take effect December 31, 1971.

PROJECTS FOR HIGH HAZARD LOCATIONS

SEC. 205. For the purposes of carrying out the provisions of title 23, United States Code, there is authorized to be appropriated out of the Highway Trust Fund for projects to eliminate or reduce the hazards to safety at specific locations where sections of highways on the Federal-aid primary or secondary systems or their extensions within urban areas which have high accident experiences or high accident potentials, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973. Amounts authorized by this section shall be apportioned to the States in the same manner as sums appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970, shall not be subject to sections 104(f) and 142(a) of title 23, United States Code, and shall be expended by such State only for projects under this section.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 206. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 144. Bridge reconstruction and replacement

"(a) To encourage and assist the States in eliminating the hazards of unsafe bridges, not more than 10 per centum, and not less than 5 per centum (unless the Secretary determines that 5 per centum exceeds the needs of the State), of all the sums apportioned in accordance with paragraphs (1), (2), and (3) of subsection (b) of section 104 of this title for the fiscal year 1972 and for each subsequent fiscal year shall be used to pay the Federal share of the costs of projects for the reconstruction or replacement of bridges that cross waterways and are on either the Federal-aid primary system or the Federal-aid secondary system. Such sums shall be available for expenditure without regard to the system for which apportioned.

"(b) The Secretary shall approve projects under this section only for bridges that are unsafe because of structural deficiencies, physical deterioration, or functional obsolescence. Each State shall establish a list of bridges to be reconstructed and replaced under this section in order of priority of need, taking into consideration the critical nature of the safety hazards involved, types and volumes of traffic, national defense requirements, alternate routes and detours, impact upon the economy and the effects upon adjoining States.

"(c) Notwithstanding any other provisions of law the General Bridge Act of 1946 (33 U.S.C. 525–533) shall apply to bridges authorized to be reconstructed and bridges constructed to replace unsafe bridges under this section.

"(d) The Secretary shall report annually to the Congress on projects approved under this section together with his recommendations for the reconstruction and replacement of bridges."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"144. Bridge reconstruction and replacement."

(c) Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(i) The Federal share payable on account of any project for the reconstruction or replacement of a bridge under section 144 of this title shall not exceed the percentage payable under subsection (a) of this section or 90 per centum of the cost of construction of such project, whichever is the larger."

ELIMINATION OF RAILWAY-HIGHWAY GRADE HAZARDS

SEC. 207. Subsection (d) of section 120 of title 23, United States Code, is amended by substituting a comma for the period at the end thereof and adding thereafter the following: "and that not less than 5 per centum of all sums apportioned to each State in accordance with paragraphs (1), (2), and (3) of subsection (b) of section 104 of this title for fiscal year 1972 and each subsequent fiscal year shall be used by such State under this subsection, unless the Secretary determines that a lesser percentage will meet the needs of the State."

RAIL CROSSINGS

SEC. 208. (a) Chapter 3 of title 23, United States Code, is further amended by adding after section 321 the following new section:

"§ 322. Demonstration project—rail crossings

"(a) The Secretary shall carry out a demonstration project for the elimination of all public ground-level rail-highway crossings along the route of the high-speed ground transportation demonstration projects between Washington, District of Columbia, and Boston, Massachusetts, conducted under authority of the Act entitled 'An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes', approved September 30, 1965 (49 U.S.C. 1631 et seq.).

"(b) The Secretary shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinty of, Greenwood, South Carolina.

"(c)(1) If the highway involved is on any Federal-aid system, the Federal share of the cost of such work shall be 90 per centum and the railroad's share of such cost shall be 10 per centum.

"(2) If the highway involved is not on any Federal-aid system, the Federal share of the cost of such work shall be 80 per centum and the railroad's share of such cost shall be 10 per centum and the remaining 10 per centum of such cost shall be paid by the State in which such crossing is located.

"(d) Before paying any part of the cost of the demonstration projects authorized by this section, the Secretary shall enter into such agreements with the States and railroads involved to insure that all non-Federal costs will be provided as required by this section.

"(e) The Secretary, in cooperation with State highway departments, shall conduct a full and complete investigation and study of the problem of providing increased highway safety at public and private ground-level rail-highway crossings on a nationwide basis through the elimination of such crossings or otherwise, including specifically high-speed rail operations in all parts of the country, and report to Congress his recommendations resulting from such investigation and study not later than July 1, 1972, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of this title are authorized to be used to carry out the investigation and study required by this subsection.

"(f) There is authorized to be appropriated not to exceed $9,000,000 from the Highway Trust Fund to carry out paragraph (1) of subsection (c) of this section. There is authorized to be appropriated out of the general fund not to exceed $22,000,000 to carry out paragraph (2) of subsection (c) of this section."

(b) The analysis of chapter 3 of title 23, United States Code, is amended by adding at the end thereof:

"322. Demonstration project—rail crossings."

TITLE III—EXTENSION OF HIGHWAY TRUST FUND AND CERTAIN RELATED PROVISIONS

SEC. 301. HIGHWAY TRUST FUND.

Subsections (c), (e), and (f) of section 209 of the Highway Revenue Act of 1956 (relating to the Highway Trust Fund; 23 U.S.C. 120 note) are amended—

(1) by striking out "1972" each place it appears and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

SEC. 302. TRANSFER FROM LAND AND WATER CONSERVATION FUND.

Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–11) is amended—

(1) by striking out "1972" and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

SEC. 303. POSTPONEMENT OF CERTAIN EXCISE TAX REDUCTIONS.

(a) The following provisions of the Internal Revenue Code of 1954 are amended by

striking out "1972" each place it appears and inserting in lieu thereof "1977":

(1) Section 4041(c)(3) (relating to rate of tax on fuel for noncommercial aviation).

(2) Section 4041(e) (relating to rate reduction).

(3) Section 4061(a)(1) (relating to imposition of tax on trucks, buses, etc.).

(4) Section 4061(b)(1) (relating to imposition of tax on parts and accessories).

(5) Section 4071(d) (relating to imposition of tax on tires and tubes).

(6) Section 4081(b) (relating to imposition of tax on gasoline).

(7) Section 4481(a) (relating to imposition of tax on use of highway motor vehicles).

(8) Section 4481(e) (relating to period tax in effect).

(9) Section 4482(c)(4) (defining taxable period).

(10) Section 6156(e)(2) (relating to installment payments of tax on use of highway motor vehicles).

(11) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).

(b) Section 6412(a)(2) of such Code (relating to floor stock refunds) is amended—

(1) by striking out "1972" each place it appears and inserting in lieu thereof "1977";

(2) by striking out "January 1, 1973" each place it appears and inserting in lieu thereof "January 1, 1978"; and

(3) by striking out "February 10, 1973" each place it appears and inserting in lieu thereof "March 31, 1978".

And amend the title so as to read: "An Act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes."

Mr. RANDOLPH. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RANDOLPH, Mr. JORDAN of North Carolina, Mr. MONTOYA, Mr. SPONG, Mr. COOPER, Mr. BOGGS, and Mr. BAKER conferees on the part of the Senate.

WAR CLAIMS ACT AMENDMENTS—ORDER FOR H.R. 2669 TO REMAIN AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill (H.R. 2669) to amend section 213(a) of the War Claims Act of 1948, remain at the desk for the next 3 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1273, H.R. 18679.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 18679) to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. PASTORE. Mr. President, the bill we are considering today is identical to a bill that was reported unanimously by the Joint Committee on Atomic Energy, which bore the number S. 4141. This bill was reported by the 18-member Joint Committee on Atomic Energy without a single dissenting vote. It contains three features. Two of the features would bring up to date and revise the provisions of the Atomic Energy Act of 1954, as heretofore amended.

The third feature of the bill was intended to assure that the National Academy of Sciences and the National Council on Radiation Protection and Measurements would continue to be consulted, as presently required by subsection 274h of the Atomic Energy Act, in connection with radiation matters and the formulation of radiation standards—but not infrequently or from time to time, as heretofore, but on a continuing and comprehensive basis. This feature is contained in section 11, the concluding section of H.R. 18679.

Section 11, to which I have referred, Mr. President, was drafted before the President submitted to the Congress his Reorganization Plan No. 3, which proposed the creation of the Environmental Protection Agency. H.R. 18679 was reported out by the joint committee before the President's reorganization plan successfully cleared the Congress.

May we have order, Mr. President, so that we do not have to raise our voices?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PASTORE. I have had several discussions concerning this section with my distinguished colleagues, Senator HART of Michigan, Senator MUSKIE of Maine, and Senator AIKEN of Vermont; and I might say at this juncture that Senator AIKEN was one of the master architects of the bill that is before us today.

In view of the establishment of the Environmental Protection Agency, and the presently governing statutes, including subsection 274h of the Atomic Energy Act, a question has arisen as to the necessity for section 11 at this time.

I have also had some discussion with Mr. BeLieu of the White House, who is very much interested in this particular section.

I want to make it abundantly clear that at no time was it the intention of the Joint Committee to interfere with the transfer of functions to the Environmental Protection Agency.

It has always been the concern of the Joint Committee on Atomic Energy in all of its dealings in atomic energy matters to consider public health and safety foremost. This continues to be the objective of the committee and will always be the objective of the committee as long as I am a member, and as long as its other distinguished members are associated with the committee—and beyond that its responsibilities under section 202 of the Atomic Energy Act, including the committee's responsibility in relation to the implementation of subsection 274h.

Everything considered, I am now going to move that section 11 be deleted from the bill—the entire section—and I send to the desk an amendment to accomplish that purpose.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 9, line 23, delete the following: The entire section 11 of the bill, from page 9, line 23, through page 14, line 15 inclusive.

Mr. PASTORE. Mr. President, I want to make it abundantly clear that, having removed this section—and this is agreeable to the Senator from Michigan (Mr. HART), the Senator from Maine (Mr. MUSKIE), the Senator from Vermont (Mr. AIKEN), and myself, and I have discussed it also with the chairman of the Joint Committee, Representative HOLIFIELD, who acquiesced in my judgment—our committee will look into the operation of the EPA relative to atomic energy. Other committees can look into it with respect to matters within their jurisdiction, and we think that the ecology of the country will be protected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

Mr. AIKEN. Mr. President, I might add that while I believe that this radiation section does not deserve the condemnation some people have placed on it, nevertheless, it is not necessary at this time. It can be considered next year, or other means to accomplish the same end can be taken up next year.

The other two sections of the bill are necessary, and it is very important that we get them through with the least possible delay. Therefore, I have agreed, in the interests of harmony and the early enactment of this bill, that we strike the provision relating to radiation, and proceed with the other parts, which are quite necessary, in my opinion.

Mr. PASTORE. I thank the Senator from Vermont. I think at this juncture, in view of what I have said, I ought to explain what section 11 actually did.

Senators must realize that at the time we were working on this bill—and this was unanimous on the part of the 18 members of the Joint Committee on Atomic Energy—the Environmental Protection Agency had not yet been established. As a matter of fact, Reorganization Plan No. 3 had only been submitted.

In view of that fact, all we could do was give the President the authority to assign the responsibility to enter into the arrangements to any agency he desired, and in all probability, of course, he would have selected the agency which is now the Environmental Protection Agency.

But section 11 went beyond that. It directed that any agency the President would designate should enter into a long-term contract with two preeminent scientific bodies, one of them being the National Academy of Sciences. Now, what is the National Academy of Sciences? It was created in 1863 by an act of Congress signed by Abraham Lincoln. It is a nonprofit organization, it does not pay taxes, and it consists of the leading scientists

of the country. Where else would we go to an impartial scientific verdict, and sound recommendations?

What were they supposed to do? They were supposed to—on a continuing and comprehensive basis—make studies of the biological effects of radiation on individuals in our society and on the ecology. That is essentially all it amounted to.

We also named the National Council on Radiation Protection and Measurements. And who are they? They were first established in 1929, and are, again, nonprofit, do not pay taxes, have no ax to grind, and are an impartial body of the best scientific minds in the country that could give proper scientific advice and recommendations to the Agency.

These scientific bodies are going to do that anyway—and they are doing it now; but in view of the fact that the Agency was established after this bill was reported out, and is just coming into being, I believe the best procedure would be to eliminate this feature from this bill at this time, and give the Agency a chance to get its feet on the ground and begin to work out its problems; and later on, if we have to go into it, as the Senator from Vermont has said, we can do that after we return in January.

The two features that the Senator from Vermont has talked about, apart from section 11, are two things that need to be done, and I am going to explain them.

The first feature of the bill deals with the present rigid requirement that, before the Commission may issue a commercial license for a nuclear powerplant or for other industrially or commercially useful nuclear facilities, it must make a finding that the type of facility "has been sufficiently developed to be of practical value for industrial or commercial purposes." The Atomic Energy Commission has not yet made a finding of practical value for any type of nuclear facility and, therefore, nuclear powerplants are still being licensed as research and development facilities. Developments to date have overtaken the need for any finding of practical value by the Commission. There is simply no reason to retain in the Atomic Energy Act the concept that such a finding must precede commercial licensing. Accordingly, H.R. 18679 erases this concept from the 1954 act and paves the way for the commercial licensing of nuclear facilities.

In accomplishing this objective, the Joint Committee had to take a close look at a related provision in the Atomic Energy Act of 1954; namely, the text of subsection 105c. of that act. That subsection presently provides that whenever the Commission proposes to issue a commercial license, it shall notify the Attorney General of the proposed license and the proposed terms and conditions thereof. The Attorney General would then be obliged to advise the Commission "whether, insofar as he can determine, the proposed license would tend to create or maintain a situation inconsistent with the antitrust laws"; his advice would be published in the Federal Register.

I may say at this juncture that this whole thing was discussed with members of the Justice Department.

This provision—subsection 105 c.—is separate and apart from subsection 105 a. of the Atomic Energy Act of 1954 which clearly states at the very outset that "Nothing contained in this Act shall relieve any person from the operation of the following acts as amended" and there then follows a specification of the antitrust laws and the Federal Trade Commission Act. Subsection 195 a. would remain wholly unchanged and unaffected by the enactment into law of the bill now before the Senate.

Because the language and potential effect of the existing subsection 105 c. are not sufficiently clear, the committee decided to clarify and revise this phase of the Commission's licensing process. H.R. 18679 does this. Revised subsection 105 c. clarifies the antitrust review standard and specifically describes what the Commission is to do in relation to the advice received from the Attorney General. The end product is the result of the committee's exploration of every facet of the background of this provision, and of the committee's judgment respecting the scope and type of review that AEC ought to conduct. The committee and its staff spent many, many hours on this aspect of the bill, and I can assure the Senate that we consider very carefully the considerable testimony, comments and opinions we received from interested agencies, associations, companies and individuals, including representatives from the Antitrust Division of the Justice Department, from privately owned utilities, and from public and cooperative power interests. The end product, as delineated in H.R. 18679, is a carefully perfected compromise by the committee itself; I want to emphasize that it does not represent the position, the preference, or the input of any of the special pleaders inside or outside of the Government. In the committee's judgment, revised subsection 105 c., which the committee carefully put together to the satisfaction of all of its members, constitutes a balanced, moderate framework for a reasonable licensing review procedure.

I want to stress in the clearest possible way that subsection 105c. in no way extends, revises, impairs, modifies, or impinges on the antitrust laws of our statute books, or prevents or limits their full application. The authorities and responsibilities of the Attorney General and others by virtue of our antitrust laws remain completely uninterfered with and unaffected by the review functions dealt with in section 105 c.

I also want to underscore several other important intentions of the committee. Paragraph (8) of subsection 105 c. will enable the Commission to avoid delaying the issuance of permits or licenses in certain cases due to the antitrust review feature. This flexibility applies with respect to antitrust questions that are or may be raised at the initiative of the Attorney General or another; the objective is to help avoid unnecessary delays in the scheduling or operation of needed powerplants.

The committee further intends, aside from antitrust considerations, that construction permit proceedings in progress at the time the bill becomes law be continued as a section 103 proceeding with an absolute minimum of procedural delay. Although the bill does not specifically deal with the objective of avoiding delay incident to the change in posture from 104 b. to section 103 status, aside from antitrust considerations, it would be the height of folly to stretch out unnecessarily the increasingly long interval between an application for a construction permit and the regulatory decision on the permit. A few years ago, this period approximated 7 to 9 months. Now, the interval is closer to 18 months and has approached 2 years in some cases. The committee understands that in the normal routine there may be one or more cases where the construction permit proceedings have essentially been brought to a conclusion, except for the ultimate regulatory decision. The committee intends that the Commission will, by appropriate rule, regulation, or order, pursuant to its discretion, suitably bridge the change to section 103 status so as to avoid, to the greatest extent reasonably practicable, any delays in the scheduling of needed powerplants or other needless hardships. There may, for example, be instances where an extension of the usual policy of granting regulatory permission to start or continue with construction items may avoid unnecessary delay, financial penalties, or other hardships. The Commission should use sound judgment to avoid or minimize such delay or hardship because of the conversion of the status of a 104b. application for a construction permit to one under section 103 of this bill. I am speaking, of course, of procedural steps—not health or safety issues. The joint committee would never acquiesce in any short cuts relative to health or safety matters. The "practical value" feature of the bill does not affect health and safety considerations in any way.

The second feature of H.R. 18679 would make a minor change in subsection 161 v., of the Atomic Energy Act. This subsection was added by the Private Ownership of Special Nuclear Materials Act which was passed in 1964. The subsection pertains to the furnishing of uranium enrichment services by the AEC. This service, which is performed through utilization of the Government's unique gaseous diffusion facilities, increases the percentage of fissionable isotopes in natural uranium so that the enriched material can be used as fuel in nuclear reactors. The 1964 amendment provided that the AEC was to establish prices for that service "on a basis which will provide reasonable compensation to the Government." It further provided that the AEC was to establish written criteria for the furnishing of the service and in support of the prices it would charge. The legislative history clearly indicated the intent of the committee and of Congress that the statutory basis for AEC's prices would be recovery of the Government's costs. The initial criteria established by the AEC—which have been in use until now—in fact provided for prices based on the recovery of appropriate Government costs over a reasonable period of time. However, several months ago, the AEC proposed radically revised criteria which are not based on the recovery of the Govern-

ment's costs, but, rather, on factors related to a hypothetical plant of the future that would be privately owned. The new criteria are impossibly vague and can be used as apparent justification for almost any price at any time. When AEC submitted the proposed revised criteria to the committee in June, we sought and obtained the advice of the General Accounting Office. The Comptroller General reported to the committee that the revised criteria did not appear to be consistent with the intention of Congress. This is also the opinion of the joint committee. In effect, then, these new criteria are so vague as to remove the stability we have had in the pricing of uranium fuel and consequently to accelerate the inflationary trend in the prices of our other fuels. And they amount to a thwarting of the intention of Congress.

Section 8 of H.R. 18679 supports and reaffirms with even greater clarity the intention of Congress, as clearly discerned by the GAO in its July 17, 1970 report to the committee, that the Commission's charges for enriching services be based on the recovery of appropriate Government costs over a reasonable period of time.

Mr. President, at this time I yield to the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, first, I would like to commend the Senator from Rhode Island for his clear summary of the spirit and provisions of the bill before the Senate. The Joint Committee on Atomic Energy and the staff have worked long and hard in order to get a good bill. We have a good bill, and it should be enacted.

Since the senior Senator from Rhode Island has clearly explained the provisions of this bill, I will not undertake to duplicate his efforts. I simply have one other statement to make.

I was concerned that the language of the bill clearly would result in the application of the antitrust laws in this country to the producers of electrical energy from nuclear plants. Therefore, I consulted with the Department of Justice quite freely and received their assurance that this is a good bill. I received a letter from them, dated November 9, 1970, signed by Richard W. McLaren, Assistant Attorney General, Antitrust Division, from which I read two paragraphs at this time:

It appears, to us that the bill adopted by the Joint Committee, and its accompanying report, actually serve to strengthen the antitrust safeguards of the Atomic Energy Act.

The other paragraph states:

The Committee's intent seems clear: if AEC finds that a situation "inconsistent with the antitrust laws" would result from activities under a license, it may either (1) deny the license or (2) condition grant of the license on action by the applicant(s) to eliminate the inconsistency. If there is an urgent need for power in the area, attaching antitrust conditions to the license may be the preferable course of action for AEC to take in the public interest. For example, applicants for a license for a joint venture nuclear power plant could be granted a license by AEC to construct a vitally needed facility; however, grant of the license would be conditioned upon applicants' affording access to low cost power from the nuclear facility on reasonable terms to a utility theretofore excluded from participation, if exclusion of the latter would subject it to unreasonable competitive disadvantage.

Mr. President, I ask unanimous consent to have the entire letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
Washington, D.C., November 9, 1970.

Hon. GEORGE D. AIKEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR AIKEN: This responds to your request for the views of the Department of Justice on the provisions of S. 4141 relating to AEC pre-licensing review, in the form reported by the Joint Committee on Atomic Energy on September 29, 1970.

As you know, we have not felt that there is a pressing need for additional legislation concerning AEC's licensing procedures or for new legislation on the antitrust standards relating thereto. However, in deference to the views of others, including the Atomic Energy Commission, that legislation clarifying the procedures would be desirable, we have worked with the AEC and the Joint Committee to fashion appropriate amendments to the Atomic Energy Act in order to provide the greater specificity as to licensing procedures that is desired. We have also consulted with you and other members of the Joint Committee to assure that any changes made in the wording of the antitrust standard would be well-drafted legislation.

We are satisfied that the bill reported by the Joint Committee adequately takes into account antitrust considerations. While there would be a slight change of language, as between persistent law and S. 4141, in the antitrust standard to be applied in the licensing of nuclear facilities (the words "tend to" would be deleted from the present language of section 105c), we understand that this is intended to clarify, rather than effect any substantial change in, the antitrust safeguards of the Act. The Committee Report on S. 4141 (Senate Report No. 91-1247) makes clear that in licensing proceedings AEC is required to determine whether activities under the required license would (1) contravene the antitrust laws or (2) be incompatible with the policies clearly underlying these laws. In connection with the latter, the Committee Report notes (p. 15) that the AEC "has the duty . . . to be mindful of the general objective of strengthening free competition in private enterprise." Thus, we understand that S. 4141 enjoins AEC to estimate and appraise carefully any anticompetitive effects which would result from activities under a requested license. The AEC would determine not only whether the activities would "violate" the Sherman, Clayton, or Federal Trade Commission Acts, but also whether it is reasonably probable that situations or activities would result which would be incompatible with the policies of maintaining and fostering free competition which underlie those statutes.

It appears to us that the bill adopted by the Joint Committee, and its accompanying report, actually serve to strengthen the antitrust safeguards of the Atomic Energy Act. First, they reaffirm unequivocably the Congressional intent underlying existing provisions of the Act that antitrust implications of the granting by AEC of licenses be carefully assessed. Second, AEC itself would be required to make findings under the antitrust standards, something which it is not specifically required to do by the existing statute. Third, the Committee Report on S. 4141 explains the meaning of the phrase "inconsistent with the antitrust laws." The explanation (pp. 14-15, 31) is fully in accord with the view which the Department of Justice has always held as to the meaning of this language but for which until now there has been no clear Congressional or judicial endorsement.

Finally, we think the new section 105c(6) will have very beneficial results. It enjoins AEC to use its licensing authority in order both to meet power needs and to assure that antitrust principles are observed. Since applicants will know that projects having anticompetitive effects will be subject to careful scrutiny by AEC and to possible delay if antitrust problems are present, there will be incentive for applicants to remove antitrust problems in the early stages of project planning. Not only will this be desirable from an antitrust standpoint, it will accelerate needed increases in power supply by expediting AEC's pre-licensing review. Section 105c(6) instructs AEC that, although there may be "need for power in the affected area," this need is not to override predictable adverse competitive effects of activities under a requested license except in the most exceptional cases. The Committee *Report* emphasizes (p. 31):

The Committee does not expect that an affirmative finding [of inconsistency with antitrust laws or policy] under paragraph 5 would normally be overriden by Commission findings and actions under paragraph (6). * * * Normally the committee expects the Commission's actions under paragraph (5) and (6) will harmonize both antitrust and such other public interest considerations as may be involved.

The inclusion of this provision should tend to reduce substantially the number of applications which will raise antitrust issues. Applicants will be motivated to resolve antitrust problems before commencement of AEC proceedings, otherwise AEC must ordinarily resolve them in the course of prelicensing review, or deny the license.

The Committee's intent seems clear: if AEC finds that a situation "inconsistent with the antitrust laws" would result from activities under a license, it may either (1) deny the license or (2) condition grant of the license on action by the applicant(s) to eliminate the inconsistency. If there is an urgent need for power in the area, attaching antitrust conditions to the license may be the preferable course of action for AEC to take in the public interest. For example, applicants for a license for a joint venture nuclear power plant could be granted a license by AEC to construct a vitally needed facility; however, grant of the license would be conditioned upon applicants' affording access to low cost power from the nuclear facility on reasonable terms to a utility theretofore excluded from participation, if exclusion of the latter would subject it to unreasonable competitive disadvantage.

On the basis of our understanding of the purpose and meaning of S. 4141, as set forth above, the Department of Justice supports enactment of this legislation.

Sincerely yours,

RICHARD W. MCLAREN,
Assistant Attorney General, Antitrust Division.

Mr. AIKEN. Mr. President, with that assurance from the Department of Justice, and the cooperation of the entire Joint Committee on Atomic Energy, the bill was reported unanimously, so that I feel we should enact this legislation.

As for the part relating to radiation, it has been said it is not essential at this time. Personally, I think it would be desirable, but it is not essential and rather than engage in a long, drawn-out controversy now, it would be much better to take it up at the next session of Con-

gress either in this form or in some other manner.

Mr. President, I hope that the bill will be passed without further delay.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I should like to commend the distinguished Senator from Rhode Island (Mr. PASTORE) for his excellent statement explaining this bill. I support this measure completely. This joint committee explored every facet in depth and there were many matters which required and received the utmost of attention and care.

As an example, let me call attention to page 27 of the committee report which makes clear that the Atomic Energy Act, as now on the books and as amended by this bill, neither causes nor intends to cause any change in the language or interpretation of the Federal Power Act relative to those utilities subject to the jurisdiction of the Federal Power Commission under that act.

Mr. METCALF. Mr. President, I have been concerned for many years about the growing trend toward ownership of large-scale nuclear powerplants by only a few large utilities. The specter of such a monopoly in the nuclear energy field has haunted many of us, and, as Senator AIKEN has said, the "gold rush" is on as the large private utility companies race to the Atomic Energy Commission to secure licenses for nuclear generating plants under so-called research and development sections of the Atomic Energy Act. Such research and development licenses as defined by the present Atomic Energy Act are not subject to rigid antitrust scrutiny, and the would-be monopolists were not wasting any time in obtaining a stranglehold on nuclear generating facilities while the smaller utilities looked on helplessly.

The Atomic Energy Act does contain stringent antitrust review provisions which apply to licenses issued for commercial nuclear generating plants. However, the AEC has not seen fit to make a finding that the multimillion dollar plants they have been licensing have any practical value, which is a requirement before a commercial license is issued under the terms of the act. This bill would eliminate the necessity of making a finding of practical value and compel AEC to issue only one type of license with stringent antitrust review requirements.

While this bill represents an important step forward in curing monpolistic conditions in the generation of electric power by atomic facilities, I was concerned about subsection 105(c)(6) in which it is stated:

> In the event the Commission's finding under paragraph 5 is in the affirmative, the Commission shall also consider, in determining whether the license should be issued or continued, such other factors, including the need for power in the affected area, as the Commission in its judgment deems relevant to the public interest.

The finding referred to in this language is a contravention of the antitrust provisions of the act as amended by H.R. 18679.

It appeared to me that this section of the bill raised the possibility that an exemption from the antitrust provisions of the act could be secured by an applicant if AEC determined that the need for power or other factors overrode antitrust considerations. Therefore, on August 21, 1970, I wrote Assistant Attorney General Richard W. McLaren, Antitrust Division, Department of Justice, and asked him several questions concerning this language. He answered my questions in a letter dated September 2, 1970.

I asked him whether the proposed subsection 105(c)(6) would amount to an exemption from the antitrust provisions of the Atomic Energy Act. He replied:

> We do not think the proposed Subsection (c)(6) would amount to an exemption from the antitrust provisions in the Atomic Energy Commission Act. The Atomic Energy Commission is obliged to give consideration and effect to the advice of the Attorney General and the nation's policy in favor of a competitive economy. Indeed, the statement of policy at the outset of the Commission's Act specifically enjoins it to promote free competition in private enterprise. In our view, the cited language does not alter this.

I asked him how the Department construed the language "need for power in the affected area," and what "other factors" would be pertinent. He answered:

> It is difficult to state any definitive construction for 'need for power in the affected area,' other than the meaning plain in the words. The relevant question is not what the words mean, but how the need for power is to be integrated into the Commission's over-all licensing determination. In our opinion, the Commission would be obliged to make its decision on a licensing issue in accordance with the statement of policy at the outset of the Act. This statement of policy cleanly and comprehensively states the guiding considerations for Commission action in licensing and other areas. These considerations subsume the need for power.
>
> We would not think the AEC could "avoid the conditioning of licenses to cure adverse antitrust findings" simply upon a finding that there was a need for power in the affected area. Rather, we expect, and we believe that the Commission expects, that the Commission's conditioning authority could be used to cure competitive problems while allowing construction and utilization of facilities.
>
> We must recognize, I think, that the basic directive to the Commission is to maximize the welfare of the population insofar as its activities in the nuclear field are concerned, and that all other stated considerations are subsidiary to this one. In some instances a project might be delayed for a period of time, even taking into account the nation's continuing need for power supply, on the judgment that, over the long run, more will be gained by correcting anticompetitive situations than by immediately issuing a license. Also, there may be occasions when a power plant will have to be put on stream quickly, competitive problems cured as much as is possible before licensing, but also cured after licensing, or corrected in part by non-licensing authorities.
>
> This is simply to say that, like all other identified policies—such as preserving natural resources, promoting a favorable balance of payments, stimulating invention, and so forth—the competitive policy must be integrated into decisions designed to maximize the general public welfare. We are aware, as you are, that though the policy is fundamental to our economic system, it is not always easy to bring the decisions of government bodies fully into alignment with it. And we are aware that persons and firms who find competition uncomfortable may often attempt to induce a sacrifice of competition by calling upon other policies in a specious or overdrawn fashion. But we think these problems can be addressed without overstating the contribution of the competitive policy, or declining to recognize that it forms an integral part, not the whole, of our national policies.

Finally, I asked Mr. McLaren whether the AEC could make an adverse antitrust finding and then ignore it, rather than considering antitrust and other matters at the same time. He said that—

> We do not think that the language of the bill to which you refer would permit the AEC to make an antitrust finding and then "ignore" it. We think, as your last question suggests, that the Commission would consider antitrust and other matters "at the same time," that is, in its overall determination of the best interests of the population.

I am satisfied that no exemption from the antitrust provisions of the Atomic Energy Act can be inferred from the language of subsection 105(c)(6). The interpretation given by the Department of Justice of this subsection makes it clear that AEC will be given the appropriate power to stop the monopolization of nuclear generating facilities and open the door to participation in such plants to all utilities when monopoly is a threat.

Mr. HART. Mr. President, as chairman of the Antitrust and Monopoly Subcommittee, I feel obliged to comment on the portion of the Atomic Energy Act amendment relating to prelicensing antitrust review of applications for nuclear facilities for commercial or industrial purposes.

Section 6 of the bill revises those provisions of subsection 105(c) to require the Commission to transmit applications for nuclear power plants to the Attorney General for review and also requires a finding by the AEC as to whether the activities under the license would create or maintain a situation inconsistent with the antitrust laws. If the Attorney General finds there may be adverse antitrust aspects, the Commission must conduct a hearing giving due consideration to the Attorney General's advice and then make a finding as to whether the activities under the license would create or maintain a situation inconsistent with the antitrust laws, as specified in subsection 105(c) of the Atomic Energy Act. In addition, any person may intervene in the construction permit proceedings, raising antitrust considerations—even if the Attorney General does not. The Commission would be required to afford the intervenor the opportunity to be heard.

Mr. President, I was concerned naturally as to the antitrust implications in this bill; and, therefore, posed several questions to the Assistant Attorney General in charge of the Antitrust Division. I will ask consent to incorporate this exchange of correspondence in the RECORD following my remarks. As will be seen, the Department of Justice does not believe that the bill in any sense weakens antitrust standards with respect to the licensing procedure. As I understand it, the Antitrust Division staff worked very closely with the Joint Atomic Energy Committee in assuring that the final

product now before us does, in fact, protect antitrust considerations in the granting of licenses.

An area of this bill which gave me some concern was paragraph 6 of section 6 which states:

(6) In the event the Commission's finding under paragraph (5) is in the affirmative, the Commission shall also consider, in determining whether the license should be issued or continued, such other factors, including the need for power in the affected area, as the Commission in its judgment deems necessary to protect the public interest. On the basis of its findings, the Commission shall have the authority to issue or continue a license as applied for, to refuse to issue a license, to rescind a license or amend it, and to issue a license with such conditions as it deems appropriate.

The senior Senator from Vermont, as I understand it, also was concerned with this paragraph and queried the Antitrust Division with respect to whether or not the claim of a need for power would be expected to override antitrust considerations.

I believe that the senior Senator from Vermont received a reply from the Department of Justice which should allay any fears in this area and that this communication will be inserted into the RECORD of this debate.

In this regard, I also would like to insert in the RECORD a statement made by the Honorable MELVIN PRICE, of Illinois, during the House debate on this matter:

Mr. Chairman, concern has been expressed that this legislation would permit the Atomic Energy Commission to exempt a license applicant from the necessity of correcting an antitrust abuse included in a Commission finding where the Commission finds that the need for power in the area or other factors are overriding.

The committee, as stated in the report, expects the Commission normally to take care of both the need for energy as well as to remedy the situation where there has been an affirmative finding under paragraph (5). The report on page 31 in this respect states:

"While the Commission has the flexibility to consider and weigh the various interests and objectives which may be involved, the committee does not expect that an affirmative finding under paragraph (5) would normally need to be overridden by Commission findings and actions under paragraph (6). The Committee believes that, except in an extraordinary situation, Commission-imposed conditions should be able to eliminate the concerns entailed in any affirmative finding under paragraph (5) while, at the same time, accommodating the other public interest concerns found pursuant to paragraph (6). Normally, the committee expects the Commission's actions under paragraphs (5) and (6) will harmonize both antitrust and such other public interest considerations as may be involved."

Considerations involving "the need for power in the affected area" or "other factors" will not permit the Commission to ignore an adverse antitrust finding under paragraph (5) of subsection 105 (c).

It seems to me that the clear intent of this language in subsection 105(c)(6) is to enable the Atomic Energy Commission to expedite the licensing of nuclear power facilities while, at the same time, taking those steps necessary to cure adverse antitrust findings under the provisions of the act. If an adverse antitrust finding is made by the Commission, it may issue or continue a license when there is a "need for power in an area," but this issuance or continuance must be accompanied by appropriate conditions in the license which require the applicant to cure the adverse antitrust findings. If the applicant or holder of the license does not cure the antitrust findings, then the AEC may suspend or revoke the license regardless of the "need for power in the affected area."

Under no circumstances would the Commission be relieved of its responsibility to require applicants for licenses to conform to the antitrust provisions of the act and the antitrust laws generally. It would not seem likely that an applicant would continue the construction of a facility or begin construction while antitrust problems clouded the license, but if the Commission deems it necessary to give an applicant that choice then the "need for power in the affected area" allows the issuance of a conditioned license.

The other area of this bill that gave me some concern was whether paragraph (5) of section 6 might preclude the Department of Justice from pursuing antitrust remedies in the courts if the Commission decided that a particular situation did not "create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105(a) of the Atomic Energy Act."

The report, I believe, clearly shows that such was not the intent stating:

Section 6 of the bill clarifies and revises subsection 105 c. of the act. The bill does not affect in any way the important features contained in the provisions of subsections 105 a. and 105 b. of the 1954 act. These subsections remain separate, distinct and wholly unaffected by the proposed revised subsection 105 c. For example, the Attorney General's advice under the new subsection 105 c., and the participation by the Attorney General or his designee in the proceedings referred to in paragraph (5) of the subsection, would be completely separate and apart from any actions the Attorney General may deem advisable in relation to the antitrust laws referred to in subsection 105 a. Also, under paragraph (1) of the new subsection 105 c., the Attorney General may, in his discretion, should he consider that his advice might prejudice planned actions under the antitrust laws referred to in subsection 105 a., or for any other reason, render no advice to the Commission.

The report also notes:

Subsection 105(a) wisely emphasizes that "Nothing contained in this Act"—and this includes subsection 105(c)—"shall relieve any person from the operation" of the antitrust laws. It further provides that in the event a licensee is found to have violated the antitrust laws in the conduct of the licensed activities that "the Commission may suspend, revoke, or take such other action as it may deem necessary with respect to any license issued by the Commission under the provisions of this Act."

In addition, the Joint Committee noted:

The antitrust laws within the ambit of subsection 105(c) of the bill are all the laws specified in subsection 105(a). These include the statutory provisions pertaining to the Federal Trade Commission, which normally are not identified as antitrust law. Accordingly, the focus for the Commission's finding will, for example, include consideration of the admonition in section 5 of the Federal Trade Commission Act, as amended, that "Unfair methods of competition in commerce, and unfair and deceptive acts in commerce, are declared unlawful."

Under the antitrust standard of the present act and S. 4141, the Commission is instructed to survey license applications in light of incipient antitrust possibilities. In other words, the AEC will look at factual situations having the probability of contravening the antitrust laws, and will also be looking at antitrust violations. It could well be that in passing on the antitrust aspects of license applications facts leading to separate antitrust suits by the Attorney General or others may be developed. If so, the Attorney General or others, including agencies such as the Federal Trade Commission, may take these facts to other forums for antitrust relief, including the appropriate courts or regulatory agencies. Nothing in S. 4141 precludes or impedes any antitrust action by the Attorney General or others, whether the relief sought is criminal or civil in nature.

The Atomic Energy Act is only a supplement to existing antitrust laws, and this will not be changed by the passage of S. 4141. No primary jurisdiction is vested in the AEC, and all forums of antitrust relief remain open for all parties at any time, whether or not the Commission may be considering similar or identical facts and issues in a licensing proceeding involving similar parties.

Moreover, other intervenors as well in the Commission proceedings would have the opportunity to exhaust their appellate remedies if they so desired.

Mr. President, nuclear power will be a most important contributor if we are to come anywhere near meeting the *power* demands of the very near future. However, already many of us are concerned about the growing concentration of ownership of our energy producers and over some apparently anticompetitive practices in many areas.

It would be a distressing development if nuclear power were allowed to grow—but brought with it monopolistic practices which had the effect of limiting the supply of power to some energy companies.

It is clear from the facts and opinions I have cited that it definitely is not the intention of Congress in amending the AEC Act that *this* should occur.

I have raised this point only to add to the legislative history and to make even clearer Congress' intention that the antitrust standards apply to licensing of nuclear facilities, and I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AUGUST 28, 1970.

MR. RICHARD W. MCLAREN,
Assistant Attorney General, Antitrust Division, Department of Justice, Washington, D.C.

DEAR MR. MCLAREN: I am very concerned over a provision contained in S. 4141 which was recently approved by the Joint Committee on Atomic Energy. As you know, this measure would amend the Atomic Energy Act of 1954 by eliminating the requirement for a finding of "practical value" in the licensing of nuclear power plants utilizing

light water reactors and require licenses for all such reactors to be issued under Section 103 of the Act, which requires AEC to consider anticipatory antitrust matters.

However, S. 4141 changes the antitrust standard contained in Section 105(c) of the present Act and substitutes a new standard which would be applied to Section 103 licenses. Under the present language in 105 (c), the Attorney General advises the Atomic Energy Commission whether "the proposed license would tend to create or maintain a situation inconsistent with the antitrust laws." S. 4141 would change the standard to whether "the activities under the license would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105(a)."

To the best of my knowledge, the language proposed as an antitrust standard in S. 4141 is not contained in any other federal statute and was not discussed during the hearings on practical value legislation by the Joint Committee. I would appreciate it if the Department of Justice could provide me with its interpretation of the proposed language in the following areas:

1. Does the proposed new standard represent a weakening of antitrust review over the licensing of nuclear power plants under Section 103 of the Atomic Energy Act?

2. Will the new standard apply to applicants who have received construction permits under challenge by intervenors on antitrust grounds when these applicants seek an operating license?

3. Is there a positive value to be gained by the consideration and implementation of antitrust policy by administrative agencies such as AEC in their decision-making process?

4. Does the Department of Justice see any need for a change in the antitrust standard of the present Atomic Energy Act?

5. Are there any statutory precedents for the new antitrust standard proposed in S. 4141?

6. The present language of Section 105(c) of the Atomic Energy Act is identical with language contained in the Surplus Property Act of 1944. Has the Department of Justice experienced any difficulty in administering the standard under the Surplus Property Act?

7. Would the new antitrust standard proposed by S. 4141 change or alter the interpretation placed on the present standard by the U.S. Court of Appeals for the District of Columbia in the *Statesville* decision, in which the standard was interpreted to mean "anticipatory antitrust review?"

I would appreciate prompt receipt of your answers to these questions together with any additional comments you might wish to make which would aid me in analyzing the significance of this proposed new antitrust review standard.

Sincerely,

PHILIP A. HART,
Chairman.

NOVEMBER 9, 1970.

Hon. PHILIP A. HART,
Chairman, Subcommittee on Antitrust and Monopoly, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I have delayed somewhat in responding to your letter on S. 4141, because it was not clear what interpretation the Committee would give the words spelling out the anti-trust standard to be applied by the AEC in its licensing proceedings, to which you refer in your letter. The Committee has now prepared a report which would give these words an interpretation consistent with what we think appropriate. That is, the Commission is to make its determination on competitive consequences of activity under the license pursuant to the guidance of both the specific provisions of the antitrust laws, and the policies which underlie these provisions. With this understanding, I can now reply to your questions better than I could before. I will take the questions in order.

First, I do not think that the new standard represents a weakening of antitrust review over the licensing of nuclear power plants under Section 103 of the Atomic Energy Act.

You will note that the Attorney General can give advice on such terms as he deems appropriate with respect to the determination the Commission must make concerning competitive issues (revised Sec. 105c(1)). This provision allows a scope for advice as broad as that now contained in Section 103.

The provision for the Commission's finding on competitive issues does lack the "tend to" language of the language now in Section 103, but we do not consider this a weakening of the standard. One of the antitrust laws to which the standard refers is Section 7 of the Clayton Act, which deals with the question whether corporate joinders, joint ventures, and the like may substantially lessen competition or tend to create a monopoly. This statute has been interpreted to reach tendencies toward concentration in their incipiency. Thus, we think there is sufficient authority within the antitrust laws, and within the policies which underlie them, for dealing with incipient situations, without the addition of an additional "tend to" standard in the legislation. Indeed, the "tend to" standard contained in Section 103 is largely redundant.

Also, we had never expected to deal with the most remote and tangential of possibilities. A commonsense approach to the problem will lead one to deal with significant probabilities of anticompetitive effect, whether the standard were to read "tend to be inconsistent with," or "inconsistent with," and the revised report makes clear that the Commission would deal with significant probabilities of effects contrary to the provisions and policies of the antitrust laws.

Thus, the present content of antitrust law and policy, a straightforward reading of the test, and the language of the report all lead to dealing with significant probabilities of anticompetitive effects, far short of certainty. This is, in our opinion, all that is required.

Second, S. 4141 spells out the situations under which the new standard would apply at the operating licensing stage to applicants who have received construction permits. Subsection 105c(2) specifies that if the construction license is issued prior to enactment of S. 4141, those who have challenged the license on antitrust grounds would have standing to challenge them at the operating license stage. If the construction permit were to be issued after the passage of legislation, a determination of changed circumstances would be required to sustain antitrust review at the operating license stage.

Third, we think there is a very definite value to be gained in administrative agencies such as the AEC considering and implementing antitrust policies in their decision-making processes. Federal licensing and regulatory agencies directly affect a very large volume of the nation's commerce. Their decisions can aid the economy to become more competitive, or detract from its competitiveness. We think it essential that they tailor their decisions so as to serve the nation's general economic policy in favor of competition.

Fourth, we do not see a pressing need for a change in the antitrust standard of the present Atomic Energy Act. However, others have wished to clarify the procedures for giving and considering antitrust advice, and we have not objected to this. Thus, while we do not think that new legislation on antitrust standards is necessary, we have not objected, and do not object, to the enactment of well-drafted new legislation.

Fifth, we are not aware of direct statutory precedents for the antitrust standard proposed in S. 4141. However, as your letter implies, the kinship of the language to that used in the Federal Property and Administrative Services Act is obvious.

Sixth, we have not experienced difficulty in determining whether the antitrust test of the Surplus Property Act could be applied in a realistic fashion to sales of Government property under that Act. We have observed instances in which the giving of such advice caused the agency desiring to sell the property to make decisions it otherwise might not have made. These decisions were sometimes preceded by discussions with the agency. This was anticipated when the standard was inserted in the Act, and is to be expected. Otherwise, the standard would have no effect.

Seventh, we do not think that the standard proposed in S. 4141 would alter the interpretation of the U.S. Court of Appeals interpreting the antitrust standard to mean "anticipatory antitrust review."

Sincerely yours,

RICHARD W. MCLAREN,
Assistant Attorney General, Antitrust Division.

The PRESIDING OFFICER (Mr. MURPHY). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. PASTORE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BYRD of West Virginia and Mr. AIKEN moved to lay the motion on the table.

The motion was agreed to.

Mr. PASTORE. Mr. President, I ask unanimous consent that S. 4141 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, S. 4141 is indefinitely postponed.

Mr. PASTORE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make necessary technical and clerical corrections in the engrossment of the Senate amendment to H.R. 18679, and that the bill, as passed, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I thank the distinguished majority leader, the Presiding Officer, the Senator from Vermont (Mr. AIKEN), and all my other colleagues.

Mr. MANSFIELD. Mr. President, the distinguished senior Senator from Rhode Island is to be highly commended for successfully steering this measure through the Senate. Its swift disposition speaks abundantly for the effective legislative skill of Senator PASTORE. The Senate is again most grateful.

The distinguished senior Senator from Vermont (Mr. AIKEN) is to be commended equally. His excellent support and assistance on this measure were indispensible. The Senate is again indebted to both of these outstanding Senators.

PUBLIC EXPOSURE TO SONIC BOOMS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1399, S. 4547.

The PRESIDING OFFICER (Mr. MURPHY). The bill will be stated by title.

The assistant legislative clerk read as follows:

The bill (S. 4547) to provide for regulation of public exposure to sonic booms, and for other purposes.

Mr. MAGNUSON. Mr. President——

Mr. GURNEY. Mr. President, I object to this bill being brought up at this time.

Mr. MAGNUSON. I did not hear the Senator.

Mr. GURNEY. My instructions are from the leadership to object at this time.

Mr. COTTON. Will the Senator from Florida please speak a little louder?

Mr. GURNEY. The minority leader wishes me to object to the bill being brought up at this time.

Mr. MANSFIELD. If that is the case, very well, but I had talked to the minority leader and I believe the Senator from New Jersey (Mr. CASE) had also talked with the minority leader. If the Senator from Florida would care to make further inquiry, I will suggest the absence of a quorum in the meantime. If the objection holds, of course I will honor it.

Mr. MAGNUSON. I would say to the Senator from Florida that the minority leader——

Mr. CASE. It is OK.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 1, line 10, after the word "this", strike out "section" and insert "subsection"; on page 2, line 22, after "(2)", strike out "(c)" and insert "(C)"; on page 3, line 1, after the word "Administrator", strike out "of the Federal Aviation Administration (FAA)"; in line 3, after the word "this", strike out "section" and insert "subsection"; and in line 7, after the word "this", strike out "section" and insert "subsection"; so as to make the bill read:

S. 4547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Aviation Act of 1958, as amended, is further amended by adding to section 307 the following new subsections:

CIVIL AIRCRAFT SONIC BOOM

(g) (1) No person may operate a civil aircraft at a true flight mach number greater than 1 except in compliance with the conditions and limitations in an authorization to exceed mach 1 issued to the operator under this subsection.

(2) For a research and development flight in a designated flight test area an authorization to exceed mach 1 may be issued if the applicant shows one or more of the following:

(A) The flight is necessary to show compliance with an airworthiness regulation or is necessary for aircraft development.

(B) The flight is necessary to determine the sonic boom characteristics of the airplane, or is necessary to establish means of reducing or eliminating the effects of sonic boom.

(C) The flight is necessary to demonstrate the conditions and limitations under which speeds greater than a true flight mach number of 1 will not cause a sonic boom to reach the surface.

(3) For a flight outside of a designated flight test area, an authorization to exceed mach 1 may be issued if the applicant shows conservatively that the flight will not cause a sonic boom to reach the surface of the United States, excluding the territorial waters thereof, when operated under conditions and limitations demonstrated under paragraph (2)(C), and shows that those conditions conservatively represent all foreseeable operating conditions.

(4) An application for an authorization to exceed mach 1 must be made on a form and in a manner prescribed by the Administrator. In addition, for an authorization covered by paragraph (2) of this subsection, each application must contain:

(A) Information showing that operation at speeds greater than mach 1 is necessary to accomplish one of the purposes specified in paragraph (2) of this subsection;

(B) A description of the flight test area proposed by the applicant; and

(C) Conditions and limitations that insure that no sonic boom will reach the surface outside of the designated flight test area.

(5) An application for an authorization to exceed mach 1 may be denied if the Administrator finds that such action is necessary to protect and enhance the environment.

(6) An authorization to exceed mach 1 is effective until it expires, or until it is surrendered, and may be terminated by the Administrator whenever he finds that such action is necessary to protect and enhance the environment.

REPORT BY THE SECRETARY

(h) Upon the completion of the United States civil supersonic program to develop and fully test two prototype aircraft, the Secretary of Transportation shall prepare and transmit to the Congress and to the public a report covering all aspects of the prototype program. The report shall include a detailed analysis of the economic, international, transportation, and environmental consequences that could result from the commercial production or nonproduction of a United States civil supersonic aircraft, and shall include recommendations for any legislation or international agreements deemed necessary to insure a balanced national transportation policy which is efficient, productive, economic, and environmentally safe and sound.

Mr. MANSFIELD. Mr. President, the Senator from Washington has the floor.

Mr. MAGNUSON. I thank the Senator from Florida because the minority leader, the Senator from Pennsylvania (Mr. SCOTT), about 5 minutes ago told me it would be all right. I guess he did not communicate this to the Senator from Florida. He said that as long as it was all right with me and the Senator from New Jersey (Mr. CASE), it was all right with him.

Mr. President, this bill would amend section 307 of the Federal Aviation Act of 1958 by prohibiting the operation of civil aircraft at a speed greater than sound—mach 1—over the United States except by authorization of the FAA which may permit certain flights only for test purposes. But all commercial flights over the continental limits of the United States and its territories would be prohibited.

First. Supersonic flights may be permitted for the purpose of research and development if such a flight is necessary for proving compliance and airworthiness regulations or is necessary for aircraft development.

Second. Supersonic flights may also be permitted if the flight is necessary to determine the sonic boom characteristics of the airplane or to establish means of reducing or eliminating the effect of sonic boom or if such flight is necessary to determine conditions and limitations under which sonic booms will not reach the earth's surface.

The FAA Administrator may authorize, in a prescribed manner, supersonic flight if necessary for the purposes outlined above. However, an application for such authorization may be denied if the Administrator feels that denial is necessary to protect and enhance the environment.

Mr. President, the FAA would only authorize a supersonic flight for certain limited purposes.

It also provides that the Secretary of Transportation shall prepare and submit to Congress a report covering all aspects of the SST prototype program upon its completion. The report shall include a detailed analysis of all consequences resulting from the commercial production or nonproduction of a U.S. SST, together with appropriate recommendations for any legislation or international agreements which might be required for the purpose of regulation of supersonic flights. I stress the word "international" because there will obviously be international flights before we begin testing our own American SST. It may require some pretty sharp international agreements about the regulation of supersonic flight.

Mr. President, on April 15, 1970, the Department of Transportation filed notice of a proposed rulemaking to ban civil supersonic flights over land. This proposed regulation was published in the Federal Register on April 16, 1970. In addition to the filing of the proposed amendment to the Federal aviation regulations, the President of the United States, the Secretary of Transportation, and other representatives of the administration have stated that commercial supersonic flights over land will not be allowed.

I do not know how many times the Senator from Washington and others, including the Senator from Arizona and the rest of us, have said that the SST was never intended to fly at supersonic speeds over land under present conditions. Now, in spite of these assurances some have contended that the regulation might be changed or revoked when com-

mercial supersonic flight becomes a reality.

And I guess it could be. It is possible. So, to dispel these unjustified fears and to assure the American people that there will be no overland supersonic flights in this country by supersonic aircraft, or over any other country which will be building them, at speeds that would cause a sonic boom which could reach the earth, my bill adopts the language of the Department of Transportation's proposed regulation and makes it law.

The prohibition, by law, of sonic booms caused by civil supersonic aircraft over land will not have any effect on the economic viability of the U.S. civil supersonic transport. The prototype program has proceeded upon the assumption that commercial supersonic flight over land would not be allowed and all marketing and economic projections have been based on this assumption.

Once the two prototypes of the civil supersonic aircraft have been developed and tested, the manufacturers of the aircraft, the airframe, and the powerplant must make the decision whether to proceed with commercial production.

The airlines will be primarily responsible for the payback. They are the ones who will invest hundreds of millions of dollars in this aircraft and be responsible for operating it. It is a decision which will be made by them and the manufacturers as to whether commercial production of the aircraft is in the national interest.

I am confident that the U.S. fly-before-you-buy prototype program will lead to the development of a transport that will be technically, economically, and environmentally successful.

The U.S. supersonic program has had the benefits of years of careful research and analysis which will result in a product, I think—and I think every areonautical engineer in the world thinks—that will be far superior in all facets to those now under production in England, France, and Russia.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. KENNEDY. Mr. President, I represent a maritime State over which many of the international flights travel. I wonder how the bill would affect the land and the sea corridors in my area. The Senator from Washington, of course, understands that a great many of these international flights come along Long Island and over Martha's Vineyard and Nantucket. I wonder if the Senator from Washington could give us some indication as to that area of the country.

Mr. MAGNUSON. Mr. President, we would have jurisdiction under this bill to prohibit any of these flights over water over which we have jurisdiction or over any land area. There would be a 10- or 12-mile limit. But I do not think it would hit anywhere near that area.

The plan now, at least of the aeronautical engineers, is that the plane would begin decelerating more than 100 miles out. It would then fly subsonic and would be the same as any regular jet plane coming in.

The Senator is correct in bringing up the point. The only place that I can think of where this might happen is along that part of the country. They would drop down 100 miles out, say from Kennedy Airport in New York. That would be close to the tip of Long Island. That is about the only place in New York. With respect to any other airport in the United States, they would be far from land.

Mr. KENNEDY. From Long Island these planes fly over Block Island to Martha's Vineyard and Nantucket.

Mr. MAGNUSON. It heads out to sea in a more or less northeast direction.

Mr. JACKSON. Mr. President, will the Senator yield for a point of clarification?

Mr. MAGNUSON. I yield.

Mr. JACKSON. Mr. President, I take it that it is not possible for the United States to retain regulation outside of the area over which it has jurisdiction.

I think the importance of all of this is the need, of course, for an international convention and agreement dealing not only with the problem of supersonic traffic beyond our borders, but also with the whole question of research and development in this area.

As I understand it, there are funds in the transportation bill for research and development which will be undertaken over a period of 3 years of $27 million in part by a participation and exchange of information with other countries.

I believe that what the Senator has very ably put to the Senate poses some of the problems we have to face up to. That is that the supersonic matter can only be validly discussed in terms of the planet. When we talk about banning American SST's, of course, we are ignoring the planet. That is why, in addition to what my colleague is doing here—in which I have joined as a cosponsor—we would have to get some kind of international agreement and understanding on the part of all countries that are operating the SST.

Mr. MAGNUSON. The Senator is correct.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. GOLDWATER. Mr. President, I believe if the Senator posed a little different question, I might try to help him in answering the question.

The Senator inquired about the effect of the boom on ships and land.

I say to my good friend, the Senator from Massachusetts, that in flying a plane out of Kennedy Airport, they fly at subsonic speeds. They would not go through mach 1 until they were about 100 miles out. That would represent an increase of less than 1 pound. It would be something like the weight of a spinning lure hitting the water. Most people on the ship would never even know that it was over mach 1.

Mr. KENNEDY. Mr. President, I appreciate the Senator's statement.

Nantucket and Martha's Vineyard are 30 or 40 miles away from the general shipping areas. But a great many planes fly over that area. That is about 200 miles from the Kennedy Airport. The fact that a plane would be coming down 100 or 200 miles from the land still would put it somewhere between Cape Cod and Long Island.

I was interested in knowing whether that would be an area that would receive a heavy burden from the SST.

Mr. GOLDWATER. Mr. President, in supersonic flight they would never let it down. That would be structurally unsound. They would go into a configuration say at 1.9 or 1.95 and the letdown would be started far out to sea, even 500 miles out. It would never affect the land. That would not be bothersome at all.

Mr. MAGNUSON. I am sure that the pattern which would involve the Kennedy Airport would not necessarily follow a straight flight. The jets could go a little northeast. It would only be a matter of 5 minutes' difference. It would not affect it. I am sure that it would work out.

Mr. KENNEDY. Mr. President, do I understand that the only area which would be covered or protected would be 10 miles outside the actual islands?

Mr. GOLDWATER. The legislation that the Senator from Washington has introduced prescribes what the FAA can do. In fact, the same rule applies. They can designate any departure pattern. In fact, the FAA regulations now require that in the interest of less noise, a take-off pattern be used that would be quite different from the normal.

Mr. KENNEDY. Mr. President, it would actually prohibit any sonic boom from being caused 10 miles off the coast of Long Island.

Mr. GOLDWATER. This does not specify 10 miles. I think it is up to the FAA.

Mr. KENNEDY. There is nothing in the legislation.

Mr. MAGNUSON. Technically and legally we have no control over waters beyond our territorial limits but the FAA has complete control over any airplane coming into an airport. They can say, "Mr. British pilot or Mr. French pilot, begin slowing down 100 miles or 200 miles out," because they have control over the airspace.

Mr. KENNEDY. Inasmuch as the legislation prescribes certain transcontinental flights, I would be interested in the understanding of the sponsor about the protection of those lands or islands that jut out into the Atlantic, and are generally considered to be in the air traffic zone.

I understand the valid point of the Senator from Washington that these will have to be dealt with through international treaties. We have jurisdiction only as has been set out in this dialog. But I would be interested in the general intention of the principal sponsor.

I understand the thrust of this measure is to protect those less populated areas across the heartland of this country from these infractions until we develop technological know-how on how to avoid the boom. I would like to have assurances with respect to the thrust of this legislation in regard to maritime areas.

Mr. MAGNUSON. All of us would want to have regulations that mean what they say with respect to getting near our is-

lands or coastland. This is one of the reasons why if we do not have a supersonic transport we cannot be part of any international agreement and we could not stop anyone from flying over the ocean. They are going to do it and there is no question about it. I have on my desk an advertisement which was published in U.S. News last week in which they are trying to sell the Concorde.

Mr. JACKSON. I think the Senator has hit on the central point and that is that the FAA can, by reason of their operational control of incoming aircraft, set the pattern they will have to follow when approaching the United States. This sort of ruling and requirement would certainly get at the point which the Senator from Massachusetts made. If they fail to comply they could not land.

Mr. MAGNUSON. They could not land.

Mr. JACKSON. We do need to resolve these problems from the environmental point of view and other points of view to work out international agreements.

As the author of the National Environmental Policy Act of 1969, which was signed into law on January 1 of this year, I recall that we recognized the danger. In that act we authorized the President to enter into agreements with other countries from the standpoint of research and development undertakings and from the standpoint of administering various programs that would have a planetary impact. For example, we have not discussed it here, but the problem we face in connection with oil tankers is one that cannot be solved in the final analysis by national action alone.

Mr. MAGNUSON. We have a good bill here but it does not affect the situation the Senator referred to.

Mr. JACKSON. We have tankers operating off our coast which do not come into the United States and which could spill oil which would affect the beaches of our country. Here is an example of the need for international action.

The point I emphasize when we talk about the SST is that we are only talking about a part of the problem when we address ourselves only to the national situation. This is a planetary problem and it pertains to the planet as a whole and the United States can only do those things over which we have jurisdiction.

I think what my able senior colleague is doing is undertaking to do that which we have the legal authority to do in the environmental area. I commend him for the very able statement he is making and his leadership in putting this bill together.

Mr. MAGNUSON. I with many cosponsors set up the beginning of the World Environmental Institute which we hope will consider and decide these matters. We have international air agreements now.

Our air traffic control towers can instruct airplanes to do anything they want them to do before descending to land.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. GOLDWATER. Not only do our air traffic controllers know all traffic coming into the United States, but air traffic controllers controlling air traffic in other countries tell us. If they tell us to deviate 10 degrees from the course, you do not ask why; you do it. All countries do that. It is common all around the world wherever there are air traffic controllers. They are found in every country.

We have respect for instructions of foreign air traffic controllers and they have respect for ours. I have come into Kennedy many times on different aircraft and I know by the deviation the aircraft makes that the pilot has been asked to do it. For example, coming across the country, if traffic looks as if it is going to be heavy at Kennedy I have been asked to start my letdown over Chicago, and that is a long way out, but we do what they ask.

Mr. MAGNUSON. Subsonic flight is flight at speeds flown by current jets. An SST can fly an entire trip subsonically. It would not be as economical but it can be done.

I do not want to delay the Senate on this matter.

While I have the greatest confidence in the program and in the capability of the manufacturers to produce a superior aircraft, I feel that the decision of the manufacturers and the airlines to enter into commercial production after the testing of the two prototypes is a decision in which the public has an interest. Because of the public's interest in this decision, the bill would require the Secretary of Transportation to submit to the Congress and to the public a report covering all aspects of the prototype program upon the completion of the prototype development and testing program.

The report shall include a detailed analysis of potential environmental, economic and international consequences that may result from production or nonproduction of a U.S. civil supersonic aircraft.

They will have plenty of time to look at these matters because commercial production is many years away.

The report will specifically address the problems of airport-area noise created by the SST, measured from the runway sidelines and from ascent and descent patterns over the community. While the committee is confident that the supersonic transport will not create greater noise levels than those created by existing subsonic turbojet aircraft, the Secretary's report will be helpful in developing a complete record on the parameters of this problem in particular as well as detailing the other potential environmental consequences of widespread supersonic air transport.

Our great astronaut, Neal Armstrong, made a speech in Washington a few weeks ago in which he said he was shown the Russian supersonic plane and that it was a great plane and one of the finest planes he had seen, and he intimated that they would give us the results of their operational experience.

Flight testing of the prototype equipment will enable us to measure and understand potential noise problems and will provide definitive answers to these questions.

The report shall also make available data on all other civilian supersonic aircraft programs—including the Concorde and the TU–144—which are in development or in commercial operation at that time.

The report shall also set forth any recommendations for legislation or international agreements which the Secretary feels are necessary to insure a balanced national transportation policy which is efficient and productive, and economically and environmentally sound. The Secretary's recommendations are not to be limited to the U.S. civil supersonic program but shall include recommendations, where appropriate, for any necessary regulation of all civil supersonic aircraft that may have an effect on the United States. The committee believes that such a report, with legislative recommendations, will go far to assure the American people that supersonic aircraft operations will be conducted under conditions which will insure that such operations are compatible with this Nation's environmental standards, that they are economic, and that they will result in important benefits to the Nation's economy, to a balanced national transportation policy, and to the American people.

Mr. President, I submit an amendment to my bill which goes even further. I think it is necessary.

Mr. COTTON. Mr. President, before the Senator submits the amendment, will he yield to me just a minute?

Mr. MAGNUSON. Let me submit it first, and then I will yield to the Senator.

Mr. COTTON. Very well.

Mr. MAGNUSON. This amendment deals with what I just mentioned—the noise levels that the FAA now prescribes as it deals with the planes now flying, the so-called sideline noise, and it brings us down to the limits which are now in effect on regular jets.

The PRESIDING OFFICER. The Chair will advise the Senator that the amendment is not in order until the committee amendments are disposed of except by unanimous consent.

Mr. MAGNUSON. I am just presenting the amendment now.

I ask unanimous consent that it be made part of the bill.

The PRESIDING OFFICER. The Chair is advised that the amendment would have to be acted on by the Senate.

Mr. MAGNUSON. I just sent it to the desk. I shall call it up later.

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOK. The unanimous-consent request that it be made a part of the bill has not been acted on. Is that correct?

The PRESIDING OFFICER. It has not been acted on.

Mr. MAGNUSON. I will offer the amendment later.

The PRESIDING OFFICER. The amendment will be received.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. I join in commending the distinguished Senator from Washington (Mr. MAGNUSON), chairman of the Committee on Commerce, in presenting this bill.

So that the RECORD will be clear, I want to emphasize the fact that the bill was reported favorably by our Committee on Commerce with the recommendation that it pass. To the best of my knowledge, there were no dissenting votes.

The bill is in response to a recommendation made by the entire Senate Appropriations Committee in its report accompanying the Department of Transportation and related agencies appropriation bill—H.R. 17755—which will come before the Senate shortly. I will read it, because it should appear in the RECORD at this point. The Committee on Appropriations said the following:

Last year, in providing funds for continuation of the commercial supersonic transport program, the Committee urged the Secretary of Transportation to develop legislation to protect the public against the sonic boom.

The law the Committee has in mind is one specifically prohibiting overland flights at sonic-boom producing speeds. Such a restriction is embodied in S. 942, now pending before the Senate Commerce Committee.

Our Committee regrets that in place of pressing for such legislation, the Secretary has chosen instead to seek an agency rule to deal with the matter.

In the Committee's view, a rule, which is subject to arbitrary change, is no substitute for a law passed by the Congress.

The Department's approach permits the unfortunate inference that the Department some day may wish to relax its rule on overland SST flights should such flights be deemed essential to the SST's commercial success.

The Committee believes public concern on overland flights can be allayed by the Department promptly supporting the pending legislation, or submitting a bill of its own.

It is partially, of course, in response to the concern expressed by the Committee on Appropriations that the Committee on Commerce has acted. As the Committee on Appropriations has stated so well, a rule subject to arbitary change is no substitute for a law passed by the Congress.

So, regardless of what may be the will of the Senate, when the time comes to consider the appropriations bill, and the question of the continuance of the SST program may arise, this measure is insurance and a safeguard, if it is passed, for the people of the United States, including, of course, Alaska and Hawaii. This is a protection written into the law, which cannot be relaxed except by another act of Congress against the danger of being subjected to sonic booms.

Mr. CASE. Mr. President, will the Senator yield?

Mr. COTTON. The Senator from Washington has the floor. He yielded to me.

Mr. CASE. Mr. President, would the Senator object to my making a comment at this point?

Mr. MAGNUSON. Certainly not.

Mr. CASE. I want to thank the Senator from New Hampshire for pointing out that this bill is in response to a specific concern expressed by the Committee on Appropriations and for reading into the CONGRESSIONAL RECORD the portion that he did from the committee report. I am especially pleased about that, because, modestly, I take responsibility for suggesting that that language be put in the Appropriations Committee's report. I, too, am very pleased indeed that this has been done.

In this connection, because I think it would help the continuity of the story, I wonder if the Senator would object if I suggested that we put in the CONGRESSIONAL RECORD at this point a copy of the letter from the Secretary of Transportation to our committee chairman in regard to acceptance of the legislative approach. The letter is dated December 1, 1970, and is signed by Secretary John Volpe, and addressed to RICHARD B. RUSSELL, chairman.

Mr. COTTON. I think it is very appropriate that these letters be printed in the RECORD at this time. I have completed what I wished to say.

Mr. CASE. I ask unanimous consent that the letter to which I have referred be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C.

Hon. RICHARD B. RUSSELL,
Chairman, Senate Appropriations Committee, Washington, D.C.

DEAR MR. CHAIRMAN: I have read with some interest the report of your Committee (submitted by Mr. Bible) dealing with the Department's appropriation for Fiscal 1971. I note on page 6 of that report some language critical of the Department with respect to its actions designed to protect the public against the sonic boom.

It is still my personal feeling that proper procedure is for an agency rule in this area rather than legislation, not because I expect the rule to ever be changed but simply because this has always been the orderly method of proceeding in such matters.

After reading the language of the Committee report, however, I understand how strongly the Congress feels about this issue. In view of your concern, I wish to amend our previous position and make it clear that we have now no objection if the Congress should decide to prohibit by statute flights over populated areas at boom-producing speeds. Lest there be any misunderstanding, the term "populated areas" as used above, means the whole of the continental United States, including Alaska and Hawaii. By carbon copy of this letter to the Chairman of the Commerce Committee, I am informing him of this decision.

The Office of Management and Budget advises that it has no objection to my submission of this position.

Sincerely,

JOHN A. VOLPE.

Mr. MAGNUSON. Mr. President, I wish to say at this point that the Senator from New Jersey initiated the language inserted in the appropriation bill, in which I joined with him. We also had a bill on this subject from the Senator from New Jersey before the Commerce Committee.

Mr. CASE. As a matter of fact, it was referred to in the report.

Mr. MAGNUSON. This committee bill embodies a great deal of what the Senator from New Jersey has been talking about for a long time and is similar to his bill and I want to give him due credit.

Mr. CASE. I appreciate that, and if the Senator will permit me to make this comment, that will end my participation here.

Mr. MAGNUSON. I yield the floor.

Mr. CASE. I am tremendously pleased to join with the Senator from Washington in his pushing for this bill. I think it is an appropriate response to the needs of the situation, as well as to the urgent requests that have been made by the Committee on Appropriations, by myself, and by many other Senators.

There are just two points I should like to clear up with the Senator, and then I shall leave the matter to his tender care and mercy—and there could be no better sponsorship anywhere in the U.S. Senate than his, for a matter of this kind, though there are other matters as to which we may not feel so much in agreement.

But just two points. There is no intention, I take it, by this bill to pass, one way or another, on whether we should continue or should not continue to finance the supersonic program. This is not current in the matter presented by this bill; the bill deals only with the question of sonic booms if and when there are such; that is correct, is it not?

Mr. MAGNUSON. Well, it is correct. If we have an American supersonic plane, it deals with that.

Mr. CASE. Of course.

Mr. MAGNUSON. But it is broader than that, because it deals with any kind of civil supersonic transport.

We could not regulate the military creation of sonic booms because we do not have any jurisdiction to do so. I do not know how many Senators know that when we talk about supersonic flights, I checked with the Air Force, and as of September 1 the military has flown 538,000 hours of supersonic flights.

Mr. GOLDWATER. Mr. President, will the Senator yield? Over land.

Mr. MAGNUSON. Five hundred thirty-eight thousand hours of supersonic flights over land.

Mr. CASE. Mr. President, the Senator has forgotten that I asked him a question, but I shall be happy to repeat the question after he finishes.

Mr. MAGNUSON. But it applies to the whole problem.

Mr. CASE. The question is not whether it applies, but the question is: Later, will the Senator from Washington or any other sponsor of the supersonic program claim that we are foreclosed on this issue?

Mr. MAGNUSON. I do not think we can ever foreclose the Senate, or a Senator. I have tried it several times, but it never works.

Mr. CASE. The only other question I have, and then I shall really abandon the field—because one always knows, or ought to know, when he should do that, especially if he is dealing with the Senator from Washington—and that is, the bill does deal mainly with the matters that I am concerned about. There are some little questions about it that I will not raise at this time; but can we have, as Members of the Senate, from our two colleagues from Washington, and par-

ticularly the chairman of the Committee on Commerce, the assurance that if there prove to be bugs in this program, prompt consideration to the problems will be given by the committee?

Mr. MAGNUSON. I am sure it will. That is the purpose of the Commerce Committee. As the Senator knows, we deal with aviation matters in that committee every week.

Mr. CASE. I take that as complete assurance.

Mr. COTTON. Mr. President, I call to the attention of the Senator from New Jersey that I said, in my brief comment, that this was an assurance and a protection, and was without prejudice, and had no bearing on the decision that would be made by the Senate when the time came to consider appropriations.

Mr. CASE. I was going to ask the Senator to repeat that assurance, but he has done so in so much clearer language than I would have the wit to propose that I can only say I am most grateful.

Mr. COTTON. I thank the Senator very much.

Mr. PERCY. Mr. President, will the distinguished Senator yield to me?

Mr. MAGNUSON. I yield.

Mr. PERCY. I am very pleased to have this chance to comment; and before I ask a few questions about the pending bill, I should like to comment on the matter of the SST itself.

I am filled with admiration for the gracious, intelligent, and persistent manner in which the distinguished Senators from Washington have represented the aircraft industry and what they believe to be right for the future of aviation in this country and the great Boeing Co., and I am filled with admiration for that company because it is, I think, one of the great companies that we have in this country. When I served on the Space Committee, I tried to do everything I possibly could to get more of the management techniques of the Boeing Co., and their management personnel, involved in the space program, because of my great confidence in them. So it has grieved me that I have formulated a judgment contrary to the judgment of my distinguished colleague from Washington on the basic SST itself.

But I wish to commend the distinguished Senator from Washington for his sponsorship of the pending measure. I think it is timely, I think it is desirable, and I think it takes fully into account the potential danger that does exist from sonic booms, despite the fact that, because of military urgency, we have carried on these programs. But we know that we have carried on such flights with considerable damage, an amount that we can determine at times and sometimes we cannot possibly determine.

I should like to ask a couple of questions, however. If it is good for the United States of America and our legislature to take this matter in hand and pass this legislation, does the distinguished Senator from Washington feel that other countries will and should do the same thing, to protect their environment and their people? In fact, all countries that could possibly be subjected to sonic booms; would it not be desirable for their legislatures to pass legislation comparable to this?

Mr. MAGNUSON. Mr. President, I am sure that any country that felt that the effect of a supersonic plane was affecting its environment, whether the sonic boom or in whatever way, would do something about it.

France, Great Britain, and now West Germany are joining in a consortium to produce an SST. I cannot speak for the Russians, but I suppose they do not need to worry about international agreements as much as the rest of us; they could just issue an order in 5 minutes and say, "When you fly the Russian supersonic, you fly a certain route, and that is it."

It might go clear on to Japan.

I agree with the Senator, but also I think my colleague pointed out that in this whole field, we will have to have some international agreements.

Mr. JACKSON. Mr. President, will the Senator yield for a further clarification on that point?

Mr. PERCY. I yield.

Mr. JACKSON. I pointed out earlier that when we passed the National Environmental Policy Act, which, as the Senator knows, came out of the Committee on Interior and Insular Affairs, and which I sponsored, we authorized the President to enter into international agreements to engage in research and to work out solutions involving environmental problems.

The transportation area is a critical area in which international agreements could be extremely helpful. In fact, in the long run, it is the only answer to the problem.

We cannot here, in Congress, solve the planetary problem. As my colleague so ably stated earlier, this is but one part of it. The other countries have to join in it, and we have to end up with some kind of international agreement to regulate the problem. Otherwise, we are addressing ourselves only to the problem of American SST's. We have to address ourselves to all SST's, whether they are British, French, Russian, or American SST's, and on the basis of its possible impact on the planet as a whole.

Mr. PERCY. I think that in the assumptions we are making on the construction of the SST and our projection of a future program, we would have to take into account that other legislatures are going to do the same as we and ban supersonic flight over land areas; and the distinguished Senator from Washington's bill would apply to island areas, such as Hawaii, because it is a part of the United States of America. We dealt with some islands of Puerto Rico, where there was a little annoyance by some shelling to which the native residents objected. I assume that if we find it objectionable for human beings to have supersonic flights over them, island areas also will ban such flights, and perhaps there will be international agreements that flights should be banned over any area that is populated by human beings.

Therefore, I ask this question, first: What is the additional cost of operating a supersonic transport at subsonic speeds—in comparison, that is, with the operating expense for a passenger plane that carries the same number of passengers but is designed for subsonic speed?

Mr. MAGNUSON. I do not have any technical knowledge of that. Perhaps the Senator from Arizona can answer that question.

I know that when you fly subsonically, you do not have as much speed and the shorter turn-around time, therefore, a subsonic trip would cost more because of the less productive use of the airplane.

Mr. PERCY. I have heard figures as high as three times the operating costs.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. GOLDWATER. Any time an engine is run below its rated percentage of power for the purpose of flying slower or driving slower, less fuel is used. Fuel is not the only cost involved. The cost that the airline is interested in is the per-passenger-mile cost.

If you fly subsonically across the Atlantic Ocean, I think the cost could go three times as high per passenger mile. But if you fly at supersonic speed, I think the cost would be much less than we find today on craft such as the 707, DC–10, and so forth.

Mr. PERCY. Then, I was correct in my assumption, and the data I have seen is that it is approximately three times higher.

How far out would an SST—say it is coming in from London to New York—have to decelerate and cut down below its optimum operating ratio?

Mr. MAGNUSON. The best information we have is that it would be at least a hundred miles before entering the terminal area airspace.

Mr. PERCY. Of course, if it is in a pattern, as many planes are held, because of inclement weather, because of overcrowding at Kennedy, Los Angeles, and O'Hare, which is probably one of the worst—anything that came into Chicago, which is an international airport, would have to go subsonic a hundred miles out over the ocean, subsonic a thousand miles across the country—or 700 or 800 miles. Then, if it is in a holding pattern over O'Hare, it would have to go subsonic, at a cost approximately three times what the cost would be for, say, fuel consumption on a 707 or 747.

Mr. MAGNUSON. Not necessarily. The cost would not be any higher than that of a subsonic plane in a pattern over Washington airport, where they are stacked up. It costs money to run any plane around in circles.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. GOLDWATER. These aircraft will meet all the present requirements of control speed—namely, keeping it under 250 miles an hour—in control areas such as the Washington Control Center, New York Control Center, and so forth. So when we talk about passenger mile cost, the takeoff, the climb, the cruise, and the letdown are all figured in that.

So far as the aerodynamics of slowing it down are concerned, once you have reduced the power—let us say below 90

percent—you are going to go back through into the subsonic stage, and this could be done any distance out. In fact, this would not be determined by the airline. This would be determined by the air traffic controller.

Last night, flying from Mexico, we made one descent 500 miles south of here and another descent right into the pattern. It depends upon the pattern condition. But that is part of the general overall cost of running an airplane.

Mr. MAGNUSON. The airlines considered all this when they placed their orders.

Mr. GOLDWATER. That is correct.

Mr. MAGNUSON. As to whether this would be economical. As a matter of fact, most of the economic projections are that the air fare could be the same as the 707 or 747 fares of today or perhaps even less. The airlines can use the airplane twice as much as they use the 747.

It will not be the way it was with the first jet. We used to have to pay a special fee, a surcharge, to fly on the first jet. It was said then that perhaps people would not fly on the jet because it is faster, but people were lined up to get on the jets, and nobody wanted to travel on the other planes. That is the history of the evolution of generations of airplanes.

I am glad the Senator from Illinois has given me an opportunity to speak about Boeing. He said some kind words about Boeing. I am not embarrassed about that. I have known the company ever since it started down on the Duwamish River in Seattle, in a little hut. Bill Boeing was an aviation enthusiast like the Senator from Arizona.

I hope the impression is not abroad, with my colleagues, that my support of this supersonic program is solely because it is being developed by Boeing. Boeing only has one-half the contract. My colleague did not mention that. General Electric has the other half. The outside subcontracts on the airframe will be almost 70 percent of the half.

So when we talk about Boeing, we are talking about little more than 25 percent of the airframe, but the Boeing management will supervise the subcontractors. We are talking about a very broad spread of companies in developing this airplane.

I do not like to repeat this, but I want to say this so that there will be no misunderstanding. I did not start the SST. I was called in by President John Kennedy at one time—I was handling the NASA appropriation in the Senate—and he said:

> I think you ought to put some money into some research programs to begin research on development of the SST.

I believe that was 9 years ago.

The Senator from Colorado and I—he was the ranking minority member—did that. I think we began with $11 million. We provided research money and eventually it was decided the SST was feasible. The President of the United States then said to me, "We are way behind now"—and we were—"and we ought to get started."

It will be recalled that President Kennedy went to Colorado Springs and made a major speech about this new airplane. He said America was going to maintain its air superiority and that we were going to begin this important new project. That was 8½ or 9 years ago. We have gone ahead.

I did not know then who was going to get the airframe contract. There was fierce competition among many companies. I think 119 experts finally decided it, between Lockheed and Boeing, and it was a very close decision. I did not know which of the six companies would get it. Boeing happens to have won, but I would strongly support the supersonic plane if it was being developed at Lockheed or North American or anywhere else.

This is a great deal like the merchant marine situation.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I will yield in a moment.

I went through this. We had the emphasis in World War II. We had the finest merchant marine in the world. Later we quit, and we never have been able to recover.

So far as American air superiority is concerned, I think that if we should quit this program now, we will never get back in the picture.

Mr. PERCY. If I can finish this query, I will yield.

Mr. MAGNUSON. It is similar to the American merchant marine situation. They did not pay any attention to it, and all this foreign competition grew up. Now we are struggling to get back.

I think that in this generation of airplanes we have to go ahead. I would not care whether Boeing had the contract or someone else.

Someone has said, "Why do we not fund it privately?" We know that one country in Europe could not fund it. They had to have two and now they are adding West Germany for Concorde, but the Russians, of course, can finance anything. They just send out a directive. That is why it is difficult. I sometimes think that if two companies had gotten together on this, it might have been easier, but the Senator from Illinois knows how fierce the competition is among aircraft companies. He knows how fierce business competition is. I just wanted to explain that.

Now I am happy to yield to the Senator from Nevada (Mr. CANNON).

Mr. CANNON. Mr. President, Lt. Gen. Ira Eaker, retired, recently made a statement regarding the SST that I believe all the Members of this body should know about. He states that the upcoming vote on this aircraft will be the most significant decision for civil aviation since Congress passed the first Civil Aviation Act in 1926. He believes that the national interest demands that funds be provided to continue the SST program.

General Eaker has made a great record for himself serving his country, and while his credentials to speak with authority on aviation matters are well known, I want to point out some of them here.

He was Deputy Commanding General of the Army Air Forces and Chief of the Air Staff when he retired. During World War II he was air commander in chief of the Mediterranean Allied Air Forces, and later commander of our 8th Air Force. He has been a pilot since 1918, and holds many decorations from the United States and our Allies.

Mr. President, I ask unanimous consent that General Eaker's statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE NEXT ROUND IN SST BATTLE

(by Ira C. Eaker)

Soon after Congress reconvenes it will authorize or deny funds for the supersonic transport (SST) program. This will be the most significant decision for civil aviation since Congress passed the first Civil Aviation Act in 1926.

It will determine whether the U.S. is to relinquish its leadership in international civil air transport production, a position it has held since World War II. Presently 85% of transport aircraft on the Free World airlines are U.S. built. This has provided a favorable annual trade balance of nearly $3 billion.

In the earlier debate on the SST program its opponents have claimed that it is impractical because of its sonic boom, that it is a frill for the jet set since only the rich can afford its fares, that it should be developed, if at all, by private capital alone, and that the proposed contribution by the Federal Government should be spent instead for welfare or anti-poverty programs.

Patiently the responsible government agencies and interested committees of Congress have examined each of these and all other challenges to the SST and found them invalid.

The sonic boom is no rational deterrent to this program since this plane will not be permitted to fly over land at boom producing speeds until technology solves this handicap, as it inevitably will, just as it overcame the earlier sound and heat barriers. In the meantime, the transoceanic, intercontinental requirement for the SST will be at least 500 planes at which time the U.S. will have recovered every cent of its investment plus interest at 6%.

The "Jet Set" charge is ridiculous since the greater SST productivity, more than double present jets, will make fare increases unnecessary.

The private capital contention likewise vanishes upon examination. No single company in the aviation industry can afford the $3 billion investment during the eight years before airplane sales would return the experimental and test cost. Anti-trust laws would prevent a combination of the aerospace industry for this purpose.

Government support for a national program of this magnitude is not unique. This is exactly how the Hoover Dam, the TVA and other such profitable national programs were sponsored.

The opponents of the SST program, having failed to defeat or delay it with these earlier arguments, are now concentrating on the contention that it will pollute the atmosphere, alter the weather or induce radiation dangers.

There is presently no proof that the SST will be environmentally offensive or endanger life on earth. The weight of scientific opinion refutes such theories.

Jet aircraft provide the cleanest means of mass transportation. The SST will enhance this advantage since its engines are smokeless.

The approach and take-off noise of the SST over communities will be only about half as annoying as present international jets. Radiation dangers for crew and passen-

gers will be less, since exposure, flight duration, will be cut in half.

Twenty-four congressional committees have examined all the arguments against proceeding with the SST and all have recommended that it continue, on the basis that its advantages greatly outweigh all valid disadvantages.

Economically it is a national imperative. It will give employment eventually to 150,000 people annually. This is especially significant since the work force in the aerospace industry has recently been cut by 100,000.

The annual tax revenue derived from the SST operation is estimated at $12 billion annually by 1980.

These estimates are not made by inexperienced visionaries but by the same representatives of government and industry whose estimates of aviation growth in the past have always been conservative.

The national interest demands that Congress provide the funds to continue the SST program as planned.

Mr. PERCY. Mr. President, will the Senator from Washington yield to me further, so that I can complete one or two more questions I have?

Mr. MAGNUSON. I yield.

Mr. PERCY. I have tried to establish the fact that we are going to have to avoid land areas and island areas if they are populated. I would like to ask now, what kind of problem that would present to the navigation of an SST.

I have just returned from a trip that must have been 18,000 miles, and during the journey I tried to figure out, going from Finland down to Ethiopia and then from Lagos to Nigeria and then up to London, whether I would save time if I went on an SST, as I understand that the SST will not be able to fly over land areas or island areas if they are populated, and during my trip we certainly went over many populated areas. The SST would have to go out of its way so that I believe its range would have to be somewhat limited.

I ask the question, What is the estimated range of the SST as now being developed by Boeing as against the range of the 707 and the 747?

Mr. MAGNUSON. I believe it is roughly comparable to the range of the 747.

Mr. GOLDWATER. That is right. They are all about roughly in the same range, which is the range of crossing the Atlantic Ocean either way. Over the Pacific it would probably be with two stops.

They have already added to the fuel capacity of the airplane, anticipating that the Russian plane and the Concorde will be doing that if they are not already doing it; so that it is really no problem to build additional range into the airplane. When the prototypes have been completed, the engines, which we do not have yet, will be tested and we will be able, then, to build a stretch version, which they are already planning on, to increase the fuel load. So that there is no problem there.

The Senator from Illinois mentioned navigation. Speed has no effect on navigation. One has to plan that he will get there sooner.

Mr. PERCY. That is based on avoiding island areas and land areas if they are populated.

Mr. GOLDWATER. Say they are crossing the ocean and over the Azores, they would either have to avoid the Azores, which I think they would do, or slow down the airplane to subsonic speed when they go across land areas. When we are talking about subsonic speeds, we must remember that the speed of sound is 666 miles an hour at sea level—the speed of sound is 760 miles an hour at sea level.

When we talk about cruising at .85, which is about what the 747 does, it can go up to .99—I remember asking the pilot why he did not go up to that and he said, "I am chicken." But they cruise at .95, which is very fast, and there would be no sonic boom at all. It would be faster than the 707 or the 747 flies today but it would really make little difference in the total time consumed, flying in this aircraft.

Mr. PERCY. I thank the Senator from Arizona. Mr. President, one last question that I should like to ask of my distinguished colleague from Washington, as to whether it is his intention to bring a vote forward tomorrow, as was originally scheduled on the SST itself.

Mr. MAGNUSON. I cannot answer that. I would like, necessarily, to vote as soon as possible, but this SST is only one of the facets of the bill. There are many other items in the bill, some controversial, some important.

Mr. PROXMIRE. Mr. President, if the distinguished Senator from Washington would yield right there, on that point, we have in the Chamber, right now, the distinguished majority leader and the manager of the amendment. I have the amendment to delete the $290 million for the SST and I can call up the amendment as soon as possible, if the Senators from Washington, the Senator from Nevada, the manager of the bill, and the majority leader cooperate, so that I think maybe we could have a vote at 2 or 3 o'clock tomorrow on it.

Mr. MANSFIELD. If the Senator will yield, in response to the question raised by the Senator from Illinois, it is the intention to lay before the Senate the Department of Transportation appropriation bill tonight and start on it tomorrow, as the Senate has been notified.

Mr. MAGNUSON. Then we should get at this sometime in the afternoon. I do not know whether we can do so exactly at 3 p.m. I may want to talk a little longer on it. I have not had too much to say about the SST on the Senate floor yet. The Senator from Illinois and the Senator from Wisconsin both have had a great deal to say about it. I do not seek to catch up with them wordwise, but I do want to make a few points.

Mr. PERCY. No one underestimates the fact that the distinguished Senator from Washington does not have to say many words, because his words are powerful, indeed.

Mr. President, I should like to ask the distinguished Senator from Washington if he would add my name as a cosponsor to S. 4547, because it is a bill in the public interest, highly desirable and timely, indeed, and a good predecessor to the vote tomorrow.

Mr. PROXMIRE. Mr. President, I should also like to have the permission of the distinguished Senator from Washington to be added as a cosponsor of this fine proposal to outlaw the Sonic Boom over the United States.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the names of the Senator from Illinois (Mr. PERCY) and the Senator from Wisconsin (Mr. PROXMIRE) be added as cosponsors of the bill.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I move adoption of the committee amendments which are technical in nature. They do not in any way change the substance of the bill.

Mr. PROXMIRE. Does that include the amendment which the Senator sent to the desk?

Mr. MAGNUSON. No. I have not taken that up yet.

The PRESIDING OFFICER (Mr. CANNON). Is the Senator from Washington asking unanimous consent that the committee amendments be considered en bloc?

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is the Senator from Washington expressly asking for the yeas and nays on final passage of the bill?

Mr. MAGNUSON. Final passage, yes, Mr. President.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senate has not yet agreed to the committee amendments en bloc. Will the Senator ask unanimous consent that they be considered and agreed to en bloc?

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Now the clerk will state the amendment of the Senator from Washington.

The legislative clerk read as follows:

On page 4, after line 9 insert a new subsection (i):

"SUPERSONIC TRANSPORT PROGRAM NOISE LIMITATION

"The Department of Transportation shall modify its contracts with the contractors for the civil supersonic transport development program to provide that the contracts will not be satisfactorily completed until the contractors demonstrate that all production models of the prototype can operate in compliance with appendix C of Part 366 of the Federal Aviation Regulations now restricting takeoff, approach and sideline noise created by new subsonic jet aircraft as in effect on the date of enactment of this subsection."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. PROXMIRE. Mr. President, the amendment says that the contracts will not be satisfactorily completed until the contractors demonstrate that the SST meets certain noise requirements. What

does that mean? Does it mean that no funds would be paid beyond a certain point? What protection is afforded the Government and the taxpayer by this amendment?

Mr. MAGNUSON. The contractor would be in default.

Mr. PROXMIRE. When?

Mr. MAGNUSON. He would be in default if it was determined that the aircraft did not come up to the noise limiting specifications. The FAA could not certificate the airplane.

Mr. PROXMIRE. The payments are made under the contract. The progress payment are made.

Mr. MAGNUSON. This would not affect any progress payments. This matter would only come up near the completion of the contract.

Mr. PROXMIRE. Is that after the prototypes are ready?

Mr. MAGNUSON. The Department of Transportation would make some tests first before they did this.

Mr. PROXMIRE. So, the Federal Government would be out of the funds at that point. The company would be in default on the contract and the Government would be in the position perhaps that it got into with Lockheed where we would have to try to collect the money from the corporation. Would that be the situation?

Mr. MAGNUSON. No. If the FAA did not certificate the airplane, the contractor would be in default.

Mr. PROXMIRE. But during that period, payments would be made to the Boeing Corp.

Mr. MAGNUSON. Yes. I wish the Senator would say Boeing and General Electric.

Mr. PROXMIRE. The Senator is correct. I mean all producers.

Mr. MAGNUSON. They could not ascertain this until they got near the end of the development program and until they knew something about actual noise created.

Mr. PROXMIRE. I do not think that this provides substantial protection for the taxpayer, but I think that it is better than nothing.

Mr. MAGNUSON. This would make the regulations now applicable to noise allowed for the new subsonic jets apply to the SST production models. This means that the SST production models would have to be quieter in all respects than the 707 or even the 747.

Mr. PROXMIRE. I am glad that the Senator says that.

Mr. MAGNUSON. This is all it does.

Mr. PROXMIRE. I understand. However, that is not in the amendment that the Senator sent to the desk. The amendment provides that the SST must operate in compliance with appendix C of par. 36 of the Federal Aviation regulations now restricting takeoff, approach, and sideline noise.

My point is that appendix C is made by the FAA regulations. They could modify that to provide for 124 decibels which is the crashing noise now made by the SST.

Would the Senator agree to writing in 108 decibels, which I understand is now the limit on the noise permitted for the subsonic jets.

Mr. MAGNUSON. What I am trying to suggest is the language of my amendment, I think, in effect, accomplishes the change you are advocating. We had legislative counsel draw it up. The new SST production models would have to be quieter or at least as quiet as the 707's and 747's. That is, they would have to operate at noise levels not to exceed 108 effective perceived noise in decibels which is the standard which must now be met by all subsonic aircraft certificated after 1970.

Mr. PROXMIRE. I agree completely with the intention. However, my point is that this language could leave a loophole. In order to rivet it into this, why not write into the language that they must operate within 108 decibels of noise on approach, takeoff, and sideline.

If we had that written in, then we would have protection. I think it would greatly improve the bill.

Mr. MAGNUSON. The 108 decibels would be effectively enacted by the enactment of this amendment.

Mr. PROXMIRE. That is exactly my intention. However, it would be possible by administrative regulation to vary it. And they have varied the limitations in the past. We know that the FAA is a strong proponent of the SST. We all know that the testimony is overwhelming that they have not solved the sideline noise.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. MURPHY. If we were to provide that the decibels for the SST should never be greater than for the subsonic jets now in operation, would that satisfy the Senator?

Mr. PROXMIRE. Mr. President, the difficulty is that the FAA can vary the regulation.

Mr. MAGNUSON. Mr. President, when this is enacted, it sets noise standards for the SST as they apply today to new subsonic aircraft. It makes present regulations law, as applied to the SST. If Congress wants to change the law, it would have to be changed by Congress, 3, 4, 5, 6 years from now, or 10 years, whenever it may be. Once this amendment is enacted into law, it freezes the noise level allowable for SST operation and that level cannot be changed.

Mr. PROXMIRE. Mr. President, why not assure the country by writing it into law that we are talking about 108 decibels which is now the limitation?

Mr. MAGNUSON. This amendment would freeze it at that figure.

Mr. GOLDWATER. Mr. President, would the Senator yield?

Mr. MAGNUSON. I yield.

Mr. GOLDWATER. Mr. President, where does the Senator get the 124 decibels at this point?

Mr. PROXMIRE. The 124 decibels is the figure described by the Department of Transportation as the noise made by the SST on the sideline.

Mr. GOLDWATER. That is strange. They have not even finished the engine as yet. No one knows what the noise level will be. I will bet the Senator that if it does anything—I will make the Senator a private wager—it will be quieter than the 747. I remember the same argument being made about the 747 2 years ago.

It was said that we would have to close every airport in the United States because of the high decibellic noise level. It was found on the contrary that it was much quieter than the 707.

I admit that there will be noise problems on takeoff, but I think we will have a much quieter airplane. I do not think it will be even 100 decibels.

Where did the Senator secure the information about the 124 decibels?

Mr. PROXMIRE. The figure came from Mr. MacGruder. He is an outstanding expert on the SST. He said it would be 124 decibels.

Mr. GOLDWATER. He is guessing.

Mr. PROXMIRE. It is a pretty educated guess. It will have an effect of approximately the equivalent of three to four times the noisy subsonic jets. Some people say it will be 50 times.

Mr. GOLDWATER. Mr. President, if there were some way we could outlaw thunderstorms, it would be a big benefit.

Mr. PROXMIRE. Mr. President, why not say what the agreement is? It ought to be in the law.

Mr. MAGNUSON. It will be in the law. It takes effect upon the enactment of the amendment.

Mr. PROXMIRE. Why not tell the FAA they cannot change the noise regulations without coming to the Congress?

Mr. MAGNUSON. They cannot do so for the SST under this amendment.

Mr. PROXMIRE. They changed them on the 747. I want to make the legislative history.

Mr. MAGNUSON. This is written as well as we could write it. It freezes it into law present regulations the day this is enacted. 108 decibels will be the highest noise permitted of production SST's if this amendment is approved.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. PERCY. Mr. President, I think that the Senator has helped to clarify the matter.

I had the same question. I am fully satisfied with the legislative history being established. We are talking about the specific figure of 108. That is the figure that would be in effect as of the date of enactment of the law. Certainly the FAA would not attempt to change it between now and the time of the enactment.

Mr. PROXMIRE. Mr. President, I am most reassured now that the Senator from Illinois and the author of the amendment have assured me of that. That is strong legislative history. I cosponsored this bill because we have been many years trying to do exactly this. The Senator from New Jersey (Mr. CASE) tried to do this a long time ago. I have always supported the effort to try to get a law to limit sonic boom. Now, we have something which is significant; a law to limit the sideline noise of the SST.

But I submit to the Senator from Washington this is a very strong reason

for voting for my amendment to knock out SST funds tomorrow. Here is why. We are told by the experts that the SST has a serious problem of sideline noise which they have not been able to solve. That means we are throwing about $290 million down the rathole.

Furthermore, we are told that if the plane cannot fly over land—and the Senator from Illinois made a fine case on this point—it will not be a success. Dr. John Walgreen testified on this point. You will only sell 139 SST's, so an economic expert working for the Defense Department testified the Federal Government will lose every nickel if the SST cannot fly over land.

Mr. MAGNUSON. There is testimony, of course, which is completely opposite to that which the Senator has cited. I do not know who Dr. Wallgreen is. I know all the airline operators in the United States are going to say they think it is economical.

Mr. GOLDWATER. On the economic question we are talking about subsonic cruise speeds of anything under one. That could be .99. You are talking about 7.5 miles an hour when you talk about .1. The Senator says it cannot be operated economically over land. We are saying it can be operated economically over land at .82 and .85. We are talking about cruising speeds of anything under mach 1.

I do not agree with these mathematicians and economists who come up with the idea that an airplane that we will fly 4 or 5 years from now cannot be flown economically over land.

Mr. PROXMIRE. The Senator from Illinois said earlier that fuel consumption would be great. My argument is that this plane cannot fly on the meat and potatoes routes. Rather it will be a plane on the glamour route for those going to London and Paris. The real payoff routes are transcontinental routes from coast to coast. Here is where the route airline money is. You cannot fly the plane over Europe, Asia, or Africa. You can fly it over open areas which will limit the plane and which will provide very small economic opportunity, and it creates a situation in which the taxpayers stand to lose not $290 million but the $1 billion the Federal Government will have put into the SST if we go ahead.

Mr. GOLDWATER. What are we talking about here is roughly a difference that could run between 50 and 70 miles an hour. This SST can be operated at subsonic speeds over land. I am convinced, but I would rather wait until we test and know more about it, that it will be economically feasible even if we cannot fly it at supersonic speeds over land. It will still be faster over land than anythink we have flying from New York to Los Angeles and Chicago. I would not envision this airplane being used over short hauls, such as being used in the United States. I can see it on flights from New York to Los Angeles, but the principal use will be on ocean flights or polar flights.

I cannot buy the idea that this is a jet-set aircraft. I have heard that about every piece of transportation we have had starting with the Model T Ford. It has been said that it is designed for rich people. We built the Erie Canal, the Chesapeake & Ohio Canal, and the St. Lawrence Seaway. We have been building for the people of America and we build things for the use of all Americans. I think it will benefit everybody.

Mr. PROXMIRE. Is the Senator seriously arguing to build this expensive and exotic plane that costs $40 million or perhaps $50 million a copy—perhaps far more with its new brush titanium honeycomb skin—and designed to fly at supersonic speeds and that it be flown at subsonic speeds in competition with the 747?

Mr. GOLDWATER. Yes. I am not arguing that we are going to fly it on those routes. I doubt it.

Mr. PROXMIRE. I doubt it, too.

Mr. GOLDWATER. But we can use them on transworld flights across the oceans. That is what it is designed for. It will not be used for supersonic speeds over land. Nobody is advocating that.

I think the Senator from Washington has made a fine proposal. I have been able to keep my promise to the Sierra Club.

Mr. PROXMIRE. Ask them if they approve of this with the Magnuson amendment in it.

Mr. GOLDWATER. I have debated this with clubs all over the country and I do not think I have failed to convince any of them that when you get rid of all the hogwash this is a good airplane and that it will do the job it is supposed to do. I am surprised at my friend from Wisconsin. I have always seen him as a great progressive but now he wants to go back to the 747, 707, and 727; I am a conservative and I am supposed to be living in the days of McKinley but I want to go ahead with this project.

Mr. PROXMIRE. I am shocked by the Senator, who is a defender of free enterprise in our economic system and who knows that American aviation has a remarkable record of selling overseas and has been free of subsidies in production of aircraft. This is the first time we have gotten in with the heavy hand of bureaucracy. If the Federal Government goes into subsidizing the SST, as the Senator from Illinois pointed out this morning, we are in trouble.

Mr. MAGNUSON. We have subsidized our air transportation.

Mr. PROXMIRE. I am talking about production.

Mr. MAGNUSON. That is all included. If we did not subsidize the major airlines they could not have developed the airplane. What is that airline up in the Senator's State?

Mr. PROXMIRE. And, of course, the airlines are in bad shape. I am talking about production.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I would like to yield the floor. I think that we should vote.

Mr. PERCY. I would like to address myself to one point. It may be nitpicking, but I want to establish the legislative history so there will be no doubt about it. On page 3 of the bill under consideration, on lines 21, 22, and 23, it is stated:

Upon the completion of the United States civil supersonic program to develop and fully test two prototype aircraft, the Secretary of Transportation shall prepare and transmit to Congress and to the public a report covering all aspects of the prototype program.

That presumes that the appropriation bill would be approved when it comes before the Senate. I want the record clear that there is no presumption, there is no authority to continue that program, or that the Senate is committing itself by voting for this bill with this paragraph to a continuation of the SST.

Mr. MAGNUSON. I can answer the Senator quickly. There is no money in this bill. I wish there were. Every year it has to have an appropriation and every year we go through the same thing, whether it is a subsidy for the railroads—Chicago is going to be the hub in transportation—airlines, or the merchant marine subsidy or inland waterways; all the things we had to subsidize to the tune of billions of dollars to give America a good transportation system.

There is no money in this bill. Naturally they have to come back to the Committee on Appropriations.

Mr. PERCY. I thank the Senator.

I have a final comment I wish to address to the Senator from Wisconsin. In looking at the SST routes put out by the Boeing Co. In connection with the three continents over which I have traveled in the past 3 weeks, I cannot find any routes from Africa to London. The only route we could have taken would have been New York to London; but it is interesting to note that in connection with the popular routes connecting really long flights in this country, New York to San Francisco. There is no polar route. So the routing for the SST is London to New York supersonic, and then all the way across the country on a diagonal 3,000 miles at subsonic speed, and I say at three times the cost of the fuel for a 747 or similar airplane. So there is a very big factor as to whether this is an economically viable aircraft.

Mr. PROXMIRE. And this does nothing to take care of the serious problem of pollution caused by the SST flying at 60,000 feet. At that height as emissions disintegrate more slowly, the atmosphere is heated, moisture increases, protective ozone is partly destroyed and radiation increases. The result is a possible increase in skin cancer, as a group of scientists said just yesterday. This bill provides no sonic boom protection, of course, for the North Atlantic, which my colleague (Mr. NELSON) brought out so brilliantly yesterday in the press conference. Scientists said at that press conference it could have a tragic effect on fishing and shipping in the North Atlantic.

I am for the amendment. It is a good amendment, but it leaves many things undone, and it significantly reduces the economic potential of the SST.

Mr. MAGNUSON. We just passed the Air Quality Control Act, and all aircraft are under the jurisdiction of that bill—the SST or an automobile going from here to Los Angeles which spews out more pollution than an airplane.

Mr. GOLDWATER. Mr. President, if the Senator will yield, an SST cruising at 60,000 feet—I do not not think it will be able to cruise much above—will leave

less emissions than three cars traveling at 60 miles an hour. I had the experience of flying at mach 3, which is 2,200 miles an hour, in formation with another airplane going at the same speed, where we encountered great turbulence and shears, but what came out of the tailpipe at 80,000 feet? Nothing.

Mr. PROXMIRE. We put in the RECORD this morning testimony from Mr. James Beggs, Under Secretary of Transportation which showed that the SST will cause substantially more pollution per mile traveled, for every significant chemical emission, than any subsonic jet.

Mr. GOLDWATER. Nobody knows that. Nobody has tested it.

Mr. PROXMIRE. That is what the Department of Transportation, all-out proponent of the aircraft admits.

Mr. GOLDWATER. I am giving a personal experience.

Mr. PROXMIRE. Of course, the point is that it would be flying at 60,000 feet, where the atmosphere is thin, and these emissions have much more effect than at 25,000 feet, where the atmosphere disintegrates the pollutants more rapidly. It is at 60,000 feet where the damage is done to the ozone, about which we have had great concern because of the radiation effects.

Mr. FONG. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. FONG. As the Senator knows, my State is situated in mid-Pacific. We have seven main islands extending 250 miles. We are very worried about supersonic boom. Will there be supersonic boom when the plane lands?

Mr. MAGNUSON. No.

Mr. FONG. Will there be supersonic boom when the plane leaves?

Mr. MAGNUSON. No.

Mr. FONG. Will there be supersonic boom flying over our islands?

Mr. MAGNUSON. No. This amendment prohibits that.

Mr. FONG. In every case it prohibits it?

Mr. MAGNUSON. Yes.

Mr. FONG. So the island people will be protected from supersonic boom?

Mr. MAGNUSON. Yes. All the planes can do for the people of the islands is get tourists there faster.

Mr. STEVENS. Mr. President, today I am voting to prohibit the SST from flying at supersonic speeds over the continental United States. Thus, even though it has never been shown that flying at supersonic speeds over our continent would be dangerous, this bill eliminates any possibility of adverse results arising from such a flight. The SST will fly over land at a speed of about 700 miles an hour. This is too slow to create a sonic boom effect.

Alaska is the gateway for air traffic to the Far East and, in some cases Europe. Alaskans want to be assured that they will not suffer the annoyance of the sonic boom. I hope that this bill with its restrictions will reassure all who are worried about noise, pollution, and property destruction that they have no need to worry about sonic booms when the SST begins flying.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER), the Senator from Alaska (Mr. GRAVEL), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Arkansas (Mr. FULBRIGHT) would each vote "yea".

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Kentucky (Mr. COOPER) are absent because of death in their respective families.

The Senator from Colorado (Mr. DOMINICK), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Oregon (Mr. HATFIELD), and the Senator from Colorado (Mr. DOMINICK) would each vote "yea".

The result was announced—yeas 77, nays 0, as follows:

[No. 410 Leg.]

YEAS—77

Aiken	Curtis	Holland
Allen	Dole	Hollings
Allott	Eagleton	Hruska
Baker	Ervin	Hughes
Bennett	Fannin	Inouye
Bible	Fong	Jackson
Boggs	Goldwater	Javits
Brooke	Goodell	Jordan, N.C.
Burdick	Gore	Jordan, Idaho
Byrd, W. Va.	Griffin	Kennedy
Cannon	Gurney	Long
Case	Hansen	Magnuson
Cook	Harris	Mansfield
Cotton	Hart	Mathias
Cranston	Hartke	McCarthy
McGee	Percy	Stevens
McGovern	Prouty	Stevenson
Metcalf	Proxmire	Symington
Miller	Randolph	Talmadge
Mondale	Ribicoff	Thurmond
Moss	Schweiker	Tower
Murphy	Scott	Williams, N.J.
Muskie	Smith	Williams, Del.
Nelson	Sparkman	Young, N. Dak.
Pastore	Spong	Young, Ohio
Pearson	Stennis	

NAYS—0

NOT VOTING—23

Anderson	Eastland	Mundt
Bayh	Ellender	Packwood
Bellmon	Fulbright	Pell
Byrd, Va.	Gravel	Russell
Church	Hatfield	Saxbe
Cooper	McClellan	Tydings
Dodd	McIntyre	Yarborough
Dominick	Montoya	

So the bill (S. 4547) was passed, as follows:

S. 4547

An act to provide for regulation of public exposure to sonic booms, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Aviation Act of 1958, as amended, is further amended by adding to section 307 the following new subsections:

"Civil Aircraft Sonic Boom

"(g) (1) No person may operate a civil aircraft at a true flight mach number greater than 1 except in compliance with the conditions and limitations in an authorization to exceed mach 1 issued to the operator under this subsection.

"(2) For a research and development flight in a designated flight test area an authorization to exceed mach 1 may be issued if the applicant shows one or more of the following:

"(A) The flight is necessary to show compliance with an airworthiness regulation or is necessary for aircraft development.

"(B) The flight is necessary to determine the sonic boom characteristics of the airplane, or is necessary to establish means of reducing or eliminating the effects of sonic boom.

"(C) The flight is necessary to demonstrate the conditions and limitations under which speeds greater than a true flight mach number of 1 will not cause a sonic boom to reach the surface.

"(3) For a flight outside of a designated flight test area, an authorization to exceed mach 1 may be issued if the applicant shows conservatively that the flight will not cause a sonic boom to reach the surface of the United States, excluding the territorial waters thereof, when operated under conditions and limitations demonstrated under paragraph (2) (C), and shows that those conditions conservatively represent all foreseeable operating conditions.

"(4) An application for an authorization to exceed mach 1 must be made in a form and in a manner prescribed by the Administrator. In addition, for an authorization covered by paragraph (2) of this subsection, each application must contain:

"(A) Information showing that operation at speeds greater than mach 1 is necessary to accomplish one of the purposes specified in paragraph (2) of this subsection;

"(B) A description of the flight test area proposed by the applicant; and

"(C) Conditions and limitations that insure that no sonic boom will reach the surface outside of the designated flight test area.

"(5) An application for an authorization to exceed mach 1 may be denied if the Administrator finds that such action is necessary to protect and enhance the environment.

"(6) An authorization to exceed mach 1 is effective until it expires, or until it is surrendered, and may be terminated by the Administrator whenever he finds that such action is necessary to protect and enhance the environment.

"Report by the Secretary

"(h) Upon the completion of the United States civil supersonic program to develop and fully test two prototype aircraft, the Secretary of Transportation shall prepare and transmit to the Congress and to the public a report covering all aspects of the prototype program. The report shall include a detailed analysis of the economic, international, transportation, and environmental consequences that could result from the commercial production or nonproduction of a United States civil supersonic aircraft, and shall include recommendations for any legislation or international agreements deemed necessary to insure a balanced national transportation policy which is efficient, productive, economic, and environmentally safe and sound.

"Modification of Contracts

"(i) The Department of Transportation shall modify its contracts with the contractors for the civil supersonic transport development program to provide that the contracts will not be satisfactorily completed until the contractors demonstrate that all production models of the prototype can operate in compliance with appendix C of part 36 of the Federal Aviation Regulations now restricting takeoff, approach and sideline noise created by new subsonic jet aircraft as in effect on the date of enactment of this subsection."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 4547.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1381, H.R. 17755. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. MANSFIELD. Mr. President, the opening statement will not be made, I understand, until tomorrow.

EXECUTIVE SESSION

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination which was reported earlier today.

There being no objection, the Senate proceeded to the consideration of executive business.

ENVIRONMENTAL PROTECTION AGENCY

Mr. RANDOLPH. Mr. President I ask that the nomination at the desk be read.

The PRESIDING OFFICER. The clerk will state the nomination.

The legislative clerk read the nomination of William D. Ruckelshaus, of Indiana, to be Administrator of the Environmental Protection Agency.

Mr. BOGGS. Mr. President, on behalf of the distinguished Senator from Kentucky (Mr. COOPER), who is absent because of a death in his family, I ask unanimous consent to have printed in the RECORD a statement by him concerning the nomination of Mr. William D. Ruckelshaus to be Administrator of the Environmental Protection Agency.

There being no objection, Senator COOPER's statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR COOPER

Mr. President, today the Senate takes up the nomination of Mr. William D. Ruckelshaus to be the Administrator of the Environmental Protection Agency. This is the first time the Senate has considered any nominee for this position as the Environmental Protection Agency which has become a legal organization only today, was created by the Reorganization Plan No. 3 submitted by the President on July 9 of this year.

The Administrator of the Environmental Protection Agency will occupy perhaps the most difficult office in the Executive Branch. Not only has the concern over environmental quality grown to great proportions and the consequent demands of the public increased; the quality of the environmental control legislation become more complex and regulatory in nature.

To fill this demanding position the President nominated Mr. Ruckelshaus, who came before the Committee on Public Works, on which I serve as ranking minority member, for two days of hearings, Tuesday and Wednesday of this week. He impressed all of the members of the Committee with his great ability, his understanding of the issues involved, and his firm commitment to carry out the environmental control programs enthusiastically and vigorously. There have been few, if any, nominees before the Senate that have impressed me as has Mr. Ruckelshaus.

The President is to be complimented and commended for his selection.

Although having had only a relatively short time to prepare, and without any previous Administrator or staff to help counsel and advise, Mr. Ruckelshaus has done an outstanding job of attaining tremendous understanding of the programs and policies now being separately administered by the fifteen agencies that were brought together to form the Environmental Protection Agency. After both personal meetings with Mr. Ruckelshaus and the hearings, I came away with confidence that this most difficult position is in good hands and I look forward to working with Mr. Ruckelshaus, his staff, and Environmental Protection Agency as we in the Committee on Public Works continue to legislate in the areas of environmental control.

Mr. BOGGS. Mr. President, I wish to express my enthusiastic support for the nomination of William D. Ruckelshaus to be Administrator of the new Environmental Protection Agency.

Our Committee on Public Works this morning concluded 2 days of intensive hearings on his nomination. We explored in depth his ideas and thoughts on how the Environmental Protection Agency should operate. I must tell my colleagues that I have never been more impressed by any nominee who has come before the Senate. Mr. Ruckelshaus is articulate, knowledgeable, and persuasive, clearly indicating to me that he is capable of bringing to the Nation the leadership necessary if the Environmental Protection Agency is to be effective.

As President Nixon has said:

The environment must be perceived as a single interrelated system.

Mr. Ruckelshaus is the man who will effectively coordinate programs so that we can perceive our environment in that necessary manner.

I fully support his nomination and I know that he will be an outstanding administrator and serve to work effectively to bring a better environment to our Nation.

Mr. BAKER. Mr. President, I wish to join Senators in commenting on the nomination of William Ruckelshaus to be Administrator of the newly created Environmental Protection Agency. I am delighted that the Committee on Public Works has moved with such dispatch in hearing the nominee and recommending to the Senate that it consent to the nomination. I want to express, in that connection, my gratitude to the chairman of the committee, the distinguished Senator from West Virginia (Mr. RANDOLPH). I have had the pleasure and privilege of serving as a member of the Committee on Public Works since coming to Congress in 1967. The work of the committee is carried out within a really extraordinary framework of bipartisan cooperation, a cooperation which has characterized the handling of this nomination, which could so easily have become the object of partisan manipulation.

Much of the credit for this must go to the nominee himself. It is not some flight of temporary enthusiasm when I say that I can recall no nominee to any executive position in this administration or the last with whom I have been more impressed. It was clear, I think, to each member of the committee that Mr. Ruckelshaus is a man of unusual intelligence and articulateness. As important—if not more important—was the evident time and effort that he has put into learning what he could about the extraordinarily complex set of problems and programs over which he will soon preside. His ready familiarity with complex legislation still pending in the Congress was, to this Senator, most impressive.

Mr. Ruckelshaus faces a very large job. He will confront entrenched economic interests that will employ their considerable skill and resources to minimizing control of their activities. He will face entrenched public bureaucracies at every level of Government determined to protect their own fiefdoms. He will encounter budgetary authorities who are well trained at saying "no." He will be criticized by some who will say he does too much and others who will say he does too little.

But it is a job that will have its compensations. It is a job of little known

but potentially awesome authority. And it is a job whose proper execution will have a great deal to do with the kind of world his children grow up in.

As a Republican, I am proud that my party has talent of this caliber within its ranks. As an American, I am encouraged that this man will be on the job.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. RANDOLPH. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

PERSONAL STATEMENT BY SENATOR HRUSKA

Mr. HRUSKA. Mr. President, yesterday's Washington Post carried another vitriolic personal attack upon me by Jack Anderson. Recognizing as so many of us do that Mr. Anderson makes his living by the questionable business of peddling half-truths, innuendo, gross exaggeration and outright lies, I have endured his series of libelous accusations with the belief that my colleagues, my constituents and others would know me not to be the despicable character which Mr. Anderson appears intent upon fabricating.

Yesterday's column was so vicious, however, Mr. President, that I must take strong exception to it and place on the record clearly and accurately a few facts which Mr. Anderson persistently twists or conveniently ignores in pursuit of his dubious form of journalism.

Mr. Anderson clearly operates on the theory that if one repeats the big lie often enough, it will eventually be accepted. Two of his basic lies about me are:

First. That I own "bawdy movie houses," as he describes them in yesterday's column.

Second. That these movie theaters make a practice of showing adult movies, or "skin flicks" as he refers to them in yesterday's column.

These are not new lies. He spread them about me during the recent election campaign. To them, however, he has now added a third lie: That I have used my influence in the Judiciary Committee and—as he puts it—"personally intervened" to block legislation which would be detrimental to these theaters.

LIE NO. 1

Let us dissect these lies and look at them in detail, Mr. President. I do have a stockholding interest in a small company operating several movie houses in Nebraska. This interest precedes my election to the Congress in 1952. It has been a matter of public record for all of those years. Anyone who is familiar with this company, the Douglas Theater Co., and its activities, will attest to the fact that it is a well-considered, stable, and reputable firm, showing the very best movies available to the screen today.

I might interject for the RECORD at this point that I have never been involved in the management of the chain. I do not say that by way of apology, for it is a professionally operated and business-like organization. The point is made rather to clarify the record because of the repeated inferences by Mr. Anderson and by my opponents in the recent election campaign that I somehow had an active personal role in the management of theaters. I do not.

LIE NO. 2

Mr. Anderson's second lie is that these theaters reap handsome profits from the business of showing dirty movies—"skin flicks" or smut as he refers to them. This is a totally false and insidiously unfair comment on a business which has never ceased in its efforts to bring the very best product available to its patrons.

The Douglas Theater Co. has maintained a record of not showing objectionable films; those which are rated "C"—condemned—by the National Catholic Office or those which are X rated by the Motion Picture Association of America. By this longstanding policy, the company exhibits only films which are rated by the National Catholic Office as unobjectionable and those with corresponding ratings from the Motion Picture Association.

When Mr. Anderson refers to such pictures as smut, skin flicks, or dirty movies, he is in reality charging the National Catholic Office of rating such films as unobjectionable and thereby betraying its mission. This is ridiculous.

It is safe to assume that the public has much more confidence in the rating agencies than in Mr. Anderson's totally twisted and false classifications and denunciations.

A word about rating agencies. There are two major organizations in this field. Both have been in operation for decades, and they have functioned reliably and responsibly. One is the National Catholic Office, which is the successor to the Legion of Decency established in 1934. The other is the Motion Picture Association of America, also in operation for a long time. It is the film industry's self-regulating program.

Both of these organizations are heavily motivated toward the goal of maintaining a good balance and standard between unobjectionable and the objectionable product.

We will all agree there are bad movies, just as there are bad books and bad newspaper columns. And I am sure we will also agree that movie codes today are considerably different than they were a few years ago. Television and revision of many of the Nation's moral codes—or at least the attempt by some elements of our society to change our moral codes—have unquestionably brought about many changes in today's movie product. We are not here to discuss whether the product and the changes are good or bad.

The fact is that everyone in the theater business today must have a set of standards by which he operates. The Douglas Theater Co.'s standards are those of the National Catholic Office and the Motion Picture Association. They are the best official authority in existence for determination of the moral impact of today's movie product.

Therefore, Mr. Anderson's argument with movie pornography—if indeed he really has one—is not with me or with the Douglas Theater Co. It should be with the producers and exhibitors of objectionable films.

Again, let it be said that the public will look upon the judgment of the National Catholic Office and the Motion Picture Association with more confidence than they will consider Mr. Anderson's biased and self-serving descriptions. The fact remains—that the Douglas Theater Co. does not show dirty or smutty films.

LIE NO. 3

To the foregoing lies Mr. Anderson has now added a new dimension—that I secretly manipulate legislation which will affect the operation of theaters. He now accuses me of holding up legislation which he says would "outlaw salacious advertising," implying of course that the Douglas Theater Co. makes a practice of such advertising.

His implication is that passage of such legislation which is pending in Congress would be detrimental to my financial interests in the Douglas Theater Co.

The bill which Mr. Anderson refers to is S. 2074, which was introduced last year by our late colleague, Everett Dirksen. This was one of several administration antipornography bills which the Senator and I introduced at that time. Except for our decision to divide the sponsorship between us, I would have been the prime sponsor of the measure.

I have never, as Mr. Anderson charges, endeavored to delay passage of the bill. I support the bill and intend to vote for it. I have already voted for it once in the Juvenile Delinquency Subcommittee, and I suggest that this is peculiar behavior for one who is supposed to be against the bill.

I do, however, subscribe to the view of my friend, Senator ERVIN, chairman of the Constitutional Rights Subcommittee, that there should be hearings on the bill before it is reported. Why those hearings have not been held to date I am not sure. I can only say that I have had no part in the delay.

Mr. Anderson says that he had learned from other committee members that the bill was held up at my request. What Senators? I have requested no delay on the measure; this charge is completely false. Mr. Anderson's irresponsibility, therefore, besmirches not only me but my colleagues as well.

Another point with regard to this bill, Mr. President. Mr. Anderson may be an excellent fiction writer—for this is what he produces more of than anything else unless perhaps it is libel—but he is no great shakes as a legislative analyst. There is nothing in this bill whatsoever which would alter any part of Douglas Theater Co. movie advertising. It is not applicable to such situations.

In our profession of politics, Mr. President, we are somewhat accustomed to smear campaigns. Many of us have been victims of them. I underwent a pretty good one myself this year, much of it built around lies printed by Jack Anderson extending back to about last March. No matter how often the well-documented facts were cited, my opponent and some of his supporters twisted them and ignored them, perhaps learning these tricks from Mr. Anderson who is a past master at them.

I could understand the motives behind this coordinated campaign of invective when a Senate seat was at stake. Mr. Anderson has never liked the way I vote, nor the political philosophy and convictions which I hold. Thus I was not surprised at the constant smears during the campaign. They had been expected. I am somewhat bewildered at Mr. Anderson's continuing vendetta of lies. My only explanation for it is that it stems from his frustration at the failure of his campaign to defeat me in the election. It is a little early to start campaigning against me for 1976. Who knows where I will be then? Perhaps more importantly, who knows where Jack Anderson will be if newspaper editors once take a careful assessment of his column in relation to the facts.

If more editors would measure the reliability of his column as did the Washington Post Monday, his penchant for lying about public officials who do not vote his way might be somewhat inhibited. For those of my colleagues who did not notice the piece in Monday's Post, they admitted in a burst of candor that they, along with many other newspapers, had been hoodwinked by one of Mr. Anderson's most ridiculous recent exaggerations. The article referred to the so-called Anderson exposé of a week or so ago that the emergency telephones of many Governors were tapped. You may recall his implication that the FBI was listening in to most of the Nation's Governors as they conducted their daily affairs.

He set newspapers all over the country off on a fatuous witch hunt which resulted only in embarrassment to those who printed his irresponsible and thoroughly discredited "revelations."

A more revealing facet of Mr. Anderson's character comes, I submit, from such vicious personal attacks as his current one on me. Such terms as "Senate's Mr. Smut"—which is what he called me—and the implication that I place on my investments a higher priority than I do in legislating for my State and Nation—are despicable tactics which bear clear testimony to his total disregard for the practice of fair comment or decent journalistic standards.

I am aware, Mr. President, that many people tend to believe Jack Anderson's column because they have an abiding faith in the printed word, just as they tend to accept as facts the personal opinions of television or radio commentators.

In Washington, where we have ready access to the facts, we perhaps are too accustomed to the belief that everyone knows Jack Anderson's reputation and, therefore, knows much or most of what he writes is false. But elsewhere throughout the country, where there is not the wealth of information which exists here, newspaper readers may not readily recognize the false and libelous nature of his writings. The average newspaper reader might well feel that there must be some truth to what he prints; otherwise he would not be allowed to print it.

We could not expect these readers to understand that under the recent Supreme Court ruling in Sullivan against the New York Times, it is virtually impossible for a public servant to win a libel suit. One of the very few exceptions to this trend is the case of my friend from Arizona (Mr. GOLDWATER) who did win a libel verdict after the 1964 presidential campaign, but only because the things which were written about him were so obnoxious that the jury was able to overcome precedent and award him the verdict.

I think, however, he would concur that it is a difficult strain in terms of time and money to win a libel verdict and that in most cases there would be very little hope of success.

Thus writers like Mr. Anderson, whose journalistic abilities apparently are too negligible to survive by printing the truth, go their merry way spreading whatever lies strike their fancy.

This is probably not the end of Mr. Anderson's diatribe against my interest in the theater company. I do not intend to publicize his lies by responding further to them. These are the facts. They are easily documented for those who are interested. Those of Mr. Anderson's caliber could not be dissuaded by any amount of facts. Continued twisting of the facts by Mr. Anderson, however, will do him no credit nor will it do credit to the newspapers who print his lies.

MR. ANDERSON'S EFFECTIVENESS

Mr. Anderson apparently takes pride in his belief that his so-called revelations were responsible for making my recent election victory closer than it might otherwise have been. He modestly mentioned this fact in a recent column in which he reviewed his election triumphs.

There are as usual a number of flaws in his reasoning. If he were a more astute student of the election results, he would find himself hard-pressed to explain how his lies about me could account for the fact that all incumbent Republicans in Nebraska and elsewhere as well had much closer races than usual, and much closer in many cases than anticipated.

It would also be difficult to explain how it was that my opponent, whose entire campaign thrust coincided neatly with Mr. Anderson's lies, compiled a vote no larger than my Democratic opponent 6 years ago. Since my opponent this year was a three-time former Governor, whereas my 1964 opponent was a political unknown who conducted only a nominal campaign, the results hardly bespeak any victory for the forces who campaign on lies and distortions.

It must be remembered the people of Nebraska returned me to the Senate in the face of a torrent of lies and distortions. We are fortunate that we can put our faith in the judgment of the electorate rather than in a man who makes his living by printing lies.

APPOINTMENT OF CLARK MACGREGOR AS CONGRESSIONAL LIAISON IN THE WHITE HOUSE

Mr. MATHIAS. Mr. President, I believe that Members of the Senate will take more than passing interest in the news which we heard recently, that the President of the United States has appointed a Member of the other body, Representative CLARK MACGREGOR of Minnesota, to be a counselor to the President, with the understanding that he will have substantial responsibility in liaison work between the White House and Congress.

Mr. President, I have two reactions to this news. One of them, I must confess, is purely personal. I was elected to Congress in 1960 in the same election in which Representative MACGREGOR became a Member of the other body. We served together for four terms during that time, and were close friends and associates working together on joint enterprises on many occasions as members of the Judiciary Committee of the House of Representatives.

Thus, I have a very deep and a real appreciation for the abilities that Representative MACGREGOR will bring to his new duties in the White House.

Aside from my personal appreciation of him, and my pleasure at this appointment which has come to him, I think there is a broader aspect in which the appointment will be helpful.

He did run in the elections of this year unsuccessfully to become a Member of the Senate. He ran a constructive and a positive campaign. He addressed himself to the issues. He is keenly aware of the currents moving the American people today, the concerns, the worries, and the positive interests they have; and I believe that he will bring not only his knowledge and experience as a Member of Congress for 10 years, but also a very fresh and new insight into the American scene as he performs his duties at the White House.

I feel that this will be a positive contribution not just to the President's office or to the responsibilities for congressional liaison, but to the whole operation of the Government.

Mr. President, I welcome this news. It is a positive and healthy step that the President has taken, and one which I am very glad to see.

AMENDMENT OF INTERSTATE COMMERCE ACT AND FEDERAL AVIATION ACT OF 1958

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 10634.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 10634) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivision thereof other than the State or subdivision of the employee's residence,

and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. KENNEDY. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to ;and the Presiding Officer (Mr. ALLEN) appointed Mr. MAGNUSON, Mr. HARTKE, Mr. CANNON, Mr. PROUTY, and Mr. BAKER conferees on the part of the Senate.

AMENDMENT OF PUBLIC HEALTH SERVICE ACT

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3418.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, which were to strike out all after the enacting clause and insert:

That part D of title VII of the Public Health Service Act is amended to read as follows:

"PART D—GRANTS TO PROVIDE PROFESSIONAL AND TECHNICAL TRAINING IN THE FIELD OF FAMILY MEDICINE

"DECLARATION OF PURPOSE

"SEC. 761. It is the purpose of this part to provide for the making of grants to assist—

"(a) public and private nonprofit medical schools—

"(1) to operate, as an integral part of their medical education program, separate and distinct departments devoted to providing teaching and instruction in all phases of family practice;

"(2) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a medical school or as separate outpatient or similar facility;

"(3) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine; and

"(4) to operate, or participate in, special training programs to teach and train medical personnel to head departments of family practice or otherwise teach family practice in medical schools.

"(b) public and private nonprofit hospitals which provide training programs for medical students, interns, or residents—

"(1) to operate, as an integral part of their medical training programs, special professional training programs in the field of family medicine for medical students, interns, or residents;

"(2) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a hospital or as a separate outpatient or similar facility;

"(3) to provide financial assistance (in the form of scholarships, followships, or stipends) to interns, residents, or other medical personnel who are in need thereof, who are participants in a program of such hospital which provides special training (accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education) in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

"(4) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 762. (a) For the purpose of making grants to carry out the purposes of this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1971, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973.

"(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for the purpose for which appropriated until the close of the fiscal year which immediately follows such year.

"GRANTS BY SECRETARY

"SEC. 763. (a) From the sums appropriated pursuant to section 762, the Secretary is authorized to make grants in accordance with the provisions of this part, to carry out the purposes of section 761.

"(b) No grant shall be made under this part unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall have prescribed by regulations which have been promulgated by him and published in the Federal Register not later than six months after the date of enactment of this part.

"(c) Grants under this part shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this part.

"(d) In the case of any application for a grant any part of which is to be used for major construction or remodeling of any facility, the Secretary shall not approve the part of the grant which is to be so used unless the recipient of such grant enters into appropriate arrangements with the Secretary which will equitably protect the financial interests of the United States in the event such facility ceases to be used for the purpose for which such grant or part thereof was made prior to the expiration of the twenty-year period which commences on the date such construction or remodeling is completed.

"(e) Grants made under this part shall be used only for the purpose for which made and may be paid in advance or by way of reimbursement, and in such installments as the Secretary may determine.

"ELIGIBILITY FOR GRANTS

"SEC. 764. (a) In order for any medical school to be eligible for a grant under this part, such school—

"(1) must be a public or other nonprofit school of medicine; and

"(2) must be accredited as a school of medicine by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirements of this clause (2) shall be deemed to be satisfied, if (A) in the case of a school of medicine which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

"(b) In order for any hospital to be eligible for a grant under this part, such hospital—

"(1) must be a public or private nonprofit hospital; and

"(2) must conduct or be prepared to conduct in connection with its other activities (whether or not as an affiliate of a school of medicine) one or more programs of medical training for medical students, interns, or residents, which is accredited by a recognized body or bodies, approved for such purpose by the Commissioner of Education.

"APPROVAL OF GRANTS

"SEC. 765. (a) A grant under this part may be made only if the application thereof is recommended for approval by the Advisory Council on Family Medicine and is approved by the Secretary upon his determination that—

"(1) the applicant meets the eligibility requirements set forth in section 764;

"(2) the applicant has complied with the requirements of section 763;

"(3) the grant is to be used for one or more of the purposes set forth in section 761;

"(4) it contains such information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this part;

"(5) it provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require (pursuant to regulations which shall have been promulgated by him and published in the Federal Register) to assure proper disbursement of and accounting for all Federal funds paid to the applicant under this part; and

"(6) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 65 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines;

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of family practice by a recognized body approved by the Commissioner of Education; or

"(2) a hospital to establish or operate a special program for medical students, interns, or residents in the field of family medicine unless the Secretary is satisfied that such program will, in terms of the type of training provided, be designed to prepare participants therein to meet the standards established for specialists in the field of family medicine by a recognized body approved by the Commissioner of Education.

"(c) The Secretary shall not approve any grant under this part unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available

through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"PLANNING GRANTS

"SEC. 766. (a) For the purpose of assisting medical schools and hospitals (referred to in section 761) to plan projects for the purpose of carrying out one or more of the purposes set forth in such section, the Secretary is authorized for any fiscal year (prior to the fiscal year which ends June 30, 1973) to make planning grants in such amounts and subject to such conditions as the Secretary may determine to be proper to carry out the purposes of this section.

"(b) From the amounts appropriated in any fiscal year (prior to the fiscal year ending June 30, 1973) pursuant to section 762(a), the Secretary may utilize such amounts as he deems necessary (but not in excess of $5,000,000 for any fiscal year) to make the planning grants authorized by subsection (a).

"ADVISORY COUNCIL ON FAMILY MEDICINE

"SEC. 767. (a) The Secretary shall appoint an Advisory Council on Family Medicine (hereinafter in this section referred to as the 'Council'). The Council shall consist of twelve members, four of whom shall be physicians engaged in the practice of family medicine, four of whom shall be physicians engaged in the teaching of family medicine, three of whom shall be representatives of the general public, and one of whom shall, at the time of his appointment, be an intern in family medicine. Members of the Council shall be individuals who are not otherwise in the regular full-time employ of the United States.

"(b)(1) Except as provided in paragraph (2), each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year, after the date of appointment.

"(2) The member of the Council appointed as an intern in family medicine shall serve for one year.

"(3) A member of the Council shall not be eligible to serve continuously for more than two terms.

"(c) Members of the Council shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service, employed intermittently.

"(d) The Council shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this title. The Council shall consider all applications for grants under this part and shall make recommendations to the Secretary with respect to approval of applications for grants under this part.

"DEFINITIONS

"SEC. 768. For purposes of this part—

"(1) the term 'nonprofit' as applied to any hospital or school of medicine means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(2) the term 'family medicine' means those certain principles and techniques and that certain body of medical, scientific, administrative, and other knowledge and training, which especially equip and prepare a physician to engage in the practice of family medicine;

"(3) the term 'practice of family medicine' and the term 'practice', when used in connection with the term 'family medicine', mean the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance; and

"(4) the term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, including architects' fees, but excluding the cost of acquisition of land or offsite improvements."

And amend the title so as to read: "An act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine."

Mr. KENNEDY. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives to S. 3418 and request a conference with the House of Representatives, thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agree to; and the Presiding Officer (Mr. ALLEN) appointed Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE conferees on the part of the Senate.

ADJOURNAMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Thursday, December 3, 1970, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 2, 1970:

NATIONAL LABOR RELATIONS BOARD

Ralph E. Kennedy, of California, to be a member of the National Labor Relations Board for the term of 5 years expiring August 27, 1975.

NATIONAL MEDIATION BOARD

David H. Stowe, of Maryland, to be a member of the National Mediation Board for the term expiring July 1, 1973.

ENVIRONMENTAL PROTECTION AGENCY

William D. Ruckelshaus, of Indiana, to be Administrator of the Environmental Protection Agency.

EXTENSIONS OF REMARKS

PRESNELL CHAMPIONS RANDOLPH'S HERITAGE

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. GALIFIANAKIS. Mr. Speaker, I would like to share with my colleagues the enterprising effort and perseverance of one of my outstanding constituents in Randolph County, N.C.

Tom Presnell is the driving force behind the Randolph County Historical Society which has carefully chronicled the hardy heritage of one of North Carolina's most historically colorful counties.

My commendations go also to Rip Woodin of the Greensboro Daily News who has so aptly chronicled the activities of Tom Presnell and the Randolph County Historical Society.

The article follows:

PRESNELL CHAMPIONS RANDOLPH'S HERITAGE

(By Rip Woodin)

ASHEBORO.—Most people are too worried about the present and future to care what happened in past years but Tom Presnell is an exception. He is intrigued with Randolph County history and intends to preserve for future generations, the heritage which past generations fashioned with blood and sweat.

Presnell is the motivating wheelhorse of the Randolph County Historical Society which is the oldest continually operating such organization in the state. He said the society has seen periods of inactivity but has always had a slate of officers since it formed in 1911.

The present officers were elected in 1967 when two old covered bridges and a Civil War battle flag rejuvenated the society's waning interest. Presnell, who is vice president of the 150-member society, said a Civil War history enthusiast, Dr. Marion Roberts of Hillsborough, wrote to the Asheboro Chamber of Commerce asking if there was an organization in Randolph which would preserve the hand stitched flag bearing the words "Randolph Hornets" on one side and "Onward to Victory" on the other.

Presnell explained that there are apparently five Randolph counties in the south and that Dr. Roberts finally learned that the flag was carried by Ramseur and Liberty men of Company D, 22nd Regiment, North Carolina Troops of the Confederacy.

At the time the flag was offered to Randolph, the society was also preserving Pisgah

and Skeen's Mill covered bridges. Presnell said the bridges, both in Randolph, are only two of three such structures remaining in the state.

The society's third and most potent boost came in November, 1969 when the remaining members of the W. J. Armfield family offered their old home to the society for use as a museum. Presnell, an energetic man, has assumed the responsibility of transforming the old stately mansion and grounds on the corner of Salisbury and North Fayetteville Streets into a museum.

He said the house, which was built in 1903, will be deeded to the society if a good job of development is accomplished. A retired adult probation officer, Presnell already has installed a sprinkler system in the house's thirteen rooms.

Presnell is also a retired army colonel and knows how to get things done. He has had undergrowth cleaned out, a parking lot paved and plans drawn for walkways and shrubbery beds. "I'm working harder now than I did before I retired," he said.

Presnell explained he took on the job because he was interested in it and "wanted to see what I could do with it. I hope the property can be developed through communitywide interest with the historical society furnishing the leadership."

The development of the house, Presnell said, has gone thus far without raising funds. "Now is the time to raise some money," he said. Satisfaction is Presnell's salary and there will be no admission charge when the museum opens.

Presnell hopes the museum will be completed by spring or summer, depending on the weather. He expects to display native rocks and fossils, pioneer farm tools, early textile tools such as the spinning wheel and Indian artifacts. Several local craft displays such as carving, basket weaving and candle making have already been offered.

Presnell also hopes to get help from the N.C. Department of Archive and History because on the museum property is an old dilapidated board house which was built in the 1830s. He explained that the Asheboro Female Academy, which was the only girl's school in the county, used the house until the Civil War and then reopened it as a coed school until the state took over education in the 1880s. "Three people were born in the house when families lived there later," he said.

Presnell said the house is the oldest building in Asheboro and even had the first piano in the county. Young girls were taught reading, writing, philosphy and how to make wax flowers. "It was said when a girl finished she was quite an educated lady," he stated.

Presnell is currently trying to have the building placed on the National Register of Historic Places which would help the society by giving money and restoration knowledge.

The building was near collapse, so as a project the Southwest Randolph High School bricklaying class laid a new foundation. They are also laying walkways modeled after those on the UNC–CH campus.

SENATOR ROBERT C. BYRD RECOGNIZES SCHOLASTIC ACHIEVEMENT BY PRESENTING U.S. SAVINGS BONDS TO THE VALEDICTORIAN OF EVERY PUBLIC AND PAROCHIAL HIGH SCHOOL IN WEST VIRGINIA

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 2, 1970

Mr. RANDOLPH. Mr. President, U.S. savings bonds are an important investment in our country and equally important to the future of those who receive them. By purchasing these bonds one receives a guaranteed rate of return.

Mr. President, my distinguished colleague from West Virginia, Senator ROBERT C. BYRD, began 2 years ago presenting a $25 U.S. savings bond to recognize outstanding scholastic achievement in the public and parochial high schools in West Virginia. The recipient of this exemplary award is the valedictorian in each school.

I commend my colleague for honoring these superior students and for helping to start them on a program of personal savings.

Mr. President, the Department of the Treasury has issued a news release entitled "An Investment in the Future," written by Senator BYRD. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

AN INVESTMENT IN THE FUTURE

(By Hon. ROBERT C. BYRD)

Two years ago, I began a scholastic recognition program, presenting the valedictorian of every public and parochial high school in West Virginia with a $25.00 United States Savings Bond.

The scholastic recognition program has been a two-fold investment: the Bonds have been an investment in the future of the United States; and they have been an investment in the future of the individual students.

United States Savings Bonds purchase programs have taught the values of thrift and of planning ahead to many millions of people. These programs have been in operation during the most spectacular financial years of the Federal Government's existence. Wars, recessions, inflation—all have required Federal Government action, both to ameliorate hardship and to facilitate continuing growth of production.

U.S. Savings Bonds provided almost one-fifth of the private funds borrowed by the United States Government in World War Two, and, after World War Two, enabled the Treasury to reduce its debt to banks, savings and loan associations, insurance companies, and other private lenders.

Personal savings, by financing the Government, have restrained inflationary individual purchasing as well as inflationary credit expansion by government.

The earnings and the principal of the Savings Bonds are absolutely certain of payment. The terms of interest accrual and redemption value are stated clearly for Savings Bonds. The only changes in terms occur when the Treasury or the Congress improve them. The holder of Savings Bonds is protected; his older Bonds also gain in rate of return when rates are raised on new issues.

A nonspeculative, absolutely safe, above-board security, yielding an attractive rate, the Savings Bond is available with an unmatched degree of convenience, and an unmatched record of usefulness to the public of the money saved and invested in these Bonds.

When I decided to establish a Scholastic Recognition Award, the U.S. Savings Bond was a natural choice with which to reward students who had compiled distinguished scholastic records. Since the award program was first begun two years ago, I have presented 476 Savings Bonds to West Virginia high school students. Additionally, students at the West Virginia Schools for the Deaf and the Blind and juveniles with outstanding records at the Robert F. Kennedy Youth Center at Morgantown have received awards.

If the program encourages the recipients of the Bonds to begin their own savings program, and if it encourages students to seek the rewards that a good education offers, then I feel that my Scholastic Recognition Award program will have served its intended purpose.

TRADE BILL WILL CAUSE ECONOMIC DAMAGE

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 1, 1970

Mr. KARTH. Mr. Speaker, each day now the reports and analyses come in warning of the tremendous damage which will be done to the national economy when the trade bill as passed by the House becomes effective.

One of the more perceptive articles which I would like to share with my colleagues was that written by Hobart Rowen in the Washington Post of November 29, 1970.

The article follows:

NOT ONLY CONSUMERS WILL SUFFER IF PROTECTIONIST MEASURE PASSES

Sometimes, a single statistic or isolated phrase is able to capture and dramatize an important issue better than reams of copy and volumes of speeches.

Thus, the need for tax reform came to life better than ever before when Treasury Secretary Joseph W. Barr in the dying days of the Johnson Administration suggested that "a taxpayer's revolt" against the inequities of the tax system was imminent.

Although Barr presented nothing essentially new, the phrase focused press and congressional attention on the problem, and was influential in forcing the Nixon Administration to come up with its own tax reform proposals.

In recent weeks in the welter of propaganda and counter-propoganda on the Mills trade quota bill, nothing put the case against the bill so well as a single dollar figure estimated by Andrew F. Brimmer, a member of the Federal Reserve Board.

Brimmer made an abstract concept simple: if legislation imposing quotas on textile and shoe imports gets through, he said, American consumers by 1975 would be paying $3.7 billion a year more in higher prices for clothing and shoes. That's a lot of money.

The logic of the argument is inescapable; foreign textile and shoe prices are cheaper. Thus, if the protectionist legislation passes, consumers will have to buy more of the domestically produced and higher-priced goods.

And as Brimmer points out, the consumer will pay the costs of protection—even though insulating the textile and shoe industries from imports will not preserve smaller firms, who find it difficult to survive against the competition of larger and more efficient American companies.

But the economic damage of the Mills bill won't be limited to higher consumer prices: the legislation would endanger a wide swath of American exports that are sitting ducks for retaliation.

Take farming, for example. Ralph Dahrendorf an official of the European Economic Community, has said bluntly that the Common Market "is ready to act in unison" if the trade bill passes. A special series of reports by Washington Post foreign correspondents, published a week ago, bears out the vigor of the EEC intent.

The first planned retaliation is against soybeans—the biggest American farm export. Common Market countries alone bought about $600 million last year; Japan bought $200 million.

A trade war involving soybeans, ironically enough, would hit hard at Southern states which have instigated the demand for protection of the textile industry: to replace lessening demand for cotton and tobacco, many southern farmers have been turning to soybeans for export.

In a further move to show their serious intent to strike back, Commart officials also say they will limit American investment in Europe. That could mean that American firms would no longer be free to start up or invest in factories on the Continent.

Curiously enough, American industry has not been playing a major role in the fight to block the bill; nor have consumer activists, who are constantly on guard against many threats to the public interest, but who have a blind spot for the dangers of protectionist trade legislation.

The fight has been carried on largely by exporting interests in Japan and Europe; by American farm organizations; by a liberal trade bloc in the Senate; and by concerned individuals in and out of the government who understand the dangers of the bill.

Whatever happens to the trade bill, there is a lesson in all of this, underscored by Brimmer's $3.7-billion figure: there is a need for an organized way of letting the public know what various actions (or inactions) of the government will cost.

Among the many excellent features of the recent report by the Committee for Economic Development on wage-price guidelines was a suggestion for a "public defender."

A public defender or advocate could "cost out" legislation like the trade bill. For example, such an agency could say some interesting things about the dollars that the powerful oil lobby wrings out of American consumers.

According to Mr. Nixon's own cabinet Task Force Report on Oil (February, 1970), existing oil quotas cost consumers an extra $5 billion a year, and that figure will rise to $8.4 billion by 1980. As Sen. Edward Kennedy (D-Mass.) has pointed out, restrictive oil import quota gimmickry not only causes higher-than-necessary prices, but tends to assure a shortage of oil products.

Now, the lobby has persuaded the House Ways and Means Committee to impose mandatory quotas on oil imports for the next six years. Thus, if the protectionist bill passes, tariffs—a less obnoxious form of import limitation—could not be substituted for oil quotas, as the Cabinet Committee had recommended.

If a "public defender" existed today, the message would be: for the sake of consumers and the economy as a whole, defeat the Mills bill.

PRISONERS OF WAR

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, December 2, 1970

Mr. BOGGS. Mr. President, the Wilmington Evening Journal on Monday published an editorial which points out a rather basic contradiction between the attitudes Hanoi has taken on the prisoner-of-war issue and on the recent bombings.

The editorial predicts that:

The North Vietnamese are going to find it more and more difficult to maintain there is nothing to be concerned about in their years of unobserved detention of American prisoners.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DODGING THE POW ISSUE

The North Vietnamese in Paris are considerably more taken by U.S. bombing last week than by the unsuccessful commando attempt to rescue some American prisoners of war near Hanoi.

They are constantly interested in beating the propaganda drum over the bombing raids, not only embellishing U.S.-acknowledged reports but insisting that far greater "inhumanities" occurred.

On the other hand, they are absolutely uninterested in discussing the commando raid slightly more than 20 miles from Hanoi in which a party of would-be rescuers searched a site for prisoners that weren't there and escaped without suffering a serious casualty.

A request by United Nations Secretary General U Thant for International Red Cross inspection of conditions to which American prisoners are subjected got a very quick dismissal. North Vietnam considers it sufficient to maintain that it treats American and South Vietnamese prisoners humanely and correctly.

Hanoi's unyielding position on this is interpreted as indifference to world opinion. But she shows no such indifference in seeking to milk every ounce of propaganda from the brief U.S. resumption of bombing.

It has also been Hanoi's practice to encourage internal antiwar sentiment in the United States for whatever international capital could be made of it. The result was not, as some Americans claimed, sufficient aid and comfort to convince Hanoi that public impatience inevitably would force the United States to withdraw.

But the North Vietnamese have been sufficiently encouraged by American dissent that they have shown no evidence of interest in serious negotiations since the Paris "peace talks" opened.

Perhaps Hanoi will misinterpret the growing public concern over American prisoners of war. The unsuccessful commando raid itself was an Administration attempt to respond to that public pressure for action on the POWs.

If the question of North Vietnam's treatment of prisoners is still not on any official international agenda, at least it is on the international mind. Hanoi's negotiators can hammer away at the issue of a few hours of renewed U.S. bombing but they are going to find it more and more difficult to maintain there is nothing to be concerned about in their years of unobserved detention of American prisoners.

COMMENTS ON THE RECENT MARYLAND REFERENDUM ON THE SCHOOL PRAYER DECISION

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. BEALL of Maryland. Mr. Speaker, following my remarks is a statement by the Reverend Robert G. Howes, national coordinator of the Citizens for Public Prayer. Reverend Howes has been extremely active in the effort among thousands of our citizens to do something about the Supreme Court decision affecting prayer in the schools several years ago.

I am inserting Reverend Howe's statement, which comments on the recent Maryland referendum on the school prayer decision, in the RECORD so that my colleagues can have this valuable information:

MARYLAND PRAYER VOTE ON NOVEMBER 3 OF MAXIMUM NATIONAL SIGNIFICANCE

Maryland voters, in the first official referendum on free school prayer since the Supreme Court prayer-ban decisions several years ago, overwhelmingly disagreed with the Court. The Maryland vote on ballot question No. 9 was 409,050 for, 152,706 against the following proposed constitutional amendment:

"Nothing shall prohibit or require the making reference to belief in, reliance upon, or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony, school, institution, or place. Nothing in this article shall constitute an establishment of religion."

This 73% favorable majority was substantially larger than that accorded to any other of eleven ballot questions. In context, the Maryland vote is even more significant. The amendment had been attacked as "meaningless" on a number of occasions. The Maryland Attorney General's office had decried it as changing nothing. Members of Governor Mandel's staff in Annapolis had worked to prevent the question from appearing on the ballot, and the Governor himself during the Maryland campaign was at best neutral and probably negative. Question No. 9 was not one of the eight questions to which the Governor's organization specifically recommended a favorable response. Still, despite no evident organized campaign to promote it, the proposed amendment was endorsed by a higher percentage of Marylanders than endorsed any other ballot question! It is also interesting to note that the "Washington Post", in an editorial which appeared the morning of the election, had specifically recommended a no vote on Question No. 9.

Since the election, the effort to minimize the importance of the Maryland vote has continued. If it is not attacked as "meaningless" what almost seems to be a conspiracy of silence seeks to relegate it to obscurity.

There are, obviously, at least two ways of viewing the matter. So long as the Supreme Court's prayer-ban decisions remain in place, no state vote can circumvent them. In that sense, the vote has changed nothing. There is, however, another assessment which can and should be made by objective observers. The Maryland vote, coming as it did exactly three weeks after the Senate by a margin of 56 recorded for against 23 recorded against had approved a prayer amendment, clearly demonstrates that the American people in Maryland continue in substantial majority to dissent from the Court on this most critical issue.

We believe that the Maryland vote, in its context, has maximum national significance. It says loud and clear that Congressional inaction on hundreds of prayer amendment bills cannot any longer be tolerated. It says loud and clear that, even if circumstances now forestall implementation in Maryland of the massive will of its people, this must not be the end of the matter. Those circumstances themselves must be changed. A national prayer amendment, worded similar to the Maryland amendment, must be enabled. All this is by no means "meaningless." All this deserves much more than a blanket of silence.

What emerges emphatically is that Marylanders, demonstrating what other polls have

indicated is a clear national will, have won a battle but that the war itself continues. Just as every voter in Maryland who endorsed Question #9 must now direct his active attention to the Congress, so every American who believes in public prayer must now realize that only a constitutional amendment at the national level can do the job which must be done. The people of Maryland, however, given their geographic proximity to Washington, are in a particularly advantageous position to spear-head the national effort. If they meant what they said on November 3, 1970 they should now visit, telephone, write their Senators and their Congressmen demanding immediate action on those hundreds of prayer amendment bills which remain locked, on the House side, in the Judiciary Committee chaired by Emanuel Celler, and on the Senate side, in the Constitutional Amendment Subcommittee chaired by Birch Bayh.

Despite the favorable Senate vote on October 13, it now appears that effective Congressional progress on a prayer amendment will occur only when the new Congress convenes in January 1971. At that time, in the Senate several anti-amendment votes will have been replaced by pro-amendment votes. There would seem to be a good chance that this could result in early action, but only if the American people everywhere, and especially Marylanders, make their voices heard now strong and powerful. If there is not just such a national NOISE FOR PRAYER at this time, the prayer issue could once again fade away and be lost in the files of recalcitrant committee chairmen.

Formed more than seven years ago, Citizens for Public Prayer continues to press for democracy on the question of public prayer. Wholly non-partisan and non-sectarian, Citizens for Public Prayer is convinced that while prayer itself is important in our schools involved in the issue is the matter of public reverence in its entirety. It is abundantly clear that Mrs. Madalyn Murray O'Hair and other opponents of school prayer regard their Supreme Court victory not as an end in itself but as a vital beginning in the drive to remove God completely from our public life. Supporters of free school prayer must similarly be aware that they fight for a whole cluster of issues, indeed for the very survival of the concept that America is "One Nation Under God!"

Citizens for Public Prayer has prepared an excellent background paper entitled "Questions and Answers on Public Prayer", available at $.50 the copy postpaid. Other literature is available free to those who send a self-addressed and stamped envelope to Citizens for Public Prayer, 3004 Adams Street N.E., Washington, D.C., 20018.

Meanwhile, as seldom before, there is need for union in prayer and noise everywhere for prayer. Seldom has it been more necessary than it is right now that America become again a Nation on Its Knees in Prayer!

MISS KIMBERLEY DIANNE GRAHAM, MORROW, GA., NAMED MISS AMERICAN TEEN-AGER

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 2, 1970

Mr. TALMADGE. Mr. President, the State of Georgia is very proud of Miss Kimberley Dianne Graham, of Morrow, Ga., who has been named "Miss American Teen-Ager." This is indeed a high honor, and I wish to extend my personal congratulations to Miss Graham and her parents.

Kim, 14, a ninth-grade student at Babb Junior High School in Forest Park, Ga., describes herself as "just a regular teenager." She is enthusiastic about representing America's teenagers for the next year and describes her generation as "happy, full of life, and willing to speak out for what they want."

As for coping with any problems crossing the generation gap, Kim insists that there is no generation gap as far as she is concerned. She says:

We don't have that problem in my family. I think if parents would get together and understand their children, things would turn out all right. My own family is very close.

Kim who is of the Baptist faith, attends the Second Baptist Church in Forest Park, Ga., where she sings in the church choir.

Also active in 4–H Club work, in which she has been a dedicated member for the past 4 years, she won the first place talent award for the past 3 years in the Clayton County 4–H Clubs talent competition. She is likewise proud of her winning honorable mention in the 1970 Science Fair.

Kim is a member of the drama club at her school and is very interested in the Little Theater work. Her ambition in life is to be part of the entertainment world. She plans to attend college but does not yet know where.

Following her coronation as "Miss American Teen-Ager," Kim wrote a poem about herself. I ask unanimous consent that the poem and a news release concerning her award be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MISS AMERICAN TEEN-AGER, INC.,
PALISADES AMUSEMENT PARK,
Palisade, N.J.

Kimberley Dianne Graham, 14, of Morrow, Georgia, winner of the 11th annual Miss American Teen-Ager Contest at Palisades Amusement Park, N.J., is a perfect example of beauty and brains that exists in many teen-agers today. Kim, the oldest of two daughters of Mr. and Mrs. C. D. Graham, came out of a battle with death at the age of four. She topped a field of 51 national finalists selected from more than 250,000 girls between the ages of 13 through 17 who entered the 1970 Miss American Teen-Ager Contest. Following her coronation on September 11th at Palisades Amusement Park, N.J., she returned home and wrote a poem about herself which is as follows:

ALL ABOUT ME

(By Kimberley Dianne Graham)

A long time ago, at the age of three;
I dreamed of a Ballerina, the star was me.
I awoke each morning, with the sun in my face;
To gaze at the little shoes that lay in their place.

I danced through the years and I sang here and there;
Still Building my castles in the air.
I did a bit of acting along the way;
Wanting by now, to be an actress someday.

I became a registered model about a year ago;
Here my talent was allowed to show.
I worked hard in the life, of which I chose;
And I prayed each night to succeed, God knows.

I prayed for God to let me see;
The world of entertainment must have a place for me.
And in my heart, I guess I knew;
Bigger, Bigger things I must pursue.

I entered the Georgia Pageant for teen-age queens;
My head was filled with such lovely things.
I remember thinking should failure come to me;
The tears that I shed no one would ever see.

I would not give up if I did not win;
Who Knows? ? ? Grandmother of the year twenty hundred and ten.
But in the year 1970, on August one five;
I was the happiest teen-ager alive.

For I won that title that I wanted to win;
Now I don't wait for twenty hundred and ten.
I was excited! I was scared! for I knew what this means;
I was to compete with the nations top teens.

But I vowed to myself, my cool I would keep;
Though the climb to the top seemed so very steep.
So I took my place among the beauties so rare;
I began to wonder what was I doing there.
But I decided to give it all that I had;
And I guess Georgia's teen was not really so bad.
Though all that I hoped for was to place in top ten;
I really didn't think I had a chance to win.

And then by some miracle right out of the blue;
I had a chance to show what a Georgia girl could do.
They asked for a dancer and I raised my hand high;
I don't know what prompted me, I don't know why.

I was given the lead in the opening skit;
I'm not bragging, but I made a hit.
In the final call left standing, the girls numbered five;
I felt numb, not even alive.

I cannot express my feeling within;
When I, Kimberley, took the crown again.
I walked down that ramp with my head held high;
Not daring to ask of myself why.

My heart and my being was so full of love;
God must have liked me from somewhere above.
I cannot think all that was said;
For such unbelievable things filled my head.

And now all this attention that I am receiving;
Miss American Teen-Ager is still not believing.

SIGNIFICANCE OF THE RECENT SOVIET SPACE FLIGHTS TO THE MOON

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. MILLER of California. Mr. Speaker, recently I requested Mr. George M. Low, Acting Administrator of the National Aeronautics and Space Admin-

istration, to advise me on the significance of the recent Soviet space flights to the moon. Under leave to extend my remarks in the RECORD, I wish to bring Mr. Low's response to my request to the attention of my colleagues:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., November 25, 1970.

Hon. GEORGE P. MILLER,
Chairman, Committee on Science and Astronautics, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for my views on the significance of the recent Soviet space flights to the moon. In addressing this subject, I found it best to discuss four related issues: the direct comparison of Apollo 11 and 12 with Luna 16 and 17; a review of the trends in United States and Soviet space programs; a discussion of the use of manned and unmanned space systems; and a brief conclusion about the significance of these flights, now and in the future.

COMPARISON OF APOLLO AND LUNA

Luna 17, with its self-propelled vehicle Lunokhod, and Luna 16, with its automatic sample return, are technically impressive; but as isolated events, their import to science and technology is relatively minor. We demonstrated United States scientific and technological leadership with Apollo 11, and that lead is still ours. We have now had four men on the surface of the moon—they have had none. We have returned 123 pounds of lunar material—they have returned 3 or 4 ounces. We brought together the best of our manned and unmanned capabilities when our astronauts emplaced an automated station on the moon that has now sent back scientific information for more than a year: we have gained an enormous amount of information about the moon, about its structure and composition, about its age and its properties—the Soviets have added very little.

So, when we view Luna 16 and 17 in the light of Apollo 11 and 12, the conclusions are clear: the United States leads today in space science and space technology. If we have any doubt about this, we need only imagine the reverse situation—Soviet cosmonauts on the moon, followed more than a year later by a few small automated American spacecraft. As a nation, we would not be satisfied with that situation.

TRENDS IN U.S.S.R. AND U.S. CAPABILITIES

But when we view Luna 17, not as an isolated event, but in the context of the overall trends in the Soviet space program and in ours, we must reach another conclusion. These are the facts:

Our launch rate has been steadily decreasing, while theirs is increasing (see attached charts).

In 1970, so far, they have placed 74 payloads into space, while the United States has had 31.

They have seldom missed a launch window in the exploration of Venus and Mars; our planetary program has many gaps.

Soviet commentators have implied that the USSR has plans to return samples and use self-propelled vehicles on our neighboring planets; we have no such plans.

The Soviets have a systematic continuing manned splace flight program. Soyuz 9, an 18 day mission and the longest manned flight to date was their latest step.

They have demonstrated a capability, with their Zond spacecraft, for manned circumlunar flight, and could soon conduct such a flight.

The Soyuz and Zond programs could also lead to a manned earth orbital space station. The Soviets have stated that they expect to fly a space station before we do.

It has been reported that the Soviets are developing a booster in the giant Saturn V class; we have suspended production of ours. With such a booster, they would then be able to have permanent space bases in earth orbit, a manned outpost on the moon, or an automated planetary sample return capability.

We are rapidly losing the capability that made us first. On NASA programs alone, total employment has decreased from 420,000 in 1966 to a level of 160,000 now. Engineers and scientists are leaving the field by the thousands; young men are no longer going into these fields, because the future is uncertain. When the need again arises to rebuild our aerospace industry, to meet military requirements, or to meet a desire to move forward more rapidly in the exploration of space, we may no longer have the ability to do so.

Soviet research and development is estimated to be significantly greater than that of the United States—and growing at a rate of at least ten percent per year; United States research and development has leveled and is dropping.

Estimates of actual expenditures indicate that the USSR is spending somewhat more each year on their space programs than we are on ours. (In terms of percentage of gross national product, their space expenditures are more than double ours.)

From these facts, I can reach only one conclusion: unless we reverse the current trends in the U.S. space program, we must be prepared to give up our lead.

MANNED VERSUS UNMANNED SYSTEMS

The Soviet successes with Luna 16 and 17 have once again stimulated a debate on manned versus unmanned systems. Some of the Soviet statements and some of the comments in the U.S. have given the impression that Luna 16 and 17 show that the Soviets can accomplish unmanned (and at lower cost) what we seek to do manned (and at higher cost).

The fact is that the Soviet program, like our own, recognizes that manned flights offer important advantages in exploration and other complex missions. As I have already stated, they have a continuing manned program, appear to be increasing their manned capabilities, and are supporting a total space program containing strong manned and unmanned components. Today the Soviets are proud of Luna 16 and 17; but only a few months ago, they were just as proud of their cosmonauts' achievements with Soyuz 9, and rightly so.

In the United States, both manned and unmanned systems have made great contributions in the first 12 years of the space program. Our unmanned spacecraft have evolved into increasingly sophisticated and useful devices, including experimental and operational meteorological and communications satellites; geophysical and astronomical observatories; lunar spacecraft like Ranger, Orbiter, and Surveyor; and planetary probes like Mariner that brought back the first closeup pictures of Mars. Manned systems include Mercury, which demonstrated man's capability in space; Gemini, where man developed operational proficiency; and Apollo, where man first set foot on another body in space.

The principal goal of Apollo was to establish and to demonstrate United States preeminence in space science and technology through a *manned* lunar landing. But Apollo did more than that: it also demonstrated that important scientific results can be attained in manned space flight. It is virtually impossible to conceive of practical unmanned systems that could accomplish many of the most important things done by our astronauts—the discovery of unexpected features of the moon, the careful selection and documentation of lunar samples, and the reporting of conditions on the moon other than those measured directly by instruments selected in advance. Unmanned robot systems approaching the capabilities of the astronauts would, through their complexity, tend to approach manned systems in cost without ever matching their capability.

One may, in my view, generalize from these remarks as follows: when the details of a space mission can be defined in advance and when the task to be performed is relatively straight-forward, an unmanned system can best do the job; however, when objectives cannot be fully defined in advance, when we seek to explore the unknown or to perform tasks of great complexity, the presence of man with his unique intelligence and versatile physical capabilities offers essential advantages. And while individual unmanned systems may be less costly than those that are manned, a total unmanned program, which attempts to approach the capabilities of a manned system, would not be substantially cheaper. For these reasons, the U.S. space program makes use of manned and unmanned system—each has its place in exploration of the unknown.

CONCERN ABOUT THE FUTURE

In summary, if we view Luna 16 and 17 as isolated events, when we view them in the light of our past achievements, we can still be proud of what we have done—we can still state that we have demonstrated that our science and technology, produced by our way of life and in our system of government, is superior to theirs. We can still be proud of the high rate of scientific results and technological progress our total national program is providing.

But when we view Luna 16 and 17 in the context of the trends in our program and theirs, then we must be concerned about our future in aeronautics and space—about our position of leadership that we have worked so hard to achieve.

I am sending a similar letter to Chairman Clinton P. Anderson of the Senate Committee on Aeronautical and Space Sciences, in response to his request.

Sincerely yours,

GEORGE M. LOW,
Acting Administrator.

EARTH ORBITAL, LUNAR AND PLANETARY PAYLOADS UNITED STATES AND U.S.S.R., CALENDAR YEAR 1970, AS OF NOV. 19, 1970

Month	United States	U.S.S.R.
January	3	5
February	2	3
March	3	5
April	7	16
May	2	2
June	2	9
July	2	3
August	4	8
September	3	6
October	1	14
November	2	3
Total	31	74

Source: Satellite situation report.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

EDUCATION'S EFFORTS TO IMPROVE THE ENVIRONMENT

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, December 2, 1970

Mr. BOGGS. Mr. President, manpower development programs have been an important aspect of several of the pollution control laws adopted recently by the Congress. Pollution control legislation simply cannot work unless there is manpower trained to implement it.

It is heartening to me that many colleges across the Nation have accepted this challenge and have initiated courses in pollution research and pollution control technology. Colleges in my own State of Delaware have been particularly active in this field.

Recently, I was very much impressed by an article that appeared in the Sun magazine, published by the Baltimore Sun newspaper, on the environmental activities at the Charles County Community College in our neighboring State of Maryland.

The article discusses the college's 3-year-old program in pollution abatement techniques, and the success the program has had.

As this article effectively describes the work that is repeated in many States and in many colleges, I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A COLLEGE INTENDS TO IMPROVE THE ENVIRONMENT

People at Charles County Community College are just as proud of a sewage disposal plant as they are of the attractive new colonial buildings on their campus. It's not that the facility looks glamorous but it means something special to many of the faculty and staff, to some of the students and even to residents of the area served by the college.

The plant symbolizes the college's efforts to distinguish itself by contributing to manpower development and eventually to the improvement of the environment.

Long before Earth Day and the many political proclamations began, Charles County Community College had announced that environmental control education was a field in which the institution could specialize, much as the University of Maryland might make a name for itself in agriculture or the University of Michigan in law or medicine.

More than three years ago, the college began seeking funds to organize educational programs for men and women who "care about fields, plants and animals, streets and inland waterways, beaches and shore lines, the air we breathe." Federal, state and local support was obtained to develop programs in pollution abatement technology and in solid waste technology, according to J. N. Carsey, president of the college.

He credits Belva Jensen, head of the biology department, with developing the project. Several county sanitary inspectors took a course in biology under Mrs. Jensen. Upon completing the course, they decided that they would have done their jobs differently and better had they had the benefit of the course earlier.

From this experience, Mrs. Jensen decided that a course specially designed for pollution control might prove effective. At the time, for example, there were, according to state health authorities, only three certified sewage treatment plant operators in Maryland.

Mrs. Jensen, with backing from Mr. Carsey, who helped find federal support, planned a three-point program: curriculum development, construction of a science and technology center for laboratories and classrooms and building the sewage disposal plant to serve the college and community while giving students practical experience. All have been realized. In the fall of 1969 classes began with some 20 students enrolled—including one "committed housewife."

"Community colleges," says Mr. Carsey, who was one of the youngest college presidents in the country when he took the post five years ago at the age of 35, "are ideally suited to work in the pollution control field. The improvement of the environment is really a local problem which has to be tackled on a local basis—naturally with help and direction at the national level.

"Moreover," he continues, "much of the work that needs to be done in improving the water and air can be accomplished by well-trained technicians."

Charles County Community College is in an ideal area for the investigation of pollution problems. Natural laboratories abound: the Tobacco River, the Potomac, even Chesapeake Bay. The college is near Port Tobacco. These "labs" are used for the testing equipment and training in pollution control techniques.

When all the environmental equipment is installed, the college will prepare men and women to manage sewage and water treatment operations, do research and analytical work on pollution control and engage in laboratory and field operations. Those who complete the program can look forward to well-paying jobs since there is a shortage of personnel in the field.

Carl Schwing now is in charge of the pollution control program at the college. He describes himself as a white hat—a sanitary engineer—who worked his way through college as a sewage plant engineer. He can trace pollution control techniques through the centuries from the Babylonians to the present. He feels the Babylonians probably had systems as good or better than those in operation today.

Schwing is optimistic about the college's efforts at improving the environment and providing careers. But he knows it is not easy to glamorize some of the work areas in sewage disposal.

In addition to what has already been accomplished by the college, there are plans to use the campus for demonstrating the first complete recycling operation in the country. All wastes—liquid, solid, heat and even noise—will be reused within the system. For example, instead of burning used exam papers as is the custom now, they will be remade into new examination papers. The heat now pumped into the atmosphere from air conditioners in the summer will be stored and used by the college. The college will make extensive use of its large computer installations for machine teaching to allow students to advance at their own pace.

Charles County Community College is appropriate in many ways as the site for pioneering efforts to educate men and women to improve the environment.

While the campus is in a beautiful wooded setting, once a tobacco farm, the institution serves an area which lost its major industry when slot machines were banned in Maryland several years ago. The college is in LaPlata, on the once bustling 301 strip. Abandoned motels are reminders of the halcyon days.

Opened in 1958 at a vacant Nike missile site, the college has become a major cultural resource for the community. It has an enrollment of about 1,000 students, drawing from the surrounding area.

It offers work leading to transfer to four-year colleges and universities at the end of two years—and offers, in addition to the pollution control technologies, a variety of other technical courses of study. Its new computer center serves the community as well as the students.

"And that," says Mr. Carsey, 'is why we exist. For we are a community college. Our job is to improve the community. If we can help clean up the environment and simultaneously prepare people for rewarding jobs, then we will have gone a long way toward fulfilling the promise of the community college."

A NEW PROPOSAL FOR STREAMLINING OUR TRANSPORTATION REGULATIONS

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. FRIEDEL. Mr. Speaker, on Tuesday, December 1, 1970, Mr. John A. Creedy, president of the Water Transport Association at a Transportation Association of America meeting here in Washington proposed a new idea for possibly streamlining our transportation regulations through the creation of a multimodel transportation court of review.

Mr. Speaker, I found Mr. Creedy's ideas interesting and request permission to include them at this point in the RECORD as food for thought for all the Members:

PROPOSAL FOR STREAMLINING TRANSPORT REGULATION THROUGH A FEDERAL TRANSPORTATION COURT OF REVIEW

Suggestions for the reform of transportation regulation have long been among the livelier topics of conversation wherever transportation people have gathered. It is difficult to have a considered reaction to many of the proposals brought up at these times because they are seldom precisely defined. This is so with the single regulatory agency idea. But in a time of rapid development we must, above all, be receptive to change.

Most reactions I have heard so far on the single regulatory agency represent fears of what might be. Regaling you with a list of such fears would simply parade objections which might be quite irrelevant to the exact proposal.

For example it would be important not to confuse a complete rewriting of transport law with a proposal for streamlining and expediting the regulatory process. One can have serious doubts about the usefulness of the former, but no objection to the latter.

Since we do not have a precise proposal before us, it is hopeless to try to develop a considered industry reaction. I will therefore give you some personal views from the standpoint of one who has been very close to the key policy problems of surface and air transportation over many years. If I had a dollar for every hour I have spent participating in discussions on the general topic "what would really help promote a better transport system" I would be wealthy enough not to need to be here at all.

At the end of one such session, years ago, the late Captain A. C. Ingersoll, Jr., then president of Federal Barge Lines, choosing his words very carefully, said: "I guess what we all really need is for Congress to pass a law which says the regulatory agencies have to do what the laws which Congress has already passed say they should do."

Anyone who has followed the issues of the past 15 years in the Congress cannot help but be impressed by the fact—as President Kennedy discovered for himself—that there are no votes in solving the transportation problems of the country. The issues are just too complex and too immediate. The old saying that on questions of foreign policy you leave party behind at the water's edge also curiously applies to transportation; party is left behind in the consideration of transport issues. There are no party positions on most of these problems; there are only very senior and very experienced men of both parties trying for fair solutions to extremely difficult public interest problems.

Congress over the years has created equitable and balanced broad mandates. These mandates have, of course, necessarily required expert interpretation and application by the regulatory commissions.

Between the broad mandates of the Congress and the final interpretation of a sentence or a phrase by the Supreme Court, a great deal of time passes, a lot of it very necessary because large issues are involved, a lot of it, many believe, unnecesary.

The suggestion is made that the regulatory agencies be merged so that the unnecessary part of the process can be eliminated. The major fear is that this will necessarily mean a re-writing of all the transport statutes and that the precedents which give certainty to so much of transport law will thereby be lost. For those carriers and shippers who have invested millions in legal fees to help establish such certainty as exists and beyond that more millions in equipment and facilities relying on that certainty, the prospect of having to start all over from the beginning is indeed appalling. Since Congressional mandates, however well drawn, are necessarily broad and sweeping and necessarily require interpretation in the light of experience, no one can deny that a general re-writing of the transport law would be viewed with alarm by almost everyone. However, if we focus on the needs of the transport industry and the public it serves, no such re-writing appears necessary.

In a brief paper such as this one can do no more than indicate the major areas in which improvement is needed. But there will be general agreement on what they are: streamlining the regulatory process, invigorating competition so that self-regulation reduces government intervention and a new approach to the revenue and earnings requirements of the industry as a whole. Solve these three problems and the rest will go away.

The new permanent chairman of the ICC, Mr. George Stafford, has recognized and appears ready to tackle the first major requirement: a general streamlining and improvement in regulatory practice. Some eight years ago, a noted judge of the Federal bench, Henry J. Friendly, laid out in a book on the Federal regulatory agencies some pragmatic suggestions as to how general mandates of the Congress can be reduced to workable, stable, dependable precedents so that much more certainty will prevail and the present burdensome repetitive law suits eliminated. "I do suggest," Judge Friendly writes in his book, "that during three quarters of a century of regulatory experience in the railroad field and several decades in others, many patterns have recurred frequently enough so that now it should be possible to articulate bases of administrative determination more specific than we have generally had, even though these cannot be expected to be as immutable as the law of the Medes and the Persians." In a recent speech, Mr. Stafford noted, "I agree with Judge Henry Friendly that there has been undue concentration on procedure at the expense of substance. It seems to me we must steer away from ad hoc consideration of each issue. Similar issues should be grouped in order to produce unified policy declarations."

A second major requirement is unquestionably to invigorate competition within the modes and between the modes. Competition is the great self-regulator and is most likely to bring home to the people the fruits of good management and technological innovation. We hear much favorable mention today of lessening the regulatory restraints. The water carriers would be the first to agree that the less intervention there is by government, the better. We have long been much attracted by the idea of carrying over into the transportation field some of the more successful principles which are applied to the economy generally under the anti-trust statutes.

As any student of transportation would at once agree, transport ratemaking, as we know it today, is an elaborate system of price discrimination. The existence of widespread discrimination of course provides the opportunity for cross-subsidization of abnormally low rates and many other abuses of economic power. The nub of the problem of promoting competition, at least intermodal competition, it seems to us, is the development of an objective standard to determine the relative efficiency of the various means of transportation. Once that is done, a more efficient carrier or an equally efficient carrier should not be precluded from competing for the traffic by power tactics having nothing to do with efficiency. Encouraging price competition based on relative efficiency seems to us to be a readily attainable goal and one that would ensure the revitalization of competition which is so essential to the attainment of maximum business productivity. What's needed here is the adoption of reliable, meaningful standards for determining efficiency and restraining monopoly power plays. This is well within the capacity of the Commission in the first instance as the expert agency.

The third major requirement is to establish some clear guidelines in the area of revenues and earnings. On the one hand, we see a tremendous public need for new investment in transport facilities to serve our expanding economy, and, particularly, to take advantage of the productivity rewards of new technology. On the other hand, we see what amounts to a flight of capital from transportation which is assuming serious proportions.

The problem isn't an easy one; but we know the Congress and the Supreme Court are far ahead of any of us in their thinking on this subject. They have laid down broad mandates to the regulatory agencies to deal with it. Such encouraging phrases on rate levels as these proceeded from the Supreme Court in 1923 in decisions involving the Transportation Act of 1920. The Act sought, according to the Supreme Court, "to enable carriers 'properly to meet the transportation needs of the public,'" and, "to give due consideration to the 'transportation needs of the country . . . and the necessity of enlarging [transportation] facilities,'" and again "to 'best meet the emergency and serve the public interest'", and still again, to "best promote the service in the interest of the public and the commerce of the people."

In 1925, Chief Justice William Howard Taft, speaking for a unanimous court, in a case involving the Dayton-Goose Creek Railway, made specific reference to the need "to secure a fair return upon the properties of the carriers engaged."

So, really, there can be no doubt of the long time sympathy of the Congress, the Commission and the Courts for the revenue and earnings needs of the carriers. It is the water carrier view that the transport industry itself needs to speak with a much more sophisticated and unified voice on the subject of its own needs. Today, the fashion is to cite wage and materials cost increases as justification for needed increases in rates. We play a game of catch-up in which rate increases inevitably lag a year or more behind the wage increases. There is, in our view, a failure of imagination on this subject and a great need for a new look at the whole concept of what constitutes an adequate rate level.

As I go about the country discussing this issue, shippers do not say they don't want to or can't pay reasonable rates. Nor would they oppose a plan to help transportation break out of its cost and rate increase lockstep through investment in more productive ways of doing the job. Far from it. Increasingly, they are becoming alarmed about the deterioration of the service and the lack of adequate investment.

The industry has, it seems to me, failed to make a case to its customers as to what it would do with improved revenues and earnings. For it is true in transportation as it is in manufacturing that the way to stable rates and even, perhaps lower rates, can only come through investment in increased productivity and there is plenty of increased productivity in transportation to be purchased.

That's why the Water Transport Association has been urging a forward survey of the capital requirements of the transportation industry so that the shippers, the executive branch of government and the Congress can understand the size and shape of our problem. That's why we have urged that the ICC recognize in rate increase cases not only the obvious labor and material cost increases, but the true current cost of capital and the true current replacement cost of the equipment and facilities which have to be replaced.

And that's why the Water Transport Association has recently been urging, in the light of the critical need for new thinking in this important area, that the transportation industry develop an all-transportation package of reform beneficial alike to railroads, truckers, water carriers and such others as may be interested in working with us. We borrow our money from the same bankers, appeal to the same investors, service the same public. It is only logical that we should have the same approach to adequacy of revenues and earnings.

Transportation is, after all, the most necessary of industries. A common approach by all modes would be far more effective in developing necessary reforms, particularly in providing an adequate incentive and return for investment capital, than our present splintered programs, most of which, if the past is any guide, are doomed in advance because they concern themselves mainly with benefitting one group at the expense of another. The fact is that the economy under-values transportation and its services and this is the fundamental idea the public has to recognize sooner or later.

I have boiled down to three main issues the principle concerns of the transportation industry: improving the regulatory process, invigorating competition and more sophisticated recognition of the revenues and earnings needs of the carriers.

What sort of single regulatory agency would assist in solving these fundamental concerns without exposing us to the danger that such an agency might simply pyramid the present commissions and add still another layer to the bureaucracy? It seems to me there is much to be said for more intensive use of the judicial review or appeal stage. There has been some criticism of court processes in the past, but this might well be dramatically

improved if a special bench of Federal judges were to be convened basically for the purpose of helping give precision and clarity to necessarily broad Congressional mandates. The statutes would remain the same, the precedents would in no way be disturbed, the Commissions would retain their present powers, but above it all would be a transportation bench establishing lasting principles, insisting that repetitive issues be grouped, that proper standards be developed and that the Commissions fulfill the leadership role intended for them as administrators of the overall objectives of the Congress.

Under this system, an issue would go first to the expert body, the Commission, then to the Transportation Bench and then to the Supreme Court.

To avoid the danger of judicial specialization and to bring to transportation the breadth of experience which comes from familiarity with issues in the economy generally, I would not have appointments to the Transportation Bench made permanent. I would rotate service on this bench from the general roster of Federal judges throughout the country.

As one reviews the objectives stated for the single regulatory agency—impartial treatment of all forms of transportation, non-discriminatory rates, workable competition, the integration of the several forms of transportation in an efficient, economical and progressive national system, consistency of decisions with the broad body of public policy objectives—the idea of a Federal Transportation Bench becomes quite attractive. One can read the statutes in vain for any language which presently precludes decisions which do all of that. There seems no need to rewrite the statutes. The problem, to the extent there is one, seems more of a type that would yield to judicial review. A Transportation Bench might therefore be a most economical short cut too the objectives we all seek.

CAPT. LOREN TORKELSON IS ALIVE

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. KLEPPE. Mr. Speaker, since 1967, Mr. and Mrs. Leland Torkelson of Crosby, N. Dak., and their daughter-in-law, Mrs. Loren Torkelson of Sacramento, have anxiously watched the mail deliveries, hoping against hope that word would come from North Vietnam that Captain Torkelson was at least alive.

Last week, the Torkelson family received 3 letters from the Captain. The efforts of the Torkelsons were rewarded, but only to a degree. Captain Torkelson is still a prisoner of war.

Mrs. Leland Torkelson is the North Dakota Coordinator of the League of Families of Prisoners of War, and we are all familiar with the tremendous efforts they have made on behalf of the nearly 1,500 men who are either prisoners of war or listed as missing in action. Their efforts have not been in vain, because the flow of letters is beginning. But the league and all of us must keep the pressure on Hanoi to abide by the Geneva Convention and, at the very least, give these men the humane treatment they as human beings deserve.

The Torkelsons have not given up, and we must not give up, either.

Following is a news story which appeared in the November 28 edition of the Minot Daily News:

LETTERS FROM CROSBY MAN HELD PRISONER ARRIVE

CROSBY.—The wife and parents of a prisoner of war who has been held captive for 3½ years received three letters last week from North Vietnam.

Capt. Loren Torkelson, who was captured in 1967 when his plane was shot down over North Vietnam, sent three letters to his wife, now teaching school in Sacramento, Calif., and his parents, Mr. and Mrs. Leland Torkelson of Crosby.

The letters indicated Capt. Torkelson was in good health. They acknowledged receipt of a package in August and requested some items for Christmas.

The letters were postmarked in August, September and October.

HOUSE SMALL BUSINESS COMMITTEE ISSUES REPORT CALLING FOR VIGOROUS ENFORCEMENT OF ANTITRUST LAWS—INCLUDING THE ROBINSON-PATMAN ACT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the House Select Committee on Small Business, of which I am privileged to serve as chairman, has recently issued a report entitled Small Business and the Robinson-Patman Act. This is a study of enforcement of the antitrust laws by the Federal Trade Commission—specifically the Robinson-Patman Act. Copies of this report, No. 91–1617, are available upon request from our committee.

The declared national policy, both by way of legislation and judicial pronouncements, is that small business is a cornerstone of our Nation's economy. One of the solid foundations upon which small business exists is the antitrust laws, including the Robinson-Patman Act, with its insistence on fair pricing policies for small businessmen.

In recent years a number of task forces or study groups have reported upon our public policy of antitrust law enforcement. Some of these reports have seemed to have as their purpose the design of weakening of the antitrust laws—with recommendations against vigorous enforcement of the Robinson-Patman Act.

As chairman of the House Small Business Committee, I appointed a special subcommittee to make a comprehensive and objective study and inquiry into the matters covered by these reports, particularly with respect to their implications for the small business community. This subcommittee held hearings on October 7–9, 1969, February 4–6, 26–27, and March 3, 4, and 11, 1970, and developed a thorough and extensive record regarding the Robinson-Patman Act and its enforcement by the Federal Trade Commission.

The report of this special subcommittee has recently been released and I ask unanimous consent that the recommendations of the report be included in the RECORD.

The recommendations follow:

RECOMMENDATIONS

As a result of the hearings, the subcommittee recommends that the Federal Trade Commission:

(1) In order to clarify its position and dispel uncertainty in the business community, the legal profession, and the Congress of the United States with regard to its intentions, promulgate and publish in the Federal Register a public statement on the agency's enforcement policy under the Robinson-Patman Act.

(2) Prepare a report to this committee and other appropriate committees of the Congress covering enforcement proceedings brought by the agency and the compliance activities undertaken. Empirical data must be developed upon which a determination can be made as to whether the act has been enforced as originally intended by Congress and in accordance with the agency's publicly stated policy.

(3) That while the agency study and report is in progress, and until directed otherwise by the Congress, the Commission vigorously enforce all sections of the Robinson-Patman Act as enacted by the Congress.

(4) Upon completion of the report we recommend that the Federal Trade Commission file its conclusions and recommendations with this committee, and other appropriate committees of the Congress.

(5) On a periodic basis, as requested by the committee, make available such pertinent data as Robinson-Patman Act investigations initiated and closed, assurances of voluntary compliance accepted, consent orders negotiated, complaints issued, and decisions rendered by the Commission in the public interest.

FEDERAL PAY RAISE

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. TEAGUE of California. Mr. Speaker, I received the following telegram from my constituent, Mr. Roshan W. Dyar of Oxnard, Calif., who is anxious that the message it contains reach all Members of Congress.

OXNARD, CALIF., *November 29, 1970.*

CHARLES M. TEAGUE,

House of Representatives, Washington, D.C.

Please have this message read, loud clear, before the house or Representatives, and the Senate. Inasmuch as the Congress is determined to continue giving away tax money by the billions in the form of deductions, exemptions, allowances, benefits, and incentives, to the affluent and big money—enterprises at the expense of untenable payroll deductions it is only fair that the congress guarantee their million and a quarter on organized federal employees the annual cost-of-living pay adjustment promised by the pending pay reform bill. Organized labor wins unlimited pay increases far beyond the increase cost-of-living-indexes.

Collective bargaining is impossible with government employees because their management is powerless to comply with any decision.

There is no wage classification breakdown in Government employment to differentiate between the rights of engineers, clerks, lawyers, mechanics, supervisors, janitors, doctors, and mail carriers. The total cost of taking your two million federal-postal work force out of financial slavery would be far less than you now cheerfully give away in the form of farm subsidies, oil allowances, foun-

dations, and foreign aid, while our own organized poor and welfare recipients destructively march on our cities and campuses, just as the French peasants once marched on the bastille and destroyed the aristocracy.

ROSHAN W. DYAR.

CONFERENCE REPORT ON S. 2224 TO AMEND THE INVESTMENT COMPANY ACT OF 1940

HON. RAY BLANTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. BLANTON. Mr. Speaker, the conference report, House Report 91–1631, does not fairly represent the position of the Subcommittee on Commerce and Finance in connection with the pending amendments to the Investment Company Act of 1940, which is a great disappointment to me. When we debated this bill on the House floor on September 23, I said:

Mr. Chairman, although I voted for H.R. 17333 in the subcommittee and in the full committee, it was only on the basis of my understanding that our committee and its senior members on both sides of the aisle would strongly support the bill on the floor and in conference with S. 2224, a substantially different bill, which was approved by the Senate May 26, 1969.

When the Senate considered this legislation in May of 1969, economic conditions were vastly different on Wall Street, in the mutual fund industry, and in business communities across the Nation. Many important aspects of the legislation were not even discussed by the SEC, witnesses, or Senators at that time.

When the legislation came before our subcommittee in the House we held extensive hearings and had before us an entirely different economic situation in the country. As a result of very careful study and the testimony of competent and impartial witnesses, we included in H.R. 17333 a number of provisions which we considered vital to improving investor protection and at the same time adequately providing compensation for securities salesmen and an opportunity for profitability for securities brokers, dealers, and underwriters. Senior Members on both sides of the aisle reportedly gave assurances that these provisions of the House bill would be defended in conference if we would support the legislation. A number of us voted for the bill only on the understanding that a good faith effort would be made to bring out a balanced bill, reasonably meeting the requirements of increased investor protection.

As I read the conference report, the House bill has literally been gutted and we have an even more restrictive bill than the Senate itself proposed. The Senate bill included in section 32a authority for the Securities and Exchange Commission to go into Federal court and sue mutual fund managements for breach of fiduciary duty in proper cases, but only where personal misconduct might be involved. This provision is consistent with basic principles of corporate democracy. Certainly no investment adviser or manager should be sued for a breach of fiduciary duty on allegations of something less than personal misconduct. The conference committee removed this provision, and under S. 2224 it is now provided in section 32a that the Securities and Exchange Commission may go into Federal court and sue an investment adviser, asking not only for an injunction, but "such other relief as may be reasonable and appropriate in the circumstances." It seems to me that this opens the way for the SEC staff to challenge the judgment of investment advisers with which it does not agree, or to threaten court action for all kinds of activities which may not only be lawful, but which may well be in the interest of shareholders.

I think the conference committee made a serious mistake in not retaining in the bill they reported the provision of the House bill which would allow reasonable opportunity for profit for brokers and dealers and underwriters. We intended this provision as a protection for small business. There are some 4,000 broker-dealers registered in the United States, and about 80 percent of them would be classified as small businessmen. If the NASD, under the conference bill, can set mutual fund sales loads at a figure which does not allow a reasonable opportunity for profit, some of these small businessmen may be forced into bankruptcy or liquidation.

In the House bill we carefully considered the front-end load problem, and determined that investors would be adequately protected by permitting them a right to request a refund within 1 year of 80 percent of the sales load paid in purchasing a contractual plan. The conference committee rejected our provision, reduced the percentage to 15 percent and extended the time to 18 months. It is my understanding that this will make it virtually impossible for contractual plan sponsors to continue to provide this very favorable investment vehicle. The contractual plan allows persons of moderate income to become investors in mutual funds on the basis of periodic payments. The free enterprise system requires an ever-increasing number of investors participating in American industry. Most American families never have enough extra cash at one time to make a minimum investment in a mutual fund. The contractual plan permits this moderate income group to purchase mutual funds the same as they purchase their homes, automobiles, boats, and TV sets; that is, on an installment basis. This encourages thrift and savings and allows millions of persons to participate in risk taking in the securities markets through the vehicle of a mutual fund. The mutual fund itself provides continuous professional management and reduced investment risk by broad diversification of investments. A mutual fund shareholder actually purchases an interest in a pool of investments, and has the same advantage of professional management and diversification through this medium that has been heretofore available only to persons of high income and great wealth. The action of the conference committee in rejecting the House provisions will deprive many Americans of a reasonable opportunity to become investors in the free enterprise system.

In the area of performance fees, the conference committee eliminated the provisions of the House bill which would have exempted American investment advisers of offshore, or foreign based funds, from the restrictions on performance fees that will now apply to U.S. mutual fund advisers. Performance fees are commonplace throughout American business. Every salesman who works on a commission basis is paid a percentage of the results he achieves. The contingent fee, based on performance, is a fundamental business incentive and is one of the great engines that motivates the free enterprise system. It is important to the U.S. securities industry that foreign investors be encouraged to purchase American mutual funds and the securities of American companies. This not only gives depth, liquidity and continuity to U.S. securities markets, but has an important affect on reducing the balance-of-payments deficit.

In yet another area, the Conference Committee rejected the House bill provision that would allow fund holding companies to have the same total sales load as the other mutual funds with which they compete. Under the Senate bill, the sales load will be limited to 1½ percent. This is not only unfair discrimination, but a case of Federal price fixing, unjustified by any evidence in the record before our subcommittee.

All of these considerations suggest to me that the Conference Committee simply did not take into account the vastly changed economic conditions that prevail in the securities markets today. In the House we had the advantage of a much closer relationship to events than existed in the Senate in May 1969, when they considered this legislation. I believe the Conference Committee made a serious mistake, and I for one would not have voted for the bill had I known that this would be the ultimate result. I believe S. 2224 in its present form is regressive, antismall business, antisalesman, and antimiddle American investor. I would have hoped that we would strengthen the industry, increase investor protection, and make it possible for millions of more Americans to become equity participants in U.S. business. I am afraid S. 2224 turns back the clock and will limit these opportunities to the well-to-do, will stifle the growth in the number of shareholders in the United States, and will freeze the development of mutual funds.

1ST LT. ROBERT CHINQUINA

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. LONG of Maryland. Mr. Speaker, on July 28, 1970, 1st Lt. Robert Chinquina, of the 11th Armored Cavalry Division, was killed in Vietnam. In addition to his parents, Mr. and Mrs. Joseph

Chinquina, he is survived by his wife, Ramona Vollerdt Chinquina, and his infant son, Robert, Jr. Lieutenant Chinquina was a graduate of the Pennsylvania Military College in Chester, Pa.

On November 5 of this year, Lieutenant Chinquina was posthumously commended and given an award by General Patterson (Ret.) on behalf of Armor Magazine for being one of the two most outstanding lieutenants commissioned from ROTC units or military colleges in the United States into the armored branch. Mrs. Chinquina received the award in her husband's name.

I should like to honor the memory of this young soldier by including this in the RECORD.

WASHINGTON'S BUILT-IN DESTABILIZERS

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. COHELAN. Mr. Speaker, the pressing problems of inflation and unemployment continue to cause untold hardships upon untold numbers of Americans. I have taken a strong stand against the Nixon administration's efforts and nonefforts in handling these problems.

Recently Dr. Virgil Salera, a former senior staff member of the Council of Economic Advisers, wrote an article on the inflation problem. I feel that it is most important that all Members of this Chamber and the readers of the RECORD to be fully aware of the alternative views on this issue. At this point, Mr. Speaker, I insert in the RECORD Dr. Salera's article, "Washington's Built-In Destabilizers," and I commend the reading of this article to my colleagues:

WASHINGTON'S BUILT-IN DESTABILIZERS

(By Virgil Salera)

There's a new way to focus on the question whether Washington's so-called stabilization role is worth as much as it costs. While we've been taught that some transfer payments and taxes provide modest built-in stabilizers, we haven't paid attention to the Government's own powerful built-in destabilizers. In particular, the neglect of Washington's adverse impact on productivity—that is, output per man-hour worked—has been nearly disastrous. It's time we developed an awareness that growth of productivity is unpredictably, and yet not autonomously, cyclical.

For nearly 40 years Washington has believed that it alone controlled all the key levers for stabilizing a dynamic economy. Specifically, it thought it was fortunate to be able to count on increased aggregate spending to result in greater employment without inflation. The concurring view of most of the academic community was a powerful assist. Nearly everybody agreed that growing output per man-hour would prevent augmented total spending from markedly boosting prices and causing distortions in the economy.

CYCLICAL RISE

But what if productivity moved in jerky fashion, up in some periods and down in others—while yet conforming to a secular rise of some 3% a year? Then, our ability to attain and sustain economy-wide stability would depend on a complex and as yet little-understood relationship. Stability would depend on whether Washington could adjust the policy instruments within its control—fiscal and monetary—so that Government-induced changes in aggregate demand would dovetail with unstable short-term productivity developments which, once unleashed by excessive demand, were outside Washington's control.

The complexity of the dovetailing process is indicated in part by the conditions under which Washington does and does not influence the short-term rate of productivity. Surely Washington is virtually without influence when the nation's aggregate demand has remained for some years safely below inflationary levels. It is only when Washington flirts with serious inflation that the Government's own policies set in motion productivity-lessening forces over which there is no central control.

It will be noted that all this is a far cry from the usual reassuring views about the safely dependable long-term sources of productivity growth: The gradual improvement of labor skills, increased capital per head, and more or less steady assists on the technological front. It was not until these forces took off about two centuries ago that mankind in most Western countries was able to free itself from virtual stagnation.

Growth admittedly has created new problems of major scope. "Quality-of-life" issues readily come to mind. We don't, however, want to meet such challenges by way of returning to a stagnating situation. Thus, we have to be sure that we can cope successfully with stability requirements. The outlook would be more reassuring if the totality of Government operations exhibited sufficient flexibility.

The substantial difficulties Washington is likely to face from here on stem largely from habits of aggregate demand management coupled with the size and momentum of the programs that pressure groups now ask the national Government to finance. Most taxpayers are painfully aware that expenditures follow an expansionism all their own. The thousands of Washington spending programs are ratchet-governed: Operations move along a one-way street—upward and outward.

We've shaped an enormous machine that lacks a reverse gear. Imagine the reactions of constituents to legislators who, at a time of nose-diving productivity, indicated that the right thing was to vote for "reverse gifts"—fewer "free" benefits.

Our analysis need not proceed on the purely hypothetical level. Its significance is well illustrated in terms of Lyndon Johnson's record budget deficit of fiscal 1968 and its lingering repercussions. Skyrocketing Government outlays were occurring just as productivity was diving. There was not a peep out of Washington about the productivity aspect of the situation. The "guidelines" had been quietly abandoned in 1966, and less formal White House "jawboning" had taken their place. Washington thought it could meet major companies, and talk them out of proposed price increases despite strong inflationary pressures. Business volume was high, so why shouldn't price moderation reflect assumed "economies" of production at high rates of capacity utilization? Actually, workers were getting more dollars but producing less per dollar. Productivity was in steep decline. Washington, not labor, was at fault, since it had made the fatal mistake of overstimulating aggregate demand.

THREE NEGATIVE EFFECTS

The Government's easy spending on a lavish scale had neglected at least three adverse effects. The spending facilitated massive job-hopping, encouraged business firms to go for heavy overtime, and sharply curtailed the rate at which our economy weeded out inefficient managers. Job-hopping at an excessive pace makes for a socially wasteful rate of company recruiting, training and retraining, thus augmenting unit production costs that for a short period can easily be covered by raising product prices.

Heavy overtime, of course, is a classic productivity-lessening method of operation. And unintentionally making it easy for poor managers to survive just assures that the country gets small mileage from scarce resources under the control of those who should not be managing. Incidentally, Washington's flood of statistics sheds no light on these critical quantities.

It should be noted that an overemployed economy induces a marked fall in productivity. There is nothing autonomous about the drop in output per man-hour. The chief productivity-lessening developments at this stage in the cycle—high job hopping, excessive overtime and undue longevity of poor managers—are themselves the unintended effects of sloppy Washington aggregate demand management when the economy is already operating in the very high-employment range.

At other times, to be sure, long-term factors largely govern the rate of productivity growth.

Put another way, the more Washington goes in for "fine-tuning," trying to trade a little less unemployment for what it hopes will be only a "little more inflation"—as was the fateful case under Lyndon Johnson—the more Washington depresses productivity. Something like the converse is also true, of course. At the limit, Washington-induced income expansion simply results in large doses of unsustainable wheel-spinning. The real economy stagnates even though the outward, statistically reported, evidence is one of "high activity." As soon as the underlying mess is foreseen by sharp people who are not mesmerized by Washington's official line, revised values are placed on the worth of enterprises and everybody notes a well-justified plunge in the stock market. Debtors loaded with high-interest obligations shortly face a liqudity squeeze; bankruptcies skyrocket; even liquid businesses pull in their horns, and recession sets in or looms. This is hardly a pattern of "stabilization."

A FEW SUGGESTIONS

The foregoing suggests we should urgently reconsider the status of some sacred policy cows.

First, should we continue to rely mainly on Government-stimulated aggregate demand rather than old-fashioned market adjustments to attain good employment levels?

Second, we must note that the deceptive "gap" concept—the hiatus between the economy's actual output and its potential real GNP—was formulated in the auspicious Kennedy period when, as luck would have it, inflationary expectations were absent. Should we continue to employ the discredited "gap" concept, as even Mr. Nixon's advisers have done, at such time when such expectations are far from dead—as is shown by the way in which mean first-year wage-fringe settlements continue to exceed productivity gains and even 1969 awards?

Thirdly, can we justify permanently expanding an already overexpanded Washington operation in the name of short-term fiscal stimulus to attain employment goals, when the tax bite is of today's gargantuan proportions?

Finally, should we make another attempt to include reasonable price stability as an explicit objective of the Employment Act? During the Eisenhower years the Congressional majority turned down the suggestion on the argument that amendment was unnecessary—such price stability was said to be implicit in the statute. Perhaps the legislative majority would pay greater heed if the fuzziness of the implicit were replaced by the action-sparking clarity of the explicit.

NORTH COUNTRY NATIVE DECORATED BY PRESIDENT NIXON

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. McEWEN. Mr. Speaker, I am delighted to have been a sponsor of House Resolution 1283, which commends the official command, officers and men involved in the military expedition of November 21, 1970, seeking release from captivity of United States prisoners of war believed to be held by the enemy near Hanoi, North Vietnam.

Those of my colleagues who sponsored House Resolution 1283, and identical resolutions, commend the command, officers and men for the courage they displayed in this hazardous and humanitarian undertaking which has lifted the hopes and spirits of our brave men imprisoned and fighting, as well as Americans everywhere.

I am especially pleased to be a sponsor of this resolution because a native of Morrissonville, N.Y., in my congressional district, was a director of the daring helicopter raid. He is Brig. Gen. LeRoy J. Manor, son of Mr. and Mrs. Walter Manor. General Manor was in Washington recently to receive the Distinguished Service Medal from the President. He also joined Secretary of Defense Melvin R. Laird in disclosing details of the operation. Secretary Laird, in a statement before the Senate Committee on Foreign Relations on November 24, said of those taking part in the raid: "What they did, in my view, was to demonstrate to all our citizens and to all the world that our prisoners of war are not forgotten."

I call to your attention, Mr. Speaker, and to the attention of my distinguished colleagues, a story which appeared in the Plattsburgh, N.Y., Press-Republican on Wednesday, November 25, 1970, which deals with General Manor's participation in the heroic raid.

The newspaper story follows:

MORRISVILLE NATIVE LED AIR FORCE IN RESCUE TRY

(By Forrest Cleland)

PLATTSBURGH.—A U.S. Air Force brigadier general who is a native of Morrisonville, was a director of the daring helicopter raid last weekend on a Communist prisoner of war camp only 20 miles west of Hanoi.

Brig. Gen. LeRoy J. Manor, son of Mr. and Mrs. Walter Manor of Rand Hill, directed the airborne part of the raid which, although unsuccessful, was hailed by Defense Secretary Melvin B. Laird as indicative of the nation's concern for prisoners of war in North Vietnam.

General Manor and Army Col. Arthur D. Simons of New York City, who directed the ground force involved in the raid, returned Monday to Washington where they joined Laird in disclosing details of the operation.

General Manor paid tribute to the volunteer troops who participated in the extremely dangerous action. He called them "the most elite group of men with whom I have served."

General Manor's mother Tuesday said she and her husband are very proud of our son.

"We didn't know he was doing this," said Mrs. Manor, "and it is just as well we didn't because we would have been terribly worried."

After conferring with officials at the Pentagon and appearing on a national telecast, General Manor phoned his parents here.

"He said he had just gotten back and that he was very tired," his mother said. She said General Manor plans next to return to his home at Eglin AFB in Florida for a rest.

The unsuccessful but daring raid took place at 2 a.m. Saturday (2 p.m. Friday, New York time).

While U.S. bombers hammered Communist missile and gun sites in North Vietnam, a highly trained volunteer force made a controlled crash landing by helicopter in the middle of a former PW compound at Son Tay.

Under cover of darkness the American volunteers entered and searched the compound, but were unable to locate any prisoners.

Laird told a Pentagon press conference that it was later learned the camp had recently been vacated.

General Manor did not say how many American prisoners of war had been at the camp. He did, however, disclose that at one time it held "a large percentage of those believed to be in Red hands." The move of the prisoners to another camp had been unknown to American intelligence, General Manor said.

He was born in Morrisonville at Rand Hill and was a graduate of the Cadyville High School which has since burned.

He is married to the former Dolores Brooks of Schenectady. They have three children. Alan is a teacher in Virginia and was co-director of the Twin Valleys Outdoor Education program at Lewis, N.Y., last summer. The husband of their daughter, Mrs. Mary Ayres, is with a U.S. Army helicopter command in Vietnam. A son, Dean, is a college student in Virginia. General Manor's brother, Lawrence, also of Rand Hill, is an investigator with the State Police Bureau of Criminal Investigation.

General Manor told his parents he expects to visit them soon, but is unsure of the exact date. His mother says he occasionally is sent to Boston and that he usually pays them a visit during his stay there.

General Manor is a graduate of the old Plattsburgh State Teachers College and taught at the "little Red School House" on Rand Hill before enlisting in the Air Force as an Air Cadet in 1942.

He has remained in the Air Force since that time, rising through the ranks to the position of brigadier general to which he was promoted in February.

U.S. "BLOOPER" ON SOVIET INSULT

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. MADDEN. Mr. Speaker, the incident involving the Lithuanian sailor who escaped from a Russian Communist trawler and was picked up by the U.S. Coast Guard ship has caused great consternation throughout the country. The decision of the captain of the American ship in negotiating with the officers of the Communist trawler to return the Lithuanian sailor to the Communist vessel has not been duly explained by our Government authorities. I am requesting the State Department to make a complete public explanation as to the circumstances which allowed this unfortunate incident to terminate in the release of this Lithuanian escapee to his Communist superiors. I also wish to commend the House Foreign Affairs Committee, which has announced that they are going to hold hearings on this unfortunate incident which I trust will provide some kind of explanation of the actions of our Coast Guard officers.

Mr. Irving L. Lewin, businessman and special radio commentator over station WJOB, Hammond, Ind., submitted an excellent broadcast criticizing the action of our Government in not giving a full explanation of the treatment of this Lithuanian escapee from the Communist ship. I am including with my remarks excerpts from Mr. Lewin's broadcast of yesterday morning.

It is apparent to the Lithuanian people that have been dominated for so long by the rotten Russian Government, that lipservice is about all they can ever expect from our Government officials when it comes to American taking direct action on international insults from the Soviets. The American Coast Guard Cutter, Vigilant, had a chance to save a Lithuanian seaman who was beaten senseless by the Communists in the presence of American servicemen, but for some reason or other such was not the case. Yesterday Albert Vinick, of East Chicago, Ind., representing the Lithuanian American Council urged Congressman Madden or Senator Bayh to intercede on behalf of the Lithuanian Embassy to stop any further detention of the Lithuanian refugee. This was done because Congressman Madden and Senator Bayh have on many occasions professed deep sorrow for the plight of the overrun country of Lithuania by the Russian hordes. The real question that President Nixon should ask Admiral Bender is what was the Coast Guard Cutter, Vigilant, doing playing footsie with the Soviet defiance in the first place? I contend the Russian Government once again is laughing up their sleeves at our apparent international mistake.

Mr. Speaker, I also wish to incorporate with my remarks the following letter which I received from Mr. Albert G. Vinick, president, Lithuanian American Council, Lake County, Ind., pertaining to this unfortunate incident.

LITHUANIAN AMERICAN COUNCIL,
Lake County, Ind., December 1, 1970.

Hon. RAY J. MADDEN,
House of Representatives,
Washington, D.C.

DEAR SIR: Pursuant to our conversation this morning pertaining to the forceful return of a Lithuanian seaman while in the Russian service on a fishing boat Sovietskaja Litva. The other ship was a United States Coast Guard ship Vigilant, commanded by Captain Ralph E. Eustis, operating out of the Port of New Bedford, Mass. U.S.S. Vigilant intercepted the Russian fishing boat for a routine checking on fishing rights. Both ships were along side for several hours, when this Lithuanian seaman jumped from the Russian ship onto the U.S.S. Vigilant, and requested political asylum. I will not endeavor explaining other details of protocol.

Robert M. Brieze, president of the Seafood Producers' Association was on board the U.S.S. Vigilant, with several associates, gave this report to the news media.

"When I first saw the defecting seaman his face was bloody, and when he saw us he fell on his knees and cried out: 'Oh God! Help Me.' We tried to intercede for the defecting seaman but Captain Ralph E. Eustis ordered us to his cabin, as we were leaving, the Russian crewmen on board the U.S.S. Vigilant, proceeded to punish their victim.

While we were in the Captain's cabin, the defecting Lithuanian seaman broke into the cabin, his face was bloody and he was in his undershirt, he was shouting Help, help, help. Not getting any help he ran towards the deck of the ship, said Brieze.

Mr. Breize said he learned that the Russian and the American Captains were in communication with Rear Admiral William Ellis, who approved orders to return the seaman.

Mr. Brieze further said that he learned the man could speak four languages—German, Russian, Lithuanian and English. He carried with him his books, note books, letters from his wife and her picture. After witnessing this depressing episode he did not want to see any more action.

Fortunately Robert M. Brieze and associates were witness to this denial of political asylum, otherwise the public would never have known of this incredible incident.

As president of the Lithuanian American Council of Lake County, I have in the past written numerous requests and received your whole hearted support for which our country is ever grateful. Now I am advising you that our Lithuanian American community and other ethnic groups are angered about this denial of asylum to a Lithuanian sailor, and we request you use your influence to get a public announcement from President Nixon and the State Department that the United States will continue to grant political asylum to those requesting it. We want this statement so that all Radio programs sent over the Iron Curtain may encourage others not to lose faith in the United States, as during the Hungarian revolution of some years ago.

Sincerely yours,

PETER INDREIKA,
ALBERT G. VINICK,
President.

THE BOMB RAID ON NORTH VIETNAM

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. RHODES. Mr. Speaker, the San Francisco Examiner, in its editorial "The Bomb Raid on North Vietnam," writes that the last thing which can be questioned about the air raid is the President's sincerity as a peacemaker.

President Nixon has said several times that if our withdrawing troops were in danger, he would take strong and effective action. As in the Cambodian incursion, events warranted strong action on our part to protect our troops. That this action was taken should come as no surprise to our enemies abroad and our war critics at home. As the Examiner states, "The President is trying to wind down the war in every way, but his first priority is to protect our remaining troops."

I commend this editorial to my colleagues:

THE BOMB RAID ON N. VIETNAM

As could have been predicted, the doves in Congress and Communist spokesmen everywhere came up squawking exactly the same themes in response to this nation's bombing of North Vietnam over last weekend.

What the chorus claimed, in effect, was that the aerial raids were both an outrageous violation of President Johnson's "unconditional" bombing halt and—by allegedly threatening to widen the war—a refutation of President Nixon's own sincerity as a would-be peacemaker.

It certainly is easy to understand why our enemies and their apologists in Washington should react to the raids with howls of anger and alarm—as they did over our incursion into Cambodia last spring. Questioning the President's sincerity is another matter entirely.

Ever since Mr. Nixon announced his continuing policy of gradually withdrawing United States troops from South Vietnam, he has stressed the risks involved by frequently warning Hanoi not to take advantage of the withdrawals. He declared in a speech to the nation last April 20, only 10 days before our Cambodian action:

"I repeat what I said Nov. 3 and Dec. 15 (1969): If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam I shall not hesitate to take strong and effective measures to deal with the situation."

The warning went unheeded and our month-long campaign to destroy the build-up of enemy depots in Cambodia resulted. The bombings last weekend, similarly, resulted when the enemy kept firing at our unarmed reconnaissance planes and staging a massive new build-up of men and material clearly meant for a fresh offensive in the south.

So the bombings should have surprised nobody. President Nixon, in ordering them, only did what he had warned he would do—and what he no doubt will do again whenever the safety of our withdrawing forces becomes ominously menaced. As he most assuredly should.

It surpasses our understanding, incidentally, that the domestic critics of the war show no indignation over the North Vietnamese attempt to re-escalate their invasive war in the south, and their continuing attempt to conquer Cambodia.

The President is trying to wind down the war in every way he can but his first priority is to protect our remaining troops. Henceforth, hopefully, his warnings to that effect may be taken more seriously both by the enemies abroad and the war critics at home.

REVOLUTIONARY ANTIMILITARISM—II

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. SCHMITZ. Mr. Speaker, in "Why Communism," M. J. Olgin said:

A time comes when there is demoralization above, a growing revolt below; the morale of the Army is undermined. The old structure of society is tottering. There are actual insurrections; the Army wavers. Panic seizes the rulers. A general uprising begins.

The history of Communist conquest is the history of the destruction of the forces standing in opposition to their global advance.

This destruction takes place before war is officially declared, during the war if declared, and after the war when peace supposedly has been reestablished. It takes place at all times as long as there are any forces opposed to the seizure of total power by the Bolsheviks.

The major military opposition to the designs of the Soviet warlords is the combined Armed Forces of the United States. Imagine a United States without an effective Army, Navy, Marines, or Air Force. If you are not visualizing an America partially in rubble and occupied by Soviet forces, you do not understand the situations we face today. You do not understand the supreme danger of what the Communists call revolutionary antimilitarism.

From Engels, who said: "Surely the fact is evident that a disorganized army and a complete breakdown of discipline has been the condition as well as the result of every victorious revolution," and Lenin, who said: "Not a single revolution has ever refrained from 'disorganizing' the army and cannot now refrain from doing so," to the current crop of Communist strategists "Marxists have always been aware of the importance of winning away the army from the bourgeoisie"—World Marxist Review, October 1969, the necessity of destroying the effectiveness of the opposition's armed forces has been emphasized as a prerequisite for conquest.

Before me on my desk are several newspapers which are being distributed around the military bases in the 35th Congressional District. They are classic examples of Soviet-type propaganda designed to undermine the morale of soldiers, turn them against those in authority, and organize everyday, run of the mill gripes and complaints into rebellion and mutiny. They are aimed at destroying the discipline and effectiveness of the Marines at Camp Pendleton and El Toro as well as of the sailors in the San Diego area.

Reading through this material is like turning back the pages of history to papers like "The Soldier's Pravda," "The Trench Pravda," and "Worker and Soldier"—all put out by Lenin and the Bolsheviks in 1917 as part of their successful effort to destroy the integrity of the Russian Army and thereby make possible their seizure of power.

Communist themes never really change except insofar as they are updated to relate to conditions existing at any particular time and place. The first aim of Soviet propaganda during a war, as prominent French Communist Andre Marty learned from his experience in helping direct the mutiny of the French fleet in 1919, is to convince the soldiers that the war they are engaged in is unjust. The Vietnam conflict is utilized to try to make this point.

Another major objective of this type of propaganda is to capitalize on the normal grievances of soldiers in any armed services. Obviously, most young men would rather be doing something else on Saturday morning than going on a military detail. The agitators attempt to turn this preference into outright hostility and disobedience.

Communist propaganda has always sought to promote, exaggerate, and capitalize on differences. The differences between officer and enlisted man; between soldiers enlisted or drafted for one term and the professional military man; between black soldiers and white soldiers, are turned into conflicts of interest when in fact no such conflicts exist except as they are manufactured by the professional sowers of dissension and hate.

These newspapers, designed to help destroy the forces opposing the Soviet drive for a global conquest, are not confined to the 35th Congressional District. They are part of a nationwide chain of papers centered around something known as Liberation News Service located in New York City. They appear around practically every military base in the country, and are coordinated with a nationwide string of "coffee houses" where soldiers get the personal indoctrination treatment.

Subversion of the individual soldier is reinforced by a nationwide psychological warfare campaign designed to undermine the military as a whole in the eyes of the general public.

A recent publication available directly from the Senate Internal Security Subcommittee, entitled "The Human Cost of Soviet Communism," will give anyone who takes the time to read it a preview of what lies in store for him if the campaign against the military succeeds.

All the freedoms we have depends, in the final analysis, on the maintenance of military forces capable of withstanding Soviet attack. The American Armed Forces should be supported by every American, in direct proportion to his desire to preserve these freedoms.

MEDICAL DIRECTOR FOR SOUTHEASTERN STATES

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. COLMER. Mr. Speaker, located in my district is a Veterans' Administration Center comprising a large medical, surgical, and psychiatric complex. During the past 3 years this complex has been directed by L. B. Lamm, M.D., I have received nothing but praise and gratitude from constituents about the quality of medical care performed by this Center. I was informed recently by the Administrator of Veterans' Affairs that Dr. Lamm had been appointed Regional Medical Director for the 10 Southeastern States, the District of Columbia, and Puerto Rico. The staff of the Center, under the direction of Dr. Lamm has done such an outstanding job, I want to record my appreciation and the appreciation of the countless beneficiaries served by the Center.

During Dr. Lamm's tenure, many changes have been made to improve patient care, and sometimes under adverse conditions, the greatest of which was the disaster caused by Hurricane Camille. Without time for in-depth planning, the Center evacuated 741 patients to eight other VA hospitals without incident. The magnitude of this evacuation was astounding when one realizes the tremendous logistic problem, which normally would require weeks of planning, was accomplished in a matter of hours.

Congressman BRYAN DORN very appropriately inserted in the CONGRESSIONAL RECORD on September 11, 1969, his praise of the excellent work performed by the Center staff during and after Hurricane Camille.

We regret losing Dr. Lamm, but must agree with the Administrator of Veterans' Affairs that his executive abilities should be utilized at the higher level of management to which he has been assigned. On behalf of the veterans and their families served by the Center, I offer best wishes and continued success to Dr. and Mrs. Lamm and their children, Florence, Monica, and Wiley.

PRINCETON UNIVERSITY RESPECTED AND ADMIRED THROUGHOUT THE WORLD

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. THOMPSON of New Jersey. A recent spate of commentaries on campus problems and unrest has provided much constructive thought. Unfortunately, however, some of the discussion seems to have been designed to discredit our colleges and to turn whatever gap exists between them and the rest of the community into a chasm. Whether the motive has been political or punitive toward a generation for the youthful errors of some, this rhetoric has done a disservice to our students, our institutions of higher learning, and to the Nation. Dialogue, reconciliation, and understanding between our academic and our larger communities will serve us well; for the sake of our own future we need to dispense with acrimonious contention as though between pots and kettles.

An example of the diatribe I have in mind, introduced by the gentleman from California (Mr. SCHMITZ), and published October 9, 1970, in the CONGRESSIONAL RECORD, is an article by Mr. Al Capp. In his article Mr. Capp proclaims the "inferiority of college students to any other class" and tries to malign one of our great, independent universities, Princeton, which we are proud to have in the State of New Jersey. This article so discredits itself by weaving together distortions and fabrications that, except for its publication in the RECORD, it deserves no notice. Worth mentioning, however, is the service of Princeton University to the State of New Jersey and to the Nation.

In much of the talk of campus unrest there has been a tendency to overlook or undervalue the education of our youth and the expansion of knowledge for which our universities and colleges have been responsible. Nevertheless, this progress continues at a higher rate than ever before, without enough being said about it, and has more significance than anything else that has been happening on our campuses.

As a center of learning and research, Princeton is respected and admired throughout the world for the scholars it has produced and for the contributions its studies have made to our society and the human condition. In recent times of tension there has been concern, emotion, and distress at Princeton, mainly expressing student disagreement with the slow pace of social progress and our continued involvement in a costly war in Southeast Asia. Last spring there was on this campus a noncoercive "strike" against the war and at least some interruption of normal academic pursuits. It was by no means the first expression of discontent there. As long ago as 1774 a student was disciplined for stimulating a demonstration against the British. By 1776 his motives had been widely accepted.

It may be helpful for us all to understand how this private, national institution of higher learning worked through the stress and provocations of last spring, not by decree, but by the rational decisions of its representative council to uphold the university's basic educational function while assuring for all members of the university community the opportunity to exercise their prerogatives as citizens.

The "strike" was directed against the war in Indochina, not against the university, which remained open so that students could pursue their education although a minority postponed their examinations. Those who chose to involve themselves in political action were free to do so. The university responded to a student and faculty desire to rearrange the academic calendar by sacrificing scheduled holidays in order to have 2 weeks to become engaged in politics at their homes or elsewhere as they saw fit before the elections in November. In the public print this has been referred to as "the Princeton Plan" and was adopted on some other campuses. In late October and early November, some of the Princeton students joined the political campaign workers for candidates of both parties; others studied or took holidays.

I have no doubt that in the time of tension which increased so markedly on our campuses last May that mistakes were made at Princeton as elsewhere. But there emerged on that campus a strong reassertion of support for these sound principles:

First, the central mission of the university is to teach and to inquire. In order to fulfill this role the university must be open. It must be free for the expression of any opinion and free from coercion by minorities or majorities.

Second, as a center of learning and inquiry, the university must be neutral in the political arena. Political objectives should be pursued through constitutional procedures by individuals or voluntary groups of the university community as they see fit.

When we view the differences and the antagonisms which have brought about the problems and sometimes hostility between campus groups and other segments of our society, it seems all the more important for our National, State, and community leadership to pay attention to such campus undertakings to work within our system of government. The gravity of the lack of understanding has been well reported by Chancellor Alexander Heard of Vanderbilt University, while serving as special adviser to the President, and by the President's Commission

on Campus Unrest, chaired by former Governor William W. Scranton of Pennsylvania. As the latter report put it:

Less and less do students and the larger community seek to understand or respect the viewpoint and motivations of the other. If this trend continues, if this crisis of understanding endures, the very survival of the nation will be threatened.

Stopping this trend is urgent national business. Patience and rationality are required. It is clear that this problem cannot be made to go away by undermining higher education and a great university like Princeton, for, if efforts such as Mr. Capp's could succeed, the future of our Nation would be undermined as well.

REVIEW OF THE PUBLIC LAND LAW REVIEW COMMISSION REPORT BY THE HARD MINERALS COMMITTEE OF THE AMERICAN BAR ASSOCIATION

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. BARING. Mr. Speaker, I believe it is of general interest to everyone involved in public land and mining issues to read the following "Review of the Public Land Law Review Commission Report by the Hard Minerals Committee of the American Bar Association":

REVIEW OF THE PUBLIC LAND LAW

(NOTE.—This report was drafted by the Hard Minerals Committee at a meeting held on October 19, 20 and 21, 1970. Copies were sent to all members not attending the meeting for their comments or suggestions.)

On June 20, 1970, the Public Land Law Review Commission Report was submitted by the Commission to the President and the Congress. The Commission is to be commended for its work in compiling this exceptionally fine study.

The chapter in the Report pertaining to mineral resources contains policy guidelines and specific recommendations relating to the retention and management or disposition of Federal lands.[1] These guidelines and recommendations are of vital concern to the Nation in the development of its natural resources. The purpose of this paper is to comment on certain of the Commission's recommendations and to present the view of the Hard Minerals Committee on that portion of the Report dealing with Mineral Resources.

I. IMPORTANCE OF MINERAL DEVELOPMENT

The Hard Minerals Committee endorses the Public Land Law Review Commission on its recognition of the importance of mineral development on our public lands. In its introductory remarks the Commission stressed the economic and industrial dependence of this country on the production of its fuel and nonfuel minerals. Moreover, as stated in the Report:

". . . [O]ur survival as a leading nation depends on our mineral supplies. The close relation between minerals and our national security is too apparent to require detailed explanation.

* * * * *

"We strongly favor, therefore, an overriding national policy that encourages and supports the discovery and development of domestic sources of supply.

"Public land mineral policy should encourage exploration, development, and production of minerals on the public lands." [2]

The Commission acknowledges that the private enterprise system fundamental to this country would be best served by reliance upon the private sector for the development of mineral resources.

"The Federal Government generally should rely on the private sector for mineral exploration, development, and production by maintaining a continuing invitation to explore for and develop minerals on the public lands. We are satisfied that private enterprise has succeeded well in meeting our national mineral needs, and we see no reason to change this traditional policy." [3]

As a basic premise, the Commission also concluded that it should be the policy of public land legislation to encourage mineral prospecting and to give preference to mineral exploration and development over other land uses. In this respect, the Commission stated:

". . . We have concluded that it is in the public interest to acknowledge and recognize the importance of mineral exploration and development in public land legislation. Also, a decision to exclude mineral activity from any public land area should never be made casually or without adequate information concerning the mineral potential." [4]

Further the Report declares:

"The public interest requires that individuals be encouraged—not merely permitted—to look for minerals on the public lands. The traditional right to self-initiation of a claim to a deposit of valuable minerals must be preserved." [5]

This Committee supports and endorses the foregoing policy guidelines.

II. MODIFICATION OF EXISTING LOCATION—PATENT SYSTEM

In keeping with the report of the Public Land Law Review Commission, the Hard Minerals Committee of the American Bar Association recommends that the basic principles of the present mining law should be retained with such amendments as may be necessary to cure deficiencies and prevent further abuses thereunder. The Commission has recommended many needed changes in the basic mining law. For example, the distinction between lode and placer claims is eliminated and a new kind of mining claim for exclusive use in locating all locatable minerals is created; [6] extralateral rights in future mining locations are eliminated; [7] and claims are to be located in conformance with the public land survey or natural monuments.[8] The Committee endorses all of these changes. But the framework proposed by the Commission represents a clear departure from the General Mining Law by incorporating many features of the Mineral Leasing Act—system.[9]

The new system recommended by the Commission is summarized in the following excerpts from the Report:

"Unless a public land area is closed to all mineral activity, *we believe that all public lands should be open without charge for nonexclusive exploration which does not require significant surface disturbance.* However, we also conclude that different conditions should prevail if the prospector desires an exclusive right, or if heavy equipment is to be used that will result in significant disturbances of the surface." [10]

* * * * *

"Whether a prospector has done preliminary exploration work or not, he should, by giving written notice to the appropriate Federal land management agency, obtain an exclusive right to explore a claim of sufficient size to permit the use of advanced methods of exploration. As a means of assuring exploration, reasonable rentals should be charged for such claims, but actual expenditures for exploration and development work should be credited against the rentals.

"Upon receipt of the notice of location, a permit should be issued to the claim-holder, including measures specifically authorized by statute necessary to maintain the quality of the environment, together with the type of rehabilitation that is required.

"When the claimholder is satisfied that he has discovered a commercially mineable deposit, he should obtain firm development and production rights by entering into a contract with the United States to satisfy specified work or investment requirements over a reasonable period of time.

"When a claimholder begins to produce and market minerals, he should have the right to obtain a patent only to the mineral deposit, along with the right to utilize surface for production. He should have the option of acquiring title or lease to surface upon payment of market value.

"Patent fees should be increased and equitable royalties should be paid to the United States on all minerals produced and marketed whether before or after patent." [11]

* * * * *

"[W]e . . . recommend that locators be required to give written notice of their claims to the appropriate Federal land agency within a reasonable time after location." [12]

* * * * *

"Congress should: (a) establish the maximum size of an individual exclusive exploration right and the aggregate acreage held by one person; (b) specify the period of time for which that exploration right is granted; and (c) establish performance requirements designed to assure diligent exploration as a condition of retaining or renewing the exploration right." [13]

* * * * *

"Up to the time commercial production commences, exploration, development, and production plans should be reviewed by the land managing agency for consideration of environmental factors, but administrators should be required to approve or disapprove the plans within a reasonable time." [14]

III. RECOMMENDATIONS OF THE HARD MINERALS COMMITTEE

It is axiomatic that mineral, exploration, development and production on the public lands is possible only under sound and workable mining laws. The Hard Minerals Committee is of the view that the positions and recommendations set forth below will best insure the maximum benefit to the public and preserve a viable mining industry.

A. Need for pre-discovery protection

The Commission has recognized the need for prediscovery protection as follows:

"The General Mining Law provides inadequate protection to the explorer until he has made a discovery of a valuable mineral deposit. Throughout his prediscovery prospecting effort, he is subject to adverse actions by Federal land managers allocating the land for other uses, such as withdrawals from mineral entry for an administrative site. With regard to third parties, he is protected only to the extent that he can prove the area was in his actual possession, which may be difficult under prevailing legal concepts. This approach is inadequate for a typical exploration effort today because an area large enough to warrant the expenditures for modern technological methods will nearly always be much larger than that which can be held effectively in actual possession. As we have noted, Federal policy should invite mineral exploration in order to encourage future mineral discoveries." [15]

For a prospector to obtain the desired protection under the system proposed by the Commission he must seek to obtain an exclusive exploration permit by filing notice of his claim with the appropriate Federal land office. A better approach has been suggested by the mining industry.

Footnotes at end of article.

In a statement before the Public Land Law Review Commission on behalf of the American Mining Congress, Washington, D.C., January 11, 1968, it was urged that the mining laws should be amended to provide for pre-discovery protection. In regard to this subject, it was stated:

"One of the most urgent changes needed in the mining laws is legislation enlarging prediscovery rights of mineral locators. The Hoover Task Force Report recognized this problem as early as 1949. In reviewing the General Mining Law of 1872, the report concluded: 'The system has worked well, and the committee favors the retention of location and patenting for mineral deposits to which it now applies.' The report, however, recommended a revision of the mining laws to afford prediscovery protection due to: The inapplicability of the law to concealed deposits because of its requirement of exposure of valuable minerals in order to establish a valid claim. Most of the valuable minerals with surface exposure have probably already been discovered; however, concealed deposits of unknown but possibly great proportions remain to be explored and utilized. History since 1949 has borne out the desirability of such a change in the mining laws, and the American Mining Congress has, for the past several years, proposed such a change. Attached to this statement . . . is a study draft of possible legislation which has had the support of the Public Lands Committee of the American Mining Congress. This provides that one searching for mineral deposits may locate on the public domain exploration claims, each of which may be 160 acres or less. These claims require no mineral discovery and a locator may hold in a state at any one time up to a maximum of 5120 acres by such locations. These claims pre-empt the ground from location of regular mining claims or subsequent exploration claims. Exploration claims may be held for a maximum period of five years, provided, during each of the first three years, at least $10.00 for each acre so claimed must be expended on exploration and, during each of the last two years, at least $20.00 for each acre so claimed must be expended on exploration. Verified reports setting forth exploration work performed must be filed with the appropriate county recording office. If a mineral discovery is made, the holder of an exploration claim may locate a conventional mining claim and thereafter hold the ground under this claim. Provision is made for recording notices of location of the exploration claim and a survey of the claim in the applicable county recording office so its location on the ground may be definitely identified. There are other detailed provisions in this study draft protecting not only the interests of the government but others who may have located mining claims prior to the location of the exploration claim. Such legislation would permit one searching for buried mineral deposits to take an area of interest in a state not exceeding 5120 acres and explore it for five years, selecting those targets for drilling and more intensive exploration that may be indicated by the use of tools and techniques of modern prospecting. If the holder of such a claim is fortunate and finds a mineral deposit, the ground covered by the deposit may then be located with mining claims." [16]

The foregoing quotation and the pre-discovery protections outlined therein are endorsed by the Hard Minerals Committee. In the Committee's view, amendment of the General Mining Law as advocated by the mining industry would provide adequate protection without the necessity of seeking an exclusive exploration permit as required under Commission's proposal.

B. Surface rights

The Commission states as follows regarding surface rights:

"Under present law locators may obtain a patent to the mineral lands—both surface and subsurface. The payment of the current fee of $2.50 per acre for placer claims and $5.00 per acre for lode claims is merely nominal and does not justify sale of fee title which may carry valuable surface rights. We recognize that the patent system has provided security of title and has provided an incentive to search for concealed minerals on the public domain. To avoid windfalls and to prevent misuse of the mining laws for nonmineral purposes, we propose that a mineral patent should carry only a right to use the surface necessary for the extraction and processing of the minerals to which patent has been granted.

* * * * *

"Mineral operators, however, should have the option of acquiring title or a lease to the needed land areas when they are willing to pay the market value of the surface rights." [17]

The Committee accepts and endorses this recommendation of the Commission. These alternatives to the present system eliminate any incentive to locate a mining claim for purposes other than mining while allowing purchase or lease where demanded by sound business reasons. Moreover, payment of fair market value eliminates any claims of a government giveaway to the mining industry.

The Commission's recommendation also makes another much needed change in the present mining laws. Millsite claims are currently inadequate for tailing ponds, plant facilities and waste areas. The Commission's recommendation gives the locator of a mineral deposit the right to acquire a reasonable acreage of ground adjacent to or near his mineral discovery for such facilities and disposal areas on paying the fair market value of the ground.

C. Royalties

The Hard Minerals Committee is opposed to the imposition of production royalties by the Federal government, either before or after patent, as recommended by the Commission. The additional expense of royalty payments would be tantamount to a reduction in ore reserves in that the amount of minerals that can be extracted at a profit would be reduced. Mining operations are subject to the taxing powers of both federal and state governments and a decrease in mineral production would affect revenues collected. Thus, a direct return to government is already being paid by the mining industry in tax revenues and the indirect returns in the "assurance of a metals supply, creation of jobs and the stimulation of the local and national economies" [18] must not be overlooked.

In a recent brochure of the Nevada Bureau of Mines entitled: "Nevada's No. 1 Basic Industry," in commenting on the significance of mining, it was stated:

"The importance of the mineral industry to the national and State economy as well as to man's everyday life is not always apparent unless one stops to ask himself where he would be without it—without iron and steel, oil and gas, coal, building materials . . . *The very strength of a nation can be measured in the production and use of its mineral products.*

"For every child born in the United States, years of research and applied technology are required to provide him with the tons of ore, pounds of metal, and barrels of oil he will use in his lifetime. It is an unremitting cycle.

"Significance of the mineral industry may be gauged by these facts:

"On a national level:

"Nearly one-half of the national industrial labor force is employed in metal-working industries.

"About one-half of the value of output of all manufacturing activities in the U.S. is from metal-working industries.

"More than one-half of all railroad freight traffic in the United States is made up of raw mineral materials.

"On State level:

"Total impact of the mineral industry on the economy of Nevada is $450,000,000 a year.

"Among Nevada's basic industries, mining is three times greater than agriculture, its nearest competitor.

"Approximately 80 percent of all rail freight revenues originating in Nevada comes from the mineral industry." [19]

The impact of the mineral industry on the economy of the other western states could be similarly compared.

The Committee endorses the following statement appearing in the article "General Mining Law—Current Proposals" appearing in the Rocky Mountain Mineral Law Institute:

"Conservation groups and the Department frequently allege that the miners obtain a free ride and do not have to pay to the United States compensation for the resources that they extract. The mining industry urges that this is a criticism that is not justified.

"When the mining laws were passed the Government did not participate to any large extent in the wealth created by the development of mines under the mining laws. The Government concluded that making minerals free for development was more in its interest than trying to control and take large royalty payments. Since that time, however, the sixteenth amendment has been enacted and the Government has expanded its prerogative that private land owners do not have, namely, the power to tax. The Federal Government has become a carried working interest owner that is not required to advance any of the costs of development or operation and still, through corporate income tax, participates in up to some 50 percent of the net profits. What the Federal Government foregoes in rentals or royalties it recoups in increased net profits.

"Moreover, the imposition of royalties would be an anti-conservation measure. In mining the large low grade disseminated mineral deposits, which, incidentally, constitute the bulk of present mining activities on public lands, every additional fixed cost substantially reduces ore reserves and the amount of minerals that can be extracted at a profit. The parties urging increased costs on the mining industry do not understand the distinction between a mineral occurrence and an ore deposit. Ore is a concentration of minerals or metals that can be mined and sold at a profit. Any change which affects the cost of winning a product will influence the cutoff of what will constitute an ore body. The imposition of a royalty on gross revenue, like the addition of any other fixed cost, could significantly reduce the ore reserves and prevent the maximum recovery of these resources. The widely dispersed bulk low grade deposits have such a low profit margin and the value-tonnage curve is so flat that minor adjustments in the cost of mining will have larger effects upon the ore reserves. Good conservation practices require the maximum removal of minerals while the mine is open, and, to do this, as much of the mineral as possible should be categorized as ore." [20] (See also Hansen, *Why a Location System For Hard Minerals.*[21]).

D. Protecting the environment

The Committee agrees that environment must be protected. Air, water and mined land reclamation are constant, daily subjects in national and state legislatures. However, the Committee does not agree with the Commission that the Federal government should be the policing power for all mining operations. This should be done by state and local authorities who are acquainted with local conditions, including weather, climate and the areas being mined. In our view, the Federal

Footnotes at end of article.

government should provide guidelines but regulation of mining operations should rest with the states in which the operations are located.

E. Rehabilitation

The Commission's recommendations regarding rehabilitation of mined lands are as follows:

"Where mineral activities cause a disturbance of public land, Congress should require that the land be restored or rehabilitated after a determination of feasibility based on a careful balancing of the economic costs, the extent of the environmental impacts, and the availability of adequate technology for the type of restoration, rehabilitation, or reclamation proposed. Rehabilitation does not necessarily mean restoration, but rather the maximum feasible effort to bring the land into harmony with the surrounding area.

"Up to the time commercial production commences, exploration, development and production plans should be reviewed by the land managing agency for consideration of environmental factors, but administrators should be required to approve or disapprove the plans within a reasonable time. Plans of this kind must be submitted before the development and production of certain minerals under the existing leasing systems, and we believe it is in the public interest to require a similar procedure for locatable minerals. Essentially, this recommendation would merely formalize the voluntary process already employed by some mining companies. Under the principles of our recommendations . . . adverse determinations would be subject to judicial review." [22]

The proposed requirement of submitting plans for governmental approval prior to commencing mining operations is, in our view, an unreasonable and unworkable proposal. How could a locator submit a mining plan for Kennecott's mining operation Bingham, Utah, or the mining operations in Butte, Montana, or the states of Arizona and Nevada which were commenced approximately fifty years ago? In this fast changing world, plans submitted today may be impractical several years from now. Again the Committee believes state and local supervision are more advantageous to all concerned rather than centralized supervision by the Federal government.

F. Prudent man rule of mining law

The Department of the Interior has imposed on mining claimants the rule of present marketability to determine the validity of a mining claim. The Committee agrees with the following statement of the Commission that federal agencies are not equipped to judge what is a prudent investment:

"To us it seems clear that Federal land agencies are poorly equipped to judge what is a prudent mining investment, and this issue should be closed when the mineral explorer is prepared to commit himself by contract to expend substantial efforts and funds in the development of a mineral property." [23]

The Committee, therefore, recommends the legislative abolition of the present marketability rule in favor of a return to the basic mining law in which intention, good faith and diligence were the tests underlying a valid discovery.[24]

G. Rentals and increased fees

The Public Land Law Review Commission recommends a rental payment on mining claims to be credited against annual assessment work. It also urges an increase in patent fees. The Hard Minerals Committee concurs with these recommendations insofar as such increases shall be of a nature that the general public will still have the incentive to go on the public domain and search for minerals and will not be discouraged by prohibitive rentals and fees.

H. Annual assessment work

The Commission made the following proposal regarding annual assessment work:

"So-called assessment or performance work is required under present law only to prevent third parties from preempting a claim and to obtain a patent. *To prevent speculation and assure diligent effort, an explorer should be required to pay rental, subject to offsetting credits for the actual performance work completed.*" [25]

The Hard Minerals Committee recommends that uniform requirements for performance of assessment work be enacted by all state legislatures under Federal guidelines and that drilling, geological, geophysical, geochemical, mapping and surveying work be permitted under such requirements. When such work is relied upon to satisfy the assessment requirements, it should not be necessary to divulge confidential information by the filing of detailed reports. If rentals are to be paid in lieu of annual assessment work, the Committee endorses the Commission's proposal for a credit against such rentals for the performance of exploration and development work.

I. Recordation of Claims

The Commission recommends no change in local recording requirements but suggests that *"locators be required to give written notice of their claims to the appropriate Federal land agency within a reasonable time after location."* [26] It is the Committee's opinion that official recordation should continue to take place within the county where a claim is located, as is the general property law in most states. A contemporaneous filing of documents filed in a county with the appropriate Federal land agency, however, is desirable in order to advise the Federal Government of the claim and the Committee, therefore, endorses the Commission's recommendation.

J. Boundaries of new Mining Claims

The Commission has recommended that Congress should "establish the maximum size of an individual exclusive exploration right and the aggregate acreage held by one person." [27] As previously indicated, the Committee does not think an exclusive exploration permit is required under its approach to prediscovery protection, but the Committee endorses the concept of establishing the maximum size of an exploration claim which is large enough for modern mining techniques and which exceeds the present 20-acre claim limitation. This approach to claim size, as suggested by the Commission, eliminates the reason for a distinction between lode and placer claims as well as the need for extralateral rights. The Committee endorses the elimination of these antiquated concepts and the legal problems which they have produced.

K. Elimination of dormant claims

The Commission recommends that Congress establish a conclusive presumption of abandonment if the holder of an existing mining claim fails to file appropriate notice with County and Federal agencies within a reasonable time.[28] The Hard Minerals Committee recognizes the need for clearing the record of an estimated 5.5 million dormant claims and agrees that such a presumption is desirable in order to avoid expensive contest proceedings. However, we feel the presumption should not arise unless the owner of a claim fails for more than three successive years to file any instrument sufficient to show an affirmative intent not to abandon the claim.[29]

L. Administration

The Commission has recommended that:

"The Department of the Interior should continue to have sole responsibility for administering mineral activities on all public lands, subject to consultation with the department having management functions for other uses." [30]

The Hard Minerals Committee concurs in this recommendation, but urges that the Department's procedures and practices should be changed in the following respects:

"(a) A full Administrative Procedure Act-type hearing be made available in every public land case where there is a genuine 'issue of material fact.

"(b) All judicial functions, both trial and appellate, be placed directly under a judicial officer within the office of the Secretary of the Interior, entirely separate from the office of solicitor.

"(c) The Rules of Practice of the Department of the Interior be modernized along the lines of the present rules of procedure of federal courts, as interpreted by those courts." [31]

IV. CONCLUSION

The Hard Minerals Committee of the American Bar Association recommends the retention of the basic framework of the present mining laws in order to promote the development of the Nation's resources and provide the maximum benefit to the general public. Many of the changes suggested by the Public Land Law Review Commission are essential to the promotion of sound, workable mining laws and the Committee endorses these changes as indicated. The additional changes recommended by the Committee, however, are necessary to the fulfillment of this goal and the Committee submits this review in order to strengthen the basic mining laws which have served this country and its people so well.

FOOTNOTES

[1] Public Land Law Review Commission, *One Third of the Nation's Land,* Chapter Seven (1970).
[2] Id. at 121.
[3] Id. at 122.
[4] Ibid.
[5] Id. at 125.
[6] Id. at 127.
[7] Ibid.
[8] Id. at 126.
[9] Id. at 124 and 126.
[10] Id. at 124–125.
[11] Id. at 126.
[12] Ibid.
[13] Ibid.
[14] Id. at 127.
[15] Id. at 126.
[16] A brochure entitled: *The Mining Industry and the Public Lands,* at 17 (1968), a statement on behalf of the American Mining Congress before the Public Land Law Review Commission.
[17] Public Land Law Review Commission, op. cit. supra note 1, at 128.
[18] Hansen, *Why a Location System for Hard Minerals,* 13 Rocky Mountain Mineral L. Inst. 1, 15 (1967).
[19] A brochure entitled: *Nevada's No. 1 Basic Industry.*
[20] Edwards, *The 1969 View of the 1872 Law: Current Proposals to Modernize or to Replace The General Mining Laws,* 15 Rocky Mountain Mineral L. Inst. 139, 151–152 (1969).
[21] Hansen, op. cit. supra note 18, at 15–17.
[22] Public Land Law Review Commission, op. cit. supra note 1, at 127.
[23] Id. at 128.
[24] Forman and Dwyer, *The Prudent Man's Changing View of Discovery Under the Mining Laws of the United States,* 2 Natural Resources Lawyer, 109, 110, 117 (1969).
[25] Public Land Law Review Commission, op. cit. supra note 1, at 126.
[26] Ibid.
[27] Ibid.
[28] Id. at 130.
[29] American Mining Congress, op. cit. supra note 16, at 22.
[30] Public Land Law Review Commission, op. cit. supra note 1, at 136.
[31] American Mining Congress, op. cit. supra note 16, at 3.

MOVE A MOUNTAIN, INC.

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. ZWACH. Mr. Speaker, I would like to call to the attention of this body a project currently being undertaken by students at Southwest Minnesota State College in Marshall, Minn. This is Minnesota's newest state college and I am proud that it is located in the 6th Congressional District and that while a member of the Minnesota Senate, I played a part in its establishment.

Reflecting on SMSC's brief history—construction was authorized by the Minnesota Legislature in 1963, first dirt was turned in the fall of 1966 for physical facilities and 509 students registered in the charter class in September, 1967. Interested students at that time asked themselves what they as students could do to contribute a positive, enduring memorial to this new 4-year liberal arts and technical college that will honor the charter class at commencement in June, 1971. Students agreed the transition from cornfield to campus in 4 years spelled a need for urgent landscaping.

The landscaping idea was immediately endorsed by the president of the college, Howard A. Bellows, who suggested that rather than just plant a few trees the students launch a total landscaping project—from trees and shrubs to, perhaps, an amphitheater, fountain-aquatic pool, gardens, arboretum, and so forth. Many of these concepts are long range and not to be accomplished in a single year, but the initial efforts should tie to the future with professional assistance from a landscape architect to insure planned, master growth.

The germ of an idea soon became reality. Move a Mountain, Inc., MAIMI, was incorporated in March 1970, and was issued a charter by the State of Minnesota as a nonprofit, student corporation. MAMI officers, directors and members are volunteers. There is no compensation and no record of the man-hours of labor that have gone in the project to date. SMSC students are putting their shoulders to the wheel, and individuals and organizations on the campus are coming in with offers to work, to solicit funds, to contribute a planting, et cetera. There is and has been guidance from SMSC administrators, but the project belongs to the students.

These students are concerned with pollution, and soil erosion—windswept prairie scorches by summer's sun and bitten by winter's frigid temperatures, preservation of native plants and varieties that have given way to the plow, the reaper, the combine, the drainage ditch and man's ever-encroaching march on what was once splendid, virgin prairie. This concern has grown to a constructive project of great ecological, cultural, and educational values. They want the citizens of the future to know a tree and a rose as something "natural" as opposed to a specimen in a hothouse. Citizens of the future will be insured the beauty and firsthand knowledge of the short grasses and prairie flowers of the early plains, the cottonwoods and the willows, the Scotch and ponderosa pines.

The student directors and officers of this project deserve a great deal of credit for their imagination and for their commitment in carrying this task to completion. The young men and women of Southwest Minnesota State College are dedicated to a project that is unique, and they are going to make it.

THE FAMILY PLANNING ACT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. SCHMITZ. Mr. Speaker, on November 16, by a vote of 298 to 32, the House of Representatives passed the Family Planning Services and Population Research Act of 1970.

There was a time, not so very long ago in our history, when Americans would have risen up in almost unanimous anger and outrage over the passage of a Federal law with a title like that. Former President Eisenhower is reported to have said that he could conceive of no subject less suitable for governmental action.

But now—fragmented, confused, assailed by discordant voices crying havoc over a so-called population explosion, when our birth rate has been steadily and steeply declining for more than a decade—too many reach for excuses to justify not taking a stand against a program which they know in their hearts is wrong. They say this is an issue of private moral and religious conviction. So it is. But it is much more than that. When we are facing a law before the Congress of the United States, when we are facing an appropriation of more than a quarter of a billion dollars of the taxpayers' money, when we are facing an obvious Government campaign for the limitation of birth, then it becomes everybody's business and we must ask bluntly: What right does Government have in your bedroom?

Surely by now we should have learned how this kind of legislation and governmental action works. It almost always begins with a "voluntary" program and "only a little" money—if $267 million a year can be called little. It almost always starts small, then grows big—and often, ultimately, monstrous. Once Government gets into a field, it is almost impossible to get Government out of it. The time to keep Federal bureaucrats out of your family life is when they first knock at the door, not after they have a foot in it.

There are people in our Government today who want power over who shall live and who shall die in these United States. For them, the Family Planning Act of 1970 can only be a very significant step toward the fulfillment of their ambition. We should never forget this as we hear the enthusiastic welcomes some are giving to it.

As I said in a major speech on the Floor of the House, in opposition to the Family Planning Act of 1970:

> I will ask Members of the House this question: In your own careers in Congress how many bills have you seen that have started out as voluntary measures and have then become mandatory? I served 5½ years in a State legislature, and one of the most common procedures was to change 'may' to 'shall.' After we put through a voluntary bill, we then moved on to make it mandatory . . .
>
> I will make a prediction at this point. Mark my words. If this bill passes today, in a few years you will see 'may' changed to 'shall' when it is found out that the objectives stated in this bill cannot be achieved by voluntary means . . . I regard it as a long step toward a Nazi-like tyranny in our land.

The bill contains no restriction whatever on the age or the marital status of persons who may receive contraceptives paid for by the funds it appropriates. According to testimony presented by supporters of the bill in the committee hearing on it, contraceptives are now being given to young teenage children in family life classes in several large cities. Thus it is simple truth to say—unpalatable as a blunt statement of that truth may be—that in practice it will amount to officially condoning and sanctioning not only fornication, but statutory rape.

The bill is now in a Senate-House Conference Committee which will be debating, among other things, whether to allow abortion as one of the Government-supported methods of family planning. Following action by the conference committee, it will come back to both Houses of Congress for another vote. Both Senators and Representatives need to hear from their constituents around the country about the Family Planning Act. Unless opposition to this bill and others like it is greatly intensified, we may expect to see the Federal Government telling once-free Americans how many children they can have—and very likely sooner than 1984. George Orwell may have been an optimist.

TRIBUTE TO HON. GEORGE H. FALLON, OF MARYLAND

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. EVINS of Tennessee. Mr. Speaker, permit me to take this means of paying a brief but sincere tribute to my beloved friend and colleague, the gentleman from Maryland (GEORGE H. FALLON) who is retiring from the Congress at the end of the 91st session following 26 years of distinguished and dedicated service as a Member of the House.

GEORGE FALLON has served his district, the State of Maryland, and the Nation well and faithfully. He has rendered outstanding service to the growth and progress of all America as chairman of the Committee on Public Works. Throughout America many projects which he has championed stand as mon-

uments to his foresight and dedication to the public interest.

Chairman FALLON always has had a vision of a great America—a land of promise and hope and fulfillment—a land of progress and prosperity. His leadership as chairman of the great Committee on Public Works has provided needed water supplies for our people, flood control for our cities and farms, roads and highways to meet the unprecedented demands for modern transportation, the generation of electric power to meet ever-increasing demands for more and more power by our increasing population, among many other important elements in the water resources development programs for progress in America.

GEORGE FALLON, in addition to being an outstanding legislative leader, is a wonderful person—my good friend, an esteemed colleague, and a true gentleman. I have known GEORGE for many years—we came to Congress at about the same time. We shall miss him as he leaves the Congress for a well-deserved retirement. I wish for GEORGE the very best of good luck, health, and happiness in the years ahead.

DROP THE PEACE CORPS

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. GROSS. Mr. Speaker, I call attention to a recent newspaper article which outlines clearly the present state of the expensive farce known as the Peace Corps.

The state to which this outfit has sunk is no surprise to some of us in the House who, since the beginning of this sham, have pointed out that it was merely another way to fleece the taxpayers and add another layer of useless fat to the foreign handout program.

It is past time to call a halt and disband this outfit before it wastes another dime.

I submit the article for inclusion in the RECORD at this point:

SHOPWORN PEACE CORPS HEADING FOR THE SHELF

(By William Steif)

Despite its director's talk about "new directions," the Peace Corps has lost much of its popular appeal and appears headed for consolidation with other federal volunteer programs.

Director Joseph H. Blatchford continues to wear an optimistic air, but figures gathered in a new "internal" study showed today that:

Applications have fallen from a 1966 peak of 42,246 to 19,022 in the most recent fiscal year, 1970.

Volunteers working overseas have fallen from the Feb. 28, 1967, peak of 12,866 to 7,889 on Oct. 31.

Nearly one of every three volunteers fails to finish his two-year stint.

Maurice R Berez, a 27-year-old ex-volunteer in Nigeria, expressed the changed attitude of many younger Americans toward the Corps this way:

"The Peace Corps is just becoming another bureaucratic federal agency, like AID (Agency for International Development)."

White House officials talk of merging the corps with its domestic counterpart, VISTA Volunteers, and possibly the Teachers Corps.

Mr. Blatchford has taken some steps in recent months to bolster the Corps.

He employed 178 recruiters (141 full-time, the rest part-time) to seek the older, skilled volunteers he said many nations wanted.

He recently acquired a new public affairs director—his third in a year—from a large New York ad agency.

He has breathed new life into the Corps' 25-member National Advisory Council, which met in Los Angeles for two days this month.

But despite these efforts to improve the corps' "image" the agency has slipped within the Administration and on Capitol Hill.

Mr. Blatchford brought his top staff from all over the world to a meeting 14 months ago at Fredericksburg, Va., to lay out his "new directions" program. He wanted to recruit 500 skilled craftsmen, farmers and other specialists, and 200 families with technical skills to go oveseas.

He sought to bring more minority volunteers and more over-30 volunteers into the corps. He said he would "provide the volunteer with increased technical and logistic support by tapping other overseas agencies and local industries for assistance."

In a few highly special areas—mostly pertaining to over-30 teachers—Mr. Blatchford has succeeded.

But the overall total of trainees has dropped from 7,936 in 1968, to 6,318 in 1969, to 4,911 last year. Applications in some skill categories—health, mathematics, science, business, for example—are down half to two-thirds from their peak years.

The minority recruiting drive netted 252 applicants from predominantly black colleges, an increase of 72 from the previous year. Seventy black trainees were picked, 50 to go to Sierra Leone or Liberia after training at two predominantly black U.S. colleges.

The Corps' push to send families overseas has fizzled. Twenty-one families, instead of 200, have departed, and 40 more are in training. One corps official compared the family program with an ill-fated 1967–68 project to recruit and train U.S. Indians for corps posts overseas.

The Corps continues to be embarrassed by its own fumbling eagerness.

Early this year Mr. Blatchford announced volunteers would be sent to the Maldive Islands, a new nation in the Indian Ocean, although an agreement for a volunteer contingent hadn't been signed. The Maldives, sensitive over their new-found sovereignty, promptly reneged.

More than 14 months ago Mr. Blatchford said the Corps would send a contingent to Mali, in West Africa. One volunteer is there. A program was announced for the Congo last February. Three volunteers are there.

Other nations with token peace corps programs include Turkey, Ceylon and Malta, each with two volunteers.

The change in youth attitudes toward the Corps has eaten at what was its chief strength—idealistic collegians taking generalized courses who were willing to invest two years of their lives to helping poor, backward peoples. In 1966 more than 28,000 of this kind of youngster applied; by 1969 that total had dropped to 12,575, and in fiscal 1970 it slumped to 8,155.

With a paid staff of 1,337 and a budget of nearly $100 million, the Peace Corps is all geared up to be the stellar program President Kennedy and Sargent Shriver hoped it would be when they launched it nearly a decade ago.

But some Corps officials gloomily admitted that if present trends continued, the Corps would have only 3,200 volunteers overseas by December, 1971—fewer than three volunteers for every staff member.

THE ISSUE OF SOUTH VIETNAM

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. TAFT. Mr. Speaker, one of my constituents, Mr. Patrick A. Kirk, who recently completed 3½ years military service, the last 13 months of which were spent in South Vietnam, wrote me what he believes to be the issue of South Vietnam.

I would like to share his views with my colleagues and submit his letter for insertion in the RECORD:

CINCINNATI, OHIO,
November 2, 1970.

To: Mr. ROBERT TAFT.

Re: The Issue of South Vietnam.

DEAR MR. TAFT: I am respectfully writing to you to help you, perhaps, to see the issue of Vietnam in a light that seldom trickles down through the news media and advisory committees in our state and national governments.

Having just completed three and a half years in the Air Force with the last thirteen months having been spent in Da Nang, Vietnam, I believe that the issue of Vietnam has MANY vital points which have not even begun to be conclusively considered.

The purposes for our presence in South Vietnam have been and are noble and absolutely necessary. However, military provision with the hope of establishing a democracy in South Vietnam using the past and present methods for execution of such an establishment are obscure and futile.

We are militarily and politically working to aid in founding and maintaining a democracy to a country whose people for the most part are illiterate and do NOT even have a common national language spoken by all or even a majority of its people.

The Mountainyard tribes of South Vietnam have fifty-three dialects, and some of these tribes are a distance of only five miles apart from each other. These tribes for the most part are still hunting heads and wearing loin cloths. A majority of the people of these tribes and many of these who live in the Plains and Lowland areas do not have the vaguest idea of what a printed word is and have not yet a single word written down on paper of their tribal tongue. Many do not even have an alphabet or any such concept such as an alphabet formulated for their dialect.

The Christians' Missions Alliance (CMA) have done MUCH toward making a foundation upon which to construct a democracy. Representatives from CMA have studied at the SLI (Summer Linguistics Institute) in Santa Anna, California, training for the fields of South and North Vietnam. There are many representatives of the CMA who are now working with these Vietnamese Mountainyard tribes, with who they live for a period of two to three years in order to learn the tribal dialect. After this is accomplished, they then formulate an alphabet for that tribal dialect which agrees with it in tone and in character. The alphabet is then taught to the tribal peoples so that they can for the first time read and write in their own native tongue. After this is accomplished, the CMA representatives then teach these tribesmen the national language, which is the general Vietnamese.

Until these people have an education and common national language, democracy for them is as feasible as a two month old baby trying to program a computer. The longevity of a democracy under the above-mentioned circumstances would be and shall be at best short and shallow and quick to obliviate.

My point is that I cannot understand the gross naivete exemplified by many of our country's politicians in their thinking that an end to the war in South Vietnam will mean a military victory which will solve Vietnam's problems with a "democracy". The illiteracy and disunion of the South Vietnamese people, especially in regards to a common national language, have been preyed upon by outsiders for centuries. It is utterly asinine for us to think that somehow might will make ALL "right", particularly under these circumstances as previously mentioned.

I ask as a twenty-three year old voting citizen of Ohio, that you read thoroughly and disseminate the contents of this letter to as many of our country's men in office of public service such as that which you now hold. Otherwise please give this letter to your successor and ask him to disseminate its contents respectively.

I also add that a military victory in South Vietnam will be at best only half of a victory because the South Vietnamese people are not prepared or equipped at present to handle a democracy or its accompanying responsibilities due to their lack of education and a common national language.

I sincerely thank you for your time and consideration in these regards. I am hoping that this will aid your job in knowing that we care enough as citizens to let you know our side of the story once in a while. Please reply if at all possible.

Thanking you again, I remain, respectfully, and

Very Sincerely yours,

PAT KIRK.

NORMAN ROBINSON A CHAMPION BLOOD DONOR AFTER 195 PINTS

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. BRASCO. Mr. Speaker, the New York News of November 15, 1970, reported on a champion blood donor from Jamestown, N.Y., who recently gave his 195th pint of blood at the Jewish Hospital and Medical Center of Brooklyn for any unfortunate person in need of blood.

Norman Robinson, a grandfather of three gave his first pint of blood in 1941 in the name of the Knights of Pythias, the fraternal order. Since then, he has given the equivalent to 15 times the amount of blood in the body. This was done in line with the Pythian Order's credo—friendship, charity, and benevolence.

Kings County Chief Assistant District Attorney Elliott Golden, grand chancellor of the 82,000-member Grand Lodge of the Knights of Pythias was present when Mr. Robinson donated his 195th pint of blood in the name of the grand chancellor.

Mr. Robinson is probably the leading blood donor in the United States. Yet he has never sought glory, but only sought to encourage other people to give blood—the life fluid for which there is a crying need in our Nation.

I want to congratulate Mr. Robinson and the Knights of Pythias for their fine, humane program. The following is the text of the New York News article on Mr. Robinson:

A champion blood donor from upstate New York has given his 195th pint at the Jewish Hospital and Medical Center of Brooklyn, 555 Prospect Place.

While visiting friends in Brooklyn, Norman Robinson, 59, a grandfather of three, of Jamestown, N.Y., decided to give blood at the Jewish Hospital "to help any unfortunate person in need of blood."

"My aim is to reach the 200 mark," he said. "After that, if I remain in good health, I will be happy to continue to help the sick."

"Giving blood is about the easiest thing to do. All it takes is one hour of one's time."

Robinson's donation was made at the hospital's blood bank, which is supported in part by the Knights of Pythias Associated Health Foundation. Robinson is a past district deputy and past chancellor commander of the Jamestown Pythian Lodge.

In the last 29 years, he has given 15 times the amount of blood in his body. He has donated blood throughout the State to aid the afflicted in the name of the Knights of Pythias.

He gave his first pint of blood to the Red Cross in 1941. Red Cross records credit him with donating 182 pints through that organization, and 12 pints to outside hospital sources.

"Praise the Lord," Robinson said after making his latest blood donation, "the only time in my life that I ever needed the services of a doctor was when I broke my arm at the age of 10."

His hobbies are bowling, golf, and practicing the loving principles of Damon and Pythias—"a practice we sorely need in this world in which we live."

ECONOMIC PLIGHT OF THE FARMER

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. ZWACH. Mr. Speaker, for the past several days I have been inserting in the CONGRESSIONAL RECORD excerpts from Frank M. LeRoux's book, "1961 to 1970, the Farmers' Worst Nine Years."

With your permission, I will continue to make these insertions in an effort to bring to the attention of the Congress the deplorable economic plight in which agriculture finds itself.

There are many facts we should know if we are to deal intelligently with our agriculture problems.

In 1968, 1,286,000 farms, 42 percent of the total, sold less than $2,500 worth of farm products; 327,000 farms, 11 percent of the total, sold farm products worth $2,500 to $4,999; 420,000, or 14 percent, sold farm products worth $5,000 to $9,999; 1,021,000, or 33 percent of the total, sold more than $10,000 worth of products and only 194,000, or about 7 percent of the total, had sales of more than $40,000.

Mr. Speaker, the way I interpret these figures, 67 percent of our farmers had a net income from farming in the poverty level. And yet these people have never gone on a strike. They have always met the food needs of our country and a good share of the rest of the world as well.

But what lies ahead?

The population of the United States will increase by more than 30 million people in the next 10 years.

This will require the production of an additional 5,160,000 beef cattle, 762,510 dairy cows, 12,990,000 hogs and 39,000,000 hens.

If we expect our farmers to be able to meet these needs within the next 10 years we must lift them above the poverty level income which 67 percent have at present.

THE REALITY OF ANTI-JEWISH ACTIVITY IN THE SOVIET UNION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. PUCINSKI. Mr. Speaker, the persecution of Soviet Jews has recently reached an alarming climax, which can no longer be tolerated by the free people of the world. The trial of 33 Jews scheduled for November has been postponed for the second time. Twelve of these people have been accused of attempting to hijack an airplane from Leningrad last June. Some sources have reported that this would be but one of four trials to be conducted in Leningrad, Riga, and Kishinev.

The accused have been held incommunicado since their arrests in June and August. The continued incarceration of the accused who have no hope of appeal or defense is appalling. Reports of the alleged hijacking attempt indicate that the accused were entrapped by a KGB official who posed as a pilot who would fly them out of the country. The government is not only exaggerating and taking advantage of certain occurrences, but is overtly creating incidents for those who only wish to leave the country and live in peace.

The most recent victim of the Soviet Government's anti-Semitic campaign is Leonid G. Rigerman, who has been actively helping others to emigrate. Mr. Rigerman recently applied to the American Embassy to be recognized as an American citizen. Upon his arrival at the Embassy, he was turned away by Soviet guards. He was later arrested on the basis of allegedly defying orders to leave. I have joined 66 of my colleagues in sending a letter to Secretary of State William Rogers urging the State Department to confirm immediately the U.S. citizenship of Leonid Rigerman.

Although the Soviet Union denies charges of anti-Semitism, the arrest of the 33 Jews and Mr. Rigerman on drummed-up charges ranging from slander and anti-Soviet activities, to attempted hijacking, is clearly a government policy to publicly denounce and intensify the persecution of Jews in the Soviet Union.

The climax of events in the Soviet Union is obviously an attempt by the government to further repress any feelings of Jewish national identity and particularly to halt the demands regarding emigration to Israel.

The fate of the 33 accused, who are conveniently being used as public scapegoats by the Soviet Government, can be life imprisonment or even death. The upcoming trials are clearly a reversion to the Stalinist ploy of public show trials and denunciations. The limits of the Soviet anti-Israel campaign cannot be predicted. It is shocking to realize that the current Soviet Government finds it necessary to launch a campaign against the Soviet Jewish minority of 3 million whose only collective crime is that they were born Jews and wish to teach, practice, preserve, and perpetuate their Jewish religion and culture.

The United Nations ought to denounce this barbaric circus trial, and censor the Soviet Union for its persecution of minorities. All free governments should keep this matter before the public eye and use all means at their disposal to get the Soviet Union to release these innocent people and, hopefully, bring the Soviets into the 20th-century world of human decency, humanitarianism, freedom, and liberty for their citizens.

THE DOCTOR IN THE TV SET

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. MORSE. Mr. Speaker, the November 27 issue of Life magazine describes a unique system now being used by Massachusetts General Hospital and the Veterans Administration Hospital in Bedford, Mass., which has already brought immense benefits to patients and medical staff alike and, I am convinced, holds vast potential for increasingly greater progress.

This "teleconsultation" system, as it is called, facilitates the efficient exchange of critical information and special expertise between the two hospitals, to a degree that would not be possible under traditional modes of communication without placing an impossible burden on hospital and medical personnel already plagued with busy schedules and heavy demands.

It has, moreover, been put to additional use for more effective patient care, for example, in bringing together, through "teleconsultation," patients who require specialized treatment and those outside experts who are capable of providing it, but would not ordinarily be able to travel to the Bedford hospital to administer treatment in person because of heavy schedules.

The creative application of this new system is not only a tribute to the resourcefulness of facilities such as the Bedford VA Hospital, but is also a tremendously valuable demonstration of the kinds of areas where the new technology and management skills developed by the private sector over the past decade can be put to work in creating a better life in America. It is an encouraging illustration of the potential role that technology can play in solving some of our critical problems, such as health care, and I am including the Life article in the RECORD for the attention of my colleagues:

A NEW SYSTEM FOR DIAGNOSIS AT A DISTANCE: THE DOCTOR IN THE TV SET NOV. 27, 1970 LIFE MAGAZINE

There were no doctors on hand in the clinic at Boston's Logan International Airport when Kevin Smith, 5, arrived with a severely gashed wrist. But in the time it took a nurse to flick a switch, Dr. Kenneth T. Bird at Massachusetts General Hospital, nearly three miles away, was examining the injury over two-way closed-circuit television. In his office at the hospital, Dr. Bird pushed a control lever and a close-up of the cut appeared on his monitor in crisp detail while he shot questions at Kevin—"Move your fingers! Does it hurt?" There was no nerve damage, he determined, so there was no need for Kevin to take a troublesome trip to a downtown hospital. Instead, Bird suggested Kevin wait for the clinic's regular doctor to arrive and the boy eventually wound up with six stitches. To a world chronically short of doctors, the two-year-old MGH system had once again shown how technology can make qualified personnel go farther—miles farther.

Mass General's TV link with Logan Airport is a pilot project designed to demonstrate how a doctor's presence for diagnosing illness and injury can be extended at low cost to many places at once. Dr. Bird, who originated the system and calls it "telediagnosis," has found the arrangement to be effective in 90% of the 1,000 cases, ranging from sprained ankles to heart attacks, so far encountered at the airport clinic. It works so well that Mass General has put into operation a variation on it called "teleconsultation." Using the same sort of two-way TV hookup, the hospital is connected to another fully staffed facility 17 miles away, the Bedford Veterans Administration Hospital. Each hospital can call upon specialists from the other for consultation without their wasting valuable time traveling from one place to the other. Because the Bedford VAH is a psychiatric facility, "teleconsultation" is used primarily in doctor-patient sessions, but both hospitals have been resourceful in finding additional uses for it. An example is the speech therapy session shown here, conducted by a busy, Boston-based therapist, for a patient at the VA hospital. Other uses include teaching—students are able to listen in on psychiatric sessions—and visual professional consultation between doctors, nurses, technicians and social workers.

WHY NOT LEND-LEASE FOR ISRAEL?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. FRASER. Mr. Speaker, W. Averell Harriman's long and distinguished public career as national statesman and Governor of New York speaks for itself.

And his valuable service to his country continues. A most recent example is his essay, "Why Not Lend-Lease for Israel?" which appeared on the second editorial page of the November 24, 1970, New York Times.

Ambassador Harriman's views receive and deserve wide publication. I introduce them into the RECORD at this point. They constitute a valuable contribution to the Middle East debate.

WHY NOT LEND-LEASE FOR ISRAEL?

(By W. Averell Harriman)

President Nixon's request to the Congress for $500 million for arms to Israel makes urgent the immediate reconsideration of how we should aid Israel in her struggle for survival.

After Israel's success in the Six-Day War, the immediate military threat posed by its enemies disappeared and it was hoped that a peaceful settlement guaranteeing her security would shortly follow.

Unfortunately, no settlement was reached and hostilities continued. Meanwhile, the Soviet Union poured arms into Egypt and Syria. The United States tried both through representations to the Soviets and by holding back on military supplies for Israel to check a Middle Eastern arms race. However, the Russians built up Egypt's and Syria's armaments far beyond what they had been before the Six-Day War.

The flow of Soviet weapons, provided in substantial part virtually as gifts, has required an economically costly and increasingly burdensome Israeli response. Israel is currently spending at least 25 per cent, and perhaps 30 per cent, of its gross national product on national security.

The American percentage for military expenditures, including Vietnam, for fiscal 1971 is about 7.7 per cent. Prior to the Six-Day War, Israel spent less than $200 million annually on military imports. The cost of military imports has quadrupled. Israel's balance of payments now shows an annual deficit of $1.2 billion on a current accounts basis.

The Israelis have the determination and ability to defend their democracy without support from outside forces—provided Israel's military equipment is adequate—not inferior in quality although obviously inferior in quantity. It is clearly essential to insure that Israel has sufficient weapons to defend herself. But it is also vital that Israel not be compelled to spend herself into bankruptcy or to undermine the fabric of her society. The recently passed Jackson amendment to the military procurement authorization bill recognizes Israel's need for financial relief by authorizing the sale of military equipment on a credit basis.

But credits must be repaid, and a skyrocketing external debt would further strain Israel. I well remember the unfortunate situation that occurred as a result of the inability of various nations to repay the large loans we made to them during World War I.

One possible alternative would be for the United States to make military equipment available to Israel on a grant (free) basis. Almost every nation threatened by Communist or Communist-supplied arms has at some time received American military grant assistance. Even such Arab countries as Jordan and Iraq have been given American arms. Israel is virtually unique in having had to contract to pay for all arms she received from the United States. Arab arms have been supplied without cost by not only Russia and China but also by Great Britain and France. However, at this late date to begin to give free arms to Israel would be seen by the Arabs as a provocative act and might impede our effort to bring about peace.

In December 1940 President Roosevelt made a brilliant proposal "to get away from the dollar sign" while providing arms to nations whose survival we wanted to support. He devised Lend-Lease—the loaning of military equipment on the basis that when it was no longer needed the unexpended part would be returned to the United States.

It seems to me that a similar program should now be adopted in supplying to Israel certain needed sophisticated military equipment. The great advantage of Lend-Lease is that under Lend-Lease the Arab nations could be assured that after peace had been

achieved, major items of sophisticated military equipment would not be kept by Israel but would be returned to the United States.

We must recognize that many Arabs have a real, although unrealistic, fear, based in part on misinformation on what brought on the June 1967 war, that Israel is an imperialistic state bent on expanding her position. The knowledge that in the event of peace Israel would relinquish much of its sophisticated armament could serve as an incentive for the Arab states to negotiate. Equipment supplied under Lend-Lease should be carefully limited, as Israel, like her neighbors, must be encouraged to accept the fact that security lies not in strength of military forces but in a genuine peace settlement.

THE RAIL PASSENGER PLAN

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. TIERNAN. Mr. Speaker, I would like to call to the attention of the Members an article from yesterday's Boston Herald Traveler dealing with the rail passenger bill, which I sponsored here in the House. In it, Columnist Tom Wicker points out that America has made a start toward redeeming intercity rail passenger service. He goes on to point out that we in Congress must adequately finance this system if we hope to put rail passenger service on a stable footing to serve the needs of the United States.

Mr. Speaker, priority in the next session should be given to attempts to strengthen the rail passenger system. We should take Mr. Wicker's advice and not continue to give "outsize preference to the highways and the airlines."

Mr. Speaker, I submit the article at this point in the RECORD:

THE RAIL PASSENGER PLAN

WASHINGTON.—Congress, the Nixon administration and Secretary of Transportation John Volpe have made a small, shaky start on redeeming intercity rail passenger service from the limbo into which American railroads and national policy have cast it. The designation of a basic national passenger network, to be operated by a single corporation, offers hope for the future—but at the same time it suggests the immense problems remaining.

The network announced by Volpe, for instance, includes no north-south lines on the West Coast. This is not only an appalling gap, omitting what many had thought would be the profit-promising corridor route between Los Angeles and San Diego; it is also apparently the product of cost-cutters in the administration who held down the scope of the system. This does not augur well for their faith in it or in rail passenger service generally.

Volpe pointed out, moreover, that no new equipment can be expected in operation for at least two years, which is not much less than the guaranteed life of the designated network. Yet, it is the provision of clean, comfortable, speedy trains upon which rests any projection of a new public acceptance of rail service.

Moreover, the new rail corporation is expected to operate fundamentally on its own profits. The federal government is investing only $40 million directly in the corporation, although it will guarantee $100 million in loans to enable railroads to invest in the corporation. It is at best uncertain whether, under these limitations, and after decades of neglect of the passenger by the railroad companies, the new corporation can approach a profit by July 1, 1973. After that date, if it does not, it will be empowered to reduce the basic network now designated.

This niggardly approach stands in stark and utterly senseless contrast to the $290 million further investment Congress even now is being asked to make in that unnecessary and uneconomic monument to pollution and technological chauvinism, the SST.

The small Attention and sparse investment accorded passenger trains makes even less sense judged against the action by the House last week in authorizing $17.3 billion more to complete the 42,500-mile interstate highway system by 1978. This not only represents a staggering level of investment for paving a great deal of the countryside, bulldozing under much of our cities, and turning a high proportion of American air blue and noxious; it is also an investment stupendously out of proportion to the low efficiency and poor cost-effectiveness of automobile transportation.

Since it takes only a fourth as much thrust to improve a railway car on steel rails as it does to move a rubber-tired vehicle on concrete, a modern train requires only about 15 relatively pollution-free horsepower per passenger to perhaps ten times that for a pollution-belching auto. One highway lane can handle 1,200 cars, or perhaps 2,000 passengers, an hour—compared to 40,000 passengers an hour on a single railroad track.

Former Assistant Secretary of the Air Force Robert Charles, who now is working with the Geo-Transport Foundation of New England, has pointed out that with an investment of several hundred million dollars in new roadbed, present train technology could provide a Boston-New York rail schedule of two hours, fifteen minutes. That would be competitive with the airlines and beat the automobile on a time basis, and leave both far behind in passenger capacity.

However, Charles pointed out to the New England Council, one-fifth of all planes landing at New York's three airports are from Boston and Washington. New York long contemplated another airport; Boston is now discussing the expansion of its Logan airport. But the new airport now being built for Los Angeles will cost an estimated $900 million, while one for Montreal may reach $1 billion. The provisions of high-speed, comfortable, frequent rail transit between New York and Boston might spare both cities that kind of airport costs and at the same time provide better and more efficient service.

By every such measure, the case for modern rail passenger service in America is overwhelming—if largely unrecognized. Designation of a basic system, even under existing handicaps, was a beginning. The more important step comes next, when President Nixon appoints three or more incorporators to set up the single operating corporation; the incorporators, in turn, must choose the executive management of the corporation.

Those Nixon appoints, therefore, must meet one overriding requirement. They must genuinely believe in the necessity for, and the good prospects of modern rail passenger service—speedy, clean, convenient, with courteous service, computer-managed ticketing, and efficient scheduling. The defeatist attitude that descended on the railroads in recent years will be just as fatal as dirty coaches and slow trains; indeed, it will inevitably produce them.

As for Congress and the administration, if they continue to give outsize preference to the highways and the airlines nothing anyone else can do will redeem the passenger train.

UNITED NATIONS BACKS HUMANE TREATMENT FOR POW'S

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. ZABLOCKI. Mr. Speaker, I was gratified to learn today that a committee of the United Nations' General Assembly has adopted a U.S.-sponsored resolution concerning prisoners of war.

By an overwhelming vote of 60 to 16, the committee called upon all parties to comply with terms and provisions of the 1949 Geneva Convention relative to the humane treatment of prisoners of war.

Without specifically mentioning Vietnam, but with the POW situation there clearly the cause for the action, the resolution asked compliance with the convention by permitting inspection of prisoner camps and by permitting repatriation of all seriously sick and wounded prisoners.

It is interesting to note that the only votes against this humane appeal came from the Soviet Union and its allies.

It is my hope that this action by the United Nations will turn worldwide attention on the flagrant violations by North Vietnam of the Geneva Convention. The convention itself, I might point out, has been issued as a print by the Subcommittee on National Security Policy and Scientific Developments, of which I am chairman. Members who are interested in obtaining copies of this important document may obtain them from the House Foreign Affairs Committee.

I believe that congratulations and commendations are due to the United Nations for having taken this positive action. At this point, I insert in the RECORD the account of the United Nations vote in today's New York Times and the text of the resolution adopted yesterday by the Social Committee of the General Assembly:

PLEA TO PROTECT PRISONERS OF WAR IS ADOPTED IN U.N.

(By Kathleen Teltsch)

UNITED NATIONS, N.Y., December 1.—A United States proposal aimed at getting protection for American war prisoners in Vietnam was approved today by a committee of the General Assembly.

The resolution, which 11 other countries sponsored with the United States, calls for regular inspection of prison camps and humane treatment of all war prisoners, without specifically mentioning Vietnam.

The proposal was approved 60 to 16, with 34 abstentions, by the assembly's Social Committee, whose membership includes all the members of the United Nations. It was opposed by the Soviet Union, Hungary, Algeria and some others, who termed it a pretext for diverting attention from American actions in Vietnam and accused the United States of grave abuses, including the slaying of civilians at Mylai.

[In Paris, the American delegate to the Vietnam peace talks, in a news conference

charged that the Vietnamese Communists were demonstrating a "shameful attitude" toward American prisoners and refusing to negotiate.]

WEIGHS ON CONSCIENCE

Final General Assembly approval of the resolution on prisoners is regarded as a formality, and Charles W. Yost, the United States delegate, said the decision demonstrated that "treatment of prisoners weighs on the conscience of the world."

He also reiterated United States concern for the 1,500 Americans estimated to be missing in Southeast Asia and spoke of the "positive evidence of the inhumanities to which they have been subjected."

The likely impact of the new resolution is viewed here as questionable since until now North Vietnam has refused to allow inspection of the prisoner camps by the Red Cross or any other humanitarian organization, as provided for under the 1949 Geneva Convention.

Red Cross authorities who have been in contact with Hanoi have indicated that they are not encouraged that North Vietnam will change its policy.

Hanoi has insisted that the prisoners are "war criminals" not entitled to the protection of the 1949 Geneva Convention, which lists in 143 articles the measures that should be taken for the treatment of prisoners—providing for their identification on capture, medical care and housing, repatriation of the sick and possibly those long held in captivity.

THANT PLEAS IGNORED

Hanoi has not indicated any interest either in the series of appeals from Secretary General Thant regarding war prisoners—the most recent one last week. The resolution specifically asks Mr. Thant to continue his efforts. The resolution was also modified by Hungary to ask Mr. Thant to work particularly to assist those captured while fighting aggression or in wars of liberation—a point favored by African members.

North Vietnam is one of the 127 nations that have accepted the convention. The United States has also stressed—and Mr. Yost repeated this today—that it is abiding by the Geneva regulations, giving access to its camps to the International Committee of the Red Cross and correcting any abuses reported by the inspection teams.

Allies of Hanoi have also insisted that Hanoi is abiding by the Geneva accords.

The United States proposal tended to overshadow the other resolutions discussed and approved today, which were all raised under the broad heading of "Respect for Human Rights in Armed Conflict." These included a proposal by Britain and 12 others that looks toward supplementing the Geneva conventions to take account of internal conflicts such as the Biafra war and other new situations.

The International Committee of the Red Cross intends to hold a preliminary conference next May to discuss possible new regulations.

Without dissent, the committee approved a proposal by France and seven other countries suggesting that the United Nations prepare an international agreement to protect journalists on dangerous missions and provide them with a guaranteed identity document.

[From the New York Times, Dec. 2, 1970]

TEXT OF RESOLUTION ADOPTED IN U.N. ON WAR PRISONERS

UNITED NATIONS, N.Y., December 1.—Following is the text of the United States-sponsored resolution on prisoners of war adopted today by the Social Committee of the General Assembly:

Believing therefore that the treatment accorded to victims of war and armed aggression is a concern of the United Nations.

Noting Resolution adopted by the international conference of the Red Cross at Istanbul calling upon all parties to the 1949 Geneva Convention relative to the treatment of prisoners of war to insure that all persons entitled to prisoner-of-war status are treated humanely and given the fullest measure of protection prescribed by the conventions, and that all parties involved in an armed conflict, no matter how characterized, provide free access to prisoners of war and to all places of their detention by a protecting power or by the International Committee of the Red Cross.

Considering that direct repatriation of seriously wounded and seriously sick prisoners of war and repatriation or internment in a neutral country of prisoners of war who have undergone a long period of captivity constitute important aspects of human rights as advanced and preserved under the Geneva Convention and the United Nations Charter.

The General Assembly.

Recalling that the preamble of the United Nations Charter affirms faith in the dignity and worth of the human person.

Recalling that the United Nations has as one of its purposes achievement of international co-operation in solving international problems of humanitarian character and promotion of respect for human rights.

Reiterating the obligation of states members for the urgent termination of all armed aggression as envisaged in Articles 1 and 2 of the charter and in other relevant documents of the United Nations.

Noting the obligation of states members under the Charter of the United Nations to promote universal respect for, and observance of human rights.

Recalling resolutions requesting the Secretary General, in consultation with the International Committee of the Red Cross, to continue to study, inter alia, (1) steps which could be taken to secure the better applications of existing humanitarian international conventions and rules in armed conflicts; and (2) the need for additional humanitarian international protection of civilians prisoners and combatants in all armed conflicts:

1. Calls upon all parties to any armed conflict to comply with terms and provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war so as to insure humane treatment of all persons entitled to the protection of the convention and, inter alia, to permit regular inspection in accordance with the convention of all places of detention of prisoners of war by a protecting power or humanitarian organization, such as the International Committee of the Red Cross;

2. Endorses the continuing efforts of the International Committee of the Red Cross to secure effective application of the convention;

3. Requests the Secretary General to exert all efforts to obtain humane treatment for prisoners of war especially for the victims of armed aggression and colonial suppression;

4. Urges compliance with Article 109 of the convention, which requires repatriation of seriously wounded and seriously sick prisoners of war and which provides for agreements with a view to direct repatriation or interment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity.

5. Urges that combatants in all armed conflicts not covered by Article 4 of the Geneva Convention of the Aug. 12, 1949, relative to the treatment of prisoners of war, be accorded the same humane treatment defined by the principles of international law applied to prisoners of war;

6. Urges strict compliance with the provisions of the existing international instruments concerning human rights in armed conflicts and urges those who have not yet done so to ratify or accede to the relevant instruments in order to facilitate in all aspects the protection of the victims of armed conflicts.

ADDITIONAL TESTIMONY ON THE FUTURE OF BOXING

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. WOLFF. Mr. Speaker, on Monday I included in the RECORD testimonies of several witnesses who participated in the recent informal congressional hearing which my distinguished colleague, the gentleman from New York (Mr. BIAGGI), and I held on the future of boxing. Today, I would like to include additional testimonies obtained at this hearing:

BOXING FROM THE CRADLE TO THE GRAVE, 1971

(By Barney Felix, the Nation's senior professional boxing referee)

As the nation's senior professional boxing referee, I have been around a long, long time. As a boxer, I ran the gamit from settlement house, amateur athletic union, collegiate to pro boxing. As a boxing referee I followed the same trail. From the newspaper and no-decision days through the rein of the Walker Boxing laws.

As a growing boy I was inspired by the boxers and persons associated with the boxing game. As the years went by with the economy and living conditions improving, boxing seemed to recede into an inferior position, control was taken over by the voracious few who squeezed everything out of the game and gave it nothing.

I don't blame the youngsters for not seeking a career in the boxing profession. While the rate of pay has been increased in every category of work, the young preliminary boxer still gets $10.00 a round, in some states they get even less. The supervision of the game is down to a new low. Recently the New York State boxing chairman, Edwin Dooley, disgracefully ceded his power by surrendering to the dictates of the Patterson-Greene fight group who were scheduled to box in the main event at Madison Square Garden. They insisted that Chairman Dooley evict Referee Dave Feld bodily from the boxing ring after he had officially assigned Feld to work this bout. This I maintain is the straw that broke the camel's back.

A strong, disciplined Federal Boxing Commission must be instituted to handle all categories of boxing in the nation. This commission will be administrative and act as a watchdog for any wrong-doing by the promoters, managers and seconds to the poor exploited professional boxer who winds up his career with nothing but a couple of cauliflowered ears and a rattled brain. There must be closer supervision of all those earning a living in pro boxing and the wrong doers must be expelled.

This Federal Commission should have first and last word in all areas of boxing, be it schoolboy boxing, settlement house boxing, collegiate boxing, A.A.U. boxing or professional boxing. As things stand now the only phases alive are the Golden Gloves Tour-

ney, which holds forth once a year and professional boxing such as it is. There was a time when New York City had 14 pro boxing shows going in one week. This in addition to at least twenty weekly A.A.U. amateur shows. Settlement Houses and Community Centers all had boxing teams and held an annual championship in the armories. We coaches knew that some of the participants would wind up boxing professionally. Those that did not turn pro learned the fundamentals of self-defense which came in handy as they went through the problems of life.

We have found that boxing, when properly taught, inculcates in the character of a growing boy phases of self reliance, self respect, respect for others and prepares him to face the hard knocks of life with equanimity.

Most of my peers and colleagues feel as I do about organizing a Federal Commission with a "Czar" of boxing at it's head, who will be far-visioned enough to bring the game back to it's former status and be strong enough to keep the influence of the voracious and unruly under control. Persons like Commander Gene Tunney, Abe Greene, the Jersey State Commissioner who in essence is the Elder Stateman of Boxing, Morris Mogelever, a newspaperman and boxing official who has been associated with boxing all his life and has made a thorough study of the ills of boxing. To bring the sport back to the heydays of the "Twenties" with the enticement of "top pay for hard work" to our growing generation. You will see how quickly these youngsters will start getting haircuts and stop using drugs. We must give them an incentive and the respect they deserve to say nothing of the fame and honor and their acceptance by the good people in our society.

Let me offer an example of a case in hand . . . my own experience. Soon after World War I, we found ourselves living in the ghetto of the Lower East Side of New York City. We were seven children living in two tenement house rooms. The kitchen had a coal burning stove in it but it never got the luxury of being fed coal. We youngsters had a daily chore of going out on the street and gathering wood for the kitchen fire. The food supply was below par, we were thin, emaciated looking and anemic. My father was earning ten dollars a week. As soon as we entered our teens we discovered boxing. At thirteen we were paid fifteen cents a fight to do battle before a group of grown-ups on the roof (shop) of 18 Orchard Street. The lower east side was the "hot bed" of boxing and many great fighters came from there. We grew older and improved and from rooftop boxing we entered the A.A.U. amateur bouts and through this medium we entered the halls of the New York Athletic Club, The City Athletic Club and many other citadels of the upper classes and we were interested in what we saw. There was inspiration all over the place. In due time we turned pro. My brother, Harry Felix, who for many years was the contender for the lightweight title received 40 dollars for his first four round fight. This was as much as my father earned in one month. At last my parents began realizing something of their investment in us kids. As the money and the ring injuries kept rolling in we were able to move out of the ghetto into a home all our own in the then countrified Brownsville in Brooklyn. We retired my father at the age of 41. This is what boxing did for us and could still be doing for many of the large "have not" families struggling along today. The supervision of boxing was good in those days. Jim Farley was the commissioner and he had a dedicated staff. Not what "can you do for me" group.

I was taught never to criticise unless I could come up with something constructive, so, I take the opportunity to put some of my thoughts on paper:

1. To stimulate the interest of the growing boys in pro boxing, I suggest that a scale of pay be targeted towards the present economy. A prelim boy still gets $10.00 a round or less for a 4 round bout. This was the rate fifty years ago. How unfair can you be. In those days an errand boy got $8.00 per week, today he gets $70.00.

2. Stimulate the interest of *Big Business* in boxing. I am speaking now of conglomerates . . . corporation, private wealthy individuals to invest in the talent of young boxers. These outfits to organize a boxing division in their companies administered by a manager with business knowledge. Sign these boxers to a yearly contract and pay them weekly, in turn these boxers will participate in pro bouts as arranged by the company manager. The company will supply training quarters, hire trainers and seconds and set up hard and fast rules with which the boxer must comply. If a boxer does not adhere to the training rules he will be suspended without pay. Boxer is gradually promoted to higher rate of pay by merit and he can advance to main event boxer eventually with main event pay. I have a whole master plan governing such activities. At least it will take the boxer out of the hands of scheming, selfish managers who give nothing and take all.

3. The Federal Government should investigate the professional boxing situation in the City of Miami Beach, Florida. Here exists truly a boxing trust. One exclusive promoter is licensed by the Miami Beach Council, no one else may promote boxing in the City. The Promoter receives the use of the 2 public halls at a low, low fee and has managing contracts with all local boxers who are used on the shows. He also owns the local boxing gymnasium where these fighters train. A very disgraceful situation exists here where this promoter usually opens his professional boxing show with two or three amateur bouts. This is an unheard of practice.

4. This Federal Boxing Commission should allow officials, boxers and other boxing personnel to join a benevolent association where they can meet socially, discuss various inequities that exist in the sport, hold boxing clinics for growing boys and boxing seminars for college students who plan on entering the teaching profession. There was such an organization and I was the secretary. It was highly successful but was ordered disbanded by the former boxing chairman, the late Eddie Eagan. When I returned from serving four years in the U.S. Navy during World War II, I was told the bad news. We were a well disciplined group and never showed our displeasure at Mr. Eagan's ruling.

5. All officials should be required to pass a written and practical test to check on their knowledge of the sport, and physical and medical tests to confirm their good health and stability.

6. On-the-job-training seminars should be held for all referees, judges, inspectors and deputies. I do not ever remember that such instructive meetings were held.

7. There should be a rotating assignment of officials and not assignments through political influence as is found now.

8. The free ticket list to deputies and commission by promoters should be abolished.

9. Free boxing from any and all political entanglements. This can be done only if a strong and knowledgeable Chairman of the Commission is selected.

10. Set up a standard national scoring system devised so that an honest decision is rendered. It's tough enough for a kid to be in there battling away and getting hurt without having to fight the referees and judges.

11. The present day boxer is not insured and has no protection whatever. Arrangements should be instituted where he and his family will be cared for in the event that injuries are serious enough to put him out of commission the rest of his life.

BRIEF: AL "CHINK" LIND

Born March 21, 1907, in New York City. Raised in Harlem. New York State licensed referee.

City Mission Society camp councilor in charge of boating and swimming at Camp Minisink, N.Y.S.

Professional boxing referee, N.Y.S., 1952–present.

OBSERVATIONS

I first became interested in becoming a professional boxing referee after the Joe Louis-Max Baer contest. However, I confided in my best friend whom I had taught the art of boxing and officiating only to see him get the job because of his political inroads.

I however made preparations and spoke to Comm. Eddie Eagan who told me that the commission had one black referee and did not intend to use more than that. I did make it when Mr. Christianberry was made commissioner.

1. Now then, since 1952 I have never refereed a main bout at the Madison Square Garden.

2. The comm. spokesmen tell the officials that they will stand behind the decisions made yet I find much criticism such as the Ruby Goldstein situation when Ruby threw a very important contest out because of some rule infraction.

3. I have never experienced the rotation of referees as adopted.

4. The officials seem to be making less money actually and relatively speaking.

5. The prerequisites for appointment to the boxing commission is not what one knows but is political.

6. An official may find himself in the good graces of the powers that be at one time and working then another time find himself in the opposite position and not working. This would be understandable if someone would explain but no one explains.

7. I worked the Audibon card on four different occasions. Was supposed to get $25.00 for the nights work. On three occasions I was given $20.00 with no explanation.

STATEMENT OF DR. LEONARD MILTON, PRESIDENT, PEOPLE-TO-PEOPLE SPORTS COMMITTEE, INC.

I am president of the People-To-People Sports Committee which was founded by President Eisenhower in 1956, and which has been operating ever since under the leadership of Presidents Kennedy, Johnson, and Nixon.

The purpose of this committee is to organize continuous sports activities between the athletes of the United States and athletes of the world in order to create good will, friendship and mutual understanding. This committee has been most successful in this directive from the President, and our chairman today is President Nixon. Our diplomatic council is composed of all the members of the President's Cabinet as well as many Senators, Congressmen, governors and ambassadors; and our sports council is comprised of many illustrious athletes and many sports-minded men of our country. This com-

mittee has the unique distinction of carrying out its mandate to arrange for both amateur and professional competition.

I was honored to be appointed vice president in 1956 under the presidency of that famous amateur boxer and sportsman, Colonel Edward Eagan, and assumed the presidency upon his death in 1967. Colonel Eagan, as many of you well remember, was an Olympic gold medal winner in boxing and was one of the great amateur boxers of his era. He then went on to graduate from Yale University as an attorney and completed his education as a Rhodes Scholar in England. He served with distinction in World War II as a colonel in the Air Force, and served later with distinction as the commissioner of boxing for the State of New York for 7 years.

For many years Eddie Eagan and I discussed the deplorable state of professional boxing, and I know it grieved Eddie considerably that this sport, in his estimation, had deteriorated in the minds of the people due to the element that seemed to be associated with it.

We were of the unanimous opinion that a national boxing commissioner should be established so that the sport could be again held in high esteem as so many of the other sports, such as baseball, basketball, football, etc.

Because of his tremendous knowledge of the sport, Colonel Eagan was of the opinion that this would occur at the time when the sensitivities of the country demanded this action. In preparation of such action, several years ago Congress made studies of this sport. The People-To-People Sports Committee, Eddie Eagan and I gave considerable thought to the best possible plan that could be put into effect. This plan embodies the creation of the United States Commissioner of Boxing, who would be empowered to license and authorize boxing in the United States. This commissioner would operate under the auspices of the People-To-People Sports Committee. For each event, a sum would be established, in addition, a percentage of the gate would also be given to the contestants, which would be indicative of their popularity. All ancillary income such as television rights, closed circuit and public, motion picture rights, etc., would be negotiated by the People-To-People Sports Committee. Pensions and insurance policies would be established. Preliminaries and eliminations for matches would be established by the commissioner and his staff. Licensing of the fighters would be under the sole jurisdiction of the commissioner.

All profits and proceeds from the bouts should be distributed to such organizations as the Police Athletic League, Catholic Youth Organization, Golden Gloves, etc., to promote and encourage the sport amongst these amateurs.

Of course, there are many other details for the modus operandi, which are too lengthy to discuss here, which would also be required. I can foresee a sports program operating, as I mentioned, free from selfish and financial interests, bringing the sport of boxing to a plateau of respect that it so justly deserves. The People-To-People Sports Committee is willing to undertake a project of this type in the interest of national and international sportsmanship. I am also a member of the United States Olympic Committee, and have discussed this program with notable boxing authorities of the Olympic Committee. It is envisioned that in a program of this type amateur boxing would be encouraged, and this would again provide the athletes with an opportunity for Olympic competition.

In the interest of clean, wholesome sportsmanship, we strongly recommend a national commissioner to do for boxing what Judge Landis so ably accomplished for baseball.

STATEMENT OF COL. DONALD F. HULL, U.S. ARMY, RETIRED, EXECUTIVE DIRECTOR AMERICAN ATHLETIC UNION OF THE U.S.A.

A. BACKGROUND

Boxing is man's oldest and longest continuing sport. It is the only sport carried over from the original Olympic Games. Although continuing throughout the years, professional boxing's development has been checkered and varied.

The development—or the lack of it—of professional boxing with its glamor and omnipresent controversy has over-shadowed the steady development of amateur boxing. The public is generally unaware that amateur boxing is controlled by a world-wide organization of 121 member nations. It has never had serious dissensions nor rival groups naming their own champions or conducting competitions outside the rules of the International Amateur Boxing Association (AIBA). National, Continental and World Championships—including the Olympic Games—are conducted regularly under the rules of AIBA. A copy of the current rules of AIBA is attached with the original of this report.

Amateur boxing in the United States is organized, supervised and controlled by the National Boxing Committee of the Amateur Athletic Union of the United States (AAU). The AIBA member in the USA is AAU. The AAU as a service organization of volunteer workers has neither the personnel nor the funds to fully protect the amateur boxer. Nor can the AAU provide sufficient programs so that America's amateurs can meet those of the Soviet Union and the other nations of the World on a fair and equal basis. However, the AAU freely does a tremendous job with its volunteer workers and the limited amount of funds it is able to obtain. The current National Boxing Handbook of the AAU is attached.

There are no laws or standard rules and requirements for the amateur boxer when he receives offers to become a professional. Professional boxing is controlled—or uncontrolled—by City Commissions, State Commissions and several varied groups which claim national, regional or world control. Many cities in the USA have no set supervision of any kind whatsoever. None of the U.S. State Commissions have any national supervision.

The world pattern in professional boxing is almost as irregular and unsupervised as the City and State Commissions in the United States. In many countries the Government controls the sport through appropriate laws. The Communist countries forbid professional boxing, but devote millions of dollars in supporting their amateur teams whose constant victories are propagandized as an indication of Communist superiority. Some nations—such as France and Italy—provide funds for the national commission which controls both amateur and professional boxing but have different personnel working in the two programs.

B. PROBLEM

The problems of boxing begin the moment a boy wants to extend his knowledge of the art of self-defense into the ancient sport of boxing. Generally the boys in amateur boxing come from poor families and the inner-city or ghetto areas. It is incongruous that there is no government help available for these members of our society who need help the most, and who are trying to help themselves.

The volunteer workers of the Amateur Athletic Union of the United States attempt to fill this gap, but even here the ghetto boy who needs help the most gets the least. Swimming, track and field, and basketball attract boys from the more affluent families of our society and get better programs, better facilities, and better coaching. All the members of our affluent society who only assist the participants in the other sports should not be condemned because they do not give more time to the poor boys in boxing. Like most community minded volunteers they contribute their efforts to helping their community as they see it. They have little or no knowledge of the problems of the boys in the ghetto area who are attracted to boxing.

The problem in amateur boxing is that there is little or no community leadership or funds for programs in the areas from which the boxers come. A great percentage of them are from broken families and have never known a father. Instead of receiving deserved help for their efforts, they are usually trying to help a husbandless mother support smaller children.

Since the amateur organization—the AAU—doesn't have the funds for a really complete and attractive program, the amateur boxer is easy prey for anyone who will offer him a chance to take home a dollar. Therefore, the abuses of the individual boxer begins when he is lured into a professional career by an unscrupulous or unqualified manager. Too many young boxers enter the professional arena before they are physically mature, mentally developed, of legal age, or sufficiently skilled to protect themselves in the longer professional bouts.

Some State Commissions make a sincere effort to protect the boxer and to give professional boxing proper supervision. New York State is generally considered the most effective state commission. But, the New York Commission probably is prevented from completely following sound principles by the realistic fact that unscrupulous managers and promoters promptly take attractive competitions to a city with an easy or unscrupulous commission when an attempt is made to follow proper procedures.

Part of the excitement in the sport of boxing is the fact that one good punch may change the whole course of the action. Part of the public feeling for the sport is the opportunity which boxing provides for the poor, uneducated boy with physical talents who may become a world champion. The opportunity for a sudden reversal of the odds, and the lack of education of the average boxer, makes the sport and the individual boxer prey for the gamblers, and unscrupulous managers or promoters.

The lack of national laws and a national commission to protect the boxers and to supervise the sport makes it impossible for a well meaning city or state commission to contribute their share toward regulation of the sport. The frustrations of seeing an improper match turned down in one city and then take place across the border in another state has caused many commissions to simply give up trying to follow sound principles. Without some national supervision the evils and abuses in the sport can never be eliminated. There are good men in many State boxing commissions who can regulate the sport, but they need the authority of a National Commission backing them.

C. SOLUTION

There are several desirable actions which are needed at all levels and my suggested solutions beginning at the lowest level would be as follows:

1. Make "opportunity", "self-help", "head-start", "physical education", or some type of government funds available to every state to *regulate* boxing, to *develop* amateur programs, and to *protect* the boxer when he turns professional.

2. A national age minimum should be set to prevent the unqualified young amateur boxer from entering the professional arena. Professional football—where hard contact is similar to boxing—has established the transition age at college graduation which averages 23 years of age. The public would enthusiastically support a minimum age of 21 for boxing. Age 21 is generally accepted as about the time a young man's body is sufficiently developed to take the hard knocks of professional boxing. The public may well clamor for the abolition of professional boxing if a teenager is killed in the professional arena. The normal reaction to an unfortunate fatality of an older boxer would be that the individual was a grown man, past 21 years of age, and sufficiently mature to take his chances for a monetary prize the same as auto racing drivers and professional football players do.

3. Appoint a full-time national boxing commission of at least three (3) commissioners. The first action of such a commission would be to meet with a representative of each of the state commissions to promulgate national standards and rules for the sport. Then the commission would be busily engaged in keeping these standard procedures up to date, developing protection of the boxers and in supervising interstate, national and international competitions.

4. One of the three commissioners should be assigned the primary responsibility of coordinating with the National Boxing Committee of the AAU and the Olympic Boxing Committee to assist the amateur programs and to supervise the transition from amateur to professional status.

STATEMENT OF NAT FLEISCHER, PRESIDENT AND EDITOR, RING MAGAZINE

There is a lack of uniformity of national and international boxing rules and regulations. Too frequently important regulations are overlooked by various commissions. Only a National Commission can regulate the sport in a manner that can eliminate the objectionable elements.

What are these?

1. Undercover managers of ill repute.

2. Indecision by Boxing Commissions, who, eager to obtain a lucrative match for their domain, sanction matches that carry unsavory flavors.

3. Laxity on the part of Commissions to insist that matchmakers and promoters eliminate mismatches in which superiority of one boxer causes discontent among the patrons and raises cries among the patrons and raises cries among the public against boxing.

4. Need for a Championship Committee to choose contenders in each class.

5. Uniformity of licensing of boxers, managers and seconds needed. A must is Central Clearing Agency for all such licenses.

6. No means at present to enforce a ruling on national basis. Each state, despite affiliation with a boxing group—World Boxing Association, World Boxing Council, can do as it wishes. A fighter, manager, second may be banned from obtaining a license in one state but obtain same in others.

Boxing requires a National Government official at its head, and uniform government regulations. During the past decade a number of State and National hearings have been held, but no remedy has emerged.

PATRIOTISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. RARICK. Mr. Speaker, a great American—former President of the United States—described patriotism as follows:

Patriotism means to stand by the country. It does not mean to stand by the President or any other public official save exactly to the degree in which he himself stands by the country.

It is patriotic to support him insofar as he efficiently serves the Country. It is unpatriotic not to oppose him to the exact extent that by inefficiency or otherwise he fails in his duty to stand by the Country.

In either event, it is unpatriotic not to tell the truth—whether about the President or about anyone else—save in the rare cases where this would make known to the enemy information of military value which would otherwise be unknown to him. (Theodore Roosevelt, 1918; Memorial Edition, Vol. 21, p. 316, "The Works of Theodore Roosevelt.")

TERROR IN SOUTH VIETNAM—THE PULPING OF A PEOPLE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. SCHMITZ. Mr. Speaker, in volume IX, page 192 of Lenin's Selected Works the Communist leader admonished his comrades:

We shall speak the bitter and undoubted truth; in countries that are experiencing an unprecedented crisis, the collapse of old ties, and the intensification of the class struggle . . . terror cannot be dispensed with notwithstanding the hypocrites and phrasemongers . . . There is no middle course, no "third course", nor can there be.

The North Vietnamese Communists and their South Vietnamese front organizations are operating according to this standard Leninist principle. Terror is an instrument of Communist policy always and everywhere determined resistance is met.

Although we read about Communist terror in books such as the recent excellent publication of the Senate Internal Security Subcommittee entitled "The Human Cost of Soviet Communism," it is very difficult for many people to understand that this type of barbarism still goes on. It seems to be difficult for many to grasp the fact that terror is an integral and necessary element of Marxist-Leninist thought and action. Most of those who advocate surrendering in Vietnam obviously do not comprehend what is transpiring in that embattled land. Neither do they understand what will take place if we do immediately depart without first destroying the Indochinese Communist Party.

In order to rectify somewhat this state of ignorance I am including in the RECORD at this point several copies of the Daily Bulletin of the National Police Force of South Vietnam which details some of the recent Communist terroristic activities. Here is Communist theory in practice. Here is a partial record of the daily killings, abductions, and maimings, which the South Vietnamese people, our allies, are presently being subjected to. This type of terrorist activity has been going on to a greater or lesser degree since the year 1957.

This is the type of information which must be readily available for the inspection of all Americans so that they will understand just exactly what is involved in Southeast Asia. Unfortunately this aspect of the war, the pulping of an entire people, has been played down in the United States. Many of the young people in our Nation seem to have come to the fantastic conclusion that the Vietcong—National Liberation Front, Peoples Revolutionary Government, and so forth—are in some way liberating heroes and friends of the people of South Vietnam. It is necessary to dispel this pernicious illusion which is one of the foundations of the joint Soviet-North Vietnamese rear warfare effort in the United States.

I have been trying to obtain copies of the National Police Bulletin for several months in order to illustrate the true nature of the enemy being faced by the United States and its allies in Southeast Asia. The Agency for International Development does not seem to want to make this information available and it has taken considerable time to find another source which could supply this vital information. This is a great disservice to those who wish to counteract some of the enemy developed myths surrounding the U.S. war effort in Vietnam.

The following chronicle deals with terrorist incidents which took place in South Vietnam from late October 1970 to the middle of November. It is a partial listing consisting of only the terrorist incidents which were actually reported. Many similar atrocities go unrecorded. Douglas Pike in his work entitled "The Vietcong Strategy of Terror," an outstanding publication distributed by the U.S. Information Agency, goes into the difficulties surrounding the collection of accurate statistics on terrorist activities.

Here is what is happening in South Vietnam. Here is what we are fighting to stop. Here we see the enemy as he really is. This is one of the major reasons why he must be decisively defeated.

The articles follow:

ROUNDUP OF TERRORIST ACTIVITIES

(Notice to Media: The following terrorist incidents have been reported by National Police within the past 24 hours. Some reports were delayed and are not all-inclusive for dates shown)

Seven incidents of terrorism have been reported in which 5 Vietnamese civilians were killed, 3 wounded and 9 abducted. Details follow:

October 27: Enemy agents entered Nam Can hamlet, Vinh Loi dist., Bac Lieu Prov., killed one member of the RD cadre and wounded two other members.

In Phu Khuong A hamlet, Ben Thanh dist., Kien Tuong Prov. a PSDF was taken from his house and killed.

October 26: A hamlet chief was abducted by the enemy from Hai Duong hamlet, An Duong dist., Tuyen Duc Prov.

A man was assassinated by enemy agents in Tinh Binh hamlet, Ben Thanh dist., Kien Tuong Prov.

One man was killed and one wounded by enemy agents who entered Thao Lahn H hamlet, Vinh Loi dist., Bac Lieu Prov.

October 25: Four PSDF and four other civilians were kidnapped from Binh Loc hamlet, Xuan Loc dist., Long Khanh Prov.

October 23: Terrorists assassinated the deputy hamlet chief in Bao Vinh hamlet, Xuan Loc dist., Long Khanh Prov.

Fourteen terrorist incidents have been reported in which 10 Vietnamese civilians were killed, 12 wounded and 21 abducted. Details below:

October 30: Enemy personnel ambushed a police unit in Phu Trinh hamlet, Phan Thiet city, Binh Thuan Prov., with small arms fire and B–40 rockets. One policeman was killed and four others wounded.

A hand grenade thrown by terrorists exploded in An Dinh village, Huong My dist., Kien Hoa Prov. wounded two civilians.

October 29: Three civilians were killed and two wounded when a passenger car in which they were riding hit an enemy mine in An Hoa village, Kien Luong dist., Kien Giang Prov.

Enemy agents entered Cay Xoai hamlet, Kien An dist., Kien Giang Prov. and assassinated the assistant hamlet chief.

October 28: One civilian was murdered by terrorists in An Thanh Thuy village, Cho Gao dist., Dinh Tuong Prov.

October 27: A police woman was abducted from Tan Thach village, Truc Giang dist., Kien Hoa Prov.

October 25: Four persons were kidnapped from Nghia An Tay hamlet, Dong Ha dist., Quang Tri Prov.

October 23: Terrorists abducted nine civilians from Canh Phuoc hamlet, Kieu Xuong dist., Phu Yen Prov.

October 19: Two civilians were killed and two others were wounded when enemy mine exploded in a field in Vinh Thuan hamlet, Lai Vo dist., Sa Dec Prov.

THE FOLLOWING INCIDENTS OCCURRED IN BINH THAN PROVINCE

October 27: A deputy hamlet chief and one other civilian were killed by an enemy mine in Thien Gian dist.

October 26: Two young boys were wounded when a mine exploded in a field in Hoa Thanh hamlet, Thien Giao dist.

Five young boys were abducted by terrorists from Go Boi hamlet, Ham Thuan dist.

Terrorists kidnapped one young boy from Phu Lam village, Ham Thuan dist.

October 25: One young boy was abducted from Phu Lam village, Ham Thuan district.

Ten terrorist incidents have been reported in which 12 Vietnamese civilians were killed, 18 wounded and 3 abducted. Details follow:

November 3: In Cau Van hamlet, Giong Trom dist., Kien Hoa Prov., four PSDF were killed and two PSDF and one village official were wounded in a terrorist attack.

November 2: One civilian was wounded when terrorists fired grenades into Hau Thuan outpost, Thanh An village, Mo Cay dist., Kien Hoa Prov.

November 1: Terrorists assassinated one person in Huong My village, Huong My dist., Kien Hoa Prov.

October 31: A PSDF member was wounded when the enemy fired B–40 rockets into hamlet number 1, An Thanh village, Ben Luc dist., Long An Prov. Terrorists have assassinated the village chief and a former village chief in An Hoa Hung village, Duc Tu dist., Kien Hoa Prov.

October 30: Two persons were killed by the enemy in hamlet B, Phuoc Lai village, Nhon Trach dist., Bien Hoa Prov.

October 29: A mine killed one civilian when it exploded in An Phu Thuan village, Duc Ton dist., Sa Dec Prov. Two PSDF members were killed and six other members were wounded when the enemy attacked them in Mang Ca hamlet, Cai Sach dist., Ba Xuyen Prov.

October 28: Four civilians were wounded and two abducted during an enemy attack against Nang Chang hamlet, Duc Long dist., Chuong Thien Prov.

October 26: Three RD cadre were wounded and one civilian was abducted by terrorists in Phong Nhieu hamlet, Tuy An dist., Phu Yen Prov.

Nineteen incidents have been reported in which 10 Vietnamese civilians were killed, 15 wounded and 13 abducted. Details follow:

November 5: One man was injured when the enemy fired B–40 rocket rounds into Binh Hoa Thon village, Chau Thanh dist., Kien Tuong Prov.

November 4: The enemy ambushed a PSDF team on patrol in Khanh Trach hamlet, Hoai Nhon dist., Binh Dinh Prov. and killed one member of the team.

An enemy set explosion in Chanh Danh hamlet, Phu Cat dist., Binh Dinh Prov. wounded one village official.

One policeman was killed by enemy agents at the My Thanh sub-station, Kong Trom dist., Kien Hoa Prov.

The village chief was killed in an ambush at Lien Chieu village, Hoa Vang dist., Quang Nam Prov.

Nov. 2: A booby trap exploded killing one civilian and wounding one in Loi Nguye hamlet, Chau Thanh dist., Phong Dinh Prov.

Enemy agents threw hand grenades in Xuan Son village, Dong Xuan dist., Phu Yen Prov. killing three persons including the village chief.

November 1: Five civilians were wounded in an explosion in Quang Phuoc village, Quang Dien dist., Thua Thien Prov.

October 31: Terrorists assassinated one civilian in Phu Hoa hamlet, Dong Xuan dist., Phu Yen Prov.

One PSDF member was abducted from My Duc hamlet, Hoa Nhon dist., Binh Dinh Prov.

Five persons were injured when a wood cutter's truck ran over an enemy mine near Trang Bom village, Duc Tu dist., Bien Hoa Prov.

The enemy abducted five youths while they were on their way to cut trees in the forest near Lo Bom hamlet, Kien An dist., Kien Giang Prov.

October 28: A 12-year-old boy was wounded when he detonated an enemy mine while gardening in Phong An village, Phong Dien dist., Thua Thien Prov.

THE FOLLOWING INCIDENTS OCCURRED IN BINH THUAN PROVINCE

November 2: Enemy agents entered Thien Hai hamlet, Hai Long dist., and kidnapped a former village official.

October 31: Two civilians were killed in an enemy ambush in Thien Giao dist.

In Vinh Hanh hamlet, Phan Ly Cham dist., one civilian was wounded by enemy fire.

October 29: The enemy abducted one young boy in Hoa Da dist.

October 28: A young boy was kidnapped from Phu Sung village, Ham Thuan dist.

October 27: Four children were abducted South of Phan Thiet.

Eleven incidents of terrorism have been reported in which 10 civilians were killed, 33 wounded and 2 abducted. Details follow:

November 5: One person was wounded when the enemy fired mortar rounds into Binh Dai town, Kien Hoa Prov.

November 4: Three village officials were killed in an enemy ambush in Phu My hamlet, Cai Lay dist., Dinh Tuong Prov.

November 3: The enemy shelled Vinh Kim village, Sam Gian dist., Dinh Tuong Prov. killing one civilian and wounding four others.

The enemy killed one man in Thanh Hoa hamlet, Phuoc Ninh dist., Tay Ninh Prov.

Two civilians were killed and 20 civilians were wounded when the enemy fired 7 82mm mortar rounds into Song Cau town, Song Cau dist., Phu Yen Prov.

An RD cadre member was wounded by the enemy in Cho Ba Lon hamlet, Kien Hung dist., Chuong Thien Prov.

November 2: One man was assassinated in Phu Phong hamlet, Tuy Hoa dist., Phu Yen Prov.

Two persons were killed and six wounded by the enemy in Ngang Vop hamlet, Kien Thien dist., Chuong Thien Prov.

The enemy abducted a man from Binh Hoi village, Binh Son dist., Quang Ngai Prov.

October 31: One man was abducted from Nhan Tri hamlet, Hoai Duc dist., Binh Tuy Prov.

October 21: Small arms fire against Binh Thien village, Binh Son dist., Quang Ngai Prov. wounded one man.

On October 28 the enemy entered Binh Huu hamlet and fired into a house where a wedding party was being held. Nine persons were killed including the hamlet chief. Three children were wounded. This incident occurred in Duc Hoa dist., Hau Nghia Prov.

In 10 terrorist incidents reported, 15 civilians were killed, 26 wounded and 4 abducted. Details follow:

November 5: The enemy planted an explosive charge on a bridge in Cau Ngang dist., Vinh Binh Prov. When the charge was detonated, one woman was killed, and one man and two women were wounded.

Four persons were wounded when the truck in which they were riding hit a mine in An Loc dist., Binh Long Prov.

November 4: One PSDF member was wounded in an attack against Phu Gia hamlet, Phu Cat dist., Binh Dinh Prov.

In an attack against the village office and the police sub-station in My Da hamlet, My An dist., Kien Tuong Prov., four members of the village council were killed and two policemen, six village council members and six PSDF members were wounded.

November 3: One man was seriously wounded when the enemy ambushed a truck traveling from Bac Lieu to Soc Trang near Thanh Kiet village, Thanh Tra dist., Ba-Xuyen Prov.

November 2: One man was assassinated in Hoa An hamlet, Phong Thuan dist., Phong Dinl Prov.

Terrorists kidnapped a man from Phong Nien hamlet, Tuy Hoa dist., Phu Yen Prov.

Also in Phu Yen Prov., a man was abducted from An Nghiep hamlet in Tuy Hoa dist.

Two civilians were abducted from My Hoa hamlet, Tuy Hoa dist., Phu Yen Prov.

In Phu Loc dist. of Thua Thien Prov. Nov. 8th, the Danang-Hue train hit a mine injuring 15 civilians. The engine and two cars were derailed and 10 sections of track destroyed.

This was one of 11 enemy terrorist incidents reported in which seven civilians were killed, 27 wounded and six kidnapped. Details follow:

November 7: The enemy fired six M–79 rounds into Minh Duc village, Huong My dist., Kien Hoa Prov. wounding one PSDF member.

One PSDF was wounded when 10 82mm mortar rounds hit the Tan Loi PSDF outpost in the Ham Long dist. of Kien Hoa Prov.

November 6: Also in Kien Hoa, one PSDF was wounded by M–79 and AK fired in Binh Phu hamlet, Huong My dist.

The enemy kidnapped a man and a boy from Phu Tho hamlet, Thanh Hai dist., Ninh Thuan Prov.

November 5: Two refugees were killed when the enemy blew up three houses in Pho Phuoc village, Duc Pho dist., Quang Ngai Prov.

A policeman, one woman and two children were wounded by enemy fire against the police station in Hoa Tan village, Duc Ton dist., Sa Dec Prov.

One child was killed and two civilians were wounded in an exchange of fire between friendly and enemy units in Phuoc Lam village, Can Giuoc dist., Long An Prov. Six VC were killed in the exchange.

November 2: A 16-year old girl was kidnapped from Gia Lam hamlet, Trang Bang dist., Hau Nghia Prov. Later, the girl escaped, but was killed when she stepped on a VC mine on the way back to her hamlet.

October 30: One civilian was killed in a terrorist attack on Try hamlet, Cu Chi dist., Hau Nghia Prov.

October 29: A VC team entered the Ha Thanh resettlement camp in Gio Linh dist., Quang Tri Prov. and attacked a PSDF post. Two PSDF were killed, three wounded and four others captured.

Roundup of Terrorist Activities

Fourteen acts of terrorism have been reported in which 8 Vietnamese civilians were killed, 2 were wounded and 10 kidnapped. Details follow:

November 12: A grenade thrown at the USO building in downtown Saigon exploded about 8:30 pm causing minor damage. No one was injured.

November 10: A woman was kidnapped from a hamlet in Duc Pho dist., Quang Ngai Prov.

November 9: Four young boys, ages 16 to 14, were kidnapped from Dac Dao hamlet, Hoai Duc dist., Binh Tuy Prov.

November 8: A PSDF member, his wife and child were ambushed outside a hamlet in the Tan Canh dist. of Kontum Prov. The husband was killed. His wife and child managed to escape.

An enemy unit entered Phuoc Long hamlet, Phu Khuong dist., Tay Minh Prov. They kidnapped one PSDF member and, before withdrawing, collected rice and salt from residents. The VC also tore up residents voting cards and damaged three houses.

November 6: One civilian was assassinated in Binh Phuong hamlet, Binh Son dist., Quang Ngai Prov.

An explosive device was detonated in a coffee shop in Chanh hamlet, Phu Hoa dist., Binh Duong Prov. One civilian was wounded.

One civilian was kidnapped from An Hiep village, Tuy An dist., Phu Yen Prov.

November 5: A VC unit kidnapped one PSDF member from Nho Lam hamlet, Tuy Hoa dist., Phu Yen Prov.

November 4: Three VC, dressed in ARVN uniforms, entered Kim Lien hamlet, Hoa Vang dist., Quang Nam Prov. The enemy team went straight to the hamlet chief's house, where they killed the deputy hamlet chief and three members of the local PSDF.

One VC unit entered Ky Xuan village, Ly Tin dist., Quang Tin Prov., and kidnapped two young women.

A PSDF member was assassinated in Ha Tay hamlet, Trieu Phong dist., Quang Tri Prov.

October 31: One PSDF member was wounded in an enemy attack on At My Hiet hamlet, Duc Long dist., Chuong Thien Prov.

October 26: A 43-year old woman was assassinated in Trung Nhi hamlet, Phu Hoa dist., Binh Duong Prov. The VC left three notes behind which accused her of being an agent of the government.

Fifteen incidents have been reported in which 3 Vietnamese civilians have been killed, 19 wounded and 16 kidnapped. Details follow:

November 12: Five children were wounded when the VC launched a mortar attack in the Bai Loc dist. of Quang Nam Prov.

November 11: One man was assassinated in Tuy Son hamlet, Lac Duong dist., Tuyen Duc Prov.

Two mortar rounds landed in Mo Cay dist. town, Kien Hoa Prov., wounding two civilians.

A teenager was wounded by a mine which exploded in a field near Vinh Ha hamlet, Dien Ban dist., Quang Nam Prov.

November 10: A Ministry of Public Works truck driver was injured when his vehicle hit a mine in Binh Dai village, Binh Dai dist., Kien Hoa Pov.

Also in Kien Hoa, the deputy hamlet chief of Binh Dai hamlet was wounded by enemy sniper fire.

A deputy village chief was wounded when two mortar rounds were fired into My Loc village, Phu My dist., Binh Dinh Prov.

November 9: Three rounds of enemy 82mm mortar fire landed in My Tho city, Dinh Tuong Prov. The attack wounded five civilians.

November 8: One civilian was kidnapped from Binh Dinh hamlet, Hoai Nhon dist., Binh Dinh Prov.

A woman was kidnapped from Khuong Tho hamlet, Ly Tin dist., Quang Tin Prov.

Eleven civilians were kidnapped when an enemy force entered Minh Duc hamlet, Tuy Toa dist., Phu Yen Prov.

November 6: Also in Phu Yen, three civilians were kidnapped from Xe Phu Khe hamlet Hieu Khuong dist.

One man was assassinated in Man Ro hamlet, Tri Ton dist., Chau Doc Prov.

November 5: One person was shot to death by the VC in Long Khuong hamlet, Chau Thanh dist., Dinh Tuong Prov.

November 1: The enemy detonated a claymore mine in An Nong hamlet, Tinh Binh dist., Chau Doc Prov. Three civilians were wounded.

Eighteen civilians were wounded when an explosive charge, hidden in a gasoline can, detonated in the central market of Kien Hoa's capital city—Truc Giang. The incident occurred at 1045 hours Nov. 16th.

This was one of eight enemy terrorist incidents reported in which 9 Vietnamese civilians were killed, 20 wounded and 22 kidnaped.

November 14: The hamlet chief was assassinated in Binh Nghia hamlet, Hoa Vang dist., Quang Nam Prov.

Also in Quang Nam, two village officials were assassinated in Lam Thuong hamlet, Qui Son dist.

November 12: A woman PSDF group leader and her brother were kidnaped from Truong Luu hamlet, Phu Khuong dist., Tay Ninh Prov.

November 11: Five PSDF members and one other civilian were killed when an enemy booby trap exploded in Ba Hai hamlet, Gia Rai dist., Bac Lieu Prov.

Terrorists kidnaped a bread peddler and confiscated his food stocks in the Duc Trong dist. of Tuyen Duc Prov. The enemy claimed he had been cooperating with the GVN.

November 5: A terrorist threw an M–26 grenade into the Lan Vien Restaurant, Hoa Thanh village, Hieu Xuong dist., Phu Yen Prov. Two civilians were wounded.

November 1: 10 civilians were kidnapped from Phu Yen's Tan Long hamlet, Tuy An dist.

Six civilians were killed and four wounded when they exploded an enemy mine in Da Noi hamlet, Kien Tan dist., Kien Giang Prov. The incident occurred on Nov. 15th.

This was one of 21 terrorist incidents in which 16 Vietnamese civilians were killed, 15 wounded and 20 kidnapped. Details follow:

November 16: Two civilians were killed when they stepped on a bobby trap in At My Thanh hamlet, Duc Long dist., Chuong Thien Prov.

Also in Chuong Thien's Duc Long dist., the deputy hamlet chief of At Vi Trung hamlet was wounded in an engagement with an enemy unit.

November 15: An estimated 60 VC set up a road block in the Duc Trong dist., Tuyen Duc Prov. They stopped several busses and private vehicles, extorted money from the occupants and forced them to listen to an enemy propaganda harangue. Everyone was released by the enemy, except one Korean civilian and two young Vietnamese. When they departed, the VC took their prisoners with them and fired into two of the vehicles, wounding one civilian.

A civilian bus, passing through the Loc Ninh dist. of Binh Long Prov., was hit by an enemy B–40 round. Three passengers were killed and two wounded.

November 14: My Tho city (Dinh Tuong Prov.) was hit by three rounds of 82mm mortar fire, wounding two civilians.

One Hoi Chanh was assassinated in My An hamlet, Ben Tranh dist., also in Dinh Tuong Prov.

A VC team kidnapped four civilians from Tuy Thanh hamlet, Ghien Giao dist., Binh Thuan Prov.

One PSDF was wounded when terrorists placed an explosive device on his motorcycle in Ban Nham hamlet, Hieu Xuong dist., Phu Yen Prov.

November 13: One civilian was assassinated in Tho No hamlet, Duc Hoa dist., Hau Nghia Prov.

A VC unit infiltrated An Phu hamlet, Thien Giao dist., Binh Thuan Prov. and kidnapped eight civilians.

November 12: Two civilians were kidnapped from Long Hoa hamlet, Dong Xuan dist., Phu Yen Prov.

Terrorists ambushed a civilian sampan near Phuoc Binh hamlet, Thuan Hao dist., Ba Xuyen Prov. The hamlet chief was aboard the sampan and was killed.

Also in Ba Xuyen, one PSDF was kidnapped from Ngai Phuoc hamlet, Phong Phu dist.

One elderly woman was wounded when terrorists threw grenades into some houses in Tap An Nam hamlet, Duc Pho dist., Quang Ngai Prov.

One civilian was wounded when the enemy attacked An Phu hamlet, Thien Giao dist., Binh Thuan Prov.

Terrorists infiltrated An Nghiep hamlet, Tuy Hoa dist., Phu Yen Prov., destroying property and kidnapped one PSDF member.

Six terrorists assassinated a man 100 meters from his house in Dong Hung hamlet, Binh Phuoc dist., Long An Prov.

November 10: In Phu Yen Prov., one civilian was assassinated in Thanh Duc hamlet, Dong Xuan dist.

November 9: Two civilians were wounded when they stepped on a booby trap in the Tuy Hoa dist. of Phu Yen Prov.

November 8: Also in Phu Yen, two civilians were kidnapped from Dai Binh hamlet, Tuy Hoa dist.

Eleven incidents of terrorism have been reported in which 12 Vietnamese civilians were killed, 9 wounded and 14 kidnapped. Details follow:

November 18: An enemy unit entered Que Chu hamlet, Phu Lock dist., Thau Thien Prov. and kidnapped a 79-year old man. The man was abducted allegedly because his son had joined the ARVN.

A member of the PSDF was killed while working in his field near Phuoc Hau hamlet, Khiem Hanh dist., Tay Ninh Prov.

November 17: The Ba Ton bridge in My Thanh village, Dinh Tuong Prov. was blown up. Four civilians were killed and three wounded. One PF solider was killed and five wounded.

November 16: An enemy unit entered Chu Chi hamlet, Gia Rai dist., Bac Lieu Prov., killing one RD cadre and two civilians and wounding one RD cadre and three civilians.

November 15: 13 PSDF members were kidnapped (at 2000 hours) from Gia Duc hamlet. Bai An dist., Binh Dinh Prov.

The wife of a deputy hamlet chief was assassinated in An Thien hamlet, Hoai An dist., Binh Dinh Prov.

One farmer was killed by enemy small arms fire while working in a field in Ha Trung village, Son Ha disti., Quang Ngai Prov.

In Quang Nam Prov., one civilian was assassinated in Huong Phong hamlet, Que Son dist.

Terrorists fired five cluster bombs into My Dien hamlet, Goa Rao dist., Bac Lieu Prov., wounding the deputy hamlet chief.

One civilian was assassinated in Tan Huu hamlet, Duc Ton dist., Sa Dec Prov.

November 14: Also in Sa Dec, one civilian was wounded when the terrorists tossed a grenade in An Thuan hamlet, Duc Thinh dist.

SOVIET PRESENCE IN THE INDIAN OCEAN

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. PUCINSKI. Mr. Speaker, for some time now I have warned of the persistent threat of Soviet plans to engulf the entire countinent of Africa.

Now it appears Soviet influence has spread as far as the Indian Ocean, with ominous implications for the people of both Africa and India.

Since the beginning of this year—a mere 11 months ago— Russia has deployed 21 surface ships and submarines to the Indian Ocean. Yet there were no Russians ships in that area of the world prior to March of 1968.

In the past 6 years, the Russian naval and merchant fleet has expanded at an unprecedented rate, with no lessening of the quality or size of its land and air forces. In 1960, Russia had three nuclear submarines; today it has 70. In 1960 Russia had about 10 surface ships equipped with guided missiles; today it has 170 such ships.

The Russian Far East fleet currently has 80 conventional submarines, 25 nuclear submarines with Polaris-type missiles, and 86 major surface ships. Its Arctic fleet contains 105 conventional submarines, 45 nuclear submarines and 45 major surface ships. In the Baltic sea, 75 conventional submarines are now deployed, together with 64 major surface ships. And in the Mediterranean, 24 ships and 12 submarines have been deployed in the past 11 months by the Soviet Union.

Russia's worldwide fleet, capable of staying out for long months at a time, can now gather intelligence on shipping and trade in any corner of the globe.

Fishing agreements have recently been signed by the Soviet Union with the governments of Indonesia, Mauritius, Tanzania, Ceylon, India, Pakistan, South Yemen, Yemen, Sudan, Egypt, Iraq, and Kuwait. Russian port facilities have been constructed in the Seychelles Islands off the eastern coast of Africa, as well as in Socotra and the Gulf of Aden.

Should the Suez Canal be reopened and Egypt regain control of the Sinai, Russian shipping would have rapid and easy access to the Indian Ocean saving untold weeks of sailing through the Mediterranean to the Atlantic and down the western coast of Africa.

The Economist of Great Britain and our own Christian Science Monitor have undertaken in recent weeks to call attention to the presence of this large and unusual presence of Soviet shipping in the Indian Ocean. This threat of encirclement cannot be ignored by our Government, no matter how we might wish to scale down our defenses far from home.

In the Washington Post of November 20, I noted that the United States is now openly seeking a communications facility in the Indian Ocean. Mr. Speaker, we should support this effort and encourage further vigilance on the part of the present administration to the global strategy being tested by the Soviet Union.

Mr. Speaker, in order to bring my colleagues up to date on this subject, I shall insert the articles describing the Soviet presence in the Indian Ocean in the RECORD today, beginning with the Economist, the five Christian Science Monitor articles, and concluding with the Washington Post:

HOW THE BEAR LEARNED TO SWIM—A MAP, AND SOME FACTS AND FIGURES, FOR PEOPLE WHO HAVE NOT NOTICED WHAT HAS BEEN HAPPENING SINCE 1960

If Peter the Great were granted a visa to come down and see how his old country is doing, the first thing he would do would be to check up on the progress of the Russian imperial navy he founded in 1695. His judgment would be that it is doing fine. The map shows how, in the past six years, the Russian navy has been greatly modernised and has at last broken out into the seas to the south of the Soviet Union. This is what has caused the row in Britain about selling naval arms to South Africa to counter the Russians' arrival in the warm water.

What can Russia do with its big new navy that it could not do before?

1. It can operate anywhere in the world. Russia has taken a jump forward into the future by building large numbers of nuclear-powered submarines—some carrying Polaris-type missiles, some hunter-killers designed to attack other countries' submarines and surface ships—whose nuclear power-plants let them range far and wide.

2. A navy of this kind enables Russia, if it wants to, to attempt a selective blockade anywhere in the world like the one the United States mounted against the Russians during the Cuba crisis in 1962.

3. Russia is now in a position to harass other countries' ships in other ways—by shadowing them, or perhaps by laying mines. This would be helped by its huge trawler fleet, with its electronic intelligence-gathering ships and network of fishery agreements.

4. It can mount small land-and-sea combined operations like those undertaken by Britain in Kuwait and east Africa in 1961 and 1964, and by the Americans and the British in Lebanon and Jordan in 1958. Even the appearance of warships capable of supporting such a landing has a powerful effect. It is called gunboat diplomacy.

5. It can now protect its growing merchant fleet, which would otherwise be a hostage to naval action by Russia's adversaries.

Russia, as the charts show, has built up a powerful navy without sacrificing the quality or reducing the size of its land and air forces. At the same time it has added massively to its armoury of strategic nuclear missiles (where it is now roughly on a par with the United States). Its published military expenditures have not grown much, so clearly a lot of money has been tucked away out of sight in other parts of its budget. This is standard Russian practice.

In all, it has become a proper superpower; its military instruments have become much more flexible, so widening the scope and range of its political actions. Until recently this flexibility was the monopoly of the western powers. Now the Russians are getting it too.

It is not the first time something like this has happened. In the 1930s, when Churchill was warning Britain about the danger of German rearmament, there were people who said that the real issue was the class war and that the "German threat" was a distraction. When Hitler struck in 1939, most of them joined up, with everybody else, to defend the world as it was, not as they had hoped to reshape it. For the class war then, read the race issue now, for Germany read the Soviet Union. Analogies are dangerous, especially those with the 1930s. But this one should make people think about the order of priorities that is sometimes imposed on countries which face adversaries whose aims are kept deliberately obscure.

RUSSIANS IN THE INDIAN OCEAN

It used to be the British who were always vitally concerned lest the Suez Canal be closed and the Royal Navy and the merchant fleet thereby denied the Middle East route to the Persian Gulf, India, and the Far East.

However, since the canal's forced closure during the 1967 Arab-Israel war it is the Soviet Union, rather than the British and Americans, who seem to stand to gain most if it is reopened. So long as it remains blocked, the Soviet Union's so-called "east of Suez" policy has little chance of success.

In the past few years the number of Western books, monographs, and journal articles concerned with the vast, diffuse area called the Indian Ocean has swelled enormously. The reasons for this outpouring have little to do with the domestic and foreign policies of Pakistan, India, and Indonesia, which surround the extensive littoral.

Indeed, one of the ironies of the present situation is the relative passivity and impotence of these countries in comparison to the prestige and presumed power they possessed during the heyday of third world alignment and nonalignment in the 1950's. Instead, the cause for interest and concern among Westerners has to do with the changing relationships in great power behavior and capabilities and the potential effect this may have upon the perceptions and realities of the great power balance.

THREE EVENTS SIGNIFICANT

Three related events are significant.

First, and most important, the Soviet Union has come to be seen as a potential challenger to traditional American and British political and military hegemony over much of the ocean and in many of the surrounding countries.

The second event refers to the decisions by the British Government in the period 1966–70 to pave the way for the eventual withdrawal of the last vestiges of permanent British maritime power from the "east of Suez" area. (The latest announcement of the Heath government that this process is to be partially reversed cannot be seen as having any meaningful long-term implications for the area as a whole. The sums of money the British are prepared to pay for this capability is negligible.)

The British withdrawal is related to the third event, namely, the unwillingness of the United States since 1968 to consider expanding its naval forces in the Indian Ocean to fill the so-called "vacuum" left by the British.

Thus, the assumption is that the Soviet Union will move to replace Western powers in an area that has great economic, political, and strategic significance for the Western alliance and Japan. The Soviet challenge is documented and described in several ways.

The growth of overall Soviet naval strength and the willingness of the Soviet Navy to conduct exercises outside traditional Soviet waters in the Atlantic, the Mediterranean, and the Pacific is seen as a precursor for the eventual establishment of a Soviet naval presence in the Indian Ocean area.

TRADE A FURTHER INDUCEMENT

Increasing Soviet trade with Malaysia and Singapore, major commercial agreements with Iran and continuing good relations with Yemen and South Yemen provide further ammunition for those who wish to draw attention to the Soviet challenge.

In East Africa the Soviet Union has supplied arms to Somalia and Uganda, has offered arms to Kenya and Tanzania, and its Navy has visited several African ports. In

connection with these trends, the current British Government has tried to argue that a resumption of arms sales to South Africa is necessary to retain the Simonstown naval base which, in turn, is seen in the strategic context of the growing Soviet "threat" to the Cape route.

What is the validity of some or all of these propositions?

Before attempting to offer any explanations or answers it is important to be clear on two points:

The first has to do with the meaning of the phrase "the strategic importance of the Indian Ocean area."

The second concerns our ability to predict the likely future course of Soviet foreign policy.

Prof. T. B. Millar, of the Australian National University, has written: "Strategy in an extensive oceanic environment does not involve the control of the sea itself, but of specific points of importance in or around it, of access to and routes between them for purposes of trade, or acquisition of supplies, or the movement of military force, or maintaining communications. . . . It has begun to involve competition for control of the ocean bed, where mineral resources may be exploited, and where secret subterranean homes can be found for weapons of destruction or instruments of intelligence."

If we accept Professor Millar's inclusive definition, it can be argued that to control the Indian Ocean for various purposes a nation does not need to deploy huge naval forces and keep them on constant patrol. Rather the strategy would be to seek secure bases in East Africa, the Red Sea, the Persian Gulf, the Indian subcontinent, the Malay peninsula, and Indonesia.

In addition to these requirements it would be essential to ensure unrestricted sea access to the area via either the Cape route, or the Suez Canal, or the Straits of Malacca or through the Indonesian archipelago or, ideally, through all four approaches.

RISKS CERTAINLY CONSIDERED

To what extent the Soviet Union can achieve all or some of these objectives will be considered following the second caveat which has to do with Soviet intentions.

Despite the excellence of much Western scholarship on matters relating to Soviet foreign policy, attempts to forecast future Soviet behavior still fall within the purview of the "arts" rather than the "sciences." No one knows with any certainty the degree to which the current Soviet leadership has decided upon a policy of strategic ascendancy in the Indian Ocean.

Some Soviet leaders have surely considered some of the risks involved. An extension of power and presence can often lead to an overextension of commitments, and parallel policy dilemmas; the current economic costs to the Soviet Union of expanding simultaneously its naval forces, its strategic nuclear forces, and maintaining at a high degree of readiness its 30 divisions along the Chinese border must be huge.

To say with any certainty that the Soviet Union has a coherent, long-term Indian Ocean strategy that fits into neat dynamic models of the balance of power is simply not possible.

It is possible, though, to be more precise and accurate about short-run Soviet capabilities, as distinct from Soviet intentions, and thereby make some predictions concerning long-run Soviet capabilities.

CONSTRAINTS NOT PERMANENT

The primary instrument of existing and future Soviet military power in the Indian Ocean must be the air and sea components of the Soviet Navy. As of this moment the Soviet Union's naval capabilities in the area are almost nonexistent.

For a start, the secure access routes are not available; the Suez Canal remains closed; the United States Seventh Fleet dominates the South China Sea and the western approaches to the area; the British still retain a small land, sea, and air capability in Singapore; the Cape route remains a Western enclave.

Second, despite growing relations with the local powers, the Soviet Union has no secure naval base along the littoral.

Third, the Soviet Union has very little experience at operating major naval task forces for long periods of time thousands of miles from its home ports.

Fourth, the current Soviet Navy possesses no sea-based, fixed-wing, air capability and needs to rely on land-based aircraft to conduct vital reconnaissance missions. This limitation seriously constrains the flexibility of Soviet naval forces.

However, these constraints could gradually be removed. If the Suez Canal were opened and the Soviet Union retained hegemony over Egypt, the Soviet Navy would not only have the ability to move from the Mediterranean into the Indian Ocean, it would also be in a far stronger position to establish bases in South Yemen and thereby control the Red Sea, and perhaps even venture into the Persian Gulf and pose an implicit threat to European and Japanese oil supplies.

If India were to grant the Soviet Union guaranteed base rights, the Soviet Navy could probably build up its own workshops and thereby achieve a certain level of self-sufficiency for an Indian Ocean fleet. If Singapore and Malaysia and Indonesia sought Soviet, rather than Western, help to counter possible Chinese pressures following a United States withdrawal from Southeast Asia, the Straits of Malacca could fall under Soviet control.

If Britan so infuriates black Africa by breaking its adherence to the United Nations arms embargo to South Africa, the probabilities for Soviet naval bases in Mombasa and Dar es Salaam might increase. And so on.

All or none of these events may happen, and it would take a brave man to offer odds. However, one fact cannot be denied. In the short run, say the next five years, the ability of the Soviet Union to establish a meaningful strategic presence throughout the Indian Ocean area is minimal. This does not mean the Soviet Union cannot make extremely important advances in some areas, say the Red Sea or the Persian Gulf.

The preferred strategy for the United States and other interested Western powers should be careful and cautious. Overreaction in favor of withdrawal or escalation can be as damaging as underreaction. Thus while those who call for a major increase in United States naval appropriations to counter the Soviet "threat" should not be dismissed as cranks, they should be made to present their case on the basis of rigorous, objective analysis.

But equally, everyone should fully appreciate the potential direct relationship between the vicissitudes of United States policy in the Middle East and Mediterranean, the impending withdrawal from Southeast Asia, and the ease with which the Soviet Union could make major advances at the West's expense.

In this respect the current Middle East impasse has a deeper significance that far transcends the particular problems of the Arabs and the Israelis.

THWARTING SOVIET INFLUENCE

(By John Allan May)

LONDON.—When the British look out of the towers of Whitehall they see big changes taking place far away in the Indian Ocean, the significance of which, they suspect has escaped many other people.

They are not in a panic about these changes. They do not raise their voices when they discuss them. But they do argue quite firmly that their significance for world strategy must be looked at afresh.

The changes include these:

The Suez Canal has been closed. Even if it reopens, that will not alter the fact that nearly 50 percent of Europe's oil, nearly 90 percent of Japan's, 60 percent of Australia's, and 80 percent of Africa's moves through the Indian Ocean.

Great Britain has decided to maintain a military presence in Southeast Asia. This has to be supplied across the Indian Ocean.

The ocean is used for satellite tracking and missile testing.

The Soviet Union's own attitude to the seas has undergone a total change. From coastal defense its emphasis has turned to the exercise of similar seapower on an oceanic scale.

Recently the Soviets signed an agreement with the island of Mauritius for aircraft landing rights and the establishment of a base for trawlers. The Soviets' interest in this ocean covers not only fishing, communications, satellite tracking, and missile testing but the deployment of naval power.

BRITONS EXPLAIN SOUTH AFRICAN BASE

When President Julius Nyerere of Tanzania called on Prime Minister Edward Heath in London recently, this case was set out for him in plain language as Mr. Heath and his Foreign Secretary, Sir Alec Douglas-Home, explained Britain's continuing interest in the use of its naval base at Simonstown, South Africa, and its equal interest in seeing South African antisubmarine defenses kept up to strength.

President Nyerere replied: "A couple of frigates in the Indian Ocean will not make the slightest difference to the Soviet presence there. But they will make a big difference to South Africa."

However, if the British did not move him he did not move the British, either.

They have seen the Soviets build up a naval presence in the Mediterranean which has undeniably altered the strategic balance there.

The British now can see the Soviets beginning on the same course in the Indian Ocean. Russia today has a cruiser, three destroyers, five submarines, a submarine depot ship, and various supply ships on permanent station in those waters.

The establishment of a naval base somewhere in the area is the obvious next step.

The main Soviet purpose, the British think, is not to attack the free world's shipping but to establish political influence in the countries bordering the area and a measure of authority on the high seas.

MORE THAN A FEW FRIGATES

On that assumption it is rather missing the point to remark on the inability of a few frigates to safeguard the ships using the busiest sea route in the world—which the Indian Ocean probably now is.

That's only the half of it. For the sake of its ships and its bases Britain, too, has to exercise a visible authority in the area, it's true.

But as Prof. T. B. Millar of Canberra has remarked in a study made for the Institute for Strategic Studies, "The United States has given no indication of intending to replace Britain or compete with the Soviet Union in the Indian Ocean."

And for the sake of balance, the British argue, somebody has to do the job.

Britain now plans a Far East defense force of 4,500 men as a contribution to a larger five-nation force. The British contribution will include four frigates and destroyers, one or more submarines, an Army battalion including air platoon and artillery, a detachment of Nimrod long-range maritime reconnaissance aircraft, and a number of Whirlwind helicopters. The four other nations are Australia, New Zealand, Malaysia, and Singa-

pore. Main bases will probably be in Australia, Sinpapore, and Hong Kong.

Main reasons for retaining such a position east of Suez are, as stated in the recent White Paper on defense: (1) "to restore Britain's security to the high place it must take among national priorities" and (2) "to enable Britain to resume, within her resources, a proper share of responsibility for the preservation of peace and stability in the world."

LABOUR LOOKED TO MOBILITY FROM EUROPE

While the former Labour government in determining to pull Britain's forces back entirely to Europe still maintained a need for Britain to retain a world role, it nevertheless questioned whether keeping forces in the Far East and the Persian Gulf was, to quote Lord Chalfont, "the most intelligent and efficient deployment of the forces at our disposal."

The general Labour view has been that a mobile "fire fighting" force based in Europe would make better sense.

The Tory decision to remain in the Far East thus is more a strategic and tactical decision than a change of high policy.

This decision has been welcomed not only in Australia, Singapore, and Malaysia but, more unexpectedly, in Mauritius as well. Despite this Indian Ocean island's having agreed to provide harbor facilities for Soviet trawlers and landing rights for Soviet planes, Mauritius has reaffirmed that it regards its defense agreement with Britain as "the basis of the island's foreign policy," according to Foreign Minister Gaetan Duval, recently in London.

It has always been difficult to persuade a continental people of the importance of seapower or to describe convincingly how it is exercised in peacetime. The Soviets have now got the message.

The same reasons that have brought the Soviets to the Indian Ocean are going to keep the British there.

ASSESSMENT FROM WASHINGTON

(By George W. Ashworth)

WASHINGTON.—With its huge armies and fleets divided between Europe and the homeland and Asia, the United States finds itself spread very thinly at points in between.

For this and other reasons, the Indian Ocean appears likely to remain a global strategic backwater so far as the U.S. is concerned.

Unless the global situation changes drastically, there may never be a real need for any major U.S. forces on the Indian Ocean.

Confrontation with the Soviets or the Chinese Communists is much more likely in the Atlantic and Pacific or the Mediterranean, and it is likely that the Indian Ocean will remain a place of lesser importance in the global balance.

Then, too, faced with ship limitations, the U.S. may decide to virtually ignore the Indian Ocean, as has been done so far, to concentrate available forces elsewhere.

The Soviets meanwhile are busily making inroads at various points in the Indian Ocean and its periphery. Because the U.S. is barely holding its own, the apparent willingness of the new British Government to refrain from complete withdrawal east of Suez was viewed here with some satisfaction. Though the British presence will be small it could help save the West from what might have been a virtual disappearance from the waters and shores of much of the Indian Ocean.

SEAPLANE TENDER AND TWO DESTROYERS

In military terms, the U.S. presence in the Indian Ocean is infinitesimal, being confined to a converted seaplane tender, listed officially as a flagship of the miscellaneous type, plus two of America's oldest destroyers on a rotating basis.

The closure of the Suez Canal has made the fleet, which has a home port at Bahrain in the Persian Gulf, even more isolated from other portions of the U.S. fleet. Before the canal was closed, reinforcement, if necessary, was normally possible from the Mediterranean. Now, ships in the Mediterranean are a long voyage past Gibraltar and the Cape of Good Hope. Transit from East Coast ports takes two weeks or more. U.S. warships in the Pacific could get into the Indian Ocean within a week or less, but passage is through squeeze points, such as the Malacca Strait, that could be closed off in time of emergency.

The Indian Ocean is not a particularly easy place in which to maintain a fleet, nor, at this point, is it one of the more important places in which to do so.

Secretary of Defense Melvin R. Laird said last June while he was in the Mediterranean that the fading away of the war in Vietnam should allow the U.S. more resources eventually to make a stronger showing in the Indian Ocean.

POST-VIETNAM STRENGTH UNCLEAR

However, it is unclear just how large a naval force will be maintained after Vietnam. The size is fast falling—to fewer than 700 ships at the end of the current fiscal year and still further next year. To a great degree, the U.S. fleet is dwindling at about the same rate that the fleet commitment to Vietnam is dwindling. Thus, it is questionable whether there will be spare ships for years to come with which to bolster Indian Ocean forces.

By contrast the Soviets have three fleets in the Indian Ocean. One is a fishing fleet operating well to the south near Antarctica. Another, which operates in the western Indian Ocean and varies according to need, is a space-effort support fleet. Beyond that is the naval combatant force, which also varies in size, depending upon whether a squadron is in the ocean or not. The Soviets have sent four squadrons to visit in the Indian Ocean since the first major Soviet naval presence in the ocean in March, 1968.

There is little reason to doubt that the Soviet naval presence will continue to increase. Soviet intentions of demonstrating their prowess on all the world's oceans would not allow otherwise.

The Soviets have asked for a base at the Ceylonese port of Trincomalee, which, if granted by the pro-Soviet government of Ceylon, could help the Soviets as they attempt to increase their hold in the Indian Ocean. Southern Yemen is allowing use of a port on the island of Socotra for refueling and other activities connected with naval support, but the Soviets reportedly have not yet built a permanent base there. The Soviets are also dickering with the Indian Government and other governments for rights that would help their naval ambitions.

COMBINED EFFORT WOULD BE NEEDED

When—and if—the Suez Canal is reopened, the flow of Soviet ships between the Indian Ocean and the Mediterranean will be much easier, and the Soviets will be helped in their quest for naval significance in both areas.

If the Soviet naval growth is to be adequately countered, it will probably have to be through a combination of efforts, possibly involving the Australians and the Japanese, as well as the Americans and the British. Not one of the Western-oriented nations has the money, navy, or willingness and interest to take on the task alone.

The growth of radicalism in countries around the Indian Ocean is a disturbing matter to officials here, and most hope that America can do something about it, largely by diplomatic persuasion, technical help, modest showing of the flag, and other endeavors that don't cost much.

But one fact looms above all others in determining the American approach to the Indian Ocean, at least for the present. That is that America, tired of its war in Asia and trying to find money for things other than defense, is in a period of worldwide retrenchment. So far, nothing has happened in the Indian Ocean region to indicate that the pattern would be changed there.

AFRICAN REACTION: POWER PLAYS ON BLACK, WHITE TENSIONS

(By Frederic Hunter)

DAR ES SALAAM, TANZANIA.—As they look across the Indian Ocean, East African states have no desire to be drawn into an area of big-power competition.

That such competition could exist is underscored by the sudden presence of Soviet naval vessels in these hitherto unfamiliar waters.

A possibility that the British Government will check this advance by restocking white South African maritime defenses only agitates African feelings about recent developments in this theater.

For black Africa, then, nonalignment in the area of Indian Ocean strategies is thus an overriding foreign-policy objective.

Recently the Non-Aligned Summit Conference at Lusaka, Zambia, recommended that the United Nations adopt a declaration "calling upon all states to consider and respect the Indian Ocean as a zone of peace from which great power rivalries and competition as well as bases conceived in the context of such rivalries and competition, either army, navy, or air force, are excluded. The area should be also free of nuclear weapons."

CUROSITY EXPRESSED

In the specific case of Tanzania, analysis here believe it fully intends to remain free of outside influences. But, say some, whether it can or not is another matter. Many observers do not really know, for instance, exactly what the Chinese Communists are doing on Zanzibar and its sister island, Pemba; they would make useful military bases for an expansionist power seeking them.

In addition, the Chinese have more influence with the Tanzanian armed forces than any other outside power.

Nonalignment also involves a desire by the black African nations to exert a measure of control. African policymakers admit that this desire for control has no muscle to back it up.

Each of the three black African countries bordering the Indian Ocean—Somalia, Kenya, and Tanzania—has a navy, but none of them amounts to more than a coastal patrol. Any effort to develop stronger navies would, Africans feel, require the diversion of precious resources more urgently needed for higher priority aspects of national development. Thus, these countries could make almost no military contribution to the outcome of an armed struggle for control of the Indian Ocean.

POWER VACUUM SEEN

But neither African nor non-African observers here believe such a struggle is imminent. British withdrawal east of Suez has tended to create a big power vacuum in the Indian Ocean, they say. The Americans, however, have not moved to enter it. The Chinese, despite their commitment to build a railway from Tanzania to Zambia and their presumed desire for greater influence in Africa, do not possess the navy required to fill it. And so the Soviet Union, a growing naval power, has begun to move into it.

African policymakers regard this as a fact, but not necessarily as a threat to their interests. Some observers believe the Russians are motivated as much by a desire to counter Chinese influence in the underdeveloped world as to make trouble for the West. And this might well serve African interests.

Africans give high priority to the liberation of brother black Africans who are pre-

vented from controlling their own destinies by white minority governments in the southern third of the continent.

In light of this goal, Africans view an Indian Ocean power struggle with concern. This is due in general to Western arms sales policy and specifically to the possible extension of the British-South African naval partnership. This partnership involves arms sales and is advertised as designed to defend the sea route around the Cape of Good Hope.

BRITISH CREDIBILITY HIT

Unfortunately for the state of British credibility in black Africa, the Tory government has not offered Africans a single convincing argument for renewed arms sales and naval cooperation with South Africa.

Hypothesizing that the Cape route constitutes one of England's lifelines, African officials say the British have produced no evidence that a Russian presence in the Indian Ocean would seriously threaten the route or that, if it did, South African assistance would allow Britain to keep it open. "Poppycock!" exclaims a Kenyan official. "It's the worst idea the British ever conceived to use South Africa as their agent."

In addition, American disinterest in Cape-route defense suggests to many Africans that nothing very alarming is yet at stake.

Another argument—that Britain's economy needs the South African arms market, where France is now a big supplier—is dismissed by a high Tanzanian official. In discussions with the Tanzanian Government, the British have never cited economics as a reason for renewed arms sales, says this source.

Moreover, the economic argument puzzles some British observers in East Africa. In drawing up a balance sheet, they claim, it is apparent that Britain's economic interests are even now greater in black-ruled Africa than in white-ruled states.

ANOTHER EXPLANATION

Many analysts here regard as more credible two other explanations for the British arms initiative. One is that Tory leadership feels an "old boys" affection for the South Africans and wishes perhaps unwittingly, to perpetuate white civilization in the South. The other explanation is that Tory leadership still regards Africa with colonial perspectives. "[Sir Alec] Douglas-Home's thinking hasn't grown since the late '50s," notes a Tanzanian official.

The arms-sale issue tends to force upon the black African countries a contradiction in their foreign-policy goals. As Africans view it, the West at best provides only passive moral support for radical change in Southern Africa while supplying arms to South Africa and Portugal.

This action tends to undermine the African effort to remain nonaligned. "This makes us ideologically vulnerable," says D. C. Mlamba, permanent secretary of Kenya's Foreign Ministry. "It's time the West brought pressure to bear on South Africa and the Portuguese to change their viewpoints on life."

AFRICAN REACTION

(By Paul Dold)

CAPE TOWN.—South African military strategists are giving the utmost priority to Russian and Chinese naval penetration in the Indian Ocean.

South Africa, at the tip of the African continent and around which passes a major share of the free world's shipping, is disturbed by this new development.

Its concern is not simply because of expanded Communist naval forces but also because the United States appears to take such a cool attitude to this Communist presence.

The Soviet buildup in particular has been quite impressive.

Three years ago the Indian Ocean was almost exclusively a British area of influence with the Soviets rarely if ever seen.

Today the Russian Indian Ocean fleet consists of 15 warships including guided missile vessels, destroyers, and submarines. The numbers fluctuate with reports indicating that it has been as high as 30.

Four Soviet vessels have paid a three-week visit to Somalia, and a Russian naval squadron has called at Mauritius.

MOORING-BUOY SYSTEM

Across the Indian Ocean, Russia has established a system of mooring buoys; the nearest to South Africa a mere 250 miles east of Durban, South Africa's major port, and 150 miles southwest of the Malagasy Republic. They provide supply facilities to the Russian Navy and are particularly useful for submarine support.

South Africa regards this presence as a direct threat to its security. But it also feels a wider commitment to the West and especially in the need to shepherd the Western merchant ships safely around the Cape of Good Hope.

Because of this, it notes with apprehension the increasing use of Soviet merchant traffic around its shoreline.

During the 12 months to April 5, 1969, 13,890 vessels rounded the Cape. Of these 5,500 were from the Soviet bloc, with 3,900 flying the Russian flag.

South Africa defines its defense role quite precisely. In terms of the Simonstown Naval Agreement with Britain, South Africa alone is responsible for a huge area of sea from the northern border of South-West Africa stretching 1,000 miles west, then 4,000 miles south, 4,500 miles along the eastern leg. and then north to Malagasy and Mozambique.

DEEP-DRAUGHT SHIPS

This area has become that much more critical following closure of the Suez Canal and the traffic around the Cape of oil tankers that carry 33 percent of Europe's fuel and merchant ships bearing 25 percent of Britain's trade.

Even if the canal were reopened, the giant tankers would continue to ply between the Middle East and Europe around the Cape route because their draught would be too deep.

Not only does South Africa pride itself on its staunchly anti-Communist stand but it also believes it has the best facilities provided Britain honors the spirit of the Simonstown agreement by supplying naval equipment.

It is on this point specifically that the Soviet entrance into the Indian Ocean brings East Africa and South Africa into headlong collision.

While Mauritius could provide an alternative to Simonstown as a naval base and thus remove African objections to Britain supplying South Africa with arms, it is unlikely that Britain would retract its long-established links with the Cape.

Besides, the cost of setting up another base would be enormous. Moreover, Simonstown, apart from refueling British vessels, plays a vital role in Britain's communications network. The dockyard itself is fully equipped and capable of modernizing frigates.

VESSEL VISITS NUMBERED

Since the Suez Canal closed in 1967, an average of 100 Royal Navy vessels have visited South African ports—mostly Simonstown—a year. A total of 166 British merchant vessels with 53,521 men have called at South African ports. In addition, 153 Royal Navy fleet auxiliaries with 13,348 men have put into South African ports.

South Africa looks to Britain for a renewal of equipment because its Navy is understrength for the task of policing the Indian Ocean. It consists of two destroyers with Wasp helicopters, six frigates, 12 minesweepers, and 10 smaller vessels.

Three frigates bought from the Royal Navy after World War II are still in use. Three others of the President class were built for South Africa by Britain. The Republic took delivery between 1963 and 1964. They are at present being modernized and equipped with helicopters. None of the warships is equipped with missiles, and the fleet has only one replenishment tanker—a converted commercial vessel.

ARMS EMBARGOES

Although hampered by the American and former British Governments' arms embargoes, South Africa is trying to play a role in the defense of the Cape route. It has ordered three French submarines of the Daphne class at a cost of $33.6 million. The submarines, South Africa's first, carry 12 torpedoes and have an effective patrol range of 3,000 miles.

Simonstown is being modernized, and a new basin capable of berthing six warships and an aircraft carrier is being built. The expansion also includes a nine-acre submarine base. Now South Africa is considering establishing a further base at Durban.

But South Africa's major disappointment in its building efforts is United States' apathy to the expanding of the Red fleet. It feels that a strong naval presence is essential to counter Russian naval moves and the political influence that go hand in hand.

The Republic believes that in Simonstown the West has a base which will be the kingpin in any operation to contain the Communist navies.

INDIA: LEAVE OUR OCEAN ALONE

(By John Slee)

NEW DELHI.—India is the largest, most important nation on the Indian Ocean, but its limited naval capacity has made it more of a spectator than a participant in the recent great changes taking place in the Indian Ocean.

Moreover, it is a reluctant spectator.

"Basically, we'd rather there was nobody in the Indian Ocean at all," said one Foreign Ministry official interviewed here.

"We recognize that the very effort to deny the Soviets a place in the Indian Ocean is counterproductive. Their position is based directly on their concern to protect shipping like everyone else and is also partly a response to the global strategy of the United States," the official said.

"The Soviets," he added, "also have some vague idea of using the Indian Ocean against China, though it's doubtful whether the weapons they can deploy at the moment could reach China."

Some Indian commentators welcome the increased Soviet presence.

PROJECTION OF TENSIONS

Says Nihal Singh, the Calcutta Statesman's political correspondent: "To the extent the two superpowers' role is mutually deterrent, it is to be welcomed. Again, to the extent their combined role keeps China out, it is a factor in India's favor."

But this is not the official position.

According to one Foreign Ministry official, "We do not say we welcome the Russian presence. And we do not subscribe to the balance-of-power theory for the same reasons we do not subscribe to the vacuum theory."

Indians apparently see the power struggle in the Indian Ocean as essentially a protection of larger global tensions which only become relevant to the littoral states when they become participants or unwilling victims in the big-power game.

Officials here say India wants no part in this game. They flatly deny that India has given base rights, "or anything of the kind," to Russia at Visakapatnam.

"Neither ships nor submarines of the Soviet Navy have ever touched Visakapatnam," said one official. He described as "quite untrue" the persistent rumors here that two

Russian vessels had once managed to bluff their way into Port Blair in the Andaman Islands by pretending distress at sea.

India's tight security screen around the strategic Andaman and Nicobar Islands, which command both the Bay of Bengal and the Malacca Straits, has generated much speculation here about possible Indian motives, including the suggestion that New Delhi might offer Russia submarine-base facilities there.

But most Western observers here believe these security measures are imposed mainly because of anxiety about the island's local inhabitants dissatisfaction with their place in the Indian union, and the natural desire to keep all foreigners out of such a vital strategic area.

Russian vessels have, however, become increasingly frequent visitors to India's mainland ports. But India insists that the Soviets enjoy no special privileges and are placed in exactly the same position as other friendly nations in their freedom to call at Indian ports, either for repairs, in emergencies, or on goodwill visits.

ROUTINE REMINDERS

Nevertheless there was some concern in Indian right-wing circles late last year when the Soviets concluded a fishing-rights agreement with neighboring Pakistan at the port of Gwadur, some 300 miles west of Karachi.

Indian Government officials say though that as far as they can determine the Gwadur project was and still is a straightforward fishing operation. No protest has been made to Moscow beyond the routine reminders that India regards any Soviet help to build up Pakistan's military capacity as adding tension in the area.

As far as Russian involvement with India itself is concerned, the number of Russian technicians at the Visakapatnam submarine base is "very small."

"The four submarines purchased by us are manned completely by Indians, commanded by Indian officers who have already been fully trained in the Soviet Union," said one Defense Ministry official.

Defense Ministry officials here are reluctant to give their assessment of the comparative strengths of the British, U.S., and Soviet Navies in the Indian Ocean. But one Foreign Ministry official said he guessed that the Soviet strength, though increasing, was still "rather less than the other two combined."

India's own naval strength is very limited in big-power terms.

FRIGATES UNDER CONSTRUCTION

It has 1 aircraft carrier, the Vikrant, the same vintage and tonnage as Australia's flagship, the Melbourne, as well as 4 submarines, 1 submarine tender, two cruisers, 3 destroyers, 14 frigates, and 2 patrol vessels.

Under license from Britain's Vickers-Armstrong, India is building five Leander-class frigates at the Mazagon docks, Bombay.

Last May, Prime Minister Indira Gandhi reportedly decided to buy four more Soviet submarines to maintain India's edge over Pakistan's capability.

But if Russia established a base somewhere in the Indian Ocean, India, despite its dependence on Moscow for the bulk of its arms supplies, would be bound to protest.

India has not so far expressed great concern at the increased Soviet presence in the Indian Ocean, but it clearly does not want Soviet bases in the region.

This is not merely because of the strain on Indo-Soviet relations that such a qualitative shift in the nature of the Russian presence would impose, but because it believes that any move by either the East or the West to turn the Indian Ocean into a playground for the big-power game holds only dangers for those who live on its shores.

AUSTRALIA EXPANDS DEFENSE ROLE TO WEST

(By Maximilian Walsh)

CANBERRA.—Although Australia's 12,000 mile coastline is washed by both the Indian and Pacific Oceans, it has been toward the Pacific that Australian strategic planners traditionally have looked.

The Vietnam war today, Malaysian-Indonesian confrontation in the 1960's. The Korean war in the 1950's. Japan's thrust toward Australia in World War II. All these developments help Australia's concern with the Pacific.

But the appearance of Soviet naval vessels in the Indian Ocean now demands greater Australian awareness of this area's strategic importance.

This, together with the closure of the Suez Canal and the muted but nonetheless persistent South African overtures for some sort of naval pact are all working to heighten Canberra's consciousness that the Indian Ocean is Australia's backyard.

As proof of this, the United States has accepted an offer to use a proposed new Indian Ocean naval base in Western Australia.

Base facilities capable of supporting four escort vessels and three submarines for as long as a year without dry-docking will be built over a five-year period at Cockburn Sound, near Fremantle.

FAVORABLE REACTION

Though Britain did not immediately accept the invitation to use the base, it reacted favorably.

British Defense Minister Lord Carrington said: "I confirm that my government warmly welcomes your intention to establish a naval facility at such a strategic point, which underlines the extent to which the threat posed by the Soviet maritime presence in the Indian Ocean and the need to keep all sea lanes in that area open is being recognized by the nations of the free world."

The British Government in turn has stated it will go some way toward reversing the decision taken by the Wilson government to withdraw completely from east of Suez.

In practice this is expected to mean the continued presence of some naval forces in the Indian Ocean area. Some members of the government—Prime Minister John Gorton is probably one of them—welcome the British decision as a respite for further postponing Australia's decisionmaking in this area. But Minister for Defense Malcolm Fraser, one of the men mentioned as a likely successor to Mr. Gorton, has been quick to assert that Australia must determine its own role in Asia.

Apart from the natural desire to make an impact as Defense Minister, he is a man with a history of regarding defense questions as being of greater significance than most of his colleagues.

Except for a burst of spending from 1963–68, the Liberal government has been inclined to talk a lot about defense but spend little. Since Mr. Gorton became Prime Minister, the proportion of gross national product directed to defense spending has actually declined.

Mr. Fraser's position on defense can broadly be stated as seeing Australia as being on the rim of a turbulent Asia—always exposed to the danger of that emotional caldron boiling over.

The removal of British influence, the apparent policy of American disengagement, and the entry of the Russian naval forces reinforce his belief that Australia stands more alone than it ever did in matters of defense.

His response to this is to upgrade Australia's defense forces so they are technically superior to any other in the area.

His preoccupation with defense automatically leads him to upgrade the importance of Western Australia on the Indian Ocean vis-a-vis his predecessors who regarded defense needs for this area more in the light of political expedience than high military strategy. However, Mr. Fraser can hardly be said to have the full support of his Cabinet colleagues. Apart from this difficulty, Mr. Fraser has serious logistical problems in servicing the West.

His Navy does not have the ships, let alone the men, to put together a second ocean fleet.

The Air Force is already desperately overstretched in providing adequate support for its present aircraft and weapons, and the delivery problems of the F–111 only compound the difficulties here.

The man who has done more to puzzle over what Australia's future role in this area should be is Professor T. B. Millar of Australian National University and an internationally respected authority on Australian defense.

His thesis is that what Australia should be concerned with is not so much that the Indian Ocean is going to be an area of confrontation between the Communist and Western world but that the major powers are exhibiting a growing tendency to accept tacitly a division of the world into spheres of influence.

SPHERES OF INFLUENCE

"Spheres of influence," he says, "are highly convenient arrangements for the major powers concerned. They may contribute to overall stability."

His concern is that the Indian Ocean and the region surrounding it could at best become a no-man's-land or at worst drift into the Soviet sphere of influence.

Writing on Soviet policies in the Indian Ocean area, he had this to say: "No one would wish to see a continuing competitive escalation of Soviet and American naval forces in the Indian Ocean with the possibility of confrontation.

"One could perhaps interpret American statements and actions as implying an acknowledgement that they are prepared to concede in some parts of the area a superior Soviet influence; in other parts they may seek to coexist."

"The Soviet Union no doubt wants to establish a firm claim to be considered an Asian power as a means of gaining access to Afro-Asian councils and also to convince Asian countries that it can be a valuable ally in opening up new policy options for them."

[From the Washington Post, November 20, 1970]

INDIAN OCEAN BASE IS SOUGHT BY UNITED STATES

(By Robert C. Toth)

The Nixon administration has asked Congress for military construction funds to build a "communication facility" on British islands in the Indian Ocean.

This would be the first American "base" in the ocean area between Africa and Australia. Virtually no American warships are assigned to duty there, but Soviet fleet strength has been increasing rapidly—21 ships at one point this year—and the Russians have several "anchorages" on the coastal periphery.

Although the fund request has gone to Congress, the White House has asked a delay in its consideration pending a full-scale review by the National Security Council of U.S. strategic aims in the area, informed sources said.

Officials insisted that the communications facility in the British Indian Ocean Territory—specifically within the Chagos Archipelago that includes the island of Diego Garcia—is viewed as an alternative to the U.S. military communications base in Ethiopia.

But the White House is apparently concerned that such a facility could be a first step toward a significant and costly new American presence, in the form of an Indian Ocean fleet, with the implicit danger of Soviet-American rivalry there.

The government of India has already protested to Britain and the United States against plans to build any military facility on the islands. Foreign Minister Swaran Singh, in a speech to the Indian Parliament yesterday confirmed the protests and declared India wants the waters to remain free of big power contests.

The State Department, when questioned about a potential U.S. facility, said a 1966 Anglo-American agreement on development of the Indian Ocean for defense purposes was under "active review."

The Pentagon had no comment when asked how much money it had requested for a communications facility in the Indian Ocean. But it seemed likely that the cost of the proposed facility, including an anchorage and an airstrip, would run 'nto tens of millions of dollars.

The Soviet buildup in the area began after the 1967 Israeli-Arab war, as it did in the Mediterranean. "Show the flag" visits in the Persian Gulf and Africa began in 1968.

The Soviet Navy has anchorage buoys off the Seychelles. Through aid to harbor development, it has access to ports and dockyards in Somalia, Yemen, Aden and India, and trawler facilities in Mauritius. It is erecting some kind of military facility on southern Yemen's island of Socotra at the mouth of the Gulf of Aden.

CRIMINAL REHABILITATION SHOULD BE TOP PRIORITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. HAMILTON. Mr. Speaker, the following article makes a persuasive case for making criminal rehabilitation a top priority in the fight against crime. I recommend it to my colleagues:

No. 1 DOMESTIC PRIORITY: NEW CAREERS FOR CRIMINALS

(Most Crimes Are Committed by Ex-Convicts, and Most Ex-Convicts Are Easy To Find. Thus They Offer Our Best Hope for Winning the Battle Against Crime. By Dr. Arnold S. Trebach)

Despite rising public concern and fear, despite pledges and promises to reduce crime and restore "law and order," despite vast increases in funds for crime control, enlarged police forces, tougher laws and court procedures, we are still losing the battle against crime—and we do not have any overall strategy.

The FBI reports that serious crime increased 148 per cent between 1960 and 1969; allowing for population growth, the crime rate increased 120 per cent. In 1969, there were almost five million reported crimes, an increase of 12 per cent over 1968.

It is my profound belief that we can make very significant gains on this, our most serious domestic problem, during the '70s without compromising a single fundamental freedom—if we adopt a national strategy for crime control which clearly recognizes one major priority among the many valid approaches to reduction of crime, which puts together presently scattered, uncoordinated resources, programs, and funds to focus on this priority, and uses quantitative measures to record success or failure.

In proposing a single major priority for effective crime control, I recognize that crime is an enormously complex problem which must be attacked on many fronts. But, unless clear target priorities are set, a simultaneous diversity of approaches seriously hinders an effective control program.

For example, in 1967, the President's Commission on Law Enforcement and Administration of Justice made excellent recommendations covering a broad scope of action throughout the entire justice system—police, courts, corrections, and prevention—and wrote a beautiful encyclopedia. But even in the section entitled "A National Strategy," the commission set no solid priorities. And the majority of its recommendations have yet to be acted upon.

One current approach to crime control is to strengthen the police and their ability to cope with proliferating kinds of crime now afflicting our society—particularly violent crime and civil disorder.

Another approach is to strengthen the management capability and technology of our antiquated, often ineffective, institutions of justice.

Another focuses on the control and prevention of drug addiction, now reaching epidemic proportions in some cities and responsible for a major proportion of crime.

Still another approach concentrates on crime prevention through community action programs such as those started by the President's Committee on Juvenile Delinquency and the Office of Economic Opportunity, which are aimed at social change to discourage the development of criminal behavior.

All of these approaches are important and should be pursued. But I do not believe that any of them should be the *first* priority for winning the battle against crime.

What should be target number one? Consider these incredible statistics:

According to an FBI analysis of a sample of over 100,000 persons arrested in 1967–68, 82 per cent had prior arrest records; 70 per cent had been convicted previously of one or more crimes; 46 per cent had been imprisoned on a prior sentence of 90 days or more.

An FBI study of 240,322 serious offenders during the 10-year period 1960–69 found that, as a group, these offenders averaged almost four arrests. During this time, 36 per cent had two or more convictions and 46 per cent served a prison term of a year or more. After their initial arrest in the early 1960s, these offenders were rearrested, primarily on local and state charges, a total of 693,000 times.

The recidivism rate among offenders released from some youth institutions has reached a scandalous 75 per cent! And young offenders constitute our single worst crime problem.

Any respectable business executive who presided over an enterprise with a record comparable to this would do the decent thing and quietly commit hari-kari on his desk set.

Betting men could get good odds, especially on a young offender, on the following triple-horse parlay: 1) the correctional process he goes through will not rehabilitate him, and indeed, may do him more harm than good; 2) he will commit another crime within several years of release, and 3) the next crime will be more serious, perhaps more violent, than the preceding one.

"Repeated offenders," the Presidential Crime Commission concluded, "constitute the hard core of the crime problem." There are, today, between 1.5 and two million identified criminal offenders now under some form of correctional control—approximately 500,000 behind bars, with the remainder out on probation or parole.

It seems overpoweringly clear that our number one priority in the war on crime should be the rehabilitation of these people now under correctional control. Every dollar spent on rehabilitating a convicted person has the potential for being most cost-effective, in terms of reducing crime, than a dollar spent in any other area of national endeavor.

We do not have to send out search parties to find out who will be committing crimes this year or next year or the next. We already have many of their names and addresses. Here is a highly identifiable target, and we are allowing an incredibly ineffective, underfinanced, antiquated, undermanned, and underequipped correctional system to throw away a supreme opportunity for making our streets safe and our homes secure.

Today, the half million or so persons behind bars are caged and counted, denied normal relationships, sometimes brutally treated by staff who usually have no training or interest in rehabilitation, and then put out on the streets and expected to behave normally—whereupon the hapless policemen must go about catching a large percentage of them again to put them through the same meaningless justice process. Much the same thing occurs, though more humanely, with many offenders under probation or parole supervision. Probation and parole officers are underpaid, undertrained, and generally have huge caseloads (a hundred or more) and few facilities for treatment or other training to prepare offenders for rejoining society. Correctional officials, for the most part, deserve as much sympathy as blame, and it is a credit to them that the recidivism rate is not higher.

If offender-rehabilitation becomes the first priority of our national crime-control strategy, the nearly two million people under correctional control would be the main focus for money and technical efforts. The identification of a person as an offender would trigger a massive social response to try to prevent him from committing another antisocial act.

But what about the offenders *not* now under correctional control, *not* now in an institution, or *not* now on probation or parole? Some estimates place the number of Americans with some form of a criminal record (including one day in jail) at a staggering 20 million. And what about those offenders too smart to get caught? Would not this national crime-control strategy miss huge chunks of the criminal universe?

Yes, quite probably. But this is a conscious choice, made in full realization of the risks. Moreover, this strategy, like others, sets priorities, but it does not eliminate other courses of action; it merely sets them lower down the list.

As a first step in an offender-centered crime-control strategy, the tools to measure success or failure—profit and loss—must be improved. At present, there is an unbelievable lack of information on the most basic fundamentals. While I have cited statistics, neither I nor anyone else actually knows how many arrested or convicted offenders there are in the country, or their rearrest records. We don't even know how many correctional institutions there are. Some jails don't know how many inmates they have on a given day.

As the FBI stated in its 10-year study of recidivism:

"The key to the effectiveness of the system is in knowing what happened to the people who were handled or treated by the criminal justice process, specifically, whether they were deterred from further criminal acts and/or rehabilitated." (Emphasis mine.)

Here, then, is the way to keep score, not only of correctional agencies, but of the entire criminal justice system. One of the elements in the new offender-centered justice strategy must be a simple, unified set of numbers that would count heads (of identified offenders), compile criminal histories, and keep track, as the FBI suggested, of the recidivism rate. Fortunately, the Law

Enforcement Assistance Administration (LEAA) of the Justice Department is now funding several programs aimed at producing a reliable system of national criminal statistics.

But this is only a first step, a measuring tool. There are a number of other basic, practical steps that should be taken by national, state, and city governments and private organizations to develop a winning crime-control strategy. The momentum for these efforts can come from one place only—the White House.

I would urge the President and his key criminal justice advisers to visit a typical county jail and a state prison. There's nothing like starting with a sense of reality. Mr. President, such a visit would effectively publicize your interest in corrections. If the institution is indeed typical, you will find hundreds or thousands of people locked up; that's all, locked up, and often subjected to treatment which at best is inhuman, and at worst breeds increased hostility to all forms of legitimate social authority.

Speak to the prisoners, Mr. President. It should strike you forcibly that these caged human beings will one day be let out—98 per cent are eventually released—and they will act as if they have been caged for years, once they hit the streets. No surprise.

Of course, we don't know how much is spent in this country each year on corrections, nor what part of that goes for rehabilitation—but the figures are probably around $1 billion for all corrections, with perhaps 5 to 10 per cent, $50 to $100 million, for rehabilitation.

Mr. President, you must "put it all together," at the national level. I say this in the most positive way, and urge my liberal, intellectual brethren to do the same, much as we might cheer on the coach of a bunch of football stars who keep fumbling the ball. Virtually all the ingredients for a winning strategy are present in Washington, but the resources are scattered and unfocused, and thus ineffective.

On November 13, 1969, Mr. President, in a speech and memorandum to the Attorney General, you laid it on the line: "The American system for correcting and rehabilitating criminals presents a convincing case of failure." And you directed Mr. Mitchell to implement a specific 13-point program for massive overhaul and reform of the entire correctional system through "bold, imaginative programs" with emphasis on prisoner rehabilitation. The Attorney General was directed to report back in six months with a progress report.

I am persuaded that the Department of Justice has made a good college try at implementing your directive. There are many talented people in that department, and in Labor, HUD, HEW, OEO, and other agencies, who dedicate long workdays in a devoted effort to reduce crime. But the mandated six-month progress report has not been made public nor, to my knowledge, has any major action been taken that reflects the urgency of your message.

Moreover, and most distressing, there does not exist an articulate national strategy on offender rehabilitation that logically coordinates the millions spent by the federal government every year on corrections, nor that directs the powerhouse of talent in the federal bureaucracy toward agreed-upon goals. There is no overall crime-control strategy, applicable to other parts of the system.

Democrats, don't crow. Things were no different under Mr. Johnson or Ramsey Clark. In fact, this crew is doing a mite better.

We all know where the buck must stop. Mr. Nixon allow me to urge you to make a declaration of national policy placing offender rehabilitation as the top priority. Some of the most important elements of that strategy are to be found in the April, 1970, report of your own President's Task Force on Prisoner Rehabilitation.

A successful, offender-centered crime control program can also be a very positive force to bring many of us "together again." Most of the people of this country, whatever their part, color, or viewpoint, are very deeply concerned about crime, and will certainly support an intelligent program to rehabilitate offenders. Richard Harris noted in his recent book, "Justice," that the overwhelming importance of prisoner rehabilitation was one of the few matters on which Ramsey Clark and John Mitchell clearly agreed.

The key elements of a new crime-control strategy can be stated simply.

1. THE NEW STRATEGY MUST PROVIDE OFFENDERS WITH WHAT THEY NEED TO STOP BEING OFFENDERS, ESPECIALLY JOBS AND JOB TRAINING

I agree completely with the President's Task Force on Prisoner Rehabilitation which clearly emphasized that "Satisfying work experiences for institutionalized offenders . . . and the assurance of decent jobs for released offenders should be at the heart of the correctional process."

Currently, the unemployment rate of men released from prison runs three to four times higher than that of the general population. Many offenders are poorly educated, come from unstable family backgrounds, and have numerous personal, mental, and physical problems which may make them unemployable or unlikely to remain in a job. While we cannot expect to remake or deal with all the problems of all of the several million offenders under correctional control, we can concentrate education, training, and treatment efforts toward motivating and preparing offenders for worthwhile jobs, helping them to find such jobs, and working with personal problems which prevent successful employment.

The quantifiable test of succes or failure here would be the number of jobs secured for offenders, the salaries, the length of time they stay on the jobs, their promotions and raises, or their dropouts and terminations.

Of course, this priority on jobs is not the only solution. Criminal offenders may need psychiatric, medical, and dental treatment, legal services, personal and family counseling. Many offenders are too old, too young, or too sick to work.

An increasingly serious problem, which needs special handling, is the rising number of offenders who are drug addicts. Drug addiction is not only a tragic human problem; it may impel the addict to commit criminal acts. The rise in crimes related to hard drug addiction is reaching epidemic proportions in some cities today. In the District of Columbia, for example, 43 per cent of those arrested for crimes in recent months were heroin addicts. And many of these addicts are constantly bringing new recruits into drug dependency.

The narcotics problem is so serious that the priority clearly must be to identify and get control of addict-offenders and give them medical treatment. To date, only a few programs seem to have had any significant success in breaking addiction. For example, programs which use methadone or similar chemical treatment as a substitute have had a high degree of success in dealing with heroin addiction. More of these programs are badly needed, and more money and effort should be spent on seeking alternative treatment. But along with medical treatment, the goal should still be to get the addict a stable job.

The selection of jobs as a top priority relegates other approaches to correctional rehabilitation to a subordinate status. Thus, the primary aim is not to make offenders happy, God-fearing, patriotic, nor to eradicate all their neuroses or near-psychoses, sexual perversions, or other distressing behavior patterns. In this program of priorities, neither does it matter if offenders, individually or as a group, practice voodoo. If we get them into a paying, hopefully meaningful job, if they can get to it every day and function effectively while there, if they don't stick up a gas station between home and work, then the crime-offender balance sheet should show a whopping profit, which is what this business is all about.

Truly, I wish I had come up with something more startling, like a new computer system, or violet-scented Mace, or a new theory on the causes of crime. But when I look back over 15 years of work in the criminal justice field, I keep coming up with the primacy of jobs for offenders. Numerous studies show that steady employment and adequate income are directly related to low repeater rates for ex-offenders.

Moreover, steady employment and adequate income for ex-offenders are directly related to the extent to which correctional programs have provided education, job training, job development and placement, counseling, and follow-up services to deal with personal and family crises that arise after the offender takes the job. In other words, while the primacy of jobs may be a simple notion, it is not a simple matter to get an offender into a job and keep him there. But there have been a number of successful demonstration programs which show that it can be done.

One of the first programs sponsored by the Labor Department under a new section of the Manpower Development and Training Act providing vocational training for prisoners has resulted in a 25-percent drop in recidivism for those in the program as compared to a control group of other prisoners released from Rikers Island prison in New York.

A concentrated rehabilitation program geared to job placement has had very encouraging results at Draper Correctional Center in Alabama. Of 290 graduates, 276 were placed in jobs, and 218 had not returned to jail or prison within one to three years after their release. This is a very good record for a group of young inmates. 70 per cent already repeated offenders, and all school dropouts without previous vocational skills. The Draper program included programmed instruction for basic education and vocational training, incentives and rewards for achievement, personal coaching and counseling, social services to cope with family problems, active job development and placement, and follow-up services to graduates after their release to help them adjust to job and society. Inmates were trained for jobs which were currently available in the surrounding area, such as bricklaying, electrical repairs, and sign painting.

A different, and very significant, approach to job training was carried out in Vacaville, Calif., with a group of 18 inmates who, by Corrections Department evaluation, were highly likely to recidivate within a year of release. By means of group dynamics and similar experimental techniques, they were trained to work on social problems related to their own lives. Almost all went on to become job trainers, researchers, and job-program developers in antipoverty programs and similar social projects. Several now have high positions in government and private organizations. Only two returned to prison.

In contrast, almost all members of a "control" group with similar backgrounds and records, who received no training, landed back in prison.

The Vacaville project suggests another important aspect of a job-oriented rehabilitation strategy. For many offenders, the best—or only—chance of rehabilitation lies in jobs which provide an opportunity for career development in fields where they can feel socially useful and gain some sense of personal dignity.

The use of offenders and ex-offenders in correctional work itself is increasingly recognized as a very positive aid, not only in their own rehabilitation, but in more effective re-

habilitation of other offenders. Correctional officials have testified that ex-offenders can often break down otherwise insuperable barriers between prisoners or juvenile delinquents and the professional, largely middle-class staff who are trying to treat them.

The New York State Division for Youth has had a hundred offenders and ex-offenders in jobs working with youthful offenders over the past several years. The Los Angeles County Probation Office currently has an expanding community treatment program for seriously delinquent youth employing community workers who are ex-offenders. The program director has reported superior results:

"Each juvenile participant in this project represented a dollar savings of $1,300 to the county . . . when compared to costs of his residence in a camp."

2. TO WEAVE A NATIONWIDE FABRIC OF JOB OPPORTUNITIES AND PLACEMENTS FOR OFFENDERS, THE MANPOWER SYSTEMS AT EVERY LEVEL MUST BE TIED INTO THE JUSTICE AND CORRECTIONAL SYSTEMS

The Department of Labor, therefore, must be placed in a position of leadership in the fight against crime, perhaps in as lofty a perch as that held by the Department of Justice. Here again, the President himself may have to create this marriage—by shotgun if necessary.

The Department of Labor has done some of the most significant work in the country on developing manpower training and placement for offenders. This has operated mainly under Section 251 of the Manpower Development and Training Act (MDTA). Skill training programs for imprisoned offenders have enrolled approximately 5,000 inmates in 47 institutions and 28 states, with the cost reaching $6 million. An intensive evaluation of these programs is now under way, but even preliminary reports indicate a highly significant, favorable impact on recidivism.

Labor will increase funding for such programs in this fiscal year (1971) to $14 million and there are plans to increase the total Labor Department offender-manpower commitment to $50 million in fiscal 1972. But this will still be highly inadequate to deal with the needs of hundreds of thousands of offenders.

Several manpower programs now have direct links to offender rehabilitation—JOBS, which focuses on employment in private industry; the Job Corps and Neighborhood Youth Corps, offering opportunities for youth; and the vast federal-state employment service machinery throughout the country, to name a few. But these programs have never become fully effective, since their links to the correctional system are far too weak.

Moreover, practical experience convinces me that while the President must order the marriage between the two systems as a necessary first step, the impact of that order won't be felt unless vigorous steps are taken at the local level.

Local "establishment" leaders must start building enormous pressure for effective offender rehabilitation and they must make demands for the manpower-correction union in their cities, counties, and states.

Let me make some specific suggestions to state and local leaders, to the heads of local urban coalitions, city criminal justice coordinating councils where they exist, Junior Chambers of Commerce, mayors, and state officials.

Start working on identified offenders. Go into the jails and prisons, talk to probation and parole officials, find out how many offenders there are, what facilities and programs there are for education, job training, job placement; and treatment.

In your city and county jails you will find large numbers of offenders either being detained or awaiting trial and disposition or serving relatively short sentences, under one year. Except in rare instances, you will find absolutely no programs to get them into jobs or to encourage their rehabilitation. You don't have to look at your neighbors or the bad guys in the next county. You can start right at home

Find out at what point offenders, under the best possible circumstances, might be put into job training, while in these institutions, or better yet, put on probation or parole or work-release so that they can start working and living, at least part-time, in the community. Work with correctional and judicial officials to get as many of those men out of jails and into community-based treatment programs, halfway houses, and jobs, as soon as possible.

I would urge, plead, even pray, that you do everything possible to get offenders out of the traditional court-jail processes. As a general proposition, courts and jails cannot handle and really don't know what to do with offenders. And offenders, for their part, seem to be generally worse off for the association.

Be prepared for accusations that you are letting hoods and murderers loose on the innocent people of your community. But that is just what is now done, every day.

Moreover, when your son, or nephew, or the boy next door gets busted, skillful lawyers and psychiatrists usually get him out of jail, into probation and a carefully designed program of treatment and supervision. Generally, the middle class and rich are horrified at the prospect of putting their children into the infectious garbage heap of the present correctional system; the same horror should prevent such treatment for children of the poor.

Of course, it will be much more difficult to secure probation and early release for repeated, hardened, serious offenders. But even for them, the quicker we can get them out of the traditional criminal justice process and institutions and into community treatment programs, especially jobs and job training, the better off they, and society, will be.

Every court, judge, police lock-up, county jail, probation department, and state prison should be tied into community manpower programs. Some programs should be available shortly after arrest, even before the "offender'" has been formally "identified" by a court conviction.

Two such "early diversion projects" which, incidentally, employ ex-offenders as subprofessional aides, now operate in New York City and Washington, D.C., supported primarily by MDTA funds. The Manhattan Court Employment Project, a three-year experiment conducted by the Vera Institute of Justice, intervenes just after arrest and offers the arrestee counseling, referral to appropriate social service and job-training agencies, and job placement. (Suspects facing serious charges, such as homicide and armed robbery, as well as alcoholics and drug addicts, are not eligible.)

If the person performs well for 90 days, the project staff goes into court and recommends dismissal of the charges. If not, he is returned to court. While a final evaluation of the effect on recidivism has not yet been made, the project seems to have had a very favorable impact.

Favorable experience has also been reported by Project Crossroads, a similar program conducted by the National Committee for Children and Youth with juvenile and adult offenders in Washington, D.C.

Labor will expand its early diversion programs to at least six other cities by early 1971, and LEAA sources report scores of such projects are now turning up in grant applications. There is interest and money at the national level for early diversion projects. The more local pressure for such projects, the better the chances to increase federal funds for them.

Community leaders also must put pressure on all the agencies of the local manpower system—the U.S. Department of Labor office, the State Employment Service, and other job programs—to work with the correctional institutions on training and placement for offenders.

You should also contact appropriate local officials of the Law Enforcement Assistance Administration, who probably will have more money than any other federal agency in your area. LEAA appropriations are expected to triple during the next few years, up to $1.5 billion. Most of this money will be available through your state planning agency, which is formally responsible to the governor but is composed of local and regional representatives. It may take some pushing and hauling to get enough money put into the correctional process—for although LEAA is the top fund-granting agency in the crime field, it tends to put most of its money into police projects. However, the percentage of its funds devoted to corrections went up from 10 to 27 this year as compared to last—a total of at least $50 million for corrections (and perhaps as much as $75 million). Much of this seems destined for rehabilitation.

And, if the top people in communities all over the country come up with intelligent, carefully planned and focused programs for effective offender-rehabilitation, there is no doubt that the money will be forthcoming.

In many communities, you will find that the really hard-core offenders are sent away to prisons operated by state authorities, often removed from the local community. But the same approach must be taken with them. The felons in the state prisons today are the misdemeanants of the county jails of yesterday. Their basic needs are not terribly different from those of the less hardened in city or county jails.

You will probably find large numbers of juvenile offenders under correctional control in your communities. And these young people represent the greatest challenge and perhaps the greatest opportunity to really do something about crime. Look at them in their cells. See how pitiful and terribly young they look, and at the same time realize that they commit some of the worst crimes in your community—armed robberies, senseless killings and shootings, rapes, and many burglaries and larcenies.

Educational authorities should be heavily involved in all job training programs, but effective educational programs are particularly needed by youthful offenders. Many have not finished high school, and even if they have, check their reading levels. You may be amazed to find how many literally cannot read a newspaper or even a comic book. So young offenders may need intensive basic education as well as vocational training and placement.

Of course, it will do no good to tie the correctional system into the manpower system unless concurrent efforts are made to eliminate the many barriers that bar ex-offenders from jobs. Pressure must be put on both government and business to change restrictive policies so that ex-offenders gain entry into the economic opportunity system of this country.

MUCH MORE MONEY AND EFFORT MUST BE SPENT ON IMPROVING MANPOWER DEVELOPMENT, EDUCATION, TRAINING, AND STAFF SALARIES

In 1969, the prestigious Joint Commission on Correctional Manpower and Training brought it all down front when it declared:

"The public and their legislators must understand that there can be no solution to

the problem of recidivism . . . as long as there is a predominance of low-paid, dead-end jobs in corrections. . . ."

Again, I urge local community leaders to look at the staff of local jails and prisons. You will probably find, unless you are in an exceptional community, that there is not enough staff, that it is qualitatively poor and badly utilized.

For example, the last county jail I visited was in Dade County, Fla. The warden was an enlightened man who was most concerned that he had virtually no rehabilitation facilities for the approximately 40,000 people who will pass through his institution this year. One of his major problems has been simply getting enough manpower so that he could put at least two correctional officers on each floor to prevent inmate assaults on one another.

The National Crime Commission estimated that the number of correctional employees should be doubled and treatment staff tripled to meet 1965 needs. By 1975, the commission saw need for more than 300,000 employees, with treatment staff needs increasing fivefold.

Correctional manpower structures and policies must also reflect the new priorities. Today, the vast majority of correctional manpower provides mere custodial care. Relatively few staff members know how to develop or operate a rehabilitative, job-centered program. There is a tremendous need to recruit and train academic and vocational teachers, job counselors and developers, group and individual counselors, social service, health, and legal advisers, and others actively working for rehabilitation, job training, and placement. Many more correctional workers must be located in the community, to provide links to jobs and other community institutions.

There is also great need for more members of minority groups working in corrections at all levels. Many offenders are members of minority groups; but, as the Joint Commission on Correctional Manpower and Training has recently documented, a very small number of corrections staff come from these groups. In supervisory positions, less than 3 per cent are from minority groups.

Minority correctional workers—like the ex-offenders whom I mentioned previously—have special ability to relate to and work with minority offenders. Many new minority members could first be recruited into newly created subprofessional positions—which are already recognized as essential to relieve severe professional manpower shortages—and then provided further training and opportunity to move up into professional careers.

All relevant agencies must help improve correctional manpower programs. Justice and Labor are starting to do so. One must wonder, in this connection, what HEW is doing to implement the report of the Joint Commission, which it funded.

FOUR. A PARALLEL, ALLIED, PRIVATE CORRECTIONAL AND OFFENDER-REHABILITATION SYSTEM SHOULD BE CREATED

Government cannot do it alone. I simply do not see enough change taking place, however large the sums made available, solely within governmental structures.

A partnership with private resources must be created to work on crime control and offender rehabilitation just as it has been in other fields. By this I mean that government must provide larger and yet larger sums of money for treatment, education, and training contracts with private industries, and businessmen must start making venture capital and corporate resources available to handle government contracts in this field. Some private firms already operate treatment centers and halfway houses.

Businessmen should use the ingenuity for which American enterprise is famous and come up with new ideas that can help cut the crime rate through rehabilitation of offenders. It is a healthy situation when a contribution to the public weal can be combined with private profit.

Frankly, I am surprised at the enthusiasm with which some private businessmen view involvement in offender rehabilitation. Not only are many firms hiring ex-offenders, but some have plans to carve out a major role in improving the entire correctional field. Last March, for example, Howard C. Wiechman, national administrator of technical and vocational education for the Portland Cement Association (PCA) stated: "Growth within our industry is being stifled by labor shortages. Just as most inmates need jobs and job skills, we need trained people to place and finish concrete and plaster."

The PCA has applied for federal funds for several projects that will provide prison inmates with vocational and basic remedial education, work experience, and job placement in relatively well-paying jobs.

PCA has already received $200,000 from LEAA for a program working with prisoners who have been released. The program—Operation DARE—has set up a central coordinating unit to work with penal authorities, state and local parole and pardon boards, and public and private community agencies to provide ex-inmates with needed job training, placement, and supportive personal services.

Other businesses have trained and hired offenders in jobs running the gamut of American industry, from computer operators to mechanics to administrative work.

It is encouraging to see that the greatly expanded and enriched 1970 LEAA corrections program emphasizes involvement of the private sector. While still in its beginning stages, the effort, labeled Private Sector Community Based Programs (which funded PCA), is a positive, imaginative step in the implementation of one of the 13 points Mr. Nixon set forth last November. Headed by a former Labor Department official, Don Swicord, the program incorporates many good manpower and career development concepts into the Justice-private sector mix. The program merits vastly expanded LEAA funds, more than the few millions in the next two years now apparently destined for it.

The National Alliance of Businessmen and local urban coalitions, moreover, would seem to have natural roles in promoting and coordinating business involvement.

One great difficulty will be in finding qualified personnel to run projects operated by private industry. Temporarily, this could create an even greater manpower shortage in public correctional agencies, for private industry is certain to pay better salaries and to attract many of the best correctional staff. In a short time, there should be benefits to both the governmental correctional system and the allied, private operation. The manpower situation, especially salaries, should improve greatly because of this competition. Moreover, these private industries are likely to be eager to hire ex-offenders for some of the many good jobs they will have available. This is one line of work in which offenders' experience is relevant and their credentials impeccable.

Finally—but, actually, in the beginning—there is love. It has been said that it is far easier to hate the crime than the criminal. Confront the criminal, capture him, look him in the face—he is us, our children, our brothers, our sisters. We created him. I have written about cold statistics, quantifiable tests, and strategies. But human compassion for other humans is still the most important equation, and should move us to do what is not only necessary, but also humane, to help offenders rejoin society as constructive human beings.

THE 90TH ANNIVERSARY OF POLISH NATIONAL ALLIANCE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. PUCINSKI. Mr. Speaker, recently the Polish National Alliance, one of America's oldest and best-known fraternal organizations, celebrated its 90th anniversary.

Founded in 1880, this outstanding fraternal society has grown and is now one of the most prominent organizations of our American cultural heritage. The Polish National Alliance was instituted to assist newly arriving immigrants to the United States to adjust to the demands of a new and exciting nation, without sacrificing the traditions, and language; and special heritage that make them so distinctive.

Throughout the decades, the PNA has met the challenge of leadership. It is licensed in 31 of our States and the District of Columbia. Its membership exceeds 300,000 persons. It has grown as the Nation has grown and it has provided an easily accessible bridge between the cultural similarities and differences that make up our grand American mosaic.

In order to inform my colleagues of the specific work of the Polish National Alliance and its roster of distinguished Americans, I am today including a brief history of the organization and the speech of Aloysius A. Mazewski, president of the PNA, at the anniversary banquet in Chicago:

SPEECH OF ALOYSIUS A. MAZEWSKI

Observing the 90th anniversary of the Polish National Alliance we primarily pay tribute to the legacy of five men who emigrated to the United States at the second half of the 19th century from Poland devastated by partition and desperate struggle against Russian dominance.

It is a legacy of civic wisdom, fraternalism and abiding awareness of social responsibilities;

It is a legacy of patriotism, which, in the truest sense, is a way of life;

It is a legacy of dedication to service for the benefit of fellow immigrants and commitment to the viability of both the United States and our ancestral home, Poland, in terms of freedom, security and progress.

Julius Andrzejkowicz, John Blachowski, Julian Lipinski, John Popielinski and Julian Szajnert, the founders of the Polish National Alliance typify the contribution the Polish immigrants made to the enrichment of the quality of American life and the enhancement of the socio-cultural and economic fabric of our pluralist society.

They were no strangers in a strange land. They came here, as did thousands of their predecessors and successors with love and respect for America.

They came with courage to dream bold dreams of a brighter future for their adopted land, for fellow Americans and for their ancestral land of origin.

Because of that dream and due to the fact, that through commitment, dedication and sacrifices, they transformed that dream into a reality of service—we are observing today the 90th anniversary of the Polish National Alliance.

Vast changes have taken place in the past nine decades.

In addition to two world wars, the emergence of communist threat to freedom, the conflict of the cold war, the constant struggles on the peripheries of the free world—in Korea, in South East Asia, in the Middle East—mankind went through two fundamental experiences which changed our outlook and our mode of life.

Namely—the industrial revolution of the previous century and the technological revolution which began in our times and whose end or outcome are not yet in sight.

Two generations of our times have seen man leaping from the horse and buggy era to the conquest of space and the landing on the moon.

Yet, in this inexorable progress toward technological perfection and output, there are certain spiritual, moral and cultural values, not subject to change or devaluation in the fulfillment of our lives.

Among them, are—respect for the innate dignity of man, patriotism, respect for social order based on laws freely established by majority, knowledge nurtured by humanities and willingness of each individual to pursue and support larger goals of our nation.

These values are part of our Polish National Alliance legacy.

The founders and pioneers of the organization have shown us the path of service. Theirs was the true American fraternalism in action, as exemplified by scholarship in the early PNA history, by extending aid to the Orchard Lake Schools during their formative years, by founding and supporting Alliance College, by citizenship classes in earlier times and Polish language classes now, by countless publications, lectures and humanitarian deeds, among which the aid to the suffering Polish nation will be forever remembered.

These values, acts and accomplishments are as relevant to America today, as they were in the past decades. Even more so.

For today, the frontiers of our freedom, social order and security are endangered and challenged not only by world-wide communist conspiracy, but even more threateningly by misguided attitudes and thoughtless misuse of freedom in our midsts.

The ardent concentration of attention on personal needs and whims of so many, may bring devaluation of American spirit and idealism and endanger our national viability and freedom.

Let us, therefore, at this Polish National Alliance jubilee, which is, in a larger sense, a jubilee of true American fraternalism in action, re-dedicate and recommit ourselves to these national ideals and principles which made America great, and which are the source of strength and inspiration not only for the Polish National Alliance but for the entire American Polonia, as an integral participant in the mainstream of American life.

POLISH NATIONAL ALLIANCE, 90TH ANNIVERSARY, OCTOBER 11, 1970

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Aloysius A. Mazewski, Nat'l President.
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District I, John Siderski, Adela A. Nahormek.
District II, Joseph Zdunczyk, Evelyn A. Gavalis.
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District XIII, Chester Mikolajczyk, Sophie Buczkowski.
District XIV, Karol E. Matras, Harriet Sochaczek.
District XV, Thaddeus Wachel, Lottie S. Kubiak.
District XVI, Anthony Sliwa, Estelle M. Nieder.

We deeply and sincerely appreciate your presence at this 90th Anniversary Dinner of the Polish National Alliance.

To the distinguished speakers, eminent participants and guests we extend our traditional Polish "Bóg Wam Zapłać" for helping us to make this observance one of the most memorable and significant events in the history of our organization.

THE 98TH ANNIVERSARY DINNER COMMITTEE

Honorary Chairman, Aloysius A. Mazewski.
Chairman, Irene Wallace, National Vice President P.N.A.
Vice-Chairman, Frank M. Prochot, National Vice President P.N.A.
Secretary, Adolf K. Pachucki, National Secretary P.N.A.
Treasurer, Edward J. Moskal, National Treasurer P.N.A.

DIRECTORS

John Ziemba, Catherine Dienes, Melanie Winiecki, Dr. Edward Rozanski, Thaddeus Radosz, and Florence Wiatrowski.
Thomas Paczynski and Helen Orawiec, Commissioners District XII, P.N.A.
Chester Mikolajczyk and Sophie Buczkowski, Commissioners District XIII, P.N.A.

The P.N.A. Story: On the path of service

(By Joseph Wiewiora)

John Cardinal Krol, Archbishop of Philadelphia (in the 1967 Commencement Address at Alliance College): I take this occasion to pay deserved tribute to the Polish National Alliance and to Alliance College for sustained effort to help Americans of both Polish and non-Polish origin to know, to appreciate and to love the people of Poland. It is this type of fraternal concern which has helped the aggressive integration of Poles and their culture into the mainstream of American life.

1. THE P.N.A. TODAY

The Polish National Alliance of the United States of North America (PNA) is the largest and most progressive fraternal organization of and for Americans of Polish origin and their immediate families if they happen to be of other ethnic descent.

It is licensed in 36 states to transact insurance business and conduct fraternal activities.

Its financial assets are in excess of $140 million.

Its membership is expressed in 333,599 insurance certificates.

Its insurance in force amounts to $306,804,512.

It numbers tenth in in-force insurance among the over 200 fraternal organizations in the United States and eighth in total assets.

The PNA's component parts consist of 1,402 Lodges, 207 Councils and 16 Districts.

Pennsylvania leads in the number of Lodges of which there are 293, which in turn compose 48 Councils.

The second place is occupied by Illinois with 289 Lodges and 26 Councils; the third by New York wtih 189 Lodges and 29 Councils; the fourth by Michigan with 136 Lodges and 17 Councils.

Other states in which PNA Lodges function are: Arizona 2; Arkansas 1; California 15; Colorado 3; Connecticut 48; Delaware 3; District of Columbia 1; Florida 4; Indiana 31; Iowa 1; Kansas 3; Maine 1; Maryland 14; Massachusetts 78; Minnesota 18; Missouri 14; Nebraska 5; New Hampshire 6; New Jersey 69; North Dakota 2; Ohio 84; Oregon 2; Rhode Island 6; Texas 11; Virginia 1; Washington 6; West Virginia 10; Wisconsin 59.

The PNA Home Office is located at 1520 W. Division St., Chicago, Illinois, 60622 and is currently undergoing a vast modernization program which includes computerization of all administratively technical functions. Concurrently, new methods of business approaches and organizational activities are being advanced and by the end of 1969 will bring about an updated PNA image to our younger generations of Polish heritage.

In addition to the five executive officers, the PNA engages the services of nine administrative assistants and 86 office employees, 30 full time organizers and numerous part time organizers throughout the land.

To carry its message to the membership, the PNA publishes since 1881 a bi-monthly, "Zgoda" with a circulation of 160,000 copies and with steadily increasing emphasis on its English section.

The PNA wholly controls a separate corporation—Alliance Printers and Publishers which publishes the Polish Daily Zgoda, or Dziennik Zwiazkowy, since 1908.

Among the proudest PNA achievements is the founding in 1912, and continued support of Alliance College, which expanded from a high school Academy and Technical Institute to a fully accredited, co-educational four-year liberal arts institution of higher learning in Cambridge Springs, Pa.

By the end of the current quadrennial (1967–71), the PNA will have spent $1,300,000 for the support of the College. In addition, the PNA Educational Department will have paid $130,000 as a tuition credit for PNA members enrolled at the College and $20,000 as an incentive to study the Polish language, history and culture at the same College. It will also have allotted approximately $12,000 in interest free educational loans to its PNA student-members. It will have spent $13,000.00 for Polish Summer Courses at Alliance College for PNA youth. Subsidies for Polish Language classes for children will be granted in the amount of $15,000 to various Councils and Lodges.

The quadrennial budget of the Youth and Sport Department amounts to $240,000 which is earmarked for various sports activities of Lodges and Councils, Drum and Bugle Corps, and many dance and singing groups. The department also furnishes uniforms for baseball, softball, volleyball teams, and trophies for bowling and golf leagues, and sponsors national Bowling and Golf tournaments annually and Youth Leaderships Courses at Alliance College every other summer.

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The PNA administrative structure is based on three principles:—legislative, executive and judicial.

The highest governing and legislative body is the Sejm, or National convention, formerly held every year, later every two years and since 1924, every four years.

The executive power is given by the Sejm to the National President, Two National Vice

Presidents, National Secretary, National Treasurer and ten National Directors, who together form the Zarzad Centralny, or Central Administration.

Judicial power rests with the unique office of the Censor and with the Supervisory Council which is composed of 16 men and 16 lady commissioners from the 16 PNA districts. The Commissioners are also elected at the Convention by the delegates from their respective Districts.

The Censor is a historic title in the PNA dating back to the times prior to the actual foundations of the organization.

The Censor is Ex-officio chairman of the Board of Trustees of Alliance College. Also Ex-officio, the PNA President is Vice Chairman of the Board of Trustees.

The members of the present PNA administration, elected at the 35th Convention held in Detroit, Michigan, in September 1967, are as follows:

Dr. Walter L. Dworakowski, Censor; Anthony A. Czelen, Vice Censor; Aloysius A. Mazewski, President; Mrs. Irene Wallace, 1st Vice President; Frank M. Prochot, 2nd Vice President; Adolf K. Pachucki, National Secretary and Edward J. Moskal, National Treasurer. The Board of Directors: Joseph A. Dancewicz; John J. Ziemba; Helen Szymanowicz; Catherine Dienes: Melanie Winiecka; Dr. Edward C. Rozanski; Thaddeus Radosz; Florence Wiatrowski; Mitchell Odrobina; Hilary Czaplicki.

Appointive Officers:—Joseph Bronars, Controller; Dr. L. Sadlek, Chief Medical Examiner; Thaddeus Jasiorkowski, Chief Underwriter; Czeslaw Rawski, Legal Counsel; Walter Andrzejewski, Real Estate Dept.; Joseph Foszcz, Acting Chief Organizer; Edward S. Dziewulski, Insurance Analyst; and Joseph Wiewiora, Editor of Zgoda.

Following are the members of the Supervisory Council (Roman numerals denote Districts which they represent):— I. John Siderski and Alice Nahormek; II. Joseph A. Zduczyk and Evelyn Gavalis; III. Leopold Babirecki and Helen B. Piotrowski; IV. John F. Nowak and Joanne Kowalska; V. Eugene Zegar and Jean Kozmor; VI. August Gorski and Leokadia Misiora; VII. Louis Sliwinski and Sophie Wojcik; VIII. Frank Lysakowski and Anna Jasionowski; IX. Alexander A. Kopczynski and Marianna Golembiewska; X. John J. Kozaren and Bernice Barc; XI. Dr. Stanley J. Sulkowski and Pauline Gorski; XII. Thomas Paczynski and Helen Orawiec; XIII. Chester F. Mikolajczyk and Sophie Buczkowski; XIV. Carl E. Matras and Harriet Sochaczek; XV. Thaddeus Wachel and Lottie Kubiak; XVI. Anthony Sliwa and Estelle M. Nieder.

2. PLANTING THE SEED

America has always held an unusual fascination for Poles.

The first map of the new continent was drawn in Krakow shortly after the Columbus voyage and its original copy reposes in the Jagiellonian University library.

More than fifty Poles were among the founders, developers and defenders of Jamestown in Virginia—the first permanent British Colony in the New World (1608–25).

In then New Amsterdam, now New York, a Polish scholar, Dr. Alexander Kurcjusz (Curtius) founded the first institution of higher learning in 1659. Capt. Marcin Krygier was co-Burgomaster of New Amsterdam in the years of 1653, 1654 and 1661. Exiled Polish nobleman Olbracht Zaborowski (1638–1711) acquired a large tract of land in New Jersey in 1682, became a trader, friend of the Indians and interpreter, first Justice of the Peace in what is now Bergen County, N.J. His name in official documents has been "simplified" by bureaucratic procedures to Zabriskie.

Anthony Sadowski (1669–1736) was the most prominent frontiersman of New Jersey, Pennsylvania and Ohio. In 1728, Pennsylvania Governor Patrick Gordon employed Sadowski as an envoy to the Indians, interpreter and peace negotiator. His descendants were trailblazers in Kentucky and Tennessee and companions of Daniel Boone.

During the War of Independence, in addition to historic services of Generals Casimir Pulaski and Thaddeus Kosciuszko, there was a number of Polish officers of the field rank and scores of enlisted men.

In the War Between the States (1861–65) Poles gave the Union Army, Generals Albin Schoepf of Krakow (1822–1886), Vladimir Krzyzanowski (1824–1887) and Joseph Karge (1823–1892), and among "Lincoln's Polish heroes" were:—Major Surgeon D. Radzynski, Capt. Constantine Blandowski, Capt. Stanislaus Miotkowski, Bugler John Sobieski and Dr. Marie A. Zakrzewska.

Three Polish Privates received the Congressional Medal of Honor for bravery in action:—Joseph E. Sowa, Philip Szlachta, and David Urbanski.

The Poles gave the Union Army 170 officers and several thousand of enlisted men. Their participation, however, was far greater than their number would indicate. Nearly every one of the commissioned officers and many enlisted men were veterans of wars for freedom in Europe, battle-tested and highly experienced in military actions.

* * * * *

These eminent forerunners of the great Polish immigration which began in the 1870's, were idealists, men dedicated to the principles of freedom and democracy. Some of them like Zaborowski and Sadowski were moved by the spirit of adventure and pioneering. Poland of their times was the largest state in continental Europe and did not need new lands for its population.

Only after the third partition of Poland (1795), and the ill-fated uprisings against Russia in 1830 and 1863, the Poles began to arrive in America in increasing numbers.

In the period of history with which this narrative is concerned (circa 1880) there were already 200,000 Poles in the United States. Some of them were political exiles, but the vast majority were immigrants seeking freedom and opportunity to better themselves in the New World.

In 1875 there were more than 50,000 Poles in Chicago. Detroit, Pittsburgh, Milwaukee, South Bend, St. Louis, Grand Rapids, Bay City, Shamokin, Buffalo, Philadelphia and numerous other cities were showing growing population of Polish origin. They built their own parishes and schools, organized social clubs and societies of mutual aid. In Chicago, in 1886, the Society of Polish Village (Gmina Polska) was formed. Polonia in New York City, however, claims the distinction of having organized the first Polish society in the United States, in 1843, known as The Society of Poles in America (Towarzystwo Polakow w Ameryce).

The Polish Roman Catholic parishes had already made their appearances in Chicago and other cities.

There was, however, a lack of the concept of Polish American unity on a national scale. But through the mysterious interactions of the forces of history and socio-economic evolution, the ground had already been prepared for a bold and imaginative action that was to lead, in the years to come, to the present eminence of Polonia in the mainstream of American life.

By 1880 there were the following Polish organizations scattered throughout the country: Kosciuszko Society in Chicago (in addition to Gmina Polska), Polish Society of California; St. George Society of Shenandoah, Pa.; Polish National Society of Grand Rapids, Mich.; Holy Cross Society of Chicago; The Kosciuszko Guard of Nanticoke, Pa.; Polish Union of New York; The Warsaw Guard of Shenandoah, Pa.; Julaski Society of Brooklyn, N.Y.; Lutnia Society of New York; Society of Free Sharpshooters of New York.

These societies had one ideal in common:—to provide aid, shelter and protection for new arrivals from their ancestral home, and, above all, to preserve, cultivate and perpetuate among themselves and their children Polish tradition and culture.

Thus the Polish immigrants—great grandparents of some of you, demonstrated awareness of civic virtue and social wisdom by seeking unity through which to preserve the Polish language, tradition and culture and to leave a spiritual legacy to their children.

In addition to financing the existing parishes and building new churches and parochial schools, they supported several Polish publications, mostly weeklies.

In one of them, namely, Ogniwo of New York, a great Polish patriot of the January 1863 uprising, Agaton Giller published in 1879 an article titled "Organizations of Poles in America," in which he appealed for greater efforts to unify on a national scale all the societies and clubs existing in Polish settlements, Giller living in Geneva, Switzerland, argued with abiding patriotism and convincing eloquence, that the Poles in America should join forces and act for the benefit of their adopted country and for Poland as citizens free from outside influences and pressures.

Rapidly, Giller's appeal gained widespread currency. The Polish Gazette of Philadelphia not only gave Giller's appeal a prominent display, but in subsequent issues kept the problem alive by a series of impassioned commentaries on the necessity of a Polish national organization in America.

Greater urgency to Giller's appeal was added by the tragic news reaching American Poles, that Polish Silesia fell victim of starvation in 1879, and desperately needed aid from abroad.

Thus on February 14, 1880, a group of leading Polish immigrants met in Philadelphia and issued an appeal for the founding of the Polish National Alliance, The authors of the appeal were: Julius Andrzejkowicz, Jan B. Blachowski, Julian Lipinski, Jan Popielinski and Julian Szajnert.

By June 20, 1880, twelve societies declared their readiness to join the proposed PNA.

Their delegates met in Chicago on September 20, 1880, for the first Convention or Sejm and adopted a declaration stating the purposes of the Polish National Alliance:—

"To lay foundation for material and moral growth of the Polish element in the United States through development fund which is to be the sole property of the Alliance and from which Polish Homes, Schools and other welfare projects are to be financed.

"To provide protection for the Polish immigration.

"To provide political enlightenment to the Polish immigrants, as citizens of the United States.

"To commemorate Poland's historic anniversaries."

As the financial basis for the new organization, the delegates established a benefit fund from which $500 was to be paid to the family when a PNA member died and $300, in the case of the death of his wife.

The Polish National Alliance became a fraternal reality at the Chicago convention in September 1880.

Its actual founding, however, dates back to July 17, 1880, when a pre-convention meeting in Chicago elected Julius Andrzejkowicz of Philadelphia, as the First Censor of the proposed organization,—and to August 10, 1880, when Mr. Andrzejkowicz stated that with the accession of more than five existing Polish societies in the land, the Polish National Alliance had become a reality, and issued his first Convention Call (Oredzie), designating Chicago as the Convention site.

PNA historians (Osada, Olszewski, Piat-

kievicz, Jedlinski) regard August 10, 1880, as the date of actual founding of the organization.

At that time the PNA had 189 members.

* * * * *

The first Convention in Chicago had been attended by delegates: Andrzejowicz, Stanislaw Kociemski, F. Grygaszewski, K. Mallek, M. Kucera, W. Domanski, J. Buchart, K. Wendzinski, E. Odrowaz, J. Rewerski, J. Glowczynski, F. Sowacki, R. Stobiecki and W. Dyniewicz. There were far more guests who came from different parts of the country to witness the "first Polish national assemblage" in America.

The Convention decided that the PNA should be administered by a Central Committee, which name was later changed to Central Government and finally to Central Administration (Zarzad Centralny) with the Censor as the highest official of the organization.

The Convention further developed and expanded the fixed purposes of the organization, without, however, changing the meaning and substance of the original appeals of Agaton Giller and of the Philadelphia group.

Of special interest is the Third Article of the first PNA Constitution, which reads:

"The Alliance will not be involved in religious matters, as they belong to the Apostolic See and to the Bishops.

"In view of the fact that the Polish nation has a number of Poles of different faiths, the Alliance, emulating the principle of the May 3rd Constitution of 1791, guarantees full tolerance of their faiths and allows them to become members as Poles-citizens to work in the political area for the benefit of the Polish cause."

This paragraph led several Polish priests and their more narrow minded adherents to vociferous opposition to the PNA. The struggle and its aftermath lasted several decades.

In retrospect, Dr. Joseph A. Wytrwal, appraises this divisiveness as a blessing in disguise, when writing in his singularly informative book of significant literary merit (America's Polish Heritage, Endurance Press, 1961) he states:—"the individualism that divided the Polish group is now beginning to appear as far more precious than any surface unity that might have been achieved. For an American culture that almost worships uniformity, Polish individualism served as a wholesome corrective."

3. THE GROWTH AND DEVELOPMENT

A. Fraternal, civic and educational activities

From its very beginning, the PNA set for itself two main objectives:—

1. To serve the best interest of the Polish immigrants, who, at the turn of the century numbered over 3 million, and who, with their descendants evolved into the ten-million strong American Polonia of today.

2. To help the land of our origin, Poland, in its struggle for freedom, independence and economic betterment.

To pursue these goals more efficiently, the Second PNA Convention held in New York in 1881, decided to start an official publication under the name of Zgoba (Unity). With the words of appreciation to the Polish Gazette for publicity aid in the first year of its existence, the PNA launched its own publication in New York. The following year, 1882, editorial and technical facilities of Zgoba were moved to Chicago.

In its weekly then, and now, semi-monthly issues, Zgoda carried and still carries to PNA members messages of vital importance to the organization and to entire Polonia.

In the past, Zgoba played an important part in the acculturation of the Polish immigrant in America. Currently, it practices an acculturation "in reverse" by presenting to the young Americans of Polish ancestry the cultural and spiritual values of their heritage.

Parallel with Zgoba's mission, the PNA component parts, —Lodges, and later, Councils and Districts, conducted citizenship classes for Polish immigrants, urging them to become citizens of the United States at the earliest possible opportunity and to involve themselves in civic and political affairs of their respective communities.

Toward this end numerous pamphlets and books were distributed by the PNA.

To widen this vital area of activity, the PNA founded in 1908 Dziennik Zwiazkowy,— or the Polish Daily Zgoba which rendered to the immigration invaluable and lasting service in the field of information and education in the American Way of life as well as in the presentation of the great past of Poland and of historic achievements of Polish scientists, artists, statesmen and military leaders.

Today, old Citizenship Classes gave way to Saturday Polish Language Schools conducted for our youth by many PNA Lodges and Councils.

The PNA pioneers were always deeply concerned with the education of their children.

When, in 1886, the Polish Seminary was founded in Orchard Lake, Michigan (now known as Orchard Lake Schools) by Rev. Dabrowski, the PNA members voluntarily assessed themselves 5 cents a month to financially assist this first Polish institution of higher learning in the United States.

This support was generously given until our own Alliance College was founded in 1912.

The PNA's deep and abiding concern with education had been further evidenced at the Thirteenth Convention held in Grand Rapids, Mich., in 1899, when the scholarship fund administered by the Educational Department was established.

The crowning achievement of this quest for knowledge and securing education for younger generations, was the founding of Alliance College in Cambridge Springs, Pa., in 1912. The school progressed from an Academy to a Junior College and then to a fully accredited, four year liberal arts, co-educational college.

After a long, and at times, furious debate, a health resort known as Vanadium, located on 190 acres of wooded and rolling land was purchased for $175,000.00.

Alliance College was first envisioned by the 19th National Convention held in St. Louis, Mo., in 1911, when an Extraordinary Committee had been created to seek the proper location for the proposed school.

The Supervisory Council approved the selection of Vanadium at the meeting called for that purpose to Cambridge Springs, Pa., on December 5, 1911.

The legal structure of the college, in conformity with the state laws of Pennsylvania, had been accepted at the Board of Directors meeting in Chicago on May 23 and 24, 1912. The articles of incorporation were finalized at the Supervisory Council meeting in Cambridge Springs, Pa., on June 12, 1912. Romuald Piatkowski was appointed the first rector, and M. Stenczynski general manager of the school.

Dedication of the College took place on October 26, 1912 with President William Howard Taft attending.

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Among the landmarks of the PNA fraternal progress are:—

1886—Improved PNA policies. In this area all succeeding Conventions made steadily progressive improvements and today PNA offers a wide choice of attractive and truly competitive certificates.

1895—formation of the PNA Educational Department.

1896—dedication of the new PNA Home Office in Chicago on July 12. The building had been authorized by the Cleveland Convention of 1894.

1900—granting full rights and privileges to wives and daughters of PNA members. Thus the PNA became the first major American organization to grant equal rights to women, a decision which brought untold benefits to the organization and Polonia.

1905—formation of the Supervisory Council in its present state and creation of the PNA geographical districts.

1906—formation of the PNA Women's Division from which stemmed the principle that the First Vice President of the organization shall be a woman.

1909—purchase of the Polish Immigrants' Home in New York to provide aid, counsel and protection to new arrivals from Poland.

1911—formation of PNA Councils in cities and localities with more than one PNA Lodge.

1928—formation of the PNA Welfare Association under the auspices of the Women's Division.

1929—the PNA was instrumental in passing U.S. Congress the resolution designating October 11 as Pulaski Day. On the 150th anniversary of the death of General Casimir Pulaski, PNA successfully appealed for the issuance of the Pulaski postal stamp. PNA Director K. Werwinski of South Bend spent several months in Washington as PNA representative advocating these commemorations in honor of Pulaski.

1931—formation of the Committee on Scouting and Youth by the 26th Convention; the Committee in 1939 was transformed by the 28th Convention in Detroit, to the present-day Youth and Sports Commission.

1937—dedication of the new PNA Home Office at 1520 W. Division Street.

1939—donation of $210,000 through the Red Cross for the aid of war victims in Poland. Active support of the American Relief for Poland, Inc.

1941–45—active participation in America's war efforts for which the PNA received laudatory commendations from U.S. Government.

1944—active and leading participation in the formation of the Polish American Congress.

B. Civic and patriotic activities

In the second area of activity, equally, or even more important than fraternal pursuits, the PNA established itself as the leading force of Polonia as early as 1887.

Under the administration of Censor Francis Gryglaszewski and President M. Osuch, it founded the Polish National Fund (Skarb Narodowy) in order to collect money, through voluntary contributions, for political and cultural activities on behalf of Poland. In 1895 the fund was transferred to the Polish Archives and Library in Rapperseville, Switzerland. Inasmuch as this institution was not only the repository of Polish documents and literary and scientific achievements of great Poles, but also conducted information service dedicated to the Polish cause, it enjoyed continued financial support from the PNA for many decades.

Then the year of 1894 offered the PNA singular opportunity for further development of its qualities of leadership and abiding concern with Polonia's aspirations and objectives.

It was the "Kosciuszko Year" commemorating the 100th anniversary of the great Battle of Raclawice in which Polish forces under Thaddeus Kosciuszko defeated the invading Russian army.

The PNA led by Censor T. M. Helinski and President F. S. Satalecki, organized national observances and reminded the American public that Kosciuszko is a hero of both the United States and Poland.

During the 12th Convention in Philadelphia, in 1897, one of the founders of the PNA, Juliusz Andrzejkowicz unveiled portraits of Kosciuszko and Pulaski in the historic Independence Hall.

These events led to the inspiring movement to erect Kosciuszko monuments in

Washington and other American cities. Toward this end, the PNA formed a national committee in Chicago and had its representative in Washington.

The funds for the Pulaski monument were appropriated by the United States Congress in conformity with the resolution passed shortly after Pulaski's heroic death at Savannah, Ga. (October 11, 1779).

The Kosciuszko monuments, planned for Washington, Chicago, Cleveland and Milwaukee had to be financed through Polonia's contributions.

It was largely through the PNA efforts and enthusiasm, that these monuments became a reality in Chicago (1904), Cleveland and Milwaukee (1905) and in Washington in 1910.

Meanwhile, in 1907, the Presidium and delegates of the 17th Convention held in Baltimore, went to Washington to place wreaths at the statues of Kosciuszko and Pulaski in the Capitol and were warmly received by President Theodore Roosevelt in the White House. Member of the delegation, F. H. Jablonski addressed the House of Representatives.

These events were of special significance to the Polish cause, as the memory of German persecutions in Poland was still very much alive and poignant.

In 1901, the Germans began a savage "depolonization" of the Poles in the Poznan province, resorting even to violent beatings of school children in Wrzesnia who refused to say the Lord's Prayer in German. Systematic expropriations of Polish peasants was the fixed German policy.

The PNA sent $2,000 to the Wrzesnia victims and distributed a strongly worded resolution of protest in the United States.

With the approaching 1910 general census, the PNA through its Lodges, official publications—Zgoda and Dziennik Zwiazkowy as well as by the means of numerous pamphlets and lectures urged all Polish immigrants to state that Poland is the country of their origin—and not the partitioning powers of Prussia, Austria and Russia.

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One of the great moments in the early PNA history arrived in 1910.

It was the year of the World Congress of Poles, convened, after many years of preparations by Censor Antoni Schreiber on May 5 in Washington.

The Congress coincided with the dedication of the Pulaski and Kosciuszko monuments, at which President Howard Taft delivered the principal address.

Proceedings of the Congress require a separate and scholarly study, as they deal with the case of partitioned Poland within the context of international realities of that time. They have no direct bearing on this narrative.

In the years preceding World War One and to a large extent, during the war years, Polish American organizations splintered into three groups as far as the cause of free Poland was concerned.

Organized Polish Catholic units were ultra-conservative and tended toward a policy of accommodation with powers directly involved in the Polish cause. The PNA, by virtue of several Convention resolutions, adhered more or less steadfastly to the program of the Polish National Democrats under Roman Dmowski. Left, and more radical elements supported the program of Józef Pilsudski whose activities were directed to the defeat of Russia.

Eventually left-wing elements organized the Committee of National Defense (Komitet Obrony Narodowej) and the moderates formed the Polish National Department (Wydzial Narodowy) under the patronage of Ignace Jan Paderewski and Roman Dmowski.

Here again, we encounter so many subtle and less subtle nuances and political overtones, that nothing short of an exhaustive and scholarly study would give meaning and significance to those turbulent times.

Suffice it to say, that the PNA throughout the war kept sending funds for the aid of the people in devastated Poland;

that it offered to the United States Government the facilities of Alliance College and that 220 American soldiers took courses in its Technical institute;

that Alliance College became a Candidate Officer School for the Polish Volunteer Army from the United States;

that the PNA played a major part in the formation of the Polish Volunteer Army, which distinguished itself, under the command of Gen. Józef Haller in the World War One battles of Champaigne, Chateau Thierry, Podolia and Warsaw.

In the political area, the PNA first as a part of the Polish National Department, and later, alone contributed much to the cause of a free and independent Poland. Through its publications, civic and fraternal activities, the PNA kept alive Poland's rights to the restoration of a free and independent state, which was finally spelled out in President Woodrow Wilson's Thirteenth Point of his famed War Aims.

The PNA womenfolk organized a vast network of charitable units which were sending foodstuffs, medical supplies and money to Poland during the war and in the years following it.

After Poland regained freedom, her ties with American Polonia remained strong and close.

Politics, however, exerted its influence and in spite of many PNA excursions to Poland, in spite of bringing instructors from Poland for PNA "Harcerstwo," a program of steady and meaningful cultural exchanges was never worked out.

* * * * *

The outbreak of World War Two found the PNA in circumstances vastly different from those that prevailed during World War One.

For one thing—there was no longer a "Polish Immigration" or "Wychodztwo Polskie." The concept of American Polonia—of ten million Americans of Polish ancestry had been firmly established.

Nevertheless, the kinship with the land of our ancestry was deeply felt. The fate of Poland has been linked with the Western Alliance of free nations. Americans of Polish origin were deeply interested in the future of Poland. They were equally touched by the suffering of the Polish Nation during the horrible war years.

The PNA contributed much in sending money and supplies to Poland and to Poles in exile. It brought from the Far East and placed and educated in America 300 war orphans.

The PNA was instrumental in organizing the Polish American Congress, a representative organization of American Polonia, which continues the struggle for a free and independent Poland—as the keystone to European peace and stability, and consequently, to American security.

Increasing attention, however, is being paid to the problems, aspirations and objectives of Americans of Polish origin.

PNA youth, sports and educational programs attest to that.

Alliance College, founded and continually supported by the PNA is an eloquent and lasting monument to the organization's abiding concern with the future of our young people of Polish ancestry.

C. From a little acorn

At the time when Censor Julius Andrzejkowicz issued the first Convention Message (August 10, 1880), the Polish National Alliance had 189 members and a fund of only a few dollars contributed by its founders.

The first convention was held in Chicago on September 15 through 18, 1880, at the historic St. Wenceslaus parish at DeKoven and Desplaines Streets, now a slum area giving way to urban renewal.

At the second Convention held in September, 1881 in New York, the PNA had approximately 300 members and a fund of $255.79. Nevertheless, the delegates voluntarily contributed $649.00 toward the establishment of an official publication, firmly believing that only through such communications medium the organization can appeal to the increasing numbers of Polish immigrants.

By the time of the Sixth Convention in Bay City, Mich., in 1886, under the leadership of Censor Francis Gryglaszewski, the PNA had 44 Lodges and 1,893 members who were represented by 60 delegates.

The 9th Convention in Detroit (1891) had 92 delegates representing 85 Lodges. The PNA had already paid out $49,000 in death benefits. The Convention accepted "with gratitude" a gift of Dr. Henry Kalusowski. It was an extensive library on Polish history and culture. The Convention allocated $500 annually for the upkeep of the library which initially was located in Washington, D.C. Later it had been moved to Alliance College in Cambridge Springs, Pa. Unfortunately, the priceless collection was almost totally destroyed in the fire of January, 1931, which consumed the major part of Alliance College facilities.

By the time the 20th Convention rolled around (Detroit, September 15, 1913), President Kazimierz Zychlinski was able to report that the PNA membership had passed the 100,000 mark.

The greatest growth in membership took place in the inter-war period (between World Wars One and Two), when, in 1931, the youth movement had been initiated in "Harcerstwo,"—a Polish version of Scouting. Due to certain reservations presented by the spokesmen of the Boy Scouts of America," "Harcerstwo" was later changed into Youth Groups which conducted fraternal, social and sports activities in Councils and Lodges across the land. For some unfathomable reason, Harcerstwo's program has been slowly abandoned since the second Detroit Convention (1939).

It has been replaced by the Youth and Sports Department which effectively supports fraternal, sports and social activities of our young people in Lodges, Councils and Districts.

Today—the Polish National Alliance is a great fraternal and civic organization of Americans of Polish ancestry. Great by any American standards, modern, progressive and advancing to an even greater future in the service of the country and American Polonia.

* * * * *

Attorney Aloysius A. Mazewski of Chicago is the fifteenth PNA President, and the second born in America.

His predecessors were: Karol Rozmarek (1939–1967); Jan Romaszkiewicz (1928–1939); Feliks P. Garbarek (1927–1928); Kazimierz Zychlinski (1912–1927); Marian B. Steczynski (1903–1912); Stanislaw Rokosz (1901–1903); Franciszek H. Jablonski (1897–1901); Edmund Z. Brodowski (1895–1897); S. F. Satalecki (1891–1895); Michal Osuch (1887–1888); W. V. Przybyszewski (1886–1887); Stanislaw Kociemski (1882-1886—1888–1891); Maksymialian Kucera (1880–1882).

* * * * *

Attorney Walter L. Dworakowski of Akron, Ohio, is the fourteenth PNA Censor, first elected in 1965 by the Supervisory Council after the death of Edward P. Kozmor, and re-elected by the 35th Convention in Detroit.

His predecessors were: Edward P. Kozmor (1959–1965); Boleslaw F. Gunther (1947–

1959); Franciszek X. Swietlik (1931–1947); Kazimierz W. Sypniewski (1924–1931); Michal F. Bienski (1915–1924); Adolf Rakoczy (1915); Antoni Karabasz (1913–1915); Antoni Schreiber (1905–1913); Dr. Leon Sadowski (1899–1905); Teodor M. Helinski (1893–1899); W. V. Przybyszewski (1891–1893); Franciszek Gryglaszewski (1883–1891); Juliusz Andrzejkowicz (1880–1883).

4. THE PAST IS A PROLOGUE

In general outline, the PNA history could be divided into three phases:—(1) from the date of inception in 1880, to the convocation of the World Congress of Poles the dedication of the Pulaski and Kosciuszko monuments in Washington in 1910, and the dedication of Alliance College in 1912; (2) from 1912 to the aftermath of World War One and (3) from the outbreak of World War Two to the present time.

Each phase has its own characteristics and historical significance.

In Phase One the PNA addressed itself primarily to the welfare of immigrants arriving from Poland, and to the economic, political, diplomatic and cultural aid to Poland and its people in the approaching storm of World War One.

Phase Two intensified the PNA activities on behalf of a free and independent Poland. The PNA stood in the forefront of these activities, inspired by the great Polish artist and statesman, Ignace Jan Pederewski.

In parallel developments, however, the PNA began to place increasingly growing emphasis on the integration of Polish immigrants and their children into the American way of life.

Widespread educational and civic activities directed primarily at helping the Polish immigrants—your grandparents and great-grandparents, to get accultured, and to help the land of our ancestry regain its rightful place among free nations of the world,—were gradually channeled into the mainstream of American life. It began to be realized that by providing better and higher education for children, by deepening awareness of political and economic potentialities laying dormant in many Polish American communities, the destiny of Polonia can be fulfilled.

In this slowly evolving concept during the inter-war years (between World War One and Two), even our collective name became subject to change.

As the second generation of Americans of Polish origin became of age, it was evident that the designation of the rapidly growing number of Americans of Polish descent as "Polish Immigration" or "Wychodztwo Polskie" no longer sufficed. It was not only inadequate, but wrong in the context of new realities.

Thus the name of American Polonia—Polonia Amerykanska came into being and today is in general use whenever we speak of or refer to approximately ten million Americans of Polish ancestry.

* * * * *

Meanwhile, American sociologists, educators and even religious leaders began to discard the totally erroneous theory of the melting pot which persisted for many decades of America's growth and inner development. The melting pot concept projected the United States as a single society in which rich and diverse ethnic heritage was to be overwhelmed and digested by "new," mostly Anglo-Saxon culture.

The mysterious forces of history and socio-cultural evolution, however, have brought this concept to naught.

The motto adopted by the founders of the Republic:—E pluribus unum—unity out of many, has been prophetic, indeed.

For the American nation became aware, especially after World War Two, that in reality, it is a pluralist society, in which each ethnic group has much to contribute from its heritage to the cultural and spiritual fabric of the United States.

* * * * *

There were many more or less valid reasons for the second generation of Americans of Polish origin, to suffer from inferiority complexes of various kinds.

This does not apply, however, to the third, fourth and fifth generations of Americans of Polish ancestry. In increasing numbers, they want to know, appreciate, and be proud of their ethnic background that springs from the millennial history of the land of our origin.

The Polish National Alliance today is fully cognizant of this fact. New fraternal, social and educational programs are being implemented on the premise that our young people can contribute much, and consequently, receive due recognition in the mainstream of American life, by bringing into it historic values and attainments of their heritage.

Meanwhile Censor Dr. Walter L. Dworakowski is devoting much time and energy to the expansion of Alliance College, setting as its goal excellence in academic curriculum and in Polish-Slavic studies.

PNA President Aloysius A. Mazewski gave eloquent testimony to the new trends on Polonia, when, shortly after his election, he delivered an inspiring address to the Buffalo Business and Professional Men of Polish origin on November 29, 1967.

Mr. Mazewski stated that "Polonia is entering an era of renascence," as a part of America's pluralist society, steeped in the great achievements of Polish culture, and heir to the noble legacy of tolerance and democracy that were the hallmarks in the history of our ancestral home. Polonia of today projects itself into a future bright with promise.

You are part of that future as heirs of the 90 years of the PNA history, which is truly the history of progress and excellence on the path of service.

TRIBUTE TO HON. SAMUEL N. FRIEDEL OF MARYLAND

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. EVINS of Tennessee. Mr. Speaker, as the 91st session of the Congress nears adjournment, I want to take this means of paying a brief but sincere tribute to our colleague, the gentleman from Maryland, SAM FRIEDEL, who is retiring after this session following 18 years of devoted and dedicated service in the Congress.

SAM FRIEDEL is perhaps best known as the efficient, competent, and able chairman of the House Administration Committee. This is a vital and important committee and SAM rendered an outstanding service as chairman.

He also served on the Committee on Interstate and Foreign Commerce and rendered a great public service.

As chairman of the Subcommittee on Transportation and Aeronautics of the Interstate and Foreign Commerce Committee, he was a prime mover in legislation to achieve higher safety standards in motor vehicles; he has been a pioneer in this most important field in the public interest.

SAM FRIEDEL has been a hard-working Congressman, a real work-horse for the people of his district, his State, and the Nation.

His work has been most important to the proper and efficient functioning of the Congress; he has devoted much time to the internal problems of administration and executive work in the House.

SAM FRIEDEL is a great human being. He is warm, personable, friendly—a beloved colleague—and we shall all miss him.

As he concludes an outstanding and distinguished career in public service in the Congress, we wish him well and much happiness in the years ahead.

LAKE SURVEY CHARTS "BEST SELLERS," BOTH OLD AND NEW

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. McEWEN. Mr. Speaker, the great service provided to pleasure craft owners and commercial vessels by the U.S. Lake Survey, an agency of the U.S. Department of Commerce, was described in detail in a feature story in the November 27, 1970, editions of the Watertown, N.Y., Daily Times.

The Lake Survey publishes carefully detailed marine navigation charts of the Great Lakes and the St. Lawrence River which are widely sold and relied upon by boatmen in my congressional district bordered by both Lake Ontario and the American section of the St. Lawrence River.

The Lake Survey was instituted in 1841, and since that time has provided accurate readings of lake and river conditions useful to not only recreationists who are lured to the area for sport and vacations, but also to the hundreds of pilots who sail the waters of the St. Lawrence Seaway. The archives of the Lake Survey are beginning to lure collectors to such an extent that reproductions of old charts and field drawings are being sought by the public.

The Watertown Times feature story gives an accurate description of the work of the Lake Survey and its history. It was written by G. Robert Farmer, a veteran northern New York newspaperman who writes frequently on matters relating to Lake Ontario and the St. Lawrence River. I know that Mr. Farmer is a dedicated and responsible journalist, and any journalistic endeavor he undertakes will be carefully researched and interestingly written. It is for these reasons that I bring his article to your attention.

The article follows:

LAKE SURVEY CHARTS "BEST SELLERS," BOTH OLD AND NEW

(By G. Robert Farmer)

Though the summer boating season is a winter away, an agency of the federal government is busily readying its 1971 "best sellers"—those carefully-detailed marine navigation charts—for the growing number of pleasure craft owners who ply Lake Ontario and the St. Lawrence River.

The big charts are invaluable to boat and ship operators and 160,000 were distributed this year alone.

The U.S. Lake Survey Center, Detroit, Mich., is responsible for the production of these charts and the constant updating of them. The agency of the U.S. Department of Commerce is now under the National Oceanic and Atmospheric Administration due to a presidential order effective this Fall.

In addition to the charts of various sections of the river and Great Lakes, the Lake Survey also publishes the Great Lakes Pilot, 5,000 of which are distributed annually. By last July the entire 1970 supply of the Pilot was exhausted.

ARCHIVES

The Lake Survey was instituted in 1841 and today, even the archives of the survey are beginning to lure collectors to such an extent reproductions of old charts and field drawings are being sought by the public. These are giving the survey unit a surprising side business—selling copies of the drawings.

John Hanna, a spokesman for the lake Survey, said that "the earliest field drawings we have of the St. Lawrence River area were made in 1871. There are six and some of the areas shown are Cornwall, Cornwall Island, Massena Point, Shiecks Islands, Aulterville, Dry Island, Waddington, Presque Isle and Isle Au Galop."

"The earliest eastern Lake Ontario field sheets date back to 1874. One of these shows, Mr. Hanna said, "Amherst Island, Grenadier Island, Tibbetts Point and part of the New York shoreline from Baird Point to Chaumont Bay."

Mr. Hanna said the earliest available chart of the area is dated 1902. If covers from Stoney Point to Howe Island.

The survey had "several thousand field drawings in the archives covering the entire Great Lakes system," Mr. Hanna said.

Not only has equipment used in making the surveys changed drastically over the years, but the old-time survey man had his difficulties.

FATAL ACCIDENT

An 1871 letter from a J. A. Smith, captain of engineers on the survey steamer Surveyor, to a major in the corps of engineers is a good example.

"I went westward and anchored the steamer . . . I went with the crew nearly a mile from shore and in order to make the triangle as small as possible commenced cutting out the lines before constructing the station . . .

"While two men were cutting a tree against which another had lodged the jarring caused the lodged tree to fall with such suddenness that there was no time for escape and Joseph Bertram was struck in such a manner as to break many of the bones of the skull . . . He was unconscious from the moment and died . . . the same day.

"Since this unfortunate occurrence the men have seemed paralyzed and they are so extremely superstitious that it was with difficulty they could be induced to move the box containing the dead body."

Such were the troubles of the early survey teams.

Today, there are 21 persons working in updating the Lake Survey charts. Of these eight are revisory crew members and there is a boat operator. Nine are involved in the compilation section and there are two supervisory personnel.

The revisory crew surveys a part of the Great Lakes each summer and, if necessary, the inshore party becomes involved by making inshore soundings, up to 30 feet. When inshore work is required an additional 12 persons are involved, the survey office said.

The U.S. Lake Survey began March 3, 1841, and headquarters was established in Buffalo. In 1845 the office was moved to Detroit where it has remained since.

SHIPWRECKS

The large number of shipwrecks in the early 1800s had prompted the move. There were 147 recorded officially during a five-year period. Ship captains could only purchase a guide called a "meandering" at that time which showed the general shape of the shoreline but did not include soundings, shoals, reefs and natural channels.

The first Lake Survey charts were published in 1852 and covered Lake Erie. The work grew until recently the survey produced 139 standard-size navigation charts.

Last summer survey teams included the St. Lawrence River and Lake Ontario from Massena to Oswego in the work schedule, mostly in August and September.

For inshore hydrographic surveys a special catamaran is used. When the distance from the vessel to each of two shore stations is determined by electronic positioning, the location of the ship is fixed, and the depth at that instant as taken from a depth recorder is plotted. The depth finder can record 600 soundings per minute.

Other sophisticated gear also is used as well as a survey launch at times. The resulting charts are scribed on coated plastic sheets by skilled craftsmen. Aluminum press plates are processed from the scribed sheets by conventional lithograph methods with a separate plate for each color on the finished chart. Offset presses then are used printing sheets up to 42 by 58 inches.

CORRECTIONS

Later, aids to navigation on printed charts are brought up to date by expert hand corrections so the mariner will have the latest information.

The charts contain a wealth of data including position of wrecks, buoys, cribs, storm signal stations, coast guard stations, dredging limits and lighthouses.

Recently, realizing that the archives of the organization might provide a treasure for history buffs, the Lake Survey had made available copies of early field drawings and charts. The earliest of these is a plan of Detroit made in 1796 by an officer in the army of Napoleon. Another favorite is an 1843 map of the upper Mississippi River while a third details the marches of Maj. Gen. George T. Sherman in the Civil War.

Two hundred of these were quickly sold to history fans and the public is invited to request any other maps or drawings which may be among the thousands in the Lake Survey's file and may rival today's best-selling navigation charts in popularity.

NIXON DEMANDS FULL REPORT ON COAST GUARD'S RETURN OF LITHUANIAN DEFECTOR

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. BELCHER. Mr. Speaker, on the surface it is hard to understand how any American official could turn a political refugee back to any totalitarian regime.

For that reason alone I wish to commend President Nixon for his quick action in demanding a full report of the incident involving the return by the Coast Guard to Russian hands of the Lithuanian defector last Friday.

Unless there is much more to the story than we read in the papers this action by American officials is unforgiveable.

For generations we have been taking refugees of other lands, refugees fleeing from racial, religious, and political persecution.

I am pleased to see that this is the President's attitude also, and I am sure that so long as he is President this kind of thing will not be repeated.

WEIGHT WATCHERS INTERNATIONAL INC. INTRODUCES THE MAINTENANCE PLAN

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. BRASCO. Mr. Speaker, Weight Watchers International, Inc., the world's largest weight control organization, is the acknowledged leader in its field. The fact that more than 2 million men, women, and children have embarked on the Weight Watchers program in this country and around the world dramatically attests to the success the organization has achieving in helping people to lose weight safely and to keep it off.

It is important to note that Weight Watchers has been acclaimed by people in all walks of life. Leaders in the medical profession, notably Dr. Paul Dudley White, the renowned heart specialist, and numerous public officials have paid tribute to the organization.

The public service efforts of Weight Watchers have always been characterized by an innovative spirit and a dedication to helping people to enjoy happier, more rewarding lives.

Recently, Weight Watchers introduced a new weight control plan that reflects these ideals—a plan that is certain to have appeal for substantial numbers of Americans, who though not overweight, nonetheless struggle constantly to stay at a proper weight level.

This service, known as the "maintenance plan," represents a major expansion of Weight Watchers activity, in that it is open to anyone at "goal weight"—the weight prescribed by Weight Watchers. Moreover, the plan is designed to further assist members of Weight Watchers to maintain their proper weight.

The unique feature of the plan, and unquestionably the basis of its appeal to the general public, is that the menu is more flexible than the one prescribed in the basic Weight Watchers program.

However, because people at "goal weight" have learned proper eating habits, they are taught, in the "maintenance plan," how to intelligently handle foods that might normally be considered "fattening." They learn how to eat these foods in sensible portions and as a result can keep their weight down.

As is the case in the basic weight watchers program, the "maintenance plan" involves attendance at weekly classes. A warm and friendly atmosphere pervades these meetings, so that a sense of camaraderie and mutual respect is instilled in those who participate.

In a Nation where nearly 80 million citizens have a weight problem—a problem that in some instances actually jeop-

ardizes health, concepts such as the "maintenance plan" take on added significance.

Weight Watchers International, Inc., its board chairman Albert Lippert, and its founder and president, Jean Nidetch, are to be congratulated for once again demonstrating their leadership and their creativity in bringing to the American public a weight control plan that will certainly be welcomed by large numbers of our citizens.

JERRY LEWIS A COMPLEX PERSON

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. WOLFF. Mr. Speaker, Jerry Lewis, long a household name in America as a comedian, is actually a far more complicated person than his acting roles would lead one to believe.

To millions of Americans, as well as Europeans, Jerry Lewis is most identified with movie characters who at best find it difficult to make their way through life without causing an endless and hilarious series of mishaps, wreaking havoc and chaos on all they come in contact with.

As the myth becomes the image, it becomes most startling when the image is cast aside and the reality of a complex person is examined with a searching light.

The movie Jerry Lewis is the result of years of playing a type of character which his audience loves. As a result, his movie career is one of the most successful in the history of motion pictures.

The real Jerry Lewis should be of great interest to businessmen, inasmuch as he is a man who has made a great success of all areas into which he has taken his enormous talents.

Jerry Lewis is currently involved in the Network Cinema Corp., based in New York City. Network Cinema is involved in the franchising and construction of a soon to be nationwide chain of minitheaters. Each theater is called "Jerry Lewis Cinema," and is a part of a worldwide chain of automated minitheaters designed for family trade.

Lewis, who has aimed his own films toward family trade promised that those operating under the "Jerry Lewis Cinema" banner will cater to that audience and stay away from "X" rated movies. He believes that his chain, estimated to reach a goal of 2,000 in a few years, will encourage moviemakers to increase films geared toward family entertainment.

Despite Jerry Lewis' gruelling schedule, he has always found time to come to the aid of those who can benefit from his services. He has long been identified with the fight to beat muscular dystrophy, and to this end, his telethons and personal appearances have raised over $44,000,000 to combat the disease. He has also appeared at other benefits and is widely regarded as a tireless worker in this area.

Indeed, the man's talents are endless, and his contributions to this Nation are many. Therefore, Mr. Speaker, it gives me great pleasure to salute the efforts of this outstanding gentleman.

AID FOR JOBLESS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. DULSKI. Mr. Speaker, the 91st Congress modified the unemployment compensation program to permit extended benefits when unemployment nationally or in an individual State reaches specified levels.

For the mechanism to be triggered in a State requires that the State enact enabling legislation. Five States already have acted, and legislation is being prepared for submission to the New York Legislature in 1971.

The modification would permit benefits for an additional 13 weeks when unemployment levels warrant. Present benefits are limited to 26 weeks.

An aim in amending the Federal program was to provide help for States having special unemployment problems. The help is based on statewide data—not local pockets of unemployment.

The amended Federal program is too new to be judged as to its adequacy. Certainly, it is a long step in the right direction. New York communities, including my own area of Buffalo, have special problems which are pointed up in a November 24 editorial in the Buffalo, N.Y., Evening News, as follows:

EXPANDING AID FOR JOBLESS

The steeply rising unemployment rate in the Niagara Frontier gives special point to calls in Albany for putting appropriate measures to relieve the jobless impact high on next year's legislative agenda. Democratic legislative leaders have pre-filed bills to extend the duration of unemployment insurance benefits for an additional 13 weeks beyond the present 26-week limit.

A benefit extension during periods of increased unemployment was one of the prime features of the administration-backed unemployment compensation measure enacted last summer by Congress. The new federal law provides that an extended duration, up to 13 additional weeks for workers whose benefits have been exhausted is triggered automatically when jobless rates in the country as a whole or in individual states reach specified levels. Although the states were given until Jan. 1, 1972, to enact measures to take advantage of the liberalized federal provisions, any state can elect an earlier participation on a statewide basis and be eligible for the 50 per cent federal financing of extended benefits, provided its jobless rate meets the Federal test.

Gov. Rockefeller is committed to requesting the necessary legislation for putting New York in compliance with the new federal standards. But this in itself, unfortunately, is no guarantee of extended benefits offering relief for regions suffering severe distress. For, despite upstate pockets of heavy joblessness, the rate in New York State as a whole is still substantially below the level it would have to reach for the statewide extension under the complicated "triggering" mechanism.

The effect of these stiff federal provisions, it appears, is to penalize areas in a state as diverse as New York, in contrast to such smaller and relatively compact states as Connecticut and Rhode Island with statewide jobless rates high enough for them to qualify for 50-50 Federal sharing of extended benefits.

But this is of no help to Erie and Niagara Counties, whose over-all unemployment in October is estimated at a severe 5.9 percent, or to other upstate metropolitan areas where jobless rolls similarly are skyrocketing. The net statewide unemployment would have to increase greatly before the regions already in deep trouble could expect extended jobless benefits to alleviate economic hardships and soaring welfare burdens.

Thus, the question for the governor and the Legislature is whether a fiscally prudent way can be found to apply to hard-pressed areas within a state much the same rationale of the House Ways & Means Committee, which recognized that "a single state may be experiencing problem unemployment even though the nation as a whole is not in a period of high unemployment." If that is a sound principle for the nation as a whole, it would seem no less so for regions within a state experiencing disproportionate distress.

LOOKING INTO THE PRICE OF OIL

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. COHELAN. Mr. Speaker, the increases in the price of gasoline and fuel oil are the latest reminder of the accelerating cost of the oil import quotas.

Recently Mr. Bernard D. Nossiter wrote an article for the Washington Post entitled "Looking Into the Price of Oil." In this article Mr. Nossiter discussed the use of these quotas to artificially increase consumer costs so graphically described. I must note that one of the reasons why I voted against the trade bill of 1970 was that these quotas were given legislative mandates. This article on oil import quotas reaffirms my conviction that the President should rescind these quotas for the benefit of the consumer.

At this point, Mr. Speaker, I insert this article in the RECORD, and I commend the reading of this article to my colleagues:

LOOKING INTO THE PRICE OF OIL

(By Bernard D. Nossiter)

There is something irresistibly comic about the Nixon administration's new inquiry into increased oil prices. In effect, the government is solemnly asking itself whether curbs on the supply of a commodity have something to do with raising its price.

To motorists who have just been hit with a penny-a-gallon increase in gasoline the question may not seem so funny. But at lease they can supply the answer that the White House Office of Emergency Preparedness and its Council of Economic Advisers are now professing to seek. Car owners have learned, like home owners who heat with oil, that, yes, the price of a product is determined by the point where effective supply meets effective demand.

The interesting thing about oil is that effective supply is cut off by an elaborate mechanism run by the government. Thus, if the government's inquiry into "the reasons for and consequences of the (oil price) increase" were serious—and knowledgeable authorities within the bureaucracy doubt that it is—that very same government could increase the supply and reduce prices by a few, simple strokes of Mr. Nixon's pen. The failure to do so will, it is estimated, leave consumers with an increase in their energy bills of about $1.5 billion.

Here is how the game is played:

Each month, the Interior Department's Bureau of Mines "forecasts" the demand for oil. The agency estimates how much oil will be consumed at the prevailing level of prices.

To make sure that this price level is maintained, regulatory agencies in the big oil producing states—chiefly Texas, Louisiana and Oklahoma—fix the amount that each well can produce. The regulatory agencies understand the first lesson in economics and thereby make sure that supply is tailored to support the desired price.

Back in the depression days, when this arrangement was threatened by producers whom circumstances drove to free enterprise, the federal government conveniently assured the authority of the state agencies. The Connally Hot Oil Act (named not for a recent Texas governor close to the industry but for a late Texas senator) prohibited the shipment from one state to another of oil produced in excess of the state limits.

This system helped increase the price of oil with considerable success until the 1950s. Then, imports of low-cost oil produced by the big companies in Venezuela and Saudi Arabia threatened to make life easier for consumers. So President Eisenhower, urged on by the Johnson-Rayburn Texas leadership in Congress, imposed quotas on foreign oil. He proclaimed an absolute limit on the oil that could be brought in, thereby once again restraining effective supply.

In recent months some new forces have been at work and they lie behind the companies' bold and successful bid to jack up prices another 25 cents a barrel.

The new Libyan government has cut back production in its fields, chiefly to get higher prices from its American concessionaires. Guerrillas have broken a big pipeline in Syria and it remains unrepaired. Thus, to meet Europe's demand for oil, the companies have had to scramble around for tankers to carry oil from the Middle East around Africa. Most tankers are either owned by or under long term charter to the big concerns. Perhaps only 10 percent of the tonnage is available at any one time for "spot" or immediate charter. In economic parlance, this is a "thin" market and a small increase in tanker demand shoots up prices.

The sharp rise in "spot" tanker rates has had its effect here. Oil imported under the quotas on "spot" rather than long term charters has become terribly expensive. The cost of production, of course, hasn't changed. But the price of transporting the cheap oil has. The government's quotas allow daily imports of about 1.3 million barrels. But the temporary rise in tanker rates has left about 250,000 barrels of the quota unused. It is this "shortage" that lifts the price.

The shortage could be erased in a few weeks if the White House were so minded. There is plenty of oil in Canada and enough spare pipeline capacity, according to the experts, to bring in 200,000 more barrels a day. Thus, the President could raise the current quota on Canadian oil to fill the gap. Indeed, he could go even further and suspend the whole quota program. Some experts think that a strict reading of the law would require Mr. Nixon to do just that. They argue that Congress gave the President authority to fix quotas ostensibly to preserve "national security;" that he has determined that "national security" is precisely preserved by imports of 1.3 million barrels; that imports are less than this and that, therefore, "national security" can be restored only by scrapping the quotas and permitting imports to rise back nearer to the "national security" level.

Apart from Canadian oil, another 200,000 or so barrels a day can be found in the wells producing under federal lease off Louisiana and Texas. The Interior Department, traditionally a close ally of the industry, has decreed that these wells must produce no more than the Texas and Louisiana regulatory authorities allow. But the Justice Department has ruled that this is no more than Interior's whim. If Mr. Nixon calls the Interior Secretary on the telephone, supply from the federal offshore wells could be freed.

If the quotas were junked or suspended and the offshore wells emancipated from the government-imposed limits, it is likely that not only would the 25 cent increase be rolled back but the price of oil would come down even further. The two moves would add about 4 per cent to the oil available east of the Rockies—the area of shortage—and the added supply would meet demand, just as the textbooks say, at a lower price.

Indeed, just these steps have been urged by Sen. William Proxmire (D-Wis.) in a letter to Paul McCracken, chairman of the President's Council of Economic Advisers. Proxmire is head of the Joint Economic Committee whose staff presumably has a working knowledge of the first lesson in elementary economic texts.

There is still one more simple thing Mr. Nixon could do. The law permits him to suspend the Connally Hot Oil Act whenever he thinks it is a "burden" on commerce. To be sure, experts doubt that there are many believers in free enterprise in oil left in Texas or Louisiana. Anyway, their oil must flow through pipelines controlled by the big concerns. Finally, any maverick that did exceed the state production limits would probably run into hostile court orders granted to the oil-conscious governors of Texas and Louisiana.

But suspension of the act would spotlight the fact that the states are holding back nearly one million barrels daily in the name of conservation but in fact to preserve the price.

Officials close to the new administration inquiry doubt that the President will do any of these things. Oil producers have built up with care their network of controls to fix prices and regard the removal of any as a threat to their profits.

The inquiry itself is being run by Elmer Bennett, an assistant to the director of the Office of Emergency Preparedness. He is a former under secretary of Interior from the Eisenhower regime who then worked for tightening the new program cutting down imports. As far as can be determined, his current inquiry is something less than rigorous. He has not sent out questionnaires demanding data on prices, costs, supply and profits. Instead he has simply sent companies announcing increases a mild letter. It invites them to submit "pertinent information on gasoline and crude markets, any other factors which led to your price decisions, and any analysis you care to provide of the relationship to accomplishing the national security objectives . . ."

When the big companies get around to replying, they are expected to say that higher prices are a good thing (like oil depletion allowances, import quotas, treating foreign royalties as taxes) because they encourage the search for new sources of supply.

Oil specialists in government today fall into two classes. The optimists think that the mere fact that the White House has raised a question will persuade the powers in the industry—notably the Standard Oil Co. of New Jersey—to beat a prudent retreat and withdraw some of the increase. The pessimists think that nothing like this will happen, that the inquiry will perversely wind up exploiting the current rise in "spot" tanker rates and proclaim that cutting off imported supplies has no effect on domestic prices.

TRIBUTE TO THE LATE DR. THEOS J. THOMPSON—COMMISSIONER OF THE ATOMIC ENERGY COMMISSION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 1970

Mr. EVINS of Tennessee. Mr. Speaker, I was shocked and saddened by the news of the tragic passing of Dr. Theos J. Thompson, a member of the Atomic Energy Commission, who was in a recent plane crash.

Commissioner Thompson was an outstanding nuclear scientist and made many important contributions in the field of nuclear energy.

He was especially qualified in the field of nuclear reactors and provided leadership in the development of safe, economical and practical reactors. In his appearances before our Subcommittee on Public Works—AEC Appropriations, Dr. Thompson demonstrated his talents and abilities as well as his great knowledge of nuclear energy and related processes.

Commissioner Thompson was known throughout the Nation and the world as an authority on nuclear energy. He received many tributes and honors for his outstanding work in this field, including the AEC Ernest O. Lawrence Memorial Award in 1964 for his leadership in developing safe, useful and economic nuclear reactors and for inspired teaching of nuclear engineers.

While a staff physicist at the Los Alamos Scientific Laboratories, this great scientist was in charge of dismantling "Clementine," the world's first fast reactor, a pioneering effort which demonstrated that even a highly contaminated reactor could be dismantled safely.

Commissioner Thompson also made outstanding contributions to the development of reactors to assist in the practical use of nuclear energy to provide electric power.

Commissioner Thompson was a brilliant, dedicated, devoted scientist and the Nation is deeply indebted to him for his great career of public service and his scientific contributions in the public interest.

Certainly we all deeply regret his untimely passing, and I want to take this means of extending to members of Dr. Thompson's family this expression of our deepest and most heartfelt sympathy.

SENATE—*Thursday, December 3, 1970*

The Senate met at 10 a.m. and was called to order by Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Eternal One, we who are pilgrims of time and eternity pause to dedicate this day's labor to Thee. Let nothing deaden or destroy the awareness of Thy presence which comes to those who live by the Psalmist's message "Be still, and know that I am God." May we so completely yield ourselves to Thee that we may go where Thou wouldst go, say what Thou wouldst say through us, and do what Thou wouldst do for our fellow countrymen. Make us brave enough to make all necessary corrections in personal life and social relations which such a vision inspires and thus grow more and more into the image of the perfect one.

As we pray for ourselves, we pray that Thy power and glory may be manifest throughout the land and by the redemptive power of Thy spirit transform it into a miniature of Thy kingdom.

We pray in the Master's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 3, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. EAGLETON thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on November 25, 1970, the President had approved and signed the following acts:

S. 737. An act for the relief of Konrad Ludwig Staudinger;

S. 882. An act for the relief of Captain William O. Hanle;

S. 902. An act to amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country;

S. 1422. An act for the relief of Donal E. McGonegal;

S. 2455. An act to authorize appropriations for the Civil Rights Commission, and for other purposes;

S. 3620. An act for the relief of Mrs. Anastasia Pertsovitch;

S. 3853. An act for the relief of Mrs. Pang Tai Tai; and

S. 3858. An act for the relief of Bruce M. Smith.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. EAGLETON) laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nominations of Robert N. Stewart, of Indiana, Hugh C. Matlock, of Colorado, Donald E. Pierce, of Idaho, Kenneth C. Kellar, of South Dakota, and Howard L. Hartman, of California, to be members of the Federal Metal and Nonmetallic Mine Safety Board of Review, which nominating messages were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, December 2, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Ohio (Mr. YOUNG) today, there be a period for the transaction of routine morning business with a time limitation of 3 minutes therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1397, 1398, and 1400.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NEZ PERCE TRIBE

The bill (H.R. 19000) to amend the act of April 24, 1961, authorizing the use of judgment funds of the Nez Perce Tribe, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1383), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 19000 is to authorize a judgment of the Indian Claims Commission in docket No. 179 to be divided between the Nez Perce Tribe of Idaho and the Confederated Tribes of the Colville Reservation, Wash., and to authorize the use of the money after it is divided. The committee also considered a companion bill, S. 4239, introduced by Messrs. Church, Jordan of Idaho, Jackson, and Magnuson.

NEED

The net amount of the judgment is $1,119,071, which has been appropriated and is invested in interest bearing securities.

The money may not be divided between the two groups of Indians and used by them until Congress has approved their plans.

The bill provides for a diversion of the money in the manner that was used in 1961 to divide an earlier judgment recovered by the same Indians. Under this formula 86.5854 percent will go to the Nez Perce Tribe of Idaho, and 13.4146 percent will go to the Colville Indians. Both groups have approved this division.

The Nez Perce Tribe plans to use its share of the judgment as follows: 17 percent for land acquisition, 8 percent for the revolving credit fund, 15 percent for scholarships, and 60 percent for per capitas. The bill permits the money to be used in this manner if approved by the Secretary of the Interior.

The Colville Tribes plan to use their share of this judgment together with other judgment funds when they become available, for per capita payments.

COST

Enactment of the bill will require no additional appropriations.

YAKIMA INDIANS

The Senate proceeded to consider the bill (H.R. 380) to repeal section 7 of the act of August 9, 1946 (60 Stat. 968), which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That section 7 of the Act of August 9, 1946 (60 Stat. 968), is amended (1) by inserting "(a)" immediately after "SEC. 7.", and (2) by adding at the end thereof the following new subsection:

"(b) In any case in which an individual who, but for the provisions of subsection (a), would take from a deceased member of the Yakima Tribes by inheritance or by will any interest in or to any such restricted or trust estate referred to in subsection (a), the Secretary of the Interior, upon the request of the Tribal Council of the Yakima Tribes made during the pendency of the decedent's estate before the Examiner of Inheritance or at such other time as the Secretary may prescribe by regulation, shall pay to such individual, out of tribal funds

of the Yakima Tribes on deposit in the United States Treasury, or out of other funds appropriated for such purpose, the fair market value (as determined by the Secretary of the Interior after appraisal) of such interest. In the event such Tribal Council fails or refuses to make such timely request, nothing in subsection (a) shall preclude such interest from passing to such individual by inheritance or will, as the case may be."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An Act to amend section 7 of the Act of August 9, 1946 (60 Stat. 968)."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1384), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 380 is to amend section 7 of a 1946 statute that restricts the right to inherit trust property of deceased members of the Yakima Tribes. The committee also considered a companion measure, S. 995, introduced by Senator Hatfield.

Section 7 of the act of August 9, 1946, limits the inheritance of trust land on the Yakima Reservation to (1) enrolled members of the Yakima Tribes, (2) who have one-fourth degree or more of Yakima blood. An exception is made for a surviving spouse who is an enrolled member but possesses less than one-fourth degree of Yakima blood. Such person may inherit a life estate only in not more than one-half the property.

This section 7, which is applicable only to the Yakima Reservation, is an exception to the general law. Ordinarily the inheritance of trust lands on Indian reservations is governed by the law of the State in which the reservation is located.

Section 7 works unfairly. Many Yakima Indians have intermarried with neighboring tribal Indians. Some of the families live on the Yakima Reservation and some of them live on the neighboring reservations. These are Indian families, but the husband and wife belong to different tribes. Their children frequently can be enrolled in either tribe. A single family may enroll part of its children in one tribe and part of its children in the other tribe. When a parent dies owning an interest in a Yakima Reservation allotment, the children enrolled at Yakima may inherit, but their brothers and sisters who are enrolled in neighboring tribes may not inherit. The same rule applies to other direct and collateral relatives (grandparents, grandchildren, uncles, cousins, etc.) who happen not to be enrolled at Yakima.

In the 794 estates probated between 1946 and June 30, 1966, 287 enrolled Yakima Indians were prohibited from inheriting because they did not have the required quantum of Yakima blood; 494 unenrolled heirs, including husbands, wives, and children, were excluded because they were not enrolled members of the tribe.

Although other Indians may not inherit Yakima property, Yakima Indians may inherit property on other reservations. This has caused great dissatisfaction, and other tribes have sought retaliatory legislation.

Amendatory legislation has been before the committee since the 84th Congress, and several printed hearings have been held. A bill was last passed by the Senate in 1968.

COMMITTEE AMENDMENT

As passed by the House, H.R. 380 would repeal section 7 of the 1946 act. Officially, the tribe opposes changing the law, but many individual members strongly support repeal. The committee has adopted a substitute which would amend the 1946 act in such a way that in the future, in any case where an individual inherits an interest in a trust estate, the Secretary of the Interior, upon the timely request of the tribal council, would pay to such individual out of tribal funds, or other appropriated land acquisition funds, the fair market value of such interest. If the tribe fails or refuses to make the timely request, the interest in the estate will pass to the individual by inheritance or will, as the case may be.

The committee believes its recommended substitute is a reasonable compromise which will let the tribe maintain its land base. At the same time the heirs will be compensated if the tribe elects to purchase the inheritance.

The enactment of this bill will not affect other provisions of the 1946 act which relate to the rules for enrollment as members of the tribe.

COST

Enactment of the bill will not require any additional Federal expenditures.

PAN AMERICAN RAILWAYS CONGRESS ASSOCIATION

The joint resolution (H.J. Res. 1077) to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1386), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The single purpose of House Joint Resolution 1077 is to authorize an increase in U.S. contributions to the Pan American Railway Congress Association from the current $5,000 a year to $15,000 a year.

BACKGROUND

The Pan American Railway Congress Association (PARCA) began in 1970 as the South American Railway Congress. In 1941 it decided to invite Central and North American countries to join and changed its name accordingly. The United States, by Public Law 80–794, accepted the invitation in 1948 at which time the $5,000 ceiling on U.S. contributions was enacted.

COMMITTEE ACTION AND RECOMMENDATION

The request for the increase was submitted by the State Department on December 19, 1969, and introduced as Senate Joint Resolution 171 by Senator Fulbright (by request) on January 26, 1970. A public hearing was held on May 18 at which Ambassador Joseph John Jova, U.S. Representative to the Organization of American States testified. The hearing is appended to the report for the information of the Senate.

A companion resolution, House Joint Resolution 1077, passed the House on November 16, 1970, and was referred to the Committee on Foreign Relations which, at its meeting on November 23, 1970, ordered it reported favorably to the Senate.

While this item is a matter of minor concern, there was testimony that U.S. participation was considered to be of sufficient benefit to warrant a raise in the ceiling set 22 years ago. The committee recommends enactment of the House Joint Resolution 1077.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, under the previous order, the distinguished Senator from Ohio (Mr. YOUNG) is recognized for not to exceed 15 minutes.

Mr. SCOTT. Mr. President, will the distinguished Senator from Ohio yield, without losing any of his time or his right to the floor?

Mr. YOUNG of Ohio. I am happy to yield to the distinguished minority leader.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I should like to ask the distinguished majority leader the prospects for some action today on amendments and, perhaps, on final passage of the transportation appropriation bill; and as to the contemplated pursuit of other legislation thereafter, both this week and next, if he could advise us.

Mr. MANSFIELD. Mr. President, to the best of my ability, I am delighted to answer the very pertinent inquiries of the distinguished minority leader as we approach the weekend.

It is hoped that we will be able to dispose of the Department of Transportation appropriation bill today.

I understand that there is a possibility that about 4 p.m.—this is not definite—an agreement will be reached to vote on the SST provision.

If action is completed on the Department of Transportation appropriation bill in time, hopefully it will be possible to take up Calendar No. 1402, H.R. 19830, the Independent Offices and HUD appropriations bill. If not, that will be taken up on Monday next, to be followed by the Defense appropriation bill, which will be reported today.

Time permitting, the Senate should be on notice that we will take up Calendar No. 1259, an act to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for annual audit of the exchange stabilization fund by the General Accounting Office, and for other purposes, on tomorrow.

Also, on tomorrow, it is quite possible that we will take up Calendar No. 1403, H.R. 15728, an act to authorize the extension of certain naval vessel loans now in existence, and for other purposes.

Mr. SCOTT. I thank the distinguished majority leader.

I should like to inquire of him now as to whether he thinks we will be able to return to our firesides before Christmas.

Mr. MANSFIELD. Oh yes. I hope that

we can get out of here around the 20th of December at the latest.

Mr. SCOTT. I recognize the importance of the fact that we meet weekly, but I also recognize that each week that passes there is greater likelihood that we will be spelling "weekly" a different way.

Once more I thank the distinguished majority leader and the distinguished Senator from Ohio (Mr. YOUNG).

Mr. MANSFIELD. May I say that I am delighted with the progress being made by the Senate in this post-election session, which the joint leadership regretted. I think that we have been doing very well in keeping up with all of our activities and maintaining a reasonably good momentum.

Mr. SCOTT. I do not believe it would be immodest to say that, in a sense, we have been able to serve, certainly to some degree, as mitigators of disaster.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

CALIFORNIA DEBRIS COMMISSION

The assistant legislative clerk read the nomination of Col. James C. Donovan, Corps of Engineers, to be a member of the California Debris Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

Mr. MANSFIELD. Mr. President, I express my deepest thanks for the courtesy and the graciousness, as always, which have been extended to me and the minority leader by the distinguished Senator from Ohio (Mr. YOUNG).

Mr. SCOTT. My thanks, also.

KENT STATE TRAVESTY

Mr. YOUNG of Ohio. Mr. President, in the magazine, the Progressive, of December 1970, the editor, Morris H. Rubin, and editorial staff published a most timely article under the caption "Kent State Travesty." This is so timely I ask unanimous consent that this editorial be inserted in the RECORD at this point as as part of my remarks.

Mr. President, the attorney general of Ohio, Paul Brown, who will be out of office next month, directed the Republican prosecuting attorney of Portage County, Ronald Kane, to convene a special Portage County grand jury, allegedly to thoroughly and fairly investigate the tragedy on the campus of Kent State University on the early afternoon of May 4, 1970.

Attorney General Brown is a personal and political friend of Ohio Governor James A. Rhodes. I assert that this special Portage County grand jury was conceived in fraud and fakery. Whether Governor Rhodes suggested this procedure to his personal and political friend, Paul Brown, the attorney general, or the attorney general first suggested this to Governor Rhodes is immaterial. The purpose of this special county grand jury of 15 men and women "meticulously" screened and selected by the Republican county prosecutor, Ronald Kane, and two special counsel selected by Governor Rhodes and his Republican attorney general, was to clear Governor Rhodes of the blame for his abominable blunder in calling the National Guard to Kent. It was planned as a whitewash job.

Seabury Ford, Portage County Republican Executive Committee Chairman, spoke out loud and clear. He stated:

> The loudmouth must have heard from the White House that college kids are bums. He said that the national guardsmen shot in self-defense.

Portage County is a rural county not far distant from my home. Its two most populous cities are Kent with a population of 28,000 and Ravenna with a population of 12,000.

The function and purpose of Robert Balyeat and Seabury Ford, friends of Rhodes who were designated by his attorney general as special counsel, was to try to clear Rhodes of the blame and condemnation for his abominable blunder in suddenly calling to active duty in Kent tired and battered Ohio National Guardsmen who had been on constant duty trying to maintain order in the Teamsters wildcat strike in the Cleveland-Akron area. This wildcat Teamsters strike was a violent and explosive strike in the Cleveland area between two warring factions of Teamsters. There had been shooting, badly injured truckers, overturned trucks, and violent manhandling not only between the battling Teamsters factions but in particular toward the guardsmen. A number of the guardsmen had been injured in the Teamsters rioting before the two warring factions of Teamsters reached a settlement at about 7 o'clock Saturday evening, May 2. Most of the 200 or so guardsmen had slept less than 4 hours during the preceding 2 nights.

The Kent mayor had suddenly changed the curfew hour against Kent students who walked across the line from their campus into Kent from 9 p.m. to 8 p.m. on this Saturday night instead of permitting students and their dates to go into Kent unmolested. Some students protested violently when they observed friends arrested for violating an 8 o'clock curfew. He asked Governor Rhodes to call out the National Guard to restore order in Kent. Many boys and girls were summarily jailed for the night shortly after 8 p.m., searched and held in jail throughout the night. They were not permitted to telephone their parents but next morning were released upon payment of $50 fine each. Even the girl students so arrested were searched by some policemen. There was no police matron who handled them. Other students deprived of their usual Saturday night opportunity to visit the movies or drink beer and enjoy relaxation away from the campus responded in name calling and refusing orders of the police to leave by calling them "pigs" and milling about in the center of Kent before leaving for their dormitories.

Governor Rhodes did not consult with President White or any other administrative official of Kent State University before calling National Guardsmen to the campus of Kent State. He had various alternatives. He could have ordered the university closed and to be kept closed until he rescinded that order. He could have asked the Portage County sheriff to swear in special deputies if his staff of deputies did not suffice to maintain order. He could have ordered to Kent the Ohio State Highway Patrol, a highly experienced outfit of mature intelligent men, highly respected State civil service employees with a fine record for law enforcement. They were available with their helicopters, and if there were any need whatever for additional law enforcement officers to be called to the city of Kent or to the adjoining university campus this was the logical choice. No, he was a candidate for the Republican nomination for U.S. Senator. The primary was the following Tuesday, May 5. The polls showed Congressman TAFT leading Rhodes. Rhodes suffered the handicap of having been exposed in Life magazine, threatening to sue that magazine for libel and then dropping the lawsuit rather than have his deposition taken to determine the facts and whether Life magazine editors had ample basis for the article he challenged. He considered it politically expedient to show how determined he was on the side of law and order.

He made the abominable blunder of summoning from Cleveland and Akron several hundred tired and battered guardsmen. If Ohio National Guardsmen were, in fact, needed in Kent and on the campus of Kent State University, then Governor Rhodes could have called from their homes in Warren, which is in the county seat of Trumbull County adjoining Portage County, two companies of Ohio National Guard military police. These guardsmen were fresh, not angered, and were specifically trained in riot control techniques.

This special Portage County grand jury report was a fakery and a fraud. It was expected and planned that some students

or professors were to be charged with committing misdemeanors or crimes. As expected not one National Guardsman was indicted. Instead 24 students and one Kent State University professor were indicted and charged with either first degree or second degree rioting.

One hundred FBI agents following 2 weeks thorough investigation and also the President's Commission on Campus Unrest following their investigation reported there was no rioting on the campus or commons of Kent State University at any time on May 4. Also that of the four boys and girls shot to death by guardsmen's rifles and those wounded by their rifle fire, not one was closer to the frontline or guardsmen than 100 feet at the time of the shooting. Only two were struck in front. All others were hit in the back or in their side.

Robert Stamps was shot in the back. The bullet missed his spinal column by an inch and exited in front. He was at a distance of 609 feet from the frontline of Ohio National Guardsmen.

Dean Kahler, a young student whose ambition was to be a football coach, was shot in the back at a distance of 300 feet from the frontline of guardsmen. He is paralyzed from the waist down and will be in a wheelchair for the remainder of his life.

Both the FBI and seven investigative reporters of seven metropolitan newspapers who had spent 2 weeks in thorough investigation and also the President's Commission reported that not one of those shot was a radical, that not any one of them participated in any riotings in Kent on any preceding night and that not one National Guardsman was injured at any time on May 4. One fainted, perhaps overcome by their own tear gas when the wind blew it toward the guardsmen, further angering them. Another apparently had a heart attack.

One hundred FBI agents reported following their 2-week investigation:

Most of the national guardsmen who did fire their weapons do not specifically claim they fired because their lives were in danger. Rather, they generally state in their narrative that they fired after they heard others fire.

We have reason to believe that the claim by the national guard that their lives were endangered by the students was fabricated subsequent to the event.

Donald MacKenzie was shot in the back of his neck. He was 750 feet distant from the guardsmen. He has been permanently injured due to the guardsman's rifle bullet. His family has incurred medical and hospital expenses exceeding $16,000 to date.

A special Portage County grand jury was then called and that term "grand jury" should be spelled with small letters, that is for sure, because their only job was to whitewash the National Guard and thereby try to vindicate Governor Rhodes.

May I add, Mr. President, that the President's Commission on Campus Unrest, concluding its report, stated:

The indiscriminate firing of rifles into a crowd of students and the deaths that followed were unnecessary, unwarranted, and inexcusable.

It is my hope and belief that following the time John J. Gilligan becomes Governor of Ohio next January and William Brown displaces Paul Brown as attorney general, justice will prevail. There is a legal axiom we trial lawyers in Ohio frequently repeat, "For every wrong there is a remedy."

Vice President AGNEW who, of course, has access to all the evidence collected by FBI agents and investigators of the Department of Justice stated in California shortly after May 4:

The officers and guardsmen responsible for the shooting and for the killing of those four students, should be charged with murder—not murder in the first degree. Where there is no premeditation but simply an overresponse in the heat of anger, that results in killing, it's murder.

Vice President AGNEW is an able lawyer. In Ohio we term this murder in the second degree. May I add that I am seldom in agreement with statements the Vice President makes but in this instance I am in complete agreement with him.

Mr. President, I ask unanimous consent that an article entitled "Kent State Travesty" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KENT STATE UNIVERSITY

If there was ever a case of outrageous insult added to mortal injury, it was the report of Ohio Special Grand Jury that investigated the tragic shootings at Kent State University last May 4. In contemptuous disregard of the facts—the facts even as attested by a sweeping FBI investigation—the Grand Jury fully exonerated the National Guardsmen who killed four students and wounded nine more, and indicted twenty-five persons linked with the campus protest against the Cambodian invasion.

Among those indicted on rioting and other criminal charges were a student wounded by a Guardsman's bullet, a professor who formerly served with the Arms Control and Disarmament Agency in Washington, and the president of the Kent State student body—an ROTC cadet who was elected last June on a non-violent platform of "Power to the Peaceful."

The Grand Jury, assisted in its labors by a special prosecutor who later declared that the Guard "should have shot all the troublemakers," found that the Guardsmen "fired the weapons in the honest and sincere belief and under circumstances which would have logically caused them to believe that they would suffer serious bodily injury had they not done so. They are not, therefore, subject to criminal prosecution under the laws of this state for any death or injury resulting therefrom."

In stark contrast to the Grand Jury's report was the evidence compiled by the FBI. As summarized in a Justice Department document and disclosed on the Senate floor by Senator Stephen M. Young, Ohio Democrat, the FBI investigators found "reason to believe that the claim by the National Guard that their lives were endangered by the students was fabricated subsequent to the event." The summary says six Guardsmen, including two sergeants and a captain, "stated pointedly that the lives of the members of the Guard were not in danger and that it was not a shooting situation."

The results of the FBI investigation, like the factual findings of the President's Commission on Campus Unrest, were available to the Special Grand Jury. It chose to ignore them and perform a wretched travesty against the judicial process.

Despite the results of its own investigation, the Justice Department has not responded, at this writing, to demands that a Federal grand jury be impaneled to investigate the Kent State affair. Those demands—and the defense fund being organized in behalf of the twenty-five defendants indicted—deserve the support of all Americans who still believe it is possible to attain justice within the system.

If the Kent State twenty-five are railroaded to jail, if the scandalous report of the Ohio Grand Jury is permitted to stand as the last word, the tragedy of last May will have been compounded to a monstrous degree. It will be the ultimate affront to the nation's youth—to everything, in fact, that is still decent in America.

THE DISMISSAL OF WALTER HICKEL

Mr. YOUNG of Ohio. Mr. President, President Nixon has made another blunder in summarily firing one of the most effective members of his Cabinet, Secretary of the Interior Walter J. Hickel.

His reasons for taking this action can only be surmised. Like his plan to end the war in Vietnam, it may remain a mysterious secret to us. It is unlikely, however, that this abrupt "purge" of the Secretary and his top aides had anything to do with their performance of their official duties, for Walter J. Hickel has proven to be an extremely energetic opponent of those industries and interests engaged in the pollution of our streams and rivers and of the air which we breathe. His assaults upon the oil companies and money-hungry land developers have apparently struck too close to home, that is the White House and to past and future potential contributors of millions of dollars to the Republican Party.

When Mr. Hickel's name was first proposed for the position of Secretary of the Interior, I had serious reservations concerning his fitness to serve as guardian of our environment and protector of our natural wildlife.

After he assumed office, however, Secretary Hickel took the lead in rewriting offshore drilling regulations so that companies must assume absolute liability for all pollution, accidental or intentional. He also championed the cause of conservationists against money-hungry land developers who have no pangs of conscience when it comes to tarnishing or destroying our natural wilderness in pursuit of the dollar.

Some months after he assumed office I wrote Secretary Hickel, commending him on the outstanding work he had been doing. I told him he had my admiration for his industry and his achievements as Secretary of the Interior, and that I was glad he had been appointed to this extremely important Cabinet position.

Now that Secretary Hickel has been unjustly and summarily fired by a very

shortsighted President, I feel equally strongly about his departure. I am regretful that he was ousted. He had been rendering real and needful public service. The courage he has demonstrated in speaking out about the threats to our environment has placed him in the forefront of the administration—too far in front apparently for the administration's taste. I recall, that on one occasion, when Secretary Hickel gave a speech upon a subject of great personal concern to me, the destruction, through pollution, of Lake Erie, he did more than merely utter the usual slogans and platitudes. He named names, among them four steel companies and a mining company; and the affected parties quickly complied with regulations.

Mr. President, this type of frank and forthright approach to the problem of pollution is desperately needed. Interior Secretary Hickel was far ahead of the present administration in this respect, and privately and publicly has pushed for higher appropriations for water pollution control than the administration has asked for. Secretary Hickel was well ahead of the White House in other respects as well, such as his insight into the issues which concern our youth, and his desire for more communication and discussion between cabinet officials. Such logical and constructive suggestions were undoubtedly annoying to a President who does not consider youth a significant part of his constituency, and who prefers to formulate policy isolated from any advisers who might hold differing opinions. I am fearful, Mr. President, that our Nation will be the loser now that President Nixon has kicked Walter Hickel out of his cabinet and has summarily dismissed six of his topmost administrative assistants. Frankly, I was skeptical regarding this former Governor of Alaska until following the first few weeks of his sturdy assertion of his authority. His injection of new life and vitality into the conservation movement and his stand against the ultrarich oil lobby caused me to revise this opinion. Now, however, I fear that our people, our Nation, its resources, and its youth will be poorer for his departure.

Mr. President, in Newsweek of December 7, 1970, there is an article under the caption "An Arrow From the Chief." I ask unanimous consent that this be printed at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN ARROW FROM THE CHIEF

Right from the start, Interior Secretary Walter J. Hickel was a minor embarrassment to the Nixon Administration—a scrappy, bumptious Alaskan whose views on conservation were originally so suspect among environmentalists that the Senate held up his confirmation to the Cabinet for two symbolic days. In the 22 months since then, Hickel converted most of his ecological critics into outspoken fans, but he never did stop embarrassing the President one way or another. Late one afternoon last week, Hickel was summoned to the White House on a moment's notice and, in Hickel's word, was "terminated"—the first of Mr. Nixon's Cabinet officers to leave the Administration to be openly fired since Harry Truman dumped Attorney General J. Howard McGrath during the tax scandals in 1952.

"Hickel did everything anyone can do to deserve being fired," said one highly placed White House aide—and it is true enough that probably no President since Franklin Roosevelt would have tolerated Hickel's alarums and diversions even this long. Since last May, when aides leaked his letter to Mr. Nixon implying that the Administration might "set out consciously to alienate" young people, Hickel has been an alien himself in the Administration's higher councils, and he did not smooth matters over by sniping at Spiro Agnew's campaign methods this fall. Even worse from the Administration's point of view, was Hickel's method of running the Interior Department—singly, outspokenly and off-the-hatband, making policy without consulting with Mr. Nixon's domestic advisers, criticizing Administration decisions, surrounding himself with his own "Alaska Mafia" and failing to subordinate himself to the ideal of team spirit that pervades the President's theory of governance.

It did not really matter, in Administration eyes, that Hickel was increasingly praised by conservationists as the most effective Interior Secretary in history, nor even that he served extracurricularly as the Administration's sole bridge to the nation's youthful dissidents. "In this business," said a White House staff man, "you're either loyal or you get out—you don't run your own show," Predictably, Hickel's successor, Maryland's Rep. Rogers C. B. Morton, chairman of the Republican National Committee, is a team player right down the field.

Whatever its causes, whatever its merits, Hickel's firing had all the clumsy bewildered air of bad improvisation that has come to typify the Nixon Administration's personnel moves. The Secretary apparently got the word indirectly a month ago that he would have to go, but he clung to his belief that he could straighten things out if he could just arrange a tête-á-tête with the President an opporunity he had not had since a routine conference in August. No such meeting was forthcoming, but the President was scheduled to sit with Hickel two weeks ago at an Interior Department gala at Washington's historic Ford's Theater, where Abraham Lincoln was assassinated.

Arrow: Instead, Mr. Nixon sent word at the last minute that he could not attend, and Mrs. Nixon headed the Presidential party. Soon afterward, Attorney General John Mitchell spent an hour with the Secretary, telling him that it was time to leave Interior but that the President might like to have him on his staff. Hickel not only refused the hint, he aired his feelings nationally last week, telling CBS he would not leave the Cabinet except "with an arrow in my heart." So the President fired his longbow, dispatching Hickel and no fewer than six of his aides. "Hell," said a White House staffer, "Hickel said it, didn't he?"

The amateurishness of Hickel's exit was matched by a singular display last week on the part of another departing Nixonian, urban-affairs adviser Daniel Patrick Moynihan—although this time the clumsiness was none of the White House's doing. Moynihan had already made up his mind to leave Washington, but he was miffed at what he thought were the commonplace jobs being offered him at Harvard, his old stamping ground. So two weeks ago Moynihan unreservedly accepted Mr. Nixon's offer to become U.S. ambassador to the U.N. (Newsweek, Nov. 30), telling only his wife and one official at Harvard—who leaked it. Then, even as the embarrassed White House was unofficially confirming Moynihan's new post (a harsh revelation to Charles Yost, the present ambassador, and a shock to other U.N. delegates), Moynihan was changing his mind again, deciding to go back to Harvard after all because, as he put it, "my family is awfully settled in Cambridge."

Moynihan wrote to the President, begging to be let off the hook, but even that was not the end of the slapstick. Moynihan had accepted an invitation to lunch with former U.N. Ambassador Arthur Goldberg at the latter's farm in Virginia to talk about his new assignment but Moynihan did not feel that he could tell even Goldberg about his withdrawal until the President accepted it. So Moynihan went to the farm anyway and sat through lunch, discussing a post he would not be taking with a friend who didn't know he wasn't taking it.

Dragons: Wally Hickel's tribulations never reached that exalted level of farce, but on the other hand they had been going on a good deal longer. The basic problem, one White House source admits, may be that "we didn't check him out"—and didn't have much idea what sort of man was moving into Interior. A self-made millionaire and former governor of his sparsely populated frontier state, Hickel brought enormous stubbornness and independence of mind to his Cabinet job, together with a flair for publicity and an un-Nixonian taste for battling every dragon he could find. In his first days in office, the Santa Barbara off-shore oil-drilling blowout occurred, and Hickel on his own ordered the drilling stopped immediately and announced a policy of "absolute liability" for the guilty companies. In the summer of 1969 he declared that he would "prosecute the polluters" and forced a reluctant Justice Department to take action—notably in the prosecutions of oil firms for drilling violations in the Gulf of Mexico. On another occasion, when the Justice Department moved against mercury pollution without naming the offending companies, Hickel named them.

But his most astonishing move was to delay approval of the huge trans-Alaska pipeline from the new oil fields of the North Slope, a pipe that could mean huge riches for Alaskans at a cost of shattering the ecology of millions of square miles of tundra. Hickel, to the surprise of all environmentalists, seemed ready at the time of his dismissal to force expensive alterations in the oil companies' plans in order to protect the tundra.

Hero: Hickel achieved a different renown last spring when his intercessionary letter to Mr. Nixon was made public on the heels of the Kent State shootings. The Secretary's mail soared to 1,500 letters a week, and he took to crisscrossing the U.S. campuses, getting a minor hero's welcome. "It's not that Hickel is a friend of the kids or anything," he told Newsweek's James Bishop Jr. just before his ouster. "I am just walking down the road telling a story, taking a positive approach to problems that have been with us for 50 years. I have got to do things my way."

From the White House windows, however, Hickel's way looked increasingly untidy and unsympathetic. There were gaffes: Hickel accepted on his own a Russian invitation to inspect Siberian oil pipelines, a project that was vetoed by foreign-affairs adviser Henry Kissinger. Again on his own, he planned a four-day conference on pollution this fall—and this time it was the President himself who shot it down. These difficulties might have proved insignificant if Hickel had been able to keep his channels open to the President. But the Secretary was as tightly screened by his aides as the President is by his, and even the Hickels' life-style, which runs

to backyard barbecue mixed awkwardly with the self-conscious manners of most Nixonians.

So Hickel was pushed back to Alaska—where his political future, at 51, is bleak—and Interior will be turned over to Rogers Morton, an enthusiastic outdoorsman and slick politician who "should have had the job in the first place," according to Stewart Udall, who held the post himself under JFK and LBJ. Still, it has already begun to seem likely that Hickel will be missed. Hickel's last act as Secretary was to ban U.S. imports of whale products from eight endangered species of whale—a move fiercely opposed by the cosmetics and oil industries. Thirty-six hours after Hickel's firing a call from Acting Secretary Fred Russell's office to the Government Printing Office held up Hickel's order, and Russell himself reportedly reversed Hickel's ban on billboards on Federal public lands.

LAKE ERIE—A DYING LAKE

Mr. YOUNG of Ohio. Mr. President, a recent issue of the Saturday Review, dated November 7, contains an article titled "Reviving the Great Lakes," written by John R. Sheaffer. The article offers hope that there may yet be time to save Lake Erie specifically, and the other beautiful Great Lakes—Lake Ontario, Michigan, Huron, and Superior—from the relentless tide of pollution that has so polluted Lake Erie and the other Great Lakes. While starting that the lakes have been grieviously abused, the report makes the hopeful statement that the effects are not irreversible. It makes crystal clear that we have the technology competent to restore a fondly remembered past.

Ohioans in my youth and young manhood could be proud of the beautiful white sandy beaches stretching for miles along the inviting crystal clear waters of Lake Erie. Thousands would crowd to the beaches to find relief from the summer's heat in Erie's waters. Today, unsanitary, blackened debris-cluttered beaches stretch for miles along the Erie shoreline from west of Toledo to close to Erie Pennsylvania. Officials of Cleveland, following a "swim if you must" policy have warned people throughout the last 10 years to stay away from its lakefront beaches and have discouraged those who wished to bathe in the waters offshore.

No longer may fishing enthusiasts enjoy productive excursions to many favorable lake areas, for polluted waters have caused many species of fish to die and disappear entirely from the lake. Today, only one high-quality fish, the perch, has remained in large numbers. Sheephead and carp exist to some extent but not many pickerel or bass.

Hopefully, at this time, in Muskegon County along Lake Michigan's shore, a precedent-setting experiment is taking place. The experiment is built around acceptance of the principle that nature is a closed ecological system and that wastes, when properly cycled back into the system, are valuable resources. These wastes, both human and animal, when spread upon the land, provide nutriment to food grains and vegetables. If, on the other hand, they are foolishly dumped into our waters, they stimulate aquatic plant growth and turn lakes into bogs.

The fact is, Mr. President, that a waste-water irrigation system similar to the one outlined in this article can fertilize barren land, turning it into productive land for agricultural purposes. This in turn would stimulate new jobs on land never before productive and recreational development of shorelines now useless, unattractive, and contaminated by waste left by waves. One very important value of the system is the destruction of disease-causing viruses normally found in raw sewage. Researchers have discovered that by spreading the waste upon the land, the soil itself is used to filter out these deadly viruses and turn them into innocuous protein.

The system as outlined seems well designed to aid the lands around the Great Lakes and add large stretches of well-drained soil suitable for irrigation. Yet not much of this type of land would be required to serve the irrigation purposes of even our largest cities.

There was a time, Mr. President, when our citizens could casually dump their wastes into rivers and lakes. As long as the population remained small and constant, nature itself would ignore the insults that were heaped upon its beautiful face. However as cities and towns multiplied and grew larger, continued dumping overwhelmed the ability of nature to act as a purifying agent. The task has fallen upon us to aid it.

As this timely article clearly demonstrates, the task is not hopeless. The fact is that man and nature can work hand in hand toward this end.

Mr. President, this article provides needed information and hope to each and every citizen who lives along Lake Erie's shore. I ask unanimous consent that it be printed in the RECORD at this point as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REVIVING THE GREAT LAKES

(By John R. Sheaffer)

The death of Lake Erie has been announced. Premature aging, brought on by excessive intake of powerful stimulants, is given as the cause. And it is said that the whole Great Lakes system is rapidly being brought to the end of its life by the same malady.

This calamitous news should not be accepted as the final word. The Great Lakes have been grievously abused, but the effects are not irreversible. Technology competent to restore a fondly remembered past is available. All we lack is the will to use it.

The revival could be started by one simple official order: "No direct discharge of any wastes into any watercourse."

There are those who will say that such a directive would be meaningless for practical purposes because alternate means of waste disposal either are not available or are far too expensive to contemplate. But the Federal Water Quality Administration of the U.S. Department of the Interior is gambling the biggest single project grant in its history on the conviction that a workable substitute for indiscriminate dumping into the lakes is at hand. FWQA is committed to spend $2 million on the opening phase of a research project intended to demonstrate that sewage and factory effluent presently being poured into Lake Michigan can be diverted to fertilize barren land in Michigan. If all projections for the scheme prove out, this new waste disposal system will pay for itself and net a profit, perhaps even stimulate the economy of Michigan by building up an agro-industrial complex of respectable size.

Michigan's Muskegon County, fronting on the eastern shore of the lake directly opposite Milwaukee, is the scene of this precedent-setting experiment, which is built around acceptance of the principle the nature is a closed ecological system and that wastes, when properly cycled back into the system, are valuable resources. Wastes become liabilities only when they lose their rightful place in the cycle. Human and animal excrement, emptied into watercourses, stimulates aquatic plant growth and turns lakes into bogs. When spread upon the land, however, the same chemical constituents of waste give nutriment to food grains and vegetables.

Historically, the closed-system principle, though recognized by professional ecologists, has been ignored in practice in this country. We have dumped our wastes into rivers and lakes for generations. As long as the human population remained a statistically insignificant factor in the system, oxygen and bacteria in the water decomposed the waste and redistributed the chemicals in the purifying process. A certain amount of acceleration occurred in the rate of eutrophication (a geological process through which lakes gradually fill up and become first marshes and then dry land) but not enough to be distressing.

However, as cities and towns multiplied and grew and as household conveniences such as detergents were added to the burden of sewage, the amount of waste rose to flood proportions. Phosphorus, potassium, and nitrogen released into the water encouraged proliferation of colonies of plants to choke streams and lake beds, exhaust the oxygen supply, and overwhelm the restorative microorganisms. Idyllic watercourses deteriorated into stagnant, stinking pools.

Eight years ago, public-spirited members of the faculty of Pennsylvania State University reminded us of the intelligent way out of this dilemma. Long before then, the university had built a sewage disposal plant to serve the school together with the borough of State College, which existed chiefly as a dormitory community. The plant was designed in two stages: the first a sedimentation basin in which solid waste particles were separated out by gravity, the second a biological trap in which microorganisms digested organic matter in the wastes. The chlorinated effluent from the plant emptied into nearby Duck Pond and thence into Spring Creek, a tributary of the Juniata River, which flowed into the Susquehanna and on to Chesapeake Bay.

As the town and the school expanded, the amount of effluent added to the water rose from a million gallons a day to 3.5 million gallons a day, and the university faculty anticipated the time when the volume might reach six million gallons a day. Ultimately, if matters continued in that direction, Spring Creek would no longer be a body of water carrying away the liquid residue of human waste but a torrent of human waste carrying unrecognizable water through the beautiful Nittany Valley.

The geological structure of the valley was underlaid with limestone, which formed aquifers for storage of water underground all the way from Bellefonte to Scotia Mine. The water level in these subterranean reservoirs had been falling at the rate of 75 feet a year for a period of years. Being followers of the land grant college tradition, the Penn State faculty members were well aware of the remarkable filtering properties of the soil. They decided to test whether it would be possible to divert the sewage effluent from Duck Pond and spread it instead on adjacent crop land, open fields, and woods owned by

the university. A network of irrigation pipes was spread out from the pond (thus avoiding Spring Creek) to the test plots, and the sewage effluent was driven through these pipes and sprinkled onto the soil summer and winter for a period of six years.

At the end of the test period, it was found that the water level in the underground aquifers had dropped only a few feet each year in contrast to the precipitous annual decline previously experienced. Corn and hay grown on the irrigated land yielded three times the harvest of fields not involved in the experiment. Wheat planted in the test plots retained the same yield as before, but the protein content of the wheat rose. Northern pine trees grew as rapidly as southern pines usually do. The bird and animal population of the test area thrived on the new regime [for further details see "The Crisis in Water—What Brought It On?" *SR*, Oct. 23, 1965].

One of the inspirations for this experiment was work that had been done at Seabrook Farms in New Jersey by the late Professor Warren Thornthwaite, who was associated with the geography department at the University of Chicago while I was a graduate student there. I remember listening to his descriptions of the Seabrook project and wondering why he did not propose its application on a grand scale. Consequently, when I began to receive personal reports of the Penn State project from one of its prime movers, Dr. R. R. Parizek, I pondered more deeply than ever the implications of the idea's application to widespread urban areas.

Parizek, a young geologist who had taken his Ph.D. at the University of Illinois before going to Penn State, had been a college roommate of Dr. Arthur J. Zeizel, my assistant during my tenure as resource planning officer at the Northeast Illinois Planning Commission. Parizek visited Zeizel periodically and would tell us about what he was doing in Pennsylvania. The information he conveyed went into momentary storage at the back of my head through the three years during which I was occupied—first at the Northeast Illinois Planning Commission and then as research associate at the Center for Urban Studies of the University of Chicago—with problems of flood plain management. But in the spring of 1968, the subject moved to the front of my mind in response to a plea from Roderick Dittmer, director of planning for Muskegon County.

Dittmer dropped in at the Center for Urban Studies one day and said he would welcome some guidance in drawing up a policy to govern Muskegon County's planning for the future use of the county's water resources. Muskegon County was party to a four-state (Wisconsin, Michigan, Illinois, and Indiana) pact calling for an 80 per cent reduction in phosphates discharged into Lake Michigan by the end of the year 1972. It was Dittmer's responsibility to recommend how this cleanup could best be done in his county. My research associates and I agreed to help him in return for what the experience could teach us about managing urban environments. Muskegon County had about every modern problem we could imagine—racial, economic, educational, environmental—yet it encompassed an area small enough to study in everyday operation. A population of 170,000 is contained within 512 square miles.

Our initial investigations identified an interrelationship between two major causes of Muskegon County's economic woes. The county had never developed an agricultural economy to balance its industrial strength, nor had it capitalized on the recreational resource potential represented by Muskegon, Mona, and White Lakes. Popular use of the lakes was inhibited by pollution of the water, while the poor agricultural yield was caused by low fertility of the soil. Obviously, a waste-water irrigation system similar in its fundamentals to the one demonstrated at Penn State could fertilize the barren land with chemicals recovered from sewage diverted from the lakes.

Why had such an eminently sensible concept not been pushed to a stage that would give it national prominence? Was it because no set of elected officials had ever laid down a sufficiently demanding policy to suggest the notion to public appointees responsible for municipal water and sewage works? Acting on that probability, we wrote for Dittmer a statement of policy that could be effectuated only by banning discharge of pesticides, insecticides, phosphates, and other pollutants into the rivers and lakes. Dittmer courageously endorsed the statement and presented it to the Muskegon County Planning Commission. The commission, rallying behind its fighting chairman, Michael Kobza, added its approval. And then we encountered trouble.

The Michigan State Water Resources Commission did not like our point of view. What we proposed would meet any situation anyone could think of up to the year 2000. Why go to all that expense? It was costly enough to try to think in terms of 1980.

If the United States Supreme Court had not delivered its famous legislative reapportionment decision—the "one man, one vote" edict—we very probably would have lost our case right there. The old forty-man board of Muskegon County commissioners almost certainly would have bogged down in endless rounds of precinct politics. Fortunately, a reapportioned board of only fifteen members took office on January 1, 1969. With a remarkable disregard for partisan considerations, the nine Democrats and six Republicans (with F. Charles Raap sitting as chairman) voted in February to support the County Planning Commission in the face of the state Water Resources Commission's displeasure. We were thus authorized to come up with a plan to carry out the policy we had enunciated.

In earlier efforts to break through the conventional restraints that have kept politics so far behind technology in the handling of waste disposal, I had formed a professional liaison with William J. Bauer, founder of the Bauer Engineering Company of Chicago. I now proposed that Muskegon County hire Bauer to draw up engineering specifications for a comprehensive sewage disposal system that would leave no environmental aftereffects for future generations to worry about. A contract with Bauer was underwritten jointly by the county and the U.S. Department of Housing and Urban Development.

Bauer worked out a system far more sophisticated than Penn State's experimental project. He proposed coupling of the sewage outlets of twelve cities and townships into one great outlet pipe that swung away from Lake Michigan, Muskegon Lake, Mona Lake, and White Lake—traditional sinks for the wastes in these communities—and fifteen miles inland to virtually uninhabited sandy barrens of the eastern part of the county. There the pipe would empty into three aerated lagoons, each covering eight acres. These manmade basins, agitated continually by streams of air from mechanical mixers to minimize odor while bacterial colonies in the waste matter decomposed their host, would be big enough to hold the waste flow up to three days. This would enable accommodation of sudden surges of water such as occur after storms. And, because of the volume of water contained at one time, toxic industrial spills could kill the restorative bacteria and yet remain under treatment long enough for a new bacterial colony to grow and do its necessary work.

The enormous advantage represented by the latter circumstance may not be widely appreciated because most people do not realize that the conventional sewage treatment system in use in most American communities suffers regular spells during which the helpful bacteria are dead and the sewage simply passes through the system in an almost raw state. These spells last anywhere from seven to ten days. If six of them happen each year (one Midwestern state suggests that as an average), almost raw sewage is dumped into watercourses about one day in every week.

The system Bauer designed for Muskegon County called for two storage lagoons to hold the waste after it had passed through the aerating lagoons. Each of these storage receptacles would occupy 900 acres. Their purpose would be to hold the waste during the winter months when the ground would be too hardened by cold to absorb the effluent. After being withheld until the return of milder weather, the waste might be used as fertilizer during the remainder of the year.

Bauer's system finally called for the effluent to be piped from the storage lagoons to rotary irrigation rigs, which would spray the liquid with its suspended solids over almost 6,000 acres of now unproductive but potentially valuable sandy soil.

One appendix to the plan estimated a profit of $740,000 a year from sale of corn that could be grown on the irrigated fields, a quadrupling of the value of the land because of the irrigation, opening of at least 1,200 new jobs, recreational development of shorelines now useless because of uglification caused by water pollution, and construction of a 200-boat marina. Another appendix described a new industrial complex that might be built around the corn crop. Among its suggested products were feed for cattle, oil for the human diet, charcoal for use in Muskegon's existing paper mill, starch for the paper mill and for a foundry, carbon dioxide gas for a carbonate mill, calcium hydroxide for use on the irrigated land, and furfuryl alcohol for the finishing of office furniture.

Apart from its dollars and cents aspect, the Bauer system offered an intangible human bonus of inestimable value. This arises from a growing suspicion among public health physicians that many rapidly spreading diseases in this country are transmitted by viruses. How do the viruses travel? Their presence is not sought by any water quality tests now in use. Studies have been made of viruses in sewage, however, and thirteen different viruses have been found in raw sewage, in effluent from primary (one-step) sewage treatment plants, and in effluent from secondary (two-step) treatment plants as well. A month-long sequestration of the effluent in oxidation ponds kills 70 per cent of the viruses. But only after the effluent is filtered through soil do the viruses disappear altogether. Researchers have discovered that soil particles possess an electrical affinity for viruses, which allows the viruses to be grabbed by the soil and held long enough to be dismembered into innocuous protein.

Students of irrigation had one serious question about the Muskegon plan. It had to do with the established fact that elsewhere, in the past, prolonged irrigation saturated the land and created within it a mound of water that in time destroyed the enterprise. Because the thick layer of glacial debris—sands and gravel—underlying Muskegon County is incapable of holding water for long, the danger here was not great. Nevertheless, the Bauer system eliminated it by providing a network of drainage wells through which any threatening accumulation of excess water could be pumped back into the county's rivers and lakes.

The very farsightedness of the plan frightened some people away from it. They just could not believe it would perform as promised. The cities of Muskegon and Muskegon

Heights already had drafted plans for systems that would continue dumping treated sewage into the water. From a short-range perspective, these systems looked cheaper than ours. Consequently, they seemed more desirable to the local politicians, who not unnaturally followed the advice of sanitation consultants they had known and trusted for years; men who were still working with technologies no longer competent to anticipate the needs of an exploding population.

The continuing absence of approval from the Michigan Water Resources Commission encouraged this local opposition. To counter it, we invited Parizek to come out from Penn State and show a short documentary movie of the Penn State project in operation. Dittmer, Kobza, Raap, and Muskegon County Administrator Ray Wells responded by rounding up their colleagues and chartering an airliner to take them to Penn State to inspect that experiment personally.

The political struggle surged back and forth, with the outcome unpredictable, until N.J. Lardieri, corporate director of air and water pollution for the S. D. Warren Paper Company, a division of Scott Paper—one of the three dominant industries in Muskegon County (Ott Chemical, a division of Corn Products, and Continental Motors, a division of Teledyne, are the other two)—asked to be shown the facts on which our policy decisions had been based. Although we figured his company would have to pay more than half the operating costs of the disposal system Bauer had planned (because charges for the system would be allocated according to the flow rate, and effluent from the S. D. Warren factory would make up 55 per cent of the total discharge into the system). Lardieri saw that our concept had the advantage of solving the water pollution problem once for all; the costs could be amortized with business-like predictability. When the other Muskegon industries followed S. D. Warren, our opposition began to crumble. But we still lacked the approval of the state of Michigan.

Michigan Congressman Guy Vander Jagt is the ranking Republican member of the Conservation and Natural Resources Subcommittee of the Government Operations Committee of the U.S. House of Representatives. On one of his frequent trips home to consult with his constituents, he heard of the furor we had raised. After meeting with us at dinner, he said: "It appears that our present efforts [in handling sewage disposal] are headed in the wrong direction." Later he added, "I will predict that the Muskegon County facility will be the focal point for the nation's battle to solve water pollution problems." He returned to Washington to make this prediction come true.

From David Dominick, head of the Federal Water Quality Administration, the Congressman went to Russell Train, chairman of the White House Council on Environmental Quality, and from Train to President Nixon's assistant for domestic affairs, John Ehrlichman, and Ehrlichman's environment specialist John Whittaker. The President must have heard about this round of visits, for he wrote me a letter expressing interests in the development of Muskegon's "new and promising approach to sewage disposal." Train voiced his enthusiasm to Dominick, who wrote glowingly to Congressman Vander Jagt. The Congressman personally carried Dominick's letter to Michigan Governor William Milliken. The Governor thereafter announced that he would make an environment tour of Michigan, with Muskegon as one of the stops. After his return to the capitol in Lansing at the end of this tour, the approval we had awaited from the Michigan Water Resources Commission came through.

In mid-September U.S. Interior Secretary Walter J. Hickel announced that FWQA, which operates within his Cabinet jurisdiction, had awarded a $1,083,750 research and demonstration grant and an additional $981,650 construction grant to the Muskegon project. These sums cover only the first year of a seven-year commitment. Secretary Hickel fixed the total cost at approximately $30 million. Of this, the federal government will pay 55 per cent, the state of Michigan 25 per cent, and Muskegon County the balance. Design specifications are now being prepared for bids. Construction will be awarded about January 1, 1971, and the system ought to be in operation in 1972.

"If this project is completely successful, there will be many more opportunities to utilize similar systems in the Great Lakes region," Secretary Hickel said in his September announcement. This is unquestionably true. The Great Lakes basin is made up of glacial outwash plains. Large stretches of well-drained soil suitable for irrigation lie within reach of urban centers but beyond commuting zones and thus are susceptible to purchase at unexploited farmland prices. If we take the Muskegon irrigation tract as a model, simple mathematics tells us that a billion gallons of waste water per day (that is the flow rate of Chicago's sewage disposal system, the largest in the country) can be disposed of on 260,000 acres of land. A preliminary survey of the major metropolitan areas in the United States suggests that all of them could be served in this manner by using marginal lands equivalent to no more than 2 per cent of the acreage on which fifty-nine principal crops were harvested in 1968.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business.

The Senator from Virginia is recognized.

ADDRESS BY SENATOR BENNETT BEFORE THE TAX FOUNDATION, INC.

Mr. BYRD of Virginia. Mr. President, on Tuesday evening, the distinguished senior Senator from Utah (Mr. BENNETT) addressed the annual meeting of the Tax Foundation in New York.

The Tax Foundation is a nonpartisan, nonprofit organization, and, in my judgment, a very excellent one.

It compiles a great deal of data on Federal Government spending, and spending by the State and local governments. It presents evidence to the public on the tax systems of the various States and the Federal tax system. It is factual and nonpolitical. I think it is a very worthwhile organization.

I want to commend the Tax Foundation for selecting this year, as the recipient of the 1970 Public Service Award, the Senator from Utah (Mr. BENNETT). Senator BENNETT, in receiving this award, follows last year's recipient, Dr. Arthur Burns. Another recipient of the Public Service Award from the Tax Foundation has been the able and distinguished Representative from Arkansas, the chairman of the Ways and Means Committee, the Honorable WILBUR MILLS.

WALLACE BENNETT is an outstanding Member of the Senate. He is an able and beloved colleague.

The Senator from Utah made a very able and provocative address to the Tax Foundation on December 1. I ask unanimous consent that the text of the address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR WALLACE F. BENNETT

Gentlemen of the American Tax Foundation and their lovely ladies—you have done me a great honor tonight by considering me to be worthy of this distinguished award; thus putting me on the same level as the other really wonderful men who have also received it—some of whom include Harry Byrd, Wilbur Mills and last year, Arthur Burns, with whom it has been my treasured privilege to serve in government.

Ever since I knew it was to come to me, I have been wondering what I had done to earn it. Certainly I can point to no single achievement or event. But I do realize that in many little and unspectacular ways I have been able to contribute something to our tax system over the years—both as a Senator and a taxpayer. I suppose I can be said to symbolize the old Scottish saying—"many a mickle makes a muckle."

Your invitation to address this meeting of the American Tax Foundation does me a great honor and the announcement that I have been chosen to receive your 1970 Public Service Award fills me with humble gratitude. But to justify your confidence in me by trying to demonstrate in this speech an adequate and responsible understanding of the nation's tax-related problems is a fearsome challenge.

As I see the situation, there are three central problems of tax and fiscal policy with which we must all be concerned. The first is how to restore approximate balance in the budget. We must bring an end to the large budgetary deficits that have plagued us for four decades and have been the chief cause of the inflation that works so much hardship on our people and disrupts our economy. In addition, it indirectly causes the high interest rates that have placed such heavy burdens on business and individuals, particularly upon those persons who must finance the purchase of a new home.

A second and newer problem grows out of the role that our tax structure can play in improving our balance-of-payments problems. As we all know, for the last decade or so, our balance-of-payments picture has not been good. Since 1950, our cumulative deficit in the balance of payments has climbed to $45 billion, while our short-term liabilities have increased from $8 billion to $42 billion. In the same period, our gold stock has dropped from $24 billion to $11 billion. Indeed, had it not been for the Two-Tier Gold System and the agreement among the Big Ten to establish special drawing rights at the International Monetary Fund, our gold balance would be even lower than it is today. As a result, we are now at a point where remedial action must be taken. Indeed we have very little time in which to search for new tax approaches which will encourage our exports, by removing the present handicaps that are placed on our exporters. If we cannot soon give our exporters an even break in competing in foreign markets, we may be faced with the realization that our balance-of-payments problems can only be solved through the final undesirable resort to devaluation, which in itself would create a myriad of serious problems in world trade and world economies.

The third broad problem is a perennial one. Indeed as we know from this Rescinder's

bowl it has been with us at least since 1768, when those delegates voted against unfair taxation. The difficult task here is the ever-present challenge for us to keep revising our tax structure with the changing times to make it always fair and responsive to our continuing economic needs and goals. We want a dynamic and growing economy—an economy which encourages American industry to expand its output and which provides jobs enough to maintain an attainable maximum employment level and at the same time insure constantly increasing living standards for our people. It is important, therefore, that we consider what changes in our tax structure would move us closer to this goal.

These three central problems are closely interrelated—so much so that one cannot help but conclude that we must proceed simultaneously to try to resolve all three problems if we hope to resolve any single one of them. For example, perhaps the most important single step that we can take to improve our balance of payments is to adopt budgetary policies that will restore price stability at home so that our exporters will have reasonable costs and be able to price their products competitively in foreign markets. Similarly, a fair and properly designed tax system can supplement expenditure control in combating inflation because it encourages industry and labor to increase the output of goods and services. In addition, tax proposals that might improve our basic system often involve initial temporary revenue losses, so that if we want to consider them seriously we must control expenditures and the budget.

Let's turn first to the first problem listed, job of bringing the budget under control. Here we have no easy task. The initial budget figures that appeared in February projected a modest *surplus* of $1.3 billion in the unified budget for the 1971 fiscal year. Last May, the budget figures had to be revised to project a modest $1.3 billon *deficit* in the unified budget. And now, there is a considerable body of expert opinion which believes that the actual final fiscal 1971 unified budget deficit could reach as high as $15 or $16 billion. And if we want to look at the Federal funds budget, which excludes trust fund receipts and expenditures, the possible deficit grows even more ominous—to about $22 or $23 billion.

Whether these later estimates will prove to be accurate is still a matter of conjecture since the end of fiscal 1971 is still 7 months away. But I'm afraid that the odds are that the budget deficit in the current fiscal year will be very large.

This unfortunate situation is the result of several factors. First, expenditures will be higher than the levels recommended by the Administration. On this issue, as a Republican, I can't avoid the comment that the Democrats seem to be seeking to get double political advantage for the 1972 elections from current spending: they want to be in position to claim credit for any apparent temporary benefits which may flow from this added spending and at the same time blame the Republican administration for failing to get its promise to balance the budget and control inflation.

A second reason why the anticipated budget deficit in the current fiscal year may be so large is that some of the revenue-raising measures proposed by the Administration may not be adopted by the Democratically-controlled Congress in time to affect fiscal 1971 tax receipts if at all.

Here it is December First—with no more than three or four weeks left in the present session of Congress—and some of the Administration's tax proposals have just been approved by the House Ways and Means Committee while others have been rejected. This particular legislation would continue the present level of excise taxes on new cars and telephones for two years and accelerate gift and estate payments. The other revenue bill, the tax on lead in gasoline has been killed for this year. Estimates are the package will net the Treasury $630 (m) million in the remainder of the current fiscal year at least $2.8 (b) billion in the 12 months beginning July 1, 1971. The bill could come before the full House as early as Thursday but there's no telling when we will be able to get to it in the Senate Finance Committee or on the Senate floor.

As you know, the Senate Finance Committee is still struggling with the Social Security, Welfare Reform and Trade Bills, and the chance of being able to report out a tax bill on top of these three and get all four through the Senate and out of conference before Christmas is very slim to say the least.

Still another factor that is contributing to the size of the anticipated budget deficit for fiscal 1971, is that tax collections are low because of the leveling off of the economy. For example, in the current fiscal year, the resulting loss in corporate income tax collections alone will probably be in the range of $4 to $5 billion. This, in itself, is an important reason why we must take adequate steps to eliminate inflation since inflation inevitably leads to economic disruptions of the type we are now undergoing.

All this strongly indicates that we must intensify our search for ways to gradually bring the expenditure situation under better control. This not only involves careful scrutiny of individual expenditure items, but in addition, Congress next year may be forced to give consideration to setting legal ceilings on Federal expenditures, which would apply to itself as well as to the Administration. I, myself, would hope this will not be necessary, because such ceilings would undoubtedly create a built-in rigidity which would inevitably hamper government operations. However, they do have the advantage of forcing us in Congress to focus on the need for setting priorities in expenditure programs and of requiring an overall view of expenditures as compared with the present systems of reaching the expenditure total based on a separate one-at-a-time consideration of every expenditure proposal, without considering their possible effect on the ultimate totals.

Let us turn now to our second area of interest—the urgent need to move toward a favorable balance of payments by encouraging exports. In the 10-year period 1960 through 1969, for example, our balance of payments has been in deficit 9 years on a liquidity basis and 7 years on an official settlements basis.

One tax related approach to this problem is embodied in the so-called DISC proposal which was included in the trade bill as it passed the House of Representatives, but stricken from the bill just yesterday by the Senate Finance Committee. Of course, it might be added again on the floor. This proposal would permit the organization of domestic corporations which engage solely in export sales activity, (known as Domestic International Sales Corporations (DISC's)) to defer U.S. tax on foreign income. The major objective is to grant our domestically-based exporters some measure of equity with American companies that have established facilities in foreign countries, and are thus able to take advantage of their host country's export benefits. Foreign countries generally employ many devices to provide advantages for their exports. Devices which range well beyond favorable tax measures. They include direct grants, very liberal government credit, insurance and guarantee facilities, interest subsidies, internal shipping subsidies and exchange control privileges.

In addition, many foreign countries grant special tax incentives to encourage their exports. For example, Japan allows special accelerated depreciation on facilities used to produce goods for export, special tax deductions for capital reserves used to develop overseas markets, and certain other deductions for service income associated with exports.

West European countries also provide tax incentives to encourage their exports. The most outstanding example is the export rebate, under GATT, of all indirect value added or turnover taxes in the EEC countries. These taxes are scheduled to be harmonized soon at about 15 percent of sales, which is no small subsidy.

In addition, individual European countries have their own unique tax incentives for exporters. For example, France provides that earnings by a foreign sales subsidiary by a French company are not taxed currently. The French also have a special inter-company pricing system which has the effect of permitting sales by parent French companies to foreign subsidiaries at prices approximating cost. Obviously, we cannot protect home-based American exporters from all these devices, but we should be searching diligently to see what we can do to develop some effective answer to this problem which may well be the adoption of some of the same kinds of tax privilege already accorded our foreign competitors—including the American companies who have moved their facilities abroad. Or we might seek to find ways by which our own tax structure can be changed to give them the same advantages the foreigners have obtained from their governments through tax related rebates or the imposition of border taxes. It is becoming increasingly obvious that the power to create tax inequities in international trade grows out of the GATT agreement itself. The GATT rules permit countries with sales taxes to rebate these taxes to exporters and also to impose them as equalization taxes on imports at the border. However, they do not permit similar rebates or equalization taxes for income taxes, including the corporation income tax. This is defended on the ground that sales taxes are passed on in the form of higher prices and that corporation income taxes are not similarly passed on. But many tax experts question this argument and maintain that a substantial part if not all of the corporation income tax is inevitably reflected in higher prices. It is obvious to me that the present GATT rules discriminate markedly against the United States, which relies heavily on income taxes at the Federal level.

It has been suggested that such discrimination against our exporters could be reduced if the United States without changing the basic structure of its other taxes, imposed border taxes on imports.

Others have suggested that the United States eliminate the existing discrimination against its exporters as a result of the GATT rules by adopting a sales tax of its own, one form of which might be value added tax which the Europeans use. This could be a partial substitute for the present corporation income tax. We could, then, take advantage of GATT, as the Europeans do, by rebating all or part of such a tax on our exports as well as by imposing import equalization taxes at the border.

Many authorities doubt the wisdom of adopting a value added tax for this purpose. Its opponents maintain that we should not mold our tax structure to conform to the discriminatory rules of GATT, particularly since this is an international agreement which Congress has never approved. They also argue that in order to be effective in

stimulating exports, the value added tax would have to be set at a high rate, which would mean a basic restructuring of our tax structure. A small two percent value added tax would not help our competitive position very much, if at all, while a large 15 percent tax, comparable to the proposed European rate, could conceivably raise enough taxes to completely supplant the present corporation income tax and thus require in a major overhaul of our whole tax system.

Finally, a value added tax is essentially a multistage sales tax; a tax on the value added at each stage of the manufacturing process. This raises the question, do we want to adopt a new form of national sales tax at the very time we have been making an effort to get rid of as many Federal excise taxes as possible?

A recent news story out of Washington said that the Treasury, under a Presidential directive, was writing legislation to create a value added tax. This statement is speculative and premature. My inquiry reveals that while the Treasury is in fact working on such a proposal, it is being done for the President's consideration and not as the result of any specific direction from him—or assurance he is prepared to accept it. But the fact that it is being worked on seriously is highly significant in itself—and I'm sure this will give all of us an added interest in his 1971 budget message.

Turning now to my third problem: the need for a continuing review of our tax system. No matter how we try to keep it effective, adequate and equitable, we inevitably run head-on into the first, the need for revenues to balance the budget. Facing this joint challenge, obviously the chief question is—"what is the likelihood of a substantial tax increase next year, and a second and related question is, "what other tax changes are under consideration either for increased revenue or greater equity."

Barring some unexpected emergency, the likelihood of substantial new tax increases next year appears quite remote. In part this is because all the immediately available ways to increase taxes are unpopular and appear to raise problems. From my experience on the Finance Committee, and as a taxpayer myself, I know that all tax increases are a traumatic experience for the American people. In addition, there is an understandable reluctance on the part of both the administration and the Congress to increase taxes in a period when the economy is obviously not operating at full capacity.

Our experience with the income tax surcharge, the last remnants of which expired in June of this year, was searing. There was great difficulty in securing Congressional approval for the extension of the surcharge to the midpoint of this year, even at a reduced rate. Accordingly, it is unlikely that there will be serious legislative proposals next year to bring the surcharge back.

The 1969 Tax Reform Act provided substantial income tax relief, which will amount to over $9 billion a year when fully effective in 1974. Sometimes, the suggestion is made that substantial revenue could be secured by postponing the effective dates of this relief. However, from a practical point of view, only a limited amount of additional revenue could be secured in the fiscal year 1972 by postponing—say until calendar year 1972—the additional income tax reliefs scheduled to take effect in calendar year 1971. This would add only about $1.3 billion of additional revenue to collections in fiscal 1972. It does not seem feasible to roll back the $650 per capita exemption level scheduled for calendar 1971 to the $625 average for calendar 1970 since for practical purposes, the $650 exemption has been in effect since July of 1970, and is already taken into account in withholding rates. (The $625 per capita exemption level in 1970 represents an average of a $600 exemption for the first half of calendar 1970 and a $650 exemption for the second half of calendar 1970).

Of course, large amounts of revenue could be secured by permanently eliminating all income tax relief scheduled by the 1969 Tax Reform Act which has not yet taken effect. But I don't know anyone in government who believes that this would be either desirable or politically feasible. What political candidate would dare recommend withdrawing tax relief promised to many millions of taxpayers in the form of a liberalized low income allowance, higher standard deductions, and exemption levels, a maximum 50 percent rate on earned income, and lower taxes for single people. The treasury has already indicated so far as it is concerned it does not consider this area as a major source of revenue.

Some additional revenue conceivably might be secured from Federal excises, for example, by increasing the existing taxes on liquor and tobacco, or by adopting new excises. This would be a change from the trend in recent years which has been toward reducing Federal excise taxes, not raising them. The Excise Tax Reduction Act of 1965, eliminated many long-standing excises, including those on admissions, jewelry, furs, cosmetics, luggage, radios, musical instruments, and business machines. I certainly do not see any great enthusiasm on the part of the Congress to restore any of these taxes.

I hope that this discussion of the difficulties of funding new sources of revenue will not give anyone the idea that it will be impracticable to secure adequate revenue to finance necessary government operations. If our economy returns to its growth rate and we again have fairly high employment levels, revenues from the present tax system would grow about $15 billion each year just as the result of the increase in the underlying tax base. Accordingly, over the long run, if we have reasonable success in holding to the line on expenditures, we can hope to balance the budget without any major tax adjustments. In fact, with really tight expenditure control, it might be possible to have significant tax reductions, for example, in the individual income taxes. I want to make clear that I don't see any practical prospect of such tax reduction in the next few years. But over the long run, if we are successful in keeping expenditure levels stable, such reduction in taxes may be a very real possibility.

However, if expenditures get out of control and continue to expand rapidly, it may well be necessary, in the future, to look for new sources of revenue to avoid large budgetary deficits and inflation. This would involve some difficult choices. In such a situation, the question of a value added tax is sure to be raised since it would produce large amounts of revenue if it were used as an addition to rather than as a substitute for the present corporation income tax. But this would be a painful adjustment for business to make.

As I suggested in the beginning of this talk, in addition to tax proposals designed primarily for their revenue impact, a number of proposals are under consideration by the Treasury which are designed primarily to make the tax system fairer and more efficient. I would like to mention a few. It is impossible to indicate at this time precisely when, if ever any of these proposals will receive serious consideration by the Congress. But some of them could be recommended next year.

There is, for example, some unfinished business left over from the Tax Reform Act of 1969. The Treasury Department requested that provisions dealing with the tax treatment of deferred compensation be omitted from the 1969 Act to give the Department more time to study the problems involved. I believe that the Treasury is now working on this area and may have some legislation proposals soon.

Another area which the Tax Reform Act did not cover concerns balanced treatment of pensions for self-employed persons as compared with pensions for corporate executives and other employees. The Treasury Department may give us legislative proposals in this area too.

The overall question of estate and gift taxes is scheduled for re-examination. While there have been a number of important changes in these taxes over the years, they have not been given a broad-scale, over-all review since the time they were adopted. Such a review would be likely to cover such items as rates, exemption levels, the relationship of the estate and gift tax structures to each other, the use of trusts to reduce estate tax, the desirability of increasing the marital deduction to 100 percent to eliminate taxes on transfers between spouses, and possible ways of providing relief for the liquidity problems which are now encountered where estate tax has to be paid out of a small family business. Some people who call for the restructuring of the estate and gift taxes also ask for re-evaluation of the present income tax treatment of capital gains left uncollected at death.

The proposal for the sharing of Federal income tax revenues with State and local governments hs been around for a long time, and has again attracted considerable attention because the Nixon Administration has already put forth a specific plan for such revenue sharing. But any plan, for revenue sharing inevitably opens up a number of controversial issues which must be considered most carefully by the Congress. Any revenue sharing plan could undoubtedly provide substantial financial assistance to State and local governments, but it would divorce the responsibility for raising funds from the control of the expenditure of these funds. In addition, it would involve a substantial revenue cost of the Federal Government.

The Congress may also re-examine the tax provisions affecting older people. Studies conducted by the Treasury Department indicate that the tax credit for retirement income and the provisions affecting the tax treatment of pensions and annuities are now so complicated that older people frequently cannot cope with these items on their tax returns. As a result, many older people do not get the full tax relief that the law intends. In the future we may, therefore, see the tax benefits intended for this group provided more fairly and efficiently in some simpler way.

Another possible area of tax reform concerns the depreciation allowance provided for business investment. It has been charged that the repeal of the investment credit under the 1969 Tax Reform Act has reduced incentives for businessmen to invest in productive equipment. These holding this view often suggest that we should liberalize depreciation allowances to provide new incentives to raise investment to higher levels. Such proposals, however, are not without their opponents usually outside of business or industry who stress the revenue loss—and charge favoritism and unfairness.

Finally, I would like to see greater progress toward tax simplification. I understand that the Internal Revenue Service has again simplified the individual income tax forms and that many taxpayers, particularly in the lower income brackets, will find these 1970 forms easier to prepare. In addition, I hope you are alert to the fact that Chairman Mills of the Ways and Means Committee has introduced, with bipartisan support, a

so-called deadwood bill to simplify the Internal Revenue Code by deleting material which is no longer relevant. The scope of this bill is indicated by the fact that if passed it would repeal 150 sections of the Code and deletes portions of another 850 provisions, thus, affecting over 1,000 sections of the Internal Revenue Code.

This brings me to the end of my three part analysis of our current tax situation, the essence of each of which might be described as a search for a balance, a balanced budget and a sound balance-of-payments position, both to be achieved by trying to create and maintain an equitable balance of burden upon various parts of the economy. But this is not really the end of the subject. It is actually the starting point—not the product, but merely preliminary sketches for a blueprint.

If economics were an exact science and Congress was a sterile laboratory, we might be able to predict results and promise success in solving these problems. But, alas, this is not so. Even though the word "political" has been dropped from the original label of the inexact science once known as "political economics," politics is still alive and well, and living in Washington. All members of Congress are political animals. Many have little knowledge of, or faith in economics—the dismal science, the rare economists who have come to Congress, soon seem to learn how to shape their economics to conform to their politics.

But, bad as this may sound, it's not the most serious aspect of the matter. It is far more important to remember that every politician's attitude is always an understandable reflection of that of the people back home. Indeed, this is the concept on which both our government and our economic system were consciously built. The citizen is sovereign, the customer is king. On these twin foundations we have built not only history's greatest political power, but also its richest economic machine, and both are now facing the debilitating diseases that always seem to come with complexity and affluence.

We still give lip service to such traditional American virtues as thrift, self-reliance, and personal responsibility. But more and more we seek to replace self-reliance with government grants, welfare and subsidies, thrift with inflation, and personal responsibility with "let the government do it."

Greater tax problems inevitably result created by the need for more tax revenues, followed by pressures from every sector of the economy to shift the added tax burden to the other fellow. That's what happened in the Tax Reform Act of 1969. These are the pressures that are operating on us in the Finance Committee, as we work on the Social Security Bill, the Welfare Bill, the Trade Bill, and any new tax bill the House may send us this year, and next.

Gentlemen, when the majority of our citizenry really wants budgets balanced and inflation stopped, wants to protect the American dollar and the industries that support it, and wants to move toward equity and balance in our tax system, they can have it and quick. But so long as every group seeks its own advantage first, politicians will respond, and we will be able to do little more than to continue to tinker and fumble with the tax laws. We are not your bosses, you are ours. The citizen is sovereign. The customer is king. When you are ready to command with a clear voice and a firm will, we will give you true tax reform, but not until.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HOLLINGS TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that, after disposition of the Journal on tomorrow, the distinguished Senator from South Carolina (Mr. HOLLINGS) be recognized for 15 minutes.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

COMMUNICATION FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate the following communication from the President of the United States, which was ordered to lie on the table:

THE WHITE HOUSE,
Washington, December 3, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is now pending before the Senate a bill of vital importance to the international economic, financial, and political interests of the United States. H.R. 18306 authorizes increased U.S. participation in four multilateral financial institutions: The International Monetary Fund, the World Bank, the Inter-American Development Bank, and the Asian Development Bank.

We and many other nations have given those institutions strong support in the past. They have earned this support by using their resources well in the service of a growing and prosperous world economy, a more stable international monetary system, and a more rapid growth of the developing countries. Their hallmark is shared contributions, impartial expertise, and the assurance of high standards of economic performance.

In asking the Congress to adopt this legislation, I have taken particular care to see that the financial obligations it entails are compatible with this Administration's fiscal programming. H.R. 18306 is a prudent and financially responsible combination of contingent liabilities, monetary transactions, and expenditures carefully spaced over a long period of time.

A large part—almost $900 million—of the total authorization represents contingent liabilities and will enable the World Bank and the Inter-American Development Bank to borrow further in private markets to carry out important parts of their lending programs. This guarantee or callable capital subscription should not involve budgetary costs.

Another substantial portion of the authorization—$1.5 billion—is a monetary transaction involving an increase in our IMF quota. This Fund quota increase will not result in budgetary costs.

As to the remaining authorizations in H.R. 18306, less than $1.3 billion will require an actual expenditure of dollars; of which $35 million will be spent in fiscal year 1971, $70 million in fiscal year 1972 and $155 million in fiscal year 1973, with the rest spread out over a number of additional years.

Passage of the legislation now is essential

—to maintain United States leadership in international monetary affairs and to avoid a substantial and continuing loss in our share of allocations of Special Drawing Rights at the International Monetary Fund beginning on January 1, 1971;

—to enable other countries to subscribe to almost $2 billion of World Bank capital stock and to carry out a policy of maintaining equity in Bank and Fund subscriptions which we have strongly advocated in the past;

—to allow us to participate fully with other developed countries in the peaceful development of Asia;

—to join with our Latin American neighbors in an effort to speed their economic and social progress.

This legislation has my full support. In my Foreign Assistance Message to the Congress of September 15, 1970, I proposed that the United States channel an increasing share of its development assistance through multilateral institutions as rapidly as practicable. H.R. 18306 is a critically important step in that direction, and I strongly urge prompt and favorable action on it by the Senate.

Sincerely,

RICHARD NIXON.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate the following letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1971 (S. Doc. No. 91–114)

A communication from the President of the United States, transmitting proposed supplemental appropriations and other provisions for the fiscal years 1970 and 1971 in the amounts of $225,765,754 in budget authority and $5,497,000 in proposals not increasing budget authority (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SECRET REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on the administration and effectiveness of U.S. economic and military aid to Honduras (with an accompanying report); to the Committee on Government Operations.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompany-

ing papers); to the Committee on the Judiciary.

REPORT ON IDENTICAL BIDDING IN ADVERTISING PUBLIC PROCUREMENT

A letter from the Attorney General, transmitting, pursuant to law, a report on identical bidding in advertised public procurement, dated July 1970 (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Appropriations, with amendments:

H.R. 19590. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91-1392).

By Mr. YOUNG of North Dakota, from the Committee on Agriculture and Forestry, without amendment:

H.R. 15770. An act to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to flood control; and for other purposes (Rept. No. 91-1393).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 2335. An act for the relief of Enrico DeMonte (Rept. No. 91-1394);

H.R. 2876. An act for the relief of the Beasley Engineering Co., Inc. (Rept. No. 91-1395);

H.R. 8573. An act for the relief of Mrs. Margaret M. McNellis (Rept. No. 91-1396);

H.R. 12128. An act for the relief of William Heidman, Jr. (Rept. No. 91-1397);

H.R. 12173. An act for the relief of Mrs. Francine M. Welch (Rept. No. 91-1398); and

H.R. 12958. An act for the relief of Central Gulf Steamship Corp. (Rept. No. 91-1399).

MILK, TOMATO, AND POTATO PROMOTION—REPORT OF A COMMITTEE (S. REPT. NO. 91-1400)

Mr. YOUNG of North Dakota, from the Committee on Agriculture and Forestry, reported an original bill (S. 4560) to provide authority for promotion programs for milk, tomatoes, and potatoes, and submitted a report thereon, which bill was placed on the calendar and the report was ordered to be printed.

TRANSFER OF PEANUT ACREAGE ALLOTMENTS—REPORT OF A COMMITTEE (S. REPT. NO. 91-1401)

Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, reported an original bill (S. 4561) to amend the peanut marketing quota provisions to make permanent certain provisions thereunder, and submitted a report thereon, which bill was placed on the calendar and the report was ordered to be printed.

BILLS INTRODUCED OR REPORTED

Bills were introduced or reported, read the first time, and, by unanimous consent, the second time, and referred or placed on the calendar, as follows:

By Mr. PASTORE:

S. 4557. A bill to amend Public Law 91-273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. TYDINGS (by request):

S. 4558. A bill to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; to the Committee on the District of Columbia.

By Mr. HARTKE:

S. 4559. A bill to amend the Department of Transportation Act in order to modify the national policy with respect to the protection of lands traversed in developing transportation plans; to the Committee on Commerce.

(The remarks of Mr. HARTKE when he introduced the bill appear below under the appropriate heading.)

By Mr. YOUNG of North Dakota:

S. 4560. A bill to provide authority for promotion programs for milk, tomatoes, and potatoes; placed on the calendar.

(Reference to the bill when it was reported by Mr. YOUNG of North Dakota appears earlier in the RECORD under the heading "Reports of Committees".)

By Mr. JORDAN of North Carolina:

S. 4561. A bill to amend the peanut marketing quota provisions to make permanent certain provisions thereunder; placed on the calendar.

(Reference to the bill when it was reported by Mr. JORDAN appears earlier in the RECORD under the heading "Reports of Committees".)

By Mr. MATHIAS:

S. 4562. A bill for the relief of Miguel Angel Alvarado-Granda, Dalinda Mora de Alvarado, Miguel Almir Alvarado-Granda, and Maria Alvarado-Granda; to the Committee on the Judiciary.

S. 4559—INTRODUCTION OF A BILL TO STRENGTHEN THE CONSERVATION PROVISIONS OF THE TRANSPORTATION ACT

Mr. HARTKE. Mr. President, I introduce for appropriate reference a bill to strengthen the conservation provisions found in section 4(f) of the Transportation Act.

This proposal would broaden the application of section 4(f) in three ways: First, by withholding Department of Transportation approval from projects which would have an "adverse effect on the environment" rather than only projects which would directly "use" public parklands, as is currently provided; second, by effectively deleting the requirement that a wildlife or waterfowl refuge be "publicly owned"; and third, by extending the protection of the section to include "navigable waters."

The first modification to section 4(f) merely strengthens its declaration of policy "that special effort should be made to preserve the natural beauty of our countryside." Clearly, transportation projects may destroy natural beauty and prevent recreational activities even if they do not directly "use" public parks and refuge areas. For example, an interstate highway which is built immediately adjacent to a refuge area may have the effect of frightening wildlife from their sanctuary without an actual "use" being made of refuge land. Accordingly, it is obvious that the present language of this section is inadequate to protect its stated goal. It is appropriate and entirely consistent with the policy declaration to include with the protections of section 4(f) projects which would "have an adverse effect" on the environment.

The deletion of the requirement that wildlife and waterfowl refuges be publicly owned would recognize the fact that private groups such as the Nature Conservancy have, over the years, purchased many tracts of land threatened by commercial projects and maintained them as wildlife or waterfowl refuges. There is no reason why these refuges should be denied the protection given publicly owned refuges. This modification would not create a risk of abuse or require subjective administrative decisions. Wildlife and waterfowl refuges and sanctuaries are easily identifiable and Federal officials would determine their "significance" under the statute.

The third section of this legislation broadens the protection of section 4(f) to include navigable waterways. Certainly it lacks logic to protect this Nation's countryside from environmental misuse but not our waterways. Yet, this is the effect of this section as it is now written. The Federal Government has a longstanding interest in navigable waters. The Secretary of Transportation already has the responsibility to approve the construction of bridges and causeways in the navigable waters of the United States—See 49 U.S.C. 1655(g)(6). The proposed modification to section 4(f) would merely make clear the Secretary's duty to consider environmental factors in exercising this authority—indeed, it would merely make more explicit the duty already imposed upon the Secretary—and all other Federal officials—by the National Environmental Policy Act of 1969.

The Federal Government already has far-reaching programs to control water pollution under the Water Quality Act and the Water Resources Planning Act. It would make little sense to undertake such costly efforts to insure clean, pure rivers and not to undertake the corollary task of protecting the natural beauty and recreational value of these navigable waters. Extending the protection of section 4(f) to include navigable waters would be a worthwhile step toward the latter goal.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred.

The bill (S. 4559) to amend the Department of Transportation Act in order to modify the national policy with respect to the protection of land traversed in developing transportation plans introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Commerce.

ADDITIONAL COSPONSOR OF A BILL

S. 3385

At the request of the Senator from West Virginia (Mr. BYRD) on behalf of the Senator from Georgia (Mr. TAL-

MADGE), the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 3385, to amend title 38, United States Code, to increase the income limitation applicable to non-service-connected pensions for veterans and widows, to increase the income limitations applicable to dependency and indemnity compensation for dependent parents, and to liberalize the rates of such pensions and such dependency and indemnity compensation.

SENATE RESOLUTION 491—SUBMISSION OF A RESOLUTION REAFFIRMING AMERICAN COMMITMENT TO THE RIGHT OF ASYLUM FOR POLITICAL REFUGEES

Mr. DODD. Mr. President, a week ago yesterday, a Lithuanian seaman made a dramatic leap for political asylum by hurling himself across the 10-foot gap separating a Soviet vessel from the Coast Guard cutter *Vigilant*.

At the point where he crossed from the Soviet vessel to the American vessel, the seaman in question had become a political refugee in the full sense of the term.

But 10 hours later he was forcibly returned to the Soviet fishing trawler by Soviet crewmen who boarded the *Vigilant* with the permission of the Coast Guard. In the process the man was savagely beaten by the Russian crewmen, kicked unconscious, trussed, and carried off.

According to eyewitness accounts, the officers and crew of the *Vigilant* simply looked on, without attempting to intervene, even though the Soviet defector was crying for help and was on his knees praying and begging them to save his life.

The newspapers have carried the news that President Nixon has ordered a very full and immediate investigation of the entire incident. In commenting on the President's decision, a White House spokesman said that:

> It appears that the situation was very poorly handled and there appear to be some errors in judgment by the officials involved.

I am sure that all Senators will applaud the President's decision in ordering a complete and immediate investigation of this flagrant and tragic violation by U.S. officials of the 1951 Convention on the Protection of Refugees.

Many questions will have to be answered in this situation.

The first question that requires an answer is how the district commander of the Coast Guard, Rear Adm. W. B. Ellis, could make such a decision on his own authority, without specific instruction from the State Department or the White House, or, for that matter, without even consulting them.

The second question that must be answered is how the captain of the vessel and his officers, after permitting the Soviet seamen to come aboard, could stand by passively while they pummeled and kicked the defector into unconsciousness.

The third question that must be answered has to do with the peculiarly defensive statement put out by Coast Guard commander, Adm. Chester R. Bender. Instead of indicating his own concern and asking for an investigation, Admiral Bender offered this incredible explanation:

> Under the circumstances the commander of the First Coast Guard District felt that it was reasonable and proper that we not permit our ship to be used as a means of defection and that the man should be returned.

The officials responsible for this decision did more than place the United States in violation of the Convention on the Protection of Refugees. By inviting the Soviet vessel to send its seamen aboard to apprehend the defector, they sanctioned a flagrant violation on international law; and this violation was compounded when the officers of the vessel stood by supinely while the Soviet crewmen mercilessly beat the defector, on an American vessel and inside American territorial waters.

Nothing like this has happened since the tragic days after World War II when, in our ignorance, we forcibly returned some millions of Soviet citizens to Soviet custody, despite their protests and pleas for mercy, and despite the many hundreds who committed suicide rather than accept return.

The United States does respect the right of asylum, and this must be made unmistakably clear to the entire world.

To erase the disgrace that this incident has inflicted on the American name, it is my hope that, after all the facts have been established, the sternest treatment will be meted out to the authorities responsible for this unauthorized, illegal, and unspeakably inhuman decision.

For the purpose of establishing the American position on the protection of refugees in unmistakable terms, I submit for appropriate reference a resolution deploring the handling of this incident, endorsing the President's decision to order a full investigation, and reaffirming our commitment to the right of political asylum and to the protection of refugees.

The PRESIDING OFFICER (Mr. SAXBE). The resolution will be received and appropriately referred.

The resolution—Senate Resolution 491—which reads as follows, was referred to the Committee on Foreign Relations:

> Whereas the Universal Declaration of Human Rights stipulates, in Article XII, that "everyone has the right to seek and to enjoy, in other countries, asylum from persecution . . ."; and
>
> Whereas the Convention relating to the status of refugees states that "no contracting state shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality or political opinions"; and
>
> Whereas the forceful return of the Lithuanian seaman from an American Coast Guard cutter to a Soviet fishing trawler constituted a flagrant violation of the right of political asylum guaranteed in the Universal Declaration of Human Rights and the Convention relating to the status of refugees; and
>
> Whereas the apprehension of a Soviet defector by Soviet personnel aboard an American vessel and inside American territorial waters, constitutes an unprecedented violation of international law and international custom; and
>
> Whereas the Coast Guard command has made it clear that the decision to invite Soviet personnel to come aboard the Coast Guard cutter Vigilant to apprehend the defector was made without specific instruction from the State Department or the White House or without even consulting them; therefore be it
>
> *Resolved*, That the Senate of the United States deplores the handling of this incident and endorses President Nixon's decision to order a full and immediate investigation of the circumstances; and be it further
>
> *Resolved*, That the Senate reaffirms the commitment of the United States of America to the right of political asylum and its continuing and unconditional support for the Convention relating to the status of refugees.

ADDITIONAL STATEMENTS OF SENATORS

SENATE PRAYERS AND SPIRES OF THE SPIRIT

Mr. FANNIN. Mr. President, I should like to invite the attention of Senators to a marvelous book which has been just released by the Bethany Press, of St. Louis, Mo.

It is entitled "Senate Prayers and Spires of the Spirit," an anthology of some of the exceptional prayers and prose of our late beloved former Chaplain, Rev. Dr. Frederick Brown Harris.

This fine little volume comprises 40 of the prayers with which Dr. Harris opened sessions of this body and an equal number of his best columns, "Spires of the Spirit," which were published in the Washington Star and other national newspapers for more than 20 years. In fact, the Philadelphia Inquirer published these excellent essays as "Saturday Sermons," right up to the time of Dr. Harris' passing last August 18.

Dr. Harris' collaborator on the project and the editor of the book was Joseph D. Phelan, who has been the administrative assistant to Representative JERRY L. PETTIS, of California.

Every Senator knows about Dr. Harris' 24 years of faithful service to the U.S. Senate, so there is little need here to recite the many virtues and qualities which that outstanding man brought to us. I believe the tributes of four of the six Vice Presidents under whom he served, printed on the back cover of the book, say it all. However, I should like to point out one paragraph from the accompanying review of the Alexandria, Va., Gazette of November 26, 1970:

> Ever aware of the complexities of our daily lives that strain to a breaking point man's power to reason, his prayers did much to ease the burdens carried by those men who serve in the United States Senate.

No man could leave behind a richer treasure, and I am sure that anyone who reads this book will forever cherish it.

Mr. President, I ask unanimous consent that the entire Gazette review be printed in the RECORD:

There being no objection, the review was ordered to be printed in the RECORD, as follows:

WILLING HANDS AND THANKFUL HEART

(By Evelyn Agnor)

Did you ever meet Compassion face to face?

Compassion . . . that human emotion that tops the list of man's claim to being God-like . . .

Did you note that those humans "wearing this badge" were and are the "great contributors" of good in our world; God's emissaries of truth and love and hope . . .?

"Senate Prayers and Spires of the Spirit," a new book just released by Bethany Press of St. Louis, Mo. ($4.95) can best be described as "an introduction to compassion."

On Saturday, Dec. 5, from 10:30 a.m., throughout the hours of the Alexanderia YWCA's "Christmas Walk" Helen Harris will be on hand at the Y's Religious Book Shop, 602 Cameron St., to autograph copies of her late husband's book.

Dr. and Mrs. Harris had just completed compiling the book from selected prayers offered before the U.S. Senate during his 24 years as chaplain and of articles from his column that was published in the Washington Evening Star. "Spires of the Spirit," prior to his death on Aug. 18 of this year.

Mrs. Harris, blessed with the same compassion and love of mankind that marked her husband's years of outstanding service, gives much of the credit for the final arrangement with Bethany Press for publishing the book to Joseph D. Phelan, administrative assistant to Rep. Jerry L. Pettis, congressman from California.

Mr. Phelan and his family will share part of the day in Alexandria with Mrs. Harris.

For those familiar with Dr. Harris' writings the messages of comfort and peace and inspiration will come as no surprise, yet will lend a wealth of reading pleasure.

For those being introduced to the words of this great American for the first time, no source of "self-help" literature could offer more.

Ever aware of the complexities of our daily lives that strains to a breaking point man's power to reason, his prayers did much to ease the burdens carried by those men who serve in the United States Senate.

His columns in the Evening Star provided readers with the same comfort.

On Tuesday, Oct. 8, 1968, Dr. Harris opened that day's Senate session with the following prayer:

"Eternal God, our Father, we turn from the wild confusion of the world without, praying that Thou wilt cleanse our hearts from secret faults.

"We lift grateful hearts for the heritage that is ours, bought by toils and tears other than our own.

"In the eternal struggle of truth and error, tyranny and liberty, give us the assurance that we do not fight alone, but that Thy increasing purpose is bound up with all this human struggle toward the goal of man's redemption from ignorance, hunger and chains.

"Riding forth with knightly valor, may we bear in our hands the commission of ancient days, 'He hath sent us to bind up the broken hearts, to proclaim liberty to the captives and the opening of prisons to them that are bound, to proclaim the day of justice of our God.

"We ask it in the Name that is above every Name. Amen."

His final prayer before his retirement, prayed Jan. 3, 1969 reads in part:

"O merciful God whose truth and whose statutes stand forever, we beseech Thee to grant unto us, who seek Thy face, the benediction which a sense of Thy presence lends to each new day. Unite our hearts and minds to bear the burdens that are laid upoon us.

"By tasks too difficult for us, we are driven unto Thee for strength to endure and wisdom to interpret rightly the signs of these testing times.

"In this high hour, may there be lifted at the very beginning of this session the fervent petition whose melody makes us one—'God bless America' . . ."

BIOMEDICAL RESEARCH

Mr. MANSFIELD. Mr. President, an article in the Evening Star of yesterday afternoon as well as one in this morning's Washington Post reports a grim warning by the National Academy of Sciences about the state of biomedical research in this country. This gloomy assessment from some of this country's leading life scientists in this country have suffered in effect a 30-percent cut in real Federal dollars in the last 5 years.

Dr. Philip Handler, president of the National Academy of Sciences, in making this report stated that the administration does not share our belief in the importance of supporting basic research and singled out the Bureau of the Budget as the problem area. I wish to call again the attention of the Senate and hopefully the Office of Management and Budget of the administration to the increase in appropriations that the Senate and the House added to the budget recommendations for the support of biomedical research of the specific nature referred to by Dr. Handler. And once again I implore the Office of Management and Budget to permit the expenditure of these funds contained in this recently passed appropriations bill as a first step to restoring these most important biomedical sciences and research to their proper standing.

The Congress last year enacted a restriction to the Defense Department's appropriations limiting its sponsorship of basic research to those fields that have a relevance to defense needs. The financial impact of this amendment last year on Defense Department-sponsored projects was not significant when viewed against the background of the total appropriation by the Defense Department for research. It was expressed then and has been expressed many times since then on the floor and elsewhere that the intention of this amendment was not to reduce the Federal contribution for research but to rechannel the resources through more appropriate agencies. The National Science Foundation and the National Institutes of Health are appropriate agencies through which the Federal resources should be channeled for most of the basic research in the life sciences, social sciences as well as for much of the exact science.

Again I wish to commend the senior Senator from Washington (Mr. MAGNUSON) and the senior Senator from New Hampshire (Mr. COTTON) for their leadership in the increase of moneys this year over the budget request for the biomedical sciences sponsored by the National Institutes of Health. I hope the Office of Management and Budget will appreciate the need for the expenditures of these moneys and the grim prospect ahead if this first start is not made.

I ask unanimous consent that the articles by Victor Cohn and John Lannan be incorporated in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Evening Star, Dec. 2, 1970]

A PLEA FOR THE LIFE SCIENCES

(By John Lannan)

Sadly, almost with a resignation that nothing will come of it, one of the nation's top scientists and policy makers made another plea today for more Federal support for science.

This time the request came on behalf of the life sciences specialists—those who deal in research and technical applications which lead to better, more efficient, less expensive medical care through the understanding of life itself.

PROBLEMS OVERWHELMING

A report called "The Life Sciences" outlined the situation. The plea was made by Dr. Philip Handler, president of the National Academy of Sciences and chairman of the committee that produced the report.

In a press conference called by the academy, Handler summarized the report and, figuratively speaking, told reporters the scientists simply don't know how to handle the problems the report presents.

"The administration does not share our belief" in the importance of supporting basic research, he said. "The Bureau of the Budget is the problem area."

The report itself, he noted, looked superficially like one more attempt by the scientific community to indulge itself in self-serving efforts to keep the grants coming in.

In fact, he argued, the opposite is true.

REPORT TOOK 2 YEARS

The report was compiled by 180 contributors in 29 committees over two years. It is a grim document. In 526 pages, it points out that the nation which once led the world in biomedical research now is hard put to stay even in the running.

"The Life Sciences" report argues that although science in general is the lifeblood of a technological society, the biomedical area is the one which keeps that society healthy.

Handler pointed to a deficiency of 50,000 doctors, a complicated and archaic medical delivery system and the prostitution of biomedical research to pay faculty salaries as examples of obvious problems.

Then he referred to the report's "snapshot view" of the present system, under which 1.5 percent of a $60 billion health budget goes to support basic research.

"THE ONLY HOPE"

"Biomedical research," the report said, "is . . . the biggest health bargain one can purchase and the only hope for future progress" in curing diseases like cancer, mental illness, circulatory ailments (including heart disease) and hereditary defects.

"If this opportunity is neglected or minimized for shortsighted fiscal reasons, then, by the turn of the century, our nation must double the number of physicians, nurses, technicians, hospital beds and sanitaria and learn to live with the equivalent increment in human suffering. Grim prospect indeed!"

In general, the report recommended more and better fundamental understanding of reproductive physiology to help solve the population problem and broader stronger programs—hopefully in the National Science Foundation—to get the infant science of ecology off and running.

It pointed out that in health care, the impetus for delivery far outweighs that for new development; that basic research and

resulting development of new approaches to man's ills are being shortchanged by the need to provide for the fixed costs of a faulty inadequate delivery system.

NEW APPROACH WANTED

What is needed, he said, is a whole new approach to support—both in how it is done and how it is used, particularly in relation to education in the biomedical sciences.

The report says:

"We are convinced that the budget for these programs in the fiscal year 1971 seriously underestimates the magnitude of these needs and it is our hope that appropriations for these programs will be doubled over the course of the next five years."

The problem with such a recommendation, as Handler explained it, is that although the committee may recommend a doubling, "there is no yardstick . . . no magic numbers" on which to base the steady level of support for which all of science is crying.

And even if there were an acceptable yardstick, he added, "in the Office of Management and Budget, where they try to cast up the national accounts, science does not have a very high priority."

SCIENCE GROUP WARNS ON RESEARCH FUND CUTS

(By Victor Cohn)

Increasingly tight federal budgets for medical research and life sciences are crippling the nation's ability to halt disease and rescue the environment, a National Academy of Sciences committee warned yesterday.

Unless the country increases biomedical research, the group maintained: "By the turn of this century, this country must double the number of physicians, nurses, technicians, hospital beds and sanitaria and learn to live with the equivalent increment in human suffering. Grim prospect indeed!"

"What we mean by this," one committeeman said, "is that our population may grow by 50 per cent by the year 2000, but increasing pollution, an older population and increasing demand for medical care are putting a much faster growing load on our medical system. Unless we learn to eliminate some diseases, as we eliminated polio, we think we will have to double the system."

This gloomy assessment came in a 526-page report from 28 of the country's leading life scientists, headed by Dr. Philip Handler, president of the academy.

The committee was named four years ago to examine the state of knowledge and needs in fields such as botany, zoology, physiology and medicine.

What has happened, the group reported, is that biologists now stand at the exciting threshold of "understanding life on molecular terms," and thus, possibly conquering such diseases as cancer and diabetes and some of the causes of mental retardation.

But at the same time, the group said, biologists and medical scientists have suffered, in effect, a 30 per cent cut in real federal dollars in about the last five years.

Squeezed research budgets, the committee stated, "are now restricting research activities, morale among life scientists is falling and apprehensions are rising."

To cure the problem, the committee urged steady increases in recent on-again, off-again federal funds for research and training.

It said the Agriculture Department should join the National Institutes of Health and the National Science Foundation in the financing.

"The USDA's contributions to agricultural practices have been just enormous," Handler told a news conference. "But it has been parasitic on the rest of science" for basic knowledge.

The committee urged "serious consideration" of federal stipends to medical students, both to improve national health and to let youths outside the upper middle class get into medicine. It said medical graduates could repay the government by giving two years to a civilian "National Medical Service."

Among the specific recommendations:

Basic biomedical research should grow by 12 to 15 per cent a year above fiscal 1970's $692 million in federal obligations. "We don't even know the fiscal 1971 level yet," said an academy official. Total federal academic research obligations are expected to rise 7 per cent, but biomedical research less than that.

Hard-pressed universities should get "block support" grants so they can pay science faculties themselves, rather than have faculties constantly scurrying for research grants for their pay.

NIH graduate training programs alone should be doubled over five years, and students in some vocations should be graduated with simpler "doctorates" than the time-consuming Ph. D., requiring independent research.

There should be similar expansions to build new buildings and facilities—programs now almost dormant—and to buy or use instruments, including computers.

Health care research and health services should be expanded as separate programs, not at the expense of biomedical research, as at present.

"A central mechanism" in some existing agency should be established for education and research in control of runaway population growth—"a primary threat."

A National Institute of Environmental Studies should be established to study man's effect on "the deteriorating environment," in the same way the present National Institute for Environmental Health studies effects on man.

Yesterday's report follows academy reports of recent years on chemistry, physics and astronomy. All recommended "more." All accomplished little.

"I know that asking for 'more' benefits biologists too," said biologist Handler. "But I do believe that the products of science will be as useful to the national life in the future as they have been in the past."

OUR NATION, ITS PROBLEMS, AND ITS CRITICS

Mr. ALLOTT. Mr. President, during this Thanksgiving season, it is particularly appropriate to take a broad look at our Nation, its problems, and its critics.

Mr. Rex Howell, president of KREX in Grand Junction, Colo., has done just that in an editorial aired on November 15, 1970. As usual, his views are wise and profound.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OUR NATION, ITS PROBLEMS, AND ITS CRITICS

This is Youth Appreciation Week.

It is appropriate that this occurs also at this particular time of the year when we pause to give thanks for ALL our blessings from the inexhaustible supply of the Almighty.

In previous broadcasts we have expressed our view that the bulk of American Youth represents our greatest asset, and our main hope for the future. Todays Youth is indeed tomorrow's Society.

And what kind of society is it going to be?

Before we condemn it in advance and declare some false premise that our youth have gone to the dogs, we will do well to look beneath the superficialities of this so-called mod era. On the surface, one might be forgiven should he judge a whole generation by the antics of a minute minority. To be sure, sometimes it looks as if "hippiedom" has taken over, and judging from what you see on your TV screens and read in the printed media, the youth of America comprise mobs of anarchists seeking only to destroy . . . who shout invectives and obscenities at everyone and everything . . . who hate their country . . . who ridicule belief in God . . . who live on a diet of drugs . . . and whose sole objective in life is the complete abandonment of moral principles, and a life of animal sexuality. Well, the idea is as ridiculous as some of the other tripe we have been spoon fed for so long.

Ninety percent of the youth of this nation . . . this area . . . this community . . . are clean in body and in mind. Upright young folks with a high sense of moral values, and an innate sense of decency. They seek an education that is meaningful and a religious life that is spiritually uplifting and fulfilling.

True, they are dissenters . . . they dissent with the elements who would deny them rightful access to their education . . . they are tired of campuses torn up by militant minorities . . . they are tired of pseudo liberal faculty members and administrators who have been the principle source of campus unrest and who have encouraged violence in the name of "academic freedom" . . . they are tired of the hypocrisy of government . . . the faceless bureaus which run over our lives . . . the permissiveness that has filled our communities with filthy motion pictures . . . indecent books . . . pornography of the most blatant kind . . . they are sick of such transparent actions as the so-called Commission for the Study of Pornography who spent months reading dirty books and spending millions of the tax payers money to reach the decision that it was all right and nothing wrong with filth! They are tired of the hypocritical politicians and equally so with biased news media . . . they are sick with disgust at the phoney fuzzy minded liberals who tell us that we need an anything goes society . . . While the adult population of America has slumbered along and bought one bill of goods after another, youth has probed for the facts. They don't believe the stuff we are being fed which says that communism is nothing to worry about, that freedom can be improved upon by the imposition of federal controls . . . that federal debt doesn't matter . . . that paying people not to work is a way to achieve human dignity.

To all these things the modern youth voices his disgust, and if he uses a four lettered word for the sake of emphasis, he can be forgiven . . . we feel like using them too!

Right now, at this Thanksgiving season, let's thank God for youth . . . let us be thankful for the young people who will take over from those of us grown tired and old, and who will carry on the fight for a decent environment . . . the preservation of our Constitutional liberties . . . schools of higher learning dedicated to an Improved society rather than a depraved society . . . churches which will once again be sources of spiritual uplift and guidance rather than mere political tools in the hands of opportunists . . . we look to these youth to fill tomorrow's pulpits . . . to serve on the benches of justice . . . to manage the affairs of our community with care and reason . . . to promote brotherhood and understanding.

In his introduction to the book the Ultimate Revolution . . . Walter Starche has this to say:

"The silence is broken. After centuries of loneliness and fear we are starting to listen to each other.

"Perhaps in our homes we are being pushed into listening to our young people because many of them are experimenting with dandies from our medicine cabinets powerful enough to transform them into strangers over night.

"Perhaps internationally we are being pushed into listening because nations are playing with toys that can blow the whole world to bits if we DON'T listen to each other.

"Listening is no longer a luxury . . . it is a necessity.

"Let's turn off the strident noise of the minority who make so much noise and listen to the quieter but more sensible voices of our real youth of the nation. They are our white hope for tomorrow!"

LITHUANIAN SEAMAN DENIED POLITICAL ASYLUM

Mr. PROXMIRE. Mr. President, all of us are aware of the unfortunate incident involving the Lithuanian seaman, who was denied his freedom by the action of the U.S. Coast Guard. This action was a denial of the human right of political asylum, which has long been a part of our American heritage.

Our failure to act was also an apparent violation of article 33 of the 1951 United Nations convention and protocol relating to the status of refugees, as well as a violation of the 1967 Geneva protocol on this subject.

This unfortunate occurrence happened during a period when the nations of the world are already confused about our position on human rights. Their confusion is a result of our failure to ratify the genocide and other major human rights conventions of the United Nations—after our leadership efforts in drafting these conventions. Our failure to grant the right of political asylum can only be confusing and tarnishing to our position in the world in regard to our position on basic human rights. This is most unfortunate.

President Nixon has ordered an investigation of the incident involving the Lithuanian seaman. I am hopeful that the investigation will clear the air and prevent such a mistake from recurring. However, this does not alter the confusion felt by many nations regarding our position on this issue.

It is not too late to clear up the confusion. A step in this direction would be the ratification of the Genocide Convention, which was just reported to the floor of the Senate by the Committee on Foreign Relations. By ratifying this convention, we could begin to clear up the confusion surrounding our position on human rights. Coupled with the President's investigation we would then be on record supporting the basic rights of all men. I am hopeful the Senate will take affirmative action on the Genocide Convention in the very near future.

FAMILY ASSISTANCE PLAN

Mr. GRIFFIN. Mr. President, the short days of December are growing shorter. Congress now has less than 3 weeks left to complete action on a number of "must" bills.

And of the "must" bills which remain, none is more important to the administration—none is more urgently needed than President Nixon's family assistance plan.

It appears, finally, that we may soon have an opportunity to pass upon what the President has called "the most comprehensive and far-reaching effort to reform social welfare in nearly four decades."

The proposed legislation was aptly described and explained by HEW Secretary Elliot L. Richardson in a statement before the Finance Committee on July 21, 1970. Although there has been some shift in emphasis is some areas since last summer—for example, the administration is no longer pressing for enactment of social service amendments this session—the Secretary's statement still remains an excellent exposition of the need for welfare reform and the administration's proposals.

I ask that the text of Secretary Richardson's remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ELLIOT L. RICHARDSON

Mr. Chairman, and members of the Committee: I am pleased to have the opportunity to testify today on behalf of the Family Assistance Act of 1970, H.R. 16311.

As the President has said on a number of occasions, this program is the highest priority domestic legislation of this Administration. It embodies a fundamental reform of a badly designed, ineffective, and expensive government program—the ramshackle structure generally known as "public welfare."

This Administration's analysis of the current welfare system began without preconceived notions or predetermined remedies, beyond the conviction that the welfare programs already on the books were not working. Rather than helping the poor to move out of poverty, they had perpetuated poverty and encouraged dependency.

The sole directive given to the analysts charged with reexamining the welfare system was to focus on the problems inherent in the "custodial approach" to poverty. If the system was found to be badly in need of repair, or if it was to be completely replaced, then the President wanted particular attention paid to the possibility of constructing a more "remedial approach" to welfare. If it were at all feasible, he favored a system directed toward encouraging the natural instinct of people to help themselves to become contributing members of our economic and social system.

Guided by this general approach, the Administration's analysis of the problem began a few weeks before the inauguration, with the appointment of the President's Transition Task Force on Welfare.

After the inauguration, a special subcommittee of the Urban Affairs Council, chaired by former Secretary Robert Finch, continued the principal analysis. That examination of this very complex field continued unabated through numerous meetings of the Urban Affairs Council and ultimately involved dozens of experts in and out of government.

The process was inductive, not deductive. The reform principles around which the Family Assistance Plan was originally designed were shaped to overcome the specific deficiencies revealed by careful study of the current system. These principles, in turn, have determined the operational features of the Plan. The whole was refined and strengthened through the patient and painstaking reexamination and reinforcement which it received at the hands of the House Committee on Ways and Means. I look forward to working with your Committee to strengthen and improve the Plan still further.

To this end, Mr. Chairman, I would like to review quickly the process that has led us to this historic stage in the Nation's development of a fair and adequate program of family assistance.

A. THE FAILURE OF THE CURRENT WELFARE SYSTEM

The first conclusion compelled by the Administration's analysis of the current system was that it is not a system at all, but a confused clutter of many systems. From this has flowed disparity, inequity, and inefficiency.

1. *Geographic inequities*—The "Aid to Families with Dependent Children Program" is in reality 54 different programs in 54 different jurisdictions. It provides no national standards for benefits or eligibility ceilings. AFDC payments vary from an average of $46 per month for a family of four in Mississippi to $265 for such a family in New Jersey. The disparity in payment levels is aggravated by complicated State-by-State variations in criteria for eligibility and methods of administration. Each State has its own prescription of need standards, assets, tests, incapacity tests, and requirements for school attendance and the age of children who can receive benefits. Furthermore, the day-to-day administration of the program has varied widely from State to State and locality to locality in terms of equity and responsiveness to the needs of recipients.

To make matters worse, this galaxy of welfare systems has uncontrolled access to Federal resources and their allocation. Each State establishes its own benefit levels, and the Federal Government has an open-ended obligation to provide whatever funds are necessary to match them.

The result is not only a potentially unmanageable drain on Federal resources, but also the creation of a system in which the Federal Government is forced into the position of discriminating sharply in its treatment of equally-needy families in different States. In those States in which the benefit level and, consequently, the Federal contribution, is low, this inequitable treatment has proved costly in ultimate terms. We have had to spend vast sums of money for remedial, medical, nutritional, and educational programs in attempts to rectify the unfortunate situation which the low level of funding in welfare has produced.

2. *Complex and Inefficient Administration*—The paperwork and red-tape associated with welfare have become notorious. Elaborate budgets of need are constructed, entailing an item-by-item investigation of the family's situation. State standards of need often bear little relation to actual payments, and complicated formulae using rateable reductions and maximum payments are applied to calculate actual benefits. Minute adjustments are made to reflect changes in the composition of the family and the ages of its members, or as special needs arise. The resulting paperwork inundates social workers. The baroque administrative organization is fraught with error, and is largely incomprehensible to recipients and the public alike.

3. *Services*—The complex, localistic, and punitive character of the present welfare system destroys, in large part, the ability of the social worker to provide badly-needed services to the recipient family. Not only are social workers overburdened with paperwork, but they are also forced into the role of police-

men and guardians of the public purse—a role which has often been felt to be antagonistic to the client. This prevents social workers from becoming recipients' counselors. Thus most recipients are deprived of opportunities to talk with social workers and benefit from their professional training and skills.

4. *Inequitable Treatment of the Working Poor*—The most striking defect of AFDC, however, and the reason that it cannot be reformed simply by adding national standards or streamlining administration, is its artificial restriction of eligibility. Since 1935, AFDC eligibility has been confirmed by the uncritically-accepted notion that families headed by a full-time male worker do not need assistance. AFDC was accordingly designed for families headed by women and shaped by the belief female heads of households could not and should not be required to work.

The unfortunate truth, of course, is that the assumption on which AFDC rests—that the income of full-time workers is by definition adequate—is simply not valid for large numbers of families. In 1968, 39 percent of the poor families with children in this country were headed by full-time workers. Their poverty is seldom the result of a defect of character or a failure to try. It is rather the result of the inescapable fact that large numbers of jobs, for a variety of economic reasons, just do not pay an adequate wage—especially for persons with large families.

This Committee recognized in its 1967 work incentive amendments the importance of supplementing the income of working women. The so-called "30 plus ⅓" formula is the law today. But in no State is any Federally-assisted welfare available to families headed by full-time working men who earn poverty wages—the working poor. While these families may be in equal financial need with families who are helped, they are not entitled to receive federal public assistance under current law.

This is the heart of the problem of the working poor. AFDC eligibility involves exclusions which cannot be morally or rationally sustained. We have produced a system which reaches only 34 percent of the poor children in the country. We have backed ourselves into a situation in which we will help men who don't work (under the AFDC-Unemployed Fathers program), but we cannot help those who do work.

Under current law, it is easily possible for a man on welfare who does not work at all to be economically better off than a man who works full-time. But I believe that every man who is physically able to work should be required to do so, and that it should be in his interest to do so. Under present law, as a result of the 1967 amendments, AFDC–UF contains a work requirement. If a man complies with this requirement, however, he very often will be economically worse off than if he manages to evade the law. Thus we are telling him to penalize himself financially by taking full-time work. This is a greater sacrifice than we require of even the taxpayer in the highest bracket.

This inequity inflicted on the working poor is not rare. In 1968, over one and one-half million families—consisting of about 7.8 million persons—were headed by full-time workers and were still in poverty. Many of these people lived next door to welfare recipients who were economically better off than they were.

This unwise and unjust public policy has had predictable results in terms of social tension. First, an understandable discontent has been generated among those who are excluded and who see others no worse off than they being assisted. Second, ominous racial overtones have developed, since current AFDC recipients—those who are helped—are about 50 percent nonwhite, while the working poor—those who are excluded—are about 70 percent white. This country can no longer afford to have one of its most important and needed anti-poverty efforts viewed, by many of its citizens, as a divisive, unfair, and arbitrary failure. Such a view does not help to bring us together, does not promote understanding among people, and does not help to restore public confidence in the wisdom of our social policies.

5. *Work Disincentives.*—A further consequence of the exclusion of families headed by working men from AFDC is that it produces wrong-way work incentives—incentives which encourage less work, not more. We have created a program which penalizes rather than rewards work, a result out of character with our cultural heritage. There are, in fact, three different types of disincentives to work built into AFDC, as Secretary Finch pointed out in his testimony on April 29.

First is the problem created by the 1967 amendments as they relate to State need standards: A working woman is not eligible for welfare support, under present law, if her earnings are in excess of the State-defined need standard. However, a working mother who happens to be earning less than the need standard becomes eligible for supplementation of her wages even beyond the need standard through application of the "30 plus ⅓" earnings incentive formula. Once on welfare, this woman could easily have a total net income of earnings plus welfare which is higher than the income of the woman who has only earnings. In some states a mother of three children can earn as much as $9,000 a year and still qualify for welfare supplementation by virtue of the "30 plus ⅓" rule and the other exemptions (work-related expenses, health insurance, and mandatory payroll deductions, to mention three) that States may allow in addition to the Federally-mandated "30 plus ⅓" rule.

Second, the current welfare program has a built-in incentive for men who are employed part-time to keep their work effort limited and not seek full-time employment. Under the AFDC-Unemployed Fathers program, only families headed by fathers working no more than 30 hours per week (or 35 hours, at each State's option) are eligible. Thus, a father on welfare is better off working, under the "30 plus ⅓" formula, only if he doesn't work more than 30 hours per week. If he works more than that, he is suddenly no longer "unemployed" under the regulations, and he loses the supplementation provided under the "30 plus ⅓" formula. This measurement by hour means that men are often worse off working full-time than they would be either not working at all, or working part-time and receiving a welfare supplement. Nor is the problem solved by simply changing the regulation to decrease the number of hours used to define unemployment, for that only moves the notch to a lower point on the earnings curve, leaving men with an incentive not to seek even part-time jobs which entail more than the permissible number of hours of work.

Third, a work disincentive is produced by the exclusion from AFDC of male full-time workers, which I have already described. Many of these men would fare better on welfare than they do by working. In fact, any male head of a four-person family earning less than $1.85 per hour in a full-time job in Illinois, or $2.16 per hour in Massachusetts, or $2.23 per hour in New York, would have more cash if he were on welfare. Such a work disincentive, which is the result of a public program, rather than of any free-market forces, is not justified by any countervailing social policy that I can discern.

6. *Family Breakup Incentives*—The exclusion of the working poor from Federally-aided assistance has yet another perverse effect—encouragement for families to dissolve, or for couples never to marry. In situations in which a full-time working man is not making as much as his wife or the mother of his illegitimate children could receive in welfare benefits, the couple is better off financially if the man leaves the home.

The family stability problem, to be sure, is very complicated. It has many causes rooted in the complex social problems of industrialization and urbanization. We do not understand all the intricacies of family dissolution, nor do we have data that show a definite cause-and-effect relationship between welfare and family instability. But we do know that over 70 percent of the fathers of families currently on AFDC are "absent from the home," and that the present welfare system provides a prima facie incentive for break-up. Our current welfare law clearly discriminates against those intact, poor families who are making substantial efforts to work themselves out of poverty. This seems vicious and irrational. Socially, it is a self-defeating policy—one which the poor themselves see as exacting the pound of flesh of family break-up as the price for income supplementation.

7. *Adult Categories*—The present system also produces severe problems for the adult assistance categories, although the crisis here is more muted. The same geographical inequities and administrative complexities exist for these categories as exist for AFDC. The adult programs also contain other features which are of more serious import.

In many States, the programs of Old Age Assistance, Aid to the Blind, and Aid to the Permanently and Totally Disabled are funded at truly pitiful levels. Most of the recipients in these categories cannot be expected to work or receive substantial assistance from relatives or friends, but the system nevertheless allots them only tiny sums.

Also, the States control eligibility rules and administrative procedures, resulting in anomalous variations in assets tests, rules on relatives' responsibility, and work incentives from State to State.

B. THE BASIC PRINCIPLES OF FAMILY ASSISTANCE

Confronted with the glaring deficiencies of the existing welfare "system," the President concluded that nothing short of fundamental structural reform would do. He could not in good conscience propose new patches on a jerry-built system defective to its foundation.

I want to emphasize again that this Administration did not enter office determined to put into effect the specific kinds of welfare reforms which we have proposed. Neither the philosophy of the President nor our currently restricted budgetary situation would have permitted us to propose such revolutionary and expensive legislative initiatives unless we were convinced that they were inescapably necessary.

The reform principles underlying Family Assistance are thus in every instance traceable to the foregoing analysis of what is wrong with AFDC. I have elaborated those wrongs in the hope that the Committee would see that the recommended solutions flow from the basic defects of current law. I can summarize our cornerstone principles as follows:

1. *Uniform national standards* through establishment of a floor under welfare benefits, requirement of a new financial division of labor between Federal and State levels of government, and national eligibility rules;

2. *More efficient administration* through simplified application and benefit calculation procedures, separation of services from cash benefits, consolidation with other related programs, and Federal administration;

3. *Strengthened work incentives and requirements* through the elimination of "income notches," expanded training and day care, and mandatory work registration:

4. *Inclusion of the working poor* to achieve

basic equity and anti-poverty effectiveness; and

5. *Reform of adult categories* to achieve more equitable and efficient programs.

I would like to discuss each of these fundamental points briefly before taking up the central question of the working poor in greater detail.

1. *Uniform National Standards*—Family Assistance will replace the 54 different State and territorial AFDC programs with a single program for families. We would also substitute a single integrated adult category system for the more than 150 different programs of aid to the aged, the blind, and the disabled.

We must recognize that Americans are mobile people, and that problems in one State have effects elsewhere. Poverty and welfare are national problems requiring national solutions. Foremost in any such national solution must be an effort to assure that citizens who live in different States do not receive grossly different treatment at the hands of their governments. We must ensure that a minimum level of welfare support exists nationwide, for the problems of low-paying States like Mississippi today are the problems of high-paying States like New York—and indeed, of the whole country—tomorrow. Family Assistance establishes such minimum support levels; $1600 per year (plus about $860 in food stamps) for a family of four, and $110 per month for individuals in the adult categories.

But promulgation of a nationwide minimum benefit is not enough, because low-paying States could abolish their family program, rather than raise payments to the Federally-mandated minimum. To avoid this problem, Family Assistance ensures the provision of a minimum benefit by full Federal financing of that portion of the payment. The States, assisted by 30 percent Federal matching up to the poverty line, can then assure more adequate total benefits by supplementing the minimum payment.

This two-tier system has a further advantage over AFDC: it limits the present open-ended Federal funding commitment. The Family Assistance Plan returns to Congress the control over spending which it should rightfully have. The basic payment to a family of four is limited to $1600 per year in Federal funds, and no matching is provided for above the poverty line in supplemental payments. The States are protected in this arrangement through a "hold harmless" provision, which assures that they will not be required to spend more on welfare in the future than they spend in fiscal 1971, adjusted for cost-of-living increases. Many States will, in fact, experience substantial fiscal relief.

Finally, the national uniformity provisions require the establishment of a single set of eligibility rules and program standards for all States. With a single major exception—variation in levels of State supplementation—we will have an income support system which treats citizens in fundamentally the same manner no matter what States they are in.

2. *More Efficient Administration*—National uniform eligibility rules making possible another vital reform: simplification and streamlining of the notorious welfare paperwork and administrative morass. Family Assistance terminates the present practice of basing benefits on minute investigations and computations of family budgets. Eligibility for aid would be determined on a simplified basis, which would include crosschecks of earnings data and sampling of recipients' reports as protection for the system.

Strong incentives are provided for States to contract with the Federal government to administer the supplementary payments, thereby achieving economies of scale on a nationwide basis. Moreover, our latest amendments would allow States to contract with the Department for consolidated administration of all public assistance cash programs, including food stamps and Medicaid eligibility determinations.

3. *Social Services*—Although I will make a separate presentation on the Administration's proposed social service amendments this Thursday, I would like to touch on them briefly now. Family Assistance would provide a new system for clients to be referred to State and county social service agencies from which they could obtain needed work-enhancing social services and counseling. These amendments require a complete separation of welfare eligibility functions and social services delivery, and incorporate a major program expansion in the area of foster care and adoptions.

Particularly important, in my estimation, is the proposed part B of the new Title XX. It provides that if a Governor submits a consolidated plan which incorporates his social service program and one or more other HEW service programs, he may transfer up to 20 percent of the total funds from any one included program to another. This permits the States, for the first time, to shift Federal service funds among program categories to better meet their own State and local needs and priorities.

We believe that the new programs will revolutionize the current social services situation. The social worker will no longer be the policeman or the paper-ridden clerk, but will, in many places for the first time, be able to spend most of his or her time and energy counseling, advising, and generally assisting clients.

4. *Inclusion of the Working Poor.*—As the members of this Committee know, important issues are the most difficult ones. We think the single most important issue which must be faced if we are to have meaningful welfare reform is whether an income supplement for the working poor is essential. This is a difficult question for some of you. Many arguments support a negative answer. I believe, however, that an affirmative answer to that question is inescapable. Four principal considerations seem compelling to me:

(a) *The need to provide equity.* First, very simply, coverage of the working poor eliminates the harshest inequities of the present system. If we require that men must work to be eligible for assistance, how can we in good conscience fail to ensure that full-time workers are better off financially than people who don't work? Failure to supplement the incomes of full-time workers can make it profitable for them not to work. A system which encourages evasion of work requirements is unjust and counterproductive. After carefully weighing the pros and cons, we are convinced that to achieve equity in the system and for our low-income population, we must include the working poor in Family Assistance.

(b) *Reinforcement of the free market system.* Second, we believe that granting public income supplements to low-wage workers is the only effective way of dealing with the poverty and inequities to which this group is subject while at the same time preserving a free market system. Our economy creates unparalleled opportunities for workers, but simultaneously creates disadvantages for a minority of workers. A significant number of jobs at the low end of the wage scale is an unavoidable result of a free market economy in which wages are set primarily by worker productivity and competitive forces.

From this perspective, it is not unreasonable for the government to assume greater responsibility for providing those persons who are bearing some of the brunt of our economic vitality with more income protection. Far from undercutting market incentives, a well-designed program of income supplements for the working poor bolsters the free market economy.

(c) *Work Incentives.* Third, quite aside from arguments based on equity, it is impossible to establish a proper system of work incentives and at the same time exclude the working poor. This Committee has been properly concerned that a consistent set of work incentives be designed, and our latest proposals are substantially directed toward that goal. Inclusion of the working poor in the cash maintenance and Medicaid programs—they are already included in the food stamp and public housing programs—is necessary to ensure that people will always be better off by working more.

(d) *Antipoverty Effectiveness.* Fourth, we should extend income supplements to the working poor to attack fundamental problems of poverty. As the Committee knows, 39 percent of the poor live in families headed by a full-time worker. At the same time, AFDC reaches only 35 percent of the poor children in the country. Family Assistance, on the other hand, will reach 65 percent of all poor people and 100 percent of all poor families with children. FAP payments to working families with children will move almost 2 million persons across the poverty line, and an additional 500,000 persons across the low-income line.

This Committee is also familiar with the effects of poverty on family life, personal achievement, and social stability. We know that low incomes critically affect the diets families purchase, and that malnutrition among children produces mental retardation and poor school performance. This undercuts efforts to upgrade and enrich their education.

Just as our various manpower programs should be viewed as investments in human resources, the Family Assistance Plan should be seen as an investment in the future of our children.

In recent years, we have expanded family counseling programs, enriched compensatory education, and instituted rehabilitation programs for criminal offenders and juvenile delinquents at high per capita costs. These efforts are greatly needed, but they will be less effective than they might otherwise be unless we also take greater and more direct actions to increase the income of the poor and the children of the poor.

5. *Strengthened Work Incentives and Requirements*—As the Committee knows, no principle in the Family Assistance Plan is more important to this Administration than strengthening the work incentives of the current welfare system. I have already mentioned that AFDC involves three critical "income notch" or work disincentive problems. Family Assistance as modified by our amendments transmitted on June 11 completely eliminates all three of these problems.

Moreover, those amendments and the commitments which accompany them will go still further, as I will explain later, and eliminate the notch problems caused by other programs, such as food stamps, public housing, and Medicaid.

Finally, to make the work incentives and requirements effective, we have included a comprehensive program of manpower training and child care, with over $600 million in additional funding. We plan to train thousands of FAP recipients each year, teaching them new skills and upgrading old ones. We also plan to provide day care for every FAP family which needs it, both while its breadwinner is engaged in training and after he has taken a job.

Building on the initiatives which this Committee undertook in 1967, the Family Assistance Plan relies on both incentives and a strengthened work requirement. Recipients must register for and accept work or work training to receive FAP benefits. If they do not comply with this requirement, they will lose $500 per year in benefits. I want to reemphasize that each and every able-bodied adult recipient, with limited ex-

ceptions strictly defined in the bill, is required to enter training or employment.

6. *Incentives for Families to Remain Together.*—Because we have included the working poor in our income supplementation, improved work incentives, and established penalties and requirements which are consistent with the basic philosophy of income maintenance, we believe that we have substantially reduced—and in many cases eliminated—the incentives for families to break up if they wish to supplement their incomes with public assistance.

Let me again emphasize that determining cause and effect in this area is difficult. But I think we can all agree that the *prima facie* economic pressures on intact, poor families would be greatly reduced by Family Assistance cash benefits and the supporting programs of manpower training, day care, and social services.

7. *Adult Categories.*—We have improved the adult categories in two significant ways. First, we have provided a national set of eligibility standards and a national minimum level of income for all recipients of these categories of aid. This will mean a great deal in simplifying administration, increasing dignity of the recipients, and eliminating much of the poverty which now plagues these people. I might add here that under this bill, an aged couple's minimum income from all sources would be greater than a poverty level income, and that a single aged individual's minimum income would be more than 80 percent of the poverty level.

The second major improvement in the adult categories is establishment of nationwide eligibility rules, following the same principles as Family Assistance, to replace the present complex of State-by-State variations.

C. JUNE 11 AMENDMENTS

Mr. Chairman and members of the Committee, I have tried to set forth the essential elements of the analysis which led this Administration to propose the Family Assistance Plan. Further intensive discussion with the House Committee on Ways and Means produced the bill which was the subject of hearings before this Committee which began on April 29th. Those hearings focused attention on the inter-relationships between the Family Assistance Plan and other programs providing assistance to poor people—Medicaid, food stamps, and public housing. The fact that the interaction among these programs had the effect, in some instances, of undercutting incentives for work and self-support was brought into sharp relief. This Committee and the Department of Health, Education, and Welfare accordingly agreed that the Administration would reexamine the Family Assistance Plan in order to devise, if possible, means of eliminating these disincentives. The result was the Administration amendments and proposals forwarded to you on June 11th. In developing these proposals, we have tried to reinforce the principles derived from our earlier studies, and I think we have succeeded.

1. *Family Health Insurance Program.*—As the Committee knows, the current Medicaid program has serious defects which complicate Family Assistance:

Families among the working poor which are headed by males are typically excluded, while families headed by females and non-working males are included. The result is that working people are less well off than those on welfare, and many families are better off if the father leaves the home.

Welfare recipients suddenly lose entitlement to Medicaid coverage once they work their way off the assistance rolls. The result is an income notch, or a strong disincentive to work.

Benefits and eligibility rules vary widely and inequitably from State to State.

We have not at this time been able to perfect in its entirety a program to replace Medicaid for the population covered by the Family Assistance Plan. We have, however, committed ourselves to a fundamental reform along insurance lines which will:

Cover all poor families with children, bringing equitable treatment to the working poor;

Require a modest contribution from participating families, which will be scaled to increase with income so that a work disincentive "Notch" is not created; and

Provide a Federal floor of medical services nationwide which States could supplement in a manner similar to that under Family Assistance.

This legislation will be submitted to the Congress for its consideration no later than February, 1971. Merely because this proposal is not yet developed in specific is no reason, of course, to delay action on the Family Assistance Plan—a reform which is needed now and stands on its own feet.

2. *Food Stamps.*—The present food assistance programs not only create wasteful and unnecessary administrative overlap with the Family Assistance Plan, but also produce income notches and work disincentives. This problem is intensified because food stamp benefits do not smoothly decline to zero under the current schedule. Thus, a recipient can still lose more of his food purchasing power than he gains from increased earnings, as his wages rise above the eligibility point.

The Administration proposal to correct these defects would:

smooth the stamp schedule by administrative action so that no work disincentive notch remains;

simplify administration by permitting Family Assistance recipients to "check off" on their applications the cash to be applied for the purchase of stamps, with cash and stamps (or a voucher for stamps) sent to them in one transaction; and

unify administration at the Federal level by a reorganization plan, shifting administration of food stamps from the Department of Agriculture to the Department of Health, Education, and Welfare.

3. *Public Housing.*—The public housing issue arises from the fact that this locally-administered program has, in some cities, provided subsidies which have not been structured to decline as personal income rises. A family may suddenly lose entitlement to its substantial in-kind benefits at the eligibility ceiling, and the loss may more than offset the gain in earnings. (This is not a numerically substantial problem in connection with Family Assistance; only about six percent of recipients throughout the country will occupy public housing.)

The Administration had already recognized this problem, however, and proposed a solution in the Housing Act of 1970. Under that bill, a family would pay 20 percent of its net income under $3500 and 25 percent of its income above that amount, up to the fair market rental charge, as rent. As its income and rent increase, the housing subsidy would steadily decline to zero, without any sudden termination of benefits, and without a work disincentive. A draft of this provision has been forwarded to this Committee for its consideration.

4. *Unemployed Fathers Provision.*—During the spring hearings, the Committee noted that under the House-passed bill a work disincentive and equity issue regarding the AFDC-UF category remained. Families headed by males who worked full-time would receive only the Federal Family Assistance benefit, while those in the "Unemployed Fathers" category (that is, male heads of families who are unemployed or working less than 30 hours per week) would receive both Family Assistance and State supplementary benefits, an amount equal to what they receive under current AFDC law.

The Administration has proposed eliminating this problem by abolishing the Federal matching assistance for recipients in the Unemployed Fathers category—about 90,000 families out of a total AFDC caseload of almost 2 million families. As a result, all male-headed families would be treated alike, and an unbroken set of incentives would apply. We realize that there will be some reduction in benefits for the 90,000 male-headed families currently on AFDC-UF. However, the basic Family Assistance and food stamp package of $2460 for a family of four, plus a subsidized health insurance plan, represents a substantial gain for families with unemployed fathers in the 27 States without an Unemployed Fathers program now.

The potential loss to some recipients makes this feature one of the most controversial of the changes. I would therefore like to explore alternative options we considered with respect to the Unemployed Fathers program, and explain why we rejected them as unsatisfactory.

The first solution we considered was redefining eligibility by reducing the ceiling on the number of hours one could work and still receive Family Assistance. Lowering the hour limitation does not eliminate the notch problem, however—it only moves the notch to a lower income level.

Another solution we considered was mandating extension of State supplementation to the working poor. This would eliminate the differential in treatment between part-time and full-time male workers, but would cost roughly one billion dollars in fiscal year 1971 alone. Neither the States nor the Federal government now has the resources to take this step.

D. CONCLUSION

We believe that these amendments make related welfare programs supportive of Family Assistance, and help consolidate the real gains in equity, work incentives, anti-poverty effectiveness, and national uniformity made by Family Assistance. These are standards which the public rightfully expects the policies and programs of its Federal Government to meet.

Our proposal will produce many new and desirable features which the present system either lacks or contains in inadequate measure.

First, it will provide a unified system of eligibility determination, referral, services, and incentives for the recipient. The services will include counseling, manpower training, child care, and medical care. For the first time in our history, all of our poor children and most of our poor adults will be treated as whole human beings, rather than as parts of human beings eligible for only categorical benefits.

Second, and most important, is the preventative thrust of the entire program. Our poor people will get the cash and service benefits they need most, when they need them, and where they need them. This will prevent untold misery and despair and save untold billions of dollars as today's children of poverty grow up.

I have tried to explain and recreate for you some of the reasons we have made the decisions on the welfare reform which is before you today. We have presented, for your consideration, a program designed by reasonable men to meet a critical series of problems. It is, to be sure, not perfect. But then, it has been designed by men, and we are not perfect.

The problems demand the best that is in us, and we have given this issue our best efforts. I am convinced of the need for an income maintenance system to replace the current nonsystem.

We must remember that this system cannot solve the problems of severe labor dislocation, inadequate coverage of other social insurance programs (such as unemployment insurance and Social Security), or inadequate education. This program can only be expected to give us a new perspective from which to examine current and future welfare problems, and a new foundation upon which to build.

The issue of income maintenance and Family Assistance is exceedingly vast and complex. Finding solutions within it is an exciting challenge with great implications for the future of this Nation's poor, and indeed, of us all, I am prepared, Mr. Chairman, to work throughout this summer with the Committee and its staff to help draft a bill that improves the current welfare law. I pledge to make every resource of the Department of Health, Education, and Welfare available to help the Committee meet the challenge.

THE NEED FOR QUALITY CHILD DEVELOPMENT PROGRAMS

Mr. MONDALE. Mr. President, there is an increasing awareness throughout the country of the lack of adequate day-care services. Numerous articles have been written about how there are only a little over 600,000 licensed day-care spaces to serve the 4 million children under age 6 whose mothers work, as well as untold millions of other preschool children who could benefit educationally and nutritionally from quality day-care programs.

A particularly good review of this problem, entitled "Day Care: Demand Outrunning Growth," written by Nancy Hicks, was published recently in the New York Times. I ask unanimous consent that the article be printed at the conclusion of my remarks. Besides reviewing the need for day care, and describing the existing programs and proposals for day-care services, this article highlights the basic policy issue in the day-care child development field. It said, quite correctly, that—

The most basic decision ahead is whether day care will be custodial care or a form of early education.

It is my firm belief—reflected in the bill I introduced last year to expand and impose Project Headstart—that the greatest need for child care is to establish programs that provide the health, nutrition, and educational services that will permit millions of young children to reach their full potential. We know right now that the lack of proper nutrition, health care, and educational stimulation is crippling the potential of millions of American children. Child devlopment experts such as Dr. James McVicker Hunt have estimated, for example, that proper environmental stimulation in the early years can increase a child's IQ by as many as 30 points. Creative research efforts like the infant research project here in Washington, D.C., have shown that proper educational stimulation can present a 15- to 20-point IQ decline among ghetto youngsters that might otherwise occur.

I am convinced that we need to expand our day-care services, but that these services must emphasize education, health, and nutrition components, or we will be failing our children and our country. The creation of inexpensive, sterile, institutionalized babysitting centers could be a tragic mistake.

The PRESIDING OFFICER. Is there objection to the unanimous consent request by the Senator from Minnesota?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DAY CARE: DEMAND OUTRUNNING GROWTH

(By Nancy Hicks)

Universally available day care for American children is inevitable, experts in the field say. They note that women, who make up 38 percent of the work force, want and need it, and that many politicians back it.

But widespread disagreement over goals and over methods of implementation is hindering planning. This, in turn, means that day care is not becoming available at nearly the rate needed.

There are more than 11.6 million working mothers in the country today, more than 4 million of these with children under 6 years old. However, only 640,000 licensed day care spaces are available. More than one-third of these are privately run.

"Some mothers have always worked and arranged to have their children cared for," said Jule M. Sugarman, chief of New York City's Human Resources Administration, which supervises the city's day care programs.

"But people often live with whatever setups they can arrange. As soon as something else comes along, they take it. This is what is happening with day care," said Mr. Sugarman, the former acting head of the Office of Child Development of the Department of Health, Education and Welfare.

But it is becoming obvious to educators, psychologists and social scientists that before any major expansion comes about, serious problems must be overcome. The most basic decision ahead is whether day care will be custodial care or a form of early education.

Ideological leaders in the field have decided that day care is to be more than adult supervision geared, for example, to merely making certain that children do not stick their fingers in electric sockets while Mother is working. If these leaders' goals are realized, then expansion will have to be slow and expensive.

It will require the training of a cadre of personnel to teach children and to work with parents. Centers would have to be built or renovated. A "quality program" also would have to provide meals, medical services and research units that would study the effects of group education on very young children.

Using the current average Federal expenditure for early childhood programs, it is estimated that this combination of services would cost $1,600 a year a child. This compares with an annual school cost of $870 a year a child, according to the latest figures of the National Education Association.

Even with supportive services and sound educational programs, some psychologists fear, day care for the very young might become impersonal and institutionalized.

Some earlier studies of child-rearing environments—including those conducted by Dr. Eleanor Pavenstedt, a Tufts University psychoanalyst, on failure-to-thrive infants—have shown that these characteristics retard development.

But against these financial and ideological concerns is a pressing need.

A Department of Labor study in 1964 showed the arrangements that 6.3 million working mothers made for their 12.3 million children under age 14.

MANY WITH RELATIVES

Half of the children were cared for in their own homes, usually by another relative. One third were cared for in someone else's home. Thirteen per cent were watched by their own mothers during work, as might happen with a proprietor of a small store. Close to one million children, or 8 per cent, cared for themselves. These are the so-called "latch-key kids" who wear their house keys around their necks. Only 2 per cent of the mothers were able to find group day care centers.

The disparity between supply and demand has brought together traditionally warring factions in politics and education and set in motion a day care movement. Workers for women's rights are petitioning employers to begin on-premise centers for their children. Community groups are meeting at night to plan all-day and after-school centers in their neighborhoods. Mothers are setting up cooperative babysitting arrangements aimed at teaching the child as well as providing custodial care.

More organized efforts are being waged by groups like The Day Care and Child Development Council and the National Council of Negro Women, both in Washington.

Legislators have introduced a variety of bills into Congress to fund expanding services.

Economists and social scientists offer some specific reasons why day care has become such a popular issue. They include the following:

The dramatic increase in the number of working mothers, which has created a day care need that has outpaced the ability of society to handle it through informal arrangements. Forty per cent of mothers work today, compared with 1 per cent in 1940, according to Department of Labor figures. These figures are expected to increase by 30 per cent more by 1985.

The recent acceptance by industry and husbands of the movement of women out of the home and into the labor force.

Changes in the American family which used to be large and centrally located but which today is so widely spread around the country that the mother often needs day care, sometimes for illness or family crisis, aside from the workday applications.

HEADSTART AS MODEL

Estimates that in the next few years, one child in 12 will grow up in a family with only one parent, because of divorce and other factors.

Acceptance by mothers of reports alleging the importance of very early education. This has particularly created support by centers that stress teaching.

Within this educational framework, there are several existing programs that could provide models for larger programs.

Head Start, the Federal pre-school program for poor children, provides many all-day educational settings that would equal day care for a working mother. Boards of education in localities have pre-school programs that serve the same purpose.

Departments of social services offer day care for working mothers under Title IV of the Social Security Act of 1962, which provided funds for these centers.

More than 120,000 children are being cared for in what are called Family Day Care Homes, which are sponsored jointly by local social services agencies with money from the Federal Government. Under this arrangement poor mothers are taught to care for children by educational specialists who provide them with equipment in their homes and "lessons" to teach the children. In this way, that mother becomes a skilled worker in addition to providing a service.

While the above are all public programs, voluntary and private groups provide variations on the same themes.

The Office of Child Development has assumed the job of looking at the various programs and setting the standards for what day care in America should be.

ZIGLER FAVORS CHOICE

Its director, Dr. Edward Zigler, one of the original Head Start planners, likes the varied approach now being used because it gives

mothers a choice of settings. As a back-up, however, the Office of Child Development is testing some of these approaches in 32 parent-child centers developed by several universities.

"We really can't set up more day care overnight," Dr. Zigler said. "We have neither the staff nor the facilities to do so. We must expand existing frameworks. The Head Start orientation is good. A giant step would be the passing of the family assistance plan."

This embattled legislation is the President's plan to reform the nation's welfare system. It includes day care expansion. While many educators oppose the compulsory work provision of the plan, they see administrative commitment to 450,000 new day care spaces as a first step in expanding services.

"It is absolutely mandatory to develop a new cadre of people whose training is directed at raising children," said Dr. Zigler. "The Russians have them. They call such people 'upbringers.'"

The Russians, Israelis and Swedes have for years had mass day care programs for working mothers. While cultural differences have made it impossible to transfer their programs directly to American situations, they have shown that such widespread programs are possible to operate.

There is a consensus among the educators and economists studying the situation that if day care is going to work on a universal basis, the Government is going to have to pay for the majority of it simply because the size of the problem is larger than the private sector's ability to solve it.

A number of Congressmen have introduced bills that would create day care in addition to the family assistance plan.

Representatives John A. Brademas, Democrat of Indiana, and John R. Dellenback, Republican of Oregon, have introduced a bill that would repeal Head Start and hand control of operations over to a state agency that would receive most of its money from the Federal Government.

A bill proposed by Senator Walter F. Mondale of Minnesota calls for the expansion of Head Start over the next five years from a $320-million a year program to a $5-billion a year program.

A third bill, proposed by Senator Russell B. Long of Louisiana, would get up a Federal Child Care Corporation that would create, but not pay for services.

Private efforts to solve the problem have been met with some skepticism. Several years ago, entreprenuers, including several football stars, talked about setting up franchises. But because of the expense of running quality programs, most have left the field.

One private effort has received some praise from educators, however. This is the Educare project of the Universal Education Corporation of New York. It has signed a contract with the Pennsylvania State Department of Education to set up centers in four cities and hopes to expand from there.

Private industry has provided facilities for the children of employes on a very limited basis. A 1968 survey by the Department of Labor showed that fewer than 150 industry-sponsored centers were available and more than 100 of these were in hospitals.

The Amalgamated Clothing Workers Union in Baltimore and Chicago has extensive programs, however. So do KLH Research and Development Corporation of Cambridge, the Whirlpool division of RCA, and the Department of Labor itself.

GREAT SALT LAKE MINERALS, BERYLLIUM INDUSTRIES PROGRESS IN UTAH

Mr. BENNETT. Mr. President, it is always a pleasure to see the tangible results of a goal for which one has worked. Today a dream for many of us from Utah begins to be realized as one of the first commercial attempts to "mine" the Great Salt Lake is officially inaugurated.

The extraction of important minerals from the northwest arm of the famous lake is a testament to the wisdom of Congress, which helped to make the operation economically feasible when it adopted my amendment last year granting depletion rates ranging from 10 to 22 percent for the various minerals in Great Salt Lake. It also is a testament to the foresight and hard work of the Great Salt Lake Minerals & Chemicals Co. The firm conducted 8 years of research, testing, engineering, and construction in preparation for today.

The ceremonies today are specifically for this operation west of Ogden, Utah, where water from the brines of the Great Salt Lake is being evaporated in huge ponds. Many tons of potash salts, magnesium chloride, and sodium sulfate will be extracted from this operation. However, other ventures on the lake are also progressing and undoubtedly will help to contribute to Utah's economic well-being, as well.

Interestingly, the same issue of one of my State's leading newspapers that brought word of progress on the Great Salt Lake carries an adjacent report of another unique Utah mining operation—that of the Brush Beryllium Co., in Juab County.

The company, whose operation was also facilitated by congressional action last year that retained the depletion allowance for beryllium at the same 22 percent that an amendment of mine provided back in 1964, has made tremendous strides in a relatively short time. The latest word at the Utah berylluim operation—the only one of its kind in the Nation—is that the Brush Beryllium Co., has successfully test-processed a lower-than-average-grade ore from its Roadside Mine in Juab County. This indicates that open pit operations can be continued for a longer time than previously anticipated.

Mr. President, the boon to the economy of Utah and to the present and future mineral and metal needs of the United States through these developments will be significant indeed. I take this opportunity once more to congratulate publicly the industries involved and to thank the Senate for its cooperation in helping to make possible this important work.

I ask unanimous consent that the two articles published in the Salt Lake Tribune of November 26 be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

COMPANY TO START MINING GREAT SALT LAKE PONDS

(By Robert H. Woody)

The first venture to "mine" the Great Salt Lake will formally begin operations in a ceremony Dec. 3.

It will mark the culmination of eight years of research, testing, engineering and construction by Great Salt Lake Minerals and Chemicals Co. west of Ogden.

Here water from the rich brines of the northwest arm of the Great Salt Lake is being evaporated in huge ponds.

The resulting precipitate is to yield about 240,000 tons of potash salts; 100,000 to 200,000 tons of magnesium chloride; and 150,000 tons of sodium sulfate.

COMPANIES INVEST

The venture represents an investment of nearly $30 million by two corporations—Gulf Resources and Chemical Corp., which holds a 51 percent interest in GSIM&C and Salzdetfurth, A.G., of Hanover, West Germany, which holds a 49 percent interest.

Top officers of both companies as well as jointly held operating company will attend the ceremonies along with government and business leadership of the state.

There are also other ventures on the lake.

On the west side of the lake, near Rowley, Tooele County, National Lead Co. is moving ahead on a $70 million evaporation pond system and electrolytic refinery to produce magnesium and chlorine as well as certain chemical byproducts.

FIRM TESTS ORE

Brush Beryllium Co. successfully test processed to lower-than-average-grade ore from its Roadside Mine in Juab County.

The test was conducted over a six-week period during the third quarter.

According to Dr. Raymond A. Foos, vice president of research and development, Brush tried a .42 percent grade ore compared to a normal run of .6 to .7 percent at its mill near Delta, Millard County.

Present open pit operations can be continued for a longer time than anticipated before more costly underground operations need be undertaken.

DESIGN AND DEVELOPMENT

Before being named to his present post, Dr. Foos was closely connected with design and development of the mill.

Brush began milling operations in 1969.

Its intent in developing the Utah ore—the only domestic ore body and the largest in the world as far as is known—was to assure large U.S. users of an adequate long-term supply of beryllium, Dr. Foos said.

Until now ore had been imported from Africa and South Africa in the beryl form—a crystal which is hand cobbed from host rock.

Brush, he said, also hopes to reduce the price of domestic beryllium principally by maximizing the economics of ore handling.

THE CONTRIBUTION OF THE "MAYFLOWER" PASSENGERS TO THE SEARCH FOR VALUES

Mr. ERVIN. Mr. President, on November 14, 1970, Mr. Paul P. Hoffman, assistant archives administrator of the State of North Carolina Department of Archives and History, delivered an address before the Society of Mayflower Descendants in the State of North Carolina at Raleigh, N.C., which he entitled "A Search for Values." In his address, Mr. Hoffman pointed out in eloquent fashion the contributions which the *Mayflower* passengers made to mankind's search for the ultimate values of life. For this reason, the address merits preservation and dissemination.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A SEARCH FOR VALUES

Ladies and gentlemen of the Society of Mayflower Descendants in the State of North

Carolina, and distinguished guests. I feel highly honored and privileged to address you this evening on the occasion of the 350th anniversary of the landing of the *Mayflower* at Plymouth. I think it appropriate that, on this special occasion, we review the causes and motivations for the group of people that we know as Pilgrims to remove from their homeland to another civilized land and eventually to the barbaric coast of New England. The official Mayflower prayer reveres "courage in the face of hardships." but the significant point here is "why face or develop the courage to face seemingly needless hardships?" In other words, what were the *Mayflower* people seeking? What was this great search for values that drove them to the hardships of settling one of the most geographically inhospitable areas of a new continent?

Let us look, for a moment, at the England in which these people were raised and the specific influences of their early lives. William Bradford, William Brewster, John Robinson, and other of the leaders were raised in the reign of Elizabeth. There is not time here to deal with the Elizabethan Age in detail, indeed many hundreds of years have been devoted to attempts to adequately portray the Age of Elizabeth, but suffice it to say that the serious disruptions of Henry VIII and Mary were, for the most part, over. The Age of Elizabeth, then, was a calmer period than that which preceded it or than that which succeeded it. A time of consolidation and reflection is an appropriate description. Elizabeth was determined to maintain a strong crown at any cost, and the politics of such an aim determined a religious settlement tolerant of Protestantism, or an environment in which puritanism was able to grow and develop. This is not to say, however, that England was a protestant country, for there is good evidence to support the proposition that at Elizabeth's accession, France was more protestant than England. Until 1570, then, religious options were open, but in that year the Papal Bull deposing Elizabeth set England on the course she has followed to this day. Underlying these religious considerations it is important to bear in mind a constant rise in status of the gentry and middle-classes and a constant decline in the power and influence of the Aristocracy.

Where, then, do the people of the *Mayflower* fit into the scheme of things? From the founding in 1606, in the obscure Nottinghamshire town of Scrooby, of an Independent Church the group can be noted by its rural character and its yeoman or middle-class character. In the words of William Bradford, they had been "used to a plaine countrie life and the innocent trade of husbandry." Aside from some local mocking and a slight brush with ecclesiastical authorities, they lived a peaceful life, but perhaps in anticipation of troubles to come, opted to follow the example of another neighboring congregation and remove to Amsterdam, Holland, in that day, being probably the most tolerant country in existence. It is not my purpose simply to gloss over the cause of their departure by saying that they "opted" to go, it is possible to say that they were *not* "harried from the land," but I have been unable to find an adequate causal reason for their departure to Holland in 1607. This is a point in the definition of values that I wish to pursue later.

The trip to Holland, although frought with some troubles, was not difficult, and the Scrooby group settled in Leyden, the old university city, successfully. They remained there for thirteen years and met with considerable success and had won the admiration of the Dutch as well. Nonetheless, in 1620, seemingly at the peak of success, we find the group considering leaving the Netherlands for the new world. The reasons as given by Bradford in *Of Plimouth Plantation* were the difficulty of making a living, the unlikelihood of attracting others, the possibility that they themselves would disperse, and the worldly temptations which beset their children. Motives then that were partly patriotic, partly economic, partly religious, and partly moral. Lump these with the departure from England and you have a portrait of a fiercely independent and highly idealistic group of people. Independence and idealism, however, do not often represent money, and it was necessary to enter into a contractual business arrangement to secure transportation to and sustenance in the new world. The details of this were worked out together with an informal recognition of religious toleration and freedom from King James I. It is interesting to note that this first permanent colony in New England, was the child of two parents: On the one side the grasping businessman with his desire for gain, who risked a large sum and made heavy losses; and on the other side the higher motives of some of the actual emigrants, whose character, sense, and patience rescued the enterprise from disaster. Despite many difficulties related to departure, a total of 102 passengers arrived at Cape Cod on November 19th 1920, of which one-third were of the original group from Leyden. A decision was made to settle at the nearest suitable spot, knowingly outside of the jurisdiction of the Virginia Company, and, therefore also outside the bounds of their own patent. This, another evidence of fierce independence, and as time would tell, prudence as well. Before landing the famous Mayflower Compact was drawn up which, before this group, I feel no need to pursue in depth. The settlement was finally begun on December 21 at Plymouth.

The first winter, although unusually mild, was wrought with much sickness and many deaths, but there were always six or seven to nurse the living and bury the dead. These acts of kindness and understanding were the sustenance of the colony in its first year. Despite them, when the first supply ship arrived the next autumn only one-half of the original company was still living.

Successful relations with the Indians and successful trading for fur carried the colony during its first year. In fact the Bible and the beaver were the two mainstays of the young colony. The former saved its morale, and the latter paid its bills. Additional immigrants arrived on the *Fortune* for which the Pilgrims were unprepared, but as another of their values in their general search for value, they were made welcome and the provisions on hand were stretched for them. In fact, later, after Thomas Weston, one of the original backers of Plymouth, withdrew his support and sent out a colony to trade on his own account, dropped over sixty unruly colonists on the mercy of Plymouth for some months where they were treated with kindness. This colony, as a point of comparison, was to fail largely because it did not develop the sense of values which Plymouth had developed. The final example was the loan made by Plymouth to Weston after the failure of the colony so that he could set himself up as a trapper. In short, then, Plymouth, as a matter of policy, greeted and treated all who came as brothers. Kindness became a modus-operandi and an important element in the overall success of the enterprise.

Another threat was from internal dissent as propigated by John Oldham, and the hypocritical clergyman, John Lyford. We cannot go into detail on this, but the situation was handled first by futile attempts at suasion but finally by banishment. There is no case known to me of overreaction to a threat, but rather a moderate approach employing as little force or coersion as was necessary to get the job done.

By 1625 Plymouth, although the largest settlement in New England, was outnumbered by the other permanent settlers, who were likewise founding New England. There was, however, one matter which caused the Pilgrims great anxiety, namely their ill-defined relationship with the adventurers in London whose claims were still good until legally extinguished. It was necessary to come to terms with this. Negotiations were carried on and it was agreed that all claims of every description were to be canceled by the payment of £1800, in annual installments of £200 each. The payment of this sum, together with £600 of additional debt, was undertaken by Bradford, Brewster, Standish, and Winslow, with four others in the colony and four friends in England, in exchange for a monopoly of the colony's trade for six years. This eliminated the proprietary elements and the settlement became legally what it had, for all practical purposes, been from the start—a corporate colony. A new patent for Plymouth was granted in 1630 which assured their independence and boundaries. The powers of government continued to rest upon the compact signed aboard the *Mayflower* ten years earlier. But in four of the most important elements in the larger migration—the bringing of families to form permanent homes, the peculiar form of church government, the individual ownership of freely acquired land, and the severing of business and legal relations with any company in England—the Massachusetts leaders but followed the ways laid out by the simple founders of Plymouth.

On what, then was the success of Plymouth based? I put it to you, that the success of the colony was based upon the values of foresight, tenacity, fortitude, faith, moderation, tolerance, kindness, sticking together, and a seeming inherent quality of knowing what to do. The independence that drove men from Scrooby and from Leyden appears to me to be a kind of restlessness that is associated with men of high ideals and men not easily pleased. It is this sort of man who conquers continents, it is this sort of man that founded Plymouth and made it work.

The Deputy Governor of this organization has asked me to make recommendations for activities for this Society. I do not presume to tell you how, but I can say that it is the sort of values that I have tried to point out in this talk that have made this country great, and I would recommend that this group, with its proud heritage, do whatever is within its power to disseminate knowledge of these values as widely as possible to the youth, who are the future leaders of this country.

Ladies and Gentlemen, I thank you!

THE TEXTILE ISSUE—FACT AND FICTION

Mr. MILLER. Mr. President, Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, provided some penetrating insights into the impact of imports on the textile industry in a speech before the National Association of Wool Manufacturers here in Washington on November 18.

I feel that what Mr. Nehmer had to say, especially in countering the superficial and erroneous statements which are abounding, will be helpful during the Senate's consideration of trade legislation. I ask unanimous consent that the address, entitled "The Textile Issue: Fact and Fiction," be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE TEXTILE ISSUE: FACT AND FICTION
(By Stanley Nehmer)

I

I am pleased to have the opportunity to meet with you today, at a time when Congressional consideration of legislation which can affect your industry is moving toward its final stages in this session of Congress.

The solution which the Administration seeks to the problem of burgeoning and disruptive textile imports is the textile legislation now before the Congress. The Administration has taken that position with reluctance because we have always felt and still feel that the preferred way to deal with the textile import problem is through negotiated agreements with our principal foreign suppliers. But, in the absence of any constructive negotiated solution, legislation represents the only means to bring an end to this long-standing, frustrating problem. Secretary of Commerce Stans advised the House Ways and Means Committee on June 25 that the Administration supports the enactment of the textile provisions of the trade bill.

In recent weeks, and particularly during the last week, a number of statements have been made and articles printed on the textile situation. Many of these have shed much heat, but little light, on the textile import issue. We have had much fiction, but few facts. I would like to take this opportunity to comment in particular on one of these statements, prepared for an economics seminar, which received considerable attention in the press. I am referring to the comments of Governor Andrew F. Brimmer of the Board of Governors of the Federal Reserve System concerning import controls and domestic inflation as it relates to the textile issue.

But before getting to the basic questions raised by Governor Brimmer's analysis, I want to emphasize that my comments will be confined to the textile features of the trade bill and the textile issue. They do not in any way represent my judgment or that of the Administration as to other features of the trade bill or as to the position of the Administration on the bill as a whole. Secretary Stans and others in the Administration have expressed our views and deep reservations about many aspects of the trade bill in their recent testimony to the Senate Finance Committee, and I need not repeat that this morning.

II

The key to an understanding of the Administration's support of the textile quota provisions of the trade bill was stated by Secretary Stans to the Senate Finance Committee on October 12:

"The basic thrust of the textile provisions of this bill is in the direction that we have pursued for many months—the negotiation of viable international textile agreements. The quota provisions of the bill would be superseded by bilateral or multilateral textile agreements and may be waived for non-disruptive imports or where the President may find it to be in the national interest not to impose quotas."

This reading of the bill is not arrived at lightly. It is based on our direct and extensive participation in the drafting of the textile provisions of Title II of the trade bill, and it recognizes that the Ways and Means Committee adopted changes suggested by the Administration in this Title during the course of its very thorough and extensive deliberations.

Secretary Stans and other Administration witnesses had urged modification of the bill originally introduced by Chairman Mills to provide for exemption of non-disruptive goods. This and other changes were developed during the course of hearings, and were adopted by the Committee. A central feature of these changes is to assure a flexible instrument that can be used to bring about negotiated agreements. The Ways and Means Committee itself supports this view of the bill in its report by stating that "it is intended that, insofar as may be possible, the limitation of these imports will be accomplished through the negotiation of voluntary agreements provided for under Section 202 *and that the quota provisions of Section 201 will assist in the negotiation of such agreements* as well as to provide protection for the domestic market and workers in cases where such agreements are not concluded." (Emphasis supplied.)

We have said over and over again that we will never cease to negotiate on the textile issue, even if quota legislation is enacted. The public record and the record of the Ways and Means Committee are clear to all who wish to avail themselves of the hard fact of our position on this question.

But Governor Brimmer has not consulted the record. How else to explain his statement which at once recognizes that, under the provisions of Title II the President may exempt non-disruptive articles, that he may waive quotas when he finds it in the national interest to do so, and that negotiated agreements automatically supersede quotas—and yet offers the following as the *basic working assumption* of his analysis:

"It was assumed that—if quotas were imposed—the amount of imports authorized would be that stipulated under H.R. 18970. In 1971, imports would be held to the 1967–69 average; then, beginning in 1972, the amount authorized would be increased by 5 per cent of the amount authorized in the immediately preceding year."

Governor Brimmer bases his entire estimate of the cost of the textile portions of this bill to consumers on this assumption. If valid, it would mean that 1971 textile imports would represent a rollback of about 25 percent from current levels. This is not fact; it is fiction. Indeed, Governor Brimmer even fails to note that cotton textile imports, which this year will account for some 1.6 billion yards, out of total imports of some 4.4 billion yards, are automatically exempted from quotas by the bill so long as we participate in the Long Term Cotton Textile Arrangement.

In the face of the record, in the face of a clearly stated Administration intention, and in the face of the realities of our textile trade and our textile policy, in which we have always provided substantial access for imports to our market, he assumes that there will be no exemptions for non-disruptive articles, and that either no agreements will be negotiated or, if any agreements are negotiated, there would be no increase above the 1967–69 average provided for in such agreements. That does not make sense.

And where does this wrong assumption lead Governor Brimmer? Following a fairly elaborate analysis which encompasses estimates of 1975 demand versus 1975 imports on the basis of these quotas, and a price analysis about which I shall comment later, we are shown an alleged cost to consumers of $1.8 billion for these textile quotas. At this cost, which he feels would have an inflationary impact on the economy, Governor Brimmer concludes that a solution other than import quotas is needed to provide the help to workers and firms in the industry which he agrees is needed.

III

Governor Brimmer's proposed solution is not new. Alarmed at the possible cost of $1.8 billion to American consumers, he recommends that we ". . . adopt more effective programs to provide re-training and transitional benefits or financial assistance for those who are displaced by competitive forces over which they have no control—whether the forces originated at home or abroad." He offers *no* analysis of his proposed solution. Indeed, from his paper one would assume that an adjustment assistance program for textiles is free, and that American tax payers are in some way different from American consumers.

But our experience thus far with adjustment assistance and our estimates for the future in textiles are quite to the contrary. Before getting to that, however, we should perhaps establish a basic line of logic. First, we should recognize that consumers pay taxes. Second, we should recognize that adjustment assistance or any other kind of assistance costs money. Third, we should recognize that such money comes from the Treasury Department which gets it basically from tax revenues. A conclusion begins to emerge, namely, whatever money an adjustment assistance program costs will be borne by tax payers, a worthy group difficult to distinguish from American consumers.

Now, perhaps we should look at how much an adjustment assistance program might cost in dealing with a problem of the scope and nature of that which confronts the textile industry and its workers. The textile-apparel complex directly employs some 2.3 million workers in some 35,000 separate establishments located in every state of the Union. On the basis of our experience with the automotive arrangement with Canada, we have estimated that adjustment assistance per 100,000 workers certified as eligible to apply for such assistance would cost in the neighborhood of $265 million a year. This assumes that of those certified, only 75 percent finally qualify and receive assistance. Of that 75 percent, only one-fourth receive training allowances. I use the 100,000 figure because it has a peculiarly current significance. From January of this year through September, the latest month for which we have data, textile and apparel employment in the United States was down by 100,000 jobs. A total of 125,000 lost jobs in textile and apparel by the year's end is certainly a real possibility.

Obviously not all of the jobs were lost to import competition, but just as obviously a great many of them were, since American consumption of textiles did not decrease, but the import share of that consumption increased. It is a relevant figure to consider. But we should not assume that a 100,000 or 125,000 job loss will be the end of our textile issue in the absence of a sound solution to the import problem. It can reasonably be predicted that additional job losses of a similar magnitude will continue to occur over the next four or five years in the absence of controls on textile and apparel imports. This annual figure of $265 million would be repeated several times over.

And what about firms? Adjustment assistance to firms also requires money. Our experience in cases of assistance to firms and the kind of capital requirements that might be involved there is less than in the area of worker assistance, simply because there have been fewer successful applications. We do know, however, that on September 29, 1970, the Small Business Administration announced a plan of assistance to the Emil J. Padar Co. (producer of barber chairs) which provided for loans totalling $4,125,000. Other adjustment assistance proposals are being considered by the Commerce Department at the present time. While their cost will vary significantly, I know of at least one that is expected to exceed $1 million.

The textile-apparrel industry is composed of some 35,000 establishments owned by some 30,000 firms. Obviously, many of these firms will need assistance. Some of them perhaps will need as much assistance as the Emil J. Padar Co. Others will need less. Surely some will require more.

Little imagination is required to forecast that the application of figures in the order of magnitude of $1 million per firm to a very small percentage of these firms, i.e. 2 or 3 percent, produces rather large dollar outlays by the Government for an adjustment assistance program.

For example, assuming 30,000 firms, and assistance for the stated percent at the indicated level, we see:

1% at $1 million = $300 million
2% at $1 million = $600 million
3% at $2 million = $1.8 billion

Note that this 3% is only 900 firms, and a $2 million loan is less than one-half of what was deemed necessary to do the assistance job required for a barber chair manufacturer. Obviously the Brimmer solution would bring us to the threshold of a major financial undertaking that staggers the imagination.

Perhaps we should again note that, as Secretary Stans has stated, "The textile industry is too big for any kind of solution that we would be able to apply internally." Consumers, as taxpayers, would bear the burdens of such a program.

Indeed, this is perhaps the key distinction between the textile and shoe cases. The 100,000 jobs lost in textiles and apparel this year equals 50% of the total U.S. employment in the non-rubber footwear industry. Rather than 30,000 firms, there are 675. So different in size are these problems that they do, in fact, take on a difference in kind.

We believe a reasonable internally-oriented program *can* meet the problems of the shoe industry. The Administration has put forward such a program. In addition, the Tariff Commission's injury investigation now underway at the request of the President will help us to fill in gaps where import relief may be needed for particular products.

IV

Let us return briefly to another part of Governor Brimmer's analysis. He assumes that the unit value of imports (at retail) is about $6 as compared to a domestic value of about $10. He further assumes that the effect of the quota is to require that each item not available from imports be obtained domestically. Thus, the buyer of a unit who cannot obtain a $6 unit because of the quota must obtain a domestic replacement at $10. Cost of quota? $4 per unit. Net result based on his demand projections and on his import-supply projections? $1.8 billion.

But here again, I think we are dealing with a false assumption. Namely, that all imports and all domestic articles cover the same price spread in unit value. This ignores the fact that imports are generally more concentrated in value terms than is domestic merchandise which covers in significant quantity the entire range of price and quality. In short, the unit value comparison is not realistic. The $6 item that the consumer replaces with a domestic item is not replaced with a $10 item, but with an item of the same quality whose unit value is likely to be much closer to $6 than to $10.

Every dollar of reduction of that $10 unit in Governor Brimmer's analysis reduces the $1.8 billion cost figure by twenty-five percent. Thus, if a $6 item is replaced by a $7 domestic item the $1.8 billion cost drops to $450 million. You may have noticed that this is far below any reasonable estimate of the cost of an adjustment assistance program.

Governor Brimmer also fails to account for the cost to the Treasury of lost revenue from taxpayers who used to work in the textile and apparel industry but are forced into adjustment assistance payments, and from firms which used to make a profit in that industry but no longer do so. Our estimates of the lost wages alone for 100,000 workers amount to more than $500 million a year, or more than $625 million a year for 125,000 workers. And this is cumulative, so that, in the absence of meaningful restraints on imports, by the fifth year alone, it could be somewhere between $2.5 and $3.0 billion. Obviously, this loss to the economy is reflected in lost expenditures by these people, as well as in nonpayment of taxes. From contributors to our tax revenue and economic activity, these people shift to recipients of public assistance.

These figures on workers and firms do not reflect community losses sustained as a result of this loss of buying power, increased welfare costs, and lost local tax revenue from unemployed workers and closed plants. Over a five-year period, we could conceivably be dealing with an economic impact measurable in tens of billions of dollars.

As a final note, Governor Brimmer also largely assumes that the only real force holding down textile-apparel inflation is imports, and that a lessening of this pressure means equivalent upward price movement. But we are looking at an extremely competitive industry. Apparel, the focus and example chosen for his analysis, is without doubt the least concentrated major American industry. Its largest firm accounts for but 2 percent of the industry sales and its 8 largest together account for only 15 percent. Firms in this industry clearly face the knife-edge of competition, with or without imports.

There are other technical deficiencies in Governor Brimmer's analysis which I will not pursue in detail at this point, but which further undermine his conclusion.

For example, Governor Brimmer's method of calculating the cost of quotas on apparel depends *completely* on reducing the entire range of apparel items and pieces to a single "average price" measure. He does this by taking a *poundage* figure for all retail apparel purchases and dividing it into the total value of such purchases for both domestically produced items and for imports. But there is absolutely no relationship in the market place between the weight of an apparel item and its price. Anyone who looks at his wife's clothing bills knows this.

Also, we know that many of the factors relied upon in Governor Brimmer's method are not the constants he assumes them to be. This is true, for example, of the composition of the consumer's price index basket of goods and services. The only constant about this basket is that it changes all the time as per capita incomes rise and new consumer goods appear on the market. Six years is a long period for which to assume zero change in areas as dynamic as incomes, tastes, and actual consumer expenditures.

Governor Brimmer's method rests on arbitrary assumptions which introduce a serious systematic upward bias into his results and on crucial measurements which are technically unacceptable. Finally, there are also inaccuracies in his summary of the provisions of the bill, which cast additional doubt on the soundness of the paper. In short, good cloth cannot be woven from bad yarn.

V

What can be said, then, about the effect on prices of the textile provisions of the trade bill?

First, we should recognize that textile and apparel imports will continue at high levels under the bill. Instead of the disruptive 47 percent growth in imports of man-made fiber textile products which occurred in the first nine months of this year over the same period of 1969, which was 25 percent higher than the 1968 level, which was 52 percent higher than the 1967 level, we should see a smaller and non-disruptive rate of growth in such imports.

Second, our experience with regard to cotton textile imports which have been subject to control since 1961 under international agreements, has been that prices have risen only slightly. In 1960, the year before these arrangements began, the wholesale price index for cotton products (1957–59 = 100) stood at 104.4. In September 1970, it was at 106.4. During the same period the index for all industrial commodities increased from 101.3 to 117.1.

Third, the key to the future of prices of textiles and apparel lies in maintaining a viable, competitive domestic industry, that is, in the competition of 30,000 firms for the consumer's business. If imports should further reduce the size of this industry significantly, we can all view with alarm the impact on the consumer.

VI

Thus, I do not accept Governor Brimmer's analysis of the textile situation or his recommendations for a solution to the textile import problem. In my view, public debate on the trade bill and the Congressional debate we shall witness this week are not well served by an analysis which starts from false premises and carries them through to extreme conclusions. One point made by Governor Brimmer is his often repeated caveat, lost in some public reports, that his "estimates are obviously tentative and should be interpreted with considerable caution." I agree with that, and how!

We can only hope that fact, not fiction, will prevail on this issue in the coming weeks.

A TRIBUTE TO WALTER J. HICKEL

Mr. STEVENS. Mr. President, most of the Members of this great body will remember the stormy days in January 1969, when the Senate considered the nomination of then Governor of Alaska Walter J. Hickel to be Secretary of the Interior. Governor Hickel was accused of having close ties to the oil and gas industry and with having a callous attitude toward our natural environment. On the day the Senate voted to confirm Governor Hickel I spoke in his defense and I predicted to the Members of this body that Governor Hickel "will become a great Secretary of the Interior and . . . will guard his Nation's resources well." My prediction has been borne out.

Soon after the new Secretary took office the substrata above an oil pool in the Santa Barbara channel ruptured and natural pressure in the pool forced between 1 and 3 million gallons of oil in the waters above, some of which floated to shore and severely damaged miles of beautiful southern California beaches. Secretary Hickel flew to the scene and made a personal inspection, consulted with experts and then made the tough decision to shut down all offshore operations in the area. He then asked the U.S. Geological Survey to draft a substantially stronger set of drilling regulations and put them into effect despite industry opposition. He followed this with a regulation making oil companies strictly liable for spills from oil platforms in offshore Federal areas.

And this was not an isolated incident. He continued his drive to protect the environment. He blocked construction of a proposed Miami jetport that might have severely damaged the Everglades National Park. He convinced the Army Corps of Engineers to divert water into the park to save it from destruction.

The Secretary also took innovative new steps by recommending the creation of a new system of urban parks, proposing a ban on billboards on Federal lands, supporting a strong coal mine safety bill, banning the use of DDT by Federal

agencies under his control, and ordering the prosecution of mercury polluters and oil companies violating regulations in the Gulf of Mexico.

His record, of course, will not satisfy everyone—no one could. But as Spencer Rich of the Washington Post put it recently, "Take him all in all, and most conservationists agree that he has done a good job in the public interest."

Over half a century ago, one of America's truly great conservationists, President Theodore Roosevelt, said something which I think Secretary Hickel's critics, and in fact all critics, would do well to bear in mind. He said:

It is not the critic that counts, not the man who points out how the strong man stumbled or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena; whose face is marred by dust and sweat and blood; who strives valiantly, who errs and often comes up short again and again; who knows the great enthusiasms, the great devotions and spends himself in a worthy cause; who, at the best, knows in the end the triumph of high achievement and who at worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat.

The Nation's loss is Alaska's gain, for Wally Hickel is coming home. As Alaskans meet the challenge of wisely developing our resources while protecting our clean air, clean water, and quality of life, we will have the guidance and wisdom of Wally Hickel to aid us. A unique man, a strong man, an Alaskan, Walter J. Hickel loves his State and country and his voice will continue to be heard.

BRUCE SAYS REDS WILL NOT NEGOTIATE

Mr. DOLE. Mr. President, there was an interesting story in yesterday's newspapers, a story that puts in their proper perspective all those complaints that every time the President acts in Vietnam he hurts negotiations in Paris.

If you will recall, the United States has taken nearly every step possible, short of outright surrender and abandonment of its allies, in an effort to bring about meaningful negotiations with the North Vietnamese.

But also, from time to time, in an effort to save American lives or prevent military disaster, President Nixon has acted in a manner that tells the North Vietnamese we have not retreated, we have not surrendered, and we are not a paper tiger.

You may remember the incursion into the North Vietnamese sanctuaries in Cambodia last spring.

Or, you may remember the latest daring effort to rescue American prisoners of war rotting in North Vietnam.

And the cries of anguish it brought forth.

I recall the words of the junior Senator from Maine last Tuesday, November 24, when he said:

What I am suggesting is that if we embark on that kind of policy, of reaching in from time to time to get a handful of prisoners back, we may exacerbate the situation, we may be risking an escalation of the war, we may minimize the prospects of a negotiated settlement and we may further delay the day when we may bring them all back.

The tone and the temper of the Senator's remarks are that we are engaged in meaningful negotiation and that the North Vietnamese are willing or have been willing to discuss the matter of prisoner exchange or even decent prisoner treatment.

This, of course, is not the case at all.

Mr. President, you may remember, the President has offered a total prisoner exchange: all North Vietnamese for all Americans. In terms of numbers, this would be clearly to the advantage of the North Vietnamese. Yet they have ignored the proposal.

Mr. President, what negotiations is the Senator from Maine talking about in realistic terms?

If we read yesterday's Washington Post, there are none.

Let me quote from an article by Anatole Stub, of the Washington Post foreign service:

PARIS, Dec. 1.—David K. E. Bruce, the chief U.S. negotiator at the Vietnam peace talks, said today that "there have never been any true negotiations" in the nearly two years of the Paris conference.

The U.S. envoy told a news conference that the talks had provided "a propaganda field day" for North Vietnam and the Vietcong, and that "that is all that has been going on."

Bruce said there has been "no indication whatever" that the Communists were ready to "engage in true negotiation." Instead, he said, the Communist side has stuck to its two preconditions—total U.S. withdrawal and replacement of the Saigon government—which, if accepted in toto, would according to them result in a "negotiating posture."

The Communist preconditions remain unacceptable to the United States, Bruce said.

Mr. President, I do not doubt that it is in our own best interest to continue to try to bring about some kind of meaningful negotiations with the Communists.

But from the evidence at hand, it appears that there is little hope that the Communists will voluntarily free any American prisoners in the immediate future.

I wonder how long the critics of the President's action—safe here in their own snug comfortable lives—would ask their fellow Americans in those Communist prisons—and their wives and children—to be patient?

SENATE REFORM

Mr. HARRIS. Mr. President, Senate reform is a subject which I hope will be increasingly discussed and supported in the Senate and in the country.

To further that discussion and, hopefully, to increase support for reform, I ask unanimous consent that a memorandum I have prepared for circulation to Senators be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM FROM FRED R. HARRIS, SENATE REFORM

I. NEED FOR REFORM

During the last six months—and particularly in the weeks which immediately preceded the 1970 elections—I had occasion to travel around the country quite a bit and to talk with people from all backgrounds. The principal hallmark of the 1970 elections was the feeling on the part of many Americans that it didn't really matter what politician was elected.

A great deal has been written and said about the alienation of young people and the alienation of black people and other minorities. I believe that there is a growing and dangerous feeling on the part of many of the great mass of plain people in this country that the political process is not responsive enough to the public will and cannot act with sufficient urgency on the pressing problems which face us.

I find it in my own family. A relative of mine has suffered a catastrophic illness, and despite the fact that this couple has worked as hard as they could all their lives, they cannot pay their medical and hospital bills. My father, a very small farmer, rightly believes that he had a legitimate complaint about the need for tax reform. Too many people like these are convinced, correctly, that they have just complaints about the way things are, but they seriously doubt that anything much is really going to be done about these complaints.

Put this together with the same kind of despair that so many young people and members of minority groups feel, as they contemplate the need for national action on a broad range of social problems, and the necessity to do more than just talk about these problems confronts each public official in America.

Those of us in the Senate have a special responsibility to try to modernize and reform the one institution to which we belong—the Senate. If we are to help restore and renew public confidence in the political process and in our political institutions, I believe it is imperative that we act now to make the Senate more responsive to the public will and more nearly an instrumentality for carrying forward the majority view in the Senate.

Accordingly, I have discussed these matters with a number of people—Senators and others—who are knowledgeable and concerned about Senate procedures. I believe there is strong and growing sentiment for reform. Thus, what follows is a listing of some of the issues which should be considered by the Senate—and particularly by the Senate Democratic Caucus—for action at the beginning of the 1971 session. These ideas are circulated, not as final positions, but as the springboard for further discussion, refinement, revisions and additional suggestions. This effort in no way intends to be critical of the Senate leadership—and certainly not of Senator Mansfield—but of the system itself and of its outdated and archaic rules and procedures. The U.S. House of Representatives—and the House Democratic Caucus—have begun to institute important reforms. I believe it is time for the Senate, also, to move toward modernization and reform.

II. STEERING COMMITTEE

Of crucial importance will be the selection of three new members of the Democratic Senate Steering Committee, which makes committee assignments. Vacancies will occur because of the retirement of Senators Dodd, Holland and McCarthy. It has been the procedure in the Democratic Caucus in the past to move toward better representation on the Steering Committee of the regional and ideological makeup of the Senate Democratic Caucus. This should, of course, be carried forward in 1971.

These three vacancies should be filled with progressive Democrats to improve the ideological balance of the Steering Committee and to make the Steering Committee more nearly reflect that balance in the Democratic Caucus. The vacancy created by the retirement of Senator Dodd should be filled by a progressive Democratic Senator from the Northeast, and the vacancy created by the retirement of Senator McCarthy by a progres-

sive Democrat from the Mid-West—to continue the same geographical or regional representation in these two instances.

However, the vacancy created by the retirement of Senator Holland should be filled by a progressive Democrat from the West. The present regions and the states which make them up—important for the purposes of regional balance on the Steering Committee—have more or less arrived at in the past informally, apparently. Oklahoma and Texas are listed in the Southern region for this purpose. I believe that such a listing is erroneous, because some years ago the Senators from both of these states decided to meet with the Western Caucus, rather than the Southern Caucus, and because the interests of their people are more nearly parallel to those of the West.

Placing these states in the Western region would mean that the Northeast would continue to have 9 Democratic Senators, the South would have 15, the Mid-West 14 and the West 16. Thus, the Mid-West, West and South would each be entitled to 4 Steering Committee seats.

Put another way, no Southern Democrat Senator would lose his spot on the Steering Committee. Instead, the under-represented Western Democrats would pick up a fourth seat on the Steering Committee when this vacancy is filled.

The three vacancies on the Steering Committee should be filled before new Committee assignments are made for the 1971 session.

Moreover, the Steering Committee assignments should be subject to individual votes in the Democratic Caucus. (More on this later in respect to the need for increased importance to be assumed by the Democratic Caucus.)

III. COMMITTEE RATIOS

It is generally conceded that the Finance, Judiciary and Appropriations Committees, especially, are not ideologically representative of Senate Democrats, being heavy on the conservative, rather than the progressive, side. How committee ratios are determined for these committees and for the Foreign Relations and other important committees will be highly important. If ratios are worked out on these committees in such a way as to reduce the number of Democratic seats that would otherwise be available, it will be impossible to achieve more nearly an ideological balance which is truly representative. Agreements with the Senate Republicans on committee ratios should take this into account.

Moreover, the size of these committees under the Legislative Reorganization Act—as seems permissible under that law—should take into account the Senators who are "grandfathered" in as members of more than one major committee.

In other words, a committee which would otherwise be reduced from 17 to 15 members, under the Legislative Reorganization Act, but which has two "grandfathered" members, should temporarily remain at the present membership of 17 in order to accommodate those specific memberships.

The Appropriations Committee should remain at 14 Democrats and 10 Republicans; the Finance Committee should remain at 10 Democrats and 7 Republicans; the Foreign Relations Committee should remain at 9 Democrats and 6 Republicans; and the Judiciary Committee should remain at 10 Democrats and 7 Republicans.

The appointments to these committees particularly should be from among the progressive, rather than conservative, Democrats in the Senate so as to more nearly conform the membership of these committees with the ideological balance in the Democratic caucus.

IV. SENATE DEMOCRATIC CAUCUS

Since Democrats will continue to be the majority party in the Senate in the 1971 session, they have a special burden of responsibility to the public. It is they who designate the Senate leadership, committee chairmen and principal staff, and schedule the work of the Senate in committees and on the floor.

Because of this special public responsibility, the Senate Democratic Caucus is highly important. If it is to become more responsive to the public will, the Senate Democratic Caucus must be upgraded in importance, visibility and influence.

The Caucus should meet regularly, at least once a month. Even better, would be a weekly luncheon.

Attendance will depend upon the Caucus actually having something to do. Senators will attend if important decisions are being made. The Caucus should meet in public, because it will be doing the public's business.

The Steering Committee should report committee assignments to the Senate Democratic Caucus, not directly to the Senate floor. Most often, and particularly initially, these assignments would probably be approved as a matter of course. But the right of the Caucus to vote on individual assignments, should it desire to do so, should be established.

Most important, the Senate Democratic Caucus should be given an opportunity every two years to vote on Steering Committee recommendations for all committee chairmen. Again, at least initially, these chairmanships would probably be approved almost as a matter of course. Even this, however, would have a highly salutary effect and would tend to cause committee chairmen to become more responsive to the will of the majority in the Senate, particularly in regard to holding hearings and meetings and considering legislation.

V. PARTY LOYALTY

The Senate Democratic Caucus should face up to the question of what its position should be concerning committee assignments and Senate positions for those who are elected to the Senate or re-elected to the Senate as other than nominees of the national Democratic Party. In particular, this issue presently arises through the re-election of Senator Harry Byrd, Jr. of Virginia, not as a Democrat, but as an Independent. The issue has nothing to do with Senator Byrd as an honorable and dedicated Senator and person.

It does involve such questions as whether or not it will be possible to build and maintain national Democratic parties throughout the country if the Senate Democratic Caucus ordinarily grants full membership in the Caucus to those who seek election or re-election under other party labels or under no label. Moreover, this can be very important insofar as the needed growth in the power and importance of the Senate Democratic Caucus itself.

Senators with whom I have discussed this difficult matter have raised serious questions—some based upon law, some on fairness and some practicality—about acting retroactively in regard to Senator Byrd. Moreover, the first decision is his as to whether or not he seeks to continue his membership in Democratic Caucus. There is quite a bit of feeling that at the very least the Senate Democratic Caucus should lay down some prospective rule which would govern situations such as this in the future. I believe that the Senate Democratic Caucus should authorize a special committee to make recommendations to it concerning this matter.

VI. SENIORITY

The seniority system is one which has grown up by custom and tradition in the Senate and is most often, and rightly, attacked.

I believe that there is, correctly, a growing feeling in the Senate and in the country that the seniority system must be changed.

There is considerable support for the idea—operative elsewhere in the government—of a mandatory retirement age for committee chairmen, an age when they would be required to step down from the chairmanship but could remain as a member of the committee. Some supporters of reform of the seniority system argue that this is not the best method for accomplishing reform. I believe that this might be a step in the right direction if nothing better could be agreed to immediately.

A better and more logical way to reform the seniority system—and at the same time enhance the importance of the Senate Democratic Caucus—would be to require that committee chairmen be voted upon each two years by the Caucus, as suggested earlier.

Further, I believe that we should signal our responsiveness to the growing concern about the seniority system by voting in the Senate Democratic Caucus to set up a special committee on reform of the seniority system to report back on a date certain. This would serve the good purpose of helping to focus Senate and public attention on this problem and would generate debate and discussion about it in the Senate and in the country, both during the deliberations of the special committee and at the time its report and any substitutes for it were considered by the Senate Democratic Caucus.

VII. APPOINTMENT OF CONFERENCE COMMITTEES

Conference committees in the Senate are now, almost as a matter of course, appointed on the basis of seniority on the Senate committee involved. While the Senate conferees always do the best they can to represent the Senate position in conference, Senate conferees are often Senators who have not supported the majority Senate view on the major issues involved in the conference.

I believe that there should be greater representation on many of the Senate conference committees of those who have voted in the majority on the principal questions which are the subject of the conference.

I think that this should be the subject of discussion in the Senate Democratic Caucus, and I would hope that some general statement of policy on this matter, recognizing the need to vary the seniority rule on conference committees, would be adopted by the Caucus. This matter should also be the subject of consideration and recommendation by the special committee on reform of the seniority system, which should be created by the Democratic Caucus, as I stated earlier.

Moreover, I believe that Senators who are of like mind on this issue—both Democratic and Republican—should at an early date choose a piece of legislation in the Senate concerning which the appointment of conferees may be crucial and where the seniority system for choosing Senate conferees will not result in the selection of a majority of the conferees from among those who have supported the Senate position on the major questions involved. Then, when the matter of the appointment of the conferees in that case comes up in the Senate, Senators should join together to require the election of conferees by the Senate itself, as the rules provide. Success in such an effort, or even a strong and determined, but unsuccessful, attempt could, I believe, have salutary effect and could lead to a change in the way conferees are appointed.

VIII. FILIBUSTER

Of course, the power of the minority of the Senate to thwart the will of the majority through the use of the filibuster rule is the greatest anachronism in the Senate rules and the greatest barrier to majority rule.

Again, in 1971, the ruling of the Vice President as to whether or not the Senate is a continuing body with continuing rules will be crucial.

But, however that ruling goes, a determined and spirited fight will and should be

made to change Rule 22. As in the past, this should be a bipartisan effort. The leaders in this fight in the past have performed most commendably, and they should be encouraged. Whether or not the fight is successful at the beginning of the session in 1971, it is important that the public spotlight once again be focused on this archaic rule, and it should be demonstrated that at least a majority of the Senate wants to change it.

I personally would like to see the rule changed to a requirement of the vote of a bare majority to cut off debate. There is merit in the suggestion, however I and other Senators feel, that once again we should try to change the rule to a provision that three-fifths, rather than two-thirds of those present and voting, can invoke cloture, if it can be clearly demonstrated, as in the past, that this position would have greater support in the Senate and would more likely be able to attract sufficient votes to make the effort successful.

CONCLUSION

This discussion of needed reform in the Senate is by no means exclusive. Some Senators may agree on some of the matters discussed and not on others. Some Senators will have different or additional suggestions. I hope that this memorandum will elicit greater discussion of the important issues involved.

Most of all, I hope that we can build increasing support in the Senate, particularly among the members of the majority party which has special public responsibility, for a major new and concerted effort toward reform. The Senate is a great institution, but it must change with the times. And I firmly and sincerely believe that the times demand that the Senate become a more responsive instrumentality of the will of the people.

FOREST GROVE GLEEMEN AND GIRLS CHORUS OF OREGON

Mr. PACKWOOD. Mr. President, it was with great pleasure I recently learned that the Forest Grove Gleemen and Girls Chorus of Oregon has been invited to appear at the International Singing Festival in Vienna, Austria. Being selected to go to this festival is a great honor and a compliment, both to the Forest Grove singers and to our Nation.

This group is a nonprofit singing society from Forest Grove, and it has contributed 20 years of noteworthy service as well as listening pleasure to Oregon communities. Their activities include supporting scholarships for young singers, raising funds for community activities, and sponsoring an all northwest barbershop ballad contest.

Their appearances in Vienna will be July 1 through July 4, and they also plan to continue their tour with appearances in London, Zurich, and Rome.

Mr. President, I should like to mention here that these singers are the kind of goodwill ambassadors all nations listen to—for they generate peace and understanding through a universal language of song to which all nations are attuned.

WHAT HAPPENED TO THE "MOTHER OF EXILES"?

Mr. BAYH. Mr. President, nations find their proper place in history, not because of the extent of their borders, not because of the treasure piled up in their vaults, but because of what they stand for. Greece does have glory because it unfettered human thought. Rome does have grandeur because it left us the priceless legacy of the rule of law. Our own Nation has served as an inspiration to others; it has extended hope to the otherwise hopeless, because it has stood for freedom and the rights of man. To many millions overseas the real symbol of this country is not Old Glory but the Statue of Liberty with its light held up for a world to see. The Mother of Exiles has symbolized our deep concern for human rights by saying to the world:

Give me your tired, your poor. Your huddled masses yearning to breathe free. The wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door.

Last week a Lithuanian sailor aboard a Soviet vessel in American territorial waters responded to that symbol. But this seeker of freedom found the golden door barred by callousness, indifference, and bureaucratic insensitivity.

A fellow human being sought freedom and it was denied to him. Not only was this unfortunate, known to us only as "Simas," defrauded by being denied what he believed we stood for, not only have we confounded the hopes of millions behind the Iron Curtain who still yearn for freedom, but our Nation has lost by this shameful act. Our symbol of liberty has been stained and besmirched, and by our own hand.

Naturally, we will now have investigations. There may even be the 50th or the 100th or the 500th commission established to study this matter and some months later to present its findings to the archives.

But this event is too important to be left to the slow grinding of bureaucratic wheels. It goes to the very heart of what we stand for and merits the effective mobilization of our concern and compassion.

In an editorial published in the Washington Post of December 3, 1970, the President is urged to intercede directly with the Soviet Union to secure the release of "Simas," so that this Nation may at least partially redeem itself in world opinion and, more important, in its own opinion.

Further, if the Soviet Union refuses to release "Simas," I suggest that our Ambassador to the United Nations be instructed to place this matter before the General Assembly on Human Rights Day, December 10. Many Americans are sincerely concerned by the gradual erosion of effectiveness of the United Nations over the past quarter of a century. I submit that one of the reasons for this unfortunate decline is that we have failed to use the United Nations as the moral voice of mankind. The words of the preamble of the Universal Declaration of Human Rights are deeply moving:

Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Let us give life to those words. Let us ask other members of the United Nations to determine whether the brutal treatment accorded the freedom-seeker "Simas" accords with the sentiments of the Universal Declaration of Human Rights.

Our own commitment to freedom, the brave words utttered so often by the United Nations, mean nothing unless they reach out and are able to touch the individual. The President has many means at his disposal to secure effective action to free "Simas" and I suggest the urgency of mobilizing those means.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial entitled "Simas," published in today's Washington Post.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SIMAS

No more sickening and humiliating episode in international relations has taken place within memory than the American government's knowing return of a would-be Soviet defector to Soviet authorities on an American ship in American territorial waters off Martha's Vineyard last week. Here was a man, known only as "Simas," who had jumped across 10 feet of open water to a Coast Guard cutter (named Vigilant), which a Russian ship was approaching for fishing talks; who asked for but was denied political asylum because of an unbelievable breakdown in judgment and compassion on the part of both the State Department and the Coast Guard; who went down on his knees in prayer and then fought with his fists to be kept from being dragged back to the Russian vessel by Russian crewmen; who was given not a word or a gesture of assistance from the Americans who for hours witnessed his struggle; and who was finally rowed back, bound, to captivity and to God knows what other misfortune by *American* sailors in an *American* "lifeboat." The mind closes, the heart clogs at contemplation of this fantastic parable of our times. It is a profound stain upon every person who, by omission or commission, had a role in it.

Of course the President ordered an investigation, which evidently is not to be made public, but a more hollow one could not be imagined. For what is required is not just the usual kind of inquiry which concludes, if it is not more or less a whitewash, that certain procedures which should have been followed were not followed and that various individuals exercised bad judgment. There should be, on all levels and by individuals examining themselves, a deep look at the values and the condition of our society, whatever it is that allows a man's freedom, if not his very life, to be sacrificed needlessly, carelessly, by an unfeeling bureaucratic machine.

Moreover, we believe it to be appropriate politically and essential morally for President Nixon to make a direct intercession with the Soviet Union for the release of "Simas," and his family. The American government's embarrassment should not be allowed to obscure the Soviet government's fundamental duplicity in inventing a criminal charge against the sailor in order to balk his defection and then in seizing him against his will. The collective shame and indignation of the United States can be of no help to that poor man unless it is expressed in a specific urgent plea for his liberty.

AMBASSADORS BRUCE AND YOST ON PRISONERS OF WAR

Mr. GRIFFIN. Mr. President, on Tuesday there were two important developments regarding the plight of American prisoners in Southeast Asia.

Ambassador David K. E. Bruce held a press conference in Paris and provided the latest comprehensive report on Communist treatment of Americans. He called that treatment "shameful."

Ambassador Bruce said:

The truth is that the other side has failed in virtually every respect to treat our prisoners of war decently, or in accordance with internationally accepted standards of civilized behavior.

The other development was the approval by the Social Committee of United Nations of a resolution which calls for humane treatment of all war prisoners, including those in Vietnam.

Sixty nations voted in the U.N. for the resolution. This is a significant expression of concern by the world community about Communist treatment of prisoners. Only 13 nations, mostly in the Soviet bloc, opposed the resolution, and there were 34 abstentions.

Ambassador Bruce, in his press conference statement, called special attention to the Communist failure to provide information about those captured or missing in South Vietnam and Laos. A few propaganda broadcasts and one letter are the only communications available to the outside world on these men.

The Communists, said Ambassador Bruce, show no concern for their own men and flout our concern for ours.

He listed 13 types of Communist violations of the Geneva Convention. The Ambassador also provided the latest tabulation of Americans missing in Southeast Asia, the number acknowledged by the Communists to have been captured, the total number of letters received, and the number of writers.

As of November 1970 some 2,700 letters have been received from 332 writers.

Following the vote by the U.N. Social Committee, Ambassador Charles Yost emphasized that the size of the majority which voted for the POW resolution "shows that . . . treatment of prisoners weighs on the conscience of the world."

Mr. President, I ask that the text of Ambassador Bruce's opening statement at his Paris press conference, his tabulation of North Vietnamese violations of the Geneva Convention, the latest statistics on Americans held in Southeast Asia; the text of the United Nations General Assembly's Third Committee resolution on prisoners of war; and a statement by Ambassador Yost, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TEXT OF OPENING REMARKS BY AMBASSADOR DAVID BRUCE AT PRESS CONFERENCE ON PRISONERS OF WAR ON DECEMBER 1, 1970

Ladies and gentlemen, in view of the amount of press and public attention presently being given to the problem of American prisoners of war in Southeast Asia, I thought it might be useful to meet with you and answer questions on this subject.

Recent events have once again focused world attention on the plight of our prisoners, the action to rescue American prisoners at Son Tay was one example, certainly the most daring and dramatic, of the many efforts the United States Government and American people have made on behalf of our missing or captured men. All of these efforts reflect grave concern over their fate. There is no issue on which the American people are more united and more determined.

This concern is the result of the other side's shameful attitude on the prisoner of war question. Just last week one of their spokesmen asserted again that North Viet-Nam treats our captured men leniently and humanely. But the record, unfortunately, shows otherwise.

What is humane about keeping hundreds of families in agonizing doubt by refusing to identify the prisoners they hold, and to provide full information on the men they know to be dead.

What is lenient about keeping prisoners incommunicado for years, and, even now, allowing little or no communication between many of them and their families?

What is humane about refusing to permit impartial inspection of prisoner of war facilities?

And what is lenient about failing to release sick and wounded prisoners of war, and those held captive a long time?

The truth is that the other side has failed in virtually every respect to treat our prisoners of war decently, or in accordance with internationally accepted standards of civilized behavior. The most recent evidence of this is the distressing news that more of our men have died in captivity. We know that some of these men were alive in North Vietnamese hands after being shot down, because they were identified as such through the other side's own propaganda media. But we have no information on how or when they died, nor do we have official confirmation of their death.

If the record is bad enough concerning our men captured or missing in North Viet-Nam, it is even worse in regard to those captured or missing in South Viet-Nam and Laos. Except for a few propaganda broadcasts, we have never had any information from any source whatever on the fate of these men. Over all these years exactly one letter has been received from a person in this category. We know that several prisoners in South Viet-Nam have been murdered, and we fear for the fate of many others.

It is clear that the other side has deliberately chosen to flout their international legal obligations under the 1949 Geneva Convention, and their moral and humanitarian obligations to the prisoners and their families. They have chosen to try to use these men, and our deep concern for them, as bargaining pawns to achieve their political objectives. This is unconscionable and unacceptable. This is inhumane to the prisoners themselves. It is also inhumane to their families.

Here in Paris we have pursued the prisoner question as a matter of the highest urgency. Those of you who have been reporting these meetings know that we have raised this subject in over half of the plenary sessions at the Majestic Hotel, and we have frequently made it the sole subject of our statements. We have made clear from the outset that the treatment and release of all prisoners of war is a fundamental issue which cannot be ignored and need not await resolution of other problems. As you know, I have presented formally to the other side President Nixon's proposal on October 7 for the immediate and unconditional release of all prisoners of war on both sides—an offer on our part to release more than 36,000 of their men, including over 8,000 North Vietnamese soldiers, in return for probably less than 5,000 American and South Vietnamese prisoners held by the other side.

The reaction of the other side has been totally negative. They show no concern for their own men and flout our concern for ours. They have refused even to discuss the prisoner of war question unless and until we agree first to their basic preconditions to negotiation. This is a crude and unacceptable attempt at blackmail. It has added greatly to the solicitude the American people feel about the fate of our men.

In this matter of prisoners, I do not reflect a uniquely American position, but a universal position as set forth in the Geneva Conventions.

Hanoi and the Viet Cong must understand, in unmistakable terms, that their past and existing attitude on the prisoner of war question is intolerable. We will continue to pursue the twin objectives of humane treatment and early release of our men by all means available to us. Our men and their families deserve nothing less.

DRV VIOLATIONS OF 1949 GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR

(To Which the DRV Acceded in 1957)

Art., requirement and DRV performance:

13. POWS must be humanly treated, protected; reprisals against POWS prohibited.

Paraded in streets, forced to make statements, some torture.

21. POWS not to be held in "close confinement."

Many POWS held in solitary confinement for years.

23. Mark POW Camps as visible from air, give information on camp locations.

No markings on camps: locations concealed.

26. Provide sufficient food, prevent loss of weight, take account of normal diet.

Released POWS state that standard fare consists of pumpkin soup, rice, bread, pig fat. All POWS underweight and suffering from malnutrition.

30. Adequate medical care.

Much evidence of inadequate medical care (photos, released POWS): prisoners dying in camps.

34. Regular religious services.

Only evidence is films of some Christmas service.

70. Write to family within one week of capture.

Some have not written for five years.

71. Minimum of 2 letters and 4 cards a month.

Average of 2-3 letters per year (none at all for some).

72. Free receipt of parcels.

DRV states that POWS can receive a package every other month. Evidence indicates delivery is irregular, parcels sent to "dead" not returned.

109. Immediate repatriation of seriously sick and wounded. Release of POWS long held in captivity.

No regular release of sick and wounded or long held POWS; state of health or duration of imprisonment has not appeared to be a determining factor in those releases which have taken place.

120. Advice of deaths in captivity, full official information on circumstances, cause burial, grave identification.

Bare assertion of death through unofficial and irregular channels. No details.

122. Advise promptly names of all POWS held.

Never released official or complete list.

166. Neutral inspection of all camps, interview of POWS without witnesses.

No inspection: propaganda interviews only.

U.S. POW'S AND MIA'S IN SOUTHEAST ASIA

Following is statistical information on U.S. POW'S and MIA'S in southeast Asia at Ambassador Bruce's special press conference on POW'S.

American prisoners of war and missing in action in Southeast Asia (as of November 23, 1970):

BY COUNTRY

	Missing	Captured	Total
NVN	403	378	781
SVN	463	78	541
Laos	227	3	230
Total	1,093	459	1,552

STATISTICAL RECAPITULATION BY YEAR LOST

	1964	1965	1966	1967	1968	1969	1970	Total
Missing	4	54	206	249	284	200	96	1,093
Captured	3	74	93	160	113	11	5	459
Total	7	128	299	409	397	211	101	1,552

CAPTURE ACKNOWLEDGED BY ENEMY

	By mail	By propaganda	Total
NVN	331	18	349
SVN	1	19	20
Laos	0	1	1
Total	332	38	370

MAIL STATISTICS

	As of January 1969	As of November 1970
Total letters received	620	2,700
Total number of writers	103	332

Only nine American prisoners held in North Vietnam have been allowed repatriation by the Hanoi Government. Most of these men had been prisoners for less than 2 years. Seventeen known prisoners have been murdered or have died in Viet Cong captivity. The physical condition of the men who have been released has been far below normal standards.

THIRD SOCIAL COMMITTEE—POW RESOLUTION

1. POW resolution, A/C.3/L.1808/REV.2 as amended, cosponsored by Belgium, Dahomey, Dominican Republic, Greece, Haiti, Italy, Madagascar, New Zealand, Philippines, Thailand, Togo, and United States, was adopted in the third committee on the U.N. General Assembly on December 1 by vote of 60 (U.S.)—16–34. Full report will follow septel.

2. Text of resolution follows:

The General Assembly,

Recalling that the preamble of the United Nations charter affirms faith in the dignity and worth of the human person,

Recalling that the United Nations has as one of its purposes achievement of international co-operation in solving international problems of humanitarian character and promotion of respect for human rights,

Reiterating the obligations of states members for the urgent termination of all armed aggression as envisaged in articles 1 and 2 of the charter and in other relevant documents of the United Nations,

Noting the obligation of states members under the charter of the United Nations to promote universal respect for, and observance of, human rights,

Recalling resolution 2444 (XXIII) and 2597 (XXIV) requesting the Secretary-General, in consultation with the International Committee of the Red Cross, to continue to study, inter alia, (I) steps which could be taken to secure the better application of existing humanitarian international conventions and rules in armed conflicts; and (II) the need for additional humanitarian international protection of civilians, prisoners and combatants in all armed conflicts,

Believing therefore that the treatment accorded to victims of war and armed aggression is a concern of the United Nations,

Noting resolution XI adopted by the XXIST International Conference of the Red Cross at Istanbul calling upon all parties to the 1949 Geneva Convention relative to the treatment of prisoners of war to ensure that all persons entitled to prisoners of war status are treated humanely and given the fullest measure of protection prescribed by the conventions, and that all parties involved in an armed conflict, no matter how characterized, provide free access to prisoners of war and to all places of their detention by a protecting power or by the International Committee of the Red Cross.

Considering that direct repatriation of seriously wounded and seriously sick prisoners of war and repatriation of interment in a neutral country of prisoners of war who have undergone a long period of captivity constitute important aspects of human rights as advanced and preserved under the Geneva Convention and the United Nations Charter.

1. Calls upon all parties to any armed conflict to comply with the terms and provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war so as to ensure humane treatment of all persons entitled to the protection of the convention and, inter alia, to permit regular inspection in accordance with the convention of all places of detention of prisoners of war by a protecting power or humanitarian organization, such as the international committee of the Red Cross;

2. Endorses the continuing efforts of the International Committee of the Red Cross to secure effective application of the convention;

3. Requests the Secretary-General to exert all efforts to obtain human treatment for prisoners of war. Especially for the victims of armed aggression and colonial suppression;

4. Urges the compliance with article 109 of the convention, which requires repatriation of seriously wounded and seriously sick prisoners of war and which provides for agreements with a view to direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity;

5. Urges that combatants in all armed conflicts not covered by article 4 of the Geneva Convention of 12 August 1949, relative to the treatment of prisoners of war, be accorded the same humane treatment defined by the principles of international law applied to prisoners of war;

6. Urges strict compliance with the provisions of the existing international instruments concerning human rights in armed conflicts and urges those who have not yet done so to ratify or accede to the relevant instruments in order to facilitate in all aspects the protection of the victims of armed conflicts.

STATEMENT BY AMBASSADOR CHARLES W. YOST ON POW RESOLUTION

The United States is profoundly gratified that the Social Committee of the General Assembly in its consideration of the question of Respect for Human Rights in Armed Conflicts has overwhelmingly approved this broadly sponsored resolution on prisoners of war.

It makes clear the very real concern of the world community for the humanitarian treatment of all who find themselves in captivity, anywhere, during times of conflict. It reaffirms the fundamental principle that prisoners are entitled to certain basic protection, care, communication with their families, and repatriation.

Beginning in the mid-nineteenth century with the noble work of Henri, Dunant, the Swiss humanitarian who founded the Red Cross movement, civilized states have recognized that all those who find themselves in captivity or internment, often through no fault of their own are inherently entitled to decent treatment as human beings. In our century, in the heat of conflict, this principle has too often been overridden for political or propaganda ends. This has been and is a clear denial of those basic human rights set forth two decades ago by the United Nations in the Universal Declaration of Human Rights, and codified with respect to times of conflict by the series of Geneva Conventions. Virtually every nation-state and member of this world organization has subscribed to these principles, but in many areas the principles are not, unfortunately, followed in practice.

Today's vote shows that this treatment of prisoners weighs on the conscience of the world. It is gratifying that the Social Committee has approved this resolution. We hope that it will receive even broader affirmation in the Plenary.

The United States is of course most deeply concerned over the treatment in North Vietnam and elsewhere in Southeast Asia of the more than 1,500 of its citizens and servicemen who are missing in action. We have positive evidence of the inhumanities to which they have been subjected. Their families have long suffered—in some cases for over five years—by the silence imposed upon their loved ones. We are equally concerned for the fate of all other prisoners, wherever they may be, who suffer similar deprivation and indignities.

My Government, and its allies, have sought scrupulously to observe the provisions of the Geneva Convention, have made all our detention facilities accessible to the International Committee of the Red Cross, and have moved swiftly to correct any inadequacies of treatment of prisoners brought to the attention of authorities by representatives of that impartial humanitarian Swiss agency.

It is our hope that today's expression of conscience by this committee, along with the reiteration by the Secretary General on November 25th of his appeal for humanitarian treatment of prisoners and detained newsmen in North Vietnam and elsewhere, will lead to the acceptance of the humanitarian offices of the Red Cross wherever it has been denied access. We hope it will prompt release of accurate lists of captives, repatriation of sick and wounded, and restoration of communication among families.

Indeed, if member states will continue to lend their good offices, we believe this resolution provides a way for rectification of this grave violation of human rights. By internment in neutral third countries, by exchange of prisoners from both sides, by providing full access to all prisoners by humanitarian agencies, by restoring communications with families, real and practical steps can be taken toward ending this blot on the world's record of respect for human rights. If today's action by the United Nations helps to accomplish this, it will be a shining proof of the devotion of member states to the humanitarian pledges of the Charter.

CONSUMER AGENCY LEGISLATION

Mr. RIBICOFF. Mr. President, on Tuesday the Senate, by a vote of 74 to 4, overwhelmingly approved S. 4459, the Consumer Protection Organization Act. But yesterday, on a tie vote of 7 to 7, the House Rules Committee refused to send a similar bill to the floor for consideration by the entire House. Thus the lack of a single vote threatens to deprive the 435 Members of the House of an opportunity to act on this important legislation.

The Senate action shows there is broad

bipartisan support for this legislation. In turn, it reflects a widespread feeling across the Nation that consumers want and need the additional protection the bill would provide them. Yet the majority well may be thwarted for want of a single vote in one committee.

Mr. President, the consumer agency bill which passed the Senate is fair and well balanced. It advances the public interest without harming legitimate private interests. Senator JAVITS, who has worked long and hard for this bill, joins me in the hope that a way will be found to bring the House bill to the floor of the House, so that the whole House will have a chance to vote on it.

S. 4445—A BILL BY SENATOR PACKWOOD TO REDUCE OR ELIMINATE AGRICULTURE-RELATED POLLUTION — ADDITION OF COSPONSORS

Mr. PACKWOOD. Mr. President, I find it significant that President Nixon's first official act of 1970, and of the new decade, was to sign the National Environmental Act, on that occasion he declared that improving the quality of the environment is a major goal for the Nation and warned that "unless we move on it now, we will not have an opportunity to do it later."

With typical American enthusiasm the citizens of our land have launched countless action and study groups. They have organized some new environmental protection organizations, and have revised the charter and character of some existing ones, I salute these efforts, but in our zeal to start something new I fear we may be overlooking the obvious potential we already have in present programs. In some cases all that is needed is to take some new approaches and infuse some new initiatives in our existing programs.

That is the intent of Senate bill 4445, which I introduced on October 7. This bill would update the Soil Conservation and Domestic Allotment Act, as amended, and broaden the authority of the agricultural conservation program to permit sharing the cost of agriculture-related pollution prevention and abatement measures.

Mr. President, the Department of Agriculture has long recognized the important role of rural America in the Nation's environment. Its programs have progressively helped farmers to make a greater contribution to more enjoyable and healthier living. In particular, the agricultural conservation program has proved itself to be a most effective instrument for stimulating additional conservation of soil, water, and woodland, and wildlife on farmland in all of the agricultural counties of the 50 States, Puerto Rico, and the Virgin Islands. In fact, about 1 million farms and ranches have been participating in the program each year.

Last year in my State of Oregon alone, over 5,000 farms benefited from the agriculture conservation program receiving $2,269,594 in Federal funds on a cost-sharing basis.

Mr. President, for years there has been a growing concern about farm programs which result in huge subsidy payments to a small number of large farm operations. Now the Congress has moved to place a $55,000 limit on crop payments. In contrast to this, beneficiaries of the ACP have always been widely spread, with a limit of $2,500 per farmer. For Oregon, the average payment is about $450, I know of no program which better lends itself to support for the family farm and smaller operations, and which in fact has provided such broadly distributed benefits.

At present, cost-sharing is being provided for agriculture-related pollution prevention or abatement practices that also conserve soil and water. But the expanded authority provided by S. 4445 would permit sharing the cost of authorized practices without requiring that they also provide significant soil and water conservation benefits.

Certainly, no program already in existence, or that could be formulated, would contribute more to the control of water and air pollution in rural America than the cost-sharing provisions authorized in the Soil Conservation and Domestic Allotment Act.

In the case of water pollution, the greatest problem in our streams is sediment. No other program has been so effective in keeping soil out of the Nation's rivers and streams as the cost-sharing program that the Department of Agriculture carries out with farmers and ranchers. Alfalfa, clover, and other legumes hold soil in place and allow maximum insoak of precipitation without runoff. Terracing, strip cropping, and planting forest trees hold water in place and allow better management of this important resource. Every farm pond and small lake is a water treatment plant. They offer an opportunity for soil particles to which chemicals are attached to settle out of the water and into the soil itself.

In the case of air pollution measures, good ground cover of grass, legumes, and trees have helped to recycle oxygen back into the atmosphere. What could be more important at a time when doctors and clinics are warning us of the dangerous rise of emphysema and asthma and other respiratory diseases. Fresh air can no longer be taken for granted. We must plan the use of our resources wisely in order to assure an adequate supply of oxygen in our atmosphere.

Mr. President, I think it is clear that the cost-sharing programs presently authorized under the Soil Conservation and Domestic Allotment Act have been quietly waging war on pollution for years. It is apparent to me that they have not been given their due credit in the field of pollution abatement.

Testifying on the role of Government programs in the antipollution field before a House Appropriations Subcommittee earlier this year, Mr. Milton Fricke, chairman of the Water Resources Committee for the National Association of Conservation Districts, said:

> We think it rather strange that pollution people are seemingly getting such a good press and here the things that we have been doing all these years are being forgotten. If we just had a few more tools we could have done many of the things that they are asking for in another program and we would hate to see another program started.

Mr. President, Senate bill 4445 would make available many of the tools that Mr. Fricke asked for. Let me cite some examples:

First. In many States across the Nation, one of the principal methods of protecting fruit and vegetable crops from frost damage involves the use of smudge pots in orchards, vineyards, and fields. Smudge pots give off smoke along with the heat they are designed for, which often create a severe air pollution problem. S. 4445 would authorize cost-sharing to prevent or eliminate air pollution by such smoke.

Second. In pruning and thinning operations, both in woodlands and orchards, the slash and other wastes are generally burned as a fire prevention and insect and disease control measure, and in some cases to prevent water pollution. The smoke that results from burning often creates a severe air pollution problem. Cost-sharing to eliminate or reduce this hazard by disposing of these waste materials without burning would be authorized under the provisions of S. 4445.

Third. In areas where the production of grass and legume seed are heavily concentrated, and in some rice-producing regions, heavy crop residues are left on the ground after harvest. In Oregon and other States, farmers customarily burn off these residues as a farming management and disease and insect control procedure, thereby creating air pollution problems. S. 4445 would authorize sharing the cost with farmers on pollution control practices to prevent or abate this type of air pollution.

Fourth. Many farm livestock and poultry barns and feedlots or other operations, even under good management, often cause water, air, or land pollution problems. Some corrective measures are presently authorized. However, others, which are much needed are not. S. 4445 would eliminate the need to make detailed determinations of eligibility such as would now be required in many individual cases, and would make possible new and innovative solutions to this growing problem. A feedlot with 60,000 head of cattle is no longer unusual in many areas. A feedlot of this size has the sewage equivalent of a city of more than 1 million inhabitants. If manure is applied at the rate of 10 tons per acre, the annual waste from a 60,000-capacity feedlot would cover approximately 10,000 acres of land. Studies are now underway to determine the maximum amounts of animal wastes that can be applied to the land without reducing crop yield or quality.

Fifth. Farm pesticide and other chemical containers and miscellaneous other waste materials often create land or water pollution problems when they are discarded. Sanitary and safe disposal, of itself, may not also conserve soil and water, but is desirable and needed in the public interest.

In all of these and in other similar cases of farming practices and operations corrective measures and satisfactory equipment to prevent or reduce pollution are known. However, converting to and operating such suitable alternative methods and equipment may be too expensive for individual landowners and operators to accomplish by themselves using only their own resources. Farm families must be concerned first with food, clothing, housing, education, transportation, and taxes. Only after these items are taken care of are most farmers able to move on to the longer term economic, social, and environmental considerations. Also, some of the most-needed antipollution practices themselves may not significantly conserve agricultural soil and water.

If farmers are forced by law and regulations to install air and water pollution prevention practices for the benefit of the public without cost-sharing assistance, a large percentage of them may be forced out of farming and the cost of food and fiber to the American consumers will rise.

Senate bill 4445 would provide authority for cost-sharing assistance to help with the very substantial cost of changing to nonpolluting equipment and methods where the public, not the farmer, is the principal beneficiary.

Mr. President, I have noted with great concern that the President's budget for fiscal year 1971 does not include funding for the ACP. It seems ironic that at a time when there is so much emphasis on ecology and improvement of our environment that we should abandon or reduce an established program which has produced so many conservation and environmental benefits. In view of the strong support for the ACP in the Congress and in the country, I hope that the administration will give further consideration to the continuation of the agricultural conservation program with new emphasis and redirection toward environmental improvement and the problems of agricultural pollution.

The problem of pollution from agricultural sources deserves urgent attention and assistance, I am confident that through this bill we will effectively help the farmers, ranchers, and woodland owners of America to provide a better environment for all of us.

Mr. President, I add the following Senators as cosponsors of S. 4445: the Senator from Kentucky (Mr. COOPER), the Senator from Wisconsin (Mr. NELSON), the Senator from Michigan (Mr. HART), the Senator from Oklahoma (Mr. HARRIS) and the Senator from Hawaii (Mr. INOUYE).

HUNGER IN AMERICA

Mr. KENNEDY. Mr. President, 1 week ago today Americans across this land sat down at tables laden with the bounty of the most productive agricultural system in the history of the world. For families fortunate enough to celebrate Thanksgiving 1970 in that way, it was an enjoyable day. Yet, millions of Americans could not and did not observe Thanksgiving Day with a feast. In fact, many American families barely had enough food for subsistence.

Hunger in America is terribly widespread and totally unnecessary. Too many witnesses have reported to those of us serving on the Senate Select Committee on Nutrition and Human Needs about numbers of children as well as adults who are not getting enough food to sustain life.

Through its efforts, that committee has served to alert and inform the Nation of the critical demanding needs faced by 27 million Americans who do not eat because they are poor.

We on the Nutrition Committee have sought ways to serve those who are needy. Federal assistance programs that are normally intended to serve hungry people are too often administered in a manner that is unjust, inept, or both. The result is that too few people get the help they deserve.

Last week, on Thanksgiving Day, the Senator from South Dakota (Mr. MCGOVERN), the very able and effective chairman of the Nutrition Committee, issued "A statement on hunger in America."

In it he raises questions about why millions of children still go hungry in school; why families cannot get the food they need when our farm stockpiles are continually overflowing with surpluses.

These are the questions, Mr. President, that we on the committee have asked many witnesses. Although some answers have been provided, there remains a formidable task ahead for the committee.

The continued existence of substantial conditions of hunger and malnutrition are inexcusable, humanly unconscionable and economically and socially short-sighted. For those reasons, the battle against hunger must be continued.

I submit that we in the Senate can best continue that battle through the work of the Nutrition Committee. For, during its short life this committee has done more than any other to systematically document and explain the needs and demands of those who suffer because they are hungry.

The Select Committee on Nutrition must continue. There must be a completion of the work that has begun.

In Senator MCGOVERN'S Thanksgiving statement, he has further explained actions that we must take to bring an end to hunger in America.

I ask unanimous consent that the statement of the Senator from South Dakota be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A STATEMENT ON HUNGER IN AMERICA

(By Senator GEORGE MCGOVERN)

Today, Thanksgiving 1970, most Americans partake in and give thanks for the bounty they are fortunate to share in this nation. Two years ago, when I began, as chairman of the Senate Select Committee on Nutrition and Human Needs, the fight against Hunger in America, I had hoped to be able to report on a day such as this that not one of our fellow citizens was still without adequate food for his table.

Unhappily, I am unable to make that report for, as millions of us joyously gather with our families, other millions of our fellow citizens continue to suffer from hunger and malnutrition and the illness that follows in their wake.

This is not just an unhappy situation. It is tragic and unforgivable. As a senator from South Dakota, a great farm state, I am acutely aware of the nation's agricultural productivity. America's poor are still hungry not because there is no food to feed them. They are hungry because our people and our government have not yet marshalled the will and resources to end this needless suffering.

That this nation can do what it wills done, there can be no doubt. Ten years ago, President John F. Kennedy pledged we would put a man on the moon by 1970—and we did. It cost $30 billion and we traveled 480,000 miles through the blackness of space, but we did it. In 1956, the Eisenhower Administration pledged us to a system of interstate highways that would comprise the most extensive transportation network built by man. It cost $40 billion and we cut through mountains and crossed great rivers, but we did it.

In May of 1969, the President of the United States pledged that "the moment is at hand to put an end to hunger in America itself for all time." Last Christmas, the President pledged that by this day, Thanksgiving, 1970, every needy child in America's public schools would be fed a free or reduced price lunch.

Neither of these pledges has yet been met. More than 12 million Americans still go hungry at home. As many as four million children still go hungry in school.

Today, each American should ask why this is so. Why a nation capable of fulfilling the most phenomenal technological feats, is incapable of fulfilling its pledge to feed all of its people?

I have my own explanation which I hope some of my fellow citizens will find helpful. Since the President specifically pledged last Christmas, following the Administration's Conference on Food, Nutrition and Health, that by this Thanksgiving every needy school child would receive a free or reduced price lunch, I will discuss the failure to fulfill that pledge first. This failure is all the more disheartening because last spring the Congress enacted P.L. 91–248, a sweeping reform of the National School Lunch Act, which provides that every needy child *shall receive* a free or reduced price lunch. The Congress not only passed the reform, but it actively sought the most feasible regulations possible while committing itself to adequate funding of the program.

At the time the Administration made its pledge, there were 4,066,000 children receiving free or reduced price lunches; the Administration estimated that 6.6 million children, an additional 2,534,000, should actually receive lunches by this Thanksgiving. *Yet the latest available statistics indicate that far from reaching the additional two and a half million children, the program has practically stood still.*

Participation, as of the end of this September, was 4,139,860, an increase of 73,860. This increase represents 2.9% of the Administration's goal; the total of 4,139,860 is 63% of the goal. I, for one, do not consider that goal to be adequate. I agree with Congressman Perkins, chairman of the House Education and Labor Committee, that there are in reality 8.9 million needy children. Using that figure as a benchmark, it means we are really only reaching less than half of our hungry school children.

Thus, a solemn pledge by the Administration has turned out to be about 3% food and 97% empty promise. This is a bitter lesson in the fumbling processes of America's government for millions of her school children.

The Administration, rather than candidly owning up that it has badly missed the mark, is trying to dispute and explain away these figures. First, they claim that the September figure represents a gain of 20% over

September a year ago when participation was 2,960,000. Is this now the measure of success rather than the original goal of feeding every child? If so, then by next September we will be reaching 4,967,832 children, still about 1,600,000 short of the original goal. This is not good enough.

Other reasons offered by the Administration for the poor participation figures for September are: 1) the new regulations to accompany the recent amendments to the National School Lunch Act were not published until September 4 so school officials could not implement them effectively during that month, 2) last spring Congress changed the definition of who is covered by the School Lunch Act and 3) the September figures are not typical.

Each of these reasons is without sound basis.

(1) The regulations: Congress approved a final version of the School Lunch Amendments in April 1970, one month before the President signed the Amendments into law. The Department of Agriculture had one full month to begin drafting the proposed regulations before the Act even became law. Yet, the Department did not issue the proposed regulations until two months after the amendments became law. The Department may claim that the delay in issuing final regulations was caused by the necessity to permit the Congress and the public to suggest changes in the regulations but the critical delay actually occurred in the issuing of the proposed regulations themselves.

(2) Definitions of Eligibility: The Department knew that the definition of who was to be covered (eligible) under the Act was the responsibility of the Secretary of Agriculture in April when Congress approved the final version of the amendments. Any confusion this September over eligibility is clearly the Department's responsibility.

(3) September Figures: September is the month when the bulk of the schools' basic administrative business, including registering children for the lunch program, is taken care of. It is normally a burdensome month but this year it was somewhat worse due to the failure of the Department to present the state officials with the new regulations until five months after final passage of the school lunch amendments. State school lunch directors from all over the nation have conveyed their displeasure to me over this unnecessary delay. There may be some improvement in the figures for October but it is unlikely that whatever increase takes place will approach the goal.

The record clearly shows that we have failed to fulfill our pledge to feed every needy school child primarily because of a lack of Administration follow-through.

Now let me discuss the failure to fulfill the pledge to feed every family. When the President sent his hunger message to Congress in May of 1969, only 6.9 million of an estimated 25 million hungry Americans were receiving food assistance—3.2 million with food stamps and 3.7 with surplus commodities. The President committed the Administration to reforming and expanding the food stamp program, making it the government's primary weapon against hunger, until it reached every needy family. The Senate, taking him at his word, passed a Reform Food Stamp Act in September of 1969 which provides the program and the funds to do the job. When that measure passed the Senate over a year ago, there was a surge of hope throughout the country that we were really about "to put an end to hunger in America itself for all time."

Now, however, we face the incredible prospect that the Congress may adjourn without completing action on food stamp reform but simply extend the operation of the present inadequate program. The prospect may come to pass because of obstructionism by certain powerful members of the House of Representatives and because of an unwillingness on the part of the President and Administration officials to challenge that obstructionism.

The House Agriculture Committee has reported a food stamp bill to the House Rules Committee but the Rules Committee has not given the bill a rule for action on the House floor. It is likely that the House Rules Committee will not meet to give food stamps a rule thereby arbitrarily preventing the House as a whole from passing on this vital measure. I believe it is imperative that the President make clear, publicly or privately, that the time is long past for full House consideration of this major piece of anti-hunger legislation.

If the President permits this Congress to adjourn without completing action on food stamp reform, he will have signalled a major retreat from his promise to bring an end to hunger and malnutrition in this rich nation. If we are to move significantly beyond the 11.7 million persons now receiving food stamps and commodities, if we are serious about helping all 25 million of our hungry citizens, we must have food stamp reform and we must have it now.

I have indicated my disappointment with the progress we have made so far against hunger in this country, as well as my disappointment with the Administration's follow-through on its pledge to feed every hungry school child and every hungry family. They say they have done more than any previous Administration—and it is true. But they have had a clear responsibility to do more. For never have the facts about hunger in America been so clear. Never before have we had scientific evidence indicating the tragic medical effects—stunted bodies and retarded brains—of letting our people go hungry. It is no longer good enough to say we have done more. The time is long past to do it all.

I do not wish to demean the Administration's efforts since it took office. Hunger in America is not a partisan matter. Indeed, I praised those efforts last Christmas, in no small part because of the school lunch pledge and an apparent seriousness of intent regarding food stamp reform. Now, however, I see a disturbing gap between promise and performance.

It is time for the President and Administration officials to close that gap by gearing up their anti-hunger efforts. It is time to stop looking backwards at the limited progress that has been made and time to look forward at how much is yet to be done.

The Administration should admit that we have failed to fulfill the school lunch pledge and move determinedly to ensure that it is met—and speedily. If further action is required of the Congress, for instance to provide even more funds for feeding facilities in schools that have none, then the Administration should seek that action.

The Administration should bring all its influence to bear to get House action on food stamp reform instead of passively standing by while the best hope for feeding America's hungry families, including almost 17 million persons (those not now receiving food stamps and those now on surplus commodities who should be receiving stamps instead) is quietly killed by conservative opposition.

The Administration should revise its restrictive budget estimate for food stamps this year of $1.25 billion and accept the $1.75 billion appropriated by the Senate, an amount that will permit further expansion of the program instead of forcing the Department of Agriculture to keep it in check. The Administration's original budget request is now demonstrably inadequate. At the current rate of expansion, the food stamp program could reach almost 11 million persons by the end of this fiscal year. The cost of this program will be $1,650,000—$400 million more than the Administration is requesting. Further, there are still one thousand counties with surplus food programs, several hundred of which want to switch to food stamps. The $1.75 billion appropriated by the Senate will be sufficient to cover the natural expansion of the food stamp program through the remainder of the fiscal year and permit some of the surplus food counties to switch to food stamps. And, for the next fiscal year, the Administration should request at least $2.5 billion for the food stamp program, the amount authorized by the Senate.

The truth of the matter is that we are still a long way from ending hunger and malnutrition in this great and powerful nation. I believe that the single greatest source of that pressure in the past few years has been the Select Committee on Nutrition and Human Needs. For this reason, I believe the Select Committee's existence should be extended for another year, a year in which we can assure fulfillment of the fight against hunger. I know I will be joined in this effort by all my colleagues in the Senate who have fought so hard during the past two years to end hunger and still see it as a noble goal for this nation.

	Participation	Gains or progress [1]
December 1969 (Nixon pledge) [2]	4,066,000	[3] 73,860
September 1970 (most recent available) [4]	4,139,860	
Goal promised December 1970, 6,600,000 [5]	6,600,000	[6] 2,534,000
Goal estimated (Perkins)	8,900,000	

[1] 2,460,140 gap in promise and delivery.

[2] Percent of pledge being met = $\frac{73,860}{2,534,000}$ = 2.9 percent.

[3] Net gain since pledge.

[4] Percent of needy receiving F/R price lunches now according to administration goal = $\frac{4,139,860}{6,600,000}$ = 63 percent.

[5] Percent of needy receiving F/R price lunches according to Perkins estimate = $\frac{4,139,860}{8,900,000}$ = 46 percent.

[6] Increase needed from December to now to accomplish pledge.

Note: Conclusion. The promise of the administration to see that every needy child gets a F/R price lunch by Thanksgiving 1970, was 2.9 percent food and 97.1 percent promises.

Food stamp program cost, fiscal year 1971—July 1970–June 1971

	Bonus cost
July $6.9 million	$98,098,155
August $7.2 million	102,901,845
September $8.2 million	116,000,000
October [1] $8.5 million	[2] 123,250,000
November [1] $8.8 million	[2] 127,600,000
December [1] $9.1 million	[2] 131,950,000
January [1] $9.4 million	[2] 136,300,000
February [1] $9.7 million	[2] 140,650,000
March [1] $10 million	[2] 145,000,000
April [1] $10.3 million	[2] 149,350,000
May [1] $10.6 million	[2] 153,700,000
June [1] $10.9 million	[2] 158,050,000
Total	1,582,850,000
Additional monthly increase based on geographical expansion of the program	62,500
Total bonus cost from October through June	7,252,000
New total	1,590,102,000
Additional administrative cost [3]	60,000,000
Final total	1,650,102,000

[1] Estimated 3% monthly increase.

[2] Estimated per person bonus cost of $14.50 per month.

[3] USDA estimate.

A REPORT BY THE DEPARTMENT OF DEFENSE ON THE RESULTS OF AN INVESTIGATION OF DRUG ABUSE IN SOUTHEAST ASIA AND A STUDY BY DR. MORRIS D. STANTON OF THE U.S. ARMY

Mr. DODD. Mr. President, subsequent to hearings of the Senate Subcommittee to Investigate Juvenile Delinquency in August of 1970 into the critical drug abuse problem in our Armed Forces, the Department of Defense dispatched an investigative team to Southeast Asia to conduct an extensive study on drug abuse problems among servicemen in that area of the world.

On September 15, 1970, in a letter from the Department of Defense I was given a briefing on that mission and informed that the Juvenile Delinquency Subcommittee would be apprised on the results of that inquiry upon the return to the United States of this team which was headed by Jerome A. Vacek of the Marine Corps.

I have now received the report of the Department of Defense Drug Abuse Control Committee team on its investigation in Southeast Asia and submit it for the consideration of the Senate.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C.

Memorandum for Deputy Assistant Secretary of Defense (M&RA).

1. Pursuant to the instructions contained in reference (a), a Drug Abuse Control Committee Task Force consisting of the below-named members departed the United States on 29 August 1970 for the purpose of inquiring into all aspects of drug abuse among United States military personnel in the Pacific area. In accordance with the subsequent request of the Chairman, Department of Defense Drug Abuse Control Committee, the Task Force also inquired into drug abuse incidents among dependents who are presently residing in or near military installations in the Pacific area.

Mr. Jerome A. Vacek, Team Leader, Marine Corps.

Captain George H. Sult, Assistant Team Leader, Navy.

Lieutenant Colonel Darrell L. Schlotterback, Air Force.

Major William A. Ward, Army.

Mr. Joseph F. Jenkins, Customs—Bangkok.

Mr. Judge A. Dickson, A White House Fellow, OSD.

2. No difficulties were experienced by the Task Force in the conduct of its mission, and the personnel of all commands visited were most cooperative in assisting the Task Force.

3. Awareness of the multitude of problems associated with all facets of drug abuse was apparent at all commands visited. Nevertheless, the Task Force noted a number of inadequacies, summarized below, which appeared to impede the Department of Defense Drug Abuse Control Program.

4. Information concerning drug abuse control educational programs in the Pacific area is contained in Part I of this report. All commands, with the exception of a few isolated units, recognize the drug abuse problems confronting them and have taken earnest action in the form of education, training, enforcement and, in some cases, amnesty programs, in an attempt to meet the challenge.

Nevertheless, in many instances, it was considered that interest and information concerning drug abuse diminished the further down the chain of command you go. As noted in Part I, drug abuse programs implemented or directed at Command or Division level seemed to be ideal and meaningful—in fact almost perfect. However, as the Task Force progressed down toward unit levels, these idealistic programs appeared to filter out and in some cases are completely lost. In short, in many cases, the necessary information is not reaching the trooper with any impact. Moreover, in too many instances, the "stereotype of the establishment" is presenting drug information. As a general observation, the unit commander or first sergeant is not able to properly communicate with the eighteen or nineteen year old serviceman. "A representative of the establishment is 'turned off' immediately." Attachment 3 to this report is also relevant in this regard. Formalized lecture-type classes to the lower enlisted ranks appear to have more disadvantages than advantages, especially when the size of these classes may reach as many as 200–300 personnel. Formalized printed material in drug abuse, and its overall effect as a deterrent to illicit drug usage appears to be limited. Generally speaking, it is not being read by the servicemen in the lower ranks. Command emphasis to the lowest level is required for any drug abuse training program to be truly successful. The best guidance and policy available is useless unless it is insured that its principles are being implemented at the lowest level. Drug abuse education and training should be made an area of interest for command and IG inspections. Peers should be used when feasible to present drug education and training. The Task Force found many young servicemen who have the interest in drug abuse and possess the intelligence and personality to communicate with the young serviceman of today. Medical authorities, chaplains and other professionals should be incorporated into training sessions. Ex-drug users—if sincere and available—should prove beneficial to any training endeavors. Formalized lecture-type classes may be presented to senior noncommissioned officers and officers, however, informal conference type presentations appear to be more effective for the troops. A question-answer approach among small groups seems very desirable for a free exchange of ideas and opinions. A younger individual of the peer group age should be utilized when and where possible. Educational material for the young serviceman must be more appealing and imaginative.

5. Part II of this report concerns DoD Dependent School education and training. Efforts at drug abuse control within these schools are only beginning. The development of effective policies and programs must be a serious consideration of all administrators from the DoD level to the individual school principals. Schools, policies and programs must be totally integrated with the drug abuse control policies and programs of the host military commands. Counseling and clinical treatment resources as well as disciplinary policies must also be thoroughly integrated by the schools and the host military command.

6. Part III of this report brings to light certain military customs deficiencies, particularly on Okinawa. The Task Force considers that the establishment of military customs units, preferably joint, throughout the entire Pacific area is of paramount importance, and would greatly enhance curtailing the drug abuse problem in Asia. At present, military customs inspections for incoming and departing military affiliated personnel in Thailand and Okinawa are limited. Specific details in this regard are set forth in Attachment 1 to this report, and commented on in greater detail in Attachment 3. In Korea, Vietnam, and Japan, austere customs units have been organized and are performing their assigned missions in a satisfactory manner, taking into consideration their limited manpower resources. The R&R processing centers in Vietnam are doing an outstanding job of inspecting all personnel.

7. As evidenced by the contents of Part IV, the liaison and coordination between the investigative agencies of the various services must be improved in drug investigations. There appeared to be a lack of communication and exchange of information on drug trafficking, drug sources, and methods being employed to investigate drug offenses. The majority of the drug investigations were initiated as the result of other type violations (unauthorized absence, assault, theft, etc.). More covert, aggressive action on the part of investigative agencies is required to ferret out drug sources and abusers. The Task Force learned that the average time lapse experienced by most commands awaiting the results of the identification of narcotics, dangerous drugs, and marijuana by the criminal laboratories normally was two to three weeks. In some cases, six week delays had been experienced. This problem should be researched further to determine the cause for the excessive delays and action taken to alleviate the situation. Marijuana detecting dogs were being employed throughout Asia by the commands visited. Law enforcement officials and others characterized the animals as "The greatest thing since Peanuts!" The most frequent, and only, complaint in this area was the insufficient number of dogs available for use. Their deterrent effect appeared to be their greatest asset. Each command should be queried to determine the number of additional dogs required and the Services should take immediate action to procure additional marijuana detecting animals.

8. Whereas current directives require that appropriate entries are to be made in a service record book of each serviceman who receives a drug abuse orientation prior to departure to WestPac, there is no evidence of such compliance. The details of this matter are set forth in Part V of this report.

9. There is a significant drug abuse problem among servicemen and dependents in Asia. In particular the misuse of opiates is increasing. (See Part VI.)

10. Part VII contains a discussion of statistical reporting. The continued use of the documented measures of "cases investigated" by service investigative agencies and "actions taken" by military commanders is recommended. The measure of "cases investigated" has two disadvantages: (1) It inflates the number of actual drug abuse incidents because some allegations are found to be unsubstantiated when investigated; and (2) it provides no measure for drug abuse incidents which do not come to the attention of service law enforcement agencies. Nevertheless, the Task Force recognized the fact that these recommended measures are superior for broad application and interpretation when compared to isolated unit samples or multiple estimates of drug abuse freely given in most locations visited. In this connection, it was the judgment of the Task Force that the detailed reporting of "cases investigated" and "actions taken" cannot provide a precise definition of the scope or magnitude of the problem. However, these measures can sufficiently identify trends related to the problem and these trends can provide an adequate basis for drug abuse control programs.

11. Part VIII contains a discussion of eradication programs. The only command visited that was actively pursuing an eradication program was the Military Assistance Command, Vietnam. They had previously used helicopters in conjunction with Vietnam National Police to locate and destroy marijuana fields. In addition, a bounty is currently being paid the Vietnamese National Police for each marijuana plant de-

stroyed. More detailed comments concerning the aforesaid program are contained in Parts IV and VI of this report.

12. Part IX provides information concerning the amnesty program. Various forms of the amnesty program were in effect throughout the commands visited. Some of the programs were defined in generalities without specific guidance on the various aspects of the program. Any amnesty program officially sanctioned by the military should be defined in detail to include specific guidance in the following areas: (1) Disposition of security clearances, retention of military occupational specialties, line of duty determinations, and retention of incentive pay for those personnel electing to request amnesty; (2) which individual in a unit may grant amnesty; (3) notification of the amnesty seeker's unit commander; (4) maintaining official individual records; (5) the prerequisites for amnesty; (6) and the disposition of personnel who voluntarily leave the amnesty program prior to the completion of recommended treatment. In addition, any amnesty program should be complimented by a vigorous law enforcement program.

13. Part X provides an in-depth report on the drug abuse control program at Clark Air Base, P. I. It describes one of the outstanding programs in the Fart East while pointing up the need for commanders to mobilize all of their related staff resources to combat drug abuse among the military, civilian employee, and dependent populations.

14. Attachment 1 specifically addresses drug abuse control problems on Okinawa.

15. Attachment 2 provides a program outline for a Vietnam Drug Suppression Strike Force.

16. Attachment 3 contains quotes, summarized comments, and observations obtained through personal interviews with approximately 900 officers and enlisted men of all grades and ranks. The comments have sustained a minimum amount of editing in order to preserve the spirit of the original communication. This summary is principally the work of the DoD member of the Task Force who had the role of conducting individual interviews with the "troops." This attachment also contains comments relating to customs and legal matters as they affect the drug abuse control program.

17. It is recommended that copies of this report be forwarded to the Assistant Secretaries of the Military Departments (Manpower and Reserve Affairs) for the purpose of considering and commenting on the Task Force's recommendations and that the Assistant Secretaries disseminate copies of the report to cognizant commands of their Services for such action as deemed appropriate.

Very respectfully,

JEROME A. VACEK,
Chairman, Department of Defense
Drug Abuse Control Committee.

DRUG ABUSE IN SOUTHEAST ASIA

I. OBSERVATIONS AND EVALUATION OF DRUG ABUSE EDUCATION AND TRAINING

A. Hawaii

1. An evaluation of training and education in Hawaii included Navy, Marine Corps, and Air Force activities.

2. In substance, Navy and Marine Corps activities follow the guidelines for drug abuse training and education as set forth in Sec Nav Inst 6710–1A and MCO 6710–1. Until May 1970, there had been no noticeable increase of drug abuse incidents. However, because of the prevalence of dangerous substances on Hawaii, particularly marijuana, all Marine Corps activities embarked on an aggressive program to educate all Marines of the dangers and consequences involved in the wrongful use, possession and sale of dangerous drugs, opiates and marijuana.

3. A member of the Naval Investigative Service Office, Hawaii, provides lectures to Marines at six-month or lesser intervals. Marine Corps CID personnel provide similar services. DOD films and handouts are used along with posters obtained from DOD or commercial sources. Some posters are designed and distributed locally. Service newspapers carry monthly editorials on the pitfalls involved in drug abuse incidents.

4. A more aggressive program, to include the formulating of drug abuse councils and teams is contemplated in the near future.

COMSERVPAC, COMSUBPAC AND COMCRUDESPAL have traveling teams which visit all units within their type commands and provide drug abuse training seminars.

5. A PACAF Drug Abuse Committee has been established with representation from the Offices of Surgeon, Chaplain, Judge Advocate, Security Police and Special Investigations. A Hickam Air Force Base working group with essentially the same membership has also been established. Among the working group membership, the Chaplain completed the National Training Center in Drug Abuse Education Program at Adelphi University, 22 June–17 July 1970. The PACAF Drug Abuse Committee, with the assistance of the Chaplain has proposed a program of PACAF workshops to train additional training personnel who would in turn return to their home bases and conduct drug abuse control programs. This program would have the ripple effect desired of the National Training Center in Drug Abuse programs. Two pamphlets have been published, both entitled "Honest Appraisal of Drug Abuse." One edition is for single airmen and the other is for families. The pamphlets are distributed during an in-processing orientation. A counseling service for drug abusers has been established and 24-hour-a-day telephone contact is available through the medical duty officer or the chaplain duty officer.

B. Okinawa

1. The Marine Corps, Army and Air Force each implement drug abuse policy as it relates to education and training from high level Drug Abuse Control Councils. The councils consider the fact that drug abuse in any shape or form contributes to the problems of discipline, morale, chronic insubordination and increased criminal behavior—all of which may contribute to the derogation of the combat readiness of the respective services.

2. All commanders conduct meaningful educational and training programs. In view of the rapid personnel turnover in Okinawa, it appeared that commanders were sufficiently alert to schedule their presentations as often as necessary. Sergeants and below in the Marine Corps are shown one training film related to drug abuse each month. Drug abuse presentation teams, which are described below, are responsible for making presentations to both military and civilian communities.

3. In view of the limited period of time spent in Okinawa it was impossible to review and evaluate the educational and training criteria for each service. Nevertheless, those evaluated appeared to be programs that met the requirements levied by the Department of Defense and instructions provided by the respective service secretaries, i.e., commanders ensure that all personnel are fully informed of the dangers of drug abuse and that all officers and staff noncommissioned officers become fully involved with their supplementary role in information and education programs. Moreover, it appeared that informal liaison and comments/recommendations in furtherance of various drug abuse programs were especially encouraged.

4. Chaplains appeared to ensure that the moral aspect of drug abuse were included as an integral part of Moral Guidance Programs. Other staff officers were exerting maximum effort toward maintaining a viable, effective drug abuse program. The drug abuse programs included originality, inventiveness and contact with other governmental and civilian agencies dealing with drug abuse.

5. Drug Abuse Lecture teams consist of enlisted personnel in order to avoid any authoritarianism and to emphasize peer group communication with the young user or wouldbe user. From information elicited from key drug abuse officials, it was apparent that drug abuse on Okinawa is a problem which will not be countered by staid, stereotyped measures. Inventiveness, originality and persistence appear to be essential as well as recognition of the fact that the challenge is one which must be combated at every level of command.

6. The services utilizes printed matter developed and distributed by the Department of Defense, Orange County (California) Sheriff's Department and commercial enterprises. No problems have been incurred in procuring printed matter, films, etc. No improvements to the matter made available through Department of Defense courses was offered.

7. It was suggested by those responsible for training of service personnel on Okinawa that kits which contain *simulated* substances which depict handrolled cigarettes of marijuana, opium, etc., *not* be used. Similar remarks and suggestions were made in Vietnam and Thailand.

C. Thailand

1. Both Army and Air Force elements located in Thailand are pursuing an educational and training program which relates to drug abuse. There are Drug Abuse Councils which have been formulated with the view of eliminating the serviceman's involvement with all illicit substances and explaining why drug abuse cannot be condoned within or outside of the military. Membership of these councils consists of enforcement, medical, clergy and administrative representation.

2. Earlier this year, the Army and Air Force established Drug Abuse Suppression Orientation Teams whose initial mission is to travel throughout Thailand and orient and educate all non-commissioned officers on the drug abuse problem. Subsequent missions included presentations to all junior officers. The teams' missions are to present factual military-oriented instructional material in each area represented with the objective of simply presenting facts to their audiences. The teams avoid presenting information which could be construed as threatening their listeners. The team members cover information which concerns the following:

a. Types and effects of drugs (concentrating on stimulants, depressants and marijuana, since these are the most widely used by the military drug abusers in Thailand) and how the non-commissioned officers can cope with the problem (to include knowledge of common hiding places, recognition of users symptoms and what to do if he suspects a person of being a user).

b. Medical aspects, to include psychological and physiological effects of drugs on the user, possible recurring or permanent mental and physical problems resulting from drug use and treatment.

c. Legal aspects, i.e., punishments defined in the UCMJ.

d. Administrative actions that may be taken against the drug user and their effects on the user, or abuser, upon return to civilian life.

e. The Chaplain or his assistant describes the impact of drug abuse on standards of morality and ethics; future family life.

3. The teams leave copies of their lesson plans with each unit commander upon completion of each presentation. The material can be used by unit personnel for further unit level instruction.

4. In discussing educational and training material with cognizant personnel, it was learned that no difficulty was experienced in procuring DOD or other material from their sources. No complaints were made concerning the information used in various training cycles. However, one Air Force activity (388th Tactical Fighter Wing) publishes a "Security Police Drug Abuse Briefing Kit for Supervisors" which was described as an excellent source of information in assisting First Sergeants and supervisors in informing their subordinates of the social, medical and legal damage which can result from the improper use of drugs, including marijuana.

5. Air Force and Army commands in Thailand rely heavily on local publications to inform their members of the inherent dangers involved in drug abuse.

6. Those charged with monitoring the various drug abuse programs in Thailand were highly motivated and showed a genuine interest in their assignments. One junior officer quipped that perhaps "we should clean our houses out back in the States first" averring that judges were prone to give recalcitrants the opportunity of enlisting in a service in lieu of serving in jail for an offense(s) committed in civilian communities. These were characterized as the misfits who invariably find themselves in trouble with the military in drug abuse instances. This same person stated that "top level" interest in drug abuse in the military has been most gratifying in effectuating good programs.

D. Vietnam

1. In recognition of the fact that virtually all types and forms of dangerous drugs, opiates and marijuana are readily available in the Republic of Vietnam, command emphasis has resulted in a wide variety of training and educational programs which are tailored to meet the needs of the unique rquirements of each, individual service and components thereof. Methods and procedures vary considerably from service to command. It was noted that Department of Defense educational and training material was being used, along with other innovations developed locally.

2. For the most part, it was found by the Task Group that most of the installations of all services have formed Dangerous Drug Suppression Councils whose members were carefully selected in order to combine ideas and take advantage of the expertise of staff positions having a functional area which includes cognizance of or concern with drug abuse. These councils generally meet once a month to insure a coordinated program, determine the effectiveness of current measures, and to encourage new ideas attendant to drug suppression. Membership of these councils consists of the clergy, enforcement, legal and medical representation. These councils concern themselves with the following drug abuse related subjects or tasks:

a. The overall approach to the local program.

b. The nature of the drug abuse problems in Vietnam, and trends.

c. How drugs and other illicit substances are being obtained.

d. The effects of drugs on the abusers, his unit and the command.

e. The medical aspects (physiological and psychological effects; personality of the abuser before, during and after involvement; follow-up evaluation, etc.).

f. The role of the chaplain and the church.

g. Modern mores.

h. Current laws, prosecution, sentences, administrative discharge procedures.

i. Amnesty and rehabilitation.

j. New approaches to counseling (layman, medical, ecclesiastical, past users).

k. The effects of narcotics on other crimes.

l. Develop material designed to curb the use of drugs and the physical and legal ramifications or drug abuse; ascertaining that this material is published and appropriately disseminated through all communications channels for the widest possible distribution.

3. Military personnel serving in Vietnam in grades of E–4 and below receive drug abuse orientation on at least a quarterly basis. Some commands place emphasis on training E–5's and above in detecting and reporting suspected drug abusers; however, there were indications that educational and training criteria in this area were superficial.

4. The services in the Republic of Vietnam have a substantial number of Drug Abuse Control Teams which are comprised of legal, medical, clergy and enforcement specialists. These teams travel to virtually all commands on at least a quarterly basis, giving presentations on all facets of drug abuse and why it cannot be tolerated in a military society. Inasmuch as these presentations are informal in nature, a free exchange of questions and answers follows each presentation. These teams have been described as very helpful, particularly in those instances where team members are able to communicate with their peers.

5. There were no complaints of not having received Department of Defense training and educational paraphernalia. Some activities have, however, elected to produce their own posters, averring that the posters produced by the Department of Defense were bland and had no impact. Two major activities elected to purchase handouts (in the form of comic books) and posters from civilian sources.

6. Two of the most widely used and sought films used in Vietnam are "The Florrie Fischer Story" and "Marijuana" both of which are procured from commercial sources by the Department of Defense.

7. All service newspapers and television networks frequently carry incidents of interest which relate to drug abuse and the harmful effects of illicit involvement. Many commanders feel that educational and training endeavors are seriously hampered by what they interpret as irresponsible articles appearing in the "state-side media" which profit from an artificially created climate of emotionalism regarding marijuana. Some commanders likewise commented that troops becoming aware through the media of prominent Americans being arrested for marijuana offenses and the imposition of minimal or no sentences against these offenders has, to a degree, compromised effective and meaningful drug educational programs. It was further stated on more than one occasion that regardless of how elaborate existing training programs may be, there are a substantial number of individuals who began their marijuana usage prior to their enlistment or induction and, notwithstanding administrative and disciplinary sanctions which presently exist, would continue to use it because of its potency, price and availability.

E. Korea

1. During abuse educational and training programs within the Eighth Army are designed primarily in informing the personnel of the inherent dangers involved in the use of marijuana. In this connection, it should be noted that a major contributing factor regarding marijuana is the fact that there is presently an absence of effective ROK legislation governing its use and possession. Prosecution of Korean Nationals trafficking marijuana is impossible at this time. However, on 16 July 1970, the ROK National Assembly passed the "Habit Forming Drug Control Law" which becomes effective on 16 October 1970. At that time, control will be possible.

2. Educational and training programs within the Eighth Army consist of lectures, briefings, and distribution of posters, movies, printed articles and "spots" on both radio and television. Drug abuse has been made a priority topic of discussion in the newly formed drug suppression councils. These are conducted quarterly as a special mission of the Character Guidance Councils throughout the command. A special narcotic section is responsible for presenting effective lectures at all echelons within the command, including parents, teachers and students.

3. A special two-block course of instruction on marijuana and other illicit substances is included in the training schedule at the NCO Academy at Camp Casey and at the Advanced Combat Training Academy at Camp Yong in the DMZ.

4. More recently, the Eighth Army has received six additional drug abuse movies for use in conjunction with lectures and unit training programs. No problems have been experienced in obtaining films and other training materials produced by the Department of Defense; however, there has been a preference toward using films entitled "Marijuana" and "The Trip Back."

II. OBSERVATIONS AND EVALUATION OF DOD DEPENDENT SCHOOLS

A. Clark Air Base, Philippine Islands, and Kadena Air Base, Okinawa

1. A drug abuse control problem does exist within the DOD Dependents Schools and countermeasures in the form of control programs are just now beginning to take shape. This is an area that has been almost void of policy statements. At the two locations where in-depth discussions with military and schools officials were carried on, Clark Air Base, Philippine Islands, and Kadena Air Base, Okinawa, school administrators had not received the Assistant Secretary of Defense (M&RA) policy statement on the subject of drugs, alcohol, and tobacco abuse which is to be contained in a DOD Overseas Dependents Schools curriculum manual.

2. At both locations, two drug education packets, prepared by the Directorate for Dependents Education, ASD (M&RA) have been received and were considered very helpful in preparing for a drug abuse control program within the schools. At Clark Air Base, a school counselor who has completed the program of the National Training Center in Drug Education at San Francisco State College has been assigned the task of developing a drug abuse control program. At Kadena Air Base, the Assistant Superintendent for Personnel who has completed the program of the National Training Center in Drug Education at Adelphi University has been assigned the task of developing a drug abuse control program.

3. Discovered drug abuse among students is increasing. At Clark Air Base, 15 dependent cases were opened for investigation during calendar year 1969; 31 have been opened in calendar year 1970. At Kadena Air Base, juvenile dependents accounted for approximately 10% of 108 cases opened in 1968; 20% of 134 cases opened in 1969; and 28% of 124 cases opened in the period January–August 1970. To maintain a perspective it must be considered that this experience is from a Clark Air Base schools population of approximately 7,500 and an Air Force schools population on Okinawa of approximately 8,000.

4. There is a requirement for DOD policy statements concerning the problem of drug abuse in Dependents Schools including the nature of training to be provided schools administrators, staffs, and students; the use of counseling and guidance resources to treat drug abusers; the use and extent of disciplinary measures; and the nature and extent of coordinating relationships with military commanders and the military community. There is a requirement that this basic policy be uniform throughout the world.

5. The range of disciplinary measures which may be applied to drug abusing students is extremely limited and was found to consist primarily of suspension from school by authority of school administrators

or reassignment of the family, with or without the sponsor, from an overseas location to the United States by authority of the military commander.

6. Counseling and guidance resources available to the DOD Dependents Schools and supported by military referral clinics have not been adequately employed to combat drug abuse within the schools. There must be a realization that suspension from school, although sometimes necessary for the common good of all students, isolates the suspended student physically and psychologically from the peer, teacher, counselor, administrator, and clinical guidance group which could continue to provide positive, rehabilitative assistance in the normal school setting.

7. Transfer of the drug abuser's family from overseas to the United States, found to be used sparingly and only after the most serious consideration of the common good, if used routinely, compounds the problem and simply shifts it to a new location.

B. RECOMMENDATION

Efforts at drug abuse control within the DOD Dependents Schools are only beginning. The development of effective policies and programs must be a serious consideration of all administrators from the DOD level to the individual school principals.

III. OBSERVATIONS AND EVALUATION OF MILITARY CUSTOMS PROCEDURES, INCLUDING THE EXTENT OF EMPLOYMENT OF DETECTION DEVICES

A. Vietnam

1. Concerted efforts have been made by all services and commands to stem the flow of narcotics, dangerous drugs, and marijuana into and out of the country. The 90th Replacement customs activity at Camp Alpha, Tan Son Nhut Air Base, has sound and effective procedures for all incoming and outgoing R&R personnel. Detailed inspections of baggage and other items are accomplished by well-trained military personnel of the Army and Air Force. The pockets of departing individuals are required to be emptied while baggage is being inspected as an example of the detailed inspection being done. Amnesty boxes are being employed and give the individual an opportunity to discard any contraband prior to the customs checks. Inspections of R&R personnel is 100 percent. The use of random checks were not observed.

2. The arrival and departure of Permanent Change of Station (PCS) personnel and personnel on temporary duty (TDY) at Tan Son Nhut Air Base does not receive the 100 percent customs check that the R&R personnel do. By necessity, only random-type inspections are being conducted. Personnel are warned and reminded what items are considered to be contraband and amnesty boxes are available.

3. Random customs inspections are conducted at Da Nang and Cam Ranh Bay Air Bases for all incoming and outgoing personnel on PCS and TDY. Although not specifically observed, the team was informed that 100 percent of the R&R personnel departing Da Nang receive customs inspections at "Freedom Hill" R&R Center.

4. The number and location of Bucky X-Ray machines in Vietnam was actually never determined. Apparently the Bucky X-Rays once owned by the Army were recently transferred to the Air Force for use in APO's. The response to their effectiveness ranged from "useless" to "good." Maintenance and parts replacement appears to be a major problem. Their portability is limited and concern was expressed over the dangers of radiation from their use.

5. Recommendations:

a. That uniform joint customs policies, standards, and procedures be established country-wide in Vietnam.

b. That joint customs units, composed of all services on a percentage basis, dependent on the service population in the area, be organized at each port of embarkation and debarkation. These customs units should inspect on a random basis and those personnel selected for inspection should be given detailed inspections. Aircraft and crew members should be included in these inspections.

c. That a maintenance contract for the Bucky X-Ray machines be procured to insure that those machines owned by the military are working and available as required.

B. Thailand

1. Customs inspections by the military in Thailand are currently limited. USARPAC has directed that customs units in Thailand be formed from in-country resources; however, this has not been accomplished under the pretense that personnel cannot be diverted from their primary mission in order to perform customs functions. As the result of this approach, marijuana, dangrous drugs, and narcotics are being illegally exported from Thailand by military personnel to all parts of Asia, via baggage, cargo, and military aircraft.

2. There was no indicated use of the Bucky X-Ray.

3. Recommendation: That immediate steps be taken to form and organize joint customs units in Thailand to stem the uncontrolled flow of marijuana, dangerous drugs, and narcotics from Thailand to other Southeast Asian countries where US forces are stationed.

C. Okinawa

1. As the result of military legal interpretations, military customs inspections in Okinawa are limited. (See Attachment 1 to this report.) Consequently, a substantial amount of illicit substances are arriving on Okinawa from all parts of the world, particularly Thailand, in the company of US forces arriving in-country. Baggage arriving in Okinawa via MAC aircraft is merely offloaded from the aircraft, transported to a baggage holding area to the rear of the air terminal, where it is later claimed by the owner. During an observation of this procedure, two (2) M–16 rifles were observed being off-loaded at the holding area with nothing more than a baggage claim check attached to them. The physical protection of baggage is minimal. Local Okinawan labor was used to handle all baggage and check claims against baggage checks, and this was accomplished haphazardly.

2. Until recently no checks of any incoming or outgoing aircraft, MAC or military, were being made. Once, periodic checks were initiated, several large quantities (225 lbs) of marijuana were discovered.

3. The Bucky X-Ray is being utilized to a limited degree. The same limitations found in their use in Vietnam also were observed in Okinawa.

4. Recommendations:

a. That immediate steps be taken to form and organize joint customs units in Okinawa. Customs inspections should be conducted to enhance and protect the health, welfare, and morale of the US forces in Okinawa.

b. That the same Bucky X-Ray maintenance contract recommended for Vietnam be procured for Okinawa.

D. Korea

1. Limited customs inspections by the Air Force in conjunction with the Korean Government are currently being conducted. The authority for these inspections result from the Korean Status of Forces Agreement. The inspections are random in nature and depend on the whims of the Korean or Security Policeman at the port of arrival. Those personnel and baggage selected for inspection are given detailed inspections.

2. Eighth US Army is presently in the process of forming and organizing a ten (10) man customs inspections unit utilizing in-house military police strength. (A five man force is now operating.) This unit should be in operation by the end of September.

3. The Bucky X-Ray is not available in Korea.

4. Recommendation: That other customs units be formed and organized to operate at ports of embarkation/debarkation as required.

E. Japan

1. In general, the anti-drug program of the Government of Japan (GOJ) is pursued so vigorously that there is little in-country availability to US personnel of narcotics or marijuana. Dangerous drugs, however, are available at drugs stores throughout Japan if one knows what to ask for by trade name. Offenses that are uncovered are normally prosecuted in local GOJ courts. Upon conviction and imposition of sentence, generally suspended, the person, if under jurisdiction of the US, is removed from Japanese territory. Whether they are subsequently discharged as a result of such convictions varies with the particular services policy.

2. R&R and TDY personnel, along with other US personnel authorized US transportation, are processed into and out of Japan through military bases. These entries and exits are handled more casually by US designated "customs officers" and should be considered as a potential avenue for supplying US forces in Japan.

3. Recommendation: Joint inter-service inspection teams should be established and import-export processing procedures expanded and emphasized.

IV. OBSERVATIONS AND EVALUATION OF ADEQUACIES OF INVESTIGATIONS, LABORATORIES, EMPLOYMENT OF INFORMANT NETWORKS, AND MARIJUANA DETECTING DOGS

A. Vietnam

1. The CID in Vietnam is pursuing all reported violations of marijuana, dangerous drugs, and narcotics within their capability. However, the large number of violations reported to CID in conjunction with the limited number of accredited CID investigators may in some instances preclude the detailed investigation of all reported drug incidents. It also appears that some cases of possession and use of marijuana are never reported to police channels by those personnel observing the offense, but instead are being handled administratively through nonpunitive measures within the unit or by nonjudicial punishment in accordance with Article 15, UCMJ. The Army actively is policing the trafficking of marijuana, dangerous drugs, and narcotics through the use of informants, both military and local national. The availability of all types of drugs in Vietnam, plus aggressive and increased country-wide enforcement efforts, has increased the number of drug incidents in Vietnam, but does not indicate necessarily an increased drug usage factor.

2. The Marine Corps and Navy investigative procedures parallel those of the Army. However, again it appears that not all incidents of use or possession are being reported to police channels, but are being handled administratively by the units. Informant networks similar to those utilized by the Army also are being employed.

3. The Air Force OSI throughout Vietnam was selective in the use of their investigative resources, opening cases only when there was a substantive allegation. Some reports of use or possession are filed for later reference and investigated only if or when a fresh complaint is made or additional substantive facts become available. The limitation of OSI jurisdiction outside air bases requires coordination with other agencies. Informant networks were being employed.

4. The limited Crime Laboratory at Long Binh has decreased the processing time for criminal cases involving marijuana from a 2–3 week delay to as little as 40 hours. The average delay for processing of marijuana cases at the Crime Lab in Japan was indicated

as being 2–3 weeks. Some units in Vietnam have sent personnel to the Crime Lab in Long Binh for on-the-job training (OJT) in the identification of marijuana and they are now processing their own marijuana cases in 4–6 hours. These OJT personnel have been recognized as expert witnesses in unit courts. In other instances, hospital labs have been used for both marijuana and other drug identification.

5. The marijuana detection dogs, some of which have been trained locally, are being employed successfully throughout the country. Their "stay" capability is a weakness. It was indicated that they are effective for approximately 1½ hours per day because of the heat. The dogs currently are being used to search aircraft, mail rooms, baggage, vehicles, and in some instances personnel entering base camps. They definitely are a deterrent to smuggling activities.

6. Recommendations:

a. That additional specialization in the form of a joint drug suppression strike force composed of personnel from all services and Vietnamese National Police be organized and deployed throughout Vietnam to give expert guidance and assistance to the various service investigative agencies and to act as collecting agencies for drug traffic information. (See Attachment 2)

b. That investigators of all services being assigned to Southeast Asia be required to attend, and successfully complete, a drug identification and investigation course prior to shipment to Southeast Asia.

c. That additional marijuana identification facilities be located throughout Vietnam, ideally, one per military region, in order to expedite the processing of marijuana investigations and resultant prosecution procedures.

d. That the number and use of marijuana detection dogs be increased.

e. That the feasibility of utilizing Army Provost Marshal Investigators (PMI) or Military Police Investigators (MPI) to investigate simple marijuana cases be studied. These investigations could be supervised and verified by accredited CID in order to meet required standards. This procedure would release the accredited CID to devote more time and effort to the pushing and trafficking type investigations.

f. That more emphasis be placed on covert investigative techniques and operations to actively search out and investigate sources and trafficking.

B. Thailand

1. Due to the Status of Forces Agreement in Thailand, and the fact that the use or possession of marijuana in Thailand is a misdemeanor, covert, forceful pursuit of marijuana investigations in Thailand by the Army and Air Force seems to be frustrated. Many of the drug investigations initiated in Thailand result from other violations or apprehensions not specifically drug connected. A limited informant network, using both military and local nationals was indicated, but is not being vigorously pursued.

2. The CID detachment in Bangkok has a trained individual in the identification of marijuana. All hard drugs are sent to the Crime Lab in Japan for identification. The usual time delay is 3–6 weeks.

3. The Air Force is using a marijuana detection dog on a limited basis. The Army is scheduled to receive a dog in the near future.

4. Recommendations:

a. That more emphasis be placed on detecting and investigating sources of marijuana and drug supply. All service investigative agencies in Thailand should move from the passive role to the aggresive role in carrying out their drug suppression programs.

b. That additional marijuana detection dogs be procured and that they be used on a regular basis throughout the country.

c. That a joint marijuana identification facility be established in Thailand for use by all services.

C. Okinawa

1. Investigative efforts by all services are considered adequate. Aggressive informant networks have been established and are useful. The major problem is the lack of customs inspections, and the inability of the military to take appropriate punitive action against dependents and "passport civilians," many of who are ex-servicemen.

2. The Army and Marine Corps both have and employ the marijuana dogs to some extent; however, an unresolved legal question currently is hindering the employment of the dogs on Marine bases. However, corrective action in this regard was anticipated no later than 1 October 1970. The Air Force is utilizing other service dogs to periodically search incoming and outgoing military aircraft.

3. The Marine Corps has established its own marijuana identification capability and has enjoyed good results from it. The Army and Air Force use the Crime Lab in Japan exclusively.

4. Recommendations:

a. That additional marijuana dogs be procured and used on a more frequent basis.

b. That a joint marijuana identification facility be established and centrally located in Okinawa for use by all services.

c. That the political or legal ramifications prohibiting the prosecution of "passport civilians" residing in Okinawa be researched and resolved as soon as possible.

D. Korea

1. The Air Force policing of drug abuse is limited to its bases. They indicated that they do not have a drug problem of any size. The Army on the other hand is involved deeply in the pursuit of drug investigations and has received the cooperation of the Korean police in raiding and suppressing known marijuana and drug sources.

2. At present, the use, possession, or growing of marijuana under Korean law is not a crime. Therefore, marijuana is readily available throughout the country. In fact, marijuana is grown by the Korean farmers as an agricultural product for the use of its hemp. The flowering tops and leaves were considered a useless product until the American demand made it otherwise.

3. A Korean law, due to become effective in November 1970, will outlaw the use of marijuana as a drug but will not prohibit its growth for industrial use.

4. All drugs, including marijuana, are sent to the Crime Lab in Japan for identification. Estimates of time lapse ran from 6 weeks to as little as 10 days.

5. The team was led to believe that informants in Korea were not required, since they knew the sources of drugs. The biggest problem is speedy prosecution and Korean cooperation.

6. Recommendations:

a. That a joint marijuana identification facility be organized in Korea for use by all services.

b. That the use of "off-limits" be utilized to curb the use of Korean drug stores as a source of dangerous drugs.

c. That a monetary award system be implemented to enhance the Korean police to suppress drug suppliers.

E. Japan

1. Indications are that the drug problem in Japan is minimal when compared to other countries visited. This is attributed to the strict enforcement procedures by the Government of Japan. Their customs procedures are effective and act as a strict deterrent to the import of marijuana and drugs. Also, the harsh punishment dealt out by the Government has deterred widespread abuse by U.S. forces. Consequently, investigations by U.S. forces of drug offenses is less than any country visited. Investigations that have been conducted have been detailed.

2. The Crime Lab in Japan is utilized by all services and is considered adequate. Time lapse for marijuana is approximately one day while harder type drugs average 2.8 days.

3. Recommendation: None.

V. SPOT CHECKS OF SERVICE RECORDS TO DETERMINE IF SERVICE PERSONNEL RECEIVE DRUG ABUSE ORIENTATION PRIOR TO DEPARTURE TO WESTPAC AND NOTATION OF SUCH ORIENTATION WAS PLACED IN SERVICE RECORDS AS REQUIRED BY DOD DIRECTIVE 1300.11

A. General observations for all countries visited

1. As the result of discussing the subject matter with commanders at all levels in all countries visited, it was determined that, except in rare instances, entries were not being placed in Service Records to show that service personnel had received drug abuse orientation prior to their departure for SEA activities.

2. Notwithstanding the foregoing, numerous service personnel were asked by the team if they had in fact received such orientation prior to their deployment. In all cases, these service personnel stated that they had.

3. Recommendation: That the services be requested to reemphasize the necessity of commanders making inclusions in the Service Records of all servicemen who receive drug abuse orientation prior to transfer to WESTPAC, as rquired by DOD Directive 1300.11.

VI. EXTENT OF PROBLEM IN AREAS OF MARIJUANA, DANGEROUS DRUGS, AND OPIATES, INCLUDING DEPENDENT INVOLVEMENT/COOPERATION AND WORKING RELATIONSHIP BY MILITARY LAW ENFORCEMENT COMPONENTS WITH LOCAL CIVIL AUTHORITIES

A. Hawaii

1. The drug culture within the United States has extended its influence to the Honolulu environs. This is significant both as to substances used and availability. Therefore, the drug abuse prone military person has ready access to marijuana, the dangerous drugs, and hard narcotics as is common to the large cities of the mainland. As usual marijuana use predominates. According to information provided by a group of Marines, marijuana is as procurable in the Waikiki area of Honolulu as it is in Vietnam.

2. Unfortunately, dependent use contributes to the overall military problem. Aside from the deterrent fall-out derived from education, little or no minimal restraint can be exercised by the military in handling incorrigible, abuse prone dependents. Military controlled schools may disenroll a dependent and this course of action has been taken, but at best, this is not a satisfactory solution since the drug abuser is still left in the military community with apparent adverse results. Removal of the dependent and/or sponsor has proved to be the best solution. It is realized that some dependents who do not enjoy the Honolulu area will maneuver to cause their removal from the Islands.

3. Military Law Enforcement and Civil Authority Cooperation:

a. Civil and military law enforcement cooperation and coordination in the Honolulu area is being practiced with apparent mutual respect on each side.

b. The U.S. Army is bearing the burden of Hawaiian Armed Services Police support.

4. Recommendations:

a. Establish a Drug Abuse Council with motivated representatives from all services.

b. Combined investigative knowledge of pushers, substances, and areas.

c. Interrelate to take advantage of some of the excellent education and training now in practice by some commands.

d. Set up mandatory training for dependents involved in drug abuse. Subsequent drug abuse involvement will require return to mainland for sponsor and dependent.

e. Monitor and provide as required assistance for education in DOD schools.

f. Maintain statistics for drug abuse on military personnel and dependents.

B. Vietnam

1. Drug abuse is a U.S. military problem in Vietnam. Concern on the part of the Vietnamese centers around supplying the substances the U.S. drug abusers demand. Saigon prevails as the focal point for drug abuse traffic by virtue of:

a. Being adjacent to the delta region where marijuana is grown.

b. Its dense Local Nationals (LN) population where competition for the dollar keeps the price low and provides ready availability for the U.S. military.

c. Off base liberty for military personnel is routine.

d. Its being the hub or international and in-country transportation.

e. Insufficient enforcement.

f. Large numbers of drugstores for purchase of the amphetamines and barbiturates.

2. The substances most frequently used by U.S. military personnel are:

a. Marijuana—Vietnam, Thailand, Cambodia origin.

b. Dangerous Drugs—amphetamines and barbiturates of local source and French manufacture—a little LSD by mail from U.S.A.

c. Hard Narcotics—opium, heroin in crude form called "red rock." Also heroin in pure form with high percent of purity—85 to 98%. Some of the Local National pushers have called the powdered heroin cocaine. Hard narcotics are generally noted to be on the upswing as the steady marijuana user looks for more of an escape from reality.

3. Drug abuse substance availability decreases with an increase in distance from established bases. As one progresses from Saigon to the North, off-base liberty is not authorized; therefore Local National employees, etc., comprise the source for US military. At forward fire bases the accepted and recognized interdependency of each person provides self-policing for survival. The noncommissioned officers generally agreed that peer suppression and supervisory personnel would not condone drug abuse in the forward combat areas.

4. In the area of Nha Trang and Can Tho where off-base liberty again was authorized, drug abuse problems were more frequent.

5. As an overall observation of use within Vietnam of the various forms of drug abuse by US military personnel, the Saigon area is by far the most critical, next to the delta region, and last in usage is the area north of Saigon. To attempt to assign an overall estimate of persons who have been involved in drug abuse in one form or other and to any degree would be presumptuous. Any sampling or survey is indicative of use in that local area in-country and should be so understood. It is mutually agreed by all team members that the news media in the US have grossly inflated the extent of drug abuse by US military personnel in Vietnam.

6. Recommendations:

a. Continue education efforts. The combined drug abuse council established by COMUSMACV is essential for interservice coordination.

b. Impress USAF commanders with the actual facts of in-country drug abuse by their personnel through greater OSI activity.

c. Marijuana crop eradication through sophisticated detection and destruction of marijuana fields. As an interim measure give the Federal Bureau of Narcotics and Dangerous Drugs representative more helicopter support.

d. Use more marijuana dogs.

e. Tighten customs.

f. Review the desirability of off-base liberty for all in-country commanders against accessibility of drugs.

g. Use the combined investigative knowledge provided by the council to suppress distribution.

h. Control the sale of amphetamines and barbiturates at local drugstores.

7. Military law enforcement and civil authority cooperation. Observations:

a. Cooperation of civil authority as observed by the commanders in each area the team has visited has been favorable.

b. The effectiveness of civil drug abuse suppression forces varies with their training, numerical strength, local leadership.

c. While the Vietnam Bureau of Narcotics is under the Judicial Police Force, it still is relatively new and inexperienced. Its forces still are small in number.

d. Policing of rural/small towns left to local leaders.

e. National police force in Vietnam consists of about 88,000 individuals.

f. United States agencies, Federal Bureau of Narcotics and Dangerous Drugs, and military investigative forces all are helping the civil authorities to channel their efforts in drug abuse suppression.

g. Civil agents have seized heroin for the first time.

h. Civil police have been cooperating in marijuana crop eradication programs, particularly when U.S. resources are available.

8. Recommendations:

a. Continue assistance in education of civil agents.

b. Increase scope of eradication program.

c. Impress the civil authority with the dangers of drug abuse to U.S. military personnel through education and economic measures the U.S. may be forced to impose.

d. Establish a drug suppression strike force.

C. Thailand

1. Bangkok, Thailand, is a clearing house for all drugs in the Far East.

2. All drug abuse substances are readily available at cheap prices.

3. The scope of use of drug substances is about the same as in Vietnam except for the crude heroin in rock form. This is more prevalent in Thailand.

4. Marijuana grown profusely in-country. Very high THC content. Available for sale everywhere. About $1.50 a tailored pack. By Thai law marijuana traffic and use is a misdemeanor.

5. Drug abuse in Thailand as in Vietnam is a U.S. military problem. The Thais contribute to the problem by supporting the U.S. military demand.

6. Marijuana use predominates for an overall usage of about 90% of the total traffic.

7. Amphetamines of French and U.S. manufacture are available in all drugstores without restraint.

8. Barbiturates of U.S. manufacture also available in drugstores.

9. Heroin is on the scene in all forms:

a. Purple Rock—Luck Strike—common, 20% heroin.

b. Red Rock—less common, 20% heroin.

c. Black Rock—rare, 20% heroin.

d. White Powder—85% to 90% heroin.

10. Little to no pushing by U.S. military personnel for obvious reasons.

11. Some substances being mailed to U.S.

12. No marijuana eradication program.

13. The majority of U.S. military personnel do not have families in-country therefore dependent drug abuse is not a large problem. However, some dependents have been returned to CONUS.

14. Opium traffic in-country attributed to Laos source.

15. Recommendations:

a. Increase the number of marijuana dogs in-country.

b. The U.S. military forces should establish a combined drug abuse council to coordinate investigative effort, and interrelate between the services in all areas of drug abuse control.

16. There is little inter effort here since Thailand does not include drug abuse as part of its culture. Thailand's attitude toward suppression shifts the burden on the U.S. which brought the problem into the country.

17. The Thailand police have little interest in marijuana suppression.

18. One marijuana eradication sweep was made last year with dubious results. No further eradication plans are contemplated.

19. Known opium poppy fields exist in the highlands of North Thailand.

20. No tightening up of sales of dangerous drugs in drugstores is contemplated.

21. Recommendations:

a. Recognize that civil law enforcement of marijuana is nonexistent and increase U.S. military surveillance.

b. Establish a U.S. military drug abuse council at MACTHAI level to help coordinate the overall suppression efforts in-country.

c. Review off-base liberty program.

D. Okinawa

1. The Okinawa culture being of Japanese ethnic genesis is not drug abuse prone. Again, the problem of drug abuse in a foreign country is a U.S. military induced problem concerning U.S. forces and dependents.

2. Essentially, drug abuse substances are imported mostly by U.S. personnel—active duty U.S. military personnel, ex-U.S. military personnel and U.S. military personnel in some degree of unauthorized absence (deserters, absentees). Investigative personnel have determined that the large force behind the illegal import of drug abuse substances is centered around a group of ex-U.S. military personnel now in Okinawa for the express purpose of drug traffic. At least 12 have been identified but no action has been taken to deport them. Reluctance on the part of U.S. authorities to coordinate with Okinawa civil authorities is apparent in the lack of removing for cause, U.S. citizens of detrimental influence.

3. Marijuana is the major drug abuse substance. This apparently is smuggled in from Thailand and Vietnam on U.S. military and charter airplanes—predominately through Kadena, and Naha to a much less extent.

4. Dangerous drugs are available in all drugstores.

5. Small amounts of heroin and hard narcotics are being used.

6. Inspection of incoming baggage and passengers at Kadena and Naha is a U.S. problem. At present, limited inspection of a customs type exists. This is a critical requirement needed to stop drug and other illicit traffic.

7. Seven marijuana-trained dogs presently are on the island.

8. Dependent drug abuse also is part of the U.S. military problem. School age dependents of the U.S. forces number 15,000.

9. There is little overall coordination between the U.S. services to combat drug abuse.

10. As noted in Part I of this report, the USAF, the U.S. Army, and the USMC are moving towards good educational programs. The USAF has taken the lead in the Okinawa area with top level impetus.

11. Department of Defense schools have started drug abuse control education.

12. Recommendations:

a. Establish a U.S. forces drug abuse control council to coordinate:

(1) Investigative knowledge.

(2) Educational efforts for service personnel.

(3) Educational efforts within the DOD school system.

b. Set up an inspection system for all incoming personnel to Okinawa—prime objective to eliminating drug traffic.

c. Deport US citizens responsible for drug traffic.

d. Increase the number of marijuana detecting dogs in-country.

e. Set up a combined service laboratory for marijuana analysis.

f. Deport dependents involved in drug abuse who do not respond to educational efforts. Parents should be required to participate in a special educational program when their dependents become involved in drug abuse.

13. Military Law and Civil Authority Cooperation:

a. Civil authority cooperation with US military law is passive. There is no effort on the part of Okinawan police to curtail US military drug abuse or traffic.

b. Most drug abuse cases occur off base in the civil environment.

c. Of the 15,000 military dependents in schools, 8,000 are USAF sponsored. The Air Force estimates 30 percent of their drug cases are juveniles. Therefore, policing and apprenhension of dependents rests with US military investigative forces—CID, NIS, and OSI.

d. Okinawa has no civil customs type inspection effort which could be used to augment or contribute to required US military inspection of arriving aircraft.

14. Recommendation:

a. No active participation from Okinawa civil authorities should be anticipated in the area of drug abuse suppression, therefore, US military coverage should include all elements of suppression from customs type inspections of arriving aircraft through detection and apprehension of users.

b. Since the Okinawan government does not provide customs type inspection for arriving aircraft, it is urgent that the US take priority measures to stop the flow of drug abuse substances into Okinawa by military controlled flights.

E. Japan

1. In general, the anti-drug program of the Government of Japan (GOJ) is pursued so vigorously that there is little in-country availability of US personnel of narcotics or marijuana. Dangerous drugs, however, are available at drugstores throughout Japan if one knows what to ask for by trade name. Offenses that are uncovered are passed to the GOJ (or are developed by GOJ) and are prosecuted in local courts. Upon conviction and imposition of sentence, generally suspended, the person, if under jurisdiction of the US, is removed from Japanese territory. Whether they subsequently are discharged as a result, varies with the particular services policy.

2. Rest and recuperation (R & R) and temporary duty (TDY) personnel along with other US personnel authorized US transportation are processed into and out of Japan through military bases. These entries and exits are handled more casually by US designated "customs officers" and should be considered as a potential avenue for supplying US in-Japan forces.

3. Recommendation: Joint interservice inspection teams should be established and import-export processing procedures expanded and emphasized.

4. Crime Laboratory:

a. With the exception of the crime laboratory now established in Vietnam (which does not analyze narcotics), all forensic technical work for the Pacific theater is accomplished at Camp Zama. The lab and technician capabilities are quite excellent. Two situations occur, however, which if modified may enhance investigative and enforcement knowledge and capabilities in the narcotics field.

(1) Analysis of the material submitted does not result in a written report to the submitting criminal investigative unit giving a qualitative factor. As a result, the investigator has no idea whether the violator was dealing with 10 percent or 100 percent heroin, and cannot conclude whether he should pursue aggressively the investigation from the standpoint of trying to eliminate a dangerous trafficker and supplier (100 percent case), or whether the violator should just be processed for courts-martial (10 percent case). It would seem that based on this knowledge, the latter course would be the rule. In addition, the tendency is not to report other chemicals detected in the sample submitted unless they also happen to be an illegal narcotic prohibited by law or regulation. This strange position ensues even though the other material may be toxic and dangerous. As an example: We learned from various units visited throughout Asia that so called "Red Rock" heroin was alleged to contain a quantity of strychnine. This could not be confirmed from lab reports returned to the criminal investigative field units. Discussion at the Zama lab revealed that analysis *had* been performed on some samples and that it had been determined that the samples in question had contained 10 percent heroin, 40 percent daffeine, 2 percent strychnine, and 48 percent inert material. It is felt that all such information should be given to the investigative unit involved, formally, as potentially important for further investigative efforts and for its possible psychological effect. Such information could be significant as a deterrent factor if given to troops during their narcotic orientation and training programs.

(2) The criminal laboratory at Zama, or some other single place, should be charged with keeping substance statistical information for the entire Asia area. Such information as (a) the number of seizures made, (b) the quantity seized, (c) the purity if known, (d) other substances found if any, (e) and other factors such as possession only, or possession for sale, or wholesale trafficking, etc. Such statistics should be maintained by country of discovery at least. In some areas, possibly, by smaller geographical designator. Original source should be shown if determined.

VII. GENERAL COMMENTS AND OBSERVATIONS OF DRUG ABUSE STATISTICAL REPORTING

A. The standard data base for reporting drug abuse incidents in all services in all locations is the number of cases investigated by the respective service investigative agency. This measure has two disadvantages: (1) It inflates the number of actual drug abuse incidents because some allegations are found to be unsubstantiated when investigated; and (2) it provides no measure for drug abuse incidents which do not come to the attention of service law enforcement agencies. Despite these two disadvantages, number of cases investigated provides the most important measure of drug abuse as service delinquency. Its leading attribute is that each incident reported is supported with a written report of investigation which serves as the basis for appropriate action by the military commander. The number of cases investigated has been rising in all services and it was a consensus of opinion among investigators contacted that this rise was a function of increased use among servicemen and of increased detection due to the training of commanders and supervisors in matters related to drug abuse. Increased enforcement activity, with some agents specializing in drug abuse cases, has also contributed to the rise in cases investigated.

B. There are other measures involving action taken on cases investigated which can be used to plot trends and analyze the drug abuse problem within the military services. In order of severity of action they include:

1. Number of courts-martial by type; General, Special, and Summary.

2. Number of nonjudicial punishments under Article 15, UCMJ.

3. Number of administrative board actions by type of board and character of discharge.

C. Number of cases in which no recorded action is taken. Currently, this measure includes unsubstantiated cases for which no action is appropriate as well as substantiated cases which are handled by unit counseling or local rehabilitation measures without recourse to other punitive or administrative measures.

D. The measures of action taken will always be delayed for direct comparison with individual cases investigated. This is not a particular disadvantage for the value of the measures of action taken lies in the ratio of each type of action to the others. Each of the measures of action taken is supported by documentation except the negative category of no action taken.

E. The documented measures of cases investigated and actions taken are superior for broad application and interpretation when compared to isolated unit samples or multiple estimates of drug abuse freely given in most of the locations visited. The documented measures have both reliability and validity.

VIII. EFFECTIVENESS OF ANY ERADICATION: SMUGGLING ENFORCEMENT PRACTICES BEING EMPLOYED BY FOREIGN GOVERNMENTS AND WHETHER MILITARY RESOURCES CAN CONTRIBUTE TO THESE ENDEAVORS

A. Vietnam

1. Attempts have been made by Military Assistance Command, Vietnam (MACV), in conjunction with the Bureau of Narcotics and Dangerous Drugs (BNDD) representative in-country to locate and destroy fields of marijuana growing in Vietnam. Small helicopters have been employed, when available, to locate and direct the destruction of marijuana plants. An awards system to enhance the desire of the Vietnamese National Police to locate and destroy marijuana has been instituted with some good results.

2. The US military has been reluctant to provide the small, unarmed helicopter for the program. In order to locate the marijuana fields, the helicopters must fly at 120 feet at a speed of approximately 60 knots. To say the least, this is hazardous duty when in a combat environment.

3. As an incentive for the National Police to participate in the eradication program, one piaster per plant currently is being paid. It is anticipated that the bounty will increase to two piasters per plant for added incentive.

4. A Narcotics Bureau recently has been organized under the Vietnam National Police. Its missions are:

a. Studying plans and measures to eliminate narcotic violations.

b. Conducting investigations on a country-wide basis of significant or important cases.

c. Developing an educational program on narcotics for the general public.

d. Establishing and maintaining narcotic statistics on a country-wide basis.

e. Maintaining liaison with other public and law enforcement agencies.

f. Conducting training programs and seminars in narcotic suppression.

This bureau is still in its embryonic stage and when fully developed will enhance the narcotic enforcement in Vietnam.

5. As noted in Part IV of this report, the BNDD Agent, Vietnam, has developed a plan to form and organize a narcotic suppression and eradication team. This team would be composed of approximately 20 individuals who would be trained in the identification of marijuana and then travel throughout Vietnam on a systematic basis attempting to locate and destroy marijuana fields.

6. Recommendations:

a. That the helicopter eradication concept in Vietnam be studied in detail and if determined to be feasible and within the capability of the command, that necessary heli-

copters, personnel, and other equipment be made available on a priority basis.

b. That additional incentives, monetary or otherwise, be offered the Vietnamese Government to assist in the eradication and/or suppression of marijuana and drugs.

B. Other countries visited

1. There apparently are no concentrated efforts at the suppression or eradication of marijuana in any of the other countries. Limited eradication has been carried out with limited success in Thailand. Large seizures of imported marijuana have been made recently in Okinawa, the largest being 225 lbs.

2. Japan's policy on any type of drug is strict.

3. Recommendations: None.

IX. OBSERVATIONS AND EVALUATION OF THE AMNESTY PROGRAM

A. General

1. The idea of an amnesty program for drug abusers was conceived in Vietnam in October 1969 so as to open the door to an individual with a drug problem and who earnestly is seeking help. It advocates help in solving a drug problem without the fear of punishment. The overall program stems from the belief that an individual who recognizes his drug dilemma and desires aid in resisting both psychological and physical dependence should not be punished, but, on the contrary, should be encouraged to seek help.

2. In the 4th Infantry Division, an individual with a drug problem seeking help may make his desire known to his first sergeant, sergeant major, unit commander, surgeon, chaplain, psychiatrist, or judge advocate. However, the individual is ineligible for amnesty if he currently is under charges or investigation relating to an offense involving drugs. The rehabilitative procedures of the program are available to everyone.

3. Once the individual has sought help, his unit commander is apprised of the situation and he is referred to the surgeon at which time medical aspects of the problem are discussed. The degree of dependence, tolerance level, hospitalization, etc., are determined and programmed.

4. A buddy (a respected friend) is assigned to the individual as a means of providing self-assurance. Continued counseling sessions, as required, with the chaplain, surgeon, and commander are carried on. Command emphasis at all levels using the proper application of the principles of leadership is professed to be the keynote to the program.

5. Between the period October 1969–31 August 1970, a total of 165 personnel within the 4th Infantry Division have sought help through the amnesty program. Follow-up statistics of the program's success were not available.

6. Other amnesty-type programs encountered during the trip were as follows:

a. "Operation Help," Bangkok, Thailand.

b. "Impact Center," US Army Medical Center, Ryukyu Islands.

c. Amnesty Program, USARV.

d. The 7th Infantry Division, Korea, is about to launch a program entitled, "Half-Way House."

B. Comments

1. In order for any type of amnesty program to be valid and sincere, definite ground rules and definitions have to be established and publicized. The word "amnesty" connotes freedom for any type of action. In reality, this is not the case, and rightfully so.

2. It generally is agreed upon that no type of punitive action will be taken against an individual who seeks help with a drug abuse problem provided that he already is not under investigation from a drug connected offense. However, the phrase "punitive action" must be further defined to better clarify its meaning. The termination of flight status, the suspension of a security clearance, or the withdrawing of an initial Military Occupational Specialty (MOS) is administrative but yet punitive in nature.

3. If an individual seeks amnesty and is granted same, but then requires hospitalization for the treatment of withdrawal, consideration should be made for determining line of duty status. A decision for this type situation has to be made and publicized to add validity to the program.

4. The number of times that an individual may be granted amnesty also must be considered and spelled out, or we may be condoning the use of various type drugs for experimentation.

5. Specific guidance on the disposition of an individual seeking amnesty must be made clear.

6. A determined enforcement program against drugs must be in force in order for an amnesty program to work. Pressure must be applied to make it hard not to get caught, so amnesty will be sought after, or it may become an open door for experimenting.

C. Recommendations

1. That additional evaluation be made to determine the feasibility of adopting the amnesty program.

2. That if the amnesty program is considered feasible for adoption then specific guidance be issued on the following points:

a. Exactly what amnesty does and does not authorize an individual, i.e., retention of flight status, MOS, security clearance, punishment, etc.

b. Line of duty determinations.

c. Number of times that an individual can participate in the program.

d. Whether amnesty action will become a part of official records.

e. Policy of notifying unit commanders when an individual enters the amnesty program.

f. What specific individuals within an organization a person seeking amnesty can turn to.

g. Whether the individual retains the same duty upon entering the program or is transferred to other duties, and under what circumstances.

h. What the consequences are for the individual who voluntarily leaves the program before completion.

X. EVALUATION OF THE DRUG ABUSE CONTROL PROGRAM AT CLARK AIR BASE, PHILIPPINE ISLANDS

A. Visit data and contacts

1. Clark Air Base, Philippine Islands, was visited by a single task force member 9–12 September 1970, while other members of the task force continued their tour of Vietnam.

2. Formal contacts were made with command and staff officers of the 13th Air Force and the 6200th Air Base Wing. Many other persons in the various staff sections and agencies on base were also contacted informally. Material developed for and discussed in this report is a product of both the formal and informal contacts.

B. The problem

Clark Air Base is experiencing an increase in drug abuse. In 1969, 125 cases came to the attention of the Security Police. As of 8 September 1970, 190 cases have come to the attention of Security Police during this current calendar year. The largest group percentage increase was among USAF dependents.

C. The program

The approach to the problem has included information, education, and enforcement:

1. Following the death of two airmen from an overdose of barbituartes in February 1970, the Wing Commander mobilized his information office staff for an all-out campaign against the use of drugs. The base newspaper, "Philippines Flyer," carries educational articles, editorials, and news items related to drug abuse control. The 4 September 1970 issue had three major items on the subject "18 Teenagers Held for Narcotics Use," "Three Airmen Get BCD's for Marijuana Possession," and "One Mistake May Ruin Your Life." The Armed Forces radio station broadcasts one-spot announcements every hour. On TV, drug abuse control is given one or two prime spots each evening. From midnight to 5 AM, drug abuse control message are inserted during a "hard luck" music program. Some parents have brought their children to the radio/TV studios for a rerun of broadcast materials.

2. The Information Office staff was critical of some materials released for use by Armed Services radio and TV. They specified a five-minute radio release tape by an Illinois judge who seemed to be pro-marijuana, and two recordings, "Ruby, Don't Take Your Love to Town," and the "Ballad of John and Yo-Ko," the latter from the Beattle's nude album.

3. Responsibility for drug abuse control training has been assigned to the General Military Training Office. Specialized personnel, including chaplains, doctors, OSI special agents, Security Policemen, lawyers, and others are included as part of the training staff. The program requires orientation, annual refresher, and predeparture training. This program has been informally expanded to include military dependents and interested local nationals in adjacent Angeles City.

4. The Wing Commander meets each workday morning with the OSI Commander, Chief, Security Police, and the Staff Judge Advocate for a review of incident reports accumulated during the past twenty-four hour period. Initial decisions are made on actions required for each incident to include incidents of drug abuse. Newsworthy items are passed to the Information Officer. The OSI has three special agents and one supervisor specializing in drug abuse cases. The Security Police have one specialized investigator. These agents and investigator are supported by the intelligence gathered by other agents and Security Police strength of approximately 800. An informant network is maintained. Coordination with local officials is maintained, joint operations are conducted, and there is an increased awareness of the dangers of drugs among Philippine enforcement officials and the citizens of Angeles City. This interest is being exploited and speakers from the base are providing drug abuse control lectures to local civilian groups. Possession or use of marijuana is a violation of Article 190, revised penal code of the Republic of the Philippines law. Barbiturates, however, are not controlled.

5. The education program is supported by an imaginative chaplain's program to reach youthful airmen. Coffee house sessions are held each Friday evening for unaccompanied and single airmen. Invited guests are placed on the "hot seat" for spirited communication with the attending group. The staff chaplain was formerly stationed at Amarillo Air Force Base when the 3320th Retraining Group was located there, and acquired a down-to-earth approach toward changing attitudes and behavior. The Catholic chaplain conducts a weekly "Rock Mass" which is known for its "standing room only" crowds. Every effort is made to get airmen involved in programs of commitment to occupy both time and talent. Rapport is indicated by the fact that 131 privileged drug abuse counseling sessions were conducted by chaplains during Fiscal Year 1970. This was a phenomenal increase over past periods.

6. A program for drug abuse control has not been fully organized within the DOD Dependents Schools. The District Superintendent has not received the Assistant Secretary of Defense (M&RA) policy statement on the subject of drugs, alcohol, and tobacco abuse which is to be part of the DOD Overseas Dependents Schools curriculum manual. He had received two drug abuse educational materials

packets from the Directorate for Dependents Education, ASD (M&RA).

7. The District Superintendent introduced the drug abuse coordinator for Clark Air Base Dependents Schools, a counselor at Wagner High School. This is the coordinator's first school year at Clark Air Base, but he has been teaching in Far East schools for a number of years. He has an intense interest in coordinating the drug abuse control program for the schools and has attended the National Training Center in Drug Education, 20 July–14 August 1970, at San Francisco State College. The coordinator needs the total support of both the civilian and military elements of the DOD Dependents Schools administration to organize a program. Responsibility for organizing and maintaining a Dependents Schools drug abuse control program must remain with the District Superintendent and the Schools officer.

8. The Child Guidance Clinic, DOD Dependents Schools, has a staff of three psychologists, three psychiatric social workers, and a part-time consulting psychiatrist. Referral to the USAF hospital is also provided for. Despite the excellent resources of this clinic, it has not had dependent drug abuse cases referred to it for treatment. These cases have been handled solely as disciplinary infractions.

9. Referral policy requires both teacher and school counselor to interview a problem child. In addition, the school counselor must interview one or both parents. If the child is to be referred to the Guidance Clinic, the referral form is signed by both the school counselor and the school principal. The clinic staff has been given the requirement to report any drug abuse incidents coming to their attention. They have complied with numbers only, feeling that confidentiality of their files must be maintained.

D. Critique

1. As an overall evaluation, the Clark Air Base program of drug abuse has its greatest strength in the areas of information, education and enforcement, with the latter being given the greatest emphasis. There is a close coordinated working relationships between the Wing Commander, the OSI District Commander, the Chief, Security Police, the Staff Judge Advocate, and the Information Officer. This program is very effective when applied to the military populace.

2. This program is not as effective when applied to the dependent population because the range of appropriate actions is limited to administrative action. The treatment and rehabilitative resources available for dependents have not been fully exploited. Information concerning dependent drug abuse appears suppressed by peers, parents, and treatment personnel because of a real or imagined possibility that disclosure will result in a family being returned to the United States.

3. In relation to the drug abuse control program, the counseling and treatment staff of the Chaplain's Office, the USAF Hospital, and the DOD Dependents Schools are operating on the periphery of command interest and coordination. Treatment of adolescent drug abusers not yet discovered by enforcement authorities is taking place in a clandestine atmosphere.

4. The potential for a very effective program of drug abuse control for all segments of the population exists at Clark Air Base. The current program of information, education, and enforcement, with the added element of clinical treatment, must be extended to the dependent population. Voluntary disclosures of drug abuse among children by peers, parents, and the children themselves should be encouraged. Such disclosure should result in clinical treatment and rehabilitative efforts within the resources of the command. If treatment efforts fail and command rehabilitative resources are exhausted, then returning a family to the United States may well be the appropriate action.

E. Recommendations

Broader communication, encompassing all of the elements that can be applied to a drug abuse control program, is required. A successful medium for this communication at other installations is the Drug Abuse Control Council which periodically—normally monthly—discusses drug abuse control programs, problems, and solutions and makes recommendations to the commander for program implementation. The commander maintains program control, but draws upon the collective knowledge of all his staff specialists concerning drug abuse problems. All staff elements that can make a contribution are included in the membership. Such a council is specifically recommended for Clark Air Base.

[Attachment 1]

TRAFFICKING OF NARCOTICS AND OTHER ILLICIT SUBSTANCES ON OKINAWA, RYUKYU ISLANDS

A. Some American civilians who have received less than honorable discharges currently living on the island are suspected to be the financiers for the couriers used to carry drugs from Thailand to Okinawa. The couriers are military persons who have either deserted or gone AWOL. It is alleged that couriers travel from a military air base on Okinawa using falsified orders aboard a military flight and land at a military base in Thailand. They use the same mode of travel to return to Okinawa. The couriers and other passengers are not subjected to inspection on leaving or returning to Okinawa.

B. The legal authorities on Okinawa have determined that there is no legal authority for military customs inspections on military bases on Okinawa. Customs inspection authority has been tranferred to the Government of the Ryukyu Islands (GRI) by the United States Civil Administration of the Ryukyu Islands (USCAR). It appears that the GRI has the inchoate authority to make "customs inspections" on the US military but have refused to do so because of the political sensitivity. The US does not want the GRI conducting inspections on US bases. Thus there are no US or GRI customs laws which can be *applied* upon the US bases. Therefore, customs inspection units cannot be established because there are no applicable customs laws for such units to enforce.

C. After many discussions with the United States Army Ryukyu Islands (USARIS) legal authorities, it was agreed that authority does exist for the establishment of inspection units pursuant to the commander's police power. Such power stems from the commander's responsibility to protect the health, safety and welfare of the personnel of his installation, and his responsibility to ensure that no contraband enters his installation. Currently GRI customs laws apply to "open ports" which are ports other than U.S. military ports. It is recommended that joint military inspection units be established to inspect "non-open" ports. Such ports would be military ports which are *not* covered by GRI customs laws. They can be specifically defined as Kadena Air Base, Naha, Futima MCAS, White Beach, and Kin Blue Beach. If we refrain from using the words "customs" and "border" the US Government will not pose any political problems regarding US infringement upon the GRI sovereignty.

[Attachment 2]

VIETNAM DRUG SUPPRESSION STRIKE FORCE

This force, which would require a minimum of twenty service personnel, would be expected to function in the following areas:

1. Identify specific drug abuse trends by locality and US military unit. Identify drug sellers and pinpoint their locations. Coordinate personally this informtaion with the respective National Police units for investigative action. Maintain followup surveillance on habitual drug source areas for continuing and sustained investigative and apprehension action by National Police units.

2. Participate in the helicopter marijuana surveillance program with selected members of the National Police.

3. Functioning in an operational role, gather and document intelligence to identify and neutralize those in-country areas and persons who are supplying drugs to US military personnel.

4. Work closely and on a continuing basis with all elements of military police, CI and CID personnel in drug detection and enforcement.

5. Institute and monitor on a continuing basis a meaningful program to gain source intelligence from apprehended US military drug violators.

6. Identify all sixty elements of the dedicated National Police Drug Suppression Units country-wide and personally assure that the US military units in these particular areas are working full-time in a combined drug detection and suppression program with the VN police.

7. Identify and report to MACV Drug Suppression Unit any VN National Police unit not functioning satisfactorily in drug suppression role. These matters will then be taken up with National Police Narcotic Unit at Saigon for inspection and appropriate action.

8. Conduct on a country-wide basis drug identification lectures to assure that the maximum possible numbers of units commanders and senior noncommissioned officers know and can recognize drugs of abuse when they see them.

[Attachment 3]

OBSERVATIONS AND PREVAILING VIEWS TOWARD THE DRUG PROBLEMS AS ELICITED THROUGH INTERVIEWS WITH APPROXIMATELY 900 OFFICERS AND ENLISTED MEN

HAWAII

I. A. Many military officers were concerned about the amount of interest that certain politicans exhibit regarding the use of drugs in the military. They feel that if the military is not careful, it will become the scapegoat for the *domestic* drug problem. The military has not sponsored the drug problem. Some people in public positions infer that many young men come into military environment (especially Vietnam) and return after acquiring experience with drugs. The drug problem is definitely not unique to Vietnam and the officers interviewed unanimously stated that the military is merely the reflection of the youth of our society.

B. Permissiveness and Lack of Deterrence in the Judicial System: The prevalence of a permissive attitude within the American society is not helping to solve the problem of drug abuse within the military. Such permissiveness emanates from the Washington, DC level down to the lowest unit. Existing tools for deterrence and punishment within the military system need to be exercised. There is a definite need for more Bad Conduct Discharges (BCD's) to be given to drug violators. However, the feeling was that if Commander-In-Chief, Pacific (CINCPAC), issued a letter to that effect, he would open himself up to charges of command influence.

C. Education and Discipline: The key to solving the drug problem is the squad leader. One cannot separate education and discipline: They add up to leadership. It has always worked that way . . . that doesn't necessarily mean that you can't change but it has worked in the past. When discipline breaks down you have a *leadership* problem. One rea-

son for this is that Washington is too permissive by placing the squad leader in a policy making position, such that there are numerous conflicting policy interpretations which cause chaos.

D. Communications Gap: A military judge who has sat on approximately 150 cases (70–80 involving drugs) stated that the biggest part of the military drug problem is the failure of communication between noncommissioned officers (NCO's) and enlisted men. There is a fantastic generation gap. The "lifers" who are in leadership positions are worlds away from the enlisted man (EM). They do not even attempt to communicate, but merely "close their minds to the kids' problems."

E. Decision Making Authority: A good Staff Judge Advocate (SJA) should be able to make all the difficult decisions that the job requires. However, the Army JAG leads the services in filling top slots with junior grade officers. The crux of the drug problem is the lack of authority that senior NCO's and junior officers have and the corresponding lack of respect for the authority that the junior EM have for the senior NCOs. Decision making has been pulled up to such a high level, i.e., Secretary of Defense's Office that the man in the field has few tools with which to operate. Both decision making authority and responsibility should be delegated to the lower levels. A corporal should know and be responsible for his men's actions (on and off-post), and the corporal should not view his job as an 8–5 situation. The incentives needed to retain good senior NCO's should be within the system.

II. RASH OF DRUG CASES AT THE MARINE BARRACKS HONOLULU: A. Background: During the Spring of 1970, a detachment of 107 marines had drug charges placed against 44 of its people. The detachment was at 115% strength at the time. Thus, 40% of the detachment was implicated The case was initiated when one man in the detachment decided to inform on all the individuals involved.

1. The NCO's stated that they knew there was something wrong with some of the men because they were not functioning right. They were always sleepy and constantly making sick call because of nervousness and bad nerves. Many were also constantly oversleeping. The startling fact is that most of the men were not Western Pacific (WESPAC) returnees but first term enlistees who had not been to WESPAC.

2. The enlisted men had been complaining at mast that they were being harassed by the NCO's. The NCO's were trying to remedy the situation by the "usual leadership methods." This means that you try to talk to the man and if it doesn't work you grab him by the posterior and shake him up a little.

B. Interview with Senior NCO's Involved in Marine Barracks Case: They felt that the marines were behaving no different before the initiation of the drug cases than they were after the cases were opened. Furthermore, the marines are behaving now just as they were then. They definitely do not feel that the implication is another rash of drug cases. They described the suspected individuals as:

1. Sleepy on post.
2. Sloppy in appearance.
3. Lack of concern, bad attitude.
4. Resistant to obeying rules, orders, etc.
5. Insubordinate.
6. Pale.
7. Shakey, nervous, on edge.
8. Dripping noses.

The actions of the marines prior to being caught were as follows:

1. Shirked responsibilities.
2. Constantly requesting MAST.
3. More inclined to go on an unauthorized leave (UA), especially after pay day.
4. Vietnam returnees abuse the system, i.e., go to sick call more than those who have not been to Vietnam.
5. There were more disciplinary demands put upon the Vietnam returnee than what he had experienced in the Vietnam combat areas, i.e., marines have to be clean shaven, boots polished, and well groomed.
6. Frowned upon authority . . . Black NCO's felt that there was more disrespect for authority here at Honolulu than anywhere else.

a. The marines did not *quickly* obey orders, they hesitated, talked back, or belligerently responded to an order.

b. They requested MAST more frequently and used this wedge to threaten. Comment was made that any senior NCO that wants to advance can't be called to MAST too often thus suggesting that some NCO's may have a tendency to capitulate under this pressure.

The tools of leadership available to them as senior NCO's to settle the disciplinary problems:

1. Article 15: This type punishment seems to roll off their backs; the attitude of the EM is that you can throw all the various types of discharges in the air and take your pick. None of the discharges have any deterrent effect. They do not know or appear to care about what a less than honorable discharge means. The troops laugh at Article 15's. Senior NCO's felt that there was nothing that they could do to a man that would be effective to discipline him. They felt that their hands were tied. No longer can they grab a man and shake him up to bring him back in line. This suggests that there has to be greater respect for the man and less reliance upon the fear of physical harm being levied by a senior NCO.

2. The senior NCO's recommended separating the "Salts" or Vietnam veterans from the younger marines just out of basic training. It is the E–3's and E–4's returning from Vietnam who think that they know it all and adversely affect the junior or younger enlisted men. However, a lieutenant present at the time disagreed, stating that the number of Vietnam returnees in Hawaii compared to the large number of new marines from the mainland is very small.

C. Interviews with Young NCO's (E–5's) Close to the Case:

1. The interview of two NCO's who were younger than the three NCO's identified above appeared more sympathetic, patient and more genuinely concerned about what they could do to help solve the problem and were less concerned about the personal ramifications upon themselves.

2. The young NCO feels that the problem is that not many of the senior NCO's live with the younger troops. Most NCO's seem to work an 8–5 day; therefore, they are not getting to *know* their men, their needs, desires, problems, etc. The E–5's are closer to the men because they live with them. However, one of the E–5's that lives in the barracks with marines stated that the EM were well behaved until he turned his back. Similarly, they were experts in hiding various information and events from him. The young NCO's also felt that the E–3's and E–4's are not ready to lead the younger marines because of their own immaturity and inexperience. The opinion of the two E–5's was that there is no ready solution to the discipline problem.

D. Analysis of the Company Commander's Recommendations and Disposition of the Marine Barracks Case:

1. General Courts-Martial: All persons suspected of selling and/or pushing drugs were referred to an Article 32 Investigation with a view toward General Courts-Martial. Originally, 7 of the 48 suspected individuals fell into this category. However, none of the suspected individuals were brought to General Courts-Martial. In the beginning 11 individuals were suspected of pushing drugs and these individuals were placed in the brig for pretrial confinement pending the outcome of the Article 32 investigation. The remainder were held in a casual hold status.

2. Special Courts-Martial: Three persons were brought to trial by Special Courts-Martial, acquitted, and returned to duty because of the lack of a credible witness against them. The original informer, changed his statement twice and was not used as a witness. He stated that he implicated some of the marines because he wanted to get even with them, an NCO, and others. He implicated some others in order to assist them in getting out of the service. Two other witnesses corroborated some of the informer's statements but one witness forgot everything he previously stated. The third witness also conveniently forgot various information. All the informers who were witnesses or scheduled to be witnesses had less than satisfactory service records and were not useful as witnesses against some of the defendants or respondents who had relatively satisfactory service records. One witness, in particular, was a weak prosecution witness for the following reasons:

a. Evidence indicated him to be unworthy of belief.

b. Evidence available showed his willingness to do anything to terminate his service. He was promised and desperately wanted to effect his separation from the service.

c. Government or prosecution had the burden of proof and when there are witnesses with questionable reputations for truth and veracity the prosecution usually loses.

d. It could be shown that he had a motive to lie.

e. Was difficult to show that he was believable beyond a reasonable doubt.

3. Administrative Discharge Boards: The command took this course of action when they saw the trend that was evolving in the special courts-martial cases identified above, wherein each subject was acquitted because of the lack of credible witnesses. Six marines presently have cases pending before the board. Twenty-two marines have appeared before the administrative discharge board and the board has recommended retention. Four of these marines have been returned to duty; five have had their cases forwarded to the Marine Corps Pacific Commander to be separated with general discharges; however, two have been denied. Undesirable discharges have been executed in only three of the 22 cases. Some of the marines wanted out of the service and requested discharge for the good of the service and received undesirable discharges upon completion of the investigation by the Naval Investigative Service (NIS). Based upon the above experience at special courts-martials, it is conjectured that many of these persons would not have been discharged had they not requested to be discharged. Four individuals were discharged for the convenience of the government; one of the individuals was acquitted by a general courts-martial. There were 16 other individuals implicated by the original informant. However, no action was brought against them. Thus, the total amount of people actually implicated was 60 out of a 107 man unit which was at 115% strength.

VIETNAM

I. PREVAILING VIEWS TOWARD THE DRUG PROBLEM

A. Failure of the Punitive System:

1. Lack of Deterrence: The general opinion at II Field Force Headquarters and II Field Force Artillery was that the courts-martial system is a failure in regard to the prosecution of drug cases. The Uniform Code of Military Justice (UCMJ) is too stringent upon the prosecution of an offense. General courts-martials are never convened for pure-

ly drug or narcotic offenses. Nonjudicial punishment in accordance with Article 15, UCMJ, is too long and the procedural requirement just forces people to "yo-yo" around for months. It was considered that a more rapid processing of cases was essential. Similarly, in Vietnam the soldier earns combat pay and has very few places to spend it; therefore, fines and restrictions have almost no deterrent effect.

2. The JAG officers at NAVFOR V, NHA, BE, MACV, and De Nang felt that the administrative boards in Vietnam are very lenient because they do not give enough undesirable discharges. One JAG officer felt that the Navy was lacking more in this respect than the other services. This particular JAG officer's opinion was based upon reviewing every field board in the II and III military regions of Vietnam. Deterrence in the administrative board system is also lacking because there are many young officers sitting on the various boards who will not approve an undesirable discharge to a marijuana offender. The JAG officers feel that there is a strong defense psychology at work. The commanders who initiated the charges will testify on behalf of the defendants and respondents regarding their otherwise good conduct and outstanding work. As a reaction to the atmosphere of permissiveness in lieu of effective deterrence, the various SJA officers wanted the DOD drug team to tell them if it is the Navy policy to emphasize amnesty and rehabilitation. They felt that more permissiveness would compound the drug problem.

B. Constitutional Safeguards: It was felt that the constitution gives the defendant too many rights. However, the field grade officers feel that the rules of search and seizure and chain of custody are not that complicated, but by the time they get down to the company level the results do not warrant the time expended. This means that the officers and senior NCO's at the company level do not know how to work within the constitutional constraint of the search and seizure rules. They also felt the defense had too many weapons in which to beat the prosecution and in many cases the defense counsels over-defend their cases. Although courts-martials have more of a deterrent effect, the administrative discharge route is considered better from a practical viewpoint. It, however, is being weakened daily because more respondents are electing to take courts-martial in lieu of board action.

C. Necessity to Rehabilitate before Discharge: The commander is further handicapped because he must attempt to rehabilitate the soldier before he can discharge him. It is felt that when the commander is in the field and on the move, a drug abuser is dead wood and is a nuisance because he is ineffective half of the day.

D. Company Grade Officers and Senior NCO's Attitudes: The net result of the above is that commanders and senior NCO's at the brigade level feel that the higher command authorities have failed them by not backing them in their attempts to get rid of the drug abusers.

II. CONSIDERATIONS OF COMMANDERS IN DETERMINING HOW TO HANDLE VARIOUS TYPES OF DRUG ABUSERS

A. General Court:

1. There is some feeling among company commanders at the Army Support Group, Can Tho, that the general courts-martial convening authority is trying to hold down the number of general courts-martials. Supposedly, the general courts-martial convening authority at USARV has conveyed this feeling by denying many requests of the Army Support Group for general courts and telling the units to handle the charges at the unit level. A general courts-martial requires an Article 32 investigation and much paperwork. Similarly, the stockade at Long Binh is overcrowded and if a man is punitively discharged he must be escorted back to the US which is a more expensive procedure than sending a man back unescorted pursuant to a discharge received at a board.

2. Pushers should be tried before this court. This court should be used anytime it is felt that the defendant should be discharged from the service. However, there have been no general court-martial cases at Army Support Group in 1970.

B. BCD Special Court: You can't convene a BCD special court unless you go to the general court-martial convening authority to request that the court be convened. In most cases the GCM prefers to convene a general or special court rather than BCD special.

C. Special Court: The majority of the commands are trying hard drug offenders, repeaters, chronic marijuana users and multiple drug users at this forum. It appears that the vast majority of court-martial cases for drug abuse are held at this forum. The Navy at Com Nav For V also felt that repeat drug offenders should be tried by court-martial.

D. Summary Court: In most cases this forum is used when a man who is being given an Article 15 exercises his rights and requests a court-martial. It is felt by many of the Staff Judge Advocates that many of the defendants will request a court-martial to test the strength of the commander's case in an Article 15 situation.

E. Article 15:

1. The expressed attitude at the Army Support Group at Can Tho is against courts-martial in part because of the lack of space at Long Binh stockade for first offenders, thus, from a practical viewpoint the special court has no advantage over Article 15. Some commands prefer to use the Article 15 so that the subject will not have a Federal conviction on his record.

2. The commander at Headquarters First Field Forces feels that nonjudicial punishment under Article 15 may be the appropriate course of action in disposing of an incident involving the use or possession of unauthorized drugs or marijuana in a particular case. However, to insure that careful and thorough analysis is given to the individual facts in each case, commanders at brigade, group or equivalent level may wish to reserve for themselves the right to exercise Article 15 authority over drug/marijuana offenses in accordance with paragraph 3–4b, AR 27–10. (23 Aug. 1970, Hqs. IFFV CDR).

F. No-Action Cases (Navy): The Navy feels that if an abuser is considered by the commander to be an experimenter and has an otherwise good record with little involvement with drugs, he should not be brought before an administrative board but handled by management and rehabilitative techniques at the unit level.

G. Administrative Boards:

1. At the Army Support Group, Can Tho, the hard drug addict is being processed by administrative boards as unsuitable because it takes so much time to discharge a man for unfitness. The rationale of some commanders is that the man discharged as unsuitable will never use his GI Bill to buy a house or go to school. Therefore, it is immaterial that the man's GI benefits are not denied.

2. Navy commanders rationale for electing the administrative board in preference to the courts-martial is a direct result of unsuccessful application of the rules of evidence; this is the feeling of the JAG at Nha Be. The unfitness route with a view toward an undesirable discharge is given for selling, peddling, introducing use aboard ship, use on shore bases and using two or more kinds of drugs in combination.

III. TRENDS IN DISPOSITION OF DRUG CASES

A. 1st Air Cavalry Division (Army):

1. Article 15: There is a distinct preference to handle marijuana cases by the use of Article 15. During 1969 the division had 131 Article 15 cases to 43 special courts-martial. Only 11 summary courts-martial and no general courts-martial were held. The year 1970 is about the same. It is significant to note that in 1970 there have been no summary courts-martial, which suggests that the commanders have such a good understanding of search and seizure applications that few, if any, defendants are attempting to test the validity of charges by requesting courts-martial in lieu of Article 15.

2. General Courts-Martial: Very few if any drug cases are brought to general court-martial. Only one marijuana case has been brought to this forum. This particular case involved possession of 26 lbs of marijuana. There were no *narcotics* convictions obtained at a general court in 1969 or 1970.

3. Administrative Board Actions: Approximately 40% of the total courts-martial and administrative board cases for drug abuse were handled through administrative boards. This figure is based on the number of courts-martials convictions and administrative board discharges granted.

B. 3MAF (Marines):

Administrative Boards: At the beginning of calendar year 1970, 20% of all drug cases (courts-martials and administrative boards) were handled by administrative board action. Currently, 50% of the total cases are handled by the Administrative Boards. At the beginning of the year there was an upsurge of courts-martial actions in the 3MAF area which includes the Force Logistics Command, 1st Marine Division, and the 1st Marine Air Wing.

C. Headquarters XXIV Corps (Army):

1. Article 15: It appears that there is a decided increase in use of Article 15 notwithstanding the expressed denial of the SJA. The SJA felt that the apparent increase in "marijuana cases" disposed of by Article 15 for 1970 is the result of offenses other than marijuana being included in the definition of "marijuana cases" in the 1970 total. A careful analysis of the statistics indicate that the use of Article 15's did increase for marijuana offenses notwithstanding the SJA's reasoning. The SJA was sensitive to the requirement that counsel should not advise nonjudicial punishment merely because of the difficulties associated with the admissability of evidence. If a case is not legally sufficient because of lack of probable cause which makes critical evidence inadmissible the counsel should not advise nonjudicial punishment. Article 15 should be recommended only when the evidence will stand up at a court-martial. The distinct attitude of the SJA was that he would not advise anything that would result in the loss of a case which would put the commander in an embarrassing position.

2. Administrative Boards: The administrative board is chosen in about 50% of the total drug abuse cases which involve courts-martial offense and board actions.

D. 1st Field Force Vietnam:

1. Marijuana: From July 1969 to June 1970 there has been only 5 cases out of 484 which have gone to general court. However, 40% of all cases have gone to special court and only 4½% to summary court. Approximately 45% of the cases are being handled through nonjudicial means.

2. Narcotics: From July 1969 to June 1970, 5% of the cases have gone to general court, 45% to special court, 12% to summary court and 38% have been handled by Article 15's.

E. 483rd T. A. W. (Air Force):

Although this command had very few drug cases, it exhibited a definite trend toward the disposing of marijuana cases by use of Article 15. In fact during the calendar year 1970, there have been twice as many Article 15's for drug abuse as there have been special courts-martial.

IV. NAVY PROCESSING OF MARIJUANA, BARBITURATE, AND AMPHETAMINE EXPERIMENTERS (U.S. NAVY SUPPORT GROUP, BIEN THUY)

A. Background: Processing for discharge of enlisted men who are drug abusers by reason of unfitness is mandatory in the Navy. (BUPERSMAN 3420220 3.g). However, that requirement also states that processing for drug abuse is not mandatory "when, in the opinion of the commanding officer, the member was only an experimental user of marijuana, amphetamines or barbiturates." The exception is applicable to "those members with otherwise satisfactory performance who are involved for a short period of time, e.g., during one period of liberty, or are intermittently involved to a slight extent over a longer period of time . . . In such excepted cases the commanding officer shall submit a letter report to the Chief of Naval Personnel stating the facts, and recommend disposition of the member." The exception lies within the purview of the command discretionary judgment. The Navy Department's rationale for the exception, emphasized in BUPERS NOTICE 6710, 28 January 1970, paragraph 2, is that "many young men who are otherwise good sailors and credible performers within their commands briefly expose themselves to drug abuse." The rationale continues to describe the experimenter as, "part of the majority who through self-reliance and stability do not need to use the crutch of drug abuse as they face the daily stresses of life." It is the apparent intent of the Navy that the experimental marijuana, barbiturate or amphetamine user should receive counseling from his unit supervisory leader or commander. If necessary, the drug abuser should have medical, psychological and/or psychiatric treatment.

B. Article 15: The Navy Officer In Charge (OIC) of the Logistics Support Base in Bien Thuy has given no Article 15's for marijuana users. There were 23 known drug cases from January 1970 to September 1970. The majority of the cases were marijuana experimenters handled outside of the Administrative Board Procedure. The rationale for giving an Article 15 is based upon a man's behavior and performance. An Article 15 would be chosen when a man is a discipline problem and a bad performer (in relationship to a no-action case). However, the man is kept in his immediate unit and not sent to COMNAVSUBPAC in Saigon.

C. No-action Cases: The Navy OIC of the Logistics Support Base in Bien Thuy treated the marijuana experimenter as no-action case. The rationale for such cases is also based upon a man's behavior and performance. If the man is not a discipline problem and a good performer he is treated by the no-action route. The intent is to keep this man in the immediate unit and rehabilitate him. However, this man is not kept in the immediate unit. He is sent to the Navy JAG COMNAVSUBPAC in Saigon where the commanding officer is located and subsequently sent back to the United States. The man is not brought back to his original unit.

D. Findings:

1. The OIC at the Navy Logistics Support Base displayed a lack of understanding of the policy regarding the "experimental" drug abuser. The purpose of the policy is to keep good people in the service unit and provide them with the necessary counseling. It appears as if the attitude is to get them out of the unit. In fact, that has been happening. It was noted that persons who are not worthy of the "experimental" classifications are kept within the unit without any counseling. In short, the man most susceptible to counseling is sent out of the unit; whereas the man with the bad record is kept in the unit without any counseling.

2. If the Navy is going to give a "man a second chance" similar to rehabilitation, it should keep the man within his unit in Vietnam and provide the necessary counsel and treatment.

3. As the US withdraws more and more Navy troops from Vietnam, there will be more detachments where there will not be a commanding officer, but an OIC. Therefore, the OIC should be made thoroughly familiar with the policy and procedure of handling experimental drug abuse cases because the commanding officers will usually follow the recommendation of the OIC if it is within reason.

V. PROCESSING THE DRUG ABUSER WHO IS MORE THAN AN EXPERIMENTER

In cases not involving the experimental use of marijuana, barbiturates and/or amphetamines and after reviewing the administrative board report and record of the hearing, the commanding officer notes his concurrence or nonconcurrence and enters any comment deemed appropriate. The commanding officer may close the case in certain instances, but all cases involving drug abuse must be forwarded to the Chief of Naval Personnel for final disposition. He has the authority to approve or disapprove the board recommendation. The Chief of Naval Personnel may also change the type of discharge to a more credible one. Thus, the Chief of Naval Personnel has a direct impact upon all Navy administrative board actions.

VI. VIEWS OF TWO SJA OFFICERS TOWARD SEARCH AND SEIZURE REQUIREMENTS

A. The SJA for the First Field Force Vietnam (IFFV) has the following opinion which appears in a memorandum on search and seizure dated 21 August 1970:

"The commander can always search his men for marijuana, or any other prohibited items. The fact that the marijuana he finds may not qualify as admissible evidence in a court-martial because of the probable cause requirements should not inhibit the commander. Regardless of its admissibility into evidence, the marijuana or other contraband has been located and seized."

B. The SJA at Okinawa is of the contrary opinion. He feels that if there is no "probable cause" sufficient for a search, then the search itself is illegal and cannot be conducted. The decision as to the future admissibility of the evidence is made before the search. Thus, if it is concluded that certain evidence if found will be inadmissable, the search will not be conducted. The JAC at Camp Zama, Japan, disagrees with this interpretation and would permit the search. He would then allow the courts to rule upon the admissibility of the evidence if he decided to prosecute. In any event one has no legal right to contraband and he could not petition for the return of the confiscated drugs.

VII. ATTITUDES OF COMMISSIONED OFFICERS

A. Need for Training of Commanders and NCO's Regarding Recognition of Abusers: An excellent example of this need is highlighted by the Commanding General, 4th Infantry Division, as follows:

"I continue to be concerned with our courts-martial figures. This concern does not stem from the totals per se, but from my belief that in numerous cases, the correct application of the principles of leadership could perhaps have prevented charges being preferred. For example, a review of the facts and circumstances surrounding a number of recent courts-martials discloses that the individuals tried harbored some degree of dissatisfaction with their assignment, despondency for various reasons, generally low morale, or a combination of all three. The failure of our young leaders to recognize these indicators and to take appropriate corrective action is a serious oversight indeed."

B. Need for More Efficient Leadership on the Part of Company and Battalion Level Commanders and NCO's: The Commanding General, 4th Infantry Division, in his 12 August 1970 letter on discipline brought this problem into focus as follows:

"Of course, every commander realizes that the maintenance of discipline is his responsibility; but so are a myriad of other things. Because of this workload an inexperienced commander may adopt the belief that the easy way to maintain discipline is to threaten individuals with punishment; they resort to the pitfall of using the Uniform Code of Military Justice as a crutch instead of an aid, which is the least desirable method to maintain discipline. Efficient leadership by both our commissioned and noncommissioned commanders is the most effective means of maintaining discipline. Sometimes it bears heavy on the commander's time and patience, but leaders must counsel those individuals who are experiencing difficulties to determine the rest of their troubles, their background, capabilities and limitations. Some personnel falter over troubles, real or imagined, which taken in concert with the commanders' responsibilities may appear to that commander as insignificant. Not so the man; in his eyes it is more important than unit or mission, and it must be resolved or it will grow to the proportions of a court-marital. Commanders must, therefore, give thoughtful consideration to the problems of their men and help to alleviate or remove factors which are conductive to dissatisfaction, indifference and low morale."

C. Determination by Commanders of the Disposition of Cases Involving Drug Abusers: The Commanding General, 4th Infantry Division, also stated how he feels his division should proceed without exerting command influence as follows:

"Admittedly, counseling is not going to accomplish the desired results in every case, and when the commander determines that justice need be served, it must be swift and sure. However, before a commander decides arbitrarily on trial by courts-martial, he should consider a written reprimand or those measures indicated in paragraph 128c, Manual for Courts-Martial, 1969 (Rev). Perhaps there are cases where the use of such administrative measures will expedite the adjustment of the individual to military service and discipline, whereas a courts-martial might destroy any desire or inclination on behalf of the offender to adjust to military service. If punitive action becomes necessary, the matter should be disposed of at the lowest level possible. Thus, a commander should not decide upon trial by courts-martial until he has determined that Article 15, Uniform Code of Military Justice, will not meet adequately the ends of justice and discipline. Even then, the case will be referred to the lowest court having jurisdiction to adjudge an adequate sentence."

D. Need for Prompt Expeditious Handling of Drug Cases:

The effectiveness of disciplinary punishment is directly related to the timeliness with which it is administered, although the rights of the individual must not be violated in order to obtain promptness. When an offense appears to have been committed, immediate investigations and prompt action are mandatory.

E. Confidence in Judicial System: The II Field Force Artillery felt that there is a definite need to know just what is "possession." Likewise, the Army cannot afford a moralistic approach to the drug problem which is social in nature. Rapid means must exist to provide negative reinforcement of the punitive system.

F. Rehabilitative Counseling on Drug Abuse: There are not enough qualified people in the field to counsel troops on drug abuse. It is felt that a well-informed individual trained in psychology is needed to counsel the troops.

G. Use of Drugs in Combat Areas: It was expressed by a young lieutenant that about 10–20% of his command at a fire support base

(FSB) use marijuana. However, 85% of this group are able to perform their job well. In short, only about 1-3% of the people at the FSB are not able to do their job well. It was stated by other commanders that drugs are used so sparsely in the forward combat areas because they are alive with booby traps. It is just plain dangerous for a person not to have complete control of all of his capabilities in these areas. Self-policing was apparent.

VIII. ATTITUDES OF MEDICAL OFFICERS AT ARMY STOCKADE AT LONG BINH (LBJ)

A. Establishment of Personal Relationship: A lieutenant who was a counselor at LBJ felt that there is a real need for communication in the military. The young enlisted men have virtually launched an assault against the NCO and the officer classes. He felt that leadership is the key to bridging the communications gap. He is practicing leadership by attempting to establish some personal relationship with the enlisted men by listening and trying to convey to them that he honestly and sincerely understands their problems. The lieutenant spends the bulk of his time as a counselor at LBJ answering the prisoners immediate needs, i.e., where are my personal belongings? Do I get a partial payment while in confinement? Etc.

B. Generation Gap Is Also A Communications Gap:

1. Ability to talk freely about problems. A black psychiatrist, felt that senior NCO's and officers do not understand the needs and aspirations of the young black American. Black soldiers are freely questioning many things that to them is a problem. Older black senior NCO's are trained and conditioned to a societal atmosphere which was not conducive to questioning. Thus, many black senior NCO's do not feel free to talk about things they consider a problem. The result is that the young black soldier condemns the older black NCO on the grounds that he accepts certain conditions which the young black soldier feels are intolerable and unjust.

2. The Need and Inability of Young Enlisted Men to Identify and Receive Supportive Guidance. A young enlisted man who may need some kind of available supportive relationship guidance has no one to relate to in a position to help them. Senior NOC's identify with the system and feel personally threatened when the young enlisted man questions the system. Under the authoritarian system in the military a senior NCO is taught to obey authority without question and many older NCO's who are well trained will do exactly that; however, the young enlisted man will question authority without spontaneously obeying. The young enlisted man is asking for the why's or basis for decisions to determine the validity of the exercise of authority. This he is doing before obeying or disobeying authority.

3. Tensions in Military Caused by Polarization Between Enlisted Men, Senior NCO's and Officers. The military system needs a way for the pressure and tension between groups to be released.

IX. ATTITUDES OF NONCOMMISSIONED OFFICERS (NCO'S)

A. Recognition of a Drug Abuser: Senior NCO's at the 7th Air Force, Tan Son Nhut Air Base, stated that it is easy to recognize a drug abuser because a good NCO knows his men. Therefore, he can spot sudden changes in character and behavior. Usually, the abuser begins to sleep later in the morning and is always drowsy and sleepy. However, the interviews revealed that the NCO's have little contact with enlisted men after duty hours.

B. Polarization Between Enlisted Men and NCO's: The prevailing attitude is that many of the enlisted men have no respect for authority and are very hostile and immature.

C. Use of Drugs on the Base (Air Force):

1. There is very little use of any drugs in the Air Force for the following reasons according to a career sergeant.

2. Young airmen are afraid to use drugs in Saigon because there are so many enforcement people around, i.e., the Criminal Investigators (CID), Military Police (MP), and joint CID-Vietnamese Military Police (QC) and Vietnamese National Police patrols. There is such an atmosphere of supervision in the barracks that the airmen cannot use drugs. Likewise, there is just no place to smoke or hide marijuana on the base.

3. Probably one of the biggest deterrents is that the airmen have too much to lose. They know the value of rank and the difficulty of achieving it. The airmen know that it is not worth the risk of conviction to become involved with drugs and soon learn that it is safer to go out and get their "heads bad" (get drunk on alcohol).

4. Finally, it was reported that the airmen work such long hours that they are just too tired to become involved in illegal activities.

D. Intelligence of Airmen: The constant complaint of the senior NCO's was that the project 100,000 category IV people are the biggest trouble makers. It is felt that they usually have just enough intelligence to open the door.

X. ATTITUDES OF ENLISTED MEN IN FORWARD FIRE BASES

A. Effects and Use of Marijuana in Vietnam: The use of marijuana does make your reactions a lot slower and is not condoned in the forward combat areas by young soldiers. However, it is used much more around the cities and the base camps. The above is the general attitude among EM at the American Division, 196 Light Infantry Brigade, Firebase Hawk Hill.

B. Leadership of NCO's and Senior NCO's:

1. Forward Combat Areas: The enlisted men feel that there are NCO's in the field who are good leaders. Such individuals are described as those who exercise good judgment, discretion, concern about the lives of all their men, decisive decision makers, well-trained for combat, and do not hassel their men with little meaningless make-work duties. In short, such a leader takes care of his men.

2. Base Camps and Rear Areas: There are some good leaders in the forward areas, however, when they come back to the base camps the Army forces them to do "Mickey Mouse" hasseling things to the troops. The good leaders either refuse to do this, pretend to do this, or get out of the service. In short, there are no permanently good leaders in the base camps because they are forced out of the service.

3. The "LIFERS": The bad leaders in the forward combat areas really become the bad leaders in the base camps. They have a craving for power and lust for authority. "Do this or do that merely because I say so." The term "Lifer" refers to a person who conforms to the rules and regulations of the Army. An individual who has some technical or professional expertise desiring to make a career out of the Army is called a "careerist." He is much more acceptable to the more rebellious youth. The "Lifer" is at best tolerated. One soldier very aptly outlined polarization between the enlisted man and the senior NCO by stating that sergeants (E-5) are OK, staff sergeants (E-6) are sitting on the fence and can be OK or not OK, and all sergeants first class (E-7) and those above are out of it and are the "lifers." The term "lifer" as defined by the enlisted man expresses the size and meaning of the communications gap. A "lifer" is a guy who looks at the book only, and sees no variations from it at all. Furthermore, if an enlisted man does not immediately do what a "lifer" says, he will "screw up" the enlisted man. The "lifer" is constantly hasseling you and he thinks that he is better than anyone else. There is much resentment by young intelligent officers in the field who feel that they are better educated than the older "lifers." The young soldier feels that the "lifer" will take credit for the EM's good work when credit is due and pass down criticism to the EM when the principal substantive mistake was made by the "lifer."

D. Polarization Between Enlisted Men and Senior NCO's:

1. Difficulties in Giving a Lawful Order: Many SJA officers and senior officals have commented that many sergeants have given a man an order only to be refused. Then the sergeant gets a more senior NCO who gives the same order and it is also refused. Then the senior NCO gets a lieutenant who gives the same order and is refused and the man is dealt with harshly. This compounding of offenses is absurd and makes a small offense much more severe. A colonel in the 1st Marine Division had a good solution to this situation. He felt that a sergeant must be more of a social psychologist and in some cases ask the man a few questions about the situation and his reasonings. The sergeant should not be so inflexible as to polarize the situation. The sergeant himself should not compound the charges. He should at least allow the senior NCO an opportunity to talk with the trooper. The system at present has no flexibility. No one can then communicate with the trooper because everyone is tainted by being a part of the compounded offenses. The senior NCO and junior officer should be kept out of it so that they will maintain their ability to communicate with the soldiers.

THAILAND

I. PUNITIVE SYSTEM

Failure of the Punitive System: It is the opinion of the Commanding General, HQ SUPTHAI, Korat, that the courts-martial is used only when you have the necessary evidence. This is so rare that you virtually do not have a courts-martial system which can result in discharges which are less than honorable.

II. RATIONALE USED IN DETERMINING HOW TO DISPOSE OF DRUG ABUSE CASES

A. General Courts-Martial: This forum is used for major offenses such as grand larceny. This is seldom used for drug offenders.

B. BCD Special Courts-Martial. This forum is used when the man's character is at fault.

C. Special Courts-Martial: When the commander decides to use the courts-martial he usually chooses the special courts-martial.

D. Article 15: This is the best, most practical way to get a discharge. It is easier and quicker for commanders to dispose of drug cases by Article 15. It also costs the government less money and time spent. After building a case for discharge by a series of Articles 15's the commander has the following two choices:

1. Develop such a solid case that the man will decide to waive board action and request an undesirable discharge, or

2. Start administrative proceedings with a view of discharging him with an undesirable discharge.

E. Administrative Board Proceedings: Most potential defendants request a waiver of formal board action. This man waives the rights inherent in an administrative board; however, he is advised by counsel before waiving his board. Usually he will elect to do this when the charges and evidence against him are so strong that a courts-martial is evident. Very few cases have arisen wherein the commander has actively sought to give a man a formal administrative board. The unfitness board is preferred to the unsuitability board in drug cases because the man's character is at fault and he should not receive an honorable or general discharge. The latter is merely

being used in cases where the abuser has escaped from the punitive system and gets out of the service without punishment.

III. ATTITUDES OF JUNIOR OFFICERS AT DON MUANG AIR BASE, THAILAND

A. Impact of Drug Problem Upon Junior Officers. One captain stated that he has not had a drug case since arriving at Don Muang Air Base and would not recognize one if he saw it. The captain had also had a mandatory drug briefing before leaving the States.

B. Communications Gap: The Junior Officers Council has decided to work at solving some of the problems of the young airman. It has had some excellent and stimulating meetings on human relations. The objects, the frustration of the young airmen are the senior NCO's (E-7—E-9). They seem to be unable to react to new ideas and changes. The unimaginative senior NCO's are trying to attack new problems with their old military training. Many of the senior NCO's realize that the junior enlisted men are intellectually superior to them. There is virtually no representation of NCO's at the council discussions on human relations.

C. Difficulty in Giving a Lawful Direct Order: An officer must get an NCO to corroborate his story if he is to have a good case and has been advised so by his headquarters squadron commander and the SJA.

IV. IMPACT OF DISCIPLINARY CONTROL BOARD ON THE DRUG ABUSE PROBLEM

A. Local establishments on deserters and AWOLs who frequent certain establishments like *Jack's Bar* and *The Thermie,* are trafficking in drugs as a method of financially supporting themselves. However, few of the AWOLs and deserters transact illegal activities inside of the bars (Jack's and The Thermie). Most of the transactions occur outside the establishments where the owners have no control; the sidewalk is public property. Placing the establishments off-limits does not stop the trafficking, but merely causes friction between the proprietor, usually a local national, and the military.

B. It is obvious that pressure should not be exerted upon the proprietor as such, but upon the military investigative people to develop and initiate cases on the AWOLs and deserters for their illegal activity.

V. RATIONALE FOR THE DISPOSITION OF DRUG CASES AT KORAT AB (388 TFW), THAILAND

A. Courts-Martial: This course of action is usually the recommendation unless the defendant requests board action in lieu of discharge.

General Courts-Martial: Selected where large quantities of drugs, pushers, sellers or previous offenses are involved.

BCD Special Courts-Martial: Without exception, special courts are used for small amounts but not used for an experimental abuser.

Summary Courts-Martial: Only if a man refuses an Article 15.

Article 15: If the individual has been doing a good job, this method is chosen.

B. Intoxication on Duty Offenses: Greater use of this charge should be made. Urinalysis and blood sampling will assist the prosecution. The Air Force says that you can't take blood samples while the Navy and Army feel that you can take a blood sample without the man's consent. The SJA says that this will make the doctor a more credible witness because of the factual evidence. Without the urinalysis and/or blood sampling the doctor is using opinion evidence.

VII. ATTITUDES OF SENIOR NCO'S

A. General: Talked extensively with an E-6 and an E-7 of the 29th Signal Group, Co. A, of the 302nd Battalion. One manages the King Hotel Billet and the other manages the dining room and bar.

B. Availability of Drugs and Deaths from Overdose: One can buy anything he wants. Everything is available, but they have not heard of any heroin, red rock or cocaine. Can smell it in the billets all the time. There have been 3 deaths in last 6 months from overdose of barbiturates. These were definite cases of potentiation. Two of the victims were white and one was black.

C. Possibility of Formal Organization and Intimidation: The NCO's have been threatened by the blacks for turning a man in for drug use. One NCO was completely surrounded and one EM said, "The Brothers will get you." The personnel here know upon arrival every new guy that comes in, his MOS, his experience with pot and his reliability in keeping quiet. The house boys report where they are physically present at all times. It is felt that the security guards working in the billets are involved in the selling of drugs, but the NCO's have been unable to get enough concrete evidence to bring charges.

D. Confidence in Legal System: They feel that the legal system does not back them up when punitive action is taken. The NCO's also feel that if they put too much pressure upon those involved with drugs that they may be removed from the area. One NCO stated that he knew of several cases of aggressive people being rotated early, including himself.

E. Difficulty with Giving a Direct Order: There is no supervision. NCO's cannot give a direct order, they can't rely upon other NCO's in the Signal Battalion, so they will conveniently forget what they had heard. NCO's are helpless to do anything. Assuming that many NCO's are young, promoted very rapidly and part of the drug culture, they could make the more aggressive NCO helpless. The young NCO is most likely to be around when an offense is committed because the older, more senior NCO's live in separate billets. However, if the NCO's get the evidence, their new commanders will back them. NCO's feel that they should ease the pressure on drug enforcement. He also believes that his refusal to ease the pressure is the reason why he is being rotated so early.

OKINAWA (TRAFFICKING OF NARCOTICS ON OKINAWA, RYUKYU ISLANDS—USARYIS)

I. GENERAL FACTS

A. Many American civilians located on the island are believed to be the financiers for the couriers used to carry narcotics and drugs from Bangkok, Thailand, to Okinawa. Some of the couriers are military persons who have either deserted or gone AWOL. The courier travels from Okinawa from a military air base using falsified orders aboard military flights. He arrives at Bangkok or U-Tapao. The courier then goes to U-Tapao or Don Muang where he boards a military flight back to a military air base in Okinawa.

B. The courier and other passengers are not subjected to inspection before leaving Okinawa nor upon return to Okinawa. Neither accompanied or unaccompanied baggage was subjected to inspection. The above is the principal method whereby drugs are brought into Okinawa.

II. "INSPECTION" OF INDIVIDUALS ARRIVING AT A MILITARY PORT OF ENTRY IN OKINAWA

A. Findings: In a memorandum dated 28 August 1970, the Staff Judge Advocate United States Army Ryukyu Islands (USARYIS), also the Chairman of the Inter-Service Legal Committee stated that "there is no legal authority for military customs inspections on Okinawa." The memorandum further stated that the US Customs laws apply only to the entry of goods onto US soil and thus, the US laws cannot form the legal basis for customs inspection of the entry of goods into Okinawa.

Customs inspection authority for entry of goods to Okinawa has been transferred by the United States Civil Administration of the Ryukyu Islands (USCAR) to the local Government of the Ryukyu Islands (GRI). Unaccompanied property of US personnel is subject to GRI customs inspection upon arrival at commercial ports (non-military); however, property of US personnel in their possession when they enter Okinawa at such a commercial port is not subject to a GRI duty, nor is unaccompanied property brought indirectly from the US. Thus, the GRI has no "monetary" incentive to conduct customs inspections of US personnel at commercial ports.

The Staff Judge Advocate of USARYIS indicated that the GRI cannot conduct "Customs Inspections" on military bases; however, the Director of Legal Affairs Department, USCAR, has the opinion that the GRI does have inchoate authority to make "customs inspections" on military bases but refuse to do so because of the political sensitivity of such action. Thus, there appears to be no "customs laws" which can be applied and enforced relative to entry of goods to Okinawa through military ports of entry. Therefore, "customs inspection units" as such cannot be established. If therefore, inspections are conducted, they must be conducted either as searches, with all the guarantees of the Fourth Amendment to the Constitution; or, in the alternative, they must be carried out pursuant to the installation commander's traditional police powers to insure the health, welfare, and safety of the personnel of his installation, and his responsibility to ensure that no contraband enters his installation or is carried on military transportation. The Air Force has adopted the latter approach and is conducting "inspections" at Kadena Air Base on a very limited basis.

B. Analysis: In a letter dated 19 August 1970, addressed to the Commanding General USARPAC, the Assistant Adjutant General of USARYIS stated that since customs units at the military ports would have no laws to apply, the establishment of customs inspections units would not solve the problem of bringing drugs into Okinawa because all the customs inspections unit could legally do is inspect passengers on planes going to the USA. In that situation the US laws would be applied. However, if one dropped the word "customs" and all references to the applications of laws, the rationale currently being employed would allow units to be established which would "inspect" pursuant to the commander's police powers. Therefore, such a unit could be established which would not be applying US or GRI laws, but merely inspecting pursuant to the commander's police power.

USARPAC has directed USARYIS to establish "Customs inspection teams." USARYIS has not complied on the basis that it has no legal basis to establish such teams. It appears that USARYIS does have the legal authority to establish the teams to conduct inspections pursuant to the commander's police power. USARYIS can call or label the team anything it chooses (other than "Customs" teams) as long as the team accomplishes the desired purpose. It is the label "customs" which conjures up all problems concerning the application of some countries customs laws. If USARYIS called the new group the "Non-open port inspection team" then it would not have a "customs" semantic problem.

The above letter to USARPAC continues to read as follows:

"This command *is willing* to test in a court-martial the validity of a seizure of illegal goods made as a result of a policy of the installation commander concerned that inspections be made of the U.S. personnel entering his installation as a port of entry, such inspection being made for the purpose of health, welfare, and safety, and to prevent contraband from being carried on military

transportation and from entering his installation." (emphasis added)

The USARYIS Staff Judge Advocate's initial and orally disseminated opinion is that if he had to go to court and defend the inspection team under the authority of a commander's police power it would be such a weak argument that he knew he could not win. Therefore, the USARYIS SJA has been in fact unwilling to sanction the inspection units. In view of the gravity of the drug trafficking problem, legal authority must be willing to defend the establishment of such military inspection units. It is a commander's decision and not a SJA decision in the final analysis as to whether to try a man and thus force the legal determination of the legality of the establishment of the unit. The deterrent effect of such inspections and confiscation of drugs and contraband is reason enough to establish the units even if the commander decides not to test the issue in court. The SJA, through his deputy, feels it is "morally right" that the issue be tested if the units are established. The moral views of the SJA should not be a factor in the commander's decision regarding the establishment of the inspection units. However, it seems morally right also that the units be immediately established in order to cut off the illicit supply of drugs into Okinawa.

During discussions of the issue the USARYIS SJA and the USCAR Director of Legal Affairs both agreed that the commander's police power is sufficient basis to establish the inspection units if you do not label it a "customs" inspection team. The USARYIS SJA no longer poses the illegality of such units as a roadblock to their establishment.

C. Recommendation: Establish joint military inspection units to inspect "non-open" ports. Such ports are military ports which are not covered by GRI customs laws. They can be specifically defined as Kadena Air Base, Naha, Futima MCAS, White Beach, and Kin Blue Beach.

If we refrain from using the words "customs" and "border" (as in border search) we will not pose any political problems regarding the GRI sovereignty. If we tell the GRI that we will be only searching upon our bases they should not complain because they have never tried to assert any right to search upon US military bases anyhow.

III. SEARCH OF AN INDIVIDUAL UPON ENTERING MILITARY PORT AT OKINAWA ON THE BASIS OF PROBABLE CAUSE

A. Findings:

1. The general attitude among interviewed commanders, especially the Army, was that the rules or constraints of lawful searches are so stringent that it is hopeless to even try. It was felt that more and better education of relevant people regarding *how* to develop and gather information needed for a lawful search brought replies that such action would not help at all. It is felt that more education as to the *hows* and *whys* regarding searches is definitely needed.

2. All personnel are laboring under the "probable cause standard" in cases where it is anticipated that an informant will not take the stand and testify. It is possible that in some cases, the informant or covert agent may take the stand and testify. Thus, the standard of probable cause in those instances will not be as stringent.

B. Recommendations:

1. Staff Judge Advocates should give commanders, military police, investigators, and other relevant persons more instruction and training regarding the necessary elements of a lawful search and seizure. Concurrently, the legal advisors must instill a positive attitude about search and seizure in the command stressing that lawful searches can be made if done properly.

2. The investigative and police function should work very close to the SJA's and appraise them of all information that they have which leads them to believe the probable cause exists. If the SJA feels that the evidence and reliability of the evidence is not quite strong enough, the CID should be encouraged to attempt to persuade the informant to take the stand. The testimony of covert agents should be encouraged because the reliability question becomes much less of a problem.

IV. SEARCH INCIDENT TO A LAWFUL ARREST

A. Findings: It is suspected that the drug couriers are deserters, AWOLs, or military personnel traveling on falsified orders. Many arrests recently have been made on the charge of falsifying orders which is forgery. There is a hesitancy to apprehend a courier because of the probable cause standard.

B. Recommendation: The investigative and police function should develop as completely as possible with the assistance of covert agents and informants the necessary evidence to bring and sustain a charge against the military person acting as the courier traveling from Okinawa to Bangkok and back to Okinawa. After the evidence is gathered, a surveillance effort should be mounted to follow him during one of his trips to purchase illicit drugs in Bangkok. He should not be arrested upon the AWOL or desertion charge until *after* he returns to Okinawa with his illicit goods. The courier and everything in his immediate area can be legally searched because there has been a valid arrest. If it is necessary to search his bags or other areas, a search warrant can be obtained on the basis of the evidence which indicates that he may have contraband in his bags.

V. USE OF THE MAILS TO SMUGGLE DRUGS

A. Currently mail is being inspected only in cases where "probable cause" exists and a search warrant has been issued irrespective of the class of mail involved. There has been a recent trend for the trafficker to send marijuana through the mails. Recently while carrying a 50-lb. crated box, a postal employee dropped it and discovered that it was completely filled with marijuana. There were 5 such boxes all filled with marijuana. The 250 lbs. of marijuana has an illicit value in Okinawa of $110,000.

Each box had been air mailed and insured and carried the appropriate stamps. Three boxes were addressed to a man who left Okinawa in July 1970 upon receiving an undesirable discharge. Two boxes were addressed to a man at Torri Station. The sender was listed as a marine who left Okinawa in November 1969, but the marine is now stationed in Bangkok, the place from which the boxes were sent. The sender also used the serial number of a marine who is in Okinawa. It is believed that the serial number is an identifying number for some postal employee to flag these boxes and notify someone else to come in and sign for them.

B. Recommendation: All mail, irrespective of class, suspected of containing contraband should be inspected by the postal authorities. The legal authority definitely exists for inspection of second, third and fourth class mail. Authority also exists for first class mail but it must be verified.

VI. PROSECUTION, DEPORTATION, AND DENIAL OF ENTRY INTO OKINAWA OF CIVILIANS HOLDING AMERICAN PASSPORTS

A. Findings:

1. Every American civilian entering Okinawa must within 30 days of his arrival register with the GRI. The GRI Department of Immigration then makes a determination whether or not it will permit that individual to stay in Okinawa for an extended period of time. American civilians in Okinawa are subject to the laws of the GRI. The GRI has made certain drug offenses and related crimes a felony. Conviction of a felony under the GRI laws and/or Communist background are grounds for denial of re-entry into Okinawa under the GRI immigration laws.

2. Many of the passport civilians in Okinawa, believed to be involved in drug trafficking, have been separated from the U.S. military through courts-martial and administrative board proceedings. Under the GRI laws a person "convicted" of a felony can be denied re-entry into Okinawa. The GRI does not interpret courts-martial or administrative board action as a "conviction" for purposes of permitting individuals to come into Okinawa. Thus, personnel who have received dishonorable, bad conduct, and/or undesirable discharges from the U.S. military on drug offenses are permitted free access back into Okinawa to continue the same activity for which they were discharged from the military.

B. Findings: The US military investigative personnel through their investigative efforts have gathered much information upon American civilians involved with US military personnel in the illicit trafficking of drugs. This information is currently not being used by the US military because passport civilians are not within the legal jurisdiction of the US military.

C. Recommendations:

1. The US should document and develop as extensively as possible all information regarding passport Americans involved with military personnel in the illicit trafficking of drugs and turn such information over to the GRI for prosecution under the GRI laws. A conviction under the GRI laws would bring about a long prison term and/or deportation. Such a conviction is also grounds for denial of re-entry into Okinawa.

2. The US military legal personnel should investigate whether or not certain offenses by US personnel on Okinawa soil carries joint or concurrent jurisdiction by the US military and the GRI government. A military person involved with trafficking with GRI nationals may be subject to prosecution under GRI laws.

D. Findings: If the GRI convicts a person of a felony he will be "convicted" under the GRI laws and he can be denied re-entry into Okinawa. This is the best course of action to take because if the case was brought first to the courts-martial or administrative board and discharged, a person would not have been "convicted" of a felony pursuant to GRI interpretation and thus not subject to denial of re-entry into Okinawa. Assuming that the military serviceman is first convicted by the GRI for a civil offense, the US military could, if it so desired, begin administrative action to separate him on the basis of the civil conviction. Thus, the drug offender will be both separated from the service and denied entry back into Okinawa to continue his illicit activities.

E. Recommendation: In certain situations where US military personnel are heavily involved in trafficking on Okinawa and if he has violated a GRI law for which the GRI has jurisdiction, then consideration should be given by the US legal personnel to permit the GRI to exercise jurisdiction and prosecute military persons.

VII. DISPOSITION OF DRUG CASES

A. Marine Corps (1 January to 31 August 1970):

The Marines stated its policy very clearly. It shall and has been removing drug abusers as soon and expeditiously as possible. During the above nine month period, there were 295 actions involving drug abuse (including administrative board actions). There are approximately 17,500 Marines on Okinawa. Forty percent (40%) of the above cases were handled administratively. Approximately fifteen percent (15%) of the cases were handled by an Article 15 nonjudicial punishment. The remaining thirty-five percent (35%) of the cases were handled by special courts-martial. General courts-martials were virtually not used at all. It was surprising,

but 32% of the courts-martial cases were summary courts. It could indicate that the subordinate commands were not legally hesitant to go to trial because of any difficulties of sufficiency of evidence, i.e., search and seizure or chain of custody rules. It could also indicate that many of the Article 15 cases were requesting courts-martials.

B. Navy (1 January to 17 September 1970):

This service had no general or summary courts-martials. It did have a record of one special court but no record of the number of Article 15's. Similarly, the Navy had only 3 administrative boards. No conclusions can be drawn from this information. There are approximately 2,300 Navy personnel on Okinawa.

C. Army (Approximately 1 January to 17 September 1970):

1. The Army SJA for USARYIS was deeply concerned about the constraints of probable cause in regards to searches. He stated very clearly that lawful searches are so difficult to make that additional training of commanders, military police and investigators will not alleviate the obvious problem regarding searches.

2. A total of 55 actions (including administrative boards) have been held. There are approximately 12,000 Army soldiers on Okinawa. Forty percent (40%) of those cases were handled by Article 15's. Seven percent (7%) of the cases were handled by the administrative board proceedings. Six percent (6%) were handled by summary courts-martial and twelve percent (12%) were handled by a general courts-martial. The bulk of the cases, thirty-six percent (36%) were held by special courts-martial. Approximately twenty-four (24%) of the total actions failed to bring a conviction. In virtually all the cases where convictions were not granted, some of the evidence was held inadmissible.

3. It is possible that the Army has a fewer number of drug cases than the Marines because the Army legal authorities do not initiate that many actions unless the evidence regarding search and seizure is airtight. This conclusion is drawn from the Army JAG's extreme sensitivity to search and seizure and its apparent excellent record for conviction.

D. Air Force:

1. The bulk of the cases have been disposed of by Article 15. There were nineteen such cases in 1969 and eleven cases for the first six months of 1970. In 1969 there were five general courts-martials wherein two defendants were acquitted. In 1970 there have been no general courts-martials. There have been no BCD special or summary courts-martials in 1969 or 1970. There was one special courts-martial in 1969 and four so far during 1970.

2. Only five administrative board cases for drug abuse were held during 1969 and nine such actions for the first six months of 1970.

JAPAN

I. EXTENT OF DRUG PROBLEM

A. Caseload:

1. In the years 1968, 1969, and 1970, the United States Army Japan (USARJ) has had 13, 18, and 9 marijuana cases respectively. In 95% of the above cases, Japan has exercised jurisdiction over the individual involved. Japan has primary jurisdiction over all offenses against Japanese law committed on and/or off-base. The usual practice has found the Japanese courts convicting and then suspending drug offenders. The US military subsequently transfers the individual out of Japan to ensure that he does not violate his Japanese parole. There have only been two cases of confinement in the last two years.

2. Most of the individuals apprehended for drug violations are transients apprehended by the Japanese customs people at the airport. When Japanese authorities decide to waive jurisdiction it usually involves an "unprosecutable case" which is a case fraught with legal procedural defects. The defect is usually one having to do with chain of custody of the evidence. The Japanese must turn over all the evidence to the US (along with jurisdiction). However, Japanese standards for securing and controlling the evidence does not meet US standards. Thus, most of the waived cases are "unprosecutable."

B. Urinalysis and Blood Tests: The chemists at the US Army Criminal Laboratory, Camp Zama, stated that 85% of morphine and its derivatives ingested into the body passes into the urine and can be detected upon analysis. The urine is not a very perishable substance either. The remaining 15% is absorbed into the blood and it too can be detected upon analysis. LSD and opium contained in an opium dipped or laced cigarette would be so minute that it could not be detected upon analysis. Marijuana cannot be detected in either a blood test or urinalysis.

C. Recommendations: Commanders at the forward firebases in Vietnam especially should bring more charges for intoxication due to drugs. The suspected individuals should be given a urinalysis to determine and support the commander's opinion that the individual has consumed barbiturates, amphetamines or morphine derivatives in the last twelve hours.

Mr. DODD. Mr. President, I found the results of this team's investigation to be of great interest and importance as I am sure my colleagues will if they read them in detail. They support and indeed supplement the findings of the subcommittee on the extensive, broad use of drugs by members of the military and the toll it is taking of our young people.

When the actual report was received by the Department of Defense is not known, since the true copy I received is undated. I received it by messenger on November 20, 1970.

The report is presumably under the signature of Mr. Jerome A. Vacek, team leader, Marine Corps. The introduction to the report is optimistic about the drug situation and about the "plans, programs, education, training, and amnesty" that have been proposed.

Page 2 of the report states enthusiastically:

Drug abuse programs implemented or directed at Command or Division level seemed to be ideal and meaningful—in fact almost perfect.

It sounds exciting. But on page 56, the last page of the unsigned report, the last paragraph says:

C. Recommendations: Commanders at the forward firebases in Vietnam especially should bring more charges for intoxication due to drugs. The suspected individuals should be given urinalysis to determine and support the commander's opinion that the individual has consumed barbiturates, amphetamines or morphine derivatives in the last twelve hours.

It seems that something happened—and is happening—between the "almost perfect" grasp of the situation at the command level on page 2 of the report and the "drug intoxication at forward firebases" on page 56 of the report.

I would like to remind the Senate that this is the problem to which the Subcommittee on Juvenile Delinquency has been addressing itself: the gap in knowledge and understanding of the drug problem that exists between the command level and the GI's in the units in the field. It is gratifying to me to see that, finally, after 4 years, the gap is narrowing.

I would like the full report printed in the RECORD at the conclusion of my remarks.

Mr. President, as Senators know, I have been seriously concerned with the use of marihuana and other dangerous drugs by our servicemen in Vietnam and elsewhere since 1966.

I have also been concerned about the Defense Department's apparent effort to minimize the problem.

In that connection, during hearings earlier this year, the Pentagon maintained that only about 30 percent of our troops in Vietnam use marihuana. At the same time I had obtained data from a preliminary study conducted by an Army psychologist which showed that about 46 percent of the men had used the drug.

I asked that this study be submitted to the Juvenile Delinquency Subcommittee upon completion. I have just received a copy of the completed research reported by Dr. Morris D. Stanton and I would like this report to be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is ordered.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

DRUG USE IN VIETNAM—A SURVEY AMONG ARMY PERSONNEL IN THE TWO NORTHERN CORPS

(By Morris D. Stanton, Ph. D.)

DRUG USE IN VIETNAM[1]

Recent national publicity over the extent of drug use and abuse among U.S. servicemen in the Republic of Vietnam (RVN) has led to considerable speculation, conjecture and concern over this issue and how it relates to drug abuse in the United States. To date, several studies (Casper, Janecek & Martinelli, 1968; Postel, 1968; Roffman and Sapol, 1970; Treanor and Skripol, 1970) have attempted to assess the magnitude of marijuana use in RVN through the use of various survey techniques (e.g. interviews, questionnaires). With perhaps the exception of the Roffman & Sapol study, however, most of these surveys have been somewhat limited in scope and/or size. They were generally restricted to certain ranks, ages, and areas and dealt, for the most part, only with marijuana. In addition, they have been generally beset by a number of methodological problems such as sampling errors, observer biases, rudimentary statistical analyses, etc. Finally, if one is interested in obtaining current data on drug use the issue of timeliness becomes important; for example, the most complete of the aforementioned studies is that of Roffman and Sapol, and their data were gathered three years ago between August and November, 1967. For these reasons the author decided in the summer of 1969 to undertake a survey of drug incidence in RVN which would provide data as free as possible from interpretive restrictions due to population and methodological limi-

[1] The views expressed herein are those of the author and do not necessarily reflect those of the Department of the Army or the Department of Defense.

tations.[2] Additional goals of the study were to (a) identify demographic variables which predispose people to drug use, (b) discover what effects RVN has on drug use, and (c) determine when the greatest incidence of drug use occurs.

METHOD

An anonymous, three-page, forty-six question, multiple choice questionnaire was administered to a sample of 2,547 Army personnel in the ranks of E–1 to LTC. These men were being processed in and out of RVN at the 22nd Replacement Battalion in Cam Rahn Bay.[3] The questionnaire was a modified version of an earlier pilot instrument which had been administered to approximately 150 personnel in the same setting several weeks before. It was designed so that practically all the data could be punched on one IBM card for subsequent computer analysis and this resulted in combining certain categories into ranges, thus making them more inclusive; for example, age was structured in class intervals of 17–18, 19–20, 21–22, etc. A copy of the questionnaire is presented in Appendix I.

The data were gathered from 4–8, 4–9 and 4–10 November, 1969, for the incoming enlisted men (EM), outgoing EM, and Officer-NCO groups, respectively. The approximate percentages sampled of the *total* group of incoming and outgoing personnel during these time periods were as follows: incoming EM—80%, outgoing EM—90%, incoming and outgoing officers and NCO's—80%. An effort was made to apportion the sample in the same ratio that existed in the overall population, i.e., approximately 12&½% of both the overall group and the sample group were in the ranks of E–7 through LTC. The outgoing groups came from all types of units from all parts of I and II Corps and actually composed about 0.5% of the total Army population within these regions. There was no evidence that the sample was biased toward any particular subgroup(s) within that population.

The questionnaires were administered to groups averaging in size from 17 men for the officers and NCO's to 72 and 158 men for the outgoing and incoming EM, respectively. Of the 40 groups, all but four were seen between 7 A.M. and midnight. The author addressed 21 of the groups and five of them were addressed by his assistant. The remaining 14 groups—all of which were officer-NCO groups—were addressed by cadre of the 22nd Replacement Battalion who had been instructed in administration of the questionnaire and provided with a typewritten introductory statement. Administration of the questionnaire began upon completion of other in or out-processing paperwork and took 10–15 minutes. The researchers wore civilian clothes and were introduced as Dr. Stanton and Mr. Couron. Mention was made of the author's (actual) affiliation with a large university and emphasis was placed on (a) anonymity and (b) the research aspect of the study. This was done to avoid strict association with the Military and evoking whatever feelings of resentment and suspicion a military project might stir up in the respondents. Of course, these controls were less prevalent in the 14 Officer-NCO groups addressed by local cadre, but the time available for data collection permitted no other recourse. A fascimile of the introductory remarks is presented in Appendix II.

RESULTS AND CONCLUSIONS

Of the 2,547 questionnaires administered, 55 had to be rejected because the respondents did not fill out any of the information. Interestingly, 22 of these rejections came from one group of 162 outgoing EM who were surveyed at 2 A.M. and appeared tired and disgruntled at the time. Six other questionnaires were rejected as unreliable due to discrepancies such as having all alternatives checked, incongruous age and rank (e.g. a 20 year old E–8), etc.

It was decided to divide the data into eight, more or less homogeneous, categories and analyze each separately. The categories selected were:

1. Incoming EM below age 27 and below rank E–7.
2. Outgoing EM below age 27 and below rank E–7.
3. Incoming NCO's above age 26 and above rank E–4.
4. Outgoing NCO's above age 26 and above rank E–4.
5. Incoming Company Grade Officers (CPT, LT) and Warrant Officers.
6. Outgoing Company Grade Officers and Warrant Officers.
7. Incoming Field Grade Officers (MAJ, LTC).
8. Outgoing Field Grade Officers.

It can be seen that this breakdown puts greater emphasis on age than on rank when the EM and NCO's are considered. Age was considered the more important variable, as separation by rank alone would place middle-aged E–5's and E–6's with 20 year olds and young E–6's with older E–8's and E–9's.

A consequent of the age-rank selection criteria was the elimination of 114 individuals who failed to indicate their age and rank, or, in the case of 15 men, were beyond criterion on one variable and within on another. This resulted in a total of 175 questionnaires (6.9%) being excluded from the final data analysis, a rejection figure which is very close to that obtained in the study by Roffman and Sapol (1970). The final sample, then, consisted of 1193 incoming and 1179 outgoing personnel, for a total N of 2,372. The demographic information for these groups is presented in Tables 1 and 2. It is worth noting that 51.1% of the outgoing EM were being discharged from the Army (ETS) upon return to the U.S.

Incidence of drug use

Comparisons of reported incidence and frequency of drug use are presented in Tables 3, 4, 5 and 6. The frequency categories chosen and the ranges to which they refer are: non-users, casual users (1–20 times), heavy users (21–199 times), and habituated users (200 or more times). The "habituated user" category means, for example, that a man processing out of RVN has used a particular drug more frequently than every other day during his tour, and indeed, many of these individuals reported use in the thousands. These categories are admittedly somewhat arbitrary and were chosen partly for their comparability with the Roffman and Sapol (1970) research.

In Tables 3–6 and in succeeding tables the N's will be noted to differ from drug to drug. This resulted from the neglect of a few individuals to answer every question, although it was rarely the same group of non-respondents from question to question. The figures that are given, then, are computed from the total number of individuals who answered a particular question; blank responses were not considered. It should be noted that except for barbiturates, no incidence of any drug use was reported by the Field Grade Officers, so these will not be discussed in this section.

Marijuana. As indicated in Table 3, 313 (34.8%) of the 1001 incoming EM reported having smoked marijuana prior to their arrival in RVN. Nearly half of this group were either heavy or habituated users. In comparison, 31.4% of the outgoing EM reported having used marijuana before RVN (Table 4). This difference is in keeping with estimates of year to year increases in marijuana use within the overall American youth population and may be no more than a reflection of that general trend. However, both figures are higher than the 12.3% pre-RVN marijuana use reported by Roffman and Sapol (1970) in their survey of a sample generally comparable to the present group in age, rank, education, etc. Our own figures are also higher than the 22.7% figure reported by Black, Owens and Wolff (1970) from among a sample of 5,482 stateside EM surveyed at Ft. Sill, Oklahoma, between January and April 1969.

In contrast to the above, a cross-comparison within the outgoing EM group between marijuana use *before* RVN and *during* their RVN tour indicated that 53.2% had tried marijuana at some time in their lives. Three per cent had used it before but not during RVN, while 21.5% used it for the first time in RVN. This last figure is only slightly higher than the 19.4% found by Roffman and Sapol for a somewhat similar group and it may indicate that the *overall rate of increase* of marijuana users in RVN did not change dramatically between late 1967 and late 1969. On the other hand, there does appear to be a shift from 1967 to 1969 toward *heavier use* among marijuana users as a whole. Whereas 7.4% of Roffman and Sapol's total sample were either heavy or habituated marijuana smokers while in RVN, data from the present study indicate that 29.6% of the EM fall into this category. This correlates with the difference between total RVN use noted between these two studies, i.e. 28.9% versus 50.1%. As shown in Table 4, this phenomenon is further corroborated by the shift in the outgoing EM sample from 15.5% heavy and habituated users before RVN to the aforementioned percentage of 29.6 during RVN. A chi-square analysis of the outgoing group as to marijuana use before and during RVN yielded a value of 599.31 (df=6, p less than .001) and a contingency coefficient of .614, thus documenting the correlation between these two variables. In summary, we note that, assuming a certain amount of comparability between the two studies, there is a substantial increase in percentage of users entering Vietnam from 1967 to 1969, and that the increase in number of users during the Vietnam tour is sizable but stable. However, the trend is for greater frequency of smoking among those EM who *do* use marijuana while in RVN.

As might be expected, the incidence of marijuana use among NCO's and Company Grade and Warrant Officers was much lower than among EM. Of the incoming NCO's, 4.2% were users, while 6% (N=6) of the outgoing NCO's reported use. Three of the latter were heavy or habituated users and all three were age 27 or 28 and in the grade of E–5. A slight increase is noted between before RVN and during RVN measure, but the small size of the user group does not allow us to make any definitive statements as to the trends. These data are set forth in Table 5.

Pre-RVN marijuana use among the Company Grade and Warrant Officers appears slightly higher than among the NCO's (c.f. Table 6). This may be no more than a function of age, as the latter group is generally older. However, it is interesting to note that, in contrast to the outgoing EM and NCO groups, the outgoing officer group showed a

[2] In the early stages of its inception the project benefitted from the collaboration of (former) LTC William Cates, MC. Unfortunately, Dr. Cates departed from RVN before pilot work had begun and was unable to assist in either the revision of the questionnaire or the data-gathering process.

[3] The 22nd Replacement Battalion is a transition point for Army personnel entering from and departing for the United States. It provides administrative processing primarily for those units located in the two northern corps (I and II Corps). The survey was conducted in three companies, one for incoming ranks E–1 through E–6, one for outgoing ranks E–1 through E–6, and one for both incoming and outgoing officers and NCO's of rank E–7 and above.

drop in marijuana use while in RVN. Whereas five of these men admitted (casual) use *before* RVN, only one admitted use *while* in RVN. Speculation as to why this may be is practically fruitless without a larger sample and concurrent attitudinal measures, but the results are suggestive of an avenue for further research.

Amphetamines. Comparison between incoming and outgoing EM on amphetamine use before RVN yields identical figures of 12.4%. This finding suggests that amphetamine use in the U.S. by men ages 17–26 did not increase measurably in rate between 1968 and 1969. A slight increase to 16.2% was noted, however, among EM stationed in RVN during that period, although it took place primarily within the casual user category.

Of the 224 incoming and outgoing NCO's only two men reported use of amphetamines, both while in RVN. Use of this drug by Company Grade and Warrant officers was also slight, with a reported incidence of two incoming (3%), two outgoing pre-RVN (3.2%) and one man during his RVN tour.

Barbiturates. Contrary to popular opinion and discussion about the ready availability and high RVN incidence of barbiturates such as Binoctal (Colbach and Willson, 1969), the results of the present study indicate little or no increase in the use of this drug consequent to a Vietnam tour of duty. Rates for our population of EM appear to be equivalent in the U.S. and RVN. Although 10–11% is perhaps a seriously high percentage of users among the 17–26 year old group, the problem among Army EM appears to be more general than specific to the Vietnam theater of operations. Perhaps the gravity of the medical complications that are known to arise from barbiturate abuse have sensitized professional personnel to this problem and contributed to an over-estimation of incidence in certain areas.

Of the total group of incoming and outgoing NCO's and officers, only two reported barbiturate use. One outgoing Company Grade officer stated that he had used barbiturates by prescription from 1–5 times before RVN and 21–40 times in RVN, and one outgoing Field Grade officer reported a frequency of 11–20 times before RVN.

Opium. The greatest *relative* increase in Vietnam of all the drugs surveyed in this research was in the use of opium. Incidence of opium use among personnel aged 17-26 nearly tripled in RVN according to the responses gathered from the outgoing EM. The percentage of opium users in this group rose from 6.3 before RVN to 17.4 during the Vietnam tour. The former figure is close to the 5.5% obtained from the incoming EM and the frequency of use reported by both groups is similar. A key factor here is probably availability, since opium is a substance indigenous to Southeast Asia and, like marijuana, is easily obtainable locally.

Reported opium use among NCO's and officers was minimal, with only one NCO admitting casual use in RVN.

Heroin/Morphine. Indications are that a very slight increase in the stateside use of heroin and morphine took place between 1968 and 1969. Two and one-half per cent of the outgoing EM reported use of these drugs before entering Vietnam and most of these men arrived in late 1968. In comparison, 4.3% of the EM arriving in November 1969 indicated previous use of one or the other of these drugs, primarily on a casual or infrequent basis. Whether or not this difference is a significant or important one is a moot issue, but it is worth noting that a similar increase in the use of heroin and morphine was not reported by the men who were stationed in Vietnam during that year.

Acid. A slight increase somewhat comparable to that seen with heroin/morphine emerges from a comparison between the pre-RVN data on "acid" (LSD, STP) for incoming and outgoing EM. The percentage of acid users for the former group was 11.6, while 8.7% of the group admitted using acid before coming to Vietnam. However, the incidence among outgoing EM dropped to 5.3% during their tour in RVN. This, too, may be an artifact of availability, since hallucinogens of this nature are quite difficult to obtain in South Vietnam.

Among the officers and NCO's only one man, an E–5 who also reported habitual marijuana smoking, admitted to using acid before RVN (11-20 times) and during RVN (1-5 times).

Length of time of drug use

A total of 256 incoming and 364 outgoing EM drug users responded to the quotation "About how long have you used drugs?" The modes and medians for both groups were 24 months, but the means differed. The average length of time for the incoming user group was 28.8 months. The outgoing users reported an average of 25.7 months. The reason for this difference becomes clear when one remembers that 21.5% of the outgoing group used marijuana for the first time in Vietnam, while only 3% of them started using drugs *before* Vietnam and stopped their use while *in* Vietnam. This influx of new users into the ranks of the more chronic users was probably enough to lower the overall average noticeably, especially since many of the new initiates had begun using drugs less than 21 months prior to the date of the survey.

Time of initial use in Vietnam

For each drug surveyed in the questionnaire the respondents were asked to indicate which quarter(s) of the previous year they had used it. These responses were analyzed for the outgoing EM by tabulating the first quarter that each man reported he initiated use of a given drug while in RVN. Thus a rough estimate was obtained as to when EM were most likely to start using each of the six drugs surveyed. The results of this analysis are presented in Table 7.

A significant initial-use tendency was noted for two of the six drugs. There was a clear trend among marijuana smokers to begin use within three months after arrival. This can be partly attributed to the general tendency of heavy and habituated pre-RVN smokers to continue use in Vietnam as they might anywhere else. On the other hand, 84 (39.8%) of the 211 users who stated that they did not smoke marijuana *before* RVN started smoking in the *first* quarter, while 112 (41%) of the pre-RVN smokers began their RVN smoking in *other* than the first quarter. To test this relationship, a contingency coefficient was computed between extent of pre-RVN marijuana use and quarter of initial RVN use. This resulted in a coefficient of .310 which is significant at the .001 level (df-9). The indication is, then, that (a) pre-RVN smoking is a fair predictor of when initial RVN use will occur, but that other factors must also be taken into account; and (b) the probability is greatest that those who smoke any marijuana in RVN will start during the first three months.

Of the other drugs surveyed, only amphetamines showed a significant trend as to initial use. Twice as many EM began using amphetamines in the last quarter of their tour than began in the first quarter. This tendency is also maintained in the two middle quarters, so that we see a general increase throughout the year in the number of people starting to use drugs of this nature. Whether the trend is due to increased availability or some other factor is impossible to determine from these data.

Estimations of unit drug use

All the respondents were asked to estimate the percentage of men in their previous military units who used each of six drugs at least once a month. They were also asked to make a similar guess as to the percentage of people using marijuana at least twice a week. The medians, modes and ranges for these data can be found in Table 8.

As might be expected, a great deal of variability was found among these estimates, especially concerning marijuana and especially among the outgoing EM. A nearly even distribution at all percentage points emerged from the outgoing EM data on marijuana estimates. This is dramatically illustrated by the fact that 116 of them (the mode) estimated monthly pot smoking at between 71 and 80%, while 93 estimated 81–100% and 75 estimated zero percent. Interestingly, the median estimate among this group (i.e. 41–50%) very closely approximated the actual reported overall incidence of marijuana for the same group, that is 50.1%. Inspection of the median estimates presented in Table 8 for all surveyed drugs reveals a rough correlation between the estimates given by outgoing EM and their actual reported incidences for these drugs. A closer inspection shows that the median estimates for the other groups such as NCO's, officers and even incoming EM, were generally below the reported incidences presented in Tables 3–6. Next to the outgoing EM, the most accurate group appears to be that of outgoing Company Grade and Warrant officers, perhaps due to their similarity in age to the EM. In contrast, the Field Grade officers were consistently inaccurate and low in their estimates. For example, only one of the ten outgoing Field Grade officers estimated that more than 10% of his men used marijuana at least once a month. It is hard to say whether these low estimates are a result of ignorance, denial or some other factor. It goes without saying that much of the variance probably arises from actual, existing variability between different units as to extent of drug use. Also, the legal, disciplinary and promotional complications that surround drug use would prompt users to shun disclosure of such activities from their superiors whenever possible. Whatever the case, it appears that communication about drug use within units is being filtered at one or more points as it is conveyed from level to level within the command structure.

Another factor affecting estimates of drug use concerns the tendency to see others as being inclined in the same direction as oneself. It was the author's impression, while in Vietnam, that heavy drug users tended to estimate high drug incidence in their units, while non-users estimated little or no incidence. It was hypothesized that a high estimate would more likely emanate from (reported) users and that the reverse would hold for non-users. This hypothesis was tested by correlating estimates of monthly marijuana use with frequency of marijuana use before RVN (incoming EM) and during RVN (outgoing EM). The computed contingency coefficients for these two groups were .528 and .524, respectively. Both were significant at the .001 level with 30 degrees of freedom. Thus we can say with some confidence that a positive relationship exists between extent of marijuana use and estimation of use within one's military unit. This finding may at least partially explain the confusion that has arisen in the U.S. over the past few years as to how much drug use actually does occur among soldiers in South Vietnam.

Attitudes toward marijuana

The questionnaire included several questions pertaining to attitudes toward marijuana. Each respondent was asked if he thought marijuana should be legalized, would he use it if legalized and did he plan to continue use. Percentage of affirmative replies to these questions are presented in Table 9. Of the incoming EM, 43% were in favor of legalization, while 46.4% of the outgoing EM were similarly inclined. Substantially lower percentages than these were obtained from NCO's and Field Grade officers.

Company Grade and Warrant Officers emerged as somewhat less in favor of legalization than the EM; the figures were 26.5% and 17.5% for incoming and outgoing, respectively. It is interesting that the younger outgoing officers were less inclined in this direction than were the young incoming officers. This correlates with the lower rate of marijuana use among outgoing officers as opposed to the incoming group, even though the former supposedly had more contact with marijuana users than did the latter. One might speculate that the greater exposure to marijuana in RVN has resulted in more negative attitudes toward its use by the outgoing officers.

Contingency coefficients were computed for the outgoing EM between attitude toward legalization and (a) marijuana use before RVN and (b) marijuana use in RVN. The respective correlations obtained were .450 and .532, both of which were significant at the .001 level. It would appear that a relationship exists between pot smoking and partiality toward legalization, but it depends on factors other than simple incidence within the population or sample. In other words, the percentage of outgoing EM in favor of legalization did not differ as much from the incoming group on this attitude as did the two groups differ on actual incidence of marijuana *use*. In a sense, the attitude aspect for the incoming EM was "ahead" of the smoking factor, thus yielding a lower correlation.

The percentages obtained for all groups were lower for plans to use marijuana if legalized than for whether it should be legalized at all. However, the relative partiality between the various groups was approximately the same on the two questions. The outgoing EM were higher (40.9%) than the incoming EM (35.6%), while the reverse was (again) true for the Company Grade and Warrant officer groups. A contingency coefficient for outgoing EM between use in RVN and use if legal yielded a value of .532 (p less than .001).

When asked if they planned to continue marijuana use, 22.6% of the incoming and 27% of the outgoing EM responded affirmatively. The percentage of individuals in the officer and NCO groups who answered in this direction was very small. A contingency coefficient of .600 was obtained for the outgoing EM between use in RVN and plans for continued use. Of the 259 RVN users who responded to this question, 52% planned to keep smoking marijuana. This has serious implications for future legal handling of the offense of marijuana possession, when one considers that over ¼ of the returning EM from RVN intend to continue to break the law when they arrive home.

Combat and marijuana use

Much discussion has taken place in the mass media and elsewhere over the relative frequency of marijuana use in combat versus non-combat/support units. Opinions differ as to which of these two settings has the higher incidence of marijuana smoking. In an attempt to clarify this issue the data for outgoing EM were analyzed by comparing marijuana use in RVN with the number of firefights and mortar, rocket and artillery attacks reported. The resulting contingency coefficient was .217 (df–27) which was significant at the .01 level. This tells us that a slight, positive relationship exists between frequency of marijuana use and amount of exposure to enemy fire. It does not necessarily indicate that men smoke marijuana more while in battle, however. In fact, while both Roffman & Sapol (1970), and Postel (1968) reported greater smoking among soldiers exposed to combat, Postel stated that it was said to occur more *after* a battle in order to calm down and he presented several reasons for the differential. He believed that detection was less likely to occur out in the field and that "the tranquilizing effect of the drug may be more appreciated in the more stressful forward areas" (p. 57).

Demographic variables and marijuana use

Age. Because incidence of marijuana use has been said to be greater among older EM (Roffman & Sapol, 1970), contingency coefficients were computed between age and frequency of use before RVN for both incoming and outgoing EM. A low but significant (p. less than .01) correlation of .158 df—12) was obtained for the incoming group, while the value of .120 (df–9 gleaned from the outgoing group was not significant. Although age may be a variable worth considering in predicting marijuana use, these data indicate that it is not an important one.

Education. Contingency coefficients between education and marijuana use before RVN (incoming EM) and during RVN (outgoing EM) were determined and both were significant at the .001 level. The respective values were .250 and .239 with 27 degrees of freedom. Indications are that educational level is slightly correlated with frequency of use, perhaps due to the more permissive attitudes toward marijuana generally seen in American institutions of higher learning.

Marital Status. Contingency coefficients on marital status were determined from data for the outgoing EM. A value of .113 (df=6) was obtained between marital status and extent of marijuana use while in RVN. This coefficient was significant at the five percent level. However, no significant relationship was found between pre-RVN marijuana use and marital status. The most that can be said about these findings is that they show that a somewhat higher proportion of single (versus married) men join the ranks of marijuana users, at least in Vietnam, but the correlation is, at best, a feeble one.

Emotional problems. Very slight but significant contingency coefficients of .103 and .107 (df=3, p less than .02) were found between pre-RVN marijuana use by outgoing EM and whether they had been seen professionally for emotional purposes in (a) civilian, or (b) Army life. No significant correlation was found for this group between pot-smoking and being seen professionally while in RVN. Even if the correlations were larger, however, the question would still arise as to whether marijuana use is a cause or a symptom of emotional difficulty. The question cannot be answered from these data.

Volunteer status and previous RVN tour. No significant relationship was found between pre-RVN marijuana use (incoming EM) and whether an individual volunteered for the Army or was drafted. However, a slight positive contingency coefficient of .118 (df=3, p less than .01) was obtained between frequency of marijuana use before RVN and whether the incoming EM had experienced previous tours in RVN. This could suggest that the previous tour had some effect on later marijuana smoking, but the group of men with previous tours was only 5% of the total incoming EM sample, and therefore a bit too small to allow sweeping generalizations.

Administrative discharge. Thirty-two of the outgoing EM reported that they were being administratively discharged from the Army for unfitness or unsuitability under the provisions of Army Regulation 635–212. This action is commonly referred to as a "212", and since 50% of the men receiving 212's admitted marijuana use before RVN, it was thought that a statistical analysis between these two factors might be in order. As it turned out, however, no significant relationship was found between either (a) pre-RVN or (b) incountry smoking and whether a man received a 212 discharge.

Factors in data interpretation

It must be remembered in dealing with data of the type presented in this paper, that these responses are not actual *proof* of drug abuse, but are subject to the deficiencies attending all survey research. In other words, no true behavioral measures were obtained as to the real frequency and incidence of use for these various drugs—the respondents were free to report as they wished. Which brings us to the issue of whether the incidence figures are higher or lower than reality. It is difficult to determine if a man has distorted his report, and if so, in which direction. However, it is the opinion of this author that if distortions have been introduced into the data, that they are generally in the direction of under-estimation. Among those who use drugs there is a great deal of perhaps justifiable suspicion about being apprehended by authorities for their illicit practices. For a drug user to admit on paper that he has or is using these substances may be asking a great deal, especially if he fears the paper will be fingerprinted and traced to him, or has some other fantasy as to how he might be caught.[4] The major factors, then, are three in number. First, is the man motivated to cooperate in completing his questionnaire? Second, does he believe that the confidentiality of his answers will be maintained? Third, how motivated is he to distort his answers? In the present study non-respondents were, of course, eliminated from the analysis. Also, considerable effort went into assuring the men of their anonymity and establishing a position of credibility for the researchers. The third factor was harder to control for it depended mainly on being able to discard inconsistent or unreliable questionnaires. Nonetheless, if a man wants to distort his responses selectively and intelligently there is no way of uncovering this in a survey technique of the sort employed here. It can only be said that the impression of the author was that distortions of this type were not prevalent among the groups studied.

Another issue concerns the definition of what is a single incident of drug use and consequently what is a "heavy" drug user. This problem has been discussed rather extensively by Roffman & Sapol (1970). The present paper employed the same categories defined by Roffman & Sapol and arbitrarily added a "habituated user" category which included people who had used a given drug 200 or more times. This was done because it was felt that leaving the "heavy user" category (20 or more times) as the upper limit would exclude the type of data which differentiated between frequent versus daily users. In any event, the definition of a specific drug event remains unclear, since some men may interpret this, for example, as referring to smoking one marijuana cigarette and others may instead tabulate their total number of "highs", each of which includes several cigarettes.

Timeliness is another factor which must be considered. Since our own data were collected in late 1969, it would be unwise to extrapolate the drug incidence results isomorphically to RVN at either the present or some future time. Indications are that use of certain drugs is increasing in that theatre, but the extent or validity of such speculation cannot be determined from the results presented herein.

Finally, it should be noted that the outgoing group was a select one. They came from the northern geographic regions of South Vietnam and it is possible that the incidences of drug use reported here are dif-

[4] These factors were especially salient for the NCO-Officers groups, where the small numbers of men, a more confining processing room, and a member of the cadre present tended to heighten visability. If an officer admitted drug use on the questionnaire it would probably have been easier to identify him than an EM, assuming that apprehension had been the purpose of the study.

ferent from those that might have been obtained from sampling in the southern areas. Furthermore, these men were the ones who "made it through" a year or more in a combat zone. Excluded from the sample were the men who were killed, severely wounded, or evacuated from the country for other medical reasons. A few others were not included because they had specialized training and departed country from different locations. Whether or not the inclusion of such men would have altered the sample statistics is impossible to say, but this factor should be considered when attempting to generalize from these data to all Army personnel in South Vietnam.

TABLE 1.—DEMOGRAPHIC INFORMATION, INCOMING PERSONNEL

	Enlisted men group (N=1,000)	Noncommissioned officers group (N=119)	Company grade and warrant officer (N=68)	Field grade (N=6)
Age:				
Range	17–26	27–31+	19–31+	31+
Mode	19–20	31+	23–24	31+
Median	19–20	31+	23–24	31+
Marital status (percent):				
Single	73.7	9.2	32.4	16.7
Married	24.4	84.9	66.2	83.3
Divorced/separated	1.9	5.9	1.4	0
Education (years):				
Range	7–18	7–16	10–17	17
Mode	12	12	16	17
Median	12	12	16	17
Rank (enlisted men only) (percent):				
E–1	.7			
E–2	38.9			
E–3	31.0			
E–4	19.4			
E–5	7.5	10.1		
E–6	2.5	27.7		
E–7		43.7		
E–8		16.8		
E–9		1.7		
Median	E–3	E–7		
Volunteer for Army (percent):				
No	56.5	11.2	13.6	0
Yes	43.5	88.9	86.4	100
Time in Service (percent):				
1 year or less	61.6		30.9	
Between 1–2 years	25.7		20.6	
Between 2–3 years	6.4	.9	8.8	
Between 3–6 years	6.3	2.8	14.7	
Between 6–9 years		11.2	2.9	
Between 9–15 years		37.4	16.2	33.3
Over 15 years		47.7	5.9	66.7
Prior Tour in RVN (percent)	5.3	67.8	13.4	60.0
Ever sought help for emotional problems (percent):				
Civilian	5.6	.9	3.1	0
Army, before RVN	4.3	5.3	0	0
Articles 15:				
1 or more (percent)	18	28.9	0	0
Range	0–8	0–4		
Median	0	0		

TABLE 2.—DEMOGRAPHIC INFORMATION, OUTGOING PERSONNEL

	Enlisted men group (N=1,001)	Noncommissioned officers group (N=105)	Company grade and warrant officer (N=63)	Field grade (N=10)
Age:				
Range	17–26	27–31+	19–31+	29–31+
Mode	21–22	31+	25–26	31+
Median	21–22	31+	25–26	31+
Marital status (percent):				
Single	74.2	15.5	39.7	0
Married	23.2	72.8	57.1	100
Divorced/separated	2.6	11.7	3.2	0
Education (years):				
Range	7–17	9–17	12–17	12–17
Mode	12	12	16	16
Median	12	12	15	16
Rank (Enlisted men only) (percent):				
E–1	.3			
E–2	1.0			
E–3	5.9			
E–4	46.6			
E–5	42.1	12.4		
E–6	4.1	36.2		
E–7		42.9		
E–8		7.6		
E–9		.9		
Median	E–4	E–7		
Volunteer for Army (percent):				
No	55.7	13.5	9.7	10.0
Yes	44.3	86.5	90.3	90.0
Time in Service (percent):				
1 year or less	1.4			
Between 1–2 years	71.8	4.2	17.2	11.1
Between 2–3 years	20.4	2.1	22.4	0
Between 3–6 years	4.8	4.2	27.6	0
Between 6–9 years	1.6	9.4	10.3	0
Between 9–15 years		28.1	8.6	44.4
Over 15 years		52.0	13.8	44.4
Time in RVN:				
Range (months)	1–36	1–37	9–19	12
Mode	12	12	12	12
Median	12	12	12	12
Combat exposure (i.e. number of fire-fights, attacks, etc.) (percent):				
None	6.6	11.6	4.9	10
1–25	63.8	67.4	67.2	90
26–50	16.4	11.6	13.1	0
50+	13.2	9.4	14.8	0
Mode	[1]6–10	[1]1–5	[1]6–10	[1]1–10
Median	[1]11–15	[1]11–15	[1]11–15	[1]6–10
Prior tour in RVN (percent)	6.2	47.6	30.2	60
Ever sought help for emotional problems (percent):				
Civilian	4.0	1.0	1.6	0
Army, before RVN	3.1	2.9	1.6	10
Army, in RVN	2.6	1.0	1.6	0
Articles 15 (percent):				
One or more	30.1	35.3	10.0	0
Range (number)	0–9	0–7	1	0
Median	0	0	1	0
212 discharge (percent)	3.4	1.0	0	0
ETS from RVN (percent)	51.1	18.2	22.6	0

[1] Times.

TABLE 3.—INCIDENCE OF DRUG USE: INCOMING EM

[In percent]

	Marihuana (N=997)	Amphetamines (N=993)	Barbiturates (N=992)	Opium (N=992)	Heroin/morphine (N=991)	Acid (N=989)
Nonusers	65.1	87.6	90.0	94.5	95.7	88.4
Casual users	17.9	9.2	6.5	4.6	3.0	8.1
Heavy users	9.6	2.8	2.5	.9	1.0	3.2
Habituated	7.3	.4	1.0	0	.3	.3
Total users	34.8	12.4	10.0	5.5	4.3	11.6

TABLE 4.—INCIDENCE OF DRUG USE: OUTGOING EM

[In percent]

	Marihuana		Amphetamines		Barbiturates		Opium		Heroin/Morphine		Acid	
	Before RVN (N=996)	In RVN (N=994)	Before RVN (N=1001)	In RVN (N=998)	Before RVN (N=997)	In RVN (N=994)	Before RVN (N=997)	In RVN (N=998)	Before RVN (N=995)	In RVN (N=994)	Before RVN (N=994)	In RVN (N=993)
Nonusers	68.6	49.9	87.6	83.8	88.6	88.4	93.7	82.6	97.5	97.8	91.3	84.7
Casual users	15.9	20.5	8.3	11.0	7.3	7.8	4.4	9.8	1.1	1.4	6.8	3.2
Heavy users	8.0	11.9	2.9	4.0	2.5	2.7	1.0	5.8	1.1	.6	1.5	1.6
Habituated users	7.5	17.7	1.2	1.2	1.6	1.1	.9	1.8	.3	.2	.4	.5
Total users	31.4	50.1	12.4	16.2	11.4	11.6	6.3	17.4	2.5	2.2	8.7	5.3

TABLE 5.—INCIDENCE OF DRUG USE: NCO'S[1]

[In percent]

	Marihuana			Amphetamines			Opium			Acid		
	Incoming	Outgoing		Incoming	Outgoing		Incoming	Outgoing		Incoming	Outgoing	
	before RVN (N=119)	Before RVN (N=105)	In RVN	before RVN	Before RVN	In RVN	before RVN	Before RVN	In RVN	before RVN	Before RVN	In RVN
Nonusers	95.8	97.0	95.0	100	100	98.0	100	100	99.0	100	99.0	99.0
Casual users	3.4	2.0	3.0	0	0	1.0	0	0	1.0	0	1.0	1.0
Heavy users	.8	0	1.0	0	0	1.0						
Habituated users	0	1.0	2.0	0	0	0						
Total users	4.2	3.0	6.0	0	0	2.0						

[1] No incidence of barbiturates, heroin, or morphine was reported by this group.

TABLE 6.—INCIDENCE OF DRUG USE: COMPANY GRADE AND WARRANT OFFICERS[1]

[In percent]

	Marihuana			Amphetamines			Barbiturates			Acid		
	Incoming	Outgoing		Incoming	Outgoing		Incoming	Outgoing		Incoming	Outgoing	
	before RVN (N=68)	Before RVN (N=63)	In RVN	before RVN	Before RVN	In RVN	before RVN	Before RVN	In RVN	before RVN	Before RVN	In RVN
Nonusers	89.7	92.0	98.4	97.0	96.8	98.4	100	98.4	98.4	98.4	100	100
Casual users	10.3	8	1.6	3.0	3.2	1.6	0	1.6	0	0	0	0
Heavy users	0	0	0	0	0	0	0	0	1.6	1.6	0	0
Total users	10.3	8.0	1.6	3.0	3.2	1.6	0	1.6	1.6	1.6	0	0

[1] No incidence of opium, heroin, or morphine was reported by these officers, and no incidence of any drugs but barbiturates was reported by any of the field grade officers; 1 outgoing field grade officer reported using barbiturates 11 to 20 times before RVN.

TABLE 7.—POINT DURING PRECEDING 12 MONTHS OF RVN TOUR AT WHICH DRUG USE BEGAN: OUTGOING EM

	1 to 3 months	4 to 6 months	7 to 9 months	10 to 12 months	Total
Marihuana:[1]					
Number of users	243.0	85.0	60.0	93.0	481
Percent of total users	50.5	17.7	12.5	19.3	
Amphetamines:[2]					
Number of users	28.0	28.0	39.0	56.0	151
Percent of total users	18.5	18.5	25.8	37.2	
Barbiturates:					
Number of users	29.0	24.0	24.0	28.0	105
Percent of total users	27.6	22.9	22.9	26.6	
Opium:					
Number of users	47.0	42.0	31.0	45.0	165
Percent of total users	28.5	25.5	18.9	27.1	
Heroin/Morphine:					
Number of users	3.0	4.0	4.0	5.0	16
Percent of total users	18.8	25.0	25.0	31.2	
Acid:					
Number of users	7.0	10.0	10.0	14.0	41
Percent of total users	17.1	24.4	24.4	34.1	

[1] Chi-square significant at 0.001 level.

[2] Chi-square significant at 0.01 level.

TABLE 8.—ESTIMATIONS OF PERCENTAGE OF DRUG USE IN LAST UNIT

	Enlisted men		Noncommissioned officers	
	Incoming (N=1,000)	Outgoing (N=1,001)	Incoming (N=119)	Outgoing (N=105)
Marihuana at least once a month:				
Median	1-5	41-50	0	6-10
Mode	0	71-80	0	1-5
Range	0-100	0-100	0-80	0-100
Marihuana at least twice a week:				
Median	1-5	31-40	0	6-10
Mode	0	81-100	0	1-5
Range	0-100	0-100	0-100	0-100
Amphetamines at least once a month:				
Median	1-5	1-5	0	0
Mode	0	0	0	0
Range	0-100	0-100	0-100	0-100
Barbituates at least once a month:				
Median	0	1-5	0	0
Mode	0	0	0	0
Range	0-100	0-100	0-20	0-30
Opium at least once a month:				
Median	0	1-5	0	0
Mode	0	0	0	0
Range	0-80	0-100	0-10	0-30
Heroin at least once a month:				
Median	0	0	0	0
Mode	0	0	0	0
Range	0-100	0-100	0-5	0-10
Acid at least once a month:				
Median	0	0	0	0
Mode	0	0	0	0
Range	0-100	0-100	0-10	0-20
Marihuana at least once a month:				
Median	1-5	11-20	0	6-10
Mode	0	11-20	0	6-10
Range	0-50	0-70	0	0-60
Marihuana at least twice a week:				
Median	0	6-10	0	6-10
Mode	0	6-10	0	1-5
Range	0-20	0-80	0-5	0-70
Amphetamines at least once a month:				
Median	0	1-5	0	0
Mode	0	0	0	0
Range	0-20	0-70	0	0-30
Barbiturates at least once a month:				
Median	0	0	0	0
Mode	0	0	0	0
Range	0-20	0-80	0	0-20
Opium at least once a month:				
Median	0	0	0	0
Mode	0	0	0	0
Range	0-5	0-50	0	0
Heroin at least once a month:				
Median	0	0	0	0
Mode	0	0	0	0
Range	0-5	0-50	0	0
Acid at least once a month:				
Median	0	0	0	0
Mode	0	0	0	0
Range	0-10	0-50	0	0

TABLE 9.—ATTITUDES TOWARD MARIHUANA

[In percent]

	Enlisted men (age less than 27)		Noncommissioned officers (age more than 26)	
	Incoming (N=1,000)	Outgoing (N=1,001)	Incoming (N=119)	Outgoing (N=105)
Should be legalized	43.0	46.4	7.6	5.7
Would use if legalized	35.6	40.9	2.5	4.8
Plan to continue use	22.6	27.0	0	2.9

	Company grade and Warrant Officer		Field grade	
	Incoming (N-68)	Outgoing (N-63)	Incoming (N-6)	Outgoing (N-10)
Should be legalized	26.5	17.5	16.7	0
Would use if legalized	11.8	9.5	0	0
Plan to continue use	2.9	0	0	0

APPENDIX I: QUESTIONNAIRE: SCIENTIFIC SURVEY

(By Dr. Morris D. Stalton)

We are running a survey on the number of men who have used various drugs or substances prior to and during their Vietnam tour. We would greatly appreciate your help in honestly answering the following questions. Please do *not* sign your name. We do not care to know who you are. Thus the information you give *can not* and *will not* be held against you.

Thank you very much for your cooperation and help.

1. Under which category do you belong? (Please check space below.)

Incoming EM —, Incoming Officer —, Outgoing EM —, Outgoing Officer —.

2. Which of the following drugs do you think should be made legal? (Check.)

Marijuana —, Downs, barbiturates —, Heroin —, Acid (LSD, STP) —, Speed, Ups —, Opium —, Morphine —, None —.

3. If they were made legal, which of the following would you use?

Marijuana —, Downs, barbiturates —, Heroin —, Acid (LSD, STP) —, Speed, Ups —, Opium —, Morphine —, None —.

4. Before coming to RVN, about how many times did you use marijuana? (Check.)

200 or more —, 101 to 199 —, 81 to 100 —, 61 to 80 —, 41 to 60 —, 21 to 40 —, 11 to 20 —, 6 to 10 —, 1 to 5 —, None —.

(a) During which quarter(s) of the past 12 months did you use marijuana?

1st 3 months —, 2nd 3 months —, 3rd 3 months —, 4th 3 months —, Never —.

(b) If you are leaving RVN, about how many times (this tour) did you use marijuana?

200 or more —, 101 to 199 —, 81 to 100 —, 61 to 80 —, 41 to 60 —, 21 to 40 —, 11 to 20 —, 6 to 10 —, 1 to 5 —, None —.

5. Before coming to RVN, about how many times did you use Speed (amphetamines, Ups)?

200 or more —, 101 to 199 —, 81 to 100 —, 61 to 80 —, 41 to 60 —, 21 to 40 —, 11 to 20 —, 6 to 10—1 to 5 —, None —.

(a) During which quarter(s) of the past 12 months did you use Speed ("Ups," etc.)?

1st 3 months —, 2nd 3 months —, 3rd 3 months —, 4th 3 months —, Never —.

(b) If you are leaving RVN, about how many times (this tour) did you use Speed ("Ups")?

200 or more —, 101 to 199 —, 81 to 100 —, 61 to 80 —, 41 to 60 —, 21 to 40 —, 11 to 20 —, 6 to 10 —, 1 to 5 —, None —.

6. Before coming to RVN, about how many times did you use Barbiturates (Downs, Reds, No. 10's, etc.)?

200 or more —, 101 to 199 —, 81 to 100 —, 61 to 80 —, 41 to 60 —, 21 to 40 —, 11 to 20 —, 6 to 10 —, 1 to 5 —, None —.

(a) During which quarter(s) of the past 12 months did you use Barbiturates (Downs, etc.)?

1st 3 months —, 2nd 3 months —, 3rd 3 months —, 4th 3 months —, Never —.

(b) If you are leaving RVN, about how many times (this tour) did you use Barbiturates?

200 or more —, 101 to 199 —, 81 to 100 —, 61 to 80 —, 41 to 60 —, 21 to 40 —, 11 to 20 —, 6 to 10 —, 1 to 5 —, None —.

7. Before coming to RVN, about how many times did you use opium?

200 or more—, 101 to 199—, 81 to 100—, 61 to 80—, 41 to 60—, 21 to 40—, 11 to 20—, 6 to 10—, 1 to 5—, none—.

(a) During which quarter(s) of the past 12 months did you use opium?

1st 3 months—, 2nd 3 months—, 3rd 3 months—, 4th 3 months—, none—.

(b) If you are leaving RVN, about how many times (this tour) did you use opium?

200 or more—, 101 to 199—, 81 to 100—, 61 to 80—, 41 to 60—, 21 to 40—, 11 to 20—, 6 to 10—, 1 to 5—, none—.

8. Before coming to RVN, about how many times did you use heroin or morphine?

200 or more—, 101 to 199—, 81 to 100—, 61 to 80—, 41 to 60—, 21 to 40—, 11 to 20—, 6 to 10—, 1 to 5—, none—.

(a) During which quarter(s) of the past 12 months did you use heroin or morphine?

1st 3 months—, 2nd 3 months—, 3rd 3 months—, 4th 3 months—, none—.

(b) If you are leaving RVN, about how many times (this tour) did you use heroin or morphine?

200 or more—, 101 to 199—, 81 to 100—, 61 to 80—, 41 to 60—, 21 to 40—, 11 to 20—, 6 to 10—, 1 to 5—, none—.

9. Before coming to RVN, about how many times did you use "acid," (LSD, STP)?

200 or more—, 101 to 199—, 81 to 100—, 61 to 80—, 41 to 60—, 21 to 40—, 11 to 20—, 6 to 10—, 1 to 5—, none—.

(a) During which quarter(s) of the past 12 months did you use "acid," (LSD, STP)?

1st 3 months—, 2nd 3 months—, 3rd 3 months—, 4th 3 months—, none—.

(b) If you are leaving RVN, about how many times (this tour) did you use "acid?"

200 or more—, 101 to 199—, 81 to 100—, 61 to 80—, 41 to 60—, 21 to 40—, 11 to 20—, 6 to 10—, 1 to 5—, none—.

10. Which of the following drugs do you plan to continue using?

Marijuana—, Barbiturates, Downs—, Heroin—, Acid (LSD, STP)—, Speedups—, Opium—, Morphine—, None—.

11. About how long have you used drugs?—years. —months. Never—.

12. Estimate the percentage of men in your last unit who used the following drugs at least once a month. (Percentage—how many out of 100 men.)

ACROSS FROM EACH DRUG, PUT 1 CHECK IN THE APPROPRIATE COLUMN

[In percent]

	None	1 to 5	6 to 10	11 to 20	21 to 30	31 to 40	41 to 50	51 to 60	61 to 70	71 to 80	81 and above
Marihuana											
Speed, ups											
Downs											
Opium											
Heroin											
Acid, LSD											

13. About what percentage of the men in your last unit used Marijuana *at least twice a week?* None—, 1–5%—, 6–10%—, 11–20%—, 21–30%—, 31–40%—, 41–50%—, 51–60%—, 61–70%—, 71–80%—, 81% and above—.

14. Have you ever had "Flashbacks" from drug use? If so please name those drugs:—.

15. Your age: 17–18—, 19–20—, 21–22—, 23–24—, 25–26—, 27–28—, 29–30—, 31 & above—.

16. Your rank: E–1—, E–2—, E–3—, E–4—, E–5—, E–6—, E–7—, E–8—, E–9—. Company grade Officer—. Field grade Officer—.

17. Number of years of school you completed:

8 or less—, 9—, 10—, 11—, 12—, 13—, 14—, 15—, 16—, 17 or more—.

18. How many brothers and/or sisters do you have?—. Are you the oldest? Yes—, No—.

19. Marital Status: Single—, Married, Separated or Divorced—.

20. Did you volunteer for the Army? Yes—, No—. Time in service? —years, —months.

21. Please write the first three digits of your MOS. (If Officer, use first 4)—.

22. Have you ever had any trouble with the law (civilian) other than traffic violations? If so please list types of offenses (optional).—.

23. Have you ever had any Articles 15 or Courts Martial? (optional). Number of Articles 15—. Number of Courts Martial—.

24. Have you ever gone for psychiatric or psychological help in the Army before coming to RVN? Yes—. No—.

a. Did you ever go for such help while a civilian? Yes—, No—.

25. Have you served any previous tours in RVN, in addition to this one? Yes—, No—.

26. *Only* if you are presently processing out of RVN, please answer the following: (All please see item #27 below.)

(a) How many months have you been in RVN, this tour only?—.

(b) About how many times were you in fire fights or under enemy mortar, rocket, or artillery attacks? None—, 1–5—, 6–10—, 11–15—, 16–20—, 21–25—, 26–30—, 31–35—, 36–40—, 41–45—, 46–50—, 51 or more—.

(c) Have you ever had psychiatric or psychological help during this tour in RVN? Yes—, No—.

(d) Do you ETS within the next month? Yes—, No—.

(e) Are you receiving a 212 separation from the Army? Yes—, No—.

27. If you have any comments or observations about the subject of drug usage, please feel free to express them on the back of this page.

Thank you very much for your help and cooperation.

APPENDIX II: FACSIMILE OF ——— DRUG INDEX TO ADMINISTRATION OF THE QUESTIONNAIRES[1]

Follows, I'm connected with (university) and I'd like to ask your cooperation in completing a brief research questionnaire. It's pretty simple; mainly all you have to do is check the appropriate spaces.

We're doing this research on drug use in Vietnam. This is a chance for you to express your opinions . . . feelings . . . and experiences in this matter, and I'd like to emhasize that this is completely *anonymous* . . . That is . . . we *don't* want you to write your name . . . and we *don't* care to know who you are. There will be no follow-up.

Therefore, please try to be as accurate as possible and give us as honest answers as you can so that the research will be valid.

Also, in the last question . . . Number 27 . . . if you want, we would like you to express your own feelings and opinions on this topic using the back of the last page of the questionnaire.

After you are done we will just have you pass them forward.

Thanks very much for your help and cooperation.

ACKNOWLEDGEMENTS

The author conducted this research while a member of the 98th Medical Detachment (KO), an Army mental health team stationed in South Vietnam. Another member of the team who proved very helpful in the planning and implementing phase of the study was (former) LTC William Cates, MC. The author wishes to express his gratitude to Dr. Cates for the contributions he made at that time.

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The author is indebted to Mrs. Harriet Saal, Supervisor of the Kimbrough Army Hospital Central Dictation Section who

[1] When Dr. Stanton was not addressing a group, these same remarks were made to that group with reference to him as the researcher.

spent many hours typing the manuscript and graciously worked overtime to complete it in time for submission to the Senate Subcommittee on Alcoholism and Narcotics.

Finally, the author would like to thank the Department of Defense Task Group Convened to Recommend Appropriate Revisions to DOD Policy on Drug Abuse. This group was able to bring the study to completion well ahead of schedule by assigning it a high priority, and the author is truly grateful for their interest and assistance.

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Mr. DODD. Senators will note that marihuana use was found to be even higher than the preliminary estimate. Instead of 46 percent, it was found that over 50 percent of the troops in Vietnam have used this drug.

Even more alarming, 52 percent of the drug-using troops who were interviewed announced their intention to continue using drugs on their return to the United States.

As Dr. Stanton points out in his study:

> This has serious implications for future legal handling of the offense of marihuana possession, when one considers that over ¼ of the returning EM (enlisted man) from RVN (Republic of Vietnam) intend to continue to break the law when they arrive home.

Finally, Mr. President, I am gratified to see the many hearings in both Houses of Congress in recent weeks on the problem of drug abuse in the military. I was somewhat surprised to read in the papers that some Congressmen were shocked, dismayed, and apparently unaware that there even was a military drug problem. I hope that in addition to going over some of the same ground covered in the last 4 years they would fill in the gaps by reading the testimony presented before the Judiciary's Delinquency Subcommittee and the many statements made on this subject in the CONGRESSIONAL RECORD since 1966. I am certain that once they have done that they will support S. 4393 which I introduced on this issue on September 24, 1970, which would authorize members of the Armed Forces to be discharged from active military service by reason of physical disability when such members are suffering from drug addiction or drug dependency, to authorize the civil commitment of such members after their discharge, and for other purposes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. KENNEDY. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BIBLE. Mr. President, we have been waiting rather patiently to call up the pending bill. Obviously there is one item in the bill that has rather emotional and growing interest, as we have heard much about it in the last several days, and over the preceding weeks and years both on the floor of the Senate, and through the news media. I am glad we are coming to grips with this problem today.

There are other items in this appropriation bill on transportation programs besides the SST which will have some problems but I do not think they have the intense emotional interest that will be inherent in the SST question.

As soon as my minority counterpart on the Committee on Appropriations, the distinguished Senator from New Jersey (Mr. CASE) arrives, I hope that we can arrive at some type of agreement to vote on the SST at a time certain this afternoon. I hope that will be somewhere in the 3 o'clock to 4 o'clock range. At least that is what I am suggesting and it is what I hope will be agreeable after discussing the matter with those who are on both sides of the question. I hope we can do that a little later on. As soon as the Senator from New Jersey arrives I will discuss the matter with him.

The Senator from Wisconsin (Mr. PROXMIRE), who, as everyone knows, has a great interest in the SST and who has spoken with respect to it many times with great feeling and sincerity over the weeks and years, has asked me if it would be possible to call up his amendment immediately after my statement and make his amendment the pending business. Personally, I have no objection to doing that, so as soon as I finish my opening statement, which is not too long, then I believe it would be proper to recogize the Senator from Wisconsin, and have him call up his amendment which has been printed and is at the desk, which has the effect of completely knocking out the $289 million-plus for the SST in the appropriation bill. That would bring us to grips with the big problem in the bill.

In the meantime while we are going through the preliminaries with the ranking member on the minority side of the Subcommittee on Transportation of the Committee on Appropriations I hope we can arrive at a firm time agreement. I have been trying to get a time somewhere between 3 o'clock and 4 o'clock this afternoon so that every one will be on notice. There has been notice in the newspapers in the Chamber and in the RECORD that this matter was going to come to a vote today so I think adequate notice has been given to all who have a real concern in this problem.

Mr. President, in connection with the bill that has been laid before the Senate I wish to first talk about the overall bill in order to put the entire bill in proper context.

The recommendations of the committee total $7,233,915,668; consisting of $4,489,890,000 in appropriations to liquidate contract authorizations, identified with the highway construction and highway safety program; $137,063 for debt reduction, a Coast Guard housing matter; and $2,743,888,605 in new budget authority relating to the various offices, administrations, bureaus, boards, commissions, and authorities, for which this bill provides funds.

The details of these recommendations appear in the committee bill and report before you. The testimony, on the basis of which your committee makes these recommendations, is in the two volumes—1,800 pages—of hearings. I believe a copy of the testimony is on the desk of each Senator. The subcommittee started taking testimony on July 23, and subject to rather numerous interruptions by many pressing matters, concluded the hearings on September 17.

I will highlight the items or significant changes recommended in the committee bill:

First. The bill includes the $289,965,000 for the civil supersonic transport, as requested in the budget and allowed by the House.

Later on I shall have comments to make on this particular item.

I think it would be more orderly if I waited for the amendment to be called up. The posture of this item is that it is before the Senate as allowed by the House and not changed by the committee. It was agreed to in the full amount. The amendment of the Senator from Wisconsin would strike the entire amount from the bill. We will talk about that first, as far as I am concerned. As I have indicated, it is the desire of the Senator from Wisconsin that this be the first order of business.

Second. Funds for the Coast Guard include $25,900,000 for a 15,000-man Select Reserve program level, as allowed by the House; restoration of $10,000,000—to provide $100,000,000—for the construction program; $35,000,000, as requested, for capital for the oil pollution revolving fund.

This was an item that came in by way of executive communication.

It was not considered by the House. It creates a revolving fund by which we

can try to meet the many problems that come with oil pollution. We unhesitatingly recommend the full amount. It is repaid by the industry, but a revolving fund of the dimension which we put into the bill is needed.

This will be an item in issue with the House, because it was not before the House. They had not considered it.

Third, Federal Aviation Administration funding proposed includes the full amount of operating funds, as requested in the amended budget, which I want to comment on. This was not before the House. It came before us as a matter of first impression in another Executive communication. We added the $28 million for air security guards, contingent upon legislation. The research and development program is funded at $47,500,000, the full budget request and $2,500,000 over the House bill.

The security guard item of $28 million is contingent upon legislation which has passed the House, which I believe has passed through the Commerce Committee, and which is now before the Finance Committee of the Senate, where there are some problems concerning the financing features of it.

We also recommended striking language which came to us from the House which would limit airport commitments below levels authorized in Public Law 91–258.

Fourth. The recommendations for the Federal Highway Administration include minor adjustments for staffing levels, for which reasonable requests for restoration were made; and the funds and program levels for the forest highway and public lands highways were brought back up to the 1971 budget request level.

Fifth. Recommendations for the National Highway Safety Bureau consist of adding $7,166,000 in requested restorations and increasing to the budget level of $80,000,000—from the House level of $70,000,000—the limitation on obligations.

Sixth. Recommendations for the Federal Railroad Administration include $21,688,000 for high-speed ground transportation research and development, as authorized by Public Law 91–444, of October 13, 1970.

The House did not consider this item because at the time it was before the House the authorizing legislation had not been passed. As I just noted, it has been passed since the House considered it.

Railroad research includes earmarking of $230,000 for car utilization research.

Seventh. The recommendations related to the Urban Mass Transportation Administration include deletion of limiting language which would restrict long-term commitments, as authorized by Public Law 91–469.

Of course, this was one of the great problems—and we have many of them in this country—that confronts us, namely, the problem of urban mass transportation.

Eighth. The recommendations for the Interstate Commerce Commission provide the $27,000,000 allowed by the House, earmarking $300,000 for additional car service agents; a new item of $3,216,668 for payment of loan guarantees is also included.

That was incurred in connection with defaulted guaranteed loans to the Boston & Maine Railroad, which has the same effect as a judgment and which must be paid.

The last item which we considered and on which I want to comment concerns a committee recommendation of $58.3 million for payment to local service air carriers by the Civil Aeronautics Board, which is approximately $31,000,000 over the House bill and the inadequate budget estimate.

We considered the budget amount to be inadequate for payments to the local service air carriers. As all of us who fly know, they are having problems through the length and breadth of the land. The added amount was to bring as close as we could currently the amount of money which would be paid to the local service as an airline subsidy.

The new budget totals $2,743,888,605; $164,308,668—including $87,904,668 of new or deferred items—over the House bill; $2,061,168 over the estimates; and $427,108,975 over the amount appropriated in the same bill last year.

It has been a pleasure for me to be associated with the bill. I have been on the Transportation Subcommittee for a number of years, under the chairmanship of the distinguished Senator from Mississippi. It was a pleasure for me to be his rather inadequate substitute this year, because of his requirement to be on the floor both on the Cooper-Church amendment, which took some weeks, and after that the military procurement bill, which also took some length of time.

Mr. STENNIS. Mr. President, when the Senator has completed his statement, will he yield to me?

Mr. BIBLE. I have finished it.

Mr. STENNIS. Will the Senator yield to me?

Mr. BIBLE. I am glad to yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I want to warmly thank the Senator from Nevada for the very fine service he has rendered to the Senate and for the help he has rendered to me in holding hearings on the bill. He already handled one appropriation bill to completion in this session, as well as performing many other duties, but he took charge of this bill, handled the responsibilities of the chairman, all the way through, and was ably assisted by at least some of the members of the subcommittee.

I marvel at the grasp he had of the bill at the markup and at the full committee meeting. I commend him highly. I was not surprised, but in that short time he certainly mastered the subject. I am grateful to him, and the Senate owes him a debt of appreciation.

Mr. President, this is a highly important bill, and it is becoming more so every year. I have not done anything to it. I have done little to add to it, but this Department has grown rapidly. This is the fourth year that we have had a subcommittee. I was the chairman, and I am now the chairman, but I handled the bill for those first 3 years.

For instance, money is included in this bill for the FAA, an agency of growing importance and complexity, with problems galore. All kinds of transportation and related matters are involved.

We have an important matter here before us, and it will be ably handled by the Senator from Nevada. He speaks for me. We are in agreement on everything in it, except perhaps in a matter of degree, but I am not going to discuss that point here. It shows the unanimity with which we have worked on the bill, and I thank him for it.

Mr. BIBLE. I thank the Senator from Mississippi. I have always leaned heavily on him for his expert knowledge, not only in this field of transportation but in practically every other field. He is an expert in many areas, and does a careful and conscientious job.

We had evidence of deep interest on the part of practically all the members of this subcommittee. The subcommittee covers the area of transportation and, with the growing general interest in that field, the interest we had there was certainly justified.

Mr. President, I ask unanimous consent to correct technical language appearing in the committee amendment on page 6, lines 23 and 24; this correction would strike the words "section 11 of the Water Quality Improvement Act of 1970 (Public Law 91–224)" and insert in lieu thereof "section 11(k) of the Water Pollution Control Act, as amended".

This is a technical amendment only, I would say to anyone who might have an interest in this particular request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada? The Chair hears none, and it is so ordered.

Mr. BIBLE. Mr. President, I now make the usual unanimous consent request that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On Page 2, line 9, strike out "$17,230,000" and insert "$17,840,000".

On page 2, line 15, after the word "expended", insert a comma and "of which $4,600,000 shall be available for research into the meteorological and environmental effects of aircraft flight in the atmosphere".

On page 2, after line 17, insert:

"GRANTS-IN-AID FOR NATURAL GAS PIPELINE SAFETY

"For grants-in-aid to carry out a pipeline safety program as authorized by Section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674) $1,000,000."

On page 4, line 23, after the word "dependents", strike out "and the Coast Guard may provide for the transportation of said de-

pendents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation".

On page 5, line 1, after "the colon", insert "*Provided further*, That not to exceed $15,000 shall be available for investigative expenses of a confidential character, to be expended on the approval and authority of the Commandant and his determination shall be final and conslusive upon the accounting officer of the Government:"

On page 5, line 16, after "5 U.S.C. 3109", strike out "$90,000,000" and insert "$100,000,000".

On page 6, line 18, after the word "law", strike out "$19,500,000" and insert "$23,000,000"; and, in line 19, after the word "expended", insert a comma and "including $13,500,000 for the national data buoy development project".

On page 6, after line 20, insert:

"OIL POLLUTION FUND

"For the revolving fund authorized to be established pursuant to section 11(k) of the Water Pollution Control Act, as amended, $35,000,000, to remain available until expended."

On page 7, line 7, after the word "of", strike out "the Federal Airport Act" and insert "Public Law 91-258"; in line 10, after the word "shoes;", insert "and arms and ammunition;"; in the same line, after the amendment just above stated, strike out "$923,885,000" and insert "$951,885,000"; and, in line 11, after the amendment just above stated, insert a colon and "*Provided*, That $28,000,000 of the foregoing amount shall be available only upon enactment into law of H.R. 19444, 91st Congress, or similar legislation;".

On page 8, line 17, after the word "grant", strike out "$45,000,000" and insert "$47,500,000".

On page 9, line 23, after "5 U.S.C. 3109", strike out "$500,000" and insert "$525,000"; and, in line 24, after the word "exceed", strike out "$14,721,000" and insert "$14,826,000".

On page 10 line 7, after the word "exceed", strike out "$68,488,000" and insert "$70,433,000".

On page 10, line 18, after the word "expanded", strike out "$4,350,340,000" and insert "$4,352,390,000"; and, in line 22, after the word "and", strike out "$2,444,760,950" and insert "$2,446,810,950".

On page 12, line 7, after "(80 Stat. 939-40)", strike out "$3,443,000" and insert "$3,718,000".

On page 12, at the beginning of line 15, strike out "$15,000,000, a part of the amount authorized to be appropriated for the fiscal year 1969" and insert "$20,000,000, which sum is composed of $19,950,000, the balance of the amount authorized to be appropriated for the fiscal year 1969, and $50,000, a part of the amount authorized to be appropriated for 1970".

On page 13, line 7, after the word "expended", strike out "$13,000,000, a part of the amount authorized to be appropriated for the fiscal year 1969" and insert "$15,000,000, which sum is composed of $14,300,000, the balance of the amount authorized to be appropriated for the fiscal year 1969, and $700,000, a part of the amount authorized to be appropriated for the fiscal year 1970".

On page 13, line 17, after "5 U.S.C. 3109", strike out "$40,435,000" and insert "$47,601,000".

On page 14, after line 16, insert:

"HIGH-SPEED GROUND TRANSPORTATION RESEARCH AND DEVELOPMENT

"For necessary expenses for research, development, and demonstrations in high-speed ground transportation, $21,688,000, to remain available until expended."

On page 14, line 24, after the word "activities", strike out "$900,000" and insert "$1,005,000"; and, in line 25, after the word "expended", insert a comma and "of which not less than $230,000 shall be available for freight car utilization studies".

On page 15, line 25, after "5 U.S.C. 3109", strike out "$3,200,000" and insert "$3,450,000".

At the top of page 16, insert:

"RESEARCH, DEVELOPMENT, AND DEMONSTRATION

"For necessary expenses for research, development, and demonstration projects as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605); $20,000,000, to remain available until expended."

On page 18, line 7, after the word "which", insert "$300,000 additional shall be available for the employment of car service agents, and".

On page 18, line 1, after the word "Board", strike out "$27,327,000" and insert "$58,300,000".

On page 18, after line 12, insert:

"PAYMENT OF LOAN GUARANTIES

"For payments required to be made as a consequence of loan guaranties made by the Interstate Commerce Commission under section 503 of the Interstate Commerce Act, as amended (49 U.S.C. 1233), $3,216,668, together with such amounts as may be necessary to pay interest."

On page 19, after line 19, strike out:

"SEC. 303. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants-in-aid for airport development aggregating more than $220,000,000 in fiscal year 1971."

On page 19, at the beginning of line 24, change the section number from "304" to "303".

On page 20, at the beginning of line 3, change the section number from "305" to "304"; and, in line 5, after the word "of", strike out "$70,000,000" and insert "$80,000,000".

On page 20, at the beginning of line 8, change the section number from "306" to "305"; and, in line 10, after the word "of", strike out "$22,500,000" and insert "$33,000,000".

On page 20, at the beginning of line 13, change the section number from "307" to "306"; and, in line 15, after the word "of", strike out "$10,000,000" and insert "$16,000,000".

On page 20, after line 17, strike out:

"SEC. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating more than $214,000,000 in fiscal year 1971, plus the additional amounts appropriated therefor."

On page 20, at the beginning of line 23, change the section number from "309" to "307".

On page 21, at the beginning of line 1, change the section number from "310" to "308"; and, in line 10, after the word "Everglades", insert "and until any site selected on the basis of such study is approved by the Department of the Interior and the Department of Transportation: *Provided*, That nothing in this section shall affect the availability of such funds to carry out this study".

On page 21, after line 14, insert a new section, as follows:

"SEC. 309. None of the funds provided under this Act or any other Act shall be available for the planning or execution of programs for any construction of the Portland International Airport, or any other air facility in or near the mouth of the Columbia River, until appropriate studies to identify an environmentally acceptable site for an airport to serve the area are completed and until any site selected on the basis of such studies is approved by the Department of the Interior and the Department of Transportation and is reviewed and approved by the Council on Environmental Quality: *Provided*, That nothing in this section shall affect the availability of such funds to carry out these studies."

Mr. BIBLE. Mr. President, I am about to yield the floor. I shall, as I stated earlier, attempt to get a time limit on the SST amendment; and just as soon as the Senator from New Jersey (Mr. CASE) comes to the floor—and I understand from his staff that he will be here momentarily—we will confer together and see if we can decide upon some agreeable time, and announce it very early, so that Senators will be on notice. As I further stated earlier, I hope that will be somewhere between 3 and 4 o'clock this afternoon.

Mr. President, I yield the floor.

Mr. CASE. Mr. President, in general terms, with the exception of the SST, I support the bill wholeheartedly. I am particularly gratified by the businesslike way in which it has been handled. Most of all, I want to make known my complete concurrence in the action of the committee, under the leadership of the Senator from Nevada, in eliminating any ceiling on the mass transit appropriation, on mass transit spending, of the nature the House placed in the bill. That, I think, is enormously important, if this is to be a real rather than a paper program. It is essential in the interest of all our great cities and many of our smaller cities, too, that the mass transit program be converted into reality as quickly as possible.

The chairman was most cooperative in this matter. Although perhaps I was the initiating force in eliminating any ceiling in the bill, I had his full cooperation and I here want to express that thought. I hope it does him no harm in his own constituency.

Mr. BIBLE. I can assure the Senator from New Jersey that it will not.

Mr. CASE. On the matter of the SST, I may differ with the chairman of the subcommittee and with the chairman as the case may be—both, I guess—but that is well known. I am anxious that the vote on that matter occur, before more of our troops have left, so I shall not develop any further, in any repetitious way, my objections to that particular program, but will leave it to others who are moved to speak.

Mr. BIBLE. I appreciate the sentiments of the Senator from New Jersey.

AMENDMENT NO. 1002

Mr. PROXMIRE. Mr. President, I call up my amendment No. 1002, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 20, strike all language beginning with the words "Civil Supersonic Aircraft Development" through the end of line 2 on page 3.

Mr. PROXMIRE. Mr. President, this amendment eliminates the $290 million for the supersonic transport. I expect to speak on this subject later. I shall speak very briefly now, simply to indicate some of the reasons why I think the action

taken yesterday greatly strengthens the hand of those of us who feel these funds should be taken out of the pending appropriation bill.

Mr. President, I think the Senators from Washington did a fine job yesterday in bringing before the Senate a bill which would limit the flights of the supersonic transport, except for experimental purposes, essentially to flights over the ocean. I think that was a very fine measure, and, of course, I cosponsored it.

They accomplished something that I think was equally significant in saying that unless the supersonic transport can be modified so that at takeoff and landing, and while it is taxiing at the airport, the sound level will be cut down to 108 perceived noise decibels, which is the present standard for subsonic flight, the contract will be in default and the SST will not be produced.

Mr. President, as I say, I think this is a good contribution, and very helpful; and, of course, it is encouraging to all those who believe we should not support a project which is going to pollute our environment with noise.

At the same time, Mr. President, I wish to point out why this makes it a very bad investment, and why it increases greatly the likelihood that if we put $290 million into this project today, that $290 million is likely to be lost.

The PRESIDING OFFICER (Mr. STEVENSON). If the Chair understands the Senator's amendment correctly, his intent is to strike all the language on page 3 between line 1 and line 8; is that correct?

Mr. PROXMIRE. Mr. President, as I understand it, the amendment reads as follows:

On page 2, line 20, strike all language beginning with the words "Civil Supersonic Aircraft Development" through the end of line 2 on page 3.

The PRESIDING OFFICER. Evidently the bill as printed is in a different form.

Mr. PROXMIRE. Mr. President, I shall be happy to modify my amendment to recognize the fact that the bill has been changed, as I understand it, since the time the amendment was first submitted; and I shall at a later time, in a few minutes, offer an amendment which will meet the fact that this bill which is now before us is different from the one which we originally proposed to amend.

In effect, what I would do is prepare an amendment which would delete the language on page 3 of the bill, lines 1 through 8, inclusive; and I believe that would accomplish the purpose I intend.

The PRESIDING OFFICER. The amendment will be modified accordingly.

Mr. PROXMIRE. All right; as I understand it, that accomplishes my intent, and the amendment, then, is in order?

The PRESIDING OFFICER. Without objection, it is so ordered.

The modified amendment is on page 3, to strike out lines 1 through 8, as follows:

CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT

For an additional amount for expenses, not otherwise provided for, necessary for the development of a civil supersonic aircraft, including the construction of two prototype aircraft of the same design, and advances of funds without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), $289,965,000, to remain available until expended.

Mr. PROXMIRE. Mr. President, as I say, the bill that we passed yesterday provided that the SST will satisfy sideline approach and takeoff noise standards now in effect for subsonic jets. The standard to be met—108 perceived noise decibels—is far below the 124 perceived noise decibels that the SST now makes on the sideline; and the testimony is, of course, in a very complicated technological area, but the engineers tell us this means the sound is 3 to 4 times, at least, greater than the standard which is now established. In fact, General Electric's ultimate goal for the SST engines has been 112 perceived noise decibels, which is 40 percent above the maximum now permitted. The bill passed yesterday attempts to compel compliance with the subsonic standards, but the New York Times reported this morning that the Department of Transportation itself said that the Magnuson-Jackson bill, which passed the Senate yesterday, "would make a difficult job harder."

In other words, the Department of Transportation has been deeply concerned with whether or not they can reduce the noise emitted by the SST to 112 decibels, and there is a strong feeling on the part of everyone we have talked with over there that it would be an extraordinarily difficult thing to do. They stated they have made very little progress along this line, and now to be required to cut the level down to 108 decibels means that while, as I say, the Department of Transportation indicates it is not impossible, perhaps, it is most difficult; and I would say its achievement would be unlikely.

If the supersonic transport does not comply with the noise standards, there will be no SST, and the taxpayers would lose every penny of the $290 million we have put into the appropriation today.

That is only one of a series of risks and dangers which we confront in proceeding with this $290 million appropriation—I mean, of course, risks and dangers to the taxpayers putting up the $290 million.

The second is that there are likely to be overruns. As I have said before, the plane is made of a new and exotic metal—brushed titanium honeycomb. This has never been used before. All of our experience in dealing with aircraft indicates that when you get into a new technology, there are difficulties, new designs are required, and new adjustments; there are problems in production, there are problems in testing, and the cost escalates and escalates; and again and again we have, in such cases, seen overruns of 100 percent, 200 percent, or 300 percent.

An overrun in this case of more than 50 percent would very likely make the SST economically unviable. The fact is that it suffers a handicap now because it is likely to cost about $50 million a copy, and it is in competiton with a plane, the 747 which costs about $20 million a copy. The airlines might well find, in view of the amortization difficulties, the problems encountered in attempting to amortize a $50 million investment, that the supersonic transport may not be worthwhile even at $50 million. So, if the cost increases to $75 million or $100 million per copy, forget it. Then the taxpayers' $290 million would go down the drain.

In the third place, the assumption that the supersonic transport is going to work depends on the continued prosperity of the airlines and a willingness to buy. This, too, has already proved to be a very tenuous assumption. The airlines are in great difficulty now. They are having trouble buying 747's the subsonic jumbo jet they would like to get, although this is a fine plane and is a very practical and effective plane.

Stuart Tipton, representing the Nation's airlines, told the Appropriations Committee in August that they would not want to be asked to put up any more money for the SST now. They do not have it, and they are not that enthusiastic about the SST, anyway. They have not made reservations for the plane. They have paid for delivery positions.

The difference between reservations and delivery positions in this case is approximately $1,000,000 or 2½ percent. They have paid about 2½ percent down; but to ask them to come up with any more now, according to the airlines, is asking too much. If the airlines find that they cannot do this, that their capital position is such that they cannot do this, then the supersonic transport would not work out, and the taxpayer would lose the $290 million.

In the fourth place, the assumption on which the FAA is proceeding, that they will be able to have a successful operation and that the SST will be able to pay back to the Government its investment, is that the traveler values his time at one and a half times earnings, and that there will be a very substantial expansion every year of airline travel.

Both those assumptions have to come true. If they do not, then the supersonic transport will not be a success.

There is considerable evidence that travelers do not value the time they would save by taking a supersonic transport at one and a half times their earnings. In fact, if we make the assumption that they value their time equal to their earnings, the result is that there would be a purchase of approximately 139 planes. With 139 planes purchased, the industry would make a profit of about $500 million, and the Federal Government would lose all its investment. So, here again, the risk that the taxpayer is taking on the basis of the investment we are asked to make today is very substantial.

Each of these four assumptions seems to me to be unlikely to work out to the SST's advantage. It is likely that the SST will not be able to meet the noise standards, it is likely that there will be overruns, it is likely that the airline industry is not going to be much more prosperous 6 or 7 years from now than it is today, and it is likely that passengers will not value their time at more than equal to their earnings. If any one of

these assumptions turns out to be correct, we have thrown $290 million down a rathole.

That is just one of many arguments. I have not said anything about the environmental arguments, which I think are the most compelling of all, in spite of the action taken yesterday; but I am sure discussion of that subject will take place as the debate proceeds.

I yield the floor.

Mr. ALLOTT. Mr. President, as a member since 1959 of the Subcommittee on Independent Offices of the Committee on Appropriations, and subsequently also a member of the Subcommittee on Transportation since these matters came to the Transportation Subcommittee, I intend to vote for the SST program.

This is a vote for prudent investment, and I do not care how many times things are said on the floor that indicate otherwise. It is an investment in the future of a vital segment of the American economy—the commercial aircraft industry. In addition, it is an investment in the real sinew of American economic might—large-scale technology-intensive industry.

This vote is also a vote in favor of prudent, sober environmental concern. The SST has become a symbol of environmental recklessness. I must reluctantly reply that this allegation typifies a kind of recklessness which threatens to discredit the whole movement for a better environment.

In the remainder of my remarks, I want to explain why support for the SST is support for our economic future and our prudent environmental concern.

My support for the SST is not undertaken lightly.

My studies in this matter go back over a period of 10 years. My studies and my conclusions represent a settled conviction arrived at over these years of scrutiny of the aircraft industry in general and this project in particular.

No other Member of the Senate has had a livelier interest in or exposure to the SST controversy than I, with perhaps the exception of the two Senators from Washington. I have been a pilot, and I have always followed the serious professional literature of the air industry, and I do so today.

During the last 10 years in the Senate, I have served on the Appropriations Committee. In the full committee, and in the Transportation Appropriations Subcommittee, I have had many opportunities to explore all sides of this many-sided controversy, from the time the first dollars were appropriated for the development of an engine to the present time.

These years of interest have brought me to one strong belief and one firm conclusion. I strongly believe that the SST is a viable aircraft that will figure prominently in air travel in the last three decades of this century. I am firmly convinced that this is not the time to allow pessimistic—but tentative, and only tentative—hypotheses to frighten America away from this promising venture.

The question before this body is Whether or not the United States is determined to hold its position as the world's leading producer of commercial aircraft? We must all ask ourselves this question: Is it plausible to think that people in the 1990's will be flying in basically the same airplanes they flew in during the 1960's?

The SST is alive and well in Europe, which until recently has been a lucrative market for American aircraft. The Concorde has done for Britain and France what it previously took world wars to do—it has them working together. And the Soviet TU–144 is coming along well. Both planes have been flown over twice the speed of sound.

Like it or not, these great nations are in the race to capture the SST market. Like it or not, their governments are giving solid support to development programs. Like it or not, airlines are voting with their checkbooks in favor of the SST's. The remarks made earlier by the distinguished Senator from Wisconsin to the contrary, the fact that the airlines are not in a position to place more cash on the line for airliners which are perhaps 10 years down the road is no indication that they are not in the market for those planes, because they are. I know the airline industry, and I know that they are.

They believe that the plane is technologically and economically viable and they are planning orders.

Therefore, like it or not, America's hold on 84 percent of the free world aircraft market is in serious jeopardy. In fact, it is quite clear that unless the SST is built, our hold on that market is doomed.

If we lose our overseas markets, we stand to sustain a $22 billion balance-of-payments loss and a loss of $6.7 billion in tax revenues in just 12 years.

If this $290 million appropriation can measurably enhance our chances of avoiding these losses, then it must rank as one of the most unambiguously lucrative investment opportunities of all time.

Set against these staggering sums, the $290 million appropriations seems paltry indeed. What is more, under the terms of the program, the Government stands to get all of this investment back when the SST becomes a paying proposition.

Even if we continue to support the SST, there is no guarantee that our supremacy will be maintained. But one thing is certain. If we cash in our chips and silently steal away from the competition, then our supremacy is as doomed as the SST—and so far as our leadership in supersonic transport is concerned.

Mr. President, the penultimate sin in government is to advocate an end without advocating the means to achieve that end. The ultimate sin in government is to advocate an end while actively opposing that means necessary for achieving that end. I am afraid that those opposing the SST may be unwittingly committing this ultimate sin.

All of us want a healthy balance-of-payments situation; all of us want a stable and competitive and technologically progressive aircraft industry; but not all of us want to deliver the means for these ends. I think that the SST appropriation is a relatively painless means of promoting these great ends.

Now I want to speak briefly about the anxieties aroused by environmentalists. These concern the emissions and the noise that will result from SST flight.

While we have heard many people quoted on this subject, I invite attention to the fact that the endless years of research on environmental problems by the Government and what it is doing now in the way of research, with task forces on noise, and every other aspect of the problem, have simply been avoided by those who are opposed to the SST. I hope to go into that later this afternoon.

I do not want to summarize the various conflicting opinions coming from various sources in the scientific community. I simply want to emphasize the fact that the reports are conflicting. Opinion is divided on almost every particular in the indictment of the SST as a threat to the environment.

Again and again we run up against the statement: the scientists do not know what the environmental consequences of SST fleets will be. And, of course, what could be less surprising. Scientists are just like the rest of us in one important particular: the number of things they do not know is literally infinite.

The question is: Since when must we feel obliged to throttle down American society, and abstain from technological advances, just because the scientific consensus is that we do not now know that the final outcome of it all will be? We do not know for sure whether the environmental effects of a large world fleet of SST's will be unacceptable. I do not hesitate to say that if the aircraft is a threat to the environment, I will use all the power at my command to see that its inadequacies are corrected or, if that is not feasible, that it is permanently removed from service.

I do believe that we will be able to make projections about the long-term effects of full-service SST fleets long before those fleets are actually airborne. In fact, from flights of our prototypes we will be able to make these projections. I submit, Mr. President, that no scientist worth his salt will project absolutely what the effects of this will be until the prototypes are flying. Therefore, a vote for further SST development is consistent with a firm and prudent concern for the environment.

Too often environmental concern translates in practice into a vague, generalized hostility toward machines and technology. Some environmentalists today seem to take seriously the laconic remark made by the poet Ogden Nash: "Progress was alright once—it just went on too long."

Further, there is a constant danger in legislating that we will cast votes for symbolic impact rather than on the merits of a particular piece of legislation. There is some danger that the SST might be sacrificed as a gesture of concern for the environment.

No one has a monopoly on concern for the environment. Many of those in the Senate who most seriously advocate adoption of the SST have also taken the lead for years in concern for the environment. If we did sacrifice it, it would be unfortunate. It would give the false impression that the SST is a proven threat to the environment—and nothing could

be less true—and it would divert us from the substantial—as opposed to the symbolic—measures necessary for environmental improvement.

The results of extensive pro and con hearings on this matter are readily available to every Senator. That is stretching back over a period of 10 years. I am sure that all Senators have prepared for this vote by getting beneath the headlines and into the hard data—some portions of it conflicting; some portions of it more balanced and objective than others—which has been gathered by the many interested participants in this debate.

Personally, I believe that the Department of Transportation, and especially Mr. William M. Magruder, director of the SST program, deserve the highest praise for the comprehensive materials they have assembled for the explanation and defense of this project. They have made their case. I urge support for the SST.

Mr. President, I urge my colleagues to vote down the pending amendment. The amendment has repeated itself year after year and Congress has repeatedly voted it down—usually by a rather overwhelming vote.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I rise at this time to discuss section 309 of the appropriations bill now before us, that of the Department of Transportation, and later shall make a motion to strike the section from the pending bill. This particular section concerns the development of the Portland International Airport.

I am pleased to have the opportunity to discuss this with my two good friends, Mr. MAGNUSON and Mr. BIBLE. As a member of the Interior and Insular Affairs Committee, where I serve on a subcommittee chaired by Mr. BIBLE, and on the Small Business Committee which he also so ably chairs, I note that we work in concert toward solutions of common problems on both committees far more often than we disagree. As the senior Senator from Washington, my friend, Mr. MAGNUSON, and I have worked together numerous times as we try to solve problems common to us northwesterners. I have enjoyed this collaboration in the past, and I look forward to more joint endeavors in the future.

I am deeply troubled by the committee's action reflected in section 309 of the bill. I do not think it represents what is best for my State, for the residents of southwest Washington, and for the Nation. I also fear this action could start a trend that might impede the Council on Environmental Quality as it considers urgent matters of great concern to my colleagues from Nevada and Washington and to me.

I would like to offer a little background on the development of the Portland International Airport. Our existing terminal was put into operation in 1958. During my 8 years as Governor, I worked closely with the Port of Portland, as we watched the airport traffic surpass our estimates after 1963. The Port of Portland is a State agency whose members were appointed by the Governor. As we all are aware, it was about this time that airports across the country began to experience a more rapid growth rate. Our conferences between the Governor's office and port officials, and the port's projections after 1963, clearly showed that the Portland International Airport would need to grow at a time sooner than we had forecast earlier.

By late 1966, the port has engaged a very distinguished firm to provide a master plan for future growth and expansion. A central result was that our runways had to be lengthened and separated more if expansion was to take place at the present site.

I would point out to my colleagues that expansion of the existing Portland International Airport was not the only alternative studied when it became clear that the Portland—northwest Oregon—southwest Washington area would need a facility with greater capacity. Serious consideration was given a site between Portland and Salem, near the town of St. Paul. It was only after much research that a decision was reached to enlarge the existing Portland International Airport.

As Governor, and since that time as Senator, I have been intimately involved in this project. I have helped, in all ways possible, to expedite approval of the project so that work can begin. I am very familiar with this project, and would like to discuss certain aspects of it.

Expansion of the two main runways at Portland International Airport can be achieved only by use of a relatively small landfill along the edge of the Columbia River. The angle of the two runways will be turned slightly, as well as lengthened.

Exhaustive and thorough studies were made to ascertain the environmental impact of this action. It is to this point, Mr. President, that I wish to address these remarks. I want to assure my good friend and colleague from Washington that his fears about any adverse impact of the environment have been studied and restudied. I hope that the senior Senator from Washington will see the great weight of the evidence supports development of the Portland International Airport in a manner consistent with sound environment protection.

First, let us consider the impact of the slight intrusion into the Columbia River by the land fill. The question is, Would serious damage be done to the river itself by any physical alteration of one bank?

I believe the facts show that there is no damage to the flow or channel, nor any other aspect of the river as it passes by the airport site. A respected consulting engineering firm studied the hydrolic aspects of the proposed expansion. They found that "sediment transport capacity of the proposed channels would tend to be more uniform than it is in the present channel. This means that both scour and deposition would be diminished." This means less erosion and less silting than we have now. The report also notes that "flood passing ability would be equal to or slightly greater than that of the present channels."

It is the desire of the senior Senator from Washington to ask the Council on Environmental Quality to review this project. I would like to call to the attention of my colleagues a letter from Russell Train, now Chairman of the Council on Environmental Quality, written when he was Assistant Secretary of the Interior.

The letter addressed itself to the question of environmental disruption caused by the dredge and fill operations of the airport expansion. The letter says, in part:

> The Department of the Interior has interests in seeing that the game refuge, recreational facilities, and maintenance of water quality during dredging operations be given due consideration. It appears that the Port of Portland will be able and willing to meet the minimum conditions we consider necessary—with regard to these three matters.

I ask unanimous consent that the full letter from Mr. Train to Gen. F. P. Koisch appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 19, 1969.

Brig. Gen. F. P. KOISCH, USA,
Director of Civil Works,
Office of the Chief of Engineers,
U.S. Department of the Army,
Washington, D.C.

DEAR GENERAL KOISCH: Responding to your February 5 letter concerning an application of the Port of Portland for a permit for dredge and fill operations incident to the expansion of Portland International Airport, we offer the following comment.

The Department of the Interior has interests in seeing that the game refuge, recreational facilities, and maintenance of water quality during dredging operations be given due consideration. It appears that the Port of Portland will be able and willing to meet the minimum conditions we consider necessary—with regard to these three matters.

Sincerely yours,

RUSSELL E. TRAIN,
Under Secretary.

Mr. HATFIELD. Mr. President, the next aspect of environmental protection concerns noise from aircraft. I certainly share my colleague's concern in this area.

First, I would like to quote from a letter to the Port or Portland from Fred S. McKnight, Chief, Air Traffic Branch, Oregon and Washington, of the Federal Aviation Administration. Mr. McKnight notes that "at the present time, aircraft landing to the east, or taking off to the west on the north parallel runway pass over the downtown area of Vancouver." Mr. McKnight also notes that aircraft using the southern runway in the same way "pass over or near the Parkrose area east of Portland."

Continuation of current flight patterns will be over downtown Vancouver, Wash., and the Parkrose area of Portland.

I wish to point out to my colleagues the effect on noise level if the new runways are constructed. Planes using the new north runway, again quoting Mr. McKnight, "would be shifted southward over the Columbia River and south of the city of Vancouver." Also, the FAA letter notes that use of a new south runway "would shift the extended centerline of the runway northward which would reduce noise exposure to residents of the Parkrose area."

While the FAA report admits to "a slight increase in noise in a relatively small area along the north bank of the river," the letter states "the much larger areas of high noise level will be shifted southward away from Vancouver to over the Columbia River and the bottom lands on the south side of the river. The new areas affected are not primarily residential areas."

Let me highlight a conclusion reached by the FAA. It states:

The FAA study concluded that there will be an overall reduction of noise exposure over the downtown area and principal residential areas of Vancouver, Washington, by construction of the new runways. In addition there should be a slight improvement in the Parkrose area southeast of the airport.

I ask unanimous consent that the full letter from Mr. McKnight appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL AVIATION ADMINISTRATION,
Seattle, Wash., February 17, 1969.

AERONAUTICAL STUDY NO. 68-SEA-38-NRF, DETERMINATION OF AIRSPACE USE

On June 13, 1968, the FAA circularized for public comment a proposal by the Port of Portland to replace the two principal runways 10R/28L and 10L/28R with two new runways 5,000 feet apart realigned to 9R/27L and 9L/27R.

The FAA letter "To All Concerned" stated that objectors to the proposal should state valid aeronautical reasons how the proposal would adversely affect safety of air navigation. Because of the considerable public interest and the many comments received, the FAA conducted an Informal Public Hearing in Portland, Oregon, on September 25 and 26, 1968.

Both in writing and at the hearing many comments were received in support of and in opposition to the proposal. Those supporting the proposal spoke to the need for expanding the capability of the airport to meet the needs of the public for air transportation. They called attention to the advantages of the present airport location in serving the public because of its central location in the greater Portland-Vancouver metropolitan area, and its proximity to rail, highway and water transportation facilities for an integrated transportation system. The objections were primarily concerned with possible increased noise, possible effects on river hydraulics, and effects on the recreation areas, wildlife and natural beauty.

EFFECT ON OTHER AIRPORTS

No objections to the proposed new runways were received based on safe and efficient use of airspace at other airports in the vicinity.

The FAA study developed the following facts. The extended centerline of the existing runway 10L/28R passes directly over Pearson Airpark at Vancouver, Washington, which is located 3.5 miles northwest of the end of runway 10L. Because of potential traffic conflictions between aircraft using runway 10L/28R and aircraft using Pearson Airpark, the FAA on October 6, 1967 issued a Special Air Traffic Rule in FAR 93, Section H, requiring aircraft using Pearson Airpark to contact Portland Tower and to fly all traffic patterns to the north of Pearson Airpark. The extended centerline of the proposed new runway, 9L/27R, would pass approximately 2,000 feet south of Pearson Airpark. Safety of operations at the two airports would be improved by providing lateral separation between the flight paths of aircraft using the two airports.

The extended centerline of the proposed runway 9L/27R would pass directly over Troutdale Airport eight miles to the east. A 2½ degree glide slope would be at an elevation of 1830 feet MSL over Troutdale Airport. Aircraft operating IFR or VFR using runway 9L/27R at Portland would normally be at or above the glide slope altitude. The field elevation at Troutdale is 36 feet MSL and the traffic patterns are presently flown at 1000 feet above ground. A traffic pattern altitude of 800 feet above the airport elevation is feasible for Troutdale and the FAA will recommend this altitude for Troutdale patterns if the new runway is constructed. This will provide approximately 1000 feet vertical separation from aircraft on approach to Portland. In addition the FAA operates a control tower at Troutdale Airport 16 hours per day during the active traffic periods. The vertical separation between flight patterns and the control tower service will provide adequate safety for the flights using both Troutdale Airport and Portland International Airport.

The proposed new runways would not affect other airports in the vicinity to any greater extent than the existing runways at Portland International Airport.

The FAA study concluded that the construction of the two new runways proposed at Portland International Airport would have no adverse effect on safe and efficient use of airspace at other airports in the vicinity, and would result in some improvement in safety of operations in the vicinity of Pearson Airpark.

The KGW radio towers 636 feet AMBL located approximately 16,800 feet west of the threshold of the proposed Runway 9R will penetrate the obstruction standards of FAR 77.27(b) approach surface by 240 feet. The Port of Portland has recognized this obstruction and stated in their presentations at the FAA hearing that these radio towers will be relocated or lowered if the plan is approved.

NOISE

Many residents of the City of Vancouver, Washington, objected to the proposed construction because of anticipated additional aircraft noise. The FAA recognizes aircraft noise as a factor in its airspaee review of airport proposals.

The FAA study showed that at the present time aircraft landing to the east, or taking off to the west on the north parallel runway, 10L/28R, pass over the downtown area of Vancouver. Approach and departure paths to the west for the new north parallel runway 9L/27R would be shifted southward over the Columbia River and south of the City of Vancouver. Similarly, aircraft taking off to the east or landing to the west on the present south parallel runway 10R/28L pass over or near the Parkrose area east of Portland. The new south runway 9R/27L would shift the extended centerline of this runway northward which would reduce noise exposure to residents of the Parkrose area.

The new north parallel runway 9L/27R is proposed to be built partly on a fill in the Columbia River and will be closer to the north bank of the Columbia River adjacent to the airport by amounts varying from 500 to 2,500 feet as compared to the present north parallel runway 10L/28R. Applying typical noise contour curves to the existing and proposed runways indicates there will be a slight increase in noise in a relatively small area along the north bank of the river opposite the airport. The much larger areas of high noise level extending from the ends of the runways along the extension of the runway centerlines will be shifted southward away from Vancouver to over the Columbia River and the bottom lands on the south side of the river. The new areas affected are not primarily residential areas.

The FAA study concluded that there will be an overall reduction of noise exposure over the downtown area and principal residential areas of Vancouver, Washington, by construction of the new runways. In addition there should be a slight improvement in the Parkrose area southeast of the airport.

RIVER HYDRAULICS

Some objections received by the FAA concerned possible adverse effects on the Columbia River hydraulics.

The U.S. Army Corps of Engineers solicited comments and conducted a public hearing in Portland on August 1, 1968 to assist them in studying possible effects on the Columbia River of the proposed filling and dredging. That agency is now reviewing and studying the proposal and will be issuing a separate determination on these matters.

OTHER EFFECTS

The FAA received comments both in support of and objecting to the proposed new runways with respect to the effect on recreational areas, wildlife refuges, the historic character of the river, and the natural beauty of the river.

Under the Department of Transportation Act both the Department of Transportation and the Department of Interior must give consideration to the effects of proposed airport construction on public parks, recreational areas, historic sites and wildlife refuges prior to granting of any federal funds for assistance on new airport construction.

Consideration of these factors is not a part of this determination which is concerned with the safe and efficient use of airspace.

RUNWAY 2/20

Some persons commenting on this proposal referred to the current project for extension of runway 2/20. On February 16, 1966, the FAA in a letter "To All Concerned" invited public comment on the proposal to extend runway 2/20 in a southwesterly direction. In addition to the normal distribution of this notice to approximately 125 organizations and persons on our regular mailing list, copies were mailed to Portland and Vancouver newspapers, city officials and airport managements. No objections were received and that proposal was found acceptable from an airspace use standpoint on September 19, 1967. Extension of runway 2/20 is not a part of the proposal now under consideration and is not being evaluated in this study since it was reviewed previously.

DETERMINATION

Therefore, pursuant to the authority delegated to me, I determine that there is no objection by the Federal Aviation Administration from the standpoint of safe and efficient use of airspace to the construction of two new parallel runways, 9R/27L and 9L/27R, at the Portland International Airport as proposed by the Port of Portland.

This determination is effective February 14, 1969, and expires on December 31, 1971, unless construction of the new runways has started, or the determination is otherwise extended.

In order to permit the optimum instrument approach minimums and realize the full potential of these new runways, it will be necessary to relocate or lower the KGW radio antennas so they do not exceed the obstruction standards in Federal Aviation Regulations, Part 77. Commitments have been received from the KGW Radio Station and the Port of Portland to accomplish this.

FRED S. MCKNIGHT,
Chief, Air Traffic Branch, SEA-500, Oregon and Washington.

Issued in Seattle, Washington, on February 14, 1969.

Mr. HATFIELD. Mr. President, next, I wish to comment on any possible adverse effects on recreation opportunities and on wildlife management.

The Oregon Game Commission, which, as my colleague from Washington knows, is among the most respected in the Nation, naturally was worried about any adverse environmental impact caused by expansion of the airport. The game commission not only agreed to the purchase of its lands by the port, but said in a letter to the port that the money received, $900,000, would be used to purchase additional lands and "the program to be carried out by the game commission under this contract will result in an orderly program for the acquisition of exchange properties of equal or superior useful value to carry out the statutory objectives and purposes of the game commission."

The areas purchased by the port were threatened by an encroaching urban population. This action will allow the Game Commission to develop an even better program elsewhere.

The recreation potential of this section of the Columbia River will be increased by the airport expansion and not decreased. The water area of the river will actually be increased by 97 acres. An additional 14,000 feet of beach accessible by auto will be provided and a new 22-acre area for park and picnic areas will be available. Also, additional boat anchorages and boat ramps will be built, and a protected boat basin will allow for more than 3,000 boat moorage slips.

I ask unanimous consent that a comparison of the recreation areas be printed at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

COMPARISON OF RECREATIONAL AREAS

Item	Existing	Proposed	Change
1. Lineal feet of waterfront	131,000	119,000	12,000 less.
2. Lineal feet of developed beach accessible by auto.	25,000	39,000	14,000 more.
3. Number of moorage slips	789	3,370	2,581 more.
4. Boat ramps	5 lanes	11 lanes	6 more.
5. Park and picnic areas	None	22 acres	22 more
6. Miles of scen c drive	5.7 miles	6.4 miles	0.7 more.
7. Boat anchorage (water area)	45 acres	80 acres	35 more.
8. Swimming beaches	None	3,000 l neal feet	3,000 more.
9. Acres of water change	730 acres	827 acres	97 more.

Mr. HATFIELD. Mr. President, I would like to direct a few additional remarks to clarify language in the Appropriations Committee report.

The report says on page 12:

Present architectural plans call for one runway to be built into the Columbia River, thus changing the natural flow of the Columbia River.

Unfortunately, this gives a slightly foggy picture. I want to point out that nothing in these plans envisions a runway jutting out at right angles into the river and nearly blocking the flow of water. We are not closing off the channel—we are only shifting it slightly. The actual water surface shows a slight increase. The slight alteration of the channel, it should be noted, is along a basic straight line. As I pointed out earlier, studies show the effect of this will be to help the channel—in combating erosion, in slowing sedimentation, and in not increasing any potential flooding damage. I point this out because someone might read "changing the natural flow" and automatically think "harm the natural flow." I believe the evidence shows that this is not the case.

The next paragraph in the committee report continues the committee's expressed concern:

The committee is concerned that federally supported airport construction projects not degrade the environment or threaten natural resources such as the Columbia River. It is particularly important that the new Council on Environmental Quality review the various agency and Department decisions on projects that will have a serious impact on the Nation's environment.

I cannot believe that the committee will try to refer all airport expansion across the country to the Council on Environmental Quality. There is the presumption that any alteration of any airport would have some impact on the environment. This is not my interpretation of the role of the Council on Environmental Quality, nor do I believe it to be that of Russell Train, its Chairman. Let me quote from the statement of Mr. Train before the Interior Committee when he was nominated as Chairman of the Council on Environmental Quality:

While the Council necessarily will direct attention to current issues of national significance, I believe we must avoid becoming a sort of environmental fire brigade rushing from one brush fire to another. The temptation will be great on the part of committees of the Congress, Federal agencies, and perhaps the public at large to refer controversial environmental issues—often local in nature—to the Council for review and recommendation. The fact is that the Council is not equipped for such a role. It must be carefully selective in its choice of issues and, indeed, must exercise strict self-discipline in this matter because the temptation to respond will be great. It is my belief that the Council should deal with local issues only when they possess national significance. . . .

This is not to say that this Council has no role to play. As a cosponsor of the bill to create the Council, I am aware that it does have a role to play in the development of our airports. This, however, is not one of those times, in my opinion.

The last paragraph of the report dealing with the Portland Airport says:

The committee is also concerned that local officials search out airport locations that will have the least possible environmental impact. Hopefully, this action will demonstrate the concern of Congress regarding the location and impact of airport construction.

I want to remind my colleagues of the fact that this was done. The Port of Portland began with a list of 25 potential sites. This was narrowed to two possibilities: expansion of the present site, or relocation at a site between Portland and Salem. This alternate site, at St. Paul, was studied in detail, and environmental concerns were paramount. As one example, I would note that one study detailed the problems inherent in the sewage system. The report notes about the St. Paul site:

St. Paul Site: Woodburn is the closest community that maintains a sewage treatment plant. However, the small size of its plant and the long distance of the service from the airport indicate a separate airport system would be less expensive. Indications are that the State would require secondary treatment of the effluent before dumping into the Willamette River.

My understanding is that the State today would require even stricter water quality standards than was indicated in this 1968 report. The fewer sewage problems at the Portland International Airport are shown by the report's comments—

PIA: It is expected that in the development of the first-stage expansion sewer treatment would be supplied either by the County in a service district or by a hook-up to the City of Portland system.

Also, I do not see how this one action "will demonstrate the concern of the Congress regarding the location and impact of airport construction."

Mr. President, I now wish to call attention to the study undertaken by the Department of Transportation Secretary, John Volpe. As my colleague from Washington is aware, he was under pressure from both of us regarding his position on this issue and studied the matter carefully.

When the Secretary announced approval of this project on July 11, 1969, he addressed the major portion of his remarks to the environmental question.

Let me quote from portions of his letter:

Volpe said he was aware of the "deep concern over increased noise exposure" over the north shore of the river. "Despite that drawback," he continued, "I am convinced that every feasible action has been taken to insure that the airport will have a minimal impact on the area's overall environment.

I wish to interject at this point that Secretary Volpe was talking about the nonresidential area along the north shore; he was not talking about the residential area of Vancouver, Wash., over which the patterns are now established.

I continue to read from the letter:

Beyond the single noise drawback, which would be a slight increase of 3 or 4 perceived noise decibels, Volpe said "the project would actually improve the area's collective environment by reducing noise levels over more-densely populated areas, assuring a more stable river channel and by substantially increasing recreational facilities.

Then, he acknowledges the studies of the St. Paul site when he stated:

The public benefits gained by expanding the existing facility far outweight the advantages of relocating to the St. Paul site, 32 miles from downtown Portland.

The press statement from the Department of Transportation noted:

The Secretary's decision followed a detailed evaluation of staff studies prepared

by the Department of the Interior, the Federal Aviation Administration and the U.S. Army Corps of Engineers on the expansion and modernization plans for the airports.

I call attention to the Secretary's study of the environmental impact on the Columbia River itself. He stated:

I found that a detailed study had been made of the resulting changes to the River's hydrology. The study was accomplished by a competent concern whose findings indicate that the contemplated relocation is not only sound and practical but also should result in a more stable channel, increased scour protection, better flood passing ability, and improved sediment transport capacity.

Lastly, the Secretary commented on the noise effect of the airport expansion. He said:

Moreover, that study has been independently reviewed on behalf of the City of Vancouver with the report's findings being totally verified. In addition, I am advised that the Corps of Engineers has completed its study of the matter and has arrived at the same general conclusions. My review also determined that there is general agreement that the project will improve existing recreation facilities by substantially increasing beach, park, and picnic areas, boat anchorages, public boat ramp facilities, and moorage slips.

Mr. President, I ask unanimous consent that the press release of the Department of Transportation Office of the Secretary appear at this point in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF TRANSPORTATION NEWS, JULY 11, 1969

Secretary of Transportation John A. Volpe today approved the expansion of Portland International Airport, partially on fill in the Columbia River, "as the very best solution to the long range air transportation needs of the Portland, Oregon-Vancouver, Washington area."

Volpe said he was aware of the "deep concern over increased noise exposure" over the north shore of the river. "Despite that drawback," he continued, "I am convinced that every feasible action has been taken to insure that the airport will have a minimal impact on the area's overall environment."

Beyond the single noise drawback, which would be a slight increase of 3 or 4 perceived noise decibles, Volpe said "the project would actually improve the area's collective environment by reducing noise levels over more-densely populated areas, assuring a more stable river channel and by substantially increasing recreational facilities."

Volpe said that "the public benefits gained by expanding the existing facility far outweigh the advantages of relocating to the St. Paul site," 32 miles from downtown Portland.

The Secretary's decision followed a detailed evaluation of staff studies prepared by the Department of the Interior, the Federal Aviation Administration and the U.S. Army Corps of Engineers on the expansion and modernization plans for the airport.

Volpe said: "I found that a detailed study had been made of the resulting changes to the River's hydrology. The study was accomplished by a competent concern whose findings indicate that the contemplated relocation is not only sound and practical but also should result in a more stable channel, increased scour protection, better flood passing ability, and improved sediment transport capacity.

"Moreover, that study has been independently reviewed on behalf of the City of Vancouver with the report's findings being totally verified. In addition, I am advised that the corps of Engineers has completed its study of the matter and has arrived at the same general conclusions. My review also determined that there is general agreement that the project will improve existing recreation facilities by substantially increasing beach, park, and picnic areas, boat anchorages, public boat ramp facilities, and moorage slips."

Mr. HATFIELD. Lastly, I want to repeat that Russell Train already approved this when he was Under Secretary of the Interior. In addition, I want to repeat the comments of Mr. Train when he appeared before the Interior Committee during his confirmation hearings as Chairman of the Council on Environmental Quality. I ask unanimous consent that Mr. Train's full statement before the Interior Committee appear at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. In conclusion, Mr. President, I wish to summarize the points I have raised this morning. First, this project has been studied and restudied, examined and reexamined, reviewed and approved. This is probably the most studied airport project in the country. Federal agencies, State agencies, local agencies, and citizens groups all have examined this proposal. The areas of environmental concern to my colleagues also were a concern to me and to the many others who have assisted in this project.

The words "environment" and "ecology" are not new code words to Oregonians. During my terms as Governor, the expression "payrolls and playgrounds" described our State's growth and development. Protecting Oregon's livability always has been an important theme in our State development. We subjected these plans to close scrutiny to see that every environmental impact of this expansion was explained and studied. We tried to eliminate all environmental harm we could, and minimize the rest.

This airport plan embodies an economically sound expansion operation coupled with a deep concern for the protection of our environment.

I ask that the record be examined: any damage to the Columbia River caused by the dredge and fill operation was studied by private firms, by the Department of the Interior, and by the Corps of Engineers. The noise pollution problem was studied in detail by the Federal Aviation Administration. It showed a decrease—not an increase—as a result of this plan. Recreation and wildlife plans would be aided—not hindered—by this expansion.

It is for these compelling reasons that I shall later move to strike section 309 from the bill. I urge my good friend and colleague to reconsider the earlier decision and allow this section of the bill to be stricken.

Mr. President, I ask unanimous consent that an excellent article on the effects of any delay on expansion of the Portland International Airport, written by, a respected writer, Mr. Leverett Richards of the Oregonian of December 2, 1970, appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENGINEERS STUDY EFFECT OF RUNWAY EXPANSION DELAY

(The U.S. Senate will vote this week on a rider proposed by Sen. Warren G. Magnuson, D-Wash., which would block all federal funds for expansion of runways at Portland International Airport "until appropriate studies have been made to identify an environmentally acceptable site." Mr. Richards discussed the effects of this restriction with Port of Portland engineers, and these are their answers.)

(By Leverett Richards)

What will be the fate of Portland's International Airport if Sen. Magnuson's rider is passed by Congress blocking construction of the new 10,000-foot runway on the south shore of the Columbia River?

Portland's chances of becoming a true international air terminal will be doomed, at least for the next ten years. The port will be forced to continue operating on its existing runways with increased delays in air service. Both Vancouver and Parkrose residents will be subjected to increased quantity of noise, if not an actual increase in decibels, due to larger number of planes using existing runways.

The port will be forced to spend $50 million to $55 million between 1971 and 1981 on temporary measures to cope with traffic congestion on the airport. And jetliners will still be unable to take off for overseas points as Hawaii, London or Tokyo with full passenger and cargo loads.

Then what?

If the Port's expansion plans are still blocked in the early 1980s, Portland would have to build a new airport elsewhere at a cost of $180 million to $200 million.

NOISE LEVEL REDUCED

If the port is permitted to proceed with its present expansion plans the noise level will be substantially reduced on both sides of the river. The new airport could handle up to 32 million passengers a year in both domestic and international traffic—adequate to meet the area's needs through the year 2000.

Why not extend the existing runways on the present site, as proposed by Sen. Magnuson and other opponents of the fill adjoining the south shore of the Columbia?

The north runway cannot be extended either east or west without moving the levees. To extend it to 10,000 feet (which is required for international flights) the levee at the east end of the runway would have to be pushed northward about 1,350 feet, blocking the south channel.

The south runway (10R–28L) could be extended to 11,000 feet on its present alignment. But federal regulations require 5,000 feet of separation between parallel runways in order to permit simultaneous use of both runways under instrument conditions. Portland International has only 3,000 feet separation.

MOVE THWARTED

Why not move the whole airport further south on the present site, as demanded by Sen. Magnuson and some Vancouver residents?

Because all 430 acres of land on the south side of the airport is under lease to the Air Force until the year 2004.

Why not move the Air Force to Salem or Corvallis?

That was one of the first proposals Portland representatives discussed with the Pentagon. The Department of Defense refused to consider moving out of the Port-

land area, since that is where reservists and guardsmen live.

Why not move the Air Force facilities to Aurora or Hillsboro?

To do so would cost $60 million or $70 million for construction of a 9,000-foot runway with 1,000 feet of overrun at each end, plus the other facilities required.

COSTS GREAT

To move both existing runways at Portland International 2,000 feet south would eliminate the existing air terminal building, which cost about $20 million. Construction of a new runway 2,000 feet farther south in a slough area would cost about $6 million more than under the Port's expansion plan.

Such a move to the south would put the south runway in Northeast Portland's lap and exceed the allowable limits of noise over Parkrose. Federal agencies would never approve such a plan.

Why not build a whole new airport at a new location?

NEW AIRPORT EXPENSIVE

This was the first choice for a solution. But studies showed it would cost at least $65 million more today to build a new airport than to provide the same facilities on the present site.

It would cost the public another $7 million a year in added transportation costs to drive the 32 miles to the St. Paul site. Studies showed that 78 per cent of passenger and cargo originated in the Portland area, 22 per cent in downtown Portland.

Federal regulations would require at least 12,000 acres for a new international airport. (The new Dallas-Fort Worth Airport will cover 20,000 acres.) The only place Port of Portland could find this much level land would be in the Willamette Valley.

The port would face the same fight with environmentalists and other interests if it tried to take 12,000 of the state's most fertile agricultural land out of production for an airport. Construction would take 5 to 10 years, depending upon the legal and political delays involved.

There is a serious question whether funds could be obtained. The airlines, who hold the purse strings, flatly refused to consider moving out of Portland when the proposal was first discussed.

The original plan as to finance the $65 million PIA expansion plan almost entirely by revenue bonds to be paid off by airline fees. Delays have sent the estimated costs of the expansion plan soaring to $115 million or more. Now federal funds to pay 15 or 20 per cent of the total cost have become vitally important.

What are the port's present plans?

The Port Commission is proceeding with the expansion plan adopted two years ago, but modifying priorities as required by circumstances.

The port will have to spend another $7 million to $9 million to provide more space in the terminal building to handle the increasing traffic. The airport sometimes has waiting lines at the restaurant, bar and gift shops during rush hours. The airport will have to provide more parking space for automobiles. These new facilities will have to fit into the new terminal building under the expansion plan.

The expansion plan seems to be the only feasible solution to the growing needs of the area from an economic and environmental standpoint.

The 10,000-foot new runway to be built on a 644-acre fill adjoining the present levee and extending to the tip of Government Island is the key to the whole expansion plan.

The new south channel will be built within a few hundred feet of the channel that cut Government Island in two when Lewis and Clark first sighted it in 1805. The south channel, now unusable most of the year, will be opened to small boat traffic the year round.

Studies of the river by Bauer Engineering Co. showed that the new channel would improve the flow of the river, eliminating existing areas of shoaling and erosion.

The Corps of Engineers permit authorizing the port to dig the new channel makes the port liable for any damage that might result. The port was required to make a thorough survey of the river and its banks for eight miles. If any damage is detected after the channel is cut and the new runway constructed the permit provides that the port is liable.

MORE STUDY NEEDLESS

The Corps of Engineers reviewed the findings of the engineering study and determined that no further hydraulic studies were required. The permit requires landscaping of the fill and the new Columbia Bay boating area.

Studies by Bolt, Beranek and Newman, acoustical consultants to the Federal Aviation Administration, and by Towne and Associates of Seattle, showed that swinging the north runway 7½ degrees to the southwest would result in a substantial reduction of noise level for Vancouver's 20,000 residents, except for a slight increase affecting about 260 residents of the north shore east of Vancouver. Even here the noise level will be below the allowable 90 decibels.

Only by this new alignment, which puts the takeoff path of airliners 1,200 feet farther south of Vancouver's Main street—can the noise level be reduced for Vancouver residents.

Portland International Airport will continue to operate as an airport even if a new airport is built elsewhere after the year 2000, according to present plans.

EXHIBIT 1

REMARKS OF HONORABLE RUSSELL E. TRAIN

Mr. Chairman, Senator Allott, it is a privilege to appear before this distinguished committee.

While the National Environmental Policy Act of 1969 was initiated by this committee, a number of other committees of the Congress, both in the Senate and the House, have played significant roles in the development of this legislation as well as of related aspects of environmental policy. Thus, it is particularly gratifying that these other committees are represented here today.

Indeed, I can recall no other legislation which has been the subject of such broad sponsorship and interest. Nor can I recall any comparable legislation which has attracted such bipartisan support.

In signing into law on January first the legislation establishing the Council on Environmental Quality, President Nixon noted that this was his first official act of the decade of the seventies, thus giving dramatic emphasis to the commitment of his Administration to protecting and restoring the American environment. The President has assured the new Council of his full support and backing.

My two colleagues on the Council, Mr. Robert Cahn and Dr. Gordon MacDonald, are men of great distinction in their fields, who possess broad experience in environmental matters. All three of us have known and worked with each other. I am confident that we will constitute a close-knit, cooperative team.

The concept of a council of environmental advisors—occupying a position somewhat similar to that of the Council of Economic Advisors—is one that I personally proposed and supported as early as 1965. On at least one subsequent occasion I testified before this very committee in favor of legislation establishing such a Council.

The Congress has given the Council a very broad mandate, and I understand that the President will promulgate shortly an executive order designed to spell out in greater detail its functions and authority in carrying out that mandate.

With your permission, I will summarize the more important responsibilities assigned to the Council and then comment briefly upon its role.

First, the Council is directed to study and report the condition of the Nation's environment. This responsibility will require a continuing process of monitoring, evaluation, and prediction. The results of this process will become a part of the President's annual Environmental Quality Report. The identification and measurement of environmental trends would seem to require the establishment of data baselines in atmospheric, terrestrial, aquatic, and marine environments, among others. Much of this fundamental data is not presently available at all. It will be necessary to develop systems, some of which will be international in nature as in the case of atmospheric data. Wherever possible, agencies with direct program responsibilities will be encouraged to undertake the necessary tasks. Finally, assuming that effective systems are established for procuring and measuring needed information, the Council will have the ultimate responsibility of synthesizing and interpreting this data so as to be useful in policy- and decision-making.

Second, the Council will be the President's primary instrument in the development of new environmental programs and policies. For this purpose, the Council will monitor and evaluate all Federal environmental programs. Perhaps even more important, the Council will explore new problems for which present programs are either nonexistent or inadequate. In this connection, the President has spoken of the need to establish an environmental early warning system. We must undertake advance planning to meet critical problems which may still lie below the horizon of public awareness.

Third, the Council will promote coordination of environmental programs scattered throughout the executive departments and agencies. In carrying out this coordinating function, the Council will keep existing organizational arrangements under continuous review and recommend organizational changes as appropriate.

Fourth, the Council will seek to insure that all the activities of the Federal Government take environmental considerations into account. Many government activities—highway and airport development, dam construction, and public works generally, among others—can have important environmental effects. The President has directed the Council to review all such activities and to issue guidelines to ensure that they will be conducted in a way which does not degrade the environment.

Fifth, the Council will assist the President in preparing an annual Environmental Quality Report. The first report will be due this July first. The report will identify major environmental problems, report on environmental conditions and trends, and make policy recommendations. It could help stimulate public understanding of environmental problems and guide government decision-making. Plainly, in the brief space of time available to us before the first report is due, a fully comprehensive report will not be possible.

The responsibilities imposed on the Council by statute and by the mandate given it by the President are complex, far-reaching, and of great magnitude.

We are embarked on nothing less than a new experiment in government—an experiment to determine whether we are wise enough to direct our affairs in a way which recognizes the essential inter-dependence of man and his environment.

Public anxiety over environmental deterioration has reached a high level—and rightly so. Yet the problems with which we

must deal have been years in the making. They will not be cured overnight. It is important that the public, as well as government agencies, understand that the road ahead will be long and hard. Even were we to eliminate all forms of environmental pollution, we would still not have guaranteed a high quality environment. Environmental quality is a far more complex, more subtle objective. It involves the development of new attitudes and new values. Thus, while we must make the investments and achieve the technological breakthroughs necessary to clean up our environment, we must at the same time develop a new perception of man's relation to nature, learn to control our own numbers, develop effective land-use policies, and find new measures of public and private success which emphasize quality rather than mere quantity.

However, I assure you, Mr. Chairman, that while these broader concerns are of great importance, the new Council does not conceive of its role as simply a long-range, academic exercise. Many environmental problems have already been studied to death. In many areas, firm decisions should and can be made now. A case in point is the order issued by the President yesterday directing clean-up of air and water pollution by Federal agencies in their own activities. The Council will keep progress by the agencies in this area under active review. Overall, we intend to recommend positive, action programs. In this connection, it is our desire to place emphasis not only on preventing and stopping environmental deterioration but also on positive efforts to repair, recreate and enhance wherever possible.

While the Council necessarily will direct attention to current issues of national significance, I believe we must avoid becoming a sort of environmental fire brigade rushing from one brush fire to another. The temptation will be great on the part of committees of the Congress, Federal agencies, and perhaps the public at large to refer controversial environmental issues—often local in nature—to the Council for review and recommendation. The fact is that the Council is not equipped for such a role. It must be carefully selective in its choice of issues, and, indeed, must exercise strict self-discipline in this matter because the temptation to respond will be great. It is my belief that the Council should deal with local issues only when they possess national significance. Mr. Chairman, we would particularly welcome the guidance of this committee in our approach to this aspect of our task.

The Council is conceived by the Congress and intended by the President to be the focal point for environmental policy development in the executive branch. At the same time, it is important to understand that neither the Council nor any other single mechanism should be expected to produce "instant" answers to our environmental problems. These are too complex, too deeply imbedded in the entire fabric of our society, to lend themselves to simplistic solutions. The task ahead must engage the cooperation and the dedicated effort of all elements of the Federal Government, of both parties, of state and local governments, of industry, of private organizations and, most important of all, of individual citizens and their families, young and old, all across the Nation.

In his state of the Union Message, President Nixon declared the goal of the seventies is to be "a new quality of life in America."

We are grateful to be given a part in that great task.

Mr. BIBLE. Mr. President, I have followed very carefully the fine statement made by my distinguished friend, a former Governor of the State of Oregon and now the senior Senator from that State, on this particular problem. There was no testimony on this problem before our committee at the time it heard the matter. It was a suggestion made in the subcommittee, of which the distinguished senior Senator from Washington (Mr. MAGNUSON) is a member. We followed the pattern that we had for the Everglades jetport. We thought the pattern there was the correct one. The Senator from Washington (Mr. MAGNUSON) was concerned about some problems affecting the Columbia River, which we all understand. It is in his area, as it is in the area of the Senators from Oregon.

Personally, I have no objection at all to having this item stricken. I would concur in the recommendation of the Senator from Oregon. After all, he was a distinguished Governor of that State. It is in his State. He is the senior Senator from that State. But I would like to get an expression from the senior Senator from Washington.

ANNOUNCEMENT OF POSITION ON A VOTE

Mr. BYRD of Virginia. Mr. President, the Senator from Virginia was necessarily absent from the Senate last evening when the Senate voted on the amendment offered by the distinguished Senator from Washington (Mr. MAGNUSON) to S. 4547, the sonic boom bill. Had I been present and voting, I would have voted in the affirmative, and I would like the record to so show. The voice vote on the amendment appears at page 39633 of the CONGRESSIONAL RECORD of December 2, 1970.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. ALLEN) laid before the Senate a message from the President of the United States submitting the nomination of John A. McKesson 3d, of the District of Columbia, a Foreign Service Officer of Class one, to be Ambassador Extraordinary and Plenipotentiary to the Gabon Republic, which was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 788. Concurrent resolution authorizing the printing of additional copies of "Hearings Relating to Various Bills To Repeal the Emergency Detention Act of 1950," Ninety-first Congress, second session; and

H. Con. Res. 789. Concurrent resolution to provide for the printing of the prayers offered by the Chaplain as a House document.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 14213) to amend sections 5580, 5581, and 5582 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution and to increase the number of members constituting a quorum, and it was signed by the President pro tempore (Mr. RUSSELL).

HOUSE BILL REFERRED

The bill (H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges, was read twice by its title and referred to the Committee on Banking and Currency.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 788. Concurrent resolution authorizing the printing of additional copies of "Hearings Relating to Various Bills To Repeal the Emergency Detention Act of 1950," Ninety-first Congress, second session; and

H. Con. Res. 789. Concurrent resolution to provide for the printing of the prayers offered by the Chaplain as a House document.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. BIBLE. I would like, if I might, because all of the Senators involved in the question are present in the Chamber at this time, to propose a unanimous-consent agreement that the vote on the pending amendment come not later than the hour of 3:30 p.m. That would include a vote on the amendment or perfecting amendments to the pending amendment, which is the amendment of the Senator from Wisconsin (Mr. PROXMIRE).

I have discussed this request with the Senator from Wisconsin, who is standing in front of me. I have discussed it with the Senators from Washington (Mr. MAGNUSON and Mr. JACKSON). I have discussed it with the majority leader. I have discussed it with the Senator from Colorado (Mr. ALLOTT), who is on the Transportation Subcommittee on the Republican side.

I propose that as a unanimous-consent request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BIBLE. I ask unanimous consent that the intervening time—and that is just about 3 hours from now—be equally divided between the sponsor of the amendment, the Senator from Wisconsin (Mr. PROXMIRE), and myself as the manager of the bill. That will be about 1 hour and 30 minutes to each of us.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BIBLE. I now yield 3 minutes to the Senator from Washington (Mr. MAGNUSON).

Mr. MAGNUSON. Mr. President, let me say to my colleagues from Oregon that we will take this matter up after action on the Proxmire amendment.

I want to suggest, first of all, as the Senators from Oregon well know and people in Portland well know, I have always thought there was a better place to build a runway than in the river. I still believe that. There may be many reasons for it. I do not want any implication—and I said this when I came out of the committee—that Portland does not need an expanded airport. It does. I even tried to see if we could not get the Air Force to declare surplus a nearby airfield. I am very jealous of the Columbia River, as are the Senators from Oregon. It is the fastest, cleanest free-flowing river in the world. I know the airport is handy there. I have used it many times. We have had some argument with the people in Vancouver. Meetings have been held, and I think some of the problems are now resolved.

We have recently created a Council on Environmental Quality, which is sort of an advisory committee over and above the Army Corps of Engineers and the Interior Department. The Army Corps of Engineers would naturally support this proposal, because their primary function is to see to it that nothing interferes with navigation. This proposal does not interfere with navigation on the river.

As a matter of fact, one of its members took a look at this matter about 3 months ago. The Department of Transportation, the Department of the Interior, and the Army all agree on this matter.

The only reason why it is in the bill as legislation is that the Everglades matter got in the bill as legislation.

As soon as we are through acting on the Proxmire amendment, I shall make a further statement. I hoped that we might, in the report on the bill, suggest that the Council on Environmental Quality take a look at it. It may approve it. I am sure that the other three departments will approve it. We can take it up after the pending amendment is disposed of.

Mr. PACKWOOD. Mr. President, will the Senator yield to me briefly?

Mr. MAGNUSON. I yield.

Mr. PACKWOOD. I wonder if I might alleviate some of the fears the Senator expressed earlier.

The State of Oregon, over 18 months, studied 25 possible sites for the airport and whether it should remain at this one or go to another site. The choice finally boiled down to this one or another that would have taken 15,000 acres of prime farm land, and over which the flight and noise patterns over urban areas would have been substantially worse than in this area.

The Oregon Game Commission, the Fish Commission, our Environmental Quality Commission have all supported it as being the most feasible site, which also permits marine development in this area.

Mr. MAGNUSON. I am certainly glad about the prospect of the marine development area. One can go to the island on any weekend and find thousands of people who use that area for recreation. I was hoping it would not be bothered by a runway. There is a beautiful beach there, the river actually makes a turn at that point. There was not enough consideration of this island when the runway was initially constructed.

The PRESIDING OFFICER (Mr. GRAVEL). The time of the Senator has expired.

Mr. MAGNUSON. As I understand it, we will take it up when we are through with the Proxmire amendment.

Mr. BIBLE. Mr. President, I yield myself 1 minute.

Mr. MAGNUSON. Let me add one word. Normally this kind of language should be in the report.

Mr BIBLE. I yield myself 1 minute. This matter, as I said earlier, was not heard extensively in the committee. I believe the request of the Senator from Oregon (Mr. PACKWOOD), joined in by his colleague, is a reasonable one; and as far as I am concerned, if a motion to strike is presented at the end of the consideration of the pending amendment on the SST, I for one will agree that that part can be stricken out of the bill. I give both Senators from Oregon my assurance on that point.

Mr. MAGNUSON. I shall make the motion when we are through with this amendment.

Mr. BIBLE. I understand; and when it comes up, I shall agree to it.

Mr. MAGNUSON. I still would like to have some language in the report.

Mr. BIBLE. Well, there will be no further report.

Mr. MAGNUSON. We can make it a part of the conference report.

Mr. BIBLE. It can be included in the conference report, and it can be made a part of the RECORD after we finish with the pending business, which is the big issue, and on which we have a time limit.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. Are there requests for time?

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. BIBLE. Mr. President, I yield 5 minutes to the Senator from Washington.

THE ENVIRONMENT AND THE CIVIL SUPERSONIC TRANSPORT PROGRAM

Mr. JACKSON. Mr. President, I am greatly concerned that some of our Nation's leading newspapers and magazines have recently contained statements concerning the civil supersonic transport prototype program which are based on misinformation and unsubstantiated charges. Many of these statements infer that commercial supersonic flight is going to do such things as change our climate and bring on a new ice age. I have seen absolutely no evidence that SST operations will adversely affect our environment. If I had reason to believe that this were the case I would not be here today speaking in favor of the program.

Historically, any new challenging advancement in transportation technology has been accompanied by those who paint gloomy pictures about the unknown. In the early days of the automobile, the doubters strongly advised "buy a horse." The change in propulsion of ships from sail to steam was tagged in the early days as Fulton's folly. With the introduction of commercial jet aircraft, there were dire predictions concerning the safety of travel at 600 miles per hour in an airplane with no propellers. Again, the timid were proven wrong and a tremendous advancement was made in transportation technology.

THE FACTS

What are the facts?

It is an undisputed fact that the day has long passed when mankind can ignore the environmental impact of the unanticipated side effects of new technology. The quality of our environment has been ignored too often in developing technological guidelines, design criteria, and operating rules. Fortunately, in the development of the supersonic transport, the environmental aspects of supersonic flight have received major attention and millions of dollars of research effort over the past 12 years.

SONIC BOOM

The U.S. supersonic transport development program has assembled the world's most complete data concerning the effect of sonic boom on man, on structures, and on the quality of life. On the basis of this research and data came the decision that the sonic boom predicted for the first generation of supersonic aircraft, either United States or foreign, would not be acceptable to the American public. The U.S. supersonic transport design is consequently based on this assumption and the aircraft's design was optimized for the long-range overwater routes of the free world.

President Nixon has stated as a matter of national policy commercial supersonic transport will be prohibited from supersonic flight for all land areas of the United States. The Federal Aviation Administration has issued a notice of proposed rulemaking which will prohibit commercial supersonic flight over the United States and its territories at any speed that would produce a sonic boom that would reach the ground. The research and data on which this national policy and this notice of rulemaking are based were developed through the efforts of the U.S. supersonic transport development program.

Senator MAGNUSON and I introduced legislation which would make the FAA's proposed rule law.

In addition, this measure would require a report from the Secretary of Transportation to the Congress upon the conclu-

sion of the prototype phase and before any decision is made on commercial production. This report would deal with all aspects of the project—environmental, economic, and technological. The Commerce Committee ordered the measure reported to the floor and yesterday it was unanimously adopted by the Senate.

WEATHER AND CLIMATE

Since the initiation of the supersonic transport development effort, the Department of Transportation has turned primarily to the Environmental Science Services Administration—ESSA, recently reorganized to National Oceanic and Atmospheric Administration, NOAA—for advice and guidance as concerns supersonic flight and its relationship to climate and weather. ESSA's scientists as well as others from whom they sought advice, reported no significant adverse environmental effects. However, during recent months with more national emphasis on the environment, the scientific community has asked a number of new questions for which concise and certain answers are not presently available.

Early in 1970 the Department of Transportation recognized that in some cases more data is necessary for increased confidence and certainly that large-scale SST operations will not affect the environment. As a result they assembled an environmental research program plan to provide more precise answers to the environmental aspect of supersonic flight. At the request of the supersonic transport program director, ESSA submitted a proposed research progam designed to make the necessary information available before the decision to go into production is made. The SST office further augmented this research plan by identifying noise research underway directly applicable to the SST. This program plan represents a cooperative effort of several Government agencies and includes research that was firmly planned or already ongoing within the Government.

In some instances planned or ongoing programs were modified to be more applicable to SST requirements. New research related to cosmic radiation was also identified. This program plan was reviewed and approved by the President's Council on Environmental Quality. The MIT-sponsored Study of Critical Environmental Problems which was recently conducted recommends the same kind of research as described by the Department earlier this year.

SCIENTIFIC ADVICE AND COUNSEL

Two independent advisory committees have been established by the Department of Transportation to assure the availability of the best scientific advice and counsel in the country on noise and environmental research. The advisory committee will also counsel the Department on the significance of the findings of these major research efforts. Dr. Myron Tribus, Assistant Secretary of Commerce for Science and Technology, has provided Congress with the answers to four important questions related to the weather modification aspects of supersonic flight.

Question No. 1: Will the SST affect the ultraviolet radiation at the Earth's surface by depleting the ozone in the stratosphere?

Answer: "There may occur a barely detectable change in UV at the Earth's surface but it will be small compared to the daily variations or the variation found in going, say from Washington to Albuquerque. The basis for this reply is the report from the MIT study group and computations made by ESSA staff and its consultants."

Question No. 2: Will the "greenhouse" effect, due to gaseous exhaust products, affect the temperature at the Earth's surface?

Answer: "All calculations that I have seen indicate that the temperature changes due to this effect would be hardly detectable. I share the concern of all environmentalists at the increase in CO_2 in the lower atmosphere but the thermal effects at the Earth's surface of SST's will be hard to detect in the presence of the other manmade sources."

Question No. 3: Will the SST cause a layer of dust in the stratosphere due to engine exhaust products, and would such dust affect the temperature at the Earth's surface?

Answer: "As with other engines, the SST's engines will introduce particles into the stratosphere, whose effect on the Earth's surface temperature will, in my opinion, be small. There have been differences of opinion on this question which I trace to different assumptions about the fuel to be used as well as fuel consumption rates. There still exist some uncertainties about the magnitude of the effects but it is my view that technology can reduce the particulates to a point where they will be completely unimportant, as for example by the reduction of sulfur content in fuels."

Question No. 4: Will the SST produce clouds in the stratosphere?

Answer: "The best evidence is that the stratosphere is so dry that in most of the world this is unlikely. The MIT report, for example, reached this conclusion. However, in the polar regions, where the temperature is very cold it is possible that clouds will be produced. The effects of such clouds on the surface temperature and global weather conditions are not now known. As we have already proposed, necessary computer calculations can be made in sufficient time for the decision on SST production. I have considerable confidence in the results of such calculations for they are based on ESSA research over quite a few years."

Recently, the Massachusetts Institute of Technology—MIT—sponsored a summer Study on Critical Environmental Problems. This study group was comprised of the Nation's most eminent and highly qualified environmental scientists under the chairmanship of Dr. William W. Kellogg, director of the Laboratory of Atmospheric Sciences, National Center for Atmospheric Research. The study group explored the possibility that water vapor and carbon dioxide produced by large-scale commercial operations of the SST might affect the radiation balance and thereby affect world climate.

They concluded that the carbon dioxide produced by SST's creates no special environmental problem and that a climatic effect was not likely. Their additional calculations also removed concern that water vapor might affect climate by accelerating the destruction of ozone. They concluded that the effects on ozone would be small and well within the natural day-to-day variability of ozone concentrations. Changes in ozone at SST flight altitudes will not result in an ultraviolet radiation hazard at the earth's surface.

The study group considered the cloudiness of increased water vapor in the stratosphere brought on by flight operation of the supersonic transport. The study group recommended further study to determine whether additional cloudiness might occur in the polar regions at night and during the winter months as a result of supersonic operation. Further, the group suggested the determination of the effects of such cloudiness, if any. No one knows whether this will be good or bad.

Dr. William Kellogg, in a letter to the director of the supersonic transport development program, clarified the MIT study group's position as concerns their recommendation for a limited amount of additional environmental research. In his letter dated August 24, 1970, Dr. Kellogg stated:

> This is a chance for a major new technological development to be studied before it goes into full-scale operation, and we certainly should seize the opportunity. I understand that you agree with this point of view. Nowhere have we indicated that we believe the SST development should be held up or delayed pending the results of this study.

The study group also recommended the obtaining of better estimates on the emission of combustion products under simulated flight conditions and under real flight conditions at the earliest opportunity.

COMMUNITY NOISE

Today, as one might expect, most complaints related to aircraft noise are associated with the takeoff climb or with the landing approach to the airport. In both cases, the aircraft are flying over the communities adjacent to the airport property. Contrary to current misinformation, supersonic aircraft will be quieter than today's airplanes during takeoff climb and on approach to landing and, as a matter of fact, should be able to meet the stringent noise limits recently established by rule for all new or future subsonic jet aircraft. If, however, the SST were to be put into operation today, using today's noise abatement technology, it would generate more immediate sideline noise on the airport during takeoff roll than that produced by today's jet transports. However, it is about the same level as these airplanes make in the community during landing approach to the airport. These sideline noise levels are higher than desired.

Therefore, the ongoing major SST noise reduction effort is aimed at developing techniques to provide maximum reduction of sideline noise with minimum loss of airplane performance. Planned research and devlopment programs for both the SST engine and airframe manufacturers show the practical potential of reducing this sideline noise by more than one-half or to a level that is about the same as that now experienced during takeoff roll by today's long-range jets. The production aircraft objectives applicable to after takeoff and landing approach noise are the same as recently established by FAR–36 for new subsonic aircraft and are below that now being generated by today's four-engine jets.

The bill passed by the Senate yester-

day could make these levels a matter of law. NASA, with their vast equipment and expertise, is also providing valuable assistance in this SST noise reduction effort. With 8 years to go before commercial introduction, American engineering ingenuity and proven capability has more than ample time to improve the sideline noise characteristic without adversely affecting the already attractive takeoff climb and landing noise characteristics. It can and will be done before commercial introduction.

COSMIC RADIATION

Since 1967, a group of highly qualified scientists from Government, industry, and the academic fraternity has been providing advice and guidance to the SST program as concerns cosmic radiation. This committee is under the chairmanship of Dr. Haralc Rossi. For more than 2 years specially instrumented aircraft have been flying at supersonic transport cruise altitudes to collect cosmic radiation data. These flights have been conducted in the north polar regions where radiation levels are more intense than the other areas of the world.

As a result of examination of this data plus other information obtained from the Federal Radiation Council and the International Commission on Radiation Protection, Dr. Rossi's committee reports that the radiation level for crews and passengers on the SST will be the same or less than that now experienced on today's subsonic aircraft for any flight throughout the world. This is due to the reduced exposure time of the SST crew and passengers because the SST will be traveling at about 1,800 miles an hour as compared to 600 miles an hour for today's aircraft. Major solar flares can, if necessary, be avoided through alert information provided by onboard instrumentation plus the already available elaborate radiation detection network established for our military and civil space programs. Cosmic radiation is not an SST environmental problem.

CONCLUSION

The environment has been a strong area of consideration throughout the history of the supersonic transport development effort. Many answers have obtained, many problems have been solved. In a few areas, more data is needed to obtain the degree of certainty that the administration and the Department of Transportation insist on having. All of this information will be used to determine whether or not the production of commercial supersonic transport should be initiated by the United States. One important fact must be clearly understood. As the President's Council on Environmental Quality has pointed out, the two prototype aircraft in themselves will have no significant adverse impact on the enironment. Government involvement in the supersonic transport development effort is limited to the construction of these two prototype aircraft and 100 hours of flight test after their completion. All scientists agree that these two prototype aircraft will present no environmental problems. The knowledge obtained through the construction and flight of the prototypes coupled with the data obtained from the above described ongoing environmental research will provide the basis for the decision for commercial construction of the supersonic transport by the United States.

Mr. President, the U.S. civil supersonic transport prototype program is a research and development program. It is an important and necessary program for a great many reasons, perhaps the most important of which is that it is an environmental research program. If there is any possibility of serious environmental problems resulting from commercial supersonic flight as has been alleged by some, then it is essential that this program to develop and build two prototypes be continued.

We cannot stop commercial supersonic flight. It will be a fact within a few years. The British, the French, and the Russians are years ahead of us in development and are entering commercial production. If there are environmental problems they are worldwide and cannot be ignored. Yet, should this country refuse to complete the necessary research and technological development to assure that commercial supersonic flight will be environmentally safe and sound we are walking away from the problem.

Those who wrap themselves in the unfamiliar mantle of the environmentalist to oppose this program are in fact urging that we do not use our resources to see that the facts are obtained and research is undertaken to insure that any environmental problems are identified and appropriately dealt with.

I view this course of action as unsound. I am confident that thoughtful people who are really concerned about the environment will also come to view it as unsound. The best guarantee the Congress can give to the American people and to the world that commercial supersonic flight will not result in environmental degradation is to continue to bring our great scientific and technological resources to bear on the subject by going ahead with development, construction and flight testing of the two prototypes authorized by the program.

Mr. President, a failure to go forward with this program will be deeply regretted by all concerned within 2 years.

Mr. President, I ask unanimous consent that a "fact sheet" on the program together with a Library of Congress report on the environmental aspects of the program and a summary of the report be printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SUMMARY OF LIBRARY OF CONGRESS REPORT ON THE SST: THE ISSUES OF ENVIRONMENTAL COMPATABILITY

(By George N. Chatham)

The environmental issues which have been associated with supersonic flight cover three categories a) Sonic boom, b) Noise, and c) Effect on world climate.

SONIC BOOM

The recently adopted national policy and the FAA Notice of Proposed Rule Making, issued April 16, 1970 (39 FR 6189) would prohibit operation of civil aircraft over the United States at speeds which would cause a sonic boom on the ground. This rule would apply to *all* civil aircraft, domestic and foreign.

The supersonic capability of supersonic aircraft would be used only over the oceans. A sonic boom having a nominal overpressure of 2½ lbs. per square foot would be felt on the ocean's surface. This is the pressure change experienced when one rises four floors in an elevator. Fish or surface vessels in the ocean experience this same overpressure from the passage of a three foot wave.

An overpressure of this magnitude is insignificant both to surface vessels and to marine life. The sound intensity to an ocean liner is such that only those on deck would detect it. The sound would be largely lost in the background noise of the ship, the ocean and wind.

NOISE

There are three phases of flight during which jet aircraft noise is noticed, (a) approach to landing, (b) take off, and (c) departure. Noise complaints have centered on the time the aircraft flies low over the community, that is the approach and departure phases. On both of these phases the SST produces less noise than the jet transports in use today.

A comparative table as page six of the report shows that during two of the three critical phases of flight, approach to landing and climb out, the U.S. supersonic aircraft will emit about one-half the noise of the subsonic Boeing 707.

JET ENGINE NOISE COMPARISON (EPNdb)

	B-747	B-707	Concorde	Boeing SST
Approach to landing [1]	110	118.0	.....	108
Takeoff (measured 2,100 feet to the side of runway)	103	107.5	120	[2] 124
Climbout [1]	111	118.0	110	108

[1] Measured 1 mile from end of runway.

[2] Figure of 124 EPNdb is based on today's noise suppression technology. Air frame and engine manufacturers as well as NASA and DOT are in their 5th year of jet engine noise research. These sources feel that when the SST engines enter service in 1978 or 1980, the figure of 124 EPNdb will be lowered to 118 EPNdb or less.

Without acoustical correction, the U.S. Supersonic transport will produce more noise than conventional supersonic during its run-up and take-off phase. Afterburners are used for take-off. This is a "first" for civil jet aircraft and introduces a new problem to jet engine acoustical engineers. Previous research on jet engine noise reduction has centered around the engine itself, and shows a substantial and continuing success.

Jet engines have been in commercial service for over 10 years. During this period they have grown in power by a factor of six. Intensive research to reduce the noise output of jet engines began about five years ago. The results to date have reduced perceived noise output to about half of the earliest levels. The perceived noise level per pound of thrust is now less than 10% of its initial value.

The noise related to the afterburner, however, originates primarily outside the engine. The sound is generated in the turbulent gases of the exhaust, much like the sound of a blow torch. Research to date has clearly shown that smoothing this flow will reduce the sound quite satisfactorily.

The one device tested thus far separated the exhaust column into a number of smaller streams. Although it reduced the noise adequately, the device also reduced the engine thrust below acceptable levels. The challenge therefore is to develop a silencer which will not unduly impair engine performance.

Although this problem has yet to be completely solved, eight years still remain before the Boeing SST enters commercial service. In view of the success of jet engine acoustical

research to date, an adequate solution to quieting an afterburner seems a reasonable expectation.

FUEL CONSUMED FOR WORK PERFORMED

The jet engine consumes less fuel per horsepower/hour than any other conventional power plant. A coal fired locomotive, for example, consumes 4 pounds of fuel per horsepower hour. An automobile consumes .9 pound; a subsonic fan jet engine .4 pound; and a supersonic jet engine .3 pound. (See table in report).

Powerplant:	*lb fuel/hp. hr.*
1. Draft horse	10
2. Coal fired locomotive	4
3. Automobile	0.9
4. Diesel-electric locomotive	0.6
5. Aircraft piston engine	0.5
6. Fan jet (subsonic aircraft)	0.4
7. Jet engine (supersonic aircraft)	0.0

Aircraft, particularly jet engined aircraft, emit the lowest quantity of pollutants for fuel used of any vehicle. Their effluents are also released in the air where they may be dispersed readily. The automobile, for example, releases a total of 262 pounds of pollutants per 1000 pounds of fuel consumed.

A piston engine aircraft emits 168 pounds. By way of contrast a supersonic jet engine emits only 6.9 pounds. (See table in report).

POUNDS POLLUTANT EMITTED PER 1,000 POUNDS FUEL CONSUMED

Vehicle	Carbon monoxide	Oxides of nitrogen	Hydrocarbons	Particulates	Sulfur oxides	Total (rounded)
Subsonic jet	0.1	3	0.5	1	1.0	6.5
SST	.9	3.5	.5	1	1.0	6.9
Ocean liner	(1)	10	.01	1	20.0	31.0
Piston airliner	100	50	15.00	2	1.0	168.0
Auto	200	20	40.00	1	1.0	262.0

[1] Negligible.

Similar results may be seen by comparing the pounds of pollutant emitted per 1000 seat miles for the same vehicles. The results are: automobile, 26 pounds; piston engine aircraft, 22.3 pounds; supersonic jet engine, 1.1 pound. (See table in report).

EMISSIONS PER 1,000 SEAT-MILES

Vehicle	Fuel (pounds per 1,000 miles)	Pounds of pollutants emitted per 1,000 seat-miles					
		Carbon monoxide	Oxides of nitrogen	Hydrocarbons	Particulates	Sulfur oxides	Total (rounded)
Subsonic jet	170	0.17	0.51	0.1	0.17	0.17	1.1
SST	193	.17	.68	.10	.19	.19	1.3
Ocean liner	660	(1)	6.6	.1	.6	13.2	20.5
Piston aircraft	133	13.3	6.6	2.0	.2	.1	22.3
Auto	100	20.0	2.0	4.0	.1	.1	26.0

[1] Negligible.

Another comparison of modes of transportation offers insight into the environmental impact of commercial supersonic aircraft. In terms of relative productivity—the number of vehicles required for an equal work—year—one supersonic transport is equal to 6.1 subsonic jets; 20.8 piston airplanes; or 1,970 automobiles.

EFFECT ON WORLD CLIMATE

The engine of the SST will exhaust water, CO_2, SO_2 carbon and unburned hydrocarbons into the stratosphere. The President's Council on Environmental Quality and other groups concerned with environmental issues have questioned whether or not the exhaust of a fleet of supersonic transports could effect changes in the stratosphere, which might in turn alter some aspect of the earth's climate.

The SST as a factor of meteorology was examined by the NAS National Research Council Committee on Atmospheric Sciences. Their report issued in 1966, predicted no adverse effects. More recently, the M.I.T. sponsored symposium, Study of Critical Environmental Problems (SCEP) reexamined the issue. Concerns for damage to the ozone layer and for the release of CO_2 were dismissed. The particulates (carbon and the conversion of SO_2 into sulphates), as well as the release of water over the polar regions during the winter season were identified as concerns. The SCEP felt that the particulates, especially on well used routes, might increase the air temperature along the path of flight. An increase in stratospheric air temperature of several degrees was noted in a region of the stratosphere suspected to contain volcanic dust from the Bali Volcano Mt. Agung. There were no detectable effects either to other strata of air or on the surface associated with these observations.

1. WATER VAPOR

As to water vapor, the SCEP noted that during the winter, the polar stratosphere has a higher relative humidity primarily due to its lower temperature. Additional water, it was felt, could result in some additional cloud cover.

The SCEP did not extend these considerations to potential effects on the surface or on climate. They recommended a research program to gather additional data from which an assessment could be made.

Their recommendations are being met in a D.O.T. environmental research program, which has also been reviewed and approved by the Presidents Council on Environmental Quality.

An examination of the issues and concerns indicates that they are, as intended, maximally conservative. For example, stratospheric flights in the polar regions conducted regularly over the past few years do not indicate that either "false" cirrus clouds or contrails are likely.

A normal fleet of 400 supersonic transports making 4 trips per day will inject 150,000 tons of water per day into the stratosphere. A single, large cumulonimbus cloud, common to the tropics, can inject as much water vapor into the stratosphere as would a fleet of SST's making 1600 flights on a given day.

The number of such injections per day is estimated to be between 2 thousand and 6 thousand. Seasonal variations and low altitude weather changes give a wide range to this daily insertion of water from natural causes. The relative humidity of the stratosphere, however, remains quite stable and very low.

There are very good reasons why meteorologists are not disturbed by the prospect of water vapor from a fleet of SST's. During 1967, three common sources of combustion in the United States poured about 1.2 billion tons of water into the air, as follows:

HYDROGEN FUEL BURNED, 10^6 TONS

Source:	
Powerplants	447
Automobiles	220
Aircraft	25
Total	692

Since each pound of fuel burned produces about 1½ pounds of water, the burning of 692 million tons of hydrocarbon fuels will produce approximately a billion tons of water. If the billion tons of water generated in a year by the sources cited could be added to the air in a single second, it would add 1 part in 100,000 to the water normal to the atmosphere. Normal fluctuations in the atmospheric water content exceed this quantity many thousandfold. If we relate the water produced by fuel consumption of the fleet of SST's to the water normal to the air, it appears as only 1 part in 1 billion.

2. PARTICULATES

As to the particulates associated with the SST, their effects, if any, prove extremely difficult to determine. This is because the quantities involved are not significant when compared to the stratospheric dust resulting from natural causes. The steady state operation of 500 SST aircraft would produce about 1/27th the amount of particulates the earth attracts from space each day. Occasional volcanic action places dust in the stratosphere in volumes exceeding the potential of the SST fleet by hundreds of orders of magnitude.

Based on an average residence time of 18 months, the carbon particulates would reach a peak concentration of 3 parts in 100 billion (by weight) with the air in the stratosphere, or a 3 billionths of a microgram per cubic meter.

The peak concentration of SO_2 (18 month cycle) would reach 2 parts in 10 billion or 21 billionths of a microgram per cubic meter, assuming uniform dispersion throughout the stratosphere.

The SCEP notes that most flying will occur in the northern hemisphere. They anticipated that a potential concentration as high as 66 parts in 10 billion could be formed due to the concentration of routes north of the equator and in complete vertical mixing. This concentration would be 60 *millionths* of a microgram per cubic meter.

By way of comparison, the average city, on a smog free day, will have 100 micrograms of airborne particulates per cubic meter. The "worst case" routes would therefore contain less than 2 millionths the dust of the average city in smog free conditions. Effects on climate from particulate concentrations of this magnitude will be difficult to determine.

3. OZONE

The MIT sponsored study group re-examined depletion due to water vapor and concluded that the effects, if they could be detected at all, would be well within the day to day variability of ozone density.

THE SST: THE ISSUE OF ENVIRONMENTAL COMPATIBILITY

(By George N. Chatham, specialist, science and technology, Science Policy Research Division)

ABSTRACT

The environmental issues cover three categories (a) Sonic boom, (b) Noise, and (c) Effect on world climate.

SONIC BOOM

The recently adopted national policy and the FAA Notice of Proposed Rule Making, issued April 16, 1970 (39 FR 6189) would prohibit operation of civil aircraft over the United States at speeds which would cause a sonic boom on the ground.

The supersonic capability would be used over the oceans. A sonic boom having a nominal overpressure of 2½ lbs per square foot would therefore impact the water. The weight of the overpressure is equal to that imposed by a 3 foot wave.

An overpressure of this magnitude is insignificant both to surface vessels and to marine life. The sound intensity to an ocean liner is such that only those on deck would detect it. The sound would be largely lost in the background noise of the ship, the ocean and wind.

NOISE

There are three phases of flight during which jet aircraft noise is noticed, (a) approach to landing, (b) take off, and (c) departure. Noise complaints have centered on the time the aircraft flies low over the community, that is the approach and departure phases. On both of these phases the SST produces less noise than the jet transports in use today.

The SST, however, without acoustical correction, will produce excessive noise during its run-up and take-off phase. After burners are used for take-off. This is a "first" for civil jet aircraft and introduces a new problem to jet engine acoustical engineers. Previous research on jet engine noise reduction has centered around the engine itself, and shows a substantial and continuing success.

Jet engines have been in commercial service for over 10 years. During this period they have grown in power by a factor of six. Intensive research to reduce the noise output of jet engines began about five years ago. The results to date have reduced perceived noise output to about half of the earliest levels. The perceived noise level per pound of thrust is now less than 10% of its initial value.

The noise related to the afterburner, however, originates primarily outside the engine. The sound is generated in the turbulent gases of the exhaust, much like the sound of a blow torch. Research to date has clearly shown that smoothing this flow will reduce the sound quite satisfactorily.

The one device tested thus far separated the exhaust column into a number of smaller streams. Although it reduced the noise adequately, the device also reduced the engine thrust below acceptable levels. The challenge therefore is to develop a silencer which will not unduly impair engine performance.

Although this challenge has yet to be achieved, eight years still remain before the Boeing SST enters commercial service. In view of the success of jet engine acoustical research to date, an adequate solution to quieting an afterburner seems a reasonable expectation.

Effect on World Climate

The engine of the SST will exhaust water, CO_2, SO_2 carbon and unburned hydrocarbons into the stratosphere. The President's Council on Environmental Quality and other groups concerned with environmental issues have questioned whether or not the exhaust of a fleet of supersonic transports could effect changes in the stratosphere, which might in turn alter some aspect of the earth's climate.

The SST as a factor in meteorology was examined by the NAS National Research Council Committee on Atmospheric Sciences. Their report (8) issued in 1966, predicted no adverse effects. More recently, the M.I.T. sponsored symposium, Study of Critical Environmental Problems (SCEP) (10) reexamined the issue. Concerns for damage to the ozone layer and for the release of CO_2 were dismissed. The particulates (carbon and the conversion of SO_2 into sulphates), as well as the release of water over the polar regions during the winter season were identified as concerns. The SCEP felt that the particulates, especially on well used routes, could increase the air temperature along the path of flight. An increase in stratospheric air temperature of several degrees was noted in a region of the stratosphere suspected to contain volcanic dust from the Bali Volcano Mt. Agung. There were no detectable effects either to other strata of air or on the surface associated with these observations.

As to water insertion, the SCEP noted that during the winter, the polar stratosphere has a higher relative humidity primarily due to its lower temperature. Additional water, it was felt, could result in some additional cloud cover.

The SCEP did not extend these considerations to potential effects on the surface or on climate. They recommended a research program to gather additional data from which an assessment could be made.

Their recommendations are being met in a D.O.T. environmental research program, which has also been reviewed and approved by the President's Council on Environmental Quality.

An examination of the issues and concerns indicates that they are, as intended, maximally conservative. For example, stratospheric flights in the polar regions conducted regularly over the past few years do not indicate that either "false" cirrus clouds or contrails are likely. Moreover, the effects of additional clouds or of the normal cloud cover in the polar region has a minimal effect due to the high reflections (low solar energy retention) of the surface and to the low initial solar flux in this region.

As to the particulates associated with the SST, their effects may prove extremely difficult to determine. This is because the quantities involved are not significant when compared to the stratospheric dust resulting from natural causes. The steady state operation of 1500 SST aircraft would produce about 1/27th the amount of particulates the earth attracts from space each day. Occasional volcanic action places dust in the stratosphere in volumes exceeding the potential of the SST fleet by hundreds of orders of magnitude.

THE SST: THE ISSUES OF ENVIRONMENTAL COMPATIBILITY

The Boeing SST will be the fastest, but not the largest of the civil transports. Its speed, the key to its productivity, is new only to civil aviation. The incorporation of supersonic capabilities in a civil transport followed 20 years of military experience and half a million hours of supersonic flight at higher as well as lower altitudes than that selected for the SST.

A successful Concorde would add 100,000 hours of supersonic flight experience to U.S. carriers alone prior to the first commercial flight of the Boeing SST.

It is likely the novelty of stratospheric flight at supersonic speed, even for commercial purposes will be gone long before the U.S. entry is prepared to share this airspace and market.

The following section reviews some of the main issues on the environmental compatibility of supersonic aircraft in general and the U.S. SST in particular.

I. THE SONIC BOOM

Sonic boom test programs (1) conducted by the Air Force have provided a practical and a theoretical understanding of the boom and its effects. These tests also gave several million civilians an intensive practical if not theoretical education in the phenomenon. Even when the booms were reduced far below any destructive potential by the altitude and/or distance of the source they proved hard to tolerate.

The FAA has exercised its authority over civil aircraft and has stated that the SST's must operate at subsonic speed when flying over the United States or its territories (2). The ruling applies to all civil aircraft, domestic or foreign, but does not pertain to military aircraft.[1]

A sonic boom created by a jet fighter zooming within a few hundred feet of the ground can cause pressure changes exceeding 100 lbs. per sq. foot, easily enough to destroy certain types of buildings. Air Force tests, in which the pressure increase ("over pressure") of sonic booms was gradually increased, revealed that damage first appeared when the over pressure reached 7½ lbs. per square foot. At this pressure, several panels of glass in a greenhouse were cracked. (3) The greenhouse was the most fragile of the test structures and the over pressure of 7½ lbs. per square foot[2] was therefore regarded by the Air Force as the lower edge of the pressure range where damage to structures may occur.

The civil aircraft ruling by FAA which forbids the sonic boom over land has relaxed much of the public concern over this aspect of the SST. However, on transoceanic routes, the SST's fly supersonically and the power of the sonic boom is therefore pertinent.

The Boeing SST will reach its supersonic cruising altitude at slightly more than 60,000 feet. It will then create a boom having an overpressure on the ocean of 2 to 2½ pounds per square foot.[3] This is the pressure change experienced when one rises four floors in an elevator. Fish or surface vessels in the ocean experience this same over pressure from the passage of a three foot wave. This is an insignificant pressure change, however, it should be noted that the actual change in pressure is not particularly high in the most intense of sonic booms. The phenomenon is noteworthy only because of the suddenness with which the change occurs. The low altitude pass that can destroy a building with an over pressure exceeding 100 lbs per square foot (5% of the normal atmospheric pressure) does so because the change in pressure occurs so rapidly. A far greater change in pressure, if it occurs over a longer time period, would go unnoticed. A rise from sea level to 5000', the altitude of Denver, Colorado, for example, creates a pressure change of 260 lbs. per square foot.

If a change in air pressure occurs in 1/20th of a second or less, the change is detected as sound. The SST over pressure of 2½ pounds per square foot occurs in milliseconds and is like a sudden clap of thunder, not painful but certainly startling, especially when heard from a clear sky under conditions in which the boom is not masked by background noise. On an ocean voyage the startle effect would be present only if the passenger was becalmed in a quiet sea. On an ocean liner, only those on the open deck would hear it and there its effect would largely be lost in the background sounds of the ship and the ocean.

NOISE: MEASURING JET ENGINE SOUND

The jet aircraft engine is not only a powerful sound generator, but also a generator of

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[1] The FAA has no jurisdiction over military aircraft.

[2] Note that the dimension is lbs. per square foot not per square inch which is the more familiar measure of pressure. Thus sonic boom units are 1/144 of those encountered in air pressure reports, etc.

[3] Under certain atmospheric conditions, the boom pressure could be amplified, to almost double the normal 2 to 2½ psf over pressure.

sounds to which the ear is particularly sensitive. A shrill whine can stop conversation and irritate to the extreme even when its energy value is quite low. The persistence or duration of the sound also adds greatly to its irritation value.

The decibel scale, however it may be weighted to accommodate special sound measurements, is logarithmic. In essence the scale relates acoustic energy to sound perception or loudness. Each increase of ten decibels signifies a ten fold rise in energy, but because the ear responds in a logarithmic manner, the ten fold rise in energy indicates a doubling of loudness. Conversely, if a sound is reduced by ten decibels, for example a reduction from 130 lb. to 120 lb., the lower level has only 10% of its former energy, but its loudness has been reduced by only 50% of the former value.

The decibel ratings for sound energy turned out to be useless in studies of jet engine noise. The irritation value of jet engines remained higher than that of the deep throated piston engines even when the decibel ratings of the jets were lower.

New measuring systems were devised to scale the intensity of the tones present in accordance with the sensitivity of the ear to each tone, and also to consider their duration. The basic decibel system is still used, but when property weighted for jet aircraft engine studies it is called *Effective Perceived Noise Decibels* (EPNdb).

When the main concern is noise intensity but not duration, the "E" is not used and the unit becomes "PNdb". The Department of Transportation uses both the PNdb and the EPNdb in its sound research. New FAA regulations limiting the intensity of jet aircraft noise apply the PBdb.

THE SOUND OF THE SST

There are three phases of flight in which the sound of jet aircraft can become objectionable. These are: 1) the approach to landing, 2) the take-off and, 3) the climb-out. The following table compares the sound levels of the Boeing SST, the Concorde and two subsonic jets.

JET ENGINE NOISE COMPARISON (EPNdb)

	B-747	B-707	Concorde	Boeing SST
Approach to landing [1]	110	118.0	.....	108
Takeoff (measured 2,100 feet to the side of runway)	103	107.5	120	[2] 124
Climbout [2]	111	118.0	110	108

[1] Measured 1 mile from end of runway.
[2] Figure of 124 EPNdb is based on today's noise suppression technology. Air frame and engine manufacturers as well as NASA and DOT are in their 5th year of jet engine noise research. These sources feel that when the SST engines enter service in 1978 or 1980, the figure of 124 EPNdb will be lowered to 118 EPNdb or less.

Everyone who is familiar with jet engine noise is also familiar with the sound of the Boeing 707. Its values are included to establish a standard for comparison.

The table shows that during two of the three critical phases of flight, approach to landing and climb out, the Boeing SST will emit about ½ the noise of the subsonic Boeing 707.

The claim that the SST will be four times as loud as the 707 is thus derived from the 17 EPNdb difference—each 10 EPNdb increment giving rise to a doubling factor of loudness. The fact that sound energy is increased 100 times (for a 20 EPNdb difference) is not a correct evaluation of the increase in perceived noise.

Progress in jet engine acoustic research over the past few years has been dramatic. An example may be seen in the contrast between two engines now in use. Those used in the Boeing 747 have twice the power of the engines in the Boeing 707, yet their noise level is less even during the full power take-off phase. The engines of the Boeing SST, with more than three times the thrust of the B-707 engines are quieter than any engine now in use except for the high sideline noise during take off.

Take off includes the period from brake release until the aircraft reaches a point one mile away from the end of the runway. During this interval of slightly less than two minutes, the SST is using its after-burners. Reducing the sound generated by after-burners is a new challenge to jet engine designers. A significant portion of the after-burner noise originates from the turbulent heated gases *after* they have been exhausted from the engine, much like the sound produced when a gas welding torch is ignited. The research to reduce this noise has clearly shown that as the flow of hot gases is smoothed, the sound is reduced. However, the devices used thus far also reduce the engine thrust. The task is now to find a method of smoothing the flow without significantly reducing the thrust of the engines.

In the 12 years jet engines have seen commercial service, their power has been increased six fold. The results of sound reduction research, which began about five years ago, are now being applied to new jet engines. Consequently, the average noise level of these new large engines is about half that of the older ones. In other words, the noise created per pound of engine thrust has been reduced to 1/10th of its former value (in PNdb). In terms of acoustical energy, the sound emitted per pound of thrust is 1/100th of its former value.

Another eight years will pass before the Boeing SST will see its first commercial service. If history is a guide, it seems reasonable to expect that the research to suppress the excessive side-line take off noise of these new engines will also be successful.

II. SUPERSONIC FLIGHT: THE ISSUES OF POLLUTION AND METEOROLOGY

If there could be less transportation, then the machines used for transportation would consume less fuel thereby reducing the quantity of pollutants released into the air. If, on the other hand, the movement of goods and people has become an essential part of our ecological system, then the causes of cleaner air are best served by fostering technologies which raise the productivity of transportation systems and equipment so that less of it will be needed while simultaneously, devising improvements to power sources to steadily reduce their release of noxious combustion products.

The ideal transportation system is one which accomplishes its work load satisfactorily with a minimum impact on the environment, and a minimum system cost.

The preceding sections on noise and sonic boom reviewed the Boeing SST in the context of its being a new entry in the air transportation fleet, the whole of which is undergoing a steady evolution toward quieter operation. The following sections examine a) general problem of atmospheric pollution; b) the SST as a source of pollution and c) the SST as a factor in the weather.

The problem of air pollution

Exhaust fumes and aerosols are poured into the air of most cities at rates which more often than not exceed the dilution rate of natural air movement. A combination of terrain and weather or the presence of a calm air mass over a city can result in a period of increasing aerial contamination. At best the result may be an irritating threat to health and at worst it can be lethal.

This is a serious threat, one requiring strong carefully aimed measures to correct. Understandably, a challenge to one's breath can cause fright, as well as irrational, often self defeating reactions. A prophesy of a doomed atmosphere gathers a quick following. Exhaust fumes and smarting eyes do little to broaden one's perception of the problem. Yet, if the city is viewed from a distance, from orbit for example, the city and all its vapors appears to be a vanishingly small dot on a broad clear expanse. In contrast, the people within the city, looking outward through a concentrated cloud of poor air, see the visible world only for a short distance. The distant world is lost in a seemingly all pervasive gray, and the dark prophesies which lay down the Earth and its life as a sacrifice to the machines, become believable calls to action to many.

The Scenarios of Doom

In the most common of these prophesies, the final end of life on Earth is described in four uniquely different versions:

a) man will exhaust his oxygen supply and suffocate;

b) water placed in the stratosphere by the SST will cause clouds, shield the Earth from the Sun thus causing a period of final glaciation;

c) water placed in the stratosphere by the SST will cause clouds which will insulate the Earth and cause a steady rise in temperature, ultimately a heat-death of life on Earth; and

d) water placed in the stratosphere by the SST might destroy the ozone layer, which stops part of the ultraviolet light from the Sun. Without the ozone layer, all but marine life would be eliminated by ultraviolet radiation.

Two factors stand out in these scenarios. First, there is the scale. The forces unleashed by man, the flight of aircraft in these cases, are viewed as more potent than the combined effect of all similar forces unleashed by nature. Second, the real target in air pollution, the correction of the noxious cloud permeating a city, is relegated to a lesser role, one present only by inference in the first scenario and absent in the other three.

Cleansing the air of cities requires positive, concerted planning and action. London suffered under the dense yellow-gray smog of soft coal effluents for hundreds of years before the recent, economically daring solution which required the use of cleaner burning fuels. Improved personal transportation, adequate transit services, innovative transportation systems are as difficult to finance as they are to plan.

The two goals, that of saving the Earth from some form of atmospheric cataclysm and that of cleaning the city air supply offer a vivid contrast. City smog removal requires positive action, expenditure of funds and specific pressure on technical advancement. Translation of the goal into a concern for the entire Earth seemingly preserves a concern for the atmosphere. But on this lofty plane, the threat to the cities loses much of its urgent quality. The scenarios of global destruction see the world's salvation only in terms of negative, not positive action. Their formula is simple. Some cataclysmic end to life on earth is visualized e.g. the depletion of the earth's oxygen. A few hypothetical associations or "causes" are named e.g. the burning of fossil fuels. In the doom scenarios, all that is needed to save life on earth is for man to cease doing whatever is selected as the cause of destruction, e.g. man will expire for lack of oxygen *unless* he reduces his consumption of fossil fuel. (4)

The relationship between cause and effect of these and other similar concerns is examined in the following pages. As an overview, however, cataclysmic events have occurred many times in the earth history. They have resulted from the interplay of natural forces and were not precipated by man's actions. There is no reasonable comparison between the magnitude of natural forces and those possessed by man. At this point in man's development, it seems unlikely that he can ever amass the power he might need to save the environment from one of these natural cataclysms. However, with continued development, he may accrue the knowledge and power he would need to save himself should another one occur. Meanwhile, his continued technical progress can allow the creation of vehicles and power sources which meet the requirements of his life without imparing the quality of it.

Global vs local air pollution: Locating the target

To generalize the condition in a smog bound city to the rest of the Earth disregards the relative scale that exists between the city and its envelope of air, to the Earth and its atmosphere.

Where the the interest becomes global, the problem must be placed in a global context. In a global context, the contaminants released by man are equated with the amount and natural fluctuation of the same or similar contaminants natural to the Earth's atmosphere. The rate at which the natural (or total) concentration of gases and aerosols fluctuate yields information on the ability of the atmosphere to cycle or dispose of or retain them. Similarly, the rate at which man uses fuel (and oxygen) can be related to the total oxygen supply and also to the renewal sources of oxygen.

Man's use of oxygen vs the oxygen supply

Oxygen accounts for 20.95% of the total atmospheric mass, or 1.3 x 10^{15} tons. All remaining recoverable fossil fuel reserves total 2.97 x 10^{12} tons. If man were to burn all of this fuel, the total recoverable reserves, he would consume 3% of the available atmospheric oxygen. The percentage of oxygen in the atmosphere would be reduced from 20.95% to 20.32%. The concentration of oxygen available for breathing reduces by an amount six times greater than this when one travels from Washington, D.C. to Denver, Colorado due to the lower air pressure in Denver. *Man is therefore incapable of exhausting, or even significantly reducing his oxygen supply.*

As to the role of plant life in sustaining this reservoir, Wallace Broecker (5) offers the following comment:

"First of all, each square meter of earth surface is covered by 60,000 moles of oxygen gas. Plants living in both the ocean and on land produce annually about 8 moles of oxygen per square meter of earth surface. Animals and bacteria destroy virtually all of the products of this photosynthetic activity; hence they devour an amount of oxygen nearly identical to that generated by plants. If we use the rate at which organic carbon enters the sediments of the ocean as a measure of the amount of the photosynthetic product preserved each year we find that it is about 3x10^{-3} mole of carbon per square meter per year. Thus, animals and bacteria are destroying all but 4 parts in 10,000 of the oxygen generated each year. The net annual oxygen production corresponds to about 1 part in 15 million of the oxygen present in the atmosphere. In all likelihood even this small amount of oxygen is being destroyed through the oxidation of the reduced carbon, iron, and sulfur being exposed each year to weathering processes. Thus, in its natural state the oxygen content of our atmosphere is exceedingly well buffered and virtually immune to change in a short time scale (that is, 100 to 1,000 years).

"Man has recovered altogether about 10^{14} moles of fossil carbon from the earth's sedimentary rocks. The fuels bearing this carbon have been combusted as a source of energy. The carbon dioxide produced as a by-product of this enterprise is equal in amount to 18 percent of the carbon dioxide contained in our atmosphere. Roughly 2 moles of atmospheric oxygen was required to liberate each mole of this carbon dioxide from its fossil fuel source. By so doing we have used up only 7 out of 10,000 oxygen molecules available to us. If we continue to burn chemical fuels at our currently accelerating rate (5 percent per year), then by the year 2000 we shall have consumed only about 0.2 percent of the available oxygen (20 molecules in every 10,000). If we were to burn all known fossil fuel reserves we would use less than 3 percent of the available oxygen. Clearly a general depletion of the atmospheric oxygen supply via the consumption of fossil fuels is not possible in the foreseeable future."

The effects of increasing atmospheric carbon dioxide

When carbon dioxide (CO_2) is released as a combustion product, it is distributed throughout the entire atmosphere. Where and how it is released does not effect this dispersion. It is absorbed by the ocean and partly by plants and other life, and part remains in the air. The division of CO_2 between these three reservoirs holds a fairly constant ratio.

Its distribution and absorption rate therefore seems to a function of atmospheric concentration. That is, the more CO_2 there is to absorb, the more is absorbed. The atmosphere, all living organisms and the ocean thus become reservoirs for CO_2 and the available quantity released to the air is "partitioned" between them.

Accurate measurements of the partitioning were made for the first time during the period 1958 through 1963. (6)

Beginning in 1958 and extending through 1963, two nearly continuous series of measurements of atmospheric CO_2 content were made. One of these series was taken at the U.S. Weather Bureau station near the top of Mauna Loa Mountain in Hawaii (Pales and Keeling, 1965), the other at the United States scientific station at the South Pole (Brown and Keeling, 1965). The measurements were carried out on an infrared gas spectrometer, with a relative accuracy for a single measurement of about =0.1 ppm. The observing stations are located near the centers of vast atmospheric mixing areas, far from uncontrollable sources of contaminants. Because of these nearly ideal locations, together with the high precision of the instruments, and the extreme care with which the samples were taken, these measurements make it possible to estimate the secular trend of atmospheric CO_2 with an accuracy greater by two orders of magnitude than ever before. Some fifteen thousand measurements were carried out during the five-year period.

The data show, clearly and conclusively, that from 1958 through 1963 the carbon dioxide content of the atmosphere increased by 1.36 percent. The increase from year to year was quite regular, close to the average annual value of 0.23 percent. By comparing the measured increase with the known quantity of carbon dioxide produced by fossil fuel combustion we see that almost exactly half of the fossil fuel CO_2 apparently remained in the atmosphere.

The table below (6) shows the increase in CO_2 as a result of the complete combustion of all recoverable fossil fuels. (1)

TABLE 5.—ESTIMATED REMAINING RECOVERABLE RESERVES OF FOSSIL FUELS

	10^9 metric tons	Carbon dioxide equivalent, 10^{19} gms.	As percent of atmospheric CO_2 in 1950
Coal and lignite [1]	2,320	5.88	252
Petroleum and natural gas liquids [2]	212	.67	29
Natural gas [3]	166	.43	18
Tar sands [2]	75	.24	10
Oil shales [2]	198	.63	27
Total	2,971	7.85	336

[1] Assumed to be 20 percent lignite containing 45 percent carbon, and 80 percent bituminous coal containing 75 percent carbon.

[2] Assumed carbon content of petroleum, natural gas liquids, and hydrocarbons recoverable from tar sands and oil shales=86 percent.

[3] Assumed composition of natural gas by volume: CH_4=80 percent, C_2H_6=15 percent, N_2=5 percent.

Source: Computed from data given by M. King Hubbert, "Energy Resources, a Report to the Committee on Natural Resources of the National Academy of Sciences—National Research Council," NAS publication 1000-D, 1962, pp. 1-141.

From this data the following conclusion is reached (6):

We may conclude that the total CO_2 addition from fossil fuel combustion will be a little over 3 times the atmospheric content, and that, if present partitions between reservoirs are maintained, the CO_2 in the atmosphere could increase by nearly 170 percent.

The atmosphere now contains CO_2 in the ratio of 3 parts in 10,000 by volume. Complete combustion of all fuel reserves would increase this by 170%. It would then become 8 parts in 10,000. Since no more CO_2 could be added (from further combustion) the amount would show a yearly decline as it is partitioned to the biosphere and to the ocean.

The actual quantity of CO_2 in the atmosphere at any given time in the future will therefore reach a maximum between 3 and 8 parts in 10,000. Estimates of atmospheric CO_2 (6) have been made for the year 2000 based on various rates of fuel consumption. These calculations are summarized as follows (1):

Assuming further that the proportion remaining in the atmosphere continues to be half the total quantity injected, the increase in atmospheric CO_2 in the year 2000 could be somewhere between 14 percent and 30 percent (of amount now present).

In other words an increase of 30% would change the ratio from 3 parts in 10,000 to almost 4 parts in 10,000.

CO_2 and the weather

Both CO_2 and water vapor are absorbers of infra red radiation. That is, heat from the sun, or heat reflected from the Earth pass through the oxygen and nitrogen in the atmosphere without being absorbed, hence without warming them. In contrast, both CO_2 and water vapor will absorb this heat, hence become sources of heat in the atmosphere. Hence their presence in the air can result in a warming effect on the air.

Heat absorbed by molecules in the atmosphere is re-radiated, not stored. The radiation emitted is omni-directional, hence is partly turned back into space.

Although CO_2 and water vapor are similar in their heat absorbing and re-radiating and in their air warming characteristics, they differ sharply in another effect. CO_2 concentrations in the atmosphere tend to remain fairly constant even though the air temperature changes. In contrast, the warmer the air becomes, the more water vapor it can hold. Therefore the ratio of CO_2 to water vapor varies widely with air temperature, hence with latitude and with altitude.

Water serves as a heat pump both to air masses and to differentially heated areas of the Earth. As water changes state to become water vapor, energy is absorbed. The water vapor, on reaching a cooler point in the atmosphere, condenses and in the process, releases its energy. The energy is then radiated equally in all directions, about half into space. The condensate, as a cloud, also reflects incoming energy back into space. The cloud may then descend as rain or re-evaporate and transfer freshly absorbed energy to still another point.

Seventy percent of the Earth's surface is water and most of the Earth's weather is produced by the air-water energy exchange.

The role of CO_2 in the atmosphere is undisputed in terms of its heat absorbing and re-radiating capability. The effect of this action is far more difficult to determine due to the fact that the warming action of CO_2 is always confounded with other and larger heating and cooling mechanisms. It should also be noted that the net energy absorbed by the Earth is related more to its reflectivity than to air temperature. Highly reflective desert regions for example, have extremely hot air while in the sunlight but cool rapidly once the sun has set. *Air temperature therefore has no direct relationship to energy or heat actually transferred to the Earth.*

Were it not for the stabilizing and counterbalancing effects of larger variables, i.e. water vapor, surface reflectivity, cloud formation, etc., the warming role of CO_2 in the atmosphere could be computed. This is the so-called "greenhouse" effect.

The overall warming of the atmosphere between 1885 and 1940 was generally felt to be related to rises in the concentration of atmospheric CO_2. Yet since that time, CO_2 insertion has markedly increased but temperatures have declined slightly:

"One might suppose that the increase in atmospheric CO_2 over the past 100 years should have already brought about significant climatic changes, and indeed some scientists have suggested this is so. The English meteorologist, G. S. Callendar (1938, 1940, 1949), writing in the late 1930's and the 1940's on the basis of the crude data then available, believed that the increase in atmospheric CO_2 from 1850 to 1940 was at least 10%. He thought this increase could account quantitatively for the observed warming of northern Europe and northern North America that began in the 1880's. From Table 2 and our estimate of the CO_2 partition between the atmospheric, the ocean, and the biosphere, we see that the actual CO_2 increase in the atmosphere prior to 1940 was only 4%, at least from fossil fuel combustion. This was probably insufficient to produce the observed temperature changes. [But it should be noted that up to 2.5% of the atmospheric carbon dioxide (after partition with the ocean and the biosphere) could also have been added by the oxidation of soil humus in newly cultivated lands.]

As Mitchell (1961, 1963) has shown, atmospheric warming between 1885 and 1940 was world-wide phenomenon. Area-weighted averages for surface temperature over the entire earth show a rise in mean annual air temperature of about 0.5°C (0.9°F). World mean winter temperatures rose by 0.9°C (1.6°F). Warming occurred in both hemispheres and at all latitudes, but the largest annual rise (0.9°C or 1.6°F) was observed between 40° and 70°N latitudes. In these latitudes, the average winter temperatures rose by 1.6°C (2.8°F).

The pronounced warming of the surface air did not continue much beyond 1940. Between 1940 and 1960 additional warming occurred in northern Europe and North America, but for the world as a whole and also for the northern hemisphere, there was a slight lowering of about 0.1°C (0.2°F in mean annual air temperature (Mitchell, 1963). Yet during this period more than 40% of the total CO_2 increase from fossil fuel combustion occurred. We must conclude that climatic "noise" from other processes has at least partially masked any effects on climate due to past increases in atmospheric CO_2 content." (6)

In view of the overall stability of the Earth's temperature (a rise of one to two degrees between 1885 and 1940 and a fall of a few tenths of a degree over the next 20 years) the role of CO_2, or the potency of a "greenhouse" effect seems rather tenuous. However, the failure of the atmospheric models which predicted the warming effect did not cause them to be abandoned. Another approach is to ask how much colder the climate would be without the atmospheric CO_2. One answer to this estimates a drop of 18°F. (1):

Models of atmospheric thermal equilibrium in which vertical convection is allowed to maintain the observed vertical temperature gradient have recently been constructed by S. Manabe of the U.S. Weather Bureau (Manabe and Stricler, 1964; Mannabe, 1965). These show that the effect of infra red absorption from the present atmospheric carbon dioxide at mid latitudes is to maintain a ground temperature about 10° C. (18° F.) higher than would prevail if no CO_2 were present. An increase in the CO_2 content without a change in absolute humidity would, according to these models, produce a somewhat smaller surface temperature rise than that estimated by Moller. But a considerable change would occur in the stratosphere, where the CO_2 concentration by volume is perhaps 50 times that of water vapor. A 25% rise in carbon dioxide would cause stratospheric temperatures to fall by perhaps 2° C. (3.6° F.) at an altitude of 30 kilometers (about 100,000 feet) and by 4° C. (7° F.) at 40 kilometers (about 130,000 feet). (6)

Since the CO_2 now present in the air can not be removed artifically, the predicted drop in temperature of 18° F. can not be tested. However, one difficulty with this approach is clear. The effect of CO_2 in all models is to predict higher temperatures in the lower part of the atmosphere. Also the concentration of CO_2 in the total atmosphere has risen at a steadily increasing rate since 1885. Yet during that time the mean temperature of the Earth elevated slightly during the time of least concentration, then fell slightly during the time of highest concentration.

It would therefore seem that the history of CO_2 in the atmosphere shows its effect to be unknown, *not for lack of knowledge on the infra-red absorption and heating values of CO_2, but simply because CO_2 in the context of all other variables and stabilizing factors, produces an effect so small that it is lost.*

It would appear that increasing concentrations of CO_2 can not be shown to be a significant variable to the climate. As a pollutant, CO_2 is colorless, odorless. Except for water-vapor, which is not generally considered a pollutant, CO_2 is the least toxic effluent of combustion. It is soluable in water and is used to carbonate soft drinks and beer. An individual is exposed to much higher concentrations of CO_2 in carbonated beverages than a dense smog condition. When the concentration of combustion products reaches a level where physiological damage can occur, the damage is done by combustion effluents other than CO_2.

Fuel consumed for work performed

Within the city, the work efficiency obtained from fuel becomes a matter of environmental safety as well as quality. The table below compares fuel consumed per horsepower/hour for various types of power sources. (7)

Power plant	(pound fuel/horsepower hour)
1. Draft Horse	10
2. Coal fired locomotive	4
3. Automobile	0.9
4. Diesel-Electric Locomotive	0.6
5. Aircraft Piston Engine	0.5
6. Fan Jet (Subsonic Aircraft)	0.4
7. Jet engine (supersonic aircraft)	0.3

Aerial commuter systems such as VTOL and STOL offer the city high production vehicles equipped with higher temperature cleaner burning engines compared to surface vehicle standards. Of more importance to the city is that exhaust from these vehicles is released at an altitude which gives the normal air movement a much more effective dilution rate than it can have for slow moving densely packed surface vehicles.

It should also be noted that pollution from surface vehicles while related to efficiency, is even more related to speed of traffic movement. Traffic congestion multiplies the running time (hence effuents) of all vehicles involved.

The effluents of combustion emitted outside of a city do not present a serious pollution problem when compared to those allowed to concentrate within a city. However, they can not be ignored.

Aircraft, particularly jet engined aircraft emit the lowest quantity of pollutants for fuel used of any vehicle. Their effluents are also released in the air where they may be dispersed readily.

The following table shows the pollutant yield for various vehicle engine systems based on using the same quantity of fuel.

POUNDS POLLUTANT EMITTED PER 1,000 LBS. FUEL CONSUMED

Vehicle	Carbon monoxide	Oxides of nitrogen	Hydrocarbons	Particulates	Sulfur oxides	Total (rounded)
Subsonic jet	0.1	3.0	0.5	1	1.0	6.5
SST	.9	3.5	.5	1	1.0	6.9
Ocean liner	(1)	10.0	.01	1	20.0	31.0
Piston airliner	100.0	50.0	15	2	1.0	168.0
Auto	200.0	20.0	40	1	1.0	262.0

[1] Negligible.

We should now compare the work potential obtained, that can be done from the same fixed amount of fuel. The next table places the comparison on the amount of effluents released per 1,000 seat miles for the same vehicles.

Finally, we may examine the same vehicles in terms of their productivity. The more productive a vehicle becomes, the lower the number of vehicles required to handle a given work load. A reduction in the number of vehicles required is of great importance to transportation economics as explained earlier. It is also a pollution variable.

EMISSIONS PER THOUSAND SEAT-MILES

Vehicle	Fuel (pounds per thousand miles)	Pounds of pollutants emitted per thousand seat-miles: Carbon monoxide	Oxides of nitrogen	Hydrocarbons	Particulates	Sulfur oxides	Total (rounded)
Subsonic jet	170	0.17	0.51	0.1	0.17	0.17	1.1
SST	193	.17	.68	.10	.19	.19	1.3
Ocean liner	660	(1)	6.6	.1	.6	13.2	20.5
Piston aircraft	133	13.3	6.6	2	.2	.1	22.3
Auto	100	20	2	4	.1	.1	26.0

[1] Negligible.

When a vehicle must be overhauled, a great deal of power (hence fuel consumption) is required. For example, six subsonic jets (like the Boeing 707) must be maintained to do the work that can be handled by a single Boeing SST. The table below compares the same set of vehicles in terms of realtive productivity. (4)

RELATIVE PRODUCTIVITY

Vehicle	Speed (miles per hour)	Fuel consumption (pounds per hour)	Seating capacity	Vehicles required for 2,000 seats	Vehicles required for equal work/year
SST	1,750	115,000	270	7.4	1.0
Ocean liner	40	53,000	2,000	1.0	5.9
Subsonic jet	550	13,000	140	14.3	6.1
Piston airplane	350	3,000	65	31.0	20.8
Auto	60	24	4	500.0	1,970.0

In all comparisons, the turbine engine powered aircraft is superior to other systems. The piston engine, particularly when used in automobiles, is clearly the worst.

The jet aircraft account for 3 times the intercity passenger miles of all other carriers combined. In local travel and commuting however, the automobile remains unchallenged.

Research to develop low cost automobile exhaust treatment systems is progressing, but must necessarily be regarded as a first step. These systems will improve air quality by removing a percentage of the more toxic effluents from the exhaust. However, they do not alter the total quantity of fuel consumed nor the extremely low vehicle productivity.

The comparative data shown suggests that the technology of the high temperature used in modern aircraft if applied to automobiles, would significantly reduce exhaust concentration and toxicity. The aircraft turbine when compared to the automobile engine produces less than 3% as much toxic effluents for the same amount of fuel. The amount of fuel required per hp/hr is also reduced by more than 50%.

III. STRATOSPHERIC CONTAMINATION FROM THE SST

Water vapor

A normal fleet of 400 supersonic transports making 4 trips per day will inject 150,000 tons of water per day into the stratosphere. In addition to the water, the exhaust gasses contain particulate matter, carbon dioxide, sulphur dioxide and other gaseous products.

Speculation over the consequences of this intrusion into a relatively unused layer of the atmosphere have included fears that climatic changes would occur. Both lethal rise in temperature and a new ice age have been predicted. A permanent cloud cover was associated with both forecasts. Another postulation includes a potential destruction of the ozone layer with a subsequent intensification of ultra violet irradication.

The stability of the stratosphere has also been questioned. The idea here postulates that the steady state of the stratosphere may result from a critically sensitive balance of natural forces, and man's use of it could destroy the critical balance and trigger vast changes.

Man's concern that he may alter the climate before he learns to control it is far from new. The Earth's climate is often identified as the price man will pay for some new (hence unfamiliar) technical or scientific development. In recent times, the indictment of climate change has been directed at nuclear detonations, rocket penetrations and rocket exhaust products.

The latest item to receive this indictment is the supersonic transport. Supersonic flight is unprecedented in the world of civil aircraft. A by-product of supersonic flight, the sonic boom (from military planes) served as its debut to the civilian world. The potential utility of the speed for civil applications was hardily suggested by the startling shock of this explosive greeting. Continued testing (by the Air Force in the early 1960's) to study sonic boom effects left many cities of people with more awe than understanding and more anger than curiosity. Supersonic flight to the military had become common place by then. It dates back 23 years, a period long enough for many thousand supersonic aircraft to have accrued an estimated [4] half a million super sonic flight hours at altitudes between 50,000 and 80,000 feet. Similar experience is common to most of the world's Air Forces.

But, the familiarty of the military with supersonic flight does not transfer to the public sector in any automatic fashion. The civil SST had a stark newness and an aura of great power. If it were allowed to fly, would it upset our atmosphere? The National Research Council of the National Academy of Science commented as follows:

The aerospace age has added another dimension to the problem of inadvertent weather modification. The advent of supersonic transport aircraft, flying routinely in the stratosphere, has raised a question concerning possible consequences of the additional water vapor to be injected by these aircraft into the stratosphere. Our tentative conclusion, based on an assumed traffic volume of four flights per day for 400 supersonic transport planes, is that neither additional cloudiness (contrails) nor water-vapor absorption of a long-wave radiation will be sufficient to disturb appreciably either stratospheric properties or the large-scale circulations that are influenced by its thermodynamic state. (8)

An analysis of the problem by the Environmental Science Services Administration led to the following comment:

It is the view of the Office of Meteorological Research that although an unequivocal answer cannot be offered, the general opinion of a large group of scientists almost unanimously rejects any significant threat to modification of the weather. (9)

[4] Total furnished by DOD.

Regardless of the authority behind these statements, they have had little effect on the disposition of this concern. Perhaps these analyses would have carried greater force if the meteorologists had explained the place this man-made perturbation holds in their realm of the atmosphere and its natural forces.

Let us examine some of the reasons why the meteorologists who were quoted were not disturbed by the prospect of water injection from a fleet of SST's.

During 1967, three common sources of combustion in the United States poured about 1.2 billion tons of water into the air, as follows:

Source:	*Hydrocarbon fuel burned, 106 tons*
Power plants	447
Automobiles	220
Aircraft	25
Total	692

Since each pound of fuel burned produces about 1½ lb of water, the burning of 692-million tons of hydrocarbon fuels will produce approximately a billion tons of water. This water, ejected as vapor, becomes a factor in the equilibrium of water absorbed or released by the atmosphere.

How much of a factor is a billion tons of water?

One often hears reference to "our sea of air." In a literal sense, the average moisture level of the air would indeed make a sea. On an average day our "sea" in the air weighs approximately 150-trillion tons. Condensed in one place this water would form a 3000-sq-mi. sea 1 mi. deep.

We can now place the water generated by burning fuels in its global context. If the billion tons of water generated in a year by the sources cited could be added to the air in a single second, it would add 1 part in 100,000 to the water normal to the atmosphere. Normal fluctuations in the atmospheric water content exceed this quantity many thousand fold.

Our projected fleet of SST's will occupy a previously unused part of the Earth's air envelope. Cruising height of 12 mi. will be five or six miles above that of conventional jet transports. Consequently, the atmospheric volume used for air travel will be almost doubled. The useful volume of air space is now about 1.2-billion cu. mi. With the SST the useful volume will rise to about 2½-billion cu. mi.

If we relate the water produced by fuel consumption of the fleet of SST's to the

water normal to the air, it appears as only 1 part in 1 billion. However, the water normal to the air is concentrated in the warmer, more-dense air near the Earth's surface.

In considering this aspect of the problem we can begin with the following observations. Up to 200,000 tons of water will be ejected over a flight path of some 2-million miles. The water would therefore be dispersed at the rate of about 200 lb. per mile.

If the relative humidity happened to be near saturation in a particular section of the normally dry (2 or 3% relative humidity) stratosphere, contrail could form. It would exist until it was dispersed into an area of air somewhat dryer and then it would become invisible, as water vapor.

The expansion of the water vapor behind the aircraft is rapid and continues until equilibrium with the surrounding air is achieved. Water vapor, like CO_2 absorbs energy in the infrared region of the spectrum. If one attempts to measure the change in radiation intensity on a square foot of Earth surface within about two minutes of the fly-over, he will be seeking a change in sunlight resulting from the light penetrating an expanding band of water vapor which by that time would have merged with the wing tip vortices. These two rotating tubes of air would have a total cross section of about 200,000 square feet.

The SST requires two seconds to fly a mile. Therefore, two minutes after passage the expanding water vapor would occupy a volume of a billion cubic feet of air per mile. Measuring solar energy intensity on a square foot area directly beneath one of the tubes (about 350'' diameter), existing at this instant would require detecting changes associated with the filtering efficiency of .0024 ounce of vapor (if weighed as water). Measurement would be most uncertain, if possible at all.

Gradual accumulation of water in the stratosphere

However small the daily effect may be, one aspect of the question remains. The SST, once in service, will remain in service. Will the year-by-year deposits of water cause a gradual acumulation which could eventually affect the normal environment? This question asks whether or not this normally dry, high layer of air contains mechanisms to preserve its equilibrium. It further asks: Will the water from the SST accumulate with time or be disposed of by the natural mechanisms which now preserve the equilibrium of the stratosphere?

The recently concluded symposium at Williams College to study critical environmental problems tentatively concluded that in cooler (polar) areas, the stratosphere could accumulate enough water for increased cloudiness. In expressing their concern, the symposium recommended that tests and research be conducted to determine first whether or not additional clouds would occur and second what effect these clouds might have.

To place these concerns in perspective, it should be noted that the stratosphere does, indeed, possess natural mechanisms which hold its conditions relatively constant. The higher strata of the atmosphere are not immune from the effects of low-altitude weather. A single, large cumulonimbus cloud, common to the tropics, can inject as much water vapor into the stratosphere as would a fleet of SST's making 1600 flights on a given day. (6)

The number of such injections per day is estimated to be between 2 thousand and 6 thousand. Seasonal variations and low altitude weather changes give a wide range to this daily insertion of water from natural causes. The relative humidity of the stratosphere, however, remains quite stable and very low. ESSA data shows that over the past five years the water content of the stratosphere has shown a slow increase and is now 50% greater than it was five years ago. In numbers, however, this 50% increase is the difference between 2 parts per million (ppm) and 3 ppm.

About 20% of the atmosphere lies above 38,000 feet. This quantity of air weighs 11.4×10^{14} tons. Stratospheric water would therefore be approximately:

at 2 ppm—22.8×10^8 tons
at 3 ppm—34.2×10^8 tons

Some idea of the water cycling capability of the stratosphere can be obtained by comparing the relatively stable amount of water present in the stratosphere with the amount received from tropical weather each day.

If we use the ESSA estimate of approximately 150,000 tons of water inserted into the tropical stratosphere from a simple large cumulonimbus cloud, then for each 500 such daily events the stratosphere would receive 75×10^6 tons of water.

This rate of water insertion (500 cumulonimbus clouds per day) would require 45 days to place in the stratosphere an amount of water equal to that now present. This consideration is less important than the fact that the water level in the stratosphere is extremely constant. To remain constant, or approximately so, the stratosphere *must release all the water it receives each day above the normal to its stable state.*

For each 500 large cumulonimbus clouds that occur each day in the tropics, the stratosphere receives *but also releases* seventy five million tons of water. The water injected by a fleet of 500 SST's would be 0.002 of this amount and being water, would be subject to the same cycling mechanisms. The stratosphere is dry, not because it lacks exposure to huge quantities of water, but because its natural mechanisms tend to stabilize its water content at a low level. Water beyond this level is rejected.

The cycle time for materials placed in the stratosphere is uncertain. The period of 18 months is often used. The figure was derived from fall-out detection following a nuclear test. The nuclear decay of the fall out indicated an 18 months period from the initial explosion. The cycle time of water placed in the stratosphere would have little bearing on stratospheric humidity. That is, the water released each day is approximately equal to the amount received, but it is neither likely nor necessary that the water *either released or absorbed be the same water.* When air is circulated into a cooler region, it becomes less able to carry water. A temperature change can cause condensation of water to occur, and the water will condense without regard to its time of residence in the air.

If we assumed that the water placed in the stratosphere actually did take 18 months to be cycled out, the supply of water placed in the stratosphere would rise steadily to reach a maximum in 18 months of 8.1×10^7 tons. This amount would boost the now normal 3 ppm to a new constant level of about 3.4 ppm. The Study on Critical Environmental Problems (SCEP), (10) using a similar approach for this assumption (18 months cycle), estimated the increase in strateospheric water would stabilize at a 10% increase or rise from 3.0 ppm to a maximum 3.3 ppm.

It should be noted that the rise in stratospheric humidity based on a residence time assumption for water is at variance with the observation that the stratosphere does not retain the water to which it is exposed expect for the amount which sustains its steady state humidity. The increase based on assumption of a residence time is therefore a "worst case" hypothesis.

Finally, should the "worst case" be true, the increase would represent a change only one fifth as great as the normal variation noted over the past five years.

During the winter season in the polar region, a local cloud effect was hypothecated by the SCEP. This cloud effect, if it occurs could be a contrail or a cirrus-like formation. Although stratospheric flights in the polar region have not indicated that contrails or false cirrus clouds have occurred during the past two years of observation, these flight experiments will continue.

Volcanic events: a test of stratospheric stability

Aircraft flying in the stratosphere deposit water, gaseous products and particulates. Regular use of the stratosphere by civil SST's will increase the amount over that now being injected by military aircraft.

The issue may be placed in perspective by examining the effects on stratospheric stability, ozone, and world weather of volcanic events. A volcanic eruption is a good test of stratospheric stability. Millions of tons of gas, water, dust and chemicals can be injected in a single day. The stratosphere receives the full impact of the injection because the injection is complete before cycling-out can start.

The National Center for Atmospheric Research (NCAR) cites six volcanic events in recent times which injected enough material to cause a decline in world temperature through reflection or absorption of reradiation of solar energy:

"Volcanic dust has been held responsible for several more recent dips in world temperature means, such as the notable temperature declines in 1787, 1816 [the "year without a summer"], 1837, 1884, 1893, and 1912."

Particulates from Volcanic action require about a year to settle. If the particles are exceptionally fine, their residence is longer. The finer particles are in a spherical shell known as the Jungle layer at an altitude of about 60,000 feet.

The content of volcanic emission is not limited to water and inert ash. It is frequently highly reactive (11):

"Analyses of material from Kilauea, in both its non-eruptive and eruptive phases, show that more than 95% of the fume particles are sulfuric acid droplets, often partially neutralized with ammonium and calcium ions. Other particles consist of ammonium bisulfate, ammonium sulfate, ammonium chloride, sulfur, and calcium and magnesium sulfates. The volcanic particles from Mayon contain all the same substances, but there is on the whole much less acid than at Kilauea. A considerable amount of ash, composed of fine particles of lava, was present in Mayon samples. Also present were many tiny spherules, in concentrations indicating that they originated from the volcanic action."

Perhaps the greatest burden placed on the stratosphere in recent time occurred at Krakatoa.

The Krakatoa eruption replaced an island containing 14 cubic miles of rock with a flat plane a mile across on the ocean floor lying beneath 1000' of water. Dr. Melvin A. Cook, one of the world's foremost authorities on explosives, computes the energy released by Krakatoa as equivalent to 5,000 megatons of TNT (12). The column of efflux left the Earth's surface at velocities exceeding mach 3. The resulting sonic boom was audible 3000 miles away.

The shock wave, detectable on barographs, traveled around the earth, reflected from itself, and returned, repeating the cycle four times before dissipating below the sensitivity of available instruments.

Estimates by Ernst Behrendt indicate that the efflux included a cubic mile of sea water in the form of super heated vapor. Behrendt's account was published by the American Nature Association (Nature Magazine, March 1946).

Sightings at the time produced estimates of the altitude achieved by the blast as 150,000 feet. Several cubic miles of materials, rock, lava, steam and water were pulverized and blended by shock waves and heat and brought night-time darkness to areas within a hundred mile radius.

The residue circled the Earth, giving the moon a green tint and turning the setting sun blue, grey or green for the better part of a year.

Here again it would appear that several cubic miles of water, chemicals and solids, interacting with the sunlight for over a year, as they cycled out of the air, caused no noted or dramatic effects on long term temperature cycles, world weather, or life on earth due to ozone disturbance. (It may be noted that the Junge layer and the area of highest ozone density coincide in altitude).

The contaminants placed into the air by the SST are not comparable either in quantity or chemical reactivity to insertions the stratosphere routinely experiences from natural causes.

Particulates from the SST

Carbon particles from the SST engine are estimated at five pounds per SST per hour. The carbon emission (20 lbs.) would be dispensed over a distance of about 1800 miles.

The highest concentration of carbon would exist about an hour after passage of the aircraft through a calm section of the sky. Most of the exhaust is drawn into the tip vortices formed by the wing. The lift generated by the wing imparts momentum to the air. The energetic air departs from each wing tip as an expanding, whirling mass of air. These two air masses rotate in opposite directions and horizontally to the ground. They depart in a downward direction and spread away from each other. They will eventually stagnate below and to either side of the flight path. The final diameter of the becalmed horizontal columns throughout which the carbon has been mixed will be several thousand feet across.

If we assume all the carbon emitted is contained within these two air columns, each will contain 10 lbs. in an hours flight. Based on a maximum diameter of 1000', each column will contain 7×10^{12} cu. ft. through which 10 lbs. of carbon are dispensed, or 7×10^{11} cu. ft. per lb. of carbon. This is not a detectable quantity.

A "normal" fleet of 500 SST's, operating ten hours per day would release a total of 50 tons of carbon per day. If an average stay time of 18 months is assumed for particulates placed in the stratosphere, then the steady state density of the carbon following an 18 month build-up is of interest.

550 daysx50 tons/day=27,500 tons

Based on an average residence time of 18 months, the carbon particulates reach a peak of 27,500 tons, or a concentration of 3 parts in 100 billion (by weight) with the air in the stratosphere or 3 billionths of a microgram per cubic meter. The average city during a smog free day contains 100 micrograms of dust per cubic meter.

In addition to the carbon, today's fuels would also release sulphur dioxide. This gas is heavier than air and tends to fall. It has an affinity for water and can combine with watervapor to form a particle of sulphurous acid. Sunlight might add enough energy to some of the particles to pick up an additional oxygen atom to form a heavier particle of sulphuric acid or ammonium sulphate.

In examining the sulphur dioxide quantities, the MIT sponsored study group on critical environmental problems (SCEP) assumed that:

(a) The fuel consumed in 1978 would contain the same amount of sulphur as the fuels in use today. The average of the fuels today ranges between .004% and 0.09% sulfur content. The value of .05 was selected. As well as being a pollutant, sulfur decreases engine life. Jet engine fuels have steadily decreased in sulphur content and will continue to do so. By the time the SST enters commercial service the sulphur content will be between 0.005% and 0.01%.

(b) The fuel consumption was assumed to be a constant of 66 tons per aircraft per hour. However, the Boeing SST must reduce power as its fuel is consumed. Its fuel consumption average is 53 tons per hour for a complete flight. The operating time for the "normal fleet" (500 aircraft) was set at 7 hours per day by the SCEP. Original calculations made for this review are based on a 10 hour day.

(c) The sulphur dioxide gas in the exhaust is not particulate. However, for purposes of the study, the gas was regarded as totally converted to particulates. The sulphate particles, once formed, tend to grow and eventually fall. A hypothetical and unnatural situation was assumed for the purpose of looking at the effects from the most conservative (worst case) viewpoint. This case assumes total conversion of SO_2 to particulates and no particle growth.

Using the SCEP assumptions, an SST will release 0.66 tons of sulphur dioxide per day. A fleet of 500 aircraft would release 330 tons per day. With a cycle time of 18 months the peak SO_2 concentration would reach 181,500 tons. This quantity, if evenly dispersed would become 2 parts in 10 billion with the air in the total earth's stratosphere or 21 billionths of a microgram per cubic meter.

Safety factor

The ratio of SO_2 which may become particulate through chemical interaction is unknown at this time. The safety factor for the assumption of complete conversion to particulates is therefore also unknown. It should be noted however that the safety factor without considering the degree to which SO_2 becomes particulates, exceeds 300%. In other words, the analysis provided by the SCEP would apply to a world fleet of 1,500 aircraft more accurately than to the "standard world fleet" of 500 aircraft identified in the study.

Dispersion pattern

The chances of a uniform dispersion are small. Knowledge of particle dispersion in the stratosphere is somewhat limited. Only in recent years has serious study of such events been possible. Some relevant data is available from observations of the materials injected by the Mt. Agung volcano. Although the actual quantity of material placed in the stratosphere by this volcano is not known, the SCEP felt that observations of the particle history and their effects would be relevant. The group speculated that the combined particle emissions (carbon and sulphur) from the SST might peak to be similar to a "small Agung," perhaps even equal to it.

The SCEP based this comment on measurements of particulates in the stratosphere made by Junge (15) prior to the Agung eruption. His measures indicated a particle concentration of 12 parts per billion with the air in the stratosphere. This figure is contrasted with measurements taken by Cadle et al. (16) in 1969. Cadle's data indicated that the stratosphere contained 360 parts per billion; a 30 fold increase. The higher density was associated with the eruption of Mt. Agung although the measurements were taken several years after the eruption.

The world wide peak particle dispersion from the SST's was estimated by the SCEP to be 33 parts per billion. They cautioned that in the Northern hemisphere, this concentration could rise to 330 parts per billion on heavily used routes. The coincidence of the peak route particle estimate and the post Agung measurements led to the comparison of the SST to Mt. Agung.

The use of the comparison by the press turned out to be somewhat more dramatic than the SCEP intended. The following points will place some of these observations in perspective:

Volcanic eruptions are not the sole source of particles in the stratosphere. The earth's gravitational field draws in meteoric dust as though it were a vacuum cleaner. NASA (17) estimates that a total of 10^{22} particles, ranging in size from 1^{-14} gram up to 10 grams enter the atmosphere each day.

The data is inadequate to establish the size distribution of the trapped particles. The total weight, therefore can not be calculated. However, a conservative estimate can be made by selecting a particle size on the small end of the size range and assuming that all particles are this size.

If all were 10^{-12} grams, the total weight of the dust would be 10,000 tons per day. Granting this dust the same 18 month cycle used for the Agung debris and the SST particulates, the steady state total is 5.5×10^6 tons.

The ratio between this quantity of dust and the entire atmosphere of the earth is 1.2 parts in 1 billion. Evenly dispersed but retained at the constant level of 5.5×10^6 tons the ratio of dust to the stratospheric atmospheric becomes 7 parts per billion.

Again, an even dispersion is an unnatural, actually a statistically impossible event. The dust would be concentrated by the earth's magnetic field into patterns. Also it is pushed by the solar wind and also influenced by the lunar pull. Its entry to the air could hardly be in a uniform pattern. Once in the air it would be subject to the movements of the upper air and would be accumulated in some areas, thinned in others.

Whatever the irregularity of the distribution, the dust from space is widely dispersed Its pattern therefore resembles that of the particulates released from the SST far more than the single point insertion of a volcanic explosion.

Ratio of meteoric dust to the SST particulates

The SST particulates, listed on the SCEP assumptions, combine to a total per day of 380 tons. The 18 month total would be 2×10^5 tons.

The meteoric dust 18 month total is 5.5×10^6 tons.

$$\frac{5.5 \times 10^6}{2 \times 10^5} = 1 \text{ part in } 27.5$$

In other words the particulates from the SST constitute a steady state total of 1 part in 27.5 of the meteoric dust. The ratio to total dust, including volcanic is unknown. During an eruption and for several years following it, the ratio of SST particulates to dust from natural sources would be conservatively 1 to 1000 and a times far greater.

It would seem that the research to determine the effects of the SST particulates on climate or on the stratosphere will be difficult. The challenge will be in isolating the effect of this variable from the somewhat overpowering "noise" levels of natural phenomenon.

The Ozone Layer

Normal (molecular) oxygen (O_2) and nitrogen (N_2) are broken apart by sunlight in the upper atmosphere, approximately at the mesopause (60 miles altitude). The resulting oxygen and nitrogen atoms drift down, occasionally joining with other molecules.

Ozone (O_3) is formed when an atom of oxygen combines with a normal oxygen molecule, ($O + O_2$). Ozone appears throughout the atmosphere with its highest concentration at about 60,000 feet. It is unstable and readily destroyed by sunlight. Since the sunlight is less intense in the polar regions, the ozone concentration reaches about twice that found in the tropics.

Ozone is a rare gas. The amount present in the atmosphere is variable but averages around 5 parts in 10 million. When it is drawn down into the lower atmosphere by the cyclonic action of a high pressure area, it is quickly combined with other compounds.

Ozone is relatively opaque to about 25% of the ultra violet spectrum, the region between 2200 and 3000 angstroms (A). The ultra violet (U.V.) radiation in this range is harmful to life.

Mercury lamps will emit U.V. at 2537 A, close to the center of the ozone absorption band. These lamps are commonly used to kill air borne bacterial or to control organisms on or near the surface of perishable products in storage.

U.V. below 2200 A is absorbed by almost all atmospheric gasses. Most of the U.V. spectrum above 3000 A is absorbed only to a minor extent by the atmosphere but is less harmful to organisms.

Over any given point on Earth, seasonal variations in O_3 concentration average about 25%. Daily fluctuations over any single point on Earth are at least 10% on a given day.

Sunlight will break apart other molecules, even complex chemicals, reducing them first to ions or radicals, then finally to atoms. The rate of photo-dissociation is slow, however, as the reduction requires the absorption of considerable energy. Water is broken into atomic hydrogen (H) and an (OH) ion.

If water is dissociated in the presence of atomic oxygen (O) the free hydrogen atom may combine with the oxygen atom to form an additional (OH) ion. Atomic oxygen, which might have become ozone (if it had combined with O_2), is thus diverted to becoming part of an (OH) ion instead.

As pointed out earlier, most of the water received by the stratosphere is from natural sources. The water injected by the SST is a minor part of the total water cycled each day by the stratosphere. Almost all of the water entering the stratosphere is returned to the troposphere. To be dissociated, the water would have to be elevated beyond the stratosphere to a height near the mesopause (about 300,000 feet). The sunlight at this height is energetic enough to cause some photo-dissociation.

Over the past five years, the water normal to the stratosphere has increased by 50% of its former value. Ozone measurements, made by ESSA weather stations since 1962 [5] show no correlation or change in ozone density, associated with the higher levels of water vapor in the stratosphere.

However, it should also be noted that the most potent ozone destroyer is the band of solar energy absorbed by it and which also causes it to form. As ozone is destroyed by this energy, more is formed. If ozone should be decomposed by some other circumstances, the solar energy which would have been absorbed proceeds through the cleared space and simply causes more to form perhaps a few feet below.

The destruction of the ozone layer could occur if for some reason the solar output in the region between 2200 A and 3000 A was increased by a few orders of magnitude. This would cause a destruction of the ozone at a rate faster than it could reform. Short of this event, however, the destruction of the ozone layer from other causes is not a likely event.

The SCEP Analyses of the Ozone Question

The MIT sponsored study group re-examined depletion due to water vapor and concluded that the effects, if they could be detected at all, would be well within the day to day variability of ozone density. (17)

[5] Data obtained from ESSA.

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Mr. AIKEN. Mr. President, I could use 2 minutes.

Mr. PROXMIRE. Mr. President, I yield 2 minutes to the Senator from Vermont.

Mr. AIKEN. Mr. President, I am not opposed to continuing research on high speed and high altitude airplanes or even on planes to be flown in outer space.

This is important if we are to continue our lead in the world's aviation industry and keep many qualified people in our scientific community working.

However, we are faced with severe—even critical—problems in our domestic airline industry, particularly those lines which are serving the rural areas, such as those which serve Northern New England.

I feel that the $290 million proposed for continued Government financing of the SST could be better spent in insuring the continuance of necessary domestic airline service in the United States.

Once this job is done, then I would look more favorably on the request for the funds to continue the research and development work on the SST.

Development of SST may be a worthwhile goal—in fact, I believe it is—but for the time being I am more interested in seeing that adequate air transportation is provided between Vermont and New York, Washington, and other points in the United States.

Mr. President, this is simply a case of putting first things first. This was brought home to me rather dramatically recently when I had a call from one of my constituents in Northern Vermont who was going to Rochester, N.Y., and had to travel something like 160 or 170 miles to Albany, to get a plane for Rochester.

Mr. BIBLE. Mr. President, I yield myself such time as I may require.

In the absence of our distinguished committee chairman, Senator STENNIS, who was unable to preside over the subcommittee hearings due to the press of the military authorization bill, I was privileged to serve as subcommittee chairman.

I want to say at the outset that in my experience in the Senate, I have rarely, if ever, seen a program which has been subjected to more scrutiny than that directed at the SST over the past many months.

I think this is as it should be. I am a firm supporter of the fundamental principle that a proper stewardship over the public purse requires that a thorough going investigation should be made of any and all proposed uses of the taxpayers' moneys. And, I daresay, that there has not been a more open and thorough debate both within and without the Congress than that which has attended this supersonic transport development program.

This principle of careful inquiry has been faithfully observed by the committee. The SST is not a new program, but in view of the concerns that have been voiced, the committee has reexamined the project in great detail. The report of the House Appropriations Committee, prepared earlier this year—the comments of the Department of Transportation on the separate views contained in that report—and the testimony and statements received by the committee—were all carefully reviewed. The committee also took cognizance of the report issued in August by the Subcommittee on Economy in Government of the Joint Economic Committee, as well as the differing views of the Department of Transportation. A broad array of experts was

heard from and, of course, the committee has been alert to the general public debate.

In sum, the SST has been the object of painstaking consideration by your committee.

The committee has considered the potential benefits of U.S. leadership in SST technology and sales. It is the conclusion of the committee that a program to develop a U.S. SST remains firmly in the national interest, and that the prototype program now in progress should be continued at the pace requested.

In the opinion of the committee, much of the criticism directed toward the SST, and many of the concerns that have been expressed relative to its effects, pertain solely to supersonic aircraft in large-scale, commercial service; and then only on a purely speculative and theoretical basis. On the facts available, interruption or termination of the prototype program for environmental impact reasons is unjustified.

In the judgment of the committee, it would be contrary to the best interests of the taxpayers for Congress to take any actions which would prematurely or unjustifiably jeopardize the nearly $800 million invested in SST research and development to date, and at the same time risk erosion of the aviation leadership which has long served the economic and technical interests of the United States.

I might add to that the letter we received this morning from the Department of Transportation totaling the cancellation costs if this project should not go forward, and that amount is in the neighborhood of $277.8 million.

Mr. President (Mr. BYRD of Virginia), I ask unanimous consent to have the letter printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY
OF TRANSPORTATION,
Washington, D.C., December 2, 1970.

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: The contract modifications for the Supersonic Transport Development Program for December were recently signed, and I believe you should be brought up to date on the obligations of the government should the program be terminated by the Congress this month.

Members of the Department of Transportation testified in August of this year that a F.Y. 1971 appropriation of approximately $160 million would be required to cover possible government liability if the SST program were cancelled prior to the 15 October recess. Since that time, of course, we have incurred additional program costs under the authority of the Joint Resolution which has allowed the program to proceed on schedule. Our current estimate of the minimum additional appropriations required in the event of program cancellation is $196.9 million. In addition to this amount, program termination could impose certain other possible legal and moral obligations on the Federal Government as indicated below.

The liability of the Federal Government in the event of program cancellation could be extensive. The government would be obligated to return to the SST Contractors their share of the development costs to date, for which Congress would have to appropriate funds. The Congress would also have to appropriate funds to cover the expenditures incurred since the beginning of this fiscal year under the Joint Resolution. Further, the Congress would also have to appropriate funds to cover termination costs, and, perhaps, to restore the nearly $59 million airlines have invested in the good faith that the prototype program would proceed to completion.

As mentioned above, the minimum F.Y. 1971 SST appropriation the Congress would have to approve to discharge the government's responsibilities is estimated to be $196.9 million. Additionally, if the government accepts a moral obligation to repay the $59 million the airlines have contributed to help defray development costs, the required appropriation would total $255.4 million. Not included in the foregoing would be the government's obligation to refund to the airlines $22.4 million on deposit in the Treasury for the reservation of SST delivery positions. Thus, program cancellation at this time could require a total Treasury outlay of as much as $277.8 million. Enclosed is a chart showing the breakdown of these figures.

It is obvious that we face a situation in which the costs to terminate the SST program are fast approaching the F.Y. 1971 amount being requested by the Administration for continuance of the program.

One further point is worth noting. Upon completion of the prototype program, the government's commitments to the manufacturers and the airlines will have been satisfied. Should we proceed to that point, and then for any reason the SST program does not proceed, the investments of the manufacturers and the airlines would not be refundable.

I should add that an additional and very real cost of any such termination at this time would be the loss of substantial benefits to the nation in jobs, exports, tax revenues, and recovery of the government's investment through royalties. The United States would also forfeit its role as world leader in commercial aviation.

The transportation systems of the 1980's will include supersonic transport aircraft, and I believe they should be those manufactrued in this country.

Sincerely,

W. M. MAGRUDER,
Director, SST Development.

SST PROGRAM TERMINATION COSTS

[In millions of dollars]

	Dec. 1, 1970	Jan. 1, 1971
Contractor shares	77.8	79.8
Additional appropriations required to cover continuing resolution	86.6	105.1
Estimated additional termination liability	10.0	10.0
Program office	2.0	2.0
Appropriations required	176.4	196.9
Plus airline escrow funds (Treasury)	22.4	22.4
Total minimum Treasury outlay	198.8	219.3
Plus airline R. & D. contribution [1]	58.5	58.5
Total Government commitment	257.3	277.8

[1] Although not legally binding, a possible moral refund obligation.

Mr. BIBLE. The figure for cancellation if this program should not go forward is pretty high in itself. It is well documented. I think it is authentic and accurate, and it must be taken into consideration as we move forward in the debate this afternoon.

This is not to say that the committee is unconcerned about deterioration of our world environment. The committee is deeply concerned. As stated in last year's report, the committee is not willing to buy aviation leadership at further cost to our environment. The committee heard considerable firsthand testimony from those who claim the SST will have a detrimental impact on the environment. However, the detailed questioning of witnesses—the record will bear this out—and exhaustive study of the material and testimony provided no factual evidence to the committee that the SST would have a harmful impact on the environment. The consensus is that opposition to the SST from an environmental standpoint is not based on established facts.

On the other hand, the committee recognizes that supersonic transport suggests questions concerning which there is not enough scientific information to say positively certain claims of possible harm to the environment are false. Nevertheless, one fact is clear. The funding recommended by the committee in this bill—I think this muse be emphasized over and over—is for the development of prototype aircraft, and no one, including the program's most vigorous opponents, has alleged that two prototype aircraft will have any adverse impact on the world's climate.

Because gaps remain in our scientific knowledge which prevent positive answers to certain concerns, the Department of Transportation has drawn up, in conjunction with the National Oceanic and Atmospheric Administration, NASA, and other agencies, a comprehensive environmental research program. This program, extending over the next several years, will yield answers to environmental questions before the time any decision must be made on production of the SST for commercial use. This program is useful since the answers to environmental concerns are needed regardless of the future of the U.S. SST. Military aircraft have been operating supersonically at extremely high altitudes for years without benefit of any specific effort to record their effect, if any, on the atmosphere. An additional $4.6 million is being recommended for inclusion in the transportation planning, research, and development line item of the Department of Transportation bill to further this effort in fiscal year 1971.

Questions raised about the SST impact on the environment include concern over sonic booms, noise, and possible effects on the climate.

Regarding sonic booms, attention and a positive response to these concerns need not await research. As emphasized in the report, the committee is intent upon protecting the public against the sonic boom, and has in mind legislation specifically prohibiting overland flights at boom-producing speeds. Until very recently, however, the Department of Transportation had been unwilling to press for such a bill—preferring instead to impose speed limitations by agency rule. Such an approach provides less protection because any such agency rule would be subject to change through administrative action. Legislation would provide more permanent protection.

I am pleased to be able to say that this problem has been resolved satisfactorily.

The Secretary of Transportation has advised the committee that in view of the committee's deep concern in this area, the Department now has no objection to a statutory prohibition of flights over populated areas at boom-producing speeds. And I am further pleased that just last evening the Senate passed by a unanimous vote S. 4547 to effectively regulate exposures to sonic booms, and airport noise.

A great deal has also been said and written creating concern over the noise of the SST engines. After much examination, the committee believes most reports are incorrect. Some are misleading. Reliable evidence indicates that after takeoff and on approach to the airport, the SST engines will actually be quieter than those of current 707 type jet aircraft. While on the takeoff roll, the sideline noise of the SST will exceed that of the subsonic jets, according to present calculations. However, with 8 years still available for research before commercial use, engine experts express great confidence that noise suppression techniques will be developed to reduce even this sideline noise on the airport. And S. 4547—passed by the Senate last evening—requires that production models of the SST comply with the noise regulations applicable to the new subsonic jet aircraft.

The committee heard many charges from witnesses that the SST might modify the climate. One witness expressed the thought that SST operations might decrease ozone in the atmosphere which in turn could increase harmful ultraviolet radiation on the earth's surface. Another witness speculated on the possibility of an increased cloud cover resulting from added water vapor which in turn could either lower the earth's temperature, thereby creating a new ice age, or raise the earth's temperature resulting in a melting of the polar ice. The committee found no responsible witness who could say with certainty or on the basis of scientific fact that SST operations would in fact modify or harm the world's climate. Rather, present information indicates that any detrimental impact on the atmosphere is unlikely. However, because of the uncertainties that still exist regarding photochemistry, circulation response, and natural variability of stratospheric properties, the Department of Transportation has initiated its interagency environmental research program to make certain all required answers become available prior to production of the SST.

The Department of Transportation has also formed two advisory committees on noise and environment. These are made up of outstanding scientists from both within and outside the Government who will monitor the progress of the environmental research program and advise the Department of additional areas needing investigation.

I want to emphasize again that the committee in no way deprecates the concerns that have been expressed over environmental factors. Where accurate scientific information is not available today, we need answers, and the path to such answers lies in continued research. The present SST prototype program is, I think, part and parcel of that research effort, and I repeat: No one has charged that this prototype program alone poses any environmental threat.

On the economic aspect of the SST program, the record supports the committee's conclusion that this project is essential to maintain U.S. leadership in the international aviation market. U.S. leadership in SST technology and sales promise substantial economic benefits, including an estimated favorable balance of trade effect of between $30 and $38 billion over the period 1978 to 1990.

In this connection, it is appropriate, I think, to reflect a bit on the future. It used to be that the United States had an exclusive hold on the international aircraft sales market. It was a particular American "plum," if you will.

To a large degree, we still hold this advantage today. Over 85 percent of the jet aircraft now flying in the free world have been built in this country.

However, the handwriting is on the wall. Like it or not, aviation is entering a new supersonic age, and we all know that without special vigilance and unless the Nation responds to the challenge, today's hero may well be tomorrow's "has-been."

There can be no standing still.

The fact that the United States now enjoys the dominant free world position in commercial aviation sales is no guarantee for the future. Serious challengers are already circling the track. The Nation cannot ignore the fact that the British, French, and Rusians hold a significant lead in the development of commercial supersonic transports. In contrast to our program to develop two prototype aircraft, the Russian TU–144 has been flying since December 1968, and the Concorde took to the air in March 1969. Both have exceeded mach 2 speeds. While these foreign aircraft have somewhat lesser performance capabilities than those planned for the U.S. SST, the time lead that both hold is enough to introduce second generation Concordes and TU–144's sufficiently advanced to compete directly with our SST. The committee was also advised that West Germany may join in the development and financing of an advanced Concorde. So, we have to read the signs of the times. Supersonic transports are going to be built—if not by the United States, they will be built by Europeans and Russians. It now appears that the foreign civil aviation industries are making a determined effort to compete with the United States for the world airline market in both the subsonic and supersonic aircraft field. I point this out not so much to demonstrate that the foreign competition is ahead of our own effort, but to indicate how they got there and to put this in perspective with regard to our own program.

We have not been sleeping—but it is important that our effort continue with an understanding of the competitive atmosphere in which it must go forward.

In both the Concorde and the TU–14 efforts, the programs are totally supported by the governments involved. In our case, we could say to our manufacturer—you go ahead and compete against the combined financial resources of those governments and if you cannot, then this country will just get out of the airplane business, because—and I say this on the testimony of the most knowledgeable people in this business—that is just what will happen if we do not go ahead.

Also, I want to point out that is not totally a Government program. The aviation industry is itself making a sizable investment in developing this airplane. The total investment by industry for only the development is projected to be some $381 million, which is roughly 30 percent of what the Government will invest.

Now let me move on and touch briefly on the way the Government will get its investment back as I know this is an area of concern to us all. I want to emphasize the fact that I am talking about an investment. This is at odds with some descriptions of the Government's participation in this program. Some have characterized it as being a "subsidy" which means a grant of money. This is not a grant. It is an investment. It is money that we are putting in with the complete understanding that the Government will get it back.

The contractual arrangements provide basically that the Government will receive a royalty on each airplane that is sold. This royalty is calculated in such a way that when the 300th airplane is sold, the Government will recover its entire investment—there are no "if's," "and's" or "but's" about this. The contracts provide for the Government's investment to be repaid.

Naturally, in these circumstances the question arises—will 300 airplanes be sold? There has been a lot of discussion about the market for this airplane being restricted because it would be operated at supersonic speeds only on long-haul over water routes. I can say that the market will be restricted to these routes because it is the stated policy of the Government not to operate the airplane at boom producing speeds over land.

The record before the subcommittee indicates that there is a market for at least 500 airplanes to be used only on over water routes. When 500 are sold, we will get back not only our investment but also a profit of $1 billion.

Mr. President, I have one additional point before concluding my remarks and this deals with the financing of the program after the development phase. The Government's participation—and the stated policy has been and continues to be—that the Government will participate only to the extent of financing the development of two prototypes to demonstrate the feasibility of the production airplane.

Following that, the program financing will shift to the private sector. The Government has no commitment either contractually or otherwise to participate beyond the development phase.

I hope these remarks will serve to show that the financial aspects of this program are not really as confusing as some might have been led to believe. As a member of the subcommittee which has heard the testimony on both sides and had the opportunity to observe and ques-

tion the witnesses, I submit that the financial arrangements are sound.

Personally, I will continue to support our position in this battle for continued U.S. leadership in international aviation. This appropriation is critically important to that objective.

This supersonic transport program must be continued if the United States is to retain its superiority and competitive position in international aviation.

I strongly urge the Senate to continue its support for this program.

Mr. President, without hesitation I recommend rejection of the Proxmire amendment.

But let me say this about my good friend from Wisconsin, that he is one of the most energetic, vigorous, and dynamic men I have ever met. When he gets hold of a project, he never lets go. He works hard and long hours. He has made many statements on this matter and I admire him for his sincerity, for his enthusiasm, and his effectiveness in the committee.

Although I disagree with him on this question which he has raised, I certainly do admire him not only as a workman but for his great sincerity of purpose.

I yield 10 minutes to the Senator from Mississippi.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, I thank the Senator from Nevada, and again express my profound appreciation to him for what he has done in the hearings and in the handling of the bill.

Mr. President, this is about the 7th or 8th year that I have been into this matter of the SST, sometimes in extensive hearings. Even though I did not hear the testimony this year, I have given it special attention, because it seems that even though the SST has proved its case many, many times, in both Houses of Congress, it is still under severe attack.

I believe that two major points are involved. One is leadership. Are we really going to continue as a leader? We are a leader now, and we have been a leader in the whole world, in the development and production of civil aircraft. We have that leadership and have had it for years. I think it would be a tragic mistake of the largest magnitude and portending grave consequences for us should we surrender that leadership. I bottom my belief upon that proposition.

Furthermore, the fallout from our production of civil aircraft over the years and from our military research and development of military planes has been tremendous. That is one of the main reasons why we have maintained leadership in the field of civil aircraft. It is due to the great profit that comes from the research and actual development and production of military planes.

In the field of military aircraft, we had reached the point where we were not producing planes beyond the old B–52. We undertook the construction of B–70's, and the research upon that military plane provided fallout and benefit to the advantage of the SST. The B–70 was abandoned and not produced, but it is an excellent illustration of how much good can come from research, even if we did not follow through.

The next step forward in the development of the SST will be of tremendous benefit to the future big-bomber program that is now in its initial stages of research—the M–1, as some call it, or the B–1.

So our preeminence and our security are directly involved. That is one of the main reasons why I have always strongly supported this program and have not been disappointed with it so far. If we reject the recommendations for this money in this bill, I do not think there is any doubt that it will be the beginning of our loss of leadership. I just do not want to see that happen.

Mr. President, today the United States leads the world in the development and production of civil aircraft. With the exception of the Communist countries, passengers throughout the world travel within and beyond their own borders in aircraft designed by American industry, built by American labor and often financed by American capital. The American aircraft industry and its products are one of the primary means by which the preeminence of our technological and industrial capability are brought home to millions around the world.

With the SST, America can continue to hold its lead as the primary producer of the world's aircraft. A listing of those countries which have already paid deposits to guarantee early delivery of the U.S.–SST reads like a world atlas: Holland, Italy, Britain, France, Australia, Israel, Canada, Japan, Germany, Spain, Ireland, India, Pakistan—all of these countries, as well as our domestic and international airlines, have ordered 122 supersonic transports while the aircraft itself is still in the prototype stage.

If we were to reject the recommendation of the Committee on Appropriations and see our $700 million prior investment needlessly used, American leadership in civil aviation would come to an end. In the 1980's hundreds of millions of air travelers would choose between the British–French and Russian SST, on the one hand, or American subsonic aircraft on the other. Our aircraft, based on the technology of 1950 and 1960 would compete with foreign aircraft based on the evolving technology of the 1970's. The hard truth is that supersonic transport, whether we like it or not, is already a reality, and the only question that remains to be resolved is whether the planes are to be American or foreign.

Some people have argued that we should not make the radical departure from the free enterprise system that is involved in giving a federal subsidy to private industry. But this argument overlooks the fact that the federal money invested in the development of the prototype will be repaid to the Treasury, and, if a reasonable sales estimate is reached, there will actually be a billion dollars of government profit.

Moreover, we are misleading ourselves if we think that government support for the research and development of a civilian aircraft is anything new. I say again with emphasis that every American civilian aircraft has had its military counterpart and the same process is continuing to the great benefit of both through this project. The fact is that the considerable sums of money spent on the development of the military versions have a direct bearing on the development costs of the civilian ones. The subsidies may have been hidden in the past, but they have been there all along.

I want to emphasize, too, that the action taken just yesterday by the Senate in adopting the amendment restricting the speed of overland flights for the SST, as well as other control measures contained in the amendment, should meet in very large part the objections to this aircraft based upon environmental problems.

I have heard endless testimony about the supersonic boom. I have been concerned about it. But when we get down to the facts of life, we have hundreds of supersonic military planes flying every day across this country.

Although I do not have the number of planes in mind, it is not in any experimental stage. They have flown literally millions of miles over a period of years. That is where any appreciable injuries could result from the effects of the supersonic boom.

We have accomplished this without any law. It has just been by the use of self restraint of the military. They have held the consequences to the minimum. Fortunately, we are going to have regulations that will grow along with the plane.

I am sure that the problem will be largely solved on this matter as well as many of the other problems that we have to confront.

On this environmental matter, the chances of controlling it through recognizing the problems as they develop will be much greater if the American manufacturers are the ones who turn out the product. We can then make our laws conform gradually to the various phases of the problem as they develop.

I think it is unthinkable that we would withdraw—we, the great Nation that we are and leaders in so many things—from this civilian aircraft supremacy just because it would create a few additional problems or just because it is going to cost some money by way of subsidy.

There is nothing in the world new about that, as I have already pointed out. Of course, we pay full Federal dollars for military planes. We have benefited from that over all these years.

No manufacturer is able to make the kind of expenditures for all of this research and development that goes with a plane of this magnitude. I think that we are lucky to have such a plane. It is something that we should have. We are lucky to have such a plan that has been carried through more than one administration and through several years in Congress and several years of debate. The need for the plane grows rather than lessens.

I think we have already turned the corner. We ought to appropriate this money and let the program proceed. Ultimately it will justify itself in my opinion many times over.

Mr. President, I urge my colleagues to face the reality of the SST. It exists now. It has been successfully flown in two countries. The issue before us is whether we will command or abandon the field and, with it, a proud history of being the supplier of 85 percent of the free world's aircraft.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. GRIFFIN. Mr. President, it is my conclusion that the Federal program for further development of the SST should be grounded, at least temporarily.

There is no substantial justification for spending another $600 million—and possibly as much as $2 billion more—in taxpayers' money over the next few years for an airplane which would benefit only a tiny minority of the American public.

Although developers are now at the stage where they are ready to construct a prototype, we still cannot predict whether the supersonic transport would ever be even a limited economic success.

Meanwhile, estimates of the cost to the taxpayers of participation in the development of this airplane have grown from $750 million, as announced by President Kennedy in 1963, to as much as $1.3 billion at present.

And there are suggestions that still another $2 billion-plus in Federal subsidy may be required for the production stage. Surely, such ballooning cost estimates are reason enough to view further Federal funding with great skepticism.

Theoretically, the Federal Government would eventually be repaid for its share of the cost, including a 6-percent return on capital. This is based on the "iffy" assumption that at least 500 planes will be sold.

However, these projections are based on Federal support through the development stages only. Additional costs are likely to be generated by environmental problems, arising either from technical modifications or from restrictions on flight routes for SST's.

Furthermore, international airports would have to be expanded significantly in order to handle these air monsters. The $5 billion, 10-year airport development bill which Congress passed earlier this year, is desperately needed just to meet existing needs to accommodate existing aircraft.

Recent air tragedies underscore the urgent necessity to install costly traffic control systems at many additional airports. Better radar, improved local air service, more efficient passenger and baggage facilities are desperately needed—and these needs must rank higher than the SST on the Federal funding priority list.

The sharp drop in airline profits over the last 2 years further impinges on the fate of the SST. It is at least possible that the SST would produce additional financial woes instead of a bonanza for the airlines, already troubled with heavy financial commitments for the purchase of 747's.

There is reason to believe that addition of SST's to the 747 fleet will inevitably lead to higher prices for all air travel. In the words of Economist James Tobin:

> I . . . suspect that the only possible way SSTs can be made to appear to pay their own way is by jacking the fares on jumbo subsonic aircraft up far above cost.

If that were to happen, even the jet set would not benefit.

Even if the SST is an unqualified success and the Government recovers its entire investment, an additional economic problem is raised:

Where do we get the necessary fuel oil to supply a fleet of 500 SST's in light of the current crude oil shortages?

An editorial in the Grand Rapids Press of September 5 focuses on this issue, which has not received much public attention. As the editorial points out, it has been estimated that if we have 380 supersonic transport passenger planes in operation by 1980, the amount of crude oil necessary to supply the jet fuel for such a fleet would equal approximately one-third of this country's estimated annual oil consumption in 1980. The SST's fuel consumption is double that of the 747 per passenger-seat-mile.

The effect of this potential oil consumption on domestic energy reserves should be studied very carefully before further Federal support for this project is provided.

Mr. President, a realistic assessment of the potential economic benefits flowing from development of the SST necessarily involves three somewhat related factors.

First, I am deeply concerned about the fact that private industry has not been willing to accept the risks of financing further development of the SST—despite the fact that the taxpayers of the United States have already poured more than $700 million into this project. According to Nobel Prize-winning economist, Paul Samuelson, this should be "a warning that the project is an uneconomical one—and only if the strongest possible case is made in terms of public interest could one ever pay any attention to the proposal."

Second, the potential purchasers of the SST—that is, the airlines—appear now to be less enthusiastic about the opportunity to purchase SST's or Concordes.

Third, the competitive threat from another SST—the British-French Concorde—has not materialized. The Concorde has technical difficulties, even if it becomes operational, transatlantic passengers will probably pay 30 to 40 percent higher fares than would be the case of subsonic planes. At least, that is the prediction of the president of Transworld Airlines, Mr. F. C. Wiser.

Accordingly, the Concorde thus could be priced out of the American market.

But, Mr. President, the most compelling reason for my opposition to the pending request can be put very simply: At a time when the Federal Government is running in the red and the squeeze is on to allocate priorities, it is impossible for me to assign the SST a higher priority than some of the other pressing needs of our country.

Let us compare the request for $290 million for the SST to some other areas of funding.

Funding for research on thermal pollution this year is less than $5 million. Thermal pollution is the most important inhibiting factor in expansion of nuclear power generation, a critical program if this Nation is to meet its expanding needs for electricity and power.

Drug abuse is funded for only $154.7 million during the current fiscal year. This amount is intended to deal with all phases of the drug problem—including law enforcement, treatment and rehabilitation, education and training, and research. This is approximately half the amount requested in this fiscal year for the development of the SST.

The $150 million funded for education research in fiscal year 1971 is about half the budget request for the SST.

The recently passed law establishing a National Railroad Passenger Corporation provides for only $140 million in Federal grants and loan guarantees over the next 5 years for operation of a national rail passenger system. The sad condition of passenger service and the poor economic condition of the railroads are known to all. Substantial Federal assistance is required and the act setting up the Corporation provides for significant Federal control over all passenger service. Despite this broad undertaking by the Federal Government, the amount of Federal money involved over 5 years is considerably less than that requested for the SST for fiscal year 1971 alone.

These examples only scratch the surface of our domestic programs which demand immediate attention. The Congress and the President will be faced with hard budget choices in the next few years. Our main concern should be to see that the American taxpayer gets the maximum security and social returns on his tax dollar. The SST just does not measure up to this standard.

Of course, I am well aware of the administration's commitment to proceed with this program. President Nixon stated in September 1969 that the primary reason for this commitment was to enable "the United States to continue to lead the world in air transport." I am sympathetic with this objective.

But I do not believe that a failure today to appropriate additional Federal funds for this fiscal year will necessarily signal the end of American air transport leadership.

Six production models of the Concorde are already under construction, while the American SST will not be in commercial operation until 1978. Thus, it seems entirely appropriate to forego further Federal funding until the fate of the Concorde has been determined.

As the Christian Science Monitor recently editorialized—

> There is no need for hurry. If the Concorde falters, then arguments for speed in developing the SST dissolve.

At the same time we will have an opportunity to reassess the commitment of private industry to this project.

Mr. President, I believe it will be wise

if the Senate does not approve the $290 million requested for the SST. Accordingly, I intend to support the pending amendment.

Mr. MAGNUSON. Mr. President, I yield myself 2 minutes.

The Senator from Michigan said in a general way that the Concorde was having some trouble. I wish to call to the attention of the Senator an advertisement which appeared in the latest edition of U.S. News & World Report, the edition of November 23, 1970, in which the Concorde is advertised for sale. It states:

On November 4 the Concorde SST became the free world's first civil aircraft to fly at Mach 2. That's twice the speed of sound at Concorde's altitude, fast enough to get from New York to London in less than 3½ hours.

To make this possible, Rolls-Royce and the French engine firm SNECMA developed one of the largest turbojet engines in the world, the Olympus 593.

Now we know it works perfectly at Mach 2—just as it did when ambling along at a mere Mach 1.

What's more, Concorde's four Olympus engines will be clean. They'll be fitted with smokeless combustion chambers, like Rolls-Royce RB.211 and Viper engines. There'll be a vapor trail, of course, the same stuff clouds are made of. But no smoke. And surprisingly little engine noise.

Is that floundering? This advertisement will be in every magazine in the free world.

Mr. GRIFFIN. I am sure the Senator realizes that advertisements are not always based on fact.

Mr. MAGNUSON. They would not advertise something that is not correct. Because of the sophistication of those executives who would buy the plane, the advertisement would be thoroughly checked.

I agree with the advertisement. I do not think there is any reason to believe that the Concorde or the Russian TU–144 will not be commercially successful. Neil Armstrong said it was one of the finest planes he ever saw.

I yield to the Senator from California.

Mr. MURPHY. Mr. President, I rise to speak in favor of the plan to continue the research and development and the building of the purposed supersonic transport. I have listened patiently for a long time to the debate on this transport program and it seems to me that the unemployment figures and the consideration of the capable people who have devoted their lives to the development of our aerospace industry are getting short shrift. They are being forgotten. It seems that they are getting lost somewhere in the rhetoric.

I have listened to discussions of the economics involved and the comparison of flying the aircraft at 60,000 feet at a supersonic speed as compared to 20,000 feet at a subsonic speed. I have listened to the possible problems of route planning in order to avoid flying over land masses where sonic booms might cause discomfiture and damage. I have listened to instant experts from all over the country discuss the questions of efficiency, and the possibility of total loss of investment.

I have listened to people who had no experience whatever in the matter of aviation, avionics, or the economy. I have listened to the trusted testimony of true experts who have spent years in knowledgeable research and study to prepare for this program.

My support of the SST program has been consistent, and I am pleased to see some of the potential which it has to offer finally coming into fruition. I am speaking directly of the employment aspects of this program which have been treated so lightly in the past. I say "lightly" but perhaps "contemptuously" is a more apt description.

Let me point out what was said by Prof. Wassily Leontief of Harvard University, a so-called economics expert who is opposed to the program, about employment on this program. Speaking about the development and construction of these airplanes, he said the program will absorb, and here I quote, "Several hundred thousand years of skilled labor and huge amounts of other valuable economic resources. At a time when the shortage of such resources compels us to forego badly needed improvements in public health care, education, housing and mass transportation." I am afraid the good professor, like so many of his calling, deals too much in theory and in the dream world of the academy with all of its dialectics and dialogs and not enough in practical reality.

First of all, I wish to point out for the professor that badly needed improvements which look to tax revenues for their instigation must be weighed in light of the available resources versus their contribution to the overall public interest.

At this time I know of no improvement which is more urgently needed than is gainful employment of our unemployed which will create the tax revenues which will allow these other desirable improvements to be accomplished, and I challenge any economics experts or academician to change my priority position on that.

I would also point out to the distinguished professor that dollars alone will not solve the health care, housing, education, and transportation problems. I have listened for several years to the professorial pleas for more money in these areas when what is actually needed are new, practical plans, feasible, workable ideas, a new approach and a proper use of the available funds. I would hate to have to measure the number of taxpayers' dollars that, in my opinion, have been wasted because of the application of just more money to the old idea rather than finding a new idea. I have already suggested several adaptations of the scientific-industrial complex capabilities involved the aerospace industry to be used in the solution of these problems, to find new ways to do it, new ways for health care delivery. We have not improved since 1955. We merely took the same service for one segment of society and delivered it to another segment, at a much higher cost. Newer ways must be utilized.

Now with regard to the program's absorbing several hundred thousand years of skilled labor at a time when a shortage of such a resource appears imminent, I can only say I wish this were true. Possibly this professor or, for that matter, any of those who dismiss the employment aspects so glibly will come forward with the jobs which are so desperately needed at this particular time.

I know that California would welcome the opportunity to make available and here I hark back to the badly needed improvements previously mentioned—California would welcome the opportunity to make available healthy and well-educated, highly skilled employees to fill these jobs—I believe the very best in the world.

These are good, reliable, hard-working people who do not seek nor are they looking for any handouts. They are people who want to work—who want to support their families and have prepared themselves educationally as well as in other respects to do just that—people who have proved their capability in the past by putting men on the moon and bringing them back safely.

Now let me tell you what these people are not. They are not people who can feed their families on economic oatmeal for breakfast—economic soup for lunch—and top it all off with a delicious meal of economic theory for dinner.

They are people who have proved their capabilities. They are available and very anxious for the opportunity. And so this consideration does not completely turn on whether the plane can or cannot be built, whether it will cause sonic booms. There are economic considerations that go right into the homes of our citizens, and that is my concern today as I rise to speak in favor of the continuation of this plan.

In conclusion, let me say this. The SST program offers substantial as well as meaningful employment for some 150,000 people in this country—good, sincere, hard-working Americans such as I have already described. These jobs will either exist for our citizens or for the people of some foreign power. I want those jobs for Americans. We already exported far too many jobs. It turns out to be a luxury we cannot any longer afford.

For this and many other obvious reasons, I shall enthusiastically support the plan to go forward with the building of the supersonic transport, and I urge my colleagues in their consideration of this problem, in making up their minds as to whether or not to support this program—I beg them—to take a good hard look at the practical side. We need the program—we need the aircraft—we need those jobs.

If the British and the French and the Russians get a second generation supersonic aircraft, we will have lost our chance for all time. We cannot afford to wait any longer. In my mind it is in the best interests of our people and our Nation that this program go forward.

So I beg my colleagues, do not get lost in scientific considerations. Do not get lost in matters of ecology, speed, and routing. Think of the basic things that are needed now—badly needed—jobs for our capable workmen.

I thank my colleagues very much.

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from Virginia (Mr. BYRD).

THE PROXMIRE AMENDMENT

Mr. BYRD of Virginia. Mr. President, I support the pending amendment offered by the distinguished Senator from Wisconsin, for himself, for Mr. BYRD of Virginia, Mr. COOK and Mr. PERCY. My position is not new. I took the same position as long ago as 5 years.

My concern about this matter of a supersonic transport is twofold: First, I do not think it is realistic to expect the taxpayers to finance 85 percent of the development costs of this aircraft. Were it a more reasonable ratio, I might take a different view. But most certainly the aircraft companies should put up more than 15 percent. My second concern is with the total overall cost in this period of high inflation.

The amount under consideration is $290 million, but that is only a part of the total program, which will be a minimum of $1.3 billion. It could run a great deal higher than that. While it may be a desirable program, I am not convinced that it is an essential one at the present time.

I support the position of the Senator from Wisconsin, I shall vote against the $290 million appropriation. I think Senator PROXMIRE has done an excellent job in developing facts in regard to the amendment which he has presented, and I support that amendment for the reasons I have just outlined.

Mr. PROXMIRE. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. PROXMIRE. I wish to thank the Senator from Virginia for his speech, and I want to tell him that I think he has hit a very crucial part of the problem. The cost of developing this plan is very likely to be far more than $1.3 billion to the Federal Government because of the overrun problem. Once we get beyond that, there is every indication from the Department of Transportation itself that we are going to have to put in another billion dollars or so to help along on production. So it could be an extraordinarily expensive operation.

I think the Senator from Virginia has done a superb job—as fine as any Senator since I have been here—in fighting wasteful expenditures and insisting on priorities which makes sense.

Mr. MAGNUSON. Mr. President, I yield myself 5 minutes.

In the first place, there literally is no evidence about any overrun on this project. The Senator from Wisconsin keeps talking about it, but it just does not exist.

Any project may have rising costs because of inflation, but in this case it is not true. Everyone says, including General Electric, the subcontractors of Boeing, and Boeing itself, that they do not feel that they need to go over the $1.3 billion. There is no evidence at all about an overrun.

Mr. PROXMIRE. Mr. President, will the Senator yield at that point?

Mr. MAGNUSON. No, just a minute. I want to finish. The Senator has already talked a long, long time.

The Senator from Virginia talks about the taxpayers and public money. But no one mentions that there is a payback provision in this contract. It is a little like when we started to build dams and public work projects they all have a payback provision. They could not be financed by any one individual, any one county, or any private utility, so, as in the case of the Grand Coulee Dam, for instance, the Government furnished the money to build the job, and we were paid back with 3-percent interest. In those days 3-percent interest was fairly decent; today, it may not be. But there was a payback provision.

In this case, all the airlines and everyone else agreed that they would start with a royalty of 5 percent and pay the Government back, because it was too big a project for any company to take on by itself. In fact, as I said yesterday, it was too big a job in Europe for even one country to take on; they had to put two together, and now they may have a third one, West Germany, in a possible consortium to build the second generation Concorde. That is, of course, for the second generation; these things take years.

Mr. JACKSON. Mr. President, will the Senator yield at that point?

Mr. MAGNUSON. Yes.

Mr. JACKSON. Is it not a fact that if this program is terminated, a letter from Mr. Magruder which is on every Senator's desk, dated December 2, on the second page, states that:

> The program cancellation at this time could require a total Treasury outlay of as much as $277.8 million.

Mr. MAGNUSON. Yes. I shall put the letter in the RECORD.

We are talking about a $290 million appropriation—could I get the attention of the Senator from Wisconsin for a minute? The Senator from Maine, too. A $290 million appropriation, and if it were canceled, we would have to appropriate $277 million.

Mr. PROXMIRE. Will the Senator permit us to answer, or permit us to ask a question, or does he prefer not to deal with these things point by point?

Mr. MAGNUSON. I have the floor, yes. I want to put this in the RECORD. We are talking about priorities.

No one understands priorities and the social and welfare needs of the Nation better than the Senator from Washington. I have sat on the Appropriations Committees for years, and have tried to do a good job. It is a hoax to say to people that because you cancel this project, the money is going to end up being spent on social welfare programs.

In the first place, if we cancel it, we are going to have to appropriate $277 million right now, in the next supplemental. Let us get this straight right now.

Now, that has nothing to do with whether we should cancel it or not; but Senators ought to know what we are getting into if we vote for Senator PROXMIRE.

I want to put in the RECORD at this point the letter and the up to date figures on what would be the Federal obligation if this program were not carried forward.

Mr. JACKSON. Mr. President, will the Senator yield further on that same point?

Mr. MAGNUSON. Yes.

Mr. JACKSON. Is it not a fact that if this program is not completed, that is, the contract calling for two prototypes—and that is all that is involved here; we are not talking about a production program, but only a research and development program—if it did turn out that the two prototypes are not suitable for production purposes, and if it should turn out, in that connection, that the law is not complied with as we passed it yesterday, is it not true that the prime contractors and those associated with the project would lose all the money they have put in it?

Mr. MAGNUSON. Every bit.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MAGNUSON. I yield myself 5 more minutes, or such time as I need.

Mr. JACKSON. And in that case, as I understand it, the amount involved exceeds $200 million by a rather wide margin, for the one company.

Mr. MAGNUSON. By quite a wide margin; and there are taxes involved here, if they do go on with it, of $10.5 billion, and the balance of payments runs $6 billion one way or $6 billion the other way.

The Concorde is now up for sale, and the Russians have sold 4 to the Japanese, as I understand, and we are just out of it. This is a little like our merchant marine; we had the impetus after World War II, we lost it, and we never got it back. We are still struggling.

As to the royalties, there is no suggestion—every suggestion, every program, all the commissions that have studied this matter have agreed that the royalties would be paid back to the Government as soon as they fly. The Treasury investment would exceed the investment of $1 billion, of which $728 million, I believe, is already in this project.

This is nothing new; we have done it for all kinds of things. So I just want to point out, surely, it is a loan, but we have loaned a lot of money around the United States to develop things, to aid transportation, to aid our environment, to aid our rivers and harbors—hydroelectric projects and everything else. We spent more than this amount of money in the first few years of our air transport system just on subsidies alone, to keep it moving so they could buy the airplanes; otherwise, we would have had to subsidize the manufacturers, if they had not been under subsidies.

We have done it for the railroads, inland waterways—we have probably invested close to $8 billion in locks in inland waterways, so that we could have inland waterway transportation. This is not paid back, but it is a loan.

I just wanted that clear; and to be real up to date, I ask unanimous consent to have printed in the RECORD, from the Office of the Secretary, certified by the Treasury, the figures that show that this is what we would have to do if the contract was canceled, and it will add up, on January 1, 1971, to $277.8 million.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. MAGNUSON. Yes.

Mr. BIBLE. I have no objection to that

being put in the RECORD, but I put it in myself earlier.

Mr. MAGNUSON. All right, then, it is already in.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. MAGNUSON. I ask unanimous consent to put in the RECORD also a letter dated December 2, 1970, from the Airport Operators Council. These are the people that operate the airports. They strongly endorse this program, now that we have provided the assurance of lower noise levels in the bill passed yesterday. I do not know whether this has been put in the RECORD or not; but I think once in a while someone ought to mention that this is only a loan. It is a loan to keep our American air transport industry moving forward. If we lose it now, we will never get it back.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 2, 1970.

Re SST Appropriation—fiscal year 1971.
HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
United States Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: The Airport Operators Council International (AOCI) fully supports your amendment to S. 4547, accepted by the Senate this afternoon, which provides assurances that the U.S. SST's aircraft noise levels will not exceed those of new subsonic jet aircraft.

As offered in the Senate, your amendment adds a new Subsection (i) to S. 4547 as reported out of the Senate Commerce Committee as follows:

"Subsection (i)

The Department of Transportation shall modify its contracts with the contractors for the civil supersonic transport development program to provide that the contracts will not be satisfactorily completed until the contractors demonstrate that all production models of the prototype can operate in compliance with appendix C of Part 36 of the Federal Aviation Regulations now restricting takeoff, approach and sideline noise created by new subsonic jet aircraft as in effect on the date of enactment of this subsection."

In our earlier and widely reported statements on the SST appropriation, we stated our support for the development of an *environmentally-sound SST*. To assure that this objective would be met, AOCI, representing all the communities in the United States which are likely candidates to receive service from the first-generation SST, stated that the pending $290 million SST appropriation for FY '71 should be approved by the Senate only if there were a requirement that all production models of the aircraft meet the same noise standards now established in Appendix C of Part 36 of the Federal Aviation Regulations for subsonic aircraft and with the same trade-off provisions.

The amendment to S. 4547 adopted by the Senate today satisfies the airport operator's SST aircraft noise concern. Thus, we fully support action by the Senate to appropriate the full $290 million SST appropriation for FY '71. And, with the approval of this new statutory provision, AOCI can find no basis for any vote against the SST appropriation because of the aircraft's noise effect on communities.

Further, Congressional action to set definitive noise standards for SST operation will provide an additional impetus for SST aircraft produced by other nations to meet the same noise restrictions. Airport operators will be unable to convince their communities that service by any SST aircraft should be permitted which exceeds limits which the U.S. SST will be required to meet.

We are most appreciative of your continuing efforts to support the development of new technologically advanced aircraft which are also environmentally compatible with existing airports and their adjacent communities.

Sincerely,

HOMER B. ANDERSON,
President.

Mr. PERCY. Mr. President, will the Senator yield at that point?

Mr. MAGNUSON. I yield.

Mr. PERCY. I could not possibly accept the Senator's contention that this is a loan in any conventional sense. There is not a banker in the world today who would accept a loan on this basis. In fact, as I said yesterday, I would be quite willing to introduce legislation to remove the airlines' whole obligation to repay the Government, in order to get the Government out of this project. Even on this basis, there is not a single banker who would accept the risk.

Mr. MAGNUSON. Well, there would not have been a banker who would have floated the bonds for the Grand Coulee Dam, either.

Mr. PERCY. I know, but we have made it a matter of national policy for 200 years in this country that such projects as the Grand Coulee Dam are public projects.

Mr. MAGNUSON. All right; you people probably interpret loans differently but I firmly disagree.

Mr. PERCY. A loan implies a payback.

Mr. MAGNUSON. Nobody mentions that we are going to get the money back. If that is not a loan, I do not know what is a loan.

Mr. PROXMIRE. Will the Senator yield, for just a comment on this?

Mr. BIBLE. And then will the Senator yield to me?

Mr. MAGNUSON. No, I have the floor. There is no use arguing; I just want to point out that every consideration here, and every contract, involves a pay-back to the Government. Does the Senator agree?

The PRESIDING OFFICER (Mr. BELLMON). The time of the Senator has expired.

Who yields time?

Mr. PROXMIRE. Mr. President—

Mr. MAGNUSON. I have the floor.

I ask for 2 additional minutes.

Mr. BIBLE. I yield 2 minutes to the Senator from Washington.

Mr. President, I hope the time taken up with these interruptions is divided as to the Senator who is asking the question and the Senator who is answering them. We have approximately 16 minutes remaining, and the other side has 74.

I yield 2 minutes to the Senator from Washington.

Mr. MAGNUSON. Mr. President, the Senate has heard extensive debate on the civil supersonic aircraft—SST—development program. The Appropriations Committee recommends completion of the prototype development program. A decision to halt funding of the SST program would mean the loss of all of the $708.4 million appropriated to date plus $277.8 million in costs associated with termination. This does not include the reimbursement of the dollars contributed by the airlines for which a moral obligation of reimbursement by the Government may exceed $58.5 million.

The age of commercial supersonic air travel is here. Other nations are already well into the testing phases of commercial supersonic aircraft. The British-French Concorde has already flown at Mach 2. The United States has no real alternative to that of proceeding with the construction and flight testing of the two SST prototypes. We must maintain our capability for production of a U.S. SST for delivery to airlines in the latter part of this decade. Failure to do so would result in irretrievable losses in world aviation leadership, aviation industry employment, and exports of civil aircraft, one of the few remaining positive balance of trade accounts.

United States exports of commercial aircraft have shown a strong positive trade balance over the past 10 years in the U.S./Foreign Trade Exchange. Failure of the United States to enter the SST market would result in a total unfavorable balance of trade effect in the aircraft account which the administration conservatively estimates at $22 billion but which could run as high as $45.6 billion between 1978 and 1990.

The SST program is not a Government subsidy. In 1961 the U.S. Government concluded that it was essential to develop a commercial supersonic transport. Accordingly, the Government sponsored a competition for manufacturers to determine who would build the airframe and the engines. The U.S. Government has remained a partner, along with the airlines and the manufacturers, and has a contractual obligation to complete the prototype program. The Government is involved because of the magnitude of the funding required, as are the British, French, and Soviet Governments in the Concorde and TU–144 programs. However, the U.S. program is an investment shared by the manufacturers, airlines, and the Government. The Government's investment will be fully returned through royalties on aircraft sales by the sale of the 300th airplane. A conservative market forecast for sales of U.S. SST's is 500 aircraft; by the sale of the 500th aircraft the Government will recover in royalties every dollar of its investment plus an additional billion dollars. In addition to the royalty payments, it is estimated that, by 1990, the Government will also receive $6 to $7 billion in corporate and personal taxes as a result of SST production.

Concern has been expressed by some that the SST could have an adverse effect upon our environment. The Appropriations Committee, of which I am a member, has firmly taken the position that we will not "buy aviation leadership at further cost to our environment." Environmental questions were explored thoroughly in our hearings and a number of witnesses testified on these matters. There does not appear to be any evidence or factual substantiation that the SST will have a harmful effect on the environment. The charge is made that the

SST will greatly pollute the atmosphere. Yet, jet aircraft provides a cleaner mode of transportation per passenger mile of travel than any other mode of mass transportation.

The theory has been postulated that the SST will alter the world's climate by introduction of water vapor or particulants into the upper atmosphere, or that a possible alternation of ozone content in the upper atmosphere will increase ultraviolent radiation at the earth's surface to hazardous levels. The experts quoted by the critics who raise these points admit that these conclusions are mere speculation, unsubstantiated by any factual evidence.

All available scientific data from military supersonic flights, which total over 500,000 hours of supersonic flight, fails to substantiate the speculation of the SST critics. It is admitted by all, including the opponents of the SST, that the development and flight of the two prototype SST aircraft will not have any significant impact on the environment. Despite the lack of evidence that the SST will have a detrimental impact on the environment, the DOT has formed an interagency environmental research program as well as a committee of many of the foremost environmental experts in the country to make certain that all questions regarding possible adverse environmental effects are answered prior to mass production of the SST.

Aircraft flying at speds in excess of sound create sonic booms. The Government's policy, however, is that the U.S. SST will not be allowed to fly over land at speeds or conditions that would cause a sonic boom to reach the ground. Just yesterday the Senate passed S. 4547, the sonic boom bill, which would prohibit faster-than-sound airliners flights over U.S. territory and it would also restrict airport noise levels made by the SST. This bill would prevent either U.S. or foreign-made aircraft from overland flights over U.S. territory. The same ban was proposed by the Federal Aviation Administration, but now the Senate has written it into law.

The sonic boom bill also requires the Transportation Department to modify its contract with the Boeing Co. To provide that the plane will be canceled unless its prototype models comply with current FAA regulations restricting takeoff, approach, and "sideline" noise created by the SST.

I feel that this is a strong guarantee to those environmentalists who fear that persistent sonic booms and unreasonable airport noise created by the SST would not be prevented. Some critics also feel that economic demand will require supersonic flights over land. The passage of S. 4547 would ban these overland flights, and such flight would not have been needed in any case to make the SST economically successful.

Concern has been raised over the question of emission from the SST. This problem, however, has been covered under the Air Quality Control Act which was passed earlier this year by the Senate. Regulations regarding aircraft emission are being set by the Department of Health, Education, and Welfare.

Similar misunderstandings exist with respect to aircraft noise. The amount of noise associated with the SST has been incorrectly overstated by many of the program's opponents. Aircraft takeoff and approach noise is the type of noise about which people who live in communities adjacent to airports complain. The community noise level from an SST will be less than that of existing commercial jets. The "sideline" noise of the SST, which is confined almost entirely to the airport, is anticipated to be about equal to the noise made by the present jets and the manufacturers are working diligently to insure that goal.

Production of the U.S. SST will bring direct employment to 50,000 workers in American industry over a 15-year period. In addition, 100,000 jobs will be created as a secondary effect of the direct jobs.

In addition to the future effect of the production SST program on employment and revenue levels, the current SST prototype program has an immediate favorable effect on employment in U.S. industry. This effect—20,000 of the direct labor force working on the prototype program—will help stabilize employment at a time when the aviation industry has been following a marked downward trend since mid-1968.

I want to suggest something else: This has nothing to do with the merits or demerits of the supersonic transport. But I have another reason for this. Almost 100,000 people are walking the streets in two counties in Washington, and everybody, including the Federal Government, is trying to find jobs for them. I do not know what better thing we can do than to put them back to work on something that is going to be worthwhile for the future of America.

This is a personal matter. It is pretty serious. It just happens that situation exists in my State. We do not have a lot of jobs involved. We have only half of the contract, and approximately 78 percent of that is going to be done by subcontractors. But every job counts out in my Washington today.

I want to point out that I have a particular reason for getting people back to work, doing something good for the future of the United States.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes, and then I will yield to the Senator from Maine and the Senator from Alabama.

The Senator from Washington said that there have been no overruns on this program. There have been overruns. There is an overrun now of $57 million, which was testified to by the Department of Transportation in the hearings before the Joint Economic Committee.

In addition, we know that these programs rarely have overruns in the research and development stage. That comes in production. There is every indication that there will be an overrun, because they are using brandnew, exotic metal; and the experience has been consistently in production that when you get into a new technology, you have adjustments and changes, and they result in overruns.

The Senator from Washington talked about the termination settlement of $270 million. Take the amount of money that has already been spent in this fiscal year, because we are part way through it, add to that the $85 or $95 million required under the contract, and they come up with something that they argue is close to $230 million, $240 million, or $250 million. The fact is that if we go ahead with it this year, when they come in with the supersonic transport next year, it will be the same story. They will say, "Here it is October or November 1971. The termination costs are going to be $250 million. You might as well go ahead with it."

If we are going to stop the SST, the time to stop it is now. Next year, it will cost that much more.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. I yield myself 2 additional minutes.

Mr. President, so far as payback is concerned, they say this is only a loan. As the Senator from Illinois pointed out, this is a very peculiar loan, indeed. This is the kind of loan in which you do not even get your money back if it works out. All the risk is on the Federal Government. I should not say all the risk—90 percent of it. The Federal Government will put in 85 to 90 percent of the money. If this does not work out—as I pointed out earlier, there are many contingencies under which it would not—the Federal Government loses it. If this does work out, however, the Federal Government can get back, at most, what it has put in, plus 6 percent interest; and the Federal Government has to pay 7 or 8 percent interest for its money now. So there is no way in which the taxpayer can come out whole on this program.

It is a subsidy, with virtually all the risk taken by the Federal Government, and with the Federal Government in a position not to benefit even if it works out satisfactorily. Under almost all circumstances, the producer and the airlines benefit, because even if only 139 of these planes are produced—as Dr. John Walgreen predicts would happen—the Federal Government will lose all its money and the manufacturers make $500 million.

Mr. President, I yield 10 minutes to the Senator from Maine.

Mr. MUSKIE. I thank the distinguished Senator from Wisconsin.

Mr. President, there has been a great deal of debate in Congress and in the country as to whether we should proceed at all with the construction of a supersonic transport. I am not sure that I can add anything to that debate. Yet, I think the situation is so serious that it is important to emphasize the elements of that debate.

The administration says that we should proceed now, and that Congress should appropriate another $290 million for two prototype aircraft.

In my judgment, the administration is mistaken.

Almost 2 years ago, President Nixon appointed an ad hoc committee to review the supersonic transport program.

The members of that committee were members of this administration.

They include Under Secretaries of

Commerce; of Health, Education, and Welfare; of the Interior; of State; of the Treasury.

They include officials of the Defense Department, the Justice Department the Labor Department, the Council of Economic Advisers, the National Aeronautics and Space Administration.

They included the President's own science adviser.

They heard the testimony of witnesses, both in favor of the SST and against it.

And they submitted a report to the President which was clear, comprehensive, and straightforward—a report which the President chose not to publicize. We have had access to it only because it was leaked.

That report is most instructive.

It said:

If the U.S. overall balance of payments is considered, there is substantial reason for *delay* in proceeding to the next stage of the SST project—prototype production.

It said:

The record to date (as to whether an SST can be built in the given time that will meet the specifications of being efficient, safe and economical) is not completely reassuring.

It said:

Supersonic transport has the potential for intensifying hazards to the passengers and crew, and for causing significant further deterioration in the environment for people on the ground . . .

That is what the report said, among other things.

How did the President respond to these warnings?

Apparently, by ignoring them.

For none of the uncertainties which the President's hand-picked committee reported in March 1969 has since been resolved.

The committee concluded that the noise produced by SST operations would be "intolerable" to a "very high percentage of the exposed population."

Yet, no measurable progress has been made since the committee met—on reducing the level of that noise.

The committee found that the introduction of water vapor into the stratosphere as a result of SST flights might affect our atmosphere adversely.

Sufficient research has not been conducted—since the committe met—to assess these risks more accurately.

The committee emphasized that "there is an urgent need to carefully evaluate the inherent operational and environmental hazards that will be encountered while accelerating from zero to Mach 3 and cruising at supersonic speeds in a hostile environment."

Has that evaluation been made since the committee met? It has not. And we do not yet know the extent of the hazards which may exist.

These are the questions which the administration should answer—and answer fully—before Congress appropriates another $290 million.

Mr. PROXMIRE. Mr. President, will the Senator from Maine yield at that point?

Mr. MUSKIE. I yield.

Mr. PROXMIRE. This is the first time in the past few days that the ad hoc committee's report has been brought into this debate. I think it is most significant that it has, because this was a committee appointed by President Nixon and he selected those most competent to give him information as to the impact of the SST in various areas. They were experts.

As the Senator has pointed out so well here, the answer was just overwhelming. It was complete and clear, that the SST was not worth the millions in additional money that would be required.

Virtually with no exception, the Council of Economic Advisers, the Treasury Department, the Office of Science and Technology, the Labor Department—all agreed that this was not the way to spend the money.

I think the fact that the Senator from Maine has brought this out is very useful because it has escaped our attention and we have not got back to that inquiry, which was a year ago and was probably the most comprehensive inquiry made on the subject of the SST.

Mr. MUSKIE. May I say that I referred to the report for another reason. As the Senator knows, he and I have been undertaking to get from the administration, especially from the environmental agencies, their current evaluation of the environmental risks associated with this project. The question arose in the hearings on the conference with Mr. Ruckelshaus as the Administrator of the new Environmental Protection Agency. The Senator and I joined in a letter to Secretary Volpe of the Department of Transportation, requesting that those reports of those evaluations, which we understand have been made, be made available to the House and Senate while this debate is in progress.

We have received no such reports. We have received no indication of cooperation. For some reason, the administration does not want us to have those evaluations to influence the Senate at this point in this debate.

May I say to the Senator——

Mr. PROXMIRE. Along that line——

Mr. MUSKIE. I have received evidence today, which is revealing, as to why they do not want us to have those evaluations. It is because those evaluations concern the very warnings, the very questions which were raised by the President's ad hoc committee in the report to which I have already referred this afternoon.

I do not know whether I should be reading from these documents, as I do not want to prejudice my sources of information. But let me read an excerpt from one, on the noise factor—and this is an evaluation made in November of this year, 1970:

There is recognition in the Nation that the SST may generate more severe sideline noise relative to that currently produced by four-engined subsonic jet transports. Noise data filed in an FAA report suggests a three- to five-fold increase in the perceived noises of SST sideline sounds over that of conventional jet aircraft now in service.

Mr. MURPHY. Mr. President, will the Senator from Maine yield at that point?

Mr. MUSKIE. Mr. President, this report goes on beyond that, to suggest——

Mr. MURPHY. Mr. President, will the Senator from Maine yield for a question?

Mr. MUSKIE. I will be happy to yield to the Senator in a moment. Let me suggest that the standards now applicable to subsonic aircraft may be compromised in the interests of meeting the degree of technological problems faced by the SST in meeting such standards, and that this is why these environmental evaluations are not being made available to the Senate during the course of this debate.

Now I am happy to yield to the Senator from California.

Mr. MURPHY. I thank the Senator.

Mr. President, I wonder whether the Senator was apprised of the information given to this body yesterday by the Senator from Arizona (Mr. GOLDWATER), when the same question was raised about the sideline noise, when he pointed out that it seemed impossible to know what the sideline noise would be inasmuch as the engines have not even been built yet.

Was the Senator aware of that?

Mr. MUSKIE. There have been supersonic engines built——

Mr. MURPHY. Oh, yes.

Mr. MUSKIE. I will get to that point in my prepared remarks in a moment. The report has given us evidence upon which to raise these questions about sideline noise. I am not saying to the Senator from California what the answers to the questions are. I am raising the questions. I am saying to the Senator and to the Senate that these questions should be answered before this project goes forward. The Senator from California is therefore supporting my own argument by what he has just said.

Mr. MURPHY. If the Senator will yield further, it is my understanding that the Senator from Maine said he was reading from some report which he hesitated as to whether it should be read. The basis of the report I do not know, but as I understood it, it stated that the sideline noises would be unacceptable—I am paraphrasing that.

Mr. MUSKIE. May I say to the Senator from California that I want him to understand the basis of the question to which he is responding. No. 1, this information is available to the executive branch, which is your party. It is available to others—to your President—he is my President, too [laughter] but this information is available. The Senator does not have to take my word for what is in the report. It is available if the administration chooses to make it available.

Mr. MURPHY. I am not questioning its availability——

Mr. MUSKIE. This report raises these questions. It does not answer them.

Mr. MURPHY. I merely pointed out, if the distinguished Senator from Maine would bear with me——

Mr. MUSKIE. My time is limited, may I say to the Senator. I would be happy to answer any questions but I cannot give the Senator my time to make a speech.

Mr. MURPHY. The Senator has not answered the question.

Mr. MUSKIE. I have tried to, but the Senator prolongs his question into a speech.

Mr. MURPHY. The Senator has made his point. I merely asked him if he was aware of the information given to this body yesterday by the Senator from Arizona (Mr. GOLDWATER) in direct dialog.

Mr. MUSKIE. I have tried to follow what the Senator was asking.

Mr. MURPHY. The Senator has not yet answered the question. He has made some statements about whether information is available. If it is, I do not know why he was so hesitant as to whether it should be read at this point.

Mr. MUSKIE. I will say this: I have had some indication, as a result of activities in the Department of the Interior recently, of the disciplinary measures that may be taken in the executive branch against employees who do not want to meet the pleasure of the administration. This information has been made available to Congress, not officially, but it has been leaked. I do not intend to prejudice the "leakor" this afternoon. [Laughter.]

With all respect to the Senator from California, I am now going to proceed with my prepared statement. I am always interested in engaging in colloquy with the Senator from California, but I would like to finish my statement now so that I do not consume too much of the time available to this side on this issue. If there is time left over, I will be glad to get back to the Senator's question .

Mr. MURPHY. I point out that the Senator has not yet answered the question.

Mr. MUSKIE. If the question is whether I have read every word in the CONGRESSIONAL RECORD on this debate, the answer is "No; I have not read it all." That would take more time than any Senator has these days.

Mr. MURPHY. Mr. President, will the Senator from Maine yield?

The PRESIDING OFFICER (Mr. BELLMON). The Senator declines to yield further.

Mr. MUSKIE. It is impossible for me to read every word in the RECORD. I am aware of the arguments, however, plus the statements made by the Senator from Arizona (Mr. GOLDWATER). I am not convinced by them. I have no particular position, information, or knowledge on which to answer the question as to what will be the sideline noise, or what will be its effect on health. It is precisely because I do not have that answer, not because some particular answer is urged, but because we do not have that answer, that I believe we should not go forward with this project. That is my answer to the question of the Senator from California.

Mr. MAGNUSON. Mr. President, will the Senator from Maine yield on my time?

Mr. MUSKIE. I yield.

Mr. BIBLE. Mr. President, I yield the Senator 1 minute for the purpose of answering the question.

The PRESIDING OFFICER. The Senator from Washington is recognized for 1 minute.

Mr. MAGNUSON. Mr. President, we passed a bill yesterday on which I will stake my reputation as a Senator. We have defined allowable sideline noise to be that noise is now allowable for 707's, 747's, or the DC-9's. That is going to be the law of the land.

Mr. MUSKIE. Mr. President, may I answer that on the Senator's time?

Mr. BIBLE. The Senator can answer it on his own time.

Mr. MUSKIE. Then I will not answer it.

Mr. MAGNUSON. Was the Senator aware of the amendment?

Mr. MUSKIE. I also know that laws can be repealed. The answer to the argument made a while ago to the effect that another reason why we ought to spend this $290 million is that we have already spent so many millions of dollars. If we spend this additional $290 million and we cannot meet the test established in the law passed yesterday, the economic pressure will be on again. The argument will be made that we have already spent an additional $290 million; so, we should repeal that law or modify it to reflect the economic or technological limitations of the SST. That is what we want to avoid, I say to the distinguished Senator from Washington.

Mr. President, now, if I may, I will resume my speech.

The administration seems to be operating on the assumption that it must not prove anything at all.

It argues that this is not the time to answer questions about the possible adverse effects of an SST, because we would not be committed to its production—we would be committed only to building prototypes.

It has been argued that the development of two prototype supersonic transports is necessary to learn about the environmental aspects of SST operation. Standing alone, the argument has plausibility. Considered in context, it is wholly without foundation.

Since the early 1950's the United States has been engaged in the development and production of a large number of different types of aircraft with supersonic capability. In fact, almost all Air Force and Navy combat aircraft have supersonic capability. And these are not just small aircraft but have included the world's only operational supersonic bomber—the B-58. Although the Air Force has recently withdrawn the B-58 from active service, several hundred were produced and it formed an essential component of SAC for many years.

In addition, the Department of Defense has developed and accumulated flight experience on a huge prototype supersonic bomber—the B-70. Many other aircraft could, of course, be mentioned: the infamous TFX or F-111, the Phantom, the entire F-100 series of the Air Force, the X-15, the SR-71 and, although not supersonic but operating at high altitudes, the U-2. The SR-71 in fact is a high altitude supersonic aircraft that could certainly be utilized for research purposes.

It is clear then, that operational aircraft have existed, and do exist, to perform all of the research and experiment analysis that must be performed. Building two additional supersonic aircraft at a cost of some $290 million is an abhorrent waste of taxpayers' money at a time when everyone acknowledges the Government must exercise fiscal restraint.

What is needed is for the Department of Defense to open its records on the operation and characteristics of supersonic aircraft and to work in conjunction with the Department of Transportation and the National Academy of Sciences to develop research programs with existing aircraft to test these environmental problems that are likely to be created by the SST.

I am informed that many of the Nation's most outstanding atmospheric scientists have attempted to get information from the DOD on the characteristic of supersonic flight relevant to environmental analysis—such as Dr. Reid Bryson at the University of Wisconsin—and have been denied. The information developed by the military must be and can be made available to answer the questions raised by supersonic flight and DOD research should be directed to develop any necessary information which does not exist.

It is sheer folly to argue that two new aircraft are necessary to generate answers when similar aircraft are already flying.

And, Mr. President, that argument misses the fundamental reason why the SST has become a symbol to millions of Americans, and why this appropriations request must be rejected.

To devote $290 million now to a continuation of the SST program would simply be a gross misallocation of our resources.

In terms of transportation, the SST does not begin to compare with our need to revitalize our intercity rail service, or to reconstruct our urban mass transit systems.

In terms of aviation, the SST does not begin to compare with our need to build new and improved airports for the planes we already fly, or to develop new short-haul aircraft.

In terms of our most urgent national priorities, the SST does not begin to compare with our need to train sufficient health care personnel, to find better ways of protecting our environment, to provide adequate housing.

The administration argues that the United States must start spending $290 million more to stay competitive.

But competitive with what?

The Concorde, for example, has by no means proven itself a serious threat to American civil aviation manufacturers.

Although options are currently outstanding for 74 Concordes, not one of those options has been exercised.

Indeed, the presidents of Pan American, Trans World Airlines, United Airlines, have all—in recent weeks—been reported as expressing skepticism over the economic viability of these new aircraft.

And why?

Because to operate them at a profit might require a 30- to 40-percent increase in airfares.

Because their sonic boom—in the light of the Senate action of yesterday—would prevent flights over restricted geographic areas.

Because their initial capital cost could prove unacceptable for airlines hard-pressed to pay for the jumbo jets already on order.

Clearly, the SST is not a necessity.

It is a luxury—a luxury that few taxpayers would ever enjoy—a luxury that we cannot afford now.

I recognize, of course, that the money for an SST would provide jobs for some Americans whose security has been threatened by the deliberately restrictive fiscal and monetary policies of the last 2 years.

But no one can argue seriously that an SST is the best project—or even one of the best—for putting men to work, or for restoring health and vitality to our economy as a whole.

Indeed, the President's own ad hoc committee to review the SST program concluded last year that the employment which an SST would support "should not be considered as a justification for proceeding with the program . . ."

The time has come for us in the Senate to consider not just the immediate interests of one private company, but the long-range interest of the Nation; not just the appropriations request for a single project, but the overall balance between what is critical in our budget and what is not; not just the prototype of a supersonic transport, but the example of a responsible Congress.

The time has come for us to face reality.

On all of these counts it seems to me obvious, irresistible, and inevitable that the time has come for us to say "No" to this appropriation.

Mr. PROXMIRE. I thank the Senator.

I yield 10 minutes to the Senator from Alabama.

Mr. MAGNUSON. Mr. President, will the Senator withhold briefly so that I may yield myself 1 minute in order to place some material in the RECORD?

Mr. ALLEN. Mr. President, I am glad to withhold my remarks briefly so that the Senator may place material in the RECORD, without the time being charged to me.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD letters from the president of Pan American World Airways and Trans World Airlines. In addition, we have telegrams from the airlines that they all are most enthusiastic about the SST and have not changed their position one iota, which I ask now to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PAN AMERICAN WORLD AIRWAYS,
May 4, 1970.

The Honorable RICHARD B. RUSSELL,
Chairman, Senate Appropriations Committee, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is to assure you that Pan American World Airways continues to stand behind the U.S. program for the development of a supersonic transport, and has the expectation of being able in the late 1970s to fulfill its plan for the purchase of fifteen of the first American-built supersonic airliners.

Pan Am has the alternative of relying solely upon supersonic airliners built by the manufacturers of some other country. This company already has options to purchase eight Concordes. And the Soviet Union is developing the TU 144, an aircraft similar to the Concorde, which will undoubtedly be offered to purchasers in the free world after the requirements of the Socialist airlines have been fulfilled.

But Pan Am nevertheless continues to stand behind the American program for these principal reasons:

1. The supersonic transport will be a significant contribution to expanding the use of human time and human talent, improving high-level international communication and to widening the travel and educational opportunities available to the average citizen.

2. To perform the public service we are confident it can perform, the supersonic transport must be capable of economic operation, and the record of the last 35 years confirms that American aerospace manufacturers have a better ability than the manufacturers of other countries to build large transports that operate economically.

3. Pan Am believes that a supersonic transport must be socially acceptable and operate without damage or disturbance to the public and the environment, and we believe that the best chance of having a supersonic airliner that conforms to the proper social and ecological standards is to have it built here under American control. With our route pattern preponderantly over water, we will not project a sonic boom on occupied areas.

4. The United States cannot prevent the rest of the world from building, selling and using faster airplanes. Their construction and use is in fact inevitable, once the safe, sound and socially desirable model is designed. The only question is whether and to what extent the supersonic transports operated by the world's airlines, and utilized by the people of the world, will be built in the U.S. with the rewards going to American labor and to American capital, or whether the world production of the supersonic transport will rest with other countries.

5. As an airline facing intense and worldwide competition (by a total of 92 other airlines most of which are state-owned or subsidized), Pan Am will have no choice but to operate supersonic transports as soon as foreign-flag airlines are able to do so even though initial foreign aircraft may fall short of economic objectives. We would prefer to do so on the basis of following Pan Am's historic policy of encouraging development of the American manufacturing industry.

Time is running against the United States aerospace industry and, to the extent it can produce a superior SST, against United States airlines, Mr. Chairman. Should the American project be much delayed, the market for it will be reduced through (1) the greater availability of Concordes and TU 144s, and (2) the development of improved versions of those two aircraft.

We therefore believe the program should proceed on a deliberate, orderly, efficient basis as a national investment in the future of an ever more efficient and publicly useful system of worldwide transportation.

Sincerely,

N. E. HALABY.

TRANS WORLD AIRLINES,
New York, N.Y., May 20, 1970.

Mr. WILLIAM M. MAGRUDER,
Director—SST Development Program, Department of Transportation, Washington, D.C.

DEAR MR. MAGRUDER: In view of the current Congressional hearings regarding the U.S. SST program, I thought it would be in order for TWA to express its views on this matter.

It is our strong view that the best interests of the United States require that the U.S. Supersonic Transport Program be carried through to completion vigorously and expeditiously.

Supersonic travel will bring great benefits to the traveling public and to the cause of international understanding. The initial family of subsonic jets provided a major breakthrough in the ease and convenience of travel, with resulting benefits to those traveling in furtherance of their business interests, as well as those traveling for their own pleasure, education or cultural advancement. The much greater saving in time with the supersonic transport will, we are confident, represent another major breakthrough, still further encouraging the interchange of cultural, social, and business interests.

In any case, the issue which faces the United States at this time is not whether there shall be a supersonic era in air travel. This is practically upon us with the continuing development of supersonic aircraft by the British and French as well as by the Russians.

The real issue which confronts the United States is whether this country will be an active participant in the development and sale of this new family of aircraft, or whether we will turn over to other countries the leadership in aeronautical technology which we have so long held.

This acknowledged leadership of the United States in aeronautical matters has paid great dividends to this country thus far. Quite apart from the intangible considerations of national prestige, the sale of U.S.-manufactured aircraft has meant a great contribution to our balance of payments, and has meant related benefits for employment of U.S. labor and capital.

The same benefits can continue in the future if the United States is prepared to become a full and active participant in the supersonic era of aircraft development. This will not only mean the capability for improving our balance of payments by export sales to foreign purchasers; it can prevent the erosion of our balance of payments picture which would otherwise occur if U.S.-flag operators are themselves compelled to look abroad for the availability of supersonic transports.

Clearly, supersonic transport operations must satisfy reasonable environmental requirements with regard to noise and related matters. We are satisfied that this will be the case. Sufficient flight paths will exist to permit the limitation of the supersonic phase of operations to non-populated areas, with restrictions to subsonic speeds over populated areas. We believe such operation to be feasible and acceptable. At the same time, we would expect that further progress in the alleviation of engine noise and sonic boom intensity will result from continued future research, thereby eventually permitting operations to be conducted with fewer such restrictions.

In conclusion, our view remains as previously expressed, namely, that the varied interests of the United States Government and the United States public will best be served by actively proceeding with the development of a U.S. supersonic transport, so as to obtain a superior and economically viable aircraft at the earliest practical time.

Sincerely,

F. C. WISER.

NOVEMBER 24, 1970.

Honorable R. RUSSELL,
Chairman, Senate Appropriations Committee, U.S. Senate, Washington, D.C.:

I have heard that my recent remarks in London and elsewhere regarding supersonic transportation have been misinterpreted as a change from the Pan Am position stated in my letter to you of May 4, 1970. This is to let you know that we stand on that letter and are convinced that our country should proceed with the program as proposed.

N. E. HALABY,
President, Pan Am Airways.

NOVEMBER 25, 1970.

WILLIAM M. MAGRUDER,
Director, SST Development Program, Department of Transportation, Washington, D.C.:

This is to reaffirm to you that the views on the U.S. SST program expressed in my letter of May 20 to you remain my views. Continuation of the U.S. supersonic transport development program is believed to be in the best interest of the United States since it will help maintain a strong aircraft industry and a favorable balance of payments situation.

F. C. WISER,
President, Trans World Airlines.

Mr. MUSKIE. Mr. President, I ask unanimous consent to have printed in the RECORD news stories upon which my argument earlier this afternoon was based.

There being no objection, the news article was ordered to be printed in the RECORD, as follows:

PAN AM, TWA SEEKING TESTS BEFORE BUYING CONCORDE JETS

(By Robert J. Samuelson)

America's two major international airlines—Pan American World Airways and Trans World Airlines—are becoming increasingly leery of making a large commitment for rapid delivery of the British-French Concorde supersonic jet.

The airlines' growing wariness has surfaced over the last two weeks during individual trips to Europe of the carriers' presidents, Najeeb Halaby of Pan Am and F. C. Wiser of TWA.

Neither of the airline presidents departed from the industry's longstanding support for a supersonic aircraft. Nevertheless, their reservations on Concorde could have implications for an American SST program.

Any major slowdown in the Concorde would provide strong ammunition for critics of the U.S. project, now awaiting $290 million funding from the Senate. Proponents of an American SST have consistently argued that a U.S. plane is required to prevent the loss of a major aircraft market—ultimately worth billions of dollars, they say—to the Europeans by default.

Likewise, if the Concorde were to be delayed and development of the U.S. plane proceeds on schedule, the British-French aircraft would lose its major selling advantage over a bigger, faster American SST; a four- or five-year head start.

Pan Am's Halaby, in London a week ago, made a straight-forward appeal for delay.

Citing the technical complexities of a new supersonic transport which lacks a military forerunner, Halaby proposed that mass production of the Concorde—now undergoing flight tests—be postponed until a consortium of international airlines has subjected the plane to extensive operational checks by flying it on regular commercial routes.

"We are confident, but skeptical (of the plane)," Halaby said in an interview with the London Financial Times. "The airline industry does not want to plunge into this new era without cautiously testing Concorde before it commits itself."

Just a few days earlier, speaking in Geneva, TWA's Wiser said the Concorde would be a money "loser" unless travelers are willing to pay a ticket surcharge of 30 to 40 per cent more than today's first class and economy rates.

The airlines' apparent cautiousness reflects two longstanding reservations about the Concorde—and, indirectly, an American SST.

First, the airline industry, now burdened with huge debts to purchase a new generation of jumbo jets, simply won't be able to raise sufficient capital to pay for the Concordes, priced at more than $20 million each. Inflation and the economic slowdown, which has limited traffic growth, have weakened airline profits to the point where some analysts fear that carriers will have to cancel orders for jumbo jets—planes for which substantial "progress" payments have already been made.

Second, the Concorde, despite its higher speed (last week, it reached twice the speed of sound), will cost more to operate than the present subsonic jets. The Concorde will seat only 114 to 144 passengers against 360 for the Boeing 747; the British Aircraft Corp., one of the Concorde's major manufacturers, says the supersonic plane will cost about 36 per cent more to operate than a 747.

Neither of these problems is of recent origin, and the Concorde's backers tend to see Pan Am's and TWA's recent outburst of criticism as an attempt to improve their bargaining positions approaching price negotiations.

The British and French have received 74 "options" for the Concorde, with Pan Am (8) and TWA (6) representing two of the heaviest commitments. An "option," however, required only a minimal payment (reportedly between $100,000 and $250,000). The real negotiations to buy the supersonic planes should begin in late 1970 and early 1971.

"We have been expecting some fairly tough comments to come out of the airlines who are in early delivery positions," says a British Aircraft Corp. spokesman.

One knowledgeable American official, Bernard Vierling, deputy director of the U.S. SST project, agrees. "They (the airlines) are doing some negotiating in public," he says.

Halaby's proposal may also be an attempt to ease the burden of simultaneously financing Boeing 747s and Concordes by deferring deliveries of the supersonic jet.

According to industry observers, even airlines that do not want the Concorde would be forced to buy it if their competitors purchase the faster plane. "We've got to fly the things if the British and the French do," say both TWA and Pan Am.

Halaby's prolonged tests would postpone this day of reckoning. The first deliveries are now scheduled for late 1973 or early 1974.

As he describes it, the program of extended flights—he did not say who would pay for the trials—would involve several large airlines. They would fly regular routes, possibly transport some demonstration groups, but probably not sell tickets to the general public.

The Concorde's manufacturers do not like the plan. Of 4,000 hours of planned flight testing, 1,500 hours are already marked for operational problems in which airline pilots probably will take part.

"We are not going to ask early-delivery airlines (those receiving the Concorde first) to do development testing for us," Edwin H. Burgess, British Aircraft Corp.'s sales manager for Concorde, said in a Washington speech last week.

The corporation's officials don't seem perturbed by the other problem raised by the airlines—the ticket surcharge. Without a surcharge, they say, passengers would flock from the subsonic planes to the Concorde, even though the narrow-bodied supersonic jet will be less roomy than the Boeing 747.

"I cannot see supersonic aircraft operating without surcharge," Burgess said. However, British Aircraft Corp. officials have also suggested that the Concorde be converted exclusively to first-class passengers. In that case, they say, ticket prices would probably remain the same or might even drop.

The maneuvering over Concorde has imprecise implications for the American SST project.

The first Concorde is expected to be delivered four or five years ahead of the target date for the initial American SST. Because the American plane will seat more people (more than 300) and is projected to fly faster, any prolonged deliveries would tend to favor the American plane.

Halaby specifically denied that his suggestion is a "ploy."

"I am not trying to get a lead for the U.S. aircraft," he said. "It is a bigger, faster, more expensive machine than Concorde and so ought to be subjected to the same tests before the airlines commit themselves to buy it."

Mr. MAGNUSON. These letters are from the people themselves.

Mr. MUSKIE. These news stories can be verified by the writers of the letters if they choose.

Mr. ALLEN. Mr. President, since coming to the Senate I have given strong support to meeting the defense needs of this country as presented by the administration. The SST falls in a different category. It is just another Federal boondoggle—and I might add, of which there are many—from which the Senate can yet extricate the Nation and minimize its already staggering losses of some $700 million.

Much has been made of the letter from William Magruder Director of SST development, wherein it is pointed out that program cancellation at this time would require a total Treasury outlay of $277.8 million. It was suggested that that is only $12 million short of the $290 million appropriation that is sought by the DOT bill.

Mr. President, it appears to me that the ultimate recipients of the $277.8 million in cancellation penalties and expenses would be the same people who would ultimately receive the $290 million appropriated by the bill.

It has been suggested, too, that the Government has, in effect, a joint venture in this project with the aircraft industry, and stands to earn a half-billion dollars if this project is allowed to go on. So, it would occur to the junior Senator from Alabama that if this contract should be allowed to lapse at this time and the $277.8 million in cancellation charges is paid to these recipients, they might use that in lieu of the $290 million appropriation to go ahead and get the prototypes in shape where private industry and private investment would be willing to carry on this venture. The aircraft industry and the airlines would then be the recipients of this $500 million alleged or suggested profit that the Federal Government will gain by being a joint venturer. So this windfall, it occurs to me, could be used in lieu of the $290 million that is appropriated by the bill.

I recall the remarks of the distinguished national columnist, James J. Kilpatrick, in commenting on debate in the House of Representatives on the question of whether or not to appropriate an additional $290 million toward development of the supersonic transport plane. Mr. Kilpatrick said:

> Arguments on both sides were reasoned, persuasive, and well-informed: but in the end, the wrong side won.

Mr. President, I concur in the judgment that the wrong side won on this matter in the House. The Senate now has the chance to remedy the situation and call a halt to this pie-in-the-sky program that has already taken a hefty bite

from the Federal Treasury, and could chew up a lot more unless it is stopped.

Mr. President, when President Nixon asked Congress in October 1969 to finance development of the SST, I expressed my opposition to the proposal for a number of reasons. Since then the proposal has been the subject of voluminous arguments pro and con in the media and in Congress. Nevertheless, I am aware of no evidence and no argument that would override the reasons for my original opposition to this project.

Supporters of the SST insist that the United States must build this plane because they say it will enhance our national prestige in the eyes of the world. They say that development of the SST is needed for technological progress and to strengthen the economy of the Nation by providing jobs and improving the balance of payments with foreign nations.

But these are arguments without basis in fact. Certainly a country that can put men on the moon need not fear loss of world prestige just because it decides not to build an SST with tax dollars.

Other than its projected speed, this airplane has nothing new to offer. The Boeing 747, which is already in service, carries twice as many passengers as the SST plus a vast amount of freight. It can fly safely at top speed over land or sea, which is more than can be said for the SST. More than that, the 747 was developed entirely from private sources and is designed to make a profit for the aviation industry, something the SST is not expected to do without Federal subsidies.

In 1961, when President Kennedy established the SST as a national priority, he promised that the maximum cost to the Government would be no more than $750 million. But today the anticipated cost of this plane to the Government has already gone up to more than $1.3 billion, and the end is not yet in sight.

If Uncle Sam also has to put up money for production of the plane—as seems likely—then the taxpayers' commitment will be $4 billion or more.

There are more pitfalls in the way of the SST than its development can be worth to the Government. Because of its speed, the SST will create a sonic boom track 50 miles wide, in which windows, glassware, house foundations, and buildings will be broken and cracked. This is to say nothing of the disastrous effect to the hearing and nervous system of men and animals. One scientist says that when the SST roars down its 2-mile-long runway—which taxpayers will also have to pay for—it will sound like 50 regular jets taking off at the time.

Despite the optimism of the SST supporters, no one has yet come up with a cure for the plane's noise level.

There are other important considerations to take into account. For example, the President is asking Congress to appropriate $106 million this year for control of air pollution. At the same time, he is asking for another $290 million for the SST which will spew its black clouds of fuel into the air we breathe.

The President's own Council on Environmental Quality has reported that the SST will cause climate and weather changes because of its high altitude pollution.

Mr. President, on November 17 of this year the distinguished junior Senator from Alaska directed the attention of the Senate to an exhaustive and unbiased report on the environmental issues surrounding the debate on the SST program. This report was prepared by Dr. George N. Chatham, a specialist in science and technology for the Science Policy Research Division of the Library of Congress. I have been deeply impressed by the report and I commend it to those who have not yet studied it.

The U.S. Treasury is not a bottomless well, and the sources available for the Federal budget are already stretched too thin. If there is to ever be a time for sober consideration of Federal spending priorities, that time is right now.

The overriding need for transportation is not to get a few well-to-do travelers to Europe 3 hours sooner, it is to get millions of our people to and from their jobs and the marketplace.

It is my position that if private investors wish to undertake development of the SST, and it can meet the standards of safety, noise abatement, and pollution, then that is private business, and I wish them every success.

I am happy to support the amendment of the distinguished Senator from Wisconsin.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ALLEN. Yes; I am delighted to yield.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PROXMIRE. Mr. President, I yield 2 additional minutes to the Senator from Alabama.

Mr. FULBRIGHT. Mr. President, I should like to associate myself with the remarks of the distinguished Senator from Alabama. I think he has summarized the various arguments, and particularly stressed the last argument about the question of transportation and what is most important. I believe the President, or at least the Department of Transportation, has recently suggested the reorganization of our railroads. I am very much in favor of it. It hits at the area which the Senator described here as making some contribution to our economy and the quality of life of our citizens.

It seems to me the ultimate in absurdity to spend this kind of money on this project when the need of money in the railroad area is so great and is nowhere to be seen. No one has proposed where it is to be gotten from.

On the matter of priorities, the Senator from Alabama has made a most persuasive case.

Mr. PROXMIRE. I yield 5 minutes to the Senator from Missouri (Mr. EAGLETON).

Mr. EAGLETON. Mr. President, I shall not delay the Senate by repeating the fine points made in the discussion of the Senator from Alabama or the remarks of the Senator from Maine (Mr. MUSKIE).

Even if the SST did not pose these potentially grave threats to the environment, it would still, in my view, represent an unwise investment of public funds.

If the Government's investment did not go beyond the currently projected $1.3 billion—and there are good and sufficient reasons to believe it could ultimately reach $4.5 billion—there is no assurance that that investment would ever be repaid.

What we are assured, under the 90 percent Government-financed development contract, is that if the SST fails the Government will take the loss and if the SST is a commercial success the manufacturer and the airlines will reap the profit. Why should the American taxpayers undertake a commercial venture which our normal commercial instruments—business and the banks—will not?

It is argued that more than a private commercial interest is at stake—that America's future balance of payments and its prestige are at stake if we do not have an SST to compete with the British-French Concorde. This assumes that the Concorde will actually go into production and sell.

The producers of the Concorde, and the proponents of the American SST, hold to a philosophy of equipment purchases known appropriately as the "Judas-goat" theory. This theory has it that whenever a new plane is produced that represents some real innovation the airlines must inevitably buy it to remain competitive even though it is certain to be a money loser.

But here is evidence that the U.S. airlines, now experiencing the worst financial year in their history, are taking another look at this theory. Newsweek recently quoted one airline executive as saying:

> I don't buy the Judas-goat argument if the plane is uneconomic. You get to the point of absurdity. I'd like to believe the world has not gotten so irrational."

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. EAGLETON. I do not yield. I want to finish my remarks in the limited time allotted to me.

Whether or not the world has gotten so irrational remains to be seen. What is certain is that at least three major airlines have recently expressed reservations about the Concorde.

A BOAC official has warned that the Concorde would put "a heavy demand on limited investment funds" of the airlines "with as yet no certainty of increased return."

The president of TWA has stated that the capital and operating cost of the Concorde would be too high for profitable operation and that its small capacity would require a fare from 30 to 40 percent above present transatlantic fares.

The president of Pan Am, in what appeared to be a delaying tactic, has proposed that a small group of airlines be allowed to fly the Concorde in passenger service before it goes into quantity production.

These concerns about the high cost

and doubtful eocnomic viability of the Concorde are not idle when seen in the context of the financial condition of American airlines.

The president of TWA has estimated that the 12 major U.S. airlines will lose $200 million this year. A number of factors are contributing to this situation. The economic slowdown has produced a decrease in the rate of traffic growth from 9 percent last year to an estimated 2 percent this year. Labor costs are increasing at an 11 percent annual rate. Overcompetition has resulted from route duplications applied for by the airlines and approved by the CAB.

Another major factor is the cost of putting the new generation of jumbo jets into service. To finance acquisition of the 747's and related outsized ground facilities, U.S. airlines will have to lay out $10 billion over the next 4 years. They are having to borrow heavily to finance these purchases and at an interest rate higher than that for any other major industry. Annual interest payments for the industry rose last year to $262 million as compared to $89 million in 1964.

Burdened with this debt, the airlines are understandably concerned about the prospect of having to finance the purchase of the Concorde—whose price is now put at $24 million but may well be $32 million by delivery time.

Add to this the fact that U.S. airlines are supposed to provide 80 percent of total cash requirements for American SST start-up costs during the period 1975–77 and it is easy to see why the airlines have begun to question the Concorde, the "Judas-goat" theory and, I would suspect, in private, the American SST.

The future of the Concorde itself is in doubt. The new Conservative government in Great Britain has made it clear that the Concorde is still on trial. A decision to drop out or stay in the program may come next spring when performance standards will be established and when it is seen how many of the 74 options to buy now held by 16 airlines are converted into firm orders.

There is considerable opposition among the British public to the Concorde program. The total development cost—without any production—is now estimated at $2 billion. Even Concorde supporters concede that the British and French governments will never recoup more than one-third of this cost even if the plane is a commercial success. The cost of the Concorde program to British taxpayers is now running at $158 million a year—almost exactly the amount of the recently announced cuts in health and welfare services in Great Britain.

Mr. President, it may be that American industry can eventually build a second-generation SST which will be more cost effective than the Concorde—perhaps even more cost effective than subsonic jet aircraft now available.

Let private industry decide when that time has come. Let private industry take the risks, and let private industry make the profits—or take the losses.

And let us not in the meantime invest the tax dollars of the American people in a commercial venture which promises no reasonable economic return to forestall competition which appears not to exist.

Let us not follow the British-French example and mortgage billions of dollars worth of domestic social services in a project whose social return would appear to be virtually nil.

On November 13, 1970, the Wall Street Journal said editorially:

> Supersonic air travel is inevitable. If development had waited until private industry found such a project feasible, though, there is at least the chance that some of the present problems would not loom so large. Of course development did not wait, so Congress now must decide what to do. We can only hope that decision will be based on evidence more persuasive that the fact the Concorde now has flown twice as fast as sound.

Perhaps the supersonic transport is inevitable, although I am not convinced of that. It is conceivable that we have reached a point in human history where we will discover that every new technological breakthrough does not necessarily represent progress and cannot be made cost effective if human values are entered in the ledger. Perhaps the time has come when a little technological toilet training may be required if man and his planet are to survive.

In any case, with the future of the Concorde highly uncertain, the advantages of deterring further development until private industry is willing to undertake development of the SST are now strikingly clear.

Mr. President, I believe the only responsible course for Congress is to withhold further public funds for the development of an SST.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. EAGLETON. If I have some time left; yes.

Mr. FULBRIGHT. The Senator keeps talking about the Concorde. We passed a bill, with the sponsorship of the proposer of this amendment——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PROXMIRE. I yield the Senator 1 additional minute.

Mr. FULBRIGHT. If we do not permit the Concorde, or the Russian version, whatever its name is, to come here—and the policy as expressed in the bill passed yesterday was opposed to it—where are they going to fly? How are they going to be economical at all, if they are not allowed to fly those outrageous planes into this country?

Mr. EAGLETON. The bill passed yesterday would not necessarily prevent their landing here.

Mr. FULBRIGHT. Why should we permit it?

Mr. EAGLETON. But that would be what I would consider the next logical step.

Mr. FULBRIGHT. Even if we do not go forward, there would not be any competitive threat at all, if they were not allowed to fly into our cities and over our country; and if that plane is as bad as I believe it to be, I do not know why we should not take that step. That would certainly solve that particular minor question.

Mr. EAGLETON. I agree with the Senator from Arkansas.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. BIBLE. Mr. President, I yield 10 minutes to the Senator from Alaska to comment on the point.

Mr. GRAVEL. My colleague the Senator from Arkansas is much more knowledgeable globally and in our international affairs than to suggest there are not a lot of other places they could fly their planes.

Mr. FULBRIGHT. Where would they fly?

Mr. GRAVEL. Around South America, South Africa, Asia—there is no limit.

But there is an interesting point here, in the idea that we could capriciously use our power to inhibit the economic interests of the British Empire or the Soviet Union. If we tried that, we could start a commercial war. They would deny us landing rights at Heathrow for our 707. There would be no end to the battle that would ensue.

If we had some data, whereby we could show a definite ecological danger involved, there might be some point in attempting to exercise international police powers. But if we do not vote for this appropriation today, we will never have that knowledge.

Mr. FULBRIGHT. The Senator from Maine (Mr. MUSKIE) presented rather convincing evidence that this is ecologically dangerous.

Mr. GRAVEL. I listened very carefully to the Senator from Maine, and have read the testimony carefully, and what I come up with, very simply, is that no one knows, at this time. That is why we are appropriating the money, to study the question. It is that simple.

If the Senator from Wisconsin had offered an amendment to strike out the development cost of the prototype, and left some money in to study the problem, it would be more logical than striking everything out, which is what we would be doing here.

But let me move to the point raised by my colleague originally, which is the Judas goat theory—a fabulous theory, though this is the first I ever heard of it. It must be related to the propensity of man—because that is what we are talking about, with the SST—to devise a better instrument, something that works better.

We could stop where we are, because it is frightening to look ahead into the unknown. We could say, with respect to our environment, that we know we have certain problems and we should stop. We could grab the club and crawl back into the cave.

But, Mr. President, I take a different view. I think we can demand of science and technology the answers to our environmental problems; and in my mind, the SST is not environmentally deleterious. In my mind, it is a model of environmental industrial undertaking. Had we had the same foresight with the automobile, we would not be in the mess we are in today.

What we are doing is undertaking a prototype; but at the same time, we are studying the effect of these prototypes, and I am sure the Senate and Congress would be intelligent enough 2, 3, 4, or 5 years from now, when the data are in to face the issue. But not now. We should say "I do not know" until the facts are before us.

We are almost at the point, nationally, where we are bringing upon ourselves a psychic death wish, that apparently our economic position in the world is too much for us to carry.

Mr. FULBRIGHT. That is right.

Mr. GRAVEL. We are committing economic suicide. And the action we take today, if we vote "no," is the first significant step in that direction.

I do not get hung up with the competitive argument of the threat from the Soviet Union, or the French, or the British. If they succeed in developing an economic productivity better than ours, so be it. But I think it is important that we realize that we are not talking merely about competitiveness; we are talking about the economic fiber of this country, and if we destroy that fiber, whence will come the quality of life? From where will come the ability to pay for housing, hospitals, health care?

The argument was made by the Senator from Wisconsin that the airlines cannot afford the planes today. That is right; they cannot. If the situation continues, they will go bankrupt. They will go bankrupt because there is no one flying in the airplanes. Because we are in the syndrome of going downhill economically.

A lot of people have made speeches in this Chamber in the last few months about jobs and employment. This is the first issue before us which offers a chance to vote for jobs.

An issue has been made involving comparisons with the automobile and the railroads. There is no question in my mind; the history of that development is a tragedy. Our surface transportation is a disgrace.

But who is at fault? Some of my present colleagues and those who preceded me; the leaders of this country are at fault.

We have the most efficient means of transportation in what industry? The aviation industry. While all other modes of transportation have been increasing in cost, the aviation industry has been decreasing in cost—through more productivity.

What we are saying today is that if we vote "no," we are not going to elevate surface transportation, but what we are going to do is take the efficient segment of our system and tear it down to the inefficient levels of the others.

The document placed on our desks by the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Illinois (Mr. PERCY), and the Senator from Kentucky (Mr. COOK) discusses various points.

In the first instance, it makes the statement that "Congress should not subsidize commercial air travel," and the inference was made in the colloquy here that this is a new departure.

Mr. President, this is nothing new. We have been subsidizing the operation of commercial aircraft ever since it started. What is different between dealing with the operating aspects of it and the capital aspects of it? It amounts to the same thing. So that point, in my mind, is very specious, very weak.

The second point made was that the SST has no projected military use.

That is right. That tickles me to death. We have had our technology dependent upon our defense posture far too long, and this is one instance where we have our technology trying to move for its own reasons—not for defense, not from fear, but from the fact that it could be good for mankind.

The next point that is made is that the SST represents a distorted sense of priorities, and it makes the comparison of $290 million for the SST with $105 million budgeted for air pollution.

I agree. That is right; that is terrible. But that is an indictment of whom? It is an indictment of all of us. I think it is appalling we have only $105 million for air pollution. We should have a good deal more.

I think it is appalling that the President of the United States would veto hospital funds and then push for this program. I think that is a distorted sense of priorities.

The SST is not the No. 1 priority in this Nation, but it is not the last priority, either. The SST appropriation represents 3 percent of the total transportation budget, not including the amount of money we have appropriated for surface transportation. That level does not indicate a high priority item. That is a low priority item. That is just what it is. But the argument has been made those of us in favor of it are calling this a high priority item.

The next point involves the expenditure of $103 million. I cannot comment on that. That is simply a fact.

The next point advanced is that potential impact to the environment is severe. That cannot be proved one way or the other at this point, and can only be studied.

Mr. BIBLE. Mr. President, will the Senator yield at that point?

Mr. GRAVEL. I yield.

Mr. BIBLE. I should like to make a point, because this particular bugaboo has come up time and time again.

We examined this matter exhaustively in the hearings. It seems to me that we will not know the answer to that question until we have finished the two prototypes and have had a hundred hours of flying time, and that is 2 years down the road. We will not know the answer to that question until late 1973 or early 1974.

We have another $4.6 million earmarked in this bill for research on the environment. I do not recall how many dollars already have been plowed into this.

Mr. GRAVEL. Mr. President, a great deal has been said about the Concorde. I think I am the only Member of the Senate who has been to Bristol, England, to visit the Concorde, to visit with the president of the British Aircraft Corp., to visit with the chief test pilot, to visit with the engineers, to visit with the officials of that government, and, to spend a whole evening and a whole day with them.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BIBLE. I yield 2 additional minutes to the Senator from Alaska.

Mr. GRAVEL. All I can say is that what I have read from opponents and what my hosts told me do not match. They have encountered no difficulties. The difficulties they have encountered are the same as here.

Some Senators may wonder why Great Britain would want to spend so much of its capital to develop an SST. It is very simple. They are trying to strengthen an economy. They have had difficulty ever since the Second World War, and they figure the best way to do it is to get some industry, some viable industry, something productive, and something that will operate for the future. And they are doing just that. The Concorde is economically viable.

The Senator from Missouri quoted a statement made by the president of Pan Am, and I think the president of Pan Am will rue that, because he was trying to negotiate the price of the Concorde in public. Of course, if the decision is such in the Senate, it probably will be the only such aircraft they will be able to buy which will provide such rapid transportation.

Incidently, in connection with rapid transportation, the only amenity left that can be acquired in transportation is time, and that is what will be acquired with the use of the Concorde, the TU–144, and the SST.

Let me make one brief prediction, before concluding, in consonance with the statement once made by Nikita Khrushchev that they would "bury" us. That statement was highly misunderstood, because he meant that they would bury us economically. They may well have that opportunity, because the Soviet Union has a definite policy to overtake us in the field of commercial aviation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BIBLE. I yield 1 additional minute to the Senator from Alaska.

Mr. GRAVEL. What they are offering is the sale of their aircraft for 2-percent money. Many of the European and Asian nations do not want to buy this because of the poor performance in the past and the bad record. But this is going to change, because the Soviet Union is changing in the field of commercial aviation; and I predict that within 3 years it will overtake the United States, if we produce a negative vote here.

Not only will they offer enticements with soft money, but also, they will offer the enticement of the polar routes over Siberia, and there will be routes that will connect Asia and Europe which will not even have to touch the Western Hemisphere.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter which came to my atten-

tion this morning. It is a very important letter from Mr. William Magruder to the Senator from Washington (Mr. MAGNUSON) outlining the amount of money that would be forfeited with the cancellation of the SST program that would follow an adverse decision on that part of the bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE
SECRETARY OF TRANSPORTATION,
Washington, D.C., December 2, 1970.

HON. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: The contract modifications for the Supersonic Transport Development Program for December were recently signed, and I believe you should be brought up to date on the obligations of the government should the program be terminated by the Congress this month.

Members of the Department of Transportation testified in August of this year that a F.Y. 1971 appropriation of approximately $160 million would be required to cover possible government liability if the SST program were cancelled prior to the 15 October recess. Since that time, of course, we have incurred additional program costs under the authority of the Joint Resolution which has allowed the program to proceed on schedule. Our current estimate of the minimum additional appropriations required in the event of program cancellation is $196.9 million. In addition to this amount, program termination could impose certain other possible legal and moral obligations on the Federal Government as indicated below.

The liability of the Federal Government in the event of program cancellation could be extensive. The government would be obligated to return to the SST Contractors their share of the development costs to date, for which Congress would have to appropriate funds. The Congress would also have to appropriate funds to cover the expenditures incurred since the beginning of this fiscal year under the Joint Resolution. Further, the Congress would also have to appropriate funds to cover termination costs, and, perhaps, to restore the nearly $59 million airlines have invested in the good faith that the prototype program would proceed to completion.

As mentioned above, the minimum F.Y. 1971 SST appropriation the Congress would have to approve to discharge the government's responsibilities is estimated to be $196.9 million. Additionally, if the government accepts a moral obligation to repay the $59 million the airlines have contributed to help defray development costs, the required appropriation would total $255.4 million. Not included in the foregoing would be the government's obligation to refund to the airlines $22.4 million on deposit in the Treasury for the reservation of SST delivery positions. Thus, program cancellation at this time could require a total Treasury outlay of as much as $277.8 million. Enclosed is a chart showing the breakdown of these figures.

It is obvious that we face a situation in which the costs to terminate the SST program are fast approaching the F.Y. 1971 amount being requested by the Administration for continuance of the program.

One further point is worth noting. Upon completion of the prototype program, the government's commitments to the manufacturers and the airlines will have been satisfied. Should we proceed to that point, and then for any reason the SST program does not proceed, the investments of the manufacturers and the airlines would not be refundable.

I should add that an additional and very real cost of any such termination at this time would be the loss of substantial benefits to the nation in jobs, exports, tax revenues, and recovery of the government's investment through royalties. The United States would also forfeit its role as world leader in commercial aviation.

The transportation systems of the 1980's will include supersonic transport aircraft, and I believe they should be those manufactured in this country.

Sincerely,

B. WIERLING.

SST PROGRAM TERMINATION COSTS

[In millions of dollars]

	Dec. 1, 1970	Jan. 1, 1971
Contractor shares	77.8	79.8
Additional appropriations required to cover continuing resolution	86.6	105.1
Estimated additional termination liability	10.0	10.0
Program office	2.0	2.0
Appropriations required	176.4	196.9
Plus airline escrow funds (Treasury)	22.4	22.4
Total minimum Treasury outlay	198.8	219.3
Plus airline R. & D. contribution [1]	58.5	58.5
Total Government commitment	257.3	277.8

[1] Although not legally binding, a possible moral refund obligation.

Mr. GRAVEL. Mr. President, the figures contained in the letter are very interesting. They demonstrate, I think, an unusual point. We would be spending almost the same amount of money if we were to reject the appropriation of funds for the SST today as we would if we were to approve the appropriation.

The amount of money that would have to be paid out for contractor shares, the additional appropriations to cover the expenditures under the continuing resolution, the estimated additional termination liability, and the program office would amount to $196.9 million. We are talking about an appropriation of $289 million. In addition to the amount I have mentioned, we would have to appropriate from the Treasury $22.4 million, that being the amount that the airlines helped to put up in escrow for position buying, and another item that might come under question which concerns the fact that the private sector of our economy has put up money for research and development in the amount of $58.5 million. It may be that they could take legal action to recover that money. However, without adding the $58.5 million, we still come to a total of $219 million.

Mr. President, I think it is interesting to note that there would be no appreciable gain budgetwise in turning down this project.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to the Senator from Washington (Mr. MAGNUSON) from Mr. Homer B. Anderson, and an editorial printed in this morning's Washington Post entitled "The SST: What's the Hurry?"

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

DECEMBER 2, 1970.

Re SST appropriation, fiscal year 1971

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: The Airport Operators Council International (AOCI) fully supports your amendment to S. 4547, accepted by the Senate this afternoon, which provides assurances that the U.S. SST's aircraft noise levels will not exceed those of new subsonic jet aircraft.

As offered in the Senate, your amendment adds a new Subsection (i) to S. 4547 as reported out of the Senate Commerce Committee as follows:

"Subsection (i)—The Department of Transportation shall modify its contracts with the contractors for the civil supersonic transport development program to provide that the contracts will not be satisfactorily completed until the contractors demonstrate that all production models of the prototype can operate in compliance with appendix C of Part 36 of the Federal Aviation Regulations now restricting takeoff, approach and sideline noise created by new subsonic jet aircraft as in effect on the date of enactment of this subsection."

In our earlier and widely reported statements on the SST appropriation, we stated our support for the development of an *environmentally-sound SST*. To assure that this objective would be met, AOCI, representing all the communities in the United States which are likely candidates to receive service from the first-generation SST, stated that the pending $290 million SST appropriation for FY '71 should be approved by the Senate only if there were a requirement that all production models of the aircraft meet the same noise standards now established in Appendix C of Part 36 of the Federal Aviation Regulations for subsonic aircraft and with the same trade-off provisions.

The amendment to S. 4547 adopted by the Senate today satisfies the airport operator's SST aircraft noise concern. Thus, we fully support action by the Senate to appropriate the full $290 million SST appropriation for FY '71. And, with the approval of this new statutory provision, AOCI can find no basis for any vote against the SST appropriation because of the aircraft's noise effect on communities.

Further, Congressional action to set definitive noise standards for SST operation will provide an additional impetus for SST aircraft produced by other nations to meet the same noise restrictions. Airport operators will be unable to convince their communities that service by any SST aircraft should be permitted which exceeds limits which the U.S. SST will be required to meet.

We are most appreciative of your continuing efforts to support the development of new technologically advanced aircraft which are also environmentally compatible with existing airports and their adjacent communities.

Sincerely,

HOMER B. ANDERSON,
President.

THE SST: WHAT'S THE HURRY?

The Senate is scheduled to vote today on the money to proceed with the production of two prototype supersonic transports (SSTs) and our firm view, which we would be the first to admit has been slow in evolving, is that the vote should be to deny this appropriation and forgo further development of this aircraft at this time. It is not that we don't think that a safe and workable SST would be a nice thing to have—for the country or, for that matter, the world that has

everything. It would carry almost 300 passengers at a breathtaking 1,800 miles an hour once in use, now scheduled to begin in 1978; and this would mean that you could leave New York City at 6 a.m. and attend a 3 p.m. business meeting in Paris and enjoy a dinner and even a little night life on the Champs Elysee, and be back in New York by 9 p.m. if all went well. It would, as its advocates contend, greatly shrink the globe, and this would be of particular significance for trans-Pacific travel—Los Angeles to Tokyo, for example. And it would enhance this country's reputation, not only as the predominant aircraft supplier on earth, but also as the greatest technological leader. It would be good for our image, and our economy and the balance of payments, and failure to build it would probably be injurious, to one degree or another, on all three counts, temporarily.

So there is much to be said in principle for having SSTs, not the least of which is that if we don't proceed, the French and the British are very likely to go ahead anyway with their Concorde, which is quite inferior to our proposed product, but also much farther advanced; moreover the Russians are quite likely to proceed with their similarly inferior version, the TU–144. So whatever we do, there may well be SSTs aloft in large numbers in the late 1970s, which would seem on its face to be reason enough to proceed posthaste, especially since all the Nixon administration is really asking for right now is $290 million, as part of a total cost to the government of $1.3 billion to build two prototypes. We can decide later, we are told, whether to go into full production, at an estimated cost of $3 billion to the aircraft industry (which may or may not involve further financial support from the government).

The first thing to be said about this is that the increment under consideration will increase greatly the momentum of this project, to the point where it will be exceedingly difficult to cancel the whole thing later on, no matter what we discover from test flights of the prototypes. And the second thing to be very clear about is that we may make some very disagreeable discoveries from these test flights. There is, first of all, the problem of the engine noise which in the vicinity of airports will be considerably more intense than anything we are now familiar with, and of the shattering impact of the sonic boom. We are assured that these will not be allowed to discomfort us; that SSTs will be forbidden to fly overland until we have learned to muffle the sonic boom; that sharper descents and ascents will alleviate the noise; and that the proponents are prepared to write these rules into law. But we also know from past experience that laws can be changed and that the pressure to err on the side of progress-and-never-mind-the-inconvenience will be very powerful. When something is in hand that makes money—automobiles, for example, or factories that pollute—there is a tendency to try to live with it, however much it may diminish the quality of life.

So there are these uncertainties and one more which, by itself is argument enough, in our view, against proceeding with the SST now: that is the potential havoc it could wreak world-wide by the effect it may have on the air—the upper atmosphere—which envelops this planet. There is sharp disagreement on this point among the most distinguished and learned scientists; some predict that the vapor trails of a future fleet of SSTs will coat the globe with cirrus cloud, shutting out the sun and permanently affecting the climate; others see the SSTs destroying ozone and removing the shield against dangerous cancer-inducing, ultraviolet radiation.

Others say these things won't happen. And that is just the point: *at this state they don't know.* Thus the Senate may today be giving a conclusive push forward to a project which is freighted with unknown menace, but which will, by this action, become all that much more difficult to halt; in the desperate international competition for purchase orders and prestige, hard-headed judgments become all the harder as the investment grows; yet if we seriously pollute the upper atmosphere and discover our error too late, it will be a good deal harder than even the Potomac River to de-pollute.

It is all very well to argue that we would be careful about this, and that if we found these aircraft to be a menace, we would have blown, at the worst, no more than another $500 million in addition to the $600 million or so already spent; you could even say that this is a fling worth taking—for the country that has everything.

But we don't. We confront shameful pockets of poverty, and a terrible and growing shortage of housing, and shockingly inadequate educational facilities, a fragile, inflation-ridden economy. We live in a time of social ferment, when a whole new generation is profoundly questioning our priorities; when something like an SST is to many people the very symbol of misplaced values and of old-fashioned reflexes to industrial jingoism and a concept of prestige which is sorely out of date.

President Nixon said he decided to proceed with the SST because "I want the United States to continue to lead the world in air transport." But he gave the game away just a little at the ceremony announcing that decision by pointedly offering his congratulations to the governor and other representatives from the State of Washington, which would be the principal economic beneficiary of the SST project. Either way, it's old-hat; even if you concede that the SSTs will work, the gain, let's be honest about it, would be marginal—a few hours saved for a relative handful of hard-pressed international businessmen (surely no vacation-bound tourist is going to insist on supersonic haste.)

So our view is what's the hurry—either to cross the oceans or to build the SST? If the Nixon administration wishes to give leadership to the world, it might consider instead the impact of this country's foreswearing temporary financial gain and a transitory feather in its technological cap in favor of a role as the leader in an urgent re-ordering of this country's and the world's priorities.

Mr. GRAVEL. Mr. President, the editorial which I have just had printed in the RECORD is very revealing for two reasons.

The editorial refers to the momentum of this project. That means that if we approve this project now and move ahead, regardless of what we discover later when we acquire the prototypes and acquire more knowledge of the environmental effects of the aircraft, the Senate or the House or the Congress collectively would not have the wisdom or the intelligence to make the decision whether to stop the commercial proliferation of this aircraft.

Mr. President, I am confident that the House or Senate in the next year, 2 or 3 years would not be that mindless if we receive evidence indicating that there would be a problem with the ozone—something which we do not know at this time. But this is something we will not discover, because if this project is turned down, the research also will be turned down. We will essentially remain in ignorance.

I believe the Senate could make an intelligent decision at that time. I do not think the environmental concern of the people of this Nation will be any less 2 years or 3 years from now when we are more equipped to make a decision.

The editorial goes on to state that another reason for voting against the SST is that at this point in time we do not know what the ecological effects would be. That is a very accurate statement. We do not know but we do know that if we do not continue with the prototype we will not find out.

Those who advance the argument that we could use our sovereign powers to stop foreign SST's from entering the United States would be advocating a very capricious use of those powers. I do not think that in the international community we could with honesty carry out any effort to deny the Concorde or the TU–144 from crossing American boundaries if we did not have good reasons and sufficient logical data to back up that decision.

Obviously, if we say no to the SST program today we will not have that good and sufficient evidence to prove the case one way or the other. Unfortunately, the vote today is not on whether we have an SST; we have one. I saw it in flight in Bristol, England. I sat with the chief test pilot, government officials, the design engineer, and the project engineer. I visited with them and I can say that after an evening of discussion and the facts I gleaned from first hand observation, there is not the slightest appearance of the problems I have read about numerous times.

I stood at the sideline to listen to the aircraft take off. That was the most unusual experience of all. I was 200 feet off the concrete apron and 500 feet down the strip. When the plane roared by I had a natural inclination to put my hands to my ears. I did not because I wanted to get the full blast. It was quite loud but what really struck me was the fact that it was not as loud as I thought it would be. Even as a proponent of the SST I was emotionally intimidated as a result of the vast amount of negative press coverage we have all been exposed to.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I wish to announce my position in this critically important matter, to which I have given much thought and which has a very mixed reception in my State.

The present provision of the appropriations bill regarding the SST no longer makes business sense to me. Therefore, I have decided to support the effort to delete this provision.

Should it be deleted, I, for one, would be willing to support a reduced appropriation based on a renegotiated position for the Federal Government with an expenditure on the order of magnitude of an estimated $100 million for the coming year—a sum which bears some relationship anyhow to the estimated termination costs if the existing contract is cancelled.

I do not see the airlines in any financial condition to buy these new aircraft. Indeed, the strain could hurt them even further, and they are already hurting badly. The Concorde is ahead of us by several years anyhow, and all the U.S.

airlines are doing now is estimating that they will have the capability to buy and will need to buy a supersonic plane to meet competition in 1975–78. The U.S. plane is expected to have greater capacity, efficiency and economy, and I cannot see that if it is slowed up by a few more years—as long as it cannot be first anyhow—there will be any fatal result. The aircraft to start will in any case be designed only for the "carriage trade." The delay may prove to be an advantage indeed in leapfrogging the competition, by developing a much better plane than the Concorde.

I know it will be alleged that we must appropriate the full amount now or cancel, and I realize that the vote is yea or nay. But I think the only way to record my views is to vote nay. If this appropriation is defeated, another way will be found on a more modest and long-range basis. I do not consider it seemly at this time, considering our national financial condition and national priorities, to go full steam ahead on the SST as this appropriation requires.

Two other points are essential:

First. I have read carefully a great deal of the available material on the ecological argument. I am confident, and always have been, that the supersonic plane would not be permitted to fly if it were an ecological hazard, and thus this argument need not be an element of judgment in respect of it. The Senate itself has already gone a long way to answer that argument by the passage of S. 4547, authored by Senator MAGNUSON and amended by other Senators, including Senator PERCY.

Two. Other economic arguments are directed to the balance-of-payments problem and the employment need in the aircraft manufacturing industry. The balance of payments can hardly hinge upon this aircraft; it has many other aspects including the trade policy of the United States which is the preponderant question. I can certainly do my utmost with respect to the trade bill to assure that we have a highly favorable balance of trade overall, and I consider the continuance of the enlightened trade policy of the United States far more important to the balance of payments than the SST.

Regarding employment in the aircraft industry, New York, through a whole list of companies led by GE, has an enormous stake in the SST; but this question does not arise in any material way—and I have seen the figures—until the aircraft is proven and in production. Employment in respect of the prototypes is not a major factor. My desire to assist the industry and its workers is a major reason why I would be for a modified program, but I believe the weight of the evidence tells me to vote "no" on this appropriation in the interest of the overwhelming majority of the people of my State. I shall, of course, do all I can to help with employment in the industry in New York.

Mr. President, I conclude as follows:

In respect of these points I am impressed with the argument of Prof. C. P. Kindleberger, professor of economics at MIT. One of the 15—out of 16—leading economists who came out against the SST appropriation and who said:

> It makes no sense to argue that we ought to produce something we don't need because we need the employment, or not to produce something we do need because we already have full employment. The question of employment, and of balance of payments adjustment should be separated from the issues of what we * * * but within the total budget.

I am also encouraged by the words of Henry C. Wallich, the only one of the 16 economists dealing with the question who came out qualifiedly in favor. He said:

> A case can be made for postponing immediate construction of the plane in favor of continued development work. This may lose us some part of the market for the plane, but we might compensate by having a better plane later at lower cost to the government. Meanwhile, urgent priorities facing the government could be better attended to. But work will have to go forward in some form, and we must proceed on the assumption that supersonic transports will fly, ours or someone else's.

For that reason, Mr. President, I shall vote, at the same time lending my support to a modified program.

Mr. PROXMIRE. Mr. President, I now yield 10 minutes to the Senator from Illinois (Mr. PERCY).

The PRESIDING OFFICER (Mr. BELLMON). The Senator from Illinois is recognized for 10 minutes.

Mr. PERCY. Mr. President, I would judge, having talked with a number of Senators on both sides of the aisle in the last few hours, that this vote will be a cliff hanger. The totals seem separated now by 2 or 3 votes at the most. I have talked to a number of my colleagues who are still undecided, thus causing me to believe that it is more important than ever that we use our time right up until 3:30 p.m. Hopefully, we will be able to convince some of those who are undecided as to the logic of our case.

Mr. President, I am delighted that this is not an ideological battle. To find myself alined with the distinguished Senator from Alabama (Mr. ALLEN) on this issue is heartening indeed. The Senator from Alabama is a strong and stanch conservative. Though we have not always agreed on every issue, I respect his judgment. I am also delighted that the distinguished Senator from Virginia (Mr. BYRD) has indicated his strong support for our side. As I have sought to emphasize throughout the debate, our opposition to the SST is not ideological. It is a matter of judgment.

More important, this vote is a symbol to the United States of America and its people, that they can have their views reflected as they relate to our national priorities, and the allocation of our resources. This includes tax dollars, scientific hours, energy, and effort.

Today, we are required to make such a decision. I trust it will be made on the basis of logic and good judgment and as a result we will right our national priorities by putting the SST at the bottom of the barrel, where it belongs, rather than up on top where it has been.

Let me point out, because of the huge Federal deficit facing us in fiscal year 1971, that we will borrow every penny of the money we will put into the project if it is authorized. This will be true despite the fact that the terms of the agreement make the appropriation appear to be merely a loan and which is repayable.

If this is the case, I submit it is the "softest" loan anyone has ever heard of. There is not a banker in the world who would want to buy a part of that loan.

In my judgment, neither is there a Senator in this Chamber who is young enough to ever see this money repaid, including some of my distinguished colleagues who have come recently to the Senate.

Thus, I think we have to look at the proposition for what it is. If the SST project is not a good business risk, it is not a good taxpayer risk. I cannot understand, if bankers, airlines, and aircraft manufacturers do not think this is an economically sound investment, why the taxpayers should then be stuck with it.

I have talked to military officials. Certainly the national defense interests require efficient movement of goods and personnel. One would think, therefore, that the military would want to pay a part of the SST. But they do not seem to have any interest either in paying part of its cost.

I say, then, if it is not worth the investment to serve our national security interests by moving rapidly our military goods and personnel, who believes it is worth all this money to move tourists and other civilians more rapidly?

Certainly not the tourist. The tourist will not pay a premium of 25 percent, 30 percent, or 40 percent in order to get a seat on an SST. And it is not unreasonable to expect such a fare increase.

As for the businessman who wishes to save every precious moment he can, he will lose in the long run on his investment. Dollar for dollar, in terms of the yield on his investment, that same businessman spends perhaps 3 hours a day en route between his work in the city and his suburban home. Better he should direct his money to improving mass transit. In the long run, the 3 hours he saves on his trip to London hardly compares to the 3-hour trip daily to and from his work.

Mr. ALLEN. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I yield.

Mr. ALLEN. I appreciate the Senator from Illinois making reference to the fact that the junior Senator from Alabama is now on his side on this question. I should like to call the attention of the distinguished Senator from Illinois to the fact that when this measure was up last year, the junior Senator from Alabama voted against the SST and the distinguished Senator from Illinois voted for it. [Laughter.] So it would seem to the junior Senator from Alabama that that is not always the position of the Senator from Illinois.

Mr. PERCY. Mr. President, I am delighted to have the interjection of the Senator from Alabama. It is not, however, a correction because I did not say that it is nice "now" to be on his side,

rather, I simply said it is nice to be on the side of my colleague from Alabama, who represents my father's home State. I was born right across the bay.

Let me repeat, I am delighted with the Senator's statement. When I changed my position, I made it abundantly clear that I had made an initial mistake in judgment when I voted for the SST. I spent a year studying what caused me to come to that position, and I have concluded that it was simply a lack of preparation, and lack of adequate factual grounding in the issues at the time. I tell you, though, Mr. President, when one gets "religion" and becomes converted, he sometimes becomes as enthusiastic as the distinguished Senator from Wisconsin (Mr. PROXMIRE) has been all along on this particular issue.

For many compelling reasons, Mr. President, I have changed my mind.

I have seen reference to the cancellation costs. I would say, better cancel out now when we see where we are headed; it will simply cost more and more the longer it goes. The SST is in my judgment clearly a terrible boondoggle. I have heard it referred to as a "West Coast WPA project."

I have no objections to the Government serving as an employer of last resort but there are many urgent items of higher priority now that require our resources more than the SST.

I have recently returned from a trip to London where I spoke with aircraft engineers about their Concorde. I would not be surprised if some of the members of the House of Commons wished they had stopped the Concorde 1, 2, 3, or 4 years ago. They have a $1.8 billion investment in it now between the two countries engaged in its production. Even though they have some planes flying, they still do not know what to do about it. They know it is not an economically sound venture.

Yesterday, this body passed a bill to prohibit supersonic flights over this country——

Mr. GRAVEL. Mr. President, will the Senator from Illinois yield at that point?

Mr. PERCY. Because of my limited time, would it be possible——

Mr. BIBLE. Mr. President, I am just about out of time myself. I cannot yield time even for myself.

Mr. PERCY. I will be glad to yield to the Senator later if I have any left, but I would like to defer that for a moment.

Mr. President, I pose again the critical issue: If banks do not want any part of this venture, why should the taxpayers have to pay? Today we sit as a board of directors; we are being asked for our judgment on an investment of the taxpayers' money.

The SST is an unsound, uneconomical investment. It is also an unsound ecological investment.

It is a gross distortion of our national priorities.

I will vote a resounding "yes" on the amendment offered by the distinguished Senator from Wisconsin (Mr. PROXMIRE), which I am privileged to cosponsor.

Mr. President, yesterday, on the floor of the Senate, the distinguished Senator from Arizona (Mr. GOLDWATER), whom I am delighted to see is now in the Chamber, made a statement in which he commented on the half truths and the untruths emanating from "so-called scientists." "I have become convinced," he said, "that we have some scientists and economists here who can be more easily prostituted than some girls on a Saturday night." [Laughter.] The distinguished Senator from Arizona is noted for colorful manner in which he describes a situation. I am not now going to get into the details of "Saturday night," but I will comment on the distinguished people who have added their names to the growing number against the SST.

I am certain that General Quesada, an eminently respected military leader and a man who served as the first administrator of the FAA, from 1958 to 1961, is solidly against this. He reaffirmed his opposition to me on the telephone just 2 hours ago. Because of the economic conditions of the airlines, he has reaffirmed his solid opposition.

James Douglas, former Deputy Secretary of Defense and Deputy Secretary of the Air Force, whose letter I put in the RECORD yesterday, has been my adviser on many matters of this type, including the ABM. He is solidly opposed.

Many highly reputed scientists unanimously oppose it. The Federation of Scientists in a signed statement indicated that they are opposed.

Chairman Herbert York; Dr. Jeremy Stone, Dr. George Kistiakowsky, the science adviser to the President of the United States; Dr. Harold Urui; Dr. Jerome Weisner; Dr. Robert Wilson, another of the most eminent scientists in the world today; are all unalterably opposed to the SST on the basis of logic. They are hardly people whose judgments can be "prostituted."

I pay tribute to the chairman of the Foreign Relations Committee for soliciting the advice of economists.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield an additional 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for an additional 2 minutes.

Mr. PERCY. Mr. President, I mention Dr. Milton Friedman, professor of economics at the University of Chicago, another of the Nation's leading economists and an adviser to the distinguished Senator from Arizona. He is also opposed to public investment in the SST. I value the Senator's judgment in selecting a good friend of mine, an eminent economist. This is what Dr. Friedman said:

> If the SST is worth building, the market will make it in Boeing's interest to build it without a subsidy; if a subsidy is needed, the SST should not be built.

Dr. Kenneth J. Arrow, professor of economics at Harvard University, a leading economic theorist, and expert on technology and public investment shares this same view.

Certainly Dr. Richard R. Nelson, professor of economics at Yale University and former economist with Rand Corp., is an undisputed expert on technology and economic growth.

Arthur Okun, former Chairman of the President's Council of Economic Advisers, is another expert economist.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire list of economists who are opposed to this project.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ECONOMISTS WHO CONTRIBUTED SST STATEMENTS

Kenneth J. Arrow, Professor of Economics, Harvard University, leading economic theorist, expert on technology and public investment.

Frances Bator, Professor of Political Economy, Harvard University, Special Consultant to Secretary of the Treasury (1967–69).

W. J. Baumol, Professor of Economics, Princeton University, expert on business behavior and growth.

William M. Capron, Associate Dean, John F. Kennedy School of Government, Harvard University, Asst. Budget Secretary under LBJ.

Milton Friedman, Professor of Economics, University of Chicago, nation's leading monetarist economist.

John Kenneth Galbraith, Professor of Economics, Harvard University.

Walter W. Heller, Professor of Economics, University of Minnesota, former Chairman of Council of Economist Advisers.

C. P. Kindleberger, Professor of Economics, Massachusetts Institute of Technology, leading expert on international trade (balance of payments) and the international corporation.

Wassily Leontief, Professor of Economics, Harvard University, Director of Harvard Economic Research Project, expert on structure of the American economy, president of American Economics Association.

Richard R. Nelson, Professor of Economics, Yale University, formerly economist with Rand Corporation, expert on technology and economic growth.

Arthur M. Okun, former Chairman of Council of Economic Advisers.

Merton J. Peck, Chairman of Department of Economics, Yale University, expert on economics of competition in the transportation industries, Former member of Council of Economic Advisers.

Paul Samuelson, Professor of Economics, Massachusetts Institute of Technology, author of the leading introductory economics textbook.

Robert M. Solow, Professor of Economics, Massachusetts Institute of Technology, leading economic theorist, books published include *Capital Theory and the Rate of Return, Sources of Unemployment in the U.S.*

James Tobin, Professor of Economics, Yale University, President-Elect, American Economics Association, member of Council of Economic Advisers, 1961–62.

Henry C. Wallich, Professor of Economics, Yale University, member of Council of Economic Advisers, 1959–60; chief consultant to Treasury Secretary Kennedy.

Mr. PERCY. Mr. President, these men are men whose judgment cannot be bought and paid for by anyone.

Mr. President, I have had printed in the RECORD many articles on the SST prepared by physical scientists. The last article I shall request be printed in the RECORD is prepared by what I might dub a "journalist's scientist." He deserves to have the last word. I, therefore, ask unanimous consent to have printed in the RECORD an article from the New York Times of Thursday, December 3,

1970, written by Tom Wicker, entitled, "The Everest Attitude."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE EVEREST ATTITUDE

(By Tom Wicker)

WASHINGTON, December 2.—The Senate debate on the provision of $290 million for the further development of the SST is part of a process that is more important than the outcome of the vote. That is not because the issue itself is negligible but because it is vital to advanced societies to make political decisions on great technological questions.

Whatever else is true of the SST, it apparently would represent a purely technological advance of some magnitude. The question, therefore, is whether the benefits of this advance are enough to outweigh whatever human and environmental prices must be paid for it. Since the dollar cost of the SST is so great that government participation was required, this particular technological decision has been subjected to continuing political debate.

At the very least, that debate has resulted in major modifications of the original concept to reduce the aircraft's noise and the pollution it would cause. Flights at supersonic speeds over the United States may even be barred by law. This kind of regulation will not satisfy those who see no need at all for the SST, but suppose a similar political process had surrounded the development of the automobile three-quarters of a century ago? This might be an infinitely more habitable country today.

Far too many important technological developments, touching upon millions of lives, go forward like that of the automobile—in the hands of private interests, which may or may not feel a public responsibility. The computer boom of recent years is a classic example; only now, rather like a farmer locking his barn after his horse was stolen, is some beginning political consideration being given to the threats and abuses implicit in the proliferation of computerized data banks. Similarly, the development and widespread use of detergents, insecticides and herbicides was largely unhampered by any thought of the consequences now becoming horridly plain.

Just recently, the Canadian Government of Prime Minister Trudeau began the sensible process of protecting the Arctic waters against the disastrous consequences of major oil spills. In trying to write maritime regulations that would *prevent* such spills, rather than concentrating on cleaning up after them, the Canadians were shocked to learn that so many supertankers are presently ordered and under construction that shipyards can make no major design innovations to guard against spills until late in the 1970's. Once again, the horse has been stolen from an unlocked barn.

This problem takes on increasing importance with every year that passes, impelling the world further into an era of technological explosion. Moreover, technological discovery has a multiplying effect; the more we know, the more it becomes possible for us to know. The pace of change, like the speed of a falling object, constantly accelerates, but there is nothing resembling a rational process by which most technological changes can be weighed and judged by those to be affected by them.

Of course, it is not possible to know in advance what all the consequences of some new pieces of wizardry will be; and even if that were possible, it would be difficult to know in some cases whether a given consequence would work for the good or the detriment of mankind—or both. Blessings have a way of being mixed, and the most evil winds do occasionally blow some good in this contrary universe.

That is why the SST debate is important. The French and British are already building supersonic planes, and so are the Russians; it appears unlikely therefore that, whatever happens in the Senate this week, the world will hold itself inviolate against sonic booms and superspeeds. It is vital, nevertheless, that if the thing is to be done it should be done with as much foreknowledge as may be had, and with as many safeguards as possible for the environment and for the human condition.

Beyond that, the SST debate ought to have useful effect in conditioning the world's—particularly the American—state of mind to a new form of political responsibility. "What hath God wrought?" asked Morse in the first telegraph transmission a century and a quarter ago; but the question now is "What can men do?" So many possibilities, of such incredible scope, lie immediately before us that the Everest attitude—climbing the mountain because it is there—will no longer suffice. In the technological era, there may be no way to get down.

Mr. BIBLE. Mr. President, I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. GOLDWATER. Mr. President, I rise to support the SST money contained in the bill. I will try to be as brief as I can and explain my reasons.

Mr. President, I think the Senator from Illinois did a great service in pointing out many of the men that I would like to identify with in a way in which he would not like to do. I would be delighted to give him some instruction in this general field at any time he would like to have it. I think that what the Senator from Illinois was talking about brings out more the logic contained in my arguments than anything I have heard on the floor.

What we are talking about is not the airplane, but the research and development.

The reason that I have been upset by economists and scientists who have come out against the SST is that they have nothing except their judgment to go on. They are talking about the sideline noise of an engine that has not been built. They talk about the sonic boom. We realize that we have made advances. We have made studies of the effect of the sonic boom on people.

What we would be doing if we were to vote in favor of the pending amendment would be to vote out the research and development money which could result in having an engine and an aircraft by which we could find some of the answers to the problems troubling us.

I am amused to find some of my friends on the other side of the matter talking about boondoggles and waste of money. I wonder what they think of the billions of dollars that have been and are being poured into urban renewal when we do not know how to go about spending it. How about the billions of dollars being spent on an educational system that has not been improved by the expenditure?

We want some hardware developed so that we can get the answers. I do not know how many people have studied this matter to the extent that I have.

I have flown at 80,000 feet at three times the speed of sound for the purpose of finding whether any vapor came out of the tail pipe. I could see no vapor and I was close to it.

The argument used by the Senator from Wisconsin (Mr. PROXMIRE), particularly in the papers I find on my desk today, has no background. No scientist will say that these things absolutely will happen. They will say, "If." I have to go along and say, "Maybe." But from the personal experience I have with the problem, not enough vapor will be developed by the engine to worry about. Three automobiles traveling at 60 miles an hour will put more vapor into the air than a whole fleet of SST's flying at 60,000 feet.

These scientists have said that there would be a collection of pollutants suspended in the air. There is no way that a pollutant, if it did exist, would be suspended in the air.

I would like to remind my friends of the eruption of the Krakatoa Volcano in the 1870's. It threw material into the air that would last for 60 years. It did not change anything except in the near vicinity of the volcano.

The cost of developing an SST, if my information is correct, is twice the total value of the Boeing Co., and of every other company associated with it.

Yesterday we were told that the Boeing Co. could only meet a small portion of this. Still they cannot finance it by private means.

It will be said that it is strange that a conservative like the Senator from Arizona (Mr. GOLDWATER) would be talking about the Federal Government doing this. I merely say that we have been doing it since the beginning of the Government. We have built canals and waterways. We just finished one in Arkansas. I wish that we had built one in Arizona. We have been doing this ever since the Government started.

I feel that it is the Federal responsibility to develop things that private industry cannot take on because of the very size of the project.

I remind the Senate that because of war we have produced every advancement we have had in aviation since World War II. I do not want to have another war come along before we decide to build some new aircraft.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GOLDWATER. Mr. President, will the Senator from Nevada yield me some more time?

Mr. BIBLE. Mr. President, I am out of time. Can the Senator wind it down?

Mr. GOLDWATER. I am wound down.

Mr. BIBLE. Mr. President, I yield 3 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 3 minutes.

SENATOR RANDOLPH SUPPORTS FUNDING OF SST PROTOTYPE

Mr. RANDOLPH. Mr. President, the supersonic transport presents a dilemma for those of us who have been in the forefront of air transport technology and

the struggle to improve the quality of American life. When President Kennedy proposed in June 1963, that the United States proceed with the development and testing of a prototype SST, he indicated that if after flight testing the airplane did not prove to be safe and sound and publicly acceptable it would be canceled. He also recommended that the manufacturers and operators of the aircraft would pay back the temporary investment of the Federal Government in the project. Our Nation has now advanced 7 years on the program and faces the very difficult question of financing two test models.

Obviously the airplane must be proved to be safe. Second, it must not damage any person or any part of our environment. The bill passed yesterday by the Senate goes a long way to protect U.S. citizens from one effect of supersonic flight—the sonic boom. This legislation together with Federal regulations and the self-restraint of the airlines assures airport neighborhoods of no greater disturbance than that produced by current jets.

I listen very carefully to the views of a number of sincere scientists when they speculate about the effects of supersonic flight on the atmosphere around us. This facet of the SST has received my painstaking study. They would be the first to admit that they are speculating, but men should speculate before taking major technological steps. And it seems to me that few military or space projects in the last 10 years have been subjected to so much research and speculation. However, the time has come for actual flight to determine whether the concerned scientists or the SST advocates are right. That is why this appropriation is limited to prototype testing and development. I do not know the impact on the atmosphere. I do not believe others have any proof or evidence. It is clear, however, that the extensive debate and controversy are a warning to the administration that before an SST is permitted to go into production there must be assurances that it not only is safe but ecologically acceptable.

I have long expressed my concern for the health of the airline industry. It is obvious that it could not afford to buy this airplane if it were being delivered today or tomorrow. Despite current financial problems, there is every indication that the economic future of the industry is sound. And as the airlines moves out of the present difficulties in the coming months and years, they should be able to afford the aircraft when its tests are completed and, assuming the tests are successful, it is ready for delivery in the late 1970's. In fact, the heads of two airlines, American and Pan American World Airways, have indicated their willingness today to proceed with the program if it meets the tests I think are required. We must remember that if the tests are successful the airlines and the manufacturers will be required to return the temporary Federal investment out of the sales on the commercial market of these planes. In fact, the airlines already have invested approximately $81 million deposited to the U.S. Treasury since 1963.

So, far from being a giveaway program, or a program where there is no direct financial return to the Government, this is a businesslike investment.

Mr. President, today I received a letter from Secretary of Transportation John Volpe analyzing some of the SST issues. I ask unanimous consent that Secretary Volpe's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., December 3, 1970.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: I appreciate the opportunity to comment on the SST. After our conversation I asked the staff to put together a few ideas which I hope will be useful to you as you consider this afternoon's vote.

As I understand it, the primary points at issue are:

(1) The environment. We must bear in mind that all of the environmental objections raised to the SST are as yet theoretical; that is, *they are possibilities*. There is not a single proven environmental consideration which would rule out the successful building and operating of the American SST.

We have launched on and are continuing a comprehensive program of research to check out every possibility of environmental damage. The Administration is committed to the proposition that should any firm damage appear as a result of the research we will not proceed with the production aircraft.

(2) Airport noise. This is a subject that has been widely discussed but is badly misunderstood. The facts are that current projections of SST noise indicate that during the take-off the present state-of-the-art in SST engines will produce noise three or four times as loud as the standard jet for subsonic jets. What we must understand, however, is that the noise levels are constantly being reduced by new technology and that the production aircraft is at least eight years away. In other words, we have eight years in which to bring the noise level into line with the proposed standard. We should also recognize that most of today's subsonic jets themselves do not meet the proposed standard. In other words, even if there is no appreciable change in the state-of-the-art with the SST, it will not be much noisier than present subsonic jets during take-off.

The very significant point which is overlooked, however, is that the SST is *quieter* than present jets while over the community, either taking off or landing. Many SST opponents have made the mistaken assumption that "sideline" noise described above means noise over the community. While the FAA has had literally thousands of complaints about community noise, they have yet to receive a single complaint about noise which is generally confined to the airport itself. I think it is significant that in the area of community noise the SST is significantly quieter than subsonic jets.

(3) Employment. While the estimates vary on the employment impact of the SST, a conservative figure is 50,000 direct jobs. When you add up the number of Federal taxes, State and local taxes, and royalty payment dollars which will come as a result of this program if it is successful, it is clear that it can be a very significant contribution to the economy. Far from being a "misplaced priority," it is potentially an investment which will reap rich dividends in helping the Nation meet its social obligations. I think the point is sufficiently obvious that I need not belabor it further.

(4) Some additional considerations. Many people have been concerned in the past with the sonic boom. The Administration has now made it clear that we would support legislation which would prohibit boom producing flights over land. Some have turned their concern to the effects of low-level booms on the water. These people should realize that this airplane will be physically incapable of laying down a low-level boom. If it attempted to do so, it would fly apart. It will reach supersonic speeds at 60,000 feet, and the effect of its sonic booms upon the water will be nil.

There has also been concern expressed about a Federal commitment to participate in production financing. While this may have existed in the Kennedy and Johnson Administrations, this Administration has made it clear that its financial commitment is to the prototype only. There is no possibility that this will turn into a multi-billion dollar subsidy for the building of production aircraft.

One final thought—we have already invested over $800 million in research, development, and hardware. If the program is terminated now, we shall have to spend close to $200 million more in cancellation costs. What will the Federal Government do with one billion dollars worth of research, all of which is promising and optimistic, which cannot be carried forward? Do we simply ignore that investment? Or do we try to auction it off at a substantial loss? I am convinced that the logical thing to do to avoid paying the cancellation costs is to put the additional money into the research needed to finish the project properly. We will then stand an excellent chance of recovering all of the investment through royalty payments as well as billions of tax dollars from the economic activities it generates. I hope that this is useful for you and that you will be able to give us your support.

Best personal regards.

Sincerely,

JOHN.

Mr. HARRIS. Mr. President, development of the supersonic transport is a subject which, like the proposed plane, has generated a boom of controversy. The House and Senate Appropriations Committees have both approved an appropriation of $289,965,000 requested for fiscal year 1971 to continue development of the SST this year.

Many considerations weigh against the continued pouring of the taxpayers' money into this questionable project. These range from concern about national priorities to the very real dangers of noise and pollution.

According to President Nixon, our Nation cannot afford to build hospitals and health care facilities, as evidenced by his veto of legislation authorizing these programs on the grounds that they were too costly. The shortage of hospital and other health care facilities is increasingly acute. Many jobs in our depressed construction industry would be filled in building these facilities vital to the health of our entire Nation. Yet, this expenditure was said to be unwise and bad for the economic picture.

The same administration, however, approves the spending of nearly $300 million to continue work on the SST. This, they say, is not bad for the economy. But how many Americans will actually

be benefited by the SST, when and if it ever becomes operational?

For an airplane to function, it obviously must have a place to take off from, and a place to land. This assumes either use of existing airport facilities, or a new system of airports. The biggest drawback of SST, insofar as use of airports is considered, is noise. The sideline noise generated by the SST is estimated to be anywhere from 4 to 50 times as annoying as that of present jets. The Airport Operators Council International, composed of governmental bodies which operate the principal airports in the 50 States, Puerto Rico, and the Virgin Islands, has made its position clear:

> We therefore respectfully urge the Senate to approve the expenditure of public funds for further development of the SST only if the Congress and the country can be assured beyond doubt that the SST will meet the stringent noise standards necessary to permit it to operate at existing airports.

The Airport Operators Council has worked in the past with the problems of noise resulting from subsonic air travel. Since 1958, when commercial jet air travel was introduced, airports have expanded their size and increased operations. Congress in 1968 enacted legislation requiring certification of new and existing aircraft for noise acceptability. With the increase in air traffic, a multitude of lawsuits for damages and injunctive relief have been filed by citizens infringed upon by the excessive noise. If present levels of subsonic noise create problems of this magnitude, one can only shudder to think of citizens and community reaction to the noise pollution of SST. The noise level limitations in the bill passed yesterday in the Senate give no guarantee that a commercially feasible plane will result, even though continuing appropriations are made.

Our community presently have airport facilities which have become closer to residential property due to growth patterns of our cities. To build an entire new system of airports in more uninhabited areas would be prohibitive in cost, and out of all proportion to the supposed benefit to be gained from SST. Further, the ground transit time would cancel much, if not all, of the time to be saved by use of SST.

Another problem raised by SST is the sonic boom. This has been supposedly cured by the Senate bill limiting overland flights at supersonic speeds. However, once the SST is a reality, it is not hard to envision the change of this law to enable the SST to operate at a commercial profit.

Still unanswered are the relationships between flights of the SST and the world climate. Scientists do not all agree on effects of supersonic flight on the stratosphere; however, to spend another $300 million without serious environmental research and clearer knowledge of the possible effects would show a lack of plain common sense.

The fact that we have already spent $700 million on the SST is not persuasive. A bad deal is a bad deal, and the sooner we acknowledge this fact, the more we will ultimately save. If we are concerned with our national image and ego, let us look to our manned space flights to soothe our feelings about our scientific capability. I therefore urge that the Senate withhold appropriation of additional funds for development of the SST in the fiscal year 1971 budget.

I take this position again this year despite the fact that many people who work in the aerospace industry have urged me to do otherwise.

Jobs are our greatest need in this country. People want to work. Many are needlessly out of work. Many fear they may lose the jobs they have.

But, Mr. President, there are plenty of jobs which need to be done in this country. We don't have to fight a war or build an SST or continue unnecessarily high military expenditures as a kind of WPA project.

With the proper governmental attention industries and workers can be shifted to the production of antipollution devices and mass transit equipment, for example.

Other jobs in the fields of health, education, law enforcement and rebuilding our cities face critical manpower shortages.

The plain fact is that with all our pressing national problems, an increasingly hard-pressed national budget and with taxpayers already loaded down—and with the serious questions which have not yet been satisfactorily answered concerning feasibility of the SST and the problems of noise and air pollution—the government should not again this year subsidize the building of this aircraft for private industry.

Mr. CRANSTON. Mr. President, the air transportation industry, and the American people as a whole, would be far better served if the huge public and private funds contemplated for the SST were invested instead in making flying safer and more convenient for the vast majority of the flying public.

The continued investment of Federal money in the construction of prototype SST's will not improve the strength and stability of the aircraft production industry, nor will it contribute to the real prosperity and permanent employment of the people involved.

Instead, it is diverting the aviation industry and the Nation from the positive direction we should be taking toward modernizing air travel and is leading us down a costly and uncertain path.

Far too little is known about commercial supersonic aircraft.

Nobody knows which economists are correct—and which are wrong—in the running debate over whether the SST would improve or worsen U.S. balance of trade.

Nobody knows whether an SST would be economically viable, whether the taxpayers of the United States and the stockholders of private companies will make money—or lose money—on the vast investments that would be required. What, for example, would an economic failure with SST do to the many American airlines that are already facing severe financial problems?

Nobody knows how water vapor and other emissions from a fleet of SST's at 60 to 70 thousand feet will affect the earth's climate or energy production; the construction of two prototypes will not provide the answers.

Nobody knows how sonic booms will affect our oceans or arctic land masses, nor whether SST sideline noise can be sufficiently quieted to permit the planes to use existing airports.

In contrast to the uncertainties of the SST are the all too well-known problems currently facing aviation in America. Faster and higher air travel is not the only consideration in sailing through the skies. There are other, far more urgent considerations that cry for attention.

Because of inadequate research and development in air navigation and traffic control, many lives are tragically lost and many more are needlessly threatened in crashes and near misses in our crowded, uncontrolled skies. It is ironic that the same administration that is asking us to spend $290 million this year on the SST is proposing to sidetrack $250 million that is supposed to be spent on airport safety.

Too many planes get stacked up at too many airports every day, unable either to take off or land on schedule. There are so many delays and long "holds" at crowded airports that a passenger on a jet going from one airport to another in the Northeast corridor averages a mere 60 m.p.h., and the FAA forecast a 170 percent increase in the number of passenger airplanes by 1979.

Too many of us cannot reach airports, or leave them once we land, without enduring endless traffic jams and adding to the air pollution of our already polluted city streets.

Too many present aircraft make too much noise and spew out too many noxious fumes.

Development of the SST will solve none of these problems, yet they must be solved if the American aviation industry is to grow and prosper.

Nor will an American SST protect the industry from a major competitive threat, as claimed.

The real competitive threat the air industry faces is not the Concorde nor the TU–144. England, France, and the Soviet Union have all expressed growing doubts about continuing their heavy investments in these questionable planes. The real competitive threat comes from the rapid development in Japan, Germany, Britain, Canada, and France of short takeoff and landing planes, STOL, and vertical takeoff and landing craft, V/STOL.

With STOL and V/STOL planes an airport need merely be large enough for a terminal, a short landing strip and a parking lot; it would not need 2 miles of runway built on 2 square miles of land as will be required by the SST. Conveniently located small airports, close to where the traveler lives or works, could replace monstrous airfields far out in the country. And thousands upon thousands of those who make up the flying public could be better served through such commuter aircraft—in contrast to the limited number of jet setters and other international travelers who would benefit from the SST by being able to eat pate de fois gras in Paris an hour or

two sooner. That is about the only advantage to travelers, since it is increasingly recognized that those with serious business to conduct—including significant decisionmaking—had better defer such matters for at least 24 hours after arrival if they have flown through more than four or five time zones, if they want to avoid grave risk of committing grievous errors.

While we have been focusing our attention on a flying white elephant to serve the affluent few, foreign governments have been helping their aerospace firms develop craft suited to the traveling needs of the many. Because of our shortsightedness, foreign governments and foreign industries are well on the way toward dominating the real future for commercial flying—England has the vertical takeoff fighter plane, the Hawker-Siddeley-Harrier; France has the Breguet 941S, a 55-seat STOL which can land on a 650-foot runway, and Japan is developing a STOL that can land in harbors and large lakes.

The Japanese have been extremely active in meeting their growing needs for short landing planes. By 1975 they will be ready with the Nikon Y S–33, a fanjet plane capable of carrying 150 passengers and taking off on runways under 5,000 feet. Americans have watched the Japanese move in our automobile, television, camera and other highly technological markets with astounding swiftness and efficiency. Japanese STOL development is an example of their determination to fill a production gap created by lack of American foresight and initiative and by our preoccupation with supersonic development. They are also moving into the development of a vertical takeoff plane using vertical lift technology acquired in licensing agreements with American helicopter manufacturers.

Our country possesses the technological capability of resolving many of American aviation's still unresolved problems. Devoting our time, attention, and resources to tackling these problems would do far more for more aerospace companies, airlines, the people they employ and the people who depend on their products and services than would further development of the SST.

Let us get off the SST hang up and get our sights back on the right runway. Let us forget the SST and focus Government and industry time, talent, and money on the real needs of American aviation today: easier, faster access to and from airports; fewer delays in landing and takeoff; greater flying safety; nonpolluting quiter aircraft, and short landing-takeoff airplanes capable of feeding smaller airports more conveniently located for the flying public.

I shall work for sound programs and appropriations to these ends.

I believe we should continue our research into the unknowns, environmental and otherwise, of supersonic transport. I certainly would have no objection to faster commercial planes if they can be built without adverse economic effects on the United States and on the aerospace industry and its employees, if they can be operated without adverse physical effects on its passengers, and if they can be flown without adverse ecological and environmental effects on our Nation and the world.

If we decide to drop plans for building the two SST prototypes at this time, I shall seek legislation to deny foreign made SST's landing rights at U.S. airports until we know that the environmental questions have been resolved. The threat to the environment is as great from a foreign-built SST as from a domestic product. We must protect all our people from environmental damage and reduce the danger that others may injure us either environmentally or economically.

In the meantime, we would do well to listen carefully to Mr. Scott Crossfield, division vice president of Eastern Air Lines, who complained before a House subcommittee recently that in order for Eastern to test a STOL craft:

> I had to go to France to get the airplane (Breguet), England to get the elements of the navigation system, and we are also looking to England and France for quiet and nonpolluting engines. I think that should be of very great interest to anybody in this country, how it happens that we are going back there to get the things that really we should be doing.

I have not come to my conclusions about the SST easily or lightly. Views for SST and views against SST are firmly buttressed on both sides with all sorts of facts and figures, and they are strongly held—particularly in California. I have read deeply on the subject, and consulted widely.

Among those with whom I have consulted are a number of leaders of the aerospace and airline industries. I can assure you that they by no means unanimously favor going ahead with the SST.

Dropping the SST need not cause a further drop in employment in the aircraft industry. On the contrary, spending Federal money more wisely on improving airports and aircraft, on developing mass commuter air transit, and on increasing air safety will create many more jobs for aircraft industry workers who possess valuable special skills. I intend to do everything I possibly can to see that the Federal Government encourages and financially supports aircraft industry conversion to meet these and many other pressing domestic needs.

Mr. GOODELL. Mr. President, this year has been marked with significant debate and important first steps in Congress to eliminate now and prevent future unnecessary and wasteful Government spending. These efforts must be sustained if "re-ordering priorities" is to have real meaning and impact on the living of our people.

"Re-ordering priorities" must continue to signal the "promise of change" and we must guard against the relegation of the phrase to the dismal category of convenient cliche.

Today we have a chance to fulfill this promise of change. The question is on the further funding of the SST program. We have before us an amendment to cut the $290 million requested for continued government spending on SST prototype development. I shall vote for this important amendment.

Debate on the SST has been thorough. Many of the arguments against the SST have a familiar ring to those of us who have also examined closely costly and questionable military weapons. Arguments against the SST include environmental costs; mounting dollar cost to the Federal Government; extra costs for side features, such as new airports far away from populated areas; and the yet to be answered questions, such as how to save that time gained in airflight when passengers at remote airports want to get into cities.

Proponents of the SST say that it means jobs and hence, a real reason to continue Government funding. Testimony before the Joint Economic Committee severely questions the alleged employment benefits of the SST. Beyond this testimony, is the point that jobs are sorely needed to tackle the real pressing problems of our people, one of which is hardly supersonic transport development. Clearly, Government funds rather should be spent on job development in areas of priority needs of our people.

Hopefully, we have learned from past mistakes. The XB–70 was one of those costly mistakes. It can now be seen in the Air Force Museum in Dayton, Ohio. From development-to-display, this plane cost the taxpayer over one billion dollars. It contributed nothing to its defense-intended objective.

We can hardly afford the questionable luxury of another bird perched in a museum of ill-advised expenditures. The time is for change in Government spending from capricious funding to careful assessment of real needs and full funding to meet these real needs.

Mr. MATHIAS. Mr. President, history plots its own course, and seldom has this been more evident than in the chronicle of the SST. Forces put into motion by diverse agents in Western Europe, the Soviet Union, Japan, and other parts of the world have created imperatives that the United States cannot ignore. By prudent and timely action we can perhaps deflect and direct the forces already in motion. I seriously doubt that we can either control or extinguish them.

Under these circumstances we do not have the opportunity to make the initial decision as to whether the earth shall be subjected to the additional potential hazards inherent in the creation and employment of supersonic civil transportation. Planes for this purpose are now flying and are available for purchase by a worldwide consuming public that has shown an active appetite for them.

If this were not so, I would question whether we should move toward supersonic air transportation serving a small segment of world population when basic ground transportation serving all the Earth's people is so inadequate and so antiquated. If this were not so, I would question whether the funds necessary for this purpose might not be better utilized in providing vital social services now in short supply, such as medical care, education, research, and housing. But wishing will not make it not so.

Further, in large part, these funds are already spent. They cannot be recovered

and reallocated to schools and hospitals anymore than Humpty Dumpty can be glued back together again. We have already invested approximately $750 million to date. Everyone agrees that between $100 million and $200 million will be required to close out this project if it were canceled today. The sum needed to complete the development of two prototypes is very little more than that. In this calculation the obvious priority of schools, hospitals, and housing units will not be hopelessly and permanently prejudiced. If proponents of the SST are correct, these programs may ultimately benefit.

In a cutthroat competitive world, we stand to lose heavily if we do not compete effectively and seasonally. If we abstain from entering the supersonic transport competition when other national entries are now flying we will suffer in common with the rest of humanity all the dangers and drawbacks involved, without any compensating benefits.

On the other hand, by developing an American model which is of superlative quality, which meets the most rigorous standards of environmental protection, which offers the world the best pattern of protection from pollution, and which will advance the science of aviation in harmony with the environment and not at its expense, we can do a positive service.

To believe that we can do this is a big order. I am not sure that we can. But it is worth the effort to try, upon the firm understanding that we shall not compromise with the integrity of nature, that we will abandon our investment rather than risk our survival.

Many times in recent years we have gambled on technical success in the field of new weapons systems. Sometimes we won, other times we lost. This is a more positive kind of chance, the chance to achieve a civil aircraft of practical peaceful utility with the odds as good if not better than many of the games of Pentagon roulette played so often with such high stakes. If we win, the place of America in the front rank of peaceful technology will be secure. If we do not compete, others will take that place.

With these serious reservations, and with the conviction that our success must be total or the project must be abandoned as less than useless, I am prepared to support appropriations for development of two prototype SST planes for experiment and evaluation.

Mr. SPONG. Mr. President, quite aside from the economic questions it raises, the unresolved environmental problems posed by development of a U.S. supersonic transport are of such a serious nature that an appropriation for two SST prototypes cannot be justified.

Of particular immediate concern is the high level of noise which would be generated by the SST in the vicinity of airports. This is noise created in normal operations such as landing, taking off and taxiing, and is quite apart from the problem of sonic booms. The SST's noise field radiating perpendicular to airport runways, called sideline noise, would be substantially greater than that of conventional subsonic jets. Expressed in terms of the standard used by the Federal Aviation Administration to assess annoyance, sideline noise from the SST would exceed the current FAA standard by 3 to 4 times, and the noise of the new Boeing 747 by 4 to 5 times.

Mr. Russell E. Train, the distinguished Chairman of the Council on Environmental Quality, recently expressed doubt that the added noise burden from the SST would be acceptable to communities adjacent to our existing airports. Four possible solutions have been suggested to the sideline noise problem: Technical improvements to the airplane itself; confining the noise to the airport; converting communities near airports into industrial areas, and developing new airports.

Mr. Train has commented pessimistically about each of the contemplated solutions. He has said it is doubtful that current technology can reduce the required lowering of noise levels, that it is not practical to confine to airport boundaries the noise projected by the SST, that the redevelopment of areas near airports would require the expenditure of billions of dollars, and that it is unrealistic to assume the country would accede to the airport investment necessary simply to accommodate the SST.

The effect of sonic booms from the SST also is of great concern. The Department of Transportation has acknowledged that such booms would be objectionable to the public, but has opposed legislative efforts to prohibit supersonic flights over populated areas. While it is assumed that supersonic flights over the continental United States would not be permitted, great pressures would be exerted to allow such flights if it were found that the economic success of the aircraft were dependent upon overland flights at boom-producing speeds.

I say this mindful of the fact that on Wednesday the Senate passed a bill which is designed to deal with some of these noise factors. While I supported that bill and believe it is a constructive step, I would note that at this point it is only a Senate-passed bill and not public law. Moreover, to the extent that the bill depends on FAA noise regulation, there is some question in my mind whether it will in fact resolve the noise problem. But in any event, the bill deals only with noise and does nothing about the other environmental factors and the economic questions involved.

The long-range implications of the SST are even more disturbing. The aircraft would be flown at altitudes of 60,000 to 70,000 feet, and would discharge substantial quantities of water, carbon dioxide, nitrogen oxides and particulate matter. At such altitudes, it takes approximately 18 months for a water molecule to descend to the lower atmosphere. A fleet of 500 supersonic aircraft could increase the water content of the stratosphere by as much as 50 to 100 percent over a period of years.

Mr. Train's observations about this phenomenon are as follows:

> Water in this part of the atmosphere can have two effects of practical significance. First, it would affect the balance of heat in the entire atmosphere leading to a warmer average surface temperature . . . Second, water vapor would react so as to destroy some fraction of the ozone that is resident in this part of the atmosphere. The practical consequences of such a destruction could be that the shielding capacity of the atmosphere to penetrating and potentially highly dangerous ultraviolet radiation is decreased. As in the case of surface temperature, we do not have adequate knowledge on which to make secure judgments as to the practical significance of the effect of water on the ozone. Finally, the increased water content coupled with the natural increase could lead in a few years to a sun shielding cloud cover with serious consequences on climate.

Mr. President, the potential environmental problems associated with the project are so grave that we should stop work on prototypes until more information is developed. This is a situation in which the cart is before the horse. It is my understanding from a review of the facts available that flights of the British-French Concorde supersonic transport and our own supersonic military aircraft would provide the data on which to assess the magnitude of the problems, and to make a more intelligent judgment on whether prototype SST development should be continued.

The necessary research, in my judgment, ought to be completed and evaluated before we consider investing any additional funds in SST development. Even then, I would suggest there is a serious question of whether the SST should be given priority over the many other programs which are competing for scarce funds. But, at the very least, we need to know a great deal more than we do about the environmental impact of the SST.

I am constrained to believe that the desire to proceed with SST development is based on the premise that new things automatically are better because they are bigger or operate faster. Our technology is developing at such a rapid pace that new products are being manufactured and marketed with little consideration to their impact upon man and his surroundings.

The time has come, Mr. President, when we must consider whether something new is worthwhile in terms of the total context of the environment. We cannot allow our technology to become incompatible with the ecological systems that support human life.

Mr. STEVENS. Mr. President, the SST program has been characterized by its critics as a waste of national resources, or at best a misplacement of priorities. There are compelling reasons, in my judgment, why such criticisms are invalid. If the SST program has been a mistake, then indeed the Congress must accept the full measure of responsibility, for its continuation has been reviewed almost annually and its worth to the Nation weighed long and carefully. The arguments in favor of the U.S. SST program have, in fact, been heard and observed by the Congress many times. I submit that those arguments remain sound, and that the program is in the national interest.

But for those who contend that America is wrong to pursue an option on the supersonic air transportation market of the future—and the prototype program

we are engaged in does represent an option, not a commitment—the costs of ending that program seem not to have been considered. I would like to invite the attention of my colleagues to that subject, for it is of great importance to our future deliberations.

Aside from the national benefits that would be lost by our forfeiture of the SST market, the waste in resources would be staggering.

To begin with, the Government has almost $800 million invested and spent in support of SST design and development. We have a contract stipulating the full return of that Government money on completion of a successful production program; however, by the terms of the same contract, those millions are lost by termination of the program for the convenience of the Government.

Then, second, there is little public awareness of the success of the SST engine program. Eight engines have been built and operated on the test stand. They have met performance requirements; in fact, the GE–4 engine for the SST has set a world's record for thrust. Tools, parts and materials for another 27 equivalent engines have been ordered. These are the flight engines that would have to be canceled if the program were to be halted. I do not have the precise calculations of the costs involved here, but more than $50 million has been invested in materials alone for these 27 flight test engines.

Third, construction of the prototype airframe is moving ahead rapidly. Major subcontracts have been awarded. A large amount of tooling has been completed, and fabrication is underway on the many thousands of parts which next fiscal year are to be assembled into the two prototype aircraft. Not only Boeing's work but the work of literally hundreds of companies would cease, and the advancements in technology the SST represents would grind to a halt.

Fourth, there is the employment factor, where the waste of a canceled SST program might be most acutely felt. Employment in the aircraft industry is already down 13 percent over last year's total. Stopping the SST program at this point would put another 14,000 people throughout the country on the labor market overnight, without any ongoing programs to absorb them. Many of the people affected would be highly trained, high salaried professionals whose job displacements would be keenly felt in those communities sustained in large part by the aviation industry. In addition, another 28,000 indirect jobs in supporting services would be lost.

In addition to these considerations, all of which add up to gross waste, there are the terms of the contracts to be met. Should the Government default on the cost-sharing contracts held with Boeing and General Electric, we would be obligated to return to the contractors their share of the development costs to date. The Congress would have to appropriate funds to pay those costs. The Congress would also have to appropriate funds to cover the expenditures incurred since the beginning of this fiscal year under the continuing resolution, which is the only way the program has continued to operate. The Congress would also have to appropriate funds to cover termination costs and, perhaps, to restore the nearly $59 million the airlines have invested in the good faith that the prototype program would proceed to completion.

In short, the minimum appropriations the Congress would have to vote to discharge the Government's responsibilities under the terms of the contract would be $177 million as of the end of this month. The $22 million on deposit in the Treasury to cover SST delivery position reservations would have to be refunded to the airlines increasing the total to $198 million. Additionally, should we accept a moral obligation to repay the airlines' contributions made to help defray the development costs, that sum would total $257 million.

We face a situation whereby the costs to terminate the SST program are now fast approaching the amount being requested by the administration to continue it through fiscal year 1971.

One further point is worth noting. On completion of the prototype program, the Government's contractual agreements with the manufacturers and the airlines will have been satisfied. Should we proceed to that point and then for whatever reason the SST program should be stopped, the investments of the manufacturers and the airlines would not be refundable.

I do not argue here today that the SST program can or should be justified on the grounds of what has already been invested in it. The potential benefits to the Nation in jobs, exports, balance of trade and SST-generated tax revenues are in themselves persuasive arguments for continuing the development program, but we would be ill-advised to ponder the cessation of the program, for reasons good or bad, without at least considering the waste such an action would entail.

There should be no question of the direction we must go. I for one do not choose to vote for the appropriations which would be needed to terminate the program and put to waste the productive efforts of nearly 10 years of work on a project of great potential importance to the United States, when for virtually the same appropriation we can bring that project close to fulfillment.

I say the decisions made in the past and repeatedly confirmed by the Congress have been sound ones, and merit our continued fiscal support.

Mr. CANNON. Mr. President, this year marks the 50th anniversary of the first international airmail service. In October 1920, Boeing Model B–1 float planes began carrying the mail on a regular schedule between Vancouver, British Columbia, and Seattle, Wash.

In half a century, aviation has grown from a novel and sometimes risky mode of transport to a safe and accepted form of transportation preferred by tens of millions of people. The remarkable ability of the industry, in producing successively better and more productive aircraft, and the initiative and resourcefulness of the airlines, in providing increasingly better service at lower fares, have combined to make air transportation a vital public service and a major factor in our economy.

The growth of air travel has been especially pronounced in the past two decades. In 1949 U.S. scheduled airlines carried fewer than 17 million passengers. In 1969 they carried more than 159 million passengers. Twenty years ago only 2.2 million passengers traveled by air between the United States and other countries. Last year 18.3 million passengers flew international routes on our air carriers.

Looking ahead to the 1980's, forecasts tell us we can expect some 28 million Americans to be traveling by air internationally, which is over 10 percent of our population. Traffic on the North Atlantic routes, where passenger volume increased 243 percent in 8 years, reached 6 million in 1969 and is projected to be 28 million in 1985. Growth rates of 14 percent through 1975 are anticipated; 8 percent annually in the years 1975–80. This growth trend in international air traffic is indicated by the fact that in a period when the domestic passenger growth rate is leveling off, as it is at the moment, international air traffic is increasing. In 1 recent month, passenger traffic on North Atlantic routes increased 28.9 percent over the same month in 1969.

The challenge to the industry is fourfold. The airlines, in planning for the 1980's, must: First, hold fleet sizes to manageable levels and offset cost escalation; second, maintain reasonable fare levels; third, provide for the growth in travel without diminishing comfort or safety; and, fourth, improve the financial health of the industry.

In short, the industry faces some difficult challenges that must be met if aviation's future is to be as illustrious or as productive or as fruitful to the public interest as its past. The development of the U.S. supersonic transport, while not the single or all-purpose answer to aviation's needs, is nevertheless necessary to the satisfaction of air transportation in the 1980's and beyond.

Studies show that airlines operating the larger, faster, more efficient U.S. SST in the 1980's will not need to charge any more than normal fare to make SST's profitable. Some airlines may choose to add a small surcharge to the prevailing fare so that their subsonic jetliners will continue to carry a share of the market. But there is no reason to assume, as some observers do, that the SST's will be reserved for the wealthy or the members of the so-called "jet set."

Aviation has grown and matured rapidly, as developments in the short 50 years of commercial aviation history attest. The aviation scene continues to change rapidly, and the term "jet set"—which may have been relevant for a short time when jets first came into use—is totally out of date today. The SST in the 1980's like the jets of today, will benefit the businessman, the tourist, the educator, the student, retired couples, honeymooners, servicemen—maybe even Members of Congress.

I have witnessed for many years the

development of air transportation, with admiration for aviation's accomplishments, and concern for its problems. To assume that the supersonic air age could arrive without some clouds on the horizon would be inconsistent with aviation's heritage. But to presume, equally, that aviation is not up to the challenge would be contrary to aviation's character and long record of proven performance.

The present jetliners proved the critics of the 1950's wrong, when they said jets would be inefficient, too expensive to operate, and incapable of competing with piston-powered airplanes. I believe the SST will similarly disprove today's critics. The prototype can be the proof. I favor continuing that program, as recommended by the Senate Appropriations Committee, in the interests of sustaining America's aircraft leadership throughout the second half century of commercial aviation.

Driving to the office last Wednesday morning I heard what I consider a very fine editorial broadcast over radio station WMAL. It is entitled "SST Showdown," is not very long, and reads as follows:

The Senate vote scheduled tomorrow on the supersonic transport has been heralded as a symbol of national priorities. It shouldn't be. It is a simple economic decision on a relatively minor appropriation in a customarily routine process. If Senators want to slay dragons of national priorities, let them cut some of the Pentagon spending . . . or farm programs . . . or foreign aid. The claims and counter-claims about the SST have been recited out of proportion to the project's real place in national life. We believe it is neither an environmental horror nor a public works project. It is simply a transportation advance that must be funded by the Government until commercial sales repay the investment. There is no alternative but Russian or Anglo-French competition. Environmental concern has been built into the project now, as a result of long debate. A vote for the SST tomorrow will be a vote for progress. It will enable the Senate to move on to more urgent problems. It is time to stop talking about the supersonic transport . . . and start flying it!

Mr. HRUSKA. Mr. President, I have a brief statement relating to the supersonic transport issue now pending before the Senate. Many Nebraskans have written me on this matter, both pro and con. There are reasonable arguments on both sides of the question.

The current issue before the Congress relates to research and development, specifically the construction of prototype aircraft. The administration believes that we should continue the study of the feasibility of this type of transportation, in order that an intelligent decision can eventually be made as to whether general use is advisable.

It seems certain that the world will have supersonic transport aircraft. It will be unfortunate if the United States is not able to compete in the vast market. We now produce about 80 percent of the world's commercial aircraft. It would seem unwise to take any step which would cause us to lose our position in this industry.

France, England, and the Soviet Union are already flying prototype supersonic aircraft. The Russians have announced that their TU–144 will be in service by 1972, or before. The French/British Concorde is expected to be in commercial service in 1974.

Some people say that to avoid air and sound pollution, the United States could frustrate other producers of the transport by prohibiting them to land in the United States. This is unrealistic; they could retaliate against us in many ways, including denying any U.S. aircraft the permission to land at their airports.

At the same time, I am very much concerned with the possible degradation of our environment. Certainly, before the world allows large fleets of supersonic transports to be used, we must be satisfied that they do not in fact represent a significant danger.

Mr. President, yesterday I voted to support S. 4547, to regulate public exposure to sonic booms by prohibiting supersonic flights of civil aircraft over lands of the United States, after adopting committee amendments and Magnuson amendment. This bill upon enactment will assure that production models of the prototype civil supersonic transport aircraft can operate only if in compliance with present noise limitations established by the Federal Aviation Administration.

With the above bill, coupled with reviewing much material both pro and con on the issue, I believe it to be in the best public interest to support the administration on this issue and I shall so cast my vote.

Mr. PEARSON. Mr. President, by virtue of my participation on both the Aviation Subcommittee and the Transportation Subcommittee of the Appropriations Committee, I have had the opportunity to study and consider in depth the arguments, pro and con, on the continued development of an American civil supersonic transport program.

Accordingly, I would like to emphasize a few points. First, supersonic flight is inevitable. Air passenger travel at speeds of two and three times that of sound will take place in our lifetime. No Member of this body questions this fact—there will be an SST. The question is whether the United States will continue to play a leadership role in the development of this aviation advance.

The British and French have jointly developed a plane known as the Concorde, two of which have been tested and 10 of which are under construction. The Soviet Union is currently testing its version of an SST known as the TU–144. And it is interesting to note, Mr. President, the development of both of these foreign SST's is being financed solely by funds provided by the respective governments involved.

Second, I wish to emphasize that the request before us today is a limited one. The Department of Transportation is asking only for sufficient funds to construct two prototypes. We are not being asked to build a fleet of SST's. Congress is merely being requested to continue research and development by building and testing two prototype versions of this aircraft in order to better judge the feasibility and desirability of actually constructing SST's.

Mr. President, many questions are yet to be answered before full production of this aircraft can be undertaken. Conflicting data on the environmental impact of supersonic flight must be satisfactorily resolved by the actual field testing of those prototypes. New techniques designed to reduce or eliminate supersonic booms must be developed before we fill the skies with supersonic transports.

In this connection, I call the Senate's attention to legislation passed by this body yesterday which will prohibit by law overland flights of any supersonic transport, foreign or domestic. This legislation would, in large measure, eliminate the concerns that many of us have held. Accordingly, I raise this important measure as an indication of congressional determination that concern for the environment will not be disregarded as we proceed with the development of an SST.

Mr. President, critics have raised the question of priorities. As one who is greatly concerned for the need to solve our many social and practical dilemmas, I am sensitive to the feelings that motivate criticism of this and other programs. But realistically speaking, Mr. President, the list of priorities is not inflexible. Times change. People and their needs change. Things that appear to be important today may not be tomorrow. For that reason I am persuaded, Mr. President, that failure to go forward with this program would be irresponsible. It would mean no return on a large national investment already made. It would mean a loss in technological leadership. It would mean quitting a 9-year research and development effort without reaching the intended goal. It would mean not reaping the benefit of the years of hard work which so many people in my State have given and will continue to give to this challenging program.

Mr. President, until now no other nation has been able to seriously challenge us in the field of aviation. I feel that in making this decision today we should indicate our confidence that our aviation industry can overcome any problems associated with supersonic flight in the same way that they were able to overcome the problems of flight to the moon. The future overall benefit to the United States, in my opinion, will be well served by such a decision.

Mr. COOK. Mr. President, today the Senate will once more consider whether additional appropriations should be approved for the development and construction of two prototype supersonic aircraft. By a very narrow margin the House passed this measure. The Senate Appropriations Committee also recommended its continuation. Now we must decide whether to accept the Department of Transportation's $290 million request for further development of the SST.

I voted against Federal funding for the SST last year.

I shall also oppose it today.

Very briefly, I would like to outline my reasons for doing so. First, a number of eminent scientists have also raised the question of atmospheric pollution by an SST flying at 60,000 feet altitude. The threat of a fleet of SST's introducing

large quantities of water vapor into the stratosphere possibly causing unpredictable weather modification on a global scale, certainly cannot be ignored. Further study of this problem should precede the commitment of funds for development.

Other qualified scientists have voiced their concern over the potential environmental effects of this aircraft. The sonic boom and sideline takeoff noise have been cited as having an advance impact on both the population and the wildlife. Yesterday the Senate approved a bill which is a step in the right direction toward eliminating these objections.

This legislation would prohibit supersonic flights of civil aircraft over the lands of the United States. It would also require the proposed civilian SST's to comply with the Federal Aviation Administration noise limitations. We should realize, however, that the latter is an administrative regulation subject to change.

Even assuming the best, the overland flight prohibition, while ostensibly eliminating one problem, also raises another. A number of qualified economists have said that such a prohibition would reduce the market demand for the aircraft, thereby reducing the Federal Government's return on its money invested under the royalty contract.

This form of Government participation also raises the question of our commitment to reorder our national goals and priorities. At a time when many of our needs in the field of transportation alone are going unfulfilled, I question whether the Federal Government should fund the development of a strictly commercial aircraft—which at most would benefit only one-half of 1 percent of all Americans.

Also, its proponents have argued that it would create a favorable balance of payments. Others disagree. Some of the Nation's top economists have stated that it would be a mistake to build an SST for that reason. They also contend that it would not benefit our balance of payments in world trade.

As a firm believer in our system of private enterprise, I seriously question the need for Government funding. The United States has achieved a dominant position in the field of international aviation because of our belief in this principle. I see no valid reason to alter it.

Also, if the SST is as economically viable as its proponents argue, then sufficient financing from the private sector should be available. The recent success of the Boeing 747 illustrates the principle that when a new development in aviation becomes economically sound, the private sector will be willing to finance it. In the matter of the SST, however, the private banks and financial lending institutions have been unwilling to invest any money in this highly questionable project. They believe it is a money loser.

Mr. President, I urge my colleagues to vote aye on the amendment I have cosponsored which would delete any appropriation for the SST.

Mr. FANNIN. Mr. President, during the past year we have been bombarded with the pros and cons of continuing the SST program. I have read, listened to, and studied the arguments on both sides of the question.

As a result, I have decided to continue my support of the SST program.

I would like to say that I realize that those who have written and otherwise contacted me in opposition to the SST are deeply concerned individuals. They have presented their case forcefully.

However, it appears that many of the arguments against the SST are based on what some people "fear" might happen—not on any proven data. Opponents of the SST also have relied to a certain extent on wishful thinking. They think that if the United States does not build a supersonic airliner, there will be no supersonic airliner.

We know that there will be a supersonic airliner. It already has been built across the ocean.

The questions now are how the supersonic airplane will be used, what actual effects on the environment are, and what regulations or laws will be enforced at the outset of commercial use.

These are of deep concern to me.

Mr. President, I believe that we have answered many critics of the SST program by passage of S. 4547 to ban supersonic flights of civil aircraft over lands of the United States.

This bill makes it clear not only to the people, but to potential purchasers of the super airplanes, that they are not to be flown over our inhabited land areas at speeds which would cause sonic booms.

As a practical matter, I really do not believe the SST would be flown over any inhabited areas of the United States at supersonic speeds even without such a law. Airlines certainly realize that this would be a public relations blunder, and that the people would rise up to stop such boom-causing flights.

Opponents of the SST have raised some other serious questions about poential effects of SST flights on weather and the atmosphere.

I agree with them that we should determine the answers to some of these questions before putting the SST into full production.

The bill we are considering would provide $4.6 million for "Research Into the Meteorological and Environmental Effects of Aircraft Flight in the Atmosphere." This effort should either bury the argument against the high-altitude flights—or bury the SST if the findings should be negative.

Mr. President, let me summarize what I have said so far.

I will support continued development of the SST. At the same time, I want to see more research on the potential environmental problems. And I believe we should make it crystal clear that the SST is to be a transoceanic carrier and not a transcontinental window-rattler.

Now, Mr. President, I would like to turn to some of the reasons that I think we must continue the SST program at this time.

First, as I said earlier, supersonic aircraft already is an accomplished fact.

Our planned SST would be the biggest and the best, however.

We must continue to develop this program or else forfeit our aircraft-production superiority to the Soviet Union, France, and Britain.

We already are suffering serious job drains because unfair foreign competition has driven American industries out of business or out of the country. We cannot afford to allow this to happen to our aircraft industry.

Unemployment already is too high. We face an even more serious problem as the administration further cuts back the size of our defense forces and as defense industries are phased out.

The SST program is one of a very small group of programs in this country today that has been judiciously planned to provide maximum benefit to the overall national economy from the funds expended.

The far-reaching effect of the vast subcontractor network reaches into almost every State in the Union. A concentrated effort to search out and identify potential suppliers has already provided a shopping list in nearly every State and is still going on.

The second and third tier effects of a subcontract award in any State will be felt by the butcher, the car dealer, the barber, the real estate man, the clothing store, to say nothing of those directly employed by the subcontractor. These benefits are nationwide and come at a time when we sorely need to provide jobs and incentives to bolster our national work force and supporting community activities.

The production program anticipated for this airplane can provide the States as well as the Federal Government with a substantial source of tax revenue for 20 years in the future. This is the type of benefit which we must have if we are to support programs so vitally necessary to keep our economy healthy and growing.

Handouts are not the answer—it is employment and productivity that we must look to for the future.

It has been argued that these benefits are overstated; however, the facts are that right today there are dollars being expended on the SST prototype program in 44 States—I cannot think of any program we could support which can make that statement and back it up with actual proof.

We are being asked to invest a little over a billion dollars to stimulate over $20 billion in future benefits to the economy. Much of this will be foreign capital which will flow into our economy—into the very heartland of the United States.

Even the smallest communities stand to benefit. Small subcontractors will grow and provide capabilities to these communities that we cannot even imagine at this time.

Let me reiterate—the effects of the dollars we have already appropriated are already being felt strongly throughout the Nation. The prototype program is well underway and we have living proof that our investment is sound.

The people affected number in the thousands and will continue to grow as time goes on. The importance of the spread of the SST program cannot be overemphasized.

We have recently been shown in a dramatic fashion, by the General Motors strike, just how many people are affected by a nationwide network of subcontractors. Virtually every businessman in the community feels the effect. The SST program in itself does not represent salvation, but it is a large building block which we cannot ignore. There are already too few of these on the horizon and they are not created overnight.

We have in this program a chance to support a large segment of our overall economy in a way which we have to like—by providing productive jobs that will create a product we can sell at our price all over the world.

Let me add another thought about a related field—utilization of aerospace workers. It has been suggested that the Nation's unemployed aerospace workers be redirected to environmental improvement programs.

This well-meaning suggestion ignores the realities of the situation. The majority of the unemployed aerospace workers have, for example, expertise in the field of aerodynamics, propulsion and power, electronic and electrical systems, aircraft fabrication and the like. This expertise and knowledge is the result of 4 to 6 years of advanced education and many years of practical experience. These are specialized fields and vastly different from the environmental field which requires knowledge and experience in other specialties. There is a difference between a sewage plant and a satellite.

In order for aerospace workers to become productive in the environmental fields a large training program would be necessary. It is estimated that it would take a minimum of 4 to 6 years before they achieve a comparable level of competence to that currently used for aerospace projects. The cost to retrain the aerospace workers would be quite high as well as the cost to relocate the workers and their families.

Mr. President, I am not suggesting that the SST should be retained as some kind of a WPA project. I am saying that it does provide thousands of jobs.

The SST is a lofty goal worthy of our Nation's best efforts. As we have over the past several years—through three administrations—we must continue to accept the challenge.

SST—THE UNITED STATES MUST ENTER THE SUPERSONIC AGE

Mr. BENNETT. Mr. President, Senate approval of H.R. 17755, the Department of Transportation appropriations bill for fiscal year 1971, will mark one of the significant events in the history of aviation in this country. With its approval, the United States will have committed itself to the age of the supersonic transport. The testing of the British/French Concorde and the Russian TU–144 clearly demonstrates that supersonic air travel is here. By approving sufficient funds for the SST, this Nation will have made the decision to remain the world's leader in transport design and production.

Aside from the historical aspect of the leadership by this country in the field of aeronautical design, there are several other aspects of the development that merit consideration. The economic impact of the SST program will be felt in potential sales, return on investment, generation of tax revenues, employment, balance of trade, and profitability to the user.

During 1969, the American aerospace products and services accounted for $3.15 billion in foreign sales. Without these sales, the United States would have had a dismal negative balance of trade of approximately $1.3 billion. If the SST is not developed in this country it is estimated that by 1990, U.S. firms will have lost an estimated $10 billion dollars in sales to foreign customers and will have been forced to purchase some $12 billion worth of supersonic transports abroad. However, the economic benefits that are to be gained from international sales are only a portion of the benefits that will result from the growth in our own domestic economy.

The SST program represents a unique Government-private industry financing arrangement in which industry will repay not only those initial funds invested by the Government, but also royalties which would generate additional revenues for the Government of about $1 billion. This is totally unlike the French and British program that is being financed entirely by government subsidies without any provision for reimbursement.

In addition to the return of the initial investment and royalty payments, the SST program will generate $5.4 billion in corporate and individual Federal tax revenues with State and local governments receiving an estimated $1.3 billion in tax revenues. These increased revenues will be a direct result of the earnings by the nearly 150,000 people that will be either directly or indirectly employed by those industries producing the SST.

As other areas of the defense and space programs are facing large cutbacks during the next few years, the importance of new areas for research and development created by the SST becomes increasingly important. Any reductions or slowdowns in this program would provide a crippling blow to an already weakened segment of our economy.

SST TECHNOLOGY AND NATIONAL STRENGTH

The technological capability of the United States has proven to be one of the major components of our strong economy. Throughout the 20th century the aerospace industry has been one of the Nation's leading developers of advanced technology.

Many of the problems confronting society today will be solved through judicious and intelligent use of these technological resources. The SST prototype program necessitates technological advance in materials structures, manufacturing methods, powerplants, and major subsystems. These developments will contribute materially to other segments of the aerospace industry and to an even wider number of nonaerospace industries. Just as the use of aluminum became very common in many areas following its development for the aircraft of the 1930's and 1940's, so will the SST help to insure that we will continue to benefit from similar technological advances.

We are only beginning to grasp the total scope of the technology advancements resulting from the SST program. Past experience has shown that the ingenuity of American industry in the application of technological improvements is virtually unlimited.

THE ENVIRONMENTAL IMPACT

One of the increasingly important technological developments that has resulted from initial research on the SST are those devices that will be used to control the chemical emissions from the engines.

One SST carrying 300 passengers at 1,780 miles an hour will emit no more pollutants than three automobiles traveling at 60 miles an hour. This means that the entire air transport fleet—including future SSTs—will emit less pollution per 1,000 seat-miles than any other mode of transportation yet devised.

Regarding noise and the sonic boom, it should be understood that the SST is not built to fly supersonically at low altitudes. It was developed to perform around airports and other populated areas just like subsonic jets. To prevent any annoyance to people on the ground, strict regulations will insure that the SST will fly over land at speeds less than 700 m.p.h. This is too slow to create a boom effect.

Over the oceans, the boom will be mild—about one-fourth ounce per square inch, comparable to the impact of a fisherman's spinning lure hitting the water. Neither marine life nor commercial sailing vessels will be harmed.

From an ecological standpoint, results of current studies indicate that air travel in general has proven to be not only efficient in traveltime and cost, but also the most efficient means of travel known to man in terms of minimal impact upon the environment. The SST should further improve upon this trend.

A TOTAL PICTURE OF THE SST

Mr. DOLE. Mr. President, in the past several years the SST program has had relatively smooth flights through committee actions and floor debates and has successfully landed with sufficient appropriations to keep the program progressing steadily. This smooth sailing repeatedly occurred in the face of numerous reviews in depth of the issues involved. This year, however, the SST has run into stronger headwinds. The House narrowly defeated an amendment to strike funds for the program from the Department of Transportation appropriations bill. The SST has been a subject of great controversy so far in the Senate. Many of my colleagues have examined the issue in even greater detail this year than ever before. Although I voted in favor of the program last year, I too have had reservations this summer which caused me to review all factors surrounding the issue in great depth.

My study resulted in a clear conclusion that the program is vital to this country. My examination of the pros and cons—charges and countercharges—allegations by critics and statements of proponents—convinced me that we as

a Nation cannot afford to stop the prototype development program.

My convictions were so strong when I completed this review that I set down my analysis of the issues on October 21, 1970, in a letter to a number of my colleagues, urging them to consider the facts that led me to my intention to vote in favor of continuation of the SST program. I believe it appropriate today to point out some of the reasons that convinced me of the importance of the program.

First let me say that the SST should not be supported, nor must not be defeated on one point alone. It is only when one considers the total picture, the many advantages that will accrue from the program, and evaluates the concerns that the opponents have expressed, that one can see in true perspective, the overall value of the SST.

In the environmental area I will be brief for the issues have been eloquently discussed by my colleagues. I summarize the important aspects as follows:

Possible pollution impacts have been examined by experts. The September 21 report of the Library of Congress legislative reference service and the study of critical environmental problems conducted by MIT have put the environmental concerns in the proper perspective. These reports indicate no reason for holding up the SST prototype program. The MIT report recommends that before the SST is put in large-scale production, further information should be obtained in certain areas such as the nature of particulates in the upper atmosphere and the possibility of occasional cloudiness at night over the North Pole in the winter time. My interpretation of these reports indicates no problem on the so-called greenhouse effect increasing the earth's temperature due to exhaust products, no problem on the concern for destroying a fraction of the ozone layer thereby increasing ultraviolet radiation on the earth's surface, no problem on solar flares or other radiation from space as it affects passengers and crew, no problem on formation of contrails or cloudiness over SST routes, no problem on creating a layer of dust that would significantly increase the earth's temperature. In other words, the environmental aspects are not what some alarmists would want us to believe. There are no overriding problems, and the areas in which further information is needed are being investigated by DOT, NASA, Department of Commerce, and the Air Force.

So much for environmental aspects.

On the subject of noise, I found that the SST will be quieter over the community where complaints originate and the sideline noise of the SST has been grossly exaggerated by critics.

In the economics area, it appears that the SST will be a moneymaker for the airlines. The great increase in productivity provided by the SST is needed in the 1980's. Without it far greater congestion of the airways would occur, and airplanes twice as big as the 747 would be needed to provide services for the projected traffic. The market appears real, and the favorable trade balance from foreign sales will help the Nation's economy. The aircraft industry, so long a top producer of export products, is facing diminishing commercial orders and severe cutbacks in military business. In addition to providing a boost in sorely needed employment, the SST program represents the only ongoing major step forward in advanced technology, the very point that made American aircraft industry the world leader it is today. Now that the Europeans are catching up with us in aircraft technology and challenging this leadership with a family of aircraft including their Concorde SST and also some very competitive wide-bodied subsonic jets, the SST becomes doubly important to this Nation as a fleet leader, a focal point of the future for advanced aircraft. To relinquish the leadership this Nation has enjoyed for so long by cutting out the heart of advanced commercial aviation, the focal point, in my opinion, would be folly.

My review also addressed the question of national priorities, and here I concluded that the SST has a very proper place in a balanced national transportation system. The SST is a priority program for the 1980's which we must invest in during the early 1970's. Actually, the investment, about 2.6 percent of the total transportation budget, is quite modest in regards to the vast returns it will repay to the Nation. People who ask the question why should we not spend the money on social needs instead of the SST do not seem to realize that the funds invested in the SST will be repaid manyfold in the form of royalties on sales, employment benefits, tax revenues, and economic well-being. The SST program, being a substantial revenue producer, will actually help pay for the human resource programs of the 1980's. The fiscal year 1971 funding support of human resources programs has surpassed national defense, and now accounts for the largest percentage of the total budget—$81.9 bilion or 41 percent. And it is forecast to grow in future years. Where will the Government find resources to pay for these future humanitary needs? We will find them in programs such as the SST.

Mr. President, my review convinced me that the many benefits of the SST—the productivity that the airlines need, the well-being of the aircraft industry, the balance of trade, the employment, the revenue producing resources, the balanced transportation system—all add up to a very significant total—a program vitally important to this Nation. We must not be sidetracked by the opponents' eloquent discussion of today's side issues. I urge Senators to consider the total impact of the SST on this country in the 1980's for today's investment in the SST is sound planning for tomorrow's national health. I urge Senators to vote in favor of the SST.

I ask unanimous consent to include my letter of October 21 at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR COLLEAGUE: I have voted in favor of the SST in the past, but have stated publicly my reservations about the proposed $290 million appropriations for Fiscal Year 1971. In reaching a determination, I have undertaken a careful examination of all factors involved. Let me emphasize that, although Boeing Company has a facility in Wichita, Kansas, only a small fractional proportion of the prototype contract directly benefits the Wichita area. This fact, therefore, did not influence my decision.

The United States Supersonic Transport Prototype Development Program has been the subject of considerable speculation and discussion in recent months in the press and Congress and by concerned individuals everywhere. I have been troubled by the sharp differences of opinion, but after an in-depth review have concluded the prototype program should go forward. It should be noted that in pursuit of information, we have contacted Boeing officials on several occasions. Frankly, the responses received have not always been consistent or accurate. Should the program go forward, it is my hope Boeing officials will redouble their efforts to keep Members of Congress informed with current and accurate information.

Some opponents of the SST program seek to imply that the Administration is indifferent to environmental or economic concerns, but I find the opposite to be true. The Department of Transportation's Supersonic Transport Office is dealing forthrightly with every issue. Where information is lacking, it is being sought; where clarification or verification is needed, it is being obtained. The technical challenges implicit in the program are being met, and are well within our Nation's capabilities. There is, in my opinion, no factual basis for yielding to the fears, undocumented theories and innuendoes which vocal critics have raised, and thereby jeopardize America's hard-earned leadership in aviation by failing to press forward with the U.S. SST prototype development program.

Based on my examination of the key issues, I have summarized my reasons for urging continuation of the prototype program. Hopefully, you will arrive at the same conclusion and support the program during deliberations on the Department of Transportation Fiscal Year 1971 budget when Congress reconvenes.

NATIONAL PRIORITIES

The issue of national priorities with regard to spending for the prototype program has been frequently raised. It has been alleged that money being requested for the program could be much better applied elsewhere for other transportation needs or for social and welfare programs. I am convinced the priority being placed on the prototype program is correct. It is *not* a high national priority program dollar-wise, but amounts to only about 2.6% of the country's transportation budget in this year of the highest funding for the prototype program. The FY 1971 transportation budget contains $1.5 billion for Airports and Airways, and there is $5.0 billion planned to be applied to this area over the next five years. Urban Mass Transportation has $3.1 billion budgeted, and there is another $5.7 billion for Highways. A revitalization of Water Transportation is planned with $420 million budgeted in FY 1971 and plans following to construct 30 merchant marine ships a year over the next ten years.

Billions are planned for social and welfare programs. In 1971 funding for support of human resource programs has surpassed national defense, and now accounts for the largest percentage of the total budget—$81.9 billion, or 41%.

The relatively small investment in fiscal 1971 (less than ¼ of 1% of the U.S. budget) for the prototype program will help pay for the human resource programs of the 1980's. It is most important that industry be able to provide the jobs and pay the taxes needed to maintain the strong and viable economy required to fund the social and welfare re-

quirements of the future. The SST program is a priority for the 1980's which will more than repay the modest place it occupies among the programs of the '70's.

Finally, a decision not to fund this program in FY 1971 would not result in additional funds for other programs. It would, however, *mean the loss* of a $708 million investment in technology plus cancellation charges in excess of $160 million. A decision of this nature would, in my opinion, be foolhardy and in derogation of all reasonable formulations of national priorities.

COMPETITION

At present, the British and French, as well as the Russians, have a strong lead in the entry of civil supersonic aircraft into commercial service. As recently as last week, one of the Concorde prototypes flew at Mach 1.85. Tests of both Concorde prototypes have exceeded expectations and delivery to airlines is scheduled for 1974. Testing of the Russian TU–144 is also progressing well—the aircraft has already flown at twice the speed of sound, or 1336 mph.

The State Department has reported a likelihood of a Concorde II being produced as a follow-on to the Concorde. It appears that West Germany may join Britain and France in funding and developing this advanced Concorde. It can be expected this model will have improved payload/range capabilities, as well as improved economics.

There is also evidence European countries are making a concerted effort to win the world's subsonic market, as well as the supersonic market, away from the United States. The U.S. now builds and sells about 85% of the world's subsonic jets. This market could be jeopardized by the failure of the U.S. to continue with the Prototype Program.

PROGRAM COSTS

Some critics have contended that support for the program is a subsidy to industry, and that overruns are inevitable. The facts are that the prototype program was initiated nearly ten years ago as being in the national interest. Development of a U.S. SST was a government proposal to industry, not industry's request to the government.

The prototype program is being managed better than any program of which I am aware. There have been no overruns, and no significant cost adjustments are in sight, if appropriation requests are met and schedules can be kept. The contracts are controlled to discourage cost escalations. When estimates are exceeded, the cost to the contractor *increases* and the government's share *decreases*.

Each company has a total awareness of the importance of maintaining tight managerial control to keep costs within estimates. The Boeing Company has affirmed, in writing, their commitment to program estimates which were established long ago.

PAYBACK PROVISIONS

I fail to understand why the government's participation in the development of an American SST is singled out by critics as a "subsidy" when countless examples of Federal investment in technology development in other areas are not so labeled. This is especially distressing in view of the payback provisions, which are unique to this program.

The 500-airplane royalty base is not only realistic, it is very probably conservative. On that basis, the recoupment of all Federal funds invested in the program by the sale of the 300th airplane is assured. If the prototype program is carried forward successfully, the government will realize a substantial profit on its investment.

ECONOMICS AND PRODUCTIVITY

Economic studies performed by DOT and Boeing have shown the initial production design will be a highly profitable aircraft in airline operation, with a range of at least the distance from New York to Paris at full payload. This exceeds the capabilities of the initial Boeing 707 by about 700 miles. If history repeats, growth versions will be produced with extended range, just as have developed in the cases of the Boeing and Douglas subsonic jets.

The U.S. SST will be profitable because the unique speed and capacity results in a productivity in seat miles almost twice that of the larger 747. Historically, the improved productivity of each new type aircraft has resulted in lower operating costs, thereby offsetting the effect of escalating airline costs and allowing airline fares to be reduced while the costs of other goods and services have been climbing sharply. The U.S. SST will be no exception. During its introductory period, higher than normal passenger load factors will reduce costs per passenger mile. Later, costs will be more resistant to inflationary cost influences of labor and maintenance.

The rapid growth in international passenger traffic will be met in part by supersonic transports, reducing the necessity for greater numbers of less productive aircraft. Not only will the SST be able to operate over an expanding network of routes, but it will also be able to spread departure and arrival times and relieve airport congestion. On the airways, the SST will utilize a new level of airspace above 55,000 feet.

As a result of rapid traffic growth, it is conservatively forecast that a U.S. SST would carry in 1985 as much traffic as the entire Free World traffic in 1969. This will mean an economically sound program for the manufacturers as well as the airlines. Proceeding with the program will help to insure the survival of the Nation's commercial aircraft industry and serve to prevent the export of jobs and technology to foreign manufacturers. It will increase revenue to the government through taxes and better enable the Nation to carry on needed programs for improving the quality of life for all people.

SONIC BOOM AND NOISE

The President and the Secretary of Transportation have stated that supersonic flight which would produce a sonic boom will not be permitted over the United States. Since that pronouncement in September, 1969, the FAA has issued a Notice of Proposed Rule Making which clearly establishes that sonic booms will not be allowed over land in this country.

The supersonic transport will be capable of operating from existing airports and will not entail an expensive modification of our airport system. The aircraft was designed from the outset to be capable of operating from any airfield which presently accommodates long range subsonic jets. As for airport compatability on noise grounds, it should be emphasized that over the community, where most noise complaints originate, the supersonic transport will be about one-half as annoying as the intercontinental subsonic jets.

ENVIRONMENTAL ASPECTS

Environmental claims and counterclaims concerning supersonic flight have confused rather than clarified the actual facts. An extensive study of what has been said by critics leads me to believe that their claims range from the exaggerated to the ridiculous. The proponents, on the other hand, have stuck to results of studies by qualified experts. The "doomsday" oracles of a new ice age or a destruction of life due to ultraviolet radiation can, in my opinion and that of experts in the relevant disciplines, be summarily dismissed.

The recent (September 21, 1970) report of the Library of Congress Legislative Reference Service does an excellent job of putting the environmental issues of supersonic flight in their proper perspective. I urge your review of this important document. DOT has recently announced an environmental R&D program dedicated to providing answers to any legitimate concerns which are raised concerning environmental aspects of supersonic flight.

To summarize a very complicated subject, the following table on environmental concerns is offered:

CONCERN AND REMARKS

Green house effect (Increasing earth's temperature): Temperature changes due to SST gaseous exhaust products would be hardly detectable. *Not a problem.*

Layer of dust (Increasing earth's temperature): Particles introduced into stratosphere from a fleet of SST's would be a small amount (1/27 of the daily dose injected from outer space). *Not a problem.*

Formation of Clouds: Highly unlikely anywhere, with remote possibility of exception of the polar regions. Research needed to determine amount and frequency of occurrence, if any. Determination can be made prior to SST production decision.

Ultraviolet radiation (on earth's surface): Could be barely detectable change, but it would be smaller than daily variations between places on earth's surface, such as Denver to Washington, D.C.

Spatial radiation (to occupants of plane): Radiation received by occupants of SST would be about the same or less than that received in subsonic jet on same route flight.

Solar flares: Occurrence of solar flares causing high radiation levels very infrequent (perhaps once in 50 years). SST could descend to avoid excessive radiation to occupants.

In substance, my investigation regarding all environmental aspects of the prototype program leads me to believe the program is being conducted with the active support and advice of the recognized experts in all relevant disciplines. None of these experts has indicated the program should *not* go forward, and, as a matter of fact, have generally endorsed its continuation.

The U.S. Civil Supersonic Transport Program is a sound program, and a wise national investment. As you know, it has had the support of Presidents Kennedy, Johnson and Nixon. To a very significant degree, the prototype program is a program in basic environmental research for the development of data and technology which will insure that commercial supersonic flight will not in any way degrade the world's environment.

In consideration of the facts as stated above, I shall vote in favor of the Department of Transportation FY 1971 appropriations bill when considered by the Senate in November. I strongly urge you to do likewise.

Sincerely yours,

BOB DOLE,
U.S. Senate.

Mr. BAYH. Mr. President, in a recent letter to his colleagues, the distinguished junior Senator from Kansas (Mr. DOLE) related in great detail how he had reappraised the issues in the current SST debate and, in the end, had come out even more firmly in favor of continued funding. The Senator from Kansas is to be congratulated for taking the time to spell out the issues so clearly. To my mind, it was an extremely useful exercise because it focused on the main points at issue.

After thinking long and hard about the Senator from Kansas' letter, Mr. President, I was prompted to delve into these questions in some depth myself. I want to take this opportunity, therefore, to cover all of the points raised by my colleague from Kansas (Mr. DOLE). It might be instructive, it seems to me, because after considerable study I find myself opposed to the continued development of the SST at this time.

As one Senator who had supported this project in the past, this is a confession of sorts about how, upon particularly close examinations, one must inevitably conclude that the SST is the wrong investment at the wrong time.

Point No. 1. The Senator from Kansas has said that the SST "is not a high priority program dollarwise."

Two events of the last few weeks illustrate the relatively high priority that the administration attaches to the SST compared with other possible transportation investments. The first is the proposal for a new rail corporation intended to prevent further deterioration of intercity rail passenger service. The Federal Government is investing only $40 million in the corporation—although it will guarantee $100 million in equipment for roads and roadbeds and another $200 million in loans to enable railroads to invest in the corporation—compared to a projected investment in the SST of a minimum $1.3 billion.

The second was dramatized by the tragic crash of a DC–9 at Huntington, W. Va. The Huntington Airport, in common with more than 300 of the 584 airports served by scheduled commercial aviation, does not have a complete instrument landing system. It is believed that the absence of a glide slope indicator contributed to that crash, as it had contributed to others, such as a crash last year on the ocean approach to Los Angeles International Airport. When the FAA official in charge of these programs was asked why the FAA had not approved and funded the required system, he explained that only $30 million was available this year for such improvements, and even if the Huntington Airport application had been approved, no funds would likely have been provided because only those applications at the top of the list could be taken care of.

It would appear from a comparison of the requested funds that the SST has a significantly higher priority than intercity rail transportation and airport-airways safety—and that, to my mind, is a misplaced priority.

The Senator from Kansas went on to say that, in any event, "a decision not to fund this program in fiscal year 1971 would not result in additional funds for other programs." Mr. President, this is a typical chicken and the egg situation. It is argued that we are unable to adequately finance new programs to meet urgent public needs because of the danger of imbalancing the budget and aggravating inflation. It is also argued that skilled scientific and engineering talent should be redirected to assist in the solution of these urgent problems. Obviously, if these arguments have any merit, we cannot continue business as usual in committing scarce resources of funds and skilled people to low-priority problems. We can—we must—make a beginning in breaking out of the chicken and the egg cycle by turning down appropriation requests like the $290 million for the SST and begin cleaning up our environment and providing adequate health care and housing for all Americans.

Nor should we be deterred from stopping this program now because of the specious argument that cancellation costs will run upward of $150 million. If this is a bad investment—and I think it is—why not protect the hundreds of millions that would be appropriated in the future?

The cancellation charges, moreover, are subject to some dispute. As a matter of fact, when the Department of Transportation reviewed Boeing's latest design in 1970, the Office of the General Counsel commented in a 68-page memorandum that a good case could be made that Boeing was in default of the contract for not meeting the specifications and, therefore, the Government might cancel for cause rather than for convenience. In that event, no cancellation charges need be paid. Even if the Government cancels for convenience, the charges, I believe, are considerably less than the claimed $160 million. The maximum figure, as presented in the record of the Senate Appropriations Committee hearings, was of the order of $75 million.

Again, the loss of the Government's investment is dwarfed by the required Government commitment if the program proceeds. Not only must an additional $60 million be invested for completion of the two prototypes—assuming no further cost overruns—but there is little doubt that the Government will be asked to put up the money for production financing. The required $3 to $4 billion is clearly beyond the capability of the aircraft companies and the airline industry, especially considering the high economic risk of the SST program.

Point No. 2. Competition. Senator DOLE's letter points out that "tests of both Concorde prototypes have exceeded expectations and delivery to airlines is scheduled for 1974. Testing of the Russian TU–144 is also progressing well."

Because of the high operating costs of the Concorde—as well, I assume, the TU–144, which is quite similar in design—it will have no important impact on the aviation market. F. C. Wiser, president of Trans World Airlines, has commented that the Concorde would lose money unless the traveling public was willing to pay 30 to 40 percent more than they now pay for first-class fares across the Atlantic—see article in the New York Times, October 31, 1970, page 50.

To put this in proper perspective, only about 20 percent of transatlantic air passengers now travel at regular fares—either coach or first class. The rest travel at reduced fares under various incentive plans, or on chartered planes. Of the 20 percent flying at posted fares, Mr. President, no more than 20 percent fly first class. In other words, a maximum of 4 percent of transatlantic air passengers currently are willing to pay first-class fares. Probably an even smaller percentage of passengers would be willing to pay another 30 to 40 percent above first-class fares even if they could save 3 hours. Furthermore, with the environmental safeguards adopted yesterday, the Concorde will not even be certificated in the United States and the U.S. market will be closed to it. It seems obvious, therefore, that there is more bark than bite in the Concorde threat.

Point No. 3. Program costs. "There have been no overruns," according to Senator DOLE.

Mr. President, there has already been an acknowledged overrun of $76 million in the cost of phase III—construction of the two prototypes. See testimony of Under Secretary of Transportation James Beggs, Department of Transportation and Related Agencies Appropriations for 1971, before a subcommittee of the Committee on Appropriations, House of Representatives, 91st Congress, second session, part 2, pages 521–3.

Even "when estimates are exceeded," the Senator concluded "the cost to the contractor increases and the Government's share decreases." So why worry about cost overruns?

The 90–10 split between the Federal Government and Boeing for the basic contract is indeed supposed to change to a 75–25 split for overruns. Aside from the fact that the Government still has to come up with 75 percent of the cost of the overruns, it is not hard to imagine that if the required Boeing contribution threatens the viability of that company, then the Government will be asked to change the formula—witness the current efforts to bail out Lockheed on the C–5A overruns.

Point No. 4. Payback provisions. "The recoupment of all Federal funds invested in the program by the sale of the 300th airplane is assured," the Senator from Kansas concluded with certainty.

If there are no cost overruns, and no additional required Government investment, and if Boeing indeed sells 300 planes, then—and only then—the Government is paid back its original investment but with no interest. I want to reemphasize that point, Mr. President: it requires the sale of 300 SST's before the Government can recapture its investment—but with no interest. The catch is that the Government's cost in raising these funds—that is, the cost of Treasury borrowings—is about 7 or 8 percent. The true cost to the Government of each dollar appropriated now is close to $3 15 years from now when the repayment will be made. If the Government is repaid only $1, it in effect has subsidized the difference of close to $2.

If 500 planes are sold the Government's return on its investment will be no more than about 4 percent, still well below the rate for Treasury borrowings.

A more realistic estimate of the subsidy, moreover, would include the very real prospects for cost overruns and required Government participation in production financing. If this is done, the subsidy will be even greater.

Point No. 5. Economics and productivity. "Economic studies performed by DOT and Boeing," the Senator's letter states, "have shown the initial production design will be a highly profitable aircraft in airline operation."

The objectivity of these studies, however, has been called into question by leading economists, as well as by the President's own Council of Economic Ad-

visers and by the Treasury Department. The Council, for example, pointed out that the best current study of the value perceived by passengers for travel time saved concluded that it is equal to 0.4 times hourly earnings for business travelers and zero for pleasure travelers, not the 1.5 times hourly earnings figure used in the DOT-Boeing studies. On the basis of the CEA's figure the expected SST market is reduced from about 500 planes to less than 200 planes. Other DOT assumptions are equally questionable. In fact, it has frequently been stated that each time an assumption had to be made in the Boeing-DOT analysis the most favorable assumption for the SST was selected. These studies are not much more than an exercise in salesmanship.

The Senator from Kansas' statement that "the U.S. SST will be profitable because the unique speed and capability results in a productivity in seat miles almost twice that of the larger 747" is likewise questionable.

This calculation of "productivity" was made simply on the basis of the number of people that can be moved a given number of miles in a given period of time. That is, because the SST has two-thirds the seats and three times the speed of the 747, the claim is made that it is ⅔ times 3 or two times as productive. Any rational analysis of productivity, however, must include considerations of economics and use of resources. When this is done, the SST is less productive than the 747.

The SST will be more than twice as expensive as the $23 million 747, so in terms of seat-mile capacity created per dollar of capital investment, the SST is inferior. The SST will consume twice as much jet fuel per passenger mile, so in terms of use of resources, it is greatly inferior. This last consideration, I should point out, is of more than academic interest. A fleet of 1,000 747's carrying as many people to the same places as the proposed fleet of 500 SST's would use 2 million barrels per day less of jet fuel than the SST's. Since about seven barrels of crude oil is needed to produce one barrel of jet fuel, this produces an extra demand for crude of 14 million barrels per day—that is, seven times the maximum capacity of the proposed trans-Alaskan pipeline and equal to the present crude oil demand in the United States for all uses. Such an enormous increase in crude oil demand would have a corresponding impact on the price of gasoline, home heating fuel, and fuel oil and would greatly hasten the day when the United States and the world will run out of available supplies of petroleum.

In addition, Senator DOLE has claimed that "the SST—will—be able to relieve airport congestion." The congestion of airport runways and airspace in the terminal areas is directly related to the number of takeoffs and landings. Existing airports can be used to best advantage by increasing the number of people moved per takeoff and landing. Because the SST has only two-thirds the seating capacity of the Boeing 747, 50 percent more takeoffs and landings are needed for the SST. So the SST is less productive in terms of airport utilization, as well as in terms of fuel efficiency.

Point No. 6. Sonic boom and noise. As for airport capacity on noise grounds, the Senator said, "It should be emphasized that over the community, where most noise complaints originate, the supersonic transport will be about one-half as annoying as the intercontinental subsonic jets."

When the SST takes off, and while it climbs to an elevation of 1,500 feet above the airport, the noise from its engines will expose widespread areas of the community to unprecedented noise levels. Unlike the case with the subsonic jets, one need not be directly under or near the flight path of the SST to be exposed to noise levels not compatible with use of the area for schools, churches, and single-family dwellings. In fact, the noise disturbance at 1 mile from a subsonic jet is equivalent to the disturbance created within 15 miles of the SST.

Point No. 7. Environmental aspects. "The recent—September 21, 1970—report of the Library of Congress Legislative Reference Service does an excellent job of putting the environmental issues of supersonic flight in their proper perspective," according to my colleague from Kansas.

In many respects, this report is not a complete document. To take one example, there is no comparison between the SST and the 747 on matters of productivity, fuel consumption, and so forth. With respect to atmospheric effects moreover, the report "Man's Impact on the Global Environment: Assessment and Recommendations for Action," MIT Press, 162P, of the MIT-sponsored study group meeting at Williams College in July 1970 expressed concern that cloud cover might increase and "stratospheric smog" might be produced by the operation of a fleet of SST's. Just this week, a committee of the National Academy of Sciences, which 4 years ago stated that the injection of water vapor into the stratosphere would probably not produce damage to the layer of ozone, seemed to reverse itself. The committee warned Mr. McGruder that the SST could possibly produce such an effect, thereby letting in more ultraviolet radiation which might raise the incidence of cancer among some persons—Wall Street Journal, December 2, 1970, page 16.

"To a very significant degree," the Senator has said, "the prototype program is a program in basic environmental research for the development of data and technology which will insure that commercial supersonic flights will not in any way degrade the world's environment."

There is nothing about the effects on the environment of SST's that will be learned from the two prototypes that cannot be learned at far less cost using other equipment. Whatever can be learned about the effect of jet engine exhausts in the stratosphere by testing two prototypes can be learned by tests with existing U–2 and SR–71 aircraft. Information about SST engine noise and methods of suppressing it can be learned from ground tests of prototype engines—such as the ones now being tested by General Electric. The problem is one of finding ways of quieting the engine without significantly reducing thrust and increasing weight. No such solutions are yet in sight.

For these reasons, Mr. President, I reluctantly conclude that continued funding of the SST is not in the national interest. I do want to point out, however, that I am not unmindful of those workers and contractors who may be affected by a decision not to continue funding the SST. It seems to me that what we need to do is develop a program that would provide employment opportunities in such vitally needed areas as pollution control, mass transit, and housing.

Mr. President, I ask unanimous consent that a memorandum on the SST prepared by Dr. Allen Ferguson, formerly coordinator of the Office of International Aviation at the Department of State, appear in the RECORD. Dr. Ferguson's memorandum focuses very cogently on the economic issues that make the SST a poor national investment at this time.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

A NOTE ON SOME ASPECTS OF THE SST

INTRODUCTION

The question is not whether there should someday be an American SST but whether one should be developed and built before the private sector is prepared to finance it and, hence, whether the taxpayers as a group should be forced to pay for its development.

There are tens of billions of dollars per year dissipated through governmental subsidies of inefficiency and through the restrictive practices of cartels and governmental regulators. Releasing half of these wasted resources would permit the full development of most of the programs and policy adjustments urgently needed to enhance life in America and to contribute to humane progress in the third world. Hence, a decision to support the subsidization of another new technologically oriented program requires most critical examination. Unless there are compelling reasons to the contrary, we should be moving in exactly the opposite direction.

This note will briefly discuss some of the impacts of a U.S. SST, in terms of its general economics, the balance of payment, the threat from abroad, the role of fare making, and the consequences for the profitability of and employment in the US aviation industries. Relatively little emphasis is placed on the general economics because that has been exhaustively discussed elsewhere and need mention here only as basis for the subsequent discussion.

This is a hastily written note. It is not a research piece. I did no new investigation at all. The note has been drawn together in spare time to present a hopefully coherent argument on some major and not widely understood aspects of the SST problem. It shows some of the consequences of the SST program assuming all the technical problems are solved. A definitive piece would require much more work. In particular more should be known, than I know, about the Soviet SST, more information on the economics and the politics of the Concorde and the most recent guesses as to the technical and economic status of the US SST would be desirable. However, the arguments here are basically logical and are not greatly dependent on detailed quantitative information.

GENERAL ECONOMICS

The basic economic fact about the proposed American supersonic transport is that if it were expected to be economical, there would be no need for subsidizing it. The argument that the magnitude of the invest-

ment required for its development and early production is so great as to require subsidy is, at best, improbable. One can readily imagine that combinations of the great financial institutions could readily provide the few billion dollars said to be required. The fact that the very large financial institutions appear not to be interested in financing this particular venture, simply supports the proposition that the SST is not a good economic risk. That is, either it will be more costly to develop, produce and operate or it will earn less than its advocates proclaim.

Industry representatives have argued that the undertaking is too risky, rather than too costly, to justify private sources in making the necessary loans. This is basically just a restatement that the prospects are not good enough to justify the costs and uncertainties. It ignores the availability of equity capital by emphasizing loans to the industry. Nor can it be argued that the private sector will not underwrite risky ventures. The 1960's, when the initial decisions were made to burden taxpayers with this undertaking, saw the financial community underwrite dozens of extraordinarily risky ventures, many of which repaid the financiers handsomely. Finally, in this vein, it is sometimes said that it should not be left to private financiers to determine what ventures are to be undertaken. This is what we call the private enterprise system! The arguments for socialism should be made on more fundamental grounds.

The argument is sometimes made that the aircraft manufacturers themselves cannot afford the investment. This may be true, but it is clearly irrelevant—there is no particular sanctity to the Boeing airplane Company as an institution. If, in order to produce the SST, the present controlling interests in Boeing had to compromise their control to obtain outside financial support that would pose only a private business problem, nothing that in any legitimate way concerns the Federal government to the tune of billions of dollars.

Until the SST, technological innovation in air transportation has typically combined improved quality of service as reflected in speed, comfort, etc., with reduced costs per seat-mile; in few prior cases has innovation brought about decreased economic efficiency in this sense. Further, much American aviation innovation has been indirectly supported through technological advance in military programs. These are two of the reasons why direct subsidization of a civilian aircraft has emerged as an important question.

The history of the Concorde, the history of our own SST, of the C5A, of the F–111, and so on, all suggests that the early estimate of both production schedules and costs are likely to be grossly optimistic. The origins of such euphoria are something less than obvious, but certainly they include a confluence of opinion and interest on the part of both the industry and the relevant bureaucracy. The two groups are held together by a combination of interests in the technology of aviation, intertwining career ladders, and in the appearance that the more money is spent on aviation, the greater the prestige, wealth and influence among the community of peers to which each of the influential members of both industry and government belong or can expect to join. Thus, there tends to develop a light-weight analog of the military-industrial complex in each of the areas where government involvement is structured on a technological base: just as FAA personnel tend to look upon aviation advanced as an obvious national gain, so Maritime Administration personnel tend to consider the development of new ships to show the US flag something that needs no social or economic justification. Nor is the situation holding key positions in industry and government, the machine takes on some of the characteristics of a work of art: it becomes an end in itself. Thus the SST, the sleek new ship, the massive magnificant complex computer all become the materialistic cathedrals of our burgeoning technocracy.

Two points follow: First, enthusiasm for the SST (or whatever it may be) tends to replace objectivity in estimating costs and benefits and, second, Congress or impartial components of the Administration, therefore, cannot rely upon the responsible agencies for reliable and objective appraisals.

One final point on general economic considerations—it is sometimes argued that Federal subsidization of the SST is a form of investment that will be paid back through royalties as the swift winged work of art generates future profits. One might ask whether it isn't naive to believe that if the industrial lobbies are strong enough to get billions of dollars in subsidy, will they be so weak in the future as to have to pay it back? It is possible, but one should look at the handling of the reserve funds, trade-in allowances and all the rest of the financial paraphernalia associated with the maritime subsidies, for example, before he puts a great deal of faith in arguments that all the money will some day come back. This, of course, leaves aside completely the important question of whether it is the best investment of Federal funds, given the social returns that might be derived from housing, education, mass transit and so on.

BALANCE OF PAYMENTS

There is genuine concern that failure of the United States to enter the SST competition would adversely affect the U.S. balance of payments. The balance of payments argument is basically unsound. First the whole idea that the United States should retain fixed exchange rates is at best anachronistic. The economic arguments for moving of flexible exchange rates, whether through some intermediate steps such as the creeping peg or directly, appear to be compelling. The notion that somehow we lose our national masculinity by letting the dollar reach its own price in the world market is exactly analogous to President Nixon's fear of "losing" the war in Viet Nam. There is no more honor in anachronism, chauvinism or masochism in maintaining the fixed subsidy of gold production which is what our fixed exchange rate policy does—as there is in "winning" in Vietnam, or making the pledge of allegiance to the flag mandatory in the elementary schools.

The balance of payments is virtually a worldwide Noah's cloak for standard protectionist policies. At one time, early in the sixties, I made a rough calculation and found that, summing the accounts of all the countries of the world revealed a simultaneous net adverse balance of payments! I suspect that the abilities to define terms and accounting methods have remained sufficiently imaginative to permit the same situation to exist today.

However, anyone who believes that it is impossible to move substantially towards flexible exchange rates can reasonably accept the existence of a significant balance of payments problem. However, by its nature, it would be a relatively "short run" problem. Forces of international commerce and finance tend to induce the shifting of trade and other economic relationships among nations to remove the imbalance in the long run. The SST, on the other hand, will have no "favorable" impact on U.S. exports for a long time, perhaps not before the early 80's. In the meantime, its effects will be adverse—it will tend to contribute to inflation and, hence, to the worsening position of the U.S. trade balance; more directly, it will probably discourage the exportation of other commercial aircraft.

Nevertheless, although in my opinion the economic considerations associated with the balance of payments are not objectively significant, politically the problem is real enough. Hence, the impact of the SST on the balance of payments simply has to be discussed. The problem is usually cast in the form that if the U.S. does not build an SST and foreign countries do, the balance of trade will be adversely affected through two mutually reinforcing events, first, U.S. carriers will have to import the foreign supersonic transport and U.S. export sales of commercial aircraft will drop or perhaps disappear because foreign airlines will have to do the same. It is obvious that if that were to happen the impact on the U.S. balance of trade would be "adverse". But it need not happen, and it probably will not happen, even if the U.S. does not build an SST. The reasons for this are best described in a more general discussion of the SST problem.

THE GENERAL ARGUMENT

The aviation industry's argument is basically that the Concorde is inevitable, that a Soviet SST is probable, that if either does appear in the world market, the U.S. and world air carriers will have to buy the foreign SST and displace U.S. built aircraft. As a consequence, and in the absence of a U.S. SST, the United States will suffer in respect to both its balance of payments and its leadership in world aviation. Further, the only way to avoid these consequences is through the development of an American SST, that will either permit the U.S. to recapture the SST market or, hopefully, the knowledge that the U.S. industry will manufacture a better vehicle shortly after the appearance of the Concorde (or the Soviet craft) that will preempt much of the market and soon relegate the Concorde, to premature obsolescence, more or less as the U.S. jets did the Comet.

There are several things wrong with this line of reasoning:

The Concorde is not inevitable—it is running into increasing trouble.

An effective Soviet SST appears improbable.

Even if they do appear it will not be necessary for American or foreign carriers to buy them, certainly not for most of their operations. The airlines that had anticipated buying Concordes have reduced the number they plan to fly.

Whether, even if there is a technically successful foreign SST, the U.S. will suffer balance of payments or aviation losses will depend primarily on United States Government policy.

Finally, the development of an American SST (under anything like the planned program) will probably have adverse effects on American aviation leadership and on the U.S. aviation industries.

I shall take up these points in turn.

1. *The Concorde is not inevitable.* The British have been skeptical about the wisdom of developing it for many years. One of the first acts of the Wilson government was an unsuccessful attempt to cancel the program. DeGaulle's government refused to let the British out of the contract, which the Conservatives had signed without a cancellation clause. Recently there has been extensive criticism of the sonic boom generated by the Concorde in its trial runs and there was a particularly acute outcry a few weeks ago over the noise it made when weather forced it to land at Heathrow (approaching at sub-sonic speeds, of course).

Recently, public doubts have begun to appear in France. According to the Washington Post (Sept. 28, 1970) Charles de Chambrun who was formerly a junior minister in the DeGaulle government, has "charged that the Concorde was killing the French aircraft industry . . . however, there is no indication the criticism is making any impact on President Pompidou." The same article refers to "reports from London that the Tory government is eager to cancel the Concorde."

2. *A Soviet SST is not obvious.* Ever since

the mid 50's, U.S. aviation enthusiasts have forecast Soviet "penetration" of aircraft markets throughout the world. To date, Soviet commercial transports have all been markedly inferior to U.S. and even to British and French products. This obviously does not insure that they will not someday build a superior commercial aircraft. I am even further behind on the technical developments of the Soviet vehicle than on the British one, but as will be pointed out throughout this note, the technical considerations will not be the determinants of the extent of foreign operation and sales of SST's.

Senator Muskie has reportedly proposed a quadrilateral agreement, Britain, France, the Soviet Union and the United States, to discontinue SST development. At the time I was in the State Department I made unsuccessful efforts to generate support for such an idea or for co-operative SST development among the United States government, Britain and to a less extent France on a highly informal basis. Although the effort was unsuccessful, I concluded that, with support in the United States Government, there would have been a reasonable prospect for success.

3. *It will not be necessary for airlines to displace American built jets with a foreign SST.* Much of the fear inducing America to raise the priority of the SST above domestic needs, reflects the argument that airlines *will have to* buy a foreign SST if one becomes available. I can speak only of the Concorde so far as technical aspects are concerned; the operating characteristics of the Soviet aircraft should be examined too.

The Concorde is not much of a threat. Technically it is extremely limited. Internationally, it will be able to fly non-stop only New York-London or New York-Paris, New York-Jamaica or similar distances. It will not be able, for example, to fly New York-Rome, Los Angeles-Europe, California-Tokyo, even Europe-Chicago. To make any of these longer flights will require at least one stop. Further, present expectations are that it will have to fly at sub-sonic speeds over land. There is little chance in my judgment that the protection of the Continental U.S. from supersonic overflight will survive subsidization of a U.S. SST. However, until a U.S. SST is in extensive operation the restriction has a reasonable chance of survival. This means that New York-Rome, Los Angeles to Europe or to the Far East, all these flights will virtually take as long, if not longer than, subsonic non-stop flights. Further, although it will have the range to make the flight, the Concorde will not be permitted by the European governments to fly London-Rome or other trans-European flights at supersonic speeds. Except for New York-Miami and California-Hawaii, virtually the whole U.S. domestic market will be foreclosed to effective competition by the Concorde because of the restriction against its supersonic operation; it is too small and costly to compete at subsonic speeds. East of Athens, into Africa and to and from South America it may be possible to fly at supersonic speeds, but again it will frequently be competing with non-stop subsonics, and these are relatively thin markets.

Thus, if travellers are willing to pay the added cost of achieving supersonic speeds with the Concorde, or if fares are so distorted that they do not have to pay the extra cost, there is a place for the Concorde in the international, and possibly a small place, in the domestic market. However, in contrast to the 707, the 747 or the DC-10, and other subsonic jets, the Concorde cannot be used throughout much of the networks of the major airlines. Thus its utilization will tend to be depressed and it will contribute to heterogeneity of airline fleets.

Even if the British and French go through with the Concorde, in the worst case, there will continue to be a demand for U.S.-built subsonic jets into the foreseeable future, so long as air travel continues to grow. Whether "the worst case" would arise is up to the United States Government.

4. *U.S. Government Policy is the Controlling Factor.* Although it appears likely that there will not be, in the foreseeable future, a foreign SST which can pose a real threat to the U.S. superiority in subsonic commercial jets, whether such a vehicle would be able to force U.S. subsonic aircraft out of the U.S. domestic market, foreign domestic markets or the international market is not primarily dependent upon technology—it is primarily dependent upon fares, and specifically on the United States Government's fare policy.[1] The Executive and the Civil Aeronautics Board can influence and in some critical areas control fares. They can within present law do so in such a way as to prevent any SST currently under development anywhere, from forcing the U.S. subsonics out of the domestic American market. Indeed if the CAB were to behave in an equitable and economically rational way, that is exactly what its fare policy would do. Further, the U.S. Government could, in accordance with its laws, influence and present international agreement, influence, if not determine, the extent of use of any SST in international service. It is a little heroic to suppose that the CAB with its present composition, will be either imaginative or responsive to the public interest here. Further one cannot expect much better from DOT or the Nixon Administration in general, so the responsibility would fall on Congress if the problem were in fact to arise.

A key element in the discussion of fares is the cost of operating the Concorde relative to the U.S. subsonic jets. Several years ago, when I was abreast of developments in the SST, it was expected that the Concorde would cost about 1½ times as much per seat-mile as would the wide bodied subsonic jets (the 747, etc). (A brief examination of current data suggest that this is not far off). These estimates left out of consideration all the cost penalties associated with either the sonic boom or noise, such as those resulting from circuitous routing, the imposition of curfews at various airports, the possibility of absolute embargoes on the use of the supersonic into or over countries, (e.g. Switzerland), all of which could complicate scheduling and reduce utilization substantially. Obviously, it would be difficult at best to estimate the extent to which such penalties will be applied and *a fortiori* the cost implications of them. Consequently, the assumption that the SST operating costs will be about 1½ times those of subsonics is probably conservative.

Such a cost difference means one of three things: First and most appalling, direct subsidization of operation of the SST (in contrast to the proposed recuperation of the investment cost through royalties) so that its seat-mile cost *to the airlines* would be comparable to those of the subsonics. Secondly, charging roughly 1½ times as much per passenger-mile for (Concorde) SST service as for subsonic service; there appears to be no stomach in the industry for such a price structure. There is a widespread belief that supersonic speed is just not worth what it costs and that too few passengers would be willing to pay a premium proportional to the cost differential. Third, to charge the same price per passenger mile on the SST as on the subsonics (or a modest differential such as a 10 or 15% premium).

The first alternative, direct subsidization, will, as discussed below, be a real danger when and if a U.S. SST is developed and produced under present plans. However, although the British and French governments have dumped billions of dollars into the development of the Concorde and may force their own airlines to buy it (as the Comets), it seems unreasonable that they will subsidize foreign airlines to operate the Concorde. Similarly it seems unreasonable to expect the Russians to develop an effective program for subsidizing many non-Communist airlines. (Subsidizing the *purchase* of SST's would not be adequate.)

The second alternative presents essentially the price policy that should be followed by the CAB and the Executive. It is also the economically rational policy for most foreign governments. But such policy would probably result in the Concorde's being the financial failure that it seems reasonable to expect that it should be. It will certainly be resisted by all the airlines that have been induced to purchase Concordes. But it might be supported before they get locked into supersonics. Backed by their governments, they can be expected to make every effort to force the third alternative, if ever they become irrevocably committed to the Concorde.

The third alternative, charging little or no premium for supersonic service, will thus undoubtedly have a good deal of political support. The dramatic, historic growth of domestic and international air transport has been largely a consequence of a pattern of technological development that has produced a better product at a lower cost. The SST would reverse that—it would produce a better, that is faster, service but at substantially higher cost. The introduction of the SST, then, would tend to prevent or at least retard further reductions in fares. This would occur as follows. Without a substantial premium for supersonic services (about 50% for the Concorde) fares on subsonic transports will have to be increased (or decreased less than they otherwise would be) wherever the supersonic transport becomes a significant portion of the world's commercial fleet—e.g. New York-London. The reason is simply that the SST will increase the average seat-mile cost of the whole fleet. Consequently, in order to keep from incurring losses, as the SST becomes a larger proportion of the fleet serving particular markets, fares will have to rise progressively closer to the passenger-mile costs of the SST.

The evidence on the North Atlantic is that the price elasticity of demand for air travel is very high.

The same is probably true domestically (but I could not substantiate that without some further work).

Therefore, any increase in fares will cause a reduction in the number of passenger-miles sold; or, in most realistic, dynamic terms, any retardation in or reversal of the downward trend of fares will reduce the rate of growth of air transportation. This is perhaps the most important economic fact in the whole SST debate so far as the welfare of the U.S. aviation industries is concerned.

Stephen Wheatcroft, a British aviation analyst who is frequently employed by the International Air Transport Aviation (IATA) and other clients from the aviation industry, made an extensive study of price elasticity of demand in the North Atlantic. He estimated that the elasticity of demand is about 2.0, i.e. each 1% increase in fares tends to cause a 2% decrease in traffic, and that each 1% decrease in fares to cause a 2% increase in traffic. Taking Wheatcroft's estimate of elasticity, if, as a result of the limited introduction of the Concorde, fares were raised in the North Atlantic an average of only 20%, the traffic would be reduced by roughly 40%.[2] If he has over-estimated elas-

[1] A full discussion of fares is too involved for this brief note.

[2] The relationship between such large price changes and quantity changes is imprecise with any given estimate of elasticity. Technically, computations of the effects of price changes are reliable only over a narrow range of changes, in part because the elasticity of demand is different at different prices. This

ticity by a factor of two, which almost certainly far exceeds any error in his work, or if we assume that the greater speed of the Concorde would offset half the effect of the price increase given Wheatcroft's estimate,[1] i.e. if we assume an elasticity of only 1.0, a 20% increase in fares would mean traffic would be about 20% below what its volume would otherwise be.

It seems inevitable that if the initial Concorde fares are too low to cover its costs, a chain reaction will be introduced that will force most fares in the North Atlantic up over an interval of a very few years. If this happens, the traffic on the Atlantic will fall below its potential, to the detriment of American carriers. Unless the United States Government wants to see this, it should take steps to assure that the Concorde fares are high enough to pay its full cost. Although there are severe limitations on the ability of the United States Government, under present law, to control the level of international fares, as clearly demonstrated in the "crisis" of 1963, the United States does have great power to influence both the level and the structure of those rates, as equally clearly demonstrated in the fares introduced in the summer of 1964.

Whatever the difficulties of influencing fares internationally, the CAB clearly has power to set rates domestically. It could and should—in the public interest—set rates such that a vehicle as inefficient as the Concorde is expected to be, is required to compete without hidden subsidy. It would then be precluded from even those domestic operations for which it would be technically adequate.

Where, then, does the argument stand: that the airlines of the world will have to replace American-built subsonics with the Concorde unless the United States builds its own SST? There is some hope that the Concorde will never be produced. There is reason to think that if a Soviet aircraft is produced its qualities will not be up to western standards, and it will be small and inefficient, but this needs more examination. Even assuming that all the technical, economic, financial, and political problems of producing it are solved, the Concorde will be unable to serve any of the world's long-distance markets non-stop because of its lack of range. Being forced to land and to fly at subsonic speeds over populated areas, it will have little if any time advantage over non-stop subsonic jet operations in those markets. So, even if the implementation of appropriate fare policy is prevented, the vehicle will be of limited usefulness. If equitable and efficient fare policies are introduced domestically in the United States the high cost of Concorde operations will preclude it from those few domestic markets for which it is technically adequate. If such appropriate rates are also introduced internationally it will be restricted by market forces to very small first-class operations in a few major markets. That is the size of the Concorde threat to American aviation.

5. *Developing a U.S. SST will adversely affect U.S. aviation leadership.* To this point I have attempted to sketch the highlights of reasons why there is little justification for the argument that the threat of a Concorde (or probably a Soviet SST) justifies the development of a U.S. SST: Without regard to this argument, developing the U.S. SST under forced draft is adverse not only to virtually everybody else but also to the American aviation industries.

The U.S. SST is expected, if its technical problems can be overcome, to be a far more efficient vehicle than the Concorde or the Soviet SST. It will be faster by some 50% in cruising, it will be much larger, it will have fewer range disadvantages than the Concorde, its seat-mile costs are expected to be somewhat less than those of the Concorde. It is intended to have greater growth potential than the Concorde. Yet its advocates do not think it is good enough to be produced without subsidy. One reason for that is undoubtedly that whereas it will be more efficient than the Concorde it will be less efficient, more costly per seat-mile, than the subsonic jets that can be expected to be in operation when the U.S. SST could be operating in large numbers.

In broad terms, the discussion of the effect of the Concorde on rates in the North Atlantic applies to the effect on rates of the U.S. SST wherever it is permitted to fly. It seems unlikely that the only fare policy demonstrably in the public interest will be adopted and maintained, i.e., setting a premium fare for the SST high enough to cover its cost disadvantage. This would, even in the expectations of its advocates, visit financial disaster on the whole venture. It will be far harder politically for the U.S. Government to insist on rational pricing for the U.S. SST than for a foreign-built vehicle. Once the government has subsidized its creation and in various ways induced American and foreign carriers to buy it, to let the U.S. SST be a financial failure would be, to say the least, politically difficult. Incidentally, no one should believe that the U.S. Government will ever recoup its investment without being able to explain how a fare policy that will avoid subsidization or financial failure can be put into effect. Such a fare policy will, almost certainly, force fares on virtually all types of aircraft substantially above the level to which they could otherwise fall.

Given that the SST will prevent fares from declining in accordance both with the historic pattern and with what could be expected from further development of subsonic transports, the inferences of "success" of the SST are not hard to draw. First and most obvious, there will be less air travel than there otherwise would be. This is true no matter what the elasticity of demand, so long as one does not accept the obviously implausible position that in this one instance, demand is entirely insensitive to price.

If air travel is depressed there will be less employment in the airlines. Less demand for aircraft and, hence, possibly less employment in the aircraft industry. These are the obvious direct "benefits" to the aviation industry, of a technically successful SST program.

There are other consequences. Passengers flying on subsonic aircraft, by virtue of having to pay higher fares than would otherwise be the case, will be subsidizing passengers flying on the SST. In many markets, at least, that situation will be only temporary; passengers will tend to shift from the subsonic to the supersonics if they have to pay little or no premium for the privilege of saving a few minutes or hours (unless there are some service disadvantages of the SST). If this happens the subsonics will become obsolete at a faster rate than would otherwise be the case. This will have two effects, it is the mechanism by which the fares in the entire market will gradually be forced up to cover substantially the full seat-mile cost of SST operation (in absence of direct operating subsidy). Second, it will accelerate the obsolescence of the new wide-bodied and other subsonic jets. With regard to the first, it is clearly inequitable to force travellers flying in subsonic aircraft to subsidize those flying the SST. That is what will happen initially. Gradually, as the proportion of SST's in the air line fleets increases, all passengers will be forced to pay more and more of the cost of SST operations. Given that the advantages of supersonic speed are not worth their cost to many passengers, we get the reduction in air travel. Thus, people who would prefer to fly (e.g. to take a vacation in Hawaii) at fares that would be technically possible will be forced, through government-sponsored policy, not to exercise that choice.

Accelerating the obsolescence of the subsonics will increase the capital expenditure of the airlines. This can be expected to aggravate the financial problems of the airlines. Their debt is now at historic highs. If the Government wishes to see the continuation of a significant degree of competition in American aviation, it should avoid policies that will increase their financial burdens. Further, by increasing interest and depreciation charges (or equipment write-offs) accelerated obsolescence will reduce profits. (One can readily foresee efforts of the aviation industry to get more favorable treatment of depreciation allowances from IRS so as to transfer some of these costs to the general public through reducing airlines' income taxes.)

There is another serious adverse potential, which I cannot go into fully in this already overly long note. The U.S. international air network is based on a traditionally liberal structure of bilateral agreements, which impose relatively few limitations on traffic and operations. Opposition to this free and expansive arrangement has been increasing historically. The introduction of the SST might induce major restrictions by foreign governments, reversing the essentially "free-trade" in air travel and having adverse long-term effects on international air travel and U.S. and world aviation.

It is not possible to say in advance how the "success" of a U.S. SST will affect the aircraft industry. It seems clear that, through manufacturing the SST, Boeing stands to benefit, at least relative to McDonnell Douglas, Lockheed and any other manufacturers potentially in the commercial airplane business. The less the premium charged for supersonic service, the faster and more complete will be the substitution of supersonic for subsonic aircraft, so Boeing's production should do well, so far as the SST is concerned. By the same token production and employment in McDonnell Douglas and Lockheed and in Boeing's own 747, 707 and other subsonic jet production lines will be curtailed and they will be curtailed faster the greater the "success" of the SST program.

U.S. aviation leadership

This brings us to the final question the "aviation leadership" of the United States.

Aviation leadership has two relevant components—that of our airlines and our manufacturers.

To begin with, it is clear that within the aviation community both at home and abroad the United States would certainly gain some "prestige" from producing a superior and ultimately dominant SST. It would gain this prestige for many of the same reasons that members of the American aviation community support such uneconomic ventures as the SST. Throughout the world (on the basis of my own observation) many aviation authorities are afflicted with that form of myopia which prevents their seeing beyond technological elegance to social and economic utility. To such individuals, the introduction of a new, technically superior aircraft seems an end in itself. By the same token, with these people the U.S. would lose face should any other country defeat us in an SST competition. However, even aviation officials are not a homogen-

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can be most readily seen by considering that even if the data clearly indicates an elasticity of 2.0 for price changes in the past in the order of 10-20%, that would by no means imply that a 50% price increase would result in a 100% decrease in the amount demanded.

[1] If the advantages of supersonic speed were to affect entirely the effect of the price elasticity of demand, there would be little basis for not directly introducing the second alternative.

eous set. In some cases, admiration of the accomplishment would be diluted or covered with resentment of American technological and economic aggression, a la Gaullist businessmen. Further, many aviation officials do understand the economic and financial strains that would be imposed upon their own carriers if an operationally effective SST were introduced. They, and in some instances their governments, would resent U.S. policy. They would be forced by American competition and by the premature obsolescence of the American-built subsonics jets they now operate, to incur costs of re-equipping in the interests of U.S. prestige.

The consequences for U.S. leadership in aircraft production go much further. Now, the U.S. has an indisputable lead in conventional subsonic intermediate and long-range transports. The world flys American equipment. This lead has been obtained in large part by the steady progression of technological development which has lead to both better speed and economically more efficient air transport equipment. To jeopardize this leadership, which is soundly based on economic reality, by fooling around with a speculative program whose economics are so unpromising that the private sector deliberately fails to participate fully, is, at best, a questionable choice.

"Aviation leadership" of the U.S. airlines: the U.S. airlines enjoy a highly prestigious and largely profitable and socially functional position in international aviation. This too is based on superior economic efficiency more than any other single factor. To try to shift the basis of this leadership to some intangible and rather esoteric advantages associated with the employment of an elegantly inefficient vehicle, is at best risky. Further, even if the gamble seems worth the taking, the U.S. international carriers will not, in fact, be in a position to introduce SST service internationally much, if any, before foreign carriers. In the first place Jeeh Halaby, then Administrator of FAA, was careful to ration places in the waiting line for the U.S. SST in a way that would avoid the international repercussions of giving U.S. carriers a promise of an early preponderance of supersonic vehicles. Secondly, experience in the rate crisis of 1963 demonstrates that other countries do in fact assert authority over their own air space and will, if necessary to protect the interests of their own airlines, deny U.S. carriers the right to serve their country. This power means that it will be impossible for U.S. airlines, simply because an SST is built in the U.S., to have any significant lead in the operation of that vehicle in international air commerce. Indeed one can easily foresee a long period of bitter controversey between the United States and its allied and friendly countries over the issue of the SST with certainly some prospect that the net work of liberal bilateral agreement, which is the foundation of U.S. international air service, could be dealt the final blow by a restrictionist pressures of foreign countries.

The only large group in the aviation industry that would demonstrably suffer from the decision not to subsidize the SST further would be the employees of Boeing and its suppliers working on the SST. The decision would reinforce the effects of the trend toward reduced expenditures on strategic missiles and space (unemployment in Seattle has little to do with "conversion" from the Vietnam war to peace as the Administration contends, but that is another story). However, the overall impact of the SST itself is probably marginal. There is need for a general program to facilitate the movement of workers from one kind of production in areas such as Seattle to new employment in socially desirable undertakings.[4]

The rest of the aviation community stands to be hurt in various degrees and in various ways if the United States "successfully" subsidizes the development of the SST, and does not subsidize its operation. In the short run the airlines will feel less adverse pressure if they are allowed to force passengers on subsonics to subsidize those on the supersonics. In the long-run this will prove a terribly costly course. Then, envisage the pressure on the government. The government will have participated in a situation in which the financial survival of its airlines may be jeopardized. The SST will exist, the fare structure will be distorted, profits, employment and the survival of competition in air transport will be threatened. The government will almost certainly face at least three kinds of pressure: subsidize supersonic operations, permit further reduction in airline competition, remove the restriction of supersonic flight over populated areas.

The chances that the government can resist the third, permitting essentially unlimited operations, seem at best fragile. One might want to evaluate the existing commitments in terms of the FAA's past commitments never to permit jets to operate at National Airport, then never to permit large jets to operate at National. If the airlines can show, at some future date, that they are in real trouble, that the restriction is contributing to their difficulties, that if they do not get relief they will need explicit subsidy and, further, that some recent finding shows that the sonic boom is not as bad as you think, the kind of government that is likely to be in power if we do nothing to reverse the trend toward subsidized technocracy, is likely to be an easy target.

Whether competition in aviation or the lack of explicit subsidy would be next to go is not particularly relevant. In either event the costs to the American people of the SST would be increased enormously over present estimates, through either higher monopoly prices for air travel or through direct subsidy.

[4] Cf. Thurow's paper, attached.

Mr. BROOKE. Mr. President, I ask unanimous consent that a further statement and an insertion by Senator MARK HATFIELD regarding the Portland International Airport appear at this point in the RECORD.

There being no objection, the statement and insertion were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HATFIELD

Mr. HATFIELD. Mr. President, I wish to reiterate the strong support for this project by the Federal Aviation Administration. I requested an updated summary of their position.

In a letter to me from Mr. Robert F. Bacon, Chief of the System Planning Division of the Airport Service of the Federal Aviation Administration, the various points I have discussed are repeated.

First, the letter details the need for additional facilities. Second, the alternate proposals are discussed. Third, the effects on airspace use is mentioned. Fourth, the recreation and wildlife aspects are discussed. Fifth, the letter points out the actual improvement in the river hydrology.

I would like to quote the last paragraphs from Mr. Bacon's letter:

In summary, expansion of the present airport, with its convenient access, offers a clear advantage over the construction of an entirely new and more expensive airport at a substantial distance away from the users.

It is our judgment that the proposed configuration is by far the best alternative use of the existing site. It also achieves a carefully balancing and minimizing of the airport's impact on its surrounding environment. Additional benefits, in terms of reduced highway bridge costs and overall improvement in river hydrology and wildlife/recreation facilities lend additional support to the proposal.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., December 2, 1970.

HON. MARK O. HATFIELD,
U.S. Senate, Washington, D.C.

DEAR SENATOR HATFIELD: On 1 December 1970, Mr. Walter Evans of your staff requested our current views regarding the proposed expansion of the Portland, Oregon International Airport.

We can only reiterate our findings and recommendations made in the summer of 1969 supporting the proposed expansion as announced by Secretary Volpe.

The FAA has thoroughly reviewed the proposal by the Port of Portland to expand and modernize its airport. The need for additional airport facilities, the various solutions, and related elements such as surface access, aircraft noise, and general environmental impact each have been carefully assessed.

We conclude that the present proposal to expand the existing airport partially on fill in the Columbia River, is the best solution to the Portland/Vancouver Metropolitan Area long-range air transportation needs. Following is a summary of our findings:

1. *Need for Additional Facilities.*—The Portland International Airport presently consists of offset parallel runways of 8,000 and 8,800 feet, aligned in an east-west direction with a separation of 3,100 feet. There is a crosswind runway of 5,245 feet.

The operational activity presently amounts to 180,000 annual aircraft operations and 1,225,000 enplaned passengers. By 1980 these levels are forecast by the FAA to rise to 400,000 operations and 3,490,000 enplaned passengers. The enplaned passenger level could very well rise to 14,000,000 by the year 2000.

Because of the close spacing of the parallel runways, the airfield and passenger terminal capacities will not be sufficient to accommodate future demands. Of immediate importance, the clearances between the terminal and primary runways are insufficient for the large aircraft soon to be in service.

2. *Alternate Solutions.*—In the fall of 1967 the Port of Portland identified 25 possible sites for a new airport. This number was subsequently narrowed to 7, based on obstructions, geography, and accessibility. A technical advisory committee, made up of members of the Columbia Region Association of Governments (CRAG) and the Port reviewed the 7 sites and added Portland International Airport and Sauvies Island to the list. As a result of this review, Portland International and 2 sites in the Willamette Valley were focused on as the final alternatives.

Expansion of Portland International is feasible at a cost of about $85 million. Such action was comprehensively compared to alternative development of a new airport in the Willamette Valley. The site is 32 miles from the Portland central business district and about 42 miles from downtown Vancouver. The cost of a new airport would be about $25 million more than expanding the present airport. Noting these factors, the technical committee made a formal recommendation on 26 April 1968 in favor of expanding Portland International Airport.

Six runway configurations for the Portland International expansion have been studied. The first involved relocation of runway 10L/28R to the north. It was rejected because it would require blocking the south channel of the Columbia River past Government Island.

Four configurations involved shifting the southerly primary runway various distances to the south, closer to Portland residential areas. One proposal, by Senators Magnuson and Jackson and Congresswoman Hansen would move the system a full mile to the south. All of these configurations would cause complete relocation of the existing terminal structures and expose residential areas of Portland to high noise levels. Also,

complete relocation of the Air National Guard would be required, delaying the program for at least 3 years.

The configuration selected realigns the runways to a 9/27 direction by rotating them 7½ degrees from the present 10/28 direction. This places the approach/departure paths over the river and nonresidential areas taking maximum advantage of non-noise sensitive areas. Noise over downtown Vancouver and Parkrose, Oregon, will be reduced while noise over the north bank of the river, east of Vancouver, will be raised slightly—about 3 to 4 perceived noise decibels (PNdB). Noise increases over heavily populated Portland areas south and southwest of the airport will be lessened from the present level. The runway system will be about equidistant between the McLaughlin Heights area on the north shore of the river and the residential areas of Portland immediately south of the airport. Appropriate noise abatement procedures have been developed for the new layout. The Air Transport Association assures us that the noise abatement procedures will be observed.

3. *Airspace*—None of the area's configurations studied would have an adverse effect on safe and efficient use of the airspace. However, the selected configuration will improve the safety of aircraft operations in the vicinity of Vancouver's Pearson Airpark.

4. *Section 4(f)*—The steps intending to minimize harm to wildlife refuges and recreational areas have been thoroughly reviewed. The islands in the Columbia River serving as wildlife refuges are owned by the State of Oregon. The Port has agreed to replace those portions which would be taken by the airport with other suitable property. The Oregon Game Commission has willingly accepted this offer as being equivalent to the present areas. Sand Island, which would be completely eliminated, is privately owned and used for recreational boating. The owners have, likewise, accepted a replacement area as being fully equivalent. Existing recreational areas on Government and Lemon Islands will be replaced and improved. Thus, we have concluded that Section 4(f) of the Department of Transportation Act has been complied with insofar as affected public lands on the Oregon side of the river are concerned.

There are no publicly owned lands subject to Section 4(f) that will be exposed to increased noise levels on the Washington side of the river. Department of Interior officials have been consulted and our findings verified.

5. *River Hydrology*—Studies concerning changes in the river hydrology were made by Bauer Engineering, Inc. They indicated that the relocation of the south channel is not only sound and practical but will also result in a more stable channel. Improvements should also result in scour protection, flood passing ability, and sediment transport capacity. The Bauer study was reviewed by Dr. E. Roy Tinney, consulting hydraulic engineer, for the City of Vancouver and the results totally verified. The U.S. Army Corps of Engineers has approved the channel's relocation.

The airport expansion includes an attendant program of general improvement of recreation facilities which will substantially increase beach, park and picnic areas, boat anchorages, ramps and moorage slips.

The project will result in a savings of at least $7 million in the I-205 bridge structure because less water area will be bridged.

In summary, expansion of the present airport, with its convenient access, offers a clear advantage over the construction of an entirely new and more expensive airport at a substantial distance away from the users.

It is our judgment that the proposed configuration is by far the best alternative use of the existing site. It also achieves a carefully balancing and minimizing of the airport's impact on its surrounding environment. Additional benefits, in terms of reduced highway bridge costs and overall improvement in river hydrology and wildlife/recreation facilities lend additional support to the proposal.

We hope the above information is satisfactory. If you have any questions, please let us know.

Sincerely,

ROBERT F. BACON,
Chief, System Planning Division, AS-400, Airports Service.

Mr. PACKWOOD. The present plan for the expansion of Portland International Airport was developed after 18 months of study and examination of 25 possible sites. This plan has been approved by all local, State, and Federal agencies responsible for the protection of the environment and natural resources. These local and States agencies were unanimous in their approval of the plan noting that expansion of an airport at an existing site is preferable to the problems of starting at a new site which, in this case, would have wiped out thousands of acres of prime agricultural land.

Public hearings were held by both the Corps of Engineers and the Department of Transportation, an extensive study of the site, and alternative sites, was performed by DOT. The Department of Interior studied the proposed expansion, and noting that the Port of Portland appeared to be willing and able to meet the minimum conditions we consider adequate with regard to game refuge, recreational facilities and maintenance of water quality, raised no objection to issuance of the dredge and fill permit required for the project.

The Department of Transportation in approving the project noted that all reasonable alternatives have been fully considered and that a careful balance between air transportation needs and minimized environmental impact will be achieved. DOT further noted that changes to result from the project will positively operate to improve the area's collective environment and that the project will improve existing recreation facilities by substantially increasing beach, park and picnic areas, boat anchorages, public boat ramp facilities and moorage slips.

As to the possibility of the Council on Environmental Quality becoming involved in this project, I would like to quote from Chairman Train's statement at his confirmation hearings in February, 1970:

> I believe we must avoid becoming a sort of environmental fire brigade rushing from one brush fire to another. The temptation will be great on the part of the committees of the Congress, Federal agencies, and perhaps the public at large to refer controversial environmental issues—often local in nature—to the council for review and recommendation. The fact is that the Council is not equipped for such a role. It must be carefully selective in its choice of issues and, indeed, must exercise strict self-discipline in this matter because the temptation to respond will be great. It is my belief that the Council should deal with local issues only when they possess national significance.

The State of Oregon has been in the forefront of environmental protection legislation and practice. The Portland airport plan has been exhaustively studied by the local, State, and Federal agencies having jurisdiction over its execution. Why then should this amendment be offered that halts Federal funding for this project after Federal approvals have been granted and millions of dollars have been expended by local government agencies?

The passage of H.R. 17755 containing section 309 would result in the following:

First. The State of Oregon could not construct the airport plan which local, State, and Federal agencies have concluded is the best of the alternatives available.

Second. State agencies who have proceeded with planning and construction on the basis of previously granted Federal approval would suffer severe financial penalties without any means of recovering their losses.

Third. The Senate would be entering into a local dispute which, after 3 years of study, has not been shown to have national significance.

Mr. BIBLE. I have stated my strong support for this appropriation. I think it is fully documented and that it is completedly justified. I shall not repeat my argument at this time even though the temptation is great with such a large audience.

I yield to the distinguished Senator from Washington.

Mr. MATHIAS. Mr. President, will the Senator from Washington yield to me briefly?

Mr. JACKSON. I yield.

Mr. MATHIAS. The law provides in one of the basic precepts that a man should not be the judge of his own case. I am wondering who is going to evaluate the environmental data which will be adduced from flying and experiments which will take place if these prototype planes are built.

Mr. JACKSON. The evaluation will be done by all of the Government agencies as well as by private scientists. In other words, both the private sector and the public sector will, as they have been since the program's inception, be involved in this decision. There will be no failure to disclose scientific data, and I can assure the Senator of that.

Mr. President, yesterday and today we have been talking in the Senate as if the age of commercial supersonic flight was way off in the future. This is the most confusing nonsense that I have heard in a long, long time. The SST is here. It is now flying in France and Britain and Russia.

What we really have to decide today is this: Is the United States going to bug out? Are we going to leave for the first time the one area of technology and industry in which we have always been supreme? Are we going to turn our backs on American technology, science, and working men and women?

Mr. PROXMIRE. Mr. President, I yield 1 minute to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, I thank the Senator from Wisconsin. I commend him for the tremendous presentation he has made on this issue.

The questions are not all one way or

the other. An editorial in the Washington Post this morning pointed that out in a measured and solid fashion.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial which was published in the Washington Post this morning.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SST: WHAT'S THE HURRY?

The Senate is scheduled to vote today on the money to proceed with the production of two prototype supersonic transports (SSTs) and our firm view, which we would be the first to admit has been slow in evolving, is that the vote should be to deny this appropriation and forgo further development of this aircraft at this time. It is not that we don't think that a safe and workable SST would be a nice thing to have—for the country or, for that matter, the world that has everything. It would carry almost 300 passengers at a breathtaking 1,800 miles an hour once in use, now scheduled to begin in 1978; and this would mean that you can leave New York City at 6 a.m. and attend a 3 p.m. business meeting in Paris and enjoy a dinner and even a little night life on the Champs Elysee, and be back in New York by 9 p.m. if all went well. It would, as its advocates contend, greatly shrink the globe, and this would be of particular significance for trans-Pacific travel—Los Angeles to Tokyo, for example. And it would enhance this country's reputation, not only as the predominant aircraft supplier on earth, but also as the greatest technological leader. It would be good for our image, and our economy and the balance of payments, and failure to build it would probably be injurious, to one degree or another, on all three counts, temporarily.

So there is much to be said in principle for having SSTs, not the least of which is that if we don't proceed, the French and the British are very likely to go ahead anyway with their Concorde, which is quite inferior to our proposed product, but also much farther advanced; moreover the Russians are quite likely to proceed with their similarly inferior version, the TU–144. So whatever we do, there may well be SSTs aloft in large numbers in the late 1970s, which would seem on its face to be reason enough to proceed posthaste, especially since all the Nixon administration is really asking for right now is $290 million, as part of a total cost to the government of $1.3 billion to build two prototypes. We can decide later, we are told, whether to go into full production, at an estimated cost of $3 billion to the craft industry (which may or may not involve further financial support from the government.)

The first thing to be said about this is that the increment under consideration will increase greatly the momentum of this project, to the point where it will be exceedingly difficult to cancel the whole thing later on, no matter what we discover from test flights of the prototypes. And the second thing to be very clear about is that we may make some very disagreeable discoveries from these test flights. There is, first of all, the problem of the engine noise which in the vicinity of airports will be considerably more intense than anything we are now familiar with, and of the shattering impact of the sonic boom. We are assured that these will not be allowed to discomfort us; that SSTs will be forbidden to fly overland until we have learned to muffle the sonic boom; that sharper decents and ascents will alleviate the noise; and that the proponents are prepared to write these rules into law. But we also know from past experience that laws can be changed and that the pressure to err on the side of progress-and-never-mind-the-inconvenience will be very powerful. When something is in hand that makes money—automobiles, for example, or factories that pollute—there is a tendency to try to live with it, however much it may diminish the quality of life.

So there are these uncertainties and one more which, by itself is argument enough, in our view, against proceeding with the SST now: that is the potential havoc it could wreak world-wide by the effect it may have on the air—the upper atmosphere—which envelops this planet. There is sharp disagreement on this point among the most distinguished and learned scientists; some predict that the vapor trails of a future fleet of SSTs will coat the globe with cirrus cloud, shutting out the sun and permanently affecting the climate; others see the SSTs destroying ozone and removing the shield against dangerous cancer-inducing, ultraviolet radiation. Others say these things won't happen. And that is just the point: *at this state they don't know.* Thus the Senate may today be giving a conclusive push forward to a project which is freighted with unknown menace, but which will, by this action, become all that much more difficult to halt; in the desperate international competition for purchase orders and prestige, hard-headed judgments become all the harder as the investment grows; yet if we seriously pollute the upper atmosphere and discover our error too late, it will be a good deal harder than even the Potomac River to de-pollute.

It is all very well to argue that we would be careful about this, and that if we found these aircraft to be a menace, we would have blown, at the worst, no more than another $500 million in addition to the $600 million or so already spent; you could even say that this is a fling worth taking—for the country that has everything.

But we don't. We confront shameful pockets of poverty, and a terrible and growing shortage of housing, and shockingly inadequate educational facilities, a fragile, inflation-ridden economy. We live in a time of social ferment, when a whole new generation is profoundly questioning our priorities; when something like an SST is to many people the very symbol of misplaced values and of old-fashioned reflexes to industrial jingoism and a concept of prestige which is sorely out of date.

President Nixon said he decided to proceed with the SST because "I want the United States to continue to lead the world in air transport." But he gave the game away just a little at the ceremony announcing that decision by pointedly offering his congratulations to the governor and other representatives from the State of Washington, which would be the principal economic beneficiary of the SST project. Either way, it's old-hat; even if you concede that the SSTs will work, the gain, let's be honest about it, would be marginal—a few hours saved for a relative handful of hard-pressed international businessmen (surely no vacation-bound tourist is going to insist on supersonic haste).

So our view is what's the hurry—either to cross the oceans or to build the SST? If the Nixon administration wishes to give leadership to the world, it might consider instead the impact of this country's forswearing temporary financial gain and a transitory feather in its technological cap in favor of a role as the leader in an urgent re-ordering of this country's and the world's priorities.

Mr. CASE. Mr. President, the other thing I wish to say is that I oppose the SST. On balance clearly we should not be doing this at this time. But no matter how the vote comes out we will have established one thing. The environmental questions involved are not going to be put down and in the end, if it proves to be no good, no matter if we spend $1 trillion on it, at that point we will stop it.

Mr. PROXMIRE. Mr. President, I would like to refer to the junior Senator from Maryland (Mr. MATHIAS) who asked who would evaluate the environmental data. There is a new commission that would evaluate the environmental data, and that commission does not include anyone from the Department of Health, Education, and Welfare, the Department of Interior, the Office of Science and Technology. This is very significant because these are people who in the President's ad hoc report were opposed to the SST for environmental reasons. Who will be on the commission? It will be chaired by the Department of Commerce and there will be members from McDonnell-Douglas and American Airlines. They will be biased. They will not be objective. This is a loaded commission. The citizen has no protection against environmental pollution.

The difficulty with this project is that 99 percent of the people who do not fly overseas regularly are the losers. What do they have to gain unless noise is good for you or that a potential increase in skin cancer is good, or it is good to suffer the tax increases the SST will require. The few people who do travel overseas will gain a few hours in flight time but the great majority of Americans will be losers.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. FULBRIGHT. I wonder what the Senator would say with regard to the question that we have an SST already in France and that we would be bugging out if we did not go on in connection with this matter.

It reminds me of the situation with regard to the British Comet which came before our 707, which proved that jets could fly, and it was misdesigned and had to be abandoned. But they were the first and it did not mean disaster to the American aircraft industry. On the contrary, we learned and we learned not to put the engine inside the wing.

I do not believe the history of the development of aircraft gives support to the idea that if the Concorde is developed we will suffer some disaster.

Mr. PROXMIRE. The evidence we have is that the Concorde has not been a success. Not one single option has been exercised. There has been no interest in the commercial SST. The fact is that American subsonic jets are supreme. There is no evidence I have heard that American subsonic jets are being challenged seriously competitively by the Concorde.

The American people would be the losers on another count, because they put up the money. We heard about the payback but they have conditioned that on the plane being successful. There is every reason to suspect it will not be successful. The losers will be the taxpayers who can only lose in this matter.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. FULBRIGHT. Since the Concorde is much closer to development why should we not wait to see what they develop? The British and the French are paying for research and development. Is there any reason why we cannot learn from their research and development?

Mr. PROXMIRE. I think we could save millions of dollars by doing that and I am positive the aircraft industry is so advanced that we could catch up.

Mr. FULBRIGHT. Just as in the case of the 707 and the Comet, we did not lose a thing by the British developing the Comet before we did.

Mr. PROXMIRE. Mr. President, in the closing minute I have I wish to point out that this is an issue of priorities. This year we are spending about $150 million to combat air pollution. On this SST project we are asked to spend $290 million to increase air pollution. This year we will spend only $208 million for mass transportation to provide the opportunity for literally millions of people to get to work. But we are going to spend $290 million here to provide a relatively small portion of the American people the means to fly overseas more rapidly. That does not make sense.

This is "the" priority issue of the year before Congress.

Finally we have the environmental problem. The environmental problem is the most serious development we have had in the last year or two. We know the ozone can be deteriorated because of the impact of the supersonic transport. That is a real possibility. If this happens radiation will increase on the earth and this can have an adverse effect on human beings, animals, and plant life.

Mr. President, I ask unanimous consent to have printed in the RECORD a series of articles and editorials in connection with the SST.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

DOWNWIND FROM THE SST

As the Senate nears its critical vote on the money for the supersonic transport, its advocates are making desperate efforts to assure approval.

With charming lack of humility, William M. Magruder, former test pilot who heads the Administration's lobbying effort for the SST, has published a paper accusing the nation's leading economists of a "basic lack of comprehension" of the airline industry. Professor Paul Samuelson may have won the Nobel Prize in economics and his anti-SST colleagues may stand at the peak of their profession but Mr. Magruder, no economist himself, calmly asserts that he knows more about the economics of aviation than they do. Perhaps a man who has flown through the sound barrier thinks nothing of shooting down a gaggle of economists, but earthbound laymen can only marvel at his mere expert knowledge.

James J. Harford, executive secretary of the American Institute of Aeronautics, writing on the Op-Ed page of this newspaper on Tuesday, offered some equally breath-taking assertions.

"Let's just assume that everyone agrees that the plane will give us a smooth ride at 60,000 feet where there's neither jumpy air nor traffic," he wrote. It is an assumption no one should make because air traffic controllers report that the SR-71, a military reconnaissance plane, has already encountered severe "clear air turbulence" at that altitude.

Mr. Harford asserts that the SST will cause only 2.5 pounds of "overpressure." But the Federal Government tactfully stopped sonic boom tests over Oklahoma City because overpressure of only 1.3 to 1.7 pounds provoked such painful noise levels. It is perfectly true that the SST will climb faster than the existing jumbo jets, but the harsh fact remains that while climbing from zero to 1,500 feet, the SST will make ear-shattering noise louder than anything today's jets produce. No solution is in sight. If any reputable scientist could offer hope of such a solution, the Department of Transportation would be heavily publicizing him. Instead, it is trying to hush-hush the problem because it cannot quiet the engine.

As for the ecological danger to the stratosphere, Mr. Harford and other SST advocates blithely compare the plane's effects to those of cloudbursts. But cloudbursts do not put water vapor into the stratosphere. The SST will. Because the consequences are incalculable, the scientific community is worried, and rightly so.

Regardless of the water vapor argument, the SST like all other jets is a major polluter. A fleet of 500 SST's will produce vast quantities of nitrogen oxide.

The SST cannot plausibly be advocated on the grounds that it is more "productive" than the jumbo jet or that it will hold down passenger fares. If either argument were valid, the airlines would be rushing to buy it rather than running away from it. In fact, the SST would cost at least twice as much as the 747 and would consume twice as much fuel while carrying only two-thirds as many passengers. It could only be commercially viable if passengers were willing to pay a stiff surcharge for riding on it.

Senator Magnuson of Washington has readied the final sales gimmick. He has a bill to forbid the SST from flying over land. But laws can always be repealed or revised. This one surely would be if experience showed that the SST could not make money if it only flew at top speed when over water.

The best way to prevent pollution, noise, waste, and ecological danger is to kill the SST before it ever flies. Senators have to turn aside from political expediency and vote to save the environment.

[From the New York Times, Dec. 3, 1970]

THE EVEREST ATTITUDE

(By Tom Wicker)

WASHINGTON.—The Senate debate on the provision of $290 million for the further development of the SST is part of a process that is more important than the outcome of the vote. This is not because the issue itself is negligible but because it is vital to advanced societies to make political decisions on great technological questions.

Whatever else is true of the SST, it apparently would represent a purely technological advance of some magnitude. The question, therefore, is whether the benefits of this advance are enough to outweigh whatever human and environmental prices must be paid for it. Since the dollar cost of the SST is so great that government participation was required, this particular technological decision has been subjected to continuing political debate.

At the very least, that debate has resulted in major modifications of the original concept, designed to reduce the aircraft's noise and the pollution it would cause. Flights at supersonic speeds over the United States may even be barred by law. This kind of regulation will not satisfy those who see no need at all for the SST, but suppose a similar political process had surrounded the development of the automobile three-quarters of a century ago? This might be an infinitely more habitable country today.

Far too many important technological developments, touching upon millions of lives, go forward like that of the automobile—in the hands of private interests, which may or may not feel a public responsibility. The computer boom of recent years is a classic example; only now, rather like a farmer locking his barn after his horse was stolen, is some beginning political consideration being given to the threats and abuses implicit in the proliferation of computerized data banks. Similarly, the development and widespread use of detergents, insecticides and herbicides was largely unhampered by any thought of the consequences now becoming horridly plain.

Just recently, the Canadian Government of Prime Minister Trudeau began the sensible process of protecting the Arctic waters against the disastrous consequences of major oil spills. In trying to write maritime regulations that would *prevent* such spills, rather than concentrating on cleaning up after them, the Canadians were shocked to learn that so many supertankers are presently ordered and under construction that shipyards can make no major design innovations to guard against spills until late in the 1970's. Once again, the horse has been stolen from an unlocked barn.

This problem takes on increasing importance with every year that passes, impelling the world further into an era of technological explosion. Moreover, technological discovery has a multiplying effect: the more we know, the more it becomes possible for us to know. The pace of change, like the speed of a falling object, constantly accelerates, but there is nothing resembling a rational political process by which most technological changes can be weighed and judged by those to be affected by them.

Of course, it is not possible to know in advance what all the consequences of some new piece of wizardry will be; and even if that were possible, it would be difficult to know in some cases whether a given consequence would work for the good or the detriment of mankind—or both. Blessings have a way of being mixed, and the most evil winds do occasionally blow some good in this contrary universe.

That is why the SST debate is important. The French and British are already building supersonic planes, and so are the Russians; it appears unlikely therefore that, whatever happens in the Senate this week, the world will hold itself inviolate against sonic booms and superspeeds. It is vital, nevertheless, that if the thing is to be done it should be done with as much foreknowledge as may be had, and with as many safeguards as possible for the environment and for the human condition.

Beyond that, the SST debate ought to have useful effect in conditioning the world's—particularly the American—state of mind to a new form of political responsibility. "What hath God wrought?" asked Morse in the first telegraph transmission a century and a quarter ago; but the question now is "What can men do?" So many possibilities, of such incredible scope, lie immediately before us that the Everest attitude—climbing the mountain because it is there—will no longer suffice. In the technological era, there may be no way to get down.

[From the New York Times, Dec. 2, 1970]

ADMINISTRATION ASSAILED BY MUSKIE ON THE SST

(By E. W. Kenworthy)

WASHINGTON.—Senator Edmund S. Muskie accused the Nixon Administration today of violating "the spirit if not the letter of the law" in the fight over the supersonic transport.

He said the Administration had done this by refusing to make available to Congress and the public the critical comments of several agencies in the "environmental impact" statement on the SST. The statement was prepared by the Department of Transportation.

Mr. Muskie made his charge during the first day's confirmation hearings on President Nixon's appointment of William D. Ruckelshaus, formerly Assistant Attorney General in the Civil Division, as director of the new Environmental Protection Agency.

The Transportation Department replied later in the day that it would continue to keep outside comments on the SST secret until it had received the last two out of a total of 11 comments requested from other Government agencies.

Senator Muskie's attack was one of several maneuvers today as the Senate approached a vote Thursday on a further $290-million appropriation for development of prototypes of the 1800-mile-an-hour jetliner.

Senator Gaylord Nelson, Democrat of Wisconsin, an opponent of the supersonic transport, released the Interior Department's heretofore private comments on the airliner.

CURB ON FLIGHTS GAINS

The comments included the statement that the department "foresees no serious adverse environmental problems" arising from the prototype program. But they also raised questions about sonic boom, take-off noise and climatic consequences, questions that the department felt would be answered before the start of commercial production.

The anti-SST coalition in the Senate could claim three new members: Senators Alan Cranston, Democrat of California; Len B. Jordan, Republican of Idaho and Jack Miller, Republican of Iowa. Yet there was also powerful new pressure on Senator Mark O. Hatfield, Republican of Oregon, to move away from his position last year against the airliner.

At the same time, Senator Warren G. Magnuson, Democrat of Washington, moved through the Commerce Committee a bill that would ban SST flights over land and thus perhaps appease some of the environmentalists.

The hearings on Mr. Ruckelshaus's appointment are being conducted by the Senate Public Works Committee, which has primary responsibility for antipollution legislation. But because the environmental protection agency will absorb 15 organizations from half a dozen departments and agencies, Senator Jennings Randolph, chairman of the Public Works Committee, invited the chairmen and ranking minority members of the Interior, Commerce, Labor and Agriculture Committees to attend.

In the SST discussion, which took up a good part of the hearing, Senator Muskie recounted his annoyance with what he called the Transportation Department's lateness in circulating an SST impact statement to the White House Council on Environmental Quality.

The Environmental Policy Act of 1969 requires that every agency must prepare such a statement when recommending any action "significantly affecting the quality of the human environment." Prior to making any final statement, the agency must circulate the draft statement for comments by other agencies.

"Copies of such statement" and the comments of other agencies must be sent to the Council on Environmental Quality and Congress and be made public, and must "accompany the proposal through the existing agency review process."

Two and a half months later, Senator Muskie said today, the Department of Transportation still says that the comments sought from 11 other agencies "are not available," and that many of them were "oral" and "not reduced to writing."

In a letter this morning to Transportation Secretary John A. Volpe, Senator Muskie and Senator William Proxmire, Democrat of Wisconsin, asked that the comments be released before the Senate vote. But department spokesmen said that not all the comments had been received and that "we consider it inappropriate to release these reports in piecemeal fashion."

"AMBIGUITY" SEEN

Asked by Mr. Muskie for his views, Mr. Ruckelshaus said he felt that the impact statement and comments should be part of the written, public record before any decisions was made to go ahead with a project. But he said he believed there was "some ambiguity in the law."

During the discussion of the point, Senator Henry M. Jackson, Democrat of Washington, entered the hearing room. Mr. Jackson is a strong partisan of the supersonic transport, which would be built largely by the Boeing Company in Seattle. But he was also author of the Environmental Policy Act, and had been particularly proud of the "action-forcing" environmental impact statements.

Mr. PROXMIRE. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SAXBE). The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. BIBLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIBLE. First, Mr. President, I request the yeas and nays, if they have not been previously ordered.

The yeas and nays were ordered.

Mr. BIBLE. Second, a parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIBLE. Is a "yea" vote a vote for the Proxmire amendment, and a "nay" vote a vote against the Proxmire amendment?

The PRESIDING OFFICER. A "yea" vote is a vote for the Proxmire amendment to strike.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, now that the time has arrived for the vote and there is no need for staff members on the floor, that the floor be cleared of all staff members until the vote has been announced.

The PRESIDING OFFICER. Is there objection?

Mr. COOK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. PROXMIRE). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. METCALF. Mr. President, on this vote I have a pair with the Senator from South Dakota (Mr. MUNDT). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I heretofore withhold my vote.

Mr. MOSS (after having voted in the negative.) Mr. President, on this vote I have a pair with the Senator from New Mexico (Mr. MONTOYA). If he were present and voting, he would vote "yea." I have heretofore voted in the negative.

I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH) is necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA) is absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH) would vote "yea".

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) is necessarily absent, and if present and voting, would vote "yea."

The Senator from South Dakota (Mr. MUNDT) is absent because of illness, and his pair has been previously announced.

The Senator from Oregon (Mr. HATFIELD) is necessarily absent, and if present and voting, would vote "yea."

The PRESIDING OFFICER. The galleries are cautioned that on announcement of the vote no demonstration will be tolerated or the galleries will be cleared.

The result was announced—yeas 52, nays 41, as follows:

[No. 411 Leg.]

YEAS—52

Aiken	Harris	Packwood
Allen	Hart	Pastore
Bayh	Hartke	Pell
Brooke	Holland	Percy
Burdick	Hughes	Prouty
Byrd, Va.	Javits	Proxmire
Case	Jordan, N.C.	Ribicoff
Cook	Jordan, Idaho	Schweiker
Cooper	Kennedy	Smith
Cranston	Mansfield	Spong
Eagleton	McCarthy	Stevenson
Ervin	McGee	Symington
Fong	McGovern	Tydings
Fulbright	McIntyre	Williams, N.J.
Goodell	Miller	Williams, Del.
Gore	Mondale	Young, Ohio
Griffin	Muskie	
Hansen	Nelson	

NAYS—41

Allott	Ellender	Pearson
Anderson	Fannin	Randolph
Baker	Goldwater	Russell
Bellmon	Gravel	Saxbe
Bennett	Gurney	Scott
Bible	Hollings	Sparkman
Boggs	Hruska	Stennis
Byrd, W. Va.	Inouye	Stevens
Cannon	Jackson	Talmadge
Cotton	Long	Thurmond
Curtis	Magnuson	Tower
Dodd	Mathias	Yarborough
Dole	McClellan	Young, N. Dak.
Eastland	Murphy	

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—2

Metcalf, for.
Moss, against.

NOT VOTING—5

Church	Hatfield	Mundt
Dominick	Montoya	

So Mr. PROXMIRE's amendment was agreed to.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MUSKIE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SAXBE). The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, may we have order? We must have order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order. The bill is open to amendment.

Mr. MAGNUSON. Mr. President——

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BYRD of West Virginia. Mr. Pres-

ident, I thank the able Senator for yielding. I would simply like to state for the RECORD, if we may have order, that on the SST vote, there were 46 clerks from Republican Senators' offices and there were 36 Democratic clerks on the floor of the Senate, making a total of 82 staff personnel from the offices of Senators on the floor of the Senate during the roll-call vote which has just occurred.

I thank the Senator for yielding.

Mr. MAGNUSON. Mr. President, I ask unanimous consent, with the approval of the manager of the bill——

The PRESIDING OFFICER. The Senate will be in order. It will be necessary to clear the staff members from the floor, and to delay proceedings further, unless we can have order. If Senators will sit down and staff members will leave or find seats, we can proceed with the business of the Senate. The Chair requests the attendants in the gallery to instruct visitors to move in and out quietly, or keep the doors closed.

The Senator from Washington may proceed.

Mr. MAGNUSON. Mr. President, earlier in the day I had a colloquy with the Senators from Oregon, in which I suggested that the matter in section 309 of the bill was probably not properly the subject of legislation, therefore, I would ask unanimous consent to remove section 309 from the bill, but with the same understanding I had—that I am still going to say something about this in the report in the conference. Both sections 308 and 309 logically belong in the report. Someone could have made a point of order against it.

With that understanding, I ask unanimous consent that section 309 be removed from the bill.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BIBLE. I was present during the course of the entire colloquy with the two Senators from Oregon and the Senator from Washington and myself, and I think the request is perfectly proper. I have no objection to it, and I hope it is granted.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. CASE. Did the Senator's request include section 308?

Mr. MAGNUSON. No, just section 309.

Mr. MURPHY. Mr. President, we cannot hear the conversation. I am not even certain what the matter under discussion is. There was so much noise and disorder when it started that I have no idea what is being discussed. I ask for guidance from the Chair at the moment so that at least we will have an idea what the discussion is about.

The PRESIDING OFFICER. The request was made to eliminate section 309 from the bill. There was no objection to the request.

Mr. BIBLE. Mr. President, I concur in what the Senator from California has said. I hope we have quiet. We still have a little more discussion on the bill. We are over the explosive problem, the one that has involved the Senate all day. We still have other areas to cover, and a number of Senators want to offer amendments. But I first request that we have quiet, and I suggest that we not proceed until we do have quiet.

The PRESIDING OFFICER. The Chair suggests that Senators who wish to carry on conversations proceed to the cloakrooms.

The Chair directs the Sergeant at Arms to poll the clerks to see which ones are needed in the Chamber, and the ones who are not needed will be asked to leave. If a Senator wants a clerk present, he can so indicate.

Mr. BIBLE. Speaking for the Appropriations Committee, I need only one clerk, and he is at my right hand. I do not need anyone else.

The PRESIDING OFFICER. The Sergeant at Arms will proceed to do that. If a Senator is not in the Chamber and it is not necessary that the clerk be in the Chamber, the Chair asks that the clerk proceed to the gallery.

Mr. BIBLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIBLE. What is the pending matter?

The PRESIDING OFFICER. The bill is open to amendment.

AMENDMENT NO. 1093

Mr. HART. Mr. President, I call up amendment No. 1093.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 13, line 18, strike out "$47,601,000" and insert in lieu thereof "$58,301,000".

On page 13, line 20, before the period insert a comma and the following: "of which not less than $10,700,000 shall be available for research and programs designated to (1) lessen the risks of injury and death to occupants of motor vehicles and pedestrians involved in traffic accidents, (2) develop motor vehicles which are less susceptible to damage in traffic accidents occurring at normal operating speeds, and (3) develop a uniform quality grading system for tires, and for the payment of a staff of fifty persons in excess of present personnel engaged in carrying out these activities, to remain available until June 30, 1972, as authorized by Public Law 563 and Public Law 564".

Mr. HART. Mr. President, this amendment is offered by the able Senator from Wisconsin (Mr. NELSON), the able Senator from Indiana (Mr. HARTKE), and myself. It seeks to increase by $10 million the money that shall be made available to the National Highway Safety Bureau.

We intend, as the amendment reflects, to have this money used for tests and research to develop means of lessening the risk to the occupant of a car in the event it is in an accident, to develop motor vehicles less susceptible to damage in traffic accidents when they are proceeding at the normal speed, and, third, to develop uniform quality grading systems for tires.

Unfortunately, in the hurly-burly of living and the long experience we have had with highway deaths in the 30,000's and 40,000's and now 50,000's, on occasion we give signs of thinking that this is just something that must be. Only recently has an awareness developed that one reason for the skyrocketing cost of automobile insurance is the delicacy with which some of those cars are constructed and the shortsightedness in the design of many of them.

To the great credit of Dr. Haddon, the former director of this bureau, a film has been put together that is making clear to the people of this country that traveling at 5 miles an hour, which is the speed of a fast walker, the most popular makes of American automobiles when hitting an object incur damage that averages $200 for repair.

To Detroit's credit, a reaction is going on, and there is a conscious effort to see whether they can make bumpers serve more than cosmetic purposes—indeed, to see whether they can make automobiles the bumpers on each of which ride on the same level as the other fellow's, so that on impact it is not the hood ornament that strikes first but actually the bumper.

The National Highway Safety Bureau is authorized to make property damage studies. It is authorized to move forward to see whether there is a possibility of a technique that will permit not alone the development of automobiles which are more easily repaired and which suffer less damage on a crash but also in which the occupant, while riding, has a greater chance for survival and less likelihood of injury in the event of impact.

This amendment would increase substantially the sum intended to go forward with that type of research.

It is my feeling that the Department of Transportation views the effort to research the problem of reducing property damage as having a relatively low order of priority. I would hope that for this amendment they would be given the tools, the money, to bring up that aspect of their research program to one of very top priority.

I do hope, Mr. President, that the concern which is reflected in the offering of this amendment, and the more detailed explanation of its reasons which accompanied its printing in the RECORD yesterday, will persuade the Department and ourselves to move more rapidly on the effort of designing and improving both the safety aspect for the occupant and the repair costs for the owner.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. BIBLE. Mr. President, the Senator was kind enough to talk to me about this amendment within the last several days—I do not recall exactly which day, because we have been somewhat preoccupied with the SST—but he talked to me about this and I pointed out, and would point out for the RECORD, Mr. President, that the budget estimate on this was $53,075,000. The House allowed $40,435,000. We heard the Department of Transportation some time in August, I believe, and they filed an appeal to the extent of an additional $7,166,000. They made a strong showing for the need of the additional money, both to go into contractual work and the additional staffing up of this bureau. I thought they

made an excellent case and we granted them $47,601,000, which was $7,166,000 higher than the House figure.

The report, in its language on page 17, details the House allowance in the various areas insofar as employment is concerned, with our recommendation for increasing them in the various activities.

I think that the Senator from Michigan, as he always does, makes a most emphatic case, but I would point out that I think we have been most liberal and this will move it along in the right direction. Possibly, if they are not moving in the right direction, this is December and by the time the bill comes out of conference and is signed by the President, 6 months of the fiscal year will have gone by. All of those factors should be borne in mind and I would, therefore, hope that the Senator would not press his amendment any further.

I assure the Senator from Michigan that when we get into this next year, if he will be so kind as to monitor this himself and give us the areas of concern which he has mentioned, we will follow through and see what they are giving emphasis to; because I could not agree more with the Senator that these are areas that do need increasing attention and if they do not get that attention, with this added money, then we will do something about it. come next year.

Mr. CASE. If the Senator from Nevada will yield a moment, I want to support the chairman's statement. It is a matter of highest priority for all of us on the subcommittee. We accept the suggestion that the Senator from Michigan has made, warmly indeed.

As the year develops, we can look into the possibility of useful expenditures of larger sums along this line. I am sure that the subcommittee, as the chairman has stated, will entertain that suggestion warmly.

Mr. HART. Mr. President, I am grateful for the expressions from the Senator from Nevada (Mr. BIBLE), and the Senator from New Jersey (Mr. CASE) who is the ranking Republican Member. I do know of their interest.

The Senator from New Jersey (Mr. CASE) comes from a State whose citizens travel almost as many automobile miles as any other State in the country, and where the concentration of vehicular traffic on occasion is so great as almost to paralyze a community; and the Senator from Nevada (Mr. BIBLE) comes from a State which, except for the grandeur of the scenery, which might slow down a driver, has such sweeping roads that one is tempted, sometimes, to find out whether that needle on the speedometer will reach 130, are highly sensitive with respect to the obligation to insure that the Highway Safety Bureau does produce.

I acknowledge their leadership in bringing this bill to the Senate with an additional $7 million over the figure fixed by the House. I am conscious, of course, that 6 months has passed since the budget figure was suggested. I am tempted to press forward with the amendment, yet in the light of the assurances just voiced, perhaps the cause which attracts our interest will best be served by leaving this record as it is.

I should like to ask just one additional question of the Senator from Nevada, if I may.

Mr. BIBLE. Certainly.

Mr. HART. It is understood, I take it, that the Department of Transportation is asked to move forward and report its progress on the actions it has taken, or proposes to take, to reduce property damage in automobile accidents, as that is our point and purpose?

Mr. BIBLE. I understand, and in responding to the Senator from Michigan, let me say that he can rest assured we will press for their reassurance on that very area and that very program. We will first call to the attention of the department the colloquy on the floor here today, and then we will say that we will monitor it rather regularly and within a matter of 2 or 3 months will write them again to see what they have done about it. We will keep on doing that.

Now I do not wish to talk further to the point of interrupting the Senator from Michigan, but those of us in Nevada have a real, high stake in this highway safety program. Nevada has built bigger, wider, and faster roads and yet more and more and more people are being killed on the highways. The death record in Nevada, over the past few years, is shameful, frankly, on a per capita basis of a State with a population of 480,000. Although there is widespread tourism in Nevada, with great numbers coming in throughout the year, nevertheless, deaths on the highways in the State of Nevada are alarming.

Thus, I can assure the Senator from Michigan that not only from his standpoint but also from my personal interest in this matter, I will follow through closely.

Mr. HART. Mr. President, I am very grateful for that statement.

Let me conclude by expressing the hope that the Appropriations Committee will ask of the Department a budget estimate for fiscal 1972 that will include funds adequate both for research and personnel to check on the loss reductions in property damage resulting from vehicular accidents.

Mr. BIBLE. We will be happy to do that. When I asked the Department, they said that they would try it, and we will have this opportunity to look into it when it becomes before the committee. We both see this thing the same way.

Do I understand that the Senator has called up his amendment?

Mr. HART. Yes, I have called it up, but I am about to take it down.

Mr. President, I should like to add for the RECORD an article published in the Automotive News of November 30, 1970, written by Helen Kahn, the Washington Bureau Chief, entitled "Improved Safety Standards Urged." It develops from a study prepared by Dr. Nicholas Perrone of the Office of Naval Research and Catholic University. The cost-benefit ratio per vehicle safety is an astounding figure. He takes the damage figure and projects the automobile population in the years ahead, he averages the damage cost over that period of time, and then he projects over the same period the lesser cost that would be available, and at what price to the development of safety techniques and technology, and he figures the national cost return, per safety dollar spent, to be 20 to 1 as the cost-benefit ratio.

Humanitarian considerations aside, thinking not of the occupant of the vehicle, but of the cost resulting from property damage in an accident, the cost to benefit ratio should certainly persuade the bureau to begin what they are trying to eliminate on the roads—a crash program.

Mr. President, I ask unanimous consent that the article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IMPROVED SAFETY STANDARDS URGED

(By Helen Kahn)

WASHINGTON.—Federal vehicle safety standards can be radically improved to save hundreds of lives, prevent thousands of injuries and reduce by millions of dollars the amount of property damage incurred every year in the U.S., according to a paper prepared by Dr. Nicholas Perrone, of the office of Naval Research and Catholic University.

Finished in September, the report emphasizes crashworthiness and presents a number of ideas which are now being implemented by the National Highway Safety Bureau. Perrone's position has a certain amount of strength in that he is not affiliated with either the government or the auto industry.

Perrone is a member of Professionals for Auto Safety, a group associated with Ralph Nader and composed of engineers, scientists, doctors and lawyers. Financed by private contributions, PAS is dedicated to the coordination of scientific and legal data relating to auto safety for use in upgrading vehicle safety regulations.

Perrone, the first member of PAS to swing into action, has a background in dynamic plasticity, directly related to structural impact. He empaneled a special task force on auto safety, primarily from universities, the Center for Auto Safety and the Consumers Union. Among those serving on the task force was a former president of the American Society of Mechanical Engineers.

Perrone said that improvements in dashboards, door posts, windshield headers, main structural elements and the front seat are needed. He advocates vigorous pursuit of the air bag, better bumpers and chemically treated laminated glass for side windows. The Safety Bureau is active in all these areas.

Perrone's greatest contribution lies in his analysis of the cost/benefit ratio for vehicle safety. This is aside from humanitarian considerations and is the sort of data most likely to appeal to Congress, which controls the pursestrings for the Safety Bureau.

Perrone advocates a large increase in highway research funds, an immediate build up in government laboratory capacity, development of a wide university/industry research support base, developing resource allocation models, broadening the engineering base for auto safety research and starting safety engineering education programs on a massive scale.

Although the Safety Bureau does have research money to dole out, little has been done and much remains ahead before even standards themselves can be improved. Fundamental research is still needed on the causes and effects of auto accidents.

Except for the National Bureau of Standards, the government has virtually no facilities for experimentation or compliance work. The regulators are in the questionable position of being overwhelmed by industry facilities and are not in any position to show

that industry can accomplish a job when the companies say they can not.

Perrone argues that materials capable of absorbing an additional 200,000 foot-pounds of energy must be added to the vehicle to reach a minimal plateau of safety.

A 3,000 pound car traveling at 30 miles per hour has about 90,000 foot-pounds of energy. Using low strength steel, Perrone figures, this means about 333 pounds but by judicious design, 200 pounds of material should do. At a cost plus fabrication figure of 20 cents a pound, this would mean about $40 per car for a significant increment in crashworthiness capabilities both inside and outside.

Perrone places the cost of chemically treated laminated glass for side windows plus windshield at around $20 per car, boosting the total to $60 per unit.

According to Perrone: "Over a six-year period, with nine million cars per year as a production estimate, the total added cost would be $3 billion. Six years hence, with a population of some 50-million cars with well-tuned crashworthy features built-in, the annual savings in terms of current and future gross national product should then be running at an annual rate of $10 to $20 billion per year. . . . Moreover, the savings figure should rise constantly in subsequent years, probably reaching a plateau at a $25 billion per year level of annual savings.

"For the aforementioned six-year period, the total current/future GNP increase would be approximately $60 billion, based on a $10 billion per year average. The 'return' per safety dollar spent is therefore 20 to 1. The apparent axiom to be derived from these projections is that safety pays for itself, indeed with added dividends."

Perrone figures average production costs for air bags at perhaps $60 to $100 per car and claims that the cost benefit profile would be similar. He also cites a social savings with much less disabling and disfiguring injuries.

In respect to resource allocation, Perrone compared expenditures for the Vietnam effort and automobile safety over a ten-year period.

He figures the national cost of Vietnam as $150 billion in the period, far less than the $375 billion GNP cost of auto accidents. Fatalities in Vietnam would be 40,000 as against 500,000 deaths from auto mishaps. In Vietnam serious injuries over the 10-year period would total 250,000, compared with 15 million for auto accidents, he estimated.

Current spending in Vietnam would be $25 billion and expenditures to prevent deaths and injuries in car accidents would be $.028 billion, Perrone said.

Although 12 people die in the U.S. from auto accidents for every one killed in Vietnam and 60 are injured for every soldier hurt in Vietnam, only "one dollar is spent on automobile safety for every thousand dollars spent in Vietnam" in the current fiscal year, he said.

Perrone deplores what he calls the low level of operation of the Safety Bureau and suggests that upgrading now would be particularly appropriate for building a strong technical base because of the massive layoffs of engineering talent from aerospace and related industries.

Perrone also cites the Safety Bureau's lack of in-house laboratory capabilities and independent expert sources. He said that universities would be glad to participate in automotive safety research.

Mr. NELSON. Mr. President, when the National Traffic and Motor Vehicle Safety Act became law in 1966, it was hoped that sweeping highway safety programs would soon drastically reduce the Nation's highway accident and injury rate. But as Ralph Nader has noted, since that time the annual highway death rate increased from 49,000 to 56,400.

There was a snag. As in many other areas, Congress could establish effective requirements, but it did not follow through with the money necessary to carry out the requirements.

The National Highway Safety Bureau was created in the Department of Transportation, but since its inception it has been chronically understaffed. Programs required under law could not be implemented because the manpower and the funds simply have not been available.

An example is tire safety. Annoying though defective tires may be, tire safety involves more than consumer fraud or automobile passenger comfort. Tire safety is a matter of life and death.

The Massachusetts Turnpike Authority statistics for 1965 indicate that at a minimum, 10 percent of the turnpike accidents could be attributed to mechanical failure. Half of these, or 5 percent of the total, were due to tire failure.

My office has been flooded with reports of top line, highly advertised, and high-priced tires which not only fell short of delivering the 40,000 miles performance implied in the advertising, but which failed at 10,000 to 15,000 miles.

One constituent wrote me that 6 months after buying a new automobile with top brand-name tires, the tread on the left rear tire peeled off in a 24-inch strip, at 60 to 65 miles per hour. The tire had 5,500 miles wear.

The number of tire recalls since 1966 indicates that a significant proportion of the 200 million passenger car tires produced each year by the American tire industry are defective. During the last 4 years, there have been 42 tire recalls, with a total of 568,476 tires involved. Of the recalls, eight were influenced by Bureau action. Additionally, there have been five civil penalty actions for noncompliance with safety standards.

The automobile tire is increasingly complex in construction, with a proliferation of new types and models, such as bias belt, radial belted, fiberglass, and steel belted types. Tread Design Guide for 1970 identified more than 1,000 tires by brand name alone.

Faced with this bewildering number of options, and armed with no yardstick that would tell what the tire quality should be, regardless of designation and price, the buyer is unable to judge what to buy. At the same time, the industry has no uniform quality standards to rate its own products.

The Federal Trade Commission described the problem, from the consumers point of view, in 1966: In its Tire Advertising and Labeling Guide, it said:

> There exists today no industrywide, government or other accepted system of quality standards or grading of industry products. Within the industry, however, a variety of trade terminology has developed which, when used in conjunction with consumer transactions, has the tendency to suggest that a system of quality standards or grading does, in fact, exist. Typical of such terminology are the expressions "line," "level," and "premium." The exact meaning of such terminology may vary from one industry member to another. Therefore, the "1st line" or "100 level" or "premium" tire of one industry member may be grossly inferior to the "1st line" or "100 level" or "premium" tire of another member since in the absence of an accepted system of grading or quality standards, each member can determine what "line," "level," or "premium" classification to attach to a tire.

The FTC comments imply that advertising and merchandising men have been able to make arbitrary judgments about quality standards. Since then, the situation has changed little.

To combat this problem, the 1966 act directed the Secretary of Transportation to develop a uniform quality grading system, and to publish the system within 2 years. Four years have now passed, and still there is no quality grading system.

In its 1969 report to Congress, the National Highway Safety Bureau said the system it is planning would be based upon six tire characteristics which are representative of the tire's overall performance.

These are:

First. High-speed capability—the ability to absorb and dissipate temperatures generated within the tread and sidewall areas at specified speeds.

Second. Impact resistance—a measure of the tire's resistance to road hazard damage, such as stones, potholes, and curbs.

Third. Endurance—a measure of the tire's ability to maintain integrity under sustained overload conditions.

Fourth. Force variation—a measure of the variation in radial and lateral forces of a tire. An excessive force variation results in vibration and detracts from the riding qualities. This is more important from a consumer comfort and quality standpoint than from that of safety.

Fifth. Traction—a measure of the tire's ability to transmit braking, cornering, and accelerating forces.

Sixth. Tread wear—a measure of the tire's relative rate of wear. This is the primary economic factor—cost per mile.

So far, limited funding and personnel restrictions have hindered the development of the grading system. At the present state-of-the-art, testing procedures for only one characteristic, high-speed capability, are considered fully adequate for a quality standard. Significant progress has been made in all areas, however, except traction and tread wear.

Mr. Douglas Toms, Director of the National Highway Safety Bureau, testified before a subcommittee of the House Appropriations Committee that the toughest problem is the relationship between traction and tread wear. He said:

> As you improve traction, you deteriorate tread wear, and so as you attempt to come up with a grading system, and specify what the tread wear must be, you lose your traction.

The degree of difficulty is further indicated by the failure of the tire industry, over the years, to produce such a standard.

The Bureau has issued two safety standards so far. These are the Federal Motor Vehicle Safety Standard 109 and 110. Standard 109, which became effective January 1, 1968, specifies minimum requirements for bead unseating resistance—ability to stay on the wheel rim, strength—road hazard, en-

durance—tire flexing in an overloaded condition, and high-speed performance. The standard also defines tire load ratings and specifies labeling reuirements.

Standard 110 went into effect on April 1, 1968, and it defined loading and weight values to be used in selecting tires and rims for passenger cars. It required the vehicle manufacturer to display the vehicle capacity weight, seating capacity, recommended tire inflation pressure, and recommended tire size designation.

With the limited criteria established under these standards, it has been apparent in random testing that between 5 and 10 percent of the tires poduced in this country every year do not comply with minimum safety standards. Tests have been conducted since 1968.

Currently, the noncompliance rate is at about 5.4 percent. This means that out of a total annual production of 200 million tires, 11 to 12 million are unsafe.

In order to develop a complete uniform quality grading system, the National Highway Safety Bureau has proposed a 4-year plan. The cost, for fiscal year 1971, would be $4 million, and the estimated total cost would be around $16 million, through fiscal year 1974.

The plan calls for developing four key elements: a standard tire—against which new tires can be measured—a standard test vehicle, a standard road or course; and a standard test procedure. The work planned to get underway during fiscal year 1971 will initiate the design, fabrication and some testing of the standard tire, the design of the standard vehicles, the preparation of a standard road course, and the beginning of developing integrated test procedures for all these elements.

In a rough breakdown of the first year appropriation, $2.2 million would be spent for developing the road, $1.3 million for the tire and test procedures, and another $0.5 million for a standard vehicle. Around half of this money would go to the National Bureau of Standards, and the rest would be spent in other Government agencies and for private contractors.

By using a standard vehicle, tire, course, and procedure, the Bureau could rate the relative performance of new tires and tread designs under road conditions. The tire industry could correlate its efforts with those of the Bureau and bring its own testing program into line with the national standards.

This plan cannot proceed unless it is funded with the full $4 million requested by the administration. Despite inflationary pressures and the desire to keep the Federal budget within strictly controlled limits, President Nixon gave a high priority to the tire program, along with other traffic and highway safety programs in his budget request for fiscal year 1971. The President asked for the full $4 million necessary for the program, but the House cut the appropriation to the 1970 funding level of $970,000.

Unfortunately, the Senate Appropriations Committee sustained this cut.

Senator PHILIP HART has introduced an amendment to the Department of Transportation appropriations bill, H.R. 17755, proposing that an additional $10 million and 50 professional personnal positions be added to the National Highway Safety Bureau.

This proposal, which I cosponsor, would restore the $3.03 million to the Bureau for developing the uniform quality grading system for tires. In addition, it would provide funds and people for developing property control damage programs through research, help insure that crashworthy designs are incorporated in motor vehicles after January 1, 1975, and develop uniform standards for used vehicles.

The cost of this additional appropriation is miniscule compared with the sums contemplated for other transportation programs, some of which have dubious value. Meanwhile, the highway death rate climbs and everybody wonders when somebody is going to do something about it.

We have a chance, with a small appropriation, to press the attack against one of the most evasive problems of highway safety. If we fail to act decisively here, we are failing in our responsibilities to the people who have elected us. Congress has taken a stand for highway safety. It would be rank hypocrisy not to back up that stand where it counts—in spending a few dollars to institute a safety program that must come.

Mr. HART. Mr. President, I withdraw the amendment and I again thank the Senator from Nevada for yielding.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. COOPER. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read as follows:

The Senator from Kentucky (Mr. COOPER) proposes an amendment for himself, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Delaware (Mr. BOGGS), and the Senator from Colorado (Mr. ALLOTT), as follows:

On page 19, beginning at line 24, strike out all through line 2, on page 20.

Mr. COOPER. Mr. President, I shall be brief. The purpose of the amendment is to strike the language on page 19, section 303, on line 24, "None of the funds provided under this act shall be available for the planning or execution of programs, the obligations of which are in excess of $5,500,000 for 'Highway Beautification' in fiscal year 1971."

Mr. President, we who favor the striking of the limitation on the availability of funds for the planning or execution of highway beautification programs for fiscal year 1971 in excess of $5.5 million, do so for a very simple reason. Funds for fiscal year 1971 have not yet been authorized; the legislation which would provide for such authorization is about to be conferred on by members of the House and Senate Public Works Committees. The determination to be made by the Senate-House conference is crucial to the future of the beautification program because the House bill authorizes appropriations to be taken from the general fund and the Senate bill authorizes funding of the program from the highway trust fund.

At this point, Mr. President, I would like to quote from the report of the Public Works Committee of the Senate which accompanied S. 4418, the Federal-Aid Highway Act of 1970. On page 6 the report states:

The highway beautification program has since its inception suffered from inadequate funding which has prevented any significant degree of implementation.

This bill would remove the major barrier to an effective beautification program by providing financing through the highway trust fund. Assured financing will permit the implementation of the highway beautification program in an orderly manner.

The Senate and House conferees are meeting this very afternoon in an attempt to reach compromise on the Federal-Aid Highway Act of 1970, but there are many substantive differences between the bills passed by each House and it is therefore, hard to know when agreement might be reached. We, therefore, believe that our position in that conference would be significantly weakened, relative to defending the Senate position on funding highway beautification programs, if the appropriations bills passed by both Houses were identical as far as the limitation on obligations were concerned. We would hope that the members of the conference on the appropriations bill would confer on this limitation figure in the light of the action taken by the conference on the authorization bill. If the Senate enacts the Department of Transportation appropriations bill with the limitation section, section 303, intact, then, I believe both the authorization bill conference's and the appropriations bill conference's will be prejudiced.

The Senate with the passage of the Federal-Aid Highway of 1970 clearly endorsed a strengthened highway beautification program with funding adequate to allow the program to demonstrate its worth. Section 303 of the appropriations bill as it now stands jeopardizes the future of that action and should be removed from the bill.

In short, Mr. President, if this limitation remains in the bill, then our work in conference will be bound by this item. I think we ought to have a chance to finish our work, and then the Appropriations Committee can make its decision.

Mr. President, I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I am very happy to be a coauthor of the amendment. I appreciate the Senator's yielding to me. I will not take much time.

It has been pointed out to me that the original purposes of the Beautification Act—which I did not vote for because I thought the money should be used for more practical aspects of the highway development program—have been perverted by the actual way the act has been administered and the way the appropriations have come to it.

I understand, for example, that what has happened actually is that one firm has practically usurped outdoor advertising in the United States. The small firms are now in the position where they

cannot fight the Federal Government. Neither can they stay in business. The Federal Government has no funds with which to buy out the property rights which they already had invested by reason of their sign business.

I feel that we have to do equity to these people. I think the amendment will go a long way toward this. I am happy to support it.

Mr. COOPER. Mr. President, the Senator from Colorado is correct, and the Public Works Committee has considered this matter in depth. We cannot compensate the smaller billboard companies although they are required to take down the billboards. The Senator from Utah testified before the committee last year concerning the plight of smaller companies last year and has followed this matter closely.

Mr. President, I yield now to the Senator from Delaware.

Mr. BOGGS. Mr. President, I wish to express my support for the statement made by the distinguished Senator from Kentucky (Mr. COOPER) for his amendment to strike the language of section 303 of H.R. 17755, the appropriations bill for the Department of Transportation and related agencies.

Section 303 limits contract obligations this fiscal year for the highway beautification program to $5.5 million. Just 2 months ago, the Senate passed S. 4418, an authorization bill for highway construction and various related programs. S. 4418 recognized that the highway beautification program had been severely limited since enactment by the lack of adequate funds.

In response to the strong recommendation of the administration, the Senate Public Works Committee and the full Senate approved provisions which would provide funding for the highway beautification program out of the highway trust fund. The Senate bill authorizes $31.5 million for fiscal year 1971 with the contract authority that is necessary if this program is to demonstrate its value to the Nation.

In discussing existing programs and the new legislation, Transportation Under Secretary James M. Beggs, wrote Chairman STENNIS of the Transportation Subcommittee saying:

> The urgency which the nation now attaches to the preservation of areas through which highways pass requires that we move immediately ahead in utilizing this authorization, as well as the imminent increased authorization, unimpeded by the $5 million limitation contained in the House bill.

The House of Representatives last week passed a Federal Aid Highway Act with provisions for highway beautification sharply different than those contained in the Senate bill. The initial meeting of the committee on conference occurred this afternoon in the effort to resolve differences between the two bills.

The provisions dealing with highway beautification are among the most significant differences in these two bills. We believe it could be most helpful to the Senate conferees dealing with the highway legislation if this limitation contained in section 303 of H.R. 17755 were stricken from the Senate bill.

The section 303 limitation imposed by the House was not appealed last summer by the Department of Transportation because of the indefinite status of the authorizing legislation. In Secretary Beggs' letter, he wrote that the department had decided to await congressional action, "after which we planned to make our request to the Congress with respect to obligation levels which would be clearly supported by the program authorized."

We recognize that such a limitation would be a subject for consideration by the committee on conference dealing with H.R. 17755. Yet we believe that it is essential that this limitation be removed at this point in order to develop an effective highway beautification program this year.

Mr. COOPER. Mr. President, I yield now to the chairman of the Committee on Public Works, who, if he cares to do so, can be the chief sponsor of the amendment.

Mr. RANDOLPH. Mr. President, Senator JOHN SHERMAN COOPER, the ranking minority member of the Committee on Public Works and I, joined in requesting the Senate Appropriations Committee not to impose the $5.5 million obligation limitation on the highway beautification program.

We are in conference with the House Committee on Public Works on the differing versions of the Federal Aid Highway Act of 1970. One of the issues is the Senate portion favoring authorizations of appropriations for the beautification program from the highway trust fund. Should we prevail, the limitation which the pending bill would impose would thwart our ability to bring the beautification program into active operation.

For too long, the shortage of funds for that program has worked hardship on many businessmen engaged in outdoor advertising and the funds which we seek are needed to enable States to buy signs so that these business people can reestablish their investments in other fields.

I support the amendment to strike the obligational limitation.

I ask unanimous consent at this point to have printed in the RECORD the letter of November 24, 1970, from Senator COOPER and me to the Senator from Georgia (Mr. RUSSELL).

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 24, 1970.

Hon. RICHARD B. RUSSELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: We wish to express our concern about a provision contained in H.R. 17755, the Department of Transportation and related agencies appropriations act for the fiscal year ending June 30, 1971. The section which concerns us is Section 304 of the bill as it came from the House of Representatives. If retained by the Senate, the provision would limit obligations for the national highway beautification program to $5.5 million.

On October 2, 1970, the Senate passed S. 4418, the biennial authorization bill for highway construction and related programs. Recognizing that the highway beautification program had been severely limited since its original enactment by a lack of adequate funding, and responding to recommendations from the Administration, the Senate Public Works Committee endorsed, and the full Senate approved, provisions which would guarantee funding of the highway beautification program from the Highway Trust Fund sufficient to allow the program to demonstrate its worth. The Senate authorization for the fiscal 1971 is $31.5 million.

The House of Representatives is scheduled, we understand, to consider the Federal-aid Highway Act of 1970 on Wednesday of this week. The House Committee bill contains sections concerning the highway beautification program quite different from those contained in S. 4418. A Conference of the Senate and House of Representatives will be required to resolve differences between the bills, and to determine among other issues, the future direction of the highway beautification program.

Because this issue will be before our Conference with the House, we hope very much that your Committee may remove the House limitation so that we may go to Conference in full support of the Senate provision. We assume this issue will be resolved before any Conference on the Appropriations bill. In any event if the Senate Committee removes Setcion 304 the issue would still be before your Conference.

With kind regards,

Yours sincerely,

JENNINGS RANDOLPH.
JOHN SHERMAN COOPER.

Mr. BIBLE. Mr. President, we did consider the matter. I have discussed it with my distinguished minority counterpart on the committee. I have talked it over with every one that I think I have to talk it over with. The matter did come up in the committee. We agreed that this should be done at the time we marked up the bill and brought it to the floor. The Senator makes an overpowering case.

Mr. President, I am willing to accept the amendment.

Mr. CASE. Mr. President, I join with the Senator from Nevada. I am very happy that the Senator pressed the amendment at this time. It is an appropriate thing to do. I am sure that there is no objection to the amendment.

Mr. MOSS. Mr. President, I commend the Senator from Kentucky for offering the amendment. I am most pleased that the chairman of the subcommittee is willing to accept it.

This is a matter on which I have spent a great deal of time, as the Senator well knows. It is a matter that evolved out of a contract that was worked out in my State by the highway commission and the Governor in conjunction with the Department of Transportation. It is a matter of crucial importance.

This law has been on the books since 1965. The States must either go ahead now or the program will be abandoned. Various States will throw up their hands and abandon the program.

I think that is the reason that time is of the essence. If we push the matter over, the program will begin to collapse and I think it will be progressive. If it collapses in the various States, we will be deprived of the benefits of the program.

Mr. RANDOLPH. Mr. President, I want to supplement what the distinguished Senator has said so well.

Under date of December 3, as chairman of the Public Works Committee, I received a very helpful letter in reference to this subject. I ask unanimous consent that this letter be printed at this point

in the RECORD in conjunction with the remarks being made by the distinguished Senator from Utah.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., December 3, 1970.

Hon. JENNINGS RANDOLPH,
Chairman, Public Works Committee,
Washington, D.C.

DEAR JENNINGS: As you approach conference meetings on the Federal-Aid Highway Act of 1970, I want to reiterate my interest in the beautification provisions of that Act and express my appreciation for the excellent work which you and your committee have accomplished.

As you are aware, the State of Utah was one of the first to pass a compliance law pursuant to the 1965 Act. Utah has vigorously pursued the question of beautification and has enforced the provisions of its law. Now the state program is approaching a crisis status as are the beautification programs in a number of states with compliance laws. This is because the Highway Beautification Act of 1965 had the effect of preempting the beautification issue away from state control. However, the Federal Government's failure to fund the Act has left our state and other states, which relied upon the law, in a "no-man's land." They cannot administer a program of sign removal nor are they able to effectively enforce the sign restriction provisions of their compliance laws. By enforcing the law, states are virtually destroying their domestic sign industries which have been guaranteed just compensation. A state should not require sign companies to comply with the law which that state cannot implement, any more than the Federal Government should be allowed to require compliance with the law which it refuses to administer.

The Director of the Utah State Department of Highways appeared before both the Senate and House Public Works Committee and stated the necessity for positive action on the part of the Federal Government both in funding and in allowing the concentration of funds on a state-by-state basis in order to control excessive administrative costs. Our State Highway Commission feels that unless positive action is taken by the Federal Government this year they may be forced to amend or repeal our compliance law in order to stop further damage to the highways of our state and to the domestic sign industry within the state.

The bill reported by your committee and passed by the Senate would provide that positive action. Another commission study as called for by the House bill would only further disillusion states which have relied on the Federal Act. The advantage would be to one or two large sign companies.

Very truly yours,

FRANK E. MOSS,
U.S. Senator.

Mr. MOSS. Mr. President, I thank the chairman of the Public Works Committee who did such great work on this matter in the Public Works Committee in carrying it forward into the conference. I want to pay tribute to him for his leadership and understanding of the problem. The chairman has constantly supported highway beautification. This is a further fulfillment of his commitment.

If we are willing to turn our backs and abandon the whole thing and no longer believe in environmental cleanliness along our highways, and this is visual, now is the time we would do it if we do not go forward. I think we must go forward.

I thank the Senator from Kentucky.

Mr. BIBLE. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, the bill to be read a third time.

The bill was read the third time.

Mr. BIBLE. Mr. President, I do not anticipate asking for the yeas and nays. I have assured Senators who asked me that as far as I was personally concerned I did not expect to ask for the yeas and nays. I have checked Senators present in the Chamber and there does not seem to be a request for the yeas and nays.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 17755) was passed.

Mr. BIBLE. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. SAXBE) appointed Mr. STENNIS, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. CASE, Mrs. SMITH, and Mr. ALLOTT, conferees on the part of the Senate.

Mr. BIBLE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized in the engrossment of the Senate amendments to H.R. 17755 to correct technical or clerical errors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Now, Mr. President, I am delighted to yield the floor to the distinguished majority leader.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. MANSFIELD. Mr. President, the distinguished senior Senator from Nevada (Mr. BIBLE), as always, has been outstanding in the performance of his duty. There is no more skillful manager of legislation, and I speak from experience because if I remember correctly this is about the third appropriation bill which he has handled this year and he has handled all of them exceedingly well. I congratulate the Senator.

I wish as well to congratulate the ranking Republican committee member, Mr. CASE, for his significant contribution.

This measure contained many provisions of merit and controversy but none exceeded the issue resolved today dealing with the supersonic transport. For months this issue has been debated, discussed and today finally resolved. As with most issues of great controversy there is no absolute right or wrong. It is a matter of judgment and emphasis. Both sides of the issue sincerely believed their side should prevail. Both honestly believed their position of balance was best for the Nation. It is these issues that are always the most difficult to decide. To the distinguished Senators from Washington (Mr. MAGNUSON and Mr. JACKSON), I wish to extend my sincere thanks, appreciation, and admiration for the manner in which they conducted their case. To the senior Senator from Wisconsin (Mr. PROXMIRE) who led the opposition to this project, it can only be said that he demonstrated again that when he undertakes an assignment, none is better prepared to present a case. To the others who were so forceful and effective on this measure, the Senator from Illinois (Mr. PERCY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Kentucky (Mr. COOK), the Senator from Maine (Mr. MUSKIE), the Senator from Alaska (Mr. GRAVEL), the Senator from West Virginia (Mr. RANDOLPH), and all the others, this leadership wishes to extend its thanks for the high level of this debate and the cooperation we have received.

Mr. BIBLE. I thank the majority leader.

EXTENSION OF CERTAIN NAVAL VESSEL LOANS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1403, H.R. 15728. I do this so that the bill will be the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 15728) to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with an amendment.

PROGRAM

Mr. BOGGS. Mr. President, I would like to take this opportunity to ask the distinguished majority leader if he could indicate the order of business for the remainder of today and tomorrow.

Mr. MANSFIELD. I am delighted to respond to the distinguished acting minority leader. There will be no debate on the pending business tonight. There will be no further votes tonight.

Tomorrow, it is anticipated, after the Journal has been approved, that unobjected-to items on the calendar will be taken up.

Following the disposal of the pending business the Senate will proceed to the consideration of Calendar No. 1259, H.R. 18306, an act to authorize U.S. participation in increases in the resources of certain international financial institutions to provide for an annual audit of the exchange stabilization fund by the General Accounting Office, and for other purposes.

It is anticipated that at the conclusion of the business tomorrow night the Senate will turn to the consideration of Calendar No. 1402, H.R. 19830, the Department of Housing and Urban Devel-

opment independent offices appropriation bill, which will be the pending order of business on Monday.

Following that we will take up the defense appropriation bill and, in the meantime, conference reports as they become available.

The Senate has done extremely well in this postelection session and it is due to the bipartisan efforts of all Members and the spirit of accommodation and cooperation. I am very proud of the Senate. I had expected progress would be much worse; it has been much better.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ALLOTT. I returned to the Chamber just a moment ago and I heard the announcement of the majority leader. I assume that the appropriation bill for independent offices is the pending business. Is that correct?

Mr. MANSFIELD. No. That will be laid before the Senate tomorrow and it will be the pending business after the morning hours is concluded on Monday next.

Mr. ALLOTT. So we will take up the independent offices appropriation bill on Monday, and that will be the pending business until it is concluded, followed by the defense bill?

Mr. MANSFIELD. Yes. Tomorrow we will take up a bill from the Committee on Armed Services, which had been referred to the Committee on Foreign Relations, to-wit, an act to authorize the extension of certain naval vessel loans now in existence and new loans will be taken up, to be followed by Calendar No. 1259, an act to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for a 9-year-old audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes.

Mr. ALLOTT. I thank the Senator. There may be some votes anticipated on the independent officers bill, so Senators will be aware of the possibility of votes on Monday.

Mr. MANSFIELD. On the basis of what both of us have said, the Senate should be on notice.

Mr. STENNIS. Mr. President, will the Senator repeat what he said about the ship loan bill?

Mr. MANSFIELD. This matter was referred to the Committee on Foreign Relations by the Committee on Armed Services. It is now the pending business, and it will be taken up tomorrow. It is not anticipated it will take long.

OIL SLUDGE DUMPING BY THE NAVY

Mr. MUSKIE. Mr. President, I am astonished by the news that the Navy is dumping oil sludge into the Atlantic Ocean off the north coast of Florida.

According to dispatches, the sludge has formed an oil slick 40 miles long and 19 miles wide at a point fewer than 25 miles from the Atlantic beaches.

The slick endangers at least 50 miles of shoreline between south Georgia and St. Augustine. An official of the Florida Marine Patrol calls it the biggest oil spill he has ever seen.

The Navy does not deny it. Its spokesman says the Mayport Naval Station at the mouth of the St. Johns River has been using this procedure for the past 2 years.

He claims the Navy is judicious with its dumping. The barges go out to sea only twice every 3 months, and they do not dump until they are more than 50 miles from land.

Mr. President, I am appalled. The Navy's dumping blatantly violates the Nixon administration's stated policy on ocean dumping. It blatantly violates a Federal law on oil spills enacted just 8 months ago today. It blatantly violates Interior Department regulations published only 2 months ago.

The President's position on the protection of our environment is well known. Only last February, in his environmental message to the Congress, he made it clear:

> The damage done to our environment has not been the work of evil men, nor has it been the inevitable by-product either of advancing technology or of growing population. It results not so much from choices made, as from choices neglected; not from malign intention, but from failure to take into full account the full consequences of our actions.

The Federal law on oil spills, Public Law 91-224 signed on April 3 by the President, is equally clear. It flatly prohibits the discharge of oil in harmful quantities into or upon the navigable waters, the adjoining shorelines, and the contiguous zone.

The Interior Department regulations issued September 11 just as clearly define what harmful quantities are. Any spill that violates applicable water quality standards or causes a film or sheen or discoloration of the water is a harmful quantity.

Only yesterday in New Orleans, three major oil companies were fined more than $500,000 by a Federal court for safety violations at offshore wells, the kind of violations that have resulted in oil spills. But the Navy, dumping oil—not spilling oil—into the Atlantic Ocean goes scot-free.

Where does the Navy get its authority to dump oil sludge into the Atlantic, or any other ocean? The Navy's defense rests upon the most incredible claim of this continuing disaster. The Navy says it is acting under the Oil Pollution Act of 1924.

Mr. President, I read in their entirety two lines from the Water Quality Improvement Act of 1970, signed on April 3, 1970, by President Nixon:

> SEC. 108. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246-1252), is hereby repealed.

The authority on which the Navy acted has not been law since 8 months ago, Mr. President.

Mr. President, the Committee on Public Works will hold an emergency hearing on this oil spill tomorrow morning at 10 o'clock. Senator JENNINGS RANDOLPH, chairman of the Committee on Public Works, and Senator JOHN SHERMAN COOPER, ranking minority member, sent telegrams to the Secretary of Defense, the Acting Secretary of the Interior, and the Chairman of the Council on Environmental Quality.

I ask unanimous consent that copies of the telegrams be included in the RECORD at this point.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: We are informed that the responsible officers of the Navy have justified the recent oil dumping off the coast of Florida on the basis of regulations issued under the Oil Pollution Act of 1924 (43 stat. 604). Not only is this recent action, which now imperils the beaches of North Florida, in violation of the President's announced policy against ocean dumping, but it is in direct violation of PL 91-224, Section 108, which repealed the Oil Pollution Act of 1924. In view of the President's policy, PL 91-224, and the growing concern of the American people for safeguarding our environment, this action of the Navy is incredible. There would appear to be no national security issue involved but only gross disregard of the Water Quality Improvement Act of 1970. The officers responsible for this action must be held accountable under the law. We are formulating plans for an emergency hearing by the Subcommittee on Air and Water Pollution. I respectfully request that you hold the Secretary of the Navy available for such a hearing in the next 48 hours.

JOHN SHERMAN COOPER.
JENNINGS RANDOLPH.

Hon. FRED J. RUSSELL,
Interior Building,
Washington, D.C.

DEAR MR. SECRETARY: We are informed that the responsible officers of the Navy have justified the recent oil dumping off the coast of Florida on the basis of regulations issued under the Oil Pollution Act of 1924 (43 stat. 604). Not only is this recent action, which now imperils the beaches of North Florida, in violation of the President's announced policy against ocean dumping, but it is in direct violation of P.L. 91-224, Section 108, which repealed the Oil Pollution Act of 1924. In view of the President's policy, P.L. 91-224, and the growing concern of the American people for safeguarding our environment, this action of the Navy is incredible. There would appear to be no national security issue involved but only gross disregard of the Water Quality Improvement Act of 1970. We are formulating plans for an emergency hearing by the Subcommittee on Air and Water Pollution, within the next 48 hours. Will you please furnish the Committee on Public Works with information regarding whatever guidelines you may have issued to the Navy under the Environmental Policy Act of 1970 or the Federal Water Pollution Control Act, as amended, regarding such ocean dumping.

JOHN SHERMAN COOPER.
JENNINGS RANDOLPH.

Hon. RUSSELL E. TRAIN,
Council on Environmental Quality,
Washington, D.C.

DEAR MR. CHAIRMAN: We are informed that the responsible officers of the Navy have justified the recent oil dumping off the coast of Florida on the basis of regulations issued under the Oil Pollution Act of 1924 (43 stat. 604). Not only is this recent action, which now imperils the beaches of North Florida, in violation of the President's announced policy against ocean dumping, but it is in direct violation of PL 91-224, Section

108, which repealed the Oil Pollution Act of 1924. In view of the President's policy, PL 91–224, and the growing concern of the American people for safeguarding our environment, this action of the Navy is incredible. There would appear to be no national security issue involved but only gross disregard of the Water Quality Improvement Act of 1970. We are formulating plans for an emergency hearing of the Subcommittee on Air and Water Pollution. Within the next 48 hours. Will you please furnish the Committee on Public Works with information regarding whatever guidelines you may have issued to the Navy under the Environmental Policy Act of 1970 regarding such ocean dumping.

JENNINGS RANDOLPH.
JOHN SHERMAN COOPER.

Mr. MUSKIE. Mr. President, I also ask unanimous consent that copies of the news stories describing this disaster which appeared in this morning's Washington Post and New York Times be included in the RECORD at this point.

There being no objection, the news articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 3, 1970]

NAVY DUMPING FORMS OIL SLICK OFF FLORIDA

JACKSONVILLE, Fla.—A massive oil slick covering 760 square miles was located Wednesday in the Atlantic Ocean 23 miles off north Florida. A spokesman for the state said the U.S. Navy deliberately dumped it.

The heavy black fuel oil posed a threat along 50 miles of sandy beaches from near the Georgia line to St. Augustine the spokesman said.

"This is not a spill; this is a dump," said Randolph Hodges, director of the State Natural Resources Department at Tallahassee.

State Marine Patrol officials estimated the slick was 40 miles long and 19 miles wide.

The Navy at Jacksonville said it had dumped "a quantity of sludge from two barges into the ocean" Monday night.

The official Navy statement said Mayport Naval Station at the mouth of the St. Johns River "has used this procedure for the past two years, as required by the Oil Pollution Act of 1924. It is done about twice a quarter over 50 miles from land."

Lt. John Seay of the Florida Marine Patrol described it as the biggest oil spill he's ever seen—much bigger than one located Tuesday in the Florida Keys near the underwater Pennekamp State Park. Winds and seas broke that one up.

THREE OIL COMPANIES FINED $500,000 IN VIOLATIONS AT OFFSHORE WELLS

NEW ORLEANS, December 2.—Three major oil companies were fined more than $500,000 in Federal court today after pleading no contest to charges that they had not placed safety valves on some offshore oil wells in the Gulf of Mexico.

The three companies—Humble Oil Company, Union Oil Company and Continental Oil Company—each received the maximum fine of $2,000 for each count in the indictments.

A fourth company, Shell Oil Company, which is currently fighting an offshore oil well fire, pleaded not guilty, and United States District Judge Fred J. Cassiery said that he would set a trial date later.

The action came at an arraignment on indictments brought by the Federal Government in November.

Humble was fined $300,000 on 150 separate counts involving 33 offshore wells; Union $24,000 on 12 counts involving eight wells, and Continental $242,000 on 121 counts involving 24 wells.

Shell is charged with 170 separate offenses involving 40 wells.

No pollution was involved in any of the offenses. The companies were indicted after a grand jury investigation that stemmed from the Chevron Oil Company offshore fire and oil spill last February, Chevron paid $1-million in fines.

COMPANIES COMPLYING

The Government has said that all the companies here now complying with the law and that the offenses listed in the indictments were for past actions.

Since the Chevron spill, which went uncontrolled for a month, the Department of the Interior has doubled the Gulf Coast oil inspection force, and a further expansion is planned. The man who ordered the expansion, Walter J. Hickel, was dismissed last week from his post as Interior Secretary by President Nixon.

Mr. Hickel had also suspended further leasing of offshore oil sites until Dec. 15.

The Shell fire, which began yesterday when an oil well blew out on a drilling platform 10 miles from the Louisiana coast, continued to burn today. Shell officials said, that they were considering allowing it to burn until they could drill a relief well, process requiring about three weeks.

Richard Nelson, Shell's offshore division general manager, told a news conference today that the new fire was potentially a greater pollution threat than the Chevron fire. However, he said that the company could meet the threat.

State officials said that initial pollution from the Shell blowout was minor. There are 22 working wells on the Shell drilling platform.

United States Attorney General A. Gallinghouse pointed out that the well involved in the fire was not involved in the indictments for which Shell faces trial.

In the Shell fire, which occurred more than 100 miles from the Chevron fire, two men were killed, one man is missing and several were burned critically.

NEW OIL SLICK THREAT

JACKSONVILLE, FLA., December 2.—The second oil slick threat in two days cropped up along the Florida Coast today—apparently as a result of the dumping of oil by the Navy.

Randolph Hodges, State Natural Resources Director, said that the slick, about 52 miles offshore, was being blown along by winds and could threaten tourist beaches from Fernandia Beach south to Daytona Beach—a stretch of 110 miles.

He said that the slick had been located by one of his agency's planes and was 15 to 19 miles wide.

Yesterday, an oil slick—believed caused by a passing Italian ship—was discovered off the Florida Keys, but the winds and seas broke it up before it could cause any extensive damage to the shoreline.

Mr. Hodges said that the new slick, "beginning at the northern end of Nassau Sound 52 miles offshore, extends 40 miles southward to Palm Valley between Jacksonville Beach and St. Augustine."

At the Palm Valley point, he said, the oil mass is only 23 miles offshore.

He said that an investigation had found that two barges left the Mayport Naval Base at noon on Nov. 30, ran a course of 87 degrees 50 miles offshore and returned to Mayport Dec. 1 at 10 in the morning.

"The Navy tells us that regulations require them to dump 50 miles out, but our problem is that it's coming back toward shore," Mr. Hodges said. "With the President's stand against dumping in the ocean, it's peculiar that his military would be dumping any distance off there."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had insisted upon its amendments to the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped; disagreed to by the Senate, and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. ROGERS of Florida, Mr. CARTER, and Mr. HASTINGS were appointed managers on the part of the House at the conference.

The message announced that the House had agreed to the amendment of the Senate to the bill (H.R. 18679) to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. SAXBE). The Chair, on behalf of the Vice President, in accordance with Public Law 91–513, appoints the Senator from Iowa (Mr. HUGHES) and the Senator from New York (Mr. JAVITS) to the Commission on Marihuana and Drug Abuse.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment in accordance with the order of Monday last.

The motion was agreed to; and at 4 o'clock and 32 minutes p.m. the Senate adjourned until tomorrow, Friday, December 4, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate December 3, 1970:

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

To be first lieutenant

Abold, Phillip L., [redacted]
Abramek, Edward T., [redacted]
Abramson, Richard S., [redacted]
Adam, George F., Jr., [redacted]
Adams, Walter W., [redacted]
Ahern, Daniel B., [redacted]
Albertini, Victor D., [redacted]
Albright, William A., [redacted]
Alessandro, Charles, [redacted]

Alexander, David R., xxx-xx-xxxx
Alexander, Dean C., xxx-xx-xxxx
Alexander, James E., xxx-xx-xxxx
Allard, David C., xxx-xx-xxxx
Allen, David K., xxx-xx-xxxx
Allhoff, Francis H., xxx-xx-xxxx
Altemose, James L., xxx-xx-xxxx
Altus, Robert W., xxx-xx-xxxx
Ames, Richard L., xxx-xx-xxxx
Anderson, Kimmel R., xxx-xx-xxxx
Armstrong, Michael, xxx-xx-xxxx
Ashford, Gary L., Jr., xxx-xx-xxxx
Ashton, Gerald L., xxx-xx-xxxx
Atwood, Charles R., xxx-xx-xxxx
Aubrey, James R., xxx-xx-xxxx
Ayres, Timothy R., xxx-xx-xxxx
Back, James W., xxx-xx-xxxx
Baer, Craig A., xxx-xx-xxxx
Bailey, Brooke P., xxx-xx-xxxx
Bailey, Steven D., xxx-xx-xxxx
Baird, Wayne J., xxx-xx-xxxx
Baker, Norman R., xxx-xx-xxxx
Bala, Walter A., xxx-xx-xxxx
Balazs, Brent W., xxx-xx-xxxx
Bancroft, William W., Jr., xxx-xx-xxxx
Barclay, Lawson E., xxx-xx-xxxx
Barco, Leroy G., xxx-xx-xxxx
Baribeau, Michael D., xxx-xx-xxxx
Barker, Daniel J., xxx-xx-xxxx
Barnard, Douglas M., xxx-xx-xxxx
Barnes, Joseph W., xxx-xx-xxxx
Barnes, Larry R., xxx-xx-xxxx
Bartness, Patrick M., xxx-xx-xxxx
Bassett, Frederick E., xxx-xx-xxxx
Bassett, Kenneth W., xxx-xx-xxxx
Batchelor, John D., xxx-xx-xxxx
Bauer, Bertrand J., xxx-xx-xxxx
Bayer, John P., Jr., xxx-xx-xxxx
Bazar, William A., xxx-xx-xxxx
Beanblossom, Bobby V., xxx-xx-xxxx
Beauregard, Alfred J., xxx-xx-xxxx
Beckett, Mason H., Jr., xxx-xx-xxxx
Bedford, Lyman D., xxx-xx-xxxx
Bednarz, Michael H., xxx-xx-xxxx
Beekman, William D., xxx-xx-xxxx
Begert, William J., xxx-xx-xxxx
Behr, Robert D., xxx-xx-xxxx
Bell, Warren J., xxx-xx-xxxx
Belwood, Lloyd E., xxx-xx-xxxx
Bender, Steven R., xxx-xx-xxxx
Bennett, John W., xxx-xx-xxxx
Berry, Alan L., xxx-xx-xxxx
Berry, Richard L., xxx-xx-xxxx
Bethart, Edgar J., Jr., xxx-xx-xxxx
Bettcher, James R., xxx-xx-xxxx
Bettencourt, Manual J., Jr., xxx-xx-xxxx
Bierer, Lindsey E., 111, xxx-xx-xxxx
Birk, Frank T., xxx-xx-xxxx
Bjurk, James R., xxx-xx-xxxx
Blackman, Robert M., Jr., xxx-xx-xxxx
Blanchard, Warren C., xxx-xx-xxxx
Blank, Richard A., xxx-xx-xxxx
Bluhm, Steven A., xxx-xx-xxxx
Blumberg, Alvin E., Jr., xxx-xx-xxxx
Bogart, David B., xxx-xx-xxxx
Bohner, Scott N., xxx-xx-xxxx
Bole, Samuel J., xxx-xx-xxxx
Bonfiglio, Victor J., xxx-xx-xxxx
Bonner, Barry D., xxx-xx-xxxx
Booker, Richard L., xxx-xx-xxxx
Booth, Robert T., xxx-xx-xxxx
Boots, Robert J., xxx-xx-xxxx
Borah, Steve B., xxx-xx-xxxx
Bourke, Thomas J., xxx-xx-xxxx
Bowen, Jack E., xxx-xx-xxxx
Bowers, Ralph K., xxx-xx-xxxx
Bowles, Ralph D., xxx-xx-xxxx
Bowman, Norman H., Jr., xxx-xx-xxxx
Bowman, William R., xxx-xx-xxxx
Boyd, Kenneth R., II, xxx-xx-xxxx
Braasch, Gary B., xxx-xx-xxxx
Bradburn, Terry L., xxx-xx-xxxx
Brandt, Arthur J., III, xxx-xx-xxxx
Brandt, Stephen D., xxx-xx-xxxx
Brawders, Ronald J., xxx-xx-xxxx
Brenneman, Glenn B., xxx-xx-xxxx
Breuder, Andrew J., xxx-xx-xxxx
Bridal, Donald D., xxx-xx-xxxx
Brinkerhoff, Jerry L., xxx-xx-xxxx
Bristow, Richard D., xxx-xx-xxxx
Brockett, William F., xxx-xx-xxxx
Brogan, Dennis M., xxx-xx-xxxx
Broussard, Raymond D., xxx-xx-xxxx
Brown, Frank B., Iv, xxx-xx-xxxx
Brown, Gerald W., Jr., xxx-xx-xxxx
Brown, Rayford K., xxx-xx-xxxx
Brown, Robert M., Jr., xxx-xx-xxxx
Brown, William F., Jr., xxx-xx-xxxx
Broyhill, Ted K., xxx-xx-xxxx
Brumm, David N., xxx-xx-xxxx
Bucchioni, Daniel T., Jr., xxx-xx-xxxx
Budzinski, Willard C., Jr., xxx-xx-xxxx
Buford, William L., Jr., xxx-xx-xxxx
Buono, Bruce J., xxx-xx-xxxx
Buraglio, Rockne J., xxx-xx-xxxx
Burgamy, Michael B., xxx-xx-xxxx
Burgess, Stanley H., II, xxx-xx-xxxx
Burke, Charles C., xxx-xx-xxxx
Burkey, Bruce A., xxx-xx-xxxx
Burkhart, Kenneth M., xxx-xx-xxxx
Burkhead, Charles E., xxx-xx-xxxx
Burleson, Lynn T., xxx-xx-xxxx
Burnett, Byron C., xxx-xx-xxxx
Burnham, Russell C., xxx-xx-xxxx
Burns, Robert A., xxx-xx-xxxx
Busch, Dennis H., xxx-xx-xxxx
Busselle, James R., xxx-xx-xxxx
Butler, Michael R., xxx-xx-xxxx
Byrum, Edward S., xxx-xx-xxxx
Cahman, John A., xxx-xx-xxxx
Callison, Jerry L., xxx-xx-xxxx
Camp, James R., xxx-xx-xxxx
Campbell, Harry G., xxx-xx-xxxx
Campbell, John R., II, xxx-xx-xxxx
Carr, James F., xxx-xx-xxxx
Carroll, Gerard P., xxx-xx-xxxx
Carson, John P., III, xxx-xx-xxxx
Cartwright, Michael R., xxx-xx-xxxx
Caudill, Elmon, C., II, xxx-xx-xxxx
Caughlin, Donald J, Jr., xxx-xx-xxxx
Chapman, John C., Jr., xxx-xx-xxxx
Chapman, Michael G., xxx-xx-xxxx
Chatmon, Albert I., xxx-xx-xxxx
Chrismer, Denny L., xxx-xx-xxxx
Clarey, Robert F., xxx-xx-xxxx
Clark, James R., Jr., xxx-xx-xxxx
Clark, Leroy W., xxx-xx-xxxx
Clawson, Duane W., xxx-xx-xxxx
Clements, Donald P., xxx-xx-xxxx
Cobb, John S., xxx-xx-xxxx
Cobb, William P., xxx-xx-xxxx
Cochran, James E., xxx-xx-xxxx
Coe, Richard E., xxx-xx-xxxx
Cole, Ray M., Jr., xxx-xx-xxxx
Coleman, Kenneth R., xxx-xx-xxxx
Collazodavila, Vicente, xxx-xx-xxxx
Collins, Brent R., xxx-xx-xxxx
Colt, Richard J., xxx-xx-xxxx
Condit, Dale O., xxx-xx-xxxx
Coneybeer, Thomas R., xxx-xx-xxxx
Connelly, Thomas T., xxx-xx-xxxx
Connors, Terrance L., xxx-xx-xxxx
Contreras, Ben, xxx-xx-xxxx
Cook, James L., xxx-xx-xxxx
Coolidge, Charles H., Jr., xxx-xx-xxxx
Copeland, Larry J., xxx-xx-xxxx
Corley, Charles J., xxx-xx-xxxx
Courter, Jimmie R., xxx-xx-xxxx
Cousins, Paul A., xxx-xx-xxxx
Couture, James E., xxx-xx-xxxx
Covey, Richard O., xxx-xx-xxxx
Craig, William A., xxx-xx-xxxx
Crimmel, William W., xxx-xx-xxxx
Criscuolo, John A., xxx-xx-xxxx
Crombar, Barry R., xxx-xx-xxxx
Crowe, Robert N., xxx-xx-xxxx
Cryer, James M., xxx-xx-xxxx
Cullen, Frederic M., xxx-xx-xxxx
Cupello, James M., xxx-xx-xxxx
Curran, William Michael, xxx-xx-xxxx
Current, William E., xxx-xx-xxxx
Curtiss, Walter D., xxx-xx-xxxx
Cushion, Kenneth E., Jr., xxx-xx-xxxx
Custer, Gregory E., xxx-xx-xxxx
Daley, Robert A., xxx-xx-xxxx
Damiani, Aris E., xxx-xx-xxxx
Dauth, Michael A., xxx-xx-xxxx
Davenport, George R., xxx-xx-xxxx
Davidson, Thomas E., xxx-xx-xxxx
Davis, Charles R., xxx-xx-xxxx
Davis, Louis S., xxx-xx-xxxx
Davitt, William F. III, xxx-xx-xxxx
Dean, Roger A., xxx-xx-xxxx
DeBellevue, Charles B., xxx-xx-xxxx
Defazio, James E., xxx-xx-xxxx
Degovanni, George, xxx-xx-xxxx
Dellwardt, David J., xxx-xx-xxxx
Deloach, Johnny G., xxx-xx-xxxx
Denny, John R., xxx-xx-xxxx
Devereaux, Thomas P., xxx-xx-xxxx
Dienes, Nicholas S., xxx-xx-xxxx
Dikkers, Gary L., xxx-xx-xxxx
Dillman, Alan D., xxx-xx-xxxx
Dmytryk, Edward C., xxx-xx-xxxx
Dommeyer, Carl D., xxx-xx-xxxx
Donohue, Stephen Paul, xxx-xx-xxxx
Dorger, John M., xxx-xx-xxxx
Dougherty, Thomas R., xxx-xx-xxxx
Dowsing, Philip Q., xxx-xx-xxxx
Draper, Stuart D., xxx-xx-xxxx
Draper, Thomas A., xxx-xx-xxxx
Dreier, Thomas A., xxx-xx-xxxx
Drenkowski, Dana K., xxx-xx-xxxx
Drennan, Jerry D., xxx-xx-xxxx
Drennan, William M., Jr., xxx-xx-xxxx
Dudley, Garry W., xxx-xx-xxxx
Duffy, John E., xxx-xx-xxxx
Dugan, Edward J., III, xxx-xx-xxxx
Duncan, Charles V., III, xxx-xx-xxxx
Duncan, Donald W., xxx-xx-xxxx
Duncan, Ian J., xxx-xx-xxxx
Dunham, John L., xxx-xx-xxxx
Dunkerley, Alan G., xxx-xx-xxxx
Durham, George R., Jr., xxx-xx-xxxx
Durocher, Curt L., xxx-xx-xxxx
Dyer, Allen R., xxx-xx-xxxx
Eagles, Donald E., xxx-xx-xxxx
Eaves, Thomas J., Jr., xxx-xx-xxxx
Eberhart, Ralph E., xxx-xx-xxxx
Eckert, William D., xxx-xx-xxxx
Ecung, Maurice, xxx-xx-xxxx
Eden, Anthony, xxx-xx-xxxx
Edlund, Maurice E., II, xxx-xx-xxxx
Edwards, Roger L., xxx-xx-xxxx
Edwards, Walter V., III, xxx-xx-xxxx
Eggert, Martin F., xxx-xx-xxxx
Eikleberry, Daniel J., xxx-xx-xxxx
Eisenman, William J., xxx-xx-xxxx
Elliott, George E., xxx-xx-xxxx
Ellis, John D., xxx-xx-xxxx
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Thurston, William H. III xxx-xx-xxxx
Tichenor, Charles K., xxx-xx-xxxx
Toof, Jonathan A., xxx-xx-xxxx
Torreano, Mark A., xxx-xx-xxxx
Towt, Howard C., xxx-xx-xxxx
Traylor, Samuel C., xxx-xx-xxxx
Turchick, William A., xxx-xx-xxxx
Turner, Philip R. xxx-xx-xxxx
Turner, Ronald L., xxx-xx-xxxx
Uhls, Willis G., xxx-xx-xxxx
Umemoto, Ernest M., xxx-xx-xxxx
Vail, Thomas M., xxx-xx-xxxx
Vanamerongen, William G., xxx-xx-xxxx
Vandekamp, John W. xxx-xx-xxxx
Varhall, Gregory, xxx-xx-xxxx

Vasek, Gary R., xxx-xx-xxxx
Vaught, Johnnie L., xxx-xx-xxxx
Vazquez, Alfonso III, xxx-xx-xxxx
Venturi, Richard R., xxx-xx-xxxx
Veteto, Benny M., xxx-xx-xxxx
Vice, John M., xxx-xx-xxxx
Vihel, Richard S., xxx-xx-xxxx
Wagner, Gordon F., Jr., xxx-xx-xxxx
Wagner, Michael J., xxx-xx-xxxx
Wagner, Thomas A., xxx-xx-xxxx
Waldron, Philip K., xxx-xx-xxxx
Wales, Edwin A., xxx-xx-xxxx
Walker, Russell C., xxx-xx-xxxx
Wallace, Martin M., xxx-xx-xxxx
Walsh, William J., xxx-xx-xxxx
Washburn, Thomas E., xxx-xx-xxxx
Watkins, John J., Jr., xxx-xx-xxxx
Watson, Frederick E., xxx-xx-xxxx
Watson, Tony J., xxx-xx-xxxx
Wauer, George G., xxx-xx-xxxx
Webb, Jack B., xxx-xx-xxxx
Weideman, Robert F., xxx-xx-xxxx
Weis, John T., xxx-xx-xxxx
Weishaar, Henry A., xxx-xx-xxxx
Welsh, John R., Jr., xxx-xx-xxxx
Wentzel, Eric P., xxx-xx-xxxx
West, James D., xxx-xx-xxxx
West, Virgil A., Jr., xxx-xx-xxxx
Westbrook, James G., Jr., xxx-xx-xxxx
Wevodau, Frederick H., Jr., xxx-xx-xxxx
Whaylen, Thomas A., xxx-xx-xxxx
Wheeler, Wayne K., Jr., xxx-xx-xxxx
Whittenberg, Karl F., xxx-xx-xxxx
Wierzbanowski, Theodore J., xxx-xx-xxxx
Wiggins, James P., xxx-xx-xxxx
Wiles, Roger L., xxx-xx-xxxx
Wilhelm, Kenneth L., xxx-xx-xxxx
Williams, Earl W., xxx-xx-xxxx
Williams, Richard K., xxx-xx-xxxx
Williams, Robert T., xxx-xx-xxxx
Williams, Stanley A., xxx-xx-xxxx
Williams, William R., xxx-xx-xxxx
Williford, Richard L., xxx-xx-xxxx
Willis, Robert H., xxx-xx-xxxx
Wilson, Jack L., xxx-xx-xxxx
Wilson, James R., xxx-xx-xxxx
Wilson, Robert J., Jr., xxx-xx-xxxx
Wilson, Wayne D., xxx-xx-xxxx
Windham, Donald R., xxx-xx-xxxx
Wise, Mark C., xxx-xx-xxxx
Wood, Charles A., xxx-xx-xxxx
Wood, William B., xxx-xx-xxxx
Woodsmall, Richard A., xxx-xx-xxxx
Worrell, Rowland H. III, xxx-xx-xxxx
Worster, Arthur J., xxx-xx-xxxx
Wyngaard, Gerald F., xxx-xx-xxxx
Yamamoto, Walter M., xxx-xx-xxxx
Yeomans, Leigh S., xxx-xx-xxxx
Yoos, Charles J. II, xxx-xx-xxxx
Yorko, John C., xxx-xx-xxxx
Yox, Lawrence W., Jr., xxx-xx-xxxx
Zagzebski, Kenneth P., xxx-xx-xxxx
Zauber, Glenn R., xxx-xx-xxxx
Ziegler, Randall K., xxx-xx-xxxx
Zielsdurff, George F., xxx-xx-xxxx
Zimmerman, Carl T., xxx-xx-xxxx
Zubrod, Terry R., xxx-xx-xxxx
Zakaitis, Karl E., xxx-xx-xxxx
Zyroll, Thomas O., xxx-xx-xxxx

NURSE CORPS

Jacobs, Gary L., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Barrs, David M., xxx-xx-xxxx
Brant, William E., xxx-xx-xxxx
Dalton, James D., xxx-xx-xxxx
Danney, Mark M., xxx-xx-xxxx
Downing, Dennis R., xxx-xx-xxxx
Driggers, David A., xxx-xx-xxxx
Erwin, James L., xxx-xx-xxxx
Fossum, Basil D., xxx-xx-xxxx
Gage, Thomas P., xxx-xx-xxxx
George, Charles L., Jr., xxx-xx-xxxx
Grant, Lee B., Jr., xxx-xx-xxxx
Griffin, Arland G., xxx-xx-xxxx
Huggins, William C., xxx-xx-xxxx
Hurt, Eric L., xxx-xx-xxxx
Mackie, Kenneth J., Jr., xxx-xx-xxxx
Montero, Lloyd A., xxx-xx-xxxx
Moss, Robert J., Jr., xxx-xx-xxxx
Powell, George R., xxx-xx-xxxx
Powers, William J., xxx-xx-xxxx
Rasor, Ronald O., xxx-xx-xxxx
Sample, Kenneth F., xxx-xx-xxxx
Sands, Arthur C., xxx-xx-xxxx
Schmidt, Philip M., xxx-xx-xxxx
Smith, Karl H. S., xxx-xx-xxxx
Stephenson, John R., xxx-xx-xxxx
Vocks, Joseph T., xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Anderson, Herman B., Jr., xxx-xx-xxxx
Aycock, Arthur C., xxx-xx-xxxx
Baughman, Mary A., xxx-xx-xxxx
Benline, Terry A., xxx-xx-xxxx
Biegert, Eugene A., xxx-xx-xxxx
Gallagher, Frank P., III, xxx-xx-xxxx
Grand, Ronald S., xxx-xx-xxxx
Hablitzel, Thomas L., xxx-xx-xxxx
Harris, Ronald J., xxx-xx-xxxx
Koistinen, Darrel W., xxx-xx-xxxx
McCracken, James E., Jr., xxx-xx-xxxx
McIntyre, Thomas H., xxx-xx-xxxx
Naugle, Dennis F., xxx-xx-xxxx
Rosato, Louis W., Jr., xxx-xx-xxxx

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be colonel

MEDICAL

Malone, Richard S., xxx-xx-xxxx

To be lieutenant colonel

DENTAL

Taylor, Jeremiah A., Sr., xxx-xx-xxxx

To be captain

MEDICAL

Wexler, Arnold H., xxx-xx-xxxx

Levaughn Jenkins, xxx-xx-xxxx for appointment in the Regular Air Force, in the grade of major, under the provisions of section 8284, title 10, United States Code, with date of rank to be determined by the Secretary of the Air Force.

The following-named officer for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. Officer is subject to physical examination required by law.

To be captain

Williams, John W. O., xxx-xx-xxxx

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of captain in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Ahtye, Perry
Aiken, Robert James
Alexander, Charles Edward
Andersen, Martin Gregor
Atkins, Claude Cage
Austin, Frederick Lowell J.
Baer, Henry Allen
Baggett, Arthur Edward, Jr.
Baker, John Henry
Baker, Richard Arthur
Baker, William Prentice
Balas, George Ivan
Barcay, Stephen Joseph, Jr.
Barchet, Stephen
Barsoum, Adib Hanna
Best, William Callahan
Billingsley, Frank Sidney
Bingham, Elmer Lawrence
Blackburn, Laurence Henry
Bornmann, Robert Clare
Borowsky, Melvin
Boyden, Douglas Gregg
Braswell, Harold Morris, Jr.
Brisbin, Robert Lee
Bristow, William Melton
Brothers, Wiliam S.
Brown, Robert Allen
Burke, Erwin Lewis
Burningham, Richard Alvin
Carver, Michael Chilton
Clarke, Eugene Joseph, Jr.
Colburn, James Edward
Cooke, James Kenneth, Jr.
Cooper, Paul Day, Jr.
Crews, Quintous Earl, Jr.
Cross, Gregory Hachikian
Daane, Thomas Arthur
Damato, Nicholas Anthony
Dean, Philip John
Dearrigoitiarodriguez, Enr
Defries, Hugh Otto
Dempsey, William Charles
Dewaal, Jan Gerrit
Deyton, John Wesley, Jr.
Edson, Mitchell
Emich, Charles Henry
Escajeda, Richard Martin
Fairfax, George Taylor
Fouty, William Joseph
Giard, Henry Louis
Glick, Herbert Edison
Hamlin, Charles Richard
Harrison, Lucius Ashton, Jr.
Hart, George Babe
Hauzenblass, John Wencesla
Highly, Francis Merrel, Jr.
Hoom, Victor Martin
Houston, Harry Rollins
Hughes, James Lewis
Jones, Warren Jeffrey, Jr.
Kaufmann, Edwin Donald
Kawaguchi, Toshiyuki Paul
Kibbey, Ianthus Irvin
Kinneman, Robert Eugene, Jr.
Knab, Douglas Russell
Labudovich, Marco
Lambdin, Charles Samuel
Lee, Dixon Arthur
Lowery, Clinton Hershey
Lukash, William Matthew
McGrew, Clinton Jackson, Jr.
McHale, James Jerome, Jr.
Miller, Alan Gilmore
Miller, Thomas Franklin, Jr.
Millerick, Joseph David
Mills, Mitchell
Morgan, Jacob Richard
Mozley, Paul David
Mucha, Stephen John
Mullin, Robert Lester
Narva, William Milton
Neugebauer, Marion Kenith
Nickerson, Charles William
Nieves, Miguel, Jr.
Plaut, Martin Renatus
Pratt, Hugh Spencer, Jr.
Raasch, Frank Otto, Jr.
Rehme, Arthur Leroy
Reid, Donald
Robinson, Donald Walter
Royal, Orren Leroyce
Rudinger, Edwin Anton
Ryskamp, James Jay, Jr.
Schanberger, John Edward
Schmetz, Frank Joseph, Jr.
Schorn, Victor Gerard
Seaton, Lewis Hiram
Sell, Kenneth Walter
Senn, Francis Edmund, Jr.
Stahl, Charles Jay III
Stotka, Victor Leonard
Strange, Robert Edward
Teneyck, David Roderick
Theros, Elias Paul George
Trone, James Norcross
Trumble, Theodore Joseph
Upton, Richard Thomas
Varon, Myron Izak
Walker, Robert Earl
Walter, Eugene Paul
Wenger, Norman Edward
Wilhelm, Harry Wesley
Wolfe, Franklin Morris
Woodstein, Ira Jelin

DENTAL CORPS

Ainley, James Edward, Jr.
Anderson, John T.
Bowers, Gerald Miles

Enoch, James Duncan
Falcone, Philip Russell
Flagg, Roger Holmes
Gorman, Walter James
Grandich, Russell Anthony
Hardin, Jefferson Frederic
Hiatt, William Robert
Hodson, Harold Wade
Holmes, John Bernard
Hyde, Jack Elgin
Johnson, Dean Leroy
Kelley, John Philip
Klecinic, Edward Paul
Lawrence, Joseph J., Jr.
Luther, Norman Kennedy
McKinnon, John Alexander, Jr.
Orrahood, Robert Howard
Pebley, Harry Calvin
Pinkley, Virgil Alvin
Pistocco, Louis Robert
Prange, William Herbert
Reid, Albert Francis
Ruliffson, Franklin Russell
Schultz, Chester J., Jr.
Shirley, Robert Edwards
Slagle, Lowell Elwood
Slater, Robert William
Stanley, James Howard
Sydow, Paul John
Taylor, B. Frank
Tenca, Joseph Ignatius
Terry, Bill Carlton
Whatley, Thomas Luther
Wilson, James McClelland
Wooden, Robert Aubrey
Woodland, Everan Cornelius

MEDICAL SERVICE CORPS

Akers, Thomas Gilbert
Barkley, Lucien Edward
Boggs, Clifford Walter
Boudreaux, Joseph Clent, Jr.
Courtney, John Charles
Howard, Wallace R.
Jones, William Henry
Kaufman, Louis Richard
Keating, Katherine
Laedtke, Ralph Harold
McKearly, Georgia Mae
Miller, Edwin Bartley
Pruitt, John Dallas
Rudolph, Henry Steven
Tedford, Charles F.
Tober, Theodore Wendel

JUDGE ADVOCATE GENERAL'S CORPS

Cedarburg, Owen Lee
Davis, William Johnson
Dunbar, John Peter
Hantzes, Savas
Hawk, James Thomas
Jimmerson, Thomas Jefferson, Jr.
Palau, Henry Stuart
Root, John Bernard, Jr.

NURSE CORPS

Butler, Anna Teresa
Byrnes, Anna Marie
Conder, Maxine
David, Alice Louise
Cardill, Norma Helen
Parent, Shirley Marie
Weeter, Bessie Racheal

SUPPLY CORPS

Armstrong, George Kornegay
Ball, Thomas Fauntleroy, Jr.
Barber, Ray Cleveland
Bray, Joseph Alfred
Brown, Robert Michael
Burbank, Donald Dean
Davis, James Bly
Dickson, Holton, Carroll, Jr.
Donley, Harold Clement, Jr.
Foster, Paul Lowe
Gordon, Donald Bedell
Gove, Jack Edwin
Greenberg, Edwin Gilbert
Henderson, John Merrill
Hutchinson, Arthur Edward
James, Billy Mink
Maynard, Frank Taylor
McEnearney, John Edward
Mitchell, Billy Ross
Mitchell, William Frederick
Porter, Orland Ainsworth, Jr.
Ringhausen, Robert Leo
Rixey, Charles Woodford
Ryan, William Jardine
Smith, Herbert Richard
Stratton, Dene Brian
Wasson, John Arthur
Weisskopf, William Malvin
White, George Handford
Wirsing, John Arnold

CHAPLAIN CORPS

Condit, John Carroll
Conte, James William
Dodson, Leonard William, Jr.
Frimenko, Michael
Fuller, William Calvin
Geary, Joseph Francis
Hardage, Owen Allen, Jr.
Heath, Robert Hubbell
Hitchens, Walter Chaloner
Huffman, William Wyland
Ingebretson, Ervin Duane
Keen, Homer Eugene, Jr.
Lemaster, Donald Calvin
Samuel, William Roy
Simmons, David Eugene
Sire, Elwin Norton
Sweeney, Patrick Francis, Jr.
Veltman, Dean Kay.
Wootten, Thomas Joseph

CIVIL ENGINEER CORPS

Courtright, Carl
Olson, Paul David
Trueblood, Donald Richard
Zobel, William Marshall
Degroost, Ward Walton, III
Stevens, Warren Gene
Wingast, Stanley

Joseph A. DeColli, Medical Corps, U.S. Navy, for temporary promotion to the grade of lieutenant commander in the Medical Corps, subject to qualification therefor as provided by law.

Helen A. Oregan, Nurse Corps, U.S. Navy, for temporary promotion to the grade of lieutenant commander in the Nurse Corps, subject to qualification therefor as provided by law.

Varro D. Anderson, U.S. Navy, for temporary promotion to the grade of lieutenant commander in the line, subject to qualification therefor as provided by law.

Donald Kear, U.S. Navy, for permanent promotion to chief warrant officer, W–4, subject to qualification therefor as provided by law.

The following named officers of the U.S. Navy, for temporary promotion to the grade of lieutenant in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

Ayres, Steven E.	Martin, Robert S.
Bankert, Harlan R., Jr.	Mitschang, George W.
Baratta, Anthony J.	Mowry, James W.
Bradt, Douglas J.	Pearson, Larry G.
Ceglio, Natale M., Jr.	Purdy, Donald W.
Giles, Wayne H.	Radican, William W.
Geisler, Peter J.	Smethers, James R.
Hollender, Edmund V.	Steinert, Leif M.
Hough, Marvin F.	Stephens, Joseph F.
Kimmerer, William J.	Tracz, Stanley J., Jr.
Langland, Rodger A.	Trumbower, Glenn C.
Litzler, Lee G.	Wheat, Luther W.

SUPPLY CORPS.

Anderson, Scott K., Jr.	Grigson, Delbert Q.
Kurz, Robert R.	Mathews, Mayes D.
Menard, Ronald	Pollock, William J.
Svihla, Richard C.	

CIVIL ENGINEER CORPS.

Burke, William F., III

NURSE CORPS.

Burns, Rebecca K.

MEDICAL SERVICE CORPS.

Flondarina, Melchor N.

Curtis E. Pew, U.S. Navy, for transfer to and appointment in the Supply Corps of the U.S. Navy in the permanent grade of ensign.

The following named officers for transfer to and appointment in the Civil Engineer Corps of the U.S. Navy in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Conniff, David D.	Koski, William A.
Groncznack, Robert P.	Poole, Richard D.
Holm, Stanley R., Jr.	

The following named officers for transfer to and appointment in the Judge Advocate General's Corps of the U.S. Navy in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Armstrong, Arthur J.	Manning, Edward F.
Cohen, William D.	Oglesby, Douglas A.
Fulkes, Duane S.	Schachte, William L.

The following named women officers for permanent promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law:

Bogard, Barbara J.	Halenza, Susan C.

The following named women officers for permanent promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Baker, Elizabeth S.	Lewis, Nancy A.
Barrett, Elizabeth M.	McAllister, Carol
Denby, Sara P.	Reece, Joan C. M.
Dilorenzo, Julia J.	Shultz, Phyllis L.
Dunham, Dixie L.	Thomas, Joan H.
Horn, Emile L.	Watkins, Joann E.
Kuhn, Lucille R.	Zierdt, Lucy E.

The following named officers for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

Ayres, Stephen E.	Kimmerer, William J.
Baratta, Anthony J.	Krasik, Steven L.
Beyer, Carl W.	Mitschang, George W.
Bogard, Barbara J.	Trumbower, Glenn C.
Currivan, John D.	

SUPPLY CORPS

Biel, Jeffrey D.	Mathews, Mayes D.
Casanova, Kenneth E.	Menard, Ronald
Grigson, Delbert Q.	Perry, William K., Jr.
Johnson, Jesse B.	Svihla, Richard C.
Lauren, Daniel H.	

MEDICAL SERVICE CORPS

Duny, Marshall S.

NURSE CORPS

Burns, Rebecca G.

The following named Naval Reserve Officers Training Corps Candidates to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:

Adkins, Harvey J.	Holmes, Stanley O.
Cantrell, William M.	Lessel, John C.

Michael D. Gaden (naval enlisted scientific education program candidate) to be a permanent ensign in the line or staff corps, subject to qualification therefor as provided by law.

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Gilbert, Henry R., III	Stone, Richard
Sanders, Henry A., III	

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to qualification therefor as provided by law:

Campbell, Larry G.	Rippert, Eric T.
Conlon, Thomas O.	Romero, Felix
Curtiss, John T.	Thornton, William K.
Hollen, Michael C.	Troutman, Gary W.
Riggs, Robert J.	Whiting, Lynn G.

David P. Haro (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Dental

Corps of the Navy, subject to qualification therefor as provided by law.

The following named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy subject to qualification therefor as provided by law:

Cleveland, William A. Sunderman, James G.
Reiff, Gregory J. Vacca, James A.

The following named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Dental Corps of the Navy, subject to qualification therefor as provided by law:

Back, Jim P. Powers, James A.
Fady, James A.

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Engleman, David R. Hunter, William L., Jr.
Griffin, Howard A., Jr. Swan, David M.
Horowitz, Irvin R. Wrobel, Lance J.

William W. Stuart (Naval Reserve officer) to be a permanent lieutenant in the Dental Corps of the Navy, subject to qualification therefor as provided by law.

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to qualification therefor as provided by law:

Antimarino, Ronald F. Giorgetti, Paul J.
Carlson, Curtis E. Lewis, Doyle M.
Curtiss, John T. Mathews, David P.
Frazier, James L. Stauffacher, Richard K.

Prince E. Denton (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to qualification therefor as provided by law.

The following-named chief warrant officer to be an ensign in the Navy, limited duty, for temporary service in the classification indicated and as permanent warrant and/or permanent and temporary warrant subject to the qualification therefor as provided by law:

AVIATION MAINTENANCE

Brattain, Herbert K.

The following named officers for temporary promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Marriner, Richard Eugene
Guisinger, Lawrence Barrett, Jr.
Walker, Samuel Bruce
Bolst, Albert Lea
Pitts, Paul Denney
Gallagher, Robert Stephen
Pedersen, Alton Andrew
Wintriss, George Victor
Master, Carl Lyman, Jr.
Wilson, Derek Westervelt
Olmstead, Stanley Edward
Combs, Robert Lamar
Morris, Jesse Beverly, Jr.
Kennedy, Raymond Joseph
Hoover, Cameron Lee
Denton, Douglas John
Brown, Donald Louis
Meadows, Landon Odell
Potter, Clare Elmer
Campbell, Carl Eugene
Dennis, Paul Lester
Dement, Ira Benjamin
Gagne, Wilford Clifford
Langley, Charles Ralph
Peebles, Baker Lawrence
Bueche, Arthur Henry, Jr.
Vonier, Richard Louis
Cornett, Charles Sherman, Jr.
Scoffield, Gary Adams
Chalmers, William Coulter
Austin, Ellis Ernest
Sylvester, Vincent
Wylie, Clayton Russell
Houglum, Leon Peary
Murray, James Calvin
Oppedahl, Phillip Edward
Nelson, Robert Eric
Page, Arthur M.
Young, Edward Barham
Buchwald, Robert Dale
Pritchard Joseph Reese
Somers, David Walter, Jr.
Reich, Merrill Drury
MacNichol, Malcolm Stuart
Burrows, Jack
Busby, Richard Edward
Bauschka, Patrick Francis
Tasker, William George
Simcox, James Godwin
Panarese, Adam Francis
Usilton, William Beck
Wills, Doyne Robert, Jr.
Glickman, Walter
Persels, Lyle Dewitt
Morris, Charles Howard
Smith, Eugene Franklin
Reynolds, David Bertram
Miller, Robert William
Lee, Dennis Bryon
Scott, Charles Herbert
Gonzalez, Robert Neil
Simpson, Jon Dennis
Donohue, Douglas Jerome
Henry, John Archie, Jr.
Carlson, Walter Gene
Cramer, Edward Alfred, Jr.
Browning, Elmer Luther
Ballou, James Edward
Myers, Ashley Alfred
Guimond, Louis Francis
Parker, Jackson Knowles
Zimmerman, Willard Charles
Kuck, Donald Lee
Firey, Roger Stafford
Dewey, Richard Frank
Pape, Frank Ferdinand
Albritton, David Lee
Denoon, Norman Lee
Demarino, Thomas Vito
O'Connor, Neil Francis
Goodwin, James Barden
Simpson, John Edward, II
Kuehler, Donald Edward
Bradford, J. W.
Schumacher, Duane Otto
Kolstad, Thomas Carl
Neuhaus, Charles Franklin
Smith, Lee Oran
Kratch, David Arnold
Strommen, Gene Arthur
Werenskjold, Gary William
Malvin, Frederick Bage
Sears, Johnny Marion
Leban, Carl
Johnston, Harold Benjamin, Jr.
Spero, Joseph Richard
Stowell, Marshall Alfred
Brown, Ralph Edward, Jr.
Korthe, James Doran
Stegrist, Edward Adam, Jr.
Fitzgerald, John Francis
Matteson, Kelvin Lester
Stewart, George Wallace
Barton, Robert Lawrence
Taylor, James Edward
Broyles, Bill Ray
Sykes, Floyd Eugene
Tully, Joseph Frank
Burns, Gerald Joseph
Strey, Dennis Wilbert
Higgins, John Joseph
Tulley, Cecil Richard
Wakatake, Clifford Kiyoshio
Neeley, Wallace Wayne
Bailey, William Benteen
Hyde, Ronald Pope
Weseleskey, Allen Ellis
Ford, Randolph Wright
Wilson, Robert Marvin
Sachtjen, Jerry William
Mansfield, James Lawrence
Vezina, George Robert
Bryant, Don Michael
Chauncey, Arvin Roy
Wingerter, Edward William, Jr.
Allen, Archie Eugene
Isenhour, William Jacob
McKnight, James Donald
Whelan, Mathew John, Jr.
Lee, Kenneth Clifford
Caine, Paul Eugene
McKamey, John Bryan
Aucoin, James Benjamin
Bethea, Carl Lewis
Gehrig, Jerome Charles
Marriott, Michael John
Groscup, William Dale
Hall, John Owens
Zaludek, George Michael
Monroe, Vincent Duncan
Boguslawski, William Tadeusz
Hartman, Anthony George
Krueger, Milton Edmund
Bailey, James Edward
Noggle, George Alfred, Jr.
Haliday, George Warren
Repass, Donald Eugene
Heekin, John Patrick
Shaffer, Clyde Hoover
Leech, Robert Joseph
Cornell, John Paul
Hensley, James Virgil
Kimball, Paul Elmer
Miller, John Laurence
Murphy, John Alfred
Kilpatrick, Thomas Eugene
McIndoe, James Edward
Bushnell, Malcolm West
Pippins, Elery Harold
Ginn, James Thomas
Debode, Donald Gene
Lange, Christian Alexander, Jr.
Mann, John Philip
Hegeman, Joey William
Corrigan, Richard Walter
Coyne, Thomas
Greer, Robert Eugene
Piotti, Walter Theodore, Jr.
Baker, Donald Adrian
Swartz, Theodore Robert
Winchester, Morton Summers
Ellington, Norman David
Catron, Jerry Michael
Thomas, James Wooten
Grant, Howart Wilkerson, Jr.
Appelhof, Gilbert Alan
Smith, Phillip Don
Braunschweiger, Andrew Eugene
Kent, Ronald Harold
Huggins, Andrew Curtis
Fox, John Francis Joseph
Baumstark, Richard Blake
Gilkison, Edward Robert, Jr.
Daly, John Stephenson
Earhart, Kay Eugene
Sale, William Luther
Weichman, Denis Regnauld
Gardella, John Kerr
Ream, Ronald Lowell
Armstrong, Clarence Ervin, Jr.
Egan, Robert William
Burton, James Leroy, Jr.
Bailes, Ralph Thomas
Wieschoff, Kenneth Harry
Coffey, Robert Carlin
Castle, Ronald Gene
Owens, Darrel Dean
Brown, Howard Athur
Yelle, A. Courtney
Golder, Thomas Vincent
Leblanc, Thomas Dauphin
Mueller, John Arthur
Morton, Stewart Malcolm
Endo, Norio Bruce
Jurgens, Robert Anthony
Sanders, Wilbur Fisk, III
Knowles, Russell Jr.
Littlewood, Lyle Eugene
Higginson, John Joseph
Myers, Dale Phillip
O'Keefe, Timothy Robert
Hay, Donald George
McEnaney, Thomas James, Jr.
Campbell, John Richard

Furtado, Francis Joseph
Guttery, Thomas Hobson
Schoeff, Kendall E.
Ake, Charles Francis
McGylnn, James Robert
Davis, Thomas Alfred
Thorpe, Gordon Lewis
Grady, Roger Dennis
Riedemann, Walter Joseph, Jr.
Flynn, John Joseph
Stanford, Robert Leland
Pollard, Ronald Terrell
Garrett, Roger Dean
Taylor, Jeremy Dolph
Ryan, Patrick Francis
Maxwell, Matthew Thomas, III
Ogle, Peter Wayne
Bisek, Dennis George
Rae, Paul O'Leary
Wirth, Charles George
Webb, Kenneth Howard
Wood, Richard Grimshaw
Sierra, Edward Perrault
Clark, Thomas Breckenridge
Rimson, Ira Jay
Meyer, Richard Ervin
Kushner, David Arthur
Daum, Richard August
Propst, William Floyd
Bentley, Robert Edward
Flyum, James Kenneth
Thornsley, John Thomas
Funderburk, Jeryl Dean
Johnson, Phillip Seth
Simerly, Glen Edward
Newton, Robert Lewis Lavoy, Jr.
Prien, Richard Kenneth
Howe, John Edward
Alves, Arcenio, Jr.
Shores, Howard Veasey
Beamon, Joseph Everett, II
Plassmeyer, Joseph Donald
Roberts, Gordon Whayne
Burpo, James Harvey
McHugh, Charles Earl
Ore, William Edward
Marthinson, Detlow Mainch, Jr.
Bellune, Max Mitchell
Porcaro, Anthony Paul
Magnus, Ralph Stanley
Weisman, Burton Stuart
Mead, Gerald Richard
Horsley, George William, Jr.
Hibbard, Grant Welk
Johnson, Walter Edwin
Peterson, Laurel Charles
Engelhardt, James Henry
Burson, Donald Lee
Boyles, Harlan Henley
Schulz, Paul Henry
Vescelius, Milton James, Jr.
Wheat, Elbert Ervin
Yetter, William Stanley
Newcomb, Zeanious Lee
Cox, Edward Franklin
Ginther, Larry Lyon
French, Douglas E.
Brown, Roger William, Jr.
Promersberger, Edward Sebastian
Parker, Ronald Hearn
Patrick, Andrew Kenley
Campbell, Norman Dean
Owens, Robert Spencer
Walston, Jerry Don
Woods, Brian Dunstan
Perry, Leonard Gordon
Bolton, John Mason
Anderson, Edwin Knowles
Snow, Kennedy Bruce
Anderson, Gary Marshall
Hammock, Donald Paul
Alberg, Donald James
Addison, Carl William, Jr.
Pedersen, Dan Arthur
Schussler, Gerald Arthur
Schmidt, Arnold Christopher
James, James Edward Manson
Pietrzak, Edward Stanley, Jr.
Reynolds, Robert Lee
Mismer, Grady Franklin, Jr.
Perrella, Albert Joseph, Jr.
Greene, George Cameron
Timlin, Joseph William, Jr.
Wilson, Leonard Odell
Branscomb, Max G.
Fournier, Joseph Oscar
Feuerhelm, Duane Leroy
Cochran, William Franklin
Williams, Doyne Gene
Franklin, William Patrick
McTighe, Roger Paul, Jr.
Hellman, John Stephen
McDaniel, Rodney Bonner
Hutchinson, Charles Kenneth
Taylor, Gaylen Dean
Araki, Makoto
Markley, Wade Eddy
Wild, Ronald Austin
Haack, Norman Erwin
Bowers, John Pennington
Lang, William Robert
Pearson, Merton Arcadus
Gallion, Lawrence Barclay
Hyatt, Charles Edward
Dickey, John Edmunds
Kesteloot, Robert Warren
McIntosh, Charles Eugene
Hart, Raymond James
Pocklington, William Dale
Connery, John David
Worst, Dale Richard
Feingersch, Allen
Songster, John Hugh
McHenry, William George
Vermillion, John Edward
Belto, Meryl Allen
Everly, Vernon Richard
Ermis, Leroy Charles
Butler, Clarence Billy
Westfall, Van Franklin
Oyler, Charles Clinton, Jr.
Bankowski, Walter Francis
Hawkins, Sam Henry
Palmer, Gerald Anderson
Touchton, John Henry, Jr.
Maurer, Earl Thomas
Smith, John Carl, Jr.
Coyne, William Louis
Osborne, Dale Harrison
Queen, Ronald Jess
Walker, Richard Allen
Salisbury, Jack Steffee
Grant, Gerry David
Perro, Michael Alexander, Jr.
Horton, Jerry Douglas
Mouser, Hugh Phillip
McDonald, Richard Reese
Krekel, Lyman Edward
Evens, Philip Roland
Waring, James Dean
Ferm, Dennis Wayne
Stiers, Lawrence Keith
Mills, Albert
Ahrenstein, Monroe Joel
Cramer, Erich Hansotto Ernest
Zwick, John Elmer
Godefroy, Pierre Louis
Frankenberger, Paul Francis
Mills, Thad Wesley
Kittleman, Donald Leslie
Adgent, Robert Boyd
Pappas, Jimmy
Ragan, Charles Patrick
Wallace, Laird Edward
Misura, Paul
Rogers, David Taylor
Brown, William Sidney, Jr.
Cummins, Clarence Myron
Bowman, Henry Cleveland
Fox, George Raymond
Walter, Clyde Melvin
Fossett, Birchard Clary
Moore, John Wharton
Kennedy, Thomas Ladd
Hartley, Donald Alan
Lambert, Raymond Alfonzo
Forster, Johann Richard
Ruchala, Joseph Felix
Day, James Olin
Winn, Perry Riley, Jr.
Greene, William Harrell, Jr.
Miefert, Milton Delarma, Jr.
Johnson, Ronald Joseph
Burleson, Frank Marvin
Marcus, Robert Ulysses
Walden, Warren Lee
Swanson, Matthew Clark
Leeds, Rene Wesley
Flynn, Samuel Carson, Jr.
Chancy, Thomas Masden
Furey, Edwin Michael
Quigley, Francis Joseph
David, Ralph Harry
Thomas, John Hinson, III
Marshell, Raymond Eugene
Florko, Donald John
Rower, Jay Allen
Dwyer, William Leo
Collard, Keith Paul
Hayes, Michael Francis
Keathley, James William
McMurry, William Thomas
Fleak, Walter Herbert, Jr.
Carder, Denny Martin
Davis, Robert Bruce
Kantor, Clifford Stephen
Bone, John Stanley, Jr.
Kremin, Richard Allen
George, Troy Hescue, Jr.
Reiley, Ralph Hunt, Jr.
Steckel, John Howard
Burgess, Eric Clyde
Bishop, Larry Dean
Muller, Robert Charles
Culberson, George William, Jr.
Cleary, Patrick Roger
Schwaab, Denis Thomas
Bonhag, Waler Dorman, Jr.
Swarthout, Gerald Lynn
McCormick, Bruce Alan
Bremser, William John, Jr.
Hagen, Dael Norman
Owen, William Leon, Jr.
Zackowski, Terrence Lee
Kemper, Ralph Courtney
Bertrand, Jon Stanley
Bendit, Billy Lankford
Allen, David Lee
Steele, William Milford, Jr.
Owens, Sherman Henry
McCampbell, Richard Lee
Kennelly, Bernard John
Shirley, Vernon Dale
Hannah, Elmore Kline, Jr.
Rollman, Gordon Lynn
Haitt, William Douglas
Brooks, Otis McKinley
Hawkins, Charles Derward, Jr.
Barnhardt, David Franklin
May, Robert Carroll
Henderson, Mark Dale, Jr.
Gash, John Allen
Anderson, Franklin Warren
Roundtree, Jack Lewis
Hewitt, Paul Edward
Edwards, Walter Joseph
Holloway, Richard Vernon
Miller, George
Wells, Charles Thomas
Bauer, Paul Franklin, Jr.
Stoeckel, Anthony Wayne
Piche, Paul Duane
Moore, Rowland Wesley
McDonough, Vincent Paul
Weber, Gerald Morris
Marcantonio, Anthony William
Goggin, Richard Edward
Teter, Eugene Victor
Belisle, Gerald Morris
Whiting, Donald Wayne
Arnold, David Lee
Pickett, Ronald Booth
Piersall, Charles Homer, Jr.
Pearigen, Jare Max
Cracknell, William Henry, Jr.
Camp, Joe Don
Hancock, Gus Herndon, Jr.
Harkins, Vyron Vernon, Jr.
Simpson, James Hillman
Miller, David Gordon
Johnson, Wendell Norman
Cochran, Thomas Lenwood

Fitch, Dee Nelson
Richards, Warren David
Duckworth, Jess R.
Degroot, Henry, Jr.
Moke, Paul David
Morsches, Robert William
Micell, Joseph Dominick
Mitchell, Clyde Lee
Wiley, Byron Anthony
Frey, Robert Dean
Millard, David Russell
Blouin, Robert Edward
Jackson, Lester Thurston, Jr.
Parsons, Marland Wolcott, Jr.
Luetschwager, Edward Ernest
Boyle, Ronald Raymond
Steinbrink, Earl Edward
Grimes, Thomas Warren
Cueroni, Lee Angelo
Carlson, Robert Gene
Atkins, Brandon Thomas
Reynolds, Ted W.
Luehring, Davidson
McCaull, John Wayne
Butsch, Lester Hunt
Conklin, Andrew Janke
O'Connell, James John
Alvarez, Franklin Fernsler
Heyde, John Stirling, Jr.
Harvey, Walter Douglas
Kraft, Robert Michael
Scales, Richard Howard
Kerr, William Alexander, Jr.
Smith, William Speller, Jr.
Christensen, John Edward, Jr.
Ballou, Joseph Frank
Warters, Robert Lee
Sick, Gary Gordon
Dyer, Thomas Edward
Fields, David Edward
Sedor, Gerald
McMichael, George Lee
McGill, James Alexandar
Beck, Donald Ernest
McConnel, Richard Appleton, Jr.
Wiltsie, Ronald James
Arthur, Stanley Roger
Arcuni, Philip
Weiland, Robert Frederick
Sloan, Dennie Young
Ross, Thomas Edward
Wright, Arthur Stclair
Pistotnnik, James Joseph
Shewmaker, John Bisset
Wiley, Bruce Theodore
Trost, Henry John, Jr.
Noll, Charles Francis
Wilson, Bruce Douglas
Nielsen, Niel Peter
McCutchan, Milton Lloyd
Deegan, Robert Francis.
Boyne, Peter Bernard
Didier, Jacob Peter, Jr.
Cooper, David Stuart
McCullough, Lawrence Edward
Clarke, Douglas Lane
Felt, Bruce Charles
Fitzgibbons, George Paul
Prosser, Norman Edward
Ball, Marvin Loy, Jr.
Boice, Frank Bitts
Gilliland, Lawrence Arthur, Jr.
O'Neill, James Patrick, Jr.
Peterson, Paul Arnold
Hall, Charles Reade, III
Gearin, Billy Dan
Olmer, Lionel Herbert
Aydt, Roger DeWitt
Bryans, Brian Kent
Baldwin, Oa Fredrick
Davis, Jimmy Wayne
Furrow, Donald Edson
Thaubald, Edward John
Knapp, Ralph Edmund
Koehler, Norman Elias, III
Blair, Frank
Lowery, Needham Hugh
Blanchard, Lewis Thomas
Nichols, Richard Donald
Martin, Marshall Warren

Fisher, Harvey Enloe
Harre, James Louis
Anderson, Anders Timm
Paul, John Stephen
Sutphen, Harold John
Weston, Jack Lane
Peace, John Darlington, III
Hines, Dean Howard
Quinn, James Hastings
Hellewell, John Seymour
Smith, Bertram David, Jr.
Richardson, John Daniel, Jr.
Essig, John Raymond
McGuigan, David Brant
Sullivan, Jermiah Francis
Lanman, George Maurice
Schneider, Henry John
Davis, Robert Earl
Turner, John Joseph, Jr.
Cromer, Charles Clinton
Zollars, Allen Marshall, Jr.
Stoetzer, Raymond Norman
Hogan, Lawrence Miles
Enkeboll, Richard Ernest
Holtzclaw, John William
Donnelly, Thomas Francis
Leuschner, Robert Lee, Jr.
Larson, Charles Wesley, II
Strahm, Kenneth Alan
Parcell, Kenneth Howard
Severance, Laverne Stanard, Jr.
White, George William, Jr.
Wilbur, Charles Harrison
Carson, William Grant
Quast, Harry Stillman
Bullock, Harold Oliver, Jr.
Foss, Robert Nelson
Tatro, Peter Richard
Chanslor, Richard Maurice
Schleicher, Richard Joseph
Frommer, Paul Stanley
Komp, Richard Lloyd
Knutson, Jerry Gail
Biele, Charles Edward, Jr.
Peerenboom, William Henry
Wyatt, Raymond Edward
Burcher, Philip Edwin
Ballantine, James Clement, Jr.
Conner, Eugene Davison
Breckon, Richard Louis
Hiebner, Robert John, Jr.
Clevenger, Redmond Lawson
Albero, Carl Michael
Marxer, Hugo Edward
Sloane, Stephen Burton
Aldana, Louis Pelayo
Hobler, William Joseph, Jr.
Smithey, William John Henry
Brookes, Allan Gorely, Jr.
Charles, Richard Noel
Livingston, Gill Frederick
Kunkel, Larry Duane
Stoodley, Francis Howard
Roeser, William Valentine, Jr.
Baldwin, Roger Lane
Beasley, Charles Jahns
Harner, Charles Franklin, Jr.
Coulbourn, Samuel William
Doughdrill, Charles Weston
Hughey, Ira Allen
Gentz, Richard Corbett
Viessmann, Alex Jan
Hewitt, Wesley Charles
Westlake, William Robert
Dugan, Ferdinand Chatard, III
Kirkland, Thomas Jefferson, III
Gunderson, Donald Henry
Womack, Leonard Ray
Daly, Frederick Trenk, III
Cundari, Francis Lawrence
Snell, William Franklin
Greiling, David Scott
Hyatt, Leo Gregory
Kramer, Theodore Roosevelt, Jr.
Rydzewski, James Charles
Underhill, Samuel Graham
Blessing, George Richard
Beatty, James Robert, III
Jerome, John David
Frederickson, Arthur Hugh
Vaughan, Edward Bressie, Jr.

Crowe, William Mitchell, Jr.
Finn, William Anthony
Burrows, James Bradford
Hartman, Richard Danner
Strange, Robert Orris, Jr.
Finley, John Lawrence
Normand, Eugene James
Henry, Michael Collins
Yockey, Harry Merwin
Gowans, George Keith
Fahrney, David Laurence
Meaux, Richard Pollock
Scott, Douglas Lee
Emmett, Richard Franklin
Buck, David Ervin
Caciola, James John
Megehee, Louis Dan, Jr.
Schneidewind, Gilbert Pease
Stewart, Keith Archibald
Ritchie, Sherwood Leferve
Miller, Peter Ross
Davis, John Weyman, Jr.
Brewton, Edward Allen
Smith, William Jerry
McFarland, James Stephen
Stevenson, Leon McCoy, Jr.
Demarest, Joseph George, III
O'Connor, Paul
Parnell, Ural Clay
Nevin, Robert Fenton
Lange, William Gordon
Kiefer, Martin Daniel
Hastie, Robert Keith
Goldstone, Ronald George
Masten, Lawrence Everett
Coolbaugh, Jesse Dixon
Collins, David Malcolm
Madouse, Richard Lee
Cooper, John Duffield, Jr.
Holt, John Albert, III
Margedant, John William
Bauer, Herbert
Luke, Charles Thomas, Jr.
Hall, Gordon Bradford, Jr.
Segelhorst, Herbert Edwin
McCulloch, James Moody
Cross, Claude Christopher
Melnick, Norbert Waring
Kuntz, David Stephen
Wellborn, Robert Morgan, Jr.
France, Morgan Michael
Black, Richard Orrin
Jones, Colin Mastin
Avila, John, Jr.
Bower, Bruce Bradley
Magner, Lawrence Richard
Loewenthal, Robert Gordon
Pharis, Wade Jefferson
Matthews, Gary David
Green, Richard Francis
Mickle, William McEwen
Christenson, Robert Warnhoff Sig
Koster, Alfred Maria, IV
Malmquist, Emil Dwight
Clark, Loren Lee
Lamay, Urban Randel, Jr.
Hower, James Joseph
McPherson, Roger Bering
Langholz, Marcus Joel
Howland, John Herrick
Erikson, Theodore William
Allen, George Smith
Knodle, William Clifton
Coleman, James Joseph
Smith, William Earle, Jr.
Elich, Robert Louis
Curry, William Hubert, Jr.
Griffin, David Hamlin
Miklos, Thomas John
Bond, Charles Stephen
Newell, John Whitaker
Kentopp, Donald Eugene
Cole, William Marchant, II
Schiwitz, Preston George, Jr.
Vanlandingham, Clyde Hampton, Jr.
Burgess, John Edmund
Puerling, Peter Nicholas
Gustafson, Charles Bengt
Moore, David Winston
Brown, Thomas Scot
Poole, James Richard

McMillen, Kenneth Allen
Mahon, Edward Joseph, Jr.
Tarrico, George John
Malley, Kenneth Cornelius
Brooks, Dennis Matthew
Siegel, Kent Rodney
Miniter, Howard Elmer, Jr.
Breed, William Lee
Hoppe, Herbert Lee
Haynes, Harald Johan
Philipps, George
Rutemiller, Oren George, Jr.
Mahony, Terrence Michael
Silvia, Charles Paul
Whitmire, Wilson Royer
Larabee, Kent Wilber
Saracco, Robert Louis
Veek, Eugene Bradford
Atwell, Robert Franklin, III
Ward, Richard Rollins
West, William Wright
McCarthy, James Francis
Jordan, William Travis
Robinson, Kenneth Frank
Shields, Ronald Max
Johnson, Robert Allen
Dove, Ray Wood, Jr.
Katz, Bennett David
Anderson, Edward Everett, Jr.
Zimmer, Emory Partl
Dennis, Jefferson Rice, Jr.
Law, James Edwin
Gulliver, Victor Stanley
Taunt, Melvin Eugene
Brown, Randall Robison
Brown, William Tyler
Pruett, Ronald Lee
McGlasson, Daniel Eubank
Whaley, Thomas Prioleau
Gundermann, Richard Thomas
Rucker, William Armor, III
Junghans, Peter Austin
Howe, Frederic Northey, Jr.
Moreau, Ronald Frederick
Bostick, James Hugh
Defibaugh, Carl Francis, Jr.
Bender, James Edward
Cox, James Parrish
Neary, Joseph Francis
Fickenscher, David Burke
O'Brien, George Eugene
Tate, Robert Hunter, Jr.
Truxall, Charles Wible, Jr.
Ong, Richard Eugene
Searcy, William Paul
Ellsworth, Warren Reginald, Jr.
MacCubbin, George Edwin, Jr.
Kriewall, Roylec Louis
Shay, James Edward
Hatcher, Jerry Maldon
Stacey, John Lyle
Patterson, Dale Kendall
Dunham, William Carl
Kershner, Robert Lee
Lewis, Robert Kay, Jr.
Morris, David Roland
Adams, Samuel Wren, Jr.
McDermott, Joseph Thomas
McDonald, Gerald Wayne
Boerner, Delbert Dean
Dean, Bill Clark.
Johnson, Leonard Willby, II
Holland, Joe Lambert
Mumford, Robert Evans, Jr.
Betterton, Thomas Cherrill.
Farley, Edward Bigelow, Jr.
O'Hara, James Patrick, Jr.
Knott, Richard Charles
Sawyer, Tommy Don
Rositzke, Robert Hugh
Murray, Thomas Robert
Lowe, Gary Bennett
Meukow, Walter Trendel
Foresman, James Hammond, III
Watson, John Alan
Beatty, Don George
Walker, Thaddeus Owens, Jr.
Gimber, Harry Meeker Stuart, III
Barnum, Craig Luther
Peacher, Robert Wadsworth
McGinty, Thomas Joseph
Southern, Wilson Edwin
Watts, Robert Bach
Dunlap, Stanton Parks
Barker, Harold Douglas
Solomon, Selig
Dickey, Kenneth Ray
Horsefield, John Edwin
Mitchell, Donald Leslie
King, Carleton James, Jr.
Heisner, Robert Irving, Jr.
McGrail, Charles Reynolds, Jr.
Moore, Jimmie Rodgers
Burns, John Douglas
James, Thomas Paul, Jr.
Fernald, Lloyd Wilbur, Jr.
Lowrance, Douglas Long
Stogis, Peter Douglas
Greenhoe, Duane Floyde
Judge, Joseph Ivis
Bruni, Richard Lee
Baker, Peter Anthony
Porter, Richard Grayson
Gambill, Richard Kemp
Herring, George Griffin, III
Heyward, Shannon Douglas
OConnell, Daniel Joseph
Barker, Richard Harvey
Fishburn, John Heffelman
Middleton, John Edward
Stouffer, John Willoughby, II
Hix, Jack Manuel
Leslie, William Neil
Buck, Wilbur Phifer
Melanson, Edward Joseph, Jr.
Vosseller, Richard Turner
Couture, John Francis
Higgins, William Howard
Wilson, Garry Leonard
Hite, Philip Robert
McNichols, John Patrick, Jr.
Buckner, James Arnold
Loman, Cleve Edgar, Jr.
Hammack, John Edward
Barker, Ernest William
Pounds, Philip Clyde, Jr.
Holzschuh, Jacob Robert
Mott, Louis Dale
Russell, Richard William
Cahill, Lionel Albert, Jr.
Allison, Kenneth Louis
Nider, Kenneth Eugene
McCullough, Robert Francis
Hester, James Homer
Lockwood, Robert Kenneth, Jr.
Warden, Kenneth John
Nicholas, Joseph
Johnson, Theodore Robert, Jr.
Glickman, Thomas Walter
Montgomery, Donald James
Cowan, Terrance Eugene
Orourke, Bernard Francis
Hawkins, Leroy Thomas
Willis, Clyde Piner
Odea, Thomas Vincent
Picher, Francis Xavier, Jr.
Eulenstein, Karl Hugo
Metz, Frederick John
Quitiquit, Max
Alexander, John Carrol, Jr.
Williams, Barton Burchard
Riley, Charles Elroy
Creswell, Lawrence Keene
Davis, Robert Donald
Meeker, Quentin Stuart
Findley, Ronald Clare
Coffee, Gerald Leonard
Buck, Ralph Vincent
Christenson, William Charles
Carleton, Jack Earl Lansing
Rouse, Walstein McCord
Hall, John William
Hubitsky, John Edward
Giganti, George Maurice
Poland, Clarence, Jr.
Thomas, Richard Keith
Nickerson, Walter Seldon, Jr.
Helveston, Eugene Harold
Corliss, Walter Frank
Richard, James Everard
Dugan, William Gifford
Wickham, Albert Gerald
Harris, Clarence Hal
Pouliot, Donald Joseph
Higgins, Harles James
Williams, Dale Howard
Schmidt, Oscar Henry
Edwards, Donald Lewis
Smith, Leonard Thomas
McGraw, Lloyd Herman
Armbruster, Robert Bernard
Pappas, Albert James
Ault, Russell Stewart
Robert, Earl Leon
Dygert, Robert Leroy
Cahill, Edward Henry
Webster, Audrey Clyde
Kirby, Raymond Edward
Litton, Robert Clifton
Clark, Charles Francis
Wurth, John Gerald
Wasloski, John Edward
Gurke, Donald Lee
Doherty, Edward Francis
Cox, Duane Arlo
Thorpe, Paul Joseph
Russell, Earl Harland
Barnes, Paul Donald
Venezia, Howard
Roberts, James Jacob
Blasko, John Edward
Wing, Rodney Claire
Powell, Daniel Gene
Glancy, Robert James
Gruendl, Paul Lawrence
Schimming, John Gottlieb
Modeen, Victor David
Dodd, Jimmy Joe
Carr, Samuel Leroy
Johnson, Ronald Laurence
Smith, Don Lynden
Gott, William Berlin
Smith, Leon Louis, Jr.
McClary, Richard Charles
Allen, Alvin Kay
Thoen, Glenn Robert
Bartee, William Joseph
Bronson, Edward Francis
Martin, William Gearheart
McConville, James Emmett
Pakradooni, Haig Herant, III
McCauley, George Kerry
Murdoch, Thomas McCulloch
Poindexter, John Marlan
Harriss, David Jackson
Wardwell, Arthur Francis, Jr.
Culp, Chester Caryl, Jr.
Crockrell, Charles William
Bradfield, James David
Hayes, Wilbur
Marshall, Robert Lynn
Robertson, Robert Duane
Nagle, Richard David, Jr.
Nottoli, George Felix
Dundore, Harold William
Hinz, Orville Carl
Keller, Lewis Donald
Collins, William Jerome
Walsh, David Lawrence
Erven, James Samuel
Cooper, Paul Winford
Stewart, George Wheeler, Jr.
Wright, Mack
Bullington, Jack Frank
Gofus, Joseph George, Jr.
Inman, Raymond Eugene
McGuirk, William Edward
Victor, James Alan
Fitzgerald, Bernard Maxwell
Cameron, Edward John
Clay, Harry Bert, Jr.
Sallee, Ralph William
Caudry, Arthur Rolland
Jones, Francis Patrick
Campbell, Robyn Moore, Jr.
Pingel, Leon John
Koczak, Edward Joseph, Jr.
Rich, Roger Lee, Jr.
Brickell, Charles Hennessey, Jr.
White, Charles Evans
Parker, Donald Fred
McRight, Clarence, Jr.
Harper, Thomas John

Holsten, Donald Wayne
Huckabay, William Osler, Jr.
Doe, Burdell Frank
Malone, Robert Stephen
Ogren, John Patrick
Beard, Percy Morris, Jr.
Maloney, Thomas Clogher
Mackinnon, John Hutchinson
Pyatt, Arnold Flack
Cox, Kenneth Eugene
Demand, Daniel Harry
Cantrell, Walter Hollingsworth
Hekman, Peter Maynard, Jr.
Campbell, Craig Sherman
Dunbar, Richard Parker
Burke, John Patrick
Edwards, Steven Hamilton
Buell, Thomas Bingham
Hansen, Harry James, III
Caldwell, James Franklin
Steckler, Joseph Leo
Bernsen, Harold John
Grimm, Thomas Dixon
Williams, James Raymond
Davis, James Vernon
Hodgkins, William Stuart
Fogarty, William Miley
Riches, Raymond Cuddy
Lindsey, Eugene Elbert, Jr.
Carpenter, Lawrence Jay
Rice, Lloyd Keith
Hodgens, Jack Anthony
Mixson, Riley Dewitt
Martin, Richard Lee
Baker, Edward Bigelow, Jr.
Kelly, Robert Joseph
Mangol, Frederick Nicholas
Hacker, Benjamin Thurman
Brooks, Linton Forrestall
Neese, John Frederick
Evans, Thomas Witherspoon
Curtis, Guy Haldane, III
Rogers, David Neil
Shaw, John Frederick
Jensen, Robert Lewis
Isaacson, Alan Twiet
Wentz, James Eugene
Viccellio, John Shannon
Feran, Paul Michael
Allsopp, Richard Edgar
Wiener, Thomas Freud
Jacobs, Thomas Leroy
Fisler, Louis Henry
Butterworth, Frank Willoug, III
Long, George Truett
Meinig, George Richard, Jr.
Shriver, Norman William
Hummer, John Jay
Topping, Robert Leavy
Dietrich, William Howard
Anderson, Richard Scruggs, Jr.
Pendley, William Tyler
Lorusso, John Michael
Lawrence, Kent Beckwith
Kaufman, Larry Edward
Adams, John Warren
Hamrick, James Murchison
Larson, Jerold Joseph
Miller, Robert Lewis
Ingram, Ronald Frank
Parrish, David Fairchild
Wood, Leland Edward, Jr.
Hamilton, Larry Dan
Smedberg, Edwin Barden
Bussard, Vernon Randolph, Jr.
Sample, Bobbie Lee
Shapero, Allen Leonard
Bovey, Robert Leroy
Eldredge, Howard Sunderlin
Bacon, Roger Francis
Brantuas, Joseph Albert
Maher, Daniel Richard
Andres, Charles Gene
Nelson, Paul Christian
Cossey, James Donald
Palmer, Leslie Nelson
Hardy, Brenton Philip
Chabot, Peter Gordon

IN THE MARINE CORPS

The following named officers of the Marine Corps for temporary appointment to the grade of chief warrant officer (W–4):

Louis Acosta
Joseph L. Backo
Paul R. Baker
John W. Bishop
Eugene A. Bowen
Harry L. Brooks
Jerry E. Bunting
Paul W. Capelle
Darl G. Capps
George W. Champion
Kenneth W. Clem
Ralston S. Clinch
Edwin J. Coyle
Robert G. Dietz
Bernard R. Doran
Edward A. Downes
Duane R. Doyle
Joe H. England
Wendel P. Fager
Robert D. Favreau
George W. Fenwick
Raymond E. Ferguson, Jr.
Billy J. Fifer
Clyde W. Folsom
Billy K. Gabriel
Barry J. Georgia
Ronald C. Harrison
Lawrence E. Harry, Jr.
Lyle C. Hassen
Donald L. Hazlett
Joe P. Hedrick
Robert A. Heusner
Wellington A. Hiester, Jr.
Byron L. Houggard
James F. Hollis
Allyn A. Humphreys
Archer D. Hurd
Daniel J. Hurley
Joseph A. Johann
Dan E. Johnson
James R. Kelly
Bernard W. Keroack
Walter R. Ketring, Jr.
Charles J. Looff, Jr.
Robert W. MacFarlane
Paul B. Maguire
Robert J. McWhorter
Robert D. Miller
Glenn P. Milliman
Douglas W. Montana
Anthony Mucci
Paul A. Myers, Jr.
Henry W. Nyenbrink
Howard C. Oakley
James G. Olsen
William H. Omdahl
Arthur R. Pearce
Benson Peltzer, Jr.
Robert E. Pope
Sam J. Prato
Dale Raymond
Thomas E. Redican
Daniel W. Richards
Stephen J. Rosta
Richard S. Russell, II
Harry L. Sagar
January T. Sakert, Jr.
William C. Schlondrop
James H. Stowell
Frank R. Sutherland
Thomas F. Taylor
Allen B. Thrailkill
Howard L. Underwood
Richard E. Weatherly
David C. Weber
James J. Wiese
John C. Williams
Floyd B. Worcester
Robert L. Worley

The following named officers of the Marine Corps for temporary appointment to the grade of chief warrant officer (W–3):

Frederick Aguilar
Lloyd Allen, Jr.
Kleve L. Anderson
Samuel M. Ballance, Jr.
Joseph F. Bates
Harry L. Bentley
Daniel L. Bayse
Robert M. Billick
Mason G. Blake
Ralf R. Boedefeld
William M. Bokholt
Philip A. Bream
Harry A. Brown, Jr.
John N. Bruch
Johnnie D. Burtscher
Charles J. Bushey
Charley M. Campbell
Eugene E. Carlton
Edward E. Carmody
Alex H. Caylao, Jr.
Louis A. Chatelle, Jr.
Henry J. Cipolla
Stephan L. Constantin
George S. Cornuet
Frank A. Cox, Jr.
Ellis L. Crews
Philip T. Cummins
Carl B. Damon
James M. Darnell
Trever E. Darner
John F. Darracott
Vaughn C. Davis
Henry A. Dierker
Edward Dimaio
Ronald L. Dodge
Ronald F. Drummond
James M. Dufriend, Jr.
James C. Feldhaus
Harold R. Fischer
William A. Fitts
Jimmy D. Fitzpatrick
Fredric L. Fletcher
Jack A. Frost
William R. Fry
William A. Fyles
Rhyne E. Garris
John Geiske, Jr.
Dan S. Gover
Bruce R. Greisen
James H. Guelich, Jr.
Edward R. Haines
Lorell J. Haughley
Allen J. Hebert
Charles T. Hedrick
Larry G. Heitzman
Frederick P. Heller
William M. Hemlepp
Franklin R. Hennon
Donald L. Howard
Carlos E. Hoyos, Jr.
Harley L. Huntley
Stanley P. Johnson
Clarence H. Jones
George E. Jones, Jr.
Reginald L. Jones
Phillip E. Jonio
Joe T. Jordan
William C. Kahle, Sr.
Arthur M. Kearley
Ray A. Keith
Thomas P. Kelly
Gerald T. Kemick
Ben W. King
Mike Kipick
Robert T. Kirchmeier
William E. Knepp
Everett W. Krantz
Leon Lambert
Howard G. Lanis
Duane D. Larson
George E. Lenhart
Samuel P. Lewis
Curtis J. Loehr
Boyzy C. Long
Joel K. Lowell
Ray D. MacPherson
Jimmy L. Manion
Ronald A. Martin
Wayne B. Mason
Allen W. Massey
Dale A. Mathys
Layton E. Mathews
Don E. Mathis
Robert Mayer, Jr.
Marvin K. McAfee
John J. McGraw
Gene V. Messinger
Richard B. Meyers
John J. Mikulsky
Don P. Miller, Jr.
Henry Moore
Theodore M. Moore
James H. Mort
Donald J. Mossey
Michael W. Murphy
Peter B. Murphy
William H. Nelson, Jr.
George E. O'Connor
Milford A. Oakes
Tommy S. O'Shields
James D. Panknin
Kenneth E. Pettit
Robert D. Pitts
Lawrence A. Pollmiller
Henry Posthuma
Robert F. Price
Herman W. Quest
Lewis R. Quill
Arvel H. Raines
Joe D. Ramseur
Walter A. Reeves
Stanley Jr. Rembish, Jr.
Larry E. Rhodes
Arthur D. Richmond
Paul E. Ring
Emmett L. Robertson, Jr.
Raymond J. Roettger
John H. Russell
Eugene D. Sanford
Marion G. Satterfield
Leroy A. Scheller, Jr.
James A. Shaffer
Joseph B. Shaughnessy
Thomas J. Sheridan
Warren A. Simmons
Donald J. Smith
Donald J. Snooks
Fletcher B. Sojourner, Jr.
Ronald L. Sousa
James B. Southall
T. J. Stanford
James N. Stewart
Donald Stokes
James M. Stoops
Walter E. Stringer, Jr.
Lawrence T. Struwe
William H. Stuckey
Charles E. Swisher
Elmer L. Thomas
Stanley B. Thomas
James G. Thompson
Edgar A. Toney
Fred Tucker, Jr.
Robert B. Tucker
Donald L. Vanhoose
Richard A. Voltz
William J. Wallace, Jr.
Joseph E. Ward
Avron J. Watts
Everett A. Weare
Charles B. Whitehurst
Edward E. Wilcoxen
Charles R. Wileman
Wilbur C. Williams
Richard D. Wise
Bascom C. Worley
Clark H. Wylde

The following named officers of the Marine Corps for temporary appointment to the grade of chief warrant officer (W–2):

Ronald Achten
Carmen Adams
David G. Albizo, Jr.
David S. Aldrich
Frank A. Alexander
Robert E. Allinger, Jr.
James L. Allingham
Constantine G. Ambrose
Curtis E. Anderson
James L. Anderson
Ferdinand J. Appl, Jr.
James B. Ash
Ronald H. Asmus
Allan K. Austin
Glenn R. Avey
Welles D. Bacon
James E. Bailey
Claude R. Baldwin, Jr.
Donald G. Baldwin
Ronald A. Balius
Salvatore A. Battista
James A. Belfiore
Ronald L. Bender
Charles S. Bennett
Illuminado Berrios, Jr.
Neal S. Bezoenik
Raymond R. Bickel III
Kenneth C. Bickley
Gary W. Bisplinghoff
Robert L. Blake
Victor H. Bode
Luther A. Bolenbarker
Gilbert H. Bolton
Robert W. Bostwick
Henry C. Boucher, Jr.
Lescoe R. Bourne
Frank E. Box
Donald B. Braun
Francis W. Brewer, Jr.
Jerry J. Briggs
Bruce Brightwell
George R. Brown
Victor E. Browning, Jr.
James H. Bucholz
Gerald S. Bucklin
Delbert A. Bullock
Allen F. Burton
Donald N. Bush
William G. Byrne, Jr.
Billy R. Campbell
Everett J. Campbell, Jr.
Donald L. Caroway
Michael J. Carroll
Ray A. Casterline
John D. Cauble, Jr.
Robert J. Caulfield
Barbara J. Chovanec
Bartley W. Christian
Hershel G. Chronister
Leonard T. Clark
Michael J. Clarke
George C. Cleveland
Rayborn S. Clifton, Jr.
Jose T. Coccovaldez
James E. Collette
Garnet E. Cope
Robert R. Corcoran
Jose N. Corderotorres, Jr.
Lazaro Corpus, Jr.
James A. Cothran
Harry S. Cotton

Hilton Craig, Jr.
Oscar E. Creech, Jr.
Frederic M. Cunningham
Charles A. Dankmyer, Jr.
Douglas J. Danley
Kenneth V. Davis
Louis D. Dearman
Armand H. Desjardin
Herman W. Dial
Thomas C. Dickey
Dennis T. Dinota
Howard G. Dood
Steven J. Draper
Samuel E. Driggers
James E. Dunning
Sidney B. Edwards
Robert D. Embesi
Robert R. Epps
James L. Eure
Jack H. Evans
Donnie L. Fauver
Michael D. Fazio
Bobby L. Ferguson
Harold D. Ferguson
Charles L. Ferko
Roy A. Ferrell
Nelson R. Fincher
Clyde L. Fisher
Joseph R. Fitzgerald
Joe M. Floyd
Ronald R. Fraizer
George M. Francis
Edgar Franklin Jr.
Eugene T. Franklin
Donald L. Galvin
William C. George
Craig D. Gibbons
Robert L. Goller
Ellwood D. Gordon
Joseph A. Gorzynski
Philip A. Grzanich
Pedro Gutierrez
Stephen H. Hagan
Arnold S. Hageman
Edwin A. Hamlin
Martin H. Handelsman
Gerald E. Hanscom
Richard C. Hansen
Donald L. Hanson
David L. Harris
John A. Harris
John T. Hart
James E. Haskins
Joseph B. Hatfield
Emerson W. Hawkins
Harold L. Henry
Donald L. Herpy
Herbert O. Hicks, Jr.
Francis A. Higginson
William A. Higgs Jr.
Paul R. Hoffman
Julius B. Hopkins
Ernie W. Howe
Jacob W. Hughes, Jr.
Edward W. Humphrey
Holland C. Hutchinson
Barton E. Immings
Lowell B. Jackson
Donald W. James
James R. Jennings
Arthur L. Johnson
Ernest E. Johnson
Weldon W. Johnson
Richard C. Jonely
Gene C. Kamplain
Jacob Kappel, Jr.
Harold A. Keith
Joseph E. Kelly
Carl E. King
Thomas F. King, Jr.
Ray E. Kittilstved
Joseph Kochuba
Leroy A. Kramvik
George D. Krebs
Raymond L. Kunkle
William A. Kuykendall
Donald R. Ladnier
Michael S. Lainhart
Donald A. Lane
Juan M. Lem
Babre Lewis
Regenald F. Lightsey
Thomas C. Lish
Redmon J. Loftus, Jr.
Donald C. Long
Gary L. Losey
Patrick J. Lynch
Jose Magallan
William S. Maire
Paul L. Malone
Tommy E. Manry
John R. Marcucci
Daniel Marland, Jr.
William T. Maroney, III
Bobby O. Martin
Harold T. Martin
Kenneth W. Martin
Jerry L. Massey
John L. Matticks
Aove E. Mattox
Roger L. Mauldin
Jimmy E. McCall
Joseph McGann
Bryan M. McGill
Robert N. McIntyre
Thomas J. McIntyre
James F. McLean
James R. McRae, Jr.
William D. Meadors III
George A. Miller
Robert M. Miller
James R. Milner
William F. Milton, Jr.
Frank G. Misemer
Kenneth L. Mitchell
Eugene E. Montgomery
Jimmy B. Morgan
Allan R. Morris
Earl F. Morris, Jr.
Thomas W. Morris
Louis Myers
Ronald C. Newman
William G. Nickels
John A. Nowicki
Sam G. Ochoco
Jerry W. Odell
Juan S. Oquendo
Joseph N. Parisi
Arthur R. Peter, Jr.
Roger B. Peterson
Ronald J. Peterson
Francis L. Pfrimmer
Lloyd G. Phillips
Eugene L. Polderdyke
Jesse P. Pullin
Francis B. Quallen
James S. Rayburn
Merle W. Reese
Gordon A. Rice
Carl S. Richardson
Robert L. Richendrfer
Richard J. Roberts
Dorsey Robinson, Jr.
Neil H. Robinson
James J. Roche
CharlesR. Roden
William P. Rohleder
Ramon Roman Jr.
Robert A. Roquemore
Paul A. Rossano
James F. Ryan
Stephan C. Salamack
Efrain F. Sanchez
Stephen A. Sandwich
Dale F. Saunders
Peter B. Sawin
John L. Schell
Richard J. Schmidt
William F. Schrider
Ray H. Scott
Thomas R. Sellers
Jimmie R. Shafer
David F. Shewmake
William F. Shreve, Jr.
Edwin P. Simpson III
Theron, Simpson, Jr.
Robert M. Skidmore
Francis C. Slavin, Jr.
Robert R. Sloan
Paul E. Smith
Alan J. Southard
Donald R. Syring
Lloyd E. Stanton, Jr.
Ray B. St. Charles
John F. Stewart
Robert E. Stewart
Patrick L. Stevens
Richard C. Stricklin
Raymond R. Strohschein
Raymond P. Sturza
Robert R. Stutler
Francis H. Sullivan
Eugene Swidonovich
Bobby G. Taylor
Robert E. Taylor
Leonard J. Tevebaugh
Gary G. Thomas
Frank C. Towers
Louis G. Troutman
William T. Troutner
James A. Turner
Larry F. Vance
Michael D. Villarreal
Robert L. Vincent
Robert G. Volack
Kenneth E. Weadbrock
Ronald E. Webb
Tony A. Weda
Herbert D. Wells
John Whitley, Jr.
Wayne D. Wildgrube
Clarence F. Williams
Francis O. Williams
Gene R. Williams, Sr.
George E. Williams
Leroy Williams
Gaines L. Willis
Joseph C. Wilson
Hershel E. Wisdom
Stanley G. Woinoski
James E. Woodruff, Jr.
Robert L. Woodward
Billy E. Wright
Barbara A. Wynnyk
James J. Yantorn
Jere W. Yost
Kenneth W. Young
Edward M. Zerbe
Kenneth P. Zrubek

DIPLOMATIC AND FOREIGN SERVICE

John A. McKesson 3d, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabon Republic.

CONFIRMATION

Executive nomination confirmed by the Senate December 3, 1970:

CALIFORNIA DEBRIS COMMISSION

Col. James C. Donovan, Corps of Engineers, to be a member of the California Debris Commission, under the provisions of section 1 of the act of Congress approved March 1, 1893 (27 Stat. 507) (33 U.S.C. 661).

WITHDRAWALS

Executive nominations withdrawn from the Senate December 3, 1970:

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

The following-named persons to be members of the Federal Metal and Nonmetallic Mine Safety Board of Review, which were sent to the Senate on September 15, 1970:

Robert N. Stewart, of Indiana, for the remainder of the term of 5 years expiring September 15, 1971.

Hugh C. Matlock, of Colorado, for the remainder of the term of 5 years expiring September 15, 1972.

Donald E. Pierce, of Idaho, for the remainder of the term of 5 years expiring September 15, 1973.

Kenneth C. Kellar, of South Dakota, for the remainder of the term of 5 years expiring September 15, 1974.

Howard L. Hartman, of California, for the term of 5 years expiring September 15, 1975.

HOUSE OF REPRESENTATIVES—*Thursday, December 3, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O praise the Lord, all ye nations: praise Him all ye people. For His merciful kindness is great toward us and the truth of the Lord endureth forever.—Psalms 117.

Eternal God and Father of us all, everywhere present and everywhere available, we wait upon Thee in this, our morning prayer. We come with humble hearts and in deep need, crying aloud for insight to see the way we should take, for courage to walk in it, and for the strength to endure even when endurance seems impossible.

As we face the trying tasks of these hurried hours, our thoughts are with those in the service of our country, particularly our prisoners of war. Grant that the sacrifices they are making for freedom may never be in vain.

Guide our Nation, our leaders, and our people through these critical and crucial times. May we learn the wisdom of the ages that only those who trust in Thee win the higher victories which will usher in the great day of justice and enduring peace.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 471. An act to amend section 4 of the act of May 31, 1933 (48 Stat. 108);

H.R. 19000. An act to amend the act of April 24, 1961, authorizing the use of judgment funds of the Nez Perce Tribe; and

H.J. Res. 1077. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and a joint resolution of the House of the following titles:

H.R. 18679. An act to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes; and

H.J. Res. 1411. Joint resolution correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8298) entitled "An act to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. HARTKE, Mr. HOLLINGS, Mr. PROUTY, and Mr. BAKER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 10634) entitled "An act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. HARTKE, Mr. CANNON, Mr. PROUTY, and Mr. BAKER to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3418) entitled "An act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 4418) entitled "An act to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes," agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RANDOLPH, Mr. JORDAN of North Carolina, Mr. MONTOYA, Mr. SPONG, Mr. COOPER, Mr. BOGGS, and Mr. BAKER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 4459. An act to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Protection Agency in order to protect and serve the interests of consumers, and for other purposes; and

S. 4547. An act to provide for regulation of public exposure to sonic booms, and for other purposes.

SUPERSONIC TRANSPORT

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, yesterday the Senate passed S. 4547, an act which would prohibit the operation of civil aircraft at a speed greater than sound over the United States, except by authorization of the FAA, which may permit certain flights only for test purposes.

In addition, Mr. Speaker, S. 4547 insures that airport-area noise created by the SST will not be greater than the noise levels created by existing aircraft. This is the intent of my bill, H.R. 18599.

While the Department of Transportation has filed notice of a proposed rule banning civil supersonic flights over land, I feel that the Congress should dispel the fears of many concerned citizens and make this law.

The question is not whether we approve or disapprove of a U.S. SST because, Mr. Speaker, SST's will be operating in the future. The Russians have their version—the TU–144—and the British-French have their "Concorde." The question is, How are we going to protect and preserve our environment?

I feel the Senate bill, S. 4547, is a step in this direction, and urge the House to speedily concur in this action.

EARTHA M. M. WHITE, LANE BRYANT WINNER

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BENNETT. Mr. Speaker, today at noon at the Plaza Hotel in New York City, Dr. Eartha M. M. White, of Jacksonville, Fla., will receive the 1970 Lane Bryant Volunteer Award for her outstanding volunteer work which has contributed greatly to her community and its citizens.

It was my pleasure and privilege to nominate Miss White for this top national award, and I join with her many friends and with those she has helped through the years in congratulating her on this signal honor.

Dr. White, who was 94 years old on November 8, 1970, is one of Jacksonville's leading citizens. She has contributed greatly to many important civic, social, and philanthropic activities. The $5,000 award is going to her for her individual achievements for volunteerism. The Lane Bryant Volunteer Award is given annually to encourage volunteer work designed to benefit the American community. One award goes to an individual and the other top award to a group.

Miss White is the founder of the Clara White Mission in Jacksonville, named for her mother, which aids children, the old, the needy and inmates of the Duval County prison farm. She established the Eartha M. M. White Nursing Home, and a museum of Negro history in her hometown. A teacher, social worker, a colonel in the Women's Army of National Defense with her close friend, Mary McLeod Bethune, Miss White is a beacon in our community and an inspiration for all Americans.

Dr. White once said:

I live by John 15:7: "If ye abide in me, my words abide in you, ye shall ask what ye will, and it shall be done unto you." That is a contract with God. I try to fill my side of the contract; He fulfills His.

We can all learn from this great lady and what she has done for mankind.

APPOINTMENT OF CONFEREES ON S. 3418—FAMILY MEDICAL CARE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3418) to amend the Public Health Service Act to provide for making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, with House amendments thereto, insist upon the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, CARTER, and HASTINGS.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE REPORTS ON H.R. 18874 AND H.R. 19860

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file reports on H.R. 18874 and H.R. 19860.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDING ATOMIC ENERGY ACT OF 1954

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 18679) to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 9, strike out all after line 22 over to and including line 15 on page 14.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. HOSMER. Mr. Speaker, reserving the right to object, and I shall not object, will the gentleman from California explain the purport of the Senate amendment?

Mr. HOLIFIELD. Mr. Speaker, if the gentleman will yield, I shall be glad to do so.

Mr. Speaker, on September 30, the House passed, by the vote of 345 to 0, H.R. 18679, a bill which would bring up to date and revise the provisions of the Atomic Energy Act of 1954 in several respects. This bill had been reported out by the 18-member Joint Committee on Atomic Energy without a dissenting vote.

Yesterday, the Senate considered and passed H.R. 18679, after amending the bill to delete section 11. The amendment was proposed by the vice chairman of the Joint Committee on Atomic Energy, and this move was made with my acquiescence as chairman of the Joint Committee.

Section 11 merely emphasized that the uniquely expert consultative services of the National Academy of Sciences and the National Council on Radiation Protection and Measurements should continue to be utilized, as presently contemplated by subsection 274 h. of the Atomic Energy Act of 1954, as amended, in connection with the formulation of basic radiation protection standards pertinent to the health and safety aspects of exposure to radioactivity resulting from the development, use, or control of atomic energy. Section 11, however, stressed that these services should be applied on a continuing and comprehensive basis, rather than—as heretofore—infrequently or from time to time. Section 11 further stressed that the scientific findings and advice provided by these preeminent scientific bodies were to be widely disseminated.

Section 11 would not have prevented the new Environmental Protection Agency or any Government agencies from consulting with and seeking the advice of any other outside experts they might select. Section 11, in no way, inhibited the furnishing of scientific advice. It supported it.

Furthermore, section 11 did not provide for the setting of standards by the National Academy of Sciences or the National Council on Radiation Protection and Measurements. Responsibility for setting standards would have continued to remain in the Executive—and in the hands of the Environmental Protection Agency, as desired by the President.

One further point should be registered. Section 11 did not add as a new requirement that the Joint Committee on Atomic Energy receive reports respecting the setting of standards pertinent to radioactivity resulting from the development, use or control of atomic energy. This requirement has been legally applicable for many years; it is contained in section 202 of the Atomic Energy Act of 1954, as amended.

In short, section 11 would not have interfered with the prerogatives of the President or the functions of the En-Environmental Protection Agency.

Nevertheless, as a courtesy to the new Environmental Protection Agency, I now urge the House to agree to the deletion of section 11 from H.R. 18679—not because the provisions are not worthwhile or are not fully in the public interest—but simply to give the new Environmental Protection Agency a reasonable period of time in which to become organized and—without the need of explicit statutory directions—to proceed under its present authorities, including the authority in present subsection 274 h. of the Atomic Energy Act, to carry out the objectives of section 11.

This morning, I wrote a letter to the Administrator of the Environmental Protection Agency, informing him of these thoughts. I would like to read for the RECORD a copy of my letter to Mr. Ruckelshaus:

DECEMBER 3, 1970.

Hon. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: Congratulations on your favorable reception by the Senate Committee on Public Works and on the Senate's speedy confirmation of your nomination.

Yesterday afternoon, in the Senate, Senator Pastore proposed an amendment to delete Section 11 from H.R. 18679. As you know, this Section would have revised the provisions of subsection 274 h. of the Atomic Energy Act. H.R. 18679, as thus amended, was then passed by the Senate.

As Senator Pastore stated in his presentation of the amendment, I had acquiesced in the judgment to delete the proposed revision to subsection 274 h. The amended version of H.R. 18679 will be considered in the House very soon, perhaps even later today, and I will support and urge the House to approve the amended version of H.R. 18679 which was passed by the Senate.

The deletion of Section 11 is really a courtesy to you and your Agency. I hope the contents of Section 11, the pertinent portion of the Joint Committee's report accompanying H.R. 18679, and my explanation to you of the Committee's underlying purpose will, in practical effect, remain tantamount to a word to the wise. I am also writing to the Director of the Office of Management and Budget to urge that he help assure the budgeting and allocation of sufficient funds to enable the consummation in the near future of the broadly-scoped arrangements contemplated by Section 11.

You are aware that the F.R.C. has existing agreements with the National Academy of Sciences and the National Council on Radiation Protection and Measurements. The Committee is deeply concerned that expert scientific advice on the problem of radiation tolerance should be secured on a continuing and comprehensive basis, and it knows of no better or more credible expert sources than these two distinguished scientific bodies.

As soon as reasonably practicable after the Agency is sufficiently organized, please advise this Committee if there appear to be any problems that could interfere with the initiation of such arrangements with the National Academy of Sciences and the National Council on Radiation Protection and Measurements. Also, as a general matter and in accordance with the responsibilities provided for in Section 202 of the Atomic Energy Act, I request that the Agency keep the Joint Committee fully informed, on a reasonably current basis, of significant events and activities pertaining to atomic energy.

This Committee wishes the Agency, under your leadership, great success in its efforts toward fulfillment of its important mission to protect the environment. With respect to atomic energy fields, this Committee stands ready to assist and cooperate in every reasonable way.

Sincerely,

CHET HOLIFIELD,
Chairman.

And, Mr. Speaker, I would like to include after my remarks the letter which I have directed to Mr. Ruckelshaus, and to include certain other extraneous and related matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOSMER. Mr. Speaker, further reserving the right to object, and I shall not do so, I rise to associate myself with the comments by the chairman of the Joint Committee on Atomic Energy, the gentleman from California (Mr. HOLIFIELD). I urge the amendment and passage of the bill as requested.

I, too, urge—for the reason advanced by him—that the House approve H.R. 18679, as amended in the Senate yesterday by deletion of section 11.

At the same time I wish to pose an important note of caution in regard to the intent underlying another feature of this bill. And, as a coauthor of this bill, I presume that I speak authoritatively. I understand that, in the course of the Senate's consideration of the bill yesterday, several exchanges of correspondence with the Antitrust Division of the Department of Justice were inserted in the RECORD and alluded to. I have not yet had an opportunity to read them, so I cannot comment definitively on the views and interpretations advanced in or in connection with these letters. I want to emphasize as strongly as I can that the following excerpt from the statement of presentation of the bill before the Senate by Senator PASTORE, vice chairman of the Joint Committee on Atomic Energy, is thoroughly accurate, and I should like to repeat it now for the RECORD:

Because the language and potential effect of the existing subsection 105c. are not sufficiently clear, the committee decided to clarify and revise this phase of the Commission's licensing process.

H.R. 18679 does this. Revised subsection 105 c. clarifies the antitrust review standard and specifically describes what the Commission is to do in relation to the advice received from the Attorney General. The end product is the result of the committee's exploration of every facet of the background of this provision, and of the committee's judgment respecting the scope and type of review that AEC ought to conduct.

The committee and its staff spent many, many hours on this aspect of the bill, and I can assure the Senate that we considered very carefully the considerable testimony, comments and opinions we received from interested agencies, associations, companies and individuals, including representatives of the Justice Department, from privately owned utilities, and from public and cooperative power interests.

The end product, as delineated in H.R. 18679, is a carefully perfected compromise by the committee itself; I want to emphasize that it does not respect the position, the preference, or the input of any of the special pleaders inside or outside of the Government. In the committee's judgment, revised subsection 105 c., which the committee carefully put together to the satisfaction of all of its members, constitutes a balanced, moderate framework for a reasonable licensing review procedure.

Thus, the views and opinions expressed in the letters from the Antitrust Division of the Department of Justice are not necessarily authoritative, and may or may not accurately represent the intent underlying the "practical value" provisions of H.R. 18679.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CONTROLLING THE SONIC BOOM

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERLENBORN. Mr. Speaker, in considering whether we should go ahead with development of the supersonic transport, many of us have been alarmed by the prospect of disruption of our daily lives by sonic booms. In order to allay those fears, the Department of Transportation filed a notice of proposed rulemaking last April 15, forbidding civil supersonic flight over the United States.

Since then, other officials, including the President, have declared that overland civil flights at supersonic speeds will not be allowed.

Nevertheless, some critics of the supersonic transport have not been convinced. A rule such as this can be easily changed or ignored, they say.

I agree that we do not want our daily lives disrupted by sonic booms and so I offer a bill which will put the Department of Transportation's proposed regulation into statutory form. This bill would prohibit, by law, the flight of any civil aircraft, including the SST, over the United States in such a manner as to create a sonic boom.

I believe we ought to proceed with development of the two prototypes of the SST and, if they prove successful—as the proponents of the SST expect—we should turn to the manufacture of these planes. On the other hand, if they cannot meet the criticisms which have been directed at the SST program, then I believe the program must be discontinued.

I believe that, in continuing this experiment, we should give whatever assurances we can to the American people that they will not be assaulted by these horrifying sonic booms.

FAILURE TO PROTECT THE CONSUMERS OF OUR COUNTRY

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HOLIFIELD. Mr. Speaker, on yesterday I regret to state that the Committee on Rules, by a tie vote, refused to give a rule to the bill which sought to protect the consumers of this country from fraud, illegitimate claims, false advertising, spurious materials including drugs, and for other purposes.

This bill had been worked on in the House Committee on Government Operations for about 18 months. It had the agreement of both sides of the aisle by a vote of something like 31 to 4.

In general, I would just like to make this observation: the function of the House of Representatives rests basically upon the efficiency and the dedication and the integrity of the committees of the House. When a committee of the House reports a bill by a vote of 31 to 4, and the managers of the bill come to agreement on amendments. I believe that it should be the function of the House Committee on Rules to grant a rule. I believe that they go beyond the proper function of the Committee on Rules when they deny to the Members of the House of Representatives a chance to vote a bill up or down.

If we are going to have a real respect for the work of the committees of the House, their labor should be brought before the House for disposal, either to vote it down or to accept it; otherwise, you find the committee members frustrated, the chairman of the committee frustrated, and the work which they have done so diligently and with such dedication, to be of no effect.

CALL OF THE HOUSE

Mr. MONTGOMERY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 379]

Abbitt	Ford, William D.	O'Konski
Alexander	Foreman	O'Neill, Mass.
Anderson, Ill.	Fuqua	Ottinger
Aspinall	Gilbert	Pickle
Baring	Gray	Pollock
Berry	Grover	Powell
Blatnik	Hanna	Price, Tex.
Boland	Ichord	Pucinski
Bolling	Jarman	Purcell
Brock	Johnson, Pa.	Rivers
Brown, Mich.	Kazen	Robison
Burton, Utah	King	Roudebush
Button	Kluczynski	Saylor
Celler	Kuykendall	Scheuer
Clancy	Landrum	Shriver
Clark	Latta	Smith, Iowa
Clay	Long, La.	Sullivan
Collins, Tex.	Lujan	Talcott
Corman	McCloskey	Tiernan
Cramer	McClure	Tunney
Daddario	McCulloch	Waldie
de la Garza	McKneally	Watson
Dellenback	Meskill	Wiggins
Dennis	Miller, Calif.	Wold
Dent	Mink	Wright
Dowdy	Mollohan	Wyatt
Esch	Morton	Wydler
Farbstein	Murphy, N.Y.	
Fascell		

The SPEAKER. On this rollcall 349 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States produces nearly two-thirds of the world's output of molybdenum ore: 1968 production was 42,400 metric tons by the United States out of a world total of 60,020 metric tons.

THE HOUSING AND URBAN DEVELOPMENT ACT OF 1970

Mr. BARRETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 19436) to provide for the establishment of a national urban growth policy; to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development; to extend and amend laws relating to housing and urban development; and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 19436, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read the first section ending on page 1, line 4, of the bill and there was pending the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

Are there further amendments to the Stephens amendment in the nature of a substitute?

AMENDMENT OFFERED BY MR. REUSS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. REUSS. Mr. Chairman, I offer an amendment to the Stephens amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. REUSS to the amendment in the nature of a substitute offered by Mr. STEPHENS: On page 113, line 15, add the following new section:

"SEC. 920. (a) Section 414(a) of the Housing and Urban Development Act of 1969 is amended—

"(1) by striking out 'rental or cooperative' in the first sentence;

"(2) by striking out the period at the end of the first sentence and inserting after 'income' ', and for related public facilities and for related commercial and industrial facilities approved by the Secretary.'

"(3) by inserting '235 or' between 'section' and '236' of clause (C).

"(b) Section 414(b) is amended—

"(1) by striking out 'rental or cooperative' in the first sentence;

"(2) by inserting 'and related facilities' between 'housing' and 'to' in the first sentence;

"(3) by inserting after 'Secretary' in the second sentence 'and the Administrator of General Services' and by striking out 'has' before 'approved' in the second sentence and inserting 'have';

"(4) by inserting after 'Currency' in the third sentence 'and the Committees on Government Operations' and by striking out 'he approves' in the third sentence and inserting 'he and the Administrator of General Services approve'."

The CHAIRMAN. The gentleman from Wisconsin is recognized in support of his amendment.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I am glad to yield to the gentleman from Pennsylvania.

Mr. BARRETT. Is the amendment which the gentleman has offered the amendment we have talked over several times relative to the use of surplus land for low- and moderate-income homes?

Mr. REUSS. That is correct.

Mr. BARRETT. Mr. Chairman, we would have no objection to the amendment.

Mr. REUSS. I thank the distinguished subcommittee chairman. I would just briefly indicate the effect of this amendment.

Under existing law the General Services Administration may dispose, to the Secretary of Housing and Urban Development, surplus land for the construction of low- and moderate-income housing. Unfortunately, in the law as it stands housing is restricted to rental housing, and the enormously important area of housing for ownership is not included. This amendment would include such housing and related facilities wherever they exist.

The language has been checked with the leadership of the House Committee on Government Operations, and as an additional safeguard, the amendment would require approval not only of the Secretary of Housing and Urban Development but of the Administrator of the General Services Administration, and reference not only to the House Committee on Banking and Currency but also to the House Committee on Government Operations.

I believe it is a necessary perfection of existing law. I do not think there is any controversy connected with it, and I hope the amendment will be adopted.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I am glad to yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. I merely wish to point out that the gentleman's amendment is a very practical proposal, and yet a very necessary step in the light of the need for the planning of related community facilities in connection with housing projects. I hope the gentleman's amendment will be adopted.

Mr. REUSS. I thank the gentleman.

Mr. WIDNALL. Mr. Chairman, I am familiar with the amendment. I believe it is a good amendment, and it should be accepted by the Committee and by the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. REUSS), to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. BLACKBURN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. BLACKBURN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BLACKBURN to the amendment in the nature of a substitute offered by Mr. STEPHENS: At the end of title IX (page 113, after line 15), add the following new section:

"PROHIBITION AGAINST CONSIDERATION OF NONRELEVANT FACTORS IN APPROVING OR DISAPPROVING APPLICATIONS FOR ASSISTANCE

"SEC. 919. In determining whether to approve, disapprove, or confer a particular status upon any application for a loan, grant, or other assistance under any program administered by the Department of Housing and Urban Development, no consideration shall be given to any factor or circumstance unless the law establishing such program specifically authorizes such factor or circumstance to be taken into account in making such determination."

Mr. BARRETT (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes in support of his amendment.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, is this the very same amendment the House accepted yesterday on the Brown substitute?

Mr. BLACKBURN. The language is somewhat different. I have perfected it, but it is to the same purpose as the one accepted yesterday.

Mr. BARRETT. There is no change in the effectiveness?

Mr. BLACKBURN. No.

Mr. BARRETT. We have no objection on this side of the aisle.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, we have no objection on this side of the aisle.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I would like to say I endorse what the gentleman has done, and I hope the gentleman succeeds in putting it on my amendment.

Mr. BLACKBURN. We may. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BLACKBURN) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. SIKES TO THE AMENDMENT OFFERED BY MR. STEPHENS IN THE NATURE OF A SUBSTITUTE

Mr. SIKES. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The Clerk read as follows:

Amendment offered by Mr. SIKES to the amendment offered in the nature of a substitute by Mr. STEPHENS:

At the end of the substitute, add the following new section:

"SEC. 21. (a) Section 101(c)(2) of the Housing and Urban Development Act of 1965 is amended by (1) striking out the word "or" between paragraphs (D) and (E), (2) striking out the period at the end of paragraph (E) and inserting in lieu thereof '; or', and (3) adding after paragraph (E) the following:

"'(F) a family whose head, or spouse, is a member of the Armed Forces of the United States who is serving on active duty.'

"(b) Paragraph (B) of section 101(e)(1) of such Act is amended by striking out the period and inserting in lieu thereof the following: 'or is a member of the Armed Forces of the United States serving on active duty.'

"(c) Section 7 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsection:

"'(H) Whenever he shall determine that, because of location or other considerations, any rental housing project assisted under title II of the National Housing Act or title I of the Housing and Urban Development Act of 1965 could ordinarily be expected to serve the family housing needs of lower income military personnel serving on active duty, the Secretary is authorized to provide for or approve such preference or priority of occupancy of such project by such military personnel as he shall determine is appropriate to assure that the project will serve their needs on a continuing basis notwithstanding the frequency with which individual members of such personnel may be transferred or reassigned to new duty stations.'"

Mr. SIKES (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Georgia (Mr. STEPHENS).

Most of the Members of the House are familiar with what I propose to do. My amendment is the same as one adopted on yesterday. I am seeking to help military families, particularly those in the lower enlisted grades who receive no housing allowance and who are not eligible for family housing. There are many of them and their plight in many instances is a serious and a distressing one. Young people whether or not they are in the service fall in love, get married, and have babies. Yet, despite the serious financial problems of many of them, those in the lower grades cannot enjoy the benefit of Government quarters. The military recognizes the gravity of the problem but states they are unable to provide enough housing for those already eligible. This is a condition which should be faced up to by the Congress and the military, but it is a situation which cannot be corrected in this bill. We can improve the situation.

What I propose is to add an amendment to the bill now before us to specifically include military families in the categories of low-income qualified tenants to whom rent supplement payments can be made and to enable the Secretary of Housing and Urban Development to accord military families sufficient priority of occupancy to overcome the existing inability of military personnel to participate fully in this and other rental housing projects for low-income families. My amendment would not take away from the local housing authorities the discretion which they currently have to determine the occupants of housing projects in their jurisdiction.

This amendment is the outgrowth of the bill H.R. 18361 introduced by me and my distinguished colleague from Michigan (Mr. CEDERBERG), the ranking member of the Appropriations Subcommittee on Military Construction, based on information developed in the hearings of that subcommittee. We in that subcommittee have long sought ways to improve housing for military families. My distinguished colleague from Florida (Mr. BENNETT) is also an active supporter of these amendments and he spelled out clearly in the RECORD on Tuesday the facts regarding the amendment and the need for it. The amendment which is now before us has been improved through long study and examination in both the Congress and the executive branch. It embodies the recommendations of both HUD and Defense. I am very happy to state that the members of the distinguished Committee on Banking and Currency, including the distinguished gentleman from Pennsylvania (Mr. BARRETT), the distinguished gentleman from New Jersey (Mr. WIDNALL), and the distinguished gentleman from Georgia (Mr. STEPHEN), are familiar with what I propose and I believe they are prepared to accept the amendment.

Now, to spell out the reason for the amendment in more detail, military families are unduly deprived of the benefits of rental housing projects assisted under programs of the Department of Housing and Urban Development. I quote from a letter from that Department to the distinguished chairman of the Committee on Banking and Currency:

> Although servicemen and their families generally have access to the Department's rental and rental subsidy housing programs, a problem sometimes exists because of the frequency with which military personnel may be reassigned from place to place. Even where a particular housing project meets the necessary feasibility standards and is constructed at a location where it would ordinarily be expected that it would at least in part serve servicemen and their families, and even though it may in fact substantially serve those families in the beginning, servicemen subsequently assigned to duty in the area may find that they have a much lower priority for securing units than local residents whose names may already be on the project waiting lists.

My amendment would correct this situation by specifically including military personnel in the categories of low-income personnel to be assisted under the section 236 program and by authorizing the Secretary of Housing and Urban Development, with regard to rental housing projects assisted by his department, to "provide for or approve such preference or priority of occupancy of such project by such military personnel as he shall determine is appropriate to assure that the project will serve their needs on a continuing basis notwithstanding the frequency with which individual members of such personnel may be transferred or reassigned to new duty stations."

Based upon a planned total armed force of 2.6 million men, about 275,000 enlisted families would have the low income meeting the prescribed limits for special assistance housing made applicable to them by the above amendments. If present housing laws were to remain unchanged few military families could actually use the special assistance housing provided by existing laws and the bill before us. The Department of Defense estimates that at the present time only about 18,000 enlisted families are currently enjoying the benefits of such housing while 275,000 need it. The large number of military families who are involuntarily separated, or are living in substandard or excessively costly housing, is eloquent testimony to the existence of a large and worsening housing deficit. This problem was brought to the public's attention in a recent New York Times article discussing housing conditions for Navy families at Quonset Point, R.I.

In particular, the inflationary increases in housing rental costs have worsened the situation of the so-called ineligibles, the families of military men who do not have sufficient rank or time in service to be considered career personnel. Their plight can no longer be ignored.

The Department of Defense has estimated that the cost to rectify the housing defict merely for military families currently eligible for onbase housing is $2.8 billion. It has been evident to the members of our subcommittee that despite our best efforts, the method of providing housing to military families by constructing new housing units on military bases has not been and will not be sufficient to meet the needs. Nevertheless, we propose to continue and to increase our efforts in this report. The report of the committee on the fiscal year 1970 military construction appropriation bill contained the following language:

> Amendment of the Housing and Urban Development Act of 1968 to authorize the Secretary of Housing and Urban Development to construct or assist construction of housing exclusively for military personnel and their families under programs for the National Housing Act should be explored.

In our hearings on the 1971 budget, our subcommittee heard considerable testimony from witnesses representing the Office of the Secretary of Defense and the military services on the feasibility and desirability of obtaining greater use by military families, particularly by the ineligibles, of programs of the Department of Housing and Urban Development. We also learned that Secretary Laird had communicated to Secretary Romney his strong desire to obtain greater use of HUD programs for military families. Since the time of our hearings in March 1970, commendable progress has been made by the Department of Defense and the Department of Housing and Urban Development. At the present time, HUD and Defense have a tentative agreement whereby HUD will set aside some 5,000 section 236 units in the fiscal year 1971 program for use by military families. However, without this amendment, the Department of Housing and Urban Development may lack legal authority to specify in contracts with sponsors of section 236 housing that military families may receive special priority of assignment. In the absence of this authority, the Department of Defense hopes optimistically that sponsors can be persuaded to refrain from keeping a waiting list—which operates to the detriment of military personnel who must move frequently—in return for promises of a sufficient number of referrals of military personnel to the sponsors by base housing offices. Alternately, sponsors who are amicable to the needs of military personnel can be found; that is, the Navy League. However, such arrangements are at best makeshift and can only be made in selected instances. A much more satisfactory solution is the adoption of my amendment.

I am intimately acquainted with the need for adequate housing for military families and I am very concerned about the gravity of the problem. The various service witnesses testifying before the Congress on the military construction and family housing programs have stressed repeatedly the need for housing for the military.

Without adequate housing for military families, the hope of attaining an all-volunteer military force is very dim. Without vast improvements in housing for military families, the current inability to retain highly trained and highly capable personnel in the military services will undoubtedly worsen.

This is one small step needed to help military families.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, much the same as the case with the Blackburn amendment, the amendment offered by the gentleman from Florida was accepted on the Brown substitute yesterday, and I am of the opinion there is no change in the gentleman's amendment.

Mr. SIKES. If I may say, my amendment is identical to the one accepted on the Brown amendment and identical with the one cleared with the distinguished chairman of the subcommittee and cleared with the distinguished ranking Republican member on the committee, the gentleman from New Jersey (Mr. WIDNALL). It proposes to permit needy military families to participate in the various low-income family housing projects.

Mr. BARRETT. Mr. Chairman, we on this side of the aisle have no objection to the amendment.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. SIKES. Mr. Chairman, I yield to my distinguished friend, the gentleman from Michigan (Mr. CEDERBERG), who participated with me in development of the program which we now present.

Mr. CEDERBERG. Mr. Chairman, I associate myself with the remarks of the gentleman from Florida, and I support the amendment he offers.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the distinguished gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, this is an excellent amendment. As we said yesterday, we compliment the gentleman on offering it, and we on the minority side have no objection to it.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield now to my distinguished friend, the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I thank the gentleman for bringing the needs of this to the attention of the committee. I certainly endorse what the gentleman is doing, and I am glad he is doing it.

Mr. SIKES. Mr. Chairman, I am most grateful to my friend, the gentleman from Georgia.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Maryland, my distinguished friend on the Appropriations Committee.

Mr. LONG of Maryland. Mr. Chairman, I congratulate the gentleman for introducing this provision. From my own experience in working with military personnel, I can testify that this amendment is very much needed.

Mr. SIKES. Mr. Chairman, I appreciate what my good friend, the gentleman from Maryland, has said.

Let me state again, this program will be of very considerable benefit to a very large number of military families who need what is proposed in the amendment.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. ST GERMAIN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. ST GERMAIN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The Clerk read as follows:

Amendment offered by Mr. ST GERMAIN to the Amendment in the nature of a substitute offered by Mr. STEPHENS: a new section 219 is hereby added to title II of the Stephens substitute; strike subsection (6) of section 235 (j) of the National Housing Act and replace it with the following subsection (6):

"(6) For purposes of this subsection, the terms 'single family dwelling' and 'single family dwellings' (except for purposes of paragraph (5)) shall include a two-family or three-family dwelling which has been approved by the Secretary if one of the units is to be occupied by the owner."

Mr. ST GERMAIN. Mr. Chairman, the amendment I offer is actually one which we might call sectional in nature. We in New England have a great many of the old type three-decker houses. Because of the limitation to two families many of these homes are not eligible. This would merely allow three-family owner-occupied homes to become eligible under the program.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Pennsylvania, the chairman of the subcommittee.

Mr. BARRETT. We have had an opportunity to study this amendment. It is much on the order of the duplex home owner-occupied amendment we had in the housing bill last year. We see no objection to it. The other side is agreeable, I believe.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Georgia.

Mr. STEPHENS. As I understand it, we have had the proposal studied and it was the subject of hearings in our committee.

Mr. ST GERMAIN. That is correct.

Mr. STEPHENS. I see no objection to it.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I am happy to yield to the gentleman from New Jersey, the ranking minority Member.

Mr. WIDNALL. Are not the two-family dwelling units covered under present law?

Mr. ST GERMAIN. The two-family dwelling units are now covered under present law if they are owner-occupied. This would expand it to three families.

We have many three deckers in New England, which unfortunately do not come under the law.

Mr. WIDNALL. This would add the three-decker houses?

Mr. ST GERMAIN. Owner-occupied.

Mr. WIDNALL. How many units does the gentleman think would be involved?

Mr. ST GERMAIN. As I said, we have had testimony from the Boston Housing Authority. It is rather difficult to give an exact figure, but I would say percentagewise it would probably not amount to more than 3 or 4 percent of those now covered nationally.

Mr. WIDNALL. Is this a continuation of the 221(h) program?

Mr. ST GERMAIN. That is correct.

Mr. WIDNALL. In the three-story unit there would have to be one unit occupied by the owner?

Mr. ST GERMAIN. That is correct. In other words, this would prevent the speculators from going in and buying up tenement houses. It is only for owner-occupied dwellings.

Mr. WIDNALL. Mr. Chairman, we have no objection on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. ST GERMAIN) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment to the amendment in the nature of a substitute was agreed to.

PARLIAMENTARY INQUIRY

Mr. DAVIS of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DAVIS of Wisconsin. Mr. Chairman, I have not been able to get hold of a page copy of the so-called Stephens substitute amendment, and therefore I am not able to provide a correct page number on which an amendment should occur. However, it would occur at the close of section 302 of title III of the Stephens amendment in the nature of a substitute. Would an amendment relating to that be in order at this time?

The CHAIRMAN. The Chair will state to the gentleman that such an amendment would be in order at this time.

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Wisconsin to the amendment in the nature of a substitute offered by Mr. STEPHENS: At the end of title III, section 302, change the period to a colon and add the following proviso: "*Provided*, that after July 1, 1971, the aggregate amount of contracts to make annual contributions executed subsequent to the enactment of this act shall not exceed amounts approved in appropriation acts."

Mr. DAVIS of Wisconsin. Mr. Chairman, this is an amendment I offered with respect to similar legislation 2 years ago. I had prepared the amendment for introduction in connection with the bill this year.

I have talked with the gentleman from Pennsylvania, who is the floor manager for the bill. He pointed out to me that because of commitments which may have been made he felt that this might not be timely in connection with it.

I was unable to reach the gentleman this morning in order to discuss with him the amended amendment which is now before this Committee, which would delay the effective date of it until the beginning of the new fiscal year.

As I understand it from conversations I have had with the gentleman from Pennsylvania, he has not been opposed to the idea of placing public housing contributions under the annual review along with contract authority under the surveillance of the Subcommittee on HUD and Independent Offices of the Committee on Appropriations, but he had been worried about the fact of commitments that might already have been made. It was on this basis that I did defer the effective date until the beginning of the new fiscal year.

I see that the gentleman is on his feet, and I would like to ask for his comments relating to this amendment as it has been changed in order to deal with the problems which he felt might occur if this had been offered as a straight amendment to become effective immediately.

Mr. BARRETT. Will the gentleman yield?

Mr. DAVIS of Wisconsin. I am happy to yield to the chairman of the subcommittee.

Mr. BARRETT. I will say to the gentleman in the first place that I did not get a copy of the amendment which you have submitted here. Second, I would have to oppose it—and I think the gentleman would agree—on the basis that

your amendment, as I observed it as read by the Clerk, is to take effect in 1971.

Mr. DAVIS of Wisconsin. At the beginning of the new fiscal year.

Mr. BARRETT. Yes. Of course, you and I talked about it, and I was certainly grateful for the way you informed me and your splendid cooperation. I am not able to say whether this would distort the contractual agreements made up until 1972. I do think, if we were able to sit down together, a few of us, in the next Congress and rationalize it and have a hearing on this, we could do the job more effectively, because money would be allocated for 1972 and by that time all of the public housing authorities throughout the country would be properly advised. By 1973 you will have to come through the normal appropriation procedures.

I would be grateful to the gentleman if he will withdraw that amendment and let us do it next year in harmony with our committee and the House.

Mr. DAVIS of Wisconsin. I hesitate to accede to this suggestion, because, as the gentleman will recall, we did have a colloquy relating to it 2 years ago. At that time the gentleman did indicate his concern but said that in principle he was not opposed to it. My only concern is not to interfere with outgoing commitments that may have been or would be made during the current fiscal year. However, I do feel the principle of putting the annual surveillance of these contributions under the proper subcommittee of the Committee on Appropriations is very important in order that we may have a balanced housing program. I say this since all of the other major housing programs do come under this annual review and it is not possible to attempt to compare the effectiveness of the various programs when one program, and a large and expanded one, sits outside of that annual surveillance by the appropriate subcommittee of the Committee on Appropriations. I would not object if the gentleman would feel it proper to defer the effective date of this until July 1, 1972, if he felt that this would avoid any embarrassment on the basis of commitments that have been made, but I do think it is important that the principle be established.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DAVIS of Wisconsin was allowed to proceed for 2 additional minutes.)

Mr. BARRETT. Mr. Chairman, if the gentleman will yield further, I think that, due to the nature of the statement by the gentleman from Wisconsin in 1968, the gentleman from Pennsylvania was quite opposed to the amendment for the simple reason that we were in a crisis then throughout the country in that housing was badly needed. As the gentleman will recall, we have a need across the country for a minimum in the next decade for 26 million homes or houses which were badly needed.

However, at this time I am concerned that the gentleman's amendment may distort the negotiations and the contractual procedures by the housing authorities. If the gentleman suggests now that we do this on the premise that we bring it into the housing bill for 1972, I think that would be more adequate in order to give us time to get their homes in order so that they would know that they could not enter into contracts without knowing what money was appropriated.

Mr. DAVIS of Wisconsin. Would not the gentleman from Pennsylvania feel that after the effective date of July 1, 1972, this would avoid any embarrassment with reference to outstanding commitments and would provide the time and notice that would be required in connection with it?

Mr. BARRETT. Mr. Chairman, if the gentleman will yield further, I would say that we would not have the opportunity to contact all of the housing authorities——

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

(By unanimous consent (at the request of Mr. BARRETT) Mr. DAVIS of Wisconsin was allowed to proceed for 2 additional minutes.)

Mr. BARRETT. Mr. Chairman, will the gentleman yield further?

Mr. DAVIS of Wisconsin. Yes, I yield further to the gentleman from Pennsylvania.

Mr. BARRETT. I do think that on the basis on which the gentleman is putting it now we should agree to let it go over until the next Congress so that we can sit down and rationalize with the members of the housing authorities throughout the country and the Department of Housing and Urban Development here and tell them that by 1973 they will have to go through the normal procedure on appropriations. I think we can work it out that way and everyone would be happy.

Therefore, I am hopeful that the gentleman from Wisconsin will withdraw his amendment.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. BARRETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was wondering if the gentleman from Wisconsin (Mr. DAVIS) desires to withdraw his amendment at this time and let us deal with this matter at a later date and properly discuss this matter sensibly across the table before we complicate any contractual agreements.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BARRETT. I shall be happy to yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. Mr. Chairman, with the gentleman's assurance that prior to July 1, 1971, there will be an opportunity to reevaluate this matter so that we can attempt to arrive at a pattern that is consistent for the funding of all the HUD housing programs, I would be willing to defer this matter until such time early next year, if we have the agreement of the gentleman that this will be done within the next 7 months.

Mr. BARRETT. I thank the gentleman very much.

Mr. DAVIS of Wisconsin. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. SISK TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. SISK. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. SISK to the amendment in the nature of a substitute offered by Mr. STEPHENS: On page 87, after line 7, insert the following new section:

"MIGRANT FARMWORKERS HOUSING

"SEC. 804. (a) The Secretary of Housing and Urban Development is authorized to provide financial assistance to assist State and local agencies, private nonprofit institutions and cooperatives in developing and carrying out programs to provide decent, safe, and sanitary dwelling accommodations for migrant and other seasonally employed farmworkers and their families.

"(b) No financial assistance for housing or related facilities shall be made available under this section unless the applicant agrees—

"(1) that any rentals charged migrants and other seasonally employed farmworkers shall not exceed such amounts as may be approved by the Secretary, giving due consideration to the income and earning capacity of the tenants and the direct operating costs of the housing and facilities involved;

"(2) that such housing shall be maintained at all times in a safe and sanitary condition in accordance with such standards as may be prescribed by State or local law, or, in the absence of such standards, in accordance with such minimum requirements as the Secretary shall prescribe; and

"(3) an absolute priority will be given at all times in granting occupancy of such housing and facilities to migrant and other seasonally employed farmworkers.

"(c) Financial assistance under this section shall be used only to construct new housing and related facilities or to improve the livability of existing housing and facilities; except that not more than 10 percent of the total amount paid under any contract for any fiscal year may be used to reduce the rentals charged for the housing or to reduce the overhead costs of the recipient or the operating costs of the housing and facilities involved.

"(d) The Secretary may make payments pursuant to any contract for financial assistance under this section at such times and in such manner as may be specified in the contract. In each contract, the Secretary shall include such covenants, conditions, or provisions as he deems necessary to insure that the housing and related facilities, for which financial assistance is made available, will be used only in conformity with the provisions of this section.

"(e) The Secretary shall prescribe regulations to assure that Federal funds under this section are not wasted or dissipated and shall establish necessary procedures or requirements to assure that programs under this section are carried on in close coordination with other programs or activities providing assistance to the persons and groups served.

"(f) The Secretary may provide, directly or through grants, contracts, or other arrangements, such technical assistance or training of personnel as may be required to implement effectively the purposes of this section. The Secretary shall provide for nec-

essary evaluation of programs assisted under this section and may, through grants or contracts, secure independent evaluations for this purpose.

"(g) There are authorized to be appropriated for purposes of providing assistance under this section not to exceed $10,000,000 for each of the fiscal years 1971, 1972, and 1973."

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SISK. Mr. Chairman, the reason I asked unanimous consent to dispense with further reading of the amendment was in order to save the time of the Committee, because this amendment has been considered, and has been shown to the Members on both the majority and minority sides. It was an amendment which was accepted originally, I believe, some 2 years ago. Basically, what it does is to transfer migrant housing from OEO—the Office of Economic Opportunity—to HUD, where most people seem to feel it should logically be. The county housing authorities who handle migrant housing across the country much prefer that this be done.

I understand that there is no opposition or objection by any of the departments to this amendment.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Georgia.

Mr. STEPHENS. We have looked this over, and as I understand it, it transfers supervision from OEO to HUD.

Mr. SISK. That is correct.

Mr. STEPHENS. I think it is a good suggestion, and I believe that our collective opinion is that it ought to be done. Personally, several years ago I was asked a question why we should not do something for the migrant workers, and I said that if somebody would present something I would be glad to accept it, and this I think is a move in that direction.

Mr. SISK. I thank the gentleman.

Mr. BARRETT. Mr. Chairman, would the gentleman yield?

Mr. SISK. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, we would have no objection to the gentleman's amendment.

Mr. SISK. I thank the gentleman.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, I would say to the gentleman from California that this amendment seems to make sense. It seems a logical place to have this in HUD. There is no objection on the part of the minority.

Mr. SISK. I thank the gentleman very much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SISK) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. SISK TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. SISK. Mr. Chairman, I offer an additional amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. SISK to the amendment in the nature of a substitute offered by Mr. STEPHENS: On page 113, after line 15, insert:

"SEC. 916. To amend section 408(d)(4)(B) of the Savings and Loan Holding Company Amendments of 1967 by striking the semicolon at the end of paragraph 4 and inserting in lieu thereof: *'Provided, however,* That with the prior written approval of the Corporation, a subsidiary insured institution may make a loan, discount or extension of credit to a third party on the security of property acquired from a wholly-owned affiliate service corporation. The Corporation shall grant approval of any application for approval under this subdivision if, in the opinion of the Corporation, such a loan, discount or extension of credit would not be detrimental to the interests of savings account holders in the insured institution, or to the insurance risk of the Corporation with respect to such institution, and would not be a means of facilitating the sale of (1) property purchased from any savings and loan holding company or any affiliate thereof other than such service corporation, or (2) property heretofore owned, legally or beneficially, by any savings and loan holding company or affiliate thereof.'"

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with, and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SISK. Mr. Chairman——

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. SISK. I will be glad to yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, we are familiar with this. This is identically the same amendment offered by Mr. HANNA of our committee.

Mr. SISK. That is correct. I am offering this amendment, I might say, in behalf of the gentleman from California, Mr. HANNA, who was unable to be here today, and I understand it has been considered by the committee.

Mr. BARRETT. Mr. Chairman, we have no objection to the amendment.

Mr. SISK. I thank the gentleman.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. SISK. I will be glad to yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, I thank the gentleman for yielding.

For the purpose of the record, Mr. Chairman, would the gentleman capsulize the purpose of the amendment?

Mr. SISK. I will be happy to. I thank the gentleman for his comment.

Let me say, Mr. Chairman, that the primary purpose of this amendment, as I understand it, is to make equal certain companies in the savings and loan business. Under existing law a savings and loan not involved in a holding company can perform certain kinds of services in connection with the development of housing in connection with third party dealings, but a savings and loan company as a part of a holding company cannot. And what this would do would put them on a parity and make possible exactly the same kind of operation for a savings and loan company that was a part of a holding company as would be permitted for a savings and loan company that was not a holding company.

Mr. WIDNALL. Mr. Chairman, would the gentleman yield further?

Mr. SISK. I will be glad to yield further.

Mr. WIDNALL. Mr. Chairman, is this the same section of the Emergency Home Finance Act that was knocked out in conference?

Mr. SISK. It is my understanding it is identical.

Mr. WIDNALL. As far as I am concerned, we have no objection to the amendment on the minority side.

Mr. SISK. I thank the gentleman very much.

Mr. Chairman, the sole purpose of this amendment is to update and make uniform the Federal savings and loan law.

My amendment would alter Public Law 90–255, the savings and loan holding company amendments enacted in 1967. When we passed that statute we could not foresee the developments which were to come in the savings and loan business. One of the most important innovations has been the advent of the service corporation as a means of encouraging increased home building. Savings and loans were given broadened authority to use service corporations by regulations adopted by the Federal Home Loan Bank Board in August of this year. However, the prohibitions included in Public Law 90–255 have barred some savings and loans from using the authority fully and effectively in one important respect. Most savings and loan associations are allowed to make loans to third parties who wish to purchase homes built by the association's corporation. The language of Public Law 90–255, however, prohibits holding companies owned savings and loans from financing housing constructed by their service corporation. This is the condition which I propose to correct.

My amendment would let any savings and loan association finance housing sold by its wholly owned service corporation The amendment will help us progress toward the goal we all seek of a decent home for every American by permitting the full and effective use of service corporations by all savings and loans.

In conclusion, let me say I am aware of the need to guard against the abuse of the authority. This potential problem has caused me to include four important safeguards in my proposal. The first limits such transactions to circumstances where the service corporation is owned entirely by the savings and loan. This will insure that all profits from a sale to a third party based on financing offered by the savings and loan will go to the savings and loan.

The second protection provides for prior written approval of the Federal Home Loan Bank Board before a savings and loan extends credit to a third party on security of property purchased from the service corporation of the savings and loan doing the financing. This requirement is a heavy one. It may prove unnecessary. I would, however, prefer to see it in the law until we understand better what the development of service corporations will bring.

A third check is provided by language barring the use of the authority to benefit, directly or indirectly, any entity other than the Service Corporation or its parent savings and loan. Finally, the authority granted by this amendment is subject to the strong conflict-of-interest regulations applicable to all savings and loans. These four safeguards will, I am confident, insure against abuse or misuse of the authority granted.

The Federal Home Loan Bank Board reviewed this legislation, in fact participated in its drafting, and has no objection to it.

In summary, my amendment makes a minor adjustment in the savings and loan law. However, the change is important to the full utilization of an important means of delivering adequate housing to America, the Savings and Loan Service Corporation. Whatever possible risks might be engendered by permitting all associations to loan to third parties on security of property purchased from the Service Corporation are eliminated by a series of safeguards embodied in my proposal. The amendment follows:

On page 128, after line 11, insert:

"SEC. 916. To amend section 408(d)(4)(B) of the Savings and Loan Holding Company Amendments of 1967 by striking the semicolon at the end of paragraph 4 and inserting in lieu thereof: *'Provided, however,* That with the prior written approval of the Corporation, a subsidiary insured institution may make a loan, discount or extension of credit to a third party on the security of property acquired from a wholly-owned affiliate service corporation. The Corporation shall grant approval of any application for approval under this subdivision if, in the opinion of the Corporation, such a loan, discount or extension of credit would not be detrimental to the interests of savings account holders in the insured institution, or to the insurance risk of the Corporation with respect to such institution, and would not be a means of facilitating the sale of (1) property purchased from any savings and loan holding company or any affiliate thereof other than such service corporation, or (2) property heretofore owned, legally or beneficially, by any savings and loan holding company or affiliate thereof."

Mr. GROSS. Mr. Chairman, I move to strike out the necessary number of words.

Mr. Chairman, this proceeding is becoming ludicrous—absolutely ludicrous. In the first place, we have an amendment which is in the nature of a substitute for this entire 128-page bill, yet you cannot obtain a copy of the substitute to save your soul. You cannot get a copy from either side of the aisle at either of the desks where copies of bills under consideration are to be found.

So we sit here on the House floor when amendments are offered and we have not the faintest idea to what they relate and they are being accepted as though this bill had never been considered in the committee—either the substitute or the original bill.

Yes, one amendment after the other is being accepted. Did this committee do any homework at all before they brought this legislation to the House floor and, if not, why not?

Now I would like to ask some questions about the original bill since the substitute is unavailable and, anyway it is being manhandled here this afternoon with one amendment after the other being accepted with the greatest of ease.

Does this bill create a brandnew council, a brandnew advisory board, and a brandnew corporation, all in title I? Does it do this?

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. BARRETT. When we brought the bill in and reported it out of the committee, I think we visualized your opposition to the bill if reported out with $7 billion in it. Therefore, we decided that this would be cut down—all the way down to $2.9 billion.

Mr. GROSS. That is another question—yes, I understand all the sleight of hand that is going on with regard to the money authorized by this bill.

You are not cutting it. All you are doing is deferring it until another day, that is all, and this you admitted yesterday.

No, this is just a deferment until tomorrow, the next month or next year. Eventually we will get the bill for $7 billion plus. What you want is the $3 billion framework now and you will pad it later—and really pad it.

Now I would like an answer to my question as to whether you create a brandnew council and a brandnew advisory board and a brandnew corporation?

Mr. ASHLEY. The answer is—"No," to the first two. "Yes," to the third.

Mr. GROSS. Where is the advisory board and the council now?

Mr. ASHLEY. If the gentleman will look at the CONGRESSIONAL RECORD of today, he will find that an amendment was agreed to on yesterday which substituted the Urban Affairs Council, the Domestic Affairs Council in the White House for the three-man Urban Growth Council set forth in the original legislation.

The advisory group the gentleman refers to has been eliminated.

Mr. GROSS. But you do create a corporation? The advisory group has been eliminated, the council has been eliminated or has it not been eliminated?

Mr. ASHLEY. Yes; it has.

Mr. GROSS. But you still have an advisory board?

Mr. ASHLEY. No; you do not have an advisory board. Neither the council nor the advisory board.

Now we are getting close to it.

Mr. GROSS. But you have created a corporation.

Mr. ASHLEY. And a corporation.

Mr. GROSS. And it can issue—what is the language?

Mr. ASHLEY. Guarantees?

Mr. GROSS. Yes.

Mr. ASHLEY. That is right.

Mr. GROSS. Unlimited.

Mr. ASHLEY. No.

Mr. GROSS. Unlimited?

Mr. ASHLEY. No; not unlimited. There is a limitation placed on their authority.

Mr. GROSS. There is a limitation.

Mr. ASHLEY. Yes; there is, in the legislation.

Mr. GROSS. On what page of the bill is the corporation provided? If it is limited, I would like to see the language that limits it. I believe it is on page 40 or 41:

(b) The Corporation may issue obligations to the Secretary of the Treasury in an amount sufficient to enable the Corporation to carry out the functions authorized by this part.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. GROSS. What are the limitations?

Mr. ASHLEY. As I indicated to the gentleman, the corporation is limited in its authority to guarantee obligations to $650 million. It is on page 18 of the legislation that the language appears.

Mr. GROSS. The $650 million is to be found in that part of the bill; is that correct?

Mr. ASHLEY. It is on page 18 of the bill.

Mr. GROSS. That is prior to the establishment of the corporation.

Mr. ASHLEY. The gentleman has not read the bill. It is not prior to the establishment of the corporation. I am talking about the authority of the corporation to guarantee obligations issued by public and private developers to acquire land and develop land for new communities. The corporation which is in the Department of Housing and Urban Development is a new corporation. This has been discussed with the Administration. There is no argument over the corporation.

Mr. GROSS. All right. What staff is provided for this corporation?

Mr. ASHLEY. That is also found in the legislation.

Mr. GROSS. What is it? It is referred to on page 40, but how many people are involved? What is it going to cost to finance the corporation?

Mr. ASHLEY. There is no specific amount established for that.

Mr. GROSS. I did not think so. It could be anything. You could have any number of supergrades. Or is there some limitation and, if so, where is the limitation?

Mr. ASHLEY. There is no limitation, no more than there is for any department or agency of the Federal Establishment.

Mr. GROSS. So the bill through the proposed corporation and other devices would set up a personnel empire; is that correct?

Mr. ASHLEY. No; it is not.

Mr. GROSS. There ought to be some limitation somewhere on what you are going to do, how many people will be hired, and what they will be paid.

Mr. ASHLEY. If the gentleman will refer to page 41 of the bill, he will find the following language:

(d) The Board shall have power to select and appoint or employ such officers, attorneys, employees, and agents of the Corporation, to vest them with such powers and duties, and to fix and to cause the Corporation to pay such compensation to them for their services, as it may determine, subject to the provisions of title 5, United States Code.

This is boilerplate language we find with respect to similar Government mechanisms.

Mr. GROSS. Apparently you did not bother to conform with the law which provides that if you are going to establish a new setup in the Government involving an expenditure of more than $1 million, you have to provide the manhours, the estimated man-hours of work, the salaries to be paid, the number of warm bodies, an dso on and so forth. You did not conform to that requirement in this legislation.

Mr. ASHLEY. Yes. This has been discussed, and it is expected that the existing staff of the Housing and Urban Development will be sufficient to staff the corporation. So do not suggest to me that we have deliberately or otherwise sought to obviate the law, because that simply is not the situation.

Mr. GROSS. I find nothing in the report that delineates how many people you are going to hire or what you are going to pay them. It is wide open.

Mr. ASHLEY. No, the gentleman is very sadly mistaken.

Mr. GROSS. No, I am not mistaken.

Mr. ASHLEY. I suggest that you read the report more carefully.

Mr. STEPHENS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. STEPHENS. Mr. Chairman, I would like to make something very clear by repeating what I said yesterday. The substitute that I have offered is, in many, many instances, identical with the original bill.

The original bill was presented on the 5th of October and has been available. The provisions that have just been questioned have been available since the 5th of October. I know it is difficult to try to write a bill on the floor of the House, but since this has been available since the 5th of October, perhaps some of these questions could have been raised with the committee rather than on the floor of the House. I know everyone is entitled to bring forth on the floor of the House any argument he wishes, but I think it would make it a great deal easier if these amendments had been debated and discussed earlier and maybe we could have worked out some of the differences if they had been brought out before the last minute and without making accusations against me and other Members of the House, saying we have not been informing Members.

I did not have a copy of this compromise piece of legislation until yesterday morning, and that will always be true of compromise legislation.

Also, when the CONGRESSIONAL RECORD of yesterday was made available this morning and was put on the Members' desks, this was available to everybody and was at his hands. So the fact that we have a bill and that people have not had exact copies of it is not exactly the situation. If those people had really wanted to find out about the vital parts of my substitute, they could have found out about it as long ago as October 5.

Mr. ST GERMAIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, something should be cleared up. At least I am a little concerned about it. Getting back to the amendment before us, offered by the gentleman from California (Mr. SISK), amendment No. 2, the gentleman from New Jersey inquired of the gentleman from California if this were the amendment that had been knocked out in conference.

The answer was in the affirmative. I think for anyone reading the deliberations of this House, without giving any further explanation as to why it is now acceptable when it had been knocked out in conference last year—I do not think this RECORD reads properly. I feel that it is imperative and important that if there are any differences between the pending amendment and that which was knocked out in conference, these should be pointed out. The reasons should be given for its having been knocked out originally and why it should be acceptable at this time.

Mr. SISK. Mr. Chairman, if the gentleman will yield to me, I would like to make one brief comment, and I am sure the gentleman from New Jersey would like to comment. I might comment that I appreciate the question raised by the gentleman.

It is my understanding this was included in the initial bill last spring, and I am sure the gentleman is far more familiar with that bill than I am, because the gentleman knows, I am sure, that we were shaping a bill having to do with emergency financing. This amendment was put on it at that time by the gentleman from California (Mr. HANNA). The reason, I am told by my staff people, that it was stricken is that it really did not belong in a matter of emergency financing, and it should be considered more as a policy matter in connection with new authorization. That was the reason, I am told, that it was stricken from the bill—not because of any basic objection to the principle or policy established, but it was stricken because it was a policy matter and did not belong in that bill.

Mr. ST GERMAIN. May I ask, am I to understand that this grants powers to a savings and loan association that is part of a holding company so it will have the same power that a savings and loan has that is not part of a holding company, or is it the other way around?

Mr. SISK. In other words again, it puts the savings and loan that is part of a holding company—that is a wholly owned part of a holding company—this would put it on an equal basis with a savings and loan today that is not part of the holding company. It simply brings the holding company of the savings and loan in line in connection with third-party dealings and subjects it to the approval by the Home Loan Bank Board on a case-by-case basis.

Mr. ST GERMAIN. But it is not giving any more powers. It is just giving equal powers?

Mr. SISK. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SISK) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. JONAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. JONAS. Mr. Chairman, I have two amendments at the desk, one on page 37 and one on page 42. I offer the amendment which is on page 37.

The Clerk read as follows:

Amendment offered by Mr. JONAS to the amendment in the nature of a substitute offered by Mr. STEPHENS: Page 37, line 4, strike all after the semicolon through line 6 after (D), and insert "and (C)".

On page 37, line 8, after expenses add: ", as may be specified in appropriation acts."

On page 37, line 13, strike all after the semicolon through the semicolon on line 15, and insert in lieu thereof "(D) amounts appropriated under subsection (b);".

On page 37, line 17, strike all after "required" through the comma on line 16.

On page 37, line 21, strike line 21 through line 10, on page 38 and insert in lieu thereof:

"(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this part other than sections 125 and 126."

Mr. JONAS. Mr. Chairman, the reading of the amendment may make it appear to be complicated, but that is not the case. It is very simple. It strikes out the language in the section which permits backdoor spending and directs that funds to finance these programs be obtained through the regular appropriations process and specified in appropriation acts.

Instead of providing funds through Treasury financing as the bill does, my amendment would authorize the appropriation of "such sums as may be necessary to carry out the provisions of this part other than sections 125 and 126."

The only reason sections 125 and 126 are eliminated is that those sections contain specific authorizations of dollar amounts, so it would not be necessary to have the provisions of those sections financed by this blanket authorization.

As I say, it may sound complicated, but the language of the amendment is necessary in order to eliminate the provisions which would permit the corporation to go through the backdoor of the Treasury and get its financing, and would require it to go through the appropriations process.

I may add that I have a second amendment, after this one is disposed of, which would require the submission of a business-type budget as required by the Government Corporation Control Act.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I am glad to yield to the gentleman from Ohio.

Mr. ASHLEY. There certainly will be no objection to the second amendment the gentleman intends to offer. There is not agreement with respect to the first.

The draft legislation which was prepared by the administration took the same approach as is taken here. I believe the reason is quite clear. By the very nature of the loans to pay the interest charges during the early years of a new community development there must be continuity assured for the new community development.

There must be assurance of continuity in loan funds. I think that the administration agreed—they certainly raised no question about this during our very extensive hearings on title I—I think they agreed that this continuity could be better assured——

Mr. JONAS. May I interrupt my friend?

Mr. ASHLEY. Of course.

Mr. JONAS. To say I am not surprised the Department would approve this. Naturally they would like to have blanket authority and have more simplified authority. They do not necessarily enjoy coming up before the Committee on Appropriations and justifying their requests for funds and for contract authority.

As was brought out in the colloquy between the distinguished gentleman from Pennsylvania (Mr. BARRETT) and the distinguished gentleman from Wisconsin (Mr. DAVIS), you have already allowed public housing to get out of the control of the Congress. They go to the Treasury and get contract authority and then they come before the subcommittee and say that it will take $650 million this year to pick up the tab. Well, we have no alternative but to put up the money. There ought to be some supervision and some control over this. We do not think we are dilatory. We think they can justify their program a year in advance. Once we get on a fiscal year basis there will be no more trouble handling this than there is handling model cities appropriations or other appropriations.

Mr. ASHLEY. If the gentleman will permit, I think he would have to acknowledge that there is a limitation.

Mr. JONAS. You mentioned a $650 million limitation in your discussion with the gentleman from Iowa (Mr. GROSS).

Mr. ASHLEY. No. The limitation is——

Mr. JONAS. That is an overall limitation.

Mr. ASHLEY. Yes. With respect to the loans which are the principal consideration. The overall limitation is $240 million, $20 million for any single project.

Mr. JONAS. May I make one other point? Once the legislative committee gets this legislation on the books the responsibility of the legislative committee ceases—unless you bring in repealing or modifying legislation. However, there ought to be another committee with responsibility to supervise the operation of the program under the authorization as contained in the legislation. That is one of the principal functions of the Committee on Appropriations. It is to have these groups come before this committee and explain what they have done under the authority granted by the basic legislation, give their facts and figures and justify what they are doing. That is our main function, with the additional responsibility of recommending the funding level based upon past experiences and future requirements.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(By unanimous consent, at the request of Mr. BOW, Mr. JONAS was allowed to proceed for 2 additional minutes.)

Mr. BOW. Will the gentleman yield?

Mr. JONAS. I am happy to yield to my friend from Ohio, the distinguished ranking member of the House Committee on Appropriations (Mr. BOW).

Mr. BOW. I am delighted that the gentleman offered this amendment. I think it is very necessary if we are to have control over spending. This is one of the real problems in the country today. I do not see how it will affect continuity, but certainly it seems to me there should be a review by the Committee on Appropriations on the spending of Federal dollars. It is one way we may be able to control spending and to control inflation.

I thank the gentleman for yielding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONAS), to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The question was taken; and the Chairman being in doubt, the committee divided, and there were—ayes 39, noes 25.

So the amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. JONAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. JONAS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. JONAS to the amendment in the nature of a substitute offered by Mr. STEPHENS: On page 42, after line 23, add the following:

"(g) A business-type budget for the Corporation shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847–849) for wholly owned Government corporations."

Mr. JONAS. Mr. Chairman, I understand that there is no objection to this amendment.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. We have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONAS) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. WILLIAMS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. WILLIAMS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS to the amendment in the nature of a substitute offered by Mr. STEPHENS, pages 2 through 48, lines 1 through 21, strike out all of title I, "TITLE I—URBAN GROWTH AND NEW COMMUNITY DEVELOPMENT".

Mr. ASHLEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and nine Members are present, a quorum.

The gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 5 minutes in support of his amendment.

Mr. WILLIAMS. Mr. Chairman, I offer an amendment to strike title I of this bill. This title basically affects the so-called new community development. Such a proposal obviously has implications that range far and long.

For example, how would this new community development relate to national policies on environmental quality and on land use which both the administration and the Congress have been developing? I do not believe that legislation of this scope and complexity should be enacted now. At the very least, we should await the results of the study of urban growth policies that is under way within the White House Domestic Council.

The title would also authorize a greatly expanded new communities program. This program would involve many dubious features such as—

First, authorization of direct Federal development of new communities on federally owned lands, as distinct from providing Federal assistance to private enterprise and State and local public bodies;

Second, authorization of direct Federal grants to new communities to help cover their ordinary municipal expenses for as long as 3 years; and

Third, the establishment of a virtually independent Community Development Corporation within HUD, with functions overlapping many functions assigned to other units of HUD.

Furthermore, the purpose of H.R. 19436 is to provide housing. This housing must be within a relatively short distance of the business and industry that provide jobs. In every one of our major cities today, we have tens of thousands of homes which are uninhabitable and we have massive areas which are ripe for redevelopment. It is imperative that we build new housing in these areas, and rehabilitate much of the uninhabitable housing in our major cities. It is these areas that presently have the business and industry that provide jobs. It is these areas that have the municipal services such as water, electricity, and sanitary sewage. These areas also have adequate educational and public safety services. Under this expanded new communities program called for in title I of this bill all of these public services facilities would have to be constructed. This could only mean fewer dollars for adequate housing and much fewer new housing units.

Legislation as complex and controversial as title I of this bill deserves our most careful consideration. The closing days of a busy session are hardly the time most conducive to such consideration. I

am therefore offering this amendment in the belief that we have everything to gain by postponing action on the proposals of title I until the start of the next Congress.

Mr. ASHLEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Fifty-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 380]

Abbitt	Foreman	O'Neill, Mass.
Adams	Gibbons	Ottinger
Alexander	Gilbert	Philbin
Anderson, Tenn.	Grover	Pickle
	Hanna	Podell
Aspinall	Hansen, Wash.	Powell
Bell, Calif.	Hays	Price, Tex.
Berry	Hébert	Purcell
Blanton	Holifield	Reid, N.Y.
Blatnik	Horton	Rivers
Boland	Jacobs	Robison
Bolling	Jarman	Rodino
Brown, Mich.	Kazen	Rosenthal
Burton, Utah	Keith	Roudebush
Button	King	Saylor
Celler	Kluczynski	Scheuer
Clancy	Kuykendall	Sebelius
Clark	Landrum	Shriver
Clay	Leggett	Smith, Iowa
Collins, Tex.	Long, La.	Stuckey
Corbett	Lujan	Sullivan
Corman	McCloskey	Taft
Cramer	McClure	Talcott
Daddario	McKneally	Tiernan
de la Garza	MacGregor	Tunney
Dennis	Mathias	Waldie
Dent	Meskill	Watson
Diggs	Michel	Weicker
Dowdy	Miller, Calif.	Wiggins
Evins, Tenn.	Mize	Wilson, Charles H.
Fallon	Morton	
Farbstein	Murphy, N.Y.	Wright
Fascell	O'Konski	Wyatt
Foley	Olsen	Wydler

Accordingly the Committee rose; and the Speaker having resumed the chair Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 19436, and finding itself without a quorum, he had directed the roll to be called, when 333 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, for the benefit of the Members who may not have been here immediately prior to the quorum call, the pending business is an amendment offered by the gentleman from Pennsylvania (Mr. WILLIAMS) which would eliminate title I of the bill under consideration.

In rejecting the concept of new community development, the gentleman from Pennsylvania has taken a position that is contrary to the position taken in the party platforms of the Republican Party and the Democratic Party. It is contrary to the very specific language of the President in his state of the Union message. It is contrary to the position of the distinguished Member, the gentleman from New Jersey (Mr. WIDNALL) and that of the majority of the members of the Committee on Banking and Currency.

The fallacy, Mr. Chairman, in the position taken by the gentleman from Pennsylvania (Mr. WILLIAMS) can be found in his repeated assertions that our purpose is solely to provide housing, and that is what, the gentleman says, we should confine ourselves to. None of us can take that view, I think, Mr. Chairman, because it was in 1948 that this Congress and the Nation made a commitment to provide decent housing, in a suitable living environment for all American families. And it is to the suitable living environment that title I is directed. We have a national goal of 26 million units of housing for the decade from 1958 to 1968. Where are these houses going to be located?

My point, Mr. Chairman, is that with planning and with ingenuity, both public and private, it is possible to achieve through new community development a far more suitable living environment than we presently enjoy.

The gentleman from Pennsylvania (Mr. WILLIAMS) has misrepresented the thrust of title I. It seeks to assist new community development of four different kinds, not just new freestanding communities, but new-town, in-town, suburban developments in metropolitan areas and assistance to existing communities with unusual growth potential.

The gentleman from Pennsylvania (Mr. WILLIAMS) says this is a costly bill. This again is inaccurate. The principal provisions of title I with respect to funding are for guarantees, as insisted upon by the administration, and loans repayable to the corporation.

Let me say that this legislation was overwhelmingly adopted by the other body—only four votes dissenting. It has been called for by the President and I urge the defeat of the pending amendment.

Mr. WIDNALL. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment offered by the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. Chairman, if there has been one crying need in the housing field, it is for a new and imaginative approach toward the healthy growth of our cities or inner cities, new communities, and the like. The section of the bill really was the work of the gentleman from Ohio (Mr. ASHLEY) and presents the type of program with which we can all go forward and achieve some real progress in the housing field.

As he has just stated, it serves the purpose that was announced as a policy by President Nixon in what he sought for the future. It follows through on suggestions that have been made not by the gentleman from Ohio but by many others, in addition to what he has offered, and what he has put in there himself.

We need to try to meet the urgent situations that have been not only created by our exploding population but by the constant movement of that population and by the crying need to do something in the inner cities better than we have done in the past where we have failed to meet our national obligation in that respect.

I think that by the means provided in section 1, we are on the road and we are getting started and this is something the Members of Congress will point to with pride as having voted for when it comes to national housing legislation.

Mr. Chairman, I urge the defeat of the amendment offered by the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Iowa.

Mr. KYL. How does the building of a new community in the inner city differ from present urban renewal programs?

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Ohio.

Mr. ASHLEY. There is provision in the bill for an expanded form of urban renewal that would permit the acquisition of land which is functionally or economically obsolescent but not necessarily blighted or in slum condition.

Mr. KYL. If the gentleman will yield further, is that in title I, which is the subject of the present discourse?

Mr. ASHLEY. Part C of title I.

Mr. KYL. And this is simply an extension of urban renewal; is that correct?

Mr. ASHLEY. That is correct.

Mr. KYL. And yet it is called a new policy which is supposed to make progress in new community building in the inner city?

Mr. ASHLEY. What it seeks to do is to make land available on a more considerable scale that currently is not available under present urban renewal definitions.

Mr. KYL. Mr. Chairman, will the gentleman yield further?

Mr. WIDNALL. I yield to the gentleman from Iowa.

Mr. KYL. What is the limitation of the scale under present urban renewal legislation?

Mr. ASHLEY. The criterion that presents a problem is the requirement that the area subject to renewal be in slum or blighted condition. There are many areas in our central cities where slum or blighted conditions do not exist, but where there is a condition of obsolescence. For example, in Toledo, the district I represent, we have a 60-acre tract of land immediately adjacent to our downtown business district that has been all but abandoned by the Penn Central. That land is not blighted or slum in its condition, but it is economically obsolescent. That land would qualify under the provision contained in the legislation.

Mr. KYL. Mr. Chairman, will the gentleman yield further?

Mr. WIDNALL. I yield to the gentleman from Iowa.

Mr. KYL. Would it be possible, I ask the gentleman from Ohio, to have an urban renewal program which would acquire the land that the gentleman says is now surplus to the needs of the railroad?

Mr. ASHLEY. It would not be possible under the present legislation.

Mr. KYL. In other words, I ask again, is this simply an extension or a liberalization of the criteria for urban renewal?

Mr. ASHLEY. Yes.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. BARRETT. Mr. Chairman, in order to conserve as much time as we can and to move as expeditiously as possible, I should like to inquire how many Members desire to speak on the Williams amendment so that we might determine the time to vote on the question.

Mr. Chairman, I ask unanimous consent that all debate on the Williams amendment close at 3 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. WILLIAMS. I object. I would like to suggest to the distinguished chairman of the subcommittee that he make the request with a time of 10 minutes after 3 o'clock.

Mr. BARRETT. That is satisfactory.

Mr. Chairman, I ask unanimous consent that all time on the Williams amendment terminate at 10 minutes after 3 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SCHERLE).

(By unanimous consent, Mr. SCHERLE yielded his time to Mr. WILLIAMS.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to the amendment, and urge my colleagues to stay with the committee on title I, and this section C of the title on page 44.

The gentleman from Ohio is to be commended for the deep understanding that he has shown in drafting this amendment to the bill to help solve the problems of the big cities. As he has stated, under present limitations in the present law, the land must be slum or blighted before we can use it for public housing. Cities all over America are in a straitjacket in trying to deal with the problem of finding land for low- or moderate-income housing.

In the city of Chicago all you have to do is to drive through that city and you see large areas in which factories have been abandoned, and they are not in blighted areas. The fact is that they have been abandoned because industry has moved someplace else. But, under existing law, we cannot demolish these abandoned factories or stores for low- and moderate-income housing.

The mayor of Chicago has dreamed about the day when we can redevelop the stockyards into a viable community with middle- and low-income housing. We urge the Members to realize that for the first time urban communities see hope, we see light at the end of a long tunnel, in trying to meet the housing needs of this country. In the large city today this title I offers us the greatest hope. This is landmark legislation. The gentleman has performed a monumental service to the people of America by offering us this provision.

Seventy-five percent of the American population is now living in 12 major urban areas—mind you, 75 percent of this Nation's population lives in urban communities. We need this provision so the cities, which are in desperate need, may meet the housing needs of the people. So I solemnly urge the Members to reject the amendment and stay with the committee and give us a chance to improve existing legislation to meet the housing needs.

I can tell Members this. If this legislation is approved, it will open up a whole new dimension of opportunity for urban areas, and every city in the country will be able to put such land to use, land which now is totally useless to the cities and is not bringing in taxes but is just lying there. We have not been able to touch those areas because of limitations of existing law. The bill contains an excellent provision in title I. This amendment would really emasculate the bill. I hope the amendment will be voted down.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. KYL).

(By unanimous consent, Mr. KYL yielded his time to Mr. WILLIAMS.)

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I take this time to make inquiry of the gentleman from Georgia (Mr. STEPHENS) and perhaps of other members of the committee, whether they have considered in this legislation the situations whereby some of these projects are constructed at a cost sometimes of, let us say, $1.5 million, and the city officials say they do not want it, and the elected county officials say they do not want it, and the elected State officials say they do not want it, and the elected Federal representative says they do not want it and HUD officials say even if local people do not want it they will get it anyway—it is good for them.

Also built into this is subsidy of interest down to 1 percent, and location of a loan, and guarantee of a loan, and subsidy of rental on property after 2 years, and tax exemption because of loopholes that occur between 235 and 236 and the Tax Reform Act we passed last year. I wonder if the committee has given consideration to those problems and to the rights of the local people?

Mr. STEPHENS. Mr. Chairman, if the gentleman will yield, we have had proposals made by HUD which would have overrun and blocked out all local control of zoning problems and everything. That was knocked out in the subcommittee and in the committee. I am glad to know the gentleman is interested in that. As far as I am concerned, I would urge the gentleman and all members of our committee to try to maintain local control of this question as much as possible, because that is where we get the interest of the local communities. We are trying to do a good job on that.

Mr. HUNGATE. I appreciate the gentleman's statement. I hope the committee will make inquiry into this situation.

Mr. STEPHENS. I will see that the committee does that.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Chairman, let me point out that to eliminate title I by this amendment would not improve the bill at all. In the first place, this is not hasty legislation that we are talking about in title I. Title I has been put together over 2 years and has been put together by the two subcommittees, the main subcommittee—the Housing Subcommittee—and a special subcommittee. It has been considered by our full committee also. Let us look at the voting in the committee, let us see what happened when we had these discussions in our committee on the merit of this particular title.

The Housing Subcommittee approved this by 13 to 0. The full committee approved it on a vote of 24 to 4.

The Senate already has worked on this bill and has approved title I by an overwhelming majority.

It is not an excessively costly provision we are asking for in title I. There is $400 million in it.

In addition to that, this is not an OEO community action project. This is a project that will be under the control and supervision of the Housing and Urban Development Department.

I believe in the smaller areas of the country, in our rural areas, we can make use of this in order to keep a viable rural environment so that the folks will stay in the smaller communities and not cause the problems now being caused in the cities all over the United States.

I have made a similar argument so far as the Farmers Home Administration program is concerned. I believe our smaller communities can take advantage of this for the purpose of bringing living conditions up to standard, to make it possible for the larger communities to have a breathing spell so that they can catch up with the population explosion.

I urge that this amendment be voted down and that title I be approved.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, as the distinguished gentleman from Ohio stated, the Congress has made a commitment to make a suitable home available to every American family and in a suitable environment. Then as the gentleman from Ohio (Mr. ASHLEY) went on to say, this new community development program will permit new towns within new towns.

Let us get one thing straight. Are we interested in housing, interested in upgrading our present urban centers, or are we interested in "pie in the sky"? In my opinion this new community development program falls into the pie-in-the-sky category.

Make no mistake about it: In every major metropolitan area in this country there are vast areas where the majority of the housing is right now, today, uninhabitable. There are vast areas ripe for redevelopment.

We can improve these areas with a mix of public housing, housing built under the 235 and 236 programs and many other programs, to accomplish a really good environment in existing urban centers, which already are the centers of

culture and have excellent educational facilities and everything else.

This new housing can be built with plenty of open space to provide for the right kind of recreation.

There is already in existence in these areas all of the municipal services and facilities which would have to be provided for any new community project.

It may be that some parts of this bill should be changed to enable us to rebuild those sections of our urban areas which are crying today for redevelopment.

Let me spell out to the Members what is happening in our major urban areas today. For several decades there has been a move to the suburbs. Today this trend is reversing. Approximately $5 million to $7 million of private capital is being invested every year in the center city of Philadelphia. People who moved to the suburbs are anxious to move back to the city, to be near their places of employment and to be in the center of the city, where the action really is.

If we can devote the money we have available to new housing to accomplish that which I have already described, a mix of various types of housing with proper open space, we are going to get away from these integrated areas, because people who have been moving to the suburbs are going to start moving back into the cities.

If we can accomplish this sort of thing, then insead of having $5 million to $7 million of private capital invested annually in the center city of Philadelphia, we will see more like $40 million or $50 million of private capital annually being attracted in the redevelopment of the center city areas.

I say to you, if you want housing, if you want it now, if you want to meet the requirements that have been set up by this Congress for new housing starts, then the thing to do is to support my amendment for striking title I in its entirety and take the course I have described to you.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, I rise in opposition to the amendment offered by my colleague from Pennsylvania.

I think the gentleman from Pennsylvania ought to take into consideration the long and arduous time put into this title by the gentleman from Ohio, 2 solid years which have been devoted to this. There have been 2 solid years of urban growth study, figuring also the increase in population.

Basically what the gentleman from Ohio is trying to do here today, if we let him do it—and I hope we will—is to provide adequate housing for 75 million persons who will be on this earth within 29 years. The gentleman on the other side wants to stand still.

Some imagination has to be used in this bill. Some imagination has to be used in title I. It has been through the gentleman from Ohio (Mr. ASHLEY) working with people with the best expertise in housing and in urban growth in the country who came before him in the ad hoc committee that we have gotten this far.

I think, too, Mr. Chairman, it might be appropriate to bring out here this afternoon that it is estimated that for every $1 million authorized and appropriated—and I want to go back to the 235 and 236 sections in the housing bill—that money produces approximately 1,000 units. So for every $25 million provided and appropriated we will be able to build approximately 25,000 units. From that standpoint, Mr. Chairman, each unit will create 2 years of man work in the field. Putting it another way, each unit will provide work for two men for 1 year; 25,000 units will create 50,000 jobs in the construction field. In addition to that there would be approximately 7,000 jobs created off site and 75,000 related jobs created totaling 132,000 jobs which would be brought about by the expenditure of this money in sections 235 and 236.

Mr. Chairman, I say to pass this title I would increase that amount of jobs by 100 percent.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. Mr. Chairman, No. 1, when looking at title I, does not deal with merely the inner city. It does not deal with merely the Reston's or Columbia's. It deals with a problem we will have to face 5, 10, 20, 40, or 50 years in the future in this country. It deals with every phase and ever facet.

Mr. Chairman, the gentleman from Pennsylvania who offered the amendment—and much of what the gentleman said is true about Philadelphia, but the gentleman is being provincial just as I am often provincial, but the problem is that too frequently we do not look at the entire problem. We are all prone to be provincial. We look not to 5, 10, or 20 years from today, but merely to what we are going to do tomorrow.

Mr. Chairman, why do we face the crisis with which we are confronted today in this Nation? Why is this country in this State of affairs? I say this because amendments to strike such as that being offered at this moment have prevailed in the past. We have not looked to the future. We have just taken care of tomorrow. It is not enough.

Mr. Chairman, the population experts, every type expert possible testified before the ad hoc Committee on Urban Growth. If anyone takes the time to look at the hearings and reads the testimony of the witnesses, one finds that a crisis will face us unless we take action today.

Mr. Chairman, the amount of money involved is negligible if we spend it today. If we wait, it will cost us 50 to 100 times as much. So I plead with the Members of the Committee of the Whole House on the State of the Union on this amendment to not look just to tomorrow. Look beyond the end of your nose. Look to the future and think of the Nation and not to your own community.

Mr. Chairman, I submit to the Members of the Committee and plead with the Members of the Committee to reject the Williams amendment and retain title I in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WILLIAMS) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 75, noes 55.

Mr. BARRETT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. WILLIAMS and Mr. ASHLEY.

The Committee again divided, and the tellers reported that there were—ayes 94, noes 81.

So the amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. BLACKBURN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. BLACKBURN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BLACKBURN to the amendment in the nature of a substitute offered by Mr. STEPHENS: Beginning on page 75, line 11, strike out all through page 84, line 10, and renumber the following titles.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman.

Mr. HORTON. Mr. Chairman, I rise in support of passage of comprehensive Housing Act amendments of 1970 before the adjournment of the 91st Congress.

While I regret the deletion of key provisions of the committee version of legislation, I feel that we must act to improve the available housing programs assisted in by the Federal Government.

Of crucial importance in this bill is the provision in title VII for crime insurance for businesses in high-crime areas. Perhaps the greatest barrier to incentive for downtown and inner-city businesses has been the unavailability of crime insurance at reasonable rates, and often, the total unavailability of such protection. As an early sponsor of a bill to provide for federally guaranteed or assisted insurance for residents of these areas, I am pleased to see that we are answering this need.

There are two aspects of the committee version of the bill which I felt should be retained. First, I have favored advance funding for some HUD programs which require long leadtime, planning and construction phases. The 3-year programs provided for in the committee version were important steps toward answering this need.

But even more important are the provisions of title I of the committee bill providing improved Federal help for new towns and cities. A great deal of pioneering has been done in and around my own congressional district in the field of new community development. Federal loan guarantees for both State and local land development groups—for the purpose of

fostering new communities—would be a vital step toward realization of significant progress in this area. I voted against the amendment to delete title I. I feel that the state of the housing industry, the condition of our cities, and the condition of our economy as a whole warrants this help at this time. It is thus most disappointing that the House failed to retain the title I provisions.

Still, Mr. Chairman, I believe the major provisions of the Stephens substitute are important advances in Federal assistance to housing and renewal. I hope for a more comprehensive version emerging from the conference with the Senate. But most important, I think it is vitally important that this legislation be enacted before the adjournment of this Congress late in December.

Mr. BLACKBURN. Mr. Chairman, this is the amendment which would strike the crime insurance provision from the substitute bill which is now before the House.

I have circularized this matter among all of you and set forth very briefly the reason why I am taking this action.

I want everyone to be aware that under this proposal we would be for the first time in the history of the country placing a Federal agency in the business of direct writing of insurance.

You will recall, those of you who reviewed the initial measure which was presented and which is now being pushed into the background—the initial bill—would have made the Federal Government write insurance across the board—property damage, fire insurance, and apparently life and accident, if they wanted to.

The more the Members of the House reviewed the initial measure, the one which was brought up on the rule before this House, the more apparent it became to the sponsors of this particular provision that the House would not accept anything this broad and this directly competitive with one of the most vital segments of the economy in the country, that being the private insurance sector.

So we now find ourselves—and, incidentally, I have heard a great deal of discussion about title I and all the preparation and I agree that there was a great deal of preparation that went into title I and I want to join those who congratulated the gentleman from Ohio (Mr. ASHLEY) for the work he did on title I—a great deal of preparation and foresight was in that title and we just voted it down.

But this particular title is something that has no precedent before the committee or before the House. This is just a brand new baby that has suddenly been born and we are saying that we are going to tell the insurers in this country that if they do not want to write insurance in certain areas that the Federal Government will do it for them. We only say, "if you cannot pay affordable rates."

Now what are affordable rates? When I look at the hundreds of dollars that I spend each year on my own automobile insurance, I would like for somebody to ask me what is an affordable rate and I would be glad to cut it in half. The fact of the matter is that I have to pay it if I am going to have insurance.

So we are going to allow the Federal Government to decide what is an affordable rate for one individual and what is not an affordable rate for another.

I say that we are setting an extremely dangerous precedent when we take action of this sort.

I was told at one time this title is an exact duplicate of what the Senate has offered. In the first place, the fact that the Senate has taken action is hardly enough to warrant an absolute endorsement, nor is it irrefutable evidence that absolute wisdom has been exercised.

When we look at this bill, we find it is not a copy of the Senate version. The Senate version gives the States and private insurers 1 year in which to set up plans.

There are many questions that are unanswered with regard to this particular title.

Since most of us only saw this title for the first time last night, I think it raises serious question as to whether or not this committee should adopt a provision having this broad a scope and these serious implications as far as the intrusion by the Federal Government into the private sector of our economy is concerned.

Gentlemen, the testimony from the Federal Housing Commissioner of the Department of Housing and Urban Development, Mr. Bernstein, testified very strongly against this particular type of proposal. It calls for an open-ended appropriation. We do not know how much money we are talking about. We are saying that whatever losses take place can come from some existing Federal programs. But then we go on to say that shortages will be made up by the appropriation process.

If we are concerned about controlling the budget—and that is something to which we all give a great deal of lipservice—then I say let us demonstrate that concern by not adopting a proposal which is genuinely buying a pig in a poke. Nobody has ever offered to suggest how much money we are talking about. It has been suggested, as I interpret the bill, that HUD could use private insurers for the purpose of writing the policies and for the purpose of handling claims. But what incentive would there be for the private insurer to hold the losses down? The private insurer is running no risk at all. The agent who writes the policy would make a commission and then his hands would be free.

Mr. ANNUNIZO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Blackburn amendment. As my colleagues in the House know, over 100 Members of this House have cosponsored the crime-insurance legislation. For over 5 years I have been working on the insurance problem. I began my work prior to the Watts riots, prior to the Chicago riots, and prior to the Newark, N.J., riots. So I do not want any connection to be made between those riots and this particular insurance program.

It is true that I accepted the Stephens substitute under which we would eliminate property and extended coverage. I want my distinguished colleague from Georgia to know that over 2 years ago this proposal came before our committee. We held hearings on this proposal in Chicago, in Washington, in Newark, and in every city where we conducted hearings, we saw the faces of the small businessmen of America who every day are going out of business. When you read your newspapers this morning, you saw that in the city of Washington two more owners of small businesses were killed in a robbery that was being committed at their stores. They might still be alive had they not sought to protect their property, which was uninsured because of the cost of that insurance.

Crime insurance is long overdue.

My first proposition before this House was for a study by the Small Business Administration. I asked for that study $250,000, which was voted down by this House. I went along with the gentleman from Missouri and the gentleman from Iowa when they said, "Why not let the study be conducted with the moneys that have already been allotted to the SBA?"

I went along but, as you know, in both the Johnson administration and in the Nixon administration, we have changed the SBA Administrator, so that the small businessman of this Nation is the most underrepresented citizen and taxpayer of which I know.

We talk about insurance. The Federal Government has been in the insurance business for many, many years in connection with its programs. We have insurance for banks, savings and loans, and credit unions, flood insurance, and now we even have insurance for $28 million for every 747 airplane that flies overseas. When we talk about depriving these businessmen of insurance because they cannot protect themselves, we must remember that small businessmen are taxpayers, that small businessmen employ people, that small businessmen are closing shop throughout America, that our inner-city stores are becoming closed down because people are going out of business, and this is the responsibility that we have this afternoon as Representatives of the people in Congress.

I went to the insurance industry when we adopted the FAIR plans 2 years ago, and I informed them I was coming up with a crime insurance plan and asked them to come up with a plan—and they have not.

People just are not able to buy insurance. Talk to any of the small businessmen in any of the inner cities of America. They will tell you that as far as robbery and crime insurance is concerned, it is unavailable. I am going to the insurance industry again and ask them to come up with a plan as they did under the FAIR plan, so that we can give the inner-city property owners fire and extended coverage protection. They have not been able to buy insurance in those neighborhoods that have been redlined or blacklined by the insurance industry.

Remember, 70 percent of the people now live in the big cities. The first exodus that occurred out of the cities of America was caused by school problems, and the next mass exodus is of the older people, the mothers and fathers and grandfathers and grandmothers from the cities. It is taking place now in the cities of

America, because they are not able to buy insurance on their properties. In our hearings we went to the records of the various building departments and found that there were no building violations on any of these properties and yet their insurance had been canceled.

I urge my colleagues to vote down the Blackburn amendment.

Mr. BARRETT. Mr. Chairman, I ask unanimous consent that all debate on this amendment offered by the gentleman from Georgia (Mr. BLACKBURN), close at 20 minutes to 4 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BRASCO).

Mr. BRASCO. Mr. Chairman, I rise in opposition to the Blackburn amendment. I commend my distinguished colleague, the gentleman from Illinois (Mr. ANNUNZIO), for a very fine presentation of what the facts are. I would like to rebut some of the arguments made by the gentleman from Georgia (Mr. BLACKBURN), in speaking about his amendment.

It is a known fact today that the Federal Government insures savings in banks, savings and loan associations and credit unions. We have crop insurance, insurance against floods and also riot insurance. We have all these at this time.

The argument the gentleman used with respect to the cost is indeed fallacious when we look at the $28 million that the Federal Government has accumulated in premiums as a result of providing riot insurance. I would suggest the very same thing will be true here when the Federal Government begins to write insurance that insurance companies now refuse to write, and I repeat they refuse to write crime insurance in the city areas. I suggest the Federal Government will develop a sound crime insurance fund.

I suggest further that if the fund runs out of money we have the authority to use the surplus contained in the riot insurance fund.

I urge the committee to reject the Blackburn amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I yield to the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Chairman, I appreciate the gentleman yielding.

I would like to make this observation. The Government cooperates in the writing of coverage and shares in the losses in the flood insurance program, so that the private insurer has an incentive to keep losses down when part of the loss is coming out of his pocket.

There is a sharp distinction between that and the provisions in this bill.

Incidentally, this is another example of something brand new hitting the floor of the House, when no one really has had an opportunity to examine the full implications of it.

No one in the heated exchange we have heard, the very warm words spoken, has suggested for one moment how much money this would cost the taxpayers of this country.

I would urge the Members of this House that one of the most devastating points about this particular section of this bill lies in the fact that we find the copy which was submitted to the Clerk has stricken the first sentence on page 78 under the theft section. That particular sentence, gentlemen, was most significant because it gave the States an additional year to work out their problems.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, I rise to associate myself with those who have spoken in opposition to this amendment. The House Crime Committee held hearings in 10 major cities of this country, and in every one of those cities small businessmen have cried out for help that they cannot receive from the private insurance companies. Therefore, I believe this is a salutary provision.

This, the Government, working with the States and private insurance companies, will be a cooperative program. It will be available only where such insurance is not available to the people who need this kind of coverage against crime.

I regret that the able gentleman from Georgia wishes to strike this very salutary provision in the Stephens amendment.

Mr. Chairman, I rise in support of the bill now under consideration and most emphatically in support of the title VII provisions relating to crime insurance.

Mr. Chairman, the Select Committee on Crime has long felt that some relief was needed for the small businessman in the insurance area. Indeed, four of my colleagues on the committee and several other of my colleagues cosponsored with me H.R. 18917, to provide crime insurance through the Federal Insurance Administration at the Department of Housing and Urban Development.

I felt that something had to be done, Mr. Chairman, because the traditional American reliance on the insurance industry—a reliance that has helped this country grow—is not proving adequate to meet the challenge today. The problem of crimes against businesses has become so severe that where theft, burglary, and robbery insurance are available, their cost is prohibitive. And we cannot blame the insurance industry for these high rates: their actuarial tables tell a sad story. It is unrealistic for us to expect private insurance companies to subsidize, in effect, the businessman operating in a high-crime area. But, at the same time, we cannot sit back and let these small businesses die because they cannot operate successfully without it.

In May, a man who testified before our House Select Committee on Crime, Washington, D.C., hearings called to say goodbye. He and his family have moved to Canada, victims of the cost of crime in Washington, D.C. This man is no alarmist. He simply found it impossible to profitably operate his bait and tackle shop after his insurance was canceled because of repeated robberies. When he tried to get insurance with another company—he eventually contacted over 100 of them—he found that he could get insurance for $10,000 to $12,000 a year. It is unrealistic to expect a small businessman to bear such a great cost and still take home some profit to his family.

This man's store was in a high-crime area in Northwest Washington, D.C., but the robberies there branded him for life. Even if he moved to any of our 50 States, his insurance would be the same $10,000 or $12,000 a year. The only way he could escape the past of which he was an unfortunate victim was to leave the country.

I do not think we can allow this to happen. I do not think we can afford to allow this to happen. If the Federal Government can help provide relief for storm-torn and riot-torn areas, can provide insurance on the mortgages of homeowners, surely we can help the Nation's small businessmen stay in business.

I think this Government must find the resources to establish a mechanism that would provide insurance—at reasonable rates—to merchants in high-crime areas. I think it is important that these merchants be able to continue to operate because they are an important part of the community as well as the livelihood for a family. I fear that if we do not act, high-crime areas will soon be devoid of business—except for those which charge such high prices that they can absorb theft and burglary losses. And these stores, of course, will hardly be welcome in the community. The flight of responsible businessmen to the suburbs will hinder rather than help this country's fight against crime.

For this reason, Mr. Chairman, I heartily commend and support title VII of the Stephen's substitute now before us to provide crime insurance at reasonable rates through Government sources and oppose the amendment of the gentleman from Georgia which would strike this salutary provision. FAIR plan insurers would be required to offer such insurance. The Federal Government would stand behind it.

Mr. Chairman, the people who will benefit by the enactment of this title VII are the people who need it most. There are the poor, marginal storeowner, the man whose profit margin is thin, whose income provides no exorbitant profits, but instead a marginal living wage. It is these people who are being driven out of business by repeated losses due to robbery with no protection obtainable or affordable from insurance companies.

The Select Committee on Crime has seen too much heartbreak and failure attributed to the lack of reasonable protection and insurance to the small storeowner. This provision will alleviate a portion of the distress present. While I feel that the Housing and Urban Development Act of 1970 is an extremely important piece of legislation, I think that the necessity of the title VII crime insurance provisions stands out as the most important segment of this bill.

I urge the defeat of the amendment.

Mr. BRASCO. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from New York.

Mr. BRASCO. I want to point out that the Federal Government insures overseas flights of 747 airline planes to the tune of $28 million per plane. I believe the premium is about 20 cents per $100.

I also understand that when airlines supply or contract planes for the Department of Defense the Government writes that insurance free of charge.

There is no reason why we cannot provide for the American public, when insurance companies refuse to do so, crime insurance at reasonable rates.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to the Blackburn amendment and in strong support of my colleague from Illinois (Mr. ANNUNZIO) who has worked in this field thoroughly over not the course of just months but years.

The gentleman from Georgia talks about a grace period. I believe the grace period has more than exceeded a normal period. The first indications of trouble, later reflected in the riots of 1967 and 1968, started as early as 1965 and 1966. If we want to go to the first riots in 1967, that gives us a 3-year grace period.

There is no question about there being an absolute need for this type of legislation. Much as we would like to have the private insurance field take care of it, but there is no question that the record of committee hearing after committee hearing has shown the abject failure to reach the need of the American public for protection.

I thoroughly support the Annunzio proposition. I compliment the gentleman on his zeal and interest.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Chairman, first may I indicate my support for the Blackburn amendment. Next I should like to raise a question for the gentleman from Georgia. He started to touch upon the section 1231, that has been stricken. I should like to find out what the significance of that is.

Mr. BLACKBURN. As I interpret the language of title VII, initially it was designed to approximate somewhat the Senate bill as passed. The Senate bill does allow the private insurers and the States a 1-year grace period in which to work out the problem of providing adequate coverage in these high crime areas. The initial version of this bill which was circularized among the Members showed that that 1-year grace period was in the bill.

Now we find that the bill that was submitted to the Clerk actually struck out any provision for the 1-year grace period. So what we are doing is telling the Secretary of Housing and Urban Development that he will be in the insurance business immediately as far as crime insurance is concerned for the people of the United States. He has no opportunity, the States have no opportunity, and the private insurers have no opportunity to work out the problem. The testimony from Mr. Bernstein was that most of the States are making considerable progress in that area. We have that kind of testimony as a background.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Chairman, I want to point out to the Members of the House that my substitute does not deal with anything as far as crime insurance is concerned except crime. It does not have fire or property insurance involved in it at all. That is where you may have had the complaint from the standpoint of opposition by the insurance companies. I know when we had the Bank Holding Company Act up the insurance people were concerned about that and they got after me and gave me floods of correspondence. I have heard from no insurance company about this particular provision I am now proposing. I have heard from nobody against this particular proposal but I have heard from people who are for it and people who like it. I ask that the amendment be opposed.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MOORHEAD).

(By unanimous consent, Mr. BARRETT yielded his time to Mr. MOORHEAD.)

Mr. MOORHEAD. Mr. Chairman, the distinguished author of the amendment stated that this is new. Mr. Chairman, this is not a new problem. Back at least as far as 1967 the members of the subcommittee recognized the problem, and three of the members of the committee introduced legislation which would provide for the basic property insurance requirements for property owners. We recognized that we also needed crime insurance, but we did not have a solution. What we did was direct the Secretary of HUD to study the problem and report back to the Congress. The Congress did pass that law with that direction and HUD has reported. The report of the Department of HUD flatly states:

> Businessmen and residents in many major cities cannot obtain burglary and theft insurance at a price they can afford. The incidence of crime in these cities is so great that under traditional insurance practices premium rates adequate to sustain the resulting losses become prohibitive.

Mr. Chairman, crime insurance is essential to the survival of the small businesses in our inner cities.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I will be glad to yield to the distinguished author of the title.

Mr. ANNUNZIO. I thank the gentleman for yielding.

I want to compliment you on a fine statement and point out to the House that you were the chairman of the subcommittee that held hearings in Chicago. We studied the Illinois plan. I want to publicly commend the director of insurance in Illinois, who is a Republican, for heeding the advice of our committee and making the necessary improvements in the Illinois FAIR plan.

I thank you for your support and want to point out to our colleagues the gentleman from Georgia (Mr. BLACKBURN) that over 28 insurance commissioners in this country had a meeting and, as far as I know, none of the insurance commissioners have approved Commissioner Bernstein's plan.

We need crime insurance now.

Mr. MOORHEAD. I thank the gentleman.

Now, Mr. Chairman, what happens to businesses that cannot get insurance?

They cannot get insurance, they cannot get credit, and eventually they face the prospect of economic collapse.

Mr. Chairman, we see the deterioration of businesses in our inner cities.

There is one other thing. We remember that just recently there was a shooting in connection with a robbery here in the District. In that instance two dealers were shot by gunmen. One of the victims was carrying a gun because of the need to protect the assets in his store because he could not get insurance. If he could have gotten insurance, he would not have had to risk his life to protect his assets. We would have two more people alive today.

For economic reasons and for humane reasons the amendment should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I would like to take this opportunity to commend our distinguished colleague, the gentleman from Illinois (Mr. ANNUNZIO) for the outstanding work he has done in the field of crime insurance.

As has been mentioned here before, for many, many years such things as flood insurance and riot insurance were not available. Today they are available because, in effect, the private insurance companies and the Federal Government have formed a partnership.

I understood the gentleman from Illinois (Mr. ANNUNZIO) to say that he has approached the insurance companies in an effort to get them to be partners with the Federal Government in this crime insurance program.

I would like to ask my distinguished colleague if he plans to continue his efforts, with the assistance of the other members of the Committee on Banking and Currency, and if the gentleman thinks such efforts might be successful?

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for his outstanding work on the Committee on Banking and Currency. As the gentleman has pointed out, I am going to continue to press the insurance companies to cooperate in an effort to make insurance available as I did under my insurance plan so they can cooperate with the Government and provide this needed insurance.

Mr. WILLIAMS. I thank the gentleman from Illinois.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Georgia (Mr. BLACKBURN) to the amendment in the nature of a substitute offered by the

gentleman from Georgia (Mr. STEPHENS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLACKBURN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BLACKBURN and Mr. ANNUNZIO.

The committee divided, and the tellers reported that there were—ayes 48, noes 84.

So the amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. WIDNALL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. WIDNALL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The Clerk read as follows:

Amendment offered by Mr. WIDNALL to the amendment in the nature of a substitute offered by Mr. STEPHENS: On page 55, after line 13, insert a new section 218, as follows:

"STATE FUNDING OF SECTION 236 INTEREST REDUCTION PAYMENTS

"SEC. 218. (a) Section 236 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(n) The Secretary is authorized to enter into agreements with any State or agency thereof under which such State or agency thereof contracts to make interest reduction payments, subject to all the terms and conditions specified in this section and in rules, regulations and procedures adapted by the Secretary under this section, with respect to all or a part of a project covered by a mortgage insured under this section. Any funds provided by a State or agency thereof for the purpose of making interest reduction payments shall be administered, disbursed and accounted for by the Secretary in accordance with the agreements entered into by the Secretary with the State or agency thereof and for such fees as shall be specified therein. Before entering into any agreements pursuant to this subsection the Secretary shall require assurances satisfactory to him that the State or agency thereof is able to provide sufficient funds for the making of interest reduction payments for the full period specified in the interest reduction contract."

"(b) The first sentence of section 236(1)(1) of such Act is amended by inserting 'by the Secretary' immediately following 'entered into'."

Mr. BARRETT (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, we have no objection to the amendment; we know the gentleman's amendment.

Mr. WIDNALL. I appreciate the statement of the gentleman from Pennsylvania. However, I would prefer to just briefly summarize the amendment:

Mr. Chairman, this amendment authorizes the joint funding by HUD and State governments of interest reduction payments under section 236. The State would make its own money available, on a basis satisfactory to the Secretary, to augment the section 236 funds allocated by the Federal Government to that State. Therefore, if such a program were established, the State would provide the Secretary with interest reduction funds along with the section 236 funds allocated to such State. This program would have the effect of making more money available to the 236 program in participating States without establishing parallel and duplicate State housing authorities because HUD would merely have additional 236 money provided by the States to distribute and administer under HUD's 236 program.

The attached amendment to section 236 would authorize the Secretary to enter into agreements with the States where the Secretary receives adequate assurances that the State will provide sufficient funds for the making of the interest reduction payments for the full period specified in the interest reduction contract.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Wisconsin.

Mr. REUSS. Mr. Chairman, I fully support the amendment offered by the gentleman from New Jersey, and I wish to associate myself with the remarks of the gentleman from New Jersey, and I hope the amendment is agreed to.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman.

Mr. STEPHENS. Mr. Chairman, I appreciate this amendment. I would like to say I would accept it to my substitute amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. WIDNALL) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. BARRETT. Mr. Chairman, we have had almost two days of debate on the bill, and I wonder if we cannot agree on a time to terminate debate on the pending amendment and all amendments thereto at 4:30 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. WYLIE. Mr. Chairman, reserving the right to object, how many more amendments are there?

The CHAIRMAN. The Chair would like to inform the gentleman that there are seven amendments at the Clerk's desk.

Mr. WYLIE. That is 35 minutes, and it does not leave any Member who may have an amendment much time to explain his own amendment. Therefore, Mr. Chairman, I object.

MOTION OFFERED BY MR. BARRETT

Mr. BARRETT. Mr. Chairman, I move that all debate on the pending amendment, and all amendments thereto, close at 4:30 o'clock p.m.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BARRETT).

The motion was agreed to.

The CHAIRMAN. The Chair has noted the names of Members standing seeking recognition under the limitation of time and each Member will be recognized for 2 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS).

AMENDMENT OFFERED BY MR. BRADEMAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. BRADEMAS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The Clerk read as follows:

Amendment offered by Mr. BRADEMAS to the amendment in the nature of a substitute offered by Mr. STEPHENS: On page 86, line 12, redesignate section 803 as section 804 and insert after section 802 a new section as follows:

"SEC. 803. Title V of the Housing Act of 1949 is amended by adding at the end thereof a new section as follows:

"'MOBILE HOMES

"'SEC. 525. (a) As used in this title, the term "housing" shall, notwithstanding any other provision of this title and to the extent deemed practicable by the Secretary, include mobile homes.

"'(b) With respect to mobile homes financed under this title, the Secretary shall—

"'(1) prescribe minimum property standards to assure the livability and durability of the mobile home and the suitability of the site on which it is to be located, and

"'(2) obtain assurances from the borrower that the mobile home will be placed on a site which complies with standards prescribed by the Secretary and with applicable local requirements. The financing for the purchase of mobile homes under this bill shall be limited to the guarantee of loans on the same terms and conditions as are applicable under section 2 of the National Housing Act to obligations financing the purchase of mobile homes.'"

Mr. BRADEMAS. Mr. Chairman, last year, during consideration of the Housing and Urban Development Amendments of 1969, I offered an amendment which I felt would do much to bring decent housing within the reach of low- and middle-income families. This amendment, which was accepted on a voice vote, authorized the Federal Housing Administration to insure loans for the purchase of mobile homes, which constitute one of the few forms of low-cost housing available in the United States today.

Today, I offer an amendment which will help residents of rural areas to purchase low-cost, decent housing. My amendment would allow the Secretary of Agriculture to make purchasers of mobile homes eligible for participation in the rural housing program administered by the Farmers Home Administration. The terms and conditions for financing purchases of mobile homes through the Farmers Home Administration would be identical to those which now apply to insured loans for mobile home purchases under the Federal Housing Administration.

Mr. Chairman, both the Federal Housing Administration and the Veterans' Administraton allow purchasers of mobile homes to receive assistance under their housing program. My amendment would allow the Farmers Home Admin-

istration to offer the same kinds of assistance to those who wish to buy mobile homes.

I wish to emphasize, however, that my amendment would not allow loans to be made to mobile home buyers at subsidized interest rates, nor would it authorize direct loans by the Farmers Home Administration. The language of my amendment specifically states—and I quote:

Financing for the purchase of mobile homes under this title shall be limited to the guarantee of loans on the same terms and conditions as are applicable under section 2 of the National Housing Act to obligations financing the purchase of mobile homes.

This means that direct loans by the Farmers Home Administration for the purchase of mobile homes would not be permitted. The amendment is limited to the guarantee of loans for the purchase of mobile homes, and this authorization would parallel existing authority under the Federal Housing Administration.

I would also like to point out that my amendment is compatible with section 902 of the Senate-passed version of the Housing and Urban Development Amendments of 1970, a provision championed in the Senate by Senator HOLLINGS of South Carolina. The report of the Senate Committee on Banking and Currency on the housing bill states:

The committee recognizes that there is an urgent need for housing in rural America and that some families may prefer mobile homes.

My amendment, like section 902 of the Senate bill, tries to put mobile homes on an equal footing with other forms of housing available to rural residents.

Mr. Chairman, we are all painfully aware of the tremendous housing crisis our country now faces. In 1968, Congress fixed as our housing goal for the following decade the construction of 26 million housing units, or 2,600,000 units a year. In the 2 years since we set that goal, we have fallen far behind the proposed rate of housing construction. This year the Nation will produce only 1,500,000 housing units, barely 60 percent of the rate Congress recommended in 1968.

Our national housing deficit is most dramatically evident in our urban slums, and the housing crisis is therefore often equated with the urban crisis. Yet, the majority of substandard housing units in this country are not in our cities, but in rural areas. The National Commission on Urban Problems recently found at least 11 million substandard and overcrowded housing units in the United States. The Commission estimated that three-fifths of these inadequate units are located in rural areas. Thirty percent of all rural housing is substandard, compared with only 10 percent of urban housing units.

Not only are housing problems more severe in rural areas, but the average rural resident, because of the lower level of income in rural areas, is less able than his urban or suburban counterpart to finance a new home. Census figures show that more than half the 13 million American families earning less than $5,000 per year are located in rural areas, James Smith, Administrator of the Farmers Home Administration, testified before the Banking and Currency Committee in Feburary of this year that half the rural families with incomes of less than $3,000 in 1959 were living in houses that needed replacement or major repairs to make them habitable. This group includes a high percentage of the 7 million elderly persons who live in rural areas.

The answer to the housing problems of the rural resident has often been the mobile home. For the low- and middle-income person in rural areas, the mobile home is the only form of new housing available. The average cost of a mobile home is $6,300. For fixed-site housing, the median price is $27,000. In 1969, of all new homes sold for less than $15,000 94 percent were mobile homes, 79 percent of homes under $20,000 and 6 percent of those under $25,000 were provided by the mobile home industry.

Most of the 412,690 mobile homes produced in 1969 were sold to residents of rural areas. Twenty-eight States in the Middle West, Southeast, and Southwest received about 75 percent of mobile home deliveries. These States contain 72 percent of the national rural population and 84 percent of our farm population. In this same group of States, 34 percent of existing housing units is deteriorating, dilapidated, or lacking in adequate plumbing facilities. It is obvious therefore, that mobile homes have an important role to play in meeting the housing needs of our rural areas.

Congress in recent years has recognized the potential of mobile homes by making those who purchase mobile homes eligible for participation in various housing programs.

In 1968, Congress enacted a housing law which authorized federally chartered savings and loan associations to make loans on the security of mobile homes.

In 1969, Congress approved the amendment extending the FHA mortgage insurance program to include mobile homes. Mobile home parks had been eligible for FHA mortgage insurance for several years.

Just 2 months ago, the House unanimously approved a bill extending the home loan program of the Veterans' Administration to include mobile homes.

The only Federal housing program which does not apply to purchases of mobile homes is the rural housing program administered by the Farmers Home Administration. This is indeed ironic, because the constituency of the Farmers Home Administration includes those very persons who would most benefit from increased access to purchases of mobile homes. Rural residents need low-cost housing; mobile homes provide low-cost housing. The Farmers Home Administration should be given the authority to bring the two together.

My amendment would give the Administrator of the Farmers Home Administration precisely this authority by allowing him to extend loan guarantees to purchasers of mobile homes. Under the present system, rural residents who wish to purchase mobile homes are at a serious disadvantage. They must either pay unreasonably high interest rates to finance a low-cost mobile home, or they must buy a higher priced fixed-site home with FHA assistance. My amendment would end this discrimination against purchasers of mobile homes.

I wish to emphasize that this amendment involves no Federal subsidy to the mobile home industry. The rate of interest in this program would be the same as the rate which applies to the FHA mortgage insurance program. The Federal Government would not be subsidizing the interest rate for mobile home purchasers.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman's name does not appear on the list.

(By unanimous consent, Mr. BARRETT yielded his time to Mr. ASHLEY).

The CHAIRMAN. The gentleman from Ohio (Mr. ASHLEY) is recognized.

Mr. ASHLEY. Mr. Chairman, it is with very real reluctance that I rise to oppose this amendment. I and the other members of the Subcommittee have sought to be very cooperative and helpful to the gentleman from Indiana. Our opposition is in two parts. In the first place, the amendment would add a new section as follows:

SEC. 803. Title V of the Housing Act of 1949 is amended by adding at the end thereof a new section as follows:

"MOBILE HOMES

"SEC. 525. (a) As used in this title, the term 'housing' shall, notwithstanding any other provision of this title and to the extent deemed practicable by the Secretary, include mobile homes."

Mr. Chairman, the change proposed is very sweeping and one that the subcommittee is not prepared to accept at this time.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Georgia.

Mr. STEPHENS. I would like to point out to the House that I have checked the proposal that has been made today with the Farmers Home Administration, and they are opposed to this particular amendment. I would like to point out that they do not have enough money now for permanent type standard housing, and the amendment would restrict them a little further.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Indiana.

Mr. BRADEMAS. I feel I ought to make clear that, at least as I understand the objections that have just been voiced, there may be some misapprehension that direct loan authority would be made possible under my amendment. I tried, by reiterating the point as often as possible, to make clear that this is only a guarantee loan authority and one which is on all fours with the present authority that we have in the FHA and Veterans' Administration to guarantee loans.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BRADEMAS) to the amendment in the nature of a substitute

offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment to the amendment in the nature of a substitute was rejected.

The CHAIRMAN. The Chair now recognizes the gentleman from Ohio (Mr. WYLIE).

AMENDMENT OFFERED BY MR. WYLIE TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. WYLIE. Mr. Chairman, I offer an amendment to the Stephens substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. WYLIE to the amendment in the nature of a substitute offered by Mr. STEPHENS: On page 55, line 16, through page 56, line 4, strike out:

"SEC. 301. Section 103(b) of the Housing Act of 1949 is amended—

"(1) by striking out 'and by $1,700,000,000 on July 1, 1970' in the first sentence and inserting in lieu thereof 'by $1,700,000,000 on July 1, 1970, and by $1,500,000,000 on July 1, 1971'; and

"(2) by striking out 'and July 1, 1970' in the second sentence and inserting in lieu thereof 'July 1, 1970, and July 1, 1971' ".

Mr. WYLIE. Mr. Chairman, this is an easily understood amendment, so I will not gild the lily—not that I have the time to do so anyhow—but the amendment I offer would simply delete the $1.5 billion increase in the urban renewal grant authorization that would be provided by the Stephens substitute bill beginning July 1, 1971. This enormous increase almost doubles the current urban renewal legislation and is not necessary at the present time and, in my judgment, is not desirable.

HUD officials tell me that it is unnecessary because at the end of this current fiscal year an estimated $1.2 billion in unused money authorizations will still be available for urban renewal programs. This amount is more than sufficient to support the current program at its present level, meanwhile permitting completion of the current reevaluations of the program being carried out by the House Banking and Currency Committee and the administration.

It is further undesirable because such an enormous dollar authorization promises our hard-pressed cities much more than they can either rationally or responsibly be delivered, given our current economic situation.

For these reasons, Mr. Chairman, a dollar increase of such magnitude at this time is clearly undesirable, and I strongly urge approval of my amendment.

Mr. BRASCO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it seems each year we come here professing a real understanding for the need to begin to do something about the critical housing conditions in our cities. And the gentlemen on that side of the aisle and in this administration have professed their dedication to this end the loudest. But I tell you, Mr. Chairman, a program without money is like an automobile without a motor: It just will not go any place.

We started with a bill that had much more money than this involved in urban renewal, some $3 billion. The Stephens substitute cut it to $1.5 billion, and now with the Wylie amendment to the Stephens substitute, seeks to cut all moneys out.

Let me tell you this. There are some 50 States in our Union, and each and every one of them, is a distinguished Member of that Union and a taxpaying member, and each and everyone of them is going to ask to draw on urban renewal moneys, to provide their inhabitants with sorely needed housing. I suggest when we tell them there is no money available they will understand clearly that this Congress has abandoned its commitment to improve the housing needs of the American people.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I agree. We have already cut it in half. We cannot cut it more.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman from Ohio.

Mr. ASHLEY. Mr. Chairman, the gentleman makes a very good point. Is it not also true there is some $3 million in urban renewal applications at this time in the way of backlog?

Mr. BRASCO. That is absolutely correct. The really interesting situation is, if anyone from local government asks for urban renewal money, the reply is, "There is none."

I urge the defeat of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WYLIE) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 30, noes 65.

Mr. WYLIE. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment to the amendment in the nature of a substitute was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I take this time to ask the gentleman from Georgia if section 905 of his print, which I obtained only this afternoon, is under consideration?

Mr. STEPHENS. Mr. Chairman, if the gentleman will yield, that section 905 provision was not in my original substitute. It has never been before the House. It was stricken out. It was never introduced and it is not before us now.

Mr. GROSS. According to this, copy of the print is very much before the House.

Mr. STEPHENS. It is not the print that went to the desk.

Mr. GROSS. It is not the print that went to the desk?

Mr. STEPHENS. And not the print that is in the CONGRESSIONAL RECORD.

Mr. GROSS. Can the gentleman give me any idea as to how this salary increase proposal got into this print?

Mr. STEPHENS. I do not know, because it is not in the bill.

Mr. GROSS. I beg pardon?

Mr. STEPHENS. It is not in the bill.

Mr. GROSS. How did it get in the print?

Mr. STEPHENS. I do not know.

Mr. GROSS. Somebody had to put it in. It is on page 97, section 905.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield further.

Mr. STEPHENS. I repeat again, we are not considering that at all. I do not see that it is germane to anything we are doing. It is not in the bill and has never been in my substitute.

Mr. GROSS. Now we get down to the nitty-gritty of this business of considering a substitute that was made available only this afternoon to Members of the House. It is further evidence of the poor homework done by this committee, in my opinion.

What does the official copy show, if it does not show section 905?

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield further.

Mr. STEPHENS. On page 39492 of the CONGRESSIONAL RECORD for yesterday, there is a reprint from the official copy, and it shows that that section was not in my bill and has never been in my bill.

Mr. GROSS. I thank the gentleman for his explanation.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. ULLMAN).

AMENDMENT OFFERED BY MR. ULLMAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. ULLMAN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. ULLMAN to the amendment in the nature of a substitute offered by Mr. STEPHENS: Page 113, after line 15, insert the following new section:

"Sec. 920. Section 2(a) of the Act of April 12, 1926 as amended (16 U.S.C. 617(a)), is amended by striking out '1971' and inserting in lieu thereof '1973'."

Mr. ULLMAN. Mr. Chairman, this legislation establishes important priorities for the national effort to provide adequate housing in the coming decade. But we will not be successful unless we are assured of an adequate supply of lumber. Softwood timber is the basic raw material of the housing industry. The export of softwood logs has risen dramatically in recent years. To check this trend, Congress in 1968 placed a ceiling of 350 million board feet as the maximum allowable volume of log exports annually from Federal forests.

The amendment that I propose would simply extend this law, which expires next year, for 2 more years until 1973.

The situation that prompted the log export amendment of 1968 is very pertinent. At that time, exports of softwood logs, particularly to Japan, were increasing by more than 50 percent a year. At the same time, a housing boomlet at home was creating strong demand on the

timber industry. As a natural result, the price of timber for the home market rose to exorbitant levels, and supply was drastically short. The 1968 legislation helped ease this situation.

Today we face the same prospect. Softwood log exports are running 20 percent ahead of last year, which was one of the 2 peak years in the past decade. As this legislation anticipates, we are ready for a new housing boom in the next few years. If we are to begin to meet housing demand, this could be one of the biggest periods of housing development in our history.

We have to prepare for this. We must ensure an adequate supply of lumber. We could easily find ourselves by next year with a shortage of supply, and with softwood lumber prices back up out of control.

Mr. Chairman, in 1968 the Congress restricted the export of logs and limited the export from public lands to 350 million board feet a year. The expires next year, and all this amendment would do is extend it for 2 additional years.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. Yes. I yield to the distinguished chairman of the subcommittee.

Mr. BARRETT. Mr. Chairman, we have gone over this, and I think the opposite side has, also. This side has no objection to the gentleman's amendment.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. Yes, I am happy to yield to the distinguished ranking member on the other side of the aisle.

Mr. WIDNALL. We are thoroughly familiar with the amendment and understand the emergency situation involved, and we accept the amendment.

Mr. DELLENBACK. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to my colleague from Oregon.

Mr. DELLENBACK. I commend my colleague for offering this amendment. I strongly back him in it.

Mr. Chairman, I am pleased to join my colleague, the gentleman from Oregon (Mr. ULLMAN), in cosponsoring this amendment. I am strongly in favor of extending the present restriction on log exports from Federal forests.

The current restriction, an amendment to the Foreign Assistance Act of 1968, expires at the end of 1971.

The export of logs continues to create severe problems for the homebuilding industry. For the first three quarters of 1970, log exports have totaled 1,848,663,000 board feet compared with 1,598,362,000 for the same part of 1969. Every quarter of 1970 has exceeded the previous quarter in volume. In September log exports were 203,304,000 board feet with all but 20 million feet of that amount going to Japan.

We cannot afford to risk an increase in those exports in coming years. Our Nation is falling far short of meeting its goal to provide decent housing for all of its citizens. It will take a concerted effort on the part of a concerned Congress to make sure that we do not fail in this important objective.

When inflation eases and the housing market recovers, there will be an even greater demand for lumber and plywood. The Pacific Northwest—and particularly Oregon—must be prepared to supply the building materials to meet the Nation's tight housing needs. Because the Federal forests will have to provide a large portion of the raw resources, this is the time to make sure that an unlimited amount of our lumber and plywood supplies are not marked for export.

By adopting this amendment we further protect the jobs of individuals who are dependent upon the forests for their livelihoods. We make sure that we will not be exporting jobs in lumber and plywood mills and processing plants to Japan and other nations.

I am pleased that my colleague from Oregon (Mr. WYATT) joins in sponsoring this amendment and I hope that the Members of the House will support this critically important measure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. ULLMAN) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENTS OFFERED BY MR. CRANE TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. CRANE. Mr. Chairman, I have two amendments to the Stephens substitute, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. CRANE in the nature of a substitute to the amendment offered by Mr. STEPHENS. Strike out all of section 217.

On page 61, line 24, strike out section 401 and insert in lieu thereof a new section 401 to read as follows:

"SECTION 401, Section 111 (c) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out '1971' and inserting in lieu thereof '1972'."

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. CRANE. Yes, I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Is the gentleman in his amendments referring to the Mitchell-Lama program in New York?

Mr. CRANE. I am referring to section 217. Is the gentleman from Pennsylvania referring to that section?

Mr. BARRETT. I do not know to what the gentleman is referring.

Mr. CRANE. I do not have anything specific in mind, but section 217 appears in the CONGRESSIONAL RECORD of Wednesday, December 2, 1970, at page 39486, column 3.

Mr. BARRETT. This was known as the Mitchell-Lama program?

Mr. CRANE. I do not know about that specific project.

Mr. BARRETT. I think the gentleman ought to be directed as to what he is trying to offer an amendment to.

Mr. CRANE. Mr. Chairman, this provision runs counter to the purpose of the 236 rental assistance program, a most needed and popular program. It would divert the limited subsidy funds available for this program to support rental projects already in existence. However, this program was enacted to generate new rental units because there are just not enough units to meet the housing demand.

There are countless urban needs which compete for the dollars available. We must continue to spend the subsidy funds we have in the most productive manner possible, and on the 236 program this means building new projects or rehabilitating unusuable projects.

Mr. Chairman, I strongly urge the rejection of this unwise diversion of 236 subsidy funds.

Mr. Chairman, the other amendment is designed to delete the $250 million increase in authorizations provided for in the bill for model cities supplementary grants for fiscal year 1972. Such an increase, given the current stage of development of the model cities program, is unnecessary at this time. There will be an estimated carryover in unused authorization for this program of $837.5 million which my amendment would make available for appropriation in fiscal year 1972.

Mr. Chairman, such an amount would provide for the continuation of a substantial model cities program, and would give all cities assisted further time during which to achieve the high level of coordination and efficiency they need if the major purpose of the program, the demonstration of the truly effective utilization of Federal funds by locality, is to be achieved.

Mr. Chairman, I urge the membership to support these important and desirable amendments.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, the committee bill as reported carried the sum of $500 million but in the spirit of compromise the Stephens substitute cut that in half, to $250 million.

Mr. Chairman, this is a program that should go on. We do this as inexpensively as possible under the Stephens substitute.

Therefore, Mr. Chairman, I urge defeat of the Crane amendments.

Mr. RYAN. Mr. Chairman, I vigorously oppose the amendment offered by the gentleman from Illinois (Mr. CRANE) to strike section 217 of the Stephens substitute housing bill. Section 217 embodies my bill H.R. 49—companion bill H.R. 4308—which makes pre-1968 State and locally financed limited profit housing projects eligible for section 236 rental assistance and for rent supplements. An example of such projects are those constructed under the New York City and New York State Mitchell-Lama programs.

On June 3, I appeared before the Subcommittee on Housing, to testify in support of H.R. 49, which was cosponsored when I reintroduced it as H.R. 4308 by Messrs. BIAGGI, CONYERS, FARBSTEIN, GAYDOS, HALPERN, HELSTOSKI, JOELSON, KOCH, MCCARTHY, NIX, and ROSENTHAL. Subsequently, H.R. 49 was incorporated as

section 209 in the Housing and Urban Development Act of 1970—H.R. 19436—to which the Stephens amendment is a substitute. In the Stephens substitute, what was section 209 of H.R. 19436 has become section 217.

Yesterday, when the House began consideration of H.R. 19436, and prior to the offering of the Stephens substitute, I undertook an extensive discussion of my bill, and this appears at pages 39469–39470 of the December 2 CONGRESSIONAL RECORD.

I do not want to undertake another extensive discussion of my bill—section 217 of the Stephens substitute—but would note only that it offers relief to many Mitchell-Lama tenants in New York.

Under current law, State and locally financed limited profit housing programs are eligible for section 236 rental assistance and for rent supplements, provided they were constructed or rehabilitated subsequent to the enactment of the 1968 Housing and Urban Development Act. This is due to a previous bill of mine incorporated in the Housing and Urban Development Act of 1968. Section 217 expands existing law to make pre-1968 projects eligible for the same interest subsidies and rent supplements.

The need for this change in the law is readily apparent. When projects which are currently under temporary financing go into permanent financing, they must do so at the present high interest rates. And following from this circumstance are tremendous increases in rentals to the tenants.

For example, the generally accepted rule of thumb is that for every percentage point of interest, there is an increase in rental of $4.50 per room per month. Now, 5 or 6 years ago, State and locally financed limited profit projects in New York—constructed under the Mitchell-Lama programs—were coming in at 3.5 percent and 4 percent interest rates, plus 0.5 percent for service charges. Today, the total is up to 7.7 percent—7.2 percent interest, and 0.5 percent service charge. Thus, there is an increase of from 3.2 to 3.7 points. And this means rental increases of from $14.40 to $16.65 per room per month. A family of two living in a four-room, one bedroom apartment thus faces a monthly increase of from $57.60 to $66.60 per month.

It simply makes no sense to construct new housing, when good, decent existing housing already exists, but the exorbitant rentals are forcing people out. My amendment, by making available the section 236 subsidy to pre-1968 projects, alleviates this situation.

I want to stress that this problem is not one solely of New York concern. Programs similar to that in New York exist in several other States, including Connecticut, Delaware, Illinois, Massachusetts, Michigan, New Jersey, Pennsylvania, and West Virginia.

I also want to stress that such a program is less expensive for the Federal Government than the straight section 236 subsidy. It would cost less to subsidize the interest rates on State and locally financed housing programs down to 3 percent or 2 percent than it would to do the same for privately financed projects. This is because the interest rates on such projects are already below the regular market price.

But most importantly, we simply cannot abandon thousands of families. They need help, and section 217 provides it. The case is as clear cut as that. I urge that the amendment be defeated.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. CRANE) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The amendments to the amendment in the nature of a substitute were rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. CASEY).

AMENDMENT OFFERED BY MR. CASEY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. CASEY. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. CASEY to the amendment in the nature of a substitute offered by Mr. STEPHENS: Page 55, after line 13, insert the following new section:

"REQUIREMENT OF LOCAL APPROVAL FOR SECTION 236 PROJECTS

"SEC. 218. Section 236(h) of the National Housing Act is amended by inserting '(1)' after '(h)', and by adding at the end thereof the following new paragraph:

"'(2) No interest reduction payments may be made or insurance granted under this section with respect to any project unless such project either is a part of an approved workable program for community improvement or has otherwise received local official approval for participation in the program under this section.'"

Mr. CASEY. Mr. Chairman, this is a very simple amendment. The purpose is to see that the projects under section 236 are approved either under the terms of a workable community improvement program or by the local officials. In most cities you have some type of commission which designates the areas where a project may be built.

But in some cities you do not, and it is only right that if we are going to have orderly growth in our cities, large and small, that there should be some local approval as to the location of these various projects.

The reason I offer this is that we have had occasion in my own home city of having a large unit of, say 200 units, approved, and the location of the area is not an area where there is bus service, it is not an area where schools are adequate, it is not an area where there is any need, really, for some of these projects, because it is not near where the people might work.

So I would hope that the Committee would adopt this amendment.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. CASEY. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I wonder if the gentleman from Texas has had any experience with local or even regional multicounty zoning commissions that have been self-established, or under OEO or some other community action program, who have become derelict in determining what should be done under this perhaps otherwise excellent program?

Mr. CASEY. No, I have not had any experience of that kind, because what we have at home is no zoning commission at all; the people themselves have voted it down.

Mr. HALL. I would simply say to the gentleman that it may be a two-edged sword, because there are some of these that are multicounty in nature that have assumed prerogatives of other departments of the Government that are usually appointed by the Governor, and cannot be removed by the Secretary of the Department of Housing and Urban Development.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WIDNALL. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas (Mr. CASEY).

May I ask the Chairman if it would be proper for me to take part of the time allocated to me to discuss this amendment?

The CHAIRMAN. If the gentleman would like to use one half of his 2 minutes he may do so.

Mr. WIDNALL. I thank the Chairman.

Mr. Chairman, as I said, I rise in opposition to the amendment. It seems to me that if this amendment were to be adopted so as to try to cover a special situation that occurs because of no zoning in the home district of the gentleman from Texas (Mr. CASEY), it would mean that section 236 rental housing could not be provided in a community without the majority approval of the city council. This would inevitably subject the program to political influence and coercion. Therefore, I feel very much against the amendment.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the distinguished gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I certainly wish to associate myself with the remarks of the gentleman from New Jersey, and to oppose this amendment for the reasons the gentleman has given.

Mr. WIDNALL. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CASEY) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. BINGHAM TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. BINGHAM. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM to the amendment in the nature of a substitute offered by Mr. STEPHENS: After title II, add the following new section:

"INCOME LIMITATION FOR FAMILIES OCCUPYING RENTAL HOUSING ASSISTED UNDER SECTION 236

"SEC. —. Section 236 (i) of the National Housing Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"'(2) None of the interest reduction payments authorized to be contracted to be made pursuant to appropriation Acts shall be contracted to be made with respect to families, occupying rental housing projects assisted under this section, whose incomes at the time of the initial renting of the projects exceed such limits as may be established by the Secretary. The Secretary shall establish and administer such limitations so as to accord a preference to those families whose incomes are within the lowest practicable limits for obtaining rental accommodations in projects assisted under this section. The Secretary shall report annually to the respective Committees on Banking and Currency of the Senate and House of Representatives with respect to the income levels of families living in projects assisted under this section.'

Mr. BINGHAM (during the reading). Mr. Chairman, I ask unanimous consent to dispense with further reading of the amendment, and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BINGHAM. Mr. Chairman, this amendment would give the Secretary of Housing and Urban Development authority to establish income limitations for families occupying rental housing assisted under section 236. These limitations are presently fixed by statute, which makes for an unduly rigid system. The Secretary ought to be able to set the limits in such a way as to give preference to families who really need the help. The amendment further specifies that the Secretary shall report annually to the Congress the income levels of families occupying housing projects assisted by section 236.

This amendment is similar to a proposal made by the administration which would have recognized the need for area differentials in income limitations. First, section 209 of this bill and the corresponding section of the Stephens substitute makes assistance under section 236 of the National Housing Act available to existing housing, a very important section for which I want again to commend the committee. I am the sponsor of legislation—H.R. 402 introduced January 3, 1969—which proposed the same thing. Unfortunately, in high-cost areas, many people living in 236 projects now have incomes which exceed the statutory limits, thus making them ineligible for needed assistance. If section 209 of the bill is to have the full impact for New York City which I am sure the committee intended, it is important to allow the Secretary of Housing and Urban Development to adjust the income limits.

This amendment would allow the Secretary an important element of flexibility in establishing income limitations to reflect varying costs of living in different parts of the country. This would enable him more effectively to fulfill the objectves of this legislation for cities such as New York. Let me also point out that this amendment does not affect congressional control since it requires that the Secretary report annually to the Banking and Currency Committees of both bodies with respect to the income levels of persons living in 236 housing projects. If the committee feels that the Secretary has set improper limits, the Congress can reestablish income limits by statute at such time.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman.

Mr. BARRETT. Mr. Chairman, I am sorry I have to rise in opposition to the gentleman's amendment.

This amendment would give people who initially go into a project, even though they have four or five children and they have reached the age of being substantial wage earners and who desire later to purchase property under the 235 or 236 program to use the initial income in order to qualify for one of those properties, even though their income; that is, their family income, has increased 5 or 10 percent.

Mr. BINGHAM. Mr. Chairman, if I may have my time back, this amendment simply gives the Secretary of Housing and Urban Development the authority to fix income limitations which are now fixed by statute and which are, therefore, unduly rigid. It does not propose the type of alteration which the gentleman suggests.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, the amendment offered by my distinguished colleague and friend from New York (Mr. BINGHAM) is important. I know of his concern for the housing needs of New Yorkers, and this amendment is addressed to a very critical problem.

The amendment proposes to rectify the present rigid income eligibility standards of section 236. It is essential that this rectification be undertaken, and, in fact, I testified for just such action before the Subcommittee on Housing on June 3, when I appeared in support of the housing legislation which I have introduced.

At that time, I discussed with the Subcommittee members my bill, H.R. 17885, which is very similar to the pending amendment.

Currently, section 236 sets income eligibility limits for all but 20 percent of the families in a subsidized building at 135 percent of the maximum income limits for public housing in the area, or 90 percent of the limits set for section 221 (d) (3) housing. In New York City, these formulas come out quite close.

As I testified, the simple fact of the matter is that these eligibility limitations are too stringent. There are many families who need section 236 subsidization, yet whose incomes exceed the present limits. This problem can be met by abolishing the present rigid statutory limits and by substituting in their stead the administrative discretion of the Secretary of Housing and Urban Development to set income limits in light of the housing costs of the area in which the project receiving subsidization is located.

Obviously, in the high-cost metropolitan areas, such as New York City, these limits would be set at a level reflecting the needs of the citizens there.

I think that the example which I presented to the Subcommittee on Housing when I testified on H.R. 17885 aptly—albeit tragically—demonstrates the need for the adoption of the amendment before us. The example I used was a widow with an income of $6,000.

Under present adjusted maximum annual income limits for the section 236 subsidized housing, a single person—to be eligible for the subsidy—can only have a maximum income of $5,835. So, the hypothetical widow I posited—all too sadly replicated in real life by many thousands of individuals—would not be eligible for the subsidy. Yet, if she were living in an efficiency apartment in a Mitchell-Lama project at the current rates in some buildings of $48 per room per month, she would be paying $1,728 a year for rent, or 28.8 percent of her income. This is because an efficiency apartment with a balcony is figured as constituting, under present rules, a three-room apartment. And, if she is not living in a Mitchell-Lama unit and could move into one being constructed at the current rates of $65 per room per month, she would be paying $2,340 in rent a year.

Obviously, the people of New York City and other metropolitan centers need help. I know that the Subcommittee on Housing is concerned. Following my testimony before the subcommittee, the chairman of the subcommittee informed me that three panels were to be established by the subcommittee, one of which would look into the very problem of income eligibility standards. Should the amendment before us not be adopted, I am sure that the subcommittee will diligently pursue this matter.

In closing, I should like to commend the gentleman from New York (Mr. BINGHAM) for offering this amendment, and I hope that our efforts, whether today on the floor, or via the vehicle of the subcommittee panel, will produce quick and effective relief. I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM) to the amendment in the nature of a substitute offered by the gentleman from Georgia, (Mr. STEPHENS).

The amendment was rejected.

The amendment to the amendment in the nature of a substitute was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. WIDNALL) for the balance of his time.

Mr. WIDNALL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. STEPHENS) for 2 minutes to close debate.

Mr. STEPHENS. Mr. Chairman, I believe everyone who wanted to say something has had a chance to say something—perhaps not as much as each of us

would like to have had an opportunity to say, but I do not think anybody has been cut off without at least having raised his voice and expressed his opinion on the measure that is before us.

I know that there are some good amendments made to my substitute. I know we have some amendments that have been made that I would prefer not to have in my substitute.

I would like to urge all the Members of the House now to conclude this debate and to vote for the substitute as it now stands. Since we have been on this so long, I will not take the whole 2 minutes, but I will say, I thank the Members of the House for the courtesy and kindness that they have shown in letting me present the substitute that I have presented.

The CHAIRMAN. All time on the Stephens amendment in the nature of a substitute has expired.

Are there additional amendments to be offered at this time?

If not, the question is on the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS), as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

Mr. RYAN. Mr. Chairman, the fate of the Housing and Urban Development Act of 1970—H.R. 19436—has not been a particularly happy one. Several of the provisions of the bill, which I commended in my statement yesterday before the Stephens substitute was offered, have been seriously compromised.

In particular, I regret the decreased authorizations embodied in the Stephens substitute, as well as the deletion of title I which would provide for a national urban growth policy and for new community development. The hard work and diligence of our distinguished colleague from Ohio (Mr. ASHLEY) produced legislation of major importance. This legislation has been striken from the Stephens substitute by virtue of the adoption of the amendment offered by the gentleman from Pennsylvania (Mr. WILLIAMS). I think this event a very serious mistake.

However, I should make very clear that it is because of the dedication and ability of the distinguished chairman of the Subcommittee on Housing, Mr. BARRETT, that the bill has survived in as good condition as it has. I think that all of us who share the chairman's concern for the housing problems of our cities—and of all Americans—owe him a special debt of gratitude and respect.

It is too soon for us to be able to thoroughly analyze the consequence of some of the amendments to the Stephens substitute bill which were adopted today. However, I do want to make mention of two provisions of the bill which passed the Senate on September 23—S. 4368—and urge the conferees, who will be appointed, to insure their retention in the final bill which emerges from the Senate-House conference.

Included in S. 4368 are provisions making effective the so-called Brooke amendment, which was embodied in the Housing and Urban Development Act of 1969. This amendment authorized the Department of Housing and Urban Development to contract with local housing authorities to make payments to eliminate operating deficits; to assure sufficent funds to maintain adequate operating and maintenance services and reserve funds; and to make up the loss in rental revenues caused by reducing tenants' rents to 25 percent of their incomes.

The Department of Housing and Urban Development subjected the Brooke amendment to a restrictive interpretation. To overcome this hostility of the Department to an extremely important public law, S. 4368 embodies new provisions. These must be retained.

Second, I want to note the adoption by the Senate of an amendment offered by the junior Senator from New York (Mr. GOODELL). This amendment, which constitutes section 505 of S. 4368, as it passed the Senate, authorizes the Secretary of Housing and Urban Development to make grants for demonstration programs to fight housing abandonment. I commend the junior Senator for this fine amendment; I think it will demonstrate the real and vital concern he has shown for the housing needs of, not only New Yorkers, but all Americans.

The problem of housing abandonment must be dealt with. As an article in the March 16, 1970, issue of Time magazine reports, no one knows exactly how many abandoned dwellings there are in the United States. It has been estimated that there are 13,000 houses and apartment buildings standing empty in New York City alone. Twenty thousand have been abandoned in Philadelphia, 5,000 in Baltimore, and at least 1,500 in Detroit.

The depiction of a neighborhood which has fallen victim to this urban malaise is a stark one, as portrayed in the Time magazine article:

> In ghost neighborhoods, the symptoms are depressingly the same. Brooklyn's wastelands in Bedford-Stuyvesant resemble those along Penn Avenue in Pittsburgh and 14th Street in Washington. Each of the half-forgotten neighborhoods has a bombed-out, end-of-a-war appearance; about all of them lingers the stale odor of moldering plaster and rotting wood. Peeling paint is everywhere; streets glisten with shards of glass from broken windows. Front doors have been ripped from their hinges, and human excrement often litters the stairwells. Interior partitions are punched through, floors broken up and obscene pictures scrawled on the walls.

Building abandonment is not a sporadic problem. Dr. George Sternleib, director of the Urban Studies Center of Rutgers University, has pointed out.

> It is no longer just the poor buildings that are going. In New York, when bad buildings are abandoned, good houses nearby are abandoned, too.

And the epidemic of building abandonment is spreading. Buildings are being abandoned in Detroit at the rate of 10 a week. The annual rate in Cleveland is 800 houses and abandoned buildings. In Chicago, the monthly rate is 150 structures.

Dr. Frank S. Kristof, chief housing economist for the New York State Urban Development Corp., has estimated that New York City is now losing apartments through owner abandonment at a rate of 30,000 apartments a year. Calculating 2.7 persons per apartment, this means space accommodating 81,000 people. Over the last 3 years, housing for some 275,000 persons in New York City has been abandoned—a loss greater than that caused by demolition through slum clearance over 20 years.

The problems following abandonment of a building are manifold. The structure itself becomes a health and safety hazard. The neighborhood begins to deteriorate as the disease of abandonment spreads out. Families and individuals desperate for decent housing are forced to pay exorbitant rentals for lack of sufficient available dwellings. And, as Ivan B. Gluckman, Philadelphia's assistant director of housing pointed out in the U.S. News & World Report article of January 26, 1970:

> There is no question that a vacant house is part of the crime problem, too. Even if it isn't as bad as the community around the house thinks it is, just the fact that it is vacant makes it harder to keep the rest of the neighborhood stable. Once a house in the block is vacant, it becomes harder for the others to get insurance. The whole block starts going downhill.

The reasons for building abandonment are complex. The causes have variously been ascribed to crime, shifting populations, unprofitable operations, economic squeeze, militant tenants demanding services the landlord is unable to provide, greedy slumlords. But the experts do agree that in many instances, the structures which are abandoned are essentially sound.

Thus, in an article by Alan S. Oser, entitled "Housing Supply in City Eroding Amid Construction Standstill," which appeared in the February 8, 1970, edition of the New York Times, Mr. Oser writes of "vacant buildings, many of them solid, six-story structures—appearing in the West Bronx, in East Flatbush, in South Brooklyn, in areas of Park Slope, in additional areas of East New York and Williamsburg, and even in places on the West Side of Manhattan." And Robert Alden, in an article entitled "Crisis in Housing Demands Action," which appeared in the same edition, notes:

> In other instances buildings of substance are boarded up and their entrances sealed. Although these cannot be inspected, they seem sound from the outside and their loss appears a grim waste.

One clear conclusion emerges from this situation. Something must be done. Most Federal housing programs have concentrated on the production of new housing. But there simply is not money enough to provide new housing for everyone, particularly when some of that money could be so wisely used to rehabilitate abandoned buildings, thereby meeting the housing needs of our metropolitan areas, as well as helping to stabilize and upgrade deteriorating neighborhoods.

The amendment adopted by the Senate provides an authorization of $25 million for the purpose of making grants to demonstrate effective and prompt methods of counteracting abandonment of housing. These grants, for up to 90 percent of the net project costs, would be made to localities in which there already exist numerous abandoned structures, or in which a wave of abandonment appears to be imminent. Not more than one-third of the funds could go to any locality.

Section 505 of the Senate bill directs the Secretary of Housing and Urban Development to pursue various approaches in determining how best to combat the blight of abandonment. Thus, grants could be made to localities to acquire buildings; to repair and rehabilitate the facilities of the neighborhood—such as parks and sidewalks; to demolish unsafe structures; to establish community facilities; to rehabilitate both privately and publicly owned real property; and to establish locally controlled nonprofit housing management corporations and municipal repair programs.

A particularly important component of section 505, I believe, is subsection (c), providing for the transfer of ownership to tenants or occupants of rehabilitated buildings. Subsection (c) provides in relevant part:

> Subject to such conditions as the Secretary may prescribe, real property held as part of a project assisted under this section may be available to (1) a limited dividend corporation, non-profit corporation, or other approved purchaser or lessee . . .

Tenant control is essential—it is an answer to the rightful demands of tenants, and to the absentee ownership which is so deleterious.

I urge the conferees to accept section 505 of the Senate bill. It sets up a modest program—I wish a more intensive one were possible at this time—to assault a growing problem. Both the individuals and families of our inner cities will benefit, and the Department of Housing and Urban Development will benefit. The former will obtain decent housing, and the Department will obtain needed, pragmatically proved information essential for combatting the decay of our cities.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 19436) to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes, pursuant to House Resolution 1271, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BLACKBURN

Mr. BLACKBURN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLACKBURN. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BLACKBURN moves to recommit the bill, H.R. 19436, to the Committee on Banking and Currency.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit offered by the gentleman from Georgia.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BARRETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 328, nays 30, answered "present" 1, not voting 75, as follows:

[Roll No. 381]

YEAS—328

Adams	Carter	Ford, William D.
Addabbo	Casey	Forsythe
Albert	Cederberg	Fountain
Alexander	Celler	Fraser
Anderson, Calif.	Chamberlain	Frelinghuysen
Anderson, Ill.	Chappell	Frey
Anderson, Tenn.	Chisholm	Friedel
Andrews, N. Dak.	Clark	Fulton, Pa.
Annunzio	Clausen, Don H.	Fulton, Tenn.
Arends	Clay	Fuqua
Ashley	Cleveland	Galifianakis
Ayres	Cohelan	Gallagher
Baring	Collier	Garmatz
Barrett	Collins, Ill.	Gaydos
Beall, Md.	Colmer	Gettys
Belcher	Conable	Giaimo
Bell, Calif.	Conte	Gibbons
Bennett	Conyers	Goldwater
Betts	Corbett	Gonzalez
Bevill	Coughlin	Goodling
Biaggi	Cowger	Gray
Biester	Culver	Green, Oreg.
Bingham	Daniel, Va.	Green, Pa.
Blanton	Daniels, N.J.	Griffin
Boggs	Davis, Ga.	Griffiths
Brademas	Davis, Wis.	Gubser
Brasco	Delaney	Gude
Bray	Dellenback	Hagan
Brock	Dennis	Haley
Brooks	Diggs	Halpern
Broomfield	Dingell	Hamilton
Brotzman	Donohue	Hammer-schmidt
Brown, Calif.	Downing	Hanley
Brown, Ohio	Dulski	Hansen, Idaho
Broyhill, N.C.	Duncan	Hansen, Wash.
Broyhill, Va.	Dwyer	Harrington
Buchanan	Eckhardt	Harsha
Burke, Fla.	Edwards, Calif.	Harvey
Burke, Mass.	Edwards, La.	Hastings
Burlison, Mo.	Eilberg	Hathaway
Burton, Calif.	Erlenborn	Hawkins
Bush	Esch	Hays
Byrne, Pa.	Eshleman	Hechler, W. Va.
Byrnes, Wis.	Evans, Colo.	Heckler, Mass.
Cabell	Evins, Tenn.	Helstoski
Caffery	Feighan	Henderson
Camp	Fish	Hicks
Carey	Fisher	Hogan
Carney	Flood	Holifield
	Flowers	Howard
	Flynt	Hull
	Foley	Hungate
	Ford, Gerald R.	Hunt
	Foreman	Ichord
	Gilbert	Jacobs
	Grover	Jarman
	Hanna	Johnson, Calif.
	Hébert	Johnson, Pa.
	Horton	Jonas
	Kazen	Jones, Ala.
	King	Jones, N.C.
	Kluczynski	Jones, Tenn.
	Landrum	Karth
	Langen	Kastenmeier
	Long, La.	Kee
	Lujan	Keith
	McCloskey	Kleppe
	McClure	Koch
	McMillan	Kuykendall
	MacGregor	Kyl
	Meskill	Kyros
	Morton	Latta
	Murphy, N.Y.	Leggett
	O'Konski	Lennon
	O'Neill, Mass.	Lloyd
	Ottinger	Long, Md.
	Pettis	Lowenstein
	Pickle	Lukens
	Pollock	McCarthy
	Powell	McClory
	Price, Tex.	McCulloch
	Purcell	McDade
	Rarick	McDonald, Mich.
	Rivers	McEwen
	Robison	McFall
	Roudebush	McKneally
	Saylor	Macdonald, Mass.
	Sebelius	Madden
	Shriver	Mahon
	Smith, Iowa	Mailliard
	Sullivan	Mann
	Talcott	Marsh
	Thompson, Ga.	Mathias
	Tunney	Matsunaga
	Waldie	Mayne
	Ware	Meeds
	Watson	Melcher
	Wiggins	Mikva
	Wright	Miller, Calif.
	Wyatt	Mills
	Wydler	Minish
		Mink
		Minshall
		Mizell
		Mollohan
		Monagan
		Moorhead
		Morgan
		Morse
		Mosher
		Moss
		Murphy, Ill.
		Myers
		Natcher
		Nedzi
		Nelsen
		Nichols
		Nix
		Obey
		O'Hara
		Olsen
		Patman
		Patten
		Pelly
		Pepper
		Perkins
		Philbin
		Pike
		Pirnie
		Poage
		Podell
		Poff
		Preyer, N.C.
		Price, Ill.
		Pryor, Ark.
		Pucinski
		Quie
		Railsback
		Randall
		Rees
		Reid, Ill.
		Reid, N.Y.
		Reifel
		Reuss
		Rhodes
		Riegle
		Roberts
		Rodino
		Roe
		Rogers, Colo.
		Rogers, Fla.
		Rooney, N.Y.
		Rooney, Pa.
		Rosenthal
		Rostenkowski
		Roth
		Roybal
		Ruppe
		Ruth
		Ryan
		St Germain
		Sandman
		Satterfield
		Schadeberg
		Scherle
		Scheuer
		Schneebeli
		Schwengel
		Scott
		Shipley
		Sikes
		Sisk
		Skubitz
		Slack
		Smith, Calif.
		Smith, N.Y.
		Snyder
		Springer
		Stafford
		Staggers
		Stanton
		Steed
		Steele
		Steiger, Ariz.
		Steiger, Wis.
		Stephens
		Stokes
		Stratton
		Stubblefield
		Stuckey
		Symington
		Taft
		Taylor
		Teague, Calif.
		Teague, Tex.
		Thompson, N.J.
		Thomson, Wis.
		Tiernan
		Udall
		Ullman
		Van Deerlin
		Vander Jagt
		Vanik
		Vigorito
		Waggonner
		Wampler
		Watts
		Weicker
		Whalen
		Whalley
		White
		Whitehurst
		Whitten
		Widnall
		Williams
		Wilson, Bob
		Wilson, Charles H.
		Winn
		Wold
		Wolff
		Wylie
		Wyman
		Yates
		Yatron
		Young
		Zablocki
		Zion
		Zwach

NAYS—30

Abernethy	Derwinski	Martin
Andrews, Ala.	Devine	May
Ashbrook	Dickinson	Michel
Blackburn	Edwards, Ala.	Miller, Ohio
Bow	Findley	Mize
Brinkley	Gross	Montgomery
Burleson, Tex.	Hall	O'Neal, Ga.
Clawson, Del	Hosmer	Passman
Crane	Hutchinson	Rousselot
Denney	Landgrebe	Schmitz

ANSWERED "PRESENT"—1

Quillen

NOT VOTING—75

Abbitt	Ford, Gerald R.	Pickle
Adair	Foreman	Pollock
Aspinall	Gilbert	Powell
Berry	Grover	Price, Tex.
Blatnik	Hanna	Purcell
Boland	Hébert	Rarick
Bolling	Horton	Rivers
Brown, Mich.	Kazen	Robison
Burton, Utah	King	Roudebush
Button	Kluczynski	Saylor
Clancy	Landrum	Sebelius
Collins, Tex.	Langen	Shriver
Corman	Long, La.	Smith, Iowa
Cramer	Lujan	Sullivan
Cunningham	McCloskey	Talcott
Daddario	McClure	Thompson, Ga.
de la Garza	McMillan	Tunney
Dent	MacGregor	Waldie
Dorn	Meskill	Ware
Dowdy	Morton	Watson
Edmondson	Murphy, N.Y.	Wiggins
Fallon	O'Konski	Wright
Farbstein	O'Neill, Mass.	Wyatt
Fascell	Ottinger	Wydler
Foley	Pettis	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill of Massachusetts for, with Mr. Rarick against.

Until further notice:

Mr. Hébert with Mr. Adair.
Mrs. Sullivan with Mr. Gerald R. Ford.
Mr. Edmondson with Mr. Clancy.
Mr. Blatnik with Mr. Grover.
Mr. Abbitt with Mr. Berry.
Mr. Kluczynski with Mr. Brown of Michigan.
Mr. Murphy of New York with Mr. Pettis.
Mr. Dorn with Mr. Burton of Utah.
Mr. Dent with Mr. Ware.
Mr. Daddario with Mr. Meskill.
Mr. Pickle with Mr. Collins of Texas.
Mr. Fascell with Mr. Button.
Mr. Foley with Mr. Foreman.
Mr. Purcell with Mr. Talcott.
Mr. Long of Louisiana with Mr. Cramer.
Mr. Landrum with Mr. Thompson of Georgia.
Mr. Waldie with Mr. Horton.
Mr. Wright with Mr. Cunningham.
Mr. Aspinall with Mr. King.
Mr. Corman with Mr. Wiggins.
Mr. Hanna with Mr. Lujan.
Mr. Rivers with Mr. Robison.
Mr. Smith of Iowa with Mr. Saylor.
Mr. McMillan with Mr. Sebelius.
Mr. Boland with Mr. Wydler.
Mr. de la Garza with Mr. Price of Texas.
Mr. Dowdy with Mr. Watson.
Mr. Fallon with Mr. Morton.
Mr. Farbstein with Mr. Wyatt.
Mr. Kazen with Mr. Langen.
Mr. Tunney with Mr. Shriver.
Mr. Ottinger with Mr. McCloskey.
Mr. McClure with Mr. O'Konski.
Mr. Gilbert with Mr. Pollock.
Mr. Roudebush with Mr. MacGregor.

Mr. DICKINSON changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency be discharged from the further consideration of the bill (S. 4368) to extend and amend laws relating to housing and urban development, and for other purposes, a bill similar to H.R. 19436 which was just passed by the House, and ask for its immediate consideration.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I did not understand the explanation given by our distinguished colleague from Pennsylvania (Mr. BARRETT) and I would like to ask him to repeat his explanation of what he is doing.

Mr. BARRETT. I ask unanimous consent that the Committee on Banking and Currency be discharged from further consideration of the bill (S. 4368) to extend and amend laws relating to housing and urban development, and for other purposes, a bill similar to H.R. 19436, just passed by the House, and ask for its immediate consideration.

Mr. WILLIAMS. In other words, all you are suggesting is that we take the necessary steps to authorize the conferees of the House to go to conference supporting the Stephens substitute.

Mr. BARRETT. That is correct.

Mr. WILLIAMS. In that case, Mr. Speaker, I withdraw my reservation of objection.

Mr. HALL. Mr. Speaker, I object.

GENERAL LEAVE TO EXTEND

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill H.R. 19436.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will state that there is further legislative business to come before the House.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE A REPORT ON H.R. 19888 UNTIL MIDNIGHT TOMORROW

Mr. STUBBLEFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tomorrow to file a report on H.R. 19888.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. HALL. Mr. Speaker, reserving the right to object, I should like to have the gentleman repeat his request.

The SPEAKER. Will the gentleman from Kentucky take the microphone?

Mr. HALL. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION FOR COMMITTEE ON THE LISTRICT OF COLUMBIA TO FILE A REPORT ON H.R. 19885 UNTIL MIDNIGHT SATURDAY

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Saturday to file a report on the bill H.R. 19885.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING ENROLLING CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN H.R. 19436, THE HOUSING AND URBAN DEVELOPMENT ACT OF 1970

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that in the engrossment of the House bill, H.R. 19436, the enrolling clerk may make such changes in section numbers and cross references and such other technical and conforming changes, as may be necessary to reflect the action of the House.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 19855, DISTRICT OF COLUMBIA REVENUE, ON WEDNESDAY OR ANY FOLLOWING DAY NEXT WEEK

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it shall be in order, on Wednesday or any following day next week, to call up for consideration under the general rules of the House the bill (H.R. 19885) to provide additional revenue for the District of Columbia, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, I was unavoidably absent on rollcall 381 on the bill just passed. If I had been present, I would have voted "yea."

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO HAVE UNTIL MIDNIGHT, DECEMBER 4, TO FILE REPORTS ON HOUSE RESOLUTION 1282 AND S. 4187

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight Friday, December 4, to file reports on House Resolution 1282, support for efforts made to rescue American prisoners of war incarcerated in North Vietnam, and on S. 4187, to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONFERENCE REPORT ON H.R. 10634, STATE INCOME TAX WITHHOLDING FOR INTERSTATE TRANSPORTATION EMPLOYEES

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 10634) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence:

CONFERENCE REPORT (H. REPT. No. 91–1666)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10634). To amend the Interstate Commerce

Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That part I of the Interstate Commerce Act is amended by redesignating section 26 as section 27 and by inserting before such section a new section as follows:

"EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM WITHHOLDING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN FIFTY PER CENTUM OF COMPENSATION IS EARNED

"SEC. 26. (a) No part of the compensation paid by any railroad, express company, or sleeping car company, subject to the provisions of this part, to an employee (1) who performs his regularly assigned duties as such an employee on a locomotive, car, or other track-borne vehicle in more than one State, or (2) who is engaged principally in maintaining roadways, signals, communications, and structures or in operating motortrucks out of railroad terminals in more than one State, shall be withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned: *Provided, however,* That if the employee did not earn more than 50 per centum of his compensation from said carrier in any one State or any subdivision thereof during the preceding calendar year, then withholding shall be required only for the State or subdivision of the employee's residence, as shown on the employment records of any such carrier; nor shall any such carrier file any information return or other report for income tax purposes with respect to such compensation with any State or subdivision thereof other than such State or subdivision of residence and the State or subdivision for which the withholding of such tax has been required under this subsection.

"(b) (1) For the purposes of subsection (a) (1), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision thereof in which the mileage traveled by him in such State or subdivision is more than 50 per centum of the total mileage traveled by him in the calendar year while so employed.

"(2) For the purposes of subsection (a) (2), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision thereof in which the time worked by him in such State or subdivision is more than 50 per centum of the total time worked by him in the calendar year while so employed.

"(c) For the purposes of this section the term 'State' also means the District of Columbia; and the term 'compensation' shall mean all moneys received for services rendered by an employee, as defined in subsection (a) in the performance of his duties and shall include wages and salary."

SEC. 2. (a) Section 202(b) of the Interstate Commerce Act is amended by inserting after "Nothing in this part" a comma and the following: "except as provided in section 226A,".

(b) Part II of the Interstate Commerce Act is amended by inserting after section 226 a new section as follows:

"EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM WITHHOLDING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN FIFTY PER CENTUM OF COMPENSATION IS EARNED

"SEC. 226A. (a) No part of the compensation paid by any motor carrier subject to the provisions of this part, or by any private carrier of property by motor vehicle, to any employee who performs his regularly assigned duties as such an employee on a motor vehicle in more than one State, shall be withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned: *Provided, however,* That if the employee did not earn more than 50 per centum of his compensation from said carrier in any one State or any subdivision thereof during the preceding calendar year, then withholding shall be required only for the State or subdivisions of the employee's residence, as shown on the employment records of any such carrier; nor shall such carrier file any information return or other report for income tax purposes with respect to such compensation with any State or subdivision thereof other than such State or subdivision of residence, and the State or subdivision for which the withholding of such tax has been required under this subsection.

"(b) For the purposes of subsection (a), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision in which the mileage traveled by him in such State or subdivision is more than 50 per centum of the total mileage traveled by him in the calendar year while so employed.

"(c) For the purpose of this section the term 'State' also means any possession of the United States or the Commonwealth of Puerto Rico; and the term 'compensation' shall mean all moneys received for services rendered by an employee, as defined in subsection (a) in the performance of his duties and shall include wages and salary."

SEC. 3. (a) Part III of the Interstate Commerce Act is amended by redesignating section 324 as section 325 and by inserting before such section a new section as follows:

"EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM REPORTING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN FIFTY PER CENTUM OF COMPENSATION IS EARNED

"SEC. 324. (a) No water carrier subject to the provisions of this part nor any water carrier or class of water carriers operating on inland or coastal waters under an exemption provided therein shall file any information return or other report for income tax purposes with respect to the compensation paid to any employee who performs his regularly assigned duties as an employee of such carrier in more than one State with any State or subdivision thereof other than the State or subdivision of such employee's residence, as shown on the employment records of such carrier, and the State or subdivision in which such employee earned more than 50 per centum of the compensation paid him by such carrier during the preceding calendar year. The provisions of this section shall also apply with respect to the compensation paid to any master, officer, or seaman who is a member of the crew on a vessel engaged in foreign, coastwise, intercoastal or noncontiguous trade or in the fisheries of the United States.

"(b) For the purposes of subsection (a), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision in which the time worked by him in such State or subdivision is more than 50 per centum of the total time worked by him in the calendar year while so employed.

"(c) For the purpose of this section the term 'compensation' shall mean all moneys received for services rendered by an employee, as defined in subsection (a) in the performance of his duties and shall include wages and salary."

(b) The table of contents contained in section 301 of the Interstate Commerce Act is amended by striking out

"Sec. 324. Separability of provisions."

and inserting in lieu thereof:

"Sec. 324. Exemption of certain compensation of employees from reporting for income tax purposes for other than State or subdivision of residence and State or subdivision wherein more than 50 per centum of compensation is earned.

"Sec. 325. Separability of provisions."

SEC. 4. (a) Title XI of the Federal Aviation Act of 1958 is amended by inserting after section 1111 the following new section:

"EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM WITHHOLDING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN FIFTY PER CENTUM OF COMPENSATION IS EARNED

"SEC. 1112. (a) No part of the compensation paid by any air carrier to an employee who performs his regularly assigned duties as such an employee on an aircraft in more than one State shall be withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned: *Provided, however,* That if the employee did not earn more than 50 per centum of his compensation from said carrier in any one State or subdivision thereof during the preceding calendar year, then withholding shall be required only for the State or subdivision of the employee's residence, as shown on the employment records of any such carrier; nor shall such carrier file nay information return or other report for income tax purposes with respect to such compensation with any State or subdivision thereof other than such State or subdivision of residence and the State or subdivision for which the withholding of such tax has been required under this subsection.

"(b) For the purposes of subsection (a), an employee shall be deemed to have earned 50 per centum of his compensation in any State or subdivision in which his scheduled flight time in such State or subdivision is more than 50 per centum of his total scheduled flight time in the calendar year while so employed.

"(c) For the purposes of this section the term 'State' also means the District of Columbia and any of the possessions of the United States; and the term 'compensation' shall mean all moneys received for services rendered by an employee, as defined in subsection (a) in the performance of his duties and shall include wages and salary."

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "Title XI—Miscellaneous" is amended by adding at the end thereof the following:

Sec. 1112. Exemption of certain compensation of employees from withholding for income tax purposes for other than State or subdivision of residence and State or subdivision wherein more than 50 percentum of compensation is earned."

SEC. 5. The amendments made by this Act shall become effective on the first day of the

first calendar year beginning after the date of enactment of this Act.

SEC. 6. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to other persons or other circumstances shall not be affected thereby.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the House bill, insert the following: "An Act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain compensation of employees from withholding for income tax purposes under the laws of the States or subdivisions thereof other than the State or subdivision of residence or the State or subdivision wherein more than 50 per centum of compensation is earned, and for other purposes."

And the Senate agree to the same.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
SAMUEL DEVINE,
DAN KUYKENDALL,
Managers on the Part of the House.

WARREN G. MAGNUSON,
VANCE HARTKE,
HOWARD W. CANNON,
WINSTON PROUTY,
HOWARD BAKER, JR.,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10634) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill, and the House disagreed to the Senate amendments.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to the text of the House bill, with an amendment which is a substitute for both the text of the House bill and the Senate amendment to the text of the House bill. The committee of conference also recommends that the House recede from its disagreement to the amendment of the Senate to the title of the House bill, with an amendment which is a substitute for both the title of the House bill and the Senate amendment to the title of the House bill.

The differences between the text of the House bill and the substitute agreed to in conference are noted below, except for clerical corrections, and minor drafting and clarifying changes.

MULTIPLE TAX LIABILITY

The House bill dealt only with the withholding and reporting for income tax purposes of compensation paid to transportation employees. The subject of tax liability has been considered in another bill which passed the House of Representatives on June 25, 1969, after being reported from the Committee on the Judiciary (see H.R. 7906, 91st Congress, 1st Session).

The Senate amendment provided that the tax liability of transportation employees should be limited to not more than two States, the State of the employee's residence and the State wherein the employee earned more than 50 percent of his compensation.

The conference substitute follows the House bill and omits any reference to tax liability.

MULTIPLE WITHHOLDING

The House bill provided that only the State of the employee's residence should be permitted to require withholding for income tax purposes.

The Senate amendment provided that the State in which the employee earned more than 50 percent of his compensation could require withholding for income tax purposes, except that, if he did not earn more than 50 percent of his compensation in any one State, then the State of his residence could require withholding for income tax purposes.

The conference substitute follows the Senate amendment and permits either the State in which the employee earned more than 50 percent of his compensation or the State of his residence to withhold for income tax purposes.

FILING INFORMATION RETURNS

The House bill provided that only the State of the employee's residence could require the filing of information returns for income tax purposes.

The Senate amendment provided that both the State of the employee's residence and the State in which he earned more than 50% of his compensation could require the filing of information returns for income tax purposes.

The conference substitute follows the Senate amendment.

COVERAGE OF TRANSPORTATION EMPLOYEES

I. The House bill did not cover certain employees of water carriers operating under exemptions contained in part III of the Interstate Commerce Act (such as barge operators operating under the exemption contained in section 303(b) of such Act).

The Senate amendment provided that employees of water carriers operating under the exemptions referred to above should be covered.

The conference substitute follows the Senate amendment.

II. The House bill provided that employees of fishing vessels and vessels engaged in intercoastal and coastwise trade should be covered.

The Senate amendment did not cover such employees.

The conference substitute follows the House bill.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
SAMUEL L. DEVINE,
DAN KUYKENDALL,
Managers on the Part of the House.

PERMISSION TO FILE A CONFERENCE REPORT ON S. 3418, FAMILY PHYSICIANS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have permission to file a conference report until midnight tonight on the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERMISSION TO FILE A CONFERENCE REPORT ON S. 2108, FAMILY PLANNING

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (S. 2108), to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. SISK. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 1411) correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, after line 15, insert:

"(6) The last sentence of section 134(c) of the Legislative Reorganization Act of 1946, as amended by section 117(a) of the Legislation Reorganization Act of 1970, is amended by striking out 'paragraph 5' and inserting in lieu thereof 'paragraph 7'."

The SPEAKER. Is there objection to the request of the gentleman from California.

Mr. SMITH of California. Mr. Speaker, reserving the right to object—and I shall not object, because the distinguished gentleman from California (Mr. SISK) and I both know this is the last time we will have to correct these errors in the reorganization bill—will the gentleman explain that we have had to rewrite something?

Mr. SISK. I appreciate the gentleman's question. This has to do with a paragraph number in connection with an amendment in the other body. The other body apparently found an error and has passed the necessary language, and we seek to do so likewise.

Mr. SMITH of California. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CERTAIN ALLOWANCES OF MEMBERS, OFFICERS, AND STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. PEPPER. Mr. Speaker, on behalf of the distinguished gentleman from Massachusetts (Mr. O'NEILL), and by direction of the Committee on Rules, I call up House Resolution 1272 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1272

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1147) relating to certain allowances of Members, officers, and standing committees of the House of Representatives, and for other purposes. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, the resolution shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on House Administration as an original resolution for the purpose of amendment under the five-minute rule, and all points of order against sections 2(a) and 3(a) of said substitute are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the resolution or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit or without instructions.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. PEPPER. Mr. Speaker, House Resolution 1272 provides an open rule with 1 hour of general debate for consideration of House Resolution 1147 relating to certain allowances of Members, officers, and standing committees of the House of Representatives, and for other purposes. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment and all points of order are waived against sections 2(a) and 3(a) of the resolution because they require the payment of certain funds without an appropriation.

The purpose of House Resolution 1147 is to permit a Member, upon leaving the service of the House of Representatives and who is not eligible for an immediate annuity under the retirement laws, to retain health and life insurance benefits he had as a Member. The resolution also allows him to qualify for admission to Government hospitals in addition to continuing his life insurance and health benefits plans available in the Government's programs. Incorporated within the resolution are certain criteria which must be met by the former Member before he can avail himself of the programs contained in the resolution.

The three sections in the resolution pertain, respectively, to hospital admissions, retention of health insurance, and retention of life insurance, by former Members of the House.

With respect to hospital admission to former Members, no costs will accrue to the Government because of the provision in the resolution requiring payment by the former Member of the standardized daily rate for hospital care and treatment.

In connection with the health and life insurance segments of the resolution, costs for the programs will be minimal. It is anticipated that of those Members having 6 or more years of service, an average of 26 per year will leave the service of the House. This figure is predicated on average Member turnover per year covering the last six Congresses. It is estimated that annual expenditures for the programs by the Government will approximate $10,000.

Mr. Speaker, I urge the adoption of House Resolution 1272 in order that House Resolution 1147 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, in my opinion the distinguished gentleman from Florida (Mr. PEPPER) has adequately explained the resolution and the resolution which this resolution will provide can be considered for 1 hour.

I concur in the gentleman's remarks, and I urge the adoption of the rule.

Mr. PEPPER. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FRIEDEL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1147) relating to certain allowances of Members, officers, and standing committees of the House of Representatives, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1147) with Mr. MCFALL in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Maryland (Mr. FRIEDEL) will be recognized for 30 minutes, and the gentleman from Alabama (Mr. DICKINSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. FRIEDEL).

Mr. FRIEDEL. Mr. Chairman, I yield myself 5 minutes.

The purpose of House Resolution 1147 is to allow a Member, upon leaving the service of the House of Representatives, to retain health and life insurance benefits he had as a Member. The resolution also allows former Members to qualify for admission to Federal Government hospitals.

To become eligible for the provisions of this resolution, a former Member must have at least 6 years of continuous or intermittent Federal service and his last service must have ended as a Member of the House.

In connection with hospital admissions, we are going to offer an amendment which eliminates the reference to hospitals of the Veterans' Administration.

With respect to hospital admissions, it will not cost the Government one penny. The Member pays for his daily hospitalization, whatever it may be. If he goes to Bethesda, it will be $58 per day and he pays that.

However, under sections 2 and 3, where a Member will be able to have his health insurance and life insurance continue, costs to the Government if it went into effect today would be $7,000 a year. Beginning next year, because of the increased contributions of the Federal Government, it will cost about $10,000 a year.

That is the whole purpose of the resolution. It is a good resolution. It is much needed.

I assure you I never dreamed for 1 minute when I introduced this resolution I would be one of the former Members involved. I thought I would still be a Member of the House.

This is a much needed resolution. I am very much in favor of it, and I recommend it be adopted.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman.

Mr. HALL. I would like to join with the gentleman in saying that I never dreamed for one instant that he would be a beneficiary at any time of this legislation and express my personal regrets that he finds himself in that unhappy position. I know it was out of the greatness of his heart that he allowed himself to drift into this position, because he and I have spoken about his dilemma personally. However, having associated myself with affection with the gentleman's lucid declarations of intent and his exemplary postulation of bills on the floor and even realizing that this is his swansong, I rise with great temerity to ask him a few delving questions about the content of the resolution.

Mr. Chairman, with the permission of the gentleman and with the greatest respect and personal friendship in my heart, my first question is where are the departmental reports in his outstanding committee report? I ask that because obviously this will affect the Veterans' Administration, it is going to affect the armed services, it is going to affect the U.S. Public Health Service. I think we, as a Committee of the Whole House on the State of the Union, have a great right to know whether or not they feel that the staff, after this onslaught of similarly graciously retired gentlemen to

these various hospitals throughout the length and breadth of the land, will be sufficient.

Mr. FRIEDEL. Mr. Chairman, I would like to say first that I want to thank the distinguished gentleman from Missouri for the very kind remarks which he has made in my behalf. I will state further to the gentleman that we have an amendment that will remove Veterans' Adminstration hospitals from the provisions of the resolution.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I could not hear the gentleman's usual lucid tongue awhile ago because of noise in the House when the gentleman explained what his amendment was going to be.

Do I understand that unless we have a veterans rating or service-connected or non-service-connected disabilty just because we are former Members, if his amendment is adopted, we will not be able to go en masse into veterans hospitals; is that correct?

Mr. FRIEDEL. That is correct.

Mr. HALL. What does the gentleman mean when he says it will clear it up?

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. The original legislation had in it a provision that veterans hospitals could be used. That was stripped out. These are public health hospitals.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. FRIEDEL. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Chairman, the veterans hospitals are not included. With respect to departmental reports, I might remind my distinguished friend from Missouri that with reference to housekeeping matters relating only to ourselves in the House of Representatives it is not and has not been the custom to ask for departmental reports.

Mr. HALL. Would the distinguished gentleman from New Jersey yield?

Mr. THOMPSON of New Jersey. Yes; I yield to the gentleman from Missouri.

Mr. HALL. I appreciate my warmblooded friend's explanation, but this does not relate just to Members of the House. This relates to those on whom we will impinge ourselves by legislative action and, therefore, I think departmental reports as to their capability are necessary. Indeed, Public Law 910 requires that any report involving new legislation must list not only the money expended but the personnel used. Therefore, this resolution does not comply with that law.

Mr. FRIEDEL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would like to try to clear this up as I understand the resolution. Once we adopt the amendment, it will be clear that we will not be permitted to go to veterans hospitals. As a Member of Congress now you can only go on a space-available basis. The same thing will be true for any former Member, on a space-available basis. If they do not have it, we do not get it.

Mr. HALL. And Members would have to pay their way in accordance with the going rates?

Mr. FRIEDEL. That is correct. If the rate is $59 a day or $80 a day, the Members would have to pay that.

Mr. HALL. The Members will not be entitled to veterans preference or benefits which ordinarily are reserved by a grateful Government for those who have participated in the defense of their country. In other words, under this resolution will they be able to enter a Public Health Service hospital or a military hospital operated by the armed services on a space-available basis?

Mr. FRIEDEL. Yes.

Mr. HALL. Is the gentleman not worried that if this legislation passes we are establishing a precedent and all other Government employees will demand the same right that we as legislators have by voting ourselves into these various hospitals?

Mr. FRIEDEL. Personally, I do not think so. Although that possibility did occur to me, they have not done so during all the years when Members of the Congress were accepted at Bethesda and Walter Reed. Nobody raised a furor about that.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I rise to express my utter amazement at this last-minute effort in the form of House Resolution 1147 to feather the nests of former Members of the House. And, speaking of feathers, this resolution emphasizes that this is a lameduck session of the Congress. You can hear the squawks of the ducks and see the feathers flying in this resolution.

I am at a loss, Mr. Chairman, to perceive any possible justification for this raid on the Treasury. It is simply an effort to give bonuses to former House Members above and beyond the lucrative benefits to which they are already entitled.

According to the committee report on House Resolution 1147, the purpose of this measure is to permit a Member, upon leaving the House of Representatives and who is not eligible for an immediate annuity under the retirement laws, to retain the health and life insurance benefits he had as a Member, and to further qualify him for admission to Government hospitals. Government hospitals, under the language of this resolution, include the U.S. Armed Forces hospitals, Veterans' Administration hospitals, and Public Health Service hospitals.

This proposed bonanza for hospital care not only runs counter to existing law, but it piles inequity upon inequity.

First of all, Veterans' Administration Hospitals are for veterans of military service. The priorities for admission are: First, those veterans for treatment of conditions upon which service-connected compensation is based——

Mr. HAYS. Mr. Chairman, will the gentleman yield on that point?

Mr. GROSS. In just a moment I will yield to the gentleman.

Second, those veterans for treatment of conditions unrelated to their service-connected disabilities; and

Third, needy veterans having no compensible disabilities. Nonveterans may be treated in cases of emergency or other unusual circumstances.

Now I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I would like to inform the gentleman from Iowa that there will be a committee amendment, which was unanimously agreed to, to strike the veterans hospitals from this, so there is no use wasting our time on that.

Mr. GROSS. Mr. Chairman, I would say to the gentleman from Ohio that I am dealing with House Resolution 1147, and not with some proposed amendment.

The amendment has not been adopted. The House might see fit not to adopt it. And I think it ought to be explained to the House what takes place if the amendment is not agreed to. I am a little surprised that the committee put Veterans' Administration hospitals in the resolution in the first place.

The irony of this resolution is that it would make former House Members, who are nonveterans, eligible for veterans hospital care, which is denied incumbent Members of the House who are nonveterans. I am not advocating that this privilege be extended either to former or incumbent Members of the House, but I do point out the inconsistency to highlight the absurdity of this resolution.

Further, this resolution deals only with former Members of the House, and does nothing for former Members of the other body of Congress—not that I am so much concerned about them, but some of whom may also wish to indulge in the delicacies of this particular brand of Christmas turkey.

It is my understanding that under general authority the Department of the Navy is to be responsible for the hospital care and treatment of Members of Congress. This resolution goes a step further by creating a legal entitlement for all former Members of the House to hospital care in all Armed Forces hospitals.

Mr. Chairman, the two other provisions in this resolution are equally brazen in carving out special treatment for individuals who served the absolute minimum as a Member of the House of Representatives.

These provisions allow a departed House Member, if he does not yet qualify for an immediate annuity, to continue under the Federal life insurance and health benefits program, just as though he were still a Member of the House. Aside from the fact of whether or not this is justified, I submit that if any changes in the laws governing Federal employees' life insurance and health benefits programs are to be considered, such proposals properly belong before the Committee on Post Office and Civil Service.

But be that as it may, any ordinary Federal employee who leaves the Federal service prior to his entitlement to any immediate annuity is not treated so lav-

ishly as this resolution treats former House Members. The only advantage such persons have on leaving the Federal service is that they can convert their life and health insurance to private plans without taking a physical examination, and so they have to shop around for health and life insurance coverage. By what criteria is a departed Member of the House of Representatives entitled to superior treatment?

Mr. Chairman, so far as I can ascertain from the committee report on House Resolution 1147, there were no public hearings nor were the views of any administrative agencies solicited. There is no record of justification for a resolution of this sort and we would do a disservice to the House of Representatives itself by foisting on the public this self-serving package.

Mr. Chairman, I urge the rejection of House Resolution 1147 and suggest that it be committed to limbo where it properly belongs.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to my friend.

Mr. ANDREWS of Alabama. Does the gentleman have any guess as to how many former Members of the Congress are now living in the Washington area?

Mr. GROSS. I will say to the gentleman that I did not produce this monstrosity and the report provides no information on that score.

Mr. ANDREWS of Alabama. Well, I think there are enough to overflow Bethesda Naval Hospital and Walter Reed Army Hospital if this bill becomes law.

Mr. GROSS. I thank the gentleman for his observation, and agree with him.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HALL Mr. Chairman, I would point out insofar as the bill is written, the one we have under consideration, it applies not only in the metropolitan area of the Greater District of Columbia and Washington, D.C., but the length and breadth of the land and, indeed, all around the world where we might have installations.

Second, I would like to ask a question—if the gentleman has divined from the bill itself or the report—or if he has any idea, from his usual excellent intelligence apparatus, as to whether or not this would apply to the Old Soldiers' Home?

Mr. GROSS. It would apply to any Government operated hospital.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. BYRNES of Wisconsin. The gentleman referred to former Members. I agree that the bill, as reported to the House relates to former Members but they are entitled to these benefits only if they are a Member of the 91st Congress, or some subsequent Congress.

Members who, let us say, retired or were defeated 2 years ago are not eligible to these benefits as I understand it. It is only those from this Congress and from hereon. That certainly is also discriminatory.

I also cannot understand how the committee calculated the cost as contained in the committee report when they use only 1 year. As I understand it, that may be the cost for the first year or two of $10,000, as the gentleman suggests, but let us remember that this subsidization of health insurance is going to be cumulative and that will continue as long as the individual participates in the subsidized health insurance and each year or each 2 years there will be additional Members eligible for this insurance.

The cost has to be figured on a cumulative basis and, certainly, that is not done in this report.

I concur entirely with the judgment of the gentleman from Iowa. There is no justification for this legislation. It should be soundly defeated.

Mr. GROSS. I thank the gentleman.

Mr. FRIEDEL. Mr. Chairman, I have no further requests for time.

Mr. DICKINSON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported resolution as an original resolution for the purpose of amendment.

The Clerk read as follows:

H. RES. 1147

Resolved, That (a) a former Member of the House shall be entitled to medical and hospital care, treatment, and services in hospitals of the United States Armed Forces, where appropriate medical and hospital facilities are available, to the same extent and on the same basis as Members of the House of Representatives.

(b) A former Member of the House shall be deemed to meet eligibility requirements for admission to, and shall be entitled to medical and hospital care, treatment, and services in, hospitals of the Veterans' Administration and of the Public Health Service. The charge for such hospital care shall be in accord with the standardized rates as prescribed by the Office of Management and Budget. This subsection shall not be construed to be in lieu of any greater benefit to which any such former Member is entitled under any other provision of law.

(c) For the purposes of this section, "former Member of the House" means a person—

(1) who shall have held the office of Member of the House of Representatives or of Resident Commissioner from Puerto Rico but is not an incumbent in such office; and

(2) whose last service in the Federal Government shall have ended, other than by expulsion, before, on, or after the date of enactment of this section as permanent law, while he held the office of Member of the House of Representatives or Resident Commissioner from Puerto Rico, after he has performed an aggregate of at least six years of continuous or intermittent service in the Federal or District of Columbia Government (active service, as defined in section 101 of title 37, United States Code, relating to the Armed Forces, service as a Member of the House, and civilian service other than as a Member of the House).

(d) This section shall be effective on and after the date of its enactment as permanent law.

SEC. 2. (a) A former Member of the House who is not an "annuitant" as defined by section 8901(3)(A) of title 5, United States Code, may elect to continue, for those periods in which he is not eligible for coverage under chapter 89 of such title as an "employee" as defined by section 8901 of such title, his health benefits enrollment under such chapter, by filing with the Sergeant at Arms of the House of Representatives within thirty days immediately following his separation from the service as a Member of the House, his written notice to that effect. A former Member making such election shall transmit to the Sergeant at Arms of the House of Representatives his employee contributions under chapter 89 of title 5, United States Code, on a quarterly or semiannual basis as the Sergeant at Arms shall prescribe. The Sergeant at Arms shall transmit these employee contributions and, in addition, the Government contributions which would be payable if the former Member were in a pay status as a Member of the House, to the Employees Health Benefits Fund. The Government contributions shall be paid out of the appropriation or fund used to pay the salaries of Members of the House.

(b) For the purposes of this section—

(1) "Member of the House" means a Member of the House of Representatives and the Resident Commissioner from Puerto Rico; and

(2) "former Member of the House" and "former Member" means a person—

(A) who shall have held the office of Member of the House of Representatives or of Resident Commissioner from Puerto Rico but is not an incumbent in such office; and

(B) whose last service in the Federal Government shall have ended, other than by expulsion, on or after the date of adoption of this resolution while he held the office of Member of the House of Representatives or Resident Commissioner from Puerto Rico, after he has performed an aggregate of at least six years of continuous or intermittent service in the Federal or District of Columbia Government (active service, as defined in section 101 of title 37, United States Code, relating to the Armed Forces, service as a Member of the House, and civilian service other than as a Member of the House).

(c) This section shall be effective on and after the date of its enactment as permanent law.

SEC. 3. (a) A former Member of the House who is not within the purview of section 8706(b) of title 5, United States Code, may elect, in lieu of conversion to an individual policy of life insurance under section 8706(a) of such title, for those periods for which he is not eligible for coverage under chapter 87 of such title as an "employee" as defined by section 8701 of such title, to have his group life insurance and group accidental death and dismemberment insurance continued, on the same basis as if he were in a pay status as a Member of the House, until he attains the age of sixty years or until he becomes entitled to a deferred retirement annuity under section 8338(b) of title 5, United States Code, whichever is later, by filing with the Sergeant at Arms of the House of Representatives within thirty days immediately following his separation from the service as a Member of the House, his written notice to that effect. A former Member making such election shall transmit to the Sergeant at Arms of the House of Representatives his employee contributions under chapter 87 of title 5, United States Code, on a quarterly or semiannual basis as the Sergeant at Arms shall prescribe. The Sergeant at Arms shall transmit these employee contributions and, in addition, the Government contributions which would be payable if the former Member were in a pay status as a Member of the House, to the Employees' Life Insurance Fund. The Government contribution shall be paid out of the appropriation or fund used to pay the salaries of Members of the House. When any such former Member becomes entitled to a deferred retirement annuity under section 8338(b) of title 5, United States Code, he shall be entitled to have his life insurance coverage continued on the same insurance cost and reduction basis as is provided by section 8706(b) of title 5 United States Code. The Sergeant at Arms promptly shall transmit a copy of the written election notice of a former Member under this section to the United States Civil Service Commission, which shall prescribe special regulations to carry out this section.

(b) For the purposes of this section "Member of the House", "former Member of the House", and "former Member" have the meanings provided by section 2(b) of this resolution.

(c) This section shall be effective on and after the date of its enactment as permanent law.

Mr. FRIEDEL (during the reading). I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AMENDMENTS OFFERED BY MR. FRIEDEL TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. FRIEDEL. Mr. Chairman, I offer three committee amendments.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Amendments offered by Mr. FRIEDEL to the committee amendment in the nature of a substitute: On page 9, line 15, strike out "Veterans' Administration and of the ".

On page 12 strike out lines 12 through 24 and insert in lieu thereof the following:

"SEC. 3. (a) A former Member of the House, whether or not within the purview of section 8706(b) of title 5, United States Code, may elect, in lieu of conversion to an individual policy of life insurance under section 8706(a) of such title, for those periods for which he is not eligible for coverage under chapter 87 of such title as an "employee" as defined by section 8701 of such title, to have his group life insurance and group accidental death and dismemberment insurance continued, on the same basis as if he were in a pay status as a Member of the House, by filing, with the Sergeant at Arms of the "

On page 13, line 13, strike out the word "When" and all that follows down through the period on line 18.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. FRIEDEL. Mr. Chairman, the first amendment would strike out reference to the Veterans' Administration all the way through the resolution. The other two amendments are technical amendments, relating to a Member's payment for life insurance. This would apply from the 91st Congress on. I would like to mention that the cost would be, if it were to pass, about $7,000. The next year it would run around $10,000. To arrive at that figure we went back to the last six Congresses and found that there was an average of 52 turnovers in each Congress, which comes to 26 a year. There are almost that many deaths of former Members. So, with 26 Members, the additional cost would run approximately $10,000 a year.

Mr. KEITH. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Massachusetts.

Mr. KEITH. Do your figures, as far as cost is concerned, take into consideration the increased age of the group? By keeping these Members who are retired in a group, you would increase the cost to the other Members. You would have increased the premium for the group as a whole.

Mr. FRIEDEL. The premium cost is not based on a particular group, but is predicated on the number of participating Federal employees covered by each of the various insurance carriers.

Mr. KEITH. Yes, but it would be an increased cost to those of us who are in the Congress to support that.

Mr. FRIEDEL. No.

Mr. KEITH. I want to say, Mr. Chairman, I really cannot go along with the amendment that we have before us today.

Mr. HAYS. Mr. Chairman, I have been advised by the staff that made a study of this that that is not true. It would not increase the cost.

Let me say one other thing lest and before the idea gets around that a Member is going to get into one of these hospitals for nothing. He is going to pay, or his insurance, if he has insurance, is going to pay whatever the rate is set by the General Accounting Office as the cost of a stay in a Government hospital, a military hospital. When I first came here it was $17 a day. At the last account I had of it, it was either $57 or $59 a day.

So this is not a free ride. The Member has to pay, or if he does not pay, if he has insurance, that would pay it.

Mr. KEITH. It is not the cost to the balance of the House that concerns me, if the gentleman will yield. It is the fact that once we serve as a Member and serve sufficiently to qualify, from that time when we have served until age 60, we have insurance without any qualification, without medical examination, and it is an advantage to have, but it seems to me all other Federal employees would be asking for it on the next go-round in the labor negotiations.

Mr. HAYS. With the way the thing is set up and with the new postal corporation, and with the history of labor negotiations, labor is going to get whatever they ask anyway, so I would not get too upset over that.

Mr. KEITH. I do not think we should lead the way.

Mr. HAYS. I do not think we are leading the way. I think we are lagging behind.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Maryland (Mr. FRIEDEL).

The amendments were agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. MCFALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 1147) relating to certain allowances of Members, officers, and standing committees of the House of Representatives, and for other purposes, pursuant to House Resolution 1272, he reported the resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

CALL OF THE HOUSE

Mr. DINGELL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 382]

Abbitt	Ford, Gerald R.	Pollock
Adair	Foreman	Powell
Addabbo	Fulton, Tenn.	Price, Tex.
Ashbrook	Gilbert	Purcell
Ashley	Griffiths	Quillan
Aspinall	Grover	Rarick
Baring	Gubser	Reid, N.Y.
Barrett	Halpern	Rivers
Berry	Hanna	Robison
Blatnik	Harsha	Roe
Boland	Hébert	Roth
Bolling	Heckler, Mass.	Roudebush
Brasco	Hogan	Rousselot
Brock	Horton	St Germain
Brooks	Hull	Sandman
Broomfield	Hunt	Saylor
Brotzman	Jarman	Scheuer
Brown, Calif.	Johnson, Pa.	Sebelius
Brown, Mich.	Kazen	Shriver
Burton, Utah	King	Smith, Calif.
Button	Kluczynski	Smith, Iowa
Byrne, Pa.	Koch	Snyder
Celler	Landrum	Springer
Chisholm	Langen	Sullivan
Clancy	Long, La.	Taft
Clark	Lujan	Talcott
Cohelan	McCloskey	Teague, Tex.
Collins, Tex.	McClure	Thompson, Ga.
Corbitt	McDonald, Mich.	Tiernan
Corman	McMillan	Tunney
Cowger	MacGregor	Vander Jagt
Cramer	Martin	Waggonner
Cunningham	May	Waldie
Daddario	Meskill	Ware
de la Garza	Mize	Watson
Delaney	Mollohan	Weicker
Dent	Morgan	Whitten
Devine	Morton	Widnall
Diggs	Mosher	Wiggins
Dorn	Murphy, N.Y.	Wilson, Bob
Dowdy	Nichols	Wilson, Charles H.
Dwyer	O'Konski	Wold
Edmondson	O'Neill, Mass.	Wright
Edwards, La.	Ottinger	Wyatt
Evans, Colo.	Patman	Wydler
Fallon	Patten	Wylie
Farbstein	Pelly	Zion
Fascell	Pettis	Zwach
Findley	Pickle	
Fish		

The SPEAKER. On this rollcall 286 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CERTAIN ALLOWANCES OF MEMBERS, OFFICERS, AND STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

The SPEAKER. The question is on the resolution, as amended.

MOTION TO RECOMMIT OFFERED BY MR. KYL

Mr. KYL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. KYL. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KYL moves to recommit House Resolution 1147 to the Committee on House Administration.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the resolution, as amended.

Mr. KYL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 194, answered "present" 1, not voting 150, as follows:

[Roll No. 383]

YEAS—89

Abernethy	Fraser	Matsunaga
Albert	Frelinghuysen	Melcher
Anderson, Calif.	Friedel	Miller, Calif.
	Fulton, Pa.	Mink
Anderson, Tenn.	Gallagher	Moss
	Garmatz	Murphy, Ill.
Annunzio	Gibbons	Nedzi
Bingham	Gonzalez	O'Hara
Blanton	Gray	Olsen
Boggs	Gubser	Passman
Bow	Hansen, Idaho	Pepper
Brademas	Hansen, Wash.	Philbin
Brooks	Harrington	Podell
Burke, Fla.	Hathaway	Price, Ill.
Burke, Mass.	Hawkins	Pucinski
Burton, Calif.	Hays	Rees
Carey	Hechler, W. Va.	Reifel
Carney	Helstoski	Rogers, Colo.
Clay	Hicks	Rooney, N.Y.
Collins, Ill.	Holifield	Rooney, Pa.
Conyers	Howard	Rosenthal
Daniels, N.J.	Johnson, Calif.	Rostenkowski
Davis, Ga.	Jones, N.C.	Roybal
Dingell	Kee	Ryan
Eckhardt	Landgrebe	Sisk
Edwards, Calif.	Lennon	Steed
Eilberg	Lowenstein	Steiger, Ariz.
Feighan	McCarthy	Stokes
Flood	McEwen	Thompson, N.J.
Ford, William D.	Macdonald, Mass.	Udall
		Wolff

NAYS—194

Adams	Daniel, Va.	Hogan
Alexander	Davis, Wis.	Hungate
Anderson, Ill.	Dellenback	Hutchinson
Andrews, Ala.	Denney	Ichord
Andrews, N. Dak.	Dennis	Jacobs
	Derwinski	Jonas
Arends	Dickinson	Jones, Ala.
Beall, Md.	Downing	Jones, Tenn.
Bell, Calif.	Dulski	Karth
Bennett	Duncan	Kastenmeier
Betts	Edwards, Ala.	Keith
Biester	Erlenborn	Kleppe
Bevill	Esch	Kuykendall
Blackburn	Eshleman	Kyl
Bray	Fisher	Kyros
Brinkley	Flowers	Latta
Brotzman	Flynt	Lloyd
Brown, Ohio	Foley	Long, Md.
Broyhill, N.C.	Forsythe	Lukens
Broyhill, Va.	Fountain	McClory
Buchanan	Frey	McDade
Burleson, Tex.	Fuqua	McFall
Burlison, Mo.	Galifianakis	McKneally
Bush	Gaydos	Madden
Byrnes, Wis.	Gettys	Mahon
Cabell	Giaimo	Mailliard
Caffery	Goldwater	Mann
Camp	Goodling	Marsh
Carter	Green, Oreg.	Mathias
Casey	Green, Pa.	Mayne
Cederberg	Griffin	Meeds
Chamberlain	Gross	Michel
Chappell	Gude	Mikva
Clausen, Don H.	Hagan	Miller, Ohio
	Haley	Mills
Clawson, Del	Hall	Minish
Cleveland	Hamilton	Minshall
Collier	Hammer-schmidt	Mizell
Colmer		Monagan
Conable	Hanley	Montgomery
Conte	Harsha	Moorhead
Coughlin	Harvey	Morse
Crane	Hastings	Myers
Culver	Henderson	Natcher
Nelsen	Ruppe	Stuckey
Nichols	Ruth	Symington
Obey	Satterfield	Taylor
O'Neal, Ga.	Schadeberg	Teague, Calif.
Pelly	Scherle	Thomson, Wis.
Perkins	Schmitz	Ullman
Pike	Schneebeli	Van Deerlin
Pirnie	Schwengel	Vanik
Poage	Scott	Vigorito
Poff	Shipley	Wampler
Preyer, N.C.	Sikes	Watts
Pryor, Ark.	Skubitz	Whalen
Quie	Slack	Whalley
Railsback	Smith, Calif.	White
Randall	Smith, N.Y.	Whitehurst
Reid, Ill.	Springer	Williams
Reuss	Stanton	Winn
Riegle	Steele	Wyman
Roberts	Steiger, Wis.	Yates
Rodino	Stephens	Yatron
Rogers, Fla.	Stratton	Zablocki
Roth	Stubblefield	

ANSWERED "PRESENT"—1

Cohelan

NOT VOTING—150

Abbitt	Fish	Powell
Adair	Ford, Gerald R.	Price, Tex.
Addabbo	Foreman	Purcell
Ashbrook	Fulton, Tenn.	Quillen
Ashley	Gilbert	Rarick
Aspinall	Griffiths	Reid, N.Y.
Ayres	Grover	Rhodes
Baring	Halpern	Rivers
Barrett	Hanna	Robison
Belcher	Hébert	Roe
Berry	Heckler, Mass.	Roudebush
Biaggi	Horton	Rousselot
Blatnik	Hosmer	St Germain
Boland	Hull	Sandman
Bolling	Hunt	Saylor
Brasco	Jarman	Scheuer
Brock	Johnson, Pa.	Sebelius
Broomfield	Kazen	Shriver
Brown, Calif.	King	Smith, Iowa
Brown, Mich.	Kluczynski	Snyder
Burton, Utah	Koch	Stafford
Button	Landrum	Staggers
Byrne, Pa.	Langen	Sullivan
Celler	Leggett	Taft
Chisholm	Long, La.	Talcott
Clancy	Lujan	Teague, Tex.
Clark	McCloskey	Thompson, Ga.
Collins, Tex.	McClure	Tiernan
Corbett	McCulloch	Tunney
Corman	McDonald, Mich.	Vander Jagt
Cowger		Waggonner
Cramer	McMillan	Waldie
Cunningham	MacGregor	Ware
Daddario	Martin	Watson
de la Garza	May	Weicker
Delaney	Meskill	Whitten
Dent	Mize	Widnall
Devine	Mollohan	Wiggins
Diggs	Morgan	Wilson, Bob
Donohue	Morton	Wilson, Charles H.
Dorn	Mosher	
Dowdy	Murphy, N.Y.	Wold
Dwyer	Nix	Wright
Edmondson	O'Konski	Wyatt
Edwards, La.	O'Neill, Mass.	Wydler
Evans, Colo.	Ottinger	Wylie
Evins, Tenn.	Patman	Young
Fallon	Patten	Zion
Farbstein	Pettis	Zwach
Fascell	Pickle	
Findley	Pollock	

So the resolution was rejected.

Mr. RODINO changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. PUCINSKI). The gentleman will state the parliamentary inquiry.

Mr. GROSS. Mr. Speaker, was the vote by which the resolution failed to pass the House reconsidered and that motion laid on the table?

The SPEAKER. Yes; it was.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I have asked for this time in order to ask the majority leader if he can advise us as to the legislative program for the remainder of this week and what may be contemplated next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished gentleman from Illinois, we have finished the program for this week.

The program for next week is as follows: Monday is Consent Calendar Day.

There are 25 bills to be taken up under suspension of the rules and among them is included the omnibus rivers and harbors bill.

Mr. Speaker, I ask unanimous consent that the list of the bills to be taken up on Monday may be inserted in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ALBERT. Mr. Speaker, the bills to be considered under suspension of the rule are as follows:

S. 437, survivor annuities under civil service;

H.R. 19877, omnibus rivers and harbors and flood control bill;

H.R. 19846, Animal Welfare Act of 1970;

H.R. 17582, to amend peanut marketing quota provisions;

House Resolution 1282, support for efforts to rescue American prisoners of war;

S. 4187, to convey certain lands at Fort Ruger Military Reservation, Hawaii;

Senate Joint Resolution 230, extending the duration of copyright protection;

S. 1079, Susquehanna River Basin compact;

H.R. 18012, to amend the Foreign Service Buildings Act;

S. 1, equitable land acquisition policies;

H.R. 19363, Library Services and Construction Amendments of 1970;

H.R. 19401, to Extend the Vocational Rehabilitation Act;

S. 4083, demonstration elementary school for the deaf;

House Resolution 1264, relating to employees of Members of the House;

S. 336, increasing Securities Act exemption for small businesses;

S. 3431, to amend the Securities Exchange Act of 1934;

S. 2162, Poison Prevention Packaging Act;

H.R. 17750, nonnavigable waters in Boston Harbor;

H.R. 15041, to provide a national boating safety program;

H.R. 16498, to permit the sale of the vessel *Atlantic*;

H.R. 212, to provide for officers of the Environmental Science Services Administration;

H.R. 15188, penalty for shooting from an aircraft;

H.R. 17436, to provide a national environmental data bank;

H.R. 19576, to establish the National Advisory Committee on the Oceans and Atmosphere; and

Senate Concurrent Resolution 2, acceptance of a statue of the late Senator E. L. Bartlett.

For Tuesday and the balance of the week:

H.R. 19911, to amend the Foreign Assistance Act of 1961, subject to a rule being granted;

H.R. ——, supplemental appropriation bill, fiscal year 1971, subject to a rule being granted;

H.R. 19868, Excise, Estate, and Gift Tax Adjustment Act of 1970, subject to a rule being granted;

H.R. 19885, District of Columbia Revenue Act of 1970, under general rules of the House;

H.R. 18582, to amend the Food Stamp Act of 1964, open rule, 2 hours of debate;

H.R. 11547, to increase the limitation on certain Farmers Home Administration loans, open rule, 1 hour of debate;

S. 3070, Plant Variety Protection Act, open rule, 1 hour of debate; and

H.R. 13956, to authorize additional appropriations to the Smithsonian Institution, open rule, 1 hour of debate.

Mr. Speaker, this announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

ADJOURNMENT OVER TO MONDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, we are embarked into the month of December. Can the distinguished majority leader give us any information as to when we might expect an end to this lameduck session of Congress?

Mr. ALBERT. Of course, we hope to beat Santa Claus.

Mr. GROSS. You hope to be Santa Claus?

Mr. ALBERT. We hope to beat Santa Claus. If my friend will go over the list of bills that are programed for next week, he will understand that the House will have completed most of the major bills outstanding before it. We do have to depend upon another body for completion of bills before we can deal with conference reports and final action. I hope we will get out soon. I will say that to the gentleman.

Mr. GROSS. That is the best the gentleman can say?

Mr. ALBERT. I am sure my hope is as strong as that of the gentleman from Iowa. I really hope we will get out soon.

Mr. GROSS. After this ambitious program for next week, I would hope that the gentleman could give us a little more hope that the week following would find an end to this session.

Mr. ALBERT. We have never been in more agreement than we are now.

Mr. GROSS. I thank the gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PASSENGER RAIL SERVICE—TOO LITTLE TOO LATE?

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, the Los Angeles Times this morning published a strong editorial appeal for a truly national passenger rail system.

The Times believes the tentative proposals set forth earlier this week by Transportation Secretary Volpe fall far short of meeting present and future needs along the rapidly growing west coast.

Omitted altogether from Mr. Volpe's preliminary plan is any north-south service for the Western States, although five such routes are proposed for the eastern portion of the country. The only routes recommended for California, the Nation's most populous State, would link San Francisco and Los Angeles to Chicago but not to each other, while the present inadequate service in the thickly populated San Diego-Los Angeles corridor would be totally eliminated.

The editorial, from today's Los Angeles Times, follows:

U.S. RAILROAD PLAN IS NOT ENOUGH

The proposal by Congress and the Administration to save what's left of the nation's rail passenger service may be too late. It certainly is too little.

As announced this week, the plan could have an adverse effect upon existing north-south service in California and along the entire West Coast. Los Angeles-Chicago and San Francisco-Chicago are the sole California routes initially included in the government-sponsored network.

Only 14 major U.S. cities would be linked by passenger lines in the system to be operated by a quasi-public corporation known as Railpax. More than half of the 366 passenger trains now in operation had to be dropped from the badly under-funded proposal.

"I wish the system could be bigger, more all-encompassing," said Transportation Secretary John A. Volpe. But to salvage diminishing passenger service and help deficit-ridden railroads, Congress provided a mere $40 million in grants plus another $300 million in loans and loan guarantees.

In contrast to the billions spent on subsidizing motor vehicle and air traffic, the money allocated to save passenger trains seems ridiculously low.

It can be argued that the railroads are primarily to blame for their loss of passengers. Since carrying freight is far more profitable, rail companies have allowed service on passenger trains to deteriorate or have abandoned the trains altogether.

The passenger train, though, is far too valuable a national resource to be allowed to die, particularly at a time when intercity airliners are crowding the skies and their passengers are jamming surface routes to and from airports. And intercity highways are also becoming increasingly crowded.

Trains can move people at comparable cost, with less air pollution, and more directly from downtown to downtown than can aircraft.

The Metroliner operating between New York and Washington is an example of fast, comfortable service that has generated ever-increasing patronage.

High-speed trains operating in the heavily traveled corridor between Los Angeles and San Francisco would certainly have passenger appeal. But under the initial Railpax plan, no provision is made for them or even for preserving the existing service.

Under the legislation enacted this year, railroads would be able to unload their passenger service by "buying" into Railpax, the National Railroad Passenger Corp., according to a formula based upon their passenger service deficits. An estimated $200 million, helped out by federal loans, would thus be raised to allow Railpax to purchase the railroad's equipment and to operate the limited number of routes.

Other intercity and interstate routes serving California were not included, a Transportation Department spokesman told The Times, "because the service wouldn't make money . . . not even reach a break-even point over a five-year period."

Yet there are a total of 7,483 miles of railroad track in California, and the Southern Pacific's commuter service along the San Francisco Peninsula carries almost 5.5 million passengers annually.

At least one member of the California Public Utilities Commission deplores the threatened extinction of rail passenger traffic within the state. "We must do everything possible," A. W. Gatov told The Times, "to maintain existing rail facilities so that mass transportation can effectively replace the motor vehicle monopoly of surface travel."

The Times concurs.

We believe that Congress must invest more money in preserving and improving rail passenger service, if we are to achieve a rational transportation policy for the nation.

A STANDING COMMITTEE ON TRANSPORTATION

(Mr. HOWARD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HOWARD. Mr. Speaker, with transportation—in all forms—being one of the most crucial problems facing this Nation today, it strikes me as unfortunate that the House does not have a standing Committee on Transportation.

Several years ago, a Department of Transportation was set up in the executive branch. New Jersey, and many other States have set up departments of transportation at the State level. Yet, the Congress has failed to keep pace with this progressive action.

Mr. Speaker, I am planning to have legislation drafted which will create a standing Committee on Transportation in the House. I will introduce that measure when the 92d Congress convenes.

In many ways, the proposed Committee on Transportation will be met with opposition. I am not, for instance, unaware of the political realities of what my proposal would do. In some cases, it would take away the authority of some very outstanding men, some of them my very good friends. Yet, on balance, I believe that the formation of such a committee will be best for the Nation.

Each form of transportation has its proper place in a balanced and orderly transportation system. I believe that the Congress is partly responsible for the erratic system of transportation we have now because each form of transportation is dealt with by a separate committee.

As an example, merchant marine legislation goes to either the House Committee on Interstate and Foreign Commerce, or the Committee on Merchant Marine and Fisheries. Legislation dealing with mass transit and commuters goes to either the Committee on Banking and Currency, or the Committee on Interstate and Foreign Commerce. Railroad legislation is under the jurisdiction of the Interstate and Foreign Commerce Committee, while the House Committee on Public Works, of which I am a member, deals with the Interstate Highway System and other road matters. This divided jurisdiction means that each committee is working without knowing what the others involved in transportation legislation are doing.

Mr. Speaker, there is no coordinated, rational way for the Congress to decide how best to spend the transportation dollar. No one committee has an overall picture of our Nation's transportation situation.

Therefore, because I believe that all transportation legislation should be dealt with by a new standing Committee on Transportation, appropriately staffed and equipped to make proper decisions about transportation priorities, I have decided that during the 92d Congress, I will introduce the legislation necessary to create a Committee on Transportation in the House.

The addition of this committee will be a simple but important change. It is important because the committees of the House do the basic legislative work and make the basic decisions. The committee structure is vital to the legislative process. Just as we have a unified Department of Transportation, we must have a committee with jurisdiction over all modes of transportation.

There is no doubt in my mind that a single Committee on Transportation will be a vital asset to the country and to the Congress.

THE CRITICAL SITUATION IN AGRICULTURE: INCREASED PRODUCTION BOOMERANGS ON THE FARMERS AGAIN

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, in the month of October 1970, hog producers in this Nation marketed 126 million pounds more live hogs than they did in October 1969 and received $110 million less for those hogs than they were paid for the smaller supply last year.

The marketing of hogs was up 6.8 percent. The price was down 23.2 percent. Here is a fine example, Mr. Speaker, of how the administration's basic farm philosophy and policy works, and why we are rushing toward an economic crisis in agriculture.

We have been lectured since the 1950's that farm income is made up of units sold, times price, and that the farm problem would be solved by letting prices fall so more units could be sold.

Well, it is happening in hogs right now, and instead of spelling a bright new future for hog producers, it has plunged them into an economic quagmire.

The Livestock Slaughter report for October shows that the live weight of hogs marketed for slaughter during October this year was 1,993,193,000 pounds. The price averaged $18.21 per hundredweight. Farmers got $362,778,000 for the pigs at that price.

In October last year, live weight of hogs slaughtered was 1,865,803,000 pounds, the price was $25.32 per hundredweight, and the farmers collected $472,421,000 for the smaller supply.

The differences are what I stated: hogs marketed weighed 126 million pounds, in round numbers, more than last year. Farmer proceeds were down $110 million.

When figures for November are available, they will reflect a much worse situation. Hog prices advanced in November last year. They have dropped $2.50 per hundred in November this year, down around $15.50. The price differential will be close to $10, or 35 to 40 percent down as a result of increased hog marketings.

This is an opportune time for Secretary of Agriculture Hardin to go to Europe on a marketing tour. We have plenty of agricultural surplus products to sell. It is an equally fine time for Chief Economist Don Paarlberg to call a press conference and give the processors and retailers a public scolding for not reducing the retail prices of pork.

The Secretary and his advisers must become aggressive because farm returns are now the worst they have been since December 1933—away back 37 years ago.

Farm prices were at 68 percent of parity on November 15 this year, the lowest they have been since December 1933, when they stood at 67 percent of parity. Price trends indicate that by December 15 this year the ratio will be back at the 1933 level for December, which was 67 percent.

The vice president of the National Farmers Organization quoted White House Economist Henry Houthakker in my State recently as saying that the Department of Agriculture has been assigned a mission of wiping out family agriculture and getting farming concentrated in big corporations.

Mr. Houthakker denied it, but whether he said that, or anything similar to that, really is not very important.

The fact is that farmers are being bankrupted by the tens of thousands every year, and the numbers are going to rise as the administration's deliberate lower farm price policies drive prices and the parity ratio down to the levels of the great depression of the thirties.

We have a depression right now in agriculture, Mr. Speaker, and Mr. Hardin is not going to find markets enough in Eastern Europe to end it, nor will Mr. Paarlberg solve it by scolding processors and retailers. It will take more than these acts to reverse the farm price toboggan. Secretary Hardin and his advisers and Mr. Houthakker are fixing to be the chief pallbearers at the economic funerals of many thousands of farmers and people in and dependent on agriculture unless fair prices for producers are available at the markets. Sales promotion in Europe and "jaw-boning" the retail and processing food trade are fine, but it will take stronger medicine than that to reverse the parity slide, Secretary Hardin, Mr. Paarlberg, and the astute Mr. Palmby need to refigure their policy of units times price to recognize that when the price factor gets below cost the farmer cannot stay in business regardless of how many units he produces.

The Department of Agriculture is this week launching a new "set-aside" farm program intended to extend its gospel of more production at lower prices into the field crop segment of agriculture. Positive acreage controls are being abandoned and no one really knows how many phantom acres of cropland, which have been outside both allotments and conserving base acreage in past years, will be brought into production. No new regulations have been adopted to prevent these phantom acres from being cropped, or to adjust conserving base inequities.

Congress has written some minimum price support levels into the new program, but they are not high enough to halt the liquidation of farms and end the depression in agriculture, which is on right now.

I am disappointed and shocked that there is no sign of tightening the conserving base program to prevent a vast overproduction, or to correct the inequities in that program between the States. The Department's failure to institute reforms which would make the set-aside scheme considerably more certain to control production is pretty conclusive proof that this Congress made a serious mistake in accepting any compromise with the administration farm policy.

Members of this Congress who represent the rural areas which are already in trouble, and the urban areas where a new wave of migrants may be expected, can well spend their merry Christmas-happy New Year season this year considering just how long we can continue to let this type of farm policy bankrupt farmers, weaken the whole national economy, and add flames to the recession fires which could easily become another farm-led, farm-fed depression.

FREEDOM OF THE PRESS IN CUBA

(Mr. CAFFERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CAFFERY. Mr. Speaker, my good friend and able journalist, Robert Angers, Jr., of the Acadiana Profile magazine in Lafayette, La., has brought to my

attention a matter of importance, not only to those in journalism, but to every person in our land and throughout the world. Mr. Angers was in attendance at the Inter-American Press Associations'—IAPA—26th annual meeting in Mexico City earlier this fall when that organization adopted a resolution regarding freedom of the press in Cuba. This resolution brings to our attention a deplorable situation where a neighboring nation's people are deprived of a free press and where more than 40 journalists remain in prison.

It is praiseworthy that the Inter-American Press Association should not forget its fellow journalists in prison, and I am firm in my opinion that we as a Nation cannot ignore the rights of all men to freedom of the press, especially here in our own hemisphere. I, therefore, would like to bring the resolution of the IAPA to the attention of my colleagues and place it in the RECORD:

RESOLUTION OF THE INTER-AMERICAN PRESS ASSOCIATION, XXVI ANNUAL MEETING

Whereas, Freedom of the Press is still nonexistent in Cuba and more than 40 journalists remain in prison,

Be it resolved—

1. To ratify as a high priority matter for the IAPA the continuation of efforts to achieve the freedom of the heroes of the press still in jail in Cuba.

2. To launch a wide international campaign aimed at gaining the liberation of these prisoners.

3. To request once more that all members of the IAPA comply with a prior agreement under which they will permanently publish, in each of their editions, a box in which it is stated that there is no freedom of the press in Cuba and that 40 Cuban newspapermen are still in Castro's prisons.

4. Direct the Special Committee on Cuba to carry out these efforts and to promote the contacts necessary to the achievements of this end.

(Mr. HUNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNT. Mr. Speaker, I want to call to the attention of the Members of this House, a matter that is of vital importance to all Americans. In September 1969, the school board at Netcong, N.J., instituted a voluntary prayer exercise, before regular school hours, consisting of a reading of the prayer that appears in every issue of the CONGRESSIONAL RECORD. At this point, it is interesting to note that just yesterday the House approved a concurrent resolution to provide for the printing of the prayers offered by the Chaplain as a House document. In any event, subsequent to the action of the Netcong School Board, the then attorney general of the State of New Jersey, Arthur J. Sills, ruled that this voluntary prayer exercise was in contravention of the U.S. Supreme Court's 1965 ban on prayers in the public schools.

Despite this ruling, the school board voted overwhelmingly to continue the exercise, and well they should so that the attorney general's words would not have to stand as the gospel truth. Unfortunately, the legal battles that followed in the State courts at the instigation of the State department of education were lost by the school board. I am pleased to report, however, that as of yesterday, the board voted to carry the fight to the U.S. Supreme Court. I trust the Court will hear this case and will respond to the large majority of Americans who have felt that the Court's prior prayer decisions have gone a long way toward imposing a "religion" of secularism.

On its face, it is extremely difficult to comprehend how this inocuous exercise—the voluntary reading from the CONGRESSIONAL RECORD of the Chaplain's prayer before school hours—violates the spirit of the Constitution. In my estimation, it is the denial of this right that is a gross distortion of the ideals and aspirations of our Founding Fathers. I commend the Netcong School Board for its determination and its unequivocal belief that its position is in the best of American traditions.

ROGERS SCORES NAVY FOR OIL DUMPING—CALLS FOR HALT

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, for the second time in less than a year the Department of Defense has used the ocean off the coast of Florida for a dumping ground. This has dismayed and angered the people of Florida and if reports of the prevailing tides and winds hold, it will mean damage to the beaches of northeast Florida and destruction to the marine environment of this area.

Earlier this year the Army dumped nerve gas coffins off the coast of Cape Kennedy.

Monday the Navy dumped between 500,000 and 625,000 gallons of oil, sludge, and bilge off the coast of Jacksonville and this floating ecological disaster is scheduled to hit Florida beaches later today.

I would make one point very clear—this was not an accident, a spill or some unpremeditated act. The Navy deliberately dumped this in the ocean.

In a time when the Congress and the Federal Government is supposed to be finding ways to halt pollution and the destruction of our environment. I find it incredible that such an arm of the Government as the Navy is carrying on such a countereffort.

The official Navy response to the situation is that the Navy was completely within its legal rights because the dumping was accomplished 50 miles from shore.

Such logic in the light of the potential environmental loss is astonishing, and frightening.

The United States is a signatory of the 1954 international convention for "the prevention of pollution of the sea by oil" which forbids the dumping of oil. But the Navy, apparently, is exempt from this because of a minor clause.

So now we see the Navy talking of their legal position as if the matter is a question between the best interests of the Navy versus the best interests of the State of Florida and the United States in general. I find this both shortsighted and offensive.

The Navy has said it will not get "legalistic" if the oil hits the beach. This mean the Navy will not debate the rightness or wrongness of its action, but will "bend every effort to help the local communities with their problem."

This is a master stroke of reverse thinking—the Navy helping Florida with Florida's problem. The problem of oil on the beaches of Florida is a direct result of Navy neglect and shortsightness.

I personally feel that the State of Florida and the individual citizens adversely affected by the oil have rights under law to sue the Navy and/or the Federal Government for damages.

I am, therefore, calling for a complete and immediate investigation into the matter by the Committee on Merchant Marine and Fisheries and wiring the Secretary of Defense and the Secretary of the Navy asking that any other such dumping, either off Florida or any other State, be immediately suspended until the hearings are concluded.

RETURN OF LITHUANIAN REFUGEE

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the return of the Lithuanian refugee Simas to the Russian trawler last week was outrageous. The entire action was completely contrary to the American principles and ideals that we profess to believe in. I sincerely hope that the investigation headed by our colleague from Ohio (Mr. HAYS) will reveal just what kind of misguided policies can lead to such an incident.

I am personally disgusted at the ball-bouncing between the State Department and the Coast Guard over just who is at fault in this incident. Frankly, those persons on the vessel must share in the fault, but those in Boston and in Washington who obviously issued the final order to release the refugee must certainly bear the major load of the blame. As soon as a person asks for refuge there should be no question about its being granted, either at the point of action or at policy setting level.

Moreover, the fact that it was a Lithuanian on a Russian ship is significant. This nation has not recognized the illegal Soviet occupation of the Baltic States. To this day, there are diplomatic delegations in Washington from Estonia and Latvia as well as Lithuania. Yet Lithuania's charge d'affaires here was not even notified.

The President has called for an investigation and has deplored the incident. However, the likely result of this type of report will be just a weak claim that bad judgment was used or policies were misunderstood. Hopefully, the able subcommittee members will get to the bottom of this despicable incident. I strongly suspect that they may discover another case of the bureaucratic bungling resulting from an overstaffed State Department.

DRIFTING TOWARD POST-CONSTITUTIONAL AMERICA

(Mr. GALLAGHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GALLAGHER. Mr. Speaker, during the past 6 years, I have been chairman of the Privacy Subcommittee within the Committee on Government Operations. My concern, expressed simply, is that many trends today seem to be leading our Nation away from the vision enunciated by the Founders and into what I term "post constitutional America." Many news items fill the papers and the television each day about the gradual erosion of human values we in the Congress have permitted to take place. Most often, I must say, the legislative and executive branch proposals are not designed to repress our citizens; they are offered merely as an efficient and economical way to deal with a pressing social problem. The net effect of these incremental additions to the arsenal of anti-human forces, however, is that a structure is being constructed which places a powerful temptation in the path of those who would maliciously alter the intricate social cohesiveness guaranteed to our society by the Bill of Rights.

Mr. Speaker, many fine books have been written on this subject and many magazine articles as well. One of the most impressive treatments of the entire problem was published in the Christion Science Monitor last month. Its author, Robert Hey, blends the awesome amount of supporting material into a splendid five-part series. I believe his work lends solid evidence to my continuing call for a major, fully funded, and fully staffed Select Committee on Privacy, Human Values, and Democratic Institutions here in the House of Representatives. I am pleased to insert it in the RECORD at this point:

WHAT THEY KNOW ABOUT YOU

(By Robert P. Hey)

WASHINGTON.—The privacy of individual lives in America is being invaded and entangled by information gathered secretly, and often inaccurately.

Bernard Wilkoff knows all about it. When he applied for a major medical policy for himself, his wife, and his three children 12 years ago, the insurance company said fine—but it would not cover his wife.

Why? The company refused to say. He tried another company. Same answer. Finally he learned why.

A retail-credit company insisted his wife was an alcoholic. Mr. Wilkoff was outraged. His wife, he said, did not take more than five drinks a year.

Yet today, 12 years later, his wife is still without medical and life insurance. The credit company has not replied to Mr. Wilkoff's letters. Legal action is too expensive for him.

This was one of several accounts a subcommittee of the Senate Committee on Banking and Currency heard in its probe into how information is collected on individual Americans.

Another case involved a man who couldn't get credit for more than 15 years because a credit bureau had him tagged with failure to pay a divorce settlement. Actually, he had settled what he owed within two months.

These and other stories paved the way for Congress to pass a bill reining the power of credit bureaus and to give the individual recourse if false reports are made.

But the broader issue in the United States still is not solved—the issue of how to protect privacy and due process in a period in which more and more information about individuals is gathered, stored, and made available to others who seek it.

Potentially the most serious threat to individual privacy in America is government. Chances are the government knows a good deal about you—more than you realize.

In fact, it's very unlikely you're not on some government list:

If you're a taxpayer, the Internal Revenue Service (IRS) has you. And the IRS sells segments of its list to 30 states and the District of Columbia. So that's 31 sublists.

You're also a number in Social Security Administration files.

Then there's the Department of Transportation. It has you listed if your license has ever been revoked or if you have ever complained to government officials about your car. (Some 5,500 Americans are in the Irate Owner Complaint file.)

The Civil Service Commission has a list of some 10 million people it has investigated for possible government employment.

The Secret Service has a list stuffed in computers of people who might cause potential harm to a president. Included are professional gate-crashers, and people who "insist upon personally contacting high government officials for the purpose of redress of imaginary grievances."

The Justice Department has a list of 13,200 people whose names have turned up in reports on civil disturbances. Information sources include newspaper clippings and wire-service reports.

The Army admitted early this year it had lists of people who have taken part in anti-war meetings and other occasions that concerned it for some reason. It says it has destroyed the master list, but many civilians aren't so sure.

There are other kinds of lists, too.

During the mid-1960's a Senate subcommittee piloted by former Sen. Edward V. Long of Missouri minutely investigated the number of times government had access to the names of its citizens. It announced that federal investigators had access to 264 million police records and 323 million medical histories. That's a lot of records for a country with about 200 million people.

If you've answered an ad somewhere, you might have been "fortunate" enough to wind up on a mailing list for vacation homes—or pornographic literature.

And if you've registered the car you drive you might live in a state that sells its registration lists to people who want to send you third-class mail you might not want.

These and a lot of other lists have very legitimate uses, of course. And nobody really thinks most of them are being misused—now. But Sen. Sam J. Ervin Jr. (D) of North Carolina and an increasing number of other Americans are concerned that too many people are getting on government lists and aren't told they're on. They charge many Americans' present privacy is being invaded by their inclusion on the lists—and by the handing out of information for some of those lists to other government and private agencies.

Concern is being voiced about something else, too. The push is on in government—and out of it, for that matter—to computerize these lists. Misuse of computer-stored information, it is alleged, could open the way to dictatorship in the United States.

Senator Ervin is gravely concerned about the lack of public reaction to much of this potential for misuse of information.

"I don't think the public generally knows what's going on. Americans don't realize what's being stored up on them," he said.

HEARINGS SCHEDULED

The Senator has announced that comprehensive hearings on computers and data banks will begin in January. He wants controls to be put on what information is put into data banks, whom it is about, and who is to have access to it.

He warns: "Unless new controls are enacted, new legal remedies are provided . . . we stand to lose the spiritual and intellectual liberty of the individual which have been so carefully nourished and so valiantly defended and which our founding fathers so meticulously enshrined in the Constitution."

Similar sentiments are voiced by Rep. Cornelius E. Gallagher, a New Jersey Democrat who since 1965 has been leading the privacy fight in the House of Representatives: "If we don't preserve human values, then we are less than men. And we have less than liberty."

The American historical and legal notion of privacy stems from interpretations of several articles in the Bill of Rights, the ten original amendments to the United States Constitution. Particularly important are the First, Fourth, and Fifth Amendments.

In this increasingly complex society, both government and the private sector seek—and often need—much information on which to base decisions about the needs of Americans. It is to provide this information that computers and other sophisticated means have come into increasing use.

But too often the kind of protective approaches necessary to protect individual privacy have been lacking.

FEDERAL COMPUTERS CAN BE GOSSIPY

(By Robert P. Hey)

WASHINGTON.—In his Midwestern high school he was a rugged football player, a happy-go-lucky sort. Like a lot of other kids he sometimes drank too much and wasn't too serious of purpose.

After graduation he thought of joining government as a civilian—even had the necessary personnel investigation. Instead he signed up with the Air Force, met the girl for him, and started to settle down.

After discharge, came college, then earnest preparation for a professional career.

But a not-so-funny thing happened on the way to that career.

One of the criteria for entry into his chosen field was membership in a professional organization. That organization thumbed him down.

Somehow it had gotten corporate hands on the old, supposedly confidential government personnel investigation. It dwelt heavily on neighbors' gossipy recollections of his high-school years. The organization didn't like what it read. The result, he couldn't practice his prepared-for profession. He considers his life shattered.

RIGID REGULATIONS URGED

It's a true case. And it's the kind that could be repeated again and again unless somebody takes firmer steps than taken so far to limit the information that computers can collect, data banks can store, and people can siphon out of storage.

Says one privacy specialist—who wishes to retain his own privacy: "Technological progress in the past decade now has made it feasible to store great amounts of information about people, and hand it out to those who ask it. What we have not done is develop rules for what information should be stored, who should be allowed access to it—and to how much of it."

Lawrence Speiser, director of the Washington office of the American Civil Liberties Union, long has been concerned with the privacy question.

He says the most important—and ominous—area of privacy invasion today is "a combination of increased efficiency in sur-

veillance techniques and mechanisms, and the increased efficiency in storing and distributing information about privacy—computerization. That's the new factor that we haven't quite come to grips with and quite figured out how to handle."

USE OF COMPUTER STRESSED

But everyone agrees that the computer of itself does not invade privacy. Rather, it is the way it is used—or abused.

In fact, many insist that the computer if properly used actually can help individuals retain their privacy—and, specifically, keep the information which they surrender about themselves more confidential than was possible in precomputer days.

Dr. Alan Westin, Columbia University professor and author on privacy, is conducting a two-year study of computers and privacy. Sponsored by the National Academy of Sciences, it is to be completed next April.

Dr. Westin believes the computer can be harnessed to increase privacy. In the April/June issue of IBM's Think magazine he wrote:

"It is possible to keep sensitive personal information to the proper minimum; store it more securely; and disseminate it according to a more self-conscious concept of the citizen's right to privacy under computerized data systems than has really been the case under the leaky, easily reached, and readily consolidated filing cabinets of the precomputer system."

But not everyone is so optimistic. The rapid growth in computer use by the government worries many privacy experts.

Earlier this year the federal government's General Services Administration surveyed federal agencies to determine how many computers they owned or rented. It found that on June 30, 1970, the government was using—owner or rented—5,277 computers. Back in 1959, there were only 403.

JANUARY HEARINGS PLANNED

The GSA found the military services had the most computers: as of last June 30 the Air Force had 1,210, the Army 927, the Navy 894. Next: the Atomic Energy Commission 754 and NASA 692.

Sen. Sam J. Ervin Jr. (D) of North Carolina is so concerned about government storage and computerization of information that he has scheduled hearings on the issue in January.

Already his staff spadework bears out the GSA survey and indicates that in many cases little thought has been given to the need for firm controls on what information is stored and who has access to it.

Many people had thought the issue was laid to rest in the late '60's, when the 1965 proposal of the Budget Bureau that there be a national computerized data center was quashed.

Congressional testimony at that time raised the specter of such a national center's knowing just about everything there was to know about every American—Big Brother come nearly to life.

Specialists in the privacy field, however, charge that there is something akin to a de facto national data center anyway:

"What's happened," say Mrs. Speiser, "is that you computerize information, and then you connect [the computers in different agencies] by telephone lines."

In a view subscribed to by others similarly concerned about encoachment on privacy, he says that if records different agencies hold about the same individuals are ever keyed together—for instance, through use of social security numbers—the result could in fact be one grandiose federal data center.

That is why privacy watchers again are sounding the alarm.

Senator Ervin's investigators—who are still collecting information—have found that in several federal programs names of Americans are put into various data banks. The individual is not notified, nor are there any firm restrictions on who may see the information and who may not.

The Justice Department, for example, told Senator Ervin that "there are no written comprehensive guidelines governing disclosure of data" in its 13,200-name civil-disturbance file.

ACCESS "SEVERELY LIMITED"

Justice officials insist that access to information in the file is "severely limited" and is granted only "on a need to know basis" to law-enforcement officials.

Justice aides describe this as a "full-automated" file. It contain names of people who were mentioned in connection with civil disorder or with events which have had potential for such a disorder."

The Justice Department's letter to Senator Ervin said: "The data maintained in this system is collected pursuant to established investigative procedures, from files of the Department of Justice and from various public sources such as the wire services."

Privacy specialists say that public records, such as wire service and newspaper clippings, are not always accurate and that innocent as well as guilty people might be included in reports on civil disturbances.

Therefore, they hold, a file which includes information from these sources particularly needs carefully thoughtout guidelines as to who should have access to its contents. In the wrong hands they could be unfairly and dangerously used.

One of the problems with computer-divulged information, a privacy specialist notes, is that the mere fact the data spews from a computer gives it an aura of accuracy. People who look at it often forget that even though a computer may be infallable, the person who puts information into it is not. Nor are the people who give the judgments about a subject, which then is put in his computer file.

MORE SHARING ANTICIPATED

Increasing government use of computers increases the likelihood that computers in one agency will "talk" with those in another—share information, which may be of dubious or outdated accuracy. The result can be devastating to the person involved—and, possibly, he will not know why his life suddenly went askew.

One of the subjects Senator Ervin wants to scrutinize most carefully at his January hearing is the military data banks on activities of civilians—and of military men.

Christopher Pyle, a former Army counterintelligence officer, caused a nationwide furor by writing in the January issue of Washington Monthly that the Army had 1,000 counterintelligence agents in the United States collecting and putting in data banks information about various politically active civilians.

The jurisdiction for this activity was that in time of major civil disturbance, the military would have responsibility for keeping order.

The Army subsequently admitted it had been engaged in gathering such information. After public pressure it said it was destroying the computerized tapes containing such information, kept at Fort Holabird, Md.

Mr. Pyle then wrote in the July issue of Washington Monthly that despite assurances to the contrary, Army surveillance of civilians had resumed. He also charged that regional data banks containing this information remained.

BANKS LINKED TO NETWORK

It was enough to make Senator Ervin say with alarm that the Army data banks "appeared to be part of a vast network of intelligence-oriented systems which are being developed willy-nilly throughout our land, by government and by private industries.

"I believe that in these systems, where they contain the record of the individuals' thoughts, beliefs, habits, attitudes, and personal activities, there may well rest a potential for political control and for intimidation which is alien to a society of free men."

One of the things the Senator particularly asked for in a letter to the Department of Defense this past July was information on a May memorandum to personnel of Sheppard Air Force Base in Texas. It was signed by a high officer on the base.

Headed "Reporting subversive activities," it instructed base personnel that because it was possible—though "remote"—that civil demonstrators might try to disrupt activities at the base, everyone should be alert for several kinds of activities, which should be reported to high authorities at the base.

The 11 activities included: Congregation of unauthorized persons, persons making statements with racial overtones, personnel making statements which indicate disloyalty to the United States, personnel making statements in support of the antiwar demonstrators.

PENTAGON INVESTIGATING

These criteria seemed vague and personally intrusive to some. The Department of Defense replied to Senator Ervin that it didn't know off hand of any similar memos, but that it was thoroughly investigating to see if any had been written at other bases.

It reported that the Sheppard Air Force Base memo had been rescinded but admitted that it had been replaced by another that was similar in purpose and questions.

Some of the situations requiring reporting under the second memo seemed nearly as vague and intrusive as those in the first. They included: persons unlawfully making provoking statements with racial overtones and persons attempting to attack morale and incite disorder by spreading antiwar sentiments in public places on Sheppard Air Force Base.

That memo, too, has since been rescinded. But in the opinion of several privacy specialists here, the mere fact that either memo was written illustrates how potential invasions of privacy and due process can occur from local interpretation of too-general guidelines—in this case, keeping an eye out for potential civil disturbances.

HOW SECURE IS YOUR CASTLE?

(By Robert P. Hey)

WASHINGTON.—Armed with pistols the sheriff's deputies smashed down the door with a sledgehammer. "We're looking for drugs," they told the terrified woman who stumbled sleepily from the bedroom.

They didn't find any. They had crashed their way unannounced into the wrong apartment. They apologized and hurried off in search of the right apartment to smash into.

The episode happened earlier this year in Prince Georges County, a Maryland suburb of the nation's capital. By almost everyone's admission it is an extreme example.

But civil libertarians warn that unless present trends are checked, this and other types of physical invasion of innocent people's privacy are likely to occur with rising frequency. They charge that several laws recently enacted in an effort to solve grave social problems also permit the infringement of personal privacy. They believe the net effect is negative—a dangerous erosion of individual liberties.

LEGISLATION SPELLED OUT

Their principal concern is that in the hands of the wrong men—malevolent men—these laws could become instruments of a governmental Big Brother—a police state.

Involved are:

A law passed by Congress this year which permits District of Columbia police to enter dwellings without announcing themselves—so-called "no knock" action. Police must

have prior approval from a judge for the raid. They're required to ask him for approval to stage a "no knock" raid if they expect one will be necessary. But they can act on their own if they later find circumstances so dictate. This legislation also expands wiretap authority of D.C. police.

A law passed two years ago which legalized wiretapping by police for several kinds of crime.

A bill passed this year by Congress and signed into law by the President Oct. 27 which permits "no knock" raids—but requires prior judicial approval—to be conducted in federal drug cases.

ABUSES FORECAST

Critics charge that such laws open the door to abuse. They say that mistakes will be made carrying them out—witness the Prince Georges County 2 a.m. raid on the wrong apartment.

More important, they warn, these laws may serve as models for state and local laws. (Last year Attorney General John N. Mitchell spoke of the D.C. crime bill as "this model anti-crime program [which] will point the way for the entire nation.") Critics are concerned that a proliferation of such laws will result in a proliferation of privacy invasions.

Perhaps the sternest warning of dire long-term consequences of "no knock" came from Sen. Sam J. Ervin Jr., the North Carolina Democrat who long has been the Senate's leading defender of the individual's rights of privacy.

During the debate on the D.C. crime bill the Senator read a newspaper clipping of the Prince Georges County raid. Then he quoted 18th-century English statesman William Pitt as having said during parliamentary debate:

" 'The poorest man may, in his cottage, bid defiance to all the forces of the crown. It may be frail. Its roof may shake. The wind may blow through it. The storm may enter. The rain may enter. But the King of England cannot enter. All his force dares not cross the threshold of that ruined tenement.' "

MAN'S HOME HIS CASTLE?

"In these words," said Senator Ervin, "William Pitt was proclaiming what has always been one of the proudest boasts made by our law, that every man's home is his castle. That has been the law of the United States, not only at the federal level but also at the state level ever since George Washington took his first oath of office as President of the United States.

"Mr. President, here we have a proposal, made in the good year of our Lord 1970, that a man's home shall no longer be his castle, that any officer of the law having the power to make an arrest or to execute a search warrant, shall have the legal power to enter the home of any citizen of the District of Columbia, in like manner in which a burglar now illegally enters the homes of people to rob them—in other words, by threat or stealth or by force."

Congress chose to disregard the Senator's warning.

Defenders of these recently passed laws say critics lose their perspective. They say that although individual mistakes will be made, there won't be wholesale violations of privacy—for instance, no plethora of "no-knock" raids—because for one thing police realize they're dangerous to the raiders, too. Some householders would shoot on sight anyone who burst in.

PROVISIONS LISTED

But civil libertarians are unconvinced. They point to provisions of the "no knock" laws.

The D.C. crime bill permits police in the District—with a warrant from a judge—to enter buildings and apartments without first identifying themselves if they have "probable cause to believe" that identifying themselves "is likely to" result in:

Destruction of evidence.

Danger to their lives or someone else's.

Escape by the person to be arrested.

A needless exercise because the people inside know police are coming in.

If one of these four circumstances is known in advance, police are to inform the judge who issues the warrant, in order to conduct a "no-knock" entry. However, they may enter without knocking anyway if—possessed with a regular warrant—they discover at the last minute that one of the four conditions does exist.

Rep. Cornelius E. Gallagher (D) of New Jersey listened to much of the debate on the D.C. crime bill. Included in defense of "no knock" was the argument that in narcotics cases guilty parties flush any narcotics—the necessary evidence—down the toilet before they answer an officer's knock.

AMENDMENT OFFERED

So the New Jersey Democrat sarcastically offered an amendment to the bill: "Whoever owns a building or other structure in the District of Columbia which contains indoor plumbing shall be fined $5,000."

"As I sat here through the debate," he said with tongue only halfway in cheek, "it struck me how terrible it was that the invention of indoor plumbing has become the apparatus to cause the Fourth Amendment to disappear." (This constitutional amendment protects "the rights of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.")

Mr. Gallagher said he had "no argument with the intention of this bill" but that he felt it raised enormous problems for personal liberty.

"It seems that we really have not carefully considered the aggregate effect of the legislation we are so eagerly and totally embracing. When you restrict one freedom today, it becomes that much easier to restrict another tomorrow."

His amendment didn't win, of course—but the bill did, 294 to 47, its "no knock" provision intact.

PROVISION DIFFERS

The drug law, like the D.C. crime law, permits "no knock" entry—but with an important difference. It flatly requires the federal agent who stages the raid to have obtained "no knock" permission in advance from the judge who issued the warrant to permit the raid. The agent is forbidden to decide for himself, at the scene of the raid, to stage a "no knock" entry.

As with the D.C. crime measure, the drug law requires the agent to convince the judge that if he knocks, evidence might be destroyed or that his life or someone else's would be endangered.

But "no knock" is only one of the modern battering rams hammering away at the citizen's castle of privacy. A second takes the form of the electronic wiretap. It is less violent, but is of no less concern to civil libertarians.

The D.C. bill expanded the authority of district police to wiretap and eavesdrop. Under it they can install wiretaps in an effort to combat a range of crimes now including: arson, abortion, blackmail, bribery, burglary, destruction of property worth more than $200, gambling, grand larceny, kidnapping, manslaughter, murder, obstruction of justice, receiving stolen property worth more than $100, and robbery.

Critics charged this is all-too-wide a scope for wiretapping and electronic surveillance—that it comes too close to being carte blanche for an invasion of many people's privacy.

Defenders of the section pooh-poohed the criticism, saying tapping is a useful police too—and that it need not lead to overuse.

Most people who have looked at the problem think the use of wiretapping is definitely up since the '68 law—but no one is sure just how much.

Attorney General Mitchell told a convention of the International Association of Chiefs of Police this year that federal wiretapping, authorized by the 1968 Omnibus Crime Control and Safe Streets Act of 1968, has proven a valuable tool in combating organized crime.

He reported that during 1969, 30 federal wiretaps and 241 state wiretaps were made. He said 80 percent of the messages heard through these wiretaps contained incriminating evidence and that the taps resulted in 139 arrests.

Between February 1969, and July 13, 1970, he reported 133 federal wiretaps were put into effect, and arrests resulted from all but 12 of the taps.

PREJUDICE SEEN

He said the arrests and resulting indictments proved the government was not using its taps as "fishing expeditions."

He went on to say that the subject of wiretapping "is charged with emotion and prejudice. Wiretap triggers in many people all manner of bogeys—flagrant invasion of privacy, thought control, and repression. . . .

"In reviewing our use of wiretapping in the past year and a half, I think you will agree that the only repression that has resulted is the repression of crime."

Not everybody is so sure. Several privacy specialists cite loopholes in the law which allow many—perhaps even most—wiretaps to go unreported.

Lawrence Speiser, director of the Washington office of the American Civil Liberties Union, says that the record-keeping required by the law "has been pretty sketchy." He says there are two major holes in the collection of statistics:

Tapping done in the interests of national security doesn't have to be reported. "I really think that's most of the tapping done by the federal government," says Mr. Speiser. This category encompasses tapping of foreign embassies—such as the Soviet, which everyone assumes is somehow tapped—to the presumed tapping of domestic organizations—like the Black Panthers or civil-rights organizations.

Emergency wiretaps can be installed if there isn't time to get court permission. Or they can be installed anyway, provided court permission is obtained within 48 hours.

LIMITS PROPOSED

"My hunch is," says Mr. Speiser, that a lot of taps are put in, then taken out within 48 hours if they haven't proven fruitful—and thus need not be reported.

Dr. Alan Westin, a Columbia University professor who has conducted several studies of privacy, praises several aspects of the law. But he similarly objects to the 48-hour emergency wiretapping provision ("unclear," he says) and the fact that in national-security investigations tapping is permitted "against any other clear and present danger to the structure or existence of the government" (he calls it "vague").

Writing in the May–June, 1969, issue of IBM's Think magazine, Dr. Westin recommends that wiretaps be confined to a few very dangerous crimes—national security, murder, kidnapping, or "crimes directly imperiling human life."

Bernard Fensterwald Jr. is particularly cynical about the 48-hour provision, claiming it "guts all the restrictions" in the bill. He was a counsel to former Sen. Edward Long, who held extensive wiretapping hearings during the mid-1960's.

Mr. Fensterwald says the 48-hour emergency provision "means that anyone who's caught tapping simply says that he intended to go down in the morning and get a court order." Thus, he charges, any law-enforcement officer really can use it "for any pur-

pose he wants to. . . . The limit on it is manpower, and the fact that it's not terribly productive for most types of criminal detection."

HOW MANY CHINKS IN YOUR PRIVACY WALL?

(By Robert P. Hey)

WASHINGTON.—Jim S. is a friendly midwesterner who's good with figures—one of his company's really promising accountants. In nine years he's risen with abnormal speed through seniority-laden ranks.

But a month ago he nearly lost his job. His employer kept insisting that he buy U.S. savings bonds through payroll deductions—and he kept saying "No." He felt it was an invasion of privacy—whether he bought bonds was his business, not his employer's.

The concern he works for is a major government contractor. With the Vietnam war winding down, it foresees fewer contracts for all. It figures if it can boast to "Washington" that "100 percent of our employees buy government bonds," that just might help land some juicy contract.

Jim still can't quite believe what happened. This summer his supervisor asked him—and everyone else in the department—to buy bonds. Only Jim refused (citing high family expenses at the time).

Next the supervisor's supervisor tried. Then someone higher up the ladder pressured him. By this time Jim was more adamant than ever.

(Jim, incidentally is no professional rebel. He can't stand long hair, hippies, or demonstrations. He voted for Mr. Nixon in '68; applauds Mr. Agnew's speeches today.)

SUMMONED TO FRONT OFFICE

Finally the chief accountant summoned him. (It was the first time in his nine years with the company that Jim had met him.)

When Jim entered the office, the boss erupted in a five-minute spiel on the virtues of government bonds; then mentioned that due to shortage of orders the company would have to let some accountants go. Finally he looked hard at Jim: "Now—you *will* buy bonds, won't you?"

"When he said that," Jim recalls dourly, "I realized my job really depended on whether I joined that bond drive." He signed up—and has kicked himself ever since for capitulating.

Jim reflects wryly that "one of the supposed purposes of buying U.S. bonds is to protect freedom. I wonder whose?"

The incident has become nothing more to Jim than an annoying invasion of his privacy. But what if he'd stuck to his guns and been fired? On recommendations for future jobs, would his employer have given as reason for firing "refusal to buy U.S. bonds"—or would the company have trumped something up?

In any case, Jim's experience is but one illustration of the pervasiveness of invasions of Americans' privacy. Some of them can ruin lives—like psychological and lie-detector tests and the credit reports that occasionally victimize the innocent.

Privacy experts say that in addition to "no-knock" laws and wire taps (discussed previously in this series), several areas bear watching. They include:

Psychological testing—there's more in industry in recent years, less in government. (But the latter could reemerge.)

Sale of mailing lists—by government and private industry.

Questionnaires from government—the required census questionnaires; the voluntary ones sent out on behalf of other agencies—in which participation so often is assumed to be equally required.

Administering of drugs to some schoolchildren to calm them. The subject raised congressional hackles this year. Some observers said the potentials for abuse are frightening.

Credit investigations—a problem which may be nearing solution. Congress this year passed a bill which gives consumers a chance to have their side of the story told in credit agency reports—and a legal comeback if agency negligence hurts them.

Coercion for "good causes"—as in the case already cited. There's much less in government, thanks to congressional publicity; an unknown amount remains in private industry.

Rep. Cornelius Gallagher is quite concerned about the frequency of psychological and lie-detector testing in private industry. In a view endorsed by others who have devoted much time to the privacy issue, he says industry's use of psychological testing is "growing rather rapidly." He readily concedes to industry "a need to know aptitude, skills, reliability. All of these things are part of a question of employoment. But not the sex life. Not the religious life. . . ."

Of lie-detector tests he says: "It's booming in industry as a way of life, as enforced honesty . . . giving no benefit of the doubt to any employee.

"One of the great shoe chains in America—and many other chains, I might say—give lie-detector tests to their employees every two weeks to see if they're stealing a pair of their shoes or a pair of socks."

He and many others also are concerned about what they consider the prying nature of some aspects of psychological oriented tests and questionnaires given schoolchildren. He is concerned that there are such questions as, "How do your parents get along?" and "Do you have a vacuum cleaner in the house?"

"Not only do they invade privacy, but the presumed confidentiality of the answers is often broken. I used to teach school. The answers often become common gossip in the teachers' smoker. And before you know it, people's reputations are totally destroyed. And they don't even know why."

MANY TEACHERS CONCERNED

Some teachers are pretty concerned about another point. The answers and resulting interpretations of home life or the child—right or wrong—can follow and limit a child throughout his school years.

For government employees, however, the picture is somewhat brighter. Far fewer of them nowadays face lie-detector or psychological tests than during the mid-'60's—largely as the result of pressure brought to bear by Congress, and especially by Sen. Sam J. Ervin Jr. (D) of North Carolina.

Several egregious cases of gross invasion of employees' privacy, well publicized, helped pressure federal agencies into limiting this kind of testing.

One particularly well-known 1968 case involved the 2½-hour lie-detector interview of a young government clerk who was asked questions such as: Was she homosexual? Did she use birth control pills? Had she ever had an abortion?

She said she felt she had been "mentally raped" by the interview—as the result of which her security clearance was removed and she was fired on vague grounds of "immorality." (In time this verdict was reversed.)

Senator Ervin, however, is under no illusion that the congressional heat of the moment will prove longlasting. He is pressing a measure which has been called a "bill of rights" for government employees. Except for the FBI and, to some extent, national security agencies, it would prevent federal agencies from asking employees about personal subjects such as their religion and sexual lives.

The Senator feels this is particularly important because industry and state and local governments look to the federal government to set the pace.

In recent years the federal government's investigation system has been changed to safeguard the right of privacy of anyone who applies for a government job. The questions asked do not range back so far in time, for instance. Routine questions about race and religion are out. And on the criminal front, the applicant now is only asked about convictions, not arrests.

But once a person becomes a government employee, as things now stand, he often feels—in the words of one—"disenfranchised. Once you're in the system, you discover that the best way to survive is not to make waves—which means not to bring up controversial ideas."

Last May some 250 State Department and AID employees signed form letters to Secretary of State William P. Rogers expressing respectful personal opposition to the Cambodian incursion.

Word was leaked to the press. Subsequently, some 50 of the foreign service officers who signed—mostly young—were called in to chat with Undersecretary of State for Administration U. Alexis Johnson. They were reminded they had a duty to support administration policy but that there would be no reprisals. Many present nevertheless felt they had been reprimanded and resented what they considered an implication of disloyalty.

Later Clark Mollenhoff, then a White House aide, requested the names of the letter signers, and got them from undisclosed sources within the department. (The White House subsequently denied any "dossiers" were being prepared on the signers.)

There is some concern among government employees that the signing in fact will be "remembered" by the government.

MAILS A TOUCHY POINT

Important as this whole area is to many here in Washington, the public at large is more excited by privacy issues which touch them directly—such as sale of mailing lists and government questionnaires, specifically census.

Several bills have been filed in Congress this year to prevent—or control—government sale of mailing lists for commercial use, generally to bulk mailers. A House committee held hearings on the subject in July, during which Rep. Ken Hechler (D) of West Virginia laid out the problem.

"Every congressman has received hundreds of letters from shocked constituents whose names somehow have turned up on mailing lists sold to purveyors of pornographic literature. . . .

"One of the chief offenders in the sale of mailing lists is Uncle Sam. It is incomprehensible to me that the federal government, which requires by law the licensing or registration of airplane pilots, ham radio operators, boats, and hundreds of other items and people, systematically turns around and sells those names and addresses without the consent of those forced to register. And when this is done for commercial purposes, I think it is wrong."

Rep. Frank Horton (R) of New York asked 50 federal agencies whether they sold mailing lists. He found some did, some did not. He found the Internal Revenue Service sold a list of 143,000 names of persons registered as gun collectors or dealers.

"The Federal Communications Commission," he said, "sells the names of 265,000 amateur radio operators, and the Federal Aviation Administration sells a list of 680,000 licensed pilots. The Coast Guard also sells the names of motorboat owners who are registered in New Hampshire, Washington, Alaska, the District of Columbia, and Guam.

"Since starting my investigation, I have received letters from individuals all over the country. Almost all these letters complain about invasion of privacy through the mailbox."

A year ago Congress was being flooded with letters complaining about questions proposed for the 1970 census. While the issue of census questions didn't have anywhere

near the long-range potential for misuse of a lot of other privacy issues, it was still an issue that touched almost everybody.

One of the most bizarre—and chilling—examples of potential privacy invasion concerns drug-research programs involving children judged overactive. A congressional hearing was held on the matter this fall. During it a government official estimated that from 150,000 to 200,000 children today are being treated in school with calming drugs.

While research officials who were questioned denied that parents were coerced to have their children participate in such programs, one mother, Mrs. Daniel Youngs of Little Rock, Ark., told a hair-raising story:

"One of the first things we had to take care of after arriving in Little Rock was the enrollment of our third-grade daughter and first-grade son [in school]. . . . The principal . . . took our children's report cards and studied them for a few minutes, and then made an astonishing diagnosis: 'Your daughter, Mr. and Mrs. Youngs, has minimal brain dysfunction' [a form of mild brain damage].

"This diagnosis, by the principal, was made solely on a report card. She had never laid eyes on our daughter. We protested strongly, but to no avail. . . ."

That was the beginning, Mrs. Youngs said, of great pressure to have the children entered in a drug-research program—supposedly so they would learn better.

PRESSURE KEPT BUILDING

"The pressure kept building. My son was not allowed to have recess with the other children because it was too stimulating. . . . [One] day my son came home crying hysterically. After I calmed him down I found out the problem. He had been put in a cardboard box for two weeks. I went down to the school in a rage. The box was gone. [The principal] said the box was removed because some of the parents were going to build wooden partitions to replace the box. They did not deny that the cardboard box had been used for him. 'He was easily distracted.' I was told this way he could learn without distraction.

"Near the end of the school year I received the final and decisive call from the school principal. At the meeting, [the principal] said my children were failing and since we wouldn't do anything about it, the school officials were very seriously considering taking it out of our hands . . . that the school officials were contemplating using our children in a trial court case, to see if children could be put in this program without the parents' consent."

To escape the situation, the Youngs family moved to another state.

Beside the issue of coercion, the hearing raised two serious questions:

Do schools label pupils hyperactive who are merely exuberant—or bored with what the school is offering?

What kind of credibility does an adult achieve when on the one hand he warns the child against the use of amphetamines and on the other encourages their use?

A week after the Gallagher hearing the Nixon administration said it soon would bring together a panel of top-level scientists to warn physicians and school officials against overuse of drugs to calm hyperactive children.

The list of privacy invasions goes on. Sometimes it seems there isn't very much that can be done about it—at least, not by the average American. But specialists on the subject say individual action can be taken—and results obtained.

HOW YOU CAN FIGHT BIG BROTHER

(By Robert P. Hey)

WASHINGTON.—Prof. Allan M. was provoked—and disturbed. He sat right down and fired off a letter to Sen. Sam J. Ervin Jr.

He told the Senate's leading privacy exponent that he had sought a government grant from the National Science Foundation for a scientific research project he wanted to do. The application form the NSF sent included blanks for the usual data—purpose of research, expected result, and so on.

But then came this one: project director's social-security number. The form also asked for the social-security numbers of the director's four top aides.

The professor concluded that the NSF wanted the social-security numbers so its computer could communicate with somebody else's—either to take or give information about the five individuals. He didn't feel the government needed to know these numbers.

Professor M.'s letter prompted the North Carolina Democrat to ask Health, Education, and Welfare Secretary Elliot L. Richardson about the use of social-security numbers—were they being used too often, with potential dangers of privacy invasion?

(The grant for this scientific research would come from Secretary Richardson's department.)

CLEAR IDENTITIES SOUGHT

In September Mr. Richardson wrote back that the government uses social-security numbers on its forms "as a means of clearly identifying individuals and avoiding the confusion and mistakes which can arise when a number of individuals have common or similar names." He spoke of severe restrictions on their use, to prevent any agency in most cases from "obtaining information from social security about an individual without his prior consent."

But Mr. Richardson did say he is concerned about possible abuses of individual privacy through misuse of social-security numbers. "Because of this concern," he reported, "the Social Security Administration is currently reviewing the policies governing the issuance, maintenance, and usage of the social-security number."

Too often when a person feels his privacy has been invaded he feels powerless. But Lawrence Speiser, director of the Washington office of the American Civil Liberties Union, points out that one person can effect change if only he knows whom to contact—as the professor did:

AUTOMATIC SIGNING DISCOURAGED

"There's a wide range of actions individually he might take which at least will raise the issue with someone. For example, there are a lot of questions on government forms that most people sign automatically"—like the NSF form.

People shouldn't sign automatically, says Mr. Speiser. They should raise the specific privacy issue with someone—their senator, representative, the American Civil Liberties Union. If these persons take up this issue with the appropriate government agencies, they very well may get action.

"But it requires somebody to raise the question. It doesn't always require a lawsuit—just an inquiry."

Senator Ervin offers similar advice, though he isn't quite so optimistic about the chances of success:

"About all the individual can do is to call the attention of people" to the specific privacy invasion he is facing. "And also ask his senator and representative to do something about it."

Rep. Cornelius E. Gallagher, the primary privacy specialist in the House of Representatives, gives similar advice—write your elected representatives, including the President. Mr. Gallagher has an additional suggestion:

"I think the average guy has to, somewhere along the line say 'no' to all of the encroachments in his private life." He speaks specifically of the privacy invasions many industrial employees face from their employers—overly personal interviews, and in some cases the use of psychological testing, lie detectors, clandestine on-the-job surveillance.

LAXITY BY UNIONS CHARGED

The New Jersey Democrat comes down hard on unions on this issue: "I think that the unions are extremely lacking in any collective kind of approach to this problem . . . they all feel it. They all are aware of it. They all want to do something about it.

"But I haven't seen any big movement on the part of labor to become involved in this issue. . . ."

Some are flat-out pessimists about the possibility that anyone can take effective action to combat privacy invasions. One is Bernard Fensterwald Jr. During the '60's he was a staff counsel for former Sen. Ed Long's subcommittee, which exhaustively investigated wiretapping.

What can the individual do about privacy encroachments? "Adjust," says Mr. Fensterwald glumly. "Stay out of it and adjust. Look the other way. . . . I frankly think that privacy is dead and everybody better quit worrying about it."

But his view doesn't prevail among most privacy specialists. They have a host of suggestions for steps that should be taken to safeguard the rights of privacy, confidentiality, and due process for all Americans:

Establish a new federal agency "to control federal data banks on behalf of the privacy and due-process rights of citizens." This proposal is strongly advocated by Senator Ervin, not normally a man who wants to add yet another federal agency.

Set up commissions—with members representing many segments of society—to periodically review information that government and private computers and data banks are asking, collecting, storing, and dispersing. Some would give the commission power to write guidelines.

Authorize a broadly based House of Representatives committee to delve thoroughly into the entire privacy issue—the needs of society, the choices that must be made between some of society's needs and individuals' requirements for privacy. Representative Gallagher advocates such a study to determine what the nation's "course shall be, and what laws may be necessary in order to protect our freedom. . . . We ought to look at the problem from every angle, and then determine where we want to go."

Develop stronger presidential leadership and more positive action from presidential commissions. Last month Senator Ervin voiced sharp criticism on both scores:

CURB ON MAILING LISTS

"The President has thus far offered no constructive solutions to the constitutional-rights issues raised in these hearings [during 1969 when the topic was privacy, the census, and federal questionnaires]. The administration has taken the easy way out. It has appointed a presidential commission to study the problem of government questionnaires. So far we have heard nothing from it. . . .

"Another commission, appointed over a year ago by Secretary of Commerce [Maurice H.] Stans, has also not been heard from so far."

Forbid the government from selling mailing lists to anyone for any commercial purpose. This would prevent the government from giving your name to third-class mailers. Rep. Frank Horton (R) of New York introduced such a bill in the House this past year. He will push again next year. Others are demanding the same thing. Public indignation is rising over the unbidden smut being sent through the mails. Mailing lists provide smut peddlers with innocent targets.

End the increasingly frequent requirement that people who fill out questionnaires and surveys put their social security numbers on the forms. Most privacy specialists suspect that the only purpose for this re-

quest is to enable various governmental—and nongovernmental—computers to exchange information which ought to be confidential.

Build more technical safeguards into computers and computerized data banks to preserve the confidentiality of information stored within them. In a recent issue of NAM Reports, put out by the National Association of Manufacturers, Robert P. Henderson mentioned some possibilities. He is vice-president and general manager, electronic data processing division, Honeywell, Inc.

SAFEGUARDS ON INPUT AND OUTPUTS

Said Mr. Henderson: "We can make it possible to limit those who are allowed to put information into a system. We can even have machines check data against a given set of values and reject questionable information. In fact, all input could be classified as it is received, ranging from material of public record to top secret. Sensitive information then could be encoded during the input process.

"Similarly, there can be ingenious safeguards in the delivery of information. The computer can require a password or answers to a series of questions before printing it. It could require several persons to be present, each possessing separate parts of a code. According to the password a person possessed, the computer could limit access to a specific type of information. . . . It could be constructed to read badges and other forms of physical identification—or even compare the user's voice to a 'voice print' stored within it."

More broadly, he also suggests:

New legislation: "Perhaps the most important new legal safeguard would provide a citizen with the ability to challenge in court the release of private data about him without his consent."

"BILL OF RIGHTS" FOR EMPLOYEES

Senator Ervin is pushing hard for a more specific piece of legislation:

A bill of rights for government employees. Designed to prevent government from invading the personal lives of its employees, it passed the Senate this Congress but did not get anywhere in the House. Senator Ervin intends to push again next year. One reason he will—government practices often are copied by defense contractors, later other industry.

Senator Ervin and Mr. Gallagher—the two leading privacy exponents in Congress—are not optimistic that Congress will be in any hurry to pass laws dealing with the fundamental problems of privacy.

Says the Senator:

"It takes a whole lot to move Congress . . . and if you're going to educate Congress, you've got to educate the news media first."

Mr. Gallagher is more openly pessimistic:

"I see no real action" by Congress toward solving the overall privacy problem. "I see isolated battles, such as the ones we put on and Senator Ervin puts on. But I see no great awareness among my colleagues that this is a great issue."

RECENT STEPS SUMMARIZED

In the past few years several steps have been taken toward coming to grips with parts of the privacy vs. society problem, among them:

A 1968 federal law to bar private wiretapping and other electronic eavesdropping and to require a warrant for police wiretaps.

A federal law to regulate credit bureaus.

Increased attention to confidentiality in some computerized data banks. New York's identification and intelligence system for law enforcement is one frequently mentioned.

Despite these advances, privacy specialists are worried.

Representative Gallagher warns:

"I think the race is whether or not people will reassert themselves in time. Because the pendulum is being programmed out. The pendulum will not swing back [toward privacy] this time. Times have changed."

Dr. W. Alan Westin warns that the problem is not confined to American shores—that it exists in varying degrees throughout the Western world.

In his book "Privacy and Freedom" (New York: Atheneum), written in 1967, he said:

"The setting—the marvels of microminiaturization and circuitry, chemical synthesis and projective psychiatry—is new. But the choices are as old as man's history on the planet.

"Will the tools be used for man's liberation or his subjugation? In the density, complexity, and tight interrelation of 20th-century life, can we preserve the opportunities for privacy without which our whole system of civil liberties may become formalistic ritual?"

A STATEMENT TO PROTEST THE JUDICIAL BAN ON PUBLICATION OF A REPORT BY HOUSE INTERNAL SECURITY COMMITTEE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, it is of the most direct and urgent concern to every Member of this House that on October 13 Judge Gerhard A. Gesell, a U.S. district judge for the District of Columbia, issued a temporary order restraining publication of a report made by the Internal Security Committee to the House, and that on October 28 Judge Gesell issued a final order forbidding the Superintendent of Documents and the Public Printer to publish this report.

Judge Gesell's actions directly violate the right of the House to conduct its legislative process free of judicial interference. It is utterly without precedent that a court should prevent publication of a congressional report. Such interference contradicts the speech and debate clause of article 1, section 6, clause 1 of the Constitution and violates the separation between the legislative and judicial powers which our Constitution is designed to maintain.

At a time when both Members and the public demand new legislation to counteract the wave of revolutionary violence in our country, the Internal Security Committee—in accordance with its mandate—has undertaken investigation and hearings regarding groups such as Students for a Democratic Society and the Black Panthers which would alter our form of government by violence or which would obstruct the execution of public law and policy by violence. In order to determine whether new legislation is needed for the internal security of this country, the committee aimed to find out about the extent, character, objectives, and activities of revolutionary and violent groups—and this means to find out, among other things, how these groups get their funds.

Acting on the probable hypothesis that large honoraria paid to advocates of revolutionary violence for speaking on college campuses help to fund the activities of extremist groups, the committee compiled a list of such speakers and what they were paid for speaking. The committee—in accordance with its mandate—planned to report this information to the House in a report entitled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities." The report listed 69 speakers cited as "members, or participants in the activities of Communist, Communist-front, or Communist-infiltrated organizations, and/or militant, radical, or extremist groups, or self-proclaimed revolutionaries."

In his final order enjoining its publication, Judge Gesell said that the report is without legislative purpose and violates the rights of speech and assembly.

This report and any other report which would give Congress inside information about revolutionary groups would serve a most urgent legislative purpose. To assert otherwise in face of the violence which threatens the internal security of the United States would be absurd.

And the committee by publishing this report would exercise not the least compulsion to prevent anyone from speaking anywhere.

Judge Gesell has directly violated article 1, section 6, clause 1 of the Constitution which provides that "for any speech or debate in either House, they—Senators and Representatives—shall not be questioned in any other place."

The courts have clearly established that the "speech" and "debate" which are not subject to judicial interference include written reports made by its committees to the House. Such reports are an essential part of the legislative process, and the separation between the legislative and judicial powers which the Constitution is designed to maintain means that the legislative process is not subject to judicial interference. In particular, the courts have no authority to interfere with publication of a committee report because they judge it not pertinent to a legislative purpose—and in this case the report is most pertinent to the legislative duties of the House.

The courts can interfere in the legislative process only to safeguard individuals from abuse of compulsory process. The courts, for example, can require that a question put to a witness before a committee be relevant to a legislative purpose only when the committee uses its subpena power to compel the witness to answer on pain of citation for contempt of Congress. No compulsory process is involved in the present case.

Every Member has a vital concern that the court of appeals throw out Judge Gesell's order, which attacks the independence and authority and dignity of this House.

THE INTOLERABLE DEFICIT IN FEDERAL FINANCES FOR THE CURRENT FISCAL YEAR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio (Mr. Bow) is recognized for 30 minutes.

Mr. BOW. Mr. Speaker, there is growing concern throughout the country at the prospect of an intolerable deficit in Federal finances for the current fiscal year. I share that concern, and believe it is a subject to which this House should turn its attention during the remaining

days of this session. Many measures are said to be urgent and many issues have been labeled as high priority. To me, nothing is more urgent and nothing can have higher priority than a program to hold the fiscal 1971 deficit within reasonable limits.

Such a limit would be established under the Fiscal Responsibility Act of 1970—H.R. 18876—which I introduced on August 10 and which has as yet been given absolutely no consideration. My bill would bind Congress as well as the President to a spending ceiling of $205.6 billion in this fiscal year and it would be far more effective than the limitation previously adopted by the House. It is too late to act on this legislation.

Two experts on Federal financial matters have recently published articles on this subject, including recommendations that the Bow bill be given consideration. I include with my remarks an article from NAM Reports by M. Merle Harrod, vice chairman of the NAM Government Expenditures Committee, who is an industrialist from Wapakoneta, Ohio, and an article by Eugene F. Rinta, research director of the Council of State Chambers of Commerce, Washington, D.C., as follows:

THE NEED FOR IMPROVED CONTROL OF EXPENDITURES: THE FISCAL 1971 INSTALLMENT OF A CONTINUING STORY

(By M. Merle Harrod)

When the President's Budget Message is delivered in January, it makes all the front pages—complete with charts to show where the money is coming from and how the Administration would like to spend it. Analyses continue for several days in editorials and on television. Then, after a week or so, interest in Federal spending appears to be suspended for another year. There are, of course, exceptions—this year there were spurts of public concern generated by the Presidential veto of appropriations bills; in 1968, the grass roots objection to increased taxes was translated into the Revenue and Expenditure Control Act. But by and large it becomes a hohum matter and the 500-odd page budget document gathers dust on the shelves of libraries.

How do we account for this in view of the very evident, often highly vocal, concern over the level of taxes? One theory has it that the spending numbers are just too big to be realistic. After all, the reasoning goes, very few of us can really grasp the concept of *one* billion dollars—much less the $200 billion the Federal budget passed this year. On the other hand, we understand very well how many hundreds, or even thousands, we are called upon to pay in taxes.

Also, once the budget requests are referred to the Congress in the form of appropriations bills, the overview provided in the budget message is quickly fragmented. Year after year, many members of Congress find it difficult to keep track of the details of each appropriations bill and depend on the recommendations of the Appropriations Committees and their subcommittees. How can we expect the average citizen to do better? He can't, but he certainly can realize the seriousness of the problems and demand reform of the appropriations process.

NAM has long recommended that Congress consider all appropriations in two bills: one dealing with defense and national security and the other with all other Federal program requirements. The effect of this would be to highlight the total amount of appropriations. This would avoid the setting of arbitrary "ceilings"—a dreary process which has become completely ineffective because of the inevitable list of exceptions and loopholes. At the same time, facing up to the totals would bring home to Congress—and to the public—the need to establish priorities among the many proposals for Federal spending.

The use of two appropriations bills would also be effective in avoiding the situation we face again this year of being well into the fiscal year without having enactment of all appropriations bills.

The Legislative Reorganization Act of 1946 provided for a legislative budget which, in response to the President's budget, would set an overall level of spending for the fiscal year. This was not effecti-e either, partly because of the unwieldy size of the proposed committee which consisted of the entire membership of the two revenue-raising committees and the two Appropriations Committees. In 1966, the Joint Committee on the Organization of the Congress recommended that within 30 days after the submission of the President's budget the Appropriations Committees review the fiscal, financial and economic assumptions on which the budget is based with the Director of the Bureau of the Budget, the Secretary of the Treasury and the Chairman of the President's Council of Economic Advisers. This was incorporated in H.R. 17654, the Legislative Reorganization Act of 1970, which was recently passed by the House and the Senate.

This seems to be largely duplicative of the type of information gathered by the Joint Economic Committee in its hearings on the President's Economic Report. Even if additional material would be forthcoming, this procedure is merely a review of Administration proposals and assumptions. Useful as this may be, there is nothing in the procedure that imposes, or assures, some form of limit on the total of appropriations by Congress. This year, for example, the Congress imposed a spending "ceiling" of $200.8 billion, now adjusted to $203.8 billion, on the Administration. However, the "ceiling" is flexible—i.e., it can increase to absorb any Congressional action beyond the stated figure.

As of Sept. 23, only four of the 14 appropriations bills for the fiscal year which started on July 1 had been enacted, and two others were awaiting the President's signature. These four bills alone added $440 million to the President's request for budgetary authority and $227.5 million to his proposals for fiscal 1971 outlays. The Joint Committee on Reduction of Federal Expenditures' "scorekeeping" on the budget, as of Sept. 23, indicated that action on all spending bills—appropriations *and* legislative—as of that date, showed this relationship to the Administration's budget:

[Millions of dollars]

	Budget authority	Budget outlays	Budget receipts	Surplus (+) deficit (—)
House	+$5,567	+$3,451	—$131	—$3,582
Senate	+4,437	+2,797	+537	—2,260
Enacted	+2,973	+2,089	+42	—2,047

In his Sept. 11 message, the President remarked:

"I have suggested that Congress establish an overall spending ceiling, and adjust the various appropriation bills to accord with that ceiling. There may be other and better ways of attaining this goal. But we can no longer avoid the necessity of finding some means whereby the present fragmented and competitive legislative process that mandates and promotes Federal spending can be brought under control so that the impact of the total Federal budget is to sustain and encourage economic growth, rather than to disrupt it. This is the course of fiscal responsibility."

One can only hope that Congress will get on that course. Two bills now before it which have not been acted on would constitute excellent first steps. They are: The Federal Economy Act of 1970 and The Fiscal Responsibility Act of 1970.

The Federal Economy Act of 1970 was sent to Congress by the President early in the year. It would save $1 billion in the current fiscal year by elimination or reduction of outmoded and wasteful programs. Although $1 billion is admittedly not very much when considered in relation to a budget total of over $200 billion, this legislation would be a commitment to, and an essential first step toward, expenditure control and the setting of priorities for the 1970s and beyond. Unless it is taken, very little can be done about finding the resources for forward-looking programs without increasing tax burdens. One billion dollars may indeed be a drop in the bucket, but it is only by paying attention to *all* possibilities for expenditure control that we can hope to make a start in the massive review of government spending that is essential.

Last December, before assuming the chairmanship of the Federal Reserve Board, Dr. Arthur F. Burns proposed that serious attention be given to the idea of "zero budgeting." This means that every government agency would have to prove the need for its entire budget every year, and not, as at present, be required to justify only the increase in existing programs or the addition of new ones. Dr. Burns was, however, concerned that the amount of work involved would be formidable.

The Subcommittee on Economy in Government of the Joint Economic Committee has made a modified recommendation with the same intent. They proposed, last February, that Congressional committees with program responsibilities should establish an explicit schedule whereby all existing Federal programs would be subjected to "a comprehensive, from the ground up, reappraisal at least every five years." This would extend to the entire budget the periodic reappraisal procedure established in 1968 for grant-in-aid programs.

The Fiscal Responsibility Act of 1970 (H.R. 18876) was introduced in August by Rep. Frank Bow of Ohio, ranking minority member of the House Appropriations Committee. Although it involves a "ceiling," it applies to both the appropriations process and budget requests and is, therefore, a step in the right direction. The legislation was described by Rep. Gerald R. Ford of Michigan, one of its co-sponsors, as a measure which would "prevent budget-busting by the Congress as well as the President."

Specifically, this bill would establish a spending limitation of $205.6 billion for the current year with certain adjustments for "uncontrollable" items and shortfalls. To prevent this limitation from being exceeded because of the action of Congress, the bill would require that the Director of the Office of Management and Budget report to the President and Congress, at the end of the session, his estimates of the effect of Congressional action on the President's expenditure recommendations. If this report indicated that expenses would exceed the adjusted limitation, the director would be required to specify the pro rata reduction in expenditures, for each activity increased by Congress, which would be necessary to bring total budget outlays within the adjusted limitation. Agencies would be required not to exceed the reduced figures specified. There would be no exceptions.

In introducing the bill, Rep. Bow said that this provision "provides a method by which Congress would control the results of its own actions on individual appropriations bills."

The realities of the calendar suggest that neither the Federal Economy Act nor the Fiscal Responsibility Act will become law, or even be seriously debated, during this ses-

sion. Although the specifics of both pieces of legislation relate to the current year's budget, the ideas underlying them have more permanent value and should not be allowed to disappear from discussion. Similarly, the various proposals for strengthening the Program-Planning-Budgeting-System, the idea of "zero budgeting," the proposal, long supported by NAM, to give the President an item veto applicable to appropriations bills, and the proposal for a two-bill appropriations "package" should not be lost from view.

Each of these ideas, some of which have been discussed for a long time, should be re-examined to see whether they can be improved. The complementary goals of expenditure control and the setting of priorities for Federal spending must constantly remain in the forefront of our thinking even as newer, more "glamorous," issues compete for our attention.

PROPOSALS FOR HOLDING DOWN THE 1971 DEFICIT

More than four months ago, on July 4, this publication reported the distinct possibility that the Federal deficit for the 1971 fiscal year could be as large as $10–12 billion. This compared to the Nixon Administration's revised budget estimates of May 19 projecting a deficit of $1.3 billion. The possibility of the deficit reaching the $10–12 billion level was based largely on Congressional budget actions and inactions through June together with probable actions and inactions by Congress through the remaining months of the session. This large projected deficit also assumed lower revenues under existing tax laws than the Treasury had estimated.

During the period from the first of July through October 14, when Congress recessed for the election campaigns, there was nothing in Congressional actions or in the economic picture to indicate that the deficit would fall below the $10–12 billion range. To the contrary, an even bigger deficit is now expected by some analysts, due both to excessive spending and to the adverse effect of the economic slowdown on anticipated revenues.

One eminently qualified source of a recent large deficit estimate is Rep. Wilbur D. Mills, Chairman of the House Ways and Means Committee. In a speech on October 21 he placed the probable 1971 deficit at $15–16 billion under the unified budget. He noted, too, that this $15–16 billion deficit would be a net figure resulting from a deficit of $22–24 billion in general Treasury funds and a surplus of about $7–8 billion in dedicated trust funds.

The probable 1971 deficit, whether $10 billion or as big as $16 billion, represents a great change from the original 1971 budget estimates which produced a surplus of $1.3 billion. This change is accounted for by a substantial increase above the budget in outlays and an almost equal shortfall in revenues. The increase in outlays of as much as $9 billion from the original budget estimate of $200.8 billion is due both to original underestimates of outlays for uncontrollable items and to Congressional actions on spending proposals and inactions on proposals for reducing outlays.

The shortfall in revenues of as much as $7 billion from the original budget estimate of $202.1 billion is due primarily to a more sluggish economy than was anticipated in the development of the revenue estimates. In order to make up in part for this shortfall the President proposed two new revenue measures—a speedup in estate and gift tax payments and a tax on lead used in gasoline. These measures were expected to produce $1.5 billion and $1.6 billion, respectively, in 1971. They are still pending in the House Ways and Means Committee.

EXPENDITURE CONTROLS TO REDUCE THE DEFICIT

In view of the current state of the economy and the level of unemployment, a general tax increase to reduce the 1971 deficit is unlikely to be proposed by the President or to be considered by the Congress. Spending control, however, is still possible. Congress has yet to complete action on seven major appropriation bills involving budget requests of over $120 billion and a catchall supplemental bill of about $0.5 billion. Also, there is time available in the remaining weeks of this session to enact effective controls on the total budget.

CONTROL THROUGH APPROPRIATIONS CUTS

One of the seven pending regular appropriation bills is the Independent Offices—HUD bill which the President successfully vetoed. It provided $541 million more than the President had requested. The House has completed action on all of the pending appropriations except for the supplemental bill and reconsideration of the Independent Offices-HUD bill. In these six bills the House cut $2.7 billion from requests totalling $102 billion. The Senate, however, has acted on only two of these bills and approved $651 million more than the $9.9 billion requested in the two bills.

Clearly, there still remains considerable opportunity for 1971 budget reduction in coming Senate actions on the $92 billion of appropriation requests it has not yet considered and in Senate-House conference agreements on all of the $121 billion still pending final action. These bills and the amounts requested are: Defense—$68.7 billion, Labor-HEW—$18.8 billion, Independent Offices-HUD—$17.5 billion, Agriculture—$7.7 billion, Foreign Assistance—$2.9 billion, Transportation—$2.6 billion, Military Construction—$2.1 billion, and Supplemental—$0.5 billion.

AN EFFECTIVE EXPENDITURE LIMITATION

Last year the Congress enacted a limitation on fiscal 1970 spending which proved to be virtually useless. The ceiling was set at $191.9 billion, which was $1.0 billion below President Nixon's budget estimate, but it allowed the President a $2.0 billion cushion for increases in uncontrollable items. On the other hand, the limitation placed no restraints at all on Congressional spending decisions. Instead, it provided that whenever any action or inaction by Congress on expenditure proposals affected budget estimates, the spending ceiling would be adjusted accordingly. The actual total of outlays in 1970 was $196.8 billion which was almost $3 billion more than the original limitation including the $2 billion allowance for uncontrollable increases.

A similar limitation was enacted by Congress on June 29 with respect to fiscal 1971 spending. The base ceiling was set at $200.8 billion, the original budget estimate of February 2, and an allowance of $4.5 billion was provided for overruns in uncontrollable items. Thus the total ceiling for Executive spending decisions is $205.3 billion. The fact is, however, that Congressional budget actions and inactions to date point to a 1971 outlay total of at least $208 billion and probably as high as $210 billion. The ceiling would, of course, be adjusted to allow for the increase.

President Nixon called on the Congress last summer to enact an effective expenditure limitation which would apply to Congress as well as to the Executive Branch. Such a limitation was enacted by Congress in 1968 with respect to fiscal 1969 expenditures and it helped to produce the first and only budget surplus since 1960.

In response to the President's call, Rep. Frank T. Bow (R–Ohio) on August 10 introduced legislation on behalf of the House Republican leadership and most of the Republican members of the House Appropriations Committee on which he is the ranking minority member. This legislation, H.R. 18876, would repeal the flexible spending limitation approved by Congress on June 29 and would impose a ceiling that would be applicable to both the President and the Congress.

The Bow bill would set the limitation on 1971 outlays at $205.6 billion which is the outlay total in the Administration's revised budget estimates of May 19. Provision is made in the bill for adjustment of the ceiling only to the extent of net increases above the budget estimates for certain designated uncontrollable items. At the close of the current session of Congress the Director of the Office of Management and Budget would be required to report to the President and the Congress his estimate of the effect of Congressional action on outlays recommended by the President. If the Director's estimate indicated that outlays would exceed the $205.6 billion ceiling, as adjusted for increases in uncontrollable items, he would be required to specifiy the outlay reduction for each program increased by Congress which would be necessary to bring total outlays within the adjusted limitation. Agencies, without exception, would be required to operate within the reduced outlay figures.

While the Bow limitation at $205.6 billion appears a bit more liberal than the present limitation on 1971 spending ($205.3 billion including a $4.5 billion allowance for uncontrollables), it is actually a much more effective proposal for controlling total 1971 budget outlays. Its effect would be to require the offsetting of increases made by Congress in some programs with equivalent reductions in others. It may well be argued that the President's revised (May 19) budget estimate of $205.6 billion is an unduly generous base for the ceiling since it would require no reduction from his overall estimate for controllable programs. In contrast, the effective limitation on 1969 spending required a $6 billion reduction from the original 1969 budget total for controllable items.

The Bow spending limitation bill was referred, unfortunately, to the House Government Operations Committee instead of the Appropriations Committee upon its introduction August 10. No hearings have been held or even scheduled on the matter, probably because it is a subject in which the Appropriations Committee has primary competence and responsibility.

LIMITATIONS ON 1971 OBLIGATIONS

If the President and the minority leadership in Congress are unable to persuade the Congressional majority leaders to replace the existing flexible spending limitation with an effective ceiling, they might well try the approach to spending control which was adopted with respect to the 1968 budget.

During the late summer and fall of 1967 President Johnson was seeking enactment of a 10 percent income tax surcharge as a revenue and counter-inflation measure, but with a negative reaction from the House Ways and Means Committee. In response to demands from the Committee for evidence of serious expenditure reduction efforts on the part of the Administration, Mr. Johnson late in November 1967 proposed, and Congress promptly approved, a budget reduction measure applicable to fiscal 1968. This measure was in the form of a joint resolution of the Senate and House, H.J. Res. 888, which became Public Law 90–218. This resolution also had the purpose of making continuing appropriations for departments and agencies whose appropriations for 1968 had not yet been enacted.

The purpose of the spending reduction provisions in Public Law 90–218 was stated in Section 201 of the Act as follows:

"In view of developments which constitute a threat to the economy with resulting inflation, the Congress hereby finds and determines that, taking into account action on appropriation bills to date, Federal obligations and expenditures in controllable pro-

grams for the fiscal year 1968 should be reduced by no less than $9 billion and $4 billion, respectively, below the President's budget requests. The limitations hereafter required are necessary for that purpose."

The budget reduction provisions in the Act provided for (1) reduction of budgeted obligations of each civilian department and agency by the equivalent of 2 percent of personnel costs and 10 percent of other controllable items, and (2) reduction of Defense Department obligations by up to 10 percent of the new obligational authority requested in the budget for non-Vietnam purposes. In agencies where Congress had already cut 1968 appropriations by more than the required reduction in obligations, the Congressional cuts would prevail. Exceptions from the required reductions were provided for permanent appropriations, trust fund programs, and other items classified as "relatively uncontrollable" in the 1968 budget document.

On February 8, 1968 the Bureau of the Budget estimated that the combined effect of Congressional actions on appropriations and P.L. 90–218 was a reduction of $10.0 billion in 1968 obligations. Of that amount, $5.6 billion was in Defense and military assistance and $4.4 billion was in non-defense programs.

One aspect of budget control reduction of planned obligations, as provided in P.L. 90–218, would be particularly helpful at the present time. That aspect is the leadtime from the date of obligation of funds to the date of their actual expenditure. This leadtime, which is several months to a year or more for most outlays other than for personal services and transfer payments, would cause an outlay reduction in fiscal 1972 as well as in 1971. For example, in the enactment of P.L. 90–218 it was estimated that $9 billion reductions in 1968 obligations would reduce expenditures in the same year by $4 billion. The remainder would reduce expenditures in 1969 or later, depending on the nature of the obligation cuts.

It has been unofficially estimated that built-in growth of present spending programs will increase the outlay total to about $225 billion in 1972. This could mean another defict of $10–15 billion or even more. A substantial reduction in planned 1971 obligations would provide significant relief on outlays in the 1972 budget.

A TIME FOR FISCAL RESPONSIBILITY

Unless special measures are taken at an early date to bring Federal spending under better control, successive deficits of as much as $15 billion are possible in 1971 and 1972. The financing of these deficits would again create problems in the financial markets, would put renewed upward pressure on interest rates, would tend to delay the expected resurgence of housing construction, and would have a generally adverse effect on efforts to bring inflation under control. These deficits would also tend to force the Federal Reserve Board to adopt tighter monetary policy which would inhibit business expansion and job creation. A general tax increase to reduce or elimiate the deficits would not be a practical solution in the present sluggish economy. It could bring about a serious recession and cause a loss of revenues instead of a gain.

The answer to the problem is tight expenditure control, in fiscal 1972 as well as in 1971. Although time is running out in the present Congress, the job can still be done. It can be done in part by specific appropriations cuts in the bills still pending final action. Then the job can be completed by a general obligations reduction measure similar to P.L. 90–218 but with an expenditure limitation added. Now that the elections are past, it is a favorable time for fiscal responsibility.

EUGENE F. RINTA,
Research Director.

FBI—TARGET FOR SMEAR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. SCHMITZ) is recognized for 10 minutes.

Mr. SCHMITZ. Mr. Speaker, Frank Meyer, in "The Conservative Mainstream," said:

McCarthyism—A tired cliche of the radical left; Pavlovian in its origins; evil in its purpose; slanderous in its implications and intentions, but meaningless except as an instrument of deliberate smear and vilification as accepted by the empty minds for whom it is intended.

A reading of the daily papers shows there is a blossoming campaign underway to destroy all governmental agencies which defend the Nation against internal enemies. The goal for the current war against internal security measures would seem to be to have all efforts of the Government to defend itself declared unconstitutional.

The Communists call this drive to dismantle our internal security apparatus their "extended democracy program." Col. William Kintner in his book "The New Frontier of War" outlines some of the essentials of this project with which we should all familiarize ourselves:

The Party labors constantly toward reinterpreting civil rights in order to allow it to operate freely. In the name of the right to assembly and to organize, the Party argues for an unlimited right to overthrow the government . . . In the name of the right of free speech, the Communist Party, its fronts, and its captive organizations want not only an unlimited right to advocate the Party's civil disturbance program but also the right to lie, pervert, fabricate, slander and smear their opponents. At the same time—still in the name of free speech—the Party wants Congressional investigating committees which seek to reveal the Party's subversive machinations either abolished or reduced to impotence . . . In short, the Communists are to remain free no matter what they do, while their opponents—dubbed as reactionaries and facists—are to be suppressed, all in the name of progressive freedom and democracy.

The most recent wave of attacks have focused in several instances on the Federal Bureau of Investigation and its Director, J. Edgar Hoover. Mr. Hoover's books on communism in the United States have been a major factor in alerting tens of thousands of Americans to the dangers of communism. Today a new round of books by left-spectrum authors is attempting to alert readers to the supposed dangers, corruption, and general villainy of the FBI.

Three recent books of this nature will serve as examples. One deals with something known as the Orangeburg Massacre in which it is alleged that the FBI tried to cover up for local racists in three deaths which took place in South Carolina. Another concerns the political assassination of the late M. L. King by the Bureau. The third is by former Attorney General Ramsey Clark.

All three are obvious smears. However, since Ramsey Clark is a former Attorney General it is necessary that a few comments be made on this work. Congressman H. R. GROSS of Iowa summed it up nicely:

This petty little man (Clark) has come out with a book ludicrously entitled "Crime in America." It is ludicrous because if Clark knew anything about crime in this country when he sat in the Attorney General's chair, he did less than nothing to fight it.

Congressman DURWARD HALL of Missouri also scored a bull's eye as regards former Attorney General Clark:

Mr. Hoover certainly "hit the jellyfish on the tentacles" when he described Ramsey Clark as the worst Attorney General he had ever served with; even worse than Robert Kennedy.

It is not only these frontal attacks on the FBI which do the damage, however. An effort also seems to be under way to discredit the Bureau in the eyes of the normal, responsible, thinking citizen who generally holds the FBI in high regard. This is being done by attributing findings and statements to the FBI and its representatives which are, in fact, utterly spurious.

One such incident occurred when one of Mr. Hoover's assistants, William Sullivan, was quoted interestingly enough at a UPI editors and publishers conference, to the effect that the Communist Party is not in any way causing or directing or controlling the unrest we suffer today in the racial field or in the academic community. Replying to a letter of mine inquiring into this matter, Mr. Hoover advised me that—

In no way did he (Sullivan) indicate the Communists were not involved in fomenting disruptive activities and racial disorders.

A similar incident was the report that the FBI had concluded that the National Guard was at fault in the deaths that took place during the Kent State riots last spring. In a recent interview, Mr. Hoover stated that it was the Justice Department and not the FBI that had come to this conclusion.

Even such relatively conservative publications as the Wall Street Journal have been taken in. A recent Journal feature story on the FBI's 10 most wanted list quoted one Jonathan Lubell to the effect that politically motivated crimes—by Communists and others—are a minor statistic and receive publicity simply for political reasons. The Journal report unfortunately did not notify its readers that Mr. Lubell has been identified under oath as a Communist Party organizer and that when questioned by the Senate Internal Security Subcommittee about his affiliation with the party, he hid behind the fifth amendment. By contrast, how often are anti-Communist or right wing spokesmen quoted without being identified as such?

The Government must have the power to protect its citizens and itself. We must not be deluded by those whom Mr. Hoover has so aptly termed masters of deceit.

SOVIET JEWS—SUFFERING, BUT NO LONGER SILENT

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, we cannot close our hearts or

minds to the outrageous mistreatment of Jews in the Soviet Union. With remarkable courage, Soviet Jews, who are the victims of the latest pernicious Soviet campaign of anti-Semitism, have spoken out to assert their defiance and to attract world attention to their plight. Soviet Jews are suffering, but they are no longer silent.

The lot of more than 3 million Jews in the Soviet Union is tragic. We should not forget the courage of the heads of 18 Jewish families in the Soviet State of Georgia, where Judaism has been practiced with fewer restrictions than elsewhere in Russia, who in November 1969, petitioned the United Nations to help Soviet Jews who seek to emigrate to Israel. Their plea was inspiring. They wrote:

The time for fear has passed. The time for deeds has come.

It is characteristic of the Soviet Jew today that, despite persecution, he has spoken forth boldly.

Yet there is speculation that possibly on December 15 the Soviets plan a "show trial" of 12 Jews who are accused of trying to hijack an airliner last June. The pilot is said to have been a Soviet KGB agent who offered to fly the group to Israel. There were reports of mass arrests following this incident. The Soviet intention seems transparent—to further fan the flames of anti-Semitism, which is encouraged now as official Soviet policy.

I believe the United States must take a strong stand now against Soviet anti-Semitism. The persecution of Soviet Jews has increased sharply since the time of the Arab-Israeli 6-day war of 1967.

This is occurring in a nation whose revolutionary forefathers in 1917 fought to end anti-Semitism and other evils of czarist rule.

In fact, the revolutionaries removed all restrictions against Jews and against freedom of speech and assembly. The Soviet Jew, his religion and his culture prospered in the 1920's and early 1930's. There were as many as 100,000 pupils in Jewish schools and some 300 to 400 Yiddish language books were published annually. The Soviet Jew—as he is today—became prominent in such fields as science, economics, medicine, and music, and in intellectual leadership. Lenin thought the Jew would be "assimilated" into Soviet life. But Stalin, like Hitler and other dictators, saw the intellectual as the prime threat to his power. The result was the great Stalinist persecution of Jews in 1948–53. While the lot of the Jew improved with Stalin's death, the improvement was not to be lasting or substantial—and there has been no abatement of the deliberate effort by the antireligious state to destroy his cultural, religious, and communal life.

Ten years ago there were more than 500 synagogues in Russia, but today there are about 60 and no facilities for rabbinical training. The Jewish state theater was closed in 1949. Published Jewish writing is rare. There is no public instruction in Yiddish, even though Soviet law says such language classes must be held when 10 or more parents demand it. Although comprising the 11th largest of 130 nationality groups in the Soviet Union, Soviet Jews are denied the rights of others.

His identiy card, which every Soviet citizen must carry, brands him by nationality as a "Jew." His birthright makes him suspect. He is dismissed from jobs, or denied employment, because of it. And, meanwhile, the state-controlled press, magazines, and radio cry out steadily against alleged "Zionist atrocities" or the "Nazi-like imperialism" of Israel.

Although Soviet Premier Kosygin said in Paris in December 1967, that "the doors will be open" for Jewish emigration, they stay shut. I believe the estimate by former Israeli Premier Ben-Gurion that, if the doors were opened, a million Jews would emigrate to Israel.

Thus, the world should be astonished and proud that Soviet Jews, primarily the young, are so audaciously asserting their Jewish identity today. We must ask, however, how long this state of affairs can last?

If blatant anti-Semitism is partially a Soviet tactical move in its attempt to woo the Arabs and gain a foothold in the Middle East, the Soviet Union should be reminded that a Middle East peace will be impossible to achieve so long as any nation continues to merchandize hatred and distrust.

Should our silence persist in the face of continued Soviet harassment of its Jewish citizens, I fear that conditions will worsen. The world can, and should, laugh at the Soviet pretense that it is a land of tolerance and freedom. Its hypocrisy should be vigorously condemned.

The Soviet Jew has boldly told the world of the grave danger which now confronts him. We cannot be found lacking in our response.

THE GESELL AFFAIR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, last night the distinguished gentleman from Missouri (Mr. ICHORD), the chairman of the Committee on Internal Security, reserved a special order to report to the Members on a matter affecting the privileges of the House.

It is tragic beyond belief to learn that a member of the Federal judiciary, sworn to uphold the Constitution, would presume himself so omnipotent as to exercise his mandated powers as a judge to thwart operations of the people's House in Congress—an appointed judicrat who has stained the sanctity and public confidence of the judiciary by misusing his office to suppress free speech and its unhampered dissemination. Such action constitutes an unparalleled threat not only against every Member of this House but also against the constitutional right of our people to know what is taking place in our country. Free speech and free press carry no greater role than that the American people be able to inform themselves—to decide the issues themselves. And as informed people they will stay free people.

Was Judge Gesell's ACLU-inspired prohibition limited to the workings of this body or was it directed at hiding the truth from the American people? I want to know and I am sure the American people want to know. We have a right to know and a duty to find out.

Today, enjoining the printing of a committee's study may tomorrow result in forbidding the printing of the testimony of a Government witness—next an injunction against stories in the Washington Post or the New York Times. Gesell's action sets a dangerous precedent—if allowed to stand or if given credence.

It is the height of absurdity to consider that an inferior court judge—a court created by Congress—would now seek to set himself up as a censor of Congress—The creature would now attack his creator.

Perhaps, while we are on the subject of Judge Gesell, it might be fitting to remind our colleagues just who this controversial man is. Gesell was the author of the infamous and revolutionary Gasell report in 1963, which aimed at destroying military effectiveness and has been highly successful. See CONGRESSIONAL RECORD, volume 115, part 26, page 34759. Most agree that his judicial appointment was but a political payoff for Chairman Gesell's revolutionary plan.

In November of last year, the same Judge Gesell ruled that Congress could not prohibit the murder of unborn babies when he struck down the District of Columbia's abortion law. See CONGRESSIONAL RECORD, February 25, 1970, page 4956. That he apparently believes in a right to extinguish unwanted life without trial is no real surprise. Earlier last year he directed a jury to return a verdict of not guilty in the trial for first-degree murder of the Negroes who murdered two young uniformed Marine Officers during the Abernathy "nonviolent" occupation of the Mall in 1968. His last headline case was in November of 1969 when he refused to impose the death penalty on the convicted murderer of two FBI agents.

In October of 1970 Judge Gesell released a herion addict engaged in trafficking narcotics, because he could not decide what was meant by the word, "trafficking."

Now, again in league with his old comrades of the American Civil Liberties Union, the judge misuses his court to suppress truth and to deny the truth to our people so they can be informed citizens.

Judge Gesell has only given added publicity to the suppressed report and again disclosed his partiality to the ACLU cabal.

And now we behold the ACLU—the dirty-word gang who stand for freedom from prayer—in their new role of a censor, book burners.

Mr. Speaker, in 1969, following the last constitutional crisis faced by this body, wherein officers and employees of the House were used as pawns to circumvent the intent of the Constitution, I had introduced H.R. 12327 in an effort to avoid future collision courses with the judiciary—such as we now again must

face up to. I ask that the text of H.R. 12327 follow my remarks and I urge adoption of it or similar legislation in the interest of protecting the constitutional separation of powers.

I compliment the House Committee on Internal Security and especially the gentleman from Missouri (Mr. ICHORD) for his courageous dedication and fearless resolve to see that the people receive the findings of his committee's report.

Truth cannot long be suppressed and the people will find out.

The bill follows:

H.R. 12327

A bill to further define the jurisdiction of Federal courts in certain cases

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no court of the United States shall have either original or appellate jurisdiction in any action in which the Congress, or either house thereof, or any Member, officer or employee of the Congress or either house thereof, in his official capacity, is a party.

OIL POLLUTION IS NATIONAL DISGRACE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker, once again the waters off the coast of the State of Florida have served as a dumping ground for the unwanted residue of short-sighted and ill-conceived planning by the Department of Defense. I am shocked into disbelief that the Navy Department has shown such blatant disregard of the consequences in willfully dumping massive amounts of sludge into the ocean waters.

Reports have indicated that a massive oil slick covering nearly 800 square miles is posing a threat along a great stretch of our Florida beaches. I am further amazed that the Navy has attempted to justify this gross abuse of our oceans explaining that this is standard operating procedure.

If the Federal Government is unable to police its own agencies and prevent such outlandish prostitution of our ocean waters, how are we to expect the private sector to follow, with any enthusiasm, a program of prudent conservation practices. We cannot measure this flagrant mismanagement of our oceans by the inconvenience or unsightliness of the slick but must recognize it as an indication of the mentality of an agency that has grown arrogant and careless as a result of the unbridled powers it has been given.

The Congress has agreed to an Environmental Protection Agency to police those that would foul our waters with convenience being their only consideration. The courts have recently fined three of the largest oil companies for not utilizing preventive measures to protect against the possibilities of polluting our waters. It is in this light that I denounce the Navy's action and encourage the House of Representatives to call for immediate and strong action to see that this absurd practice is forever stopped.

I have joined with Members of this House in introducing legislation that will provide statutory prohibitions against such practices. One of the measures would prohibit the discharge of military materials into the oceans without the express consent of the Council on Environmental Quality. With the formation of the Environmental Protection Agency, this responsibility would lie with that body. We must have legislation of this nature. We must stop the destruction of our waters and the sealife beneath them. We must stop this destruction, whether perpetrated by private enterprize or by the various governments of this country.

To rectify the Navy's practice in this situation will be needlessly expensive and may mean the destruction of the sealife off the Florida coast. I am appalled by this ignominious occurrence as as I think that our citizens deserve a fairer shake and should not be subjected to the consequences of such a ludicrous stunt.

THE FEDERAL RESERVE DISCOUNT RATE—DOES IT MEAN ANYTHING TO THE CONSUMER?

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, in recent weeks, there has been a great deal of discussion concerning the Federal Reserve's discount window.

The little-understood and seldom-mentioned discount window has been in the news because the Federal Reserve Board has decided on two occasions—within a 3-week period—to lower the discount rate. The discount rate now stands at 5½ percent after the two one-fourth of 1 percent reductions.

Judging from the news stories, columns, and the editorials, it would appear that the discount window is the bearer of all the good tidings possible concerning interest rates. This is an unfortunate distortion of the role and the importance of the discount window under the policies now practiced by the Federal Reserve System.

Under the narrow policies followed by the Federal Reserve System, the discount window has little bearing on the interest rates paid by the people of the United States. Only the commercial banks are allowed to borrow at the discount window at the bargain basement rate of 5½ percent. The rest of the Nation is shut off from this kind of low interest money.

In fact, Mr. Speaker, the discount window is not even open to a majority of the commercial banks. It is open only to the national banks and the State-chartered banks who are members of the Federal Reserve System. At the present time, fewer than 6,000 of the nearly 14,000 commercial banks are able to borrow from the discount window of the Federal Reserve.

There is little or no evidence that the 6,000 banks who are afforded the bargain basement rates by the Federal Reserve pass on any of the benefits to their customers. The discount reductions of and by themselves have little meaning for the average borrower and only a minimal psycholgical impact on the economy.

In most other nations of the world, the central banks employ the discount window as a means of encouraging the flow of credit at reasonable rates into public interest projects. In other nations, banks which avail themselves of the discount window privileges must agree to put a percentage of loans into low income housing and similar social-oriented programs. In other cases, these worthy programs have direct access to the discount windows of the central bank. In short, they do not have to go through the tollgates of the commercial banking system to obtain the use of the Nation's credit at reasonable rates.

In these nations, the discount window has a real meaning, a direct impact on the economy and the social and economic goals. In these nations, the central banks do not allow the banks to benefit from low interest loans without passing on the benefits to the public.

In the United States, the Federal Reserve System does not impose such requirements on the 6,000 banks which have access to its discount window. If the funds from the discount windows are used to finance gambling casinos, stock speculation, and other fast-buck operations, the Federal Reserve says not a word.

It is significant that the Nation's lowest interest rates—5½ percent—are reserved for 6,000 commercial banks. Eight thousand other commercial banks are not allowed access to the discount window. The savings and loan associations and the credit unions and the mutual savings banks which serve millions of Americans are not allowed use of the discount window. In fact, the same day that the Federal Reserve announced that the discount rate had been reduced to 5½ percent, the Federal Home Loan Bank Board was announcing that its various regional banks were making loans to savings and loan associations at 7¾ and 8 percent—rates that are sure to help keep interest rates high to the home buyer.

If the Nation has credit available for 5½ percent, why should it be available only to a minority of the commercial banks and not to the home buyer, the farmer, the small businessman, and the average consumer?

Mr. Speaker, I hope the Nation's press that has seized on each announcement about the discount window with great glee, will take a closer look at this discriminatory monetary device. I hope that some newswriters and financial columnists will take the effort to place the discount window in its proper context and compare it with the operations of other central banks around the world.

A VINTAGE MONTH FOR THE COMMUNISTS

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, as we get underway in this last month of the 91st Congress, I would like to offer

up the hope, nay, the prayer that December does not turn out to be the banner month November was for the Communists in Russia and Peking. With the aid of several prominent Americans and one lesser so, it was, if you will pardon the expression, a red-letter month.

One Member of the other body got it off to a rousing start by announcing that, lo, he was no longer opposed to the admission of Red China to the United Nations as he was for years. He did not reveal, in his infinite wisdom, what had lifted the scales from his eyes, but he now is convinced that Peking is a peace-loving nation and has a "significant contribution" to make to the United Nations and that he is also sure they will live up to the requirements of the charter with "good faith." The Senator is too young to be senile and too old to be childish. What other explanation there is for his reversal, I do not know and leave it to speculation.

Another Senator distinguished himself in the Red eyes of the world by blocking a resolution which would have commended those American servicemen who took part in the effort to rescue prisoners of war in the Son Tay Prison Camp raid. It was, one has to suppose, an act of patriotism on his part for he is, I am told, a loyal American who, like all of us, loves his country. That I do not understand his reasoning is, one also supposes, to my discredit.

Another well-known warrior in the battle against anti-Americanism and a prominent dropout in the war against crime floated to the surface of the news in December, off the port bow, arm in arm with one of our more famous Communists who was once heard to gush that the Communists in Russia had made "enormous advances in the way men eat, live, and learn." She did not, to the best of my knowledge, say anything about their advanced technique in dying. The occasion for their newsmaking was the formation of something called the Committee for Public Justice. What public and whose idea of justice were not made clear.

Finally, Washington Star columnist, Smith Hempstone, chronicled in yesterday's issue of that paper, the disheartening treatment this Nation gave Seaman Simas, a poor refugee from behind the Iron Curtain.

I would like to make these four items a matter of record because I believe historians should know who it was who advocated what and did which and to whom in this troubled period of our history. I feel certain each of the protagonists in these stories is proud of his role in helping whichever nation it was he helped.

The material follows:

JAVITS PUSHES RED CHINA ADMISSION

Two days prior to the denial of a seat for Peking in the General Assembly of the United Nations, Sen. Jacob Javits (R.–N.Y.) announced he was drawing up a resolution that experts contend would considerably ease the way for Communist China into the world organization. Javits, once a member of the Committee of One Million to keep Red China out of the U.N., now wants Congress to drop its opposition to Peking membership and push for a "two-China" policy in which the Nationalists could remain in the world body and Peking could be admitted by a majority vote.

For 19 years the Congress has consistently opposed Peking's U.N. admission. Only two months ago (October 21), for instance, an amendment was attached to the State Department appropriation bill stressing: "It is the sense of the Congress that the Communist Chinese government should not be admitted to membership in the United Nations as the representative of China."

"These resolutions were the product of the deep feeling engendered by the Korean War period," Javits says. "While appropriate to their time, I believe that the day has come for the Senate to re-examine its position." The New Yorker also claims that Red China has a "significant contribution" to make to the U.N. and, despite overwhelming evidence to the contrary, suggests that Mao's mainland would "in good faith" undertake the obligation of the U.N. Charter.

Javits' strenuous efforts to round up Senate support for his "admit Peking" resolution may very well shift enough sentiment in the U.N. so that Red China is admitted next year. The White House has already expressed fear of its consequences.

The vote Nov. 20 was considered too close for comfort. By a vote of 51 to 49, with 25 abstentions, the General Assembly adopted an Albanian-Algerian resolution calling for the admission of Peking and the expulsion of Nationalist China. It was the first time Red China had ever won majority support for its membership.

But the narrow majority was not enough, because the General Assembly had first decided, 66 to 52, with seven abstentions, that the seating question was an "important matter" requiring a two-thirds majority. Peking thus fell 16 votes short of the required two-thirds needed.

The Javits resolution, however, could easily trigger further sentiment for Mao. Particularly since the New Yorker is the Senate's representative at the General Assembly, the resolution, if approved by the upper chamber, is likely to be looked upon as a signal that the U.S. is more concerned with getting Red China into the U.N. than with preventing Taiwan's expulsion.

At any rate, the measure can only be looked upon as a definite weakening of U.S. resistance to Red China's membership. But the New York senator, confident of support from leading Senate doves, is pushing ahead with his plan to appease Peking.

FULBRIGHT BLOCKS CITATION OF POW RESCUERS

Chairman J. William Fulbright (D.-Ark.) of the Foreign Relations Committee last week blocked Senate approval of a resolution commending the Sontay prison camp raiders "for their courageous attempt on Nov. 21, 1970, to liberate a substantial number of prisoners of war being held under inhumane conditions by the government of North Viet Nam in violation of the Geneva Conventions."

Introduced by Sen. Robert Dole (R.–Kans.) and co-sponsored by one-third of the Senate, the resolution was supposed to have been read at White House ceremonies on November 25 honoring four of the rescue party for their gallant efforts. The President pinned a Distinguished Service Cross on each of the four.

But the Senate resolution never passed. The reason: the Arkansas dove refused to give his consent to immediate consideration of the measure. (Unanimous consent is needed for resolutions not approved by a standing committee.)

Fulbright claimed he did not question the valor of the men but the value of the resolution. He said he was "just too skeptical about this whole operation to give my consent." He wondered just what the raid might mean to the prisoners and whether it would have any deleterious effects on negotiations.

Dole had a number of dovish sponsors, including Sen. John Sherman Cooper (R.-Ky.). The Kentuckian, author of the Cooper-Church resolution to tie the President's hands in Cambodia, said he believed the commendation was "proper" and that the Senate should praise the men who "made the very brave effort to rescue prisoners of war held by the North Vietnamese. Sen. Mike Mansfield (D.-Mont.), the majority leader and also a dove, sponsored the measure.

In plumping for his resolution, Dole pointed out that the raids had given a great lift to wives of the POWs. "One wife indicated to me," said Dole, "that she would prefer to see her husband die trying to escape than to rot in a prison cell." Another said the raid would sustain her for six months—"this one act of courage by Americans willing to risk their lives for other Americans. . . ."

A number of senators, including Democratic whip Teddy Kennedy, refused to cosponsor the Dole resolution, but it was Fulbright who decided to kill it off altogether by objecting to its consideration.

The following is the complete text of the resolution Fulbright objected to:

"Whereas at the request of the secretary of defense, the President of the United States authorized a joint Army-Air Force task force operation, the purpose of which was to undertake the liberation of a substantial number of prisoners of war being held under inhumane conditions by the government of North Viet Nam in flagrant violation of the Geneva Conventions; and

Whereas the dedicated officers and men of the joint Army-Air Force task force, under the inspiring leadership of Col. Arthur D. Simons, United States Army, and Brig. Gen. Leroy J. Manor, United States Air Force, flew into the Son Tay prison compound near Hanoi, deep in the heart of heavily defended enemy territory, for the purpose of liberating American prisoners of war; and

Whereas this group of courageous volunteers carried out this perilous mission with such superb timing and perfect execution that not a single casualty was sustained ;and

Whereas this heroic humanitarian gesture, voluntarily made by the men of the liberation task force at great risk to their own safety and lives, clearly demonstrates their deep unselfish compassion for their comrades in arms who are being deprived of their freedom under the most despicable conditions; and

Whereas, this daring operation will bring to all families of prisoners of war and missing men a reassuring comfort in the knowledge that these brave men have not been forsaken by their country: Now, therefore, be it.

Resolved, That the Senate hereby commends the brave officers and men of the special joint Army-Air Force task force, led by Col. Arthur D. Simons, United States Army, and Brig. Gen. Leroy J. Manor, United States Air Force, for their courageous attempt on Nov. 21, 1970, to liberate a substantial number of prisoners of war being held under inhumane conditions by the government of North Viet Nam in violation of the Geneva Conventions.

Resolved further, That the extraordinary courage, dedication and selflessness displayed by the members of such joint task force has earned for them the highest admiration and commendation of this nation and has brought an undeniable luster to the Armed Forces of the United States and the people they so honorably serve.

Resolved further, That a copy of this resolution be forwarded by the Secretary of the

Senate to each person who participated in the special joint Army-Air Force task force rescue mission.

CLARK COMMITTEE BACKED BY CURIOUS CREW

Sen. Strom Thurmond (R.-S.C.) has shed some new light on the Committee for Public Justice, an organization unveiled in New York two weeks ago and headed by former Atty. Gen. Ramsey Clark. The committee, as revealed in Human Events last week, has taken dead aim at such anti-crime measures as the "no-knock" provisions, preventive detention, wire-tapping and anti-riot statutes. The group has also criticized "police repression" of the Panthers and "intimidation" of the mass media.

The committee's executive council, as also reported in these pages, is filled with left-wingers and screeching doves, including Jerome Wiesner, the unilateral disarmament advocate, and Harold Willens, national co-chairman of the Business Executive Move for Viet Nam Peace.

But Thurmond also noted that Lillian Hellman, the radical playwright and long-time Soviet apologist, was not only on the executive council, but was the "principal organizer" of the group. As the Washington *Post* reported, Miss Hellman said she "felt impelled to do something last spring because 'some of us thought we heard the voice of Joe McCarthy coming from the grave.'"

Miss Hellman's role in organizing the Clark group is especially interesting, said Thurmond, in view of her own extreme left-wing ties, including "nearly 100 Communist and leftist front organizations . . . cited in official documents of the U.S. Congress." (Thurmond inserted her front record in the November 20 *Congressional Record.*)

Miss Hellman, declared the South Carolinian, was "among the champion supporters of Communist front organizations during the 1930s and 1940s. She slavishly perverted her literary talent to support every nuance of the Communist line of the period.

"In fact, there is sworn testimony before a congressional committee which indicates that she was known as a member of the Communist party during this period. She refused to testify with regard to these sworn statements, claiming privilege under the 5th Amendment, and asserting that she did not want to involve her friends of that period." (In her 1952 testimony, however, she denied she was currently a member, but refused to say whether she had been a member a few years earlier.)

Miss Hellman is still rather soft-on-the-Soviets. She admits in her recent biography, *An Unfinished Woman*, that her paramour until his death in 1961 was Communist Dashiell Hammett. And just last year she praised the Soviet Union for having "made enormous advances in the way men eat, live and learn. . . ."

Added Thurmond: "I find it incredible that a former attorney general of the United States would lend his prestige to an organization organized by a woman who has publicly supported scores of groups listed on the attorney general's official list of subversive organizations. Such a man is either naive or blind to the dangers threatening this country. . . . It is no wonder that our internal security laws, as well as law and order in all fields, were seriously eroded during his tenure as attorney general."

Former Atty. Gen. Clark, whom one wag calls a "conscientious objector in the war on crime," hasn't always been such a bitter opponent of J. Edgar Hoover and the FBI. Speaking at a large luncheon of the national convention of the Society of Former Special Agents of the FBI on Sept. 28, 1967, Clark said: "You are alumni of an illustrious institution; an institution unsurpassed in government in the excellence of its performance; one that reminds us at a time when it is important that we be reminded that we have faith that big government, which is essential to a mighty nation of 200 milion people, can perform through institutions with effectiveness, efficiency and with fairness.

"Of all the institutions of government, there is none in our time in this hour of great concern about crime that we are so fortunate to have such excellence. Of all the agencies that could have reached this level of excellence, the American people can be grateful that it was the FBI because of the dependence of our people upon its performance for both their personal security and their liberty. . . .

"About the man you honor today, there is nothing I can think to say more appropriate than that as Ralph Waldo Emerson noted in the simple days before the Civil War, 'Every institution is but the length and shadow of a single man.' . . . the great Bureau of Investigation is the length and shadow of John Edgar Hoover."

SIMAS AND THE YELLOW-TAILED FLOUNDER CAPER

(By Smith Hempstone)

Simas was his name, and every flag in the United States should be flying at half-mast today in partial atonement for the shameful way in which this country betrayed him and its own ideals when it permitted six Russian thugs to board an American ship, beat him into a pulp and drag him away unconscious to an unknown fate.

Coast Guard Capt. Ralph E. Eustis and his crew cannot be wholly blamed for complying with a direct order to turn the Lithuanian would-be defector over to the Russians. But Stephen Decatur and John Paul Jones would have broken their swords over their knees before they would have obeyed the craven command of Rear Adm. W. B. Ellis, commander of the 1st Coast Guard District in Boston.

One thing should be made clear about the incident off Martha's Vineyard: Simas—that is all we know of his name—was a refugee in the truest sense of the word. For his nation no longer exists. Its 22 years of freedom ended when it was annexed by the Soviet Union in 1940.

No nation has paid a harsher price for its dedication to its national and religious heritage. The Nazis liquidated the Jewish population and deported tens of thousands of other Lithuanians to slave labor camps during the 1941–44 German occupation. After 1944, the Russians completed the job by exiling tens of thousands of other Lithuanians to Siberia, replacing them with Russian colonists.

The United States never has recognized the illegal Russian annexation of the Baltic states. Lithuania, like Latvia and Estonia, has a legation here in Washington. Its charge d'affairs, Joseph Kajeckas, is fully accredited to the State Department and his name appears on State's official diplomatic list.

And yet Kajeckas, the closest thing to a national representative Simas had in the eyes of the United States, was not even informed of the incident—let alone permitted to interview the defector—before he had been handed back to the tender mercies of the crew of the Russian factory-ship Sovietskaja Litva.

The fact that the Soviet ship had been invited into United States territorial waters to discuss, in the State Department's words, over-harvesting of yellowtailed flounders along the North Atlantic coast, seems to me entirely immaterial. The moment Simas hurled himself onto the deck of the Coast Guard cutter Vigilant, he was (or should have been) under the protection of the American flag.

Simas made it clear (he spoke English) that he was seeking political asylum. He pleaded and prayed (6 out of 7 of Lithuania's 3 million people are Catholics) not to be returned to the Soviet ship.

When all else failed, he fought with his fists for his freedom, while the crew of Vigilant looked on. When the Russians finally had subdued their prey, beating and kicking the trussed Lithuanian into unconsciousness, the Americans generously provided them with a lifeboat to carry their bloody prisoner back to captivity.

Adm. Ellis, who is reported to be ill and unable to comment (so is Simas), may be guilty of nothing more than transmission of a sickening and unlawful order. He was in touch with both the State Department and Coast Guard headquarters in Washington; there the decision apparently was made that yellow-tailed flounder were more important than a man's life. It is a decision that stinks worse than a week-old flounder.

More than 1 million Americans are of Lithuanian origin and, like the emigres from other Eastern European captive nations, they have kept alive the dream of America in the hearts of the people in their homeland.

Simas must be a rather confused man today as he lies in irons somewhere in the bucking hold of Sovietskaja Litva. The process of his reeducation has begun. Just to keep their hand in, the security police will rough him up from time to time on the long voyage home. His rations are unlikely to be tempting.

When the Soviet ship reaches her home port, he'll be turned over to the political police. Since the 12th Century, there has been no love lost between Russians and Lithuanians, and the political police will explain to Simas the error of his ways. He'll never go to sea again. A trip to Siberia may well be in order for a man who has shown a predilection for travel.

Simas is just one man, of course, and his fate is of little consequence when compared to yellow-tailed flounder. So what if we violated the 1951 Geneva convention on refugees, to which the United States is signatory? It will soon be forgotten.

It ought not to be. For Simas will never forget.

RIGHT OF PRIVACY IN EUROPE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, all lawyers recognize that the law of the right of privacy is far from being clear and in the opinion of many is yet inadequately developed in our country. The Honorable Albert E. Harum, a professor of law at the University of Miami, an able and distinguished attorney who, I am pleased to say has been associated with me in the practice of law for many years, has written a most interesting article on the subject of the right of privacy in Europe which appeared in the American Bar Association Journal of July 1970. Feeling that this excellent article of Professor Harum will be interesting not only to the members of the bar of the Congress and in the country but to many laymen as well, I include Professor Harum's article in the RECORD following my remarks:

RIGHT OF PRIVACY IN EUROPE

(By Albert E. Harum)

(NOTE.—The right of privacy is receiving increasing recognition in the United States, but several European nations have failed to denominate the infringement of privacy as a tort. Nevertheless, the interests given protection by the right of privacy also receive protection in some of those countries, albeit through different legal actions. Our leadership in lighting the way cannot be denied.)

While the law in the United States continues to give armor and substance to a right

of privacy sounding in tort as a weapon against eavesdroppers and electronic snoopers, European jurisprudence generally chooses to rely instead on the traditional doctrines of nuisance and property to ward off such invasions.

Whether this complacence abroad is justified perhaps depends on the degree of alarm engendered by the expanding arsenal of electronic ammunition [1] and the extent of concern for a citizen's right to privacy. Outcroppings of electronic gadgetry and bugging—more widespread in the United States—together with the threat posed by data control banks, wiretapping and surreptitious surveillance have raised our apprehension level and have led to a series of Supreme Court decisions weaving the fabric of an impregnable zone of privacy. From the introduction of the privacy concept by Charles D. Warren and Louis D. Brandeis in 1890 as the right "to be let alone" [2] to the recent appropriation of the controversial abortion area as an essence of privacy, the courts have addressed themselves first to the problem of balancing this right with other constitutional rights or interests (for instance, freedom of the press); second, to establishing a relationship between the privacy to which a citizen is entitled with that claimed by his fellow citizens; and, third, to determining the situs of the right (for instance, in his home or wherever he chooses to exercise it).

The United States Supreme Court first was confronted with these problems of definition in *Public Utilities Commission* v. *Pollak*, 343 U.S. 451 (1952). Mr. Pollak, a Washington, D.C., bus rider, objected to being an "unwilling listener" to advertising messages beamed at him by a loudspeaker while he was a passenger, claiming this captive situation invaded his constitutional right of privacy. The Court acknowledged the existence of the right as springing from the Fifth Amendment, but held that the right did not guarantee the privacy "to which he is entitled in his own home" and that the right is "substantially limited by the rights of others when its possessor travels on a public thoroughfare or rides in a public conveyance".

The Court held that regulatory bodies must take into consideration the interests of all concerned and that the liberty of each individual in a public place is subject to reasonable limitations in relation to the rights of others.

In 1959, again confronted with weighing the right of privacy against competing interests, the Supreme Court in *Frank* v. *Maryland*, 359 U.S. 360, gave its support to a superior interest in public health. Mr. Frank sought to invoke his right of privacy as justification for denying entry into his home by Baltimore health officials seeking to control rat infestation. The Court considered the "nature of the demand" for privacy in "a particular context" and found the competing values predominant.

In 1965, however, the Court found no competing interest worth sustaining in *Griswold* v. *Connecticut*, 381 U.S. 479, and held that the right of "marital privacy" precluded any state regulation of the relationship. A Connecticut statute banning use of contraceptives and counseling on their use was held to be an invasion of the sanctity of a man's home and the "privacies of life." The entire Court found the statutory regulation offensive, although dissenting opinions of Justices Black and Stewart found no general right of privacy spelled out in the Constitution. The majority spoke of "penumbral" rights of privacy and cited the Ninth Amendment provision that enumeration of certain rights be not construed to deny or disparage other inherent rights.

At this stage of the legal shaping process, Congress and the general public evinced concern over the threat to privacy posed by governmental collection of personal data. In addition to the computerized bank of data gathered by tax collectors, census enumerators, the United States Civil Service and other governmental agencies, there were proposals that available data be pooled in the interest of centralized efficiency.[3] The House of Representatives inaugurated public hearings, and mere concern became alarm over the possibility that a computerized man, with little or no individuality or privacy, would emerge from the proposed data facility. Considerable apprehension was voiced over the possible diversion of this tape-recorded personal information into channels of coercion, badgering and other sinister activities. The Senate, too, became alarmed at revelations of new surveillance techniques and devices during hearings addressed to balancing law enforcement with privacy.

Commenting on the problem as the hearings opened, Senator Edward V. Long of Missouri observed that in the area of invasions of privacy "we are in both a legal desert and a legal jungle—a legal desert because of the sparsity of law, a legal jungle because of the conflicting nature of the law that exists".

In this context *Time, Inc.* v. *Hill* 385 U.S. 374 (1967), made its way to the Supreme Court, and once again competing interests clamored for Court approbation. *Life* magazine had reviewed a play based on a novel depicting a family being held hostage. In its account, *Life* related the play to an incident that had befallen the Hill family some fifteen years earlier and, in fact, described it as an enactment, accompanying the article with photographs of scenes staged in the former Hill home. The Hills claimed this constituted an invasion of their right to avoid the glare of publicity.

The Court was faced with the overlapping but competing rights of freedom of expression and of privacy, Mr. Hill having been successful in his suit below based on a New York statute prohibiting use in advertising of a picture of a living person without his consent. In the interest of providing "breathing space" for press freedom and in view of a failure by Hill to demonstrate either malice or deliberate falsification on the part of *Life*, the Court decided against sustaining the right of privacy. The Court lifted the malicious motive concept bodily from *New York Times* v. *Sullivan*, 376 U.S. 254, decided in 1964.

BOUNDARIES OF PRIVACY EXTENDING TO ABORTION

In this legal climate and with these guidelines and limitations now well established, lesser but nonetheless influential courts have moved and are moving to extend the boundaries of privacy to embrace a hitherto sensitive area—abortion. In mid-1969 the California Supreme Court reversed the 1967 conviction of Dr. Leon Belous for having arranged an abortion for a young unmarried patient, contrary to a prohibitory statute then existing but now liberalized.[4] In order to accomplish this, the court extended and expanded the doctrine of *Griswold* to declare unconstitutional an unjustified invasion of privacy "in matters relating to marriage, family and sex", affecting the fundamental right of a woman to chose whether to bear children. Almost contemporaneously Gerhard A. Gesell, a judge of the United States District Court for the District of Columbia, declared unconstitutional a District of Columbia antiabortion statute and called on Congress to enact a "more scientific and appropriate statute".[5] Urging that steps be taken to bring about an early review of his decision by the Supreme Court, Judge Gesell, apparently referring to *Griswold*, said that doctrine indicates that "a woman's liberty and right of privacy extends to family, marriage and sex matters, and may well include the right to remove an unwanted child at least in the early stages of pregnancy".

Also relying on *Griswold* and citing *Belous*, a suit was filed in New York attacking the constitutionality of that state's abortion on the grounds that it violates the right of privacy in the physician-patient relationship as protected by the First, Fourth, Fifth, Ninth and Fourteenth Amendments, and that the law "violates a doctor's right to practice medicine according to the highest possible standards, and the patient's right to safe and adequate medical advice and treatment".[6] New York's repeal of its antiabortion statute in May renders the litigation moot.

These cases are expected eventually to go to the Supreme Court, whose ruling would affect the thirty-seven states that have abortion laws similar to those in California and the District of Columbia.

RIGHTS ARE PROTECTED UNDER ANOTHER NAME

England has displayed a reluctance to recognize infringement of privacy as a tort, preferring to deal with it as "watching or besetting", or as trespass to property or by belaboring the facts in a particular case to bring them under an existing and recognized tort classification, such as defamation. English courts find affinity between privacy and their law governing trespass to the person or property of another. For example, in *Sheen* v. *Clegg* the trial court awarded damages in trespass against a defendant who had secretly installed a microphone over the marital bed of the plaintiff.[7] The court held this to be trespass and therefore actionable per se on the theory that material objects were placed directly upon another's land. *Salmond on Torts*, the English torts compendium, points out that "the owner of the land has in private law the right to use it for his own purposes, to the exclusion of all other purposes, the air space above it".

It would appear that by denominating invasion by bugging or even by wireless devices as an electronic trespass, the injured party is afforded a remedy at law. This view is an obvious extension of the English concepts of nuisance, usually requiring some physicial contact with land, and of trespass, designed to deal with other types of infringement (sign protrusion, overhanging limbs, etc.).

Carrying the remedy for the victim of spying somewhat further, the plantiff may obtain aggravated as distinct from exemplary damages in the English courts if the conduct of the defendant has been "outrageous or disgraceful".[8] Quite possibly some of our country's "birdwatchers" have been bold enough to meet these qualifications. There is, however, no common law protection against nor remedy for the use of a photograph without permission unless the publication is defamatory, nor for the interception of phone or other conversations, nor for industrial espionage (although Professor Salmond has expressed a need for legal development in this area).

Another English torts authority, *Street, The Law of Torts*, agrees that there are circumstances under which invasions of privacy cannot be compressed into the mold of an already existing tort and cites as examples:

1. The jilted lover who makes his former sweetheart a present of a bathing costume which dissolves in chlorinated water.

2. The farmer who offends the old spinsters across the road by encouraging his beasts to mate on Sunday mornings in a paddock in full view of the old ladies.

3. The hotel manager who rushes into the plaintiffs' bedroom shouting "Get out of here, this is a respectable hotel"—the plaintiffs being man and wife.

The classic English case of *Tolley* v. *J. S. Fry & Sons Ltd.*, 1931 All Eng. Rep. 131 (H.L.), is an excellent example of a remold-

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Footnotes at end of article.

ing of privacy-infringement facts into the defamation format. The facts in the case are amusing as well as illustrative. Tolley was an amateur golfer. In June of 1928, the Fry firm placed ads for its chocolate in certain newspapers in which there appeared a caricature of Tolley playing a "stroke at golf" with a carton of the defendant firm's chocolate protruding from his pocket. An accompanying caddie was holding up packets of Fry chocolates, below which appeared this jingle:

"The caddie to Tolley said 'Oh, Sir!
Good shot, Sir! That ball, see it go, Sir.
My word how it flies
Like a cartet of Fry's
They're handy, they're good, and priced low, Sir!' "

An "innocent" commercial use of a photo for advertising gives no right of action in English law, but the Lords were aghast at the temerity of the chocolate firm. They held the matter, although *in vacuo* innocent, was capable of a defamatory meaning since, by innuendo, it appeared that Tolley had agreed for gain and profit to prostitute his reputation as an amateur golfer and that he was seeking notoriety.

Still another torts authority, *Winfield on Torts*, offers a word of caution that press freedom could fall before a full-blown recognition of a right of privacy. Winfield suggests that it is only an "offensive" invasion of privacy that is really objectionable. That ought to be made unlawful, he continues, because there "is no need to stop the propagation of news—even silly news—about people, or to stifle curiosity—even vulgar curiosity, about a neighbor's affairs".

While the present body of English law does not protect privacy, United States Courts have drawn aid and comfort from a cornerstone English case. In *Gee* v. *Pritchard*, 2 Swan 402 (1818), an injunction was sought to prevent disclosure of confidential and private material contained in letters written by the plaintiff to the defendant. Copies had been made by defendant before returning the letters. The English court held that an injunction lay to protect the defendant's property right in the letters.

MOVEMENT TO ESTABLISH RIGHT OF PRIVACY IN ENGLAND

Despite a negative feeling among conservatives in the English Bar, a movement is afoot to establish invasion of the right of privacy as a tort. "Justice," the English section of the International Commission of Jurists, has drafted a bill giving a right of action for any "substantial and unreasonable" infringement of the right of privacy. The draft defines the right of privacy as the "right of any person to be protected from intrusion upon himself, his home, his family, his relationship and communication with others, his property and his business affairs".[9]

Specifically included in the bill are intrusion by "spying, prying, watching or besetting", the unauthorized overhearing or recording of spoken words, the unauthorized making of visual images, reading or copying of documents, use or disclosure of confidential information, and the appropriation of name, identity or likeness for another's gain.

Previous right of privacy bills in England have failed to become law. One, in 1961, sought to grant a right of action against any person publishing without consent in a newspaper or on radio-television any words relating to the plaintiff's "personal affairs or conduct" calculated to cause injury or embarrassment. Another, in 1967, sought to grant a remedy for "unreasonable infringement" of the plaintiff's right to preserve the "seclusion of himself, his family, or his property". Still another, in 1967, sought to make it a crime for unauthorized persons to monitor telephone conversations.

Little or no protection is afforded in England against raking up old scandals in the press, although moral persuasion is exerted by the Press Council. At this writing the council is seeking to prevent a second publication of the memoirs of Christine Keeler. The censure action, however, has been "rejected" by the newspaper involved. It is questionable whether this controversy would be resolved differently in the United States climate of *Time* v. *Hill*. In at least one similarly notorious case involving the Duchess of Argyll,[10] Chancery enjoined publication of memoirs because matters had been disclosed within the marital relationship—a finding consonant with our Supreme Court's concept of marital privacy in *Griswold*.

SCOTS LAW FOLLOWS ACTIO INJURIARUM

The absence of a specific right of privacy in Scotland is rationalized by legal scholars by the position that it is not necessary for conduct in order to be actionable to be assigned a legal category. The underlying principle is *actio injuriarum*, borrowed by the Scots along with other doctrines from the Roman law. The theory is that a person who suffers loss through the wrongful and illegal acts of another is entitled to reparation. However, Lord Kilbrandon, chairman of the Scottish Law Commission, finds difficulty in reconciling the individual's desire to be "left alone in peace" with what in many cases is a legitimate interest on the part of another or of the public in certain affairs.[11] This balancing of interest problem is similar to that which confronted our Supreme Court in *Time* v. *Hill*.

In addition, Lord Kilbrandon points out that Scots law relies on an action for *convicium* to provide relief for privacy infringement. Professor D. M. Walker of the Scottish University Law Institute spells out *convicium* as a malicious communication (whether true or false) calculated to bring the plaintiff into public hatred, contempt or ridicule and cause him injury or damage.

Distinguishing the action for defamation from that for *convicium*, Lord Kilbrandon points out that, apart from the fact that *veritas* is not a defense in *convicium*, a general course of conduct by the defendant must be proved. Participants in public controversy are denied relief since press comment should not be "less free than in public and political discussions generally" and the privacy of domestic life is not invaded.[12]

WILL SOVIET LAW RECOGNIZE RIGHT OF PRIVACY?

While Russian law has an avowed interest in preserving the "image" of its citizens, the image abroad of the U.S.S.R. itself leads one to study the problem in that country with tongue in cheek. Protection of privacy in a general way is afforded by the Soviet Constitution and, according to Professor O. S. Joffe,[13] amendments are now being debated in legislative halls to make the protection "more specific". While there is no right or privacy denominated as such, Professor Joffe sees all branches of Soviet law converging to recognize such a right: state codes, administrative, civil and criminal law, as well as the constitution and the Soviet Civil Code. However, a citizen once having been projected into the public sphere is given no protection against subsequent published accounts, although Professor Joffe sees "moral and equitable" standards being invoked to deal with this type of problem. This latter principle is similar to that enunciated in *Time* v. *Hill*.

REMEDIES IN NORWAY AND SCANDINAVIAN COUNTRIES

It is a long step from the Soviet view of privacy to that of the Norwegian legal structure, which has the effect of giving a right of action for invasion of privacy. It must be understood that under Norway's procedural system a victim of a misdemeanor or felony is entitled to demand civil damages if he engages in criminal prosecution of a defendant. If a plaintiff chooses not to seek public prosecution based on the criminal law, then he must proceed civilly through counsel, who may rely upon the criminal code prohibition to support his suit.[14] Thus he can demand damages on the basis of the criminal code provision that invasion of another's privacy is a misdemeanor or on the basis of the criminal code provision that electronic eavesdropping is a felony.

In the other Scandinavian countries the notion of the right of privacy has not gained much ground, although the Swedish Minister of Justice appointed a royal commission in 1966 to prepare legislation dealing with wire tapping and electronic eavesdropping. However, the most impressive survey of privacy law extant was prepared in 1967 by a Swedish professor, Stig Stromholm of the University of Upsala Faculty of Law. The study was initiated by the International Commission of Jurists as a working paper for the Nordic Conference of Jurists, organized by the commission in Stockholm in May of 1967.[15] Professor Stromholm indicates strong approval of the inclusion by West Germany of a fundamental "free development of the personality" in its 1949 constitution, which later was recognized as an absolute right in the courts. He points out, however, that the "absolute" character of the general right of the personality does not imply that the protection granted to that right is unlimited and independent of opposing interests.

FRENCH AND ITALIAN SYSTEMS ARE DEVELOPING

French legal theorists project *droits de la personnalite* beyond the structural limitations of privacy and are apparently concerned about the danger inherent in strict labeling and overdefinition. It is argued by Professor Nerson, the leading French authority, that underdefinition is preferred, since the courts can then expand private rights to meet new needs.[16]

In Italy the concept of *riservatezza* is being developed by the courts. Professor Giovanni Pugliese of Citta University, Rome, defines the term as the absolute right of a person to have his actions not known and not publicized and, marginally, to prohibit knowledge of his own acts from possession by other persons.[17] Professor Pugliese cited an unreported Italian case involving the life of Caruso—though not so designated—in which the famous singer's heirs maintained they had the right to prohibit the showing of a film and to recover damages on the theory that the narrative was identifiable in the public mind. Emerging from this case was legal protection against invasion of that sphere reserved to private persons—*riservatezza*.

MORE RIGHT OF PRIVACY SUITS ON THE WAY

The leadership of the United States in establishing the right of privacy and in lighting the way for European jurisprudence cannot be denied. Significant in February this year was the United States Supreme Court's denial of certiorari in the *Belous* case from California (397 U.S. 915). Mayor Lindsay of New York City almost immediately pressed for repeal of the state abortion law on the ground that "it constitutes an invasion of privacy". A class suit has been filed in New Jersey challenging New Jersey's abortion laws as invading the "right of privacy in the physician-patient relationship". In the atmosphere of expanding civil rights, new legal incursions into the realm of right of privacy can safely be predicted.

FOOTNOTES

[1] See Marinuzzi, *Bugs and Birds—the Eavesdropping Revolution*, in "Report of the Senate Committee on the Judiciary, Subcommittee on Administrative Practice and Procedure 321 (1965)."

[2] Warren and Brandeis, *The Right of Privacy*, 4 Harv. L. Rev. 193 (1890).

[3] John W. Macy Jr., *The New Computerized*

Age—4; Automated Government, Saturday Review, July 23, 1966. Mr. Macy is Chairman of the United States Civil Service Commission.

[4] *California* v. *Belous*, 80 Cal. Reptr. 354, 458 P. 2d 194 (1969).

[5] *United States* v. *Vuitch*, 305 F. Supp. 1032 (1969 D.C.).

[6] New York Times, October 1, 1969.

[7] As officially reported in the London Daily Telegraph, June 22, 1961.

[8] Lord Devlin in *Rookes* v. *Barnhard*, A.C. 1129 (1964).

[9] "A Report by Justice: Privacy and the Law" (London, 1970).

[10] *Argyll* v. *Argyll*, 1967 Eng. L.R. 302 (Chancery).

[11] *Note on Invasion of Privacy*, delivered at seminar at All Souls College, Oxford, 1968, and expanded on in interview with the writer in Edinburgh, October, 1969.

[12] See opinion of Lord Deas in *Cunningham* v. *Phillips*, 6 N. 926 (1868).

[13] Professor Joffe occupies the Chair in Civil Law of Leningrad State University and is the author of a three-volume treatise, *Soviet Civil Law*. He gave his views to this writer at the university in November, 1969.

[14] The operational aspects of the Norwegian system were explained to this writer by two distinguished members of the Jurisfacultiet of the University of Oslo, Dr. Johs. Andanaes. Rector of the University and professor of law, and Dr. Anders Bratholm, professor of law.

[15] Professor Stromholm's opus has since been published as No. 8 in a series on comparative law by the Instituti Upsaliensis Jurisprudentiae Comparativae, P. A. Norstedt & Soners Forlag, Stockholm, 1967.

[16] "Nerson, Les Droits Extrapatrimoniaux" (Lyon, 1939).

[17] In an interview with this writer in November, 1969.

VETERANS DAY: A DAY TO REVIVE OLD VALUES

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on November 11, Veterans Day, Lt. Gen. V. Underwood, Jr., commanding general, U.S. Army Air Defense Command, delivered a very stirring and patriotic address to a large audience at the Victory Park Auditorium in North Miami Beach, Fla., in my congressional district. I was privileged to hear his able address.

General Underwood courageously and eloquently addressed himself to many of the challenging problems facing our country, and movingly called for a revival of the old values which we have cerished in the past in our national life. Magnetic in personality, impressive in delivery, he deeply moved his appreciative audience.

I am pleased, Mr. Speaker, to make General Underwood's outstanding address available to the Members of the Congress and all who shall read this RECORD, and I include his address in the RECORD following my remarks:

VETERANS DAY: A DAY TO REVIVE OLD VALUES

I am delighted indeed to have the opportunity to participate in this colorful and dignified observance of Veterans Day. This is certainly an exemplary way to observe a day dedicated to all those who have served their nation in uniform from Valley Forge to Vietnam. And it is an inspiring way to demonstrate the special respect and admiration we feel for those who have given their lives in defense of freedom.

I am particularly happy to have been able to spend Veterans Day in Florida, whose citizens have only to look a few miles to the south to realize that the freedoms which these veterans defended continue to be threatened and, indeed, already have ceased to exist in one nation in the Western Hemisphere.

I am speaking of such veterans as Corporal Nick Halioris, a retired resident of North Miami Beach who 52 years ago was awarded the Distinguished Service Cross for his gallant actions in the Belleau Wood in France. Many of you may not know that Corporal Halioris—who is here tonight—took charge of a squad of doughboys when the squad leader was killed. Singlehandedly, he charged an enemy machinegun nest that had held up his battalion for days, and he destroyed both the machinegun and enemy crew with hand grenades.

I am speaking of such veterans as Sergeant Hyman T. Beitscher, who fought through six major campaigns in Europe in World War II, who was wounded in combat three times, and who holds the Silver Star Medal for gallantry and the Bronze Star Medal for valor—among his numerous well-earned decorations.

I am speaking of such heroic men as Specialist Fifth Class Eugene E. Pisseri, Jr., who won the Silver Star for gallantry in Vietnam in 1965.

I believe it also is worthy of note that the entire seven-man council of this city—including the mayor—all are veterans who served their country in time of war and continue to serve in time of peace.

To these outstanding patriots who willingly bore arms in defense of our country, and to the millions like them, we pay tribute tonight.

There are today some twenty seven and one-half million living American veterans. Beyond them are some ten million deceased servicemen, more than a million of whom died while in military service. We assemble, then, to honor some thirty seven and one-half million Americans—men and women of the Army, Navy, Air Force, Marines and Coast Guard—who have borne arms in the service of their country.

Observance of Veterans Day this year is an especially poignant occasion because of the efforts of some among us to overturn and discredit the values and principles which have motivated this nation and its Armed Forces. Basic concepts of patriotism are flaunted arrogantly by those who contemptuously burn the flag. The value of national service is attacked symbolically by those who ostentatiously destroy their draft cards or surreptitiously evade military duty. The worth of our way of life and system of government is sullied by those who insist upon the right to elevate self-interest above national interest. And the fundamental belief in law and order which has been a guiding precept of this nation is challenged outright by those who claim the right to burn, bomb, destroy and loot with immunity as a means of redressing real or imagined grievances.

Fortunately, those who feel and act in this fashion are still in the minority. But I suggest that the time has come for the inert majority to wake up and speak up in support of the old and still valid virtues of patriotism, devotion to country and respect for the rights and property of others.

Veterans Day is an ideal day to spark the rebirth of faith in America and support of those who serve it selflessly, decently and constructively.

I, for one, am not ashamed of my country's historic concern for the right of other nations to be free, sovereign and independent. I, for one, do not apologize for my country's long-standing belief that people who wish to be free have a right to be free. I will not attack my country for having answered muster when freedom's frontiers were challenged by aggressors and subverters. Moreover, I will not lose faith in our system of government because of manifest imperfections. Instead, I will remember Winston Churchill's observation, that: "Democracy is the worst form of government, except all others."

I will make excuses to no man for the thrill I feel when the Stars and Stripes are unfurled. And, I will applaud openly the many Americans who willingly serve their country whenever it calls them to duty. At the same time, I will reject those who are more charitable with the enemy than with their own government. Finally, I will salute those whose concern for America is expressed in constructive proposals rather than destructive outbursts.

In expressing these views, I believe I reflect majority thinking throughout the nation. But quiet thoughts are not enough if we are to sustain the values and ideals for which veterans have fought through the years and which are under subtle attack by some segments of our society. The right to organize and sound off is not limited to those who wish to dissent or protest. So the first of three points I would make is that Veterans Day is the right day for the passive majority to reassert its faith in America, its pride in America's accomplishments, and its devotion to the principles of patriotism, loyalty and unity. I can imagine no finer way to honor the memory of those who sacrificed their lives in the service of a nation they loved.

VIETNAM VETERAN

And now, turning to my second point, I think it is time to state the painful fact that America has been rather inattentive to the Vietnam Veteran. The inattention may be unconscious but it is nonetheless regrettable. It is almost as if the average citizen took the Armed Forces for granted as he pursued his own self-interest or as he sought to seal himself off from a war he had trouble understanding. I make these statements not to be critical of my fellow Americans but in an effort to gain for the combat veteran of Vietnam the respect and appreciation his sterling performance merits.

Unfortunately, our country has been so preoccupied with debate over whether we should be in Vietnam, how we became involved, and how we might disengage, that the exploits and sacrifices of the American fighting man have not been recognized as widely and enthusiastically as in former wars. It seems to me that in some segments of our society, frustration over this war may have translated itself into a form of indifference toward the man who is called upon to carry the colors. At any rate, the serviceman in Vietnam is having an experience that is new in our country, at least in this century. He is learning what it is like to fight a war for a country that is not solidly behind the war. And he is undergoing the painful experience of returning from Vietnam to find in general that the main expressions of welcome and appreciation come only from his family and immediate friends.

The soldier is used to being forgotten in peacetime but is it unusual for him to be overlooked in wartime.

So I suggest that each citizen and civic organization, in their own way, find a way to let this fine Vietnam returnee know that while as a nation we may disagree over many political aspects of the war in Vietnam, we are strongly united in our respect and appreciation of the superb performance that the American fighting man has given on behalf of his nation and his fellow Americans.

As this audience knows so well, patriotism is not the special obligation of the man in uniform. It is also the shared obligation of every citizen who cares about our country and our way of life.

ANTIMILITARY TREND

I also wish to comment candidly on the anti-military trend which seems to be developing in our society. It is becoming fashion-

able to criticize the Armed Forces for many of the problems which beset the nation, such as the vexing war in Vietnam, the heavy draft, the onerous budget, inflation and even the unrest on our college campuses. The military is attacked regularly but vaguely as a conspiring member of an industry-military complex that is seeking to manipulate the economy and the government for selfish purposes. Moreover, some segments of the anti-military cult are floating anew the old canard about the uneducated soldier and the closed, arbitrary minds of self-centered, sabre-rattling military leaders.

I do not accept that these criticisms represent the true feeling of the typical American citizen about his Armed Forces. To a certain extent these anti-military outbursts represent the subconscious need of our society for a whipping boy. Lashing the military is a convenient way to work off frustrations over the war, the draft, taxes, and the rising cost of living.

I raise this subject not because of any naive belief that the Armed Forces should be immune from the kind of healthy criticism that purifies and strengthens a democratic society. Rather, I raise this subject because of my concern that the Armed Forces in general and the Army in particular may be damaged to the detriment of the nation by the uncharitable, anti-military attitudes that are developing in our time.

An Army is conditioned by the society it represents. A good Army is one that can attract men of quality to adopt military careers as a means of serving their nation honorably. But how, I ask, can men of quality and dedication be drawn into an Army that is belittled and ridiculed by increasing numbers of their fellow-Americans? I do not say we are at that point, but I caution that the anti-militarism which is building could in time undermine the incentive for military service—and if that ever happens, a priceless national asset will go down the drain and the country will indeed be in trouble.

I am speaking out tonight because I think it is time someone spoke up for the soldier and the Army. I think it is high time that we be reminded that the Army has served this nation well for 195 years in time of war and in peacetime emergencies. This is an Army that has never failed the nation in a crisis, an Army that has lived faithfully by the exacting motto of Duty, Honor, Country. This is an Army that has produced great leaders when they were neded most—men like Pershing, MacArthur, Marshall, Eisenhower, Bradley, Taylor, Ridgway, Lemnitzer, Wheeler, Johnson, Westmoreland and Abrams. This is an Army that has shown great forbearance and commendable restraint and patience in performing painful, domestic disturbance duty. This is an Army that has maintained its morale, its cohesiveness and its sense of purpose in spite of the harsh divisiveness with our society. This is an Army that has led the way for the nation in granting the Negro equality, opportunity and recognition. And this is an Army with an educational level far above our nation as a whole.

My suggestion, therefore, is that criticism of the Army be tempered with appreciation of its sacrifices and accomplishments on behalf of the nation. My plea is that the military man be recognized for what he is—a meritorious individual who by and large is doing his best and doing it quite selflessly. My hope is that in the midst of the mounting anti-militarism we will not lose sight of the continuing need of the nation for a strong Army that can attract wholesome men of quality who will carry on the Army's heritage of service to the nation. In short and in summary, let the zeal for noisy dissent and criticism which is so rampant in our national life be restrained by quiet acknowledgement of the national asset which our Armed Forces represent. Certainly, the program presented here on this Veterans Day is a very useful step in that direction.

VISIT U.S.A. SEMINARS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, before the Congress recessed in October, we put the finishing touches on some very important legislation authorizing an increase in appropriations for the U.S. Travel Service, and elevating the top job in that agency to the position of Assistant Secretary of Commerce. I was pleased to support that legislation.

Thus, the Congress—and the President in signing this legislation into law—placed new emphasis on our Nation's efforts to attract foreign visitors to the United States.

In accord with its mission to boost foreign tourism, the U.S. Travel Service recently conducted the first of an innovative series of Visit U.S.A. World Tourism Seminars. The Honorable C. Langhorne Washburn, now Acting Assistant Secretary of Commerce for Tourism, and a group of 14 leading U.S. travel industry executives, flew from Miami to London where they met with British tour operators to help plan tour programs to the United States.

Since that time, a second seminar has been conducted in Amsterdam. A third seminar wil be held in Australia in January. These seminars help spread the word about the many wonderful opportunities and warm welcomes which await visitors to our country. And I need not expound on the benefits which we realize from such visits.

Prior to departing for London on the initial Visit U.S.A. Tourism Seminar, Mr. Washburn spoke for a luncheon meeting of the Greater Miami Chamber of Commerce. Attending the luncheon along with Miami civic and business leaders were more than 100 English and European travel agents, journalists, and government officials who had come to tour Florida as guests of National Airlines.

Mr. Speaker, I would like to share with my colleagues the text of Mr. Washburn's remarks before the Greater Miami Chamber of Commerce, in which he announced the Visit U.S.A. seminars in support of the U.S. Travel Service's effort to promote travel to the United States.

I submit them herewith to be inserted in the RECORD following my remarks:

REMARKS OF C. LANGHORNE WASHBURN

Mr. Callahan, Mr. Maytag, members of the Miami Chamber of Commerce, distinguished guests from the United Kingdom: Today, I would like to speak with you about, "Selling Florida's Tourist Attractions for Profit". But before I begin, I would like to propose a toast to National Airlines—"Florida's own Airline." Today is National's 36th birthday.

In 1934 it started with two monoplanes. Today, it is a transatlantic carrier with a fleet of more than 50 aircraft—including 747's.

And it serves a state whose time has come. Florida has everything it needs to make it one of the most saleable tourist destinations in the world—

Direct air service to Europe and Latin America;

A sunny, sub-tropical climate;

Natural wonders—sand, surf, everglades, keys, palm trees;

Unique man-made wonders—like the Kennedy Space Center and Disney World;

Existing tourist "plant and equipment"—hotels, resorts, restaurants, night clubs, sightseeing tours; and

Skillful travel promotion.

But all of these assets notwithstanding, Florida still has not even begun to reach its full potential as an international tourist destination. Like Avis, it is only "number two"—which explains why it certainly is "trying harder."

Last year, Miami ranked second in the U.S. as a port of entry for inbound overseas visitors. It accounted for 17 percent of all overseas arrivals.

New York City—which ranked first—accounted for 41 percent.

About 89 percent of all overseas arrivals who entered the U.S. in Miami were nationals of Latin countries including the Bahamas. Less than 9 percent came from Europe.

In the future, this will change. A larger portion of Miami's inbound foreign arrival traffic is going to be British. Two factors which will bring about the change are the higher British overseas travel allowance—$750—which went into effect January 2, 1970, and the daily non-stop air service between Miami and London which National Airlines and BOAC inaugurated this year.

Both of these developments are already exerting an impact. Figures compiled by USTS' research staff show that 53 percent more Britons entered the U.S. at Miami in the first six months of 1970 than during the first half of 1969.

The major portion of this increase occurred before National initiated service in June. With two carriers promoting the market, British traffic for the last half of 1970 may be up even more.

Florida and Miami will be the *obvious* beneficiaries of any increases in VISIT USA traffic from the U.K. They will not be the only beneficiaries. Those of you from the U.K.—you who package and promote VISIT USA tours—will develop greater volume and realize greater profits.

Selling Florida will win you *new* customers as well as repeat patrons. My message to you—to sum it up succinctly—is "Sell your customers on Florida and they will be sold on you."

Most of you who have come over on National's inaugural flight have had an opportunity to see some of this state's promotable attractions already. You will see more this afternoon and tomorrow: the Seaquarium, the Kennedy Space Center, the site of Disney World, Fort Lauderdale—our American "Venice"—and Cypress Gardens.

Florida has other salable attractions which you may not get to see on *this* trip, but I hope you will some day soon. You must come back to Florida and the southern-tier states again and again.

This state has three national forests, one national park and 15 state parks. It contains Indian reservations. There is a Seminole Indian village within a short drive of Miami. It also has the winter White House of President Nixon, and St. Augustine, the oldest city in the U.S.

Florida will sell well in the U.K. and Europe. It will sell because it offers many attractions which Europe doesn't have. Europe does not have the Kennedy Space Center. Europe does not have Disney World. Or Cypress Gardens. Or the Everglades. Or Indian villages. Or a sub-tropical climate.

Florida does. But it's still going to have to be heavily promoted. After all—it faces strong competition.

From Greece.

From Spain and Portugal.

From North Africa.

Many of you are already promoting Florida. I believe National Airlines has pledged to spend at least $1 million in 1970 to persuade Europeans to visit Florida and the rest of the U.S.

The United States Travel Service is promoting Florida, too. In August, we held our biennial regional directors' meeting in Or-

lando and exposed each of our 8 overseas directors from around the world to the facilities and attractions of central Florida. Florida was selected as the conference site so each of our directors could become familiar with the attractions Florida has to offer.

This afternoon 15 top U.S. travel industry executives and I will depart on National Airlines regularly-scheduled flight to London for a sales seminar with 50 British travel agents.

This will not be just another mission. Nor will it be just another seminar.

Our objective is to help the British packager develop Visit USA tours priced within the reach of the average Briton. A related objective is to make it possible for the British operator to package Visit USA tours easily and inexpensively without leaving home.

We hope to generate a number of *group* Visit USA tours. Group tours have a built-in volume discount. The operator who buys 500 hotel room-nights pays a lower rate per night than the individual tourist who buys *one*, for example.

By passing along this discount to the customer, the operator puts his Visit USA package within the reach of the ordinary citizen. He increases his potential market . . . and, hopefully, his volume.

In a sense, selling tours is just like selling cars. So long as Rolls Royces constitute your only product line, your market is limited to those few customers who can afford to pay $25,000 for an automobile. But if you add a showroom full of mass-produced Austins and MGs, your market becomes practically boundless. It takes in all of the people who can afford only $2,000 for a car.

The same is true of tours. A market for custom-made, $1,000, independent Visit USA tours no doubt exists. But it's probably one-twelfth as big as the market for "mass-produced", $350 group Visit USA tours.

That's why we are trying to develop more group tours and more low-cost Visit USA packages.

The method we are trying is a new one. Normally, it is the tour-operator—the buyer rather than the sellers of package components—who embarks upon the packaging expedition.

This time, the sellers are going to the buyers. There is a special reason for this—packaging Visit USA tours is difficult. U. S. travel sellers are dispersed throughout the 50 states. A British wholesaler who comes to the U. S. shopping for tour components has to spend weeks just lining up appointments with various vendors. Then he has to fly from city to city to see—and negotiate with—potential suppliers. Tour-packaging becomes both time-consuming and expensive.

We are going to London, today, to make it possible for the British operator to package Visit USA tours without spending the time and money to come to the U. S.

Florida will be one of the destinations which will benefit from our mission.

At *least* eight of the mission members represent firms with Florida outlets or "products":

Philip Lowe, Vice Chairman, Sheraton Corporation of America; Winston Morrow Jr., President of Avis Rent A Car System, Inc.; Patrick Sheridan, President, Gray Line Sightseeing Companies; Robert Smalley, President, Hertz Corporation; William Everhart, Assistant Director, National Park Service; Richard Fitzpatrick, Vice President, Hilton Corporation; T. S. Reece, President, Continental Trailways; J. L. Kerrigan, President, Greyhound Lines.

Let me introduce the other members of our mission:

Clarence Arata, Executive Director, Washington (D. C.) Convention and Visitors Bureau;

James Hawthorne, President, Carte Blanche Corporation;

Vi Hendricks, President, U. S. Tour Service;

Bill Hensley, Director, Travel and Promotion Division, North Carolina Department of Conservation and Development;

Virginia Lee, Export Expansion Officer, Export-Import Bank of the U.S. (Mrs. Lee has preceded us to London); and

Thomas Orr, President, Ask Mr. Foster Travel Service.

This group is the most powerful Tourism Task Force ever assembled by the United States.

The London meeting will be the first of a series of VISIT USA World Tourism Seminars which the United States Travel Service and the U.S. travel industry plans to hold throughout the world. Two weeks from today, we will be conducting a second seminar in Amsterdam. Next January, we will fly to Australia to hold a third.

In December, the United States Travel Service and Discover America Travel Organizations will sponsor a "Pow Wow and Travel Mart" here in Miami. The objectives of the "Pow Wow" will be similar to those of the seminar scheduled tomorrow in London. The *format* will be slightly different. Instead of traveling abroad as a group to meet with foreign tour packagers, U.S. travel-sellers will bring the foreign tour operators here. But the concept of face-to-face negotiation in one centrally-located "market place" will remain the same. That place will be Miami's Deauville Hotel.

It is fitting, I think, that the first of our VISIT USA World Tourism Seminars is to be held in London. The U.K. sends more tourists to the U.S. than any other overseas country. It is our number one overseas VISIT USA market in terms of visitor arrivals.

In 1969, British visitors to the U.S. totaled more than 281,203. During the first six months of 1970, nearly 120,000 British travelers entered the U.S. and spent about 9,-170,000 pounds ($22 million).

As a source of foreign currency earnings, British visitors receipts are exceeded only by receipts from Canadian, Mexican and Japanese visitors.

There are many reasons for this. Our research—a market potential index my staff has developed—indicates that the common language and cultural traditions of the Anglo-American people play a part—that they influence the travel patterns of British citizens.

So do the U.K.'s excellent standard of living and the size of its overseas travel allowance—now $750. Commercial ties and traditions and relative proximity via air are other factors.

These factors will make the travel industries of the U.S. and the U.K. natural partners.

They will make the travel agents of London and the hospitality interests of Miami close allies . . . which leads me back to my original point—

"Whether you are a Floridian or a Briton, you can make money and win customers by selling the Sunshine State." We can *all* profit by promoting Florida's attractions. Let's package, let's publicize, let's make Miami the number one aerial gateway in the country.

A "RESPONSE" FROM GOVERNMENT

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the Miami Herald on November 16 had a timely editorial entitled "A 'Response' From Government." This editorial commented upon the decision in October of the IRS to discontinue tax exemption to "public interest law firms." Then the editorial notes the dramatic about-face on the action of the IRS and commends this action. I believe this editorial by the Miami Herald on this final action by the IRS is noteworthy and I include it in the RECORD following my remarks:

A "RESPONSE" FROM GOVERNMENT

Responsiveness to public opinion is the hallmark of representative government. Seldom has it been demonstrated more dramatically than in a swift backdown by the Internal Revenue Service.

Back on Oct. 9, the IRS announced a halt in granting new tax exemption to "public interest law firms"—the kind that often files suits to protect the environment from pollution, to enforce protection of consumers and the like.

Uproar ensued. Criticism came from both Republican and Democratic congressmen, the President's Council on Environmental Quality and Virginia Knauer, President Nixon's consumer adviser.

Five weeks later, almost to the day, the IRS retreated. A promised 60-day study had been finished in about half that time. The IRS promulgated guidelines for public interest law firms, which were given 90 days to certify that they comply with these requirements.

The guidelines sound reasonable and proper. The law firms will get tax exempt status if they "engage in litigation that can reasonably be said to represent a broad public interest rather than a private one." Their policies and programs must be governed by "a board or committee representative of the public interest," not controlled by employes or those who do the litigating.

Besides, a group enjoying tax exemption is forbidden to "attempt to achieve its objectives through a program of disruption of the judicial system, illegal activity or violation of applicable canons of ethics."

Taxpayers who in effect, subsidize such groups by shouldering their tax burden are likely to applaud the rules.

Relatively few individuals will be affected directly. The best known public interest law firms draw major support from foundations set up by multi-millionaires, along with contributions from interested citizens. Foundations would shy from endangering their own tax exemptions by donating to projects lacking exemptions.

FAMILY PLANNING SERVICES AND POPULATION RESEARCH ACT OF 1970—CONFERENCE REPORT

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 2108) the Family Planning Services and Population Research Act of 1970:

CONFERENCE REPORT (H. REPT. No. 91-1667)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective House as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill following the enacting clause and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Family Planning Services and Population Research Act of 1970".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act—

(1) to assist in making comprehensive voluntary family planning services readily available to all persons desiring such services;

(2) to coordinate domestic population and family planning research with the present and future needs of family planning programs;

(3) to improve administrative and operational supervision of domestic family planning services and of population research programs related to such services;

(4) to enable public and nonprofit private entities to plan and develop comprehensive programs of family planning services;

(5) to develop and make readily available information (including educational materials) on family planning and population growth to all persons desiring such information;

(6) to evaluate and improve the effectiveness of family planning service programs and of population research;

(7) to assist in providing trained manpower needed to effectively carry out programs of population research and family planning services; and

(8) to establish an Office of Population Affairs in the Department of Health, Education, and Welfare as a primary focus within the Federal Government on matters pertaining to population research and family planning, through which the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") shall carry out the purposes of this Act.

OFFICE OF POPULATION AFFAIRS

SEC. 3. (a) There is established within the Department of Health, Education, and Welfare an Office of Population Affairs to be directed by a Deputy Assistant Secretary for Population Affairs under the direct supervision of the Assistant Secretary for Health and Scientific Affairs. The Deputy Assistant Secretary for Population Affairs shall be appointed by the Secretary.

(b) The Secretary is authorized to provide the Office of Population Affairs with such full-time professional and clerical staff and with the services of such consultants as may be necessary for it to carry out its duties and functions.

FUNCTIONS OF THE DEPUTY ASSISTANT SECRETARY FOR POPULATION AFFAIRS

SEC. 4. The Secretary shall utilize the Deputy Assistant Secretary for Population Affairs—

(1) to administer all Federal laws for which the Secretary has administrative responsibility and which provide for or authorize the making of grants or contracts related to population research and family planning programs;

(2) to administer and be responsible for all population and family planning research carried on directly by the Department of Health, Education, and Welfare or supported by the Department through grants to, or contracts with, entities and individuals;

(3) to act as a clearinghouse for information pertaining to domestic and international population research and family planning programs for use by all interested persons and public and private entities;

(4) to provide a liaison with the activities carried on by other agencies and instrumentalities of the Federal Government relating to population research and family planning;

(5) to provide or support training for necessary manpower for domestic programs of population research and family planning programs of service and research; and

(6) to coordinate and be responsible for the evaluation of the other Department of Health, Education, and Welfare programs related to population research and family planning and to make periodic recommendations to the Secretary.

PLANS AND REPORTS

SEC. 5. (a) Not later than six months after the date of enactment of this Act the Secretary shall make a report to the Congress setting forth a plan, to be carried out over a period of five years, for extension of family planning services to all persons desiring such services, for family planning and population research programs, for training of necessary manpower for the programs authorized by title X of the Public Health Service Act and other Federal laws for which the Secretary has responsibility, and for carrying out the other purposes set forth in this Act and in such title X.

(b) Such a plan shall, at a minimum, indicate on a phased basis—

(1) the number of individuals to be served by family planning programs under title X of the Public Health Service Act and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

(2) an estimate of the costs and personnel requirements needed to meet these objectives; and

(3) the steps to be taken to establish a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

(c) On or before January 1, 1972, and on or before each January 1 thereafter for a period of five years, the Secretary shall submit to the Congress a report which shall—

(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan;

(2) indicate steps being taken to achieve the objective during the remaining fiscal years of the plan and any revisions necessary to meet these objectives; and

(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 6. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to IX" and inserting in lieu thereof "Titles I to X".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title X (as in effect prior to the enactment of this Act) as title XI, and by renumbering sections 1001 through 1014 (as in effect prior to the enactment of this Act), and references thereto, as sections 1101 through 1114, respectively.

(c) The Public Health Service Act (42 U.S.C., ch. 6A) is further amended by adding after title IX the following new title:

"TITLE X—POPULATION RESEARCH AND VOLUNTARY FAMILY PLANNING PROGRAMS

"PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES

"SEC. 1001. (a) The Secretary is authorized to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects.

"(b) In making grants and contracts under this section the Secretary shall take into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance.

"(c) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1971; $60,000,000 for the fiscal year ending June 30, 1972; and $90,000,000 for the fiscal year ending June 30, 1973.

"FORMULA GRANTS TO STATES FOR FAMILY PLANNING SERVICES

"SEC. 1002. (a) The Secretary is authorized to make grants, from allotments made under subsection (b), to State health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services. No grant may be made to a State health authority under this section unless such authority has submitted, and had approved by the Secretary, a State plan for a coordinated and comprehensive program of family planning services.

"(b) The sums appropriated to carry out the provisions of this section shall be allotted to the States by the Secretary on the basis of the population and the financial need of the respective States.

"(c) For the purposes of this section, the term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the District of Columbia, and the Trust Territory of the Pacific Islands.

"(d) For the purpose of making grants under this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971; $15,000,000 for the fiscal year ending June 30, 1972; and $20,000,000 for the fiscal year ending June 30, 1973.

"TRAINING GRANTS AND CONTRACTS

"SEC. 1003. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to provide the training for personnel to carry out family planning service programs described in section 1001 or 1002.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971; $3,000,000 for the fiscal year ending June 30, 1972; and $4,000,000 for the fiscal year ending June 30, 1973.

"RESEARCH GRANTS AND CONTRACTS

"SEC. 1004. (a) In order to promote research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population, the Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals for projects for research and research training in such fields.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1971; $50,000,000 for the fiscal year ending June 30, 1972; and $65,000,000 for the fiscal year ending June 30, 1973.

"INFORMATIONAL AND EDUCATIONAL MATERIALS

"SEC. 1005. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information (or materials).

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $750,000 for the fiscal year ending June 30, 1971; $1,000,000 for the fiscal year ending

June 30, 1972; and $1,250,000 for the fiscal year ending June 30, 1973.

"REGULATIONS AND PAYMENTS

"SEC. 1006. (a) Grants and contracts made under this title shall be made in accordance with such regulations as the Secretary may promulgate.

"(b) Grants under this title shall be payable in such installments and subject to such conditions as the Secretary may determine to be appropriate to assure that such grants will be effectively utilized for the purposes for which made.

"(c) A grant may be made or contract entered into under section 1001 or 1002 for a family planning service project or program only upon assurances satisfactory to the Secretary that—

"(1) priority will be given in such project or program to the furnishing of such services to persons from low-income families; and

"(2) no charge will be made in such project or program for services provided to any person from a low-income family except to the extent that payment will be made by a third party (including a government agency) which is authorized or is under legal obligation to pay such charge.

For purposes of this subsection, the term 'low-income family' shall be defined by the Secretary in accordance with such criteria as he may prescribe.

"VOLUNTARY PARTICIPATION

"SEC. 1007. The acceptance by any individual of family planning services or family planning or population growth information (including educational materials) provided through financial assistance under this title (whether by grant or contract) shall be voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program of the entity or individual that provided such service or information.

"PROHIBITION OF ABORTION

"SEC. 1008. None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning."

And the House agree to the same.

The Senate recedes from its disagreement to the amendment of the House to the preamble of the bill and agrees to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
TIM LEE CARTER,
JAMES F. HASTINGS,
Managers on the Part of the House.

RALPH W. YARBOROUGH,
HARRISON WILLIAMS,
EDWARD M. KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
J. JAVITS,
GEORGE MURPHY,
WINSTON PROUTY,
WM. B. SAXBE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment to the text of the bill following the enacting clause struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment to the bill. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House amendment and the substitute agreed to in conference.

The conference agreement is the same as the legislation passed by the House in every respect but one. The one departure from the House version is with respect to the authorization of appropriations for project grants and contracts for family planning services and for research grants and contracts. The Senate authorizations were accepted with respect to these areas. The need for these levels of authorization is reflected in the following letter from the Secretary of Health, Education, and Welfare, the Honorable Elliot L. Richardson:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., December 1, 1970.

Hon. HARLEY O. STAGGERS,
Chairman, Interstate and Foreign Commerce Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Department and the Administration were very pleased with the passage of S. 2108, the Family Planning Services and Population Research Bill. I know how deeply involved you were with each step in its progress.

As you approach the conference with the Senate members, there is a matter of particular concern to the Department of which you should be aware. During the hearings before your Committee, the Department provided an estimate of the expenditures necessary in services and research to achieve the Administration's goals in family planning services and population research. In certain instances these estimates exceed the authorization levels contained in the Bill passed by the Senate. Therefore, we were particularly distressed by the cuts in authorizations for family planning services project grants and contracts. We would appreciate your giving this problem particular consideration. For your convenience, I am enclosing a copy of the cost estimates which were previously provided the Committee.

With regard to another difference between the House and Senate Bills, we appreciate the action of your committee in removing the authorization of grants for the construction of population research facilities. We regret that the Committee did not delete the authorization for formula grants to the States for family planning services.

Thank you again, Mr. Chairman, for the actions of you and your committee in assisting the administration towards solutions to these important problems.

With best regards,
Sincerely,
ELLIOT L. RICHARDSON,
Secretary.

SELECTED POPULATION AND FAMILY PLANNING ACTIVITIES—COST ESTIMATES[1]

[In millions]

Organization	Authorizing legislation	Fiscal year 1971 budget	1972 estimate	1973 estimate	1974 estimate	1975 estimate
Maternal and Child Health Services, HSMHA:						
(1) Maternal and child health formula grant to the States.	Title V, Social Security Act	$13.1	$15.0	$15.0	$15.0	$15.0
(2) Maternity and infant care project grants.	do	4.7	5.0	5.0	5.0	5.0
National Center for Family Planning Services, HSMHA:						
(1) Project grants for services, operational research and training.	do	33.5	34.0			
	Administration proposal (H.R. 15159).	12.0	51.0	130.0	175.0	220.0
Total services		63.3	105.0	150.0	195.0	240.0
National Institutes of Child Health and Human Development—Center for Population Research.	Public Health Service Act	28.3	50.0	75.0	100.0	100.0

[1] These figures represent only staff estimates of costs under these programs. They should not be construed as committing the Department or the Administration to requesting or spending such funds for fiscal years after 1971.

Adoption of the Senate's authorization levels with respect to project grants and contracts for family planning services and research grants and contracts will increase the authorizations in the conference agreement by $120,000,000 over the authorizations in the House version. To place this amount in perspective it should be pointed out that the House version provided an authorization of $267,000,000 over the three-year period covered by it. The Senate passed bill was a five-year program with authorizations aggregating $991,250,000.

It is, and has been, the intent of both Houses that the funds authorized under this legislation be used only to support preventive family planning services, population research, infertility services, and other related medical, informational, and educational activities. The conferees have adopted the language contained in section 1008, which prohibits the use of such funds for abortion, in order to make clear this intent. The legislation does not and is not intended to interfere with or limit programs conducted in accordance with State or local laws and regulations which are supported by funds other than those authorized under this legislation.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
TIM LEE CARTER,
JAMES F. HASTINGS,
Managers on the Part of the House.

TRAINING OF FAMILY PHYSICIANS—CONFERENCE REPORT

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the train-

ing of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped:

CONFERENCE REPORT (H. REPT. No. 91-1668)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—FAMILY MEDICINE

SEC. 101. Part D of title VII of the Public Health Service Act is amended to read as follows:

"PART D—GRANTS TO PROVIDE PROFESSIONAL AND TECHNICAL TRAINING IN THE FIELD OF FAMILY MEDICINE

"DECLARATION OF PURPOSE

"SEC. 761. It is the purpose of this part to provide for the making of grants to assist—

"(1) public and private nonprofit medical schools—

"(A) to operate, as an integral part of their medical education program, separate and distinct departments devoted to providing teaching and instruction (including continuing education) in all phases of family practice;

"(B) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a medical school or as separate outpatient or similar facility;

"(C) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine; and

"(D) to operate, or participate in, special training programs to teach and train medical personnel to head departments of family practice or otherwise teach family practice in medical schools; and

"(2) public and private nonprofit hospitals which provide training programs for medical students, interns, or residents—

"(A) to operate, as an integral part of their medical training programs, special professional training programs (including continuing education) in the field of family medicine for medical students, interns, residents, or practicing physicians;

"(B) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a hospital or as a separate outpatient or similar facility;

"(C) to provide financial assistance (in the form of scholarships, fellowships, or stipends) to interns, residents, or other medical personnel who are in need thereof, who are participants in a program of such hospital which provides special training (accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education) in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

"(D) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 762. (a) For the purpose of making grants to carry out the purposes of this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1971, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973.

"(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for the purpose for which appropriated until the close of the fiscal year which immediately follows such year.

"GRANTS BY SECRETARY

"SEC. 763. (a) From the sums appropriated pursuant to section 762, the Secretary is authorized to make grants, in accordance with the provisions of this part, to carry out the purposes of section 761.

"(b) No grant shall be made under this part unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall have prescribed by regulations which have been promulgated by him and published in the Federal Register not later than six months after the date of enactment of this part.

"(c) Grants under this part shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this part.

"(d) In the case of any application for a grant any part of which is to be used for major construction or remodeling of any facility, the Secretary shall not approve the part of the grant which is to be so used unless the recipient of such grant enters into appropriate arrangements with the Secretary which will equitably protect the financial interests of the United States in the event such facility ceases to be used for the purpose for which such grant or part thereof was made prior to the expiration of the twenty-year period which commences on the date such construction or remodeling is completed.

"(e) Grants made under this part shall be used only for the purpose for which made and may be paid in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"ELIGIBILITY FOR GRANTS

"SEC. 764. (a) In order for any medical school to be eligible for a grant under this part, such school—

"(1) must be a public or other nonprofit school of medicine; and

"(2) must be accredited as a school of medicine by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirements of this clause shall be deemed to be satisfied, if (A) in the case of a school of medicine which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

"(b) In order for any hospital to be eligible for a grant under this part, such hospital—

"(1) must be a public or private nonprofit hospital; and

"(2) must conduct or be prepared to conduct in connection with its other activities (whether or not as an affiliate of a school of medicine) one or more programs of medical training for medical students, interns, or residents, which is accredited by a recognized body or bodies, approved for such purpose by the Commissioner of Education.

"APPROVAL OF GRANTS

"SEC. 765. (a) The Secretary, upon the recommendation of the Advisory Council on Family Medicine, is authorized to make grants under this part upon the determination that—

"(1) the applicant meets the eligibility requirements set forth in section 764;

"(2) the applicant has complied with the requirements of section 763;

"(3) the grant is to be used for one or more of the purposes set forth in section 761;

"(4) it contains such information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this part;

"(5) it provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require (pursuant to regulations which shall have been promulgated by him and published in the Federal Register) to assure proper disbursement of and accounting for all Federal funds paid to the applicant under this part; and

"(6) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 65 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines; and

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of family practice by a recognized body approved by the Commissioner of Education; or

"(2) a hospital to establish or operate a special program for medical students, interns, or residents in the field of family medicine unless the Secretary is satisfied that such program will, in terms of the type of training provided, be designed to prepare participants therein to meet the standards established for specialists in the field of family medicine by a recognized body approved by the Commissioner of Education.

"(c) The Secretary shall not approve any grant under this part unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"PLANNING AND DEVELOPMENTAL GRANTS

"SEC. 766. (a) For the purpose of assisting medical schools and hospitals (referred to in section 761) to plan or develop programs or projects for the purpose of carrying out one or more of the purposes set forth in such section, the Secretary is authorized for any fiscal year (prior to the fiscal year which ends June 30, 1973) to make planning and developmental grants in such amounts and subject to such conditions as the Secretary may determine to be proper to carry out the purposes of this section.

"(b) From the amounts appropriated in any fiscal year (prior to the fiscal year ending June 30, 1973) pursuant to section 762 (a), the Secretary may utilize such amounts as he deems necessary (but not in excess of $8,000,000 for any fiscal year) to make the planning and developmental grants authorized by subsection (a).

"ADVISORY COUNCIL ON FAMILY MEDICINE

"SEC. 767. (a) The Secretary shall appoint an Advisory Council on Family Medicine (hereinafter in this section referred to as the "Council"). The Council shall consist of twelve members, four of whom shall be physicians engaged in the practice of family medicine, four of whom shall be physicians engaged in the teaching of family medicine, three of whom shall be representatives of the general public, and one of whom shall, at the time of his appointment, be an intern in family medicine. Members of the Council shall be individuals who are not otherwise in the regular full-time employ of the United States.

"(b)(1) Except as provided in paragraph (2), each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year, after the date of appointment.

"(2) The member of the Council appointed as an intern in family medicine shall serve for one year.

"(3) A member of the Council shall not be eligible to serve continuously for more than two terms.

"(c) Members of the Council shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service, employed intermittently.

"(d) The Council shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this part. The Council shall consider all applications for grants under this part and shall make recommendations to the Secretary with respect to approval of applications for, and of the amount of, grants under this part.

"DEFINITIONS

"SEC. 768 For purposes of this part—

"(1) the term 'nonprofit' as applied to any hospital or school of medicine means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(2) the term 'family medicine' means those certain principles and techniques and that certain body of medical, scientific, administrative, and other knowledge and training, which especially equip and prepare a physician to engage in the practice of family medicine;

"(3) the term 'practice of family medicine' and the term 'practice', when used in connection with the term 'family medicine', mean the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance; and

"(4) the term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, including architects' fees, but excluding the cost of acquisition of land or offsite improvements."

TITLE II—MALNUTRITION

SEC. 201. (a) The Secretary of Health, Education, and Welfare shall conduct a study, in cooperation with schools training health professional manpower, of the feasibility and desirability of establishing at such schools courses dealing with nutrition and problems related to malnutrition, and of establishing research programs and pilot projects in the field of nutrition and problems of malnutrition.

(b) The Secretary is authorized to make grants to health professional schools, in connection with the study provided for by subsection (a), for the planning of programs at such schools, and for the conduct of pilot projects at such schools, to assist such schools in the establishment of courses dealing with nutrition and problems related to malnutrition.

(c) The Secretary shall report to the President and to Congress by July 1, 1972, the results of such study, together with such recommendations as he deems advisable.

(d) There is authorized to be appropriated $5,000,000 to carry out the purposes of this section.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows: Amend the title so as to read: "An Act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine and to provide for a study relating to causes and treatment of malnutrition."

And the House agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
TIM LEE CARTER,
JAMES F. HASTINGS,
Managers on the Part of the House.

RALPH W. YARBOROUGH,
HARRISON A. WILLIAMS,
EDWARD M. KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
JACOB K. JAVITS,
GEORGE MURPHY,
WINSTON PROUTY,
WILLIAM SAXBE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all after the enacting clause of the Senate bill and substituted a new text. The conference agreement is a substitute for both the text of the Senate bill and the House amendment.

Except for technical, clerical, clarifying, and conforming changes, the differences between the House amendment and the conference substitute are as follows:

The Senate bill provided specific authority for programs of continuing education in the field of family medicine, and the conference substitute is the same in this regard as the text of the Senate bill.

The Senate bill authorized a five-year program, at total authorizations of $425,000,000, and the House amendment was limited to three years, at a total authorization of $225,000,000. The conference substitute is the same in this regard as the House amendment.

The Senate bill authorized not to exceed $10,000,000 for any fiscal year for planning and developmental grants for the purpose of assisting medical schools and hospitals to plan or develop programs or projects for the purposes of carrying out training in the field of family medicine. The House amendment limited the sums to $5,000,000 a year, and did not specifically cover developmental grants.

The conference substitute authorizes $8,000,000 for planning and developmental grants. The purpose of these grants is to assist medical schools and hospitals in actually getting programs and projects underway, and is intended to expedite the development of programs at schools and hospitals for the training of family physicians.

The Senate bill contained a provision authorizing grants and contracts to universities, medical schools, graduate schools, hospitals, laboratories, and other public or private institutions, and individuals for research into malnutrition. This provision also authorized the establishment of courses at medical schools, graduate schools, and nursing schools in malnutrition, and would have authorized fellowships and other financial assistance to students in this area.

The House amendment contained no comparable provision. The conference substitute authorizes the Secretary of Health, Education, and Welfare to conduct a study, in cooperation with health professional manpower schools of the feasibility and desirability of establishing courses at such schools in the fields of nutrition and problems relating to malnutrition. $5,000,000 is authorized for such grants, and for planning of programs and pilot projects, with a report being required to the President and to the Congress before July 1, 1972, together with such recommendations as the Secretary deems advisable.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
TIM LEE CARTER,
JAMES F. HASTINGS,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. CORMAN (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FEIGHAN, for 30 minutes, on December 9, and to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. MIZELL), to revise and extend their remarks and to include extraneous matter to:)

Mr. HOGAN, today, for 10 minutes.

Mr. BOW, today, for 30 minutes.

Mr. SCHMITZ, today, for 10 minutes.

Mrs. HECKLER of Massachusetts, today, for 10 minutes.

(The following Members (at the request of Mr. JONES of Tennessee), to revise and extend their remarks and to include extraneous matter to:)

Mr. RARICK, today, for 10 minutes.

Mr. FUQUA, today, for 10 minutes.

Mr. ANDERSON of Tennessee, on December 9, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RYAN, to revise and extend his remarks on the Crane amendment on H.R. 19436.

Mr. RANDALL, and to include extraneous matter.

Mr. RIVERS (at the request of Mr. PHILBIN) and to include extraneous matter.

Mr. HECHLER of West Virginia, and to include extraneous matter.

(The following Members (at the request of Mr. MIZELL) and to include extraneous matter:)

Mr. WYMAN in two instances.

Mr. LANDGREBE in two instances.

Mr. WYLIE.

Mrs. HECKLER of Massachusetts.

Mr. SCHMITZ.

Mr. MICHEL.

Mr. BUCHANAN.

Mr. ASHBROOK.

Mr. MORSE.

Mr. CHAMBERLAIN.

Mr. MCCLORY.

Mr. BOB WILSON in two instances.

Mr. DUNCAN.

Mr. BOW in three instances.

Mr. TAFT.

Mr. BRAY in two instances.

(The following Members (at the request of Mr. JONES of Tennessee) and to include extraneous matter:)

Mr. CORMAN in five instances.

Mr. MATSUNAGA.

Mr. JACOBS.

Mr. RIVERS in two instances.

Mr. RODINO.

Mr. ANDERSON of Tennessee.

Mr. HOWARD.

Mr. BRASCO.

Mr. WOLFF in three instances.

Mr. GALLAGHER.

Mr. STEPHENS in two instances.

Mr. MCMILLAN in three instances.

Mr. DOWNING in two instances.

Mr. DINGELL.

Mr. DANIEL of Virginia in four instances.

Mr. LONG of Maryland.

Mr. NIX.

Mr. KYROS in two instances.

Mr. DANIELS of New Jersey in two instances.

Mr. BURKE of Massachusetts.

Mr. MAHON in two instances.

Mr. GREEN of Pennsylvania in two instances.

Mr. HARRINGTON in two instances.

Mr. HELSTOSKI.

Mr. EDWARDS of California in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 4547. An act to provide for regulation of public exposure to sonic booms, and for other purposes; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 471. An act to amend section 4 of the act of May 31, 1933 (48 Stat. 108);

H.R. 14213. An act to amend sections 5580, 5581, and 5582 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution and to increase the number of members constituting a quorum; and

H.R. 18126. An act to amend title 28 of the United States Code to provide for holding district court for the eastern district of New York at Westbury, N.Y.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 14213. An act to amend sections 5580, 5581, and 5582 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution and to increase the number of members constituting a quorum.

ADJOURNMENT

Mr. JONES of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, December 7, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2594. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Justice for the Federal Prison System, "Support of U.S. prisoners" for the fiscal year 1971 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

2595. A letter from the Executive Secretary, Public Service Commission of the District of Columbia, transmitting the annual report of the Commission for calendar year 1969, pursuant to section 8 of the D.C. Appropriations Act, 1914; to the Committee on the District of Columbia.

2596. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the annual report of the Commission for calendar year 1969, pursuant to 79 Stat. 1312, 62 Stat. 1246, and 64 Stat. 13; to the Committee on Foreign Affairs.

2597. A letter from the Federal Cochairman, New England Regional Commission, transmitting a report of the action of the Commission regarding the recently passed National Rail Passenger Service Act (Public Law 91-518) to the Committee on Interstate and Foreign Commerce.

RECEIVED FROM THE COMPTROLLER GENERAL

2593. A letter from the Comptroller General of the United States, transmitting a report on the administration and effectiveness of U.S. economic and military aid to Honduras, Department of State, Department of Defense, Agency for International Development, Peace Corps; to the Committee on Government Operations.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee on Post Office and Civil Service. Improved manpower management in the Federal Government (Rept. No. 91-1657). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. S. 4083. An act to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capitol region, and for other purposes; with amendments (Rept. No. 91-1658). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 19363. A bill to amend the Library Services and Construction Act, and for other purposes; with an amendment (Rept. No. 91-1659). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 19401. A bill to extend for 1 additional year the authorization for programs under the Vocational Rehabilitation Act (Rept. No. 91-1660). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS. Committee on Interstate and Foreign Commerce. H.R. 19860. A bill to amend the Public Health Service Act to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes; with an amendment (Rept. No. 91-1662). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. S. Con. Res. 2. Concurrent Resolution authorizing acceptance for the National Statuary Collection of a statute of the late Senator E. L. Bartlett, presented by the State of Alaska (Rept. No. 91–1661). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 18874. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; with amendments (Rept. No. 91–1663). Referred to the Committee of the Whole House on the State of the Union.

Mr. BENNETT: Committee on Armed Services. S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Roger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands; without amendment. (Rept. No. 91–1664). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. H.R. 19877. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; with amendments (Rept. No. 91–1665). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on H.R. 10634. (Rept. No. 91–16666). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on S. 2108. (Rept. No. 91–1667). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on S. 3418; without amendment(Rept. No. 91–1660). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 17750. A bill to declare the tidewaters in the waterways of the Ford Point Channel lying between the northeasterly side of the Summer Street highway bridge and the easterly side of the Dorchester Avenue highway bridge in the city of Boston nonnavigable tidewaters; with amendments (Rept. No. 91–1669). Referred to the House Calendar.

Mr. POAGE. Committee on Agriculture. H.R. 19888. A bill to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act, and for other purposes; with an amendment (Rept. No. 91–1670). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ERLENBORN:

H.R. 19907. A bill to provide for regulation of public exposure to sonic booms, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLIFIELD (for himself, Mr. PRICE of Illinois, and Mr. HOSMER):

H.R. 19908. A bill to amend Public Law 91–273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. MILLS:

H.R. 19909. A bill to amend the Renegotiation Act of 1951 to provide that the Court of Claims shall have jurisdiction of renegotiation cases, and for other purposes; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 19910. A bill to amend the Postal Reorganization Act of 1970; to the Committee on Post Office and Civil Service.

By Mr. MORGAN:

H.R. 19911. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STEIGER of Arizona:

H.R. 19912. A bill to authorize the partition of the surface rights of the Hopi and Navajo Indian Tribes in undivided trust lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PUCINSKI:

H.J. Res. 1412. Resolution; urging the President to seek release of "Simas"; to the Committee on Foreign Affairs.

By Mrs. GREEN of Oregon:

H. Con. Res. 790. Concurrent resolution to provide for the printing of 5,000 additional copies of parts I and II of the hearings before the Special Subcommittee on Education of the Committee on Education and Labor entitled "Discrimination Against Women"; to the Committee on House Administration.

By Mr. STRATTON (for himself and Mr. BROCK):

H. Res. 1292. Resolution; support for efforts to rescue American prisoners of war incarcerated in North Vietnam; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUBSER:

H.R. 19913. A bill for the relief of Hernan Saavedra; to the Committee on the Judiciary.

H.R. 19914. A bill for the relief of Arnold D. Smith; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

AMENDMENT TO POSTAL REORGANIZATION ACT

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. NIX. Mr. Speaker, the bill I introduce today is designed to remedy an inequity that has been unintentionally worked upon approximately 4,000 employees of the Post Office Department.

In August of this year Congress enacted, and the President signed into law, the landmark "Postal Reorganization Act of 1970." Among the numerous far-reaching provisions of the act is a provision which for the first time vests postal employees with the right to bargain collectively for wages, hours, and working conditions. Title 39, United States Code, section 1202, contains the collective bargaining mechanism under which the National Labor Relations Board will first make appropriate unit determinations in the postal service and then certify bargaining representatives in those units following elections.

It will be at least a year and perhaps longer, however, before this section of the act becomes effective and the NLRB can proceed to perform the function Congress has assigned to it. Recognizing this unavoidable delay, Congress provided in section 10(a) of the act for transitional bargaining—meaning interim collective bargaining in the postal service while the machinery is being set up to establish the permanent system of collective bargaining.

In establishing this transitional bargaining procedure, Congress unintentionally omitted a large group of employees. Congress provided that the Postmaster General could sign transitional agreements with the seven postal craft unions upon behalf of the employees represented by such labor organizations. This means that the only employees who will receive the contemplated increases in wages and benefits will be those employees who have been designated into one of the seven craft classifications.

In addition to employees within these seven crafts, however, there are approximately 4,000 employees working either in one of the 15 departmental regional offices, or in postal data centers, mailbag depositories, or mail equipment shops. Under the literal language of section 10 (a), the Postmaster General has determined that he does not have the power to sign agreements with these employees or automatically extend the benefits of transitional agreements to these employees.

On November 19, 1970, the Postmaster General signed an agreement with the seven postal craft unions upon the compression issue dealt with in section 10 (b) of the act. This agreement reduces from 21 to 8 years the time it takes an employee to reach the top of a grade. Under the terms of section 10(c) of the act, and the terms of the agreement, the benefits of the compression agreement are to become effective immediately. I am advised that the agreement will be reflected in the paychecks received by employees covered by the agreements on December 4, 1970.

Congress certainly did not intend to treat the 4,000 employees not in a designated unit any differently than the employees in one of the seven craft units. The purpose of this bill is simply to provide that the agreement reached upon compression on November 19, 1970, shall apply as well to those nonsupervisory employees who were inadvertently omitted from the reach of the statute. It would provide that the Postmaster General shall extend to these employees the same benefits given to other employees under the compression agreement.

DR. W. M. HACKENBERG, A GREAT SERVANT OF THE LORD

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. LANDGREBE. Mr. Speaker, on September 20, the finest Christian I have

ever known delivered his last sermon, capping a 66-year career of service to his church and to his God.

I refer to Dr. W. M. Hackenberg, who delivered this sermon at Trinity Evangelical Lutheran Church in Dayton, Ohio, the same church where he had preached his first sermon, 66½ years earlier.

In recent years, I have been privileged to associate with Dr. Hackenberg in Lutheran Synod activities and as a warm, close personal friend.

Now 95 years of age, Dr. Hackenberg was born on a farm near Three Rivers, Mich. In 1901, he was graduated from Wittenberg College, and in 1904, he was graduated from Hanna Divinity School. In 1923 he returned to Wittenberg to receive an honorary Doctor of Divinity degree.

His entire ministry has been to the people of Ohio; he was the pastor of flocks in Dayton, Shelby, Mansfield, Zanesville, and Wakefield. From 1929 to 1936, he also served as secretary of the Ohio Synod and superintendent of home missions.

Dr. Hackenberg retired in 1950 and moved to Canton, Ohio, where he lived until the death of his wife in 1963. They had been married nearly 55 years.

Still in excellent health, he now lives with his daughter and son-in-law, Mr. and Mrs. Paul Renz of Columbus, Ohio. His son, the Rev. Willard J. Hackenberg, is pastor of Resurrection Lutheran Church in Havertown, Pa.

Mr. Speaker, I insert the text of Dr. Hackenberg's last sermon at this point in the RECORD:

ORIGINAL COPY OF DR. W. M. HACKENBERG'S LAST SERMON PREACHED ON SEPTEMBER 20, 1970, AT TRINITY EVANGELICAL LUTHERAN CHURCH

Grace be unto you, and peace, from God our Father, and from our Lord and Saviour, Jesus Christ. Amen.

Some years ago one of my favorite preachers began a sermon by making a question. Here is a question.

"What is the biggest thing on which the human mind can be exercised?" Then he gives an answer to challenge any who might be interested enough to attempt an investigation.

"There are the vast lone spaces of the Steller Fields, peopled with countless worlds, crossed by mysterious highways with stars as the pilgrims, ever moving unto their unknown journeyings, and we can lose ourselves there."

"Then there is the dark backward abysm of time, opening door after door in ever receding epochs, back through twilight and dawn into the primevil darkness where the inquisitive mind falters and faints. We can lose ourselves there."

"Then there is the apalling wilderness of human need, baginning with my own life, with its taint of blood, its defect of faculty, its dreary gap in circumstance and condition, and repeated in every other life, in every street, and in every city and village and country throughout the inhabited world. We lose ourselves there."

"Then there is the deadly, ubiquitous presence of human sin, in all its chameleon forms, well-dressed, ill-dressed, blazing in passion, mincing in vanity, and freezing in moral indifference and unbelief. Sure, we can lose ourselves there."

"But he reminds us that there is something more majestic than the heavens, more wonderful than the far, mysterious vistas of time, more pervasive than Human need, and more abounding than human sin."

"The biggest thing you and I will ever know, is the love of God in Christ Jesus Our Lord."

And how exceedingly casual nearly all of us regard the marvelous, infinite love of our God!

Saint Paul, whom I consider the greatest Christian of all time, when he discovered this gloriously, wonderful fact, made his confession in these remarkable words, Galations 2:20, "I am crucified with Christ: nevertheless I live; yet not I, but Christ liveth in me; and the life which I now live in the flesh, I live in the faith of the Son of God, who loved me, and gave Himself for me."

I cannot make the same confession St. Paul makes here, I have never suffered anything like the persecution he suffered. However, I must, as a humble, sincere Christian, never neglect to acknowledge and respond to this greatest of all Biblical truth: The Son of God, who loved me, and gave Himself for me.

That great redeeming love Paul acknowledges and confesses here, is the same, exactly the same, for me, and for each one of you. All of the love of God is mine, and yours. You cannot take the Love of God and break it up into small portions, like the estate of a well-to-do relative.

I am asking myself again this morning, "What have I ever done to reveal to the world about me, anything like a reasonable, respectable reaction to God's redeeming Love?

And you know to me, the most wonderful thing about the wonderful character of our Lord and Saviour, is His persistence. We recall that gracious pleading recorded in the book of Revelations 3:20: "Behold I stand at the door and knock, if any many hear my voice, and open the door, I will come in to him."

Or that other wonderfully appealing scene, spoken by our Lord Himself in that "Parable of the lost sheep. He goeth out after that which is lost, until He find it. Until he find it."

"And none of the ransomed ever knew
How deep were the waters crossed,
Or how dark was the night the Lord passed through,
E'er He found the sheep that was lost."

Recently someone asked: "We know all the past tenses of the Christian Religion: Born of the Virgin Mary, suffered under Pontius Pilate, was crucified, died and was buried; Rose again from the dead and ascended into heaven. We know all the past tenses. Are there any present tenses in our religion?

I have a feeling here is the awful weakness in the Christian life of so many of the professing Christians today. Bear with me for a moment as I suggest a question or two.

How conscious are you of the presence of Christ here in this service this morning? Don't you know the Lord Christ is sitting beside you, is anxious to go home with you after this worship? Whom or what are you worshipping here in this very hour? I hope not this old, worn out preacher!

The story is told of a very wealthy Church in New York City—the ushers were dressed in stylish cutaway coats, gloved hands. An elderly, poorly dressed gentleman entered the door, walked down well to the front of the church, and took a seat. One of the ushers went to him, suggesting that he would not feel at home in that Church, had he not better go elsewhere to worship. The stranger replied, that since he was there, if they didn't mind he would stay for that service. The next Sunday the gentleman was back in the same pew. Another usher tried to persuade him to go elsewhere. The gentleman replied he would stay, then go home and talk to the Lord about it. The third Sunday the gentleman was back, took the same seat and the usher came to inquire of him if he had talked to the Lord about attending another Church? He replied he had, and that he had gotten an answer, and that the Lord had told him to persevere, that He Himself had tried for years to get into that Church, but had not been able. I believe we have such churches today; Society and Pomp, but No Christ.

How well do we know the Christ who loved us, not only at Bethlehem, were He shared our human iot; not only in Galilee, where He laid His hands on leper's sores, healed the broken hearted, and called the prodigals home; not only on Calvary, where His love lighted a beacon blaze which a thousand ages haven't been able to put out! But right now, today, tomorrow and forever. All these are the present tenses of our Christian Religion.

The Apostle Paul put his response this way; "Whatsoever things were Gain to Me, I counted Loss for Christ. Yea, doubtless, and I count all things but loss for the excellency of the knowledge of Christ Jesus My Lord; for Whom I have suffered the loss of all things, and do count them but refuse, that I may know Him, and the power of His resurrection, and the fellowship of His suffering. "The life that I now live in the flesh, I live in the faith of the Son of God, who loved me, and gave Himself for me."

And that reminds me of the other wonderful word of Paul, which I have been accustomed to call the "Pastor's Prayer." Ephesians 3:14–21, "That Christ may dwell in your hearts by faith; and that you, being rooted and grounded in love, may be able to comprehend with all saints, what is the breadth and length, and depth, and height; to know the love of Christ which passeth knowledge, that you might be filled with all the fullness of God." Can we ever be like that?

That's Paul's prayer for the Church at Ephesus. He tells this same congregation that "Christ loves the Church, and gave Himself for it; that He might sanctify and cleanse it with the washing of water by the Word, that He might present it to Himself a glorious church, not having spot, or wrinkle, or any such thing; but that it should be holy and without blemish."

And you know there is still an awful lot of washing to be done, for the spots and wrinkles and blemishes on the Church are on my life, and on each one of yours.

Maybe it will help some one if I suggest that life is not made up, first of all of days, and months, and years! Life is made up first of just moments. We used to sing:

Moment by moment I'm kept in His love;
Moment by moment I've life from above;
Looking to Jesus till glory doth shine,
Moment by moment, O Lord, I am Thine.

If that is true, and I am sure it is, then no point of time is as important as just this very instant,—this very moment. Remember, a succession of holy moments make a holy hour; a succession of holy hours make a holy day; A succession of holy days make a holy year.

But try as we may, every one of us will remain sinful. But we have Christ's precious promise, that if we keep the Faith, if we try our best, all sins will be blotted out, all errors erased, all mistakes forgotten, and at the last our Christ will cast the robe of His perfect righteousness about us, and thus present us to the Father.

A Methodist preacher, very spiritual, very poetic, made this claim:

"When I stand some day at the Judgment
And the books are all thrown open wide,
Not the deeds that I've done
Nor the laurels I've won,
Only this will I plead,
I have tried!"
"Aye, this be the power of my pleading
To the Judge with the hands crucified,
Not my laurels nor bars,
But the depth of my scars;
Yea, this will I plead,
I have tried!"

And remember, you cannot fool that Judge!

Let me have just this one precious moment, for my own personal acknowledgement:

I am fully conscious of the fact that I am living on the Sunset Side of the Hill; I am keenly aware of the lengthening shadows; I am not afraid, I feel myself quite ready. However, so long as God gives me days, I shall try to enjoy them to the glory of my gracious God and to my pleasure. I shall try to keep on keeping ready.

"The golden evening brightens in the west;
Soon, soon to faithful warriors cometh rest;
Sweet is the calm of paradise the blest."

"But, lo: there breaks a yet more glorious day:
The saints triumphant rise in bright array;
The King of Glory passes on His Way."

"From Earth's wide bounds, from ocean's farthest coast,
Through gates of pearl, streams in the countless host,
Singing to Father, Son, and Holy Ghost:
Alleluia! Alleluia!

I mean to join that procession! How about you?

The peace of God which passes all understanding, keep your hearts and minds in Christ Jesus our Lord. Amen.

PRESIDENT NIXON URGED TO CALL UPON RUSSIA TO RELEASE SIMAS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. PUCINSKI. Mr. Speaker, I have today introduced a joint resolution expressing the regret and dismay of the Congress and the people of the United States as a result of the inexcusably callous action taken by the commander of the Coast Guard cutter *Vigilant* on November 23 when he ordered American seamen to forcibly restrain and return a refugee sailor to a ship of the Soviet Union.

My resolution also calls for President Nixon to personally appeal to the Soviet Union for the release of the Lithuanian refugee and his family.

Not only, as I have said earlier in this Chamber, is this action by the Coast Guard unconscionable, it is totally alien from the traditions of the United States. Have we come so far in our pursuit of efficiency and systems, that we have abdicated our responsibilities to think as rational men? In our devotion to the perfectibility of the systems, have we not sorely neglected the processes by which such systems are perfected?

Mr. Speaker, as important as it is to have rules and regulations, it is equally important to have some instinct for the common humanity we share. The man "Simas" doubtless had been assured by radio broadcasts and underground reports that he would be safe if he could reach an American sanctuary. The action taken by our own Coast Guard on November 23 makes a mockery of those assurances and will undoubtedly add immeasurably to the burdens of fear and desperation felt by countless captive men and women who devote years of their lives planning an escape to the United States.

We cannot permit such disregard for the lives of individual people. If this Nation stands for nothing else, it stands for the distinct right of every individual to seek his own destiny in accordance with his special talents, wishes, and beliefs. Mr. Speaker, it is time each of us was reminded of that tradition.

I am including in my remarks today the excellent Washington Post editorial expressing our outrage that this suffering and cruelty could have been inflicted on a human being by American men with the power to help him. I urge my colleagues to join with me in supporting the resolution imploring the President to make a personal appeal for the release of Simas and his family. My resolution follows the Washington Post editorial:

SIMAS

No more sickening and humiliating episode in international relations has taken place within memory than the American government's knowing return of a would-be Soviet defector to Soviet authorities on an American ship in American territorial waters off Martha's Vineyard last week. Here was a man, known only as "Simas," who had jumped across 10 feet of open water to a Coast Guard cutter (named Vigilant), which a Russian ship was approaching for fishing talks; who asked for but was denied political asylum because of an unbelievable breakdown in judgment and compassion on the part of both the State Department and the Coast Guard; who went down on his knees in prayer and then fought with his fists to be kept from being dragged back to the Russion vessel by Russian crewmen; who was given not a word or a gesture of assistance from the Americans who for hours witnessed his struggle; and who was finally rowed back, bound, to captivity and to God knows what other misfortune by *American* sailors in an *American* "lifeboat." The mind closes; the heart clogs at contemplation of this fantastic parable of our times. It is a profound stain upon every person who, by omission or commission, had a role in it.

Of course, the President ordered an investigation, which evidently is not to be made public, but a more hollow one could not be imagined. For what is required is not just the usual kind of inquiry which concludes, if it is not more or less a whitewash, that certain procedures which should have been followed were not followed and that various individuals exercised bad judgment. There should be, on all levels and by individuals examining themselves, a deep look at the values and the condition of our society, whatever it is that allows a man's freedom, if not his very life, to be sacrificed needlessly, carelessly, by an unfeeling bureaucratic machine.

Moreover, we believe it to be appropriate politically and essential morally for President Nixon to make a direct intercession with the Soviet Union for the release of "Simas," and his family. The American government's embarrassment should not be allowed to obscure the Soviet government's fundamental duplicity in inventing a criminal charge against the sailor in order to balk his defection and then in seizing him against his will. The collective shame and indignation of the United States can be of no help to that poor man unless it is expressed in a specific urgent plea for his liberty.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the brutally dispassionate treatment accorded a refugee sailor seeking asylum aboard an American coast guard vessel on November 23 be repudiated by every member of our government. That the Congress, in light of the unprecedented actions resulting in the forcible return of this refugee by American seamen to a ship of the Soviet Union, entreats the President to make a prompt, personal appeal to the government of the Soviet Union for the release of this man, known only to the Western world as "Simas," as well as his family.

That our nation once again publicly and emphatically reaffirms its longstanding commitment as a sanctuary for the victims of political, religious, and racial oppression. That the Congress and the people of the United States join in expressing their profound sorrow, anger, and regret for this action and their unanimous resolve that such conduct will never again be sanctioned.

SST, ITS ENVIRONMENTAL IMPACT

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. KYROS. Mr. Speaker, Members of Congress are asked to evaluate the merits of continued support for development of a supersonic transport. To do that, we need the most complete information available, including that on the SST's environmental impact. My colleague from Maine, Senator MUSKIE, and Senator PROXMIRE, of Wisconsin, have requested such information from the Transportation Secretary. They have explained the law in this respect very clearly and for the future information of my colleagues, I would like to share this letter with you. I ask unanimous consent for its insertion into the RECORD:

PROXMIRE, MUSKIE SEEK SST REPORT FROM VOLPE

Senators William Proxmire (D-Wis.) and Edmund S. Muskie (D-Me.) Tuesday jointly sent this letter to Transportation Secretary John A. Volpe:

DECEMBER 1, 1970.

DEAR MR. SECRETARY: Last September, the Office of SST Development submitted a preliminary draft report on the SST's potential environmental impact to the Council on Environmental Quality. This draft represented the first step in complying with Section 102(C) of the Environmental Quality Act, which requires that legislative requests involving programs with potential environmental impact be accompanied by a "detailed statement by the responsible official on—the environmental impact of the proposed action."

The Act also stipulates that "the responsible Federal official shall *consult with* and *obtain the comments of* any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, state, and local agencies . . . shall be made available . . . to the public."

At the time the preliminary draft was made available, DOT announced that it was circulating the draft for comments to 11 Federal agencies, as required by the Act. The agencies were given 30 days to respond.

It is now more than 2½ months since the Department submitted its preliminary draft on the SST's environmental impact. No comments have been made available to the public.

The Senate may act upon the appropriations request for the SST this Thursday.

Members of the Senate would be most interested in what these agencies have to say.

A few days ago, one of our staff members inquired about these comments. He was told that not all the comments had been made, and that those that had come in would not be made available now.

We strongly believe that these comments should be made available immediately. Your compliance with this request by close of business December 1 will be greatly appreciated.

Sincerely,

EDMUND S. MUSKIE,
U.S. Senate.
WILLIAM PROXMIRE,
U.S. Senate.

FEDERAL CIVILIAN EMPLOYMENT, OCTOBER 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. MAHON. Mr. Speaker, I include a release highlighting the October 1970, civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, OCTOBER 1970

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of October was 2,875,588 as compared with 2,888,698 in the preceding month of September. This was a net decrease of 13,110, due primarily to seasonal employment and summer employment of the "disadvantaged" under youth opportunity programs.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of October totaled 2,838,650. This was a net decrease of 13,225 as compared with employment reported in the preceding month of September. Employment by months in fiscal 1971, which began July 1, 1970, follows:

Month	Executive branch	Increase	Decrease
July 1970	2,942,517		−1,595
August	2,901,856		−40,661
September	2,851,875		−49,981
October	2,838,650		−13,225

Total employment in civilian agencies of the Executive Branch for the month of October was 1,673,485, a decrease of 5,689 as compared with the September total of 1,679,174. Total civilian employment in the military agencies in October was 1,165,165, a decrease of 7,536 as compared with 1,172,701 in September.

The civilian agencies of the Executive Branch reporting the largest net decreases during October were Interior with 3,486, Agriculture with 2,918, Department of HEW with 1,781 and Post Office with 1,393. The agency reporting the largest increase was Commerce with 3,141.

In the Department of Defense the largest decreases in civilian employment were reported by the Army with 3,218, the Navy with 3,076 and Air Force with 856.

Total Executive Branch employment inside the United States in October was 2,624,334, a decrease of 9,948 as compared with September. Total employment outside the United States in October was 214,316, a decrease of 3,277 as compared with September.

The total of 2,838,650 civilian employees of the Executive Branch reported for the month of October 1970 includes 2,526,380 full time employees in permanent positions. This represents a decrease of 3,735 in such employment from the preceding month of September. (See Table 2 of accompanying report.)

The Executive Branch employment total of 2,838,650 includes some foreign nationals employed abroad, but in addition there were 102,037 foreign nationals working for U.S. agencies overseas during October who were not counted in the usual personnel reports. The number in September was 102,379.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of October totaled 30,012, an increase of 68 as compared with the preceding month of September. Employment in the Judicial Branch in the month of October totaled 6,926, an increase of 47 as compared with September.

DISADVANTAGED PERSONS

The total of 2,875,588 reported by the Committee for October includes 17,498 disadvantaged persons employed under federal opportunity programs, a decrease of 4,584 over the preceding month of September. (See Table 4 of the accompanying report.)

In addition, Mr. Speaker, I include a tabulation, excerpted from the Joint Committee report, on personnel employed full-time in permanent positions by executive branch agencies during October 1970, showing comparisons with June 1969 and the budget estimates for June 1971:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	October 1970	Estimated June 30, 1971 [1]
Agriculture	83,425	82,524	85,300
Commerce	25,364	27,501	26,700
Defense:			
Civil functions	31,214	29,756	31,000
Military functions	1,225,877	1,099,271	1,110,100
Health, Education, and Welfare	102,941	105,009	105,100
Housing and Urban Development	14,307	14,765	16,000
Interior	58,156	57,796	61,100
Justice	35,106	38,779	39,100
Labor	9,723	10,256	10,800
Post Office	562,381	566,147	585,000
State	24,658	23,310	23,400
Agency for International Development	15,753	14,038	14,400
Transportation	60,386	65,545	70,300
Treasury	79,982	86,321	93,500
Atomic Energy Commission	7,047	6,898	6,900
Civil Service Commission	4,970	5,177	5,500
General Services Administration	36,176	36,194	36,800
National Aeronautics and Space Administration	31,733	29,698	30,600
Office of Economic Opportunity	2,856	2,319	2,500
Panama Canal	14,731	14,486	14,900
Selective Service System	6,584	6,657	6,500
Small Business Administration	4,099	3,934	4,100
Tennessee Valley Authority	11,987	13,048	13,300
U.S. Information Agency	10,500	9,918	10,100
Veterans' Administration	147,606	149,477	150,200
All other agencies	26,200	27,556	28,900
Contingencies			15,000
Total [2]	2,633,762	2,526,380	2,597,200

[1] Source: As projected in 1971 budget document; figures rounded to nearest hundred.

[2] October figure includes 116 disadvantaged persons employed under Federal opportunity programs (public service careers).

THE FEELINGS AND EMOTIONS OF A FORMER POW

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. MICHEL. Mr. Speaker, President Nixon and Secretary Laird have been the targets of criticism from certain individuals both in and out of Congress as a result of the brave and daring attempt to rescue some of our American boys who are being held prisoner in North Vietnam.

The same old cries of gloom and doom were heard from these quarters, immediately after the President's decision to clean out the Communist sanctuaries in Cambodia last spring and as we all know, none of their pessimistic predictions came true.

A constituent of mine, Mr. Jay D. Trimmer from my home town of Peoria, was a prisoner of war and was good enough to send me a copy of his letter to the President commending him upon the decision to make an effort to free our men. His letter provides us with a graphic picture of the other side of the situation in presenting the feelings and emotions of a former prisoner of war which I am sure will coincide with those of our men who are still imprisoned.

I insert the text of Mr. Trimmer's letter in the RECORD at this point:

PEORIA, ILL.,
November 30, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: Although I have never before written a letter to a public official, the issue of the recent attempt to rescue the Prisoners of War resulted in my writing this letter. As a former Prisoner of War, I thought you would like to hear from someone who's been there.

Although the attempt to rescue the Prisoners was unsuccessful, it no doubt gave the men encouragement to continue. During my own captivity, I know there were many days when I looked at the sky and wished a helicopter could have done the same thing that we recently attempted.

I wonder what the so-called liberals

who are so against any attempts to go into the so-called sanctuary of North Vietnam would feel if they slept on lice-infested sleeping mats, dying of starvation, plus many diseases including diphtheria—which I had—no type of heating, etc.

I hope you encourage the Military to continue this type of action and that my two senators, who are receiving copies of this letter, will vote and back this action. I know my Representative (Robert H. Michel) does.

I feel that the main problem in Vietnam at the present time is that the Military have to debate the pros and cons of public opinion on every action they make, thereby causing too much indecision. No one can be decisive when he has several groups questioning his every move.

Respectfully yours,

JAY D. TRIMMER.

SENATOR STROM THURMOND DELIVERS ADDRESS AT KEEL LAYING OF U.S.S. "SOUTH CAROLINA"

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. DOWNING. Mr. Speaker, last Tuesday the keel of the nuclear powered guided missile frigate, U.S.S. *South Carolina*, was laid in impressive ceremony at the Newport News Shipbuilding & Dry Dock Co. in Newport News, Va.

Hundreds of prominent congressional, governmental, industry, and civic leaders heard our colleague Senator STROM THURMOND of South Carolina deliver a most interesting and informative address. Senator THURMOND is a great American whose words are always inspirational and I include his remarks in the RECORD:

REMARKS OF SENATOR STROM THURMOND

Secretary Chafee, Admiral Zumwalt, Admiral Rickover, Congressman and Mrs. Rivers, Congressman Dorn, Congressman Mann, Mr. Ackerman, Distinguished Guests, Ladies and Gentlemen: you who have come here today are witnessing a milestone in the building of our Navy for the future—the keel laying of another nuclear powered warship.

Look around you. On the waterfront, you see our first nuclear carrier, the famous *Enterprise*, which is now undergoing testing of reactor cores which will fuel her for more than 10 years. In a graving dock on your right the nuclear-powered carrier *Nimitz* is half finished. On building ways to your right the nuclear carrier *Dwight D. Eisenhower* is taking shape. On building ways to your left the hull of the nuclear frigate *California* is well along in construction.

These ships and the nuclear carriers and frigates to follow will provide our Navy with the most powerful naval surface striking forces the world has ever known.

Our Nation's greatest deterrent to all-out war is our nuclear triad of strike forces which includes our fleet of 41 *Polaris* nuclear submarines as an essential component. Two of these are now in this shipyard being converted to carry the *Poseidon* missile.

There are now 49 nuclear attack submarines in operation with more under construction in this and other yards. The first of a new class of high speed nuclear attack submarines which was insisted upon by the Congress will soon start construction in this yard.

I am proud that the name of the great State of South Carolina will be borne for the rest of this Century by one of the mighty nuclear warships of this fleet. I am also proud that among those participating in this ceremony is Vice Admiral Hyman G. Rickover.

Ten years ago a photograph accompanying an article published in the *New York Times* showed the then Rear Admiral Rickover standing in his civilian suit of clothes—as you see him here today—with his vision on some distant point, with a painting of a naval ship in the background and with two telephones a hand's grasp away. The *Times'* article made these elements of the photograph self-explanatory. It stated that the Admiral "has been driven to greatness and controversy by a consuming personal philosophy that 'the more you sweat in peace, the less you bleed in war.'" It pointed out that "in peace and war the Admiral stands forth as a leader in this country—and in the world—in harnessing nuclear energy. More than any other man, he was responsible for two epochal achievements": The first nuclear submarine, followed by a growing fleet of nuclear submarines and surface warships; second, the world's "first large-scale, all-civilian atomic power plant at Shippingport, Pennsylvania." The article observed that "his disdain for established procedures almost cut short his naval career before he could score his atomic triumphs."

I firmly believe that every thoughtful American—including those in the Navy who opposed him—must today be grateful that Congress intervened to prevent the termination of the naval career of this brilliant and dedicated officer.

Every American should be glad that for the past 20 years the Congress has heeded the advice of Admiral Rickover to provide nuclear propulsion for our submarine and surface striking forces and that Congress has seen to it that he has been allowed to carry on this vital work. This great Fleet will provide our Nation with credible and flexible responses to the inexorable pressures of international affairs so vitally needed if our freedom is to survive. I assure you that I shall continue to do everything within my power to see that our nuclear fleet is expanded as rapidly as possible to counter the rapidly expanding Soviet naval threat.

The ship whose keel we are laying today is a guided-missile frigate, the second one of its class. It is propelled by two nuclear reactors, and will have a speed of over thirty knots. It will have at least ten years of normal ship operation before refueling is required. It will have the most advanced anti-aircraft guided-missile, anti-submarine warfare weapons and electronic warfare systems in the world, and will carry 562 officers and men. Traditionally, States' names have been reserved for the most powerful surface ships in the Navy, originally ships-of-the-line and later battleships. In order to carry on this tradition, the Navy has assigned States' names to the nuclear-propelled ships of the DLGN–36 class.

The American custom of naming Ships-of-the-Line after the sovereign states of the Federal Union is a good one. Ships, like states, have dignity and power, and, like states, they must be ever vigilant in defense of our liberties.

Because the names of states are so suitable for the names of fighting ships, we use these names again and again; and each ship which is given the name of a state anew naturally inherits the history and exploits of its predecessors. The ship which we name today has some interesting ancestors.

The *Carolina*, leading ship of the tiny expedition that settled South Carolina three hundred years ago, should surely be considered the first of these, although she was not, strictly speaking, a Man-of-War. She was certainly a fighting ship—not because of the meager armament that she carried, but because of the dangers which she faced and overcame. She fought her way through storms which wrecked two of her companions, and made an amphibious landing on territory claimed by the hostile Empire of Spain. Her success established South Carolina as the southwestern outpost of the English-speaking world.

Other ships, among them some named *Carolina* and *South Carolina* carried settlers during the ensuing century to the new world, and helped South Carolina grow great. As a leader in the fight for American independence, South Carolina undertook to play its part in naval affairs, notably by commissioning the frigate *South Carolina*, built in Holland—a celebrated and formidable ship—carrying 40 guns . . . her keel about 160 feet long and strong as a castle. . . . She took a number of prize vessels and helped in the capture of the Bahamas before her own capture by the British in December, 1782. During the Confederate War another fighting ship was named after South Carolina—not by her proper name but by her nickname *The Palmetto State*, an early ironclad ram constructed in Charleston, which was for a time successful in driving off the federal blockade.

The most recent ship to be named after the State was the battleship *South Carolina* commissioned in 1910. Like the ships of Theodore Roosevelt's "Great White Fleet," this *South Carolina* carried as the figurehead on her prow a replica of the Great Seal of the United States. This type of figurehead was discarded in 1909, but the one from the *South Carolina* was saved and now graces the main entrance-way under the north portico in the State House in Columbia. The wardroom silver from this *South Carolina*, presented by Governor Ansel in 1910, was returned to the State after the ship was decommissioned in 1921. It is now the prized possession of the Governor's Mansion.

South Carolina has been honored to have these ships bear her name. The new *South Carolina*, however, might well remember other stirring events in the State's naval history. South Carolina respects seapower because she has felt its effects on a number of occasions.

After an unsuccessful invasion attempt in 1671, the Spanish ravaged the South Carolina coast in 1686. South Carolina took her revenge in 1706 in repelling a combined French and Spanish invasion of Charleston. In this campaign one South Carolinian was lost and 230 of the enemy captured.

Harried by pirates in the early 1700's, South Carolina ships drove them from the coast in 1718, hanging forty-nine of these marauders in one month. Throughout the colonial period a little South Carolina Navy ranged down the present inland waterway toward Spanish Florida. One of these "scout boats" was called the *"Carolina."*

During the American Revolution, South Carolina staved off attack by the British Fleet at the Battle of Sullivan's Island, June 26, 1776—a date immortalized on the Great Seal of the State, but British seapower succeeded in overwhelming Charleston in 1780. During the Confederate War the South Carolina coast again suffered amphibious invasion, when the Federal forces captured Port Royal under Admiral Samuel DuPont; but one of the greatest military feats of all time was South Carolina's containment of this invasion for over three years until the end of the War. Fort Sumter, poised like a battleship on station at the mouth of Charleston Harbor, frustrated all Yankee attempts at entrance. Charleston Harbor, scene of this mighty naval deadlock, also saw the first use of the spar torpedo and the first successful submarine *CSS H. L. Hunley.*

The active naval base at Charleston today carries on a great tradition. The ship which bears the name *South Carolina* will, however, be carrying more than a naval tradition into

the future. It will carry with her as a sacred trust the honor and the character of the State. This is no time to trace fully the history of my great State for you, but I think I should tell you something of the character she bears. South Carolina is a State which prefers to work in concert with other States, but she has never hesitated to disagree when she has thought that honor or truth or right were at stake.

If I were to name the two greatest sons of South Carolina, I would name John C. Calhoun and Andrew Jackson. Both were men of unimpeachable integrity and strong conviction. They believed in principle, and they were men of action. It was perhaps inevitable that they would disagree. But the one was the greatest Vice President we have ever had, and one of the most remarkable minds in the history of American politics; and the other was the first President that brought the office of the Presidency to the people of the Nation. South Carolina has given the nation a legacy of unyielding courage and dedication to public service in both war and peace.

Now I submit that it was not by chance that South Carolina produced such great leaders. These men emerged because the South had not only high character but a high civilization as well. The South had the means to support a highly refined and articulate culture. In the decade before the War for Independence, exports to Britain from the port of Charleston alone were three times the value of exports from all the ports of New England combined, and one-and-a-half times the value of all the exports of New England, New York and Pennsylvania combined. In fact, on the very eve of the hostilities, the Southern ports exported goods worth over one billion pounds sterling, well over twice the export trade of the Northern ports. Economically speaking, the South had far more at stake than the North in the War for Independence against Great Britain.

What kind of a society was it? The first Charter or Constitution for South Carolina was drafted by the great philosopher, John Locke.

In 1685, South Carolina was the first province in the New World to plant rice for sale, thus opening up a basis for the agricultural economy of the South.

In 1698, the first free library in America was started by the provincial General Assembly.

In 1712, the first state health officer in America was Gilbert Guttery of South Carolina.

In 1735, the first opera advertised by title on American soil was given in Charles Town.

In 1736, the first building in America devoted wholly to drama was built in South Carolina.

In 1740, the first free school for Negroes in America was founded in South Carolina.

In 1762, the first musical society in America, the St. Cecelia Society, was organized in Charles Town and is still flourishing.

In 1773, the first public museum—which also happened to be the first museum of Natural History—and the first city Chamber of Commerce were founded in Charles Town.

In 1776, South Carolina was the only State whose signers of the Declaration of Independence were all natives of the State, and all college men, educated in England. They were: Edward Rutledge; Thomas Heyward, Jr.; Thomas Lynch, Jr., and Arthur Middleton. The oldest was 34; the others were 26, 27, and 29.

We see here a picture of a society that was in the forefront of intellectual and artistic cultivation. Historical studies show that more Carolinians went abroad to receive their education than from any other colony. When the war was over, the first municipal college in the United States, the College of Charleston, was chartered in 1785, and still lends distinction to the city. The first education institution in the nation entirely supported by State funds, the University of South Carolina, was chartered in 1801. It was no accident that the South was a creative society, brimming over with energetic, intelligent, and resourceful men.

It is in the character of South Carolina to value individual distinction. "South Carolina" is a name applied to a government and to a territory; but mostly it means people, and people dedicated to individual freedom, individual skill, and individual accomplishment; people with service to State and to Nation. A good ship like a good State, values and honors the people who serve her. The *USS South Carolina* will be a great ship because of the officers and crew who will man her. As I have indicated, the American custom of naming ships after States is a good one. South Carolina is proud to lend her name to a new fighting ship of the United States Navy. May she long roam the seas, and may she triumph over the enemy wherever she goes. May the ship *South Carolina* gain a fame comparable with that of the State whose great name she bears. May her exploits in the cause of honor and duty bring lasting credit to our State and to the Nation.

BLOODY LESSON IN TELLING BAD GUYS IN LAOS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. SCHMITZ. Mr. Speaker, an interesting article appeared in the Chicago Daily News of March 27, 1968. It was an account of how an American doctor working in Laos learned to distinguish the good guys from the bad guys. The newspapers had not proved much help in this regard.

The article follows:

[From the Chicago Daily News, Mar. 27, 1968]

BLOODY LESSON IN TELLING BAD GUYS IN LAOS

(By Keyes Beech)

SAN THONG, LAOS.—Two offbeat, dedicated Americans sat beside the fireplace having a beer after a long hard day's work. At 3,800 feet in the sawtoothed mountains of Northern Laos, the nights are chilly.

"You tell me what to tell these people," rasped Edgar (Pop) Buell, a 55-year-old Hoosier farmer whose heart and soul are wrapped up in the mountain tribesmen of Northeastern Laos.

"Go ahead and tell me," "Pop" challenged. "I do not know what to tell them. but I'd like to tell them something in the name of America."

"Take it easy, 'Pop,'" said Dr. Charles T. Weldon, 48, a quiet-spoken Louisiana country doctor. "Don't get yourself all worked up."

"I'll damn well get worked up if I want to," Pop said furiously. "Pop" is generally furious about something, but this night he was more furious than usual. He had just watched more than 1,000 refugees, most of them hardy Meo tribesmen, pour into San Thong from Sam Neua province. They were fleeing advancing North Vietnamese Communists who have systematically wiped out every remaining Meo enclave in Sam Neua.

The fiercely independent Meos have waged relentless guerrilla warfare against the Communists for the last six years.

Now the North Vietnamese are having their revenge. They have sent 50 battalions of disciplined, well-armed regulars into Northern Laos to wage what amounts to a war of extermination against the Meos, who are armed and supplied by the United States.

"The chips are down for these people," said "Pop," who has lived and worked among the Meos for eight years as a U.S. AID field representative.

"We organized them. We gave them a bunch of surplus World War II weapons. Now they're up against people armed with a whole new family of weapons: AK-47 rifles, bazookas, rockets and artillery.

"We've let them down, that's what," "Pop" raged. "People tell me we're staging 250 strikes a day against the Ho Chi Minh Trail, but do you think we can get an air strike for our people? Hell, no."

"When I first came out here five years ago with my wife (she's a doctor, too)," Weldon said mildly, "I wondered what this war was all about. Anybody who reads the papers back in the states must wonder, too, because it's hard to tell the good guys from the bad guys when you read the paper.

"Well," he went on, "I think I know. I learned the hard way. It started when 'Pop' and I were working in a place not far from the North Vietnamese border. One night the Communists came into this village where there were only women and children and seven old men. All the young men were away in the hills.

"The villagers gave them rice and a place to sleep. The next morning before they left the Communists lined up the seven old men and shot each one of them in the leg.

"At first, I thought that was pretty stupid of the Communists. That was no way to win friends. Then I got the message. The message was this: You are either for us or against. If you are against us, this is what will happen to you."

Weldon, a World War II marine, looked reflectively into the fire and continued: "Now, these people don't know anything about communism. They never heard of Marx or Engels or Stalin, but they know how it works, and they don't like it. The Communists took away their young men. They imposed taxes. The people didn't understand. They told them what to do, and so these people turned to us for help against the bad guys.

"They aren't fighting for us, they aren't fighting for the free world or any of that stuff. They're fighting for themselves and their survival." "The bad guys didn't like this," Weldon said. "In 1965, the NVA (North Vietnamese Army) decided to wrap up the mountain areas in one enclave. We had about 5,000 people guarded by 250 soldiers. The NVA hit with three battalions.

"The bulk of the people fled. They kept walking because they knew the enemy intended to destroy them. They walked for four days, and finally they stopped on a mountain top to rest.

"The bad guys surrounded them and opened up with mortars and automatic weapons. The people panicked and started running. The bad guys thought they could stop them because they had all the escape routes covered.

"But the people kept going. The bad guys kept after them. They picked up babies and bashed their heads in against the rocks. They were saying, 'Damn you, you do as I say.'

"But still the people kept going. Those who couldn't make it were shot by their own families. They walked for 12 days before it was over. When they finally stopped the Communists had killed 1,200 of them.

"That was in April 1965," Weldon said. "That's how I learned to separate the good guys from the bad guys."

TRIBUTE TO DR. W. M. HACKENBERG

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. WYLIE. Mr. Speaker, I would like to associate myself with the remarks of

the gentleman from Indiana (Mr. LANDGREBE).

It is my very great privilege to have this distinguished American, Dr. Hackenberg, as a resident of my congressional district. We are all grateful to Dr. Hackenberg for his dedicated service to God and country.

We acknowledge his propensity for work for his great cause. We congratulate him for the rewards which came to him as a result of his tremendous efforts in his chosen profession and wish him well in his retirement which will probably be frustrating to one who has worked so hard, so effectively for so long.

JUDGE MILTON KRONHEIM

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. McMILLAN. Mr. Speaker, I knew Judge Kronheim during the 20 years he was serving on the court of general sessions here in Washington. He always expressed a great interest in the garnishee laws and debts in general. On several occasions he furnished me with valuable material which I included in H.R. 836 and report No. 203 relating to attachment and garnishment of salaries and commissions of debtors.

This was during the 86th Congress and was enacted into law. I must give Judge Kronheim the majority of the credit for preparing the information contained in this bill and report. I feel that this field of legal activity here in the Nation's Capital had been sadly neglected.

I personally want to congratulate Judge Kronheim since he is now retired after 20 years of loyal service as a judge here in the Nation's Capital.

I include the following:

EXCERPT FROM BROADCAST BY DAVID BRINKLEY

One of the better shows in Washington these days is Judge Milton Kronheim against the credit merchants who keep the docket in small claims court clogged and filled to overflowing. Judge Kronheim, as you know, was appointed just a few months ago. Since his confirmation he's served exclusively in small claims court. And several times he's had harsh words from the bench for merchants filing hundreds of two-bit suits against credit customers who're late in paying their bills.

Some of them on Seventh street mostly seem to use the Small Claims court as a kind of tax-supported collection agency, filing dozens of suits for three or five or ten dollars or so. This time, for example, Kronheim had something to say to the management of the Hollywood Credit Clothing Company of Seventh Street which sells clothes on the installment plan. Every week it files in small claims court as many as 50 lawsuits, seeking to collect two or three or more dollars from somebody who hasn't paid for his suit or shoes or hat. In each case Hollywood asks also to collect the court costs. Kronheim became a little annoyed as he often has before. And said hereafter he will not require defendants to pay the court costs unless the company can prove it's entitled to them. He pointed out the law gives a Judge discretion in assessing court costs. The law says that's to discourage frivolous and vexatious suits that interfere with the administration of justice. The lawyer for Hollywood asked Kronheim. "Do you maintain these suits are frivolous and vexatious?" Said Kronheim: "I do indeed."

He pointed out Hollywood in several cases took legal action against customers less than three weeks after they'd made their purchases, including a case where the customer had told the store she was ill and at the moment couldn't pay. The store filed suit anyway.

On an average day the audience in small claims court will see a procession of two-dollar lawsuits, dozens of them filed by the same stores, week after week. They generally are stores that specialize in and advertise heavily their easy credit terms with such catch-phrases as magic credit, easiest credit terms in town, no money down, etc. Of course there's nothing illegal about it. But some stores down there exercise little or no responsibility in granting credit. They'll sell merchandise to customers who obviously can't afford it, obviously can't make the payments and who've failed to make them in the past. Then the stores will file suit and either force the payments by law or will repossess the merchandise, keep what payments have been made and sell the same stuff again.

The town's reputable merchants like that process as little as anyone else. Better stores won't grant credit to people who haven't the income to pay, whose history shows they can't or won't pay their bills. And they seldom show up in court. But this one group of stores is there every day with dozens of suits.

It's been going on for years. Kronheim, since he's been on the small claims bench, has tried to discourage it. He refused a claim, for example, by a store that had sold a pair of $19-shoes on credit to a blind, unemployed laborer. On that and other occasions he's had some caustic remarks to make about this indiscriminate credit.

We say more power to him.

A JUDGE RETIRES

Amid all the fanfare surrounding the appointment of 18 new judges and the change of name from General Sessions Court to Superior Court, a judge quietly retired. He is Milton S. Kronheim, Jr. who served for 21½ years before stepping down last month.

General Sessions judges usually serve and retire without leaving a mark or lasting impression. However, Judge Kronheim has made two monumental contributions to society during his career on the Bench—which should be noted at this time lest we forget who set the wheels in motion to bring these much needed changes.

In June of 1949, three months after he was sworn in, Judge Kronheim refused to give a judgment to a store which had sold a $15.00 pair of shoes to a man with several dependents making $18.00 per week. He said he did not think there was any sound basis for granting credit in such a case. In August of the same year the D.C. Court of Appeals reversed the decision and the high pressure credit stores breathed a sigh of relief. However, in 1965—sixteen years later, the United States Court of Appeals reversed a similar decision in the D.C. Court of Appeals, establishing a new theory of law, "Let the *Seller* Beware." The Appeals Court said that a court may well refuse to enforce a contract which it finds to be unconscionable. This is what Judge Kronheim tried to say as far back as 1949. And this doctrine was finally made law in the District of Columbia by the 1965 decision. (Williams v. Walker-Thomas Furniture Co., #18604, August 11, 1965).

The second important change in the District of Columbia brought about by Judge Kronheim was a new garnishment law passed in 1958. When he took his place on the Municipal Court bench in 1949 he was appalled by what he found. Over 1,000 garnishment cases came before the Court every week. He decided that most of these cases involved people who should never have had credit in the first place. The old garnishment law was heavily weighed for the creditor. He could seize up to 100% of the paycheck. Debtors were harassed and were fired by employers. Judge Kronheim began to work on Congress to amend the law. "Garnishment seems like reasonable protection against deadbeats," he said, "But in the hands of these merchants, it has become a monstrous law which results in widespread exploitation of the poor, the uneducated and the underprivileged."

After almost ten years Congress changed the law allowing garnishment of only 10% of the first $200.00 each month and prohibiting more than one attachment at a time. (Public Law 86–130, 86th Congress, H.R. 836, August 4, 1959).

This is the law today and it works. Employees are better protected, employers are no longer harassed and the promiscuous extension of credit to questionable risks has been greatly curtailed.

MARINE CORPORAL MACHEN, 21, WOUNDED IN VIETNAM, DIES

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. LONG of Maryland. Mr. Speaker, Marine Cpl. Arthur W. Machen, a brave young man from Ruxton, Md., died on December 1 from wounds received in Vietnam last June. I should like to honor his memory by including the following article in the RECORD:

[From the Baltimore Sun, Dec. 3, 1970]

MARINE CORPORAL MACHEN, 21, WOUNDED IN VIETNAM, DIES

Marine Cpl. Arthur W. Machen, 21, of Ruxton, died Tuesday of wounds he received from friendly forces while on a combat patrol in Vietnam last June.

Corporal Machen, son of Mr. and Mrs. Arthur W. Machen, Jr., died at Bethesda Naval Hospital of abdominal wounds.

The Defense Department originally reported the corporal had been wounded June 19 in an enemy ambush while on patrol in Quang Nam province. However, a subsequent bulletin said he had been wounded by friendly forces.

DISAGREEMENT NOTED

Two Communist Ak-47 bullets were removed from his abdomen, said Mr. Machen, the soldier's father. The corporal's description of the incident also indicated he was wounded in an enemy ambush, he added.

Within minutes, Corporal Machen was transferred by helicopter to the hospital ship Sanctuary where five abdominal operations were performed, his father said.

He remained aboard the hospital ship until late July when he was transferred to Clark Air Force Base Hospital in the Philippines.

His parents, informed that his prognosis was poor, flew to the Philippines to be with him while he underwent two additional operations.

Mr. and Mrs. Machen remained with their son throughout August and returned with him aboard the plane that brought him back to the United States.

DECORATED ANEW

The plane stopped en route at Hickam Field in Hawaii, where at 2 A.M. Corporal

Machen and another seriously wounded marine received combat decorations from Brig. Gen. A. H. Adams. The corporal had previously been awarded the purple heart.

"His initial reaction to the war in Vietnam was 'gung ho'," his father recalled. "As the months wore on his enthusiasm waned and his letters indicated a growing disillusionment with the political objectives of the war."

"However," Mr. Machen said, "he always maintained an intense pride in being a member of the Marine Corps."

Known to his friends as Peter, he was a member of a Maryland family long active in civil and legal affairs. His father is a partner in the law firm of Venable, Baetjer & Howard.

Besides his parents, the corporal is survived by his grandmother, Mrs. Arthur W. Machen; his maternal grandparents, Mr. and Mrs. John C. Purves; and two brothers, John Purves Machen, a sophomore at Princeton University, and Henry Lewis Machen, a student at the Gilman School.

Funeral services will be held tomorrow, but arrangements are incomplete.

SAFETY DISAGREEMENT

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, as Members of this body know, the House-passed version of the Occupational Safety and Health Act and S. 2193 as passed by the Senate are soon to go to conference. At stake, literally, are the lives and well-being of over 50 million laborers who work in interstate commerce.

In an effort to reach an effective but fair agreement on this crucial legislation, I wish to introduce in the RECORD two recent editorials which reveal that the American public wants a strong industrial safety bill. For it is their lives, their health, and their families who are irreversibly affected by disability and lost compensation.

The editorial appearing in the Toledo Blade on November 28, 1970, astutely concludes that the House-passed bill would leave "the Department of Labor with no more than inspection authority," which is hardly appropriate "for the agency closest to the workingman." Both articles recognize that standards-setting responsibility should rest with the official who is duly authorized to represent workers, the Secretary of Labor.

I am very hopeful that our deliberations in conference will yield legislation which has the confidence and future cooperation of workers, management, labor unions, and the American public. The editorials follow:

[From the Evening Star, Nov. 28, 1970]

SAFETY DISAGREEMENT

The House and Senate now are at odds over the occupational health and safety bill. There is still time for them to get together on a compromise product before the adjournment bell rings and we hope for early evidence of willingness to do that.

Continued denial of federal statutory protection to the nation's workers cannot be justified; the industrial accident toll is intolerably high and state safety laws aren't affording much relief. More than 15,000 employes were killed last year in on-job accidents and almost 2.25 million were disabled. That loss magnitude surely calls for a national life- and limb-saving effort.

Last week the Senate passed, with some modification, a bill advocated by organized labor and most Democratic senators. This week the House passed, with no major alterations, a conflicting version backed by business and the Nixon Administration. There is no good reason why the twain should not be quilted together in conference committee sessions.

The question at issue is whether the responsibility for implementation of the law should be concentrated or diffused. The labor people favor the former; they want the secretary of labor to formulate health and safety standards and be in charge of inspection and enforcement. That process appears to hold the most hope for efficiency, but business claimed there would be too much concentration of power and a possibility of abuse of that power. So the administration backed a plan under which a new presidentially appointed board would set the standards, another such board would handle enforcement, and the Labor secretary would be left only with inspection duties. That's what the House approved, rejecting the advice of its Education and Labor Committee. Some labor representatives say they would rather have nothing than this offering; they fear industry domination of the two panels.

Certainly the Senate-passed bill is more desirable. It would allow the Labor secretary to draft regulations and conduct the inspections, and would create only one new board—for enforcement and adjudication. The conference committee, in the interests of economy and effectiveness, should try to create no more than one new commission. The wisdom of tripartite authority in this field totally escapes us. It seems a formula for getting nothing accomplished.

The House obviously wasn't contemplating any snappy action—its bill allows one of the panels three years for drafting of the health and safety standards. A lot of accidents won't wait that long to happen. The Labor Department already knows where many hazards exist.

[From the Toledo Blade, Nov. 28, 1970]

WILL CONGRESS MOCK KILLED AND DISABLED?

There is no arguing with statistics which say that every year about 14,500 workers are killed and another 2.2 million are disabled in industrial accidents. Even in Congress there has been no dispute over the need for federal protection of most of the nation's workers in factories and on construction sites.

This responsibility for setting standards of health and safety, supervising them, and enforcing them is largely in the hands of the states. Regulations vary widely, unevenly, and in some areas are virtually nonexistent or simply winked at.

Nonetheless, health and safety standards rigorously enforced could be so costly as they might be applied to work rules on top of existing union contracts that for three years a lobbying battle between business and labor has been raging behind the scenes in Washington.

The nature of it has surfaced in the House-passed occupational health and safety bill backed by business interests and the Nixon administration. The bill, an amendment to the original approved by the Education and Labor Committee, has taken the program away from the Department of Labor.

Instead, it would create a presidentially appointed five-member board to draft the standards and a separate three-member panel to enforce them. It would leave the Department of Labor with no more than inspection authority—a bone with barely a scrap of meat for the agency closest to the workingman.

The most valid protest raised against the substitute bill is that presidentially appointed regulatory boards tend to be ineffective and captives of the industry they are regulating.

At the least, there should be a more balanced sharing in the regulation drafting and enforcement provisions. A Senate-passed compromise gives the labor secretary authority to set safety standards but provides for a three-member panel to rule on alleged violations. It comes much closer to equity for both sides.

A chance to settle for this much is possible when the two bills are taken up in conference. The death and disabling statistics demand something more than callous dismissal predicated on cost-analysis.

U.S.S. "SOUTH CAROLINA"

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. RIVERS. Mr. Speaker, on December 1, 1970, at Newport News, Va., the keel was laid for the U.S.S. *South Carolina*, the second in a new class of naval vessels.

We in South Carolina are proud and honored to have this mighty nuclear warship bear our name, a name last borne by the battleship *South Carolina* during the First World War. We are proud to play a part in the upgrading of the fleet—a task essential to our continued existence as a sea power and as a nation.

The principal address at the keel laying was given by the Honorable STROM THURMOND, the distinguished senior Senator from South Carolina.

In his remarks, Senator THURMOND reviews at length the history and accomplishments of South Carolina and its people; he shows that the character and the ability of its citizens has produced greatness for the State for 300 hundred years; he affirms that this ship will bear a proud and honored name.

Senator THURMOND delivered one of the finest speeches it has ever been my pleasure to hear. I include his remarks at this point in the sure knowledge that all who read them will find them both stirring and informative:

REMARKS OF SENATOR STROM THURMOND

Secretary Chafee, Admiral and Mrs. Zumwalt, Admiral Rickover, and other Distinguished Naval Officials; Congressman and Mrs. Rivers, Congressman Dorn, Congressman Mann, Congressman and Mrs. Holifield, and Congressman and Mrs. Downing; Mr. Ackerman and Officials of the Shipbuilding Company; Distinguished Guests and Ladies and Gentlemen; You who have come here today are witnessing a milestone in the building of our Navy for the future—the keel laying of another nuclear powered warship.

Look around you. On the waterfront, you see our first nuclear carrier, the famous *Enterprise*, which is now undergoing testing of reactor cores which will fuel her for more than 10 years. In a graving dock on your right the nuclear-powered carrier *Nimitz*

is half finished. On building ways to your right the nuclear carrier *Dwight D. Eisenhower* is taking shape. On building ways to your left the hull of the nuclear frigate *California* is well along in construction.

These ships and the nuclear carriers and frigates to follow will provide our Navy with the most powerful naval surface striking forces the world has ever known.

Our Nation's greatest deterrent to all-out war is our nuclear triad of strike forces which includes our fleet of 41 Polaris nuclear submarines as an essential component. Two of these are now in this shipyard being converted to carry the Poseidon missile.

There are now 49 nuclear attack submarines in operation with more under construction in this and other yards. The first of a new class of high speed nuclear attack submarines which was insisted upon by the Congress will soon start construction in this yard.

I am proud that the name of the great State of South Carolina will be borne for the rest of this century by one of the mighty nuclear warships of this fleet. I was highly pleased when I learned that Mrs. Margaret Middleton Rivers was chosen to authenticate the keel of the USS *South Carolina,* as she is one of our State's most charming, lovely and distinguished ladies. I was also pleased that she selected as her Matron of Honor her beautiful daughter, Mrs. Robert G. Eastman, and regret that her Maid of Honor, Miss Marion Rivers, her other daughter, could not be present.

It is gratifying that among those participating in this ceremony is Mrs. Rivers' distinguished husband, Congressman L. Mendel Rivers, Chairman of the House Armed Services Committee. No one in this country is doing more to support a strong national defense and help preserve the freedom of the people of this Nation than Mendel Rivers. He is a true patriot and a great American.

Today, I would like to pay special tribute to another great American patriot, the father of the nuclear navy, Admiral Hyman Rickover. Ten years ago, a photograph accompanying an article published in the New York Times showed the Admiral standing in his civilian suit of clothes—as you see him here today—with his vision on some distant point, with a painting of a naval ship in the background and with two telephones a hand's grasp away. The Times' article made these elements of the photograph self-explanatory. It stated that the Admiral "has been driven to greatness and controversy by a consuming personal philosophy that 'the more you sweat in peace, the less you bleed in war.' " It pointed out that "in peace and war the Admiral stands forth as a leader in this country—and in the world—in harnessing nuclear energy. More than any other man, he was responsible for two epochal achievements": The first nuclear submarine, followed by a growing fleet of nuclear submarines and surface warships; second, the world's "first large-scale, all-civilian atomic power plant at Shippingport, Pennsylvania." The article observed that "his disdain for established procedures almost cut short his naval career before he could score his atomic triumphs."

I firmly believe that every thoughtful American—including those in the Navy who opposed him—must today be grateful that Congress intervened to prevent the termination of the naval career of this brilliant and dedicated officer.

Every American should be glad that for the past 20 years the Congress has heeded the advice of Admiral Rickover to provide nuclear propulsion for our submarine and surface striking forces and that Congress has seen fit to it that he has been allowed to carry on this vital work. This great Fleet will provide our Nation with credible and flexible responses to the inexorable pressures of international affairs, a capability so vitally needed if our freedom is to survive. I assure you that I shall continue to do everything within my power to see that our nuclear fleet is expanded as expeditiously as possible to counter the rapidly expanding Soviet naval threat. In recent unannounced tests, the Russians have made significant progress toward achieving a MIRV of their own on their giant SS–9 rocket.

The ship whose keel we are laying today is a guided-missile frigate, the second one of its class. It is propelled by two nuclear reactors, and will have a speed of over thirty knots. It will have at least ten years of normal ship operation before refueling is required. It will have the most advanced anti-aircraft guided-missile, anti-submarine warfare weapons and electronic warfare systems in the world, and will carry 562 officers and men. Traditionally, States' names have been reserved for the most powerful surface ships in the Navy, originally ships-of-the-line and later battleships. In order to carry on this tradition, the Navy has assigned States' names to the nuclear-propelled ships of the DLGN–36 class.

The American custom of naming ships-of-the-line after the sovereign States of the Federal Union is a good one. Ships, like States, have dignity and power, and, like States, they must be ever vigilant in defense of our liberties.

Because the names of States are so suitable for the names of fighting ships, we use these names again and again; and each ship which is given the name of a State anew naturally inherits the history and exploits of its predecessors. The ship which we name today has some interesting ancestors.

The *Carolina,* leading ship of the tiny expedition that settled South Carolina 300 years ago, should surely be considered the first of these, although she was not, strictly speaking, a Man-of-War. She was certainly a fighting ship—not because of the meager armament that she carried, but because of the dangers which she faced and overcame. She fought her way through storms which wrecked two of her companions, and made an amphibious landing on territory claimed by the hostile Empire of Spain. Her success established South Carolina as the southwestern outpost of the English-speaking world.

Other ships, among them some named *Carolina* and *South Carolina* carried settlers during the ensuing Century to the New World, and helped South Carolina grow great. As a leader in the fight for American independence, South Carolina undertook to play its part in naval affairs, notably by commissioning the frigate *South Carolina,* built in Holland—"a celebrated and formidable ship . . . carrying 40 guns . . . her keel about 160 feet long and strong as a castle . . ." She took a number of prize vessels and helped in the capture of the Bahamas before her own capture by the British in December, 1782. During the Confederate War another fighting ship was named after South Carolina—not by her proper name, but by her nickname, *The Palmetto State,* an early ironclad ram constructed in Charleston, which was for a time successful in driving off the federal blockade.

The most recent ship to be named after the State was the battleship *South Carolina* commissioned in 1910. Like the ships of Theodore Roosevelt's "Great White Fleet," this *South Carolina* carried as the figurehead on her prow a replica of the Great Seal of the United States. This type of figurehead was discarded in 1909, but the one from the *South Carolina* was saved and now graces the main entrance-way under the north portico in the State House in Columbia. The ward-room silver from this *South Carolina,* presented by Governor Ansel in 1910, was returned to the State after the ship was decommissioned in 1921. This prized possession was brought to the Governor's Mansion while I was the Chief Executive of the State.

South Carolina has been honored to have these ships bear her name. The new *South Carolina,* however, might well remember other stirring events in the State's naval history. South Carolina respects seapower because she has felt its effects on a number of occasions.

After an unsuccessful invasion attempt in 1671, the Spanish ravaged the South Carolina coast in 1686. South Carolina took her revenge in 1706 in repelling a combined French and Spanish invasion of Charleston. In this campaign only one South Carolinian was lost and 230 of the enemy captured.

Harried by pirates in the early 1700's, South Carolina ships drove them from the coast in 1718, hanging forty-nine of these marauders in one month. Throughout the colonial period a little South Carolina Navy ranged down the present inland waterway toward Spanish Florida. One of these "scout boats" was called the "Carolina."

During the American Revolution, South Carolina staved off attack by the British Fleet at the Battle of Sullivan's Island, June 26 1776—a date immortalized on the Great Seal of the State, but British seapower succeeded in overwhelming Charleston in 1780. During the Confederate War the South Carolina coast again suffered amphibious invasion, when the Federal forces captured Port Roya. under Admiral Samuel DuPont; but one of the greatest military feats of all time was South Carolina's containment of this invasion for over three years until the end of the War. Fort Sumter, poised like a battleship on station at the mouth of Charleston Harbor, frustrated all Union attempts at entrance. Charleston Harbor, scene of this mighty naval deadlock, also saw the first use of the spar torpedo and the first successful submarine CSS *H. L. Hunley.*

The active naval base at Charleston today carries on a great tradition. The ship which bears the name *South Carolina* will, however, be carrying more than a naval tradition into the future. It will carry with her as a sacred trust the honor and the character of the State. This is no time to trace fully the history of my great State for you, but I think I should tell you something of the character she bears. South Carolina is a State which prefers to work in concert with other States. but she has never hesitated to disagree when she has thought that honor or truth or right were at stake.

If I were to name the two greatest sons of South Carolina, I would name John C. Calhoun and Andrew Jackson. Both were men of unimpeachable integrity and strong conviction. They believed in principle, and they were men of action. It was perhaps inevitable that they would disagree. But the one was the greatest Vice President we have ever had, and one of the most remarkable minds in the history of American politics; and the other was the first President that brought the office of the Presidency to the people of the Nation. South Carolina has given the nation a legacy of unyielding courage and dedication to public service in both war and peace.

Now I submit that it was not by chance that South Carolina produced such great leaders. These men emerged because the South had not only high *character* but a high *civilization* as well. The *South* had the *means* to support a highly refined and articulate culture. In the decade before the War for Independence, exports to Britain from the port of Charleston alone were three times the value of exports from all the ports of New England combined, and one-and-a-half times the value of all the exports of New England, New York and Pennsylvania combined. In fact, on the very eve of the hostilities, the Southern ports exported goods worth over

one billion pounds sterling, well over *twice* the export trade of the Northern ports. Economically speaking, the South had far more at stake than the North in the War for Independence against Great Britain.

What kind of a *society* was it? The first Charter or Constitution for South Carolina was drafted by the great philosopher, John Locke.

In 1685, South Carolina was the first province in the New World to plant rice for sale, thus opening up a basis for the agricultural economy of the South.

In 1698, the first free library in America was started by the provincial General Assembly.

In 1712, the first state health officer in America was Gilbert Guttery of South Carolina.

In 1735, the first opera advertised by title on American soil was given in Charles Town.

In 1736, the first building in America devoted wholly to drama was built in South Carolina.

In 1740, the first free school for Negroes in America was founded in South Carolina.

In 1762, the first musical society in America, the St. Cecelia Society, was organized in Charles Town and is still flourishing.

In 1773, the first public museum—which also happened to be the first museum of Natural History—and the first city Chamber of Commerce were founded in Charles Town.

In 1776, South Carolina was the only State whose signers of the Declaration of Independence were all natives of the State, and all college men, educated in England. They were: Edward Rutledge; Thomas Heyward, Jr.; Thomas Lynch, Jr.; and Arthur Middleton. The oldest was 34; the others were 26, 27, and 29.

We see here a picture of a society that was in the forefront of intellectual and artistic cultivation. Historical studies show that more Carolinians went abroad to receive their education than any other colony. When the war was over, the first municipal college in the United States, the College of Charleston, was chartered in 1785, and still lends distinction to the city. The first education institution in the nation entirely supported by State funds, the University of South Carolina, was chartered in 1801. It was no accident that the South was a creative society, brimming over with energetic, intelligent, and resourceful men.

It is in the character of South Carolina to value individual distinction. "South Carolina" is a name applied to a government and to a territory; but mostly it means people, and people dedicated to individual freedom, individual skill, and individual accomplishment; people with service to State and to Nation. A good ship like a good State, values and honors the people who serve her. The USS *South Carolina* will be a great ship because of the officers and crew who will man her. As I have indicated, the American custom of naming ships after States is a good one. South Carolina is proud to lend her name to a new fighting ship of the United States Navy. May she long roam the seas, and may she triumph over the enemy wherever she goes. May the ship *South Carolina* gain a fame comparable with that of the State whose great name she bears. May her exploits in the cause of honor and duty bring lasting credit to our State and to the Nation.

FACT SHEET—U.S.S. "SOUTH CAROLINA"
(DLGN-37)

Builder: Newport News Shipbuilding and Dry Dock Co.

Number of Ships in Class: Two (DLGN-36 and DLGN-37).

Type of Vessel: Antiaircraft and antisubmarine warfare for first line striking forces.

Propulsion: Two Nuclear Reactors.

Speed: Over thirty knots.

Overall Length: 596 feet.
Extreme Breadth: 61 feet.
Full Load Displacement: 10,000 tons.
Complement: 562 Officers and Men.
Number of Propellers: Two.
Keel Laying: December 1, 1970.
Delivery: 1973.

Significant features

Nuclear Propulsion—At least 10 years of normal ship operation before refueling is required.

Naval Tactical Data System.

Helicopter Facility—Capability to land, service and launch helicopters.

Two 5"/54 Guns.

Long Range Sonar.

Most advanced antiaircraft guided-missile, antisubmarine warfare weapons and electronic warfare systems.

Two Tartar surface-to-air missile launchers.

ASROC launcher.

TRIBUTE TO CONGRESSMAN MASTON O'NEAL

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. STEPHENS. Mr. Speaker, the Georgia Stockman, a publication of the Georgia Livestock Association, has in its November-December issue a well-deserved and laudatory editorial on the services of Congressman MASTON O'NEAL of the Second District of Georgia. Also in recognition of his service to the livestock industry of America, the same magazine paid Congressman O'NEAL the compliment of putting a full page picture of him on the cover.

I include the editorial from the Georgia Stockman in the CONGRESSIONAL RECORD as a tribute to Congressman O'NEAL at this point:

PRESIDENT'S REPORT

(By Nolan E. Cloud)

For six years Maston O'Neal has represented Georgia's Second Congressional District in the United States Congress. He and his gracious and very charming wife Charlott have also proven to be great ambassadors of good will in Washington for all of Georgia.

The Georgia Livestock Association is indebted to Mr. O'Neal for many things during his tenure in Washington. His seeking and getting appointment to the House Agriculture Committee demonstrated his interest and concern for agriculture, Georgia's largest industry. The leadership of this organization has sought his help and guidance many times and on every occasion he has given a full measure of cooperation.

He was a dedicated and effective spokesman for us when the Commerce Department imposed an export quota on cattle hides. For two years in a row he introduced legislation to plug the loopholes in the red meat import quota law.

In our legislative battles to protect the interest of livestock producers we have won some and we have lost some but win, lose or draw Congressman O'Neal has been there with us.

Mr. O'Neal did not seek reelection this year because of his health. His departure from the United States Congress is a loss to Georgia livestock producers and indeed to all Georgians who believe in free enterprise and responsible conservative government.

FINAL TRIBUTES TO F. WARD JUST

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. McCLORY. Mr. Speaker, the passing of F. Ward Just, editor and publisher of the Waukegan News-Sun, on October 24, 1970, marked the end of a long and successful career as a journalist and publisher, as well as a life of public service to the community, State, and Nation.

It is not my purpose to chronicle the events which occurred during Ward Just's eventful lifetime. Still, I want to memorialize him appropriately as a friend and as a citizen of honor and distinction.

A most fitting tribute to F. Ward Just was composed by his talented and individually successful son, Ward S. Just, formerly associated with Newsweek magazine and with the Washington Post.

In a final tribute to his dad, Ward S. Just wrote an editorial which appeared in the News-Sun issue of October 27, 1970, as follows:

F. WARD JUST

This community knows the career, so there is no need to recount it here. One of the officials whose words appeared on page one last Saturday called him a tower of strength; he was that, and more besides. We could produce a mountain range of statistics and facts which would prove a successful life, as Americans are accustomed to measuring successful lives. Enough to say that it was impossible to tell where the newspaper left off and my father began. And his father before him. His countless kindnesses and strong loyalties are known best to their recipients, among them his family. My father's life was the newspaper, his family and his friends—sometimes in that order, sometimes in other orders. So take the public career as a given, and move on to more difficult matters.

A man who had met and defeated most of what life had thrown at him found out about a month ago that there was something else he hadn't reckoned on. The kind of talent and nerve that had built a good paper from a mediocre one and an astonishingly successful one from a failure was no good in dealing with a doctor's report. Neither was money. There was the report, and it was irreversible.

He told me about it on a Thursday, sitting in a chair in his library, the ever-present pile of newspapers close at hand. He told me what they had said, and then went on to give his reaction to it. Dammit, we are not going to sit here and cry together; we are going to be serious men, he said. For himself he was "philosophical." It was the only time I ever heard him use the word. He seemed to me that afternoon to be staring something in the face, and staring it down, as he had stared down other things in his life.

Courage has been defined as grace under pressure, which is satisfactory if you are describing a soldier or some other man of combat. But there seemed to be nothing here to defeat. The enemy could not lose. So what Ward Just's family did was watch a man accommodate himself to fate, and each day he had to accommodate himself a little more.

It was not in his nature. He was a fighter and did not believe in defeat; a man struggled and if he struggled hard enough he

would win. You could destroy a man but not defeat him. It was a new and unfamiliar battle he waged, and in the beginning he seemed puzzled by it. We watched for the signs of surrender, but they never came. We will never know if he was in pain, because he did not speak of it. He talked instead about his newspaper, joked with the nurses and reminisced with his family.

Alexander I. Solzhenitsyn, the great Russian novelist who a month ago won the Nobel Prize, speaks in his book "The First Circle" about "the last inch." What has gone before can be spoiled or ruined if the last part—of a building, a work of art, a life—is neglected or incompletely felt. With infinite strength, gentleness and grace Ward Just dealt with the last days of his life. Those who were near to him tried to give him some of their strength, but he didn't need any of it. He had quite enough of his own; enough to smile in appreciation at the letters he'd get. The last day of his life he regretted that his illness was causing sorrow. Tell them I'm all right, he said.

I do not know how greatness is measured, but if the measurement has anything to do with largeness of spirit, then Ward Just was a great man. But among other things, he disliked hyperbole. So perhaps it will do to say simply that we have lost a man. Some man.

While there is little that can be added to the eloquent and moving eulogy there are literally hundreds of friends and distinguished citizens whose final comments are worthy of reproduction here. For example, Ward Just's friend and attorney, Murray R. Conzelman, remarked:

At the time of his death Mr. Just was the Editor and Publisher of the Waukegan News-Sun. He had been a founding member of the Board of the Waukegan Port Authority and one of the outstanding civic leaders in Lake County, Illinois. Most of the important public projects in Lake County would not have been completed except for his leadership and ability to get divergent interests working together. Of course these are only the material things that we see everyday. Of far greater importance was the fact that the mere working together of people created a harmonious atmosphere for progress. Without such an atmosphere there could be no progress despite everybody's best efforts, so that in truth F. Ward Just's real contribution to his community was that he created that atmosphere.

A close friend of the late Ward Just, Ward L. Quall, vice president of WGN Continental Broadcasting Co. of Chicago, paid tribute to his late friend in these words:

It was my good fortune to meet Ward Just shortly before World War II.

It was a brief session at Tribune Tower and little did I realize at the time that we would develop a very warm and rewarding friendship.

Although I didn't get to see Ward Just during the four years that I served in the Navy, I was in contact with him by mail, and since that time we have been very closely associated on countless business and social occasions. As a result of this experience I came to admire everything for which he stood.

I regard Ward Just as one of the outstanding figures in newspaper publishing in the history not only of Illinois but of the entire nation. He was a man who made some truly great contributions to the advancement of his profession. In this respect, I would like to say that one of his greatest memorials is the daily publication of the "Waukegan News-Sun" which is one of the very finest newspapers if not the finest in a medium sized community in the entire United States.

Ward Just was a warm and wonderful friend. Along with countless others, I shall miss him so very much.

George G. Crawford, who served as editor of the Waukegan News-Sun for many years under both F. Ward Just, as well as his late father, Frank W. Just, made this poignant observation:

F. Ward Just was one of the few newspaper publishers I have known who were deeply imbued with the idea that his newspaper was a servant of its readers, and a medium of education geared to help in the never-ending fight to preserve the freedoms so dearly won for all Americans. His goal was to preserve those freedoms and to help all Americans become effective in their zeal to maintain the advantage of our Constitutional government.

Mr. Speaker, the influence which F. Ward Just brought to bear on the Waukegan and Lake County communities and upon the 12th district of Illinois—will continue for many years to come. Many in this Chamber have noted his passing and will recall his presence in affairs relating to the news media and to the business of government. These remarks, and particularly the tribute of Ward S. Just to his dad, are appropriately placed in this most permanent of public records—the CONGRESSIONAL RECORD.

Many others in this Chamber join with me today in expressing respect for the memory of F. Ward Just. Likewise they join with me in extending to his widow, Elizabeth Just; his son, Ward S. Just; his daughter, Mrs. Lawrence G. Steiner, as well as his brother, William Just, and a sister, Mrs. Richard Anderson, and other members of the family, our deepest sympathy.

THE FAMILY NUTRITION ACT OF 1970

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. GREEN of Pennsylvania. Mr. Speaker, the gentleman from Washington State (Mr. FOLEY) and I had the privilege of introducing the original Family Nutrition Act last year aimed at significant reform of the present food-stamp program.

It is therefore an honor for me to add my name to the sponsorship of the Family Nutrition Act of 1970. This legislation which will be offered as a substitute on the House floor by the gentleman from Washington (Mr. FOLEY) and the gentleman from Minnesota (Mr. QUIE) is a bipartisan effort to replace the House Agriculture Committee's food stamp bill. The latter proposal would severely cripple the present program.

At this time, I should like to introduce into the RECORD a comparison of the present food stamp program, the Agriculture Committee's bill—H.R. 18582—and the bipartisan substitute—H.R. 19889—proposed by Mr. FOLEY and Mr. QUIE:

A COMPARISON OF THE MAJOR PROVISIONS OF FOOD STAMP BILLS TO BE CONSIDERED BY THE HOUSE OF REPRESENTATIVES

The following table contains a comparison of the major provisions of three food stamp programs—1) the existing Food Stamp Act of 1964 and regulations pursuant thereto; 2) H.R. 18582, the House Agriculture Committee bill as reported on August 10, 1970; and 3) H.R. 19, the Family Nutrition Act of 1970, introduced on December 1, 1970, by Representative Albert Quie, Republican of Minnesota, and Representative Thomas S. Foley, Democrat of Washington.

The section numbers appearing after each provision of the House Agriculture Committee bill and the Family Nutrition Act of 1970 refer to the section of the specific bill in which they appear, not to the Food Stamp Act of 1964.

Item	Present program (Public Law 88-520)	House Agriculture Committee (H.R. 18582)	Family Nutrition Act of 1970 (H.R. 19889)
1. Term of program and level of funding	Authorization: Fiscal 1971 (through Dec. 31, 1970 only)—$170,000,000. Sec. 16(a).	Fiscal 1971–73—such sums as Congress may appropriate. Sec. 10.	Authorizations: Fiscal 1971—$2,000,000,000. Fiscal 1972—$2,500,000,000. Fiscal 1973—$3,000,000,000. Sec. 10.
2. Carryover of unexpended funds	None. Unspent funds automatically revert to the Treasury.	Unspent funds continue to remain available until expended. Sec. 10.	Same as in House Agriculture Committee bill. Sec. 10.
3. Territorial coverage	50 States only and the District of Columbia. Sec. 3(j).	50 States, District of Columbia, Puerto Rico, Virgin Islands, Guam. Secretary to establish special standards of eligibility and allotment schedules for Puerto Rico, Guam, and the Virgin Islands which reflect average per capita income and cost of obtaining a nutritionally adequate diet. Maximum standards and allotment schedules set at those of the 50 States and District of Columbia—no minimums specified. Sec. 2(b) and 4(b).	50 States, District of Columbia, and, after July 1, 1971, Puerto Rico, the Virgin Islands, Guam, and, if the Secretary after consultation with the Secretary of Interior determines, America Samoa. Secretary may establish coupon allotments and proportionate charges that reflect the cost of obtaining a nutritionally adequate diet. Sets minimum level at 80 percent of allotment value and charges for the 50 States and the District of Columbia. Sec. 3 (j).
4. Individual coverage	Group of related or nonrelated individuals living as 1 economic unit sharing cooking facilities and for whom food is customarily purchased in common. Not residents of institutions or boarding houses. Also individuals with cooking facilities. Sec. 3(e).	Present program extends coverage to persons 60 years or over who are housebound, physically handicapped, or otherwise disabled to the extent that they are unable adequately to prepare all of their meals. Sec. 2(c) and 6(b).	Present program plus (1) all persons 60 years or over regardless of availability of facilities or whether they can or do prepare their own meals, or are handicapped and (2) those under 60 who are unable adequately to prepare their meals because they are physically or mentally handicapped. Specific exclusion of communes. Sec. 3(e).

Item	Present program (Public Law 88-520)	House Agriculture Committee (H.R. 18582)	Family Nutrition Act of 1970 (H.R. 19889)
5. Product coverage	Any food or food product except alcoholic beverages, tobacco, imported package foods, and imported meats or meat products. Sec. 3(b).	Present program plus meals which are prepared by political subdivisions or private nonprofit institutions, which do not receive federally donated foods, and which are delivered to the homes of persons over 60 years who are housebound, handicapped or disabled so as to be unable to adequately prepare all their meals. Sec. 6 (b).	Any food or food product regularly available in domestic supply except alcoholic beverages and tobacco; also meals prepared by public agencies or private nonprofit organizations for consumption at any location other than an institution or boarding house by handicapped or persons 60 years or over. Sec. 3 (b) and (f).
6. Household income eligibility	States set standard of maximum income consistent with income standards used by State in its federally aided public assistance programs. Present range extends from $2,160 for a family of 4 in South Carolina to $4,320 in New Jersey. Sec. 5(b).	Secretary of Agriculture (in consultation with HEW Secretary) to establish uniform national standards of eligibility; with a planned maximum income slightly over $4,000 for a family of 4. Sec. 4(b).	Secretary of Agriculture (in consultation with HEW Secretary) to establish uniform national standards annually at no less than $4,000 per year for a family of 4 or the equivalent. Sec. 5(b).
7. Other eligibility qualifications	Requires that States shall place a limitation on the resources to be allowed eligible households. Sec. 5(b).	Standards set by the Secretary, at a minimum, shall prescribe the amounts of household income and other financial resources, including both liquid and nonliquid assets to be used as criteria of eligibility. Also excludes, for a 2-year period, any household which includes a member over 18 who is claimed as an income tax dependent by another taxpayer not in the household. Sec. 4(b).	National resource standards exclude home, household goods, personal effects, or other property essential to household's means of self-support. Sec. 5(b).
8. Work test	No statutory requirement but many States impose one.	Excludes from eligibility and denies stamps to any household with any able-bodied adult between 18 and 65 (except mother of dependent children under 18 or bonafide students or persons caring for incapacitated aduits or dependent children) who fails to register for employment or refuses to accept employment or public work at the higher of State, Federal, or regulatory wage, or no wage floor at all, if none applicable.	Reduces household's coupon bonus according to share attributable to individuals in household (other than mothers of children under 16, bona fide students, the ill and incapacitated, persons caring for incapacitated adults, children under 16, or persons employed 35 hours or more per week or earning at least $56 per week) who either fail to register or accept suitable employment at no lower than the Federal minimum wage. Sec. 5(c)-(g).
9. Certification procedure	In accordance with the genera. procedures and personnel standards used for certification for federally aided public assistance programs. Sec. 10(e)(2).	Same as under present program. Sec. 6(a)(2)	Solely on basis of simplified statement conforming to standards prescribed by Secretary coupled with subsequent verification through sampling and other scientific techniques, except 100 percent verification for college students. Sec. 7(b)(1).
10. Coupon issuance location and frequency.	State agency responsible for making issuance arrangements; may delegate to other agencies of local governmental units. Regulation requires at least semimonthly issuance. Sec. 10(b).	Same as under present program	Purchase through post offices, banks, credit unions, community action agencies, other public or private nonprofit organizations subject to such regulations as the Secretary may prescribe. Coupons to be issued on a weekly schedule. Sec. 7(b)(2).
11. Maximum purchase price of coupons.	Equivalent to household's normal expenditure for food (in practice up to 33 percent of net income). Sec. 7(b).	Reasonable investment test—not to exceed 30 percent of income. Sec. 5(b)(2).	Not to exceed 30 percent of income, except maximum of 25 percent of income for those households with annual income equal to or less than the equivalent of $167 per month for a family o. 4. Sec. 6(b).
12. Free stamps	Only in experiment in 2 counties in South Carolina. No statutory provision permits.	Prohibited—minimum charge of 50 cents per person per month (household of 5 or less) or $3 per household (6 or more) with State, local, and charitable sources to help insure participation at minimum level. Sec 5(b)(1).	Only for households of 4 with incomes equal to or less than $30 per month for a family of 4, or, in 1972 and 1973, such higher sum as the Secretary shall prescribe. Sec. 6(b).
13. Partial purchase and simplified purchase for Federal assistance recipients.	No special provisions (coupon issuance schedules permit, but do not require, weekly purchase of portion of allotment at fractional price). No simplified purchase.	Secretary to provide reasonable opportunity to purchase less than full allotment. States may permit households receiving federally aided public assistance to authorize withholding of purchase price from assistance payments upon joint approval of Secretaries on USDA and HEW. Secs. 5(b) and 6(a).	Secretary to establish schedules for variable purchase with regular participation not required. Authority to withhold payments for coupons from payments made to household under the Social Security Act if household requests such withholding. Sec. 7(b)(2).
14. Total coupon allotment	Such amount as will provide household with an opportunity more nearly to obtain a low-cost nutritionally adequate diet. (Defined by regulations as economy food plan—$106 a month for a family of 4.) Sec. 7(a).	Amount which Secretary determines is necessary to obtain a nutritionally adequate diet. (USDA has indicated that this would be the economy food plan). Sec. 5(a).	Equivalent of 35 cents per person per meal in 1971 adjusted thereafter to reflect the cumulative change in the Consumer Price Index for food; provided that if the Secretary determines that the appropriation for fiscal year 1971 or authorization levels for fiscal years 1972 and 1973 are insufficient for the entire fiscal year, he may reduce the value of the coupon allotment to not less than the economy food plan or 30 cents per person per meal whichever is higher. The Secretary shall review such decision quarterly and advise Congress 30 days prior to instituting a reduction in the value of coupon allotment. Sec. 6(a).
15. Administrative responsibility	State welfare agency is responsible for intrastate administration and must request program for each subdivision. Sec. 10 (b) and (e).	Same as under present program	Secretary shall operate directly through any appropriate Federal, State, county, public or private nonprofit agency if (1) Governor or State fails to administer program in area without an operating program 210 days after enactment, or (2) State or other operating agency fails to comply with law after reasonable period. Secretary may so operate if Governor of State fails to administer program in area in which, 180 days after program has begun to operate, less than ⅓ of poor in the area participate over a 3-month period. Sec. 7 (g)(1) and (2).
16. Program cost sharing	Secretary to finance cost of bonus coupons and 62.5 percent of travel and salaries of State personnel engaged in certifying nonpublic assistance households. State and local governments pay for 100 percent of issuance costs. Sec. 15(b).	States required to finance a maximum of 10 percent of bonus costs by fiscal year 1974, starting at 2½ percent in fiscal year 1971 and climbing to 2½ percent every fiscal year thereafter. Secretary to pay same administrative costs as under present law plus 62.5 percent of travel and salaries of State hearing officials and outreach personnel. Sec. 15 (b) and (c).	Same as present program plus Secretary to pay 62.5 percent of salary and travel of State and local hearing officials and outreach and nutrition education workers. Secretary to pay 50 percent of issuance cost if program serves 50 percent or more of poor in area. Secretary would pay 100 percent of all costs of public agencies or private nonprofit organizations operating the program or engaged in outreach or nutrition education of program participation. Sec. 9(b).
17. Concurrent food stamp program and commodity distribution.	Not unless emergency situation caused by a national or other disaster as determined by Secretary: interpreted to exclude long-term, nonnatural disaster, but not short-term economic disaster. Sec. 4(b).	Authorized in the case of: (1) temporary emergency situations; (2) during transitions from commodity distribution to food stamp programs; and (3) on request of the State agency if State agency pays for distribution costs, subject only to prohibition that individual participating shall not benefit from both programs simultaneously. Sec. 4(b).	Authorized in the case of: (1) temporary emergency situations; (2) during transition from commodity distribution to food stamp program until the number of food stamp participants in country exceeds the average number of commodity participants in the three most recent prefood stamp months; and (3) at request of State agency if State agrees to pay distribution costs and at request of any public agency or private nonprofit organization that agrees to pay distribution costs. No simultaneous participation. Sec. 4(b).

Item	Present program (Public Law 88-520)	House Agriculture Committee (H.R. 18582)	Family Nutrition Act of 1970 (H.R. 19889)
18. Penalties for misuse of program.....	Criminal offense knowingly to use, transfer, acquire, or possess coupons in unauthorized manner (over $100-felony). Sec. 14 (b) and (c).	Same as under present program PLUS extends provision to include illegal possession or use of "authorization to purchase" cards. Sec. 14(b).	Same as under House Agriculture Committee bill PLUS criminal offense for knowingly making a false declaration. Contains administrative provisions to control fraud resulting in participation by ineligible households or receipt of excessive coupon allotments. Sec. 8(b) and 9(h).

The Family Nutrition Act of 1970, unlike the House Agriculture Committee bill, would make changes in the commodity distribution program to provide uniform national income and resource eligibility tests, certification by declaration, guaranteed access to foods of sufficient caloric quantity (with other foods necesary to provide a nutritionally adequate diet available in so far as possible), and fortified foods in areas with known nutritional deficienes. Sec. 4 (c). The Family Nutrition Act would also authorize the Secretary to conduct, or to contract for the services of public agencies or private non-profit organizations for the purpose of research, demonstration, or evaluation projects designed to test or assist in the development of new approaches or methods to achieve the purpose of the Act, including fortification of staple foods. Sec. 10(a).

POGROMS—SOVIET STYLE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. BRASCO. Mr. Speaker, on June 15, a group of Riga Jews were arrested at the Leningrad Airport on a false hijacking charge. Others have been arrested and imprisoned in several Russian cities. All evidence points to the kind of trial that has all too often characterized the policies of the Soviet Union. This time the people in dock will be guilty of one heinous crime—wanting to live freely, surrounded by the symbols and daily life of their Jewish faith.

I find it utterly fantastic that the present-day Soviet Government can continue to keep alive czarist barbarism against these persecuted people. Yet it seems to be true. The Soviet Union promised freedom to all its citizens when the Russian revolution became an accomplished fact. Today, after more than five decades of Communist rule, the Jews of Russia still live in torment, fear, and apprehension.

In the past, the Jews were driven from pillar to post in many lands because they insisted on living within the framework of their law and beliefs. For this they were shoved into exile, discriminated against, physically assailed, and finally murdered—first singly, and finally in larger groups. We all know what eventually transpired against these people. Genocide was practiced against them.

The Soviet Union would have the world believe that her mantle of international respectibility is real. She desperately yearns for the trappings of such recognition. Only by this behavior does she bar herself from such acceptance by civilized men and women.

The Nazis murdered more than 20 million Russian civilians. The Soviet Union fought a desperate, thunderous conflict to help annihilate nazism from the face of the earth. Yet now, this very same nation, in stamping out a free people's desire to live their beliefs, is adorning itself with the mask Hitler wore.

What have the Jews done now? How have they offended the world, and especially Russia, this time? Do they murder children? Do they seek to debauch innocent women into lives of sin? Do they plot the overthrow of the world through a secret conclave of their elders? Is it all a plot to replace all nonkosher coldcuts with the products of Hebrew National and Zion salami?

Is not the world heartily sick and tired of this disgusting repetition of old bigotry and medieval-style searches for scapegoats? Are we not out of the cradle of human emotional maturity yet?

There are 2½ million Soviet Jews in bondage in Russia today. That same nation is reputed to possess a population of some 240 million. It is a police state armed to the teeth. I am certain that tomorrow morning the very gates of the Kremlin itself will be inundated by hordes of elderly Soviet Jewish revolutionaries, who will seize power and proceed to set up a Jewish state. I am also certain that the Soviet Armed Forces will be forced to surrender in shivering terror by legions of Jewish grandmothers armed with mops and brooms. How ridiculous. How incredible that a nation armed with thermonuclear might in awesome proportions must act in such a way toward a tiny group of persecuted, innocent people.

I do not think it a crime to seek religious freedom. I do not believe it is criminal to seek the right to migrate to Israel. I do not feel it a heinous act to take pride in the Ten Commandments and a cultural heritage that is the envy of many nations.

If Soviet Russia dares to put these innocent people in the dock for a show trial at gunpoint, she will brand herself with the mark of Stalin and Hitler once more. She will not frighten Russia's Jews into silence. She will not cow their spirit or prevent them from seeking admittance to Israel. She will not succeed in anything except blackening her own name and reputation in the eyes of the world for years to come.

Pharoah is forgotten, save by Egyptologists. Nebuchadnezzer is dust. The torturers of the middle ages are despised. The persecutors of Dreyfus are object lessons in ignorance for students of history. Hitler is an abomination in the eyes of all honest men. So is Stalin. Now Nasser is gone. Yet the Jewish spirit still lives. It will take more than a Soviet court and its secret police to accomplish what all these failed to do. The rulers of Russia would do well to ponder the lessons of history, as well as the rules of elementary decency.

THE VIETNAM ROLL OF HONOR

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. DUNCAN. Mr. Speaker, today I would like to place in the RECORD a list of names of young men from my Second Congressional District and surrounding east Tennessee communities who have made the supreme sacrifice for freedom in Southeast Asia.

Of course, there is no way we can justly honor these brave men. Placing their names in this public document is only a token tribute to that which they deserve. Generations of the future too are indebted to these men who fought and gave their lives for freedom.

Our thoughts, prayers, and deepest sympathy is extended to the families and friends.

[From the Knoxville News-Sentinel, Nov. 11, 1970]

THE VIETNAM ROLL OF HONOR—EAST TENNESSEE, SOUTHWESTERN VIRGINIA, SOUTHEASTERN KENTUCKY

As the war in South Vietnam gradually deescalates, we frequently read and hear, "Casualties reported light," or "only" such-and-such a number killed in action this week.

But to the family of a man who died for his country, the casualty is not "light."

It is immaterial whether you believe in the war or not. It is time to remember only the individual and his sacrifice, even if on this roster he is "only a name." It is time to recall also the untold thousands who have died for America throughout her history. They have given us the freedom to disagree with the very things they died for. Where else but in the United States of America?

On July 14, 1968, The News-Sentinel carried the names of all area war dead up to that time. Today's list, our contribution to Veterans Day, includes the original list and the names of those who have lost their lives in Vietnam and Cambodia since then, as carried in our files.

KNOXVILLE AND KNOX COUNTY

Pfc. Gary D. (Joe) Smith, Concord.

Pvt. Wayne T. Long, 18, 222 Hawthorne St.

Sgt. Raymond Hill, 26, Middle St.

Sp-4 Jimmy Allen Marcum, 23, Concord.

Boatswain's Mate 2.C. Tommy Edward Hill, 33, 1222 W. Baxter Ave.

Pfc. J. R. (Rob) McLemore, 23, Brakebill Rd.

Lt. Don Lumley, 29, 4812 Gwinfield Dr.

Sgt. Jesse J. Coffey, 29, Corryton.

Cpl. Charles Wooliver, 21, 1716 Massachusetts Ave.

Pvt. John Henry Morgan, 18, 1209 W. Fourth Ave.

Lt. Gary Glandon, 26, Powell.

Sp-4 Donald A. Sherrod, 23, 2843 Woodbine Ave.

Pfc. Dan Steven Allen, 18, 1140 Baker St.

Pvt. Billy Joe Harrison, 19, Knoxville.

Pfc. Charles O. Reed, 20, Powell.

Sgt. Sam Raymond Jones, 22, 4965 Ball Camp Pike.

Pfc. Jerry Lynn Noe, 18, 1733 Mississippi Ave.

Lance Cpl. Melvin Roy Wright, 20, Branch Lane.
Hospital Corpsman Thomas L. McCarter, 20, 3603 Eaker St.
Pfc. Charles Edward Merriman, 19, Holston River Rd.
Capt. Gary Frank Wallace, 27, Knoxville.
Lance Cpl. James David Travis, 22, Westland Drive.
Sp–4 George Edward Clark, Jr., 23, Woodbrier Rd.
Sp–4 Robert Dwayne Nelson, 21, Shady Oak Lane, Karns.
S.Sgt. Warren Dane Campbell, Knoxville.
Pfc. Jimmy Yoder, 18, 2411 Fenwood Dr.
Pfc. Robert L. McCarter, Mount Olive Rd.
Pfc. W. F. Dail, Jr., 19, 231 E. Oldham Ave.
Cpl. Tom A. Varner, Jr., 20, Brownsview Rd., Karns.
ADR 1.C. J. C. Newman, 35, Simpson Rd.
Cpl. Benjamin F. Pitts, 23, 1101 Texas Ave.
Sgt. Larry Wayne Barnard, 20, Powell.
Lt. John Richard Ruggles III, 23, 6926 Stone Mill Rd.
Platoon Sgt. Jonathan R. Gaddis, 30, Knoxville.
Cpl. John W. Van Sant, 20, 2311 Washington Pike.
Sp–4 Donald E. Nipper, 20, 3314 Ragsdale Ave.
Sp–5 John H. Pate Jr., 27, Pine Grove Rd.
Cpl. Gerald E. King, 20, 602 Renford Dr.
Sgt. James W. Dial, 38, 98 Summit Ave.
Sp–4 Alvin Wiles, 21, 2812 North Hills Blvd.
Sgt. Thomas H. Goodman, 21, 3824 Maloney Rd.
Pfc. James Edward Byrd Jr., Powell.
Pvt. Leeverne Richard Achoe, 23, Knoxville.
Cpl. Robert A. McLoughlin Jr., 21, 1638 North Hills Blvd.
WO James Alfred Brady, 39, Woods Creek Rd.
Cpl. Jerry L. Weaver, 20, Norris Freeway.
Sp–4 Donnie L. Damewood, 20, Sharps Chapel.
Pfc. Vernon L. Headrick, 20, Sevierville Pike.
Sgt. Ray A. Hayes, 24, Nashville, formerly of Knoxville.
Pfc. Larry Grant Bradley, 22, of 3806 Knox Lane.
Maj. William W. Ford, 41, of 3716 Essary Drive.
Lt. Sterling E. Cox, 27, of 5504 Inwood Drive.
Pfc. Robert Roebuck III, 19, of 2121 Riverside Drive.
Pfc. David S. Whitman, 19, of 416 Hembree St.
Pfc. Walter T. Bryant, 22, of 1745 Massachusetts Ave.
Sp–4 James H. Watson, 21, of 4141 Felty Drive.
Sp/4 Paul Maples, Hendron's Chapel Rd.
Lt. Anderson Neely Renshaw III, 25, of 1333 Gatewood Lane.
Sp/4 John D. Sexton, 22, Hendron's Chapel and Widner Rds.
Pfc. Roger Alan Vandergriff, 22, of 106 Overbrook Drive.
Lt. Charles Harder (Chip) Pilkington Jr., 22, of 809 Northshore Drive.
WO Allen H. Robertson, 20, of 1209 McSpadden St.
Lt. John Bomar (Beau) Balitsaris, 21, of 7201 Rotherwood Drive.
Sgt. Bobby Glenn Oliver, 21, Neubert Springs Rd.
Lance Cpl. Michael David Dawson, 20, of 813 Hidden Valley Rd.
Pfc. Bedford Frederick White, 20, of 1714 Western Ave.
Lt. Ronald H. Knight, 26, Rt. 3, Strawberry Plains.
Cpl. Harold G. Curtis, 21, Rt. 7, Concord.
Sgt. William B. Bishop II, 22, of 1104 Burton Rd.
Sgt. Lennis G. (Ronnie) Jones, 23, of 1853 Beech St.
Sgt. William A. Blackburn, Knoxville.
Lt. J. Carroll Walker, 22, Ellistown Rd.
Sp-4 Lennis C. Gentry, 20, Copeland Rd.
Pfc. Wilbur Reed, 26, of 1526 Minnesota Ave.
Sp-4 William H. Scott, 20, of 513 Douglas St.
S.Sgt. V. B. Childress Jr., 137½ Hinton Ave.
Sp-4 Robert H. Lane Jr., 19, of 1107 Burning Trail.
S.Sgt. Mchael Ray Conner, 203 Laurel Circle.
Lt. Boyd Wayne Smith, 4512 Winterset Drive.
Capt. Leonard T. Higdon, 25, Benton Rd.
Lt. Jerry Smith, 24, of 3731 Ivy Ave.
Sp-4 David Harlon Marine, 18, of 1617 Reaves Ave.
Pfc. Bruce William Blakely, Forrester Rd., Halls Crossroads.
Frederick P. Broyles, 746 College St.
Pfc. Thomas Eugene Taylor, 18, of 1108 Middle St.

EAST TENNESSEE

Pfc. Benjamin Leety, Oak Ridge.
Cpl. H. W. Wilson, Oak Ridge.
Pfc. James M. Cornett, Elizabethton.
Sgt. Clarence Burns, Harriman.
Pfc. Daniel E. Walden, Jellico.
Pfc. John W. Watkins, Jefferson City.
Sp-4 Jimmy Wolfe, Cleveland.
Pvt. John Isaacs, Elizabethton.
Sp-4 James E. Cunningham, Harriman.
Pfc. Fred L. Richardson, Bristol.
Cpl. Estel Huskey, Sevier County.
Pfc. Mack L. France, Newport.
Gale D. Crawford, Rogersville.
Pfc. Frank Shelton, Mosheim.
Sgt. Carl Spangler, Bristol.
Maj. T. F. Case, Oak Ridge.
Maj. Billy Nave, Johnson City.
Pfc. Harold G. Ayers, Jonesboro.
Sp-4 Johnny Hickey, Cleveland.
Cpl. Charles C. Roberts, Newport.
Sgt. D. W. Holmes, Crossville.
Pfc. D. E. Green, Oliver Springs.
Sgt. Roy M. Brooks, Rogersville.
Sgt. D. D. Spears, Rogersville.
Sgt. F. L. Gibson, Pioneer.
J. E. Bowers, Bristol.
Alvin Hutchings, Sparta.
Pfc. Donald Richardson, Copper Basin.
Cpl. Lorenzo Giles, Middlesboro.
Sgt. F. D. Brown, Polk County.
C. S. Hughes, Bristol.
Dennis T. Hayworth, Lenoir City.
Pfc. Billy Monahon, Pikeville.
Lt. Douglas Jones, Erwin.
Pfc. A. A. Teague, Middlesboro.
Airman John Campbell, Crossville.
Sp–4 Carroll Abbott, Sevierville.
Sp–4 Len Jenkins, Cosby.
Sp–4 Rex Armes, Wartburg.
Sp–4 Charles Owen, Athens.
Capt. Homer Peace, Johnson City.
Pfc. David Crabtree, Jamestown.
Pvt. Larry Wood, Mount Pleasant.
Pfc. R. J. Quinn, Morristown.
Sgt. H. E. Lee, Madisonville.
Pfc. W. D. Daugherty, Campbell County.
Sgt. Fred Russell, Maryville.
Sp–4 Gary Curtis, Johnson City.
Pfc. Garry K. Cook, Sharps Chapel.
Lt. L. P. Hule, Morristown.
Donald Eugene Madden, New River.
Cpl. Edward D. Dison, Clinton.
Lt. Hary Stewart, Johnson City.
Pvt. Gary Rowlett, Mount Carmel.
Pfc. Wayne O. Gay, Maryville.
Cpl. W. W. Hall, Shouns.
Pfc. Karl Brown, Kingsport.
Sp–4 A. C. Hensley, Limestone.
Sgt. 1.C. Gomer Hoskins, Clinton.
Sgt. James L. Parker, Alcoa.
Pvt. Charles McKinney, Bristol.
Harold P. King, Jonesboro.
Capt. Gordon Walsh, Johnson City.
Pfc. Gary Fox, Gatlinburg.
Lt. H. H. Payne, Elizabethton.
Pfc. Edward Sharpe, Calhoun.
Michael Gibbs, Del Rio.
Bobby Hunt, Chuckey.
Cpl. Oscar Parrott, Maryville.
Pfc. Dorsey Williams, Johnson City.
A–3.C. Eddie Mavis, Gatlinburg.
Pfc. Johnny Lee, Crab Orchard.
Lance Cpl. Jack Sutton, Maryland.
Cpl. J. H. Simpson, Loudon.
Pfc. James W. West, Oneida.
Danny King, Loudon.
Lt. Allen T. Rogan Jr., Johnson City.
L. C. Hays, Crossville.
Gary Murray, Elizabethton.
Pfc. Freddie Gray, Sweetwater.
Pvt. W. C. Allison Jr., Sparta.
Pfc. Doyle Holcomb, Johnson City.
Pvt. W. C. Allen Jr., Sparta.
Pfc. William Williams, Elizabethton.
John A. Harlan, Jonesboro.
Pfc. Donald Coulter, Maryville.
Sgt. J. H. Patterson, Oliver Springs.
Pfc. G. A. Voiles, Armathwaite.
Larry L. Sexton, Morristown.
Sgt. Charles H. Gobble, Johnson City.
Cpl. Robert Mason, Greene.
James F. Daniel, Cleveland.
Cpl. Joe Bradly, Oak Ridge.
Lonnie Robbins, Caryville.
Sp4 Bobby Shelton, Erwin.
Lt. Larry Flowers, Niota.
Sgt. Charles Otis Neal, Greeneville.
Cpl. J. D. Avery, Elizabethton.
Cpl. Donald Sleeder, Johnson City.
Pfc. Randy Cogdill, Pigeon Forge.
Nelson P. Henry, Crossville.
Cpl. William Dykes, Kingsport.
T. Sgt. James C. Krause, Lenoir City.
Sgt. Robert L. Lovelace, Wartburg.
Pfc. Guinn, Elizabethton.
Larry Arwood, Sweetwater.
Pfc. G. T. Dobbs, Etowah.
Roy K. Jones, Jonesboro.
Lt. Roy E. Southerland, Morristown.
Pfc. Roy Taylor, Tazewell.
C. R. Holland, Gainesboro.
William Earl Bridges Jr., Lenoir City.
Pfc. R. W. Barrister, Erwin.
Sgt. Fred Ford, Church Hill.
Lt. R. J. Yeary, Kingsport.
Sgt. M. P. Oliver, Butler.
Pfc. W. C. Roberts, Kingsport.
Sgt. Joe D. Brown, Petros.
Pfc. Douglas Ward, Wartburg.
Pfc. Everett Johnson, Harriman.
George McReynolds, Bristol.
Cpl. Robert L. Shaffer, Elizabethton.
Billy W. McGhee, Rockwood.
Bennie McCorkle, Johnson City.
Sgt. James T. Davis, Decatur.
Capt. James Reed, Kingsport.
C. W. Watson, Morristown.
James C. Thomas, Sweetwater.
Pfc. W. C. Hopper, Maryville.
Richard L. Dunlap, Maryville.
Sp4 D. L. Edney, Erwin.
Sgt. Jimmy Harrison, Greeneville.
Pfc. Danny Blevins, Alcoa.
Sgt. B. C. Burns, Lenoir City.
Cpl. John L. Matlock, Blaine.
Sgt. F. D. Spaker, Harriman.
Pfc. Elgin G. Hanna, Church Hill.
Sgt. Larry Lyons, Johnson City.
Pfc. Gary Carter, Church Hill.
Sgt. Ronnie Roman, Athens.
Pfc. James Allen Pettit, Maryville.
Joe Edward Griffith, Robbins.
Lloyd Terry Jr., Oak Ridge.
Sgt. William L. Dyer, Cleveland.
Pfc. Kenneth L. Hennant, Johnson City.
Sgt. S. T. Barnes, Jonesboro.
Lt. R. G. Price, Church Hill.
Sgt. Fred L. Doyle, Jellico.
Sgt. Joe A. Reed, Niota.
Pfc. William Morow, Farmer.
Pvt. Nilon K. Bacon, Fall Branch.
Pfc. Ronnie S. Daugherty, Newcomb.
Cpl. James D. Bowers, Johnson City.
Cpl. James A. Russell III, New Market.

Pfc. Roy W. Neal, Blountville.
Pfc. Ernest Witt, Johnson City.
Sgt. Jerry A. Campbell, Jamestown.
Sp–4 Larry T. Ownes, Jamestown.
Pfc. David C. Williams, Bluff City.
Sp–4 Conley Bradshaw, Church Hill.
Sp–4 William C. Poole, Kingsport.
Kirby Hamby, Glenmary.
Capt. Gordon A. Hawkins, Maryville.
Sp-4 Jerry R. Ferguson, Harriman.
Pfc. Thomas D. Bernard, Rogersville.
Sp-4 Freddie Greene, Athens.
Cpl. Wayne C. Williams, Maryville.
Sgt. James H. Roulette, Sr., Maryville.
S.Sgt. Jerry L. Lively, Oliver Springs.
Sgt. Clarence E. Watson, Madisonville.
Sp–4 Hubert A. Meredith, Turtletown.
Daryl Culver, Telford.
Sgt. Philip R. Fink, Rt. 3, Mosheim.
Sp–5 Thomas C. Treadway, Rt. 1, Elizabethton.
S.Sgt. Jeppie Payne, Cooper Hill.
James Edward Self, Madisonville.
Lt. James Tarte, Kingsport.
Pfc. John Woolbright, Mosheim.
Sp–4 Lloyd D. Doering, Bristol.
Pfc. Ervin Proctor, Townsend.
Pfc. Steve Dockery, Tellico Plains.
James Kelly, Greeneville.
Cpl. Larry D. Moss, Nashville, formerly of Meigs County.
Sp–4 Hershell L. Gossett, Athens.
Sp–4 Lee Roy McElhaney, Ten Mile.
Dennis Wayne Vaugn, Wartburg.
S.Sgt. Willard Morelock, Kingsport.
Pfc. John Dingus, Kingsport.
Lance Cpl. Gregory Weber, Oak Ridge.
Pfc. Ronald Hibbard, Oak Ridge.
S.Sgt. Ernest Lowe, Caryville.
Capt. Roy Wilson, Elizabethton.
Lt. Donald F. Fletcher, Kingsport.
Pfc. Robert Hodges, Rt. 4, Jonesboro.
Maj. W. B. Reams, Jr., Morristown.
Cpl. Allen E. White, Erwin.
Pfc. Bobbie D. Lewis, Pikeville.
Pfc. Harold C. Itells, Greenville.
Cpl. Daniel L. Gregg, Kingsport.
S. Sgt. Charles Stringfield, Harriman.
Pfc. Larry Foster, Lenoir City.
Cpl. Jonny Britt, Erwin.
Boyd Hayes, Rhea County.
Pvt. Jerry McFalls, Kingston.
Cluster L. Barefield, Etowah.
Lt. Charles Ayers, Midway.
Pfc. Arnold Glenn Oakes, Pikeville.
Pfc. Joseph L. Meade, Kingsport.
Pfc. Larry Mott, Jefferson City.
Pfc. Larry R. Harris, Englewood.
Sp.-4 Larry Curtis, Johnson City.
Sp.-4 Tony Lea Griffin, Carter County.
Larry D. Milhorn, Washington County.
Cpl. Larry Whitehead, Maryville.
Cpl. John West, Culpeper, W. Va., formerly of Johnson City.
Cpl. Edward Minton, Rt. 4, Clinton.
Pfc. Freddie Guinn, Elizabethton.
Lt. Fulton B. Moore III, Johnson City.
Sp.-4 Jesse Archer, Kingsport.
Sgt. James Gilbert, Butler.
Sgt. Don Smith, Speedwell.
Pvt. Clifford W. Taylor, Elizabethton.
Sp.-5 Thomas J. Grindstaff, Maryville.
S. Sgt. Alvin G. Gunter, Rockwood.
Lt. William O. Stead, Erle.
Sgt. Joseph Oreto, Pikeville.
Sgt. Andrew E. Jarkins, Jacksonville, Fla., formerly of Maryville.
Chandler Scott Edwards, Rt. 1, Telford.
Sgt. Thomas E. Latham, Rt. 3, Niota.
Pfc. Jimmy L. Henry, Rt. 1, Kingsport.
Sp-4 John E. McCarrell, Lenoir City.
Sp-4 George Heatherly, La Follette.
Sgt. James A. Borden, Monroe County.
Pfc. Edsel W. Steagall, Rt. 1, Shady Valley.
Capt. Johnny Leon Bryant, Maryville.
Sgt. Jackie W. Troglen, Sparta.
Pfc. Winston O. Smith, Rt. 1, Madisonville.
Lt. Richard L. Patterson, Harriman.
Pfc. Leon Edward Barnard, Tazewell.
Pfc. Scott W. Thornburg, Loudon.
Bobby R. Brown, Armathwaite.
Harvey C. Crabtree Jr., Rt. 1, Loudon.
Jerry McCarter, Sevierville.
Pfc. William F. Malone, Greenville.
Jack E. Luntsford, Kingsport.
Pfc. James Ronald Rainwater, Dandridge.
Sp-4 Dannie Carr, Sevierville.
Donald Lee Grubb, Erwin.
Arnold Jackson, Greeneville.
Sgt. Gary L. Tinker, Rt. 6, Johnson City.
Pfc. Jimmy D. Cortney, Rt. 2, Mohawk.
Sp-5 Freddie M. Sherlin, Athens.
Pfc. Thomas D. Snyder, Johnson City.
Sgt. Stephen J. Torbett, Kingsport.
S.Sgt. Carl Parton, Loudon.
Pfc. Lawrence Humphrey, Piney Flats.
Pfc. Jimmy Jones, Kingsport.
Pfc. Ron Jackson Haynees, Rt. 3, Vonoore.
Sgt. Bobby Haynes, Flag Pond.
Pfc. Lonnie L. Gibson, Jellico.
Lt. Ronald H. Knight, Rt. 3, Strawberry Plains.
Sp-4 Monte L. Payne, Maryville.
Lt. Col. Robert L. Alexander, 38, Greeneville.
Sgt. Dennis G. Jones Jr., Seymour.
Sp-5 Oliver N. Thompson, Rt. 1, Checkey.
Navy Radarman 1C Michael L. Ferguson, Rockwood.
Sp-4 Jon A. Allen, Lowland.
Sp-4 James Casteel, Englewood.
Pfc. Macey Rucker, Washburn.
Pfc. Charles R. Rains, Newport.
Maj. David Knott, Norris.
Sgt. Frederick A. Hassler, Crossville.
Pfc. William O. Vaughn, Jamestown.
Pfc. Michael C. Vickery, Oliver Springs.
Cpl. William E. Haggard, Rt. 2, Powell.
Pfc. Randall E. Perry, Rt. 2, Dayton.
Pfc. Bill B. Long, La Follette.
Pfc. Donnie J. Swatsell, Greenville.
Capt. Larry Beek, Greeneville.
Sp-4 Danny Ron Roberts, Rt. 2, Etowah.
Sgt. James Paul Richards, Rogersville.
Pfc. James E. Hylmon, Rt. 8, Jonesboro.
Mitchell (Mitch) Spout, Lenoir City.
Pfc. Larry Brannum, Cleveland.
Sp-4 Marvin Shell, Rt. 3, Johnson City.
Sp-4 Gary L. Edwards, Rt 3, Oliver Springs.
Sp-4 Don M. O'Shell, Rt 2, Kingston.
Sgt. Kenneth Ray Hodge, Jonesboro.
Lt. John William (Bill) Wilson Jr., Lenoir City.
Gunners Mate George R. Crabtree, Jamestown.
Sgt. Donald H. Bloomer, Edson.
Pfc. Garry L. Worley, Bristol.
Capt. Samuel Earl Asher, Oak Ridge.
Sgt. David Barnett, Bristol.
Sp-4 Floyd W. Jason Lamb Jr., Chuckey.
Sp-4 Robert Joseph Huddleston, La Follette.
Sgt. Carl Crowe, Harriman.
Sp-4 David (Red) Horner, Mount Carmel.
S.Sgt. Luther Davis, Oak Ridge.
Cpl. Donnie Ashbury, Kingsport.
Sp-4 Dan G. Feezell, Maryville.
Sp-4 James William (Bill) Knight, Rockwood.
M.Sgt. Garry Lynn Weaver, Lake City.

HON. LAURENCE BURTON TO LEAVE THE HOUSE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. BOB WILSON. Mr. Speaker, one of our distinguished colleagues will be leaving this body at the end of the present session. I am sure most of us on both sides of the aisle will miss LAURENCE BURTON. He has had the rare quality of serving in the partisan way without developing the animosities that normally go with partisan activity. I know he is much respected by Democrats as well as Republicans.

LARRY is a relatively young man and I am sure he has a great future ahead of him in the service of his country. I wish him well in whatever endeavor he chooses to follow and assure him of my personal friendship and support in the years to come.

HUNGER AMONG THE POOR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. EDWARDS of California. Mr. Speaker, I am placing in the RECORD a report on hunger among welfare families in Santa Clara County, prepared by the Social Services Analysis of the County Welfare Department.

I urge my colleagues to read this report with care, for while the county is in my district in California, I believe it probably reflects reality for most of the Nation's welfare families.

I think the report is particularly timely in view of the Senate Finance Committee's recent neanderthal abuse of the welfare bill. I wish those members of the committee who are so uncharitably disposed to our welfare recipients could have the opportunity to experience the reality that this report reflects.

Marie Antoinette once said of the people:

Let them eat cake.

We are all aware of the rage that attitude unleashed.

The authors of this report indicate that poor families living in one of the wealthiest communities in the Nation, in terms of per capita income, sometimes feed their children candy to reduce their appetities—because they have no more substantial food in the house. If this situation does not arouse our indignation and move us to provide remedies as quickly as possible we are a sorry lot and deserve whatever consequences follow such callous neglect of our duties.

MANY COUNTY WELFARE FAMILIES GO HUNGRY

SUMMARY

A study conducted earlier this year by the Santa Clara County Department of Social Services indicates that an estimated 5,200 persons receiving financial assistance from the Department go hungry one or more days at the end of each month. Over 4,000 of these are children, approximately 1,300 of them under five. This number of children approximates the entire student body of a large high school, or eleven average elementary schools.

This situation results from the woefully inadequate amounts of assistance allocated the families receiving Aid to Families with Dependent Children, or AFDC. The study found that 66% of AFDC families experienced the situation one or more times in the prior year of having not enough food in the house, and no cash with which to buy food.

Families interviewed reported that they meet this periodic crisis mainly by borrowing from relatives or friends, or occasionally by credit from a neighborhood grocery. When their next assistance grant arrives they must

repay this, leaving them short again the next month. Sometimes they postpone payment of rent, or other bills in order to stock up on food, or to purchase a needed pair of shoes or other clothing items.

After payment of rent and utilities AFDC families have very little left with which to meet needs for food, clothing, and other items. The U.S. Department of Agriculture estimates that an average of *$1.03* is needed per person per day for a family of four to eat adequately. The U.S. Bureau of Labor Statistics' "modest but adequate" budget sets a similar amount. Only about two-thirds of all AFDC families have enough remaining after housing costs to live at this standard. Twenty-three percent of the AFDC families are living on *$1.00* per person per day for *all* needs, not just food alone. This represents 3,900 families, or *16,000 persons*. Fifteen percent of the AFDC families are trying to exist on 67c or less per person per day to cover all needs. This represents 2,550 families, or about 10,300 persons.

The survey included an inventory of the kitchens of the families included in the study. This inventory revealed that even those who actually have enough food in the cupboard often do not have the kind of foods that are considered essential for a healthy and balanced diet. Typical of a family considered to have enough in the house to last until the next check was one who had 15 lbs. of flour, two lbs. of non-fat dry milk, one-half pound of margarine, 10 onions, two pounds of rice, one pound of macaroni, three loaves of bread, five lbs. of sugar, five lbs. of potatoes, and five lbs. of beans. This was expected to feed seven people for four days. Many families report that they give their children candy instead of a meal at such times because candy is cheap and "spoils the appetite". One family reported eating only rice with syrup the last several days of one month.

Food Stamps are thought to provide a supplemental resource for families with meager incomes. Unfortunately many of the families are not able to afford the amount required to purchase the stamps. Purchase of Food Stamps ties up cash in stamps good only for the purchase of food, leaving other urgent needs unmet. Therefore, often, families will skip a month or two, or not use stamps at all. An additional problem with Food Stamps is that they cannot be used for soap or paper products, or personal hygiene items.

The survey failed to point to the reasons some families can subsist on the level of assistance provided by AFDC while others, the majority, cannot. After interviews with the families it was concluded that many factors seem to be responsible, not all of which could be precisely identified. Prominent among these is probably a basic difference in ability to manage their meager resources. In addition, some families have more on hand at the time they apply for assistance than do others. Some get more help from family, friends, church, etc., in the form of clothing, meals, or other necessities. Some juggle debts, postponing payments in order to cover some essential need that is more immediate. Most families related a combination of methods for getting by from month to month. Food stamps and free school lunches help some, but not others.

Many AFDC Families Are Hungry!

PREFACE

The cost of living has risen sharply in the past year in all areas. California is no exception. Private industries as well as some government agencies have given cost of living raises to their employees to compensate for the gap between salaries and the rise in costs. It seems catastrophic that welfare recipients, who have very few financial resources to work with, become increasingly impoverished in a rising economy.

Describing the poor is an all encompassing task which has more variables than are possible to mention here. To study all these variables would be a tremendous task not within the present capabilities of this research program. Hence, it was decided to take one of the conditions associated with the poor, that of hunger, and study this situation in a selected group of welfare recipients.

A short background of the research in this field is worth mentioning. According to John Kosa, Irving Kenneth, and Aaron Antonovsky, authors of *"Poverty and Health,"* "poverty and the poor" have been rediscovered in the past decade. This appears to be true considering the research in this field and the public demonstrations that have taken place. In the past two years, studies have been done on the hunger problem across the nation. This interest seems to be stimulated as a result of the McGovern Congressional Hearings on *Nutrition and Human Needs*. Some of these studies are not in published form to this date, but preliminary reports indicate that hunger is a problem whose dimensions are just now being discovered. The California State Department of Health is currently involved in a statewide study on the effects, if any, of poor nutrition. On a more local level, the Sacramento Welfare Department recently completed a report on hunger in their county. They found that "forty-four percent of the families contacted had been without money and without food one or more times during the past year." This 44% they projected to the entire Sacramento County AFDC caseload to determine approximately the extent of hunger in the Sacramento AFDC welfare population. This number is staggering—4,900 families with 13,000 children.

HYPOTHESIS

USDA in June, 1969, published a table showing the cost of food for a low-income family. They stated that for an adult male between the ages of 20 and 35 it would cost $8.50 per week to prepare well-balanced and nutritional meals. A teenager (12 to 15) needs $7.90; an adult woman, $7.10 per week; a child age 6 to 9, $6.30; and a child 9 to 12, $7.90 per week. For a family consisting of a woman, a man age 30, and two children age 8 and 13, the cost of food for one week according to USDA would be $29.00. The AFDC cost schedule allows $26.00 per week, and families held to MPB (no outside income) receive 25% less, or $19.58 for one week.

The above figures indicate that in order for AFDC families to be fed nutritionally they must be more clever than USDA. It is true that a nutritionally balanced diet can be purchased for less, but such diets are extremely high in calories, uninteresting, and unsuitable medically for many people.

With this background information considered, it was hypothesized that AFDC families do suffer from real hunger.

METHODOLOGY

The purpose of this study, as stated in the hypothesis was to determine whether or not AFDC families suffer from hunger. In order to determine this, it was decided that the recipients interviewed would have to meet certain criteria: (1) The AFDC household interviewed must have been on welfare continually for at least 6 months. This time period was arbitrarily chosen, as it was felt that 6 months would constitute a period of prolonged financial deprivation. (2) Since the study was designed to look at the financial situation of AFDC families, it was determined that welfare families who lived with other families or persons who were working, would be excluded from the survey. In summary, the AFDC family studied had been on aid continually for the last 6 months and were living in an independent living situation.

A sample of 400 AFDC families were drawn at random from the January, 1970 payroll. Of these, 124 cases were eliminated because they did not meet the above criteria. Aid and income history was completed on each case. Interview schedules were forwarded to the social worker handling the case. Detailed instructions regarding each question accompanied each interview schedule. The workers were informed that every schedule must be completed during the week of January 26th and January 31st, 1970. This week was thought to be the critical period when families might have a problem managing. Interview schedules were actually completed on 202 AFDC households. The remaining 74 schedules were not completed because either the social worker could not contact the client, or the client worked during the daytime and could not be contacted in their home. The 202 families interviewed comprise the sample for this research study.

As can be seen in the appendix, the interview schedule is divided into two parts. The first part deals with questions about the family situation. The second section is an inventory of the food items in the kitchen. Each interviewer was to list the kind of food and the quantity of each item.

It is important to know what this research study means by a "hungry family". A family was determined to be hungry if the food and money they had left was inadequate to feed them until their next expected income was received. To help make this determination, a bulletin written by the Department of Agriculture, titled "Family Food Budgeting—Bulletin No. 94", was used as a guideline. The economy family food plan from this pamphlet was followed. (According to the Department of Agriculture this diet plan should only be used as a temporary measure.) It should be noted that a family was not considered to be hungry if they had enough staples (i.e., beans, potatoes, rice, or macaroni) to subsist on until the next income was received. This study did not take into consideration whether or not the diet of the family would be nutritionally good, but used only the food remaining in the larder.

Proving whether or not these "hungry families" *actually* went without eating was not attempted by this study. It intends merely to state that the food and money they had left could not feed them until they received their next income. How these families dealt with this problem will be discussed later.

HOW AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) GRANTS ARE COMPUTED

In order to understand some of the sections of this paper, it is helpful to know how AFDC grants are computed. The following paragraphs are taken from a bulletin published by San Mateo County for this purpose.

The State Department of Social Welfare issues each year a "Cost Schedule for Family Budget Units" constructed on the basis of pricing studies in various areas of the state, to use in determining the amount of the grants made to families who qualify for the AFDC program. This cost schedule determines the needs of a family depending on its size and the ages of each of its members.

For families with such income as earnings, child support, social security, unemployment or disability payments, this income is subtracted from the total family need (as determined in the cost schedule), and the difference is the correct grant for the month. For those families who have no income the state legislature has established a fixed maximum grant for each family, depending on the number of persons in the family. This is called Maximum Participation Base, or MPB.

FINDINGS

Basic characteristics of the sample

Data was collected on 1,061 people from 202 households for an average of 5.2 people per household. Household's headed by a male figure number 79, with 123 headed by a female. Questions were asked about ethnic background, California residence, and educational background of these families.

Table I illustrates the ethnic break-down found by this study. As can be seen, minority groups compose well over half of the AFDC population studied, and are definitely over-represented when compared to their numbers in Santa Clara County.

TABLE I.—ETHNIC DISTRIBUTION OF AFDC POPULATION

Ethnic group	Percent in sample	In county population[1]
Chicano	46	9.6
White	44	86.2
Black	6	1.1
Other	4	3.1
Total	100	100.0

[1] 1966 county census.

It is common belief that with the change of the residence law in June, 1968, California would have an influx of welfare recipients from other states. As can be seen in Table II, three-fourths of the AFDC recipients had lived in California for 10 or more years. Only 2% of the households were recent newcomers to California.

TABLE II.—*Distribution of length of California residency in sample*

No. of years in Calif. and percent of Sample Population:	
Always	33
10 years or more	42
5 to 10 years	12
1 to 5 years	11
0 to 1 years	2
Total	100

Previous research in the characteristics of AFDC recipients indicated that AFDC women had more formal education than the men. The findings of this study support the other research. It was found that the average AFDC woman had completed a higher grade in school than the AFDC man. Table III depicts this data.

TABLE III.—YEARS OF SCHOOL COMPLETED BY THE SAMPLE HUSBANDS AND WIVES

[Amount in percent]

Heads of households	None	7 or less	8th to 11th	12 or over	Total
Husband	13	46	25.0	16.0	100
Wife	5	24	39.5	31.5	100
Total for both	7	30	36.0	27.0	100

DIMENSIONS OF POVERTY

It was determined that 7.4% of the sample households would not have enough food or money to buy some, to last until their next expected income was received. These families were termed "hungry families". This number might seem relatively small until this percentage is projected to the total January, 1970, AFDC population in Santa Clara County. When the 7.4% is projected to over 13,000 families of AFDC in this county, the realization how many of them are hungry is staggering—an estimated 5,137 people, almost 4,000 of them children!

In addition to these 7.4% families who were hungry in January, 1970, 119 sample households reported that during the past year, at least once, they had no food, and no money to buy food. This is a total of 134 sample families who have been in this situation in the past year, or an estimated 66% of the caseload.

Twenty families reported that this condition, lack of food and money, existed every month, while only eight stated that it had happened to them only once. Table IV below, compares the frequency of hunger between the 15 "hungry families" and the 119 families who were without food and money at least once in the past year.

TABLE IV.—FREQUENCY DISTRIBUTION OF FAMILIES WHO HAVE BEEN WITHOUT FOOD AND MONEY TO BUY SOME

	In Percent				
Type of family	Only once	A few times (up to 5)	Almost every month	Every month	Total number
Hungry families	7	40	20	3	15
Families who experienced this situation	6	67	15	12	119

From the data collected, it seems safe to assume that almost any of these 134 families could fall into the definition of "hungry family" in a given month.

Along with the frequency of this condition it is important to know the duration. As can be seen in Table V, help did not come readily for some people. The people who were without food less than a full day generally stated that they planned ahead and borrowed from friends or relatives so that their families would not have to do without food.

TABLE V.—LENGTH OF TIME FAMILIES WENT WITHOUT FOOD BEFORE THEY COULD GET HELP

[In percent]

Type of families	0 days	1–2 days	3–4 days	5–6 days	7–8 days	9–10 days
15 hungry families	33	13	7	7	20	20
119 families	13	32	24	30	13	7
Total (134 days)	15	31	22	10	13	9

WHAT KIND OF HELP DO THESE FAMILIES RECEIVE WHEN THEY FIND THEMSELVES WITHOUT FOOD OR MONEY TO BUY SOME?

Help for these families seems to come from many different sources. The primary source for help, however, are the friends and/or relatives of these families. Of the families who found themselves in this predicament, 62% reported that they turn to their relatives or friends first for help. For those who receive help, 75% stated that it came from relatives or friends. Table VI illustrates the sources people turn to for help as well as who they receive help from.

TABLE VI.—SOURCES FAMILIES TURN TO WHEN THEY RUN SHORT OF MONEY AND THE SOURCE FROM WHICH THEY GET HELP

Source family turns to—	Percent	Source family receives help from—	Percent
Friends or relatives	75	Borrowed relatives.	45
Called social worker	18	Borrowed friends	37
Private agency	6	Private agency	7
Credit	6	No help	7
Churches	4	Private churches	7
Other	11	Credit	4
		Other	1
Total number	[1]162	Total number	[1]146

[1] Total could equal more than 134 since clients could respond more than once.

The remaining sixty-eight sample families reported that they had not experienced a time, in the last year, where they were without food and money to buy some.

The average income per household for the entire sample was $342.00. The amount of money available per person was computed by subtracting the amount of the rent and utilities from the net income to the family and dividing the remainder by the number of people in the household. This money must be used for the rest of their basic needs, i.e., food, clothing, transportation, etc. This monthly average was $39.14 per person, or $1.30 per person per day.

Table VII shows the income distribution per household, and per person.

TABLE VII.—DISTRIBUTION OF INCOME

Income distribution per household			Income distribution per person (after rent and utilities)		
Amount of money	Number	Percent	Amount of money	Number	Percent
Less than $200	34	17	Less than $10	7	4
$200 to $300	47	23	$10 to $20	22	11
$300 to $400	58	29	$20 to $30	47	23
$400 to $500	41	20	$30 to $40	48	24
$500 to $600	14	7	$40 to $50	27	13
$600 to $700	5	2	$50 to $60	23	11
$700 to $800	2	1	$60 to $70	11	5
$800 plus	1	1	$70 to $80	7	4
			$80 to $100	8	4
			$100 plus	2	1
Total	202	100	Total	202	100

FOOD STAMP PROGRAM

On the sample, 61% of the households were certified for food stamps in the month of January, 1970. Of those certified, 82% stated they were using the coupons, while 18% stated that they were not going to use the coupons. A total of 35 families (17%) stated that they have never used food stamps, with 22% stating that they were previously certified.

TABLE VIII.—FAMILIES CERTIFIED FOR FOOD STAMPS IN JANUARY 1970

	Yes	No	Total
Certified in January 1970	124	78	202
Number actually using food stamps of those certified	102	22	124
Previously certified	[1]44	35	[1]79

[1] One family reported that they were now certified, but had also been previously certified.

It is commonly known that there are many drawbacks to the food stamp program. It was considered worthwhile to attempt to find out what the food stamp users and non-users felt were the problems with the coupons. Over one-half of the food stamp users stated problems which they associated with food stamps. Inability to purchase paper products, soap, and other hygiene items necessary for a household was the primary problem. Families not certified for food stamps stated they could not afford them at all.

TABLE IX.—PROBLEMS ASSOCIATED WITH FOOD STAMPS

People certified for food stamps		People not certified for food stamps	
Problems	Percent of responses	Problems	Percent of responses
No problems	31	Could not afford at all.	50
No soap, paper products, hygiene items, etc.	25	Other	24
Cost too high	20	Too far to bank	14
Not enough food stamps for month.	11	Can't afford this month.	14
Cannot afford	10	Did not know about food stamps.	7
Welfare stigma	7	None	6
Other	4	New on welfare	5
Bank and store clerks insulting.	1		
No way to bank	1		
Total	[1]110	Total	[1]120

[1] Totals over 100 percent because respondent could state more than 1 problem.

Note: 124 certified for food stamps; 78 cases not certified for food stamps.

SCHOOL LUNCH PROGRAM

There are three school lunch programs available to low income families. A child may receive a free lunch, pay a reduced price for lunch, or he may work for his lunch. In the sample, 175 families had school age children. It appears that the school lunch programs are not well understood by the low income families. Over one-third of the sample families with school age children did not know whether or not their children's schools offer a school lunch program.

Table X illustrates the number of families involved in school lunch programs compared to the location where school children each lunch.

TABLE X

Type of lunch	Percent	Type of school lunch program used	Percent
School prepared	58.9	Not in special program	56
		Free lunch	22
		Reduced price	12
		Work for lunch	10
Brought from home	33.7		
Go home for lunch	20.5		
Other	2.8		

Note: Totals over 100 percent because various children in same family may eat at different locations.

SIGNIFICANCE OF FINDINGS

It has been shown that AFDC families often do experience periods when they are without food and money to buy some.

With this fact established, the need for further research became increasingly more evident. The more obvious factors did not seem to answer the question of why 68 families could manage while 134 could not. If there is an answer to this question it must then lie in some of the more subtle factors not explored. Many other questions can and should be looked at. Could a combination of these elements be responsible for whether or not a family is able to manage? Are these situational variables the same in every family or do they change with the family situation? We were haunted by the question: Did the families who generally stated that placing their children in the School Lunch Program was "embarrassing", also find it "embarrassing" to admit that they had experienced a time when they were without food and money? Perhaps the necessity for a particular family to buy a pair of shoes this month spelled the difference between being able to last out the month or not. It would thus be necessary to know how the total household budget is managed. This would require keeping detailed accounts of each penny spent.

Still another factor to be studied is the general health of the families. In this study we asked the families if they had health problems. The clients' statements were not accurate enough to test. Poor health of either the parents or the children can be a difficult problem to cope with. Further research should definitely include the study of the family's physical, as well as mental health. It is suggested that this be done by a physician, rather than asking the recipient if he has a health problem.

These questions need to be answered. To stop without attempting to find out what enables some families to manage when others cannot, would be a grave mistake. It is possible, however, that this is a phenomenon common to families in all income levels. Middle-class families merely show a Master Charge Card or Bank of America Card to purchase what they cannot afford in cash that month. These avenues are not often open to the poor. Instead they must seek help from their relatives or friends, or as one woman stated, "I had to steal from my neighbor in order to feed my family."

Whatever the outcome, research must be done, so that if an answer is available we will be able to use the information to aid in solving the problem of "hunger".

FREE WORLD FLAG SHIP ARRIVALS IN NORTH VIETNAM

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. CHAMBERLAIN. Mr. Speaker, during November, according to Department of Defense information made available to me, there were a total of three free world flag ship arrivals in North Vietnam, two flying the British flag and one the flag of the Somali Republic. This brings the total for the first 11 months of this year to 56 such arrivals as compared with the 92 during the same period in 1969. This represents substantial progress and reflects the continued efforts of the administration to reduce this source of supply to the enemy. The Cambodian operation has taught the significance of supplies and more progress can and should be made. I urge that efforts to eliminate this trade completely continue without letup so long as there is no peace in South Vietnam.

The item follows:

FREE WORLD FLAGSHIP ARRIVALS IN NORTH VIETNAM

	United Kingdom	Somali Republic	Cyprus	Singapore	Japan	Malta	Total
1969:							
January	8	2	1				11
February	6		1	2	1		10
March	6	1					7
April	7			1	1		9
May	9	1	1			1	12
June	6	2	2	1			11
July	6	1					7
August	4		2				6
September	4		1	1			6
October	4		1		1		6
November	7						7
December	7						7
Total	74	7	9	5	3	1	99

	United Kingdom	Somali Republic	Cyprus	Singapore	Japan	Malta	Total
1970:							
January	2	1				1	4
February	5	1					6
March	3	1					4
April	7	2					9
May	6	3					9
June	3	2					5
July	4	3	1				8
August	2			1			3
September	4						4
October	1						1
November	2	1					3
Total	39	14	1	1		1	56

UNITED STATES SHOULD LINK VIET PULLOUT TO POW RELEASE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include an editorial by Mr. Crosby Noyes which appeared in the Evening Star this past week that certainly expresses my personal opinions.

The editorial follows:

U.S. SHOULD LINK VIET PULLOUT TO POW RELEASE

Whatever one may think of the unsuccessful effort to rescue American war prisoners from a camp near Hanoi, one must concede that it was a desperate venture.

A key factor in the attempt, according to Defense Secretary Melvin R. Laird, was information that some of the prisoners of war were dying in the camps. But it is a fair assumption that others would have died, as well as members of the rescue team, if the camp had been occupied and defended by a full complement of prison guards.

The raid, furthermore, even had it been brilliantly successful, inevitably would have increased the jeopardy of other American prisoners still held in North Vietnam.

According to Gen. Leroy Manor, who commanded the operation, it was hoped that "a good percentage"—Laird put the figure at about 70—of the 378 men believed to be in prison camps could be rescued at Son Tay. But many others would have been left behind. And the danger of retaliation against them is something which has been—and still is—very much on the minds of administration leaders.

Certainly this was not the kind of operation that can be repeated successfully many times. At the very least, the North Vietnamese can now be expected to move the POW camps to less accessible locations and assign substantial forces to defend them against possible future raids.

So the best one can say is that this mission, even had it been successful, would hardly have provided a solution to the overall problem of prisoners of war that confronts the United States.

No doubt, it was a bold and well-executed stroke. No doubt, either, that it served, as Laird emphasized, to demonstrate "our dedication to these men" and our determination to free them one way or another. But perhaps what it reflected most vividly is the helplessness and frustration of the administration in its efforts to find some practical way of obtaining their release.

For it is all very well for Laird to talk about unspecified "strong and unusual" measures that he may recommend to free the prisoners. The clear evidence is that they will not be freed until the North Vietnamese decide

that it is to their advantage to let them go. And no amount of strong-arm tactics is likely to produce this result.

The Communists, to be sure, already have laid down the conditions under which they would be willing to talk about an exchange of prisoners. In their minds, any such deal is directly tied to the departure of American troops from South Vietnam.

If the United States, the Communists said last September, "declares that it will withdraw from South Vietnam all of its troops and those of the other foreign countries in the United States camp by June 30, 1971 . . . the parties will engage at once in discussions on . . . the question of releasing captured military men."

Quite clearly, the American government, despite its deep concern for the prisoners' safety, is not going to declare any such thing. No government can capitulate to blackmail on this scale. And if the North Vietnamese can use their prisoner-hostages to force an American rout in Vietnam, they can use them equally effectively to impose all of their conditions for a political settlement of the war.

Yet the dilemma of the Nixon administration is only too painfully obvious. As the American withdrawal from Vietnam proceeds according to schedule, without any prospect of a negotiated settlement, the leverage that Washington can exert on Hanoi to obtain the release of the prisoners diminishes proportionately. Once the withdrawal is complete, desperate strong-arm tactics may be the only course available.

Before this happens, an effort should be made to reverse the bargaining process suggested by the Communist side. At some point, the President should serve public notice that there will be no further American withdrawals from Vietnam until the prisoner-of-war question is satisfactorily settled. Such a stand should have strong political support in this country. And it would do more to obtain the release of the prisoners than any threats or acts of derring-do.

A DEPLORABLE SITUATION

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. McKNEALLY. Mr. Speaker, the incident which occurred on the U.S. Coast Guard cutter *Vigilant* should give to each and every American pause, heartburn, and discouragement. There is not a man in his right mind who could sit in judgment really on the commander of the cutter who sought instructions and received none. What he was faced with was a simple problem of a young man who sought the refuge described by Emma Lazarus and inscribed on the base of the Statue of Liberty. He simply sought to be free. So confused is the American public, so confused is the American Government, so confused are the plethora of communicators and commentators and endless newsmen, that they cannot understand or even hear a plea or a cry for freedom. They do not know what it means. It seems almost axiomatic that the American commander would give charge to the Russian sailors of his ship, for we do not know whether the Communists are our enemies or our friends. We court them in Paris, we court them in Yugoslavia, we court them wherever it suits our confusions. Then we make an abortive attempt to free Americans from their prisoner of war chains in North Vietnam.

No man can charge the captain unless that man has himself applied his mind, his energy, and his spirit to the ordering of a sound, sensible, spiritual, and brave policy with reference to the division that is cracking the world. There is an awful sentence in the news release. It includes the words "considerable force was required—to return the sailor to his ship—as the defector was resisting strongly." Is there anyone who would not weep at the thought of this young man struggling to be free? Let his example once again point out that America has lost its destiny, has confused its purpose, and has stultified the symbol that stands aloft in New York's harbor. This incident could make a man say that the Statue of Liberty ought really to be dismantled with its noble and high symbolism and that its lamp to the darkness in the world should sink into the muck at the bottom of the waters of the lower bay.

TRIBUTE TO THE NEW PRESIDENT OF MEXICO

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. ROYBAL. Mr. Speaker, I would like to take this opportunity to congratulate Luis Echeverria Alvarez on his recent inauguration as the 24th constitutionally elected President of Mexico and praise the Mexican people on their long record of adherence to the principle of stable presidential succession. Certainly no greater indication of the stability and wisdom of the Mexican political system can be found than in its ability to elect a man of as great a caliber as President Echeverria.

Having dedicated his entire life to the service of Mexico, Luis Echeverria has proven himself to be both an ardent patriot of his country and an international statesman of great magnitude. To quote from his inaugural address—

We are not a walled country. Our borders are open to human, economic and cultural communication. We wish to strengthen our existing relations with the United States and Guatemala, on a basis of mutual respect, spirit of fair play and real understanding between our peoples.

The United States is also fortunate to have a man of such wisdom leading one of our own neighboring countries.

President Echeverria's greatest contribution, however, will most assuredly be in improving the life of his own people. For as he, himself, has promised—

The programs to be fulfilled will continue until the very poor have attained an adequate standard of living, providing a driving impulse for the people and their productive efforts for the rest of this century.

Yet, in his dedication to raise the standard of living of all his fellow citizens, Echeverria cautioned against infringing on such other equally important ideals as "unrestricted respect for individual rights and the use of public power for achieving the general will." In this day of dehumanized political movements which are willing to sacrifice the rights of the individual in the name of an abstract ideology, President Echeverria's assurances that individual liberties can be preserved along with rapid economic development are certainly well received by all Americans. Again, I wish to express my congratulations to the new President of Mexico and wish him well during his term in office.

SCIENCE, THE PUBLIC AND THE NEW REALITIES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. DINGELL. Mr. Speaker, Dr. W. D. McElroy, Director of the National Science Foundation, addressed one of the sessions of the National Biological Congress in Detroit, Mich., on November 7, 1970. It was my good fortune to be a participant in this same program. I found Dr. McElroy's remarks to be of great interest and feel my colleagues will share this view. Therefore, I insert the text of Dr. McElroy's address at this point in the CONGRESSIONAL RECORD:

PROPOSED REMARKS BY DR. W. D. MCELROY, DIRECTOR, NATIONAL SCIENCE FOUNDATION, NATIONAL BIOLOGICAL CONGRESS, DETROIT, MICH., NOVEMBER 7, 1970

SCIENCE, THE PUBLIC AND THE NEW REALITIES

John Olive and other friends have accused me of building my own platform to advance my own views. To the extent that I assisted others in bringing together this extraordinary First Congress, I plead guilty. I do have things I want to say, and I feel strongly about them.

Tonight I wish to speak about science (and especially biology), the public, and what I see as the "new realities" of the latter part of the twentieth century. You may think I am radical or perhaps have been out of the laboratory too long, but from my point of view, I believe my views, in essence, conserve those essential values most of us share under the loose term of scientist.

Biologists are comfortable with change in their academic sphere of interest. Change is, after all, a fundamental law of life. We accept this as a fact when it comes to living organisms, but somehow that concept is not always applied to other areas.

Tonight I urge reasonable change in ideas and institutions as the surest way of preserving what is at the heart of our best science. Some of you, perhaps the vast majority, may be intellectually committed to these views. If so, my purpose is to reinforce you in your ideas and speed their implementation.

From the vantage point of Washington, these are not the best of times for the health of science. Last week Mr. Daddario's subcommittee on Science, Research, and Development published its report on the science policy hearings conducted this past summer,

hearings which I am told were the most extensive on record. The report makes the point that "certain new conditions" have materialized, then lists several (and I quote from the report):

A pronounced drop in the rate of increase of Federal support of science from a positive maximum annual rate of around 12 percent in the mid-1960's to a negative 5 percent for fiscal 1971.

A drop of about half a billion dollars each year in actual dollar numbers since fiscal 1968.

In terms of relative Federal budgets, a decline from a maximum effort of almost 13 percent of the total budget to a present level of about 7 percent.

An overall recession in value, when measured against inflationary factors and when viewed in terms of current purchasing power—of from between 20 and 25 percent from the peak years 1965–1968.

A public disenchantment with technology of uncertain dimension, induced by environment, social, and educational factors, among others.

A movement away from science as the glamourized activity to which government, scientists, and businessmen alike had responded favorably during the nuclear and space-engendered excitement of the past century. (End Quote)

The most obvious reason for the current financial situation is, of course, economic. As Senator Allott of Colorado reminds us: "High culture—including advanced scientific research—is precariously dependent on the uppermost margin of wealth that our economy provides in periods of peak health." The American economy is not, at present, in a peak state of health. Scientific research is apparently one of the delicacies that can be trimmed from our national diet.

We fervently wish the prescription could have been different. We recall with a melancholic fondness those wonderful years, not very long ago, when Congress and the American public vigorously supported our scientific endeavors. Perhaps we exaggerated, in our own minds, the enthusiasm that was in that public nod of approval.

It's critical for us to understand, however, that the change in public attitudes has been prompted by more than economic necessities. We would delude ourselves if we imagined an economic turnaround would automatically restore to basic science the growth rate it enjoyed a decade ago. I say "automatically" because, while such a growth rate is imaginable for the future, the scientific community would have to demonstrate anew, in ways relevant to the kind of society we are becoming, that it deserves support far in excess of the 5 percent increase it needs every year just to stay in place.

The truth is, I believe, American society is changing in fundamental ways. Old values are being discarded; new issues are pressing to the fore. You have read the litany of issues on protest signs: "Stop the War" "End the Injustices" "Punish the Polluters" "Put an End to Poverty." At times, I know this new-found concern for fellow men and the quality of the environment seems only a fad, sustained by a weak and romantic momentum. But unless I have entirely missed the signals of recent events, I am of the persuasion that our society is undergoing a severe wrenching at this moment.

Deep and fundamental issues provide an alarming number of schisms in our body politic. Americans, so often characterized as optimistic and confident in the past, seem upon occasion today to be either confused and ineffectual or driven to positions of extreme. As I said recently at Indiana University, a polarity seems to exist between those who believe the American Revolution ended at Yorktown and those who believe the opening shots were fired in Watts or Chicago last year or this. Too few believe America, like a species or piece of land, is in a constant state of evolution. America began and is continuing; it did not stop evolving 200 years ago nor did it start last year. Confidence and elan, I believe, will be restored only when reasonable men can accomplish systematic modification of our institutions in a responsible manner.

Perhaps one can see this new spirit on the campus in some of our better, more concerned students. Of course we're repelled by the gross exaggeration, of course there is a great deal of posing and grandstanding . . . but discounting all of this I perceive a substantive point of view about science that we in our laboratories have seemingly overlooked. Our better students seem to remind us that the virtues of commitments have been too long repressed; that the cult of detachment has been carried to extreme. "In the beginning," the young seem to say, "was the deed." Not rational thought, but the deed. As Champ Ward of the Ford Foundation put it so well, ". . . reforming moralism has replaced cultivation of the intellectual virtues."

One doesn't have to agree with all aspects of this new spirit of some of our more concerned young activists. But we dare not ignore them. They are not wrong. They are not all right either. But many Americans today believe that commitments and detachment are not opposite values, and that in general the science community has tended to emphasize the latter at the expense of the former.

Each of us here is rightfully shy about mixing morality with our science. In fact, I can think of nothing more destructive than such a combination. After all, modern science didn't really begin until it escaped from the dogma of theology and politics.

And yet it is this difficult combination of commitment and detachment that seems to be what society is asking us to do today.

We can reject the fringe that asks that every scientist's work be "relevant" (whatever that means), we can reject what might be called the Latter Day Luddites who would disband the science establishment. We can reject these extremes, but dare we reject out of hand the new spirit which implores us to help mankind in what John Platt has called the "crisis of transformation?" (Platt, you remember, frightened us all with, in his words, "a storm of crisis problems in every direction" in his article detailing the S-curve of change facing the human race.)

The challenge to science is not from Twentieth Century Know-Nothings. It is from the most sensitive, most thoughtful members of our society—a challenge to the scientist to become more involved in the affairs of mankind, to somehow increase the efficacy of science for the survival of man.

We are in a decade of transition and what will finally evolve is as hard for me to perceive as it is for you. I do know that the rate of change—and its potential for good and ill—is accelerating at a rapid pace. We can only dimly perceive the kind of society we will have a decade or so hence. But we can see the directions of change. The issues moving to the fore in our time have in common a concern with the quality of life, and I believe we are moving into an era in which the quality of life for every citizen will move far ahead of the gross national product as the measure of our well-being. Increasingly some of the classical views of property may be modified, giving way to the view that resources are not free for the taking but belong fundamentally to all the people. Increasingly this will mean that technological innovations are not automatically considered improvements. Nor will the marketplace be a sufficient test of their value. We will demand that technological innovations—both in use and in the process by which they are created—enhance the public good. Or, to put it more accurately, we will demand that they function with the least possible hazard to ourselves and the environment.

The future of science unquestionably will influence these new attitudes. But what is the meaning of this new spirit to the scientific community? It means, I believe, that in addition to the existing bases of justification for science, there is an emerging rationale which views science as a more positive instrument for the humanistic progress of our society than before.

I have described some aspects—however murky they may seem—of what might be called the "new realities" and suggested that during a transitional period the science community will have to evolve intelligent responses to these new developments. But more specifically, are there modifications in attitudes and actions which biologists might well consider as being responsive to the new world we apparently face?

I think so, although I hasten to add that I merely sketch possibilities and have no intention of describing categorical patterns.

First and foremost—and despite the seduction of popular appeal—the scientist must hold fast to those simple truths of scientific methodology, disciplined training, and critical review. If we compromise with these first principles, all is lost.

But there are opportunities to demonstrate our commitment to the new spirit. Let me discuss several possibilities.

As a citizen of our college or university we can strengthen not weaken those ties which make for a community of scholars. Scientists, more than any other academic group, have been accused of giving our highest allegiance to our discipline—or more perniciously, to the granting agency. Some of the students—and I might add younger faculty—are concerned precisely with this point. A good college or university should graciously tolerate the individual who wishes to remain aloof from his immediate academic community, but this should not be the fashionable attitude among the majority of the faculty.

As a teacher of biology and as a participant in curriculum decisions, we can redouble our efforts to relate modern biology to modern problems of society, especially for the nonscience student. Bruce Wallace's course at Cornell, "Biology and Society" is a perfect example of a successful approach. This course also listed as Biological Science 201–202, is given for credit and involves about 48 professors in the discussion sections. The course is divided into five portions: Man's Finite World, the Biology of Man, Man's Diseases, Problems of the Black Community, and Man's Use of Other men. Some of the individual lecture titles sound fascinating: The Social Economics of Conservation, the Biology of Birth Defects. Odyssey of the Unborn, Man's Right to Die, Muddling with Nurture or Meddling with Nature, Sickle-Cell Hemoglobin and the cost of Natural Selection, Cancer: A Population Explosion at the Cell Level. The enrollment is high, good faculty are involved, and no one has questioned the quality of the course.

As a teacher of graduate students, the biologist should give thoughts to possible alternate graduate degrees, underscored by the evidence that most biologists do not pursue research careers. Certainly we wish to encourage advance careers in science, but we owe it to our young people to consider alternatives to the research degree. As barriers between academic, industrial and governmental are reduced and individuals move more freely between them, continuing graduate education of adults can provide in-

dividuals with a level of flexibility now denied them.

As a research scientist, the future role of the biologist should emphasize an increasing sensitivity to society's problems. While acknowledging the central need for fundamental disciplinary work, I believe interdisciplinary research offers unusual opportunities to grapple with the complexity of, for example, environmental problems. There are a number of reasons why scientists are likely to welcome involvement in interdisciplinary research on socially relevant problems. Pollution, health care, population growth, urban development are matters that concern us as citizens, and when opportunities open for connecting one's research interest with a societal problem, an important satisfaction can be added to that of discovery for its own sake. Interdisciplinary involvement, it has perhaps been said too often, also affords exposure to different viewpoints and approaches, and hence to fresh perspectives toward one's own field. And by interdisciplinary, I also include work between the biological sciences. Moreover, while growth of new fields of specialization is not an unmixed blessing, it is a certain sign of progress; new fields of specialization tend to emerge at the interface of two existing disciplines, often as a result of one group of investigators sniffing around in the field of another. Bio-physics and bio-chemistry are good examples.

Some scientists, as a result of interdisciplinary involvement, will have their careers permanently deflected in new and pioneering directions, creating hyphenated sciences as yet undreamed. Others will find that their past and continuing interest jibe neatly with a particular interdisciplinary problem. Others will wisely give only intermittently of their talents and energies to such projects, because essentially these projects are diversions and distractions from their main interests. A great number of scientists, for a great number of sound reasons, will find such research projects wholly inappropriate investments of their time.

As biologists, most of us are also constituents of what might be called Organized Biology—the various associations and groups we have organized over the years. Several of the professional societies have established committees to consider public issues; the Biological Council of the AIBS and FASEB is a good example. These committees, it seems to me, offer a sound method for bringing our collective views before the right public. And yet—and perhaps this reveals my Washington sensitivity—wouldn't this type of professional committee benefit from the appointment of a minority of wise laymen? With active leadership and with the broader perspective of several generalists, these groups might considerably strengthen their impact upon the lay public.

I think too that individual biologists might give increased attention to their role as citizens. In this age of the environment, we are beseiged by what might be termed professional alarmists, individuals—often scientists—who apparently believe our citizenry can be motivated by fear to correct ecological evils. Many suspect, as I do, that this isn't the most rational approach. But one proven method for the individual scientist to contribute to his community is through active participation in local ecological issues. After all, our expert knowledge can be used by our neighbors as well as our students and associates.

If biology's future health depends upon a responsiveness to the new realities, so too must the National Science Foundation. Those realities confronting American science in the 1970's underscore the critical leadership role the Foundation should and must fulfill. I assure you that we are prepared to accept that leadership role—one which will not be passive as long as I am Director.

Clearly and most importantly, the Foundation's future orientation will be built around our primary mission—that of supporting fundamental research and education in the sciences. We intend to ensure that this basic objective will not be distorted and that the resources devoted to it will, to the extent possible, be adequate for the purpose.

Fundamental research is society's soundest investment in the future. Its practicality and utility to the immediate and pressing concerns of everyday life cannot be over emphasized. Fundamental research provides the essential underpinning of our applied science, engineering, and technology. I find few difficulties in relating the most advanced work in virtually every field to some specific human concern. Sometimes I suspect investigators who can't relate their work to some problem identified by the public probably haven't thought enough about their project.

However, in keeping with the Foundation's core mission, we must with equal vigor take cognizance of the emerging priorities of our society and make appropriate policy and program adjustments — "add-on" functions which do not detract from our traditional purpose.

It takes no great insight to see that there will be increasing social imperatives in two pertinent directions: first, to mobilize science toward solutions of environmental and social problems; second, to subject technology to far more careful scrutiny as to its social consequences. Moves in both directions seem likely to result in significant increases in mission-oriented, interdisciplinary research. Interdisciplinary efforts are required to overcome the exceedingly complex problems of the environment and the second-order effects of technology.

Technology assessment is a relatively new concept, and certainly not yet a developed science. The National Science Foundation has begun to sponsor research activities to perfect appropriate methodologies for this very complex subject. We regard this as a fitting role for the Foundation, since it has no mission interest in any of the technologies the studies will scrutinize.

These studies are part of a new program of the Foundation called Interdisciplinary Research Relevant to Problems of Our Society—which forms the unlovely acronym: IRRPOS. All of the research supported by IRRPOS is interdisciplinary, and much of it is focused on the dynamics of human and natural environments. While other federal agencies sponsor studies in specific environmental problems, such as water pollution and pesticides, we are supporting fundamental research on total environmental systems. Again, because the Foundation is not assigned an operating mission, it can concentrate on systematic analysis of alternatives to existing programs of environmental control. One of our aims, therefore, is to provide the fundamental research underpinning required by other federal agencies as the base of their own programs. I expect also that the imaginative new approaches that these Foundation-sponsored studies provide and others such as the International Biological and the International Decade of Ocean Exploration Programs, will stimulate other agencies, both in and out of government, to ask the same kinds of questions about environment and societal problems and to assemble the same kinds of teams to investigate them.

In addition to these interdisciplinary approaches, we plan to initiate several coordinated projects in a disciplinary problem. For example, NSF supports a number of investigators in human cellular biology. If we played a more active coordination role with these investigators, gaps in research activity could be more quickly identified and action taken; research teams on the project might be more easily kept together, and in general there could be a continuity of direction which would further the progress in the area.

I will resist the temptation to outline other new program and policy initiatives. To be sure the Foundation faces challenges on all fronts. I can't promise any quick and dramatic "turnarounds". But, we are moving ahead with a renewed sense of vigor and direction, and in large measure, our success in handling the newer programs will be dependent on the degree of cooperation and support from the scientific community.

In my comments tonight I have presented some highly opinionated views of what I have called the new realities. I have commented too briefly on ways biologists might respond to these developments, as well as what NSF is doing in the near future. But I have not emphasized sufficiently one central point, a point which has been in the background of everything I've said this evening.

If you believe we are entering a transitional decade which will produce a substantial humanization of many aspects of our society . . .

If you also believe science will play a decisive part in achieving man's needs and aspirations . . .

If you believe this, then for me it follows that scientists must convince the public, or more exactly the many publics of America, that they can effectively respond to society's wishes. In the final analysis, informed laymen, sensitive to the public, make the crucial decisions affecting the general health of science.

This, then, is not the time for the silent scientist. This is not the time to be content to write only for our learned societies, to talk only with our colleagues, to be concerned only with our work in the laboratory and the classroom.

As scientists, as biologists we have a heavy responsibility, a promise to keep with our fellow men. Our covenant is to provide a better world for all its people. We dare not violate that covenant; we dare not forget our purpose of serving.

In the years ahead, as we face accelerating change, I am confident we can accept the challenges of the new realities, and achieve a new level of service in accord with man's best hopes.

EDWARD H. ZIEGNER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. JACOBS. Mr. Speaker, Edward H. Ziegner, political editor of the Indianapolis News, rates the Opposite-of-the-1948-Pollsters Award of 1970.

On September 9, 1970, Mr. Ziegner wrote:

This could be the closest Indiana Senatorial election since 1962, perhaps even a Perils of Pauline cliff-hanger.

History has recorded that Mr. Ziegner's radar political climate prognostication turned out to be uncanny in its accuracy.

SIMAS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. HOWARD. Mr. Speaker, I would like today to introduce two very pertinent items into the RECORD, in order to bring to the attention of my colleagues, regarding the tragic affair of the refusal of the Coast Guard ship *Vigilant*, to grant political asylum to a Lithuanian sailor.

This action is a shameful blot on the American conscience—to think that the capital of the free world should be so heartless and inconsiderate of a man's life is incomprehensible.

I am glad to note that the House Committee on Foreign Affairs, Subcommittee on State Department Organization and Foreign Operations, is today beginning hearings on this matter, and was pleased also to note that the President has publicly deplored this act.

More can be done, however. The first item I would like to insert is the editorial from this morning's Washington Post, entitled "Simas," which I believe offers the best suggestion for restitution for this dreadful incident. That is: the President should personally intercede and request permission for this man, Simas, and his family to come to the United States as free persons.

The second item I would like to include in the RECORD today is a letter from my constituent, Mr. Juhan Simonson, who is secretary of the New Jersey Council of Estonian, Latvian, and Lithuanian Americans, and expresses the outrage of that organization over this incident. I feel their outrage is justified, and hope these items will be of interest to my colleagues in apprising them of the depth of feeling over this tragedy.

The editorial and letter referred to follows:

SIMAS

No more sickening and humiliating episode in international relations has taken place within memory than the American government's knowing return of a would-be Soviet defector to Soviet authorities on an American ship in American territorial waters off Martha's Vineyard last week. Here was a man, known only as "Simas," who had jumped across 10 feet of open water to a Coast Guard cutter (named Vigilant), which a Russian ship was approaching for fishing talks; who asked for but was denied political asylum because of an unbelievable breakdown in judgment and compassion on the part of both the State Department and the Coast Guard; who went down on his knees in prayer and then fought with his fists to be kept from being dragged back to the Russian vessel by Russian crewmen; who was given not a word or a gesture of assistance from the Americans who for hours witnessed his struggle; and who was finally rowed back, bound, to captivity and to God knows what other misfortune by *American* sailors in an *American* "lifeboat." The mind closes, the heart clogs at contemptation of this fantastic parable of our times. It is a profound stain upon every person who, by omission or commission, had a role in it.

Of course the President ordered an investigation, which evidently is not to be made public, but a more hollow one could not be imagined. For what is required is not just the usual kind of inquiry whose concludes, if it is not more or less a whitewash, that certain procedures which should have been followed were not followed and that various individuals examining themselves, a deep look at the values and the condition of our society, whatever it is that allows a man's freedom, if not his very life, to be sacrificed needlessly, carelessly, by an unfeeling bureaucratic machine.

Moreover, we believe it to be appropriate politically and essential morally for President Nixon to make a direct intercession with the Soviet Union for the release of "Simas," and his family. The American government's embarrassment should not be allowed to obscure the Soviet government's fundamental duplicity in inventing a criminal charge against the sailor in order to balk his defection and then seizing him against his will. The collective shame and indignation of the United States can be of no help to that poor man unless it is expressed in a specific urgent plea for his liberty.

NEW JERSEY COUNCIL OF ESTONIAN, LATVIAN, AND LITHUANIAN AMERICANS,
Lakewood, N.J., November 29, 1970.

Hon. JAMES J. HOWARD,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN HOWARD: According to a news story "Russians Seize Defector Aboard Coast Guard Ship" on page one of *The New York Times*, Sunday, November 29, 1970, the United States Coast Guard recently handed over to the Russians, in violation of the Geneva Convention protocol on political asylum, a Lithuanian seaman who had sought political asylum on the U.S. Coast Guard cutter "Vigilant" near Martha's Vineyard. According to eye-witness reports, the Lithuanian seaman was beaten unconscious by the Russians aboard the U.S. vessel.

We urge you to contact the United States State Department and the United States Coast Guard to obtain clarification concerning this situation. We also urge you to speak out on this brutal incident on the floor of the House of Representatives.

We, New Jersey residents of Baltic descent, are distressed and we deplore this horrible human tragedy that occurred near the shores of the United States.

We urge you to do everything you can to help bring justice to this shameful national affair. Please inform us of the results of your actions.

Thank you.

Sincerely yours,

JUHAN SIMONSON.

NIXON TO HONOR MASSACHUSETTS GIRL

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, it gives me great pleasure and a feeling of pride to bring to the attention of the Members a young lady from Canton, Mass., which is in my congressional district.

Miss Maxine Lazovick who is presently a junior at Lesley College was today honored at the White House and presented with the National Young American Medal.

I am attaching an article from the Boston Herald Traveler which outlines many of her accomplishments over the years.

It is young people like Miss Lazovick who make us proud of our country and the caliber of youth it is capable of producing even in these troubled times.

Here is an example which can and will be followed by many of our youngsters who strive for a better world. My heartiest congratulations go out to her. I am indeed proud to represent a district which produces young people of such dedication of purpose and constructive attitude.

NIXON TO HONOR MASSACHUSETTS GIRL

A modest young woman from Canton did not even tell her closest friends that President Nixon will present her with the National Young American Medal at the White House today for community service.

Maxine Susan Lazovick, 20, a Lesley College junior who wants to teach the mentally retarded, is one of four persons chosen by the U.S. Justice Department to receive the annual reward.

At her college dormitory yesterday, a friend said enthusiastically, "Oh, terrific," when told of the honor bestowed on Miss Lazovick. "She didn't say a thing about it to us," the girl said. "She wouldn't tell us anything like that. I guess she is modest."

A conscientious dean's list student, Miss Lazovick left last night for Washington, D.C.

The only daughter of Mrs. Edith Lazovick and the late Abraham Lazovick, she was chosen to receive the award for her service to the community of Bridgeport, Conn., where she lived before her father's death.

In her senior year at Bridgeport Central High School in 1968, she was chosen "Girl of the Year" by the North End Girls' Club. That same year she received the Lucille M. Wright Citizenship Award from the Girls' Clubs of America and the Career Key Award from the Reader's Digest Foundation.

In addition to her girls' club activities, she found time to do volunteer work at several mental retardation centers and collected for many fund drives to aid research of children's diseases.

She also is a graduate of the Rodeph Sholom Hebrew High School in Bridgeport where she was a member of the leadership training fellowship. She was salutatorian of her Hebrew school.

Her college activities include being recording secretary of student government and a member of the Emerald Key honor society.

THE FUTURE OF BOXING

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. WOLFF. Mr. Speaker, on Monday I began to include in the RECORD testimonies of witnesses who participated in the informal congressional hearing which my distinguished colleague (Mr. BIAGGI) and I held on the future of boxing. Today, I would like to conclude this series:

THE FUTURE OF BOXING

Because of a commitment elsewhere, I will be unable to attend your informal hear-

ing on boxing's future on November 9, 1970. However, I do want to state briefly my opinon on the future of boxing and its regulatory requirements.

Some years ago, on the occasion of a formal Congressional inquiry into boxing, I stated in a letter to the sub-committee's chairman that I was in favor of national control of the sport. I also made it clear, at that time, that I was writing as an individual and not in my position as president of the Boxing Writers Association. The posture of individuality is assumed again.

However, my attitude toward boxing, toward the establishment of a Federal agency, has undergone revision. I no longer believe that there is a need for a national law to regulate the sport because boxing is dwindling to a point at which it is virtually nonexistent. It neither deserves nor requires Federal intervention, though, heavens knows, it is not without its dark sides. But national regulation would be a redundancy.

There are now in existence State and city commissions in most States. In many instances these regulatory bodies are virtual nullities because they have nothing to regulate. Public funds are expended fruitlessly. To enlarge this counter-productive system nationally approaches the absurd.

I do believe, however, that an informal inquiry such as yours serves a purpose, if only to keep those few brigands who still exist in boxing on their toes. In this regard, I wish you success.

Sincerely,

BARNEY NAGLER, *Sportswriter.*

STATEMENT BY BERT RANDOLPH SUGAR, PUBLISHER, BOXING ILLUSTRATED MAGAZINE

It is most appropriate and fitting that you selected this date—November 9th—for the informal Congressional hearing, for just five years ago today the lights all over the East dimmed and went out. And boxing's lights have been dim for the intervening five years—but its future is bright.

It's very "in" and knowledgeable to say that "boxing is a dying sport." Everyone says it, and like all cliches, it is repeated and repeated and repeated.

In fact, the person who authored the line isn't even a contemporary. He was Pierce Egan and he uttered it back over 200 years ago after the defeat of Jack Broughton in 1750. So, for accuracy's sake, we can say that "boxing has been a dying sport" for over 200 years.

But the phrase really caught on after the "Fight of the Week" was removed from television and it was felt that the combination of economic, sociological and electronic forces were going to bring boxing to its collective knees. The small clubs were doomed, the television procurers had milked all they could from the sport and cast it aside for their new love-affair—football; and the underprivileged no longer felt their only hope for elevating themselves in society was in the ring. Or, so said the doomsayers.

So, what has happened in the years since we last heard those famous and exciting words "The Gillette Cavalcade of Sports is on the Air" . . . and a little parrot began calling out for you "to look sharp, feel sharp and be sharp" and Don Dunphy's voice intoned the excitement of the battle in the ring? As Al Smith used to say: "Let's look at the record!"

Well, for one thing, attendance is way up. Those attending boxing matches have grown in number almost 20% in the last five years, with more than two million people crowding into arenas in the U.S. alone in 1969 to watch boxing. Not even baseball can match that rate of growth. And boxing outdrew the total attendance of the American Basketball League last year, according to a "Survey on Sports Attendance" made by Triangle Publications. How's that for a "dying" sport?

And, a Nielsen Television "Look at Sports" shows that among 29 televised sports events surveyed in the 1968–69 season, boxing placed fifth, outdrawing the average television audience watching the college football bowl games, the regular season NFL games, the regular season major league baseball games, National Hockey League games, the Olympics, the Triple Crown horse races, and just about every other sporting event except for the Super Bowl and the World Series. Not bad for a "dying" sport!

And these figures are for the United States alone. When you take the fact that formerly all of the champions were American and now no less than 8 of the 10 champions are non-Americans, you can see why boxing has a world-wide interest that has never manifested itself before.

And, as one final indicator of the sport's health, we'll look at the number of clubs opening up in small places like Portland, Maine; Victoria, Texas and elsewhere.

All of this, coupled with the 21 title fights held last year (almost twice the number of title fights held back in 1923—the height of "The Golden Age of Sports" and the year of the Dempsey-Firpo and Leonard-Tendler clashes—could it be that they were so remembered and cherished because there were so few title fights then?), indicates the overall health of boxing.

You can judge for yourself whether "boxing is a dying sport."

As Mark Twain said: "Reports of (his) death have been greatly exaggerated." So are boxing's. If it's dying, I've never seen so healthy a corpse!

And boxing's health can be preserved by the establishment of a National Boxing Commission to oversee the sport on a national basis and to establish uniform standards, inspection guidelines, medical measures and pensions, and not least of all, rankings, ratings and champions. For if boxing is healthy, it is, nonetheless, in a state of chaos, and needs the assistance that might be provided by these hearings.

Received your invitation to the Congressional hearing on the matter, what can be done to insure a better future for boxing.

I will not be able to attend, I would however like to submit herein some recommendations, which would be as follows:

1. Appointment of referees and judges on the bases of his experience and background in boxing.

2. Assignment of referees and judges should be on a rotation basis.

3. Have clinic sessions (referees & judges) twice (2) a year.

4. Compensation for referees & judges officating is inadequate.

5. Boxing Comm. should support his officials.

6. Eliminate incompetent referees and judges.

Sincerely,

JOSEPH F. SCALZO,
Fight Referee.

U.S. RAIDS INTO NORTH VIETNAM: WAS THE CAUSE OF PEACE REALLY SERVED?

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. MATSUNAGA. Mr. Speaker, in our effort to disengage ourselves from the conflict in Vietnam, we must judge each of our military and diplomatic moves by the application of one overriding criterion: Will it serve the cause of peace?

The recent raids into North Vietnam by U.S. bombers do not inspire an immediate affirmative answer when measured by that yardstick.

In a thoughtful editorial, the Honolulu Advertiser recently reflected on these recent raids, finding that they raised grave doubts about the judgments involved.

For the benefit of my colleagues and other readers of the RECORD, I submit that editorial for inclusion at this point:

A FLAIR FOR DANGER

There are very grave implications in the U.S. raids into North Vietnam.

The Nixon Administration might not have a flair for the dramatic since that implies a mixture of style with daring. But it does have a flair for the dangerous, both in terms of diplomatic fallout and in terms of risking lives for dubious reasoning.

Beyond everything else, there is a certain implied arrogance in any such raids, an assumption that we have a right to blast another nation as we have North Vietnam.

But even if it's possible for many to rationalize the morality, that still leaves the practical aspects. The national judgment over two years ago—as reflected by President Johnson's actions—was that the bombings were counterproductive:

They were a sign of seemingly endless and pointless escalation of a war that would never be won; they helped the enemy rally support at home; and they hurt the U.S. image in the world, as well as among our own people.

The weekend air raids had a Cambodia-invasion aspect about them, in that different rationales came out of Washington. As with Cambodia, any real result in relation to the outcome in South Vietnam will be subject to debate.

Moreover, the Communists are still capable of forms of dramatic terrorism; if this is in answer to their rocket attacks, we may be escalating one of war's most inhumane aspects.

The helicopter-borne raid right into a prisoner of war camp near Hanoi is a related but separate aspect which suggests somebody has been watching too many World War II movies on late TV.

Had it succeeded, it would have been hailed by many as a dramatic rescue of some (but far from all) Americans from imprisonment and perhaps (but not absolutely certain) bad treatment.

Since it failed as a rescue mission, it may now be denounced by the Communists as an "invasion" attempt and questioned in terms of what restrictions it may bring American prisoners.

Like the bombings, it is a case where the "tough" hawks will denounce the "soft" doves for being scared of taking "needed risks" for "peace." Unfortunately, the Vietnam war is a history of such risks, with no peace in sight.

Thus the U.S. has added a new "first" to the long line of others in Indochina. History may make the real judgment, but meanwhile we will carry the burden.

Whatever happens in Indochina these days must be judged against what President Nixon has stated is the basic U.S. policy.

The Nixon Doctrine, which calls for a pullback of U.S. military manpower commitments in Asia and elsewhere, is discussed in an article on this page.

It is neither easy nor uncontroversial in its assumptions. But at its best the Nixon Doctrine is, as the article states, an effort to

get down from the tiger of trying to be the world's policeman—a form of gradual deescalation.

Allowing that there will be changes of pace, many still feel the Nixon Administration has been going too slowly with its disengagement—that it is still using American lives to pay for the forlorn hope that Vietnam will somehow turn out all right, or at least that failure will be held off till after the 1972 election.

Such is the state of the Paris peace talks that our new raids probably won't hurt much there; at this point, another missed meeting is hardly the problem.

Still it is much easier to see the dangers of getting sucked back into a bigger war than it is to see any contribution towards realistic peace out of the weekend events.

ON CAPITAL PUNISHMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. RARICK. Mr. Speaker, Capital punishment—the imposition and execution of the sentence of death—is a problem inherent in civilization. Disagreement and debate over the propriety of such sentences and the method of execution is neither new nor unique to this country. Both proponents and opponents of the death penalty freely invoke arguments rooted in ethics, religion, morality, and utility, among others, in support of their diametrically opposed positions. And recently the U.S. Supreme Court has given dignity to a new argument—whether the Constitution permits capital punishment, and if so, under what circumstances.

A brief summary of the arguments pro and con seems to indicate that abolitionists are long on theory while realism preponderates among those who would retain capital punishment. If it is morally or ethically wrong to take human life, then to do so in the name of justice does not make it right. If the ultimate objective of our civilization is enhancement of the dignity of the individual, then the sanctity of human life has high moral value. Hence, the crowning indignity to the worth of an individual is the deprivation of life itself. Thus go the preponderance of the moral arguments.

The religious argument is basically available to either view. "Thou shalt not kill" or "An eye for an eye"—take your choice.

Human fallibility, the possibilities of error, and the irreversible consequences of execution are strong arguments in the arsenal of the abolitionist. Finally, and part of the most recent branching of the liberal egalitarian philosophy, is the theory that only the poor, the friendless, the minorities subject to discrimination, are actually executed—that the application of the punishment is inherently unequal.

On the other hand, the antiquity of capital punishment, proof positive of its preventative effect in the case at hand and a strong and continued assumption of its deterrent effect, and the want of a better practical solution to the maintenance of "law and order" and the protection of society from the criminal depredations of its dissidents and disrupters are the strongest arguments of those who oppose abolition. Often urged also is argument that unless society itself becomes the appropriate instrument of "vengeance" in emotionally charged crimes, the chain reaction of vendetta will cause impossible social disruption. For instance, who would write insurance on the life of the paroled, convicted killer of either Robert F. Kennedy or Martin Luther King?

The next problem is the burden of proof. As a practical matter, those who seek change in anything usually must prove their case, while the defenders of the status quo need only remain unconvinced. In the emotionally charged atmosphere of capital punishment against the sanctity of human life, it is argued that the burden should shift; that the terrible and final effect of death is such that life should be taken only if there is no possible alternate solution. The debate then degenerates to an emotionally charged deadlock, with believers of each cause loudly demanding that their opponents prove their case.

In such a state of affairs the theory of our system of government, with the division of powers between the executive, legislative, and judicial branches, clearly fixes the forum for debate as the legislature. This location of the forum, of course, also settles the question of the burden of proof. He who would change the law must first convince a working majority of the legislature to enact the change—in this case, to repeal capital punishment.

The public at large, responsible in the final analysis for the selection of those who make up the legislatures also becomes a forum, since if the people be convinced their legislature will be responsive to their desires. Thus the task of the abolitionist is massive—either to convince the Congress and the legislatures of all 50 States—or to find another method of bringing about the change which they desire.

The Constitution of the United States becomes immediately of interest as a possible method of approach. Under its supremacy clause, abolition on a Federal constitutional basis would mean abolition everywhere—State and Federal. But the ease of this solution carries within it another problem. It would be necessary to generate massive legislative action to bring about constitutional amendment. Congress and the legislatures of at least 36 States would have to be sold on abolition, an unlikely prospect at the present time.

There is, however, an attractive alternative. If the Supreme Court were to judicially amend the Constitution by an enlightened construction of one or more of its existing provisions—and any five justices could do this—the supremacy clause would immediately abolish capital punishment in all jurisdictions. To restore it anywhere would require clarifying amendment of the Constitution, placing all of the burden of amendment on the proponents instead of the opponents of the death penalty.

Since only 13 State legislatures have been persuaded to abolish capital punishment—and 4 of them retaining it under special circumstances—the deliberate and effective use of the courts generally and of the Supreme Court of the United States, rather than the legislative branch, has been adopted by abolitionists as the preferred method of accomplishing their objective. The fact that only 10 executions have been carried out since 1964, the last one in 1967, while the count of those sentenced to death but not executed approaches 500, is a real measure of the success of this approach.

The planned coordination of the legislative and judicial approaches to abolition is well illustrated in recent writings on the subject by well known abolitionists. One gentleman, deploring the reluctance of the Supreme Court to accept the argument that enlightened sociology and psychology now demand that capital punishment be included among the cruel and unusual punishments prohibited by the eighth amendment, suggests that more reliance be placed on the due process clause of the 14th amendment, to which he feels the Court is more amenable. In the same article it is suggested since laws permitting the burning of witches were repealed only after they fell into disuse, abolitionists must use every possible legal means to prevent executions, while at the same time redoubling efforts in the legislative fields in all jurisdictions.

A contemporary writing by the head of a prominent tax-free enterprise boasts of its success in obtaining from U.S. district courts in Florida and California blanket stays of execution for 138 convicts sentenced to death, while litigation of alleged denial of constitutional rights to a few went forward.

This particular organization caters primarily to Negroes, and consequently argues that capital punishment is inherently unconstitutional as applied to Negroes because the percentage of them convicted of capital crimes, sentenced to death, or executed is distinctly out of proportion to their percentage in the population. The statistics are unquestionably correct, but the proponents of this type of sociology conveniently ignore the equally available and equally unquestionable figures showing the distinct preponderance, far in excess of their relative numbers, of members of the Negro race both as perpetrators and victims of capital felonies.

In the 39 jurisdictions providing for capital punishment, the most common method of execution is electrocution, used in 20 States and the District of Columbia. Lethal gas is the method used in 10 States, while hanging is the practice of the remainder. Utah uses either hanging or shooting, while the United States, having no execution facilities of its own, utilizes the method and facilities of the jurisdiction where the execution occurs.

The crime most commonly punishable by death is murder, followed by such other felonies inherently dangerous to human life as kidnaping, rape, armed robbery, burglary, train-wrecking, arson, dynamiting and, almost as an oddity, perjury in a capital case.

The number of executions has steadily declined in recent years, primarily due to extended litigation. Judicial review of the conviction and sentence are not only extensive, but a great variety of post-conviction proceedings have developed in all jurisdictions. Finally, State avenues exhausted, it is customary for allegations of constitutional deficiencies in the conviction or sentence to be lodged in the Federal courts and appealed ultimately to the United States Supreme Court. As a result, it is not uncommon for a conviction to come at least twice to the Supreme Court, as did the Witherspoon case, and to have the conviction finally reversed after having once before been found good by the same Court, and for facts existing at the time of the original action on the case.

Despite the growing number of convicted occupants of death row, it is probable that there is a reduction in death sentences imposed and a probable increase in commutation of such sentences actually imposed, both due to the legal obstacle course which such sentences must run. Prosecutors are certainly more prone to clear their dockets by arranged pleas in such a manner that there is a noncapital disposition of a charge, knowing that the end result will be noncapital in all probability, even if there should be a death sentence. Trial judges, well aware of the facts of life, certainly take this particular fact of life into consideration in either approving guilty pleas, waiver of trial by jury, or in actually imposing sentence where the choice of a capital or noncapital sentence lies within the power of the judge. It is very probable that jurors, individually and collectively, follow the same process of reasoning when decision between a death sentence which will probably not be executed and imprisonement for a term of years lies in their hands. Finally, Governors and other officers exercising the authority to commute such death sentences to terms of imprisonment have been known to base their decisions on the administrative problems and other difficulties inherent in a prisoner sentenced to death who will probably never be executed. The analogy to the witches seems to be working quite well.

The obvious direct constitutional attack on capital punishment, as previously mentioned, lies in the eighth amendment. The Supreme Court has already held this provision, at first plainly intended as a restriction only on the Federal Government, applicable to the States through the due process clause of the fourteenth amendment. Guidelines for determining whether or not a particular punishment is prohibited by this amendment have been laid down cautiously by the Supreme Court and by other appellate courts. While it has never been seriously suggested by an appellate court that capital punishment in itself is either cruel or unusual, the precise definition of what these words may comprehend is a question older than the amendment itself.

The actual language of the amendment is:

> Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

When first debated in Congress, immediately after the adoption of the Constitution, and as a part of the "Constitution package" to immediately provide a Federal bill of rights, two Members of Congress took exception to the wording of the proposal. One "objected to the words 'nor cruel and unusual punishment,' the import of them being too indefinite." The other leveled similar criticism at the entire amendment:

> What is meant by the term excessive bail? Who are to be the judges? What is understood by excessive fines? It lies with the court to determine. No cruel and unusual punishment is to be inflicted; it is necessary sometimes to hang a man, villains often deserve whipping, and perhaps having their ears cut off; but are we in future to be prevented from inflicting these punishments because they are cruel? If a more lenient mode of correcting vice and deterring others from the commission of it could be invented, it would be very prudent in the Legislature to adopt it; but until we have some security that this will be done, we ought not to be restrained from making necessary laws by any declaration of this kind.

Although whipping is still practiced, apparently with appropriately deterrent effect in one jurisdiction, it does not require much clairvoyance to predict the interpretation which courts would place today on a criminal penalty which involved cutting off the ears of a villain. The result would be equally predictable if a sentence to death by burning were to confront the eighth amendment, although the last such execution by fire took place, quite legally, in 1825.

The Supreme Court held in 1910 that:

> It is the law that "cruelty" is to be defined not in terms of the excesses existing when the term was inserted in the Bill of Rights, but rather in terms of the contemporaneous condition of society.

Plainly, definition of the word "unusual," which inherently has a time base, would be held to be in terms of contemporaneous usage. Hence the death sentences relatively common in times past, although not necessarily in America, providing for execution by such ingenious devices as disembowelment, boiling in oil, or dragging by horses, and some methods of execution in use in other nations at this time, such as stoning, strangling, or even beheading, would probably not withstand an attack as cruel and unusual under the eighth amendment. The general rule developed is that the punishment should not be such as to shock the general conscience, violate the principles of fundamental fairness, be greatly disproportionate to the offense, or exceed any legitimate penal aim.

Generally such guidelines for civilized times in a relatively law-abiding community cannot be ground for serious objection. They clearly prohibit such situations, however, as the ironic practicality of the French court-martial, sitting at old Detroit in frontier days. Having convicted an officer of selling gunpowder to the Indians, which offense altered the local balance of power to the great detriment of the French garrison, it sentenced him to death. The sentence, however, was not to be carried out by shooting as would have been the normal method, but he was sentenced "to have his skull beaten in by musket butts, there being a shortage of gunpowder."

The role of the Supreme Court in the current efforts to abolish capital punishment should be considered both in the direct and indirect results of its decisions in particular cases before the Court, and in its approach to "de facto" rather than "de jure" abolition. Frequently, having noted the direction in which the Supreme Court majority has indicated that it would like to move in a proper case, a subordinate court will grab the ball and run with it when what appears to that court to be the proper case, comes before it. Thus there develops a natural process of "amplification" or guessing what the Supreme Court is apt to do with a particular case if it is appealed. Sometimes the hint is given by a strong dissent, or by a concurring opinion. This process is most apt to occur when counsel who are thoroughly familiar with the prior action of the Supreme Court, having quite possibly participated in the case, also appear in the new case. They are in particularly good position to grind their ax anew, and to build a body of case law from a series of decisions.

At the same time, if the appropriate legislature repeals a death penalty, or the appropriate court flatly outlaws it as constitutionally prohibited, there has been abolition "de jure" or by law. On the other hand, if the courts, through a decision or a series of decisions, leave the laws untouched, but simply place such obstacles in the way of their enforcement as to render them practically invalid, the result is the abolition of capital punishment "de facto" or in fact. The decisions of the Supreme Court of the United States have followed both routes. In the Jackson case the death penalty provision of the Lindbergh Law was declared unconstitutional as violative of the fifth and sixth amendments—abolition "de jure"—as a matter of constitutional law. In the Witherspoon case a death penalty for murder was disapproved in such a manner, and the guidelines for the imposition of simliar punishment so strictly redrawn, that as a practical matter the criminal procedures existing in most jurisdictions will make it impossible to effectively impose death sentences—abolition "de facto"—as a procedural matter.

THE JACKSON CASE

The Federal Kidnaping Act, popularly known throughout the country as the Lindbergh Law from the atrocity which inspired its enactment, provides:

"Whoever knowingly transports in interstate . . . commerce, any person who has been unlawfully . . . kidnapped . . . and held for ransom . . . or otherwise . . . shall be punished (1) by death if the kidnaped person has not been liberated unharmed, and if the verdict of the jury shall so recommend, or (2) by imprisonment for any term of years or for life, if the death penalty is not imposed.

The law thus denounces a Federal crime—kidnaping in interstate commerce—normally punishable by a term of imprisonment, but capital under certain conditions. Both of these conditions must exist for the capital penalty to be invoked: the victim must not have been liberated unharmed, and a jury must recommend death. It should be apparent that Congress made a great effort, for one reason or another, to hedge the capital punishment provided with specific safeguards. The law was enforced for some 34 years, including six executions under its provisions. Congress has never seriously considered any change in the penalty, and there certainly has been no public clamor for any such action. Quite the contrary was the case when the Lindbergh law was originally enacted.

In the early 1930's the Nation was beset with a crime wave not totally unlike it is witnessing in the late 1960's and early 1970's. Aside from organized crime resulting from prohibition law, the principal offenses consisted of bank robbery and kidnaping for ransom. The heigh mobility of criminals, the jurisdictional problems resulting from movement across State lines, and an unmistakable public demand that effective action be taken to restore order resulted in consideration of Federal action, possibly under the commerce clause. At this time, the infant son of a national hero, Col. Charles A. Lindbergh was kidnaped for ransom and killed by the kidnaper. Public outrage was real and public demands for action were plainly heard in Washington. Congress acted.

The problem, and the solution of the problem, can be regarded as models of legislative response to constituent desires. It was thought that a Federal kidnaping law would serve as a deterrent to such crimes, and that Federal action would result in more effective enforcement since there would be no jurisdictional problems. Such a bill was promptly introduced. Although all States had laws against kidnaping, none of them made the offense capital. There was a strong demand that the Federal law make kidnaping punishable by death. There were equally strong and cogent arguments against making the crime capital. In addition to the ethical and moral considerations there was the practical argument that making the offense capital would protect the victim, but would positively endanger his life. Facing a death penalty, it was argued that the criminal would simply eliminate the witness who would send him to the chair.

Against this very standard background of legitimate disagreement there was a problem of practical politics. The House was inclined to approve capital punishment, but the sentiment in the Senate was strongly against any death penalty in the proposed law. Representatives were concerned that insisting on a death penalty would result in the Senate failing to pass the bill prior to adjournment, so the legislative compromise was a new Federal crime bill, but with the maximum penalty life imprisonment. This is the proper method of resolving differences of this sort in our system of government.

Almost like a textbook situation, in 1934 the new Senate had lost its previous opposition to capital punishment. The passage of time, possibly communication with constituents, and perhaps even the intervening elections brought about this change in attitude. In that year, the House of Representatives, presumably still hearing from constituents, saw that the time was appropriate to increase the penalties under the Lindbergh law, and the present highly conditional death penalty resulted. The matter was closed—the national kidnaping emergency was abated—and the law remained in effect and was effectively enforced until 1968.

The repeal of the law, like its enactment is a function of the legislature—in the case of Federal law, of the Congress. But in this case, this legislative action was taken by the Supreme Court—and the reverberations from the action are just beginning to roll. The Supreme Court held that the capital punishment provision of the law was unconstitutional, and by the reasoning of its decision cast serious doubts on the validity of many other capital punishment laws and sentences of death from other jurisdictions in the country.

Under this law, a death sentence could result only from the recommendation of a jury. No jury, no death sentence. It was as simple as that. If a defendant charged with kidnaping in interstate commerce and not releasing the victim unharmed wished to avoid the death penalty all he had to do was avoid the jury. This he could do by pleading guilty, or by waiving his right to trial by jury and asking to be tried before the judge alone, sitting without a jury. For a third of a century it had been supposed that this rationale was a benefit to the defendant.

However, the Supreme Court held otherwise.

Delivering the opinion of the Court, Justice Stewart reasoned that:

In an interstate kidnaping case where the victim has not been liberated unharmed, the defendant's asertion of the right to jury trial may cost him his life, for the federal statute authorizes the jury—and only the jury—to return a verdict of death.

The simple logic which would seem to indicate that the action of the criminal in kidnaping and harming the victim, not in asserting his "right to jury trial" is what might cost him his life, and only then if the jury, hearing the facts thought that all of the circumstances were such that death was a proper penalty, seems to have been missed by the majority of the Court. Its reasoning became involved in the privilege against self incrimination in the fifth amendment and the right to jury trial in the sixth amendment, and reasoned that the total impossibility of a death sentence, no matter how heinous the crime or the abuse of the victim, if the defendant could but avoid the jury, amounted to an encouragement of either a plea of guilty or a waiver of trial by jury—unconstitutional.

THE WITHERSPOON CASE

In 1959, nearly 10 years before the Supreme Court decided his case, Witherspoon shot and killed a policeman in Chicago in order to escape arrest. This was pure and simple murder. Murder is illegal in Illinois—as it is elsewhere. It is punishable by death there as in most of the rest of the Nation.

There was not the slightest doubt about the facts of the case or the guilt of Witherspoon. He was positively identified at the hospital by the dying officer, and later took it upon himself to lecture the police for using such young and inexperienced officers. That murder was done and that Witherspoon did it was beyond question.

He was tried by a jury in Chicago, convicted of murder in the first degree, and sentenced to death.

At his trial he was represented by not one, but three, court-appointed attorneys. After his conviction another court-appointed attorney handled his appeal to the Supreme Court of Illinois. In a lengthy opinion that court affirmed the conviction.

By 1964, some 5 years after the murder of the young police officer, the Illinois Supreme Court concluded the case by its refusal to consider an application for habeas corpus and other post-conviction relief sought by the convicted killer.

With a third court-appointed attorney Witherspoon moved into the Federal forum. His application for habeas corpus was denied by the Federal district court, the denial was affirmed by the circuit court of appeals for the seventh circuit, and the United States Supreme Court denied certiorari. This should have terminated the matter and permitted the execution of Witherspoon.

In 1965 he went back to court in Illinois, alleging for the first time that the selection of the trial jury which had convicted him was improper. By 1968 the case was again before the Supreme Court, which had refused to consider it previously. But this time it struck a responsive chord. It was argued in April and decided in the closing days of the term last June.

The Supreme Court reviewed the conviction for the sole purpose of determining whether the death sentence could be constitutionally imposed by the jury which tried Witherspoon. At the time of the trial, Illinois law provided for the challenge for cause of jurors who stated that they had conscientious scruples against capital punishment, or were otherwise opposed to it. Under this law, the prosecutor challenged for cause

all prospective jurors who expressed qualms about capital punishment. It follows that those jurors who heard the case, and ultimately participated in the death sentence, were chosen from among those persons who expressed no qualms about capital punishment.

The Supreme Court, following the reasoning of its decision in the Jackson case, held that such a jury could not impose a death sentence, since it was composed in violation of both the sixth and 14th amendments. The theory behind this reversal is that exclusion from the jury of persons expressing qualms about the infliction of capital punishment results in a jury which is not representative of a cross section of the community, since it is apparent that many members of the community have such qualms. Justice Douglas wrote a separate opinion, arguing for the reversal of the conviction as well, on the theory that a jury which did not contain members having qualms about the imposition of capital punishment was a "hanging jury," more prone to convict than to acquit, and drew a parallel to a jury from which all women had been excluded.

The closing paragraph of the opinion of the court in the Witherspoon case seems to indicate that the court was far more concerned with capital punishment than with Witherspoon:

> Whatever else might be said of capital punishment it is at least clear that its imposition by a hanging jury cannot be squared with the Constitution. The State of Illinois has stacked the deck against the petitioner. To execute this death sentence would deprive him of his life without due process of law.

Thereafter the Supreme Court reviewed the death sentence imposed by an Alabama court on the killer of another policeman. Again, there seems to be not the slightest doubt of either the identity or the guilt of the condemned man. There was even a confession which the Court found unobjectionable. But it sent the Boulden case, tried long before its decision in Witherspoon, back down to lower courts for determination whether the fact that certain prospective jurors were excluded as indicating reluctance toward the imposition of capital punishment invalidated the penalty under the rule of the Witherspoon case.

Probably the matter is best summed up in the dissents of Justices Harlan, White, and Black to the Witherspoon decision. Harlan wrote, and White joined him:

> If the Court can offer no better constitutional grounds for today's decision than those provided in the opinion, it should restrain its dislike for the death penalty and leave the decision about appropriate penalties to branches of government whose members, selected by popular vote, have an authority not extended to this Court.

Justice Black pointed out the facts in the case, the long history of appellate review with court-appointed counsel, and then came directly to the heart of the matter, declaring:

> If this court is to hold capital punishment unconstitutional, I think it should do so forthrightly, not by making it impossible for States to get juries that will enforce the death penalty.

The Supreme Court might take that advice—we might see forthright de jure abolition prior to material alteration of the make-up of the present Court. Time alone will tell.

TRIBUTE TO A FALLEN AMERICAN

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. RIVERS. Mr. Speaker, the real strength of our country and the best hope for the survival of freedom throughout the world lie in the readiness of brave and loyal men to risk their lives in the service of our country's cause wherever and whenever freedom is endangered. Throughout our history we have been blessed with patriots who possess this readiness in abundant measure. They are the men who have met the challenges that face us. They are the men who possess the dedication, determination, and leadership that enable us to stand firm and to be a great nation.

On the 18th of November 1970, the country lost a man of this quality. He was Lt. Col. William Groom Leftwich, Jr., U.S. Marine Corps. He died while attempting to save others endangered in an area 22 miles southwest of Danang, Republic of Vietnam.

Because he represented the finest qualities of all Americans who have lost their lives in service of their country, and because his career is eloquent testimony to the long, dedicated contribution of so many Americans in uniform, I would enter in the record of this House of Representatives a summary of his service.

I would remind you also as you reflect on this record to remember that it is our grave responsibility to insure that our future actions substantiate the confidence and faith displayed by such fallen American patriots.

William Groom Leftwich, Jr., was born April 28, 1931, in Memphis, Tenn., and graduated from Central High School there in 1949. In 1953, he was graduated from the U.S. Naval Academy, Annapolis, Md. He played football and tennis and was one of three Midshipman Brigade Commanders in his final year there.

Commissioned a Marine Corps second lieutenant upon graduation, he attended the 24th special basic course, the basic school, Marine Corps Schools, Quantico, Va.

From January 1954 until March 1955, he was a rifle platoon commander with the 2d Marine Division, Camp Lejeune, N.C. He was promoted to first lieutenant in March 1955. After completing the supply school, Camp Lejeune, in June 1955, he was transferred to the 3d Marine Division in Japan and on Okinawa, where he served as an ordnance accountable officer.

In June 1957, Lieutenant Leftwich began a tour of duty as 21st Company officer, at the U.S. Naval Academy, and served in this capacity until August 1960 and imparted much of his dedication and sound philosophy to men who would soon be commissioned as officers of the armed services. He was promoted to captain on July 1, 1957.

Captain Leftwich returned to the 2d Marine Division as a company commander until March 1962, then served as aide to the commanding general of the 2d Marine Division until July 1963. Following this assignment, he was transferred to Quantico, Va., as aide to the Commandant, Marine Corps Schools, until August 1964. While stationed at Quantico, he was promoted to major on July 1, 1964.

After completion of the Vietnamese language course at the Foreign Services Institute, Washington, D.C., in December 1964, he was ordered to the Far East as an adviser to the Vietnamese Marines in the Republic of Vietnam. For extraordinary heroism as the senior task force adviser to Task Force Alfa, he was awarded the Navy Cross.

Upon his return to the United States in January 1966, Major Leftwich served in the tactics section at the basic school, then attended the Command and staff College, Marine Corps Schools, graduating as an honor student in June 1967. He was transferred to HQMC, where he was assigned as a system analyst for manpower being promoted to lieutenant colonel on November 7, 1967. In March 1968, he became special assistant and marine aide to the Under Secretary of the Navy, serving two Under Secretaries until detachment in February 1970.

He reported to the 1st Marine Division in the Republic of Vietnam in April 1970 where he was assigned as the commanding officer of an infantry battalion. In July 1970, he was reassigned as the commanding officer of the 1st Division's reconnaissance battalion. He served in this capacity until his death in a helicopter crash on November 18, 1970.

His decorations include: the Navy Cross, the Legion of Merit with Combat "V" and Gold Star in lieu of a second award, the Air Medal with one Gold Star, the Purple Heart, the Vietnamese Honor Medal First Class, the Vietnamese Distinguished Service Order, Second Class, and three Vietnamese Crosses of Gallantry.

Lieutenant Colonel Leftwich was chosen as the outstanding young man of Tennessee in 1965, was nominated by the Marine Corps to the National Junior Chamber of Commerce as a candidate for "Ten Outstanding Young Men in the Nation in 1966."

He is survived by his wife, the former Jane Ferrer of Memphis, Tenn., two sons, William Groom III—born February 11, 1959—and Scott Ferrer—born March 29, 1960. His mother is Mrs. Mattie Howard Leftwich of Memphis. His father is deceased.

William Groom Leftwich, Jr., was a splendid American. His record is one of honorable service and selfless sacrifice, and it is the collection of such records—the cumulative effect of them—that

makes our country a force for peace and freedom throughout the world. We need remember this. We need honor those who so serve. As a nation, we are poorer for their loss.

THE CARSWELL DEFEAT

HON. MICHAEL J. HARRINGTON
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. HARRINGTON. Mr. Speaker, the current issue of the New Yorker magazine contains an article by Richard Harris which I commend most strongly to the Members of the House. "The Annals of Politics" is the first of a two-part article describing how the Senate defeated the nomination of Judge Carswell.

Harris states that:

Of all the actions that President Nixon took during his first two years in office, probably none more clearly revealed the character of his Presidency—the regional and class appeals that divide the nation, the disregard for the Constitutional separation of powers, the embittered relations between the Administration and the Senate, the apparent confidence that the people would sleep through even the noisiest raid on their libertis, and the belief that members of Congress could be counted on to put their own political interest above the public interest—than his nomination of George Harrold Carswell, of Florida, to be an Associate Justice of the Supreme Court.

I agree with Mr Harris. This very thorough piece is an outstanding analysis of the case against Carswell as well as of the dynamics of the broadly based opposition to the nomination:

ANNALS OF POLITICS: DECISION—I

(By Richard Harris)

On the morning of February 25, 1970, Dr. Aaron Henry, a Negro minister and the head of the N.A.A.C.P. in Mississippi, appeared before the Senate Subcommittee on Constitutional Rights to urge that the Voting Rights Act of 1965, which was due to expire in a few months, be renewed for at least another five years. The law was one of the most effective pieces of civil-rights legislation on the books; it had enfranchised nearly a million Negroes in the Deep South and had led to the election of about five hundred black officials there in less than five years. Civil-rights supporters had been working frantically to renew the act, while members of the Nixon Administration had been working just as frantically to revise and, it appeared, gut it. Dr. Henry did not mention that there had been repeated attempts to murder him or that his home had been bombed and burned in retaliation for his work on behalf of Negro equality. But he did speak of what had happened to many other blacks, and a few whites, in the South. "Some of you remember . . . Dippy Smith, a friend of mine who was killed on the courthouse lawn in Brookhaven, Mississippi, as he attempted to participate in the election process," he told the subcommittee. "George Lee was shot down in Belzoni because he would not take his name off the books. None of you can forget January, 1965—at least, I never can—the last time the poll taxes were required as a prerequisite to voting in my home state prior to the passage of this act, and Vernon Dahmer, loyal friend and worker, decided that to be of assistance, because so many people were afraid to carry their poll tax to the sheriff in Forrest County, that he would collect it himself and pay it. This was his crime, and as a result . . . Vernon's house was firebombed, shot into. He died a martyr, trying to make sure that the democracy that we so proudly expound in our country becomes a reality. Certainly I knew all of these men personally and appear before you today in turn that they shall not have died in vain. While the death of these men is directly attributed to their action of voting, many more, some black, some white—Whorlist Jackson, James Chaney, Andrew Goodman, Michael Schwerner—all met death because their activity was devoted to voting rights as well as other general desegregation activity in my home state. And you see, when you have to live with the truth, Andrew Goodman, a young Jewish boy from New York City, a student at Queens College, came to Mississippi at my invitation. I brought him from his mama's house to my house, and the only night that Andrew spent alive in Mississippi was in my bed. We sent him to Meridian the next day, and, of course, they went on over to Philadelphia, where the church had been burned. Coming back home that night, they were arrested, and his mama never saw him alive again."

At the end of Dr. Henry's testimony, Senator Birch Bayh, Democrat of Indiana, who was serving as the acting chairman of the subcommittee that morning, told him, "I have heard a great deal of testimony in the period I have been in the Senate. I never heard any that I felt exceeded yours in its compassionate sincerity." When the session concluded, a few minutes later, Senator Bayh and one of his aides left the hearing chamber, on the second floor of the New Senate Office Building, and headed for the elevator and thence the tunnel leading to the Old Senate Office Building, across the street, where Bayh's suite of offices was. The Senator was still moved by what he had heard, and on the way he kept talking about the quiet bravery of men like Dr. Henry and about how the Administration's attempt to wreck the Voting Rights Act was one more piece of evidence—if any more was needed—that the President was pursuing a "Southern strategy." Finally, as Bayh reached the door of his office, he paused for a moment and muttered, "How can you listen to these stories and then let Carswell go on the Court?"

Of all the actions that President Nixon took during his first 2 years in office, probably none more clearly revealed the character of his Presidency—the regional and class appeals that divided the nation, the disregard for the Constitutional separation of powers, the embittered relations between the Administration and the Senate, the apparent confidence that the people would sleep through even the noisiest raid on their liberties, and the belief that members of Congress could be counted on to put their own political interest above the public interest—than his nomination of George Harrold Carswell, of Florida, to be an associate justice of the Supreme Court. Like many other senators, Bayh had become increasingly troubled, over the five weeks since the nomination had been sent to the Senate, by the conviction that the President's choice constituted final proof that the Administration was indeed pursuing a Southern strategy. The threat that this policy—affronting millions of black citizens—posed to the nation seemed obvious to Bayh.

Far less obvious was what could be done about it. No one wanted to go through another prolonged and politically bruising battle like the one over Judge Clement F. Haynsworth's nomination to the Court six months before, and the mood of the Senate following that was overwhelmingly to accept whatever name Mr. Nixon sent over next. In the view of some senators, the President's second choice was actually an attempt to get the kind of man on the Court he had wanted all along but had feared the Senate would not accept the first time around—that is, someone who would clearly demonstrate that the Administration meant to keep the promises Mr. Nixon had made in the South during the campaign in 1968. It was reported that Attorney General John N. Mitchell had gone over Carswell's record personally and afterward had said, "He's almost too good to be true." It was not reported what he meant by "good," but most Negro leaders assumed that what was good for Mitchell would probably be bad for them and their followers. William Raspberry, a Negro columnist on the Washington *Post*, pointed out that the test of a Supreme Court nominee was whether he was "committed to even-handed justice," and he added, "That is the test that Carswell, on his record, cannot meet. And his failure to meet it is the chief reason he has been nominated." In the view of one leading Republican who finally cast a crucial vote against Carswell, the choice was also an attempt to rub the Senate's nose in the mess it had made of the Haynsworth nomination. "I learned that the Justice Department had rated Carswell way down below Haynsworth and a couple of other candidates," this senator said later. "That made it clear that the choice of Carswell was vengeance—to make us sorry we hadn't accepted Haynsworth—and, at the same time, it was an attempt to downgrade the Supreme Court and implement the Southern strategy. The Attorney General obviously believed that we had no stomach for another fight after Haynsworth, and that we would accept any dog, so he took this opportunity to show his disdain for the Senate. He and a lot of the other fellows downtown seem to feel that they, and they alone, constitute the government of the United States."

Bayh, who had led the fight to block Haynsworth, had little desire for an active role in another struggle like it and even less for the task of actually leading it. "When a bad thing is before the Senate and it has the support of the President, any effort to defeat it has to be immense to succeed," he explained not long ago. "At the time, there seemed no chance that an effort of that magnitude could be pulled off—even though the Carswell nomination was clearly bad—because the senators' mood was 'God, don't put us through that again!' Also, there were other things for me to consider. One was that I had spent eight years here trying to build an image of myself as someone who isn't divisive, who isn't vindictive, who can get along with all factions. If I took on Carswell after having taken on Haynsworth, that could all vanish, because a lot of people would figure I was just out for blood." Despite these reservations, Bayh, along with a couple of other senators, had already gone to considerable lengths at least to keep the door open for an all-out campaign against Carswell, but so far they had concentrated largely on delaying tactics, and neither Bayh nor anyone else in the Senate was prepared at that time to actively lead such a campaign. That morning, though, the testimony at the hearing—and, perhaps even more important, the inevitable comparison of his own courage with that of Dr. Henry, who had fought the same fight not twice but hundreds of times, and not at the risk of his reputation but of his life—pushed Bayh closer to a decision.

That afternoon, Bayh happened to be in the Senate chamber when Senator Edward W. Brooke, Republican of Massachusetts, and

the only Negro member of the Senate, took the floor and said, "I will vote against confirmation of Judge Carswell." Only a handful of other senators were present—Charles E. Goodell, of New York, who had been the first Republican to announce his opposition to Carswell, three weeks earlier; Edward M. Kennedy, the Majority Whip, who was also opposed; and Republicans Mark O. Hatfield, of Oregon, Charles H. Percy, of Illinois, Charles McC. Mathias, of Maryland, and Robert P. Griffin, of Michigan, the Minority Whip, all of whom were known or believed to support the nomination—and each man listened intently as Brooke proceeded to defend his position. Everyone there knew that it was an important occasion, because Brooke, though a rather retiring man for a politician, was an adroit leader when he decided that the time and the issue were right for him to make a move. And, of course, everyone there knew that he had rounded up many of the seventeen Republican votes that were cast against Haynsworth. Brooke had delayed for five weeks before coming out against Carswell, and that delay angered, and still angers, some liberals who felt that the case against the nomination had been compellingly clear at least three weeks earlier.

It appeared that Brooke had not made up his mind to act until he was sure of two things: first, that the evidence against Carswell was strong enough to justify a determined attempt to defeat him, and not just the kind of standard political grandstanding that many senators engage in under such circumstances; and, second, that there was a fair chance that an impressive number of senators, at least a third of them, could be rounded up to show the black and the young people in the country that their demands were understood. Without such support, it was said, Brooke felt that he could not oppose a President of his own party twice in a row on a Supreme Court nomination without losing whatever influence he had with the White House.

Brooke's argument against Carswell that day was based on matters that had come to light about the Judge since he was nominated, on January 19th. The first of these was a speech that he made, on August 2, 1948, before a meeting of the American Legion while he was campaigning for a seat in the Georgia legislature. In that speech, Carswell said, "I am a Southerner by ancestry, birth, training, inclination, belief, and practice. I believe that segregation of the races is proper and the only practical and correct way of life in our states. I have always so believed, and I shall always so act. I shall be the last to submit to any attempt on the part of anyone to break down and to weaken this firmly established policy of our people. . . . I yield to no man as a fellow-candidate, or as a fellow-citizen, in the firm, vigorous belief in the principles of white supremacy, and I shall always be so governed." Immediately after the speech was turned up, two days after his nomination, Carswell went on television and said, "Specifically and categorically, I denounce and reject the words themselves and the ideas they represent. They're obnoxious and abhorrent to my personal philosophy." Carswell also explained that the speech had been made in the heat of a political campaign, that he had been only twenty-eight years old at the time, and that he had actually been the more liberal candidate in the race, which he had lost because of that. In the hearings on his nomination conducted by the Senate Judiciary Committee for five days at the end of January and the beginning of February, Carswell repeated his repudiation of the 1948 speech. Senator Philip A. Hart, Democrat of Michigan, who was perhaps the committee's gentlest and also most incisive cross-examiner, then asked Carswell whether he had believed what he said at the time.

Of course, that was like asking the Judge to choose between saying he had once been a liar and saying he had once been a racist. "I suppose I believed it," Carswell replied, and went on to say that it was entirely alien to his present way of thinking. To get a better idea of what that thinking was, Senator Kennedy asked him for a general exposition of what he saw as the major problems confronting the country, and Carswell listed those that came to mind—poverty, drug addiction, crime, and "the frustrations of many young people." He said nothing about race or civil rights.

Senator Brooke did not find Carswell's explanation of the reasons for his speech at all convincing. "I tried to put myself in the position of this man as best I could, under the circumstances prevailing at that time, to see if these were just political words or whether they went deeper," he told his fellow senators. "I found that they were deeply felt words. Then I examined the age of the nominee at the time the statement was made. He was twenty-eight years of age. At that age, I had spent five years in war. In many respects, Judge Carswell and I were passing through a similar period, since we were both coming out of military service and had both gone to law school at the same time. I think I was pretty much a man at twenty-eight years of age." Going on to observe that a man could change, Brooke added, "I searched the record looking for that change. But I must confess, regrettably, that I did not find any. In fact, I found considerable evidence to the contrary. I found that in periods along the way in Judge Carswell's public career he had made statements and had acted and conducted his court in a manner which indicated to me that there was no change, that he still harbored racist views. Then I thought about our country. Where is our country going today? Many things that have been happening in this country recently, including the statements of some of our highest political leaders, made me think: Are we really moving, as the Kerner Commission report suggested, toward two societies, one black and one white? Do we really want war between the races of this nation? Did President Nixon really mean it when he said he would bring us together?"

On the question of Carswell's civil rights record, Brooke cited a number of episodes to show that Carswell had by no means abandoned the racial views he had expressed twenty-two years before. Among these was that in 1953, while Carswell was engaged in private law practice in Tallahassee, he drew up the incorporation papers for a white-only fraternity known as the Seminole Boosters, of which he was a principal subscriber and a charter member. Then, in 1956, while he was serving as United States Attorney in Florida, he helped incorporate a Tallahassee golf course that was being transferred, on a ninety-nine-year lease at a dollar a year, from a public, city-owned facility, which had been built with thirty-five thousand dollars of federal money, to a private club—a move that was clearly made to circumvent a Supreme Court decision handed down about six months before prohibiting segregation in municipal recreation facilities. In the hearings, Judge Carswell repeatedly denied having been told that this was why the public course was made private. "I consider Judge Carswell's testimony on this episode disingenuous," Brooke said. "I cannot believe that he was unaware that the scheme had a discriminatory purpose transparently at odds with then current rulings of the Supreme Court. Indeed, affidavits from black and white citizens of Tallahasse attest to the fact that the private-country-club arrangements were commonly known to be a ruse to evade compliance with the Court's standards. Least of all is it likely that a U.S. Attorney, familiar with developing federal law in this field, could have been oblivious to the implications of this maneuver. Most serious is the indication that Mr. Carswell, who had sworn to uphold the Constitution and the laws of the land, would have lent his support to such an effort. What might be discounted, though not condoned, on the part of some private citizens is a grave breach of responsibility on the part of a federal official responsible for enforcing the guarantees of equal protection of the law to all citizens. It does nothing to remove the lingering suspicion that he continued to adhere to his 1948 views."

Brooke went on to point out that as a judge Carswell had an extraordinarily poor record in habeas-corpus petitions, which he had repeatedly turned down without so much as holding hearings, and that on the bench he had been demonstrably and continually antagonistic to civil-rights lawyers for no apparent reason other than that they were civil-rights lawyers. In evaluating the Judge's attitude toward school desegregation, Brooke said that he "consistently moved at the slowest possible pace, repeatedly stretching out judicial action and effectively delaying relief for those seeking reasonable compliance with the historic requirements of the 1954 Brown [v. Board of Education] decision." Brooke then asked the small group of senators who were present in the chamber, "Is it really suggestive of a commitments to equal opportunity that Judge Carswell consistently approved desegregation plans that would have postponed compliance until the mid-seventies, two decades after the Court decreed that school boards should act with all deliberate speed?"

Although it was unusual for a senator of Brooke's standing to oppose his President on an issue of this magnitude when only a handful of Senators from either party had taken that position (he was the eighteenth member of the Senate to announce his opposition to Carswell, and the second Republican), the speech got little attention in the press. In all likelihood, reporters, like just about everyone else in Washington, believed that Carswell could not be defeated, and saw little reason to cover what probably looked like nothing more than another futile speech on behalf of a lost cause. But Mary McGrory devoted her column in the Washington *Evening Star* the following day to the episode. Observing that "the most powerful speech against the Carswell nomination to the Supreme Court was the least attended," she went on to say that "few Republicans wanted to hear the Senate's only black member eloquently laying out the case against Carswell and removing, one by one, the props they are leaning on to justify a vote for a Southern judge whose partisans have admitted is mediocre." That few senators were on the floor at the time was by no means uncommon. While many senators claim that they carefully read the preceding day's business in the *Congressional Record* each morning to make sure that they are abreast of current developments, it is unlikely that more than a handful of them actually do. Unfortunately, some of the most crucial speeches pass unnoticed unless the newspapers pick them up and alert other members of the Senate to what took place on the floor during their absence. Miss McGrory's column made up for the daily reporters' omission, and made it certain that word of the speech would now reach Brooke's colleagues and prompt them to read it in the *Record*.

A more immediate result of Brooke's speech was that Hatfield, Percy, and Mathias were clearly, if unhappily, impressed by it. As for Bayh, when he returned to his office after listening to the speech he summoned his staff and said, "If we really mean what we're saying about the Voting Rights Act and all these other civil-rights matters, how can we let Carswell go through without making a fight?" None of his aides had an answer, so he instructed them to prepare material against the nomination in case he got into the fight all the way, and also to draw up the best arguments they could make against his working openly to defeat the nomination. When they met with him to discuss their conclusions on the latter subject, four days later, three of them—Robert Keefe, his administrative assistant and top aide; Joseph Rees, Keefe's deputy; and Bill Wise, Bayh's press officer—argued that by the time Carswell had been shown to be so poor a choice for a seat on the Supreme Court that the Senator could not conceivably be hurt politically if he fought the nomination. But two others—P. J. Mode and Jason Berman, who worked on the Subcommittee on Constitutional Amendments, of which Bayh was chairman—disagreed with this view. For some time, they had been deeply involved in Bayh's attempt to push his Constitutional amendment abolishing the Electoral College and setting up direct election of the President and Vice-President through the Judiciary Committee and onto the Senate floor for a vote. They argued that it was going to be exceedingly difficult to get the amendment approved by two-thirds of the members of the Senate as required, and that he had no hope of accomplishing this without the support of moderate Republicans, who would probably resent it if he tried to force them to oppose their President again on a Supreme Court nomination.

In addition, Mode and Berman pointed out, there was the threat of a filibuster over the amendment on the part of Southerners who opposed it because they believed it would destroy the balance of power they would hold in the event of an electoral standoff in a Presidential election. While Senator Strom Thurmond, the Democrat-turned-Dixiecrat-turned-Republican from South Carolina, could be expected to lead such a filibuster, he couldn't sustain it by himself and would need the help of other Southerners. If Bayh were to make *them* angry enough by attacking Carswell, men like Senator James O. Eastland, Democrat of Mississippi and chairman of the Judiciary Committee, who opposed direct election but not to the point of being willing to wage an all-out fight against it, might well pull out all the stops and go after him on his amendment. Mode and Berman made it clear that they, too, opposed the Carswell nomination, but saw no chance of defeating it and no point in jeopardizing a likely cause for a lost one. These arguments troubled Bayh, for he was deeply committed to his amendment. If it was adopted, he would achieve national prominence, and there were reports that he was contemplating a race for the Presidency. Besides, he saw little hope that enough senators would stand up against Carswell's nomination to make a good showing, let alone to defeat it. In short, Bayh might lose both battles and hurt himself in the process. Even so, when the meeting ended most members of his staff were convinced that, as Keefe later put it, "he had decided to go." But he was still unwilling to say so openly, and for the time being he left the matter there.

It was still there a week later when Bayh arrived at the Statler Hilton Hotel, in the capital, to attend an emergency meeting of the Leadership Conference on Civil Rights, a loose confederation of a hundred and twenty-seven groups that functioned largely as a lobbying operation. The meeting had been called mainly to devise tactics in the battle against the Administration's attempts to dismantle the Voting Rights Act, but before much discussion of that subject took place the question of Judge Carswell's nomination came up. One of the speakers at the session that evening was Senator Joseph D. Tydings, Democrat of Maryland, who had agreed, tentatively and reluctantly to lead the fight against Carswell—tentatively because he hoped someone else would take over the leadership, and reluctantly because he was up for reelection in the fall and didn't need any more enemies than he had. So far, Tydings had been working out of the public eye, chiefly to marshal opposition and delay the vote on confirming or rejecting the nominee. For the past few days, the Senator had been walking around with a temperature of a hundred and one degrees, and when he rose to speak about Carswell he was neither encouraging nor persuasive about the chances of defeating him. As soon as Tydings finished, he left the hotel. Fifteen minutes later, when Bayh arrived to speak, he was unaware of what had gone on before he got there; he spoke for a time on the Voting Rights Act, and then, in an extemporaneous digression, he launched into a free-swinging attack on Carswell's nomination. The audience was with Bayh from the start, and as he warmed up they stayed with him. In conclusion, he shouted that Carswell not only could be defeated but had to be defeated, and the audience rose to its feet and stamped, cheered, whistled, and applauded for several minutes. Afterward, Keefe said, "The Senator turned them on, and their response turned him on." When Bayh arrived at his office the following morning, he was clearly very much turned on. Calling in his staff and several outsiders who had been waiting for a Senate leader to emerge against the Carswell nomination, he talked briefly about which senators could be relied on for speeches against Carswell when the floor debate on the nomination began. Once that was settled, he got up from his desk, smiled and said, "O.K. let's crank it up."

The crank had already been forged, tempered, and put into place. One of the people who had been working on it and hoping for a chance to use it was an attractive young Negro lawyer, Mrs. Marian Wright Edelman, who had come up from the South to take a degree at the Yale Law School and then had become director of the Washington Research Project, a civil-rights outfit in the capital, and a member of its Action Council. When Carswell was nominated, Mrs. Edelman knew more about him than most other people in Washington. The summer before, when President Nixon elevated him from the District Court to the Fifth Circuit Court of Appeals, she had helped circulate a memorandum put out by the Legal Defense and Educational Fund opposing that nomination, and the memorandum had been submitted by the Leadership Conference, with the concurrence of the A.F.L.-C.I.O., to the Judiciary Committee. The committee's hearings on the Court of Appeals nomination lasted only ten minutes, however, and it was approved by the Senate, without a dissenting vote. "To an extent, this was the fault of civil-rights groups, which hadn't been doing enough preventive work," Mrs. Edelman explained recently. "Carswell's nomination to the Fifth Circuit Court of Appeals was one more tactic in the Attorney General's Southern strategy, and we're on the verge of losing our pro-civil-rights majority on that court. Anyway, if something had been done then, Carswell wouldn't have got on that court, let alone have been named to the Supreme Court." The day Carswell's nomination to the highest court was announced, Mrs. Edelman telephoned several lawyers she knew in Florida to see what else she could find out about the nominee. "The first one I got through to told me that he was a bad guy," she recalled later. "The others told me he was a *really* bad guy. Initially, I didn't believe we could defeat him. I just thought we had to get twenty or thirty or however many votes we could muster, because it was vital to show black people where this man stood and to demonstrate that a large part of the Senate opposed him. What galled me so much is this Administration's disregard for our institutions. For people who talk about law and order all the time, this disrespect for our institutions, including even the Supreme Court, is staggering. To use all of them for political ends, as Nixon has done time after time, is horribly destructive to our system. Anyway, I knew we needed—all of us needed—a psychological lift. If we could even slow him down, that would do it."

As the first step toward slowing down the President, Mrs. Edelman sent an assistant, Richard Seymour, to Tallahassee to see what he could find out for the Action Council. Before he got there, Ed Roeder, a reporter for WJXT-TV, in Jacksonville, Florida, uncovered Carswell's 1948 speech in the files of the now defunct Irwinton, Georgia, *Bulletin*. A couple of days later, Seymour came up with an equally impressive document, the papers changing the public golf course into a private club, with Carswell's signature on them as an incorporator. As soon as Mrs. Edelman read the incorporation papers and saw their implication, she showed them to Joseph L. Rauh, Jr., a lawyer in private practice in Washington who was counsel to the Leadership Conference, vice-chairman of the Americans for Democratic Action, and a veteran of innumerable human- and civil-rights wars over the past quarter of a century. Two days before the Senate hearings on the nomination began, Rauh knew, the American Bar Association's twelve-man Committee on the Federal Judiciary was scheduled to meet, to consider—or, rather, to go through the motions of considering—whether it should endorse him. No one anticipated anything but a unanimous recommendation, because the committee had endorsed every Supreme Court nominee including Haynsworth, since it was set up, fourteen years before. In general, the committee was firmly in the grasp of its chairman, Lawrence E. Walsh, who not only was close to the President, having been his personal representative at the Paris peace talks for some months, but had been Deputy Attorney General, the official responsible for recommending judges for the federal bench, in 1958, when Carswell was named to the District Court. Still, Rauh felt there might be a chance that other members of the committee would break loose from Walsh's hold if the evidence against Carswell was compelling. With this in mind, Rauh took the papers to one of the committee members he knew, Charles A. Horsky, also a Washington attorney, and Horsky promised to look them over and show them to the committee when it met.

Perhaps more than anyone else in Washington, Rauh was bewildered at first by the President's choice. Shortly before Carswell's name was announced by the White House, Rauh was told by a couple of reporters who the nominee was going to be. He refused to believe them and argued that the Administration would not dare to choose a man who had been opposed for a lesser post by such a powerful coalition as the civil-rights and labor movements. He pointed out that the White House could scarcely have been unaware of this opposition, since it was a part of the official record, which would have been read by anyone who was investi-

gating Carswell's background, and since, furthermore, the memorandum submitted to the Senae Judiciary Committee had been prominently reported by the Washington *Post* at the time. The reporters went off to look up that account, which appeared on June 12, 1969, and which stated, in part:

"In a memorandum to the Senate Judiciary Committee, the Leadership Conference said Carswell has shown a strong bias against Negroes asserting civil rights claims' in his 11 years on the bench. Carswell, 49, 'has been more hostile to civil rights cases than any other federal judge in Florida,' the memorandum said, adding a plea for more liberal judges in view of the Fifth Circuit's heavy load of civil rights cases. . . .

"The Court has expanded from nine members to an authorized strength of 15, but it continues to be deeply and closely divided on some sensitive race issues. The Circuit divided 6-to-6 in a faculty desegregation case from Montgomery, Ala., only to be told last week by a unanimous Supreme Court to press harder for total elimination of dual-race school systems. . . . The memorandum said the judge was unceremoniously reversed by the Fifth Circuit as 'clearly in error' for approving an inadequate school desegregation plan and refusing to consider issues of faculty and staff desegregation. It charged that his delays in a school lawsuit for Leon County (Fla.) held up progress there for three years."

Then the reporters read the memorandum itself, discussed its contents with members of the Administration, and came back to Rauh and told him that the White House had indeed been aware of the position taken by the Leadership Conference and the unions but would not be swayed by it. "The White House didn't know then about the 1948 speech or the golf club," Rauh said recently. "But they knew about our opposition, and I believe they actually *hoped* for it. The President didn't want to lose again, of course, but he wanted to win with opposition from the same people who had fought him on Haynsworth. He wanted to defeat his enemies in face-to-face combat. Lots of Southerners would have been confirmed easily, and he knew it. But he chose the only man whom the Leadership Conference had ever opposed for the federal bench—except Haynsworth when he was named to the Supreme Court. Also it wasn't just that we *might* oppose Carswell again but that we *had* to, because of our earlier stand. And that was equally true of labor. That's taking on a lot of enemies. They were willing to take all of us on because they were convinced they couldn't be beaten again."

A few hours before Carswell's nomination was announced, Attorney General Mitchell briefed Republican leaders of the Senate and Republican members of the Judiciary Committee on the Judge's background and record. Although Mitchell must have known about the strong opposition that the nomination would inevitably create, he said nothing about it on this occasion. Instead, he concentrated on three points: that Carswell had nothing in his record suggesting any conflicts of interests like those which had brought Haynsworth down, that he had no stigma of anti-labor bias that might turn the unions against him, and that he was a "moderate" on civil rights. Then, simultaneously with the White House announcement of the nomination, Senator Roman Hruska, the arch-conservative Republican from Nebraska, who had been chosen by the Administration to defend the Carswell nomination, briefed all the Republican members of the Senate who were in town, and free. He made the same points that Mitchell had, and when the session broke up, several senators emerged to tell reporters who were waiting outside that they were satisfied about Judge Carswell's fitness for the Supreme Court and would vote to confirm him. The most important of these was Senator Hugh Scott, of Pennsylvania, the Minority Leader. Since he had already attended the briefing by Mitchell, presumably he went to the second one so he could exert his influence on other Republicans by his emphatic assurance, in the presence of the press, that he supported the nominee "without qualification." Scott's statement was thought at the time to be possibly crucial—perhaps as crucial, in fact, as his earlier opposition to Haynsworth, which had made it easier for other Republicans to vote the same way.

As it happened, no one in the Administration had told Scott about the stand that was certain to be taken by civil-rights and labor groups—a significant omission, since he was up for reelection and, given the nature of his highly industrialized constituency, he knew he would have trouble winning against the active opposition of both groups. At the time, Scott had no reason to suspect that the Administration had misled him, and he had good reason to support its choice for the Court. His vote against Haynsworth had naturally endangered his position as Minority Leader because it constituted a major break with the Administration. That might have been acceptable once, but it would not be twice—not twice in a row, anyway. Also, of course, he hoped that his endorsement of Carswell would mollify conservatives back home who were after his scalp because of the part he played in the Haynsworth affair. And, finally, it seemed certain to him that the F.B.I., still smarting from the recriminations that followed its haphazard investigation in that case, would have peered into every cranny of Carswell's life before the President chose him. In short, Scott wanted to accept Carswell because he had to. Other Republicans, though, didn't have to, and some of them were inclined to view the situation rather differently. Brooke, for one, was amazed at Scott's hasty endorsement. As he saw it, the F.B.I.'s failure to uncover Haynsworth's improprieties on the bench suggested not so much assurance that it would do the job properly the next time as proof that there was something wrong with the investigative mechanism itself. Moreover, there was the record of the Attorney General to consider, and Brooke found little in it to comfort black citizens or anyone who was concerned about the welfare of black citizens.

Another Republican, Senator Mathias, was also reluctant to accept Mitchell's appraisal of Carswell. After the briefing, Mathias returned to his office and dug out a confidential memorandum that his staff had prepared during the contention over Haynsworth and that had been distributed among a dozen or so moderate and liberal Republicans at the time. The memorandum, which was dated November 5, 1969, said, in part:

"As moderate Republicans appointed by Eisenhower retire from the Fifth Circuit and as Haynsworth prepares to leave the Fourth, the Nixon Administration is choosing segregationist Democrats or Dixicans to replace them. Since these judges are being named by Mitchell and approved in a perfunctory way, Nixon may well not be fully aware of their record or probable impact.

"The most recent appointee, pushed through the Senate Judiciary Committee and confirmed on the floor on Moratorium Day, is Charles Clark, a leading strategist in Mississippi's resistance to desegregation and close associate of William Harold Cox, segregationist District Court Judge. . . .

"Nixon's other recent appointee to this crucial court, George Harrold Carswell, of Florida, is described by Southern lawyers as an even more unfortunate choice than Clark, since Carswell is older, less intelligent, and more set in his ways. As a district judge, he has been repeatedly reversed and reproached by the Fifth Circuit for his rulings in cases involving desegregation of everything from reform schools to theaters. But, his chief technique, say civil-rights lawyers, is prolonged temporization. . . .

"These appointments come at a time when the Administration has adopted a policy of channeling most civil-rights enforcement through the Courts. [They come] at a time when Southern blacks, though still more optimistic about the pace of change than Northerners, are growing increasingly militant and dissatisfied. If Nixon continues with such appointments, we can expect increasing black despair about the judicial process in the South and increasing resort to violence. The Haynsworth appointment seems to be part of a general pattern of judicial nominations that threatens to change the character of the Southern Courts of Appeal system, which in the past has been favorable to civil rights."

"The memo also got to the White House at the time," Mathias said not long ago. "So they knew over there that they were bound to create division over here when they sent up Carswell's name."

The contents of the Leadership Conference and Mathias memoranda suggested that the Administration was indeed confident that the Senate would accept *any* nominee. These documents also suggested that the White House had intentionally misled Scott—perhaps in the hope that by creating an unresolvable political dilemma for him it could diminish his prestige and then move in to replace him as its spokesman in the Senate; of course, before the Southern strategy could prevail there Scott would have to go, for in his twenty-six years in Congress he had supported, and had been supported by, the black voters in his constituency, and could not be expected to turn against them now.

In the days immediately following the nomination, Mrs. Edelman talked with several more lawyers, some who practiced in Florida and others who worked for the Department of Justice and had appeared before Judge Carswell on behalf of the government. "They made it clear that he was a terrible guy—worse than we'd been told before," she has recalled. "These reports made us even more desperate. We were panicked by the press of time. For instance, one of our problems was finding witnesses and conducting a thorough investigation during the eight-day period between the announcement of the nomination and the opening of the hearings. It was perfectly clear by then—after the 1948 speech and the golf-club episode—that the F.B.I. had done an even sloppier job on Carswell than it had on Haynesworth. It was also perfectly clear that many senators would be extremely embarrassed if they came out for Carswell and then more damaging facts about his past were revealed. But Eastland was determined to ram the nomination through, and he refused to grant a postponement. Also, we knew that we had to stir up an immense amount of outside opposition to bring enough senators over to our side, and that this would take time. Then, there were the questions: Was the Leadership Conference going to fight or just make a statement and let it go at that? What were the unions going to do? Who was going to lead the opposition in the Senate? Which would take priority there—revision of the Voting Rights Act, which was coming up for a vote, or Carswell? Could we use the same people to fight both at the same time? How could we get the key senators smoked out? How could we get a bipartisan start? How could we persuade the press to do investigative work for us? How could we get stuff out

to the public at large? How could we circulate the basic material on the Hill and make sure it was read?" Or, as Senator Bayh later put it, "the problem was simple and at the same time monumental—how do you create enough counterpressure to neutralize the natural pressure created by the President's backing so that senators are free to decide the issue on the merits?"

On the day that Carswell's nomination was announced by the White House, Rauh put out a brief statement for the A.D.A. saying that the Judge's "principal qualification for the post seems to be his opposition to Negro rights," and that "while this may be good Nixon-Mitchell politics in the suburbs and the South, it can only add to the already dangerous racial tensions in America." Rauh was instantly denounced by some for responding in the usual knee-jerk liberal fashion—a response that Carswell's defenders put down to blind prejudice against all Southerners. Of course, since Rauh had opposed Carswell's elevation to the Court of Appeals, he could not fail now to oppose his elevation to the Supreme Court. To an extent, though, the charge was valid when it came to many of Carswell's earliest opponents, for they had set out to find something improper in his record almost as soon as his name and his residence were announced. As time wore on, though, and the case against Carswell grew, his friends seemed to find nothing more to offer in his defense than the prejudice of his enemies. In any event, two days after Rauh's statement the N.A.A.C.P. also came out against the nomination, on the ground that it was "clearly designed to compromise the Negroes' future judicial protection far beyond the life of any single Administration," and the New York *Times* ran an editorial calling the nomination "a shock" and adding that it "almost suggests an intention to reduce the significance of the Court by lowering the caliber of its membership. The same day, the *Times* published an interview with Professor Leroy D. Clark, of New York University, who had formerly been the head of the Legal Defense and Educational Fund in northern Florida. Professor Clark charged that Carswell had invariably handed down improper decisions after creating improper delays, and concluded, "It was my view that of the federal district judges I appeared before Harrold Carswell was clearly the most openly and blatantly segregationist."

On January 23rd, staff members of four liberal Democrats on the Judiciary Committee—Senators Bayh, Kennedy, Tydings, and Hart—met in Bayh's office with a number of others who were upset about the nomination. Among the aides were Bayh's men Keefe and Rees; James Flug, a young lawyer who worked for Kennedy; Stanley Mazaroff, from Tydings' office; and Bert Widse, an assistant to Hart. Among the outsiders were Mrs. Edelman; Rauh; Verlin Nelson, lobbyist for the A.D.A.; Clarence Mitchell, head of the Washington branch of the N.A.A.C.P. and, with Rauh, the moving force behind the Leadership Conference; Andrew Biemiller and Thomas Harris, lobbyists for the A.F.L.-C.I.O.; and Brad Brasfield, of the United Auto Workers. (For the most part, it was the same group that had fought the Haynsworth nomination.) The meeting was brief and revolved largely around the question of which senator, preferably a prominent one, might be persuaded to lead a full-fledged attack on the nomination. At the moment, Bayh seemed to be out, because no one present, including his aides, expected him to wage another exhausting—and, this time, unpromising—battle so soon after the Haynsworth affair. Kennedy was still under the cloud of doubts raised by the accident at Chappaquiddick. Tydings was not eager to add new enemies to his old ones just before election time, and preferred to restrict the leadership role he had partially accepted to working out of the public's view rather than taking on the nominee openly. And Hart, who was also up for reelection, had led the struggle to get Abe Fortas confirmed as Chief Justice before his improprieties on the bench were revealed, and was in no position now to attack another nominee. In the end, the participants did little more than reach a general agreement that if a leader could be found they would work with him as they had worked with Bayh against Haynsworth.

Flug seemed to be the one person at the meeting who felt that Carswell could be not only strongly opposed by the Senate but actually defeated, and the next day he sent Kennedy a memorandum outlining the emerging case against Carswell. "Nixon-Mitchell have again nominated a mediocre candidate with no indications of particular intelligence, leadership, insight, or respect among his brethren," Flug wrote. "In fact, his official record is quite consistent with the notion that he is a segregationist and white-supremacist." He reported that evidence to buttress this last point was being compiled and would be ready for the Senator's perusal soon, and then he added, "The civil-rights groups and the unorganized black community are, of course, really upset. Roy Wilkins is outraged. . . . The unions say they are not particularly interested, that they can't find anything anti-union in his record . . . that they're too busy to do much." Flug went on to inform Kennedy that LeRoy Collins, the former Democratic governor of Florida, who was expected to be the most prominent witness for Carswell at the hearings on his nomination, "has been calling around saying what a great guy and civil-rights moderate Carswell is, but when challenged has admitted that Carswell really isn't Supreme Court calibre and that he (Collins) hasn't actually looked at Carswell's civil-rights opinions." After suggesting that Kennedy might join Bayh and Hart in a personal appeal they intended to make to Eastland to postpone the hearings, so that Senate investigators could do the job that the F.B.I. had fumbled, and that Kennedy might also persuade Scott to reconsider his hasty endorsement, Flug wound up by proposing a series of questions that the Senator might ask Carswell.

A few hours after Flug gave his boss the memorandum, a telephone call came into Tydings' office from a man who refused to identify himself but said he had some information that could be useful to Tydings if he intended to oppose Carswell. Ultimately, the call was put through to Stanley Mazaroff, and the man explained that his name was Norman Knopf, that he was one of the Senator's constituents, and that in 1964, shortly after graduating from law school, he had served as a summer volunteer under a Justice Department program helping civil-rights lawyers who were working on voter-registration cases in Florida. During that summer, he went on, he had personally seen Carswell temporize, insult lawyers and witnesses for the government, and generally obstruct civil-rights cases. Mazaroff assured Knopf that Tydings would be interested in what he had to say, and asked whether he would be willing to discuss his experience in person with the Senator. Knopf, his voice shaking, said that he couldn't do that, but Mazaroff kept talking and finally persuaded him to give his home telephone number. On January 25th, the day after this call, the Times printed a letter from John Lowenthal, a professor of law at Rutgers University, one of the volunteer civil-rights lawyers who had gone to Florida to assist in the voter-registration drive during the 1964 Presidential campaign; Lowenthal wrote that Judge Carswell had made persistent attempts to impede the progress of Negro registration. As it happened, Lowenthal was one of the lawyers whom Knopf mentioned he had worked for, and when Tydings was told about the telephone call and the letter he instructed Mazaroff to ask Knopf to come by for a talk. Mazaroff called Knopf at home that night, and when he explained that Tydings wanted to talk over Knopf's experiences in Judge Carswell's court Knopf expressed extreme reluctance to get involved. Finally, he explained why—he worked for the Department of Justice. After some more conversation, however, he hesitantly agreed to come over to Tydings' office a few days later. But he refused to testify at the hearings unless he was forced to under a subpoena.

On the same day, the American Bar Association's Committee on the Federal Judiciary met in New York to consider Carswell's nomination, and the next evening, while ten of the committee's twelve members were discussing it, the two others, Horsky and Norman P. Ramsey, paid a visit to Carswell, who was staying at the Sheraton-Park Hotel in Washington, to discuss his part in incorporating the golf club. Horsky showed him the papers that Rauh had passed on and went over them with the Judge in detail to find out what, exactly, his role had been. In the end, they accepted his explanation that he had been an incorporator of the private club but had not participated in its management, and, in fact, had not retained his membership very long. Satisfied with this, Horsky assured Carswell that the committee would endorse him, and that same night it did, by a unanimous vote. Through a coincidence of timing, Rauh, who was certain that timing would determine the outcome of the issue, had that very afternoon given a reporter from the Washington *Post* the details about Carswell's part in setting up a segregated club while he was serving as U.S. Attorney, and the paper ran the story on the front page in the next morning's early edition. For the time being, though, nothing was reported about Horsky's and Ramsey's visit to Carswell the night before.

Senator Eastland having turned down all pleas for a postponement of the hearings on the nomination, they opened in the Senate Judiciary Committee chamber as scheduled, at a little after ten-thirty on the morning of January 27th, the day the *Post* story appeared. The nominee was to be the first witness, and he sat waiting as the two senators from Florida and the representative from Tallahassee delivered the usual encomiums. All but one of the seventeen members of the Judiciary Committee were present—the absentee being Senator Mathias, who was in Europe on Senate business—and, undoubtedly, all those present had read the story in the *Post*. Senator Hruska was the first member of the committee to question Carswell, and he brought up the matter of the golf club at once, apparently in the hope that he might establish a strong defense for Carswell before opposing senators got to question him. "Now, this morning's paper had some mention that you were a member of a country club down in Tallahassee," Hruska said. "I am confident that you read the account. I would be safe in saying all of us did. You are entitled to tell your side of the story and tell us just what the facts are." Carswell replied that he had "read the story very hurriedly." Several members of the committee looked surprised at this casual handling of so serious a matter, but, of course, none of them knew that there had been little need for the Judge to study the newspaper account, since he had spent part of the evening before going over the

original documents. While Bayh, Kennedy, Tydings, and Hart were aware that Horsky had the incorporating papers, at this stage they did not know that he had met with Carswell, let alone that he had showed Carswell the papers and that Carswell had conceded his involvement as an incorporator. In any event, it was clear that they would not let the witness pass off the question so indifferently. "The import of this thing, as I understand it," Carswell said, "was that I had something to do with taking the public lands to keep a segregated facility. I have never had any discussion with any human being about the subject of this at all. That is the totality of it, Senators. I know no more about it than that."

"Were you an incorporator of that club, as was alleged in one of the accounts I read?" Hruska asked.

"No, sir," Carswell answered.

A little later, Hruska asked, "Could the stock (in the club) you received on this occasion have borne the label 'incorporator,' indicating that you were one of the contributors to the building fund for the clubhouse?"

"Perhaps," Judge Carswell replied. "I have no personal recollection."

At another point, Hruska asked, "Are you, or were you at the time, familiar with the by-laws or the articles of incorporation?"

"No, sir," Carswell answered.

About an hour later, Senator Kennedy began questioning the Judge about the golf-club episode, and as he proceeded it became clear from the words he used that he had a copy of the incorporating papers before him. When Kennedy asked the witness if he had signed the letter of incorporation for the club, the answer was direct and explicit. "Yes, sir. I recall that," Carswell said. Kennedy went on to inquire whether he had read the paper first, and Carswell replied, "Certainly I read it, Senator. I am sure I must have. I would read anything before I put my signature on it, I think." The belated admission that he had read and signed the incorporating papers was later cited repeatedly by his supporters as evidence that he had not deceived, or been less than candid with, the committee, which ultimately became the gravest charge against him. However, those who took this position ignored a colloquy during the following day's hearing, two days after Horsky had shown the Judge the papers in question, when Bayh said, "Since you have looked at the documents, I suppose—" and Carswell quickly broke in to say, "Senator, I have not looked at the documents. I didn't mean to leave that impression with you. The documents speak for themselves. I couldn't begin to tell you what the documents say." A couple of minutes later, he added, "I think the records will show—I have not examined them, but I am positive that I have never been any incorporator, director, whatever the language may be on there. I have never participated in any corporation that ever took any action with regard to anything."

Carswell also repeatedly insisted that he had been unaware that the private club was organized to keep Negroes out, and although many people were willing at that time to accept his denial that he had helped set up the club, it would have been difficult to find anyone who believed that he hadn't known why it was set up. His deception on this score dismayed even the staunchest conservatives, including the right-wing columnist for the Washington *Evening Star*, James Kilpatrick, who described Carswell's testimony on this point as an "evasive account," and added, "He took an active role, not a passive role, in transfer of the Tallahassee municipal golf course to a private club. Forgive my incredulity, but if Carswell didn't understand the racial purpose of this legal legerdemain, he was the only one in north Florida who didn't understand it." After three days of hearings, President Nixon held a press conference, and in the course of it he was asked whether he had been aware of the golf-club episode when he chose Carswell. Mr. Nixon replied that he hadn't, and went on, "If everybody in government service who has belonged to, or does belong to, restricted golf clubs were to leave the service, this city would have the highest rate of unemployment of any city in the country." Of course, membership in the club was not the point of the accusation, which rested on whether Carswell, then the federal government's highest law-enforcement official in the area, had violated his oath to uphold the Constitution by helping to circumvent the Supreme Court's interpretation of it.

At the start of the hearings, Senator Eastland put the American Bar Association committee's endorsement in the record, along with letters of support from roughly a third of Carswell's colleagues on the Court of Appeals. The most significant of these was from Judge Elbert B. Tuttle, who had been chief judge of the Fifth Circuit from 1961 until his retirement, in 1967, and who was regarded as one of the most eminent jurists on the entire federal bench. In his letter, which was dated January 22nd, Judge Tuttle explained, "My purpose in writing is that I wish to make myself available to appear before the committee at its hearing on the nomination of Judge Carswell, in support of his confirmation." At seven o'clock in the morning before the second day's session convened, Carswell received a telephone call from Judge Tuttle, who told him that because of the facts that had been divulged since the nomination was announced he felt compelled to withdraw his offer to testify on Carswell's behalf. When Tuttle's withdrawal became known, some weeks later, Carswell was blamed for not having revealed it at the hearings on the day it was made, or subsequently, to stop his supporters from citing the endorsement, as they did repeatedly to demonstrate that their man was deeply respected by such a leading jurist. Actually, the fault lay not only with Carswell but with Tuttle. Like Horsky, who knew from newspaper reports of the hearings that the nominee had lied to the Judiciary Committee the morning after meeting with him and yet said nothing at the time, Judge Tuttle kept his silence.

During the third day of the hearings, Knopf, the reluctant Justice Department attorney, finally appeared in Tydings' office to talk things over. Mazaroff took him to an empty room next to the Judiciary Committee chamber and then went to the hearing room to inform Tydings, who immediately joined Knopf. Within a few minutes, Knopf corroborated, in far greater detail, what Professor Lowenthal had described in his letter to the *Times*. "The moment I talked to Knopf, I just erupted," Tydings said afterward. "Knopf made it clear that Carswell not only was a segregationist but wasn't even good at his job. The idea of seeing a man like Carswell go on the Supreme Court was too much for me. Even after our conversation, though, I didn't think there was a chance of defeating him. I just hoped to get as much on the record as I could, to use in the floor debate and in defense of my vote when I was attacked for it, as I was sure to be, in my campaign for reelection."

Professor Lowenthal appeared at the hearings to testify about how Carswell had both resisted civil-rights progress and mistreated those who tried to achieve it. He confined himself to one experience—a case involving seven civil-rights volunteers who were arrested on charges of criminal trespass in August, 1964, as they went about northern Florida trying to get Negroes to register to vote in the coming election. Civil-rights attorneys on the scene—mainly Northerners who came South for a month or two each—believed that they could not hope for a fair trial in a local court, so they obtained a federal court order removing the case from the Gadsden County court to Judge Carswell's court in Tallahassee. However, the local judge simply ignored the removal order, ejected the lawyers from his courtroom, refused the defendants time to get other counsel, and then tried, convicted, and jailed all seven. "At that point, or early the next morning at 2 a.m., I arrived in Tallahassee, and it was obvious that since my clients were now in jail, the first move was habeas corpus, so I prepared habeas-corpus petitions at once," Lowenthal testified. "It was evident to all those with experience in northern Florida that it was not safe for voter-registration people to be in local jails. Moreover, the voter-registration drive was stalled while the workers were in jail, and the local blacks were intimidated from registering." Continuing, he described how Judge Carswell refused to accept the habeas-corpus papers and demanded that they be redone on special forms, available only in his court. That in itself was of doubtful legal validity, and so was the Judge's requirement that the forms be signed by the defendants. Since Lowenthal was more concerned about the safety of his clients than he was about quibbling over details, he drove the twenty-five miles to the local jail, only to find that the seven volunteers had been sent out on a road-work gang, another twenty-five miles distant. Finally, he telephoned Judge Carswell and got him to agree to accept the papers without the defendants' signatures. The next step was a habeas-corpus hearing in the Judge's chambers—a curious affair, as it turned out, because the representative of the state, the local prosecutor, refused to appear. As for the Judge, Lowenthal went on, "I can only describe his attitude as being extremely hostile. . . . Judge Carswell indicated that he would try his best to deny the habeas-corpus petitions, but I pointed out that he had no discretion in the matter, that the Gadsden County officials had clearly acted in derogation of Judge Carswell's own jurisdiction, since the removal to Judge Carswell's court was wholly proper." Although the point was elementary, Judge Carswell refused to accede to it, and sent his clerk off for some lawbooks. Finally, after studying the federal statute in question, he granted the petition, but he refused to have the order served by the U.S. marshal, as required under law, and told Lowenthal to deliver it himself.

None too anxious to put himself in the hands of the local sheriff, Lowenthal nevertheless saw that he had little choice, and took it to the sheriff, who accepted it with surprising amiability and released the prisoners. They were on their way down the court house steps with Lowenthal when the sheriff reappeared, all amiability gone, and rearrested them. As it turned out, Judge Carswell, on his own motion and without any notice to the defendants or a hearing to give them an opportunity to present testimony and arguments on their behalf, had remanded the case to the Gadsden County court and had notified the sheriff before the defendants left. "All the little ways in which a federal district judge can make life difficult seemed to me to be in force," Lowenthal told the committee.

Deciding that it would be helpful to corroborate Lowenthal's testimony, Tydings put in an official request to have a committee subpoena served on Knopf, who still refused to appear voluntarily as a witness. Before granting the request, Eastland called Tydings and said, "Joe, you don't want to use that boy. He's bad news." Taken aback,

Tydings got the impression that Eastland had something from F.B.I. files on Knopf, and told Mazaroff about the remark. Mazaroff visited Knopf at his home and went over everything in his past and his personal life that could possibly be used in the hearings to embarrass him—and Tydings. All that Knopf could come up with was that he had once attended an S.D.S. meeting out of curiosity. Tydings went ahead and called Knopf as a witness. Once Knopf was on the stand, he was eager to volunteer all the information he could. "This was my first courtroom experience, really, out of law school, and I remember quite clearly Judge Carswell," he told the committee. "He didn't talk to me directly. He addressed himself to the lawyer, of course, Mr. Lowenthal, who explained what the habeas-corpus writ was about, and I can only say that there was extreme hostility between the Judge and Mr. Lowenthal. Judge Carswell made clear, when he found out that he was a Northern volunteer and that there were some [other] Northern volunteers down, that he did not approve of any of this voter registration going on, and he was especially critical of Mr. Lowenthal—in fact, he lectured him for a long time in a high voice that made me start thinking I was glad I filed a bond for protection in case I got thrown in jail. I really thought we were all going to be held in contempt of court. It was a very long, strict lecture about Northern lawyers coming down . . . and meddling down here and arousing the local people against—rather, just arousing the local people—and he in effect didn't want any part of this, and he made it quite clear that he was going to deny all relief that we requested."

The Judiciary Committee's hearings on Carswell's nomination were spread out over two weeks, and during the weekend that intervened Tydings become increasingly distressed at the thought of Carswell's sitting on the Supreme Court. The prospect was so unsettling that on Saturday night the Senator had trouble sleeping and got up very early on Sunday. At eight o'clock that morning, he summoned several members of his staff to his office and told them that more had to be done to create opposition to Carswell's nomination. One of them recalled that Knopf had told him about a man named Ernst Rosenberger, a lawyer in private practice in New York, who had also worked on civil-rights cases in Florida just before the 1964 election. The aide called him, and Rosenberger agreed to tell of his experiences in Judge Carswell's court. Another aide got in touch with Leroy Clark, the former head of the Legal Defense and Educational Fund in Florida, whose views on Carswell's racial bias had been reported earlier by the *Times*, and he agreed to testify, too. Both men flew down to Washington and joined Tydings and his staff to discuss their testimony.

Neither man had much time to prepare himself, for they were called to appear before the committee the following day. Rosenberger, who testified first, started out by describing the general animosity that he and other civil-rights workers had encountered in Florida—the mailman refused to deliver mail to the house where they lived and worked because the mailbox was set six inches behind the line of other mailboxes on the street; a deputy sheriff regularly tore down posters carrying appeals for Negroes to register to vote; volunteers were refused service in restaurants; they were assaulted, and firebombs were set off under their automobiles; and, when all this failed to intimidate them, shots were fired through the windows of their house.

Rosenberger described how nine clergymen who had been arrested for unlawful assembly for trying to integrate a Florida airport had been denied release on habeas-corpus writs by Judge Carswell. Rosenberger appealed the Judge's decision to the Court of Appeals, and three of its judges came to Tallahassee to hear arguments on the case. Those took up one morning, and that afternoon Rosenberger, who was in Carswell's chambers, heard him suggest to the prosecuting attorney that he could settle the case at once by getting the local judge to reduce the clergymen's sentences to the time already served. This would mean that they would immediately be let out of jail and then would have no legal standing to file a writ of habeas corpus, the purpose of which, of course, is to get one out of jail. The following day, the prosecutor called Rosenberger to his office and suggested that he ask the local judge for a reduction of sentence. Having heard Carswell outline this plan and suspecting that it would soon be acted on, Rosenberger had already spoken to his clients about it, and they had instructed him to turn it down. When he did, the prosecutor proposed that they drop in at the local court and talk to the judge. As they entered the courtroom, Rosenberger saw that his clients were present and the court was in session. Bewildered by this turn, he sat down, and then the judge read a prepared order reducing the sentence and cited Rosenberger's request for that move. Jumping up, Rosenberger objected. "I told him that I had made no such application, I would make no such application, and my clients did not want that application," he told the committee. "Rather, they wanted a hearing wherein they could be vindicated." Ignoring him, the judge told the clergymen to rise, and said, "Now you have got what you came for: you have got a permanent criminal record."

When Professor Clark, speaking on behalf of the National Conference of Black Lawyers, took the stand, he assured the committee that what it had been told about Judge Carswell's persistent hostility toward civil-rights lawyers was by no means exaggerated. "Whenever I took a young lawyer into the state and he or she was to appear before Carswell, I usually spent the evening before making them go through their argument while I harassed them, as preparation for what they would meet the following day," he said. In his view, though, Carswell's animosity under these circumstances was less important than the question "Is Carswell a man who really, personally, does not like black people?" Submitting that the Judge's record on the bench proved that he did not, Clark cited case after case to buttress his contention. One was a Florida school-desegration case in which the Court of Appeals had unanimously rejected Carswell on both his ruling and his procedure; that, Clark said, demonstrated that Judge Carswell was either biased or incompetent. Another was a theatre-desegregation suit in which Carswell had again been unanimously overruled by the Court of Appeals and described as being "clearly in error"—an uncommonly harsh statement for such a court to make. Still another involved four Negro children who had take part in a sit-in demonstration and were sent to a reformatory before even being tried. To get them out, Clark sued to have the reformatory desegregated, and, as he had anticipated, the authorities released the children in order to keep the place segregated. Clark appealed, on the ground that the original suit stood as he had filed it, whereupon, as he had also anticipated, Carswell rejected his claim and said that since the defendants had been released, they had no legal standing; the Court of Appeals reversed him once again, and ordered the reformatory desegregated.

In most civil-rights cases, Clark continued, Judge Carswell principally relied on "dilatory tactics." One example concerned the school system of Leon County, Florida, where out of sixteen thousand Negro children four were permitted to attend otherwise white schools. In 1964, Clark filed a motion for further relief to remedy this situation. "We could not get a hearing, and I finally had to file a motion for a hearing," he recounted. "These hearings in other courts and before other judges when they were filed were granted as a matter of course. . . . When we got our hearing, then there was another delay before we got a ruling, and then when the ruling came it did not address itself to the basic issue in the motion—namely, a revision of the plan. Judge Carswell at that point told us that the defendants were complying with his previous order, which was not the point of the motion at all. We were saying, 'Look, this plan is not working, and it must be revised.' So we don't get a ruling. . . . We then had to file a motion asking him, 'Would you please rule on our motion?' And, finally, we got from Judge Carswell this statement . . . that no evidence could persuade the court to reorganize a desegregation plan, and evidence to that end 'would just be an idle gesture regardless of the nature of the testimony.'" After three years and the intervention of the Court of Appeals, Carswell finally granted the relief asked for.

Of the twenty witnesses who testified at the hearings, half a dozen supported the nomination. As expected, Governor Collins was the most prominent of these, and he did his best, despite his privately expressed reservations about Carswell, to defend him—for example, by pointing out that he, too, had been involved with the golf club and yet he had a long record of working for civil-rights causes. Some senators found that point persuasive, but others, like Brooke, felt that Collins's private remarks about Carswell far outweighed it. In fact, Brooke, who later read the hearing record carefully, began to wonder if anything said in Carswell's defense at the hearings had been said with conviction.

Another of Carswell's prominent supporters was James William Moore, a professor at the Yale Law School, who testified that Carswell had helped him set up the Florida State University Law School five years before and had insisted on its being "free of all racial discrimination." But then Louis H. Pollak, dean of the Yale Law School, told the committee that he had read a fair number of Carswell's opinions and had concluded that he presented "more slender credentials than any nominee for the Supreme Court put forth in this century." This view was shared by another leading witness—William Van Alstyne, of the Duke University Law School, one of the most respected legal scholars in the South. Since he was a Southerner and had testified in favor of Haynsworth's nomination, Van Alstyne was not open to the charge that he would oppose anyone from the South. "There is, in candor, nothing in the quality of the nominee's work," he told the committee, "to warrant any expectation whatever that he could serve with distinction on the Supreme Court of the United States."

On the last day of the hearings, Rauh and Clarence Mitchell testified as spokesmen for the Leadership Conference on Civil Rights. Mitchell put in the record several affidavits from citizens, both white and black, of Tallahassee stating that the reason for making the municipal golf course a private club had been well known and widely discussed at the time; in fact, the subterfuge had even been written about in the local paper after a city commissioner objected to its racial implications. (The F.B.I. had also failed to look into this subject, apparently, and the affidavits had been collected by Morris Ab-

ram, Jr., a student at Harvard, who, on his own initiative and at his own expense, had gone down to Tallahassee to see what he could find out about Carswell.) To lay the groundwork for the case that would later be made against Carswell on the floor of the Senate—that he was a mediocre judge and a racist—Rauh concentrated on fifteen cases involving civil and human rights in which Carswell had been unanimously reversed. (Subsequently, two other such cases were uncovered.)

One of the few civil-rights cases that Carswell's supporters had been able to find—and cited repeatedly as evidence that he was a moderate in racial matters—was a ruling he had handed down ordering his own barber, who had a shop in a Tallahassee hotel, to take Negro customers. In reply, Rauh pointed out that Judge Carswell had actually had no alternative in that case, since the barber had conceded in his brief that his shop came under the Civil Rights Act of 1964, and had admitted, in effect, that he had violated it. "If Judge Carswell is confirmed, God help us, it will be the first time in history that a man was [sent to the Supreme Court] for writing an opinion that his racist barber ought to cut a Negro's hair," Rauh told the committee. In conclusion, he pleaded with the committee to extend the hearing period, and said, "If in two weeks this black record can be built by volunteers, by people with no staff, if so black a record can be built in two weeks, what could be built with an adequate investigation?" His plea was ignored, and a couple of minutes later the committee adjourned, on the order of its chairman, and went into executive session to debate and vote on the nomination.

Proof of Senator Bayh's thesis that it takes an immense effort to turn back even an obviously bad action on the part of the President emerged as soon as the hearings ended, for although the evidence submitted during them, made it clear to all but the most obdurate of Carswell's supporters that he was unfit for a seat on the nation's highest court, almost no one with experience in political affairs believed that he could be stopped from getting that seat. For instance, after the hearings a story went the rounds in the Senate to the effect that Hiram L. Fong, Republican of Hawaii and a member of the Judiciary Committee, had gone up to Senator Edward J. Gurney, Republican of Florida and Carswell's original sponsor, and said, "If you want my opinion, he's a jackass"—but everyone expected Fong to vote for him. Once again, one of the few people who did not share the general impression that Carswell was bound to be confirmed was Kennedy's young assistant Flug, and while the hearings were in progress he sent Kennedy another memorandum entitled "How to Beat Carswell," which began, "I smell blood. I think it can be done if we can get full civil-rights appartus working, which it's beginning to do . . . [and show] his mediocrity, lack of candor before committee."

The paper went on to lay out a head count of senators who could be expected to oppose Carswell because of his civil rights record, along with those who might be persuaded to "go along with proper kinds of brotherly pressure"—forty-six in all. Those who could be expected to support Carswell, whatever the case against him, came to thirty-nine. The remaining fifteen included "those who'd like to go along [with the anti-Carswell group] but have to overcome serious political problems" and "those who would be possibles." In conclusion, Flug wrote, "That means that to win we'd have to get five of the fifteen. . . . While it's a long shot, I don't think it's an impossibility." (Flug turned out to be wrong about three of the senators he thought were bound to oppose Carswell but also wrong about three he thought were bound to support him, so he came extraordinarily close to the final tally ten weeks later.)

The scent that Flug thought he detected was still quite faint, however, although an incident that occurred during the first day of the Carswell hearings had raised his hopes further. Senator Kennedy asked Carswell for a list of all the clients he had represented in private practice who had later appeared before him in court. At this, Senator Griffin, the Minority Whip, angrily broke in and charged that the request was nothing more than "a fishing expedition." As Majority Whip, Kennedy was accustomed to jousting with Griffin on the floor of the Senate, but he found this rebuke offensive. After the session, it was clear that Kennedy was smarting over the remark, and that led Flug to hope that the Senator would now oppose the nomination actively, if only to show that his concern was serious. As Flug knew, it was one thing for a senator to make a speech and cast a vote against such a nomination, but it was quite another thing for him to work at defeating it. If Kennedy chose the latter course, his prestige as a member of the Democratic leadership and the facilities of his office, including Flug's time, would be a considerable boost to the opposition to Carswell. "Griffin's attack gave us the impetus of irrationality to get through the next few weeks, when there wasn't any cohesive force against Carswell," Flug observed afterward. "It was important at that stage to have a little emotionalism."

By the time the hearings ended, on February 3rd, emotionalism was about all that Carswell's opponents had going for them. Only a handful of influential public figures had publicly come out against the nomination—George Meany, the head of the A.F.L.–C.I.O.; Senator William Proxmire, Democrat of Wisconsin; Senator Walter F. Mondale, Democrat of Minnesota; and John Gardner, former Secretary of Health, Education, and Welfare and then director of the Urban Coalition. But two days after the hearings adjourned Senator Goodell took the floor of the Senate and denounced the nomination. Mrs. Edelman was ecstatic at the news. "We had started going around to some senators—the usual Democratic stalwarts you can count on at times like that—and we got almost no response at all," she recalled not long ago. "One of the points they all made was that we couldn't win, or even come close, without Republican help, and everyone asked us how we could expect Republicans to go against their President twice in a row. Goodell's announcement was crucial, because it gave us a bipartisan start." As for Goodell himself, he later explained his decision by pointing out that his vote against Judge Haynsworth had been based not on the conflict-of-interest charges against him, as the votes of most of that nominee's other opponents had been, but on his civil-rights and civil-liberties record. "Since Carswell was even worse on this score—and I read the hearings and many of his opinions—I had to vote against him," he went on. "Then, too, he seemed pedestrian as a judge in all areas of the law, especially in habeas-corpus cases." Although Goodell had not been subjected to much pressure before his announcement—as he observed, that was saved for senators who delayed their decisions—he was subjected to an unexpected and alarming amount of recrimination after it. "The same week that I came out against Carswell, I was the lead-off witness before the Foreign Relations Committee and strongly attacked the Administration on the war," he said. "That was a few weeks before the Republican Convention in New York State. Whether or not I would get the nomination was touch and go, and there were tremendous repercussions at the time over these positions of mine. That almost cut the baling wire holding my campaign together."

No one on either side had approached Goodell for his vote, but he had discussed the subject just before he announced how he would vote in the course of a lunch meeting of the Wednesday Club, which is a loosely knit group of a dozen liberals and moderate Republican senators who meet most Wednesdays in one or another of their offices for lunch and political talk. The club, which ultimately was to be a subtle but influential force in the fight over Carswell, had been founded a few months earlier to provide a regular opportunity for these senators to discuss common concerns, to alert each other to political dangers they might be unaware of in current or forthcoming legislation, and to create a more or less united front on key issues in the hope that the White House, which ignored most of them individually, would listen to them collectively. "There is virtually no liaison between the White House and these senators," George Mitrovich, Goodell's press secretary, explained at the time. "The White House simply pays no attention to them, while conservative senators have ready access and great influence there. No one from the White House has come to, or even telephoned, our office in months. If the President had these men over to the White House occasionally or called now and then to get their opinions, he would create an atmosphere that would make it difficult for them to oppose him. It's utterly stupid not to do that. The President and his staff simply don't understand the Senate—most of all, they don't understand how seducible it is. As a result, they've created a deep resentment among some of the younger Republicans here. There's a good bit of paranoia over in the White House, particularly among the more partisan staff people, and when these senators stand up to the President his aides convince him that it's all politically motivated. Actually, there has really been an issue here that was more completely decided on its merits than the Carswell affair."

One member of the Wednesday Club was Marlow W. Cook, a freshman senator from Kentucky, and a member of the Judiciary Committee, who had led the Administration's fight for Haynsworth, and who, it was generally assumed, would come out for Carswell, too, even if he did not actively participate in the contest. However, several people who attended the hearings noticed that while Cook bore down rather harshly on adverse witnesses during the early stages, he grew less and less willing to defend the nominee as more and more adverse testimony was given. Now, as the Wednesday Club members left the luncheon on February 4th, Cook took Goodell aside and told him that if he intended to come out against Carswell he would do well to look over the Judge's habeas-corpus rulings to support his stand. "I saw then that Marlow had doubts about the nominee's fitness," Goodell said later. "Of course, if he opposed Carswell after leading the fight for Haynsworth it would have a tremendous effect on other senators, especially other Republicans."

As it turned out, Cook did not reveal his intentions until the day of the vote, two months later. And many of his colleagues were as slow, or almost as slow, in revealing theirs. In the days before and after Goodell made his decision known, Mrs. Edelman and Verlin Nelson, of the A.D.A., her companion in this struggle almost from the start, visited several senators' offices to see where they stood on the nomination. The first stop was at the office of Senator Thomas

F. Eagleton, a freshman Democrat from Missouri, who had opposed Haynsworth but had publicly stated that he was inclined to vote for Carswell. Since the Senator wasn't in—or so they were told—they left the scanty amount of material they had collected and went on to the office of Senator Alan Cranston, a freshman Democrat from California, where little interest was shown either in their appeal or in their material. From there, they went to the office of Senator Harold E. Hughes, a freshman Democrat from Iowa, one of whose aides told them that the Senator was considering making a statement against the nomination but hadn't enough facts to base it on.

"We realized then that we needed some more material for these people," Nelson recalled afterward. "About this time, Brad Brasfield, of the U.A.W., joined us, and the three of us kind of stumbled along, getting stuff together and passing it out to anyone who showed any interest." But even after they had compiled several more documents—including an impressive study of Carswell's civil-rights record on the bench, which was drawn up by Mrs. Edelman's assistant, Seymour, who had uncovered the golf-club incorporation papers—they had little more success in gaining recruits. At each office they went to, they were told, almost always by an aide, that the senator was reluctant to oppose another nomination unless there was more conclusive evidence than had been brought out so far to justify such a stand, and that, in any case, he wouldn't make a move so early. "Our reception was generally good, and it was clear that most of the people we saw wanted to go into the matter in depth," Nelson said later. "But the water looked cold, and nobody was willing to jump in."

Finally, Mrs. Edelman, Nelson, and Brasfield discussed the problem, and Mrs. Edelman suggested that with the combined forces represented they might bring Scott around if they threatened to oppose him during his fall election campaign. Since Scott had been reelected in 1964—a disaster year for Republicans generally in the Goldwater debacle—partly through the dogged efforts of Clarence Mitchell and his followers, who persuaded black voters in Pennsylvania to split their ticket and return Scott to the Senate as a reward for his twenty years of fighting for civil-rights progress, the threat that Mrs. Edelman proposed would have had great force. But when word of the proposal reached Mitchell, who prided himself on his closeness to certain senators, especially influential senators like Scott, he was aghast at the suggestion. "I won't be a party to anything that would harm my friend Senator Scott," he kept saying.

The others realized that Mitchell was primarily concerned at the time about the fate of the Voting Rights Act, which he had shepherded through Congress in 1965, and which he and Scott were now desperately trying to save from the Administration's attempts to weaken it. While Mrs. Edelman shared their concern on this score, she felt that the battle for the Voting Rights Act could be waged simultaneously with the battle against Carswell; both, she argued, involved the same principle, and they should be given the same attention.

With this in mind, Nelson and Brasfield went to one of Tydings' aides and asked to have a meeting with the Senator to discuss the possibility of his taking over the leadership of the move to defeat the nomination. Tydings wanted to know where Mitchell stood on the matter—since he had long been known on Capitol Hill as Mr. Civil Rights—and when word of the men's visit reached Mitchell it had a galvanizing effect. As a friend of Mitchell's said later, "Clarence had a temper tantrum when he heard about it. He rushed off to the Hill to talk to what he calls 'my senators.' If anybody is going to do anything about civil rights here, it's going to be Clarence." After some thirty years in Washington, Mitchell was as fussy about protocol as an ambassador's secretary, and he went down the line of liberal Democrats on the Judiciary Committee by seniority until he got to Tydings, who tentatively agreed to take over, although, as he later remarked, "there seemed depressingly little to take over."

Mitchell's commitment meant that there was far more to take over than there had been before. Without his help, Carswell's opponents would have had no hope; with it, they had some. Despite his resentment over any interference in his province, his involvement in the Carswell case had been as early and as deep as anyone's After the first meeting held in Bayh's office following the nomination, it was clear that he was close to tears. "But he saw he had zero support," one of the participants said later. "He kept trying to get others involved, but he became so emotional that they stopped listening. Still, he went on trying, and when things got moving his mood was decisive.

In the end, it was Clarence more than anybody else who turned on the big guns in the labor movement." Mitchell went at things with the single-minded intensity that had brought success to so many of the civil-rights battles he had fought over the years. "The most important thing I was troubled by in the beginning was that Senators who had voted against Haynsworth and who were up for reelection didn't want to take the political risk of voting against another nominee if there was no chance to win," he said not long ago. "The big problem was how to convince them that there was a chance. For that, we needed time. Second, the White House had painted a picture of Carswell as a moderate and had succeeded in convincing people who ordinarily aren't likely to be taken in—men like Scott and Griffin—that it was a fair representation. We had to show them that he not only wasn't a moderate but wasn't even a conservative, that actually he was an outright reactionary. And, third, many senators felt that since they had rejected one nominee, they didn't want to overplay their role as advisers and consenters. We had to convince them that the safety of the nation was at stake."

As Rauh saw it at this stage, the most crucial need of all was time—first, so that further investigative work could be done to see if there were any more black marks on Carswell's record, and, second, so that a large enough grass-roots campaign against the nomination could be planted to convince members of the Senate that it would be riskier for them to vote for Carswell than against him. Once again, the Voting Rights Act was to play a crucial role.

The previous December, the Senate had agreed to make the debate on the revision of the act its first order of business on the first day of business after March 1st. Now Carswell's foes saw a chance to buy a sizable chunk of time—at least a month—if they could delay the floor debates on the nomination until after that date. This task fell to Tydings, and when the hearings ended and the Judiciary Committee went into executive session to consider the nomination, on February 3rd, he immediately moved that Carswell be called back to answer the charges that had been made since his appearance before the committee—chiefly those made by civil-rights lawyers who had testified about his treatment of them in court. Most of the committee's members were anxious to dispose of the nomination before it became any more embarassing politically, and the motion lost by a vote of nine to six. In its place, a motion was approved to dispatch a letter to Carswell asking him to reply to the recent accusations in writing. (This time, Carswell simply ignored the questions that had been raised and repeated his contention that he was not a racist.) In an unexpected move that appeared to undercut Tydings' efforts, Bayh, who was more optimistic about getting his direct-election amendment through than he was about defeating Carswell, tried to use the nomination to dislodge the amendment by calling for a package deal—a vote on Carswell in committee on February 9th, less than a week away, and a vote on direct election by April 24th. If Carswell's friends had accepted this motion, their man would almost certainly be on the Supreme Court today, since the time needed to build up resistance to the nomination would have been lost. But Senator Thurmond, who probably believed in Carswell more fervently than anyone else in the room, immediately and unwittingly set out to defeat the nomination.

First, he moved that the Bayh proposal be tabled; since the other supporters of Carswell wanted to get the nomination to the floor for a vote, they turned down the Thurmond motion by a vote of twelve to four. That automatically made Bayh's proposal the pending order of business, whereupon Thurmond, having set a neat trap, jumped into it. To the delight of Carswell's foes and the dismay of his friends, Thurmond set off on a ranting filibuster, which went on until Eastland cut him off by adjourning the meeting subject to reconvening at his call. Tydings planned to use the committee's unique "right of holdover," a parliamentary device by which any member could ask for a one-week delay on any vote, which was granted automatically. Tydings' opponents were aware of his intention, and hoped to force him to use the holdover before February 5th, for otherwise it would postpone a vote until February 12th, the beginning of the four-day recess for Lincoln's Birthday. To this end, they finally induced Thurmond to drop his filibuster when the committee met on February 4th by persuading him that it was harming Carswell far more than Bayh. Once the aid of this improbable ally was lost, Hart and Kennedy took over and let it be known that they would object to any committee meeting that day while the Senate was in session—another parliamentary device that is automatically granted on request. At this, Senator Eastland announced that he would wait until the Senate adjourned in the afternoon or evening and then reconvene the committee. Tydings thereupon threatened to keep the Senate in session all night if necessary—by way of a filibuster of his own—to stop the committee from meeting. Outmaneuvered, Eastland and his allies gave up, and when the committee met on February 5th, Tydings used his right of holdover as expected. Before adjourning, the committee approved a revised version of Bayh's earlier proposal—to vote on Carswell on the first day after the Lincoln's Birthday recess, February 16th, and on the direct-election amendment by April 24th.

With that, the committee debate came to a close, and shortly afterward Bayh left town to fulfill commitments he had made to speak at several colleges in southern California. Most of them were small places—junior and community colleges where surfing, rock music, and the latest in sports cars ordinarily took precedence over even the most pressing national concerns. To Bayh's surprise, he found that the students and faculty members at each school were deeply upset by the prospect of Judge Carswell's becoming Justice Carswell. To test the depth of this mood, Bayh began attacking the Pres-

ident's choice—in a region that was strong Nixon country, since he was born and still spends much of his time there—and was even more surprised by the strength of the favorable reaction to each attack. In fact, he found that the stronger his attack the stronger the response in favor of it, so, like any politician who finds that something works, by the end of the tour Bayh was throwing haymakers at Carswell with both arms. "The audiences loved it," Keefe, who accompanied him on the trip, said later. "I think that convinced him there was grassroots sentiment of great potential just waiting to be used." That impression increased when Bayh stopped off, on his way back to Washington, in Kansas City to address the local bar association. He wanted to talk about direct election, but his audience wanted to hear about Carswell, so he drew on the arguments and rhetoric that had proved most effective in California. The lawyers—a conservative lot, by and large—listened attentively, applauded each time he made a telling point, and gave him a standing ovation when he finished.

Although opposition outside the Senate was necessary, it meant nothing, of course, without comparable opposition inside that body. As the days passed after the hearings ended, Mrs. Edelman and Nelson grew increasingly discouraged as they tramped from one senator's office to another only to be met by the same responses. The experience was so dispiriting that finally they left the Senate and went across the Capitol grounds to see what help they could get from members of the House. The first stop was at the office of Representative Don Edwards, Democrat of California, who was chairman of the Democratic Study Group, a loose collection of around a hundred and twenty liberal Democrats. The D.S.G. has often been a crucial influence in the House, and although that body has no say in executive nominations, Edwards felt that this one was of such importance to the nation that his group should do whatever it could to stop Carswell from reaching the Court. To this end, he immediately drafted a statement, got approval of other key members of the group over the telephone, and issued a press release while the two were still there. Mrs. Edelman and Nelson then went to the office of Representative John Conyers, a Negro and a Democrat from Detroit, who had testified against the nomination at the hearings, in the hope that he might have some ideas, particularly about how they should go about preventing Minority Whip Griffin, who was also from Michigan, from going all out for Carswell, and how they might persuade Brooke, who was then still evaluating the situation, to break his silence. Conyers heard them out, and then, to their surprise, eagerly said, "Let's hold a meeting." He knew that Griffin could not hope to hold on to his leadership position if he opposed the nomination, but Conyers suspected that the Senator could at least be scared into working for Carswell out of the public view, which would at least limit his effectiveness.

The meeting, which was attended by Mrs. Edelman, Nelson, Brasfield, and aides to the four Democratic senators involved, was largely devoted to a discussion of how the small anti-Carswell faction that existed could be broadened, how citizens' groups could be set up, and how the press could be sufficiently tempted by the case to do some more investigative work of its own. Conyers turned out to be angrier about the nomination and more determined to fight it than anyone had expected. "I wanted to make it a precedent that any nominee to the Supreme Court who is a segregationist must automatically be rejected," he explained afterward. "When Carswell's name was sent to the Senate, everybody said, 'Let's be realistic and accept the fact that he can't be defeated.' I didn't share that view at all. You can't be an American who is trying to bring about reform in a place as resolutely archaic as Congress and think that way, because everything you do is unrealistic in ordinary terms. We had to fight. And we all saw that members of the House could bring pressure on members of the Senate—on men like Griffin and Brooke—and that this could be effective. Anyway, I knew that I couldn't walk away from it when I believed that Carswell was a terrible choice and that most senators didn't fully realize it."

One of the group's first efforts was to bring Brooke around, but at the start that looked hopeless. "Brooke was really bad," one of the men who worked on him from the outside said later. "He wouldn't even talk to us. Nobody could get through to him except Clarence Mitchell, and he was too sympathetic to push hard. When Brooke's staff learned what we wanted to talk about, they wouldn't let us in to see him. Finally, Roger Wilkins, Roy's nephew and formerly a high government official, got to Brooke's top aide, who told him that the Senator had been very impressed by a letter he had seen from a man who had been a shipmate of Carswell's in the Navy during the war and who said that Carswell had always been decent to the Negroes aboard. Why shouldn't he have been?

In those days, the Navy was segregated and Negroes served mostly as messboys and cooks, and he had the same relationship to them as he'd had to his own family's servants back home—that is, treat your "niggers" decently but keep them in their place. The letter was nonsense, and Brooke, who had been in a segregated unit in the Army, must have known it. Using it as a justification for not opposing Carswell made it look very much as if Brooke were trying to get off the hook." To impale him firmly on it, the group asked for support from black ministers and activists, along with sympathetic labor leaders, in Massachusetts, and as the mail, telegrams, and telephone calls began to flow into Brooke's office he gradually stopped talking about Carswell's shipmate.

On February 15th, Conyers released the text of an open letter he had written to Senator Griffin, which was reprinted by the tens of thousands and distributed throughout Michigan. Pointing out that the Senator had opposed Haynsworth because of the revelations about his financial conflicts of interest, Conyers demanded that Griffin now "speak out against the racism of Judge G. Harrold Carswell," went on to remind him that at the last N.A.A.C.P. banquet in Detroit he had allied himself with the aspirations of that group, and added, "I wonder what kind of remarks you are going to bring us this year." (As it turned out, Griffin did not attend that banquet, but sent his regrets.)

The day the letter was released, Conyers was at his home in Detroit when Stephen Schlossberg, general counsel for the U.A.W. and a leading participant in the movement to defeat Carswell almost from the start, telephoned him and said, "John, we've got to get ripping on this Carswell thing." Conyers agreed, and after a lengthy discussion the two men decided to set up an outfit called the Michigan Committee Against Racism in the Supreme Court—the first of the grassroots lobbies against Carswell—in the hope that it would generate interest and help among influential citizens, concern on the part of the general public, and finally, action by the press. "We organized it practically overnight and put together a fantastic coalition," Conyers recalled not long ago. The coalition included such disparate individuals and organizations as a district chairman of the Republican Party, a vice-president of the International Amalgamated Clothing Workers Union, the president of the Interdenominational Ministerial Alliance, the president of the Detroit chapter of the American Trial Lawyers' Association, the president of the Wolverine Bar Association, a member of the National Council of Catholic Women, and the executive director of the Metropolitan Detroit Jewish Community Council. Hundreds of thousands of broadsides headed "We Call on Senator Griffin to Oppose Carswell" were sent out, along with letters to members of the committee's component organizations urging them to "write, wire, or visit Senator Griffin in an effort to prevent the confirmation of G. Harrold Carswell." Not long afterward, Conyers said, "Griffin was under such pressure at home that he wanted out. I understand he appealed to the White House to be released but was told he couldn't back down on this one." For Griffins' own part, he later claimed that while the campaign had hurt him badly in Michigan, he had not been cowed by it, and said, "I don't see how I could have worked any harder for Carswell." Others felt that he could have worked a lot harder if he had not found it necessary to work covertly in order to avoid letting his constituents in on what he was doing.

A couple of days after the Michigan committee had a sufficiently imposing number of sponsors, Conyers held a press conference in Washington to announce its formation. Reporters had to be cajoled into coming, since committees of one kind or another seem to be set up there every three or four minutes, and the bait was not the new group itself but, rather, the rumor that Senator Daniel K. Inouye, Democrat of Hawaii and Assistant Majority Whip, would appear to declare his intention to oppose the nomination. At the time, the campaign against Carswell had bogged down listlessly, and his opponents were desperate to get some news favorable to their side reported. As it happened, Inouye had let them know some time before that he would vote against confirmation, and they had asked him to hold off his announcement until a time when it would help most. That time having arrival, Inouye told the reporters on hand that the nominee was "at best mediocre and at worst a slap in the face of the judiciary," and added, "The only good thing I've heard about Judge Carswell is that the next nominee will be worse." The severity of this remark put it on television news broadcasts that night and on the front pages of many newspapers the next morning, and the importance of Inouye's leadership position all but assured that his stand would bring half a dozen other senators to the anti-Carswell side.

In the long run, few of the countless forces that pull and push at senators are stronger than the influence of their staffs. While influence is not the same as power, at times strong aides can make the two seem identical. To a great extent, the protracted and bitter quarrel over Judge Carswell's nomination to the Supreme Court was carried on by senatorial aides, and to an equally great extent the outcome was determined by their work. All this is not to say that any of them told their employers what to do, or even suggested a course of action openly; senators are far too vain and crotchety a lot for that.

Also, experienced aides are aware that the consequences of a political decision for a politician are far different from what they are for someone who helps him reach it, and they are usually reluctant to press their man too hard. For the most part, staff members exert influence by carefully marshalling and presenting facts on both sides of an issue and by making sure that one side prevails; the most adroit of them also have an acute awareness of which direction their senator

may be leaning in at any given moment and a sharp sense of timing. As the days and weeks passed, the efforts of assistants to the early leaders of the fight against the nomination had an increasing effect on their counterparts in other senators' offices, and these colleagues began to have an increasing effect on the senators *they* worked for.

A week after the hearings ended, Flug set off the first small explosion calculated to create this kind of chain reaction when he telephoned Thomas Bennett, legislative assistant to Senator Gaylord Nelson, Democrat of Wisconsin, and suggested that it might be a good idea to call a Monday Morning Meeting to talk about Carswell. The Monday Morning Meeting—similar, on the staff level, to the Wednesday Club—consisted largely of a group of legislative assistants to liberal Democratic senators who discovered shortly after the 1968 election that the usual sources of information from the executive branch were closed off and decided that they could be of help to each other if they got together from time to time and discussed the major legislative issues before the Senate. Bennett agreed that it would be a good idea to call a meeting, and also agreed with Flug that it be billed as a frankly anti-Carswell session, to protect any aides who might not want to attend such an affair if it might seem to commit their senators to one side when they were uncommitted. Despite this, nearly thirty aides showed up for the meeting, which was held not on Monday but on Wednesday, February 4th, in a large room in the Old Senate Office Building that was otherwise used only on Tuesdays, by senators' wives who gathered to roll bandages for the Red Cross.

Rauh was on hand to present the case against Carswell, and in the opinion of several participants he was extremely persuasive. "Joe is a very passionate advocate, and by the time he was finished cutting up Carswell the Judge could have used the entire supply of bandages prepared by the ladies the day before," one of them said later. "Most of us had been unaware that a case of that magnitude could be made." When Rauh completed his presentation, Flug got up and went through the same head count that he had sent Kennedy. "That was dangerous, since no guy likes to be told how his boss is going to vote before his boss has voted," Flug said afterward. "But it worked, because after Rauh spoke and everybody saw that Carswell was a terrible choice and then the theoretical vote count showed he could be stopped, no one cared about a small matter like that. In fact, it was remarkable how little everybody cared throughout the fight about who got the credit, who was running things, or any of the other little sensibilities that often cripple this place."

In the opinion of some others who attended the meeting, its effect ranged from crucial to irrelevant. Probably the most balanced impression came from Bennett, who said later, "As a legislative assistant, you have such great demands on your time that you have to set priorities, and usually you set each one on the basis of how short a fuse a given issue has. Rauh presented his case so convincingly that it got those who were present to think about it seriously. Before that, they figured their bosses wouldn't go for it, but he exposed them to the basic facts—that Carswell was worse than Haynsworth, that the civil-rights people were dead set against him, and that he was not of the calibre to be on the Court. That got their attention and gave them information, and then Flug's head count, which may have seemed rather inflated at the time but still possible, made it look worthwhile. The upshot was that the meeting put Carswell on their agenda as a priority item."

Another participant, Douglas Jones, a former professor of economics who was legislative assistant to Senator Mike Gravel, Democrat of Alaska, found the affair helpful but by no means decisive. "My inclination toward Carswell was negative when I got to the meeting, but I hadn't made a judgment yet," he said afterward. "The main effect of the session was that it provided a bibliography of the material against Carswell. Then, gradually, the material I got afterward convinced me that my boss would probably want to oppose the nomination." Gravel was the only Northern Democrat to vote for Haynsworth, and it was generally assumed that he would also support Carswell. But no one, including Jones, had any idea of where he stood on the second nomination, because he had been out of town since it was announced. To prepare background information for him to read on his return, Jones obtained more material from Flug and then worked with other members of Gravel's staff to put it together. "The principal question we faced was: If it is the right position, on the merits, to vote against Carswell, how does one go about marching, in a political sense, from a vote for Haynsworth to a vote against Carswell?" Jones explained recently. "We had to find a way to move logically from a yes vote to a no vote. We began by going over why the Senator had voted for Haynsworth. In that case, there had been three major concerns—judicial ethics, judicial stature, and the race issue. Senator Gravel felt at the time that while Haynsworth's sense of ethics could raise certain misgivings, they were not compelling enough to justify voting against him.

On the question of judicial stature, the Senator felt that although Haynsworth was not the most eminent judge in the country, he was highly competent. As for the race issue, that seemed just not legitimate. Then we measured Carswell by these standards. In his case, the race issue clearly had been properly raised. And on ethics we felt that this includes a lot more than simply finances. For example, how does one use one's office? It was apparent from the hearings that Carswell's treatment of Northern lawyers working on voter registration was improper and his behavior and demeanor in court suggested a lack of ethics in this sense. After that, we had to consider the importance of Senator Gravel's having been the only Democrat from the North to support Haynsworth. If the Senator came out against Carswell, he would probably create a similar inclination among some other senators who had also voted for Haynsworth, because they would conclude that here was someone who had voted for Haynsworth, showing there was no sectional bias involved, but who just couldn't take Carswell. That meant Senator Gravel's vote would amount to several votes, not just one."

When Gravel returned to the capital, Jones gave him the memorandum the staff had prepared, along with a speech to accompany his announcement if it turned out that the Senator agreed with the staff's conclusions. Aside from these documents, there was little in the way of pressure on Gravel. During the entire seventy-nine days from the nomination to the final vote, his office received only seventy-five letters, postcards, and telegrams concerning Carswell—against him by a ratio of eight to one. To be sure, some union people phoned and stopped by, but they had little or no effect on him. Nor did the personal lobbying on the oppostie side by Senator Ernest F. Hollings, Democrat of South Carolina, who took the opportunity offered by his daily association with Gravel as his jogging partner to ask him to support Carswell. In fact, the only effective appeal from the outside was a letter from Roy Wilkins, which Gravel found solidly persuasive. Gravel spent most of his first weekend back in town going over the staff memorandum, the transcript of the hearings, Wilkin's letter, and a number of speeches made in the Senate during his absence.

As Jones expected, the Senator found the evidence against Carswell so compelling that he decided he had to oppose the nomination, whatever the political implications. And, like a surprising number of other senators, he decided the issue solely on its merits. "This was one of those cases where most senators were statesmen," Jones remarked later. "In the privacy of the night, they thought about the Republic." While Gravel's decision was statesmanlike, the timing of his announcement was political. When Bayh and Kennedy learned that he was prepared to vote against the nomination, they got in touch with him and asked that he hold off making the statement on his stand until a propitious time. Gravel agreed and said that his speech was all ready.

On the day that the Senate recessed for Lincoln's Birthday, the Washington Post ran a long and minutely detailed editorial on Judge Carswell's civil-rights record—written by James Clayton, who was to compile a remarkable amount of original research for use in the battle against the nomination. After recounting, step by step, Carswell's judicial efforts to obstruct school desegregation in the South, Clayton concluded, "He proceeded as slowly with desegregation as any judge could without courting brutal rebuffs from above and even then he was reversed consistently. He refused to speed things up when higher courts and national policy required a speedup. He protested when the Fifth Circuit entered a specific order in a case going back to a judge who was known as an opponent of desegregation. This is a record of delay, postponement, resistance, almost all across the line." By this time, Herblock was directing his political cartoons against Carswell almost daily, and other political cartoonists and editorial writers across the country began joining the anti-Carswell forces in increasing numbers.

When the Judiciary Committee convened on February 16th to vote on the nomination, Carswell's opponents had no expectation that he would be defeated in the committee, but they had some hope that the division would be narrow enough to impress any senators who might still be undecided when the time came for a final vote on the Senate floor. This hope rested mainly on the uncertainty about which way Republican Senators Cook and Mathias, along with Quentin N. Burdick, Democrat of North Dakota, might go, since all of them had privately expressed misgiving about the nominee. But in the end all three went with the majority, making the tally thirteen to four. The first vote, that morning, was twelve to four, with Cook abstaining. He had twenty-four hours to make up his mind, which he did by that afternoon. Still, his few hours of hesitation encouraged Bayh and the other dissenters about the prospect of bringing Cook around before the final vote. The hearing record was published that day, and Rauh was surprised to find that although it had been closed officially by the chairman at the end of the hearings, except for the addition of Carswell's letter, it now included a twenty-four page letter from Hruska purporting to answer Rauh's testimony on the final day. When Rauh read the letter, he saw why Eastland had not permitted him an opportunity to offer a surrebuttal, for the document, which had been prepared by the Justice Department and revised in Hruska's office, was a concoction of inaccuracies and half truths. However, Rauh was greatly cheered when he notice that Hruska

alone had signed the letter, whereas in similar circumstances in the Haynsworth case he had signed a joint letter with Senator Cook. "When I saw that, I gave a whoop, because it meant that Cook was still loose," Rauh said later. "So there was hope after all." That hope rose a couple of days later after Cook told reporters that despite his vote in the committee, he intended to "reserve decision" on the final vote when the nomination reached the floor.

Under an agreement reached by members of the Judiciary Committee, the minority report on the hearings was to be filed ten days after the majority view was submitted. To start the clock running, Hruska submitted it the day the committee voted out the nomination. Bayh and the three other opponents were slightly encouraged to see that Cook hadn't signed the document and that Mathias and Burdick had filed separate views expressing some reservations about the nominee. But the four were discouraged by the speed with which Hruska had acted, for it meant that the debate on the nomination would reach the Senate floor on the morning of February 27th—that is, in front of, not behind, the Voting Rights Act. On the following day, though, Senator Mike Mansfield, of Montana, the Majority Leader, announced that the nomination probably would not be brought to the floor until after the Voting Rights Act was disposed of. This made it clear that he intended to use the nomination as a procedural device to expedite passage of the Voting Rights Act. If the act reached the floor first, its opponents would not try to filibuster it to death, as they otherwise would have, because they did not want to delay the vote on Carswell. By this time, it also appeared that Mansfield had begun to see that the forces lining up against the nominee were not as feeble as he had thought. One day during this period, Charles Ferris, general counsel for the Senate Democratic Policy Committee, ran into Flug and asked how his cause was shaping up. Flug said he thought they had forty-four votes, and when Ferris laughed at the claim Flug pulled out the tally sheet he always carried with him and went down the list. Unable to find anything wrong with the count, Ferris sobered at once. Later, he reported this encounter to Mansfield, who also seemed impressed.

Although liberals outnumber conservatives in the Senate, ordinarily conservatives are far more effective, largely because they are more willing to paper over their differences for the sake of unity, whereas liberals insist on emphasizing the palest shades of difference in their various positions to demonstrate for the record that they are thinking for themselves, By February 20th, the four dissenters' aides had completed a draft of the minority report on the hearings. To heighten its impact, they put it in the simplest form—a brief introduction stating that while the signatories opposed the nomination for varying reasons, they agreed on the major points, which then followed. The draft was submitted to the four senators that day. "Late that afternoon, everything fell apart," one of the authors said later. "It was a circus. The Senate was still in session, and the four got together just off the floor to go over the draft. They all refused to sign it unless it was rewritten as they wanted, and they all wanted something different. One of them wanted to play up this point and play down another, while the second wanted to do the reverse, the third wanted to emphasize something entirely different, and the fourth was dissatisfied with the whole thing. Also, the report was very tough and very purple, since it was a first draft, but apparently they thought it was the final version. They realized they would be signing a very strong document without sufficient evidence—for instance, on the subject of Carswell's evasiveness before the committee, which hadn't been corroborated yet—and they just refused." The impasse seemed unbreakable and, to the report's authors, a disaster from just about every point of view. To begin with, they knew that if the four senators didn't sign the same report, there would be no chance of getting other senators to line up with an obviously fragmented opposition. Moreover, without a cohesive report signed by all four, they couldn't hope to persuade outsiders to lobby against the nomination.

Members of the press were watching closely, too, and if a weak and inconclusive report convinced them that the effort was not serious, and united, they would stop covering the story. And, finally, Mansfield was the key man, and if he concluded that the four senators were squabbling among themselves rather than working tightly together for maximum effect, he wouldn't bother helping them out in all the large and small ways open to him as Majority Leader. To avert these calamities, two of the aides revised the report, excising the more inflammatory prose and unsubstantiated points, like the matter of Carswell's candor before the committee. That done, they presented the result—a pale document by any measure—and after Kennedy spent an hour and a half persuading the others to accept the document they finally signed it, late on the afternoon of February 26th, the deadline for its submission. "We had hoped for a really stinging report that would catch the attention of other senators and the press and create a rallying point for the opposition," one of the aides said later. "The final version was about as stinging as oatmeal, but at least it concealed the division within our ranks. That helped."

Another bit of help turned up the next day, in the form of a *Times* story describing in detail how shortly after Carswell became a U.S. Attorney he helped organize the Seminole Boosters, an all-white club set up to raise funds for the Florida State University's athletic program. "The story wasn't a big one, but it kept things alive," Flug said later. "A lot of senators were scared by then that there would be a real bombshell, and the Boosters kept them scared. That stopped many of them from coming out for Carswell early and locking themselves in." While the possibility of a bombshell may have stopped some members of the Senate from announcing their support for Carswell, it did not prompt any of them to announce their opposition. Five weeks after the nomination was made, only nineteen senators had come out against it. Of these, only three were Republicans—Goodell, Brooke, and Jacob Javits, of New York (who held off until after the New York *Post* had editorially chased him around the block several times and Brooke had made his speech).

The most encouraging development for Bayh and his colleagues that week was the organization of a small group of some of New York's most eminent lawyers who decided to do what they could to stop Carswell from taking a seat on the Court. Led by Samuel I. Rosenman, once a speechwriter for President Franklin Roosevelt and a former president of the New York City Bar Association, the group was made up of Bethuel M. Webster, another former president of that bar association; Francis T. P. Plimpton, the current president; and Bruce Bromley, a former judge of the New York Court of Appeals and now a leading Wall Street lawyer. "We were stunned when we learned what they wanted to do," Bayh's assistant P. J. Mode said later. "About the last thing we expected was that men who were so much a part of the Establishment—in fact, they *are* the legal establishment— would be willing to attack a Supreme Court nominee without any prodding from anyone." Rauh was surprised, too. "Men like these are generally moderates, but most of the time they avoid getting embroiled in such affairs, and their acquiescence ultimately gives support to the conservatives," he explained.

"Now they apparently saw that they couldn't stand by any longer if moderation—not to mention the system—was going to be preserved in this country." Mode quickly got in touch with the Rosenman group, and when he learned that they planned to sign a letter urging Carswell's defeat in the Senate and place it as a full-page advertisement in the country's largest newspapers he suggested that it would be far more effective if they persuaded other leading attorneys to sign the letter, too. In the Haynsworth case, there had been little opposition on the part of lawyers—perhaps half a dozen law professors made public statements against that nomination—but Mode saw that their help could be invaluable.

Although at this stage Bayh had not yet decided to take active leadership of the anti-Carswell movement, his staff realized that he was days, or perhaps hours, from it. In anticipation of this step Keefe, Bayh's chief aide, met with Mrs. Edelman, Nelson, and Brasfield on the day the minority report was filed, to go over what they had been doing and to give them whatever help and encouragement he could. Above all, they needed encouragement. "Despite all of our work, we still had only nineteen firm votes," Mrs. Edelman recalled not long ago. "It just killed us." The three had set up a small office—with the space supplied by the A.D.A., a clerk and a secretary by a private lawyer who was concerned about the nomination, and the postage by the U.A.W.—and had prepared the first of what they hoped would be an increasingly impressive series of broadsides called "Facts on the Nomination."

The three also reported that they had some studies of Carswell's judicial history almost ready for distribution, and Mrs. Edelman added that she had been getting in touch with friends and acquaintances who taught at law schools in the East and urging them to turn on whatever pressure they could to persuade uncommitted senators from their states to commit themselves to the anti-Carswell cause. Most important, the group told Keefe of their efforts to get mail campaigns going in various key states, and said that they hoped the unions and the civil-rights groups, which had networks for that kind of operation, would take over. "Mail was very, very important," Mrs. Edelman explained.

"For example, Senator Eagleton was inclined to come out for Carswell quite early. I heard that his staff was pressing him to turn around but that he wasn't getting any mail and wouldn't listen. So we went to work, and when I ran into him at a dinner party several weeks later he told me that the mail in his office was running three to one against Carswell and was voluminous. I asked him where he stood, and he said that while he wasn't going to make it public just then, I didn't have to worry. So we added him to our head count."

That same day, Congressman Conyers held another meeting—the largest so far, with Senate staff members, several Democratic members of the House, and the usual group of outsiders—to devise the next moves. The chief problem was how they might line up more state and local outfits to work against the nomination, and after some discussion the standard list of labor, civil-rights, and civic organizations was drawn up and parcelled out among the participants.

Conyers asked his House colleagues to do what they could to generate opposition to the nomination in their districts among professional—particularly legal—groups and

civic organizations. (Representative Abner Mikva, of Illinois, persuaded seventy Chicago lawyers to sign a telegram opposing Carswell, and Representative William F. Ryan, of New York, persuaded the city bar association to pass a resolution calling for defeat of the nomination.) And everyone agreed to do what he could to get the press, which so far had had little to say against Carswell, involved and working on investigations of his background and his record.

Then someone suggested that more should be done in the way of getting help from law schools around the country to broaden Mrs. Edelman's efforts. Conyers promised to appeal to the deans of the four leading law schools in Michigan. (Ultimately, he lined up all four of them.) As it happened, Professor Lowenthal, who had testified at the hearings, had called Mazaroff in Tydings' office just a couple of days earlier to ask what more he could do to help. He had already done a great amount of work by enlisting the support of law-school deans and professors to defeat the nomination.

Mazaroff suggested that he serve as liaison between the Rosenman group and the Senate, and told him that the group planned to hold a large press conference as soon as they had enough signatures on their letter to make an impresssive showing; they also intended to bring along Dean Derek Bok, of the Harvard Law School, Dean Louis Pollak, of the Yale Law School, and Dean-elect Bernard Wolfman, of the University of Pennsylvania Law School, who would be ready to discuss the nomination with any senators who wanted to hear their side, and Mazaroff asked Lowenthal to coördinate this effort, too. Mazaroff had mentioned this conversation to Lee Miller, another Tydings aide, who now reported it to those attending the Conyers meeting, and they agreed that Lowenthal would be the ideal man to oversee the contacts made with the legal academic community.

Before Carswell's nomination, most members of the Senate apparently felt that a Supreme Court nominee's political philosophy was his own, and the President's, business, and that they had no right to include it in their considerations of whether a man should be confirmed. A number of them changed their minds when their attention was called to an article in the March issue of the *Yale Law Journal* entitled "A Note on Senatorial Consideration of Supreme Court Nominees." Its author, Professor Charles L. Black, Jr., emphatically disagreed with the prevailing opinion. "If a President should desire, and if chance should give him the opportunity, to change entirely the character of the Supreme Court, shaping it after his own political image, nothing would stand in his way except the United States Senate," he began the article. "Few Constitutional questions are, then, of more moment than the question whether a senator properly may, or even at some times in duty must, vote against a nominee to that Court, on the ground that the nominee holds views which, when transposed into judicial decisions, are likely, in the senator's judgment, to be very bad for the country." If one argued that senators had no such right, Black went on, then one gave the President a power disproportionate to what the Founding Fathers had intended.

Early in the Constitutional Convention, he explained, the participants agreed to give the Senate the exclusive power to appoint all judges, and not until later was the President given any role in the process, which, Black wrote, "must have meant that those who wanted appointment by the Senate alone . . . were satisfied that a compromise had been reached, and did not think the legislative part in the process had been reduced to the minimum." In "The Federalist," he continued, Hamilton had observed that the Senate's veto power over any selection "would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from state prejudice, from family connection, from personal attachment, or from a view to popularity." Moreover, Black asserted, "In a world that knows that a man's social philosophy shapes his judicial behavior, that philosophy is a factor in his fitness. If it is a philosophy the senator thinks will make a judge whose service on the bench will hurt the country, then the senator can do right only by treating this judgment of his, unencumbered by deference to the President's, as a satisfactory basis in itself for a negative vote."

Black's article was distributed among members of the Senate who were uncommitted or were believed to be having doubts about the nominee's fitness for the highest court. Some of them were sufficiently impressed to go back to studies of what those who attended the Constitutional Convention had in mind when they gave the President the power to nominate and the Senate the power to accept or reject a nomination. Senator Richard S. Schweiker, a freshman Republican from Pennsylvania, who was to play a key role at the end of the contest over Carswell's nomination, was greatly influenced by these documents. Schweiker had come out for Carswell immediately after Hruska's briefing on the day of the nomination, and everyone assumed that he would stick to his decision—chiefly because of his relationship to Senator Scott, his senior colleague from Pennsylvania.

As Minority Leader, Scott would be subject to attack within the Senate by those who wanted his job if he couldn't keep even his own junior colleague in line. And since Scott was up for reelection, a defection on Schweiker's part would open Scott's flank to attack from outside the Senate by liberals and moderates back home, who would be sure to point out that the case against Carswell was so compelling that even a freshman senator who had every reason, politically speaking, to vote as Scott did couldn't bring himself to. And, finally, Schweiker hoped to wipe out the effect of his votes against the A.B.M. and Haynsworth, both of which the Administration and conservatives back home deeply resented. "I wanted to vote for Carswell, and at first I decided that the charges against him were more political than real," Schweiker said later. "But after reading Black's article and the studies on the Constitutional Convention and seeing what the Founding Fathers intended, I concluded that my first decision had been based on a misunderstanding of the Constitution.

Having already made a mistake, I didn't want to repeat it. I literally forced myself not to get fixed in an inflexible position. Then, the deeper I got into the facts, the more I realized, first, that I had a terrific responsibility and hadn't been fully aware of the Constitutional aspects of it. Second, I realized that Hruska's assertion about Carswell's being highly qualified was untrue. And, third, I realized that with human rights making up such a crucial part of our problems today and his having been reversed unanimously seventeen times in that area, he just wasn't a man for our time."

The Hruska-Eastland camp still had two days—Friday, February 27th, and Saturday, February 28th—in which to push the nomination onto the floor ahead of the Voting Rights Act, but Mansfield announced that any request to postpone floor action on the nomination for a day would be honored, as tradition dictated, and that no session would be held on Saturday except by unanimous consent. Since Bayh and his allies were prepared to request postponement and object to a Saturday session, that held off the debate until March 1st, when the Voting Rights Act became the first order of business. Senators Scott and Hart had drafted and co-sponsored a compromise revision of that law designed to deflect the Administration's efforts to weaken it, and they were confident that the Southerners who opposed the act would be forced to see that a delay on the compromise bill would mean a delay on the Carswell nomination.

Since the Southerners did not have the votes to defeat the compromise, it was assumed that they would reluctantly accept action on it so that they could get on to confirming their nominee. Also, Easter came early this year, with the recess for it beginning on March 27th, and since the Senate had to get through the debate on the act and then the debate on the nomination before Carswell could come up for a final vote, it was clear that a delay of even a couple of days might postpone that vote until early April. At the outset, Carswell's opponents had hoped for a month more to build up opposition, and Thurmond had given it to them when he filibustered against the direct-election amendment in the Judiciary Committee. Another month was desperately needed, but no one had much hope of gaining it until Senator James B. Allen, a freshman Democrat from Alabama, rose and began filibustering against the Voting Rights Act—not with any hope of defeating it but merely to show the voters back home that he had tried. In the end, that gave the anti-Carswell forces slightly more than another month. (When it was all over, Senator Tydings asked, "You know who defeated Carswell?" and he answered, "Thurmond and Allen.")

On March 2nd, an Associated Press poll showed that thirty-seven senators were for Carswell, with eight more leaning that way. According to the poll, the number of opponents was twenty. Discouraging as this was, the opposition doggedly pressed on. (Its members would have taken great comfort if the A.P. had picked up a story that was published the next day in the Atlanta *Constitution* revealing Judge Tuttle's withdrawal of his offer to testify at the hearings on Carswell's behalf. United Press International also missed it, so the account didn't reach Northern newspapers or the Bayh group.

However, it apparently reached Carswell's friends in the Senate, for senators who had repeated, day after day, the importance of Carswell's having the firm support of eminent jurists like Tuttle suddenly stopped mentioning it on the day the story appeared in the *Constitution* and never brought up the subject again. By this time, the work done by Mrs. Edelman and Professor Lowenthal began to produce results, as twenty-five professors at the U.C.L.A. Law School and nineteen professors at the University of Virginia Law School, the academic home of the Southern aristocracy, signed formal protests against the nomination. And then Senator Robert W. Packwood, a freshman Republican from Oregon, who was widely expected to back Carswell, privately told Bayh that he would oppose the nominee.

Packwood also told Bayh that he did not want his decision revealed, because he hoped to avoid the kind of arm-twisting he had suffered after letting the White House know that he meant to vote against Haynsworth. In that fight, the Administration had openly threatened members of his own party with reprisals if they opposed Haynsworth—strong opponents in their next primary campaigns; cutoffs or slowdowns of funds for dams, bridges, and patronage; and com-

plete loss of access to the President or anyone else in the White House. That strategy had backfired deafeningly.

For instance, when a high official of the Department of Agriculture called a Midwestern senator and warned him that agricultural subsidies to his state would be cut back if he opposed Haynsworth, the senator, who was assumed to be ready to back Shirley Temple if the President named her to the Court, became so angry that he voted against Haynsworth. Members of the White House staff learned from this kind of experience that bullying didn't always work, and when it came to Carswell they relied—until nearly the end, anyway—on polite inquiries about where a given senator stood and on quiet persuasion when they found that he was uncertain or had decided to vote against them.

While participants in the contest later attributed Carswell's downfall to a variety of causes—Thurmond's and Allen's filibusters, the work done by Mrs. Edelman and other outsiders, the influence of the legal community, the effect of Senate aides—perhaps the central cause was the White House staff's flailing incompetence. As a number of Republican senators observed afterward, the only thing that was worse than the White House's lack of courtesy toward the Senate was its bumbling intelligence system.

Packwood, for one, had learned from the Haynsworth case that the staff there couldn't be trusted even in the most elementary ways. When he let the White House know that he meant to oppose it then, he was asked to at least not announce his intention, so that other Republicans wouldn't be influenced by his decision, as is often the case when senators have similar constituencies and backgrounds. Packwood agreed to that, and he also agreed to be accommodating when the time for the vote came and he was summoned off the floor by a telephone call from a White House aide who breathlessly told him that the result was going to be very close and asked him to hold back his vote on the first roll call to make the margin look even narrower, which might persuade others that a bandwagon was on its way and that they had better clamber aboard.

To Packwood's bitter embarrassment, the bandwagon turned out to be rolling off in the opposite direction, for without his vote the final tally was fifty-four to forty-five against the nomination, which made him look not only like an opportunist but like an opportunist who couldn't count. The Bayh-Brooke forces considered the White House their staunchest ally in the fight over Carswell, and this appraisal was concurred in by most Republican senators, ranging from conservatives to liberals. For instance, after the fight Senator Robert Dole, a conservative Republican from Kansas, who fought hard for Carswell, described the White House aides as "those idiots downtown"

By the time the floor debate on the nomination got under way, a group of students at the Columbia University Law School had spent several weeks compiling a collection of Judge Carswell's published decisions (mostly from the *Federal Reporter*, which includes only those decisions that federal District Court judges themselves submit for publication), on the off chance that this might help stop him from sitting in the chair once occupied by Oliver Wendell Holmes.

John Adler, an associate of a prominent Wall Street law firm, had learned about their work and had put them in touch with the Ripon Society, a liberal Republican youth group that had offered to serve as their publicity outlet if they came up with anything startling. As it turned out, the results of the students' compilation were so startling that the Ripon Society called a press conference in Washington on March 5th, at which it revealed that of Carswell's eighty-four published decisions nearly sixty per cent had been reversed, or more than twice the average rate of the other judges in the Fifth Circuit District Courts. That produced headlines around the country, and Attorney General Mitchell immediately responded with the charge that published decisions constituted only a small part of the total and were obviously an invalid measure.

The Columbia students challenged him to withdraw the nomination if an examination of *all* Judge Carswell's decisions showed that he fell below a percentile to be chosen by Mitchell. Mitchell ignored the challenge. The students went ahead anyway, and completed a monumental study—covering some fifteen thousand cases—that showed that Carswell had been reversed more than forty per cent of the time, or one-third more often than the average of all his fellow-judges; of the sixty-seven judges in that circuit, only six had worse records.

More or less in passing, the study also revealed that the longer Carswell had been on the bench, the more often he had been reversed. All this demonstrated that whatever else Judge Carswell was, he was not the "strict constructionist" of the Constitution that President Nixon claimed him to be.

On the morning of March 10, the day that Bayh instructed his staff to crank up for an all-out fight against the nomination, another debate over who was going to lead the opposition was just being resolved in another Senate office. Tydings' aides had been urging him to assume this role for some time, and at almost the same hour that Bayh finally decided to take it over Tydings did, too. Exultant, his aides set out to arrange a meeting Tydings wanted called, to be attended by Bayh, Hart, Kennedy, Brooke, and Javits, along with their aides, and by Rauh, Clarence Mitchell, and a couple of labor lobbyists, with Tydings as chairman. In the meantime, however, another of Tydings' staff men convinced him that an even more important occasion than the vote on Carswell would be the upcoming election in November, and persuaded the Senator to hold a press conference immediately in Baltimore, where he was expected to run rather poorly, on a pressing local matter.

Half an hour before the anti-Carswell group was to meet, in Room 207, just off the Senate floor, Tydings decided that it was vital for him to go to Baltimore, and left. The aides who had called the meeting in his name were disappointed at his departure, but they finally collected themselves as the other participants gathered outside the conference room, and tried to edge Hart into the room first, in the hope that he would then take the chair and inherit the leadership. Hart's aide saw what they were up to, and edged the Senator away from them. The two aides then moved toward Kennedy, whose aide moved him away, too. Finally, the whole group entered the room willy-nilly, and one of Tydings' men, grasping for a way out of the debacle, took the floor and explained some of the problems involved in such a fight. Since everyone there knew the problems as well as or better than he did, he quickly fell into an embarrassed silence.

No one spoke for a long time, and it appeared that the meeting was about to collapse, when Bayh suggested that it might be helpful to form two teams, one headed by a couple of Democrats and one by a couple of Republicans. He added that he would be willing to serve as one of the Democrats, whereupon a Tydings man suggested his boss as the other. Then Brooke said that, of course, he would take one of the Republican posts, and Javits agreed to take the fourth slot. That settled, they discussed which senators might be called on to make lengthy speeches to hold the floor, and what strategy should be followed to insure that the opposition didn't outmaneuver them and call for a vote before they were ready. When the meeting broke up, it was tacitly agreed all around that Bayh would be the leader.

As it happened, Bayh and his aides were unaware that any question of leadership was involved, and they had already begun to scout for senators who would take part in the debate, which was expected to begin in a couple of days, and help hold off the pro-Carswell forces until after the Easter recess.

Bayh had asked a couple of his aides to prepare a speech for him to deliver, and to "get plugged in" to such outside groups as the Leadership Conference, the A.D.A., labor unions, and any organizations that might help them do the necessary legal research on Carswell's record. "We soon learned that one of our biggest problems was bum dope—unfounded rumors and misleading tips," Mode recalled not long ago. "We got a lot of these, and had to chase down every one. Obviously, the other side could have blown us out of the water if they caught us making a false charge. At the same time, the pressure on us to come up with something new was terrific. Reporters had to be fed new material constantly to keep interest alive. And staff guys from other Senators' offices kept begging for that one thing that would bring their wavering bosses around." According to an outside lawyer who came to Bayh's office with what he believed was evidence that Carswell had been involved in a financial project of a questionable nature, the lack of legal help available there was shocking.

"I had expected cubicle after cubicle filled with lawyers equipped with fine-tooth combs when I went to Bayh's suite," he said later. "But all they had was one lawyer working on this incredibly complicated stuff, and even he wasn't on it full time." Actually, his expectations were unreasonable, for most senators do not have the funds, the staff, or even the space to conduct such investigations. To make up for this, Wise, Bay's press officer, who had been a Washington correspondent for *Life* before moving to the Hill, set out to get the press interested in the story. "National magazines like *Life, Time,* and *Newsweek,* along with big-city newspapers and TV networks, have enormous resources—far more than a U.S. senator can command—and I knew from my experience as a reporter that they can often be persuaded to act as a senator's investigative arm if the story looks big," he explained recently. "So I arranged to give them all the tips we got, and they ran down ten blind alleys for every payoff." Wise also kept in daily, and sometimes hourly, touch with television and radio networks, keeping them slightly ahead of the game so they would be prepared if something new broke.

The day after Bayh took over as leader of the small band of senators who had declared their opposition to the nomination—only twenty-two in all, including himself—a petition was released bearing the signatures of over five hundred professional men and women from ten government departments and agencies who called on the Senate to reject Carswell because of his "utter lack of qualifications as a jurist." It is not at all uncommon for members of the executive branch to covertly undermine the President they supposedly serve, but it is exceedingly uncommon for them to undermine him openly—especially in the case of President Nixon, who has been known for his swift reprisals against dissension in the ranks.

Then, later the same day, Rosenman, Plimpton, Webster, and Bromley, accompanied by the deans of the Harvard, Yale, and University of Pennsylvania Law Schools, held a large press conference in Washington and released their letter, which was signed by three hundred and fifty lawyers, including some of the nation's most distinguished judges, law professors, heads of bar associations, former high government officials, and private attorneys. "The outpouring of sentiment against Carswell from men in the highest positions in the legal world was astonishing," Bayh said later. "And it was most effective."

One effect was that it stopped Carswell's backers from claiming, in the words of one of them, that the opposition was made up entirely of "South-haters, knee-jerk liberals, and Nixon-baiters." But a far more important effect was that the stand taken by these lawyers encouraged others to join them; within a few days a hundred more had signed the letter, and additional hundreds of lawyers around the country began working locally to drum up opposition to the nomination.

When the press conference broke up, the three deans went off to meet with a dozen or so senators, from both sides of the aisle, who either hadn't made up their minds or had decided to oppose Carswell and wanted to get additional arguments to justify their votes. Senator Schweiker spent nearly an hour with the three, and listened attentively as they went over Carswell's judicial record in detail—the kinds of reversals he had had, his lack of scholarly work, the poor quality of his opinions, and the lack of respect shown for him by many of his peers. Afterward, Schweiker said that he had been deeply impressed by these arguments. His reaction was encouraging, but the very short roster of Republican senators opposing Carswell was becoming more and more discouraging to Bayh and his colleagues.

Although Flug still held to his count of forty-four votes against the nominee, Bayh's staff put it at only forty, which meant that if all one hundred senators were present eleven more votes would be needed—most, or perhaps all of them from Republicans; at the time, only four were committed to the opposition. To persuade others to join them, Bayh prevailed on Senator Clifford P. Case, Republican of New Jersey and one of the leading members of his party in the Senate, to announce his decision to oppose Carswell on the day that the Rosenman letter was released. It was hoped that Case's prestige would help convince other Republicans—mainly men like Schweiker and Mathias, who were leaning in the same direction—that the only honorable course was to follow him.

An event of even greater significance occurred that day when an assistant in Tydings' office who was going through the mail came upon a letter from Atlanta containing a clipping of the *Constitution* story about Judge Tuttle's withdrawal of his offer to testify on Carswell's behalf. This was rushed to Tydings, and he telephoned Tuttle, who confirmed the report but, for the time, refused to make his position known publicly.

The next morning, Tydings' aide Miller took a copy of the article to a strategy meeting in Bayh's office, and the participants discussed whether this might be the "one more thing" that so many senators were waiting for to justify a vote against Carswell. But since Tuttle refused to confirm the story, no one could figure out what use it might be put to. After the meeting broke up, Flug returned to his office to find a telephone call waiting from Joseph Kraft, the Washington *Post* columnist, who asked if anything new had turned up. Flug told him about the clipping and suggested that he call the *Constitution* to see if he could get more information on the story.

Late on the afternoon of March 13th, the Senate passed the amended Voting Rights Act, and the nomination of Judge Carswell became the pending order of business. Since the time for adjournment was near, little of significance happened in the way of debate. What was of great significance, though, was that Scott repeated his endorsement of the nominee and Griffin announced his—both with obvious reluctance, to be sure, but still with the assurance that they meant to stand by the President's choice.

Some of Carswell's opponents in the Senate had hoped that the record built up against him since he was named would persuade both men to refuse to support him, but that hope was more fond than real, for it was clear that neither man could take such a stand and hope to retain his leadership post. However, both of them were angry at the way the Administration had failed to warn them at the start about the kind of opposition from civil-rights and labor groups that was bound to arise. After Scott reconfirmed his position, one of his Republican colleagues shook his head and muttered, "Hugh just committed political suicide." But others maintained that it was a case of political homicide, committed by the White House.

On the morning of the first full day of debate on the nomination—Monday, March 16th—Kraft's column in the *Post* recounted the story of how Judge Tuttle had telephoned Carswell and withdrawn his offer to testify for him at the hearings. By that time, Tydings had finally prevailed on Tuttle to confirm the story, and had received a telegram to that effect over the weekend. Apparently, Carswell's friends in the Senate learned of this and put counter-pressure on Tuttle, for he sent Tydings two more telegrams, each weaker than the one before. Even so, the substance of the final wire was that he had withdrawn his support and had told Carswell so.

On Tuesday, Tydings inserted the telegrams in the record during the floor debate, over the frantic protests of Hruska, who argued that Tuttle hadn't withdrawn his endorsement but had merely been unwilling to state it publicly. Griffin, for one, refused to join in this futile exercise, and told reporters, "It doesn't help when a respected jurist like Tuttle withdraws his support." The blow to Carswell's chances sent Hruska reeling off the Senate floor. He was met by a radio interviewer, who recorded the Senator as he made his famous statement "Even if he were mediocre, there are a lot of mediocre judges and people and lawyers.

"They are entitled to a little representation, aren't they, and a little chance? We can't have all Brandeises and Frankfurters and Cardozos and stuff like that there." To some, that there stuff meant Jews. In any case, the remark was to go down as one of the greatest political blunders in the history of the Senate, and, in the opinion of those most intimately involved in the battle over the nomination, it contributed as much as any other factor to Carswell's defeat. Throughout the country, lawyers and laymen, high and low, arose in indignation at the idea that a man whom his own supporters apparently considered mediocre should be elevated to the Supreme Court, while editorial writers and political cartoonists had a field day unequalled since William H. Vanderbilt said, "The public be damned."

For some time, a rumor had been making the rounds in the capital that Tuttle was not the only one of Carswell's colleagues on the bench to doubt his fitness for a seat on the Supreme Court. Judge John Minor Wisdom, also of the Fifth Circuit Court of Appeals, whose reputation as a jurist matched or even exceeded Tuttle's, was said to have told another judge on that court who proposed circulating a letter of endorsement for Carswell among the court's members, "If you write that letter, I'll write a dissenting opinion." The day after Tuttle's telegrams were put into the record, in another incident of timing, Flug happened to run into Caroline Lewis, a reporter for television station WTOP, in Washington, who asked if he had anything new on Carswell. Recalling the latest rumor, he mentioned it to her, and she decided to check it out with Wisdom directly.

When she reached him by telephone, she said she had heard the Attorney General intended to recommend him for the Supreme Court if Carswell lost, whereupon Wisdom laughed and replied that since Mitchell and he didn't see eye to eye, he would never fit into the Administration's Southern strategy. Finally, she pressed him to admit that he had made the remark attributed to him, and he did, saying, "I stand with Tuttle." That evening, Miss Lewis reported the conversation on her news program, and the newspaper reporters, who had been alerted by Flug, covered the program as a news event.

By this time, Schweiker knew that he could no longer stand by his earlier endorsement. Still, he was unwilling to let that be known in too dramatic a fashion—partly because the Administration would resent the effect his switch might have on other Republicans who had also come out for the nominee, but, more important, because it would encourage Carswell's foes in Pennsylvania to step up their attacks on Scott for continuing to support him.

To avoid both of these results, Schweiker arranged with an aide that word of his "reevaluation" of the nominee be leaked to a couple of reporters in Washington. Then, the same night, while Schweiker was speaking to a high-school group in Philadelphia, newsmen there who had heard the rumor about his change of mind asked him where he stood, and he admitted that he was troubled by the legal and racial aspects of Carswell's record on the bench. Although the news of Schweiker's move onto the fence traveled from Washington to Philadelphia in a couple of hours, it took five days for the news of his confirmation of the report there to get back to the capital.

When it did, Eugene Cowen, a White House liaison man with Congress, hurriedly telephoned Schweiker's office and asked for an appointment that afternoon, a Friday. However, the Senator was in New York, and the date had to be postponed until the following Monday. In the newly subdued White House style, Cowen presented the case for Carswell, and the next day William H. Rehnquist, the Assistant Attorney General for Legal Counsel, who had been responsible for screening Carswell's legal record before he was nominated, visited Schweiker and did his best to rebut the Rosenman letter and the Columbia Law School study.

Schweiker heard them out, but by this time it was clear to those who were close to him that he was clambering down the opposite side of the fence he had climbed up on. His staff began to tell reporters, off the record, that he "seemed to be leaning against the nomination."

Over on the Democratic side of the aisle, a number of senators who had earlier indicated that they meant to vote for Carswell were having second thoughts, too. Senator Burdick, for instance, had voted for the nominee in the Judiciary Committee, but now he let it be known that he was restudying the situation. Burdick was up for reelection, and North Dakota was a generally

conservative state, with a strong Republican Party, few Negroes, and weak labor unions. Burdick knew that he had to have a large share of the Republican votes to win, and he also knew that the voters, and even the newspapers, back home were generally unaware of what had been revealed about Carswell, except for the 1948 speech, and, like many other senators, he considered that no more than an ordinary bit of campaign expediency. "I wanted to vote for Carswell," Burdick explained later. "In the hearings, he had the endorsement of the Bar Association and purportedly of Tuttle and Wisdom, and for me that was prima-facie evidence that he was qualified, so I voted for him in committee.

"But then it turned out that he had this huge reversal rate, that Tuttle had retracted his support, and that Wisdom had apparently refused to back him from the start. If those outstanding jurists who knew his work at first hand couldn't go for him, it had to mean that he wasn't qualified after all. That's when the torture set in. I really agonized. There wasn't much external pressure. Oh, lawyers from home wrote me, but I didn't hear from the average fellow. I got some burning from pro-Carswell senators but not much from the other side. All the pressure was from inside myself." The pressure continued to grow, right up to the day of the final vote, and no one, perhaps including Burdick, knew which part of it he would finally succumb to. "Both sides tried to get a promise from me, but I refused," he said.

In the weeks after the Senate hearings ended, the Yale, University of Virginia, and Howard law journals, twenty-one professors from the Stanford University Law School, and the American Federation of Teachers, representing some three hundrd and fifty thousand people, issued statements calling on the Senate to reject the nomination. On March 19th, to just about everyone's astonishment, nine of the nineteen faculty members of the Florida State University School of Law, which Carswell had helped found, sent a letter to President Nixon urging him to withdraw the nomination. The chairman of the university's board of regents, D. Burke Kibler III, who was a law partner of Senator Spessard L. Holland, Democrat of Florida, wrote to the school's dean, Joshua Morse, complaining about the faculty members' letter and saying, "I am sure you realize, Josh, how imprudent action such as this makes the task of those of us trying to get adequate funding for the university even more difficult." It was not known whether Kibler's letter alarmed the nine professors, but it didn't seem to have much effect on the rest of the university, for subsequently four hundred and fifty of its students and faculty held a rally to protest the President's choice.

Paradoxically, while opposition to that choice was growing outside the Senate, opposition inside it seemed on the verge of collapsing. Few senators who were engaged in the anti-Carswell side of the debate had much hope that they could prevail, and they were reluctant to put their staffs through the arduous business of writing long speeches and themselves through the risky business of delivering them and arousing the ire of powerful constituents back home—all in a lost cause. Probably the opposition's greatest frustration was its inability to persuade moderate Democrats to share their work load. For instance, Senator Edmund S. Muskie, of Maine, announced his opposition to the nomination very early, but he refused to take an active part in the fight against it.

In any event, Bayh's chief aide, Keefe, and his aide Rees were becoming increasingly desperate. "We were booking two-hour slots for the senators who were willing to help out—in effect, creating a filibuster, and yet trying not to let it look like a filibuster," Rees said later. "All we were doing was trying to hold the floor. But you need three or four senators at a time to make it work properly, so they can engage in colloquies and at least give the impression that a genuine debate is going on. For example, Senator Bayh had a ten-page speech, and, with colloquies and all, it took him four hours to deliver it. But in general liberals aren't at all good at that sort of thing, because they don't have the practice at it that the Southerners have, and the notion of anything resembling the hated filibuster embarrasses them. Also, we had practically no organization, and most of our men got up and read mail from home and dreary stuff like that. On the eighteenth and nineteenth of March, we had only one man at a time on the floor. It was damned difficult, and for a time there it looked hopeless. Fortunately, our opponents still thought they had plenty of leeway, and didn't push for a vote. If they had, that would have wrapped it up."

On the nineteenth, it appeared that the affair was to be wrapped up summarily when an article, by Warren Weaver, Jr., appeared in the *Times* stating, in part:

"The campaign to block confirmation of G. Harrold Carswell for the Supreme Court bogged down on the Senate floor today as critics of President Nixon's nominee had trouble sustaining a debate. Confident supporters of Judge Carswell did not even feel required to keep a spokesman in the all-but-empty chamber most of the day as Senator Jacob K. Javits of New York, for the Republicans, and Senator Harold E. Hughes of Iowa, for the Democrats, droned through long readings of critical material . . . . In the light of the day's lack of activity, it appeared doubtful that the Carswell opponents would be able to extend debate beyond next Wednesday or Thursday."

"The Weaver piece was very accurate, but it made us mad as hell," Keefe said afterward. "If senators read it and got the impression that we were just wasting everybody's time, we were through. And, even more important, if it convinced Mansfield that our bad showing meant we couldn't keep our team together, we had no chance. It was already clear that he was beginning to lose interest." Although the Weaver piece nearly destroyed the anti-Carswell cause, in the end the article provided just the spur that was needed. The rest of that day, aides engaged in the fight scoured the Hill looking for some senators who would probably vote against the nomination and who might be persuaded to announce their intentions in advance to give the lagging movement a push.

Two unexpected recruits joined up—Vance Hartke, Democrat of Indiana, who was up for reelection, whose state was conservative, and who was thought to be in some trouble; and Gale W. McGee, Democrat of Wyoming, who had much the same problems. To make it appear that they were merely the first ripples in a rising wave of opposition, Bayh's office called Gravel and told him that the propitious time they had been waiting for had arrived, and he immediately went to the floor to deliver the speech he had been waiting to use for several weeks attacking the nomination. That was expected to have a strong effect on Mansfield, who would see at once that the switch of the only Northern Democrat who had voted for Haynsworth would probably bring about switches by others who had taken the same course.

Then word that Burdick and Schweiker were having second thoughts about their earlier support of Carswell began circulating on the Hill, followed by rumors that four Republicans who had indicated they would vote for Carswell—George D. Aiken and Winston L. Prouty, both of Vermont, along with Marlow Cook, of Kentucky, and Hiram Fong, of Hawaii—were also reconsidering their position, and that Senator J. William Fulbright, Democrat of Arkansas, had almost decided to come out against the nomination.

Aiken was the senior member of his party in the Senate and a person of great influence on both sides of the aisle; Fulbright had never backed a civil-rights bill until he supported the Voting Rights Act a few days earlier, and his opposition to Carswell might encourage other Southerners to break loose; and Cook, who had led the fight for Haynsworth, might persuade senators from both the South and the North to join him if he now defected. Cook was the only one who was willing to answer reporters' questions about the rumors. "I could enthusiastically work for and openly endorse the nomination of Clement Haynsworth to the Supreme Court," he told them. "I have not felt that degree of enthusiasm for this nomination."

To convince other senators—Mansfield most of all—that the campaign against the nomination was serious, Bayh lined up the dozen or so of his colleagues who had participated in the debate and persuaded them to divide up into teams, each with a captain, and to order their staffs to prepare long and detailed speeches for delivery according to a set schedule.

Tydings took over the largest share of this tedious and inglorious work, and stayed on the floor for hours at a time to make sure that the debate was conducted crisply. He also took the opportunity whenever an uncommitted senator wandered in—usually not to listen but to get away from the daily office grind—to do some quiet lobbying, chiefly among those who were known to be the least susceptible to the standard forms of political pressure. The first member he approached was Senator Fulbright, whose recent break with the South over the Voting Rights Act seemed an encouraging sign. Tydings had been a U.S. Attorney before coming to the Senate, and his courtroom experience had made him a tough and forceful debater, but in this case he dispensed with that kind of approach and relied instead on gentle persuasion. After pointing out the graver flaws in Carswell's record, he reminded Fulbright of the vital role the Supreme Court played in a critically divided society and of the responsibility that each senator had under these circumstances to cast his vote as conscience, not politics, dictated. Fulbright listened attentively, and afterward he conceded that Tyding's arguments had impressed him.

Brooke had asked everyone on his side not to approach Senator Margaret Chase Smith, the redoubtable lady from Maine, because she resented any intrusion when she was faced with a decision of this magnitude. But Tydings decided to take the risk. Sitting down with her one day, he began talking about the time, a few years back, when Edward Kennedy had sponsored the nomination of a Boston politician named Francis X. Morrisey to the federal bench. At the time, Tydings told her, he had been scheduled to go abroad with Kennedy shortly after the Senate voted on Morrisey. But then the nominee began, as Tydings put it, "to smell a little," and he decided that perhaps it would be wise to leave on the trip early, to avoid the dilemma of either voting for Morrisey and betraying his own conscience or voting against him and betraying his friendship with Kennedy. Finally, though, Tydings attended the hearings on the nomination, and decided that Morrisey wasn't fit to be on any bench. "I saw that I couldn't dodge it then, so I told Ted I would have to vote against him," Tyd-

ings said to Mrs. Smith. "In my opinion, Carswell is worse than Morrisey, and none of us can avoid facing our responsibility." Mrs. Smith seemed moved by the story, but, as always, she remained noncommittal.

(Carswell's backers also used the Morrisey case to defend *their* side. At one point in the debate, Senators Gurney and Dole engaged in a colloquy designed to remind their colleagues that while Senator Kennedy was a leading opponent of the present nominee because of his alleged lack of credentials, the Senator had been the leading proponent of the Morrisey nomination despite that candidate's proved lack of credentials. Kennedy was in the cloakroom, and when he was told what had been said he hurried out to the floor and joined the debate. As it happened, he had intended to bring up the Morrisey episode himself, and now he took advantage of the opening provided by Gurney and Dole and told them that when a large number of senators opposed that nomination he had withdrawn it, on the ground that it was bad policy to put a man on the bench if so many senators were against him. Now, with a broad smile, Kennedy suggested that the opposing side might follow the same course. Morrisey was not brought up again.)

Ordinarily, speeches on the floor of the Senate during such debates have little effect, since few members attend these rhetorical exercises, and those who do rarely listen. However, one speech that was made during this debate had a marked effect, not on one of the participants but on the presiding officer—who is usually a freshman senator unless the Vice-President himself is in the chair. Late on a Friday afternoon, a week and a half before the final vote was taken, Senator Goodell, who had been waiting for over an hour to fill his slot in Bayh's schedule, finally got the floor. "By then, I realized that just about everything I had planned to say had already been said," he recalled not long ago. "Since Mansfield had announced that we would adjourn when I finished, there was no need for me to make the speech just to hold the floor, which was the main reason I was there, of course. So I decided to mention a couple of things I hadn't heard said and insert the rest of my speech in the record. I was just about to do that when I looked up and saw that Marlow Cook was presiding. So I made a four-minute speech aimed at him. My main point was that Carswell could still be on the Supreme Court in the year 2000. When I said that, Marlow jumped straight up in the air."

GEORGE H. SCRUTON

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. RANDALL. Mr. Speaker, it was my privilege to know and respect the late George Scruton, long the editor of the Sedalia Democrat and Capital published in Sedalia, Mo., a part of the Fourth District which it is my privilege to represent.

Although I have previously eulogized George Scruton on the floor of this House, I think he deserves the honor to have perpetuated in the CONGRESSIONAL RECORD some additional commentaries which appeared in the paper that he edited for so many years.

First is a statement by Kenneth U. Love, president and publisher of the Sedalia Democrat Co., entitled "Community Loss" which appeared in the Sedalia Democrat on November 18, 1970, as follows:

COMMUNITY LOSS

A newspaper career that began in 1907 when he started as a carrier boy for The Sedalia Democrat came to an end early this morning when George Henry Scruton, Jr., died in his sleep at his home, 712 West Third Street.

After holding responsible news and management positions with the Wabash, Ind., and Jeannette, Pa., newspapers in the twenties and thirties, he returned to Sedalia in 1937 to take over the editorial reins of The Democrat and Capital and to help guide the business activities of the company.

I had the privilege of working with George Scruton for 34 years. I knew and appreciated throughout those years his professional competence, civic interest and friendly personality.

His interests ran parallel to those of this community. Even when he attacked the ailments of society, he remained a man who could objectively view both sides of an issue. Throughout his career he did not allow his emotions to cloud his judgment. Sedalia and the people of this community came first.

During his years as editor, he guided The Democrat and Capital with an editorial policy which marked the newspapers as leaders in their field. In the last few years he gave of his time to help in the training of those who follow him in news and editorial positions of responsibility.

One of the last editorials written by George perhaps illustrates best the key to his journalistic career—an emphasis on the basic principle of "the people's right to know."

His death leaves a void not only at The Sedalia Democrat and Capital, which he loved so well, but the community at large.

The staff members of these newspapers join the Scruton family in mourning the loss of this good man. His absence, both journalistically and personally, will be sorely felt in Sedalia.

Now, Mr. Speaker, the people of Sedalia, Pettis County, and all west-central Missouri, loved George Scruton so much that on his passing it could be expected that one of the citizens of Sedalia proceeded to compose a poem which later appeared in the paper edited so long by Mr. Scruton.

In my opinion, this poem summarizes our good friend's life just about as well as any of the many tributes written about him. The poem quite appropriately points up his ability as an editor. It goes on to emphasize that he was always on the side of progress; that he had time for the lowly as well as the high ranking. This most comprehensive poem tells about the honors George had received; how he loved his church and his community and, finally, how he inspired his readers. The concluding line of the poem is most fitting because it suggests that when George was called home our Heavenly Father must have said "Well done."

The poem of Hazel N. Lang follows:

GEORGE H. SCRUTON

And so the final -30-
  At the bottom of the page
Has closed the work forever
  of the writings of this sage.
The many editorials
  For progress and for pride,
Or firey ones on politics,
  He didn't care which side;
And in his office at his desk
  It mattered not who came,
High ranking or the lowly,
  To him 'twas all the same,
He sat and listened to them
  Even on a busy day,
"Everybody—even screwballs
  "Leave you something," he would say.
His honors were many,
  So much he had to give,
Both through his written word
  And the way he tried to live,
To his church and his community
  He was ready when asked,
I never heard him complain once
  About a given task,
His home was a happy one
  With the wife whom he loved so,
The neighbor girl he married
  Fifty years ago,
And the six lovely daughters,
  He used to laugh and tell
"With the kids and their friends
  "Our house is like Grand Hotel."
And then the grandchildren
  A smile would light his face
"Grandchildren—all sizes
  Running all over the place."
His friends were so many,
  Where he worked and down the street,
He always had a greeting
  For everyone he'd meet,
Yes, people are going to miss
  Seeing him about,
Last of his newspaper family
  And the Scruton name runs out.
The community has a loss
  For in his great career
He kept his finger on the pulse
  Of people far and near,
He has given readers insight
  Of the issues of the day,
Or inspired or delighted them
  In things that he would say
They loved his editorials
  Serious or those in fun,
I'm certain when God called him home
  He must have said: "Well done."

RUSSIA'S INTENTIONS ARE CLEAR

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. DANIEL of Virginia. Mr. Speaker, an article by Ruthven E. Libby, Copley News Service, is not only revealing, but reminds us once again of the perils we face. The Soviet policymakers have changed direction on several occasions since 1961, but the goal remains the same—bury the United States economically and world conquest.

There is sufficient evidence to justify the conclusion that economically, as well as militarily, the Soviets are rapidly overtaking us on both counts. It is possible that enslaved people dragging their chains can outdistance free men dragging their feet.

I commend to the attention of my colleagues Admiral Libby's timely article, which I insert at this point:

RUSSIA SEEMS TO HAVE MADE ITS INTENTIONS CLEAR

(Ruthven E. Libby)

On Jan. 6, 1961, Nikita Khrushchev delivered a major speech reaffirming that the Communist goal is world domination and

that they will pay any price to attain it. He then proceeded, in unequivocal language impossible to misunderstand, to spell out exactly how the U.S.S.R. intended to proceed toward their objective.

Khrushchev was deposed, but his program continues to be followed implicitly. The accuracy of his predictions as to how the plans would work out is phenomenal.

At the time, Dr. Stefan T. Possony, an expert on Soviet affairs, made a scholarly analysis of his "Mein Kampf" speech, at the request of the Senate Committee on Internal Security. The effort seems to have been pretty much in vain, so far as getting anything done was concerned. But one needs only to review this analysis in the light of the developments during the ensuing nine years to realize how much later it is than most Americans think.

Some of the high points of the analysis are these:

The Communists believe that the victory of world communism will be attained in the present era of world history, which will extend to approximately 1975.

Armed struggle is inevitable. But a global thermonuclear war is not necessarily inevitable. If the free world, and especially the United States, capitulates, then such a war will be unnecessary. (Khrushchev thought, in 1961, that such capitulation was unlikely. Obviously the present Soviet rulers do not think so.)

The Communist parties in free world countries, and their sympathizers, must do everything in their power to facilitate nuclear blackmail by the U.S.S.R. and to prevent military resistance by the free world. Meanwhile, the U.S.S.R. and the Soviet bloc must not leave any stone unturned to increase their military power in order to fight the probable (albeit not inevitable) world war and to win the global thermonuclear conflict.

The turning point in history will come when the Soviet Union, irrespective of per-capita production in industrial goods, achieves technologically superior armaments and attains a military force which, qualitatively and quantitatively, will be superior to the military forces of the United States.

This superior force will then be employed in the second phase of the current historical era. During the first phase, the free world will be worn down by wars of liberation, uprisings, infiltration, threats, riots and all forms of internal violence; and deluded by propaganda on disarmament, specifically nuclear disarmament and disarmament negotiations, all as an integral part of the Soviet strategy.

In sum, Soviet strategy is based on the one hand on achieving optimal military power and building and strengthening Communist political armies throughout the free world.

On the other hand, Soviet strategy utilizes massive deception to bring about, through the unilateral military weakening of the free world (to which we have contributed enthusiastically), the moral paralysis of the free world governments, and the demoralization of public opinion, the capitulation of the United States.

If this strategy fails, then the Soviet Union intends to destroy the United States by nuclear weapons.

Well, this is old hat, of course, so why bring it up now?

The reason for doing so is that there is not one shred of evidence of any change in Soviet intentions, but there is incontrovertible evidence that their capabilities to achieve their objective have increased steadily and continue to do so. Hitler told the world of his intentions, and nobody believed him.

The Russians have told us, repeatedly, of theirs; yet Americans gamble that they don't really mean it. This is a strange attitude, since they are following their blueprint for conquest methodically, and the Russians are becoming increasingly arrogant in their dealings with the United States.

Consider one small but crucial area of the world, the Middle East.

At a secret Communist party meeting in Czechoslovakia in 1967, Soviet Party Secretary Leonid Brezhnev declared that one of the paramount aims of the Russians was the removal of the U.S. 6th Fleet from the Mediterranean. This they have not yet succeeded in doing, quite. But their Mediterranean fleet outnumbers ours.

Adm. Elmo R. Zumwalt Jr., the newly appointed chief of naval operations, points out that the Soviet navy is not only new, powerful and modern, but is "optimized against ours . . . because it came second and was able to capitalize not only on our weaknesses, but on the explosion in technology which has occurred in the naval arena in recent years."

Vice Adm. David C. Richardson, the previous 6th Fleet commander, said recently that "the character of the Soviet fleet in the Mediterranean makes the most sense if they use it for a surprise attack. They could clobber us if we allowed ourselves to be surprised."

He added that the Soviet fleet has one marked advantage over the 6th Fleet in its concentration on surface-to-surface missile ships which, if employed in connection with shore-based air power, could give the 6th Fleet a bad time.

The growing intransigence of the Russians and their continuing refusal to cooperate in any way with the United States in trying to find a peaceful solution for the Arab-Israeli imbroglio is indicative of their estimate of the relative value, militarily and politically, of the 6th Fleet versus the Soviet fleet in the Mediterranean, and of the total power equation in the area.

Consider what America faces if the need should arise—as it almost did in the recent Jordanian civil war—to land amphibious troops against the physical interference of the Soviet Mediterranean fleet. Zumwalt pointed out in this connection that "the ramifications of abridging or abrogating our commitments comes into sharp focus when measured against the forces we oppose and their political effect" in this area.

If it has not already arrived, the time is not far off when the Soviet navy will be able successfully to challenge the U.S. Navy anywhere in the world unless prompt and drastic steps are taken to remedy the situation.

In addition to the military threat, the United States faces the political prospect that if nations become convinced that the U.S.S.R. is definitely more powerful, they will back away from their U.S. commitments and seek accommodations with the U.S.S.R.

For the first law of these nations is self-preservation. Washington would do well to take the same atttitude.

THE LAW AND THE POOR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. EDWARDS of California. Mr. Speaker, I am placing in the RECORD an excellent column by Colman McCarthy from today's Washington Post on the dismemberment of the legal services program, one of the best inventions of the late war on poverty. I think Mr. McCarthy makes his point very clear and the column needs no further elaboration by me, except to offer my opinion that the situation he describes is disgraceful.

The article referred to follows:

THE LAW, THE POOR AND SOCIAL CHANGE

(By Colman McCarthy)

The recent dispute between the Internal Revenue Service and public interest law firms had hardly died when another blowup occured between the system and a group of change-minded lawyers. Involved is the nation's largest law firm—the 2,000-member Legal Services Program—whose director Terry Lenzner was fired on Nov. 19 by OEO head Donald Rumsfeld. The bouncing was a surprise; only 18 months ago, Rumsfeld had brought Lenzner, a former Harvard football captain, aboard with glowing words: "I have confidence in his judgment, ability and commitment."

Sides are now being drawn on the rightness of Rumsfeld's action and what it may mean for the future of the program. Beyond dispute, however, is the record of the Legal Services Program itself and the way it has in five years made poverty law anything but poor law. Unlike many traditional legal aid society attorneys who took cases for the indigent as though involved in charity work, most LSP lawyers have seen their clients as having a *right* to representation. Funded this year for $58 million and involving some 2,000 lawyers in 850 projects, the program has shown dramatically that the legal problems of the poor cannot be separated from the tragic social and economic problems of poverty. Unsurprisingly, many of the program's most bitter enemies have been those who believe the poor should be "less demanding" about social change.

Legal Services was endorsed from the beginning—early 1965—by the American Bar Association. When LSP began, no law school in the country had courses in poverty law; today, more than 100 do. In 1969 about half of the Harvard Law School graduates applied for LSP jobs of one kind or another. The California Rural Legal Assistance project recently announced 10 staff openings; 300 young lawyers applied. With some 1.2 million cases in 1969, two massive volumes of the poverty law reporter have been filled. Never before has the justice industry so boomed.

Five recent cases reveal both the program's power and philosophy:

Taking an established law that forbade growers from hiring Mexican laborers across the border, the California Rural Legal Assistance lawyers sued the Labor Department to enforce its own regulations against this practice. The fruit and vegetable growers were only too eager to get Mexican help; it came cheap. A federal district court upheld the CRLA request, but not until the Labor Department was publicly embarrassed and the mighty California growers were incensed. The general public was not without benefit: the use of alien labor by the growers cost U.S. farm workers and taxpayers $131 million a year in wages and welfare support.

In Washington, LSP lawyers took the case of some tenants in the Trenton Terrace apartments who refused to pay rent until a court decided on the landlord's alleged housing code violations. The U.S. Court of Appeals upheld the Legal Services lawyers. Why should tenants pay for something they aren't getting?

Federal Court in San Francisco ruled that the state welfare department could not require needy Catholic mothers to file for divorce to qualify for aid for their children. An LSP lawyer, on behalf on an undivorced Catholic mother, turned the law around.

In Gallup, New Mexico, a group of Indian prisoners in the city jail asked LSP lawyers for help on the grounds that the jail was subhuman, with three times the number of inmates allowed under the health ordinance. The lawyers took a film of the squalor, showed it in federal court and won a decision forcing the city to build a new prison facility.

An LSP lawyer, on behalf of the black community in Prattsville, Ala., sued the city to require it to use tax funds without discrimination. A district court judge agreed and ordered the city to provide recreational facilities accessible to both black and white residents.

A major weakness of the program has been the lack of client voice. In nearly all middle and upper-class lawyer-client relationships, it is the client who is boss; he has the money and he pays. Because the poor have no money, too often they are not the boss, but must depend on paternalism. "This has been true all along," said Jean Cahn, the program's first director. With Edgar Cahn, her husband, she wrote an article in the Yale Law Journal (1964) that was the LSP blueprint. "Only recently was something done—the National Clients Council, an OEO-funded body, ensures a voice to the poor. It gives the client with no money as much say in his case as the rich client has in his." Mrs. Cahn, a creative lawyer who is a pain-in-the-neck to many bureaucrats, is director of the Urban Law Institute at George Washington University.

A second handicap is the legal system itself—the slow, technical and expensive knot in which lawyers, clients and courts are often hopelessly tangled. To delay justice is to guarantee injustice. Ideas like using nonprofessionals in certain court jobs are years ahead of their time.

The recent firing of Terry Lenzner has caused dismay among many in the organized bar. The former director, who worked for the Justice Department on the Philadelphia, Miss., civil rights murder case, was respected as a dedicated lawyer committed to peaceful change within the system.

Going into one part of that system was not an easy choice. Lenzner overcame only with difficulty his wariness of both the Nixon philosophy—which now he characterizes as "votes first, the poor second"—and of Mr. Rumsfeld who votes against OEO in Congress. "But I came to OEO anyway," said Lenzner last week, now sifting new job offers. "Slowly, though, things became negative. I was told that every lawyer I hired for my staff had to be cleared politically by the White House. My orders were to hire only registered Republicans. I was astonished at how cravenly politics was mixed with social justice. I resisted."

The present dispute about Legal Services can only delight its many enemies, ranging from Ronald Reagan to the Mississippi Republican Party. On the surface, LSP lawyers have been caught taking the case of a Black Panthers group in New Orleans. Aside from the fact that Black Panthers have as much right to LSP lawyers as any other poor person if they are indigent (which they were in this eviction case) the real dispute is lost in a cloud of rhetorical dust: The major question has to do with political control of the program. The agency's critics will now shout "Black Panthers" when LSP is mentioned, the same way Sen. John McClellan loved to shout the scareword "Blackstone Rangers" (a Chicago gang) two years ago in connection with OEO's community action program. Meanwhile, attention is diverted from the real threat to the program—turning it over to the non-lawyer officials. This is already happening, according to Terry Lenzner and Mrs. Cahn.

The Legal Services Program would have no problems today if poverty did not involve social, economic and political realities. But it does. Many politicians and rich businessmen, especially at the local level where the power must be guarded, see the presence of an LSP office only as trouble. The poor learn they have rights and the next thing you know they are demanding those rights. But the value of LSP is that the rights are demanded in court peacefully, not in the streets bloodily. One would think the politicians and businessmen would welcome that.

LOUIE PEICK HONORED AS MAN OF THE YEAR IN CHICAGO

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. PUCINSKI. Mr. Speaker, last week more than 1,200 people attended a banquet in Chicago at which Louie Peick, secretary-treasurer of Local 705 of the International Brotherhood of Teamsters, was honored as Chicago's Labor Leader of the Year.

It was an exciting and inspiring tribute to a man who has served his country well as one of our most responsible and dedicated labor leaders.

The legion of friends who joined in honoring Louie Peick, testifies to the high regard which all hold for him and for the high standards that he has brought to the labor movement.

Louie Peick symbolizes the very strength of America's labor movement, and I am pleased that I was able to join this very outstanding group of Chicago civic and labor leaders in paying tribute to Louie Peick.

It was a particularly rewarding experience because the recognition of Louie Peick as Labor Leader of the Year served also as an excellent occasion to spur the sale of bonds for Israel. It was an evening when Chicago paid honor to a man for his ideals and to a nation for her stubborn defense of man's highest ambition—to be free.

Louie Peick and the heroic nation of Israel have much in common; both are resolute in their belief with respect to the dignity of man, and their determination that the freedom of man shall remain inviolate.

The evening was more significant with the presence of the general vice president of the International Brotherhood of Teamsters, Frank Fitzsimmons.

I am putting in the RECORD today the inspiring remarks by Mr. Fitzsimmons in honoring Louie Peick, as well as the remarks of Ray Schoessling, president of the joint council of the International Brotherhood of Teamsters in Chicago. I am also including in the RECORD today the tribute paid to Louie Peick by William A. Lee, president of the Chicago AFL–CIO, and finally, Mr. Speaker, I am putting in the RECORD today the humble remarks of Louie Peick, himself.

City treasurer of Chicago, Marshall Korshak, did an outstanding job as master of ceremonies, and I could not even begin to list the myriad civic, industrial, religious, and labor leaders who joined in this tribute to Mr. Peick.

Testimonial remarks by Mr. Frank Fitzsimmons, Mr. Ray Schoessling, Mr. William A. Lee, and Mr. Louie Peick follow:

REMARKS OF FRANK FITZSIMMONS, GENERAL VICE PRESIDENT

I would like to begin by saying to the Bonds for Israel Committee that Louis Peick is a good man to have on your side. I would also like to say that I am most happy to be here tonight when you honor one of Chicago's great labor leaders, and when you meet for a cause which I wholeheartedly support.

I suppose that the one word which sums up the reason for which you meet tonight is "independence." It is a word which describes the nature of both the man you honor and the cause you support.

First, let's talk for a moment about the man, Louis Peick. He is no stranger to us, either as a most likeable personality or as a man of action and accomplishments. There is no greater test of a man's ability, that I know of, than to put him in charge of a large local union in this day and age. Years ago, I suppose, men of inadequate talents have survived in such situations.

Let me say that today, at a time when unrest has become almost a national characteristic, no labor leader survives for any length of time on anything else than ability to lead men.

We can quite confidently say here tonight that Louis Peick has passed that test. And, I think of another test which Louie has passed with flying colors.

It is no secret that here in Chicago, the International Brotherhood of Teamsters still has an abundance of excellent leaders, considering past leaders in the Teamsters Union in Chicago such as Bill Neon, Wilt Hanley, Sandy O'Brien, Frank Brown. No man has made more of a mark on the Chicago labor movement than Ray Schoessling. Chicago labor on more than one occasion rightfully has honored Ray for the excellence he lends to the labor movement.

We have another fellow here in Chicago who not only has a reputation as a giant among leaders, but also stands tall among men. I am talking about Don Peters, who took a small local union and built it into the largest local union in the Teamsters.

That is the kind of company that Louis Peick keeps, and you don't build a reputation like Louis Peick has on excuses and fanfare. You build it on a solid performance of representing your members.

So, Louis Peick, I concur in the honor paid you here tonight. It is well deserved and well earned. I congratulate you and the committee which arranged the honor.

I can tell you here tonight that teamsters are no strangers when it comes to the State of Israel.

I can tell you that we in the teamsters know—and know well—the importance of having a free trade union movement in Israel. We know that free trade unionism—as we know it and practice it here in the United States—is almost nonexistant in the Middle East, except in Israel, and we are obligated to do all that we can to preserve not only the labor movement in Israel, but also the great nation it serves.

Our brothers in the labor movement in

Israel, along with their fellow country men, have just gone through a period of a shaky truce. For a period, at least, the guns have been silenced even though the passions which send men to war have not been completely abated.

Thank God, the truce—however shaky—has been extended, and hopefully out of the extension a peace can be established, thereby giving all men in that area the chance to expend their energies in constructive pursuits, rather than venting their angers and their national passions with instruments of war.

Well, this night belongs to Louie Peick. The honor you pay him is well deserved. I think, however, Louie will agree that a measure of praise goes to everyone who is here tonight. All of you recognize the man, and the cause to which he has lent his name.

You all realize the importance of a free trade union movement in an area of the world where freedom is in scarce quantity. If you did not feel that way, you would not be here tonight, so my congratulations and thanks go out to you, too.

If I were to propose a toast to your guest of honor, it would go something like this:

To a man of service who has dedicated his life to the honorable profession of representing his fellow man for a better way of life.

To a man who associates himself with truly important causes, and has that kind of intelligence which strips away passion and prejudices to further important causes.

To a man, Louis Peick, for whom we wish only the best of everything and whose example will serve all men as they grapple with problems which sometimes appear to defy solution.

Thank you.

W A. LEE SPEECH

Thank you, Marshall Korshak . . .

Reverend Clergy, General Vice-President Frank Fitzsimmons, Secretary-Treasurer Tom Flynn, Ray Schoessling, and other officers of the International Brotherhood of Teamsters, Congressman Pucinski, and friends of Louie Peick and the State of Israel.

It is my privilege to bring the greetings of the Chicago Federation of Labor and Industrial Union Council.

We in the Chicago Labor movement have an unbroken record of support of the State of Israel.

Long before 1948 . . . when Israel was established as a free and independent nation . . . labor in Chicago and throughout our country worked for establishment of a homeland which the Jewish people could call their own.

We have bought State of Israel bonds.

We have actively supported Histradrut . . . the Israel Federation of Labor . . . which is the lifeblood of social and economic progress in Israel . . . for all workers . . . Jewish, Arab or Christian.

This evening's great dinner is an example of our continuing interest in Israel.

Those responsible for planning this event chose their guest of honor well. . . Because Louie Peick gives a lift to any gathering of people in behalf of a good cause.

Louie Peick is the kind of man we in the labor movement have learned to love . . . respect . . . and support in any activity in which he is involved.

I know from personal experience of the quiet acts of charity performed by Louie. . . .

We can point to literally thousands of people who live better because Louie Peick made their problems his own.

I think this is an appropriate time to make this point.

While the Teamsters are not part of the Chicago Federation of Labor and Industrial Union Council . . . in formal terms or in payment of per capita tax . . . they *are* and *always will be* in the front ranks of united labor in this community . . . because of men like Ray Schoessling, Louie Peick and their associates in the Teamsters' movement.

Louie Peick embodies in his actions and in his character the meaning of words like fraternity and solidarity.

You ask Louie Peick . . . or for that matter . . . practically any Teamster in Chicago for assistance . . . and the response is not only "yes" . . . but how much do you need or how many men do you want and when . . .

That's what the labor movement is all about. That is the kind of unionism I hope I learned as an officer of the Bakery Drivers' Union.

As long as I can influence our policy that will be the attitude of the AFL–CIO in Chicago with respect to the Teamsters.

So you can see . . . that we in Chicago have never had a divided labor movement.

We are one . . . and we shall be one . . . because that is how we can best serve the workers we are privileged to represent.

So to Louie Peick . . . and his lovely family . . . we wish good health . . . joy . . . and all the rewards of the good life . . . now and in the years to come.

In Louie Peick . . . Israel and freedom have a staunch friend . . . and so do we.

REMARKS OF ROY SCHOESSLING

The success of this great dinner is a testimonial to a brave and free nation and a strong and vigorous trade unionist.

Both the State of Israel and Louie Peick know what it means to fight for what is right.

Others have given us in clear language the meaning of Israel's survival in today's troubled world.

I have the privilege of introducing a man who is always at your side when you have a problem.

Israel has a problem, so Louie Peick and his friends are here to help.

It is fitting, indeed, that in Israel and in the American labor movement we people greet each other as brothers and sisters.

And if any man needs a brother, I hope he is like Louie Peick.

He doesn't ask many questions.

He has an instinct for doing the right thing.

We have been together in good times, and when the going was a little rough.

I have seen him tested by the toughest combination of opponents, and he came out stronger than ever, because he knew in his bones that he was right.

He has never asked anyone to do what he himself has not done, and will do again and again.

He hasn't learned to say no—except to injustice.

That is the kind of man we honor this evening.

I know him as "brother"—in the personal sense—and in the fraternal meaning of the word as a fellow trade unionist.

Louie Peick gets to the point in a hurry, because he says what he means and he means what he says.

Ladies and gentleman—our guest of honor—Louie Peick.

REMARKS BY LOUIE PEICK

Thank you, Ray Schoessling.

Distinguished guests and friends: I deeply appreciate this high honor from the Prime Minister of the State of Israel.

This is not necessarily a personal tribute.

I believe it is a symbol of the close link between the American labor movement and the State of Israel.

The Prime Minister of Israel knows well the fight for freedom—here in America and in Israel.

She was an active trade unionist as a teacher in Milwaukee, and today her country has the highest degree of organization of any nation in the world.

There can be no free labor without democracy.

We in the American trade unions know how the Communists and other subversive groups have tried to take over our unions in the past.

They failed then, and they will never succeed, as long as American labor remains strong and free.

Today, the Communists are trying to destroy Israel.

They cannot tolerate the idea of a free and independent country in the Near East.

The Soviets want the entire Near East to become a Communist-controlled colony.

That's what the argument is all about.

We in organized labor see questions of foreign policy in practical terms.

We want Israel to survive.

We think that the Israeli government has a lot to offer as an example to its neighbors.

A child born today will live twice as long in Israel as in most of the Arab countries.

We in the labor movement know what that means.

That is why we negotiate contracts with employers, to improve the quality of life for our people.

Surely the governments of the countries around Israel have a lot to gain from negotiations.

I don't know all the issues.

But I think they can be settled, with mutual benefit for all.

The Communists have a vested interest in conflict.

That is why we support State of Israel Bonds, to keep this small country strong and free.

I appreciate what all of you have done to invest in the future of democracy in the Middle East.

Many people have worked hard.

I can express my feelings best by urging all of you to keep your faith in Israel and freedom, and to say simply, thank you.

TAFT SAYS PLANT CLOSING SHOWS NEED FOR TAX CREDITS FOR POLLUTION CONTROL EQUIPMENT

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. TAFT. Mr. Speaker, throughout my recent Senate campaign, I spoke out on what I believe is the need for an emergency program of tax credits to industries for the purchase and installation of antipollution devices.

At the time I warned that many businesses were unable to meet the high cost of pollution control equipment, and, that in the absence of a system of tax credits, they would be forced to close their doors.

Unfortunately, that prediction is coming true.

Just recently, the Formica Corp. in Cincinnati, shut down its industrial plastic laminates plant partly because the company was unable to meet the

costs of "new pollution control equipment."

While we must continue to strictly enforce pollution control standards, it is obvious that we must also assist companies in meeting the necessary costs of pollution control devices.

As a result of the plant closing, approximately 300 Formica employees will be out of work.

I believe the Congress must move swiftly in this area and will continue to speak out on the subject.

Following is the news release announcing the closing of the plastic laminates plant:

AMERICAN CYANAMID CO.,
Wayne, N.J.

CINCINNATI, OHIO, November 24, 1970.—Formica Corporation has reluctantly decided to terminate production of industrial plastic laminates, it was announced today by Wallace G. Tayor, president.

Taylor said that closing of the plant at Spring Grove Avenue is necessitated by unprofitability of the product line coupled with the need for new pollution control equipment. "Under these conditions," he said, "we cannot afford the equipment which would be necessary for the plant to comply with pollution control regulations."

At the same time, Taylor said, the decision to close the plant will enable Formica "to place fuller marketing emphasis on consumer and building products in the coming decade." Taylor added that "Formica attempted to sell the industrial laminates business for a year and a half, in order to keep it a viable enterprise," but was unsuccessful.

"Closing of the Spring Grove plant will not affect Formica's building materials business, which today accounts for 90 per cent of our total sales," he said. Phase out of the industrial laminates business will begin immediately and extend into the first quarter of 1971.

All affected employees and officials of Local 757, International Union of Electrical Workers AFL–CIO, were advised in advance of today's announcement. Taylor said that transfer of senior Spring Grove plant employees to Formica's Evendale, Ohio, plant is already underway.

"Many of our Spring Grove plant employees have the necessary seniority and qualifications to move into jobs at our newly expanded Evendale plant," Taylor said. He said it was unfortunate but unavoidable that up to 300 would be laid off as a result of the closing of the Spring Grove operation.

Formica was founded in 1913, and located at Spring Grove Avenue in 1914. In recent years, industrial products have included molded components for the textile industry, cooper-clad materials used in printed circuitry, and special laminate grades for mechanical and chemical applications.

The decision to withdraw from production and marketing of industrial laminated plastics results from major shifts in the plastics industry. According to Taylor, "Formica's recent emphasis has been in the development of plumbing products, vinyl wallcoverings and various laminate surfaced products with unique color, design and surface treatments. Formica's objective is to be a major supplier of quality products and materials for the furniture industry, home building and commercial construction," Taylor said.

The firm's Evendale, Ohio, plant is the largest and among the most modern laminated plastics plants in the world. The company has nine plants in the United States. Formica Corporation is a wholly-owned subsidiary of American Cyanamid Company.

ACCENTUATING THE POSITIVE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. ASHBROOK. Mr. Speaker, in an era when the favorite pastime in some circles seems to be the deriding or ignoring of the accomplishments of our Nation, the efforts of such organizations as the National Committee for Responsible Patriotism—NCRP—are as welcome as a breath of life-giving air. Providing the impetus behind such projects as Honor America Week, the Support Our Men in Vietnam Parade in New York City and the Free the *Pueblo* petition campaign, NCRP, under its executive director, Mr. Charles W. Wiley, has sought since May 1967, to replace denigrating rhetoric and anarchistic tendencies by prudently accentuating the positive.

The latest project of NCRP is Operation Gratitude, which seeks to encourage a show of solidarity behind law enforcement officers and firefighters, culminates on Appreciation Day on December 15, with various forms of suggested observances.

The efforts of the National Committee for Responsible Patriotism, a recipient of a Freedoms Foundation Award, certainly merit encouragement and publicity. I insert at this point background material on NCRP, along with excerpts from its information sheet on Operation Gratitude:

NATIONAL COMMITTEE FOR RESPONSIBLE PATRIOTISM, INC.,
New York, N.Y.

COMMITTEE BACKGROUND

Sparked by an outrageous U.S. flag burning incident in New York's Central Park, the National Committee for Responsible Patriotism was organized in 1967 by a small group of citizens to afford Americans the opportunity to join together in activities dedicated to love of country, support for the men and women in our armed forces, pride in the nation and its heritage, and respect for its laws.

NCRP projects have been endorsed by President Nixon, the late President Eisenhower, former Vice President Hubert Humphrey, the late Robert Kennedy, the Governors of 42 States and Puerto Rico, numerous Representatives, Mayors and other public officials.

Cooperation and support for NCRP projects have come from major veterans' and fraternal organizations, labor unions, ethnic, religious, and youth groups, police and firefighters' line organizations, and countless individuals.

The Committee's first project was the May, 1967 "Support our Men in Vietnam" parade down N.Y.'s Fifth Ave.—the longest parade in the U.S. in 20 years.

This was followed in October by a nationwide program that included scores of parades and special ceremonies in keeping with a theme of respect for law and support of those serving in our country's armed forces.

In June, 1968 an American commercial airline pilot was imprisoned by the Castro regime when his plane was hijacked from Florida to Cuba. The NCRP single-handedly launched a coast-to-coast campaign for his release, and the first American kidnapped by hijacking regained his freedom shortly thereafter.

In the Fall of 1968 the Committee coordinated the "Free the Pueblo" petition campaign, the giant New York-to-Washington motorcade, and other activities whereby Americans pledged support for any honorable action that our Government might take to obtain the crew's release.

"Honor America Week", which was conceived and promoted by the NCRP in November, 1969, was a tremendous success. On July 4th, the theme was continued in our nation's capital by the sponsors of "Honor America Day" which featured well-known stars in the entertainment world and public life.

Shortly thereafter, the Committee launched a massive petition drive on behalf of Americans who are prisoners of the communists in North Vietnam. Stacks of bundled petitions from all parts of the nation were presented to a group of prisoners' wives and mothers at a ceremony and massing-of-colors at the United Nations. The NCRP continues to help the National League of Families of Prisoners and Missing in S.E. Asia.

In March, the Committee organized a news conference for Gold-Star wives and mothers who protested the use of fallen servicemen's names for propaganda without the permission of their loved ones.

A non-profit, tax exempt organization, the NCRP is supported solely by contributions, which are tax deductible to the donors. The Committee's activities are decided by a Board of Directors elected by the membership.

AMERICANS TO ANSWER THE TERRORISTS

Continuing its Honor America theme, the National Committee for Responsible Patriotism has launched Operation Gratitude, a national show of solidarity behind law enforcement officers and fire fighters. The climax of Operation Gratitude will be Appreciation Day—Tuesday, December 15th—a program of coordinated nationwide activities and observances calling for the combined efforts of organizations and individuals, the Committee is enlisting the help of public figures.

Charles W. Wiley, Executive Director of the NCRP, said:

"Strong public support of law enforcement officials and fire fighters, civilization's first line of defense, is essential if our great nation is to continue moving forward. When these symbols of an orderly society are the targets of terrorist attacks, every man, woman and child is in danger.

"The fanatic radicals and the psychopaths whom they exploit must be isolated from the civilized community if we are to re-establish peace and tranquility in our everyday lives.

"We must not surrender our God-given rights, and everything for which we have worked and sacrificed, to barbarians."

As part of its campaign, the NCRP will distribute posters concerning Operation Gratitude. The Committee will also continue to distribute American flag lapel pins and Honor America buttons and bumper stickers. Contributions to the non-profit NCRP are tax-deductible to the donor.

On Appreciation Day, Tuesday, December 15th, there will be a nationwide moment of silence at noon in honor of all who have fallen defending our civilization on the home front. Other activities that day: 1) Fly the American flag, 2) Drive with headlights on during daylight hours, and 3) Ring church bells for five minutes from 11:55 AM.

Governors and Mayors are requested to issue proclamations on behalf of Appreciation Day. It is also suggested that groups of children and young people be organized to visit police and fire stations and similar facilities to express thanks, on behalf of all Americans,

to those who stand guard for us around the clock.

Churches and Temples are asked to devote a few moments to Operation Gratitude during services on the weekend of December 12–13.

LET FREEDOM RING

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. HELSTOSKI. Mr. Speaker, Monday, November 23, 1970, will be remembered as one of the darker days in the annals of American history, a country known the world over for its enjoyment of freedom and liberty and for fighting for the freedom of others who are denied this God-given right.

On that day, the U.S. Coast Guard cutter *Vigilant,* under the command of Comdr. Ralph Eustis was alongside the Soviet trawler *Sovietkaya Litva* for a conference on the fishing problems along the Atlantic Coast. Up to that point everything was normal and serene, but then an event occurred which shook the world regarding our policy on refugees.

During the conference, a Lithuanian seaman known only as "Simas" hurled himself across the open water onto the deck of the *Vigilant* asking political asylum, but after an interval of several hours the Russians were told to come and get the man. The seamen were permitted to board an American vessel, in American waters, to forceably return a badly beaten and bloodied man to the ship from which he tried to escape in order to obtain freedom. I wonder what will happen to this freedom seeking individual when he is returned to his home port.

Somewhere, someone in this entire nightmare of activity should be held responsible for denying the pleadings of a man asking this country to give him asylum. We have sent our troops around the world to liberate millions of people from alien and oppressive governments, but fail in our obligation to grant freedom to one who cries out "Help me, Help me." I would imagine that these words will forever remain in the minds of the *Vigilant*'s officers and crewmen who stood by without lifting a finger to help.

Mr. Speaker, every year about a score of Members of this honorable body rise and comment on the efforts of the Lithuanians, Estonians, Latvians, Ukrainians, Byelorussians, and other oppressed nations on their quest for self-determination, freedom, and liberty. We have always claimed our support for them in this effort and assured them of our determination that some day they would be free. What can we say to them now? Are our words to be hollow claims to restore liberty and freedom in view of what has happened?

The decision made in the matter, by persons unknown, should be fully investigated by the Congress and the person or persons directly involved in the Simas decision should be severely reprimanded or dismissed from their positions.

America has become a haven for over a million refugees over the past several years, but there was no acclaim of our actions in these cases. But this one incident, bungled by someone in the chain of command, has stirred up a controversy around the world to the extent that the Voice of America had to reiterate our policy on refugees in 31 different languages. With much doubt in the minds of our overseas friends, what can we do now to reassure them that we shall continue to grant asylum whenever it is requested by a defector.

At the entrance of New York Harbor is the Statute of Liberty. It is probably the best-known symbol of the United States. It is the first sight that an immigrant gazes upon when his ship nears American shores to bring him to the land of opportunity and freedom.

I cannot believe that we have repudiated the words of the poem by Emma Lazarus which is engraved on a tablet within the pedestal on which this Goddess stands and which reads as follows:

THE NEW COLOSSUS

Not like the brazen giant of Greek fame,
With conquering limbs astride from land to land;
Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame
Is the imprisoned lightning, and her name
Mother of Exiles. From her beacon-hand
Glows world-wide welcome; her mild eyes command
The air-bridged harbor that twin cities frame.
"Keep ancient lands, your storied pomp!" cries she
With silent lips. "Give me your tired, your poor.
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!"

Mr. Speaker, with reference to this shameful incident, I wish to include an article written by John Herling which appeared in the Washington Daily News on December 1, 1970, and the editorial which was published that same date in the same newspaper.

They are as follows:

THE CRY OF SIMAS: "THE BOAT WAS SILENT. SHAME WAS THEIR PASSENGER"

(By John Herling)

The view from Gay Head is breathtaking. At this tip of Martha's Vineyard, the Atlantic Ocean and Vineyard Sound mingle their waters. Eroding by inches each year, the clay cliffs stand insecurely in their tinted colors. Beyond you can see the Elizabeth Islands and, to the left of them, the island of Noman's Land.

In those waters, the blue-fishing is pretty good, even for off-islanders. Sometimes when we foolishly venture out in heavy weather, the Gay Head Coast Guard, stationed at Menemsha, fetches us back to live again.

But since the Monday before Thanksgiving, a ghost walks upon the waters, the ghost of a man named Simas, a Lithuanian seaman, crying in endless agony, "Help."

Simas—it may be his first name or last—had leaped 10 feet across open water to the deck of the 210-foot Coast Guard Cutter Vigilant from the 300-foot Sovietkaya Litva, a Soviet "mother" ship for trawlers working the Atlantic seacoast. Simas was the ship's radio operator.

The U.S. cutter and the Soviet ship had hitched up near Gay Head for a conference, authorized by the State Department, on fishing problems along the Atlantic Coast, Soviet trawlers are harvesting fish of all kinds from George's Banks of Newfoundland down to Norfolk, Va.

While the meeting took place, Simas saw his chance. He first informed a Coast Guard officer that he was going to defect. A short time later, he threw himself across to the deck of the Vigilant. He asked for political asylum. He carried his identification and photos of his wife and two children. He spoke English as well as German, Spanish, and Russian.

When words of Simas' jump came back to the conferees, then assembled in the Soviet captain's quarters, the furious Soviet officials demanded they be allowed to speak to him. Commander Ralph Eustis radioed the Boston district commander, Admiral William B. Ellis, who talked to Admiral Robert Hammond, Chief of Coast Guard Operations in Washington, who talked to James Kilham of the Soviet desk in the State Department.

For the next few hours, messages climbed up and down and across the ladders of heirarchy. Finally the decision came to the Vigilant's commander: Give the man up.

Up to this time, Commander Eustis and Simas, both in their 30s, had been exchanging family talk. Now night had fallen. Commander Eustis told the Russians they had permission to come and get him. Simas fell on his knees and prayed. His voice broke, sobbing a hoarse shriek: "Help me, help me." But the shaken Coast Guard commander said his orders were clear.

Two Soviet commissars and three Soviet seaman came on board. They grabbed Simas outside the commander's quarters. They asked, "Will you go peacefully?" "No," shouted Simas, "I'll fight." They began to beat him bloody. The crew watched. Five civilians, members of the conference, watched. One was Robert Brieze, president of the New Bedfard Sea Food Porducts Association. Another was John Burt, port agent for the New Bedford Fishermen's Union, an affiliate of the Seafarers International Union. Mr. Brieze and Mr. Burt asked to use the telephone, but they were told the cutter's phone was not available.

Mr. Brieze was almost numb with one of the great ironies in this crazy world; he himself was a defector. He fled Latvia 20 years ago, via Germany and Sweden, and finally made it to New Bedford. He stood watching a man who also chose freedom being beaten by Russians on an American vessel. Mr. Burt, a burly man of 235 pounds, told a Coast Guard lieutenant that he was going to help Simas. The officer told him not to. "If you do, we'd have to go after you. Besides, it won't help."

So the beatings went on. Then, by some miracle of strength and desperation, the 5-foot, 10-inch Simas, streaming blood, broke away. He managed to hide somewhere on the cutter. For a while, it was thought that he had jumped overboard. But the Soviet representatives began searching the cutter. They stalked and finally caught Simas. They dragged him down the companion ways. It was now around 11 p.m. They resumed the beating. They threw him in a blanket (was the blanket American?) roped him up, kicked him senseless. Then the five strongmen dumped him into a lifeboat of the United States of America. Several Coast Guardsmen rowed the human cargo back to the Soviet ship, hovering nearby.

When the lifeboat returned, the cutter began to creep back toward New Bedford. The crew was grim. The boat was silent. Shame was their passenger.

Sunday night, John Burt blurted to me: "God, why the hell didn't I move in and help that poor fellow? He really believed

our talk about freedom. But I didn't help. They told me not to."

Now there is blood on the waters near Gay Head cliffs. It flowed from a man who would have been free. But he was stopped by "higher considerations" known to some government officials, but not to the God of deliverance.

A REFUGEE'S WELCOME

In the long and valiant history of the U.S. Coast Guard, perhaps no more shameful incident ever took place than on the cutter Vigilant off Martha's Vineyard Nov. 23.

A Lithuanian seaman, seeking political asylum, had leaped aboard the cutter from a Soviet fishing vessel. The two ships had come together, in U.S. territorial waters, so officials could discuss a limit on fishing in the Northwest Atlantic.

After bungled communications between the Coast Guard and State Department, four Russian seamen were permitted to board the Vigilant to take back the defector—to what fate?—by force.

The Lithuanian fell to his knees, praying and begging the Americans to have his life. The Coast Guard crew stood by as the four Russians beat him bloody. Despite his wounds, the defector broke away and hid. The Russians were permitted to prowl the ship for hours looking for him. The second time they made no mistake. They tied him up before beating and kicking him into unconsciousness.

Then the Coast Guard lent them a lifeboat (a funny word in this case) so they could return their victim to the fishing vessel.

This revolting episode seems to violate the Geneva protocols on political asylum. Even more, it is an affront to human decency and common sense.

The State Department is partly to blame. When told the seaman was thinking about defecting, it advised the Coast Guard not to "encourage" the act, which might be seen by the Russian as a "provocation."

This cautious advice—cautious so as not to upset the fishing talks—got misinterpreted somewhere in the Coast Guard as "send the poor guy back."

Nevertheless, there was absolutely no excuse for the invitation to a Soviet goon squad to come aboard and do its dirty work.

Obviously the humane thing would have been to take the Lithuanian into Boston and let diplomats and the courts sort out his fate. But even if he had to be returned (which we don't believe) he should have been removed from the Vigilant by the Coast Guard crew, not the Russian bully boys.

President Nixon has done right in calling for a full investigation of this incident marked by fumbling, callousness, stupidity and inhumanity.

The fact that the communists have turned the Soviet Union into a vast prison camp is bad enough. It's not our job to help them patrol the barbed wire.

Mr. Speaker, what can be said to Simas? Can we write him a letter and apologize for the treatment he received on one of our ships and end it by these words: Sorry about that, but try us again sometime.

BARBED WIRELESS

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. ANDERSON of Tennessee. Mr. Speaker, I have long been an advocate of a strong merchant fleet and maritime defense. The deplorable condition of our merchant fleet is a subject to which I will continue to devote time and attention. It is presently a national disgrace as graphically described in the article "Barbed Wireless," by a retired merchant marine sailor.

At this time, Mr. Speaker, I include in the RECORD an excellent article written by Mr. C. H. Sparks on this subject:

BARBED WIRELESS

(By C. H. Sparks)

Now that the elections are over, and the victories of your candidates a "fait accompli", as well as the defeat of their opponents, let us hope and trust that the animosities are also put to rest for a while. This column will try to deal with a subject then that should be of prime interest and concern to each and everyone of us. Our very national security and future welfare may well depend upon it, and, we feel that the Wireless can deal with it intelligently by virtue of long association and experience. I refer to the maritime industry, with which I have been concerned in many previous columns.

Our merchant fleet has been often referred to as the "third arm" of defense in times of national emergency, which is, in fact, exactly what it is. Neither WW I, WW II, or any other overseas military operation could possibly have been successfully prosecuted without ships to transport the men and supplies. And to transport them efficiently. The United States government maintains a college ranked Academy at Kings Point, New York, which turns out highly skilled officers in the arts of seamanship. It is on a par with West Point and Annapolis. Several States also operate Maritime Academies, among them, New York, Massachusetts, Maine, and California. How to man a modern merchant ship with efficient personnel, one does not go out into the street, or in *any* labor market and casually pick up men possessing these skills. This manpower is obtained by the intensive and specialized training provided by these schools, or by years of experience and study, financed by the individual. What do you think is happening to this invaluable and specialized groups of men right now? I'll tell you what is happening. These young men are turned out by the above described Academies, trained and equipped to operate the ships that our shipping companies and government should have available. But there are few ships. Not enough to absorb them. Because the American Merchant Marine has been permitted to deteriorate and become obsolescent. Unscrupulous operators have been permitted to place hundreds of American built, and American owned ships under foreign registry to avoid meeting the high stands set by the Coast Guard in safety, sanitation, and personnel certification. Now what is the result? These highly trained young men, unable to find employment in the industry they were trained for, are seeking, and getting, other jobs in private industry. They have families, become established in another way of life, and the government, and the taxpayer is left holding the bag. In the event of a national emergency we will wake up to the fact that we have neither the ships to supply our armed forces, nor the men to man them. You cannot blame the men, but you *can* blame a government that will permit such a catastrophe to happen.

We, here in Tennessee, become incensed, indignant, or bemused by the parade of candidates across the TV screen and their antics, accusations and denials of wrong-doing. We get all shook up over newspaper accounts and partisanship during the course of a campaign that affects us most personally and economically within the confines of our own State. But an account of ships passing from the ranks of the fleet, manned by incompetents, colliding and burning and sinking all over the world makes little or no impression. We cluck our tongues and say "that's too bad, but it was a Liberian ship, or a Panamanian ship, or some other flag". Wrong, nine times out of ten it was *not* a Liberian ship, or a Panamanian ship. It was American built, and American owned, flying a cheaply obtained foreign flag. This, my friends, concerns each and every one of us.

Here is a little story of fact. Shortly after the end of WW II, the writer was a member of the crew of one of the many ships returning to the States for layup. On this occasion, some fifty-odd Liberty and Victory ships were laying in the harbour of Pensacola, Florida, awaiting final layup designation, my ship among them. Most of the officers, including myself, were quartered in the San Carlos Hotel in Pensacola. With little to do, I met, most casually, several other guests staying there. One of these men was representing a foreign ship owner and operator. In conversation he said his mission was to purchase, at ridiculously low prices several tankers, about to be laid up. These ships cost the American taxpayers over five million dollars apiece to build. They were brand new. He got some of them for as little as seventy-five thousand. These ships were jumbo-sized, placed in service transporting oil, a highly lucrative business, and all in direct competition to American fleets. Since that time, this ship owner has become one of the richest and most powerful operators in the world. But, from this deal, our security was jeopardized, the public was gulled, and many skilled men denied jobs. Think that over for a spell!

In peace time ships are what deliver to these shores and your homes, the coffee you drink, much of the sugar to sweeten it, the sisal for rope and other purposes, most of the wool that goes in your clothes, the mahogany for your furniture, the manganese in a thousand steel products in your autos, the aluminum that you cook with, the pepper and tea, and condiments that make your food palatable. This is called foreign trade, but it is dealings in these and other staples that are absolutely essential, but taken for granted. We, in turn, ship thousands of tons of manufactured products world-wide that supports the economy which enable us to live this way. This vast country is NOT sufficient unto itself. We *need* these ships, and the skilled men to operate them.

There will conceivably not be any wars in the hemisphere in the forseeable future. Ships will be needed to transport the men, the armaments, the supplies, the ammunition, and the food to far places. Why, in the name of Heaven, are we leaving ourselves open to disaster like this?

Capable engineers, wise and efficient skippers and mates are beyond price when the ships are down. The political masterminds in Washington cannot wave a wand, or slick back their hair on TV and produce the vital ingredients of a vigorous Merchant Marine in an instant. Ships may just become, one day, as important to our existence as the Ark of Biblical times.

Trouble is, I don't see any Noah around to build it.

NATIONAL GALLERY OF ART: PROGRAM FOR DECEMBER

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the Calendar of

Events of the National Gallery of Art for the month of December 1970. In honor of the 100th anniversaries of the Metropolitan Museum of Art and Boston's Museum of Fine Arts the National Gallery is having an exhibit of American paintings from the collections of these two outstanding museums. I urge my colleagues and the American people to visit the National Gallery of Art during this month to see these works of art that are a part of our national heritage.

The Calendar of Events follows:

NATIONAL GALLERY OF ART—CALENDAR OF EVENTS

AMERICAN PAINTINGS FROM THE MUSEUM OF FINE ARTS, BOSTON, AND THE METROPOLITAN MUSEUM OF ART, NEW YORK

In honor of the 100th anniversaries of the Metropolitan Museum of Art and the Museum of Fine Arts, Boston, the National Gallery is holding an exhibition of fifty of the finest American paintings from each of the centennial-celebrating museums. The exhibition, comprising a major survey of American painting from the 17th century to the present, has been organized by Thomas Maytham, associate director of the Seattle Art Museum, and will be on view in the special exhibition galleries from November 30 through January 10, 1971. It will later be shown at the Seattle Art Museum (March 25–May 9) following a showing at the City Art Museum of St. Louis (January 28–March 7).

KÄTHE KOLLWITZ: PRINTS AND DRAWINGS

Among the works are eight self-portraits, a working proof of the poster, *Nie weider Krieg!* ("No more war!"), six woodcuts from the series, the *War Cycle* of 1922/23, and seven lithographs from the series, *Death Cycle* of 1934/35 from the extensive holdings of Kollwitz's graphic art in the Gallery's Rosenwald collection. The exhibition opens in early December and continues through January.

CONTINUING ON VIEW

On the occasion of the 50th anniversary of the founding of the English-Speaking Union in the United States (in Washington, D.C.), the National Gallery is showing "British Painting and Sculpture 1960–1970," sixty-five examples of contemporary work selected by Sir Norman Reid, director of the Tate Gallery, London, and organized by the British Council. The exhibition, installed on the main floor, closes on January 3. Films on contemporary British art are being shown Wednesdays at 11:00 a.m. and Saturdays at 3:00 p.m. in the auditorium.

GALLERY'S "CIVILISATION" DISTRIBUTION PROGRAM

Through the National Gallery's Extension Services, "Civilisation" will be distributed without charge to colleges and universities in the nation with fewer than 2,000 undergraduates. Distribution began in November. Each college will show the series twice, once for the general student body and once for the local community.

The program, made possible by matching grants from the National Endowment for the Humanities and Xerox Corporation, also includes a study guide containing notes to each film, listings of works of art, poetry, music (noting specific recording number), and geographical and historical references figuring in the programs, as well as reading lists to supplement all of the films. This guide may also be purchased from the Gallery's Publication Rooms.

CHRISTMAS STAMPS

Two works of art from the National Gallery, *The Nativity* by Lorenzo Lotto and a rendering by Charles Hemming of a toy locomotive are among this year's five Christmas stamps. Tricia Nixon, Winton M. Blount, Postmaster General, and J. Carter Brown, Director of the National Gallery, spoke at the First Day Christmas Stamp Ceremony held at the Gallery on November 5.

The stamp of Lotto's Nativity was designed by Howard C. Mildner of the Bureau of Engraving and Printing. Steven Dohanos designed the stamp of the toy locomotive, as well as three other antique toy stamps which appear on stamp sheets in a block of four. Christmas stamps will be on sale at post offices through January.

CHRISTMAS CARDS

National Gallery of Art Christmas cards, including one illustrating the Lotto on this year's Christmas stamp, are on sale in the Publication Rooms. Prices range from 15¢ to 30¢.

PUBLICATIONS

The Gallery's third annual "Report and Studies in the History of Art" has recently been published. Contributors include such distinguished scholars as Jaffé, Röthlisberger, Herzog, Brachert and Taylor. The volume, available in the Publication Rooms, also contains highlights of the activities of the Gallery during 1969. Price: $3.50.

GALLERY HOURS

Open weekdays and Saturdays, 10 a.m. to 5 p.m., and Sundays, 12 noon to 9 p.m. *Please note:* The Gallery will be closed on Christmas and New Year's Day.

CAFETERIA HOURS

Weekdays, 10 a.m. to 4 p.m.; luncheon service 11 a.m. to 2:30 p.m.; Sundays, dinner service 1 to 7 p.m.

MONDAY, NOV. 30, THROUGH SUNDAY, DEC. 6

*Painting of the Week: Sebastiano del Piombo. *Portrait of a Humanist* (Samuel H. Kress Collection), Gallery 28, Tues. through Sat. 12 and 2; Sun. 3:30 and 6.

Tour of the Week: *Is American Painting American?* Rotunda, Tues. through Sat. 1; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11 and 3; Sun. 5.

Sunday lecture: *Romanticism and American Sculpture, 1830–1870, Guest Speaker:* Wayne Craven, Professor of Art History, University of Delaware, Newark, Auditorium 4.

Weekday film—"Civilisation," XII: *The Fallacies of Hope,* 12:30 and 1:30.

Sunday film—"Civilisation," XIII; *Heroic Materialism,* 12:30 and 1:30.

Sunday concert: The Camerata Chorus of Washington, Joan Reinthaler, *Conductor,* East Garden Court, 7.

**11" x 14" reproductions with texts for sale this week—15¢ each If mailed, 25¢ each.*

MONDAY, DEC. 7, THROUGH SUNDAY, DEC. 13

*Painting of the Week: Velázquez. *The Needlewoman* (Andrew Mellon Collection) Gallery 51, Tues. through Sat. 12 and 2; Sun. 3:30 and 6.

Tour of the Week: *The Exhibition of American Painting:* 1670–1820, Special Exhibition Galleries. Tues. through Sat. 1; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11 and 3; Sun. 5.

Sunday lecture: *American Painting Today, Guest Speaker:* Barbara Rose, Author and Critic, and Visiting Lecturer at the University of California, Irvine, Auditorium 4.

Weekday film—"Civilisation," XIII: *Heroic Materialism,* 12:30 and 1:30.

Sunday concert: Luis Leguia, *Cellist,* Robert Freeman, *Pianist,* East Garden Court, 7.

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to 737–4215, ext. 272.

MONDAY, DEC. 14, THROUGH SUNDAY, DEC. 20

*Painting of the Week: Castagno. *The Youthful David* (Widener Collection) Gallery 10, Tues. through Sat. 12 and 2; Sun. 3:30 and 6.

Tour of the Week: *The Exhibition of American Painting: 1820–1900,* Special Exhibition Galleries, Tues. through Sat. 1; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11 and 3; Sun. 5.

Sunday lecture: *Alchemy and Color, Guest Speaker:* John Gage, Visiting Lecturer in the History of Art, Yale University, New Haven. Auditorium 4.

Sunday concert: National Gallery Orchestra, Richard Bales, *Conductor,* Norma Heyde, *Soprano,* East Garden Court, 7.

All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS–AM (570) and FM (103.5).

MONDAY, DEC. 21, THROUGH SUNDAY, DEC. 27

†Painting of the Week: Lotto. *The Nativity,* (Samuel H. Kress Collection) Gallery 27, Tues. through Thurs., and Sat. 12 and 2; Sun. 3:30 and 6.

Tour of the Week: *The Exhibition of American Painting: 1900–1970,* Special Exhibition Galleries, Tues. through Thurs., and Sat. 1; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda Mon. through Thurs., and Sat. 11 and 3; Sun. 5.

Sunday film: *The Titan: Story of Michelangelo,* Auditorium 2 and 4.

Sunday concert: Kenneth A. Thompson, *Basso-Cantante,* Richard Doren, *Pianist,* East Garden Court, 7.

†Color postcard with text for sale this week—5¢ each, postpaid.

For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue Entrance.

REACTION TO POW RAID

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. DANIEL of Virginia. Mr. Speaker, since reactions are mixed over much that goes on in the world today, there is great need for clear analysis. One case in point is the courageous attempt which was made to rescue prisoners of war in the recent Son Tay raid.

In an editorial appearing in the November 30 issue of the Bee, a Danville, Va., newspaper, "Johnny" Johnson, the editor, sets forth in a most succinct manner the mixture of "expected and unexpected" reaction to the predawn raid on North Vietnam's prisoner-of-war camp.

As Mr. Johnson points up, the members of our Armed Forces who participated in the exercise carried with them a "loud and clear message to Hanoi, and I highly commend for your reading his fine editorial:

REACTION TO RAID

North Vietnam's reaction to the American predawn raid in an attempt to rescue prisoners of war was a mixture of the expected and the unexpected. Hanoi's position was stated at the Paris conference on Thursday and, because of the Thanksgiving holiday here, did not get a lot of attention.

The raid by Army and Air Force volun-

teers may have been called a failure by some in this country because the prisoners were not found . . . but the raiders left a clear message: "We will not stand by quietly while you let American prisoners die."

Secretary of Defense Melvin R. Laird revealed that recent intelligence showed 17 Americans had died in prison camps and others were endangered. Their fate fired the zeal of their comrades to go after them, whatever the risk. As it turned out, the raid took camp personnel entirely by surprise and only one of the raiders suffered a minor wound. All returned safely.

This was one of the most daring events of the war. Hereafter, Hanoi will know that mistreatment of American prisoners will produce retaliation, just as their downing of an American reconnaisance plane did at about the same time. That occasion produced the heaviest bombing strike since the March 31, 1968, partial bombing halt.

Not only was retaliation an immediate objective, the size of the strike by land and sea-based planes conveyed another message to Hanoi. This time, the enemy was told if it molested American reconnaisance planes it would do so at its peril; and, also, we will not stand for a massive buildup of supplies, men and arms to carry the fight to South Vietnam, Cambodia and Laos. The supply depots, anti-aircraft sites and other aggressive facilities must not be used against our allies.

As was to be expected, Senator J. William Fulbright, chairman of the Senate Foreign Relations Committee, and Edward M. Kennedy, the Democratic Whip, were very upset at the limited-duration, protective-reaction strike and were even shocked at the rescue mission. While others such as Senator Robert J. Dole, Kansas Republican, extolled the bravery of the volunteer band, Fulbright and Kennedy worried over the implications of the mission.

The implications are this: that Hanoi now knows that there is a firm hand at the White House, and it cannot get away with murder any longer without paying the cost for its foolhardiness.

That Hanoi got the message was indicated by its representatives at the Paris peace talks.

As expected, they issued new threats: "We solemnly declare that all actions violating the sovereignty and security of the Democratic Republic of Vietnam will be severely punished by the Vietnamese people and armed forces."

It is most noteworthy, however, that they added that North Vietnam "is determined to continue its lenient and humanitarian policy toward captured American pilots. Our policy in this respect remains unchanged . . . although many of the pilots were caught in the act of committing odious crimes against the Vietnamese people."

This should be of some comfort to those who feared retaliation against the prisoners themselves. At the very least, this statement emphasizes that Hanoi knows the world is watching the treatment of the prisoners. And this should favor the men being held.